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HOUSE OF REPRESENTATIVES—Thursday, October 6, 2011

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, we give You thanks for giving us another day.

Once again, we come to You to ask wisdom, patience, peace, and understanding for the Members of this people's House. The words and sentiments that have been spoken and heard in these recent days were born of principle, conviction, and commitment.

We ask discernment for the Members that they might judge anew their adherence to principle, conviction, and commitment, lest they slide uncharitably toward an inability to listen to one another, and work cooperatively to solve the important issues of our day.

Give them the generosity of heart and the courage of true leadership to work toward a common solution with sacrifice on both sides. We pray that their work results, not in a Nation comprised of winners and losers, but where our citizens know in their hearts that we Americans are all winners.

May all that is done this day be for Your greater honor and glory.
Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Rhode Island (Mr. CICILLINE) come forward and lead the House in the Pledge of Allegiance.

Mr. CICILLINE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute requests on each side.

DOMESTIC MINOR TRAFFICKING

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, walking home from school, a girl of 12 is approached by a man who promises to give her everything. In her short life, she has already suffered abuse and neglect from her father and her foster parents. She thinks the promise of food and shelter and love is something she cannot pass up. But the man takes the girl to a hotel room where he beats her, forces her to do drugs and rapes her. Then she is sold on the Internet, is taken from hotel to hotel around the country, and is regularly raped by multiple men and treated as a piece of property.

She becomes a sex slave.

This is the plight of an actual domestic minor sex trafficking victim in the United States.

We cannot continue to be blissfully ignorant of this crime against these victims. As cochair of the Victims' Rights Caucus, along with JIM COSTA (CA), I commend the work of CAROLYN MALONEY (NY) and CHRIS SMITH (NJ) for their legislation to help stop this scourge of child sex trafficking.

These children need to be rescued and treated as victims, not criminals. The customers and the traffickers need to be arrested, tried before a jury of 12, and need to get their just rewards for having been involved in sex slave trafficking.

And that's just the way it is.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2920

Mr. CICILLINE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2920.

The SPEAKER pro tempore (Mr. DENHAM). Is there objection to the re-

quest of the gentleman from Rhode Island?

There was no objection.

DR. DONNA OTTAVIANO, SUPERINTENDENT OF NORTH PROVIDENCE, RHODE ISLAND

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise today to recognize the superintendent of the North Providence, Rhode Island School Department, Donna Ottaviano, who was honored as the Rhode Island Superintendent of the Year by the Rhode Island School Superintendents' Association.

Dr. Ottaviano, who also attended North Providence public schools as a student, has led the North Providence public schools with distinction since 2004.

Dr. Ottaviano has spent nearly 30 years in the educational field as a teacher, principal, assistant superintendent, and public health educator in my home State of Rhode Island. In addition to the tremendous contributions she has made to Rhode Island's education system, she has also devoted her time to breast cancer awareness as well as lending her support to the Rhode Island Special Olympics.

Dr. Ottaviano will be recognized nationally at the annual American Association of School Administrators' National Conference on Education. In addition, a \$1,000 scholarship in Dr. Ottaviano's name will be awarded to a senior from North Providence High School.

I congratulate and commend Dr. Ottaviano for her dedication and commitment to educating the future of Rhode Island.

THE OBAMA JOBS PLAN

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. The President wants Congress to pass his

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

\$447 billion jobs plan. It really ought to be called Son of Stimulus, yet more spending and higher taxes, as the President's jobs plan proposes, won't get our economy moving in the right direction. It's just the same act, different day.

It is time for our tax-and-spender-in-chief to stop pushing these failed policies and to start listening to the American people. With unemployment above 9 percent, we need to get Americans back to work by stopping out-of-control spending, by reforming our Tax Code, and by putting an end to the senseless job-killing regulations of this administration.

Jobs are there. One example: Let's just drill for oil and gas. We simply cannot tax, spend, and borrow our way to prosperity.

THE AMERICAN CAN-DO SPIRIT IN SOUTHERN MINNESOTA

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. I rise today to let folks know that the American can-do spirit and the spirit of innovation is alive and well in southern Minnesota.

Last week, I visited United Machine and Foundry in Winona, Minnesota. UMF is a small business that opened in 1885. It currently employs 35 people, and produces metal castings for asphalt production, road construction, and power generation. UMF's president, Tom Renk, told me the only real problem he has is this: that without investment in critical infrastructure like roads, the foundry doesn't sell any products, and when demand dries up, so do the jobs.

Building things is in the American DNA. We build roads; we build bridges; we create the necessary infrastructure to power this economy. Congress has the tools to build again. We have a President prepared to break ground. We can create the infrastructure our grandchildren will need in the 21st century.

I visited UMF of Winona to remind myself that building things is in our DNA, building things is the American spirit. That spirit will create jobs, and it will build the economy we need in the 21st century.

THE IMPORTANCE OF PRAYER

(Mr. FORBES asked and was given permission to address the House for 1 minute.)

Mr. FORBES. Mr. Speaker, I rise today on behalf of the Congressional Prayer Caucus to note the importance of prayer in the founding of our country.

This week in 1791, John Hancock, a signer of the Declaration of Independ-

ence and the Governor of Massachusetts, issued a proclamation declaring a day of public Thanksgiving.

John Hancock said in part, "I have thought fit to appoint a day of public Thanksgiving and praise to Almighty God for all his goodness towards us, above all, not only to continue to us the enjoyment of our civil rights and liberties, but the great and most important blessing, the gospel of Jesus Christ. I do earnestly recommend that we may join the penitent confession of our sins and implore the further continuance of the Divine Protection and blessings of Heaven upon this people, especially that He would be graciously pleased to direct and prosper the administration of the Federal Government and the other States in the Union, to bless the allies of the United States, and to afford His almighty aid to all people, who are virtuously struggling for the rights of men, so that universal happiness may be established in the world, that all may bow to the scepter of Our Lord Jesus Christ, and the whole Earth be filled with His glory."

CONGRESS MUST ADDRESS WALL STREET GREED

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, some pundits are criticizing the Wall Street demonstrators as unfocused, inchoate, and disorganized. Well, let me render this opinion:

It is Congress that is unfocused, inchoate, and disorganized. It is Congress that has not met its obligation to the American people. Congress has not addressed the real damage caused by Wall Street greed. This institution can't even do rigorous oversight hearings across America—starting on Wall Street.

The demonstrators have found the right piece of geography. They have their eyes on the right subject. It is this body that has allowed justice to be denied to millions of our fellow Americans harmed by Wall Street wrongdoers. Wall Street has taken bonuses as we've seen the largest transfer of wealth from Main Street to Wall Street in modern history—too much power in too few hands.

I am placing in the RECORD today 12 bills Congress needs to pass to yield long overdue justice, restore a trustworthy competitive banking system and get the big money out of politics influencing this Congress. These bills include restoring Glass-Steagall to separate prudent banking from speculation, helping those facing foreclosure, and adding 1,000 FBI agents to do real investigation and prosecution, along with forensic accounting, to bring those who have done wrong to this Republic to justice. It's long overdue for Congress to do its job.

□ 0910

BALANCED BUDGET AMENDMENT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, you know, in the midst of these rancorous and divided days in our Nation's Capital, there is a growing consensus across this country that Washington, D.C., isn't just broke, it's broken.

With a \$14 trillion national debt, the American people want solutions, not fights. They want reforms that will transcend political parties and the historic divides that have made this city seem, for most Americans, to appear to be a House divided.

Well, thanks to tough negotiations this summer, the American people deserve to know that Congress has a historic opportunity to vote on just such a bipartisan solution. It's a balanced budget amendment to the Constitution of the United States.

For the first time in 15 years, the House and the Senate will have an up-or-down vote on this historic measure, and every American who is fed up with borrowing and spending and deficits and debts should let their voice be heard and be heard today.

Most Americans work hard, they pay their bills, and they live within their means. I think it's time we had a national government as good as our people. It's time to pass a balanced budget amendment to the Constitution, send it from this House to the Senate, and from this Congress to the States for ratification.

JOBS

(Mr. CARNEY asked and was given permission to address the House for 1 minute.)

Mr. CARNEY. Mr. Speaker, last week I sponsored a job fair in my home State of Delaware in Georgetown. The good news is that nearly 2,000 people turned out to meet 55 employers, some of whom had jobs for them. The bad news is that so many people out there are looking for work. Thousands of people in Delaware and millions across the country are looking for work.

Mr. Speaker, it's time we vote a jobs bill here in the House of Representatives. The President set up the American Jobs Act. It contains infrastructure investments on roads, highways, and schools. It contains tax cuts for small business. These are things that we could all agree on here in Congress, and they will help businesses create the jobs that people need right way in our districts.

It's time we do what the people sent us here to do in Washington. It's time to pass a jobs bill here in the House of Representatives.

HONORING BARBARA MIKKELSEN

(Mr. GOSAR asked and was given permission to address the House for 1 minute.)

Mr. GOSAR. Mr. Speaker, today I would like to recognize Barbara Mikkelsen, a very special woman and a hometown hero doing extraordinary work for our military veterans in Prescott, Arizona.

Barbara joined U.S.VETS in 2004 and has led their effort to provide affordable housing, quality health care, and job training to the homeless veterans of the Quad Cities of northern Arizona. Nationally, U.S.VETS feeds, clothes, shelters, and helps get back to work over 2,000 veterans every year.

As the Prescott site director for U.S.VETS, the largest service provider for homeless veterans in the United States, Barbara was awarded the 2011 national award for Site Director of the Year. Additionally, the Arizona Department of Veterans Services recognized Barb with an award of recognition and appreciation.

Barb has proven herself a dedicated and inspiring advocate. I applaud her for going above and beyond the call of duty. I congratulate her and am proud of the wonderful service to our military men and women in Arizona's First Congressional District. I challenge others to follow her exemplary leadership and give back to their community in this time of great national need.

SERVICEMEMBERS, MILITARY FAMILIES AND BUDGET CUTS

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAVIS of California. Mr. Speaker, I rise today to speak in support of our servicemembers and their families. For the last 10 years, our all-volunteer force has graciously and without complaint done all we have asked for them. They have deployed, many more than once, leaving their friends and families here at home to go fight on foreign soil.

And today, during this time of budget constraints and upcoming cuts, we must remember the sacrifice our service men and women, as well as their families, have made. We cannot balance our budget by cutting the benefits they have earned and deserve.

I agree that all aspects of government spending must be looked at and considered for possible cuts. In this era, where our budget is so out of balance, no one entity can be spared. However, we have to make smart cuts and ensure that our fighting men and women are taken care of. We need to look at weapons programs that no longer meet our needs, redundancies that can be streamlined and other programs that should be more efficient.

I encourage my colleagues on the supercommittee to fight for our brave

men and women by protecting the benefits they so rightly deserve.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2954

Mr. BROOKS. Mr. Speaker, due to a clerical error, I was inadvertently made a cosponsor on the wrong bill. As such, I ask unanimous consent to remove myself as a cosponsor of H.R. 2954.

The SPEAKER pro tempore (Mr. GOSAR). Is there objection to the request of the gentleman from Alabama?

There was no objection.

EPA REGULATORY RELIEF ACT OF 2011

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous materials on H.R. 2250.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2250.

□ 0916

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, with Mr. DENHAM in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume.

Since 2009, the Environmental Protection Agency has rolled out a long list of regulations that are really unprecedented in their cost and complexity. The impacts on jobs, energy prices, and America's industrial competitiveness in the world are extremely serious.

But of all these rules, the Boiler MACT rule, which we will be discussing today, stands out in that it will apply to a very wide variety of employers. Not only will industrial facilities be

impacted, but also colleges, universities, hospitals, government buildings, and large commercial properties.

The impact on jobs projected is staggering, but the cost will be borne by all of us in the form of higher tuition costs, higher hospital bills, higher rent, as well as higher prices for manufactured goods. Just about everyone will be adversely impacted either directly or indirectly.

The good news is that we can reduce emissions from boilers without causing economic harm. The EPA Regulatory Relief Act, H.R. 2250, accomplishes this goal by taking a sensible, middle ground, balanced approach; and I would like at this time to thank Mr. BUTTERFIELD of North Carolina, as well as Mr. GRIFFITH of Virginia, for their sponsorship of this bipartisan bill.

A study conducted by IHS Global Insight, a respected research company, found that the rules that we are talking about today would impose total costs of over \$14 billion and put at risk 230,000 jobs in America at a time when we already have a 9.1 percent unemployment rate. My home State of Kentucky, under the analysis, would face estimated costs of \$183 million and 2,930 potential job losses. Twenty-five other States are hit even harder. That includes at least 10,000 jobs estimated for North Carolina, Indiana, Ohio, Michigan, Pennsylvania, South Carolina, and Virginia, as well as over 5,000 job losses for Minnesota, Wisconsin, Alabama, Tennessee, Iowa, New York, Illinois, Maine, Georgia, Florida, Louisiana, and Arkansas.

□ 0920

These boiler rules largely target coal-fired boilers and thus discourage the use of this energy source which, by the way, today provides about 50 percent of all of the electricity produced in America.

I should add that the problems with EPA's boiler rules are not the sole fault of the agency. These rules, like many today, are being rushed out the door to comply with a court-ordered deadline. EPA asked for additional time, but their request was refused by the courts. EPA then published the rules by the deadline, but immediately announced that it was reconsidering portions of them because they were so complicated. However, this is not an adequate solution, as the reconsideration only applies to some of the many problematic provisions in these rules; and the reconsideration process is an uncertain one. In reality, it is unlikely that all the issues can be addressed.

So our legislation is to help EPA deal with this problem. We create a comprehensive solution not only for EPA but also for boiler owners, and we provide the certainty that this solution will be implemented. It still requires additional emissions reductions from boilers, but it gives EPA the time it

needs to do it right. It gives the regulated community the time it needs in order to comply.

This bill is supported by over 300 organizations and five national labor unions. It will require that the standards be reasonable and take into account cost and achievability under real-world conditions. I believe that EPA's original rules were a departure from the congressional intent in the Clean Air Act, and the EPA Regulatory Relief Act that we're discussing today represents a return to congressional intent.

Make no mistake, under this bill that we're discussing, new standards will be imposed on boiler owners and operators. The goals of the Clean Air Act can be accomplished without undue cost and job losses, particularly at this time when our Nation's economy is struggling, and the EPA Regulatory Relief Act is the way to do it.

So I would urge every Member of this body to come forth today and help us pass this legislation—help us save over 230,000 jobs at risk in America that we can ill-afford to lose—with this balanced approach to the problem.

With that, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself 5 minutes.

Today's debate is going to seem awfully familiar to anyone that's been paying attention. Today's debate will remind us of the bill we passed in April to block any requirements to control carbon pollution; and the bill we passed in June to loosen pollution controls on oil companies; and the bill we passed in September to gut the Clean Air Act and block pollution controls on power plants; and the bill we debated yesterday to ensure cement kilns don't have to clean up their toxic air pollution.

In total, the House has voted 146 times this Congress to block action to address climate change, to halt efforts to reduce air and water pollution, to undermine protections for public lands and coastal areas, and to weaken the protection of the environment in other ways. This is the most anti-environment Congress in history.

Today, the House continues its frontal assault on public health and the environment. The bill we consider today would nullify and indefinitely delay EPA's efforts to reduce toxic emissions from industrial boilers and waste incinerators.

If this bill is enacted, there will be more cases of cancer, birth defects, and brain damage. The ability of our children to think and learn will be impaired because of their exposure to mercury and other dangerous air pollutants.

In 1990, Congress adopted a bipartisan approach to protect the public from toxic substances. The law directed EPA to set standards requiring the use of Maximum Achievable Control Tech-

nology to control emissions of mercury, arsenic, dioxin, PCBs, and other toxic emissions. This approach has worked well. Industrial emissions of carcinogens and other highly toxic chemicals have been reduced by 1.7 million tons each year.

EPA has reduced pollution from dozens of industrial sectors. More than 100 categories of sources have been required to cut their pollution, and this has delivered major public health benefits to the Nation.

But a few large source categories still have not been required to control toxic air pollution due to delays and litigation. Now that pollution controls are finally being required on industrial boilers and waste incinerators, this bill would intervene and delay pollution controls indefinitely. It would also rewrite the standard-setting provisions in the Clean Air Act to weaken the level of protection and set up new hurdles for EPA rules.

We're told that this bill simply gives EPA the time they requested to get the rules right. Well, the EPA has not requested this from Congress, and the President has said he'll veto this bill if it gets to his desk.

We're also told that we need to pass these bills because the threat of EPA regulation is dragging down our economy. The reality is that requiring installation of pollution controls will create jobs. Fabricators and factory workers build the pollution controls, construction workers install them on site, and industry employees operate them.

We'll hear over and over today, as we've heard in the past, about self-serving industry studies that claim pollution controls will cost us jobs. These studies have been thoroughly debunked by independent experts. For instance, the Congressional Research Service examined the key study by the Council of Industrial Boiler Owners and concluded that it was so flawed that "little credence can be placed in these estimates of job losses."

It's my hope this body will not be so easily misled. It was the lack of regulation of Wall Street banks that caused this recession, not environmental regulations that protect children from toxic mercury emissions.

I oppose these bills on the substance, but I also have concerns about the process as well. When Congress organized at the beginning of the year, the majority leader announced that the House would be following a discretionary CutGo rule. Similarly, Chairman UPTON on our committee stated that he'd be following that same discretionary CutGo rule. Well, CBO has determined that the bill we consider today authorizes new discretionary spending and will have significant impact on the Federal budget.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield myself an additional 30 seconds.

However, this new authorization is not offset and the bill does not comply with the Republican's discretionary CutGo policy. It is not discretionary in the sense that they have discretion whether to follow it or not, but discretionary spending when it is mandated in a bill must be paid for. The American people need to focus on the radical agenda of the Republicans that control the House of Representatives. I don't think when the Republicans were voted into office the American people wanted poisoning more children with mercury and letting more of our seniors die prematurely because of uncontrolled air pollution.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I would like to yield 2½ minutes to the distinguished gentleman from Ohio (Mr. LATTA), a member of the Energy and Commerce Committee.

Mr. LATTA. Mr. Chairman, I thank the gentleman for yielding, and I rise today in support of H.R. 2250.

I'm a cosponsor of this legislation which was introduced in response to yet another overreaching EPA rule proposal, this time for industrial boilers. This rule finalized will have devastating effects on the Nation's economy and lead to further job loss, especially in my home State of Ohio.

The community of Orrville, Ohio, which is east of me, a small city which has just over 8,300 residents, provides a perfect example of the wide-ranging negative impacts of the rule.

□ 0930

As written, the Boiler MACT rule would require Orrville Utilities, a non-profit electric service provider, to spend \$40.2 million on additional controls to remain in compliance. This equates to \$4,843 for every man, woman and child living in Orrville, as well as putting the utility workers' jobs at risk.

While that cost increase alone would be devastating to the families and job creators in the community, the unintended consequences reach much deeper. For example, Smucker's, that company that we all know and love which makes jellies, jams, apple butter, spreads and other food products has been a staple of America's homes for over 110 years; and it employs over 1,500 people at its home factories in Orrville. Smucker's has been a customer of Orrville Utilities since the establishment of the utility in 1917, and the company's CEO says "Smucker's has elected to remain in the Orrville, Ohio, community for many reasons, including the low rates, reliable service, and the company benefits of working with a city-owned and -operated electric utility."

It is impossible for me to understand why anyone would support a rule that

would force a nonprofit utility like Orville to significantly raise their rates, as the result of a rule EPA has admitted was based on faulty information, and make it more difficult for companies that have been providing thousands of jobs in communities like Orrville for over 110 years to do business.

It is important to note that this bill does not ask the EPA not to regulate these facilities. It only lays out a framework that allows the EPA to regulate them in a more reasonable fashion, over a more reasonable time frame so we can protect the environment and take advantage of all the economic benefits that these facilities provide to the communities and businesses they service.

Mr. Chairman, I urge my colleagues to support this important job-saving legislation.

Mr. WAXMAN. Mr. Chairman, before I recognize the subcommittee chairman, I want to indicate to the gentleman from Ohio who just spoke, Mr. LATTA, that he was giving a speech on the wrong rule, that this bill does not pertain to the rule that he mentioned in his comments.

I now yield 5 minutes to the gentleman from Illinois (Mr. RUSH), the distinguished ranking member of the Subcommittee on Energy and the Environment.

Mr. RUSH. I want to thank my leader, the ranking member of the full committee, for yielding this time to me.

Mr. Chairman, I rise today in strong opposition to H.R. 2250, the Dirty Boiler Enhancement and Enabler bill.

Mr. Chairman, here we go again. This bill represents yet another Republican unrestrained, unrestricted assault on the Clean Air Act and on our Nation's most fundamental environmental protection laws. In fact, since the new Republican majority has taken over, there's been a constant assault against the Environmental Protection Agency and the clean air policies that they enforce on behalf of a few of the most avicious, opportunistic, and dirtiest polluters ever known in the history of mankind and to the detriment of the American public as a whole.

Since the new Tea Party-led majority has taken control of this Congress, this body has passed bill after bill that will weaken our Nation's most basic clean air and clean water regulations. One of the very first bills that this new radical Republican majority passed out of the Energy and Commerce Committee, H.R. 910, was a direct frontal attack to the EPA's ability to even regulate greenhouse gas emissions at all, despite the warnings and evidence from those in the scientific community that these gases directly contribute to climate change.

Last month, the radical Republican majority followed that up with H.R.

2401, the TRAIN Wreck Act, which will repeal and block smog, soot, mercury and air toxics standards for power plants that will potentially save thousands of lives and avoid hundreds of thousands of asthma attacks in this Nation.

Now, here we are today debating H.R. 2250, the Dirty Boiler Enhancement and Enabler bill, which would vacate three Clean Air Act rules that establish the only national limits on emissions of air toxics, including mercury, from certain boilers and incinerators. This bill would require EPA to propose and finalize weaker alternative rules that will allow for more pollution than the law currently permits by intentionally making substantial changes in how the EPA sets the standards for the rules.

At a minimum, this Dirty Boiler Enabler and Enhancement bill would delay EPA reductions from boilers and incinerators until at least 2018, which is a 3-year delay. Mr. Chairman, the science tells us that these dirty air toxics can cause a variety of serious health effects, including cancer, respiratory and neurological impairments, as well as reproductive problems. The research also tells us that low-income families and minorities are disproportionately affected by toxic air pollution, including impaired neurological development, as well as higher rates of respiratory and cardiovascular disease because these groups are more likely to live closer to industrial power plant facilities.

In fact, by the EPA's own estimate, H.R. 2250 will allow up to tens of thousands of additional premature deaths and heart attacks and hundreds of thousands of additional asthma attacks that could have been avoided.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman 30 additional seconds.

Mr. RUSH. Mr. Chairman, it is now time that the radical Republican majority stop putting profits in the pockets of dirty polluters and stop putting dirty air in the lungs of the American people. Now is the time for the Republicans to cease their unending assault on the Environmental Protection Agency.

Mr. Chairman, I urge all my colleagues to oppose this egregious and dangerous bill.

Mr. WHITFIELD. I would like to yield 4 minutes to the primary sponsor of the legislation, the gentleman from Virginia (Mr. GRIFFITH), a member of the Energy and Commerce Committee.

Mr. GRIFFITH of Virginia. I rise today in support of H.R. 2250, the EPA Regulatory Relief Act of 2011.

Excessive regulations are threatening jobs across the Nation. We all recognize the need for reasonable regulations to protect the public. There are good regulations that ensure public

safety and protect our environment. But there are also unnecessary and unreasonable regulations that hurt jobs in some of our Nation's most critical industries.

Recently, a representative from Celanese, a chemical company in the Ninth District of Virginia, which I'm proud to represent, testified that the EPA's Boiler MACT rules, as written, could force them to significantly scale back or change operations at a plant in Giles County that employs hundreds of people in the Ninth District. Giles County and communities throughout southwest Virginia are already facing job losses resulting from other excessive EPA regulations.

The Boiler MACT rules are a very complex area of law and regulation. We are talking about hundreds of pages of rules in the Federal Register. These rules would affect boilers used by thousands of major employers and smaller employers, including hospitals, manufacturers, and even our colleges.

By the EPA's own estimates, compliance with its Boiler MACT rules will impose \$5.8 billion in upfront capital costs and impose new costs of \$2.2 billion annually. However, the Council of Industrial Boiler Owners estimates that the capital costs alone of the final rules will exceed \$14 billion and could put more than 230,000 jobs at risk, including 10,000 jobs in Virginia.

□ 0940

The EPA Regulatory Relief Act would provide the EPA with 15 months to repropose and finalize new, achievable, and workable rules to replace those that were published earlier this year. The legislation would extend the compliance deadlines from 3 to at least 5 years to allow facilities—like Celanese and others—enough time to comply with these very complex and expensive standards and to install the necessary equipment. It also directs the EPA to ensure that new rules are in fact achievable by real-world boilers, process heaters, and incinerators, and directs the EPA to impose the least burdensome regulatory alternatives under the Clean Air Act, consistent with the act and President Obama's Executive order.

Despite what opponents may say, this bill recognizes the need for reasonable boiler regulations. This is not an attempt to forego the rules entirely. Under H.R. 2250, the EPA must issue replacement rules and must set compliance dates. The bill simply provides sufficient time for the government to get the rules right and come up with a more reasonable and achievable approach that protects the public without imposing unnecessary costs on businesses that employ thousands of hardworking Americans.

Protecting jobs is an issue that transcends party lines. This commonsense bill represents a compromise. Like any

compromise, the language of H.R. 2250 is not what I might have done if I were acting alone. However, this bill brought together a group of legislators from both sides of the aisle with a reasonable approach and reasonable language. The EPA Regulatory Relief Act has 126 bipartisan cosponsors.

America's job creators are also speaking out in support of this bill. The EPA Regulatory Relief Act has received hundreds of support letters from businesses, unions, and trade associations. Understand, the investments required by these rules are irreversible. For those businesses that decide to stop producing their product at a particular location, the job losses are also irreversible.

The good news here is excessive regulations are reversible and fixable. We must fix unreasonable regulations like the Boiler MACT rules and keep the focus on protecting valuable American jobs.

The CHAIR. The time of the gentleman has expired.

Mr. WHITFIELD. I yield the gentleman an additional 30 seconds.

Mr. GRIFFITH of Virginia. Mr. Chairman, I urge all of my colleagues to join me in supporting the EPA Regulatory Relief Act of 2011. I appreciate this opportunity to carry this important legislation, which will protect jobs not only in the Ninth District of Virginia, but across these United States.

Mr. WAXMAN. Mr. Chairman, I wish to yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank our leader from California.

I just want to say that these bills represent a toxic assault that compromises public health for polluter wealth. Republicans are continuing their war on the environment with episode 37 of the Clean Air Act repeal-athon. It is a tried-and-true, three-part Republican strategy:

First, pass legislation that repeals regulations that have already been set. Second, indefinitely delay new regulations from ever being set. And third, just for good measure, include a provision that eviscerates the very underpinnings of effective Federal law and deters any effort to protect the health and well-being of millions of Americans.

Make no mistake, that is what we are doing here this week. These bills block and indefinitely delay implementation of the rules that would reduce hazardous air pollution, such as mercury, lead, and cancer-causing substances released from cement kilns and industrial boilers, and do so in callous disregard for adverse impacts those pollutants have on public health, particularly on the health of infants and children.

Republicans have decided to stage their own public event today on the

floor: Occupy Stall Street. But lest you think that Republicans always want to delay regulations, it turns out that sometimes they want to speed up the wheels.

Republicans voted to tell EPA to hurry up and make decisions to issue air permits for drilling rigs off the pristine coast of Alaska. Republicans have voted to give the Department of the Interior a mere 30 days to approve permit applications for drilling in the gulf at the same time they block legislation to implement any drilling reform in the wake of the BP disaster. And they've also voted to reduce the time allowed for environmental review so that the State Department would approve the Keystone pipeline as soon as possible.

But when it comes to regulations that would decrease the amount of toxic pollutants in our air or water, apparently the same Federal agencies that evaluate hazardous pollutants in the first place just need more time to review the science, more time to understand the technologies, more time before doing anything to make our water safer to drink, make our air safer to breathe, and protect the health of children around the country.

And it also turns out that Republicans don't always turn a blind eye towards the health effects of toxic chemicals. Three months ago, as our country stood on the edge of default due to Tea Party brinksmanship, House Republicans chose to vigorously debate a bill to ban compact fluorescent light bulbs. During that debate, Republicans repeatedly told us that the mercury vapor from those light bulbs is dangerous and that exposing our citizens to the harmful effects of the mercury contained in CFL light bulbs is likely to pose a hazard for years to come. Yet the bills considered today would result in nearly 16,600 pounds of extra mercury vapors being released directly into the air, and that's just in 1 year. That is the equivalent of 2.5 billion compact fluorescent light bulbs. And the mercury released as a result of these bills is not the kind you can sweep off the living room floor or throw into a trash can. This is the mercury released directly into the air that we all breathe and finds its way into the food that we eat.

If the regulation to remove mercury from cement plants—which is already 13 years overdue—is delayed for even 1 year, up to 2,500 people will die prematurely, there will be 17,000 cases of aggravated asthma, and 1,500 people will suffer heart attacks.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional 30 seconds.

Mr. MARKEY. I thank the gentleman.

If the regulation to remove mercury, lead, and cancer-causing toxins from incinerators and industrial boilers—

which is already 11 years overdue—is delayed for even 1 year, there will be 6,600 people who will die prematurely and people will miss 320,000 days of work and school.

The Republicans are presenting yet another false choice to the American people. We do not have to choose between manufacturing and mercury. We do not have to choose between concrete and cancer. We can have both clean air and a healthy manufacturing sector.

I urge my colleagues to vote "no" on this terrible Republican cancer-causing bill out here on the floor today.

Mr. WHITFIELD. I might just note to the gentleman from Massachusetts that our legislation does not postpone this indefinitely. EPA has 15 months after passage of the bill to come out with the regulations and 5 years to comply. And the only way they can be extended beyond 5 years is if the EPA administrator, herself, decides to do so.

At this time I would like to yield 2½ minutes to the gentleman from Georgia, Dr. GINGREY, a member of the committee.

Mr. GINGREY of Georgia. Mr. Chairman, I rise in strong support of H.R. 2250, the EPA Regulatory Relief Act of 2011.

□ 0950

This important legislation will greatly reduce the onerous regulatory burden caused by what is commonly referred to as Boiler MACT, the Boiler MACT rule that has been proposed by the EPA.

Furthermore, I commend the sponsors of the bill and fellow members of the Energy and Commerce Committee, Chairman WHITFIELD, Mr. GRIFFITH of Virginia, and Mr. BUTTERFIELD of North Carolina, for their leadership on this important issue.

Unfortunately, the Boiler MACT rule has the potential to cost a broad base of industries a total of nearly \$14.4 billion in compliance costs, and it could jeopardize upwards of 225,000 jobs. In my home State of Georgia alone, the Boiler MACT rule would put nearly 6,400 jobs at risk. At a time when 14 million Americans are out of work, we need to take the necessary steps to prevent adding even more people to these unemployment rolls.

Mr. Chairman, H.R. 2250 would simply delay this rule by 15 months in order to insert much-needed common sense into this rulemaking process. By providing this important delay, there will be ample time for the EPA to craft rules that will take into account the economic impact of these regulations and to provide industries with the needed time for their implementation. This has the potential of creating more certainty in the marketplace than currently exists and will help spur economic growth.

Mr. Chairman, critics of this legislation will say that we are simply ignoring the Clean Air Act and risking irresponsible harm to our environment.

Let me assure my colleagues that this argument is false. The intent of H.R. 2250 is not to completely repeal this environmental rule. The legislation seeks to correct the regulatory overreach by the EPA, especially in this depressed economy, and to reconfigure this rule so that it can be functional for industries and save much-needed jobs in the process.

So, Mr. Chairman, in closing, I urge all my colleagues to please support H.R. 2250.

Mr. WAXMAN. Mr. Chairman, before I yield, I want to set the record straight. Our distinguished colleague on the other side of the aisle said that this bill would provide 15 months to promulgate a rule and then 5 years to comply. There are 15 months to promulgate the rule, but there's no requirement that there ever be compliance.

I want to also point out that this argument about jobs being lost is absolutely wrong for four reasons, and four reasons you shouldn't believe them. First, the claims are based on fundamentally flawed studies, bought and paid for by the regulated industry.

Second, the rules are stayed. EPA is in the process of redoing them, and not one of these studies has analyzed the actual final rule.

Third, EPA has done a rigorous 251-page economic analysis, and found that the boiler rules issued in February would be expected to create over 2,000 jobs.

And finally, history tells us to be very, very skeptical of industry claims that the sky is falling. EPA is in the process of rewriting these rules. I say to the industry, let us work together to fashion legislation that will solve the immediate problems, a bill that can be signed by the President, not this bill, which may never see the light of day out of the Senate, and if it did, the President has indicated he would veto it.

I now yield 1 minute to the gentleman from Georgia (Mr. BARROW), a member of our committee.

Mr. BARROW. I thank the ranking member for the time to express another view on the legislation.

I'm proud to be an original sponsor of the EPA Regulatory Relief Act. This legislation was drafted in response to new EPA regulations on emissions from industrial boilers. I believe those regulations, however well meaning, cannot reasonably be met with today's technologies. I believe that this bill is a more reasonable solution than that proposed by the EPA.

The choice before us is not between the two mutually exclusive outcomes of dirty air or more jobs. Our challenge is to promote policies that serve both. I think this bill strikes a better balance. It will spur industry to make investments that cut down on harmful air emissions, while minimizing the

chances of negative economic consequences and job losses.

I'm proud to have worked in a productive, bipartisan way to get this bill to the floor, and encourage my colleagues' support.

Mr. WHITFIELD. At this time I would like to yield 2 minutes to the distinguished gentleman from Texas (Mr. HALL), who's chairman of the Science Committee.

Mr. HALL. Mr. Chairman, Chairman WHITFIELD, of course I rise in support of H.R. 2250.

As policymakers, it's our job to use common sense and judgment to balance the universal priorities of a strong economy, security at home and security abroad, and healthy communities. And this country has a history of remarkable achievement in addressing these priorities. However, with an unemployment rate of more than 9 percent, it's irresponsible for the executive branch to stifle job growth and, for that matter, to create job loss through the outrageous and inflexible negotiations and regulations.

In my district alone, the Boiler MACT rules threaten more than 800 good-paying manufacturing jobs. These are not jobs that can be re-created. Once eliminated, they're gone. Several weeks ago Assistant Administrator Gina McCarthy stated arrogantly, I don't want to create the impression that EPA is in the business of creating jobs.

I feel that statement's inappropriate and unfeeling toward those who have lost their jobs and lost the ability to provide for their family's future. H.R. 2250 is a clear statement by Congress that EPA slow down and allow for reasoning along with some regulations.

The President said that his administration would be the most transparent in history. Instead, we find clandestine models, cherry-picking of data, double-counting of benefits, and a failure to follow basic peer review guidelines. This is a recipe for losing the public's trust. EPA needs a timeout, and this bill provides it.

I urge all my colleagues to support this bill.

Mr. MARKEY. Mr. Chairman, can you inform us as to how much time is remaining on both sides?

The CHAIR. The gentleman from Massachusetts has 11 minutes remaining, and the gentleman from Kentucky has 13¼ minutes remaining.

Mr. MARKEY. I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I thank my very good friend for yielding to me.

Mr. Chairman, a rigorous peer-reviewed analysis, called "The Benefits and Costs of the Clean Air Act from 1990 to 2020," conducted by the Environmental Protection Agency, found that the air quality improvements under the Clean Air Act will save \$2

trillion by 2020, and prevent at least 230,000 deaths annually—230,000 lives saved on an annual basis. We could save four times the number of people killed each year in automobile accidents by reducing air pollution.

Yet, just 2 weeks ago, this Chamber approved legislation to block the EPA from implementing rules to clean up the single largest stationary source of air pollution. That legislation gave this Nation's oldest and dirtiest coal-fired power plants another pass to pollute and avoid compliance with the Clean Air Act.

Today we're considering legislation, the EPA Regulatory Relief Act, to exempt the second-largest source of hazardous air pollution: Industrial and commercial boilers, process heaters, and commercial and industrial solid waste incinerators.

Under this bill, these large boilers and incinerators would be given at least a 75-month pass from regulation; a 15-month delay before any new rules could be issued, and an additional 5 years beyond that delay before any new emission standards could be issued; and no deadline for industry compliance. This bill does more than just offer a pass from regulation. It also ensures that any final regulation will be weaker than what the law requires.

The final section of this bill deals with the Clean Air Act's most protective legal standard for reducing toxic air pollution, the Maximum Available Control Technology. After 20 years, we're replacing it with the absolutely least protective of measures, called "work practice standards" such as equipment tuneups that need not even reduce emissions.

Pass this bill and you sentence hundreds of thousands to asthma attacks and a lifetime of health complications. Pass this bill and you saddle our economy with unnecessary costs and employers with millions of additional sick days. Pass this bill and you trigger an additional 20,000 heart attacks. Pass this bill and you condemn tens of thousands of Americans to a premature death.

□ 1000

Mr. Chairman, the Cement Sector Regulatory Relief Act that unfortunately will pass today and the TRAIN Act that passed 2 weeks ago constitute an all-out war between this Nation's dirtiest industries and the Federal agency charged with protecting the public's health. EPA has become the symbol, the center, of a debate over the role of government. It's a sad commentary for this Chamber that an industry that prefers to invest in the political process rather than in saving lives by reducing harmful emissions is in fact winning the debate.

In fact, the coal consuming industries that have underwritten this assault on EPA were invited early on

during the first year of the Obama administration to sit down and craft a compliance option. The administration had hoped to craft a deal similar to the historic deal it made with the Nation's auto industry on fuel efficiency and tailpipe emissions. An article by Coral Davenport in the September 22 issue of the *National Journal* referenced this meeting. But unlike the auto industry, the coal consuming industries refused to negotiate.

Instead, and let me quote from the article, they "banded together with the Republican Party to strategize, and the 2010 midterm elections offered the perfect battleground. The companies invested heavily in campaigns to elect Tea Party candidates crusading against the role of Big Government. Industry groups (like the U.S. Chamber of Commerce), Tea Party groups with deep ties to polluters (like Americans for Prosperity), and so-called super PACs (like Karl Rove's American Crossroads) spent record amounts to help elect the new House Republican majority."

My colleagues, this is a bill peddled by an industry that refuses to clean up its act. Hundreds of thousands of people owe their lives today to the environmental movement, leaders in Congress, and the White House who pushed for and passed the landmark environmental laws back in the 1970s that required polluters to clean our waters and reduce the pollution in the air we breathe.

In the decade after the 1990 Clean Air Act Amendments were signed into law by the first President Bush, our unemployment rate declined, our economy grew, and we reduced acid rain-forming gases by more than 30 percent.

The CHAIR. The time of the gentleman has expired.

Mr. MARKEY. I yield the gentleman an additional 30 seconds.

Mr. MORAN. Mr. Chairman, the cost of meeting the emission reductions was actually 75 percent less than what EPA had originally predicted and even farther below what opponents had claimed. In the case of the rule for boilers and solid waste incinerators, EPA issued its proposed standards in April of this year, 11 years after the statutory deadline. They listened to affected businesses, they cut compliance costs by a half and issued a modified, final rule in February.

Mr. Chairman, EPA is doing everything the law requires and that the public health requires. This body ought to do the same and defeat this bill.

Mr. WHITFIELD. I yield 2 minutes to the distinguished lady from Washington State (Mrs. McMORRIS RODGERS), a member of the Energy and Commerce Committee.

Mrs. McMORRIS RODGERS. I thank the chairman for yielding, and I appreciate his leadership on this important issue.

Mr. Chairman, I rise today in strong support of H.R. 2250, the EPA Regulatory Relief Act of 2011. At a time when our Nation's economy continues to struggle and unemployment remains far too high, Congress should focus on legislation that will keep and create jobs in America, not suffocate them or send them overseas. As an original co-sponsor of this legislation, I know it will do just that.

Last week, I was home in eastern Washington on an energy and jobs tour where I met with citizens, small businesses, and job creators. Whether I was up in Colville or in Spokane, the message was clear: The Federal Government is making it harder to manufacture, harder to produce, and harder to innovate anything in America. The anxiety and the uncertainty caused by the Federal Government's record regulatory overreach is destroying any chance of economic recovery.

Like the ozone standard, the simple truth is the new, stricter Boiler MACT regulations will have a disastrous effect on our economy. The EPA, itself, says that these rules will cost thousands of jobs. Independent studies say up to 224,000 jobs could be lost. One example is in eastern Washington, where the Ponderay Newsprint Company will be forced to spend \$8 million on mandatory upgrades. That's \$8 million that cannot be spent on retaining or creating jobs.

The EPA Regulatory Relief Act requires the EPA to set realistic, achievable, fact-based standards that will not destroy jobs while still protecting the environment. I urge my colleagues to support this pragmatic, commonsense solution.

I again thank the gentleman for yielding.

Mr. MARKEY. I yield 3 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Let me thank the gentleman from Massachusetts.

Mr. Chairman, a number of very passionate and well-informed speakers have come before this body today to urge a "no" vote based on facts and based on research. All this is extremely important, and I'm so glad they did it, but for the people watching this debate today, they need to know one thing, and that is that this legislation is bought and paid for by industry so that people could try to save money at the expense of people's health and their lives, and this is exactly what's going on here today.

What's going on here today is that industry interests backed candidates who come here today to offer legislation that would allow the cement industry, the coal-fired power industry and the boiler industry users to just dump mercury and other junk into the air that makes you sick.

And as we're talking about jobs, what about a jobs bill that could put Ameri-

cans to work, as opposed to saying, we're just going to get rid of all the regulations in America? What if we just got rid of all the regulations in America? We would be sicker, we would die sooner, and we would be much less of a country. What if we just said that we're going to put the health of Americans up front, that we're going to actually introduce a jobs bill like the American Jobs Act? What if we did those things? America would be back on track. But maybe some of these big industrial polluters would be a little sadder.

I say today, Mr. Chairman, that this Congress should reject the attack on Americans' health. In the last 3 weeks, we have seen industry polluters from the industry that uses these boilers, the cement industry and coal-fired power plant industry, be able to just run amok on the people's health, and we have yet to see a single jobs bill in the course of the 250-plus days that this majority has been in the hands of the Republicans.

This is a national disgrace. The American people said they wanted jobs. They haven't gotten them. The American people say they want to be well and healthy. They are seeing assaults on that. This is something that the American people need to bring their attention to, Mr. Chairman; and I hope that people are paying attention to this debate today because it is crystal clear whose side the majority is on: industry polluters, not the American people.

Mr. WHITFIELD. Mr. Chairman, I may say to the gentleman from Minnesota, I don't know exactly what he's talking about when he says "bought and paid for by industry." I might say that this legislation is being offered because hospitals, schools, industry, a wide range of interests, have come to us and asked for help, and the insinuation that we were bought and paid for by industry is a little bit of an affront to this institution.

At this time I would like to yield 2 minutes to the gentleman from Texas (Mr. OLSON), a member of the Energy and Commerce Committee.

Mr. OLSON. I thank the chairman of the subcommittee.

Mr. Chairman, President Obama's regulatory agenda, being led by the EPA, is going to kill the American pulp and paper industry. My father spent his entire career in the pulp and paper industry, so I know firsthand that if the misguided Boiler MACT rules are allowed to be implemented, 36 mills across this country will close and more than 80,000 jobs will be lost. These jobs will be lost because of the EPA's failure to understand the basics of how this industry works.

□ 1010

The industry does not—does not—impose reasonable regulations. They are

just asking to have regulations based on sound science, which can be achieved with technology that is currently available here in the real world.

Mr. Chairman, we need to stop exporting American manufacturing jobs. I urge my colleagues to vote "yes" on H.R. 2250, the EPA Regulatory Relief Act of 2011, to create an immediate positive impact on American jobs and the recovery of our economy.

Mr. MARKEY. I yield myself 1 minute.

What we have here today is just one more episode in what is a 1-year Republican control of the Congress, which has seen a litany of industries that no longer want to make the air cleaner, that no longer want to make the water safer to drink.

We come out here on the House floor with Republican leadership in order to repeal the laws, to water down the laws to protect children from mercury, to protect children from contracting asthma. That's what this is all about. The EPA used to stand for the Environmental Protection Agency. Now it stands for "every polluter's ally" out here. They all come out here, and they want to ensure that the laws are watered down.

That's what we're fighting. That's what Democrats are fighting here. We're fighting to ensure that the water stays clean, that the air stays safe to breathe. The boiler industry is saying, no, there's not enough mercury that gets sent up into the air; there's not enough mercury that goes into the lives of children in our country. We're going to fight that.

I reserve the balance of my time.

Mr. WHITFIELD. I would like to remind the gentleman from Massachusetts that there is a large number of Democrats on this legislation.

At this time I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Chairman, I rise in support of H.R. 2250, which will protect American jobs from the EPA's unnecessary and economically destructive Boiler MACT regulations. At this time of high unemployment and economic hardship, the EPA wants to require the costly retrofitting of boilers at small businesses, energy plants, schools, and churches in the northern California congressional district I represent and across the Nation.

This regulation is another example of the Obama administration standing in the way of job growth. The Department of Commerce estimates that the 276 pages of Federal regulations could eliminate as many as 60,000 U.S. jobs nationwide. The EPA's own fact sheet says that implementing these rules will cost more than \$5 billion.

In August of 2010, the Small Business Administration explicitly warned the EPA that these regulations were too extreme and would harm small busi-

nesses. Unfortunately, the EPA did not heed this warning. In addition, the boiler regulation will impose substantial and unnecessary costs for Americans to use biomass energy—an essential part of job growth in the northern California district I represent. Biomass is a clean and renewable energy source that could help increase our energy supplies and manage our overgrown and fire-prone forests while creating much needed jobs.

I urge my colleagues to support this legislation, which will protect jobs and ensure that this costly regulation does not go into effect.

Mr. MARKEY. I would ask the Chair if we could review again how much time is remaining.

The CHAIR. The gentleman from Massachusetts has 1¾ minutes remaining.

The gentleman from Kentucky has 9 minutes remaining.

Mr. MARKEY. I reserve the balance of my time.

Mr. WHITFIELD. At this time I yield 3 minutes to the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the chairman for yielding.

I rise today in support of this legislation. We cannot afford to enforce the proposed MACT regulations, especially when unemployment exceeds 9 percent. These new burdensome regulations would result in the loss of over 200,000 jobs, over 8,400 of which are in Tennessee.

When will this administration learn that further burdening the job creators does not create jobs?

This is just another example of failed leadership, and it is our duty to the American people to ensure that the EPA does not continue down the same path that will only lead to job loss.

The new rules affect approximately 200,000 boilers. These boilers burn natural gas, fuel oil, coal, biomass, refinery gas, or other gas to produce steam, which is used to generate electricity or to provide heat for factories and other industrial or institutional facilities or schools.

This will especially affect the economic outlook in the agriculture community. Agriculture accounts for more than 950,000 jobs both on and off the farm—a large portion of the American economy. In Tennessee, 13.8 percent of the workforce is employed in agriculture, and these are jobs we cannot afford to lose to government overreach. If forced to replace current coal-fired boilers with natural gas-fired boilers at this time, there is no doubt that the cornerstone of our economy would suffer.

Or consider Eastman Chemical, a manufacturing company headquartered in my district. Eastman generates \$6.9 billion in revenue and employs over 11,000 Tennesseans. There is no doubt these new regulations would negatively

impact their business, the effects of which they estimate for their company alone would be in the tens of millions of dollars. In fact, the Boiler MACT regulations could cost the manufacturing sector over \$14 billion in capital, plus billions more in annual operating costs; and complying with the incinerator standards could cost even billions more.

As the EPA has acknowledged, the rules were finalized with serious flaws because the EPA was forced to meet a strict court-ordered deadline. This commonsense legislation does not repeal these rules; it simply allows time to come up with a plan to support clean air efforts without more burdensome regulations on job creators.

I urge my colleagues to support this important legislation.

Mr. MARKEY. I continue to reserve the balance of my time.

Mr. WHITFIELD. At this time I yield 2 minutes to a member of the Energy and Commerce Committee, the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I want to thank the gentleman from Kentucky for yielding. I really want to thank him for bringing this jobs bill to the House floor.

This legislation, this EPA regulatory reform bill, is critical to saving tens of thousands of jobs—over 100,000 jobs—in America that are at risk if the EPA is able to get away with yet another radical regulation they're trying to implement.

When I go throughout southeast Louisiana and talk to job creators, our small business owners—the people who are struggling in this tough economy but who still want to try to create jobs—and when I ask them, What are the things that are holding you back from creating jobs, from having your business grow so that more people can have great opportunities to live the American Dream?, there is a consistent theme that they all say, that it's the regulations coming out of Washington, D.C., coming out of the Obama administration. That is the prime reason that is holding them back from creating good jobs in this country.

Of course, we've seen it in southeast Louisiana—we've got tough times—but if you go all throughout the country, you'll see the same thing. Just look at the numbers from outside groups that have actually tried to figure out just how devastating the impact would be of just this boiler regulation if it were to go into effect by the EPA. Over 1,500 boilers across this country are at risk, and you're talking about over 230,000 jobs. Just look at some of the States—I mean, the State of North Carolina, the State of Indiana, the States of Ohio, Michigan, Pennsylvania. Each of those States will lose over 10,000 jobs if this radical EPA regulation goes into effect.

The President is running around the country, saying, Pass this bill. He was

saying pass this bill before he even filed the bill. Here is an actual bill on the floor of the House of Representatives that will save over 230,000 jobs that will be lost; yet the President wants to ram through this radical regulation anyway in spite of the fact that all those jobs will be lost.

□ 1020

I think the American people understand what's going on. They're saying sanity needs to be reinvoked in Washington in this administration.

Stop running jobs out of the country. Let's put commonsense reforms in place. This bipartisan legislation does that.

Mr. MARKEY. I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I thank the gentleman for his leadership.

I would like to quote Bruce Bartlett, who was the economics adviser to both President Ronald Reagan and President George H. W. Bush. He said this in an article in *The New York Times* this week.

"Republicans have a problem. People are increasingly concerned about unemployment, but Republicans have nothing to offer them. The GOP opposes additional government spending for jobs programs and, in fact, favors big cuts in spending that would be likely to lead to further layoffs at all levels of government. Republicans favor tax cuts for the wealthy and corporations, but these had no stimulative effect during the George W. Bush administration and there is no reason to believe that more of them will have any today. And the Republicans' oft-stated concern for the deficit makes tax cuts a hard sell. On August 29, the House majority leader, ERIC CANTOR of Virginia, sent a memorandum to members of the House Republican Conference, telling them to make the repeal of job-destroying regulations the key point in the Republican jobs agenda. Evidence supporting Mr. CANTOR's contention that deregulation would increase unemployment is very weak. As one can see, the number of layoffs nationwide caused by government regulation is minuscule and shows no evidence of getting worse during the Obama administration."

The CHAIR. The time of the gentleman has expired.

Mr. WHITFIELD. May I ask how much time remains, Mr. Chairman?

The CHAIR. The gentleman from Kentucky has 4 minutes remaining, and the gentleman from Massachusetts has 1¼ minutes remaining.

Mr. WHITFIELD. I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. DUFFY).

Mr. DUFFY. I appreciate the gentleman from Kentucky for yielding.

I come from central and northern Wisconsin where we have a large forest

products industry. We make a lot of paper in Wisconsin. And if you look at these rules, they are going to have a significant impact on Wisconsin paper, real jobs that support our families. Domtar Industries, 1,400 jobs; Flambeau River Paper, 300 jobs; New Page, 3,200 jobs; Wausau Paper, 1,600 jobs.

So we look at these regulations that are going to increase the standard on our boilers. And if you increase those standards, causing our companies to spend millions of more dollars to meet those standards, what's going to happen? You are going to ship Wisconsin paper to China and Brazil. And what happens there? They don't have the same standards that we have. And, in the end, what's going to happen is we're going to outsource Wisconsin jobs and our paper is going to be made with reduced standards.

I think in the end, those who care about our environment, who care about standards to make sure we have clean water and clean air, if you look over to China, they don't have those same standards. But, in the end, we breathe the same air and drink the same water.

So let's make sure we have efficient standards that can keep American industry and Wisconsin paper in business and doesn't shift these jobs overseas.

Mr. MARKEY. I yield myself such time as I may consume.

The Republicans have yet to bring a job creation bill out here on the House floor in the 10 months they have controlled the Congress.

Instead, what they're doing is responding to industries who do not want to make the air cleaner, who do not want to make the water safer for the children of our country to drink and to breathe. And, instead, they make the case that making the environment cleaner kills jobs when we know that all evidence says it creates more jobs, because it spurs innovation in new technologies that create jobs that make our economy stronger. Instead, they argue that what the country needs is more mercury, more arsenic, more cadmium, more asthmas, more mercury poisoning, more carcinogens that harm the health of our country.

So not only do they not help the health of our economy by bringing out a jobs bill, instead they bring out bills that hurt the health of the American people where they live and their families. That's what their agenda has been all about since the day they took over in January, and that's the agenda that we are voting on here today.

Vote "no" on this Republican health-killing bill.

I yield back the balance of my time.

Mr. WHITFIELD. In closing, I would urge every Member of this body to support H.R. 2250. We believe that it is genuinely a balanced approach. EPA even was trying to convince the court that their rule was a good rule, the old rule.

To just give you a very concrete example of this, of the practical impacts of what's going on here, EPA went to the court last December when it asked for time to fix the Boiler MACT rules, which the court denied it, and pointed out that the investments required by industry are irreversible.

An example of that, representatives of Notre Dame University came to our hearing. And in order to comply with the Boiler MACT rules issued in 2004, which were invalidated by the court, the University of Notre Dame spent \$20 million, and now they're not in compliance with the new rule, so they're going to have to come forth with additional millions of dollars.

So that's happening not only at the University of Notre Dame, that's happening at just about every university around the country, hospitals around the country, small businesses around the country, small utilities around the country. So if we don't take some action, there are going to be a lot less, many fewer jobs in the economy than there are today, because testimony after testimony after testimony has indicated that entities cannot meet these new rules, are going to have to close down and lose jobs.

So one way that we can help the administration create jobs is to prevent the loss of jobs. If this administration would assert more common sense in their rules, we could remove some of the uncertainty to help us create more jobs in America.

I would urge every Member to support 2250. It's a balanced approach. It protects health, protects industry, and provides a more commonsense approach to this significant problem.

With that, I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Chair, the Clean Air Act Amendments of 1990 were supported by large bipartisan majorities in both chambers of Congress. Section 112 of that legislation set forth a data-driven process for emissions reductions across more than 100 source categories—an approach that has proven to be an enormous success, reducing carcinogens and other air toxics by 1.7 million tons a year without hindering economic growth.

Inexplicably, today's legislation flies in the face of this bipartisan achievement. By attempting to first block and then delay EPA's ability to curtail toxic emissions from large industrial boilers and incinerators, H.R. 2250 effectively rewrites Section 112 of the Clean Air Act to prioritize pollution over public health. If permitted to take effect, the mandated three year delay in this bill would cause an estimated 20,000 premature deaths, 126,000 asthma attacks, 12,000 heart attacks and 960,000 days of missed work due to mercury, lead, arsenic and other toxic exposure. This is just completely unacceptable.

Mr. Chair, public health is not a problem. It's a priority. Outside the far right wing of the Republican party, America's broad bipartisan mainstream supports the Clean Air Act and, as a basic expectation of government, wants us to protect their right to healthy air.

We should listen.

Ms. MCCOLLUM. Mr. Chair, I rise in opposition to H.R. 2250, the so-called EPA Regulatory Relief Act. This legislation is a special interest giveaway to a few big industrial polluters that won't create jobs but will expose American families to unnecessary and unacceptable health risks.

Despite the urgent need to create jobs and grow the economy, the House Republican majority is refusing to bring the American Jobs Act to the floor for a vote and instead, continues to bring up special interest bill after special interest bill for polluters who want to keep dumping toxic pollution into our air and water without consequence.

We have already seen Republicans grant power and cement plants the license to continue emitting mercury, lead, arsenic and other pollutants. With this bill, Republicans are now seeking to delay and indefinitely block the ability of the EPA to regulate mercury emissions from industrial boilers and incinerators. These rules were called for 21 years ago under the 1990 Clean Air Act and were to have been completed by 2000. According to EPA's analysis, delaying the current deadlines for cleaning up toxic pollution from the nation's largest industrial boilers and incinerators by three years, as called for by H.R. 2250, will result in 22,750 more premature deaths, 143,000 asthma attacks and over one million sick days. For the thousands of families living in the shadow of these boilers and incinerators, this bill will mean more neurological disorders, birth defects, learning disabilities, cancer and cardiovascular problems. Pregnant women and their developing fetuses and infants are particularly vulnerable to the deadly effects of mercury.

The Great Lakes Commission just issued a report finding that mercury levels have dropped by 20 percent thanks to the efforts of local and state governments working with power plants and incinerators to clean up their emissions. However, the report also notes that mercury levels still remain too dangerously high in most of the Great Lakes. All of Minnesota's lakes and streams have fish advisory warnings. This not only has real impacts for human health, but on jobs and our economy. The recreational fishing industry on the Minnesota waters of Lake Superior contributes more than \$10 million to our local economy. 1.4 million Minnesotans fish, generating more than 43,000 jobs and \$4.7 billion for our state economy. H.R. 2250 is certainly a job-killer for Minnesota.

The EPA estimates the cost of compliance for the boiler rule to be around \$3 billion annually while providing between \$17 billion to \$41 billion in benefits to the economy starting in 2014. Bruce Bartlett, former economic advisor to President Reagan, has noted that regulations were responsible for a miniscule 0.2 percent of layoffs in 2010. Despite the evidence, Republicans continue to claim the economic necessity of discarding the health of our children and communities in order to protect a few bad polluters.

For over forty years, America has made tremendous bipartisan progress in cleaning up our environment while maintaining robust economic growth. We need to return to this tradition and refocus our attention on legislation that will actually address our pressing jobs cri-

sis. I urge my colleagues to reject H.R. 2250 and stand-up for the health of American families.

The CHAIR. All time for general debate has expired.

Mr. WHITFIELD. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. DENHAM, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, had come to no resolution thereon.

CEMENT SECTOR REGULATORY RELIEF ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2681.

□ 1030

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes, with Mr. DENHAM (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, October 5, 2011, a request for a recorded vote on amendment No. 3 printed in the CONGRESSIONAL RECORD by the gentlewoman from Maryland (Ms. EDWARDS) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 23 by Mr. COHEN of Tennessee.

Amendment No. 5 by Mr. KEATING of Massachusetts.

Amendment No. 3 by Ms. EDWARDS of Maryland.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 23 OFFERED BY MR. COHEN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. COHEN)

on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 248, answered “present” 1, not voting 12, as follows:

[Roll No. 760]

AYES—172

Ackerman	Green, Al	Nadler
Andrews	Green, Gene	Napolitano
Baca	Grijalva	Neal
Baldwin	Gutierrez	Pallone
Bass (CA)	Hahn	Pascarell
Becerra	Hanabusa	Pastor (AZ)
Berkley	Hastings (FL)	Payne
Berman	Heinrich	Pelosi
Bishop (GA)	Higgins	Perlmutter
Bishop (NY)	Himes	Peters
Boswell	Hinchey	Pingree (ME)
Brady (PA)	Hinojosa	Price (NC)
Braley (IA)	Hirono	Quigley
Brown (FL)	Hochul	Rangel
Butterfield	Holt	Reichert
Capps	Honda	Reyes
Capuano	Hoyer	Richardson
Carnahan	Inslee	Richmond
Carney	Israel	Rothman (NJ)
Carson (IN)	Jackson (IL)	Roybal-Allard
Castor (FL)	Jackson Lee	Ruppersberger
Chandler	(TX)	Rush
Chu	Johnson (GA)	Ryan (OH)
Cicilline	Johnson, E. B.	Sanchez, Loretta
Clarke (MI)	Jones	Sarbanes
Clarke (NY)	Kaptur	Schakowsky
Clay	Keating	Schiff
Cleaver	Kildee	Schwartz
Clyburn	Kind	Scott (VA)
Cohen	Kucinich	Scott, David
Connolly (VA)	Langevin	Serrano
Conyers	Larsen (WA)	Sewell
Cooper	Larson (CT)	Sherman
Courtney	Lee (CA)	Shuler
Crowley	Levin	Sires
Cuellar	Lewis (GA)	Slaughter
Cummings	Lipinski	Smith (WA)
Davis (CA)	Loebach	Speier
Davis (IL)	Lofgren, Zoe	Stark
DeFazio	Lowey	Sutton
DeGette	Lujan	Thompson (CA)
DeLauro	Lynch	Thompson (MS)
Deutch	Maloney	Tierney
Dicks	Markey	Tonko
Dingell	Matsui	Towns
Doggett	McCarthy (NY)	Tsongas
Donnelly (IN)	McCollum	Van Hollen
Doyle	McDermott	Velázquez
Edwards	McGovern	Visclosky
Ellison	McIntyre	Walz (MN)
Engel	McNerney	Wasserman
Farr	Meeks	Schultz
Fattah	Michaud	Waters
Filner	Miller (NC)	Watt
Frank (MA)	Miller, George	Waxman
Fudge	Moore	Welch
Garamendi	Moran	Woolsey
Gonzalez	Murphy (CT)	Yarmuth

NOES—248

Adams	Bass (NH)	Brooks
Aderholt	Benishke	Brown (GA)
Akin	Berg	Buchanan
Alexander	Biggart	Bucshon
Altmire	Bilbray	Buerkle
Amash	Bilirakis	Burgess
Amodei	Bishop (UT)	Burton (IN)
Austria	Black	Calvert
Bachus	Blackburn	Camp
Barletta	Bonner	Campbell
Barrow	Bono Mack	Canseco
Bartlett	Boustany	Cantor
Barton (TX)	Brady (TX)	Capito

Cardoza	Huelskamp	Pompeo
Carter	Huizenga (MI)	Posey
Cassidy	Hultgren	Price (GA)
Chabot	Hunter	Quayle
Chaffetz	Hurt	Rahall
Coble	Issa	Reed
Coffman (CO)	Jenkins	Rehberg
Cole	Johnson (OH)	Renacci
Conaway	Johnson, Sam	Ribble
Costa	Jordan	Rigell
Costello	Kelly	Rivera
Cravaack	King (IA)	Roby
Crawford	King (NY)	Roe (TN)
Crenshaw	Kingston	Rogers (AL)
Critz	Kinzinger (IL)	Rogers (KY)
Culberson	Kissell	Rogers (MI)
Davis (KY)	Kline	Rohrabacher
Denham	Labrador	Rokita
Dent	Lamborn	Rooney
DesJarlais	Lance	Ros-Lehtinen
Diaz-Balart	Landry	Roskam
Dold	Lankford	Ross (AR)
Dreier	Latham	Ross (FL)
Duffy	LaTourette	Royce
Duncan (SC)	Latta	Runyan
Duncan (TN)	LoBiondo	Ryan (WI)
Ellmers	Long	Scalise
Emerson	Lucas	Schilling
Eshoo	Luetkemeyer	Schmidt
Farenthold	Lummis	Schock
Fincher	Lungren, Daniel	Schrader
Fitzpatrick	E.	Schweikert
Flake	Mack	Scott (SC)
Fleischmann	Manzullo	Scott, Austin
Fleming	Marchant	Sensenbrenner
Flores	Marino	Sessions
Forbes	Matheson	Shimkus
Fortenberry	McCarthy (CA)	Shuster
Fox	McCaul	Simpson
Franks (AZ)	McClintock	Smith (NE)
Frelinghuysen	McCotter	Smith (NJ)
Gallely	McHenry	Smith (TX)
Gardner	McKinley	Southerland
Garrett	McMorris	Stivers
Gerlach	Rodgers	Stutzman
Gibbs	Meehan	Sullivan
Gibson	Mica	Terry
Gingrey (GA)	Miller (FL)	Thompson (PA)
Gohmert	Miller (MI)	Thornberry
Goodlatte	Miller, Gary	Tiberi
Gosar	Mulvaney	Tipton
Gowdy	Murphy (PA)	Turner (NY)
Granger	Myrick	Turner (OH)
Graves (GA)	Neugebauer	Upton
Graves (MO)	Noem	Walberg
Griffin (AR)	Nugent	Walden
Griffith (VA)	Nunes	Walsh (IL)
Grimm	Nunnelee	Webster
Guinta	Olson	West
Guthrie	Owens	Westmoreland
Hall	Palazzo	Whitfield
Hanna	Paul	Wilson (SC)
Harper	Paulsen	Wolf
Harris	Pearce	Womack
Hartzler	Pence	Woodall
Hastings (WA)	Peterson	Yoder
Hayworth	Pitts	Young (FL)
Heck	Platts	Young (IN)
Hensarling	Herrera Beutler	

ANSWERED "PRESENT"—1

Johnson (IL)

NOT VOTING—12

Bachmann	Lewis (CA)	Wilson (FL)
Blumenauer	Olver	Wittman
Boren	Polis	Young (AK)
Giffords	Sánchez, Linda	
Holden	T.	

□ 1057

Ms. ESHOO changed her vote from "aye" to "no."

Mr. VISCLOSKY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. KEATING

The Acting CHAIR. The unfinished business is the demand for a recorded

vote on the amendment offered by the gentleman from Massachusetts (Mr. KEATING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 257, not voting 14, as follows:

[Roll No. 761]

AYES—162

Ackerman	Green, Al	Neal
Andrews	Grijalva	Pallone
Baca	Gutierrez	Pascarell
Baldwin	Hahn	Pastor (AZ)
Bass (CA)	Hanabusa	Payne
Becerra	Hastings (FL)	Pelosi
Berkley	Heinrich	Perlmutter
Berman	Higgins	Peters
Bishop (NY)	Himes	Pingree (ME)
Boswell	Hinchey	Price (NC)
Brady (PA)	Hinojosa	Quigley
Braley (IA)	Hirono	Rangel
Brown (FL)	Holt	Reyes
Butterfield	Honda	Richardson
Capps	Hoyer	Richmond
Capuano	Inslee	Rothman (NJ)
Carnahan	Israel	Roybal-Allard
Carney	Jackson (IL)	Ruppersberger
Carson (IN)	Jackson Lee	Rush
Castor (FL)	(TX)	Ryan (OH)
Chandler	Johnson (GA)	Sanchez, Loretta
Chu	Johnson, E. B.	Sarbanes
Cicilline	Kaptur	Schakowsky
Clarke (MI)	Keating	Schiff
Clarke (NY)	Kildee	Schwartz
Clay	Kind	Scott (VA)
Cleaver	Kucinich	Scott, David
Clyburn	Langevin	Serrano
Cohen	Larsen (WA)	Sewell
Connolly (VA)	Lee (CA)	Sherman
Conyers	Levin	Sires
Cooper	Lewis (GA)	Slaughter
Courtney	Lipinski	Smith (WA)
Crowley	Loebach	Speier
Cummings	Lofgren, Zoe	Stark
Davis (CA)	Lowe	Sutton
Davis (IL)	Luján	Thompson (CA)
DeFazio	Lynch	Thompson (MS)
DeGette	Maloney	Tierney
DeLauro	Markey	Tonko
Deutch	Matsui	Towns
Dicks	McCarthy (NY)	Tsongas
Dingell	McCollum	Van Hollen
Doggett	McDermott	Velázquez
Doyle	McGovern	Visclosky
Edwards	McIntyre	Walz (MN)
Ellison	McNerney	Wasserman
Engel	Meeks	Schultz
Eshoo	Michaud	Waters
Farr	Miller (NC)	Watt
Fattah	Miller, George	Waxman
Filner	Moore	Welch
Frank (MA)	Murphy (CT)	Woolsey
Fudge	Nadler	Yarmuth
Garamendi	Napolitano	

NOES—257

Adams	Bass (NH)	Boustany
Aderholt	Benishak	Brady (TX)
Akin	Berg	Brooks
Alexander	Biggert	Broun (GA)
Altmire	Billbray	Buchanan
Amash	Billirakis	Bucshon
Amodei	Bishop (GA)	Buerkle
Austria	Bishop (UT)	Burgess
Barletta	Black	Burton (IN)
Barrow	Blackburn	Calvert
Bartlett	Bonner	Camp
Barton (TX)	Bono Mack	Campbell

Canseco	Herger	Platts
Cantor	Herrera Beutler	Poe (TX)
Capito	Hochul	Pompeo
Cardoza	Huelskamp	Posey
Carter	Huizenga (MI)	Price (GA)
Cassidy	Hultgren	Quayle
Chabot	Hunter	Rahall
Chaffetz	Hurt	Reed
Coble	Issa	Rehberg
Coffman (CO)	Jenkins	Reichert
Cole	Johnson (IL)	Renacci
Conaway	Johnson (OH)	Ribble
Costa	Johnson, Sam	Rigell
Costello	Jones	Rivera
Cravaack	Jordan	Roby
Crawford	Kelly	Roe (TN)
Crenshaw	King (IA)	Rogers (AL)
Critz	King (NY)	Rogers (KY)
Cuellar	Kingston	Rogers (MI)
Culberson	Kinzinger (IL)	Rohrabacher
Davis (KY)	Kissell	Rokita
Denham	Kline	Rooney
Dent	Labrador	Ros-Lehtinen
DesJarlais	Lamborn	Roskam
Diaz-Balart	Lance	Ross (AR)
Dold	Landry	Ross (FL)
Donnelly (IN)	Lankford	Royce
Dreier	Latham	Runyan
Duffy	LaTourette	Ryan (WI)
Duncan (SC)	Latta	Scalise
Duncan (TN)	Lewis (CA)	Schilling
Ellmers	LoBiondo	Schmidt
Emerson	Long	Schock
Farenthold	Lucas	Schrader
Fincher	Luetkemeyer	Schweikert
Fitzpatrick	Lummis	Scott (SC)
Flake	Lungren, Daniel	Scott, Austin
Fleischmann	E.	Sensenbrenner
Fleming	Mack	Sessions
Flores	Manzullo	Shimkus
Forbes	Marchant	Shuler
Fortenberry	Marino	Shuster
Fox	Matheson	Simpson
Franks (AZ)	McCarthy (CA)	Smith (NE)
Frelinghuysen	McCaul	Smith (NJ)
Gallely	McClintock	Smith (TX)
Gardner	McCotter	Southerland
Garrett	McHenry	Stearns
Gerlach	McKeon	Stivers
Gibbs	McKinley	Stutzman
Gibson	McMorris	Sullivan
Gingrey (GA)	Rodgers	Terry
Gohmert	Meehan	Thompson (PA)
Gonzalez	Mica	Thornberry
Goodlatte	Miller (FL)	Tiberi
Gosar	Miller (MI)	Tipton
Gowdy	Miller, Gary	Turner (NY)
Granger	Mulvaney	Turner (OH)
Graves (GA)	Murphy (PA)	Upton
Graves (MO)	Myrick	Walberg
Green, Gene	Neugebauer	Walden
Griffin (AR)	Noem	Walsh (IL)
Griffith (VA)	Nugent	Webster
Grimm	Nunes	West
Guinta	Nunnelee	Westmoreland
Guthrie	Olson	Whitfield
Hall	Owens	Wilson (SC)
Hanna	Palazzo	Wolf
Harper	Paul	Womack
Harris	Paulsen	Woodall
Hartzler	Pearce	Yoder
Hastings (WA)	Pence	Young (FL)
Hayworth	Peterson	Young (IN)
Heck	Pitts	
Hensarling		

NOT VOTING—14

Bachmann	Holden	Sánchez, Linda
Bachus	Larson (CT)	T.
Blumenauer	Moran	Wilson (FL)
Boren	Olver	Wittman
Giffords	Polis	Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1102

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WITTMAN. Mr. Chair, on rollcall Nos. 760 and 761 I was unavoidably detained. Had I been present, I would have voted "no" on both 760 and 761.

AMENDMENT NO. 3 OFFERED BY MS. EDWARDS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Maryland (Ms. EDWARDS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 258, not voting 10, as follows:

[Roll No. 762]

AYES—165

Ackerman	Grijalva	Napolitano
Andrews	Gutierrez	Neal
Baca	Hahn	Pallone
Baldwin	Hanabusa	Pascarell
Bass (CA)	Hastings (FL)	Pastor (AZ)
Becerra	Heinrich	Payne
Berkley	Higgins	Pelosi
Berman	Himes	Peters
Bishop (NY)	Hinchey	Pingree (ME)
Brady (PA)	Hinojosa	Price (NC)
Braley (IA)	Hirono	Quigley
Brown (FL)	Holt	Rangel
Butterfield	Honda	Reyes
Capps	Hoyer	Richardson
Capuano	Inslee	Richmond
Carnahan	Israel	Rothman (NJ)
Carney	Jackson (IL)	Roybal-Allard
Carson (IN)	Jackson Lee	Ruppersberger
Castor (FL)	(TX)	Rush
Chu	Johnson (GA)	Ryan (OH)
Ciilline	Johnson, E. B.	Sanchez, Loretta
Clarke (MI)	Jones	Sarbanes
Clarke (NY)	Kaptur	Schakowsky
Clay	Keating	Schiff
Cleaver	Kildee	Schwartz
Clyburn	Kind	Scott (VA)
Cohen	Kucinich	Scott, David
Connolly (VA)	Langevin	Serrano
Conyers	Larsen (WA)	Sewell
Cooper	Larson (CT)	Sherman
Courtney	Lee (CA)	Shuler
Crowley	Levin	Sires
Cuellar	Lewis (GA)	Slaughter
Cummings	Lipinski	Smith (WA)
Davis (CA)	Loebach	Speier
Davis (IL)	Lofgren, Zoe	Stark
DeFazio	Lowey	Sutton
DeGette	Lujan	Thompson (CA)
DeLauro	Lynch	Thompson (MS)
Deutch	Maloney	Tierney
Dicks	Markey	Tonko
Dingell	Matsui	Towns
Doggett	McCarthy (NY)	Tsongas
Doyle	McCollum	Van Hollen
Edwards	McDermott	Velazquez
Ellison	McGovern	Visclosky
Engel	McIntyre	Walz (MN)
Eshoo	McNerney	Wasserman
Farr	Meeks	Schultz
Fattah	Michaud	Waters
Filner	Miller (NC)	Watt
Frank (MA)	Miller, George	Waxman
Fudge	Moore	Welch
Garamendi	Moran	Woolsey
Gonzalez	Murphy (CT)	Yarmuth
Green, Al	Nadler	

NOES—258

Gibbs	Nunes
Gibson	Nunnelee
Gingrey (GA)	Olson
Gohmert	Owens
Goodlatte	Palazzo
Gosar	Paul
Gowdy	Paulsen
Granger	Pearce
Graves (GA)	Pence
Graves (MO)	Perlmutter
Green, Gene	Peterson
Griffin (AR)	Petri
Griffith (VA)	Pitts
Grimm	Platts
Guinta	Poe (TX)
Guthrie	Pompeo
Hall	Posey
Hanna	Price (GA)
Harper	Quayle
Harris	Rahall
Hartzler	Reed
Hastings (WA)	Rehberg
Hayworth	Reichert
Heck	Renacci
Hensarling	Ribble
Herger	Rigell
Herrera Beutler	Rivera
Hochul	Roby
Huelskamp	Roe (TN)
Huizenga (MI)	Rogers (AL)
Hultgren	Rogers (KY)
Hunter	Rogers (MI)
Hurt	Rohrabacher
Issa	Rokita
Jenkins	Rooney
Johnson (IL)	Ros-Lehtinen
Johnson (OH)	Roskam
Johnson, Sam	Ross (AR)
Jordan	Ross (FL)
Kelly	Royce
King (IA)	Runyan
King (NY)	Ryan (WI)
Kingston	Scalise
Kinzinger (IL)	Schilling
Kissell	Schmidt
Kline	Schock
Labrador	Schrader
Lamborn	Schweikert
Lance	Scott (SC)
Landry	Scott, Austin
Lankford	Sensenbrenner
Latham	Sessions
LaTourette	Shimkus
Latta	Shuster
Lewis (CA)	Simpson
LoBiondo	Smith (NE)
Long	Smith (NJ)
Lucas	Smith (TX)
Luetkemeyer	Southerland
Lummis	Stearns
Lungren, Daniel	Stivers
E.	Stutzman
Mack	Sullivan
Manzullo	Terry
Marchant	Thompson (PA)
Marino	Thornberry
Matheson	Tiberi
McCarthy (CA)	Tipton
McCaul	Turner (NY)
McClintock	Turner (OH)
McCotter	Upton
McHenry	Walberg
McKeon	Walden
McKinley	Walsh (IL)
McMorris	Webster
Rodgers	West
Meehan	Westmoreland
Mica	Whitfield
Miller (FL)	Wilson (SC)
Miller (MI)	Wittman
Miller, Gary	Wolf
Mulvaney	Womack
Murphy (PA)	Woodall
Myrick	Yoder
Neugebauer	Young (FL)
Noem	Young (IN)
Nugent	

NOT VOTING—10

Bachmann	Holden	Sánchez, Linda
Blumenauer	Oliver	T.
Boren	Polis	Wilson (FL)
Giffords		Young (AK)

□ 1106

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. DENHAM, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes, and, pursuant to House Resolution 419, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mrs. CAPPS. Mr. Speaker, I have a motion to recommit to the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. CAPPS. Yes, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Capps moves to recommit the bill H.R. 2681 to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with the following amendment:

At the end of the bill, add the following sections:

SEC. 6. PROTECTION OF INFANTS, CHILDREN, AND PREGNANT WOMEN FROM TOXIC AND CANCER-CAUSING AIR POLLUTANTS.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rule identified in section 2(b)(1) of this Act to reduce air pollution from cement kilns, as defined pursuant to this Act, where such cement kilns are within 5 miles of any school, any day care center, any playground, or any hospital with a maternity ward or neo-natal unit.

SEC. 7. NOTIFICATION TO COMMUNITIES.

With respect to each requirement for a major source facility to implement an air pollution control or emissions reduction that is eliminated by this Act, such facility shall provide notice of such elimination to affected communities not later than 90 days after the date of enactment of this Act.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, there are times when we come to this floor and engage in heated debate, and we've heard some heated debate on this bill. But my final amendment offers us the opportunity to come together and do something extraordinarily important, and that is to protect our children and grandchildren from mercury and other toxic air pollutants.

I want to be clear. The passage of this amendment will not prevent the passage of the underlying bill. If it's adopted, my amendment will be incorporated into the bill and the bill will be immediately voted upon.

Now, I make no apologies for opposing the bill, but regardless of how one feels about this bill, or even EPA's cement standards, my amendment should be something that we can all agree upon, and that's because it only does two simple things: First, it says we should have safer air standards on giant cement plants if they're located near schools or hospitals with a maternity ward or neonatal unit. That's because these large factories are the third largest source of mercury pollution in the United States.

□ 1110

We all know that mercury is extremely dangerous to young children, to nursing mothers, and to women of childbearing age. Mercury exposure affects a developing child's ability to walk, to talk, to read, to write, to learn. That's why I think none of us should want to see this in our districts: A giant cement plant in Midlothian, Texas, spewing mercury and other pollutants in the air right next to J.A. Vitovsky Elementary School.

But I don't want to just pick on Texas. In California, a giant cement plant in Tehachapi sends far more mercury into the air than any other plant in the State, and it's less than 3,000 feet—3,000 feet—from Monroe High School. That's less than half the distance between where we are today here in the Capitol and the Washington Monument.

Mr. Speaker, nothing is more important to us than our children and our grandchildren. Having spent 20 years as a school nurse, I really don't need any reminders of this, but just 6 months ago my family was blessed again with the birth of a new baby boy. So every time debates about mercury pollution come up, my thoughts immediately go to him and the tens of millions of other children in this country. I know how small and fragile little Oscar is, and I want to make sure that I'm doing everything I can to protect him, to make sure the air he breathes and the water he drinks is as safe as it can possibly be. I'm no different from the millions of mothers and fathers, grandmothers

and grandfathers, aunts and uncles across this country and right in this Chamber. We all want the best for our kids, so we must reduce the risks of this pollution to them, especially in places that should be safe, like a school.

The second part of my simple amendment gives all communities the right to know what pollution is coming from these giant cement factories. Without the sight of ominous clouds billowing from nearby plants, it's easy to assume that we're all relatively safe, but you don't need to live right next door to a giant cement plant to suffer the effects of mercury pollution. I learned this firsthand when I received test results showing that I have an unsafe level of mercury in my body. And I'm not alone—both in the levels of mercury in my system and by the fact that I didn't know about it until I got tested this past summer. Who in this Chamber thinks they have a dangerous level of mercury in their system? Probably no one. But who here has actually been tested to know for sure? Probably very few of us.

So, my final amendment just calls for a little transparency. It makes sure that giant cement plants can't hide the truth about the pollution they're dumping into our air each year. It just gives American citizens a right to know what's in their air. That's all.

Mr. Speaker, I respectfully ask that my colleagues consider these two simple propositions: Why should our kids go to schools where mercury is spewing from smokestacks just down the street? And why should any of our constituents be kept in the dark about the pollutants that they're being exposed to? They shouldn't. And we shouldn't stand idly by and let it happen.

So today we have the opportunity to speak with one voice. We can vote to protect our children and our grandchildren from mercury and other toxic air pollutants. It's up to us. I urge all of us to support this final amendment to the bill.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I claim the time in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. At this time I would like to yield to my colleague from California.

Mr. LEWIS of California. I appreciate my colleague yielding, and I'm rising only because of the comments of the gentlelady who just spoke.

Nobody in this Chamber has spent more time working on air quality than this Member. I was the author of a major bill in California that changed the scene there in terms of polluting the air. During that discussion, we said, we can control 97 percent of emissions from smokestacks in a relatively

short time if we will, but the real problem's going to be Detroit. If we really want to change that, we've got to change Detroit.

The gentlelady's amendment would follow a logical line. We would indeed insist on having an amendment instead that would close down all of Detroit. The problem of mercury is a totally different question than the way this gentlelady presented it. We found problems in the air and found that there was no problem that we thought was there in the first place.

Instead of using this for politics, let's try to really solve the air quality problems and let our industry move forward and get our economy to work again.

Mr. WHITFIELD. I thank the gentleman.

Our legislation, H.R. 2681, provides a balanced approach to a significant problem. These new regulations put out by EPA relating to cement company regulations are unbalanced. We've had testimony after testimony from representatives of the industry that 20 percent of the U.S. cement manufacturing industry will probably close down within 2 years if these regulations remain in effect.

Our legislation is very simple. It simply says to EPA, go back and within 15 months come back with a new regulation, more balanced, and give the industry 5 years to comply. If the administrator wants to give them more, he or she may do so. But this is about protecting jobs as well as about protecting health. As you know, our economy is struggling right now. The testimony shows quite clearly that if we allow these regulations to remain in effect, we're going to lose a lot more jobs.

The good news is that once EPA goes back and revisits this issue, they most certainly are going to consider health benefits. They're going to do an analysis about health benefits.

I might also say we've heard a lot about mercury. EPA has made it very clear that in the regulation that we're trying to postpone that they do not even consider the dollar benefit from the reduction in mercury emissions. So from their perspective, the benefits from mercury emissions were insignificant. All of the benefits come from particulate matter reductions.

I would urge every Member of this body to vote "no" on this motion to recommit and "yes" on our legislation, H.R. 2681, if we want to save jobs in America and if we want a more balanced approach to environmental regulation.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Mrs. CAPPS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 176, noes 247, not voting 10, as follows:

[Roll No. 763]

AYES—176

Ackerman	Green, Gene	Napolitano
Andrews	Grijalva	Neal
Baca	Gutierrez	Pallone
Baldwin	Hahn	Pascarell
Bass (CA)	Hanabusa	Pastor (AZ)
Becerra	Hastings (FL)	Payne
Berkley	Heinrich	Pelosi
Berman	Higgins	Perlmutter
Bishop (GA)	Himes	Peters
Bishop (NY)	Hinchev	Pingree (ME)
Boswell	Hinojosa	Price (NC)
Brady (PA)	Hirono	Quigley
Braley (IA)	Hochul	Rahall
Brown (FL)	Holt	Rangel
Butterfield	Honda	Reyes
Capps	Hoyer	Richardson
Capuano	Inslee	Richmond
Carnahan	Israel	Rothman (NJ)
Carney	Jackson (IL)	Roybal-Allard
Carson (IN)	Jackson Lee	Ruppersberger
Castor (FL)	(TX)	Rush
Chandler	Johnson (GA)	Ryan (OH)
Chu	Johnson, E. B.	Sanchez, Loretta
Cicilline	Jones	Sarbanes
Clarke (MI)	Kaptur	Schakowsky
Clarke (NY)	Keating	Schiff
Clay	Kildee	Schrader
Cleaver	Kind	Schwartz
Clyburn	Kissell	Scott (VA)
Cohen	Kucinich	Scott, David
Connolly (VA)	Langevin	Serrano
Conyers	Larsen (WA)	Sewell
Cooper	Larson (CT)	Sherman
Costello	Lee (CA)	Shuler
Courtney	Levin	Sires
Critz	Lewis (GA)	Slaughter
Crowley	Lipinski	Smith (WA)
Cuellar	Loeb sack	Speier
Cummings	Lofgren, Zoe	Stark
Davis (CA)	Lowey	Sutton
Davis (IL)	Lujan	Thompson (CA)
DeFazio	Lynch	Thompson (MS)
DeGette	Maloney	Tierney
DeLauro	Markey	Tonko
Deutch	Matheson	Towns
Dicks	Matsui	Tsongas
Dingell	McCarthy (NY)	Van Hollen
Doggett	McCollum	Velázquez
Doyle	McDermott	Visclosky
Edwards	McGovern	Walz (MN)
Ellison	McIntyre	Wasserman
Engel	McNerney	Schultz
Eshoo	Meeks	Waters
Farr	Michaud	Watt
Fattah	Miller (NC)	Waxman
Filner	Miller, George	Welch
Frank (MA)	Moore	Woolsey
Fudge	Moran	Yarmuth
Garamendi	Murphy (CT)	
Green, Al	Nadler	

NOES—247

Adams	Berg	Buerkle
Aderholt	Biggart	Burgess
Akin	Bilbray	Burton (IN)
Alexander	Bilirakis	Calvert
Altmire	Bishop (UT)	Camp
Amash	Black	Campbell
Amodei	Blackburn	Canseco
Austria	Bonner	Cantor
Bachus	Bono Mack	Capito
Barletta	Boustany	Cardoza
Barrow	Brady (TX)	Carter
Bartlett	Brooks	Cassidy
Barton (TX)	Broun (GA)	Chabot
Bass (NH)	Buchanan	Chaffetz
Benishkek	Bucshon	Coble

Coffman (CO)	Hurt	Posey
Cole	Issa	Price (GA)
Conaway	Jenkins	Quayle
Costa	Johnson (IL)	Reed
Cravaack	Johnson (OH)	Rehberg
Crawford	Johnson, Sam	Reichert
Crenshaw	Jordan	Renacci
Culberson	Kelly	Ribble
Davis (KY)	King (IA)	Rigell
Denham	King (NY)	Rivera
Dent	Kingston	Roby
DesJarlais	Kinzing (IL)	Roe (TN)
Diaz-Balart	Kline	Rogers (AL)
Dold	Labrador	Rogers (KY)
Donnelly (IN)	Lamborn	Rogers (MI)
Dreier	Lance	Rohrabacher
Duffy	Landry	Rokita
Duncan (SC)	Lankford	Rooney
Duncan (TN)	Latham	Ros-Lehtinen
Ellmers	LaTourette	Roskam
Emerson	Latta	Ross (AR)
Farenthold	Lewis (CA)	Ross (FL)
Fincher	LoBiondo	Royce
Fitzpatrick	Long	Runyan
Flake	Lucas	Ryan (WI)
Fleischmann	Luetkemeyer	Scalise
Fleming	Lummis	Schilling
Flores	Lungren, Daniel	Schmidt
Forbes	E.	Schock
Fortenberry	Mack	Schweikert
Fox	Manzullo	Scott (SC)
Franks (AZ)	Marchant	Scott, Austin
Frelinghuysen	Marino	Sensenbrenner
Gallely	McCarthy (CA)	Sessions
Gardner	McCaul	Shimkus
Garrett	McClintock	Shuster
Gerlach	McCotter	Simpson
Gibbs	McHenry	Smith (NE)
Gibson	McKeon	Smith (NJ)
Gingrey (GA)	McKinley	Smith (TX)
Gohmert	McMorris	Southerland
Gonzalez	Rodgers	Stearns
Goodlatte	Meehan	Stivers
Gosar	Mica	Stutzman
Gowdy	Miller (FL)	Sullivan
Granger	Miller (MI)	Terry
Grassley	Miller, Gary	Thompson (PA)
Graves (GA)	Mulvaney	Thornberry
Graves (MO)	Murphy (PA)	Tiberi
Griffin (AR)	Myrick	Tipton
Griffin (VA)	Neugebauer	Turner (NY)
Grimm	Noem	Turner (OH)
Guinta	Nugent	Upton
Guthrie	Nunes	Walberg
Hall	Nunnelee	Walden
Hanna	Olson	Walsh (IL)
Harper	Owens	Webster
Harris	Palazzo	West
Hartzer	Paul	Westmoreland
Hastings (WA)	Paulsen	Whitfield
Hayworth	Pearce	Wilson (SC)
Heck	Pence	Wittman
Hensarling	Peterson	Wolf
Herger	Petri	Womack
Herrera Beutler	Pitts	Yoder
Huelskamp	Platts	Young (AK)
Huizenga (MI)	Poe (TX)	Young (FL)
Hultgren	Pompeo	Young (IN)
Hunter		

NOT VOTING—10

Bachmann	Holden	Sánchez, Linda
Blumenauer	Olver	T.
Boren	Polis	Wilson (FL)
Giffords		Woodall

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1138

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. CAPPS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 262, noes 161, not voting 10, as follows:

[Roll No. 764]

AYES—262

Adams	Fortenberry	McHenry
Aderholt	Fox	McKeon
Akin	Franks (AZ)	McKinley
Alexander	Frelinghuysen	McMorris
Altmire	Gallegly	Rodgers
Amash	Gardner	Meehan
Amodei	Garrett	Mica
Austria	Gerlach	Miller (FL)
Bachus	Gibbs	Miller (MI)
Barletta	Gibson	Miller, Gary
Barrow	Gingrey (GA)	Mulvaney
Bartlett	Gohmert	Murphy (PA)
Barton (TX)	Gonzalez	Myrick
Bass (NH)	Goodlatte	Neugebauer
Benishkek	Gosar	Noem
	Gowdy	Nugent
	Granger	Nunes
	Graves (GA)	Nunnelee
	Graves (MO)	Olson
	Green, Gene	Palazzo
	Griffin (AR)	Paul
	Griffith (VA)	Paulsen
	Grimm	Pearce
	Guinta	Pence
	Guthrie	Peterson
	Hall	Petri
	Hanna	Pitts
	Harper	Platts
	Harris	Poe (TX)
	Hartzer	Pompeo
	Hastings (WA)	Posey
	Hayworth	Price (GA)
	Heck	Quayle
	Hensarling	Rahall
	Herger	Reed
	Herrera Beutler	Rehberg
	Hochul	Reichert
	Huelskamp	Renacci
	Huizenga (MI)	Ribble
	Hultgren	Rigell
	Hunter	Rivera
	Hurt	Roby
	Issa	Roe (TN)
	Jenkins	Rogers (AL)
	Johnson (IL)	Rogers (KY)
	Johnson (OH)	Rogers (MI)
	Rohrabacher	
	Rokita	
	Rooney	
	Ros-Lehtinen	
	Roskam	
	Ross (AR)	
	Ross (FL)	
	Royce	
	Runyan	
	Ryan (WI)	
	Scalise	
	Schilling	
	Schmidt	
	Schock	
	Schrader	
	Schweikert	
	Scott (SC)	
	Scott, Austin	
	Scott, David	
	Sensenbrenner	
	Sessions	
	Sewell	
	Shimkus	
	Shuster	
	Simpson	
	Smith (NE)	
	Smith (TX)	
	Southerland	
	Stearns	
	Stivers	
	Stutzman	
	Sullivan	
	Terry	
	Thompson (PA)	
	Thornberry	

Tiberi	Walsh (IL)	Wolf
Tipton	Webster	Womack
Turner (NY)	West	Woodall
Turner (OH)	Westmoreland	Yoder
Upton	Whitfield	Young (AK)
Walberg	Wilson (SC)	Young (FL)
Walden	Wittman	Young (IN)

NOES—161

Ackerman	Hanabusa	Pallone
Andrews	Hastings (FL)	Pascarell
Baca	Heinrich	Pastor (AZ)
Baldwin	Higgins	Payne
Bass (CA)	Himes	Pelosi
Becerra	Hinchev	Perlmutter
Berman	Hinojosa	Peters
Bishop (NY)	Hirono	Pingree (ME)
Brady (PA)	Holt	Price (NC)
Braley (IA)	Honda	Quigley
Brown (FL)	Hoyer	Rangel
Butterfield	Inslee	Reyes
Capps	Israel	Richardson
Capuano	Jackson (IL)	Richmond
Carnahan	Jackson Lee	Rothman (NJ)
Carney	(TX)	Roybal-Allard
Carson (IN)	Johnson (GA)	Ruppersberger
Castor (FL)	Johnson, E. B.	Rush
Chu	Jones	Ryan (OH)
Cicilline	Kaptur	Sanchez, Loretta
Clarke (MI)	Keating	Sarbanes
Clarke (NY)	Kildee	Schakowsky
Clay	Kind	Schiff
Cleaver	Kucinich	Schwartz
Cohen	Langevin	Scott (VA)
Connolly (VA)	Larsen (WA)	Serrano
Conyers	Larson (CT)	Sherman
Cooper	Lee (CA)	Shuler
Courtney	Levin	Sires
Crowley	Lewis (GA)	Slaughter
Cummings	Lipinski	Smith (NJ)
Davis (CA)	Loeb sack	Smith (WA)
Davis (IL)	Lofgren, Zoe	Speier
DeFazio	Lowey	Stark
DeGette	Lujan	Sutton
DeLauro	Lynch	Thompson (CA)
Deutch	Maloney	Thompson (MS)
Dicks	Markey	Tierney
Dingell	Matsui	Tonko
Doggett	McCarthy (NY)	Towns
Doyle	McDermott	Tsongas
Edwards	McGovern	Van Hollen
Ellison	McIntyre	Velázquez
Engel	McNerney	Visclosky
Eshoo	Meeks	Walz (MN)
Farr	Michaud	Wasserman
Fattah	Miller (NC)	Schultz
Filner	Miller, George	Waters
Frank (MA)	Moore	Watt
Fudge	Moran	Waxman
Garamendi	Murphy (CT)	Welch
Green, Al	Nadler	Woolsey
Grijalva	Napolitano	Yarmuth
Gutierrez	Neal	
Hahn	Owens	

NOT VOTING—10

Bachmann	Giffords	Sánchez, Linda
Blumenauer	Holden	T.
Boren	Oliver	Wilson (FL)
Coble	Polis	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1146

Mr. BACA changed his vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COBLE. Mr. Speaker, on rollcall No. 764 I was unavoidably detained. Had I been present, I would have voted “aye.”

Stated against:

Ms. MCCOLLUM. Mr. Speaker, on rollcall vote 764, I incorrectly voted in favor of pas-

sage of H.R. 2681, the Cement Sector Regulatory Relief Act. I am strongly opposed to this destructive bill and strongly support the Environment Protection Agency's mandate to uphold our nation's Clean Air Act laws.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. JACKSON of Illinois. Mr. Speaker, pursuant to clause 2 of rule IX, I rise to give notice of my intention to raise a question of the privileges of the House.

The form of the resolution is as follows:

Whereas on October 2, 2011, the Washington Post reported a story called “Rick Perry And A Word Set On Stone”;

Whereas upon reading that story the vast majority of people in the United States were morally outraged;

Whereas most of the facts in this resolution come from that Washington Post story;

Whereas Governor Rick Perry has described a childhood in Haskell County in Paint Creek, Texas, as centered on Boy Scouts, school, and church;

Whereas Texas Governor Rick Perry is from West Texas and was originally a Southern Democrat—often known as Dixiecrats—who switched parties in the late 1980s to become a Republican and is currently a leading Republican presidential candidate;

Whereas ranchers who once grazed cattle on the 1,070-acre parcel in Throckmorton County on the Clear Fork of the Brazos River—near where Governor Perry was raised in Paint Creek, Texas—it has since become a hunting ground that was called by the name “Niggerhead” well before Governor Perry and his father, Ray, began hunting there in the early 1980s even though there is no definitive account of when the rock first appeared on the property;

Whereas the use of the term “Niggerhead” to describe a hunting retreat is morally offensive;

Whereas Ronnie Brooks, a local resident who guided a few turkey shoots for Governor Perry between 1985 and 1990, said he holds Governor Perry “in the highest esteem” but said this of the rock at the camp: “It kind of offended me, truthfully”;

Whereas Haskell County Judge David Davis, sitting in his courtroom and looking at a window there, said the word was “like those are vertical blinds. It's just what it was called. There was no significance other than a hunting deal”—in other words, the judge was morally vacuous;

Whereas the name of this particular parcel did not change for years and for many remained the same after it became associated with Rick Perry, first as a private citizen, then as a State official, and finally as Texas Governor;

Whereas some local residents still call it by the morally repugnant name “Niggerhead”;

Whereas as recently as this summer, the slab-like rock—lying flat, portions of the name still faintly visible beneath a coat of white paint—remained by the gated entrance to the camp;

Whereas asked last week about the name, Governor Perry said the word on the rock is an offensive name that has no place in the modern world—implying that it may have

been okay and had an appropriate place in that community when he was growing up;

Whereas Mae Lou Yeldell has lived in Haskell County, Texas, for 70 years and recalls the racism she faced in the 1950s and 1960s in West Texas, when being called an offensive name—like Whites greeting Blacks with “Morning nigger”—was “like a broken record”;

Whereas Throckmorton County, where the hunting camp is located near Haskell County, was for years considered a virtual no-go zone for African-Americans because of old stories told by locals about the lynching of an African-American man there;

Whereas Haskell County began observing Martin Luther King Jr. Day just two years ago according to a county commissioner in Haskell County;

Whereas Governor Perry grew up in a segregated era whose history has defined and complicated the careers of many Southern politicians;

Whereas Governor Perry has spoken often about how his upbringing in this sparsely populated farming community influenced his conservatism;

Whereas Governor Perry says he mentioned the offensive word on the rock to his parents shortly after they had signed a lease and he had visited the property, and they rather immediately painted over the word during the next July 4 holiday, but seven people interviewed by the Washington Post said they still saw the word on the rock at various points during the years that the Perry family was associated with the property through his father, partners, or his signature on a lease;

Whereas another local resident who visited the property with Governor Perry and the legislators he brought there to go hunting recalled seeing the rock with the name clearly visible;

Whereas how, when, or whether Governor Perry dealt with it when he was using the property isn't clear and adds a dimension to the emerging biography of Governor Perry who quickly moved into the top tier of Republican presidential candidates when he entered the race in August; and

Whereas Herman Cain is the only Republican presidential candidate to criticize Governor Rick Perry for being “insensitive” when the word was not immediately condemned, but we would remind Herman Cain that the word is not only “insensitive”, but is also “offensive”: Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls on Governor Rick Perry to apologize for not immediately doing away with the rock that contained the word “Niggerhead” at the entrance of a ranch he was leasing and on which he was taking friends, colleagues, and supporters to hunt;

(2) calls on Governor Rick Perry's presidential rivals, who have not yet made strong statements of outrage over the rock that contained the word, to do so;

(3) calls upon Governor Rick Perry to condemn the use of this word as being totally offensive and inappropriate at anytime and anywhere in United States history; and

(4) calls upon Governor Rick Perry to list the names of all lawmakers, friends, and financial supporters he took with him on his hunting trips at “Niggerhead”.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only

at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Illinois will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

EPA REGULATORY RELIEF ACT OF 2011

The SPEAKER pro tempore (Mr. KING of Iowa). Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2250.

□ 1155

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, with Mr. SIMPSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, all time for general debate pursuant to House Resolution 419 had expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "EPA Regulatory Relief Act of 2011".

SEC. 2. LEGISLATIVE STAY.

(a) **ESTABLISHMENT OF STANDARDS.**—In place of the rules specified in subsection (b), and notwithstanding the date by which such rules would otherwise be required to be promulgated, the Administrator of the Environmental Protection Agency (in this Act referred to as the "Administrator") shall—

(1) propose regulations for industrial, commercial, and institutional boilers and process heaters, and commercial and industrial solid waste incinerator units, subject to any of the rules specified in subsection (b)—

(A) establishing maximum achievable control technology standards, performance standards, and other requirements under sections 112 and 129, as applicable, of the Clean Air Act (42 U.S.C. 7412, 7429); and

(B) identifying non-hazardous secondary materials that, when used as fuels or ingredients in combustion units of such boilers, process heaters, or incinerator units are solid waste under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the "Resource Conservation and Recovery Act") for purposes of determining the extent to which such combustion units are required to meet the emissions standards under section 112 of the Clean Air Act (42 U.S.C. 7412) or the emission standards under section 129 of such Act (42 U.S.C. 7429); and

(2) finalize the regulations on the date that is 15 months after the date of the enactment of this Act.

(b) **STAY OF EARLIER RULES.**—The following rules are of no force or effect, shall be treated as though such rules had never taken effect, and shall be replaced as described in subsection (a):

(1) "National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters", published at 76 Fed. Reg. 15608 (March 21, 2011).

(2) "National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers", published at 76 Fed. Reg. 15554 (March 21, 2011).

(3) "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units", published at 76 Fed. Reg. 15704 (March 21, 2011).

(4) "Identification of Non-Hazardous Secondary Materials That Are Solid Waste", published at 76 Fed. Reg. 15456 (March 21, 2011).

(c) **INAPPLICABILITY OF CERTAIN PROVISIONS.**—With respect to any standard required by subsection (a) to be promulgated in regulations under section 112 of the Clean Air Act (42 U.S.C. 7412), the provisions of subsections (g)(2) and (j) of such section 112 shall not apply prior to the effective date of the standard specified in such regulations.

SEC. 3. COMPLIANCE DATES.

(a) **ESTABLISHMENT OF COMPLIANCE DATES.**—For each regulation promulgated pursuant to section 2, the Administrator—

(1) shall establish a date for compliance with standards and requirements under such regulation that is, notwithstanding any other provision of law, not earlier than 5 years after the effective date of the regulation; and

(2) in proposing a date for such compliance, shall take into consideration—

(A) the costs of achieving emissions reductions;

(B) any non-air quality health and environmental impact and energy requirements of the standards and requirements;

(C) the feasibility of implementing the standards and requirements, including the time needed to—

(i) obtain necessary permit approvals; and

(ii) procure, install, and test control equipment;

(D) the availability of equipment, suppliers, and labor, given the requirements of the regulation and other proposed or finalized regulations of the Environmental Protection Agency; and

(E) potential net employment impacts.

(b) **NEW SOURCES.**—The date on which the Administrator proposes a regulation pursuant to section 2(a)(1) establishing an emission standard under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429) shall be treated as the date on which the Administrator first proposes such a regulation for purposes of applying the definition of a new source under section 112(a)(4) of such Act (42 U.S.C. 7412(a)(4)) or the definition of a new solid waste incineration unit under section 129(g)(2) of such Act (42 U.S.C. 7429(g)(2)).

(c) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed to restrict or otherwise

affect the provisions of paragraphs (3)(B) and (4) of section 112(i) of the Clean Air Act (42 U.S.C. 7412(i)).

SEC. 4. ENERGY RECOVERY AND CONSERVATION.

Notwithstanding any other provision of law, and to ensure the recovery and conservation of energy consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the "Resource Conservation and Recovery Act"), in promulgating rules under section 2(a) addressing the subject matter of the rules specified in paragraphs (3) and (4) of section 2(b), the Administrator—

(1) shall adopt the definitions of the terms "commercial and industrial solid waste incineration unit", "commercial and industrial waste", and "contained gaseous material" in the rule entitled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units", published at 65 Fed. Reg. 75338 (December 1, 2000); and

(2) shall identify non-hazardous secondary material to be solid waste only if—

(A) the material meets such definition of commercial and industrial waste; or

(B) if the material is a gas, it meets such definition of contained gaseous material.

SEC. 5. OTHER PROVISIONS.

(a) **ESTABLISHMENT OF STANDARDS ACHIEVABLE IN PRACTICE.**—In promulgating rules under section 2(a), the Administrator shall ensure that emissions standards for existing and new sources established under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429), as applicable, can be met under actual operating conditions consistently and concurrently with emission standards for all other air pollutants regulated by the rule for the source category, taking into account variability in actual source performance, source design, fuels, inputs, controls, ability to measure the pollutant emissions, and operating conditions.

(b) **REGULATORY ALTERNATIVES.**—For each regulation promulgated pursuant to section 2(a), from among the range of regulatory alternatives authorized under the Clean Air Act (42 U.S.C. 7401 et seq.) including work practice standards under section 112(h) of such Act (42 U.S.C. 7412(h)), the Administrator shall impose the least burdensome, consistent with the purposes of such Act and Executive Order 13563 published at 76 Fed. Reg. 3821 (January 21, 2011).

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those received for printing in the portion of the CONGRESSIONAL RECORD designated for that purpose in a daily issue dated October 4, 2011, or earlier and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed.

AMENDMENT NO. 9 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

SEC. 6. PROTECTION FOR INFANTS AND CHILDREN.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions

from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities if such emissions are harming brain development or causing learning disabilities in infants or children.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Mr. Chairman, yesterday Republicans told us they aren't opposed to clean air, but we just can't afford it right now. And as their bills have no deadline for ever cleaning up toxic air pollution from these sources, it appears that they don't think we can ever afford clean air even in the future. The truth is we can't afford to wait for clean air any longer, and here's why.

Mercury is a potent neurotoxin. Numerous scientific studies from around the world show that babies and children who are exposed to mercury may suffer damage to their developing nervous systems, hurting their ability to think, learn, and speak. EPA has estimated that about 7 percent of women of childbearing age are exposed to mercury at a level capable of causing adverse effects in the developing fetus. That may not sound like a big number, but that translates into thousands and thousands of children who may never reach their full potential.

Toxic pollution can have tragic consequences. That's why Republicans and Democrats, alike, voted in 1990 to strengthen the Clean Air Act to require dozens of industry sectors to install modern pollution controls on their facilities. And since then, EPA has set emission standards for more than 100 different categories of industrial sources. The standards simply require facilities to use pollution controls that others in their industry are already using. They are based on maximum achievable control technology.

EPA's approach has been successful. Emissions standards for these industrial sources have reduced emissions of carcinogens, mercury, and other highly toxic chemicals by 1.7 million tons each year. But a few major industrial sources so far have escaped regulation, and the Republicans appear to be on a mission to help them continue to evade emissions limits on toxic air pollution.

Coal-fired power plants are one major industrial source of hazardous air pollutants. In fact, they are the largest U.S. source of airborne mercury pollution. But just a couple of weeks ago, the Republicans passed the TRAIN Act to nullify EPA's rules to cut toxic air pollution from those sources.

Yesterday, we debated whether or not cement kilns, another major source of mercury, should have to clean up—the Republicans said “no”—and today, we are talking about incinerators and dirty boilers at industrial facilities across the country, including chemical plants, refineries, and large manufacturing facilities.

H.R. 2250 nullifies EPA's rules to clean up toxic air pollution from these

sources and requires EPA to issue new rules using confusing and unworkable criteria. These long overdue public health protections will be delayed for years. That's unacceptable for the people who live near a solid waste incinerator or a chemical plant using a dirty boiler. These communities already have been waiting for more than a decade for EPA to clean up these facilities.

My amendment is straightforward. It states that EPA can continue to require an incinerator or a facility using a dirty boiler to clean up its toxic air pollution if that facility is emitting mercury or other toxic pollutants that are damaging infants' developing brains. This amendment simply clarifies our choice: allow polluters to continue to harm infants and children on the one hand, which is what the Republicans would allow, or require facilities that are actually harming our kids to reduce their pollution.

I urge my colleagues to support this amendment and protect our children's future.

I know we hear a lot about jobs and we hear a lot about the economy. Our economy will not recover if our children's minds are not allowed to fully develop, if we don't have a population of young people that can be born healthy, can get educated, can learn, and can produce a good life for themselves, their families, and for our Nation's economy. So please support this amendment.

I yield back the balance of my time.

□ 1200

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Our legislation, H.R. 2250, does not leave the American people with the choice of having to have unregulated air, polluted air that creates horrible health consequences. Our legislation is a balanced approach that simply says we think that Congress has the responsibility to review regulations where the American people have told us in hearings that they have great difficulty in complying—in some instances they are unable to comply—and that as a result jobs would be lost.

Sometimes, listening to the debate, it sounds like we have the most polluted air in the world. I would note that EPA reported that since 1990, nationwide air quality has improved significantly for the six common air pollutants. For example, ozone pollution has been lowered by 14 percent; coarse particulate matter—dust—by 31 percent; lead by 78 percent; nitrogen dioxide by 35 percent; carbon monoxide by 68 percent; sulfur dioxide by 59 percent. So we have a very clean air standard today.

Our legislation is not in any way going to change any of the health pro-

tections. We simply are asking, because of the concerns expressed by many people around the country, many industries around the country, that EPA should go back, within 15 months, issue, promulgate a new rule within 5 years, give the industry that much time to comply. If the EPA administrator thinks they need more time, then she or he may do that but is not required to do so.

So our position is that this is a balanced approach, particularly at this vulnerable time in our economy when our unemployment rate is high; that we can protect jobs, we can help stimulate the economy, and we can also protect health without endangering our young people.

So for that reason, I would oppose the amendment and ask Members to oppose this amendment.

I yield back the balance of my time.

Ms. ROYBAL-ALLARD. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of this amendment.

The bill before us nullifies EPA's rules to require industrial boilers and incinerators to reduce their emissions of toxic mercury and other toxic pollutants. The bill removes legal deadlines for pollution controls to be installed, fundamentally weakening the Clean Air Act and allowing years or decades of continued toxic air pollution.

Mr. Chairman, mercury is a potent neurotoxin. According to the California Department of Toxic Substances Control, human exposure to organic mercury can result in long-lasting health effects, especially if it occurs during fetal development. In addition, scientists have linked mercury poisoning to nervous system, kidney and liver damage, and impaired childhood development. Nervous system disorders can include impaired vision, speech, hearing, and coordination. In other words, babies born to women exposed to mercury during pregnancy can suffer from a range of developmental and neurological problems, including delays in speaking and difficulties in learning. Children suffering from the chronic effects of mercury exposure may never reach their full potential. This clearly has a profound impact on the affected children and their families, and it also has a long-term societal impact.

In 1990, Congress amended the Clean Air Act on a bipartisan basis to reduce emissions of mercury and other toxic pollutants from a range of industrial sources, including boilers and incinerators. Boilers and incinerators are one of the largest sources of airborne mercury pollution in the United States. For far too long, they have been allowed to pollute without installing

modern technology to reduce their emissions. This is of particular concern for women who are pregnant, may become pregnant, or who are nursing. Mercury exposure in the womb can adversely affect the developing brain and nervous system. This can lead to problems with a child's cognitive thinking, memory, attention, language, and fine motor skills.

As of 2008, 50 States, one U.S. territory, and three tribes have issued advisories for mercury. Earlier this year, EPA finalized standards to cut emissions of mercury and other toxic air pollution from boilers and incinerators. These rules were more than a decade late. EPA is in the process of reconsidering those rules and plans to finalize the revised rules by next April. Once finalized, EPA's rules for boilers and incinerators will cut mercury pollution from these sources.

The Republican leadership wants to nullify these rules. They have also passed legislation to nullify rules to clean up mercury pollution from cement plants, and they have passed legislation to nullify rules to clean up mercury pollution from dirty coal-fired power plants, the largest U.S. source of mercury pollution to the air. This is unacceptable for public health. People living near these polluting facilities have waited far too long for them to clean up their pollution. They shouldn't have to wait any longer.

This amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up toxic air pollution from an industrial boiler or incinerator if that facility is emitting mercury or other toxic pollutants that are damaging babies' developing brains.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Mr. Chairman, I rise in support of this amendment. We should not be putting the interests of polluters before the health of our children.

Numerous studies have demonstrated a link between increased exposure to industrial contaminants and impaired brain development or learning disabilities in children. For example, according to the Centers for Disease Control, health effects linked to prenatal and childhood methylmercury exposure include problems with language, memory, attention, visual skills, and lower IQs. And exposure to mercury is particularly dangerous for pregnant and breastfeeding women, as well as children, since mercury is most harmful in the early stages of development.

In some cases around the world, such as in Minimata, Japan in the 1950s, we

have seen exposure to industrial mercury sicken an entire generation of children. Mothers who exhibited no clinical symptoms of mercury poison gave birth to infants suffering from blindness, spasticity, and mental retardation.

We tend to think an environmental catastrophe like Minimata could not happen here, but it could. Already in the United States one in six women of childbearing age has blood mercury levels that exceed those considered safe by the EPA for a developing baby. This amounts to approximately 630,000 babies born every year at risk of developmental problems because of prenatal mercury exposure.

While America's approximately 600 coal-fired power plants are the single largest source of mercury contamination in the United States, boilers and waste incinerators that burn mercury-containing products and chlorine manufacturers rank close behind. And yet it is now proposed that we delay, that we weaken the regulations protecting infants and children and allow these incinerators and boilers to continue spewing significant amounts of mercury pollution into the air every year, harming the health of our children and future generations of our children. It is unconscionable.

And mercury is just one of the dangerous contaminants putting the development of children at risk. Exposure to lead threatens the health of young children and unborn babies in particular, can lead to miscarriage, preterm birth, low birth weight, and developmental delays.

□ 1210

And that is why it was banned from gasoline and house paint by the EPA in the 1980s. These contaminants are deadly, which is why the EPA, the Environmental Protection Agency, put forward a rule to reduce them. In fact, the implementation of the Boiler MACT would reduce mercury emissions from major-source boilers and process heaters nationwide by 1.4 tons a year. It would also cut non-mercury metals, including lead, by 2,700 tons per year, hydrogen chloride by 30,000 tons per year, particulate matter by 47,000 tons per year, volatile organic compounds by 7,000 tons per year, and sulfur dioxide by 440,000 tons per year.

According to the EPA, the benefits of reducing all of these dangerous emissions would outweigh costs by at least \$20 billion a year. But even that aside, this act means 2,500 to 6,500 fewer premature deaths, 1,600 fewer cases of chronic bronchitis, 4,000 fewer heart attacks, 4,300 fewer hospital and emergency room visits, 3,700 fewer cases of acute bronchitis, 41,000 fewer cases of aggravated asthma, 78,000 fewer cases of respiratory systems, and 310,000 fewer missed work days. And it means fewer cases of impaired brain develop-

ment and learning disabilities in our children.

So on one side of the equation, we have \$20 billion in savings per year, cleaner air, thousands of fewer deaths, and the healthy development of our kids. On the other, we have polluters; we have polluters who want to just keep harming the health and the lives of Americans. I know what side I'm on, and I find it extraordinarily telling that this House majority would take the side of big polluters over the health and the welfare of America's children.

I urge my colleagues to stand up for America's children, stand against big polluters, and support this amendment.

I yield back the balance of my time.

Ms. CASTOR of Florida. I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. CASTOR of Florida. Mr. Chairman, I rise in support of the Waxman amendment and in opposition to this GOP bill.

Mr. Chairman, all Americans should be concerned with the GOP push to roll back America's fundamental environmental protections and health protections. This GOP bill strikes at the heart of American values. We are not a smoggy, Third World country. This is the United States of America; and over the past decades since the passage of the Clean Air Act, businesses have flourished and the air and water has gotten cleaner. These are not mutually exclusive.

That's why this GOP bill takes a step backward. It fundamentally weakens the Clean Air Act and grants unnecessary breaks to toxic air polluters.

Now, Mr. WAXMAN's amendment is very important because it targets one of the most dangerous and toxic neurotoxins, that is, mercury. We know that babies born to women exposed to mercury during pregnancy can suffer from a range of developmental and neurological problems, including delays in speaking and difficulties learning.

Children suffering from the chronic effects of mercury exposure may never reach their full potential. This clearly has a profound impact on the affected children and their families, but it also has a long-term societal impact.

It was in 1990 when the Congress, in a bipartisan fashion, amended the Clean Air Act and targeted the particular, the specific, polluters coming from specific sources. These specific polluters, some of them created jobs, acted to bring in modern technology, the scrubbers. They took the mercury out of the air. There are many examples in my home State of Florida of these manufacturing plants and utilities that have taken the mercury out of the air by installing the up-to-date modern equipment.

But there have been some businesses that have been very resistant to this,

and they need to get with the program because it has been since 1990 when the law has said it's time to clean it up.

Now what year is this? This is 2011. Now, I would offer that after 20 years, these businesses have been on notice that they can use the American know-how and modern technology to clean up their plants, just like a lot of their other competitors have done.

Now, I've heard the argument that, boy, this is bad for business. But I'll tell you, coming from the State of Florida, clean air and clean water are good for business. Our tourism industry relies on clean water and clean air. And for the plants in the State of Florida that have cleaned up, it has really improved the commercial fishing industry, the recreational fishing industry, billion-dollar industries in my State. If they had not—if the Congress had not acted in a bipartisan way decades ago to say we're going to clean up the air and the water, I don't think we'd have as many visitors coming to my beautiful State for their vacations and fishing.

And fishing is important because we have so many that go out in the Gulf of Mexico or the Atlantic or out in the Keys and they fish and they bring it home to eat. Now, because mercury is not cleaned up to the greatest extent that we can clean it up, the Florida Department of Health has advised here, and I'm reading from the Florida Department of Environmental Protection Advisory: "The Florida Department of Health has advised the public to limit their consumption of fish from hundreds of waterbodies throughout the State due to unacceptable risk of mercury exposure. As a result, these waterbodies have been listed as 'impaired' for mercury." This doesn't mean it's unsafe. But it means that you can't go overboard.

But you know what? We have the technology to continue to clean up so that people can eat all the great Florida seafood that is available to them. There is no reason to take a step backward. Other businesses have done this. They have cleaned up.

So earlier this year, after a decade of analysis and work by the EPA and interaction with businesses and other stakeholders all across the country, the EPA finalized standards to cut emissions of mercury and other toxic air pollution from these particular polluters. Their goal was to finally put these rules into effect this coming April. But, unfortunately, we're running into opposition from the most anti-environmental Congress in history.

People, this amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up toxic air pollution from these particular sites. If that facility is emitting mercury or other toxic pollutants, we're not going to proceed. I urge my colleagues to support the amendment.

I yield back the balance of my time. Ms. HERRERA BEUTLER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Washington is recognized for 5 minutes.

Ms. HERRERA BEUTLER. Mr. Chairman, I rise in support of this legislation, the underlying legislation, unamended, because it's going to protect and grow jobs, both in my region and across the country.

My district in southwest Washington is home to thousands of private forest landowners. Whether it's a family farm or a private business, such as Weyerhaeuser, which is one of our region's largest businesses and employers, we have pulp mills, paper mills and an emerging biomass industry. And what do all these things have in common?

They all provide tens of thousands of jobs, good family-wage jobs to the folks in my region. And they're all part of the forest products industry that has long been the cornerstone of southwest Washington's economy. And if we don't pass this underlying bill unamended, they will all shed those thousands of jobs in southwest Washington.

How many are we talking about? Well, a recent study shows that about 18 percent of those jobs would be lost. Those who produce pulp and paper would be laid off by this onerous Boiler MACT rule as it's written. Those are blue-collar families. Those are family-wage jobs. They're the ones that would pay the price for this if we do not act now to protect the environment where jobs can grow.

Now, the ripple effects in related industries in our region and across the country would be an additional 87,000 jobs lost if we do not act and pass this bill. In a place like Cowlitz County in my district, where more than one out of every 10 moms and dads are out of work, the effect of this rule, if we don't fix it and we don't fix it soon, would further devastate an already devastated economy.

In August 89,000 jobs were created. They were added nationwide. So, basically, if we don't move now, we're going to wipe out the entire month of August's growth. That's going to put our economy backwards, not forwards.

And make no mistake, Mr. Chairman, that's one thing the current majority in the House is about is creating jobs for the men and women at home to make sure they can provide for their families and their kids, their kids' college education, their health care and so on and so forth. It's the American Dream.

□ 1220

Let's pass this bipartisan piece of legislation today without this amendment. It won't add to the deficit, and it's going to preserve those jobs for those folks who are struggling in my

home region, southwest Washington, and across the country.

Let's give the EPA the time it's requested to rewrite the rule in a commonsense way. The great thing about this is our environment and our economy don't have to be mutually exclusive, which is why we're taking a balanced approach to changing this rule. It's why I believe and I am assuming that's part of the reason the EPA wants more time to rewrite it, because it had the feedback. Yes, we can innovate and create and reduce, and I support reducing whatever type of emissions we're producing as a Nation. We need to go there, but we need to do it in a commonsense way that doesn't just handicap the economy at a time when we need it to grow.

So let's give the EPA that time that they've requested so that facilities like Longview Fibre in Longview, Washington, won't have to lay any more people off. With this legislation, we can protect our environment and protect American jobs.

With that, Mr. Chairman, I yield back the balance of my time.

Ms. ESHOO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. I rise in support of this amendment. I think it's a very, very important one.

The bill nullifies the EPA's rules to require boilers and incinerators to reduce their emissions of toxic mercury. That's really quite a sentence: the bill would nullify rules to require boilers and incinerators to reduce their emissions of toxic mercury. In doing so, this bill nullifies the mercury reductions in our country that would have been achieved; and it indefinitely delays, not just for a given time frame, it's indefinite, indefinitely delays the implementation of any replacement standards that EPA issues.

My friend, Mr. WHITFIELD, said earlier today that the bill does not provide for an indefinite delay of any new rules. That is false. The bill clearly states that facilities have at least 5 years to comply without any hard deadline for compliance. That's the definition of an indefinite delay.

Our Republican colleagues also claim that mercury pollution from dirty boilers and incinerators does not harm public health. That is quite a stand. I think it's terrifying myself, in a civilized society, that this is not going to damage anyone and their health. They blame China, even though U.S. facilities are emitting toxic mercury pollution from smokestacks right here within our borders. I acknowledge that there is some that does come from China. Are we going to replicate China? I don't think that's the gold standard for our country. The mercury released here at home is just as toxic as mercury released anywhere. That's how

toxic it is. Ours is not less toxic because it's U.S. It's the same horrible, dangerous stuff.

And how toxic is it? There are a lot of things under attack here in the House of Representatives, but I think one of the most serious attacks is the attack on science. We're coming up with a lot of political science for underlying legislation. Listen to what the National Academy of Sciences has said. They stated unequivocally that mercury is a powerful neurotoxin. The National Academy of Sciences has stated that mercury is highly toxic. They state, and I quote, exposure to mercury can result in adverse effects in several organ systems throughout the life span of humans and animals. There are extensive data on the effects of mercury on the development of the brain in humans.

The National Academy of Sciences has also stated that exposure to mercury can cause "mental retardation, cerebral palsy, deafness, and blindness" in children exposed in utero and sensory and motor impairment in exposed adults. This is stunningly shocking. This is not Republican pollution or Democratic pollution. This is something that will harm our people. Why would we not protect them?

The National Academy of Sciences said again, and I quote, chronic, low-dose prenatal mercury exposure has been associated with impacts on attention, fine motor function, language and verbal memory. The National Academy of Sciences has stated that prenatal mercury exposure has, quote, the potential to cause irreversible damage to the developing central nervous system.

Our Republican friends say we shouldn't worry about mercury pollution from boilers, incinerators, cement kilns and power plants. I know who I trust, and it's not the phony baloney political science around here. I'll put my money any day on what the National Academy of Sciences says. They are the gold standard in our country. This is not something to be fooled around with. This is a huge danger to our people.

This amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up toxic air pollution from an incinerator or a chemical plant or a manufacturing plant with a dirty boiler if that facility is emitting mercury or other toxic pollutants.

I urge my colleagues to vote for the amendment, and I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Mrs. MILLER of Michigan. We all understand that our economy is struggling, that millions of Americans can't find a job, that too many families are

struggling to make ends meet, and that the American people are very frustrated that Washington is simply not doing enough to get our economy moving. I would argue that not only is Washington not doing enough to get our economy moving but it is actually harming the efforts of American innovators, of manufacturers, of small businesses, of the job creators because of government over-regulation.

The fact is today that the Obama administration has publicly listed almost 220 new regulations just this year alone, a 15-percent increase in one year alone, of new regulatory actions under consideration. Each one of them is estimated to cost at least \$100 million, if you can imagine.

Mr. Chairman, the bill that is currently under consideration would provide relief from some of the new EPA regulations that would cost American job creators more than \$14 billion and threaten over 230,000 jobs. In my home State of Michigan, this government over-regulation would cost nearly \$800 million and put nearly 13,000 jobs at risk. In my home State of Michigan, we are on our knees economically, and we cannot tolerate this anymore. It has to be stopped.

At home, I have talked to so many businesspeople, from small family businesses to major corporations, et cetera; and the message from all of them is always the same: that government over-regulation is absolutely killing their efforts to grow and to create jobs.

I'll give you one example. There's a company in Port Huron, Michigan, in my congressional district, called Domtar. Port Huron has been hit particularly hard. Current estimates are that the unemployment rate is approaching 20 percent, if you can imagine that. It's unbelievable how bad it is there at this time. Domtar is a paper company. It currently employs 245 people. It generates between \$8 million and \$12 million in revenue annually.

I talked to them about this regulation under consideration today, and they estimate that this regulation today would cost them \$9 million to scrub the coal that they use to operate their boilers or would cost \$3 million to \$4 million to convert to natural gas and have an additional annual cost of \$3 million to \$4 million a year just to stay compliant. They estimate that these costs would likely force the company to shut down two of their four paper machines and, of course, force a reduction in jobs, Mr. Chairman. This company, this community, this Nation cannot handle that kind of loss in additional jobs that this regulation would force.

It seems today that the three most feared letters to American job creators, where it used to be IRS, today those letters are EPA. It's no longer the IRS. It's the EPA. And why is that?

□ 1230

On April 30 of 2010, the EPA issued a statement on a study of the impact of one of their proposed regulations. This is what they said:

"The regulatory impact assessment does not include either a qualitative or quantitative estimation of the potential effects of the proposed rule on economic productivity, economic growth, employment, job creation or international economic competitiveness."

In other words, they don't care what their regulations have to do with job creation, much less with stifling and killing job creation in this country. This is what our own government is doing to our job creators, and this is from an administration that claims that job creation is its number one priority.

Are you kidding? You've got to be kidding.

We have to stop all of this government overregulation that is killing jobs. Certainly, House Republicans have been trying to lift the boot of Big Government off the necks—off the throats—of job creators and of workers who are looking for a job.

We've heard repeatedly from this President about the need to invest in transportation and infrastructure. At the same time, this President and this administration are talking about how infrastructure is such an economic lifeblood for our economy, which I agree with and which, I think, House Republicans agree with. But at the same time the President is saying we've got to invest in infrastructure—in fixing roads—his administration is moving forward on this regulation that we are talking about today that would put large segments of the American cement plants in this country out of business.

I would tell the President that it's very hard to have infrastructure investment to build roads if you don't have any concrete, if you don't have any cement.

I would say, Mr. Chairman, I speak against this amendment, but I speak in favor of the underlying bill. I would call on my colleagues to pass this bill now.

Pass this bill. Let's get America moving again.

I yield back the balance of my time.

Ms. TSONGAS. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Massachusetts is recognized for 5 minutes.

Ms. TSONGAS. I rise in support of the Waxman amendment.

Today, we are taking up yet another bill that continues the GOP majority's ongoing attack on public health. This bill seeks to gut EPA rules requiring reductions in emissions of toxic air pollutants, including mercury, from industrial boilers and incinerators. Industrial boilers and incinerators are

among the largest sources of mercury pollution in the country, a potent brain poison that can cause severe developmental problems in children and toddlers.

According to the National Academy of Sciences, even in low doses, mercury can tragically affect a child's development, delaying walking and talking, and causing learning disabilities. Children suffering from the chronic effects of mercury exposure may never reach their full potential. This is simply unacceptable, especially when we have the technology to address it.

The Waxman amendment is straightforward. It says that the bill cannot stop the EPA from taking action to clean up toxic air pollution from an industrial boiler or incinerator if that facility is emitting mercury or other toxic pollutants that are damaging to children's developing brains.

I urge my colleagues to support this commonsense amendment and to stand up for the health of our children and grandchildren.

I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from the Virgin Islands is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Chairman, as a physician, a mother, and as a person of a racial minority, which often bears the disproportionate impact of pollution, I rise in opposition to H.R. 2250 as well as H.R. 2681, which was just passed, and I rise in strong support of the Waxman amendment, which I urge every colleague to support.

Both bills, H.R. 2681 and H.R. 2250, essentially wipe out EPA's regulations, first of cement kilns, now of industrial boilers and incinerators. It would have serious public health impacts because it would allow for the high emissions of dangerous pollutants, which would cause more asthma, heart attacks, birth defects, impaired brain development, which I'll come back to, and other illnesses at a time when we're working to improve the health of all Americans, to reduce health care costs, and when we are already struggling to remain competitive.

All EPA is asking these entities to do is to meet the best existing standards in the industry—existing standards—standards that they've had years to meet.

Mr. Chairman and colleagues, allowing these regulations to go forward is critical because these entities emit lead, arsenic, particulate matter, and other toxic substances, especially mercury. If the Republican majority proponents of this bill have their way, we will see more than 15,000 more cases of aggravated asthma, over 1,500 more heart attacks, over 600 more cases of chronic bronchitis every year, and we will also have over 100,000 additional missed working days, which means lost

productivity—all at a time when we're trying to improve the health of all Americans, as I said, and improve American competitiveness.

But most importantly, the large boilers and incinerators are the second-largest source of mercury, which, as you've heard, is a grave risk to our children both before and after birth, especially on their brain development, which makes these bills especially dangerous to the public health and can damage the learning and, thus, the social and economic potential of our children, as mercury stays in the environment for a long time.

As an African American, I have to be particularly concerned. With more than 60 percent of polluting industries located in or near minority communities, it is clear that the learning and other neurological deficiencies caused by mercury would primarily impact our communities. This not only ought to concern African Americans, for the children of Latinos, Asians, and American Indians would also be more likely to be impaired. It should be of concern to all of us.

All the time spent on this bill and the other bill that was just passed that the House majority leadership knows are going nowhere is a pure waste of time and a waste of money. I guess it's not important, because it's being used to try to kill programs they've never liked. They probably think it could hurt President Obama if it doesn't pass. It also protects the big corporations. Beyond that, it creates no jobs. It just creates the potential to cause more sickness and premature deaths, to damage the potential of our children and, therefore, to damage our country's potential as well.

The claims of lost jobs, I believe, are highly exaggerated. Bringing forth and pushing these extremely misguided and dangerous bills says that the proponents are willing to put our country and the future of their and our constituents—of their and our children—at risk.

I ask my colleagues to vote for this amendment, this amendment that protects the public health and that will save our children from a life that would not be what we would want for them, one in which they might not be able to enjoy all of the benefits of this country or fully realize their potential or the American Dream.

Support this amendment. Reject the underlying bill and all of the bills that attempt to weaken the EPA. Vote, instead, for our children, our grandchildren and this country.

I yield back the balance of my time.

Mr. WHITFIELD. I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. A number of speakers on the other side have indicated

that, if our legislation passes, new regulations relating to Boiler MACT would be put off indefinitely. I would like to clarify and point out that, in section 3 on page 6 of this bill, it says:

For each regulation promulgated pursuant to this legislation, the administrator of the Environmental Protection Agency shall—not “may”—shall establish a date for compliance.

So this is not being put off indefinitely. It explicitly says “shall.”

Now, during the hearings that we've had, extensive hearings on this Boiler MACT that was adopted by the EPA in 2004, which was invalidated by the courts because of lawsuits filed by environmental groups, the typical testimony was this:

EPA final rules impose unrealistic and very costly requirements that EPA has not justified by corresponding environmental and health protection from reductions of hazardous air pollutants.

Just as a practical example of what I'm talking about, many universities, in order to comply with that 2004 rule, spent large sums of money. The University of Notre Dame spent \$20 million to comply with that rule, which has now been invalidated, and EPA has come out with an even more stringent rule that's going to cause a lot more money to be spent.

□ 1240

So we genuinely believe that EPA has the health standards in effect that will protect our children. There's nothing in this bill that's going to change any of that.

But we know that if these universities continue to spend that kind of money on regulations that are invalidated and then have to come back and spend more money, tuition costs are going to go up, which makes it more difficult for some children to go to college. So this simply is a commonsense approach, a balanced approach, saying: EPA go back, revisit this issue. In 15 months, come out with a new regulation. And the EPA administrator shall set a compliance date not sooner than 5 years after the final rule.

But we have also heard a lot of discussion today about mercury, and, yes, we're all concerned about mercury. But EPA, itself, in developing the benefits of their regulation that we're trying to postpone, did not assign one dollar, one dime, or one penny of benefit for the reduction of mercury emissions. And the reason they didn't: because there was not enough reduction, because we've already cleaned up the air a great deal relating to mercury.

All of the benefits that they calculated from their rule came from reduction of particulate matter. In fact, they said, the mercury reductions would be less than three-hundredths of 1 percent of global emissions. We've heard all sorts of testimony about mercury, that 90 percent or so of mercury

comes from nature or from sources outside of the U.S.

So I don't think we need to be alarmed about this. This is simply an approach that, hey, our economy is pretty weak right now. We're losing a lot of jobs. We're having difficulty creating jobs. So, look, let's just go back, look at this, in 15 months come back with a new regulation, set a date for compliance, and let's move forward.

I don't think anyone can make a credible, verifiable argument that we're out to destroy every young person in America, every child in America. As a matter of fact, we have a lot of Democrats on this bill. There's been a similar bill introduced to this on the Senate side with Democratic support.

I urge all the Members to defeat the Waxman amendment and support our underlying legislation, H.R. 2250.

I yield back the balance of my time.
Ms. EDWARDS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. Mr. Chairman, I was going to speak about mercury, and I will get to that, but I really have to clarify for the RECORD and the public record.

We keep hearing, and we've heard once again on this floor from our Republican colleagues, that the bill won't harm public health or weaken health standards, and this is just not accurate. It's really important, Mr. Chairman, for the public to understand that. In fact, section 2 of the bill lists four final clean air rules and says they shall have "no force or effect." Section 3 of the bill eliminates the 3-year compliance deadline in the Clean Air Act and doesn't set any new deadline. And, for the record, section 5 of the bill directs the EPA to set weaker standards than the clean air requirements.

So make no mistake. H.R. 2250, contrary to what the other side is saying, has real legal effect and consequence, and those effects weaken our protection from air pollution and harm the health of Americans, especially our children.

Now, I recognize that there is a zeal for deregulation, but for clean air standards, for clean water standards, this really makes no sense. In fact, the bill throws out EPA's rules to require boilers and incinerators to reduce their emissions of toxic mercury. And unlike the statements that have been made on this floor, this comes in the wake of a bill to nullify EPA's rules to clean up cement kilns, and yet another bill to nullify EPA's rules to clean up power plants.

When does it stop? When does the public health and the consequences of these actions become important to the American people instead of just this move to deregulation? Just this last month, the Republicans have pushed

legislation to let the Nation's largest source of toxic mercury pollution off the hook for cleaning up their emissions, jeopardizing public health. And for what?

Now, I've heard that we shouldn't have so much concern about mercury, but somebody in this House, somebody in this Congress has to be concerned about the public health consequences to our children of toxic mercury emissions.

They also cite studies from the American Forest & Paper Association, from the Council of Industrial Boiler Owners, and these are nothing more than industry studies that seek to absolve the industry from cleaning up its own mess. They've been refuted by actual scientists. And I suggested on this floor we actually pay attention to science and facts and not just a move to deregulate because we're interested in doing industry a favor at the expense of public health.

And we know that, contrary to what's been said, the public health consequences of mercury are clear; they're stated; they're facts; they're science. So let's not undercut that. Mercury is a powerful neurotoxin. It harms developing brains of infants. It leads to learning disabilities. It causes attention deficits and behavioral problems and a whole range of other problems.

So the Republicans cannot be allowed, Mr. Chairman, to pick and choose their facts and their science. The facts and the science are as they are, and we should not be nullifying EPA's rules that protect the public health.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

Ms. HAHN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. HAHN. Mr. Chairman, I rise in support of this amendment.

By the way, I believe we should be alarmist; and I am an alarmist, and maybe that's because I'm a mother, maybe that's because I'm a grandmother, and maybe that's because I represent Los Angeles, which has some of the worst air in their country.

Just last year, in California, we had 2,400 deaths because of cargo-related pollution. We're paying for the costs of people all over this country getting goods on time in their local stores. Because of cargo-related pollution, there is about 350,000 days of lost school.

That is a real problem for this country. Pollution does impact our children. Pollution does impact their lives. We know even there is a million days of lost work, lost productivity in this country because of pollution-related illnesses in the workplace.

I'm for this amendment because the underlying bill nullifies EPA's rules to

require boilers and incinerators to reduce their emissions of toxic mercury. And this comes in the wake of a bill to nullify EPA's rules to clean up cement kilns and another bill to nullify EPA's rules to clean up power plants.

Just within the last month, my colleagues on the other side have pushed legislation to let the Nation's largest sources of toxic mercury pollution off the hook for cleaning up their emissions. And they defend this policy by pointing to these industry studies about the costs of complying with these rules.

One study that gets cited over and over is a study by the Council of Industrial Boiler Owners, or CIBO. This study, by the way, has been completely discredited. For example, the non-partisan Congressional Research Service examined this study and concluded: "the base of CIBO's analysis is flawed. As a result, little credence can be placed in CIBO's estimate of job losses."

They also cite a study by the American Forest & Paper Association concluding that the boiler rules will cost jobs.

□ 1250

Mr. Chairman, Dr. Charles Kolstad, chair of the department of economics at the University of California, Santa Barbara, reviewed this analysis and said: "If I were grading this, I would give it an F. The economics is all wrong."

Dr. Kolstad described the methods as "fundamentally flawed." And he said that, as a result, the jobs estimates were "completely invalid."

We know that the National Academy of Sciences and independent public health experts around the world have proven time and again that mercury is a powerful neurotoxin that harms the developing brains of infants, leading to learning disabilities, attention deficits, behavioral problems, and a range of other problems.

This amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up toxic air pollution from an industrial boiler or incinerator if that facility is emitting mercury or other toxic pollutants that are damaging babies' developing brains. Who can vote against this?

You know, you talk about jobs. My colleague, Mrs. MILLER, earlier talked about jobs and the economy and the cost of the regulations. But at what price do we have to pay for the next generation's health and quality of life? And by the way, the last I checked, adding more pollution into the air is not a jobs plan.

I yield back the balance of my time.
Mr. GRIFFITH of Virginia. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFITH of Virginia. Mr. Chairman, I listened to the gentlelady with interest. And, of course, it's easy to sit in Washington and whatever group you may be with and say this group is wrong or that group is wrong, and everybody can trot out their experts. But, ladies and gentlemen, the CRS doesn't own and operate boilers, businesses do. Lots of them are going to be impacted by this—big businesses, small businesses, and the people who work for them.

Last week I referenced a letter to the editor of the *Virginian Leader* sent in by Mr. and Mrs. Kinney, in which they said: "I'm going to be very blunt with the following opinion: As a factory worker and taxpayer, I'm getting sick and tired of these Federal agencies who have nothing better to do except sit in their Washington offices and draw up rules and regulations to kill American jobs. Why don't they get off their sorry behinds and go out across the Nation and try to help industry save what jobs we have left? And who is paying these EPA people's salary? We are, the American workers. I believe in protecting the environment, but we can't shut the whole country down to achieve it."

I referenced that letter last week, and I referenced Giles County in my comments in a Republican radio address later that week. And in response to that, Mr. and Mrs. Kinney wrote again to the *Leader*. And we're not talking about big businesses here, we're talking about businesses that affect employees in small counties all across this country. The *Leader*, for example, has 5,100 subscribers. It's not a giant newspaper.

The Kinneys wrote back in: "As I stated in the 9/21/11 letter to the editor, I'm a blue collar factory worker with limited education, and I have worked for our county's largest employer for nearly 35 years. The only reason I am speaking out on this issue is this: To get others involved. Our economic future and way of life here in Giles County could be on the line unless residents, business owners, civic organizations, and others come together and support H.R. 2250."

You know what, ladies and gentlemen? The people of America understand that the EPA is in fact killing jobs. They understand that while we have to have a clean environment, and we all want a clean environment, as the gentleman from Kentucky said earlier today, we can do that. This is a reasonable approach. H.R. 2250 is a very reasonable approach which will do both, continue us on the regulatory path but make sure those regulations are reasonable and effective, and make sure that we protect the jobs of the United States of America while we go forward in protecting the environment as well.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. I just want to point out to my colleagues that what the bill does is repeals the previous rule, regulation, and then prohibits EPA from adopting another regulation for 15 months. And when they adopt another regulation, it can't be enforced for another 5 years. And then there's no deadline. But meanwhile, they lower the standard for EPA in setting that regulation.

EPA is in the process now of negotiating with the industry to work out the information and the problems that have been brought to their attention. We ought to give EPA the chance to do that and get the full input from the industry. If legislation is needed, we ought to consider what legislation is needed. The approach of this bill is to set us back enormously. When you don't have anything in place but the weakest possible criteria, and then nothing can happen for 5 years, and maybe even longer because it takes 15 months to get the regulation, no enforcement for 5 years after that—and maybe never—that's not a reasonable approach.

If the industry wants a law, the industry ought to work on telling us what they need, and not going on this escapade with the Republicans who would like to repeal the whole Clean Air Act and repeal the ability of the EPA to protect the public from toxic pollution. And, of course, the amendment that's before us is that insofar as this bill becomes law, when we're talking about poisoning children's brains, we're not going to stop EPA from getting their regulations in place and getting them enforced. It's obscene to think, the idea that we would wait another 6½ years, and maybe longer, before we can do anything to start down the road to reduce the pollution that's going to poison these kids.

I ask for an "aye" vote on the amendment, and I hope that people realize this is a bill that will pass the House, but in my view, given the President's statement of a veto, it's not going to become law.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. RUSH

Mr. RUSH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of section 5, add the following:

(c) RULE OF CONSTRUCTION.—This section is intended to supplement the provisions of, and shall not be construed to supersede any requirement, limitation, or other provision of, sections 112 and 129 of the Clean Air Act (42 U.S.C. 7412, 7429).

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. RUSH. Mr. Chairman, let us not be distracted by this confused, backward, and short-term thinking on the part of our Republican colleagues. This bill represents just another attack on the Nation's long-standing environmental protection laws in general and the EPA in particular.

On behalf of a select few polluting industries that operate under the assumption that the timing is right to permanently alter, gut, and obliterate the Clean Air Act, the law that the chairman of the subcommittee and many others have said is working on behalf of the American people.

While most businesses have been planning and preparing for these rules, which have already been delayed for years and in some cases have been delayed over a decade, some of the more opportunistic dirty industries see this radical Republican majority and their radical agenda targeting the EPA and all of our clean air laws as the perfect time to try and permanently alter the Clean Air Act.

Section 5 of H.R. 2250 disregards the clean air standards that will help reduce toxic air pollution, like mercury and soot from some of our Nation's biggest polluters—cement plants, industrial boilers, and incinerators.

Instead, this section would make fundamental and damaging changes to the Clean Air Act and would ensure that future standards do not meaningfully reduce emissions into the air.

□ 1300

So, Mr. Chairman, I must offer an amendment that will clarify that section 5 of H.R. 2250 is intended to supplement the provisions of and shall not be construed to supersede any requirement, limitation or other provision of sections 112 and 129 of the Clean Air Act.

This single provision in section 5 will have the effect of exempting incinerators, exempting industrial boilers, and exempting cement plants from maximum reductions in toxic air pollution emissions, in contrast to every other major industrial source of toxic air pollution in this Nation.

The majority, even after being asked repeatedly over and over and over again, has yet to explain why Congress should carve out exemptions for the Nation's dirtiest polluters, in total disregard for the public health of the

American people and at the expense of those very companies that have already invested in the technology to meet the minimum requirements of this law.

Mr. Chairman, if it is truly the majority's intent to clarify the rules and to provide certainty for business, then this amendment will accomplish that purpose; but I don't believe that that is their intent, and I don't believe that that is what their goal and objectives are. They have a singular purpose in all of these bills that we have been debating on this floor as it relates to the Clean Air Act, and that is to completely nullify and gut the Clean Air Act so that polluters in this Nation can keep on polluting the very air that we breathe.

So, Mr. Chairman, I urge all of my colleagues to support my amendment.

The Acting CHAIR (Mr. YODER). The time of the gentleman from Illinois has expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mr. RUSH was allowed to proceed for 1 additional minute.)

Mr. RUSH. I yield to the ranking member.

Mr. WAXMAN. I thank you for yielding to me. I want to join you in urging support for this amendment.

Whatever the motivation is of your legislation—and I can understand your reason for being very skeptical, I share it. But what the industry should want is regulatory certainty. And this bill adds more confusion to what is already a long overdue effort to reduce toxic air pollution from boilers and incinerators. With no timeline for implementation of new emissions standards, the bill creates significant questions about how EPA would set limits for toxic air pollution. If they think it's regulatory certainty that they don't have to do anything for years, they'd better not count on it. And if they want regulatory certainty, they'd better come forward and work something out.

In the meantime, your clarification provides the certainty, and I urge Members to support it.

Mr. RUSH. I yield back the balance of my time.

Mr. WHITFIELD. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. The gentleman's amendment would simply add an additional paragraph at the end of section 5 of our bill, and basically it would say that section 5 in our bill would not be construed to supersede any requirement, limitation or other provision of sections 112 and 129 of the Clean Air Act. And because his amendment would say "it does not supersede" is the reason that we want to oppose the amendment.

Now section 5 says this, and this is what we want to supersede section 112

and 129 of the Clean Air Act, in promulgating rules, the administrator shall ensure that emission standards for existing and new sources established under section 112 or 129 can be met under actual operating conditions consistently and concurrently with emissions standards for all other air pollutants regulated by the rule for the source category taking into account variability and actual source performance, source design, fuels, input, controls, ability to measure pollutants' emissions and operating conditions.

In other words, we want to be sure that can be met under actual operating conditions.

And then the second part of our section 5 that we want to be sure supersedes, which this amendment would not allow, is that we put in section 5 the President's own executive order in which he says that the administrator shall impose the least burdensome regulation consistent with the purposes of the act.

So all we're doing in section 5 is saying we want to make sure that it's the least burdensome pursuant to the President's own executive order and that we want to be sure that it can be met in actual operating conditions.

So for that reason, we would respectfully oppose the gentleman's amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. RUSH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 15 OFFERED BY MS. HAHN

Ms. HAHN. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of section 2, add the following:

(d) TEN METROPOLITAN AREAS OF THE UNITED STATES WITH THE WORST AIR QUALITY.—

(1) STAY OF EARLIER RULES INAPPLICABLE.—Insofar as the rules listed in subsection (b) apply to sources of air pollution in any of the 10 metropolitan areas of the United States with the worst air quality, such rules shall, notwithstanding subsection (b), continue to be effective.

(2) NEW STANDARDS INAPPLICABLE IF LESS PROTECTIVE OF PUBLIC HEALTH AND THE ENVIRONMENT.—With respect to sources of air pollution in any of the 10 metropolitan areas of the United States with the worst air quality, the provisions of the regulations promulgated under subsection (a)—

(A) shall apply to such sources, and shall replace the rules listed in subsection (b), to the extent such provisions are equally or more protective of public health and the en-

vironment than the corresponding provisions of the rules listed in subsection (b); and

(B) shall not apply to such sources, and shall not replace the rules listed in subsection (b), to the extent such provisions are less protective of public health and the environment than the corresponding provisions of the rules listed in subsection (b).

(3) DEFINITIONS.—In this subsection:

(A) The term "metropolitan area"—

(i) for purposes of subparagraph (B)(i), means a metropolitan statistical area or consolidated metropolitan statistical area (as established by the Bureau of the Census) most closely corresponding to the city or group of cities ranked among the cities with the worst year-round particle pollution in the "State of the Air 2011" report of the American Lung Association; and

(ii) for purposes of subparagraph (B)(ii), means a metropolitan statistical area or consolidated metropolitan statistical area (as established by the Bureau of the Census).

(B) The term "10 metropolitan areas of the United States with the worst air quality" means—

(i) during the 5-year period beginning on the date of the enactment of this Act, the 10 metropolitan areas listed in the "State of the Air 2011" report of the American Lung Association as having the worst year-round particle pollution; and

(ii) during each successive 5-year period, the 10 metropolitan areas determined by the Administrator of the Environmental Protection Agency to have the highest year-round levels of particulate matter in the air.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. HAHN. Mr. Chairman, today I'm offering an amendment that will preserve the critical air pollution protections for the places that they are needed most. For the people in my district, air pollution is a major health problem. The Los Angeles region always is near the top of the Nation's worst air quality rankings. Unfortunately, the people of my district don't need to read the statistics from the American Lung Association to know that there's a pollution problem in our communities.

They see it in the dark soot that seeps into the homes of families living near the port in Wilmington. They see it in the labored breathing of a little girl in Lomita staying home from school because of asthma. They see it in the tears of loved ones in San Pedro burying someone lost before their time to cancer or lung disease.

But the statistics are there too. In Los Angeles, 6 to 7 percent of all children have asthma—higher than the national average, and disproportionately impacting minority children. When our kids can't run around outside to exercise, when they're missing school with asthma, we're creating all sorts of other health and educational deficits.

Los Angeles has recognized its air quality problems. Since the Clean Air Act amendments of 1990, we've made dramatic air quality improvements. In the last decade, we've managed to reduce particulate pollution levels in Los Angeles by 40 percent. We cannot afford to go backwards. That's why I'm offering this amendment today.

My amendment would ensure that the Environmental Protection Agency will keep their higher standards of clean air protections for the 10 metropolitan areas with the worst air quality. The American Lung Society lists the 10 worst regions with year-round particulate matter.

They are Bakersfield-Delano in California; Los Angeles-Long Beach-Riverside in California; Visalia-Porterville in California; Phoenix-Mesa-Glendale in Arizona; Hanford-Corcoran in California; Fresno-Madera in California; Pittsburgh-New Castle in Pennsylvania; Birmingham-Hoover-Cullman in Alabama; Cincinnati-Middletown-Wilmington in Ohio, Kentucky, and Indiana; Modesto in California; and Louisville-Jefferson County-Elizabethtown-Scottsburg in Kentucky and Indiana.

□ 1310

I believe that the underlying bill is a giant step backwards for those communities and for the air quality and environment of people living in this country. My amendment solely focuses on trying to continue to protect people in communities with the worst air quality standards. These communities cannot afford to have lower standards that will result in more asthma, more cancer.

By protecting our public health, we will not lose jobs. It's a false premise that to create jobs we need to hurt our Nation's environment and health. For example, the ports of Los Angeles and Long Beach were able to improve air quality and create jobs and industry. These ports are the economic engine of this country. I call them "America's ports." About 44 percent of all the cargo in this country comes through those ports.

A lot of people said you can't have clean air and good jobs, but let me tell you what really happened. We cut port pollution by 70 percent since 2005 without losing a single job. I'll say that again: a 70 percent reduction in pollution at the cost of zero jobs. In fact, the green industry jobs were spawned, creating more jobs.

Our more vigorous environmental standards in California aren't stopping the facilities in my district from thriving. That's why I find it so upsetting that, under the banner of protecting jobs, our colleagues on the other side of the aisle are moving to delay or destroy the protections that ensure our children can grow up breathing clean air.

My colleagues on the other side of the aisle claim making our air dirtier is a way to stimulate the economy, but a peer-reviewed Cal State, Fullerton study found that dirty air in the costs residents \$22 billion a year in health costs, premature deaths, lost days of work, lost days of school—\$22 billion a year wasted because of dirty air.

I reject the false choice between good jobs and clean air. We've already prov-

en that they can go hand in hand with the Clean Air Action Plan at the Port of Los Angeles.

I also want to add that environmental regulations are not topping the list of problems that small businesses in my community are facing. Last week, I met with over 50 small businesses, and they said they need more access to capital, not less regulation.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. The gentlelady from California may view this argument about jobs as a false choice, but we do have letters from over 300 organizations concerned about the impact on jobs that these EPA regulations will have, including letters of support from five of the largest labor unions in the country.

The gentlelady's amendment would basically say that, in the 10 metropolitan areas chosen by the American Lung Association, the current boiler rules would be retained regardless of what our legislation may do.

So we are opposed to her amendment for two reasons. One, we don't want the legislation to be changed because we think it's necessary to have the balanced approach throughout the country and not to exclude 10 metropolitan areas. But the second reason we would be opposed to it is that to allow one private entity—even if it's the American Lung Association, an organization we all have respect for. But we don't think that they should be determining what should be in this legislation.

So for that reason, I would respectfully oppose the amendment and ask that the amendment be defeated.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I support this amendment, and I want to congratulate the gentlelady from California for offering this amendment. Her constituents should be rightfully proud of the fact that she is fighting for them and for the good health of the American people.

Her amendment recognizes the fact that we've made great progress on air pollution in this country because we've had a strong Clean Air Act and because we've let EPA do its job under both Democratic and Republican administrations. But let's not pretend that the job is done.

In the 10 worst polluted areas—these are the worst polluted, nonattainment areas in the country—every day, people are breathing unhealthy levels of air pollution, and they're going to emergency rooms because the air outside is

making them sick. And every day, some are dying before their time. In the summer, cities and towns across the country have red alerts, and moms are afraid to let their kids play outside. There's something fundamentally wrong with that.

Despite the progress we've made, we need to make sure that we cut these air pollutants that are very, very harmful. We've been talking a lot today about mercury, but the EPA boiler rules would reduce the emissions of fine particle pollution, which can lodge deep in the lungs and cause serious health effects.

Living in the United States should not be a health risk, and I hope that we will not vote to nullify these EPA boiler rules and also nullify the health benefits in these various polluted areas.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. HAHN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. HAHN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. HAHN) will be postponed.

AMENDMENT NO. 16 OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections, and conform the internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that, according to the Environmental Protection Agency, if the rules specified in section 3(b) are in effect, then for every dollar in costs, the rules will provide at least \$10 to \$24 in health benefits, due to the avoidance each year of—

- (1) 2,600 to 6,600 premature deaths;
- (2) 4,100 nonfatal heart attacks;
- (3) 4,400 hospital and emergency room visits;
- (4) 42,000 cases of aggravated asthma; and
- (5) 320,000 days of missed work or school.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. Mr. Chairman, it's my hope that we can all simply agree to this amendment. It would simply add a finding to the bill illustrating the health benefits of EPA's mercury and air toxic cleanup standards for industrial boilers and incinerators.

Opponents of these cleanup standards argue that they cost too much and will lead to job losses. I don't agree with that assessment.

Over the past 40 years, the Clean Air Act has fueled American innovation

and has created jobs, and it has made the United States a leader in the multibillion-dollar environmental technology sector.

Mr. Chairman, the health benefits of EPA safeguards are not in dispute, and that's why those facts should be included as part of this bill.

For decades, industrial boilers and incinerators have been some of the largest pollution emitters in the United States. They're responsible for some of the most dangerous air pollutants we have in this Nation, including mercury, lead, and cancer-causing dioxins. That's why EPA took action last year to require that industrial boilers and incinerators cut their emissions and simply follow the Clean Air Act.

But instead of supporting EPA's action, the bill before us would delay their standards by at least 3½ to 4 years. It would eliminate any deadline by which industrial boilers and incinerators must comply with EPA safeguards. It could mean thousands and thousands of additional pounds of mercury and other toxic pollution released into our air each year.

Now, proponents of this legislation are quick to say EPA safeguards to cut this pollution would—and now comes the drumroll—cause economic ruin and job losses, and they point to industry-paid-for studies to provide evidence. But indefinitely delaying EPA safeguards will not lead to the economic ruin and job losses. What it will do is put the lives and the health of millions of Americans at risk.

Failing to implement the EPA's air pollution standards for boilers and incinerators would result, just in 1 year, in as many as 6,600 premature deaths, 4,100 nonfatal heart attacks, 4,400 hospital and emergency room visits, 42,000 cases of aggravated asthma, and over 320,000 days of missed work and school. For every additional year of delay that H.R. 2250 allows, these numbers only continue to grow.

And we know this because EPA's analysis must follow the criteria set out by the Office of Management and Budget. Their analysis is based on peer-reviewed studies. The analysis is transparent, it is subject to public comment, and it has to be reviewed again by the Office of Management and Budget. The industry studies meet none of these criteria.

Mr. Chairman, it is true that EPA already announced it is reexamining aspects of these safeguards. They set out a time line providing industry more than enough time and opportunity to weigh in before refinalizing the rules by next April.

□ 1320

EPA has said that it does not need nor want additional time for Congress. Delays only hurt America's health.

Again, it's worth repeating. Hundreds of thousands of jobs are not at risk

from these safeguards, like some of my colleagues say. EPA's analysis, reviewed by the Office of Management and Budget economists, project that these standards will have a net positive impact on EPA—that's EPA's analysis, reviewed by the Office of Management and Budget—and they will achieve enormous public health benefits that allow Americans to work and go to school and lead healthy lives.

For every dollar industry spends to clean up even one industrial boiler or incinerator, Americans get up to \$24 back in health benefits. What other investment results in this astonishing return for the American people? And that's why I'm offering this simple amendment today. It would remind us all of the tremendous health benefits that EPA's mercury and air toxic cleanup standards will achieve, and they should be included in this bill.

So I urge my colleagues to support this straightforward amendment, and I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. The gentlelady made a comment that she genuinely questions whether jobs are at risk, and I would simply say that, as I said earlier, we received over 300 letters. We received phone calls. We received emails. We have five major labor unions, national labor unions, supporting this legislation. And the people involved in these businesses are telling us that they are going to have to cut off people from work. They're going to have to terminate people's employment in some instances.

And as I said, the University of Notre Dame said they spent \$20 million trying to comply with the old rule that was invalidated, and now they're going to have to spend another X millions of dollars to meet these new rules.

I would oppose the amendment because, basically, the gentlelady from California is asking us to put into the findings of the Environmental Protection Agency's calculation that for every dollar in cost, the rule will provide at least \$10 to \$24 in health benefits. Now, that alone is kind of interesting. From \$10 to \$24, that's over a 100 percent variance there, flexible zone there. It's not very precise.

And then she says that it's going to avoid either 2,600—up to 6,600 premature deaths a year, so many nonfatal heart attacks, so many hospital emergency room visits, so many cases of aggravated asthma, so many cases of missed work and school.

Well, all of us have sat in a lot of these hearings. We've looked at a lot of numbers, and I tell you what. There's no agreement on any of these numbers. There are questions about the assumptions. There are questions about the

modeling. There's questions about the lack of transparency, and different groups come up with different numbers.

Mrs. CAPPS. Will the gentleman yield?

Mr. WHITFIELD. I would be happy to yield to the gentlewoman from California.

Mrs. CAPPS. I just wanted to ask if you are aware that these numbers have to be peer reviewed, so scientists and organizations have evaluated them, and they've come in. And they also have to be screened by the Office of Management and Budget, OMB, and then they're sent back to EPA. So they've gone through quite a wide variety of verifications.

Would you disagree with that fact?

Mr. WHITFIELD. No. I agree that it's been peer reviewed, and I can also give you a long list of scientists who also have peer reviews that do not agree with these numbers. I can also give you a list of names of people at OMB who question these numbers. I can also give you a list of academics at universities that question these numbers.

Mrs. CAPPS. But they did go through the process.

Mr. WHITFIELD. Yes, they went through the process. And our analysis went through the process too. But they come up with different numbers. Therefore, because of that, we don't think it's right to put these particular numbers in there when there's so much disagreement on the numbers.

So with that, I would respectfully ask Members to oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. CAPPS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. DOYLE

Mr. DOYLE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, beginning on line 20, strike paragraph (1) and insert the following paragraphs (and redesignate the subsequent paragraph accordingly):

(1) shall establish a date for compliance with standards and requirements under such regulation in accordance with section 112(i)(3) of the Clean Air Act (42 U.S.C. 7412(i)(3));

(2) may, if the Administrator determines there is a compelling reason to extend the date for such compliance, provide an extension, in addition to any extension under section 112(i)(3)(B) of such Act (42 U.S.C.

7412(i)(3)(B)), extending the date for such compliance up to one year, but in no case beyond the date that is 5 years after the effective date of such regulation; and

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. DOYLE. Mr. Chairman, we've been debating this bill, H.R. 2250, for several months now in the Energy and Commerce Committee. And as we've heard from the bill's supporters, the bill is intended to address the Boiler MACT rule that was proposed by EPA in April of 2010 and finalized in February of 2011.

Many of us here know that when the Boiler MACT regulation was finalized, EPA asked for 15 months to issue a re-proposal. The courts rejected that request and, thus, EPA was forced to issue the rule on time in February of 2011. However, EPA immediately instituted an administrative stay on several major rules within the regulation, saying that they would begin reconsideration with new information that had been made available.

In the last few months, I've met with many industries and companies that expressed concern with the provisions in this final rule. I've listened and even helped foster ongoing conversations between those industries and EPA as they worked toward a reproposal of the Boiler MACT rule.

Then we were offered this bill, the EPA Regulatory Relief Act. We were told that this bill would simply give EPA the time that they had already asked for to work on the rule and re-propose a new final rule. After the conversations I had had with companies in my district, I thought this would be a good solution.

The problem is, when you dig a little deeper, I've said for a long time, this EPA Boiler MACT rule is far from perfect. But the trouble is the bill we have before us today is even further from perfect because it doesn't just give EPA time to reconsider the rule; it tells EPA they can't issue a new rule for at least 15 months. But there's no deadline for final action. Further, it practically rewrites sections 112 and 129 of the Clean Air Act by eliminating the need for numeric emission limits for MACT standards.

But perhaps the most egregious to me was section 3 of the bill. It once again rewrites the Clean Air Act. The Clean Air Act provides for 3 years for compliance with MACT standards with the possibility of a 4th. Section 3 of this bill tells us to throw that out. It tells us that for the Boiler MACT rule, compliance cannot be required for at least 5 years. However, it then says to the EPA administrator, it gives the administrator the ability to establish compliance dates. So depending on who the administrator is at the time these rules are finalized, compliance could be required in 5 years, in 10 years, in 50

years, in 105 years. That's just unacceptable, and that's why I'm offering this amendment today.

I support many of the things in this bill and I recognize the need for a re-proposal of this rule, but I don't support 5 years to infinity for compliance. And so this amendment will simply require that we go back to the established compliance time lines in the Clean Air Act. It even gives the possibility for an additional year of compliance if a compelling reason is found.

I urge my colleagues to support this amendment and make this a bill that we can all support when it comes for final passage.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Chairman, we all have great respect for the gentleman from Pennsylvania, and you could make some very good arguments for his amendment. Basically, he said the amendment would set a 3-year compliance date and allow a case-by-case extension for up to 2 years if the administrator of the EPA determined that there was a compelling need, and that's reasonable.

But one of the problems that we continue to run into on these Boiler MACT rules, and all the hearings have pointed this out: the fact that lawsuits are always being filed and litigation is continually going on at EPA and consent decrees are being entered into, and it's an ever-changing situation over there on the exact rule.

□ 1330

The one argument that we hear continually from the affected groups is that they need certainty, and even on a case-to-case basis, if the administrator determines a compelling need, we don't have that 100 percent certainty that we really want. And so our legislation does say that within 15 months, they have to come back with the promulgation of a new rule, and it does say that the administrator shall establish a date for compliance no earlier than 5 years after the effective date of the regulation, and it does say that the EPA administrator may provide additional time if he or she chooses to do so. Just looking at the track record of EPA, I don't suspect that they would be doing that a lot, but they might. But they do have to set a compliance date. We say you must set a compliance date not earlier than 5 years.

Mr. DOYLE. Will the gentleman yield?

Mr. WHITFIELD. I would be happy to yield.

Mr. DOYLE. I would say to my friend—and this is my good friend—I'm with you all the way right till the very end. The one concern that we have is

you say that the compliance date can't be any less than 5 years. If you would have just said that compliance shall be at 5 years, that there's a date certain, the problem with your legislation is there's no date certain. It sort of says to the administrator, it can't be sooner than 5 years, but it could be as long as you determine that you want it to be. It could theoretically be a hundred years. I'm not saying it would be a hundred years, but theoretically speaking.

We realize that the proposed rule has flaws and it needs to be reworked. I'm with you on the 15-month rewrite, and we're working with industries right in Pittsburgh with EPA on this as we speak. What concerns many of us is that there's no time line, there's no end line, for compliance in your legislation. You say no less than 5 years, but you never say when is the final deadline. All this amendment asks for is to go back to the Clean Air Act where there's some definition. It's 3 years with the possibility of additional time if the case calls for it. I think if we could get some sort of a finalized deadline on compliance, that you could get a lot of support on this side of the aisle and possibly even pass this bill. As it's written today, it makes it impossible for those of us that are sympathetic to a lot of what is in this bill to be able to support it, and I think it makes it difficult for the President to sign it and for it to pass the Senate.

I would just ask my friend, as we consider this legislation, that we at least give some certainty to the folks who want their air clean that at some point there's going to be a line that says, this is the end date, this is when you comply, not some date in the future that's not defined in the bill.

I thank my friend for yielding.

Mr. WHITFIELD. I thank the gentleman for his comment. Those are very good thoughts and very good ideas. As you know, a similar bill has been introduced in the Senate. We don't know if it's going to pass or not. If it does pass, we want to be able to go into conference with as much flexibility as possible. That's why we chose a 5-year period instead of a 3-year period, recognizing that there is some uncertainty in both the 3-year and the 5-year. Under your situation if there's a compelling need, on a case-by-case basis, they could extend it. In ours, the administrator under certain circumstances could extend it. We do have some Democratic support. We would love to have your support. If we get into conference, that is one of the parts of this bill that we hope that we can negotiate with the other side and come up with something that's satisfactory for both.

I really appreciate your bringing it to our attention and offering your amendment. As I have said, with as much reluctance as I have, I still will

have to oppose it and hopefully we can work it out in conference with the other body.

Mr. DOYLE. If my friend could yield one more second, I would just say to you, if your bill simply had a 5-year compliance deadline and the Clean Air Act said 3 years with the possibility of an extension, I think you would have something that many of us would consider because you would have a 5-year deadline. You don't have a deadline. That's my problem. You have a no-sooner-than, but you don't have a deadline.

I thank my friend.

Mr. WHITFIELD. I yield back the balance of my time.

Mr. GRIFFITH of Virginia. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFITH of Virginia. Mr. Chairman, I would have to rise in opposition to the amendment. I agree with many of the comments that were made in regard to everybody trying to be reasonable and work some things out on this, but one of the concerns that I have and the reason that the language is as it is in the bill, which says that it's 5 years unless there's an extension by the administrator, is that in the real world sense of things, many companies find it difficult to hit the target, and I would hate to see us losing jobs because we had 5 years and 1 month. Under this amendment if they needed 5 years and 1 month or 5 years and 6 months to comply, then they would not be in compliance, and it may very well cost jobs and cause a company to make a decision that they don't think they can make it.

In real world examples, everything is not perfect, and I have discussed this several times, but one of the factories in my area of the Celanese company, they have to see what the regs look like, then they have to see if they can retool for using coal. That takes time to figure out whether they can retool their facility to meet the compliance. If they can't meet the compliance, then what about natural gas or some other fuel source? Well, guess what? They don't have a natural gas line coming into the community where they're located that would have enough natural gas in it for any industrial purpose. As a result of that, they then have to try to figure out how they're going to cross rivers and mountains in order to get natural gas into that community in order to keep those jobs available.

The problem with this amendment is it is a solid 5 years and you're done. What we're trying to do with the bill overall, while we want to be reasonable and we want to try to work something out, we want to also have the EPA administrator in a position that in real world circumstances, with real world jobs, not in the ivory towers of the universities necessarily or even here in

the ivory towers of Washington, but out there on the hustings, the real world jobs have to be taken into account, and sometimes it takes 5 years and 1 month or 5 years and 6 months. That's why I would urge that we defeat this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. DOYLE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

Mr. WHITFIELD. I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, had come to no resolution thereon.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. JACKSON of Illinois. Mr. Speaker, I offer the resolution previously noticed.

The SPEAKER pro tempore (Mr. YODER). The Clerk will report the resolution.

The Clerk read as follows:

Whereas on October 2, 2011, the Washington Post reported a story called "Rick Perry And A Word Set On Stone";

Whereas upon reading that story the vast majority of people in the United States were morally outraged;

Whereas most of the facts in this resolution come from that Washington Post story;

Whereas Governor Rick Perry has described a childhood in Haskell County in Paint Creek, Texas, as centered on Boy Scouts, school, and church;

Whereas Texas Governor Rick Perry is from West Texas and was originally a Southern Democrat—often known as Dixiecrats—who switched parties in the late 1980s to become a Republican and is currently a leading Republican presidential candidate;

Whereas ranchers who once grazed cattle on the 1,070-acre parcel in Throckmorton County on the Clear Fork of the Brazos River—near where Governor Perry was raised in Paint Creek, Texas—it has since become a hunting ground that was called by the name "Niggerhead" well before Governor Perry and his father, Ray, began hunting there in the early 1980s even though there is

no definitive account of when the rock first appeared on the property;

Whereas the use of the term "Niggerhead" to describe a hunting retreat is morally offensive;

Whereas Ronnie Brooks, a local resident who guided a few turkey shoots for Governor Perry between 1985 and 1990, said he holds Governor Perry "in the highest esteem" but said this of the rock at the camp: "It kind of offended me, truthfully";

Whereas Haskell County Judge David Davis, sitting in his courtroom and looking at a window there, said the word was "like those are vertical blinds. It's just what it was called. There was no significance other than a hunting deal"—in other words, the judge was morally vacuous;

Whereas the name of this particular parcel did not change for years and for many remained the same after it became associated with Rick Perry, first as a private citizen, then as a State official, and finally as Texas Governor;

Whereas some local residents still call it by the morally repugnant name "Niggerhead";

Whereas as recently as this summer, the slab-like rock—lying flat, portions of the name still faintly visible beneath a coat of white paint—remained by the gated entrance to the camp;

Whereas asked last week about the name, Governor Perry said the word on the rock is an offensive name that has no place in the modern world—implying that it may have been okay and had an appropriate place in that community when he was growing up;

Whereas Mae Lou Yeldell has lived in Haskell County, Texas, for 70 years and recalls the racism she faced in the 1950s and 1960s in West Texas, when being called an offensive name—like Whites greeting Blacks with "Morning nigger"—was "like a broken record";

Whereas Throckmorton County, where the hunting camp is located near Haskell County, was for years considered a virtual no-go zone for African-Americans because of old stories told by locals about the lynching of an African-American man there;

Whereas Haskell County began observing Martin Luther King Jr. Day just two years ago according to a county commissioner in Haskell County;

Whereas Governor Perry grew up in a segregated era whose history has defined and complicated the careers of many Southern politicians;

Whereas Governor Perry has spoken often about how his upbringing in this sparsely populated farming community influenced his conservatism;

Whereas Governor Perry says he mentioned the offensive word on the rock to his parents shortly after they had signed a lease and he had visited the property, and they rather immediately painted over the word during the next July 4 holiday, but seven people interviewed by the Washington Post said they still saw the word on the rock at various points during the years that the Perry family was associated with the property through his father, partners, or his signature on a lease;

Whereas another local resident who visited the property with Governor Perry and the legislators he brought there to go hunting recalled seeing the rock with the name clearly visible;

Whereas how, when, or whether Governor Perry dealt with it when he was using the property isn't clear and adds a dimension to the emerging biography of Governor Perry

who quickly moved into the top tier of Republican presidential candidates when he entered the race in August; and

Whereas Herman Cain is the only Republican presidential candidate to criticize Governor Rick Perry for being “insensitive” when the word was not immediately condemned, but we would remind Herman Cain that the word is not only “insensitive”, but is also “offensive”: Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls on Governor Rick Perry to apologize for not immediately doing away with the rock that contained the word “Niggerhead” at the entrance of a ranch he was leasing and on which he was taking friends, colleagues, and supporters to hunt;

(2) calls on Governor Rick Perry’s presidential rivals, who have not yet made strong statements of outrage over the rock that contained the word, to do so;

(3) calls upon Governor Rick Perry to condemn the use of this word as being totally offensive and inappropriate at anytime and anywhere in United States history; and

(4) calls upon Governor Rick Perry to list the names of all lawmakers, friends, and financial supporters he took with him on his hunting trips at “Niggerhead”.

The SPEAKER pro tempore. Does the gentleman from Illinois wish to present argument on why the resolution is privileged under rule IX to take precedence over other questions?

Mr. JACKSON of Illinois. Very quickly, Mr. Speaker, just before you do rule, the House of Representatives does have a history of passing resolutions that have been privileged in the past on questions that are offensive and morally repugnant to many Americans.

There was a minister on the south side of Chicago, for example, for which this House took up a particular resolution and denounced that minister for language that he used on numerous occasions against minorities in the United States.

Consistent with the language with this resolution that I have offered, the House has taken a position in the past that allows Members of Congress to express their consciences and their sentiments about the matters that are in front of us.

Now, as a Member of Congress and a member of this institution, my final argument is that each one of these Presidential candidates, whether they are on the Democratic side or on the Republican side, stands the chance to stand in front of us and provide us with a state of the Union address—a state of our country’s fiscal health, its social health, its mental health, its physical health—and protect us from enemies both foreign and domestic.

If my motion for someone who might stand in front of me as a Member of Congress and share with me their vision potentially of the United States fails today, it simply suggests that the Congress of the United States is painting over a profound problem that exists in this Nation.

I know that my time has expired for making my argument; but I personally

would be offended that the Congress of the United States would not understand the gravity of this resolution by granting Members an opportunity to vote on the specific arguments laid out by The Washington Post for which they’ve offered their story.

Mr. Speaker, “nigger” is offensive.

“Niggerhead” is offensive.

And for a Governor of one of the great States of our Nation to hunt at Niggerhead Ranch, it’s offensive; and I think that I am expressing the moral outrage of all Americans.

I thank the gentleman for allowing me to make my argument.

The SPEAKER pro tempore. The Chair is prepared to rule.

The resolution offered by the gentleman from Illinois makes several assertions about the Governor of a State and proposes that the House call upon the Governor and others to take certain actions with regard to these assertions.

In order to qualify as a question of the privileges of the House under rule IX, the resolution must address “the rights of the House collectively, its safety, dignity, or the integrity of its proceedings.” The resolution seeks to express the position of the House toward the actions of others outside of the House without any tangible connection to the House or its proceedings.

A resolution merely asserting the position of the House with regard to an external issue cannot be the basis of a question of privilege. As articulated by the Chair most recently on September 23, 2010, according privilege to such a resolution would allow any Member to place before the House at any time whatever topic he or she might deem advisable. In such an environment, anything could be privileged, so nothing would enjoy true privilege.

The Chair finds that the resolution does not affect “the rights of the House collectively, its safety, dignity, or the integrity of its proceedings” within the meaning of clause 1 of rule IX and, therefore, does not qualify as a question of the privileges of the House.

Mr. JACKSON of Illinois. Mr. Speaker, with all due respect, I appeal the ruling of the Chair, and I would hope that my colleagues would support my appeal.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. WHITFIELD. Mr. Speaker, I move to table the gentleman’s motion to appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to lay the appeal on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. JACKSON of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 231, nays 173, not voting 29, as follows:

[Roll No. 765]

YEAS—231

Adams	Granger	Nunnelee
Aderholt	Graves (GA)	Palazzo
Akin	Graves (MO)	Paul
Alexander	Griffin (AR)	Pearce
Amash	Griffith (VA)	Pence
Amodei	Grimm	Petri
Austria	Guinta	Pitts
Bachus	Guthrie	Platts
Barletta	Hall	Pompeo
Bartlett	Hanna	Posey
Barton (TX)	Harper	Price (GA)
Benishek	Harris	Quayle
Berg	Hartzler	Reed
Biggert	Hastings (WA)	Rehberg
Blibray	Hayworth	Reichert
Bilirakis	Heck	Renacci
Bishop (UT)	Hensarling	Ribble
Black	Herger	Rigell
Blackburn	Herrera Beutler	Rivera
Bono Mack	Huelskamp	Roby
Boustany	Huizenga (MI)	Roe (TN)
Brady (TX)	Hultgren	Rogers (AL)
Brooks	Hunter	Rogers (KY)
Broun (GA)	Hurt	Rogers (MI)
Buchanan	Issa	Rohrabacher
Bucshon	Jenkins	Rokita
Buerkle	Johnson (IL)	Rooney
Burgess	Johnson (OH)	Ros-Lehtinen
Burton (IN)	Johnson, Sam	Roskam
Camp	Jones	Ross (FL)
Canseco	Jordan	Royce
Cantor	Kelly	Runyan
Capito	King (IA)	Ryan (WI)
Carter	King (NY)	Scalise
Cassidy	Kingston	Schilling
Chabot	Kinzinger (IL)	Schmidt
Chaffetz	Kline	Schock
Coffman (CO)	Labrador	Schweikert
Cole	Lamborn	Scott (SC)
Conaway	Lance	Scott, Austin
Cravaack	Landry	Sensenbrenner
Crawford	Lankford	Sessions
Crenshaw	Latham	Shimkus
Cuellar	LaTourette	Shuster
Culberson	Latta	Simpson
Davis (KY)	Lewis (CA)	Smith (NE)
Denham	LoBiondo	Smith (NJ)
Dent	Long	Smith (TX)
DesJarlais	Lucas	Southerland
Diaz-Balart	Luetkemeyer	Stearns
Dreier	Lummis	Stivers
Duffy	Lungren, Daniel	Stutzman
Duncan (SC)	E.	Sullivan
Duncan (TN)	Mack	Terry
Ellmers	Manzullo	Thompson (PA)
Emerson	Marchant	Thornberry
Farenthold	Marino	Tiberi
Fincher	McCarthy (CA)	Tipton
Fitzpatrick	McCaul	Turner (NY)
Flake	McClintock	Turner (OH)
Fleischmann	McCotter	Upton
Fleming	McHenry	Walberg
Flores	McKeon	Walden
Forbes	McKinley	Walsh (IL)
Fortenberry	McMorris	Webster
Fox	Rodgers	West
Franks (AZ)	Meehan	Westmoreland
Frelinghuysen	Mica	Whitfield
Gallegly	Miller (FL)	Wilson (SC)
Gardner	Miller (MI)	Wittman
Garrett	Miller, Gary	Wolf
Gerlach	Mulvaney	Womack
Gibbs	Murphy (PA)	Woodall
Gibson	Myrick	Yoder
Gingrey (GA)	Neugebauer	Young (AK)
Gohmert	Noem	Young (FL)
Goodlatte	Nugent	Young (IN)
Gosar	Nunes	

NAYS—173

Ackerman	Becerra	Braley (IA)
Altmire	Berkley	Brown (FL)
Andrews	Berman	Butterfield
Baca	Bishop (GA)	Capps
Baldwin	Bishop (NY)	Capuano
Barrow	Boswell	Cardoza
Bass (CA)	Brady (PA)	Carnahan

Carney	Hinchey	Pallone
Carson (IN)	Hinojosa	Pascarell
Castor (FL)	Hirono	Pastor (AZ)
Chandler	Hochul	Payne
Chu	Holt	Perlmutter
Cicilline	Honda	Peters
Clarke (MI)	Inslee	Peterson
Clarke (NY)	Israel	Pingree (ME)
Clay	Jackson (IL)	Price (NC)
Cleaver	Jackson Lee	Rahall
Clyburn	(TX)	Rangel
Cohen	Johnson (GA)	Reyes
Connolly (VA)	Johnson, E. B.	Richardson
Conyers	Kaptur	Richmond
Cooper	Keating	Ross (AR)
Costello	Kildee	Rothman (NJ)
Courtney	Kind	Roybal-Allard
Critz	Kissell	Ruppersberger
Cummings	Kucinich	Rush
Davis (CA)	Langevin	Ryan (OH)
Davis (IL)	Larsen (WA)	Sanchez, Loretta
DeFazio	Larson (CT)	Sarbanes
DeGette	Lee (CA)	Schakowsky
DeLauro	Levin	Schiff
Deutch	Lewis (GA)	Schrader
Dicks	Lipinski	Schwartz
Dingell	Loebach	Scott (VA)
Doggett	Lofgren, Zoe	Serrano
Donnelly (IN)	Lowe	Sewell
Doyle	Lujan	Sherman
Edwards	Lynch	Sires
Ellison	Maloney	Slaughter
Engel	Markey	Speier
Eshoo	Matheson	Stark
Farr	Matsui	Sutton
Fattah	McCarthy (NY)	Thompson (CA)
Filner	McCollum	Thompson (MS)
Frank (MA)	McDermott	Tierney
Fudge	McGovern	Tonko
Garamendi	McIntyre	Towns
Gonzalez	McNerney	Tsongas
Green, Al	Meeks	Van Hollen
Green, Gene	Miller (NC)	Velázquez
Grijalva	Miller, George	Visclosky
Gutierrez	Moore	Walz (MN)
Hahn	Moran	Waters
Hanabusa	Murphy (CT)	Watt
Hastings (FL)	Nadler	Waxman
Heinrich	Napolitano	Welch
Higgins	Neal	Woolsey
Himes	Owens	Yarmuth

NOT VOTING—29

Bachmann	Giffords	Quigley
Bass (NH)	Gowdy	Sánchez, Linda
Blumenauer	Holden	T.
Bonner	Hoyer	Scott, David
Boren	Michaud	Shuler
Calvert	Olson	Smith (WA)
Campbell	Oliver	Wasserman
Coble	Paulsen	Schultz
Costa	Pelosi	Wilson (FL)
Crowley	Poe (TX)	
Dold	Polis	

□ 1416

Messrs. NEAL, HIGGINS, AL GREEN of Texas, Ms. EDWARDS, Ms. BERKLEY, Ms. SPEIER, and Ms. SCHWARTZ changed their vote from “yea” to “nay.”

Messrs. STIVERS, HUNTER, MANZULLO, GINGREY of Georgia, DUFFY, KELLY, and Mrs. LUMMIS changed their vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DOLD. Madam Speaker, on rollcall No. 765 I was unavoidably detained in Committee with Secretary Geithner. Had I been present, I would have voted “yea.”

Stated against:

Ms. PELOSI, Madam Speaker, on rollcall No. 765 I was detained at an official event. Had I been present, I would have voted “nay.”

Mr. SCOTT of Georgia. Madam Speaker, on rollcall vote 765, I was unavoidably detained by a conflicting vote and questioning occurring at the same time in the Financial Services Committee meeting. Had I been present, I would have voted “nay.”

EPA REGULATORY RELIEF ACT OF 2011

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2250.

□ 1416

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, with Mr. YODER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 4 printed in the CONGRESSIONAL RECORD, offered by the gentleman from Pennsylvania (Mr. DOYLE), had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 9 by Mr. WAXMAN of California.

Amendment No. 6 by Mr. RUSH of Illinois.

Amendment No. 15 by Ms. HAHN of California.

Amendment No. 16 by Mrs. CAPPS of California.

Amendment No. 4 by Mr. DOYLE of Pennsylvania.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 9 OFFERED BY MR. WAXMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 167, noes 243, not voting 23, as follows:

[Roll No. 766]

AYES—167

Ackerman	Gibson	Murphy (CT)
Altmire	Gonzalez	Nadler
Andrews	Green, Al	Napolitano
Baca	Green, Gene	Neal
Baldwin	Grijalva	Pallone
Bass (CA)	Gutierrez	Pascarell
Becerra	Hahn	Pastor (AZ)
Berkley	Hanabusa	Payne
Berman	Hastings (FL)	Perlmutter
Bishop (GA)	Heinrich	Peters
Bishop (NY)	Higgins	Pingree (ME)
Boswell	Himes	Price (NC)
Brady (PA)	Hinchey	Rangel
Braley (IA)	Hinojosa	Reyes
Brown (FL)	Hirono	Richardson
Capps	Hochul	Richmond
Capuano	Holt	Rothman (NJ)
Carnahan	Honda	Roybal-Allard
Carney	Hoyer	Ruppersberger
Carson (IN)	Inslee	Rush
Castor (FL)	Israel	Ryan (OH)
Chandler	Jackson (IL)	Sanchez, Loretta
Chu	Jackson Lee	Sarbanes
Cicilline	(TX)	Schakowsky
Clarke (MI)	Johnson (GA)	Schiff
Clarke (NY)	Johnson, E. B.	Schwartz
Clay	Kaptur	Scott (VA)
Cleaver	Keating	Scott, David
Clyburn	Kildee	Serrano
Cohen	Kissell	Sewell
Connolly (VA)	Kucinich	Sherman
Conyers	Langevin	Sires
Cooper	Larsen (WA)	Slaughter
Costello	Larson (CT)	Smith (NJ)
Courtney	Lee (CA)	Speier
Crowley	Levin	Stark
Cummings	Lewis (GA)	Sutton
Davis (CA)	Lipinski	Thompson (CA)
Davis (IL)	Loebach	Thompson (MS)
DeFazio	Lofgren, Zoe	Tierney
DeGette	Lowe	Tonko
DeLauro	Lujan	Towns
Deutch	Lynch	Tsongas
Dicks	Maloney	Van Hollen
Dingell	Markey	Velázquez
Doggett	Matsui	Visclosky
Doyle	McCarthy (NY)	Walz (MN)
Edwards	McCollum	Wasserman
Ellison	McDermott	Schultz
Engel	McGovern	Waters
Eshoo	McIntyre	Watt
Farr	McNerney	Waxman
Fattah	Meeks	Welch
Filner	Miller (NC)	Woolsey
Frank (MA)	Miller, George	Yarmuth
Fudge	Moore	
Garamendi	Moran	

NOES—243

Adams	Burgess	Donnelly (IN)
Aderholt	Burton (IN)	Dreier
Akin	Butterfield	Duffy
Alexander	Camp	Duncan (SC)
Amash	Canseco	Duncan (TN)
Amodei	Cantor	Ellmers
Austria	Capito	Emerson
Bachus	Cardoza	Farenthold
Barletta	Carter	Fincher
Barrow	Cassidy	Fitzpatrick
Bartlett	Chabot	Flake
Barton (TX)	Chaffetz	Fleischmann
Benishke	Coffman (CO)	Fleming
Berg	Cole	Flores
Biggart	Conaway	Forbes
Billray	Costa	Fortenberry
Billirakis	Cravaack	Fox
Bishop (UT)	Crawford	Franks (AZ)
Black	Crenshaw	Frelinghuysen
Blackburn	Critz	Galleghy
Bono Mack	Cuellar	Gardner
Boustany	Culberson	Garrett
Brady (TX)	Davis (KY)	Gerlach
Brooks	Denham	Gibbs
Broun (GA)	Dent	Gingrey (GA)
Buchanan	DesJarlais	Gohmert
Bucshon	Diaz-Balart	Goodlatte
Buerkle	Dold	Gosar

Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.

Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)

Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—23

Bachmann
Bass (NH)
Blumenauer
Bonner
Boren
Calvert
Campbell
Coble

Giffords
Holden
King (NY)
Olson
Oliver
Pelosi
Poe (TX)
Polis

Quigley
Rogers (KY)
Sánchez, Linda
T.
Schweikert
Shuler
Smith (WA)
Wilson (FL)

□ 1434

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. PELOSI. Mr. Chair, on rollcall No. 766 I was detained at an official event. Had I been present, I would have voted “aye.”

AMENDMENT NO. 6 OFFERED BY MR. RUSH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. RUSH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 242, not voting 35, as follows:

[Roll No. 767]

AYES—156

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boswell
Brady (PA)
Braley (IA)
Holt
Honda
Capuano
Carmahan
Carney
Carson (IN)
Castor (FL)
Chu
Ciocline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dewhurst
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi

Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hirano
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowe
Lujan
Lynch
Maloney
Markley
Matsui
McCarthy (NY)
McCollum
McDermott
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler

Napolitano
Neal
Grijalva
Pallone
Pascarelli
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Price (NC)
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—242

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Barletta
Barrow
Bartlett
Benishok
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Butterfield
Camp
Canseco
Cantor
Capito

Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Eilms
Emerson
Farenthold
Fincher

Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foss
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hanna

Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul

McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Owens
Palazzo
Paul
Paulsen
Pearce
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul

Ros-Lehtinen
Roskam
Ross (AR)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—35

Bachmann
Bachus
Barton (TX)
Bass (NH)
Berg
Blumenauer
Bonner
Boren
Brown (FL)
Burgess
Burton (IN)
Calvert

Campbell
Coble
Fattah
Giffords
Gutierrez
Hall
Heck
Holden
Labrador
McGovern
Olson
Oliver

Pelosi
Poe (TX)
Polis
Quigley
Rangel
Ross (FL)
Sánchez, Linda
T.
Schock
Shuler
Smith (WA)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1437

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. PELOSI. Mr. Chair, on rollcall No. 767 I was detained at an official event. Had I been present, I would have voted “aye.”

PERSONAL EXPLANATION

Mr. SMITH of Washington. Mr. Speaker, this afternoon, Thursday, October 6, 2011, I was unable to be present for part of a series of recorded votes. Had I been present, I would have voted “no” on rollcall vote No. 765 (on the motion to table the appeal of the ruling of the Chair), “yes” on rollcall vote No. 766 (on agreeing to the Waxman amendment), and “yes” on rollcall vote No. 767 (on agreeing to the Rush amendment).

AMENDMENT NO. 15 OFFERED BY MS. HAHN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. HAHN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 255, not voting 27, as follows:

[Roll No. 768]

AYES—151

Ackerman	Grijalva	Nadler
Andrews	Hahn	Napolitano
Baca	Hanabusa	Neal
Baldwin	Hastings (FL)	Pallone
Bass (CA)	Heinrich	Pascarell
Becerra	Higgins	Payne
Berkley	Himes	Pelosi
Berman	Hinchey	Perlmuter
Bishop (NY)	Hinojosa	Peters
Brady (PA)	Hirono	Pingree (ME)
Braley (IA)	Hochul	Price (NC)
Capps	Holt	Reyes
Capuano	Honda	Richardson
Carney	Hoyer	Richmond
Carson (IN)	Inslee	Rothman (NJ)
Castor (FL)	Israel	Roybal-Allard
Chu	Jackson (IL)	Ruppersberger
Ciциlline	Jackson Lee	Rush
Clarke (MI)	(TX)	Ryan (OH)
Clarke (NY)	Johnson (GA)	Sanchez, Loretta
Clay	Johnson, E. B.	Sarbanes
Cleaver	Kaptur	Schakowsky
Clyburn	Keating	Schiff
Cohen	Kildee	Schwartz
Connolly (VA)	Kucinich	Scott (VA)
Conyers	Langevin	Scott, David
Cooper	Larsen (WA)	Serrano
Courtney	Larson (CT)	Sherman
Crowley	Lee (CA)	Sires
Cuellar	Levin	Slaughter
Cummings	Lewis (GA)	Smith (WA)
Davis (CA)	Lipinski	Speier
Davis (IL)	Loeb sack	Stark
DeGette	Lofgren, Zoe	Sutton
DeLauro	Lowey	Thompson (CA)
Deutch	Lujan	Tierney
Dicks	Lynch	Tonko
Dingell	Maloney	Towns
Doggett	Markey	Tsongas
Doyle	Matsui	Van Hollen
Edwards	McCarthy (NY)	Velázquez
Ellison	McCollum	Visclosky
Engel	McDermott	Walz (MN)
Eshoo	McGovern	Wasserman
Farr	McIntyre	Schultz
Fattah	Meeks	Waters
Filner	Miller (NC)	Watt
Frank (MA)	Miller, George	Waxman
Fudge	Moore	Welch
Garamendi	Moran	Woolsey
Green, Al	Murphy (CT)	Yarmuth

NOES—255

Adams	Barton (TX)	Boustany
Aderholt	Benishak	Brady (TX)
Akin	Berg	Brooks
Alexander	Biggert	Brown (GA)
Altmire	Bilbray	Buchanan
Amash	Bilirakis	Buchson
Amodei	Bishop (GA)	Buerkle
Austria	Bishop (UT)	Burgess
Bachus	Black	Burton (IN)
Barletta	Blackburn	Butterfield
Barrow	Bono Mack	Camp
Bartlett	Boswell	Canseco

Cantor	Herrera Beutler	Pitts
Capito	Huelskamp	Platts
Cardoza	Huizenga (MI)	Pompeo
Carter	Hultgren	Posey
Cassidy	Hunter	Price (GA)
Chabot	Hurt	Quayle
Chaffetz	Issa	Rahall
Chandler	Jenkins	Reed
Coffman (CO)	Johnson (IL)	Rehberg
Cole	Johnson (OH)	Reichert
Conaway	Johnson, Sam	Renacci
Costa	Jones	Ribble
Costello	Jordan	Rivera
Cravaack	Kelly	Roby
Crawford	Kind	Roe (TN)
Crenshaw	King (IA)	Rogers (AL)
Critz	King (NY)	Rogers (KY)
Culberson	Kingston	Rogers (MI)
Davis (KY)	Kinzinger (IL)	Rohrabacher
DeFazio	Kissell	Rokita
Denham	Kline	Rooney
Dent	Labrador	Ros-Lehtinen
DesJarlais	Lamborn	Ross (AR)
Diaz-Balart	Lance	Royce
Dold	Landry	Runyan
Donnelly (IN)	Lankford	Ryan (WI)
Dreier	Latham	Scalise
Duffy	LaTourette	Schilling
Duncan (SC)	Latta	Schmidt
Duncan (TN)	Lewis (CA)	Schock
Ellmers	LoBiondo	Schrader
Emerson	Long	Schweikert
Farenthold	Lucas	Scott (SC)
Fincher	Luetkemeyer	Scott, Austin
Fitzpatrick	Lummis	Sensenbrenner
Flake	Lungren, Daniel E.	Sessions
Fleischmann	Mack	Sewell
Fleming	Manzullo	Shimkus
Flores	Marchant	Shuster
Forbes	Marino	Simpson
Fortenberry	Matheson	Smith (NE)
Fox	McCarthy (CA)	Smith (NJ)
Franks (AZ)	McCaul	Smith (TX)
Frelinghuysen	McClintock	Southerland
Galleghy	McCotter	Stearns
Gardner	McKeon	Stivers
Garrett	McKinley	Stutzman
Gerlach	McMorris	Sullivan
Gibbs	Rodgers	Terry
Gibson	McNerney	Thompson (MS)
Gingrey (GA)	Meehan	Thompson (PA)
Gohmert	Mica	Thornberry
Gonzalez	Michaud	Tiberi
Goodlatte	Mittler (FL)	Tipton
Gosar	Miller (MI)	Turner (NY)
Gowdy	Miller, Gary	Turner (OH)
Granger	Mulvaney	Upton
Graves (GA)	Murphy (PA)	Walberg
Graves (MO)	Myrick	Walden
Green, Gene	Neugebauer	Walsh (IL)
Griffin (AR)	Noem	Webster
Griffith (VA)	Nugent	West
Grimm	Nunes	Westmoreland
Guinta	Nunnelee	Whitfield
Guthrie	Owens	Wilson (SC)
Hanna	Palazzo	Wittman
Harper	Pastor (AZ)	Wolf
Harris	Paul	Womack
Hartzler	Paulsen	Woodall
Hastings (WA)	Pearce	Yoder
Hayworth	Pence	Young (AK)
Heck	Peterson	Young (FL)
Hensarling	Petri	Young (IN)
Herger		

NOT VOTING—27

Bachmann	Giffords	Rangel
Bass (NH)	Gutierrez	Rigell
Blumenauer	Hall	Roskam
Bonner	Holden	Ross (FL)
Boren	McHenry	Sánchez, Linda T.
Brown (FL)	Olson	Shuler
Calvert	Olver	Wilson (FL)
Campbell	Poe (TX)	
Carnahan	Polis	
Coble	Quigley	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1442

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 16 OFFERED BY MRS. CAPPS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 254, not voting 26, as follows:

[Roll No. 769]

AYES—153

Ackerman	Green, Al	Moran
Andrews	Green, Gene	Murphy (CT)
Baca	Grijalva	Nadler
Baldwin	Gutierrez	Napolitano
Bass (CA)	Hahn	Neal
Becerra	Hanabusa	Pallone
Berkley	Hastings (FL)	Pascarell
Berman	Heinrich	Pastor (AZ)
Bishop (NY)	Higgins	Payne
Boswell	Himes	Pelosi
Brady (PA)	Hinchey	Peters
Braley (IA)	Hinojosa	Price (NC)
Capps	Hirono	Reyes
Capuano	Holt	Richardson
Carney	Honda	Richmond
Carson (IN)	Hoyer	Rothman (NJ)
Castor (FL)	Inslee	Roybal-Allard
Chu	Israel	Ruppersberger
Ciциlline	Jackson (IL)	Rush
Clarke (MI)	Jackson Lee	Ryan (OH)
Clarke (NY)	(TX)	Sanchez, Loretta
Clay	Johnson (GA)	Sarbanes
Cleaver	Johnson, E. B.	Schakowsky
Clyburn	Kaptur	Schiff
Cohen	Keating	Schwartz
Connolly (VA)	Kildee	Scott (VA)
Conyers	Kucinich	Scott, David
Cooper	Langevin	Serrano
Courtney	Larsen (WA)	Sherman
Crowley	Larson (CT)	Slaughter
Cuellar	Lee (CA)	Smith (WA)
Cummings	Levin	Speier
Davis (CA)	Lewis (GA)	Stark
Davis (IL)	Loeb sack	Sutton
DeFazio	Lofgren, Zoe	Thompson (CA)
DeGette	Lowey	Tierney
DeLauro	Lujan	Tonko
Deutch	Lynch	Towns
Dicks	Maloney	Tsongas
Dingell	Markey	Van Hollen
Doggett	Matsui	Velázquez
Doyle	McCarthy (NY)	Visclosky
Edwards	McCollum	Walz (MN)
Ellison	McDermott	Wasserman
Engel	McGovern	Schultz
Eshoo	McIntyre	Waters
Farr	McNerney	Watt
Fattah	Meeks	Waxman
Filner	Miller (FL)	Welch
Frank (MA)	Miller (NC)	Woolsey
Garamendi	Miller, George	Yarmuth
Gonzalez	Moore	

NOES—254

Adams	Bachus	Bilbray
Aderholt	Barletta	Bilirakis
Akin	Barrow	Bishop (GA)
Alexander	Bartlett	Bishop (UT)
Altmire	Barton (TX)	Black
Amash	Benishak	Blackburn
Amodei	Berg	Bono Mack
Austria	Biggert	Boustany

Campbell	Holden
Carnahan	Markey
Cleaver	McCaul
Coble	Olver
Diaz-Balart	Pence
Giffords	Pitts
Hall	Poe (TX)
Hinchev	Polis

Amodei
Austria
Bachus

an	Campbell	Holden
nn	Carnahan	Markey
()	Cleaver	McCaul
uer	Coble	Olver
	Diaz-Balart	Pence
	Giffords	Pitts
(FL)	Hall	Poe (TX)
	Hinchev	Polis

Quigley
Rangel
Reyes
Roskam

Ross (FL)
Sánchez, Linda
T.
Shuler

Sires
Welch
Wilson (FL)

□ 1450

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. WHITFIELD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CRAWFORD) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, during rollcall 765, I, along with Mr. HOYER, Congresswoman WASSERMAN SCHULTZ, Mr. CROWLEY, Mr. SMITH, and other Members, was present at the decommissioning ceremony of Commander Mark Kelly, who was there with his wife, our colleague, GABBY GIFFORDS. For that reason, we missed that rollcall vote.

For myself, had I been present, I would have voted "no" on the motion to table the resolution.

I would have voted "yes" on rollcall 766, the Waxman bill, to protect our children from mercury.

I would have voted "yes" on rollcall 767, Mr. RUSH's amendment.

My colleague, the distinguished Democratic whip, says that he and Ms. WASSERMAN SCHULTZ would have voted similarly.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2832, EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES; PROVIDING FOR CONSIDERATION OF H.R. 3078, UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT; PROVIDING FOR CONSIDERATION OF H.R. 3079, UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT; AND PROVIDING FOR CONSIDERATION OF H.R. 3080, UNITED STATES-KOREA FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-240) on the resolution (H. Res. 425) providing for consideration of

the Senate amendment to the bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes; providing for consideration of the bill (H.R. 3078) to implement the United States-Colombia Trade Promotion Agreement; providing for consideration of the bill (H.R. 3079) to implement the United States-Panama Trade Promotion Agreement; and providing for consideration of the bill (H.R. 3080) to implement the United States-Korea Free Trade Agreement, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the gentleman from Virginia, the majority leader, for the purpose of inquiring as to the schedule for the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday, the House is not in session in observation of the Columbus Day holiday. On Tuesday, the House will meet at noon for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for morning-hour debate and noon for legislative business. On Friday, the House will meet at 9 a.m. for legislative business. The last votes of the week are expected no later than 3 p.m. on Friday.

On Tuesday, the House will consider a few bills under suspension of the rules. A complete list will be announced by the close of business tomorrow. Also on Tuesday, the House will complete action on H.R. 2250, the EPA Regulatory Relief Act, and take up the rule for the three free trade agreements and the Trade Adjustment Assistance bill; therefore, Members are advised that the 6:30 p.m. vote series will be longer than usual.

On Wednesday, the House will consider H.R. 3078, the United States-Colombia Trade Promotion Agreement Implementation Act; H.R. 3079, the United States-Panama Trade Promotion Agreement Implementation Act; H.R. 3080, the United States-Korea Free Trade Agreement Implementation Act; and H.R. 2832, extending the Generalized System of Preferences, as amended by the Senate.

On Thursday, the House will consider H.R. 358, the Protect Life Act, sponsored by Representative JOE PITTS. Then finally, on Friday, the House will consider H.R. 2273, the Coal Residuals Reuse and Management Act, sponsored by Representative DAVE MCKINLEY of West Virginia.

The Boiler MACT bill, the three free trade agreements and Mr. MCKINLEY's

regulatory relief bill are all part of the House Republican plan for America's job creators.

Mr. HOYER. I thank the gentleman for his information.

Before I talk about the American Jobs Act, does the majority leader have an estimate from either CBO or any economist on how many jobs over the next 24 months might be created as a result of the passage of those bills, the bills to which you refer as the House Republican plan for America's job creators?

Mr. CANTOR. Mr. Speaker, I say to the gentleman that I am very entertained by the nature of his question since, I guess, it starts from the fact that some might believe that Congress creates jobs. But I would say in general, Mr. Speaker, that what we need to be doing here is to create an environment where entrepreneurs and small businesses and investors can actually feel confident again to put capital at risk to create jobs.

I would say to the gentleman further that the administration, itself, has accepted the notion that the passage of the three free trade agreements will have the potential—there's no guarantee—but the potential of the creation of a quarter of a million jobs.

Again, there have been a lot of promises made in this town, Mr. Speaker, about how we're going to control the level of unemployment and make sure it doesn't go beyond certain points connected with the stimulus bill, but I think the American people have had just about enough of broken promises. So we are proceeding with a focus, a focus like a laser, on creating an environment for entrepreneurs and small businesses to create jobs without making promises, Mr. Speaker, that will then let people down. We're trying to regain the confidence of the people and put some sensible regulatory policy in place with a lower tax environment so we can see growth return to a badly needed macroeconomic environment.

Mr. HOYER. I thank the gentleman for that answer.

What I took from that answer is there is no estimate of jobs that might be created in the next 24 months. That's what I took from your answer.

In terms of not creating jobs but creating an environment, I agree with the gentleman that we need to create an environment for jobs, but I don't believe that I've seen any estimates that your agenda will create jobs. As a matter of fact, I've seen the opposite.

Mr. Bruce Bartlett, the former adviser to President Ronald Reagan and George H.W. Bush, was quoted just a few days ago. I know the gentleman is smiling because he knows this quote:

"Republicans have a problem. People are increasingly concerned about unemployment, but Republicans have nothing to offer them," Mr. Bartlett said, not me. "The GOP opposes additional government spending for jobs

programs and, in fact, favors big cuts in spending that," Mr. Bartlett said, "would be likely to lead to further layoffs at all levels of government."

He goes on to say:

"Republicans favor tax cuts for the wealthy and corporations, but these had no stimulative effect during the George W. Bush administration"—of course, we lost 8 million jobs, as the gentleman will recall, during that period of time—"and there is no reason to believe that more of them will have any today."

□ 1500

He goes on to say: "And the Republicans' oft-stated concern for the deficit makes tax cuts a hard sell. On August 29, the House majority leader, ERIC CANTOR of Virginia, sent a memorandum to members of the House Republican Conference telling them to make the repeal of job-destroying regulations."

This is Mr. Bartlett, former Reagan aide and former aide to George H.W. Bush, both Republican Presidents. Mr. Bartlett goes on to say: "Evidence supporting Mr. CANTOR's contention that deregulation would increase employment is very weak. As one can see, the number of layoffs nationwide caused by government regulation is minuscule and shows no evidence of getting worse during the Obama administration."

Mr. Reagan was quoted, we have a nice quote, I am sure you have seen it, that indicates that people ought to pay their fair share of taxes as well.

The President has offered the American Jobs Act. He has offered the American Jobs Act and economist after economist after economist says that it will create jobs. It will create jobs by creating an environment, by giving more money to small businesses, giving more money to consumers in their pocket.

I know your side has talked a lot about that and that as a result of both businesses having more money in their pocket and consumers having more money in their pocket, that that environment of which you speak will be created, and a number of people think that they will create significant numbers of jobs as a result.

As a matter of fact, the macroeconomic advisers projected the plan would add roughly 1.25 percentage points to GDP, to gross domestic product, and create 1.3 million jobs.

JPMorgan Chase estimated the plan would increase growth by almost 2 points and add 1.5 million jobs. Moody's Analytics forecast the package would add almost 2 million jobs, 1.9 million jobs, cutting the unemployment rate by a point and increase growth by 2 percentage growth points. Now, I know my friend may disagree with those figures, and may disagree with Mr. Bartlett's comment, I am sure you do.

My point is this, we don't have any bill on the floor that we have had over the last 9 months or that is projected, that is projected to increase jobs in the short term. The gentleman knows he and I agree on the trade bills. I think long term that's correct; but the American people, as President Obama observed, can't wait 14 months for the next election. They are struggling, in pain, and at risk today.

And the gentleman last week, or 2 weeks ago, in our colloquy said that there are a number of things, items in the jobs bill on which the gentleman agrees or his party agrees: bonus depreciation, incentives for veterans jobs training programs, infrastructure, small business tax cuts, unemployment insurance reform. The gentleman referenced those on the floor. Clearly there ought to be some areas where we can get agreement.

Yesterday, as the gentleman may have noted on the floor, in the debate I stated that we were debating a regulatory bill that would have no immediate effect on jobs. Your contention is it would depress jobs in the future if that rule were adopted, but I don't think there was any contention during the time of the debate that that would create jobs.

Having said that, I am wondering whether the gentleman has any intention of bringing either the President's jobs bill or a jobs bill that your side would offer, or a jobs bill that the President has offered, to the American people and to this Congress which would be open for amendment and change by your side and by our side in an effort to respond to the American people's great concern that we are not taking actions which are effectively growing jobs in this country.

I yield to my friend.

Mr. CANTOR. I thank the gentleman for all that information.

Mr. HOYER. I knew you would be happy to receive it.

Mr. CANTOR. I just say to the gentleman, in quoting Moody's Analytics, perhaps what he portrays as our way forward, Moody's chief economist was also the one that made the prediction of an unemployment rate that would not exceed 8 percent as a result of passage of the stimulus bill.

And it makes my point, Mr. Speaker, that the people in this country are tired of Washington making promises it doesn't keep. We're trying to abide by the trust that the people put in us to try and deliver results.

And right now, as the gentleman correctly points out, the economy is in bad shape. We are trying to do all we can to not only put money in people's pockets, because if there were unlimited money, that would be fine. But what we are trying to do is to encourage investment. We're trying to encourage economic activity so we can see growth happen and occur and jobs created.

That's the way it's done in America, is that we need the private sector to take hold of a signal from Washington that we do believe in free enterprise, that we're not about this government dictating where activity must occur, where and who is deserving of government support.

I mean, this is the essence, I think, of our difference, Mr. Speaker. We're trying to set aside the divide, because clearly we don't agree with the President's approach thus far. We didn't agree with the stimulus approach, and I think the facts have borne out that we were right, that stimulus spending out of this government did not produce the results that the administration promised.

We believed then and we believe now the key to economic growth going forward is to increase the competence, is to bolster the entrepreneurial private sector in this country. It's about innovation. From innovation comes jobs, comes manufacturing; but we need to get Washington out of the way and out of the business of creating harm.

The gentleman, Mr. Speaker, quotes all kinds of people; but I can quote my constituents, as I am sure many of his go to him and say can you stop making it so difficult for us to create or run a business? We need to be a startup country again, Mr. Speaker, and we need to see that type of economic activity. That's what will bring on growth.

So what we have said is, no, the President's all-or-nothing approach is unacceptable. It has been rejected by the American people. They don't want the my-way-or-highway kind of conduct.

And what we see out there, Mr. Speaker, is some conduct on the part of the administration that is just not becoming and of a helpful mode. How is it helpful out there to aim at particular sectors of industry, to aim at business in general when we're wanting the businesses to create the jobs?

So what we have said is, no, we are not for voting on tax increases in this House, which is what the President's proposal is about. We're not for accepting his desire to make it more difficult for charities to be successful. That's what's in the President's plan. I'm sure the gentleman would not agree that we ought to limit deductions to charities, and that's what the President's bill does, something that's not very helpful in today's economy when people are so in need of help by charities.

So we said, fine, set aside those differences and let's look at where we can agree. So we said we'll bring the trade agreements to the floor. We've been asking for that, as has the gentleman. And I will say, Mr. Speaker, he has been a stalwart of trying to help get those bills through, and I appreciate that, as do many of the Members on both sides who support free and fair trade.

But I would say we also note the President's remarks in his speech to the joint session where he said he would support our efforts in regulatory relief so that we can make it easier. We can make it easier for people going into business in a sensible way. We continue to bring bills forward on that note every week. We brought two forward this week and, as I indicated earlier, will again next week.

We will also be bringing forward the 3 percent withholding bill at the end of October that the gentleman well knows is a big concern to not only, to not only the private sector, but also to institutions like public universities that have already come and approached me and said, you know what, if you don't do something to remove that requirement, we're going to end up having to pay more for our contracts to our vendors.

□ 1510

So we're bringing that bill to the floor. We also are having bills that will come out of the Financial Services Committee that echo what the President said in his speech to us, that echo the President's stated desire to want to help small businesses access financing. We've got to make sure that we're doing everything there so it's not so difficult. We also intend to bring forward measures towards helping small businesses take advantage of their expenses so they can expense the costs that they incur to grow their businesses and take advantage of that to see if we can grow.

Lastly, Mr. Speaker, the gentleman indicates we need to have hearings and we need to do things on the President's jobs bill. I think we've indicated, and again, the Ways and Means Committee had hearings related to unemployment insurance reform, something that the President indicated that he wanted to do.

So, Mr. Speaker, no, we're not going to bring up the President's bill in whole because we don't believe in raising taxes and in more stimulus spending, but we are going to take the parts that we can agree on. And we've taken that posture again and again. It's a reasoned approach when you have two sides that have disagreement to say we're going to focus on commonality and transcend those differences.

Mr. HOYER. I thank the gentleman for his comments.

First of all, let me say that the gentleman knows full well that the President's jobs bill does not include revenues. The President suggested in the short term—and we ought not to raise revenues, as a matter of fact. In the short term, what we need to do is put more money back into people's pockets.

The jobs bill, he did suggest ways to pay for that. And he suggested, as did Bowles-Simpson and Rivlin-Domenici,

that that be paid for in the coming years so we do not dampen down the economy at the same time we are trying to stimulate the economy.

The gentleman says that the bill, the American Recovery and Reinvestment Act, didn't work, and his comment was that the economy is in bad shape. Yes, the economy is in bad shape. It started being in bad shape in 2007, as the gentleman knows, when we went into the deepest recession he and I have experienced in our lifetime. And it remained in place, and the year that this President took office, we lost 786,000 jobs that month. After we passed the Recovery Act, as the gentleman knows, I'm sure, we created 2 million jobs over the last 24 months. The fact of the matter is it worked. Unfortunately, almost no economist understood the depth to which the recession had taken us.

The gentleman didn't support the Recovery Act—I understand that—nor did his party. Perhaps those 2 million jobs would not have been created. In fact, there was another bill, of course—the gentleman hates history, I know—that was passed that created 22 million jobs that no Republican supported. So I tell you, my friend, that when we compare economic performance of policies, one has created a lot of jobs and one lost a lot of jobs in the last decade.

And I will tell my friend when he says that the American people don't support the jobs bill, in fact, I want to tell my friend The Washington Post-ABC news poll says 52 percent of Americans support the American Jobs Act, and 58 percent of Americans believe the American Jobs Act will improve the jobs situation, including in that number 52 percent of Independents. In a Gallup poll, Americans support Obama's plan to pay for the American Jobs Act, 70 percent of Americans support increasing taxes on some corporations by eliminating certain deductions. I think some of your Republicans have said the same thing. Sixty-six percent support increasing revenues on individuals earning at least \$200,000. Now, again, the President did not suggest doing that now, as the gentleman knows, just as the commissions did not suggest doing that now.

But what I have said to the gentleman and what I believe to be the case, and he says the Ways and Means Committee had a hearing today, that hearing was not on a comprehensive jobs package. It was on an important issue, no doubt about that, but there has been no comprehensive effort to put together in the short term a bill which will bring jobs to Americans that they need now.

The President's bill, we believe, will do that. We understand that there may be opposition. We also understand that there may be change. But there has been no vehicle brought to this floor since the President spoke over 2 weeks ago to allow this House to work its

will. You may have the majority of votes on it, but let the American people see who wants to create jobs. The gentleman says we don't create jobs. He is exactly right in a certain sense; but in another sense, as he says, we create an environment in which jobs are created, in which the economy grows, and in which people feel comfortable.

One of the things I want to say to my friend that I hope he would be for, my own belief is that one of the things that will most raise confidence will be to have the select committee of 12 come to an agreement on cutting \$4 trillion over the next 10 years so that we can get the fiscal house in America in order and to do so by a balanced approach with everything, all of our expenses and revenues, on the table. I would hope my friend would join me in urging the select committee to do that, because I frankly think that is the one thing we could do that will raise the most confidence—not only here at home among Americans, but around the world—in America's ability to address tough questions.

So I would urge my friend to, one, try to come to an agreement with his committee chairs to have a comprehensive jobs bill brought to the floor, whatever you think that jobs bill may be, and then allow us to offer amendments, have the House of Representatives work its will on that; and then, secondly, to join in urging the select committee to work on getting us back to where we were in 2001 with a projected surplus in this country.

Mr. CANTOR. If I could just respond, Mr. Speaker, first of all, I need to correct the record about the gentleman's statement about my not appreciating history. Of course I appreciate history. It is just one's sometimes biased interpretation of that history that I take exception with.

Mr. HOYER. Reclaiming my time, is there anything I said that you believe is factually inaccurate?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, without getting into specifics, I think the gentleman and I do have a different view perhaps of history at times, not always.

Mr. HOYER. I'll take that as a "no."

Mr. CANTOR. I would say this, Mr. Speaker. The gentleman well knows that the President's jobs bill, as submitted by Mr. LARSON, has been referred to many, many committees. There isn't one committee that's going to have a comprehensive hearing on the bill. So as I said before, we intend to take the areas that we can agree on to work together towards forging a solution so we could actually, as some would say, put a win on the board for the American people.

I would say also, Mr. Speaker, it is interesting to note that there are no cosponsors on the bill that's been submitted as the President's jobs bill.

There are no cosponsors. So if there is such support on the other side, I would guess we'll see a lot of people, a lot of Members signing up for that bill.

I would say, though, to the gentleman that the reason we don't believe that bill is helpful right now is because we don't believe that raising taxes is something you need to do to grow the economy. In fact, it's harmful to growing the economy.

And as far as the gentleman's admonition or statement about the joint select committee, again, if he says "balanced approach," that's a nice way of saying we want to see outcome. We don't want to raise taxes. As the gentleman knows, he and I have been at the process of trying to forge a solution. Both he and I do want to see outcome and success, because I don't feel that it is in any way helpful to anyone to see the joint select committee fail.

The committee is charged with coming up with commensurate savings in order to increase the Nation's credit limit, so that means we've got to get the cuts. But when the gentleman talks about "big deal," I'm all for trying to fix the entitlements because we know that's the problem facing this country, that the disproportionate driver of the deficits is the entitlements.

□ 1520

We know how to fix them. In fact, our side is the only one that has proffered a wholesale formula to address reform that would last a generation. That's the kind of certainty that I think will help in terms of increasing investment and the appetite for risk in this country to help entrepreneurs grow. The gentleman, his party and the President have rejected our approach and have failed to offer a single formula that will fix the entitlement problem and instead want this so called "balanced approach" that will simply take money out of the private sector, out of the people who have earned it, the small business owners, to continue to fund Washington to let Washington spend money.

And we say if you are not willing and courageous enough to fix the problem, why should we go and make prospects for economic growth that much dimmer by raising taxes?

So, yes, I would say to the gentleman, Mr. Speaker, I'm all for as much savings as we can actually accomplish and reform that we can complete, but, clearly, we have demonstrated there are a lot of differences.

So, instead, I would look to the joint select committee to do its work. And I have the full confidence in the appointees by our Speaker that we can see it do its work without a lot of hyperbole and fanfare so we can continue to focus on how we're going to get Americans back to work.

Mr. HOYER. I thank the gentleman.

Mr. Speaker, we have seen, I think, in that last discussion a very significant discussion between our two parties. Indeed, the Republicans did offer a budget bill which privatized Social Security. They call it a premium support program. It eliminated the guarantee that people would have access to affordable health insurance coverage.

We don't agree with that. The gentleman is absolutely correct. We've rejected that. I would suggest the voters have rejected it. But I will tell the gentleman that we also reject the notion that you can spend great sums of money, as we did in the last decade when your party was in control of the House, the Senate, and the Presidency, and not pay the bill. That's why we went from \$5.6 trillion of projected surplus to a \$10 trillion debt when this President took over.

I will tell the gentleman that paying for what we buy is the right thing to do for our children and grandchildren. And the way you pay for that is called taxes. And we're not for raising taxes. However, we are for paying our bills. And if we want to buy stuff, if we want to confront terrorists in Iraq—which I supported—and if we want to confront terrorists in Afghanistan—which I supported—and if we want to make sure that seniors have prescription drugs, we ought to pay for those, not pass those along to my grandchildren. And you don't have grandchildren yet, but at some point in time you may well have them. And I hope you do have grandchildren. It's a wonderful joy. But we're simply passing the expenses along to them.

As the gentleman knows, we're now collecting somewhere in the neighborhood of 15 percent of revenues, 3 percent below average for the last 40 years. But we continue to buy things. And we bought things at a greater rate in the decade that has just passed than we did in the 1990s. We increased spending at a greater rate. The gentleman knows that. That's not history; those are facts, maybe historical facts, but they're facts.

What I'm telling the gentleman is, with respect to a balanced approach—he then says, well, all that means is you want to raise taxes. No. What it means is I want to make sure that we put everything on the table that is giving us the challenge that we're seeing all over the world of balancing our budget, getting our expenditures in line with our revenues, and that we do so in a way that does not undermine America's national security, its economic well-being, and the welfare of our people. That's what we believe in, that's what we hope this select committee will do, and, yes, we believe that everything needs to be on the table.

If that is not consistent with what your view is, it is consistent with the views of every bipartisan group, the

Big Three, if you will—Pete Domenici, former Republican chairman of the Budget Committee in the United States Senate; Alice Rivlin, former CBO director; Erskine Bowles, former chief of staff for the White House; Alan Simpson, former U.S. Republican Senator from Wyoming; and the Gang of Six that now has over 18 or 19 Republicans and 18 or 19 Democrats saying we need to do.

I hope we can join together to do that. I personally believe that is the most important effort that we could make in bringing confidence back to America and to the perception of America around the world.

Mr. CANTOR. Just one final note, Mr. Speaker, we should just stop buying so much. That's my point.

Mr. HOYER. I yield back the balance of my time.

--- HOUR OF MEETING ON TOMORROW

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further when the House adjourns on that day, it shall meet at noon on Tuesday, October 11, 2011, for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

--- PIPISTREL AND PIPISTREL USA

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the future of electric aviation is upon us in the Centre region of Pennsylvania. Pipistrel and Pipistrel USA, an aviation company in State College, Pennsylvania, won first place in NASA's Comparative Aircraft Flight Efficiency Green Flight Challenge, which took first place September 25 at Charles Santa Rosa, California.

Sponsored by Google, the Green Flight Challenge was created to advance aviation fuel efficiency technologies. Fourteen teams registered and collectively invested more than \$4 million in the challenge. The winning aircraft had to fly 200 miles in less than 2 hours and use less than 1 gallon of fuel per occupant, or the equivalent in electricity, and would be awarded a \$1.35 million grant.

Pipistrel USA's aircraft achieved twice this requirement, flying 200 miles using just over a half-gallon of fuel equivalent per passenger. The team was led by Dr. Jack Langelaan, assistant professor of Aerospace Engineering at Penn State University, and supported by engineers and faculty from numerous departments, local area aviation businesses and facilities. It truly was a team effort.

I want to congratulate Pipistrel USA, Penn State, and all those involved in this project for their hard work and entrepreneurial spirit.

MIDDLE EAST PEACE

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, the recent Palestinian bid for U.N. recognition effectively abandons direct negotiations as the structure for pursuing peace in the Middle East. To those who question the United States' solidarity with Israel in the face of this bid, the answer is that it is in America's interest to stand strong with its friend and ally.

The Arab Spring is dramatically altering the dynamics of the Israeli-Palestinian conflict and the wider region. Familiar antagonists are seizing on a new populism to stir up anti-Israel sentiment.

It's no surprise that countries like Iran would seek to hijack the sentiment of the Arab Spring, but who would have predicted that NATO member Turkey would turn against its former ally, Israel, with such ferocity? Among other things, Turkey's behavior appears calculated to establish strategic dominance of the eastern Mediterranean by putting pressure on the Israeli-American alliance.

One critical way for the United States to discourage this kind of adventurism in the region is to continue to affirm its unbreakable bond with the State of Israel.

□ 1530

DEEPWATER RESTORATION: A STEP IN THE RIGHT DIRECTION

(Mr. PALAZZO asked and was given permission to address the House for 1 minute.)

Mr. PALAZZO. Mr. Speaker, on April 20, 2010, America witnessed the worst man-made disaster in our Nation's history. Mississippi lost four of her native sons to the explosion; and, over the course of 3 months, nearly 5 million barrels of oil gushed into the Gulf of Mexico, causing extreme economic and environmental damage.

Yesterday, the bipartisan RESTORE Act was introduced that will put the Gulf States on the right path to long-term recovery. The RESTORE Act will send 80 percent of the fines paid by BP to the areas that were most affected from this tragic event and will allow the Gulf States to invest funds in projects and programs designed to rehabilitate the region economically and environmentally.

The act provides States with the flexibility to address their own unique and specific needs with transparency

and accountability. Once BP is held accountable for its actions, it's only fair that those hardest hit will receive the relief they desperately need and deserve.

I now urge my colleagues from across the country to do the right thing and support the bipartisan RESTORE Act.

AN INSULT TO THE AMERICAN PEOPLE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, there is something about having a heart and a philosophy that Americans who are not working want to work; Americans who are not rich simply want an opportunity to provide for their families.

I want to congratulate the President today for acknowledging that this economic downfall is not attributable to his actions as a President that happens to be a Democrat. I thank him for mentioning the calamity in China, dealing with the manipulation of currency. It is something we have to address. It is something that has not benefited the United States.

I believe as individuals run for the Presidency, they have every right to do so; but every time they make a statement of insult to the American people, I'm going to address it.

Mr. Cain seems to want to continue, rather than to talk constructively about how we can bring people together, today he announced that those who are on rallies around this country—some in my district, as we speak—he told them, if you are not employed and you are not rich, it's your fault.

Mr. Cain, you need to understand what the common people and person is going through. Understand the common man and stop being high and mighty. I don't know how you can represent all of the people. You need to get a grip and understand what America is all about.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

HONORING THE LIFE OF REVEREND FRED OF REV-LEE SHUTTLESWORTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Alabama (Ms. SEWELL) is recognized for 60 minutes as the designee of the minority leader.

Ms. SEWELL. Mr. Speaker, during this CBC Special Order hour, we're going to honor the life and legacy of Reverend Fred Shuttlesworth. And I rise today to pay tribute to a great civil rights leader, Reverend Fred Lee

Shuttlesworth, who passed away yesterday at the age of 89.

Reverend Shuttlesworth was a passionate advocate for equal rights and a courageous Freedom Rider. He was one of the leaders of the civil rights movement in Birmingham, Alabama, and a cofounder of the Southern Christian Leadership Conference, SCLC. Martin Luther King considered Reverend Shuttlesworth the most courageous civil rights fighter in the South.

Born in Mount Meigs, Alabama, on March 18, 1922, Reverend Shuttlesworth was raised in Birmingham, Alabama. Brought up by his tough-minded mother, Mrs. Alberta Robinson Shuttlesworth Webb, Reverend Shuttlesworth developed a very powerful personality that prepared him for his civil rights leadership in Alabama.

Reverend Shuttlesworth was a bright student and graduated valedictorian of his class at Rosedale High School in 1940. Shuttlesworth was compassionate. He was captivating, both as a student, and then later as a minister. He was captivated by the Baptist denomination and felt called to the ministry. He graduated from Alabama State College—now known as Alabama State University—in 1952 and became the pastor of the historic First Baptist Church in Selma, Alabama. In 1953, Reverend Shuttlesworth took over as pastor of Bethel Baptist Church in North Birmingham, Alabama.

Reverend Shuttlesworth soon became the most publicized crusader in the history of Birmingham, Alabama. He became active in the voter registration efforts of the NAACP and in the Civic League's attempts to clean up saloons. In 1955, Reverend Shuttlesworth supported the Montgomery Bus Boycott that was set in motion by Rosa Parks' refusal to give up her seat.

When an Alabama Circuit Court injunction stopped the NAACP's operation in the State of Alabama, Reverend Shuttlesworth founded the Alabama Christian Movement for Human Rights in June of 1956. The weekly meetings of this wonderful organization became the mouthpiece for the masses of African Americans in Birmingham, Alabama, for over a decade.

In 1957, Reverend Shuttlesworth helped fellow ministers and civil rights leaders Martin Luther King, Jr., and Ralph David Abernathy found the Southern Christian Leadership Conference, which became the most important civil rights organization in the South during the 1960s.

Reverend Shuttlesworth was an inspiration to other activists because of his strong commitment to the fight for equality, which often put him and his family in harm's way. He was the target of two bombings. When Shuttlesworth and his wife attempted to enroll their children in a previously all-white Birmingham public school in 1957, a mob of Klansmen attacked him.

Shuttlesworth was beaten with chains and brass knuckles in the streets while someone stabbed his wife during this altercation.

His personal courage and sacrifice encouraged others to join the movement as well. Shuttlesworth participated in the sit-ins against segregated lunch counters in 1960 and took part in the organization and completion of the Freedom Rides in 1961.

Reverend Shuttlesworth willingly stood up against the brutal tactics of Public Safety Commissioner Eugene "Bull" Connor, as he was known, in the fight for civil rights. The civil rights movement climaxed in 1963 when Shuttlesworth convinced Martin Luther King, Jr., and the SCLC to come to Birmingham, Alabama, for a massive campaign against segregation. In response to the campaign, Bull Connor released police dogs on activists and had activists sprayed with intense fire hose streams so powerful they could knock bark off a tree from 100 feet away.

These egregious actions were captured on national television and published in newspapers across this country. The national attention led to Federal intervention and the signing of the Civil Rights Bill of 1964 and, later, the Voting Rights Act of 1965 by President Lyndon Baines Johnson.

Reverend Shuttlesworth was at the heart of this monumental victory as he poured his soul into the civil rights movement. Although Shuttlesworth remained active in the movement in Alabama and regularly visited, he did move in 1961 to Cincinnati, Ohio, where he was a pastor for most of the next 47 years. In Cincinnati, Shuttlesworth became the pastor of the Greater New Light Baptist Church in 1966 and worked to continue his work to fight against racism and for the alleviation of the problems of the homeless until he retired in 2007.

Upon his retirement, Reverend Shuttlesworth moved back to Birmingham, Alabama.

I know that the City of Birmingham is very proud of its native son and the role he played in the civil rights movement. In 1988, the Birmingham City Council approved an order to rename a 4-mile stretch of road F.L. Shuttlesworth Drive. In addition, the City of Birmingham erected a statue of Reverend Shuttlesworth outside the Civil Rights Institute when it opened in 1992. The Birmingham Airport Authority also renamed the Birmingham International Airport the Birmingham-Shuttlesworth International Airport in his honor.

On behalf of a grateful Nation, Reverend Shuttlesworth was presented with the Presidential Citizens Medal by President Bill Clinton on January 8, 2001.

Mr. Shuttlesworth was married to Sephira Bailey Shuttlesworth, and he

was the proud father of four—Patricia, Ruby, Fred, Jr., and Carolyn. He also leaves behind 11 grandchildren and nine great grandchildren.

Now, over the years, Reverend Shuttlesworth has distinguished himself and been honored by numerous awards. His leadership that he showed this Nation in fighting against racism is second to none.

The people of the Seventh Congressional District of Alabama—that I am so grateful to represent—commends him for his wonderful efforts. And as the first black Congresswoman elected from the State of Alabama, I know I stand on the shoulders of Reverend Shuttlesworth. I would not be here today had it not been for his sacrifice and the sacrifice of so many.

□ 1540

His commitment to the racial equality and justice for all is a message that will inspire people for generations to come.

I, therefore, Representative to this U.S. Congress from the Seventh Congressional District of Alabama, do hereby recognize Reverend Fred Lee Shuttlesworth for his numerous contributions, not only to the Seventh Congressional District and the State of Alabama but to our wonderful Nation.

I ask those present today to join me in honoring Reverend Shuttlesworth and commending him for his many achievements on behalf of a grateful Nation. I know that many of my colleagues will join me during this hour to commemorate his life and legacy.

I now yield time to our CBC chairman, the gentleman from Missouri, EMANUEL CLEAVER, for his comments on Reverend Shuttlesworth's wonderful life.

Mr. CLEAVER. Let me first thank the gentlewoman from Alabama for her vision in speaking of one of America's great men.

Shortly after Martin Luther King was killed in Memphis, Tennessee, I, just leaving college, became very active with the Southern Christian Leadership Conference. At that time, Ralph Abernathy had taken over leadership of the organization, and Joe Lowery had become the chair of the board. And a short time after that, Walter Fauntroy, who served as the delegate for the District of Columbia, became the chair of the board. And prior to that he was the SCLC Washington Bureau Chief.

So I became actively involved. I considered Fred Shuttlesworth as a mentor. Fred Shuttlesworth had a remarkable life in that he was a great preacher. But as people who knew him will tell you, he was not afraid of anything, and sometimes that did not work to his benefit.

Fred Shuttlesworth was in his home when the Klan blew it up. Reverend Shuttlesworth ended up down in the basement, but if the Klan had believed

that blowing up his home would get him to back away from a movement to bring dignity and civil rights to people in this country, they were wrong.

And Fred Shuttlesworth was so tough that it was often said that when God allowed Bull Connor to be born, that he also made Fred Shuttlesworth to serve as his even change. Fred Shuttlesworth was in many confrontations with the legendary and infamous Bull Connor.

One of the things that I think people need to remember is that, of the people involved in the founding of the Southern Christian Leadership Conference, which was Martin Luther King, Ralph Abernathy, Fred Shuttlesworth, some people include C.K. Steele, is that Shuttlesworth was perhaps the roughest of the group. He went to college late. He was a man who's physical stature was almost amazing. Even when he went into his eighties, Fred Shuttlesworth could slide on a pair of pants and a shirt and there would be no bulge. He had one of those amazing bodies where he always looked fit, even into his eighties.

But the thing that I want to say about Reverend Shuttlesworth is that there was never a challenge that caused Fred Shuttlesworth to back away. There was no threat strong enough that Fred Shuttlesworth would seek cover. He was always out front, willing to take whatever came his way in order to pursue the fight for justice.

When I was elected mayor of Kansas City, one of the highlights of my time in office was Fred Shuttlesworth visiting Kansas City and coming into my office and getting excited because on the wall in my office hung a photograph, an enlarged photograph which showed Fred Shuttlesworth and a large number of other civil rights leaders and giants who I was just pleased to be around hanging on the wall prior to a march we had done in Greene County, Alabama. And I was so thrilled that Fred Shuttlesworth could come to my office and see his photograph hanging and know how much I appreciated him.

Let me just say this—and I'll pass this on—Fred Shuttlesworth preached at the church I have been fortunate to pastor for over 30 years. And each time he would come in and he'd say, now, Cleaver, I want to show you how you can preach a long sermon. And his strategy was this: after about 30 minutes, he would say, and wink at me, I'm about to wrap up now. And he said, then people would listen to him waiting because they knew he was about to wrap up. And then 10 or 15 minutes later he'd say, I'm on my way out now. I'm closing out. So Fred Shuttlesworth could easily preach an hour and trick people two or three times. And that was what he called training me in how to preach a long sermon.

And he preached at our church many times. In fact, the last time he preached there, which was probably 2

years ago, he was a little frail for the first time that I had ever been around him. And he was still fiery, as our colleague, JOHN LEWIS, will tell you. There was never a time that he did not have fire. In fact, his autobiography is entitled, "Fire Inside My Bones," which I have in my office.

And he, I think, was the epitome of the civil rights struggle. He did a lot of struggling. He never made a lot of money. He never got a lot of publicity. There are probably people in the country who hear the name Fred Shuttlesworth and not know who he is.

This morning I turned on MSNBC and saw his name being scrolled across the bottom of the television set, that the Reverend Fred Shuttlesworth, age 89, died in a Birmingham, Alabama, hospital. And I sat there thinking, you know, the great tragedy is that probably millions of people are looking at that and saying to themselves, I have no idea who Fred Shuttlesworth is.

And I'm here to tell you, had there not been a Fred Shuttlesworth, there never would have been a Birmingham moment. Had there not been a Birmingham movement, the Southern Christian Leadership Conference would never have existed, which meant that Martin Luther King would have gotten his PhD and pastored a church, perhaps in Atlanta, Georgia, and nobody would have heard of him.

So I take great pride in the opportunity to just talk about a friend and a mentor, the Reverend Fred Shuttlesworth, a great civil rights leader, a great Baptist preacher, and a great human being.

Ms. SEWELL. Thank you so much. I was born in Selma, Alabama, and raised in Selma, and my home church is Brown Chapel AME Church. And I remember so many commemorations of the march from Selma to Montgomery always culminated on that Sunday when they commemorate Bloody Sunday in my church. And I can remember often seeing Reverend Shuttlesworth at Brown Chapel and crossing that Edmund Pettus Bridge that he did so often in those commemorations.

My last time seeing him, he participated in a Faith in Politics luncheon that we had this past year, this past March and when I was so honored to co-host that Faith in Politics pilgrimage back to Alabama with Congressman LEWIS.

I know that my generation owes a debt of gratitude to the Freedom Riders, to the folks, the civil rights activists such as Reverend Shuttlesworth and JOHN LEWIS. We owe so much to them. We not only stand on their shoulders, but we pay honor and tribute to them always. They fought the good fight so that people like us could go to Ivy League schools, could walk the Halls of Congress, and I'm just forever grateful for their courage and their sacrifice.

□ 1550

I am equally thrilled to now yield time to Congressman JOHN LEWIS of Georgia. The gentleman from Georgia is one of my own personal heroes and will speak to knowing Fred Shuttlesworth personally and talk of the times in the sixties that they shared together. I am just immensely honored to be able to call Congressman LEWIS a friend as well as colleague.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague, Congresswoman TERRI SEWELL from Birmingham, for holding this Special Order. Thank you for representing the people of the Seventh Congressional District of Alabama, especially Birmingham and Selma.

I grew up reading and hearing about Reverend Fred Shuttlesworth, the man from Birmingham, Alabama. I grew up about 150 miles from Birmingham outside of a little town called Troy. The words of Fred Shuttlesworth, the actions of this man were so inspiring, I probably wouldn't be standing here today, I know I wouldn't be standing here today as a Member of Congress representing the good people of the Fifth District of Georgia if it hadn't been for individuals like Fred Shuttlesworth.

The Reverend Fred Shuttlesworth is the last of a kind. He was a fearless, determined, courageous leader for civil rights and social justice. When others did not have the courage to stand up, speak up and speak out, Fred Shuttlesworth put all he had on the line to end segregation and racial discrimination not only in Birmingham but throughout the State of Alabama and throughout our Nation.

As has been said so well before, he was beaten with chains, his home was bombed, his church was bombed, and he lived under constant threat of violence and murder; but he never, ever lost faith in the power of love to overcome hate.

He escorted brave young children to desegregate public schools in Birmingham. In 1961, and I will never, ever forget it, when I was only 21 years old, during the Freedom Rides, 50 years ago, when others were immobilized by fear, he was fearless and met us at the Greyhound bus station in Birmingham, Alabama, and welcomed us into his home. When we were trapped in the First Baptist Church a few days later, pastored by the Reverend Ralph Abernathy in downtown Montgomery, after we had been beaten by an angry mob and the church had been surrounded by individuals who tried to burn the church down, he stood up and he spoke. He gave us courage. He told us not to be afraid.

He worked tirelessly beside Dr. Martin Luther King, Jr., and others as he led the Birmingham Movement. In 1963 when Bull Connor, the commissioner of public safety, used dogs and fire hoses

on peaceful protesters, including young children and women, Fred Shuttlesworth was there.

And I will never forget, Congresswoman SEWELL, when we went back to Selma in 2007, Fred Shuttlesworth wanted to cross that bridge one more time. He was unable to walk. He was in a wheelchair. Then-Senator Barack Obama pushed the chair across the bridge. Former President Clinton came and knelt down at the chair in front of Fred Shuttlesworth to pay tribute and homage to him.

This brave and courageous man must be remembered. In my estimation, he is one of the Founding Fathers of the New America. He helped liberate, not just the State of Alabama, not just the South, but he helped liberate America; and that's why we honor him. He helped change and made us a different people, made us stand up, walk, run, and march with pride. We owe him a debt of gratitude. He will be deeply missed.

When we go back to Birmingham, or to Montgomery, or to Selma, or any part of the American South, we may see a statue at the Civil Rights Institute or Museum in Birmingham, but we will see Fred Shuttlesworth all over the South and all over the Nation, because he helped bring down those signs that said White Men, Colored Men; White Women, Colored Women; White Waiting, Colored Waiting.

America is different. America is better. And we are a better people because of this one brave, courageous man who had the audacity, had the ability, the capacity, to stand up and say, we will be free.

He said over and over again, EMANUEL CLEAVER: "Before I'll be a slave, I'll be buried in my grave and go home to my Lord and be free." That's the message of Fred Shuttlesworth. I hope all of our young people, black and white, Latinos, Asian Americans and Native Americans, will study the life of Fred Shuttlesworth.

Thank you, Congresswoman SEWELL.

Ms. SEWELL. Thank you so much, Congressman LEWIS.

I also am always constantly in awe of our next presenter. I yield time to not only a wonderful sister in Congress but also a real leader in Congress, my mentor, the gentlelady from Texas, SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Thank you so very much, Congresswoman SEWELL, for allowing us to come to the floor of the House and be joyful even though someone has passed. I thank my previous speakers.

JOHN LEWIS, we salute you always for continuing to be our chronicler, our voice, our steady, if you will, encyclopedia of today, yesterday and tomorrow, what we should be aiming toward as a Nation and as a people but also what we came through.

And to stand next to this picture, thank you for allowing me to stand

next to such a symbolic statement about who I would like to call Reverend Dr. Fred L. Shuttlesworth. Can I just stand here and say that I knew him? And as well can I say that I had the privilege of following way behind JOHN LEWIS's footsteps, Congresswoman SEWELL, in working in the Southern Christian Leadership Conference at the time that Reverend Dr. Ralph David Abernathy was alive, that Hosea Williams was alive, that James Orange was alive, and certainly Fred Shuttlesworth was still on the battlefield in places around the Nation.

So I want to say to his children and his wife and all of his great legacy in Alabama that he has given birth to much. This picture depicts a monumental statement, both of his status as an American and a patriot, both of what he created. Whether it was a young Senator to be President, President Barack Obama, pushing this icon's wheelchair as we commemorated the legacy of JOHN LEWIS, and that is the crossing of the Edmund Pettus Bridge, the time when those who spoke loudly on behalf of those who could not speak were brutalized and beaten to unconsciousness simply for the right to vote. Fred Shuttlesworth was known as a man that did not run away from danger. Fred Shuttlesworth joined Dr. Ralph David Abernathy and Martin Luther King and himself in pushing, shoving and pushing the movement in Alabama and around the Nation.

At his side as a young man, a President who served this country for 8 years, a Southerner, William Jefferson Clinton, who acknowledges that part of his great legacy or great opportunity was not only the meeting of President John F. Kennedy, but during his lifetime or his Presidency to correct many of the ills that occurred to African Americans and people of the slave history in this Nation, from the establishment of the African American Museum, to the honoring of so many, such as the Tuskegee Airmen, in terms of generating that as he spoke, to the honoring of civil rights leaders, to the bestowing of recognition on Rosa Parks.

□ 1600

There are so many things that this President, President Clinton, attempted to do because he got to know and he could understand the walk and the talk of Reverend Fred Shuttlesworth. I am grateful that we have the first African American woman Congressperson from Alabama, and I know that she told you of her family's legacy but also of the salt of the Earth that they are, Alabamans who knew of Reverend Fred L. Shuttlesworth's work.

What I am most moved by is the fact that he acknowledges that his beginnings were on a farm, that he was raised by his stepfather and his mother. He came first to be a truck driver,

and then got the word that he should go to a school, to the Cedar Grove Academy—a local Bible college—and begin the seeding of understanding in the Scriptures of much of what we who happen to be Christian believe in—but it can be found in so many faiths, from Judaism, to Islam, to Buddhism, and to many other faiths—this whole charitable role that you must take: that it is better to give to others than it is to give to yourself.

Even though Reverend Fred Shuttlesworth was a feisty man, he would tell it to you. Don't get fooled by a wheelchair. He was a feisty man. He didn't take much to being offended. As JOHN LEWIS has taught us over the years, as we've traveled back to commemorate Bloody Sunday and how entrenched the movement was of non-violence, Fred Shuttlesworth was willing to, in essence, concede his feistiness to be part of the movement he established first, the Alabama Christian Movement for Human Rights, and of course then to overcome its declaring of being unconstitutional and moving on to other creative ways to create and continue the movement.

What I like most since JOHN LEWIS told us of the Freedom Rides—and that is an emotional experience, an emotional set of words to listen to because of the loss of life that attended to those college students and the others who got on buses from Ohio to Illinois, New York—places far from the South. They got on because they were driven by the rightness of the morality of those who were standing for the empowerment of those who had been brutalized. They came from far and wide. I don't know how one could stand by and watch buses be burned to a crisp or could watch those innocent Americans—young and with a great deal of hope—come to the Deep South and be bloodied and be attacked and spit upon.

I note that tragic moment when they were brutalized so badly as they came into the area of Reverend Shuttlesworth. They were brutalized as a result of a famous name, though a name of great damage—Sheriff Bull Connor—with water cannons and the violence that he evidenced that woke up America.

These brutalized Freedom Riders were, I guess, temporarily taken, JOHN, to a hospital where Reverend Shuttlesworth was concerned about their safety. He didn't concern himself about his safety, but was concerned about theirs. So with a few deacons—and for those of you who understand our church structure, deacons are close to the pastor. They are as men who go with him through fire, storm, rain, and devastation. They went with him to carry these broken bodies out of the hospital, fearful for their lives. He took them to his church where, as many knew in the South, was not a place that was immune to violence, as was

evidenced by the Birmingham bombing of a church that killed four little girls in a Sunday school class. But Reverend Shuttlesworth was not fearing his life. He wanted to make sure that those who had come to help them and us could be safe and would not be bombarded in the hospital and be threatened or in fear of their lives.

Reverend Shuttlesworth, I want to thank you for allowing me to know you. I want to thank you for staying alive to be able to see the election of the first African American President of the United States. I am grateful that you stayed alive to see America at her best when, in 2008, she came together and unshackled the devastation of race, the ugliness of race, and began to accept that strength and rightness of anyone who desired to be President.

Reverend Shuttlesworth, as you lay in rest, let me again thank you for giving us courage, for being a friend to JOHN LEWIS, a friend to Martin and to Ralph David Abernathy and to James Orange and to many of the Freedom Riders and song singers that I get to see when I go for that commemoration.

What I would say in closure, Dr. Shuttlesworth, is that you wanted us to be engaged in fighting for people who could not speak for themselves. I would imagine that you would want us to pass and vote for the American Jobs Act. I imagine that you would not be accusatory as to why people are unemployed and are not rich. I imagine you would be sympathetic to the people in the streets today, now Thursday, October 6, 2011, and I imagine you would say, Keep on keeping on. I imagine you would say, Have no fear, because our great friend Dr. Martin Luther King told us of a mountaintop, and he said the pathway to the Promised Land would not be easy. He said in his dying days, or in the last hours toward the end of his life, that he had seen the Promised Land. You still lived at that time, and he told us that he might not get there but that he knew that, as a people, as this Nation, we would get to the Promised Land someday.

Reverend Dr. Shuttlesworth, you have gone on, and we recognize that our people are hurting, and that they're in the streets and that they're all colors and backgrounds and religions in all areas of this country. You realize that we are lucky enough to have Congresswoman SEWELL and JOHN LEWIS out of Alabama, and now Atlanta. You recognize that you pass your mantle on, but you are hoping that we are not giving up and that we will always stay steadfast and that we'll fight for those who cannot speak and are yet unborn.

For you, Reverend Shuttlesworth, I will be courageous enough to take whatever comes, whatever comes life's way, whatever threatens my life, for it is important to note that there is something greater than life, and it is

to make sure that people have an opportunity. I hope someday we'll have the ability to bring this Nation together again and not be wallowing in the divisiveness of Tea Parties and "No" parties and people who don't recognize what America is all about.

Reverend Shuttlesworth, you saw only what was right and what was just. I bless you, and will say to you that you are a warrior that has fought a good fight. Thank you for that fight. May you rest in peace.

To your family, God bless you, and God bless this warrior, and God bless the United States of America.

Ms. SEWELL. I would like to thank all of my colleagues for participating in this Special Order hour, celebrating the life and legacy of such a great Alabaman, of such a great American, Reverend Fred Lee Shuttlesworth.

To his family—his wife and children and grandchildren—I want to say thank you on behalf of a grateful Nation for the sacrifices that you as a family had to make in order for this wonderful man to be able to lead a movement from Birmingham that affected the whole world.

I am eternally grateful, personally, for your friendship, Mrs. Shuttlesworth, as well as for your enduring sacrifice. Know that we here in Congress understand how important his life's work was, that we take seriously the mantle that he left behind—his commitment to equality, his commitment to justice for all. I know I am personally so grateful for the opportunity to have met him before he died and to be able to tell him personally thank you for what he did for me as a little black girl, growing up in Selma, Alabama, to be able to even dream of someday being in this august body.

□ 1610

It was Shirley Chisholm, the first African American to sit in these seats in Congress, who said: "Service is the rent we pay for the privilege of living on this Earth." I know that Reverend Shuttlesworth has made more than just a deposit towards that rent. He's opened the doors, so many doors for so many of us to walk through, and for that I just want to say thank you. Thank you. We are awfully humbled by the fact that we have an opportunity to pay tribute to such a wonderful man.

In closing I just want to say thanks to this august body for allowing us the opportunity to celebrate the life of such a wonderful American. And we say in closing, while we may say farewell to Reverend Shuttlesworth now, we in America know that it was because of the work that he did that we have held fast as America and made sure that we held up to the ideals of what it is to be American, that is, the ideals of equality and the ideals of democracy.

I yield back the balance of my time.

IMF GREECE BAILOUT STRATEGY

The SPEAKER pro tempore (Mrs. HARTZLER). Under the Speaker's announced policy of January 5, 2011, the gentleman from Indiana (Mr. BURTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Madam Speaker, this year we are going to go \$1.6 trillion in debt. Most people can't comprehend \$1.6 trillion. It's a lot of money. The national debt, we just found out recently, is going up to \$15.1 trillion.

The reason I bring that up today, Madam Speaker, is because we've got terrible problems that we're facing here at home, and there are terrible problems that are being faced in Europe. As a matter of fact, I was in Greece last week, and they're cutting salaries in Greece by 40 percent. They're cutting retirement benefits by 40 percent. They're cutting health benefits by a large amount, and they're raising taxes because that country is a socialistic country and it's about to go completely bankrupt. In addition to that, Italy has the same kind of problems, Spain has the same kinds of problems, Portugal has the same kinds of problems, and Ireland is suffering from similar problems.

Now, the reason I bring that up is because the United States is part of what they call the International Monetary Fund. Most Americans don't know, Madam Speaker, that we put 18 percent of the money in the International Monetary Fund, into that fund to deal with world financial problems.

Now, the International Monetary Fund, according to their European Department Director Antonio Borges, stated that "the IMF would definitely participate in a second bailout package for Greece." Now, that could be up to 200 billion euros, 200 billion euros; and when you talk about American dollars, that's about \$280 billion.

The United States would be responsible for 36 billion of those dollars. That's American taxpayers' dollars that would be going to Europe to deal with the problems that Italy, Spain, Greece, and those other countries face.

But in addition to that, there was a recent announcement by the IMF that it was expanding its "bailout firepower" to \$1.3 trillion, and there is a potential that the International Monetary Fund could create what they call a "special purpose vehicle" to buy the embattled bonds of failing European countries like Greece, Spain, and Italy. When you boil all that down, it means the United States could buy a great deal of the \$1.3 trillion in bonds that would be purchased to keep those countries afloat.

Now, the IMF is not the primary vehicle of the Greek bailout. If they can't use that, they can use the Federal Reserve Board, the Fed, which has the authority to provide foreign central

banks with an unlimited amount of dollars for an equivalent amount of currency.

On September 11 of this year, September 11, 2011, this year, the Fed did just this. It swapped American dollars for euros in order to provide the European Central Bank with liquidity to calm capital markets. Now, I don't think I need to go into a great deal more detail other than to say the United States is about to be involved in bailing out Europe.

We do not have the money.

As I said at the beginning of my remarks, we're going to be \$1.6 trillion short this year. We've got a \$15.1 trillion national debt, and it's going up very rapidly.

If the Fed, our Treasury Department, and the White House decide it's going to try to bail out Europe, these countries that are about to go belly up, it's going to cause even more economic problems in America. We have 9.1 percent unemployment right now, and can you imagine, Madam Speaker, what would happen if we started trying to bail out Europe as well? We cannot and we must not do that.

If I were talking to the President tonight, Madam Speaker, I would say, Mr. President, let's deal with the problems we have here at home. Let's don't take on more responsibilities that are not of our doing. We should not try to prop up governments that have been socialistic for a long, long time to the point where they have to cut salaries by 40 percent in order to try to keep their country afloat.

That's a problem they created. We have enough problems here at home, and we shouldn't be using American taxpayers' dollars to try to bail out European countries that have gone down the wrong path.

With that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POE of Texas (at the request of Mr. CANTOR) for today after 1 p.m. on account of other district business.

ADJOURNMENT

Mr. BURTON of Indiana. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 7, 2011, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3380. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluazifop-P-butyl; Pesticide Tolerances [EPA-HQ-OPP-2010-0849; FRL-8889-1] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3381. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chlorantraniliprole; Pesticide Tolerances; Correction [EPA-HQ-OPP-2010-0888; FRL-8888-3] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3382. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Material Inspection and Receiving Report (DFARS Case 2009-D023) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3383. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Retail Foreign Exchange Transactions [Docket ID: OCC-2011-0021] (RIN: 1557-AD42) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3384. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, and Virginia; 2002 Base Year Emission Inventory, Reasonable Further Progress Plan, Contingency Measures, Reasonably Available Control Measures, and Transportation Conformity Budgets for the Washington, DC 1997 8-Hour Moderate Ozone Nonattainment Area [EPA-R03-OAR-2010-0475; FRL-9466-6] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3385. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of the Evansville Area to Attainment of the Fine Particulate Matter Standard [EPA-R05-OAR-2008-0396; FRL-9469-5] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3386. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of the Indianapolis Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter [EPA-R05-OAR-2009-0839; FRL-9469-6] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3387. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Transportation Conformity Regulations [EPA-R03-OAR-2011-0631; FRL-9470-2] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3388. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agen-

cy's final rule — Approval and Promulgation of Air Quality Implementation Plans; North Carolina: Clean Smokestacks Act [EPA-R04-OAR-2011-0386-201151; FRL-9471-1] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3389. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Requirements for Preconstruction Review, Prevention of Significant Deterioration [EPA-R03-OAR-2010-0770; FRL-9466-5] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3390. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0789; FRL-9471-2] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3391. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Changes to Provisions for Electronics Manufacturing (Subpart I) to Provide Flexibility [EPA-HQ-OAR-2009-0927; FRL-9469-3] (RIN: 2060-AR26) received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3392. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Petroleum and Natural Gas Systems: Revisions to Best Available Monitoring Method Provisions [EPA-HQ-OAR-2011-0417; FRL-9469-4] (RIN: 2060-AP99) received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3393. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District, Ventura County Air Pollution Control District, and Placer County Air Pollution Control District [EPA-R09-OAR-2011-0580; FRL-9468-2] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3394. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Abnormal Occurrence Reporting Procedure and Handbook (MD 8.1) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3395. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-104, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3396. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-116, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3397. A letter from the Assistant Secretary, Legislative Affairs, Department of State,

transmitting Transmittal No. DDTC 11-080, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3398. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-103, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3399. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-102, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3400. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-095, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3401. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-088, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3402. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-091, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3403. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-074, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3404. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-067, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3405. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-089, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3406. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-107, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3407. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-069, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3408. A letter from the President, Senate of Puerto Rico, transmitting a letter requesting an in-depth investigation related to the handling of political, business and financial corruption by federal law enforcement agencies in Puerto Rico; to the Committee on the Judiciary.

3409. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Fiscal Year 2008 Low Income Home Energy Assistance Program in accordance with section 2610 of the Omnibus Budget Reconciliation Act (OBRA) of 1981, as amended; jointly to the Committees on Energy and Commerce and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CAMP: Committee on Ways and Means. H.R. 3078. A bill to implement the United States-Colombia Trade Promotion Agreement (Rept. 112-237). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 3079. A bill to implement the United States-Panama Trade Promotion Agreement (Rept. 112-238). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 3080. A bill to implement the United States-Korea Free Trade Agreement (Rept. 112-239). Referred to the Committee of the Whole House on the state of the Union.

Mr. DREIER: Committee on Rules. House Resolution 425. Resolution providing for consideration of the Senate amendment to the bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes; providing for consideration of the bill (H.R. 3078) to implement the United States-Colombia Trade Promotion Agreement; providing for consideration of the bill (H.R. 3079) to implement the United States-Panama Trade Promotion Agreement; and providing for consideration of the bill (H.R. 3080) to implement the United States-Korea Free Trade Agreement (Rept. 112-240). Referred to the House Calendar.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 2349. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to annually assess the skills of certain employees and managers of the Veterans Benefits Administration, and for other purposes; with amendment (Rept. 112-241). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. VELÁZQUEZ:

H.R. 3114. A bill to provide grants for Civic Justice Corps programs for court-involved, previously incarcerated, and otherwise disadvantaged youth and young adults; to the Committee on Education and the Workforce.

By Mr. COFFMAN of Colorado:

H.R. 3115. A bill to prohibit non-security assistance to Pakistan, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. DANIEL E. LUNGREN of California, Mr. ROGERS of Alabama, Mr. MCCAUL, Mrs. MILLER of Michigan, Mr. BILIRAKIS, Mr. MEEHAN, Mr. LONG, Mr. MARINO, Mr. QUAYLE, Mr. RIGELL, Mr. WALBERG, and Mr. TURNER of New York):

H.R. 3116. A bill to authorize certain programs of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. WITTMAN (for himself and Mr. KIND):

H.R. 3117. A bill to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes; to the Committee on Natural Resources.

By Mr. FARENTHOLD (for himself, Mr. FLORES, Mr. COFFMAN of Colorado, Mr. KINGSTON, Mr. PAUL, Mr. KELLY, Mr. NUNNELEE, Mr. HARRIS, and Mr. MULVANEY):

H.R. 3118. A bill to direct the Federal Communications Commission to revisit the universal service support program under section 254 of the Communications Act of 1934 to reduce waste, fraud, and abuse, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ZOE LOFGREN of California (for herself and Mr. GUTIERREZ):

H.R. 3119. A bill to amend the Immigration and Nationality Act to remove the per-country limitation on employment-based immigrant visas, to adjust the per-country limitation on family-sponsored immigrant visas, and for other purposes; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California:

H.R. 3120. A bill to amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a nonimmigrant student visa, and for other purposes; to the Committee on the Judiciary.

By Mr. BARROW:

H.R. 3121. A bill to require congressional approval for certain obligations exceeding \$100,000,000; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANNA (for himself and Ms. EDWARDS):

H.R. 3122. A bill to amend titles 23 and 49, United States Code, to establish procedures to advance the use of cleaner construction equipment on Federal-aid highway and public transportation construction projects, to make the acquisition and installation of emission control technology an eligible expense in carrying out such projects, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIBERI (for himself, Mr. LARSON of Connecticut, Mr. REICHERT, Mr. PETERS, and Mr. LEVIN):

H.R. 3123. A bill to amend the Internal Revenue Code of 1986 to allow for annual elections to accelerate AMT credits in lieu of bonus depreciation; to the Committee on Ways and Means.

By Mr. CLAY (for himself, Mr. CUMMINGS, Mr. TOWNS, Mrs. MALONEY, Ms. NORTON, Mr. KUCINICH, Mr. TIERNEY, Mr. LYNCH, Mr. COOPER, Mr. CONNOLLY of Virginia, Mr. QUIGLEY, Mr. DAVIS of Illinois, Mr. BRALEY of Iowa, Mr. WELCH, Mr. YARMUTH, Mr. MURPHY of Connecticut, and Ms. SPEIER):

H.R. 3124. A bill to amend the Federal Advisory Committee Act to increase the transparency of Federal advisory committees, and for other purposes; to the Committee on Oversight and Government Reform, and in

addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL (for himself, Mr. LEWIS of California, and Mr. CALVERT):

H.R. 3125. A bill to establish a program to provide guarantees for debt issued by or on behalf of State catastrophe insurance programs to assist in the financial recovery from earthquakes, earthquake-induced landslides, volcanic eruptions, and tsunamis; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California (for himself and Mrs. MCCARTHY of New York):

H.R. 3126. A bill to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. POSEY (for himself, Ms. FOXX, Mr. OLSON, Mr. PAUL, Mr. AUSTIN SCOTT of Georgia, Mr. FLORES, and Mr. MULVANEY):

H.R. 3127. A bill to prohibit the payment of death gratuities to the surviving heirs of deceased Members of Congress; to the Committee on House Administration.

By Mr. GRIMM (for himself, Mrs. MALONEY, Mr. KING of New York, Mr. MEEKS, Ms. HAYWORTH, and Mrs. MCCARTHY of New York):

H.R. 3128. A bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to adjust the date on which consolidated assets are determined for purposes of exempting certain instruments of smaller institutions from capital deductions; to the Committee on Financial Services.

By Mr. BACA:

H.R. 3129. A bill to establish the Family Foreclosure Rescue Corporation to provide emergency relief to refinance home mortgages of homeowners in foreclosure or default; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BACHMANN (for herself, Mr. GIBBS, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. JONES, Mr. HUIZENGA of Michigan, Mr. SMITH of New Jersey, Mr. JOHNSON of Ohio, Mrs. SCHMIDT, Mr. BURTON of Indiana, Mr. AUSTRIA, Mr. KING of Iowa, Mr. MCKINLEY, Mr. BUCSHON, Mr. LAMBORN, Mr. SCALISE, Mr. KELLY, Mr. WESTMORELAND, Mr. BILIRAKIS, Mr. LATTA, Mrs. ELLMERS, Mr. MCCOTTER, Mr. HARRIS, Mr. BRADY of Texas, Mr. LONG, Mr. CRAVACK, Mr. Boustany, Mr. MILLER of Florida, Mr. PALAZZO, and Mr. FLEMING):

H.R. 3130. A bill to ensure that women seeking an abortion receive an ultrasound and an opportunity to review the ultrasound before giving informed consent to receive an abortion; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS (for himself, Mr. ENGEL, Ms. ROS-LEHTINEN, Mrs. MALONEY, Mr. SARBANES, Ms. BERKLEY, Mr. CARTER, Mr. FRELING-HUYSEN, Mr. YOUNG of Florida, Mr. GRIMM, Mr. DIAZ-BALART, Mr. ROTHMAN of New Jersey, Mr. ROSKAM, and Mr. SRES):

H.R. 3131. A bill to direct the Secretary of State to submit a report on whether any support organization that participated in the

planning or execution of the recent Gaza flotilla attempt should be designated as a foreign terrorist organization and any actions taken by the Department of State to express gratitude to the government of Greece for preventing the Gaza flotilla from setting sail in contravention of Israel's legal blockade of Gaza, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CHU:

H.R. 3132. A bill to extend the authorization period for certain uses of funds from the San Gabriel Basin Restoration Fund; to the Committee on Natural Resources.

By Mrs. DAVIS of California:

H.R. 3133. A bill to amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

By Ms. DeLAURO (for herself, Mr. KILDEE, Mr. MURPHY of Connecticut, Mr. JACKSON of Illinois, Ms. LEE of California, Ms. RICHARDSON, Mr. PRICE of North Carolina, Mrs. NAPOLITANO, Mr. RYAN of Ohio, Mr. CONYERS, Mr. LARSON of Connecticut, and Ms. MOORE):

H.R. 3134. A bill to amend the Child Care and Development Block Grant Act of 1990 to include providing diapers and diapering supplies among the activities for which funds may be employed to improve the quality of and access to child care; to the Committee on Education and the Workforce.

By Mr. DUNCAN of South Carolina (for himself, Mr. HUELSKAMP, Mr. PAUL, Mr. WILSON of South Carolina, Mr. JONES, Mr. MULVANEY, Mr. FRANKS of Arizona, Mr. YODER, Mr. AMASH, Mr. BROOKS, Mr. FLORES, Mrs. BLACKBURN, Mr. PITTS, Mr. COLE, Mr. RIBBLE, Mr. BARTLETT, Mr. SCHWEIKERT, Mr. MANZULLO, Mr. GOSAR, Mr. ROSS of Florida, Ms. JENKINS, and Mr. BERG):

H.R. 3135. A bill to amend the provisions of title 40, United States Code, commonly known as the Davis-Bacon Act, to raise the threshold dollar amount of contracts subject to the prevailing wage requirements of such provisions; to the Committee on Education and the Workforce.

By Mr. FORBES:

H.R. 3136. A bill to provide for rates of pay for Members of Congress to be adjusted as a function of changes in Government spending; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT:

H.R. 3137. A bill to permit small business concerns operating in the United States to elect to be exempt from certain Federal rules and regulations, and for other purposes; to the Committee on Small Business.

By Ms. ZOE LOFGREN of California (for herself, Mr. DEFAZIO, Mr. PIERLUISI, Mr. MCGOVERN, Mr. RYAN of Ohio, Mr. CICILLINE, Mr. CARNAHAN, Mr. LEVIN, Mr. DINGELL, Ms. KAPTUR, Ms. RICHARDSON, Mr. LATOURETTE, Ms. MOORE, Mr. FILNER, Mr. NADLER, Mr. LUJÁN, Mr. WELCH, and

Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 3138. A bill to amend the National Institute of Standards and Technology Act to specify a cost sharing requirement and to provide for a report to Congress; to the Committee on Science, Space, and Technology.

By Ms. NORTON:

H.R. 3139. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds in the District of Columbia by property and casualty insurance companies for the payment of policyholders' claims arising from natural catastrophic events; to the Committee on Ways and Means.

By Ms. SPEIER (for herself and Mr. MEEHAN):

H.R. 3140. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to prioritize the assignment of officers and analysts to certain State and urban area fusion centers to enhance the security of mass transit systems; to the Committee on Homeland Security.

By Mr. WELCH (for himself and Mr. DAVIS of Kentucky):

H.R. 3141. A bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 3142. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the donation of wild game meat; to the Committee on Ways and Means.

By Mr. MCGOVERN:

H.J. Res. 80. A joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Bahrain; to the Committee on Foreign Affairs.

By Ms. CLARKE of New York (for herself, Mr. RANGEL, Mr. TOWNS, and Mrs. CHRISTENSEN):

H. Res. 426. A resolution recognizing the impact of Mr. Hulbert James on politics, urban development, and New York City, and paying tribute to Mr. James for his lifetime of public service; to the Committee on Financial Services.

By Mr. HUNTER (for himself and Mr. RUPPERSBERGER):

H. Res. 427. A resolution supporting the goals and ideals of Red Ribbon Week; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself, Mr. TOWNS, Mr. PIERLUISI, Mr. SERRANO, Mr. MEEKS, Mr. MORAN, Ms. CLARKE of New York, Mr. CROWLEY, and Mr. GRIMM):

H. Res. 428. A resolution recognizing the importance of acknowledging the contributions of Dominican-Americans to the United States; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. VELÁZQUEZ:

H.R. 3114.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States . . .

By Mr. COFFMAN of Colorado:

H.R. 3115.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Article I, Section 9, Clause 7

By Mr. KING of New York:

H.R. 3116.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 18

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department of Officer thereof.

By Mr. WITTMAN:

H.R. 3117.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States.

By Mr. FARENTHOLD:

H.R. 3118.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Ms. ZOE LOFGREN of California:

H.R. 3119.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the Constitution.

By Ms. ZOE LOFGREN of California:

H.R. 3120.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the Constitution.

By Mr. BARROW:

H.R. 3121.

Congress has the power to enact this legislation pursuant to the following:

Art. I. Sec. 9, Cl. 7 (no spending "but in Consequence of Appropriations made by Law").

By Mr. HANNA:

H.R. 3122.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Section 8 of Article I of the United States Constitution.

By Mr. TIBERI:

H.R. 3123.

Congress has the power to enact this legislation pursuant to the following:

This bill makes changes to existing law relating to Article 1, Section 7 which provides that "All bills for raising Revenue shall originate in the House of Representatives."

By Mr. CLAY:

H.R. 3124.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution of the United States grants the Congress the power to enact this law.

By Mr. CAMPBELL:

H.R. 3125.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution of the United States.

By Mr. GEORGE MILLER of California:

H.R. 3126.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, 3, 18 of the U.S. Constitution; Article I, Section 9, Clause 7 of the U.S. Constitution.

By Mr. POSEY:

H.R. 3127.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. GRIMM:

H.R. 3128.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. BACA:

H.R. 3129.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mrs. BACHMANN:

Congress has the power to enact this legislation pursuant to the following:

As human beings capable of exhibiting detectible heartbeats through the most modern medical technology, the unborn are granted the right to due process under Section 1 of the 14th Amendment of the United States Constitution which explicitly states, "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

By Mr. BILIRAKIS:

H.R. 3131.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 10 of the Constitution of the United States and Article I, Section 8, Clause 18 of the Constitution of the United States.

By Ms. CHU:

H.R. 3132.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8, Article 1 of the Constitution.

By Mrs. DAVIS of California:

H.R. 3133.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Ms. DELAURO:

H.R. 3134.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution

By Mr. DUNCAN of South Carolina:

H.R. 3135.

Congress has the power to enact this legislation pursuant to the following:

Because this legislation adjusts the formula the federal government uses to spend money on federal contracts, it is authorized by the Constitution under Article 1, Section 8, Clause 1, which grants Congress its spending power.

By Mr. FORBES:

H.R. 3136.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 6 and Amendment XXVII

By Mr. GARRETT:

H.R. 3137.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Ms. ZOE LOFGREN of California:

H.R. 3138.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1, 3, and 18.

By Ms. NORTON:

H.R. 3139.

Congress has the power to enact this legislation pursuant to the following:

clause 17 of section 8 of article I of the Constitution.

By Ms. SPEIER:

H.R. 3140.

Congress has the power to enact this legislation pursuant to the following:

The Constitution including Article I, Section 8.

By Mr. WELCH:

H.R. 3141.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18, the power to make laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States.

By Mr. YOUNG of Alaska:

H.R. 3142.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution.

By Mr. MCGOVERN:

H.J. Res. 80.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution, Article I, Section 8, authorizes the Congress:

- 1) "to provide for the common Defence and general Welfare of the United States," and
- 2) "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers."

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. SIRES, Mr. RANGEL, and Ms. HAHN.

H.R. 49: Mr. NUNES and Mr. RIGELL.

H.R. 57: Mr. CASSIDY and Ms. HAYWORTH.

H.R. 58: Mr. MCCLINTOCK.

H.R. 115: Mr. PRICE of North Carolina.

H.R. 265: Mr. JACKSON of Illinois and Mr. FARR.

H.R. 266: Mr. JACKSON of Illinois and Mr. FARR.

H.R. 267: Mr. JACKSON of Illinois and Mr. FARR.

H.R. 324: Ms. RICHARDSON.

H.R. 329: Mr. BACA.

H.R. 360: Mr. KINGSTON.

H.R. 361: Mr. DUNCAN of South Carolina.

H.R. 420: Mr. POMPEO, Mrs. BACHMANN, and Mr. MCCLINTOCK.

H.R. 494: Mr. JACKSON of Illinois.

H.R. 607: Ms. NORTON.

H.R. 674: Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mrs. CAPPS, and Mr. BERG.

H.R. 676: Ms. NORTON and Mr. GUTIERREZ.

H.R. 719: Mr. PIERLUISI.

H.R. 721: Mr. COFFMAN of Colorado.

H.R. 750: Mr. SCHWEIKERT.

H.R. 805: Mr. ROSS of Arkansas.

H.R. 807: Ms. MCCOLLUM and Mr. PETERSON.

H.R. 812: Ms. ROYBAL-ALLARD, Mr. LATHAM, and Mr. ELLISON.

H.R. 822: Mr. HASTINGS of Washington.

H.R. 835: Mr. JACKSON of Illinois and Mr. LEVIN.

H.R. 886: Mr. JONES, Mr. CULBERSON, Mr. CALVERT, Mr. SOUTHERLAND, Mr. MEEHAN, Mr. SCHILLING, Mr. RIBBLE, Mr. YOUNG of Indiana, Mr. TURNER of New York, and Mr. STIVERS.

H.R. 892: Ms. JENKINS.

H.R. 991: Mr. FLEISCHMANN.

H.R. 1041: Ms. WILSON of Florida.

H.R. 1084: Mr. FATTAH.

H.R. 1116: Mr. LARSEN of Washington.

H.R. 1161: Mr. PEARCE.

H.R. 1179: Mr. GARY G. MILLER of California and Mr. THORNBERRY.

H.R. 1193: Mr. MEEKS and Mr. GIBSON.

H.R. 1236: Ms. MCCOLLUM, Mr. LARSEN of Washington, Mr. CLAY, and Mr. MORAN.

H.R. 1265: Mr. SCHILLING and Mr. NUNES.

H.R. 1288: Mrs. MALONEY, Mr. STARK, and Ms. WOOLSEY.

H.R. 1327: Mr. MCKINLEY, Mr. ENGEL, and Mr. STARK.

H.R. 1332: Mr. MURPHY of Connecticut, Mr. THOMPSON of California, Mr. ROYCE, Mr. MANZULLO, and Mr. MCGOVERN.

H.R. 1340: Ms. PINGREE of Maine.

H.R. 1348: Ms. RICHARDSON.

H.R. 1351: Mr. JOHNSON of Ohio and Mr. REED.

H.R. 1370: Mr. ROGERS of Alabama and Mr. COBLE.

H.R. 1443: Mr. LATHAM.

H.R. 1457: Mr. ISRAEL.

H.R. 1509: Mr. BARTON of Texas.

H.R. 1541: Mr. BROUN of Georgia, Mr. ROE of Tennessee, Mr. POSEY, and Mr. SCALISE.

H.R. 1546: Mr. NUNNELEE, Mr. LEVIN, Mr. KING of New York, Mr. BISHOP of New York, Ms. HAHN, Mr. TOWNS, Mr. CHANDLER, and Mr. QUIGLEY.

H.R. 1558: Mr. WOMACK and Mrs. HARTZLER.

H.R. 1578: Mr. OWENS.

H.R. 1585: Mr. FRANKS of Arizona, Mr. RIBBLE, and Mr. SOUTHERLAND.

H.R. 1609: Mr. BROOKS and Mr. SHIMKUS.

H.R. 1616: Mr. JACKSON of Illinois.

H.R. 1639: Mr. BASS of New Hampshire, Mr. KELLY, Mr. OLSON, Mr. YOUNG of Alaska, and Mr. HULTGREEN.

H.R. 1675: Mr. ROSKAM and Mr. KING of New York.

H.R. 1676: Ms. SPEIER and Mr. MARKEY.

H.R. 1723: Mr. ROSS of Florida.

H.R. 1737: Mr. NUNNELEE and Mr. SAM JOHNSON of Texas.

H.R. 1744: Mr. MACK.

H.R. 1769: Mr. MARCHANT.

H.R. 1776: Ms. HIRONO.

H.R. 1781: Ms. EDWARDS, Ms. CASTOR of Florida, Mr. PAYNE, Mr. RICHMOND, Mr. DOYLE, and Mr. YARMUTH.

H.R. 1815: Mr. TURNER of Ohio.

H.R. 1862: Mr. FRANK of Massachusetts, Mr. MCGOVERN, and Mr. JACKSON of Illinois.

H.R. 1904: Mr. LUETKEMEYER.

H.R. 1953: Mr. HINCHEY.

H.R. 1968: Ms. HAYWORTH.

H.R. 1996: Mr. CRAWFORD.

H.R. 2016: Mrs. CHRISTENSEN and Ms. SLAUGHTER.

H.R. 2020: Mr. LATHAM and Mr. PLATTS.

H.R. 2033: Mr. FRANK of Massachusetts.

H.R. 2040: Ms. JENKINS.

H.R. 2059: Ms. ROS-LEHTINEN, Mrs. BACHMANN, Mr. MURPHY of Pennsylvania, Mrs. MCMORRIS RODGERS, and Ms. BUERKLE.

H.R. 2085: Mr. HEINRICH, Mr. PASTOR of Arizona, and Ms. HAHN.

H.R. 2161: Mr. SMITH of Washington.

H.R. 2195: Mr. REHBERG.

H.R. 2207: Mr. OLVER.
H.R. 2223: Mr. LIPINSKI and Mr. DONNELLY of Indiana.
H.R. 2236: Ms. SUTTON.
H.R. 2239: Mr. GALLEGLY.
H.R. 2245: Mr. ROSS of Florida and Mr. YOUNG of Florida.
H.R. 2247: Mr. LARSEN of Washington.
H.R. 2272: Mr. RAHALL.
H.R. 2299: Mr. SCHILLING.
H.R. 2304: Mr. BARROW.
H.R. 2357: Mr. CAPUANO.
H.R. 2362: Mr. HONDA.
H.R. 2369: Mr. TIERNEY, Mr. SULLIVAN, Ms. GRANGER, Ms. LEE of California, Mr. GARDNER, Mr. WHITFIELD, and Mrs. ROBY.
H.R. 2376: Mr. DOLD, Mr. REED, Mrs. BIGGERT, Mr. BILBRAY, Mr. BASS of New Hampshire, Mr. HANNA, Mr. GENE GREEN of Texas, Ms. BALDWIN, Mrs. CAPPS, Mr. CARNAHAN, Mr. PERLMUTTER, and Mr. LANGEVIN.
H.R. 2377: Mr. CARNAHAN.
H.R. 2443: Mr. WELCH.
H.R. 2447: Mr. SMITH of Washington, Mr. PETERS, Mr. LEVIN, Mr. YARMUTH, Mr. LAMBORN, Mr. CHANDLER, Mrs. ADAMS, Mr. ANDREWS, Mr. HINOJOSA, Mr. HOLDEN, Mr. McDERMOTT, Mr. OLVER, Mr. POSEY, Mr. QUIGLEY, Mr. ROTHMAN of New Jersey, Mr. HOYER, Ms. MATSUI, Mr. GEORGE MILLER of California, Mr. GARAMENDI, Ms. ESHOO, Mr. FARR, Mr. SHERMAN, Ms. ROYBAL-ALLARD, Ms. DEGETTE, Mr. CARNEY, Ms. CASTOR of Florida, Ms. HANABUSA, Mr. KEATING, Mr. KILDEE, Mr. ELLISON, Mr. PETERSON, Mr. PALLONE, Mr. CICILLINE, and Mr. AUSTIN SCOTT of Georgia.
H.R. 2461: Mr. LATHAM.
H.R. 2471: Mr. LANCE and Mr. KINZINGER of Illinois.
H.R. 2477: Mr. CHANDLER.
H.R. 2492: Ms. BALDWIN and Mr. STARK.
H.R. 2508: Mr. BACA and Mr. VAN HOLLEN.
H.R. 2514: Mr. GARDNER and Mr. DUFFY.
H.R. 2528: Mr. POE of Texas and Mr. BURGESS.
H.R. 2541: Mr. REICHERT.
H.R. 2543: Ms. HAHN.
H.R. 2554: Mr. HONDA.
H.R. 2597: Mr. SARBANES.
H.R. 2599: Ms. DEGETTE, Mr. COSTA, Mr. STARK, Mr. CAMPBELL, Ms. SPEIER, Ms.

HIRONO, Mr. SCHIFF, Mr. FILNER, Mr. GEORGE MILLER of California, Mr. HONDA, Mr. SARBANES, Ms. ZOE LOFGREN of California, Mr. DIAZ-BALART, Mr. BILBRAY, Mr. CARNAHAN, Mr. BACA, and Mr. GARAMENDI.
H.R. 2600: Mr. HEINRICH, Mr. WEST, and Mr. HALL.
H.R. 2634: Mr. FRANK of Massachusetts.
H.R. 2655: Mr. LARSON of Connecticut, Mr. PETERSON, Ms. SCHWARTZ, Mr. SERRANO, Mr. GIBBS, Mr. LATOURETTE, Ms. NORTON, Mr. PASCRELL, and Mr. PAULSEN.
H.R. 2672: Mr. MEEHAN.
H.R. 2688: Mr. NADLER.
H.R. 2705: Mr. HIMES, Ms. NORTON, Mr. QUIGLEY, Mr. PASTOR of Arizona, Mr. TOWNS, Mr. WAXMAN, Mr. FRANK of Massachusetts, Mr. FARR, Mr. DAVIS of Illinois, and Mrs. MALONEY.
H.R. 2830: Ms. FUDGE, Mr. FILNER, Mr. JOHNSON of Ohio, Mr. POE of Texas, Mr. WELCH, and Mr. SHERMAN.
H.R. 2835: Mr. HASTINGS of Florida.
H.R. 2836: Mr. HASTINGS of Florida.
H.R. 2837: Mr. HASTINGS of Florida.
H.R. 2842: Mr. COSTA.
H.R. 2864: Mr. SERRANO, Ms. ESHOO, Mr. McCOTTER, Mr. RUSH, Mr. JOHNSON of Ohio, and Mr. KISSELL.
H.R. 2866: Mr. DONNELLY of Indiana and Mr. PLATTS.
H.R. 2897: Mr. CRAWFORD.
H.R. 2898: Mr. ISSA and Mr. GARRETT.
H.R. 2918: Mr. BILIRAKIS, Mr. MARINO, Mr. LONG, and Mr. COFFMAN of Colorado.
H.R. 2920: Ms. NORTON, Mr. TOWNS, Ms. RICHARDSON, Ms. CLARKE of New York, Ms. WOOLSEY, Mr. HINCHEY, Mr. FILNER, Mrs. MILLER of Michigan, and Mr. RUSH.
H.R. 2939: Mr. STARK.
H.R. 2951: Mr. AUSTRIA.
H.R. 2956: Mr. AL GREEN of Texas.
H.R. 2960: Mr. HECK, Ms. HAYWORTH, Mr. ROE of Tennessee, Mr. BURGESS, Ms. FUDGE, Mr. LATHAM, Mr. PLATTS, and Mr. WITTMAN.
H.R. 2962: Mr. GUTHRIE.
H.R. 2966: Ms. TSONGAS and Mr. INSLEE.
H.R. 2969: Mr. PETERS, Ms. PINGREE of Maine, Ms. WOOLSEY, Mr. MARCHANT, and Mr. McDERMOTT.
H.R. 2970: Mr. SIRES.
H.R. 2977: Mr. CALVERT.

H.R. 3000: Mr. KINGSTON.
H.R. 3005: Mr. WELCH.
H.R. 3009: Mr. BROWN of Georgia and Mr. SOUTHERLAND.
H.R. 3027: Ms. SLAUGHTER.
H.R. 3035: Mr. LUETKEMEYER.
H.R. 3039: Mr. KINZINGER of Illinois, Mr. TIBERI, Mr. ROONEY, Mrs. CHRISTENSEN, and Mr. DOLD.
H.R. 3046: Mr. MICHAUD, Mr. LUJÁN, Ms. RICHARDSON, and Mr. HOLT.
H.R. 3054: Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. ELLISON, and Mr. JOHNSON of Georgia.
H.R. 3056: Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. ELLISON, and Mr. JOHNSON of Georgia.
H.R. 3059: Mr. LANKFORD, Mr. LUETKEMEYER, and Ms. JACKSON LEE of Texas.
H.R. 3061: Mr. KING of New York and Mr. LOBIONDO.
H.R. 3066: Mr. LANDRY.
H.R. 3074: Mr. BENISHEK.
H.R. 3086: Mr. HARPER.
H.R. 3088: Mr. MCGOVERN, Mr. HONDA, and Ms. CLARKE of New York.
H.R. 3090: Mr. PITTS, Mr. FRANKS of Arizona, and Mr. CHAFFETZ.
H.R. 3094: Mr. PLATTS.
H.R. 3096: Mr. ROONEY.
H.R. 3099: Mr. BURTON of Indiana.
H.J. Res. 28: Mr. QUIGLEY, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. MEEKS, Ms. EDWARDS, Mr. RICHMOND, and Mr. AL GREEN of Texas.
H. Con. Res. 39: Mr. RUNYAN and Mr. POE of Texas.
H. Res. 98: Mr. COSTA and Mr. SESSIONS.
H. Res. 111: Ms. HAYWORTH and Mr. HINOJOSA.
H. Res. 352: Mr. MARINO.
H. Res. 387: Mr. HONDA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2920: Mr. CICILLINE.
H.R. 2954: Mr. BROOKS.

SENATE—Thursday, October 6, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by the Reverend D. Edward Chaney, senior pastor of Second Baptist Church in Las Vegas, NV.

The guest Chaplain offered the following prayer:

Let us pray.

Bless us now, O God. Touch our hearts, for without Your love, light, and life, we are nothing.

Give our lawmakers strength and courage as they make decisions today that impact the lives of all Americans.

Lord, remove the divisive spirit that prohibits true transformation and allow Your presence to become not just common but harmonious. Through our dedication, commitment, and sacrifice, we thank You for cleansing us from the ills of this world and making us fit to serve and honor You.

We ask these blessings in Your Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELTON WHITEHOUSE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 6, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WELCOMING REVEREND CHANEY

Mr. REID. Mr. President, I have the rare opportunity today to introduce and say a few words about the guest Chaplain. Reverend Chaney has just delivered, as usual, an eloquent invocation.

Reverend Chaney is originally from South Carolina, but for the last 2 years he has led the flock of the Second Baptist Church in Las Vegas, one of the oldest, extremely well-established, and largest churches in Las Vegas, NV. He is a man who is involved in the community very deeply. He serves on the board of the Urban League and the NAACP.

In addition to his service in the spiritual realm, he has also served as a patriot in our Nation's armed services. He served in the Navy for 4 years, as has our Chaplain, Dr. Barry Black. They were both naval officers. Reverend Chaney recently retired as chaplain of the U.S. Air Force Reserve at Nellis Air Force Base.

I have met with Reverend Chaney under very unique circumstances on a number of occasions. He is a wonderful human being. He is one of those rare people who have such a pleasant demeanor. The minute a person meets him, they know he is a man of great substance and spiritual quality. So I am very happy to welcome Reverend Chaney and his wife Avis to Washington.

I thank the pastor for the inspiring invocation, which I hope will guide the Senate's action today.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of S. 1619, the China currency legislation. The deadline for second-degree amendments to that legislation is at 10 a.m. this morning. At 10:30, there will be a rollcall vote on the motion to invoke cloture on S. 1619.

MEASURE PLACED ON THE CALENDAR—S. 1660

Mr. REID. Mr. President, I am told that S. 1660 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1660) to provide tax relief for American workers and businesses, to put

workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs.

Mr. REID. Mr. President, I object to any further proceedings with respect to this legislation.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. REID. I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHINA CURRENCY MANIPULATION

Mr. REID. Mr. President, this morning the Senate will hold a vote to advance legislation to end the underhanded practice of currency manipulation by the Chinese Government. This practice gives Chinese exports a tremendously unfair advantage over all the global markets but especially the one with our relations with China. It hurts American manufacturers and cheats American workers out of jobs. This practice has helped balloon America's trade deficit with China from \$10 billion to \$273 billion in the last 20 years, costing upwards of 3 million jobs. Too many of those lost jobs came from the manufacturing sector alone, which can't compete as long as the Chinese Government gives its exports special advantages.

This legislation is a chance to even a tilted playing field, to pump \$300 billion into our economy in 2 years, and support 1.6 million American jobs. That is why it has the support of labor unions and business groups. That is why it advanced with an overwhelming bipartisan vote on Monday. I believe there were 31 Republican votes on Monday.

I would remind my Republican colleagues that since the Senate began debate of this bill, China has made no move to correct the value of its currency. It is clear that merely considering congressional action will not solve this problem, so it is difficult for me to comprehend how people could be switching their votes from Monday to Thursday. We have offered to work with Republicans on an agreement to consider several germane amendments. I stand by that offer. We talked about

that yesterday and, in fact, late last night. I repeat, more than 31 Republicans voted to advance this legislation earlier this week. So I am hopeful my colleagues on the other side will continue to work with us in a bipartisan fashion to advance this important job-creating legislation today.

I have indicated to the Republican leader that I have a meeting with three of my Senators at the White House at 5:30 this afternoon, so we either finish this bill if, in fact, cloture is invoked and we work out something on the amendments before 5:30 or we can come back tonight after the meeting at the White House or we can come back tomorrow, but we are going to complete work on this legislation before we leave, one way or the other. If cloture is not invoked, of course, that ends it, which I think would be a sad day for relations between China and the United States, to think we capitulated on something as important as this. But we are going to finish this legislation today. I would like to do it before 5:30. We have the Jewish holiday that starts tomorrow at 5:30—it is actually an hour or so after that, so 20 until 7, sundown. But, anyway, we are going to continue working on this legislation until we complete it one way or the other.

AMERICAN JOBS ACT

Early next week, the Senate will begin debate on the American Jobs Act, which will create jobs while asking every American to contribute his or her fair share. This legislation will put construction crews back to work building the things that make our country stronger: modern bridges, roads, dams, sewers, water systems, and up-to-date schools where our children can get the best education possible.

FREE TRADE

I have spent a lot of time with the Republican leader, knowing how strongly he and some other Members of the Senate feel about the Colombia trade bill, the Korea trade agreement, and Panama. In spite of my not feeling so strongly about these—I am not a big fan of these matters—I am doing my best to advance this so we can have a vote, hopefully as early as Wednesday of next week.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

AMERICAN JOBS ACT

Mr. McCONNELL. Mr. President, what this week has shown beyond any doubt is that Democrats would rather talk about partisan legislation they won't pass than actually passing legislation we know would create jobs.

Two and a half years after the President signed his first stimulus, there are 1.7 million fewer jobs in this country. Now he wants to do it again. Why? Because Democrats think it makes for good politics.

This week, it was revealed that there wasn't enough support within the Democratic ranks to pass the President's so-called jobs bill—it was simply too partisan. So yesterday, instead of making it less partisan, they made it more so. By adding a tax on small business owners, they made it even less attractive to job creators rather than working with Republicans on legislation that would actually help create jobs.

I mean, what is our goal here? If the goal is to create jobs, then why are we even talking about tax hikes? The President himself has said that raising taxes is the last thing we want to do in a weak economy. That is the President of the United States. Even the White House predicts the unemployment rate will be high when this tax would kick in. So the real goal here for Democrats, as far as I can tell, is entirely political. By arguing for a permanent tax hike to pay for a temporary stimulus, they are essentially admitting they are not particularly interested in creating jobs. Proposing a partisan tax hike 13 months before an election will not create one single job—not one. So I would suggest that our friends on the other side put away the playbook and work with us instead.

As I have said repeatedly, Republicans are ready to act right away with Democrats on bipartisan, job-creating legislation—on the three trade bills, for instance, on regulatory reform, increasing American energy production, and tax reform. All those things would help the economy, and all could be strongly—strongly—bipartisan. Yet Democratic leaders do not seem to be interested in working together.

Two days ago, for example, I offered the President his request to vote on his second stimulus. Our Democratic friends blocked the vote. Instead of working across the aisle with Republicans on solutions that would help put people back to work, Democrats have fallen back to tired talking points—the same, stale rhetoric we have heard literally for years. With 14 million Americans out of work, this is completely and totally unacceptable.

We are wasting valuable time. Despite the President assuring Americans that nobody is talking about raising taxes right now and that a down economy is a horrible time to raise taxes—again, this is what the President said—the new Democratic tax hike would take effect in a little over a year, when CBO tells us the unemployment rate will still be well over 8 percent.

It is no wonder the economy is stagnant, businesses are not hiring, and unemployment is at 9 percent. How can

anyone be expected to make plans when the next “gotcha” tax hike to pay for this President's spending binge is always lurking right around the corner?

The President has said it is wrong to raise taxes in this weak economic environment. If he meant what he said, surely he will join me in opposing this unwise tax hike Senate Democrats have proposed.

Republicans, along with some Democrats, have progrowth solutions to help solve this crisis, but we will not stand for a permanent tax hike for a temporary stimulus that is largely a rehash of the same stimulus ideas this administration has already tried.

This bill is the same wasteful spending, the same burdensome union giveaways, and the same temporary tax policy that has failed the American people in the last 2 years.

This economy can grow and create jobs when Washington reduces spending and regulations, and by simplifying our incredibly complex tax system. This is what is needed to literally unleash the private sector.

It is time Democrats move beyond the political rhetoric and for the President to stop campaigning. It is time for Democrats to reach across the aisle on bipartisan legislation that can actually pass.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1619, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1619) to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Pending:

Reid amendment No. 694, to change the enactment date.

Reid amendment No. 695 (to amendment No. 694), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance with instructions, Reid amendment No. 696, to change the enactment date.

Reid amendment No. 697 (to (the instructions) amendment No. 696) of the motion to commit), of a perfecting nature.

Reid amendment No. 698 (to amendment No. 697), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 a.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from New York.

Mr. SCHUMER. Just for a clarification, Mr. President, are we in morning business or are we on the bill?

The ACTING PRESIDENT pro tempore. We are on the bill.

Mr. SCHUMER. Is 1 hour of time equally divided?

The ACTING PRESIDENT pro tempore. Until 10:30.

Mr. SCHUMER. So time is equally divided up to that point?

The ACTING PRESIDENT pro tempore. Correct.

Mr. SCHUMER. Thank you, Mr. President.

First, I would like to make a comment on the Republican leader's comments on the tax bill. Just make note, American people, the leader says: Do not raise taxes. But he does not mention what our proposal actually does. It imposes a 5.6-percent surcharge only on those whose incomes are above \$1 million. In other words, 99 percent-plus of the American people will not have their taxes raised, nor should they.

Average middle-class people are struggling. Their incomes are declining. We should not be doing that. But for those who are the very wealthiest—and this is no aspersion to them. I think most of us on both sides of the aisle admire people who have made a lot of money. Most Americans would like to be in their shoes, and most of them have done it the hard way: by coming up with a good idea, struggling and working a business. That is great. But they are the one segment in society whose income has actually increased significantly over the last decade.

The one consensus we have in this place is that we have to reduce the deficit and reduce the budget. The one consensus we have is that we have to do that. Well, you are asking middle-class people to chip in by making it harder to pay for college because student loans are not as good or cutting back on somebody who has been unemployed. They worked their whole life, lost their job, and now are unemployed.

So how do we have the top 1 percent—the one part of society doing the best—chip in? Well, the only way is through the Tax Code because they do not need help getting their kids to college. They do not need health care help. God bless them. They have enough money to do that on their own. So this is the only way to do it. If you say no taxes on anybody, even the millionaires—which is what, I assume, the Republican leader is saying—you are saying the best off in society, who have done the best in the last decade, should not contribute to this deficit reduction we have to do.

I believe—and I will say this again and again—the only way we are going to get real deficit reduction is by raising revenues as well as cutting spending. The only real way we are going to break through on raising revenues is

making sure those at the highest income contribute and contribute more than others when it comes to the tax system.

I would like to go to the bill at hand, which is S. 1619, the currency act. I know my colleagues have heard me on this all week. It is passionate for me. It is passionate not as a Democrat or not against Republicans. In fact, we have religiously tried throughout—Senator LINDSEY GRAHAM and I, throughout the history of this bill, which is a long one, and the bills before it, their predecessors—we have tried to keep this religiously bipartisan.

In fact, we have five lead Democratic sponsors and five lead Republican sponsors. LINDSEY and I have opposed Presidents on this issue—whether it was the Republican President Bush or the Democrat President Obama—with equal vigor because we think administrations get too caught up in that highfalutin diplomatic world to understand what American companies, particularly middle-sized companies, go through when China does not play fair.

I am on the Senate floor on this bill many times, more often than I usually speak, because I believe passionately this is about the future of America. If we continue to lose wealth and jobs to China because they manipulate trade laws and intellectual property laws and all kinds of other economic laws for their own advantage, unfairly—against the WTO rules, against the rules of free trade—we may never recover as a country.

This is serious. This is not to gain political advantage, although most Americans agree with it, of course. But I would do this if most Americans did not, and if editorialists did not, business leaders of multinational corporations did not. I do this because when we have small companies that are growing that have great products, and China unfairly competes with them—not because China's products are better but because China's trade allows it to undercut them in our market and in the Chinese market—we are giving away our seed corn.

Take solar cells. China usually uses a one-two punch to hurt us unfairly. First, they will use some trade law to get that business in their country, whether it is rare earths, and they will say: You want these rare earths? You have to manufacture in China. Whether it is intellectual property, they just take it regardless of patent laws and other laws. Or in the case of solar cells, whether it is unfair direct subsidies to companies, they say: You make the solar cells here—the Chinese companies—you will get deep subsidies.

But that alone would not be enough to put our American companies on their butts. What happens is, after they unfairly take the business and move them there, they send them here at a 30-percent discount using currency ma-

nipulation. Our American companies—and I have spoken to company after company in manufacturing businesses, in service businesses, and things in between—say: I can't compete. My product is usually better, but not against a 30-percent currency disadvantage. So the price of the Chinese good is 30 percent cheaper.

There is a window manufacturer I just visited, I think it was last Friday. He makes high-end windows for these buildings in New York and elsewhere. The window he makes is better than the Chinese window. This was not a theft of intellectual property. He would not use the Chinese windows because he is a contractor as well. He makes the windows, and then he installs them.

He said: I wouldn't use the Chinese product, but because it has a 30-percent advantage in currency, it undercuts me in price and lots of other people use it.

Now, who would have thought that we are talking about windows? The Chinese are competing against us everywhere. High end, middle end, and low end. On the low end, frankly, we will never get the businesses back. Toys or clothing or shoes, maybe even furniture—except high-end furniture—is not coming back.

The argument that some of these editorialists use, well, they are going to go to Bangladesh or somewhere else if China has to raise its currency is true, but that is not what we are fighting for here. We are fighting for high- and middle-end companies that have great products—solar panels, in which America has a future; jobs that if China played fairly we would win because we make a better product, and it does not have to be exported. Yet we somehow sit here and twiddle our thumbs.

What I was saying about the window guy is, not only now does China compete in manufacturing the windows, Chinese companies come here and install them. Again, it is still a 30-percent advantage because they are paying the Chinese company and workers the yuan, which is undervalued by 30 percent over there.

So this is serious. It is about the future of America, about the future of American jobs. We are all concerned about jobs. There are very few jobs bills that are, A, bipartisan, and, B, do not cost money. This is one of them. It has been a bipartisan bill all the way. The votes showed it.

I see my colleague from Alabama who has been a great partner. I saw my colleague from South Carolina who has been a great partner. How else in this deadlocked, gridlocked situation can we help American workers in a bipartisan way—that does not cost money—in a big way? This is it. There are not many others.

So I would ask my colleagues on both sides of the aisle—Leader REID said on the Senate floor a few minutes ago

what he said last night, that he would certainly entertain amendments and come to an agreement—amendments from both sides of the aisle, relevant, germane amendments, relevant to trade. I am sure if we could move on cloture, Senator HATCH's amendment—he is the ranking member of the Finance Committee—which deals with trade would be debated. We would try to have time limits. There would be a fair and open debate on an important issue, and then we could vote on the bill.

So I hope we will get a positive vote on cloture this morning, and I hope we will—not for political gain or anything like that but for American gain. We cannot, cannot, cannot continue to let China flaunt the rules.

Ten years ago or eight years ago, when Senator GRAHAM and I started on this issue, China was a much smaller economy. Now they are huge, the second largest in the world. They compete against us up and down the line. They have found six ways from Sunday to lure businesses there. That deals with the Chinese market. But then, with trade currency, when the businesses go there, with currency manipulation they are able to undercut us and send the goods here.

Again, to me—and I am just one person and, obviously, I feel this issue more passionately than 99 percent of Americans because I have been involved in it so long—if we could do five things to restore American jobs and restore American wealth, this would be one of them. This would be one of them.

I want to see our children and grandchildren know that they are going to have better lives than their parents and grandparents, and it is a difficult and tough world to ensure that with global competition, with so many changes.

We were just talking in the gym about how our kids spend so much time on video games all day long instead of learning in school.

There are so many challenges we face as a country. At this time we cannot shrug our shoulders and be benign like maybe 20 or 25 years ago when we were in a different situation, saying: China cheats; so what. Let's not risk any change. Let's not get them mad.

We cannot afford that anymore. The future of America is at stake. To those who say it will cause a trade war, we are in a trade war. We have our clocks cleaned every day and lose jobs every day because of unfair Chinese practices. To those who say China will retaliate, China has got far more to lose in this than we do. They are ones who benefit from all of these rules, we do not—all of these manipulations. They will not retaliate. Yes, they may do a little thing here and there, but they will not retaliate big time because it will do even more damage to the Chinese economy.

What they will do—Senator GRAHAM and I have seen this, and Senator SESSIONS and Senator BROWN—when they are faced with the hard reality that they will no longer be allowed by legislation or, I wish, by administration action, but that has not been forthcoming from either President Bush or President Obama, they then adjust and play fairer. That is what has happened every single time, and that will happen again.

I want to first compliment my colleagues on this legislation. I want to hope and pray—I pray in this one, me, for the future of America. And the future of America is linked to free and fair trade with China. The future of America is linked to the fact that we can no longer let China unfairly take advantage of American workers, American wealth, and the American future.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mrs. SHAHEEN.) The Senator from South Carolina.

Mr. GRAHAM. I rise in support of moving forward on this legislation. I wish I could fix the Senate. It is not functioning the way any of us wishes—plenty of blame to go around. The Congress's approval rating is at 15 percent.

But here is some good news. There is a piece of legislation before us that, if we can ever get a vote on the legislation, would have overwhelming bipartisan support that actually would matter to the average, every-day person. When you look through your Congress, you have got to say: What is it about those folks up there? Why can't they do the things that all of us know need to be done?

There is a difference of opinion about how to deal with China. This is a complicated issue. But the one thing no one is telling me on the other side: LINDSEY, they are not manipulating their currency. I think as the American Taxpayers Union—great organization; I am in pretty good standing with them. I disagree with them on how to proceed against China in this particular instance. I think they said in their own letter: We agree, China manipulates their currency.

Well, if they do manipulate their currency, what does it matter? It matters a lot if you are an American business man or woman trying to compete in the world marketplace. As Senator SCHUMER said, the Chinese manipulate the value of their currency—6.3 yuan to the dollar; it used to be 8-point something. What does that mean? That means if a product produced in China is sold in the world marketplace and you are in business in South Carolina, Alabama, or New York, competing with that Chinese company, the value of their money builds a discount of 30 to 40 percent. You are going to have a very hard time winning in the market-

place, not because you do not work hard, not because your employees are inferior, simply because the Chinese Government is doing things with their currency we do not do.

We have a Federal Reserve. Some of their policies I do not agree with. But to suggest that our Federal Reserve system manipulates our currency to create a trade advantage is ridiculous. If we are doing it for that purpose, everybody should be fired, because we have a \$273 billion trade deficit.

Every country has a right to set monetary policy. That is not the issue. If you disagree with the way we are doing monetary policy in the United States, I think you have a valid claim. This is about a country manipulating its currency for an advantage in the export market. The Chinese manipulation of the yuan has cost this country at least 2 million jobs—41,000 in South Carolina—and it is an unfair trade practice in another name.

If this were an island nation somewhere, none of us would care. But this is the second or third largest economy in the world, and all of us should care. The people who are opposing this legislation today are probably doing business in China and they are afraid to offend the Chinese. I have some manufacturing in my State that has a big footprint in China. They are nervous about this bill. I have most people in my State dying for me to get them some relief so they can stay in business.

But here is a warning: It will come—this movie will come to a neighborhood near you soon. In 2016, the Chinese are going to start producing, in large numbers, commercial aircraft. It will be difficult for American aircraft companies to compete with China if the aircraft is 30 percent discounted because of currency manipulation. One day they will be producing cars, not to be sold in China but throughout the world. If you are in a high-tech industry, what has happened to the textile industry and other elements of our country such as steel is coming toward you. All we ask of China is build cars, build airplanes, but sell their products based on trade practices that are accepted throughout the world. Do not manipulate your currency to create a discount on products made in your country at our expense.

Since 2004, I have been dealing with this. We started with a sense of the Senate because everybody said this is delicate. I buy into that to a point. So sense of the Senate, we all agreed with 100 votes: You manipulate your currency. Please stop.

In 2005, after they did not stop, we introduced legislation, got 67 votes to proceed forward with a 27.5 tariff. We stopped our bill because we hoped things would change. Guess what. The yuan has appreciated about 31 percent since we have been doing this exercise,

but not nearly enough. There is a restriction on the yuan trading. It cannot float more than 0.5 percent a day. It is tied to the dollar. It is still crushing our manufacturing community unfairly.

So from 2004 to now, I have been reasonable. I have sent message amendments, I have taken votes where I won overwhelmingly, and backed off. I have had it. Enough is enough. I am sorry the amendment process around this place is so screwed up. It is. There was an effort to get some amendments up. Not as much as people on our side would like.

I hate the idea of filling up the tree and becoming the House. But this is not about Senate procedure for me. I try to be a team player where I can be because I do believe Senator MCCONNELL is doing a very good job. Senator REID has got his own agenda. It is not about HARRY REID. It is not about MITCH MCCONNELL. It is not about some rule of the Senate. It is about people in my State who are going to lose their job if we do not do something.

I know what I need to be doing as a Senator here. The institution I need to be protecting is the American workforce which is having its clock cleaned by a Communist dictatorship that cheats. They do not outwork us. They do not outperform us. They steal our intellectual property. They manipulate their currency. They subsidize their industries. A few years ago they dumped steel all over the world—in the American marketplace, in particular—produced in China below cost, and the Bush administration pushed back with a countervailing duty claim.

I want to do business with China. The Chinese people are good. Their government is bad. They are mercantilists. They look at every transaction with an eye of what is best for us in the short term. They do not play by the rules. Since they have been in the WTO, their trade deficit has almost quadrupled. So enough is enough for LINDSEY GRAHAM.

We are going to have a chance, after 7 years, of getting a vote that will matter to the American people. I am sorry we are mad at each other all the time about everything. I am tired of being mad about the Senate not working well. I am going to set aside my displeasure for the process and do something I think will help the people I represent. I am going to vote to move forward in an imperfect procedural environment, knowing that if we can ever get a vote, it will be the best thing that could happen to the American manufacturing community. It will be a shot across China's bow that is long overdue.

The last thing I would say is that Senator SESSIONS has come into this issue, and he has brought an intellectual weight to it, emotional commitment. He understands the middle class.

JEFF SESSIONS has been the best partner anyone could hope to have to try to push a bill forward that will give America a fighting chance in a world economy dominated unfairly by a Communist dictatorship. I want to recognize what Senator SESSIONS has done. He is going to vote to move forward. We have had it with China. Let's do something that will matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I was very interested in the comments of the distinguished Senator from New York and my friend from South Carolina as well.

This morning, the Senate will have the opportunity to send a strong message to China and the world community. Whether that signal is one of inward protectionism or outward engagement remains to be seen. In my mind, the choice is clear. If we support the motion to invoke cloture on the underlying bill, we will be sending a signal to China that the Senate is angry over China's manipulation of its currency, but we are not serious about taking real, long-term action to stop it.

We are also telling the world community that the United States is turning inward once again, seeking protectionist solutions to global problems, and not interested in working with other countries to solve our current international economic crisis. At the same time, we would be interjecting further uncertainty into our own economic recovery as our exporters and workers face potential retaliation from one of our leading trading partners.

There is a better way, and it can be bipartisan. We can defeat cloture and give Senators an opportunity to vote on my amendment, which not only has the best chance of actually resolving our serious currency problems with China but also demonstrates to the international community that the United States will continue to lead by promoting trade liberalization and holding countries accountable to the rules of the game for the long haul.

If given the chance to vote on my amendment, we can demonstrate our serious commitment to developing long-term and meaningful solutions to the persistent problem of currency manipulation. It tells them we are committed to starting that process today.

Yesterday, I outlined some of the serious problems with the unilateral approach adopted by the proponents of this bill. Allow me to summarize them for the benefit of my colleagues. First, this is not a jobs measure. Proponents of the unilateral approach argue that their bill will create thousands of jobs right now and millions of jobs in the years ahead. But all we have to do is take a close look at the numbers and the process laid out in the bill to see this is not the case.

I am also concerned that the bill will inject economic instability in a key bilateral relationship and subject U.S. exporters to potential retaliation by the Chinese.

Yesterday, the White House also expressed concerns about this bill, though they still have not stated publicly what those specific concerns are. I wish they would. It would be helpful to us up here to have the White House weigh in and say what they actually want, instead of waiting for the Senate to do whatever it wants to.

A growing chorus has come out to criticize the unilateral approach in this bill—a growing chorus. The New York Times called this bill “a bad idea” and “too blunt of an instrument” which, if enacted, is very unlikely to persuade China to change its practices, while adding another explosive new conflict to an already heavy list of bilateral frictions.

The Wall Street Journal called the underlying bill “the most dangerous trade legislation in many years.”

The U.S. Chamber of Commerce issued a letter yesterday stating that the unilateral approach in the underlying bill would be counterproductive in persuading China to alter its currency practices and that “in the end, such unilateral action would very likely cause retaliation by China and ultimately damage the U.S. economy, including exporters, investors, workers, and consumers.”

It does not get any tougher than that.

Again, there is a better way. My amendment calls for a bold new approach which will empower U.S. negotiators to work within the WTO and the IMF to develop long-term effective remedies to counter the effect of currency manipulation by China or any other country and develop practices to persuade countries to stop currency manipulation. If that does not work within 90 days, they are directed to go outside of these institutions.

My amendment would also send a great message to both the WTO and the IMF.

My amendment would also establish a new priority negotiating objective, so as we negotiate trade agreements with trading partners, we should all commit in those agreements to not manipulate our currencies. My amendment also ensures that we have a partner by holding the administration accountable until they achieve results—and that is whether it is this administration or some administration in the future.

This is not a quick fix. But truly resolving complex and longstanding problems, such as currency manipulation, will take much more than a quick fix. It requires that we stand together as a country and do the hard work necessary with the international community to achieve real, long-term results.

Although my amendment was only recently introduced, it is already gaining widespread support. The U.S.

Chamber of Commerce endorsed the Hatch amendment, arguing that coordinated and multilateral pressure, through international organizations, is essential to encouraging China to adopt market-determined currency and exchange rate policies. That is precisely the approach taken in the Hatch amendment.

This morning, Douglas Holtz-Eakin, former Director of the Congressional Budget Office, wrote in National Review Online that the Hatch amendment "is a more complex solution to the [currency] problem," and while "not nearly as sexy or slogan-inspiring as the Currency Exchange Oversight Reform Act . . . happens to have a much greater likelihood of being effectual."

Americans for Tax Reform wrote a letter in support of my amendment, saying the Hatch amendment "offers a sensible approach that utilizes the mechanisms created by the international trade community to resolve such disputes."

The Emergency Committee for American Trade says that the Hatch amendment "will more effectively address concerns about currency misalignment by China and other countries, without opening the door to many harmful effects on U.S. business and workers." These and other organizations, such as the Retail Industry Trade Association and the Financial Services Roundtable, recognize there is a better way. Let's quit playing politics with this issue.

Today, we face a clear choice. By voting against cloture, we can stand against unilateralism, stand against protectionism, stand against retaliation, and stand against "quick fix" solutions and slogans. We can then turn to vote on my amendment, one that offers the prospect of real long-term and effective solutions, that shows the Chinese and the world community we are serious about solving this problem over the long haul, and that tells this and subsequent administrations they will be held accountable. Even the administration basically agrees with this.

Today, we have an opportunity to make a difference. The Atlanta Journal Constitution wrote this today:

We have a trade problem with China. But Georgians will pay dearly if Congress keeps taking the wrong approach to solving it.

I could not agree more. But it is not just Georgians who will pay dearly but all Americans.

I urge colleagues to make the right choice today, to vote against cloture and support my amendment.

I am even willing to give my amendment to the distinguished Senator from New York and others—have it be theirs. I don't care who gets the credit. When we work on trade issues, I want them to work right. I don't want to have politics played with this. This is too important.

I hope everybody votes against cloture, and I hope we can then take up the amendment I have been talking about—and we can refile it, so those

who feel so deeply about the Schumer amendment can be for something. I would like to do that and see this done. I would like to see our country move ahead with an intelligent approach toward currency and trade.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, the majority leader has agreed that if cloture is invoked, Senator HATCH's amendment will be one that will be voted on. There was an agreement. Other amendments, too, would be allowed. I believe the minority has to protect its right to offer amendments, consistent with other processes that we have had here that I am not happy with. The amendments offered by the majority, I believe, are legitimate.

I am a bit offended, and I don't appreciate the view that this is a protectionist piece of legislation. I believe it protects free trade because trade can't exist when one party is manipulating the rules in a significant way that substantially impacts the balance of trade.

I will just ask the question: Is former Governor, now Presidential candidate, Mitt Romney a protectionist? Governor Huntsman from Utah, a Presidential candidate and also former Ambassador to China for President Obama, said he would sign this bill if it came before him if he is elected President; and ROB PORTMAN, our fabulous new Senator, President Bush's former Trade Representative, said he supports the bipartisan legislation.

I don't think it is protectionism. I think it is an effort to protect trade. There are some who are religious about free trade; it is a religion. They believe that no matter how bad our trading partners act, we should not retaliate because that might cause a trade war. I think that is not against common sense. Trade is not my religion. I think any trading relationship should depend on how well the agreement serves the interests of both parties. It is similar to any other business relationship. Is it serving the interests of both parties? In this trade situation, it is a dramatic factor in the American loss of jobs. It is indisputable, in my opinion.

A group of professors from California said our trade imbalance, over the last decade, has cost 10 million jobs. Let me just say we are going to have dynamic changes in our economy. That happens all the time, and there are winners and losers. We can compete with China and we are, in many ways. When we give them a currency advantage as large as this, good companies that are capable of competing and being successful are being hammered. The middle class in this country is being hammered.

This has to stop, and we have to ask ourselves: Is this country going to abandon its commitment or belief in a manufacturing economy? Are we going to give up manufacturing entirely? I

don't think that is remotely conceivable. We have had brilliant economists tell us we need to be a service economy and we can just deal with computers and e-mails and move paper around and that this creates growth and wealth. We need a manufacturing economy.

I see Senator BROWN, who has been a strong advocate of this. Senators SCHUMER and GRAHAM have been at this for years. I voted for the legislation in 2005. I have become energized about this because I believe it is a deep responsibility for every government official to protect our national security and protect our economic security. When we have clear evidence that a predatory trade policy of a major world exporter—the largest exporter in the history of the world is China to the United States. They are abusing their trade privileges, and the administration refuses to act. I say the Congress can and should act.

I believe this is a reasonable bill. It allows the administration to negotiate an end to this matter over a period of time, and it will provide the power and the requirement that that happen.

Mr. BROWN of Ohio. Will the Senator yield for a question?

Mr. SESSIONS. I am pleased to.

Mr. BROWN of Ohio. I appreciate the Senator's consistent push for fair trade policies. We have worked on Alabama's and Ohio's issues, from sleeping bags to steel. I appreciate that. The Senator said how important manufacturing is and that we cannot just turn to a service economy or we begin to lose the middle class. I appreciate the Senator's advocacy there.

Will the Senator explain, before the debate is wrapped up, what this currency depreciation, if you will, by the Chinese does to our economy. Senator MERKLEY explained yesterday that when we export to China, their currency advantage—artificial advantage—gets the Chinese a 25-percent tariff on our sales to China, making it harder for a Montgomery or a Dayton company to sell into China. Coming the other way, it is a 25-percent subsidy to the Chinese company—or their government's company—selling in Mobile or Cincinnati. Could the Senator wrap up the debate and go through that again—to the point of what currency does to manufacturing and the middle class.

Mr. SESSIONS. If a manufacturing company in Dayton is competing with the Chinese company to manufacture a widget, they can, on the currency alone, more than have an advantage shipping the product from China here—a 25-percent advantage. As we know, in modern trade and sales today, margins are very small, and 25 percent is a huge margin that would be provided by the currency alone. Then we have the things that are done in trying to block our companies from moving and selling there. To go beyond currency, it adds

to the price of our goods if we attempt to sell them in China.

This is not a two-way street. I believe that any rational government should not allow its manufacturing industry and its workers to be subjected to such unfair practices. We have an absolute responsibility to stand up and fix it. The best way to do it is the bill that Senators SCHUMER, GRAHAM, BROWN, and others have offered. It will do it in a rational, effective way. Other alternatives are less effective and will not do the job. It is time for us to do it now.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, what is the time status for the majority and minority?

The PRESIDING OFFICER. The majority has no time remaining. The minority has 2 minutes.

Mr. SCHUMER. They are much better at this than we are.

Mr. SESSIONS. I will yield the 2 minutes to Senator SCHUMER.

Mr. SCHUMER. All four of us have spoken. Again, I make a plea to my colleagues. We have had 8 months talking about debt, and many have said that is the future for our children and grandchildren. I think there is a consensus on both sides that is true. I argue that this is also about the future for our children and grandchildren, because if good American companies with great ideas are wiped out in the next 10 years—as they will be if China continues its predatory practices—the future for our children and grandchildren in this country will not be bright. Our seed corn, our family jewels are being decimated by a plague of unfair competition that has been allowed to continue. It is as if we have a plague and some of the leaders of this country, whether political or economic, shrug their shoulders and say: That is that. We cannot do that much about this.

In a bipartisan way, we have said we can do something about this plague. We are at the moment of decision. It is my belief that if we pass this in a bipartisan way—as we have to; it is the way the Senate works—the House may not take up our bill exactly, but they will do something. We will have a conference committee, and we can get something done. The odds are quite high that when China sees the train heading down the track, when their ability—I have seen the articles—and I wanted to read some of them into the record—of China urging American companies with plants in China to lobby against this bill. But when China sees the train heading down the track and that, for the first time, their efforts with their multinational allies to stall this bill will not succeed, they will adjust and correct themselves, not just on currency but on all the other areas where they don't treat us fairly.

So this is an important vote and an important day for America.

I yield the floor.

Mr. GRASSLEY. Madam President, I am here to discuss S. 1619, the currency exchange rate oversight bill. I support this bill. Back in 2007, I helped draft some of the language that is contained in this current bill.

China is a big beneficiary of international trade, yet it fails to allow its currency to float freely. As a result, U.S. exporters get cheated. It is time we do something to send the message that enough is enough.

I am all for free trade, I want free trade. Free trade helps our farmers, manufacturers, and our Nation as a whole. There is talk that this bill will cause a trade war with China. I am not convinced that is the case. Plus, keep in mind, this bill is about more than China. This bill is a much needed overhaul of a law that dates back to 1988. This bill puts in meaningful consequences for countries that do not address their currency manipulation.

All of that being said, I have to say I do not support the way this bill is being brought to a vote. While I want a vote on this bill and I want to vote for this bill, my colleagues should have the right to offer and debate their respective amendments. The majority leader's use of cloture to prevent the meaningful debate on motions is unacceptable. It is more of the same partisan politics that the American people are tired of. And in this instance, when there is bipartisan support for the bill, the majority leader's heavyhanded approach just doesn't make sense.

That is why, even though I support the currency bill, I am voting against cloture. If cloture fails, I sincerely hope we can have a meaningful debate and still move toward passage of this important legislation.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Harry Reid, Sherrod Brown, Charles E. Schumer, Al Franken, Jeanne Shaheen, Kay R. Hagan, Robert P. Casey, Jr., Richard J. Durbin, Michael F. Bennet, Richard Blumenthal, Carl Levin, Kent Conrad, Jim Webb, Benjamin L. Cardin, Sheldon Whitehouse, Tom Harkin, Daniel K. Inouye.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 1619, a bill to provide for identification of misaligned currency, require action to correct the

misalignment, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 62, nays 38, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—62

Akaka	Gillibrand	Nelson (FL)
Baucus	Graham	Portman
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Hoeben	Reid
Blumenthal	Inouye	Rockefeller
Boxer	Isakson	Sanders
Brown (MA)	Johnson (SD)	Schumer
Brown (OH)	Kerry	Sessions
Burr	Klobuchar	Shaheen
Cardin	Kohl	Shelby
Carper	Landrieu	Snowe
Casey	Lautenberg	Stabenow
Chambliss	Leahy	Tester
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Manchin	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Nelson (NE)	

NAYS—38

Alexander	Grassley	McConnell
Ayotte	Hatch	Moran
Barrasso	Heller	Murkowski
Blunt	Hutchison	Murray
Boozman	Inhofe	Paul
Cantwell	Johanns	Risch
Coats	Johnson (WI)	Roberts
Coburn	Kirk	Rubio
Corker	Kyl	Thune
Cornyn	Lee	Toomey
Crapo	Lugar	Vitter
DeMint	McCain	Wicker
Enzi	McCaskey	

The PRESIDING OFFICER (Mr. BROWN of Ohio). On this vote, the yeas are 62, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. I move to reconsider and lay this matter on the table.

The PRESIDING OFFICER. The motion is not in order.

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

Mr. REID. Mr. President, if we could have the attention of the Senate, we are now 30 hours postcloture. What the Republican leader and I would like to do—there is, of course, with what has happened procedurally, no opportunity to offer amendments unless we agree to offer amendments, except for the issue dealing with suspending the rules. What we would like to do is have Senators work to come up with some amendments they feel should be offered.

Senator McCONNELL and all of us are happy to see whether we can work our

way through this. I would hope Senators would check with floor staff and see how we can get this done. It would be to my liking to not have to spill over into tomorrow. The highest holy day of the Jewish faith is tomorrow starting at sundown. There are a number of people who wish to leave to be able to be home with their families on that day, but we have to finish this legislation this week. I would like to do it today if we can.

People should have an opportunity to offer amendments, give a little speech or a big speech—whatever they feel is appropriate—and we can vote. I am happy to do that. I have called off the quorum, people can talk, and in the meantime the floor staff will be waiting to hear from you as to what we can do regarding amendments.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, I would only add that the practical effect of where we are, not having been allowed to offer any amendments during the consideration of this bill, is we are left with motions to suspend. As the majority leader indicated, we are going to have some discussions about how many motions to suspend the majority will, shall I say, tolerate. The bad part of all of this from the Senate's point of view as an institution is that the minority is put at a substantial disadvantage.

Having said that, as the majority leader indicated, the floor staff is going to work together and see whether we can come up with some list of motions to instruct that will at least allow the minority to have some voice in the course of the consideration of this piece of legislation.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, there are a number of things we can do. We can do the motions to suspend. We are happy on this side to, with consent, just do amendments. That is fine over here.

I don't want to get into a long debate, but I have been in a situation during the entire pendency of this legislation to have amendments allowed. I said that yesterday. I have no problem with that. The problem we had is that the Republican leader offered the President's jobs bill in a form that is not the President's jobs bill. I told him this morning: If you want to vote on that, fine. We will do that. We will have a vote on that today. It can either be a motion to suspend the rules or it can be a regular amendment. I feel that way about all the motions to suspend that have been filed.

There are times when I accept the blame of not allowing amendments. There are times that certainly I am willing to take that burden of being criticized but not on this one. Not on this one. I have said publicly and I have said privately to the different

Senators, Democrats and Republicans, that amendments could be offered. I don't want to get into a long debate about that.

Mr. MCCONNELL. Would my good friend yield for a question? I listened very carefully to what the majority leader said. We interact every day. What my good friend has just said is that he would be more than happy to have amendments he gets to pick. He gets to pick what amendments we get to offer. That is not, I would say to my good friend, the view of the minority as to how we ought to operate. We ought to be able to determine what amendments we are going to offer, not my good friend the majority leader. What he is saying, in effect, is, yes, he would be prepared to allow us to offer amendments, but he would select which of our amendments might be appropriate. That is not a place that the minority, no matter which party is in the minority, would like to find themselves.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have tried to set up a system here that is fair. Fair is in the mind of the person who says "fair," and I understand that. We have had an open amendment process here, and that has led, because of the intransigence of the Republicans, to getting nothing done. Offer an amendment, and there is no way to get rid of it. So the system we have on this bill may not be the best in the world, but with what has been going on in the Senate, sometimes we do the best we can with the tools we have. There was no way of managing this legislation other than how I just described it. People can imagine what this place would have been like had we had a simple "anybody can offer anything they want"—get the troops out of Afghanistan and on and on with all the many things people would have done in this legislation.

So without "he said, she said," or I guess in this instance "he said, he said," I think what we should do is try to finish this legislation today. The motion to suspend has been filed. That is fine with us. Let's try to work through as many of those as we can and see if we can finish this today; otherwise, we will finish it tomorrow.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I would only add the way the Senate used to work was the majority didn't pick the amendments the minority chose to offer, but there was some ability to determine whether it got a vote because any Senator could prevent a time agreement on the opportunity to get a vote on an amendment. So it wasn't totally freewheeling. Then at some point, if 60 Members of the Senate thought we ought to move to conclusion, we would. It was a much more orderly and open process, leading to

the same result, which is that if 60 Members of the Senate wanted to end the matter and bring it to a conclusion, they could. So my complaint is about what we do before we get to the 60 votes, which I think in this particular instance is unfair to the minority.

Now, my party was divided on this issue. Some Members were for it; some Members were against it. That meant for sure that at some point 60 votes were going to be achieved and it was going to pass. The problem, I would say to my good friend, is what we did before then, which has the practical effect of putting the minority in the position where it gets no amendments at all or is, once again, at the sufferance of the majority with motions to suspend at the end, in which we are basically—the majority determines how many we get, and all of that.

This level of control is not necessary, in my judgment, in order to make the Senate move forward because, I will say again before I yield the floor, if 60 Senators are in favor of bringing a matter to a conclusion, it will be brought to a conclusion. That is what just happened a few minutes ago.

So I hope we can move forward in a more orderly process in the future, and maybe we can work out some agreement to have motions to suspend this afternoon that will not require us to be here tomorrow.

The PRESIDING OFFICER. The majority leader.

Mr. REID. The Republican leader and I came here about the same time. I remember the good old days too. But everyone who follows government at all knows that during the last Congress and part of this one, the No. 1 goal of Republicans has been to stop legislation from moving through here—look at what has happened this year—and they have been fairly successful doing that, I have to acknowledge.

I have said publicly, and I say here today, I admire my friend, the Republican leader, because he was very candid with what his goal is in this Congress: to make sure President Obama is not reelected. That has been their goal. As a result of that, legislation has been very slow moving, and we have not been able to legislate as we did in the good old days.

So let's now try, with the situation in which we find ourselves, to work through this on a bipartisan basis. This is a good piece of legislation. Let's see if we can get through these amendments. I am confident we can. We have two outstanding floor managers for both Senator MCCONNELL and for me in Gary Myrick and Dave Schiappa. They do great work. They are going to try to sift through all of this stuff and put us on a pathway they can show Senator MCCONNELL and I will work and, if folks agree, we will get out of here today; otherwise, we will do it tomorrow.

Mr. McCONNELL. My good friend referred to "the good old days." The good old days weren't that long ago. I can remember just a few years ago when my party was in the majority in this body, and I was the assistant leader, making the point with great repetition while listening to a lot of grumbling that the price for being in the majority is, you have to take bad votes; you have to take votes you don't like in order to get legislation across the floor and finished.

So this is not ancient times we are talking about where the minority actually got votes, took votes, and were not shut out. I hope we can move back in that direction. I think it would be a lot better for the Senate.

Mr. REID. Mr. President, I am not going to argue with my friend. The record speaks for itself. We know what has happened. I repeat, we are where we are today, and that is what we have to do to move forward on this most important legislation. I will do my best to cooperate and allow the Senators to have votes on issues they believe are important.

The PRESIDING OFFICER. Cloture having been invoked, the motion to recommit amendments thereto fall as being inconsistent with cloture.

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JOBS ACT

Mr. BEGICH. Mr. President, as were many of my colleagues, I was back home last week talking, in my case, to Alaskans, and the issues on their minds are pretty simple: the economy and jobs. Alaska has fared better than most States over the last 2 years, but no matter where I go—maybe a small convenience store, while I am driving around town or at Home Depot, a gas station, or wherever I may get a chance to engage with Alaskans—people are concerned about the economy and the ability for jobs to be created in this great country of ours.

Alaskans know the economy will take some time to turn around. That is why today I am pleased to talk a little bit about the jobs act before us this week and, hopefully, while moving forward we will spend some time on the debate about how important this work will be.

Last week when I was in Alaska, I had Transportation Secretary LaHood in Alaska, and we had a chance to travel around and get a good sense of what is important to Alaska with regard to ports, roads, airports, and rail. The

core infrastructure of our State is no different than any other State. It is critical that we repair, put into shape, some of the facilities that are falling apart or, in some cases, expand them. The jobs act alone would mean \$200 million to repair Alaska's transportation network.

As one can imagine, that \$200 million will be spent in the private sector by construction companies and contractors hiring private individuals, workers to work on those jobs—good-paying jobs to provide good incomes for their families. The same is true that the jobs act will offer for Alaska around \$62 million for school construction.

As I travel around my State—and I am sure for many other States—the need is strong for improvements to and expansion of schools for those that have been there for many years and have not had the renovations necessary, again, providing hundreds and hundreds of jobs.

The jobs act also has some good steps to deal with small businesses—how to ensure they get a break off their taxes, to ensure they have a benefit as we try to move this economy forward. The tax provisions, the payroll tax reduction, which would affect 20,000 Alaska businesses in a positive way, will reduce their tax burden, as well as working families, who will see a reduction in their payroll taxes.

On average, for a middle-class family, it would be almost \$2,000—not a bad gift, in a sense, as we move into this holiday season. But it is really their money. Giving back this \$2,000 to middle-class families means they will put it into the economy. They will spend it in the economy. They will use it as they see fit.

However, I wish to lay down a marker. As I have said, the jobs bill is important for the roads and water and sewer and ports that need to be repaired and renovated and expanded, the schools that need to be built or expanded and repaired also, as well as the benefits to our small business community and the benefits to our middle-class working families—all important. But how we pay for it is also important because we have to make sure it is paid for. But I wish to put down a marker on at least the first proposal that was laid down regarding how the President was planning to pay for this.

Let me first start with the oil and gas industry. The oil and gas industry for Alaska is about 85 percent of our economy in the sense that the money goes into our State treasury and provides well over 40,000 jobs. Nationwide, the oil and gas industry produces over 9 million jobs and contributes over \$2 trillion to our economy.

I know some of my colleagues on my side of the aisle like to blast Big Oil. But as we know, the oil and gas industry is made up of hundreds, well over 500 companies of all sizes—small, me-

dium-sized, and large. Singling out a growing industry and imposing a tax penalty, in my view, is the wrong choice. It is the wrong road to go down. We need to recognize the potential for more job creation instead by supporting increased domestic oil and gas development.

By developing Alaska's Arctic offshore resources alone, we can create over 50,000 jobs nationwide over the coming decade, jobs being created right here in our country. As an example, 400 jobs just in Washington to upgrade the Kulluk drilling unit which will be utilized in Alaska or the 1,000 jobs in Louisiana to build a new Arctic supply ship right now.

So when we look at the potential, and when we look at the opportunities in the Arctic for oil and gas development, it creates American jobs, American jobs not only in the Arctic in Alaska but also throughout the country where many of the facilities or the material utilized is located to construct what is needed, such as in Washington State and Louisiana, as I mentioned.

Also, Federal revenue would be generated. The Chamber of Commerce has estimated that developing and increasing production on Federal lands could produce well over \$200 billion in new revenues to our country.

An Alaska analysis puts the Federal revenues just for Beaufort and Chukchi Sea at \$160 billion. For those who are not familiar with where those are, those are just above the North Slope in the Arctic. These have a potential of well over 24 billion barrels of oil development in the known technically recoverable reserves today—upwards to 24 billion, 26 billion.

I will tell you I do support—and I understand in the original proposal they wanted to take away some of these tax incentives that help our industry move forward, especially the smaller companies to expand exploration and development. I recognize that tax reform needs to be done, and I am a strong supporter of tax reform. Senator WYDEN and Senator COATS and I have supported a piece of legislation that is all about tax reform. I believe in a holistic proposal, not just selective industries. So do not get me wrong. Do I believe in tax reform? Do I believe in trying to clear out loopholes and incentives that are not working or may be used improperly? Absolutely. Again, that is why we supported a much broader perspective. But in pay-fors or tax proposals to pay for the jobs bill, this is not the right approach.

Another concern I have is on aviation. Alaska has 6 times more pilots and 16 times more aircraft per capita than any other State in the country. Alaska has limited road infrastructure. Eighty percent of our communities are accessed not by roads but by water or air. So it is critical we have the right kind of aviation system.

General aviation is not a luxury in Alaska, it is a necessity. It is our highway in the sky. That is the utilization of our airlines and small planes. The general aviation component is critical for business, life safety, moving things from one village to another.

One piece of the President's jobs bill would change the way businesses can treat the depreciation of general aviation aircraft and create a disincentive to buy American-made aircraft and further depress an industry that has already felt a significant impact due to the recession.

The administration and Congress should not be demonizing legitimate business travel. General aviation is more than just business jets. I know we like to read about it and see it in papers and that is what people like to highlight. But in Alaska it is about moving from one community to the other. This would impact the turboprop aircraft which are the workhorses for Alaska's general aviation fleet.

Another administration proposal would impose a \$100-per-flight user fee on certain general aviation aircraft. This is not a wise or even cost-effective way to administer a tax. General aviation users pay their fair share now. They pay for the aviation system through a per-gallon tax on their aviation fuel.

As a matter of fact, the general aviation industry has even agreed to a modest increase in this fuel tax as part of the FAA, Federal Aviation Administration, reauthorization bill which passed the Senate earlier this year. It shows their commitment to pay their fair share, but in an efficient way, and also puts it back into aviation, which is what in our State is, again, as I said, the highway in the sky to move goods and people all across our State. Again, I think the idea the administration has of a \$100-per-flight user fee is just another burden, another fee, another tax that is not necessary and very inefficient.

As we think about job creation and what is going on, the other piece of this I am concerned about as to the taxes that are associated with this idea of the jobs bill—which I support elements of, as I mentioned; very important—but the issue when it comes to limiting the itemized deductions for charitable contributions and mortgage interest for families earning over \$200,000, again, I think this is not a well-founded idea. I recognize the administration is trying to find ways to pay for things, but this is not, in my view, a good idea or a smart move.

When we think of a family, some might say: A family making \$200,000 is wealthy. I will tell you, if they have a couple kids in school and are trying to figure out their future, after they figure out the deductions, their health care costs, and everything else, \$200,000 disappears very quickly. We need to en-

sure that the deductions for mortgage interest and charitable contributions continue for these middle-class families at the level they can take a benefit from.

So for those three or four items I have a concern with the way the pay-fors or the tax increases to pay for the jobs bill are being handled. I know there is new discussion. I am glad there is new discussion because it would be difficult for me to support any jobs bill with a pile of these new taxes or tax increases that are being proposed. This would not be in the interest of my constituents in Alaska. It would not be in the interest of my industries that work hard in Alaska, creating jobs not only in our State but across this country.

I agree we need to do what we can to have a jobs bill, but let's have a fair pay-for in order to pay for it, not these additional taxes that I think would be a burden on working families and small businesses.

Mr. President, I would like to digress for one last second before I yield the floor to speak on another issue. It is always enjoyable. I read every business newspaper I can. I try to read every business magazine I can. I want to absorb as much information as I can when I am here in Washington during the sessions and workweeks and then when I go back home, hearing from individuals. But it is amazing to me—and I know on the Senate floor we have our philosophical debates. We saw some of that just a little bit ago on the old days versus the new days. I have never seen the old days. I have been here only 3 years, and this place has not run very well in the sense of trying to get things up and dealt with.

But I will tell you, Mr. President, some of the positions you have taken and I have taken and many on this side of the aisle have taken have been a lot of votes that have helped move this country forward. I will tell you one specifically which is about the auto industry.

As I was sitting here waiting for the debate, I was looking through these articles. Here is one from yesterday from the Wall Street Journal, which is not the most liberal newspaper, to say the least. But if we recall, a couple years ago we made a decision that we were going to take some risk, we were going to try to move the country forward, save an industry that was struggling that employed people in this country and was competing worldwide.

Folks on the other side said we were going to create a disaster by our actions, we would destroy the economy, we would sink this industry. The list went on and on—all the complaints. But as I read the headline in the Wall Street Journal from yesterday, it reads: "Automakers Now Import Jobs."

"Import jobs," what does this mean? This means they are bringing jobs back

to this country. They specifically mention Japan and China.

Now, 3 years ago, I could read a different headline: Auto Industry on Their Deathbed, never going to survive. Maybe we would only have one auto company left. We now have three. Actually, if we look at the numbers, Chrysler is 27 percent up over the previous year in sales; GM, 20 percent up; Ford, 9 percent up. The American auto industry is doing well because of what we did here.

Some called it a bailout. I disagree. What we did was partner with industry to help them get over the hump, the recession, the struggle. They are paying back every dime the Federal Government loaned them, and they are profitable. They are hiring people. They are growing the industry, and they are bringing jobs back to this country.

I would say the policy we had—despite the naysayers, the negative attitudes people had on the other side—worked. Maybe the Wall Street Journal is wrong, but I do not think so because I have seen article after article that states the same. I can point to many others.

Is it as robust as we want in the economy? No. Can it do better? Absolutely. That is why the jobs bill is important—important for my State, important for every State, investing in the issues that matter: water, roads, sewers, electrification, schools, you name it, putting money back into taxpayers' pockets instead of the IRS taking it and hoarding it, putting it back where it counts. That is what the jobs bill does.

We have disagreements on how to pay for it. I think we are going to get to a better solution because several of us—more the moderate wing of the Democrats—are arguing that we cannot have these selective taxes the way they are laid out in the proposal presented by the President. We need to have a more simplified system and pay for it in a different way but not penalize certain companies because maybe we do not like them or it creates a great headline. But let's focus on the right way to do this.

I anticipate we will be able to have a different pay-for, a different proposal on how to pay for a great potential to bring more jobs back. But I end on that note only because I want to make sure—I know we are going to hear more naysaying, but the bottom line is the proof is in the pudding. That article I just read from gives us that.

Mr. President, I, again, thank you for the time and the opportunity to say a few words about the jobs bill, my concern, where I want to lay my marker down, but also to speak about the success we have had on taking some votes that were tough votes and the success we have had to move this economy forward—not as fast as we all would like, but better than I think what the folks

said on the other side who just say nay, say no to everything.

So let me end there, Mr. President.

I yield the floor back and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT CRISIS

Mr. SANDERS. Mr. President, this country faces many problems. But I think if we go out on Main Street, if we go out to rural America, if we go to my State of Vermont, what people will tell us is, the major crisis we face is we have a massive problem with unemployment.

Some people will suggest that unemployment is 9 percent in this country. That is not quite accurate. If we look at the numbers for those people who have given up looking for work, if we look at the numbers for those people who are working part time when they want to work full time, we are looking at a situation where 16 percent of the American people are unemployed or underemployed. That is 25 million Americans.

The job of the Congress now is to start putting those people back to work. That is what we have to do. There is an enormous amount of work that needs to be done. Virtually every American who gets into his or her car understands that our infrastructure is crumbling; that is, roads and bridges. Talk to mayors all over Vermont and in the United States of America, and they will say they are having major problems with their water systems. If we look at our rail system in this country, it is way behind Europe, Japan, and China. We need to rebuild public transportation and have a 21st-century rail system.

So if you put people to work rebuilding our crumbling infrastructure, rebuilding our transportation system, you are going to make the United States of America more productive, you are going to make us more competitive internationally, and you are going to create the millions of jobs we desperately need. It is stunning to me that we have not moved aggressively in terms of job creation. That is exactly what we have to do.

If we put \$400 billion into infrastructure, we can create millions and millions of good-paying jobs, we can make our country more productive and more internationally competitive. Every single year we are importing and spending about \$350 billion on foreign oil, bringing that oil in from Saudi Arabia and other foreign countries. As we move to energy independence, as we break our dependence on fossil fuels, moving to

energy efficiency and sustainable energy such as solar, wind, geothermal, biomass, we can create millions more jobs.

It seems to me at a time when the middle class is disappearing, at a time when poverty is increasing to a record-breaking level, at a time when people in every section of the country are saying we need to put our people back to work, now is the time to do that.

Last year I introduced the concept which said, let's have a surtax on millionaires. The reason I said that is the wealthiest people in this country are becoming wealthier. Their real effective tax rate is the lowest in decades. I am very pleased to see that the Democratic leadership is moving forward in that direction.

As we create the jobs we need by rebuilding our infrastructure, by transforming our energy system, it is absolutely appropriate that at a time when the gap between the very wealthy and everybody else is getting wider that we ask the wealthiest people in this country to help us fund job creation so we can pull the middle class out of the terrible recession they are suffering.

I think the job is a major jobs program now for our country, rebuild our infrastructure, transform our energy system, ask the wealthiest people in this country to start paying their fair share of taxes. Let's end many of these tax loopholes and breaks that large corporations have. We can fund a serious jobs program and put millions of our people back to work, which is something we absolutely have to do.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN.) The Senator from Missouri.

JOB CREATION

Mr. BLUNT. Madam President, as we discuss what we should be talking about—how to get more people back to work—there are a lot of different approaches on how we get there. But I hope we can reach the decision that we need to do the things in government that allow private individuals to make the decisions they make to create jobs. Our Federal debt has reached, of course, a record high. It continues to grow every day. National unemployment is lingering around 9 percent. Home prices have plummeted in almost every community in America. Gas prices and health care costs have skyrocketed.

On the energy issue my friend from Vermont was talking about, the shortest path to more American jobs is more American energy. I am not opposed to any of the green jobs he was talking about. I wish to see us have all of those jobs, if they can eventually be a competitive part of an energy environment. I think they can. But I think we should also focus on the jobs that power America today.

Even if we knew what the country was going to look like energywise 30

years from now, it would take a long time to get there. I am for more American energy jobs of all kinds. For 50 years we have not met the marketplace need with what we could produce. But the marketplace need is always there. It is always there in a bad economy, it is always there in a good economy. Let's meet that need. Certainly that can mean more solar and more wind and more biofuels and more anything else we can think of. It also needs to mean more shale gas and more shale oil, more using the fossil fuel deposits such as coal that we have as we move toward a different energy future, and to do that in a way that allows us to continue to be competitive.

If our utility bill doubles in the middle of the country where the Presiding Office of the Senate today and I are from, we are not as competitive, and I don't think we lose the jobs we lose to Massachusetts or to California. I think we lose those jobs to places that care a whole lot less about what comes out of the smokestack than we do.

At the same time, jump-starting our economy will require bipartisanship. If we are going to compete in a global economy and help create economic opportunities, we have to be willing to work together. This week we saw a long-awaited but still a real example of that kind of bipartisanship when President Obama submitted the three pending trade agreements. They have been pending for 3 years and we have lost opportunities in those markets for 3 years. But in fairness to the President, for at least the first 2 of those 3 years, the House of Representatives would not have passed these agreements. But they would pass them now, and they will pass them now, and so will the Senate—I am hopeful as early as next week. That creates opportunities in Missouri, where I am from, and across the country.

I have worked closely with our colleagues. Senator PORTMAN and I put a letter together from Republicans who told the White House we are willing to work on the trade adjustment assistance as part of the package, if that is what it takes to get these trade agreements sent to the Capitol. And we did. Those trade adjustment agreements have now passed the Senate and are ready to move forward with the trade bills. These free-trade agreements would mean an additional \$2½ to \$3 billion in agricultural exports every year. Every billion dollars of agricultural exports is an estimated 8,000 new jobs. These are the places where we can get the jobs: trade, travel, tourism, energy. This is not that complicated a formula, but the government cannot continue to stand in the way of all of those things moving forward.

In Missouri, exports accounted for 5.4 percent of our gross domestic product in 2008. Companies in our State sold products in nearly 200 foreign markets.

Since 2002, exports have increased three times faster than the rest of our economy. That is one State in the middle of the country working to be competitive in the world.

The passage of these trade agreements will increase trade for soybeans, for beef, for corn, for pork, for dairy products, for processed food, for fish, all of which we produce in our State, plus all kinds of manufactured products which in South Korea, in Colombia, and Panama, given the choice of two products on the shelf, the American product is still a product that consumers in those countries will choose even with some disadvantage. Imagine what will happen when we eliminate more of that disadvantage.

This week the bill on the floor—I think this bill that concerns me about managing China currency, but only if the President does not disagree with what the Congress has passed—has much greater potential to start a trade war than it does to solve any given problem. I am not here to defend the Chinese or its leaders or its trade practices. In fact, one of those practices where you make a product in China and there is already a finding that that product is somehow unfairly being imported or exported in the WTO agreements, and so you put another a label on it that says it is from somewhere else, sometimes called transshipment, Senator WYDEN and I have a bill, the ENFORCE Act, that would deal with that, and it deals with that specifically, directly, and actually will produce a result. I look forward to that bill being on the floor.

I am proud to cosponsor Senator HATCH's alternative to the bill that is on the floor this week that, in fact, is multilateral. It involves other countries plus the WTO, plus the IMF, in a discussion that might actually produce a real result of what the various countries in the world, including China, are doing as they manage their currency in ways that may not be found to be fair in the foreign marketplace.

But we need results. We do not need legislation purposes of using up time when we have so many important things we could be doing. I have cosponsored the Affordable Footwear Act with Senator CANTWELL. That will ease the tax burden on American consumers who unknowingly pay up to 40 percent duties on retail costs that cover this import duty or the shoe tax on shoes made outside the United States. All of those bills represent ways we can level the playing field for American workers, for American job creators, and spur economic growth right here at home.

Another topic we should be focused on is Federal regulation and regulation that simply does not make sense. I have met lots of job creators in Missouri even this year, and certainly in past years. But this year more than any other, they want to talk about the

regulators. They want to talk about the air rules, the utility MACT rule, the cross-State air pollution rule, that could cause as much as 15 percent of our coal-producing energy plants to shut down. When they shut down, that means the price goes up. I know it is a philosophy of many in the current administration that our problem is that our energy is not expensive enough, but I do not find any Missouri families who are sitting down at the kitchen table looking at their utility bill and saying, the problem here is this bill is not high enough. What we need to do to solve our energy problem is raise this. Nobody is saying that—even though the cap-and-trade legislation that passed the House in 2009 would have doubled the utility bill in Missouri in about 12 years.

A lot of things work at today's utility bill that do not work later. Under the new EPA regulations on cross-State air pollution, the Ameren Electric Company announced that they will be forced to close two of their coal-fired plants by the end of this year. Not modify, not redo, close. The only thing that makes sense is to close those plants. The people who get the utility bill will know those plants are closed because they are going to be paying a higher price. Electric rates could rise 20 percent in some areas in a very short time.

Fugitive dust. There is actually a rule the EPA is talking about where farmers cannot let dust from their farm go to another farm. I was raised on farms and around farms. You cannot farm without dust. You cannot harvest a crop without dust. You cannot farm in the mud. You cannot contain the dust that is part of farming. It is the kind of rule that simply does not make sense.

There is a rule on boilers that would impact universities and hospitals as well as sawmills and other facilities that generate their energy from industrial boilers.

There is a cement regulation.

We are not going to have the kind of recovery we want in this country without a recovery in housing.

The House recently passed a bill that would require the administration to evaluate the economic toll of the new EPA rules on cement and other industries. The House also is set to take up a bill that would delay the cement rules for at least 5 years. You are not going to have a construction industry if you do not have access to products that make sense to build things out of.

I have said for some time that we ought to have a moratorium on all of these regulations. In fact, I am cosponsoring Senator COLLINS' bill to call a timeout on new major regulations and give employers the certainty that they need to create new jobs in an environment that they understand what it is going to be like as those jobs have a chance to become permanent jobs.

This is an easy solution to help job creators. But instead, we are talking about the jobs bill. Almost all of the President's speeches on the jobs bill are in politically competitive States. I am wondering if that is not a 2012 political strategy instead of a 2011 legislative strategy.

There are 1.7 million fewer American jobs since the President signed the first stimulus bill into law. We do not need stimulus 2. We need to do the things that encourage private sector job creators to create private sector jobs. Let's vote on the bill. Instead of this debate we are having this week on China currency, let's vote on the President's bill. He said in, I think, Dallas last Tuesday, late morning in Dallas: Let the Senate at least vote on the bill. So the minority leader, Senator MCCONNELL, came to the floor and said, let's vote on the bill. We are ready on our side. Let's vote on the bill. Let's get beyond the "pass the bill," let's see if the votes are there to pass the bill so we can get to the things that will get the country going again.

These regulations and this talk of higher utility bills and higher taxes put a big wet blanket on the entire economy. This discussion of who we are going to be puts a big wet blanket on the entire economy. Let's take that blanket off and do the things at the government level that allow private job creators to do what they can to create private sector jobs. I hope we can get on with the business the country needs to get done.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Madam President, I rise today to speak about the issue of creating jobs in America—more specifically, the loss of jobs that has been driven by the unfair trade practices of China. The bottom line is this: Chinese manipulation of currency is a tariff on American products and a subsidy to Chinese exports, greatly disadvantaging manufacturing in America and destroying thousands of American jobs.

When we look at our challenge, it is not to simply strengthen the overall economy, often measured by the gross domestic product. Our challenge is to strengthen the American family, the financial foundations that depend upon a good living-wage job. So every proposal we consider should be weighed by whether it creates jobs or destroys jobs. That is true in times of a robust economy. It is particularly true now

when we have a persistent high unemployment rate, when families have been battered not just by the loss of jobs but by the loss of equity in their homes, by the loss of their health care that went with their jobs, by the loss of their retirement savings—all of these at a time when the price of things fundamental to families keeps going up.

There are many who looked to the opening of China as an opportunity to have a vast market for American products. Indeed, many continue today to talk about China in terms of the market opportunities for American products. But the picture has changed dramatically over the last decade, and we, as policymakers here in the Senate, must recognize that change: that China has become a vast manufacturing enterprise, that it has done so through a deliberate manufacturing and export strategy, and that strategy is destroying jobs in the United States of America.

Over the last 10 years, China has reaped benefits, but it has not upheld its end of the bargain. Indeed, one piece of the deal is that they would create a rule of law that they would enforce restrictions on the theft of intellectual property. But I can tell you that when we took a bipartisan delegation to China earlier this year, led by the majority leader, company after company told us the stories of their products being stolen by Chinese enterprises, and not just the design of their products that were then replicated and sold without the appropriate patents but also the software.

If you want a simple example of this, take Microsoft Windows and its products and its Office suite. Only about half of the copies used by the official government in China are legal copies, and outside of the government, only a very small fraction of the copies are legal copies. That is just the beginning of the vast intellectual theft where China has not upheld its end of the bargain to create a rule of law and stop the outright thievery of American intellectual property, damaging American companies.

Second, we have the Chinese-pegged currency. Now, when a country pegs its currency to another, as they have their currency to the dollar, they can do so and adjust it periodically according to market influences; they can decide to end the pegging and let it float, which then you get a real market valuation or they can deliberately keep printing money to sustain a situation in which the currency is undervalued. And that is exactly what China has done. When they make their currency cheap, what they do is make their products much less expensive to other nations. That is equivalent to subsidizing their exports. When they make their currency cheap and make dollars very expensive, it is equivalent to putting a tax on American products, a tariff on American products.

While much of America has thought of the World Trade Organization as one that created a platform for free trade or even a level playing field, that is far from the truth. The truth is that China has been allowed to sustain a pegged currency that puts the equivalent of a 25-percent tariff disadvantage to American products and a 25-percent subsidy to Chinese products.

There are those in this Chamber who have come to this floor and said that to challenge the Chinese tariff on American products is to launch a trade war. My friends, do you not realize that the Chinese tariff on America is a trade war and that they are winning this war and they are destroying American jobs while vastly increasing their own production? If not, please go to China and talk to American companies and talk to the American companies that have been shut down in America. We have lost 3 million manufacturing jobs since 1998, a little bit over a decade. Not all of that is the consequence of Chinese practices, but a great amount of it is.

We must not stand by trying to pretend that the world is one way and that China represents solely a market and not a manufacturing competitor when the truth is they are a fierce competitor using industrial policy and a pegged currency to outcompete American products, to penalize American products.

In terms of the currency manipulation, our Secretary of the Treasury said this:

Whatever your definition of manipulation is, what matters is the currency is undervalued. They are intervening—

Referring to China—

to hold it down. That adversely affects our economic interests, and there is an overwhelmingly compelling economic case for the world, for China's trading partners, for China, for us, to try to alter that basic practice.

Well, certainly we have the Secretary of the Treasury echoing that we have a challenge that is hurting America and that we need to respond to that challenge. That is why we have this bill on the floor addressing the Chinese manipulation of currency.

This is not the only strategy China uses. They also, through their use of rules, use a strategy of holding down interest rates below the inflation rate. This means any Chinese citizen who puts their money in a state-controlled bank—and that is the only option they have—loses value every year on that money. This is sometimes given the fancy name of “financial repression” by economists—where they repress or hold down the interest rates. But let's call it something a little more understandable: insurance rate manipulation. That is done in order to allow the central bank—the Chinese banking system—to reap great revenues, which they can then take to subsidize their manufacturing. They do this through a

series of grants and through a series of subsidized loans.

An American entrepreneur was in my office this morning before yesterday talking about how an individual he knows went to China and started out negotiations with China, where they offered him a 3-percent interest rate on money to operate his enterprise. They ended up offering a negative 3-percent interest rate. In other words, they would pay him to take the money in order to bring that manufacturing to China. In other words, take his plant out of the United States and bring it to China. They would pay him to do that. That is a vast subsidy.

That is not the only subsidy. The grants, the subsidization of water costs, and the subsidization of electricity—all these subsidies—have a big impact. If we go to the WTO Web site, we will see how it summarizes the structure of the WTO. Under the section called “Subsidies,” they note:

[Subsidies] are prohibited because they are specifically designed to distort international trades, and are they're therefore likely to hurt other countries' trade.

So the plan was, when subsidies were used deliberately to distort international trade, they would be outlawed. Guess what. China is ignoring this. China is flaunting this. They are required to disclose each and every year all the subsidies they provide to their manufacturing, and they do not do it. They did it once in 2006, a very minimal disclosure.

Why is it we continue to believe we have a structure that facilitates mutually beneficial trade in the WTO when China, through currency manipulation and direct subsidies to exports, is breaking every key aspect of the WTO framework with hardly a protest from the United States?

We have on the floor a bill which says we will no longer turn our head from the deliberate distortion of the international trading regime that was supposed to benefit both nations but, in fact, has become a powerful international tool for stealing jobs from the United States of America and undermining the success of the American worker.

Let's take a look at paper. Just a few months ago, Blue Heron, a company that has operated for nearly a century in Oregon, shut down. It is a paper company. They shut down for one simple reason: because the Chinese currency manipulation and the Chinese direct subsidies to those who manufacture paper for export in China completely undermined the market for manufacturers in the United States. So the lives of these American workers are destroyed. The workers owned Blue Heron. When they got notice they were going to have to shut down because of these Chinese subsidies and Chinese currency manipulations, they basically were completely out on the street—no

health care after the Friday they shut down, no severance payment. Indeed, they are having to start from scratch—workers who are 40, 50 years old starting from scratch—in an economy where there are no jobs to be found. But they are not alone. Paper companies across the United States have been shutting down for exactly the same reasons.

Let's take the case of wind turbines. Wind turbines imported into China are subject to a 10-percent tariff, while wind turbines imported into the United States are subject to only a 2½-percent tariff. Why do we—on top of everything else I have noted—add to the injury by putting a lower tariff on their imports than they put on ours?

Can someone in this Chamber explain to me why shutting down manufacturing in the United States and opening manufacturing in China and piling on lower tariffs on a country that is already subsidizing its exports and already putting a tariff on ours makes any sense? I certainly would be very interested in that explanation. I think the workers in an industry that would otherwise be manufacturing these wind turbines in the United States would be very interested in the explanation.

China doesn't give our wind turbines a fair chance to be used in their energy products. Let me read this quote from 2009 regarding the award of contracts on Chinese projects.

... all multinational firms bidding on National Development and Reform Commission projects [were] quickly disqualified on technical grounds within 3 days of applying.

In other words, a nontariff barrier in China was added, on top of everything else, to make sure that only Chinese manufacturers would have a chance to get the contracts.

Let's turn to solar—solar voltaic panels. The whole technology was invented in the United States, but we can see that over the last 3 years the tremendous subsidies to solar in China are destroying the American industry. One of the few remaining manufacturers is SolarWorld. It is located in my State—the State of Oregon. In the span of less than 10 months—from 2009 to 2010—three major manufacturers shut down, destroying hundreds of jobs—jobs that would not be restored.

SolarWorld is incredibly efficient. They are working with American technology. We should be building and selling these solar panels to the world, but we aren't going to be able to do so if China—using their manipulated interest rates to produce funds for grants and subsidized loans—continues to virtually pay folks to ship their manufacturing into China and discriminate against American products. I want SolarWorld to be there not just next year but 10 years from now or 20 years from now. That will not happen if we don't address this massive assault on American manufacturing.

Because China has failed to disclose its subsidies, as required under WTO, I

have proposed an amendment to the bill—an amendment that will not be heard because a deal cannot be worked out to allow amendments on this bill. I am very disappointed in that. This amendment simply says, if China or any other country under the WTO fails to do the notification of subsidies that is required, our U.S. Trade Representative will do a counternotification, putting those subsidies on the table. That way we can see exactly what they are and we can be part of this debate. It is the beginning of holding China accountable for breaking the WTO rules.

This is not a Democratic amendment and it is not a Republican amendment. This is an amendment about the future of the middle class in America, the future of the worker in America. I am pleased to have Senator ENZI as my chief cosponsor and additional colleagues from across the aisle—Senator BARRASSO and Senator SNOWE. I am pleased on this side of the aisle to have Senators NELSON, SCHUMER, and LEVIN as cosponsors. That pretty much spans the spectrum of opinion in this Chamber, where everyone agrees China should be held accountable. If they are subsidizing their manufacturing, which they are, they have to disclose it, and they are not. We can have a better debate about how to end their rule-breaking under the WTO if we have that information.

In closing, I just wish to note that this debate should have happened a decade ago—it should have happened 5 years ago—because over that timespan we have continued to hemorrhage jobs, we have continued to hope China would apply the rule of law on intellectual property, we have continued to hope they would end their manipulation of their currency, we have continued to hope they would end their illegal subsidies and the undermining of American products. Those hopes have not been realized. China has not chosen to honor the framework that was established. So while we hope, American workers are losing their jobs. That is why we have to have this debate on the floor. That is why this bill before us must be passed—to give the President greater leverage and to send a message to China that we are now fully paying attention at a level we should have a decade ago. The fact we have not paid attention is water under the bridge, but we are paying attention now. If anyone cares about having an American middle class, with living wages for workers, then I ask them to fully support this bill. The trade war China has been carrying out, decimating manufacturing in our Nation, must not go without full debate and a full response.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN

Mr. RUBIO. Madam President, I stand here to talk about the case of an abuse of another kind than we are currently speaking of with regard to China and its currency manipulation. Youcef Nadarkhani was arrested in October of 2009 in Iran. I will read the charges against him, pursuant to a document signed by two judges, and I will say their names because I think one day they will be held accountable: Morteza Fazel and Azizoallah Razaghi. I think I got the pronunciation right. Here is what the document says, as reflected in a news article: "Mr. Youcef Nadarkhani, son of Byrom, 32 years old, married, born in Rasht in the state of Gilan, is convicted of turning his back on Islam, the greatest religion the prophesy of Mohammad at the age of 19," the document states.

The article goes on to say:

He has often participated in Christian worship and organized home church services, evangelizing and has been baptized and baptized others, converting Muslims to Christianity. He has been accused of breaking Islamic Law that from puberty . . . until the age of 19 the year 1996, he was raised a Muslim in a Muslim home. During court trials, he denied the prophesy of Mohammad and the authority of Islam. He has stated that he is a Christian and no longer Muslim. During many sessions in court with the presence of his attorney and a judge, he has been sentenced to execution by hanging.

He was sentenced to hanging for this alleged crime, and that is what he has been convicted for. That conviction was upheld by an appeals court in Gilan in September 2010.

In July, the Supreme Court of Iran overturned the death sentence. Again, this is according to media reports. They did not overturn the conviction, just the death sentence, and sent the case back to his hometown of Rasht. Here is what has happened since it has gone back to his hometown.

The deputy governor of that province says, while he is guilty of apostasy, that is not why he was sentenced to death. They have come up with some new charges. They say he is a security threat—in particular he is an extortionist and, they claim, he is a rapist.

By the way, they had never said this before until the case came back to them. By the way, he is also a Zionist, which in and of itself, according to them, is punishable by death in Iran. That is where the case stands today.

There have been reports time and again about what has been happening in Iran with this case. His lawyers have now been publicly saying they expect to know by Saturday whether their client will be executed in Iran, quite frankly for the crime of not just being a Christian but of converting others to Christianity.

Obviously, this is an outrage. I am glad to see that the voices from this

government and from all over the world have expressed themselves against it. But I think it is important for us to express ourselves against it for another reason. This is a time when Americans in this Nation have increasingly been asked to turn to international bodies to resolve disputes. Let's visit that for a moment because we have international bodies and we have international conventions that Iran has signed—particularly two. One is the Declaration of Human Rights. They signed it in 1948. The other is the International Covenant of Civil and Political Rights. They signed that in 1966. Any nation that signed on to these covenants—any action like this in the courts of your country are unconscionable, illegal. They violate these agreements.

I hope we will see some action on the part of the United Nations and nations such as Russia and China, for example. Of course it would be difficult for China to speak out against oppressing religious minorities when they do that quite often in that country as well. But that being said, we are interested in seeing where some of these countries will be on this matter. We are obviously very encouraged that the European Union has spoken about this matter. We would like to see some of these other countries step up. We would like to see the United Nations take a break from figuring ways to sanction and take on Israel and maybe focus a little bit on these sorts of things, where people are facing a hangman's noose because of their religion.

By the way, in Iran this sort of thing is not just happening to Christians. Not only Christians feel oppressed, but non-Shiite Muslims experience great oppression.

But here is the greater point. Beyond this outrage, let me say I encourage everyone to pray tonight for the safety of Youcef Nadarkhani and his family. We hope this will resolve itself. We hope, in that nation and in that Government of Iran, there are reasonable people who realize what an outrage, what an atrocity, what a human rights violation, what a crime it would be for this man not just to be sentenced to death but even to be in jail.

We should be sorry for the people in Iran. It is hard to believe that the vast majority of people in that country agree with us. In fact, they look at their government and say: You are isolating us from the world.

If the people of Iran want to know what it is that is isolating them from progress in this 21st century, they need to look no further than Tehran and the people running that government. It is sad because I think, going back to 2009, the evidence is there that especially young people in that country just want to have normal lives and live in a normal country. Instead, their country is being run by individuals who think this sort of thing is OK.

By the way, I also point out to leaders in places such as Venezuela and other nations of Latin America who so warmly welcome leaders from Iran when they visit that this is whom you are doing business with. I encourage those people in Latin America to turn to their leaders and ask them: Why do we have a relationship with people like this? Why are people like this being invited to come into our countries and do business with us and tour our streets as heroes?

This is who they are. Forget the rhetoric, put everything aside, if you want to know what the leadership and Government of Iran is about, it is about this. This is who they are. I can think of no other case before us today with regard to Iran that more clearly outlines the monsters we are dealing with within that government than this case I have outlined.

I believe there is a broader conversation to be had about what Iran means. There is a lot going on in the world, but what is happening in Iran is important, and Iran's neighbors know it. Whether they will admit it publicly, Iran's neighbors know what a danger that government and its vision for the region and the world poses.

But I think this case is one we should all speak out about. The eyes of the world should be turned to this case. It is an absolute outrage, and there is no way in the world we should stand by and allow anyone to be silenced or anyone to be silent, particularly our allies around the world and other countries and members of the so-called international community. It is time to step to the plate and condemn these acts because Youcef Nadarkhani should not—not only should he not be facing a death sentence, he should not even be in jail.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I would like to address the Senate on an amendment I have to the pending legislation, which will be familiar to my colleagues because it is similar to a bipartisan bill Senator MENENDEZ of New Jersey and I have introduced, a stand-alone bill. It is called the Taiwan Airpower Modernization Act of 2011.

It does something very simple but very important: It requires the United States to respond to a request by the Government of Taiwan to purchase 66 F-16C/D models of fighter aircraft. Why is this important? It is important for all sorts of reasons, one of which Robert Kaplan recently pointed out in an op-ed in the September 23 edition of the Washington Post:

By 2020, the United States will not be able to defend Taiwan from a Chinese air attack, a 2009 RAND study found, even with America's F-22s, two carrier strike groups in the region and continued access to the Kadena Air Base in Okinawa.

The United States will not be able to defend Taiwan. So it is very important

that we sell Taiwan, at no taxpayer expense—it is cash money coming from the Taiwanese Government to the United States that happens to sustain thousands of jobs right here in America—that we sell them these F-16s so they can defend themselves.

Dan Blumenthal, in an October 3, 2011, article published by the American Enterprise Institute, lists what he calls the top 10 unicorns of China policy. He says in the article:

A unicorn is a beautiful make-believe creature, but despite overwhelming evidence of its fantastical nature, many people still believe in them.

He lists the top 10 unicorns of U.S.-China policy. The No. 2 unicorn relates to the subject of this amendment, and it is entitled "Abandoning Taiwan will remove the biggest obstacle to Sino-American relations." In other words, rather than antagonize China, Communist China, by selling 66 F-16C/D models to Taiwan, some might suggest we should withhold and not make that sale, as the Obama administration has apparently at least decided to do for now, because we do not want to antagonize China. If we antagonize China, our relationship will deteriorate. But, as Mr. Blumenthal points out, rather than basking in the recent warming of its relationship with Taiwan, China has picked fights with Vietnam, the Philippines, Japan, South Korea, and India.

He goes on to say:

It doesn't matter what obstacles the United States removes, China's foreign policy has its own internal logic that is hard for the United States to shape. Abandoning Taiwan for the sake of better relations is yet another dangerous fantasy.

As my colleagues may recall, I introduced this amendment earlier on the trade adjustment assistance provisions, the TAA, and the distinguished chairman of the Senate Finance Committee, from Montana, quoted Ecclesiastes to make the point that it was not the right time. He said, "For every thing there is a season." He also indicated that my amendment might derail the carefully negotiated bipartisan agreement on trade assistance. I did not agree with him at that time because my amendment was related to trade because these F-16s represent an export for the U.S. economy that creates jobs right here at home, in addition to its importance for other reasons.

But now the reason for that objection no longer exists. The pending legislation is not a carefully negotiated bipartisan agreement. And I hope my colleagues who shared my concerns—or shared the concerns the chairman of the Finance Committee argued earlier—will find an opportunity to support this amendment on the merits today because I think it is very important.

The chairman of the Foreign Relations Committee also argued at the time against my amendment on the

TAA bill. He said it was unprecedented for the Congress to force the White House's hand when it comes to foreign military sales. The fact is, I remind my colleagues, the Taiwan Relations Act that passed and was signed into law in 1979 makes it clear that Congress has a very important role to play. The Taiwan Relations Act says:

The President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan. . . .

This is the law of the land.

Unfortunately, I do not believe the administration's policy when it comes to selling defensive weaponry to Taiwan, that their agreement that we should just upgrade the existing fleet of F-16s is adequate to meet the demands of the Taiwan Relations Act.

This chart, taken from Defense Intelligence Agency public materials, shows the incredible shrinking Taiwan air force. Taiwan's projected fighter fleet over time goes from roughly 400, as part of a total of 490 combat aircraft. As you can see, the F-5 is an obsolete American aircraft, basically because of needed repairs, replacement parts, and it is basically not dependable anymore. The French Mirage 2000, it is estimated, will basically drop off the chart shortly after 2015 or so. Then we see the F-16 A/B models, which the administration says we should upgrade, and roughly 150 of those will be basically the remaining Taiwan air force, down from a total of roughly 400 fighters today. Actually, the administration's proposed upgrade will essentially take some of these F-16s offline, a whole squadron of F-16A/Bs, during the retrofitting period, further diminishing the number of aircraft available for Taiwan to defend itself.

The Taiwan Relations Act was a responsible decision in response to a decision of the executive branch of the Federal Government that Congress happened to disagree with. Congress can disagree with the administration and force the administration's hand when Congress believes it is appropriate to do so. The Taiwan Relations Act was one example of that. That decision was based on President Carter's diplomatic recognition of the People's Republic of China and the breaking of diplomatic relations with Taiwan.

Congress had a different view and wanted to make sure the freedom of the Taiwanese people was secure, so we passed bipartisan legislation which was ultimately signed into law by President Carter.

But what is great about the Taiwan Relations Act and the relationship of the United States with Taiwan is it has always enjoyed strong bipartisan support. This is not a partisan issue at all. Here is what former Senator Jesse Helms said about it 20 years after the passage of the Taiwan Relations Act:

It is a bit of a rarity when an issue comes up that brings Jesse Helms and Ted Kennedy together.

I never served with Senator Helms. I did serve with Senator Kennedy. I can assure you, from what I know about Senator Helms and his record, that was an understatement.

He said:

But this was precisely such an issue. Senator Kennedy, Senator Goldwater, and I—along with Congressman Wolff, Derwinski and others—set out to ensure that after having their treaty of alliance tossed in the trash can, our friends in Taiwan would be left with far more than the vague verbal promises the Carter administration was offering Taiwan. So we went to work and the result was the Taiwan Relations Act.

I believe my amendment is a natural extension—actually, a fulfillment—of the Taiwan Relations Act and a reaffirmation of the bipartisan leadership the Senate has brought, which originally brought Senator Kennedy and Senator Helms together way back in 1979. We should not depart from that strong bipartisan tradition of supporting our ally in Taiwan and providing the defensive weaponry they need in order to defend themselves so the United States will not have to fill that gap.

During the debates on the trade assistance authority bill, the Senator from Massachusetts and distinguished chairman of the Senate Foreign Relations Committee, argued that President Ma of Taiwan is happy with the administration's decision merely to upgrade the existing F-16A/B models and not to replace the F-5s and Mirages and other aircraft that are fast becoming obsolete. The Senator from Massachusetts went so far as to say at the time that "the President of Taiwan has said [the approved package] is entirely adequate. He feels they have the defensive capacity necessary under the [Taiwan Relations Act] in order to be able to defend themselves at the current level with the upgrade we are providing."

The facts are the government of Taiwan needs both the existing F-16A/B models upgraded through this upgrade but also the 66 additional F-16C/D aircraft that are the subject of my amendment. To quote Taiwan's foreign minister, he said:

Our government will continue to work closely with the United States to strengthen our national defense and security . . . by urging the United States to continue its arms sales to Taiwan with needed articles and systems for our defensive capabilities . . . including F-16C/D aircrafts and diesel-electric submarines.

Again, to remind my colleagues, this is a familiar chart from the last time I offered this amendment, which shows the growing imbalance of the Taiwan Strait, with China having some 2,300 operational combat aircraft and Taiwan with 490 operational combat aircraft, including 400 fighters, as part of their air force.

The fact is we know China doesn't tell the truth when it comes to its defensive and national security expendi-

tures. It shows only a fraction of what it spends as it projects power across the world to follow its economic needs and interests.

Let me quote the Taiwan defense minister. Earlier I quoted another Taiwanese official. Taiwan's defense minister said:

The F-16A/B fleet upgrade package and the F-16C/D fighters purchase have different needs and purposes. It is not contradictory to have both cases done.

Last Friday, September 30, a member of the House Armed Services Committee, who happens to be of the other party, met with President Ma in Taiwan. According to the official press release by the Government of Taiwan, President Ma commented that:

The upgrades of the F-16A/B series aircraft are aimed at extending the life of fighter jets and avoiding a lack of spare parts due to the age of the F-16A/B series. Meanwhile, [Taiwan] wishes to purchase F-16C/D fighter jets to replace its aging fleet of F-5E fighter jets.

That is in red here, the aging F-5E fighter jets.

President Ma explained, "Therefore, the objectives of the two are different."

Let me leave with one final comment. Several of my colleagues have argued the Obama administration could approve the sale of the F-16C/D series at a later date, but that is actually not the case. The F-16 production line recently received a small order from the Air Force of Iraq to sell Iraq F-16s, but without additional orders the production line will soon be shutting down. The people who are working there will be laid off or reassigned other jobs. We are rapidly approaching a point at which the President of the United States will not be able to approve the sale of new F-16s because they will not be able to be manufactured because the production line will be shut down. I hope my colleagues will keep this in mind as they consider my amendment.

Even if the production line was not an issue, why should we make our allies in Taiwan wait? Why would the United States tell our friends to come back later? Well, as I said, the chairman of the Finance Committee quoted Ecclesiastes during our last debate. Allow me to conclude with some wise words from Proverbs:

Do not withhold good from those to whom it is due when it is in your power to act.

Do not say to your neighbor, come back tomorrow, and I'll give it to you when you already have it with you.

To that, I hope my colleagues would give a hearty amen.

I yield the floor and suggest the absence of a quorum.

THE PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The assistant legislative clerk called the roll.

Ms. AYOTTE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Ms. AYOTTE. Mr. President, I rise today to address the majority leader's refusal to bring the Defense authorization bill to the floor. On Monday, the Majority leader came to the floor and acknowledged the importance of bringing the Defense authorization bill forward. He said, "It is vital that we get to this bill and pass it."

I could not agree more. That is why it is nothing short of outrageous that the majority leader is blocking this important bill from being debated and passed by the Senate based on misguided objections that the administration has raised to a bipartisan provision in the Defense authorization bill which addresses how we detain and treat terrorists who are captured under the law of war.

The American people and our military men and women deserve better. The 2012 National Defense Authorization Act addresses many essential issues for our warfighters. I want to mention just a few of the important measures that the majority leader is blocking from consideration by failing to bring this bill to the floor. The bill ensures that our warfighters have the weapons they need to win the fight, ranging from small arms and ammunition to tactical vehicles to satellites. Some examples include advanced helicopters and reconnaissance aircraft, as well as combat loss replacement. It helps ensure that our soldiers and their families have quality housing. The authorization gives our wounded warriors better access to educational opportunities.

The bill enhances the deployment cycle support system and reintegration for our National Guard and Reserve given how much they have done in sacrificing with the multiple deployments they have endured. It strengthens oversight of our taxpayer dollars that are being used for reconstruction projects in Afghanistan, and it ensures that our money does not continue to be funneled to our enemies.

What is so disappointing is that the majority leader is willing to prevent passage of the Defense authorization bill, which addresses these essential needs I have talked about for our warfighters and our soldiers, because the Obama administration does not like one provision of the bill, the detainee provision of the bill that was passed overwhelmingly by Senators from both parties who serve on the Armed Services Committee.

If the majority leader insists on preventing the Defense authorization bill from coming to the floor this year, 2011

would be the first year since 1960 in which the Congress has not passed the Defense Authorization Act. In over 50 years, this would be the first time this bill has not been passed by this esteemed body.

Let me say that again. Here is where we are: in the midst of two wars, with our brave sons and daughters, husbands and wives fighting in Iraq and Afghanistan—and I am the wife of a combat veteran who served in Iraq—with our country facing a very serious threat from radical Islamist terrorists, this would be the first time in a half century in which we have not passed the National Defense Authorization Act.

It would be shameful to not bring forward the Defense authorization bill to the floor and to pass it, after robust debate, where Senators from both parties can amend it, we can talk about it, and we can let the American people know what is in this bill.

I met recently with the sergeant major of the Marine Corps. Sergeant Major Barrett shared with me the stories of several marines serving our country. I cannot discuss all of them, but I want to give a few examples. One is Sergeant Ramirez, a squad leader assigned to the 1st Battalion 5th Marines in Helmand Province in Afghanistan.

Sergeant Ramirez has a hook as a left hand. In February of 2006 Sergeant Ramirez lost his hand when he was wounded in action while serving in Iraq with the 3rd Battalion 5th Marines. Now he is leading patrols in Afghanistan. He wanted to go back and serve our country. Talk about bravery. Talk about courage.

There is also Sergeant Gill at Quantico and Corporal Pacheco at Camp Pendleton and thousands of other soldiers, sailors, airmen, and marines who after being injured on the battlefield have continued to serve their country. They are doing their jobs with skill and courage in this 10th year that our country is at war. I just wish we would show half, even a quarter of the courage of our military men and women in taking up the important issues that need to be addressed to protect our country, and many of them are addressed in this Defense Authorization Act.

That is why I am on the floor today. I think it is so important this bill be brought forward and we have a debate over it; that we are allowed to amend it and allowed to pass it to make sure our military men and women know we are fully behind them.

I know the majority leader has said if we just drop the detainee provision in the bill that he would bring forward the Defense authorization bill. But this is not how this body is designed to operate. If Senator REID and the administration do not like the detainee provision in the bill, Senator REID should move to amend it or vote against the bill rather than prevent the entire De-

fense authorization from being considered. That is how the Senate is supposed to operate.

Of course, the irony is that in a place where we rarely agree on anything, the detainee provision that is holding up this bill the administration has objected to actually received overwhelming support in the Armed Services Committee—25 out of 26 members of the Armed Services Committee voted for this detainee compromise. That rarely happens around here. I think it shows this was a thoughtful compromise and that members of both sides of the aisle worked hard to address this important issue.

This compromise was actually a compromise put together by Chairman LEVIN of the committee, ranking member JOHN MCCAIN of the committee, and Senator LINDSEY GRAHAM, who also has substantial experience in the Guard as a Judge Advocate General attorney.

The overall Defense Authorization Act passed out of the Armed Services Committee 26 to 0. How often does that happen around here, that every single member of the Armed Services Committee from both sides of the aisle, Republicans and Democrats, and Senator LIEBERMAN an Independent, that we all voted to pass this bill? Yet this bill that is so important to our national security and to our warfighters is being held up right now from being considered and brought to the floor.

In this era of partisanship, the American people want us to work together, and that is what we did. As a result, not a single member, as I mentioned, voted against the final bill. That is not to suggest that every member of the Armed Services Committee got what they wanted in that compromise. I was someone who fought hard in the committee for the compromise to be tougher on terrorists.

But I respect that we came together as colleagues to come to this compromise and to move forward on the Defense Authorization Act so it could be brought for full consideration for every Member of the Senate. If the majority leader were to bring this compromise to the Senate according to normal and well-understood procedures, every Member of this Senate, including the majority leader and myself, would have the opportunity to debate it, to amend it, and to vote on the Defense authorization bill, including the detainee compromise I just referenced.

I may be new around here, but I must ask: Why isn't the majority leader bringing this forward? I know he is clearly doing the administration's bidding on these detainee issues. But why would he prevent the American people from hearing this important debate? Why would giving terrorists greater rights to our civilian detention and court system, which seems to be the administration's position, be more important than ensuring that our

warfighters have the right weapons and equipment, or ensuring that our wounded warriors get better access to educational opportunities, and all of the other important issues that are addressed in the Defense authorization bill related to both our national security and to our warfighters?

I believe those issues deserve to be addressed by debating and passing this bill. I also believe the American people deserve to know all of the facts about where we are with respect to our detention policy with terrorists.

I have to tell you, as a new member of the Armed Services Committee during the last 8 months and having our military leaders come before that committee, when I have asked them about our detention policy and how we are treating terrorists we have captured, how we are gathering intelligence from them, what we are doing to protect the American people, I have been shocked to learn that 27 percent of the terrorists we have released from the Guantanamo Bay detention facility have actually returned to the battle or we suspect have returned to the battle to harm us and our allies.

Too many former Guantanamo Bay detainees are now actively engaged in terrorist activities and are trying to kill Americans. Former Guantanamo detainees are conducting suicide bombings, recruiting radicals, and training them to kill Americans and our allies. Said al-Shihri and Abdul Zakir represent two examples of former Guantanamo detainees who have returned to the fight and have assumed leadership positions in terrorist organizations that are dedicated to killing Americans and our allies.

Said al Shihri has worked as the No. 2 in al-Qaida in the Arabian Peninsula. Abdul Zakir now serves as a top Taliban military commander and a senior leader in the Taliban Quetta Shura.

Can you imagine having to tell a mom or a dad that their son or daughter was killed in Afghanistan by a terrorist whom we released from Guantanamo Bay?

Given the facts, I understand why the majority leader and the Obama administration don't want to talk about our detention policy, but as John Adams said, facts are stubborn things. The American people deserve to hear this debate and to have us address this issue through the Defense Authorization Act.

Under our Constitution, we have a fundamental duty to protect the American people and to provide for our warfighters.

We owe it to our military men and women to take up the Defense Authorization Act right now. Majority Leader REID, as the leader of this esteemed body, should allow that to happen so we can fulfill our responsibility to the American people.

Let me conclude by urging the majority leader to bring the defense authorization bill forward for debate, for amendment, and for passage. In the midst of two wars, it is time Congress does its job and provides for our warfighters and their needs.

Sergeant Ramirez, Sergeant Gill and Corporal Pacheco and the thousands of other soldiers, marines, sailors, and airmen of our All-Volunteer Force deserve no less.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I rise, first, to thank my colleagues, including the Presiding Officer, for supporting cloture today. It is the second major step in this body, passing the largest bipartisan jobs bill we have seen in this body in years. The bipartisan jobs bill has the potential to create or save around 2 million jobs, without cost to taxpayers, because it is simply standing up for American companies and American workers. For a change, we put American workers and American manufacturers first.

It is important to, for a moment, consider how we got here. This effort did not begin this week or even this year. Efforts to combat Chinese currency manipulation have been underway for over half a decade. It began in earnest around 2005. Since then, the situation has grown worse for workers and businesses. In 2005, there was an intense debate inside the National Association of Manufacturers, which was representing a whole range of American manufacturers, from the small tool and die shop in Akron to the medium-size manufacturing company in Toledo, to GM, Ford, and other huge manufacturers. The division was smaller companies, generally—not in every case, of course, but smaller companies generally supported taking action against currency manipulation with China. Larger companies, many of which had already outsourced production to China, generally were opposed to standing up to the Chinese. That was because the Chinese are well known for punishing companies that are doing business in China if those companies actually criticize the Chinese Communist Party Government.

So it was an interesting, if unholy, alliance between some of America's greatest, best known, largest, longest existing companies. There was an unholy alliance between them and the Communist Party of China—something that would have made, perhaps, Henry Ford turn over in his grave. Nonethe-

less, that is what happened. Some of these companies actually left the organization—the smaller ones—because the larger companies dominated an organization like that. They paid the biggest dues and are the most influential people in the country. Some of the smaller companies left partly because they have to stay in a community and do their manufacturing and supply components to companies that outsourced these jobs.

What is interesting—and we have talked about this—it has become almost—not almost, it has become a business plan, perhaps unprecedented in world history, where a large number of companies in one country—this country, the United States—shut down production in Steubenville or Springfield and moved production to Wuhan or Xi'an, China, and sell the goods back to the United States. So it is a business plan for many companies to shut down production here, move overseas, and sell the product back. To my knowledge, that has never happened the way it has in this country in the last dozen years, since permanent normal trade relations was approved here to set the stage for China's entry into the WTO.

I remember—and the Presiding Officer was in the House when I was—when that debate happened in 1999 and 2000. What I remember is, the largest corporations in America were—the CEOs were walking the Halls of Congress and doing the bidding of the Communist Party of China, the People's Republic of China, and they were saying that putting China in the WTO would mean China would follow the rule of law. They also said they couldn't wait until they could get access to 1 billion Chinese consumers, although 5 years later it was apparent they wanted access to 1 billion Chinese workers. But the whole idea of putting China in the WTO was to have them live under the rule of law and practice trade under the rule of law, and that is what we have not seen. We have simply not seen the Chinese follow the rule of law.

That is why so many economists, including Republican economists and Democratic economists, and including some economists who worked for President Reagan and some economists who worked for President Clinton and President Obama—the ones who are looking at sort of an expansive world—say things like Fred Bergsten of the Peterson Institute—a pretty much pro-free-trade, middle-of-the-road organization—who said:

Some American corporations will fret that these actions—

These actions meaning regulations on dealing with this currency issue, as our bill does—

that these actions would needlessly antagonize the Chinese and threaten a trade war. I believe these fears are overblown. The real threat to the world trading system is in fact the protectionist policies, including undervalued currencies of other countries, and the vast trade imbalances that result.

And Bergsten went on to say:

Not since World War II have we seen a country practice protectionism to the degree the People's Republic of China does.

We were talking earlier about the split in the National Association of Manufacturers—and I am not making too much of it. Most companies didn't leave. But some of the smaller companies, which may or may not have left, have suffered greatly during the gaming of the currency system.

Let me cite one example: the Bennett brothers' Automation Tool & Die in Brunswick, OH, a city about 25 miles outside of Cleveland. The Bennett brothers run this tool-and-die shop, Automation Tool & Die, and they had a \$1 million contract they thought they were about to sign with a new customer. The Chinese came in at the last minute with a bid 20 percent under their bid. That meant I don't know how many jobs that didn't stay in America but went to China, and that 20 percent was given to them because of currency.

As Senator MERKLEY said on the Senate floor yesterday, this currency advantage given to the Chinese because they purposely keep their currency devalued means when we sell products made in our country—made in Whirllicote, OH—to China, they have, in effect, a 25-, 30-, 35-percent tariff because of the currency undervaluation. When the Chinese sell a product into Chillicothe, OH, they get a 25-percent bonus or subsidy—25 or 30 percent. So that is why we have seen this huge trade deficit grow by multiples of something like three or four times.

Last week, there was a column by the former president of the National Association of Manufacturers, Jerry Jasinowski. He was president during the time of this debate in 2005. He has watched as members struggle with this disadvantage of the currency manipulation. He wrote this week that Congress is "belatedly stepping up to the plate on China's currency manipulation." He called this currency manipulation "an assault on U.S. manufacturing" that is "having a deadly impact on the overall economy."

Because these companies have lived with this, more than 300 companies have signed a petition in support of this legislation according to the Coalition for a Prosperous America. We can see companies such as McAfee Tool & Die in Ohio, and we highlighted some of the ones in different Senators' States and lots of national organizations, lots of State and local organizations, and hundreds and hundreds and hundreds of companies are supporting this because they know—and all kinds of organizations know—this isn't working for American companies. It is not working for American manufacturing. It is not working for American communities or American workers.

I had mentioned what happened up until 2005. In 2007, Senator STABENOW of

Michigan, a Democrat; Senator SNOWE, a Republican from Maine; Senator ROCKEFELLER, a Democrat from West Virginia; and Senator Bunning, a Republican from Kentucky—of those four, only Senator Bunning has left the Senate—created the Fair Currency Coalition, which pulled together manufacturers and labor united to address a serious problem. We can see some of those here.

In the 111th Congress, the Senate introduced several bipartisan bills. Senator SNOWE and I worked this year on countervailing duties, legislation similar to what the House of Representatives passed, providing industries a remedy when it comes to imports that are proven to be subsidized by currency manipulation. Since then the Senate combined Senator SNOWE's and my bill with that of Senator SCHUMER and Senator GRAHAM into the bipartisan legislation we have today.

This bipartisan legislation is a no-cost job creator. In fact, it is better than that because when we have the biggest bipartisan jobs bill—passing overwhelmingly 62 to 38 today, with some party leaders trying to block it but still passing 62 to 38—increasing jobs, particularly if we are not spending money doing it, we are obviously saving on the budget deficit.

The Economic Policy Institute says this is more than job creating, and it will create more than 1 million jobs. If we have 1 million people going back to work, that means 1 million people who aren't drawing unemployment benefits, who aren't filing for food stamps, and who aren't getting any other kinds of subsidies. They are working and paying taxes, and that, obviously, is why we can't cut our way to prosperity. We have to grow our way to prosperity and grow our way to a more balanced budget.

So that is what this is all about. And I would quote a couple of other people—Republicans. DAVID CAMP, the Republican chairman of the House Ways and Means Committee, who has supported this measure in the past, said the bill doesn't "presuppose an outcome," but sends "a clear signal to China that Congress' patience is running out, without giving China an excuse to take it out on U.S. companies and workers."

Mitt Romney, Presidential candidate, Republican, former Governor of Massachusetts, said taking action to remove protectionist market distortions wouldn't result in a "trade war," but failing to act will mean the United States has accepted "trade surrender."

That is exactly the point because the strongest objection to this bill and the most frequent and compelling argument from, apparently, the three Democrats and the, I guess, roughly three dozen Republicans who opposed the vote a couple of hours ago is that this bill declares a trade war; that it would lead to some kind of trade war.

I first want to remind everybody listening that the United States is already in a trade war. When we see the trade deficit in 10 years triple with a country that is not playing by the rules, it is pretty clear there is a trade war going on, and they are winning in so many ways because we are buying so much from them, and they are buying so little from us. Yes, our exports have increased over the last 10 years, but only marginally. Our imports from China are just growing much more rapidly.

In the end, common sense says the Chinese aren't going to initiate a trade war. You don't initiate a trade war if you are China—they might threaten to—because we are their biggest customer. One-third of Chinese exports come to the United States. They have way more to lose than we do if they initiate a trade war.

We can predict it, like we can predict the Sun will come up. Whenever we stand up to the Chinese—when President Clinton or President Bush or President Obama would sort of do a start-and-stop in standing up to the Chinese, and then back down—the last President to enforce trade law well was Ronald Reagan. President Obama has done it marginally well, but the other Presidents haven't done it much at all. But whenever we act like we are going to do that, it is so predictable what the Chinese Government will say: Trade war. Trade war. Then some Members of the Senate will stand up and say: Trade war. Trade war. But just because the Chinese say there is going to be a trade war, they always bluster like that.

So as certain as the Sun was going to come up on Tuesday morning after the vote Monday night—which was 79 to 19—the People's Bank of China, the Ministry of Foreign Affairs, the Ministry of Commerce—like all birds flying off a telephone wire when one bird does—said this is protectionism, this is a trade war, and all the kinds of things they say. But just because they say it isn't necessarily what they are going to do. They want us to believe they are going to do that because far too often American politicians—Presidents especially—will back down.

This bill will begin to help us do what we should be doing in this country, and that is following—as the Presiding Officer has said so many times before and fought for—real manufacturing policy. Thirty years ago, in the early 1980s, between 25 and 30 percent of our gross domestic product was manufacturing. Today it is only about 11 percent. Those manufacturing jobs created an awful lot of middle-class families in Garfield Heights, OH, and in Norwood, OH, and in Grove City, OH. Today a lot of those families struggle because they have lost their \$14-, \$15-, \$18-, and \$20-an-hour job making things. Instead, they are working in a service industry, which never pays as

much and never has the spinoff effect of job creation that a good manufacturing job has.

So I am thrilled about this vote today. What makes me even more excited is I think it is the beginning of the United States having a more coherent manufacturing strategy. We are the only wealthy country in the world that doesn't have a manufacturing strategy. While all of our trade competitors practice trade according to their national interests, we practice trade according to a college textbook that is 20 years out of print.

I am hopeful those days are behind us, and I especially thank Senator GRAHAM and Senator SESSIONS for their stance and making a difference on this vote today. I think this is the beginning of something much better for our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, how much time is being divided now or is it divided?

The PRESIDING OFFICER. The Senator has up to 1 hour under cloture.

Mr. KERRY. Well, Mr. President, I yield myself such time as I may use under the 1 hour, and I will not use all that, by any means.

Mr. President, this is obviously an issue that is more complicated than the debate may have indicated—at all moments, at least. I think there are complicated and longstanding frustrations that have built up with a lot of Senators and a lot of people in America that bring us here to this moment on the Senate floor.

As chairman of the Foreign Relations Committee, I have a reluctance to see us engage in an effort that I think can put other interests at risk in certain ways. On the other hand, I have voted to allow and help this legislation to reach the point of postcloture because I think it is an important debate and because I think China needs to carefully think about the process and the substance of what people are saying on the floor of the Senate.

This is a very complicated relationship, with enormous interests on both sides, and we need to avoid a confrontation in a lot of different ways. There are a lot of different kinds of confrontations—trade, physical confrontation in the South China Sea and the straits and elsewhere, confrontations over human rights in Tibet—and there are a lot of issues at play. But with respect to the trade issue, China has a huge interest in the United States being able to export more effectively to China.

China has an interest in its middle class growing in its purchasing power and expressing that purchasing power through consumption. One of the things China needs is its own higher level of domestic consumption. It is

saving too much. One of the reasons it saves too much is it doesn't have a safety net structure of any kind, really, so people do save. That is the nature of life there. But at the same time, I think China is seeing a slowdown of its own economy now. One of the reasons for the slowdown in China's economy is the fact that we have had a slowdown in our economy and our ability to consume, and the American consumer is paying off debt, wisely, and consuming less of the goods brought in from China. So it all is interconnected.

China is also our biggest banker. China is critical to our ability to deal with our current economic challenge in many ways—and Europe's, I might add. Both Europe and the United States would benefit significantly with a new trade relationship with China.

That is what I want to talk about for a moment. I believe in trade. I have supported trade here. I don't believe in unequal trade. I don't believe in unfair trade. I believe in enforcing the agreements we have. If you look at NAFTA, for instance, NAFTA had side agreements—side agreements on the environment, side agreements on labor standards—and they were never enforced. People have a right to be angry if they see an agreement that is made and then parts of it are enforced, parts of it are not, and they see their jobs go overseas, whether it is from North Carolina or Georgia or Massachusetts or Ohio or any other place in our country. So I think it is important to have trade that is fair and sensible.

You are not going to grow your economy trading with yourself—no way—particularly if your overall population growth isn't growing that fast and you are a mature economy. Economics just doesn't work that way. You need newer markets and other places to expand. So I believe it is important for us to recognize that the world's trading system only works if the participants treat each other fairly.

Over the last decade, our national debate on the costs and benefits of trade has intensified, and, frankly, the uneasy alliance, the uneasy consensus that had been created from the 1980s forward with respect to trade is being frayed right now, is being frayed for understandable and clearly definable reasons.

The American worker is not seeing their wages go up. There are a lot of reasons for that: the unfairness of our Tax Code, the inability of people in America today to be able to bargain the way they used to, the lack of an NLRB and a court that uphold the rights of labor to be able to negotiate—a whole bunch of reasons people are disadvantaged today. One of them is the fact that you have this unfair competition.

In order to keep the consensus that allows Americans to say: Yes, trade is a good thing, it has to be a good thing.

And to be a good thing, it has to be fair and it has to result in people's lives being improved by it, meaning their wages go up, their job gets better, and their opportunities are better. But everything has been working in the opposite direction. I think that is why so many of our colleagues feel a responsibility to come to the floor on this legislation and make sure that China and others hear from the American people loudly and clearly.

We did this before on a vote we took on currency legislation back in 2005. I think China heard us then, and China began slowly to allow the value of its currency to begin to fluctuate rather than keeping it pegged tightly to the dollar.

China has taken measures. In fairness, China's currency has appreciated over the course of the last few years. Some argue exactly how much—somewhere in the vicinity of 27 percent, maybe 7 percent the last year—but it is not fast enough, and it is still not fair enough. And the fact is that there are other Chinese trade tactics that contribute to our increasing trade deficit with China, not just currency.

Unfortunately, our efforts through multilateral institutions—nobody can point a finger at the United States and suggest that we haven't played by the rules or that we haven't gone to the global institutions in order to try to resolve these differences. We have gone to the World Trade Organization, and we have won, step by step, slowly but surely. But if your tactic is to just keep in this highly mercantilistic, focused strategy of China's to just keep on pushing, take advantage of everything you can, and you get a little nibble against you here and there at the WTO, a little nibble over there, that is really just an inconvenience on the road to a kind of trade domination that is bad for everybody.

That is why I am here today. That is why I have voted for this legislation to come to the floor, to have this debate. This debate is an imperfect stand-in for the broader discussion we need to have about our economic relationship with China. The truth is that our bilateral relationship is both filled with promise and plagued by complex challenges we have to overcome for the good of both countries.

The Chinese market is a huge and growing opportunity for American firms, obviously. Despite the hurdles to entry—and there are hurdles—China is still our fastest growing export market today. People had better think about this as we go forward.

I am convinced that the key to America pulling itself out of this economic challenge we are in today and the key to Europe pulling itself out is for the United States and Europe to actually work out, almost formally, a new and better relationship with respect to trade with China, as well as

with the other fast-developing countries—Mexico, South Korea, Brazil, India—because if those societies will allow us adequate entry to market and if those societies will purchase more from Europe and the United States, then we will export more, manufacture more, and come out of the economic doldrums. That reverberates to China's benefit, also, because their investments in the United States become more secure, because our debt goes down, because we have a stronger economy, and because we are purchasing more in return from them. What goes around comes around.

My hope is that we can agree on fair terms and conditions for trade with these rising powers. If we do, we will create jobs. That is the fastest way we have to create jobs and pull out of our economic doldrums today. The simplest, fastest, most obvious way to do this is to be able to access those other markets rapidly with American goods and begin to restore confidence to the marketplace so that people believe they will get a larger return on their investment and begin to reinvest in job creation and in the marketplace.

The current trade model we are operating under with massive U.S. trade deficits and enormous Chinese trade surpluses is not only unfair, it is unsustainable. So we have to rebalance that relationship. And China's own leaders need to understand that their country's long-term economic health absolutely cannot rest on a foundation of subsidized exports fueled by an indebted American consumer and the credit card of the American consumer. That is a deathly unvirtuous—to use our former Fed Chairman's comments about virtuous and unvirtuous cycles, it is about as unvirtuous as you can get in that economic relationship.

Now, conflict, in my judgment, is not the best way to resolve our tensions. Making clear how we feel and what we think the reality is and what is important in our relationship is critical.

Some of our colleagues have come to the floor to argue that our two countries are already in a trade war. Others have come to the floor to say this bill is going to trigger one. I don't agree with either view. I don't think either one of those views is correct.

If we were in a real trade war with our largest lender, let me tell you, they would be doing a heck of a lot more damage than the misalignment of currency is currently doing to us.

The specific remedy proposed in this legislation is neither as dramatic nor as offensive as some people have said. This is a pretty carefully structured piece of legislation, and I think the language has been chosen in a thoughtful way and the remedies that are available under this bill are not as dramatic as some would suggest. It doesn't propose raising tariffs on all Chinese goods. It only proposes in-

creasing tariffs on those Chinese goods that receive an unfair advantage from an undervalued currency and then compete with American-made goods here in the United States. It is a pretty limited and targeted message. And that is within our rights. If the yuan is properly valued, that will simply not be necessary. That is China's decision, China's choice.

I would much prefer a negotiated, multilateral solution, as I described, involving this new relationship, a new trade relationship on a global basis, which I think would send an extraordinary message to a beleaguered Europe, where Greece, as we all know, is basically fundamentally insolvent, needing some kind of a managed, structured transition hopefully that avoids a greater crisis in Italy and Spain and contagion in their banking system, which clearly needs recapitalization, clearly needs more than the \$440 billion that was put on the table, clearly needs some kind of a rescue fund with some very tight kinds of requirements not dissimilar to what we did in the United States in 2008 and 2009 out of sheer necessity. My hope is they will do that.

Nothing would do more to send a message of confidence about the future of job growth than to have this new trade understanding and relationship where responsible partners are behaving responsibly and accepting responsibility for the global marketplace in which we all operate, not just exploit it but support it, protect it, nurture it.

Beyond the currency, there are many other sources of tension in our economic relationship, and they need to be resolved. China does not protect adequately our intellectual property in its market. That is almost a euphemism. The violations of intellectual property rights, the outright theft in some streets and communities within China of billions of dollars of American designed and marketed and developed property is shocking. In addition to that, China imposes artificial regulatory barriers to the entry of many of our goods. It fails to crack down on cyber attacks, and it has executed a thinly veiled effort to appropriate key foreign technologies. On each of these issues, and others, we have been going to the WTO, we have been bringing cases, and we have been winning those cases. As I have said, that is not a substitute for this larger fix in the relationship that is critical.

I believe overcoming market access challenges is actually where we ought to be focusing our efforts in China and also in the other large, fast-growing markets. That, as I have said several times, is really the answer—the quick answer, if you will. We can develop goods and we can invest in companies here, but if we can't sell the goods to more than ourselves, we have some serious limits on us. It is important for us to be fighting for that market access.

I believe that to increase our exports, we are going to have to increase our competitiveness at home and we are going to have to convince our partners to lower their tariffs, remove discriminatory regulatory restrictions on our exporters, protect intellectual property, use scientific standards as the basis for allowing our agricultural goods to enter, and recognize that trade in services is becoming as important to the modern economy as trade in goods. We need to make the case that doing all of these things is not to the advantage of one country or another, it is to all of our shared advantage because of the nature of the global marketplace in which we live.

Countries such as China, India, and Brazil are stakeholders. Whether or not they want to admit it publicly, they are stakeholders in the West's economic success. They need access to our customers. They need access to our investors. They want to make deals over here. They want to be in joint ventures. They want to own companies. And their businesses and citizens will benefit from strong, sustainable growth in the world's largest economies.

China is an important partner of the United States in a lot of ways. It is also a major investor in the United States. So I don't think we are here to rupture that relationship; I think we are here to send a message to the Chinese about the urgent need to repair it. We want a mutually beneficial relationship, an equitable partnership that will pay dividends for both countries. And I believe, if we listen to each other and work in good faith, we can make that happen and we can enter into a better framework of cooperation that inures to the benefits and the security and the stability and the leadership demands of both of our countries.

We both sit on the Security Council of the United Nations. We both have remarkable responsibilities through our economic power. We are still the largest economy on the face of this planet, maybe three times larger than China—still, even as China is growing. China will surpass us. With that reality of where China stands today economically comes major responsibility. No country has exercised that responsibility through all the last century and into this century with a greater sense of purpose and responsibility than the United States. Hopefully, China will embrace the notion that its new economic power brings with it that same shared responsibility. I hope we can engage in the creation of that kind of mutually beneficial relationship.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

JOBS CRISIS

Mr. HATCH. Mr. President, I rise to speak about our Nation's jobs crisis.

This is a crisis that is real and it is a crisis that is not going to be addressed by the bill currently being considered by this body. It is not a crisis that is going to be solved by more tax increases, as some would have it. It is a crisis that will be solved when Congress creates the conditions for job creation by giving greater certainty to businesses and individuals and liberating them to take risks.

Americans are more than uneasy about our current jobs deficit. The failure of this economy to create jobs is the single most important issue to the citizens of this country. For years now, whenever I have talked to my fellow Utahns about the economy, their No. 1 concern has been jobs. Throughout the country, particularly in those places that are worse off than my own home State, I am quite certain people have the exact, same concern.

We have had more than our fair share of posturing on job creation in Washington. We heard a speech to a joint session of Congress from the President, wherein he demanded passage of this jobs bill. Of course, the President's bill has no real chance of passing in either Chamber of Congress. Indeed, Members of the Senate Democratic leadership have been quoted publicly as saying they don't even believe enough Democrats would vote for the bill to pass it in the Senate, with or without a filibuster.

But not all hope is lost. Members of both parties agree we need to pass a jobs package of some kind. The American people demand it and I believe Congress can deliver. However, I am not under any illusions. This will be a difficult task, and it will require Congress to recognize some hard truths and to make some difficult decisions. But if we are serious about job creation and not just about campaigning on job creation next year, that is what we are going to have to do.

It will not be enough to simply pass legislation that will stimulate the economy in the short term. We have tried short-term stimulus time after time again and it does not work. One of the President's first acts after his inauguration was to promote and sign a partisan big spending stimulus package. It did not work then and it is not going to work now. What we need to do is change the economic environment in America to make it more jobs friendly, to change incentives to allow for long sustained job growth.

As I said, it will not be easy, but I believe it is doable because, frankly, there are things we should have been doing all along that will create more jobs and prevent more job losses in the future.

That is what I wish to talk about. I want to unveil my own jobs proposal. It is a comprehensive, 10-point plan that I believe encapsulates much of what we should be doing to create more

jobs in America. I wish to take just a few moments to talk about each of the 10 points in my jobs plan.

No. 1, we need to restore fiscal sanity in Washington. Our Nation's \$14 trillion debt is an anchor around the neck of every American and a threat to our economic growth and job creation in the future. Congress must take meaningful steps to reduce our debt and get America's fiscal house in order.

This is something my friends on the other side of the aisle do not seem to get—debt and deficit reduction is a jobs issue. The failure to get this spending under control led to a downgrade of our Nation's credit rating, an action that will impact our interest rates and impede job growth. The failure to get spending under control and the constant threat from the other side of higher taxes to pay for this historically large government keeps businesses on the sideline and discourages risk-taking. The failure to get spending under control crowds out the types of investments in national defense and infrastructure that actually have some impact on jobs. Reining in spending should be our highest priority.

Given the fights we have had over spending in the last year, this goal may seem to some to be out of reach, but I am optimistic. I expect some success from the Joint Committee on Deficit Reduction that is currently working on finding significant savings and currently trying to find a way out of our problems. Members of both parties are on record supporting a balanced budget amendment to the Constitution, which would ensure greater fiscal discipline in the long run. This is a vital element to securing economic growth and job creation in the future, and we need to act now. As the ranking member on the Senate's Finance Committee, I am committed to working with my colleagues there to achieve meaningful reform of our Nation's largest spending programs.

No. 2, we need to expand markets for U.S. exports by approving the pending three free-trade agreements and renewing trade promotion authority. Every President has wanted that except this one. Congress waited far too long for the President to send the pending trade agreements with Colombia, Panama, and South Korea, which would increase U.S. exports by \$13 billion and create more than 70,000 domestic jobs. Some estimate even higher than 250,000 jobs. Unfortunately, in delaying submission of these agreements, the President prioritized his anti-trade union allies at the expense of the American workers who stood to benefit from their passage. Now that these agreements are before Congress, we need to ratify them promptly. However, we also need to move forward with a robust trade agenda for the future.

Unfortunately, by refusing to seek renewal of trade promotion authority,

the President is undercutting our Nation's ability to realize these new trade agreements.

No. 3, we need to reform our Nation's Tax Code to allow American businesses to compete with foreign competitors on a level playing field. Rooted in a bygone era, the U.S. Tax Code is antiquated, impeding our economic recovery and slowing job growth. Our tax system is too burdensome, it is too inefficient. Fundamental tax reform will allow both individuals and businesses to focus their efforts on their families and businesses instead of tax compliance. There is bipartisan agreement on the need to fix our Tax Code and if the President and his party will agree that the goal of tax reform should be job creation and economic growth rather than raising taxes, I think progress can be made.

No. 4, we need to repeal ObamaCare. I am certain my Democratic colleagues will write this proposal off as blind partisanship, but to paraphrase President Obama: This is not partisanship, it is math. ObamaCare's unconstitutional individual health care mandate will result in a \$2,100 increase in premiums for families buying insurance on their own. Rather than saving money, ObamaCare is costing individuals and States more money, including \$118 billion in new costs imposed on States for Medicaid expansions, meaning that our States will have to cut other programs such as education or law enforcement to pay for this unfunded mandate. Additionally, ObamaCare will result in over \$1 trillion in new taxes and penalties over a 10-year period once it is fully implemented in 2014, while still increasing the deficit by \$701 billion during that same time.

Collectively, the various provisions included in ObamaCare will continue to hinder job creation and industry innovation by mandating the imposition of anti-industry burdens such as a 2.3-percent excise tax hike on medical device manufacturers that could result in job losses of over 10 percent of the device industry workforce. That is nearly 43,000 potential lost jobs. Some experts have calculated that nearly 800,000 jobs could potentially be lost as a result of full implementation of all of ObamaCare's provisions.

Clearly, calls to repeal ObamaCare are more than political blustering. It is simply a necessary step forward toward job creation.

No. 5, we need to repeal the Dodd-Frank Act. Again, it would be easy for our friends on the other side to write off this proposal as just partisan posturing, but facts are facts. American companies and small business owners are paralyzed by the excesses of the Dodd-Frank Act which has created massive new bureaucracies, imposed job-killing mandates, and heaped upon American businesses a slew of regulations that are choking off job opportunities for Americans. Dodd-Frank is

leading to reductions in the availability of credit to American families and businesses and increases in the cost of credit to those who are able to borrow. The price controls required by Dodd-Frank and by the Dodd-Frank interchange amendment are a case in point of what happens when government wades carelessly into the economy.

I don't know why it came as a surprise to anyone that the price controls imposed by the interchange agreement, drying up a revenue stream for banks, would require new fees on consumers. Yet I doubt the announcement that banks are eliminating free checking and increasing debit card fees, a direct result of the interchange amendment, will result in a long look in the mirror for those responsible for this regulation. Rather, the favored response will no doubt be more regulation. It is essential that we repeal this fundamentally flawed law to unleash the full potential of the American economy by unfreezing much needed credit for small businesses as well as stripping away new layers of burdensome and ineffective regulations.

By the way, I have not mentioned Sarbanes-Oxley, which is adding accounting costs and other costs so astronomical to small business that many of them are not able to hire, they are not able to accomplish what they want to accomplish, and it has stalled our economy. That doesn't mean we don't need some regulations, but these bills have gone way to the excess.

No. 6, we need to make our regulatory system more jobs friendly. America's regulatory system is out of control. Time and again, unelected Washington bureaucrats erect walls of redtape that place significant burdens on the job creators. Far too often, businesses are forced to spend time and resources trying to comply with unnecessary Federal rules and regulations rather than on growth and development. With unemployment at over 9 percent, Congress needs to ensure that policies pursued by Federal agencies make it easier for businesses to hire and do what is necessary to be able to compete globally. There is bipartisan support for this idea. President Obama has proposed requiring regulators to perform a cost-benefit analysis in drafting new regulations. This requirement should be set by statute and should apply to all Federal agencies.

In addition, Congress should have greater influence in the regulatory process and should pass legislation such as the REINS Act, S. 299, which would, among other things, require Federal agencies to obtain congressional approval for regulations that will have significant economic impact.

No. 7, we need to develop America's energy resources. In the United States, energy is produced by private industry. Yet most energy resources are con-

trolled by the Federal Government. The Obama administration has aggressively withdrawn access to Federal energy resources and has stalled or proscribed countless domestic energy projects sought by industry. This willful inaction by our President has cost Americans hundreds of thousands of good-paying jobs. It has also cost our Federal and State governments billions of dollars in lost revenues from Federal energy royalties which they share. A recent Wood Mackenzie study found that if our Nation were permitted to allow more domestic energy production in the next two decades, an additional 1.4 million jobs would result and Federal and State governments would enjoy more than \$800 billion in additional revenue. According to the study, it would mean more than 40,000 new jobs in Utah alone.

I have worked with my colleagues, Senator DAVID VITTER of Louisiana and Senator JOHN BARRASSO of Wyoming, on two legislative proposals that would reverse the President's attacks on domestic energy production. The 3-D, Domestic Jobs, Domestic Energy, and Deficit Reduction Act, that is S. 706, and the American Energy and Western Jobs Act, S. 1027, will get America back in the business of producing its own energy, creating hundreds of thousands of new jobs and billions in new revenue for Federal and State governments.

No. 8, we need to help America compete by protecting and encouraging innovation. We must modernize and make permanent research and development, the R&D tax credit to help keep America on the leading edge of technological innovation.

The United States once led the world in research and development incentives when we created the R&D credit back in 1981. However, in the years since other countries have responded with their own incentives, and now we rank 17th behind many of our global competitors. Senator BAUCUS and I have been the prime sponsors of the research and development tax credit over the years. In order to provide a more level playing field for American companies that compete in the global marketplace, we must provide more certainty to companies that invest heavily in research and development.

In addition, international infringement of U.S. intellectual property rights costs American businesses billions of dollars every year. This affects big corporations and small businesses alike. By simply ensuring that our trade partners fulfill their international obligations to recognize and enforce intellectual property rights, we can create millions of jobs in this country. Starting now, this administration must take more meaningful steps to address this problem and protect American job creators.

No. 9, we need to create incentives and remove barriers for small busi-

nesses to create jobs. Small businesses drive the American economy and they are the soul of our Nation's entrepreneurial heritage. Small businesses create two-thirds of the jobs in our Nation's economy. As such, they should be at the forefront of our economic recovery. To achieve this, we need to ensure that American small businesses operate in a more business-friendly environment. Big-government solutions have failed to produce jobs, so it is long overdue that we release the entrepreneurial power of the private sector to grow our economy once again. We can and must make it easier for small businesses to invest, grow, and create jobs.

For example, Congress could provide a 20-percent tax deduction for small businesses on their income, and Congress could repeal the 3-percent withholding requirement for Federal contractors. Both of these ideas would expand job creation among small businesses.

No. 10, finally, we need to reform America's labor laws and rein in the National Labor Relations Board. Congress must enact significant reforms to our Nation's labor laws to counteract the pro-union extremism of the Obama National Labor Relations Board, or the NLRB. Instead of allowing the NLRB to rewrite America's labor laws every time a new administration takes office, Congress should reform those laws to provide greater oversight, accountability, and judicial review of the NLRB's decisions. They are usurping the power of the Congress. They are usurping the power of the courts. The fact of the matter is they don't have the right to do that, and they are overturning 76 years of solid labor law which is slightly in favor of organized labor. They want to make it totally in favor of organized labor.

In addition, Congress should pass legislation such as the Employee Rights Act, S. 1507, which I introduced in August to protect the rights of workers who do not want union representation, to prevent unions from exploiting their current members, and to ensure that the NLRB is no longer able to trample employee rights via regulatory fiat.

Congress should finally repeal the outdated prevailing wage requirements in the Davis-Bacon Act or, at the very least, suspend them until the economy recovers. Doing so would reduce burdens on small businesses, save the taxpayers money and, of course, create more jobs.

Once again, I am not under any illusions that passing this type of jobs agenda will be easy, but I am convinced of its necessity. Each of these proposals would achieve a commonsense objective, and most of these ideas have broad support within Congress and the American people. One thing is certain, however. We cannot stand by and do nothing. The people of Utah, whom I serve, and people across the country

are demanding more jobs. This plan would accomplish this goal, but not through government, more regulation, more spending, and more taxes. Rather, it would encourage private sector job growth by getting government the heck out of the way. And by ensuring greater economic stability in the future, it would help to maintain the conditions for robust job creation.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Illinois.

AMERICAN JOBS ACT

Mr. DURBIN. Madam President, I wish to follow on the speech made by my friend and colleague from Utah about the current state of unemployment in America and what to do about it. One of the last things he says is, get government out of the way. I wish to suggest that maybe, if he has some time—and I know he is a very busy man—he join me on a trip to Peoria, IL, where I was last week visiting Lucas & Sons Steel Company. This company has been in business since 1857. It has 26 employees. The CEO is a delightful, dynamic young woman named Margaret Hanley. She has, as I said, 26 union employees, all ironworkers. What she does is fabricate steel for construction projects all over the Midwest and as far away as Antarctica. As I said, the company has been around over 150 years.

I asked her, Where do you get your steel? She said, It is all American steel. I asked her, How are you doing? She said, Great. She said, One of the reasons we are doing great is because of President Obama's stimulus package. The President said to American businesses such as hers, you can borrow money at low interest rates to buy new machinery that will help you be more competitive. She said, Come on, let me show you. We walked in the other room, and here was a computer-driven machine as big as a small room being handled by a fellow that was literally taking steel girders, boring holes in them, and bending them where they are supposed to be bent. She said, I can compete with the big boys with this. We are going to increase the number of people working at Lucas & Sons Steel. Senator HATCH says, Government, get out of the way. Thank goodness, government was there for that company, a private company, paying a living wage with decent benefits, that has been around for a century and a half and is prospering because they are making quality products out of American steel with equipment they bought through President Obama's stimulus package.

How many times do we hear Senator MCCONNELL come to the floor and say, The President's stimulus package was a punch line on nighttime TV? Well, it isn't a punch line in Peoria. It is dead serious because people are working, making a good wage, thanks to the investment in small business through government help.

I believe, and most Americans believe, real job creation is going to be in the private sector. Well, look what happened here. Because of the investment of government helping her to buy this machinery and be competitive, production and manufacturing jobs stayed right here in the United States, and that is what we want. There are 14 million people out of work.

As I traveled up and down my State of Illinois, I visited some days with those who are unemployed, desperately trying to find jobs, and other days with businesses such as Lucas & Sons Steel in Peoria which are doing well. I asked them the key to their success. They basically say they have been lucky to have good products and great workers and great infrastructure.

Senator HATCH says, Get government out of the way. Government has to be in the way for infrastructure. It is government that builds the highways, the bridges, the airports, the railroads. That is part of what the government is investing in for the future of our economy. Part of President Obama's jobs package is to put Americans back to work rebuilding basic infrastructure. We need it. We need it all across the Midwest and across the Nation. If you think we can afford to get government out of the way and not invest in infrastructure, take a look at what is going on in China today. In China, our No. 1 competitor in the world and our No. 1 creditor in the world, they are building right and left. They are preparing for the 21st century. They are going to build 50 new airports in the next 5 years that will accommodate every plane of every size made by Boeing Aircraft. That is how big these airports are. There will be 50 new ones. They are building the infrastructure to not only compete but pass the United States.

When my colleagues on the other side come to the floor and say: Get government out of the way, what do they mean? That we should not be investing in infrastructure to make America strong for the 21st century; that the businesses, large and small, in Illinois that need modern, safe highways to move their goods back and forth to market should not turn to government for that help? It makes no sense. Historically we have agreed on a bipartisan basis when it comes to infrastructure. We should agree again, and that is part of the President's jobs bill.

Let me tell you what else is in there. We know America's working families are struggling paycheck to paycheck. They took a survey recently, and they asked working families in America: How many of your families could come up with \$2,000 in 30 days either out of savings or borrowing? That isn't an unreasonable amount of money. A very moderate injury in an emergency room might cost you \$2,000. So they asked them, and it turned out only a little

over half of working families had access to \$2,000. It shows you how close to the edge many families are living. It shows you many of them are surviving paycheck to paycheck. Although they work hard, they cannot seem to get ahead.

President Obama's jobs act says this: These working families deserve a payroll tax cut of 3 percent. What would that mean? Three percent doesn't sound like much, but look what it means in Illinois. Our average wage in Illinois is about \$53,000 a year. The 3-percent payroll tax cut would give to these families between \$125 and \$130 a month. A Senator may not miss that amount of money, but for a lot of working families, it is the difference between filling your gas tank and buying the shoes for the kids to go to school. So the President's payroll tax cut puts money in the hands of working families to buy the goods and services to get the economy moving forward.

What else does the President suggest? He suggests in his jobs act that we need to provide tax incentives for small businesses to hire the unemployed. One of the things the President said when he spoke to us is we ought to make sure every veteran who served our country can find a job when they get home by offering incentives for businesses to hire returning soldiers. That is government involved. We create that incentive. The Republican side says: Get government out of the way. I don't think so. These men and women who served our country, who risked their lives, who fought for America, should not have to come home and fight for a job and lose that fight. We ought to stand by them and help them find work. That is part of President Obama's jobs bill, and it is a reasonable part. Cutting the payroll taxes, cutting the taxes that businesses, including small businesses, pay so they are more profitable and can hire more people is a reasonable thing to do.

I was amused that the Senator from Utah brought up one of my issues that I have worked on, and that is the debit card swipe fee. If you use a debit card to make a purchase at a restaurant, a grocery store, a drugstore, a bookstore, whatever it happens to be, and they would swipe that card, the retailer you bought that good or service from has to pay a fee to the bank and major credit card company. Well, it turns out that the fee—the so-called swipe fee—is dramatically larger than the actual cost of the transaction to the bank and credit card company.

Let me give you some numbers. The Federal Reserve investigated, and here is what they found: To use a debit card to make a purchase costs the bank and credit card company somewhere between 4 cents and 12 cents. That is to process everything. For you to take money out of your checking account

with a debit card to pay for a purchase, what do they charge? On average they charge the retailer 44 cents. That is somewhere between 600 percent and 400 percent of their actual costs. So what we did is to say that retailers across America deserve a break. With the Federal Reserve establishing the number, we said a reasonable fee is about 24 cents. That splits the difference, which is the common outcome in Washington. It gives the banks more than they actually have to expend to process, but it doesn't hit the retailers hard.

I went to the Rock Island Country Market when I was back home in downstate Illinois. Carl, the manager, talked about his morning special, a cup of coffee and a doughnut at the country market, 99 cents. He said, Senator, do you know what it feels like when someone hands me a debit card for that 99-cent transaction? I not only didn't break even, I lost money, and I will lose it every time.

We have to give retailers a fighting chance. When the Senator from Utah comes to the floor and says we should not do that, that we should stand by the Wall Street banks and the credit card companies, I think he lost sight of the fact that Main Street, not Wall Street, is where jobs are created in America. Helping retailers, large and small, be profitable, be able to reduce prices on their goods and hire more people is the way for us to emerge from this situation and have more people working across America.

There is great controversy associated with the fact that President Obama made a suggestion when he spoke to us about the jobs bill and when he said to us: I am going to pay for it. Whatever I do with this jobs bill, whether it is extending unemployment benefits, payroll tax cuts for working families, a break for small businesses to hire veterans and other unemployed people, we are going to pay for it. We are not going to add this to the deficit. He came up with a plan to do it. I thought his plan was reasonable. We have talked on the Democratic caucus side and come up with a plan that is more acceptable to our caucus, and I can accept it too. Here is what it is. It is a little over a 5-percent surcharge on people who are making over \$1 million a year—a 5-percent surcharge on their income tax. These are people who are making \$20,000 a week—\$20,000 a week—and the President has suggested they should pay their fair share. We have come up with a more specific approach—a little over a 5-percent surtax to pay for what it will take to get the jobs act moving forward and get the economy moving forward, which will be to everyone's benefit, rich and poor alike, across America.

One would think we said something heretical—the protests that were received from the Republican side of the aisle in the House and the Senate.

What I find interesting about their opposition to this is, when we ask the American people point-blank: Do you think to pay for the President's jobs bill, to get people back to work, it is reasonable to close tax loopholes and ask millionaires to pay a little more on their income tax, here is what the poll says: 64 percent—almost two out of three Americans—support raising taxes on millionaires. How about Independents? ABC News poll: Seventy-five percent support raising taxes on millionaires. But what about Republicans? Fifty-seven percent of Republicans support raising taxes on millionaires and—hang on tight—55 percent of tea party supporters agree with raising taxes on millionaires.

It turns out that the majority of Americans at every political level believe this is a reasonable proposal. The only problem is, we can't find a Republican Senator or a House Member who agrees. They have said they will vote against anything that includes a penny more in taxes for those who are making over \$1 million a year.

I think Americans believe we are all in this together. Everyone has to sacrifice. Families sacrifice every day. Businesses are sacrificing, trying to stay open and prosper in a rough and challenging economy. It is not unreasonable to ask those who are doing well in America to pay a little more so we can get this economy moving forward and create jobs.

WALL STREET REFORM

There are two other points raised by the Senator from Utah I wish to address. One of them is, he said he is against the Wall Street reform package we passed. Do my colleagues remember—it hasn't been that long ago—when we were told by the previous President that if we didn't provide almost \$800 billion of taxpayers' money to the biggest banks in America, they would fail and the economy would crater? It is a day I will never forget because it is a stark choice: take \$800 billion out of our Treasury with all our debt and give it to Wall Street banks or run the risk of our economy collapsing. Many of us said we will stand with President Bush's proposal. We will see if we can keep these banks staying afloat. Does anyone remember the thank-you note we got from the major bankers across America for the \$800 billion in TARP funds? They gave million-dollar bonuses to their officers. The same people who were in charge and who drove their banks into the ground and drove the economy into the ground that forced the taxpayers' bailout were ending up with millions of dollars in bonuses.

We decided with Wall Street reform to say, once and for all, we are not going down this road again. This notion that some of these Wall Street banks and bigger banks are too big to fail has to come to an end. So we

passed Wall Street reform to try to straighten out some of the abuses that led to this recession. We didn't get a single vote on the Republican side of the aisle—not one. They don't want the government to exercise any power of oversight, to police the ranks of those in the financial industry who are not dealing with this situation responsibly. That is their position.

I happen to believe government has a legitimate role. When those banks were about to fail, they loved government. They couldn't wait to get our money. They got the money and survived and then gave one another bonuses. The government said: Now you have to clean up your act, and they said: Get out of the way. Government is nothing but a big old problem.

The American people know better. We want Wall Street and the big banks to be held accountable. We never want to go down this bailout road again, and I think—and I hope most Americans believe—that oversight of these banks is absolutely essential to make sure we have money available and these banks are sound.

HEALTH CARE REFORM

The last point I will make relates to the health care issue. I see my colleague from Colorado on the floor, and I am happy to yield to him in just a couple minutes.

The health care issue is one that is a frequent source of conversation among the political talking heads and elected officials here in Washington. Recently, many on the other side of the aisle have been holding almost daily press conferences—one was reported today in the Washington Post—where they get very worked up over the President's health care reform bill, which I was proud to support, and say it is the reason for virtually every problem in America.

Let me tell my colleagues on both sides the reality. Having served on the deficit commission, we cannot reduce the deficit and the rate of growth in our national debt without coming to grips with the cost of health care. Whether it is a family, a business or any level of government, the cost of health care is breaking the bank. What we tried to do, and I think we will do, is to come up with a fair way to bring down the rate of growth and the cost of health care. I am not naive enough to believe we are going to actually bring down health care costs dramatically. What we are trying to do is to slow that rate of growth, and that is something we can achieve.

I take a look around at what we are faced with when it comes to health care and the dilemmas we face, how many people before this health care reform bill had virtually no protection. One of the things we did in health care reform, which I suppose those who want to repeal it want to get rid of, was to say they couldn't penalize a person or a family because of preexisting

conditions. Children under the age of 18 could not be denied on a family policy because of a preexisting condition. Many parents, such as my own family, have lived through this and have known that if we couldn't get basic health insurance for our child, it could jeopardize the quality of care that was available. We changed that law. We said they cannot discriminate against children under the age of 18 because of preexisting conditions. We are moving toward eliminating that discrimination across the board. Is that unreasonable? I think it is realistic and humane and it is a good thing to do.

The second thing we did was to help senior citizens getting prescription drugs under Medicare who get stuck with something called the doughnut hole. It is a gap in coverage of almost \$2,000 a year that they have to take out of their savings accounts to pay for expensive prescription drugs. We are closing that hole over a period of a number of years so seniors will have seamless coverage, start to finish. That is part of health care reform. Those who are calling for its repeal ought to stand and say exactly that they want to get rid of that as well.

We also provide coverage under the family health insurance plan for children up to the age of 26. It expands the reach of family health insurance for recent high school and college graduates who may not have a job. It is an important coverage factor that I am glad we included in this bill.

There is more we need to do. But to walk away from health care reform, to walk away from efforts to preserve quality and reduce the cost in health care is a step in the wrong direction for the quality of life of American families and for dealing with this deficit challenge we face.

I sincerely hope my colleagues on the other side of the aisle will consider joining us in offering amendments and modifications to the President's jobs act. What is absolutely unacceptable is to do nothing. Unfortunately, many of them believe that is exactly what we should do: Don't let government get involved in any respect when it comes to the unemployment across America. Whether it is unemployment benefits, helping working families, giving incentives to small businesses to hire veterans and other people, putting money into infrastructure in America—these are things we can and should do together as a nation to bring this economy forward and to reduce the unemployment we are currently facing.

I yield the floor.

The PRESIDING OFFICER. Expressions of approval are not in order.

The Senator from Wyoming.

Mr. ENZI. Madam President, if I had the time, I would contest a few things my colleague from Illinois said, but I am not going to make a political speech; I am going to speak on the bill

that is currently before the Senate which is the China currency bill.

So I rise to speak on the China currency bill. China's undervaluation of its currency is a serious problem. It is an issue I studied when I was a member of the Senate Banking Committee and now as a member of the Finance Committee. Earlier this year, I also had an opportunity to visit China with a number of my colleagues and learn more about this issue as we met with their government officials.

It is clear the efforts of the Chinese Government to peg its currency against the dollar give unfair benefits to the Chinese exporters at the expense of U.S. manufacturers. The United States should take additional action to pressure their government to reevaluate Chinese currency.

However, this is not a new problem. China currency has been a priority for both President George W. Bush and President Obama. Through a number of venues, including the Joint Commission on Commerce and Trade talks, our officials at all levels have raised this issue with little response. This experience shows that action by the United States alone is not enough. We know other major global trading powers have the same concern, but we continue to act individually. Just this summer, the German Government made a renewed attempt to gain more flexibility in China's currency. The full European Union has followed suit, but they, too, have had little gain. But the United States and the European Union are not the only ones concerned about China currency. A number of emerging economies, including both India and Brazil, have also made the same plea. So the question I ask now is why are we considering a bill that puts the United States in a position of going it alone?

That is one reason I am a cosponsor of the Hatch amendment No. 680. This substitute amendment retains the designations included in the underlying bill that define a "fundamentally misaligned currency" while giving direction to the administration to pursue action through multilateral channels. The amendment also thinks forward by making the issue of currency misalignment a priority issue in both our current trade negotiations and in future trade agreements. It is important that the United States not act by itself when it comes to pressuring China on this issue. I have found in my experience that when it comes to economic policy in our globalized world, the multilateral approach is the most successful. That is one reason I do not support imposing unilateral economic sanctions on any nations. I am hopeful the Senate will have an opportunity to vote on and include the Hatch amendment in this bill.

I also wish to speak about an amendment I am working on with my colleague from Oregon, Senator MERKLEY.

Given that this bill is about enforcement of trade obligations, we filed an amendment that would encourage our officials to counternotify those nations that have failed to report on the government subsidies that are provided to industries engaged in international trade and in competition with us. The World Trade Organization agreement on subsidies and countervailing measures establishes base rules for when members can provide subsidies. An important element of that agreement for compliance is a measure that requires each country to disclose annually information about their subsidies. China agreed to these obligations in 2001. However, since joining the WTO 10 years ago, China has only made its required notification once. That was in 2006, and it was largely incomplete. The amendment we have offered requires the U.S. Trade Representative to use its authority under the WTO subsidies agreement to counternotify a nation that has failed to meet this obligation 2 years in a row. I am told the U.S. Trade Representative plans to act this afternoon by submitting information to the WTO that identifies China's failure to comply with this requirement. I am hopeful this will lead to accurate and consistent reporting by those governments that continue to disregard their trade obligations.

This problem with reporting subsidies points to the larger issue we have with China aside from currency misalignment. There are other significant Chinese policies that put the United States at an economic disadvantage and deserve our attention. One such policy I wish to highlight is China's policy of giving value-added tax—VAT—rebates to artificially promote exports.

On April 1, 2009, China reinstated a 9-percent rebate of its 17 percent VAT on soda ash exports, another instance of China manipulating commercial outcomes through a government industrial policy. In 2009, during the depths of the global economic crisis, China's soda ash exports increased 9 percent, while global demand for soda ash was in free fall. That same year, U.S. exports of soda ash fell 19 percent. This is just one of the countless examples where China's producers pay little attention to market conditions and instead are being driven by artificial incentives to export.

Continuation of such a policy puts U.S. jobs and the soda ash industry at risk, which is why I have led an effort to have our government press China for the elimination of the VAT rebate on soda ash.

The U.S. natural soda ash industry employs over 3,000 workers in Wyoming and California, another 100 dock workers in Portland, OR, as well as railroad workers who help transport soda ash. Half of all workers employed in the soda ash industry are dependent on exports for their jobs.

The U.S. soda ash industry is an export success story. For the first time in 2010, the U.S. soda ash industry shipped more product to overseas markets than it did to domestic customers, and exports continue to grow in 2011. Domestic demand for soda ash is flat, so growth in the U.S. soda ash industry is entirely dependent on maintaining and expanding its exports.

The United States is the most competitive soda ash producer in the world, but it will continue to be confronted by China's trade-distorting policies that put it at a competitive disadvantage. Specifically, China's VAT rebate on exports reduces China's production costs. It undermines U.S. soda ash exports in other markets. Moreover, Chinese soda ash is produced through synthetic processes that are both extremely harmful to the environment and are energy intensive.

China's manipulation of its VAT rebate has been raised multiple times by Members of this Chamber, as well as our House colleagues. On May 31, 2011, we asked Commerce Secretary Gary Locke and U.S. Trade Representative Ron Kirk to keep this issue on its agenda with the Chinese and fight for its elimination.

Madam President, I ask unanimous consent to have printed in the RECORD the text of the letter to Secretary Locke and Ambassador Kirk.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, May 31, 2011.

Hon. GARY LOCKE,
U.S. Secretary of Commerce,
Constitution Ave., NW,
Washington, DC.

Hon. RON KIRK,
U.S. Trade Representative
17th Street, NW,
Washington, DC.

DEAR SECRETARY LOCKE AND AMBASSADOR KIRK: We are writing to express our continued concerns about China's use of a Value-Added Tax (VAT) rebate to promote its soda ash industry at the expense of U.S. exports. For over two years, China has provided its domestic manufacturers with an artificial incentive to export through a 9% rebate of the 17% VAT. For a number of reasons, we ask that the issue of the soda ash VAT rebate be specifically included on the JCCT agenda this fall.

After suspending its VAT rebate for soda ash in July 2007, China reinstated the soda ash rebate in April 2009 to encourage its own exports during the global economic crisis. China's state-supported soda ash industry is the largest in the world and this policy is harmful to its international competitors, particularly U.S. soda ash manufacturers. As you may know, U.S. soda ash has a natural advantage over Chinese soda ash, based on a manufacturing process that is much more sustainable in terms of environmental protection and energy use than the synthetic processes used in China. China's manipulation of the VAT rebate to support its domestic soda ash industry also has wider implications—not only is it economically unjustified, it contravenes China's own interests in

shifting energy resources from more productive and efficient industries.

We must focus on Chinese policies that are a direct threat to U.S. exports and U.S. jobs. The soda ash VAT rebate is one such policy. Chinese exports compete directly with U.S. soda ash exports in the Asia-Pacific market and beyond. Although the VAT is just one part of China's overall industrial policy, the soda ash VAT rebate is a distinct threat to U.S. manufacturing in a sector where the United States enjoys a natural competitive advantage. If we don't stand up for the pillars of our export-based manufacturers like the soda ash industry—and the U.S. workers employed throughout the soda ash supply chain—we cannot seriously contend we are doing everything we can to support U.S. exports.

We ask that the Department of Commerce and the U.S. Trade Representative's Office ensure that the soda ash VAT rebate is raised at the highest levels with Chinese officials at the JCCT meetings this year. The message should be as clear as it is convincing; namely, China should live up to its repeated pledge to discourage the expansion of highly-polluting and energy-intensive sectors such as its own soda ash industry. Policies aimed at promoting soda ash exports, such as the VAT rebate, are inconsistent with China's own stated goals and a direct threat to U.S. interests.

We greatly appreciate your consideration of this request and look forward to your response.

Michael B. Enzi, John Barrasso, M.D.,
David Wu, Joseph I. Lieberman, Robert
Menendez, Cynthia Lummis, Ron
Wyden, Jeff Merkley, James A. Himes,
Frank Lautenberg.

Mr. ENZI. For over 2 years, China has provided its domestic manufacturers with an artificial incentive to export through the 9-percent VAT rebate on soda ash. When this incentive is removed, a truly competitive market can be restored for global exports of soda ash. I look forward to a lively discussion on this issue when the United States and China meet for the Joint Commission on Commerce and Trade ministerials this fall.

I do not want to underestimate the importance of the China currency issue. However, this debate cannot overlook the significant trade imbalances caused by other Chinese Government policies that disadvantage U.S. industries. If you ask our officials, they will not hesitate to say that the currency issue is just the tip of the iceberg. There are countless tariffs, subsidies, and nontariff barriers that keep the United States out of China at the cost of U.S. jobs. That is why I am disappointed my colleague, the majority leader, has not yet allowed Members to offer the amendments on trade and jobs they wish to offer.

Our economic policies with China extend far beyond the currency issue, and this bill should be the forum to raise and debate those concerns. This bill has been sold as a jobs bill and a trade bill and, therefore, should be open to amendments about jobs and trade. Allowing amendments now is especially important since this is yet another bill

brought directly to the floor without the benefit of committee consideration.

Our companies and exporters are among the best in the world, but it is tough for them to succeed when other nations allow competitors to ignore the rules they have agreed to follow. Without a doubt, something needs to be done about currency misalignment in China. However, for it to be successful, we have to take a holistic approach. I am hopeful the Senate will consider these ideas, including the Hatch amendment. If the United States continues to go it alone, we will continue to have the same problems. We must consider legislation that not only authorizes U.S. action but encourages the administration to pursue the currency issue with other nations that may have the same concern.

Madam President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Colorado.

THE ECONOMY

Mr. BENNET. Madam President, I am here today to talk a little bit about the state of our economy. I have spent the summer and early fall traveling around the beautiful State of Colorado, having townhall meetings and listening to people who mostly start the conversations by saying: What is wrong with you people in Washington? Why can't you work together to actually get anything done there?

They are short of slogans these days, and they are desperate for us to turn this economy around. They know what the consequences have been of living in a country that for the first time in its history has had median family income falling, at a time when their cost of health insurance has been skyrocketing, their cost of higher education is going through the roof.

I thought the Wall Street Journal captured this in a way that I have been unable to. In a very vivid way, on the front page a couple weeks ago, there was an article that was entitled: "As Middle Class Shrinks, P&G"—that is Procter & Gamble—"Aims High and Low." That article is about one of the most iconic middle-class brands imaginable, Procter & Gamble.

Ninety-eight percent of the households in this country have a product in their house that is produced by Procter & Gamble: Crest toothpaste, Head & Shoulders shampoo, Tide water detergent, Pampers diapers, Bounty paper towels. The list goes on: Duracell batteries, Mr. Clean, Pepto-Bismol, Pringles potato chips—stuff that did not even exist before there was a middle class in this country to buy it.

That is the great brand of Procter & Gamble, and it is still a great brand. But this article is about how they are changing their business model to reflect the current economic realities and economic realities they believe are actually going to persist for some time.

I will quote from the article, Madam President, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Wall Street Journal, Sept. 12, 2011]

AS MIDDLE CLASS SHRINKS, P&G AIMS HIGH AND LOW

(By Ellen Byron)

For generations, Procter & Gamble Co.'s growth strategy was focused on developing household staples for the vast American middle class.

Now, P&G executives say many of its former middle-market shoppers are trading down to lower-priced goods—widening the pools of have and have-not consumers at the expense of the middle.

That's forced P&G, which estimates it has at least one product in 98% of American households, to fundamentally change the way it develops and sells its goods. For the first time in 38 years, for example, the company launched a new dish soap in the U.S. at a bargain price.

P&G's roll out of Gain dish soap says a lot about the health of the American middle class: The world's largest maker of consumer products is now betting that the squeeze on middle America will be long lasting.

"It's required us to think differently about our product portfolio and how to please the high-end and lower-end markets," says Melanie Healey, group president of P&G's North America business. "That's frankly where a lot of the growth is happening."

In the wake of the worst recession in 50 years, there's little doubt that the American middle class—the 40% of households with annual incomes between \$50,000 and \$140,000 a year—is in distress. Even before the recession, incomes of American middle-class families weren't keeping up with inflation, especially with the rising costs of what are considered the essential ingredients of middle-class life—college education, health care and housing. In 2009, the income of the median family, the one smack in the middle of the middle, was lower, adjusted for inflation, than in 1998, the Census Bureau says.

The slumping stock market and collapse in housing prices have also hit middle-class Americans. At the end of March, Americans had \$6.1 trillion in equity in their houses—the value of the house minus mortgages—half the 2006 level, according to the Federal Reserve. Economist Edward Wolff of New York University estimates that the net worth—household assets minus debts—of the middle fifth of American households grew by 2.4% a year between 2001 and 2007 and plunged by 26.2% in the following two years.

P&G isn't the only company adjusting its business. A wide swath of American companies is convinced that the consumer market is bifurcating into high and low ends and eroding in the middle. They have begun to alter the way they research, develop and market their products.

Food giant H.J. Heinz Co., for example, is developing more products at lower price ranges. Luxury retailer Saks Inc. is bolstering its high-end apparel and accessories because its wealthiest customers—not those drawn to entry-level items—are driving the chain's growth.

Citigroup calls the phenomenon the "Consumer Hourglass Theory" and since 2009 has urged investors to focus on companies best positioned to cater to the highest-income

and lowest-income consumers. It created an index of 25 companies, including Estee Lauder Cos. and Saks at the top of the hourglass and Family Dollar Stores Inc. and Kellogg Co. at the bottom. The index posted a 56.5% return for investors from its inception on Dec. 10, 2009, through Sept. 1, 2011. Over the same period, the Dow Jones Industrial Average returned 11%.

"Companies have thought that if you're in the middle, you're safe," says Citigroup analyst Deborah Weinswig. "But that's not where the consumer is any more—the consumer hourglass is more pronounced now than ever."

Companies like Tiffany & Co., Coach Inc. and Neiman Marcus Group Inc., which cater to the wealthy, racked up outside sales last Christmas and continue to post strong sales.

Tiffany says its lower-priced silver baubles, once a favorite of middle-class shoppers craving a small token from the storied jeweler, are now its weakest sellers in the U.S. "I think that there's probably more separation of affluence in the U.S.," Tiffany Chief Operating Officer James Fernandez said in June.

Firms catering to low-income consumers, such as Dollar General Corp., also are posting gains, boosted by formerly middle-class families facing shrunken budgets. Dollar stores garnered steady sales increases in recent years, easily outpacing mainstream counterparts like Target Corp. and Wal-Mart Stores Inc., which typically are more expensive.

P&G's profits boomed with the increasing affluence of middle-class households in the post-World War II economy. As masses of housewives set up their new suburban homes, P&G marketers pledged that Tide detergent delivered cleaner clothes, Mr. Clean made floors shinier and Crest toothpaste fought off more cavities. In the decades since, new features like fragrances or ingredient and packaging enhancements kept P&G's growth robust.

Despite its aggressive expansion around the world, P&G still needs to win over a healthy percentage of the American population, because the U.S. market remains its biggest and most profitable. In the fiscal year ended June 30, the U.S. delivered about 37% of P&G's \$82.6 billion in annual sales and an estimated 60% of its \$11.8 billion in profit. P&G says that Americans per capita spend about \$96 a year on its products, compared with around \$4 in China.

During the early stages of the recession, P&G executives defended its long-time approach of making best-in-class products and charging a premium, expecting middle-class Americans to pay up.

But cash-strapped shoppers, P&G learned, aren't as willing to splurge on household staples with extra features. Drove of consumers started switching to cheaper brands, slowing P&G's sales and profit gains and denting its dominant market share positions.

In late 2008, unit sales gains of P&G's cheaper brands began outpacing its more expensive lines despite receiving far less advertising. As the recession wore on, U.S. market-share gains for P&G's cheaper Luvs diapers and Gain detergent increased faster than its premium-priced Pampers and Tide brands.

At the same time, lower-priced competitors nabbed market share from some of P&G's biggest brands. P&G's dominant fabric-softener sheets business, including its Bounce brand, fell five percentage points to 60.2% of the market as lower-priced options

from Sun Products Corp. and private-label brands picked up sales from the second quarter of 2008 through May 2011, according to a Deutsche Bank analysis of data from market-research firm SymphonyIRI.

P&G's grasp of the liquid laundry detergent category, led by its iconic Tide brand, also posted a rare slip over the same period as bargain-priced options from Sun and Church & Dwight Co. gained momentum. Even the company's huge Gillette refill razor market suffered, declining to 80.1% by May from 82.3% in the second-quarter of 2008, as Energizer Holdings Inc.'s less-expensive Schick brand gained nearly three points.

P&G began changing course in May 2009. After issuing a sharply lower-than-expected earnings forecast for the company's 2010 fiscal year, then-CEO A.G. Lafley said the company would take a "surgical" approach to cutting prices on some products and develop more lower-priced goods. "You have to see reality as it is," Mr. Lafley said.

When the company's 2009 fiscal year ended a month later, P&G's sales had posted a rare drop, falling 3% to \$76.7 billion.

In August that year, P&G's newly appointed CEO, company veteran Robert McDonald, accelerated the new approach of developing products for high- and low-income consumers.

"We're going to do this both by tiering our portfolio up in terms of value as well as tiering our portfolio down," Mr. McDonald said in September 2009.

To monitor the evolving American consumer market, P&G executives study the Gini index, a widely accepted measure of income inequality that ranges from zero, when everyone earns the same amount, to one, when all income goes to only one person. In 2009, the most recent calculation available, the Gini coefficient totaled 0.468, a 20% rise in income disparity over the past 40 years, according to the U.S. Census Bureau.

"We now have a Gini index similar to the Philippines and Mexico—you'd never have imagined that," says Phyllis Jackson, P&G's vice president of consumer market knowledge for North America. "I don't think we've typically thought about America as a country with big income gaps to this extent."

Over the past two years, P&G has accelerated its research, product-development and marketing approach to target the newly divided American market.

Globally, P&G divides consumers into three income groups. The highest-earning "ones" historically have been the primary bracket P&G chased in the U.S. as they are the least price sensitive and most swayed by claims of superior product performance. But as the "twos," or lower-income American consumers, grew in size during the recession, P&G decided to target them aggressively, too. P&G doesn't specifically target the lowest-income "threes" in the U.S., since they comprise a small percentage of the population and such consumers are typically heavily subsidized by government aid.

At the high end, it launched its most-expensive skin-care regimen, Olay Pro-X in 2009, which includes a starter kit costing around \$60. Previously, the Olay line had topped out around \$25. Last year, the company launched Gillette Fusion ProGlide razors at a price of \$10 to \$12, a premium to Gillette Fusion razors, which sell for \$8 to \$10, and Gillette Mach3, priced at \$8 to \$9.

At the lower end, its new Gain dish soap, launched last year, can sell for about half per ounce of the company's premium Dawn Hand Renewal dish soap, which hit stores in late 2008.

Developing products that squarely target the high and low is proving difficult for a company long accustomed to aiming for a giant, mainstream group.

Conquering the high end is difficult because it usually involves a smaller quantity of products.

"We do big volumes of things really well," said Bruce Brown, P&G's chief technology officer. "Things that are smaller quantities, with high appeal, we're learning how to do that."

Likewise, the cost challenges at the bottom of the pyramid are also proving difficult, Mr. Brown said. Over the past two years, P&G has increased its research of the growing ranks of low-income American households.

"This has been the most humbling aspect of our jobs," says Ms. Jackson. "The numbers of Middle America have been shrinking because people have been getting hurt so badly economically that they've been falling into lower income."

Mr. BENNET. I quote:

P&G's profits boomed with the increasing affluence of middle-class households in the post-World War II economy.

The story I was just telling.

The article starts out by saying:

For generations, Procter & Gamble Co.'s growth strategy was focused on developing household staples for the vast American middle class.

Now, P&G executives say many of its former middle-market shoppers are trading down to lower-priced goods—widening the pools of have and have-not consumers at the expense of the middle. . . .

P&G isn't the only company adjusting its business. A wide swath of American companies is convinced that the consumer market is bifurcating into high and low ends and eroding in the middle. They have begun to alter the way they research, develop and market their products.

In other words, they have begun to alter their business plan with the assumption that the middle class is evaporating in this country and that their growth markets are the very richest among us, on the one hand, and the very poorest among us, on the other hand.

Let me close on this part by reading near the end of this story:

To monitor the evolving American consumer market, P&G executives study the Gini index, a widely accepted measure of income equality that ranges from zero . . . to one. . . . In 2009, the most recent calculation available, [there was] a 20% rise in income disparity over the past 40 years. . . .

Here is the next quote:

"We now have a Gini index similar to the Philippines and Mexico—you'd never have imagined that," says Phyllis Jackson, P&G's vice president of consumer market knowledge for North America. "I don't think we've typically thought about America as a country with big income gaps to this extent."

I do not think that is the way we have thought about America either because that is not what America has been for generation after generation, decade after decade, going back to the founding of this country.

Why do I come to the floor to talk about this? It is because the debate in

this place is becoming more and more unmoored from the facts, and people need to be reminded, I think, here—not in Colorado—but here about what the problem is we are actually trying to solve.

Here, as shown on this chart, is our current economic challenge. The top line is our productivity index, going back to 1992, that blue line. You will notice it fell slightly during the recession, and then it took off again like a rocket. Why? Because firms all over the country were having to figure out how to do what they were doing, produce what they were producing, with fewer people in order to survive in this recession. The combination of competing in a global economic environment, which was not even present remotely in the way it is today in the 1980s, required us to be more productive. The technological revolution this country has spawned and led has allowed us to become more productive.

You can see from this green line—which is gross domestic product—our economy actually has started to come back. We are about two-thirds of the way back to where we were before this recession started. But what my families are feeling in Colorado and what the Presiding Officer's families are probably feeling in Missouri is in these other two lines. This line represents median family income which, as I said earlier, continues to drop, for the first time in our country's history, in the last 20 years. What that means is people are earning \$4,000 and \$5,000 less in real income at the end of the decade than they were at the beginning of the decade. Although I guess I should point out here, as well, that during the time median family income was falling, average family income went up, reflecting the widening gap between rich and poor in this country and reflecting a diminishing middle class.

This line is unemployment. It does not take a genius to figure out that when the green line crosses again and our GDP is where it was before we even had this recession—and it will—we do not have an answer for people who have been dislocated as a consequence of our economy becoming more efficient and more productive. These jobs are going to be created not by legacy firms from the last century but by businesses that are going to be started tomorrow and the week after that and the week after that.

Rather than having a partisan debate here in Washington, we should be having a bipartisan discussion about how to change our Tax Code and change our regulatory code to make it easier—not harder—for small businesses to be created and to compete and to make sure we are creating jobs here in the United States that are actually lifting median family income rather than driving it downward.

This is what has happened to manufacturing in the United States since

2001. I invite anybody to look on our Web site if they want to look at these charts themselves or use them in their own meetings. But this top line is our manufacturing output. You can see that has been rising. This other line, going back from 2001 to today, is manufacturing employment. Output rising; employment falling.

People in my State know we did not get here yesterday. This has been happening to them for the last decade or so. They want us to be responsive to that.

This is the median family income chart: In 1999, median family income was roughly \$53,000. In 2010, it was \$49,000—a \$4,000 drop in real dollars since 1999; a 7.1-percent decrease. People are coming to me and saying: MICHAEL—they may not know it is a 7.1-percent decrease, but they know they are earning less. They know that 10 years ago when they set out to save for college for their 8-year-old, they were expecting to be earning more at the end of the decade. Now their kids are going to school, and they are saying: I can't afford it. Tuition has skyrocketed. I can't send my kid to the best school they got into. What a waste.

I would ask you, Madam President, whether any of us think we can afford another decade like that at the beginning of this new century. If we consume a fifth of the 21st century driving American middle-class income down, we are going to have a very tough time recognizing ourselves.

This next chart is something that is not noted by many, but I used to be a school superintendent, so I have an interest in our education. This chart shows unemployment during this recession based on educational attainment. The worst it ever got for folks with a college degree in this country was 4.5 percent during this recession. For people who had less than a high school diploma, it was 15 percent. For people with a high school degree, it was around 12 percent.

Here is what else we have done over the last 10 years. This chart shows our poverty rate in this country.

This is why we have to move past the politics and into a substantive conversation about where we want to take this country as Republicans and Democrats together. These lines are people who are Republicans and Democrats and Independents, who are seeing their income driven down, who are seeing their wealth destroyed, and expect us to at least be able to have a civil conversation about it on the floor of the Senate.

Did you know that poverty has increased by 46 percent since the year 2000 in the United States of America? There are 46 million people in our country of 300-and-some million that live in poverty today. Thirty-five percent of them are kids. Two percent of

the children in the United States today are living in poverty. One-fifth of the children in our country are living in poverty.

As I mentioned earlier, this has not affected everybody the same in our economy. This is the average income growth for the top 1 percent of income earners in the United States. This is the top 5 percent. This is the top 10 percent. And it seems almost insane to describe it this way, but the bottom 90 percent, 9 out of 10 income earners—9 out of 10 income earners—this is what has happened to their income since 1967 in real dollars, inflation-adjusted dollars. It has been absolutely stuck and flat at the bottom of this curve, all of which leads me to show the most disturbing slide of all, which I know is hard to read. But let me tell you what it says—and you can find it on the Web site.

It says we have not seen this level of income inequality in the United States of America since 1928. That is the last time that the so-called bottom 90 percent of earners—9 out of 10 earners—earned roughly 45 percent of the income in the country. Here in 1928, and here in 2011. I do not think our democracy can sustain itself with another decade or two of numbers such as this. We have to do better.

The bottom 90 percent of earners, as I mentioned a minute ago, are Republicans and they are Democrats, they are Independent voters, and they expect their government to work together. We cannot create their jobs, but we can create the conditions under which we can create high-paying jobs in the United States that are lifting family incomes rather than driving them down. That is what we should be debating in Washington.

Like you, Madam President, I have a deep concern about the fiscal condition of the country. We have \$1.5 trillion of deficit, and we have \$15 trillion of debt, and we do not have the apparent will to address that problem. We can address that problem. We should be adopting the kind of policies that were recommended by the bipartisan commission, Bowles-Simpson, that together combines to take \$4 trillion out of our deficit situation over the next 10 years.

They did it by asking everybody to have a share in the sacrifice. We should be debating that on the floor of the Senate. We should be supporting the work that the Gang of 6 has tried to do, not just because it will help us with our fiscal situation, which is critical, but because it will help us with our jobs situation.

There is \$2.3 trillion of cash, by some estimates, sitting on the balance sheets of America's corporations that is not being invested now because people are deeply worried that they cannot predict what interest rate environment we are going to be in because we cannot get our fiscal house in order and

because the government is financing its debt on short-term paper, which easily could rise. Every rise in our interest rate will add \$1.3 trillion to the debt over the next 10 years.

These are the facts. I have a list of what we could be doing today. I will not dwell on it. We could be reforming and simplifying our Tax Code. We could be adopting a long-term research and development strategy. We could be investing, as Republicans and Democrats have done for decades if not centuries, in our infrastructure. We could bring our public education system into the 21st century, which would matter a lot not just to our middle-class kids but to kids living in poverty as well.

Did you know that today, if you are a child born in poverty—whether you are rural or urban, it does not matter—your chances of getting a college degree are 9 in 100—9 in 100—which means that the day you are born, if you are among those 100 kids, out of the 91 of you are consigned to the margins of the democracy, the margins of our economy.

If we do not change the way we educate our kids, and even if we do not care from their point of view what the implications of that are—and I deeply do care about that as the father of three little girls. I think everybody should have an opportunity to graduate from high school, go on to college and succeed. Even if you did not care from that perspective, look at what happens if you do not have an education in the 21st-century economy. Look at the unemployment rates people are having to suffer through if they do not have a high school degree or a college degree compared to if they do have a degree. That is not going to change.

The last time we were creating jobs in this country we created roughly 5.3 million for people with a college degree, 3.5 million for people with something north of a high school diploma. No new jobs for people with a high school degree, and we lost jobs for high school dropouts.

So if you care about the strength and success of the American economy, if you care about maintaining the mantle of the land of opportunity, if you care about the idea that the job of one generation is to put another generation into a position to succeed and contribute in the economy and the democracy, you need to care about what we are doing with our education system.

We could be talking about that. We could be doing regulatory review to make sure we have a process to get rid of old regulations that do not make sense and put in ones that do. I know in Colorado we have a huge interest in ending our reliance on foreign oil. Everywhere I go people talk about that. Everywhere I go people wonder whether it would not be better to have an energy policy that created energy inde-

pendence for this country instead of having one—or a lack of one may be a better way of saying it—that forces us to shift billions of dollars a week to the Persian Gulf for the privilege of buying their oil because we do not have a policy.

We could be thinking about advanced manufacturing. We could be eliminating the technology gap. We could be modernizing the FDA. There is no shortage of things we can do if we come together to do it.

I see my colleague from Oregon is here, so I will wrap up in 1 minute. But in order to be able to get to any of that, in order to get to any of that, we have to knock off the political games and actually start working together around this place.

Two days ago there was an article in the Washington Post—I think it was—that said that the United States Congress has a 14-percent approval rating, and the joke around here is, well, who in the world are those 14 percent who think we are doing a good job? But it is not a joke. This is serious. There is a reason our approval rating is in the basement. It is because instead of working on the things that actually would drive productivity in this country, would drive job creation in this country, would most importantly drive median family income up instead of down, we are fighting with each other.

I want to go back to Colorado and have an answer for the people in my townhalls who could care less—could care less—whether I am a Democrat or I am a Republican and just want me to do my job. The ones who are doing their jobs want me to do my job. The ones who do not have jobs want me to do my job. They want all of us to do our jobs.

I know there are people of goodwill on both sides of the aisle that if given the chance will work together to do this. The last thing I will say is this, and then I will stop. The rest of the world is not waiting for us to get our act together. The rest of the world is not waiting for us to decide whether we are going to have another debate that leads to us blowing up the credit rating of the United States. They are not waiting for us to decide whether we want to sacrifice for the first time the full faith and credit of the United States of America. They are not waiting for us to decide whether we are going to invest in 21st-century manufacturing.

My colleague from Ohio just showed up. He talked about that. They are not waiting for us to decide whether we are going to let them own the 21st-century energy economy. They are going right ahead, and so our failure to act has consequences. I believe it is time for us to come together—even though we are in a political season, even though we have a Presidential campaign—and do our work on behalf of the American

people and the people of my State of Colorado.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

HEALTH CARE REFORM

Mr. WYDEN. Madam President, before he leaves the floor, I just wanted to commend Senator BENNET for the outstanding work he is doing on the budget issue, and particularly cite the fact of the cooperation of the Senator from Colorado and the Senator from Nebraska, Mr. JOHANNIS, which illustrates how important it is to try find some common ground. That is what I am going to be trying to do on the health care issue coming up. But I wanted to commend the Senator from Colorado for his good work.

As the Senate focuses on the budget, and certainly the American people hear the discussion about health care and particularly what is going on in the supercommittee, I want to take a few minutes to talk about how there is an opportunity to come together in a bipartisan way, particularly with older people, to show that it is possible for them to get more of the care they want, particularly care at home, for a price that is lower for taxpayers, reduced costs for the taxpaying public.

This all came to light through an extremely important hearing that was held in the Senate Finance Committee on which I serve. Chairman BAUCUS took the time to look at the care of those who are some of the neediest and most vulnerable in our country. They are the older people who are eligible for both Medicare and Medicaid.

In the fancy jargon of American health care, they are called the dual eligibles. But I think anybody looking at the American health care system knows that these are some of those who are most vulnerable and most harmed when they fall between the cracks in the health care system. The fact is, the ball game as it relates to Medicare—I know the Presiding Officer of the Senate has spent a lot of time on those budget issues—is all about chronic disease. That is where the Medicare dollars go. It goes into the treatment of heart and stroke and diabetes. That is where the money really goes.

Millions of those who suffer from these devastating illnesses are those folks I am speaking about, the dual-eligible people who are eligible for both Medicare and Medicaid. Millions of them are eligible for alternative services, particularly services at home. But right now, a disproportionately large number of them get their care in the most expensive kind of setting, a place where they do not want to be—the hospital and the hospital emergency room.

The fact is, all over the country—in the State of Ohio, in the State of Missouri—every single day these folks are going in ambulances to hospital emergency rooms. Often they end up having

to go on a life flight, essentially in the air to these facilities. As of today, even though we have more than 9 million of these individuals who are on both Medicare and Medicaid, according to Dr. Don Berwick at the Centers for Medicare and Medicaid Services, only about 100,000 of them are being taken care of at home.

So, of course, the Congress worked on the health reform issue, and it was possible in that legislation to move to take a few thousand more, a few thousand more than the 100,000 that are now being taken.

As Chairman BAUCUS highlighted just a few days ago, we ought to get serious about this and do a lot more because older people, if we come up with approaches that allow them to get cared for at home, will feel better about our health care system and better about the decisions that are being made here, and taxpayers are going to save money.

Anybody who questions whether this is possible ought to look at the latest information that is coming from the Veterans' Administration. They have 250 locations—locations all around the country—for the program they use called the Home-Based Primary Care Program. The only difference between that VA program and essentially what is being done on the Medicare and Medicaid side is that the VA patients are even sicker than those who have been treated in the Medicare and Medicaid studies.

The latest information shows that caring for older veterans in the home has reduced hospital stays by 62 percent, nursing home stays by 88 percent, and cost by 24 percent. Let's just for a moment focus on that number—a cost savings of 24 percent—while the older veteran gets more of what they want, which is to be at home for the care they need rather than in these institutional settings, whether they are hospitals, hospital emergency rooms, what have you. We have new information, specific, concrete information.

So that colleagues know, those who are specialists in this area at the University of Pennsylvania who have looked particularly at the model that was recently included in the affordable care act have said that if that model was fully implemented for caring for these individuals at home, it is their judgment that it would be possible to save in the vicinity of \$30 billion a year.

These are enormous sums of money, and to be able to make those savings while we say to older people in Missouri, in Oregon, and around the country: You are going to get more of what you want, which is care at home, at a price lower than the alternative—that looks like a pretty good opportunity.

As the supercommittee goes forward with its work, there are some questions about whether they need additional legislative authority to do their work.

If they do, I think certainly the supercommittee, in conjunction with both the full Senate and the House, ought to give it to them. My own sense is that they probably don't need additional legislative authority, but certainly there will be support in the Senate Finance Committee, under the leadership of Senators BAUCUS and HATCH, both of whom have done very good work on this issue, to move legislatively, whether it is in the supercommittee or through the full Senate, legislation that would allow us to dramatically expand this program.

I know the Senator from Minnesota cares a great deal about seniors and these issues. Just a little bit of history. As I sat in the Senate Finance Committee a few days ago listening to how we ought to have some more pilot projects and some demonstrations and some studies, I thought about the days when I was codirector of the Oregon Gray Panthers, about three decades ago. I had a full head of hair and rugged good looks and all of that kind of thing. We were talking then in much the same way I heard the discussion going in the Senate Finance Committee—about demonstrations and pilots and the like. To a very good person at the Center for Medicare and Medicaid Services, Melanie Bella, and in conversations later with Chairman BAUCUS and Senator HATCH, I basically said: We have to change this because if we don't, my prediction is that 10 years or so from now, they will be back in the Senate Finance Committee having pretty much the same discussion. They will be talking about a few pilot projects, demonstrations, and a few more studies, and by that time, the number of those who are eligible for both Medicare and Medicaid will be lot more than the 9 million who are eligible today. It will be many times that, and we will have wasted many billions of dollars more. So now is the time to do it.

I would like to close simply by picking up on a point Senator BENNET made about trying to find common ground. This question of independence at home has strong bipartisan support. In the other body, the principal sponsor, Congressman ED MARKEY, worked with CHRIS SMITH of New Jersey, MICHAEL BURGESS of Texas—two very strong conservatives—over the years, and in the Senate, I have been honored to have Senator CHAMBLISS, Senator BURR, and a number of other colleagues on both sides of the aisle say that this makes sense both for older people and for taxpayers.

In the next few days, Senators are going to hear from about 100 health care groups around the country making the case for the Congress—starting with the supercommittee, going through our work in the Senate and the House—to get serious about dramatically expanding, massively expanding the number of older people

who are cared for at home, where they want to be, which will result in savings to the taxpayers at the same time.

This is something that should not be allowed to be delayed or put off any further. After decades of talking about how it makes sense and studying it and having some pilot projects and some demonstration projects, I think it is time when doctors come to the Senate President's office and patients come to the Senate President's office and say: I am very concerned about these cuts. I am convinced it is going to reduce access. The providers say: I am not going to be able to serve the same number of people. Older people, we know, are calling our office saying they are frightened about how it is going to affect them.

It is time for us to be able to come together in the Senate in the kind of spirit Senator BENNET was talking about, Democrats and Republicans, to say: Look, here is something that works. We know it works; it was proven by Chairman BAUCUS's recent hearing. We now know, based on the VA's important new study with respect to how you can care for older people at home, that we have an opportunity to significantly expand care for older people at home and generate significant budget savings. It will be bipartisan. It is something that ought to be picked up by the supercommittee. It ought to be picked up by the full Senate and the full House, and we need to do it now.

If we don't do this now and if it is put off again, after Chairman BAUCUS's important hearings to once again open the door to major reform, as sure as night follows the day, Congresses 5, 10 years from now will be debating the same thing. I don't think that is right.

Holding down health care costs doesn't have to mean benefit cuts or cuts to reimbursements. We have a chance, with this Independence at Home Program, to secure for older people more of the care they need in the comfort of their own homes, and employers are actually rewarded with shared savings for delivering the kind of quality care they have always wanted to provide. These ideas, by the way, are voluntary. No older person, no senior citizen is required to participate in it.

We are going to get around to every Senator's office the findings of this new VA study. It comes from 250 locations in each State and DC. There are cost savings of 24 percent, hospital stay reductions of 62 percent, and nursing home stay reductions of 88 percent. These are documented savings for older people who are even sicker than those who would be served by programs outside the VA.

This is the time. We have talked about it long enough. If the government needs additional legislative authority, it will be possible to give that through the supercommittee. I urge all

of my colleagues on both sides of the aisle, Democrats and Republicans, to pick up on the strong bipartisan support that exists for independence-at-home services, particularly for those who are eligible for Medicare and Medicaid. They are the most vulnerable in our society. Those individuals and the programs they rely on, paid for by taxpayers, deserve better. We now have the opportunity to ensure they get it.

I ask unanimous consent to have printed in the RECORD "Independence at Home: Better Health Care at Lower Cost."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INDEPENDENCE AT HOME—BETTER HEALTH
CARE AT LOWER COST

Holding down health costs doesn't have to mean benefit cuts or cuts to reimbursement. With Independence at Home (IAH), beneficiaries get more of what they need—in the comfort of their own home—and providers receive shared savings as a reward for delivering the kind of quality care they have always wanted to provide. The beneficiary and provider get more; the federal government pays less.

The IAH program is designed to allow America's seniors to remain as independent as possible and avoid unnecessary hospitalizations, ER visits and nursing home admissions.

Enrollment in an IAH program is completely voluntary, and participating beneficiaries do not relinquish access to any existing Medicare benefit or any practitioner or provider.

Primary care is available to beneficiaries in their homes through "housecalls" by teams of health care professionals tailored to the beneficiaries' chronic conditions.

The IAH program holds participating practitioners and providers strictly accountable for (a) good outcomes, (b) patient/caregiver satisfaction and (c) minimum savings to Medicare of 5% annually.

IAH is Voluntary—IAH allows practitioners and providers voluntarily to enter into 3-year agreements with HHS under which they are held strictly accountable for (a) minimum savings to Medicare each year of 5%, (b) improved patient outcomes, and (c) patient/caregiver satisfaction. Eligible beneficiaries voluntarily enroll in IAH programs and may disenroll at any time for any reason. There is no mandate and beneficiaries are not "assigned."

IAH Targets Cost Where They Are Highest—The Independence at Home (IAH) program targets the 5%-25% of Medicare beneficiaries with multiple chronic diseases like diabetes and heart disease who account for 43% to 85% of Medicare costs. IAH reduces Medicare's cost where they are the highest, not by cutting reimbursement or coverage, but rather by providing a new chronic care coordination service tailored to the needs of Medicare beneficiaries with multiple chronic diseases.

IAH Lowers the Cost of Care—IAH reduces costs by allowing beneficiaries to remain independent at home and avoid hospitalization, ER visits and nursing home admissions.

IAH Has Been Proven Effective—The Veterans Administration (VA) has been providing Home Based Primary Care (HBPC) programs since the early 1970s. The VA's Home Based Primary Care program operates in 250 locations in every state and D.C. and

has reduced hospital days by 62%, nursing home days by 88%, and costs by 24%.

IAH Can Be Implemented Immediately—More than 100 health care organizations across the country are ready to implement the IAH program immediately.

IAH Has Bipartisan Support—The IAH demonstration received unanimous bipartisan support when it was included in the PPACA by the House Energy and Commerce Committee and the Senate Finance Committee.

Mr. WYDEN. I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Alabama.

Mr. SESSIONS. Madam President, I was pleased that earlier today the Senate voted to move forward with the China currency legislation that has been worked on for so many years by Senators SCHUMER and GRAHAM, and I am pleased to join with them. I supported similar legislation in 2005. I will say a couple things as our Members evaluate what they will do on final passage.

I believe in trade. I believe in good trade, and most trade is good trade. Countries do need to compete with the production in other countries. If you have a trade partner, normally both partners, through a relationship, benefit. In a treaty, trade, or business relationship, if one party to that relationship is being damaged by that relationship, then they have to confront the problem and fix it or withdraw from the relationship. That is just the way life is.

I see that some of my free market friends—and I have a lot of them—on trade issues are religious about it. It is a religion with them. They don't want to analyze whether the trading agreement advantages the United States or the other party; they just want to say: If it is a trade agreement, be for it. Anything that promotes trade is good, and peace will break out in the world.

Well, that is not right, and that is not what I think conservatives believe. I am a conservative—a conservative who believes in reality. Conservatism is a cast of mind, not an ideology. It is an approach to complex issues. As my friend Bob Tyrrell at the American Spectator said, it is an approach to issues, a cast of mind.

How do you approach this matter?

We are getting hurt in this relationship. Every editorial I have seen—even those groups who are specifically advocating against this legislation contend and acknowledge that the United States is being disadvantaged by this currency manipulation. They all acknowledge that. When you acknowledge that, you acknowledge that we are losing jobs and losing manufacturing in this country as a result, not of competition, but of unfair competition.

Let's be in contact with reality. The People's Republic of China is state-dominated. Those companies are not free to do as they normally would in

the United States. It is a state-dominated thing. Every agenda carried out by China—by their companies even—tends to be driven by expanding the national interest of China.

That is the way they think and that is the way they operate. Their theory of trade is mercantilist. They believe in maximizing their exports, minimizing their imports, and accumulating wealth.

Some of our friends here say: Oh, it is all right. The products that are sold at Walmart are from China and, all right, yes, we closed a factory in the United States. But don't worry, Mother can buy her sneakers or her children's clothes cheaper because it is imported. Don't worry about it. Manufacturing is not that important, they have told us.

We have seen that in the writings around the Nation from some of our great economic minds. But I don't believe that is true. I do not believe this Nation can be a strong, vibrant force in the world without a manufacturing sector.

I had the pleasure of meeting Dr. Schulz, the CEO of ThyssenKrupp, a steel company in Germany. He just retired. He is 70 and a very impressive man. He was investing in my home State of Alabama, and he said publicly and to me privately, with great passion, you have to have a renaissance of manufacturing. He said: Germany was criticized for attempting to hold on to its manufacturing base in Europe, people saying they were not part of the modern economy—the service economy. But he said: We did more than most of the Europeans to maintain our manufacturing base, and we are now the healthiest economy in Europe.

We have to have a manufacturing base. Wealth is sent abroad every time we purchase imported products. The deficit with China last year was \$273 billion. This year it will be the largest in history—\$300 billion. There has never been a trading relationship result in deficits as large as those in the history of the world. China is the second largest economy in the world. China is growing rapidly. They have been doing this for a decade.

Let me say I celebrate prosperity in China. I would like to see prosperity in all the nations of the world, and they will benefit the United States, not harm us, if China is prosperous. But if their prosperity is driven by disadvantaging the United States to their advantage, as the currency process does, then that is a different story. It is not a fair competition and it is not helpful to the United States.

We are told this will not hurt us, that we can move to a service economy, that we don't have to have manufacturing, and the doctrine of comparative advantage is such that if a product can be manufactured cheaper in China, so be it. We will put the American businesses out of business. Let them close their doors.

As a conservative, I am not comfortable with that and let me say why. First, this creates too rapid a dislocation in our economy, causing too much damage societally from rapid unemployment and closing of manufacturing in our country. Secondly, we now know with certainty that the manipulation of currency—the 30-percent or 25-percent difference—is resulting in unfair competition with American businesses and causing the closing down of businesses.

We have a chance to rebound, I am convinced, in manufacturing. China's salaries are going up. Salaries around the world are going up. China's utilities and energy costs are higher than ours. Their advantages are not so great as they were a few years ago, and we are becoming more sophisticated. Our businesses are lean and competitive now. I think we have a real chance to get back into the game but not if we have a 25- to 30-percent currency differential, where when we sell a product to China it costs 25 percent more than the competing Chinese production would, and when they sell to our country they have a 25-percent advantage over our manufacturers. When margins are as close as they are in the world economy today, that is too large. Any unfairness is too large. So I would contend we have to act. Thirdly, there is damage being done to the middle class in our country, and a large part of it is arising out of unfair trade practices. We have to be aware that millions of Americans are hurting. Maybe the wife, maybe the husband has lost his or her job and is now unemployed, and families are struggling to get by. Wages are not going up. In fact, wages have trended down just a little bit. Unemployment is not going down. It is maybe going up now for the last several months. Inflation is on the scene.

If the wages aren't going up, the number of people employed isn't going up, we get into a situation in which we can't see economic growth occur. There is not extra money to go to the store or market to buy things. As one businessman told me, one of the great marketing chains in the United States—Walmart: People don't have the money to come to the store to buy anything. If a person doesn't have a job, they don't have the money to buy anything.

So this is a serious economic problem we are facing. I have come to the conclusion we can no longer borrow money to spend today to try to create a sugar high and jump-start our economy. That didn't work before. We don't have the money and the debt is already too great. We need to look for ways to create American jobs now without costing the U.S. Treasury or raising taxes on an already weak economy. This is one of those things we can do. Senators SCHUMER, BROWN, GRAHAM, and I agree, in a bipartisan way, this is a way to create jobs without harming our econ-

omy, without raising the debt of America. It is a bipartisan act to create greater employment by simply eliminating an unfairness that is hampering American manufacturers and American workers.

Some say if we insist on this, China will be offended. First, China is a great nation. They have the second largest economy in the whole world. They are bellicose. They attack us aggressively. We don't hide under the table when they say something bad about the United States, do we? Neither are they going to hide under the table if the Senate, the Congress says they have to get their currency correct. Great nations don't wither and crawl away.

I was looking at an article in *Forbes* magazine, written by Mr. Gordon Chang, who talked about this question posed by Chris Chocola, the president of the Club for Growth, who opposes this legislation. Mr. Chocola asked this: "What do they say to arguments that starting a trade war with China would kill jobs, not create them?"

In other words, Mr. Chocola is saying, if we start a trade war, we are going to lose jobs. First of all, Mr. Chocola's hands are not so clean in this issue. When he was in the House of Representatives a few years ago, he introduced a bill—the China Act—that would have imposed tariffs on China if it tried to manipulate its currency, according to his press release at the time. I guess he has changed his mind. We all have a right to change our minds. But I will just say I am not too impressed with that argument, and I would note that Mr. Chang, in his comments about it, made a very good point.

Writing in *Forbes*, he says:

Chocola is correct that a trade war with China would kill jobs—but most of them would be in China.

That is absolutely so. A trade war will not occur, in my opinion. But if we had a trade war, Mr. Chocola says it would hurt jobs in the United States. But Chang continues:

How do we know this? Last year, the United States ran a deficit in trade in goods with that country of \$273.1 billion. In trade wars, it is the surplus countries—countries that depend on exports—that get hurt. Americans know this because we were the powerhouse exporter in the 1930s when nations fought a tariff war.

That was when the Depression hit and trade froze after tariffs and other actions and we were hurt the most because we were exporting goods. In this case, China would be hurt the most. Mr. Chang goes on to note how large China's economy is and its dependence on exports to the United States. He says:

And this is a pretty good indication that Beijing, although it will undoubtedly huff and puff and might engage in minor retaliation, will not escalate the fight. China cannot afford more unemployment.

Mr. Chang quotes Premier Wen Jiabao as saying, if you change this

currency, “countless Chinese workers become unemployed.”

What does that say? The Premier of China is saying, if we have a fair currency rate, the Chinese would lose jobs. Somebody is going to gain those jobs—maybe it will be in Dayton or maybe it will be in Birmingham or Mobile.

As Mr. Chang says, and this puts it on the line:

If China manipulates its currency to gain a trade advantage, then Premier Wen is seeking to put American workers on the bread line.

Not Chinese workers on the bread line. Quoting the article further:

So Donald Trump hit the mark when he tweeted last week that “China is stealing our jobs.”

I am not here trying to condemn China. I am here saying we have failed to aggressively defend our legitimate national interests, and we need to do that. I believe this legislation puts us on that path.

I believe in trade. I expect to support the Colombian trade bill as it comes forward. I think it serves our national interest. The Panamanian trade bill serves our national interest and will help us be more profitable. I believe the trade agreement we have negotiated with South Korea is also in our national interest and will help us. But this deal needs to be fixed. It is time to stop it. It has gone on too long.

It is great to see my colleague, Senator BROWN. I know he will be ready to talk as we move forward to final passage, but let me congratulate Senator BROWN and Senator SCHUMER and others who have worked on the bill. I believe it is a reasonable piece of legislation, and it provides exits if something dangerous were to occur. It gives discretion to the President to delay, even stop, actions that might occur under this process if it is damaging to the United States, and it gives Congress a chance to be involved in that process.

This is the right way to do it. If someone has some better ideas, maybe we can improve the bill. But fundamentally, I think it is a good piece of legislation that will do the job, and I am proud to be a part of this bipartisan effort that has moved this legislation that will help create American jobs without expanding our debt.

I thank the Chair, and I yield the floor.

Mr. BAUCUS. Madam President, I rise to speak at this watershed moment in the U.S.-China relationship. This is a relationship that will affect our children's future. And how we manage this relationship now will help determine the long-term strength of our Nation.

Warren Buffett has an answer for anyone who questions America's future.

As he said earlier this year:

The prophets of doom have overlooked the all-important factor that is certain: Human potential is far from exhausted, and the

American system for unleashing that potential—a system that has worked wonders for over two centuries despite frequent interruptions for recessions and even a Civil War—remains alive and effective . . . Now, as in 1776, 1861, 1932 and 1941, America's best days lie ahead.

I agree.

America has the world's best universities, a tradition of brilliant entrepreneurship, and the drive and ingenuity of our people.

We gave the world the light bulb, the airplane, the Polio vaccine, the personal computer, and the Internet. We have been the world's engine of innovation for more than a century.

But we cannot rest on our laurels. We can and must rise to the challenge of China. This is a challenge I recognized long ago. That is why I led the effort to grant permanent normal trade relations to China, so we could begin to get China to play by the rules.

That is also why I have traveled to China eight different times, to stress to their leaders the importance of playing by those rules.

China has grown explosively during that time period. It is now the second-largest economy in the world. And it continues to expand.

China's growth presents real opportunities for American entrepreneurs and workers. Over the last decade, our exports to China have increased by close to 500 percent. That is eight times faster than the growth of our exports to the rest of the world. China is now the third-largest market in the world for U.S. exports. And it is the number one market for U.S. agricultural exports.

But we should not blind ourselves to the very real challenges that China also poses to American entrepreneurs and workers. Too often, China seeks an unfair advantage in international trade, including by manipulating the value of its currency.

In my most recent trip to China last November, I met with Vice President Xi Jinping and other top leaders. We discussed a broad range of issues.

On currency, my message was clear: China needed to allow its currency to appreciate more quickly to market levels. If not, the U.S. Congress likely would take up—and pass—currency legislation.

Since my trip, China has only allowed its currency to appreciate by 3 percent. The Chinese government continues to intervene to keep its currency significantly below its real market value. That is why I intend to support this bill.

I did not come to this decision lightly. I have never favored unilateral approaches. But the time has come to take action.

And the United States needs a thoughtful China policy that takes action on other fronts as well. The currency issue is only one of many problems facing American companies in China.

The problem of intellectual property theft in China is enormous. To cite but one example, an astounding 80 percent of the software installed on Chinese computers is pirated. That represents an enormous lost opportunity for U.S. software companies, who lead the world in innovation.

And China bars many of our exports from entering its market at all. China shuts out American beef exports entirely. And it imposes barriers that effectively prevent the entry of U.S. companies into its banking, insurance, and telecommunications sectors.

So while this bill addresses an important piece of the puzzle, it is not enough for China to appreciate its currency. China can and must take action to address these other problems as well.

Ultimately, though, America's future as a great economic power will not be dictated by what China does. It will be dictated by what we do. It is about us.

It is about the principles that made America great. It is about our freedom, our justice, our democracy, and the will, creativity, and endurance of our people. And it is about what we must do to get our own house in order so that we can continue to compete and win on the global stage.

We must focus on policies and initiatives that encourage American entrepreneurship.

We must nurture and protect American innovation, both at home and abroad. That is why I introduced a bill to strengthen the research and development tax credit and make it permanent.

We also must reform our Tax Code to unleash new investment and make college more accessible. That is why I have been holding a series of Finance Committee hearings to pave the way for tax reform.

And we must work together to open export markets around the world. That's why I strongly support the pending free trade agreements with Colombia, Panama, and South Korea.

We took an important step last month to pave the way for these trade agreements when we renewed trade adjustment assistance with a strong bipartisan vote. It is now time to approve the trade agreements themselves so that American entrepreneurs, workers, farmers, and ranchers can unlock the potential of these key export markets.

So as we debate this bill, let us not forget that the currency issue is only one of many challenges in our relationship with China. Let us also be mindful of our larger challenges both at home and abroad. And let us continue to nurture American entrepreneurship here at home so that we remain the world's engine of innovation.

As long as we do so, we can be sure that, as always, America's best days lie ahead.

Mr. DURBIN. Madam President, 14 million Americans are currently unemployed. The American people are resilient, strong and hard-working. If they are given a fair shot, they will succeed. Unfortunately, as the world keeps getting flatter, as our global economy grows, Americans are not always given a fair shot.

Last year the United States had a \$273 billion trade deficit with China. That means the U.S. imports more goods from China than China imports from the U.S.—\$273 billion more. This is because Chinese goods are cheaper. Why? Because China undervalues its currency.

Madam President, 2.8 million jobs have been lost to China since 2001. 1.9 million of them are manufacturing jobs. And 117,000 jobs were in Illinois. Congress needs to help restore the strength of domestic manufacturing and bring jobs back to the United States.

In 2001 China joined the WTO and agreed to play by the rules. China agreed to be on a level playing field with other countries, to employ fair trade practices. That means no export subsidies and no product dumping. China agreed to those terms, but it hasn't always acted in accordance with them.

China is breaking the rule undervaluing its currency. China undervalues its currency by anywhere from 15 percent to 50 percent—depending on the methodology used. When the Yuan—China's currency—is low compared to the dollar, Chinese products are cheap while U.S. products are expensive. So Americans buy cheap goods made in China, but the Chinese do not buy goods made in America, made more expensive by their currency manipulation. How is that fair to U.S. and American workers?

According to a recent report, if China revalued its currency, we would see U.S. GDP increase by \$287.7 billion, creation of 2.25 million U.S. jobs, and a lowering of the U.S. budget deficit by \$71.4 billion.

We don't shy away from competition in America. We play fair because we know that we can compete with any other country in a fair fight. This bill marks an important step toward job creation and restoring the strength of America's economy in a globalized world.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I appreciate very much Senator SESSIONS' comments, and even more I appreciate his work on this legislation. He was one of a couple of real key players in this legislation passing because he did such a good job of explaining to colleagues why this is a plus for American manufacturing and a plus for job growth in our country.

I think about his comments, and the major opposition to this bill has been

an accusation or a contention from opponents—whether from some Members of the Senate or the House or some newspapers or economists—who say this would result in a trade war.

Fundamentally, as Senator SESSIONS' comments indicate, the Chinese are not going to initiate a trade war against their largest customer. We buy one-third of Chinese exports. Of all the hundreds of billions of dollars of exports they do around the world, one-third comes to the United States of America.

Pretend you are in business for yourself and you have a customer who buys one-third of your products, and they do something to make you mad. Are you going to declare war on them? No. You are going to sit down and figure out how to make it work.

We can never predict the future on darned near anything with certainty, whether it is the Minnesota Twins finishing in last place this year, Madam President—which I never would have predicted because they were a good team in previous years—or whether it is trade law or the economy. But we knew that as soon as we passed this, two things would happen.

One is that the Chinese—in this case it was the People's Bank of China, the Ministry of Foreign Affairs, I think, and the Ministry of Commerce—would immediately squawk: Trade war, trade war, trade war. Unfortunately, some others in this body and the newspapers mimicked that, but it wasn't going to result in that.

The other thing we could pretty certainly predict based on history is that the Chinese, after this strong vote—which we got, thanks in large part to Senator SESSIONS—of 62 votes earlier today, are probably going to let their currency appreciate a little bit because they know we are calling their bluff. But for sure it doesn't make sense for them to initiate trade wars. They may fight on some individual issues. They may fight on some products that were made in Ohio or Alabama and fight back one issue at a time, and we will go to the WTO, the World Trade Organization, and have at it in a legal way, and we will win most of them because they are gaming the system. We might lose one of our manufacturers, but we know in the end it will work out.

That is why Senator SESSIONS is dead right that this is right and that it is going to create jobs in our country. We have seen the trade deficit increase, and increase almost three times what it was when this started 10 years ago. We are going to be in a much better place—not tomorrow or the next day, but next year, if we can get this through the House of Representatives—I am not assuming we will get this passed today; I think we will here—if we get it to the House of Representatives, overwhelming support, 60 Republican cosponsors, 150 Democratic co-

sponsors, something like that—they will want to move the bill in the House.

The President and the Republican leadership in the House aren't quite where Senator SESSIONS and I are, but public pressure will get to them, and we expect this bill to get to the President's desk. I think he will sign it in the end, and I think it is good for Alabama, good for Ohio, and good for the other 48 States.

American manufacturing is what built this country. You really only create wealth through mining, agriculture, and manufacturing. The Presiding Officer's home State of Minnesota has done all of those very well over the years—mining where she grew up, and agriculture, which is huge and which is why she is on the Agriculture Committee, as I am. And manufacturing; Minnesota has done a lot of manufacturing.

In my home State of Ohio, we are third in the country in manufacturing output, behind only Texas, twice our size, and California, three times our size. So we know how to produce. We just want a level playing field to do it.

I thank the Presiding Officer, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Daily Digest clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. I ask that I be able to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLASS ACT

Mr. THUNE. Madam President, I come to the floor today to talk about one of the dirty little secrets around here, and that is the ticking time bomb that is right under our noses and that, until recently, had been virtually ignored until some recent activity in Congress and at the Department of Health and Human Services brought the program into the spotlight. That time bomb is the CLASS Act.

It is a long-term care entitlement program created by the health care reform law. On Tuesday, the Wall Street Journal described the inclusion of the CLASS program in the health care law as the definition of insanity.

I ask unanimous consent to have printed in the RECORD a copy of the article from the Wall Street Journal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 4, 2011]

THE DEFINITION OF INSANITY

Why no one wants to repeal a program that everyone knows is a fraud.

The Obama health-care plan passed 18 months ago, and its cynicism still manages to astonish. Witness the spectacle surrounding one of its flagship new entitlements, which is eliciting some remarkable concessions from its drafters.

The Health and Human Services Department recently shut down a government insurance program for long-term care, known by the acronym Class. HHS also released a statement claiming that reports that HHS is shutting down Class are “not accurate.” All HHS did was suspend Class policy planning, told Senate Democrats to zero out Class funding for 2012, reassigned Class’s career staffers to other projects and pink-slipped the program’s chief actuary. Other than that, it’s full-speed ahead.

HHS is denying what everyone knows to be true because everyone also knows that the Class entitlement was not merely created to crowd out private insurance for home health aides and the like. Class was added to the bill because it was among the budget gimmicks that Democrats needed to create the illusion that trillions of dollars of new spending would somehow reduce the deficit.

Benefits in the Class program, which was supposed to start up next year, are rigged by an unusual five-year vesting period. So the people who sign up begin paying premiums immediately—money that Democrats planned to spend immediately on other things, as if the back-loaded payments to Class beneficiaries would never come due. The \$86 billion or so that would have built up between 2012 and 2021 with the five-year lead is supposed to help finance the rest of ObamaCare. The Class program would go broke sometime in the next decade, but that would be somebody else’s problem.

Opponents warned about this during the reform debate, and people on HHS’s lower rungs were telling their political superiors the same thing as early as mid-2009, according to emails that a joint House-Senate Republican investigation uncovered.

In one 2009 note, chief Medicare actuary Richard Foster—a martyr to fiscal honesty in the health-care debate—wrote that “Thirty-six years of actuarial experience lead me to believe that this program would collapse in short order and require significant Federal subsidies to continue.” He suggested that Class would end in an “insurance death spiral” because the coverage would only be attractive to sicker people who will need costly services. It could only be solvent if 230 million Americans enrolled, which is more than the current U.S. workforce.

An HHS Office of Health Reform official, Meena Seshamani, rejected Mr. Foster’s critique because “per CBO it is actuarially sound.” But of course CBO only scores what is presented to it, no matter how unrealistic. Despite this false reassurance, later even one HHS political appointee took up Mr. Foster’s alarms, writing that Class “seems like a recipe for disaster to me.”

In February of this year, Health and Human Services Secretary Kathleen Sebelius finally admitted the obvious, testifying at a Congressional hearing that, gee whiz, Class is “totally unsustainable” as written. By then Class had become a political target of vulnerable Senate Democrats looking to shore up their fiscal bona fides, despite voting for it when they voted for ObamaCare.

Bowing to this political need, Mrs. Sebelius has repeatedly promised to use her administrative discretion to massage Class’s finances until it is solvent. But given that the office doing that work has now been disbanded, this evidently proved impossible, as the critics claimed all along.

All of this would seem to make repealing Class an easy vote for Congress, but, this being Washington, it isn’t. Since the CBO says Class’s front-loaded collections cut the deficit to the tune of that \$86 billion, HHS has to pretend that the program is still alive to preserve these phantom savings.

Some Republicans are also nervous about repealing Class because, under CBO’s perverse scoring, they’ll be adding \$86 billion to the deficit. Others would prefer not to repeal any of ObamaCare until they repeal all of it, on grounds that some of it might survive if the worst parts go first.

So an unaffordable entitlement that will be a perpetual drain on taxpayers may continue to exist because of a make-believe budget gimmick that everyone now admits is bogus. Congress can’t reduce real future liabilities because it would mean reducing fake current savings.

This is literally insane. It’s rare to get a political opening to dismantle any entitlement, much less one as large as Class. House Republicans ought to vote to repeal it as soon as possible as an act of fiscal hygiene, forcing Senate Democrats to vote on it and President Obama to confront (even if he won’t acknowledge) the fraud he signed into law.

Mr. THUNE. Madam President, the editorial highlights a point that I have been making since I first offered an amendment to strip the CLASS program from the health care reform bill back in December of 2009. The inclusion of the CLASS program is perhaps one of the most brazen budget tricks used by the majority in the health care reform bill. As the Wall Street Journal says:

CLASS was added to the bill because it was among the budget gimmicks that Democrats needed to create the illusion that trillions of dollars of new spending would somehow reduce the deficit.

Due to the 5-year vesting period required by the CLASS program, premiums will be coming in long before benefits must be paid. That pot of money somehow is simultaneously used to reduce the deficit and pay for other programs within the health care reform law.

When it is clear to Americans that the money is not there to pay benefits to beneficiaries, this administration will be long gone, and taxpayers are going to be left holding the bag. It is, at best, disingenuous the way the Democrats have promised individuals who participate in the CLASS programs that their premiums paid into the CLASS system will be available to pay out future benefits.

When I asked Secretary Sebelius about this program earlier this year in a Senate Finance Committee hearing, she called the program “totally unsustainable.”

But HHS continued to push forward toward implementation, asserting that they have the authority to make changes in the program.

Given the inherent questions in the fiscal sustainability of the CLASS Act, I cochaired a bicameral group of Senators and Representatives, along with

Representative REHBERG and Representative UPTON from the House of Representatives, that investigated the behind-the-scenes story of the CLASS Act. We released the findings of our investigation last month in a report entitled “CLASS’ Untold Story: Taxpayers, Employers, and States on the Hook for Flawed Entitlement Program.” I commend it to my colleagues. This report can be found by visiting my Web site, <http://thune.senate.gov>.

We found astonishing statements from within the Department of Health and Human Services that show the lengths to which the administration Democrats knew this program was on a crash course but proceeded anyway, statements such as, this program is “a recipe for disaster” with “terminal problems.”

The e-mails also show that the independent Chief Actuary for CMS sounded the first warning in May of 2009. The Chief Actuary is a nonpartisan official who estimates the long-term financial effects of current law and proposed legislation. In May 2009, he wrote to other HHS officials, some of whom were working directly with Senate Democrats, saying, “At first glance this proposal doesn’t look workable.” The Chief Actuary said a back-of-the-envelope analysis showed that the program would have to enroll more than 230 million people—more than the number of working adults in the United States—to be financially feasible.

A few months later, the Chief Actuary was more assertive in his comments. In July of 2009, after reviewing the latest information from Senate Democrats, he wrote HHS officials:

Thirty-six years of actuarial experience lead me to believe that this program would collapse in short order and require significant Federal subsidies to continue.

Unfortunately, Democrats here in the Senate needed the political win more than they needed to hear the truth, so they pushed forward and included the CLASS Act based off of illusory savings coming in the form of incoming premiums from the paychecks of hard-working Americans—incidentally, some of whom may never consent to program participation.

Late last month, there was another interesting development that occurred. The Actuary tasked with designing the CLASS Program announced he was leaving his position at Health and Human Services and that the CLASS office was closing. HHS denied closing the CLASS office and said they are still evaluating this program, but in a blog post on healthcare.gov, HHS announced they will be releasing a report on CLASS sometime this month. I believe this report will indicate that this program does not have the fiscal muster to move forward, but it is possible that HHS may try to hide that information.

If this Congress is truly concerned about long-term deficits, this program

should be at the top of the list of programs to repeal. This program may not cost taxpayers money in the short term as the premiums are coming in, but eventually it will require an ongoing bailout from taxpayers to the tune of billions of dollars.

I filed an amendment to the current legislation that is before us to repeal the CLASS Act. It probably will not get a vote today, but I hope that sometime in the days ahead the Senate will weigh in and exercise some common sense and do what we should have done a long time ago; that is, strike and eliminate this program so we do not have to deal with this massive timebomb that is ticking out there, waiting for future generations of Americans who are going to be stuck with the huge deficits that will occur when the inevitable happens. It is pretty clear that it is only a matter of time, as I submitted from the statements that were made by the Actuary at HHS and statements made by the Congressional Budget Office at the time.

There are all kinds of anecdotal evidence out there and all kinds of empirical evidence out there that suggests this is a program which is headed for fiscal disaster. It should not have been included as a pay-for in the health reform bill. That is why it was included, because it showed some short-term revenues. But the long-term costs, like many of the programs we funded here in the past, have a long tail on them, and the American taxpayer is going to be stuck on the hook for a long time into the future.

I hope we will have the good sense here in the Senate to repeal this program before it becomes the fiscal nightmare and fiscal disaster I think everybody has predicted it would be.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

I yield the floor.

Mrs. FEINSTEIN. Madam President.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I rise today to speak on the Currency Exchange Rate Oversight Act of 2011. Before I get into the bill, I want to say this is not an easy vote for me. It is a difficult vote because, beginning in 1979, I developed a relationship as mayor of San Francisco with China. Over these 30-plus years, I have seen China make the greatest changes of virtually any large country in the world. I know China has wanted to reach out, and the United States has reached out. On the Pacific Coast we

have developed a century of trade which long ago overtook the Atlantic Coast. This trade between Asia and this country is, indeed, large and prized.

During that time, I have had occasion to have meetings with the former President of China, the former Premier of China, and the latest Foreign Minister on the subject of currency. I have urged each to let the renminbi float freely.

In every conversation, they have indicated that Beijing is aware of the situation and the need to allow the renminbi to respond to market forces, and there has been some progress. From July 2005 to July of 2008, the renminbi appreciated by 21 percent against the dollar, and since 2010 it has risen by an additional 7 percent. Unfortunately, action on this matter has not been sufficient, and China continues to resist a free-floating currency.

My last conversation with a major government official took place last Friday evening in San Francisco. On Saturday, I pulled out my binoculars. Our home is situated on a hill, and it overlooks San Francisco Bay. I watched the big cargo ships pulling out of the Port of Oakland going through the Golden Gate. I watched five of them, and I saw they were half loaded. Half-loaded cargo ships leaving the ports of America, going to Asia and particularly China, have become more and more a part of daily routine. Most are loaded with scrap paper, but equal trade is missing. We import huge amounts of goods from China, and the same amount—with the exception of some high-valued goods—does not go back to China.

I believe if we are going to have this great trading basin on the Pacific Ocean, everybody has to play by the same rules. In my view, this bill is not about putting sanctions on China. It is not about imposing retaliatory tariffs. It is about sending a clear message to Beijing that we are serious about the need to let the renminbi respond fully to market forces.

Let me point out that China is not specifically mentioned in this bill. The aim is to address misaligned exchange rates whenever we find them. This does not talk about manipulation of rates.

The bill has three fundamental purposes. First, it requires Treasury to report to Congress which currencies are fundamentally misaligned—not manipulated, but misaligned—including those currencies that require priority action.

Secondly, the legislation provides a mechanism for the Commerce Department at the request of a U.S. industry to investigate whether an undervalued currency constitutes a subsidy subject to retaliatory tariffs.

Finally, the bill triggers certain penalties. If a priority country fails to realign its currency immediately upon

designation, additional consequences take effect after 90 and 360 days subject to a Presidential waiver.

What does this all mean? What it means is that for the first time we are going to monitor exchange rates and determine whether any currency is misaligned. If that currency, in fact, is misaligned, then the bill triggers a period of time to remedy that misalignment. If it is not remedied within 3 months, it provides additional action. Again, all of this is subject to a Presidential waiver.

In effect, what you have is the Senate of the United States speaking out and saying enough is enough. The time has come to let the renminbi float freely, just as the dollar floats freely, and we take the upside along with the downside. If that is the case, then you have an equal and fair trading community. If it is not the case, you have a downward sloping trading community.

The penalties include a prohibition on OPIC, the Overseas Private Investment Corporation, loans; increasing antidumping duties on imports from countries with undervalued currencies; a prohibition on Federal procurement; opposition to any new financing from multilateral banks.

There is little doubt that the renminbi is undervalued. The Chinese leadership understands it, the Chinese people understand it, and the American people understand it.

In April 2011, in a study by William Cline and John Williamson at the Peterson Institute for International Economics, it was argued that the renminbi is undervalued by approximately 28.5 percent. Other studies provide different estimates, but the conclusion that the renminbi is undervalued is constant in virtually every study that has been done. This gives Chinese goods a steep advantage over U.S. goods. It results in a loss of U.S. jobs, and it results in my putting on my binoculars and watching huge cargo ships leave the large port of Oakland going under the Golden Gate Bridge only half full. When it is half full, it is usually waste paper.

You can only take so much of this. In my own way, I have been importuning the Chinese for over a decade. They are always polite, they always say, yes, they understand, but they also say, China has to take steps as China can take steps. Well, the United States is now at a pivotal point. In the great State of California, our unemployment rate is over 12 percent, and the half-empty cargo ships have to be filled up if we are going to have a fair trading community. As I look at it, letting the renminbi float free is what is necessary to do this.

In testimony before the Senate Banking Committee in September of 2010, Treasury Secretary Tim Geithner argued this:

The undervalued renminbi helps China's export sector and means imports are more

expensive in China than they otherwise would be . . . It encourages outsourcing of production and jobs from the United States. And it makes it more difficult for goods and services produced by American workers to compete with Chinese-made goods and services in China, the United States, and third countries.

Every economic report agrees with our Treasury Secretary's conclusion. History indicates that is correct. Just using one's eyes indicates that is happening. Indeed, cheaper Chinese goods lead to bigger trade deficits with the United States, and that leads to fewer U.S. jobs.

Here's another report by economist Robert Scott of the Economic Policy Institute, and he found that between 2001 and 2010, the trade deficit with China cost the United States 2.8 million jobs, of which 1.9 million were in manufacturing. Nothing makes up for it. We have gained in education jobs, health care jobs, but they are minuscule in comparison with the loss of manufacturing jobs.

The report also argues that this trade deficit has been compounded by China's decision to keep the renminbi artificially low, essentially subsidizing Chinese exports at the expense of their American competitors. Regardless of whether the number of job losses is as high as the Economic Policy Institute estimates, or as I have just said, at a time when we have got this national unemployment rate at almost 10 percent and 12 percent in California, we have to use every tool at our disposal to put Americans back to work. That means, quite simply stated, that the Senate can no longer afford to ignore the devastation of the manufacturing sector in this country.

A July 2009 article from the Harvard Business Review by Gary Pisano and Willy Shih argues that the decline in manufacturing will negatively impact our status as a leader in innovation. I agree that in order for the United States to address these ills and promote economic growth, we have got to reclaim our leadership in research, development, and high-tech manufacturing. In order to do so, we have to address the undervaluation of the renminbi. A market-based exchange rate between the renminbi and the dollar is not going to solve all of our problems, and nobody should believe it will, but it will create a level playing field. Trading communities cannot long exist on an unlevel trading field.

So this is very important for America at this time.

In a sense—and I don't like to say this, but in a sense—the legislation is a “shot across the bow.” It gives the Treasury Department and the Commerce Department clear authority to take actions against undervalued currencies wherever they may occur, and particularly for high priority currencies. But it is also important that this bill is not merely about imposing

penalties. It is very well drafted, in my view, and I read it cover to cover. It mandates consultations with priority countries, the International Monetary Fund, and key trading partners. In other words, it continues to place an emphasis on dialogue and diplomacy.

The bill provides another tool for U.S. companies that have been affected by cheaper Chinese imports due to an undervalued renminbi. It makes it clear that Congress has the authority to investigate whether an undervalued currency is a subsidy subject to countervailing duties, and it provides two well-known methodologies to determine the value of the benefit conferred on exports by an undervalued currency.

Let me be clear. This bill does not mandate any countervailing tariffs due to an undervalued currency. It simply restates that Commerce has the authority to investigate whether such duties are appropriate if a domestic company provides the proper documentation.

Over the past 30 years, in visit after visit, I have seen how dialogue and cooperation have solidified ties between the United States and China, and Sino-American cooperation is very important. I watched the process becoming the foundation for what I believe is our most important bilateral relationship. Indeed, in my view, this relationship can positively impact the security and economic well-being of both countries. As such, when addressing disputes that may arise between Washington and Beijing, I believe it is in the interests of both nations to use diplomacy and negotiation to find commonsense solutions.

Yet, on this matter, I believe the time has come. We are past the polite talks where people say “I realize, I know, I understand,” and not much happens. In the last 10 years, it looked as if China were going to take action, and then China has retrenched on that action. So I believe we must send a clear signal to China that it has to move faster to a market-based exchange rate.

I know China doesn't like this. I know it has serious concerns about the bill. I understand that many U.S. companies and national organizations that do business in China are concerned about the impact this bill will have on our bilateral economic relationship. But I also know over the 20-year period I have been following the currencies of both countries, the improvement is small, and the impact on the United States has been great.

So as a friend of China and a strong supporter of United States-China ties, I hope this vote will demonstrate our deep concern. I hope it will give the administration the leverage it needs to encourage Beijing to work with us and our partners in the international community to bring the renminbi into alignment with market forces. I do not

say this in a hostile way. I say it in friendship and with hope that there is a future where trading between China and the United States can be on equal terms.

I also wish to salute the authors of this legislation because I think they have done a very good job. Senator BROWN, who is on the floor, Senator SCHUMER, Senator GRAHAM, and others have put forward, I think, a carefully worded bill which carries with it the real opportunity for change between the trading relationships of our two great countries. So I thank them, and I thank the Presiding Officer.

I yield the floor.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that at 6:45 tonight, the Senate proceed to votes in relation to motions to suspend rule XXII with respect to the following amendments: McConnell No. 735, dealing with the jobs act; Coburn No. 670, dealing with foreign aid; Paul No. 678, Federal funding audit; Barrasso No. 672, cement; Hatch No. 680, currency alternative; Cornyn No. 677, fighter planes to Taiwan; and DeMint No. 689, right to work; that upon disposition of the motions to suspend, the pending amendments be withdrawn; that there be no other amendments, points of order or motions in order other than budget points of order and the applicable motions to waive; that the bill be read a third time and the Senate proceed to vote on passage of the bill; finally, that the time until 6:45 be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The minority leader.

Mr. McCONNELL. I wish to make sure I understand the amendment lineup. The majority leader has substituted, I would say to my friend, or has added a Paul amendment, and it is my understanding Senator PAUL is willing to stand down on that for the time being and offer it on some other occasion. The Senator has added in place of that—

Mr. REID. Mr. President, if I could respond to that. On the list we have, there were other amendments for Vitter, Brown, and Johanns. It is my understanding we have accepted a vote on all those, except those three. So that is a pretty good batting average.

Mr. McCONNELL. Mr. President, if I may, I am still trying to get this correct. Let me just ask my friend, the majority leader, did his list include Coburn No. 670 on foreign aid?

Mr. REID. It included Coburn No. 670 on foreign aid, yes.

Mr. McCONNELL. It included Barasso 672 on cement regs?

Mr. REID. Yes, it did.

Mr. McCONNELL. It included Hatch 680 On China?

Mr. REID. The minority leader is correct.

Mr. McCONNELL. It included DeMint No. 689 on right to work?

Mr. REID. That is true. So I will go over this once again, Mr. President.

Mr. McCONNELL. It included McConnell No. 735 on stimulus?

Mr. REID. Yes.

Mr. McCONNELL. Cornyn 677 on Taiwan?

Mr. REID. Yes; that is right.

Mr. McCONNELL. So the majority leader has substituted from the list I gave him a Paul amendment—the number of which I don't have—

Mr. REID. 678.

Mr. McCONNELL. Instead of the Johanns amendment on farm dust.

Mr. REID. Yes. Mr. President, as I have said, the list we were given on the motions to waive that have been filed, we did not include on our list Vitter, Brown or Johanns.

Mr. McCONNELL. Mr. President, I would like to try to modify the majority leader's list, not to expand the number because we agree on seven. But the list I submitted to the majority leader included the Johanns amendment No. 692 on farm dust, instead of the Paul amendment, the number of which I do not have.

Mr. REID. Mr. President, I can't. We have tried, and I can't get consent from my side on that. So I can't do it.

But I have offered seven. The one Paul is taken off, and I am glad to hear that, but we will be glad to do his. We have offered seven, but it is not the seven the minority leader wants.

Mr. McCONNELL. All I would say to my friend, the majority leader, is that we would sort of like to be able to pick our amendments and not have him pick them. We have worked hard to narrow down to a list of seven. Senator PAUL graciously decided he would step aside for the moment, and we had included the Johanns amendment on farm dust.

I would remind everyone the minority has not been able to offer any amendments prior to cloture, and now we are left with motions to suspend, at a 67-vote threshold, and all we are asking for is the right to pick our own amendments.

I appreciate the majority leader agreeing to seven. That is the number we had finally settled on. But I do think it would be fair to let the minority pick its amendments. We had hundreds of amendments that people would

have liked to have had. We worked very hard to get it to a list of seven. I don't think it is unreasonable, not having any amendments prior to cloture, to at least be able to prioritize our seven.

Mr. REID. Mr. President, two things: First of all, the Hatch amendment, that has always been offerable. We would have voted on that, and everyone within the sound of my voice should know that.

We agreed to that—that he should be able to offer that amendment. We also talked about other amendments that could have been offered. We did not stop the amendments from being offered. My friend the Republican leader filled up the slot that was available, and he didn't want to take it down. We were willing, even though they were up there, to move other amendments. He didn't want to do that, for reasons I don't understand, but that is the way it was.

We have agreed to seven nongermane, nonrelevant amendments, and I think that is fair. I have worked a good share of this afternoon trying to clear some of these other amendments. We have gotten permission from the Democratic Senators to have votes on these matters I have listed. I cannot get consent on the Johanns amendment. I cannot get consent on the Brown amendment. I cannot get consent on the Vitter amendment. I can't do that. I have tried. I can't get it done. So these are the ones I can get.

On the Paul amendment, in my last conversation with the Republican leader he told me that Paul wasn't offered, and I appreciate that. But that is where we are. We could have six votes. We could complete this very quickly. I don't like this process, but I am going to go along with it. But that is my consent agreement. I can't do any more.

Mr. McCONNELL. I might say to my friend, I may be confused from a parliamentary point of view, but, technically, I would ask the Parliamentarian, through the Chair, if it requires consent to offer motions to suspend at this point.

The PRESIDING OFFICER. The majority leader.

Mr. REID. There is a unanimous consent pending.

The PRESIDING OFFICER. If the Republican leader would restate the question.

Mr. McCONNELL. At the end of cloture, would it require consent to offer motions to suspend?

The PRESIDING OFFICER. Once an amendment slot is available, the motion to suspend is in order.

Is there objection to the unanimous consent?

Mr. McCONNELL. Reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Let me just say, again, all we are asking is the oppor-

tunity to prioritize the seven that the minority would like to offer.

At the end of cloture, as I just heard the Parliamentarian say, we would be entitled to offer it anyway. We are trying to cooperate and get these motions lined up in a way that would give everybody an opportunity to vote shortly.

I just would say to my friend the majority leader, it doesn't seem to me unreasonable for the minority to be able to pick the minority's amendments. It was challenging enough for us to filter our way through the hundreds that my Members would have liked to have offered to get down to seven. It was particularly challenging since they were not allowed to offer any amendments prior to cloture on the bill, which would be the normal process around here.

Mr. REID. Mr. President, is there an objection to my consent?

The PRESIDING OFFICER. Unanimous consent is pending. Is there objection?

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, on Tuesday, 79 Senators moved to invoke cloture on the motion to proceed to this bill, the China currency manipulation legislation. After the Senate decided it wanted to consider this bill, I spoke with the Republican leader about how the Senate could agree to consider a reasonable number of relevant amendments. The Republican leader responded with a patently nongermane amendment. That action pretty much froze the amendment process.

Notwithstanding that impasse, earlier today 62 Senators moved to invoke cloture on this bill. Manifestly, this is a measure that a supermajority of Senators wish to pass.

Now, since the Senate amended rule XXII in 1979, cloture has been a process to bring Senate consideration to a close. The fundamental nature of cloture is to make consideration of the pending measure finite.

The terms of rule XXII provide that the question is this, and I quote:

It is the sense of the Senate that the debate shall be brought to a close.

Indeed, late this morning, the Republican leader stated, and I also quote what my friend the Republican leader said:

If 60 Senators are in favor of bringing a matter to a conclusion, it will be brought to conclusion. That's just what happened a few minutes ago.

So I repeat, that is what the Republican leader said.

Now, notwithstanding the clear nature of the cloture rule to provide for finite consideration of a measure, a practice has begun in this Congress that has undermined the cloture rule. The practice has risen of Senators filing multiple motions to suspend the

rules for the consideration of further amendments.

So on this measure, the Republican Senators have filed nine motions to suspend the rules to consider further amendments. But the same logic that allows for nine such motions could lead to the consideration of 99 such amendments. The logical extension of allowing for the consideration of further amendments, notwithstanding cloture, leads to a consideration of a potentially unending series of amendments. The logical extension of this practice is to lead to a potentially endless vote-arama at the end of cloture.

This potential for filibuster by amendment is exactly the circumstance that the Senate sought to end by its 1979 amendments. Plainly, Mr. President, this practice has gotten out of hand.

I see on the Senate floor the junior Senator from the State of Oregon. He and a number of other Senators worked very hard at the beginning of this Congress to kind of change what was going on around here, to make things move more quickly, to make things move more fairly. There was a lot of talk about we are going to try to move things along, we are not going to hold up motions to proceed, and all that. But that hasn't worked too well.

I say to my friend through the Chair, the Senator from Oregon, this is another example of how the rules have been abused this Congress. This didn't happen—it happened rarely last Congress, but this is standard procedure now, again, in an effort to avoid the rules.

This practice has gotten way out of hand. So notwithstanding this abuse, this morning I once again offered to work together with the Republican leader to come to a reasonable number of motions to suspend. The Republican leader and I discussed—we had a list of nine or ten motions to suspend on which he sought votes. I note that would be more amendments than the motions already filed by Senators, but in good faith I counteroffered that I would be willing to schedule votes on seven of these Republican motions to suspend.

That was reasonable, I thought. The Republican leader rejected that offer. That is what has led us to where we are now. Unless the Senate votes to change its precedents today, we will be faced with a potentially endless series of motions to suspend the rules after the Senate has voted overwhelmingly to bring consideration to a close, and that is a result that a functioning democracy cannot tolerate.

I, Mr. President, withdraw my amendment No. 695.

The PRESIDING OFFICER. The Senator has that right.

MOTION TO SUSPEND RULE XXII, PARAGRAPH NO. 2, INCLUDING GERMANENESS REQUIREMENTS, FOR THE PURPOSE OF PROPOSING AND CONSIDERING AMENDMENT NO. 670

Mr. REID. I call up the motion to suspend rule XXII, including germaneness requirements, filed yesterday by Senator COBURN for the purpose of proposing and considering amendment No. 670.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. COBURN, moves to suspend rule XXII, paragraph No. 2, including germaneness requirements, for the purpose of proposing and considering amendment No. 670.

Mr. REID. Mr. President, I make a point of order that the motion to suspend is a dilatory motion under rule XXII.

The PRESIDING OFFICER. The point of order is not sustained.

Mr. REID. I appeal the ruling of the Chair and request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. McCONNELL. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. If I may make a brief observation. Listening carefully to the majority leader, he is suggesting the specter of filibustering by amendment when, in fact, we had already agreed to seven.

Having agreed to seven, it strikes me as very difficult to argue that we are establishing some precedent for filibustering by amendment because he and I had agreed to seven. The only place this ran aground was the majority leader trying to pick all seven of the minority's amendments.

So what we have is that no amendments have been considered other than those of a technical nature offered by the majority leader in order to fill up the tree. That was prior to cloture. So what is about to happen is that the majority is trying to set a new precedent on how the Senate operates.

For the record, my preference would have been to consider amendments on both sides under a regular process, which we could have done earlier this week. Instead, we have been locked out, and in a few moments the rules of the Senate will be effectively changed to lock out the minority party even more.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Is there a sufficient second?

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—48

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Blunt	Hatch	Nelson (NE)
Boozman	Heller	Paul
Brown (MA)	Hoeben	Portman
Burr	Hutchison	Risch
Chambliss	Inhofe	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Collins	Kirk	Snowe
Corker	Kyl	Thune
Cornyn	Lee	Toomey
Crapo	Lugar	Vitter
DeMint	McCaIn	Wicker

NAYS—51

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Coons	Manchin	Udall (NM)
Durbin	McCaskill	Warner
Feinstein	Menendez	Webb
Franken	Merkley	Whitehouse
Gillibrand	Mikulski	Wyden

NOT VOTING—1

Boxer

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 51. The decision of the Chair does not stand as the judgment of the Senate. Therefore, the point of order is sustained.

Mr. REID. Mr. President, I know there are some hurt feelings here, perhaps on both sides, because this hasn't been easy for me, either, but let's not dwell on that. But I want the record to reflect that the fact that we have to do things sometimes that are difficult doesn't mean Senator McCONNELL and I have any problems with each other. I want to make sure the record is clear in that regard.

We will discuss later how we are going to move forward on other things. But here is my suggestion, unless someone has some objection. The time for cloture running out on this is sometime tomorrow afternoon. I don't know the exact time. I think it would be to everyone's interest that we would vote on this on Tuesday when we come back. We have a judge we could vote on who is already settled. We could vote on final passage on this, and then we will vote on the jobs bill that is up.

Then what we are going to do is that night we will work to have an agreement that is arranged, because we

don't have the time worked out on this, as to how much time. Under the rule, there is 60 hours. We are not going to use 60 hours on these three trade agreements. But everyone should understand we are going to finish the trade agreements on Wednesday. If that means people want to spend 20 hours debating one of them, they may have to spend all night Tuesday doing that, because we have some things here that we have made commitments to do.

Mr. MCCONNELL. Mr. President, will the majority leader yield?

Mr. REID. Yes.

Mr. MCCONNELL. What I hear the majority leader saying is we are going to vote on the trade agreements on Wednesday. Is that what my friend is saying?

Mr. REID. That is what I said.

Mr. MCCONNELL. That means the President of South Korea will have the opportunity to address the joint session on Thursday, having, hopefully, seen the United States approve these long-awaited trade agreements.

Mr. REID. So unless someone has some objection, we will leave here for the evening and the staff will work out a proper unanimous consent agreement that I will announce at some subsequent time after conferring with the Republican leader.

Mr. WICKER. Mr. President, has a unanimous consent request been propounded, or was the majority leader simply stating that we would proceed to vote on Tuesday unless there was objection?

The PRESIDING OFFICER. The majority leader.

Mr. REID. What I said is that—my friend from Mississippi is right. Unless someone has an objection, we will set things up to vote Tuesday evening; otherwise, we would have to vote tomorrow afternoon.

Mr. WICKER. Mr. President, if I could reserve the right to object, and I may or may not object but—

The PRESIDING OFFICER. There is no unanimous consent at this time.

Mr. WICKER. I wish to be recognized to speak then.

The PRESIDING OFFICER. The majority leader still has the floor.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I wish to vitiate the quorum.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued the call of the roll.

Mr. WICKER. Mr. President, I reserve the right to object. If the Senator wish-

es to speak, I don't want to prevent him from speaking.

The PRESIDING OFFICER. The Senate is in a quorum call.

Mr. VITTER. Mr. President, I move to vitiate the quorum.

The PRESIDING OFFICER. Is there objection?

Mr. UDALL of New Mexico. I object.

The PRESIDING OFFICER. There is objection.

The clerk will continue to call the roll.

Mr. VITTER. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senate is in a quorum call.

Mr. VITTER. Mr. President, I move to vitiate the quorum.

The PRESIDING OFFICER. Is there objection?

Mr. UDALL of New Mexico. I object.

The PRESIDING OFFICER. There is objection.

The clerk will continue to call the roll.

The legislative clerk continued the call of the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, thank you very much.

As I understand the rules, each Senator is entitled to 1 hour to speak postcloture if they care to. It is my understanding that Senators CORKER, WICKER, and VITTER wish to speak postcloture. It would be better for everyone here—and if they want to speak for an hour, that is fine; I have no place to go—but if we could all have an idea as to how long Senator CORKER, Senator WICKER, and Senator VITTER wish to speak, it may help us better manage what is going on here.

So if I could direct this question through the Chair to my friend, the Senator from Tennessee, Mr. CORKER.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, thank you for recognizing me.

I really do not want to speak. Here is what I want to happen. I think Members on both sides of the aisle believe this institution has degraded into a place that is no longer a place of any deliberation at all. I would like for you and the minority leader to explain to us so that we have one story here in public as to what has happened this week to lead us to the place that we are. That is all I am asking. That is all I want to know. Explain how the greatest deliberative body, on a bill that many would say was a messaging bill in the first place, ended up having no amendments, and we are in this place that we are right now. I would just like to understand that.

Mr. REID. Mr. President, through the Chair to my friend from Tennessee and

others who wish to listen, we moved to this legislation, the China currency, with a heavy vote. We had 79 Senators who wished to proceed to that. Once we were on the bill, I partially filled the tree.

Why did I do that? I have found over the last Congress and 9 months that when I try to have an open amendment process, it is a road to nowhere. It just has not worked. We have not been able to effectuate a single bill being passed that way. Regardless of whether that is right or wrong, that is what I did.

Senator MCCONNELL wanted to offer an amendment on the President's jobs bill. That, in effect, tied us down because he was unwilling to let us move to any other amendments. I was willing to move to other amendments. Specifically, everyone who was involved in this process thought that Senator HATCH was entitled to an amendment because his was clearly germane and relevant. But without going into "he said, he said," the fact is no amendments were offered, even though I was happy to have some amendments offered.

Now, what has happened over the last 9 months is that—and even this went on last year, where we learned about this—when cloture was invoked, Senators—it was led by Senator DEMINT, and then Senator COBURN picked up on this quickly—as soon as cloture was invoked, motions to suspend the rules were filed.

Now, as I have said today, that was done in this instance. I know my Republican friends say: The reason we did that is because we could not offer amendments on the underlying bill. I disagree with that. I think people could have offered amendments. But we were at the point where we were. We had 9 or 10 motions to suspend the rules. I worked all day, much of the time later this afternoon with Senator MCCONNELL, trying to come up with a list of those motions to suspend. I had to get the approval of my caucus to move to all those amendments. I could not do it. I could not. I, in effect, made a number of my Senators very unhappy by moving to amendments that are extremely difficult.

The only amendment I am aware of that is germane to what we are working on is Senator HATCH's amendment. The rest of them are not germane. They may be good amendments, great message amendments, causing a lot of pain over here, but I agreed to do seven of the nine. Senator MCCONNELL said he needed at least one more. I could not get one more.

So what procedurally took place is this: I believe, as I indicated in my opening statement, that rule XXII dealing with cloture says that when cloture is invoked, it is finite—it is finite; it ends debate on that issue unless there are amendments that have been filed that can be dealt with during the

30 hours. There were not any in this instance.

So I have been here quite a while, and one of the most unpleasant things I have had to deal with over the years has been the vote-arama when we do the budget thing. We have had 60, 70, 80, 120 amendments filed. Under this procedure that has recently been adopted, by the minority in this instance, there is no limit to how many amendments could be filed. Today there were 9 or 10.

This has to come to an end. This is not a way to legislate. That is why the motion to overrule the ruling of the Chair—that is why I made that. I think this is something that was discussed in great detail at the beginning of this Congress. I have a number of Senators on my side who believe very strongly, as my friend from Tennessee has just described, that the Senate has become a place where it is very difficult to debate anything. So Senator MERKLEY and Senator UDALL, joined by others, wanted to change the rules.

At that time, we believed, and the Parliamentarian and all the law that we were familiar with said, a simple majority could change the rules dramatically as to how it relates to filibuster and all other things. I felt that certain changes were important and maybe we should ease into this. That is why we are not reading the amendments now, as we used to be forced to do on occasion, and we had a gentleman's agreement motions to proceed would be not opposed generally, and I would not fill the tree all the time.

As a result of that, Senators MERKLEY and UDALL, much to their consternation because I did not join with a majority of my caucus, opposed what they did because I was hopeful that we could get back to doing some legislating that we had done in the past.

Now, I feel very comfortable that what we are doing and what we did today is the right thing to do. My staff, this morning, when I talked about doing this—the first thing they said to me: Well, what if you are in the minority?

Let me tell everybody within the sound of my voice, if I were in the minority, I would not do this. I think it is dilatory and wrong, just as I have said when we were in the now famous debate dealing with the judges issue that we had, the nuclear option. I said if I were in a position to exert what I felt was the nuclear option on judges, I would not do it. And I would not. I think we have to do a better job of legislating under the rules.

So even though perhaps Senator MERKLEY and Senator UDALL were disappointed in my advocacy to not massively change these rules, I went along hoping things would work out better. What just took place is an effort to try to expedite what goes on around here.

Am I 100 percent sure that I am right? No. But I feel pretty comfortable with what we have done. There has to be some end to these dilatory tactics to stop things. Cloture means end; it is over with.

Mr. MCCONNELL. Mr. President, who has the floor?

The PRESIDING OFFICER. The majority leader has the floor still.

Mr. MCCONNELL. I would like to also give my version, if I may, to the distinguished Senator from Tennessee.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. REID. I yield to my friend, the Republican leader, to respond to any questions that the Senator from Tennessee may have.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Yes. Let me, for the benefit of our colleagues, explain what, in fact, happened. It is not complicated.

It was pretty clear, whether you liked this bill or did not, it was going to pass. You could tell that by cloture on the motion to proceed with a very large majority. So I do not think my good friend the majority leader had to worry about whether his bill was ultimately going to pass. The question was whether there were going to be any amendments at any point to the bill. And my conference made a decision—actually against my best advice—to go on and invoke cloture on the bill after we had no amendments. The reason we had no amendments is because the majority leader used a device we have all become too familiar with called filling the tree, thereby allowing no amendments he does not approve. And he said that we are open for amendments, but what he means is this: We are open for any amendment I approve. So he filled the tree and, prior to cloture on the bill, controlled whether any amendments would be allowed and chose not to allow any, as a practical matter. So against my best advice, my conference decided to invoke cloture on the bill. So we were moving to approving the bill with no expression whatsoever.

So we have in the postcloture environment the motion to suspend, which has not been abused by this minority—not been abused by this minority. The majority leader, in effect, has overruled the Chair with a simple majority vote and established the precedent that even one single motion to suspend—even one—is dilatory, changing the rules of the Senate. And if you look back at his bill, what we have had, in effect, is no amendments before cloture, no motions to suspend after cloture, no expression on the part of the minority at all.

I do not know why anybody should act as though they were offended by nongermane amendments. This is the Senate. We do not have any rules of

germaneness. No, we do not. Any subject on any bill can be offered as an amendment. We all know that.

The fundamental problem here is that the majority never likes to take votes. That is the core problem. And I can remember, when I was the whip in the majority, saying to my members over and over again, when they were whining about casting votes they did not want to vote, that the price of being in the majority is that you have to take bad votes because in the Senate, the minority is entitled to be heard—not entitled to win but entitled to be heard. So that is the core problem.

I would say to my friend the majority leader—and this is nothing personal about him; I like him, and we deal with each other every day—we are fundamentally turning the Senate into the House: no amendments before cloture, no motions to suspend after cloture, and the minority is out of business. And it is particularly bad on a bill that has the support of over 60 Members, as this one did. If you are not among those 60, you are out of luck.

Now, look, this is a bad mistake. The way you get business done in the Senate is to be prepared to take bad votes. At some point, if 60 Members of the Senate want a bill to pass, it will pass. If 60 Members of the Senate do not want a bill to pass, it will not pass. It is more time consuming. I assume that is why a lot of people ran for the Senate instead of the House—because they wanted to be able to express themselves. This is a free-wheeling body, and everybody is better off when we operate that way. Everybody is, whether you are in the majority or the minority, because today's minority may be tomorrow's majority, and the country is better off to have at least one place where there is extended debate and where you have to reach a supermajority to do things.

So I would say to my good friend the majority leader that I understand his frustration. But you were going to win on this bill. You did not need to jam us. You should not jam us on any bill, but on this bill you were going to win. Now, some of us think we were wasting our time because, as the Senator from Tennessee said, this was not going to become law anyway, and we are sitting around here when we ought to be passing trade bills.

The President has asked us to vote on his jobs bill. I wanted to give him an opportunity to have his vote the other day. You guys did not even want to vote on what the President was asking us to vote on without any changes. But you can prevent that, and you did.

Look, let's not change this place. America does not need less debate, it needs more debate. And when 60 Members of the Senate decide to pass something, it will pass.

I think we made a big mistake tonight. As soon as we all kind of cool off

and think about it over the weekend, I hope we will undo what we did tonight because it is not in the best interests of this institution or the American people.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the Senate should function like the Senate. I acknowledge that. But we have major pieces of legislation that have been brought down as a result of not being able to have finality of that legislation, unending amendments that are not germane or relevant. The small business innovation bill that had passed in past years easily, we had the Economic Development Administration bill that passed easily in the past, job-creating bills on which we had an open amendment process—they were simply stopped.

There are rules of germaneness in the Senate. There are rules of germaneness in the Senate. Let's think about these amendments that I agreed to. There are others I did not agree to, but there are amendments that I agreed we should have a vote on, not that I wanted to have a vote on them because they had nothing to do with the underlying bill—nothing. There are rules of germaneness that that should be the case. DeMint amendment, right to work; Cornyn amendment, fighter planes to Taiwan—we already had a vote on that, but we agreed to have another one; Hatch amendment—that one is irrelevant and it is germane; Barrasso amendment, cement—not so; Paul, Federal funding; Coburn, foreign aid; McConnell, jobs act.

Part of cloture is enforcing germaneness. That is what it is all about. We are happy to do germane amendments. But the fact is, the Republican leader himself decided not to have amendments on this bill. I agreed to amendments on the bill prior to cloture. Everybody probably does not know that; they should because that is the way it is.

So we have to make the Senate a better place, and I think a better place is to do what was done tonight, to get rid of these dilatory amendments. I mean, we would be happy if poor Senator BINGAMAN could get some bills out of the Energy Committee. We could do something on cement. If we could get some bills out of the Foreign Relations Committee, we could maybe look at foreign aid.

These things are dilatory and only unnecessary, in an effort to divert from what we are really trying to do here; that is, legislate.

So the issue is this: I believe what we did at the beginning of this Congress was the right thing to do, but as the weeks and months have rolled on, wasting months of our time on a CR that was done—on a series of CRs—1 week, 2 weeks, 3 weeks—to fund the government until October, a few days

ago—what a waste of time. We have spent months—months—on raising the debt ceiling, making it nearly if not impossible to legislate on other matters. And when we get a chance to legislate, we should not be held up by these dilatory matters.

I am willing to legislate. I have taken a lot of hard votes in my career, and I would have been willing to vote on these. But there has to be an end to this.

I would be happy to yield to my friend.

Mr. MCCONNELL. Let me make sure we understand. There are not any rules of germaneness precloture in the Senate. There are not any. Any amendment can be offered on any subject. And that has been one of the great frustrations of every majority down through the years. We all know that. So my friend the majority leader, in order to prevent the votes on unpleasant amendments, fills up the tree and decides himself that he is going to confine the amendments to those that are either germane—relevant—or, put another way, of his choosing, whatever you want to allow.

My friend keeps talking about wasting time. Well, wasting time to him might not be wasting time to us. We might not think that offering an amendment on something we think is important for the country is a waste of the Senate's time.

So who gets to decide who is wasting time around here? None of us. None of us have that authority to decide who is wasting time. But the way you make things happen is you get 60 votes at some point, and you move a matter to conclusion, and the best way to do that is to have an open amendment process. That is the way this place used to operate.

I have been here a while. I know this is not the way it has always happened. This is not the way we always operated. And we did get things accomplished, not by trying to strangle everybody and shut everybody up but by allowing the process to work. And when the Senate gets tired of the process, 60 people shut it down, and you move to conclusion. That is how you move something ahead, not by preventing the voices.

I mean, we have sat around here 2 days in quorum calls. Have you all noticed that? We could have been voting on amendments. Sitting around in quorum calls—talk about a waste of time.

Mr. REID. I am going to respond to this. I don't know the exact number now, but almost 30 judges are waiting to be approved, people who are waiting to change their lives, doing their patriotic duty, public service. I can't file cloture on all of those. There are 29 of them.

We have been stymied here in this Congress in getting things done—hold-

ing up nominations for judges, holding up nominations—some people have been on the Executive Calendar for a long, long time. It is unfair. That is what is going on around here.

So we can do all of the make-believe that my friend the Republican leader is talking about, about what great things should happen around here. Well, I will tell you a few things that should happen: We should be able to move matters through here that have been happening since the beginning of this country—nominations, for example. We can't do that because my friend the Republican leader, as candid as he was, said his No. 1 goal is to defeat President Obama. That is what has been going on for 9 months here, and this issue relating to these dilatory tactics on these motions to suspend the rules is just part of that game that is being played. Let's get back—I agree. I agree. Let's get back to legislating as we did before the mantra around here was "Defeat Obama."

Mr. LEAHY. Would the majority leader yield for a question?

Mr. REID. I would be happy to yield.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I pose this question, and as I look around this floor, with the exception of Senator INOUE, my dear friend from Hawaii, nobody has served in this body longer than I have—on the current membership—nobody. I keep hearing this talk about 60 votes. Most votes you win by 51 votes, and this constant mantra of 60 votes, 60 votes—this is some new invention, I tell my friends, based on my sense of history.

So my question to the majority leader, whether we were here with a Democratic majority or a Republican majority, does he remember a time when judges who were confirmed unanimously—every single Republican, every single Democrat voting for them out of committee—would then sit on the calendar for 3, 4, 5, sometimes 6 months because there was not an agreement to vote on them without a 60-vote supermajority? I cannot remember it at any time in 37 years. I do not know if the majority leader can recall such a time.

Mr. REID. The Senator from Vermont has been here longer than I have, but he is absolutely right.

I would also add this: that the Republican leader said—and I think this says it all—today, as an extemporaneous remark from his position here where he is now standing, and I quote:

If 60 Senators are in favor of bringing a matter to conclusion, it will be brought to a conclusion.

That is what happened a few minutes ago, and that is what cloture is all about. That is what cloture is all about.

I believe in cloture. As I have indicated several times earlier, I was not in

favor of changing the rules relating to cloture as some of my colleagues did. But I think this is a step forward. It will make this process work a lot better.

I want to yield for a question to my friend from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. I thank the distinguished majority leader for yielding. I will not take long.

I have been in the Senate 4 years now, and I think my colleagues know I do not come down to the floor and spout a lot of hot air. But I have to be heard tonight.

I will agree with my friend the majority leader on one thing: This is no way to legislate. He said those words a few moments ago, and I agree.

We have become accustomed to a procedure, and I have disagreed with that procedure, but it has been the regular order during the time I have been here; that is, the usual practice is a bill is brought to the floor, and the majority leader immediately offers every amendment that can possibly be offered in a parliamentary way, thus filling the amendment tree and preventing other Senators from offering amendments.

Then cloture is filed and we don't have an opportunity to have a full hearing. I am told this has not always been the practice, but we have been accustomed to that practice.

What happened tonight is far different from that. I think that is why my friend from Tennessee propounded the question to the majority leader. We had a bill—and it may be a messaging bill, but if it were passed, it would be a significant piece of legislation. I think both sides acknowledge that. No amendments were allowed precloture and no amendments have been allowed postcloture. The majority leader, this very day, after the cloture vote assured the Senate that we would be operating under an open process. He said those words. Not only that—and perhaps the majority leader, when I finish in a moment or two, could correct me—I believe I heard the majority leader say we would be allowed to offer motions to suspend the rules on a number of amendments, and debate would be allowed.

What occurred was that Senator COBURN offered his motion to suspend the rule on his amendment. We assumed we would be able to do this on at least a few amendments. But the very first amendment that was offered, the majority leader suggested to the Chair, and made the point of order to the Chair, that it was dilatory—one amendment. That was deemed dilatory by the majority leader, and the Parliamentarian correctly instructed the Chair to overrule that suggestion by the majority leader, upholding the precedent of the Senate. And one by

one, Democratic Members of this body had to march down and vote to overrule the Parliamentarian of this Senate for the very purpose of shutting down the chance to offer one single amendment, when the majority leader well knew he had the votes to win. But our rules have, I thought, been designed—and I think our society is designed this way—around the concept that the minority has an opportunity to be protected; the minority has an opportunity to be heard in this body, of all bodies.

What we have done tonight—unless we can remove that—is we have changed the rules of the Senate on a messaging bill, on a matter that the majority leader had the votes on. That is my objection. That is why I am so disturbed about the overreaction and heavyhandedness of this move.

This is not a matter of supporting the leader on one bill that he wants to get us out of town on. This is precedent. Unless we can change it, we have forever changed the right of the majority to be heard postcloture. I am saddened about that.

Mr. REID. Mr. President, first of all, amendments could have been offered precloture. My friend said he thought we were going to be able to offer some amendments postcloture with their motions to suspend the rules. That is what I said would happen, and I agreed to that—seven amendments. People are saying, you choose the amendments. I didn't choose the amendments. They came up with these amendments. These are the ones they gave me. I was supposed to select which ones, and that is what I did. I could not get agreement on some of these amendments. I have explained that previously.

Also, everyone should recognize that motions to suspend the rules are still available; they are just not available postcloture. Rule XXII provides:

Is it the sense of the Senate that debate shall be brought to a close?

That is what it says. That rule has been in existence for a long time. I am sorry my friend is disappointed, but I think the playbook he is reading from is not accurate.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, the Senator from Mississippi is accurate. Until the vote we had just a few moments ago, motions to suspend postcloture were appropriate. No longer are they appropriate because, as my friend from Mississippi pointed out, we have in effect changed the rule.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. REID. Mr. President, I yield to my friend from Tennessee.

Mr. CORKER. Mr. President, I thank the leader for taking the time to explain from his perspective what has happened. I guess what I want to understand is, when amendments are of-

fered, why don't we just go ahead and vote on them? If it is standard procedure—

Mr. REID. Can the Senator start over? I was preoccupied.

Mr. CORKER. First of all, I thank the leader for taking the time to explain from his perspective. Here is what I don't understand. We had a cloture motion to proceed on Monday. It is Thursday night. We have had no votes on anything other than a cloture vote. I guess what I would love to understand is, why don't we just immediately begin voting on amendments? We could have been done with this bill yesterday. Instead, everybody cools their heels, waits around, while some negotiation takes place—sort of a self-appointed rules committee. And at the end, something like this happens.

I wish to understand from the leader's perspective why we don't just vote on amendments? We could have been done yesterday.

Mr. REID. Mr. President, I will try to respond to my friend. People around here are talking as if this is something that never has happened before. This has happened—I don't remember all the times since I have been in the Senate that the Chair—as brilliant as our Parliamentarian is, and the Chair does its best to distinguish what the Parliamentarian wants, but he is not always sustained. I have been involved in a number of those examples. So it isn't as if this never happened before.

We did it with the understanding that what is going on here is dilatory, and that is what the majority felt.

Mr. SCHUMER. Will the majority leader yield for a question?

Mr. REID. Yes.

Mr. SCHUMER. Mr. President, in the form of a question to the majority leader and also the Republican leader—we are all frustrated. The Senator from Tennessee and I talked about that frustration at the beginning of the session, and it hasn't worked terribly well to try to straighten this out. You are frustrated, and we can talk about the specifics here.

The one point I make is that the majority leader, isn't it true, offered on the floor yesterday to allow amendments on this bill? And the only amendment that was sent to us was the amendment to have a vote on the President's budget, is that correct?

Mr. REID. That is right.

Mr. SCHUMER. But it was not widely known on this side. The majority leader had offered amendments on this bill. The question I ask is this—and I will make a statement and lead up to a question. You are frustrated because you feel the tree is filled all the time and you cannot make amendments. But we are frustrated because the 60-vote rule—which has always been used here—is now used routinely, which never has been done before. Judges—district court judges—I have been here

in the Senate 13 years, and I was in the House 18 years and followed the Senate and cared about judges. It never happened before. Routine appointees—assistant secretaries of this, deputy secretaries of that—60 votes. And on bill after bill after bill, the procedure of this place works that somebody has to object. That is why you file cloture; otherwise, we could proceed.

In the past, the motion to proceed was not routinely blocked. And almost every single bill—important bills, obviously—and nobody thinks the health care bill should have passed by 51 votes. But on minor bills—we had a filibuster on technical corrections to the Transportation bill, where 287 was written down by mistake instead of 387. It was filibustered—60 votes. So our defense is to fill the tree.

But what we ought to try to do here—and, as I said, the Senator from Tennessee and I futilely tried earlier this year to maybe calm things down—is to maybe use this flashpoint to try to come together and work that out again. Maybe the minority would not routinely filibuster everything—appointments, judges, minor bills—and can save it for the major bills. In return—and I agree with the minority leader that the deal around this place is the majority sets the agenda and the minority gets to offer amendments. That has been the rule since I got here and one of the reasons—he is correct, I say to my friend from Kentucky—why I left the House to run for the Senate.

But it has gotten to the extreme. While my colleagues on the other side would say it got to the extreme because we always fill the tree, we would say it got to the extreme because you filibuster everything and require 60 votes on everything—we only have 53, we know that—including judges, appointments, and minor bills. If we are going to bring this place back to order, if we are going to bring this place back to a place where we can legislate, both sides have to back off, and we are going to have to figure out how to do that, which we haven't done adequately yet.

One other point before I ask my question. The Senator from West Virginia had a few of us on his boat this week. A number of the freshmen Senators from the other side of the aisle were on the boat, as I was. We began to talk, and they were asking, why is this place so mixed up? I explained that some of the greatest joys I have had in the Senate and the House were conference committees, and offering amendments, and things such as that. We all said, together, why can't we get back to that?

Let me say that it is not simply filling the tree and preventing amendments that caused this problem. It is routinely requiring 60 votes before the Senate can get a drink of water.

My question to the majority leader is this: Would he be willing—we need a little bit of a cooling-off period—to sit

down with the minority leader and others in an effort to try to figure out how we can get back to somewhat more of a regular order in regard to what I said?

Mr. REID. Mr. President, I say this to my friend and others listening. I want everybody to understand a little bit of the frustration I have. We all went through the battle on the FEMA bill. Everyone remembers that. People in the dark bowels of this building someplace typed that bill up. They made a mistake and had a comma in the wrong place—a comma. I asked consent, because that was a technical correction, to get that corrected. There were press releases out already from my Republican friends: We are not going to agree to any consents on anything. You talk about frustration—there is plenty of it to go around.

I want to try to end this on a high note. I love this institution. I have devoted most of my life here in this building—not only as a long-time Member of the House and Senate, but I lived here while going to law school. I worked in this building. I was a cop here. I love this building and this institution. I don't want to do anything to denigrate the institution. Maybe there is blame to go around, and I think there probably is. But frustration builds upon frustration and, as a result of that, we have situations such as this.

So here is my suggestion. I think just as we had a cooling off period, as we indicated that we would on that FEMA CR—we had a cooling off period, and the Republican leader and I agreed that would be the right thing to do, and we then came back and worked something out. We did it very quickly. It wasn't to everybody's satisfaction. I had people upset and he had people upset, but we did that. So it would be my suggestion to do as I originally suggested. I think we should go ahead and do final passage on this matter on Tuesday night. Do the judge first, then vote on the jobs bill. Then we will deal with the trade stuff.

I am happy to not only sit down with the Republican leader, but I am sure we can all cinch up our belts and, as they say in the Old and New Testament, gird up our loins and try to do a better job of how we try to get along. I have talked to the Republican leader only briefly about this, but I had a discussion with my leadership today, and one of the things I was going to announce—and so here it is—one of the things I want to do is have a joint caucus. I want to have one with Democratic Senators and Republican Senators. At that time we can all talk about some of the frustrations we all have.

I wanted to do that the first week we got back after the last recess. All my people don't know about this, and certainly I haven't finalized this with the

Republican leader, but I think that would be a good step forward; that Senator McConnell and I could be there in front of everybody together, questions could be asked, statements could be made, and we could see if that would let a little air out of the tires.

I will be happy—next time we get cloture on an event sometime in the future—to sit down and find out what, if anything, we should do postcloture on matters relating to people who are frustrated.

So that is my statement, Mr. President. I am not asking consent on anything, but I would hope we could all leave, and Senator McConnell and I would direct the staff to come up with something, an arrangement comparable to what I just suggested.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we will have no more votes, and I have confirmed that with the Republican leader.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent to proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO REVEREND FRED SHUTTLESWORTH

Mr. BROWN of Ohio. Mr. President, I rise today to honor Rev. Fred Lee Shuttlesworth, an American civil rights hero who lived much of his adult life in Cincinnati who passed away this week at the age of 89. I come to the floor in support of a resolution with Senator PORTMAN, my colleague from Cincinnati, where Reverend Shuttlesworth lived for many years, and also from Senator SHELBY and Senator SESSIONS, both representing Alabama, where Reverend Shuttlesworth lived his earliest several decades and then the end of his life.

Much is known about his life—the beatings, the bombings, the arrests and protests. He was born in 1922 in Alabama. He was a truckdriver who studied theology at night. He became an ordained minister in his twenties. By the 1950s, in his thirties, he was the pastor of Bethel Baptist Church in Birmingham, the pulpit from which he became the powerful, fiery, outspoken leader against racial discrimination and injustice.

When the Alabama NAACP was banned in the State, Reverend Shuttlesworth established the Alabama Christian Movement for Human Rights. Churches held weekly meetings, membership grew month by month—in large part because of Reverend Shuttlesworth's leadership skills—and the Alabama Christian Movement for Human Rights became the mass movement for Blacks in the South.

He fought Birmingham's racism in the courtroom, bringing suits to desegregate public recreation facilities. He protested segregation of buses in Birmingham. He was beaten with chains and brass knuckles when he tried to enroll his children in a Birmingham school, even though he was, of course, a taxpayer. He would lead Freedom Riders to safety—a critical voice imploring Attorney General Robert Kennedy and President John F. Kennedy to get the Federal Government to show leadership as Freedom Riders were jailed and attacked. Reverend Shuttlesworth was often jailed and later left bruised and bloodied from firehoses and police dogs, the brutal force of Bull Connor's lynch mob. His life and his family were threatened by Connor's ignorant hostility—or indifference more often than hostility.

His words:

They would call me SOB, and they didn't mean "sweet old boy. . . ." [T]he first time I saw brass knuckles was when they struck me . . . they missed me with dynamite because God made me dynamite.

So his direct action campaign continued. He mobilized students to boycott merchants with Jim Crow signs in their storefronts. He worked and he marched with Dr. King, affiliating the Alabama Christian Movement for Human Rights with the Southern Christian Leadership Conference, organizing bus boycotts and sit-ins and marches and acts of civil disobedience. He persuaded Dr. King to bring the civil rights movement to Birmingham, where Dr. King would write his famous "Letter from a Birmingham Jail." In the letter, Dr. King writes of the necessity of Reverend Shuttlesworth's direct action campaign, fighting "broken promises" and "blasted hopes." The two words "broken" and "blasted" meant so much to them personally because both were attacked so frequently.

In September 1963, the 16th Street Baptist Church was bombed, murdering four little girls, and the movement's grief and responsive resiliency helped pass the Civil Rights Act of 1964.

The next year, he helped organize the historic march from Selma to Montgomery, across the Edmund Pettus Bridge, to fight voting discrimination in Alabama and across the South, galvanizing meeting after meeting with his fiery words. He soon arrived in Cincinnati, coming across the Ohio River, as pastor of the Greater New Light Baptist Church in Avondale.

He trained Freedom Riders in nearby Oxford, OH, at the Western Campus for Women then, now affiliated or absorbed by Miami of Ohio, one of our great State universities. He trained those Freedom Riders, thousands of activists who would travel south to register Black voters.

Reverend Shuttlesworth fought for racial equality in Cincinnati schools, in city councils and police departments, empowering low-income families through education, jobs, and housing for decades to come.

I would like to read from and ask unanimous consent to have printed in the RECORD the editorial from the Cincinnati Inquirer from October 5, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWN of Ohio. I would like to share a couple of words from the Cincinnati Inquirer. This is the beautifully written Cincinnati Inquirer editorial about Reverend Shuttlesworth:

He once told the Tampa Tribune it helped to have a "little divine insanity—that's when you're willing to suffer and die for something."

They also wrote:

Perhaps nowhere is his ultimate triumph more evident than in the renaming of the Birmingham airport to the Birmingham-Shuttlesworth International Airport—a public tribute in a city where once a Ku Klux Klan member who was a police officer warned him to get out of town as fast as he could.

Needless to say, the airport was named after Reverend Shuttlesworth, not after the KKK police officer.

It was an honor to get to know Reverend Shuttlesworth and to learn from him. In 1998, I first met this historic figure of the civil rights movement—unknown to far too many people—in Selma, AL, during a pilgrimage with Congressman JOHN LEWIS, who was beaten perhaps more than anybody in the civil rights movement. It was an opportunity to spend some time with Reverend Shuttlesworth in Selma in the late 1990s.

I visited his church in 2006. I heard him preach, and then, at his retirement party a while after that—not too many years ago—I heard him preach again and got the chance to get a tour at his retirement party, a tour of the small museum in his modest church celebrating his life but more set up to honor and commemorate the civil rights movement in the most personal kind of way. It is impossible for me to really describe the feelings I had as he talked to a small group—Connie, my wife, and me—a small group of us as we toured this very small museum in a room at the church. It was just packed with all kinds of mementoes and commemorations of the civil rights movement and Reverend Shuttlesworth's fight in those days in Alabama. From those pictures and his memory, you learn not just about a man's life but about our Nation's history.

The passage of the most basic civil rights laws would not have occurred without his vision and fortitude. We honor his legacy in his passing, but we are also charged with upholding a sacred duty to take his lead, and that is because progress in our Nation is never easy. Passage of voting rights or civil rights was not the result of one man's great speech in Washington or one famous march across the Edmund Pettus Bridge.

EXHIBIT 1

SHUTTLESWORTH 'TRULY A MAN OF COURAGE, CONVICTION AND INTEGRITY'

Cincinnati Enquirer Editorial, Oct. 5, 2011

In 1955, the Rev. Fred Shuttlesworth was a young pastor in Birmingham, Ala., preaching sermons on equality and working in his segregated city on the issues before him, such as adding street lights to African-American neighborhoods.

But after he petitioned the Birmingham City Council to hire African-American police officers, a larger calling took hold of him.

He saw his role as helping to lift African Americans—and the rest of his countrymen—from another sort of darkness: that of racial bigotry.

He became a restless, outspoken advocate for integration, a co-founder of the Alabama Christian Movement for Human Rights, and a leader of the Civil Rights movement.

His death Wednesday in Birmingham left a sense of national loss, strongly felt in Cincinnati, where he spent most of his adulthood and served as pastor of two churches.

We feel that sense of loss, recognize the depth of his accomplishment and give thanks for the example he set.

In Birmingham and Cincinnati, the eloquent Rev. Shuttlesworth appealed to moral conscience and championed everyday causes. He sat at lunch counters with young protesters in Birmingham, held "wade-ins" at segregated beaches in St. Augustine, Fla., and later in life established the Shuttlesworth Housing Foundation to help low-income Cincinnatians afford a home.

He was focused, undeterrable, bold. He challenged Birmingham's white power structure at every turn. He refused to flinch at bombings of his church and home. He urged civil rights leaders to be more assertive, labeling the 1963 campaign to desegregate Birmingham "Project C"—for confrontational.

He once told the Tampa Tribune it helped to have "a little divine insanity—that's when you're willing to suffer and die for something."

But instead of becoming a martyr, the Rev. Shuttlesworth lived to become one of the movement's elder statesmen.

The sound of his name alone revived memories of Freedom Riders and police fire hoses, of the relentless drive of young civil rights leaders and the stubborn resistance of the Old South. Perhaps nowhere is his ultimate triumph more evident than in the renaming of the Birmingham airport to the Birmingham-Shuttlesworth International Airport—a public tribute in a city where once a Ku Klux Klan member who was also a police officer warned him to get out of town as fast as he could.

He replied that he didn't run. And, in Birmingham and Cincinnati, he never did. And he never stopped.

As the Rev. Martin Luther King Jr. once wrote to him, "May God strengthen your spirit and uplift your heart that even your accusers will be forced to admit that truly

you are a man of courage, conviction and integrity."

Mr. BROWN of Ohio. The fight for women's rights and fair pay and protections for the disabled, none of those fights were easy, yet in the last few years, we celebrated the 90th anniversary of the 19th amendment, the 75th anniversary of Social Security, the 45th anniversary of the Voting Rights Act, the 20th anniversary of the Americans with Disabilities Act.

What have we done here this year? How will we show the march toward justice is the mark of our Nation's progress? We do so by marching with his spirit rather than standing in his shadow.

Dr. King said of Reverend Shuttlesworth, he "proved to his people that he would not ask anyone to go where he was not willing to lead." That is a testament to his courage.

Four years ago, then a candidate for President, Senator Obama escorted a wheelchair-bound Reverend Shuttlesworth across the Edmund Pettus Bridge in Selma. It was symbolic. It showed yet again Reverend Shuttlesworth leading us across another bridge.

On behalf of a grateful State, Ohio, and in partnership with Senator PORTMAN from Ohio, Senator SHELBY from Alabama, and Senator SESSIONS from Alabama, I offer my deepest condolences to the Shuttlesworth family and to all of his friends and to all of his loved ones.

Mr. President, I will offer this resolution, and I think we will be looking at it later today, offered by Senators PORTMAN, SESSIONS, SHELBY, and myself. I will ask for passage later.

TRIBUTE TO GARY BERMEOSOLO

Mr. REID. Mr. President, today I rise to congratulate Gary Bermeosolo who is retiring from his position as Administrator at the Nevada State Veterans Home in Boulder City. Gary dedicated more than 40 years of his life to serving our Nation's veterans and he touched many lives in the process. Nevada has been very fortunate to have a man like Gary working for our veterans, and I am privileged to recognize his accomplishments today.

After returning from service in the U.S. Navy, Gary began his career in Idaho. For more than 20 years, Gary worked as the director of Veterans Services in that State. The Idaho Statesman awarded Gary with the Distinguished Citizen's award. He was also invited as the Honor Marshall for the Fourth of July Parade in Boise.

Before my friend Chuck Fulkerson decided to retire from the Nevada Office of Veterans Services, he recruited Gary to come to Nevada. Gary took a position as the administrator of the Nevada State Veterans Home. This wasn't an easy task, and the new facil-

ity was facing many significant challenges. Gary worked diligently to address the concerns of the Veterans Affairs Administration and ensure that Nevada's facility complied with Federal regulations. Since Gary's arrival, the Nevada Veterans Home has provided first-class healthcare to Nevada's veterans and their family members. After a troubled start, the Nevada State Veterans home was recognized as one of the top 100 nursing homes in the Nation. That accomplishment would never have occurred without Gary's leadership and his dedicated staff.

Gary's commitment to service is evident in nearly all of Gary's pursuits. Not only did Nevada's veterans benefit from Gary's creative problem solving, but he also spearheaded improvements in Veteran care through his work with the National Association of State Veterans Homes. As a legislative officer, a regional director, and as the president of the organization, Gary used the lessons he learned in Nevada to help veterans throughout the Nation. Just last year, Gary testified before a House of Representatives Subcommittee in support of increased flexibility in Federal payments for State veterans homes. The lives of many veterans have been directly impacted by Gary's tireless legislative advocacy for improved care.

The mission of the Nevada State Veterans Home is Caring for America's Heroes. No one has embodied that spirit of service better than Gary Bermeosolo. Over the past decade, I have had the opportunity to work with Gary on many occasions. He has been a pleasure to work with. I have always been impressed by Gary's ability to innovate and find solutions for our Nevada veterans.

Even in retirement, I am confident that Gary will continue to be a tireless advocate for those who have worn the uniform. On behalf of all Nevadans and all Americans, I am proud to thank Gary for his service to this Nation's veterans.

TRIBUTE TO JOHN W. DEARMON

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a respectable and courageous Kentucky veteran, Mr. John W. Dearmon of Somerset, KY. John served his country for 28 years, from 1943 to 1971, as one of our country's very first Navy SEALs.

John moved to Burnside, KY with his family when he was a boy in 1936. During World War II John was chosen to be part of a class of 141 that produced the first 27 Navy SEALs from underwater demolition teams. During the war, John was in command of a 45-foot intercoastal patrol boat that navigated the harbor and coast of Guam in the Western Pacific.

SEAL training for John consisted of 16 weeks of basic training, with 6 weeks of underwater swimming school. In ad-

dition, John recalls parachuting from 30,000 feet during jump school—his team was capable of jumping from up to 43,000 feet but he never had to jump from that altitude.

John is very proud of his service to his country and claims the Navy made him tough. Being a Navy SEAL instilled in John the courage to feel like he can accomplish anything, a trait he takes great pride in. John's formal education ended after he finished the 8th grade, however, he believes he received a real education about how to succeed in life from the Navy.

John W. Dearmon is a true American hero and patriot who is an inspiration to the great people of Kentucky. In fact, when asked if he ever thought about quitting during his arduous assignment, he responded, "No! Absolutely not! I'm an old Kentucky farm boy. I'm gung-ho. I never thought about quitting."

John devoted his life to protecting the liberty and freedom our great country was founded upon, and I commend him for his bravery and honor. The Pulaski County Commonwealth Journal recently published an article to honor John's life and accomplishments. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Pulaski County Commonwealth Journal, Aug. 13, 2011]

LIFE OF A SEAL: JOHN DEARMON WAS ONE OF ORIGINAL 27 ELITE FORCES

(By Bill Mardis)

"It felt great! I would love to have been with them . . . I started and they finished it for me!"

A Pulaski County man can feel heartbeats of the U.S. Navy SEALs as they moved in and killed terrorist mastermind Osama Bin Laden in a firefight. John W. Dearmon knows their thoughts, their toughness and resolve. He was one of the original SEALs. In his mind, he will always be a SEAL.

Dearmon was in a class of 141 during early World War II that produced the first 27 SEALs. "In my class, we ended up with 27 SEALs, originating from underwater demolition teams. The class was too tough for 114. They didn't make it. They dropped out."

"I didn't join, I was picked. They picked the best men . . . I was one of them. I was proud to be a part," Dearmon said.

Dearmon cringed in sorrow a few days ago when a helicopter crashed in eastern Afghanistan and killed 22 Navy SEALs who were being flown in to assist an Army Rangers unit pinned down by enemy fire. The United States Navy's Sea, Air and Land Teams, commonly known as Navy SEALs, are the U.S. Navy's principal operation force and a part of the Naval Warfare Command.

SEALs are tough hombres. Few there are who can qualify.

"It just doesn't get any tougher. It's really tough. You don't make it if you don't have endurance," said Dearmon. "Basic underwater demolition training . . . that's the hard part, getting through that." "Basic training lasts 16 weeks, and there are six weeks in underwater swimming school."

"Did you ever think about quitting?"

"No! Absolutely not! I'm an old Kentucky farm boy. I'm gung ho. I never thought about quitting."

"Were you ever scared?"

"Well, I really don't know how to answer that. I was anxious a few times."

Dearmon was in command of a 45-foot intercoastal patrol boat, patrolling the harbor and intercoastal areas around Guam in the western Pacific. The boat carried eight depth charges, anti-submarine warfare weapons intended to destroy or cripple a target submarine by the shock of exploding near it.

"We dropped depth charges," recalled Dearmon. "I never knowingly got results, but more than likely we did (get results)," he mused. Dearmon was quick to point out that he never engaged in hand-to-hand combat as did the SEALs who killed Bin Laden.

Dearmon parachuted from 30,000 feet. "We could jump from up to 43,000 feet, but I never jumped that high." Dearmon pointed out that equipment available to his first unit of SEALs is "like a caveman" to what they have today. "The electronic equipment, it's so advanced."

"You're still tough," a reporter suggested to the young-looking 87-year-old.

"I still think I'm tough . . . at least for a little while," he grinned. Despite his age, Dearmon said he is in relatively good health and ". . . I can take care of myself."

His wife, the former Margaret Louise Bray, died July 21. They were married 57 years. "I was devastated (when she died) but I'm getting so I can get along. I'm able to get around."

He goes out for coffee with a group of friends every Thursday morning. It was a friend, Jim Cundiff, who called the Commonwealth Journal and asked: "Do you know that one of the original Navy SEALs lives in Pulaski County?"

The suggestion led to a meeting with Dearmon and a story appropriate for the times, when Navy SEALs are again in the news.

Dearmon, a native of Tennessee, moved to Burnside with his family in 1936. He left in 1940, working with the Civilian Conservation Corps (CCC). He joined the Navy in June 1943 and served 28 years, retiring in 1971.

"Would he do it all over again?"

I loved every minute I was in the Navy. I'm proud of my life. I didn't have much (formal) education. I finished the 8th grade . . . but in the Navy I got a real education. I feel like I can do anything. I built this house (at 125 East Summit Drive, Somerset) in 1972. I had never built anything before, but I got a 'How To' manual and went to work."

TRIBUTE TO JENNY BOWLING

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a devoted mother, parent, and fixture of the Colony Elementary School lunchroom staff, Ms. Jenny Bowling of Laurel County, KY. Jenny's love for cooking and sharing great food with people led to a long and fulfilling 38-year career as a cook and lunchroom manager at Colony Elementary.

Jenny began her career as a lunchroom cook in May of 1959 so that she could be close to her three children, who were enrolled at Colony Elementary at the time. She grew close to the teachers and other school staff over the years. She also served as the lunchroom manager. This included cooking

as well as running the cafeteria, keeping payroll records and processing the free lunch forms.

In addition, Jenny was an avid volunteer within the school. Jenny was a member of the PTO and rarely missed a meeting. The value and importance of school involvement to Jenny was irreplaceable, a tradition that is still very much alive within her today—Jenny still volunteers every year at Colony Elementary's annual Thanksgiving celebration by assisting in the lunchroom preparation of the traditional turkey and stuffing meals. Jenny passionately served the children and staff of Colony Elementary for almost four decades before she retired in 1997.

Ms. Jenny Bowling's lifetime commitment to serving Colony Elementary with smiles and home-style meals is truly admirable and an inspiration to the citizens of our great Commonwealth. The Laurel County Sentinel Echo published an article highlighting and thanking Jenny for her service to the people of Kentucky. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Laurel County Sentinel Echo, 2011]

HOMESTYLE TRADITIONS: JENNY BOWLING KEEPS CAFETERIA RECIPES ALIVE IN HER KITCHEN AT HOME

(By Magen McCrarey)

In May 1959, Jenny Bowling pulled a hairnet over her soft locks to prepare for 38 years working within school cafeterias.

"At the time we peeled our own potatoes," Bowling recalled.

Today, she observes that lunch is just not made like it used to be with instant boxed potatoes, nutritional charts to follow and new regulations. Bowling reminisced about the days she spent at Colony Elementary School with fellow cooks, Ada Clay and Thelma Lincks, and soon after, Opal Nicholson and Maggie Wilkerson, rolling out dough for yeast rolls, mixing cornmeal and flour for cornbread and putting their own personal touch on recipes.

Working at Colony in western Laurel County was ideal for Bowling, being a short distance away from her home while her three children were enrolled in classrooms just down the hall from the lunchroom.

Over the years, Bowling became close to the school staff and to the teachers especially. Her time was not always spent with her hands in the dough; she kept records of payroll, processed the free lunch forms and ensured that the cafeteria ran smoothly in her position as lunchroom manager.

"People who weren't in the lunchroom had no idea the bookwork involved," she said.

Children at the school who could not afford to pay for their lunch would be hired as help for the cafeteria, Bowling said, to help serve food, and, on occasion, wash dishes in exchange for payment.

Bowling made only \$25 a week to help with the bills, while her husband, Oscar, was out on the road driving a truck to help support the four. Her youngest son at the time, Larry, had not started school yet and so \$10 of her pay was handed to a babysitter.

Being involved with the school was very important to Bowling. As an avid PTO volunteer and member, she rarely missed a meeting. School involvement is still something she continues to value, even now that her children have graduated and have children of their own.

"My oldest, Charlotte, is 60 years old," she noted.

Bowling continues to volunteer at Colony Elementary's annual Thanksgiving celebration. Bowling assists in the lunchroom preparations for the traditional turkey and stuffing feast, although she's still adjusting to the new way of doing things which usually involves using up-to-date machines for mass meal production.

"The equipment is so new and different," she commented.

Instead of children dropping pocket change and crumpled dollar bills for the lunchroom staff to count and pencil in, computers are now used to calculate change and handle payments.

"The last year I was there they started using computers," Bowling said. She retired in 1997.

Even though the old homestyle recipes are no longer prepared at the school's cafeteria, Bowling still keeps the recipes alive in her own kitchen. Every Sunday, Bowling cooks for her family.

"I love to cook if people like to eat."

HONORING OUR ARMED FORCES

PETTY OFFICER 1ST CLASS CALEB A. NELSON

Mr. NELSON of Nebraska. Mr. President, I rise today to honor a true American hero, PO Caleb Nelson of Nebraska, who was tragically killed on October 1, 2011, in Zabul Province, Afghanistan.

Caleb graduated from Navy boot camp 6 years ago to become a machinist's mate. However, he aspired to be the best-of-the-best and, in November 2006, graduated from SEAL qualification training and became a member of Naval Special Warfare Group Two. Caleb has been described by his commander as a cherished teammate and a gifted SEAL operator. This is certainly illustrated by the numerous awards and decorations he amassed during his short time in the service, including the Bronze Star with Valor, Purple Heart, Navy and Marine Corps Achievement Medal, Expert Rifle ribbon and Expert Pistol ribbon. Before deploying to Afghanistan this past March, Caleb had deployed to Iraq in 2009.

Not only was Caleb a dedicated combat veteran, he was a loving husband, father, and son. His father, Reverend Larry Nelson, remembers his son as a go-getter and a truly good person. His friends and neighbors tell a similar tale. Karen Wagner, Caleb's neighbor, remembers him as a wonderful kid who was always willing to help out, even if it came down to mundane things such as cleaning out the gutters.

Caleb Nelson's life came to a cruel end when his vehicle hit an improvised explosive device while his SEAL team was conducting mounted combat reconnaissance patrols. I pray that Caleb's

family and friends find strength during this trying time and my condolences go out to them. Caleb's service and sacrifice, his heroism and selflessness will remain an inspiration for all of us.

TAIWAN'S NATIONAL DAY

Mr. JOHNSON of South Dakota. Mr. President, I rise today to recognize Taiwan as it prepares to celebrate its National Day on Monday. Double Ten Day, as it is known, marks the anniversary of the uprising on October 10, 1911, that led to the collapse of imperial rule in China. This year's commemoration takes on special meaning as Taiwan celebrates the 100th anniversary of this historic day.

Over the years, we have seen Taiwan make a successful transition to democracy, holding elections and peacefully transferring power. As we look back on the achievements of the past century, we also look forward to a bright future for Taiwan. Taiwan is a valued ally of the United States. The United States has enjoyed a close friendship with Taiwan for many years, and I will continue working to strengthen this relationship.

I wish the people of Taiwan sincere congratulations and best wishes on the 100th anniversary of their National Day.

Mr. LIEBERMAN. Mr. President, I rise to draw the attention of my colleagues to the approach of a very special day in the history of our friend and partner, the Republic of China—ROC—on Taiwan. On October 10, 1911—precisely 100 years ago—the Republic of China was founded, and since then has celebrated October 10 as its National Day.

Over the course of this century, the Republic of China has been a firm friend of the United States—from World War II to the Cold War, up to the present day. More recently, the ROC on Taiwan has emerged as one of the great success stories of the past century—a free market democracy that is a model for the entire region.

I believe that it is especially appropriate to note this anniversary on the Senate floor because of the unique and important role that the U.S. Congress has played in supporting the U.S.-Taiwan relationship, by virtue of the Taiwan Relations Act. Unique among all of our international partnerships, the TRA established in law America's commitment to support the people of Taiwan as they seek a safe and secure place in the world.

I am grateful for the opportunity to wish the people of Taiwan my congratulations on this auspicious anniversary, and hope my colleagues will join me in celebrating a very special National Day.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. MCCAIN. Mr. President, I rise to continue the discussion that I began Monday with the majority leader, Senator REID, on the need to bring the national defense authorization bill to the floor of the Senate.

Since our colloquy Monday, Senator REID has sent a letter to the chairman of the Armed Services Committee, Senator CARL LEVIN, and me. I would like to have a copy of the letter printed in the RECORD.

In the letter, Senator REID lays out his concerns about some of the detainee provisions that were included in the Defense authorization bill as a result of a bipartisan compromise between Chairman LEVIN, myself, and Senator GRAHAM, and cosponsored by a large, bipartisan group of members of the Armed Services Committee. In fact, this compromise was so bipartisan that after extensive debate on many amendments and a number of votes during markup by the committee using the regular order of the Senate, the resulting package of detainee provisions was adopted and made part of the bill by an overwhelming vote of 25 to 1.

Now, I understand that the White House has some objections to these detainee provisions that were adopted by the Armed Services Committee, and Senator REID has essentially endorsed the White House position. In doing so, he is blocking the Defense authorization bill from coming to the floor, using his authority as majority leader to control the business of the Senate.

As I said Monday, I do not think that opposition to this particular provision outweighs the importance of this legislation to our national security mission, our troops, and their families. I stated on the floor Monday that I would work with Senator LEVIN and the administration to try to resolve their concerns about the detainee provisions in the bill. I stand by that commitment. But for the record, I want to address some of the issues raised by the majority leader.

The majority leader quotes White House Deputy National Security Adviser John Brennan from a recent speech he made at Harvard saying, "Our counterterrorism professionals would be compelled to hold all terrorists in military custody, casting aside our most effective and time-tested tool for bringing suspected terrorists to justice—our federal courts."

This statement is simply and completely untrue. It is a total mischaracterization of section 1032 of the bill.

The section of the bill dealing with military custody was extensively debated in committee and reflects the bipartisan compromise reached on all the detainee provisions. Section 1032 does not extend to all terrorists.

It applies, as Chairman LEVIN made clear in a public statement on Tuesday,

only to members of al-Qaida and its affiliates, like al-Qaida in the Arabian Peninsula which launched the December 2009 attempt to bomb a civilian airliner over Detroit and which subsequently attempted an attack on the United States by using parcel bombs this time last year. And it only applies to members of al-Qaida and its affiliates who are captured in a very narrow set of circumstances: those captured attacking the United States or its coalition allies or attempting or planning such an attack.

This narrow focus is far from Mr. Brennan's claim that military custody would be required for all terrorists. That is simply wrong. It grossly distorts the scope of the provision.

The focus on al-Qaida and its affiliates was intentional. Al-Qaida is and has been for the last 10 years the focus of the Authorization for the Use of Military Force, AUMF, that Congress passed overwhelmingly after the attack on our country on September 11, 2001. We are at war with al-Qaida and its affiliates. The President has said so plainly.

In fact, it was just days ago that the Obama administration used the fact that we are at war with al-Qaida to kill an American citizen, Anwar al-Awlaki, in Yemen. That was a decision I fully support. Awlaki had become a leading operational planner for what administration officials now regard as the branch of al-Qaida that poses the most significant threat to the United States.

The inconsistency in Mr. Brennan's position and, to the extent he speaks for the White House, the administration's national security policy as a whole is that this administration asserts the right—correctly, in my view—to kill a member of al-Qaida or its affiliates through use of military force but would deny that the same individual should be held in military custody if captured. Instead, following Mr. Brennan's point of view, if we capture an al-Qaida terrorist in the very act of carrying out an attack on our homeland or U.S. interests elsewhere, we should revert to law enforcement methods and hold that al-Qaida terrorist under civilian law enforcement standards.

By insisting that law enforcement custody rather than military custody should apply, the administration has to contend with the requirement to provide Miranda warnings to criminal suspects and the Federal rules that require presentment before a Federal magistrate within a short period of time after arrest, normally within 24 to 48 hours, for a criminal suspect to be informed of the charges against them and to be assigned a lawyer.

I would also note that the detainee provision that Mr. Brennan and the majority leader now complain of contains a national security waiver that

can be exercised to transfer even members of al-Qaida or its affiliates into civilian law enforcement custody if that is warranted by the circumstances and deemed the appropriate course of action.

I strongly believe the language adopted by the Senate Armed Services Committee is reasonable, fair, and most importantly constitutional. However, as I just stated, I will work with Chairman LEVIN and the administration to remedy any deficiencies in the language. However, I believe the administration must now present to the Senate and the Armed Services Committee its specific concerns. Absent this, I would hope the majority leader would move to this important legislation and let the Senate implement its prescribed duties.

I look forward to hearing from the majority leader and the administration so that the Senate may move forward on this vital and important legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 4, 2011.

Hon. CARL LEVIN,
Chairman, Senate Armed Services Committee,
Washington, DC.

Hon. JOHN MCCAIN,
Ranking Member, Senate Armed Services Committee,
Washington, DC.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER MCCAIN: I am writing to follow up on our conversations regarding the detainee provisions (Sections 1031–1036) included in the Armed Services Committee's reported version of the Fiscal Year 2012 National Defense Authorization Act.

As a whole, I strongly support the legislation your Committee has reported. Despite the widely varying views of the members on your committee on many critical issues, you have worked together to craft a bipartisan bill that once again will ensure strong and sustained support for the men and women that sacrifice so much in defense of our nation.

However, as you know, I do not intend to bring this bill to the floor until concerns regarding the bill's detainee provisions are resolved. The Obama Administration and several of our Senate colleagues have expressed serious concerns about the implications of the detainee provisions included in the legislation, particularly the authorization of indefinite detention in Section 1031, the requirement for mandatory military custody of terrorism suspects in Section 1032, and the stringent restrictions on transfer of detainees in Section 1033. As Deputy National Security Advisor John Brennan stated in a recent speech:

[S]ome—including some legislative proposals in Congress—are demanding that we pursue a radically different strategy. Under that approach, we would never be able to turn the page on Guantanamo. Our counterterrorism professionals would be compelled to hold all captured terrorists in military custody, casting aside our most effective and time-tested tool for bringing suspected terrorists to justice—our federal courts. . . . In

sum, this approach would impose unprecedented restrictions on the ability of experienced professionals to combat terrorism, injecting legal and operational uncertainty into what is already enormously complicated work.

I share the concerns about these provisions. I strongly believe that we must maintain the capability and flexibility to effectively apply the full range of tools at our disposal to combat terrorism. This includes the use of our criminal justice system, which has accumulated an impressive record of success in bringing terrorists to justice. Limitations on that flexibility, or on the availability of critical counterterrorism tools, would significantly threaten our national security.

I have no doubt that you share my commitment to maintaining an effective counterterrorism policy, and you have a strong record demonstrating that commitment. As important as the broader bill is to sustaining the strength of our Armed Forces, I hope we will be able to resolve these concerns quickly so that the legislation can be passed expeditiously. To that end, I want to make my staff available to work with your staff on possible solutions to these concerns.

Thank you for your outstanding leadership on the Armed Services Committee. I look forward to working with you on this issue, and on maintaining the strength and superiority of our national defense.

Sincerely,

HARRY REID.

FOREIGN AID FUNDING

Mr. LEAHY. Mr. President, as chairman of the Appropriations Subcommittee on the Department of State and Foreign Operations, I have strongly supported funding to protect U.S. interests around the world.

I am also fortunate to have Senator LINDSEY GRAHAM as a ranking member, who, like Senators Judd Gregg and MITCH MCCONNELL before him, is a strong supporter of these programs. We recognize, as does the Pentagon, that military power alone is not sufficient to protect our security. In fact, sending Americans into harm's way should be an absolute last resort. We also need to invest in international diplomacy and development.

Foreign aid today is an oft-maligned term that is widely misunderstood. It is viewed by many as a form of charity or a luxury we can do without, or as a sizable part of the Federal budget. It is none of those things.

This is not a Democrat or Republican issue. It is about whether the United States is going to remain the global leader it has been since World War Two. Three weeks ago, President George W. Bush said:

One of the lessons of September 11th . . . is that what happens overseas matters here at home. We face an enemy that can only recruit when they find hopeless people, and there is nothing more hopeless to a child who loses a mom or dad to AIDS to watch the wealthy nations of the world sit back and do nothing.

Former Secretary of State Condoleezza Rice was equally blunt about the stakes involved. She said:

We don't have an option to retire, to take a sabbatical from leadership in the international community and the world. If we do, one of 2 things will happen. There will be chaos, because without leadership there will be chaos in the international community, and that is dangerous. But it's quite possible, that if we don't lead, somebody else will. And perhaps it will be someone who does not share our values of compassion, the rights of the individual, of liberty, and freedom.

I could not agree more, and I hope other Senators appreciate what is at stake. Just as past generations rallied to meet the formidable challenges of the Great Depression, the Nazis, and the Cold War, we will bear responsibility if we fail to meet the challenges of today.

The budget for diplomacy and development includes funding for our embassies and consulates that assist the millions of Americans who travel, study, work and serve overseas.

It pays our contributions to U.N. peacekeeping missions that do not require the costly deployment of U.S. troops, UNICEF, the World Health Organization, the International Atomic Energy Agency, the operations of our NATO security pact, aid for refugees who have fled wars or natural disasters, and to prevent the spread of AIDS, the Asian Flu, and other contagious diseases that threaten Americans and people everywhere.

There are many other programs that promote U.S. exports, support democratic elections, combat poverty, and help build alliances with countries whose support we need in countering terrorism, thwart drug trafficking, protect the environment, and stop cross-border crime.

We do this and a lot more with less than 1 percent of the Federal budget, yet it is a crucial investment in our national security.

It also is no wonder that other countries—our allies and our competitors—are spending more each year to project their influence around the world, and to compete in the global marketplace. Great Britain's conservative government is on a path to increase its international development assistance to .7 percent of its national budget, compared to .2 percent for the United States. Yet the Republican majority in the House of Representatives proposes to slash funding for these programs to pre-2008 levels.

Our leadership is being challenged unlike at any time since the Cold War. In Latin America, which is a larger market for U.S. exports than any other region except the European Union, our market share is shrinking while China's is growing. It is the same story everywhere.

There is simply no substitute for U.S. global leadership. The world is changing, and we cannot afford to retrench or to succumb to isolationism. Funding that enables us to engage with our allies, competitors, and adversaries,

while an easy political target, helps us to meet growing threats to our struggling economy and our national security.

I strongly support this budget and have fought to protect it for years. I also know there are competing needs and that we have to eliminate waste.

We need to support what works, and stop funding what does not. Too often, government bureaucracies continue funding programs that fail, and that needs to stop. Billions of dollars provided to high priced contractors and consultants for poorly conceived, wildly extravagant, unsustainable efforts to rebuild Iraq and Afghanistan have been wasted or stolen. This has further damaged the public's opinion of foreign aid.

The bill that I and Senator GRAHAM recommended to the Appropriations Committee on September 21 and that was reported by a bipartisan vote of 28-2 is \$6 billion below the President's budget request. It scales back most Department of State and U.S. Agency for International Development operations and programs and will force them to significantly curtail planned expenditures.

But the House bill cuts far deeper, and these are the cuts that President Bush and Secretary Rice warned about. There are unmistakable signs that our global influence is already eroding. It is not preordained that the United States will remain the world's dominant power. As former Secretary Rice said, "if we don't lead, somebody else will."

I doubt there is a single Member of Congress who, if asked, would say they don't care if the United States becomes a second or third rate power. They expect the United States to lead, to build alliances, to help American companies compete successfully, and to protect the interests and security of its citizens.

You can't have it both ways. You can't expect others to follow if you can't lead, and you can't lead if you don't pay your way. This budget is a fraction of the Federal budget, yet it is a far cry from what this country should be investing.

We need to wake up, to stop acting like these investments don't matter, that the State Department isn't important, that the United Nations isn't important, that what happens in Brazil, Russia, the Philippines, Somalia, or other countries doesn't matter, and that global threats to the environment, public health and safety will somehow be solved by others.

Our budget for foreign operations already has gone through deep budget cuts, with more to come. But the American people deserve to be told that slashing, disproportionate cuts to these programs would have no appreciable impact on the deficit, and it would end up costing our country far more in the future.

2011 DAVIDSON INSTITUTE FELLOWS

Mr. GRASSLEY. Mr. President, today, I have the great honor and pleasure to recognize this year's Fellows for the Davidson Institute for Talent Development. This year, 18 young people under the age of 18 have been awarded scholarships of \$50,000, \$25,000, or \$10,000 for having demonstrated superior ability and achievement and having completed a significant piece of work in the areas of science, music, literature, mathematics, or technology. I would like to take this time to introduce each of these scholars and the various projects they have undertaken.

In the area of science, we have eight young students with remarkable projects that have contributed to scientific progress. Among this group of scholars is Shalini Ramanan. A 17-year-old young woman from Richland, WA, Shalini Ramanan worked with a natural dietary component of the spice turmeric called BC to test its effectiveness in treating cardiovascular diseases. Through cell migration assays and western blot techniques, she discovered that BC inhibited platelet-derived growth factor (PDGF)-induced vascular smooth muscle cell migration and signaling. Using bioinformatics, she identified target genes connected with signaling pathways. PDGF-stimulated cell-migration and proliferation are key pathological events in a variety of diseases including atherosclerosis and cancer. Her studies may help design and characterize novel drug molecules with clinical applications.

A 17-year-old young man from Mahopac, NY, Jayanth Krishnan developed an approach to infer regulatory mechanisms governing changes in gene expression and identified possible proteins that induce cancer. By creating a web interface that could predict transcription factors for dysregulated genes, and mathematical models using MATLAB, he was able to predict proteins that are correlated with certain cancer families. Using this information, he calculated several combinations of drugs, for 60 different cancers, that have the potential to counteract the inducing agents and better guide therapeutics.

Lucy Wang, a 17-year-old young woman from Garnet Valley, PA, developed a predictive model to detect adolescent depression with an overall correct classification of 83.66 percent. Untreated depression is the No. 1 cause of suicide and the third leading cause of death among teenagers. Using factor analysis and logistic regression, she focused on quantifying variables that may lead to adolescent depression, including student self-reported experiences and demographics. Lucy's model will offer a robust instrument for school psychologists to evaluate the risk of future depression.

A 17-year-old young man from Houston, TX, Sunil Pai constructed an inex-

pensive, nanotechnology-based system to determine quantum energies of superoxide. By examining oxygen in the liquid phase instead of the gas phase, his potentiostat system can determine the quantum structure for the electron attachment reaction of oxygen to superoxide. The determination of oxygen's physical properties is essential to fully understanding the role oxygen and many free radicals have in cell processes. This experimentation method may establish other molecular properties that will offer new insights into biological and environmental processes.

Caleb Kumar, a 15-year-old young man from Blaine, MN, developed an algorithm that automates the diagnosis of bladder cancer. Bladder cancer is on the rise with more than 71,000 new cases in 2009. By first identifying indicative bladder cancer cellular characteristics, Caleb programmed morphometric algorithms to quantitatively examine the bladder cell images, and then engineered a Java neural network that differentiates cancerous cells from normal cells based on shape, color and curvature. Caleb's software is accurate, quick and inexpensive compared to current methods, and has the potential to provide faster, cheaper and more precise diagnoses of cytological diseases.

A 17-year-old young man from Bloomfield Hills, MI, Siddhartha Jena demonstrated that the immediate effect of elevated cholesterol is dysfunction of active water, oxygen, and carbon dioxide transport by the red blood cells. Using a spectrofluorometer and Zeta Sizer, he showed that exposure of red blood cells to two compounds: ONO-RS-082 and glyburide, results in an amelioration of cholesterol's detrimental effects. Results from his work broaden the understanding of one of the most significant health risks facing our society, and the possible mechanism for its future treatment and management.

Benjamin Clark, a 15-year-old young man from Lancaster, PA, determined the frequency at which M stars form close binary star systems using spectroscopic data from over 39,000 M dwarf stars. Using the Sloan Digital Sky Survey, SDSS, Benjamin designed a methodology to use the extremely large, but low resolution and signal-to-noise ratio database, to calculate the close binary fraction. Star formation has long been an open question in astrophysics and this data can be used to test theories of how this process occurs.

A 16-year-old young woman from Lancaster, PA, Marian Bechtel designed a seismo-acoustic method for detecting landmines. Approximately 70 million landmines plague 80 countries worldwide, claiming one victim every 22 minutes. With Marian's method, two

high-sensitivity, non-contact microphones are swept above buried landmines that resonate in response to a remote seismic source. The recorded sound is noise-cancelled in real-time, creating a characteristic, audible null in the noise-cancelled waveform that isolates the mine's location. This efficient and inexpensive method could make important contributions to humanitarian demining.

Raja Selvakumar, a 15-year-old young man from Alpharetta, GA, developed the gastro microbial fuel cell, GMFC. Based on the microbial fuel cell, the GMFC generates electricity using gastrobacteria, to be used to power capsular nanobots. Current lithium ion batteries in biomedical capsular nanobots are not able to sustain power for long periods of time; the GMFC has the potential to solve this problem. The GMFC-powered capsular nanobot can play an important role in treating gastrointestinal diseases through intracellular diagnosis and surgery.

In the area of mathematics, there are three young people who I would like to recognize at this time. Matthew Bauerle, a 16-year-old young man from Fenton, MI, outlined how the Newton direction can be computed by solving a weighted linear least squares problem. When fitting a model to data, such as a line to a set of points, the least squares method is currently the most popular technique. Matthew's work focused on minimizing the L1 norm of the error which is the sum of the absolute values of the individual errors. Matthew's work has potential in the medical imaging and scanning fields, as well as facial recognition and fluid dynamics simulations.

A 16-year-old young woman from Carmel, IN, Rebecca Chen studied a generalized version of the Yang-Baxter equation. The Yang-Baxter equation provides a systematic method for discovering braid group representations, important in topology and quantum information science. Using algebraic computations and computer numerical checking, she classified three families of 8x8 matrix solutions to the generalized Yang-Baxter equation. These solutions provide a way to generate braiding quantum gates needed in quantum computing, and contribute to the ongoing effort to build a large-scale quantum computer, bringing advances in fields as far ranging as materials sciences and cryptography.

Anirudh Prabhu, a 16-year-old young man from West Lafayette, IN, established the first nontrivial analytic lower bounds for odd perfect numbers. The search for odd perfect numbers is one of the oldest unsolved problems in mathematics. Many upper bounds for odd perfect numbers are established, however, no nontrivial analytic lower bounds had been reported prior to Anirudh's work. By narrowing the gap

between analytic upper and lower bounds, his work suggests an approach for proving the nonexistence of odd perfect numbers and could contribute to data encryption technology.

Two remarkable young people received awards for their technology projects. A 16-year-old young man from Columbia, SC, Arjun Aggarwal created GNut-III, an anthropometric interactive robot with vision, intelligence and speech. He found the lack of an economically efficient and functional human robot has prohibited researchers from continuing to expand the field of robotics. To counter this, the GNut-III is economically efficient and functional for testing robotic algorithms. In addition to the GNut-III, Arjun has outlined a scattered open source community to work on a standardized platform that could transform robotics in the same way it has transformed computing.

A 16-year-old young woman from Rochester, MN, Cheenar Banerjee developed a method for emotion detection by computers. It remains a challenge for computers to recognize and respond correctly to the emotional states of an interactive user. After removing some facial detail by converting facial images to black-and-white sketches, Cheenar used fractal analyses to differentiate among emotions using the fractal dimensions. This process has the potential to be simpler, cheaper and more effective than current techniques of emotion detection by computers.

In the area of music, I would like to recognize three more scholars. A 14-year-old young woman from Seattle, WA, Simone Porter, in her violin portfolio, *Performance as Soundtrack of Process and Identity*, examines the progression of performance preparation, from the development of technique and interpretation, to the emergence of a professional identity. This process led her to comprehend the transformative, inspirational and transcendent potency music possesses. Through performance, Simone believes music has the potential to aid our society, and help achieve a kinder, more tolerant attitude toward ourselves and our natural environment. Simone was a featured performer on PBS' "From the Top at Carnegie Hall."

A 16-year-old young woman from Gates Mills, OH, Arianna Körtling, in her portfolio, *Celebration of Life through the Piano*, showcased Haydn, Ginastera and Liszt. Through the piano, she hopes to bring audiences into the lives of the great composers to experience their humor, tenderness and brilliance. She believes music has the power to transform space and time because it has been a constant presence even through the most difficult moments in history. Arianna has been featured on NPR's "From the Top," and started The Animato Project, an inter-

active program of classical music for elementary school children.

Reylon Yount, a 16-year-old young man from San Francisco, CA, created a yangqin, or Chinese hammered dulcimer, portfolio that has contributed to the preservation of Chinese music, to the introduction of Chinese music to people in the United States, and to the overall interconnection of the music world. His work attempts to take people past the conventional shapes and forms of Western music, helping them appreciate the universality of art. He hopes that such cross-cultural music will build a deeper connection between the East and West, and inspire people to love all music.

And finally, I would like to introduce Bonnie Nortz, a 17-year old young woman with superior achievement in the area of literature. Bonnie's portfolio, *Run and Run and Run*, explores relationships, identity, materialism, oppression and emotion, and covers topics as broad as tourism, grammar, dreams, cartography, winter and even pre-calculus. Her goal was to find the extraordinary in the mundane, the pure in the imperfect, and to describe that moment of awakening when everything is just the way it should be. Bonnie hopes to teach others how to go through life with an everlasting energy and curiosity and to appreciate the fantastic emotional and intellectual complexity that comprises our human existence.

I have long said that America's gifted and talented students possess remarkable potential for our great Nation. These 18 young individuals have demonstrated more than potential. They have already made significant contributions to their fields and our society in their short lives and one can scarcely begin to imagine how much they will contribute to their fields and society in the years to come, thanks in no small part to the encouragement of the Davidson Institute as well as their family, friends, and mentors. These young men and women are an inspiration and a reminder that if we fully support our most talented young people, we can look forward to a bright future.

ADDITIONAL STATEMENTS

RECOGNIZING MILLS AND MILLS LAW OFFICE

● Ms. SNOWE. Mr. President, today I recognize Mills and Mills Law Office, a small family-owned law firm that has provided vital legal services to the people of western Maine for 100 years.

The Mills family name has long been synonymous with the Farmington area. Sumner Mills began a small law firm there in May of 1911, after moving his family from the coastal town of Stonington, where he had previously

opened a small law practice in 1904. Throughout the years, Mills and Mills has offered its customers a wide range of legal services, and at present primarily focuses on estate planning, business issues, and real estate. The company has previously offered fire and casualty insurance. The firm currently has nine staff members, including Paul Mills, the grandson of the founder, who joined the firm in 1977 and is now a senior attorney.

On August 26, 150 members of the Farmington community gathered at the law office to celebrate its 100th anniversary. The date was selected because it marked what would have been the 100th birthday of Peter Mills, Sumner's son and longtime attorney at Mills and Mills. Attendees reminisced about the law firm's storied history, and the event provided an opportunity to look forward to the office's future of helping the residents of western Maine.

Today, I also recognize the long-standing commitment and vast contributions of the Mills family to public service in the State of Maine. Peter, who joined Mills and Mills in 1940, was a member of the Maine House of Representatives for three terms, as well as the State senate for two terms. He also served as a municipal court judge, and was later U.S. attorney for Maine for 16 years under three Presidents. His father had been a State legislator in Hancock County before moving to Farmington.

Many of Peter's children have gone on to follow in their father's and grandfather's footsteps. Janet Mills served in the Maine House of Representatives, and later became our State's first female attorney general. Peter Mills III, a former State senator from Somerset County and twice a candidate for Governor, now serves as executive director of the Maine Turnpike Authority. And Doctor Dora Anne Mills is the former director of the Maine Center for Disease Control and Prevention.

Three generations of the Mills family have worked tirelessly to serve the community in Franklin County and throughout western Maine. With a passion for the law and a dedication to public service, the Mills family has left an indelible mark on Maine history. Mills and Mills remains a tribute to the critical work begun 100 years ago by Sumner Mills. I thank the entire Mills family for all of their efforts, and wish them and everyone at Mills and Mills success in their future endeavors.●

MESSAGE FROM THE HOUSE

At 10:09 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1343. An act to return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. INOUE) announced that on today, October 6, 2011, he had signed the following enrolled bills, previously signed by the Speaker of the House:

H.R. 771. An act to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the "Schertz Veterans Post Office".

H.R. 1632. An act to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the "Sergeant Chris Davis Post Office".

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1343. An act to return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1660. A bill to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3438. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance license agreement for the export of defense articles, including, technical data, and defense services to Norway and Canada for the service life extension of the P-3 aircraft in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3439. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services to Japan for the export and assembly of the Vertical Launch ASROC (Anti-Submarine Rocket) (VLA) system in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3440. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certifi-

cation of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to the United Kingdom for manufacture, assembly, modification, integration, repair and overhaul of Vertical Gyros, Rate Gyros, Attitude Heading Reference Systems, Compass Systems, Azimuth Gyros and Attitude Indicators; to the Committee on Foreign Relations.

EC-3441. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to Australia to support the manufacture and sale of ammunition and ammunition components to domestic law enforcement and government agency customers in the approved sales territory in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3442. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are controlled under Category I of the United States Munitions List sold commercially under a contract in the amount of \$1,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC-3443. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services to Russia for the RD-180 Liquid Propellant Rocket Engine Program in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3444. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to Germany, France, Spain, the United Kingdom, Belgium and Turkey for the design, integration, and testing of the Video Distribution and Processing System for use on the A400M Aircraft in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3445. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, or defense services sold commercially under contract to Thailand and Spain to support the design, manufacturing and delivery phases of the Thaicom-6 Commercial Communications Satellite Program in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3446. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to India for the development, integration, certification, and testing of the GE F414-INS6 engine with the Light Combat Aircraft in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3447. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to South Korea for the manufacture and assembly related to MK 45 Mod 4 Naval Gun Mounts; to the Committee on Foreign Relations.

EC-3448. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, or defense services to Germany related to the manufacture of the GE38 engine Low Pressure Turbine Stage 3 Blade in support of the United States Government CH-53K Heavy Lift Helicopter program; to the Committee on Foreign Relations.

EC-3449. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services to Italy related to the manufacture of a Multimode Receiver (MMR); to the Committee on Foreign Relations.

EC-3450. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Certification to Permit U.S. Contribution of Fiscal Year 2010 Funds to the International Fund for Ireland"; to the Committee on Foreign Relations.

EC-3451. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011-0145—2011-0160); to the Committee on Foreign Relations.

EC-3452. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad involving the export of defense articles, including technical data, and defense services to the Republic of South Korea for the manufacture of the AN/APX-113 Combined Interrogator Transponder (CIT) for end use by the Republic of Korea Air Force on their F-16 aircraft; to the Committee on Foreign Relations.

EC-3453. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services for the manufacture in Mexico of the Common Range Integrated Instrumentation System for end use by the Government of the United States; to the Committee on Foreign Relations.

EC-3454. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the employment of an adequate number of Americans during

2010 by the United Nations; to the Committee on Foreign Relations.

EC-3455. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Early Intervention Program for Infants and Toddlers with Disabilities" (RIN1820-AB59) received during recess of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3456. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3457. A communication from the Special Master, Civil Division, Office of Department of Justice, transmitting, pursuant to law, the report of a rule entitled "James Zadroga 9/11 Health and Compensation Act of 2010" (RIN1105-AB39) received during adjournment of the Senate in the Office of the President of the Senate September 29, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3458. A communication from the Chairman of the National Health Care Workforce Commission, transmitting, pursuant to law, a report relative to the commission's various charges; to the Committee on Health, Education, Labor, and Pensions.

EC-3459. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Sentinel Initiative launched in May 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-3460. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "List of Goods Produced by Child Labor or Forced Labor"; to the Committee on Health, Education, Labor, and Pensions.

EC-3461. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "The Department of Labor's 2010 Findings on the Worst Forms of Child Labor"; to the Committee on Health, Education, Labor, and Pensions.

EC-3462. A communication from the Program Manager, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Regulations for the Enforcement of Federal Health Care Provider Conscience Protection Laws" (RIN0991-AB76) received in the Office of the President of the Senate on September 26, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3463. A communication from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program; Postponement of Effective Date" (RIN1205-AB61) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3464. A communication from the Chairman of the National Council on Disability,

transmitting, pursuant to law, the Council's five-year strategic plan for fiscal years 2012–2017; to the Committee on Health, Education, Labor, and Pensions.

EC-3465. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Isopyrazam; Pesticide Tolerances" (FRL No. 8874-6) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3466. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prothioconazole; Pesticide Tolerances" (FRL No. 8884-2) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3467. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State and Zone Designations; New Mexico" (Docket No. APHIS-2011-0093) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3468. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State and Zone Designations; Minnesota" (Docket No. APHIS-2011-0100) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3469. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Gypsy Moth Generally Infested Areas; Additions in Indiana, Maine, Ohio, Virginia, West Virginia, and Wisconsin" (Docket No. APHIS-2010-0075) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3470. A communication from the Assistant Secretary of Defense (Homeland Defense and Americas' Security Affairs), transmitting, pursuant to law, a report entitled "Combating Terrorism Activities Fiscal Year 2012 Budget Estimates"; to the Committee on Armed Services.

EC-3471. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the continuation of the national emergency declared in Executive Order 13413 with respect to blocking the property of persons contributing to the conflict taking place in the Democratic Republic of the Congo; to the Committee on Banking, Housing, and Urban Affairs.

EC-3472. A communication from the Deputy Assistant Secretary of Land and Minerals Management, Bureau of Ocean Energy Management, Regulation, and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Reorganization of Title 30" (RIN1010-AD79) received in the Office of the President of the Senate on October 3, 2011; to the Committee on Energy and Natural Resources.

EC-3473. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revision" (FRL No. 9476-5) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Environment and Public Works.

EC-3474. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "California: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 9476-2) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Environment and Public Works.

EC-3475. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Determination of Attainment and Determination of Clean Data for the Annual 1997 Fine Particle Standard for the Charleston Area" (FRL No. 9477-5) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Environment and Public Works.

EC-3476. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone and the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9477-6) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Environment and Public Works.

EC-3477. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Procedures for Section 2053 Protective Claims for Refund" (Rev. Proc. 2011-48) received in the Office of the President of the Senate on October 8, 2011; to the Committee on Finance.

EC-3478. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Electing Portability of Deceased Spousal Unused Exclusion Amount" (Notice 2011-82) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Finance.

EC-3479. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Per Diem Rate Substantiation Procedures" (Rev. Proc. 2011-47) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Finance.

EC-3480. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Deduction for Qualified Film and Television Production Costs" (RIN1545-BF94) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Finance.

EC-3481. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2011-2012 Special Per Diem Rates" (Notice No. 2011-81) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Finance.

EC-3482. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Rev. Rul. 2011-21) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Finance.

EC-3483. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Nonaccrual-Experience Method of Accounting Book Safe Harbor" (Rev. Proc. 2011-46) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Finance.

EC-3484. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Voluntary Classification Settlement Program" (Rev. Proc. 2011-64) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Finance.

EC-3485. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Approaches for Identifying, Collecting, and Evaluating Data on Health Care Disparities in Medicaid and CHIP"; to the Committee on Finance.

EC-3486. A communication from the Senior Procurement Executive, Office of Governmentwide Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Travel Regulation; Terms and Definitions for 'Dependent', 'Domestic Partner', 'Domestic Partnership', and 'Immediate Family'" (RIN3090-AJ06) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3487. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-97 "Ward Redistricting Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3488. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-154 "Income Tax Secured Bond Authorization Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3489. A communication from the Chair, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Interpretive Rule on When Certain Independent Expenditures are 'Publicly Disseminated' for Reporting Purposes" (Notice 2011-13) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2011; to the Committee on Rules and Administration.

EC-3490. A communication from the Federal Register Liaison Officer, Patent and Trademark Office, Department of Commerce,

transmitting, pursuant to law, the report of a rule entitled "Changes To Implement the Prioritized Examination Track (Track I) of the Enhanced Examination Timing Control Procedures Under the Leahy-Smith America Invents Act" (RIN0651-AC62) received in the Office of the President of the Senate on September 23, 2011; to the Committee on the Judiciary.

EC-3491. A communication from the Federal Register Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision of Standard for Granting an Inter Partes Reexamination Request" (RIN0651-AC61) received in the Office of the President of the Senate on September 23, 2011; to the Committee on the Judiciary.

EC-3492. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities regarding civil rights era homicides; to the Committee on the Judiciary.

EC-3493. A communication from the Office Chief, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Notice of Expired Temporary Rules Issued" (Docket No. USCG-2011-0874) received in the Office of the President of the Senate on October 5, 2011; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2012" (Rept. No. 112-87).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. JOHNSON, of South Dakota, for the Committee on Banking, Housing, and Urban Affairs.

David A. Montoya, of Texas, to be Inspector General, Department of Housing and Urban Development.

*Patricia M. Loui, of Hawaii, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2015.

*Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection for a term of five years.

*Larry W. Walther, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2013.

*Alan B. Krueger, of New Jersey, to be a Member of the Council of Economic Advisers.

*Cyrus Amir-Mokri, of New York, to be an Assistant Secretary of the Treasury.

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*John Edgar Bryson, of California, to be Secretary of Commerce.

*Coast Guard nomination of Rdm1 David R. Callahan, to be Rear Admiral (Lower Half).

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report

favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nomination of Walter L. Ouzts, Jr., to be Lieutenant.

*Coast Guard nomination of Kathleen A. Duignan, to be Commander.

*National Oceanic and Atmospheric Administration nominations beginning with Richard R. Wingrove and ending with Linh K. Nguyen, which nominations were received by the Senate and appeared in the Congressional Record on June 30, 2011.

By Mr. LEAHY for the Committee on the Judiciary.

Evan Jonathan Wallach, of New York, to be United States Circuit Judge for the Federal Circuit.

Dana L. Christensen, of Montana, to be United States District Judge for the District of Montana.

Cathy Ann Bencivengo, of California, to be United States District Judge for the Southern District of California.

Gina Marie Groh, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

Margo Kitsy Brodie, of New York, to be United States District Judge for the Eastern District of New York.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 1661. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to reduce class size through the use of highly qualified teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR (for himself and Mr. CARDIN):

S. 1662. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a nanotechnology regulatory science program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH (for himself, Ms. KLOBUCHAR, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. PRYOR):

S. 1663. A bill to direct the Secretary of Commerce to establish a competitive grant program to promote domestic regional tourism; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN:

S. 1664. A bill to amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or re-

view by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

By Mr. BEGICH (for himself, Mr. ROCKEFELLER, and Ms. SNOWE):

S. 1665. A bill to authorize appropriations for the Coast Guard for fiscal years 2012 and 2013, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THUNE:

S. 1666. A bill to prohibit the implementation of certain rules of the National Labor Relations Board relating to the posting of notices on unionization; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 1667. A bill to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself, Mr. MORAN, Mr. TESTER, Mr. BEGICH, Mr. WYDEN, and Ms. MURKOWSKI):

S. 1668. A bill to provide that the Postal Service may not close any post office which results in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself, Mrs. BOXER, and Mr. REID):

S. 1669. A bill to authorize the Administrator of the Environmental Protection Agency to establish a program of awarding grants to owners or operators of water systems to increase the resiliency or adaptability of the systems to any ongoing or forecasted changes to the hydrologic conditions of a region of the United States; to the Committee on Environment and Public Works.

By Mr. CARDIN (for himself, Mr. BLUMENTHAL, Mr. DURBIN, Mrs. GILLIBRAND, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MENENDEZ, Ms. MIKULSKI, and Ms. STABENOW):

S. 1670. A bill to eliminate racial profiling by law enforcement, and for other purposes; to the Committee on the Judiciary.

By Mrs. HAGAN (for herself, Mr. MCCAIN, Mrs. BOXER, Mr. BLUNT, Mr. GRAHAM, Mr. ISAKSON, Ms. MURKOWSKI, Mr. BROWN of Massachusetts, and Mr. MANCHIN):

S. 1671. A bill to amend the Internal Revenue Code of 1986 to allow a temporary dividends received deduction for dividends received from a controlled foreign corporation; to the Committee on Finance.

By Mr. CONRAD (for himself and Mr. SESSIONS):

S. 1672. A bill to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mrs. FEINSTEIN):

S. 1673. A bill to establish the Office of Agriculture Inspection within the Department of Homeland Security, which shall be headed by the Assistant Commissioner for Agriculture Inspection, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REED:

S. 1674. A bill to improve teacher quality, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself, Mr. FRANKEN, Mr. BEGICH, Mrs. GILLIBRAND, and Mr. CASEY):

S. 1675. A bill to improve student academic achievement in science, technology, engineering, and mathematics subjects; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE:

S. 1676. A bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt; to the Committee on Finance.

By Mr. WYDEN:

S.J. Res. 28. A joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Bahrain; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COONS (for himself, Mr. SESSIONS, Mr. CARDIN, Mr. ALEXANDER, Mrs. MURRAY, Mr. LIEBERMAN, Mr. REED, Mr. WYDEN, Mr. BINGAMAN, Mr. WHITEHOUSE, Mr. UDALL of New Mexico, Mr. BROWN of Massachusetts, Ms. COLLINS, Mr. COCHRAN, and Mr. MERKLEY):

S. Res. 288. A resolution designating the week beginning October 9, 2011, as "National Wildlife Refuge Week"; considered and agreed to.

By Mr. BROWN of Ohio (for himself, Mr. SHELBY, Mr. SESSIONS, Mr. PORTMAN, Mr. LEVIN, Mr. MENENDEZ, Mr. CARDIN, Mr. LAUTENBERG, Mr. INHOFE, Ms. MIKULSKI, and Mr. REID):

S. Res. 289. A resolution celebrating the life and achievements of Reverend Fred Lee Shuttlesworth and honoring him for his tireless efforts in the fight against segregation and his steadfast commitment to the civil rights of all people; considered and agreed to.

By Mrs. MURRAY (for herself, Mr. ISAKSON, and Mr. BEGICH):

S. Res. 290. A resolution supporting the designation of October 6, 2011, as "Jumpstart's Read for the Record Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 164

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 202

At the request of Mr. PAUL, the names of the Senator from Idaho (Mr. RISC), the Senator from Florida (Mr. RUBIO), the Senator from Oklahoma (Mr. COBURN), the Senator from Missouri (Mr. BLUNT), the Senator from

Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), the Senator from South Dakota (Mr. THUNE), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 299

At the request of Mr. PAUL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 299, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 306

At the request of Mr. WEBB, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 504

At the request of Mr. DEMINT, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 556

At the request of Mrs. HUTCHISON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 556, a bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

S. 798

At the request of Mr. TESTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment

of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1061

At the request of Mr. BARRASSO, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1061, a bill to amend title 5 and 28, United States Code, with respect to the award of fees and other expenses in cases brought against agencies of the United States, to require the Administrative Conference of the United States to compile, and make publically available, certain data relating to the Equal Access to Justice Act, and for other purposes.

S. 1167

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1167, a bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes.

S. 1219

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1219, a bill to require Federal agencies to assess the impact of Federal action on jobs and job opportunities, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1392

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

At the request of Ms. COLLINS, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1392, *supra*.

S. 1438

At the request of Mr. JOHNSON of Wisconsin, the name of the Senator from Idaho (Mr. CRAPO), was added as a cosponsor of S. 1438, a bill to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 7.7 percent.

S. 1486

At the request of Mr. ROBERTS, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1486, a bill to amend title XVIII of the Social Security Act to

clarify and expand on criteria applicable to patient admission to and care furnished in long-term care hospitals participating in the Medicare program, and for other purposes.

S. 1508

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1508, a bill to extend loan limits for programs of the Federal Housing Administration, the government-sponsored enterprises, and the Department of Veterans Affairs, and for other purposes.

S. 1527

At the request of Mrs. HAGAN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1538

At the request of Ms. COLLINS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1538, a bill to provide for a time-out on certain regulations, and for other purposes.

S. 1541

At the request of Mr. BENNET, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1589

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1589, a bill to extend the authorization for the Coastal Heritage Trail in the State of New Jersey.

S. 1606

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1606, a bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

S. 1611

At the request of Mr. JOHNSON of Wisconsin, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Arizona (Mr. KYL), the Senator from Texas (Mr. CORNYN), the Senator from Alabama (Mr. SESSIONS), the Senator from Arizona (Mr. MCCAIN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Mississippi (Mr. WICKER), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. COBURN), the Senator from Idaho (Mr. RISCH), the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. BARRASSO), the Senator from Louisiana (Mr. VITTER), the Senator from Florida (Mr. RUBIO), and the Senator from Utah (Mr. LEE) were added as cosponsors of S.

1611, a bill to reduce the size of the Federal workforce through attrition, and for other purposes.

S. 1639

At the request of Mr. TESTER, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1639, a bill to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

S. 1653

At the request of Ms. KLOBUCHAR, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1653, a bill to make minor modifications to the procedures relating to the issuance of visas.

S. RES. 132

At the request of Mr. NELSON of Nebraska, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 132, a resolution recognizing and honoring the zoos and aquariums of the United States.

AMENDMENT NO. 669

At the request of Mr. MERKLEY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 669 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 671

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 671 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 672

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 672 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 680

At the request of Mr. HATCH, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Texas (Mr. CORNYN), the Senator from Mississippi (Mr. WICKER) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 680 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 692

At the request of Mr. JOHANNIS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Mis-

issippi (Mr. WICKER) were added as cosponsors of amendment No. 692 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 703

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 703 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 717

At the request of Ms. COLLINS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 717 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 728

At the request of Mr. COONS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 728 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself and Mr. CARDIN):

S. 1662. A bill to amend the Federal Food, Drug and Cosmetic Act to establish a nanotechnology regulatory science program; to the Committee on Health, Education, Labor, and Pensions.

Mr. PRYOR. Mr. President, I rise today with Senator CARDIN to introduce the Nanotechnology Regulatory Science Act of 2011 which will authorize a program of regulatory science by the U.S. Food and Drug Administration on nanotechnology-based medical and health products.

Nanotechnology holds great promise to revolutionize the development of new medicines, drug delivery, and orthopedic implants while holding down the cost of health care. However, Congress and the FDA must assure the public that nanotechnology-based products are both safe and efficacious. The Nanotechnology Regulatory Science Act of 2011 will enable the FDA to properly study how nanomaterials are absorbed by the human body, how nanomaterials designed to carry cancer fighting drugs target and kill tumors, and how nanoscale texturing of bone implants can make a stronger joint and reduce the threat of infection.

Nanotechnology, or the manipulation of material at dimensions between 1

and 100 nanometers, is a challenging scientific area. To put this size scale in perspective, a human hair is 80,000 nanometers thick.

Nanomaterials have different chemical, physical, electrical and biological characteristics than when used as larger, bulk materials. For example, nanoscale silver has exhibited unique antibacterial properties for treating infections and wounds. Nanomaterials have a much larger ratio of surface area to mass than ordinary materials do. It is at the surface of materials that biological and chemical reactions take place and so we would expect nanomaterials to be more reactive than bulk materials.

The novel characteristics of nanomaterials mean that risk assessments developed for ordinary materials may be of limited use in determining the health and public safety of products based on nanotechnology.

The FDA needs the tools and resources to assure the public that nanotechnology-based medical and health products are safe and effective. The development of a regulatory framework for the use of nanomaterials in drugs, medical devices, cosmetics, sunscreens and food additives must be based on scientific knowledge and data about each specific technology and product. Without a robust regulatory science framework there is no way to know what data to collect. More than a dozen material characteristics have been suggested even for relatively simple nanomaterials. Without better scientific knowledge of nanomaterials and their behavior in the human body, we do not know what data to collect and examine.

In 2007, the FDA Nanotechnology Task Force published a report analyzing the FDA's scientific program and regulatory authority for addressing nanotechnology in drugs, medical devices, biologics, and food supplements. A general finding of the report is that nanoscale materials present regulatory challenges similar to those posed by products using other emerging technologies. However, these challenges may be magnified because nanotechnology can be used to make almost any FDA-regulated product. Also, at the nanoscale, the properties of a material relevant to the safety and effectiveness of the FDA-regulated products might change.

The Task Force recommended that the FDA focus on improving its scientific knowledge of nanotechnology to help ensure the agency's regulatory effectiveness, particularly with regard to products not subject to premarket authorization requirements.

The FDA has already reviewed and approved some nanotechnology-based products. In the coming years, they expect a significant increase in the use of nanomaterials in drugs, devices, biologics, cosmetics, food, and over-the-

counter products. This will require the FDA to devote more of its regulatory attention to nanotechnology based products.

The FDA has already begun to devote some resources to the understanding of the human health effects and safety of nanotechnology. The FDA has established a Nanotechnology Core Facility at the National Center for Toxicological Research in Jefferson Arkansas. In August, Arkansas Governor Beebe and FDA Commissioner Hamburg signed a memorandum understanding creating a Virtual Center of Excellence in regulatory science pertaining to nanotechnology. Under the agreement, the state's five research universities—the University of Arkansas, Fayetteville; the University of Arkansas for Medical Sciences; the University of Arkansas at Little Rock; the University of Arkansas at Pine Bluff, and Arkansas State University—will work with the NCTR to establish a nanotechnology collaborative research program dealing specifically with toxicity. In addition, UAMS will offer a Master's degree and a certification program in regulatory science.

Let me talk for a few minutes about two areas where nanotechnology is already being applied to health care, the early detection of cancer and multifunctional therapeutics.

The early detection of cancer can result in significant improvement in human health care and reduction in cost. Nanotechnology offers important new tools for detection where existing and more conventional technologies may be reaching their limits. The present obstacle to early detection of cancer lies in the inability of existing tools to detect these molecular level changes directly during early phases in the genesis of a cancer. Nanotechnology can provide smart contrast agents and tools for real time imaging of a single cell and tissues at the nanoscale.

Nanotechnology promises a host of minimally-invasive diagnostic techniques and much research is aimed at ultra-sensitive labeling and detection technologies. In the in vitro area, nanotechnology can help define cancers by molecular signatures denoting processes that reflect fundamental changes in cells and tissues that lead to cancer. Already, investigators have developed novel nanoscale in vitro techniques that can analyze genomic variations across different tumor types and distinguish normal from malignant cells.

In the in vivo area, one of the most pressing needs in clinical oncology is for imaging agents that can identify tumors that are far smaller than is possible with today's technology. Achieving this level of sensitivity requires better targeting of imaging agents and generation of a larger imaging signal, both of which nanoscale devices are capable of accomplishing.

Perhaps the greatest near-term impact of multifunctional therapeutic compounds will come in the area of tumor targeting and cancer therapies. Nanotechnology can be used to develop new methods of drug delivery that better target selected tissues and cells, and to improve on the efficiency of drug activity in the cytoplasm or nucleus. Drug delivery applications will provide a solution to solubility problems, as well as offer intracellular delivery possibilities.

The introduction of nanotechnology to multifunctional therapeutics is at an early stage of development. The delivery of nanoscale multifunctional therapeutics could permit very precise site specific targeting of cancer cells. More sophisticated "smart" systems for drug delivery still have to be developed that sense and respond to specific chemical agents and are tailored to each patient. Multifunctional therapeutic devices need to be developed that simultaneously detect, diagnose, treat and monitor response to the therapy. For example, various nanomaterials can be made to link with a drug, a targeting molecule and an imaging agent to seek out cancers and release their payload when required.

In conclusion, the Nanotechnology Regulatory Science Act of 2011 will provide the FDA the authority necessary to scientifically study the safety and effectiveness of nanotechnology-based drugs, delivery systems, medical devices, orthopedic implants, cosmetics, and food additives regulated by the agency. This bill is a sound investment on the promise of nanotechnology to improve human health and reduce costs in the 21st century.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nanotechnology Regulatory Science Act of 2011".

SEC. 2. NANOTECHNOLOGY PROGRAM.

Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

"SEC. 1013. NANOTECHNOLOGY REGULATORY SCIENCE PROGRAM.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Nanotechnology Regulatory Science Act of 2011, the Secretary, in consultation with the Secretary of Agriculture, shall establish within the Food and Drug Administration a program for the scientific investigation of nanomaterials included or intended for inclusion in products regulated under this Act, to address the potential toxicology of such materials, the effects of such materials on biological systems, and interaction of such materials with biological systems.

"(b) PROGRAM PURPOSES.—The purposes of the program established under subsection (a) shall be to—

"(1) assess scientific literature and data on general nanomaterials interactions with biological systems and on specific nanomaterials of concern to Food and Drug Administration;

"(2) in cooperation with other Federal agencies, develop and organize information using databases and models that will facilitate the identification of generalized principles and characteristics regarding the behavior of classes of nanomaterials with biological systems;

"(3) promote intramural Food and Drug Administration programs and participate in collaborative efforts, to further the understanding of the science of novel properties at the nanoscale that might contribute to toxicity;

"(4) promote and participate in collaborative efforts to further the understanding of measurement and detection methods for nanomaterials;

"(5) collect, synthesize, interpret, and disseminate scientific information and data related to the interactions of nanomaterials with biological systems;

"(6) build scientific expertise on nanomaterials within such Administration, including field and laboratory expertise, for monitoring the production and presence of nanomaterials in domestic and imported products regulated under this Act;

"(7) ensure ongoing training, as well as dissemination of new information within the centers of such Administration, and more broadly across such Administration, to ensure timely, informed consideration of the most current science;

"(8) encourage such Administration to participate in international and national consensus standards activities; and

"(9) carry out other activities that the Secretary determines are necessary and consistent with the purposes described in paragraphs (1) through (8).

"(c) PROGRAM ADMINISTRATION.—

"(1) PROGRAM MANAGER.—In carrying out the program under this section, the Secretary, acting through the Commissioner of Food and Drugs, shall designate a program manager who shall supervise the planning, management, and coordination of the program.

"(2) DUTIES.—The program manager shall—

"(A) develop a detailed strategic plan for achieving specific short- and long-term technical goals for the program;

"(B) coordinate and integrate the strategic plan with activities by the Food and Drug Administration and other departments and agencies participating in the National Nanotechnology Initiative; and

"(C) develop intramural Food and Drug Administration programs, contracts, memoranda of agreement, joint funding agreements, and other cooperative arrangements necessary for meeting the long-term challenges and achieving the specific technical goals of the program.

"(d) REPORTS.—Not later than March 15, 2014, the Secretary shall submit to Congress a report on the program carried out under this section. Such report shall include—

"(1) a review of the specific short- and long-term goals of the program;

"(2) an assessment of current and proposed funding levels for the program, including an assessment of the adequacy of such funding levels to support program activities; and

"(3) a review of the coordination of activities under the program with other departments and agencies participating in the National Nanotechnology Initiative.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section, \$15,000,000 for fiscal year 2013, \$16,000,000 for fiscal year 2014, and \$17,000,000 for fiscal year 2015. Amounts appropriated pursuant to this subsection shall remain available until expended.”.

By Mrs. FEINSTEIN:

S. 1664. A bill to amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the Equal Justice for Our Military Act of 2011. The act would eliminate inequities in current law by allowing court-martialed servicemembers who face dismissal, discharge or confinement for a year or more to seek review by the United States Supreme Court.

In our civilian courts today, all persons convicted of a crime, if they lose on appeal, have a right to petition the U.S. Supreme Court for discretionary review. Even enemy combatants have the right to direct appellate review in the Supreme Court.

In contrast, however, our men and women in uniform do not share this same right. Our military personnel have a limited right to appeal to the U.S. Supreme Court. They can appeal to the U.S. Supreme Court only if the U.S. Court of Appeals for the Armed Forces, CAAF, actually conducts a review of their case or grants a petition for extraordinary relief. In other words, if the CAAF refuses to take their case, or denies their extraordinary relief petition, the servicemember has no right to further review in the Supreme Court.

For fiscal years 2008 through 2010, the CAAF denied a total of 2230 petitions for review. The CAAF also averages about 20 denials of extraordinary relief petitions every year. Taken together, this means that there are more than 750 court-martial decisions per year in which servicemembers are denied the opportunity to seek certiorari from the Supreme Court.

In addition to this disparity between our civilian and military court systems, there is another disparity within the military court system itself. The government may petition the Supreme Court for review of adverse court-martial rulings in any case where the charges are severe enough to make a punitive discharge possible. But servicemembers do not have the same rights to petition the Supreme Court that the military prosecutors on the other side of the aisle have.

The bill I am introducing today is a simple one, which would correct these inequities. It would allow servicemembers whose appeals are denied review by the U.S. Court of Appeals for the Armed Forces, or who were denied extraordinary relief, the opportunity to seek review of those decisions by writ of certiorari to the U.S. Supreme Court.

While this legislation would provide a fairer legal process for servicemembers, it would not unduly burden the military or the Supreme Court. As noted in the 2010 House Judiciary Committee Report on the legislation, the expanded Supreme Court review of court-martial decisions authorized by the legislation would result in only about 80–120 additional petitions for certiorari each year. Additionally, the Congressional Budget Office has estimated that the increased workload for Department of Defense attorneys and Supreme Court clerks would cost less than \$1 million each year.

Every day, our U.S. service personnel place their lives on the line in defense of American rights. It is unacceptable for us to continue to routinely deprive our men and women in uniform of one of those rights—the ability to petition their Nation’s highest court for direct relief. It is a right given to common criminals in our civilian courts, to the Government, and even to some of the terrorists who we hope to prosecute as war criminals.

It is long past time we give them the same rights as the American citizens they fight, and sometimes die, to protect. I urge my colleagues to support this important legislation to give equal justice to our U.S. servicemembers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Equal Justice for Our Military Act of 2011”.

SEC. 2. CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

(a) IN GENERAL.—Section 1259 of title 28, United States Code, is amended

(1) in paragraph (3), by inserting “or denied” after “granted”; and

(2) in paragraph (4), by inserting “or denied” after “granted”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 10.—Section 867a(a) of title 10, United States Code, is amended by striking “The Supreme Court may not review by a writ of certiorari under this section any action of the Court of Appeals for the Armed Forces in refusing to grant a petition for review.”.

(2) TIME FOR APPLICATION FOR WRIT OF CERTIORARI.—Section 2101(g) of title 28, United States Code, is amended to read as follows:

“(g) The time for application for a writ of certiorari to review a decision of the United States Court of Appeals for the Armed Forces, or the decision of a Court of Criminal Appeals that the United States Court of Appeals for the Armed Forces refuses to grant a petition to review, shall be as prescribed by rules of the Supreme Court.”.

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by this Act shall take

effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act and shall apply to any petition granted or denied by the United States Court of Appeals for the Armed Forces on or after that effective date.

(b) AUTHORITY TO PRESCRIBE RULES.—The authority of the Supreme Court to prescribe rules to carry out section 2101(g) of title 28, United States Code, as amended by section 2(b)(2) of this Act, shall take effect on the date of the enactment of this Act.

By Mr. HARKIN:

S. 1667. A bill to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am delighted to introduce this bill today. This legislation will play a critical role in ensuring the safety of our Nation’s youth who especially deserve to be safe and cared for when they are trying to get better in a residential treatment facility. This bill is a companion to The Stop Child Abuse in Residential Programs for Teens Act, which was introduced in the House today by Representative GEORGE MILLER. I commend Representative MILLER for his commitment to this important issue.

The emotional and mental well-being of our Nation’s youth is of paramount importance. In recent years, the prevalence of child abuse in residential facilities has jeopardized the livelihood of our nation’s next generation. In 2005, The Government Accountability Office reported over 1,500 incidences of abuse and neglect by facility staff in 34 States. These incidences included shocking cases in which youth were denied food and water or held in stress positions for extended periods of time. In 2006, 28 States reported at least one death in a residential facility. This includes my State of Iowa and this is simply unacceptable. These deaths were a result of accidents or suicides that, in some instances, may have been caused by a lack of supervision or neglect. In 2009, 1,770 children and youth died from maltreatment, which in some cases, may be attributed to the inexperienced staff members who lack the proper training or qualifications to serve in their roles.

This legislation will make significant strides in improving the quality of care in residential program facilities. This bill will make improvements in four key areas that will ensure that our children and youth are safe. First, it includes new national standards that will prevent residential facilities from physically, mentally, or sexually abusing children in their care. Second, this bill increases transparency on qualifications, roles, and responsibilities of all current staff members. Third, it increases restrictions that will hold residential programs accountable for violating the law. Lastly, this bill allows states the opportunity to step in to protect teens in residential programs.

I want to take a moment to acknowledge the youth who have lost their lives while in the care of a residential treatment facility and their parents and families. No child should be forced to suffer abuse, neglect, injury, or even death while they are trying to better themselves in a residential program.

I would also like to mention those who have worked so hard on my staff. I would like to thank Dan Smith and Pam Smith, who do a great job shepherding the undertakings of our committee. I would like to thank Bethany Little, David Johns, Ashley Eden and Michael Gamel-McCormick of my staff. This is a critical step forward to making sure that we ensure the safety of America's youth.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Child Abuse in Residential Programs for Teens Act of 2011".

SEC. 2. DEFINITIONS.

In this Act:

(1) **ASSISTANT SECRETARY.**—The term "Assistant Secretary" means the Assistant Secretary for Children and Families of the Department of Health and Human Services.

(2) **CHILD.**—The term "child" means an individual who has not attained the age of 18.

(3) **CHILD ABUSE AND NEGLECT.**—The term "child abuse and neglect" has the meaning given such term in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note).

(4) **COVERED PROGRAM.**—

(A) **IN GENERAL.**—The term "covered program" means each location of a program operated by a public or private entity that, with respect to one or more children who are unrelated to the owner or operator of the program—

(i) provides a residential environment, such as—

(I) a program with a wilderness or outdoor experience, expedition, or intervention;

(II) a boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimens;

(III) a therapeutic boarding school; or

(IV) a behavioral modification program; and

(ii) operates with a focus on serving children with—

(I) emotional, behavioral, or mental health problems or disorders; or

(II) problems with alcohol or substance abuse.

(B) **EXCLUSION.**—The term "covered program" does not include—

(i) a hospital licensed by the State; or

(ii) a foster family home that provides 24-hour substitute care for children placed away from their parents or guardians and for whom the State child welfare services agency has placement and care responsibility and that is licensed and regulated by the State as a foster family home.

(5) **PROTECTION AND ADVOCACY SYSTEM.**—The term "protection and advocacy system" means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

(6) **STATE.**—The term "State" has the meaning given such term in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note).

SEC. 3. STANDARDS AND ENFORCEMENT.

(a) **MINIMUM STANDARDS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary for Children and Families of the Department of Health and Human Services shall require each covered program, in order to provide for the basic health and safety of children at such a program, to meet the following minimum standards:

(A) Child abuse and neglect shall be prohibited.

(B) Disciplinary techniques or other practices that involve the withholding of essential food, water, clothing, shelter, or medical care necessary to maintain physical health, mental health, and general safety, shall be prohibited.

(C) The protection and promotion of the right of each child at such a program to be free from physical, chemical, and mechanical restraints and seclusion (as such terms are defined in section 595 of the Public Health Service Act (42 U.S.C. 290jj)) to the same extent and in the same manner as a non-medical, community-based facility for children and youth is required to protect and promote the right of its residents to be free from such restraints and seclusion under such section 595, including the prohibitions and limitations described in subsection (b)(3) of such section.

(D) Acts of physical or mental abuse designed to humiliate, degrade, or undermine a child's self-respect shall be prohibited.

(E) Each child at such a program shall have reasonable access to a telephone, and be informed of their right to such access, for making and receiving phone calls with as much privacy as possible, and shall have access to the appropriate State or local child abuse reporting hotline number, and the national hotline number referred to in subsection (c)(2).

(F) Each staff member, including volunteers, at such a program shall be required, as a condition of employment, to become familiar with what constitutes child abuse and neglect, as defined by State law.

(G) Each staff member, including volunteers, at such a program shall be required, as a condition of employment, to become familiar with the requirements, including with State law relating to mandated reporters, and procedures for reporting child abuse and neglect in the State in which such a program is located.

(H) Full disclosure, in writing, of staff qualifications and their roles and responsibilities at such program, including medical, emergency response, and mental health training, to parents or legal guardians of children at such a program, including providing information on any staff changes, including changes to any staff member's qualifications, roles, or responsibilities, not later than 10 days after such changes occur.

(I) Each staff member at a covered program described in subclause (I) or (II) of section 2(4)(A)(i) shall be required, as a condition of employment, to be familiar with the signs, symptoms, and appropriate responses

associated with heatstroke, dehydration, and hypothermia.

(J) Each staff member, including volunteers with unsupervised contact with children and youth, or more than 30 hours of supervised contact time per year, shall be required, as a condition of employment, to submit to a criminal history check, including a name-based search of the National Sex Offender Registry established pursuant to the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248; 42 U.S.C. 16901 et seq.), a search of the State criminal registry or repository in the State in which the covered program is operating, and a Federal Bureau of Investigation fingerprint check. An individual shall be ineligible to serve in a position with any contact with children at a covered program if any such record check reveals a felony conviction for child abuse or neglect, spousal abuse, a crime against children (including child pornography), or a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

(K) Policies and procedures for the provision of emergency medical care, including policies for staff protocols for implementing emergency responses.

(L) All promotional and informational materials produced by such a program shall include a hyperlink to or the URL address of the website created by the Assistant Secretary pursuant to subsection (c)(1)(A).

(M) Policies to require parents or legal guardians of a child attending such a program—

(i) to notify, in writing, such program of any medication the child is taking;

(ii) to be notified within 24 hours of any changes to the child's medical treatment and the reason for such change; and

(iii) to be notified within 24 hours of any missed dosage of prescribed medication.

(N) Procedures for notifying immediately, to the maximum extent practicable, but not later than within 48 hours, parents or legal guardians with children at such a program of any—

(i) on-site investigation of a report of child abuse and neglect;

(ii) violation of the health and safety standards described in this paragraph; and

(iii) violation of State licensing standards developed pursuant to section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act.

(O) Other standards the Assistant Secretary determines appropriate to provide for the basic health and safety of children at such a program.

(2) **REGULATIONS.**—

(A) **INTERIM REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall promulgate and enforce interim regulations to carry out paragraph (1).

(B) **PUBLIC COMMENT.**—The Assistant Secretary shall, for a 90-day period beginning on the date of the promulgation of interim regulations under subparagraph (A) of this paragraph, solicit and accept public comment concerning such regulations. Such public comment shall be submitted in written form.

(C) **FINAL REGULATIONS.**—Not later than 90 days after the conclusion of the 90-day period referred to in subparagraph (B) of this paragraph, the Assistant Secretary shall promulgate and enforce final regulations to carry out paragraph (1).

(b) **MONITORING AND ENFORCEMENT.**—

(1) **ON-GOING REVIEW PROCESS.**—Not later than 180 days after the date of the enactment

of this Act, the Assistant Secretary shall implement an on-going review process for investigating and evaluating reports of child abuse and neglect at covered programs received by the Assistant Secretary from the appropriate State, in accordance with section 114(b)(3) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act. Such review process shall—

(A) include an investigation to determine if a violation of the standards required under subsection (a)(1) has occurred;

(B) include an assessment of the State's performance with respect to appropriateness of response to and investigation of reports of child abuse and neglect at covered programs and appropriateness of legal action against responsible parties in such cases;

(C) be completed not later than 60 days after receipt by the Assistant Secretary of such a report;

(D) not interfere with an investigation by the State or a subdivision thereof; and

(E) be implemented in each State in which a covered program operates until such time as each such State has satisfied the requirements under section 114(c) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act, as determined by the Assistant Secretary, or two years has elapsed from the date that such review process is implemented, whichever is later.

(2) **CIVIL PENALTIES.**—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall promulgate regulations establishing civil penalties for violations of the standards required under subsection (a)(1). The regulations establishing such penalties shall incorporate the following:

(A) Any owner or operator of a covered program at which the Assistant Secretary has found a violation of the standards required under subsection (a)(1) may be assessed a civil penalty not to exceed \$50,000 per violation.

(B) All penalties collected under this subsection shall be deposited in the appropriate account of the Treasury of the United States.

(c) **DISSEMINATION OF INFORMATION.**—The Assistant Secretary shall establish, maintain, and disseminate information about the following:

(1) Websites made available to the public that contain, at a minimum, the following:

(A) The name and each location of each covered program, and the name of each owner and operator of each such program, operating in each State, and information regarding—

(i) each such program's history of violations of—

(I) regulations promulgated pursuant to subsection (a); and

(II) section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(ii) each such program's current status with the State licensing requirements under section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(iii) any deaths that occurred to a child while under the care of such a program, including any such deaths that occurred in the five-year period immediately preceding the date of the enactment of this Act, and including the cause of each such death;

(iv) owners or operators of a covered program that was found to be in violation of the standards required under subsection (a)(1), or a violation of the licensing standards developed pursuant to section 114(b)(1) of the

Child Abuse Prevention and Treatment Act, as added by section 7 of this Act, and who subsequently own or operate another covered program; and

(v) any penalties levied under subsection (b)(2) and any other penalties levied by the State, against each such program.

(B) Information on best practices for helping adolescents with mental health disorders, conditions, behavioral challenges, or alcohol or substance abuse, including information to help families access effective resources in their communities.

(2) A national toll-free telephone hotline to receive complaints of child abuse and neglect at covered programs and violations of the standards required under subsection (a)(1).

(d) **ACTION.**—The Assistant Secretary shall establish a process to—

(1) ensure complaints of child abuse and neglect received by the hotline established pursuant to subsection (c)(2) are promptly reviewed by persons with expertise in evaluating such types of complaints;

(2) immediately notify the State, appropriate local law enforcement, and the appropriate protection and advocacy system of any credible complaint of child abuse and neglect at a covered program received by the hotline;

(3) investigate any such credible complaint not later than 30 days after receiving such complaint to determine if a violation of the standards required under subsection (a)(1) has occurred; and

(4) ensure the collaboration and cooperation of the hotline established pursuant to subsection (c)(2) with other appropriate National, State, and regional hotlines, and, as appropriate and practicable, with other hotlines that might receive calls about child abuse and neglect at covered programs.

SEC. 4. ENFORCEMENT BY THE ATTORNEY GENERAL.

If the Assistant Secretary determines that a violation of subsection (a)(1) of section 3 has not been remedied through the enforcement process described in subsection (b)(2) of such section, the Assistant Secretary shall refer such violation to the Attorney General for appropriate action. Regardless of whether such a referral has been made, the Attorney General may, sua sponte, file a complaint in any court of competent jurisdiction seeking equitable relief or any other relief authorized by this Act for such violation.

SEC. 5. REPORT.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services, in coordination with the Attorney General shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities carried out by the Assistant Secretary and the Attorney General under this Act, including—

(1) a summary of findings from on-going reviews conducted by the Assistant Secretary pursuant to section 3(b)(1), including a description of the number and types of covered programs investigated by the Assistant Secretary pursuant to such section;

(2) a description of types of violations of health and safety standards found by the Assistant Secretary and any penalties assessed;

(3) a summary of State progress in meeting the requirements of this Act, including the requirements under section 114 of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(4) a summary of the Secretary's oversight activities and findings conducted pursuant to subsection (d) of such section 114; and

(5) a description of the activities undertaken by the national toll-free telephone hotline established pursuant to section 3(c)(2).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Health and Human Services \$15,000,000 for each of fiscal years 2012 through 2016 to carry out this Act (excluding the amendment made by section 7 of this Act and section 8 of this Act).

SEC. 7. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO STATES TO PREVENT CHILD ABUSE AND NEGLECT AT RESIDENTIAL PROGRAMS.

(a) **IN GENERAL.**—Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following new section:

“SEC. 114. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO STATES TO PREVENT CHILD ABUSE AND NEGLECT AT RESIDENTIAL PROGRAMS.

“(a) **DEFINITIONS.**—In this section:

“(1) **CHILD.**—The term ‘child’ means an individual who has not attained the age of 18.

“(2) **COVERED PROGRAM.**—

“(A) **IN GENERAL.**—The term ‘covered program’ means each location of a program operated by a public or private entity that, with respect to one or more children who are unrelated to the owner or operator of the program—

“(i) provides a residential environment, such as—

“(I) a program with a wilderness or outdoor experience, expedition, or intervention;

“(II) a boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimes;

“(III) a therapeutic boarding school; or

“(IV) a behavioral modification program; and

“(ii) operates with a focus on serving children with—

“(I) emotional, behavioral, or mental health problems or disorders; or

“(II) problems with alcohol or substance abuse.

“(B) **EXCLUSION.**—The term ‘covered program’ does not include—

“(i) a hospital licensed by the State; or

“(ii) a foster family home that provides 24-hour substitute care for children place away from their parents or guardians and for whom the State child welfare services agency has placement and care responsibility and that is licensed and regulated by the State as a foster family home.

“(3) **PROTECTION AND ADVOCACY SYSTEM.**—The term ‘protection and advocacy system’ means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

“(b) **ELIGIBILITY REQUIREMENTS.**—To be eligible to receive a grant under section 106, a State shall—

“(1) not later than three years after the date of the enactment of this section, develop policies and procedures to prevent child abuse and neglect at covered programs operating in such State, including having in effect health and safety licensing requirements applicable to and necessary for the operation of each location of such covered programs that include, at a minimum—

“(A) standards that meet or exceed the standards required under section 3(a)(1) of the Stop Child Abuse in Residential Programs for Teens Act of 2011;

“(B) the provision of essential food, water, clothing, shelter, and medical care necessary

to maintain physical health, mental health, and general safety of children at such programs;

“(C) policies for emergency medical care preparedness and response, including minimum staff training and qualifications for such responses; and

“(D) notification to appropriate staff at covered programs if their position of employment meets the definition of mandated reporter, as defined by the State;

“(2) develop policies and procedures to monitor and enforce compliance with the licensing requirements developed in accordance with paragraph (1), including—

“(A) designating an agency to be responsible, in collaboration and consultation with State agencies providing human services (including child protective services, and services to children with emotional, psychological, developmental, or behavioral dysfunctions, impairments, disorders, or alcohol or substance abuse), State law enforcement officials, the appropriate protection and advocacy system, and courts of competent jurisdiction, for monitoring and enforcing such compliance;

“(B) establishing a State licensing application process through which any individual seeking to operate a covered program would be required to disclose all previous substantiated reports of child abuse and neglect and all child deaths at any businesses previously or currently owned or operated by such individual, except that substantiated reports of child abuse and neglect may remain confidential and all reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect;

“(C) conducting unannounced site inspections not less often than once every two years at each location of a covered program;

“(D) creating a non-public database, to be integrated with the annual State data reports required under section 106(d), of reports of child abuse and neglect at covered programs operating in the State, except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect; and

“(E) implementing a policy of graduated sanctions, including fines and suspension and revocation of licenses, against covered programs operating in the State that are out of compliance with such health and safety licensing requirements;

“(3) if the State is not yet satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures for notifying the Secretary and the appropriate protection and advocacy system of any report of child abuse and neglect at a covered program operating in the State not later than 30 days after the appropriate State entity, or subdivision thereof, determines such report should be investigated and not later than 48 hours in the event of a fatality;

“(4) if the Secretary determines that the State is satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures for notifying the Secretary if—

“(A) the State determines there is evidence of a pattern of violations of the standards required under paragraph (1) at a covered program operating in the State or by an owner or operator of such a program; or

“(B) there is a child fatality at a covered program operating in the State;

“(5) develop policies and procedures for establishing and maintaining a publicly available database of all covered programs operating in the State, including the name and each location of each such program and the name of the owner and operator of each such program, information on reports of substantiated child abuse and neglect at such programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect and that such database shall include and provide the definition of ‘substantiated’ used in compiling the data in cases that have not been finally adjudicated), violations of standards required under paragraph (1), and all penalties levied against such programs;

“(6) annually submit to the Secretary a report that includes—

“(A) the name and each location of all covered programs, including the names of the owners and operators of such programs, operating in the State, and any violations of State licensing requirements developed pursuant to subsection (b)(1); and

“(B) a description of State activities to monitor and enforce such State licensing requirements, including the names of owners and operators of each covered program that underwent a site inspection by the State, and a summary of the results and any actions taken; and

“(7) if the Secretary determines that the State is satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures to report to the appropriate protection and advocacy system any case of the death of an individual under the control or supervision of a covered program not later than 48 hours after the State is informed of such death.

“(c) SECRETARIAL DETERMINATION.—The Secretary shall not determine that a State’s licensing requirements, monitoring, and enforcement of covered programs operating in the State satisfy the requirements of subsection (b) unless—

“(1) the State implements licensing requirements for such covered programs that meet or exceed the standards required under subsection (b)(1);

“(2) the State designates an agency to be responsible for monitoring and enforcing compliance with such licensing requirements;

“(3) the State conducts unannounced site inspections of each location of such covered programs not less often than once every two years;

“(4) the State creates a non-public database of such covered programs, to include information on reports of child abuse and neglect at such programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect);

“(5) the State implements a policy of graduated sanctions, including fines and suspension and revocation of licenses against such covered programs that are out of compliance with the health and safety licensing requirements under subsection (b)(1); and

“(6) after a review of assessments conducted under section 3(b)(1)(B) of the Stop Child Abuse in Residential Programs for Teens Act of 2011, the Secretary determines the State is appropriately investigating and responding to allegations of child abuse and neglect at such covered programs.

“(d) OVERSIGHT.—

“(1) IN GENERAL.—Beginning two years after the date of the enactment of the Stop

Child Abuse in Residential Programs for Teens Act of 2011, the Secretary shall implement a process for continued monitoring of each State that is determined to be satisfying the licensing, monitoring, and enforcement requirements of subsection (b), in accordance with a determination made pursuant to subsection (c), with respect to the performance of each such State regarding—

“(A) preventing child abuse and neglect at covered programs operating in each such State; and

“(B) enforcing the licensing standards described in subsection (b)(1).

“(2) EVALUATIONS.—The process required under paragraph (1) shall include in each State, at a minimum—

“(A) an investigation not later than 60 days after receipt by the Secretary of a report from a State, or a subdivision thereof, of child abuse and neglect at a covered program operating in the State, and submission of findings to appropriate law enforcement or other local entity where necessary, if the report indicates—

“(i) a child fatality at such program; or

“(ii) there is evidence of a pattern of violations of the standards required under subsection (b)(1) at such program or by an owner or operator of such program;

“(B) an annual review by the Secretary of cases of reports of child abuse and neglect investigated at covered programs operating in the State to assess the State’s performance with respect to the appropriateness of response to and investigation of reports of child abuse and neglect at covered programs and the appropriateness of legal actions taken against responsible parties in such cases; and

“(C) unannounced site inspections of covered programs operating in the State to monitor compliance with the standards required under section 3(a) of the Stop Child Abuse in Residential Programs for Teens Act of 2011.

“(3) ENFORCEMENT.—If the Secretary determines, pursuant to an evaluation under this subsection, that a State is not adequately implementing, monitoring, and enforcing the licensing requirements of subsection (b)(1), the Secretary shall require, for a period of not less than one year, that—

“(A) the State shall inform the Secretary of each instance there is a report to be investigated of child abuse and neglect at a covered program operating in the State; and

“(B) the Secretary and the appropriate local agency shall jointly investigate such report.”

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended by striking “\$120,000,000” and all that follows through the period and inserting “\$235,000,000 for each of fiscal years 2012 through 2016.”

(c) CONFORMING AMENDMENTS.—

(1) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1)(D) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)(D)) is amended by inserting after “specific” the following: “(including reports of child abuse and neglect occurring at covered programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect), as such term is defined in section 114)”

(2) FURTHER REQUIREMENT.—Section 106(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(1)) is amended by adding at the end the following new subparagraph:

“(D) FURTHER REQUIREMENT.—To be eligible to receive a grant under this section, a State shall comply with the requirements under section 114(b) and shall include in the State plan submitted pursuant to subparagraph (A) a description of the activities the State will carry out to comply with the requirements under such section 114(b).”

(3) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended—

(A) in paragraph (1), by inserting before the period at the end the following: “(including reports of child abuse and neglect occurring at covered programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect), as such term is defined in section 114)”;

(B) in paragraph (6), by inserting before the period at the end the following: “or who were in the care of a covered program, as such term is defined in section 114”.

(d) CLERICAL AMENDMENT.—Section 1(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended by inserting after the item relating to section 113 the following new item:

“Sec. 114. Additional eligibility requirements for grants to States to prevent child abuse and neglect at residential programs.”.

SEC. 8. STUDY AND REPORT ON OUTCOMES IN COVERED PROGRAMS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study, in consultation with relevant agencies and experts, to examine the outcomes for children in both private and public covered programs under this Act encompassing a broad representation of treatment facilities and geographic regions.

(b) REPORT.—The Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that contains the results of the study conducted under subsection (a).

By Mr. CARDIN (for himself, Mrs. BOXER, and Mr. REID):

S. 1669. A bill to authorize the Administrator of the Environmental Protection Agency to establish a program of awarding grants to owners or operators of water systems to increase the resiliency or adaptability of the systems to any ongoing or forecasted changes to the hydrologic conditions of a region of the United States; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today I am proud to introduce the Water Infrastructure Resiliency and Sustainability Act of 2011 along with my colleagues, Majority Leader REID and Senator BOXER. This legislation will allow local communities to improve their water infrastructure in the face of changing hydrological conditions.

Improving our water infrastructure is a major challenge to my constituents living in Maryland and to all Americans. It is no secret that America's current water infrastructure systems are in poor condition. Our water

and wastewater systems have been given a D-, the lowest possible grade. In the United States, close to 250,000 water mains wasting 1.7 trillion gallons of water break each year.

Unfortunately, Marylanders have experienced this crisis first hand. In July of this year, a water main break in Cumberland, Maryland, caused close to \$300,000 in damage to a local, family-owned business. Last January, a Prince George's County water main break shut down a portion of the Capital Beltway, closed local businesses and schools, and required 400,000 residents to boil their drinking water to ensure its safety.

The EPA has estimated that traditional necessary repairs and replacement costs over the next twenty years will cost over \$600 billion.

We, as a Congress, have stepped up in the past to assist communities in fixing aging water infrastructure systems. The Safe Water Drinking Act Amendments of 1996 established the Drinking Water State Revolving Fund. The fund helps public water systems finance infrastructure projects needed to comply with Federal safe drinking water regulations.

But we need to do more. EPA Administrator Lisa Jackson told Congress that adapting to changing hydrological conditions is a “significant issue” that water and waste water systems must address soon. These hydrological changes will likely result in “too little water in some places, too much water in other places, and degraded water quality” in other areas across the country.

According to a recent study by the National Association of Clean Water Agencies and the Association of Metropolitan Water Agencies, the costs in dealing with this new recognized problem could approach \$1 trillion through 2050.

The Water Infrastructure Resiliency and Sustainability Act aims to help local communities meet the challenges of upgrading water infrastructure systems to meet these hydrological changes. The bill directs the EPA to establish a Water Infrastructure Resiliency and Sustainability, WIRS, program. Grants will be awarded to eligible water systems to make the necessary upgrades. Communities across the country will be able to compete for federal matching funds, funds which in turn will help finance projects to help communities overcome these threats.

Improving water conservation, adjustments to current infrastructure systems, and funding programs to stabilize communities' existing water supply are all projects WIRS grants will fund. WIRS will never grant more than 50 percent of any project's cost, ensuring cooperation between local communities and the federal government. The EPA will try to award funds that use new and innovative ideas as often as possible.

A healthy water infrastructure is as important to America's economy as paved roads and sturdy bridges. Water and wastewater investment has been shown to spur economic growth. The U.S. Conference of Mayors has found that for every dollar invested in water infrastructure, the Gross Domestic Product is increased to more than \$6. The Department of Commerce has found that that same dollar yields close to \$3 worth of economic output in other industries. Every job created in local water and sewer industries creates close to four jobs elsewhere in the national economy.

This legislation would create jobs throughout the economy today, while helping water and wastewater systems make improvements to keep water clean and safe for tomorrow. I believe that by investing in water infrastructure, we can make progress for the American people on both jobs and clean, safe water.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Water Infrastructure Resiliency and Sustainability Act of 2011”.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) HYDROLOGIC CONDITION.—The term “hydrologic condition” means the quality, quantity, or reliability of the water resources of a region of the United States.

(3) OWNER OR OPERATOR OF A WATER SYSTEM.—

(A) IN GENERAL.—The term “owner or operator of a water system” means an entity (including a regional, State, tribal, local, municipal, or private entity) that owns or operates a water system.

(B) INCLUSIONS.—The term “owner or operator of a water system” includes—

(i) a non-Federal entity that has operational responsibilities for a federally-, tribally-, or State-owned water system; and

(ii) an entity established by an agreement between—

(I) an entity that owns or operates a water system; and

(II) at least 1 other entity.

(4) WATER SYSTEM.—The term “water system” means—

(A) a community water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f));

(B) a treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)), including a municipal separate storm sewer system (as such term is used in that Act (33 U.S.C. 1251 et seq.));

(C) a decentralized wastewater treatment system for domestic sewage;

(D) a groundwater storage and replenishment system;

(E) a system for transport and delivery of water for irrigation or conservation; or

(F) a natural or engineered system that manages floodwater.

SEC. 3. WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY.

(a) PROGRAM.—The Administrator shall establish and implement a program, to be known as the “Water Infrastructure Resiliency and Sustainability Program”, under which the Administrator shall award grants for each of fiscal years 2012 through 2016 to owners or operators of water systems for the purpose of increasing the resiliency or adaptability of the water systems to any ongoing or forecasted changes (based on the best available research and data) to the hydrologic conditions of a region of the United States.

(b) USE OF FUNDS.—As a condition on receipt of a grant under this Act, an owner or operator of a water system shall agree to use the grant funds exclusively to assist in the planning, design, construction, implementation, operation, or maintenance of a program or project that meets the purpose described in subsection (a) by—

(1) conserving water or enhancing water use efficiency, including through the use of water metering and electronic sensing and control systems to measure the effectiveness of a water efficiency program;

(2) modifying or relocating existing water system infrastructure made or projected to be significantly impaired by changing hydrologic conditions;

(3) preserving or improving water quality, including through measures to manage, reduce, treat, or reuse municipal stormwater, wastewater, or drinking water;

(4) investigating, designing, or constructing groundwater remediation, recycled water, or desalination facilities or systems to serve existing communities;

(5) enhancing water management by increasing watershed preservation and protection, such as through the use of natural or engineered green infrastructure in the management, conveyance, or treatment of water, wastewater, or stormwater;

(6) enhancing energy efficiency or the use and generation of renewable energy in the management, conveyance, or treatment of water, wastewater, or stormwater;

(7) supporting the adoption and use of advanced water treatment, water supply management (such as reservoir reoperation and water banking), or water demand management technologies, projects, or processes (such as water reuse and recycling, adaptive conservation pricing, and groundwater banking) that maintain or increase water supply or improve water quality;

(8) modifying or replacing existing systems or constructing new systems for existing communities or land that is being used for agricultural production to improve water supply, reliability, storage, or conveyance in a manner that—

(A) promotes conservation or improves the efficiency of use of available water supplies; and

(B) does not further exacerbate stresses on ecosystems or cause redirected impacts by degrading water quality or increasing net greenhouse gas emissions;

(9) supporting practices and projects, such as improved irrigation systems, water banking and other forms of water transactions, groundwater recharge, stormwater capture, groundwater conjunctive use, and reuse or recycling of drainage water, to improve water quality or promote more efficient water use on land that is being used for agricultural production;

(10) reducing flood damage, risk, and vulnerability by—

(A) restoring floodplains, wetland, and upland integral to flood management, protection, prevention, and response;

(B) modifying levees, floodwalls, and other structures through setbacks, notches, gates, removal, or similar means to facilitate reconnection of rivers to floodplains, reduce flood stage height, and reduce damage to properties and populations;

(C) providing for acquisition and easement of flood-prone land and properties in order to reduce damage to property and risk to populations; or

(D) promoting land use planning that prevents future floodplain development;

(11) conducting and completing studies or assessments to project how changing hydrologic conditions may impact the future operations and sustainability of water systems; or

(12) developing and implementing measures to increase the resilience of water systems and regional and hydrological basins, including the Colorado River Basin, to rapid hydrologic change or a natural disaster (such as tsunami, earthquake, flood, or volcanic eruption).

(c) APPLICATION.—To seek a grant under this Act, the owner or operator of a water system shall submit to the Administrator an application that—

(1) includes a proposal for the program, strategy, or infrastructure improvement to be planned, designed, constructed, implemented, or maintained by the water system;

(2) provides the best available research or data that demonstrate—

(A) the risk to the water resources or infrastructure of the water system as a result of ongoing or forecasted changes to the hydrological system of a region, including rising sea levels and changes in precipitation patterns; and

(B) the manner in which the proposed program, strategy, or infrastructure improvement would perform under the anticipated hydrologic conditions;

(3) describes the manner in which the proposed program, strategy, or infrastructure improvement is expected—

(A) to enhance the resiliency of the water system, including source water protection for community water systems, to the anticipated hydrologic conditions; or

(B) to increase efficiency in the use of energy or water of the water system; and

(4) describes the manner in which the proposed program, strategy, or infrastructure improvement is consistent with an applicable State, tribal, or local climate adaptation plan, if any.

(d) PRIORITY.—

(1) WATER SYSTEMS AT GREATEST AND MOST IMMEDIATE RISK.—In selecting grantees under this Act, subject to section 4(b), the Administrator shall give priority to owners or operators of water systems that are, based on the best available research and data, at the greatest and most immediate risk of facing significant negative impacts due to changing hydrologic conditions.

(2) GOALS.—In selecting among applicants described in paragraph (1), the Administrator shall ensure that, to the maximum extent practicable, the final list of applications funded for each year includes a substantial number that propose to use innovative approaches to meet 1 or more of the following goals:

(A) Promoting more efficient water use, water conservation, water reuse, or recycling.

(B) Using decentralized, low-impact development technologies and nonstructural approaches, including practices that use, enhance, or mimic the natural hydrological cycle or protect natural flows.

(C) Reducing stormwater runoff or flooding by protecting or enhancing natural ecosystem functions.

(D) Modifying, upgrading, enhancing, or replacing existing water system infrastructure in response to changing hydrologic conditions.

(E) Improving water quality or quantity for agricultural and municipal uses, including through salinity reduction.

(F) Providing multiple benefits, including to water supply enhancement or demand reduction, water quality protection or improvement, increased flood protection, and ecosystem protection or improvement.

(e) COST-SHARING REQUIREMENT.—

(1) FEDERAL SHARE.—The share of the cost of any program, strategy, or infrastructure improvement that is the subject of a grant awarded by the Administrator to the owner or operator of a water system under subsection (a) paid through funds distributed under this Act shall not exceed 50 percent of the cost of the program, strategy, or infrastructure improvement.

(2) CALCULATION OF NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of a program, strategy, or infrastructure improvement proposed by a water system in an application submitted under subsection (c), the Administrator shall—

(A) include the value of any in-kind services that are integral to the completion of the program, strategy, or infrastructure improvement, including reasonable administrative and overhead costs; and

(B) not include any other amount that the water system involved receives from the Federal Government.

(f) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Administrator shall submit to Congress a report that—

(1) describes the progress in implementing this Act; and

(2) includes information on project applications received and funded annually under this Act.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$50,000,000 for each of fiscal years 2012 through 2016.

(b) REDUCTION OF FLOOD DAMAGE, RISK, AND VULNERABILITY.—Of the amount made available to carry out this Act for a fiscal year, not more than 20 percent may be made available to grantees for activities described in subsection (b)(10).

By Mr. CARDIN (for himself, Mr. BLUMENTHAL, Mr. DURBIN, Mrs. GILLIBRAND, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MENENDEZ, Ms. MIKULSKI, and Ms. STABENOW):

S. 1670. A bill to eliminate racial profiling by law enforcement, and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, today I am introducing legislation in the Senate that would prohibit the use of racial profiling by Federal, State, or local law enforcement agencies. The End Racial Profiling Act, ERPA, had been introduced in previous Congresses

by former Senator Russ Feingold of Wisconsin and I am proud to follow his example. I want to thank Senators BLUMENTHAL, DURBIN, GILLIBRAND, KERRY, LAUTENBERG, LEVIN, MENENDEZ, MIKULSKI, and STABENOW for joining me as original co-sponsors of this legislation.

Racial profiling is ineffective. The more resources that are spent investigating individuals solely because of their race or religion, the fewer resources are being directed at suspects actually demonstrating illegal behavior. Former DHS Secretary Michael Chertoff stated in response to questions about the December 2001 bomb attempt by Richard Reid that “the problem is that the profile many people think they have of what a terrorist is doesn’t fit the reality . . . and in fact, one of the things the enemy does is to deliberately recruit people who are Western in background or in appearance, so that they can slip by people who might be stereotyping.”

Racial profiling diverts scarce resources from real law enforcement. In my own state of Maryland, in the 1990’s, the ACLU brought a class-action lawsuit against the Maryland State Police for illegally targeting African-American motorists for stops and searches along Maryland’s highways. The parties ultimately entered into a federal court consent decree in 2003 in which they made a joint statement that emphasized in part “the need to treat motorists of all races with respect, dignity, and fairness under the law is fundamental to good police work and a just society. The parties agree that racial profiling is unlawful and undermines public safety by alienating communities.”

Racial profiling demonizes entire communities and perpetuates negative stereotypes based on an individual’s race, ethnicity, or religion. Earlier this year, I spoke out on the Senate floor and in the Senate Judiciary Committee to share my thoughts on the hearings held in the House of Representatives entitled “The Extent of Radicalization in the American Muslim Community and that Community’s Response” chaired by Congressman PETER KING. This hearing served only to fan flames of fear and division. This spectacle crossed the line and chipped away at the religious freedoms and civil liberties we hold so dearly. Radicalization may be the appropriate subject of a Congressional hearing but not when it is limited to one religion. When that is done, it sends the wrong message to the public and casts a religion with unfounded suspicions.

I agree with Attorney General Holder’s remarks to the American-Arab Anti-Discrimination Committee, where he stated that “in this nation, security and liberty are—at their best—partners, not enemies, in ensuring safety and opportunity for all . . . I’ve spoken

to Arab-Americans who feel that they have not been afforded the full rights—or, just as important, the full responsibilities—of their citizenship. They tell me that, too often, it feels like ‘us versus them.’ That is intolerable . . . In this Nation, the document that sets forth the supreme law of the land—the Constitution—is meant to empower, not exclude . . . Racial profiling is wrong. It can leave a lasting scar on communities and individuals. And it is, quite simply, bad policing—whatever city, whatever state.”

Using racial profiling makes it less likely that certain affected communities will voluntarily cooperate with law enforcement and community policing efforts. Minorities living and working in these communities may also feel discouraged from travelling freely, and it corrodes the public’s trust in government.

The bill I am introducing today, the End Racial Profiling Act, would build on Department of Justice’s current “Guidance Regarding the Use of Race by Federal Law Enforcement Agencies” issued in 2003. This official DOJ guidance certainly was a step forward, but it does not have adequate provisions for data collection and enforcement for state and local agencies. The DOJ guidance also does not have the force of law.

ERPA would prohibit the use of racial profiling by Federal, State, or local law enforcement agencies. The bill clearly defines racial profiling to include race, ethnicity, national origin, or religion as protected classes. It requires training of law enforcement officers to ensure that they understand the law and its prohibitions. It creates procedures for receiving, investigating, and resolving complaints about racial profiling. It would apply equally to Federal, State, and local law enforcement, which creates consistent standards at all levels of government.

The vast majority of our law enforcement officials that put their lives on the line every day handle their jobs with professionalism, diligence, and fidelity to the rule of law. However, Congress and the Justice Department can still take further steps to prohibit racial profiling and root out its use. I look forward to working with my colleagues to enact this legislation.

By Mr. AKAKA (for himself and Mrs. FEINSTEIN):

S. 1673. A bill to establish the Office of Agriculture Inspection within the Department of Homeland Security, which shall be headed by the Assistant Commissioner for Agriculture Inspection, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Safeguarding American Agriculture Act of 2011, with Senator FEINSTEIN.

With the recent ten-year anniversary of the September 11 terrorist attacks, it is appropriate to reflect on the significant changes our country has undertaken to strengthen our homeland defenses. We must examine how well we are protecting the American people and our way of life today, and, where vulnerabilities remain, take decisive action to bolster our defenses. The act we introduce today does just this, by seeking to strengthen our Nation’s agricultural import and entry inspection functions to better safeguard American agriculture and natural resources against foreign pests and disease.

Invasive species arrive at U.S. ports of entry every day, often hidden in the wooden crates, pallets, and shipping containers used to transport agricultural cargo, or concealed in the imported goods themselves. Failure to detect and intercept these non-native pests and diseases imposes serious economic and social costs on all Americans.

The U.S. Department of Agriculture estimates that foreign pests and disease already cost the U.S. economy tens of billions of dollars annually in lower crop values, eradication programs, emergency payments to farmers, and increased costs for food and other natural resources. The invasive asian stink bug, for example, is ravaging mid-Atlantic crops, often destroying significant portions of apple, peach, blackberry, raspberry, strawberry, tomato, pepper, sweet corn, and soybean harvests. The bug continues to spread despite ongoing Federal, State, and local eradication efforts. Invasive species threaten our competitiveness in international trade when trading partners decide to stop importing U.S. agricultural products due to the presence of an invasive pest or disease. For example, Japan continues to ban the importation of fresh potatoes from Idaho due to a 2006 outbreak of Potato Cyst Nematode in the State. A research team comprised of biologists and economists from U.S. and Canadian universities and the U.S. Forest Service published a study last month finding that invasive wood-boring pests, such as the emerald ash borer and the asian longhorned beetle, cost homeowners an estimated \$830 million a year in lost property values and cost local governments an estimated \$1.7 billion a year as a result of damaged trees and woodlands. Worst of all, according to the U.S. Government Accountability Office, the accidental or deliberate introduction of a foreign disease, such as avian influenza or foot-and-mouth disease, would likely result in catastrophic economic losses for our Nation and take lives.

In light of the current and potential staggering economic costs of invasive species—which fall on businesses, taxpayers, and local governments that have no way to avoid the harm it is

clear that focusing on prevention, specifically improving agricultural import and entry inspection operations at our ports of entry, is a very cost-effective strategy.

Of course, economic costs are just one aspect of the severe consequences that can result from foreign pests and disease slipping through our ports. In my home State of Hawai'i, which is home to more endangered species per square mile than any other area on the planet, invasive species and disease could permanently devastate our fragile ecosystem. In many regions of the country, invasive species threaten native fish prized by fisherman, and destroy wetlands that support waterfowl hunting. Even an important part of our American tradition and pastime, baseball, is at stake. For the past 127 years in Kentucky, Louisville Slugger, the world's largest and oldest maker of baseball bats, has manufactured high quality baseball bats from northern white ash trees harvested in Pennsylvania and New York. However, the company is very concerned that the destructive emerald ash borer beetle, which has already destroyed millions of ash trees in several States, including Michigan, Wisconsin, Ohio, Pennsylvania, and New York, could lead to the extinction of northern white ash trees, preventing Louisville Slugger from providing future generations with the company's famous ash bats.

Following the attacks of September 11, Congress passed the Homeland Security Act of 2002, which unified Federal customs, immigration, and agriculture inspection officers under the new U.S. Department of Homeland Security. The decision to transfer frontline agricultural import and entry inspection functions from the Department of Agriculture's Animal and Plant Health Inspection Service, or APHIS, into the Department of Homeland Security's Customs and Border Protection, or CBP, was a controversial decision.

I have long been concerned that the transfer resulted in significant disruptions to the agriculture mission and undermined the effectiveness of agricultural inspections. Other Members of Congress have expressed similar concerns, and there have even been efforts to remove agricultural inspection responsibilities from the Department of Homeland Security and return them to the Department of Agriculture.

While I understand these sentiments, as Chairman of the Subcommittee on Oversight of Government Management, I understand that such drastic reorganizations are often costly and disruptive. In light of our Nation's fiscal challenges, I have concluded it is most efficient and effective to focus on strengthening the agricultural inspection mission within CBP, which in recent years, has made meaningful progress in stabilizing the agency's ag-

ricultural import and entry inspection operations.

The Safeguarding American Agriculture Act seeks to build upon these gains and fully achieve important measures of success identified in the June 2007 Report of the APHIS-CBP Joint Task Force on Improved Agriculture Inspection, which stated "Success will be accomplished when the agriculture function within CBP is positioned prominently throughout the organization. The potential introduction of plant and animal pest and diseases will be regarded with the same fervor as all other mission areas within CBP."

The Act would enhance the priority of, and accountability for, the agriculture mission by establishing within CBP an Office of Agriculture Inspection led by an Assistant Commissioner responsible for improving agricultural inspections across the Nation. This provision would improve efficiency and coordination by unifying agriculture policy development with agriculture operations. An agricultural chain of command that extends from the Assistant Commissioner for Agriculture Inspection to frontline agriculture specialists at the ports would also effectively address a key issue the task force identified in its 2007 report: "Management and leadership infrastructure supporting the agriculture mission in CBP should be staffed and empowered at levels equivalent to other functional mission areas in CBP."

Under the present organizational structure, the Deputy Executive Director for CBP's office of Agriculture Operational Oversight within the office of Agriculture Programs and Trade Liaison, which falls under the Office of Field Operations, is responsible for improving oversight of the agricultural mission across all CBP field offices by ensuring a more consistent application of agriculture inspection policy. However, the Deputy Executive Director lacks operational authority over the agriculture mission. Moreover, the dissemination and implementation of agricultural policy at the ports is ultimately at the discretion of CBP Officers who typically do not have agriculture expertise and are primarily focused on the critical mission of preventing terrorists and terrorist weapons from entering the country.

To maintain a highly skilled and motivated agriculture specialist workforce, the Act would require CBP to create a comprehensive agriculture specialist career track that identifies appropriate career paths and ensures that agriculture specialists receive the training, experience, and assignments necessary for successful career. The bill also would require CBP to develop plans to improve agriculture specialist recruitment and retention and to make sure agriculture specialists have the necessary equipment and resources to effectively carry out their mission.

To strengthen critical working relationships and promote interagency experience, the Act would authorize the Secretary of Homeland Security and the Secretary of Agriculture to establish an interagency rotation program for CBP and APHIS personnel.

Taken together, the enhancements contained in the Safeguarding American Agriculture Act of 2011 would elevate the stature of the agriculture mission in CBP to match the magnitude of the challenge posed by invasive pests and disease. I strongly urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safeguarding American Agriculture Act of 2011".

SEC. 2. ESTABLISHMENT OF THE OFFICE OF AGRICULTURE INSPECTION.

Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by inserting after section 421 the following:

"SEC. 421A. OFFICE OF AGRICULTURE INSPECTION.

"(a) ESTABLISHMENT.—There is established within U.S. Customs and Border Protection an Office of Agriculture Inspection, which shall be headed by an Assistant Commissioner.

"(b) AGRICULTURE SPECIALIST CAREER TRACK.—

"(1) IN GENERAL.—The Secretary, acting through the Commissioner of U.S. Customs and Border Protection, and in consultation with the Assistant Commissioner for Agriculture Inspection—

"(A) shall identify appropriate career paths for customs and border protection agriculture specialists, including the education, training, experience, and assignments necessary for career progression within U.S. Customs and Border Protection;

"(B) shall publish information on the career paths identified under paragraph (1); and

"(C) may establish criteria by which appropriately qualified customs and border protection technicians may be promoted to customs and border protection agriculture specialists.

"(c) EDUCATION, TRAINING, AND EXPERIENCE.—The Secretary, acting through the Commissioner of U.S. Customs and Border Protection, and in consultation with the Assistant Commissioner for Agriculture Inspection, shall provide customs and border protection agriculture specialists the opportunity to acquire the education, training, and experience necessary to qualify for promotion within U.S. Customs and Border Protection.

"(d) AGRICULTURE SPECIALIST RECRUITMENT AND RETENTION.—Not later than 270 days after the date of the enactment of the Safeguarding American Agriculture Act of 2011, the Secretary, acting through the Commissioner of U.S. Customs and Border Protection, and in consultation with the Assistant Commissioner for Agriculture Inspection,

shall develop a plan to more effectively recruit and retain qualified customs and border protection agriculture specialists. The plan shall include—

“(1) numerical goals for recruitment and retention; and

“(2) the use of recruitment incentives, as appropriate and permissible under existing laws and regulations.

“(e) EQUIPMENT SUPPORT.—Not later than 270 days after the date of the enactment of the Safeguarding American Agriculture Act of 2011, the Commissioner of U.S. Customs and Border Protection, in consultation with the Assistant Commissioner for Agriculture Inspection, shall—

“(1) determine the minimum equipment and other resources that are necessary at U.S. Customs and Border Protection agriculture inspection stations and facilities to enable customs and border protection agriculture specialists to fully and effectively carry out their mission;

“(2) complete an inventory of the equipment and other resources available at each U.S. Customs and Border Protection agriculture inspection station and facility;

“(3) identify the necessary equipment and other resources that are not currently available at agriculture inspection stations and facilities; and

“(4) develop a plan to address any resource deficiencies identified under paragraph (3).

“(f) INTERAGENCY ROTATION PROGRAM.—The Secretary of Homeland Security and the Secretary of Agriculture are authorized to enter into an agreement that—

“(1) establishes an interagency rotation program; and

“(2) provides for personnel of the Animal and Plant Health Inspection Service of the Department of Agriculture to take rotational assignments within the Office of Agriculture Inspection and vice versa for the purposes of strengthening working relationships between agencies and promoting interagency experience.”.

SEC. 3. REPORT.

Not later than 270 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner of U.S. Customs and Border Protection, and in consultation with the Assistant Commissioner for Agriculture Inspection, shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and that Committee on Homeland Security of the House of Representatives that describes—

(1) the status of the implementation of the action plans developed by the Animal and Plant Health Inspection Service-U.S. Customs and Border Protection Joint Task Force on Improved Agriculture Inspection;

(2) the findings of the Commissioner under paragraphs (1), (2), and (3) of section 421a(e) of the Homeland Security Act of 2002, as added by section 2; and

(3) the plan described in paragraph (4) of such section 421a(e).

(4) the implementation of the remaining requirements under such section 421a; and

(5) any additional legal authority that the Secretary determines to be necessary to effectively carry out the agriculture inspection mission of the Department of Homeland Security.

By Mr. REED:

S. 1674. A bill to improve teacher quality, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the Effective Teaching and Leading Act to foster the development of highly skilled and effective educators.

We are working towards reauthorizing the Elementary and Secondary Education Act—ESEA—this Congress for the first time since 2001. One of my highest priorities for reauthorization is to build the capacity of our Nation's schools to enhance the effectiveness of teachers, principals, school librarians, and other school leaders.

Decades of research have demonstrated that improving educator and principal quality as well as greater family involvement are the keys to raising student achievement and turning around struggling schools. To strengthen teaching and school leadership, the Effective Teaching and Leading Act would amend Title II of the Elementary and Secondary Education Act, ESEA, to provide targeted assistance to schools to develop and support effective teachers, school librarians, principals, and school leaders through implementation of comprehensive induction, professional development, and evaluation systems.

Every year across the country thousands of teachers leave the profession—many within their first years of teaching. A report by the National Commission on Teaching and America's Future has estimated that the nationwide cost of replacing public school teachers who have dropped out of the profession is \$7.3 billion annually.

Fortunately, we have some proven strategies to support teachers that will keep them in our schools. Evidence has shown that providing new teachers with comprehensive mentoring and support during their two years reduces teacher attrition by as much as half and increases student learning gains. The Effective Teaching and Leading Act would help schools implement the key elements of effective multi-year mentoring and induction for beginning teachers.

The bill also significantly revises ESEA's current definition of “professional development” to foster an ongoing culture of teacher, principal, school librarian, and staff collaboration throughout schools. All too often current professional development still consists of isolated, check-the-box activities instead of helping educators engage in sustained professional learning that is regularly evaluated for its impact on classroom practice and student achievement. Effective professional development is collaborative, job-embedded, and data-driven.

It is also clear that evaluation systems have an important role to play in teacher and principal development. Through Race to the Top and other initiatives many states and school systems are focusing on reforming their evaluation systems. When evaluation is

done right, it provides teachers and principals with individualized ongoing feedback on their strengths and weaknesses and offers a path to improvement. The Effective Teaching and Leading Act would require school districts to establish rigorous, fair, and transparent evaluation systems that use multiple measures, including growth in student achievement.

Principals and school leaders also have a critical role to play in leading school improvement efforts and managing a collaborative culture of ongoing professional learning and development. Research has shown that leadership is second only to classroom instruction among school-related factors that influence student outcomes. As such, this bill would provide ongoing high-quality professional development to principals and school leaders, including multi-year induction and mentoring for new administrators.

Recognizing the importance of creating career advancement and leadership opportunities for teachers, the Effective Teaching and Leading Act supports opportunities for teachers to serve as mentors, instructional coaches, or master teachers, or take on increased responsibility for professional development, curriculum, or school improvement activities and calls for significant and sustainable stipends for teachers that take on these new roles and responsibilities.

The bill also addresses working conditions that are so critical for effective teaching. Under the legislation, districts would conduct surveys of the working and learning conditions educators face so this data could be used to better target investments and support.

Improving teaching and school leadership is not simply a matter of sorting the good teachers and principals from the bad. What is needed is a comprehensive and integrated approach that supports new teachers and leaders as they enter the profession; provides on-going professional development that helps them improve and their students to achieve; and that fairly assesses performance and provides feedback for improvement. This is the approach taken by the Effective Teaching and Leading Act.

I worked with a range of education organizations in developing this bill, including the American Federation of Teachers; American Association of Colleges for Teacher Education; Association for Supervision and Curriculum Development; National Association of Elementary School Principals; National Association of Secondary School Principals; National Board for Professional Teaching Standards; Learning Forward; and the New Teacher Center. I thank them for their input and support for the bill.

I urge my colleagues to cosponsor the Effective Teaching and Leading Act

and work for its inclusion in the upcoming reauthorization of the Elementary and Secondary Education Act.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Effective Teaching and Leading Act”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Teacher quality is the single most important in-school factor influencing student learning and achievement.

(2) A report by William L. Sanders and June C. Rivers showed that if 2 average 8-year-old students were given different teachers, 1 of them a high performer, the other a low performer, the students’ performance diverged by more than 50 percentile points within 3 years.

(3) A similar study by Heather Jordan, Robert Mendro, and Dash Weerasinghe showed that the performance gap between students assigned 3 effective teachers in a row, and those assigned 3 ineffective teachers in a row, was 49 percentile points.

(4) In Boston, research has shown that students placed with high-performing mathematics teachers made substantial gains, while students placed with the least effective teachers regressed and their mathematics scores decreased.

(5) McKinsey & Company found that studies that take into account all of the available evidence on teacher effectiveness suggest that students placed with high-performing teachers will progress 3 times as fast as those placed with low-performing teachers.

(6) A 2003 study by Richard Ingersoll found that new teachers, not just those in hard-to-staff schools, face such challenging working conditions that nearly one-half leave the profession within their first 5 years, one-third leave within their first 3 years, and 14 percent leave by the end of their first year.

(7) A report by the National Commission on Teaching and America’s Future estimated that the nationwide cost of replacing public school teachers who have dropped out of the profession is \$7,300,000,000 annually.

(8) A randomized controlled trial of comprehensive teacher induction, sponsored by the Institute of Education Sciences found that beginning teachers who received 2 years of induction support produced greater student learning gains as a result, the equivalent of a student moving from the 50th to 58th percentile in mathematics achievement and from the 50th to 54th percentile in reading achievement.

(9) Research by Thomas Smith, Richard Ingersoll, Michael Strong, Anthony Villar, and Jonah Rockoff has shown that comprehensive mentoring and induction reduces teacher attrition by as much as one-half and strengthens new teacher effectiveness.

(10) A recent School Redesign Network at Stanford University and National Staff Development Council report by Linda Darling-Hammond, Ruth Chung Wei, Alethea Andree, Nikole Richardson, and Stelios Orphanos found that—

(A) a set of programs that offered substantial contact hours of professional development (ranging from 30 to 100 hours in total) spread over 6 to 12 months showed a positive and significant effect on student achievement gains; and

(B) intensive professional development, especially when it includes applications of knowledge to teachers’ planning and instruction, has a greater chance of influencing teacher practices, and in turn, leading to gains in student learning, and such intensive professional development has shown a positive and significant effect on student achievement gains, in some cases by approximately 21 percentile points.

(11) Teachers can acquire and use new knowledge and skills in their instruction when provided with adequate opportunities to learn, according to “Student Achievement Through Staff Development” published by ASCD, which found that more than 90 percent of participants attained skill proficiency if it includes theory presentation, demonstration, practice, and peer coaching.

(12) Recent reports from the Center for American Progress, Education Sector, Hope Street Group, and the New Teacher Project have collectively demonstrated the significant flaws in current teacher evaluation and implementation, and the necessity for redesigning these systems and linking such evaluation to individualized feedback and substantive targeted support in order to ensure effective teaching.

(13) Research by Kenneth Leithwood, Karen Seashore Louis, Stephen Anderson, and Kyla Wahlstrom found that—

(A) leadership is second only to classroom instruction among school-related factors that influence student outcomes; and

(B) direct and indirect leadership effects account for about one-quarter of total school effects on student learning.

(14) Research by Charles Clotfelter, Helen Ladd, Kenneth Leithwood, Anthony Milanowski, and the New Teacher Center has shown that the quality of working conditions, particularly supportive school leadership, impacts student academic achievement and teacher recruitment, retention, and effectiveness.

(15) Since 1965, more than 60 education and library studies have produced clear evidence that school libraries staffed by qualified librarians have a positive impact on student academic achievement, with a recent analysis of reading scores from 2004–2009 showing that fewer librarians translated to lower performance, or a slower rise in scores, on standardized tests.

(b) PURPOSES.—The purposes of this Act are to build capacity for developing effective teachers and principals in our Nation’s schools through—

(1) the redesign of teacher and principal evaluation and assessment systems;

(2) comprehensive, high-quality, rigorous, multi-year induction and mentoring programs for beginning teachers, principals, and other school leaders;

(3) systematic, sustained, and coherent professional development for all teachers that is team-based and job-embedded;

(4) systematic, sustained, and coherent professional development for school principals, other school leaders, school librarians, paraprofessionals, and other staff; and

(5) increased teacher leadership opportunities, including compensation for teacher leaders who take on new roles in providing school-based professional development, mentoring, rigorous evaluation, and instructional coaching.

SEC. 3. DEFINITIONS.

Section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) is amended—

(1) by striking paragraph (34) and inserting the following:

“(34) PROFESSIONAL DEVELOPMENT.—The term ‘professional development’ means comprehensive, sustained, and intensive support, provided for teachers, principals, school librarians, other school leaders, and other instructional staff, that—

“(A) fosters collective responsibility for improved student learning;

“(B) is designed and implemented in a manner that increases teacher, principal, school librarian, other school leader, paraprofessional, and other instructional staff effectiveness in improving student learning and strengthening classroom practice;

“(C) analyzes and uses—

“(i) real-time data and information collected from—

“(I) evidence of student learning;

“(II) evidence of classroom practice; and

“(III) the State’s longitudinal data system; and

“(ii) other relevant data collected by the school or local educational agency;

“(D) is aligned with—

“(i) rigorous State student academic achievement standards developed under section 1111(b)(1);

“(ii) related academic and school improvement goals of the school, local educational agency, and statewide curriculum;

“(iii) statewide and local curricula; and

“(iv) rigorous standards of professional practice and development;

“(E) includes frequently scheduled, significant blocks of time during the regular school day among established collaborative teams of teachers, principals, school librarians, other school leaders, and other instructional staff, by grade level and content area (to the extent applicable and practicable), which teams engage in a continuous cycle of professional learning and improvement that—

“(i) identifies, reviews, and analyzes—

“(I) evidence of student learning; and

“(II) evidence of classroom practice;

“(ii) defines a clear set of educator learning goals to improve student learning and strengthen classroom practice based on the rigorous analysis of evidence of student learning and evidence of classroom practice;

“(iii) develops and implements coherent, sustained, and evidenced-based professional development strategies to meet such goals (including through instructional coaching, lesson study, and study groups organized at the school, team, or individual levels);

“(iv) provides learning opportunities for teachers to collectively develop and refine student learning goals and the teachers’ instructional practices and the use of formative assessment;

“(v) provides an effective mechanism to support the transfer of new knowledge and skills to the classroom (including utilizing teacher leaders, instructional coaches, school librarians, and content experts to support such transfer); and

“(vi) provides opportunities for follow-up, observation, and formative feedback and assessment of the teacher’s classroom practice, on a regular basis and in a manner that allows each such teacher to identify areas of classroom practice that need to be strengthened, refined, and improved;

“(F) regularly assesses the effectiveness of the support, and uses such assessments to inform ongoing improvements, in—

“(i) improving student learning; and

“(ii) strengthening classroom practice; and
 “(G) supports the recruiting, hiring, and training of highly qualified teachers, including teachers who become highly qualified through State and local alternative routes to certification or licensure.”;

(2) by adding at the end the following:

“(44) EVIDENCE OF CLASSROOM PRACTICE.—The term ‘evidence of classroom practice’ means evidence of practice gathered from a classroom through multiple formats and sources, including some or all of the following:

“(A) Demonstration of effective teaching skills.

“(B) Classroom observations based on rigorous teacher performance standards or rubrics.

“(C) Student work.

“(D) Teacher portfolios.

“(E) Videos of teacher practice.

“(F) Lesson plans.

“(G) Information on the extent to which the teacher collaborates and shares best practices with other teachers and instructional staff.

“(H) Information on the teacher’s successful use of research and data.

“(I) Parent, student, and peer feedback.

“(45) EVIDENCE OF STUDENT LEARNING.—The term ‘evidence of student learning’ means—

“(A) valid and reliable data on student learning, which shall include data based on student learning gains on State student academic assessments under section 1111(b)(3) and other State student academic achievement assessments, where available; and
 “(B) other evidence of student learning, including some or all of the following:

“(i) Student work, including measures of performance criteria and evidence of student growth.

“(ii) Teacher-generated information about student goals and growth.

“(iii) Parental feedback about student goals and growth.

“(iv) Formative assessments.

“(v) Summative assessments.

“(vi) Objective performance-based assessments.

“(vii) Assessments of affective engagement and self-efficacy.

“(46) LOWEST ACHIEVING SCHOOL.—The term ‘lowest achieving school’ means a school served by a local educational agency that—

“(A) is failing to make adequate yearly progress as described in section 1111(b)(2), for the greatest number of subgroups described in section 1111(b)(2)(C)(v) and by the greatest margins, as compared to the other schools served by the local educational agency; and
 “(B) in the case of a secondary school, has a graduation rate of less than 65 percent.

“(47) SCHOOL LEADER.—The term ‘school leader’ means an individual who—

“(A) is an employee or officer of a school; and

“(B) is responsible for—

“(i) the school’s performance; and

“(ii) the daily instructional and managerial operations of the school.

“(48) TEACHING SKILLS.—The term ‘teaching skills’ means skills that enable a teacher to—

“(A) increase student learning, achievement, and the ability to apply knowledge;

“(B) effectively convey and explain academic subject matter;

“(C) actively engage students and personalize learning;

“(D) effectively teach higher-order analytical, evaluation, problem-solving, and communication skills;

“(E) develop and effectively apply new knowledge, skills, and practices;

“(F) employ strategies grounded in the disciplines of teaching and learning that—

“(i) are based on empirically based practice and scientifically valid research, where applicable, related to teaching and learning;

“(ii) are specific to academic subject matter;

“(iii) focus on the identification of students’ specific learning needs, (including children with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels), and the tailoring of academic instruction to such needs; and
 “(iv) enable effective inclusion of children with disabilities and English language learners, including the utilization of—

“(I) response to intervention;

“(II) positive behavioral supports;

“(III) differentiated instruction;

“(IV) universal design of learning;

“(V) appropriate accommodations for instruction and assessments;

“(VI) collaboration skills;

“(VII) skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act; and
 “(VIII) evidence-based strategies to meet the linguistic and academic needs of English language learners;

“(G) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measures higher-order thinking skills (including application, analysis, synthesis, and evaluation);

“(H) effectively manage a classroom, including the ability to implement positive behavioral support strategies;

“(I) communicate and work with parents, and involve parents in their children’s education; and

“(J) use age-appropriate and developmentally appropriate strategies and practices.

“(49) FORMATIVE ASSESSMENT.—The term ‘formative assessment’ means a process used by teachers and students during instruction that provides feedback to adjust ongoing teaching and learning to improve students’ achievement of intended instructional outcomes.”.

(3) by redesignating paragraphs (1) through (39), the undesignated paragraph following paragraph (39), and paragraphs (41) through (49) (as amended by this section) as paragraphs (1) through (18), (21), (22), (24) through (29), (31) through (40), (42) through (47), (49), (19), (20), (30), (41), (48), and (23), respectively.

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“PART E—BUILDING SCHOOL CAPACITY FOR EFFECTIVE TEACHING AND LEADERSHIP

“SEC. 2501. LOCAL SCHOOL IMPROVEMENT ACTIVITIES.

“(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

“(1) GRANTS.—From amounts made available under section 2505, the Secretary shall award grants, through allotments under paragraph (3)(A), to States to enable the States to award subgrants to local educational agencies under this part.

“(2) RESERVATIONS.—A State that receives a grant under this part for a fiscal year shall—

“(A) reserve 95 percent of the funds made available through the grant to make subgrants, through allocations under paragraph (3)(B), to local educational agencies; and
 “(B) use the remainder of the funds for—

“(i) administrative activities and technical assistance in helping local educational agencies carry out this part;

“(ii) statewide capacity building strategies to support local educational agencies in the implementation of the required activities under section 2502; and
 “(iii) conducting the evaluation required under section 2504.

“(3) FORMULAS.—

“(A) ALLOTMENTS.—The allotment provided to a State under this section for a fiscal year shall bear the same relation to the total amount available under this part for such allotments for the fiscal year, as the allotment provided to the State under section 2111(b) for such year bears to the total amount available under such section 2111(b) for such allotments for such year.

“(B) ALLOCATIONS.—The allocation provided to a local educational agency under this section for a fiscal year shall bear the same relation to the total amount available under this part for such allocations for the fiscal year, as the allocation provided to the local educational agency under section 2121(a) for such year bears to the total amount available for such allocations for such year.

“(4) SCHOOLS FIRST SUPPORTED.—A local educational agency receiving a subgrant under this part shall first use such funds to carry out the activities described in section 2502(a) in each lowest achieving school served by the local educational agency—

“(A) that demonstrates the greatest need for subgrant funds based on the data analysis described in subsection (b)(3); and
 “(B) in which not less than 40 percent of the students enrolled in the school are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(A) that demonstrates the greatest need for subgrant funds based on the data analysis described in subsection (b)(3); and
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“(i) developing and implementing the teacher and principal evaluation system pursuant to section 2502(a)(3);

“(ii) implementing teacher induction programs pursuant to section 2502(a)(1);

“(iii) providing effective professional development in accordance with section 2502(a)(2);

“(iv) implementing mentoring, coaching, and sustained professional development for school principals and other school leaders pursuant to section 2502(a)(4); and

“(v) providing significant and sustainable teacher stipends, pursuant to section 2502(a)(6);

“(B) a description of how the local educational agency will—

“(i) conduct and utilize valid and reliable surveys pursuant to section 2502(b); and

“(ii) ensure that such programs are integrated and aligned pursuant to section 2502(c);

“(C)(i) a description of how the local educational agency will use subgrant funds to target and support the lowest achieving schools described in subsection (a)(4) before using funds for other lowest achieving schools; and

“(ii) a list that identifies all of the lowest achieving schools that will be assisted under the subgrant;

“(D) a description of how the local educational agency will enable effective inclusion of children with disabilities and English language learners, including through utilization by the teachers, principals, and other school leaders of the local educational agency of—

“(i) response to intervention;

“(ii) positive behavioral supports;

“(iii) differentiated instruction;

“(iv) universal design of learning;

“(v) appropriate accommodations for instruction and assessments;

“(vi) collaboration skills;

“(vii) skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act; and

“(viii) evidence-based strategies to meet the linguistic and academic needs of English language learners;

“(E) a description of how the local educational agency will assist the lowest achieving schools in utilizing real-time student learning data, based on evidence of student learning and evidence of classroom practice, to—

“(i) inform instruction; and

“(ii) inform professional development for teachers, mentors, principals, and other school leaders;

“(F) a description of how the programs and assistance provided under section 2502 will be managed and designed, including a description of the division of labor and different roles and responsibilities of local educational agency central office staff members, school leaders, teacher leaders, coaches, mentors, and evaluators; and

“(G) a description of how the local educational agency will work with institutions of higher education and local teacher and principal preparation programs to improve the performance of beginning teachers and principals, improve induction programs, and strengthen professional development.

“(3) DATA ANALYSIS.—A local educational agency desiring a subgrant under this part shall, prior to applying for the subgrant, conduct a data analysis of each school served by the local educational agency, based on data and information collected from evidence of student learning, evidence of class-

room practice, and the State's longitudinal data system, in order to—

“(A) determine which schools have the most critical teacher, principal, school librarian, and other school leader quality, effectiveness, and professional development needs; and

“(B) allow the local educational agency to identify the specific needs regarding the quality, effectiveness, and professional development needs of the school's teachers, principals, librarians, and other school leaders, including with respect to instruction provided for individual student subgroups (including children with disabilities and English language learners) and specific grade levels and content areas.

“(4) JOINT DEVELOPMENT AND SUBMISSION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a local educational agency shall—

“(i) jointly develop the application and data analysis framework under this subsection with local organizations representing the teachers, principals, and other school leaders in the local educational agency; and

“(ii) submit the application and data analysis in partnership with such local teacher, principal, and school leader organizations.

“(B) EXCEPTION.—A State may, after consultation with the Secretary, consider an application from a local educational agency that is not jointly developed and submitted in accordance with subparagraph (A) if the application includes documentation of the local educational agency's extensive attempt to work jointly with local teacher, principal, and school leader organizations.

“SEC. 2502. USE OF FUNDS.

“(a) INDUCTION, PROFESSIONAL DEVELOPMENT, AND EVALUATION SYSTEM.—A local educational agency that receives a subgrant under this part shall use the subgrant funds to improve teaching and school leadership through a system of teacher and principal induction, professional development, and evaluation. Such system shall be developed, implemented, and evaluated in collaboration with local teacher, principal, and school leader organizations and local teacher, principal, and school leader preparation programs and shall provide assistance to each school that the local educational agency has identified under section 2501(b)(2)(C)(ii), to—

“(i) implement a comprehensive, coherent, high-quality formalized induction program for beginning teachers during not less than the teachers' first 2 years of full-time employment as teachers with the local educational agency, that shall include—

“(A) rigorous mentor selection by school or local educational agency leaders with mentoring and instructional expertise, including requirements that the mentor demonstrate—

“(i) a proven track record of improving student learning;

“(ii) strong interpersonal skills;

“(iii) exemplary teaching skills, particularly with diverse learners, including children with disabilities and English language learners;

“(iv) not less than 5 years teaching experience;

“(v) commitment to personal and professional growth and learning, such as National Board for Professional Teaching Standards certification;

“(vi) willingness and experience in using real-time data, as well as school and classroom level practices that have demonstrated the capacity to—

“(i) improve student learning and classroom practice; and

“(ii) inform instruction and professional growth;

“(vii) a commitment to participate in professional development throughout the year to develop the knowledge and skills related to effective mentoring; and

“(viii) the ability to improve the effectiveness of the mentor's mentees, as assessed by the evaluation system described in paragraph (3);

“(B) a program of high-quality, intensive, and ongoing mentoring and mentor-teacher interactions that—

“(i) ensures that new teachers are supported in ways that help improve content-specific knowledge and pedagogy, including by matching mentors with beginning teachers by grade level and content area;

“(ii) assists each beginning teacher in—

“(I) analyzing data based on the beginning teacher's evidence of student learning and evidence of classroom practice, and utilizing research-based instructional strategies, including differentiated instruction, to inform and strengthen such practice;

“(II) developing and enhancing effective teaching skills;

“(III) enabling effective inclusion of children with disabilities and English language learners, including through the utilization of—

“(aa) response to intervention;

“(bb) positive behavioral supports;

“(cc) differentiated instruction;

“(dd) universal design of learning;

“(ee) appropriate accommodations for instruction and assessments;

“(ff) collaboration skills;

“(gg) skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act; and

“(hh) evidence-based strategies to meet the linguistic and academic needs of English language learners;

“(IV) using formative evaluations to—

“(aa) collect and analyze classroom-level data;

“(bb) foster evidence-based discussions;

“(cc) provide opportunities for self assessment;

“(dd) examine classroom practice; and

“(ee) establish goals for professional growth; and

“(V) achieving the goals of the school, district, and statewide curricula;

“(iii) provides regular and ongoing opportunities for beginning teachers to observe exemplary teaching in classroom settings during the school day;

“(iv) aligns with the mission and goals of the local educational agency and school;

“(v)(I) acts as a vehicle for a beginning teacher to establish short- and long-term planning and professional goals and to improve student learning and classroom practice; and

“(II) guides, monitors, and assesses the beginning teacher's progress toward such goals;

“(vi) assigns not more than 12 beginning teacher mentees to a mentor who is released full-time from classroom teaching, and reduces such maximum number of mentees proportionately for a mentor who works on a part-times basis;

“(vii) provides joint professional development opportunities for mentors and beginning teachers;

“(viii) may include the use of master teachers to support mentors or other teachers; and

“(ix) improves student learning and classroom practice, as measured by the evaluation system described in paragraph (3);

“(C) paid school release time that allows for at least weekly high-quality mentoring and mentor-teacher interactions;

“(D) foundational training and ongoing professional development for mentors that support the high-quality mentoring and mentor-teacher interactions described in subparagraph (B);

“(E) use of research-based teaching standards, formative assessments, teacher portfolio processes (such as the National Board for Professional Teaching Standards certification process), and teacher development protocols that support the high-quality mentoring and mentor-teacher interactions described in subparagraph (B); and

“(F) feedback on the performance of beginning teachers to local teacher preparation programs and recommendations for improving such programs;

“(2) implement high-quality effective professional development for teachers, principals, school librarians, and other school leaders serving the schools targeted for assistance under the subgrant;

“(3) develop and implement a rigorous, transparent, and equitable teacher and principal evaluation system for all schools served by the local educational agency that—

“(A)(i) provides formative individualized feedback to teachers and principals on areas for improvement;

“(ii) provides for substantive support and interventions targeted specifically on such areas of improvement; and

“(iii) results in summative evaluations;

“(B) differentiates the effectiveness of teachers and principals using multiple rating categories that take into account evidence of student learning;

“(C) shall be developed, implemented, and evaluated in partnership with local teacher and principal organizations; and

“(D) includes—

“(i) valid, clearly defined, and reliable performance standards and rubrics for teacher evaluation based on multiple performance measures, which shall include a combination of—

“(I) evidence of classroom practice; and

“(II) evidence of student learning as a significant factor;

“(ii) valid, clearly defined, and reliable performance standards and rubrics for principal evaluation based on multiple performance measures of student learning and leadership skills, which standards shall include—

“(I) planning and articulating a shared and coherent schoolwide direction and policy for achieving high standards of student performance;

“(II) identifying and implementing the activities and rigorous curriculum necessary for achieving such standards of student performance;

“(III) supporting a culture of learning, collaboration, and professional behavior and ensuring quality measures of instructional practice;

“(IV) communicating and engaging parents, families, and other external communities; and

“(V) collecting, analyzing, and utilizing data and other tangible evidence of student learning and evidence of classroom practice to guide decisions and actions for continuous improvement and to ensure performance accountability;

“(iii) multiple and distinct rating options that allow evaluators to—

“(I) conduct multiple classroom observations throughout the school year;

“(II) examine the impact of the teacher or principal on evidence of student learning and evidence of classroom practice;

“(III) specifically describe and compare differences in performance, growth, and development; and

“(IV) provide teachers or principals with detailed individualized feedback and evaluation in a manner that allows each teacher or principal to identify the areas of classroom practice that need to be strengthened, refined, and improved;

“(iv) implementing a formative and summative evaluation process based on the performance standards established under clauses (i) and (ii);

“(v) rigorous training for evaluators on the performance standards established under clauses (i) and (ii) and the process of conducting effective evaluations, including how to provide specific feedback and improve teaching and principal practice based on evaluation results;

“(vi) regular monitoring and assessment of the quality and fairness of the evaluation system and the evaluators’ judgments, including with respect to—

“(I) inter-rater reliability, including independent or third-party reviews;

“(II) student assessments used in the evaluation system;

“(III) the performance standards established under clauses (i) and (ii);

“(IV) training and qualifications of evaluators; and

“(V) timeliness of teacher and principal evaluations and feedback;

“(vii) a plan and substantive targeted support for teachers and principals who fail to meet the performance standards established under clauses (i) and (ii);

“(viii) a streamlined, transparent, fair, and objective due process for documentation and removal of teacher and principals who fail to meet such performance standards, as governed by any applicable collective bargaining agreement or State law and after substantive targeted and reasonable support has been provided to such teachers and principals; and

“(ix) in the case of a local educational agency in a State that has a State evaluation framework, the alignment of the local educational agency’s evaluation system with, at a minimum, such framework and the requirements of this paragraph;

“(4) implement ongoing high-quality support, coaching, and professional development for principals and other school leaders serving the schools targeted for assistance under such subgrant, which shall—

“(A) include a comprehensive, coherent, high-quality formalized induction program outside the supervisory structure for beginning principals and other school leaders, during not less than the principals’ and other school leaders’ first 2 years of full-time employment as a principal or other school leader in the local educational agency, to develop and improve the knowledge and skills described in subparagraph (B), including—

“(i) a rigorous mentor or coach selection process based on exemplary administrative expertise and experience;

“(ii) a program of ongoing opportunities throughout the school year for the mentoring or coaching of beginning principals and other school leaders, including opportunities for regular observation and feedback;

“(iii) foundational training and ongoing professional development for mentors or coaches; and

“(iv) the use of research-based leadership standards, formative and summative assess-

ments, or principal and other school leader protocols (such as the National Board for Professional Teaching Standards Certification for Educational Leaders program or the 2008 Interstate School Leaders Licensure Consortium Standards);

“(B) improve the knowledge and skills of school principals and other school leaders in—

“(i) planning and articulating a shared and clear schoolwide direction, vision, and strategy for achieving high standards of student performance;

“(ii) identifying and implementing the activities and rigorous student curriculum and assessments necessary for achieving such standards of performance;

“(iii) managing and supporting a collaborative culture of ongoing learning and professional development and ensuring quality evidence of classroom practice (including shared or distributive leadership and providing timely and constructive feedback to teachers to improve student learning and strengthen classroom practice);

“(iv) communicating and engaging parents, families, and local communities and organizations (including engaging in partnerships among elementary schools, secondary schools, and institutions of higher education to ensure the vertical alignment of student learning outcomes);

“(v) collecting, analyzing, and utilizing data and other tangible evidence of student learning and classroom practice (including the use of formative and summative assessments) to—

“(I) guide decisions and actions for continuous instructional improvement; and

“(II) ensure performance accountability;

“(vi) managing resources and school time to ensure a safe and effective student learning environment; and

“(vii) designing and implementing strategies for differentiated instruction and effectively identifying and educating diverse learners, including children with disabilities and English language learners; and

“(C) provide feedback on the performance of beginning principals and other school leaders to local principal and leader preparation programs and recommendations for improving such programs;

“(5)(A) create or enhance opportunities for teachers and school librarians to assume new school leadership roles and responsibilities, including—

“(i) serving as mentors, instructional coaches, or master teachers; or

“(ii) assuming increased responsibility for professional development activities, curriculum development, or school improvement and leadership activities; and

“(B) provide training for teachers who assume such school leadership roles and responsibilities; and

“(6) provide significant and sustainable stipends above a teacher’s base salary for teachers that serve as mentors, instructional coaches, teacher leaders, or evaluators under the programs described in this subsection.

“(b) SURVEY.—A local educational agency receiving a subgrant under this part shall conduct a valid and reliable full population survey of teaching and learning, at the school and local educational agency level, and include, as topics in the survey, not less than the following elements essential to improving student learning and retaining effective teachers:

“(1) Instructional planning time.

“(2) School leadership.

“(3) Decisionmaking processes.

“(4) Professional development.

“(5) Facilities and resources, including the school library.

“(6) Beginning teacher induction.

“(7) School safety and environment.

“(c) INTEGRATION AND ALIGNMENT.—The system described in subsection (a) shall—

“(1) integrate and align all of the activities described in such subsection;

“(2) be informed by, and integrated with, the results of the survey described in subsection (b);

“(3) be aligned with the State’s school improvement efforts under sections 1116 and 1117; and

“(4) be aligned with the programs funded under title II of the Higher Education Act of 1965 and other professional development programs authorized under this Act.

“(d) ELIGIBLE ENTITIES.—The assistance required to be provided under this section may be provided—

“(1) by the local educational agency; or

“(2) by the local educational agency, in collaboration with—

“(A) the State educational agency;

“(B) an institution of higher education;

“(C) a nonprofit organization;

“(D) a teacher organization;

“(E) a principal or school leader organization;

“(F) an educational service agency;

“(G) a teaching residency program; or

“(H) another nonprofit entity with experience in helping schools improve student achievement.

“SEC. 2503. RULE OF CONSTRUCTION.

“Nothing in this part shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

“SEC. 2504. PROGRAM EVALUATION.

“(a) IN GENERAL.—Each program required under section 2502(a) shall include a formal evaluation system to determine, at a minimum, the effectiveness of each such program on—

“(1) student learning;

“(2) retaining teachers and principals, including differentiating the retainment data by profession and by the level of performance of the teachers and principals, based on the evaluation system described in section 2502(a)(3);

“(3) teacher, principal, and other school leader practice, which shall include, for teachers and principals, practice measured by the teacher and principal evaluation system described in section 2502(a)(3);

“(4) student graduation rates, as applicable;

“(5) teaching, learning, and working conditions;

“(6) parent, family, and community involvement and satisfaction;

“(7) student attendance rates;

“(8) teacher and principal satisfaction; and

“(9) student behavior.

“(b) LOCAL EDUCATIONAL AGENCY AND SCHOOL EFFECTIVENESS.—The formal evaluation system described in subsection (a) shall also measure the effectiveness of the local educational agency and school in—

“(1) implementing the comprehensive induction program described in section 2502(a)(1);

“(2) implementing high-quality professional development described in section 2502(a)(2);

“(3) developing and implementing a rigorous, transparent, and equitable teacher and principal evaluation system described in section 2502(a)(3);

“(4) implementing mentoring, coaching, and professional development for school principals and other school leaders described in section 2502(a)(4);

“(5) ensuring that mentors, teachers, and schools are using data to inform instructional practices; and

“(6) ensuring that the comprehensive induction and high-quality mentoring required under section 2502(a)(1) and the high impact professional development required under section 2502(a)(2) are integrated and aligned with the State’s school improvement efforts under sections 1116 and 1117.

“(c) CONDUCT OF EVALUATION.—The evaluation described in subsection (a) shall be—

“(1) conducted by the State, an institution of higher education, or an external agency that is experienced in conducting such evaluations; and

“(2) developed in collaboration with groups such as—

“(A) experienced educators with track records of success in the classroom;

“(B) institutions of higher education involved with teacher induction and professional development located within the State; and

“(C) local teacher, principal, and school leader organizations.

“(d) DISSEMINATION.—

“(1) IN GENERAL.—The results of the evaluation described in subsection (a) shall be submitted to the Secretary.

“(2) DISSEMINATION.—The Secretary shall make the results of each evaluation described in subsection (a) available to States, local educational agencies, and the public.

“SEC. 2505. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2012 and each succeeding fiscal year.”.

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 2441 the following:

“PART E—BUILDING SCHOOL CAPACITY FOR EFFECTIVE TEACHING AND LEADERSHIP

“Sec. 2501. Local school improvement activities.

“Sec. 2502. Use of funds.

“Sec. 2503. Rule of Construction.

“Sec. 2504. Program evaluation.

“Sec. 2505. Authorization of appropriations.”.

By Mr. WYDEN:

S.J. Res. 28. A joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Bahrain; to the Committee on Foreign Relations.

Mr. WYDEN. Mr. President, I rise today to introduce a Congressional Joint Resolution to prevent the sale of \$53 million worth of arms to the Government of Bahrain.

As I witness the series of extraordinary events that are sweeping across the Arab world, I am reminded of our own history, and America’s struggle that led to the ideas that are enshrined in our Constitution. Freedom of speech. Freedom of religion. The right

of people to peaceably assemble, and to petition their government for a redress of grievances. The Arab Spring, reminds us that these freedoms are indeed universally sought.

The United States should stick up for individuals seeking such freedoms, not reward those who violently suppress such aspirations.

Selling weapons to the Government of Bahrain right now is about as backwards as a teacher giving the playground bully a pair of brass knuckles instead of putting him in detention. When the rulers of Bahrain are committing human right abuses against peaceful protesters, should we really be rewarding this type of behavior?

First, some context. Protests erupted in Bahrain on the heels of protests in neighboring Tunisia and Egypt, as part of what is being called the Arab Spring. For many years the Shiite majority of Bahrain has been ruled by a Sunni royal family that has excluded most Shiites from political power and economic opportunity. When the people of Bahrain went to the streets to protest, the government responded with crushing force. Police opened fire on unarmed demonstrators, killing seven and seriously wounding hundreds. Protestors and dissident leaders were rounded up and arrested.

It is estimated that 30 people have been killed by government security forces since the start of these largely peaceful protests. Government agencies also fired more than 2,500 people suspected of sympathizing with the protestors and their democratic demands. A special military court was established by decree and has convicted over 100 people on dubious grounds.

Recently, 20 doctors who were caught treating wounded protestors were sentenced to prison terms as long as 15 years. One of the doctors said she was tortured and threatened with rape while in custody. In explaining the reason for her offense, the doctor said “My only crime is I did my job; I helped people.” Amnesty International has pointed out that an increasing number of cases involving civilians arrested are now being primarily tried in military court, without due process.

Human Rights Watch also reports that four people have died in custody. Their suspected cause of death is torture, and medical neglect. Leading political opposition figures who are demanding democratic reforms have been sentenced, in some cases, to life in prison, solely for their role in organizing peaceful protests.

Life in prison just for trying to hold their government democratically accountable. Just because they want the same opportunities as their Sunni neighbors. Just because they want to petition their government for a redress of grievances. I read these reports and I ask myself what our own constitutional framers would have to say about such actions.

So what's the Administration's response to Bahrain's actions? What's our government's response to these human rights violations? Well, Mr. President, the Administration has publicly called for an end to the violence. Secretary Clinton has said that the murder of unarmed protesters must stop.

However, at the same time, the Administration formally notified Congress on September 14 of its plans to sell the ruling regime of Bahrain 44 Armored High Mobility Multipurpose Wheeled Vehicles, over 200 anti-tank missiles and 50 bunker buster missiles, 48 missile launchers, spare parts, support and test equipment, personnel training and training equipment, technical and logistics support services, among other things, all for 53 million dollars. The State Department also notified Congress that it is preparing to send \$15.5 million in Foreign Military Financing to Bahrain.

Like I said we are giving the bully brass knuckles—and then some.

Should our country really reward a regime that has stifled its citizen's freedom of speech; a regime that has openly fired on peacefully assembled protesters; a regime who has tortured doctors for simply treating their fellow citizens?

I cannot support this sale while these abuses continue. That is why I, along with my colleague Congressman MCGOVERN in the House of Representatives, am introducing this Congressional joint resolution. I hope my colleagues will join me in sending a message to Bahrain that we will not reward human rights abuses.

To quote from the President's address to the United Nations General Assembly last month: "Something is happening in our world. The way things have been is not the way they will be. The humiliating grip of corruption and tyranny is being pried open. Technology is putting power in the hands of the people. The youth are delivering a powerful rebuke to dictatorship, and rejecting the lie that some races, religions and ethnicities do not desire democracy." Well it is clear that the people of Bahrain desire greater democracy and opportunity and we should not be rewarding their oppressors with an arms sale at this time. Colleagues, please join me in cosponsoring this Congressional joint resolution.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 28

Whereas the Kingdom of Bahrain is a party to several international human rights instruments, including the International Covenant on Civil and Political Rights, adopted December 16, 1966, and entered into force

March 23, 1976, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984;

Whereas the Government of Bahrain had made several notable human rights reforms during the 2000s;

Whereas, despite those reforms, significant human rights concerns remained in early 2011, including the alleged mistreatment of detained persons and the discrimination against certain Bahraini citizens in the political, economic, and professional spheres of Bahrain;

Whereas this discrimination has included the banning of particular religious groups from holding specific government positions, including the military and security services, without reasonable justification;

Whereas hundreds of thousands of protesters in the Kingdom of Bahrain have significantly intensified their calls for government reform and respect for human rights starting in February 2011;

Whereas independent observers, including the Department of State, Human Rights Watch, Human Rights First, Amnesty International, and Freedom House, found that the majority of protesters have been peaceful in their demands, and that acts of violence by protesters have been rare;

Whereas the Government of Bahrain has systematically suppressed the protests through a wide range of acts constituting serious and grave violations of human rights;

Whereas, according to the Project of Middle East Democracy, at least 32 people have been killed by the Government of Bahrain's security forces since February 2011;

Whereas at least three deaths occurred while the individuals were in detention, according to the Ministry of Interior of the Government of Bahrain;

Whereas there have been credible reports from Human Rights Watch, Human Rights First, Physicians for Human Rights, and the Bahrain Center for Human Rights of severe mistreatment of detainees, including acts rising to the level of torture;

Whereas the Government of Bahrain has investigated and prosecuted individuals who were only peacefully exercising their rights to freedom of expression, political opinion, and assembly;

Whereas the Government of Bahrain has continued to prosecute civilians, including medical professionals, in military-security courts;

Whereas cases continued to be tried in the military-security courts despite promises by the Government of Bahrain to transfer those cases to civilian venues;

Whereas the military-security courts' procedures and actions severely limited due process rights or complied with due process formally rather than substantively;

Whereas the Government of Bahrain's recent promises to have civilian courts hear the appeals from military-security courts are insufficient to rectify the due process violations that occurred at the trial stage;

Whereas the Government of Bahrain has moved quickly to prosecute and sentence political opponents to lengthy prison terms, while at the same time slowly investigating, or failing to investigate at all, government and security officials who appear to have committed or assisted in human rights violations against political opponents;

Whereas Physicians for Human Rights has documented that the Government of Bahrain's security forces have targeted medical personnel by abducting medical workers, abusing patients, intimidating wounded pro-

testers from accessing medical treatment, and sentencing medical professionals to lengthy prison terms in the military-security courts for protesting the government's interference in treating injured protesters;

Whereas the Government of Bahrain has destroyed more than 40 Shi'a mosques and religious sites throughout Bahrain since February 2011;

Whereas Bahrain's legislative lower house, the Council of Representatives (Majlis an-nuwwab) is constituted of disproportionately drawn districts that violates the principle of equal suffrage for Bahraini citizens, particularly the Shi'a community;

Whereas the Government of Bahrain employed tactics of retribution against perceived political opponents, dismissing more than 2,500 workers, academics, medics, and other professionals from their places of employment;

Whereas the Government of Bahrain has violated international labor standards through the dismissals of the aforementioned citizens;

Whereas the Department of Labor has received an official complaint regarding the failure of the Government of Bahrain to live up to its commitments with respect to workers' rights under its Free Trade Agreement with the United States;

Whereas the state-run media of Bahrain have gone beyond legitimate criticism of political opponents towards explicitly and implicitly threatening the physical safety and integrity of those opponents specifically and the Shi'a community generally, creating greater animosity amongst the entire population and making reconciliation of all Bahraini citizens more difficult;

Whereas the Government of Bahrain has expelled international journalists and stopped issuing visas to journalists on grounds that do not appear to be justified by legitimate safety or security concerns;

Whereas the Department of State included Bahrain among a list of countries necessitating additional human rights scrutiny in a June 15, 2011, submission to the United Nations Human Rights Council;

Whereas the Government of Bahrain has taken limited positive measures in recent months, including agreeing to allow the establishment of the Bahrain Independent Commission of Inquiry (BICI) composed of well-renowned international human rights experts who are authorized to investigate human rights violations and recommend measures for accountability;

Whereas the BICI human rights report is due to be submitted to the Government of Bahrain on October 30, 2011;

Whereas the Department of Defense notified Congress on September 14, 2011, of a proposed military arms sale to Bahrain worth approximately \$53,000,000;

Whereas the Department of State notified Congress on September 13, 2011, of a proposed obligation of Foreign Military Funds in the amount of \$15,461,000 for the upgrading and maintenance of certain military equipment;

Whereas other military allies of the United States, including the United Kingdom, France, Spain, and Belgium, have suspended or limited certain licenses and arms sales to Bahrain since February 2011;

Whereas evidence gathered from protesters by the Bahrain Center for Human Rights indicated that tear gas canisters used against peaceful protesters contained markings which showed they were manufactured in the United States; and

Whereas providing military equipment and provisions for upgrades to a government that

commits human rights violations and that has undertaken insufficient measures to seek reform and accountability is at odds with United States foreign policy goals of promoting democracy, human rights, accountability, and stability: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON CERTAIN PROPOSED SALES OF DEFENSE ARTICLES AND DEFENSE SERVICES TO THE KINGDOM OF BAHRAIN.

(a) **LIMITATION.**—The issuance of a letter of offer with respect to each proposed sale of defense articles and defense services to the Kingdom of Bahrain referred to in subsection (b) is hereby prohibited unless the Secretary of State certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that—

(1) the Government of Bahrain is conducting good faith investigations and prosecutions of alleged perpetrators responsible for the killing, torture, arbitrary detention, and other human rights violations committed since February 2011;

(2) the prosecutions of alleged perpetrators in paragraph (1) is being carried out in transparent judicial proceedings conducted in full accordance with Bahrain's international legal obligations;

(3) the Government of Bahrain has ceased all acts of torture and other inhumane treatment in its detention facilities;

(4) the Government of Bahrain has released and withdrawn criminal charges against all individuals who were peacefully exercising their right to freedom of expression, political opinion, and assembly;

(5) the Government of Bahrain is permitting nondiscriminatory medical treatment of the sick and injured, and is ensuring unhindered access to medical care and treatment for all patients;

(6) the Government of Bahrain is protecting all Shi'a mosques and religious sites and is rebuilding all Shi'a mosques and religious sites destroyed since February 2011;

(7) the Government of Bahrain has redrawn the districts of the Council of Representatives (Majlis an-nuwab) in a proportional manner that allots the same number of residents, or reasonably nearly the same number of residents with minimal variation, for each district;

(8) the Government of Bahrain has lifted restrictions on government employment, including in the military and security forces, based on discriminatory grounds such as religion and political opinion;

(9) the Government of Bahrain has reinstated all public and government-invested enterprises' employees who were dismissed from their workplace for peacefully exercising their right to freedom of expression, political opinion, and assembly;

(10) the Government of Bahrain has set standards for private sector compliance covering the reinstatement of its employees who were dismissed from their workplace for peacefully exercising their right to freedom of expression, political opinion, and assembly;

(11) the Government of Bahrain is protecting the right of all individuals, including political opponents of the Government, to peacefully exercise their right to freedom of expression, political opinion, and assembly without fear of retribution;

(12) the Government of Bahrain has ceased using the media under its control to threaten the physical safety and integrity of polit-

ical opponents and other Bahraini citizens, particularly those in the Shi'a community;

(13) the Government of Bahrain is permitting the entry of international journalists to Bahrain except in extremely exceptional cases where the Government clearly shows with evidence and in good faith that the entry of an international journalist is a legitimate safety or security concern;

(14) the Bahrain Commission of Inquiry (BICI) has submitted its final report to the Government of Bahrain;

(15) the BICI's final report's factual findings and conclusions are consistent with information known to the Secretary of State about the human rights violations occurring in Bahrain since February 2011;

(16) the Government of Bahrain is undertaking good faith implementation of all recommendations from the BICI's final report that address alleged human rights violations by the Government of Bahrain since February 2011; and

(17) the Government of Bahrain has undertaken a good faith dialogue among all key stakeholders in Bahrain which is producing substantive recommendations for genuine reforms that meet the reasonable democratic aspirations of Bahrain's citizens and comply with universal human rights standards.

(b) **PROPOSED SALES OF DEFENSE ARTICLES AND DEFENSE SERVICES.**—The proposed sales of defense articles and defense services to the Government of Bahrain referred to in this subsection are those specified in the certifications transmitted to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate pursuant to section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) on September 14, 2011 (Transmittal Number 10-71).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 288—DESIGNATING THE WEEK BEGINNING OCTOBER 9, 2011, AS "NATIONAL WILDLIFE REFUGE WEEK"

Mr. COONS (for himself, Mr. SESSIONS, Mr. CARDIN, Mr. ALEXANDER, Mrs. MURRAY, Mr. LIEBERMAN, Mr. REED, Mr. WYDEN, Mr. BINGAMAN, Mr. WHITEHOUSE, Mr. UDALL of New Mexico, Mr. BROWN of Massachusetts, Ms. COLLINS, Mr. COCHRAN, and Mr. MERKLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 288

Whereas in 1903, President Theodore Roosevelt established the first national wildlife refuge on Florida's Pelican Island;

Whereas in 2011, the National Wildlife Refuge System, administered by the Fish and Wildlife Service, is the premier system of lands and waters to conserve wildlife in the world, and has grown to more than 150,000,000 acres, 553 national wildlife refuges, and 38 wetland management districts in every State and territory of the United States;

Whereas national wildlife refuges are important recreational and tourism destinations in communities across the Nation, and these protected lands offer a variety of recreational opportunities, including 6 wildlife-dependent uses that the National Wildlife Refuge System manages: hunting, fishing, wildlife observation, photography, environmental education, and interpretation;

Whereas more than 370 units of the National Wildlife Refuge System have hunting programs and more than 350 units of the National Wildlife Refuge System have fishing programs, averaging more than 2,500,000 hunting visits and more than 7,100,000 fishing visits;

Whereas the National Wildlife Refuge System experiences 28,200,000 wildlife observation visits annually;

Whereas national wildlife refuges are important to local businesses and gateway communities;

Whereas for every \$1 appropriated, national wildlife refuges generate \$4 in economic activity;

Whereas the National Wildlife Refuge System experiences approximately 45,700,000 visits every year, generating nearly \$1,700,000,000 and 27,000 jobs in local economies;

Whereas the National Wildlife Refuge System encompasses every kind of ecosystem in the United States, including temperate, tropical, and boreal forests, wetlands, deserts, grasslands, arctic tundras, and remote islands, and spans 12 time zones from the Virgin Islands to Guam;

Whereas national wildlife refuges are home to more than 700 species of birds, 220 species of mammals, 250 species of reptiles and amphibians, and more than 1,000 species of fish;

Whereas national wildlife refuges are the primary Federal lands that foster production, migration, and wintering habitat for waterfowl;

Whereas since 1934, more than \$750,000,000 in funds, from the sale of the Federal Duck Stamp to outdoor enthusiasts, has enabled the purchase or lease of more than 5,300,000 acres of waterfowl habitat in the National Wildlife Refuge System;

Whereas 59 refuges were established specifically to protect imperiled species, and of the more than 1,300 federally listed threatened and endangered species in the United States, 280 species are found on units of the National Wildlife Refuge System;

Whereas national wildlife refuges are cores of conservation for larger landscapes and resources for other agencies of the Federal Government and State governments, private landowners, and organizations in their efforts to secure the wildlife heritage of the United States;

Whereas 39,000 volunteers and more than 220 national wildlife refuge "Friends" organizations contribute nearly 1,400,000 hours annually, the equivalent of 665 full-time employees, and provide an important link with local communities;

Whereas national wildlife refuges provide an important opportunity for children to discover and gain a greater appreciation for the natural world;

Whereas because there are national wildlife refuges located in several urban and suburban areas and 1 refuge located within an hour's drive of every metropolitan area in the United States, national wildlife refuges employ, educate, and engage young people from all backgrounds in exploring, connecting with, and preserving the natural heritage of the Nation;

Whereas since 1995, refuges across the Nation have held festivals, educational programs, guided tours, and other events to celebrate National Wildlife Refuge Week during the second full week of October;

Whereas the Fish and Wildlife Service will continue to seek stakeholder input on the implementation of the recommendations in the document entitled "Conserving the Future: Wildlife Refuges and the Next Generation", which is an update to the strategic

plan of the Fish and Wildlife Service for the future of the National Wildlife Refuge System;

Whereas the week beginning on October 9, 2011, has been designated as "National Wildlife Refuge Week" by the Fish and Wildlife Service;

Whereas in 2011, the designation of National Wildlife Refuge Week would recognize more than a century of conservation in the United States and would serve to raise awareness about the importance of wildlife and the National Wildlife Refuge System and to celebrate the myriad recreational opportunities available to enjoy this network of protected lands: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on October 9, 2011, as "National Wildlife Refuge Week";

(2) encourages the observance of National Wildlife Refuge Week with appropriate events and activities;

(3) acknowledges the importance of national wildlife refuges for their recreational opportunities and contribution to local economies across the United States;

(4) pronounces that national wildlife refuges play a vital role in securing the hunting and fishing heritage of the United States for future generations;

(5) identifies the significance of national wildlife refuges in advancing the traditions of wildlife observation, photography, environmental education, and interpretation;

(6) recognizes the importance of national wildlife refuges to wildlife conservation and the protection of imperiled species and ecosystems, as well as compatible uses;

(7) acknowledges the role of national wildlife refuges in conserving waterfowl and waterfowl habitat pursuant to the Migratory Bird Treaty Act (40 Stat. 755, chapter 128);

(8) reaffirms the support of the Senate for wildlife conservation and the National Wildlife Refuge System; and

(9) expresses the intent of the Senate—

(A) to continue working to conserve wildlife; and

(B) to manage the National Wildlife Refuge System for current and future generations.

SENATE RESOLUTION 289—CELEBRATING THE LIFE AND ACHIEVEMENTS OF REVEREND FRED LEE SHUTTLESWORTH AND HONORING HIM FOR HIS TIRELESS EFFORTS IN THE FIGHT AGAINST SEGREGATION AND HIS STEADFAST COMMITMENT TO THE CIVIL RIGHTS OF ALL PEOPLE

Mr. BROWN of Ohio (for himself, Mr. SHELBY, Mr. SESSIONS, Mr. PORTMAN, Mr. LEVIN, Mr. MENENDEZ, Mr. CARDIN, Mr. LAUTENBERG, Mr. INHOFE, Ms. MIKULSKI, and Mr. REID of Nevada) submitted the following resolution; which was considered and agreed to:

S. RES. 289

Whereas the Reverend Fred Lee Shuttlesworth was born on March 18, 1922, in Mount Meigs, Alabama;

Whereas Reverend Shuttlesworth, a former truck driver who studied theology at night, was ordained in 1948;

Whereas Reverend Shuttlesworth became pastor of Bethel Baptist Church in Birmingham, Alabama, in 1953, and was an outspoken leader in the fight for racial equality;

Whereas Reverend Shuttlesworth worked alongside Dr. Martin Luther King, Jr. and was hailed by Dr. King for his courage and energy in the fight for civil rights;

Whereas, in May 1956, Reverend Shuttlesworth established the Alabama Christian Movement for Human Rights when the National Association for the Advancement of Colored People was banned from Alabama by court injunction;

Whereas, in a brazen attempt to threaten Reverend Shuttlesworth's resolve and commitment to the fight for equality and justice, 6 sticks of dynamite were detonated outside Reverend Shuttlesworth's bedroom window on Christmas Day, 1956;

Whereas, on the day after the attack on his home, on December 26, 1956, an undeterred Reverend Shuttlesworth courageously continued the fight for equal rights, leading 250 people in a protest of segregated buses in Birmingham;

Whereas Reverend Shuttlesworth was beaten with chains and brass knuckles by a mob of Ku Klux Klansmen in 1957 when he tried to enroll his children in a segregated school in Birmingham;

Whereas Reverend Shuttlesworth co-founded the Southern Christian Leadership Conference in 1957, serving as the first secretary of the organization from 1958 to 1970 and as its president in 2004;

Whereas Reverend Shuttlesworth participated in protesting segregated lunch counters and helped lead sit-ins in 1960;

Whereas Reverend Shuttlesworth worked with the Congress of Racial Equality to organize the Freedom Rides against segregated interstate buses in the South in 1961;

Whereas it was Reverend Shuttlesworth who called upon Attorney General Robert Kennedy to protect the Freedom Riders;

Whereas Reverend Shuttlesworth freed a group of Freedom Riders from jail and drove them to the Tennessee State line to safety;

Whereas, in 1963, Reverend Shuttlesworth persuaded Dr. King to bring the civil rights movement to Birmingham;

Whereas, in the spring of 1963, Reverend Shuttlesworth designed a mass campaign that included a series of nonviolent sit-ins and marches against illegal segregation by Black children, students, clergymen, and others;

Whereas, in 1963, while leading a non-violent protest against segregation in Birmingham, Reverend Shuttlesworth was slammed against a wall and knocked unconscious by the force of the water pressure from fire hoses turned on demonstrators at the order of Bull Connor, the Commissioner of Public Safety;

Whereas the televised images of Connor directing the use of firefighters' hoses and police dogs to attack nonviolent demonstrators, and to arrest those undeterred by violence, had a profound effect on the view of the civil rights struggle by citizens of the United States;

Whereas as a result of those violent images, President John Fitzgerald Kennedy called the fight for equality a moral issue;

Whereas those violent images helped lead to the passage of the Civil Rights Act of 1964 (Public Law 88-352; 78 Stat. 241);

Whereas, in his 1963 book "Why We Can't Wait", Dr. King called Reverend Shuttlesworth "one of the nation's most courageous freedom fighters . . . a wiry, energetic, and indomitable man";

Whereas, in March 1965, Reverend Shuttlesworth helped organize the historic march from Selma to Montgomery to protest voting discrimination in Alabama;

Whereas Reverend Shuttlesworth became pastor of the Greater New Light Baptist Church in Cincinnati, Ohio, in 1966 and served as pastor until his retirement in 2006;

Whereas Reverend Shuttlesworth advocated for racial justice in Cincinnati and for increased minority representation in the public institutions of Cincinnati, including the police department and city council;

Whereas, in the 1980s, Reverend Shuttlesworth established the Shuttlesworth Housing Foundation in Cincinnati, which helped low-income families in Cincinnati become homeowners;

Whereas, in 2001, President William Jefferson Clinton awarded Reverend Shuttlesworth a Presidential Citizens Medal for his leadership in the "nonviolent civil rights movement of the 1950s and 60s, leading efforts to integrate Birmingham, Alabama's schools, buses, and recreational facilities";

Whereas the Birmingham international airport was named for Reverend Shuttlesworth in 2008, and is now known as the Birmingham-Shuttlesworth International Airport;

Whereas Reverend Shuttlesworth was inducted into the Ohio Civil Rights Commission Hall of Fame in 2009;

Whereas in Reverend Shuttlesworth's final sermon he said "the best thing we can do is be a servant of God . . . it does good to stand up and serve others"; and

Whereas upon the death of Reverend Shuttlesworth, President Barack Hussein Obama said of Reverend Shuttlesworth that he "dedicated his life to advancing the cause of justice for all Americans. He was a testament to the strength of the human spirit. And today we stand on his shoulders, and the shoulders of all those who marched and sat and lifted their voices to help perfect our union": Now, therefore, be it

Resolved, That the Senate celebrates the life and achievements of Reverend Fred Lee Shuttlesworth and honors him for his tireless efforts in the fight against segregation and his steadfast commitment to the civil rights of all people.

SENATE RESOLUTION 290—SUPPORTING THE DESIGNATION OF OCTOBER 6, 2011, AS "JUMPSTART'S READ FOR THE RECORD DAY"

Mrs. MURRAY (for herself, Mr. ISAKSON, and Mr. BEGICH) submitted the following resolution; which was considered and agreed to:

S. RES. 290

Whereas Jumpstart, a national early education organization, is working to ensure that all children in the United States enter school prepared to succeed;

Whereas, year-round, Jumpstart recruits and trains college students and community members to serve preschool children in low-income neighborhoods, helping them to develop the key language and literacy skills necessary to succeed in school and in life;

Whereas, since 1993, Jumpstart has engaged more than 20,000 adults in service to more than 90,000 young children in communities across the United States;

Whereas Jumpstart's Read for the Record, presented in partnership with the Pearson Foundation, is a national campaign that mobilizes adults and children in an effort to close the early education achievement gap in the United States by setting a reading world record;

Whereas the goals of the campaign are to raise awareness in the United States of the importance of early education, provide books to children in low-income households through donations and sponsorship, and celebrate the commencement of Jumpstart's program year;

Whereas October 6, 2011, would be an appropriate date to designate as "Jumpstart's Read for the Record Day" because it is the date Jumpstart aims to set the world record for the largest shared reading experience; and

Whereas Jumpstart hopes to engage more than 2,100,000 children in reading Anna Dewdney's "Llama Llama Red Pajama" during this record-breaking celebration of reading, service, and fun, all in support of preschool children in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of October 6, 2011, as "Jumpstart's Read for the Record Day";

(2) commends Jumpstart's Read for the Record in its sixth year;

(3) encourages adults, including grandparents, parents, teachers, and college students—

(A) to join children in creating the world's largest shared reading experience; and

(B) to show their support for early literacy and Jumpstart's early education programming for young children in low-income communities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Jumpstart, one of the leading non-profit organizations in the United States in the field of early education.

AMENDMENTS SUBMITTED AND PROPOSED

SA 736. Mr. REID (for Mr. COBURN) proposed an amendment to the bill H.R. 2944, to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

SA 737. Mr. REID (for Mr. BROWN of Massachusetts) proposed an amendment to the resolution S. Res. 201, expressing the regret of the Senate for the passage of discriminatory laws against the Chinese in America, including the Chinese Exclusion Act.

TEXT OF AMENDMENTS

SA 736. Mr. REID (for Mr. COBURN) proposed an amendment to the bill H.R. 2944, to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes; as follows:

On page 2, line 12, strike "'27 years' or '27-year period'" and insert "'26 years' or '26-year period'".

SA 737. Mr. REID (for Mr. BROWN of Massachusetts) proposed an amendment to the resolution S. Res. 201, expressing the regret of the Senate for the passage of discriminatory laws against the Chinese in America, including the Chinese Exclusion Act; as follows:

On page 9, line 1, strike "That the Senate—".

On page 9, between lines 1 and 2, insert the following:

SECTION 1. ACKNOWLEDGMENT AND EXPRESSION OF REGRET.

The Senate—

On page 10, strike line 1 and all that follows through "(3)" on line 5, and insert "(2)".

On page 10, line 11, strike "(4)" and insert "(3)".

On page 10, after line 15, add the following:

SEC. 2. DISCLAIMER.

Nothing in this resolution may be construed—

(1) to authorize or support any claim against the United States; or

(2) to serve as a settlement of any claim against the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on October 6, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 6, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 6, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Tax Reform Options: Incentives for Homeownership."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on October 6, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled "Internet Infrastructure in Native Communities: Equal Access to E-Commerce, Jobs and the Global Marketplace."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on October 6, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct and executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on October 6, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN'S HEALTH AND ENVIRONMENTAL RESPONSIBILITY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Children's Health and Environmental Responsibility of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on October 6, 2011, in Dirksen 406 to conduct a hearing entitled, "Oversight Hearing on Federal Actions to Clean Up Contamination from Legacy Uranium Mining and Milling Operations."

The PRESIDING OFFICER. Without objection, it is so ordered.

WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS AFFAIRS SUBCOMMITTEE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 6, 2011, at 10:30 a.m., to hold a Western Hemisphere, Peace Corps, and Global Narcotics Affairs subcommittee hearing entitled, "Peace Corps, the Next 50 Years."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. RUBIO. Mr. President, I ask unanimous consent that Viviano Bovo, a member of my staff, be granted the privilege of the floor during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN JOBS ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I now ask unanimous consent that notwithstanding the provisions of rule XXII, I move to proceed to Calendar No. 187, S. 1660.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (S. 1660) to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 187, S. 1660, the American Jobs Act of 2011.

Harry Reid, Richard J. Durbin, Charles E. Schumer, Sherrod Brown, Robert Menendez, Mark Begich, Barbara Boxer, Debbie Stabenow, Richard Blumenthal, Sheldon Whitehouse, Bernard Sanders, John F. Kerry, Frank R. Lautenberg, Jeff Merkley, Barbara A. Mikulski, Benjamin L. Cardin, Patrick J. Leahy.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived; further that following the vote on passage of S. 1619 on Tuesday, October 11, there be up to 5 minutes equally divided between the two leaders or their designees prior to a vote on the motion to invoke cloture on the motion to proceed to S. 1660.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw my motion to proceed.

UNANIMOUS CONSENT AGREEMENT—H.R. 3080, H.R. 3079, H.R. 3078

Mr. REID. I ask unanimous consent that notwithstanding not having received the following bills from the House: H.R. 3080, H.R. 3079, H.R. 3078, the Senate proceed to their consideration en bloc at a time to be determined by the majority leader after consultation with the Republican leader; that there be up to 12 hours of debate equally divided between the two leaders or their designees; that upon the use or yielding back of that time and the receipt of the papers from the House, the Senate proceed to votes on passage of the bills in the order listed above; finally, that there be no amendments, points of order, or motions in order to any of the bills other than budget points of order and the applicable motions to waive.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that this agreement be modified to ensure that Senator BAUCUS has 20 minutes, that Senator BROWN of Ohio has 1 hour, and that Senator SANDERS has 1 hour.

If the Republicans wish additional time, they can request that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, so that everyone understands, there was some discussion in my caucus on Tuesday, and I have spoken with the House. I have been given a guarantee from the Speaker that the trade adjustment assistance bill will pass there next week.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, Octo-

ber 11, 2011, at 5:30 p.m., the Senate proceed to executive session to consider Calendar No. 250; that there be 2 minutes for debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to a vote, with no intervening action or debate, on Calendar No. 250; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the consent agreement entered into on September 26, 2011, remain in effect and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES PAROLE COMMISSION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2944, which was received from the House and is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 2944) to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that Members of the House from both parties acted quickly to reauthorize the U.S. Parole Commission. I was glad to help move this important measure in the Senate, and am disappointed that we were forced to accept this unnecessary amendment to shorten the bipartisan House bill. Today's amendment wastes valuable time and resources by forcing Congress to reauthorize the Commission again in another 2 years, instead of working toward a more permanent solution.

Although Federal parole was abolished decades ago, the U.S. Parole Commission still has jurisdiction over thousands of offenders in the District of Columbia, as well as some in other parts of the country. Without reauthorization, we faced the risk that offenders would be released early without the proper public safety assessment. I believe that passing this bill promotes public safety and fairness.

I would like to commend Chairman LAMAR SMITH and Ranking Member JOHN CONYERS of the House Judiciary Committee and Representative BOBBY SCOTT of Virginia and Representative JIM SENSENBRENNER of Wisconsin for joining together to originate this bill and move it through the House Judiciary Committee and the House.

AMENDMENT NO. 736

Mr. REID. Mr. President, I ask unanimous consent that a Coburn amend-

ment, which is at the desk, be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 736) was agreed to, as follows:

(Purpose: To authorize a 2 year extension of the Parole Commission)

On page 2, line 12, strike "'27 years' or '27-year period'" and insert "'26 years' or '26-year period'".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2944), as amended, was read the third time and passed.

AMERICAN LEGION AUTHORIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1639.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1639) to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1639) was read the third time and passed, as follows:

S. 1639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL POWER OF AMERICAN LEGION UNDER FEDERAL CHARTER.

Section 21704 of title 36, United States Code, is amended—

(1) by redesignating paragraph (5) through (8) as paragraphs (6) through (9), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) provide guidance and leadership to organizations and local chapters established under paragraph (4), but may not control or otherwise influence the specific activities and conduct of such organizations and local chapters;"

EXPRESSING SENATE REGRET

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate proceed to S. Res. 201.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 201) expressing the regret of the Senate for the passage of discriminatory laws against the Chinese in America, including the Chinese Exclusion Act.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, beginning more than 140 years ago, Congress enacted a series of racist and discriminatory laws directed specifically at persons of Chinese descent. Collectively known as the Chinese Exclusion Laws, these laws remained in force for more than 60 years, and were repealed only as a matter of wartime expediency during World War II. These laws conflicted directly with the fundamental principles of equality and justice upon which our Nation was founded. It is long past time for Congress to affirmatively reject the ignorance and hate that spurred passage of those laws.

S. Res. 201 reflects the Senate's regret for the passage of those unjust laws, but also affirms our commitment to ensuring that such policies never become law again. I commend the individuals and organizations that have advocated for this important resolution.

The Chinese Exclusion Laws reflected a climate of intolerance and xenophobia that viewed immigrants of Chinese descent as inferior and incapable of assimilating as loyal Americans. Fueled in large part by an economic crisis and fears that Chinese immigrants would take jobs away from other workers, the hostility against Chinese immigrants sometimes turned violent. Through a number of state laws and ordinances in many Western states and several questionable court rulings, Chinese immigrants were systematically deprived of fundamental civil rights and privileges, rights that should be guaranteed to all by our Constitution.

Eventually, political pressure led Congress to prohibit the immigration of all Chinese persons into the United States. The Chinese Exclusion Act of 1882 explicitly banned Chinese immigrants from entering the United States for 10 years, and this ban was renewed and ultimately made permanent by Congress through subsequent enactments. In passing these laws, Congress failed to adhere to our Nation's basic founding principles that all are created equal, and that all persons deserve basic human and civil rights. Instead, Congress allowed fear and ignorance to

drive our Nation's immigration policy and, for the first time, to exclude from our country a single group of people based solely on their race.

That was wrong. Ours in a Nation of immigrants and of equality and these laws offended both of those fundamental precepts of America.

While Congress was right to repeal the Chinese Exclusions Laws in 1943, it is important to note that Congress was motivated primarily by the fear that the Japanese would use the racist laws as part of its propaganda campaign to drive a wedge between the U.S. and its Chinese allies. The repeal of the Chinese Exclusions Laws was not accompanied by any genuine sense of regret for the decades of discriminatory policies, or any proclamation by the Congress that it would guard in the future against the type of racism and xenophobia that allowed such laws to pass in the first place. Instead, the exclusion laws were simply supplanted by application of strict race-based quotas that remained in place for more than 20 years. Let us not forget that at the same time that Congress was repealing the Chinese Exclusion Laws, the U.S. Government was imprisoning thousands of loyal Americans of Japanese descent in internment camps throughout the West. Thus, the repeal of the exclusion laws in 1943 can hardly be viewed as a genuine acknowledgement by Congress of the racist nature of its actions. In order to close the book on this series of unjust laws, I urge support of this resolution to express the Senate's regret, albeit belatedly, for these shameful pieces of legislation.

Going forward, this resolution also reaffirms our commitment to the principles of equality and justice upon which our Nation was founded. I was disappointed that, at the insistence of some anonymous Republicans, the resolution is being stripped by amendment of any reference to the Constitution of the United States. That is inexplicable to me. No one has anyone come forward to take responsibility for this change. It is being done in the shadows, without accountability. I believe that the Chinese Exclusion Laws were incompatible with the spirit, and indeed the text, of our Constitution, our fundamental charter. I challenge whoever felt it necessary to remove the original reference in our resolution to the affront to the Constitution to come forward and explain why they were blocking this resolution unless that change was made.

Contrary to the claims in the 1880s that Chinese immigrants looked, acted, and sounded too different—too foreign—to ever become loyal Americans, we have all witnessed the incredible contributions that Chinese Americans have made to our country. America has come a long way since the days of the Chinese Exclusion Laws. I hope that we all appreciate how our Nation's diver-

sity makes America better and stronger.

As Chairman of the Judiciary Committee, I have supported the nominations and recognized the service of many Americans of Chinese descent serving as attorneys and judges throughout the country, such as former Assistant Attorney General for Civil Rights Bill Lann Lee, and Federal Judges Denny Chin, Edmond Chang, Ed Chen, and Dolly Gee. I am also mindful of the service of the late Thomas Tang, a Chinese American trailblazer on the Federal judiciary.

I hope that passage of S. Res. 201 will mark a step in the Senate's progress toward greater commitment to protecting the civil and constitutional rights of all Americans, regardless of race or ethnicity. Unfortunately, in these tough economic times, it is not difficult to hear echoes of the intolerance that led to the Chinese Exclusion Laws in some of the rhetoric of recent immigration debates. Congress should not legislate out of fear and intolerance, and we must not allow laws like the Chinese Exclusions Laws ever to pass again.

Mr. REID. I ask unanimous consent that the Brown of Massachusetts amendment, which is at the desk, be agreed to; the resolution, as amended, be agreed to; the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 737) was agreed to, as follows:

On page 9, line 1, strike "That the Senate—".

On page 9, between lines 1 and 2, insert the following:

SECTION 1. ACKNOWLEDGMENT AND EXPRESSION OF REGRET.

The Senate—

On page 10, strike line 1 and all that follows through "(3)" on line 5, and insert "(2)".

On page 10, line 11, strike "(4)" and insert "(3)".

On page 10, after line 15, add the following:

SEC. 2. DISCLAIMER.

Nothing in this resolution may be construed—

(1) to authorize or support any claim against the United States; or

(2) to serve as a settlement of any claim against the United States.

The resolution (S. Res. 201), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 201

Whereas many Chinese came to the United States in the 19th and 20th centuries, as did people from other countries, in search of the opportunity to create a better life for themselves and their families;

Whereas the contributions of persons of Chinese descent in the agriculture, mining, manufacturing, construction, fishing, and canning industries were critical to establishing the foundations for economic growth in the Nation, particularly in the western United States;

Whereas United States industrialists recruited thousands of Chinese workers to assist in the construction of the Nation's first major national transportation infrastructure, the Transcontinental Railroad;

Whereas Chinese laborers, who made up the majority of the western portion of the railroad workforce, faced grueling hours and extremely harsh conditions in order to lay hundreds of miles of track and were paid substandard wages;

Whereas without the tremendous efforts and technical contributions of these Chinese immigrants, the completion of this vital national infrastructure would have been seriously impeded;

Whereas from the middle of the 19th century through the early 20th century, Chinese immigrants faced racial ostracism and violent assaults, including—

(1) the 1887 Snake River Massacre in Oregon, at which 31 Chinese miners were killed; and

(2) numerous other incidents, including attacks on Chinese immigrants in Rock Springs, San Francisco, Tacoma, and Los Angeles;

Whereas the United States instigated the negotiation of the Burlingame Treaty, ratified by the Senate on October 19, 1868, which permitted the free movement of the Chinese people to, from, and within the United States and accorded to China the status of "most favored nation";

Whereas before consenting to the ratification of the Burlingame Treaty, the Senate required that the Treaty would not permit Chinese immigrants in the United States to be naturalized United States citizens;

Whereas on July 14, 1870, Congress approved An Act to Amend the Naturalization Laws and to Punish Crimes against the Same, and for other Purposes, and during consideration of such Act, the Senate expressly rejected an amendment to allow Chinese immigrants to naturalize;

Whereas Chinese immigrants were subject to the overzealous implementation of the Page Act of 1875 (18 Stat. 477), which—

(1) ostensibly barred the importation of women from "China, Japan, or any Oriental country" for purposes of prostitution;

(2) was disproportionately enforced against Chinese women, effectively preventing the formation of Chinese families in the United States and limiting the number of native-born Chinese citizens;

Whereas, on February 15, 1879, the Senate passed "the Fifteen Passenger Bill," which would have limited the number of Chinese passengers permitted on any ship coming to the United States to 15, with proponents of the bill expressing that the Chinese were "an indigestible element in our midst . . . without any adaptability to become citizens";

Whereas, on March 1, 1879, President Hayes vetoed the Fifteen Passenger Bill as being incompatible with the Burlingame Treaty, which declared that "Chinese subjects visiting or residing in the United States, shall enjoy the same privileges . . . in respect to travel or residence, as may there be enjoyed by the citizens and subjects of the most favored nation";

Whereas in the aftermath of the veto of the Fifteen Passenger Bill, President Hayes initiated the renegotiation of the Burlingame Treaty, requesting that the Chinese government consent to restrictions on the immigration of Chinese persons to the United States;

Whereas these negotiations culminated in the Angell Treaty, ratified by the Senate on May 9, 1881, which—

(1) allowed the United States to suspend, but not to prohibit, the immigration of Chinese laborers;

(2) declared that "Chinese laborers who are now in the United States shall be allowed to go and come of their own free will"; and

(3) reaffirmed that Chinese persons possessed "all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation";

Whereas, on March 9, 1882, the Senate passed the first Chinese Exclusion Act, which purported to implement the Angell Treaty but instead excluded for 20 years both skilled and unskilled Chinese laborers, rejected an amendment that would have permitted the naturalization of Chinese persons, and instead expressly denied Chinese persons the right to be naturalized as American citizens;

Whereas, on April 4, 1882, President Chester A. Arthur vetoed the first Chinese Exclusion Act as being incompatible with the terms and spirit of the Angell Treaty;

Whereas, on May 6, 1882, Congress passed the second Chinese Exclusion Act, which—

(1) prohibited skilled and unskilled Chinese laborers from entering the United States for 10 years;

(2) was the first Federal law that excluded a single group of people on the basis of race; and

(3) required certain Chinese laborers already legally present in the United States who later wished to reenter to obtain "certificates of return", an unprecedented requirement that applied only to Chinese residents;

Whereas in response to reports that courts were bestowing United States citizenship on persons of Chinese descent, the Chinese Exclusion Act of 1882 explicitly prohibited all State and Federal courts from naturalizing Chinese persons;

Whereas the Chinese Exclusion Act of 1882 underscored the belief of some Senators at that time that—

(1) the Chinese people were unfit to be naturalized;

(2) the social characteristics of the Chinese were "revolting";

(3) Chinese immigrants were "like parasites"; and

(4) the United States "is under God a country of Caucasians, a country of white men, a country to be governed by white men";

Whereas, on July 3, 1884, notwithstanding United States treaty obligations with China and other nations, Congress broadened the scope of the Chinese Exclusion Act—

(1) to apply to all persons of Chinese descent, "whether subjects of China or any other foreign power"; and

(2) to provide more stringent requirements restricting Chinese immigration;

Whereas, on October 1, 1888, the Scott Act was enacted into law, which—

(1) prohibited all Chinese laborers who would choose or had chosen to leave the United States from reentering;

(2) cancelled all previously issued "certificates of return", which prevented approximately 20,000 Chinese laborers abroad, including 600 individuals who were en route to the United States, from returning to their families or their homes; and

(3) was later determined by the Supreme Court to have abrogated the Angell Treaty;

Whereas, on May 5, 1892, the Geary Act was enacted into law, which—

(1) extended the Chinese Exclusion Act for 10 years;

(2) required all Chinese persons in the United States, but no other race of people, to

register with the Federal Government in order to obtain "certificates of residence"; and

(3) denied Chinese immigrants the right to be released on bail upon application for a writ of habeas corpus;

Whereas on an explicitly racial basis, the Geary Act deemed the testimony of Chinese persons, including American citizens of Chinese descent, per se insufficient to establish the residency of a Chinese person subject to deportation, mandating that such residence be established through the testimony of "at least one credible white witness";

Whereas in the 1894 Gresham-Yang Treaty, the Chinese government consented to a prohibition of Chinese immigration and the enforcement of the Geary Act in exchange for the readmission of previous Chinese residents;

Whereas in 1898, the United States—

(1) annexed Hawaii;

(2) took control of the Philippines; and

(3) excluded thousands of racially Chinese residents of Hawaii and of the Philippines from entering the United States mainland;

Whereas on April 29, 1902, Congress—

(1) indefinitely extended all laws regulating and restricting Chinese immigration and residence; and

(2) expressly applied such laws to United States insular territories, including the Philippines;

Whereas in 1904, after the Chinese government exercised its unilateral right to withdraw from the Gresham-Yang Treaty, Congress permanently extended, "without modification, limitation, or condition", all restrictions on Chinese immigration and naturalization, making the Chinese the only racial group explicitly singled out for immigration exclusion and permanently ineligible for American citizenship;

Whereas between 1910 and 1940, the Angel Island Immigration Station implemented the Chinese exclusion laws by—

(1) confining Chinese persons for up to nearly 2 years;

(2) interrogating Chinese persons; and

(3) providing a model for similar immigration stations at other locations on the Pacific coast and in Hawaii;

Whereas each of the congressional debates concerning issues of Chinese civil rights, naturalization, and immigration involved intensely racial rhetoric, with many Members of Congress claiming that all persons of Chinese descent were—

(1) unworthy of American citizenship;

(2) incapable of assimilation into American society; and

(3) dangerous to the political and social integrity of the United States;

Whereas the express discrimination in these Federal statutes politically and racially stigmatized Chinese immigration into the United States, enshrining in law the exclusion of the Chinese from the political process and the promise of American freedom;

Whereas wartime enemy forces used the anti-Chinese legislation passed in Congress as evidence of American racism against the Chinese, attempting to undermine the Chinese-American alliance and allied military efforts;

Whereas, in 1943, at the urging of President Franklin D. Roosevelt, and over 60 years after the enactment of the first discriminatory laws against Chinese immigrants, Congress—

(1) repealed previously enacted anti-Chinese legislation; and

(2) permitted Chinese immigrants to become naturalized United States citizens;

Whereas despite facing decades of systematic, pervasive, and sustained discrimination, Chinese immigrants and Chinese-Americans persevered and have continued to play a significant role in the growth and success of the United States;

Whereas 6 decades of Federal legislation deliberately targeting Chinese by race—

(1) restricted the capacity of generations of individuals and families to openly pursue the American dream without fear; and

(2) fostered an atmosphere of racial discrimination that deeply prejudiced the civil rights of Chinese immigrants;

Whereas diversity is one of our Nation's greatest strengths, and, while this Nation was founded on the principle that all persons are created equal, the laws enacted by Congress in the late 19th and early 20th centuries that restricted the political and civil rights of persons of Chinese descent violated that principle;

Whereas although an acknowledgment of the Senate's actions that contributed to discrimination against persons of Chinese descent will not erase the past, such an expression will acknowledge and illuminate the injustices in our national experience and help to build a better and stronger Nation;

Whereas the Senate recognizes the importance of addressing this unique framework of discriminatory laws in order to educate the public and future generations regarding the impact of these laws on Chinese and other Asian persons and their implications to all Americans; and

Whereas the Senate deeply regrets the enactment of the Chinese Exclusion Act and related discriminatory laws that—

(1) resulted in the persecution and political alienation of persons of Chinese descent;

(2) unfairly limited their civil rights;

(3) legitimized racial discrimination; and

(4) induced trauma that persists within the Chinese community: Now, therefore, be it

Resolved,

SECTION 1. ACKNOWLEDGMENT AND EXPRESSION OF REGRET.

The Senate—

(1) acknowledges that this framework of anti-Chinese legislation, including the Chinese Exclusion Act, is incompatible with the basic founding principles recognized in the Declaration of Independence that all persons are created equal;

(2) deeply regrets passing 6 decades of legislation directly targeting the Chinese people for physical and political exclusion and the wrongs committed against Chinese and American citizens of Chinese descent who suffered under these discriminatory laws; and

(3) reaffirms its commitment to preserving the same civil rights and constitutional protections for people of Chinese or other Asian descent in the United States accorded to all others, regardless of their race or ethnicity.

SEC. 2. DISCLAIMER.

Nothing in this resolution may be construed—

(1) to authorize or support any claim against the United States; or

(2) to serve as a settlement of any claim against the United States.

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 288, S. Res. 289, and S. Res. 290.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. REID. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 288

Designating the week beginning October 9, 2011, as "National Wildlife Refuge Week"

Whereas in 1903, President Theodore Roosevelt established the first national wildlife refuge on Florida's Pelican Island;

Whereas in 2011, the National Wildlife Refuge System, administered by the Fish and Wildlife Service, is the premier system of lands and waters to conserve wildlife in the world, and has grown to more than 150,000,000 acres, 553 national wildlife refuges, and 38 wetland management districts in every State and territory of the United States;

Whereas national wildlife refuges are important recreational and tourism destinations in communities across the Nation, and these protected lands offer a variety of recreational opportunities, including 6 wildlife-dependent uses that the National Wildlife Refuge System manages: hunting, fishing, wildlife observation, photography, environmental education, and interpretation;

Whereas more than 370 units of the National Wildlife Refuge System have hunting programs and more than 350 units of the National Wildlife Refuge System have fishing programs, averaging more than 2,500,000 hunting visits and more than 7,100,000 fishing visits;

Whereas the National Wildlife Refuge System experiences 28,200,000 wildlife observation visits annually;

Whereas national wildlife refuges are important to local businesses and gateway communities;

Whereas for every \$1 appropriated, national wildlife refuges generate \$4 in economic activity;

Whereas the National Wildlife Refuge System experiences approximately 45,700,000 visits every year, generating nearly \$1,700,000,000 and 27,000 jobs in local economies;

Whereas the National Wildlife Refuge System encompasses every kind of ecosystem in the United States, including temperate, tropical, and boreal forests, wetlands, deserts, grasslands, arctic tundras, and remote islands, and spans 12 time zones from the Virgin Islands to Guam;

Whereas national wildlife refuges are home to more than 700 species of birds, 220 species of mammals, 250 species of reptiles and amphibians, and more than 1,000 species of fish;

Whereas national wildlife refuges are the primary Federal lands that foster production, migration, and wintering habitat for waterfowl;

Whereas since 1934, more than \$750,000,000 in funds, from the sale of the Federal Duck Stamp to outdoor enthusiasts, has enabled the purchase or lease of more than 5,300,000 acres of waterfowl habitat in the National Wildlife Refuge System;

Whereas 59 refuges were established specifically to protect imperiled species, and of

the more than 1,300 federally listed threatened and endangered species in the United States, 280 species are found on units of the National Wildlife Refuge System;

Whereas national wildlife refuges are cores of conservation for larger landscapes and resources for other agencies of the Federal Government and State governments, private landowners, and organizations in their efforts to secure the wildlife heritage of the United States;

Whereas 39,000 volunteers and more than 220 national wildlife refuge "Friends" organizations contribute nearly 1,400,000 hours annually, the equivalent of 665 full-time employees, and provide an important link with local communities;

Whereas national wildlife refuges provide an important opportunity for children to discover and gain a greater appreciation for the natural world;

Whereas because there are national wildlife refuges located in several urban and suburban areas and 1 refuge located within an hour's drive of every metropolitan area in the United States, national wildlife refuges employ, educate, and engage young people from all backgrounds in exploring, connecting with, and preserving the natural heritage of the Nation;

Whereas since 1995, refuges across the Nation have held festivals, educational programs, guided tours, and other events to celebrate National Wildlife Refuge Week during the second full week of October;

Whereas the Fish and Wildlife Service will continue to seek stakeholder input on the implementation of the recommendations in the document entitled "Conserving the Future: Wildlife Refuges and the Next Generation", which is an update to the strategic plan of the Fish and Wildlife Service for the future of the National Wildlife Refuge System;

Whereas the week beginning on October 9, 2011, has been designated as "National Wildlife Refuge Week" by the Fish and Wildlife Service;

Whereas in 2011, the designation of National Wildlife Refuge Week would recognize more than a century of conservation in the United States and would serve to raise awareness about the importance of wildlife and the National Wildlife Refuge System and to celebrate the myriad recreational opportunities available to enjoy this network of protected lands: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on October 9, 2011, as "National Wildlife Refuge Week";

(2) encourages the observance of National Wildlife Refuge Week with appropriate events and activities;

(3) acknowledges the importance of national wildlife refuges for their recreational opportunities and contribution to local economies across the United States;

(4) pronounces that national wildlife refuges play a vital role in securing the hunting and fishing heritage of the United States for future generations;

(5) identifies the significance of national wildlife refuges in advancing the traditions of wildlife observation, photography, environmental education, and interpretation;

(6) recognizes the importance of national wildlife refuges to wildlife conservation and the protection of imperiled species and ecosystems, as well as compatible uses;

(7) acknowledges the role of national wildlife refuges in conserving waterfowl and waterfowl habitat pursuant to the Migratory Bird Treaty Act (40 Stat. 755, chapter 128);

(8) reaffirms the support of the Senate for wildlife conservation and the National Wildlife Refuge System; and

(9) expresses the intent of the Senate—

(A) to continue working to conserve wildlife; and

(B) to manage the National Wildlife Refuge System for current and future generations.

S. RES. 289

Celebrating the life and achievements of
Reverend Fred Lee Shuttlesworth

Whereas the Reverend Fred Lee Shuttlesworth was born on March 18, 1922, in Mount Meigs, Alabama;

Whereas Reverend Shuttlesworth, a former truck driver who studied theology at night, was ordained in 1948;

Whereas Reverend Shuttlesworth became pastor of Bethel Baptist Church in Birmingham, Alabama, in 1953, and was an outspoken leader in the fight for racial equality;

Whereas Reverend Shuttlesworth worked alongside Dr. Martin Luther King, Jr. and was hailed by Dr. King for his courage and energy in the fight for civil rights;

Whereas, in May 1956, Reverend Shuttlesworth established the Alabama Christian Movement for Human Rights when the National Association for the Advancement of Colored People was banned from Alabama by court injunction;

Whereas, in a brazen attempt to threaten Reverend Shuttlesworth's resolve and commitment to the fight for equality and justice, 6 sticks of dynamite were detonated outside Reverend Shuttlesworth's bedroom window on Christmas Day, 1956;

Whereas, on the day after the attack on his home, on December 26, 1956, an undeterred Reverend Shuttlesworth courageously continued the fight for equal rights, leading 250 people in a protest of segregated buses in Birmingham;

Whereas Reverend Shuttlesworth was beaten with chains and brass knuckles by a mob of Ku Klux Klansmen in 1957 when he tried to enroll his children in a segregated school in Birmingham;

Whereas Reverend Shuttlesworth co-founded the Southern Christian Leadership Conference in 1957, serving as the first secretary of the organization from 1958 to 1970 and as its president in 2004;

Whereas Reverend Shuttlesworth participated in protesting segregated lunch counters and helped lead sit-ins in 1960;

Whereas Reverend Shuttlesworth worked with the Congress of Racial Equality to organize the Freedom Rides against segregated interstate buses in the South in 1961;

Whereas it was Reverend Shuttlesworth who called upon Attorney General Robert Kennedy to protect the Freedom Riders;

Whereas Reverend Shuttlesworth freed a group of Freedom Riders from jail and drove them to the Tennessee State line to safety;

Whereas, in 1963, Reverend Shuttlesworth persuaded Dr. King to bring the civil rights movement to Birmingham;

Whereas, in the spring of 1963, Reverend Shuttlesworth designed a mass campaign that included a series of nonviolent sit-ins and marches against illegal segregation by Black children, students, clergymen, and others;

Whereas, in 1963, while leading a non-violent protest against segregation in Birmingham, Reverend Shuttlesworth was slammed against a wall and knocked unconscious by the force of the water pressure from fire hoses turned on demonstrators at the order of Bull Connor, the Commissioner of Public Safety;

Whereas the televised images of Connor directing the use of firefighters' hoses and police dogs to attack nonviolent demonstrators, and to arrest those undeterred by violence, had a profound effect on the view of the civil rights struggle by citizens of the United States;

Whereas as a result of those violent images, President John Fitzgerald Kennedy called the fight for equality a moral issue;

Whereas those violent images helped lead to the passage of the Civil Rights Act of 1964 (Public Law 88-352; 78 Stat. 241);

Whereas, in his 1963 book "Why We Can't Wait", Dr. King called Reverend Shuttlesworth "one of the nation's most courageous freedom fighters . . . a wiry, energetic, and indomitable man";

Whereas, in March 1965, Reverend Shuttlesworth helped organize the historic march from Selma to Montgomery to protest voting discrimination in Alabama;

Whereas Reverend Shuttlesworth became pastor of the Greater New Light Baptist Church in Cincinnati, Ohio, in 1966 and served as pastor until his retirement in 2006;

Whereas Reverend Shuttlesworth advocated for racial justice in Cincinnati and for increased minority representation in the public institutions of Cincinnati, including the police department and city council;

Whereas, in the 1980s, Reverend Shuttlesworth established the Shuttlesworth Housing Foundation in Cincinnati, which helped low-income families in Cincinnati become homeowners;

Whereas, in 2001, President William Jefferson Clinton awarded Reverend Shuttlesworth a Presidential Citizens Medal for his leadership in the "nonviolent civil rights movement of the 1950s and 60s, leading efforts to integrate Birmingham, Alabama's schools, buses, and recreational facilities";

Whereas the Birmingham International Airport was named for Reverend Shuttlesworth in 2008, and is now known as the Birmingham-Shuttlesworth International Airport;

Whereas Reverend Shuttlesworth was inducted into the Ohio Civil Rights Commission Hall of Fame in 2009;

Whereas in Reverend Shuttlesworth's final sermon he said "the best thing we can do is be a servant of God . . . it does good to stand up and serve others"; and

Whereas upon the death of Reverend Shuttlesworth, President Barack Hussein Obama said of Reverend Shuttlesworth that he "dedicated his life to advancing the cause of justice for all Americans. He was a testament to the strength of the human spirit. And today we stand on his shoulders, and the shoulders of all those who marched and sat and lifted their voices to help perfect our union": Now, therefore, be it

Resolved, That the Senate celebrates the life and achievements of Reverend Fred Lee Shuttlesworth and honors him for his tireless efforts in the fight against segregation and his steadfast commitment to the civil rights of all people.

S. RES. 290

Supporting the designation of October 6, 2011, as "Jumpstart's Read for the Record Day"

Whereas Jumpstart, a national early education organization, is working to ensure that all children in the United States enter school prepared to succeed;

Whereas, year-round, Jumpstart recruits and trains college students and community members to serve preschool children in low-income neighborhoods, helping them to de-

velop the key language and literacy skills necessary to succeed in school and in life;

Whereas, since 1993, Jumpstart has engaged more than 20,000 adults in service to more than 90,000 young children in communities across the United States;

Whereas Jumpstart's Read for the Record, presented in partnership with the Pearson Foundation, is a national campaign that mobilizes adults and children in an effort to close the early education achievement gap in the United States by setting a reading world record;

Whereas the goals of the campaign are to raise awareness in the United States of the importance of early education, provide books to children in low-income households through donations and sponsorship, and celebrate the commencement of Jumpstart's program year;

Whereas October 6, 2011, would be an appropriate date to designate as "Jumpstart's Read for the Record Day" because it is the date Jumpstart aims to set the world record for the largest shared reading experience; and

Whereas Jumpstart hopes to engage more than 2,100,000 children in reading Anna Dewdney's "Llama Llama Red Pajama" during this record-breaking celebration of reading, service, and fun, all in support of preschool children in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of October 6, 2011, as "Jumpstart's Read for the Record Day";

(2) commends Jumpstart's Read for the Record in its sixth year;

(3) encourages adults, including grandparents, parents, teachers, and college students—

(A) to join children in creating the world's largest shared reading experience; and

(B) to show their support for early literacy and Jumpstart's early education programming for young children in low-income communities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Jumpstart, one of the leading nonprofit organizations in the United States in the field of early education.

ORDERS FOR FRIDAY, OCTOBER 7 THROUGH TUESDAY, OCTOBER 11, 2011

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 12:00 p.m. on Friday, October 7, 2011, for a pro forma session only, with no business conducted, and that following the pro forma session, the Senate adjourn until 2 p.m. on Tuesday, October 11, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate proceed to executive session under the previous order; further, following the vote on confirmation of the Triche-Milazzo nomination, the Senate resume

legislative session and consideration of S. 1619, and the Senate immediately vote on passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. There will be three votes starting at 5:30 p.m. on Tuesday. The first vote will be on confirmation of the judge I previously mentioned. The second vote will be on the passage of S. 1619, the China currency bill. Finally, there will be a cloture vote on the motion to proceed to S. 1660.

ADJOURNMENT UNTIL TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 10 p.m., adjourned until Friday, October 7, 2011, at 12 noon.

EXTENSIONS OF REMARKS

RECOGNIZING THE CONTRIBUTIONS OF THE JUVENILE DIABETES RESEARCH FUND

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. ROSKAM. Mr. Speaker, today I rise to highlight the good work of the Juvenile Diabetes Research Fund.

The Juvenile Diabetes Research Fund began in 1970 from a parent's idea to begin a fundraising effort with the aim to promote the research of a cure for juvenile diabetes. To date, the organization has raised more than \$1.5 billion, including \$107 million last year alone. More than 80 percent of those funds go directly to support research and research-related education.

JDRF now has over 100 locations around the world and currently funds research in 19 countries.

Diabetes and its complications cost the United States more than \$174 billion a year and it is a growing epidemic. Every year, there are roughly 30,000 new cases of Type-1 diabetes discovered in America and more than 1.6 million cases of diabetes are diagnosed every year. That's one every 30 seconds.

Type-1 Diabetes typically affects young adults and children. They are forced at a young age to learn how to monitor their blood levels and inject insulin when it's low. This can also be a worrisome and anxious experience.

This is why we must encourage the Food and Drug Administration to continue in its approval process for the artificial pancreas. Earlier this year, 60 Senators and 250 Representatives sent a letter to the FDA Commissioner Margaret Hamburg expressing their support for the artificial pancreas.

This new device will allow children to return to their lives and give parents the peace of mind in knowing that their children will not forget to check their insulin levels. The artificial pancreas is a device that can automatically monitor and regulate glucose levels without requiring blood to be drawn.

Jeffrey Brewer, President and CEO of JDRF, said, "An artificial pancreas, which would automatically monitor and regulate glucose levels, has the potential to transform the care of people with type 1 diabetes." It estimated the artificial pancreas could save Medicare \$23 million over 10 years and \$1.9 billion over 25 years by lowering the number of complications associated with the disease.

I am hopeful that the FDA will stick to its publicly announced December 2011 draft guidance deadline. This will allow us to move into the crucial next phase of real world testing of this potentially life saving device. I would urge my colleagues to continue to monitor this situation and ensure that the FDA stays true to their word on the guidance.

There may not be a cure for diabetes yet but with organizations like the JDRF leading the way in encouraging research and funding grant programs we are getting closer to a cure each day.

RECOGNIZING THE 446TH AIRLIFT WING FOR EARNING THE AIR FORCE MERITORIOUS UNIT AWARD

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. SMITH of Washington. Mr. Speaker, I rise today to recognize the 446th Airlift Wing for earning the Air Force Meritorious Unit Award. The award reflects the wing's outstanding performance flying combat and peacetime missions between 2008 and 2010.

The 446th Airlift Wing is Washington State's only Air Force Reserve flying unit and performs roughly 44 percent of all C-17 missions leaving McChord Field located on Joint Base Lewis-McChord. Having won this accolade in 2007, this honor marks the second time the 446th Airlift Wing has earned the Meritorious Unit Award.

The Meritorious Unit Award was established in 2004 to recognize organizations for exceptional achievement or service in direct support of combat operations. The 2,100 airmen who make up the 446th Airlift Wing are honored for contributing directly to national objectives and continuously demonstrating their combat readiness as they fulfilled global peacetime and wartime operations. Flying more than 9,700 missions in more than 42,000 flying hours averaging 2,000 missions every four months to 11 different Iraqi airfields proves that this unit is nothing short of exemplary.

Mr. Speaker, it is an honor to recognize the 446th for its performance and its commitment to serving the United States. I ask that my colleagues in the House of Representatives please join me in congratulating the 446th Airlift Wing for receiving the Air Force Meritorious Unit Award.

IN RECOGNITION OF REVEREND FRED L. SHUTTLESWORTH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the life of an instrumental figure in the Civil Rights Movement, Reverend Fred L. Shuttlesworth. Reverend Shuttlesworth passed away at the age of 89.

Born in Montgomery County, Alabama, Reverend Shuttlesworth was no stranger to frequent discrimination and violence as he lived out his life. Having endured countless beatings, bombings, and arrests, Reverend Shuttlesworth would become a leading force in the historic fight for equal rights.

Reverend Shuttlesworth was one of the primary pillars of the iconic "Big Three," founded conjointly with Rev. Dr. Martin Luther King, Jr. and Rev. Ralph D. Abernathy, and others. While Reverend Shuttlesworth may not have been as much of a household name as Dr. King, for example, his contributions to the Movement were irrefutably just as pivotal to its success.

Reverend Shuttlesworth was a major actor in the formation of the Southern Christian Leadership Conference, SCLC, a civil rights organization that helped to mobilize thousands of people during rallies and protests in the name of equality. He also helped to organize the Freedom Rides through his work with the Congress on Racial Equality, CORE. Also known for his outspoken and aggressive advocacy, Reverend Shuttlesworth worked closely with Dr. King to maintain momentum behind the Movement whenever Dr. King's conciliatory approach may have failed. Today, his contributions remain clear and his personal sacrifices revered.

Mr. Speaker, I am deeply saddened by this tremendous loss. Reverend Shuttlesworth was a well-respected and principled individual who was fearless even in the face of insurmountable odds. Reverend Shuttlesworth selflessly endured great personal sacrifice so that he could perpetuate a movement that went well beyond his own life. For that I rise to honor his lasting contributions to this nation.

A COMPREHENSIVE ASSESSMENT OF U.S. POLICY TOWARD SUDAN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. SMITH of New Jersey. Mr. Speaker, earlier this week, the Subcommittee on Africa, Global Health, and Human Rights, which I chair, held a hearing that examined a wide range of issues involving U.S. policy toward Sudan, including the ongoing attacks on Southern Kordofan and Blue Nile states, the continuing negotiations with the Republic of South Sudan on challenges such as the demarcation of the border, the fate of the Abyei region, citizenship in both countries and oil revenue sharing. Additionally, this hearing provided opportunities to receive an update on the U.S. response to the enduring stalemate on Darfur and to examine U.S. policy on the release of Sudanese still held in bondage throughout Sudan.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Two months ago, the Subcommittee on Africa, Global Health, and Human Rights held an emergency hearing on the attacks by the Republic of the Sudan on its own Southern Kordofan state. The crisis first arose in June, shortly after the military forces of the Khartoum government attacked the disputed Abyei area. This was apparently a provocation to the Sudanese People's Liberation Movement, or SPLM, government in what is now South Sudan just before that new country's independence.

This vicious attack didn't provoke the SPLM into retaliation, which could have derailed its independence. Nevertheless, dozens of people were killed and more than 200,000 were displaced in the immediate aftermath of the northern attack on its own territory. This violence was a tragic resumption of a prior war by the Khartoum government on the Nuba of Southern Kordofan. Beginning in the 1980s, Islamist elements in the North began an eradication campaign against the Nuba—pitting Northern Arabs against Africans to the South.

Earlier this month, the Sudanese military bombed its own Blue Nile state, including attacks on the governor's residence. Nearly half a million people were affected by the air and ground assault on Blue Nile. It seems the so-called cease-fire in Southern Kordofan was only a pretext to facilitate preparations for the assault on Blue Nile.

The Comprehensive Peace Agreement that ended the North-South civil war was supposed to provide for consultations for both states so residents could determine their political future. However, Khartoum didn't want to risk their desire to break away and lose them as it has South Sudan. The promised consultations were held in Blue Nile, but postponed in Southern Kordofan.

When the SPLM-North members in Southern Kordofan and Blue Nile didn't lay down their arms in advance of South Sudan's independence, Khartoum used that as an excuse to eliminate those who had supported the South in the long civil war. A preemptive strike in Southern Kordofan evidently was meant to chase out those who had opposed Khartoum. Members of SPLM-North were stalked by the Sudanese military, who went door-to-door to eliminate them. The similar attack in Blue Nile was intended to purge that state of the supposed opponents of the Khartoum government living there as well. In fact, the Sudan People's Liberation Army—North governor of Blue Nile has been chased out of the capital by northern military forces.

As the world was focused on the January referendum in which Southerners voted for an independent South Sudan, human right organizations reported rising violence in Darfur. There was a resumption of conflict in several locations in North and South Darfur between Sudanese government military forces and Sudan Liberation Army rebels loyal to Mini Minawi, a signatory of the now-defunct 2006 Darfur Peace Agreement. Recently, the Sudanese army clashed with the rebel Justice and Equality Movement in the remote area of North Darfur near Sudan's triangle border with Chad and Libya. Darfur rebels had attacked Omdurman and Khartoum in northern Sudan in 2008, which resulted in a massive crack-down on dissidents.

The brutality by the Sudanese military will not crush the desire for freedom in Abyei, Southern Kordofan, Blue Nile or Darfur. In seeking to prevent the secession of these states and the special administrative area of Abyei, Bashir's government may be sowing the seeds for Sudan's eventual dissolution. Until that time, however, the international community must continue to press for an end to the attacks on Sudanese, using all of our available diplomatic and economic resources. The human rights of people in the North must be every bit as important to us as the rights of those in the South have been.

Meanwhile, we have known that raiders from the North were killing southern men and taking women and children into slavery for decades. Reports from human rights groups and the U.S. Department of State on Sudanese slavery gained the attention of Members of Congress such as myself as early as the 1980s because of the serious human rights implications of modern-day slavery.

I chaired the first Congressional hearing on slavery in Sudan on March 13, 1996. Our witnesses included then-Deputy Assistant Secretary of State for African Affairs William Twadell; Samuel Cotton of the Coalition Against Slavery in Mauritania and Sudan; Dr. Charles Jacobs of the American Anti-Slavery Group; Baroness Caroline Cox, the Deputy Speaker of the British House of Lords, testifying on behalf of Christian Solidarity International, and Dr. Gaspar Biro, Human Rights Rapporteur of the United Nations. Fifteen years ago, these witnesses cited the gross human rights violations committed by the Government of the Sudan and their failure to cooperate in addressing slavery. Special Rapporteur Biro referred to it as the "manifest passivity of the government of Sudan." Deputy Assistant Secretary Twadell said the Clinton Administration acknowledged then that slavery was an ugly reality in Sudan.

Following a visit to the Sudan People's Liberation Army-held portion of Sudan in November 2000, then-Assistant Secretary of State for African Affairs Susan Rice said that neither the Clinton Administration nor its successor would cease working to end slavery in Sudan. Why have we not kept that promise?

When former Assistant Secretary Rice made that pledge, the United Nations estimated that there were as many as 15,000 southern Sudanese held in bondage after being abducted in raids by Arab militiamen on southern villages. While the current exact number of Sudanese slaves is unknown, too many people remain in slavery in Sudan and more continue to join them each day. The State Department's 2011 Trafficking in Persons report lists Sudan as a Tier III country that is a continuing source, transit and destination country for men, women and children subjected to forced labor and sex trafficking. Slavery remains a pervasive and deeply disturbing reality in Sudan, and we cannot in good conscience allow this to continue.

We have had active campaigns to end Sudanese slavery, to end genocide in Darfur, to end the north-South civil war and now to end to the attacks on Abyei, Southern Kordofan and Blue Nile. Unfortunately, these campaigns have been conducted in isolation from one another. If we are to have a successful policy to

stop the suffering of Sudan's people, our government must devise a comprehensive policy for addressing all of Sudan's challenges. To facilitate such a policy consolidation, civil society also must support a coordinated policy no matter their particular area of concern. Therefore, I call on our civil society organizations concerned about the people of Sudan to work together and demonstrate to our government the wisdom and effectiveness of a coordinated American policy on Sudan.

URGING THE SECRETARY OF STATE TO REMOVE THE PEOPLE'S MOJAHEDIN ORGANIZATION OF IRAN FROM DEPARTMENT OF STATE'S LIST OF FOREIGN TERRORIST ORGANIZATIONS

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, perhaps the most important element of our democracy is the reverence our people and government have for the rule of law. I stand here today because I am dismayed at the State Department's inaction in response to a Federal court ruling stating the DoS was incorrect in placing the MEK on the terrorist watch list. This inaction damages the credibility of our executive branch as well its ability to faithfully execute the laws of this land.

More than 10 years ago, the State Department put Iran's most organized opposition on the list of Foreign Terrorist Organizations, FTO, in order to get the Iranian mullahs to cooperate with us. Not only has this policy failed to temper Iran's aggressive behavior, it has actually emboldened them. More importantly, the terror listing of the Iranian opposition has robbed people of Iran of the political space needed to effectively oppose the regime within Iran and in the global arena.

Our allies in the UK and EU have removed the MEK from their banned organizations list. The DC Circuit Federal Appeals Court has also ordered our government to reexamine its evidence on the MEK and undertake a fresh review of their case. The 10th Circuit stated that the State Department had not shown that the MEK had been engaged or had the intent to engage in terrorist activities which is a requirement to being designated as an FTO. Ninety-five Members of Congress and I have agreed with the court decision and co-sponsored H. Res. 60 to urge the Secretary of State to remove the MEK as an FTO and lift all restrictions.

As such, I would therefore like to ask the folks in State Department a simple question: Why has the department, after more than 500 days of deliberation failed to faithfully comply with the Federal court order?

CEMENT SECTOR REGULATORY RELIEF ACT (H.R. 2681) AND THE EPA REGULATORY RELIEF ACT (H.R. 2250)

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. HOLT. Mr. Speaker this week the House of Representatives considered two bills that continue the Majority's assault on public health and the environment. The so-called "Cement Sector Regulatory Relief Act" and the "EPA Regulatory Relief Act" would delay or eliminate air pollution safeguards for industrial incinerators, boilers, and cement plants. Should these dangerous bills become law, the air we breathe would contain more mercury, arsenic, lead, and acid gas.

These misguided pieces of legislation would undermine the Environmental Protection Agency's ability to enforce the Clean Air Act and significantly limit the federal government's ability to ensure that the air we breathe is safe and pollution-free.

Sadly, these bills are just the latest in a long line of bills from the majority that put big polluter profits before the health and safety of the American people. From the Dirty Air Act that would remove EPA's statutory authority to regulate carbon pollution to legislation that exempts offshore drilling operations from having to control their pollution emissions and legislation that would allow power plants to emit more and more toxic air pollution, the majority seems intent on rolling back programs that preserve our environment, protect our public health, and grow our economy.

For forty years the Clean Air Act has been successful in protecting public health and preventing deaths from respiratory disease because it was written to follow science as science evolved. The success of the Clean Air Act is because its regulations are based in science. Legislators shouldn't pretend to be scientists.

I urge my colleagues to vote no on these dangerous bills.

IN RECOGNITION OF THE ASSOCIATION OF INDIANS IN AMERICA AND ITS PRESIDENT, RANJU BATRA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the Association of Indians in America and its President, my good friend Ms. Ranju Batra, on the occasion of its 24th annual celebration of the festival of Diwali at the historic South Street Seaport in lower Manhattan.

The theme of the Association's celebration this year, "Non-Violence in Today's World," is more salient than ever. Most fittingly, it takes place on the birthday of Mahatma Gandhi. With more than a thousand attendees expected from all across the greater New York

metropolitan region, this year's Diwali celebration will be a highlight of the year for AIA and its distinguished new President, Ms. Ranju Batra.

Founded in 1967, the Association of Indians in America is the oldest association of Indians in America. The New York chapter includes members from across the tri-state region, and prides itself on its tradition of openness and respect for persons of all religious faiths. Its membership is a microcosm of the extraordinary diversity of the Indian community in the New York area, with all regions and religions of India represented, as well as a wide range of professions, backgrounds and occupations. AIA's New York chapter performs countless acts of public service and philanthropy, reflecting its motto, "Indian Heritage and American commitment."

Diwali is a holiday that celebrates the victory of good over evil and awareness of one's inner light, the dispelling of ignorance, and the realization of knowledge of and insight. Through intriguing exhibits, stirring music and dance performances, fine cuisine, inspirational oratory from featured speakers, and a dazzling fireworks display over the East River, this year's festival is helping to educate New Yorkers about Diwali and its celebration by adherents of Hinduism, Jainism and Sikhism, and thereby promoting awareness and appreciation of South Asian culture and its amazing richness and diversity.

I am proud to salute my good friend Ranju Batra on her election as President of AIA, a recognition by her peers in the Indian-American community of her leadership abilities and passion for serving others. In addition to AIA, which she has served as Cultural Chair for several years, Ranju Batra has demonstrated her commitment to numerous worthwhile charitable organizations, including the Hindu Center; Arya Samaj of Westchester County, New York; and Children's Hope. A loving wife to her husband, Ravi, and a caring mother to their children, she is deservedly a widely respected leader of the South Asian community in the nation's largest metropolitan area.

Mr. Speaker, I request that my colleagues join me in paying tribute to the Association of Indians in America and its President, Ms. Ranju Batra, for their extraordinary contributions to the civic life of our nation.

CONGRATULATING WEIRS BEACH RESIDENT ROBERT LAWTON ON THE 20TH YEAR OF THE WEIRS TIMES AND TOURISTS' GAZETTE

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. GUINTA. Mr. Speaker, on September 21, 2011 I had the privilege of nominating Robert Lawton of Weirs Beach, New Hampshire to be a recipient of the prestigious Nackey S. Loeb School of Communications First Amendment Award. After a lifetime of giving to his community as an entrepreneur, New Hampshire historian and Representative to the General Court, Bob re-launched the 19th Century newspaper The Weirs Times and

Tourists' Gazette in 1992. Now in its 20th year, the newspaper started with an initial run of only 2,000 copies distributed in the Laconia area each week. Bob and his son David have since grown circulation to almost 30,000 copies across the state.

At age 80, retirement is not an issue for Bob. Opening his businesses at eight o'clock in the morning he demonstrates the true spirit of the Greatest Generation—its exemplary work ethic. Bob often says, "I like to be busy, I like to be working, I like to keep moving, I like to be thinking of new things all the time."

His thoughtful respect for New Hampshire history, and interest in the community, has successfully resurrected a Lakes Region icon—The Weirs Times. By spreading his opinion and stories about current events and bringing to light our state's historical backdrop, all Granite Staters are in debt to him for continuing to "think of new things all the time."

I commend the work of Mr. Lawton and for his outstanding support of the community. I wish him the very best and many more years of success ahead.

HONORING NICHOLAS STALLWORTH HARE ON HIS 100TH BIRTHDAY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. BONNER. Mr. Speaker, I rise to extend very special birthday greetings to an honored member of the South Alabama legal community. Next week, Nick Hare will celebrate his 100th birthday among the company of a proud family and many loyal friends in his hometown of Monroeville.

Born on October 11, 1911, "Mr. Nick" graduated from Northwood School, Lake Placid, New York, in 1930. He received his college undergraduate degree with honors from Auburn University (Alabama Polytechnic Institute) in 1932, and three years later earned his law degree from the University of Alabama.

After completing his education, Nick joined his cousin, Francis Hare, in the practice of law in Birmingham. Soon after, World War II intervened and his country called. Nick was inducted into the Army Air Corps where he honorably served America, including working on the famous Manhattan Project to produce the atomic bomb.

After his distinguished military service, Nick returned to Alabama and opened his law office in Monroeville. He soon entered politics, being elected to the Alabama legislature in 1954. During his tenure in Montgomery, Nick served as chair of the Judiciary Advisory Council. He left office in 1959 assuming the role of Assistant Attorney General under Alabama Attorney General MacDonalld Gallion. While on the Attorney General's staff, Nick worked with Governor John Patterson to combat loan sharks victimizing Alabamians.

In 1960, Nick turned his gaze to Mobile after he was appointed chief legal counsel for the Alabama State Docks under director Earl McGowan. Later, during the Reagan administration, he served the federal government as

an appointee to represent the United States in legal seminars with the People's Republic of China.

Nick Hare has accomplished much in his 100 years. He's been an Army Air Corpsman, a legislator, a state official, federal appointee and a lifelong attorney representing the best interests of the people of Alabama.

Mr. Speaker, it is not uncommon to laud someone you respect with the compliment "they're a gentleman and a scholar". In "Mr. Nick's" case, he truly is both. A nationally recognized legal mind, an inventor holding eight patents, and an active member of his community, Nicolas Stallworth Hare is a true gentleman and a scholar and a very dear friend to many, many people.

On behalf of the people of Alabama and this House, I am pleased to offer Nick our very best wishes on his 100th birthday. May he continue to have a long, happy and healthy life for many years to come.

RECOGNIZING EIGHT NIGHT
STALKERS OF THE 4TH BATTALION,
160TH SPECIAL OPERATIONS AVIATION REGIMENT,
RECIPIENTS OF THE DISTINGUISHED
FLYING CROSS

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. SMITH of Washington. Mr. Speaker, I rise today to honor CWO-4 Bernard Litaker, Jr., CWO-3 Maciek Mankowski, CWO-3 Todd Peterson, Staff Sgt. Benjamin Tate, Staff Sgt. Stanley Yeadon, Sgt. Jason Brown, Sgt. Jeremy Gribble, and Spc. Matthew Jones who received the Distinguished Flying Cross for their extraordinary service and valor. I recently had the privilege to meet with the leadership of these eight brave servicemen of the 4th Battalion, 160th Special Operations Aviation Regiment (Airborne) located at Joint Base Lewis-McChord, and believe that they have achieved the pinnacle of military excellence.

The Distinguished Flying Cross is awarded to members of the Armed Forces of the United States who distinguish themselves through heroism above and beyond the call of duty while participating in aerial flight, an award which these men have undoubtedly earned.

On a late September 2009 evening in Afghanistan, these men embarked on a high-priority, high-risk mission that would necessitate that they put their lives at risk to protect other forces. The unexpected call required them to quickly develop and execute a plan, but the ensuing enemy fire would force them to adapt to the increasingly dangerous situation. The pilots gave heroic flying performances, expertly navigating their helicopters while calling out enemy threats to their gunners.

Upon completing their objective and reaching safety, they learned they would need to return for a casualty evacuation. Once again landing their aircraft mere meters from their target, the men held off enemy fire and successfully flew the target to safety. Facing seemingly insurmountable odds, not once but twice, these eight brave Night Stalkers dem-

onstrated skillful flying and venerable courage in the face of danger.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in congratulating these eight brave men for their commendable service and thanking them for the sacrifices they have made for their country.

IN TRIBUTE TO THE ELEVEN EXTRAORDINARY 2011 INDUCTEES
TO THE NATIONAL WOMEN'S
HALL OF FAME

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mrs. MALONEY. Mr. Speaker, I rise to recognize the National Women's Hall of Fame and the eleven women who were formally inducted into the National Women's Hall of Fame on September 30 and October 1, 2011 in Seneca Falls, New York.

Since 1969, the National Women's Hall of Fame has showcased great American women who have demonstrated an ability to inspire, lead and innovate. Fittingly, the Hall is located in Seneca Falls, the site of the 1848 Women's Rights Convention which adopted the Declaration of Sentiments demanding that women "have immediate admission to all the rights and privileges which belong to them as citizens of these United States."

Nearly 250 women have been honored by induction into the National Women's Hall of Fame. They come from many fields—they are educators, actors, writers, politicians, visionaries, philanthropists, athletes and scientists—but they share a talent for making a difference and inspiring us all. The eleven women who were inducted into the National Women's Hall of Fame this past weekend have truly made their mark on this country and on our history.

St. Katharine Drexel (1858–1955), a missionary who dedicated her life and fortune to help native Americans and African Americans, is the second American-born person to be recognized as a saint. St. Katharine founded the Sisters of the Blessed Sacrament. During her lifetime, she and her order founded more than sixty missions and schools, including Xavier University in Louisiana.

Dorothy Harrison Eustis (1886–1946) co-founded the nation's first dog guide school, The Seeing Eye. Born in Switzerland, Eustis started breeding German Shepherds for civic duty. Morris Frank, a blind American man, contacted her for help in acquiring a guide dog. She moved to America and, together with Frank, established The Seeing Eye, which has trained 15,000 dogs to assist nearly 6,000 individuals.

Loretta C. Ford (1920–) is an international leader in nursing who is best known for co-founding the nurse practitioner model, which expanded nurse's scope of practice and allowed them to perform a broader range of duties.

Abby Kelley Foster (1811–1887) was a major figure in the anti-slavery and women's rights movements. An organizer, lecturer and fundraiser, she worked tirelessly for the ratifi-

cation of the 14th and 15th amendments and helped lay the groundwork for the 19th amendment granting women suffrage.

Helen Murray Free (1923–) is a pioneering chemist who conducted research that revolutionized diagnostic testing in the laboratory and at home. Her work on dip-and-read strips has made it easier and cheaper to test for diabetes, pregnancy and other conditions.

Billie Holiday (1915–1959) is one of the greatest jazz vocalists of all time. Her unique style continues to influence jazz and pop vocalists more than fifty years after her death.

Coretta Scott King (1927–2006) was a celebrated champion of human and civil rights through non-violent means, in partnership with her husband, Dr. Martin Luther King, Jr., and following his death.

Lily Ledbetter (1938–) is best known for her fight to achieve pay equity. As she was retiring from her position as a manager with the Goodyear Tire and Rubber Company, Ledbetter was advised anonymously that she had been paid considerably less than her male colleagues. She subsequently initiated a lawsuit against Goodyear. She won in trial court, but the Supreme Court later overturned the verdict because she had not filed within 180 days of the discriminatory act even though she was unaware of the discrimination at the time. Thanks in part to her advocacy, Congress reinstated the right to sue, and President Obama signed into law, the Lily Ledbetter Fair Pay Act in 2009.

BARBARA MIKULSKI (1936–) is the first female Democratic Senator elected in her own right. During her more than 30 years in the Senate, she has worked on legislation promoting equal health care for American women, Medicare reform, better care for veterans, greater student access to quality education and much more. This year she became the longest serving female Senator in U.S. history.

Dr. Donna Shalala (1941–) is an educator, scholar and politician who was the longest serving Secretary of Health and Human Services (1993–2001). She has been president of Hunter College which is located in my district, chancellor of the University of Wisconsin-Madison and is currently President of the University of Miami.

Kathrine Switzer (1947–) broke the gender barrier in 1967 when she was the first woman to officially enter the Boston Marathon. She has completed over 37 marathons and has dedicated her career to creating Opportunities and equal sports status for women. In 1977, she founded the Avon International Running Circuit and in 1984 she was a leader in making the women's marathon an official event in the Olympic Games. She is an Emmy Award-winning sports commentator.

Mr. Speaker, I ask my colleagues to join me in rising to celebrate the National Women's Hall of Fame and its eleven remarkable 2011 inductees.

IN RECOGNITION OF DR. BRUCE A. BEUTLER, RECIPIENT OF THE 2011 NOBEL PRIZE IN PHYSIOLOGY OR MEDICINE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. SESSIONS. Mr. Speaker, I rise today to recognize Dr. Bruce A. Beutler for winning the Nobel Prize in Physiology or Medicine, alongside two other scientists, for discoveries in how the immune system functions.

Initially, Dr. Beutler began searching for a receptor with the ability to bind lipopolysaccharide (LPS). After devoting a great deal of time cloning LPS receptor genes, Dr. Beutler and his colleagues made an important discovery in 1998—a Toll-like receptor (TLR) that activates signals when bound with LPS. This discovery spurred further research in innate immunity and now, over a dozen of different TLRs have been identified. I applaud Dr. Beutler's dedicated efforts and know that this finding will provide our medical community with greater understanding about how immune systems respond to diseases, keeping us on the forefront of medical research.

In 2008, he was elected to the National Academy of Sciences. He currently serves as the Director of the Center for the Genetics of Host Defense at UT Southwestern Medical Center. Dr. Beutler is the fifth faculty member from UT Southwestern Medical Center to be awarded a Nobel Prize since 1985.

Mr. Speaker, I ask my esteemed colleagues to join me in congratulating Dr. Beutler on receiving this prestigious award.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. ANDREWS. Mr. Speaker, on rollcall No. 746 for H. Res. 419, I am not recorded because I was absent. Had I been present, I would have voted "no."

HONORING FIRST UNION BAPTIST CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. KILDEE. Mr. Speaker, the month of October marks the 50th anniversary of First Union Baptist Church's Christian service in my hometown of Flint, Michigan, which they are commemorating with a celebration: "Honoring our Past, Fulfilling the Present, Preparing for the Future."

Under the faithful stewardship of Rev. Archie Powell, Sr., Union Baptist opened its doors in a storefront on North Street. At this location, Pastor Archie Powell, Sr., Deacon David Sawyer, Mother Tennessee Sawyer,

Mother Loread Perry, Mother Lela Lee, Sister Gertha McGhee, and Sister Mary Ann Sawyer Jones met for the first time.

After 25 years of steadfast leadership, Rev. Archie Powell, Sr. was called to rest on November 2, 1986. In the following months, the Rev. Archie Powell, Jr. was installed by Rev. Grandville Smith of Mt. Calvary Baptist Church Flint, Michigan. Like his father, Rev. Archie Powell, Jr. is a dedicated servant to the Lord and recently celebrated 24 years of pastoral care to the congregation of First Union Baptist Church.

In 1996, the First Union congregation had grown too big for the building it occupied at the time and decided to break ground on a new place of worship with room for 450 people at 7004 Fleming Rd., Flint, Michigan. The congregation moved in on April 20, 1997. Under the careful stewardship of Rev. Archie Powell, Jr. the congregation was able to pay off the mortgage in December of 2010.

Mr. Speaker, please join me in congratulating First Union Baptist Church on their success and dedication to the Flint community. I pray that the ministers, staff, and congregation of First Union will continue their work and spread the Gospel of Jesus Christ for many, many years to come.

PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mrs. LOWEY. Mr. Speaker, I regrettably missed Rollcall votes on October 5. Had I been present, I would have voted in the following manner:

Rollcall No. 747: "yea."

Rollcall No. 748: "yea."

Rollcall No. 749: "yea."

WITH CONGRATULATIONS FOR FRANCIS HALL INSURANCE SERVICES

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Francis Hall Insurance Services of Chester County, Pennsylvania on its 65th anniversary as a continuously family-owned and operated business.

The history of Francis Hall Insurance Services is a long and storied one, extending back to 1946 when Francis A. Hall founded the agency on South High Street in West Chester Borough. In 1947, Francis became licensed to sell real estate and, by 1960, the agency was a prosperous insurance and real estate firm with the top Chester County realtor, Mrs. M.L. Hughes, who had the highest sales record in the County for five straight years.

Over the years, Francis' sons Richard and Robert would join the agency. Upon Francis' retirement in 1962, his sons took up his mantle and maintained a proudly family-owned and

operated Chester County business. Today, Francis Hall Insurance Services offers personal, commercial, and financial insurance coverages and custom risk management programs. Through its subsidiaries, it is the leading insurer of fire/EMS services in Southeast Pennsylvania, the second largest writer for municipalities in the Brandywine Valley, and the risk management provider to dozens of municipalities, businesses and manufacturers.

Mr. Speaker, I ask that my colleagues join me today in congratulating Francis Hall Insurance Services on the occasion of its 65th anniversary and to extend best wishes for the agency's continuing work to meet the needs of the community throughout the 21st century and beyond.

HONORING KEN ESPOSITO

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to honor the life of Ken Esposito of Bridgewater, Connecticut. Mr. Esposito passed away on September 30, 2011 after a year-long battle with pancreatic cancer. Ken put up a courageous fight with the support of his wife Ann and his family, including his son Eliot and his mother Catherine.

Mr. Esposito was a lifelong advocate for the disadvantaged and those less fortunate. He got his start as a community organizer in Cleveland, Ohio—where he successfully secured millions of dollars for community development projects. In Connecticut, he worked with the United Church of Christ and with the Universal Health Care Foundation. While at the Universal Health Care Foundation, he played a critical role in the effort to pass Sustinet—the ground-breaking legislation which will increase access to affordable health insurance for everyone. Ken worked diligently for years to see this law pass because he believed that providing universal health care was a moral imperative. Additionally, Ken served as an invaluable resource for me and other members of the Connecticut delegation during the recent health care reform debate.

An avid bicyclist, Mr. Esposito enjoyed biking through the bucolic hills of New England. His family noted recently that he was always proud when he could ride past younger bikers who were struggling on Connecticut's hills.

Sadly, the survival rate of pancreatic cancer is incredibly low. According to the American Cancer Society and the National Cancer Institute, nearly 75 percent of pancreatic cancer patients die within one year and nearly 95 percent succumb to the disease within 5 years. Ken's passing reminds us that we have an obligation to stand up for the most vulnerable in society and that much more work must be done to combat devastating diseases, such as pancreatic cancer.

Mr. Speaker, I ask that all of my colleagues join me in celebrating the life of Ken Esposito and the contributions he made to the people of Connecticut.

HONORING STEVE JOBS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. STARK. Mr. Speaker, I rise today to honor Steve Jobs, Apple's co-founder, who passed away yesterday after a lengthy battle with cancer.

In his short 56 years on this planet, Jobs fundamentally changed the way the world communicates, learns, transacts and gets its entertainment. He also managed to make technology fun and widely accessible.

In the early 1980s, I had the pleasure of collaborating with this once-in-a-generation innovator. At the time he was just a young guy. We met on an airplane and got to talking about a shared interest: getting computers, which were then cutting-edge technology, into classrooms.

Job's vision was for Apple to give a computer to every school in the country. I had been interested in projects to improve kids' computer literacy in a world that was becoming ever more technologically sophisticated. At issue was our children's lack of access to that technology.

On our cross-country flight, Jobs explained that he was bumping up against a tax hurdle in his effort to give Apple computers to schools. Donating goods to a school, he found, was not viable for a business because they could only write off the very minimal production cost of the item. This limitation made it financially untenable for Apple, or any other manufacturer, to donate computers to schools. Somewhere over the Midwest, Jobs and I agreed to work together to remove this barrier.

In the months that followed, Jobs came out to Washington and helped me and my staff write legislation to create a charitable deduction allowance for computer donations to elementary, middle and high schools. Senator John Danforth, a Missouri Republican, picked up the torch and introduced the legislation in the Senate.

Our original bill passed the House with flying colors but died in the Senate. In the next Congress, Rep. Bill Archer, a Texas Republican, joined me in the House to champion the bill that became law in 1984. Passage paved the way for the broad distribution of donated computers to our kids' schools.

Critics questioned whether the donated computers would ever make it out of the boxes they came in because not every teacher was technologically minded. Others called the federal tax credit a waste of money. How wrong they were.

Steve Jobs made technology accessible the world over by putting computers into our classrooms, our homes, and our pockets. In honoring his life, we must remember naysayers' initial doubts about whether computer technology was worth federal investment. As we consider our federal deficit and ways to shrink it, we must not become so rigid as to fail to support innovation. Had we not taken that risk decades ago, our educational system, our communities and our world would be a drastically different place.

TRIBUTE TO MR. GEORGE TIMOTHY EVANS, OF CHICAGO, ILLINOIS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. RUSH. Mr. Speaker, I rise today to recognize and honor the life and labor of Mr. George Timothy Evans who made his heavenly transition on Sunday, October 2, 2011 at the age of 92. For 27 years, Mr. Evans served admirably as a Court Bailiff for the Illinois Appellate Court and the Illinois Supreme Court. A native of Arkansas, Mr. Evans attended Langston High School in Hot Springs, Arkansas, where he played football with former Illinois Appellate Court Justice Glenn T. Johnson, the second African-American to serve on the Illinois Appellate Court, sparking a close friendship that would be rekindled when they both ultimately moved to Chicago.

Mr. Evans met his wife of more than 60 years, Tiny Marie Evans, who preceded him in death, at the Bethel AME Church in Malvern, Arkansas and was united in holy matrimony on June 2, 1942. To this union was born a son, Timothy C. Evans, the Chief Judge of the Circuit Court of Cook County, and the first African-American to hold this office and a daughter, Sandra Marie (Evans) Johnson. They relocated to Chicago in 1957, at a time when Arkansas was the epicenter of bitter school integration battles, to seek better opportunities in the North.

Mr. Evans served faithfully as a member of the Greater Institutional AME Church on the south side of Chicago. He was an outstanding and devoted servant of God, who dedicated his life towards making a difference in the lives of all people. Mr. Evans was a shining example of how God can use us to help make this world a better place.

Mr. Speaker, I am appreciative of the life and legacy of Mr. George T. Evans and I want to encourage his family, his sons Chief Judge Timothy Evans and George Evans, daughter Sandra Johnson, sister-in-law Hazel Bailey, his grandchildren and great-grandchildren and his many friends to always remember to look to the hills from which comes all of their help. I am honored to pay tribute to this dedicated public servant and am privileged to enter these words into the CONGRESSIONAL RECORD of the United States House of Representatives.

HONORING DR. WILTON CORKERN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to Dr. Wilton Corkern, a good friend, environmental steward, and community leader who, at the end of last month, retired after serving for 21 years as President and CEO of the Accokeek Foundation. This week-end Wilt will be honored by his family, friends, and colleagues at the Foundation's annual

Leadership Salute with its National Conservation Leadership Award.

The Accokeek Foundation, headquartered in my district, is devoted to the interaction between people and the landscape over time. The Foundation stewards 200 acres of the National Park Service's Piscataway Park, along the Potomac River in Prince George's and Charles Counties. The park was established to preserve the viewshed from George Washington's historic Mount Vernon estate.

The Foundation's programs include the National Colonial Farm, a living history museum that preserves heirloom plants, heritage breeds of livestock, and historic buildings of the Chesapeake Tidewater; the Ecosystem Farm, a demonstration of sustainable agriculture; and a number of training programs in organic farming, museum theatre, and related fields. The success and continued growth of these programs are a testament to Wilt's dedication and that of his talented staff and volunteers.

Mr. Speaker, Wilt's accomplishments at the Accokeek Foundation are many and lasting. Through the years, Wilt:

Established the modern organic Ecosystem Farm, with its innovative new farmer training program, and established what is now the Center for Agricultural and Environmental Stewardship as "a national model for research, scholarship, education, and public information about sustainability in general and sustainable agriculture in particular."

Helped to organize and launch the Friends of the Potomac and to secure designation of the Potomac as one of the first "American Heritage Rivers."

Relocated and reconstructed the Laurel Branch farmhouse, constructed the colonial outkitchen, and replaced the Saylor Grove fishing pier.

Constructed a "green" Education Center and demonstration stewardship areas.

Installed "The View from Here: Preservation, Development, and Community in Accokeek, Maryland" interpretive signage for the Foundation's fiftieth anniversary.

Secured Standards of Excellence certification from the Maryland Association of Non-profits.

Reenergized the Foundation's land conservation initiative to focus on the Mount Vernon viewshed, preservation of working landscapes, and stewardship of easements.

Launched the Foundation's Piscataway Cultural Landscape Initiative, an effort to transform the concept of "indigenous cultural landscape" into a concrete interpretive experience for the public.

Wilt has made a real and enduring impact on our community—helping us improve our appreciation of the environment, recognize our role in preserving it, and understanding and experiencing our shared heritage as Americans. On a personal note, I have greatly appreciated his friendship and counsel over the years. I wish him the best in his retirement and ask all of my colleagues to join me in congratulating him on a job well done.

COMMENDING MSGT. TODD
EIPPERLE

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to honor Master Sergeant Todd Eipperle of Marshalltown, IA. On September 20, 2011, MSgt. Eipperle received the Bronze Star from the Army for his actions in July 2011 which are credited with saving the lives of members of his team following an attack from a rogue security officer from the Afghan National Directorate of Security. A proud member of the Iowa National Guard, MSgt. Eipperle was previously awarded the Purple Heart for wounds he received during the attack. MSgt. Eipperle exemplifies the best of our Iowa Guardsmen and the good work they did during their recent deployment to Afghanistan.

In July of this year, only a week before he was scheduled to return home with the 2,800 other Iowa Guardsmen he'd deployed with, MSgt. Eipperle was wounded in the process of engaging a rogue Afghan security officer who had shot and killed two of his comrades, fellow Guardsman Sgt. 1st Class Terryl Pasker of Cedar Rapids, IA and retired Connecticut State Trooper Paul Protzenko of Enfield, CT. Passing through a checkpoint in Panjshir province, the rogue Afghan officer unexpectedly fired at the Iowa Guardsmen. MSgt. Eipperle's quick action in engaging the attacker, despite gunshot wounds to his own hip and shoulder, is credited with saving a number of his colleagues and his own life.

MSgt. Eipperle is home once again, having received the Bronze Star in Marshalltown before members of his community, and being honored with a parade and town proclamation in his honor on September 20. While he's left the war, MSgt. Eipperle is still on active duty, recovering from the wounds he sustained in July. I commend MSgt. Eipperle on his heroism, for a job well done on deployment, and wish him well on his recovery.

CELEBRATING THE LIFE OF MRS.
FRANCES REEVES JOLLIVETTE
CHAMBERS AND RECOGNIZING
HER CONTRIBUTIONS TO MIAMI'S
AFRICAN AMERICAN COMMUNITY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to celebrate the life of Mrs. Frances Reeves Jollivette Chambers, a great educator, historian, and civil rights activist in Miami's African American community. Fran passed away at the age of 89 after a lengthy struggle with Alzheimer's disease. My thoughts and prayers go out to her family and friends at this most difficult time. She is survived by her daughters, Regina Jollivette Frazier and Cleo Leontine Jollivette; son, Cyrus M. Jollivette; her brother, Garth C. Reeves; four grandchildren; and three great-grandchildren. Trag-

ically, Fran lost her first husband, Cyrus M. Jollivette, Sr., to a storm in January 1960. In July 1963, she married James R. Chambers, who passed away in June 2000.

Fran was born on November 13, 1921, in Overtown, Miami's historic African American neighborhood. She was the sixth of five surviving children born to the late Henry E.S. Reeves and Rachel Jane Cooper Reeves, who had emigrated from Nassau, Bahamas to Miami in April 1919 and founded The Miami Times, Florida's oldest Black newspaper. Fran graduated from Booker T. Washington High School in 1938 before receiving a Bachelor of Arts degree summa cum laude from Bennett College in 1942 and a Master of Arts degree from New York University in 1959. In addition, she later studied at the University of Miami, University of Florida, Florida Agricultural and Mechanical (A&M) University, Florida Atlantic University, and Barry University, earning more graduate credits than required for her doctorate.

Fran was a true educator. For more than 37 years, she taught and guided students at Dunbar Elementary School, Miami Jackson Senior High School, Continuing Opportunities for Purposeful Education (COPE) Center North, and Holmes Elementary School as a teacher, reading specialist, counselor, and principal. During this time, Fran also dedicated her time and energy to numerous causes as a volunteer for the March of Dimes and the American Heart Association, JESCA board chair, a board member of Senior Centers of Dade County, and a member of the American Association of University Women. In the 1970s and 1980s, she was a member of the Florida State Board of Optometry and the League of Women Voters.

After retiring from the Dade County Public Schools in July 1979, Fran continued giving back to her community and traveled the world, visiting over 50 countries and six continents. She was a lifelong member of Alpha Kappa Alpha Sorority and the National Association for the Advancement of Colored People (NAACP), a platinum member of The Links, Inc., and a charter member and past president of the MRS Club, a six-decades-old group of friends. Fran was also a member of the Daughters of the King at Incarnation Episcopal Church.

Almost 30 years ago, Fran first dreamed of publishing a book that would preserve and share the history of Miami's Black pioneers. Her vision was realized in Linkages and Legacies, a 120-page, hardbound coffee table book chronicling the works, deeds, and experiences of Miami's Black pioneers. Published in March 2010 by The Links, Inc., Greater Miami Chapter, through the non-profit Linkages and Legacies, Inc., this publication was distributed for free as a gift to the community. Furthermore, Fran's concept served as the inspiration for the AT&T African American History Calendar, which was created 17 years ago. These important works would not have been possible without the efforts of individuals like Fran, who have dedicated their lives to serving their communities.

Mr. Speaker, I have had the privilege and pleasure of knowing Fran and her family personally. The Miami community has lost one of its great pioneers, and she will be dearly missed. Thanks to Fran's many contributions,

however, her legacy of education, compassion, and love will live on for generations to come.

IN MEMORY OF VIRGIL SCHEIDT

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. PENCE. Mr. Speaker, I rise with a heavy heart to honor the tremendous life and legacy of Virgil Scheidt from my hometown of Columbus, Indiana.

Mr. Scheidt lived a long and blessed life full of family, hard work, and community service. On February 20, 1949, he married the love of his life, Bettie. He began his career as a farmer, and he and Bettie owned and operated their own farm for more than thirty years. But as much as he loved farming, Mr. Scheidt felt called to do more for his community, and in 1960, he was elected Bartholomew County Treasurer. After winning re-election four years later, he was also elected President of the Association of Indiana County Officials, and went on to be elected as a national director of the National County Officials in 1967.

Mr. Scheidt was elected chairman of the Bartholomew County Republican Party in 1965, where he served for 33 years. After serving as district chairman for several years, he was ultimately elected chairman of the Indiana State Republican Party in 1989. His involvement in local, state, and national politics spanned decades and included such honors as serving as an elector of the Indiana Electoral College in the 2000 presidential election, and attending and serving as a delegate for numerous national Republican conventions.

Virgil Scheidt was also an entrepreneur and businessman. Besides his life on the farm, he founded a real estate brokerage firm, and in 1974, was appointed to the Indiana Real Estate Commission where he served as a member for fifteen years and as its chairman from 1983 to 1985. He was named Realtor of the Year in 1987 by the Columbus Board of Realtors and was awarded the Lifetime Achievement Award by them in 1999.

Despite his many business and political activities, Mr. Scheidt was still a dedicated and active member of his community. He was a member of the Columbus Rotary Club, Harrison Lake Country Club, the Columbus Area Chamber of Commerce, and the Columbia Club. He was also an active and lifelong member of St. Paul Lutheran Church in Columbus. His legacy of service was honored by three different governors when each of them gave him the prestigious Sagamore of the Wabash Award, and additionally he received the Distinguished Hoosier Award in 1985 from Governor Robert Orr.

While his loss will be deeply felt, we find hope in the Good Book which tells us that "the Lord is close to the brokenhearted." I offer my deepest condolences, to Mr. Scheidt's beloved family: wife Bettie; sons Randy and Warren; daughters Deborah and Christie; grandchildren Matthew, Leslie, Travis, Zachary, Allison, Katie, Todd, Emily, Nicholas, Olivia, and Madeline; great-grandson Harrison; as well as his

numerous nieces, nephews, and cousins. May you find comfort in the eternal hope we find in our faith, and encouragement that Virgil Scheidt will be remembered and honored in the hearts of Hoosiers for his life of service for years to come.

CELEBRATING MEXICAN
INDEPENDENCE DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. RANGEL. Mr. Speaker, today, I rise to commemorate the Bicentennial and 201st anniversary of Mexican Independence Day, which occurred on September 16, 2011. As Mexicans everywhere celebrate the historic independence of Mexico from Spanish rule, this momentous day is significant because it represents a sign of justice and equality—rights valued and protected in our great country of the United States. It also represents the day when Mexico was able to begin its quest for freedom for the people of that beautiful and spirited country. Our two countries will continue to make sure that the rights of the people come first.

Mexican Independence Day is celebrated on the date that Father Miguel Hidalgo y Castillo, a priest in Dolores, Guanajuato, frustrated with Spanish rule, rang the church bell to gather the people of the town. Hidalgo ignited a fire among the listeners, requesting that the people of Mexico join him in rising up against Spanish rule. Just as the soldiers in the American Revolutionary War fought on behalf of our country, these courageous, patriotic men fought to gain the independence of their beloved Mexico. This event known today as Grito de Dolores or “Cry of Dolores” is joyfully celebrated every year on September 16 by Mexicans all over the world. The red, white, and green flag is proudly displayed on this day during festivities.

El Centro Comunitario Mexicano, or as it is popularly known, CECOMEX, is one of the oldest active, not-for-profit organizations for Mexican Americans in my Congressional District and the City of New York. Under the leadership of Executive Director, Sandra Perez, it has worked independently as a community organization in my beloved East Harlem community, catering to the needs of our newcomers. I want to publicly thank them for all their work. I would also like to commend Carlos M. Sada, Consul General of Mexico in New York for all his hard work on behalf of Mexico. He continues to assist and protect the citizens of Mexico while facilitating trade and extending a cordial friendship with New York.

The model of Father Miguel Hidalgo-Costilla's resolve and sacrifice for independence and liberty makes him an icon for what beleaguered peoples of the world need most today in their leaders. His martyrdom for Mexico and for the future of their republic can provide light upon all communities. Let's pay respects to those courageous men who fought on behalf of Mexico to help position the country where it is today.

Mr. Speaker, let me conclude on this, Mexico's two hundred and first anniversary of inde-

pendence, by vowing a renewed commitment between the United States and Mexico as both of our nations continue to confront the global issues of our time. I call upon my fellow Members of Congress to join me in celebrating Mexican Independence Day in honor of all the Mexican immigrants and descendants, not only in my district, but throughout this great nation and the world. Viva Mexico and may God and the Virgin of Guadalupe bless The United Mexican States and the United States of America.

TAIWAN'S 100TH ANNIVERSARY OF
ITS FOUNDING

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. SIMPSON. Mr. Speaker, October 10th of this year marks the 100th anniversary of Taiwan, the Republic of China. Taiwan has been an important contributor towards economic and political security in Asia for decades, and continues to be a major trading partner with the United States. Indeed, Taiwan is the ninth largest trading partner of the United States and the sixth largest agricultural market for products grown and produced here in the United States.

Taiwan continues to benefit from self-governance and free-elections, and its open society and democracy allows for innovation and growth that puts it on a competitive footing with the most powerful and largest countries in the world.

Taiwan and the United States uphold a peaceful affiliation through trade agreements and meaningful personal relationships. I enjoyed a trip to Taiwan when I was a state legislator, and it is a beautiful country with a vibrant culture.

Congratulations to the people of Taiwan and President Ma Ying-jeou on its 100th anniversary.

IN RECOGNITION OF THE ACHIEVEMENTS
AND GENEROSITY OF
LEROY AND TERESA ROBINSON

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. KISSELL. Mr. Speaker, I rise today to honor a true, dedicated leader in my state and in my local community of Montgomery County, North Carolina. Leroy Robinson grew up in Candor, North Carolina, just miles from my home. He graduated from what was then-known as Candor High School in 1939, and went on to my alma mater of Wake Forest University. After proudly serving our nation in World War II, Robinson returned home to North Carolina and began working for Belk, a local family owned department store that began in my district in Monroe, North Carolina. After years as a local business and community leader, Robinson officially retired from Belk in 1988 after 37 years of service with the com-

pany, only to continue on as an advisor and counsel through 1995.

In 1995, Robinson and his late wife Teresa reached out to Wake Forest with hopes of setting up a scholarship fund for local students to attend Wake Forest, which is ranked 25th best university in the nation by US News and World Report. Through his hard work to open new doors to his own success in life, he now wanted to help pave a path for others just like him to achieve all that they can, with help from the community that raised them. It was Robinson's belief that if children had the opportunity to get a good education, they'd return home to Montgomery County and make their community a better place.

After my time at Wake Forest, I too returned home, working in textiles for over 27 years before I began teaching high school social studies at both West and East Montgomery High Schools. I have seen first-hand the benefits that the Robinson Scholarship has provided for both Montgomery County and Wake Forest University. The generosity of Leroy Robinson has continued to open new doors of opportunity for students throughout my community, and on behalf of the people of Montgomery County, I know that we will never have the proper words to adequately thank Leroy for all he has done, and continues to do.

Mr. Speaker, it is with complete admiration and appreciation that I rise today to speak of the kindness and generosity with which Leroy and Teresa Robinson have continued to bless our part of the world. His selflessness and dedication to helping those who come after him is a testament to the promise and goal that many of us embrace: to leave the world a better place than it was when we arrived. Leroy Robinson has served as a shining example of this generosity, and his gift continues to give to the students of my community.

Today, I ask all Members of Congress to join me in prayer for the health and well-being of Leroy Robinson, an asset to the people of Montgomery County, of North Carolina, and of our nation. Although sadly she is no longer with us, I also ask that we remember Teresa Robinson and her generous contributions as well.

HONORING U.S. MARINE LANCE
CORPORAL GIUSEPPE “JOE” LETO

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to honor the memory of U.S. Marine Lance Corporal Giuseppe “Joe” Leto.

Joe was a resident of New Milford, Connecticut, where he attended Canterbury High School for four years. As his family and friends describe him, Joe was a passionate member of the school wrestling team who enjoyed spending time with his friends. Following his graduation, he went on to attend Western New England College in Springfield, Massachusetts to study business. In 1998, he decided to serve his country by joining the U.S. Marine Corps. After going through boot camp on Paris Island, he reported to Camp Lejeune

in North Carolina for 16 weeks of training. Tragically, Joe died during a conditioning hike in his third week at Camp Lejeune at the age of 21.

Following Joe's death, his mother, Mrs. Mimi Leto established the Joe Leto Scholarship for the students at Canterbury High School. When community support for the Leto family was expressed in an outpouring of flowers, Joe's former wrestling coach, Joe Wilson suggested that Mrs. Leto ask the community to participate in a fundraiser to support a scholarship in Joe's memory.

The community's response was enthusiastic. Though originally intended to be a one-time event, the "Run for Joe" has become a tradition in New Milford. Participants have raised a total of over \$150,000 in support of Joe's scholarship since the very first run. October 9, 2011 marks the 13th Annual "Run for Joe" to raise money for the Joe Leto Scholarship Fund. This year, in honor of the "Run for Joe" and in honor of Joe's memory, a flag will be flown at half staff on the day of the event at the Connecticut state Capitol.

In reflection of the premature loss of a young, promising U.S. Marine and the sense of community he has inspired in the town of New Milford, I ask my colleagues to join me in recognizing and honoring the life of Lance Corporal Giuseppe Leto, and the contributions his family and community have made in his memory to the students at Canterbury High School.

PALESTINIAN BID FOR U.N.
RECOGNITION

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. SARBANES. Mr. Speaker, to those who question the United States' expression of solidarity with Israel in the face of the recent Palestinian bid for U.N. recognition, the answer is that it is in America's interest to stand strong with its friend and ally.

There is a chorus of political interests arguing that U.N. recognition is precisely the game-changing move needed to push forward stalled Mid-East talks. But completely up-ending the long agreed-upon structure of direct negotiations would defeat all interests. For those Palestinians who desire peace, it would unfairly heighten expectations that the United Nations offers some new path to an independent state with defined territorial borders. Most alarmingly, U.N. recognition of Palestinian statehood would encourage Israel's traditional foes, as well as emerging new ones, to abandon their grudging acceptance of the direct negotiation paradigm in favor of a coordinated assault on Israel's interests and security. That, in turn, will put America's interests at risk.

U.S. support for Israel has never been more important than it is now. The winds of the Arab Spring blowing from Tunisia to Syria are dramatically altering the dynamics of the Israeli-Palestinian conflict and the wider region. Our ally's familiar antagonists are seizing on the region's new populism to stir up anti-

Israel sentiment. In recent days, Israeli diplomats had to be rescued (with U.S. help) from their embassy in Cairo when angry protesters breached the grounds. Iran is as belligerent as ever and its potential to pose an existential threat to Israel cannot be underestimated.

It is expected that countries like Iran would seek to hijack the sentiment of the Arab Spring, but who would have predicted that NATO member Turkey, a country that long enjoyed a strong military and economic relationship with Israel, would turn against its erstwhile ally with such ferocity? Turkish hostility towards Israel goes well beyond the purported settling of a score over the Gaza Flotilla incident. It appears calculated to establish Turkey's strategic dominance of the Eastern Mediterranean by putting pressure on the Israeli-Arab alliance. One important way for the United States to discourage this kind of adventurism in the region is to continue to affirm its unbreakable bond with the State of Israel.

TRIBUTE TO THE
MEDITERRANEAN QUARTERLY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. PAYNE. Mr. Speaker, I rise today in honor of the Mediterranean Quarterly, a journal of global issues published by Duke University Press in the late 1980s. Mediterranean Quarterly is edited by Dr. Nikolaos A. Stavrou (Professor Emeritus of International Affairs, Howard University), a true believer in intellectual honesty, professional integrity, and fair play. The Journal is unique in many ways, and has made its mark in the policymaking world and global academy.

Dr. Stavrou ensured that thinkers from all lit-
toral states as well as academic experts in the U.S. have an open and uncensored forum to present and debate ideas. Mediterranean Quarterly has no agenda to promote other than the search for truth without fear or favor. But more importantly, it has made a point to open its pages to prominent African leaders to address issues in true Mediterranean spirit of respect for human dignity.

Over the years, I had the privilege of joining a stellar list of contributors, among them former President Jimmy Carter, former UN Secretary General Boutros Boutros-Ghali, the Presidents of Turkey and Croatia, President Salva Kiir of South Sudan, and a long list of academics, foreign ministers, prime ministers and prominent diplomats.

I consider it my distinct honor to have published on a wide range of issues, including Africa, the Cyprus crisis and other issues. The Mediterranean Quarterly is a forum for thinkers and not a place for waging an ideological campaign.

HONORING THE REVEREND
JOSEPH E. LOWERY

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. RICHMOND. Mr. Speaker, the Reverend Joseph E. Lowery, an irreplaceable organizer in the American Civil Rights Movement and a leader who marched with Rev. Dr. Martin Luther King Jr. to overturn discrimination in voting rights and other injustices, celebrates his 90th birthday today. It is only right that I honor this man who made my ascension possible.

Just 54 years ago, in a meeting in New Orleans, Louisiana, Rev. Lowery helped form the Southern Christian Leadership Conference alongside Dr. King, Rev. Ralph Abernathy, and New Orleans' own Rev. Dr. Simmie Lee Harvey and Rev. Abraham Lincoln "A. L." Davis—among other civil rights leaders. The Southern Christian Leadership Conference, known as the SCLC, was largely known for its non-violent protests. It was Rev. Lowery himself who organized the 1965 Selma to Montgomery March that eventually led to the passage of the historic Voting Rights Act. You'll remember that the Voting Rights Act finally guaranteed Black Americans the right to vote—free from intimidation, poll taxes, and other rules and laws designed to disenfranchise us. Rev. Lowery served as the president of the SCLC from 1977–1997 and revitalized it through his outspoken nature and distinct leadership style.

Rev. Lowery continues to fight social injustice even today at the young age of 90. For his work, he's received numerous awards including the Presidential Medal of Freedom, the nation's highest civilian honor; the Congressional Black Caucus Foundation's Phoenix Award; the Martin Luther King Center Peace Award; the NAACP Lifetime Achievement Award; and the Fred L. Shuttlesworth Human Rights Award from the Birmingham Civil Rights Institute. Rev. Lowery has also received several honorary doctorates from colleges and universities including, Dillard University, Morehouse College, Alabama State University, University of Alabama in Huntsville, and Emory University.

While delivering the benediction at the 2009 presidential inauguration of President Obama, Rev. Lowery reminded us all "that in the complex arena of human relationships, we should make choices on the side of love, not hate; on the side of inclusion, not exclusion; and tolerance, not intolerance." It is evident that this principle has been a driving force in every area of Rev. Lowery's life for the last 90 years. His unwavering dedication to equality for all people has made this country a better place for people of all races and ethnicities.

As we celebrate the life of Rev. Lowery today, we must also pause to remember the legacy of another civil rights leader, Rev. Fred Shuttlesworth. Rev. Shuttlesworth died yesterday at the age of 89 after fighting for racial equality alongside Rev. Lowery for more than 50 years. He was an American hero whose fight for civil rights is emblematic of the perseverance, compassion, and faith that make us

American. He was a legend during the movement and time has only cemented his place in history as a champion of equality. He was beaten, threatened, and his family was attacked. Nonetheless, he never wavered from his commitment to American civil rights. My achievements have been possible because I stand on his shoulders, Rev. Lowery's shoulders, and those of other freedom fighters. Dr. King once referred to Rev. Shuttlesworth as "one of the nation's most courageous freedom fighters." It is because of this courage that his legacy will live on for many generations to come.

Mr. Speaker, I urge my colleagues to join me in wishing Rev. Joseph Lowery a happy and blessed 90th birthday. As Rev. Lowery once wrote of Dr. King, "To appropriately celebrate . . . we must honor both the man and the movement. To enoble the man and ignore the movement is to do injustice to both. We must not let the spirit of the movement be overcome with sentimental ceremonies that omit the sacramental nature of the struggle. Ceremonies end with the benediction while sacraments begin with the benediction. Ceremony is like putting a ring on her finger at the wedding. Sacrament is ringing her life with love and joy ever after."

CONGRATULATIONS TO BEN AND JENNIFER MOORE FOR WINNING TENNESSEE FARM BUREAU'S OUTSTANDING YOUNG FARMER ACHIEVEMENT AWARD

HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. FINCHER. Mr. Speaker, I rise today to congratulate Ben and Jennifer Moore from the city of Dresden in Weakley County on winning the Tennessee Farm Bureau's Outstanding Young Farmer and Achievement Award this past July 23, 2011. Mr. and Mrs. Moore were selected over 20 excellent county contestants to win the state competition and have a chance to win national honors at the American Farm Bureau's convention early next year.

Mr. and Mrs. Moore farm over 3,400 acres including corn and soybeans and a number of specialty crops. Additionally, they pasture about 80 head cow/calf livestock, and manage a 4,000 sow operation.

Mr. and Mrs. Moore are also active in The Young Farmers & Ranchers program which promotes leadership skills for farmers ages 18–35. As members of the Program they share a common bond for the agricultural lifestyle, leadership development, and are dedicated to meeting the challenges of farming and ranching. Ben served as the YF&R state committee chairman, was a member of the Tennessee Farm Bureau Federation's Board of Directors, and has held numerous county and leadership positions. Jennifer is a member of the Tennessee Pork Producers Association, and is active on YF&R committees and other community organizations. The Moore's dedication, service, and significant contributions to their community and agriculture should make all Tennesseans proud. Mr. and Mrs. Moore

have three sons, Miller, Tate, and Tyler. I congratulate them all.

CELEBRATING THE 90TH BIRTHDAY OF REV. JOSEPH LOWERY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. CONYERS. Mr. Speaker, I rise today to celebrate the birthday of the Reverend Joseph Lowery, one of the single most important leaders of the modern civil rights movement; and a close confidant of Dr. Martin Luther King.

Reverend Lowery was born in Huntsville, Alabama on October 6th, 1921. He and Dr. Martin Luther King, Jr. formed the Southern Leadership Conference, which was the hub of the civil rights movement in the 1960's. In addition to being the co-founder of the SLC, Rev. Lowery is a co-founder of the Black Leadership Forum—a broad constellation of African-American faith and social justice groups dedicated to carrying on the legacy of Martin Luther King.

Rev. Lowery is a living legend who will remain in the hearts and minds of all of who have been so blessed and fortunate to know him, including his friends, family members, and colleagues in the struggle for human and civil rights. Reverend Lowery was clearly one of the most influential leaders of the civil rights movements. He is a humble and gracious man with a keen sense of humor. He kept so many of us in the civil rights movement motivated, energized, and hopeful regardless of the many serious obstacles we faced as a social justice movement.

Rev. Lowery is married to Evelyn Gibson Lowery, who in her own right is a committed and dedicated civil rights activist. We wish Rev. Lowery and his wife Evelyn Gibson Lowery many more years of happiness, good health, and blessings. America is a stronger, fairer, and more civilized nation because of the decades of work that Rev. Lowery devoted to the noble cause of liberty, freedom, and social justice for all Americans.

IN APPRECIATION OF ISRAEL'S 9/11 MEMORIAL

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mrs. SCHMIDT. Mr. Speaker, I rise today to recognize an extraordinary memorial built in Israel in honor of the victims of the September 11th attacks.

On the 10th anniversary of the September 11th attacks, hundreds gathered just outside of Jerusalem to dedicate the 9/11 Living Memorial. This memorial, commissioned and built by the Jewish National Fund-USA/Keren Kayemeth Lelsrael, was designed by Israeli artist Eliezer Weishoff. It depicts a beautiful 30 foot high bronze American flag which rests on a granite base partially composed of metal from the World Trade Center towers and features the name of every victim of the attack.

Honored guests included my colleague, Congressman HENRY WAXMAN, U.S. Ambassador Dan Shapiro, Former Prime Minister Ehud Olmert, and my friend, Stan Chesley, President of the Jewish National Fund.

While those tragic events occurred here at home, it is important to remember that there were victims from more than 90 countries, including five Israeli citizens.

This memorial will act as an important reminder of the need to remain committed in the fight against terrorism, and why Israel continues to remain one of our strongest allies.

Mr. Speaker, I urge my colleagues to join me in thanking Israel for this thoughtful memorial.

HONORING DR. SUNGBAE JU FOR HIS LIFELONG ACHIEVEMENTS IN THE PERFORMING ARTS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to honor Dr. Sungbae Ju, for his exemplary public service and devotion to the performing arts.

Dr. Sungbae Ju is the President of both the Garden State Opera and The Figaro Group, and is an accomplished musician. He holds a Masters Degree from the prestigious Manhattan School of Music, a Doctoral Degree from the Yeshua Theological Seminary and an Honorary Doctor Degree from the Universidad Christiana De Bolivia. He has experienced unmatched levels of professional success, including performances at notable New York and New Jersey performances venues such as Carnegie Hall, Lincoln Center, and the New Jersey and Bergen Performing Arts Centers. He has also performed in operas including "The Barber of Seville" and "Rigoletto" with singers from the Metropolitan Opera.

Dr. Ju and his family are members of the New Jersey State Opera, and are widely renowned and respected for their numerous recitals to benefit worthy causes throughout the nation. Dr. Ju has always tried to use music as a tool for improving and developing communities. With that in mind, Dr. Ju and others formed the Garden State Opera, Inc., a nonprofit organization that aims to unify the community with music in order to aid those in our global community who live without food, hope, human rights and with the threat of disease, terror, poverty and war.

In addition to the Garden State Opera, Dr. Ju and his family have volunteered their musical talents and services at over 130 events, including various holiday concerts and Asian Pacific Islander Heritage Celebrations at the NJ State Association of Chiefs of Police, NJ State Police, Transportation Security Administration (TSA) and Federal Air Marshal Service in the Department of Homeland Security, U.S. Labor Department, Bergen County Public Safety Institute, Honor Legion Police Department and for many Asian and Korean-American communities.

Dr. Ju is also involved with many other cultural organizations throughout Bergen County

including his positions as Chairman of the Korean American Day in New Jersey, Event Chairman of Northern-Eastern Korean Festival at New Overpeck Park, and Board Member of the Multi-Cultural Committee in the Bergen County Sheriff's Department. Additionally, he has received a multitude of awards from Members of Congress, the New Jersey State Senate and General Assembly, the Newark and New York divisions of the FBI, the DEA in New Jersey, the TSA, the Federal Air Marshall Service, the U.S. Labor Department, the NJ State Association of Chiefs of Police, the Bergen County Police Chiefs Association, the Ambassador of Taiwan Consul General, and the Bergen County Public Safety Institute.

Mr. Speaker, today I rise to congratulate Dr. Sungbae Ju, and thank him for his devotion to the performing arts, the Korean-American community, and the American community at large, both in the great State of New Jersey and across the Nation.

10TH ANNIVERSARY OF WAR IN AFGHANISTAN

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Ms. CLARKE of New York. Mr. Speaker, I rise today in recognition of the tenth anniversary of the war with Afghanistan. For ten years our country, and the brave men and women who fight for us on the battlefield, have been mired in a seemingly unwinnable war in Afghanistan, a war that has resulted in tens of thousands of casualties, and the death of 1,723 American service members. More and more Americans are expressing a desire to end the war in Afghanistan. Recent polls have shown that 73% of Americans want to withdraw troops, and 66% of all veterans believe the war is not worth its cost. There is no better time than now, on the 10th anniversary of this war, to reevaluate the continued conflict, and to commit to bringing our troops home.

It is irresponsible to continue to spend over one hundred billion dollars a year on a war that Americans support less and less each day, especially as our country tries to fight its way out of the worst economic recession of our lifetimes. This is money that is desperately needed domestically, and would be better spent on fixing our deteriorating infrastructure and fixing our education system.

Our mission after September 11th 2001 was to dismantle the infrastructure of al-Qaeda and to bring Osama bin Laden to justice, and there is no denying that the current administration and our courageous men and women serving overseas have accomplished these goals. It is time to bring our troops home, reinvest in our nation, and let the Afghani people take responsibility for securing their own nation.

I believe the time to withdraw from Afghanistan is now, which is why I joined my colleagues from both sides of the aisle in support of H.R. 651, the United States-Afghanistan Status of Forces Agreement Act of 2011 which would establish a redeployment date for U.S. troops. I will continue to work with my col-

leagues in Congress, the President, and commanders in our Armed Forces to press for a speedier end to this war. I yield back the balance of my time.

EQUAL JUSTICE FOR OUR MILITARY ACT OF 2011

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mrs. DAVIS of California. Mr. Speaker, I rise today to introduce the Equal Justice for Our Military Act of 2011—a bill that will give our servicemembers equal access to the United States Supreme Court.

We all know that when American men and women decide to serve their nation in the Armed Forces, they make many sacrifices—from lost time with their families to irreplaceable losses of lives and limbs.

However, most Americans are not aware that active-duty servicemembers also sacrifice one of the fundamental legal rights that all civilian Americans enjoy.

Under current law, members of the military who are convicted of offenses under the military justice system do not have the legal right to appeal their cases to the U.S. Supreme Court.

It is unjust to deny the members of our Armed Forces access to our system of justice as they fight for our freedom around the world.

They deserve better.

As the Ranking Member of the Subcommittee on Military Personnel, a long-time advocate for servicemembers, and a representative of San Diego, one of the largest military communities in the nation, I feel an obligation to fight to ensure that the members of our military are treated fairly.

Current law weights the playing field in favor of the government, granting the automatic right to Supreme Court review to the Department of Defense whenever a servicemember wins his or her case, but denying servicemembers that same right when the government wins a conviction against them in almost all situations. This is just unfair.

I believe strongly that it is fundamentally unjust to deny those who serve on behalf of our country in the military one of the basic rights afforded to all other Americans.

I hope that you will stand with me in support of this legislation to attain equal treatment for those who fight for us.

IN HONOR OF 2011 USO GALA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the 2011 United Service Organizations (USO) Gala, as it honors the Spirit of the USO Award Recipient, Spirit of Hope Award Recipient, heroes from the U.S. Armed Forces, and the volunteers who support them around the world.

The United Service Organizations, in its 70th year of existence, is a non-profit organization which endeavors to offer comfort and hope to the United States armed forces, both at home and abroad. With more than 150 centers worldwide, the USO offers support to millions of Americans.

When it began during World War II, the USO provided support to the troops in a number of different ways, most famously through the entertainment of the troops while away from home. Though initially dissolved in 1947, it was revived during the Korean War and has been an active organization ever since. "Bringing a touch of home to our troops," the USO continues to do good, boosting the morale of our troops at home and abroad, thanks to donations and volunteers.

The legacy of the USO is continuous and expansive. For current service members at home and abroad, veterans and for the families of the fallen, the USO provides millions of men and women with care. Its various programs provide a wide range of services for service members, including games, care packages, the "mobile USO," free phone cards and a program which enables those stationed abroad to record a DVD of themselves for their family members. In addition to all of this, the USO continues its celebrity tours, providing entertainment to the troops.

The 2011 USO Gala, "70 Years Young," will feature entertainers from USO celebrity entertainment tours, and recognize a special volunteer and honorees from each branch of the armed force. This year's Service Member's of the Year include Corporal David J. Bixler of the U.S. Army; Sergeant Lucas J. Chaffins of the U.S. Marine Corps, Senior Airman James A. Baryard of the U.S. Airforce, Aviation Survival Technician Christopher R. Austin of the U.S. Coast Guard, and Explosive Ordnance Disposal Technician Chad R. Regelin of the U.S. Navy.

Mr. Speaker and colleagues, please join me in honor of the USO does for the men and women who risk so much for us.

H.R. 2250 AND H.R. 2681

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. BISHOP of New York. Mr. Speaker, the American people can breathe easier—well, perhaps that's the wrong choice of words—the American people should be thankful to the leadership of the House for pursuing the pollution agenda they have clamored for these many months.

After legislative successes that have included begrudgingly passing Continuing Resolutions to fund government operations, the House turned this week to the top national priority of relaxing pollution controls for cement kilns and hamstringing the EPA's ability to crack down on harmful emissions from industrial boilers.

I wonder why it has taken so long to get these critical bills to the floor. In my district on Long Island, I'm often mobbed by constituents demanding more mercury in our air. And

clearly economists agree it's the silver bullet we need to jumpstart the economic recovery.

Perhaps the majority believes that clean air is choking our recovery and the economy is drowning in drinkable water.

But, in all seriousness, we are pursuing this pollution agenda while failing to deal with the real issues stifling job growth, things like a shortage of credit for small businesses, unfair currency manipulation by China and stagnant consumer demand.

So, Mr. Speaker, how about instead of passing a bill to make it easier for cement kilns to pollute, let's do something real, like put construction workers to work using cement to rebuild our nation's infrastructure.

COMMEMORATING THE FIRST ANNIVERSARY OF THE KENYAN CONSTITUTION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Ms. DELAURO. Mr. Speaker, last August we witnessed a flowering of freedom in Eastern Africa. On August 5, 2010, Kenya endorsed a brand new constitution, which guaranteed all Kenyan citizens the rights to security, housing, food, life, freedom from discrimination and the freedom of expression, among others. I rise today to recognize the recent anniversary of this constitution's adoption, and to congratulate the Republic of Kenya on this remarkable step forward.

Despite being home to the first African woman to win the Nobel Peace Prize—Wangari Maathai, who sadly passed away last month—Kenya had long treated women as second-class citizens. In the past, female candidates for office in that country have had to carry knives and wear extra garments to fend off the possibility of politically-motivated rape.

But the new constitution has dramatically altered the status of women in Kenya. Among the over 40 new reforms is a non-discrimination clause outlawing bias on the basis of sex, pregnancy or marital status. Additionally, women can own and inherit land, and matrimonial property is protected during and after the termination of marriage. Customary law (a traditional practice that has come to be accepted as law), which is inconsistent with the constitution, is now void.

This document does much to protect the rights of women within Kenya. But as anyone who lives in a democracy knows, such constitutional mechanisms must be followed by meaningful actions and constant vigilance to actually become reality.

The nation of Kenya is facing many trials at the moment. The crisis in the Horn of Africa is killing, starving or displacing over 13 million people. Drought conditions have persisted in the region. Food insecurity is affecting 3.75 million people, excluding refugees, in Kenya, and 4.3 million men, women, and children there desperately require humanitarian assistance. At its peak, Kenya and Ethiopia saw nearly 1,000 people a day arrive at refugee camps to escape the famine in Somalia. Sexual violence against women in these already overcrowded refugee camps is on the rise.

There are no easy solutions to this crisis, and we in the United States must step up and do our part to help alleviate this suffering as well. Nonetheless, in face of these adversities, it is heartening to see Kenya's men and women move forward together, as equals and as partners. By empowering Kenyan women and rejecting gender-based discrimination, the new Kenyan constitution has paved the way for a brighter future for the Kenyan people.

IN HONOR OF HIS BEATITUDE PATRIARCH BECHARA PETER RAI, PATRIARCH OF ANTIOCH FOR THE MARONITE CATHOLIC CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of His Beatitude Patriarch Bechara Peter Rai, Patriarch of Antioch for the Maronite Catholic Church, and welcome him to the City of Cleveland on October 11th, 2011.

With more than three million members worldwide, the Maronite Catholic Church is among the largest Eastern-rite sects of the Roman Catholic Church and is especially prominent in Lebanon. The parish of Cleveland's St. Maron Church will be hosting Patriarch Rai as he visits Cleveland next week. St. Maron Parish is the largest Maronite Catholic community in the Mid-West.

Patriarch Rai was born on February 25, 1940 in Himlaya, Matn District, Lebanon. On July 31, 1962 he entered the Mariamite Maronite Order. Five years later, on September 3, 1967, Patriarch Rai was ordained a priest and almost immediately began working on Arabic transmissions of Vatican Radio. In 1975, he earned a PhD in canon and civil law.

On July 12, 1986, Patriarch Rai was consecrated as auxiliary bishop of Antioch and on June 9, 1990 he was appointed bishop of Byblos. He was elected Secretary of the Maronite Synod in 2003. He was the recipient of the National Order of the Cedar award in 2007. In 2009, he was appointed President of the Lebanese Episcopal Commission for the Media. On March 25, 2011 Patriarch Rai was elected Patriarch of the Maronite Catholic Church.

Mr. Speaker and colleagues, please join me in welcoming His Beatitude Patriarch Bechara Peter Rai, Patriarch of Antioch for the Maronite Catholic Church to City of Cleveland.

IN OPPOSITION TO H.R. 2681 AND
H.R. 2250

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mrs. MALONEY. Mr. Speaker, every week the Majority makes a new attempt to roll back environmental rules that protect the health of our citizens and the health of our environment

in favor of big polluters. This week the Majority has brought to the floor two bills that according to the Environmental Protection Agency (EPA) would collectively mean 32,500 more premature deaths, 19,500 additional heart attacks, and 208,000 asthma attacks that otherwise would have been avoided. This is unacceptable.

Instead of working on legislation to increase employment and create new jobs or legislation that would support critical infrastructure needs of public schools and roads, the Majority is bringing to the Floor two pieces of legislation that would delay the implementation of long overdue air pollution standards. Even though such standards are required by the 1990 Clean Air Act Amendments, these bills would put off the cleanup of mercury and other toxic pollutants from cement kilns, incinerators, and industrial boilers, as well as make permanent changes to the Clean Air Act that weaken health and science-based standards. The facilities targeted by this legislation are some of the largest sources of U.S. mercury pollution, a powerful neurotoxin known to be dangerous to pregnant women and to impair children's ability to think and learn.

The EPA rules are scientific and data driven. These bills would defy science in favor of the regulatory option that is most beneficial to industry, even if another option is feasible, cost-effective, and offers better public health protections. For example, H.R. 2250 would nullify rules that require industrial boilers and incinerators to reduce their emissions, and yet, estimates for the emission reductions required by the rules would yield \$10 to \$24 in health benefits for every dollar spent to meet the standards. The savings from lower health care costs and higher worker productivity mean tens of billions of dollars more in net benefits and will result in lower rates of illness and death.

At the start of the 112th Congress, the Majority put in place rules requiring that all legislation be offset by new authorizations but that rule is disregarded in these bills. In other words, these bills are not paid for. H.R. 2250 and H.R. 2681 would nullify existing EPA rules and require EPA to start the rulemaking process over again—a process the Congressional Budget Office estimates would result in \$1 million in discretionary spending by EPA.

I oppose these bills that would increase toxic air pollution, cost lives, drive up health care costs, and fundamentally weaken future standards under the Clean Air Act. We must protect our communities from toxic polluters.

Had I been present October 5, 2011, I would have voted "aye" on Amendments #1, 2, 4, 7, 8, 9, 11, 14, 16, 17, 18, 20, and 21, to H.R. 2681.

H.R. 2250 AND 2681

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. BLUMENAUER. Mr. Speaker, in 1990, the Clean Air Act Amendments required EPA to complete and issue regulations on hazardous air pollutants by 2000. This week, we

considered two bills that would delay two regulations for at least another six years—with no deadline for EPA to complete these regulations and giving industry no deadline to comply. Enacting these bills combines continued air pollution with true regulatory uncertainty.

H.R. 2250 and H.R. 2681 targeted regulations that would reduce emissions from two of the dirtiest industries in the country—cement kilns and industrial boilers—when most other industries already adhere to similar Clean Air Act regulations. Together, the two regulations eliminated by these bills would save 9,100 American lives every year and yield \$17 to \$43 in health care savings for every dollar spent reducing emissions under the new standards. Both bills require EPA to throw out work it has already completed and start over. Both bills add to the deficit and fail to comply with the Republican cut-go policy. Both bills gut EPA's authority to require the most protective standard (MACT—Maximum Achievable Control Technology) and replace it with a requirement to select the least burdensome standard, specifically including "work practice" standards, which are merely a requirement to keep equipment in working order. Both bills sacrifice public health to private industry profit.

I strongly oppose both H.R. 2250 and H.R. 2681. Unfortunately, I was unable to be in Washington on October 6, 2011 to vote against them. Had I been able, I would have voted against both H.R. 2250 and H.R. 2681.

HONORING CROWLEY COUNTY CENTENNIAL CELEBRATION

HON. CORY GARDNER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. GARDNER. Mr. Speaker, I rise today to honor the Centennial Celebration of Crowley County, Colorado.

When the State of Colorado was accepted into the United States in 1876, this portion of Southeast Colorado became known as Otero County.

In August of 1911, Crowley County became officially incorporated in the State of Colorado. It took its name from Joseph H. Crowley, a Senator in the Colorado State Legislature.

Crowley County began to flourish with a rich agricultural economy. The plentiful land attracted many to settle in Crowley.

Numerous farmers and ranchers came to Crowley because of ample grasslands for grazing livestock as well as soil able to produce wheat, corn, alfalfa, and sugar beets to name a few.

Many successful ranchers and farmers continue their steadfast love of the land and provide a vital base of revenues and jobs for the Crowley Community. Since 1911, the economic base has added new jobs and industries.

The people of Crowley County continue to be resourceful and seek new ways to drive their economy and the county continues to move forward.

Crowley County continues to hold onto the values that were here 100 years ago. These values, a sense of community, pride, and hard work are still evident today.

It is with this sense of community and pride that I am honored to recognize Crowley County's historic 100 year anniversary.

IN RECOGNITION OF PULASKI DAY 2011

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Polonia Foundation of Ohio and the Department of Ohio Polish Legion of American Veterans as they unite the community in remembrance and celebration of General Casimir Pulaski, for his legacy and dedication to the people of Poland and United States of America.

Born on March 4, 1747 in Warzka, Poland, General Pulaski achieved great military success in Poland with his focused leadership and strategies in fighting the Russian forces in Poland. By 1777, General Pulaski had become one of the most renowned cavalrymen in Europe and was actively recruited by Benjamin Franklin to assist in the American quest for liberation.

Sympathetic to the American cause, General Pulaski sailed to America and was made head of the newly formed American cavalry during the Revolutionary War. General Pulaski had a deep level of commitment to the American cause and spent his own money to feed and equip his troops. General Pulaski was involved in many significant battles during the Revolution. His ultimate stand took place in Savannah, Georgia on October 1779, where he led a valiant charge against British artillery. General Pulaski was shot and died a few days later.

This year's celebration will be held on October 8th at the Pulaski Memorial and will feature Mr. Joseph A. Drobot, Jr., the National President of the Polish Roman Catholic Union of America (PRCUA). Mr. Drobot has been an active member of PRCUA for more than 50 years and is currently serving as the 27th President of the organization.

Mr. Speaker and colleagues, please join me in honor and remembrance of General Casimir Pulaski, who made the ultimate sacrifice in his fight to secure the ideals of the American Revolution. An American hero, General Pulaski's life and legacy serves as a reminder of the vital contributions and great achievements by Polish immigrants within our Cleveland community, and throughout America.

HONORING JIM DAVIS

HON. JON RUNYAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. RUNYAN. Mr. Speaker, I rise today to honor a true hometown hero and one of the stars of the Bi-Annual Congressional Football Game for Charity, Jim Davis. Jim is currently deployed as a reservist in Iraq where he is the First Sergeant for C Company, 373rd Military Battalion at Camp Liberty, Iraq.

Prior to his deployment, Jim served as a U.S. Capitol Police Officer and K9 Handler. He was also one of the fiercest and most competitive players on the Capitol Police Football Team. Once again, Jim will play for the Capitol Police Team and take on the Members of the 112th Congress. Jim scheduled his leave in order to make this year's game, due to his commitment to the charities the Congressional Football Game supports—The Capitol Police Memorial Fund and Our Military Kids.

Jim was born here in Washington, DC and raised in Northern Virginia. After graduating from Robert E. Lee High School in Springfield, VA, Jim joined the United States Marine Corps. He was on active duty for 4 years in the USMC, and then spent 5 years on active duty in the Army.

Throughout Jim's time in the service, he remained active in athletics, playing football for the Marine All-Star team, and running track for the All-Army track team at Ft. Hood prior to Desert Storm. While on active duty in Germany, Jim also played football for the NFL feeder team—Frankfurt Galaxy.

Although we hope to beat the Capitol Police in this year's Congressional Football Game, we do wish Jim all the best in his current pursuit of an MBA at Johns Hopkins University and a position as a Command Sergeant Major.

Mr. Speaker, I ask my colleagues to join me in honoring Jim Davis.

CELEBRATING THE 100TH ANNI- VERSARY OF THE REPUBLIC OF CHINA (TAIWAN)

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to celebrate the 100 year anniversary of the Republic of China (Taiwan) on October 10th, 2011. Despite being a relatively new democracy, Taiwan has established themselves as a beacon of democracy in Asia.

Taiwan's President Ma has been successful in improving the relationship between Taiwan and Mainland China. Since President Ma has taken office, there has been a noticeable decrease in tension among China and Taiwan. Instead of hostility, there has been improved cooperation between the two countries. Direct flights occur daily between the two countries and the demand for Chinese tourists to visit Taiwan has increased exponentially. Also, in the spirit of cooperation, both China and Taiwan are working together to reduce crime along the Taiwan Strait.

Arguably the biggest evidence of their improved relationship, though, is the signing of the historic Economic Cooperation Framework Agreement (ECFA) last year. This agreement allows for China and Taiwan to trade and do business with one another in ways that was not thought to be possible five years ago. It is comforting and encouraging to see two countries pursuing peace and cooperation in this time of worldwide instability and upheaval.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Taiwan on their 100th anniversary, and

thank President Ma for his continued efforts in practicing peace.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE SLOVENE NATIONAL BENEFIT SOCIETY, LODGE #158 "LOYALTIES"

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. KUCINICH. Mr. Speaker, please join me in recognizing the 100th anniversary of the Slovene National Benefit Society, Lodge #158 Loyalties.

The Slovene National Benefit Society (SNPJ) was founded on April 6, 1904 by 12 Slovenian immigrants with the intent of offering life insurance and sick and disability benefits. Today, with more than 125 lodges nationwide, SNPJ is the largest Slovenian fraternal organization in the United States. In addition to its fraternal benefits, SNPJ also offers its members access to a scholarship program, activities for members of all ages and use of its summer campsite, the SNPJ Recreation Center in Lawrence County, Pennsylvania.

Organized in 1911, Lodge #158 was originally called the Pioneers. In 1954, Lodge #158 merged with Lodge #590 and became the Loyalties. Today, with 1,223 adult members and 328 youth members, Lodge #158 is the largest SNPJ lodge in the State of Ohio and the 3rd largest in the United States. Loyalties members are active throughout the Greater Cleveland community and can be found volunteering at Cleveland Federation of SNPJ Lodges, SNPJ "Farm," Cleveland Athletic League, Slovenian Society Home "Recher," Slovenian Workmen's Home, and Slovenian Society Home "Holmes," among others.

Lodge #158's centennial celebration will occur on October 8th at their home hall, Slovenian Society Home, and feature a dinner and music by the Don Wojtila Band. Special honors will be paid to members celebrating their 50th, 60th, 70th and 80th year's anniversaries of membership.

Mr. Speaker and colleagues, please join me in recognizing the 100th anniversary of the Loyalties Lodge and those who are celebrating their 50th, 60th, 70th and 80th years of membership with the Slovene National Benefit Society, Loyalties Lodge #158.

TAIWAN'S 100TH ANNIVERSARY

HON. CORY GARDNER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. GARDNER. Mr. Speaker, as a proud member of the Taiwan Caucus, I rise today to honor Taiwan on its 100th National Day which will occur on October 10th.

The relationship between Taiwan and the United States has developed into a friendship and alliance that I know will continue for years to come.

Taiwan is a paradigm of what true democratic values can bring to a nation.

It has a robust record of protecting individual rights, liberty, representative government, capitalism, and many more democratic values that have furthered the nation's prosperity.

Taiwan has developed an economy that successfully does business around the world and their commitment to economic and political freedom is a model for countries across the globe and throughout the region.

I urge my colleagues to join me in congratulating Taiwan on its 100 years of principled existence, and on its living example of true democracy against threats that at times might cause others to cower.

TRIBUTE TO CADE SPINELLO

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an incredible young boy, Cade Spinello, from my congressional district who has faced so many challenges in his young life. Cade's story came to me from a family friend of the Spinello's and I am honored to share it here. In 2009, Cade's parents, Michael and Erin, noticed that Cade's eyes were not lining up normally when he tried to focus. The doctor told the Spinello's that little Cade had lazy eye and prescribed a patch over the good eye to strengthen the weak eye. After a year of using the patch, Cade's condition worsened, and after a closer look the doctor realized that Cade's optical nerve was inflamed. After an MRI, the doctor told Cade's parents the devastating news: Cade had a tumor the size of an egg at the bottom of his brain right behind his right eye. All of this was happening as Erin gave birth to their second child, Lucy.

After the discovery of the tumor, Cade was immediately sent to surgery where surgeons were able to remove 30% of the tumor and provide much relief to Cade. The Spinello's, and all their friends and family, were relieved to hear that the tumor was benign. Unfortunately, as Cade was recovering from surgery, he suffered a stroke that paralyzed the right side of his body and left him without speech.

Over a year has passed since the surgery and the stroke and the only word to describe Cade's recovery is "miracle." This brave young boy has overcome challenges most of us never face in a lifetime. He is walking and talking again. He has participated in a T-ball league. All this while going through a second surgery that saved his right eye and chemotherapy that has significantly reduced the size of his tumor.

The Spinello family has endured through so many hardships yet they face each day with optimism and with their deep faith in God. The community of Ladera Ranch has rallied around them and held fundraisers to help pay the medical bills. Through it all stands Cade Spinello, a testament to love, courage, and perseverance.

Today I ask the U.S. House of Representatives to take a moment and honor this incredible young boy and his family. I ask that all of

us keep Cade, and the entire Spinello family, in our prayers as they continue down the path of recovery. I look forward to the day, not so long from now, that I will stand up here and congratulate Cade on his high school graduation and all the accomplishments that he will achieve in his life. For now, I simply stand in awe of a young boy who has conquered more in his young life than most do in an entire lifetime.

IN RECOGNITION OF ELIZA BRYANT VILLAGE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Eliza Bryant Village, a non-profit organization that is dedicated to providing quality services, outreach programs and a dignified, compassionate and secure environment for seniors. On Saturday, November 6, 2011 the Eliza Bryant Auxiliary II will host its 43rd Annual Luncheon, Fashion Show and Mart "Celebrating a Community of Generosity."

In 1858, Eliza Bryant came to Cleveland, Ohio with her mother and brother and they became known for providing African Americans with food, shelter, clothing and guidance. Several decades later, Eliza, concerned by the fact that African Americans were not permitted in nursing homes, began working in the community on behalf of the elderly. Inspired by her dedication, John D. Rockefeller made a financial donation that led to The Cleveland Home of Aged Colored People (The Home).

Since 1896, The Home has gone through several changes. In 1914 a new, 19 bed facility was purchased on Cedar Avenue. In 1960, The Cleveland Home of Aged Colored People officially changed its name to the Eliza Bryant Home for the Aged. After generous donations by the Dorcas Society and the A.M. McGregor Home, the Eliza Bryant Home moved to a new location on Addison Road and was able to care for 47 people. Just several years later the aged building became inadequate and, in 1985, the Eliza Bryant Home opened in Cleveland's inner city. In 1999, the organization expanded further with the opening of the Inez Myers Senior Outreach Center and Eliza Bryant Manor, a senior housing complex consisting of 60 units. After the opening of these two facilities, the organization was renamed to Eliza Bryant Village (EBV). More recently, EBV acquired the former Madonna Hall Nursing Home, opened the Eliza Bryant Garden Estates and continues to expand its services.

Approximately 100 women are members of EBV's three Auxiliaries, which work to fundraise and support the residents of Eliza Bryant Village. The goal of the 43rd Annual Mart is to obtain funding to enhance EBV's programming, improve transportation and special medical equipment for its residents and provide adult daycare for the elderly in the community.

Mr. Speaker and colleagues, please join me in recognition of Eliza Bryant Village as it continues its work as being a premier provider of healthcare, programs and services to the Greater Cleveland community.

IN RECOGNITION OF THE
ROSALYNN CARTER INSTITUTE
FOR CAREGIVING

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to salute the outstanding humanitarian efforts and health care advocacy initiatives of one of my home-state's most prestigious organizations, the Rosalynn Carter Institute for Caregiving (RCI) at Georgia Southwestern State University in Americus, Georgia. It is appropriate and entirely fitting that this premier institute proudly bears the name of one of my most universally beloved constituents and one of America's most dedicated advocates for the underserved—former First Lady of the United States of America, Mrs. Rosalynn Carter.

RCI was established in 1987 and was formed in honor of former First Lady Rosalynn Carter to recognize her long-standing commitments to human development and efforts to push for parity in the delivery of long-term care health services. One of the institute's primary missions is to establish local, state and national networks that collaboratively work to build more effective long-term care systems and provide enhanced support services for the millions of caregivers who selflessly tend to the needs of our nation's dependent loved ones.

Due to emerging changes in our nation's demographics and a rapidly aging baby boomer population, the current services provided by the Rosalynn Carter Institute for Caregiving have never been more warranted than right now. As cited by the RCI, over fifty million family caregivers provide the largest proportion of care for dependent elderly individuals as well as adults and children with disabilities. Approximately six million adults over the age of 65 need daily assistance to live outside a nursing home. This alarming figure will grow to more than twelve million by 2030.

It is also worth noting that U.S. life expectancy has been generally increasing since at least the 1940s. Earlier this year, the Centers for Disease Control and Prevention noted that life expectancy in the United States has hit another all-time high, rising above 78 years.

With longer life expectancy, come higher rates of chronic illness, disability and the need for more sustainable long-term care services. The average senior today will spend two or more of their final years disabled enough to need someone to help them with routine activities of daily living because of chronic illness.

To help meet the growing needs of our nation's caregiver communities and their disabled loved ones, RCI helped to develop an innovative, online information exchange medium within the Georgia CARE-NET coalition program that allows agencies and caregivers to obtain information about effective caregiving interventions. The online resource helps family caregivers determine which long-term health programs will best meet the specific needs of those in their care.

RCI is also working in tandem with other organizations to secure full funding to establish

a Family Caregiver Education and Training Network. This network will provide access to training in evidence-based strategies for family caregivers.

Mr. Speaker, I would ask that my colleagues join me in applauding the exceptional efforts of former First Lady Rosalynn Carter, the RCI and its partner organizations for all they have done and will continue to do to address the paramount and expanding needs of America's caregivers. Their noble deeds and remarkable achievements have improved the quality of life for many of our nation's disabled seniors and chronically ill citizens. I and many others will remain eternally grateful to them for their many noteworthy endeavors and selfless acts of grace.

CONGRATULATING ROBERT FOY
ON HIS RETIREMENT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. KILDEE. Mr. Speaker, I rise today to wish my dear friend, Robert Foy, a joyous and wonderful retirement. I have known Bob for most of my life. We grew up in the same neighborhood and went to St Mary's Catholic school together. Like me, he spent time studying in the seminary and found great reward in serving his community.

Public service is something that is deeply ingrained in Bob. His service began as young man when he entered the United States Air Force. After rising to the rank of Colonel, Bob left his successful military career and joined the Flint Mass Transportation Authority in 1975 as comptroller. From there, he rose to assistant general manager and then general manager in 1984. Upon his retirement, Bob will have served an astounding 27 years as the general manager of the Flint MTA.

While general manager of the Flint MTA, Bob created a state-of-the-art transportation system and infrastructure. His focus on low-income and seniors has created more opportunities for the clients and jobs throughout the community. The Your Ride program that he designed and implemented serves almost 50,000 passengers a month with an emphasis on seniors and the disabled.

Bob has been called a visionary by many who know him and I echo this sentiment. His work to modernize the transportation system will have a lasting impact on the community. He created unique partnerships with Kettering University and Michigan State University that paved the way for a MTA Alternative Fuel Facility. This cutting edge Compress Natural Gas/Propane fueling station will serve as ground zero for research that could lead to increased efficiency and cost savings that will save taxpayers money across the state.

Mr. Speaker, I can honestly say that everything Bob touched became better because he was involved. He brought decency to whatever he did personally and professionally. Please join me in congratulating Robert Foy on his tremendous career and wish him well in retirement.

IN RECOGNITION OF THE 75TH ANNIVERSARY OF THE CROATIAN
FRATERNAL UNION OF AMERICA,
LODGE #859, ZUMBERAK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 75th anniversary of Zumberak Lodge, of the Croatian Fraternal Union of America.

The Croatian Fraternal Union of America (CFU) is the largest and oldest Croatian organization in North America. There are more than 200 lodges throughout the United States and Canada and 18 in the State of Ohio. The CFU was founded on September 2, 1894 as the Croatian Union of the United States, and in 1895 was renamed the National Croatian Society. The National Croatian Society merged with several other Croatian organizations and became the Croatian Fraternal Union of America in 1925. Originally, CFU was created as a society of mutual aid for Croats in the event of sickness and death. It has also been publishing its own newspaper, The Zajednicar, since 1904. Today, in addition to providing insurance, the CFU is dedicated to preserving Croatian culture in North America, and provides numerous fraternal and cultural programs for its members.

In addition to celebrating the 75th anniversary of Zumberak Lodge, members who have been with the Croatian Fraternal Union for 50 years will also be honored at the celebration. The 50 year members include: Gerald Babbitts, Dwayne Hunn, Robert Knezevic, Ann Lang, Mary Ann Mave, Linda Mayo, William Rubick and Barbara Zander. The celebration will begin with a service at St. Nicholas Croatian Byzantine Catholic Church and be followed by a memorial service for deceased members, a blessing for the 50 year members and conclude with a champagne brunch at Manor Party Center in Euclid, Ohio.

Mr. Speaker and colleagues, please join me in recognizing the 75th anniversary of Zumberak Lodge and those who are celebrating 50 years of membership with the Croatian Fraternal Union of America, Zumberak Lodge #859.

CELEBRATING DAVID ISIAH
STROMAN ON HIS 100TH BIRTHDAY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in celebrating David Isiah Stroman, Jr. on his 100th birthday today.

Born in South Carolina, Dave, as he is affectionately known, has spent most of his life as a resident of the District of Columbia. After graduating from Booker T. Washington High School and attending Benedict College in South Carolina, Dave moved to the nation's capital.

Dave was a natural athlete, so it came as no surprise that he fell in love with golf when he began working as a caddy at Indian Springs Country Club in Silver Spring, MD, earning \$0.50 a round. During those days, the old West Potomac Park on Constitution Avenue was the only golf course in DC that African Americans were allowed to use, and Monday was the only day they were allowed to play on it. However, the Langston Golf Course opened in 1939, giving Dave and his friends a primary golf course to call their own. Over the years, Dave met famous golfers like Lee Elder, Calvin Peete and Charlie Sifford. In the late 1940s, Dave met and became golf partners with boxing great Joe Louis, and they shared many happy times competing against each other.

Dave's successes did not stop at golf. He began his federal government career in 1935 at the Bureau of Engraving and Printing, which had just begun to hire African Americans. He worked there until his retirement in 1969. Dave was married to his first wife, Mildred, during his early years at the Bureau, until her death in 1939. Dave married his second wife, Pamela Wilhoite, in 1949. Dave and Pam have two daughters, Tayloria and India, one grandson, Azani, two sons-in-law, Purnell and Daryl, a step granddaughter, Ashley, and a step great grandson, Zion.

During Dave's time at the Bureau, he cultivated many relationships with his co-workers. Together, they formed social clubs like "The SWAGS," whose clubhouse dances and boat rides were the place to be in the 1950s. As a member of a club of retired golfers, the Monday Morning Golf Club, Dave played golf at different courses every Monday. Dave and his co-workers met the actor Bill Murray at the Bureau, who encouraged all of them to become members of the Masonic Temple. Dave later signed his petition as a Master Mason. He is a member of Mecca #10 Shrine Temple, Mt. Vernon Chapter #1, Holy Royal Arch Masons, Redemption Lodge #24, and Simon Commandery. Today, Dave continues to enjoy life by being in the company of family and friends, going to golf courses, and cheering on the Washington Redskins.

In celebrating this significant milestone, we acknowledge the extraordinary personal qualities and contributions of David Isiah Stroman, Jr. to his family and to our community. His birthday gives his family and friends, and the residents of the District of Columbia, an opportunity to thank him for his many gifts of love and friendship. I ask the House to join me in celebrating the 100th birthday of David Isiah Stroman, Jr., a special man whose service to our community is greatly appreciated.

IN RECOGNITION OF THE RETIREMENT AND DEDICATED SERVICE OF ALVIN "AL" COBY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the retirement of Alvin "Al" Coby after 27 years of service to the City of Pensacola, Florida.

Mr. Coby's service to our nation began in 1971 when he joined the few and the proud to become a United States Marine. Upon completion of the Officer Basic Course in Quantico, Virginia, he reported to Naval Air Station Pensacola, Florida, where he began his flight training. Upon earning his wings, he was selected to fly the F-4 "Phantom". Mr. Coby served three tours as a Marine aviator in Vietnam, before returning to the "Cradle of Aviation" in 1978 to serve as a flight instructor. Under his leadership and expertise, many brave men and women were trained as pilots who went on to serve during the Cold War and in Iraq, Bosnia, Afghanistan, and across the globe.

After eleven years of military service, Al Coby departed active duty. He then attended graduate school at the University of West Florida and joined the City of Pensacola in 1984 as Assistant City Manager. Mr. Coby has served the City of Pensacola in various capacities, including Community Redevelopment Director, Assistant City Manager and City Manager. During his tenure with the City, he also served as a member of two state appointed boards, as well as numerous local boards and committees. Currently, he is a member of the Sacred Heart Hospital Advisory Board, the Downtown Rotary, and the Boy Scouts of America Gulf Coast Council.

In 2004, Hurricane Ivan devastated the panhandle of Florida, and Mr. Coby became an integral part of the recovery process. His tireless dedication to rebuilding homes and businesses in Pensacola is a true testament to his character. In 2010, with the Deepwater Horizon oil spill affecting residents and businesses in the Gulf Coast region, Mr. Coby organized a team of City employees to focus on recovery and long-term development. He led the recovery team with distinction, and his hard work and dedication helped to ensure that the City of Pensacola was prepared to respond quickly and effectively to this unprecedented disaster.

Mr. Speaker, on behalf of the United States Congress, I congratulate Mr. Coby on his retirement and thank him for his faithful and selfless service to this great Nation and to the Northwest Florida community. My wife Vicki and I wish him and his family all the best.

HONORING THE LEGACY OF
FRANCES CHAMBERS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Ms. ROS-LEHTINEN. Mr. Speaker, South Florida recently lost a truly remarkable woman and pillar of our community—Mrs. Frances Chambers. Fran, as she was affectionately known, leaves behind a legacy that will long endure.

Fran was the consummate lifelong learner. Born on November 13, 1921, in Miami, Fran graduated from Booker T. Washington High, and then went on to receive a Bachelor of Arts degree—with highest honors—from Bennett College in 1942. She then received a Master of Arts degree from New York University, and later continued her studies, amassing more

postgraduate credits than are required for a doctoral degree from several Florida universities.

She turned her enthusiasm for studies into a love of teaching. Fran taught and guided generations of students in Miami-Dade County Public Schools, where she was loved by her students and admired by her peers. For more than 37 years Fran shared her passion with her students at Dunbar Elementary, Miami Jackson Senior High, COPE Center North, and Holmes Elementary. She was involved in nearly every aspect of education for the children of South Florida—finally retiring in 1979.

But Fran was not just a perennial educator; she was also a committed volunteer. She began volunteering for the March of Dimes and American Heart Association in the 1950s. Later, she served as board chair of the James E. Scott Community Association, a group that provides social services for those in need, and was also a member of the Seniors Centers of Dade County, League of Women Voters and the NAACP. Fran remained active in the community well after her retirement from Miami-Dade County Public Schools—her commitment to volunteerism and the South Florida community is as impressive as it is praiseworthy.

Her other passion was for the preservation and dissemination of the history of Miami's African-American pioneers. Fran had a vision to research and publish a book, so that the records of these remarkable people could be recorded and shared. Her goal was to help assure that future generations could appreciate the long and difficult road so many of these pioneers had to endure, and to draw strength and encouragement from them.

In 2000, Fran learned she was afflicted with Alzheimer's disease. But this bad news could not keep her dream from being realized. After nearly three decades, her vision finally came to fruition. Her resolve and her vision were so admired by those in the South Florida community that others picked up her mantle and carried out her work to completion. In 2010, a collaborative effort made her dream a reality. Linkages & Legacies was the end result of all of Fran's hard work. And in true Frances Chambers style, the publication was her gift to the community so that this history could be told for generations to come.

Fran may be gone, but her legacy and love will forever be a constant presence in South Florida. It is carried on through her work, and through her 3 children, 4 grandchildren and 3 great-grandchildren. She was a unique and truly awe-inspiring woman. All of our hearts in the South Florida community are a little heavier this week as we honor and remember Frances Chambers.

HONORING ASHEVILLE BUNCOMBE
COMMUNITY CHRISTIAN MIN-
ISTRY OF ASHEVILLE, NORTH
CAROLINA ON THE 20TH ANNI-
VERSARY OF ITS DOCTOR'S MED-
ICAL CLINIC

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. SHULER. Mr. Speaker, I rise today to honor the Asheville Buncombe Community Christian Ministry, ABCCM, of Asheville, North Carolina, on the occasion of the 20th anniversary of its Doctor's Medical Clinic.

The ministry was founded in 1969 by eight local churches and is now a cooperative ministry of more than 260 churches that strive to serve the needy citizens of Buncombe County. In 1991, the ministry opened a clinic to deliver quality medical care, referral management, and medication for the citizens of Buncombe County who are uninsured, underinsured and ineligible for Medicaid or Medicare. A number of volunteer registered nurses, nurse practitioners, social workers and physicians donate countless hours of their time to see to the medical needs of their fellow citizens in an empathetic and welcoming manner.

In addition to the Doctor's Medical Clinic, ABCCM also performs community outreach in other ways by providing counseling, food, clothing, furniture, rent and utility assistance, and transportation to the disadvantaged in the community. It provides educational opportunities and books and coordinates religious services for inmates at local jails. The ministry also operates two shelters, one to help homeless veterans reenter society and one to provide emergency shelter for homeless women.

Mr. Speaker, I am honored to recognize the Asheville Buncombe Community Christian Ministry for the outstanding work they have done for more than 40 years in Western North Carolina. As they celebrate the 20th anniversary of the Doctor's Medical Clinic, I ask my colleagues to join me in celebrating their hard work and spirit of compassion that has had an enormous impact on the lives of many of the neediest in our community.

RECOGNIZING THE 100TH BIRTH-
DAY OF MARGARET ASKEW
COOPER

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. COHEN. Mr. Speaker, I rise today to recognize the 100th birthday of lifelong Memphian Margaret Askew Cooper. Born October 8, 1911, Mrs. Cooper is the mother of three children, Charles Askew, Mauri Askew and Turner Askew. She has five grandchildren, six great-grandchildren and numerous nieces and nephews.

Mrs. Cooper has dedicated much of her life to serving the Memphis community. She was instrumental in the founding of the Le Bonheur Club which is a non-profit organization that

supports Le Bonheur Children's Hospital through fundraising and volunteer service. Mrs. Cooper helped shape Les Passees, Memphis' original women's volunteer organization. Les Passees was incorporated in 1932 and has since supported the USO, the Shelby County Chapter of Society for Crippled Children and Adults, opened a center for children living with cerebral palsy and centers dedicated to the well-being of children and families.

Throughout her life, Margaret Cooper has had quite the reputation as a great dancer. Today, she still makes Saturday nights her dancing nights. During her 100th birthday celebration, well-known Memphis band leader Jim Johnson will fulfill a promise he made to Mrs. Cooper nearly 20 years ago. He told her that he would get his band back together to perform at her 100th birthday party. I am certain that she and all of her family and friends will have a memorable celebration filled with fun and dancing.

All who know Margaret Cooper admire her perennially positive outlook which has influenced hundreds throughout her life. I ask my colleagues to join me in wishing Mrs. Margaret Askew Cooper a happy 100th birthday and in commending her on a life dedicated to her family and her community.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. NADLER. Mr. Speaker, I was unavoidably detained at a meeting outside the Capitol, and I missed one vote on October 5, 2011. Had I been able to, I would have voted "aye" on rollcall vote No. 747, an amendment offered by Mr. WAXMAN to H.R. 2681, the Cement Sector Regulatory Relief Act of 2011.

PASSING OF HARRY KEMP

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Ms. MOORE. Mr. Speaker, I rise to pay tribute to Harry Kemp, who passed away on September 29, 2011, at the age of 78 years. Mr. Kemp was a mentor, community leader, veteran and most of all a consummate professional photographer. In fact, Mr. Kemp was often called the Visual Griot of Milwaukee's Black Community.

Through his camera lens Mr. Kemp captured over 50 years of Milwaukee's Black Community by recording countless historic functions, political gatherings, educational lectures and social functions. In the late 1960s, Mr. Kemp became a member of the Black Press and he took photographs for the Milwaukee Community Journal, the Milwaukee Courier and the Milwaukee Times. He was a photographer for the Milwaukee Brewer's Baseball Team and worked as a freelance and commercial photographer. Mr. Kemp taught

photography at North Division, Hamilton and South Division High Schools. Harry Kemp served with the U.S. Air Force in the 1950s.

Mr. Kemp was born in Racine and raised in Milwaukee and spoke of the values instilled by role models, including his father, also named Harry, mother Marie Gaines and stepfather Lincoln Gaines. Harry Kemp began taking pictures while in the Boy Scouts and received his first Brownie camera when he was 12. He began studying journalism in Texas and studied photography elsewhere.

In 1995, Mr. Kemp was officially honored at the Milwaukee City Hall Rotunda and by that time had taken 50,000-plus photos. By the time of his death it was estimated that Mr. Kemp had taken 100,000 pictures. Mr. Kemp leaves behind his sister, Yvonne Kemp his photographer partner, sister Jo Anne Kemp, brother William Kemp and nieces and nephews.

Mr. Speaker, I am proud Harry Kemp hailed from the 4th Congressional District and that I called him friend. He captured some of our most precious and poignant moments; he painted a picture through images sometimes preserving an event in a way maybe no one else could see. I am honored to give praise to his many accomplishments and life time commitment to Black Community of Milwaukee and in fact, the entire Milwaukee Community.

HONORING BREAST CANCER
AWARENESS MONTH

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to recognize October as National Breast Cancer Awareness Month. To raise awareness for breast cancer prevention, I want to stress the importance of regular mammograms and following recommended screening guidelines.

Breast cancer is the most frequently diagnosed form of cancer in women worldwide. Every two minutes a woman is diagnosed with breast cancer in the U.S. alone. Every thirteen minutes, a woman dies of breast cancer. While these statistics are shocking, there is hope.

The 2.5 million breast cancer survivors in the U.S. today have shown that early detection and timely treatment are the keys to fighting the disease. The five-year survival rate for women who are diagnosed at the early stage of the disease's development has risen to 98 percent. It is undeniable that early detection saves lives.

Unfortunately, despite what we already know, the number of women receiving regular mammograms has declined in the past ten years. A recent study discovered that fewer than 50 percent of women over the age of 40 with health insurance had received a recommended annual mammogram. This must change.

In honor of National Breast Cancer Awareness Month, I want to encourage women to follow the recommended screening guidelines. I hope this message reaches every woman,

and together we can commit to ending breast cancer forever.

RECOGNIZING NATIONAL BREAST CANCER AWARENESS MONTH

breast health awareness, education, research, screening and referrals.

HONORING THE LIFE OF DR. RAZA DILAWARI

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. COHEN. Mr. Speaker, I rise today to honor the life of Dr. Raza Ali Dilawari, a great Memphis surgeon known for his work in the field of oncology. He was born in the Walled City of Lahore, Pakistan and completed medical school there at King Edward Medical College in 1968. He then completed his surgical residency at SUNY Upstate Medical Center in Syracuse, New York and his surgical oncology fellowship at the University of Rochester at Strong Memorial Hospital in Rochester, New York and the Roswell Park Memorial Institute in Buffalo, New York. Dr. Dilawari then went on to spend 35 years in Memphis serving the community as a doctor, teacher and mentor, touching thousands of lives in the process.

Dr. Dilawari was appointed Assistant Professor of the Department of Surgery at the University of Tennessee Center for Health Sciences in Memphis in 1978. He became the Assistant Dean for Clinical Affairs there as well as Vice Chairman of the Department of Surgery at Methodist University Hospital. His time in academia left a great legacy of research and peer-reviewed publications, but arguably his most significant contribution to Memphis was his mentoring of medical students and the training of over 200 surgical residents, ensuring his lasting impact and legacy. His focus and dedication to training the next generation of doctors and surgeons will have a lasting impact on patients in Memphis and around the world.

In addition to his great work as a teacher, Dr. Dilawari opened a surgical oncology practice at the Regional Medical Center and Methodist Central Hospital in Memphis. His surgical practice allowed him to operate on thousands of patients over the years, often without regard to payment. Dr. Dilawari was also very active in his community as a founding member of the Al Rasool Center and through his work with the Islamic Society of Memphis. Dr. Dilawari was a gracious and kind man who, until the end of his life, maintained the good nature and wisdom he had gained from years of treating cancer patients.

Dr. Raza Dilawari passed away on September 18, 2011, at 64 years of age. The Memphis community mourns the loss of one of its great citizens. He is survived by his beloved family: his wife Bushra A. Dilawari, his five children Asma, Amina, Mariam, Asad and Saba, his granddaughter Zara as well as a host of other family and friends across Tennessee and the world. We are grateful to have had the pleasure of his dedication, skill and compassion in the Memphis community. His was a life well-lived.

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize October as National Breast Cancer Awareness Month. This month we stand together with those who have bravely faced this disease, as well as to raise awareness toward finding a cure.

I am proud to wear this pink ribbon pin in support of National Breast Cancer Awareness Month and to recognize the importance of early detection in an effort to eradicate this disease, including encouraging women and men to follow recommended screening guidelines. Furthermore, we must make certain that every woman has access to regular mammography screenings.

For more than 20 years, the observance of National Breast Cancer Awareness Month each October has provided a time for us all to reflect on loved ones who have won and lost the battle against breast cancer.

Every two minutes, a woman is diagnosed with breast cancer, and every thirteen minutes one woman will die of breast cancer in the United States. In Florida alone, an estimated 15,330 new cases of invasive breast cancer will be diagnosed in women in 2011 and 2,690 of these women will die from this disease. These statistics are some of the many reasons I am a supporter of legislation and action that aids the fight to end breast cancer. I have also signed the National Breast Cancer Coalition's Congressional Declaration of Support for Breast Cancer Deadline 2020. By declaring my support to end breast cancer by January 1, 2020, I am proud to commit to continuing to educate myself and my constituents about the issues surrounding breast cancer.

Unfortunately, today we see a decline in screening rates. A recent study of 1.5 million women found that of those over the age of forty, with health insurance, less than fifty percent had received the recommended annual screening. The key to ending this disease is early detection, which reduces costs associated with the disease. The costs for early stage treatment are estimated at approximately \$22,350 per person, while late stage treatment costs nearly \$120,000 per person. Early detection of this life threatening disease is crucial to saving lives and ultimately reduces the burden on patients and our health system.

There are 2.5 million breast cancer survivors living in the U.S. today. They are the embodiment of bravery, as well as to the importance of promoting awareness about breast cancer, following recommended guidelines, offering treatment to those affected, and continuing to fund groundbreaking research.

Mr. Speaker, I commend those advocates, survivors, and men and women who fight the disease every single day. In honor of National Breast Cancer Awareness Month, I encourage everyone to make a renewed commitment to following recommended screening guidelines and I will continue the effort here in Congress to eradicate breast cancer by supporting

CELEBRATING THE DEDICATION OF THE JEWISH CHAPLAINS MEMORIAL

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. SARBANES. Mr. Speaker, I rise today to celebrate the dedication of the Jewish Chaplains Memorial and to pay tribute to the Jewish chaplains who lost their lives while serving our country.

For 149 years, chaplains have been a source of spiritual and emotional support for the men and women of our armed forces. In the most trying of circumstances, chaplains risk their lives to provide comfort and healing to our nation's soldiers.

More than 250 chaplains of all religions have died while on active duty in the Armed Forces of the United States. Three memorials on Chaplains Hill at Arlington National Cemetery honor the Protestant, Catholic, and World War I chaplains killed in the line of duty. The recognition of the brave Jewish chaplains who dedicated their lives to our nation is long overdue.

I was proud to cosponsor H. Con. Res. 12, a resolution to authorize a new memorial at Chaplains Hill to honor the Jewish chaplains who died while on active duty. On the evening of February 2, 1943, four chaplains gave their lives to ensure the safety of soldiers aboard the USAT *Dorchester*, under attack by a German torpedo. Rabbi Alexander D. Goode, a lieutenant in the United States Army, two Protestant pastors and a Catholic priest drowned after giving up their own life jackets to save others. Despite his courage and selflessness on that night, Rabbi Goode is the only one out of the four who is not recognized on Chaplains Hill. After 68 years, Rabbi Goode, and his fellow Jewish chaplains killed in wartime services since World War II, will finally receive the recognition and honor they deserve.

I commend the work of Ken Kraetzer, the JWB Jewish Chaplains Council, and the Jewish Federations of North America for making the Jewish Chaplains Memorial possible. I am proud that the U.S. Naval Academy's Levy Chapel, which is in my district, was chosen as one of the sites to display the memorial prior to its dedication at Arlington National Cemetery. Through this joint effort, our country will honor the sacrifices of Jewish chaplains for generations to come.

HONORING FRANCES REEVES JOLLIVETTE CHAMBERS

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Ms. WILSON of Florida. Mr. Speaker, today I rise to remember Frances Reeves Jollivette

Chambers. Fran was born on November 13, 1921 in Overtown—in the heart of my district. She was the daughter of The Miami Times founder Henry E.S. Reeves and his wife Rachel Jane Cooper Reeves who had emigrated from the Bahamas two years earlier. Fran was an integral part of my community, and she will be missed dearly.

Fran wed Cyrus M. Jollivette, Sr., in December 1942, was widowed in January of 1960, and married James R. Chambers in July 1963. She would remain with James until his death in June of 2000. During her life, she was blessed with daughters Regina Jollivette Frazier and Cleo Leontine Jollivette, and a son, Cyrus M. Jollivette. Before passing, she was also blessed with four grandchildren and three great-grandchildren.

Again, Fran was a leader in my community. After graduating from Booker T. Washington High in 1938, she graduated summa cum laude from Bennett College in 1942 and received a Master of Arts degree from New York University in 1959. She would later study at the University of Miami, the University of Florida, Florida A&M, Florida Atlantic, and Barry universities where she amassed more post graduate credits than required for a doctoral degree. Fran taught and guided generations of students at Dunbar Elementary, Miami Jackson Senior High, COPE Center North, and Holmes Elementary before retiring from the Dade County Public Schools in July 1979. In total, she spent more than 37 years as a teacher, reading specialist, counselor, and principal—she was an amazing woman.

In the 1950s, Fran was a volunteer for the March of Dimes and the American Heart Association, and in the 60s she was JESCA board chair, a board member of Senior Centers of Dade County, and a member of the American Association of University Women. In the 70s and 80s she was a member of the Florida State Board of Optometry and the League of Women Voters, and as a retiree in the 1990s she continued volunteering in the community while traveling the world. Ultimately, Fran visited more than 50 countries and six continents. She was a life member of Alpha Kappa Alpha Sorority and the NAACP, a platinum member of The Links, Inc., and a charter member and past president of the MRS Club, a six-decades-old group of friends. At Incarnation Episcopal Church she was a member of Daughters of the King.

Again Mr. Speaker, Fran was a remarkable woman. She will be missed.

Almost thirty years ago, and in a far different world, she conceived, developed, and implemented a research plan that would lead to a book recording the history of Miami's black pioneers. Her goal was to ensure that future generations could appreciate the long and difficult road Pioneer Miamians had traveled, and that they would not be forgotten. In the same vein, we will not forget her.

Fran's vision was realized in March, 2010, when a 120 page hard-bound coffee table book, *Linkages & Legacies*, was published by The Links, Inc., Greater Miami Chapter.

Mr. Speaker, today I rise with a heavy heart to announce Fran's passing, but I will leave this chamber with great joy as I remember all the wonderful gifts she gave to my community.

We miss you, Fran.

EPA REGULATIONS

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. PENCE. Mr. Speaker, I rise in support of the legislation currently before the House, H.R. 2250 and H.R. 2681, which if enacted into law will go a long way in reining in an Environmental Protection Agency that seems intent on implementing regulations that will not only drive up energy costs for all Americans, but also drive even more of our jobs overseas.

I also rise to address another threat coming from the EPA—the very real and serious danger facing the refrigeration industry from overreaching by the EPA to implement additional regulations on an industry that were never authorized by Congress. As many of my friends know, this industry is currently subject to regulations under the Montreal Protocol. The Montreal Protocol, originally signed by President Ronald Reagan in 1987, was designed to protect the ozone layer by regulating and phasing out ozone-depleting substances such as chlorofluorocarbons and hydrochlorofluorocarbons, or CFCs and HCFCs. Those regulations have been implemented and the industry is complying with them as we speak.

Now, the EPA has indicated its intent to regulate hydrofluorocarbons, or HFCs. It is important to distinguish that HFCs are not ozone depleting substances that would make them subject to the Montreal Protocol, but rather greenhouse gases. The EPA does not currently have the authority to regulate greenhouse gases and the EPA should not be permitted to move forward on their intentions until Congress has given the EPA the express power to do so.

Mr. Speaker, the refrigeration industry, like any other, is feeling the pinch in these difficult economic times. My state is fortunate enough to be home to one of the few remaining domestic refrigerant manufacturers and so I have heard first-hand what this potential regulatory overreach would mean to this industry.

I urge the House to remain vigilant on the specific issue of HFCs and additionally to pass both pieces of legislation before it this week. We must ensure that the EPA does not overstep its legal authority by issuing regulations on areas where Congress has not delegated its authority, and we must block the implementation of EPA proposed regulations on cement manufacturing facilities, industrial boilers, process heaters and incinerators, which would be terribly harmful to our already fragile economy, costing billions of dollars and thousands of jobs.

The EPA regulations dealing with Portland cement force the industry to reach nearly unachievable emissions levels, and according to the Portland Cement Association, will eventually force the shutdown of 18 plants and cost \$3.4 billion over the next three years. American cement producers would be put at a significant disadvantage to their foreign competitors and nearly 4,000 cement manufacturing jobs will no longer exist because of the EPA's actions. These regulations would also result in increased costs of \$1.2 to \$2 billion to state and local governments for road projects.

H.R. 2250 would target the rules finalized by the EPA dealing with industrial boilers, commonly known as Boiler MACT (Maximum Achievable Control Technology). Boiler MACT would be devastating to the people of Indiana. In fact, according to a study completed by HIS Global Insight, Indiana would be the second hardest hit state by Boiler MACT. There are currently 82 industrial boilers in the Hoosier state and these regulations would cost more than \$1 billion and eliminate over 16,000 jobs.

In closing Mr. Speaker, I urge my colleagues to pass these vital pieces of legislation and to continue to work to ensure that regulations from the EPA do not cost Hoosier jobs.

INTRODUCTION OF THE DISTRICT OF COLUMBIA NATIONAL DISASTER INSURANCE PROTECTION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Ms. NORTON. Mr. Speaker, I rise today to introduce the District of Columbia National Disaster Insurance Protection Act. The bill would exempt from federal income taxation catastrophic insurance reserves held by insurance companies in the District of Columbia. Under current federal law, catastrophic insurance reserves are subject to federal income taxation, which has led insurers to hold these funds in offshore jurisdictions, such as the Cayman Islands and Bermuda, where they are not subject to U.S. income taxation.

The bill would serve important national purposes by protecting individuals and businesses across the country from unpaid insurance claims in the event of a natural catastrophe, as well as U.S. taxpayers. Today, if a natural catastrophe occurred in the U.S., and offshore insurance companies did not pay claims, the U.S. government might need to step in and taxpayers could be on the hook for the claims. Indeed, after the September 11, 2001, terrorist attacks, the U.S. government had to establish a federal backstop for losses due to terrorist attacks, the Terrorism Risk Insurance Act, which is still in place today. As the recent financial crisis showed, the U.S. government has a strong interest in preventing systemic financial risks. However, U.S. individuals and businesses now rely on offshore jurisdictions to preserve and protect catastrophic insurance reserves.

Rather than leaving little alternative to locating these vital catastrophic insurance reserves offshore, it makes sense for the funds to be held in the nation's capital, the most protected and secure city in the U.S., to eliminate an existing but overlooked vulnerability in the financial system. My bill is particularly timely considering that the president issued a record number of Major Disaster Declarations in 2010 (81) and has issued 87 so far this year.

MR. FRANK CIAMPI, JR.

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. BARLETTA. Mr. Speaker, I rise today to honor Frank Ciampi, Jr., an outstanding Italian-American, for his 56 years of dedicated service in UNICO, the Italian-American service organization. Born and raised in West Pittston, Luzerne County, Mr. Ciampi moved to Hazleton to begin his career as president/owner of International Printing Company. Prior to this, Mr. Ciampi served his country in the Korean Conflict from 1950 to 1953. In 2006, he had retired after serving as president/owner of his company for 50 years.

Mr. Ciampi has been active in many organizations. Since 1958, he was a proud member of the Hazleton chapter of UNICO. During his many years in the Italian-American organization, he has served as its president as head of the "Lick-A-Pop" committee. He played an instrumental role in raising money for the first dialysis machine in Hazleton and for the Salvation Army. Mr. Ciampi was recently named the recipient of the prestigious Presidential Citation from UNICO President Andre DiMino. He was also honored by the Italian American Association of Luzerne County with the Career Achievement Award for his efforts to improve his community.

Mr. Ciampi is not new to lasting relationships. In addition to his 56 years as part of UNICO, he recently celebrated 58 years with his wife, Ann Marie. His efforts and contributions coincide with his reputation as a family man; he has four children and seven grandchildren.

Mr. Speaker, Frank Ciampi, Jr., has contributed much to the community and to UNICO in time, effort, and financial support over the course of his long and dedicated membership. He is to be commended, and his legacy should not be forgotten.

HONORING U.S. NAVY CAPTAIN
CHARLES LASOTA**HON. LARRY BUCSHON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. BUCSHON. Mr. Speaker, I rise today to honor U.S. Navy Captain Charles LaSota.

Captain LaSota took command at Crane Naval Surface Warfare Center in 2008 and today is his retirement ceremony.

I would like to congratulate Captain LaSota for a distinguished career. His many achievements in academics and the Navy have made him an officer that all sailors and citizens should emulate. His dedication to our nation has spanned many decades and many posts and for that I would like to thank Captain LaSota.

At Crane, Captain LaSota not only added more than 800 personnel during his command, but he also made sure to give back to the community that supports the base through organizations such as the Boy Scouts, American

Red Cross, Ride to Recovery, and the Crane Learning and Employment Center for Veterans with Disabilities.

IN HONOR OF REVEREND DR. J.H.
FLAKES, JR.**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to an outstanding Man of God who has been a long-standing source of personal inspiration, spiritual guidance and moral leadership to me and the Columbus, Georgia community at-large, the Reverend Dr. Johnny H. Flakes, Jr. Later this year, Dr. Flakes will celebrate his fiftieth anniversary as the distinguished pastor of the Fourth Street Missionary Baptist Church in Columbus. What makes this extraordinary feat even more remarkable is that his fifty years of accomplished service at Fourth Street Missionary Baptist Church runs concurrently with his fifty-two years of service as the senior pastor of Good Hope Baptist Church in Phenix City, Alabama.

Dr. Flakes' dynamic ability to successfully multitask the management of two flourishing churches, in two different states, over the last fifty years, is a monumental accomplishment that highlights his passion to reflect Christ through his thought-provoking sermons, pastoral leadership, unyielding love for the members of his congregations and his deep and abiding faith.

Despite the numerous challenges he has encountered along his life's journey, Dr. Flakes has not relented nor retreated in the face of insurmountable hardships. While his rebellious early life was filled with challenges—being a high school drop-out and suffering with both alcohol and gambling addictions—he surrendered his life to the calling of God through Christ Jesus and was transformed. He was called to pastor Good Hope Missionary Baptist Church and Fourth Street Missionary Baptist Church and while pastoring both churches full-time, drove from Columbus, Georgia to Nashville, Tennessee and back each week over four years to earn his GED and Bachelor of Arts degree from American Baptist College.

He later would go on to serve as Chairman of the Board of Trustees for American Baptist College and recently the administration building on the school's campus was named in his honor.

Always pressing towards the mark for the prize of the high calling of God in Christ Jesus, to better improve the craft of Christian ministry and discipleship, he became a catalytic leader in the National Baptist Congress of Christian Education, for many years served as President of the Congress of Christian Education for the General Missionary Baptist Convention of Georgia and ultimately served on the Executive Committee Board of the National Baptist Convention. Dr. Flakes has also received honorary doctorate degrees from A.B. Lee Theological Seminary in Jacksonville, Florida and his beloved alma mater, American Baptist College.

Throughout his pastoral career, Dr. Flakes has played a leading role in several other religious-affiliated and community-based organizations. He served courageously as President of the Columbus branch of the National Association for the Advancement of Colored People (NAACP) for several years; is the President and Founder of "A Call To Talk" (ACTT); Chairman of One Columbus; and Chartering Pastor of the General Missionary Baptist Church Convention of West Germany.

Reverend Flakes has been repeatedly acknowledged for his outstanding achievements, service and public distinction. He is the recipient of the Outstanding Personality of the South Award; Ten Outstanding Ministers in the State of Georgia Award; Alpha Phi Alpha Martin Luther King, Jr. Award; Operation PUSH Martin Luther King, Jr. Award; and the Knight-hood Award from the Congress of Christian Education.

Dr. Flakes has achieved numerous successes in his life, but none of this would have been possible without the grace of God and his loving wife of more than fifty-seven years, Robena Gaines Flakes. Dr. and Mrs. Flakes are the parents of three children—Sincera, Johnny and Merle—and the proud grandparents of three granddaughters.

One of Dr. and Mrs. Flakes' sons, Johnny H. Flakes III, is an emerging community leader in Columbus, Georgia and now co-pastors at Fourth Street Missionary Baptist Church and Good Hope Missionary Baptist Church with his father. As the scripture tells us, "Train up a child in the way he should go: and when he is old, he will not depart from it." Dr. Flakes has encouraged his children and grandchildren not to be carbon copies of him but to glean from his wisdom and experience and be available to the leadership of the Holy Spirit.

On a personal note, Dr. Flakes has served as a spiritual advisor to me for many years, particularly during the twenty-four years I was a member of the Fourth Street Missionary Baptist Church. Through trouble or triumph, he was always available and has always given me wise counsel. Mrs. Flakes is like a mother to me and I am proud each time she refers to me as "son."

The great theologian and mystic scholar, Dr. Howard Thurman, once said that: "There is something in every one of you that waits and listens for the sound of the genuine in yourself. It is the only true guide that you will ever have. And if you cannot hear it, you will all of your life spend your days on the ends of strings that somebody else pulls." To God be the glory that the Rev. Dr. Johnny H. Flakes, Jr. heard the sound of God's voice and answered the call for his life. Because he answered that call, my life and the lives of countless others throughout the world are better for it.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Dr. Johnny H. Flakes, Jr. for his life of selfless service to God, the church and to humankind.

ENSURING THE EFFECTIVE USE OF UNITED STATES AID TO PAKISTAN ACT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today I am introducing legislation to end all U.S. economic aid to Pakistan and to suspend all U.S. military aid until the Obama administration can certify to Congress that the Government of Pakistan is effectively using the aid against the Taliban and other al Qaeda affiliates that are planning and executing attacks on U.S. targets.

My legislation will send a clear signal to the Government of Pakistan that they can't have it both ways. They can't be stridently anti-American and expect U.S. economic aid to continue and they can't be complicit in supporting some of the same radical Islamists groups that target Americans and expect to receive more U.S. military aid.

There is a growing pattern of incidents whereby elements within the Pakistani government are blocking cooperation between the U.S. and Pakistan and are providing covert support to some of the same organizations that are targeting U.S. troops and their coalition allies fighting in Afghanistan.

Recently, the Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, testified to Congress and accused Pakistan's intelligence agency of providing strategic support for the Haqqani network, which the U.S. blames for the recent attack on the U.S. Embassy in Afghanistan. In his testimony, Admiral Mullen said, "The support of terrorism is part of their national strategy. . . . And that's got to fundamentally shift."

My legislation would immediately suspend all military aid to Pakistan until the Obama administration can certify that the Government of Pakistan is fully cooperating with the U.S. and is effectively using U.S. military aid in conducting operations against the Taliban, al Qaeda, and the other radical Islamic organizations engaged in terrorist operations.

I don't think that other legislation in this area goes far enough. I believe that the U.S. economic aid Pakistan receives is a complete waste of U.S. tax dollars because it hasn't done anything to improve the U.S./Pakistani relationship, as intended. Instead, the relationship has actually deteriorated despite the fact that the U.S. has increased assistance to the Government of Pakistan—which has received over \$2 billion in economic aid over the last two years.

By cutting off all economic aid and suspending all military aid we will be sending a clear message to the Pakistani government that they are not to take our support for granted.

So long as we have troops fighting in Afghanistan, who need the supply lines that run through Pakistan, it would be irresponsible to immediately eliminate all military aid to Pakistan. I do believe that the Pakistani military is capable of effectively using the aid to help defeat some of the same radical Islamic forces that U.S. troops are fighting, who cross from Pakistan to the Afghan side of the border.

150TH ANNIVERSARY HOMECOMING SERVICE FOR ST. PHILIP'S EPISCOPAL CHURCH

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. SCOTT of Virginia. Mr. Speaker, I rise today to congratulate a storied institution of faith in the Third Congressional District. This year, St. Philip's Episcopal Church is celebrating its 150th anniversary, and I would like to take a moment to reflect on the history of this esteemed church and its contributions to the greater Richmond community.

St. Philip's Episcopal Church was founded in 1861 as a mission of St. James Church by freemen/women and indentured servants of Virginia aristocrats and landowners. The congregation flourished during the following four years and provided a number of services to its members, including a school. Unfortunately, at the end of the Civil War in 1865, St. Philip's physical structure was destroyed in what the church describes as "mysterious circumstances." The church persevered in spite of its overwhelming loss and continued to congregate in the homes of its members. In 1869, with the support of the Diocese of Virginia, St. James Church and the family of J.E.B. Stuart, the church was able to rebuild its physical structure.

In 1920, the church became a self-supporting Parish and since then has ventured to serve God, the community and the world. Over the years, they have been involved in various service projects including St. Francis Pantry, Girl Scouts, and Narcotics Anonymous. They have also been involved with Caritas, a volunteer organization providing food and shelter for the homeless, and Modern Maturity, an outreach program with a focus on providing recreation and fellowship for individuals who are at home during the day.

Today, St. Philip's prevails as the oldest and largest of the seven predominantly African-American congregations in the Diocese of Virginia. It also has the distinction of being the sixth oldest historically African American congregation in the Episcopal Church and was the first to be founded in the South. Currently, St. Philip's consists of nearly 230 members.

As St. Philip's Episcopal Church gathers to celebrate this historic milestone, the church

can truly remember its past, celebrate its present, and focus on the future as it continues "Celebrating, Living, Dreaming." I would like to congratulate Rev. Phoebe Roaf and all of the members of the St. Philip's Episcopal Church on the occasion of their 150th Anniversary. I wish them many more years of dedicated service to the community.

IN HONOR OF JERRY DICK, FIRE COMPANY PRESIDENT FOR CHERRY HILL TOWNSHIP FIRE COMPANY IN PENN RUN, PENN- SYLVANIA

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2011

Mr. CRITZ. Mr. Speaker, I rise today to honor Jerry Dick, the Company President of the Cherry Hill Township Fire Company for his fifty years of active service to the department, the community, and its citizens. Mr. Dick has played a vital role in the fire company from the beginning. In 1951, when Jerry was just 11-years-old, he accompanied his father to city meetings on the construction of the community's new firehouse. He participated in laying the actual brick for the building that the Cherry Hill Township Fire Company is housed in today. Four years later at the young age of fifteen, Jerry joined the fire company as a volunteer.

Except for a brief stint away from Pennsylvania in the 1960s, Mr. Dick has served his community at the firehouse since 1954. During the Johnstown Flood of 1977, Jerry proved himself to be a true hero. While the rivers and creeks surged through the area, a family got trapped in their home, unable to reach higher ground. Jerry, along with firefighter Bob Zack, stretched a ladder across a large stream of water and extricated three children from the home. After getting them to safety, the water rushing through the area became more treacherous. Jerry made the decision that he and Bob could not safely traverse the waters to get back to safety. Both firefighters used a rope to tie themselves around a utility pole and remained in the danger zone for over nine hours. Not until the morning could they safely remove themselves from harm's way.

Jerry Dick is only the second member of the fire company to achieve such an amazing long-standing tenure of service. In his fifty years, Jerry Dick has shown true determination, strength, and character with the Cherry Hill Township Fire Company.

Mr. Speaker, once again I would like to congratulate and honor Jerry Dick on his fifty years of service and to wish him well as he continues to serve the community.

SENATE—Friday, October 7, 2011

The Senate met at 12:00 and 26 seconds p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 7, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WARNER thereupon assumed the Chair as Acting President pro tempore.

ADJOURNMENT UNTIL 2 P.M. ON
TUESDAY, OCTOBER 11, 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 2 p.m. on Tuesday, October 11, 2011.

Thereupon, the Senate, at 12:00 and 58 seconds p.m., adjourned until Tuesday, October 11, 2011, at 2 p.m.

HOUSE OF REPRESENTATIVES—Friday, October 7, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ROONEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
October 7, 2011.

I hereby appoint the Honorable THOMAS J. ROONEY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Andrew Walton, Capitol Hill Presbyterian Church, Washington, D.C., offered the following prayer:

Creator God, Eternal Presence, Spirit of Life in whom we breathe and live, we come into another day that has never been—a new day, an empty day waiting to be—its possibility and potential filled with only that which we bring to it.

As we pause in this moment, may we have the wisdom, humility, and grace to lay aside the fear, scarcity, pain, mistrust, and violence that have consumed so many of our yesterdays.

Where discord has been our nemesis, may harmony be our friend. Where suspicion shades our perspective, may trust bring light to see clearly and know Your presence in ourselves, in others, and in all Creation.

This is our prayer.

Fill us with love, joy, peace, patience, kindness, generosity, faithfulness, gentleness, and self-control so that these may be the gifts we bring to this day—to our work, our lives, our country, and our world.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 10 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Tuesday, October 11, 2011, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3410. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports [Doc. No.: AMS-CN-11-0026; CN-11-002] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3411. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order; Correction [Doc. No. AMS-FV-10-0015C; FR] (RIN: 0581-AD03) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3412. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Pears Grown in Oregon and Washington; Assessment Rate Decrease for Processed Pears [Doc. No.: AMS-FV-11-0070 FV11-927-3 IR] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3413. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Pears Grown in Oregon and Washington; Assessment Rate Decrease for Fresh Pears [Doc. No.: AMS-FV-11-0060; FV11-927-2 IR] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3414. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Decreased Assessment Rate [Doc. No.: AMS-FV-11-0068; FV11-993-1 IR] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3415. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement;

Multiyear Contracting (DFARS Case 2009-D029) (RIN: 0750-AG89) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3416. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Positive Law Codification of Title 41 U.S.C. (DFARS Case 2011-D036) (RIN: 0750-AG38) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3417. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Ships Bunkers Easy Acquisition (SEA) Card and Aircraft Ground Services (DFARS Case 2009-D019) (RIN: 0750-AH07) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3418. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Construction and Architect-Engineer Services Performance Evaluations (DFARS Case 2010-D024) (RIN: 0750-AG91) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3419. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Designation of a Contracting Officer's Representative (DFARS Case 2011-D037) (RIN: 0750-AH35) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3420. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Passive Radio Frequency Identification (DFARS Case 2010-D014) (RIN: 0750-AH05) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3421. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement (DFARS); Alternative Line Item Structure (DFARS Case 2010-D017) (RIN: 0750-AH02) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3422. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Discussions Prior to Contract Award (DFARS Case 2010-D013) (RIN: 0750-AG82) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

3423. A letter from the Chair, Cost Accounting Standards Board, Office of Management and Budget, transmitting the Office's final rule — Cost Accounting Standards: Elimination of the Exemption From Cost Accounting Standards for Contracts and Subcontracts Executed and Performed Entirely Outside the United States, Its Territories, and Possessions received September 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3424. A letter from the Chair, Cost Accounting Standards Board, Office of Management and Budget, transmitting the Office's final rule — Cost Accounting Standards: Change to the CAS Applicability Threshold for the Inflation Adjustment to the Truth in Negotiations Act Threshold received September 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCCARTHY of California (for himself, Mr. CAMPBELL, Mr. DENHAM, Mr. HERGER, Mr. McKEON, Mr. NUNES, Mr. HUNTER, Mr. ISSA, and Mr. McCLINTOCK):

H.R. 3143. A bill to freeze the availability of Federal funding for high-speed rail projects in California, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WALZ of Minnesota (for himself and Mrs. MYRICK):

H.R. 3144. A bill to provide for improvement of field emergency medical services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

161. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 100 urging the Congress and the U.S. Department of Agriculture Food and Nutrition Assistance Program to increase the quality of food options through the Nutrition Assistance Programs; to the Committee on Agriculture.

162. Also, a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 1 urging the Congress and the President to renew the commitment to accessible higher education and support the research in the interest of the nation; to the Committee on Education and the Workforce.

163. Also, a memorial of the House of Representatives of the State of Texas, relative to House Joint Resolution No. 130 notifying the Department of Education that the mentioned colleges and universities are authorized in the State of Texas to operate educational programs beyond secondary education; to the Committee on Education and the Workforce.

164. Also, a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 3 urging the Congress to modernize the federal Toxic Substances Control Act of 1976; to the Committee on Energy and Commerce.

165. Also, a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 7 supporting H.R. 308; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MCCARTHY of California:

H.R. 3143.

Congress has the power to enact this legislation pursuant to the following:

The bill is introduced pursuant to Congress' power to regulate commerce pursuant to Article 1 Section 8.

By Mr. WALZ of Minnesota:

H.R. 3144.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1134: Mr. DUNCAN of South Carolina.

H.R. 1244: Mr. WALSH of Illinois, Mr. JOHNSON of Illinois, Mr. FRELINGHUYSEN, Mr. MORAN, Mr. GERLACH, Mr. KINZINGER of Illinois, and Ms. MCCOLLUM.

H.R. 1259: Mr. LATTA.

H.R. 1653: Mr. HUIZENGA of Michigan, Mr. GUTHRIE, Mr. BOREN, Mr. DAVIS of Kentucky, and Mr. SHIMKUS.

H.R. 1834: Mr. BURGESS.

H.R. 1992: Mr. HEINRICH.

H.R. 2069: Mrs. MILLER of Michigan.

H.R. 2131: Mr. TONKO, Mr. MCINTYRE, and Mr. VAN HOLLEN.

H.R. 2139: Mr. PAULSEN, Mr. CALVERT, and Mr. REYES.

H.R. 2146: Mr. CONAWAY.

H.R. 2478: Mr. CHANDLER.

H.R. 2569: Mr. BURGESS, Mr. RANGEL, Mr. POE of Texas, and Mr. KLINE.

H.R. 2910: Mr. NUNNELEE and Mr. CONAWAY.

H.R. 2952: Mr. COFFMAN of Colorado.

H.R. 3091: Mr. PAULSEN.

H.R. 3099: Mr. SHIMKUS.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 1 by Mr. CRITZ on House Resolution 310: John C. Carney Jr., Harold Rogers, Maurice D. Hinchey.

The following Member's name was withdrawn from the following discharge petition:

Petition 1 by Mr. CRITZ on House Resolution 310: Harold Rogers.

EXTENSIONS OF REMARKS

A TRIBUTE IN HONOR OF STEVEN
PAUL JOBS, 1955–2011

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2011

Ms. ESHOO. Mr. Speaker, I rise today with great sadness to speak about the passing of my constituent—an American icon, an American genius—Steve Jobs.

Steve was a child of Silicon Valley before there even was a Silicon Valley. He was born here, he was raised here, he started his business here, and he raised his family here. He was a part of Silicon Valley from start to finish, and I'm proud to have had him as my constituent.

Like many of Silicon Valley's pioneers and innovators, Steve began in a garage with just a simple idea and an oversized dream. And from those humble beginnings, his creative genius literally shaped our entire world.

In his short life, Steve Jobs' accomplishments elevated him as one of the great American innovators, not only in the 20th and 21st centuries, but in the history of our entire nation.

Steve said, "We're here to put a dent in the universe. Otherwise why else even be here?" He put far more than just a dent in the world—he changed the way we work, learn, play and live—Macs, iPods, iTunes, iPhones, iPads, movies, design, and the democratization of the technology. He personalized technology for every man, woman and child.

As the world will mourn him, Silicon Valley will personally miss him, his brilliant mind, and his restless genius. Steve urged colleagues and friends, "Your time is limited. Don't waste it living someone else's dream." Steve's legacy will live on and it will continue to inspire future generations of Americans.

Mr. Speaker, I ask the entire U.S. House of Representatives to join with me in expressing our deepest sympathy to Laurene Jobs and their four children.

As a poet wrote ". . . and so he passed, and all the trumpets sounded on the other side."

RECOGNIZING THE HENRICO COUNTY PUBLIC SCHOOLS FOR BEING NAMED THE AMERICAN ASSOCIATION OF SCHOOL LIBRARIANS' 2011 NATIONAL SCHOOL LIBRARY PROGRAM OF THE YEAR

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2011

Mr. CANTOR. Mr. Speaker, I rise today to congratulate the Henrico County Public

Schools on their significant achievement of being named the American Association of School Librarians' 2011 National School Library Program of the Year.

Each year the American Association of School Librarians honors schools with exemplary library programs that share their commitment to ensuring that students and staff are effective users of ideas and information. The Henrico County library program met these criteria with its guiding mission of "empowering students and staff to become critical thinkers, enthusiastic readers, skillful researchers, and ethical users of information."

The collaborative efforts of the staff, teachers, parents, and members of the Henrico County community have a profound impact on the program, helping to implement student-driven inquiry, research, and creativity, while facilitating student growth. A strong education system is essential for the future of our country. The hard work and dedication of the librarians and staff at the Henrico County Public Schools will ensure their students are prepared to learn and succeed in the future.

Henrico County is composed of 69 schools with approximately 49,000 students in grades pre-kindergarten through 12th grade. The library program is staffed by 82 full-time librarians, 39 full-time support staff, and 34 part-time staff, all of whom have contributed to the program's success.

I commend the Henrico County Public Schools and ask you to join me in recognizing the librarians, teachers, staff, and students for their outstanding accomplishment.

HONORING THE LIFE OF DERRICK
A. BELL, JR.

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2011

Mr. CONYERS. Mr. Speaker, today I rise to honor the life of civil rights legal scholar, Derrick Bell. As a respected attorney, scholar, war veteran and mentor, Mr. Bell lived his life believing that change only occurs when we take risks.

Mr. Bell was a man of many firsts. A graduate of the University of Pittsburgh Law School, where he was the only black student, Mr. Bell would eventually become the first tenured black professor at Harvard Law School. He later became Dean of the University of Oregon School of Law, becoming the first African-American to ever head a non-black law school. His willingness to be a pioneer was a reflection of his unwillingness to exchange personal position for the core principle of pursuing equity for all.

Mr. Bell's resolve to stand on principle was seen throughout his career. As a newly minted attorney in his 20s, selected to work at the

Civil Rights Division of the United States Justice Department, Mr. Bell was told to relinquish his NAACP membership, which his superiors believed posed a conflict of interest. Mr. Bell, instead, did the opposite and quit the Justice Department. While perhaps a shock to some, Mr. Bell would ultimately resign as Dean at Oregon over a dispute about faculty diversity. In his 2002 memoir, "Ethical Ambition," Mr. Bell recalled how his actions appeared to associates as "futile and foolish." But he publicly declared the importance of living "a life of meaning and worth."

Mr. Bell is perhaps best known for his tenure at Harvard Law School, which began in 1969 after protests by black students for a minority faculty member. While at Harvard, Bell established a new course in civil rights law, published a leading legal textbook, "Race, Racism and American Law," and rejected the dry legal analytics, which dominated legal scholarship, in favor of allegorical stories and parables. In 1986, he orchestrated a five-day sit-in to protest the school's failure to grant tenure to two professors. Mr. Bell's challenge to the legal orthodoxy served as inspiration to Harvard Law students, and President Barack Obama compared him to civil rights hero Rosa Parks while attending a rally as a student at Harvard Law. Mr. Bell ultimately left the law school in 1990 over principle and concluded his career at NYU Law School. He summed up his actions in a speech to Harvard students, saying, "Your faith in what you believe must be a living, working faith that draws you away from comfort and security, and toward risk through confrontation." Mr. Bell believed that it would be hypocritical to urge his students to defy what is unjust, while not practicing his own precepts.

Largely credited as the originator of critical race theory, Mr. Bell explored the nuances that exist in race-relations. Known as a soft-spoken gentleman, the professor unapologetically challenged conservatives and liberals, alike, on shared societal beliefs concerning race in America. While many viewed the 1954 desegregation decision in *Brown v. Board of Education* as monumental in the fight towards equality, Mr. Bell wrote that in light of the consequences of *Brown*, conditions for minorities might have worked out better if the court had instead ordered governments to provide both races with truly equivalent schools. Mr. Bell focused on motives just as much as outcomes, and while he generally supported litigation, he also cautioned that seemingly favorable rulings often yield disappointing results. His discourse prepared and empowered us to fight beyond court decisions and dig deeper into the implementation of policies which affect underrepresented communities.

Mr. Bell will always be revered as a genuine, authentic champion in the struggle for civil rights. Robert Frost famously stated that "Two roads diverged in a wood, and I—I took the one less traveled by, and that has made

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

all the difference." We are all honored that Derrick Bell took the road less traveled, for his contributions have truly inspired others to make a difference.

COMPLEXITY ANALYSIS FOR H.R.
3078, H.R. 3079, AND H.R. 3080

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2011

Mr. CAMP. Mr. Speaker, I would like to submit the following:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, October 6, 2011.

Hon. DAVE CAMP,

*Chairman, Committee on Ways and Means,
House of Representatives, Longworth House
Office Building, Washington, DC.*

Hon. SANDER M. LEVIN,

*Ranking Member, Committee on Ways and
Means, House of Representatives, Long-
worth House Office Building, Washington,
DC.*

DEAR CHAIRMAN CAMP AND RANKING MEMBER LEVIN: I am writing pursuant to section 4022 of the Internal Revenue Service Reform and Restructuring Act of 1998 (Pub. L. No. 105-206) (the "IRS Reform Act"), which requires the staff of the Joint Committee on Taxation (in consultation with the Internal Revenue Service and the Department of the Treasury) to provide a complexity analysis of tax legislation reported by the Senate Committee on Finance, the House Committee on Ways and Means, or a Conference Report containing tax provisions. The complexity analysis is required to report on the complexity and administrative issues raised by provisions that directly or indirectly amend the Internal Revenue Code and that have widespread applicability to individuals or small businesses. The IRS Reform Act mandates that certain information be included in the complexity analysis, if deter-

minable. The IRS Reform Act requires the complexity analysis to be included in the appropriate committee report, or provided to the Members of the committee reporting the legislation as soon as practicable after the report is filed.

This letter fulfills the requirement for a complexity analysis of H.R. 3078, the "United States-Columbia Trade Promotion Agreement Implementation Act," H.R. 3079, the "United States-Panama Trade Promotion Agreement Implementation Act," and H.R. 3080, the "United States-Korea Free Trade Agreement Implementation Act," as reported by the Committee on Ways and Means on October 6, 2011. We have determined that there are no items in these three bills that have widespread applicability to individuals or small businesses, as defined in Section 4022 of the IRS Reform Act.

I want to bring to your attention another provision of the IRS Reform Act. It appears that a point of order may be raised against a bill where the committee report for that bill does not contain a complexity analysis, unless the Ways and Means Committee has the complexity analysis printed in the Congressional Record prior to the consideration of that bill.

If you have any questions, please contact Brion Graber or me.

Sincerely,

THOMAS A. BARTHOLD,
Chief of Staff.

10TH ANNIVERSARY OF THE WAR
IN AFGHANISTAN

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2011

Mr. DeFAZIO. Mr. Speaker, ten years ago today the United States pursued the perpetrators of 9/11 into the mountains of Afghanistan. Our original mission—which I supported—was to bring justice to members of al Qaeda who

planned and executed one of the largest mass murders in history and the Taliban who enabled al Qaeda.

Members of the U.S. military have done everything that has been asked of them. They have fought heroically, and have selflessly served their country.

But, thanks to strategic and diplomatic missteps, a disastrous and unnecessary war in Iraq that distracted the U.S. from accomplishing our original mission, and the pursuit of failed policies, we have lost our way in Afghanistan.

The war in Afghanistan has cost the United States greatly in lives and taxpayer dollars. We have lost more than 1,700 American troops in Afghanistan, with this past August being the deadliest month. Tens of thousands of Americans have been injured, maimed or made permanently disabled. Meanwhile, we continue to hemorrhage taxpayer dollars trying to sustain an unsustainable war. To date, the U.S. has spent \$454 billion—nearly half a trillion dollars—in Afghanistan.

As we make drastic cuts in infrastructure, education, social services, and federal programs here at home, we are spending tens of billions of dollars per year to build critical infrastructure in Afghanistan, investing in roads and bridges in Afghanistan, and training Afghan troops and law enforcement officers.

That's wrong. We should use that money to hire teachers here at home, modernize our schools, repave our crumbling roads, rebuild our failing bridges, put sheriffs back on the roads and police back on the street.

It is long past time to bring this ten year war—the longest in the history of the United States—to a responsible end. I will continue to do everything I can in Congress to bring our troops home and to reinvest scarce federal resources in rebuilding our own country, rather than nation building in a failed state half a world away.

SENATE—Tuesday, October 11, 2011

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, source of all goodness, teach us how to master ourselves that we may serve others. May this self mastery inspire our lawmakers to serve others by joining You in bringing deliverance to those in captivity because of life's painful circumstances. Support our Senators with Your strength, as You guide them with Your wisdom. May Your peace that surpasses all human understanding be with us all our days. Lord, unite our lawmakers in the common cause of justice, righteousness, and truth.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 11, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in

morning business until 5:30 this evening. At 5:30 p.m., there will be three rollcall votes. The first vote will be on confirmation of the Triche-Milazzo nomination. That is a vote for a judge. We appreciate the cooperation we have gotten on that. The second vote will be on passage of S. 1619, the China currency legislation. The third vote will be on the cloture motion on the motion to proceed to S. 1660, the American Jobs Act.

Mr. CORKER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. I wonder if the—

The ACTING PRESIDENT pro tempore. The majority leader is still recognized.

Mr. REID. I have the floor. Does the Senator have a question?

Mr. CORKER. I would like to ask a question, if I could.

Mr. REID. I would be happy to yield to my friend for a question.

Mr. CORKER. Mr. President, it is my understanding that—first of all, I think most people in this body know it has been 995 days, and the free-trade agreements are just now coming to the floor. I had a very good conversation today with the majority leader, and I thank him so much for his courtesy. But it is my understanding, for all those who want to see the free-trade agreements ratified prior to the time the South Korea President comes on Thursday to make his joint address—for all those who want to see that passed and in hand in advance of that—if we were to get on the jobs bill, as I understand it, we would have to stay on the jobs bill for 30 hours. So by getting on the jobs bill, it would actually preclude us from being able to successfully pass those free-trade agreements in the time that all of us would like.

I would like for that to be verified by the leader, if that is possible.

Mr. REID. Mr. President, around here we can do anything by unanimous consent. The work the Republican leader and I went through—perhaps a little easier on his side than mine—to get the trade bills in the position they are in was fairly difficult, and it would take unanimous consent to get off a particular piece of legislation we are on to move forward on the trade bills. That is my understanding. As I have indicated, we are looking forward to the votes this evening, and I will be happy to be as cooperative as I can with everyone involved. But in direct response to my friend's question, I think it is pretty clear it would take unanimous consent to do that.

Mr. CORKER. Mr. President, my understanding is that unanimous consent

would be very unlikely considering the fact there are a number of folks who actually do not want to see these trade agreements pass. The evidence is, if we were to get on the jobs bill—and I thank the leader for talking with me about this—it is very unlikely the free-trade agreements will pass in the time all of us would like to see prior to the President of South Korea being here.

I yield the floor and thank the majority leader for letting me have this dialog and for having the dialog we had on Thursday evening.

Mr. REID. Mr. President, I say through the Chair to my friend, I was happy to have that dialog. As we have indicated, if at some time we get on a jobs bill, we will have—as I have indicated, I appreciate the comments of a number of people in the press today. Specifically, I direct myself to Mr. JOHN CORNYN, the junior Senator from Texas. He and I have not always seen the same picture on legislative matters, but I thought his statements in the press were very constructive. He, in effect, said he would hope we could get on legislation and work on it the way we used to and that would be to have some agreement on how we move forward with amendments. The Republican leader and I are trying to do that.

UPCOMING VOTES

Mr. REID. Mr. President, this evening, the Senate will vote on legislation to end the unfair practice of currency manipulation by the Chinese Government. It is pretty clear by now that China undervalues its currency to give its own exports an unwarranted advantage in the global marketplace. This costs American jobs—lots of them. It costs lots of jobs by unjustly tilting the playing field against American manufacturers.

America's trade deficit with China has ballooned from \$10 billion in 1990 to \$273 billion today. It has cost 3 million American jobs already. Two million of those lost jobs came from the manufacturing sector.

American businesses do not need special advantages to compete. They just need an even playing field.

Tonight we have the opportunity to stop China from continuing to cheat American workers, pump \$300 billion into our economy, and support 1.6 million Americans jobs.

This legislation has twice advanced in this Chamber with bipartisan super-majorities. Thirty-one Republicans voted to move this legislation to the Senate floor early last week. I urge each of them to stand firm in their support for this job-creating legislation—

to stand with American workers rather than siding with China. I remind my Republican colleagues that those who revoke support of this important measure for the sake of partisan politics must answer, first of all, as we all do, to our constituents.

Today, the Senate will vote to proceed to the American Jobs Act, President Obama's plan to put Americans to work without adding a penny to the deficit. This legislation will also ask the richest Americans to contribute their fair share to get our economy back on track.

The President's plan will put construction crews back to work building the things that make our country stronger—roads, bridges, dams, sewers, water systems, and up-to-date schools where our children can get the best education possible.

There are schools in our country that are not wired for the Internet. The average school in America is a little more than 50 years old. Technology has changed a lot since those schools were constructed, but, sadly, our schools have not. This work is essential, and Americans are desperate for jobs it will create.

The American Jobs Act would also extend unemployment insurance for Americans who are still struggling to find work. Economists agree this boosts the economy because the long-term unemployed spend the money immediately on groceries, gas, and rent.

This legislation would cut taxes for middle-class families and businesses—something Republicans have long supported. The President's plan contains many ideas that Republicans have supported consistently over the years, especially when their party controlled Congress or the White House or both. Republicans oppose those ideas now, I guess, because they have a proven track record of creating jobs—all these programs—but I guess Republicans think if the economy improves, it might help President Obama. So they root for the economy to fail and oppose every effort to improve it, and they resist anything the President proposes, no matter its common sense, including this jobs plan to create 2 million jobs, containing many of the issues the Republicans have supported many times.

Americans have demanded Congress pass legislation to create jobs—and pass it now. Americans support our plan to fund job creation by asking people who make more than \$1 million a year to contribute their fair share by a margin of 3 to 1. That is 75 percent. Mainstream Americans agree we cannot ask seniors and the middle class to go on shouldering the heaviest burden.

Today we will see whether Republicans have gotten the message or if they still put the wants of millionaires and billionaires ahead of the needs of seniors and middle-class families. The American people demand that the Re-

publicans finally admit that putting America back to work will require shared sacrifice—especially from those who can best afford to be part of the solution.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

JOBS VOTE

Mr. MCCONNELL. Mr. President, a little later today, the Senate will vote on President Obama's second attempt to address our Nation's ongoing jobs crisis with a stimulus bill, and Republicans actually welcome the opportunity. If voting against another stimulus is the only way we can get Democrats in Washington to finally abandon this failed approach to job creation, then so be it.

The President has been calling for this vote for weeks, and, in my view, we cannot have it soon enough. In fact, on the previous bill, I kept trying to get a vote on the President's first version of the stimulus bill. We will be voting on the second sort of modified version of the stimulus bill this afternoon. This is a vote Republicans are anxious to have.

For nearly 5 years, Democrats have controlled the Senate. For the last 3 of those years, they have also controlled the White House. By proposing a second stimulus, Democrats are showing the American people they have no new ideas for dealing with our jobs crisis.

Today's vote is conclusive proof that Democrats' sole proposal is to keep doing what has not worked—along with a massive tax hike we know will not create jobs. So it is hard to overstate the importance of this vote.

The President's first stimulus was a legislative and economic catastrophe. Nearly 3 years after passage, we are still learning about its failures and its abuses. We knew it was a bailout for States. We knew all about the absurd projects it funded. Over the past few weeks, we have also learned that the Obama administration was doing the very thing with solar companies that it once rightly criticized many others for doing on Wall Street: gambling with other people's money; the Federal Government playing venture capitalist with our tax money.

But there is only one thing we need to know about the first stimulus to oppose the second one and it is this: \$825 billion later, there are 1.7 million fewer jobs in this country than there were when the first stimulus was signed. That is the clearest proof it was a monstrous failure, and it is the surest proof we have that those who support the second stimulus are not doing so to create jobs.

As I see it, that is what today's vote boils down to. Everyone who votes for this second stimulus will have to answer a simple but important question: Why on Earth would we support an approach that we already know will not work?

Of course, the truth is most Democrats know just as well as I do that passing another stimulus and tax hike is a lousy idea, which is why the Democrats are having such a hard time convincing their colleagues to vote for it.

Here is what they have decided to do instead. Democrats have designed this bill to fail—they have designed their own bill to fail—in the hopes that anyone who votes against it will look bad for opposing a bill they mistakenly refer to as a "jobs bill."

That is not just my interpretation. The senior Senator from New York has been out there telling reporters that what the Democrats are going for today is "contrast." The senior Senator from New York said this is all about contrast—not about jobs, about contrast.

It does not seem to matter that this bill will not pass or that even if it did pass, American businesses would be stuck with a permanent tax hike. Forget about all of that. What matters most to the Democrats who control the Senate, according to the stories I have been reading, is that they have an issue to run on for next year. This whole exercise, by their own admission, is a charade that is meant to give Democrats a political edge in an election that is 13 months away.

Well, with all due respect to the senior Senator from New York, the American people don't want contrast, they want jobs. They want the Democrats who control the Senate to stop thinking about how they can improve their own political prospects 13 months from now and start thinking about how they can help other people's job prospects right now. They want Democrats to focus on job creation, not political preservation. So I have a better idea. How about we get this vote that Democrats already know will not pass behind us so we can focus on real job-creating legislation that we actually know is worthy of passing with bipartisan support. Republicans have been calling on Democrats to work with us on bipartisan job-creating bills for 3 years, and every once in a while we convince them.

Tomorrow, we will approve three free-trade agreements I have been calling on the President to approve since his first day in office. These agreements will not add a dime to the deficit, and they are expected by Democrats and Republicans to create tens of thousands of jobs. They will have strong bipartisan support, and they do not contain a single job-destroying tax hike.

Both parties also came together earlier this year to pass a patent reform bill President Obama and Democrats in Congress touted as a job creator, and Democrats and Republicans came together this summer to pass a highway bill extension, FAA extension, that will lead to just the kind of job creation that has bipartisan support. You don't hear much about any of this from the President. It gets in the way of his campaign strategy. But that does not mean Republicans cannot continue to urge the President to work with us, and that is just what we plan to do.

Over the next weeks and months, Republicans will continue to press our friends on the other side to work with us on legislation that will actually do something to create jobs in this country. Our first criteria for any proposal is that it would actually lead to more jobs, not fewer. I know that may seem crazy to some, but in our view it is not a jobs bill if it leads to fewer jobs. Our second criteria is that it does not add to the deficit. There is no reason we need to exacerbate one crisis in an effort to tackle another one.

Democrats like to point out that the second stimulus we will have a vote on today is "paid for with tax hikes" and that it contains a "tax cut." What they do not tell you, of course, is the tax cut lasts for 13 months, while the tax hikes last forever. They hide the fact that over the next 5 years it will actually increase the deficit, by nearly \$300 billion next year alone: Permanent tax increases, temporary tax cuts, increase the deficit by \$300 billion next year alone.

Another thing the Democratic supporters of this bill fail to mention is that about four out of five of the people who would be hit with their new taxes are, in fact, businesses, including thousands of small businesses across the country—in other words, the very people Americans rely on to create new jobs. So the legislation we will be voting on today is many things, but it is not a jobs bill. Republicans will gladly vote against any legislation that makes it harder to create jobs right now.

The President's advisers have said they are counting on a do-nothing Congress. That is why we will be voting for legislation today that is designed to fail. If you ask me, this is a pretty sad commentary on the state of the Democratic Party in Washington.

I think the American people deserve better. I think the 16.5 percent of

Americans who are looking for work or who stopped looking for work deserve better. I think the 4.5 million Americans who have been out of work for more than a year deserve better. I think the nearly 15 percent of young Americans who cannot find work right now deserve better. Americans deserve more than a clumsy political stunt. They deserve better than the same well-rehearsed talking points we have been hearing from Democrats over the past few weeks. Above all, they deserve a different approach to this crisis than the one they have gotten from Democrats over the past few years. For nearly 3 years, Democrats in Congress have done virtually everything the President asked of them—everything he asked of them. And I would remind everyone that they owned the government the first 2 years of the Obama administration. They got everything they wanted. They passed his health care bill. They passed his financial regulations bill. They passed his stimulus. They waved through all the regulations, the bailouts, and the massive spending bills. And what did we get? A bad economy became worse; record deficits and debt; a first ever credit downgrade; and 1.7 million fewer jobs. Democrats may have run out of ideas, but Republicans are ready to work with them on a new approach. It is why we are here. And we are ready to act.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 5:30, with Senators permitted to speak therein for up to 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

JOBS AGENDA

Mr. CORKER. Mr. President, I rise to talk a little bit about the conversation we just had on the floor.

There is no question that in the State of Tennessee and all across our country, I think the biggest item on anybody's mind is our economy and people having jobs in each of our States.

I still believe the very best thing we can do to create a sound economy is for this deficit committee to do what it needs to do in November and December and for us to show the American people we have the ability to deal with the big structural issues our country faces. I believe that with all my heart.

I don't think there is a business in our country today that is looking for some sugary stimulus bill that will be here and gone, leaving us with lots of debt and increased taxes down the road. I believe that.

I guess I am disappointed that again we are in a situation, just as we were last Thursday night, where we are really not here to solve problems—neither side, candidly—we are here to have some political stunt take place.

I do want to say to my friends on both sides of the aisle that there are numbers of people here who have worked hard to get the free-trade agreements in the place they need to be, and I think we are all expecting them to pass tomorrow. I think all of us who support these three free-trade agreements that have been languishing for 995 days—by the way, that includes lots of Senators on both sides of the aisle. I think what we just heard the leader say—that if we were to get on this jobs bill, as he is advocating we get on today, the likelihood of us actually taking up these free-trade agreements and passing them tomorrow is almost nil. I mean it is not going to happen. We know there are people who oppose the free-trade agreements, and I doubt very seriously that we are going to see a unanimous consent to move off a jobs bill that everyone knows is really for show on to something that is serious, such as the free-trade agreements that some people oppose.

So I have had lots of conversations with Senators on both sides of the aisle over the course of the last 72 hours regarding the need for us to have a real debate on jobs. I hope that at some point we will actually have a real debate on a real jobs bill that people really want to pass. I would say that to make that happen, that would actually mean the Republican leader and the Democratic leader would actually have to sit down and craft a piece of legislation on which there is common ground. Of course, that is not what is happening, and we know that. And for all of us who have things we have done in life that are productive, and we have chosen to come serve our country in this way—we have the ability to be productive in other ways—for all of us to come up here and to watch this continual charade taking place in this body is disappointing. It burns up a lot of time, and we accomplish nothing for the American people.

So, candidly, I want to have a debate on jobs. I know that, again, moving to the jobs bill tonight would negate the opportunity for the only thing we could do recently to actually create jobs, which is passing these three free-trade agreements, and what they will do is enhance American manufacturers' ability to make and sell things overseas, enhance farmers across our country and their ability to sell their goods overseas. It is a one-way positive street

for us because these countries already have low trade tariff barriers in our own country. So it lowers those barriers for us into their country.

I am going to vote against proceeding to the jobs bill. I am disappointed that we cannot do things—we know we have a Republican House, and we know that to pass something that is good for this country, it requires a negotiation between all of the players. So each time we bring up these bills that are totally crafted in partisan ways, we know all we are doing is wasting time.

I do have one glimmer of hope; that is, this deficit reduction committee. The fact is that this committee was put together with six Republicans and six Democrats, so this committee has the ability to do some things that no one can blame the other side for. I mean we are talking about something that is totally split.

I will say one other thing. This committee was put together and solely conceived by leadership in the Senate and the House. So we had four people, the leaders of the House and Senate, who conceived of this supercommittee, and they are the ones who appointed the members to this supercommittee. They decided who the members of this committee were going to be. They set it up purposefully so that it was equally balanced—six and six. Candidly, the success of this committee is totally in the hands of our leadership. So it appears to me that for the first time in a long time, we actually have within leadership's hands totally the ability to pass something that is great for our country, and anything short of getting to the \$1.5 trillion that is laid out in this legislation is totally a failure.

What I am sure of is that since this was totally set up in a bipartisan way by leadership on the Republican and Democratic side in both the House and Senate and they choose the members, there is no question in my mind that this is going to be successful or, candidly, be viewed by many as a failure—failure of leadership, candidly. So I am certain we are going to get to \$1.5 trillion, and I am hopeful, as a number of Republicans and Democrats within the Senate—I think we have a list of over 40—that we are actually going to get to a \$3 trillion reduction in the deficit, that we are going to go big or, as some have said, we end up with something that is qualitatively equal to that. Many of us know that trying to get \$3 trillion in savings over a 10-year period might be difficult. I still hope it happens. I still think it can happen. I think there are numbers of people in this body who have worked to make that happen.

But some people have said: Well, maybe we can get some major reforms to Medicare and other kinds of programs in the second 10, and maybe qualitatively that is equally as good. I am certainly willing to look as one

Senator at all of those things. It is a waste of time to be bringing up totally partisan bills in this body, knowing that to become law they have to pass the House of Representatives, which means anybody who brings up something in this body today that is totally partisan knows that in advance. That is discouraging to me, discouraging to waste time talking about something we know is never going to become law for campaigns for House Members, Senate Members, and the President to run on.

But at least I am hopeful that in November and December we are going to have something big happen because, again, this is totally in the hands of bipartisan leadership, who totally appointed the Members, who totally are working with this group.

Again, Mr. President, to me, that is the best stimulus we can possibly create for this country. It is for small businesses and big businesses, for Republicans and Democrats all across this country to see that this body actually has the ability to do something to create some stability in this country and actually tackle the No. 1 issue that can continue to dissipate our country's standard of living, which is our inability to deal with debt.

To me, that is the greatest job stimulus we can deal with. There are all kinds of regulatory issues and American energy issues and others that, to me, we can take up in a true jobs bill. It is my hope we will do that soon. All I had to hear today, in addition to knowing this is a partisan effort which, again, I hate to see ever taking place on this floor—the fact is, for any Senator who wants to see the three free-trade agreements that have been languishing, any Senator on the Democratic side, any Senator on the Republican side who wants to see the three free-trade agreements passed into law tomorrow as has been planned, anybody who wants to see that happen must vote no on the jobs bill being debated because, as the majority leader stated today, if we begin to debate the jobs bill, that means we cannot, without unanimous consent—which we know will not happen in this body—pivot and go to the trade agreements.

In addition to the fact that I know this is not a serious effort—although I would love to debate jobs—and the fact that I know if we get on this bill we cannot pass these free-trade agreements in time, I certainly plan to vote no on proceeding to them and hope at a date when we want to take up a true jobs bill, we will have a vigorous debate in this body and actually have the ability to pass something that will create jobs.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UPCOMING VOTES

Mr. LIEBERMAN. Mr. President, I come to the floor to speak about two of the votes we will be casting at approximately 5:30 this afternoon, and to explain how I am going to vote and why. On the first, the legislation regarding China's currency policy, I am going to vote no, and I want to explain why.

Managing our economic, military, and diplomatic relations with China is going to be one of the great challenges of this century. China is obviously a rising power today, though not one without problems, as I will get to in a moment. We have come to a point—China and the United States—where we not only interact and sometimes bump up against each other militarily, diplomatically, and economically, we also, in many ways, have become dependent on one another. What each of us does has an effect on the other, and often a significant effect. That is why I say one of the great challenges of this century will be to manage our relations with China in a way that is certainly beneficial and protective to the United States but, hopefully, to China, from its perspective, as well.

I say this as background to what I want to say about China's currency policy. I am troubled by China's currency policy. China has obviously kept its currency too low. It is undervalued, and that has resulted in products being made in China selling elsewhere at a price that is lower than other manufacturers can compete with, including American manufacturers that are directly in conflict with China. So we are right to be upset about that policy. Our government has been expressing its frustration, its anger, to the Chinese Government. We have been negotiating, cajoling. I must say, in acknowledgment of reality, that the Chinese have slowly allowed their currency to rise approximately 30 percent in value over the last 6 years, but it should be allowed to rise more.

On the other hand, I do want to say, in fairness, that China's currency policy does have effects that are not all bad for everybody in the United States. The fact its currency is undervalued means some of the products it brings into our country sell at a lower cost, and that is obviously particularly important to middle-income and lower income families who are out buying products that otherwise would cost more. So I understand this legislation to be an expression of anger at the Chinese Government and an attempt to pressure the Chinese Government to more rapidly allow its currency to rise.

I would say, as I understand it, the legislation before us is intended as a warning shot across China's bow, as it were. But China may, from its perspective, see this as an attempt to make a direct attack, a direct hit on its bow, and it may be tempted to retaliate economically. And of course the worst result would be that we would end up in a mutually damaging trade war.

In some sense, it is no surprise we are considering legislation such as this now—though I think at any time we would be concerned about China's currency policy—because throughout history, during times of economic recession, such as the one we are in now—a recession that we are fighting to come out of and another recession we worry we are about to go into—nations have repeatedly become protectionist in their economic and trade policies. But history also shows most of the time that protectionist policy makes the economic problems worse, not better.

Today—and here I get back to what I said about China being a rising power but not one without problems—China's economy, in its way, is also fragile. It is dealing with a bubble in real estate values that is growing. As the papers today indicate, its banks are losing their credibility, inflation is rising, and unemployment is rising. So it would be foolish for China to get into a trade war with us in response to legislation such as this. China, in fact, may be more vulnerable in a trade war than we are. But China's vulnerability economically today carries great risk for the United States and the world. If a trade war sends China's economy into a recession or worse, the resultant economic instability would seriously hamper prospects for the global economic recovery that everybody hopes for, and of course it would greatly dampen our hopes for an American economic recovery and creation of more jobs here at home.

Bottom line: I think the risks this proposal will aggravate the current global and American economic problems which concern us most are greater than the rewards of again trying to force China to allow its currency to rise more rapidly, and that is why I will vote against the China currency legislation when it comes before us later this afternoon.

I also want to speak about the American Jobs Act, which will come before us for a cloture vote. We are, obviously, hearing of Americans—related to what I have just talked about—going through what I think is the most difficult economic period in our history since the Great Depression of the 1930s. Unemployment hovers at around 9 percent, which translates into millions and millions of people out of work, and millions more who are worried they are going to be next to lose their jobs. Confidence in our future among the American people, among critical decision-

makers and businesses, is at a real low. Confidence in our national government is low and falling. Anger at our rising national debt is high and rising. The American people are demanding we do something, particularly to protect the jobs they have and create new jobs if they have already lost them.

It is in that context the President proposed the American Jobs Act—a series of interesting ideas aimed at creating jobs that will cost almost $\frac{1}{2}$ trillion. So what am I going to do on this one? On this one, I am going to vote against the filibuster of the American Jobs Act, because I believe our country and our constituents need and deserve a debate here in the Senate on what each of us, all of us, think we should do to get our economy moving again. It should be an open debate, without an effective limit on amendments, with many ideas being offered as to what we should do, and hopefully that will lead us to some consensus. So I am going to vote against filibuster in the hope we will bring about such a debate.

But I must say, if cloture is granted and the filibuster is ended, I will seek to amend the American Jobs Act down to a very few of its constituent parts that I think are worth their cost. If a vote were called on the American Jobs Act as it is now—in other words, if the tree were filled and that is what happened—I would vote against the American Jobs Act, and I want to explain why.

The bottom line here is I don't believe the potential in this act for creating jobs justifies adding another $\frac{1}{2}$ trillion to our almost \$15 trillion national debt. In fact, I think the most important thing we can do to improve our economy, reduce unemployment, and create jobs is to bring our national debt under control. The best way to do that is to adopt a tough, comprehensive, balanced debt reduction plan, such as the one recommended by the bipartisan Simpson-Bowles commission.

The Budget Control Act, which we adopted over the summer to deal with the debt ceiling, created a so-called supercommittee, the Joint Special Committee, and that committee of 12 now gives us another chance to deal with our debt in a constructive and bipartisan way.

We all know it is not going to be easy, but the American Jobs Act would make the task of the Joint Special Committee even more difficult because it spends almost $\frac{1}{2}$ trillion we don't have, $\frac{1}{2}$ trillion the act now proposes to raise with a surtax on people making more than \$1 million a year.

I don't have any objection to a tax increase of that kind. But if we use it for the American Jobs Act, it is not going to be there to be used by the Joint Special Committee as part of an overall bipartisan debt reduction plan. We desperately need to have some

sources of revenue, along with spending cuts, to adopt the kinds of reductions in our debt that the country's future urgently needs.

Let me come back to what I said a moment ago and try to explain briefly why I believe these two great problems we have, our limping economy, our persistent level of high unemployment and our national debt, come together and, more explicitly, why I believe that reducing our debt is actually the best thing we can do to create jobs.

The jobs we need are going to come from the private sector. Government in our system economically never has created the jobs itself. It shouldn't. It can't, anymore, because we don't have the money to do so. The jobs always will come where most people have been employed in our country, and that is in the private sector.

If you chart corporate investment on the same graph as job creation, you will see the two lines follow each other almost exactly. This is a chart prepared by the Bureau of Economic Analysis at the Bureau of Labor Statistics of the Federal Government. Over the last 50 years, beginning in 1961 and going to 2011, it charts two things. The gray line is investment in real equipment and software spending, and the purple line is private employment numbers.

When I saw this, I thought it was a stunning chart and very compelling, because you can see that corporate and private business investment is almost exactly along the same line. There is a little bit of a digression here because jobs fell more than investment, but investment was falling and jobs fell at the same time for 50 years.

I think the single most significant predictor of job growth in our country is business investment. So we have to ask ourselves, how could we stimulate that kind of business investment today. Because that is what we need, we need these jobs. I regret to say I don't believe we can do it with the mix that is in the American Jobs Act. It seems to me like a kind of ministimulus. The stimulus of \$800 billion that was adopted a few years ago, which I supported, I think made the economy better than it otherwise would have been, but it didn't give the economy what the President said he hoped and we all hoped it would give, which was a jolt. This American Jobs Act, which is kind of a ministimulus that will cost $\frac{1}{2}$ trillion, is less likely, for obvious mathematical reasons, to give the economy the jolt. But it will cost $\frac{1}{2}$ trillion we won't have and will have to find somewhere to raise.

To me, what we have got to do is restore confidence in people in the business sector to invest. That is what is missing today in our economy. They don't have confidence in our economic future. They don't have confidence in our government—us. They don't have

confidence that we will work together to reduce our debt, to create some predictability for them in the years ahead.

That is why I say the best thing we can do to restore the confidence of the business community necessary for them to begin investing again—they have got the money; they are just not spending it because they are nervous about the future—is for us to come together, hopefully led by the Joint Special Committee, in a bipartisan debt reduction program. It is not this American Jobs Act. I know it has been put forward with good intentions, but I don't think it does the job we need it to do for America, and I know it will cost another \$½ trillion we desperately need to reduce our debt which will do the job we need it to do to create new jobs for our fellow Americans.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Virginia.

Mr. WEBB. Mr. President, first, let me say there is a great deal the Senator from Connecticut just said that we are in nearly full agreement on. I find it ironic that we are probably going to cancel ourselves out on these two votes later in the day, for essentially the same reasons that the Senator just gave. I thank the Senator for his comments, and particularly on this second piece of legislation which I have been struggling with and in exactly the same way the Senator from Connecticut has.

I wish to begin my comments today by expressing my strong support for the majority leader in terms of how he handled a very difficult discussion on Thursday night.

I think we can all agree that the Senate at times has become quite dysfunctional over the past couple of years. I was very interested to hear Senator CORKER's comments. He and I arrived at the Senate at the same time, and I empathize with a lot of the comments he was making, although I guess looking for accountability depends on which end of the telescope you are looking through.

For me, looking at the situation we faced on Thursday night, we have to start with the reality that these were not serious amendments that were being offered at the end of the debate of this piece of legislation. They in many ways epitomize the paralysis of serious debate here in this body and how it affects all of our ability to get serious things done. Only one of those nine proposals was germane, and that was the proposal from my good friend Senator HATCH. They were not relevant. This is what the majority leader is being faced with time and again. We are talking about one amendment on the bill with respect to China currency that wanted to talk about the regulation of nuisance dust. We had another one that wanted to talk about the use

of pesticides in navigable waters, and another one that wanted to talk about EPA regulation on cement manufacturing. There may be a time and a place for that kind of discussion; but if you look at the impact of this type of—and I have to agree with the majority leader's characterization—this type of dilatory conduct, it prevents responsible, germane legislation from moving forward.

I will give you one example from my own attempt to amend this bill, and that was the amendment I offered last week that would have prohibited American companies from transferring intellectual property and technologies that were developed with the assistance of the American taxpayer to such countries as China that require technology transfer as a matter of doing business there. That amendment is not going to get a vote. I believe that amendment is something that most people in this body and most Americans would want to see passed. But because we have been in this state of paralysis, these types of issues have been deflected off the screen, off the debate on the Senate floor, and now we are moving forward with a bill that doesn't have these sorts of issues in it. I am going to vote for this bill, by the way.

With respect to the jobs bill, I wish to make a couple of comments here, first associating with some of the comments that Senator LIEBERMAN made. But also, there is an issue here with respect to economic fairness and the disparity in this country between top and bottom that I don't think is being properly debated in the context of this bill.

In the end, as Senator LIEBERMAN pointed out, I strongly believe the way to bring good jobs back is to improve our economy in the private sector, and that means more capital investment.

Winston Churchill once said something to the effect that, You can't tax your way out of an economic downturn any more than you can pick up a bucket if you are standing in it.

There is a lot of money out there. The Senator from Connecticut mentioned that. We can't control whether that money is going to be invested, but we can work to incentivize conduct that might encourage investment. I think people on both sides need to set aside the partisan debate that is going on looking into next year's election and work toward that end.

At the same time, there are two difficulties I have with this legislation. The first is the timing. Senator LIEBERMAN was very eloquent in his concerns about the timing of this bill, with the supercommittee working on these issues in a larger context, getting ready to report out within the next month or so. Senator CORKER made a very valid point that I hadn't thought about, and that is that we have worked—and I have been one of those

who has worked—to bring these free-trade agreements to fruition. We have a very short window with the President of South Korea arriving this week and hopefully having a free-trade agreement passed by the time he makes his presentation to a joint session of the Congress.

But there is another issue, and that is the pay-for. We are talking about this millionaire surcharge, this 5.6 percent that would be put on top of these other tax increases for the "millionaires." But in many cases, this isn't even a tax on the wealthiest Americans it is designed to reach.

Let me preface what I am going to point out here by saying I believe I have been one of the loudest and most consistent voices on the issue of economic fairness and executive compensation in this body. I raised it in every speech during my Senate campaign. I put it on the table nationally when I responded to President Bush's State of the Union Address in 2007. I put the issue of the disparity in executive compensation from when I graduated from college when a CEO was making 20 times what the average worker makes, to today, when it is about 400 times. I introduced a windfall profits tax after it became clear that the money we put into TARP was going to be used to unjustly reward executives from the companies that had been bailed out by our taxpayers. This was a very narrowly focused bill that said, If your company got \$5 billion or more, you could get your compensation, you could get a \$400,000 bonus, and anything after that you had to share with the people who bailed you out because they were bailing out the economy. I couldn't get a vote.

Let's be fair. I couldn't get a vote because neither side wanted a vote. People don't want to take a vote on something that is that directly related to how they finance their campaigns. That is the honest truth. I didn't get a vote on it, but I think my record on this issue is absolutely clear.

One thing I have stated from the first moment I ran for office is that I do not believe we should raise taxes on ordinary earned income. When this proposal was first put in front of the American people, there was a part of it in the pay-for that was called the Warren Buffett rule. But what I just said is the Warren Buffett rule—and it has been misrepresented in this debate. Warren Buffett has the same position.

My understanding of his position, and I have read it very carefully, is that we should not tax ordinary earned income. In fact, he made a clarification about a week ago. This is Warren Buffett on the Warren Buffett rule:

My program would be on the very high incomes that are taxed very low. Not just high incomes. Somebody making \$50 million a year playing baseball, his taxes won't change. If they make a lot of money and

they pay a very low tax rate, like me, it would be changed by a minimum tax.

How do we do that, and does it matter? It matters a whole lot because we are not talking about this distinction when we are addressing issues of fairness in society, the true nature of what has happened at the very top in this country.

The proposal of the President looks good at first glance; it sounds good on a TV bite. But in all respect to the people who put it forward, I do not believe it is smart policy, and it does not go where the real economic division lies in our country. This is what Warren Buffett is talking about.

If we look at the top .1 percent of our taxpayers, the very top, two-thirds of the money they take in is from capital gains and dividends. Only one-third is from wages.

What does that mean with respect to this surcharge we are going to put down? This is what the surcharge on earned income for millionaires will do: It will bring the tax on ordinary earned income from 35 percent—first, under the assumption of 39 percent, which is the failure to renew the Bush tax cuts—and then to 45.2 percent, someone making wages.

Who is in this category? Very few people. Let's say someone is an athlete, as Warren Buffett mentioned, and they have 3 or 4 years in their career where they can make the money. They are going to get their income, because it is ordinary earned income, taxed at 45 percent of everything they make, just for the Federal taxation, at the same time that capital gains tax, which is where two-thirds of the top .1 percent of our earners make their money, is going to stay at 15 percent. That is what Warren Buffett is talking about.

He is sitting here saying: I make my money off of stock sales, basic transactions where I get capital gains, and I am at 15 percent. My secretary is paying double what I am. The people who have ordinary earned income are going to pay three times the rate of what somebody is making on capital gains, and that is two-thirds of what the people at the very top make.

If we went after capital gains—let's just say, notionally, let's say we allow the Bush tax cuts to expire on capital gains but keep them on ordinary earned income. This margin would be 35 percent of ordinary income versus 20 percent. What would that do? According to the Joint Committee on Taxation, over 5 years they could recoup \$402 billion. That is almost as much as this other surcharge could make over 10 years in order to pay for this legislation.

Most important, we are going into issues of fairness that we have been trying to bring to the table; that is, to truly focus on those at the very top who have benefitted the most from what has happened in what is fre-

quently becoming a fractured economic society.

I am going to vote the exact opposite way the Senator from Connecticut is going to vote, but I think he and I share many of the same concerns. It is just how we get there. If people are ready to discuss capital gains, moving it back up to what it was, from 15 to 20 percent—if we are willing to discuss capital gains, I will know we are serious. If we are not willing to discuss capital gains, I think we have seen this movie before.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. AYOTTE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. I ask unanimous consent to engage in a colloquy with Senator JOHN MCCAIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Ms. AYOTTE. Mr. President, I rise today to talk about the state of affairs and where we are in the Senate, particularly with regard to the Defense authorization bill. Right now in the Senate—I am a freshman Member of this body—it has been over 2 years since we passed a budget. We have only passed one appropriations bill. Last week, the Democrats changed the rules in the Senate because they did not want to vote on amendments.

For the first time in my lifetime, the Defense authorization bill is not being brought to the floor by the majority leader. This is at a time when we are engaged in two wars and the threats to us and our allies from the Islamist terrorists remain. In fact, today authorities broke up an alleged plot to bomb the Israeli and Saudi Arabian Embassies in Washington and to assassinate the Saudi Arabian Ambassador to the United States. At a time such as this, when there is nothing more important we can do in the Senate than to ensure the national security of the American people, the majority leader is refusing to bring forward the Defense authorization bill to this floor because he objects to one provision in it addressing detainees.

I am concerned that this is no longer the most deliberative body in the world. I am new here, and I am often asked what has surprised me most as a new Senator, and I have to say, honestly, how few votes I have taken since I have been in the Senate. In fact, the number of votes I have taken in the Senate since I have been here is far below what we took last year and what we took the year before.

What could be more important than voting on the Defense authorization bill when our country faces issues such as these in terms of our national security?

I would ask my distinguished colleague from Arizona, who is a senior Member of this body, whether he has seen the Senate like this. Is this how the Senate is supposed to operate?

Mr. MCCAIN. I would like to respond to my colleague—by the way, I noticed she said it would be the first time in her lifetime that we had not passed a Defense authorization bill. It would not be the first time in my lifetime since it has been 41 years.

I would say to my friend and colleague, who has played a very important and essential role on many issues before the Armed Services Committee, not only because of the military background of her family, including a husband who is a distinguished A-10 pilot, but also as a former attorney general of her State, you are very familiar with many of the detainee issues.

I would like to say to my colleague that it was her amendments that were passed in the committee concerning detainee treatment that became part of the legislation. I believe the legislation in that section was passed by a vote of 25 to 1 in the committee. It is not as if there were sharp divisions between both sides of the aisle on the issue of detainee treatment. Yet apparently that seems to be the objection of the administration not only to the bill but even to taking up the bill for consideration before the full Senate, as the Senator from New Hampshire has pointed out, for the first time in 41 years.

I would like to explore with her for a second this whole issue of detainee treatment. Just in the last week or so, we were able to kill one of the leading al-Qaida operatives. I think that action was supported by the majority of opinion in America, thanks to passage of legislation after 9/11 including the fact that the President had a finding that this individual was a terrorist. Yet somehow the President's counterterrorism expert seems to say that under our legislation, we would never be able to turn the page on Guantanamo—and I quote from his speech at Harvard—and he went on to say:

Our counterterrorism professionals would be compelled to hold all captured terrorists in military custody.

First of all, I would ask my colleague, isn't there a national security waiver the President could exercise if he wanted to in the legislation? Second of all, is it not true that you would have to be a designated member of al-Qaida before you would be required to be held in military custody?

So my question is, Is Mr. Brennan misinformed or simply contradicting what is actually the case in the legislation we passed by a unanimous vote

through the Senate Armed Services Committee?

Ms. AYOTTE. Senator McCAIN, first of all, is absolutely right. This was an overwhelmingly bipartisan vote in support of the detainee provisions, according to Senator REID, and that is why they are not being brought forward to the floor.

In my view, the President's counterterrorism adviser, Mr. Brennan, has it wrong. I am not sure he has read this legislation based on the objections he has raised because we are giving the President authority to detain, which is very important authority which he can exercise based on the national security of this country.

In order to have military custody, you have to be a member of al-Qaida or an affiliated force and planning an attack against us or our coalition partners. That is where the military custody comes in place, and I think that is very important because, of course, if you are a member of al-Qaida and you are planning an attack against the United States of America or our coalition partners, it seems to me that is a very appropriate instance for military custody given that we remain at war with al-Qaida and that the threats from al-Qaida are still very grave to our country, as demonstrated by—

Mr. McCAIN. So the statement Mr. Brennan made in his speech on September 16 at Harvard Law School saying that our counterterrorism professionals would be compelled to hold all captured terrorists in military custody is not correct?

Ms. AYOTTE. I am really concerned that Mr. Brennan, again, has not read this legislation because that statement is not correct. As the Senator knows—he worked very hard on a compromise with the chairman of the Armed Services Committee, Chairman LEVIN, and Senator GRAHAM, and in that compromise provision that we passed in a very strong, overwhelmingly bipartisan vote to have military custody, you have to be a member of al-Qaida and planning an attack against us or our coalition partners. It is limited to a very narrow category of very dangerous individuals. It isn't every single terrorist who is encountered.

The important issue is that when you read Mr. Brennan's speech, did you see anywhere in his speech to Harvard where he talked about this topic where he ever mentioned what is happening with those who have been released from Guantanamo?

Mr. McCAIN. It is interesting that he didn't because those who have been released, the latest number I have is about a 20-percent, roughly—and I don't know if the Senator from New Hampshire has different information, but at least one out of every five has returned to the fight and some of them in leadership positions of al-Qaida, which is, obviously, unacceptable.

Mr. President, I ask for an additional 3 minutes for the Senator from New Hampshire and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I just want to mention very quickly—because in some respects, the Senator from New Hampshire comes from a military family—that it is so important that we care for the men and women in the form of pay raises, in the form of housing, in the form of benefits, in the form of all of the things that are Congress's obligation to the men and women who are serving in the military. Now we are telling those men and women: Well, because of one provision in this legislation, which should be resolved through debate and amendments and votes, we are not going to take up the bill that authorizes the men and women the things that are necessary and vital for the men and women fighting in two wars.

Ms. AYOTTE. Senator McCAIN is absolutely right. It is outrageous that one provision that was a bipartisan provision is holding up the authorization from coming forward when it addresses things such as pay raises for our military. It addresses services for our wounded warriors. It addresses military construction that is needed for our soldiers. Those are very important issues. To hold this up at a time when we are at war, at a time when our soldiers need to know we are fully behind them, does a huge disservice to our country. This is an issue that, if there are problems with the detainee issues, should be debated on the floor. The American people deserve to know.

Guantanamo Director Clapper testified before the Intelligence Committee that the recidivism rate now is 27 percent for those reengaging in the battle, detainees whom we have released who are encountering our soldiers and our coalition partners, trying to harm Americans. So to not bring forward the Defense authorization bill, A, to help our soldiers and, most importantly, to do what is right for them, but also, B, to have a rigorous debate over this very important issue of protecting our soldiers from those detainees who have gone back and making sure we are protecting them and that we have a place to put those who are captured now, seems to me to be a disservice to this body and to our country.

Mr. McCAIN. I thank the Senator from New Hampshire, who has played a very important role in the Armed Services Committee, particularly on the issue of detainee treatment, which is important to the American people. As she just mentioned, one out of four returns to the fight. It is a badge of courage and legitimacy and leadership now in al-Qaida for someone who has been released from Guantanamo.

I hope the majority leader and our colleagues would agree that we could

sit down and bring this bill to the floor, have votes, amendments, and then let the men and women who are serving and those who have served, including our wounded warriors, know we care enough to pass legislation that is vital to their ability to defend this Nation and to make sure they are properly equipped and properly compensated.

I thank the Senator from New Hampshire.

Ms. AYOTTE. I thank very much the Senator from Arizona. No one has been more dedicated to our military through his own service and the service of his family but also as a ranking member of the Armed Services Committee who has worked across the aisle to bring forward this Defense authorization bill. I would share in his comments, and I hope the majority leader will bring this forward. It is so important for our country.

I yield the floor.

GULF OILSPILL

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. As the Senator from Arizona is in the back of the Chamber, I just want to say this Senator appreciates his long public service and his dedication to this country.

Mr. President, as one of the Senators from a State that borders the Gulf of Mexico, naturally we have been quite concerned in the followup to the Deepwater Horizon oilspill. You will remember that was an oilspill that at first BP said: Oh, it was only 1,000 barrels a day. It was not until Senator BOXER, the chairman of the environment committee, and I were able to wrangle the actual streaming video from 5,000 feet below the surface and put it up on my Web site that the scientists could then calculate how much oil was coming out. It was not anywhere close to 1,000 barrels a day. In fact, it ended up being 50,000 barrels of oil a day that was gushing into the Gulf of Mexico. As a result of that total number of days, almost 5 million barrels of oil has gushed into the gulf, we can expect some serious economic and environmental consequences and particularly the consequences on the critters.

It is hard to go down to 5,000 feet and get data, because of the pressure there, about what is happening to the critters. But we have an opportunity to find out what is happening by where all that oil seeped in toward shore, onto the beaches and into the estuaries. Of course, the estuaries that were closest to the oil spill were the ones along the coastline of Louisiana and a lot of those marshes.

What I have learned in public service is that when we are addressing a problem, if it is a problem of this enormous consequence to not only the livelihoods

of people who live up and down the gulf, whether their livelihoods be tourism, as so much of our State of Florida was affected, or whether it be the health of the actual critters themselves and, therefore, the livelihoods of a lot of people because of the shrimping and the fishing industry, which is major, coming from the gulf—what I have learned over my years in public service is what we have to do is dig down and start relying on science to inform us as to what is at the root of the problem and how we go about solving the problem. I can tell my colleagues that even though they shut off the oil gushing in, the spill is not over yet. So we are going to have to do the kind of informed planning as to what we are going to do to address this environmental disaster, and science is the key to developing a plan.

We got a pretty good indication from former Gov. Ray Mabus, who is now our Secretary of the Navy and whom the President had tapped to head the task force on what is the best way to address the damage. Based on Governor Mabus's recommendations, the President then issued an Executive order, and it established an ecosystem restoration task force comprised of the relevant Federal agencies and each Gulf Coast State.

In the meantime, what we have done is worked with our colleagues in trying to figure out how to fund this important work. For this work, for this Senator, science is one of the key components. I can tell my colleagues from my experience in doing Everglades restoration in the State of Florida, if we don't have the science first to determine what to do, then we don't know how to do it; we waste a lot of money and a lot of time in the process. The science will help us make sure we accomplish what we are planning to do. Then our efforts are going to pay off. In other words, when a patient is sick, the doctor is first going to determine what is wrong and then will figure out the treatment options and then will monitor the patient's progress. Similarly, in this case, to get the best outcome for restoring the gulf, we must use the same scientific framework.

Why am I harping on this? Nine gulf coast Senators—minus only one gulf coast Senator—and all five State Senators signed up as cosponsors of this legislation headed by MARY LANDRIEU. When we filed this RESTORE Act, to take care of the money—in fact, most of the money is from the fine the Department of the Interior is going to level under the already existing law of the Oil Pollution Act—whatever that fine turns out to be, we have filed legislation to direct that money that comes from the fine. Naturally, some of it is for environmental restoration. Some of it is for economic restoration. Some of it is for planning for the future. A lot of it we hope will be going into the de-

termination of science. Even though some economic development will come out of this legislation that passed unanimously out of the environment committee just a few weeks ago—even though economic development is going to be part of it—we have to know if we, in fact, are achieving our goal. The science is the key to that.

So just this week I met with two scientist professors at Louisiana State University. I will not say what the outcome was of what happened in the football stadium that afternoon when the University of Florida met with Louisiana State University, but that morning I met with these two LSU professors who received a RAPID grant from the National Science Foundation. In their research on what are called killifish, Dr. Whitehead and Dr. Galvez found that even in areas where the visible oil has disappeared, these little fish—about that large—and their embryos sustained long-term genetic damage.

Let me show my colleagues what I am talking about. The killifish is a small egg-laying fish found in the Gulf of Mexico. They spawn from March to October in shallow water in the marsh grass beds. Killifish, which when adult are about that long, are a popular bait fish and they eat a lot of mosquito larvae, so they become part of Mother Nature's natural pest control. So in April of 2010, when the Deepwater Horizon began to gush the oil, it was in the midst of killifish spawning season. When the oil continued to flow all summer, inching ever closer to the marshes, the killifish were exposed to it. Here is the proof.

The LSU researchers set minnow traps near the oiled areas off Louisiana in an area close to a barrier island between Barataria Bay and the Gulf of Mexico. This is what that particular marshy area looked like. We can see all the oil on the surface in this photograph. The problem is not the oil on the surface. When it gets into the marshes and gets into the grasses, this oil will eventually sink all the way through the water column and then it gets mixed up in the sediment. These small fish that are part of the natural chain of fisheries out in the gulf will root around down in that sediment.

I wish to show my colleagues now the gill tissue of healthy killifish. This is the tissue taken from the gills that were not exposed to the oiled marsh. The LSU professors had set these traps in six different locations, from Louisiana all the way to Alabama, where the oil had come in. It went, of course, as far as on into Florida, but they set these six locations. They found the area outside this area near Barataria Bay was where there was very little exposure. So this is a cross-section of some of the gills of killifish. Remember, for a fish, its gill is like our lungs. It oxygenates the blood and it removes

the carbon dioxide. It is like us breathing, except it is a fish that is breathing. This gill tissue looks as though it has the main trunk and the branches coming off and they are evenly spaced. This was outside the area where we found a lot of the oil down in the sediment, as in the previous picture of where that marsh was off Louisiana. What this healthy tissue does is it provides a lot of surface area for oxygen to enter into the fish's bloodstream.

Let me show my colleagues the slide that shows the gill tissue of a killifish from the marsh where all the oil was. The reddish brown we see is the staining used by the researchers. There is a protein that will react to the uptake of oil and show where there has been exposure. That is the reddish brown we see on these branches coming off the trunks. We can see just how dark it has stained.

Look at something else on this exposed tissue of the fish's gill. Look how disorganized and warped these branches now look. Compare that to the symmetrical shape of what we saw on the healthy fish. This, of course, is going to interfere with oxygen and carbon dioxide and the ion transfer in the bloodstream of these fish, and it is going to make it harder for the fish to breathe.

So in an area that is as economically and ecologically important as the gulf, this information is crucial to determining the extent of the harm. The gulf provides almost one-third of the Nation's gross domestic product—about one-third of the seafood—one-third of the Nation's seafood is coming from areas that are being exposed.

I asked the professors: Does that mean we can't eat the fish? They said there is no evidence it is harmful to eat the fish. But what it is showing is that when their ability to breathe starts being incumbered, it means these fish are not going to live or they are going to be significantly reduced in size or the population is going to be significantly reduced. If that is happening to this little fish called the killifish, can we imagine what is happening to the whole food chain?

I talked to one of the owners of one of the major New Orleans restaurants. I said: Tell me about your fishing. Tell me about your shrimpers. He said that some of the shrimpers off Louisiana are having to go 200 miles away in order to get their catch of shrimp. Naturally, that is having an economic effect because they are having to spend all that much extra time and money and fuel to get their catch of shrimp.

In a region that is so economically and ecologically important as the gulf, as a producer of one-third of all this Nation's seafood, you can see we potentially have a problem. Historically, we do not know much about the gulf. It is, on the average, a mile and a half deep. Where the Deepwater Horizon spilled,

it is a mile deep. As the oil hit, we began to realize we did not have good baseline data about the resources that are in jeopardy. So moving forward, science is going to have to be a priority. We have to know the extent of the impacts so the American people do not pay for BP or Transocean's actions. Why should the American taxpayer pay for this? We have to find out how best to restore the gulf so it can continue to be the source of the environmental and economic wealth it has historically been to this country.

There are a number of us here who are going to continue to press for baseline data collection, long-term monitoring, and innovative research to inform gulf coast restoration. I hope our colleagues are going to join us in the first step toward that, which is the passage of the RESTORE Act, which has come out of the Environment Committee, which is bipartisan, supported by almost all the Senators from the gulf, and for which we need to allocate defined money so it will go to good uses instead of, under current law, being poured into the Oil Spill Liability Trust Fund.

We are going to have the opportunity in the coming weeks to pass it in the Senate, send it to the House, and see if we can get our colleagues there to make a strong and bold step for letting science inform us as we try to restore the health of the gulf.

It is somewhat providential that my colleague from Alabama has come to the floor, probably to speak on another subject. But I would point out to the Senate he is a cosponsor of the RESTORE Act to try to restore the health of the Gulf of Mexico and to understand the changes I have just talked about, some of the initial research that has come from—sourced by, funded by—the National Science Foundation. I thank the Senator from Alabama for his cosponsorship, along with our other colleagues from the gulf coast.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank my colleague from Florida and appreciate his work on this issue. We have had a bipartisan effort. I was pleased Chairman BOXER, at the Environment and Public Works Committee, of which I am a member, joined with us in moving the legislation forward. I think it is time for us to do that now while we have an opportunity to make a decision that is fair to all parties. I believe this legislation is a thoughtful way to do it that would make the gulf a more healthy place. I thank the Senator for his leadership.

CHINA CURRENCY LEGISLATION

Mr. SESSIONS. Mr. President, I am here to share a few thoughts as we

move to the final vote on the China currency legislation that I believe we must pass. I find it difficult, almost impossible, to believe there is a universal acceptance of the fact that the manipulation of currency by the Chinese Government—their efforts to keep their currency low, tied directly to the U.S. currency, regardless of the economic forces in the world that would argue for and set a different relationship between those currencies—the net result of that has been to damage the American economy, and I do not think anybody disputes it.

In fact, some of my colleagues in this body who have opposed the legislation out of fear of a trade war or something else have all acknowledged that the currency factors set by China are not good. They all acknowledge it adversely impacts the economy of the United States and costs American jobs. It is not right. It is just not right, and we are losing jobs dramatically.

The Federal Reserve Chairman—I would ask us to ask ourselves: Is Mr. Bernanke, the Chairman of the Federal Reserve, a protectionist? Is he somebody who does not believe in trade? Is he somebody who is trying to stop trade? I do not think so. This is what he said last week on the question of jobs in his testimony before the House:

Right now, our concern is that the Chinese currency policy is blocking what might be a more normal recovery . . . in the global economy.

Blocking a normal recovery from a recession. He goes on to say:

It is to some extent hurting the recovery.

That is the Federal Reserve Chairman. So I do not understand the thought that somehow—when we say we have an obligation to our constituents to defend their legitimate interests on the world's stage in a global economy, to make sure the global economy, where trade is so valuable to us, is conducted in a fair way—it is not a fair system and it has been going on for over a decade. Our leaders—former Presidents, President Obama—all of them, when the chips are down, do not do anything significant to confront this problem. They just allow it to continue, and we are hemorrhaging jobs. Maybe more than a million jobs have been lost as to this one currency manipulation alone. I think it is unhealthy for the country.

I am worried about the middle class in America. I do not believe you can have a middle class in America without a vibrant manufacturing base. Many of those supporting free trade say we are going to become a service economy. But I do not see people working in the service industries making the kind of \$50,000, \$60,000, \$70,000 a year salaries that people do in major manufacturing companies. They just do not. There are various benefits from some of those jobs, and some of the people enjoy it, and it fits their skill level and what

they want to do, and it is fine to say that. But to acknowledge we no longer are going to be a manufacturing nation does not make sense to me.

I believe we have no choice but to develop a sustained, effective policy to raise this question in a way that it cannot be avoided, and to confront our trading partners—China—with this manipulation and to say we wish to have a great, positive relationship here, we are not afraid to trade, we are not trying to hamper your economy, we think the world would be better if China's economy is healthy and growing, but not at our expense, not in a way that unfairly places American manufacturing at a disadvantage.

When your currency is 25 to 30 percent under value, it means that when we export a product, the product costs 30 percent more in China than it would otherwise have cost if the currency were right. China is not going to buy it if it costs 30 percent more. If you import a product from China—manufactured in China—to the United States, not only do they have an advantage of lower wages, but they have a 30-percent, a 25-percent currency advantage. We are just going to say: "Oh, this is just the way of the world. There is nothing we can do about it. We believe in free trade"?

Well, as I have said, I believe in trade. I believe in good trade. My record I think will indicate that. But I have told my constituents—and I think most of us in the Senate and in the House talking to our constituents—we say we believe in trade, but we believe in fair trade. We believe in defending our workers from unfair competition. We will stand up and take our lumps and we will take our gains in a fair competition. But we do not sit by and let our workers lose their jobs, have our plants close as a result of an unwillingness on behalf of the government in Washington to defend their interests. How much common sense is that?

Mr. Bernanke, the Wall Street Journal, all the others—the Club for Growth—they all acknowledge this is an unfair trade practice. They all acknowledge it hurts us. But they say we cannot do anything about it. Well, we will keep on talking. We will let the administration keep talking and maybe they can work this thing out. But it has been going on for years and it has not been worked out, for reasons I am not able to understand.

A major American manufacturer can decide that: Well, China has lower wages and now they have a 30-percent advantage in currency, why, we could close our plant here in New Mexico or we could close our plant in Alabama or Ohio and we will move it to China, and we will make that product over there, and we can import it with a 30-percent currency advantage on top of labor, and we will make more money that way.

I think that is how decisions are being made in this country right now. They are being made in that fashion. If you are a stockholder in one of those companies, you would say: That makes common sense to me. But I am not here as a stockholder in a company. I am here as a U.S. Senator, representing 4 million Alabama constituents, really representing the interests of the United States of America, and I do not think it is good for America. It might be good for this company or that company, but it is not good for America. I do not think—in fact, I am confident it is not. It has to end, and we need to defend aggressively on the world stage the legitimate interests of American manufacturing and American workers. We have not done that. It has caused a lot of frustration out there and it has caused a lot of job loss, in my opinion.

Well, they say, if you stand up here and you tell the Chinese, look, you have had 9 percent growth last year and are looking for another 9 percent growth this year—you are the No. 2 economy now in the whole world—if we tell them a lot of this has been the result of taking advantage of U.S. trade policy, and they have to stop, this will somehow make them mad and this will make them angry and they will commence a trade war against us. That is what the argument basically is.

And they say: Oh, you remember during the Depression the Smoot-Hawley Tariff Act. That created a tariff war around the world and helped prolong the Depression. And it did. Well, let me tell you, this is not the Smoot-Hawley Tariff Act. It is not. First of all, the United States was a major exporting juggernaut in the 1930s, and we placed tariffs on goods coming into our country to try to give an advantage to our folks, and others retaliated, and we, as an exporting nation, ended up losing more than they did. It was stupid policy and it redounded to our disadvantage.

It was a worldwide tariff we placed on all products. Hopefully, there will not be any tariffs imposed under this legislation. Hopefully, as the process goes forward our Chinese trading partners will begin to retreat from their indefensible position, and it will not happen. But, again, it is only targeted where we have major currency manipulation.

It is not a worldwide tariff, No. 1; and, No. 2, as Mr. Gordon Chang, writing in *Forbes* magazine, noted, indisputably: China is the exporting juggernaut in today's world. We are the world's biggest importer.

I don't guess there has ever been in the history of the world a larger trade imbalance than between the United States and China. We import, they export. So as he noted, in a trade tariff situation, which is bad for everybody, I acknowledge the nation that is hurt

the worst is the exporting nation. That would be China.

So why would China, despite their bluster, why would they create a real trade war with the United States? One-third of their exports or more go to the United States. This is a huge part of their growing economy, and I am happy that China is making financial progress. I sincerely hope they will be able to continue to do so, but it cannot be done at our expense.

So I would say the Smoot-Hawley argument is not a good one. Neither is the fact that China would execute a trade war with the United States. It just makes no sense for them to do so. They would be cutting off their noses to spite their faces.

One thing that is good in a manufacturing economy is that we sell products and we bring home wealth. If we can manufacture and we can export that product, we can bring home wealth, and that wealth can be used to purchase other foreign products and bring those into the country. It is the kind of thing that can, if properly conducted, benefit the entire world.

I tease my free-trade colleagues—those for whom free trade is a religion—that they believe that trade, once it breaks out in the world, peace will abound and cancer will be cured. That is all we have to do is eliminate all trade barriers. But the trade barriers are not being eliminated. That is the problem.

One of the biggest trade barriers we have is the currency manipulation by China. It is by far—they do a lot of things. They steal our manufacturing copyrights and secrets and techniques in violation of international law. They subsidize domestic manufacturing in many different ways. If we want to do business in China, we have to partner with a Chinese company and give them half the company. They block the sale of rare earth minerals around the world. They do all kinds of things that are not the kinds of things good trading partners ought to be doing, not to mention their foreign policy which buddies up with North Korea, Iran and other rogue nations.

China needs to be participating positively in the world community, not trying to take advantage of other countries, making bucks off them, and trying to do things that seem, at times, for no other purpose than to frustrate the legitimate interests of the United States and the world community.

So China has some problems. It is time for them to get straight. I urge them to do so. They cannot continue currency manipulation. That is destroying jobs in the United States, and we will not have it. When we have this vote that will be coming up before long, I think it will be more than just a normal vote around here. I believe it will be a vote that says to the whole

world: The United States is waking up. We are free traders, all right, but not any trade agreement is going to be good in the future. If you are not complying with your promises under trade agreements, we are going to hold you accountable. We will do what it takes to hold you to the agreement, and we will not trade with you if you manipulate the trade rules. We insist that the world economy operate on a fair and lawful basis, that is healthy for us.

If we do this right, we can do it in a way that is not protectionist, not antitrade, but creates the foundations for even more and healthier, better trade for the whole world. That is my vision of where we are today. I think we should move forward and pass this legislation. I urge my colleagues in the House to do likewise. In the long run we will benefit.

I thank my Republican colleague, Senator GRAHAM, and others on this side who voted for it, and Senator SCHUMER and Senator BROWN and Senator STABENOW and others on the Democratic side who have been leaders in this effort. I believe it is time for the President to get the message. I think it is time for Wall Street to get the message. I think it is time for the American people to get focused that there are some decisions being made now—without protectionism, without nativism, but legitimate public interests that will create jobs in America.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Minnesota.

AMERICAN JOBS ACT

Ms. KLOBUCHAR. Mr. President, I rise today to speak in support of the American Jobs Act. Rarely is our economy discussed these days without mention of the 14 million Americans who are currently out of work and searching for a job. But as you know, I am from your home State. This is not just a statistic. It is real people—people who are struggling, people who have had their hours cut, people who may have worked at a job for a very long time and, poof, it is gone away. That is what this is about.

Two years after the recession officially ended, unemployment is still stubbornly high, at 9.1 percent—9.1 percent. When we factor in those who are working part time because they cannot find a full-time job, that number goes much higher, up toward 16 percent.

Now, my home State, the State of Minnesota, is much better. We have an unemployment rate of 7.2 percent. But there are still too many people out of work or who are struggling with reduced hours at their jobs. While no group of workers has been spared by the high rates of long-term unemployment, the hardest hit have been older workers, those with a high school diploma, and then those I am sure you

have seen in the construction trades. They have been hit very hard.

We also have had issues with our timber industry in northern Minnesota. We have had some trouble in our iron ore mines, but they are bouncing back. The biggest problem I have heard of is for those in the construction industry.

It is my firm belief that the role of Congress is to promote the interests of the American people, and the American people have said loudly and clearly that we need to focus on initiatives that stimulate job creation—in particular, private sector job creation. In fact, the majority of Americans want us to pass the American Jobs Act that we are debating today.

When Americans are asked about specific provisions in the bill, that message is even clearer: 74 percent say they support providing money to State governments to allow them to hire teachers and first responders; 65 percent say they support cutting the payroll tax for all American workers; 64 percent say they support increased spending to build and repair roads, bridges, and schools.

Of course, no one knows that better than me and my State. I live just a few blocks from that bridge that collapsed in the middle of a summer day. I said that day: A bridge should not just fall down in the middle of America. But that is what happened. So, obviously, people in my State understood the need to continue funding bridges and roads.

Fifty-eight percent of Americans say they support cutting the payroll taxes for all American businesses. But passing this bill is not the right thing to do just because it is popular. It is the right thing to do because it will have a positive impact on our economy.

Economists from across the political spectrum agree that steps taken in this legislation would increase economic activity and add jobs. According to Mark Zandi, chief economist of Moody's:

The plan would add 2 percent points to GDP growth next year, add 1.9 million jobs, and cut the unemployment rate by a percentage point.

That is an economist's words, not mine. It would accomplish this by initiating targeted measures, many of which have garnered overwhelming bipartisan support in the past. The employee payroll tax cut that would be extended under the American Jobs Act was originally introduced by my friends, Senator SCHUMER and Senator HATCH. It was ultimately included in the HIRE Act, which ultimately passed the Senate by a 68-to-29 vote early in 2010. Just over a year ago it was extended again. This time, 139 House Democrats and 138 House Republicans joined to support it. In the Senate, 37 Republican Senators joined 43 Democratic Senators in voting for the extension.

Cutting the payroll tax for all American businesses is another idea that has

gained strong bipartisan support. In fact, it has been the centerpiece of several jobs packages put forward by my colleagues on the other side of the aisle.

We all know the neglected state of our Nation's infrastructure. Crumbling infrastructure just does not threaten public safety, as it did in Minnesota when that bridge collapsed, it also weakens our economy. Congestion and inefficiencies in our transportation network limit our ability to get goods to market.

We all know one of the main ways we are going to get out of this downturn is with exports. Well, to truly have the kind of exports we want to see in this country, we have to be able to get our products on a truck or get them on a train and get them to a port and get them across the sea or get them on an airplane. The only way we are going to do that is if we have a transportation system that matches the economic system we want to have.

The congestion, the inefficiencies in transportation exacerbate the divide between urban and rural America. They constrain economic development and competitiveness. They reduce productivity as workers idle in traffic.

Americans spend a collective 4.2 billion hours a year stuck in traffic—4.2 billion hours a year stuck in traffic—at a cost to the economy of \$78.2 billion or \$710 per motorist. Think about that, over \$700 per motorist simply because of people waiting in line on our highways.

What better way to get our struggling economy back on track than to build the 21st-century transportation network our economy demands, while creating jobs in the construction industry, which, as I mentioned, has been one of the hardest hit industries. The American Jobs Act would establish the infrastructure bank as a new financing authority to help address some of our Nation's most important transportation projects. Roads, freight rail, and water projects in my State of Minnesota and across the Nation would benefit from access to loans and loan guarantees from this public-private partnership.

This approach has bipartisan support in the Senate, as do the other proposals I discussed. In March of this year, U.S. Chamber of Commerce President Tom Donohue endorsed the idea saying this:

A national infrastructure bank is a great place to start securing the funding we need to increase our mobility, create jobs and enhance our global competitiveness.

So pieces of this bill have been supported by the chamber; pieces of this bill have been supported by my Republican colleagues. In fact, the major provisions of this bill have been supported on a bipartisan basis. There are other great ideas in this bill as well, such as an extension of the bonus depreciation, which would allow businesses to con-

tinue to immediately write off the cost of investments in new property and equipment.

I have to say this was the one thing—when I met with our small businesses over the last few years, this was the one thing they kept mentioning, that this was very helpful for them and would create an incentive for them to invest in equipment.

This bill includes a returning heroes tax credit for veterans, which would provide a tax credit up to \$9,600 to encourage companies to hire unemployed veterans. At a time when the percentage of unemployed veterans of Iraq stands at 11.7 percent, the importance of a provision such as this is clear. There is no reason that those people who have served our country should have to come back to the United States and not have a job. When they signed up to serve our country, there wasn't a waiting line. When they come back to America and they need a job or they need college or they need health care, there should not be a waiting line. I am glad this provision is included in the bill to create an incentive to hire returning veterans. The post-9/11 time period is most important when you look at the unemployment rate.

With our economy struggling and 14 million Americans still out of work, Minnesotans want Congress to put the politics aside and come together to move our economy forward. It is time to step forward and show some leadership, and it is time for us to work together to show the American people that Washington isn't broken—that, instead, we are willing to put aside politics to do what we were elected to do, to do what is right for America.

I urge my colleagues to vote for this important piece of legislation that would put Americans to work and help our struggling economy get back on track.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, we are in morning business, right?

The PRESIDING OFFICER. That is correct.

CHINA'S CURRENCY POLICY

Mr. BROWN of Ohio. Mr. President, in an hour or so, the Senate will be voting on our currency bill, S. 1619, the bipartisan bill I am a prime sponsor on, along with Senators SCHUMER, GRAHAM, and SESSIONS, and a host of other Senators in both parties, including Senators STABENOW, SNOWE, COLLINS, and HAGAN.

I thank my colleagues for the vote last week of well in excess of 60 bipartisan votes, allowing us to consider this measure. I am struck by some of my colleagues who dismiss this bill as a "message" bill. There are opponents of the bill, and there are always people

who don't want to stand up to China. I think they are undercutting our ability to stop the hemorrhaging of our manufacturing jobs. That is their decision to make. Again, I am struck by how some of my colleagues dismiss this as a message bill. I don't know what a message bill means to anybody outside of Washington. I know this bill is a jobs bill. I was talking to an anchor on MSNBC, who said we lost almost 3 million jobs to China in the last decade, most of them manufacturing jobs. This is legislation that will stand up to the Chinese and say: You are not going to game the currency system or export from China into our market and have a 25-, 30-, 35-percent subsidy, and you are not going to put up a tariff using currency as that tariff, by and large, in effect, to add 25, 30, 35 percent to the cost of an American good sold into China.

This legislation is all about jobs in industries that have been holding on for their life, such as paper, steel, tires, and aluminum. But it is not just paper, steel, and tires; it is no longer a trade deficit in T-shirts and bicycles. This trade deficit, which has more than tripled in the last decade, is now almost \$800 million a day. That means every day companies buy \$800 million more in Santa Fe and in Dayton than we sell to China. We buy \$800 million more than we sell. We cannot keep doing that.

This trade deficit has risen through the economic food chain all the way to advanced technology products. It is not just tires and steel, as important as they are to many workers in this country; it is also jobs in solar, wind, and clean energy components manufacturing, and in the auto supply chain. Those are millions of jobs in our country. What this legislation means in so many ways is that we can be competitive on all fronts with China, Germany, and Japan. We can compete on productivity. We have skilled workers and world class infrastructure. But how do you compete against a 25-, 30-percent subsidy? How can workers in Findlay who make tires or in Chillicothe who make paper or in Defiance who make engines compete with \$1 billion in subsidies? As a leader in this effort, Senator MERKLEY noted currency manipulation is a 20- to 30-percent tax on our exports. If a company in Albuquerque or Atlanta or Ashtabula makes a product and sends it to China, it costs 25, 30 percent more because they put a currency tariff on that product.

I find it hard to believe that some of my colleagues—about 30 of them—would want to continue this tax on our exporters. It is, pure and simple, a tariff and a tax on our exporters trying to sell products into the Chinese market.

Senator FEINSTEIN spoke about the compelling image she saw from her San Francisco home. Looking out at the San Francisco Bay, she counted the cargo ships departing for Asia, half filled with mostly scrap paper and

other scrap, while the incoming ships are filled with goods. That tells you that we buy \$800 million a day more from China than we sell to China. It is not because our workers are not productive or that our companies are not efficient or because our scientists and researchers aren't the most innovative in the world; it is because China has a 25-, 30-, 35-percent tax on our products and a subsidy on their products. That is pure and simple.

For a State such as mine, trying to get a foothold on clean energy technology research and production, the race against China will only accelerate in the coming years. That is why it is imperative that we not sit idly by while China subsidizes its exports through its currency regime. This is no message bill. This is level-the-playing-field legislation.

Let me speak about some other charges that have been made. Some of my colleagues note that China's currency has increased about 30 percent in recent years. No doubt the RMB has appreciated about 30 percent. Since the Senate acted in 2005, the Chinese currency, the RMB, has appreciated about 30 percent. But as the Peterson Institute for International Economics has shown—which is not an anti-free trade, pro-fair trade, liberal, progressive, socialist organization; it is a middle-of-the-road, mostly free trade organization, staffed by sort of elite economists in the Northeast—Even the Peterson Institute for International Economics has shown that the RMB is more undervalued than a year ago because of China's rapid growth in the past few years, as well as inflation and productivity. The Peterson Institute estimates that China's currency manipulation increased from 24.2 percent in 2010 to 28.5 percent in 2011, despite the fact that China's real exchange rate appreciated over the past year. That means it is getting worse. If we want to call it a message bill, it may work with some in this institution but not with the American public. This is getting worse and worse for our manufacturers. I will tell you about one, the Bennett brothers in Brunswick, Ohio, who came to me. I was talking to them in northeast Ohio a couple weeks ago. They run a family company that has been around for about 35 years in northeast Ohio. This company is called Automation Tool and Dye. They were about to have a million dollar sale to an American company looking for their product and, at the last minute, the Chinese came in and undercut them by 20 percent. Why? Because they got a 25-percent, 30-percent subsidy bonus because of their currency.

The point is that China is massively and increasingly intervening in its currency. The International Monetary Fund knows it. The IMF has estimated that China's global current account surplus—the broadest measure of its

trade balance—will more than double from \$305 billion in 2010 to \$852 billion in 2016. The problem is getting worse.

If one thing is clear since the Senate voted in 2005 to slap tariffs on Chinese goods, it is this: The RMB is pegged to American political pressure. If we can predict anything, we know that if we take the pressure off, China will get worse. If we can predict another thing, we know that if this passes and begins to work its way through the House to the President's desk, the Chinese will respond by significantly appreciating their currency.

Some of my colleagues wring their hands, saying we might set off a trade war, and that this is the second coming of Smoot-Hawley. The facts are clear that this is very different. When Smoot-Hawley was enacted by Congress, in those days the United States had a trade surplus. So countries around the world were angered that while we had a trade surplus we were enacting Smoot-Hawley, more tariffs. Today, we have one of the largest trade deficits in world history, so we are in a very different position.

As Senator SESSIONS said, when he heard this criticism that we might set off a trade war, we have been in a trade war for a long time. The Chinese seem to be doing very well. They have declared a trade war. That is why they subsidize water, paper, steel, capital, and land. This features spies, features theft of intellectual property, and that 30-percent stealth subsidy that gets applied to every export China sends to the United States. So we are already in a trade war. The only difference is that today on the floor of the Senate we have taken a big step toward abandoning the failed tactics of unilateral disarmament.

Workers in my State know that we have been waving the white flag in this trade war. I remind my friends that the United States has more leverage than any of China's trading partners, as China is overly dependent on access to our market to maintain its own exports and jobs.

This isn't Smoot-Hawley, as some want you to believe. This legislation does not mandate sanctions against China or any other nation. It does not slap an across-the-board tariff on Chinese imports tomorrow as China has effectively done to ours. In fact, if this bill becomes law, the duties would apply to less than 3 percent of Chinese imports.

When you think about this, of all Chinese exports, about one-third come to the United States. If Senator DURBIN is in business in Chicago, and he has a company—or he has a customer in his company who buys one-third of all of their goods, he is going to be good to that customer. He will not declare war on them. The Chinese won't declare economic trade war on us, because we buy so many of their exports.

I will close with this. If China is found to be manipulating its currency, this bill sets in motion a series of steps to place pressure on the Chinese Government to stop rigging the exchange rate in its favor. It is simple.

According to a recent New York Times op-ed by C. Fred Bergsten of the Peterson Institute:

To be sure, some American corporations will fret that these actions would needlessly antagonize the Chinese and threaten a trade war. . . . I believe these fears are overblown. The real threat to the world trading system is protectionist policies, including undervalued currencies, of other countries, and the vast trade imbalances that result.

As Presidential contender Mitt Romney put it, taking action to remove protectionist market distortions would not result in a "trade war," but failing to act will mean the United States has accepted "trade surrender."

We can vote yes today and it will mean we will stand up to the Chinese and, more importantly, it will be a victory for American workers, and especially American small manufacturers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

IRAN SANCTIONS

Mr. KIRK. Mr. President, I want to talk briefly about the breaking news today that the Justice Department and Attorney General Eric Holder announced that a plan was conceived, sponsored, and directed from Iran to conduct bombings in Washington, DC, and potentially also in Buenos Aires, Argentina. This is from a government that Secretary of State Clinton designated as a state sponsor of terror. It is what I would think of as a very audacious, forward-leaning plan to attack the United States, its people, and foreign embassies in the Nation's capital.

Tomorrow, in the Senate Banking Committee, we will meet with our Under Secretary of the Treasury, a very able man named David Cohen. I urge the administration to look at what is the most effective sanction currently pending on our docket against the terrorists in Iran.

Earlier this year, we had 92 Senators—just about the entire Senate—sign a letter to the President calling for the Treasury Department to execute a strategy to collapse the Central Bank of Iran.

These are the pay masters of the Iranian Revolutionary Guard Corps and the intelligence service of Iran—the MOIS—that appear to be involved in the plot that the Attorney General revealed today. It is that action—to cut the Central Bank of Iran off from the central payment backbone of the Federal Reserve; obviously, to do it in cooperation with Saudi and Israeli officials, and given indications from London, from Paris, and from Berlin, prob-

able action by our NATO allies as well—to cripple Iran's currency, to make sure what is called Bank Markazi has no access to the payment mechanisms of the West that will lead to a collapse of its currency.

I applaud David Cohen for designating at least five individuals as sponsors of terror who were part of the Iranian Revolutionary Guard's force—Quds Force—but I think this doesn't go far enough. With the Attorney General of the United States directly blaming the Government of Iran for this bomb plot against targets in the capital city of the United States, it is clear, with overwhelming bipartisan support and 92 Senators behind the effort to collapse the Central Bank of Iran, that would be an effective nonmilitary way to address what is clearly an utterly irresponsible and largely out of control IRGC and MOIS, who were seeking to attack American targets.

With that, I yield the floor.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. DURBIN. Before speaking on the issue of the bombing, let me commend my colleague from Illinois for speaking out on this Iranian plot, state-sponsored Iranian plot, to destroy the Saudi and Israeli Embassies in Washington, DC. It is an outrage that they would reach this far, obviously, into the United States. We know they have backed terrorism forever, as my colleague said, having been recognized by our government as a state sponsor of terrorism. We need to heighten the sanctions on Iran and make it clear this type of action will not be countenanced.

Many of us still recall it is only a few days after the 10th anniversary of 9/11, the last time terrorists decided they would strike in the United States. Regardless of whether the Embassy is for the United States, it is in the United States. Being here, it is protected property of our Nation.

I would say to the administration—to back my colleague from Illinois—let's look for every available means to let the Iranians know this conduct is not only unacceptable but we will do everything we can to disable them from any further actions along these lines through sanctions.

THE AMERICAN JOBS ACT

Mr. DURBIN. Mr. President, this afternoon, the Republican leader of the Senate came to the floor to talk about a vote we will have later this afternoon. It is a vote which is historically important. We all know the state of our economy. We are in a position now with 14 million Americans out of work, 9.1 percent unemployment and private-sector jobs going up so slowly, it isn't getting us back into the kind of economic progress we need. We listen monthly as the unemployment statis-

tics come out, and we are reminded of the weakness of our economy. We have to do something. The choices are to allow this economy to languish or decline or to step up and do something.

President Obama has decided he needs to lead on this issue and bring together Democrats and Republicans for that purpose. He spoke to a joint session of Congress which we all attended. It was widely reported. He said: I am going to put my best ideas on the table, and I invite the Republicans to do the same. We cannot stand idly by and do nothing.

So the President put his proposal forward. It was clear what he wanted to do, and he reminded the Republicans that many of the things he proposed were actually ideas they had proposed in the past. Then we waited and we waited. At the end of the day, I am afraid when this vote is taken, we will find few, if any, Republican Senators will support any effort to try to create jobs in the United States, as President Obama has proposed.

The President has made his position clear. Those of us who will vote in support of the President's plan have made our positions clear. But the position on the other side of the aisle is becoming increasingly clear as well, and it comes down to two things: First, the Republicans will not countenance, approve or even consider \$1 more in taxes for the wealthiest people in America. For them, that is unacceptable. It is better to do nothing than to impose \$1 more in taxes on people making over \$1 million a year. They have said that consistently, at every level of the Republican Party.

That position doesn't reflect the feeling of Republicans in America, with 59 percent of them believing the President is right. It is not unfair to ask those who are making over \$1 million a year to share the burden and sacrifice of moving the economy forward. Independents feel strongly about it, and obviously Democrats do as well. The only Republicans who don't share that belief happen to serve in the Senate, and they believe \$1 more in taxes to pay for the President's jobs programs—if it came from the accounts of people making over \$1 million a year—is unfair. So we know they are clear on that position.

But there is a second position the Republicans have taken that is equally clear. They are prepared to oppose any ideas coming from the Obama administration, even ideas they have conceived and voted for in the past. I asked my staff to take a look at some of the proposals of President Obama in his jobs bill, which will come up later this afternoon, to see what the record on the Republican side has been, and it is interesting.

Senator MCCONNELL and 32 of his Republican colleagues supported President Bush's Economic Stimulus Act of 2008. It included tax rebates for individuals, which we find in the Obama plan;

tax cuts for small business, which we find in the Obama plan—and no offset, incidentally. It wasn't paid for. It added directly to the deficit. Senator MCCONNELL and 32 of his Republican colleagues voted for that because it had President Bush's name associated with it. I am afraid most, if not all of them, will vote against this proposal because President Obama has brought it forward.

Republicans have supported a payroll tax consistently in the past. Here is what Senator MCCONNELL said on FOX News in January of 2009:

If you want a quick answer to the question of what would I do, I'd have a payroll tax holiday for a year or two that would put taxes in the hands of everybody who has a job, whether they pay income taxes or not. And, of course, businesses pay the payroll tax too, so it would be both a business tax cut and individual tax cut immediately.

That is the centerpiece of President Obama's jobs plan. It is a plan that was criticized on the floor this morning by Senator MCCONNELL. The approach the President is taking is exactly what Senator MCCONNELL said when he was speaking in the bosom of the lodge at FOX News in January of 2009. Republicans have supported Federal help to States. I will not go through the list, but they have in the past.

Incidentally, it used to be dogmatic when it came to building infrastructure in America—roads and highways and bridges and ports and airports. It was a bipartisan issue. When the President puts it in his jobs bill, it is rejected. You know what the Republicans say about the President's jobs bill? We have tried all this before and it didn't work, so let's not try it again. So they are summarily rejecting payroll tax cuts they have supported in the past for families, they are rejecting tax cuts for businesses to hire the unemployed—even unemployed veterans, which they have supported in the past; they are rejecting the notion we need to build America's infrastructure for the future of our economy; and they have basically said, when it comes to trying to make this economy move forward, the only thing they want to do is to pass a trade agreement.

We will consider three of those trade agreements tomorrow. At least two, maybe all of them, are likely to pass. How quickly do the Republicans think there will be a turnaround in the economy if we start increasing our trade with Korea, Colombia or Panama? It may increase trade but certainly not in the near term and certainly not to the benefit of 14 million Americans who are currently unemployed.

It comes down to this. We are going to have a vote later this afternoon. It is going to be a vote on President Obama's jobs proposal. He has spoken to it clearly in a joint session of Congress. He has taken his case to the American people. He has included provisions which the Republicans have

historically supported but that I am afraid they are going to walk away from on this. The Republican approach to this is to do nothing—absolutely nothing. Protect millionaires from tax increases and don't give President Obama a victory.

I will say this. This is not about a victory for President Obama. It is a victory for unemployed people across America that we would do something specific, something direct, and something that would have a measurable impact in creating jobs. I am troubled the Republican approach, as Senator MCCONNELL described it, is one of "just say no."

That is the Republican answer to the weakness of our economy. He talks about the tax hike that is included in our bill. That tax hike is a surtax—on those making over \$1 million in income—of 5.6 percent. It is not too much a sacrifice to ask from those who are most well off in America.

When the Senator from Kentucky comes and tells us the earlier stimulus bill failed, I would say to him: Remember, over 40 percent of that bill consisted of tax cuts, something most Republicans usually support. It also invested in America in ways that will pay off for years to come. For example, the stimulus bill paid for and built a new terminal at the Peoria National Airport—a terminal that created jobs today and will serve that community for decades to come. That stimulus bill also led to the creation of an intermodal center in Bloomington, in downstate Illinois, a proposal that will create jobs now for construction and build for transportation in that community for decades to come.

So for that stimulus to be dismissed as not creating results, I am afraid Senator MCCONNELL needs to journey a little north of Kentucky, and we will show him results in Illinois and all across the United States.

I yield the floor, and I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHINA'S CURRENCY POLICY

Mr. SCHUMER. Mr. President, I thank my colleague from Illinois for his remarks. In a few minutes, we are going to vote on a bill that could actually change the course of how we trade with China. For a decade, getting worse every year, China has taken advantage of America in every way. Currency is at the top of the list, but it has been the theft of intellectual property, it has been the subsidy of indige-

nous Chinese businesses, it has been monopolizing things such as rare earth, and it has been excluding American products from China when those products would have a competitive advantage. For the first time, this body, in a bipartisan way, has the ability to say enough is enough. Uncle Sam is no longer Uncle Sap. We are going to create fair trade with China.

This relates to our future because it no longer is competition over shoes or clothing or furniture—labor-intensive businesses. It is competition over the most high-end things we do. Our companies can win and create jobs here in America if China plays by the rules and plays fairly. But everyone who has been up close and seen the way the Chinese operate know that will not happen by persuasion, by multilateral talks, by wishing it were so or even by the healing of time. It will only happen if America stands up for itself—for fairness, for equal treatment. For the first time, we have the opportunity to get that to happen.

Some say this is a symbolic bill. It is not. If we pass this bill by a bipartisan majority, I will tell everybody what will happen. The House will vote on something—hopefully strong—and we will have a conference committee with something going to the President's desk. Long before that occurs—long before that occurs—the Chinese will begin to step back from their unfair trade policies. So we can indeed win the trade argument with China.

Some say it will create a trade war. We are already in a trade war, and we are losing. We are getting our clocks cleaned. But we can stop it, and this is the opportunity.

Mr. President, every one of us has spoken to companies that make high-end products throughout our States, and that China competes unfairly and takes jobs and wealth away from America, we know that. No one disputes that. No one disputes that they manipulate currency. No one disputes that they take jobs and wealth unfairly from America. The issue is what to do about it.

Some say talk to the Chinese. We have done that for 7 years. Some say have multilateral agreements. We have tried that; China just doesn't listen. The only way to get China to change its policies is by requiring them to do so by putting in place a system that says: If you don't, the consequences will be worse for you than if you do. That is how China operates. Unfortunately, my belief is the new leadership in China, without any reformers on the executive committee of the Politburo, will get worse, not better, unless we, together, Democrats and Republicans, say to China: Enough is enough.

American workers have said enough is enough. American businesses have said enough is enough. When is the Congress, when is this government

going to say enough is enough instead of just twiddling our thumbs and hoping and praying China might change out of the goodness of their hearts? Well, the time is now. This is a unique opportunity not simply to have a symbolic vote. Believe me, this is not at all political to me. Senator GRAHAM and I have tried to keep this a bipartisan issue religiously for 7 years. To me, this is something that relates to the very future of our country, like educating our kids, like creating jobs so that the next generation has a better opportunity than this, like the greatness of America itself.

We are in a tough world. We know that. But America always wins in a tough world. We compete and we survive. The only way we won't is if the deck continues to stay stacked against us. My colleagues, even up the playing field. This legislation will start us on the road to doing that so that our children and our grandchildren will have a better future than they will if we continue the present policies and let China take industry after industry unfairly away from us.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

SENATOR COBURN

Mr. REID. Mr. President, I just learned that my friend, Senator TOM COBURN, has undergone surgery to treat prostate cancer. The junior Senator from Oklahoma is expected to make a full recovery. His cancer was in the early stages, and he should be back to work in a few weeks. Senator COBURN has battled cancer twice before, and he has beaten the disease twice before. Those of us who know TOM COBURN know with certainty that this fighter will beat it again.

My thoughts are with Senator COBURN and his family, and I wish him a complete and speedy recovery. I understand how difficult a cancer diagnosis can be on the patient as well as the family. The entire Senate community is pulling for Senator COBURN, his wife Carolyn, and their three children and five grandchildren.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GRASSLEY. I would like to take a few moments before we have a vote this afternoon to discuss a serious concern I have about the original stimulus package, and I want the Senate to consider my remarks and my research as we consider the President's latest modified so-called jobs bill—in actuality, stimulus bill No. 2. I want to ensure the taxpayers' money is spent responsibly on programs that create viable, long-term jobs, not lost to waste, fraud, and abuse. The marching orders for the stimulus funding under the Obama administration have been "spend now, chase later." But when governments spend money quickly, it leads to massive waste, fraud, and abuse.

President Obama promised us he would use "the new tools that the Recovery Act gives us to watch the taxpayers' money with more vigor and transparency than ever" before. He also said that "if a Federal agency proposes a project that will waste that money," he would "put a stop to it." It is past time for the President to live up to his words because we all know, up to now, that certainly hasn't been the case. I will give several examples.

A year ago, I asked the Department of Labor to explain why \$500 million in green job training grants had been spent when the Department had just asked the public to help them define just what a green job is. Now, over a year later, the Department of Labor's inspector general issued an audit report showing that the President's promises are much different from reality. The reality is that only 8,000 program participants found employment—only 10 percent of the promised results. The reality is that \$300 million still remains unspent in the program. The reality is that this money won't be spent or produce the jobs before the grants expire. But instead of learning from this failure and using this money for more effective job training, the administration continues to push good money after bad into so-called green jobs, which I don't think has actually even yet been defined to this very day.

The administration left much of stimulus 1 oversight to the inspector general offices of the respective departments but has largely disregarded their findings and recommendations. I strongly support efforts of our inspectors general and am extremely frustrated that the administration ignores rather than enforces the recommendations of the various inspectors general.

Thanks to the audit work performed by these IGs, I have also questioned the administration's ability to track stimulus funding after it was distributed to the first recipients. For instance, the Department of Education provided \$1.7 billion to the State of New York even though the inspector general reported that the State has "serious internal deficiencies" that would make tracking the money extremely difficult.

The Housing and Urban Development Office of Inspector General released a series of reports that questioned why additional funding was given to troubled housing authorities with significant financial and management problems. HUD Secretary Donovan stated that these housing authorities needed that money to improve their inventory and make needed upgrades.

The weatherization program has also been fraught with waste. The inspector general found that in many cases contractors never did the work, and some work was so shoddy that it endangered the health and safety of the owners.

I continue to raise strong concerns about the Department of Energy's fail-

ure to monitor State and territory programs.

I am not aware that the administration has ever demanded any of the taxpayers' money back, even for the blatant cases of waste, fraud, and abuse.

The administration also spent \$84 million of the stimulus funding to establish the Recovery Accountability and Transparency Board to guard against wasteful spending. The Recovery Accountability and Transparency Board can hold hearings and compel testimony about stimulus fund waste. I have referred two cases to this board, but so far it has refused to use this authority. In the first case, HUD's Office of Inspector General questioned nearly \$32 million of stimulus money spent by the Philadelphia Housing Authority to rehabilitate scattered-site housing. According to the inspector general's report, most of the work was never done and the housing authority couldn't provide detailed invoices to show what the contractors were charging the government for.

I also referred the \$535 million loan guarantee from the Department of Energy to Solyndra because I understand the board may have detected possible problems with guarantees.

So President Obama made lots of promises about transparency and accountability when he asked Congress to pass the first stimulus bill. Before we consider giving him another over \$400 billion, the President needs to turn his promises into reality or it is the American taxpayers who will lose once again, even beyond the examples I have already given.

I urge my colleagues to oppose the motion to proceed to this latest modified tax-and-spend proposal that even the Washington Post has called "political."

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Mexico.

SENATE RULES

Mr. UDALL of New Mexico. Mr. President, I rise today to talk about changing our Senate rules by a simple majority vote. That is what we did last week.

Mr. President, as you know, the new classes that came in in your year and the year after have worked on these rule change issues, and the last 2 years, I have been working to find a way for the Senate to break through the gridlock and to function on behalf of the American people, to focus, as we are doing with this bill, on jobs for the American people.

Last week, the Senate took the step of changing our rules with a simple majority vote. This was done in accordance with the Constitution, article I, section 5. The Senate has done this on many occasions in the past, and, like those previous rule changes, the action taken last week was not intended to destroy the uniqueness of the Senate

but, instead, to restore the regular order of the body.

I applaud the majority leader for getting us back on track. The Senate should be focused on the jobs agenda of the American people, and Majority Leader REID has put us on the right path. He may be forced to do this again, but it is important that he stay focused on that agenda and all of us stay focused on the jobs agenda of the American people.

At the beginning of this Congress, I, along with Senators HARKIN and MERKLEY, tried to do that. Ultimately, our success was limited. We didn't achieve the broad reforms we wanted . . . but we did initiate a debate that highlighted some of the most egregious abuses of the rules, and resulted in a "gentleman's agreement" between Majority Leader REID and Minority Leader MCCONNELL.

There was some hope that the agreement would encourage both sides of the aisle to restore the respect and comity that is often lacking in today's Senate. Unfortunately however, that agreement rapidly deteriorated and the partisan rancor and political brinksmanship quickly returned.

What unfolded last Thursday in this chamber is yet another example of what this body has become. The Senate had invoked cloture on the Chinese currency bill, thus limiting further debate on the measure to 30 hours. It was at this point Republicans moved to offer a potentially unlimited number of nongermane amendments to the bill.

Each of these amendments would have required a suspension of the Senate rules, meaning the approval of 67 Senators rather than 60, in order to consider them. This was not an effort to improve the bill but simply a procedural strategy to score political points and force votes on unrelated legislation. Majority Leader REID raised a point of order that motions to suspend the rules post-cloture were dilatory, which was rejected by the Chair. A majority of Senators then voted to overturn the decision of the Chair, thus changing the precedent and limiting how amendments can be considered once cloture is invoked.

As expected, many of my Republican colleagues called last week's action by the majority a power grab and "tyranny of the majority." They decried the lack of respect for minority rights. I agree: We must respect the minority in the Senate. But respect must go both ways. When the minority uses their rights to offer germane amendments, or to extend legitimate debate, we should always respect such efforts. But that is not what we have seen. Instead, the minority often uses its rights to score political points and obstruct almost all Senate action. Instead of offering amendments to improve legislation, we see amendments that have the sole purpose of becoming talking points in next year's election.

It is hard to argue that the majority is not respecting the traditions of the Senate, when the minority is paralyzing this body purely for political gain.

During the debate over rules reform we had in January, many of my colleagues argued that the only way to change the Senate rules was with a two-thirds supermajority. As we saw last week, that's simply not true. Some call what occurred last week the "constitutional option," while others call it the "nuclear option." I think the best name for it might be the "majority option."

As I studied this issue in great depth, one thing became very clear—Senator Robert Byrd may have said it best during a debate on the floor in 1975 when he said, "at any time that 51 Members of the Senate are determined to change the rule . . . and if the leadership of the Senate joins them . . . that rule will be changed."

We keep hearing that any use of this option to change the rules is an abuse of power by the majority. However, a 2005 Policy Committee memo provides some excellent points to rebut this argument. And just to be clear, these citations are from a Republican Policy Committee memo.

Let me read part of the Republican memo:

This constitutional option is well grounded in the U.S. Constitution and in Senate history. The Senate has always had, and repeatedly has exercised, the constitutional power to change the Senate's procedures through a majority vote. Majority Leader Robert C. Byrd used the constitutional option in 1977, 1979, 1980, and 1987 to establish precedents changing Senate procedures during the middle of a Congress. And the Senate several times has changed its Standing Rules after the constitutional option had been threatened, beginning with the adoption of the first cloture rule in 1917. Simply put, the constitutional option itself is a longstanding feature of Senate practice.

The Senate, therefore, has long accepted the legitimacy of the constitutional option. Through precedent, the option has been exercised and Senate procedures have been changed. At other times it has been merely threatened, and Senators negotiated textual rules changes through the regular order. But regardless of the outcome, the constitutional option has played an ongoing and important role.

The memo goes on to address some "Common Misunderstandings of the Constitutional Option."

One misunderstanding addressed a claim we heard last week that, "The essential character of the Senate will be destroyed if the constitutional option is exercised."

The memo rebuts this by stating:

When Majority Leader Byrd repeatedly exercised the constitutional option to correct abuses of Senate rules and precedents, those illustrative exercises of the option did little to upset the basic character of the Senate. Indeed, many observers argue that the Senate minority is stronger today in a body that still allows for extensive debate, full consid-

eration, and careful deliberation of all matters with which it is presented.

Changing the rules with a simple majority is not about exercising power but it is about restoring balance. There is a fine line between respecting minority rights and yielding to minority rule. When we cross that line, as I believe we have many times in recent years, the body is within its rights to restore the balance.

This is not tyranny by the majority, but merely holding the minority accountable when it abuses the rules to the point of complete dysfunction. Neither party should stoop to that level.

Many of my colleagues argue that the Senate's supermajority requirements are what make it unique from the House of Representatives, and other legislative body around the world. I disagree. If you talk to the veteran Senators, many of them will tell you that the need for 60 votes to pass anything is a recent phenomenon. Senator HARKIN discussed this in great detail during our debate in January and I highly recommend reading his statement.

Senator LEAHY raised the issue on the floor last week when he said;

I keep hearing this talk about 60 votes. Most votes you win by 51 votes, and this constant mantra of 60 votes, this is some new invention.

I think this gets at the heart of the problem. We are a unique legislative body but not because of our rulebook. Complete gridlock and dysfunction can't be what our Founders intended. Rather than a body bound by mutual respect that moves by consent and allows majority votes on almost all matters, we have become a supermajoritarian institution that often doesn't move at all.

With the tremendously difficult economic circumstances facing this country, the American people cannot afford a broken Senate. They are frustrated. And they have every right to be. This is not how to govern, and they deserve better. Both sides need to take a step back and understand that what we do on the Senate floor should not be about setting up the next Presidential election or winning the majority next November but about helping the country today.

Mr. President, I ask unanimous consent to have printed in the RECORD the Executive Summary of The Constitutional Option.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SENATE'S POWER TO MAKE PROCEDURAL
RULES BY MAJORITY VOTE
EXECUTIVE SUMMARY

The filibusters of judicial nominations that arose during the 108th Congress have created an institutional crisis for the Senate.

Until 2003, Democrats and Republicans had worked together to guarantee that nominations considered on the Senate floor received up-or-down votes.

The filibustering Senators are trying to create a new Senate precedent—a 60-vote requirement for the confirmation of judges—contrary to the simple-majority standard presumed in the Constitution.

If the Senate allows these filibusters to continue, it will be acquiescing in Democrats' unilateral change to Senate practices and procedures.

The Senate has the power to remedy this situation through the "constitutional option"—the exercise of a Senate majority's constitutional power to define Senate practices and procedures.

The Senate has always had, and repeatedly has exercised, this constitutional option. The majority's authority is grounded in the Constitution, Supreme Court case law, and the Senate's past practices.

For example, Majority Leader Robert C. Byrd used the constitutional option in 1977, 1979, 1980, and 1987 to establish precedents that changed Senate procedures during the middle of a Congress.

An exercise of the constitutional option under the current circumstances would be an act of restoration—a return to the historic and constitutional confirmation standard of simple-majority support for all judicial nominations.

Employing the constitutional option here would not affect the legislative filibuster because virtually every Senator supports its preservation. In contrast, only a minority of Senators believes in blocking judicial nominations by filibuster.

The Senate would, therefore, be well within its rights to exercise the constitutional option in order to restore up-or-down votes for judicial nominations on the Senate floor.

Mr. UDALL of New Mexico. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JANE MARGARET TRICHE-MILAZZO

Mr. GRASSLEY. Mr. President, today we are going to consider the nomination of Jane Margaret Triche-Milazzo to be U.S. district judge for the Eastern District of Louisiana. Before I make my remarks regarding the nomination, I want to respond to some comments made on the floor last Thursday evening because I am really amazed and very disappointed by the continuing allegations that Senate Republicans are delaying, obstructing, or otherwise blocking judicial nominations. One Member stated that we "filibuster everything and require 60 votes on everything, including judges." That statement is without merit, and so I am here to set the record straight.

We are making very good progress in the consideration and confirmation of President Obama's judicial nomina-

tions. In fact, we have taken positive action on 84 percent of President Obama's judicial nominees. We heard from five judicial nominees in committee last week, reported five more to the floor, and continue to hold regular votes on judicial nominees. President Obama's circuit court nominees are waiting, on average, only 66 days to receive a hearing. Now, compare that to the 247 days President Bush's circuit nominees were forced to wait. The same can be said for district court nominees, who have only waited 79 days under President Obama. Nominees from President Bush waited on average 100 days for a hearing. You can understand why I am disturbed because some people say there is a Republican effort not to cooperate on moving these judges.

The reporting process has also favored President Obama's judicial nominees. On average, President Obama's circuit court nominees have only waited 116 days to be reported out of committee. President Bush's circuit court nominees waited over 369 days to be reported. District court nominees are no different. President Obama's nominees for the district courts have waited 129 days, while President Bush's district court nominees waited over 148 days.

The accusations that we are filibustering or requiring 60 votes on everything including judges is not supported by the facts. We have confirmed 43 judicial nominees this year. With the vote today we will have confirmed over 66 percent of President Obama's judicial nominees since the beginning of his administration. During our consideration of the 98 judicial nominations submitted during this Congress, there have been two cloture votes. One of those nominees was confirmed. The other was withdrawn.

In the last Congress there were four cloture motions made in relationship to 105 judicial nominations submitted. I remind my colleagues that at least 18 of President Bush's judicial nominations were subjected to cloture motions, many of them having multiple cloture votes. According to my count, there were approximately 30 cloture votes on Bush judicial nominees.

There has to be a double standard on the part of my colleagues who somehow forget the history or somehow do not know how to count or sometimes, if they do read the numbers, do not know what the numbers mean.

Another colleague of mine stated last Thursday night that he could not remember a time during his long service in the Senate when judges would sit on the calendar for months. It was not that long ago, while the current majority party was in the minority, when qualified nominees sat on the Senate calendar for months. In most cases, when finally afforded a vote, they received unanimous support. These included Juan Sanchez, who was nomi-

nated for the Eastern District of Pennsylvania; William Duffey, Jr., who was nominated for the Northern District of Georgia; Mark Filip, who was nominated for the Northern District of Illinois; Gary Sharpe, who was nominated for the Northern District of New York; and James Robart, who was nominated for the Western District, State of Washington. These are just a few of President Bush's district court nominees who sat on the calendar for well over 3 months, yet received unanimous support in their confirmation votes.

I wonder if my colleagues remember William Haynes, President Bush's nominee to sit on the Fourth Circuit. He waited 638 days on the Senate calendar in the 108th Congress alone before being returned to the President. All in all, Mr. Haynes put his life on hold for 1,173 days without ever receiving an up-or-down vote.

Another of President Bush's circuit court nominees, Raymond Kethledge, waited 23 months before being confirmed by the Senate and was then confirmed—can you believe it—on a voice vote.

I am not providing these facts to engage in a tit-for-tat, but when I hear colleagues misstate facts and can't understand numbers and can't count, I have to set the record straight.

Shortly we will vote on Jane M. Triche-Milazzo, who is nominated to be the U.S. district judge for the Eastern District of Louisiana. She graduated magna cum laude with a bachelor's degree from Nicholls State University in 1977 and then worked for some time as an elementary school teacher before beginning to work in her father's law office. In 1992, Judge Triche-Milazzo graduated with a juris doctorate from Louisiana State University, Paul M. Herbert Law Center. She spent the entirety of her legal career practicing at Risley Triche, LLC, first as an associate and later to become a partner.

In 2008 she was elected judge for Louisiana's 23rd judicial district. She is a Louisiana State District Court judge for Division D of the 23rd judicial district bench. She was the first female judge elected to that judicial district bench. Judge Triche-Milazzo received a unanimous "qualified" rating from the ABA Committee on the Federal Judiciary, so I am pleased to support this fine nominee and thank her for her service.

Mr. LEAHY. Mr. President, in a few moments the Senate has the opportunity to proceed to the American Jobs Act. The bill the President asked us to pass a month ago includes bipartisan proposals that have received broad approval in the past from Members of both parties, including road and bridge repairs, teacher retentions and extensions of tax relief for businesses to encourage hiring. We should answer the

President's call and the American people's needs and act to help get Americans back to work and grow the economy.

There is another unacceptable rate that we can help change to the benefit of all Americans. That is the judicial vacancy rate. It now stands at nearly 11 percent, with 92 vacancies on Federal courts around the country. I will ask to have printed in the *RECORD* an editorial on this topic entitled "The Other Federal Crisis" that appeared in *McClatchy-Tribune* papers last week.

We can act today to bring down that rate dramatically by considering and confirming 26 judicial nominations approved by the Senate Judiciary Committee that are awaiting final Senate action.

Today we are voting on only one of those judicial 26 nominees. With Republican agreement, all 26 could have been voted on today. Of the 25 judges who will remain on the Executive Calendar after today's vote, 21 were reported with the unanimous support of all Democrats and all Republicans serving on the Judiciary Committee. All of them have the support of their home State Senators, 10 include Republicans home State Senators.

Today, the Senate will finally vote on the nomination of Jane Triche-Milazzo to serve as a district judge in the U.S. District Court for the Eastern District of Louisiana. While I am pleased that we are finally having a vote on Judge Triche-Milazzo's nomination, after 3 months of unnecessary delay, more than two dozen well-qualified, consensus nominees still await a Senate confirmation vote. At a time when vacancies on Federal courts throughout the country have remained near or above 90 for more than 2 years, delaying votes on these nominees needlessly undermines the ability of our Federal courts to provide justice to Americans around the country.

The Senate could take significant steps today to address this ongoing crisis in judicial vacancies just by acting on the nominations thoroughly vetted by the Judiciary Committee and reported with bipartisan support. This week, with Republican cooperation, the Judiciary Committee could report five more consensus nominees to fill judicial emergency vacancies on the Eleventh Circuit and in Utah, as well as vacancies in Missouri, Nebraska, and Washington. I have repeatedly noted Senator GRASSLEY's willingness to work with me to make sure that the Judiciary Committee makes progress on nominations. Regrettably, the Judiciary Committee's efforts to act on nominations have not been matched by action by the Senate, where the Republican leadership has refused promptly to consider even consensus nominations. They are delayed for months. The Republican leadership's refusal to promptly schedule votes on pending ju-

dicial nominations is a departure from the Senate's action in regularly considering President Bush's nominations, which we did whether the Senate had a Democratic or Republican majority. At this point in George W. Bush's presidency, the Senate had confirmed 162 of his nominees for the Federal circuit and district courts, including 100 during the 17 months that I was chairman of the Judiciary Committee during his first term. By this date in President Clinton's first term, the Senate had confirmed 163 of his nominations to circuit and district courts. In stark contrast, after today's vote, the Senate will have confirmed only 105 of President Obama's nominees to Federal circuit and district courts. In the next year, we need to confirm 100 more of his circuit and district court nominations to match the 205 confirmed during President Bush's first term.

We can and must do better to address the serious judicial vacancies crisis affecting Federal courts around the country. Nearly half of all Americans—136 million—live in districts or circuits that have a judicial vacancy that could be filled today if the Senate Republicans just agreed to vote on the nominations currently pending on the Executive Calendar. As many as 21 states are served by Federal courts with vacancies that would be filled by nominations stalled on the Senate calendar. Millions of Americans across the country are being harmed by delays in overburdened courts. The Republican leadership should explain to the American people why they will not consent to vote on the qualified, consensus candidates nominated to fill these extended judicial vacancies.

The unnecessary delays in our consideration of judicial nominations have contributed to the longest period of historically high vacancy rates in the last 35 years. The number of judicial vacancies rose above 90 in August 2009, and it has stayed near or above that level ever since. Vacancies are twice as high as they were at this point in President Bush's first term when the Senate was expeditiously voting on consensus judicial nominations. We must bring an end to these needless delays in the Senate so that we can ease the burden on our Federal courts so that they can better serve the American people.

Last week, the Senate voted to confirm Judge Jennifer Guerin Zipp, who was nominated to fill the emergency judicial vacancy created by the tragic death of Judge Roll in the Tucson, AZ, shootings. I was pleased that, with cooperation from Republican Senators, the time from when the Judiciary Committee reported Judge Zipp's nomination to full Senate consideration was less than a month even including a recess period. All nominations should move at that rate. It should not take a tragedy to spur us to action to fill a ju-

dicial emergency vacancy. Indeed, the time it took the Senate to consider Judge Zipp's nomination was in line with the average time it took for the Senate to consider President Bush's unanimously reported judicial nominations, 28 days. Her nomination would not have been an exception during those years as it regrettably has become today. President Obama's consensus nominations, reported with the unanimous support of every Republican and Democrat on the Judiciary Committee, have waited an average of 79 days on the Executive Calendar before consideration by the Senate. Today's nominee is a good example. She was reported unanimously on July 14. That was nearly 3 months ago.

Last week, I invited Justice Scalia and Justice Breyer to appear before the Judiciary Committee and discuss the important role that judges play under our Constitution. Justice Scalia agreed that the extensive delays in the confirmation process are already having a chilling effect on the ability to attract talented nominees to the Federal bench. Chief Justice Roberts has also described the "persistent problem of judicial vacancies in critically overworked districts." Hardworking Americans are denied justice when their cases are delayed by overburdened courts. While people appearing in court are waiting years before a judge rules on their case, they feel they are being forced to live the old adage "justice delayed is justice denied."

Today the Senate will confirm an experienced, consensus nominee who could and should have received a vote prior to the August recess. Jane Triche-Milazzo is nominated to fill a vacancy in the U.S. District Court for the Eastern District of Louisiana. Currently a Louisiana State court judge, she previously spent 16 years in private practice in her family's law firm in Napoleonville, LA. Judge Triche-Milazzo has the bipartisan support of her home State Senators, Democratic Senator MARY LANDRIEU and Republican Senator DAVID VITTER. The Judiciary Committee favorably reported her nomination without a single dissenting vote almost 3 months ago. I expect that the Senate will confirm her unanimously today.

We must do more to make progress in considering the other 25 judicial nominations pending on the Senate's Executive Calendar. The excessive number of vacancies has persisted in Federal courts throughout the Nation for far too long. The American people should not have to wait for the Senate to do its constitutional duty of confirming judges to the Federal bench. With millions of Americans currently affected by the vacancy crisis in our courts, there is serious work to be done.

Mr. President, I ask unanimous consent to have printed in the *RECORD* the editorial to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Oct. 2, 2011]

THE OTHER FEDERAL CRISIS

In the month since Congress returned from the summer recess, the crisis over the deficit and federal spending has been the focus of attention, with ideological gridlock obstructing progress. But partisan politics has also produced a separate crisis in the nation's federal courts.

During September, the Senate confirmed a grand total of three federal judges—leaving 95 vacancies in courthouses around the country. This means that there are simply not enough federal judges to handle the judicial workload, resulting in justice delayed in both criminal and civil cases. In 35 of those instances, including two district seats in the Southern District of Florida, the courts have declared a judicial emergency, meaning the dockets are overloaded to the breaking point.

According to a recent report by the Congressional Research Service, this is a historically high level of vacancies, and the prolonged slowness in filling the empty seats makes the Obama presidency the longest period of high vacancy rates in the federal judiciary in 35 years.

Clearly, the Senate is not fulfilling its constitutional duty to confirm judges. Some 58 Obama administration nominees are pending in the Senate to fill the 95 vacancies. Republican senators have complained that there should be a nominee for every vacancy—fair enough—but that does not explain why so many of the nominations have been stalled for so long.

The Senate, of course, has a duty to ensure that nominees are qualified. No one wants a “fast-tracked” judge hearing cases. But it's hard to escape the conclusion that partisan politics rather than the quality of the nominees is the root of the problem when even consensus candidates must wait for prolonged periods.

This Monday, for example, the Senate is expected to fill some of those vacancies when six of the nominations go to the floor for a vote, meaning there has been a preceding agreement not to block the vote.

That generally leads to confirmation. Of those six, five have been pending since May and June—and all of them were approved with a unanimous vote by Democratic and Republican members of the Senate Judiciary Committee. In other words, there is no question that the nominees have the qualifications to do the job—so why the delay?

In the past, Democrats have been slow to approve nominees from Republican presidents. But the record shows that approvals for nominees by the last Republican president, George W. Bush, moved faster even when Democrats had the power to block confirmation.

At this point in the presidency of President Bush, 144 federal circuit and district court judges had been confirmed. By comparison, according to Vermont Sen. Patrick Leahy, chairman of the Judiciary Committee, total confirmations of federal circuit and district court judges during the first three years of the Obama administration have been only 98. “The Senate has a long way to go before the end of next year to match the 205 confirmations of President Bush's judicial nominees during his first term,” he said.

This is a problem senators can solve easily. First, vote on all 27 pending nominees who

have already won committee approval, beginning with those who received a unanimous vote. Then move the other nominations to the floor without unreasonable delay. The deterioration of the federal judiciary because of partisan politics is inexcusable.

Mr. LEAHY. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF JANE MARGARET TRICHE-MILAZZO TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Jane Margaret Triche-Milazzo, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided prior to a vote on the nomination.

Mr. ISAKSON. I ask that all time be yielded back.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I yield back our time.

The PRESIDING OFFICER. Without objection, it is so ordered. All time is yielded back.

Mr. BINGAMAN. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Jane Margaret Triche-Milazzo, of Louisiana, to be United States District Judge for the Eastern District of Louisiana?

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 158 Ex.]

YEAS—98

Akaka	Gillibrand	Mikulski
Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Hatch	Nelson (FL)
Bennet	Heller	Paul
Bingaman	Hoeben	Portman
Blumenthal	Hutchison	Pryor
Blunt	Inhofe	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Risch
Brown (MA)	Johanns	Roberts
Brown (OH)	Johnson (SD)	Rockefeller
Burr	Johnson (WI)	Rubio
Cantwell	Kerry	Sanders
Cardin	Kirk	Schumer
Carper	Klobuchar	Sessions
Casey	Kohl	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Lee	Toomey
Coons	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Cornyn	Lugar	Vitter
Crapo	Manchin	Warner
DeMint	McCain	Webb
Durbin	McCaskill	Whitehouse
Enzi	McConnell	Wicker
Feinstein	Menendez	Wyden
Franken	Merkley	

NOT VOTING—2

Coburn Shaheen

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1619, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1619) to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Pending:

Reid amendment No. 694, to change the enactment date.

AMENDMENT NO. 694 WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is, Shall the bill pass?

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—63

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Begich	Graham	Portman
Bennet	Grassley	Pryor
Bingaman	Hagan	Reed
Blumenthal	Harkin	Reid
Boxer	Hoeben	Risch
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Sanders
Burr	Johnson (SD)	Schumer
Cardin	Kerry	Sessions
Carper	Klobuchar	Shelby
Casey	Kohl	Snowe
Chambliss	Landrieu	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	Manchin	Warner
Crapo	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden

NAYS—35

Alexander	Heller	McConnell
Ayotte	Hutchison	Moran
Barrasso	Inhofe	Murkowski
Blunt	Inouye	Murray
Boozman	Johnson (WI)	Paul
Cantwell	Kirk	Roberts
Coats	Kyl	Rubio
Corker	Lee	Thune
Cornyn	Lieberman	Toomey
DeMint	Lugar	Vitter
Enzi	McCain	Wicker
Hatch	McCaskill	

NOT VOTING—2

Coburn	Shaheen
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The bill (S. 1619) was passed, as follows:

S. 1619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Currency Exchange Rate Oversight Reform Act of 2011”.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTERING AUTHORITY.—The term “administering authority” means the au-

thority referred to in section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1677(1)).

(2) AGREEMENT ON GOVERNMENT PROCUREMENT.—The term “Agreement on Government Procurement” means the agreement referred to in section 101(d)(17) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(17)).

(3) COUNTRY.—The term “country” means a foreign country, dependent territory, or possession of a foreign country, and may include an association of 2 or more foreign countries, dependent territories, or possessions of countries into a customs union outside the United States.

(4) EXPORTING COUNTRY.—The term “exporting country” means the country in which the subject merchandise is produced or manufactured.

(5) FUNDAMENTAL MISALIGNMENT.—The term “fundamental misalignment” means a significant and sustained undervaluation of the prevailing real effective exchange rate, adjusted for cyclical and transitory factors, from its medium-term equilibrium level.

(6) FUNDAMENTALLY MISALIGNED CURRENCY.—The term “fundamentally misaligned currency” means a foreign currency that is in fundamental misalignment.

(7) REAL EFFECTIVE EXCHANGE RATE.—The term “real effective exchange rate” means a weighted average of bilateral exchange rates, expressed in price-adjusted terms.

(8) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(9) STERILIZATION.—The term “sterilization” means domestic monetary operations taken to neutralize the monetary impact of increases in reserves associated with intervention in the currency exchange market.

(10) SUBJECT MERCHANDISE.—The term “subject merchandise” means the merchandise subject to an antidumping investigation, review, suspension agreement, or order referred to in section 771(25) of the Tariff Act of 1930 (19 U.S.C. 1677(25)).

(11) WTO AGREEMENT.—The term “WTO Agreement” means the agreement referred to in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

SEC. 3. REPORT ON INTERNATIONAL MONETARY POLICY AND CURRENCY EXCHANGE RATES.

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than March 15 and September 15 of each calendar year, the Secretary, after consulting with the Chairman of the Board of Governors of the Federal Reserve System and the Advisory Committee on International Exchange Rate Policy, shall submit to Congress and make public, a written report on international monetary policy and currency exchange rates.

(2) CONSULTATIONS.—On or before March 30 and September 30 of each calendar year, the Secretary shall appear, if requested, before the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate and the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives to provide testimony on the reports submitted pursuant to paragraph (1).

(b) CONTENT OF REPORTS.—Each report submitted under subsection (a) shall contain the following:

(1) An analysis of currency market developments and the relationship between the United States dollar and the currencies of major economies and trading partners of the United States.

(2) A review of the economic and monetary policies of major economies and trading partners of the United States, and an evalua-

tion of how such policies impact currency exchange rates.

(3) A description of any currency intervention by the United States or other major economies or trading partners of the United States, or other actions undertaken to adjust the actual exchange rate relative to the United States dollar.

(4) An evaluation of the domestic and global factors that underlie the conditions in the currency markets, including—

(A) monetary and financial conditions;

(B) accumulation of foreign assets;

(C) macroeconomic trends;

(D) trends in current and financial account balances;

(E) the size, composition, and growth of international capital flows;

(F) the impact of the external sector on economic growth;

(G) the size and growth of external indebtedness;

(H) trends in the net level of international investment; and

(I) capital controls, trade, and exchange restrictions.

(5) A list of currencies designated as fundamentally misaligned currencies pursuant to section 4(a)(2), and a description of any economic models or methodologies used to establish the list.

(6) A list of currencies designated for priority action pursuant to section 4(a)(3).

(7) An identification of the nominal value associated with the medium-term equilibrium exchange rate, relative to the United States dollar, for each currency listed under paragraph (6).

(8) A description of any consultations conducted or other steps taken pursuant to section 5, 6, or 7, including any actions taken to eliminate the fundamental misalignment.

(9) A description of any determination made pursuant to section 9(a).

(c) CONSULTATIONS.—The Secretary shall consult with the Chairman of the Board of Governors of the Federal Reserve System and the Advisory Committee on International Exchange Rate Policy with respect to the preparation of each report required under subsection (a). Any comments provided by the Chairman of the Board of Governors of the Federal Reserve System or the Advisory Committee on International Exchange Rate Policy shall be submitted to the Secretary not later than the date that is 15 days before the date each report is due under subsection (a). The Secretary shall submit the report to Congress after taking into account all comments received from the Chairman and the Advisory Committee.

SEC. 4. IDENTIFICATION OF FUNDAMENTALLY MISALIGNED CURRENCIES.

(a) IDENTIFICATION.—

(1) IN GENERAL.—The Secretary shall analyze on a semiannual basis the prevailing real effective exchange rates of foreign currencies.

(2) DESIGNATION OF FUNDAMENTALLY MISALIGNED CURRENCIES.—With respect to the currencies of countries that have significant bilateral trade flows with the United States, and currencies that are otherwise significant to the operation, stability, or orderly development of regional or global capital markets, the Secretary shall determine whether any such currency is in fundamental misalignment and shall designate such currency as a fundamentally misaligned currency.

(3) DESIGNATION OF CURRENCIES FOR PRIORITY ACTION.—The Secretary shall designate a currency identified under paragraph (2) for priority action if the country that issues such currency is—

(A) engaging in protracted large-scale intervention in the currency exchange market, particularly if accompanied by partial or full sterilization;

(B) engaging in excessive and prolonged official or quasi-official accumulation of foreign exchange reserves and other foreign assets, for balance of payments purposes;

(C) introducing or substantially modifying for balance of payments purposes a restriction on, or incentive for, the inflow or outflow of capital, that is inconsistent with the goal of achieving full currency convertibility; or

(D) pursuing any other policy or action that, in the view of the Secretary, warrants designation for priority action.

(b) **REPORTS.**—The Secretary shall include a list of any foreign currency designated under paragraph (2) or (3) of subsection (a) and the data and reasoning underlying such designations in each report required by section 3.

SEC. 5. NEGOTIATIONS AND CONSULTATIONS.

(a) **IN GENERAL.**—Upon designation of a currency pursuant to section 4(a)(2), the Secretary shall seek to consult bilaterally with the country that issues such currency in order to facilitate the adoption of appropriate policies to address the fundamental misalignment.

(b) **CONSULTATIONS INVOLVING CURRENCIES DESIGNATED FOR PRIORITY ACTION.**—With respect to each currency designated for priority action pursuant to section 4(a)(3), the Secretary shall, in addition to seeking to consult with a country pursuant to subsection (a)—

(1) seek the advice of the International Monetary Fund with respect to the Secretary's findings in the report submitted to Congress pursuant to section 3(a); and

(2) encourage other governments, whether bilaterally or in appropriate multinational fora, to join the United States in seeking the adoption of appropriate policies by the country described in subsection (a) to eliminate the fundamental misalignment.

SEC. 6. FAILURE TO ADOPT APPROPRIATE POLICIES.

(a) **IN GENERAL.**—Not later than 90 days after the date on which a currency is designated for priority action pursuant to section 4(a)(3), the Secretary shall determine whether the country that issues such currency has adopted appropriate policies, and taken identifiable action, to eliminate the fundamental misalignment. The Secretary shall promptly notify Congress of such determination and publish notice of the determination in the Federal Register. If the Secretary determines that the country that issues such currency has failed to adopt appropriate policies, or take identifiable action, to eliminate the fundamental misalignment, the following shall apply with respect to the country until a notification described in section 7(b) is published in the Federal Register:

(1) **ADJUSTMENT UNDER ANTIDUMPING LAW.**—For purposes of an antidumping investigation under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.), or a review under subtitle C of such Act (19 U.S.C. 1675 et seq.), the following shall apply:

(A) **IN GENERAL.**—The administering authority shall ensure a fair comparison between the export price and the normal value by adjusting the price used to establish export price or constructed export price to reflect the fundamental misalignment of the currency of the exporting country.

(B) **SALES SUBJECT TO ADJUSTMENT.**—The adjustment described in subparagraph (A)

shall apply with respect to subject merchandise sold on or after the date that is 30 days after the date the currency of the exporting country is designated for priority action pursuant to section 4(a)(3).

(2) **FEDERAL PROCUREMENT.**—

(A) **IN GENERAL.**—The President shall prohibit the procurement by the Federal Government of products or services from the country.

(B) **EXCEPTION.**—The prohibition provided for in subparagraph (A) shall not apply with respect to a country that is a party to the Agreement on Government Procurement.

(3) **REQUEST FOR IMF ACTION.**—The United States shall inform the Managing Director of the International Monetary Fund of the failure of the country to adopt appropriate policies, or to take identifiable action, to eliminate the fundamental misalignment, and the actions the country is engaging in that are identified in section 4(a)(3), and shall request that the Managing Director of the International Monetary Fund—

(A) consult with such country regarding the observance of the country's obligations under article IV of the International Monetary Fund Articles of Agreement, including through special consultations, if necessary; and

(B) formally report the results of such consultations to the Executive Board of the International Monetary Fund within 180 days of the date of such request.

(4) **OPIC FINANCING.**—The Overseas Private Investment Corporation shall not approve any new financing (including insurance, reinsurance, or guarantee) with respect to a project located within the country.

(5) **MULTILATERAL BANK FINANCING.**—

(A) **IN GENERAL.**—The Secretary shall instruct the United States Executive Director at each multilateral bank to oppose the approval of any new financing (including loans, other credits, insurance, reinsurance, or guarantee) to the government of the country or for a project located within the country.

(B) **MULTILATERAL BANK.**—The term "multilateral bank" includes each of the international financial institutions described in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r).

(b) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive any action provided for under subsection (a) if the President determines that—

(A) taking such action would cause serious harm to the national security of the United States; or

(B) it is in the vital economic interest of the United States to do so and taking such action would have an adverse impact on the United States economy greater than the benefits of such action.

(2) **NOTIFICATION.**—The President shall promptly notify Congress of a determination under paragraph (1) (and the reasons for the determination, if made under paragraph (1)(B)) and shall publish notice of the determination (and the reasons for the determination, if made under paragraph (1)(B)) in the Federal Register.

(c) **REPORTS.**—The Secretary shall describe any action or determination pursuant to subsection (a) or (b) in the first semiannual report required by section 3 after the date of such action or determination.

SEC. 7. PERSISTENT FAILURE TO ADOPT APPROPRIATE POLICIES.

(a) **PERSISTENT FAILURE TO ADOPT APPROPRIATE POLICIES.**—Not later than 360 days after the date on which a currency is designated for priority action pursuant to section 4(a)(3), the Secretary shall determine

whether the country that issues such currency has adopted appropriate policies, and taken identifiable action, to eliminate the fundamental misalignment. The Secretary shall promptly notify Congress of such determination and shall publish notice of the determination in the Federal Register. If the Secretary determines that the country that issues such currency has failed to adopt appropriate policies, or take identifiable action, to eliminate the fundamental misalignment, in addition to the actions described in section 6(a), the following shall apply with respect to the country until a notification described in subsection (b) is published in the Federal Register:

(1) **ACTION AT THE WTO.**—The United States Trade Representative shall request consultations in the World Trade Organization with the country regarding the consistency of the country's actions with its obligations under the WTO Agreement.

(2) **REMEDIAL INTERVENTION.**—

(A) **IN GENERAL.**—The Secretary shall consult with the Board of Governors of the Federal Reserve System to consider undertaking remedial intervention in international currency markets in response to the fundamental misalignment of the currency designated for priority action, and coordinating such intervention with other monetary authorities and the International Monetary Fund. In doing so, the Secretary shall consider the impact of such intervention on domestic economic growth and stability, including the impact on interest rates.

(B) **NOTICE TO COUNTRY.**—At the same time the Secretary takes action under subparagraph (A), the Secretary shall notify the country that issues such currency of the consultations under subparagraph (A).

(b) **NOTIFICATION.**—The Secretary shall promptly notify Congress when a country that issues a currency designated for priority action pursuant to section 4(a)(3) adopts appropriate policies, or takes identifiable action, to eliminate the fundamental misalignment, and publish notice of the action of that country in the Federal Register.

(c) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive any action provided for under this section, or extend any waiver provided for under section 6(b), if the President determines that—

(A) taking such action would cause serious harm to the national security of the United States; or

(B) it is in the vital economic interest of the United States to do so, and that taking such action would have an adverse impact on the United States economy substantially out of proportion to the benefits of such action.

(2) **NOTIFICATION.**—The President shall promptly notify Congress of a determination under paragraph (1) (and the reasons for the determination, if made under paragraph (1)(B)) and shall publish notice of the determination (and the reasons for the determination, if made under paragraph (1)(B)) in the Federal Register.

(d) **DISAPPROVAL OF WAIVER.**—If the President waives an action pursuant to subsection (c)(1)(B), or extends a waiver provided for under section 6(b)(1)(B), the waiver shall cease to have effect upon the enactment of a resolution of disapproval described in section 8(a)(2).

(e) **REPORTS.**—The Secretary shall describe any action or determination pursuant to subsection (a), (b), or (c) in the first semiannual report required by section 3 after the date of such action or determination.

SEC. 8. CONGRESSIONAL DISAPPROVAL OF WAIVER.

(a) **RESOLUTION OF DISAPPROVAL.**—

(1) **INTRODUCTION.**—If a resolution of disapproval is introduced in the House of Representatives or the Senate during the 90-day period (not counting any day which is excluded under section 154(b)(1) of the Trade Act of 1974 (19 U.S.C. 2194(b)(1))), beginning on the date on which the President first notifies Congress of a determination to waive action with respect to a country pursuant to section 7(c)(1)(B), that resolution of disapproval shall be considered in accordance with this subsection.

(2) **RESOLUTION OF DISAPPROVAL.**—In this subsection, the term “resolution of disapproval” means only a joint resolution of the two Houses of the Congress, the sole matter after the resolving clause of which is as follows: “That Congress does not approve the determination of the President under _____ of the Currency Exchange Rate Oversight Reform Act of 2011 with respect to _____, of which Congress was notified on _____”, with the first blank space being filled section 7(c)(1)(B) or section 6(b)(1)(B), whichever is applicable, the second blank space being filled with the name of the appropriate country, and the third blank space being filled with the appropriate date.

(3) **PROCEDURES FOR CONSIDERING RESOLUTIONS.**—

(A) **INTRODUCTION AND REFERRAL.**—Resolutions of disapproval—

(i) in the House of Representatives—

(I) may be introduced by any Member of the House;

(II) shall be referred to the Committee on Financial Services and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee; and

(ii) in the Senate—

(I) may be introduced by any Member of the Senate;

(II) shall be referred to the Committee on Banking, Housing, and Urban Affairs; and

(III) may not be amended.

(B) **COMMITTEE DISCHARGE AND FLOOR CONSIDERATION.**—The provisions of subsections (c) through (f) of section 152 of the Trade Act of 1974 (other than paragraph (3) of such subsection (f)) (19 U.S.C. 2192 (c) through (f)) (relating to committee discharge and floor consideration of certain resolutions in the House and Senate) apply to a resolution of disapproval under this section to the same extent as such subsections apply to joint resolutions under such section 152.

(b) **RULES OF HOUSE OF REPRESENTATIVES AND SENATE.**—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and the rules provided for in this section supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules provided for in this section (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 9. INTERNATIONAL FINANCIAL INSTITUTION GOVERNANCE ARRANGEMENTS.

(a) **INITIAL REVIEW.**—Notwithstanding any other provision of law, before the United States approves a proposed change in the governance arrangement of any international financial institution, as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)), the

Secretary shall determine whether any member of the international financial institution that would benefit from the proposed change, in the form of increased voting shares or representation, has a currency that was designated a currency for priority action pursuant to section 4(a)(3) in the most recent report required by section 3. The determination shall be reported to Congress.

(b) **SUBSEQUENT ACTION.**—The United States shall oppose any proposed change in the governance arrangement of the international financial institution (described in subsection (a)), if the Secretary renders an affirmative determination pursuant to subsection (a).

(c) **FURTHER ACTION.**—The United States shall continue to oppose any proposed change in the governance arrangement of the international financial institution, pursuant to subsection (b), until the Secretary determines and reports to Congress that the proposed change would not benefit any member of the international financial institution, in the form of increased voting shares or representation, that has a currency that is designated a currency for priority action pursuant to section 4(a)(3).

SEC. 10. ADJUSTMENT FOR FUNDAMENTALLY MISALIGNED CURRENCY DESIGNATED FOR PRIORITY ACTION.

(a) **IN GENERAL.**—Subsection (c)(2) of section 772 of the Tariff Act of 1930 (19 U.S.C. 1677a(c)(2)) is amended—

(1) by striking “and” at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting “, and”; and

(3) by adding at the end the following:

“(C) if required by section 6(a)(1) of the Currency Exchange Rate Oversight Reform Act of 2011, the percentage by which the domestic currency of the producer or exporter is undervalued in relation to the United States dollar as determined under section 771(37).”.

(b) **CALCULATION METHODOLOGY.**—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end the following:

“(37) **PERCENTAGE UNDERVALUATION.**—The administering authority shall determine the percentage by which the domestic currency of the producer or exporter is undervalued in relation to the United States dollar by comparing the nominal value associated with the medium-term equilibrium exchange rate of the domestic currency of the producer or exporter, identified by the Secretary pursuant to section 3(b)(7) of the Currency Exchange Rate Oversight Reform Act of 2011, to the official daily exchange rate identified by the administering authority.”.

SEC. 11. CURRENCY UNDERVALUATION UNDER COUNTERVAILING DUTY LAW.

(a) **INVESTIGATION OR REVIEW.**—Subsection (c) of section 702 of the Tariff Act of 1930 (19 U.S.C. 1671a(c)) is amended by adding at the end the following:

“(6) **CURRENCY UNDERVALUATION.**—For purposes of a countervailing duty investigation under this subtitle where the determinations under clauses (i) and (ii) of paragraph (1)(A) are affirmative, or a review under subtitle C of this title, the following shall apply:

“(A) **IN GENERAL.**—The administering authority shall initiate an investigation to determine whether currency undervaluation by the government of a country or any public entity within the territory of a country is providing, directly or indirectly, a countervailable subsidy as described in section 771(5), if—

“(i) a petition filed by an interested party (described in subparagraph (C), (D), (E), (F),

or (G) of section 771(9)) alleges the elements necessary for the imposition of the duty imposed by section 701(a); and

“(ii) the petition is accompanied by information reasonably available to the petitioner supporting those allegations.”.

“(B) **DESIGNATION OF FUNDAMENTALLY MISALIGNED CURRENCY FOR PRIORITY ACTION.**—Upon designation of a currency as a fundamentally misaligned currency for priority action pursuant to section 4(a)(3) of the Currency Exchange Rate Oversight Reform Act of 2011, the administering authority shall initiate an investigation to determine whether the country that issues such currency is providing, directly or indirectly, a countervailable subsidy as defined in section 771(5), if—

“(i) a petition filed by an interested party (described in subparagraph (C), (D), (E), (F), or (G) of section 771(9)) alleges the elements necessary for the imposition of the duty imposed by section 701(a); and

“(ii) the petition is accompanied by information reasonably available to the petitioner supporting those allegations.”.

(b) **BENEFIT CALCULATION METHODOLOGY.**—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677), as amended by section 10(b), is further amended by adding at the end the following:

“(38) **CURRENCY UNDERVALUATION BENEFIT.**—For purposes of a countervailing duty investigation under subtitle A of this title, or a review under subtitle C of this title, the following shall apply:

“(A) **IN GENERAL.**—If the administering authority determines to investigate whether currency undervaluation is a countervailable subsidy as defined in section 771(5), the administering authority shall determine whether there is a benefit to the recipient and measure such benefit by comparing the simple average of the real exchange rates derived from application of the macroeconomic-balance approach and the equilibrium-real-exchange-rate approach to the official daily exchange rate identified by the administering authority. The administering authority shall rely upon data that are publicly available, reliable, and compiled and maintained by the International Monetary Fund or the World Bank, or other international organizations or national governments if International Monetary Fund or World Bank data is not available.

“(B) **DESIGNATION OF FUNDAMENTALLY MISALIGNED CURRENCY FOR PRIORITY ACTION.**—In the case of designation of a currency as a fundamentally misaligned currency for priority action pursuant to section 4(a)(3) of the Currency Exchange Rate Oversight Reform Act of 2011, the administering authority shall determine whether there is a benefit to the recipient and measure such benefit by comparing the nominal value associated with the medium-term equilibrium exchange rate of the currency of the exporting country, identified by the Secretary pursuant to section 3(b)(7) of such Act, to the official daily exchange rate identified by the administering authority.

“(C) **DEFINITIONS.**—

“(i) **MACROECONOMIC-BALANCE APPROACH.**—The term ‘macroeconomic-balance approach’ means a methodology under which the level of undervaluation of the real effective exchange rate of the exporting country’s currency is defined as the change in the real effective exchange rate needed to achieve equilibrium in the exporting country’s balance of payments, as such methodology is described in the guidelines of the International Monetary Fund’s Consultative Group on Exchange Rate Issues, if available.

“(ii) **EQUILIBRIUM-REAL-EXCHANGE-RATE APPROACH.**—The term ‘equilibrium-real-exchange-rate approach’ means a methodology under which the level of undervaluation of the real effective exchange rate of the exporting country’s currency is defined as the difference between the observed real effective exchange rate and the real effective exchange rate, as such methodology is described in the guidelines of the International Monetary Fund’s Consultative Group on Exchange Rate Issues, if available.

“(iii) **REAL EXCHANGE RATES.**—The term ‘real exchange rates’ means the bilateral exchange rates derived from converting the trade-weighted multilateral exchange rates yielded by the macroeconomic-balance approach and the equilibrium-real-exchange-rate approach into real bilateral terms.”.

(c) **EXPORT SUBSIDY.**—Section 771(5A)(B) of the Tariff Act of 1930 (19 U.S.C. 1677(5A)(B)) is amended by adding at the end the following new sentence: “The fact that a subsidy may also be provided in circumstances that do not involve export shall not, for that reason alone, mean that the subsidy cannot be considered contingent upon export performance.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section apply to countervailing duty investigations initiated under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and reviews initiated under subtitle C of title VII of such Act (19 U.S.C. 1675 et seq.) before, on, or after the date of the enactment of this Act.

SEC. 12. NONMARKET ECONOMY STATUS.

Paragraph (18)(B) of section 771 of the Tariff Act of 1930 (19 U.S.C. 1677(18)(B)) is amended—

(1) by striking “and” at the end of clause (v); and

(2) by redesignating clause (vi) as clause (vii) and inserting after clause (v) the following:

“(vi) whether the currency of the foreign country is designated, or has been designated at any time over the 5 years prior to review of nonmarket economy status, a currency for priority action pursuant to section 4(a)(3) of the Currency Exchange Rate Oversight Reform Act of 2011, and”.

SEC. 13. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), section 6(a)(1) and the amendments made by sections 10, 11, and 12 shall apply with respect to goods from Canada and Mexico.

SEC. 14. ADVISORY COMMITTEE ON INTERNATIONAL EXCHANGE RATE POLICY.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established an Advisory Committee on International Exchange Rate Policy (in this section referred to as the “Committee”). The Committee shall be responsible for—

(A) advising the Secretary in the preparation of each report to Congress on international monetary policy and currency exchange rates, provided for in section 3; and

(B) advising Congress and the President with respect to—

(i) international exchange rates and financial policies; and

(ii) the impact of such policies on the economy of the United States.

(2) **MEMBERSHIP.**—

(A) **IN GENERAL.**—The Committee shall be composed of 9 members as follows, none of whom shall be employees of the Federal Government:

(i) **CONGRESSIONAL APPOINTEES.**—

(I) **SENATE APPOINTEES.**—Four persons shall be appointed by the President pro tempore of the Senate, upon the recommendation of the chairmen and ranking members of the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate.

(II) **HOUSE APPOINTEES.**—Four persons shall be appointed by the Speaker of the House of Representatives upon the recommendation of the chairmen and ranking members of the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(ii) **PRESIDENTIAL APPOINTEE.**—One person shall be appointed by the President.

(B) **QUALIFICATIONS.**—Persons shall be selected under subparagraph (A) on the basis of their objectivity and demonstrated expertise in finance, economics, or currency exchange.

(3) **TERMS.**—Members shall be appointed for a term of 4 years or until the Committee terminates. An individual may be reappointed to the Committee for additional terms.

(4) **VACANCIES.**—Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(b) **DURATION OF COMMITTEE.**—Notwithstanding section 14(c) of the Federal Advisory Committee Act (5 U.S.C. App.), the Committee shall terminate on the date that is 4 years after the date of the enactment of this Act unless renewed by the President pursuant to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) for a subsequent 4-year period. The President may continue to renew the Committee for successive 4-year periods by taking appropriate action prior to the date on which the Committee would otherwise terminate.

(c) **PUBLIC MEETINGS.**—The Committee shall hold at least 2 public meetings each year for the purpose of accepting public comments, including comments from small business owners. The Committee shall also meet as needed at the call of the Secretary or at the call of two-thirds of the members of the Committee.

(d) **CHAIRPERSON.**—The Committee shall elect from among its members a chairperson for a term of 4 years or until the Committee terminates. A chairperson of the Committee may be reelected chairperson but is ineligible to serve consecutive terms as chairperson.

(e) **STAFF.**—The Secretary shall make available to the Committee such staff, information, personnel, administrative services, and assistance as the Committee may reasonably require to carry out its activities.

(f) **APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.**—

(1) **IN GENERAL.**—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

(2) **EXCEPTION.**—Except for the 2 annual public meetings required under subsection (c), meetings of the Committee shall be exempt from the requirements of subsections (a) and (b) of sections 10 and 11 of the Federal Advisory Committee Act (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or the Secretary that such meetings will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of monetary and financial policy.

SEC. 15. REPEAL OF THE EXCHANGE RATES AND ECONOMIC POLICY COORDINATION ACT OF 1988.

The Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5301 et seq.) is repealed.

Mr. UDALL of Colorado. Mr. President, I rise to discuss the recent vote on the Currency Exchange Rate Oversight Reform Act of 2011 that just passed in the Senate. The issue of currency misalignment and manipulation has brought to the surface a myriad of concerns that face our country’s workers and businesses.

Coloradans are concerned that American businesses and producers are unable to compete fairly in the global marketplace when foreign countries keep the value of their currency artificially low. Those who have both supported and opposed this legislation agree that the artificial undervaluation of foreign currency has had a negative impact on the competitiveness of U.S. exports and that it needs to be remedied. In the case of China, numerous economists have estimated that its currency is undervalued by anywhere from 12 to 50 percent. The International Monetary Fund and the U.S. Treasury are also among those who have determined that the undervaluation of Chinese currency is real.

The implications of this artificial undervaluation include a detrimental effect on the competitiveness of U.S. products abroad, making Chinese products artificially cheaper than U.S. products. The National Association of Manufacturers has affirmed “that the excessive valuation of the dollar [relative to foreign currencies] simply prices U.S. exports out of the market.” They highlight that their members “have made it clear that the number-one factor affecting their exports is the value of the dollar.”

We can agree that artificial undervaluation of currency is a serious problem that harms our economy, our worldwide competitiveness, and our American workers. And it needs to be addressed. Yet the principle challenge here has been how we should ultimately go about making sure our economic partners, such as China, are honoring shared commitments to compete on a level playing field.

I understand the concerns of both sides in this debate and I know that many American businesses that have a presence in China and across our globe are concerned about the potential for retaliatory action from China. These companies, many of which also face ongoing issues of inadequate protection of intellectual property, discriminatory indigenous innovation and other industrial policies that limit access to Chinese markets, are understandably worried that China would further restrict their markets to fair competition.

I have also heard the frustration of domestic producers and U.S. workers

who, together, produce a whole host of products in the U.S. and have felt the direct effect of being unable to compete fairly due to the discounting effect that China's currency undervaluation has on Chinese imports.

All of these concerns are valid, and despite some of my Senate colleagues' disagreement on whether to support the legislation that came before us, the common denominator in this debate has been a desire for fairness. And I believe that we will move closer to achieving fairness in the market place with a clearer commitment to a market-based exchange rate from our trade and economic partners.

As sovereign nations, we all have the economic well being of our respective countries at heart, but that does not justify the use of unfair trade practices, and we cannot turn a blind eye when this happens. Nor should we allow the specter of a "trade war" to distract us from the fact that China is not abiding by the international rules that were put in place to help prevent trade wars in the first place. China agreed to abide by these rules of the international community—including rules about intellectual property rights and unfair restrictions to market access, as well as rules against intentional currency misalignment—and we should not accept their adherence to certain rules but not others. They all apply.

After taking a closer look at the issue of China's currency undervaluation, taking into consideration the concerns that I have heard on this issue from a range of Coloradans, and reviewing the legislative proposal that was before us, I believed that the U.S. Senate needed to send a signal to China, and others who may be intentionally undervaluing their currencies. The message is that Americans value playing by the rules and that we expect our trade partners to live up to our shared commitment to compete fairly in the global marketplace.

I ultimately came to the conclusion that this bipartisan legislation, known as the Currency Exchange Rate Oversight Reform Act of 2011, was an appropriate way to send a signal that we are serious about working bilaterally and/or multilaterally, in a manner consistent with World Trade Organization agreements, to develop a responsible plan so that currencies identified as fundamentally misaligned can be valued appropriately based on relevant market factors. In the event that the misaligned currency goes unresolved, the legislation also authorizes the administration to take action to protect American businesses and workers from the discounting effect that the undervaluation of the currency can have on imports from the respective country. I believe that the mechanisms built into this legislation can promote a collaborative effort to address any undervalu-

ation of a foreign currency, while also sending the message that we cannot allow American businesses to be undercut.

My choice to support this legislation aligns best with the common sense and pragmatic thinking of Coloradans. Unfortunately, China continues to characterize efforts on the part of the United States to ensure a level playing field for international trade as "protectionist." Supporting fair competition, fair access to markets and fulfillment of the commitments of our shared expectations among economic and trade partners is far from protectionist. As former President Ronald Reagan once stated, "To make the international trading system work, all must abide by the rules." I urge China to act in good faith and to remain committed to reaching economic stability through cooperative action that encourages fair competition. The legislation I just supported is one component to reaching that goal, and I believe it supports the American businesses and workers who are propelling our nation to continue to be the leader in the global economic race.

Mr. WARNER. Mr. President, I rise today to discuss S. 1619, known as the China Currency bill. I voted for that bill today because China has not made the progress that the U.S. and other countries have sought on currency issues. These currency issues can lead to economic distortions that cost the American economy jobs and increase economic risks for the global economy. Ideally, we would address these problems through negotiations with China and some other countries, but that course that has not yet yielded significant results. I hope we will make better progress on these currency issues in the future, and then perhaps legislation such as this won't be necessary. This bill is not perfect; ideally it would more clearly distinguish countries with unhelpful currency policies, from those which have taken a more measured course in managing their economies and currency. I would rather not resort to sanctions or countervailing duties, but the lack of progress on currency issues has made it appropriate to consider the steps set forth in this bill. While the final version of this legislation is not precisely as I would have written it, it is appropriate for the Congress to be heard on this issue, so tonight I voted for this bill. I hope that in the near future, we can resolve all of our currency issues with China and other nations.

AMERICAN JOBS ACT OF 2011— MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. Under the previous order, there is now 5 minutes for debate equally divided between the two leaders or their designees prior to a vote on the motion to invoke clo-

ture on the motion to proceed to S. 1660.

Mr. REID. Mr. President, we would yield back our time and use leader time for a colloquy between the two of us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, we have done a lot of sparring back and forth over the last week trying to get a vote on the President's so-called jobs proposal, and now we have before us cloture on the motion to proceed to the second version of the President's so-called jobs proposal. It strikes me it would be appropriate to try one more time to see if we could get a vote on the actual proposal. So I have indicated to my good friend the majority leader that I am going to ask unanimous consent that we vote on both the original President Obama jobs proposal and the revised Obama jobs proposal upon which we currently have pending cloture on the motion to proceed. It strikes me this would expedite the process. The President has been out on the campaign trail asking us to vote on his proposal and vote on it now without change. If that is a vote our friends on the other side do not want to have, we would be happy to have a vote on the President's proposal as changed, which I gather he also supports.

So bearing that in mind, I now ask unanimous consent that the cloture vote on the motion to proceed to S. 1660, the newly introduced jobs act, be vitiated, the Senate proceed to its consideration, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no intervening action or debate; provided further that if the bill does not receive 60 votes on passage, the bill then be placed back on the calendar.

I further ask unanimous consent that immediately following that vote, the Senate proceed to the consideration of S. 1549, the President's job package; that the bill be read the third time and the Senate proceed to vote on passage of the bill, with no intervening action or debate; provided further, that if the bill doesn't receive 60 votes on passage, the bill then be placed back on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, everyone should understand, on Thursday, on this side we agreed to a vote on the President's jobs bill. There have been a number of things that have occurred since then.

We seek today, with this motion, to proceed to get to the jobs bill—a good jobs bill. We seek to begin a legislative process. Senators from my side and Senators from the other side—the Republican side—have said they want to be able to get a bill where they can offer ideas to create jobs. I think that is commendable. That is what we seek to do to get on this bill.

I ask my colleague, the Republican leader, if he might modify his request to allow the Senate to proceed to the bill so we might begin consideration of an amendment to the bill. I also say, in response to modification, I have said to my friends on the Republican side of the aisle and on the Democratic side, as I said last Thursday, the President's original package we have talked about for some time. If people want to vote on that, they can vote on that. I think it would be to everyone's best interest to move to proceed to this so we can make this legislation even better than it now is. I ask for that modification.

The PRESIDING OFFICER. Does the Republican leader so modify his request?

Mr. MCCONNELL. I have been trying for a over a week to get a vote on the President's so-called jobs proposal, which he has been asking us to give him repeatedly. Our friends on the other side are not only objecting to voting on the President's original jobs proposal but his jobs proposal as modified.

The practical result, however, of voting for cloture on the motion to proceed, rather than going on and voting on the bill, as the President has asked us to do on 12 occasions out on the campaign trail, is we will not be able to proceed to one of the things that is rare here—we actually have a bipartisan agreement to go forward on these important trade agreements, pass them tomorrow night, and then have the President of South Korea address a joint session of Congress. South Korea is one of our most important allies—probably the most important ally in Asia. Why would we not just want to vote on the proposal tonight? I am sorry we will not be able to do that.

I will continue to look for opportunities to give the President the vote he has asked for repeatedly—not a procedural vote but a real vote on the matter he requested.

I object.

Mr. REID. Mr. President, I will continue to work with my friend to get on the jobs bill, so the Senate can work its will and provide to the American people jobs. I object to my friend's request.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Pursuant to rule XXII the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 187, S. 1660, the American Jobs Act of 2011.

Harry Reid, Richard J. Durbin, Charles E. Schumer, Sherrod Brown, Robert Menendez, Mark Begich, Barbara Boxer, Debbie Stabenow, Richard Blumenthal, Sheldon Whitehouse, Ber-

nard Sanders, John F. Kerry, Frank R. Lautenberg, Jeff Merkley, Barbara A. Mikulski, Benjamin L. Cardin, Patrick J. Leahy

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1660, a bill to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs, shall be brought to a close? The yeas and nays are mandatory under the rules.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 49, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—50

Akaka	Gillibrand	Mikulski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Lieberman	Warner
Cooms	Manchin	Webb
Durbin	McCaskill	Whitehouse
Feinstein	Menendez	Wyden
Franken	Merkley	

NAYS—49

Alexander	Grassley	Nelson (NE)
Ayotte	Hatch	Paul
Barrasso	Heller	Portman
Blunt	Hoeven	Reid
Boozman	Hutchison	Risch
Brown (MA)	Inhofe	Roberts
Burr	Isakson	Rubio
Chambliss	Johanns	Sessions
Coats	Johnson (WI)	Shelby
Cochran	Kirk	Snowe
Collins	Kyl	Tester
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	McCain	Vitter
DeMint	McConnell	Wicker
Enzi	Moran	
Graham	Murkowski	

NOT VOTING—1

Coburn

The PRESIDING OFFICER. On this vote, the yeas are 50, nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

Mr. RUBIO. Mr. President, I strongly oppose S. 1660, the American Jobs Act of 2011.

I am eager to work with Members of both parties to find common ground on policies that will help grow the economy at a time when our nation continues to struggle with high unemployment and low economic growth. To be clear, there are certain proposals in the American Jobs Act that I would support individually, including an extension of the payroll tax cut, allowing businesses to fully expense the cost of acquiring new capital, and a delay of the three percent withholding penalty on government contractors. These provisions would provide piecemeal relief to the economy.

Unfortunately, the positive provisions in the American Jobs Act are overshadowed by a massive \$453 billion tax hike that would be highly damaging to the ability of businesses that pay individual tax rates to expand operations, hire new workers and compete internationally. According to data from the Department of the Treasury, 80 percent of taxpayers affected by this new 5.6 percent tax increase would be business owners. Furthermore, the Joint Committee on Taxation estimates that 34 percent of business income would be ensnared by the job-destroying tax increase in S. 1660.

Worse, if the 2001 tax relief expires as scheduled in 2013, this new tax surcharge would push the top marginal tax rate to nearly 50 percent when accounting for the new 3.8 percent Medicare tax on unearned income in the Patient Protection and Affordable Care Act. It would also sharply increase taxes on capital gains and dividends investment, hurting small businesses and investors.

Small businesses have been burdened by more than \$1 trillion new taxes and penalties in the health care law and regulatory agencies have churned out over 60,000 pages of new Federal regulations this calendar year alone. Simply put, they cannot afford the burden of another tax hike from Washington under the guise of job creation.

This is why the Nation's leading business groups representing millions of American business owners, including the National Federation of Independent Business and the National Association of Manufacturers, all strongly oppose the permanent tax hike in S. 1660. This is why a growing group of Democrats vocally oppose this legislation, and why I oppose proceeding to it.

Since I joined the Senate 9 months ago, I have maintained my strong belief that Democrats and Republicans should work together to pass policies proven to boost economic growth like progrowth tax and regulatory reform, lowering barriers to free trade, and cutting spending to avert our looming debt crisis. Unfortunately, the huge tax increases on job creators and more debt-financed stimulus spending in the American Jobs Act would move our Nation in squarely the wrong direction.

Mr. WHITEHOUSE. Mr. President, this evening, I cast my vote in favor of the Senate moving forward with critical job-creation legislation. With 61,000 Rhode Islanders and millions of Americans currently looking for jobs, we must take swift action to help put people back to work. Sadly, as they have all-too-many times this Congress, Republicans chose to obstruct our efforts by blocking us from even debating the American Jobs Act.

This filibuster is particularly disappointing because the American Jobs Act, as introduced in the Senate by Leader REID, represents a balanced and already-tested approach to job creation. Indeed, the bill includes a host of provisions that have received wide bipartisan support in the past. It may not be the exact bill each of us would draft on our own, but it is a thoughtful and reasonable place to begin working on a Senate jobs plan.

I say the bill is "balanced" because it includes a full range of job-creating provisions from tax credits to help businesses hire, to infrastructure programs that will put people to work updating and upgrading our roads, bridges, and schools.

In addition to being "balanced," I say the American Jobs Act is "tested" because it includes programs that have worked in the past. For example, the Federal Highway Administration estimated that \$1 billion invested in our highways supports about 28,000 jobs. That means that the President's proposed investment of \$27 billion would generate or save over 750,000 jobs. In addition to the upfront investment, the bill would deposit another \$10 billion in a National Infrastructure Bank which could leverage the money with private investments to create hundreds of thousands of additional jobs. We know how well the National Infrastructure Bank would work from the experiences of local revolving funds like Rhode Island's Clean Water Finance Agency.

We also know that funds provided by the bill would prevent hundreds of thousands of teachers, police officers, and firefighters from losing their jobs. According to the Department of Education, \$10 billion in emergency funds provided last summer have already spared 114,000 teachers' jobs. The \$35 billion included in the American Jobs Act would keep hundreds of thousands of additional teachers and first responders from getting pink slips. A lot of small businesses count on teachers and firefighters and police officers with paychecks coming in to do business.

We are not just talking about statistics in this debate. The millions of jobs that would be created or preserved under the American Jobs Act would hit home for families who have been trying to find work for so long.

Just last week, I held a telephone town hall with Rhode Islanders from all across our State. We took questions

from folks on issues from jobs to the future of Medicare and Social Security. There was one call in particular that really stuck with me. It was from a woman named Diane in Narragansett. Diane, a Marine veteran, and her husband are both out of work and struggling to put food on the table for their three young children. Her husband a trained heavy equipment operator and welder has taken temporary employment as a landscaper and a fisherman, but can not find a steady paycheck. They have missed bill payments and have struggled to keep a roof over their heads. On the call Diane said, "[o]ur dream of owning a house is shot out the window . . . [We] don't know where to go [We] don't know what else to do." Diane and her husband are hard-working people doing their best to survive in a frustratingly sluggish economic recovery. They are just asking for a fair chance to provide for their kids and reclaim their portion of the American dream. We owe it to Diane and her family to set aside our differences and focus on getting something done to create jobs for the American people. It is not too late for us to work together to help solve our Nation's jobs crisis. Let us cut the politics and delay tactics and begin that critical work.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING STEVE JOBS

Mrs. BOXER. Mr. President, today I join my colleagues and so many around the world in paying tribute to Apple chairman and cofounder Steve Jobs, the Silicon Valley pioneer who died at age 56 after a long, brave fight with pancreatic cancer. I send my deepest condolences to Steve Jobs' family and friends on this devastating loss.

Steve was a California icon and one of America's greatest innovators who changed the way we work, communicate, and live our daily lives. Billions of people around the world have been touched by the power of his ideas.

His true genius lay in knowing what consumers wanted and needed before they themselves knew it, and then giving them simple, elegant products to meet those needs. Many of us who never knew we needed an iPad or an iPod now can't do without them.

Steve was a Californian through and through: He was born in San Francisco, raised in Los Altos, and changed the world from Cupertino. He embodied California's entrepreneurial spirit of creativity and optimism. In the proc-

ess, he created millions of jobs in industries that he himself helped to create.

Even in the face of a deadly disease, Steve never lost his grace, his sense of humor, and his optimism. In a commencement address at Stanford University in 2005, he talked openly about his illness and urged graduates to devote their lives to following their passions. "Your time is limited, so don't waste it living someone else's life," he told them. "Don't be trapped by dogma—which is living with the results of other people's thinking. Don't let the noise of others' opinions drown out your own inner voice. And most important, have the courage to follow your heart and intuition."

These were the principles he lived by. This was the guiding philosophy that helped create a revolution in communications. And these are the lessons that still inspire so many all across the world.

All of us are deeply grateful to Steve Jobs, who showed us once again how one person really can change the world.

IRAN CAPTIVE

Mr. BLUNT. Mr. President, I draw the Senate's attention to a troubling situation abroad. By now, many following the news have heard of the name Youcef Nadarkhani. Pastor Youcef is a Christian in Iran who has been sentenced to death for refusing to deny his faith. He was originally arrested in October 2009 while attempting to register his church. He allegedly questioned the Muslim monopoly on the religious instruction of children in the state.

To Iran, his crime is his Christian faith and evangelism, and the punishment is death. For as many problems as we face in America, we are blessed that this is not one of them. The American Center for Law and Justice and other national groups have been diligently working on the case since it was first reported earlier this year. At any moment, Pastor Youcef could be executed without notice to his family or the public. I would like to take this time to add my name to the list of those calling for his immediate, unconditional release.

This past weekend, Iran began to claim that Pastor Youcef's crimes were not of religion but of rape and threats to national security. These new allegations appear to be a new and unfounded attempt to justify his execution. None of these crimes were mentioned in his trial over the past 2 years.

While "religious freedom" may be the law of the land in Iran, it is certainly not the practice. This audience is well aware of the persecution of religious minorities and Christians abroad. We should not forget the plight of religious minorities throughout this region, especially the Coptic Christians

in Egypt, Chaldo-Assyrian Christians in Iraq, the dwindling Christian population in the Holy Land, and other religious minorities in the Middle East.

I believe we can and we must do more to advance religious freedom abroad. Earlier this year, in coordination with Congressman FRANK WOLF in the House and my Senate colleague, Mr. LEVIN, I introduced the Near East and South Central Asia Religious Freedom Act. The bill creates a Special Envoy on religious freedom in the State Department to monitor the status of religious minorities in these particularly vulnerable regions. I am sincerely committed to this effort and believe that it is essential to promoting the God-given right to liberty around the world. I am hopeful that the Senate can soon join the House in passing this important legislation.

I ask that other Members of the Senate join me in this call to save Pastor Youcef Nadarkhani's life and condemn Iran's denial of the universal right to religious freedom.

CELEBRATING 100 YEARS OF THE WASHINGTON PARISH FAIR

Ms. LANDRIEU. Mr. President, located on the eastern edge of Louisiana, Washington Parish plays a central role in celebrating our State's unique culture and history. Every October, residents and leaders of the parish host the annual Washington Parish Fair, which marks its 100th anniversary this month.

This quiet but remarkable parish is known for its agriculture, its scenic rivers, and its thriving workforce, which spans across a number of industries, including paper and timber production. Once the center of the dairy industry, the area boasts a relatively low unemployment rate, with nearly 75 percent of its workforce belonging to the community's private sector.

The parish is also known for its genuine hospitality. Its residents volunteer tirelessly for the annual Washington Parish Fair, which is believed to be the largest fair of its kind in the country. The 5-day event, which began in 1911, now attracts families from all over the State. They spend the week-end enjoying the wide range of activities the fair has to offer—including a livestock show, a rodeo and carnival rides—while taking in the unique Louisiana scenery.

This popular event is a model of the community spirit and a prime example of the cultural and economic advancement that can be achieved when neighbors work together for a common goal. Every year, Washington Parish leaders and residents commit themselves to the success of the event, and I commend them for their efforts to continue such a first-rate Louisiana tradition.

CHILDHOOD OBESITY AWARENESS MONTH

Mr. BROWN of Ohio. Mr. President, as September ended, so did Childhood Obesity Awareness Month. While it is important to set aside a month for special attention to this epidemic, we must not forget that childhood obesity is a year-round battle.

The facts about childhood obesity are startling. Obesity rates have more than tripled in the last 30 years. In Ohio, more than 30 percent of children and adolescents are overweight or obese. Our children living with obesity experience lifelong health problems, including type 2 diabetes, heart problems, and bone and joint problems.

Combating childhood obesity might seem like an uphill battle, but with national attention on the issue, we can meet this urgent need. And communities across Ohio and the Nation are doing their part. Public and private partnerships are joining forces to unite in the fight against childhood obesity.

We see it with the U.S. Surgeon General's healthy youth for a healthy future initiative promoting healthy eating and physical activity to the Do Right! Campaign in communities in greater Cincinnati. We see it with Let's Move! events throughout the State, and collaborations between Federal and State governments and local communities, organizations, and individuals.

Last year, the Senate passed landmark child nutrition legislation, the Healthy, Hunger Free Kids Act, to help promote health and reduce childhood obesity. This bill will improve the nutritional quality of school meals through an increase in Federal reimbursement for school lunches. It also establishes national nutrition standards for all foods sold in schools so that vending machine food and snacks in the a la carte line are healthy and nutritious. The Healthy, Hunger Free Kids Act will connect more children to healthy, locally grown produce through farm-to-school programs with the dual benefit of making sure children know how their food is grown and supporting Ohio farmers.

Also worth noting is the U.S. Department of Agriculture's, USDA, progress in updating the nutrition standards for school meals so they are in line with current nutrition science. I commend the USDA for its efforts and urge it to finalize these new school lunch rules quickly so that children across the country get the benefit of more fruits, vegetables, whole grains, and low-fat dairy products.

I am also proud of the proactive efforts of Ohio hospitals in acknowledging their ability to combat the epidemic of childhood obesity.

The Cleveland Clinic's 5 to Go! Program is a comprehensive childhood wellness program. A partnership with family health centers, hospitals,

schools, and neighborhood partners, 5 to Go! is working in Cuyahoga County to keep children healthy by encouraging them to get 1 hour of exercise a day and consume more fruits and vegetables in their meals.

University Hospitals Rainbow Babies and Children's Hospital is a national leader in addressing childhood diabetes—one of the more serious side effects of obesity. Through funding awarded by the Centers for Disease Control and Prevention, Rainbow is home to the Center of Excellence for Childhood Diabetes, Activity, and Nutrition. Rainbow is holding workshops to educate school nurses on childhood diabetes and hosting events with patients and their family focusing on breakthroughs in treatment and disease management.

By teaming up with the Kohl's Community Youth Fitness Program, Akron Children's Hospital is teaching 8 to 13-year-olds about healthy fitness and eating habits through participation in activities and games.

In Toledo, ProMedica is focusing its attention on community-based nutrition programs. The Fields of Green Program includes everything from hydroponic and community gardens tended to by neighborhood children to a scholarship program for high school students. And, through a partnership with the YMCA and the United Way, the Summer Feeding Program has increased the number of meals served to children under 18 from 1,500 to over 45,000 in only 1 year.

Nationwide Children's in Columbus is an Ohio Healthy Weight Outcome member, one of ten teams selected to participate in the National Health Weight Collaborative. Funded through the Affordable Care Act, the Collaborative's mission is to optimize health outcomes in children by implementing a multilevel obesity prevention and treatment demonstration project in a low-income area. Nationwide and the Ohio Healthy Weight Outcomes Program are implementing the Healthy Neighborhood Healthy Family (HNHF) zone with the goal of reducing the obesity rate in Columbus fifth graders by 10 percent in 5 years.

And Cincinnati Children's Hospital is working with both children and their parents to make simple yet effective dietary changes. The hospital is also working with local school districts to increase children's consumption of fruits and vegetables and replace sugary drinks in school lunches. Additionally, through a partnership with U.S. Bank and the Boys and Girls Club, over 3,000 children participated in Cincinnati Children's kids' marathon—an incremental marathon over an 8-week period that included running as well as nutrition and health education.

September brought an end to Childhood Obesity Awareness Month, but I look forward to continuing to work

with schools and hospitals, teachers and parents, and all Ohioans to combat childhood obesity and ensure a healthier future for our Nation's children.

THE AMERICAN ACADEMY OF ARTS AND SCIENCES

Mr. BROWN of Massachusetts. Mr. President, today I would like to recognize the newest members of the American Academy for Arts and Sciences upon their induction on October 1, 2011, in Cambridge, MA.

The American Academy, which was founded during the American Revolution by John Adams, John Hancock and other notable scholar-patriots, includes some of the world's most notable scientists, scholars, artists, authors and leaders.

Its nonpartisan, independent research has provided us with a significant collection of knowledge in numerous fields of science, humanities, culture and education for more than 200 years.

The 231st class of members must therefore be recognized for their distinguished success in their respective fields, as well as their election to an institution of the world's most celebrated leaders.

On behalf of the Commonwealth of Massachusetts, I ask my colleagues to join me in congratulating the 211 new members of the American Academy of Arts and Sciences, particularly the 28 inductees from Massachusetts. It is an honor and pleasure to recognize their continuing service and intellectual leadership not only in Massachusetts, but also nationally and across the world. I wish the Academy good luck and continued success in their future endeavors.

ADDITIONAL STATEMENTS

PENNSYLVANIA AVENUE AFRICAN METHODIST EPISCOPAL ZION CHURCH

• Mr. CARDIN. Mr. President, today I wish to recognize and congratulate the Pennsylvania Avenue African Methodist Episcopal, AME, Zion Church in Baltimore as the congregation celebrates the church's 170th anniversary. Founded on May 31, 1841, Pennsylvania Avenue AME Zion Church has flourished for many decades under the guidance and spiritual leadership of its anointed pastors since it was founded on May 31, 1841.

Records from 1904 reveal that Reverend B.J. Bolding and 200 church members purchased Zion's first building at 1125 Pennsylvania Avenue for \$16,000. Reverend Bolding served for 27 years until Rev. George Marion Edwards became the pastor in May 1931. Twenty-eight years later, on Oc-

tober 4, 1959, Rev. Clinton Rueben Coleman was chosen as Zion's new spiritual leader and served during the tumultuous years of the civil rights movement. Reverend Coleman was responsible for the renovation of the old Zion Church building and started the course toward planning and building a new church building. On May 12, 1972, he was elected to the AME Zion Church's 12-member Board of Bishops, the denomination's 72nd bishop in succession.

In 1972, Rev. Marshall H. Strickland was selected to lead Zion, and the journey continued towards constructing a new church. Three years later, Reverend Strickland led the groundbreaking ceremony at the southwest corner of Pennsylvania Avenue and Dolphin Street. On Sunday, April 10, 1977, after 16 years of vision, perseverance, and hard work, a jubilant congregation marched into the new church building. Eleven years later, on May 15, 1988, the mortgage note for the church was burned. On July 31, 1992, Reverend Strickland was elected the 88th bishop in succession in the AME Zion Church.

In September 1992, continuing the legacy of an historic church with great spiritual leaders, the Reverend Dr. Dennis Vernon Proctor was appointed pastor of the Pennsylvania Avenue AME Zion Church. Dr. Proctor's leadership and pastoral abilities, steadfastly applied for over a decade, increased the church's membership to over 1,800 congregants. After 16 years of faithful service to Zion Church, Dr. Proctor was elected the 97th bishop in succession during the Quadrennial Convention in Atlanta, GA, on July 18, 2008.

On September 14, 2008, less than 2 months before our Nation elected its first African American President, the Right Reverend Warren M. Brown, presiding prelate of the Mid-Atlantic II Episcopal District, announced the current pastor of the Pennsylvania Avenue AME Zion Church, Rev. Lester Agyei McCorn, to a standing-room-only congregation.

Pennsylvania Avenue AME Zion Church, located in Baltimore's Upton community, is committed to providing spiritual leadership and support to help people overcome the political, social, and educational struggles affecting them in the communities that the church serves. It is a Kingdom-focused church, whose legacy continues with a renewed vision to make new disciples, help believers to mature in their faith, and multiply outreach and service ministries.

I encourage all Senators to join me in congratulating Pennsylvania Avenue AME Zion Church on its 170th anniversary and its even brighter future. •

TRIBUTE TO DICK WILKERSON

• Mr. GRAHAM. Mr. President, I would like to recognize the achievements of

one of South Carolina's most respected citizens.

Greenville, SC, is the home of Michelin's North American headquarters. One of the largest tire manufacturers in the world, Michelin has had a presence in the state for over thirty years and currently employs nearly 8,000 South Carolinians. Michelin is known for its innovation and the quality of its products. It is also one of the finest corporate citizens we have in South Carolina.

Dick Wilkerson, the current chairman and president of Michelin North America, will retire at the end of 2011 after 31 years with the company, the last 3-plus years in his current role. Upon his retirement, he will become chairman emeritus of Michelin North America, in recognition of his remarkable career and strong and effective leadership during a very difficult economic time.

Under Dick's leadership, Michelin became the largest tire maker in North America by sales and has remained the most profitable tire maker in North America for 7 consecutive years. That is quite an achievement given the tough economic circumstances.

Wilkerson also led the creation of major community programs, including Michelin Development Upstate South Carolina and Michelin Challenge Education.

Michelin Development provides low interest loans and access to our considerable business expertise to create quality sustainable jobs and promote economic growth. To date, investments in Upstate South Carolina total more than \$2 million, 33 loans have been supported, and more than 750 potential jobs have been created inspiring new economic growth.

Michelin Challenge Education focuses on the support of public elementary schools located in close proximity to major Michelin facilities. By forming a true partnership between each facility and its adopted school, Michelin provides support to meet the specific needs of each school. Several of these include low-income schools receiving Federal title I funds. The program formalizes an opportunity for Michelin's nearly 8,000 South Carolina employees to make a personal contribution to the improvement of public education through hands-on involvement. Michelin employees serve as mentors, tutors and volunteers.

Dick currently serves as chairman of the South Carolina State Chamber of Commerce Board of Directors. He also serves on the Clemson University President's Advisory Board and the University of South Carolina National Advisory Council. Nationally, he serves on the board of the Rubber Manufacturers Association and Board of Directors of the Yellowstone Park Foundation.

He is active in the Greenville, SC community, serving as chairman-elect

of the United Way of Greenville County Board of Trustees. Previously, Dick served as chair of the United Way of Greenville County fundraising campaign. He has served on the boards of the Greenville Urban League, the chamber of commerce, the University Center, and the Greenville Symphony.

Dick has been a true leader in the State's business community. Michelin has turned in strong financial results, which reflects their strong commitment to their shareholders. Beyond that, is the company's commitment to its employees and the fact that Michelin is a true partner with the communities where their employees live and operate manufacturing facilities. Michelin is a superb example of how a good corporate citizen behaves. We are proud of the fact that Michelin calls South Carolina "home."

Dick, congratulations to you on your 31 years with Michelin. Thank you for your past contributions to South Carolina, and I look forward to continuing our work together to make South Carolina a great place to live and work.●

REMEMBERING HANNAH SOLOMON

● Ms. MURKOWSKI. Mr. President, I come before you today with a heavy heart, as another of Alaska's treasured elders has passed. Yesterday would have marked the 103rd birthday of Hannah Solomon, a revered Athabascan elder and Gwich'in matriarch. Hannah passed away peacefully at her home in Fairbanks, September 16, 2011.

Grandma Hannah, as she was lovingly referred to, was surrounded by family and loved ones as she passed from this world. She spoke her last words softly, saying to family in Gwich'in, her traditional language, that it was time.

Hannah was known for her devotion to God. She was a very familiar face at St. Matthew's Episcopal Church in Fairbanks, and it is said that she was the last person alive to remember the sound of Episcopalian Archdeacon Hudson Stuck's voice. In the days following her passing, a red rose sat atop a crocheted pink and blue pillow in the empty pew seat where Hannah sat in devotion for so many years.

She was also well known for her beautiful and intricate beadwork; many of her pieces can be seen in museum collections around the world. Hannah was not only an artist but a culture bearer. She was born in the Interior of Alaska near the Porcupine River and raised 14 children in a traditional subsistence lifestyle. With no running water or electricity, the family enjoyed all the wealth their traditional homelands offered and never considered themselves to be poor.

Hannah may be best remembered for her social activism. With the wellbeing of her Gwich'in people always in mind,

she and her husband Paul Solomon, Sr., helped to form many Alaska Native organizations, including the Fairbanks Native Association and Denakkanaaga. Fluent in her Native language, Hannah also worked as one of the first early social workers in Alaska, helping to create services for those in need.

Her passing will leave a void in our hearts that is difficult to fill. With the passing of each Alaska Native elder we lose a connection to the past and our unique history. Hannah took her responsibility as a culture bearer very seriously, ensuring that future generations knew the stories and traditions of the Gwich'in culture. She was a role model, matriarch, and a leader of exceptional courage and strength, inspiring people to appreciate and love one another.

I would like to offer Hannah's Solomon's family and countless friends my heartfelt condolences. She served the Native people and our beloved State of Alaska brilliantly over the course of her entire life. It is my hope that her extraordinary life will continue to serve as an inspiration to all of us.●

REMEMBERING ERNEST HOUSE, SR.

● Mr. UDALL of Colorado. Mr. President, today I honor of my friend, Ernest House, Sr. I am deeply saddened by his death and I would like to take a few minutes to speak in his honor.

Mr. House was a member of the Weeminuche Band of the Ute Mountain Ute tribe. He was born and raised in Mancos Canyon, CO, in what is now the Ute Mountain Tribal Park in the Four Corners region of our State. Mr. House is the father of Michelle House, Jaque House Lopez, and Ernest House, Jr. He is the grandson of Chief Jack House, the Ute Mountain Ute's last hereditary chair. Ernest House, Sr., held a prominent role in the tribe's leadership over the course of the last three decades, serving several times as chairman and also as a tribal council member. In addition to his service with the tribe, he was also a veteran of the Colorado Army National Guard of the Special Forces Airborne Group, and he worked for the Bureau of Indian Affairs and the National Park Service through the U.S. Department of the Interior.

I have admired Mr. House's leadership for many years. He was renowned across Indian Country for his gentle but effective leadership. At the heart of all of his efforts was the goal of improving the lives of his people, which he accomplished on a daily basis. His tireless advocacy for tribal businesses and enterprises led to the completion of several building projects, including the creation of the National Indian Health Service's Tribal Epidemiology Center in New Mexico. His eloquent testimony before Congress on the Dolo-

res and Animas La Plata water projects led to the creation of two water compacts that are critical to the tribe's development. During the latter part of his career, Mr. House focused much of his energy on tribal safety, helping to increase the tribal police force from two officers to more than a dozen.

Mr. House had a wide circle of friends within his tribal community, but he was well respected throughout Colorado and Native American communities across our country. I can feel the sorrow of his friends and family as we collectively grieve for the loss of a truly visionary leader, a kind human being, and a wonderful friend. His legacy of working across tribal, ethnic, and party lines is something we should all take to heart as we try to rise to the challenges before us.

We are all shocked by the sudden loss of someone so important to our collective community. My uncle, Stewart Udall, served as Secretary of the Interior under President Kennedy, and he was also a champion for the rights of Native peoples. He once said that we are not measured by the things we accomplish but by how we treat people. In both regards, Mr. House was an outstanding person, and while he will be dearly missed, his legacy of dedication to his people will live on. We will think of him as we continue to strive to improve the quality of life for native people everywhere.●

STATUE UNVEILING

● Mr. UDALL of Colorado. Mr. President, today we remember John Otto and the contributions he made to one of our State's natural treasures the Colorado National Monument.

One of western Colorado's most influential historical figures, a trailblazer and ever an eccentric, he was unwavering in his commitment to opening up public lands for all people and generations to enjoy. Otto, a solitary man, took up residence in the commonly known Monument Canyon in 1906. There he began building the first trails in the area, working with tenacious skill throughout the rocky spires and smooth-faced red rock canyons, which were created by millions of years of erosion.

Otto was among the first to truly appreciate the full beauty of this red-hued gem spanning thousands of acres across western Colorado lands. To President Taft, Otto wrote a letter carrying a message of the unique wonders hidden just beyond the fruit orchards and small settlements of the Grand Valley. His enthusiasm took hold and spread, and President Taft established the Colorado National Monument with the issuance of a proclamation in 1911.

Otto singlehandedly scaled rock faces, hauled timber, and blasted through layers of Wingate and Entrada

sandstone to carve out what would be the monument's first trails, and for \$1.00 a month he would be the park's first custodian, ushering in people from every corner of the State and beyond to experience its natural grandeur.

This year we celebrate the monument's centennial, and it is only fitting that John Otto be a part of the occasion. With the unveiling of his statue, the last in a series of five Legends of the Grand Valley, his story and that of the monument will be preserved in the heart of downtown Grand Junction for generations to come. I am proud, and Colorado can be proud, of the stewardship and dedication Otto modeled in his journey to opening up this special place in the West.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:04 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2681. An act to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2681. An act to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3494. A communication from the Under Secretary of Commerce for Oceans and Atmosphere, transmitting, pursuant to law, a report relative to the activities of the Northwest Atlantic Fisheries Organization for

2010; to the Committee on Commerce, Science, and Transportation.

EC-3495. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report providing a statement of actions with respect to the Government Accountability Office report entitled "Data Center Consolidation: Agencies Need to Complete Inventories and Plans to Achieve Expected Savings"; to the Committee on Commerce, Science, and Transportation.

EC-3496. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report providing a statement of actions with respect to the Government Accountability Office report entitled "Social Media: Federal Agencies Need Policies and Procedures for Managing and Protecting Information They Access and Disseminate"; to the Committee on Commerce, Science, and Transportation.

EC-3497. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report providing a statement of actions with respect to the Government Accountability Office report entitled "Space and Missile Defense Acquisitions: Periodic Assessment Needed to Correct Parts Quality Problems in Major Programs"; to the Committee on Commerce, Science, and Transportation.

EC-3498. A communication from the Government Affairs Liaison, National Transportation Safety Board, transmitting, pursuant to law, the Board's annual submission regarding agency compliance with the Federal Manager's Financial Integrity Act and revised Office of Management and Budget (OMB) Circular A-123; to the Committee on Commerce, Science, and Transportation.

EC-3499. A communication from the Secretary of Transportation, transmitting, a legislative proposal entitled "Pipeline and Hazardous Material Transportation Safety Reauthorization Act of 2011"; to the Committee on Commerce, Science, and Transportation.

EC-3500. A communication from the Chief of the Revenue and Receivable Group, Financial Operations, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Schedule of Application Fees Set Forth in Section 1.1102 through 1.1109 of the Commission's Rules" (FCC 11-27) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3501. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Telemarketing Sales Rule: Final Rule Amendments" (RIN3084-AA98) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3502. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Commercial Porbeagle Shark Fishery Closure" (RIN0648-XA658) received in the Office of the President of the Senate on October 3, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3503. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled "Parts and Accessories Necessary for Safe Operation; Saddle-Mount Braking Requirements" (RIN2126-AB30) received in the Office of the President of the Senate on September 23, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3504. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Electronic Stability Control Systems" (RIN2127-AL02) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3505. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Child Restraint Systems" (RIN2127-AJ44) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3506. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries" (RIN0648-XA630) received in the Office of the President of the Senate on October 3, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3507. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Emergency Rule to Increase the Recreational Quota for Red Snapper and Suspend the Red Snapper Closure Date" (RIN0648-BB12) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3508. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 22" (RIN0648-BA72) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3509. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Standards; Rotor Overspeed Requirements" ((RIN2120-AJ62) (Docket No. FAA-2010-0398)) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3510. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Tonopah, NV" ((RIN2120-AA66) (Docket No. FAA-2011-0490)) received during adjournment of the Senate in the Office of the

President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3511. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Glendive, MT" ((RIN2120-AA66) (Docket No. FAA-2011-0560)) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3512. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Modification of Class E Airspace; Grand Junction, CO" ((RIN2120-AA66) (Docket No. FAA-2011-0425)) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3513. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (71); Amdt. No. 3440" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3514. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (22); Amdt. No. 3441" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3515. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (50); Amdt. No. 3442" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3516. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (20); Amdt. No. 3443" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3517. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Eglin Air Force Base, FL" ((RIN2120-AA66) (Docket No. FAA-2011-0087)) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3518. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved

retirement of Vice Admiral Adam M. Robinson, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-3519. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Francis H. Kearney III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3520. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Eric B. Schoomaker, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3521. A communication from the Chief of Planning and Regulatory Affairs, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary, Non-Electronic Benefits Transfer-Related Provisions" (RIN0584-AE13) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3522. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Sample Income Data to Meet the Low-Income Definition" (RIN3133-AD76) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3523. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-3524. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on October 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3525. A communication from the Deputy to the Chairman, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Information; Privacy Act Regulations; Notice and Amendments" (RIN3064-AD83) received in the Office of the President of the Senate on October 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3526. A communication from the Deputy to the Chairman, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Resolution Plans Required for Insured Depository Institutions With \$50 Billion or More in Total Assets" (RIN3064-AD59) received in the Office of the President of the Senate on October 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3527. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule en-

titled "Sudanese Sanctions Regulations; Iranian Transactions Regulations" (31 CFR Parts 538 and 560) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3528. A communication from the Senior Counsel for Regulatory Affairs, Office of Financial Research, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Supplemental Standards for Ethical Conduct for Employees of the Department of the Treasury" (RIN1505-AC38) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3529. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 ('CISADA') Reporting Requirements Under Section 104(e)" (RIN1506-AB12) received in the Office of the President of the Senate on October 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3530. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Electric Reliability Organization Interpretation of Transmission Operations Reliability Standard" (Docket No. RM10-29-000) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Energy and Natural Resources.

EC-3531. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Interpretation of Transmission Planning Reliability Standard" (Docket No. RM10-6-000) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Energy and Natural Resources.

EC-3532. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the construction of a Mixed Oxide Fuel Fabrication Facility near Aiken, South Carolina; to the Committee on Energy and Natural Resources.

EC-3533. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Environmental Impact Considerations, Food Additives, and Generally Recognized as Safe Substances; Technical Amendments" (Docket No. FDA-2011-N-0011) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Environment and Public Works.

EC-3534. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Reinstatement of Listing Protections for the Virginia Northern Flying Squirrel in Compliance with a Court Order" (RIN1018-AX80) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC-3535. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Removal of the Lake Erie Watersnake (*Nerodia sipedon insularum*)

From the Federal List of Endangered and Threatened Wildlife" (RIN1018-AW62) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC-3536. A communication from the Acting Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Endangered Status for the Ozark Hellbender Salamander" (RIN1018-AV94) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC-3537. A communication from the Acting Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Endangered Status for the Altamaha Spiny mussel and Designation of Critical Habitat" (RIN1018-AV88) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC-3538. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Marbled Murrelet" (RIN1018-AW84) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC-3539. A communication from the Chief of the Branch of Operations, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Inclusion of the Hellbender, Including the Eastern Hellbender and the Ozark Hellbender, in Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)" (RIN1018-AW93) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC-3540. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations" (RIN1018-AX34) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC-3541. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds" (RIN1018-AX34) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC-3542. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2011-12 Late Season" (RIN1018-AX34) re-

ceived during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC-3543. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to U.S. Army Corps of Engineer projects that have been identified as candidates for de-authorization; to the Committee on Environment and Public Works.

EC-3544. A communication from the Assistant Secretary of the Army (Civil Works), transmitting a report relative to watershed management studies of the Eastern Shore, Maryland and Delaware; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. MURRAY, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 914. A bill to amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans, and for other purposes (Rept. No. 112-88).

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 1641. A bill to implement the United States-Colombia Trade Promotion Agreement.

S. 1642. A bill to implement the United States-Korea Free Trade Agreement.

S. 1643. A bill to implement the United States-Panama Trade Promotion Agreement.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

*Michael W. Punke, of Montana, to be a Deputy United States Trade Representative, with the Rank of Ambassador.

*Islam A. Siddiqui, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

*Paul Piquado, of the District of Columbia, to be an Assistant Secretary of Commerce.

*David S. Johanson, of Texas, to be a Member of the United States International Trade Commission for a term expiring December 16, 2018.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY:

S. 1677. A bill to amend titles I and II of the Elementary and Secondary Education Act of 1965 to strengthen connections to

early childhood education programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. AYOTTE (for herself and Mr. BROWN of Massachusetts):

S. 1678. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to permit eligible fishermen to approve certain limited access privilege programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THUNE:

S. 1679. A bill to ensure effective control over the Congressional budget process; to the Committee on the Budget.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. HARKIN, and Mr. BARASSO):

S. 1680. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself and Ms. AYOTTE):

S. 1681. A bill to assure that Congress acts on the budget resolution; to the Committee on the Budget.

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. ISAKSON, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 260

At the request of Mr. NELSON of Florida, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Missouri (Mrs. McCASKILL) were added as cosponsors of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 438

At the request of Ms. STABENOW, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 438, a bill to amend the Public Health Service Act to improve women's health by prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 481

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 481, a bill to enhance and further research into the prevention and

treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 587

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 587, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 596

At the request of Mr. WYDEN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 596, a bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

S. 634

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 634, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 648

At the request of Mrs. GILLIBRAND, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 648, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 649

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 649, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 838

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 939

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 939, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 986

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 986, a bill to amend the Internal Revenue Code of 1986 to regulate the subsidies paid to rum producers in Puerto Rico and the Virgin Islands, and for other purposes.

S. 1025

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1049

At the request of Mr. KYL, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1049, a bill to lower health premiums and increase choice for small business.

S. 1211

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1211, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 1301

At the request of Mr. LEAHY, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1358

At the request of Mr. TESTER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1358, a bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

S. 1468

At the request of Mrs. SHAHEEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1507

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1507, a bill to provide protections from workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1514

At the request of Mr. TESTER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1528

At the request of Mr. JOHANNIS, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1528, a bill to amend the Clean Air Act to limit Federal regulation of nuisance dust in areas in which that dust is regulated under State, tribal, or local law, to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, and for other purposes.

S. 1541

At the request of Mr. BENNET, the names of the Senator from Delaware (Mr. COONS), the Senator from Virginia (Mr. WARNER), and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1567

At the request of Mr. ALEXANDER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1567, a bill to amend title II of the Elementary and Secondary Education Act of 1965, and for other purposes.

S. 1568

At the request of Mr. ALEXANDER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1568, a bill to amend section 9401 of the Elementary and Secondary Education Act of 1965 with regard to waivers of statutory and regulatory requirements.

S. 1577

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1577, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1600

At the request of Mr. MORAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1600, a bill to enhance the ability of community banks to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1633

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1633, a bill to amend chapter 1606 of title 10, United States Code, to modify the basis utilized for annual adjustments in amounts of educational assistance for members of the Selected Reserve.

S. 1634

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1634, a bill to amend title 38, United States Code, to improve the approval and disapproval of programs of education for purposes of educational benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1651

At the request of Mr. SESSIONS, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1668

At the request of Mr. MERKLEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1668, a bill to provide that the Postal Service may not close any post office which results in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices.

S. 1671

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1671, a bill to amend the Internal Revenue Code of 1986 to allow a temporary dividends received deduction for dividends received from a controlled foreign corporation.

S. RES. 232

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 232, a resolution recognizing the continued persecution of Falun Gong practitioners in China on the 12th anniversary of the campaign by the Chinese Communist Party to suppress the Falun Gong movement, recognizing the Tuidang movement whereby Chinese citizens renounce their ties to the Chinese Communist Party and its affiliates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners.

AMENDMENT NO. 703

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 703 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 13, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled "Carcieri Crisis: The Ripple Effect on Jobs, Economic Development and Public Safety in Indian Country."

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 13, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting on S. 1262, the Native Culture, Language, and Access for Success in Schools Act to be followed immediately by a hearing entitled "Carcieri Crisis: The Ripple Effect on Jobs, Economic Development and Public Safety in Indian Country."

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Subcommittee on Primary Health and Aging of the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, October 18, 2011, at 10 a.m. in SD-430 to conduct a hearing entitled "The Recession and Older Americans: Where Do We Go From Here?"

For further information regarding this hearing please contact Ashley Carson-Cottingham of the subcommittee staff on (202) 224-5480.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, October 18, 2011, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to examine the status of response capability and readiness for oil spills in foreign Outer Continental Shelf waters adjacent to U.S. waters.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Abigail_Campbell@energy.senate.gov.

For further information, please contact Allyson Anderson at (202) 224-7143 or Abigail Campbell at (202) 224-1219.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks. The hearing will be held on Wednesday, October 19, 2011, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 544, A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes;

S. 1083, A bill to amend the National Trails System Act to designate the route of the Smoky Hill Trail, an overland trail across the Great Plains during pioneer days in Kansas and Colorado, for study for potential addition to the National Trails System;

S. 1084, A bill to amend the National Trails System Act to designate the routes of the Shawnee Cattle Trail, the oldest of the major Texas Cattle Trails, for study for potential addition to the National Trails System, and for other purposes;

S. 1303, A bill to authorize the Secretary of the Interior to establish Fort Monroe National Historical Park in the Commonwealth of Virginia, and for other purposes;

S. 1325, A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes;

S. 1347, A bill to establish Coltsville National Historical Park in the State of Connecticut, and for other purposes;

S. 1421, A bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes;

S. 1478, A bill to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes;

S. 1537, A bill to authorize the Secretary of the Interior to accept from the Board of Directors of the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc., the donation of title to The National September 11 Memorial and Museum at the World Trade Center, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to Jake_McCook@energy.senate.gov.

For further information, please contact David Brooks (202) 224-9863 or Jake McCook (202) 224-9313.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 20, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a legislative hearing on the following bills: S. 134, Mes-calero Apache Tribe Leasing Authorization Act; S. 399, Blackfeet Water Rights Settlement Act of 2011; S. 1298, Alaska Native Tribal Health Consortium Land Transfer Act; S. 1327, A bill to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation, and for other purposes; and S. 1345, Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Thursday, October 20, 2011, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to examine shale gas production and water resources in the Eastern United States.

Because of the limited time available for the hearing, witnesses may testify

by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Meagan_Gins@energy.senate.gov.

For further information, please contact Sara Tucker at (202) 224-6224 or Meagan Gins at (202) 224-0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 11, 2011, at 4 p.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on October 11, 2011, at 2:30 p.m. to conduct a hearing entitled "Labor-Management Forums in the Federal Government."

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2011 third quarter Mass Mailing report is Tuesday, October 25, 2011. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Senate Office of Public Records will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Senate Office of Public Records at (202) 224-0322.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 290; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the

table, with no intervening action or debate; that any statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF AGRICULTURE

Brian T. Baenig, of the District of Columbia, to be an Assistant Secretary of Agriculture.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MEASURE READ THE FIRST TIME—H.R. 2681

Mr. REID. Mr. President, I understand there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading in order to place the bill on the calendar under the provisions of rule XIV but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

ORDERS FOR WEDNESDAY, OCTOBER 12, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, October 12, 2011; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate begin consideration of H.R. 3080, H.R. 3079, and H.R. 3078; that there be 12 hours of debate equally divided and controlled between the two leaders or their designees, with Senator BOXER controlling 20 minutes, and Senator BROWN of Ohio and Senator SANDERS each controlling 1 hour of the majority time, and that all other provisions of the previous order remain in effect; finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. for our weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, we will consider the three trade agreements tomorrow. We expect to complete action on these bills sometime tomorrow. If everyone uses their time, it is quite obvious it will be a late, late day. But maybe people will get tired of talking and we can finish this earlier.

We have work to complete on Thursday. I have talked to the Republican leader about a path forward, and I think we can get more done this week and have a really good next week working on appropriations bills.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:48 p.m., adjourned until Wednesday, October 12, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL INSTITUTE OF BUILDING SCIENCES

JAMES TIMBERLAKE, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2014, VICE JOSE TERAN, TERM EXPIRED.

NATIONAL BOARD FOR EDUCATION SCIENCES

ADAM GAMORAN, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2015. (REAPPOINTMENT)

JUDITH D. SINGER, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2014, VICE CAROL D'AMICO, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

GREGORY L. PARSONS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MICHAEL B. BEE
DONALD P. COFFELT
CHARLES A. DIORIO
PAUL C. FITZGERALD
ROBERT J. GRASSINO
JOSEPH S. HONEA
JAMES R. HOWATSON
JAMES M. KELLY
MARTHA J. LAQUARDIA
KARL S. LEONARD
LANE M. FUTALA
LEE C. SCRUGGS
CURTIS J. SHAW
DAVID L. TESKA
BILL TRAVIS
SLOAN A. TYLER
JAMES W. WHITLEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

PAUL ALBERTSO
BENES Z. ALDANA
ROBERT E. BAILEY
CHRISTOPHER A. BARTZ
DAVID C. BILLBURG
FRANCIS T. BOROSS

JOSEPH A. BOUDROW
GREGORY A. BURG
MATTHEW C. CALLAN
WILLIAM D. CAMERON
STEPHEN H. CHAMBERLIN
TODD M. COGGESHALL
RICHARD S. CRAIG
MICHAEL T. CUNNINGHAM
MICHAEL H. DAY
JEFFREY F. DIXON
JONATHAN B. DUFF
KEVIN P. DUNN
JAMES L. DUVAL
DONALD R. DYER
DAVID W. EDWARDS
MARK J. FEDOR
DAVID M. FLAHERTY
PAUL A. FLYNN
KEVIN P. GAVIN
TIMOTHY J. GILBRIDE
BRIAN S. GILDA
JOSEPH J. GLEASON
CHARLES A. HATFIELD
JOSE L. JIMENEZ
LANE D. JOHNSON
VIRGINIA J. KAMMER
BRENDA K. KERR
JENNIFER A. KETCHUM
JOHN H. LANG
SCOTT B. LEMASTERS
GEORGE A. LESHNER
BRIAN M. LISKO
KEVIN W. LOPEZ
MARTIN L. MALLOY
PETER F. MARTIN
JOHN W. MAUGER
KYLE P. MCAVOY
MARK J. MCCADDEN
SHANNON W. MCCULLAR
JOHN W. MCKINLEY
PAUL MEHLER
CHRISTOPHER P. MOORADIAN
NATHAN A. MOORE
CHRISTOPHER C. MOSS
DOUGLAS E. NASH
RANDAL S. OGRYDZIAK
CHRISTOPHER K. PALMER
ROBERT G. PEARCE
FRANK E. PEDRAS
BRIAN K. PENOYER
JAMES B. PRUETT
MICHAEL W. RAYMOND
JOEL L. REBHOLZ
FREDERICK C. RIEDLIN
JONATHAN N. RIFFE
MELISSA L. RIVERA
JAMES B. ROBERTSON
DOUGLAS M. SCHOFIELD
SCOTT J. SMITH
REED A. STEPHENSON
EDWARD M. ST. PIERRE
GREGORY G. STUMP
THOMAS S. SWANBERG
STEVEN C. TESCHENDORF
ROBERT J. THOMAS
PHILLIP R. THORNE
TIMOTHY A. TOBIASZ
MICHAEL T. TRIMPET
ANDREW E. TUCCI
JENNIFER F. WILLIAMS
CHRISTOPHER J. WOODLEY
MICHAEL L. WOOLARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

RICARDO M. ALONSO
DIRK N. AMES
BRIAN R. ANDERSON
DAVID L. ARMITT
THOMAS B. BAILEY
JONATHAN D. BAKER
ALAIN V. BALMACEDA
AGUSTUS J. BANNAN
TIMOTHY J. BARELLI
MICHELLE C. BAS
LAMONT S. BAZEMORE
CAROLYN M. BEATTY
ERIC M. BELLEQUE
MICHAEL E. BENNETT
KAILIE J. BENSON
JOHN BERRY
CHAD E. BLAND
JED R. BOBA
CHRISTOPHER L. BOES
ELIZABETH A. BOOKER
SEAN T. BRADY
ANDREW S. BROWN
HEATH M. BROWN
MATTHEW T. BROWN
THOMAS R. BROWN
TIMOTHY T. BROWN
MARC A. BURD
TRAVIS L. BURNS
KAREN S. CAGLE
SCOTT R. CALHOUN
COLIN E. CAMPBELL
WILLIE L. CARMICHAEL
ADAM A. CHAMIE
CASEY L. CHMIELEWSKI
BRADLEY CLARE

TEALI G. COLEY
DANIEL A. CONNOLLY
PHILLIP A. CRIGLER
TIMOTHY P. CRONIN
MICHAEL J. DAPONTE
KARL D. DAVIS
QUINCY L. DAVIS
KRISTINA M. DELL'ORCO
SETH J. DENNING
BRIAN J. DONAHUE
PATRICK DOUGAN
MARK M. DRIVER
WILLIAM A. DRONEN
WILLIAM E. DUNCAN
REINO G. ECKLORD
MICHAEL A. EDWARDS
HERBERT H. EGGERT
ROY EIDEM
TOM ENGBRING
NELL B. ERO
PAUL A. FAWCETT
SALVATORE J. FAZIO
KELLY B. FOUGH
MICHAEL S. FREDIE
GINA L. FREEMAN
TYRON V. GADSDEN
RILEY O. GATEWOOD
CHRISTOPHER L. GERMAN
MICHAEL R. GESELE
WILLIAM R. GIBBONS
MICHAEL P. GULDIN
TIMOTHY D. HAMMOND
MARK K. HARRIS
MICHAEL J. HAUSCHEN
JOHN HENNIGAN
KATHRYN N. HERTY
MARK D. HEUPEL
FRANK L. HINSON
LINDA M. HOERSTER
WALTER L. HORNE
ROBERT A. HUELLER
JOHN P. HUMPAGE
JACK W. JACKSON
DESARAE A. JANSZEN
KIM D. KEEL
STEVEN R. KEEL
ADAM L. KERR
TIMOTHY J. KERZE
FAIR C. KIM
SCOTT A. KLINKE
GARY C. KOEHLER
KENNETH S. KOSTECKI
JASON A. KREMER
KURT R. KUPERSMITH
KARL D. LANDER
CHRISTIAN A. LEE
BRIAN J. LEFEBVRE
JOSEPH J. LEONARD
CAROLYN L. LEONARDCHO
SIMON A. MAPLE
STEPHEN MATADOBRA
GREGORY A. MATYAS
BRIAN A. MEIER
DARREN F. MELANSON
PETER N. MELNICK
ANDREW D. MEYERDEN
KENNETH V. MILLS
ERICA L. MOHR
DONALD P. MONTORO
JAMES H. MORAN
JOE L. MORGAN
JONATHAN E. MUSMAN
CRAIG D. NEUBECKER
PETER S. NILES
DOUGLAS D. NORSTROM
BLAKE L. NOVAK
DAVID E. OCONNELL
MATTHEW ORENDORFF
KELLY L. OSBORNE
BRIAN J. PALM
MICHAEL J. PARADISE
TINA J. PENA
DIANE D. PERRY
TRAVIS J. RASMUSSEN
JOHN C. REARDON
KEVIN B. REED
KEITH M. ROPELLA
ANTHONY L. RUSSELL
OLAV M. SABOE
EMILY C. SADDLER
DANIEL SCHAEFFER
JEREMY C. SMITH
DAN T. SOMMA
JALYN G. STINEMAN
ERIC R. STPIERRE
BENJAMIN F. STRICKLAND
TERRY R. TRELFOED
TERRY A. TREXLER
MICHAEL A. TURDO
HEATHER K. TURNER
TODD D. VANCE
STEVEN P. WALSH
ERIC S. WARD
WILBORNE E. WATSON
BRENDA M. WHITE
ANTHONY W. WILLIAMS
DOUGLAS E. WILLIAMS
TORRENCE B. WILSON

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM B. CALDWELL IV

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DIRECTOR, ARMY NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

To be lieutenant general

MAJ. GEN. WILLIAM E. INGRAM, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be major

SCOTT D. STEWART
SUSUMU UCHIYAMA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

RALPH M. CRUM
DANIEL A. GRUNDVIG
JAMES E. LOWERY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

AMANDA E. HARRINGTON

THE FOLLOWING NAMED OFFICER IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

RAMON M. ANGELUCCI

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CHARLES S. MOORE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

STEVEN GANDIA

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

ADAM R. LIEBERMAN

To be major

KENNETH J. ZENKER

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR

ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

BRONSON B. WHITE

To be major

MICHAEL K. DONEY

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

BEN D. RAMALEY
BERNHARD ZUNKELER

CONFIRMATIONS

Executive nominations confirmed by the Senate October 11, 2011:

THE JUDICIARY

JANE MARGARET TRICHE-MILAZZO, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.

DEPARTMENT OF AGRICULTURE

BRIAN T. BAENIG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

HOUSE OF REPRESENTATIVES—Tuesday, October 11, 2011

The House met at noon and was called to order by the Speaker pro tempore (Mrs. ROBY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 11, 2011.

I hereby appoint the Honorable MARTHA ROBY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

AMERICANS' PRIORITY IS JOBS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Speaker, ask Americans their priority, and they'll tell you it's jobs. There are 14 million Americans out of work. There are 9.3 million more Americans working part-time because they can't find full-time employment. There are millions more Americans whose incomes have stagnated because of the persistent unemployment which has dragged down economic growth. In fact, median household income has fallen 9.8 percent since the recession first began in 2007. More troubling, although the overall economy has been growing again, household incomes continue to fall. Since December 2007, American households have lost more than \$5,400 per average household.

There are several factors leading to this decline. One of the most significant is that in order to find work, many millions of unemployed Americans are forced to accept lower pay. With millions of Americans still desperately searching for jobs, businesses can afford to offer lower wages. With

millions of American families slipping below the poverty line and wondering where the next mortgage payment or meal will come from, prospective workers can't afford not to take the pay cut.

It's clear we must pass the American Jobs Act. This is a plan that reduces business taxes to encourage private sector hiring and increases infrastructure investment to repair and rebuild America, creating jobs. And it cuts taxes for every working American. While the lingering effects of the worst recession in 80 years continue to drive down Americans' income, we can increase their take-home pay with the Americans Jobs Act, putting more money back in the pockets of average American families. Increasing American paychecks and creating jobs—that ought to be our priority.

But Republicans in Congress have a different priority: cutting. Last Congress, Republicans' big marketing blitz wasn't about creating jobs, it was about cutting. Last Congress, Democrats passed business tax cuts to spur job creation, approving infrastructure improvements to create construction jobs and backstopping faltering State and local education funding to save teaching jobs. And we saw results. The Great Recession resulted in 8 million jobs lost. But thanks to our efforts, like the Recovery Act and the HIRE Act, we created 2.6 million jobs. A good start, but not enough.

But what were the Republicans doing last year? They were trumpeting their YouCut program. Perhaps if Democrats had named our efforts YouHire program, Republicans might have taken more notice.

Unfortunately, through fighting and threatening, delaying and denigrating, Republicans have made clear that cutting remains their top priority. Their first bill introduced this year, H.R. 1, wasn't about jobs; it was all about cuts. In fact, economists predicted it would cost 200,000 jobs.

Surely their second bill was about jobs? No. H.R. 2 tried to repeal important health reforms so that people with preexisting conditions wouldn't be protected; so that parents wouldn't be able to keep their kids on insurance, especially during tough times, through the age of 26; so that the doughnut hole for our seniors could be closed and they could get a 50 percent brand name drug discount this year.

But if Republican voodoo really worked, why isn't our economy better? Why are American incomes still drop-

ping? This entire year in place of actual job creation legislation, Republicans have focused instead on ever-increasing cuts. And since the beginning of the year, the economy has faltered. Their single-minded focus on attacking private sector employees has paid off; we've lost 535,000 public jobs all across America. It's time to invest in America again. Let's support the American jobs bill.

JUSTICE DEPARTMENT CREDIBILITY IN QUESTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Madam Speaker, the United States Government has facilitated smuggling automatic weapons into Mexico, weapons that were purchased by straw buyers in the United States with the oversight of the ATF. Approximately 2,000 weapons were knowingly sent to our neighbors in Mexico by our government. Most of them are still unaccounted for. But we do understand that those weapons probably have been used illegally in Mexico to kill Mexican nationals. How many, no one knows.

Two of those automatic weapons have turned up at the murder scene in Arizona of Border Patrol agent Brian Terry. And one weapon apparently was used to gun down U.S. agent Jaime Zapata in Mexico.

The Mexican government has taken to the airwaves complaining of the U.S. smuggling operation. Mexican officials want answers, and even want U.S. Government officials responsible to be extradited to Mexico for trial. No wonder.

Madam Speaker, let me be clear: These weapons are not BB guns or .22 rifles; they are semiautomatic weapons and also include sniper rifles. Sniper rifles are used to assassinate specific targets.

The ATF and the Justice Department have stonewalled the release of information regarding this operation called Fast and Furious, and the public's not getting much data on this idiotic idea. Why would the U.S. Government send automatic weapons to the drug cartels in Mexico? Mexico is at war with the drug cartels. The drug cartels are the enemy of the Mexican people, not to mention they are the enemy of the United States. This gun running issue is nonsense.

Now the Justice Department is supposed to investigate this operation, which includes investigating the ATF

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and the Justice Department. The Attorney General, who's head of the Justice Department, at first said he didn't know anything about this operation until recently. Now it seems evidence shows he was given a memo last year about the whole idea. Did he not read the memo? Granted, the Attorney General has experience not reading important documents, like the Arizona immigration law. You remember, Madam Speaker, the Attorney General publicly criticized the Arizona bill, and then he testified before the Judiciary Committee to a question I asked him that he hadn't even read that bill.

Anyway, if he didn't know about the smuggling operation, he should have; he's in charge. And if he did know about it and approved it, he should be held accountable for this nonsense. I'm not sure what the Attorney General's claim of defense will be this week. It reminds me of my days on the bench as a judge in Texas when a defendant in a homicide case would say first, I wasn't there. And then he would say, well, if I was there, it wasn't me. And if it was me, I acted in self-defense. In other words, don't hold me accountable.

So just what is this Justice Department's defense to all of this? We shall see. But the idea that the Justice Department should investigate the Justice Department and the ATF is absurd. The Justice Department has no credibility on this matter, and whatever their investigation shows, the American public cannot trust its trustworthiness. Having the Justice Department investigate Fast and Furious, the ATF, and the Justice Department is like having Al Capone investigate bootlegging. The President should appoint a special counsel to investigate this operation of government gun running to Mexico.

And that's just the way it is.

□ 1210

TRADE POLICY THAT CREATES JOBS IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Well, at last, it's been a long year. The House this week is finally getting around to considering legislation to create jobs. You have got to admit, their objective, and the dream of Grover Norquist, of delivering a government so small that you can drown it in a bathtub has kind of a depressive effect on investment in the economy.

Cutting investment in education has lost jobs; it hasn't created jobs. Cutting investment in infrastructure—28 percent unemployment in construction, allied trades, small businesses that provide the work and the equipment, which are all private sector jobs—is not too good. So their pursuit

of these goals so far this year has had a bit of a depressive and negative effect on the economy.

But to congratulate the Republican leaders, finally they've turned to creating jobs this week. Three trade agreements. Now, these are kind of musty, dusty trade agreements. They were negotiated by the Bush administration. Unfortunately, they have been adopted by the Obama administration. Nothing ever changes down at the Trade Representative's office. It doesn't matter who's in charge—Ronald Reagan, Bill Clinton, George Bush, Barack Obama. People in the Trade Office push the same policies. So these are job-creating trade agreements. Congratulations. We're building upon the success of the past. NAFTA, great success. The WTO, great success. Job creation. Phenomenal job creation. The only problem is the jobs are being created in foreign nations because of our failed trade policies in this country. We are hemorrhaging jobs.

This is the record over a decade:

We lost 15 factories a day—15. Now, some of them were kind of small, local small businesses, but Republicans love to talk about their advocacy for small business. Fifteen a day for 10 years, that's our current trade policy. So what else? Well, that figures out to about 1,370 manufacturing jobs a day over the last decade.

So, learning from past experience, we are now going to do exactly the same thing yet again. We are going to adopt—I can predict the future. The Republicans will all vote for it and a substantial number of my colleagues, a minority of Democrats, but they'll sign on too, to this false promise of job creation under the guise of free trade.

According to the Economic Policy Institute, for starters, the Korea Free Trade Agreement will cost us 160,000 jobs. Bye-bye to the last vestiges of the auto parts industry. They have little provisions, like 35 percent Korean content requirement, which means they can source all their stuff from China, or maybe even better, North Korea, where they use slave labor. It will be really cheap. And we're going to ask our workers to compete with that. There goes another industry.

Now, Colombia and Panama. Well, EPI estimates they're kind of dinky economies. That will only lose us about 55,000 jobs to start. So, for starters, we're creating a quarter of a million jobs overseas with more failed trade policies.

There are other minor problems. Colombia: they kill labor organizers. But, hey, they promised they won't do that anymore.

Panama: a huge haven for drug smugglers, terrorist money, and others. They launder money, but they promised the Obama administration, even though Bush said they could keep doing it, they promised the Obama ad-

ministration they won't do it. They will no longer allow people to secret ill-gotten gains in Panama unless it's in their national interest. That's a little bit of a loophole.

So these are a great deal for the American people. How's that? I don't know. Because the special Trade Representative's office, unfortunately, rather meekly and quietly, the President, and the Republican leadership say these are a good deal for the American people because, yes, they will benefit Wall Street and a few multinational corporations. They'll just cost another quarter of a million Americans their jobs.

It's time to put an end to this craziness. I can hope—but it won't happen—that we can stop these trade agreements here this week on the floor and look for a new trade policy, a trade policy that creates and brings jobs home to the United States of America. I thought that's who we were here to represent.

DO NOT ISSUE CONFEDERATE LICENSE PLATES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. There are many times that we come to the floor to address our current plight. I do wish to say to the American people that we're well aware of the importance of jobs and the focus of creating those jobs, and I would offer to you that most economists will say that job creation is a public and private partnership. That is a very important issue.

I rise today, however, as, again, those who seek the Republican nomination for the Presidency of the United States will come before the American people this evening. They will present a number of issues. This time it will be jobs. I hope they will present themselves in a manner that acknowledges that anyone who has the privilege of serving serves on behalf of the American people. And the American people come from all backgrounds, and I respect that.

In particular, I'm going to ask the Governor of the State of Texas, in his good vices and his beliefs in the equality of all, to reflect upon a decision that is about to be made in the State of Texas, and that is a decision in 2011 to issue a Confederate license plate. Confederate—the same group of individuals who opted to secede from the Union.

I am here as someone who applauds and appreciates the sacrifice that any person in uniform makes. I will not step away from the idea that much blood was shed in the Civil War. But what I am offering to say is that in 2011 it would be a disgrace, it would be outrageous, to uplift the Confederacy on a license plate in the State of Texas. Let me tell you why.

First of all, one of the most heinous tragedies of this great country's history was the holding of slaves. More importantly, millions of slaves destined for the United States and the Americas died in that dark passage before they even got to this soil. The brutality of slavery is without doubt and without question. The State of Texas continued slavery for 2 years longer than any other place in the United States because we did not get notice for 2 years after President Lincoln declared the Emancipation Proclamation. Who wants to ignite and remind you of that kind of devastating history?

And so, as the Texas Motor Vehicle Department makes a decision, I beg of their members to recognize that this is not a uniting action but a dividing action, because the action will be a State-issued plate that would affirm the brutality against African Americans, against slaves, against the ancestors who paid with their life to build this country. There was no debt ever paid for the 400 years of slavery, for the dividing of families, the brutality against children, the hanging and brutality that continued even into Jim Crow.

And as we look to the honoring of the monument of Dr. Martin Luther King this coming week, I beg of my fellow Texans on this board to recognize that this is a national issue. It is a national issue of prominence because to issue a Confederate license plate is to go and do what many States have undone—the removing of the symbols of the Confederacy, the taking away of the “Rebel” name for the University of Texas. Why? Because they believe in moving America forward and focusing on such things as bringing our troops home and honoring them, focusing on such things as creating jobs. And how heinous would it be for the State of Texas, one of the largest States in the Nation, to have its young men who are of African American heritage on the front lines of Iraq and Afghanistan to come home and have to look at a Confederate license plate.

□ 1220

This is not free speech. This is not freedom of speech. Because anyone who desires to promote that particular life and legacy, they are so allowed to do so. They may print anything in the privacy of their home, wear anything, put anything on their front yard, their back yard, but not a State-issued plate with Texas dollars embedded inside of that particular symbol. America is greater than that.

I love this country. All of us are patriots because we love this Nation no matter what side of the aisle. And I might remind you, Madam Speaker, that a Republican state senator—I want to thank him—has indicated that we should not have this kind of symbol in Texas.

I beg you, Mr. Perry, tonight to speak to your higher angels and talk about bringing us together. Do not issue a confederate license plate in the State of Texas for God's sake. And God bless America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 21 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. ROBY) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, we give You thanks for giving us another day.

On this day we ask Your blessing on the men and women, citizens all, whose votes have populated this people's House. Each Member of this House has been given the sacred duty of representing them.

O Lord, we pray that those with whom our Representatives met during this past long weekend in their home districts be blessed with peace and an assurance that they have been listened to.

We ask Your blessing now on the Members of this House, whose responsibility lies also beyond the local interests of constituents while honoring them. Give each Member the wisdom to represent both local and national interests, a responsibility calling for the wisdom of Solomon. Grant them, if You will, a double portion of such wisdom.

Bless us this day and every day, and may all that is done within the people's House this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Massachusetts (Mr.

MARKEY) come forward and lead the House in the Pledge of Allegiance.

Mr. MARKEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 7, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 7, 2011 at 12:10 p.m.:

That the Senate passed with an amendment H.R. 2944.

That the Senate passed S. 1639.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

JOB CREATION STARTS WITH LOW TAXES, NOT CLASS WARFARE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, President Obama and his liberal allies in the Senate are at it again. After proposing a new \$447 billion stimulus bill last month, the President has seen the bill languish in the Democrat-controlled Senate. Why? Because there are some, even in his own party, who know that more government spending and job-killing tax hikes are not going to get our economy moving again.

But the Senate majority leader has come to the rescue with another new class warfare proposal. That's right; he wants a permanent tax increase on small businesses and job creators to pay for a temporary stimulus program. Oh, goody. Long-term, job-destroying tax increases to finance another short-term government spending program.

How about we focus on creating an environment that encourages job creation by eliminating harmful government regulations that stifle hiring and by fixing our broken Tax Code without raising taxes?

URGING CUTS IN NUCLEAR WEAPONS PROGRAMS

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. The “Occupy Wall Street” protests have spread from New

York to cities across America. As the protests expand, people are asking, Why? Why are thousands of Americans in the streets? Because Americans are fed up.

Ninety-nine percent of the people are 100 percent fed up. They are fed up with a system that puts profit over people, that rewards the rich at the expense of everyone else. Let me give you an example:

The government plans to spend \$700 billion on new nuclear weapons systems over the next 10 years, even as it's proposing to cut research for Alzheimer's, for cancer research, for a diabetes cure, to take care of Medicare and Medicaid patients across our country.

The American people are not afraid that their family is going to get killed by a new nuclear weapon. They're afraid that the killing that comes into their life comes from the terrorist that is the phone call from a doctor in the middle of the night that another member of their family has cancer, has diabetes, has Alzheimer's, has Parkinson's.

That's the priority that we have to establish for our country. That's why 65 of my colleagues are going to introduce this effort to cut \$200 billion out of the nuclear weapons program over the next 10 years.

HOUSE REPUBLICANS CONTINUE TO LEAD THE WAY ON CREATING JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, last week, House Education and Workforce Committee Chairman JOHN KLINE of Minnesota introduced the Workforce Democracy and Fairness Act. This act is a direct response to the National Labor Relations Board's recent reckless action to rush union elections. The NLRB is again showing favoritism toward union bosses at the expense of rights of workers and employers.

As an original cosponsor of this legislation, I am grateful to stand up against the powerful unions and their leaders. This legislation ensures employers, small businesses, are able to participate in a fair union election process. It helps workers make an informed choice. Best of all, it safeguards the privacy of workers.

In Right-to-Work States, such as South Carolina, workers are protected, new well-paying jobs are created, and votes of all citizens are respected. This legislation prevents NLRB from limiting such freedoms in the workplace.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

HONORING THE UNIVERSITY OF MIAMI'S HIGH RANKING

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise today to pay tribute to the University of Miami for being named as the country's 38th best university in U.S. News and World Report's recent rankings. The University of Miami is the highest ranked school in the great State of Florida, and it has moved up nine spots since last year and 29 over the last decade, making it one of the fastest rising institutions. The university's ascent in the rankings is attributed to a marked improvement in key areas such as graduation rates, freshmen retention rates, and average SAT scores of entering freshmen.

I earned a doctorate in education from the University of Miami, so I take special pride in this high ranking. I ask my colleagues to join me in congratulating the university; its president, Donna Shalala; and the incredible faculty, staff, and student body. This is an honor for the "U" and for the entire State of Florida.

Go Canes.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, OCTOBER 13, 2011, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCE LEE MYUNG-BAK, PRESIDENT OF THE REPUBLIC OF KOREA

Mr. MILLER of Florida. Madam Speaker, I ask unanimous consent that it may be in order at any time on Thursday, October 13, 2011, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Lee Myung-bak, President of the Republic of Korea.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

□ 1410

VETERANS OPPORTUNITY TO WORK ACT OF 2011

Mr. MILLER of Florida. Madam Speaker, I move to suspend the rules

and pass the bill (H.R. 2433) to amend title 38, United States Code, to make certain improvements in the laws relating to the employment and training of veterans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Opportunity to Work Act of 2011".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RETRAINING VETERANS

Sec. 101. Veterans retraining assistance program.

TITLE II—IMPROVING THE TRANSITION ASSISTANCE PROGRAM

Sec. 201. Transition Assistance Program contracting.

Sec. 202. Mandatory participation in Transition Assistance Program.

Sec. 203. Report on Transition Assistance Program.

Sec. 204. Transition Assistance Program outcomes.

Sec. 205. Comptroller General review.

TITLE III—IMPROVING THE TRANSITION OF VETERANS TO CIVILIAN EMPLOYMENT

Sec. 301. Reauthorization and improvement of demonstration project on credentialing and licensure of veterans.

Sec. 302. Inclusion of performance measures in annual report on veteran job counseling, training, and placement programs of the Department of Labor.

Sec. 303. Clarification of priority of service for veterans in Department of Labor job training programs.

Sec. 304. Evaluation of individuals receiving training at the National Veterans' Employment and Training Services Institute.

Sec. 305. Requirements for full-time disabled veterans' outreach program specialists and local veterans' employment representatives.

Sec. 306. Report on findings of the Department of Defense and Department of Labor credentialing work group.

TITLE IV—IMPROVEMENTS TO UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS

Sec. 401. Clarification of benefits of employment covered under USERRA.

TITLE V—OTHER MATTERS

Sec. 501. Extension of certain expiring provisions of law.

Sec. 502. Department of Veterans Affairs housing loan guarantees for surviving spouses of certain totally disabled veterans.

Sec. 503. Reimbursement rate for ambulance services.

Sec. 504. Annual reports on Post-9/11 Educational Assistance Program and Survivors' and Dependents' Educational Assistance Program.

Sec. 505. Limitation on amount authorized to be appropriated for employee travel, printing, and fleet vehicles.

Sec. 506. Extension of reduced pension for certain veterans covered by Medicaid plans for services furnished by nursing facilities.

Sec. 507. Statutory Pay-As-You-Go-Act of 2010.

TITLE I—RETRAINING VETERANS

SEC. 101. VETERANS RETRAINING ASSISTANCE PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—In accordance with this section, during the period beginning on June 1, 2012, and ending on March 31, 2014, the Secretary of Labor shall provide for monthly payments of retraining assistance to eligible veterans. Payments of retraining assistance under this section shall be made by the Secretary of Labor through the Secretary of Veterans Affairs.

(2) NUMBER OF ELIGIBLE VETERANS.—The number of eligible veterans who participate in the program may not exceed—

(A) 45,000 during fiscal year 2012; and

(B) 55,000 during the period beginning October 1, 2012, and ending March 31, 2014.

(b) RETRAINING ASSISTANCE.—Except as provided by subsection (i), each veteran who participates in the program established under subsection (a)(1) shall be entitled to up to 12 months of retraining assistance, as determined by the Secretary of Labor. Such retraining assistance may only be used by the veteran to pursue a program of education (as such term is defined in section 3452(b) of title 38, United States Code) or training on a full-time basis that—

(1) is approved under chapter 36 of such title;

(2) is offered by a community college or technical school;

(3) leads to an associates degree or a certificate (or other similar evidence of the completion of the program of education or training); and

(4) is designed to provide training for a high-demand occupation, as determined by the Secretary of Labor.

(c) MONTHLY CERTIFICATION.—Each veteran who participates in the program established under subsection (a)(1) shall certify to the Secretary of Veterans Affairs the enrollment of the veteran in a program of education described in subsection (b) for each month in which the veteran participates in the program.

(d) AMOUNT OF ASSISTANCE.—The monthly amount of the retraining assistance payable under this section is the amount in effect under section 3015(a)(1) of title 38, United States Code.

(e) ELIGIBILITY.—For purposes of this section, an eligible veteran is a veteran who—

(1) is at least 35 years of age but not more than 60 years of age;

(2) was last discharged from active duty service in the Armed Forces with an honorable discharge;

(3) as of the date of the submittal of the application for assistance under this section, has been unemployed for a period of time determined by the Secretary, with special consideration given to veterans who have been unemployed for at least 26 continuous weeks;

(4) is not eligible to apply for educational assistance under chapter 30, 31, 33, or 35 of title 38, United States Code; and

(5) by not later than October 1, 2013, submits to the Secretary of Labor an application containing such information and assurances as the Secretary may require.

(f) REPORT.—Not later than July 1, 2014, the Secretary of Labor and the Secretary of Veterans Affairs shall jointly submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the retraining assistance provided under this section, including—

(1) the total number of—

(A) eligible veterans who participated;

(B) credit hours completed; and

(C) associates degrees or certificates awarded (or other similar evidence of the completion of the program of education or training earned); and

(2) data related to the employment status of eligible veterans who participated.

(g) JOINT AGREEMENT.—The Secretary of Labor and the Secretary of Veterans Affairs shall enter into an agreement on carrying out this section.

(h) SOURCE OF FUNDS.—Payments under this section shall be made from amounts appropriated to the readjustment benefits account of the Department of Veterans Affairs.

(i) TERMINATION OF AUTHORITY.—The authority to make payments under this section shall terminate on March 31, 2014.

TITLE II—IMPROVING THE TRANSITION ASSISTANCE PROGRAM

SEC. 201. TRANSITION ASSISTANCE PROGRAM CONTRACTING.

(a) TRANSITION ASSISTANCE PROGRAM CONTRACTING.—

(1) IN GENERAL.—Section 4113 of title 38, United States Code, is amended to read as follows:

“§ 4113. Transition Assistance Program personnel

“(a) AUTHORITY TO CONTRACT.—In accordance with section 1144 of title 10, the Secretary shall enter into a contract with an appropriate private entity or entities to provide the functions described in subsection (b) at all locations where the program described in such section is carried out.

“(b) FUNCTIONS.—Contractors under subsection (a) shall provide to members of the Armed Forces who are being separated from active duty (and the spouses of such members) the services described in section 1144(a)(1) of title 10, including—

“(1) counseling;

“(2) assistance in identifying employment and training opportunities and help in obtaining such employment and training;

“(3) other related information and services under such section; and

“(4) any other services that the Secretary determines are appropriate.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of title 38, United States Code, is amended by striking the item relating to section 4113 and inserting the following new item:

“4113. Transition Assistance Program personnel.”.

(b) DEADLINE FOR IMPLEMENTATION.—The Secretary of Labor shall enter into the contract required by section 4113 of title 38, United States Code, as added by subsection (a), by not later than 24 months after the date of the enactment of this Act.

SEC. 202. MANDATORY PARTICIPATION IN TRANSITION ASSISTANCE PROGRAM.

Section 1144(c) of title 10, United States Code, is amended by striking “shall encourage” and all that follows and inserting “shall encourage the participation of members of the armed forces in pay grades E-8 and above and O-6 and above who are eligible for assistance under the program and shall require the participation of all other members of the armed forces who are eligible for

assistance under the program unless a documented urgent operational requirement prevents attendance or an individual service member, with written approval of their commander, chooses to decline participation, in writing, based on post-service employment or acceptance to an education program. Such documentation shall be included in the personnel record of the member.”.

SEC. 203. REPORT ON TRANSITION ASSISTANCE PROGRAM.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) REPORTS AND AUDITS.—(1) Not later than January 30 of each year, the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the program established under this section that includes the number of members of the armed forces eligible for assistance under the program who participated in the program within 30, 90, and 180 days of being separated from active duty, and the percentages of all such eligible participants who participated within each such time period.

“(2)(A) The Secretary of Labor shall enter into a contract with an appropriate entity to conduct an audit of the program established under this section not less frequently than once every three years and to submit to the Secretary of Defense, the Secretary of Labor, the Secretary of Veterans Affairs, and the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the results of each such audit.

“(B)(i) Except as provided in clause (ii), the Secretary of Labor shall enter into the contract under subparagraph (A) with an appropriate entity that is a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans and that is included in the database of veteran-owned businesses maintained under subsection (f) of section 8127 of title 38 and verified by the Secretary pursuant to paragraph (4) of that subsection.

“(ii) If the Secretary of Labor is unable to enter into the contract under subparagraph (A) with a qualified business concern described in clause (i), the Secretary shall enter into such contract with another qualified appropriate entity.

“(C) The Secretary of Labor shall enter into the contract under this paragraph using funds made available for the State grant program authorized under section 4102A of title 38.”.

SEC. 204. TRANSITION ASSISTANCE PROGRAM OUTCOMES.

Section 1144 of title 10, United States Code, as amended by section 202 and 203, is further amended by adding at the end the following new subsection:

“(f) PROGRAM OUTCOMES.—The Secretary of Labor shall develop a method to assess the outcomes for individuals who participate in the program established under this section. The Secretary of Defense shall provide to the Secretary of Labor any data on participation in the program that is necessary for the Secretary of Labor to develop such method. Such method shall be designed to determine the following outcomes:

“(1) The length of the period during which the individual was unemployed following the individual's separation from active duty.

“(2) The beginning salary paid to the individual for the first job the individual obtained following such separation.

“(3) The number of months of school or other training the individual attended during the first 12-month period following such separation.”.

SEC. 205. COMPTROLLER GENERAL REVIEW.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the Transition Assistance Program under section 1144 of title 10, United States Code, and submit to Congress a report on the results of the review and any recommendations of the Comptroller General for improving the program.

TITLE III—IMPROVING THE TRANSITION OF VETERANS TO CIVILIAN EMPLOYMENT**SEC. 301. REAUTHORIZATION AND IMPROVEMENT OF DEMONSTRATION PROJECT ON CREDENTIALING AND LICENSURE OF VETERANS.**

Section 4114 of title 38, United States Code, is amended—

- (1) in subsection (b)—
 - (A) in paragraph (1), by striking “not less than 10” and inserting “not less than 5 but not more than 10”; and
 - (B) in paragraph (2), by striking “consult with appropriate Federal, State, and industry officials” and inserting “enter into a contract with an appropriate entity representing a coalition of State governors”; and
- (2) in subsection (g)—
 - (A) by striking “Veterans Benefits, Health Care, and Information Technology Act of 2006” and inserting the “Veterans Opportunity to Work Act of 2011”; and
 - (B) by striking “September 30, 2009” and inserting “September 30, 2014”; and
- (3) in subsection (h)—
 - (A) by striking “utilizing unobligated funds” and inserting “using not more than \$180,000 of the funds in each fiscal year”; and
 - (B) by inserting before the period at the end the following: “, to be derived from amounts otherwise made available to carry out sections 4103A and 4104 of this title”; and
- (4) by adding at the end the following new subsection:
 - “(i) **REPORT TO CONGRESS.**—Not later than 30 days after the last day of a fiscal year during which the demonstration project under this section is carried out, the Assistant Secretary, in coordination with the entity with which the Assistant Secretary enters into a contract under subsection (b)(2), shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the implementation of the demonstration project during that fiscal year.”.

“(i) **REPORT TO CONGRESS.**—Not later than 30 days after the last day of a fiscal year during which the demonstration project under this section is carried out, the Assistant Secretary, in coordination with the entity with which the Assistant Secretary enters into a contract under subsection (b)(2), shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the implementation of the demonstration project during that fiscal year.”.

SEC. 302. INCLUSION OF PERFORMANCE MEASURES IN ANNUAL REPORT ON VETERAN JOB COUNSELING, TRAINING, AND PLACEMENT PROGRAMS OF THE DEPARTMENT OF LABOR.

Section 4107(c) of title 38, United States Code, is amended—

- (1) in paragraph (2), by striking “clause (1)” and inserting “paragraph (1)”;
- (2) in paragraph (5), by striking “and” at the end;
- (3) in paragraph (6), by striking the period and inserting “; and”; and
- (4) by adding at the end the following new paragraphs:
 - “(7) performance measures for the provision of assistance under this chapter, including—
 - “(A) the percentage of participants in programs under this chapter who are employed after the 180-day period following their completion of the program;
 - “(B) the percentage of such participants who are employed after the one-year period following their completion of the program;
 - “(C) the median earnings of such participants after the 180-day period following their completion of the program;

“(D) the median earnings of such participants after the one-year period following their completion of the program; and

“(E) the percentage of participants in such program who complete a certificate, degree, diploma, licensure, or industry-recognized credential while they are participating in the program or within one year of completing the program.”.

SEC. 303. CLARIFICATION OF PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

Section 4215 of title 38, United States Code, is amended—

- (1) in subsection (a)(3), by adding at the end the following: “Such priority includes giving access to such services to a covered person before a non-covered person or, if resources are limited, giving access to such services to a covered person instead of a non-covered person.”; and
- (2) by amending subsection (d) to read as follows:
 - “(d) **ADDITION TO ANNUAL REPORT.**—(1) In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs. Such evaluation shall include—
 - “(A) an analysis of the implementation of providing such priority at the local level;
 - “(B) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any; and
 - “(C) performance measures, as determined by the Secretary, to determine whether veterans are receiving priority of service and are being fully served by qualified job training programs.

“(d) **ADDITION TO ANNUAL REPORT.**—(1) In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs. Such evaluation shall include—

- “(A) an analysis of the implementation of providing such priority at the local level;
- “(B) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any; and
- “(C) performance measures, as determined by the Secretary, to determine whether veterans are receiving priority of service and are being fully served by qualified job training programs.

“(2) The Secretary may not use the proportion of representation of veterans described in subparagraph (B) of paragraph (1) as the basis for determining under such paragraph whether veterans are receiving priority of service and are being fully served by qualified job training programs.”.

SEC. 304. EVALUATION OF INDIVIDUALS RECEIVING TRAINING AT THE NATIONAL VETERANS’ EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) **IN GENERAL.**—Section 4109 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d) The Secretary shall require that each individual who receives training provided by the Institute, or its successor, is given a final examination to evaluate the individual’s performance in receiving such training. Each such evaluation shall be designed to provide the individual with a grade, which shall be designated as either a passing grade or a failing grade. The results of such final examination shall be provided to the entity that sponsored the individual who received the training.”.

(b) **EFFECTIVE DATE.**—Subsection (d) of section 4109 of title 38, United States Code, shall apply with respect to training provided by the National Veterans’ Employment and Training Services Institute that begins on or after the date of the enactment of this Act.

SEC. 305. REQUIREMENTS FOR FULL-TIME DISABLED VETERANS’ OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS’ EMPLOYMENT REPRESENTATIVES.

(a) **DISABLED VETERANS’ OUTREACH PROGRAM SPECIALISTS.**—Section 4103A of title 38,

United States Code, is amended by adding at the end the following new subsection:

“(d) **ADDITIONAL REQUIREMENT FOR FULL-TIME EMPLOYEES.**—(1) A full-time disabled veterans’ outreach program specialist shall perform only duties related to meeting the employment needs of eligible veterans, as described in subsection (a), and shall not perform other non-veteran-related duties.

“(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.”.

(b) **LOCAL VETERANS’ EMPLOYMENT REPRESENTATIVES.**—Section 4104 of such title is amended—

- (1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) **ADDITIONAL REQUIREMENTS FOR FULL-TIME EMPLOYEES.**—(1) A full-time local veterans’ employment representative shall perform only duties related to the employment, training, and placement services under this chapter, and shall not perform other non-veteran-related duties.

“(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.”.

SEC. 306. REPORT ON FINDINGS OF THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF LABOR CREDENTIALING WORK GROUP.

(a) **IN GENERAL.**—The Secretary of Defense and the Secretary of Labor shall jointly enter into a contract with a qualified organization or entity jointly selected by the Secretaries to complete the study of 10 military occupational specialties already begun by the joint Department of Defense and Department of Labor Credentialing Work Group to reduce barriers to certification and licensure for transitioning members of the Armed Forces and veterans. This study shall also include an examination of current initiatives, programs, and authority already established within the Department of Defense and the military services to promote credentialing of members of the Armed Forces and identify best practices that can be leveraged by all services to increase the transferability of military education, training, experience, and skills.

(b) **REPORT.**—The contract described in subsection (a) shall provide that upon completion of the study described in such subsection, the organization or entity with which the Secretary of Defense and the Secretary of Labor entered into the contract shall submit to the Secretary of Defense and the Secretary of Labor a report setting forth the results of the study. The report shall include—

- (1) a plan for leveraging existing successful initiatives, programs, and authority to promote the credentialing of all members of the Armed Forces; and
- (2) such information as the Secretaries shall specify in the contract.

(c) **SUBMITTAL TO CONGRESS.**—Not later than March 31, 2012, the Secretary of Defense and the Secretary of Labor shall jointly submit to Congress a report on the results of the study described in subsection (a), together with such comments on the report as the Secretaries jointly consider appropriate.

TITLE IV—IMPROVEMENTS TO UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS

SEC. 401. CLARIFICATION OF BENEFITS OF EMPLOYMENT COVERED UNDER USERRA.

Section 4303(2) of title 38, United States Code, is amended by inserting “the terms, conditions, or privileges of employment, including” after “means”.

TITLE V—OTHER MATTERS

SEC. 501. EXTENSION OF CERTAIN EXPIRING PROVISIONS OF LAW.

(a) **ADJUSTABLE RATE MORTGAGES.**—Section 3707(a) of such title is amended by striking “2012” and inserting “2014”.

(b) **HYBRID ADJUSTABLE RATE MORTGAGES.**—Section 3707A(a) of such title is amended by striking “2012” and inserting “2014”.

(c) **POOL OF MORTGAGE LOANS.**—Section 3720(h)(2) of title 38, United States Code, is amended by striking “December 31, 2011” and inserting “December 31, 2016”.

(d) **LOAN FEES.**—

(1) **EXTENSION OF FEES.**—Section 3729(b)(2) of such title is amended—

(A) in subparagraph (A)—

(i) in clause (iii), by striking “November 18, 2011” and inserting “October 1, 2017”; and

(ii) in clause (iv), by striking “November 18, 2011” and inserting “October 1, 2017”;

(B) in subparagraph (B)—

(i) in clause (i), by striking “November 18, 2011” and inserting “October 1, 2017”;

(ii) by striking clauses (ii) and (iii) and redesignating clause (iv) as clause (ii); and

(iii) in clause (ii), as so redesignated, by striking “October 1, 2013” and inserting “October 1, 2017”;

(C) in subparagraph (C)—

(i) in clause (i), by striking “November 18, 2011” and inserting “October 1, 2017”; and

(ii) in clause (ii), by striking “November 18, 2011” and inserting “October 1, 2017”;

(iii) in clause (ii), by striking “November 18, 2011” and inserting “October 1, 2017”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on the later of—

(A) October 1, 2011; or

(B) the date of the enactment of this Act.

(e) **TEMPORARY ADJUSTMENT OF MAXIMUM HOME LOAN GUARANTY AMOUNT.**—Section 501 of the Veterans Benefits Improvement Act of 2008 (Public Law 110-389; 122 Stat. 4175; 38 U.S.C. 3703 note) is amended by striking “December 31, 2011” and inserting “December 31, 2014”.

SEC. 502. DEPARTMENT OF VETERANS AFFAIRS HOUSING LOAN GUARANTEES FOR SURVIVING SPOUSES OF CERTAIN TOTALLY DISABLED VETERANS.

(a) **IN GENERAL.**—Section 3701(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(6) The term ‘veteran’ also includes, for purposes of home loans, the surviving spouse of a deceased veteran who dies and who was in receipt of or entitled to receive (or but for the receipt of retired or retirement pay was entitled to receive) compensation at the time of death for a service-connected disability rated totally disabling if—

“(A) the disability was continuously rated totally disabling for a period of 10 or more years immediately preceding death;

“(B) the disability was continuously rated totally disabling for a period of not less than five years from the date of such veteran’s discharge or other release from active duty; or

“(C) the veteran was a former prisoner of war who died after September 30, 1999, and the disability was continuously rated totally disabling for a period of not less than one year immediately preceding death.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to a loan guaranteed after the date of the enactment of this Act.

(c) **CLARIFICATION WITH RESPECT TO CERTAIN FEES.**—Fees shall be collected under section 3729 of title 38, United States Code, from a person described in paragraph (6) of subsection (b) of section 3701 of such title, as added by subsection (a), in the same manner as such fees are collected from a person described in paragraph (2) of such subsection.

SEC. 503. REIMBURSEMENT RATE FOR AMBULANCE SERVICES.

Section 111(b)(3) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(C) In the case of transportation of a person under subparagraph (B) by ambulance, the Secretary may pay the provider of the transportation the lesser of the actual charge for the transportation or the amount determined by the fee schedule established under section 1834(l) of the Social Security Act (42 U.S.C. 1395(l)) unless the Secretary has entered into a contract for that transportation with the provider.”.

SEC. 504. ANNUAL REPORTS ON POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM AND SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE PROGRAM.

(a) **REPORTS REQUIRED.**—

(1) **IN GENERAL.**—Subchapter III of chapter 33 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 3325. Reporting requirement

“(a) **IN GENERAL.**—For each academic year—

“(1) the Secretary of Defense shall submit to Congress a report on the operation of the program provided for in this chapter; and

“(2) the Secretary shall submit to Congress a report on the operation of the program provided for in this chapter and the program provided for under chapter 35 of this title.

“(b) **CONTENTS OF SECRETARY OF DEFENSE REPORTS.**—The Secretary of Defense shall include in each report submitted under this section—

“(1) information indicating—

“(A) the extent to which the benefit levels provided under this chapter are adequate to achieve the purposes of inducing individuals to enter and remain in the Armed Forces and of providing an adequate level of financial assistance to help meet the cost of pursuing a program of education;

“(B) whether it is necessary for the purposes of maintaining adequate levels of well-qualified active-duty personnel in the Armed Forces to continue to offer the opportunity for educational assistance under this chapter to individuals who have not yet entered active-duty service; and

“(C) describing the efforts under section 3323(b) of this title to inform members of the Armed Forces of the active duty service requirements for entitlement to educational assistance benefits under this chapter and the results from such efforts; and

“(2) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary of Defense considers appropriate.

“(c) **CONTENTS OF SECRETARY OF VETERANS AFFAIRS REPORTS.**—The Secretary shall in-

clude in each report submitted under this section—

“(1) information concerning the level of utilization of educational assistance and of expenditures under this chapter and under chapter 35 of this title;

“(2) the number of credit hours, certificates, degrees, and other qualifications earned by beneficiaries under this chapter and under chapter 35 of this title during the academic year covered by the report; and

“(3) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary considers appropriate.

“(d) **TERMINATION.**—No report shall be required under this section after January 1, 2021.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3324 the following new item:

“3325. Reporting requirement.”.

(3) **DEADLINE FOR SUBMITTAL OF FIRST REPORT.**—The first reports required under section 3325 of title 38, United States Code, as added by paragraph (1), shall be submitted by not later than November 1, 2012, and shall cover the 2011-2012 academic year.

(b) **REPEAL OF REPORT ON ALL VOLUNTEER-FORCE EDUCATIONAL ASSISTANCE PROGRAM.**—

(1) **IN GENERAL.**—Chapter 30 of such title is amended by striking section 3036.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by striking the item relating to section 3036.

SEC. 505. LIMITATION ON AMOUNT AUTHORIZED TO BE APPROPRIATED FOR EMPLOYEE TRAVEL, PRINTING, AND FLEET VEHICLES.

The amount authorized to be appropriated for the Department of Veterans Affairs for employee travel, printing, and fleet vehicles for fiscal year 2012 shall not exceed \$385,000,000.

SEC. 506. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking “May 31, 2015” and inserting “May 31, 2016”.

SEC. 507. STATUTORY PAY-AS-YOU-GO-ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The **SPEAKER pro tempore**. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Madam Speaker, I yield myself such time as I may consume.

Today I rise in strong support of H.R. 2433, as amended, the Veterans Opportunity to Work, or the VOW Act. The objective of H.R. 2433, as amended, is to

use an approach that is comprehensive and is fiscally and programmatically sound to help a broad cross-section of veterans obtain or retain meaningful employment.

Foremost among the provisions of the VOW Act is title I of the original legislation that I was proud to introduce to help put our unemployed veterans back to work. Title I targets retraining assistance to 100,000 unemployed veterans of past wars by temporarily extending their eligibility for the Montgomery GI bill. The advantage of this approach is that we are providing a reasonably robust yet affordable benefit without creating a new program. Other provisions in this bill continue the comprehensive approach by mandating, with a few exceptions, that separating servicemembers participate in transition assistance program classes.

Yet other provisions facilitate the alignment of State licensing and credentialing standards with the skills servicemembers learned during their military service to our country, and strengthening the Uniformed Services Employment and Reemployment Rights Act provisions. The bill also incorporates a bill authored by the vice chairman of our committee, my good friend GUS BILIRAKIS from Florida, to direct the VA to collect data to determine the number of credit hours, the degrees, and the certificates earned by those attending courses under the GI bill.

Most importantly, the data collected will help us to learn how well the GI bill benefits are positioning veterans to get jobs in today's economy and market.

Provisions from H.R. 120, authored by the gentlewoman from North Carolina (Ms. FOXX), are also a part of this legislation. These provisions would extend the VA's home loan guaranty program to certain surviving spouses of chronically and severely disabled veterans. I thank Ms. FOXX for her continued advocacy on behalf of those whose support and loyalty was so important to their veteran spouses.

And finally, I should point out that the mandatory and discretionary costs of the bill before us today are fully covered and are compliant with the budget rules of this House, according to CBO. Mandatory offsets are covered by extending at their present rate funding fees paid by veterans using their home loan guaranty benefit and by limiting pension payments to veterans receiving care in Medicaid-funded nursing homes. These are both offsets that the committee has used extensively in the past, and most importantly, in passing a fix to the post-9/11 GI bill by a vote of 424-0 in this House.

The discretionary costs of the bill are covered by two additional provisions. The first eliminates the overcharging of VA by ambulance providers for

transporting certain veterans. And the second holds VA employee travel, printing, and vehicle fleet costs at 2011 levels.

To my colleagues on both sides of the aisle, I say that this is in fact a good bill that addresses a major issue confronting the Nation in a comprehensive and fiscally responsible manner with the support of the veterans service organizations.

Madam Speaker, I urge all of my colleagues to join me in supporting H.R. 2433, as amended, and I reserve the balance of my time.

Mr. FILNER. I yield myself such time as I may consume.

Madam Speaker, I think the whole committee, and certainly the chairman and I, agree that putting veterans to work, especially at a time of high unemployment in general, should be one of the chief goals not only of this committee but of the entire Congress and our Nation. And when we may have, for example, double or even triple the already tragic unemployment rate for veterans, it becomes that much more important.

Now I've heard descriptions of this bill as comprehensive and as meaningful. And I was looking forward to this VOW bill, the Veterans Opportunity to Work. I was hoping it would be a WOW bill—that is, a wonderful opportunity to work—but it seems it has become, and remains so, the HOW bill—how are we going to put anybody to work with this bill?

Let me try to make that clear, Madam Speaker. Throughout the whole committee process that this bill went through, I described it as one that did not create jobs, but actually taxed veterans. Taxed veterans. Remember that, Madam Speaker. You took a pledge not to vote for anything that taxed anybody. This bill does. It actually taxes one group of veterans to help some other group of veterans. And I still feel the same way about the bill as it came through the process. Now I support all programs that will help veterans and improve their lives, and I know this bill is called a jobs bill. But, it is merely a retraining bill. Retraining.

Now, we all want retraining, and we all know it's important. But I want to get people a job. I don't just want to retrain them and call this some great bill. My concern is that this bill will not get veterans hired at all. It may retrain them, who knows, but they'll have no place to get a job. And we'll have taxed one set of veterans to pay for their retraining—an increased tax, for all of you who took the pledge not to increase taxes.

Now I think we have to support the spirit of the bill of retraining and try to find proper funding in a bipartisan way, and I hope that working with our Senate counterparts we can do that. We need proper funding for all of these programs that are so good. But the

gentleman and his party don't want to ask for more money from anybody, even our millionaires. They want to tax one group of veterans who are trying to buy homes, and so they'll train this group of veterans and claim they're creating jobs. Now, that's not what we should be doing here in this Congress.

This bill will actually diminish services to our veterans. I know that my counterparts, for example, want the so-called TAP classes, the Transition Assistance Program classes, contracted out. But I don't think the time is right to do that. So how do we pay for this bill for retraining, this VOW bill that should've been a WOW bill but is only a HOW bill? It says to those who want to buy a home through the VA housing program that your fees, which were scheduled to go down, will not now go down. They're going to be kept high. This refusal to extend a tax decrease has always been described by the party over there as a tax increase, so I will keep your language. You are increasing the taxes on one group of veterans who want to buy homes to pay for this retraining bill which may not get anybody a job.

Now, I know, Madam Speaker, you're going to tell Grover Norquist what's going on here, get hold of him right away, because this is a violation of the pledge that he is requiring of all of the Republicans: don't raise taxes. And in his definition of raising taxes, it's extending fees that were going to go down that now don't go down. So that's an increase in taxes.

So let's remember this when we think about the VOW bill. Let's vow to say we want to put people to work, we don't want to raise taxes. But this bill does neither. It not only doesn't put people to work, it raises taxes. So I cannot support the bill, Madam Speaker, and I reserve the balance of my time.

Mr. MILLER of Florida. Madam Speaker, I did not know that we were here today to hear a recitation of Dr. Seuss, but apparently we are.

What's interesting to note is that the gentleman from California has supported over and over and over again reaching into fee payments to pay for funding of other programs which he supported, like the Filipino Veterans Act, which I supported. And, in fact, I was a cosponsor of that piece of legislation. And I find that it's interesting that in 2010, Mr. FILNER proposed nearly \$1 billion in cuts to old age pension and aid, and attendants payments to the elderly, the poor, and the disabled wartime American veterans in an attempt to provide generous payments to noncitizen Filipino veterans of the Second World War.

□ 1420

With that, I would like to yield 2 minutes to the gentleman from Florida, the vice chair of the Veterans' Affairs Committee, Mr. BILIRAKIS.

Mr. BILIRAKIS. I rise today in support of H.R. 2433, the Veterans Opportunity to Work Act.

One of our Nation's most pressing concerns is job creation, Madam Speaker. I find it particularly disheartening when members of our armed services return home, only to find a difficult economic climate and a civilian sector workforce that cannot translate the valuable skills that they have learned in that service. I'm so proud to have cosponsored H.R. 2433, which will provide veterans with meaningful transition assistance, retrain unemployed veterans in high-demand fields, and better link military skills to civilian jobs through licensing and credentialing.

I believe that one of the greatest benefits afforded to any individual is the opportunity to obtain a quality education, Madam Speaker. As more and more of our current servicemembers return home from active duty, many will opt to use their post-9/11 GI benefits. I'm pleased that language I introduced as H.R. 2274—and I'd like to thank the chairman for that—was also incorporated into my bill. This commonsense language will create a tracking mechanism to ensure that the Post-9/11 Educational Assistance Program is adequately providing the education benefits intended in order to ensure that money for our heroes is being spent in the most efficient and effective manner to afford our veterans an education.

Madam Speaker, as more and more men and women return home from active duty, we must ensure that we are easing their transition back into the civilian workforce as best as we can. I believe that H.R. 2433 does just that. I want to thank the chairman again for introducing it.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

I thank the gentleman for the description of Dr. Seuss. He's a great citizen of the city of San Diego, and a great hero to all of us in San Diego. So we always quote Dr. Seuss. I understand your appreciation, and I'm thrilled by it.

You are not quite as accurate, though, when you say where we got the money for the Filipino veterans bill. In fact, we got it from a completely different source. You may or may not be accurate on my previous votes, but I never took the pledge that you have taken, Mr. Chairman. I never took the pledge that all of you have taken about not allowing the lowering of fees as a new tax.

Mr. MILLER of Florida. Will the gentleman yield?

Mr. FILNER. I will yield when I'm finished. You have a lot of time left.

We're coming from wholly different places. I believe in the jobs bill that is being voted on in the Senate, that we should actually in fact not only cut

programs but increase our revenue from a surtax on the millionaires in our society. So I'm there when I say we need new funds. You're the ones who keep saying, Don't do anything; Don't do anything; Don't increase anything; Don't extend this, don't extend that. You're the guys who are the hypocrites here. So don't confuse my past votes with hypocrisy.

In addition, there are bills before our committee, Mr. Chairman, and you know it, that actually increase the jobs that are available for veterans. They actually take steps to increase the ability for our veterans who are defending our Nation, who we owe so much to, to get the jobs.

Besides, as you know, we have goals all over the government to hire veterans and to hire disabled veterans. Those goals are not enforced. What if we enforced those goals? We could hire thousands of veterans, because it is the intent of Congress and the intent of this Nation that they be given priority in the hiring process, especially with public jobs. Yet we do not enforce those goals.

So let's not say that this is the only way to increase jobs. There are dozens of way, and they're in front of our committee.

Let's go for a WOW bill; a wonderful opportunity to work for our veterans. Let's move off the VOW. Let's move off the taxing of one part of veterans to pay for the other. Let's really create jobs for those who have done so much for our Nation.

I reserve the balance of my time.

Mr. MILLER of Florida. Since the gentleman, my good friend, forgot to yield to me during that discussion, I just want to set the record straight that H.R. 2297, on December 16, 2003, of which Mr. FILNER was a cosponsor, increased—it didn't just extend—it increased fees on original and subsequent use loans, which was done to finance veterans benefits in the bill, including the burial of Philippine veterans. In the House he enthusiastically endorsed the bill reported out of committee and again endorsed a negotiated version with the Senate.

With that, I yield 2 minutes to my colleague from North Carolina (Ms. FOXX).

Ms. FOXX. I thank the gentleman from Florida, Chairman MILLER, for bringing this legislation to the floor.

Madam Speaker, in 30 days, our country will pause to celebrate and thank the millions of Americans who have worn the uniform of the United States. As we approach Veterans Day, we should ask ourselves if this Congress is doing all that can be done for our veterans. This bill maintains our promise not only to the men and women who have served in the Armed Forces, but to their families as well.

Out of concern that some families of veterans were being excluded from ben-

efits that common sense would dictate that they be eligible for, I authored H.R. 120, the Disabled Veterans' Spouses Home Loans Act. It is only right that these surviving spouses be eligible to receive the VA Home Loan Guaranty, even though the veterans' deaths are not identified as service-connected, because such veterans had permanent and total service-connected disabilities for at least 10 years immediately preceding their deaths.

H.R. 120 has been endorsed by the Disabled American Veterans, who agree that this legislation is long overdue. The legislation has also been endorsed by the 2.1 million of the Veterans of Foreign Wars, who believe that "allowing a military widow to utilize the VA home loan program is the right thing to do." This legislation rightfully gives disabled veterans the peace of mind that their surviving spouses will be able to benefit from the VA Home Loan Guaranty after their death. These veterans and their families have sacrificed so that others may live freely, and for that they deserve to be eligible for this benefit.

Again, I thank Chairman MILLER for including H.R. 120 as part of H.R. 2433 and for the great work that the committee is doing on behalf of America's veterans. On behalf of our veterans, I urge my colleagues to support this legislation.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume, and I would yield to the gentlelady from North Carolina (Ms. FOXX).

I appreciate the provision you put in. But do you know that the other provision increases the fees for veterans to buy their homes, that you are extending a higher fee and paying for this whole thing by taxing these veterans at a higher rate? Do you realize that that's what you're voting for, in violation of your pledge to Grover Norquist?

Ms. FOXX. I am going to yield to my colleague from Florida (Mr. MILLER).

Mr. FILNER. I asked you. I didn't yield to him. I yielded to you, Ms. FOXX. Do you know that you're voting on an extension of taxes, in violation of your pledge to Grover Norquist?

Ms. FOXX. As I said, I would yield to my colleague—

Mr. FILNER. I don't yield to the chair. I yielded only to you.

For the record, I guess you don't know what you're voting on, or you're voting against what your pledge was.

The SPEAKER pro tempore. The gentleman will address his remarks to the Chair.

Mr. FILNER. Madam Speaker, the gentlelady from North Carolina did not answer my question. I guess she either doesn't know what's in the bill, or she's violating her pledge. I'll leave it at that.

Once again, we need jobs for veterans in this country. There is no debate about that. And there's no debate that

retraining is okay. What we are debating here is whether this is an effective way to use the floor of this House to bring up a bill which will be presented as something that did jobs, and does nothing, and shows the hypocrisy of these pledges that they're voting to extend the increase—

Mr. MILLER of Florida. Will the gentleman yield?

Mr. FILNER. I'm not yielding.

Mr. MILLER of Florida. Will my good friend yield?

Mr. FILNER. I will not even yield to my good friend. Even if you were my best friend, I wouldn't yield to you.

The hypocrisy of saying, we can't tax anything, we can't tax anything but when it comes to veterans who want to buy a home, their fees are going to be increased because of this bill.

□ 1430

Now, that ought to be known to the American people that we're going to vote against a 5 percent surcharge on millionaires, but we're going to go after these folks who are trying to buy their first home and have to pay higher fees.

This Republican party is going to protect the millionaires but go after the veterans who can't afford a home. That's what this argument is about right now, under the guise of helping our veterans find jobs. Let's show the American people where reality is.

I reserve the balance of my time.

Mr. MILLER of Florida. I would ask my good friend, the ranking member, if he would respond to a question.

Mr. FILNER. Tell me what the question is.

Mr. MILLER of Florida. Madam Speaker, I would ask if the gentleman from California supports Senator MURRAY's piece of legislation—which I believe there is almost an identical piece filed in the House by Mr. BISHOP—does he support, yes or no, that piece of legislation?

Mr. FILNER. Will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from California.

Mr. FILNER. No, I don't support it because it has the same funding thing. And I don't support the hypocrisy of the Republican Party, which says it's against a 5 percent surtax on millionaires but will tax veterans who are trying to buy their first home.

Mr. MILLER of Florida. Reclaiming my time, Madam Speaker, I find it quite interesting that the gentleman from California has just called the Senator, who is the chair of the Veterans' Affairs Committee, a hypocrite, which I do not believe is appropriate.

I believe that there are nuances and differences which we will be able to work out, hopefully, in conference when we bring these bills together. I hope that the minority will, in fact, engage in the conference portion of this

piece of legislation because we have tried to engage them over and over outside of the committee structure to be able to give them an opportunity to give us another offset, another way to fund this particular piece of legislation, and they have not brought anything to us. So, to me, it's a problem we are trying to solve. We have different ways in which we are trying to accomplish goals.

And I want to put veterans back to work, helping to retrain those, in particular those that are unemployed in this very, very difficult economic time. The overall veterans' unemployment numbers are around 8.1 percent, and we know that the numbers with the OEF/OIF returning veterans are significantly higher.

I don't believe I have any more speakers on this particular piece of legislation, Madam Speaker, and I would reserve the balance of my time.

Mr. FILNER. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from California has 9½ minutes remaining.

Mr. FILNER. Thank you.

Let me just correct again my friend, the chairman. I didn't call Chairman MURRAY a hypocrite. I called those of the Republican Party who have taken a pledge of no taxation and voting for taxes here, hypocrites. Let's be clear about whom I'm calling hypocrite. Let's be clear about that.

Second, there are a hundred different ways to have a better bill here. I would support it with all my heart. There are bills before the committee. There are concepts that have been brought up by me and others. Let's bring a real jobs bill to the floor and I'll be happy to support it.

Mr. MILLER of Florida. Will the gentleman yield?

Mr. FILNER. I yield to the gentleman from Florida.

Mr. MILLER of Florida. If there are a hundred ways to perfect the piece of legislation, why have you and the minority party not offered one, not one time in our committee? And you and I have tried very diligently during the preceding months in this Congress to try to be able to keep as nonpartisan as we possibly can, but not one time have you offered anything other than rhetoric to attempt to perfect this bill. Why haven't you offered any amendments?

Mr. FILNER. Mr. Chairman, first of all, let me first say I do appreciate the efforts that you have made, very aggressively, to keep a bipartisan aura on this committee. And I think you and I have taken a whole new position than the past. We have met regularly for breakfast and for lunch. We have even paid for each other—without taxing others.

But you know as well as I do, there are other bills that should have been

brought to this floor. You wouldn't bring them up. SANFORD BISHOP's bill, for example, which came to the committee. I endorsed it. I don't see it anywhere. You wouldn't take it up.

You know we can't get any amendments through your committee when you tell them not to vote for them. So, come on, you know the process. You decided that this is the bill that's going to happen.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members will address their remarks to the Chair.

Mr. FILNER. I will say through the Chair that the chairman knows very well how the process works. He knows that we can't get amendments passed. He knows there are other bills—mainly Democratic bills—that are before the committee; some have had a hearing, some haven't, but they haven't been brought to the floor. We get a "vow" act, we don't get a "wow" act, we get a "how" act. That's what has been brought by the leadership of the committee to the floor.

Mr. Chairman, you have yielded to me; I will yield back here. Why won't you support mandatory goals for veterans or disabled veterans, as they are in legislation as goals—3 percent sometimes—for hiring? Let's make them mandatory. Do you agree to that? You asked me a question. Do you agree to mandatory goals for disabled veterans for hiring in public projects?

Mr. MILLER of Florida. I do support goals.

Mr. FILNER. You don't support mandatory goals.

Mr. MILLER of Florida. I do support goals.

Mr. FILNER. Do you support mandatory?

Mr. MILLER of Florida. I support creating jobs.

Mr. FILNER. You asked me yes or no, and now you won't say "yes" or "no."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should bear in mind that the official reporters of debate cannot be expected to transcribe two Members simultaneously. Members should not participate in debate by interjection and should not expect to have the reporter transcribe remarks that are uttered when not properly under recognition.

Mr. FILNER. Madam Speaker, I wish you would remind the chair that he asked me a yes or no. I just asked him a yes or no, and he's playing games with words.

I guess it's his time, but I continue to reserve the balance of my time.

Mr. MILLER of Florida. We continue to have no more speakers and would reserve the balance of our time until such time as the minority wishes to close.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California.

Mr. FILNER. I thank the Speaker, and I thank the chairman.

We are good friends, and we have tried to maintain a bipartisan stance, but I disagree with the way this bill is brought forth. We have so many opportunities to increase the jobs for veterans and we're just not taking them. That saddens me. It's not partisan. We can do better. We can do better than this, and we're not taking the opportunity.

And we get all this rhetoric over the taxes, that if you don't extend the Bush tax cuts, that's raising taxes; if you don't extend the lowering of fees, that's a tax increase. Well, here the same thing is being done to a small group of veterans who can't afford it.

I'm sick of this rhetoric, Madam Speaker, that says we can't do any of this, we can't do any of this, we can't do this, we can't tax millionaires, we can't have a balanced approach to balancing the budget, but then we take on veterans who can't afford a home and increase their fees. That, for me, is the definition of hypocrisy, and that's why I'm against the bill.

I yield back the balance of my time.

Mr. MILLER of Florida. Madam Speaker, I thank my good friend from California for the lively debate.

I would remind my colleagues that this piece of legislation did pass out of our committee with bipartisan support, 17-5.

I would like to enter into the RECORD the following letters of support from various organizations:

MILITARY OFFICERS ASSOCIATION
OF AMERICA,
Alexandria, VA, July 14, 2011.

Hon. JEFF MILLER,
Chairman, Committee on Veterans Affairs,
House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the 370,000 members of the Military Officers Association of America (MOAA), I am writing to thank you for your leadership in introducing H.R. 2433, The Veterans Opportunity to Work Act.

H.R. 2433 would re-open Vietnam Era GI Bill educational benefits to certain veterans who have been chronically unemployed, mandate attendance in the Transition Assistance Program (TAP), require the Defense and Departments of Labor to track outcome measures for TAP participants, re-authorize a pilot program to link military acquired skills to civilian jobs through licensing and certification, and for other purposes.

MOAA recommends including a provision in the bill to require outreach by the VA to unemployed veterans who may be eligible for the GI Bill benefits authorized in Title I of the legislation. We would also recommend adoption of Vocational Rehabilitation and Employment (VRE) program adjustments and other employment-related features in the Hiring Heroes Act of 2011, H.R. 1941.

MOAA pledges its full support for early enactment of H.R. 1941 and respectfully requests including this letter in the record of any hearing to consider or mark-up this important legislation.

Sincerely,

NORB RYAN.

DISABLED AMERICAN VETERANS,
WASHINGTON, DC, JULY 15, 2011.

Hon. JEFF MILLER,
Chairman, House Veterans' Affairs Committee,
Washington, DC.

DEAR CHAIRMAN MILLER: I am writing on behalf of the Disabled American Veterans (DAV), a congressionally chartered national veterans service organization with 1.2 million members, all of whom were disabled as a result of wartime active duty in the United States Armed Forces. The DAV works to build better lives for America's disabled veterans, their families and survivors.

Chairman Miller, we have reviewed your bill, H.R. 2433, the Veterans Opportunity to Work Act of 2011. This bill contains a number of provisions of importance to America's veterans.

Approval of this legislation would make participation in the Transition Assistance Program generally mandatory for all military service members. The bill would mandate that the Department of Labor's (DOL's) licensure and certification demonstration project, which the originating statute only recommended, be carried out in an effort to identify and to eliminate barriers between military training and civilian licensure or credentialing for military occupational specialties. Enactment of the legislation would require DOL, in concert with state workforce agencies, to implement new performance measures to evaluate the priority of services provided to eligible veterans and mandates that Disabled Veterans' Outreach Program Specialists and Local Veterans' Employment Representatives' sole duty will be to assist eligible veterans in finding suitable employment.

Another important provision in this legislation is Section 401, which clarifies the Uniformed Services Employment and Reemployment Rights Act (USERRA). While this section stipulates that such protections extend to any advantages earned as a result of employment to include rights and benefits offered by an employer, we respectfully recommend that it be amended to include allowing veterans to seek medical treatment for service-connected conditions in accordance with DAV Resolution 141.

Overall, the Veterans Opportunity to Work Act of 2011 makes important improvements to support veterans transitioning to civilian life, especially those who return with disabilities from their service. DAV supports approval of this legislation and thanks you for your support of disabled veterans.

Sincerely,

JOSEPH A. VIOLANTE,
National Legislative Director.

IRAQ AND AFGHANISTAN
VETERANS OF AMERICA,
July 18, 2011.

Hon. JEFF MILLER,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN MILLER: Iraq and Afghanistan Veterans of America (IAVA) is proud to offer our support for H.R. 2433, the Veterans Opportunity to Work Act.

The most pressing concern for new veterans in 2011 is unemployment. With 13.3% unemployment for Iraq and Afghanistan veterans in June 2011 and a rate of 12.3% for the year overall, unemployment is one of the single greatest challenges faced by veterans. Even though employment is a concern for every American in the current economic environment, the average unemployment rate for new veterans is 25 percent higher than the rate for civilians.

H.R. 2433 attacks this problem head on, by making Transition Assistance Programs mandatory, providing veterans with increased job training benefits, studying how military skills translate in to the civilian market, strengthening USERRA and collecting data on the effectiveness of government job training and placement services.

IAVA believes that no veteran should come home to an unemployment check. We are proud to offer our assistance and thank you for this meaningful legislation. If we can be of help, please contact Tom Tarantino, IAVA's Senior Legislative Associate, at (202) 544-7692 or tom@iava.org.

Sincerely,

PAUL RIECKHOFF,
Founder and Executive Director, Iraq and Afghanistan Veterans of America (IAVA).

PARALYZED VETERANS OF AMERICA,
July 19, 2011.

Hon. JEFF MILLER,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of Paralyzed Veterans of America (PVA), I would like to offer our support for H.R. 2433, the "Veterans Opportunity to Work Act of 2011." The employment challenges facing average Americans is certainly no secret, but the challenges facing veterans, particularly disabled veterans, are even greater.

PVA appreciates the emphasis placed on improving the Transition Assistance Program (TAP) in this legislation. We also fully support the requirement that participation in the TAP be made mandatory for all service members prior to discharge. Given the difficulty that recently discharged service members have achieving meaningful employment, it only makes sense that they be required to participate in TAP or DTAP.

PVA also fully supports the provisions to require state employment offices receiving federal grants to maintain a full-time Disabled Veterans' Outreach Program (DVOP) specialist and a full-time Local Veterans' Employment Representative (LVER) whose responsibilities are to only serve the employment needs of eligible veterans. Too often, state employment offices take advantage of DVOP and LVER staff to fulfill other requirements not related to serving veterans. This has long been a complaint of veterans' service organizations.

Again, we offer our strong support for H.R. 2433. Meaningful employment is a vital part of improving transition for service members currently serving as well as fulfilling our obligation to the men and women who served in the past.

Sincerely,

CARL BLAKE,
National Legislative Director.

NATIONAL ASSOCIATION OF REALTORS®,
Washington, DC, July 21, 2011.

Hon. JEFF MILLER,
Chairman, House Committee on Veterans Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the more than 1.1 million members of the National Association of REALTORS®, we thank you for extending the loan limits in H.R. 2433, the "Veterans Opportunity to Work Act of 2011". This legislation provides extensive opportunities for veterans, and will also extend the current loan limits, allowing veterans fair and affordable access to home mortgages.

Since its establishment in 1944, the VA home loan guarantee program has helped millions of veterans purchase and maintain homes. We believe this program is a vital homeownership tool that provides veterans with a centralized, affordable, and accessible method of purchasing homes as a benefit for their service to our nation. The current loan limits, which provide loans up to 125% of local area median price, expire on December 31, 2011. H.R. 2433 would extend these limits through 2014. Veterans in high costs areas should not be penalized for geographic differences in the housing market.

We thank you for including this important provision in your legislation, and stand ready to work with you to see its enactment.

Sincerely,

RON PHIPPS,
2011 President,

National Association of REALTORS®.

VETERANS OF FOREIGN WARS OF THE
UNITED STATES,

August 1, 2011.

Hon. JEFF MILLER,
Chairman, House Committee on Veterans Affairs,
Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the 2.1 million members of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, I am pleased to offer our support for your bill, the Veterans Opportunity to Work Act, H.R. 2433, which offers substantive new programs to help veterans remain competitive in the workforce, and also codifies reporting requirements for government authorities tasked with assisting veterans in finding viable careers.

Your important legislation will extend additional assistance to an oft-overlooked demographic group of veterans who remain unemployed at a time of economic uncertainty. This temporary solution is a responsible stop-gap measure that will help ensure that our nation's heroes can receive the training and skills they need in an ever-evolving civilian job market.

The VFW also supports initiatives in the VOW Act to mandate transition assistance programs and finally conduct reasonable follow-up with TAP participants, as well as assessment and follow-up for disabled veterans outreach program specialists (DVOPs) and local veterans employment representatives (LVERs), ensuring that each program serves its intended purpose—helping veterans find jobs.

The men and women who serve today are the future leaders of our great nation. They deserve every opportunity to succeed in the civilian workforce. However, the employment climate for veterans—particularly veterans of the current conflicts—is a national embarrassment that demands immediate attention. Thank you for your leadership on this critical issue, and for your continued support of our armed forces and veterans.

Sincerely,

RAYMOND C. KELLEY, DIRECTOR,
VFW National Legislative Service.

THE AMERICAN LEGION,
Washington, DC, August 3, 2011.

Hon. JEFF MILLER,
Chair, House Veterans' Affairs Committee,
Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the 2.4 million members of The American Legion, I express our full support for H.R. 2433, the Veterans Opportunity to Work Act of 2011 or VOW Act, which makes improvements relating to veterans employment and training.

The Department of Labor reported in June that 1 million veterans were unemployed, and of that million, over 632,000 are between the ages of 35 and 64. Our membership includes working age veterans of the Vietnam and Persian Gulf War eras, as well as, of the conflicts of Iraq and Afghanistan. We are acutely concerned with the unemployment of all veterans.

Veterans separating now from the military may go to school on the Post 9/11 GI Bill; however, veterans of prior conflicts have no similar opportunity. Consequently, we applaud your efforts with this bill to provide a time-limited educational benefit to unemployed veterans aged 35 to 60 at community colleges and technical training schools. These institutions should provide enrolled veterans with the training and skills necessary to compete in the today's economy. We also support the other provisions that will improve the Transition Assistance Program and will ease regulatory impediments to licensing and certification. The American Legion believes this bill will improve the employment outlook for all veterans that participate in these programs.

The American Legion welcomes your efforts to provide training assistance to veterans and reduce their unacceptably high unemployment and we stand ready to assist you in the passage of this vital legislation. Thank you for your support of America's veterans and their families.

Sincerely,

JIMMIE L. FOSTER,
National Commander.

THE MILITARY COALITION,
Alexandria, VA, August 3, 2011.

Hon. JEFF MILLER,
Chairman, Committee on Veterans Affairs,
House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: The Military Coalition (TMC), a consortium of uniformed services and veterans associations representing more than 5.5 million current and former servicemembers and their families and survivors, is writing to thank you for your leadership in introducing H.R. 2433, the Veterans Opportunity to Work Act of 2011.

H.R. 2433 would re-open Vietnam Era GI Bill educational benefits to certain veterans who have been chronically unemployed, mandate attendance in the Transition Assistance Program (TAP), require the Department of Defense and the Department of Labor to track outcome measures for TAP participants, re-authorize a pilot program to link military acquired skills to civilian jobs through licensing and certification, and for other purposes.

TMC recommends including a provision in the bill to require outreach by the VA to unemployed veterans who may be eligible for the GI Bill benefits authorized in Title I of the legislation. We would also recommend extension and improvement of Vocational Rehabilitation and Employment (VRE) program benefits provided for in similar legislation pending before your Committee such as the Hiring Heroes Act of 2011.

Our veterans have put their lives on the line to protect the freedom we sometimes take for granted. They have the skills, discipline and talent to succeed in the marketplace but may encounter unique challenges in finding meaningful employment or starting a business. The Veterans Opportunity to Work Act will help our nation's veterans gain the skills and knowledge they need to compete for meaningful jobs.

The Military Coalition endorses H.R. 2433, the Veterans Opportunity to Work Act of

2011 and pledges our collective efforts to see it enacted this year.

Sincerely,

THE MILITARY COALITION

Air Force Sergeants Association (AFSA); Air Force Women Officers Associated; AMVETS; Army Aviation Assn. of America; Assn. of Military Surgeons of the United States; Assn. of the US Army; Association of the United States Navy; Commissioned Officers Assn. of the US Public Health Service, Inc.; CWO & WO Assn. US Coast Guard; Enlisted Association of the National Guard of the US; Fleet Reserve Assn.

Gold Star Wives of America; Inc.; Iraq & Afghanistan Veterans of America; Jewish War Veterans of the USA; Marine Corps League; Marine Corps Reserve Association; Military Officers Assn. of America; Military Order of the Purple Heart; National Association for Uniformed Services; National Guard Assn. of the US; National Military Family Assn.

Naval Enlisted Reserve Assn.; Non Commissioned Officers Assn. of the United States of America; Reserve Enlisted Assn. of the US; Reserve Officers Assn.; Society of Medical Consultants to the Armed Forces; The Military Chaplains Assn. of the USA; The Retired Enlisted Assn.; USCG Chief Petty Officers Assn.; US Army Warrant Officers Assn.; Veterans of Foreign Wars of the US; Vietnam Veterans of America.

NATIONAL ASSOCIATION
FOR UNIFORMED SERVICES,
Springfield, VA, August 15, 2011.

Hon. JEFF MILLER,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the members and supporters of the National Association for Uniformed Services (NAUS), I am honored to pledge our full support for your bill, the Veterans Opportunity to Work Act, H.R. 2433.

The numbers of unemployed veterans reported by the Department of Labor in June, was not only shocking but also very disappointing. Over a million veterans looking for work with the newest veterans, those from the Iraq and Afghanistan conflicts, with a higher unemployment rate than the general populace.

We are heartened to see your commitment to extending every possible form of help to veterans in finding gainful employment. We depended on them to defend and protect our way of life and now it is time for the country to honor and assist those same brave men and women.

We stand by to assist you in any way possible to ensure that this bill quickly moves forward to alleviate the suffering that goes with not having a job.

Thank you for your continued support of our active duty troops, our veterans and their families and survivors.

Sincerely,

RICHARD A. JONES,
Legislative Director.

OCTOBER 11, 2011.

Hon. JEFF MILLER,
Chairman, House of Representatives Committee
on Veterans Affairs, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of AMVETS (American Veterans), I am writing to you to urge the swift, bi-partisan passage today of the following bills:

H.R. 2433—Veterans Opportunity to Work Act of 2011, as amended (Sponsored by Rep. Jeff Miller/Veterans' Affairs Committee)

H.R. 2074—Veterans Sexual Assault Prevention Act, as amended (Sponsored by Rep.

Ann Marie Buerkle/Veterans' Affairs Committee)

H.R. 2349—Veterans' Benefits Training Improvement Act of 2011 (Sponsored by Rep. Jon Runyan/Veterans' Affairs Committee)

H.R. 1263—To amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures (Sponsored by Rep. Bob Filner/Veterans' Affairs Committee)

H.R. 1025—To amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law (Sponsored by Rep. Timothy Walz/Veterans' Affairs Committee)

These bills are all critically important in ensuring veterans have timely, high-quality, equal access to VA care and benefits, as well as gainful, living-wage employment and/or re-employment.

Through our close work with both the VA and Congress over the past several years, AMVETS has done everything in its power to assist in removing these injustices which adversely impact our men and women in uniform, especially the members of the National Guard.

Now is the time for the action that only you, the members of the 112th Congress, can provide our veterans. The long-awaited and much needed passage of the aforesaid legislation will remove all of the obstacles and injustices veterans are continuing to experience under the status quo. AMVETS, the VSO and veteran's communities look to your leadership to finally close these loopholes to care and earned benefits.

Please be assured of our ongoing support of all veteran issues and feel free to call on us if you could benefit from our military expertise.

Sincerely,

DIANE M. ZUMATTO,
National Legislative Director,
AMVETS.

GENERAL LEAVE

Mr. MILLER of Florida. I also ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 2433, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. I once again encourage all Members to support this legislation, and I yield back the balance of my time.

Mrs. BLACK. Madam Speaker, as our servicemembers return home from Iraq and Afghanistan, Congress must continue to focus on assisting in their transition back to civilian life. For many of these individuals, the wounds of war are not easily forgotten and it is imperative that we stand by these soldiers.

As the wife, mother and daughter of servicemen I have a strong appreciation for the contributions of our United States military personnel and I am a constant advocate for improving military and veteran benefits. That is why I am a co-sponsor of H.R. 2433, the "Veterans Opportunity to Work Act of 2011."

H.R. 2433 provides unemployed veterans and active duty members who are about to retire with comprehensive training opportunities and employment assistance. It achieves these goals by: extending training benefits to un-

employed veterans to teach them new skills for high-demand jobs; making career and transition courses mandatory for servicemembers leaving the military; strengthening re-employment protections for National Guard and Reservists; and improving licensing and credentialing processes for new veterans.

Recently I held a veterans job fair in my district and got to meet with some of these brave men and women as they looked for jobs. It is an honor to be able to help veterans while at home and this bill serves as a chance for us to help our veterans back home from Washington, DC.

Ensuring that our servicemen are well taken care of is one of our Nation's greatest responsibilities and I am pleased we will take up legislation today that will do just that.

Ms. BROWN of Florida. Madam Speaker, I rise today in opposition to H.R. 2433, the Veterans Opportunity to Work Act of 2011.

I commend Chairman MILLER for introducing legislation to allow veterans to receive retraining assistance. However, with unemployment of veterans at an all time high, and those coming back from the wars in Iraq and Afghanistan not having jobs, I don't understand the reasoning of limiting the age of eligibility to those between 35 and 60.

I also don't understand the funding mechanism for the program. In this time of budget tightening, and a refusal to discuss tax increases for any issue, this bill taxes veterans with higher interest rates to pay for more government programs. This legislation doubles the interest rates veterans for housing loans. The new lower rates went into effect on October 1, and I am sure in these tough economic times our veterans can use the estimated \$1.6 billion dollars this change in law will cost them.

The Veterans Home Loan Program is one of the homeowner programs that works in this country. The foreclosure rate is much lower than anything in the private sector and I don't think changing this program will do anyone any good.

I cannot agree with balancing the budget on the backs of our veterans.

I cannot support this legislation as it is currently written.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of H.R. 2433, "the Veterans Opportunity to Work Act 2011." This legislation would provide honorably discharged, unemployed veterans who are between the ages of 35 to 60 with who are currently not eligible for certain veterans benefits will be provided with retraining assistance for a limited period of time.

The Veterans Opportunity to Work Act provides services for the courageous men and women who served in the Armed Forces. It is in a spirit of deep gratitude and appreciation that I fight to provide for our veterans with the tools they need to find employment after serving our country. It is the responsibility of all Members of Congress and the Administration to fulfill our moral obligation to those who have fought to protect our freedom and democracy.

In the State of Texas, we have nearly 1.7 million veterans, and 18th District is home to 32,000 of them. Of the 200,000 veterans of military service who live and work in Houston; more than 13,000 are veterans from Operation Enduring Freedom in Afghanistan, and Oper-

ation Iraqi Freedom. Additionally, there are almost 34,000 soldiers from Texas currently deployed in Iraq and Afghanistan. I am supporting this legislation to ensure that our men and women in uniform are taken care of when they return from combat.

According to the Department of Labor as of June 2011 there are over 1 million unemployed veterans; over 632,000 are between the ages of 35 and 54. As Iraq and Afghanistan veterans come home, and as Vietnam, Cold War, and Persian Gulf War veterans can't find or lost their jobs, this results in a real loss of talented leaders and workers. Currently, there are 236,000 Vietnam Era veterans; 258,000 Cold War Era veterans; 182,000 Persian Gulf War veterans, and 192,000 Iraq and Afghanistan Era Veterans who are unemployed. These men and women have faced the enemy and lived to tell the tale, the least we can do is give them an opportunity to retain and enhance their skills in order to attain civilian employment.

This legislation addresses a need to find ways to provide training and employment assistance for the men and women who have fought for our country. Post 9/11 veterans who are now leaving the military may go to school on the 9/11 GI Bill; however veterans of previous conflicts are not afforded the same opportunity. To address the needs of these veterans this bill will provide for a limited time an educational benefit to unemployed veterans between the ages of 35 to 60 at community colleges and technical training schools.

After dedicating their lives to serving our country it is important to assist veterans at all stages of their transition back to civilian life. A major part of transitioning into civilian life is to ensure that skills that were attained while in service are translatable to civilian employment. Veterans face a variety of obstacles to employment namely the language used to describe particular skill sets in the military does not correspond with the terminology used by civilian employers. This disconnect has created problems for veterans who are seeking certain types of employment and or licenses. The veterans are not able to translate their skills into terms that would demonstrate to civilian employers that they already possess the certain key skills.

In order to address this obstacle to employment, The Veterans Opportunity to Work Act (VOW) makes the Transition Assistance Program mandatory. The Department of Labor must thereby create a system by which licensure and certifications are translatable to those available at the state level. This is done in an effort to address the barriers between the skills and training received in the military and requirements for civilian licenses and other credentials.

In addition, under H.R. 2433 the Department of Labor must work with states to implement new performance measures to evaluate the priority of services provided to eligible veterans and mandates that Disabled Veterans Outreach Program Specialists and Local Veterans Employment Representatives sole duty will be to assist eligible veterans in finding suitable employment.

Throughout my tenure in Congress, I have remained committed to meeting both the needs of veterans of previous wars, and to

those who are now serving. Veterans have kept their promise to serve our nation; they have willingly risked their lives to protect the country we all love. We must now ensure that we keep our promises to our veterans.

I urge my colleagues to join me in supporting H.R. 2433, the Veterans Opportunity to Work Act.

□ 1440

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 2433, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

VETERANS SEXUAL ASSAULT PREVENTION AND HEALTH CARE ENHANCEMENT ACT

Mr. MILLER of Florida. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2074) to amend title 38, United States Code, to require a comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents that occur at medical facilities of the Department of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans Sexual Assault Prevention and Health Care Enhancement Act”.

SEC. 2. COMPREHENSIVE POLICY ON REPORTING AND TRACKING SEXUAL ASSAULT INCIDENTS AND OTHER SAFETY INCIDENTS.

(a) POLICY.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following:

“§ 1709. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents

“(a) POLICY REQUIRED.—Not later than March 1, 2012, the Secretary of Veterans Affairs shall develop and implement a centralized and comprehensive policy on the reporting and tracking of sexual assault incidents and other safety incidents that occur at each medical facility of the Department, including—

“(1) suspected, alleged, attempted, or confirmed cases of sexual assault, regardless of whether such assaults lead to prosecution or conviction;

“(2) criminal and purposefully unsafe acts;

“(3) alcohol or substance abuse related acts (including by employees of the Department); and

“(4) any kind of event involving alleged or suspected abuse of a patient.

“(b) SCOPE.—The policy required by subsection (a) shall cover each of the following:

“(1) For purposes of reporting and tracking sexual assault incidents and other safety incidents, definitions of the terms—

“(A) ‘safety incident’;

“(B) ‘sexual assault’; and

“(C) ‘sexual assault incident’.

“(2) The development and use of specific risk-assessment tools to examine any risks related to sexual assault that a veteran may pose while being treated at a medical facility of the Department, including clear and consistent guidance on the collection of information related to—

“(A) the legal history of the veteran; and

“(B) the medical record of the veteran.

“(3) The mandatory training of employees of the Department on security issues, including awareness, preparedness, precautions, and police assistance.

“(4) The mandatory implementation, use, and regular testing of appropriate physical security precautions and equipment, including surveillance camera systems, computer-based panic alarm systems, stationary panic alarms, and electronic portable personal panic alarms.

“(5) Clear, consistent, and comprehensive criteria and guidance with respect to an employee of the Department communicating and reporting sexual assault incidents and other safety incidents to—

“(A) supervisory personnel of the employee at—

“(i) a medical facility of the Department;

“(ii) an office of a Veterans Integrated Service Network; and

“(iii) the central office of the Veterans Health Administration; and

“(B) a law enforcement official of the Department.

“(6) Clear and consistent criteria and guidelines with respect to an employee of the Department referring and reporting to the Office of Inspector General of the Department sexual assault incidents and other safety incidents that meet the regulatory criminal threshold in accordance with section 1.201 and 1.204 of title 38, Code of Federal Regulations.

“(7) An accountable oversight system within the Veterans Health Administration that includes—

“(A) systematic information sharing of reported sexual assault incidents and other safety incidents among officials of the Administration who have programmatic responsibility; and

“(B) a centralized reporting, tracking, and monitoring system for such incidents.

“(8) Consistent procedures and systems for law enforcement officials of the Department with respect to investigating, tracking, and closing reported sexual assault incidents and other safety incidents.

“(9) Clear and consistent guidance for the clinical management of the treatment of sexual assaults that are reported more than 72 hours after the assault.

“(c) UPDATES TO POLICY.—The Secretary shall review and revise the policy required by subsection (a) on a periodic basis as the Secretary considers appropriate and in accordance with best practices.

“(d) ANNUAL REPORT.—(1) Not later than 60 days after the date on which the Secretary develops the policy required by subsection (a), and by not later than October 1 of each year thereafter, the Secretary shall submit to the Committee on Veterans’ Affairs of the House of Representatives and the Committee on Veterans’ Affairs of the Senate a report on the implementation of the policy.

“(2) The report under paragraph (1) shall include—

“(A) the number and type of sexual assault incidents and other safety incidents reported by each medical facility of the Department;

“(B) a detailed description of the implementation of the policy required by subsection (a), including any revisions made to such policy from the previous year; and

“(C) the effectiveness of such policy on improving the safety and security of the medical facilities of the Department, including the performance measures used to evaluate such effectiveness.

“(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1708 the following:

“1709. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents.”.

(c) INTERIM REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the House of Representatives and the Committee on Veterans’ Affairs of the Senate a report on the development of the performance measures described in section 1709(d)(2)(C) of title 38, United States Code, as added by subsection (a).

SEC. 3. INCREASED FLEXIBILITY IN ESTABLISHING PAYMENT RATES FOR NURSING HOME CARE PROVIDED BY STATE HOMES.

(a) IN GENERAL.—

(1) CONTRACTS AND AGREEMENTS FOR NURSING HOME CARE.—Section 1745(a) of title 38, United States Code, is amended—

(A) in paragraph (1), by striking “The Secretary shall pay each State home for nursing home care at the rate determined under paragraph (2)” and inserting “The Secretary shall enter into a contract (or agreement under section 1720(c)(1) of this title) with each State home for payment by the Secretary for nursing home care provided in the home”; and

(B) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) Payment under each contract (or agreement) between the Secretary and a State home under paragraph (1) shall be based on a methodology, developed by the Secretary in consultation with the State home, to adequately reimburse the State home for the care provided by the State home under the contract (or agreement).”.

(2) STATE NURSING HOMES.—Section 1720(c)(1)(A) of such title is amended—

(A) in clause (i), by striking “; and” and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new clause:

“(iii) a provider of services eligible to enter into a contract pursuant to section 1745(a) of this title who is not otherwise described in clause (i) or (ii).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to care provided on or after January 1, 2012.

SEC. 4. REHABILITATIVE SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) REHABILITATION PLANS AND SERVICES.—Section 1710C of title 38, United States Code, is amended—

(1) in subsection (a)(1), by inserting before the semicolon the following: “with the goal

of maximizing the individual's independence";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting "(and sustaining improvement in)" after "improving";

(ii) by inserting "behavioral," after "cognitive";

(B) in paragraph (2), by inserting "rehabilitative services and" before "rehabilitative components"; and

(C) in paragraph (3)—

(i) by striking "treatments" the first place it appears and inserting "services"; and

(ii) by striking "treatments and" the second place it appears; and

(3) by adding at the end the following new subsection:

"(h) REHABILITATIVE SERVICES DEFINED.—For purposes of this section, and sections 1710D and 1710E of this title, the term 'rehabilitative services' includes—

"(1) rehabilitative services, as defined in section 1701 of this title;

"(2) treatment and services (which may be of ongoing duration) to sustain, and prevent loss of, functional gains that have been achieved; and

"(3) any other rehabilitative services or supports that may contribute to maximizing an individual's independence."

(b) REHABILITATION SERVICES IN COMPREHENSIVE PROGRAM FOR LONG-TERM REHABILITATION.—Section 1710D(a) of title 38, United States Code, is amended—

(1) by inserting "and rehabilitative services (as defined in section 1710C of this title)" after "long-term care"; and

(2) by striking "treatment".

(c) REHABILITATION SERVICES IN AUTHORITY FOR COOPERATIVE AGREEMENTS FOR USE OF NON-DEPARTMENT FACILITIES FOR REHABILITATION.—Section 1710E(a) of title 38, United States Code, is amended by inserting ", including rehabilitative services (as defined in section 1710C of this title)," after "medical services".

(d) TECHNICAL AMENDMENT.—Section 1710C(c)(2)(S) of title 38, United States Code, is amended by striking "ophthalmologist" and inserting "ophthalmologist".

SEC. 5. USE OF SERVICE DOGS ON PROPERTY OF THE DEPARTMENT OF VETERANS AFFAIRS.

Section 901 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f) The Secretary may not prohibit the use of service dogs in any facility or on any property of the Department or in any facility or on any property that receives funding from the Secretary."

SEC. 6. DEPARTMENT OF VETERANS AFFAIRS PILOT PROGRAM ON DOG TRAINING THERAPY.

(a) IN GENERAL.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall implement a three-year pilot program for the purpose of assessing the effectiveness of using dog training activities as a component of integrated post-deployment mental health and post-traumatic stress disorder rehabilitation programs at Department of Veterans Affairs medical centers to positively affect veterans with post-deployment mental health conditions and post-traumatic stress disorder symptoms and, through such activities, to produce specially trained dogs that meet criteria for becoming service dogs for veterans with disabilities.

(b) LOCATION OF PILOT PROGRAM.—The pilot program shall be carried out at one Department of Veterans Affairs medical center se-

lected by the Secretary for such purpose at a location other than in the Department of Veterans Affairs Palo Alto health care system in Palo Alto, California. In selecting a medical center for the pilot program, the Secretary shall—

(1) ensure that the medical center selected—

(A) has an established mental health rehabilitation program that includes a clinical focus on rehabilitation treatment of post-deployment mental health conditions and post-traumatic stress disorder; and

(B) has a demonstrated capability and capacity to incorporate service dog training activities into the rehabilitation program; and

(2) shall review and consider using recommendations published by Assistance Dogs International, International Guide Dog Federation, or comparably recognized experts in the art and science of basic dog training with regard to space, equipments, and methodologies.

(c) DESIGN OF PILOT PROGRAM.—In carrying out the pilot program, the Secretary shall—

(1) administer the program through the Department of Veterans Affairs Patient Care Services Office as a collaborative effort between the Rehabilitation Office and the Office of Mental Health Services;

(2) ensure that the national pilot program lead of the Patient Care Services Office has sufficient administrative experience to oversee the pilot program;

(3) establish partnerships through memorandums of understanding with Assistance Dogs International organizations, International Guide Dog Federation organizations, academic affiliates, or organizations with equivalent credentials with experience in teaching others to train service dogs for the purpose of advising the Department of Veterans Affairs regarding the design, development, and implementation of pilot program;

(4) ensure that the pilot program site has a service dog training instructor;

(5) ensure that dogs selected for use in the program meet all health clearance, age, and temperament criteria as outlined by Assistance Dogs International, International Guide Dog Federation, or an organization with equivalent credentials and the Centers for Disease Control and Prevention;

(6) consider dogs residing in animal shelters or foster homes for participation in the program if such dogs meet the selection criteria under this subsection; and

(7) ensure that each dog selected for the program is taught all basic commands and behaviors essential to being accepted by an accredited service dog training organization to be partnered with a disabled veteran for final individualized service dog training tailored to meet the needs of the veteran.

(d) VETERAN PARTICIPATION.—A veteran who is enrolled in the health care system established under section 1705(a) of title 38, United States Code, and is diagnosed with post-traumatic stress disorder or another post-deployment mental health condition may volunteer to participate in the pilot program required by subsection (a) of this section and may participate in the program if the Secretary determines that adequate program resources are available for such veteran to participate at the pilot program site.

(e) HIRING PREFERENCE.—In hiring service dog training instructors for the pilot program required by subsection (a), the Secretary shall give a preference to veterans in accordance with section 2108 and 3309 of title 5, United States Code.

(f) COLLECTION OF DATA.—The Secretary shall collect data on the pilot program required by subsection (a) to determine the effectiveness of the program in positively affecting veterans with post-traumatic stress disorder or other post-deployment mental health condition symptoms and the potential for expanding the program to additional Department of Veterans Affairs medical centers. Such data shall be collected and analyzed using valid and reliable methodologies and instruments.

(g) REPORTS TO CONGRESS.—

(1) ANNUAL REPORTS.—Not later than one year after the date of the commencement of the pilot program, and annually thereafter for the duration of the pilot program, the Secretary shall submit to Congress a report on the pilot program. Each such report shall include—

(A) the number of veterans participating in the pilot program;

(B) a description of the services carried out by the Secretary under the pilot program; and

(C) the effects that participating in the pilot program has on veterans with post-traumatic stress disorder and post-deployment mental health conditions.

(2) FINAL REPORT.—At the conclusion of pilot program, the Secretary shall submit to Congress a final report that includes recommendations with respect to the extension or expansion of the pilot program.

(h) DEFINITION.—For the purposes of this section, the term "service dog training instructor" means an instructor recognized by an accredited dog organization training program who provides hands-on training in the art and science of service dog training and handling.

SEC. 7. ELIMINATION OF ANNUAL REPORT ON STAFFING FOR NURSE POSITIONS.

Section 7451(e) of title 38, United States Code, is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraph (6) as paragraph (5).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2074, as amended, the Veterans Sexual Assault Prevention and Health Care Enhancement Act. The bill before us is, in fact, a bipartisan product of many months worth of oversight on behalf of our Health Subcommittee. It's derived from numerous proposals championed by Members from both sides of the aisle to improve the care and the services provided to our veterans by the Department of Veterans Affairs.

Of special note is a provision introduced by our Health Subcommittee chairwoman, Ms. ANN MARIE BUEKLE, and myself. This provision would address the findings of a Government Accountability Office report detailing the high prevalence of sexual assault incidents at VA medical facilities and the very serious failures in accountability on the part of VA leadership.

As I've said before, just one assault, just one assault of this nature, one sexual predator or one veteran's rights being violated within the VA is one too many.

I am grateful to my good friend, the ranking member, Mr. FILNER, and the Health Subcommittee Chairwoman, ANN MARIE BUEKLE and Ranking Member MIKE MICHAUD for the leadership that they have shown in bringing this legislation forward to strengthen the VA health care system for our veteran heroes.

I now yield such time as she may consume to my good friend and colleague from New York, Chairwoman BUEKLE, to further discuss the provisions of H.R. 2074, as amended.

Ms. BUEKLE. I thank the chairman.

Madam Speaker, I rise in strong support of H.R. 2074, as amended, the Veterans Sexual Assault Prevention and Health Care Enhancement Act. H.R. 2074, as amended, includes several worthy legislative proposals brought forth by the Members from both sides reflecting the subcommittee's oversight and activities to date.

This bill would create a safer Department of Veterans Affairs health care system, allow for greater flexibility in VA payments to State Veterans homes, break down barriers to care for veterans with traumatic brain injury, clarify access rights of service dogs on VA property, and expand an innovative therapeutic option for veterans struggling with post-traumatic stress.

Section 2 of the bill would require the VA to develop a comprehensive policy on the prevention, monitoring, reporting, and tracking of sexual assaults and other safety instances at VA facilities. I, along with the chairman, introduced this measure in response to a disturbing report issued by the Government Accountability Office in early June of this year regarding the prevalence of sexual assaults and other safety instances on VA property and the very serious safety vulnerabilities, security problems, and oversight failures by VA leadership.

Abusive behavior like the kind documented by GAO is unacceptable in any form, but for it to be found in what should be an environment of caring for our honored veterans is simply intolerable.

As a registered nurse and domestic violence counselor, I am all too familiar with the corrosive and harmful effects sexual and physical violence can have on the lives of its victims. It is an experience I wish on no one, much less one of our Nation's heroes or hardworking medical professionals.

Madam Speaker, it is critically important that we take every available step to protect the personal safety and well-being of our veterans who seek care through the VA and all of the hardworking employees who strive to provide that care on a daily basis.

The provisions included in this bill would require VA to develop clear and comprehensive criteria with respect to the reporting of instances for both clinical and law enforcement personnel, a comprehensive policy on reporting and tracking, risk assessment tools, a mandatory safety awareness and preparedness training program for employees, appropriate physical security precautions, and a centralized and accountable oversight system.

Madam Speaker, I'm confident that these requirements will resolve the many wrongs uncovered by the GAO and ensure that the VA health care system remains a safe haven of healing for our honored veterans.

Madam Speaker, section 3 of the bill would allow for increased flexibility in establishing rates for reimbursement to State homes for nursing home care provided to veterans with a service-connected disability rated at 70 percent or greater, or in need of such care due to a service-connected condition.

State veterans homes have a long history of providing high quality care to some of our Nation's most vulnerable veterans. By requiring the VA to enter into a contract or agreement separately with each State home based on the particular needs of that veteran, this bill would correct an unintended consequence in law that has negatively impacted certain State homes and, consequently, the veterans under their care.

This proposal was spearheaded by my friend and colleague, the ranking member from Maine, Mr. MIKE MICHAUD. I would like to thank him for his advocacy and his hard work in advancing this proposal and recognizing the great service that our State homes provide.

Madam Speaker, section 4 of the bill would improve the provision of rehabilitative care to veterans with traumatic brain injury by including the goal of maximizing independence and improving behavioral and mental health functioning within individual rehabilitation and reintegration programs.

It would also require that rehabilitative services be included within any comprehensive long-term care services for veterans with traumatic brain injury. Many concerns have been raised by veterans and veterans service organizations that current law is being inappropriately interpreted to limit rehabilitative care for veterans with TBI to only those services that restore function.

Madam Speaker, it is vital that we ensure that the recovery process for our veterans, especially those facing a lifetime of cognitive and neurological impairment, is ongoing, unburdened by institutional barriers, and extends beyond a strictly medical model to include services that allow those struggling to advance functional gains and reintegrate successfully into their home communities.

Madam Speaker, this provision was introduced by Mr. TIM WALZ of Minnesota, a veteran and valuable member of our Subcommittee on Health, and I would like to extend my personal gratitude to him for his service and for this proposal.

Section 5 of the bill would clarify the access rights of service dogs on VA property and in VA facilities. This provision, introduced by Mr. JOHN CARTER of Texas, would amend an outdated VA policy that has left some disabled veterans and service dogs they need to function out in the cold.

Unlike guide dogs for visually impaired veterans, service dogs are not guaranteed entry at VA facilities under Federal law. Recognizing the immense therapeutic value service dogs can have in promoting functionality and independence for our veterans, this provision would require that service dogs do have access to VA facilities consistent with the same terms and conditions and subject to the same regulations as generally govern the admittance of guide dogs on VA property.

Madam Speaker, section 6 of this bill would direct VA to carry out a 3-year pilot program to assess the effectiveness of addressing post-deployment mental health and post-traumatic stress disorder, PTSD symptoms, through service dog training therapy.

This legislation would allow for the expansion of promising and successful service dog training therapy programs currently in use at the VA Medical Center in Palo Alto, California, and the National Intrepid Center of Excellence in Bethesda, Maryland. Veterans participating in these programs have demonstrated improved emotional regulation, social integration, sleep patterns, and a sense of purpose and personal safety.

The prevalence, Madam Speaker, of post-deployment mental health issues and post-traumatic stress disorder is rising among our veteran population, with over 190,000 veterans of Iraq and Afghanistan having sought treatment in VA for post-traumatic stress disorder.

□ 1450

Veterans who struggle with mental health issues need and deserve the very best we can provide in care and treatment. Providing them with every tool necessary to reintegrate healthfully back into their families and home communities and achieve maximum health and wellness is one of my and my subcommittee's top priorities.

We must continue to explore new and innovative therapeutic options to alleviate the symptoms of post-traumatic stress; and I thank my friend and fellow New Yorker, Mr. MICHAEL GRIMM, for his previous service to our country in the Marine Corps and for his very strong commitment to moving this initiative forward to assist his fellow veterans.

Finally, Madam Speaker, section 7 of the bill would eliminate the requirement for the VA to provide Congress with an annual report on staffing for nurses and nurse anesthetists. This cumbersome and costly report was enacted almost 11 years ago. It is estimated to cost approximately \$113,000 per year to produce. The report's intended purpose was to keep Congress apprised of recruitment and retention issues facing certain nursing positions within the VA. However, following that, Congress enacted Public Law 107-135, the Veterans Affairs Health Care Programs Enhancement Act, which fundamentally strengthened VA's ability to recruit and retain qualified nursing professionals through additional employee benefits and incentives.

Reporting requirements included in this law, as well as a variety of other ways and means in which Congress can obtain such data, render this report unnecessary. Further, for the last several years, the report has concluded that nurse staffing remain stable within the Veterans Affairs Department. Additionally, eliminating the burdensome reporting requirement does not in any way reduce other existing requirements for VA to gather information on nurse staffing facility leadership, ensuring that such data continues to be readily available to Congress and other stakeholders.

Madam Speaker, it has been an honor for me to work with my colleagues in a truly bipartisan manner to move H.R. 2074, as amended, forward; and I would like to thank each of them, particularly Chairman JEFF MILLER and Ranking Member BOB FILNER, and Health Subcommittee ranking member, MIKE MICHAUD, for their tireless support on behalf of our honored veterans.

Madam Speaker, I urge all of my colleagues to join me in supporting this important legislation.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

Obviously, nothing is more important than the safety of our veterans; and this bill, H.R. 2074, contains many provisions to help improve the safety and health care of our veterans.

Because of a report I requested as chair, the GAO presenter "VA Health Care: Actions Needed to Prevent Sexual Assaults and Other Safety Incidents." That report found that veterans and employees were exposed to personal dangers, including sexual assaults, in the very facilities that should be protecting them.

And, Madam Speaker, I think we ought to be more outraged given the findings of that report. That report found that there were not just dozens of alleged sexual assaults that went unreported, not even scores of such assaults, but hundreds of them—hundreds of sexual assaults alleged but not reported by those who had the obligation and responsibility to report them.

How are our veterans protected when they can't even have a report of an alleged assault? What message does that give to people that the military & the VA care about what's going on here and what's going on with their safety? That's who we should be going after here, by the way. It's very clear who has the responsibility about reporting such assaults, and yet they were not reported in the hundreds of cases, and that was only, by the way, at some selected study places. Who knows what we would have found in the whole institution?

I don't know that the VA has ever reprimanded any of those people. I don't know that the VA has ever said to the Veterans Administration that this will not be tolerated, that not only are we going to report on them, but investigate them and bring people to justice. I don't know that any of that has happened. That's what this bill should be trying to focus on. What happens to those people who don't report them? What happens to the cover-ups? What happens to those who protect each other as people are assaulted?

I'm not sure that we have come to grips with this issue. This report was outrageous. This report was incredibly, incredibly tragic. And all I find is we are going to do some process changes in here—and I support those, and we'll vote for the bill. But we're sending a message here to the entire 250,000 working people of this VA that we're not really concerned about them, we're not reporting them, we're not getting to those people covering up, we're not getting at those people who protect each other, we're not getting at those who have violated the law by not reporting such incidents.

Let's go after them. Let's give our veterans some comfort that their safety is protected.

I reserve the balance of my time.

Mr. MILLER of Florida. Madam Speaker, I associate myself with the comments of my colleague. It is egregious that there have been so many sexual assaults that have, in fact, gone unreported by the VA. I would encourage my good friend and his colleagues to work with us and provide amendments in any way that they see important to help bills like this strengthen the reporting requirements and to help us in an oversight and investigative response of this Congress, which is trying to do more on the oversight and investigative side. The last Congress did very little, and even those under Republican administrations did very little.

We're trying to reengage the oversight and investigation side, and I think that it is very important that we work together; and I do commend my good friend for his outrage on this particular report that came out, and I will work with him in any way possible.

With that, I yield such time as he may consume to my good friend from

the Staten Island area of New York, the 13th Congressional District, Congressman GRIMM.

Mr. GRIMM. Thank you, Chairman MILLER.

I rise today in strong support of H.R. 2074, which includes the text of H.R. 198, the Veterans Dog Training Therapy Act. That's a bill that I introduced along with our lead cosponsor, House Veterans' Affairs Health Subcommittee Ranking Member MICHAUD. A special thank you to the ranking member. As a marine combat veteran, it's a unique honor for me to see this bill considered today by the full House.

Over the past 9 months, I've had the honor to meet with our Nation's veterans who are now faced with the challenges of coping with PTSD and physical disabilities resulting from their service in Iraq and Afghanistan. Their stories are not for the weak of heart, and they're truly moving, with these personal accounts of their recovery, both physical and mental, and the important role therapy and service dogs played that inspired this legislation.

The Veterans Dog Training Therapy Act would require the Department of Veterans Affairs to conduct a pilot program in VA medical centers assessing the effectiveness of addressing post-deployment mental health and PTSD through the therapeutic medium of training service dogs for veterans with disabilities. These trained service dogs are then given to physically disabled veterans to help them with their daily activities.

Simply put, this program treats veterans suffering from PTSD while at the same time aiding those suffering from physical disabilities. Since it was introduced, this legislation has gained the bipartisan support of 96 cosponsors. With veteran suicide rates at all-time highs and more and more servicemen and -women being diagnosed with PTSD, this bill meets a crucial need for additional treatment methods. I believe that by caring for our Nation's veterans, while at the same time providing assistance dogs to those with physical disabilities, we create a win-win scenario for everyone. This is a goal we can all be proud to accomplish.

Just as an added bonus, we provide these wonderful animals with a loving and safe environment. And that's why I strongly urge all of my colleagues to join me in support of H.R. 2074.

AMVETS,

Lanham, MD, October 11, 2011.

Hon. MICHAEL GRIMM,
House of Representatives, Cannon House Office
Building, Washington, DC.

DEAR CONGRESSMAN GRIMM: On behalf of AMVETS (American Veterans), I am writing to express our support of H.R. 198, the "Veterans Dog Training Therapy Act." AMVETS supports the updated language of H.R. 198 that is now an amendment in H.R. 2074. We believe the current language in H.R. 2074 will ensure this bill provides our veterans the highest quality care, while at the same time

maintaining our commitment to fiscal responsibility.

As you may know, AMVETS has partnered with the Assistance Dogs International (ADI) accredited Assistance Dog agency Paws With A Cause for over 30 years, in an effort to help provide disabled veterans Service Dogs. Through our experiences we have seen what an immeasurable asset these dogs have proven to be to both the trainers and recipients. This has included, but is not limited to, improvements in both physical and mental health, quality of life and the independence these dogs afford disabled veterans.

Furthermore, AMVETS believes H.R. 198, as an amendment in H.R. 2074, will prove to be both beneficial to veterans and to the Department of Veterans Affairs in the development of stronger policies and procedures regarding Service Dogs within the VA health care system, as well as being fiscally responsible through the partnering of VA facilities with private sector industry expert ADI agencies for this study.

AMVETS lends our support to H.R. 198, as an amendment in H.R. 2074 and again applauds your dedication to our veteran community.

Sincerely,

CHRISTINA M. ROOF,
National Deputy Legislative Director.

□ 1500

Mr. FILNER. I yield such time as he may consume to the ranking member of our Health Subcommittee, someone who has served for 4 years as the chair and who has done so much good for our veterans throughout the Nation, the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. I thank Ranking Member FILNER for yielding.

As my colleagues have stated, our veterans' safety should be one of our top priorities, and the Veterans Sexual Assault Prevention and Health Care Enhancement Act does just that.

I would like to thank Chairman MILLER and Ranking Member BOB FILNER, the chair of the subcommittee, as well as all of my colleagues on the House Veterans Affairs' Committee, for working in such a bipartisan manner to get this very important health care bill to the floor.

Within H.R. 2074, I would like to highlight two important provisions, and you heard the chairwoman explain the bill very eloquently.

The first provision I would like to highlight is section 2, which was offered by the chair of the Subcommittee on Health, Ms. BUERKLE. The provision will correct the troubling findings in a GAO report. The report essentially found that veterans and employees were exposed to personal dangers, including sexual assault. This is simply unacceptable, and I want to thank the subcommittee chair for offering this bill to us.

The second provision I would like to highlight is in section 3, my provision of the bill. Section 3 would provide much needed flexibility in the way the State veterans' homes get reimbursed for the care they provide to veterans who need that care for a service-connected condition or a service-connected

condition of 70 percent or greater. This will ensure that these veterans are not put out on the streets.

The Subcommittee on Health has been working on this bill for well over 2 years, and now I am finally pleased to see that this bill is moving forward. Hopefully, my colleagues on both sides of the aisle will support this very important piece of legislation as we have to do all that we can to help our veterans and their families. This bill is one that takes a different approach to dealing with our veterans and their problems.

Mr. MILLER of Florida. Madam Speaker, I yield 2 minutes to the gentleman from the 31st District of Texas (Mr. CARTER).

Mr. CARTER. I thank the chairman for yielding.

I want to thank the chairman and chairwoman for adopting H.R. 2074 to include H.R. 1154, the Veterans Equal Treatment for Service Dogs—the vet dogs—bill.

This ensures that veterans with service dogs have equal access to VA facilities. It amends title 38 of the U.S.C. to ensure that the VA allows medical service dogs in addition to seeing eye and guide dogs in VA facilities. This is sort of a no-brainer. A medical service dog's usage has been expanded to deal with all types of brain injury, hearing loss, seizures, vets who have lost limbs—for assistance mobility—and there are many other important areas in which these service dogs are making our veterans better.

Both the ADA and the Rehabilitation Act support this bill. The VA issued a directive recently to allow service dogs into their facilities, a directive good for 5 years. I applaud the VA in that effort, but this bill makes this directive permanent.

This is important for these veterans. If you see them with their dogs, you'll know that the friendship and the love and the affection and assistance that these dogs provide is invaluable to our injured veterans.

Harry Truman once made the statement, If you want a friend in Washington, D.C., get a dog. I am just trying to make sure by this bill—and we are trying to make sure—that our veterans don't have to leave their friends outside the door.

Mr. FILNER. I have no further requests for time and would be prepared to close once the chairman has no further speakers.

Mr. MILLER of Florida. I have no further requests for time.

Mr. FILNER. I yield myself such time as I may consume.

As I said earlier, this is a bill that has a lot of good things in it, and I wish we had gone further.

I met with the GAO this morning. They said they could follow up reports such as this with an investigation of personnel actions, for example, and

could report back to us in terms that don't violate any civil service protections that they would provide a third party kind of review of the personnel actions that may have resulted from their recommendations.

You don't have to answer now, but I would be prepared to work with the chair to request such an investigation, because what we have done here is, in response to the report that said reporting requirements were not met in hundreds of cases at some few selected sites that they examined, merely add new reporting requirements. They didn't follow the first ones, so what good are more reporting requirements going to do?

There have to be some actions on the part of the Veterans Administration that say to our employees, that say to our veterans that there shall be no sexual assaults on our sites. Yet what we're saying here is, oh, we'll add a few more reporting requirements. That doesn't send a message, because we already had the reporting requirements.

Let's try to find a way—and I'll work with the chair to do this—to send a message to our agency, not that we're going to pass another few rules, but that we're going to take this seriously, that we're going to demand that the employees who did not follow what is clearly stated in rules and law about reporting alleged cases of sexual assault be terminated. In my opinion, they ought to have been terminated. This is so serious, and it would have sent such a good message to those who might either perpetrate assault or to those who are victims of such assault.

They should have been terminated. I doubt that they were. I doubt that they were removed from their jobs. I would hope the VA might contradict me, but I doubt that there was anything more than a note saying they should do better in the future. I hope I'm wrong, but I will tell you that the history of personnel actions in response to acts such as these has not been one that gives confidence to me that we have sent the right message.

So I will work with the chair to do whatever we can to send the right message from this Congress and from the American people that these acts will not be tolerated.

I yield back the balance of my time.

Mr. MILLER of Florida. Madam Speaker, I commit to working with the ranking member on the further reporting of these incidents. I would add that this particular piece of legislation does, in fact, incorporate every single recommendation that the GAO gave to this committee in their report.

GENERAL LEAVE

Mr. MILLER of Florida. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of H.R. 2074, "the Veterans Sexual Assault Prevention and Healthcare Enhancement Act of 2011." This legislation requires the Veterans' Administration, VA, to report and track sexual assaults and other safety related incidents at its medical facilities. Further, it requires: a payment of nursing home care for veterans with service-connected disabilities, requires individualized care for traumatic brain injuries (TBI), allows service dogs on VA properties, and establishes a three year pilot program to assess the effectiveness of mental health and post traumatic stress disorder (PTSD) treatments of veterans who are utilizing dog training therapy.

Throughout my tenure in Congress, I have remained committed to meeting the needs of veterans. They have kept their promise to serve our nation and have willingly risked their lives to protect the country we all love. We must now ensure that we keep our promises to our veterans. It is only prudent to require the VA to take steps to ensure that our veterans are safe while in their care.

In the State of Texas, we have nearly 1.7 million veterans, and 18th District is home to 32,000 of them. The veterans I represent are aware of the services provided by the Veterans' Administration. When they return home, the least we can do is to ensure that while they are receiving care their physical safety concerns are being addressed.

The Veterans' Administration is charged with providing for the healthcare needs of our nation's veterans. Part of this care includes providing for their safety. Although the majority of the men and women who have served our country are upright and law abiding citizens there are always a few bad actors. The veterans must be protected against bad actors in the same way that they have helped to protect the United States against our enemies.

The Department of Defense estimates that in 2010 alone, there were over 19,000 sexual assaults in the military, which amounts to nearly 52 sexual assaults per day. It is not unreasonable to imagine that those tens of thousands of survivors and their perpetrators vanish after they are discharged from the military. There are substantial numbers of veterans who are survivors of sexual trauma, survivors utilizing the VA services. According to a VA report in FY 2010 68,379 patients had at least one outpatient visit to a VHA facility that was for the treatment of a condition related to military sexual trauma: 61 percent, or 41,475, of those patients were women; 39 percent, or 26,904, were men.

We must remember that the Veterans' Administration does serve tens of thousands of veterans every year. This number will continue to grow as more of our troops return home. As with any institution that meets the needs of so many the VA must ensure the safety of the patients under their care. To do so the VA must train members of their staff on sexual harassment and sexual assault responses, and educate patients on the process to file a sexual assault allegation.

According to the Government Accountability Office, GAO, there were nearly 300 sexual assault incidents reported to the VA police from January 2007 through July 2010—including al-

leged incidents that involved rape, inappropriate touching, forceful medical examinations, forced or inappropriate oral sex, and other types of sexual assault incidents. Many of these sexual assault incidents were not reported to officials within the management reporting stream which is a direct violation of VA policy and Federal Regulations.

H.R. 2074 addresses some of the factors identified by the GAO, namely that the VA did not have a consistent sexual assault definition that could be utilized for reporting purposes. The VA also did not have clear expectations for incident reporting across VA medical facilities. In addition, the VA does not have the ability or mechanisms in place to monitor sexual assault incidents reported through the management reporting stream. H.R. 2074 would require the VA to establish a comprehensive policy to report and track all incidents of sexual assault and other safety concerns.

It is important that the men and women receiving care at VA medical facilities are adequately protected from harm. It is unfathomable that this issue has not been addressed sooner. We must remember that although sexual assault is often considered an issue only affecting women, in fact, both men and women have suffered sexual assaults. Further, victims may be assaulted by predators of the same or the opposite sex. Like other types of trauma, sexual trauma can leave lasting scars upon the physical and mental health of its victims. Veterans who are already receiving care for their wounds should not be left to defend themselves against aggressors.

In addition, the GAO determined that five VA medical facilities visited, had poorly monitored surveillance cameras, alarm system malfunctions, and the failure of alarms to alert both VA police and clinical staff when triggered. Inadequate system configuration and testing procedures contributed to these weaknesses. Further, facility officials at most of the locations GAO visited said the VA police were understaffed. These issues could have dire consequences, as it could lead to delayed response time to incidents and seriously erode the VA's efforts to prevent or mitigate sexual assaults and other safety incidents. This is simply outrageous.

H.R. 2074 requires the VA to take this matter seriously. As it stands this bill requires the VA to have clear accountability goals for VA staff. Every VA medical facility is required to have a military sexual trauma coordinator; considering the volume of patients who are coping with this condition that should not be a surprise. What is surprising is that at most VA facilities this position is not a full time job. These employees are often given additional duties and obligations not related to military sexual trauma. This legislation should be a wakeup call. Protecting the safety of our veterans while they are in our care is a top priority.

In addition, this legislation opens the possibility of meeting the health needs of veterans who reside in nursing homes, are receiving treatment for PTSD and other mental health services. It is important to note that when a soldier returns from the battlefield he or she brings with them both physical and mental

wounds. It is our duty to ensure that each and every one of those veterans who survive the fields of combat are able to receive the care they need when they make it home.

I urge my colleagues to join me in supporting H.R. 2074, the Veterans Sexual Assault Prevention and Healthcare Enhancement Act.

Mr. MILLER of Florida. I encourage all Members to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 2074, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title 38, United States Code, to require a comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents that occur at medical facilities of the Department of Veterans Affairs, to improve rehabilitative services for veterans with traumatic brain injury, and for other purposes."

A motion to reconsider was laid on the table.

□ 1510

NOTIFYING CONGRESS OF CONFERENCES SPONSORED BY DEPARTMENT OF VETERANS AFFAIRS

Mr. MILLER of Florida. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2302) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to notify Congress of conferences sponsored by the Department of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. QUARTERLY REPORTS TO CONGRESS ON CONFERENCES SPONSORED BY THE DEPARTMENT.

(a) *IN GENERAL.*—Subchapter I of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

"§517. Quarterly reports to Congress on conferences sponsored by the Department

"(a) *QUARTERLY REPORTS REQUIRED.*—Not later than 30 days after the end of each fiscal quarter, the Secretary shall submit to the Committee on Veterans' Affairs of the House of Representatives and the Committee on Veterans' Affairs of the Senate a report on covered conferences.

"(b) *MATTERS INCLUDED.*—Each report under subsection (a) shall include the following:

"(1) An accounting of the final costs to the Department of each covered conference occurring during the fiscal quarter preceding the date on which the report is submitted, including the costs related to—

“(A) transportation and parking;
 “(B) per diem payments;
 “(C) lodging;
 “(D) rental of halls, auditoriums, or other spaces;
 “(E) rental of equipment;
 “(F) refreshments;
 “(G) entertainment;
 “(H) contractors; and
 “(I) brochures or other printed media.
 “(2) The total estimated costs to the Department for covered conferences occurring during the fiscal quarter in which the report is submitted.

“(c) COVERED CONFERENCE DEFINED.—In this section, the term ‘covered conference’ means a conference, meeting, or other similar forum that is sponsored or co-sponsored by the Department of Veterans Affairs and is—

“(1) attended by 50 or more individuals, including one or more employees of the Department; or

“(2) estimated to cost the Department at least \$20,000.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 516 the following:

“517. Quarterly reports to Congress on conferences sponsored by the Department.”.

SEC. 2. SUBMISSION OF CERTAIN INFORMATION BY THE SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 38, United States Code, is amended by inserting after section 529 the following new section:

“§529A. Submission of certain information by the Secretary to Congress

“(a) IN GENERAL.—The submission of information by the Secretary to the Committee on Veterans’ Affairs of the House of Representatives or the Committee on Veterans’ Affairs of the Senate in response to a request for such information made by a covered member of the committee shall be deemed to be—

“(1) a covered disclosure under section 552a(b)(9) of title 5; and

“(2) a permitted disclosure under regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191), including a permitted disclosure for oversight activities authorized by law as described in section 164.512(d) of title 45, Code of Federal Regulations.

“(b) SUBMISSION TO CHAIRMAN.—With respect to a request for information described in subsection (a) made by a covered member of the committee who is not the chairman, the Secretary shall also submit such information to the chairman of the Committee on Veterans’ Affairs of the House of Representatives or the Committee on Veterans’ Affairs of the Senate, as the case may be.

“(c) COVERED MEMBER OF THE COMMITTEE.—In this section, the term ‘covered member of the committee’ means the following:

“(1) The chairman or ranking member of the Committee on Veterans’ Affairs of the House of Representatives or the Committee on Veterans’ Affairs of the Senate.

“(2) A chairman or ranking member of a subcommittee of the Committee on Veterans’ Affairs of the House of Representatives or the Committee on Veterans’ Affairs of the Senate.

“(3) The designee of a chairman or ranking member described in paragraph (1) or (2).”.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 529 the following new item:

“529A. Submission of certain information by the Secretary to Congress.”.

SEC. 3. PUBLICATION OF DATA ON EMPLOYMENT OF CERTAIN VETERANS BY FEDERAL CONTRACTORS.

Section 4212(d) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(3) The Secretary of Labor shall establish and maintain an Internet website on which the Secretary shall publicly disclose the information reported to the Secretary of Labor by contractors under paragraph (1).”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2302, as amended. It amends title 38, United States Code, that directs the Secretary of the Department of Veterans Affairs to notify Congress of certain conferences sponsored by the VA. It’s a good government bill. It provides additional transparency. It shifts VA and Department of Defense GI Bill reporting requirements from chapter 30 to chapter 33.

This legislation is sponsored by the chairman of our Subcommittee on Economic Opportunity, the gentleman from Indiana (Mr. STUTZMAN). My thanks go out to him as well as the ranking member, Mr. FILNER, and also the ranking member of the subcommittee, Mr. BRALEY of Iowa, for their efforts.

With that, I yield such time as he may consume to the distinguished gentleman from Indiana (Mr. STUTZMAN), chairman of the Subcommittee on Economic Opportunity.

Mr. STUTZMAN. Thank you, Mr. Chairman.

Madam Speaker, H.R. 2302, as amended, contains provisions from three different bills. Section one retains the transparency concepts in the original version of the bill but responds partially to VA’s concerns about the scope of covered conferences by increasing the reporting threshold to conferences costing \$20,000 or more. The catalyst for this provision was a large VA conference held recently in Scottsdale, Arizona, that lasted 11 days and included \$97,000 for consultant services out of a total cost of \$221,500. At a time when every tax dollar is precious, it is our duty to ensure that VA conferences spend those dollars wisely. This would be an appropriate provision in any economic situation, not just in today’s stagnant economy.

Section 2 includes the provisions of Chairman MILLER’s bill, H.R. 2388, that would streamline the committee’s ability to get information from the VA. It has been our experience that VA incorrectly uses the Health Insurance Portability and Accessibility Act, or HIPAA, to deny or delay providing in-

formation needed to resolve our constituents’ cases. This bill would make it clear that requests for information for the committee’s constitutional oversight duties are deemed to be an authorized disclosure under the Privacy Act and HIPAA.

Section 3 includes provisions introduced by the ranking member of the Subcommittee on Disability Assistance and Memorial Affairs, Mr. MCNERNEY, that would require the Department of Labor to include veterans’ employment information submitted by Federal contractors on the Department’s Web site.

Madam Speaker, title 38, United States Code, section 4212 requires Federal contractors to implement an affirmative action plan to hire veterans and to report on the success of that program. It is unfortunate that the Department of Labor, under several administrations, has largely ignored data that shows the extent to which Federal contractors are complying with the law. While I am aware of renewed efforts by the Office of Federal Contractor Compliance to enforce the law, Mr. MCNERNEY’s provision will help focus their attention on this issue, and I thank him for this important provision.

Each of these provisions will increase the transparency of Federal programs and improve our ability to hold the Federal Government accountable for not just funding but also its actions in managing the programs under our jurisdiction. I am also happy to report that my amendment has been scored by CBO as having insignificant costs.

So I urge my colleagues to support H.R. 2302, and I thank Ranking Member BRALEY for his support of the subcommittee’s work.

Mr. FILNER. Madam Speaker, I endorse the arguments just made by the chairman of the subcommittee.

I have no requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. MILLER of Florida. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 2302, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. I once again encourage all my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 2302, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: “A bill to amend title 38, United States

Code, to direct the Secretary of Veterans Affairs to notify Congress of conferences sponsored by the Department of Veterans Affairs, and for other purposes.”.

A motion to reconsider was laid on the table.

VETERANS' BENEFITS ACT OF 2011

Mr. MILLER of Florida. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2349) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to annually assess the skills of certain employees and managers of the Veterans Benefits Administration, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans’ Benefits Act of 2011”.

SEC. 2. ASSESSMENT OF CLAIMS-PROCESSING SKILLS PILOT PROGRAM.

(a) **PILOT PROGRAM.**—Commencing not later than 180 days after the date of the enactment of the Act, in addition to providing employee certification under section 7732A of title 38, United States Code, the Secretary of Veterans Affairs shall carry out a pilot program to assess skills and provide training described under subsection (b).

(b) **BIENNIAL SKILLS ASSESSMENT AND INDIVIDUALIZED TRAINING.**—

(1) **IN GENERAL.**—The Secretary shall—

(A) biennially assess the skills of appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for compensation and pension benefits under the laws administered by the Secretary, including by requiring such employees and managers to take the examination provided under section 7732A(a)(1) of title 38, United States Code; and

(B) on the basis of the results of such assessment and examination, and on any relevant regional office quality review, develop and implement an individualized training plan related to such skills for each such employee and manager.

(2) **REMEDATION.**—

(A) **REMEDATION PROVIDED.**—In providing training under paragraph (1)(B), if any employee or manager receives a less than satisfactory result on any portion of an assessment under paragraph (1)(A), the Secretary shall provide such employee or manager with remediation of any deficiency in the skills related to such portion of the assessment and, within a reasonable period following the remediation, shall require the employee or manager to take the examination again.

(B) **PERSONNEL ACTIONS.**—In accordance with titles 5 and 38, United States Code, the Secretary shall take appropriate personnel actions with respect to any employee or manager who, after being given two opportunities for remediation under subparagraph (A), does not receive a satisfactory result on an assessment under paragraph (1)(A).

(c) **LOCATIONS AND DURATION.**—The Secretary shall carry out the pilot program under this section at five regional offices of the Veterans Benefits Administration during the four-year period beginning on the date of the commencement of the pilot program.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section a total of \$5,000,000 for fiscal years 2012 through 2016.

(e) **REPORTS.**—Not later than November 1 of each year in which the pilot program under this section is carried out, the Secretary shall submit to the Committee on Veterans’ Affairs of the House of Representatives and the Committee on Veterans’ Affairs of the Senate a report on any assessments and training conducted under this section during the previous year. Each such report shall include—

(1) a summary of—

(A) the results of the assessments under subsection (b)(1)(A);

(B) remediation provided under subsection (b)(2)(A); and

(C) personnel actions taken under subsection (b)(2)(B); and

(2) any changes made to the training program under subsection (b)(1)(B) based on the results of such assessments and remediation and the examinations provided under section 7732A(a)(1) of title 38, United States Code.

SEC. 3. EXCLUSION OF CERTAIN REIMBURSEMENTS OF EXPENSES FROM DETERMINATION OF ANNUAL INCOME WITH RESPECT TO PENSIONS FOR VETERANS AND SURVIVING SPOUSES AND CHILDREN OF VETERANS.

(a) **IN GENERAL.**—Paragraph (5) of section 1503(a) of title 38, United States Code, is amended to read as follows:

“(5) payments regarding—

“(A) reimbursements of any kind (including insurance settlement payments) for—

“(i) expenses related to the repayment, replacement, or repair of equipment, vehicles, items, money, or property resulting from—

“(I) any accident (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the equipment or vehicle involved at the time immediately preceding the accident;

“(II) any theft or loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the item or the amount of the money (including legal tender of the United States or of a foreign country) involved at the time immediately preceding the theft or loss; or

“(III) any casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the property involved at the time immediately preceding the casualty loss; and

“(ii) medical expenses resulting from any accident, theft, loss, or casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this clause shall not exceed the costs of medical care provided to the victim of the accident, theft, loss, or casualty loss; and

“(B) pain and suffering (including insurance settlement payments and general damages awarded by a court) related to an accident, theft, loss, or casualty loss, but the amount excluded under this subparagraph shall not exceed an amount determined by the Secretary on a case-by-case basis;”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.

(c) **EXTENSION OF AUTHORITY TO OBTAIN CERTAIN INFORMATION FROM DEPARTMENT OF TREASURY.**—Section 5317(g) of title 38, United States Code, is amended by striking “2011” and inserting “2013”.

SEC. 4. AUTHORIZATION OF USE OF ELECTRONIC COMMUNICATION TO PROVIDE NOTICE TO CLAIMANTS FOR BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) **IN GENERAL.**—Section 5103 of title 38, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking “Upon receipt of a complete or substantially complete application, the” and inserting “The”;

(B) by striking “notify” and inserting “provide to”; and

(C) by inserting “by the most effective means available, including electronic communication or notification in writing” before “of any information”; and

(2) in subsection (b), by adding at the end the following new paragraphs:

“(4) Nothing in this section shall require the Secretary to provide notice for a subsequent claim that is filed while a previous claim is pending if the notice previously provided for such pending claim—

“(A) provides sufficient notice of the information and evidence necessary to substantiate such subsequent claim; and

“(B) was sent within one year of the date on which the subsequent claim was filed.

“(5)(A) This section shall not apply to any claim or issue where the Secretary may award the maximum benefit in accordance with this title based on the evidence of record.

“(B) For purposes of this paragraph, the term ‘maximum benefit’ means the highest evaluation assignable in accordance with the evidence of record, as long as such evaluation is supported by such evidence of record at the time the decision is rendered.”.

(b) **CONSTRUCTION.**—Nothing in the amendments made by subsection (a) shall be construed as eliminating any requirement with respect to the contents of a notice under section 5103 of such title that are required under regulations prescribed pursuant to subsection (a)(2) of such section as of the date of the enactment of this Act.

SEC. 5. DUTY TO ASSIST CLAIMANTS IN OBTAINING PRIVATE RECORDS.

(a) **IN GENERAL.**—Section 5103A(b) of title 38, United States Code, is amended to read as follows:

“(b) **ASSISTANCE IN OBTAINING PRIVATE RECORDS.**—(1) As part of the assistance provided under subsection (a), the Secretary shall make reasonable efforts to obtain relevant private records.

“(2)(A) Whenever the Secretary, after making such reasonable efforts, is unable to obtain all of the relevant records sought, the Secretary shall notify the claimant that the Secretary is unable to obtain records with respect to the claim. Such a notification shall—

“(i) identify the records the Secretary is unable to obtain;

“(ii) briefly explain the efforts that the Secretary made to obtain such records; and

“(iii) explain that the Secretary will decide the claim based on the evidence of record but that this section does not prohibit the submission of records at a later date if such submission is otherwise allowed.

“(B) The Secretary shall make not less than two requests to a custodian of a private record in order for an effort to obtain relevant private records to be treated as reasonable under this section, unless it is made evident by the first request that a second request would be futile in obtaining such records.

“(3)(A) This section shall not apply if the evidence of record allows for the Secretary to award the maximum benefit in accordance with this title based on the evidence of record.

“(B) For purposes of this paragraph, the term ‘maximum benefit’ means the highest evaluation

assignable in accordance with the evidence of record, as long as such evaluation is supported by such evidence of record at the time the decision is rendered.

“(4) Under regulations prescribed by the Secretary, the Secretary—

“(A) shall encourage claimants to submit relevant private medical records of the claimant to the Secretary if such submission does not burden the claimant; and

“(B) in obtaining relevant private records under paragraph (1), may require the claimant to authorize the Secretary to obtain such records if such authorization is required to comply with Federal, State, or local law.”.

(b) **PUBLIC RECORDS.**—Section 5103A(c) of such title is amended to read as follows:

“(c) **OBTAINING RECORDS FOR COMPENSATION CLAIMS.**—(1) In the case of a claim for disability compensation, the assistance provided by the Secretary under this section shall include obtaining the following records if relevant to the claim:

“(A) The claimant’s service medical records and, if the claimant has furnished the Secretary information sufficient to locate such records, other relevant records pertaining to the claimant’s active military, naval, or air service that are held or maintained by a governmental entity.

“(B) Records of relevant medical treatment or examination of the claimant at Department health-care facilities or at the expense of the Department, if the claimant furnishes information sufficient to locate those records.

“(C) Any other relevant records held by any Federal department or agency that the claimant adequately identifies and authorizes the Secretary to obtain.

“(2) Whenever the Secretary attempts to obtain records from a Federal department or agency under this subsection, the efforts to obtain those records shall continue until the records are obtained unless it is reasonably certain that such records do not exist or that further efforts to obtain those records would be futile.”.

SEC. 6. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.

(a) **IN GENERAL.**—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

“§5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

“In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

“5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.”.

SEC. 7. REINSTATEMENT OF PENALTIES FOR CHARGING VETERANS UNAUTHORIZED FEES.

(a) **IN GENERAL.**—Section 5905 of title 38, United States Code, is amended to read as follows:

“§5905. Penalty for certain acts

“Except as provided in section 5904 or 1984 of this title, whoever—

“(1) in connection with a proceeding before the Department, knowingly solicits, contracts for, charges, or receives any fee or compensation in connection for—

“(A) the provision of advice on how to file a claim for benefits under the laws administered by the Secretary; or

“(B) the preparation, presentation, or prosecution of such a claim before the date on which a notice of disagreement is filed in a proceeding on the claim, or attempts to do so;

“(2) unlawfully withholds from any claimant or beneficiary any part of a benefit or claim under the laws administered by the Secretary that is allowed and due to the claimant or beneficiary, or attempts to do so;

“(3) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures the commission of such an act; or

“(4) causes an act to be done, which if directly performed would be punishable by this chapter, shall be fined as provided in title 18, or imprisoned for not more than one year, or both.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to acts committed after the date of the enactment of this Act.

SEC. 8. PERFORMANCE AWARDS IN THE SENIOR EXECUTIVE SERVICE.

For each of fiscal years 2012 through 2016, the Secretary of Veterans Affairs may not pay more than \$2,000,000 in performance awards under section 5384 of title 5, United States Code.

SEC. 9. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Madam Speaker, I yield myself such time as I may consume.

I support strongly H.R. 2349, as amended, the Veterans’ Benefits Act of 2011. It was created by the chairman of the Subcommittee on Disability Assistance and Memorial Affairs, the gentleman from New Jersey (Mr. RUNYAN). It also was worked on in collaboration with the ranking member of that subcommittee, the gentleman from California (Mr. MCNERNEY).

To describe H.R. 2349, as amended, I would like to yield such time as he may consume to the gentleman from New Jersey (Mr. RUNYAN).

Mr. RUNYAN. Mr. Chairman, thank you again.

Madam Speaker, I rise in support of H.R. 2349, as amended, the Veterans’ Benefits Act of 2011.

There are several components to this legislation, and they are all aimed towards ensuring the veterans’ benefits process is more efficient, accountable, and fair for all veterans and their families.

The first piece of this legislation addresses the minimalist approach that the VA has adopted in complying with its employees’ skill certification mandate. This section will reverse the current trend within the VA of using the employment certification process solely to increase an employee’s pay grade by introducing a pilot program to conduct a biennial assessment for all claims processors and managers. The key to this program’s success will be individualized remediation. This will facilitate individual accountability of employees while addressing disparities in experience and training at the pilot sites and eventually throughout the VA.

Section 3 prevents the offset of pension benefits for veterans and their family members due to the receipt of payments by insurance or settlements to reimburse expenses incurred after an accident or theft. This will be accomplished by exempting reimbursements of expenses related to accident, theft, loss, or casualty loss from determinations of annual income.

The next section implements the use of electronic communication within the VA to provide notices of responsibility to claimants. This also removes the administrative provisions which have slowed down the process for veterans’ disability claims. In total, this section will increase efficiency and help modernize the VA by authorizing the most effective means available for communication while simultaneously removing administrative redtape.

Section 5 clarifies the meaning of the VA’s duty to assist claimants in obtaining evidence needed to verify a claim. As a result, this section establishes a clear and reasonable standard for private record requests as “not less than two requests.” In addition, this section will encourage claimants to take a proactive role in the claims process. This, in turn, will have the positive effect of reducing the claims backlog over the long term.

Section 6 corrects a serious concern which has curtailed the Second Amendment rights of many VA beneficiaries. Due to unclear and improper statutory language, under the current system, veterans seeking help managing their financial affairs are categorized as mentally defective. They are then entered into an FBI database which prohibits their ability to legally obtain a firearm. This section would restore these veterans’ constitutional rights by requiring such determinations to be made by a judge, magistrate, or other judicial authority to properly determine whether such veterans are, in fact, mentally defective for the purposes of obtaining a firearm.

Section 7 of this bill is designed to protect the veterans from being charged excessive fees for aid in submitting applications to the VA for benefits. Since 2006, there has been an increase in non-accredited individuals,

organizations, and private companies that have been taking advantage of veterans by charging fees to assist them with filing claims for veterans' benefits with the VA.

□ 1520

This section reinstates criminal penalties for persons charging veterans unauthorized fees for preparation and filing veterans claims with the VA.

The final section addresses the unrestrained government spending on the part of the VA, which is currently permitted to offer pay increases and bonuses to managers and employees who had been cited for mismanagement and poor performance. At a time when our government must be especially prudent in its management of debt, this section establishes caps for bonuses and performance awards to VA's most senior employees at \$2 million a year, a reduction from \$3.5 million.

It has been an honor working with my colleagues in a bipartisan manner to move H.R. 2349, as amended, forward. And I thank each Member for their tireless support on behalf of our honored veterans. I ask all of my colleagues to join me in supporting this important legislation.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

This is an omnibus bill that on balance I can't support. Omnibus bills are good and bad, and we have to balance that. Let me tell you why there are two provisions in here that make it impossible for me to support this omnibus bill.

Section 2 requires the VA to institute a pilot program to hold employees of the Veterans Benefits Administration to annual testing and to even greater training requirements than their current 80 hours at five regional offices at a cost of \$5 million over 5 years. Now, we are all for training of our employees and want them to do a good job and be adequately trained for it. Secretary Shinseki has set a goal of processing all claims within 125 days at 98 percent accuracy. That's a great goal, and we have to get a handle on that and get a handle on the backlog and the claims that are languishing unnecessarily.

I think this provision is misguided because it will stand in the way of reaching the Secretary's goal, because I don't think we can test our way out of the claims backlog. Anybody can pass a test. The real question is can they adequately process claims. That's what the VA needs from its employees, not another additional burden resulting in work stoppages, which is what this testing requirement will do.

We already have a certification testing program used for the advancement of VBA employees, which was greatly strengthened in the bill that we passed in 2008 with great bipartisan support. I think that this bill has redundant test-

ing and wastes \$5 million and will only go to the fattening of the contractors' pockets who develop the test, money that I think can be more efficiently used to help our veterans.

I should remind the body that this mandatory testing provision never passed out of the subcommittee that was responsible for the bill. It failed. It was withdrawn, but it showed up in the full committee markup and I think violates the spirit of regular order that we supposedly prize.

More importantly, there is a provision in this bill which, let me first state in legal terms and then in English, which would prohibit the reporting of those who have an appointed VA fiduciary to the National Instant Criminal Background Check system required by the Brady Act. What does that mean in English? That means people who have been judged by the VA to be mentally incompetent of handling their own financial affairs qualify to purchase a gun. Hello? We heard the chair of the subcommittee support, oh, this is a constitutional right. Hey, we have a long history of law and precedent which says we can deny rights to mentally incompetent people, especially to own a gun, a handgun. How many people have to commit mass murders who are mentally incompetent before we understand that we ought to prevent them from getting a gun in the first place? Yet we have a justification of that right here in this bill.

The gentleman wants to keep the right to purchase firearms until they have a determination from a State judge. Well, that's a non sequitur, Madam Speaker.

While I agree that some of these people who've been judged by the VA not to be mentally competent to handle their financial affairs may not pose a threat to themselves or others, the prudent course of action, the reasonable course of action, the commonsense course of action, the course of action that will save lives in this Nation is that we not allow these VA beneficiaries to have access to lethal weapons until the legal determination is made by that judge. Let's have the determination first, not after they kill somebody.

So we're going to put guns in the hands of people who may not be mentally capable of responsible gun ownership. This does not strike the proper balance between ensuring societal safety and individual rights. I don't have to list all of the atrocities that have gone on in this Nation over the past decade that happened because of irresponsible gun ownership; and yet we have a defense of a bill that specifically, it doesn't even leave it to implicit, it specifically says if you are judged to be mentally incompetent, you still have a right to go get a gun. How stupid are we, Madam Speaker? Come on. This is a scary thought. It's

irresponsible legislating. We have got to do a better job of striking a balance on this issue.

Everybody on an earlier bill is afraid of Grover Norquist. Everybody here is afraid of the NRA. Come on, let's be responsible. Let's use common sense. Let's protect the American people. Let's not go for these pledges that are made in a partisan way to make sure you're reelected and hurt the American people in the long run. That's what we are doing here. This is irresponsible. You give, by law, by a sentence that you put in, Mr. Chairman, you give them, mentally incompetent people, they've already been defined as that, you give them the right to be exempt from the Brady law's registration. Come on, we can do a better job than that!

I reserve the balance of my time.

Mr. MILLER of Florida. I have no more speakers, if the gentleman is ready to close.

I reserve the balance of my time.

Mr. FILNER. Madam Speaker, again, there are some good provisions of this bill. The Hastings provision is especially appropriate. But we owe the American people better than just ideological legislating because I made this promise and this is a constitutional right. I believe in the Second Amendment. But we can regulate the conditions of that amendment, and this is an especially egregious case which needs regulation.

The VA has said that someone cannot manage their own affairs, and yet we write in the provision that says, okay, go buy a gun anyway until some judge says you're mentally incompetent. Let's have the judge's decision first. Then if they are judged to be mentally sound, they can buy a gun. That's their constitutional right. They don't have a constitutional right to be mentally imbalanced and buy a gun that kills dozens or even hundreds of people. That's what we've seen in this country for decades. Let's do a better job.

I yield back the balance of my time.

Mr. MILLER of Florida. Madam Speaker, what we owe the United States' people is the truth.

The truth is that the Senate Veterans Affairs Committee approved under Democrat leadership this exact language under the past two Congresses. In fact, what my good friend, the ranking member, wants to do is to give a bureaucrat within VA the opportunity to adjudicate somebody mentally incompetent. Now they do have the ability to say they are not able to control their finances. What this act in the legislation does is it says they cannot do it without the order or finding of a judge, a magistrate, or other judicial authority of competent jurisdiction that such a person is in danger to himself or to others. I do not believe that a bureaucrat within the Department of Veterans Affairs has that ability nor that authority, and I think that

judges need to do it. So we do agree on that particular instance.

GENERAL LEAVE

Mr. MILLER of Florida. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore (Mr. STUTZMAN). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. With that, I urge all of my colleagues to support this outstanding piece of legislation, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H.R. 2349, the Veterans' Benefits Training Improvement Act. I particularly appreciate that the language from my bill, H.R. 1826, was incorporated into H.R. 2349 in Committee. The language that I introduced would simply reinstate the criminal penalties that were previously in place on any individual charging veterans illegal fees for claims before the VA.

Though it is already a violation of the law to charge a veteran in conjunction with filing a benefits claim before the VA, no federal punishment exists, leaving the door open for fly-by-night companies and con artists to take advantage of veterans, unlawfully charging them hundreds or even thousands of dollars.

The language from my bill would make this offense punishable by up to one year in prison and/or fines. Crooked practices must be stopped, and this enforcement mechanism is a critical first step.

Taking advantage of our most vulnerable veterans is a shameful act. I have seen local news reports, and I hear frequently from veterans' liaisons in my district that this problem is rampant, so much so that one of the counties in my district, Hillsborough County, is moving forward to implement a county ordinance that borrows the concept of implementing such an enforcement mechanism from my legislation.

All veterans, regardless of where they reside, should not be forced to bear the financial burdens of an unenforceable law. They so diligently protected us during our nation's time of need, and now is our opportunity to protect them in their time of need. I am both honored and humbled to serve on the House Veterans' Affairs Committee.

I would like to thank Chairman MILLER for his strong leadership on the Veterans' Affairs Committee, and all of my colleagues on the Committee for their cooperation in pushing this language.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to applaud the passage of H.R. 2349, the Veterans' Benefits Training Improvement Act of 2011. This important legislation makes much-needed improvements to benefits and services for our nation's veterans. It improves the claim-processing system by establishing a pilot program to assess the skills of employees responsible for processing veterans' claims, authorizing the use of electronic communication to contact claimants regarding their benefits, and assisting veterans in obtaining private records, among others.

Included in this legislation is a bill that I sponsored entitled, the Veterans Pensions

Protection Act of 2011 (H.R. 923). My bill protects veterans' pensions by exempting the reimbursement of expenses related to accidents, theft, loss or casualty loss from being included into the determination of a veteran's income. Under current law, if a veteran is seriously injured in an accident or is the victim of a theft and receives insurance compensation, he or she may lose their pension if the payment exceeds the income limit set by the U.S. Department of Veterans Affairs (VA). This means that the law effectively punishes veterans when they suffer from an accident or theft.

Such a tragedy happened to one of my constituents, a Navy veteran with muscular dystrophy who was hit by a truck when crossing the street in his wheelchair. His pension was abruptly cut off after he received an insurance settlement payment to cover medical expenses for himself and his service dog, and material expenses to replace his wheelchair. As a result, he could not cover his daily expenses and mortgage payments and almost lost his home. To me this is unacceptable.

I am extremely pleased that H.R. 923 was incorporated into H.R. 2349 and I want to thank my Florida colleague, Chairman JEFF MILLER, as well as Subcommittee Chairman JON RUNYAN and Ranking Member JERRY MCNERNEY for their continued support on this important issue.

At a time of economic hardship, it is essential to guarantee the continuity of our veterans' pensions and ensure that no veteran will have their benefits unfairly and abruptly depreciated or cancelled.

Mr. Speaker, our nation's servicemen and women are currently fighting two wars abroad and engaged in action in other parts of the world. As they return home, many bear the mental and physical wounds incurred in the defense of our nation and deserve the highest quality care and services that we can provide them. Therefore, I thank my colleagues for supporting this much-needed legislation.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2349, "Veterans' Benefits Training Improvement Act of 2011," which directs the Secretary of Veterans Affairs to annually assess the skills of appropriate Veterans Benefits Administration employees and managers responsible for processing VA compensation and pension benefit claims, implement individualized training plans related to such skills, provide remediation for deficiently skilled employees or managers receiving a less than satisfactory result on any portion of the assessment, take appropriate disciplinary actions with respect to individuals failing to receive a satisfactory result after being given two opportunities for such remediation, and requires the Secretary to submit a related annual report to Congress.

It is essential that employees and managers responsible for VA compensation receive sufficient training to better assist our veterans. These employees need to be well aware of the range of possible benefits and packages that are available for our service men and women so that they can take full advantage of every opportunity that they rightfully deserve. I suspect that this legislation will address any areas of concern in regard to training so that the Veterans Benefits Administration can be of better service to our veterans.

As the Representative from the 18th Congressional District of Houston I am thoroughly familiar with the issues faced by our veterans when they return from deployment. I believe that any man or woman who risks their lives for the freedom and rights of others deserves to receive the benefits they have earned. I know first-hand how my constituents feel regarding this issue. In the State of Texas, we have nearly 1.7 million veterans, and 18th District is home to 32,000 of them. I feel that it is my duty, as well as that of my colleagues to ensure that employees and managers who are responsible for VA compensation and pension benefit claims adhere to proper protocol when processing funds for our veterans.

My office receives calls from disheartened constituents who cannot understand why it is such a challenge to receive the appropriate VA benefits. The fact that anyone has to call and to seek help outside of the VA regarding VA benefits deeply concerns me.

This matter can be addressed by properly training those responsible for determining the benefits in the first place. The role of these individuals is to assist veterans in the process and to adequately educate veterans about what is and is not available to them. We must remember that there is no greater love than for that of a man or a woman who is willing to lay down their life for their country. I hope that my colleagues would agree with me when I say there is no greater love than this. We owe it to the men and women who have risked their lives for our freedom to ensure that procedures are being adhered to where VA benefits are concerned.

H.R. 2349 will benefit the well-being of the public by ensuring that employees and managers of the Veterans Benefits Administration possess the adequate skills that are necessary to fulfill their duties, and if any train employees when necessary. This is the least we can do to assist our service men and women when they seek to attain the benefits that they have already earned.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 2349, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title 38, United States Code, to improve the determination of annual income with respect to pensions for certain veterans, to direct the Secretary of Veterans Affairs to establish a pilot program to assess the skills of certain employees and managers of the Veterans Benefits Administration, and for other purposes."

A motion to reconsider was laid on the table.

EPA REGULATORY RELIEF ACT OF 2011

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks and include extraneous material on H.R. 2250.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2250.

□ 1532

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, with Mrs. ROBY (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, October 6, 2011, amendment No. 4 printed in the CONGRESSIONAL RECORD, offered by the gentleman from Pennsylvania (Mr. DOYLE), had been disposed of.

□ 1540

AMENDMENT NO. 11 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

SEC. 6. COMPLIANCE WITH CUT-GO.

If this Act authorizes the appropriation of funds to implement this Act and does not reduce an existing authorization of appropriations to offset that amount, then the provisions of this Act shall cease to be effective.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Madam Chair and my colleagues, I strongly oppose this bill on substantive grounds. It nullifies critical EPA rules to cut toxic air pollution from solid waste incinerators and large industrial boilers. It threatens EPA's ability to issue new rules that actually protect public health by forcing it to set emission standards based on an industry wish list. And on top of that, it allows polluters to avoid compliance with the new rules indefinitely. That is enough for me to vote "no." I think this is a very bad bill.

But this bill has another mark against it because it does not comply with the Republican leadership's policy for discretionary spending. Some people may think, so what? Why make an issue of this? The simple fact is that

the Republicans established a set of rules for the House at the beginning of the Congress, and they aren't willing to play by those rules.

When Congress organized this year, the majority leader announced that the House would be following what's called a discretionary CutGo rule. When a bill authorizes discretionary funding, that funding must be explicitly limited to a specific amount. And the leader's protocols also required that the specific amount be offset by a reduction in an existing authorization. This bill violates those requirements.

First, the bill does not include a specific authorization for EPA to implement the bill's provisions. EPA will have to start a new rulemaking for boilers and incinerators and follow a whole new approach for setting emissions standards, and that's going to cost money. CBO—who is the usual referee on these questions—has determined that H.R. 2250 does in fact authorize new discretionary spending. CBO estimates that implementing this bill would cost the EPA \$1 million over a 5-year period. But the bill does not offset the new spending with cuts in an existing authorization. That's a clear violation of the plain language of the Republicans' CutGo policy.

I know what my Republican colleagues are going to say because they said it last time we were considering legislation. They will argue that this bill doesn't create a new program. They'll say that EPA can use existing funds to complete the work mandated by the bill. But that's not how appropriations law works. Anyone familiar with Federal appropriations law knows this and the Government Accountability Office or the Congressional Budget Office can confirm it.

H.R. 2250 does not include an authorization, but that does not have the effect of forcing the executive branch to implement the legislation with existing resources. To the contrary, it has the effect of creating an implicit authorization of such sums as may be necessary. Now, the Republicans have been against setting authorizations of such sums as may be necessary because they wanted a specific amount, and they wanted an offset. My amendment would simply ensure that the discretionary CutGo rule is complied with. It states that if this bill authorizes the appropriation of funds to implement its provisions without reducing an existing authorization of appropriations by an offsetting amount, then the bill will not go into effect.

This amendment is about fairness. If I offered a bill that strengthened the Clean Air Act or cut global warming pollution, the Republicans would require my bill to meet the CutGo requirements. But because Republicans are eager to attack the Clean Air Act and weaken public health protections, all of a sudden their own protocols

don't matter. And if they're not complying with CutGo because CutGo, as they've set it up, is infeasible and unworkable, they need to acknowledge that reality and change the requirements.

I urge all Members to support this amendment. Let's hold the Republican leadership accountable to keep their word.

I yield back the balance of my time.

Mr. GRIFFITH of Virginia. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFITH of Virginia. Madam Chair, H.R. 2250 will reduce regulatory burdens for job creators and extend the timeframe for the EPA to issue its rules for boilers and incinerators.

Considering that EPA is currently pursuing an aggressive regulatory regime in these areas, and doing so within its existing budget, additional funding should not be needed to provide the regulatory relief provided in this bill. While the CBO's rules may require it to score legislation in a vacuum, in the real world there is no reason taxpayers should be forced to hand over more money when asking an agency merely to do its job.

Any cost of commonsense regulations in this area, as our legislation proposes, can certainly be covered by the agency's existing budget—that has increased greatly over the last several years. And that budget is funding its current regulatory efforts. No new funding is authorized by the legislation, so Madam Chair, I do not believe any new funding is necessary. Accordingly, I would urge my colleagues to vote "no" on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WAXMAN. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY of Virginia. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

SEC. 6. PROTECTION FROM RESPIRATORY AND CARDIOVASCULAR ILLNESS AND DEATH.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions

from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities if such emissions are causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Chairman, during the past 10 months, the Republican leadership has already tried to pass more than 125 anti-environmental bills, amendments, and riders. We debated yet another anti-EPA bill just the other day, and the majority rejected every single amendment that would have protected public health.

I introduced a simple amendment that would have ensured no deaths or increased incidence of illness would occur as a result of the cement factory bill we debated last week. It would seem to be a modest proposition that bills passed by Congress should not lead directly to premature death or hospitalization, yet that's exactly what these anti-clean air bills do. Republicans claim that all these anti-EPA bills will create jobs, but sadly those new jobs would only be created in hospitals.

The latest Republican attack on the Clean Air Act is H.R. 2250 before us today, which would block public health standards for industrial boilers. The EPA is issuing these standards in accordance with the Clean Air Act, which was passed in 1970 and signed into law by a Republican President. Since 1970, the Clean Air Act has dramatically reduced air pollution, despite population growth, while America's economy has doubled in size.

The evidence is clear: We do not have to make the false choice between a healthy economy and a healthy environment. Yet that is precisely the false choice presented us in H.R. 2250. My colleagues claim we must allow more mercury pollution, more particulate pollution, more soot into our air in order to spur economic recovery. How easily some seem to forget that this recession started under the most anti-environmental administration in history, that of George W. Bush. So if attacking the environment really did spur economic growth, then we wouldn't have had the economic collapse of 2008.

The consequences of acting on the false premise presented by my Republican colleagues would be catastrophic for Americans' health. According to the nonpartisan Congressional Research Service, by following the law and implementing health standards for industrial boilers, EPA will prevent 2,500 to 6,500 premature deaths every single year. By allowing the EPA to continue implementing the Clean Air Act, we will prevent some 4,000 heart attacks, 4,300 emergency room visits, and 2.2 million lost work days every single year. By preventing all of these premature deaths and pollution-caused

illnesses, merely implementing the Clean Air Act rules for industrial boilers will save, taking costs into account, between \$20 billion and \$52 billion annually.

My simple amendment would allow H.R. 2250 to go into effect if it didn't cause these illnesses and deaths. If in fact we can loosen regulations without any negative health consequences and without adding to health care costs that are already too high for most families, then by all means let's do it. By passing this amendment, my Republican colleagues can reaffirm their support for deregulation, provided that it doesn't injure or kill our constituents.

My amendment says, "The administrator shall not delay actions to reduce emissions from waste incinerators or industrial boilers if such emissions are causing respiratory and cardiovascular illnesses and deaths."

□ 1550

This ensures that, if H.R. 2250 passes, we won't be increasing the rate of respiratory disease or accepting more children to hospitals with asthma attacks. Since members of the majority claim to be equally concerned about the health of our constituents, I wanted to offer them the opportunity to affirm their interest in statute and pass this amendment.

I yield back the balance of my time.

Mr. WHITFIELD. Madam Chair, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. The gentleman's amendment would add a new section to H.R. 2250 directing the administrator to go on and implement the current boiler sector rules if emissions at industrial facilities are causing respiratory and cardiovascular illness and death, including heart attacks, asthma attacks, and bronchitis.

I would like, first of all, to mention that over the last 15 or 20 years, we've made remarkable progress in cleaning up the air. For example, ozone has been reduced by 14 percent, particulate matter by 31 percent, lead by 78 percent, nitrogen dioxide by 35 percent, carbon monoxide by 68 percent, sulfur dioxide by 59 percent.

This amendment targets specific health issues, respiratory and cardiovascular illness and death, and our bill, I would say, does direct that the EPA protect public health, jobs, and the economy. And that's what our legislation is all about—a more balanced approach.

I find it interesting that the Boiler MACT is all about regulating hazardous air pollutants, but yet, when EPA did their analysis of the benefits of the Boiler MACT rule, they did not include any benefit from reduction of hazardous air pollutants, and mercury,

in particular. They indicated that all of the health benefits would be as a result of a reduction of particulate matter.

So the whole purpose of Boiler MACT is to deal with hazardous air pollutants. EPA has decided there was no real benefit from the reduction there, but it's all from particulate matter. So we oppose this amendment because we really don't think it's necessary.

The Clean Air Act sets out very clearly the protections for health and what is required. And we specifically object to this because it's identifying particular illnesses, and we think that EPA should look at a broad range of health issues and, for that reason, would respectfully oppose the gentleman from Virginia's amendment.

I yield back the balance of my time.

Mr. WAXMAN. Madam Chair, I seek recognition in support of the amendment.

The Acting CHAIR. Does the gentleman move to strike the last word?

Mr. WAXMAN. I seek recognition to speak in support of the amendment.

The Acting CHAIR. The gentleman strikes the last word, and he is recognized for 5 minutes.

Mr. WAXMAN. I don't wish to strike the last word. I want to speak in favor of the amendment.

Is that grounds for recognition?

The Acting CHAIR. Yes. The only way to gain recognition for debate is to strike the last word.

Mr. WAXMAN. Well, I will seek recognition to strike the last word. I didn't know I couldn't stand up during the debate on an amendment and speak in favor of the amendment, but I will take it.

The Acting CHAIR. This debate is under the 5-minute rule.

The gentleman is recognized.

Mr. WAXMAN. Under the 5-minute rule I am recognized, and I want the opportunity to respond to the comments that were just made.

My colleague from Kentucky keeps on saying that there will be no benefit from the EPA boiler rules in terms of health. Well, it's true that EPA didn't put a dollar figure on the potential health benefits from reducing emissions of mercury, carcinogens, and other toxic pollutants, but that's not because there won't be any benefits.

Allow me to quote from EPA's regulatory impact analysis for the boiler rules: "Data, resource, and methodological limitations prevented EPA from quantifying or monetizing the benefits from several important benefit categories, including benefits from reducing toxic emissions."

Notice that this doesn't say that cutting hazardous air pollutants from boilers will have no benefits for public health.

What are the benefits of cutting mercury pollution here at home? Cutting mercury pollution from boilers and incinerators will reduce localized mercury deposition. Reducing mercury

deposition is critical to reducing Americans' exposure to mercury from eating contaminated fish.

In 2000 EPA estimated that roughly 60 percent of the total mercury deposited in the United States comes from man-made air emission sources within the United States, such as power plants, incinerators, boilers, cement kilns, and other sources.

These numbers have changed slightly since 2000, but other studies have shown that there's an importance still in reducing local sources of mercury pollution. For example, one study by the University of Michigan and EPA found that the majority of mercury deposited at a monitoring site in eastern Ohio came from local and regional sources.

Mercury is a potent neurotoxin. Babies born to women exposed to mercury during pregnancy can suffer from a wide range of developmental and neurological problems, including delays in speaking and difficulties learning. Now, it's hard to translate that into dollars and cents. What is the value of allowing a child's brain to develop normally so that those children can reach their full potential?

But this is just common sense. Cutting the emissions of a powerful neurotoxin will help protect children's health. I don't know how anybody can honestly argue that allowing more mercury pollution is better for public health than less.

Overall, EPA estimates for the quantified benefits of the boiler rules likely underestimate the total benefits to society of requiring those industrial sources to clean up.

Now, EPA looked, as well, at what the rules would do in terms of the effect of reducing emissions of fine particle pollution which can lodge deep into the lungs and cause serious effects. Breathing particle pollution has been found to cause a range of acute and chronic health problems, such as significant damage to the small airways of the lungs; aggravated asthma attacks in children; death from respiratory and cardiovascular causes, including strokes, increased numbers of heart attacks, especially among the elderly and in people with heart conditions; increased hospitalization for cardiovascular disease, including strokes and congestive heart failure; and increased emergency room visits for patients suffering from acute respiratory ailments.

By cutting emissions of fine particles, EPA estimated that these rules will prevent up to 6,600 premature deaths, 4,100 nonfatal heart attacks, 42,000 cases of aggravated asthma, 320,000 days when people miss work or school each year.

EPA found that these rules will provide at least \$10 to \$24 in health benefits for every dollar in costs. That's a tremendous return on investment and

doesn't even include the benefits of the toxic air pollution, toxic mercury pollution, which is harder to quantify but is there nevertheless.

So the amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up air pollution from a dirty boiler or incinerator if that facility is emitting pollutants that are causing heart attacks, asthma attacks, and bronchitis or other respiratory and cardiovascular disease.

The Republicans argue that this bill is not an attack on the Clean Air Act or public health. They argue this bill won't prevent EPA from requiring boilers and incinerators to cut their pollution.

I disagree. So I support adding language to the bill making it perfectly clear EPA must act, and I urge my colleagues to support this amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONNOLLY of Virginia. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

□ 1600

AMENDMENT NO. 7 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. WOMACK). The Clerk will designate the amendment.

Is the gentleman offering amendment No. 7?

Mr. MARKEY. Amendment No. 7. I rise as the designee to offer amendment No. 7.

PARLIAMENTARY INQUIRY

Mr. WHITFIELD. I have a parliamentary inquiry.

The Acting CHAIR. The gentleman from Kentucky will state his inquiry.

Mr. WHITFIELD. Mr. Chairman, I'm not positive what the rules are here, but the gentleman from Massachusetts says that he has amendment No. 7, and in the list of amendments that we have, the sponsor of No. 7 is said to be Mr. QUIGLEY of Illinois.

Would the Chair be able to explain to me what the rules are in regard to that?

The Acting CHAIR. Does the gentleman from Massachusetts state that he is the designee for the gentleman from Illinois?

Mr. MARKEY. Yes, I am offering the amendment as the designee of Mr. QUIGLEY, which I think under the rules is permitted.

The Acting CHAIR. In response to the gentleman from Kentucky's in-

quiry the rule allows for a designee to offer the amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

SEC. 6. PROTECTION FROM AVOIDABLE CASES OF CANCER.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities if such emissions are increasing the risk of cancer.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Today the Republicans continue their war on the environment. This time we have episode 58 of the Clean Air Act Repealathon.

That's right, ladies and gentlemen who are listening. This is the 58th time the Republicans have voted to weaken the Clean Air Act this year. Today's episode guest stars excessive and unwanted appearances by neurotoxic mercury, carcinogenic dioxin, and deadly arsenic. This bill blocks and indefinitely delays implementation of the rules that would reduce emissions of these lethal air pollutants from industrial boilers and does so in total disregard for the devastating impacts these pollutants have on public health, particularly the health of infants and children.

We already know a lot about these substances. For instance, exposure to dioxin causes delays in motor skills and neurodevelopment in children, impacts hormones that regulate growth, metabolism and reproduction, and has been classified as a carcinogen by the World Health Organization and the National Toxicology Program. Chromium 6 was made famous by the movie "Erin Brockovich," starring Julia Roberts. That chemical has been linked to stomach and other forms of cancer. And let's not forget mercury, a substance that is particularly harmful to children because it impairs brain development, impacting memory, attention and language, potentially leading to life-long disabilities. The mercury is released directly into the air we all breathe and finds its way into the food that we eat. In 2010, all 50 States issued fish consumption advisories warning citizens to limit how often they eat fish caught in State waters because of mercury contamination.

This bill seeks to permanently eliminate EPA's ability to reduce these toxic emissions from industrial boilers and does so despite the fact that the American Boiler Manufacturers Association, the association that represents the very companies that design, manufacture, and supply the industrial boilers in question, oppose the Republican bill.

That's right, the companies that have stated that they stand ready and able to harness American ingenuity and technological might to design products that comply with EPA requirements in a timely and cost-effective manner oppose the Republican bill here today. And why? Because they believe this bill will only kill what they expect to be a new high-tech engineering and domestic manufacturing job explosion.

So the Republican bill will not only kill people, 6,600 additional deaths per year in the United States according to the EPA; it will also kill jobs.

My amendment is very simple. It just says that the Republican prohibitions on EPA reducing toxic air pollution in this bill are waived if these emissions are found to increase the risk of cancer. This amendment makes the choice very clear. If we adopt this amendment, EPA can continue with its plans to require the dirtiest industrial boilers and incinerators to clean up their cancer-causing emissions and do so while creating American jobs. So we saved 6,600 Americans from dying each year from their exposure to these neurotoxins; and at the same time, we create jobs in our economy.

That's what this is all about. The EPA just has to certify that the Republican approach will not lead to an increase in cancers. That's all that we ask the Members on the floor to vote on today.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chair, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Our good friend, the gentleman from Massachusetts, talks about the American Boiler Manufacturers Association being opposed to our bill. And that's true. But they don't speak for those who own and operate boilers. They speak for themselves because they manufacture boilers; and if this rule goes into effect, they're going to make a lot more money than they're making today.

The gentleman from Massachusetts also indicated that our legislation will weaken the Clean Air Act. There is not anything in our bill that would weaken the Clean Air Act, and I think that Congress has the responsibility to review and to have oversight over the decisions of EPA on regulations that they adopt. And precisely the reason why we're here with this legislation is because of the economic situation that we find ourselves in America today—we have a very high unemployment rate, we have a stagnant economy, and we have people without jobs.

We've had a lot of hearings on this Boiler MACT regulation issued by EPA, and people are saying that this regulation alone would put at risk 230,000 jobs nationwide. So we're not

saying walk away and not protect the American people. We are simply saying let's hold back for just a moment. Let's go back and revisit this rule. Let's take 15 months for EPA to promulgate a new rule and then give the affected industries, universities, hospitals and other groups a minimum of 5 years to implement these new regulations.

And I might say that we heard testimony from the University of Notre Dame, because the first Boiler MACT rules went into effect in 2004, and in order to meet those regulations, the University of Notre Dame spent \$20 million to meet those boiler rules and regulations. And then the environmental groups filed a lawsuit and said, hey, this is not stringent enough. We need to issue new rules, which is what EPA did.

So the University of Notre Dame, having spent \$20 million already, is still not in compliance. They are going to have to come forth and spend more money. Their witness said that may very well cause them to increase their tuition costs, which makes it more difficult for young people to go to college.

The gentleman from Massachusetts also talked about mercury. And I would reiterate, once again, that when EPA did their analysis, they did not come up with any health benefits because of the reduction in mercury as a result of their Boiler MACT rule. The only health benefits that they pointed out were related to particulate matter, reduction of particulate matter, not mercury; and I'm not aware of any scientific causal connection that specifically says that in this instance 6,600 more people are going to die each year because we delay the implementation of the Boiler MACT rule. And that's one of the reasons that a lot of independent third-party groups have serious questions about EPA's analysis.

□ 1610

How do you know for a fact, without any contradiction, that 6,600 people are going to die each year if this is delayed, or that there are going to be X thousands of people who are going to have heart attacks who wouldn't have had them before?

Because of all of those reasons, we simply believe that this legislation is a commonsense approach: protect jobs, protect health, revisit the issue, come out with a new rule, and give industries, universities, hospitals time to comply. That's all that we're asking for. For that reason, I would respectfully oppose the amendment of the gentleman from Massachusetts, which was introduced by Mr. QUIGLEY of Illinois.

I yield back the balance of my time.

Mr. WAXMAN. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Mr. Chairman and my colleagues, we just heard from the

chairman of the subcommittee handling this bill, and there are two statements that are just absolutely inaccurate.

He said this bill does not weaken the Clean Air Act. I don't know what weakening the Clean Air Act means to him, but when we say that we're going to nullify the standards EPA set under the Clean Air Act, that weakens the Clean Air Act. When we say that we're going to eliminate the deadlines for compliance, that weakens the Clean Air Act. When we say that EPA can set regulations but that they have to use a different standard, that certainly weakens the Clean Air Act.

The other statement that was just made that is absolutely erroneous is that we don't get any health benefits from reducing the toxic pollution, and that is just not true. Reducing the toxic pollutants is aimed at protecting the public health from toxic, dangerous, poisonous chemicals—mercury and carcinogens. These are toxic pollutants, and reducing them will help the public health.

Again the statement was made inaccurately that EPA didn't find any health benefits. That is not true. EPA said they could not quantify the health benefits. How do you quantify a life that can be lived longer? How do you quantify a child who will not be impaired in learning and thinking? How do you quantify the damage that can be done from the toxic air pollutants?

I think both of those statements are inaccurate.

This amendment says, in effect, that if we're going to have an increase in cancer as a result of what is called for by the author of this bill, or from the proponents of this bill, then we're not going to let this bill go into effect. I think that's a commonsense approach.

So I would urge support for the amendment being offered by the gentleman from Massachusetts. I think it's the right approach, and it underscores the wrong approach taken by the authors of this bill.

Mr. MARKEY. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Again, the EPA has estimated that delaying the boiler air pollution rules could cause upwards of 6,600 deaths per year. That's the estimate, but that might be lowballing the number. We all know that parents out there are very concerned about what their kids are breathing in, especially if they live near these kinds of facilities that are spewing this stuff up into the atmosphere. They know how kids can be very vulnerable to this going into their systems as they're growing up.

So to say that there is no health effect and that it can't be specifically quantified—that it's 6,602 as opposed to 6,605—doesn't mean that they haven't

come up with a number, 6,600, that approximates what could happen in terms of the number of deaths that are caused by having this bill go on the books.

Mr. WAXMAN. The gentleman is absolutely correct.

Make no mistake about it. H.R. 2250 has real legal effects, and those effects weaken our protections from air pollution and harm the health of all Americans, especially our children. No matter how many times Republicans may want to say that the bill won't harm health and that it doesn't weaken health standards, it just simply is not accurate.

So I urge support for this amendment, and I yield back the balance of my time.

Mr. WHITFIELD. I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I just want to make one comment.

I made the comment that the EPA did not quantify any health benefit from the reduction of mercury. I might also say that, in the court case, EPA tried to delay the Boiler MACT rule itself. In this legislation, because they lost that court case, we are simply saying we think you're right, that you do need to take a little bit more time. For that reason, I would respectfully oppose the amendment.

I yield back the balance of my time.

PARLIAMENTARY INQUIRIES

Mr. WAXMAN. Mr. Chairman, a point of parliamentary inquiry.

The Acting CHAIR. The gentleman from California will state his inquiry.

Mr. WAXMAN. I just have a question about the parliamentary manner in which the debate is being handled.

When I asked the other day for time to speak on the bill, I was recognized for 5 minutes. Then I asked to strike the last word so I could speak again, and it was subjected to a unanimous consent request. That wasn't the request for the gentleman from Kentucky to be given an additional 5 minutes, which I would not have objected to, but I just wonder, what are the standards in terms of having a Member speak twice in the debate?

The Acting CHAIR. The gentleman from Kentucky claimed the 5 minutes of time that is allowed for opposition. He then moved to strike the last word, and was recognized for 5 minutes on his pro forma amendment.

Mr. WAXMAN. So the rule is that any Member can speak on the amendment and also strike the last word and have two 5-minute timeframes?

The Acting CHAIR. Only if the first 5 minutes is allocated to speak in opposition.

Mr. WAXMAN. I asked a while ago to speak in favor of an amendment. I was told that I had to strike the last word.

Can the Chair explain to me why I have to strike the last word to speak in favor of an amendment, and if I spoke in favor of an amendment, would I have an opportunity to speak in striking the last word?

The Acting CHAIR. To be clear, the proponent is recognized for 5 minutes, and the Member who shall first obtain the floor in opposition is recognized for 5 minutes. Then other Members may move to strike the last word.

Mr. WAXMAN. Only?

The Acting CHAIR. Only.

Mr. WAXMAN. Thank you very much, Mr. Chair, for that clarification.

Mr. WHITFIELD. I have a parliamentary inquiry.

The Acting CHAIR. The gentleman from Kentucky will state his inquiry.

Mr. WHITFIELD. I want to thank the gentleman from California for raising this issue.

So, to make sure I understand, if our respected colleagues offer an amendment on that side and take 5 minutes to explain their amendment, then someone on our side can claim time in opposition, and we would get 5 minutes; is that correct?

The Acting CHAIR. An opponent is entitled to 5 minutes.

Mr. WHITFIELD. In addition to that, if we come back later and strike the last word, we would get another 5 minutes if we desire to do so. Is that correct?

The Acting CHAIR. The gentleman is correct.

Mr. WHITFIELD. I thank the Chair.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. EDWARDS

Ms. EDWARDS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that, according to the Environmental Protection Agency's analysis of the impacts of the final rules specified in section 3(b)(1) and section (3)(b)(2) on employment, based on peer-reviewed literature, such rules would create 2,200 net additional jobs, not including the jobs created to manufacture and install equipment to reduce air pollution.

The Acting CHAIR. The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. Mr. Chairman, there is a strong sense of déjà vu here in the Chamber today.

Last week, we gave power plants—the number one source of airborne mercury—free rein to spew neurotoxins and other hazardous materials into the air we breathe. The other day, we repealed EPA's standards for cement kilns—the second-largest source of mercury in our air. Now here we are again, proposing to preemptively block EPA from finalizing rules that limit pollution coming from the third-largest mercury emitters—industrial boilers and waste incinerators.

Mr. Chairman, House Republicans seem bent on eviscerating the Clean Air Act, turning back the clock on 40 years of progress in health, technological innovation, economic expansion, and job growth. Yes, job growth. Contrary to the belief of my colleagues on the other side, protecting our environment and our health doesn't stifle jobs; in fact, it saves jobs. That's because, when you develop, manufacture, and implement environmental technologies, it's labor intensive. That explains why during this same period that the Clean Air Act kept more than 1.7 million tons of poisonous chemicals out of our lungs that it also contributed to 207 percent increase—that's right, 207 percent—in the Nation's GDP.

□ 1620

So that is why I am offering an amendment today, to acknowledge that this bill, H.R. 2250, will block rules that would have created at least 2,200 jobs. This number is a very conservative estimate. It doesn't count the good-paying jobs that would come from increased demand for the manufacture and installation of pollution control devices. It doesn't count the benefits to industry of improved worker productivity due to the 320,000 sick days avoided by reducing pollution under the rules. But even conservatively, it puts 2,200 Americans back to work.

So I would like to ask my colleagues on the other side who are supporting this legislation to eviscerate the standards, at a time when we have 14 million Americans unemployed, Mr. Chairman, why in the world would you chip away at a law that has helped to stoke the American economy for 40 years and put millions of people back to work?

Study after study has actually documented the connection between employment and environmental regulations, and the facts really speak for themselves. The four most heavily regulated industries—pulp and paper, refining, iron and steel, and plastics—have seen a net increase of 1.5 jobs for every \$1 million they spend on complying with standards. These are also some of the biggest users of industrial boilers and incinerators that are, in fact, the subject of this bill.

One single rule, the first phase of the Clean Air Interstate Rule, has brought 200,000 new jobs in the air pollution control industry just in the past 7 years, an average rate of 29,000 additional workers employed each year. And keep in mind, Mr. Chairman, we have a Congress, a Republican-controlled Congress, that actually hasn't created one job. The boilermaker workforce, a group that is directly affected by the air quality standards wiped out by this bill, actually grew 35 percent between 1999 and 2001 simply because more stringent pollution controls had to be installed to meet the EPA's regional nitrogen oxide reduction standards.

The U.S. environmental technologies and services industry employed 1.7 million workers in 2008 and exported some \$44 billion worth of goods and services. That's a fourfold increase over 1990, when the Clean Air Act was amended. So here we have a thriving international market for these goods and services, estimated at more than \$700 billion—on par, actually, with the aerospace and pharmaceutical industries—and this Congress, this Republican Congress actually wants to destroy that. Unbelievable.

Mr. Chairman, the U.S. is recognized as a world leader in technologies like pollution monitoring and control equipment, information systems for environmental management and analysis, engineering, and design. We became a leader because the Clean Air Act and other environmental legislation has actually challenged us to innovate. We answered that challenge. Americans answered the challenge, and, as a result, our share of the global market is actually growing. In fact, we had a net trade surplus of \$11 billion in environmental technologies in 2008. This is good business, Mr. Chairman, and so it's ironic that the people around the world are eager to reap rewards on superior American ingenuity and know-how while this Chamber is bringing forward a bill today that would deprive the American people of the rewards and benefits of that ingenuity.

Look, Congress can and has to do better. The American people are expecting it. In fact, we depend on it. And so here we are again, 14 million people unemployed, millions in poverty, when we could be creating jobs, but, instead, we're destroying them.

I want to urge all my colleagues to support my amendment. And, as Members of this Chamber, Republicans and Democrats alike, it's time for us to join together in putting the country first, and together we can get America back to work.

I yield back the balance of my time.

Mr. WHITFIELD. I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. The amendment offered by the gentlelady from Maryland would require that we adopt a finding by the EPA that its boiler and incinerator rules will create 2,200 net jobs. The reason that we respectfully oppose that is because that is EPA's analysis. And from hearings and from independent groups, we do question the models that were used; we question the assumptions made; we question the lack of transparency in some of EPA's numbers.

But more important than that, we've had the Council of Industrial Boiler Owners, who—you may or may not agree with their numbers, but they have concluded that these rules would put at risk over 230,000 jobs. So the EPA is saying, well, you are going to gain 2,200. They are saying that you are going to put at risk 230,000. Then we had the American Forest & Paper Association, who concluded that they are putting at risk, under these new rules, over 20,000 jobs. We may be picking up 2,200, but you are going to put at risk 230,000 plus 20,000 more.

Then the whole argument that this administration seems to be making a lot of is that, if you issue regulations and you put additional requirements in, then you create jobs. But yet I believe that many people would say, in the history of our country, we've become a strong economic power because we've had individuals willing to invest money, to be innovative, to be free marketeers, to go out with a new product, produce it, create jobs, and that creates wealth and increases our gross domestic product.

But now we seem to be having this argument that, well, if we have more regulations, we will create more jobs. And I would say to you that EPA, over this last year, has been the most aggressive in recent memory. They have had about 12 or 13 major regulations, and we still find that our unemployment rate nationwide is around 9.1 percent. So if all of these regulations are creating all of these new jobs, where are they?

So for the simple reason that this amendment would require us to put in a finding that this regulation will create 2,200 net additional jobs, when we have testimony, when we have witnesses, when we have documentation that the affected industries would put at risk many more thousands of jobs than would be gained, I would respectfully oppose the gentlelady from Maryland's amendment.

I yield back the balance of my time.

Mr. WAXMAN. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I want to counter the statement that was just made.

We have an estimate from the boiler industry association, and they say that

there is going to be a loss of jobs, and that was what was cited by my friend from Kentucky. But EPA did a very careful, rigorous 251-page economic analysis and found that the boiler rules issued in February would be expected to create over 2,000 jobs, which is the finding that the author of this amendment would have us put in the legislation.

Unlike the industry studies, EPA had to follow guidelines and use a transparent analysis and subject it to public comment. EPA determined that the boiler rules would create a net 2,200 jobs, not including jobs created to manufacture and install air pollution equipment.

Of course the boiler rules do more than just create jobs. They prevent up to 6,600 premature deaths, 4,100 nonfatal heart attacks, 42,000 cases of aggravated asthma. So that means that we are going to have a healthier workforce and a more efficient economy. EPA also found the boiler rules will provide at least \$10 to \$24 in health benefits for every \$1 in costs.

But the Council of Industrial Boiler Owners put out this study, estimating the standards would lead to 338,000 to 800,000 lost jobs. Well, that was their analysis. But this analysis wildly overstated the impact of these rules by inflating the costs, ignoring the job growth resulting from investment in pollution control equipment, and ignoring the fact that business can innovate and adapt to pollution control standards.

So the nonpartisan CRS, Congressional Research Service, examined the industry study, and they said the basis of this CIBO study, the Council of Industrial Boiler Owners, was flawed; and, as a result, the Congressional Research Service said little credence can be placed in their estimate of job losses.

□ 1630

The National Association of Clean Air Agencies also reviewed the study. These are the people who implement the standards at the State and local levels. They found the industry study assumptions about the number of sources that would need to make changes to comply were grossly in error. Now, even though the Council on Boiler Owners' study has been thoroughly debunked, this week the Republicans circulated a "Dear Colleague" citing this study and using it to provide numbers of potential jobs at risk. And that, of course, has been the basis for the statement that has been made during the course of today's debate.

That's why this amendment is important. If the Republicans insist on referencing flawed industry studies citing job losses, then we should ensure that EPA's peer-reviewed analysis showing the potential for job growth is included in the RECORD as well.

The amendment before us does not change the underlying bill in a substantive way. It still nullifies the boiler rules and all of the health benefits these rules would provide. But the amendment before us simply ensures that the bill's text includes a simple fact: EPA estimates that the boiler rules will create jobs, not destroy them.

I would like, at this point, to ask the gentleman from Kentucky what other sources he has for his claim that there would be job losses, other than the study by the Council of Industrial Boiler Owners. He said that they had their report, but this was verified by other independent sources. What other sources can verify what the CIBO states, based on their study which has been found to be flawed?

I would yield to the gentleman to cite any other information.

Mr. WHITFIELD. I thank the gentleman from California.

You're accurate. The Council of Industrial Boiler Owners was one. Also information we've received from the five labor unions on this issue point out some numbers. And then the other one was AF&PA, American Forest & Paper Association. And then we have a letter from Smucker's and a few other industries.

Mr. WAXMAN. Okay. Let me point out I have a statement by the American Boiler Manufacturers Association. These are the companies that actually design, manufacture and supply the commercial, institutional, and industrial boilers.

The Acting CHAIR. The time of the gentleman has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 30 additional seconds.)

Mr. WAXMAN. They said it is imperative that the rulemaking process—already under way for a decade—goes forward unencumbered by congressional intrusion and that final regulations be promulgated as soon as possible to alleviate continued and further confusion and uncertainty in the marketplace and to begin generating what we expect will be the new high-tech engineering and domestic manufacturing jobs in the boiler and boiler-related sectors.

I submit that this is a reason to vote for this amendment, and what we've had are arguments that have come from a self-interested group based on a study that was found to be a flawed study. So I urge support for the amendment.

AMERICAN BOILER
MANUFACTURERS ASSOCIATION,
Vienna, VA, October 10, 2011.

TO MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES: The American Boiler Manufacturers Association (ABMA)—the companies that actually design, manufacture and supply the commercial, institutional, industrial boilers and combustion equipment in question—strongly opposes H.R. 2250, the EPA Regulatory Relief Act of

2011 and any legislation that would further delay, by legislative fiat, the ongoing EPA rulemaking process now playing itself out with respect to the National Emission Standards for Hazardous Air Pollutants for Major and Area Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters rules.

It is imperative that the rulemaking process—already under way for over a decade—goes forward unencumbered by Congressional intrusion and that final regulations be promulgated as soon as possible to alleviate continued and further confusion and uncertainty in the marketplace and to begin generating what we expect will be new, high-tech engineering and domestic manufacturing jobs in the boiler and boiler-related sectors.

The U.S. boiler and combustion equipment industry—with decades of experience and expertise in meeting tough state, local, regional and national air-quality codes, standards and regulations with innovative and real-world design solutions—stands ready and able to help those affected by these rules to comply with them in a timely and cost-effective manner. Further delays, over and above those already extended by EPA, will not necessarily result in improved rules; they will only exacerbate future compliance issues and costs; labor and materials costs are currently stable and domestic boiler and combustion equipment manufacturing capacity is available now to service the full range of compliance options available under the new rules—from simple boiler tune-ups and system upgrades and optimizations to system replacement.

The types of clean, efficient, fuel-flexible, cost-effective and technologically advanced products and equipment that can be supplied by the U.S. boiler manufacturing industry are critically important for long-term public health, environmental quality and business stability. The ABMA urges you to vote against H.R. 2250, to let the rulemaking process within EPA go forward without Congressional interference, and to cast aside any further delaying tactics or excuses that only serve to retard growth, defer job creation and spawn confusion.

Sincerely,

W. RANDALL RAWSON,
President/Chief Executive Officer.

Mr. GRIFFITH of Virginia. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFITH of Virginia. Thank goodness, ladies and gentlemen, we don't have to check our common sense at the door and rely on the EPA to be the pinnacle of common sense and reason in this body.

We are asked what sources do we have, and you heard the gentleman from Kentucky name off sources; but it only takes common sense to understand that when you represent a district like mine, where many of the communities are separated by rivers and mountains, that to comply with the current EPA rules on boilers, which would require many changes and may require new gas pipelines to go to existing job sites, that you cannot accomplish that in 3 years.

And if you cannot accomplish it under the current rules in 3 years, you need a bill like H.R. 2250 to make sure

that you have time to be able to get the easements necessary, perhaps even through condemnation process and lawsuits, to bring in that natural gas pipeline so that your factory can stay open.

And if you can't do it in 3 years and the law says you have to do it in 3 years, with the possible extension of 1, and you're looking at the opportunity to keep jobs here or not be able to comply, face big fines or move that factory to a country that wants your jobs instead of what the EPA in this country appears to want, which is our jobs to go overseas, then common sense tells you that there's no way that these strict Boiler MACT rules with a 3-year implementation time will create 2,200 net jobs. It doesn't take geniuses to figure that out. It doesn't take huge studies to figure that out. What it takes is common sense, and thank goodness we can rely on common sense.

In regard to the letter by the American Boiler Manufacturers Association, a company that makes money either way, whether they get this bill passed and they sell their products overseas or they sell their products in this country, I have to tell you, I was affronted by their language that was just repeated on the floor where they talked about congressional intrusion.

Congressional intrusion? Does the EPA make the laws of this country, or does the Congress of the United States make the laws? I believe the Congress of the United States makes the laws of this country; and when we see something that is bad for America, it is our job to intervene and make the proper decisions for the United States of America, and it is not intrusion to do our job.

It's not intrusion to tell the EPA: We were the ones elected by the people, not the EPA; and that we are the folks who have to bring our common sense to bear and recognize that we have an obligation not only to the environment, but to make sure that our people have the money to be able to afford to heat their homes, to be able to afford to feed their families, and to be able to afford to seek the American Dream like we had the opportunity and our parents had the opportunity.

Ms. EDWARDS. Will the gentleman yield?

Mr. GRIFFITH of Virginia. I yield to the gentlelady from Maryland.

Ms. EDWARDS. Just one question for the gentleman. I wonder if there is any time frame at all that would be acceptable for the implementation of standards that would save lives and create jobs?

Mr. GRIFFITH of Virginia. I would say to the gentlelady that the bill says there's to be a 5-year period. It can be extended, but there has to be a conclusion at some point. The bill calls for that.

But the administrator of the EPA, and unless we assume that the administrator of the EPA is just going to say nobody has to finish any time, can take a look on a case-by-case basis; and if it's going to take a little bit longer to get the job done, then they can make a real-world decision that has real work effects positively on jobs instead of a blanket decision that makes it impossible for businesses to be able continue to employ people that they may have employed in this country for decades and not force those people to go overseas.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Maryland (Ms. EDWARDS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WHITFIELD. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Maryland will be postponed.

AMENDMENT NO. 1 OFFERED BY MS.
SCHAKOWSKY

Ms. SCHAKOWSKY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that mercury released into the ambient air from industrial boilers and waste incinerators addressed by the rules listed in section 2(b) of this Act is a potent neurotoxin that can damage the development of an infant's brain.

The Acting CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Ms. SCHAKOWSKY. Last week I offered an amendment that gave us the opportunity to demonstrate that we are aware of the impacts of our actions. We failed to take advantage of that opportunity, and today we have another chance, and I hope we will take it.

My amendment simply includes in the findings section of the bill, creates a findings section, if you will, the scientific fact that mercury released into the ambient air from industrial boilers and waste incinerators is a potent neurotoxin that can damage the development of an infant's brain. That's what the amendment says. It inserts the following section into the findings, and it says the Congress finds that mercury released into the ambient air from industrial boilers and waste incinerators addressed by the rules listed in section 2(b) of this act is a potent neurotoxin that can damage the development of an infant's brain.

Mercury is one of the most harmful toxins in our environment. Forty-eight tons of mercury is pumped into our air each year, threatening one in six women nationwide with dangerous levels of mercury exposure. Pregnant women, infants, and young children are most vulnerable to mercury poisoning, which harms a developing child's ability to walk, talk, read, write, and comprehend.

□ 1640

Developing fetuses and children are especially at risk, as even low-level mercury exposure can cause adverse health effects. Up to 10 percent of U.S. women of childbearing age are estimated to have mercury levels high enough to put their developing children at increased risk for cognitive problems.

During the debate on my mercury findings amendment last week, my friend Mr. WHITFIELD stated, "The scientific understanding of mercury is certainly far more complicated than is reflected in this finding that asks to be included in this bill." I really don't know what he finds so complicated. The science is very straightforward.

In 2000 the National Academy of Sciences issued a report on the toxic effects of mercury. Over and over, the report details the toxicity of mercury in very stark terms. "Mercury is highly toxic. Exposure to mercury can result in adverse effects in several organ systems throughout the lifespan of humans and animals. There are extensive data on the effects of mercury on the development of the brain in humans and animals." High-dose exposures can cause "mental retardation, cerebral palsy, deafness, and blindness" in individuals exposed in utero, and sensory and motor impairment in exposed adults.

"Chronic, low-dose prenatal mercury exposure from maternal consumption of fish" has been associated with impacts on attention, fine motor function, language, and verbal memory. Overall, data indicate that "the developing nervous system is a sensitive target organ for low-dose mercury exposure."

"Prenatal exposures interfere with the growth and migration of neurons and have the potential to cause irreversible damage to the developing central nervous system."

What is so complicated about that?

The EPA industrial boiler and waste incinerator standards would reduce this major threat without undue burden to industry. The legislation we consider today will block EPA's efforts. It will send EPA back to the drawing board with new, untested, and legally vulnerable guidance for setting air pollution standards. And most troubling, it will indefinitely delay any requirement to actually reduce pollution from industrial boilers and waste incinerators.

The gentleman said there has to be an end date. This legislation says there doesn't have to be an end date.

My colleagues across the aisle talk a lot about not wanting to burden the next generation with debt. Where is their concern with burdening the next generation with reduced brain capacity? But even considering the very serious policy differences we have today, my amendment should be non-controversial. It would not alter the goals or the implementation of the pending legislation. It simply recognizes what scientists and the public health community tell us about mercury.

We will never be able to bridge our policy differences if we can't even agree on basic facts of science. H.R. 2250 patently ignores the scientifically proven fact that mercury exposure inhibits brain development, especially in infants. If we are prepared to pass legislation that would jeopardize the health of children, we should be willing minimally to acknowledge the scientific fact that EPA inaction poses a serious health risk.

Last week we failed to meet our obligation to recognize the consequences of our actions. Let's not repeat this mistake. I urge my colleagues to support this amendment that simply puts a scientific fact into the legislation.

I yield back the balance of my time.

Mr. WHITFIELD. I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I certainly have great respect for the gentlelady from Illinois. Her amendment basically reads that the Congress finds that mercury released into the ambient air is a potent neurotoxin. From the hearings that we've had and the discussions that we've had and the documents that we have seen, the scientific understanding of mercury seems to be more complicated, as reflected in her amendment.

Now, why do I say that? I say that because your amendment says, mercury released into the ambient air. It's our understanding that methylmercury is the neurotoxin. That mercury released into the ambient air alone is not a neurotoxin. For that reason, we would oppose the amendment, because there's a difference in methylmercury and pure mercury.

One other comment that I would make is that our legislation does provide a minimum of 5 years to comply with the new rules that EPA may come forth with. And it can go beyond that, but that would be at the total discretion of the administrator of EPA. For that reason, we really certainly do not have any concern that it would never be set with a firm deadline. In fact, in the legislation we say the compliance deadline shall be set a minimum of 5

years and the administrator may allow it to go further than that. So the argument that it would go on forever and ever, we genuinely believe is pretty remote. The simple reason, as I stated, about the scientific assumption, the scientific understanding of the difference in mercury and methylmercury is the reason we would respectfully oppose the amendment setting that in the finding.

I yield back the balance of my time.

Mr. WAXMAN. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. This amendment simply states a scientific fact: Mercury is a potent neurotoxin that can damage the development of an infant's brain. In 2000, the National Academy of Sciences concluded that the data linking neurodevelopment effects to mercury exposure is extensive. So what do we hear from the Republican side of the aisle? Science denial. When we talked about climate change and all the impact of the greenhouse gases, they said there's no problem. Science denial.

Well, let me just say that the Republican majority in the House can vote to amend the Clean Air Act, but they cannot vote to amend the laws of nature. Babies born to women exposed to mercury during pregnancy can suffer from a range of developmental and neurological abnormalities, including delayed onset of walking, delayed onset of talking, cerebral palsy, and lower neurological test scores. The National Academy of Sciences estimates each year about 60,000 children may be born in the U.S. with neurological problems that could lead to poor school performance because of exposure to mercury in utero. The effects of mercury exposure in utero are insidious and long term.

Now, why are we hearing that this isn't a scientific fact? Well, I heard a distinction of mercury and mercury when it's mixed with other chemicals. I think what we have here is, make up the science as you go along but deny the science that the scientists have worked for decades establishing.

Boilers and incinerators are one of the largest sources of airborne mercury pollution in the U.S. For far too long they have been allowed to pollute unabated. And now the Republican leadership wants to nullify the rules that EPA finalized to cut emissions of mercury and other toxic air pollution from boilers and incinerators. These rules were more than a decade late. The Republicans say, Well, let EPA start the rulemaking process all over again. Let them comply with a different standard. We're going to amend the law to provide a different standard. The different standard should not be to use the maximum available control technology but something that is the

lowest risk of harm or cost to the industry.

The Republicans keep trying to justify this bill by saying that the public health benefits of cutting mercury pollution here at home aren't significant enough to justify the costs. Well, I think we're talking about Science 101. This is not a subject to debate. Mercury is a known neurotoxin. So I ask those that support this bill, Are you going to vote against what scientists say is a fact? Many of you voted earlier this year to reject the overwhelming science linking carbon pollution to climate change. I hope the Republicans are not going to do the same thing now by rejecting what every public health expert knows—mercury is a poison.

□ 1650

I yield to the gentlelady from Illinois.

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

I would like to ask my friend, Mr. WHITFIELD, since we're now talking about mercury or methylmercury, if the amendment that I offered read, instead of the way it does, "If Congress finds that mercury released into the ambient air from industrial boilers and waste incinerators becomes a potent neurotoxin that can damage the development of an infant's brain"—because that's what happens. The mercury, if you want to pick the semantics of it, becomes methylmercury—then we could make it that way.

Mr. WAXMAN. Well, let me yield to the gentleman from Kentucky. Maybe he'll be satisfied with that change because you're stating it in a very clear, unequivocal way as a scientific finding.

Would the gentleman from Kentucky be willing to agree to that statement of the issue?

Mr. WHITFIELD. Would the gentlelady repeat what she is suggesting?

Ms. SCHAKOWSKY. Instead of saying that the mercury that's released is a potent neurotoxin, I say, "becomes a potent neurotoxin that can damage the development of an infant's brain," because that is the science. That's what happens.

Mr. WAXMAN. I yield further to the gentleman from Kentucky.

Mr. WHITFIELD. Well, let me just ask a parliamentary inquiry here. What is the parliamentary procedure if we were to attempt to do something like that?

Mr. WAXMAN. Well, let's worry about that later.

How about the substance of that change? Would you be willing to accept that change in the findings on the legislation?

Mr. WHITFIELD. We're cutting fine hairs here. What I go back to is that, in EPA's own analysis, they indicated that they—

The Acting CHAIR. The time of the gentleman from California has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 1 additional minute.)

Mr. WAXMAN. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. They indicated that there was no quantifiable benefit from the reduction of mercury.

Mr. WAXMAN. Well, this amendment wouldn't change the bill. This amendment simply says that mercury has the potential to be a neurotoxin that could affect children.

Mr. WHITFIELD. Has the potential.

May I ask a parliamentary inquiry?

The Acting CHAIR. Does the gentleman from California yield for that purpose?

Mr. WAXMAN. Well, let me ask, if we had a unanimous consent request, could we change the amendment? As I understand it, we could.

The Acting CHAIR. The proponent may modify her amendment by unanimous consent.

Mr. WAXMAN. I yield to the gentleman if he wishes to seek a unanimous consent request in that regard. Apparently, there is an objection.

Reclaiming my time for the moment that I have left, what we are seeing is Republicans unwilling to say anything that has been scientifically established. They're willing to deny the science and do anything in order to serve the interests of the industry. And I think we ought to have the finding in the bill since it does not affect the functions of the bill, itself.

I urge support for the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WHITFIELD. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Illinois will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. ELLISON

Mr. ELLISON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 24, insert ", except that the date for compliance with standards and requirements under such regulation may be earlier than 5 years after the effective date of the regulation if the Administrator finds that such regulation will create more than 1,000 jobs" after "regulation".

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. Mr. Chair, my amendment is very simple. What it says is

that if the EPA administrator finds that the regulation creates more than 1,000 jobs, then the administrator can shorten the 5-year delay which the bill would impose.

So, very simply, the EPA administrator can come forward and say, look, 1,000 jobs have been created by this, and therefore this delay of 5 years will be shortened. That's all the amendment calls for. And in a time when we have such tremendous need for jobs in America, I would think that if the EPA can identify 1,000 jobs created in connection with this rule, then we should certainly be able to shorten the 5-year period of delay.

So I ask for support for this amendment because I'm sure that everybody on both sides of the aisle agrees wholeheartedly with job creation.

And there has been, I believe, a false choice offered to the American people. And this false choice is very simple to describe, and that is that we can either have rules that limit emissions from boilers or we can have jobs, but, according to some people in this body, we can't have both. We can't have both clean lungs, be free of mercury, be free of other neurotoxins and contaminants, and have jobs. I argue we can have both. And if the EPA administrator can demonstrate that there are jobs created here, then the 5-year period should in fact be shortened.

I argue that what we need to do here is to stand for jobs. And according to EPA, what we have seen is that this underlying rule, which would be delayed by the bill, actually will create and has been estimated to create up to 2,200 jobs. So let's see if that's actually right. Let's see if the proposal, as set forth by the rule, would create jobs as the EPA administrator says it will. And if it does, we should say let's go forth.

The economic impact of the boiler regulation is exceptionally positive. The EPA's data shows that by reducing the particulate matter pollution from industrial boilers we will generate net economic benefits of \$22 billion to \$56 billion every year. So why wouldn't we want to take full advantage of that economic activity, as all of us are concerned about jobs.

The over 40 years of success of the Clean Air Act have demonstrated that strong environmental protections and strong economic growth go hand in hand. They are not one versus the other. They go together. Since 1970, the Clean Air Act has reduced key pollutants by more than 70 percent while, at the same time, the economy has grown by over 200 percent. So much for the claim that regulation kills jobs. That's not true. It's not right. It's inaccurate. And I say, by supporting my amendment, we can see who's right.

I see no reason why the Republican majority wouldn't support my amendment if they believe, as they claim, en-

vironmental regulations hurt jobs. We have a chance to see. And I want to see if people really believe what they claim, and they can demonstrate their commitment to what they argue by supporting my amendment.

The benefits outweigh the projected costs of compliance by as much as 13 to 1 in this case.

The misleading report from the Council of Industrial Boiler Owners claims that over 300,000 jobs are at risk. This is wrong. The National Association of Clean Air Agencies found that the industry commission report is based on exaggerations and omissions. The report from the industry substantially overestimates the cost of compliance with regulation. And the boiler owners have ignored many benefits of the rule—thousands of new jobs to install and operate and maintain pollution control equipment.

The public health benefit, that is nearly \$40 billion a year. Creating green economy jobs to make our air cleaner would create jobs throughout the supply chain—for example, installing and operating scrubbers.

So it's important that we make jobs the focus of our work here in Congress. The Republican majority has seen fit not to introduce any jobs bills during its time as the majority. Here's an opportunity to say, if you really believe that regulations kill jobs, vote for my amendment and we will be able to see, because the administrator, if 1,000 jobs can be generated, will be able to delay this rule.

Now, if you really don't believe it and you just want to do what the boiler owners want, then of course you will vote "no." But if you really believe what you say, you will vote "yes."

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I respectfully oppose this amendment and ask that it be defeated.

Once again, we're hearing the argument that if you have enough regulations, you're going to create jobs. And the gentleman referred to EPA's estimate that there may be a net gain of 2,200 jobs as a result of this regulation. But when you look at the Council of Industrial Boilers, when you read the documentation from labor unions, from the forest paper products, from the universities, they say there are at risk, as a direct result of this regulation, in excess of 280,000 jobs.

□ 1700

So for us to be doing these minor changes, if the EPA administrator finds they will create more than 1,000 jobs—the real reason, though, that we're opposed to this amendment is

that, under the Clean Air Act, boilers already have 3 years to comply, and incinerators have 5 years to comply. We want boilers and incinerators to have a minimum of 5 years to comply. We think that that provides certainty. It certainly reflects the testimony and our concern from witnesses who testified at all of the hearings that they, in many instances, need 5 years. The EPA administrator may allow it to go longer than that if he or she chooses to do so.

But I don't believe that regulation creates jobs. And I think most of the testimony would indicate that there are more jobs at risk as a direct result of these regulations. For that reason, I would oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. ELLISON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ELLISON. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

AMENDMENT NO. 19 OFFERED BY MR. WELCH

Mr. WELCH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that the American people are exposed to mercury from industrial sources addressed by the rules listed in section 2(b) of this Act through the consumption of fish containing mercury and every State in the Nation has issued at least one mercury advisory for fish consumption.

The Acting CHAIR. The gentleman from Vermont is recognized for 5 minutes.

Mr. WELCH. Mr. Chairman, we have an ongoing debate in this Congress about regulation. My friends on the Republican side believe we have too much. Those of us on the Democratic side think we need careful regulation. We shouldn't have too much, but we shouldn't abolish it all together.

An appropriate regulation levels the playing field for our businesses and industries, but it also gives a fair shot to the health, safety, and concerns of our people who have no control over the production processes and how those may affect their health.

The issue presented in my amendment is not about a regulation, but it's related to the effort to roll back regulations at any cost and at any price and whatever the consequences. My amendment would include in the bill a

finding that the American people who are exposed to mercury from industrial sources, addressed by the rules listed in section 2(d), through the consumption of fish containing mercury face a health hazard. There really is no dispute about that, scientifically or medically.

So the question may be, why do we need the finding? The reason we need the finding is because we have to acknowledge when industrial processes actually create health risk in order that we can accept our responsibility to address the risk that's created in the production process.

And the cement in boilers does produce mercury. Now, it's so self-evident that it produces mercury that this map here shows every single State in our Union has issued a mercury advisory. The reason those States, locally, not from Washington, have issued those mercury advisories is to give a heads-up to their citizens to be careful about eating fish that may be contaminated; and that is the responsibility of government, to let people know when there is a health risk and to help them avert it and to stop it.

My amendment, Mr. Chairman, simply incorporates what the scientific and medical community know, and that is that mercury is a toxin. And if we ingest it, particularly if it's a child, an infant, that it does enormous health damage long term.

So why don't we acknowledge what we know, namely, that mercury is a toxin, that we include this in the findings so that, in so doing, we accept the responsibility that this country has, that all of us have, to do everything we can to avoid unnecessary health care risk.

This amendment simply does that. It's not additional regulation, but it's a finding of what we know and 50 States have found, that mercury is a threat to the public health of its own citizens.

I yield back the balance of my time, Mr. Chairman.

Mr. WHITFIELD. I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. There really is nothing in H.R. 2250 that would in any way prohibit or discourage States from continuing to give these advisory opinions about mercury and the dangers of mercury. So our legislation would not prevent the States in any way from continuing to do that.

The gentleman's amendment would place particular attention on industrial sources; and as we had stated in the debate last week, the Department of Energy itself has said that over 11 million pounds of mercury were emitted globally from both natural and human sources, and the vast majority of the human sources in the U.S. come from outside the U.S.

So coupled with that fact, and the fact that EPA said the benefits of mercury reduction from the Boiler MACT rules have not been quantified, this really seems to be a duplicative effort because the States are going to continue to issue their rulings, their warnings, as they should do so. But it's important that the American people also know that there is a lot of mercury coming from natural sources and also from outside of the U.S. And our legislation, I do not believe, would put at further risk the American people and their health.

With that, I would respectfully oppose the gentleman's amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WELCH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, lines 23 and 24, strike "not earlier than 5 years after the effective date of the regulation" and insert "not later than 3 years after the regulation is promulgated as final".

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Chairman, as I listened today, I listened to some enormously bipartisan commentary about jobs. As Mr. WAXMAN knows, our ranking member, we have been working on creating jobs for a very long time. Democrats are hoping for a vote in the other body on the President's American Jobs Act.

In the last Congress, although we documented 3 million jobs, I can assure you that our stimulus package created millions of jobs unrecorded because it was emergency funding that did not require that recording.

My amendment speaks to clarity, and it is not conflicting with jobs. For those of you who are listening to this debate, it's about the industrial boiler industry. They do have jobs. And I, frankly, believe that the regulations that they have lived with do not impair their ability to promote jobs.

What most people don't know is there is an indefinite language, or allows an indefinite time frame for non-compliance. There's no time line for the industry to comply with clean air

rules impacting our children, just like this little one being seen by a nurse, suffering from any number of respiratory illnesses.

So the bill, in its current form, also gives the EPA discretion to go beyond 5 years. You know how long that is? That may be job-killing time, because when businesses look to move to areas, even if they're older industry, they want to know that there is an effort made to create a better quality of life.

This amendment will help the industry. It indicates that the time for compliance is 3 years. And, yes, there may be discretion to expand, but 3 years. I believe this is a fair approach because, in actuality, the rule that the EPA has passed has resulted in 1.7 million tons of reduction in air pollution per year.

□ 1710

That's a good thing for job creation. And so this amendment is a simple approach to indicating that outdoor air pollution is damaging. Small particles and ground level ozone come from car exhaust, smoke, road dust, and factory emissions. Why wouldn't we want to improve the quality of life? I can only say to you that out of those polluting elements come chest pain, coughing, digestive problems, dizziness, fever, sneezing, shortness of breath, and a number of other ailments.

So my amendment is a good thing, to be able to talk about jobs, clarity, knowing when you must comply, and preventing premature deaths and protecting our children. But let me say what else this bill does. This bill causes an extra \$1 million in new discretionary spending by the EPA to comply. We're supposed to be in a budget-tight atmosphere. We're supposed to be budget cutting. But, my friends, that is not what we're doing here.

So I would simply say that even though my good friend indicates that 200,000 jobs would be saved with this particular bill, I don't know where the documentation is, but I will assure you that areas where the boiler industry is that have a defined clarity on what the timeframe is for making sure that you're in compliance, I can assure you that that creates jobs, and that creates a clean atmosphere, quality of life, and clean air for more industry to come into your States for you to diversify.

So I ask my colleagues to support a simple amendment that ensures that the compliance is for 3 years, clarifying that to the industry, giving them a time certain to comply, and also giving discretion to the EPA to help America grow jobs. I hope we all will join in growing jobs in voting for the American Jobs Act, and right now I hope that we'll vote for the Jackson Lee amendment that gives clarity in timeframe for compliance, and again, saves lives, like this little one's, that we all want to protect.

With that, I yield back the balance of my time, and I ask my colleagues to vote for the amendment.

Mr. Chair, I rise today in support of my amendment to H.R. 2250, the "EPA Regulatory Relief Act." My amendment requires the industrial boiler industry to comply with Environmental Protection Agency (EPA) rules no later than 3 years after the rules have been finalized.

Currently, the bill requires the industrial boiler industry to comply with EPA rules no earlier than five years after the rules have been finalized. The bill also allows indefinite noncompliance; there is no deadline set for industry compliance. The bill, in its current form, also gives the EPA the discretion to extend the 5 year deadline for compliance. The EPA would have the authority to extend a three year deadline as well; the three year deadline I proposed can be extended by the EPA, while setting a goal that shows our firm commitment to saving lives.

I have offered this amendment to ensure that the EPA has the ability to reduce toxic emissions from numerous industrial sources, including the industrial boiler industry, as they are required to do under the Clean Air Act. The EPA has issued clean air rules targeting 170 different types of facilities which have resulted in a 1.7 million ton reduction in air pollution per year. EPA rules are now being finalized for both the industrial boiler industry and cement kiln industry and these bills are intended to indefinitely delay compliance with EPA's Maximum Achievable Control Technology (MACT) standards, prior to their promulgation.

As the Representative for Houston, the country's energy capital, I am committed to creating an environment in which the energy industry and regulating agencies can work together.

For more than 40 years the EPA has been charged with protecting our environment. There has been a consistent theme of chipping away at the ability of the EPA to protect our air. We have to consider the long term costs to public health if we fail to establish reasonable measures for clean air.

Outdoor air pollution is caused by small particles and ground level ozone that comes from car exhaust, smoke, road dust and factory emissions. Outdoor air quality is also affected by pollen from plants, crops and weeds. Particle pollution can be high any time of year and are higher near busy roads and where people burn wood.

When we inhale outdoor pollutants and pollen this can aggravate our lungs, and can lead us to developing the following conditions; chest pain, coughing, digestive problems, dizziness, fever, lethargy, sneezing, shortness of breath, throat irritation and watery eyes. Outdoor air pollution and pollen may also worsen chronic respiratory diseases, such as asthma. There are serious costs to our long term health. The EPA has promulgated rules and the public should be allowed to weigh in to determine if these rules are effective.

The purpose of having so many checks and balances within the EPA is to ensure that the needs of industries and the needs of our communities are addressed. Providing a time for individuals to support or oppose any regulations is a meaningful first step. This bill is a step in the wrong direction.

The EPA has spent years reviewing these standards before attempting to issue regula-

tions. The proposed regulations to the industrial boiler industry will significantly reduce mercury and toxic air pollution from power plants and electric utilities. The EPA estimates that for every year this rule is not implemented, mercury and toxic air pollution will have a serious impact on public health. Think for a moment about the lives that can be saved. We are talking about thousands of health complications and deaths. What more do we need to know. According to the Natural Resources Defense Council, this rule would prevent the following:

- 9,000 premature deaths
- 5,500 heart attacks
- 58,000 asthma attacks
- 6,000 hospital and emergency room visits
- 6,000 cases of bronchitis
- 440,000 missed work days

This legislation not only presents a threat to public health, it also blatantly violates the Cut-Go spending provision. The EPA Regulatory Relief Act requires the EPA to select a regulatory option that is least burdensome to the industrial boiler industry, regardless of alternate options that may be more feasible or cost effective. The Congressional Budget Office (CBO) estimates that this bill will result in \$1 million dollars in new discretionary spending by the EPA, and the bill does not offset the authorization.

I understand the economic impacts of regulation, but we must also act responsibly. We cannot ignore the public health risks of breathing polluted air, nor can we pretend that these emissions do not exacerbate global warming. Alternatively, we certainly do not want to hinder job creation and economic growth. Congress passed the Clean Air Act to allow the EPA to ensure that all Americans had access to clean air, and we must not strip the agency of that right.

My friends on the other side of the aisle will tell you that this Act is going to save more than 200,000 American jobs, but what about the lives we will lose? We do not want to hinder economic prosperity and robust job creation, but let us strive toward an economic climate where jobs can be created by implementing technology to reduce dangerous toxic emissions and protect the American people. It does not have to be one way or the other; in a country of vast innovation surely we can forge a path forward in which we do not have to choose between creating jobs and saving lives.

Lest we forget, since 1999, Houston has exchanged titles with Los Angeles for the poorest air quality in the Nation. The poor air quality is attributed to the amount of aerosols, particles of carbon and sulfates in the air. The carcinogens found in the air have been known to cause cancer, particularly in children. The EPA is the very agency charged with issuing regulations that would address this serious problem. This bill may very well jeopardize the air that we breathe, the water that we drink, our public lands, and our public health by deep funding cuts in priority initiatives.

Mr. Chair, there are times in which we are 50 individual states, and there are times when we exist as a single Nation with national need. One state did not defend the Nation after the attacks on Pearl Harbor. One state, on its own, did not end segregation and establish

civil rights. Every so often, there comes an issue so vital we must unite beyond our districts, and beyond our states, and act as a Nation, and protecting the quality of our air is one of those times.

I encourage my colleagues to support the Jackson Lee amendment in order to uphold the EPA's authority to enforce the Clean Air Act. By ensuring the industrial boiler industry must comply with finalized EPA regulations, we are protecting the quality of the air that all of our constituents breathe. Surely preventing illness and premature death by ensuring every American has access to clean air is not controversial. Again, I urge my colleagues to support my amendment.

Mr. WHITFIELD. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I would say to the gentlelady from Texas, first of all, that under the regulations of the EPA, today incinerators are given 5 years to comply with section 129 standards, and boilers are only given 3 years to comply with section 112 standards. That's one of the reasons that we introduced this bill, because businesses, manufacturers, institutions, and universities all came to Washington, and in their testimony they asked that we have some uniformity on times to comply.

That's why we decided to extend the compliance deadline for the boiler industry up to 5 years, which is the exact same that incinerators have today under section 129. They asked that we do that because, one, they said it would provide certainty and that, two, in many instances, they do not have the time, the technical knowledge, and it's not economically justifiable to do it within that shorter time period. So your legislation would basically roll back even the time for incinerators. So for that reason, we would respectfully oppose this amendment.

And then I would just make one other comment about the argument that regulations create jobs. I genuinely do not believe that in the history of our country jobs have been created by regulation. Jobs have been created in America because of entrepreneurs spending money and spending capital to develop a product which creates jobs, which helps our gross domestic product, which increases our tax revenues, which allows us to do more in the government sector.

So, as you've indicated, EPA said they think there will be a net job gain of maybe 2,200 jobs, but all of the affected industries, the universities, the labor unions and others, say that they're putting at risk an excess of 230,000 jobs.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. WHITFIELD. I would be happy to yield.

Ms. JACKSON LEE of Texas. For a clarification, I did not argue that regulation creates jobs. I do believe that

you can produce the kind of regulatory climate that will. But my point was that clean air and a better quality of life encourages businesses to move into areas and grow jobs.

I thank the gentleman for yielding.

Mr. WHITFIELD. I understand. As you know, the EPA went to court to ask for additional time on these Boiler MACT rules. They were denied that, and our legislation is designed to give them a little bit more time and give the industry more time to comply. And because of that, I would respectfully oppose the gentlelady's amendment and ask that it be defeated.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I support the amendment. It returns the bill if it became law to what are the times specified in the Clean Air Act. And I think those times are reasonable. But let me just say that EPA is working on these regulations, these rules. This is not a finished product. I believe they're taking into consideration concerns raised by the boiler industry, especially the paper and pulp industry. There have been very important and legitimate concerns that they have raised. They want to know if they can continue to use the same traditional fuels that they had been using. They don't want to be considered incinerators, because they're not. They want to know what the rules are, they want some certainty, and they want some time to comply with them.

These things are under discussion at the EPA, and industry is weighing in and letting its feelings be known. Should the Environmental Protection Agency need legislation, which they may or may not, we ought to stand ready to be of assistance. I do not think the industry really wants to throw out the Clean Air Act and to allow mercury to be considered nothing, no problem, which is what you would expect when you hear the debate on the Republican side of the aisle. I don't think they would like all of this issue of public health to be so minimized as we hear in the Republican debate.

This is not a practical solution. This is a blunt instrument that the Republicans are putting forward that will not become law. So let reasonable people talk about the issue and try to resolve it. If we're needed to pass legislation, then let's pass reasonable legislation and get something done, not just show that the Republican Party is being macho about jobs when they take a report that's not even based on what EPA's rules are going to be and claim that it costs all these jobs, which has already been debunked when they put forward this report when it was based on the original EPA rule.

So I urge support for this amendment. And we ought to get on with the job of working on what can become law and not just fighting this fight of science denial and minimizing health risk which we hear from the Republican side of the aisle.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

Mr. WHITFIELD. I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. WOMACK, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, had come to no resolution thereon.

□ 1720

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2832, EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES; PROVIDING FOR CONSIDERATION OF H.R. 3078, UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT; PROVIDING FOR CONSIDERATION OF H.R. 3079, UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT; AND PROVIDING FOR CONSIDERATION OF H.R. 3080, UNITED STATES-KOREA FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the Committee on Rules be permitted to file a supplemental report to accompany House Resolution 425.

The SPEAKER pro tempore (Mr. WOMACK). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 425 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 425

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3078) to implement the United States-Colombia Trade Promotion Agreement. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The bill shall be debatable for 90 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

SEC. 3. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3079) to implement the United States-Panama Trade Promotion Agreement. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The bill shall be debatable for 90 minutes, with 30 minutes controlled by Representative Camp of Michigan or his designee, 30 minutes controlled by Representative Levin of Michigan or his designee, and 30 minutes controlled by Representative Michaud of Maine or his designee. Pursuant to section 151 of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 4. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3080) to implement the United States-Korea Free Trade Agreement. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The bill shall be debatable for 90 minutes, with 30 minutes controlled by Representative Camp of Michigan or his designee, 30 minutes controlled by Representative Levin of Michigan or his designee, and 30 minutes controlled by Representative Michaud of Maine or his designee. Pursuant to section 151 of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 5. House Resolution 418 is laid on the table.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DREIER. For the purpose of debate only, I yield the customary 30 minutes to my very good friend from Worcester, Massachusetts (Mr. McGovern), pending which I yield myself such

time as I may consume. During consideration of this measure, all time yielded will be for debate purposes only.

GENERAL LEAVE

Mr. DREIER. I would also like to ask unanimous consent, Mr. Speaker, that all Members have 5 legislative days in which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. On November 6 of 1979, Ronald Reagan announced his candidacy for President of the United States. In that speech, he envisaged an accord of free trade among the Americas. He wanted to eliminate all barriers for the free flow of goods and services and products among all of the countries in this hemisphere.

On October 3 of 2011, President Obama sent three trade agreements to Capitol Hill for consideration. It has been a long time. I mean, 32 years, I guess, this coming November 6 we will mark the anniversary of President Reagan announcing his candidacy for the Presidency and of which he envisaged this accord.

It has been a very, very difficult struggle to get here; but, Mr. Speaker, today marks the first step in this last leg of what, as I said, has been an extraordinarily lengthy journey towards the passage of our three free trade agreements with Colombia, Panama, and South Korea.

For 4 years, workers and consumers in the United States and in all three FTA countries have waited for the opportunities that these agreements will create. Republicans and Democrats alike—and let me underscore that again. Republicans and Democrats alike have worked very hard to bring us to this point. We have done so, first and foremost, for the sake of job creation and economic growth.

We're regularly hearing discussion on both sides of the aisle about the imperative of creating jobs and getting our economy on track. The President of the United States delivered a speech here to a joint session of Congress in which he talked about the need to pass his jobs bill. Mr. Speaker, this is a very important component of that proposal that the President talked about when he was here. So, as I hear a great deal of discussion about a lack of willingness on Capitol Hill to address the President's jobs bill, it's not an "all or nothing" thing. We are taking the very, very important components that the President has proposed addressing. We've worked in a bipartisan way, and this measure before us is evidence of that.

As I said, the passage of these agreements will allow us to have an opportunity to create good jobs for union and nonunion Americans who are seeking job opportunities. Together, these

agreements will give U.S. workers, businesses, farmers access to \$2 trillion of economic activity; and our union and nonunion workers, our farmers and people across this country will have access to 97 million consumers in these three countries.

President Obama, in his address here, made it very clear and has said repeatedly that the independent International Trade Commission has said that, in the coming months, we will add a quarter of a million new jobs right here in the United States of America—again, union and nonunion jobs. The independent International Trade Commission has projected that we will see a quarter of a million—250,000—new jobs for our fellow Americans seeking job opportunities.

I don't need to explain to anyone in this place why this is so critical for our ailing economy, but those of us who have joined together to finally pass these agreements are working towards something that is even bigger. We are working to restore the bipartisan consensus on the issue of open trade. Eradicating partisan politics from the debate on global economic liberalization and returning to a bipartisan consensus is essential in our quest to move our economy forward. These three agreements are enormously important; but, Mr. Speaker, as you know very well, there is still much work that remains to be done.

Now, I understand that the opponents of economic liberalization are very well-intentioned, and I don't fault them. I will say that, as we all know very well, we're in the midst of deeply troubling economic times. It's easy. We all want to look somewhere to point the finger of blame, and trade is a natural target. I mean, I often argue that I still have constituents in southern California who, when they get a hangnail, blame the North American Free Trade Agreement.

□ 1730

Trade is a natural target for frustration and anxiety, and we've seen that time and time again. And I know that there are people who believe that passage of these trade agreements which, according to the ITC, would create 250,000 new jobs right here in the United States of America, is, in fact, a bad thing. Trade is the wrong target, Mr. Speaker.

The worldwide marketplace, as we all know, is a big, dynamic, and complex operation. It offers tremendous opportunity for those who engage and tremendous peril for those who follow the isolationist path. Those who innovate, who aggressively pursue new ideas and new opportunities are able to compete and succeed. The U.S. has proven this time and time again. The American entrepreneurial spirit has enabled us to not just succeed, but, as we all know, we are the largest, most dynamic econ-

omy on the face of the Earth. These agreements will allow us to reaffirm and strengthen that.

We all know this, Mr. Speaker: Our country, the United States of America, is the birthplace of Google and Facebook, of Ford and IBM, of Caterpillar and Whirlpool, and of Coca-Cola and eBay. Unfortunately, over the last several years, while the three free trade agreements have languished, the United States of America has stood still. We've let countless opportunities pass us by. We've let our competitors chip away at our market share. If we compete, the United States of America wins. If we compete, we win.

But what happens when we take ourselves out of the game, which has been the case for the last several years? We've literally taken ourselves out of the game of breaking down barriers, allowing for the free flow of goods and services and capital. What happens? We lose jobs. We lose market share, and we lose our competitive edge.

Now, I'm not going to say that we would not have gone through the terrible economic downturn that we've suffered over the past few years if we had, several years ago, passed these trade agreements. Negotiations began back in 2004 for these agreements. If we had stepped up to the plate, I am absolutely convinced that we would have mitigated the pain and suffering that our fellow Americans are going through with this ailing economy that we have.

Getting our economy back on track and reasserting our American leadership role in the worldwide marketplace will require far more than simply passing these free trade agreements, but it's a key and very important step. The agreements will open new markets for workers and job creators here in the United States; and perhaps even more important, it will send a signal to the world that the United States of America is back open for business.

The United States of America is once again choosing to shape the global marketplace rather than to allow ourselves to be shaped by it. Because, Mr. Speaker, if we don't shape the global marketplace, we will continue to be shaped by that global marketplace. We will also send a very powerful message to our allies that the United States of America is living up to its commitments.

Now, Mr. Speaker, it is utterly shameful that we have forced three close friends of the United States—two of our own neighbors right here in the Americas and one in an extraordinarily strategic region—to wait for 4 long years. It is shameful that we have forced these friends and allies, who negotiated in good faith with us for these agreements, to wait as long as they have.

One of the things we've observed is that the world has taken note. Our

would-be negotiators—not only on trade agreements but on other issues as well—our would-be trade partners and negotiating partners, as I said, on issues beyond trade have taken note.

I don't believe that our credibility will be immediately restored with the passage of these free trade agreements, but we will at least begin the process. We will begin the process of demonstrating credibility on the part of the United States. We will signal that the U.S. is recommitting itself to its partnerships, that our word at the negotiating table can be trusted.

Very sadly, over the past several years, our partners could come to no other conclusion than that our word cannot be trusted at the negotiating table because of action that was taken here a few years ago, rejecting an opportunity for consideration of these agreements.

Mr. Speaker, this rule puts in place a lengthy debate process, during which the tremendous economic and geopolitical benefits of these three trade agreements will be discussed, and the misinformation surrounding these agreements will be able to be refuted. That's why I think this is a very important debate. It's vitally important that we have this debate so that the facts can get on the table and the ability to refute specious arguments can be put forward. And that's what's going to happen this evening and tomorrow leading up to the votes that we are going to cast.

This rule provides also for the consideration of Trade Adjustment Assistance, a modest program that has helped to build that bipartisan consensus that I have been talking about and I believe is essential to our economic recovery. Now, I don't believe that the TAA program is perfect. Meaningful reforms have been incorporated. And most important, Mr. Speaker, the passage of Trade Adjustment Assistance will, in turn, help us not just pass the FTAs, but it will help us maintain what I have had as a goal going back two decades ago when we put together a trade working group that has had bipartisan participation. It will allow us to rebuild the bipartisan consensus that I think is so important. That will send a powerful message to the markets, to job creators, to workers in this country, to Americans who are seeking job opportunities, and it will send a very important message to our allies and we hope future allies throughout this world.

So, Mr. Speaker, I urge my colleagues to come together in a strong bipartisan way and support the rule that will allow us to have a very, very rigorous debate on the underlying agreements and Trade Adjustment Assistance.

With that, I reserve the balance of my time.

Mr. MCGOVERN. I thank the gentleman from California for providing

me the customary 30 minutes, and I yield myself 5 minutes of that time.

Mr. Speaker, today we take up several trade bills. The Rules Committee had a chance to guarantee sufficient time for debate on each agreement and ensure that the time would be equally divided between those who support and those who oppose each bill. That's the way we should be debating these bills. That's the fair and the right thing to do.

But fairness was not part of the discussion in the Rules Committee. Instead, we have a rule that gives more time to those in support of these bills and less time to those who have legitimate concerns about them. And if that weren't bad enough, this rule waives CutGo, just one more broken promise by this Republican Congress.

Mr. Speaker, I strongly support the TAA and GSP bills. These programs provide America's companies and workers with stability and fairness and some minimum resources for those that suffer because of trade agreements. They have earned our support.

□ 1740

But I cannot say the same for the free trade agreements, and I would like to focus my remarks on just one of them, the Colombia FTA.

Mr. Speaker, I've gone to Colombia seven times over the past 10 years. Nearly everyone I talk to—the poor, the most vulnerable, those who defend basic human rights and dignity—they all believe that the United States stands for human rights, that we stand for justice. And I'd like to believe that's always true. But not if we pass this FTA.

Colombia is still the most dangerous place in the world to be a trade unionist. Each year, more labor activists are killed in Colombia than the rest of the world combined. A staggering 2,908 union members murdered since 1986. That's about one murder every 3 days for the past 25 years. One hundred fifty in just the past 3 years. If 150 CEOs had been assassinated over the past 3 years, would you still think Colombia is a good place to invest?

In 2010, 51 trade unionists were murdered; 21 survived attempts on their lives; 338 received death threats; and 7 disappeared. Their bodies may never be found. Forty have been murdered since President Santos took office.

As for justice, well, in Colombia that's still just a dream. Human Rights Watch just released a study that looked at convictions in cases of murdered trade unionists over the past 4½ years. They found “virtually no progress” in convictions in these killings. Just six out of 195 cases. And not a single, solitary conviction for the more than 60 attempted murders and 1,500 death threats during that same period. There's a name for that, Mr. Speaker. It's called complete and total impunity.

Just look at the faces of six of the 23 unionists murdered so far this year.

This man in the top right, Luis Diaz, he was a regional leader of the University Workers' Union and a security guard at Monteria Public University in Cordoba. He was assassinated near his home, shot four times.

I was in Cordoba at the end of August. It's controlled by paramilitaries, drug traffickers, and criminal networks. They work hand in glove with wealthy landed interests, and many local officials, judges, prosecutors, and police are corrupt or benefit from the violence. They are also the most likely parties in Cordoba to profit from the Colombia FTA.

Another fellow here, Jorge de los Rios. He was a teacher and an environmentalist who exposed damage to communities by open pit mining. On June 8, he was shot several times on the campus of his school.

This young man right here, Dionis Sierra, was an elementary schoolteacher killed May 15, also in Cordoba.

Carlos Castro, an engineer, murdered in Cali on May 23. He was shot in the neck by two armed men. He was 41 and the father of three.

Here's Hernan Pinto right here, drinking a cup of coffee. He had taken the lead in the farm workers' struggle right before he was murdered in March.

Silverio Sanchez, just 37 years old, also a teacher. He died on January 24 from burns on 80 percent of his body from an explosive.

These men were husbands, fathers, brothers, and sons. If we don't stand up for them, then we also abandon the children, families, workers, and communities they left behind, those who continue to fight for labor rights, human rights, and basic human dignity.

As the old song goes, which side are you on?

Washington, DC, September 29, 2011.
DR. VIVIANE MORALES,
Attorney General, Diagonal 22B, No 52-01,
Bogotá, Colombia.

DEAR ATTORNEY GENERAL MORALES: I am writing to follow up on the very constructive meeting we had in Bogotá this June regarding the problem of impunity for anti-union violence in Colombia. We are encouraged by the steps the Attorney General's Office is currently taking under your leadership to address this longstanding problem. Yet we also believe further measures are needed to ensure that your efforts succeed and the era of unchecked violence against trade unionists in Colombia is finally overcome.

As you know, Colombia continues to face an extraordinarily high level of anti-union violence. While the number of trade unionists killed every year is certainly less today than a decade ago, it remains higher than any other country in the world. The National Labor School (ENS), Colombia's leading NGO monitoring labor rights, reports that in 2010 there were 51 killings of trade unionists, 22 homicide attempts, and 397 threats.

A major reason for this ongoing violence has been the chronic lack of accountability for cases of anti-union violence. Colombia

has failed to deliver justice for more than 2,500 trade unionist killings committed over the past 25 years. As Vice-President Angelino Garzón acknowledged during a November 2010 speech, “[T]he immense majority of crimes [against] trade unionists remain in impunity . . . there have been advances in the investigations . . . but we still have not gotten to 200 court rulings, and there are thousands of workers and union leaders killed and disappeared.”

In 2006, the Attorney General’s Office sought to end this impunity by establishing a sub-unit of prosecutors to focus exclusively on crimes against trade unionists. This initiative brought with it several important advantages: the sub-unit’s prosecutors would receive extra material and human resources and have the opportunity to develop expertise in solving these crimes. By working out of Bogotá and other main cities, the prosecutors would generally be less vulnerable to pressure and threats than local justice officials.

Since its creation, the sub-unit has made important progress: there are now scores of convictions for trade unionist killings every year where before there were almost none. Over the past four-and-a-half years, the sub-unit has secured convictions for more than 185 trade unionist killings.

Yet this progress, while welcome, has in fact been very limited. And, unless urgent steps are taken to improve the sub-unit’s performance, it will almost certainly prove to be unsustainable.

Over the past several months, Human Rights Watch has carried out a comprehensive evaluation of the sub-unit’s work, reviewing hundreds of court judgments for crimes against trade unionists, examining the most recent available data provided by the Attorney General’s Office on the status of investigations, and conducting dozens of interviews with prosecutors, judges, rights advocates, and victims.

Our research has found severe shortcomings in both the scope of the sub-unit’s work and the investigative methodology that it employs. In terms of the scope, we found that:

The increase in the number of convictions since the sub-unit’s creation, while substantial, represents only a small fraction of the total number of cases of trade unionist killings that still need to be investigated and prosecuted.

The increase in convictions is largely due to confessions provided by paramilitaries under the Justice and Peace process, which does not apply to cases of killings committed after 2006.

The sub-unit has made virtually no progress in obtaining convictions for killings from the past four-and-a-half years.

The sub-unit has made virtually no progress in prosecuting people who order, pay, instigate or collude with paramilitaries in attacking trade unionists.

In terms of the methodology of the investigations, we found that:

The sub-unit has routinely failed to thoroughly investigate the motives for the crimes.

The sub-unit has not conducted the type of systematic and contextualized investigations that are necessary to identify and prosecute all responsible parties.

While we were encouraged to encounter prosecutors in the sub-unit who are very professional and committed to advancing these cases, it is also clear that further measures must be taken to support their work and ensure the sub-unit overcomes its current limitations.

Under the current circumstances, what is at stake is the justice system’s ability to act as an effective deterrent to anti-union violence. We are concerned that unless you take action to improve the sub-unit’s performance, the office will continue to fall short in ensuring accountability for attacks on trade unionists, and Colombia will remain a uniquely dangerous country for workers seeking to exercise their basic labor rights.

THE SCOPE OF THE SUB-UNIT’S WORK CONVICTIONS REPRESENT FRACTION OF TOTAL KILLINGS

The annual number of convictions for cases of crimes against trade unionists has risen about nine-fold since the sub-unit began operating in 2007. Overall, the subunit has obtained convictions for more than 185 trade unionist killings.

Despite this accomplishment, a great deal of work remains to be done. At this stage, Colombia has obtained a conviction for less than 10 percent of the 2,886 trade unionist killings recorded since 1986 by the ENS. The sub-unit reported to Human Rights Watch that it had opened an investigation into 787 cases of trade unionist killings as of June 2011. Investigations into the more than 2000 other reported trade unionist murders presumably remain with ordinary prosecutors, who have long failed to resolve such cases. As concluded by the February 2011 International Labor Organization (ILO) High-level Tripartite Mission to Colombia, “The majority of [trade unionist killings] have not yet been investigated nor have the perpetrators, including the intellectual authors of these crimes, been brought to justice.”

RECENT PROGRESS IS LARGELY DUE TO JUSTICE AND PEACE PROCESS

The sub-unit’s progress in prosecuting anti-union violence has largely been due to confessions by paramilitaries participating in the Justice and Peace process. Human Rights Watch reviewed all 74 convictions handed down over the past year by the three specialized courts dedicated to crimes against trade unionists and found that 60 percent of the convictions were the direct result of plea bargains with demobilized paramilitaries participating in the Justice and Peace process. In a majority of the remaining rulings from this period, testimony by defendants in the Justice and Peace process also played an important role in producing the conviction.

This increase in the number of convictions spurred by the Justice and Peace process is certainly a positive development. Unfortunately, it does not by itself represent sustainable progress. The process has allowed prosecutors to resolve cases because it has provided extraordinary incentives for demobilized paramilitaries to confess to their crimes. But these incentives do not apply to crimes committed since paramilitary groups finished demobilizing in 2006 and therefore will not help prosecute individuals who assassinate trade unionists today or in the future.

LACK OF CONVICTIONS FOR RECENT TRADE UNIONIST KILLINGS

When it comes to obtaining convictions for cases from the past several years—which are not covered by the Justice and Peace process—the sub-unit has made virtually no progress. Of the more than 195 such killings that have occurred since the sub-unit started operating in 2007, the special office had obtained convictions in only six cases as of May 2011. It had not obtained a single conviction for the more than 60 homicide attempts, 1,500 threats and 420 forced displace-

ments reported by the ENS during this period.

The sub-unit has not opened investigations into the majority of the trade unionist murders that have occurred since the office began operating in 2007. As of March, it had opened an investigation into only one of the 51 trade unionist killings committed in 2010. And the vast majority of the sub-unit’s investigations into killings since 2007 (89 percent) remain in a preliminary stage in which prosecutors have yet to formally identify a suspect.

We understand that the current Attorney General’s Office shares our concern with the lack of progress in prosecuting recent killings. As discussed below, your office has announced steps that could help address this problem, such as instructing prosecutors to prioritize investigations of crimes against trade unionists committed since 2007.

LACK OF PROSECUTIONS OF INTELLECTUAL AUTHORS AND ACCOMPLICES

We are also concerned that the prosecutions have focused almost exclusively on the commanders of armed groups or triggermen and have not extended to include other individuals who may have instigated or facilitated the crimes. Of the more than 275 convictions handed down through May 2011 by the specialized courts that handle the sub-unit’s cases, 80 percent have been against former members of the United Self-Defense Forces of Colombia (AUC). Yet there is compelling evidence that paramilitaries and the groups that replaced them have not acted alone in killing trade unionists. These groups have historically operated with the toleration or even active support of members of the public security forces, as well as in collaboration with politicians and allies in the private sector. According to several justice officials, rights advocates and victims’ lawyers close to these cases, paramilitaries appear to have killed trade unionists at the behest of employers, local officials, or other individuals with particular interests in eliminating the victims.

A review of 50 recent convictions for anti-union violence handed down by the specialized courts found that in nearly half of the cases under consideration, the judgments contained evidence pointing to the involvement of members of the security forces or intelligence services, politicians, landowners, bosses, or coworkers. Rulings in ten of these cases contained evidence indicating that individuals outside the armed groups (including two mayors, a hospital administrator, a plant manager, a captain of the Sectional Judicial Police, and a detective from the Colombian intelligence service) may have hired, ordered, or otherwise instigated paramilitaries to kill the trade unionists.

Yet despite the evidence of involvement and collusion by third parties in crimes committed by armed groups, the sub-unit has obtained virtually no results in bringing such individuals to justice. Only 10 of the more than 275 rulings handed down by specialized courts since 2007 have convicted politicians, members of the security forces, employers, or coworkers. Only one of the 50 rulings handed down between September 2010 and May 2011 that Human Rights Watch reviewed punished such individuals. Similarly, a comprehensive study by the Center for the Study of Law, Justice, and Society (DeJusticia) reveals that just 3 percent of the judgments in trade unionist cases handed down through March 2010 included the conviction of a “strategic intellectual author” (an individual outside of an armed structure who ordered or otherwise instigated the crime).

Prosecuting the triggermen and their commanders for these crimes is a crucial step for accountability. But identifying these individuals alone will not enable the justice system to act as an effective deterrent to anti-union violence. As long as some people believe they can get away with ordering, paying, or instigating armed groups to kill trade unionists, they will continue to find armed groups and gunmen for hire to do their dirty work.

FLAWS IN THE INVESTIGATIVE METHODOLOGY

Colombia's progress in curbing impunity for anti-union violence, while important, has been limited by shortcomings in the investigative strategy pursued by the subunit of the Attorney General's Office. The first is a routine failure to adequately investigate the motive in cases of trade unionist killings. The second—and more troubling—is the failure to conduct the sort of systematic and contextualized investigation necessary to identify and bring to justice all responsible parties.

As discussed below, the current administration of the Attorney General's Office has recognized the problem of the sub-unit's methodology and announced the adoption of measures to improve it. But these correctives remain to be fully implemented, and must be followed with additional measures to shore up the quality of the sub-unit's work.

INADEQUATE INVESTIGATION OF MOTIVES

Prosecutors often base their charges almost entirely on testimony by paramilitaries participating in the Justice and Peace process without conducting a thorough investigation that could determine the actual motive for targeting the victim. According to one of the specialized judges, in many cases prosecutors base their charges on “two or three lines from what the defendant in Justice and Peace says.”

Given the lack of additional evidence gathered by prosecutors, the judges often rely primarily or exclusively on paramilitaries' accounts to determine the motive for the crime.

Paramilitaries' confessions frequently seek to justify trade unionist killings as counter-insurgency operations, claiming that their victims were guerrilla collaborators. Consequently, a substantial share of judgments for trade unionist killings have identified the victims' alleged links to guerrilla groups as the motive behind the killings.

Yet, there are good reasons to suspect that in many cases the paramilitaries label the victims as guerrilla collaborators to disguise the true reasons for the killing. By offering defendants the same reduced sentence no matter how many abuses they admit to, the Justice and Peace Law provides paramilitaries with extraordinary incentives to confess to all of their crimes. But when it comes to testifying about their accomplices—who may have ordered trade unionist killings for their own political or economic interests—paramilitaries often have strong incentives to keep silent and justify the murders as part of their anti-guerrilla campaign. As revealed by several recent judicial investigations and news reports, there are credible allegations that paramilitaries have been repeatedly bribed or pressured to conceal the criminal activity of their political and economic allies. In cases involving collusion with powerful individuals, paramilitaries and their family members could face severe reprisals should they expose their accomplices.

In some court rulings, judges have found reason to doubt the veracity of

paramilitaries' anti-guerrilla justifications for the killings. For example, in one recent ruling against paramilitaries who claimed that the union leader had been killed because he was a guerrilla collaborator, the judge wrote that it appeared the group had been paid to murder the victim because of his union activity, noting that: “The excuse provided by the [defendants] regarding the motive of the killing . . . seems to actually be a form of hiding the existence of a particular interest to silence the victim.” The judgment explicitly described how the prosecutor had failed to collect key pieces of evidence that would have helped clarify the motive for the crime. According to DeJusticia's 2010 study, while 102 of the 271 court rulings they analyzed identified the trade unionist's alleged guerrilla ties as the motive for the killing, the judges explicitly rejected the allegations in nearly half of those judgments.

Given the inadequacy of investigations, it is impossible at this point to know how many killings were in fact motivated by the victims' union activities. What is clear is that without more thorough investigations, prosecutors will not be able to determine with an adequate level of certainty whether or not the crimes were related to the victims' participation in their union. This is a serious problem in Colombia given the tendency of some officials and commentators to downplay anti-union violence by dismissing the attacks as isolated crimes unrelated to the victims' union affiliation. And worse still, if court rulings based on paramilitaries' testimony indicate that the victims were guerrillas, the stigmatization is confirmed and the risks are worsened for those who exercise union activity.

LACK OF SYSTEMATIC AND CONTEXTUALIZED INVESTIGATIONS

With few exceptions, the sub-unit's prosecutors have not pursued investigations that take into account the context of crimes against other members of the victim's union from the same region and time period, and have often neglected to conduct serious inquiries into the victim's union activity at the time of the crime.

Instead, killings have generally been investigated in an isolated case-by-case manner and without any serious effort to determine how the crimes might form part of a broader pattern of anti-union violence. As one top official within the Attorney General's Office recently told Human Rights Watch, until now, the sub-unit has treated each case as “an island.” Similarly, in separate interviews, all three current judges from the specialized courts that handle these cases told Human Rights Watch that the cases brought to their courts are investigated as isolated crimes. Victims' lawyers also said that the sub-unit's failure to draw connections between killings is one of the fundamental problems with the investigations.

This serious deficiency in the sub-unit's investigations is also evident in the judgments in cases of anti-union violence. According to DeJusticia's 2010 study, a “systematic approach” to investigations—defined as taking the general context of anti-union violence as the starting point for the investigation—was reflected in five of the 271 court rulings handed down through March 2010.

As a result of this investigative approach, prosecutors have not been able to identify patterns of crimes that could lead them to the individuals—including public officials and employers—who may have ordered, instigated, or otherwise colluded with armed groups in attacking trade unionists. As one of the three special judges who handle cases

of anti-union violence said, “To know what's behind the crimes, if there was a state policy or company policy or not, there has to be a macro-investigation. [Prosecutors] have not done that.” Another judge specified that the piecemeal investigations have impeded prosecutors from identifying intellectual authors: “It would make more sense to analyze the historical context of the union and the criminal organization that operates in the region. But in reality, [the cases] come [to the courts] as isolated victims. . . . The investigations have progressed very little in providing the judges with the context. The context would help identify intellectual authors.”

This shortcoming is compounded by the sub-unit's failure to consistently conduct a thorough inquiry into the context of the victim's union activity at the time of the crime, which limits prosecutors' ability to establish leads that could help clarify the motive for the killing and identify potential suspects. While some prosecutors do make an effort to look into such activity, two judges we spoke with said that such rigorous inquiries are not the norm. In our review of 50 recent convictions in these cases, we found the majority of the rulings did not refer to the victim's union activity in the period leading up to the crime. (If the prosecutors had investigated such activity, a reference to this line of inquiry should at least appear in the judgment, according to jurists consulted by Human Rights Watch.) Of the judgments that did mention the victim's union activity at the time of the crime, most references were general, suggesting that no in-depth probe had been undertaken.

STEPS YOUR OFFICE HAS ANNOUNCED TO ADVANCE PROSECUTIONS

Based on our meeting last June, we know that your office is aware of the problems outlined above and has announced some important initial steps that could help address them.

In terms of increasing the quantity of cases investigated and prosecuted by the subunit, we were encouraged by the following measures announced by the Attorney General's Office:

The addition of 100 judicial police from the Directorate of Criminal Investigation and Interpol (DIJIN) and planned incorporation of 14 new prosecutors to the subunit;

Your office's June 2011 memorandum instructing prosecutors to prioritize cases of trade unionist killings committed since 2007;

Your office's April 2011 memorandum mandating the early identification in all new homicide cases of whether the victim was a union member, which should help ensure that in the future the sub-unit can immediately open investigations into these new cases;

Your office's recent transfer of 35 cases of trade unionist killings from 2009 to the sub-unit.

Your office also has announced measures that could improve the sub-unit's investigative methodology, such as:

Providing instructions within the April memorandum for prosecutors to take the urgent steps that will allow them “to determine the motives for the crime and the causal relationship between the [homicide] and victim's condition as a trade unionist”;

Providing instructions within the June memorandum for prosecutors to analyze cases of trade unionist killings based on the region where the crimes occurred;

Adding six analysts to the sub-unit who will help identify links between cases in order to detect patterns of crimes against trade unionists.

In addition, the current coordinator of the sub-unit told us in May that the sub-unit has adopted a new methodology that involves grouping cases not only on the basis of location, but also based on the victim's union and the suspected responsible armed group.

Yet, we are concerned that the new methodology has not yet been effectively implemented. In separate interviews this May, the prosecutors within the sub-unit appeared to have very different understandings of how they were expected to proceed with their investigations. Two prosecutors said that the sub-unit had not in fact adopted a new methodology. "There is no policy that comes from the coordinators," one told us. "The methodology depends on each prosecutor. . . Investigations are case-by-case. It would be important to group [cases] by trade union, but it has not been done." Other prosecutors mentioned the new investigative policy, but said that it remains to be carried out in practice.

Furthermore, your office's attempt to implement a systematic approach is undercut by the sub-unit's limited caseload and inefficient allocation of investigations among prosecutors. As discussed above, the sub-unit is not investigating the majority of reported trade unionist killings. Consequently, cases from the same union, region, and time period are often split between the sub-unit and ordinary local prosecutors. And of those investigations that have been assigned to the sub-unit, cases involving trade unionists from the same organization and region have generally been divided among the office's different prosecutors.

RECOMMENDATIONS

In order to build on your initial correctives and fully address the problems identified in this letter, we believe it is crucial to adopt the following measures:

1) The sub-unit should investigate all reported cases of killings, enforced "disappearances," and homicide attempts committed against trade unionists. In order to do so, we recommend the Attorney General's Office:

a) Transfers to the sub-unit all reported cases of killings, enforced "disappearances," and homicide attempts against trade unionists that are currently assigned to local prosecutors;

b) Assigns to the sub-unit all future cases of killings, enforced "disappearances," and homicide attempts against trade unionists.

2) The sub-unit should implement a policy to conduct systematic, contextualized and thorough investigations. The policy should ensure that:

a) Rather than treating each killing as an isolated case, investigations also examine all other crimes against members of the same union in the same region and time period to identify possible connections and patterns of crimes that could help to determine the motive for the killing, and identify all the responsible parties;

b) Prosecutors do not rely inordinately on paramilitaries' confessions to resolve cases, but instead use this testimony as a starting point to pursue a solid judicial investigation;

c) Prosecutors conduct a thorough inquiry into the victim's union activity at the time of the crime in order to collect evidence that could help clarify the motive for the attack and identify potential suspects;

d) Prosecutors vigorously pursue leads that point to the possible involvement of state agents and other actors in crimes against trade unionists.

3) Cases should be distributed among the sub-unit's prosecutors based on the victim's union and the region where the crime occurred.

As we have pointed out on numerous occasions, overcoming ongoing impunity for violence against trade unionists requires confronting complex challenges. There is an enormous amount of work to be done, and success will not be achieved overnight. Yet we also believe that, if your office rigorously pursues the measures we are recommending here, it will be possible to make significant progress in prosecuting these cases and transform the sub-unit into an effective deterrent to future attacks on trade unionists in Colombia.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say that Colombia has gone through incredible tragedy over the past several years. It has been absolutely horrible. And the suffering that my colleague from Worcester has just shown is very, very disturbing. But I think we should note that we have seen an 85 percent decline in the murder rate. In fact, there are cities in this country that have a higher murder rate than exist in Colombia today.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield myself an additional 15 seconds, Mr. Speaker.

We also should make it very, very clear that it is safer to be a union member and union leader in Colombia because of the protection that's provided by the government than to be the average citizen. Let's solidify those gains, and that's exactly what these agreements will do.

With that, I am happy to yield 2 minutes to a very, very thoughtful individual committed to the trade agenda, my good friend from Hinsdale, Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the chairman for yielding to me.

Mr. Speaker, today I rise with great enthusiasm because at long last the House and Senate are poised to act on the most bipartisan, economically compelling jobs bills of the Obama Presidency. By supporting this rule and ratifying these agreements, we are taking a huge step towards leveling the playing field for U.S. goods and services. And in doing so, we can create hundreds of thousands of good-paying jobs right here in America.

And thanks to the pending free trade agreements with Colombia, Panama, and South Korea, the tariffs on many American products will come down immediately, giving a massive boost to our economy at a time when we need it more than ever.

All told, these fair trade agreements would support an estimated quarter-million American jobs and increase exports by \$13 million. And my home State of Illinois will be among the first to benefit. Currently, Illinois ranks sixth in the Nation in terms of total exports; 109 companies in my district alone export abroad, and local exports support nearly 65,000 jobs in just DuPage, Cook and Will counties.

These aren't just large manufacturers like Boeing, Navistar, and Kraft;

they're also small businesses with a handful of employees. In fact, 90 percent of Illinois exporters are small businesses, exporting everything from computer chips to financial services.

Already, trade with South Korea in my district alone supports 1,137 jobs, and that number has the potential to rise dramatically after this week's agreements go into effect. Now imagine that impact multiplied hundreds of times across congressional districts throughout the Nation.

Mr. Speaker, passing these agreements is one of the most common sense, low cost, and economically sound things that Congress can do right now to boost job growth. And now that the President has finally sent the agreements to Capitol Hill, we must act immediately. I urge my colleagues to support this rule.

Mr. MCGOVERN. Mr. Speaker, I yield myself 25 seconds to respond to the gentleman from California.

In 2009 the number of total murders per capita in the U.S.A. was 5 per 100,000. In Mexico, it was 18.4, and in Colombia it was 37.3. These are all government statistics.

If 23 labor leaders and 29 civil rights leaders and 6 priests were targeted and murdered in Los Angeles so far this year because of their work in the community, I would like to think that the city or the gentleman from California would be up in arms about that. But that's the reality in Colombia.

At this time I would like to yield 3 minutes to the gentlewoman from New York, the ranking Democrat on the Rules Committee, Ms. SLAUGHTER.

Ms. SLAUGHTER. I thank the gentleman for yielding.

I cannot state strongly enough I am vigorously opposed to the three free trade bills that we are considering today.

On behalf of the businesses and workers of western New York, I implore my colleagues to vote against today's free trade but not fair trade bills and put an end to the era of giveaway trade.

None of the free trade bills we voted on in the last 20 years, including these bills today, were designed to protect American manufacturing and American jobs. They were designed to protect multinational corporations operating in the towers of New York, London, and Shanghai. These companies could care less where their goods are made as long as we allow them to sell them all over the world. As American legislators, we have different responsibilities. We must care where goods are made. We must do everything we can to ensure they are made in the U.S.A.

I think many people would be shocked to know that there is little in the current trade agreement to prevent our own trading partners from developing new regulations that we have done all these years making it harder

for us to sell our goods in their countries. Using nontariff barriers, they could place a dozen arbitrary restrictions on American-made cars, and they do in order to stop Chevy, Ford, and GM from being sold in South Korea. Do you know how many car dealers sell American cars in Korea? Twenty-six. I imagine most major cities in the United States have 26 car dealers who sell Korean cars in their city alone. There's something wrong with that picture. This is not free-flowing trade. We are restricted, but under these proposed free trade agreements, we can't do a thing to make sure that our companies are treated fairly. And they call it a good deal.

Currently, nontariff barriers are playing a vital role in preventing U.S.-made cars from being sold in Japan. According to the American Auto Council, for every one car that the U.S. exports to Japan, Japan exports at least 180 vehicles to the United States. That's 1 to 180. U.S. auto exports to Japan were limited to 8,000 cars last year. That's all we could sell in all of Japan. The USTR says, A variety of nontariff barriers have traditionally impeded access to Japan's automobile and automotive parts market. Overall sales of U.S.-made vehicles remain low, which is a serious concern.

But despite that, what they think with that hand, the government's left hand, the government's right hand is going to sign more trade bills that do exactly the same thing.

□ 1750

It is an action, as far as I'm concerned, that defies common sense. Instead of wasting our time voting for a bad trade bill, I have introduced a bill that will legally ensure a fair playing field for American manufacturers. It's H.R. 1749. The Reciprocal Market Access Act would require both the U.S. Government to consider tariff and nontariff barriers when negotiating a trade agreement with another country and not reduce our tariffs until that has been done. This approach would guarantee that American manufacturers have the same opportunity as foreign competition to sell their goods around the world.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentleman 1 additional minute.

Ms. SLAUGHTER. If a foreign country is caught trying to stop the sale of American-made goods, we have a "snap-back" provision which will stop the free trade agreement.

It's a no-nonsense approach. It is bipartisan in the House. It has been endorsed by Corning; Hickey-Freeman; Hart Schaffner Marx; Globe Specialty Metals; American Manufacturing Trade Action Coalition; the AFL-CIO; the United Steelworkers; and the Auto Workers, even though they are the

only union that will benefit somewhat by the Korean pact.

Congress needs to wake up, and we need to make countries like China and Germany see who's going to dominate the green manufacturing for generations to come. We have just about lost that great thing we pioneered here. Over and over again we have waited and watched. And the most recent ones that trouble me so much is General Electric giving away the intellectual property on airplane engines to China and GM forced to give over the technology of the Volt to be able to sell there.

Mr. Speaker, the time is now. We're not going to maintain a superpower status as long as all we can do is give each other haircuts and serve each other dinner. We've got to make things here at home so that our businesses can finally benefit by some fair trade.

Mr. DREIER. Mr. Speaker, I yield myself 15 seconds to say that free trade is fair trade. And it's interesting to note that the United Auto Workers supports the agreement that exists. I totally concur with my friend from Rochester in arguing, Mr. Speaker, that we must enforce the agreements that we have, including on intellectual property issues.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from California, the ranking Democrat on the Education and Workforce Committee, Mr. MILLER.

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, one of our most important responsibilities as elected officials is to promote and protect American jobs and values. When it comes to trade, jobs and values go hand-in-hand. To promote American jobs, we must promote American values. We do this by ensuring that our workers are protected from unfair competition with countries that keep wages artificially low by repressing essential democratic rights: the right to speak out, the right to organize, the right to bargain, the right for a better life without fear of reprisals.

And so as we now consider the trade agreement with Colombia, what do you get when you exercise your rights in Colombia today? You get death threats and death squad activities against you and your families. Colombia is the most dangerous place on Earth for workers who dare to exercise their rights. During the last Colombian President's 8 years in office, 570 union members were assassinated. To date, only 10 percent of the thousands of killings over the last 25 years have been resolved.

The problems here are undeniable. So I appreciate that the U.S. and the Colombia Governments have finally brought labor rights into the equation.

They have agreed to a Labor Action Plan requiring Colombia to change some labor laws and to commit more resources to fight the violence and impunity.

But that plan is fatally flawed. It only demands results on paper. It does not demand real change. Colombia could have a record year for assassinations and still meet the requirements of the plan. Sure enough, real change is yet to come to Colombia. Since President Santos took office last year, press reports indicate at least 38 trade unionists have been murdered—16 since the Labor Action Plan was announced.

In mid-June of this year, I met with a Port Workers Union leader from Colombia in my office about his concerns with the free trade agreement. He told me that he was not provided protection and that the abusive cooperative system was still in place despite commitments made by the Colombian Government to remedy both. In July, I spoke directly to his concerns on the floor of the House. And 2 weeks later, this leader received death threats via text message. The message said, "If you continue to create problems and denounce things, you will die in a mortuary union."

It's under these conditions that we are asked to approve this deal. If we approve the deal now, any incentive for Colombia to truly improve will vanish. Now is not the time to reward violence with impunity with the seal of approval from the United States. The deal with Colombia is neither fair nor free. Telling Colombian workers that if they speak out for higher wages, they will die—that's not freedom. Telling American workers to compete with that kind of repression—that's not fair to our workers or our values.

Stand for American values, and reject the Colombia Free Trade Agreement.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to one of our thoughtful, hardworking new Members, the gentleman from Fowler, Kansas (Mr. HUELSKAMP).

Mr. HUELSKAMP. I appreciate the opportunity to visit with you on the floor today.

Every day that goes by without these agreements is a missed opportunity. Hundreds of missed opportunities have passed because of years of delay, which is why we cannot afford to waste one more day. The fact is, today in South Korea, for example, beef costs nearly \$24 a pound. Pork costs nearly \$10 a pound. These facts can only work to the mutual benefit of both U.S. producers and Korean consumers.

When America is starved for jobs and economic growth, agreements with Colombia, Panama, and South Korea present an occasion for Washington to address these challenges. Up to a quarter million new jobs and a hundred billion-dollar boost to the country's GDP

are glimmers of hope in what is otherwise a bleak economic outlook. And not a dime of taxpayer money has to be spent to create good American jobs.

For America to be part of the 21st-century economy, it is not enough to simply buy American. We have to sell American. America's safe and efficient ag, energy, and manufacturing production makes the U.S. an attractive trading partner. Americans can compete, and we can win.

When the Ambassador of Vietnam to the United States toured a hog farm in my district in August, he was both impressed and astonished by the safety and cleanliness of our facilities. That signaled to me that America, and Kansas in particular, has much to offer the world.

In sum, these agreements are an opportunity for a nation seeking more affordable and safe goods and an opportunity for our Nation to benefit with jobs and economic growth. I urge my colleagues to move quickly and join me in supporting this rule and the underlying agreements. We need the jobs, Mr. Speaker.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I rise in opposition to this rule and the trade agreements underlying it—particularly the agreement with Colombia. Nothing is more important to our economy right now than creating jobs and putting America back to work. And yet we have now before us three NAFTA-style trade agreements with South Korea, Colombia, and Panama that we know from experience will lead to more jobs being shipped overseas and greater trade deficits. In fact, the Economic Policy Institute has estimated this agreement with Colombia will result in the loss of 55,000 American jobs.

The Colombia deal is particularly galling because it will do more than just destroy American jobs. It will bring into question whether our Nation continues to be a defender of human rights and workers' rights around the world. According to the International Trade Union Confederation, more unionists are killed every year in Colombia than in the rest of the world combined. Last year saw 51 murders. As the AFL-CIO's Richard Trumka noted: "If 51 CEOs had been murdered in Colombia last year, this deal would be on a very slow track indeed."

This year, we have seen 23 more men and women killed. Human Rights Watch reviewed these and hundreds of other cases of antiunion violence there and concluded that Colombian authorities have "made virtually no progress in obtaining convictions for killings from the past 4½ years."

□ 1800

In fact, in only 6 percent of the 2,860 trade unionist murders since 1986 have

there been any convictions. That means 94 percent of the killers are walking away. Worse, 16 of the murders this year have occurred after the labor action plan put forward by the administration and the Colombian Government was put into effect.

This action plan is a fig leaf, pure and simple. It is not legally binding. It makes promises that the Colombian Government will step up its protections, but it demands no concrete results before this free trade agreement is implemented. According to the National Labor School, if Congress passes the free trade agreement, "the limited willingness for change will be further reduced and the action plan will be turned into a new frustration for Colombian workers, in addition to causing other serious consequences." In other words, more violence—murders—against trade unionists will be just the cost of doing business.

We should not be sanctioning such a system of violence, terror, and abuse. We have a responsibility to protect the human rights defenders and working families in Colombia who are exercising, and only exercising, their fundamental rights. And we have a responsibility to stand up for our American working families who do not need to see any more good, well-paying jobs shipped overseas.

I urge my colleagues to oppose this rule and this unconscionable agreement.

Mr. DREIER. Mr. Speaker, I yield myself 1 minute to say that we are going to respond to some of these arguments that have been made.

First, Colombia is not the safest place in the world. I'm the first to acknowledge that. There are terrible, terrible problems there. We've been dealing with the Revolutionary Armed Forces of Colombia, the FARC, the paramilitaries, and serious, serious problems that have existed in Colombia. No one is trying to whitewash or dismiss the serious challenges that exist there. But it's important to note that nearly 2,000 labor leaders in Colombia, Mr. Speaker, have around-the-clock bodyguards protecting them. And in Colombia, it is safer to be a unionist than it is the average citizen.

So I'm not saying that things are perfect. No one is making that claim. But when we've seen an 85 percent decrease in the murder rate since 2002, when we've seen more murders take place—tragically—in some of our cities than have taken place in some areas of Colombia, that is something that has to be seen as progress.

The SPEAKER pro tempore (Mr. THORNBERRY). The time of the gentleman has expired.

Mr. DREIER. I yield myself an additional 15 seconds, Mr. Speaker, to say that I believe we can, in a bipartisan way, work to address these very important issues. And we are going to do just

that. We are going to ensure that this kind of agreement effectively addresses these problems.

My friend, Mr. FARR, and I have sat together in the Office of the Fiscalia in Colombia, in Bogota.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DREIER. I yield myself an additional 15 seconds.

We have sat and painstakingly, with several other of our colleagues, Democrats and Republicans alike, gone through these pending cases to bring about a resolution on this issue; and in just a few minutes, I'm going to be yielding to my friend, Mr. FARR, to talk specifically about this and the challenges we have.

With that, Mr. Speaker, I am happy to yield 1½ minutes to my very good friend, the chair of the Committee on Foreign Affairs, who represents what she calls the gateway to the Americas. I think Los Angeles comes pretty close to that too. But Miami, Mr. Speaker, is the gateway to the Americas, and they are very ably represented by our colleague from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank the esteemed chairman of the Rules Committee for highlighting what a transformation Colombia has made in recent years, thanks to the strong leadership from the top down to the cop on the beat.

If the American people are listening to this debate, they would think that Colombia is a war zone equal to Iraq and Afghanistan. And I believe that those Members have not gone to Colombia in many a year.

But I rise in strong support of the free trade agreements with Colombia, Panama, and South Korea. I thank my good friend from California for his strong leadership on these three trade deals that we've been waiting so many years, Mr. Speaker, for them to be sent to Congress. I am pleased that at last we have the chance to vote on them, because their passage will mean American businesses will finally have a competitive level playing field.

And to give you just one example, American industrial exports to Panama—one of our sister countries to south Florida, we have so many Panamanian Americans living in our area—now face tariffs as high as 81 percent, but almost all of these will be eliminated thanks to this trade agreement.

By the administration's own estimates, Mr. Speaker, the U.S.-South Korea free trade agreement alone will generate around 70,000 new American jobs. And as the Rules Committee chairman pointed out, south Florida is indeed the gateway to Latin America.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield my friend an additional 30 seconds.

Ms. ROS-LEHTINEN. Thank you.

We will see significant benefits in south Florida, and not just for large companies but for small and medium-sized ones as well.

Let's talk about Colombia. Flower importers in the area estimate that they will save \$2 million per month in duties that they now are paying on imports from Colombia.

And also, we should point out how important these trade agreements are, because these three allies are of great importance to our national security. You can't ask for better partners for peace and making sure that we have democracy in the region than South Korea, Colombia, and Panama.

I thank the gentleman for the time, and I'm pleased to support the rule.

Mr. MCGOVERN. I yield myself 20 seconds.

Mr. Speaker, if Colombia is so safe, then why do 2,000 labor leaders need round-the-clock protection? I mean, if Colombia is so safe, why are there nearly 5 million internally displaced people and over 1 million Colombian refugees in neighboring countries? It is because they're fleeing the violence and civil unrest.

Mr. Speaker, at this point I would like to yield 3 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. I want to thank my friend for yielding to me.

This rule makes in order three NAFTA-style free trade agreements, one with Korea, one with Panama, and one with Colombia, all of which I oppose. But I want to focus my remarks today on the trade agreement with Colombia because it hits so close to home for me.

You will hear from Members that feel passionately about Colombia from their experience in that country. They support the free trade agreement, and I respect their perspectives. But there are some of us who feel just as passionately about our brothers and sisters who are killed in Colombia just because they are members of a union, and we oppose the agreement.

I am a proud, card-carrying member of the United Steelworkers Union. I've been a member of the union for over 39 years and served as vice president of Local 152. Workers in Colombia are being killed for the exact same thing.

Since January, 23 unionists have been assassinated. Fifty-one were killed last year, more than the rest of the world combined. Just for carrying a union card like mine, nearly 3,000 workers have been killed in Colombia over the past 25 years.

The administration's Labor Action Plan is intended to address some of the decades-old problems of violence against unionists and the lack of impunity for their perpetrators, but it falls far short from doing so:

First, there has not been meaningful collaboration with the Colombian

unions to make sure the action plan is being implemented thoroughly;

Second, the Attorney General's office, according to Human Rights Watch, hasn't made any progress in investigating the murder cases over the last 4 years. Ensuring that murder investigations are conducted and completed and the real killers are brought to justice is a critical component of protecting our union brothers and sisters in Colombia. So far, the government hasn't done it; and

Third, employers continue to force workers into collective pacts so they cannot form unions.

By passing this FTA, Congress is blessing this lack of rights and this longstanding trend of violence. We are choosing to stand in solidarity with a government that can't protect its own people instead of the people who need the protecting.

I urge my colleagues to think about the fact that if they had a card like this and if they were a leader in a union in Colombia, they would be a target. We should not reward this country's disregard for basic rights within an FTA.

I urge my colleagues to vote "no" on the rule and vote "no" on the Colombian free trade agreement.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say that it's obvious that Colombia is not a safe place. I'm not claiming that at all. There have been murders that have taken place and it still is a very dangerous spot. But it's important to note that a Mr. Gomez, who is the leader of one of the three main labor organizations in Colombia, has said that the labor agreements included in this package are the single greatest achievement for social justice in the last 50 years of Colombia's history.

□ 1810

We still have a long way to go, Mr. Speaker. We still have a long way to go, but progress is being made.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. This is momentous. We're finally talking about jobs on the floor of the House of Representatives. And the United States of America is number one. Let's have a little enthusiasm. We're number one. We're number one, and we want to make certain that we continue that status.

What are we number one in? We are number one in exporting jobs to foreign lands over the last 20 years. Every day we lose 1,370 manufacturing jobs because of our failed trade policies. And guess what? These agreements are duplicates of all failed past trade agreements.

Now, the chairman of the committee says we're going to have lengthy de-

bate, and we will dispel misinformation. Well, the first misinformation is that we're having any lengthy debate here on the floor of the House; 4½ hours for three trade agreements, 270 minutes, boy, a lot of time. Not exactly like we're burning the midnight oil around here, or even working 5 days a week. Couldn't we have a little more time?

Fast Track would have allowed for 20 hours on each of the two Fast Track agreements and who knows what? So that would have been 40 hours. No, we're going to have 165 minutes by the proponents to dispel the misinformation, and 105 by those of us who are opposed to these job-killing trade agreements. That's fair, 165 on their side and 105 on our side because our arguments are honest, and theirs aren't. But that's the way things break around here. That is lengthy debate.

Let's talk for a minute about Colombia. You know, in Colombia, the average income is \$3,200. Think of all the U.S. manufactured goods those Colombians are going to buy with \$3,200 of income. Whoa, thousands of Americans go to work.

Does that remind you of the myth about NAFTA?

No, this is about yet one more platform to get and access abused labor, unorganized labor under Colombian law to send goods back to the United States of America.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. DEFAZIO. I thank the gentleman.

And then there's the issue of, yes, we will get some more agriculture exports, insignificant to our industry, won't employ any Americans, may employ some more people who are in this country to harvest the crops.

But it will cut dramatically into the principal form of employment in Colombia. There'll be a 75 percent drop potentially in rural employment in Colombia. And where will they turn?

The noted economist Joseph Stiglitz says they will turn from traditional farming and farming for their own economy to growing coca. So not only are we going to facilitate the collapse of their agricultural economy, like we did in Mexico; we're going to facilitate the drug lords with this crummy agreement.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say to my friend that we have been debating this issue since the negotiations began in 2004. Time and time again on this House floor, we've had very rigorous debates on these agreements. And I will acknowledge, we do have problems with job creation and economic growth.

What this measure does, Mr. Speaker, is it eliminates the barrier for union and nonunion workers and farmers in this country to have access to new markets.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield myself an additional 30 seconds, Mr. Speaker.

On August 15, because we had done nothing, our Colombian friends negotiated a free trade agreement with the Canadians, with our good friends to the north, the Canadians.

And guess what, Mr. Speaker. In literally 1 month, there was an 18½ percent increase in Canadian wheat exports to Colombia. This is the kind of opportunity that we've been prevented from having, and we've been debating this for 5 years. It's high time that we vote, and that's exactly what we're going to do, after hours of debate, both tonight and tomorrow.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself 25 seconds to respond to the gentleman from California.

He mentioned a labor leader, in his remarks before, as saying how wonderful the Labor Action Plan was. I should point out to him that last Wednesday, on October 5, in a report released in a press conference, that same labor leader's union, the CGT, expressed its frustration with the Colombian Government's failure to implement the Labor Action Plan.

I also would point out that the Colombia Labor School also has issued a long statement about how the Colombian Government has failed to enact the Labor Action Plan.

I don't care what the Canadians do. In the United States of America, we're supposed to respect human rights.

Mr. Speaker, at this time I would like to yield 3 minutes to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank you, Congressman MCGOVERN, for your tireless commitment to promoting human rights around the world.

I rise in strong opposition to this rule and to the three pending free trade agreements. The Bush-negotiated Colombia, Panama and South Korea FTAs expand the NAFTA-style trade model that has proven destructive to the American economy and harmful to the workers in the United States and abroad.

Instead of considering a jobs bill, we are instead voting on trade deals that the Economic Policy Institute estimates will eliminate or displace an additional 200,000 American jobs. In particular, I believe we should not extend additional trade privileges to Colombia without seeing significant progress on human rights.

And it is not sufficient just to say, well, Colombia is a dangerous place to live. Colombia has a longstanding legacy of serious abuses; and despite some positive rhetoric by the Santos administration, we have yet to see a tangible improvement.

The recently agreed-to Labor Action Plan includes language to prevent and

punish abuses against labor leaders and trade unionists, but it is not legally binding or included in the FTA before us today. We need to see results before granting preferential trade treatment.

Under this agreement, if violence and impunity continue, the U.S. will have no mechanism for holding the Colombian Government accountable to the promises in the Labor Action Plan.

Mr. Speaker, the fact is that human rights abuses are not just a thing of the past in Colombia. Recently published statistics show that Colombia is still the deadliest place in the world to be a trade unionist, with 51 murders in 2010, 25 trade unionists have been murdered so far in 2011, and 16 since this Labor Action Plan went into effect. And this cycle of violence is going to continue because the Colombian Government has made little progress toward prosecuting perpetrators and ending impunity.

The bottom line is this: The Labor Action Plan and the Colombia FTA reward promises, not progress. Mr. Speaker, the consideration of any trade deal with Colombia is inappropriate until we see tangible and sustained results. As AFL-CIO President Richard Trumka has said, and think about this, he said, "We have no doubt that if 51 CEOs had been murdered in Colombia last year the deal would be on a very slow track indeed."

I strongly urge my colleagues to join me in opposing this rule and the three underlying trade agreements.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say that my friend from Illinois is absolutely right: Colombia is not a safe place. But we have seen an 85 percent reduction since 2002 in the murder rate among trade unionists. It's not perfect and it still is a very dangerous place, but that is progress.

I'd also like to say to my friend from Worcester—and I appreciate the fact that he didn't say it—Mr. Gomez is still supportive of the Colombia-U.S. free trade agreement that he mentioned in his remarks. And I think that he voiced frustration over the implementation of agreements. That's something that takes place in a free society. That's something we see here regularly and there regularly. Implementation of this will help with that enforcement.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this point it is my privilege to yield 2 minutes to the gentleman from Michigan, the ranking Democrat on the Ways and Means Committee, Mr. LEVIN.

□ 1820

Mr. LEVIN. The Bush administration negotiated three seriously flawed FTAs. The key flaw in the South Korea FTA was that it violated a fundamental principle of sound, overall trade policy: two-way trade. It locked

in one-way trade for Korea in the automotive sector, the source of three-quarters of the American trade deficit with Korea. Last year, urged by congressional Democrats, the Obama administration negotiated specific provisions opening up the Korean market for automotive products made in America.

These vital changes would not have happened if, as the Republicans continually insisted, the FTA had passed as originally negotiated. The Panama FTA as originally negotiated by the Bush administration failed to carry out another key provision of sound trade policy, incorporating international standards on worker rights. Congressional Democrats and the Obama administration successfully worked with the Panamanian Government to correct these flaws, and it also took the necessary concrete steps to change its role as a tax haven.

The Colombia FTA, as originally negotiated, fell far short of addressing the longstanding concerns about the specific challenges in Colombia to worker rights and the persistence of violence and impunity. The Obama administration and the new Santos administration undertook the important steps of discussions on these issues, culminating in an action plan relating to labor rights. Unfortunately, there remains serious shortcomings in the plan's implementation. What's more, giving in to congressional Republican insistence, there is completely lacking any link in the implementation bill to the action plan, necessary to assure its present implementation and future enforcement actions under the FTA.

In view of those conditions, I oppose the Colombia FTA.

Mr. DREIER. Mr. Speaker, may I inquire of my good friend and Rules Committee colleague, the gentleman from Worcester, how many speakers he has remaining on his side?

Mr. MCGOVERN. We have the gentleman from Washington (Mr. McDERMOTT), and then I will close.

Mr. DREIER. I have a couple of speakers. How much time is remaining on each side, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from California has 7¼ minutes remaining. The gentleman from Massachusetts has 4¼ minutes remaining.

Mr. MCGOVERN. Then I will reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I mentioned the bipartisan nature of this, and to stress that, and being the only one who will yield time to Democrats who are in support of these agreements, I am happy to yield 2½ minutes to my very good friend and a man with whom I have spent time in Colombia on numerous occasions and will in just a few weeks, the gentleman from Carmel, California, a Peace Corps volunteer who served four decades ago in Colombia and knows about it as well as anyone, Mr. FARR.

Mr. FARR. Thank you, Mr. Chairman, for yielding. I look forward to this debate.

As was said, I lived in Colombia, and I have a different perspective than a lot of people. First of all, I think we have to put in perspective that the Latin American market is important to the United States. If you take Brazil, Mexico, and Colombia, just three countries, they equal the entire European trade, and they exceed the trade with Japan and China. It's a very important market.

Colombia is a country that you have heard a lot about, particularly on crime. And as you remember, there is big, big drug production and a lot of crime, particularly paramilitaries who have killed a lot of labor leaders. But what has not been stated is that Colombia is one of the few countries in the world that keeps track of crimes against people who happen to be unionists, not necessarily that they are killed because they are unionists, but because they are killed and they happen to be a member of a union. So they have this data. We don't do that in the United States.

Colombia has set up a separate ministry just to handle labor crimes and put those judges, prosecutors, investigators, and everybody in place in every single one of the departments or states in Colombia. We don't do that in the United States.

Colombia has created a protection system for unionists, including people who want to form unions, who want to advocate for unions, teachers, and retirees of unions who may be threatened because of their activity in unions. We don't do that in the United States. They have all set up a hotline, full disclosure, and you can do that anonymously. You can either email in or you can call in anonymously to the government reporting any labor violations. We don't do that in a national way here in the United States. So there are a lot of issues here that we ought to recognize when we're talking about Colombia.

But I think most of all we've got to talk about this in terms of American jobs. We sell a lot of things that we make here in America to Colombia. Let's take Caterpillar, for example. Canada has just adopted a free trade agreement. Europe is about to adopt a free trade agreement with Colombia. And we're not going to have one. That means our goods are going to be more expensive in Colombia. They're not going to buy from us. We're going to lose the market share. Caterpillar will be out of business. They'll be buying that heavy equipment from Europe, they'll be buying it from Brazil, and they'll be buying it from Canada—countries that have entered into a free trade agreement.

Let's preserve American jobs and let's think about American jobs. This

is a huge exporter. In my district alone, it's the number one country in Latin America that we export produce to. So it's an important country to us.

Let the debate begin. The debate can't begin without passing the rule.

Mr. MCGOVERN. I would like to yield 2 minutes to the gentleman from Washington from the Committee on Ways and Means, Mr. McDERMOTT.

Mr. McDERMOTT. Mr. Speaker, in my district, one out of three or maybe one out of four people make their job some way in relationship to foreign trade, either directly through the sea-port or through the companies that operate in my district, or the agricultural sector of eastern Washington. Now, all of us in Seattle know that trade is not bad if it's done right, and that's really the issue that we're debating here tonight under this rule which I support.

Two of the agreements that we have before us, Korea and Panama, are examples of doing it right. The Bush administration went in and signed agreements that were flawed, and, in fact, were held up, and then were renegotiated and are, in my opinion, a good place for the trade issue for these two countries. We rejected those flawed agreements because we wanted to do it right.

Now with these new rewritten agreements, we have some real change. In Panama's case, it is no longer a tax haven. It was the best tax haven on the face of the Earth before. Now we have a trade agreement, we have an implemented tax agreement that will make it transparent and no longer will that happen.

Unfortunately, Colombia is a glass that you could hold up and say, is it half full or half empty? There clearly have been problems, for many of us who have been resistant to this for a long time, and I will resist that particular one tonight because, and most importantly, Colombia has moved. They've made beautiful speeches. Speeches don't change anything. My old friend, Ronald Reagan, who I admired greatly, said "trust but verify." And when the Republicans refused to put into this trade agreement that the work action plan would be included, they sent the message "we're not serious." And that's why you're going to get so much opposition.

I urge the adoption of the rule, and we'll debate the issues later.

Mr. DREIER. At this time I'm happy to yield 2 minutes to a very, very strong free trader, a bold and courageous friend from New York City, Mr. MEEKS.

Mr. MEEKS. Mr. Speaker, I feel a sense of urgency about passage of the FTAs before us. Urgency because while we have been waiting on the passage of the agreements, South Korea has moved forward on trade with Europe, and Colombia and Panama are moving

forward on several bilaterals of their own with Canada, China, and others.

And trade is never just about economics. It's also about our relationships with other nations, our allies. It's about strengthening the rule of law, and it's about deepening ties. A recent report by the Council on Foreign Relations said it well, "Trade has been and remains a major strategic instrument of American foreign policy. It binds together countries in a broad and deep economic network that constitutes a bulwark against conflict." But let me also talk specifically about the Colombia free trade agreement.

□ 1830

Many of my colleagues have talked today about the violent past in Colombia and of the remaining vestiges of that past. Having traveled extensively in Colombia over the last decade, I can tell you personally that Colombia is not what it used to be. It's far from it. Even if it is not where it wants to be just yet, there has been major progress in Colombia, and this has been with a tremendous amount of cooperation with and between our great nations. The agreement with Colombia certainly has its many economic benefits for America. We are leveling the playing field for American business.

Beyond that, what I want to emphasize right now is a role that the agreement plays in strengthening the rule of law, specifically as it relates to labor. The agreed-upon action plan between the Obama administration and the Santos administration brings about important changes that labor groups in Colombia have sought to solidify for years. In fact, several labor organizations in Colombia made public statements about the importance of the action plan. One of Colombia's major labor federations lauded the action plan, signifying that, if one of the results of the FTA is the advancement of labor and is an increase in the guarantees to exercise freedom of association, then the FTAs are welcome. Moreover, the federation and others have stated that this action plan will continue to fight against impunity.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield the gentleman an additional 15 seconds.

Mr. MEEKS. I am pleased to say that just last month, the Obama administration announced that Colombia has fully complied with its commitments under the Labor Action Plan that was set for completion in mid-September. At the same time, the State Department also notified that Colombia is meeting statutory criteria relating to human rights that call for the obligation of U.S. assistance funds for the Colombian Armed Forces.

Let's pass this agreement.

Mr. MCGOVERN. Mr. Speaker, Congress was right in refusing to take up

the Colombia FTA when it was signed in 2006. Supporters of the FTA now talk about those years as Colombia's dark past, but they supported the FTA then just as they do now. The House was right to block the FTA in 2008. Supporters then extolled the virtues of the Uribe government, but Colombia's new Attorney General has revealed mind-boggling corruption in every agency of Uribe's government. Criminal acts were the norm.

I believe the Santos government is Colombia's best chance to bring about much needed reforms and institutional change. I want him to succeed, but goodwill is not enough. We have had promises before. We need time to see if good intentions result in concrete change on labor and human rights.

This is Tito Diaz. He was the mayor of El Roble in Sucre. In 2003, he denounced the links between public officials and paramilitaries. For this, he was tortured and murdered. His body was found strung up like a crucifix and shot 11 times—his fingernails ripped out, his knees bludgeoned, and his mayor's I.D. card taped to his forehead.

His son, Juan David, carried on his father's work, leading the victims' movement in Sucre. He survived four assassination attempts but finally fled the country. Others took his place. Since 2006, five more victims' rights leaders in Sucre have been murdered—two this year.

This is the reality for Colombia's human rights defenders, 29 of whom have been killed this year; 51 priests murdered in the past decade, six so far this year. In this violent reality, Colombian workers attempt to exercise their rights.

I ask my colleagues to think about the lives of all the brave labor leaders, human rights defenders, religious and community leaders. Do not turn your backs on them. Demand concrete change on the ground before approving the Colombia FTA. You know that that is the right thing to do. If the United States of America stands for anything, we ought to stand out loud and four-squared for human rights. Let's remember that as we deliberate on the Colombia FTA. It is just wrong to rationalize, or explain away, the human rights situation in Colombia. We are better than that. We should demand more on behalf of the workers and the human rights defenders in Colombia.

Vote "no" on the rule, and vote "no" on the Colombia FTA.

A BRIEF HISTORY OF THE VICTIMS' RIGHTS MOVEMENT (MOVICE) IN THE DEPARTMENT OF SUCRE (COLOMBIA)

EUDALDO "TITO" DIAZ

1. Biographical Note on Eudaldo "Tito" Diaz Summary

Eudaldo "Tito" Diaz was the mayor of El Roble municipality in Sucre Department, Colombia. He was killed for denouncing the links between public officials and paramilitary death squads. On the 5th of April

2003, Mr. Diaz was disappeared, tortured for five days and murdered. His body was found, strung up like a crucifix. He had been shot eleven times, his fingernails ripped out and his knees bludgeoned. On his forehead, the assassins had placed his mayor's identity card, as a warning to others who would speak out against the paramilitaries and public officials who supported them.

Background

Eudaldo "Tito" Diaz was the mayor of El Roble municipality in Sucre Department, Colombia. He was killed for denouncing the links between public officials and paramilitary death squads. After speaking out, he was sacked and his security detail was withdrawn. He knew that his actions carried a high price: "they are going to kill me" he said, at a televised public meeting on February 1, 2003, at which he spoke out about the corruption and threats. The meeting was attended by former president Uribe and then governor of Sucre, Salvador Arana Sus, whom Mr. Diaz had publicly denounced. Two months later, on April 5, 2003, Mr. Diaz was called to a meeting by governor Arana, colonel Norman León Arango (the former Police Chief of Sucre), Alvaro García Romero (former Senator, sentenced for his role in the Chengue massacre and for his links to paramilitaries), Jaime Gil Ortega (former Inspector General of Sucre), Guillermo Merlano Martínez (former Inspector General of Sucre) and Eric Morris Taboada (former governor of Sucre during 1997–2001, sentenced for his links with paramilitary groups). On his way to that meeting, Mr. Diaz was disappeared, tortured for five days and murdered. On April 10th, his body was found, strung up like a crucifix. He had been shot eleven times, his fingernails ripped out and his knees bludgeoned. The ulcer in his stomach showed that he had been deprived of food and water. On his forehead, the assassins had placed his mayor's identity card, as a warning to others who would speak out against the paramilitaries and politicians who supported them.

Mr. Diaz' son, Juan David, carried on his father's work. He has survived four assassination attempts and received over 20 death threats. The day his father was killed, he received his first death threat. Soon after, governor Arana was named ambassador to Chile by president Uribe. Mr. Arana is currently serving a 40-year sentence for Mr. Diaz' murder. At least 12 of the witnesses in the case have been killed.

2. Prosecutions for Assassination of Eudaldo "Tito" Diaz

Salvador Arana Sus, former governor of Sucre, sentenced to 40 years for forced disappearance, aggravated homicide with political motives, and promotion of illegal armed groups. He had been appointed by former president Uribe as ambassador to Chile 2003–2005.

Angel Miguel Berrocal Doria alias "El Cocha," a paramilitary, sentenced to 37 years for homicide.

Rodrigo Antonio Mercado Pelufo, alias "Cadena," head of the paramilitary group Héroes de los Montes de María, sentenced in absentia to 40 years for aggravated homicide and simple kidnapping.

Emiro José Correa alias "Convivir" and José Tomas Torres alias "Orbitel," known paramilitaries who allegedly carried out governor Sus' instruction to kill Mr. Diaz, were absolved in 2011. Diana Luz Martínez, former director of the La Vega prison, who allegedly enabled the paramilitaries to leave the prison where they were detained in order to

carry out the assassination, was absolved of all charges.

The paramilitaries Edelmiro Anaya, alias "El Chino," Carlos Verbel Vitola, alias "Caliche," Wilson Anderson Atencia, alias "El Gafa" and Jhon Ospino, alias "Jhon" are also under investigation. Coronel Norman León Arango, then police chief of Sucre, has been formally linked to the assassination.

3. Members of MOVICE Assassinated (Nationwide)

Thirteen members of MOVICE have been assassinated since the movement was created in 2005. Five of those were in the Department of Sucre:

1. Garibaldi Berrio Bautista, MOVICE Sucre, 10 April 2007
2. Jose Dionisio Lozano Torralvo, MOVICE Sucre, 12 August 2007
3. Carlos Burbano, MOVICE Caqueta, 8 March 2008
4. Luis Mayusa Prada, MOVICE Arauca, 8 August 2008
5. Walberto Hoyos, MOVICE Choco, 14 October 2008
6. Carlos Rodolfo Cabrera, MOVICE Arauca, 28 November 2008
7. Carmenza Gomez Romero, MOVICE Bogota, 4 February 2009
8. Jhonny Hurtado, MOVICE Meta, 15 March 2010
9. Nilson Ramirez, MOVICE Meta, 7 May 2010
10. Rogelio Martinez, MOVICE Sucre, 18 May 2010
11. Oscar Maussa, MOVICE Choco, 24 November 2010
12. Eder Verbel Rocha, MOVICE Sucre, 23 March 2011
13. Ana Fabricia Cordoba, MOVICE Antioquia, 7 June 2011

I yield back the balance of my time.
Mr. DREIER. I yield myself the balance of my time.

I'd like to get the debate back to where it was. We have before us four pending issues. We have trade agreements with Colombia, Panama, South Korea, and we have the very important trade adjustment assistance.

Mr. Speaker, our fellow Americans are hurting. Job creation and economic growth is something that Democrats and Republicans alike are talking about. I was listening to the words of one of the protest leaders up in New York. This guy was saying that the protests are about economic and social justice, and he said working class Americans can no longer be ignored.

Now, this measure that is before us, according to the International Trade Commission, will create 250,000 new jobs here in the United States of America. I argue that, if we had had these agreements in place, the pain that so many of our fellow Americans are feeling at this moment would not be as great as it has been because, for half a decade, these agreements have been languishing, waiting to be considered.

The last two speakers I yielded to happen to be Democrats. I am very proud of having worked closely together with SAM FARR and GREGORY MEEKS on these agreements. There are lots of other people who have been involved and who have worked tirelessly for years. Over the last two decades,

I've had a working group that I started with former Ways and Means Committee Chairman Bill Archer, going all the way up now to working with DAVE CAMP and KEVIN BRADY and WALLY HERGER and others. There have been many people who have been involved in working with this. Democrats have joined with our bipartisan trade working group because there are Democrats and Republicans who want us to get back to the bipartisan approach to our global leadership role. They want to open up markets around the world for the United States of America; and with the passage of these three agreements, we're going to have access to \$2 trillion of economic activity and to 97 million consumers.

Mr. Speaker, we need to support this rule. We're going to have debate going into this evening, and we're going to have debate throughout the day tomorrow. Let's support the rule.

With that, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 281, nays 128, not voting 24, as follows:

[Roll No. 771]

YEAS—281

Adams	Cardoza	Fleming
Aderholt	Carney	Flores
Akin	Carter	Forbes
Alexander	Cassidy	Portenberry
Amash	Castor (FL)	Foxx
Amodei	Chabot	Franks (AZ)
Austria	Chaffetz	Frelinghuysen
Bachus	Coble	Galleghy
Barletta	Coffman (CO)	Gardner
Bartlett	Cole	Garrett
Barton (TX)	Conaway	Gerlach
Bass (CA)	Connolly (VA)	Gibbs
Bass (NH)	Cooper	Gibson
Benishek	Costa	Gingrey (GA)
Berg	Cravaack	Gohmert
Berman	Crawford	Goodlatte
Biggart	Crenshaw	Gosar
Bilbray	Cuellar	Gowdy
Bilirakis	Culberson	Graves (GA)
Bishop (GA)	Davis (CA)	Griffin (AR)
Bishop (UT)	Davis (KY)	Griffith (VA)
Black	Denham	Grimm
Blackburn	Dent	Guinta
Blumenauer	DesJarlais	Guthrie
Bonner	Deutch	Gutierrez
Bono Mack	Diaz-Balart	Hall
Boren	Dicks	Hanabusa
Boustany	Dingell	Hanna
Brady (TX)	Dold	Harper
Brooks	Dreier	Harris
Broun (GA)	Duffy	Hartzler
Buchanan	Duncan (SC)	Hastings (FL)
Bucshon	Duncan (TN)	Hastings (WA)
Buerkle	Ellmers	Hayworth
Burgess	Emerson	Heck
Butterfield	Eshoo	Hensarling
Calvert	Farenthold	Herger
Camp	Farr	Herrera Beutler
Campbell	Fincher	Himes
Canseco	Fitzpatrick	Hirono
Cantor	Flake	Hoyer
Capito	Fleischmann	Huelskamp

Huizenga (MI)	McMorris	Ryan (WI)
Hultgren	Rodgers	Scalise
Hunter	Meehan	Schiff
Hurt	Meeks	Schilling
Inslee	Mica	Schmidt
Issa	Miller (FL)	Schock
Jackson (IL)	Miller (MI)	Schrader
Jenkins	Miller, Gary	Schwartz
Johnson (GA)	Moran	Schweikert
Johnson (IL)	Mulvaney	Scott (SC)
Johnson (OH)	Murphy (PA)	Scott, Austin
Johnson, E. B.	Myrick	Sensenbrenner
Johnson, Sam	Neugebauer	Sessions
Jordan	Noem	Sewell
Jordan	Nugent	Shimkus
Kelly	Nunes	Shuster
King (IA)	Olson	Simpson
King (NY)	Owens	Sires
Kingston	Palazzo	Smith (NE)
Kinzinger (IL)	Kline	Smith (NJ)
Klaine	Paulsen	Smith (TX)
Labrador	Pearce	Smith (WA)
Lamborn	Peterson	Southerland
Lance	Petri	Stearns
Landry	Pitts	Stivers
Lankford	Platts	Stutzman
Larsen (WA)	Poe (TX)	Sullivan
Latham	Pompeo	Terry
LaTourette	Posey	Thompson (CA)
Latta	Price (GA)	Thompson (PA)
Levin	Quayle	Thornberry
Lewis (CA)	Rangel	Tiberi
LoBiondo	Reed	Tipton
Lofgren, Zoe	Rehberg	Turner (NY)
Long	Reichert	Turner (OH)
Lucas	Renacci	Upton
Luetkemeyer	Ribble	Walberg
Lummis	Rigell	Walden
Lungren, Daniel	Rivera	Webster
E.	Roby	West
Mack	Roe (TN)	Westmoreland
Manzullo	Rogers (AL)	Whitfield
Marchant	Rogers (KY)	Wilson (SC)
Marino	Rogers (MI)	Wittman
Matheson	Rohrabacher	Wolf
Matsui	Rokita	Womack
McCarthy (CA)	Rooney	Woodall
McCaul	Ros-Lehtinen	Yoder
McClintock	Roskam	Young (AK)
McCotter	Ross (AR)	Young (FL)
McDermott	Ross (FL)	Young (IN)
McHenry	Royce	
McKeon	Runyan	
McKinley	Rush	

NAYS—128

Ackerman	Engel	Miller (NC)
Altmire	Fattah	Miller, George
Andrews	Filner	Moore
Baca	Fudge	Murphy (CT)
Baldwin	Garamendi	Nadler
Barrow	Gonzalez	Neal
Becerra	Green, Al	Oliver
Berkley	Hahn	Pallone
Bishop (NY)	Heinrich	Pascarell
Boswell	Higgins	Pastor (AZ)
Brady (PA)	Hochul	Payne
Braley (IA)	Holden	Pelosi
Capps	Holt	Peters
Capuano	Honda	Pingree (ME)
Carnahan	Israel	Price (NC)
Carson (IN)	Jackson Lee	Quigley
Chandler	(TX)	Rahall
Chu	Jones	Reyes
Cicilline	Kaptur	Richmond
Clarke (MI)	Keating	Rothman (NJ)
Clarke (NY)	Kildee	Roybal-Allard
Clay	Kissell	Ruppersberger
Cleaver	Kucinich	Ryan (OH)
Clyburn	Langevin	Sanchez, Loretta
Cohen	Larson (CT)	Sarbanes
Conyers	Lee (CA)	Schakowsky
Costello	Lewis (GA)	Scott (VA)
Courtney	Lipinski	Scott, David
Critz	Loebbsack	Serrano
Crowley	Lowey	Sherman
Cummings	Lujan	Shuler
Davis (IL)	Lynch	Slaughter
DeFazio	Maloney	Speier
DeGette	Markey	Stark
DeLauro	McCarthy (NY)	Sutton
Doggett	McCollum	Thompson (MS)
Donnelly (IN)	McGovern	Tierney
Doyle	McIntyre	Tonko
Edwards	McNerney	Towns
Ellison	Michaud	Tsongas

NOT VOTING—24

Bachmann	Hinchey	Richardson
Brown (FL)	Hinojosa	Sánchez, Linda
Burton (IN)	Kind	T.
Frank (MA)	Napolitano	Visclosky
Giffords	Nunnelee	Walsh (IL)
Granger	Paul	Wasserman
Graves (MO)	Pence	Schultz
Green, Gene	Perlmutter	Wilson (FL)
Grijalva	Pollis	

□ 1900

Mr. CUMMINGS, Ms. TSONGAS, and Messrs. GARAMENDI, COHEN, and CROWLEY changed their vote from "yea" to "nay."

Ms. ZOE LOFGREN of California and Messrs. DANIEL E. LUNGREN of California and SMITH of New Jersey changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 771, had I been present, I would have voted "nay."

EPA REGULATORY RELIEF ACT OF 2011

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2250.

□ 1900

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, with Mr. THORNBERRY (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 3 printed in the CONGRESSIONAL RECORD by the gentlewoman from Texas (Ms. JACKSON LEE) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 11 by Mr. WAXMAN of California.

Amendment No. 18 by Mr. CONNOLLY of Virginia.

Amendment No. 7 by Mr. MARKEY of Massachusetts.

Amendment No. 2 by Ms. EDWARDS of Maryland.

Amendment No. 1 by Ms. SCHA-KOWSKY of Illinois.

Amendment No. 12 by Mr. ELLISON of Minnesota.

Amendment No. 19 by Mr. WELCH of Vermont.

Amendment No. 3 by Ms. JACKSON LEE of Texas.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 11 OFFERED BY MR. WAXMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 254, not voting 15, as follows:

[Roll No. 772]

AYES—164

Ackerman	Farr	Markey
Andrews	Fattah	Matsui
Baca	Filner	McCarthy (NY)
Baldwin	Frank (MA)	McCollum
Bass (CA)	Fudge	McDermott
Becerra	Garamendi	McGovern
Berkley	Gibson	McIntyre
Berman	Green, Al	McNerney
Bishop (NY)	Grijalva	Meeks
Blumenauer	Gutierrez	Miller (NC)
Boswell	Hahn	Miller, George
Brady (PA)	Hanabus	Moore
Braley (IA)	Hastings (FL)	Moran
Capps	Heinrich	Murphy (CT)
Capuano	Higgins	Nadler
Carnahan	Himes	Neal
Carney	Hinchey	Oliver
Carson (IN)	Hirono	Pallone
Castor (FL)	Hochul	Pascarell
Chu	Holden	Pastor (AZ)
Cicilline	Holt	Payne
Clarke (MI)	Honda	Pelosi
Clarke (NY)	Hoyer	Perlmutter
Clay	Inslee	Peters
Cleaver	Israel	Pingree (ME)
Clyburn	Jackson (IL)	Price (NC)
Cohen	Jackson Lee	Quigley
Connolly (VA)	(TX)	Rahall
Conyers	Johnson (GA)	Rangel
Cooper	Johnson (IL)	Reyes
Courtney	Johnson, E. B.	Richardson
Critz	Kaptur	Richmond
Crowley	Keating	Rothman (NJ)
Cummings	Kildee	Roybal-Allard
Davis (CA)	Kissell	Ruppersberger
Davis (IL)	Kucinich	Rush
DeFazio	Langevin	Ryan (OH)
DeGette	Larsen (WA)	Sanchez, Loretta
DeLauro	Larson (CT)	Sarbanes
Deutch	Lee (CA)	Schakowsky
Dicks	Levin	Schiff
Dingell	Lewis (GA)	Schrader
Doggett	Loeback	Schwartz
Doyle	Lofgren, Zoe	Scott (VA)
Edwards	Lowey	Scott, David
Ellison	Lujan	Serrano
Engel	Lynch	Sewell
Eshoo	Maloney	Sherman

Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)

Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez

Walz (MN)
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOT VOTING—15

Bachmann	Napolitano	Visclosky
Brown (FL)	Nunnelee	Walsh (IL)
Giffords	Paul	Wasserman
Graves (MO)	Pollis	Schultz
Hinojosa	Sánchez, Linda	Wilson (FL)
Kind	T.	

NOES—254

Adams	Garrett	Noem
Aderholt	Gerlach	Nugent
Akin	Gibbs	Nunes
Alexander	Gingrey (GA)	Olson
Altmire	Gohmert	Owens
Amash	Gonzalez	Palazzo
Amodei	Goodlatte	Paulsen
Austria	Gosar	Pearce
Bachus	Gowdy	Pence
Barletta	Granger	Peterson
Barrow	Graves (GA)	Petri
Bartlett	Green, Gene	Pitts
Barton (TX)	Griffin (AR)	Platts
Bass (NH)	Griffith (VA)	Poe (TX)
Benishek	Grimm	Pompeo
Berg	Guinta	Posey
Biggett	Guthrie	Price (GA)
Bilbray	Hall	Quayle
Bilirakis	Hanna	Reed
Bishop (GA)	Harper	Rehberg
Bishop (UT)	Harris	Reichert
Black	Hartzler	Renacci
Blackburn	Hastings (WA)	Ribble
Bonner	Hayworth	Rigell
Bono Mack	Heck	Rivera
Boren	Hensarling	Roby
Boustany	Herger	Roe (TN)
Brady (TX)	Herrera Beutler	Rogers (AL)
Brooks	Huelskamp	Rogers (KY)
Broun (GA)	Huizenga (MI)	Rogers (MI)
Buchanan	Hultgren	Rohrabacher
Bucshon	Hunter	Rokita
Buerkle	Hurt	Rooney
Burgess	Issa	Ros-Lehtinen
Burton (IN)	Jenkins	Roskam
Butterfield	Johnson (OH)	Ross (AR)
Calvert	Johnson, Sam	Ross (FL)
Camp	Jones	Royce
Campbell	Jordan	Runyan
Cansco	Kelly	Ryan (WI)
Cantor	King (IA)	Scalise
Capito	King (NY)	Schilling
Cardoza	Kingston	Schmidt
Carter	Kinzing (IL)	Schock
Cassidy	Kline	Schweikert
Chabot	Labrador	Scott (SC)
Chaffetz	Lamborn	Scott, Austin
Chandler	Lance	Sensenbrenner
Coble	Landry	Sessions
Coffman (CO)	Lankford	Shimkus
Cole	Latham	Shuler
Conaway	LaTourette	Shuster
Costa	Latta	Simpson
Costello	Lewis (CA)	Smith (NE)
Cravaack	Lipinski	Smith (NJ)
Crawford	LoBiondo	Smith (TX)
Crenshaw	Long	Southerland
Cuellar	Lucas	Stearns
Culberson	Luetkemeyer	Stivers
Davis (KY)	Lummis	Stutzman
Denham	Lungren, Daniel	Sullivan
Dent	E.	Terry
DesJarlais	Mack	Thompson (PA)
Diaz-Balart	Manzullo	Thornberry
Dold	Marchant	Tiberi
Donnelly (IN)	Marino	Tipton
Dreier	Matheson	Turner (NY)
Duffy	McCarthy (CA)	Turner (OH)
Duncan (SC)	McCauley	Upton
Duncan (TN)	McClintock	Walberg
Ellmers	McCotter	Walden
Emerson	McHenry	Webster
Farenthold	McKeon	West
Fincher	McKinley	Westmoreland
Fitzpatrick	McMorris	Whitfield
Flake	Rodgers	Wilson (SC)
Fleischmann	Meehan	Wittman
Fleming	Mica	Wolf
Flores	Michaud	Womack
Forbes	Miller (FL)	Woodall
Fortenberry	Miller (MI)	Yoder
Fox	Miller, Gary	Young (AK)
Franks (AZ)	Mulvaney	Young (FL)
Frelinghuysen	Murphy (PA)	Young (IN)
Gallely	Myrick	
Gardner	Neugebauer	

□ 1919

Mr. BARTLETT changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 250, not voting 15, as follows:

[Roll No. 773]

AYES—168

Ackerman	Edwards	Lewis (GA)
Andrews	Ellison	Loeback
Baca	Engel	Lofgren, Zoe
Baldwin	Eshoo	Lowey
Bass (CA)	Farr	Lujan
Becerra	Fattah	Lynch
Berkley	Filner	Maloney
Berman	Frank (MA)	Markey
Bishop (GA)	Fudge	Matsui
Bishop (NY)	Garamendi	McCarthy (NY)
Blumenauer	Gibson	McCollum
Boswell	Gonzalez	McDermott
Brady (PA)	Green, Al	McGovern
Braley (IA)	Green, Gene	McIntyre
Capps	Grijalva	McNerney
Capuano	Gutierrez	Meeks
Carnahan	Hahn	Miller (NC)
Carney	Hanabus	Miller, George
Carson (IN)	Hastings (FL)	Moore
Castor (FL)	Heinrich	Moran
Chandler	Higgins	Murphy (CT)
Chu	Himes	Nadler
Cicilline	Hinchey	Neal
Clarke (MI)	Hirono	Oliver
Clarke (NY)	Hochul	Pallone
Clay	Holden	Pascarell
Cleaver	Holt	Pastor (AZ)
Clyburn	Honda	Payne
Cohen	Hoyer	Pelosi
Connolly (VA)	Inslee	Peters
Conyers	Israel	Pingree (ME)
Cooper	Jackson (IL)	Price (NC)
Costello	Jackson Lee	Quigley
Courtney	(TX)	Rangel
Crowley	Johnson (GA)	Reyes
Cuellar	Johnson, E. B.	Richardson
Cummings	Jones	Richmond
Davis (CA)	Kaptur	Rothman (NJ)
Davis (IL)	Keating	Roybal-Allard
DeFazio	Kildee	Ruppersberger
DeGette	Kissell	Rush
DeLauro	Kucinich	Ryan (OH)
Deutch	Langevin	Sanchez, Loretta
Dicks	Larsen (WA)	Sarbanes
Dingell	Larson (CT)	Schakowsky
Doggett	Lee (CA)	Schiff
Doyle	Levin	Schrader

Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)

Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen

Velázquez
Walz (MN)
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

Womack
Woodall

Bachmann
Brown (FL)
Giffords
Graves (MO)
Hinojosa
Kind

Yoder
Young (AK)

Napolitano
Nunnelee
Paul
Polis
Sánchez, Linda
T.

Young (FL)
Young (IN)

Visclosky
Walsh (IL)
Wasserman
Schultz
Wilson (FL)

Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton

Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez

Walz (MN)
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—250

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Billray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner

Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
Lofgren
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick

Neugebauer
Noem
Nugent
Nunes
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—15

Not voting—15
Napolitano
Nunnelee
Paul
Polis
Sánchez, Linda
T.
Visclosky
Walsh (IL)
Wasserman
Schultz
Wilson (FL)

□ 1923

So the amendment was rejected.
The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. MARKEY
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 166, noes 252, not voting 15, as follows:

[Roll No. 774]

AYES—166

Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Ciocline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hiro
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslie
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebach
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Oliver
Pallone
Pascarelli
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Billray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett

NOES—252

Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schradler
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—15

Bachmann	Napolitano	Visclosky
Brown (FL)	Nunnelee	Walsh (IL)
Giffords	Paul	Wasserman
Graves (MO)	Polis	Schultz
Hinojosa	Sánchez, Linda	Wilson (FL)
Kind	T.	

□ 1928

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MS. EDWARDS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Maryland (Ms. EDWARDS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 157, noes 260, not voting 16, as follows:

[Roll No. 775]

AYES—157

Ackerman	Fudge	Moran
Andrews	Garamendi	Murphy (CT)
Baca	Green, Al	Nadler
Baldwin	Grijalva	Neal
Bass (CA)	Gutierrez	Olver
Becerra	Hahn	Pallone
Berkley	Hanabusa	Pascarell
Berman	Hastings (FL)	Pastor (AZ)
Bishop (NY)	Heinrich	Payne
Blumenauer	Higgins	Pelosi
Brady (PA)	Himes	Perlmutter
Braley (IA)	Hinchey	Peters
Capps	Hirono	Pingree (ME)
Capuano	Hochul	Price (NC)
Carnahan	Holt	Quigley
Carney	Honda	Rangel
Carson (IN)	Hoyer	Reyes
Castor (FL)	Inslee	Richardson
Chu	Israel	Richmond
Ciilline	Jackson (IL)	Rothman (NJ)
Clarke (MI)	Jackson Lee	Roybal-Allard
Clarke (NY)	(TX)	Ruppersberger
Clay	Johnson (GA)	Rush
Cleaver	Johnson, E. B.	Ryan (OH)
Clyburn	Kaptur	Sanchez, Loretta
Cohen	Keating	Sarbanes
Connolly (VA)	Kildee	Schakowsky
Conyers	Kucinich	Schiff
Cooper	Langevin	Schwartz
Courtney	Larsen (WA)	Scott (VA)
Crowley	Larson (CT)	Scott, David
Cuellar	Lee (CA)	Serrano
Cummings	Levin	Sewell
Davis (CA)	Lewis (GA)	Sherman
Davis (IL)	Loeb sack	Shuler
DeFazio	Lofgren, Zoe	Sires
DeGette	Lowey	Slaughter
DeLauro	Lujan	Smith (WA)
Deutch	Lynch	Speier
Dicks	Maloney	Stark
Dingell	Markey	Sutton
Doggett	Matsui	Thompson (CA)
Doyle	McCarthy (NY)	Thompson (MS)
Edwards	McCollum	Tierney
Ellison	McDermott	Tonko
Engel	McGovern	Towns
Eshoo	McNerney	Tsongas
Farr	Meeks	Van Hollen
Fattah	Miller (NC)	Velázquez
Filner	Miller, George	Walz (MN)
Frank (MA)	Moore	

Waters
Watt

Waxman
Welch

Woolsey
Yarmuth

NOES—260

Adams	Gibbs	Neugebauer
Aderholt	Gibson	Noem
Akin	Gingrey (GA)	Nugent
Alexander	Gohmert	Nunes
Altmire	Gonzalez	Olson
Amash	Goodlatte	Owens
Amodei	Gosar	Palazzo
Austria	Gowdy	Paulsen
Bachus	Granger	Pearce
Barletta	Graves (GA)	Pence
Barrow	Green, Gene	Peterson
Bartlett	Griffin (AR)	Petri
Barton (TX)	Griffith (VA)	Pitts
Bass (NH)	Grimm	Platts
Benish	Guinta	Poe (TX)
Berg	Guthrie	Pompeo
Biggart	Hall	Posey
Bilbray	Hanna	Price (GA)
Bilirakis	Harper	Quayle
Bishop (GA)	Harris	Rahall
Bishop (UT)	Hartzler	Reed
Black	Hastings (WA)	Rehberg
Blackburn	Hayworth	Reichert
Bonner	Heck	Renacci
Bono Mack	Hensarling	Ribble
Boren	Herger	Rigell
Boswell	Herrera Beutler	Rivera
Boustany	Holden	Roby
Brady (TX)	Huelskamp	Roe (TN)
Brooks	Huizenga (MI)	Rogers (AL)
Broun (GA)	Hultgren	Rogers (KY)
Buchanan	Hunter	Rogers (MI)
Bucshon	Hurt	Rohrabacher
Buerkle	Issa	Rokita
Burgess	Jenkins	Rooney
Burton (IN)	Johnson (IL)	Ros-Lehtinen
Butterfield	Johnson (OH)	Roskam
Calvert	Johnson, Sam	Ross (AR)
Camp	Jones	Ross (FL)
Campbell	Jordan	Royce
Canseco	Kelly	Runyan
Cantor	King (IA)	Ryan (WI)
Capito	King (NY)	Scalise
Cardoza	Kingston	Schilling
Carter	Kinzinger (IL)	Schmidt
Cassidy	Kissell	Schock
Chabot	Kline	Schrader
Chaffetz	Labrador	Schweikert
Chandler	Lamborn	Scott (SC)
Coble	Lance	Scott, Austin
Coffman (CO)	Landry	Sensenbrenner
Cole	Lankford	Sessions
Conaway	Latham	Shimkus
Costa	LaTourette	Shuster
Costello	Latta	Simpson
Cravaack	Lewis (CA)	Smith (NE)
Crawford	Lipinski	Smith (NJ)
Crenshaw	LoBiondo	Smith (TX)
Critz	Long	Southerland
Culberson	Lucas	Stearns
Davis (KY)	Luetkemeyer	Stivers
Denham	Lummis	Stutzman
Dent	Lungren, Daniel	Sullivan
DesJarlais	E.	Terry
Diaz-Balart	Mack	Thompson (PA)
Dold	Manzullo	Thornberry
Donnelly (IN)	Marchant	Tiberi
Dreier	Marino	Tipton
Duffy	Matheson	Turner (NY)
Duncan (SC)	McCarthy (CA)	Turner (OH)
Duncan (TN)	McCauley	Upton
Ellmers	McClintock	Walberg
Emerson	McCotter	Walden
Farenthold	McHenry	Webster
Fincher	McIntyre	West
Fitzpatrick	McKeon	Westmoreland
Flake	McKinley	Whitfield
Fleischmann	McMorris	Wilson (SC)
Fleming	Rodgers	Wittman
Flores	Meehan	Wolf
Forbes	Mica	Womack
Fortenberry	Michaud	Woodall
Fox	Miller (FL)	Yoder
Frelinghuysen	Miller (MI)	Young (AK)
Galleghy	Miller, Gary	Young (FL)
Gardner	Mulvaney	Young (IN)
Garrett	Murphy (PA)	
Gerlach	Myrick	

NOT VOTING—16

Bachmann	Napolitano	Walsh (IL)
Brown (FL)	Nunnelee	Wasserman
Franks (AZ)	Paul	Schultz
Giffords	Polis	Wilson (FL)
Graves (MO)	Sánchez, Linda	
Hinojosa	T.	
Kind	Visclosky	

□ 1931

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MS.

SCHAKOWSKY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 249, not voting 15, as follows:

[Roll No. 776]

AYES—169

Ackerman	Edwards	Lowey
Andrews	Ellison	Lujan
Baca	Engel	Lynch
Baldwin	Eshoo	Maloney
Bass (CA)	Farr	Markey
Becerra	Fattah	Matsui
Berkley	Filner	McCarthy (NY)
Berman	Frank (MA)	McCollum
Bishop (GA)	Fudge	McDermott
Bishop (NY)	Garamendi	McGovern
Blumenauer	Gonzalez	McIntyre
Boswell	Green, Al	McNerney
Brady (PA)	Green, Gene	Meeks
Braley (IA)	Grijalva	Miller (NC)
Burton (IN)	Gutierrez	Miller, George
Capps	Hahn	Moore
Capuano	Hanabusa	Moran
Cardoza	Hastings (FL)	Murphy (CT)
Carnahan	Heinrich	Nadler
Carney	Higgins	Neal
Carson (IN)	Himes	Olver
Castor (FL)	Hinchey	Pallone
Chandler	Hirono	Pascarell
Chu	Hochul	Pastor (AZ)
Ciilline	Holden	Payne
Clarke (MI)	Holt	Pelosi
Clarke (NY)	Honda	Peters
Clay	Hoyer	Pingree (ME)
Cleaver	Inslee	Price (NC)
Clyburn	Israel	Quigley
Cohen	Jackson (IL)	Rangel
Connolly (VA)	Jackson Lee	Reichert
Conyers	(TX)	Reyes
Cooper	Johnson (GA)	Richardson
Costello	Johnson, E. B.	Richmond
Courtney	Kaptur	Rothman (NJ)
Crowley	Keating	Roybal-Allard
Cuellar	Kildee	Ruppersberger
Cummings	Kissell	Rush
Davis (CA)	Kucinich	Ryan (OH)
Davis (IL)	Langevin	Sanchez, Loretta
DeFazio	Larsen (WA)	Sarbanes
DeGette	Larson (CT)	Schakowsky
DeLauro	Lee (CA)	Schiff
Deutch	Levin	Schrader
Dicks	Lewis (GA)	Schwartz
Dingell	Lipinski	Scott (VA)
Doggett	Loeb sack	Scott, David
Doyle	Lofgren, Zoe	Serrano

Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton

Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez

Walz (MN)
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

Bachmann
Brown (FL)
Giffords
Graves (MO)
Hinojosa
Kind

NOT VOTING—15

Napolitano
Nunnelee
Paul
Pollis
Sánchez, Linda
T.

Visclosky
Walsh (IL)
Wasserman
Schultz
Wilson (FL)

Waters
Watt

Waxman
Welch

Woolsey
Yarmuth

NOES—261

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs

Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzer
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent

Noem
Nugent
Nunes
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—249

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs

Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzer
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent

So the amendment was rejected.
The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. ELLISON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. ELLISON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 154, noes 261, not voting 18, as follows:

[Roll No. 777]

AYES—154

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holt
Honda
Hoyer
Insee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markay
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Oliver
Pallone
Pascarelli
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)

NOT VOTING—18

Bachmann	Hinojosa	Sánchez, Linda
Brown (FL)	Kind	T.
Costa	Napolitano	Visclosky
Cuellar	Nunnelee	Walsh (IL)
Giffords	Paul	Wasserman
Graves (MO)	Polis	Schultz
Hahn		Wilson (FL)

Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney

Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Waters

Watt
Waxman
Welch
Wolf
Woolsey
Yarmuth

NOT VOTING—15

Bachmann	Napolitano	Visclosky
Brown (FL)	Nunnelee	Walsh (IL)
Giffords	Paul	Wasserman
Graves (MO)	Polis	Schultz
Hinojosa	Sánchez, Linda	Wilson (FL)
Kind	T.	

NOES—249

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach

Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
LatTA
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick

Neugebauer
Noem
Nugent
Nunes
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Engel
Eshoo
Farr
Fattah

□ 1938

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. WELCH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. WELCH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 249, not voting 15, as follows:

[Roll No. 778]

AYES—169

Ackerman	Engel	Markey
Andrews	Eshoo	Matsui
Baca	Farr	McCarthy (NY)
Baldwin	Fattah	McCollum
Bass (CA)	Filner	McDermott
Becerra	Frank (MA)	McGovern
Berkley	Fudge	McNerney
Berman	Garamendi	Meeks
Bishop (NY)	Gonzalez	Miller (NC)
Blumenauer	Green, Al	Miller, George
Boswell	Green, Gene	Moore
Brady (PA)	Grijalva	Moran
Braley (IA)	Gutierrez	Murphy (CT)
Burton (IN)	Hahn	Nadler
Capps	Hanabusa	Neal
Capuano	Hastings (FL)	Oliver
Cardoza	Heinrich	Pallone
Carnahan	Higgins	Pascarell
Carney	Himes	Pastor (AZ)
Carson (IN)	Hinchey	Payne
Castor (FL)	Hirono	Pelosi
Chandler	Holden	Peters
Chu	Holt	Pingree (ME)
Cicilline	Honda	Price (NC)
Clarke (MI)	Hoyer	Quigley
Clarke (NY)	Inslee	Rangel
Clay	Israel	Reichert
Cleaver	Jackson (IL)	Reyes
Clyburn	Jackson Lee	Richardson
Cohen	(TX)	Richmond
Connolly (VA)	Johnson (GA)	Rothman (NJ)
Conyers	Johnson, E. B.	Roybal-Allard
Cooper	Kaptur	Ruppersberger
Costello	Keating	Rush
Courtney	Kildee	Ryan (OH)
Crowley	Kissell	Sánchez, Loretta
Cuellar	Kucinich	Sarbanes
Cummings	Langevin	Schakowsky
Davis (CA)	Larsen (WA)	Schiff
Davis (IL)	Larson (CT)	Schrader
DeFazio	Lee (CA)	Schwartz
DeGette	Levin	Scott (VA)
DeLauro	Lewis (GA)	Scott, David
Deutch	Lipinski	Serrano
Dicks	Loeback	Sewell
Dingell	Lofgren, Zoe	Sherman
Doggett	Lowey	Shuler
Doyle	Lujan	Sires
Edwards	Lynch	Slaughter
Ellison	Maloney	Smith (NJ)

□ 1941

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON

LEE OF TEXAS

The Acting CHAIR (Mr. SMITH of Nebraska). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 262, not voting 15, as follows:

[Roll No. 779]

AYES—156

Ackerman	Filner	McDermott
Andrews	Frank (MA)	McGovern
Baca	Fudge	McNerney
Baldwin	Garamendi	Meeks
Bass (CA)	Green, Al	Miller (NC)
Becerra	Grijalva	Miller, George
Berkley	Gutierrez	Moore
Berman	Hahn	Moran
Bishop (NY)	Hanabusa	Murphy (CT)
Blumenauer	Hastings (FL)	Nadler
Brady (PA)	Heinrich	Neal
Braley (IA)	Higgins	Oliver
Capps	Himes	Pallone
Capuano	Hinchey	Pascarell
Carnahan	Hirono	Pastor (AZ)
Carney	Hochul	Payne
Carson (IN)	Holt	Pelosi
Castor (FL)	Honda	Peters
Chu	Hoyer	Pingree (ME)
Cicilline	Inslee	Price (NC)
Clarke (MI)	Israel	Quigley
Clarke (NY)	Jackson (IL)	Rangel
Clay	Jackson Lee	Reyes
Cleaver	(TX)	Richardson
Clyburn	Johnson (GA)	Richmond
Cohen	Johnson, E. B.	Rothman (NJ)
Connolly (VA)	Kaptur	Roybal-Allard
Conyers	Keating	Ruppersberger
Cooper	Kildee	Rush
Courtney	Kucinich	Ryan (OH)
Crowley	Langevin	Sánchez, Loretta
Cummings	Larsen (WA)	Sarbanes
Davis (CA)	Larson (CT)	Schakowsky
Davis (IL)	Lee (CA)	Schiff
DeFazio	Levin	Schwartz
DeGette	Lewis (GA)	Scott (VA)
DeLauro	Lipinski	Scott, David
Deutch	Loeback	Serrano
Dicks	Lofgren, Zoe	Sewell
Dingell	Lowey	Sherman
Doggett	Lucas	Sires
Doyle	Lujan	Slaughter
Edwards	Lynch	Smith (WA)
Ellison	Maloney	Speier
	Markey	Stark
	Matsui	Sutton
	McCarthy (NY)	Thompson (CA)
	McCollum	Thompson (MS)

Tierney
Tonko
Towns
Tsongas
Van Hollen

Velázquez
Walz (MN)
Waters
Watt
Waxman

Welch
Woolsey
Yarmuth

Bachmann
Brown (FL)
Giffords
Graves (MO)
Hinojosa
Kind

NOT VOTING—15

Napolitano
Nunnelee
Paul
Polis
Sánchez, Linda
T.
Visclosky
Walsh (IL)
Wasserman
Schultz
Wilson (FL)

NOES—262

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodel
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Gardner

Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huisenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulaney
Murphy (PA)
Myrick

Neugebauer
Noem
Nugent
Nunes
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schradler
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

□ 1946

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GARDNER. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KINGSTON) having assumed the chair, Mr. SMITH of Nebraska, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PROVIDING SURVIVING MILITARY SPOUSES WITH MORTGAGE PROTECTION

Mr. RUNYAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1263) to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF PROTECTIONS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURES FOR SURVIVING SPOUSES.

(a) PROTECTION FOR SURVIVING SPOUSE.—Section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by adding at the end the following new subsection:

“(e) PROTECTION FOR SURVIVING SPOUSE.—During the five-year period beginning on the date of the enactment of this subsection, with respect to a servicemember who dies while in military service and whose death is service-connected, this section shall apply to the surviving spouse of the servicemember if such spouse is the successor in interest to property covered under subsection (a).”.

(b) EFFECTIVE DATE.—Subsection (e) of section 303 of such Act, as added by subsection (a), shall apply to a surviving spouse of a servicemember whose death is on or after the date of the enactment of this Act.

SEC. 2. REQUIREMENTS FOR LENDING INSTITUTIONS THAT ARE CREDITORS FOR OBLIGATIONS AND LIABILITIES COVERED BY THE SERVICEMEMBERS CIVIL RELIEF ACT.

Section 207 of the Servicemembers Civil Relief Act is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) LENDING INSTITUTION REQUIREMENTS.—

“(1) COMPLIANCE OFFICERS.—Each lending institution subject to the requirements of this section shall designate an employee of the institution as a compliance officer who is responsible for ensuring the institution's compliance with this section and for distributing information to servicemembers whose obligations and liabilities are covered by this section.

“(2) TOLL-FREE TELEPHONE NUMBER.—During any fiscal year, a lending institution subject to the requirements of this section that had annual assets for the preceding fiscal year of \$10,000,000,000 or more shall maintain a toll-free telephone number and shall make such telephone number available on the primary Internet Web site of the institution.”.

SEC. 3. EXTENSION OF PERIOD OF PROTECTIONS FOR SERVICEMEMBERS AGAINST MORTGAGE FORECLOSURES.

(a) EXTENDED PERIOD OF PROTECTIONS.—

(1) STAY OF PROCEEDINGS AND PERIOD OF ADJUSTMENT OF OBLIGATIONS RELATING TO REAL OR PERSONAL PROPERTY.—Section 303(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 533(b)) is amended by striking “within 9 months” and inserting “within 12 months”.

(2) PERIOD OF RELIEF FROM SALE, FORECLOSURE, OR SEIZURE.—Section 303(c) of such Act (50 U.S.C. App. 533(c)) is amended by striking “within 9 months” and inserting “within 12 months”.

(3) SUNSET.—The amendments made by paragraphs (1) and (2) shall expire on December 31, 2017. Effective January 1, 2018, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act, as in effect on the day before the date of the enactment of the Housing and Economic Recovery Act of 2008 (Public Law 110-289), are hereby revived.

(b) REPEAL OF SUPERCEDED PROVISION.—Subsection (c) of section 2203 of the Housing and Economic Recovery Act of 2008 (Public Law 110-289; 50 U.S.C. App. 533 note) is amended to read as follows:

“(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. RUNYAN) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. RUNYAN. I yield myself such time as I may consume.

Mr. Speaker, one of the top duties of the Committee on Veterans' Affairs is to help enforce and improve the Servicemembers Civil Relief Act, or SCRA, as it is designed to help ease economic and legal burdens on military personnel who are on active duty status. The SCRA is intended to postpone, suspend, or relieve certain civil obligations during a servicemember's period

of active duty. It accomplishes this, in part, by regulating certain legal actions against military personnel.

H.R. 1263, as amended, makes several changes to strengthen the current protections. So in order to discuss these improvements, it is my pleasure to yield such time as he may consume to the chairman of the Subcommittee on Economic Opportunity, the gentleman from Indiana, MARLIN STUTZMAN.

Mr. STUTZMAN. I thank the gentleman from New Jersey for yielding.

I also want to thank Ranking Member Mr. FILNER and Mr. BRALEY for helping us move this important piece of legislation to improve the Servicemembers Civil Relief Act, or SCRA.

Earlier this year, allegations surfaced of mortgage-related violations of the SCRA by JPMorgan Chase Bank and other lending institutions. These allegations alleged that these institutions were unlawfully foreclosing on servicemembers' homes and charging interest rates above the 6 percent cap required by SCRA.

□ 1950

On February 9, 2011, the full committee held an oversight hearing to review these allegations and received testimony from Captain Jonathon Rowles, United States Marine Corps, and Mrs. Julia Rowles about the trouble that they had with JPMorgan Chase when they tried to assert their rights under SCRA. They commented that when they called the toll-free number provided by the bank, their employees were woefully inadequate in their knowledge of SCRA and there didn't seem to be anyone in charge to ensure that the bank was complying with the rules.

In response to this hearing and the committee's continued oversight of SCRA abuses, section 2 of this bill clarifies requirements for banks to comply with SCRA provisions related to foreclosures and maximum interest rates. The section requires all lending institutions affected by SCRA to employ and/or designate an SCRA compliance officer. This will make it clear that all banks and other lending institutions must take SCRA seriously and have at least one person responsible to ensure their institution's compliance. The section further requires banks that have annual assets of \$10 billion to have a toll-free hotline for servicemembers to call and ask questions about their mortgage and SCRA. I want to thank Mr. JOHNSON of Ohio for originally proposing this provision in H.R. 2329.

Section 1 and section 3 of the bill expand foreclosure protections under SCRA for servicemembers and surviving spouses. The section prohibits foreclosure within 12 months of a servicemember coming off active duty or for a surviving spouse 12 months following the servicemember's death on

active duty or as a result of a service-connected injury.

When a servicemember separates from the armed services, they need sufficient time to establish good economic footing to be successful. Some military families experience difficulties—often related to owning a home where the servicemember is stationed—in the transition from the military to the civilian world. By providing this expansion, we will be providing more time and options for the estimated 9,000 servicemembers who face foreclosure every year. These are important protections that help our servicemembers and their families who have already given so much in defense of our country and for our freedoms.

Once again, I thank the chairman of the VA Committee and the ranking member for moving this bill forward, and I urge all Members to support H.R. 1263, as amended.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

We know how JPMorgan Chase and other banks overcharged thousands of veterans and then improperly foreclosed on dozens of families, the most notable case being of Captain Jonathon Rowles and his family who testified very movingly before our committee.

Now in the news, we have information that some of the biggest banks and mortgage companies have defrauded veterans and taxpayers out of hundreds of millions of dollars by charging illegal fees in veterans' home refinancing loans, just, of course, to add to their problems. I think some of those folks who did that did it knowingly, they did it against the law, and they ought to be in jail today.

But when a servicemember separates from the armed services, they need sufficient time to establish good economic footing to be successful. We know that at times, military families have had a difficult time making a transition from the military to the civilian world; therefore, we ought to provide enough time for them to work with their lender, get a new loan, if necessary, or, in a worst-case scenario, sell their home. A home is often a veteran's largest financial asset, and they should have an opportunity to capitalize on their equity and avoid a negative mark on their credit history when they have the means to do so with their own home.

Mr. Speaker, this is why my bill here will extend mortgage foreclosure protection to 1 year for those who are separating from service, and it extends those protections to our servicemembers' widows. The bill also includes a requirement for lending institutions with over \$10 billion in assets to have a compliance officer and a toll-free number for veterans to call. We should require lending institutions to be informed about the protections for our military and to have a number that they can call for information and help with their loan.

I would now like to yield such time as he may consume to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Speaker, in May of this year, I introduced the Protecting Veterans' Homes Act after reading in the news and hearing in the Veterans' Affairs Committee that recently returned soldiers were facing foreclosure on their homes. And I thank the chairman of our Economic Opportunity Subcommittee for his inspiring words about this problem.

I rise today to talk about the responsibility this government has to protect our heroes who have recently returned from Afghanistan and Iraq. I am pleased that today the Protecting Veterans' Homes Act is being considered as part of this bill. We had a legislative hearing on this bill in the Veterans' Affairs Subcommittee on Economic Opportunity on July 7, where I have the honor to serve as ranking member, and at that time we heard from the American Legion, the Reserve Officers Association, the Reserve Enlisted Association, Paralyzed Veterans of America, the VFW, Iraq and Afghanistan Veterans of America, and the Gold Star Wives of America. All acknowledged the need to protect returning servicemembers and veterans from foreclosure, and all have endorsed this legislation.

This bipartisan bill will help servicemembers who return from combat and are facing foreclosure stay in their homes and ensure that surviving military spouses have additional protections that prevent foreclosure on their homes. Furthermore, this bill establishes that lending institutions have compliance officers to provide information to veterans and servicemembers about foreclosure protections available to them.

The Protecting Veterans' Homes Act would protect veterans from being foreclosed upon by banks and would give those soldiers, like the Iowa National Guard soldiers returning from Afghanistan, the peace of mind knowing that they will have more opportunities to protect themselves from unwanted foreclosures. Too often, these soldiers return from combat only to face new challenges here at home. Whether it's due to an injury or a financial crisis caused by long deployments and time off from their civilian jobs, our veterans deserve to know that we're standing up for them, and this bill will make sure they have time to get back on their feet.

Currently, similar protections are set to expire in December of 2012. The Protecting Veterans' Homes Act would make these protections permanent and would extend the grace period from 9 months to a full year for servicemembers and veterans returning from deployments. This will allow them to work with their lenders, secure new loans, secure employment, get over a

family tragedy, deal with a serious family health issue, or, in a worst-case scenario, be able to sell their home and avoid possible foreclosure, bankruptcy, or damage to their credit rating. That's why this bill is so important, and I ask all Members to support it.

Mr. FILNER. Madam Speaker, I have no further requests for time, I would urge support of the bill, and I yield back the balance of my time.

GENERAL LEAVE

Mr. RUNYAN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 1263.

The SPEAKER pro tempore (Ms. Foxx). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of H.R. 1263, "to amend Service Members' Civil Relief Act." This legislation would provide surviving spouses of service members with certain protections relating to mortgages and mortgage foreclosures.

The proposed bill to amend Service Members Civil Relief Act will afford surviving spouses of service members who die while in the military and whose death is service-connected, the same protections against sale, foreclosure, and seizure of property currently applicable to their husbands who while in military service are unable to meet an obligation on real or personal property. It is in a spirit of deep gratitude and appreciation that I fight to provide for the surviving spouses of our deceased military men and women, in order to provide them with the tools they need to maintain ownership of their homestead after supporting members of our community who served our country. It is the responsibility of all Members of Congress and the Administration to fulfill our moral obligation to those men and women who have fought to protect our freedom and democracy, and the families that supported their courageous lives.

In the State of Texas, we have nearly 1.7 million veterans, and 18th District is home to 32,000 of them. Of the 200,000 veterans of military service who live and work in Houston, more than 13,000 are veterans from Operation Enduring Freedom in Afghanistan, and Operation Iraqi Freedom. Additionally, there are almost 34,000 soldiers from Texas currently deployed in Iraq and Afghanistan. I am pained by the numbers of fine men and women who have lost their lives during their deployment.

As of August 2, 4,683 brave Americans have died in Iraq and Afghanistan since the launch of Operation Enduring Freedom (Afghanistan) on October 7, 2001 and Operation Iraqi Freedom, which began with the invasion of Iraq on March 19, 2003. Of the total deaths, 3,708 were due to hostile fire, and the remainder due to non-hostile actions (such as accident, suicide, or illness).

In August, 66 American troops died in violence, the bulk of them during a devastating helicopter crash on Aug. 6, which killed 30 special operations troops and eight Afghans on a high-risk raid. The 66 deaths were the highest count for that war since July 2010,

when 65 Americans were killed. Nora Bensahel, a military strategist with the Center for a New American Security, said the numbers may not mean as much as they seem. "In Afghanistan, the number of people killed overall was very high, but that doesn't say much about number of attacks—half of those [killed] were from a single incident—a particularly devastating one," referring to the Aug. 6 crash.

Monthly American casualties in Iraq have largely been in the single digits for several years now, but the war there has not been without perils: last July, 14 American servicemen died amid fighting there, many of whom leave spouses and children behind.

According to the Department of Labor, as of June 2011 there have been more than 2,500 coalition troops that have now been killed—with 1,644 of them being American. Further, the Defense Manpower Data Center Statistical Analysis Division has identified 3,215 Americans killed in the Iraq war, with 23 having been from Texas. This legislation addresses a need to find ways to provide mortgage assistance to the surviving spouses of the men and women who have fought for our country.

After dedicating their lives to serving our country it is important to assist the family members of deceased service members.

In order to address this obstacle to employment, The Veterans Opportunity Work Act (VOW) makes the Transition Assistance Program mandatory. The Department of Labor must thereby create a system by which licensure and certifications are translatable to those available at the state level. This is done in an effort to address the barriers between the skills and training received in the military and requirements for civilian licenses and other credentials.

I urge my colleagues to join me in supporting H.R. 1263, to amend Service Members Civil Relief Act.

Mr. RUNYAN. I encourage all Members to support H.R. 1263, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. RUNYAN) that the House suspend the rules and pass the bill, H.R. 1263, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures, and for other purposes."

A motion to reconsider was laid on the table.

□ 2000

PROVIDING HONORARY STATUS TO RESERVE MILITARY MEMBERS

Mr. RUNYAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1025) to amend title 38, United States Code, to recognize the

service in the reserve components of certain persons by honoring them with status as veterans under law.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION OF STATUS UNDER LAW BY HONORING CERTAIN MEMBERS OF THE RESERVE COMPONENTS AS VETERANS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 107 the following new section:

"§ 107A. Honoring as veterans certain persons who performed service in the reserve components

"Any person who is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this section."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 107 the following new item:

"107A. Honoring as veterans certain persons who performed service in the reserve components."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. RUNYAN) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. RUNYAN. I yield myself such time as I may consume.

Madam Speaker, H.R. 1025 recognizes those retired from the National Guard and Reserve component of the United States Armed Forces by honoring them with the status of veterans under law.

Representative WALZ of Minnesota, the bill's chief sponsor, recently commented that "failure to recognize those who have served 20 years or more in the Reserve and National Guard as veterans represents a gross injustice."

These are men and women who showed devotion and dedication, serving their Nation in uniform for an entire career of 20 years or more in the Reserve and National Guard. These servicemembers wore the same uniform as active duty servicemembers, were subject to the same code of military justice, received the same training, and were available for call-up to active duty service at any time.

H.R. 1025 confers honorary veteran's status on the individuals who are entitled to retirement pay for nonregular service or who would be entitled to retirement pay but for age. In addition, this bill ensures those who receive the honorary recognition as veterans conferred in the bill would not be entitled to any statutory benefit under title 38 or any other title of United States Code for reason of such recognition alone.

I would now like to yield such time as he may consume to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Madam Speaker, I strongly urge my colleagues to support H.R. 1025. I join my colleague, the gentleman from Minnesota, in introducing this bill. My colleagues, you may not be aware that a member of the Guard and Reserve can complete an entire career without earning the title of veteran of the armed forces of the United States if they have never served on Federal active duty for other than training purposes.

As a result, National Guard members protecting our skies and airports, or protecting our Southern border—technically under State orders—may one day retire from the Guard but not qualify to be classified as a veteran of our Armed Forces.

Our military increasingly depends on the National Guard and Reserve to keep our country safe. Men and women who served our country faithfully for decades deserve full recognition as veterans, even if they were never deployed overseas.

Current law does not consider Guard and Reserve members to be veterans unless they were deployed for more than 30 days. The policy excludes many who deployed for long periods of time, carried out critical support roles during times of war and peace, engaged in frequent and often dangerous training exercises, and stood ready to risk their lives to protect our Nation during military careers that spanned decades.

This legislation recognizes the service and sacrifice of National Guard and Reserve retirees and grants them the full honor of being called veterans, which they've earned. I urge my colleagues to support this legislation, which is a matter of honor and fairness for our citizens soldiers.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

The bill before us, H.R. 1025, as noted sponsored by Congressman WALZ of Minnesota, would ensure that deserving men and women of our National Guard and Reserve receive the honor and distinction of being called veterans. It seems a simple thing, and yet it is denied them.

Representative WALZ introduced this bill in the last Congress. I'm disappointed to say it didn't clear the Senate, and so we'll have to try again. Our Guard and Reserve comprise a large component of those called to serve in our current wars, and these changing dynamics need to be incorporated into our policies. I think this bill strikes the desired balance. I am in full support of the bill.

I would now yield such time as he may consume to the author of the bill, Congressman WALZ, to explain it in more detail.

Mr. WALZ of Minnesota. I thank the ranking member for yielding me this time, as well as being a staunch supporter of this and, of course, other legislation to secure the rights and benefits for our veterans.

I would also like to thank the gentleman from New Jersey for his unwavering support on this and other bills, and appreciate all of the things that are moving today.

I say a special thank you to Chairman MILLER and the majority leader and the majority whip who changed the schedule around to allow this bill to be debated tonight after Representatives ROE, BENISHEK, DESJARLAIS, DENHAM, and I returned from Afghanistan, visiting our warriors downrange defending freedom and putting their lives on the line and doing it in such a professional manner, and standing there and not being able to tell the difference between a Navy, a Marine, or an Army National Guard or Reservist, all of those services working together in unity for this.

I'm proud to sponsor this piece of legislation, the Honor America's Guard and Reserve Act. The veterans' community has prioritized this for a long time. About the honor that you heard my good friend and the lead Republican sponsor on this from Iowa, Mr. LATHAM, talk about, it's about that honor and dignity and a country respecting that.

These are folks who serve in so many ways, responding to national emergencies. But, most importantly, I think, standing ready to be deployed at a moment's notice as a deterrent to aggression. They stood there during the Cold War, many of these people for 20 years, serving this Nation, training the current warriors who are downrange. And yet we will honor them with military retired pay, medical care through Tricare, we'll even bury them in a veterans' cemetery. But under current law, that member of that reserve component, if they weren't called up under title 10 for more than 179 days, the honor we will not bestow upon them is the right to call themselves veterans, and that truly is a gross injustice. I believe it's an oversight to them, and it's an oversight to their families who understood the respect they had. I think it is basic common sense. A reservist can be buried in a Federal cemetery. They should have the right—and what this bestows upon them, no money, no extra benefits, but when the flag comes by on Veterans Day, they can render a hand salute in taking part when that national anthem is played. It is about honor.

It may not seem important to some, but for those who wear the uniform subject to the Uniform Code of Military Justice, received the same training, and spent 20 years away from their families and had the ability to be called up, this lack of recognition is a gross injustice. H.R. 1025 will finally correct this in a straightforward way, including the Guard and Reserve retiree in the definition of the term "veteran." It will ensure they're no longer regulated to second-class status.

As I've said, the sole purpose is to grant veteran's status to those who've been denied it to this point. In light of this fact, let me be absolutely clear: it's about honor. It's not about monetary benefits or material privilege. Both the Congressional Research Service as well as the Department of Veterans Affairs concluded this legislation will provide no additional benefits; instead, it is a tribute to their service. It has been reinforced by the Congressional Budget Office which says it has a zero cost to taxpayers. It's a simple bill. It simply states that those members of the Guard who've served for all of their time, stood ready to be deployed for whatever reason at a moment's notice, have earned the right to be considered veterans.

I would like to point out this legislation is supported by the Military Coalition and the National Military Veterans Alliance, which together represent more than 4 million active-duty servicemember veterans and their families.

I'd like to thank everyone who has engaged in this. It's been a long process. We've got a companion version in the Senate, Madam Speaker, and the time is right to bestow this honor on those who have given so much. So with that, I encourage my colleagues to use this as an opportunity to right an injustice, to stand tall with our Guard and Reserve soldiers, to set this right and allow them to proudly, by this Veterans Day, be able to render their hand salute to our flag.

Mr. RUNYAN. I yield such time as he may consume to the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Madam Speaker, I want to thank my friend, Mr. WALZ, for his leadership on this very important issue which is long overdue. I think both sides of the aisle feel this is an injustice. It's gone on far too long. When you take the oath to uphold the Constitution, you put on the service uniform of our country, you serve your obligation and are honorably discharged. You are a veteran. You're as much a veteran as I am, who served on active duty.

Just a few hours ago, Congressman WALZ and others who he mentioned were in Landstuhl, Germany, before we flew home, and saw National Guardsmen, who may not be able to be called veterans, flying planes home to bring our wounded warriors home.

I knew that this legislation was coming up tonight, and I felt compelled, after meeting these young men and women who are doing an incredible job to protect our wounded warriors and protect our country, they be offered this status of veterans. This bill rights a long-standing wrong. I urge very strong support of this much-needed legislation.

□ 2010

Mr. FILNER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. RUNYAN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 1025.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RUNYAN. I once again encourage all Members to support H.R. 1025, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. RUNYAN) that the House suspend the rules and pass the bill, H.R. 1025.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 2020

UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

Mr. BRADY of Texas. Madam Speaker, pursuant to House Resolution 425, I call up the bill (H.R. 3078) to implement the United States-Colombia Trade Promotion Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 425, the bill is considered read.

The text of the bill is as follows:

H.R. 3078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “United States-Colombia Trade Promotion Agreement Implementation Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

- Sec. 101. Approval and entry into force of the Agreement.
- Sec. 102. Relationship of the Agreement to United States and State law.
- Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
- Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
- Sec. 105. Administration of dispute settlement proceedings.
- Sec. 106. Arbitration of claims.
- Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

- Sec. 201. Tariff modifications.
- Sec. 202. Additional duties on certain agricultural goods.
- Sec. 203. Rules of origin.
- Sec. 204. Customs user fees.
- Sec. 205. Disclosure of incorrect information; false certifications of origin; denial of preferential tariff treatment.
- Sec. 206. Reliquidation of entries.
- Sec. 207. Recordkeeping requirements.
- Sec. 208. Enforcement relating to trade in textile or apparel goods.
- Sec. 209. Regulations.

TITLE III—RELIEF FROM IMPORTS

- Sec. 301. Definitions.
- Subtitle A—Relief From Imports Benefitting From the Agreement
- Sec. 311. Commencing of action for relief.
- Sec. 312. Commission action on petition.
- Sec. 313. Provision of relief.
- Sec. 314. Termination of relief authority.
- Sec. 315. Compensation authority.
- Sec. 316. Confidential business information.
- Subtitle B—Textile and Apparel Safeguard Measures
- Sec. 321. Commencement of action for relief.
- Sec. 322. Determination and provision of relief.
- Sec. 323. Period of relief.
- Sec. 324. Articles exempt from relief.
- Sec. 325. Rate after termination of import relief.

- Sec. 326. Termination of relief authority.
- Sec. 327. Compensation authority.
- Sec. 328. Confidential business information.
- Subtitle C—Cases Under Title II of the Trade Act of 1974

- Sec. 331. Findings and action on Colombian articles.

TITLE IV—PROCUREMENT

- Sec. 401. Eligible products.

TITLE V—EXTENSION OF ANDEAN TRADE PREFERENCE ACT

- Sec. 501. Extension of Andean Trade Preference Act.

TITLE VI—OFFSETS

- Sec. 601. Elimination of certain NAFTA customs fees exemption.
- Sec. 602. Extension of customs user fees.
- Sec. 603. Time for payment of corporate estimated taxes.

SEC. 2. PURPOSES.

The purposes of this Act are—

- (1) to approve and implement the free trade agreement between the United States and Colombia entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));
- (2) to strengthen and develop economic relations between the United States and Colombia for their mutual benefit;
- (3) to establish free trade between the United States and Colombia through the reduction and elimination of barriers to trade in goods and services and to investment; and
- (4) to lay the foundation for further cooperation to expand and enhance the benefits of the Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) **AGREEMENT.**—The term “Agreement” means the United States-Colombia Trade Promotion Agreement approved by Congress under section 101(a)(1).

(2) **COMMISSION.**—The term “Commission” means the United States International Trade Commission.

(3) **HTS.**—The term “HTS” means the Harmonized Tariff Schedule of the United States.

(4) **TEXTILE OR APPAREL GOOD.**—The term “textile or apparel good” means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)), other than a good listed in Annex 3-C of the Agreement.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) **APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.**—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Colombia Trade Promotion Agreement entered into on November 22, 2006, with the Government of Colombia, as amended on June 28, 2007, by the United States and Colombia, and submitted to Congress on October 3, 2011; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on October 3, 2011.

(b) **CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.**—At such time as the President determines that Colombia has taken measures necessary to comply with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Colombia providing for the entry into force, on or after January 1, 2012, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) **RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.**—

(1) **UNITED STATES LAW TO PREVAIL IN CONFLICT.**—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) **CONSTRUCTION.**—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) **RELATIONSHIP OF AGREEMENT TO STATE LAW.**—

(1) **LEGAL CHALLENGE.**—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) **DEFINITION OF STATE LAW.**—For purposes of this subsection, the term “State law” includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) **EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.**—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other

instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date on which the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction contained in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date on which the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met, has expired; and

(4) the President has consulted with the committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 21 of the Agreement. The office shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2011 to the Department of Commerce up to \$262,500 for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 21 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.16.1(a)(i)(C) or article 10.16.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b) and title V, this Act and the amendments made by this Act take effect on the date on which the Agreement enters into force.

(b) EXCEPTIONS.—

(1) IN GENERAL.—Sections 1 through 3, this title, and title VI take effect on the date of the enactment of this Act.

(2) CERTAIN AMENDATORY PROVISIONS.—The amendments made by sections 204, 205, 207, and 401 of this Act take effect on the date of the enactment of this Act and apply with respect to Colombia on the date on which the Agreement enters into force.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, this Act (other than this subsection and titles V and VI) and the amendments made by this Act (other than the amendments made by titles V and VI) shall cease to have effect.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, and 3.3.13, and Annex 2.3, of the Agreement.

(2) EFFECT ON GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Colombia as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

(3) EFFECT ON ATPA STATUS.—Notwithstanding section 203(a)(1) of the Andean Trade Preference Act (19 U.S.C. 3202(a)(1)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Colombia as a beneficiary country for purposes of that Act.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Colombia regarding the staging of any duty treatment set forth in Annex 2.3 of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Colombia provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States to Annex 2.3 of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

(d) TARIFF RATE QUOTAS.—In implementing the tariff rate quotas set forth in Appendix I to the General Notes to the Schedule of the United States to Annex 2.3 of the Agreement, the President shall take such action as may be necessary to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the United States.

SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE NTR (MFN) RATE OF DUTY.—The term “applicable NTR (MFN) rate of duty” means, with respect to a safeguard good, a rate of duty equal to the lowest of—

(A) the base rate in the Schedule of the United States to Annex 2.3 of the Agreement;

(B) the column 1 general rate of duty that would, on the day before the date on which the Agreement enters into force, apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good; or

(C) the column 1 general rate of duty that would, at the time the additional duty is imposed under subsection (b), apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good.

(2) SCHEDULE RATE OF DUTY.—The term “schedule rate of duty” means, with respect to a safeguard good, the rate of duty for that good that is set forth in the Schedule of the United States to Annex 2.3 of the Agreement.

(3) SAFEGUARD GOOD.—The term “safeguard good” means a good—

(A) that is included in the Schedule of the United States to Annex 2.18 of the Agreement;

(B) that qualifies as an originating good under section 203, except that operations performed in or material obtained from the United States shall be considered as if the operations were performed in, or the material was obtained from, a country that is not a party to the Agreement; and

(C) for which a claim for preferential tariff treatment under the Agreement has been made.

(4) YEAR 1 OF THE AGREEMENT.—The term “year 1 of the Agreement” means the period beginning on the date, in a calendar year, on which the Agreement enters into force and ending on December 31 of that calendar year.

(5) YEARS OTHER THAN YEAR 1 OF THE AGREEMENT.—Any reference to a year of the Agreement subsequent to year 1 of the Agreement shall be deemed to be a reference to the corresponding calendar year in which the Agreement is in force.

(b) ADDITIONAL DUTIES ON SAFEGUARD GOODS.—

(1) IN GENERAL.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, the Secretary of the Treasury shall assess a duty, in the amount determined under paragraph (2), on a safeguard good imported into the United States in a calendar year if the Secretary determines that, prior to such importation, the total volume of that safeguard good that is imported into the United States in that calendar year exceeds 140 percent of the volume that is provided for that safeguard good in the corresponding year in the applicable table contained in Appendix I of the General Notes to the Schedule of the United States to Annex 2.3 of the Agreement. For purposes of this subsection, year 1 in the table means year 1 of the Agreement.

(2) CALCULATION OF ADDITIONAL DUTY.—The additional duty on a safeguard good under this subsection shall be—

(A) in year 1 of the Agreement through year 4 of the Agreement, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty;

(B) in year 5 of the Agreement through year 7 of the Agreement, an amount equal to 75 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(C) in year 8 of the Agreement through year 9 of the Agreement, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.

(3) NOTICE.—Not later than 60 days after the date on which the Secretary of the Treasury first assesses an additional duty in a calendar year on a good under this subsection, the Secretary shall notify the Government of Colombia in writing of such action and shall provide to that Government data supporting the assessment of the additional duty.

(c) EXCEPTIONS.—No additional duty shall be assessed on a good under subsection (b) if, at the time of entry, the good is subject to import relief under—

(1) subtitle A of title III of this Act; or

(2) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(d) TERMINATION.—The assessment of an additional duty on a good under subsection (b) shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Schedule of the United States to Annex 2.3 of the Agreement.

SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a chapter, heading, or subheading, such reference shall be a reference to a chapter, heading, or subheading of the HTS.

(3) COST OR VALUE.—Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether Colombia or the United States).

(b) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(1) the good is a good wholly obtained or produced entirely in the territory of Colombia, the United States, or both;

(2) the good—

(A) is produced entirely in the territory of Colombia, the United States, or both, and—

(i) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 3-A or Annex 4.1 of the Agreement; or

(ii) the good otherwise satisfies any applicable regional value-content or other requirements specified in Annex 3-A or Annex 4.1 of the Agreement; and

(B) satisfies all other applicable requirements of this section; or

(3) the good is produced entirely in the territory of Colombia, the United States, or both, exclusively from materials described in paragraph (1) or (2).

(c) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of a good referred to in Annex 4.1 of the Agreement, except for goods to which paragraph (4) applies, shall be calculated by the importer, exporter, or producer of the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3).

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$\text{RVC} = \frac{\text{AV} - \text{VNM}}{\text{AV}} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term “RVC” means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term “AV” means the adjusted value of the good.

(iii) VNM.—The term “VNM” means the value of nonoriginating materials that are acquired and used by the producer in the production of the good, but does not include the value of a material that is self-produced.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$\text{RVC} = \frac{\text{VOM}}{\text{AV}} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term “RVC” means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term “AV” means the adjusted value of the good.

(iii) VOM.—The term “VOM” means the value of originating materials that are acquired or self-produced, and used by the producer in the production of the good.

(4) SPECIAL RULE FOR CERTAIN AUTOMOTIVE GOODS.—

(A) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of an automotive good referred to in Annex 4.1 of the Agreement shall be calculated by the importer, exporter, or producer of the good, on the basis of the following net cost method:

$$\text{RVC} = \frac{\text{NC} - \text{VNM}}{\text{NC}} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AUTOMOTIVE GOOD.—The term “automotive good” means a good provided for in any of subheadings 8407.31 through 8407.34, subheading 8408.20, heading 8409, or any of headings 8701 through 8708.

(ii) RVC.—The term “RVC” means the regional value-content of the automotive good, expressed as a percentage.

(iii) NC.—The term “NC” means the net cost of the automotive good.

(iv) VNM.—The term “VNM” means the value of nonoriginating materials that are acquired and used by the producer in the production of the automotive good, but does not include the value of a material that is self-produced.

(C) MOTOR VEHICLES.—

(i) BASIS OF CALCULATION.—For purposes of determining the regional value-content under subparagraph (A) for an automotive good that is a motor vehicle provided for in any of headings 8701 through 8705, an importer, exporter, or producer may average the amounts calculated under the net cost formula contained in subparagraph (A), over the producer's fiscal year—

(I) with respect to all motor vehicles in any one of the categories described in clause (ii); or

(II) with respect to all motor vehicles in any such category that are exported to the territory of the United States or Colombia.

(ii) CATEGORIES.—A category is described in this clause if it—

(I) is the same model line of motor vehicles, is in the same class of motor vehicles, and is produced in the same plant in the territory of Colombia or the United States, as the good described in clause (i) for which regional value-content is being calculated;

(II) is the same class of motor vehicles, and is produced in the same plant in the territory of Colombia or the United States, as the good described in clause (i) for which regional value-content is being calculated; or

(III) is the same model line of motor vehicles produced in the territory of Colombia or the United States as the good described in clause (i) for which regional value-content is being calculated.

(D) OTHER AUTOMOTIVE GOODS.—For purposes of determining the regional value-content under subparagraph (A) for automotive materials provided for in any of subheadings 8407.31 through 8407.34, in subheading 8408.20, or in heading 8409, 8706, 8707, or 8708, that are produced in the same plant, an importer, exporter, or producer may—

(i) average the amounts calculated under the net cost formula contained in subparagraph (A) over—

(I) the fiscal year of the motor vehicle producer to whom the automotive goods are sold,

(II) any quarter or month, or

(III) the fiscal year of the producer of such goods,

if the goods were produced during the fiscal year, quarter, or month that is the basis for the calculation;

(ii) determine the average referred to in clause (i) separately for such goods sold to 1 or more motor vehicle producers; or

(iii) make a separate determination under clause (i) or (ii) for such goods that are exported to the territory of Colombia or the United States.

(E) CALCULATING NET COST.—The importer, exporter, or producer of an automotive good shall, consistent with the provisions regarding allocation of costs provided for in generally accepted accounting principles, determine the net cost of the automotive good under subparagraph (B) by—

(i) calculating the total cost incurred with respect to all goods produced by the producer of the automotive good, subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing

costs, and nonallowable interest costs that are included in the total cost of all such goods, and then reasonably allocating the resulting net cost of those goods to the automotive good;

(ii) calculating the total cost incurred with respect to all goods produced by that producer, reasonably allocating the total cost to the automotive good, and then subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the portion of the total cost allocated to the automotive good; or

(iii) reasonably allocating each cost that forms part of the total cost incurred with respect to the automotive good so that the aggregate of these costs does not include any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, or nonallowable interest costs.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—For the purpose of calculating the regional value-content of a good under subsection (c), and for purposes of applying the de minimis rules under subsection (f), the value of a material is—

(A) in the case of a material that is imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, the value, determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), as set forth in regulations promulgated by the Secretary of the Treasury providing for the application of such Articles in the absence of an importation by the producer; or

(C) in the case of a material that is self-produced, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit equivalent to the profit added in the normal course of trade.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIAL.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Colombia, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Colombia, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(B) NONORIGINATING MATERIAL.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Colombia, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Colombia, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(iv) The cost of originating materials used in the production of the nonoriginating material in the territory of Colombia, the United States, or both.

(e) ACCUMULATION.—

(1) ORIGINATING MATERIALS USED IN PRODUCTION OF GOODS OF THE OTHER COUNTRY.—Originating materials from the territory of Colombia or the United States that are used in the production of a good in the territory of the other country shall be considered to originate in the territory of such other country.

(2) MULTIPLE PRODUCERS.—A good that is produced in the territory of Colombia, the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(f) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a good that does not undergo a change in tariff classification pursuant to Annex 4.1 of the Agreement is an originating good if—

(A)(i) the value of all nonoriginating materials that—

(I) are used in the production of the good, and

(II) do not undergo the applicable change in tariff classification (set forth in Annex 4.1 of the Agreement),

does not exceed 10 percent of the adjusted value of the good;

(ii) the good meets all other applicable requirements of this section; and

(iii) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value-content requirement for the good; or

(B) the good meets the requirements set forth in paragraph 2 of Annex 4.6 of the Agreement.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90, that is used in the production of a good provided for in chapter 4.

(B) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90, that is used in the production of any of the following goods:

(i) Infant preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.10.

(ii) Mixes and doughs, containing over 25 percent by weight of butterfat, not put up for retail sale, provided for in subheading 1901.20.

(iii) Dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90.

(iv) Goods provided for in heading 2105.

(v) Beverages containing milk provided for in subheading 2202.90.

(vi) Animal feeds containing over 10 percent by weight of milk solids provided for in subheading 2309.90.

(C) A nonoriginating material provided for in heading 0805, or any of subheadings 2009.11 through 2009.39, that is used in the production of a good provided for in any of subheadings 2009.11 through 2009.39, or in fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, concentrated or unconcentrated, provided for in subheading 2106.90 or 2202.90.

(D) A nonoriginating material provided for in heading 0901 or 2101 that is used in the production of a good provided for in heading 0901 or 2101.

(E) A nonoriginating material provided for in chapter 15 that is used in the production of a good provided for in any of headings 1501 through 1508, or any of headings 1511 through 1515.

(F) A nonoriginating material provided for in heading 1701 that is used in the production of a good provided for in any of headings 1701 through 1703.

(G) A nonoriginating material provided for in chapter 17 that is used in the production of a good provided for in subheading 1806.10.

(H) Except as provided in subparagraphs (A) through (G) and Annex 4.1 of the Agreement, a nonoriginating material used in the production of a good provided for in any of chapters 1 through 24, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(I) A nonoriginating material that is a textile or apparel good.

(3) TEXTILE OR APPAREL GOODS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification, set forth in Annex 3-A of the Agreement, shall be considered to be an originating good if—

(i) the total weight of all such fibers or yarns in that component is not more than 10 percent of the total weight of that component; or

(ii) the yarns are those described in section 204(b)(3)(B)(vi)(IV) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)(vi)(IV)) (as in effect on February 12, 2011).

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Colombia, the United States, or both.

(C) YARN, FABRIC, OR FIBER.—For purposes of this paragraph, in the case of a good that is a yarn, fabric, or fiber, the term “component of the good that determines the tariff classification of the good” means all of the fibers in the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TARIFF TREATMENT.—A person claiming that a fungible good or fungible material is an originating good may base the claim either on the physical segregation of the fungible good or fungible material or by using an inventory management method with respect to the fungible good or fungible material.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term “inventory management method” means—

- (i) averaging;
- (ii) "last-in, first-out";
- (iii) "first-in, first-out"; or
- (iv) any other method—

(I) recognized in the generally accepted accounting principles of the country in which the production is performed (whether Colombia or the United States); or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for a particular fungible good or fungible material shall continue to use that method for that fungible good or fungible material throughout the fiscal year of such person.

(h) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), accessories, spare parts, or tools delivered with a good that form part of the good's standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 4.1 of the Agreement.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are classified with and not invoiced separately from the good, regardless of whether such accessories, spare parts, or tools are specified or are separately identified in the invoice for the good; and

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good.

(3) REGIONAL VALUE CONTENT.—If the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 3-A or Annex 4.1 of the Agreement, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(j) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers for shipment shall be disregarded in determining whether a good is an originating good.

(k) INDIRECT MATERIALS.—An indirect material shall be treated as an originating material without regard to where it is produced.

(l) TRANSIT AND TRANSHIPMENT.—A good that has undergone production necessary to qualify as an originating good under subsection (b) shall not be considered to be an originating good if, subsequent to that production, the good—

(1) undergoes further production or any other operation outside the territory of Colombia or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of Colombia or the United States; or

(2) does not remain under the control of customs authorities in the territory of a country other than Colombia or the United States.

(m) GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.—Notwithstanding the rules set forth in Annex 3-A and Annex 4.1 of the Agreement, goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless—

(1) each of the goods in the set is an originating good; or

(2) the total value of the nonoriginating goods in the set does not exceed—

(A) in the case of textile or apparel goods, 10 percent of the adjusted value of the set; or

(B) in the case of goods, other than textile or apparel goods, 15 percent of the adjusted value of the set.

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term "adjusted value" means the value determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), adjusted, if necessary, to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation.

(2) CLASS OF MOTOR VEHICLES.—The term "class of motor vehicles" means any one of the following categories of motor vehicles:

(A) Motor vehicles provided for in subheading 8701.20, 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, or motor vehicles for the transport of 16 or more persons provided for in subheading 8702.10 or 8702.90.

(B) Motor vehicles provided for in subheading 8701.10 or any of subheadings 8701.30 through 8701.90.

(C) Motor vehicles for the transport of 15 or fewer persons provided for in subheading 8702.10 or 8702.90, or motor vehicles provided for in subheading 8704.21 or 8704.31.

(D) Motor vehicles provided for in any of subheadings 8703.21 through 8703.90.

(3) FUNGIBLE GOOD OR FUNGIBLE MATERIAL.—The term "fungible good" or "fungible material" means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

(4) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term "generally accepted accounting principles"—

(A) means the recognized consensus or substantial authoritative support given in the territory of Colombia or the United States, as the case may be, with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information, and the preparation of financial statements; and

(B) may encompass broad guidelines for general application as well as detailed standards, practices, and procedures.

(5) GOOD WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF COLOMBIA, THE UNITED STATES, OR BOTH.—The term "good wholly obtained or produced entirely in the territory of Colombia, the United States, or both" means any of the following:

(A) Plants and plant products harvested or gathered in the territory of Colombia, the United States, or both.

(B) Live animals born and raised in the territory of Colombia, the United States, or both.

(C) Goods obtained in the territory of Colombia, the United States, or both from live animals.

(D) Goods obtained from hunting, trapping, fishing, or aquaculture conducted in the territory of Colombia, the United States, or both.

(E) Minerals and other natural resources not included in subparagraphs (A) through (D) that are extracted or taken from the territory of Colombia, the United States, or both.

(F) Fish, shellfish, and other marine life taken from the sea, seabed, or subsoil outside the territory of Colombia or the United States by—

(i) a vessel that is registered or recorded with Colombia and flying the flag of Colombia; or

(ii) a vessel that is documented under the laws of the United States.

(G) Goods produced on board a factory ship from goods referred to in subparagraph (F), if such factory ship—

(i) is registered or recorded with Colombia and flies the flag of Colombia; or

(ii) is a vessel that is documented under the laws of the United States.

(H)(i) Goods taken by Colombia or a person of Colombia from the seabed or subsoil outside the territorial waters of Colombia, if Colombia has rights to exploit such seabed or subsoil.

(ii) Goods taken by the United States or a person of the United States from the seabed or subsoil outside the territorial waters of the United States, if the United States has rights to exploit such seabed or subsoil.

(I) Goods taken from outer space, if the goods are obtained by Colombia or the United States or a person of Colombia or the United States and not processed in the territory of a country other than Colombia or the United States.

(J) Waste and scrap derived from—

(i) manufacturing or processing operations in the territory of Colombia, the United States, or both; or

(ii) used goods collected in the territory of Colombia, the United States, or both, if such goods are fit only for the recovery of raw materials.

(K) Recovered goods derived in the territory of Colombia, the United States, or both, from used goods, and used in the territory of Colombia, the United States, or both, in the production of remanufactured goods.

(L) Goods, at any stage of production, produced in the territory of Colombia, the United States, or both, exclusively from—

(i) goods referred to in any of subparagraphs (A) through (J); or

(ii) the derivatives of goods referred to in clause (i).

(6) IDENTICAL GOODS.—The term "identical goods" means goods that are the same in all respects relevant to the rule of origin that qualifies the goods as originating goods.

(7) INDIRECT MATERIAL.—The term "indirect material" means a good used in the production, testing, or inspection of another good but not physically incorporated into that other good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of another good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other good that is not incorporated into the other good but the use of which in the production of the other good can reasonably be demonstrated to be a part of that production.

(8) MATERIAL.—The term “material” means a good that is used in the production of another good, including a part or an ingredient.

(9) MATERIAL THAT IS SELF-PRODUCED.—The term “material that is self-produced” means an originating material that is produced by a producer of a good and used in the production of that good.

(10) MODEL LINE OF MOTOR VEHICLES.—The term “model line of motor vehicles” means a group of motor vehicles having the same platform or model name.

(11) NET COST.—The term “net cost” means total cost minus sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and non-allowable interest costs that are included in the total cost.

(12) NONALLOWABLE INTEREST COSTS.—The term “nonallowable interest costs” means interest costs incurred by a producer that exceed 700 basis points above the applicable official interest rate for comparable maturities of the country in which the producer is located.

(13) NONORIGINATING GOOD OR NONORIGINATING MATERIAL.—The term “nonoriginating good” or “nonoriginating material” means a good or material, as the case may be, that does not qualify as originating under this section.

(14) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—The term “packing materials and containers for shipment” means goods used to protect another good during its transportation and does not include the packaging materials and containers in which the other good is packaged for retail sale.

(15) PREFERENTIAL TARIFF TREATMENT.—The term “preferential tariff treatment” means the customs duty rate, and the treatment under article 2.10.4 of the Agreement, that are applicable to an originating good pursuant to the Agreement.

(16) PRODUCER.—The term “producer” means a person who engages in the production of a good in the territory of Colombia or the United States.

(17) PRODUCTION.—The term “production” means growing, mining, harvesting, fishing, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(18) REASONABLY ALLOCATE.—The term “reasonably allocate” means to apportion in a manner that would be appropriate under generally accepted accounting principles.

(19) RECOVERED GOODS.—The term “recovered goods” means materials in the form of individual parts that are the result of—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing that is necessary for improvement to sound working condition of such individual parts.

(20) REMANUFACTURED GOOD.—The term “remanufactured good” means an industrial

good assembled in the territory of Colombia or the United States, or both, that is classified under chapter 84, 85, 87, or 90 or heading 9402, other than a good classified under heading 8418 or 8516, and that—

(A) is entirely or partially comprised of recovered goods; and

(B) has a similar life expectancy and enjoys a factory warranty similar to such a good that is new.

(21) TOTAL COST.—

(A) IN GENERAL.—The term “total cost”—

(i) means all product costs, period costs, and other costs for a good incurred in the territory of Colombia, the United States, or both; and

(ii) does not include profits that are earned by the producer, regardless of whether they are retained by the producer or paid out to other persons as dividends, or taxes paid on those profits, including capital gains taxes.

(B) OTHER DEFINITIONS.—In this paragraph:

(i) PRODUCT COSTS.—The term “product costs” means costs that are associated with the production of a good and include the value of materials, direct labor costs, and direct overhead.

(ii) PERIOD COSTS.—The term “period costs” means costs, other than product costs, that are expensed in the period in which they are incurred, such as selling expenses and general and administrative expenses.

(iii) OTHER COSTS.—The term “other costs” means all costs recorded on the books of the producer that are not product costs or period costs, such as interest.

(22) USED.—The term “used” means utilized or consumed in the production of goods.

(C) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set forth in Annex 3-A and Annex 4.1 of the Agreement; and

(B) any additional subordinate category that is necessary to carry out this title consistent with the Agreement.

(2) FABRICS AND YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE UNITED STATES.—The President is authorized to proclaim that a fabric or yarn is added to the list in Annex 3-B of the Agreement in an unrestricted quantity, as provided in article 3.3.5(e) of the Agreement.

(3) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 (as included in Annex 3-A of the Agreement).

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim before the end of the 1-year period beginning on the date on which the Agreement enters into force, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 (as included in Annex 3-A of the Agreement).

(4) FABRICS, YARNS, OR FIBERS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN COLOMBIA AND THE UNITED STATES.—

(A) IN GENERAL.—Notwithstanding paragraph (3)(A), the list of fabrics, yarns, and fibers set forth in Annex 3-B of the Agreement may be modified as provided for in this paragraph.

(B) DEFINITIONS.—In this paragraph:

(i) INTERESTED ENTITY.—The term “interested entity” means the Government of Co-

lombia, a potential or actual purchaser of a textile or apparel good, or a potential or actual supplier of a textile or apparel good.

(ii) DAY; DAYS.—All references to “day” and “days” exclude Saturdays, Sundays, and legal holidays observed by the Government of the United States.

(C) REQUESTS TO ADD FABRICS, YARNS, OR FIBERS.—

(i) IN GENERAL.—An interested entity may request the President to determine that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Colombia and the United States and to add that fabric, yarn, or fiber to the list in Annex 3-B of the Agreement in a restricted or unrestricted quantity.

(ii) DETERMINATION.—After receiving a request under clause (i), the President may determine whether—

(I) the fabric, yarn, or fiber is available in commercial quantities in a timely manner in Colombia or the United States; or

(II) any interested entity objects to the request.

(iii) PROCLAMATION AUTHORITY.—The President may, within the time periods specified in clause (iv), proclaim that the fabric, yarn, or fiber that is the subject of the request is added to the list in Annex 3-B of the Agreement in an unrestricted quantity, or in any restricted quantity that the President may establish, if the President has determined under clause (ii) that—

(I) the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Colombia and the United States; or

(II) no interested entity has objected to the request.

(iv) TIME PERIODS.—The time periods within which the President may issue a proclamation under clause (iii) are—

(I) not later than 30 days after the date on which a request is submitted under clause (i); or

(II) not later than 44 days after the request is submitted, if the President determines, within 30 days after the date on which the request is submitted, that the President does not have sufficient information to make a determination under clause (ii).

(v) EFFECTIVE DATE.—Notwithstanding section 103(a)(2), a proclamation made under clause (iii) shall take effect on the date on which the text of the proclamation is published in the Federal Register.

(vi) SUBSEQUENT ACTION.—Not later than 6 months after proclaiming under clause (iii) that a fabric, yarn, or fiber is added to the list in Annex 3-B of the Agreement in a restricted quantity, the President may eliminate the restriction if the President determines that the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Colombia and the United States.

(D) DEEMED APPROVAL OF REQUEST.—If, after an interested entity submits a request under subparagraph (C)(i), the President does not, within the applicable time period specified in subparagraph (C)(iv), make a determination under subparagraph (C)(ii) regarding the request, the fabric, yarn, or fiber that is the subject of the request shall be considered to be added, in an unrestricted quantity, to the list in Annex 3-B of the Agreement beginning—

(i) 45 days after the date on which the request is submitted; or

(ii) 60 days after the date on which the request is submitted, if the President made a determination under subparagraph (C)(iv)(II).

(E) REQUESTS TO RESTRICT OR REMOVE FABRICS, YARNS, OR FIBERS.—

(i) IN GENERAL.—Subject to clause (ii), an interested entity may request the President to restrict the quantity of, or remove from the list in Annex 3-B of the Agreement, any fabric, yarn, or fiber—

(I) that has been added to that list in an unrestricted quantity pursuant to paragraph (2) or subparagraph (C)(iii) or (D) of this paragraph; or

(II) with respect to which the President has eliminated a restriction under subparagraph (C)(vi).

(ii) TIME PERIOD FOR SUBMISSION.—An interested entity may submit a request under clause (i) at any time beginning on the date that is 6 months after the date of the action described in subclause (I) or (II) of that clause.

(iii) PROCLAMATION AUTHORITY.—Not later than 30 days after the date on which a request under clause (i) is submitted, the President may proclaim an action provided for under clause (i) if the President determines that the fabric, yarn, or fiber that is the subject of the request is available in commercial quantities in a timely manner in Colombia or the United States.

(iv) EFFECTIVE DATE.—A proclamation issued under clause (iii) may not take effect earlier than the date that is 6 months after the date on which the text of the proclamation is published in the Federal Register.

(F) PROCEDURES.—The President shall establish procedures—

(i) governing the submission of a request under subparagraphs (C) and (E); and

(ii) providing an opportunity for interested entities to submit comments and supporting evidence before the President makes a determination under subparagraph (C) (ii) or (vi) or (E)(iii).

SEC. 204. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (19), the following:

“(20) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.”.

SEC. 205. DISCLOSURE OF INCORRECT INFORMATION; FALSE CERTIFICATIONS OF ORIGIN; DENIAL OF PREFERENTIAL TARIFF TREATMENT.

(a) DISCLOSURE OF INCORRECT INFORMATION.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph:

“(12) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, promptly and voluntarily makes a corrected declaration and pays any duties owing with respect to that good.”; and

(2) by adding at the end the following new subsection:

“(k) FALSE CERTIFICATIONS OF ORIGIN UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—

“(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a CTPA certification of origin (as defined in section 508 of this Act) that a good exported from the United States qualifies as an originating good under the rules of origin provided for in section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act. The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of this subsection.

“(2) PROMPT AND VOLUNTARY DISCLOSURE OF INCORRECT INFORMATION.—No penalty shall be imposed under this subsection if, promptly after an exporter or producer that issued a CTPA certification of origin has reason to believe that such certification contains or is based on incorrect information, the exporter or producer voluntarily provides written notice of such incorrect information to every person to whom the certification was issued.

“(3) EXCEPTION.—A person shall not be considered to have violated paragraph (1) if—

“(A) the information was correct at the time it was provided in a CTPA certification of origin but was later rendered incorrect due to a change in circumstances; and

“(B) the person promptly and voluntarily provides written notice of the change in circumstances to all persons to whom the person provided the certification.”.

(b) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended by adding at the end the following new subsection:

“(k) DENIAL OF PREFERENTIAL TARIFF TREATMENT UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—If U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement of the Department of Homeland Security finds indications of a pattern of conduct by an importer, exporter, or producer of false or unsupported representations that goods qualify under the rules of origin provided for in section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act, U.S. Customs and Border Protection, in accordance with regulations issued by the Secretary of the Treasury, may suspend preferential tariff treatment under the United States-Colombia Trade Promotion Agreement to entries of identical goods covered by subsequent representations by that importer, exporter, or producer until U.S. Customs and Border Protection determines that representations of that person are in conformity with such section 203.”.

SEC. 206. RELIQUIDATION OF ENTRIES.

Section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1)—

(1) by striking “or”; and

(2) by striking “for which” and inserting “, or section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act for which”.

SEC. 207. RECORDKEEPING REQUIREMENTS.

Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

(1) by redesignating subsection (j) as subsection (k);

(2) by inserting after subsection (i) the following new subsection:

“(j) CERTIFICATIONS OF ORIGIN FOR GOODS EXPORTED UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—

“(1) DEFINITIONS.—In this subsection:

“(A) RECORDS AND SUPPORTING DOCUMENTS.—The term ‘records and supporting documents’ means, with respect to an exported good under paragraph (2), records and

documents related to the origin of the good, including—

“(i) the purchase, cost, and value of, and payment for, the good;

“(ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and

“(iii) the production of the good in the form in which it was exported.

“(B) CTPA CERTIFICATION OF ORIGIN.—The term ‘CTPA certification of origin’ means the certification established under article 4.15 of the United States-Colombia Trade Promotion Agreement that a good qualifies as an originating good under such Agreement.

“(2) EXPORTS TO COLOMBIA.—Any person who completes and issues a CTPA certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

“(3) RETENTION PERIOD.—The person who issues a CTPA certification of origin shall keep the records and supporting documents relating to that certification of origin for a period of at least 5 years after the date on which the certification is issued.”; and

(3) in subsection (k), as so redesignated by striking “(h), or (i)” and inserting “(h), (i), or (j)”.

SEC. 208. ENFORCEMENT RELATING TO TRADE IN TEXTILE OR APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Colombia to conduct a verification pursuant to article 3.2 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination of the Secretary that—

(A) an exporter or producer in Colombia is complying with applicable customs laws, regulations, and procedures regarding trade in textile or apparel goods, or

(B) a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 203, or

(ii) is a good of Colombia, is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary of the Treasury determines that there is insufficient information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to support that claim;

(2) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that the person has provided incorrect information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that a person has provided incorrect information to support that claim;

(3) detention of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine the country of origin of any such good; and

(4) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that the person has provided incorrect information as to the country of origin of any such good.

(c) ACTION ON COMPLETION OF A VERIFICATION.—On completion of a verification under subsection (a)(1), the President may direct the Secretary of the Treasury to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make the determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (c) includes—

(1) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary of the Treasury determines that there is insufficient information to support, or that the person has provided incorrect information to support, any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to support, or that a person has provided incorrect information to support, that claim; and

(2) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine, or that the person has provided incorrect information as to, the country of origin of any such good.

(e) PUBLICATION OF NAME OF PERSON.—In accordance with article 3.2.6 of the Agreement, the Secretary of the Treasury may publish the name of any person that the Secretary has determined—

(1) is engaged in circumvention of applicable laws, regulations, or procedures affecting trade in textile or apparel goods; or

(2) has failed to demonstrate that it produces, or is capable of producing, textile or apparel goods.

SEC. 209. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 203;

(2) the amendment made by section 204; and

(3) any proclamation issued under section 203(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) COLOMBIAN ARTICLE.—The term “Colombian article” means an article that qualifies as an originating good under section 203(b).

(2) COLOMBIAN TEXTILE OR APPAREL ARTICLE.—The term “Colombian textile or apparel article” means a textile or apparel good (as defined in section 3(4)) that is a Colombian article.

Subtitle A—Relief From Imports Benefitting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Colombian article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Colombian article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Colombian article if, after the date on which the Agreement enters into force, import relief has been provided with respect to that Colombian article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3))

shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—

(1) IN GENERAL.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(2) LIMITATION ON RELIEF.—The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c).

(3) VOTING; SEPARATE VIEWS.—Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination referred to in paragraph (1) and any finding or recommendation referred to in paragraph (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public the report (with the exception of information which the Commission determines to be confidential) and shall publish a summary of the report in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives a report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this

section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) **IN GENERAL.**—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2.3 of the Agreement in the duty imposed on the article.

(B) An increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) **PROGRESSIVE LIBERALIZATION.**—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 8.2.2 of the Agreement) of such relief at regular intervals during the period of its application.

(d) PERIOD OF RELIEF.—

(1) **IN GENERAL.**—Subject to paragraph (2), any import relief that the President provides under this section may not be in effect for more than 2 years.

(2) EXTENSION.—

(A) **IN GENERAL.**—Subject to subparagraph (C), the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section by up to 2 years, if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—

(1) **INVESTIGATION.**—Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date that is 9 months, and not later than the date that is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) **NOTICE AND HEARING.**—The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) **REPORT.**—The Commission shall submit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) **PERIOD OF IMPORT RELIEF.**—Any import relief provided under this section, including any extensions thereof, may not, in the aggregate, be in effect for more than 4 years.

(e) **RATE AFTER TERMINATION OF IMPORT RELIEF.**—When import relief under this section is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which such termination occurs shall be the rate that, according to the Schedule of the United States to Annex 2.3 of the Agreement, would have been in effect 1 year after the provision of relief under subsection (a); and

(2) the rate of duty for that article after December 31 of the year in which such termination occurs shall be, at the discretion of the President, either—

(A) the applicable rate of duty for that article set forth in the Schedule of the United States to Annex 2.3 of the Agreement; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set forth in the Schedule of the United States to Annex 2.3 of the Agreement for the elimination of the tariff.

(f) **ARTICLES EXEMPT FROM RELIEF.**—No import relief may be provided under this section on—

(1) any article that is subject to import relief under—

(A) subtitle B; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); or

(2) any article on which an additional duty assessed under section 202(b) is in effect.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) **GENERAL RULE.**—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) **EXCEPTION.**—If an article for which relief is provided under this subtitle is an article for which the period for tariff elimination, set forth in the Schedule of the United States to Annex 2.3 of the Agreement, is greater than 10 years, no relief under this subtitle may be provided for that article after the date on which that period ends.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking “and”; and

(2) by inserting before the period at the end “, and title III of the United States-Colombia Trade Promotion Agreement Implementation Act”.

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) **IN GENERAL.**—A request for action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) **PUBLICATION OF REQUEST.**—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall publish in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) **IN GENERAL.**—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the elimination of a duty under the Agreement, a Colombian textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) **SERIOUS DAMAGE.**—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits and losses, and investment, no one of which is necessarily decisive; and

(B) shall not consider changes in consumer preference or changes in technology in the United States as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) **IN GENERAL.**—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as provided in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) **NATURE OF RELIEF.**—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) **IN GENERAL.**—Subject to subsection (b), the import relief that the President provides under section 322(b) may not be in effect for more than 2 years.

(b) EXTENSION.—

(1) **IN GENERAL.**—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle for a period of not more than 1 year, if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) LIMITATION.—Any relief provided under this subtitle, including any extensions thereof, may not, in the aggregate, be in effect for more than 3 years.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to an article if—

(1) import relief previously has been provided under this subtitle with respect to that article; or

(2) the article is subject to import relief under—

(A) subtitle A; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

On the date on which import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect but for the provision of such relief.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 5 years after the date on which the Agreement enters into force.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 328. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information received in connection with an investigation or determination under this subtitle which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information, the party shall also provide a nonconfidential version of the information in which the confidential business information is summarized or, if necessary, deleted.

Subtitle C—Cases Under Title II of the Trade Act of 1974

SEC. 331. FINDINGS AND ACTION ON COLOMBIAN ARTICLES.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the Colombian article are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL DETERMINATION REGARDING COLOMBIAN ARTICLES.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the President may exclude from the action Colombian articles with respect to which the Commission has made a negative finding under subsection (a).

TITLE IV—PROCUREMENT

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking “or” at the end of clause (vii);

(2) by striking the period at the end of clause (viii) and inserting “; or”; and

(3) by adding at the end the following new clause:

“(ix) a party to the United States-Colombia Trade Promotion Agreement, a product or service of that country or instrumentality which is covered under that agreement for procurement by the United States.”.

TITLE V—EXTENSION OF ANDEAN TRADE PREFERENCE ACT

SEC. 501. EXTENSION OF ANDEAN TRADE PREFERENCE ACT.

(a) EXTENSION.—Section 208(a) of the Andean Trade Preference Act (19 U.S.C. 3206(a)) is amended—

(1) in paragraph (1)(A), by striking “February 12, 2011” and inserting “July 31, 2013”; and

(2) in paragraph (2), by striking “February 12, 2011” and inserting “July 31, 2013”.

(b) TREATMENT OF CERTAIN APPAREL ARTICLES.—Section 204(b)(3) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (iii)—

(i) in subclause (II), by striking “8 succeeding 1-year periods” and inserting “10 succeeding 1-year periods”; and

(ii) in subclause (II)(bb), by striking “and for the succeeding 3-year period” and inserting “and for the succeeding 5-year period”; and

(B) in clause (v)(II), by striking “7 succeeding 1-year periods” and inserting “9 succeeding 1-year periods”; and

(2) in subparagraph (E)(ii)(II), by striking “February 12, 2011” and inserting “July 31, 2013”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to articles entered on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(A) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to subparagraph (B), any entry of an article to which duty-free treatment or other preferential treatment under the Andean Trade Preference Act would have applied if the entry had been made on February 12, 2011, that was made—

(i) after February 12, 2011, and

(ii) before the 15th day after the date of the enactment of this Act, shall be liquidated or reliquidated as though such entry occurred on the date that is 15 days after the date of the enactment of this Act.

(B) REQUESTS.—A liquidation or reliquidation may be made under subparagraph (A) with respect to an entry only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection—

(i) to locate the entry; or

(ii) to reconstruct the entry if it cannot be located.

(C) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of an article under subparagraph (A) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

(3) DEFINITION.—As used in this subsection, the term “entry” includes a withdrawal from warehouse for consumption.

TITLE VI—OFFSETS

SEC. 601. ELIMINATION OF CERTAIN NAFTA CUSTOMS FEES EXEMPTION.

(a) IN GENERAL.—Section 13031(b)(1)(A)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)(A)(i)) is amended to read as follows:

“(i) the arrival of any passenger whose journey—

“(I) originated in a territory or possession of the United States; or

“(II) originated in the United States and was limited to territories and possessions of the United States;”.

(b) USE OF FEES.—The fees collected as a result of the amendment made by this section shall be deposited in the Customs User Fee Account, shall be available for reimbursement of customs services and inspections costs, and shall be available only to the extent provided in appropriations Acts.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to passengers arriving from Canada, Mexico, or an adjacent island on or after the date that is 15 days after the date of the enactment of this Act.

SEC. 602. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by adding at the end the following:

“(C)(i) Notwithstanding subparagraph (A), fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on August 3, 2021, and ending on September 30, 2021.

“(ii) Notwithstanding subparagraph (B)(i), fees may be charged under paragraphs (1) through (8) of subsection (a) during the period beginning on December 9, 2020, and ending on August 31, 2021.”.

SEC. 603. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than \$1,000,000,000 (determined as of the end of the preceding taxable year)—

(1) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2016 shall be increased by 0.50 percent of such amount (determined without regard to any increase in such amount not contained in such Code); and

(2) the amount of the next required installment after an installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BRADY) and the gentleman from Michigan (Mr. LEVIN) each will control 45 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BRADY of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRADY of Texas. Madam Speaker, at this time I reserve the balance of my time.

Mr. LEVIN. It is now my privilege to yield 4 minutes to the gentleman from Washington (Mr. McDERMOTT), the ranking member on Trade.

Mr. McDERMOTT. Madam Speaker, tonight the fat is in the fire. We're starting with the tough one up front, and I rise in opposition to the Colombia free trade agreement.

I believe that trade can have transformative effects on a society and its economy. I've seen it firsthand in Seattle, where one out of three or one out of four people make their living directly from trade. I've seen it in southern Africa. I helped write the AGOA Act, and I've seen the effects that it has had there. When trade is done right, it creates opportunities, it generates jobs, and it lifts people up the economic ladder—if it is done right.

Now, I don't come to this with any kind of ideological knee jerk. I am one who believes that you need to go and look. And I've been to Colombia on several different occasions, once with Commerce Secretary Gutierrez. We went out to community meetings. We sat down and listened to people talk. President Uribe had a community meeting, and we saw what was going on. I've been to Medellin, which was one of the most dangerous cities in Central America—in fact, in the world. And one day when one of the drug lords was taken out, the people of Medellin said, No mas, no more. We don't want anymore.

Colombia has come a long way from the image that people have of that country, but there still are problems—too many remaining—and the efforts to address them have not been really activated. Now, the labor problems are really grave. Last year, more union leaders were killed in Colombia than the rest of the world combined. Nearly every murder has been gotten away with. No one has been arrested, no prosecution, nothing.

Now, effective organizing would save lives in Colombia just like it has in the rest of the world, but Colombian laws compound this culture of impunity by making it easy to deny workers their basic rights. Imagine what it does to a worker thinking about joining a union to improve his lot or her lot. No wonder only 4.4 percent of Colombia's labor force dares to unionize.

Democrats have been clear from the very start that this situation needs to be addressed—for the sake of the working people in Colombia, for the safety of Colombian workers and their families, and for the working people here in the United States, because the working community around the world is all one, really. What happens to workers in one area has an effect in other areas. And if we allow people to take jobs where the cheapest labor is or where there are no rules or no anything, we then damage our own workers. And that's part of the problem in this whole issue as we discuss it here tonight.

Now, to be sure, we've made some important victories in trying to renegotiate this agreement. After the Bush administration had written these agreements, we said no. And then we took over in the House, and Mr. RANGEL and Mr. LEVIN negotiated the "May 10" agreement with the President of the United States. That included minimum internationally recognized labor standards, and it was a crucial step.

The renegotiation of the U.S.-Colombia free trade agreement has also produced a Labor Action Plan, which was another part of the development of what was going on with Colombia.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McDERMOTT. I will save a little of this for tomorrow because we're going to debate on this again tomorrow.

Mr. BRADY of Texas. Madam Speaker, I yield the balance of my time to the chairman of the committee, Mr. CAMP, and I ask unanimous consent that he may control the time.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan will control the time.

There was no objection.

Mr. CAMP. I yield myself such time as I may consume.

Madam Speaker, today is a good day. Many of us have been working for years for the opportunity to approve our pending trade agreements with Colombia, Panama, and South Korea. We have called on the President throughout his term to submit all three agreements to Congress, but opposition among some Democrats led many to believe that we would have to settle for just one or two of the agreements. Today, we have all three pending agreements before us. Approving them will resuscitate the U.S. trade agenda, create U.S. jobs, and help get our economy moving again.

The U.S. International Trade Commission has estimated that the three agreements will increase U.S. exports by at least \$13 billion. By the President's own estimation, that could generate 250,000 new jobs. The ITC has also determined that these agreements will increase U.S. gross domestic product by at least \$10 billion, a stimulus that doesn't cost a single dime in government spending.

This agreement disproportionately benefits the U.S. because it rectifies the current imbalance in U.S.-Colombian trade. Last year, Colombian exporters paid virtually no tariffs when they shipped goods here, but our exporters paid an average of over 11 percent. The agreement removes that imbalance by eliminating Colombian duties. The need is urgent: Our exporters have paid nearly \$4 billion in unnecessary duties since this agreement was signed.

We know from experience that these agreements will yield benefits. Be-

tween 2000 and 2010, total U.S. exports increased by just over 60 percent, but our exports to countries with which we have trade agreements increased by over 90 percent. Our exports to Peru, for example, more than doubled since passage of the U.S.-Peru trade agreement, from \$2.7 billion in 2006 to \$6.1 billion in 2010. That's \$2.4 billion more than the ITC had forecast.

In the face of this major economic opportunity, delay has been costly. Major economies whose workers and exporters compete directly with ours have moved aggressively to sign and implement trade agreements with Colombia, undermining our competitive edge. Our workers and job-creating exporters are falling behind, losing export market share that took years to build. For example, the U.S. share of Colombia's corn, wheat, and soybean imports fell from 71 percent in 2008 to 27 percent in 2010 after Argentina's exporters gained preferential access to the Colombian market. And after Canada's trade agreement with Colombia went into effect on August 15, Colombia's largest wheat importer dropped U.S. suppliers in favor of Canadian wheat. Adding insult to injury, Canada signed its trade agreement with Colombia 2 years after we signed our agreement with Colombia.

In short, we owe it to U.S. workers and exporters to approve this agreement now and to press the President for prompt implementation.

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It's not only considerable economic benefits that are at stake. The delay in implementing these agreements has left strong allies out in the cold. Colombia, for example, currently sits with the United States on the U.N. Security Council and chairs its Iran sanctions committee.

Colombian troops have served alongside U.S. troops at war, and Colombia has been training militaries and police around the world in counter-narcotics and counter-insurgency. As five former commanders of U.S. Southern Command have said: "This agreement will meet our duty to stand shoulder-to-shoulder with Colombians as they have stood by the United States as friends and allies."

I urge my colleagues to join me in approving this important agreement, and I reserve the balance of my time.

Mr. LEVIN. I am now privileged to yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL), a very distinguished member of our committee.

Mr. PASCRELL. Madam Speaker, I want to challenge just about everything that my very good friend Mr. CAMP laid before this House.

First, let's talk about the numbers. The updated report that Mr. CAMP referred to in terms of the number of jobs

that would be created by this Colombian deal contains a very specific disclaimer that it is not an official estimate.

Additionally, both—any reports estimate that the overall trade deficit will increase. An increasing trade deficit cannot lead to job creation. It's never happened. It will not happen.

And you throw numbers in front of people and you know what? You better know what you're talking about. In fact, given the projected changes, the growth of the United States trade deficit with Colombia will displace 83,000 jobs in the United States of America by 2015, for a net loss of an additional 55,000 jobs. Those are the numbers. I didn't make them up.

So when you think that anytime you're going to parade a trade deal in front of us—and I voted for Peru because I thought it was a great step forward—and think that we're just going to have to believe, anybody's going to have to believe on either side of the aisle that what you're saying is really what the truth is, you're done, you're over. The American people don't accept it. Four to one they don't accept these trade deals that have diminished us.

But the worst part of the Colombia deal is this: since the new President, Mr. Santos, we've had 38 union people killed, family men, teachers, lawyers, shot in the back of the head, wired up on a tree. And one indictment.

You want to bring the Colombian trade deal here—here we go—and make us believe that you're not only going to create jobs, but that these victims are going to be no more. Well, you had an opportunity.

Here's the numbers, Madam Speaker. Here are the numbers, very clear, very succinct. From 2007 to 2010, 51 murders last year, no convictions. Of the 94 percent of the cases, 130 human rights defenders were detained in 2010.

This is an aberration, this is wrong, and the American people aren't going to take it anymore.

Mr. CAMP. Madam Speaker, I yield 3 minutes to my distinguished colleague on the Ways and Means Committee, the chairman of the Trade Subcommittee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Thank you, Chairman CAMP, for your leadership on trade and, really, your critical role of working across the aisle and with this administration to finally bring this free trade agreement and others to the floor.

The world's changed. It's not enough to simply sell American or to buy American anymore. We have to sell American. We have to go out in every corner of this world and sell American products and services and agricultural products. But when we do, we find too much of the world was tilted against us. Too many countries have an America need not apply sign. But these trade agreements change that. They

tear that sign down; and with our best trading allies, they level the playing field and create two-way trade, where it's not just sales into America, we get the chance to sell our products and compete for new customers in their country, and that's critical because so much of the world's consumers live outside of America.

This Colombia agreement is critical because, one, Colombia is such a critical ally of ours. As a country, they've made remarkable progress on human rights, labor rights, democracy and rule of law. They fought terrorism to a halt. They've created a much safer country than a decade ago. And, in fact, if they were a company, we would call them the turn-around of the decade.

Colombia is a trusted ally. More important, they're a dynamic economy that wants to trade first with the United States, and that's what this agreement does. It opens the door for over \$1 billion of new sales from America into Colombia. It increases our economy by \$2.5 billion. It creates new standards that allow, not just our agricultural community, not just our manufacturing community to sell two-way, but creates the standard so that our financial and telecommunications and energy management and accounting, and a whole list of other services, can sell on a standard equal to equal, plug in together so that we can both compete and buy and sell as equal trading partners.

It's critical, too, that we not allow America to fall farther behind. It has been, as Chairman CAMP said, nearly 5 years since this agreement has been signed. President Bush signed, I think, a very strong agreement. President Obama, to his credit, continued to work with both sides of the aisle, I think, to put on some preconditions that have been very important to our Democrat Members and to labor.

This agreement has strong bipartisan support, has strong economic support, and is critical for a national security ally like Colombia that we wait no longer; that Congress stand up, Republicans and Democrats together, to pass a bipartisan jobs bill that creates two-way trade, creates real jobs, and strengthens our security relationship with a remarkable ally in our hemisphere.

I strongly support this agreement, and I urge its passage.

Madam Speaker, I am very pleased that we have finally reached this important moment. Next month we will mark five years since the United States and Colombia signed the United States-Colombia Trade Promotion Agreement. U.S. workers and job-creating exporters have had to wait for far too long for the President to submit this promising agreement to Congress, but it has now reached the floor—and I look forward to a bipartisan vote to approve the agreement.

This agreement, like our other trade agreements, will create well-paid American jobs

without any government spending. I like to call our trade agreements "Sell American" agreements because they lower other countries' barriers to American goods and services. More U.S. exports translate into more U.S. jobs. With over 90 percent of consumers living outside our borders, we must look to other markets in order to sell more of our goods and services.

The U.S. International Trade Commission estimates that the Colombia trade agreement alone will increase U.S. goods exports by \$1.1 billion and expand U.S. gross domestic product by \$2.5 billion. This agreement is all upside for us. Last year, Colombian exporters to the United States paid an average tariff of less than one percent because, under the Andean Trade Preference Act, most Colombian goods entered duty-free. In contrast, U.S. exporters to Colombia paid an average tariff of over eleven percent last year—and now this agreement will eliminate Colombian tariffs on most U.S. exports.

As co-chairman of the Congressional Services Caucus, I should also note that this trade agreement with Colombia will reduce non-tariff and regulatory barriers and provide expanded market access and increased protections for U.S. services exporters. For example, Colombia estimates that its public infrastructure spending will exceed \$55 billion this decade—and our world-class construction, energy, engineering, and other services firms will now have a leg-up in pursuing that work, which will generate substantial economic growth and jobs back home.

The United States has been sitting on the sidelines for far too long. Now we finally have the opportunity to get back in the game, so I ask my colleagues to join me in voting to approve the United States-Colombia Trade Promotion Agreement, as well as our other two pending agreements.

Mr. LEVIN. It is now my pleasure to yield 1 minute to the distinguished Representative from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank my dear friend Mr. LEVIN for yielding.

It's time for America to negotiate fair trade agreements that create jobs in America and are based on a rule of law, respect for life and liberty before profits for the few.

I rise in opposition to this Colombia deal. It's just another NAFTA-like trade accord that too often are job-killers, people-killers and democracy-killers. This administration promised an agreement with Colombia would not be moved forward until the violence and targeted killings of union leaders and religious leaders stopped.

This is a picture of Father Jose Restrepo, who was found murdered along a roadside in rural Colombia, gunned down as he traveled through the countryside. The week before his murder, Father Restrepo had traveled to Bogota, the capital city there, to raise concerns of his community about the impact of a giant open pit gold mine. Father is one of six Catholic priests killed this year alone in Colombia, in addition to 22 union leaders that

have been killed there just since January.

What kind of a deal is this with a nation that has had dozens and dozens and dozens since 2010, 51 people murdered for their trade union activities in Colombia alone?

What is wrong with our country that we cannot stand up for democracy, for human rights, and for job creation in this country?

Mr. CAMP. Madam Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 38 minutes, and the gentleman from Michigan (Mr. LEVIN) has 37½ minutes remaining.

Mr. CAMP. At this time I yield 2 minutes to the gentleman from California (Mr. HERGER), a distinguished member of the Ways and Means Committee.

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Mr. HERGER. Madam Speaker, the trade agreements before us represent a major opportunity for American small businesses and workers. By leveling the playing field for U.S. goods and services entering Colombia, Panama, and South Korea, these agreements will provide a significant boost to our economy and create an estimated 250,000 new jobs. They are commonsense, win-win agreements for the American people. Here's why. Removing tariffs and other barriers to U.S. exports means that our U.S. products become more competitive in foreign markets, which in turn generates more sales and more business for our farmers, ranchers, manufacturers, and service providers.

Passing these agreements will mean more jobs, more economic growth, and more opportunities both on and off the farm for the men and women in my northern California congressional district and the rest of our Nation. Perhaps best of all, these trade agreements will provide real, permanent economic stimulus at no cost to the American taxpayers. They represent fundamentally sound economics—getting government-imposed barriers out of the way and letting American business and workers do what they do best.

As the former ranking Republican on the Ways and Means Subcommittee on Trade, I have joined many others in urging support for these agreements. While I believe this week should have come a lot sooner, these are real job bills, and I urge my colleagues to support all three.

Mr. LEVIN. I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I rise in opposition to the three free trade pacts up for consideration this week. It's essential that we work to keep jobs here in the United States, and I believe the trade agreements with South Korea, Colombia, and Pan-

ama will cost U.S. jobs. We should be doing everything we can to create jobs and advance economic opportunity here at home.

These trade pacts are modeled on the NAFTA agreement, and the results will be the same. In the last decade alone, we've lost 55,000 manufacturing plants and 6 million jobs with NAFTA in place. We don't want to repeat the ill effects of NAFTA. The essential issue at hand, Madam Speaker, is that trade deals between a large economy and a smaller economy naturally benefit the smaller economy, in this case South Korea, Colombia, and Panama. The economies of these countries are a fraction of the size of the U.S. economy, and they will stand to benefit greatly by exporting their goods here while, I fear, U.S. exports will not have the same advantage.

Madam Speaker, we should be focusing on passing the American Jobs Act, which provides incentives to businesses to hire new workers in the United States, and not passing free trade pacts that will further encourage U.S. companies to move jobs overseas.

Mr. CAMP. Madam Speaker, I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. Madam Speaker, Colombia is a key ally of the United States and the third-largest export market in Latin America for U.S. goods and services, and that's despite having tariff barriers in place.

This agreement was negotiated in good faith years ago. Basically, American credibility is on the line—our credibility as to whether or not we will follow through with our commitments. After years of delay, U.S. businesses, farmers, and ranchers have been losing market share because of the inability to move forward on this agreement. In 2008, U.S. agricultural producers had 71 percent of that market. By 2010, we were down to 27 percent, and we're still dropping. And that's because other countries who have fulfilled agreements with Colombia, after we have already negotiated this, have gained that market share. They have picked up the market share we have lost.

Passing this agreement is a very important step in reversing this onerous trend for our farmers, our ranchers, and our businesses in this country. Colombia is currently the tenth-largest export market in my home State of Louisiana, and it stands to grow as a result.

Pass this agreement.

Mr. LEVIN. I yield 1 minute to the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Speaker, today with unemployment in the United States at over 9 percent and the middle class under siege, we're considering a Colombian trade bill that would

cost, according to the Economic Policy Institute, 55,000 jobs. That makes absolutely no sense.

It's bad enough to ship U.S. jobs overseas, but particularly to a country that leads the world in deadly violence against union members. In Colombia, to band together in solidarity with your fellow workers is to take your life into your own hands. Twenty-three trade unionists have been murdered so far this year, including one teacher—a teacher—who was hanged with barbed wire. Last year, 51 such murders. As the AFL-CIO put it, "if 51 CEOs had been murdered in Colombia, this deal would be on a very slow track indeed."

Let's reject these trade agreements, and let's put America back to work with a big, bold jobs plan for the American people.

Mr. CAMP. Madam Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. GERLACH), a member of the Ways and Means Committee.

Mr. GERLACH. I thank the gentleman.

Madam Speaker, I rise this evening in support of the Colombia free trade agreement, and, indeed, all three free trade agreements, the most significant trade package for our country in more than a decade. These trade pacts with Colombia, South Korea, and Panama are significant. They will unlock new opportunities and markets for Pennsylvania companies to sell their products overseas, and that means more jobs.

By leveling the playing field and eliminating burdensome tariffs, these agreements will improve our ability to sell American-made products overseas. Specifically, in Pennsylvania, these agreements will be a boon for the Commonwealth's farmers and provide new opportunities in other key export sectors of Pennsylvania, including primary metal producers. Tariffs on more than 90 percent of primary metals, such as steel, titanium, aluminum, and zinc will be eliminated immediately.

Once the free trade agreement with South Korea is fully implemented, more than 70 percent of all Pennsylvania exports will be duty-free. And similar trade opportunities exist in the Colombia and Panama free trade agreements as well.

As we continue to lose market share in these regions, Pennsylvanians, and indeed all Americans, simply cannot afford another delay in these agreements. Pass them now.

Mr. LEVIN. I yield 1½ minutes to a very active Member on these issues, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Madam Speaker, the Colombia FTA is bad for American workers, bad for jobs, and bad for Colombian workers, small farmers, and human rights defenders. Colombia is still a country in conflict that affects thousands every year. We know Colombia is the deadliest place in the world

to be a trade unionist, but it also suffers from over 4 million internally displaced, second only to Sudan. Over 1 million Colombians are refugees in neighboring countries. They are fleeing terrifying, crippling violence from paramilitaries, guerrillas, and even Colombia's own army. And after these people leave, drug traffickers, criminals, and wealthy interests come in and they take over.

This FTA will only increase that vicious cycle. Nearly every study done asserts that the FTA will push even more small farmers off their land. They will either be forced to join the ranks of the displaced, grow coca or join the guerrillas or paramilitaries just to feed their families. They won't be buying American goods, Madam Speaker.

And when Colombian workers have no rights, then there's no level playing field for American workers, and that costs jobs. This FTA is set up to help the rich get richer and the poor get poorer. It's the last thing Colombia's workers, farmers, and human rights defenders need.

Finally, Madam Speaker, let me ask my colleagues in this Chamber, do human rights matter anymore? If so, we should not be debating this FTA today. We should be waiting until we see real, honest-to-goodness results on the ground in terms of improvements of human rights. When it comes to human rights, Madam Speaker, the United States of America should not be a cheap date. We should stand firm, and we should be unabashed in our support for human rights.

Madam Speaker, that is why I urge all my colleagues to vote "no" on this FTA agreement.

[From Pittsburgh Post-Gazette, Oct. 10, 2011]
FREE TRADE: THE BIG LIE—WE SHOULD STOP
MAKING TRADE AGREEMENTS THAT HURT
WORKERS

(By Daniel Kovalik)

On March 10, 2010, former President Bill Clinton made this stunning confession to the Senate Foreign Relations Committee regarding his free trade policies in Haiti:

"It may have been good for some of my farmers in Arkansas, but it has not worked. It was a mistake. I had to live every day with the consequences of the loss of capacity to produce a rice crop in Haiti to feed those people because of what I did; nobody else."

Even more surprisingly, Mr. Clinton, one of the founding fathers of the modern free trade agreement, admitted that this type of trade policy "failed everywhere it's been tried. . . ." Truer words have never been spoken. And yet, even in the face of such a confession, and in the face of incontrovertible facts, the U.S. Congress is poised to pass not just one, but three new free trade agreements—with Colombia, South Korea and Panama—of the very type that Mr. Clinton now loses sleep over.

So, what are the facts?

Let's start with the mother of all free trade agreements—the North American Free Trade Agreement—the one which Mr. Clinton had promised would create jobs in the United States but which presidential candidates Hillary Clinton and Barack Obama

ran from in 2008, claiming that it needed fixing. And fixing it surely needs. According to the Economic Policy Institute, nearly 900,000 (mostly high-paying) U.S. jobs were lost to NAFTA between 1993 and 2002 alone.

Meanwhile, Mexico has fared even worse. Indeed, the same devastation Mr. Clinton's policies wrought in Haiti have been experienced in Mexico. Thus, the agricultural provisions of NAFTA—almost identical to those contained in the Colombia Free Trade Agreement now being considered—cost the livelihood and land of 1.3 million small farmers in Mexico.

Where did these small farmers go? Many are being forced to emigrate to the United States. Indeed, while small farmers make up a relatively small percentage of the Mexican population, they make up around 40 percent of Mexicans immigrating into the United States. Still others have been pushed into the illicit drug trade—the very drug trade the United States purports to fight there.

Meanwhile, the good industrial jobs lost in the United States under NAFTA never translated into good jobs in Mexico. Rather, NAFTA created low-paying, dangerous and environmentally damaging industries on the other side of the border which have devastated Mexican workers and their communities. One only need look at Juarez, Mexico—the city that was to be a model of development under NAFTA and which instead is experiencing violence at wartime levels, with 4,300 civilians murdered in the last two years out of a population of 2 million.

Again, it was NAFTA and the "free trade" principles it embodied which have done this, which have transformed Mexico into the near failed state it is today.

This now brings us to the Colombia FTA—the one I know most about and which represents the biggest concern for labor and human rights advocates.

When running for office, President Obama took a principled stance against the Colombia FTA, echoing the concerns of labor that we shouldn't enter into a free trade agreement with Colombia in light of its abysmal labor and human rights situation. As Mr. Obama explained, "We have to stand for human rights and we have to make sure that violence isn't being perpetrated against workers who are just trying to organize for their rights."

The rationale behind this stance continues to this day, with 51 unionists killed in Colombia in 2010 and 23 killed so far this year, allowing Colombia to retain its dubious distinction as the most dangerous country in the world in which to be a trade unionist. In addition to unionists, human rights defenders, indigenous and Afro-Colombian leaders, and Catholic priests defending the poor are also targeted in Colombia. This year alone, six Catholic priests have been murdered in Colombia.

Meanwhile, according to Colombia's own prosecutor general, right-wing paramilitaries aligned with the Colombian state have murdered more than 170,000 civilians over the past 15 years. Of these, around 50,000 have "disappeared." Yet this is a country to which the United States may give special trade preferences.

The Colombia FTA, while costing the United States an estimated 55,000 net jobs, according to the Economic Policy Institute, would wreak further havoc in Colombia. The agricultural policies that devastated Haiti and Mexico—those allowing the United States to dump cheap, subsidized food into those countries—would be applied to Colombia. This would lead to the impoverishment

and dislocation of hundreds of thousands of small farmers in Colombia, many of whom would join the ranks of the 5 million internally displaced persons in Colombia—the largest internally displaced population in the world.

In short, free trade has never worked as promised and it will not work now. But sadly, like the false prophets of a bad religion, those holding the reins of power in the United States continue to push "free trade" policies despite all the evidence that they have failed. These false prophets exhort us to believe in the magical force of the "invisible hand" of the "free market" to save us, all the while giving real and visible aid to corporations and Wall Street banks even as they tell working people to keep tightening their belts. It is time that these lies and these bad economic and trade policies be rejected.

□ 2050

Mr. CAMP. Madam Speaker, I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. I stand in strong support of this trade agreement that will open up U.S. production to over 40 million consumers close to our shores.

While the national economic and strategic impact of the Colombia agreement is very important, obviously the increased marketing opportunity for Nebraska is tremendous as well. Specifically for agriculture, the agreement with Colombia will lead to gains for Nebraska's major commodities, such as soybeans and wheat.

Currently, all U.S. ag exports to Colombia face tariffs. Upon implementation of the agreement, three-quarters of Colombia's tariff lines will become duty free for U.S. exports. Specifically, Colombia places an 80 percent tariff on U.S. beef imports today, making it one of the highest tariffs on U.S. beef in the world. This agreement changes that.

Colombia has also lifted unscientific restrictions. Colombia will recognize the equivalence of the U.S. food safety system for meat, poultry, and processed foods—a significant victory for U.S. livestock producers. I want to make sure Nebraska products and producers make the most of the opportunities provided by international sales to increased exports.

Mr. LEVIN. I yield 1 minute to the gentlelady from California (Ms. LEE).

Ms. LEE of California. Madam Speaker, I rise in opposition to the Colombia free trade agreement.

I support trade that is fair: trade that protects labor rights, trade that protects the environment, and trade that creates American jobs. Unfortunately, these trade agreements before us this week fail at all three. Labor leaders continue to be murdered in Colombia simply for standing up for basic rights, and the Colombian Government has failed to act.

How in the world can those who support these deals turn a blind eye to the

thousands of Colombians killed by right-wing death squads? Are we really rewarding these death squads with this agreement?

Also, free trade agreements are supposed to open up foreign markets and create more good-paying American jobs. Instead, these agreements will only increase our trade deficits and cost over 190,000 American jobs. We cannot create American jobs by doing more of the same. We have to put American workers first and stop shipping jobs overseas.

In addition to being fair, these trade agreements must be free; and until they are, I cannot support the Colombia free trade agreement.

Mr. CAMP. Madam Speaker, I yield 1 minute to the distinguished chair of the Foreign Relations Committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank my good friend, the chairman of the committee, for yielding.

I am just astounded, but I am very pleased to hear my good friends from the other side speak so eloquently about support for human rights and support for labor leaders and workers' rights. Yet some of these folks are the very same ones who want to lift those sanctions against Communist, totalitarian Cuba, where labor unions are outlawed, where workers have no rights, and where human rights are not respected at all. I don't think the Castro brothers can even spell "human rights" in either language.

But on to the point of human rights and free trade and dignity for workers in Colombia, I am so pleased that, finally, we are going to pass this agreement.

In south Florida, Colombia is already south Florida's second largest trading partner. Our two largest economic engines are the Port of Miami and the Miami International Airport, both of which will benefit tremendously from the increase in trade with a free, democratic Colombia.

So I welcome this, and I hope that this newfound love for human rights and trade and labor unions will extend to my native homeland of Cuba one day.

Madam Speaker, I rise in strong support of the U.S.-Colombia Free Trade Agreement.

After having waited for years since this agreement was first signed the time has finally come for Congress to vote to approve it.

This agreement is, good for Colombia but is even better for the United States.

According to the International Trade Commission, the U.S.-Colombia Free Trade Agreement will expand exports of U.S. goods by more than \$1 billion dollars every year which will allow businesses to create thousands of new jobs for those Americans who are struggling to find one.

In South Florida, Colombia is already our second largest trading partner.

Our two largest economic engines are the Port of Miami and Miami International Airport,

both of which will benefit tremendously from the increase in trade with Colombia.

In 2010, Colombia was the 10th largest trading partner with the Port of Miami, with bilateral trade worth \$6.8 billion.

And 96 percent of the flowers that are sent to the U.S. from Colombia come through Miami International Airport, which helps support tens of thousands of jobs related to the airport and several aviation industries.

These figures will grow rapidly once this agreement has been approved.

But there is more at stake here than increased trade.

Colombia has been a strong democracy and a steadfast ally in a region where U.S. interests are under assault.

We have jointly battled narco-terrorists, leftist guerrillas, and the aggressive actions of Venezuelan strongman Hugo Chavez.

This agreement will strengthen that vital partnership between our two nations and demonstrate to our friends and enemies alike that the U.S. intends to remain a strong presence in the region.

Madam Speaker, it is time to put American interests first instead of the partisan political considerations that have delayed this agreement for years.

I strongly encourage my colleagues to vote yes on the U.S.-Colombia Free Trade Agreement and allow our businesses to finally begin creating the jobs that so many Americans are searching for.

Mr. LEVIN. It is now my pleasure to yield 1 minute to the very distinguished gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman from Michigan for yielding.

The only thing I have agreed with so far in tonight's debate from the other side is that America's credibility is on the line. I really do believe that. We've had 2,697 trade unionists killed over the past two decades in Colombia, and 94 percent of these murders go unprosecuted.

I was an ironworker at the General Motors plant when we signed NAFTA. Mexico, of course, was 4 percent of the U.S. economy, and not long after that they closed the plant that I was working at and moved it over the border to Mexico. Colombia is 3 percent of the U.S. economy, not even 3 percent. This is all about shifting American jobs down to Colombia. That's what this is all about. Give me a break. The reason we have 9 percent unemployment in this country is that we keep shipping jobs overseas. When you find yourself in a ditch, it's time to stop digging, okay? This is a bad deal. We should be ashamed of ourselves.

Mr. CAMP. I yield 1 minute to the distinguished gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Speaker, I rise in support of all three market-opening agreements.

Over the past 3 years, the United States posted a surplus of over \$70 billion in manufactured goods with our free trade agreement partners. These

three free trade agreements that we're discussing have the potential to generate more exports to create or sustain 250,000 jobs.

Last year, the Brookings Institute released a study that the Rockford, Illinois, metropolitan area, with a population of 350,000, exported a whopping \$3.3 billion in 2008, making Rockford the most export-intensive city in all of Illinois. Over 16,000 jobs in the Rockford area are directly related to these exports.

With the passage of these three free trade agreements, we can have even more exports coming from northern Illinois to the rest of the world.

Mr. LEVIN. This is a somewhat unusual structure here. Each of us is going to take 15 minutes of our total allotment. I want to talk to Mr. CAMP.

I think we have used all but 2 of our minutes. I want to use those 2 minutes to close the 15 minutes, but I'm not quite sure where you are on your 15 minutes.

Mr. CAMP. I have two more speakers at 1 minute each; so my plan is to have those be the conclusion of my time.

Mr. LEVIN. So why don't you call on one. Then I'll take mine, and then you'll have one more person.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 31 minutes remaining.

Mr. CAMP. Madam Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. RIVERA).

Mr. RIVERA. The Colombia free trade agreement represents a critical juncture in our trade relations. It does so because it's about economic security, but it's also about national security.

It's about economic security because the Colombia free trade agreement means jobs—thousands of jobs for America. In my community and for our national economy in particular, international commerce is important to creating those jobs. It's also about national security because the Colombia free trade agreement will send a message to our allies, and just as importantly, it will send a message to our enemies. All of Latin America and, indeed, the world will be watching to see if we are going to stand up with our allies—those who are fighting for democracy and who are fighting against narcoterror.

Vote "yes" on this trade agreement, and stand up for our best ally in Latin America, Colombia. Vote "yes" on this agreement, and stand up for jobs in America.

Madam Speaker, we have come to a crucial point in the free trade debate.

The world is watching.

Our best friends and allies in Latin America are watching.

Madam Speaker, our enemies are watching.

The choice that is presented to us with these trade agreements could not be any clearer. Are we going to stand with our allies?

Or are we going to continue turning our back to them? The choice is an easy one to make, and the stakes could not be any higher.

Madam Speaker, just as American ingenuity has made our nation the model for developed economies for decades, in an ever more globalized economy, free trade is integral to promoting economic growth, to creating American jobs, and to raising the standard of living in the United States and abroad. At the same time, Colombia is our best and strongest ally in Latin America and the oldest functioning democracy in the region. The Colombian people have a passion to be free and full partners in the global economy and have shown great enthusiasm about trading with the United States. As someone who represents the largest Colombian-American community in the country, I know this first hand.

I have seen what the Colombian people have been through over the past two decades and the improvements that have been made in that country.

Madam Speaker, Colombia has become a model for success in the region.

Colombia is a nation that looks to the United States as its role model and has worked to emulate us in its own legislative, judicial, and social structures. What's more, today Colombia is a nation of people determined to crush the drug trade and break free from the bonds of their difficult past to reclaim their homeland. American aid to Colombia has made it possible for Colombia to upgrade its social infrastructure and improve its schools, health care, and labor laws. There is no more important task before us right now that will help the Colombian people achieve further advancement, than to quickly pass the Colombia Free Trade Agreement.

So, Madam Speaker, what does passage of these free trade agreements show to the world?

It shows that we will stand by our allies.

It shows what the United States values. It shows that we value human rights. It shows that we value democracy. It shows that we value liberty.

Colombia has achieved, and continues to achieve, all of those things. Colombia's democracy has withstood terrorism. It has withstood civil war. And Colombia is a pillar of freedom in the region. The more trade and economic benefits the Colombian people receive, the less difficult it becomes for the Colombian government to destroy terrorism and put an end to the illicit drug trade in their country.

Madam Speaker, the bottom line is that trade, and this agreement, will create opportunity in Colombia as well as in the United States. This agreement will mean better, high quality jobs for Colombian citizens. It will mean better, high quality jobs for our own citizens; a much-needed boost in this struggling economy.

Madam Speaker, let's send a message to our enemies. Let's send a message to our best friends and allies in Latin America. Let's send a message to the world.

Let's send the message that America rewards its allies. Let's send the message that America wants to do business with another country that values freedom and democracy. And let's send a message that America will

not let political gamesmanship continue to get in the way of improving our nation's economy.

In the 112th Congress, both Democrats and Republicans are united and ready to approve the Colombia Free Trade Agreement.

Madam Speaker, it's time to pass the Colombia Free Trade Agreement.

□ 2100

Mr. LEVIN. I yield myself 2 minutes.

We have three FTAs before us. Each one of those should be taken on their own. And let me express my strong views about the Colombia FTA based on my three trips there. Trade is about more than tariffs or the flow of goods. As important as they are, it's about people. And where workers have no rights, increased trade with another country can work against us and can work against the other country. Colombia, in that regard, has presented a special case. A violation of basic rights has gone on for decades, and not only those violations of laws but violation of persons, violence, and death.

The Santos administration came to power and said it wanted to do it differently. Our two governments sat down and worked on an agreement on worker rights. It was a step forward, but there is a serious set of problems. First of all, the implementation of that in important instances has been spotty, especially as to the vehement misuse of cooperatives in Colombia and so-called collective PACs. And, secondly, there was an absolute resistance, refusal on the part of the Republican majority to have any reference in the action plan to the implementation bill. That is a serious, serious flaw. For that reason, I am very much opposed to this agreement.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 3078 is postponed.

UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

Mr. CAMP. Madam Speaker, pursuant to House Resolution 425, I call up the bill (H.R. 3079) to implement the United States-Panama Trade Promotion Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 425, the bill is considered read.

The text of the bill is as follows:

H.R. 3079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “United States-Panama Trade Promotion Agreement Implementation Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

- Sec. 101. Approval and entry into force of the Agreement.
- Sec. 102. Relationship of the Agreement to United States and State law.
- Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
- Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
- Sec. 105. Administration of dispute settlement proceedings.
- Sec. 106. Arbitration of claims.
- Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

- Sec. 201. Tariff modifications.
- Sec. 202. Additional duties on certain agricultural goods.
- Sec. 203. Rules of origin.
- Sec. 204. Customs user fees.
- Sec. 205. Disclosure of incorrect information; false certifications of origin; denial of preferential tariff treatment.
- Sec. 206. Reliquidation of entries.
- Sec. 207. Recordkeeping requirements.
- Sec. 208. Enforcement relating to trade in textile or apparel goods.
- Sec. 209. Regulations.

TITLE III—RELIEF FROM IMPORTS

- Sec. 301. Definitions.
- Subtitle A—Relief From Imports Benefitting From the Agreement
- Sec. 311. Commencing of action for relief.
- Sec. 312. Commission action on petition.
- Sec. 313. Provision of relief.
- Sec. 314. Termination of relief authority.
- Sec. 315. Compensation authority.
- Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

- Sec. 321. Commencement of action for relief.
- Sec. 322. Determination and provision of relief.
- Sec. 323. Period of relief.
- Sec. 324. Articles exempt from relief.
- Sec. 325. Rate after termination of import relief.
- Sec. 326. Termination of relief authority.
- Sec. 327. Compensation authority.
- Sec. 328. Confidential business information.

Subtitle C—Cases Under Title II of the Trade Act of 1974

- Sec. 331. Findings and action on Panamanian articles.

TITLE IV—MISCELLANEOUS

- Sec. 401. Eligible products.
- Sec. 402. Modification to the Caribbean Basin Economic Recovery Act.

TITLE V—OFFSETS

- Sec. 501. Extension of customs user fees.
- Sec. 502. Time for payment of corporate estimated taxes.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the free trade agreement between the United States and Panama entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Panama for their mutual benefit;

(3) to establish free trade between the United States and Panama through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of the Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) **AGREEMENT.**—The term “Agreement” means the United States–Panama Trade Promotion Agreement approved by Congress under section 101(a)(1).

(2) **COMMISSION.**—The term “Commission” means the United States International Trade Commission.

(3) **HTS.**—The term “HTS” means the Harmonized Tariff Schedule of the United States.

(4) **TEXTILE OR APPAREL GOOD.**—The term “textile or apparel good” means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)), other than a good listed in Annex 3.30 of the Agreement.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) **APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.**—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States–Panama Trade Promotion Agreement entered into on June 28, 2007, with the Government of Panama and submitted to Congress on October 3, 2011; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on October 3, 2011.

(b) **CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.**—At such time as the President determines that Panama has taken measures necessary to comply with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Panama providing for the entry into force, on or after January 1, 2012, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) **RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.**—

(1) **UNITED STATES LAW TO PREVAIL IN CONFLICT.**—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) **CONSTRUCTION.**—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States, unless specifically provided for in this Act.

(b) **RELATIONSHIP OF AGREEMENT TO STATE LAW.**—

(1) **LEGAL CHALLENGE.**—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) **DEFINITION OF STATE LAW.**—For purposes of this subsection, the term “State law” includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) **EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.**—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) **IMPLEMENTING ACTIONS.**—

(1) **PROCLAMATION AUTHORITY.**—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date on which the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) **EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.**—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) **WAIVER OF 15-DAY RESTRICTION.**—The 15-day restriction contained in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) **INITIAL REGULATIONS.**—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met, has expired; and

(4) the President has consulted with the committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) **ESTABLISHMENT OR DESIGNATION OF OFFICE.**—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 20 of the Agreement. The office shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for each fiscal year after fiscal year 2011 to the Department of Commerce up to \$150,000 for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 20 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.16.1(a)(i)(C) or article 10.16.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) **EFFECTIVE DATES.**—Except as provided in subsection (b), this Act and the amendments made by this Act take effect on the date on which the Agreement enters into force.

(b) **EXCEPTIONS.**—

(1) **IN GENERAL.**—Sections 1 through 3, this title, and title V take effect on the date of the enactment of this Act.

(2) **CERTAIN AMENDATORY PROVISIONS.**—The amendments made by sections 204, 205, 207, and 401 of this Act take effect on the date of the enactment of this Act and apply with respect to Panama on the date on which the Agreement enters into force.

(c) **TERMINATION OF THE AGREEMENT.**—On the date on which the Agreement terminates, this Act (other than this subsection and title V) and the amendments made by this Act (other than the amendments made by title V) shall cease to have effect.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) **TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.**—

(1) **PROCLAMATION AUTHORITY.**—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 3.3, 3.5, 3.6, 3.26, 3.27, 3.28, and 3.29, and Annex 3.3, of the Agreement.

(2) **EFFECT ON GSP STATUS.**—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Panama as a beneficiary developing country for

purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

(3) EFFECT ON CBERA STATUS.—

(A) IN GENERAL.—Notwithstanding section 212(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Panama as a beneficiary country for purposes of that Act.

(B) EXCEPTION.—Notwithstanding subparagraph (A), Panama shall be considered a beneficiary country under section 212(a) of the Caribbean Basin Economic Recovery Act, for purposes of—

(i) sections 771(7)(G)(ii)(III) and 771(7)(H) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(G)(ii)(III) and 1677(7)(H));

(ii) the duty-free treatment provided under paragraph 4 of the General Notes to the Schedule of the United States to Annex 3.3 of the Agreement; and

(iii) section 274(h)(6)(B) of the Internal Revenue Code of 1986.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Panama regarding the staging of any duty treatment set forth in Annex 3.3 of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Panama provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States to Annex 3.3 of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

(d) TARIFF RATE QUOTAS.—In implementing the tariff rate quotas set forth in Appendix I to the General Notes to the Schedule of the United States to Annex 3.3 of the Agreement, the President shall take such action as may be necessary to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the United States.

SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE NTR (MFN) RATE OF DUTY.—The term “applicable NTR (MFN) rate of duty” means, with respect to a safeguard good, a rate of duty equal to the lowest of—

(A) the base rate in the Schedule of the United States to Annex 3.3 of the Agreement;

(B) the column 1 general rate of duty that would, on the day before the date on which the Agreement enters into force, apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good; or

(C) the column 1 general rate of duty that would, at the time the additional duty is imposed under subsection (b), apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good.

(2) SAFEGUARD GOOD.—The term “safeguard good” means a good—

(A) that is included in the Schedule of the United States to Annex 3.17 of the Agreement;

(B) that qualifies as an originating good under section 203; and

(C) for which a claim for preferential tariff treatment under the Agreement has been made.

(3) SCHEDULE RATE OF DUTY.—The term “schedule rate of duty” means, with respect to a safeguard good, the rate of duty for that good that is set forth in the Schedule of the United States to Annex 3.3 of the Agreement.

(4) TRIGGER LEVEL.—

(A) IN GENERAL.—The term “trigger level” means—

(i) in the case of a safeguard good classified under subheading 0201.10.50, 0201.20.80, 0201.30.80, 0202.10.50, 0202.20.80, or 0202.30.80 of the HTS—

(I) in year 1 of the Agreement, 330 metric tons; and

(II) in year 2 of the Agreement through year 14 of the Agreement, a quantity equal to 110 percent of the trigger level for that safeguard good for the preceding calendar year; and

(ii) in the case of any other safeguard good, 115 percent of the quantity that is provided for that safeguard good in the corresponding calendar year in the applicable table contained in Appendix I to the General Notes to the Schedule of the United States to Annex 3.3 of the Agreement.

(B) RELATIONSHIP TO TABLE.—For purposes of subparagraph (A)(ii), year 1 in the applicable table contained in Appendix I to the General Notes to the Schedule of the United States to Annex 3.3 of the Agreement corresponds to year 1 of the Agreement.

(5) YEAR 1 OF THE AGREEMENT.—The term “year 1 of the Agreement” means the period beginning on the date, in a calendar year, on which the Agreement enters into force and ending on December 31 of that calendar year.

(6) YEARS OTHER THAN YEAR 1 OF THE AGREEMENT.—Any reference to a year of the Agreement subsequent to year 1 of the Agreement shall be deemed to be a reference to the corresponding calendar year in which the Agreement is in force.

(b) ADDITIONAL DUTIES ON SAFEGUARD GOODS.—

(1) IN GENERAL.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, the Secretary of the Treasury shall assess a duty, in the amount determined under paragraph (2), on a safeguard good imported into the United States in a calendar year if the Secretary determines that, prior to such importation, the total volume of that safeguard good that is imported into the United States in that calendar year exceeds the trigger level for that good for that calendar year.

(2) CALCULATION OF ADDITIONAL DUTY.—The additional duty on a safeguard good under this subsection shall be—

(A) in the case of a good classified under subheading 0201.10.50, 0201.20.80, 0201.30.80, 0202.10.50, 0202.20.80, or 0202.30.80 of the HTS—

(i) in year 1 of the Agreement through year 6 of the Agreement, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(ii) in year 7 of the Agreement through year 14 of the Agreement, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty;

(B) in the case of a good classified under subheading 0406.10.08, 0406.10.88, 0406.20.91, 0406.30.91, 0406.90.97, or 2105.00.20 of the HTS—

(i) in year 1 of the Agreement through year 11 of the Agreement, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(ii) in year 12 of the Agreement through year 14 of the Agreement, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(C) in the case of any other safeguard good—

(i) in year 1 of the Agreement through year 13 of the Agreement, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(ii) in year 14 of the Agreement through year 16 of the Agreement, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.

(3) NOTICE.—Not later than 60 days after the date on which the Secretary of the Treasury first assesses an additional duty in a calendar year on a good under this subsection, the Secretary shall notify the Government of Panama in writing of such action and shall provide to that Government data supporting the assessment of the additional duty.

(c) EXCEPTIONS.—No additional duty shall be assessed on a good under subsection (b) if, at the time of entry, the good is subject to import relief under—

(1) subtitle A of title III of this Act; or

(2) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(d) TERMINATION.—The assessment of an additional duty on a good under subsection (b) shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Schedule of the United States to Annex 3.3 of the Agreement.

SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a chapter, heading, or subheading, such reference shall be a reference to a chapter, heading, or subheading of the HTS.

(3) COST OR VALUE.—Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether Panama or the United States).

(b) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(1) the good is a good wholly obtained or produced entirely in the territory of Panama, the United States, or both;

(2) the good—

(A) is produced entirely in the territory of Panama, the United States, or both, and—

(i) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 4.1 of the Agreement; or

(ii) the good otherwise satisfies any applicable regional value-content or other requirements specified in Annex 4.1 of the Agreement; and

(B) satisfies all other applicable requirements of this section; or

(3) the good is produced entirely in the territory of Panama, the United States, or both, exclusively from materials described in paragraph (1) or (2).

(c) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of a good referred to in Annex 4.1 of the Agreement, except for goods to which paragraph (4) applies, shall be calculated by the importer, exporter, or producer of the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3).

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$RVC = \frac{AV - VNM}{AV} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term “RVC” means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term “AV” means the adjusted value of the good.

(iii) VNM.—The term “VNM” means the value of nonoriginating materials that are acquired and used by the producer in the production of the good, but does not include the value of a material that is self-produced.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$RVC = \frac{VOM}{AV} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term “RVC” means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term “AV” means the adjusted value of the good.

(iii) VOM.—The term “VOM” means the value of originating materials that are acquired or self-produced, and used by the producer in the production of the good.

(4) SPECIAL RULE FOR CERTAIN AUTOMOTIVE GOODS.—

(A) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of an automotive good referred to in Annex 4.1 of the Agreement may be calculated by the importer, exporter, or producer of the good on the basis of the build-down method described in paragraph (2), the build-up method described in paragraph (3), or the following net cost method:

$$RVC = \frac{NC - VNM}{NC} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AUTOMOTIVE GOOD.—The term “automotive good” means a good provided for in any of subheadings 8407.31 through 8407.34, subheading 8408.20, heading 8409, or any of headings 8701 through 8708.

(ii) RVC.—The term “RVC” means the regional value-content of the automotive good, expressed as a percentage.

(iii) NC.—The term “NC” means the net cost of the automotive good.

(iv) VNM.—The term “VNM” means the value of nonoriginating materials that are acquired and used by the producer in the production of the automotive good, but does not include the value of a material that is self-produced.

(C) MOTOR VEHICLES.—

(i) BASIS OF CALCULATION.—For purposes of determining the regional value-content under subparagraph (A) for an automotive good that is a motor vehicle provided for in any of headings 8701 through 8705, an im-

porter, exporter, or producer may average the amounts calculated under the net cost formula contained in subparagraph (A), over the producer's fiscal year—

(I) with respect to all motor vehicles in any one of the categories described in clause (ii); or

(II) with respect to all motor vehicles in any such category that are exported to the territory of Panama or the United States.

(ii) CATEGORIES.—A category is described in this clause if it—

(I) is the same model line of motor vehicles, and is produced in the same plant in the territory of Panama or the United States, as the good described in clause (i) for which regional value-content is being calculated;

(II) is the same class of motor vehicles, and is produced in the same plant in the territory of Panama or the United States, as the good described in clause (i) for which regional value-content is being calculated; or

(III) is the same model line of motor vehicles produced in the territory of Panama or the United States as the good described in clause (i) for which regional value-content is being calculated.

(D) OTHER AUTOMOTIVE GOODS.—For purposes of determining the regional value-content under subparagraph (A) for automotive materials provided for in any of subheadings 8407.31 through 8407.34, in subheading 8408.20, or in heading 8409, 8706, 8707, or 8708, that are produced in the same plant, an importer, exporter, or producer may—

(i) average the amounts calculated under the net cost formula contained in subparagraph (A) over—

(I) the fiscal year of the motor vehicle producer to whom the automotive goods are sold,

(II) any quarter or month, or

(III) the fiscal year of the producer of such goods,

if the goods were produced during the fiscal year, quarter, or month that is the basis for the calculation;

(ii) determine the average referred to in clause (i) separately for such goods sold to 1 or more motor vehicle producers; or

(iii) make a separate determination under clause (i) or (ii) for such goods that are exported to the territory of Panama or the United States.

(E) CALCULATING NET COST.—The importer, exporter, or producer of an automotive good shall, consistent with the provisions regarding allocation of costs provided for in generally accepted accounting principles, determine the net cost of the automotive good under subparagraph (B) by—

(i) calculating the total cost incurred with respect to all goods produced by the producer of the automotive good, subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost of all such goods, and then reasonably allocating the resulting net cost of those goods to the automotive good;

(ii) calculating the total cost incurred with respect to all goods produced by that producer, reasonably allocating the total cost to the automotive good, and then subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the portion of the total cost allocated to the automotive good; or

(iii) reasonably allocating each cost that forms part of the total cost incurred with re-

spect to the automotive good so that the aggregate of these costs does not include any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, or nonallowable interest costs.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—For the purpose of calculating the regional value-content of a good under subsection (c), and for purposes of applying the de minimis rules under subsection (f), the value of a material is—

(A) in the case of a material that is imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, the value, determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), as set forth in regulations promulgated by the Secretary of the Treasury providing for the application of such Articles in the absence of an importation by the producer; or

(C) in the case of a material that is self-produced, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit equivalent to the profit added in the normal course of trade.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIAL.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Panama, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Panama, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(B) NONORIGINATING MATERIAL.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Panama, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Panama, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(iv) The cost of originating materials used in the production of the nonoriginating material in the territory of Panama, the United States, or both.

(e) ACCUMULATION.—

(1) **ORIGINATING MATERIALS USED IN PRODUCTION OF GOODS OF THE OTHER COUNTRY.**—Originating materials from the territory of Panama or the United States that are used in the production of a good in the territory of the other country shall be considered to originate in the territory of such other country.

(2) **MULTIPLE PRODUCERS.**—A good that is produced in the territory of Panama, the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(f) **DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), a good that does not undergo a change in tariff classification pursuant to Annex 4.1 of the Agreement is an originating good if—

(A) the value of all nonoriginating materials that—

(i) are used in the production of the good, and

(ii) do not undergo the applicable change in tariff classification (set forth in Annex 4.1 of the Agreement),

does not exceed 10 percent of the adjusted value of the good;

(B) the good meets all other applicable requirements of this section; and

(C) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value-content requirement for the good.

(2) **EXCEPTIONS.**—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90, that is used in the production of a good provided for in chapter 4.

(B) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90, that is used in the production of the following goods:

(i) Infant preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.10.

(ii) Mixes and doughs, containing over 25 percent by weight of butterfat, not put up for retail sale, provided for in subheading 1901.20.

(iii) Dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90.

(iv) Goods provided for in heading 2105.

(v) Beverages containing milk provided for in subheading 2202.90.

(vi) Animal feeds containing over 10 percent by weight of milk solids provided for in subheading 2309.90.

(C) A nonoriginating material provided for in heading 0805, or any of subheadings 2009.11 through 2009.39, that is used in the production of a good provided for in any of subheadings 2009.11 through 2009.39, or in fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, concentrated or unconcentrated, provided for in subheading 2106.90 or 2202.90.

(D) A nonoriginating material provided for in heading 0901 or 2101 that is used in the production of a good provided for in heading 0901 or 2101.

(E) A nonoriginating material provided for in heading 1006 that is used in the production of a good provided for in heading 1102 or 1103 or subheading 1904.90.

(F) A nonoriginating material provided for in chapter 15 that is used in the production of a good provided for in chapter 15.

(G) A nonoriginating material provided for in heading 1701 that is used in the production of a good provided for in any of headings 1701 through 1703.

(H) A nonoriginating material provided for in chapter 17 that is used in the production of a good provided for in subheading 1806.10.

(I) Except as provided in subparagraphs (A) through (H) and Annex 4.1 of the Agreement, a nonoriginating material used in the production of a good provided for in any of chapters 1 through 24, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(3) **TEXTILE OR APPAREL GOODS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification, set forth in Annex 4.1 of the Agreement, shall be considered to be an originating good if—

(i) the total weight of all such fibers or yarns in that component is not more than 10 percent of the total weight of that component; or

(ii) the yarns are those described in section 204(b)(3)(B)(vi)(IV) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)(vi)(IV)) (as in effect on February 12, 2011).

(B) **CERTAIN TEXTILE OR APPAREL GOODS.**—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed and finished in the territory of Panama, the United States, or both.

(C) **FABRIC, YARN, OR FIBER.**—For purposes of this paragraph, in the case of a good that is a fabric, yarn, or fiber, the term “component of the good that determines the tariff classification of the good” means all of the fibers in the good.

(g) **FUNGIBLE GOODS AND MATERIALS.**—

(1) **IN GENERAL.**—

(A) **CLAIM FOR PREFERENTIAL TARIFF TREATMENT.**—A person claiming that a fungible good or fungible material is an originating good may base the claim either on the physical segregation of the fungible good or fungible material or by using an inventory management method with respect to the fungible good or fungible material.

(B) **INVENTORY MANAGEMENT METHOD.**—In this subsection, the term “inventory management method” means—

(i) averaging;

(ii) “last-in, first-out”; or

(iii) “first-in, first-out”; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the country in which the production is performed (whether Panama or the United States); or

(II) otherwise accepted by that country.

(2) **ELECTION OF INVENTORY METHOD.**—A person selecting an inventory management method under paragraph (1) for a particular fungible good or fungible material shall continue to use that method for that fungible good or fungible material throughout the fiscal year of such person.

(h) **ACCESSORIES, SPARE PARTS, OR TOOLS.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), accessories, spare parts, or tools delivered with a good that form part of the

good's standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 4.1 of the Agreement.

(2) **CONDITIONS.**—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are classified with and not invoiced separately from the good, regardless of whether such accessories, spare parts, or tools are specified or are separately identified in the invoice for the good; and

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good.

(3) **REGIONAL VALUE-CONTENT.**—If the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) **PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.**—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 4.1 of the Agreement, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(j) **PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.**—Packing materials and containers for shipment shall be disregarded in determining whether a good is an originating good.

(k) **INDIRECT MATERIALS.**—An indirect material shall be treated as an originating material without regard to where it is produced.

(l) **TRANSIT AND TRANSHIPMENT.**—A good that has undergone production necessary to qualify as an originating good under subsection (b) shall not be considered to be an originating good if, subsequent to that production, the good—

(1) undergoes further production or any other operation outside the territory of Panama or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of Panama or the United States; or

(2) does not remain under the control of customs authorities in the territory of a country other than Panama or the United States.

(m) **GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.**—Notwithstanding the rules set forth in Annex 4.1 of the Agreement, goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless—

(1) each of the goods in the set is an originating good; or

(2) the total value of the nonoriginating goods in the set does not exceed—

(A) in the case of textile or apparel goods, 10 percent of the adjusted value of the set; or

(B) in the case of goods, other than textile or apparel goods, 15 percent of the adjusted value of the set.

(n) **DEFINITIONS.**—In this section:

(1) **ADJUSTED VALUE.**—The term “adjusted value” means the value determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), adjusted, if necessary, to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation.

(2) **CLASS OF MOTOR VEHICLES.**—The term “class of motor vehicles” means any one of the following categories of motor vehicles:

(A) Motor vehicles provided for in subheading 8701.20, 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, or motor vehicles for the transport of 16 or more persons provided for in subheading 8702.10 or 8702.90.

(B) Motor vehicles provided for in subheading 8701.10 or any of subheadings 8701.30 through 8701.90.

(C) Motor vehicles for the transport of 15 or fewer persons provided for in subheading 8702.10 or 8702.90, or motor vehicles provided for in subheading 8704.21 or 8704.31.

(D) Motor vehicles provided for in any of subheadings 8703.21 through 8703.90.

(3) **FUNGIBLE GOOD OR FUNGIBLE MATERIAL.**—The term “fungible good” or “fungible material” means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

(4) **GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.**—The term “generally accepted accounting principles” —

(A) means the recognized consensus or substantial authoritative support given in the territory of Panama or the United States, as the case may be, with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information, and the preparation of financial statements; and

(B) may encompass broad guidelines for general application as well as detailed standards, practices, and procedures.

(5) **GOOD WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF PANAMA, THE UNITED STATES, OR BOTH.**—The term “good wholly obtained or produced entirely in the territory of Panama, the United States, or both” means any of the following:

(A) Plants and plant products harvested or gathered in the territory of Panama, the United States, or both.

(B) Live animals born and raised in the territory of Panama, the United States, or both.

(C) Goods obtained in the territory of Panama, the United States, or both from live animals.

(D) Goods obtained from hunting, trapping, fishing, or aquaculture conducted in the territory of Panama, the United States, or both.

(E) Minerals and other natural resources not included in subparagraphs (A) through (D) that are extracted or taken from the territory of Panama, the United States, or both.

(F) Fish, shellfish, and other marine life taken from the sea, seabed, or subsoil outside the territory of Panama or the United States by—

(i) a vessel that is registered or recorded with Panama and flying the flag of Panama; or

(ii) a vessel that is documented under the laws of the United States.

(G) Goods produced on board a factory ship from goods referred to in subparagraph (F), if such factory ship—

(i) is registered or recorded with Panama and flies the flag of Panama; or

(ii) is a vessel that is documented under the laws of the United States.

(H)(i) Goods taken by Panama or a person of Panama from the seabed or subsoil outside the territorial waters of Panama, if Panama has rights to exploit such seabed or subsoil.

(ii) Goods taken by the United States or a person of the United States from the seabed or subsoil outside the territorial waters of the United States, if the United States has rights to exploit such seabed or subsoil.

(I) Goods taken from outer space, if the goods are obtained by Panama or the United States or a person of Panama or the United States and not processed in the territory of a country other than Panama or the United States.

(J) Waste and scrap derived from—

(i) manufacturing or processing operations in the territory of Panama, the United States, or both; or

(ii) used goods collected in the territory of Panama, the United States, or both, if such goods are fit only for the recovery of raw materials.

(K) Recovered goods derived in the territory of Panama, the United States, or both from used goods, and used in the territory of Panama, the United States, or both, in the production of remanufactured goods.

(L) Goods, at any stage of production, produced in the territory of Panama, the United States, or both, exclusively from—

(i) goods referred to in any of subparagraphs (A) through (J), or

(ii) the derivatives of goods referred to in clause (i).

(6) **IDENTICAL GOODS.**—The term “identical goods” means goods that are the same in all respects relevant to the rule of origin that qualifies the goods as originating goods.

(7) **INDIRECT MATERIAL.**—The term “indirect material” means a good used in the production, testing, or inspection of another good but not physically incorporated into that other good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of another good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other good that is not incorporated into the other good but the use of which in the production of the other good can reasonably be demonstrated to be a part of that production.

(8) **MATERIAL.**—The term “material” means a good that is used in the production of another good, including a part or an ingredient.

(9) **MATERIAL THAT IS SELF-PRODUCED.**—The term “material that is self-produced” means an originating material that is produced by a producer of a good and used in the production of that good.

(10) **MODEL LINE OF MOTOR VEHICLES.**—The term “model line of motor vehicles” means a

group of motor vehicles having the same platform or model name.

(11) **NET COST.**—The term “net cost” means total cost minus sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost.

(12) **NONALLOWABLE INTEREST COSTS.**—The term “nonallowable interest costs” means interest costs incurred by a producer that exceed 700 basis points above the applicable official interest rate for comparable maturities of the country in which the producer is located.

(13) **NONORIGINATING GOOD OR NONORIGINATING MATERIAL.**—The term “nonoriginating good” or “nonoriginating material” means a good or material, as the case may be, that does not qualify as originating under this section.

(14) **PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.**—The term “packing materials and containers for shipment” means goods used to protect another good during its transportation and does not include the packaging materials and containers in which the other good is packaged for retail sale.

(15) **PREFERENTIAL TARIFF TREATMENT.**—The term “preferential tariff treatment” means the customs duty rate, and the treatment under article 3.10.4 of the Agreement, that are applicable to an originating good pursuant to the Agreement.

(16) **PRODUCER.**—The term “producer” means a person who engages in the production of a good in the territory of Panama or the United States.

(17) **PRODUCTION.**—The term “production” means growing, mining, harvesting, fishing, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(18) **REASONABLY ALLOCATE.**—The term “reasonably allocate” means to apportion in a manner that would be appropriate under generally accepted accounting principles.

(19) **RECOVERED GOODS.**—The term “recovered goods” means materials in the form of individual parts that are the result of—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing that is necessary for improvement to sound working condition of such individual parts.

(20) **REMANUFACTURED GOOD.**—The term “remanufactured good” means a good that is classified under chapter 84, 85, 87, or 90, or heading 9402, other than a good classified under heading 8418 or 8516, and that—

(A) is entirely or partially comprised of recovered goods; and

(B) has a similar life expectancy and enjoys a factory warranty similar to such a good that is new.

(21) **TOTAL COST.**—The term “total cost” means all product costs, period costs, and other costs for a good incurred in the territory of Panama, the United States, or both.

(22) **USED.**—The term “used” means utilized or consumed in the production of goods.

(c) **PRESIDENTIAL PROCLAMATION AUTHORITY.**—

(1) **IN GENERAL.**—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set forth in Annex 4.1 of the Agreement; and

(B) any additional subordinate category that is necessary to carry out this title consistent with the Agreement.

(2) **FABRICS, YARNS, OR FIBERS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE UNITED STATES.**—The President is authorized

to proclaim that a fabric, yarn, or fiber is added to the list in Annex 3.25 of the Agreement in an unrestricted quantity, as provided in article 3.25.4(e) of the Agreement.

(3) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 (as included in Annex 4.1 of the Agreement).

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim before the end of the 1-year period beginning on the date on which the Agreement enters into force, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 (as included in Annex 4.1 of the Agreement).

(4) FABRICS, YARNS, OR FIBERS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN PANAMA AND THE UNITED STATES.—

(A) IN GENERAL.—Notwithstanding paragraph (3)(A), the list of fabrics, yarns, and fibers set forth in Annex 3.25 of the Agreement may be modified as provided for in this paragraph.

(B) DEFINITIONS.—In this paragraph:

(i) INTERESTED ENTITY.—The term “interested entity” means the Government of Panama, a potential or actual purchaser of a textile or apparel good, or a potential or actual supplier of a textile or apparel good.

(ii) DAY; DAYS.—All references to “day” and “days” exclude Saturdays, Sundays, and legal holidays observed by the Government of the United States.

(C) REQUESTS TO ADD FABRICS, YARNS, OR FIBERS.—

(i) IN GENERAL.—An interested entity may request the President to determine that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Panama and the United States and to add that fabric, yarn, or fiber to the list in Annex 3.25 of the Agreement in a restricted or unrestricted quantity.

(ii) DETERMINATIONS.—After receiving a request under clause (i), the President may determine whether—

(I) the fabric, yarn, or fiber is available in commercial quantities in a timely manner in Panama and the United States; or

(II) any interested entity objects to the request.

(iii) PROCLAMATION AUTHORITY.—The President may, within the time periods specified in clause (iv), proclaim that the fabric, yarn, or fiber that is the subject of the request is added to the list in Annex 3.25 of the Agreement in an unrestricted quantity, or in any restricted quantity that the President may establish, if the President has determined under clause (ii) that—

(I) the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Panama and the United States; or

(II) no interested entity has objected to the request.

(iv) TIME PERIODS.—The time periods within which the President may issue a proclamation under clause (iii) are—

(I) not later than 30 days after the date on which a request is submitted under clause (i); or

(II) not later than 44 days after the request is submitted, if the President determines, within 30 days after the date on which the request is submitted, that the President does not have sufficient information to make a determination under clause (ii).

(v) EFFECTIVE DATE.—Notwithstanding section 103(a)(2), a proclamation made under clause (iii) shall take effect on the date on which the text of the proclamation is published in the Federal Register.

(vi) ELIMINATION OF RESTRICTION.—Not later than 6 months after proclaiming under clause (iii) that a fabric, yarn, or fiber is added to the list in Annex 3.25 of the Agreement in a restricted quantity, the President may eliminate the restriction if the President determines that the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Panama and the United States.

(D) DEEMED APPROVAL OF REQUEST.—If, after an interested entity submits a request under subparagraph (C)(i), the President does not, within the applicable time period specified in subparagraph (C)(iv), make a determination under subparagraph (C)(ii) regarding the request, the fabric, yarn, or fiber that is the subject of the request shall be considered to be added, in an unrestricted quantity, to the list in Annex 3.25 of the Agreement beginning—

(i) 45 days after the date on which the request is submitted; or

(ii) 60 days after the date on which the request is submitted, if the President made a determination under subparagraph (C)(iv)(II).

(E) REQUESTS TO RESTRICT OR REMOVE FABRICS, YARNS, OR FIBERS.—

(i) IN GENERAL.—Subject to clause (ii), an interested entity may request the President to restrict the quantity of, or remove from the list in Annex 3.25 of the Agreement, any fabric, yarn, or fiber—

(I) that has been added to that list in an unrestricted quantity pursuant to paragraph (2) or subparagraph (C)(iii) or (D) of this paragraph; or

(II) with respect to which the President has eliminated a restriction under subparagraph (C)(vi).

(ii) TIME PERIOD FOR SUBMISSION.—An interested entity may submit a request under clause (i) at any time beginning on the date that is 6 months after the date of the action described in subclause (I) or (II) of that clause.

(iii) PROCLAMATION AUTHORITY.—Not later than 30 days after the date on which a request under clause (i) is submitted, the President may proclaim an action provided for under clause (i) if the President determines that the fabric, yarn, or fiber that is the subject of the request is available in commercial quantities in a timely manner in Panama and the United States.

(iv) EFFECTIVE DATE.—A proclamation issued under clause (iii) may not take effect earlier than the date that is 6 months after the date on which the text of the proclamation is published in the Federal Register.

(F) PROCEDURES.—The President shall establish procedures—

(i) governing the submission of a request under subparagraphs (C) and (E); and

(ii) providing an opportunity for interested entities to submit comments and supporting evidence before the President makes a determination under subparagraph (C) (ii) or (vi) or (E)(iii).

SEC. 204. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (20) the following:

“(21) No fee may be charged under subsection (a)(9) or (10) with respect to goods that qualify as originating goods under section 203 of the United States–Panama Trade

Promotion Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.”.

SEC. 205. DISCLOSURE OF INCORRECT INFORMATION; FALSE CERTIFICATIONS OF ORIGIN; DENIAL OF PREFERENTIAL TARIFF TREATMENT.

(a) DISCLOSURE OF INCORRECT INFORMATION.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (13) as paragraph (14); and

(B) by inserting after paragraph (12) the following new paragraph:

“(13) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE UNITED STATES–PANAMA TRADE PROMOTION AGREEMENT.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 203 of the United States–Panama Trade Promotion Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, promptly and voluntarily makes a corrected declaration and pays any duties owing with respect to that good.”; and

(2) by adding at the end the following new subsection:

“(1) FALSE CERTIFICATIONS OF ORIGIN UNDER THE UNITED STATES–PANAMA TRADE PROMOTION AGREEMENT.—

“(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a Panama TPA certification of origin (as defined in section 508 of this Act) that a good exported from the United States qualifies as an originating good under the rules of origin provided for in section 203 of the United States–Panama Trade Promotion Agreement Implementation Act. The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of this subsection.

“(2) PROMPT AND VOLUNTARY DISCLOSURE OF INCORRECT INFORMATION.—No penalty shall be imposed under this subsection if, promptly after an exporter or producer that issued a Panama TPA certification of origin has reason to believe that such certification contains or is based on incorrect information, the exporter or producer voluntarily provides written notice of such incorrect information to every person to whom the certification was issued.

“(3) EXCEPTION.—A person shall not be considered to have violated paragraph (1) if—

“(A) the information was correct at the time it was provided in a Panama TPA certification of origin but was later rendered incorrect due to a change in circumstances; and

“(B) the person promptly and voluntarily provides written notice of the change in circumstances to all persons to whom the person provided the certification.”.

(b) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended by adding at the end the following new subsection:

“(1) DENIAL OF PREFERENTIAL TARIFF TREATMENT UNDER THE UNITED STATES–PANAMA TRADE PROMOTION AGREEMENT.—If U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement of the Department of Homeland Security finds indications of a pattern of conduct by an importer, exporter, or producer of false or unsupported representations that goods qualify under the rules of origin provided for in section 203 of the United States–Panama Trade

Promotion Agreement Implementation Act, U.S. Customs and Border Protection, in accordance with regulations issued by the Secretary of the Treasury, may suspend preferential tariff treatment under the United States–Panama Trade Promotion Agreement to entries of identical goods covered by subsequent representations by that importer, exporter, or producer until U.S. Customs and Border Protection determines that representations of that person are in conformity with such section 203.”.

SEC. 206. RELIQUIDATION OF ENTRIES.

Section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1)—

- (1) by striking “or”; and
- (2) by striking “for which” and inserting “, or section 203 of the United States–Panama Trade Promotion Agreement Implementation Act for which”.

SEC. 207. RECORDKEEPING REQUIREMENTS.

Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

- (1) by redesignating subsection (k) as subsection (l);

- (2) by inserting after subsection (j) the following new subsection:

“(k) CERTIFICATIONS OF ORIGIN FOR GOODS EXPORTED UNDER THE UNITED STATES–PANAMA TRADE PROMOTION AGREEMENT.—

“(1) DEFINITIONS.—In this subsection:

“(A) RECORDS AND SUPPORTING DOCUMENTS.—The term ‘records and supporting documents’ means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

- “(i) the purchase, cost, and value of, and payment for, the good;
- “(ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and
- “(iii) the production of the good in the form in which it was exported.

“(B) PANAMA TPA CERTIFICATION OF ORIGIN.—The term ‘Panama TPA certification of origin’ means the certification established under article 4.15 of the United States–Panama Trade Promotion Agreement that a good qualifies as an originating good under such Agreement.

“(2) EXPORTS TO PANAMA.—Any person who completes and issues a Panama TPA certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

“(3) RETENTION PERIOD.—The person who issues a Panama TPA certification of origin shall keep the records and supporting documents relating to that certification of origin for a period of at least 5 years after the date on which the certification is issued.”; and

(3) in subsection (l), as so redesignated, by striking “(i), or (j)” and inserting “(i), (j), or (k)”.

SEC. 208. ENFORCEMENT RELATING TO TRADE IN TEXTILE OR APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Panama to conduct a verification pursuant to article 3.21 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination of the Secretary that—

(A) an enterprise in Panama is complying with applicable customs laws, regulations, and procedures regarding trade in textile or apparel goods, or

(B) a claim that a textile or apparel good exported or produced by such enterprise—

(i) qualifies as an originating good under section 203, or

(ii) is a good of Panama, is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary of the Treasury determines that there is insufficient information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to support that claim;

(2) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that the person has provided incorrect information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that a person has provided incorrect information to support that claim;

(3) detention of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine the country of origin of any such good; and

(4) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that the person has provided incorrect information as to the country of origin of any such good.

(c) ACTION ON COMPLETION OF A VERIFICATION.—On completion of a verification under subsection (a), the President may direct the Secretary of the Treasury to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make the determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (c) includes—

(1) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary of the Treasury determines that there is insufficient information to support, or that the person has provided incorrect information to support, any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to support, or that a person has provided incorrect information to support, that claim; and

(2) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine, or that the person has provided incorrect information as to, the country of origin of any such good.

(e) PUBLICATION OF NAME OF PERSON.—In accordance with article 3.21.9 of the Agreement, the Secretary of the Treasury may publish the name of any person that the Secretary has determined—

(1) is engaged in intentional circumvention of applicable laws, regulations, or procedures affecting trade in textile or apparel goods; or

(2) has failed to demonstrate that it produces, or is capable of producing, the textile or apparel goods that are the subject of a verification under subsection (a)(1).

SEC. 209. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

- (1) subsections (a) through (n) of section 203;
- (2) the amendment made by section 204; and
- (3) any proclamation issued under section 203(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) PANAMANIAN ARTICLE.—The term “Panamanian article” means an article that qualifies as an originating good under section 203(b).

(2) PANAMANIAN TEXTILE OR APPAREL ARTICLE.—The term “Panamanian textile or apparel article” means a textile or apparel good (as defined in section 3(4)) that is a Panamanian article.

Subtitle A—Relief From Imports Benefitting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate

an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Panamanian article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Panamanian article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) **APPLICABLE PROVISIONS.**—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) **ARTICLES EXEMPT FROM INVESTIGATION.**—No investigation may be initiated under this section with respect to any Panamanian article if, after the date on which the Agreement enters into force, import relief has been provided with respect to that Panamanian article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) **DETERMINATION.**—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) **APPLICABLE PROVISIONS.**—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) **ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.**—

(1) **IN GENERAL.**—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(2) **LIMITATION ON RELIEF.**—The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c).

(3) **VOTING; SEPARATE VIEWS.**—Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) **REPORT TO PRESIDENT.**—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination referred to in paragraph (1) and any finding or recommendation referred to in paragraph (2).

(e) **PUBLIC NOTICE.**—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public the report (with the exception of information which the Commission determines to be confidential) and shall publish a summary of the report in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) **IN GENERAL.**—Not later than the date that is 30 days after the date on which the President receives a report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) **EXCEPTION.**—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) **NATURE OF RELIEF.**—

(1) **IN GENERAL.**—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 3.3 of the Agreement in the duty imposed on the article.

(B) An increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) **PROGRESSIVE LIBERALIZATION.**—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 8.2.3 of the Agreement) of such relief at regular intervals during the period of its application.

(d) **PERIOD OF RELIEF.**—

(1) **IN GENERAL.**—Subject to paragraph (2), any import relief that the President provides under this section may not, in the aggregate, be in effect for more than 4 years.

(2) **EXTENSION.**—

(A) **IN GENERAL.**—If the initial period for any import relief provided under this section is less than 4 years, the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section

330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section, subject to the limitation under paragraph (1), if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) **ACTION BY COMMISSION.**—

(i) **INVESTIGATION.**—Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date that is 9 months, and not later than the date that is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) **NOTICE AND HEARING.**—The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) **REPORT.**—The Commission shall submit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(e) **RATE AFTER TERMINATION OF IMPORT RELIEF.**—When import relief under this section is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which such termination occurs shall be the rate that, according to the Schedule of the United States to Annex 3.3 of the Agreement, would have been in effect 1 year after the provision of relief under subsection (a); and

(2) the rate of duty for that article after December 31 of the year in which such termination occurs shall be, at the discretion of the President, either—

(A) the applicable rate of duty for that article set forth in the Schedule of the United States to Annex 3.3 of the Agreement; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set forth in the Schedule of the United States to Annex 3.3 of the Agreement for the elimination of the tariff.

(f) **ARTICLES EXEMPT FROM RELIEF.**—No import relief may be provided under this section on—

(1) any article that is subject to import relief under—

(A) subtitle B; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); or

(2) any article on which an additional duty assessed under section 202(b) is in effect.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) **GENERAL RULE.**—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—If an article for which relief is provided under this subtitle is an article for which the period for tariff elimination, set forth in the Schedule of the United States to Annex 3.3 of the Agreement, is greater than 10 years, no relief under this subtitle may be provided for that article after the date on which that period ends.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking “and”; and
(2) by inserting before the period at the end “, and title III of the United States–Panama Trade Promotion Agreement Implementation Act”.

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request for action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall publish in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the elimination of a duty under the Agreement, a Panamanian textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, no one of which is necessarily decisive; and

(B) shall not consider changes in consumer preference or changes in technology as factors supporting a determination of serious damage or actual threat thereof.

(3) DEADLINE FOR DETERMINATION.—The President shall make the determination under paragraph (1) not later than 30 days

after the completion of any consultations held pursuant to article 3.24.4 of the Agreement.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as provided in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), any import relief that the President provides under section 322(b) may not, in the aggregate, be in effect for more than 3 years.

(b) EXTENSION.—If the initial period for any import relief provided under section 322 is less than 3 years, the President may extend the effective period of any import relief provided under that section, subject to the limitation set forth in subsection (a), if the President determines that—

(1) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(2) there is evidence that the industry is making a positive adjustment to import competition.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to an article if—

(1) import relief previously has been provided under this subtitle with respect to that article; or

(2) the article is subject to import relief under—

(A) subtitle A; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

On the date on which import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect but for the provision of such relief.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 5 years after the date on which the Agreement enters into force.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 328. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information received in connection with an investigation or determination under this subtitle which the President considers to be confidential business information unless the party sub-

mitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information, the party shall also provide a nonconfidential version of the information in which the confidential business information is summarized or, if necessary, deleted.

Subtitle C—Cases Under Title II of the Trade Act of 1974

SEC. 331. FINDINGS AND ACTION ON PANAMANIAN ARTICLES.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d))), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the Panamanian article are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL DETERMINATION REGARDING IMPORTS OF PANAMANIAN ARTICLES.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the President may exclude from the action Panamanian articles with respect to which the Commission has made a negative finding under subsection (a).

TITLE IV—MISCELLANEOUS

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking “or” at the end of clause (viii);

(2) by striking the period at the end of clause (ix) and inserting “; or”; and

(3) by adding at the end the following new clause:

“(x) a party to the United States–Panama Trade Promotion Agreement, a product or service of that country or instrumentality which is covered under that agreement for procurement by the United States.”.

SEC. 402. MODIFICATION TO THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

(a) IN GENERAL.—Section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)) is amended by striking “Panama” from the list of countries eligible for designation as beneficiary countries.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date on which the President terminates the designation of Panama as a beneficiary country pursuant to section 201(a)(3) of this Act.

TITLE V—OFFSETS

SEC. 501. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by adding at the end the following:

“(D) Notwithstanding subparagraph (B)(i), fees may be charged under paragraphs (1) through (8) of subsection (a) during the period beginning on September 1, 2021, and ending on September 30, 2021.”.

SEC. 502. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than

\$1,000,000,000 (determined as of the end of the preceding taxable year)—

(1) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2012 shall be increased by 0.25 percent of such amount (determined without regard to any increase in such amount not contained in such Code);

(2) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2016 shall be increased by 0.25 percent of such amount (determined without regard to any increase in such amount not contained in such Code); and

(3) the amount of the next required installment after an installment referred to in paragraph (1) or (2) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

The SPEAKER pro tempore. The bill shall be debatable for 90 minutes, with 30 minutes controlled by the gentleman from Michigan (Mr. CAMP), 30 minutes controlled by the gentleman from Michigan (Mr. LEVIN), and 30 minutes controlled by the gentleman from Ohio (Mr. KUCINICH).

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. I yield myself such time as I may consume.

Madam Speaker, I urge rapid passage of this legislation to implement the U.S.-Panama Trade Promotion Agreement. This agreement enjoys broad bipartisan support, and it's clear why. It levels the trade playing field between the U.S. and Panama. It is good for U.S. companies, workers, and farmers; and it advances our national security and leadership in the Western Hemisphere.

Right now, Panama enjoys almost total duty-free access to the United States market because it is a beneficiary of various trade preference programs. Given the importance of a stable and prosperous Panama, giving Panama this market access is warranted. However, U.S. industrial and consumer products going to Panama face an average duty of 7 percent, and U.S. agricultural exports face an average tariff of 15 percent. Implementing this agreement will level the playing field for U.S. exporters by drastically reducing or ending Panama's tariff on U.S. goods. Most U.S. consumer and industrial products will immediately become duty-free, as will half of U.S. farm exports. Any remaining tariffs will decrease quickly thereafter.

Opening Panama's market will be a boon for U.S. companies, workers, and farmers. The Panamanian economy is rapidly growing and is expected to

more than double by 2020. Panama is already one of the largest markets for some U.S. exporters and service firms. The importance of Panama will only grow for these firms and others as we gain greater access to this expanding economy. This is also true for our farmers, whose exports to Panama are expected to significantly increase under the agreement. Not only will American farmers benefit from lower tariffs into Panama, but they will also benefit from the removal of nontariff and regulatory barriers that discriminate against U.S. agricultural products. Best of all, the agreement will create new jobs and greater prosperity in the United States without adding to the deficit.

Finally, the benefits of the U.S.-Panama Trade Promotion Agreement are not only economic. The agreement is critical to fostering our commitment to Latin America, enhancing our leadership in the Western Hemisphere, and reaffirming our relationship with a close friend. Panama is obviously a vital ally in terms of port and maritime security. It is also an important partner in combating drug trafficking and terrorism. Of course there is also Panama's crown jewel, the canal. The United States is the largest user of the canal, and canal security is paramount to our national security and broadly to open sea routes. Panama's cooperation in maintaining the security of the canal has been vital to our security and the region.

Madam Speaker, for all of these reasons, the time to wait has passed. We urgently need to pass this important job-creating legislation and move forward on an aggressive trade agenda once again.

I urge all of my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield myself 1 minute.

As I said with regard to Colombia, each of these agreements should be taken on their own. The Panama FTA, as originally negotiated by the Bush administration, failed to address serious concerns about Panama's labor laws and status as a tax haven. It has been changed through the efforts of congressional Democrats and the Obama administration, and it now deserves our support.

Fully enforceable labor and environmental standards are included in the core of this agreement. Panama has brought its laws into full compliance with ILO standards. And late last year, Panama signed a tax exchange information agreement, and they have changed their laws to implement this agreement. Republicans negotiated a flawed agreement. It has been fixed. It now deserves our support.

I reserve the balance of my time.

Mr. KUCINICH. Madam Speaker, I yield myself such time as I may consume.

I rise in strong opposition to H.R. 3079, the United States-Panama Trade Promotion Agreement Implementation Act. With our Nation's unemployment continuing to hover around 9 percent, it is unconscionable that we are considering a NAFTA clone free trade agreement. This agreement would further facilitate the outsourcing of American jobs and undermine the rights of American workers. Proponents of free trade agreements like to purport that they're good for the American economy and will create jobs. But history is on the side of those of us who opposed NAFTA, CAFTA, and other damaging trade agreements over the last decade.

□ 2110

Free trade agreements play a significant role in exacerbating the negative effects of globalization, including the rapid privatization of vital public resources that has resulted in the loss of domestic jobs and manufacturing industries and in significant decreases in labor and environmental standards.

In addition, free trade agreements result in significant job loss and privatization of labor-intensive industries for countries we enter into the trade agreements with. Unionizing in countries like Mexico and Colombia has resulted in death or imprisonment of union leaders. Every State in this country has been affected negatively by our destructive trade policies. The Economic Policy Institute estimates that nearly 700,000 U.S. jobs have been displaced since the passage of NAFTA in the 1990s. The majority of the jobs displaced, 60 percent were in the manufacturing sector. My home State of Ohio is one of the top 10 States with the most jobs displaced by NAFTA, having lost 34,900 jobs.

Our rapidly increasing trade deficits with countries like China have resulted in the loss of over 5 million jobs in the last decade. Of that 5 million, the State of Ohio has lost 103,000 jobs as a result of the increase of our trade deficit with China.

This is not a debate about being for trade or against trade, as some of my colleagues have framed it. This is a debate about learning from the free trade policies we pursued over the last decade that have proven to be significantly damaging to the American economy and American workers. The numbers speak for themselves. I urge my colleagues to oppose this agreement.

I reserve the balance of my time.

Mr. CAMP. I yield 2 minutes to the distinguished chairman of the Trade Subcommittee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, I rise in strong support of this bipartisan legislation to create jobs in America and to strengthen our relationship with a strong, long-standing ally in our hemisphere, Panama.

Why wouldn't we sign this sales agreement? Panama is a growing market; almost a 9 percent growth in their

economy and in a major way in our backyard. They are an economy that matches up beautifully with America. Most of its economy is the services sector, like the United States, and it provides brand new markets, new customers, not just for manufacturing, not just for agriculture, as important as they are, but for our services sector, which is critical to so many communities across this country.

It's time to act now because we're falling behind. While America has been off the trade agenda, other countries have moved forward very aggressively. And Panama, recognizing its strategic importance and its economic growth, has signed similar sales agreements with Taiwan and Singapore, and with Europe and Canada, and many more are in line. Every day we wait, American manufacturers, American farmers, American technology companies lose out.

Finally, Panama has done so much to tackle issues, like labor rights. They have strong commitment to labor rights, having recently passed under President Martinelli almost a dozen laws strengthening labor rights in Panama.

And to address the issue of tax avoidance and tax havens, Panama has signed many agreements, including with the United States, to be transparent to the point where they are now recognized internationally as being as committed to open tax treaties and tax treatments as the United States is today.

Madam Speaker, there is no reason to wait. Implementing the Panama agreement will benefit our economy, it will benefit the Panamanian economy, and strengthen this crucial ally and keep America from falling further behind.

Mr. KUCINICH. Madam Speaker, since I came to Congress, I've worked together with Congresswoman KAPTUR in challenging these unfair trade agreements, and I am proud to yield 4 minutes to the gentlelady from Ohio for her presentation.

Ms. KAPTUR. I want to thank my good friend from Ohio for yielding me the time and for his steadfast opposition to these free trade agreements, and I rise in strong opposition to this proposed Panama Free Trade Agreement. Who in their right mind could believe any free trade agreements modeled on NAFTA would create jobs in our country?

I remember during the 1990s fighting the first NAFTA accord here, and Newt Gingrich saying at that time NAFTA would help the United States "by increasing American jobs through world sales." Sure.

Here's what NAFTA yielded: a trillion dollars in accumulated trade deficit, and hundreds and hundreds of thousands of lost American jobs that moved from Cleveland and moved from

Avon Lake and moved from Sandusky and moved from Toledo and moved from Madeira to other places in this world south of the border. Why don't we go back and fix this?

Now, let's be honest. Panama's entire GDP equals about 6 percent of the economy of the Washington, D.C., metropolitan area. So what could this Panama agreement actually be about? Well, letters we've received give us some insight into what it might be about. With Panama, we know the country has a long-standing money laundering problem and that it is a tax haven for corporations. How convenient.

In 2008, the Government Accountability Office included Panama on its 50-country tax haven list. Get the picture? Starting to clear some of the fog? We all know about some of these Cayman Island accounts. Well, why don't we add Panama right to the stack. Panama was long on the OECD's gray list of countries that failed to implement internationally agreed upon tax standards. These guys have got something really good going. But you know what? In this country it would be illegal.

According to Public Citizen, approximately 400,000 firms and numerous wealthy individuals use Panama's offshore financial services industry to dodge paying their taxes. I thought we were supposed to be for returning those tax dollars to the United States, not giving them another escape hatch. AFSCME has said that Panama has a history of failing to protect workers and enforce labor rights. And the Sierra Club points out that the Panama free trade agreement has the same investment chapters proposed in other trade agreements that allow foreign investors and corporations to directly challenge public interest laws for compensation before international tribunals, bypassing domestic courts. In other words, the rule of law gets shredded piece by piece.

Why does America keep shooting itself in the foot? As the building and construction trades at the AFL-CIO have noted, the Panama proposed agreement, like all others, "undermine the Buy America policies that reinvested our taxes in our communities."

You know, it's really sad when an institution and an administration keeps doing the same thing over and over and over again that is hollowing out the jobs in the United States of America. We want to make it in America. We don't want to outsource more jobs, provide more tax havens, provide more escape hatches.

When you campaign and you try to represent the people in places like Ohio, as Congressman KUCINICH knows, we've tried so very hard, every time you create 100 jobs, they snatch away 300. And then they say to the workers: You know what, you're earning too

much money; \$14 an hour, you're going down to \$9. You don't like that? Well, there's the door because there are 7,000 workers lined up for part-time jobs in places like northern Ohio.

This Congress had better wake up and renegotiate these trade deals that have cost the middle class across this country their ability to earn a living in America.

I thank the gentleman for yielding me the time and look forward to the continuing debate.

Mr. CAMP. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. I thank the chairman for yielding.

America is talking so much now, and there's such a need right now for jobs. There is such a need. Over 9 percent of this country is begging every day for the opportunity to go out and work and earn a living. We have a middle class that is feeling the squeeze because we see disappearing manufacturing. And that's something I'm very concerned about.

In my district in Illinois, we have a very heavy manufacturing base, and when you look at that heavy manufacturing base and the fact that they produce a lot of goods that need to be exported, you have to find a consumer base in order to sell it, and 95 percent of the world's consumers live outside of our country. It would only make sense to create an environment where we can take our goods and in a fair way export them to other countries. Panama, an ally of the United States, currently has a situation where they can charge tariffs on our imports and we don't charge tariffs on imports from them.

□ 2120

This agreement would bring that to a level playing field and allow the people in my district, who literally sweat every day wondering if they're going to have a paycheck tomorrow, the opportunity to enhance their exports, to enhance those American goods that are made in America, but it's great for somebody in the other country to read the product that they buy that also says "Made in America," too.

We have a heavy agricultural district in my area, too. When I look at the farmers and their opportunity to sell overseas their goods and products that we create every day, that's very important. As you know, in business, the ability to be successful means you have to be on the cutting edge and constantly finding markets and places to sell your goods. This does that for us.

I think it's sad that it's taken us this many years to get to this point, and I think we've lost a lot of opportunity costs in the process, but I'm pleased that today we are finally taking up these three agreements. I'm pleased that we're taking up this trade agreement with Panama and that we have

an opportunity to really strengthen a bond with a strong ally of the United States, strengthen our exports, and I'm excited that the tens of thousands of people that rely on trade in my district will have an opportunity to sell more goods.

Mr. LEVIN. I yield 4 minutes to the distinguished gentleman from Washington (Mr. McDERMOTT), the ranking member on our Trade Subcommittee.

Mr. McDERMOTT. Madam Speaker, I agree with the last gentleman. We ought to be talking about the jobs bill. The President put a bill out here. We can't get the Republican leadership to even bring it up. But we will bring up the Panama free trade agreement. Now, this is a break from trade policies in the past. It reflects the hard work of many of us to change U.S. trade policy.

There are five reasons to support this agreement:

First, it has strong enforceable labor and environmental obligations. Many of us fought for years to get these commitments into our trade agreements. We lost those battles in 1995. I was here when NAFTA passed and the debate over CAFTA 6 years ago, which is why in that agreement 15 Democrats voted for it—because it wouldn't take care of workers. Now, that all changed in 2007 when the Democrats took over the House. The last administration finally accepted our demands on labor, the environment, and other issues, such as access to medicine. This agreement includes all of those.

We, secondly, have used the leverage of this agreement to eliminate a tax haven. No one denies that Panama was a great tax haven. But they have ratified the Tax Information Agreement with us, which *The Wall Street Journal* says is "the most significant step to date on the road to ending four decades of virtually watertight banking secrecy laws in Panama."

Third, we worked with Panama to bring its labor rights up to standard.

Fourth, the investment provisions of this agreement do more to protect the governments' rights to regulate those found in past agreements, such as chapter 11 of NAFTA. For example, this agreement clarifies that the environmental regulations generally are not "expropriations" and that foreign investors do not have greater rights than U.S. investors under U.S. law.

Finally, the United States has consistently maintained a trade surplus with Panama for 20 years, and this agreement expects to increase that.

I support the agreement. Panama has done what they have asked, and they should enjoy the benefits of a free trade agreement. But make no mistake, we need to do more to improve our U.S. trade policy. We have to get the Republican leadership in the House and the Senate to admit that we're going to have to have a jobs bill.

We've been in session for 300 days after an election in which all we heard

was the Democrats didn't get jobs, jobs, jobs. And now, 300 days—silence. Silence on the Republican side. Not one single bill. When is it coming, folks? That ought to be the next bill that comes up to the floor.

I urge my colleagues to vote for this.

Mr. CAMP. I yield 2 minutes to the distinguished chairman of the Foreign Affairs Committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank the esteemed chairman for the time.

Madam Speaker, I rise in strong support of the U.S.-Panama free trade agreement. In my home district of Miami-Dade, Panama is among its top 25 trading partners. In Florida as a whole, it ranks number one among all of the States in exports to that country—incredible numbers. And these figures, Madam Speaker, will only increase once the FTA has been approved and American businesses no longer face heavy tariffs and other artificial barriers to trade.

But in addition to the potential economic growth stemming from this agreement, Panama is a key strategic ally in the region. Ever since the Panama Canal was completed a century ago, Panama's importance to the U.S. has only increased as a major transportation route, with two-thirds of its traffic consisting of shipments between our west and east coast. For these reasons—expanded exports, increased jobs, closer ties with a strategic ally—I hope that my colleagues on both sides of the aisle will pass this free trade agreement.

Madam Speaker, we have been waiting for this agreement for far too long, years of lost opportunities. But now we have a chance to repair that damage. In the past year alone, Panama's economy grew 6.2 percent, making it one of the fastest growing in Latin America and an expanding opportunity for American businesses. Currently, U.S. industrial exports face an average tariff of 7 percent, but some tariffs go as high as over 80 percent. But once this agreement goes into effect, 87 percent of all U.S. goods exported to Panama will become duty-free immediately.

In the past 4 years since the trade agreement was signed, American companies have paid millions upon millions of dollars in tariffs to the Panamanian Government. These dollars are needlessly spent by U.S. businesses to foreign governments when they could have been paid here in the United States to beef up our businesses.

Madam Speaker, I rise in strong support of the U.S.-Panama Free Trade Agreement.

We have been waiting to vote on this agreement since it was first signed, which means years of lost opportunities.

But now we have a chance to repair that damage.

In the past year alone, Panama's economy grew 6.2 percent, making it one of the fastest growing in Latin America and an expanding opportunity for American exporters.

Panama is already among Miami-Dade county's top 25 trading partners and Florida as a whole ranks number one among the 50 states in exports to that country.

These figures will only increase once the FTA has been approved and American businesses no longer face heavy tariffs and other artificial barriers to trade.

Currently, U.S. industrial exports face an average tariff of 7 percent, with some tariffs as high as 81 percent.

Once this agreement goes into effect, 87 percent of all U.S. goods exported to Panama will become duty-free immediately.

In the past 4 years since the U.S.-Panama Free Trade Agreement was signed, American companies have paid millions upon millions of dollars in tariffs to the Panamanian government.

Those are dollars needlessly spent by U.S. businesses, which they could have used for investments and expansion here in the U.S. instead of paying fees to a foreign government.

Approval of the U.S.-Panama FTA will eliminate this transfer of wealth, increase U.S. exports, and create new jobs here at home that so many Americans are desperately searching for.

The agreement also has many other provisions of importance to U.S. businesses, especially strengthening intellectual property rights, which are under assault around the world.

In addition to the potential economic growth stemming from this agreement, Panama is a key strategic ally in the region.

Ever since the Panama Canal was completed a century ago, Panama's importance to the U.S. has only increased as a major transportation route with two-thirds of its traffic consisting of shipments between our west and east coasts.

For these many reasons—expanded exports, increased jobs, and closer ties with a strategic ally—I strongly urge my colleagues on both sides of the aisle to vote in favor of the U.S.-Panama Free Trade Agreement.

Mr. LEVIN. Could I ask how much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 26 minutes remaining, the gentleman from Ohio has 23 minutes remaining, and the gentleman from Michigan (Mr. CAMP) has 21 minutes remaining.

Mr. LEVIN. I now yield 2½ minutes to the distinguished gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. By leveling the playing field with 21st century trade deals with Panama, Colombia, and South Korea, we will increase American exports abroad and spur domestic job creation. Now, more than ever, the U.S. needs trade to fuel growth, create jobs, and preserve America's position as a leader of the greater economy.

I represent a border region of Texas where trade is part of daily life. I understand the importance of trade to my hometown's value in supporting the local economy. As the chairman of the Pro-Trade Caucus and representing a trade-centric district, I support all three pending trade agreements.

Today, trade supports over 50 million American jobs, according to the U.S. Department of the Treasury. These pending FTAs would create an additional quarter of a million new jobs in industries like manufacturing, agriculture, and service sectors, according to the U.S. Chamber of Commerce. Last week, The Wall Street Journal reported the FTAs could boost U.S. exports by \$13 billion annually. To grow, we must be an export powerhouse.

The U.S.-Panama FTA would remove barriers to American goods entering into Panama. According to the U.S. Trade Representative, over 87 percent of U.S. exports of consumer and industrial products to Panama will become duty-free immediately, with the remaining tariffs phased out over the following 10 years.

The U.S. International Trade Commission estimates passage of the U.S.-Korea Free Trade Agreement would increase U.S. exports by over \$10 billion and create 70,000 jobs. According to the National Association of Manufacturers, the U.S. exports to Korea would grow by more than one-third. The U.S.-Colombia FTA would expand exports by more than \$1.1 billion with the tariff reductions, according to the International Trade Commission. Without the U.S.-Colombia FTA, the U.S. cotton exporters to Colombia will have unnecessarily paid over \$14 million in tariffs.

Lawmakers have a choice. Pass the deals or allow America to lose the opportunity to emerge in the constantly growing global market. Pass the deals or miss the chance to create 250,000 jobs. Pass the deals or allow American businesses to sit on the sidelines while foreign countries forge ahead.

America must pass the Colombia, Korea, and Panama trade deals, or we will fall behind.

□ 2130

Mr. KUCINICH. Madam Speaker, I yield 1 minute to the gentlelady from New York, who has made a real impact in this Congress in her first year, Representative HOCHUL.

Ms. HOCHUL. I thank my colleague from Ohio.

I'm here to stand up on behalf of the working men and women of the 26th District of New York, people like the woman at the Buffalo Airport this morning who served me my energy drink as I boarded the flight. She told me she works at the airport because she lost her job of 23 years at a textile factory in downtown Buffalo. First the jobs went south, then they went overseas, jobs gone forever. As I left for my flight she said to me, Keep fighting for our jobs. Don't forget us. Well, I won't forget her. If I thought any of these fair trade agreements would help that woman and help others in my district, I'd be all in favor. But in western New York, we know better. We were prom-

ised prosperity with earlier trade agreements, but while the companies became more prosperous, the jobs were sucked away from our community to foreign shores, lost forever.

As they say in the immortal song made famous by The Who, "we won't get fooled again." I encourage my colleagues to oppose these agreements.

Mr. CAMP. At this time, I reserve the balance of my time.

Mr. LEVIN. I yield 1 minute to the gentlelady from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Madam Speaker, I rise today in opposition to this free trade agreement with Panama and to the two others that we are considering this week with South Korea and Colombia.

Trade agreements should be in the best interests of our Nation and its people, but sadly this has not been the case with the past free trade agreements. Have some of our wealthiest corporations profited from them? Indeed. But the rest of America, especially the middle class, has struggled with job loss, closed factories, and economic and emotional anguish across the country.

I hear from Wisconsin families every day that are struggling mightily, struggling to pay the mortgage, put food on the table, and send their kids to college, especially during these uncertain economic times. The solution is to put our people back to work and preserve American jobs.

When done right, trade agreements can help bolster our manufacturing and high-skilled technology industries and create jobs as they increase exports and help our economy recover. Done wrong, trade agreements send these same jobs offshore, leaving Americans out of work. Unfortunately, I believe these trade agreements with South Korea, Panama, and Colombia will exacerbate the U.S. trade deficit and further erode our manufacturing base.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. KUCINICH. Madam Speaker, I yield myself 1 minute.

The U.S.-Panama Free Trade Agreement requires the U.S. to waive Buy America requirements for all Panamanian incorporated firms and even many Chinese and other foreign firms incorporated in Panama that are there to exploit the tax system. This means that work that should go to U.S. workers can be offshored because of the rules which forbid Buy America preferences requiring U.S. employees to perform contract work by a Federal agency in the Federal procurement process. According to Global Trade Watch, the U.S. would be waiving Buy America requirements for trillions in U.S. Government contracts for any corporations established in Panama, and in exchange would get almost no new procurement contract opportunities in Panama for U.S. companies.

This trade deal is in the NAFTA tradition of weakening offshore protections, limiting financial service regulations, banning Buy America procurement preferences, limiting environmental, food, and product safety safeguards, and undermining U.S. workers and our economy.

We have to defeat this. We have to be able to Buy America or it's "bye bye America."

Mr. CAMP. Madam Speaker, I understand that I have 21 minutes remaining.

I yield 1 minute to the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Speaker, first of all, this is not offshore, this proposal is next door. These are our neighbors.

Second of all, this is not just about great opportunities economically for America, but we hear people talk about the environment. When you recycle, so-called "replace" your cell phones, where do you think they go? They get rebuilt and they get shipped down to our neighbors to the south so they can have the economic opportunities, they can have the learning opportunities. This is the kind of cooperation we want to see in our hemisphere.

But to attack Panama, which is the leader of showing how they can stimulate an economy, with almost 10 percent growth, to attack Panama, allowing the working class access to recycled material, environmentally friendly but economically upper lifting, to attack that kind of agreement on this floor and then say that you're for the environment and you're for helping the poor, don't come to this floor and say you care about the environment, you care about the needy, and you care about our neighbors and oppose this proposal.

Mr. LEVIN. Madam Speaker, could I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 22½ minutes remaining.

Mr. LEVIN. I yield myself 2½ minutes.

I voted against NAFTA. I led the battle against CAFTA on this floor. I did so because in those agreements there were not enforceable international worker rights. We face this in Panama.

As originally negotiated, there was not the implementation of those rights in Panama. They had certain provisions relating to newer businesses. They also had restrictions in terms of trade zones. And what we said to the Panamanians was, bring your laws up to international standards. That's exactly what they did. This is the opposite, in that respect, of NAFTA and CAFTA. So it is not accurate to say this is a NAFTA-type agreement. It simply is not.

In terms of government procurement, we want access for our companies and

workers to the construction that's going on in the Panama Canal zone. It's vital for our companies. And so essentially in this agreement there is a provision that we can have access there, with limits, as they can, with limits, to us. It's mutually beneficial.

Lastly, there has been reference to the tax haven. Panama was a tax haven, one of the most striking in the world. And we insisted that they enact a TIEA. They've done exactly that. So if we take these one at a time, this is an agreement that meets our standards and changes the agreement from the way it was negotiated by the Bush administration. We should support this agreement.

□ 2140

Mr. KUCINICH. I yield myself 1 minute.

Panama is one the world's worst tax havens, allowing rich U.S. individuals and corporations to skirt their responsibility to pay taxes that are vital to the local communities that depend on these revenues. This agreement does nothing to address this issue. At a time when austerity measures are being proposed to balance the budget, we should not be considering a free trade agreement that fails to deal with an issue critical to addressing our deficit.

This free trade agreement includes provisions that undermine our own laws to combat tax haven activity. Public Citizen's Global Trade Watch reports that the "FTA's Services, Financial Services and Investment Chapters include provisions that forbid limits on transfers of money between the U.S. and Panama. Yet, such limits are the strongest tools that the U.S. has to enforce policies aimed at stopping international tax avoidance."

The agreement fails to hold Panama and corporations accountable for tax evasion. The agreement only requires Panama to stop refusing to provide information to U.S. officials in specific cases if U.S. officials know to inquire who's telling. There's a significant exception that allows Panama to reject requests for information if it's contrary to the national interest.

Do not reward corporations who offshore jobs and practice international tax avoidance. Do not hurt American workers and the economy. Defeat this trade agreement.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 3079 is postponed.

UNITED STATES-KOREA FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. CAMP. Madam Speaker, pursuant to House Resolution 425, I call up the bill (H.R. 3080) to implement the United States-Korea Free Trade Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 425, the bill is considered read.

The text of the bill is as follows:

H.R. 3080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "United States-Korea Free Trade Agreement Implementation Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Purposes.
- Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

- Sec. 101. Approval and entry into force of the Agreement.
- Sec. 102. Relationship of the Agreement to United States and State law.
- Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
- Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
- Sec. 105. Administration of dispute settlement proceedings.
- Sec. 106. Arbitration of claims.
- Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

- Sec. 201. Tariff modifications.
- Sec. 202. Rules of origin.
- Sec. 203. Customs user fees.
- Sec. 204. Disclosure of incorrect information; false certifications of origin; denial of preferential tariff treatment.
- Sec. 205. Reliquidation of entries.
- Sec. 206. Recordkeeping requirements.
- Sec. 207. Enforcement relating to trade in textile or apparel goods.
- Sec. 208. Regulations.

TITLE III—RELIEF FROM IMPORTS

- Sec. 301. Definitions.
- Subtitle A—Relief From Imports Benefitting From the Agreement
- Sec. 311. Commencing of action for relief.
- Sec. 312. Commission action on petition.
- Sec. 313. Provision of relief.
- Sec. 314. Termination of relief authority.
- Sec. 315. Compensation authority.
- Sec. 316. Confidential business information.

Subtitle B—Motor Vehicle Safeguard Measures

- Sec. 321. Motor vehicle safeguard measures.
- Subtitle C—Textile and Apparel Safeguard Measures

- Sec. 331. Commencement of action for relief.
- Sec. 332. Determination and provision of relief.
- Sec. 333. Period of relief.
- Sec. 334. Articles exempt from relief.
- Sec. 335. Rate after termination of import relief.
- Sec. 336. Termination of relief authority.
- Sec. 337. Compensation authority.
- Sec. 338. Confidential business information.
- Subtitle D—Cases Under Title II of the Trade Act of 1974
- Sec. 341. Findings and action on Korean articles.

TITLE IV—PROCUREMENT

- Sec. 401. Eligible products.

TITLE V—OFFSETS

- Sec. 501. Increase in penalty on paid preparers who fail to comply with earned income tax credit due diligence requirements.
- Sec. 502. Requirement for prisons located in the United States to provide information for tax administration.
- Sec. 503. Rate for merchandise processing fees.
- Sec. 504. Extension of customs user fees.
- Sec. 505. Time for payment of corporate estimated taxes.

SEC. 2. PURPOSES.

The purposes of this Act are—

- (1) to approve and implement the free trade agreement between the United States and Korea entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));
- (2) to secure the benefits of the agreement entered into pursuant to an exchange of letters between the United States and the Government of Korea on February 10, 2011;
- (3) to strengthen and develop economic relations between the United States and Korea for their mutual benefit;
- (4) to establish free trade between the United States and Korea through the reduction and elimination of barriers to trade in goods and services and to investment; and
- (5) to lay the foundation for further cooperation to expand and enhance the benefits of the Agreement.

SEC. 3. DEFINITIONS.

In this Act:

- (1) AGREEMENT.—The term "Agreement" means the United States-Korea Free Trade Agreement approved by Congress under section 101(a)(1).
- (2) COMMISSION.—The term "Commission" means the United States International Trade Commission.
- (3) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.
- (4) KOREA.—The term "Korea" means the Republic of Korea.
- (5) TEXTILE OR APPAREL GOOD.—The term "textile or apparel good" means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

- (1) the United States-Korea Free Trade Agreement entered into on June 30, 2007, with the Government of Korea, and submitted to Congress on October 3, 2011; and
- (2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on October 3, 2011.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Korea has taken measures necessary to comply with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Korea providing for the entry into force, on

or after January 1, 2012, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term “State law” includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date on which the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction contained in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date on which the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met, has expired; and

(4) the President has consulted with the committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 22 of the Agreement. The office shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2011 to the Department of Commerce up to \$750,000 for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 22 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 11.16.1(a)(i)(C) or article 11.16.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 11 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), this Act and the amendments made by this Act take effect on the date on which the Agreement enters into force.

(b) EXCEPTIONS.—

(1) IN GENERAL.—Sections 1 through 3, section 207(g), this title, and title V take effect on the date of the enactment of this Act.

(2) CERTAIN AMENDATORY PROVISIONS.—The amendments made by sections 203, 204, 206, and 401 of this Act take effect on the date of the enactment of this Act and apply with respect to Korea on the date on which the Agreement enters into force.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, this Act (other than this subsection and title V) and the amendments made by this Act (other than the amendments made by title V) shall cease to have effect.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—The President may proclaim—

(1) such modifications or continuation of any duty,

(2) such continuation of duty-free or excise treatment, or

(3) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, and 2.6, and Annex 2-B, Annex 4-B, and Annex 22-A, of the Agreement.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Korea regarding the staging of any duty treatment set forth in Annex 2-B of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Korea provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States to Annex 2-B of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

(d) TARIFF TREATMENT OF MOTOR VEHICLES.—The President may proclaim the following tariff treatment with respect to the following motor vehicles of Korea:

(1) CERTAIN PASSENGER CARS.—In the case of originating goods of Korea classifiable under subheading 8703.10.10, 8703.10.50, 8703.21.00, 8703.22.00, 8703.23.00, 8703.24.00, 8703.31.00, 8703.32.00, or 8703.33.00 of the HTS that are entered, or withdrawn from warehouse for consumption—

(A) the rate of duty for such goods shall be 2.5 percent for year 1 of the Agreement through year 4 of the Agreement; and

(B) such goods shall be free of duty for each year thereafter.

(2) ELECTRIC MOTOR VEHICLES.—In the case of originating goods of Korea classifiable under subheading 8703.90.00 of the HTS that are entered, or withdrawn from warehouse for consumption—

(A) the rate of duty for such goods shall be—

(i) 2.0 percent for year 1 of the Agreement;

(ii) 1.5 percent for year 2 of the Agreement;

(iii) 1.0 percent for year 3 of the Agreement; and

(iv) 0.5 percent for year 4 of the Agreement; and

(B) such goods shall be free of duty for each year thereafter.

(3) CERTAIN TRUCKS.—In the case of originating goods of Korea classifiable under subheading 8704.21.00, 8704.22.50, 8704.23.00, 8704.31.00, 8704.32.00, or 8704.90.00 of the HTS that are entered, or withdrawn from warehouse for consumption—

(A) the rate of duty for such goods shall be—

(i) 25 percent for year 1 of the Agreement through year 7 of the Agreement;

(ii) 16.6 percent for year 8 of the Agreement; and

(iii) 8.3 percent for year 9 of the Agreement; and

(B) such goods shall be free of duty for each year thereafter.

(4) DEFINITIONS.—In this subsection—

(A) the term “year 1 of the Agreement” means the period beginning on the date, in a calendar year, on which the Agreement enters into force and ending on December 31 of that calendar year; and

(B) the terms “year 2 of the Agreement”, “year 3 of the Agreement”, “year 4 of the Agreement”, “year 5 of the Agreement”, “year 6 of the Agreement”, “year 7 of the Agreement”, “year 8 of the Agreement”, and “year 9 of the Agreement” mean the second, third, fourth, fifth, sixth, seventh, eighth, and ninth calendar years, respectively, in which the Agreement is in force.

SEC. 202. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a chapter, heading, or subheading, such reference shall be a reference to a chapter, heading, or subheading of the HTS.

(3) COST OR VALUE.—Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether Korea or the United States).

(b) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(1) the good is a good wholly obtained or produced entirely in the territory of Korea, the United States, or both;

(2) the good—

(A) is produced entirely in the territory of Korea, the United States, or both, and—

(i) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 4-A or Annex 6-A of the Agreement; or

(ii) the good otherwise satisfies any applicable regional value-content or other requirements specified in Annex 4-A or Annex 6-A of the Agreement; and

(B) satisfies all other applicable requirements of this section; or

(3) the good is produced entirely in the territory of Korea, the United States, or both, exclusively from materials described in paragraph (1) or (2).

(c) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of a good referred to in Annex 6-A of the Agreement, except for goods to which paragraph (4) applies, shall be calculated by the importer, exporter, or producer of the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3).

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$RVC = \frac{AV - VNM}{AV} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term “RVC” means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term “AV” means the adjusted value of the good.

(iii) VNM.—The term “VNM” means the value of nonoriginating materials, other than indirect materials, that are acquired and used by the producer in the production of the good, but does not include the value of a material that is self-produced.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$RVC = \frac{VOM}{AV} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term “RVC” means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term “AV” means the adjusted value of the good.

(iii) VOM.—The term “VOM” means the value of originating materials, other than indirect materials, that are acquired or self-produced, and used by the producer in the production of the good.

(4) SPECIAL RULE FOR CERTAIN AUTOMOTIVE GOODS.—

(A) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of an automotive good referred to in Annex 6-A of the Agreement may be calculated by the importer, exporter, or producer of the good on the basis of the build-down method described in paragraph (2), the build-up method described in paragraph (3), or the following net cost method:

$$RVC = \frac{NC - VNM}{NC} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AUTOMOTIVE GOOD.—The term “automotive good” means a good provided for in any of subheadings 8407.31 through 8407.34, subheading 8408.20, heading 8409, or any of headings 8701 through 8708.

(ii) RVC.—The term “RVC” means the regional value-content of the automotive good, expressed as a percentage.

(iii) NC.—The term “NC” means the net cost of the automotive good.

(iv) VNM.—The term “VNM” means the value of nonoriginating materials, other than indirect materials, that are acquired and used by the producer in the production of the automotive good, but does not include the value of a material that is self-produced.

(C) MOTOR VEHICLES.—

(i) BASIS OF CALCULATION.—For purposes of determining the regional value-content under subparagraph (A) for an automotive good that is a motor vehicle provided for in any of headings 8701 through 8705, an importer, exporter, or producer may average the amounts calculated under the net cost formula contained in subparagraph (A), over the producer’s fiscal year—

(I) with respect to all motor vehicles in any one of the categories described in clause (ii); or

(II) with respect to all motor vehicles in any such category that are exported to the territory of Korea or the United States.

(ii) CATEGORIES.—A category is described in this clause if it—

(I) is the same model line of motor vehicles, is in the same class of motor vehicles, and is produced in the same plant in the territory of Korea or the United States, as the good described in clause (i) for which regional value-content is being calculated;

(II) is the same class of motor vehicles, and is produced in the same plant in the territory of Korea or the United States, as the good described in clause (i) for which regional value-content is being calculated; or

(III) is the same model line of motor vehicles produced in the territory of Korea or the United States as the good described in clause (i) for which regional value-content is being calculated.

(D) OTHER AUTOMOTIVE GOODS.—For purposes of determining the regional value-content under subparagraph (A) for automotive materials provided for in any of subheadings 8407.31 through 8407.34, in subheading 8408.20, or in heading 8409, 8706, 8707, or 8708, that are produced in the same plant, an importer, exporter, or producer may—

(i) average the amounts calculated under the net cost formula contained in subparagraph (A) over—

(I) the fiscal year of the motor vehicle producer to whom the automotive goods are sold,

(II) any quarter or month, or

(III) the fiscal year of the producer of such goods,

if the goods were produced during the fiscal year, quarter, or month that is the basis for the calculation;

(ii) determine the average referred to in clause (i) separately for such goods sold to 1 or more motor vehicle producers; or

(iii) make a separate determination under clause (i) or (ii) for such goods that are exported to the territory of Korea or the United States.

(E) CALCULATING NET COST.—The importer, exporter, or producer of an automotive good shall, consistent with the provisions regarding allocation of costs provided for in generally accepted accounting principles, determine the net cost of the automotive good under subparagraph (B) by—

(i) calculating the total cost incurred with respect to all goods produced by the producer of the automotive good, subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost of all such goods, and then reasonably allocating the resulting net cost of those goods to the automotive good;

(ii) calculating the total cost incurred with respect to all goods produced by that producer, reasonably allocating the total cost to the automotive good, and then subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the portion of the total cost allocated to the automotive good; or

(iii) reasonably allocating each cost that forms part of the total cost incurred with respect to the automotive good so that the aggregate of these costs does not include any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, or nonallowable interest costs.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—For the purpose of calculating the regional value-content of a good under subsection (c), and for purposes of applying the de minimis rules under subsection (f), the value of a material is—

(A) in the case of a material that is imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, the value, determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), as set forth in regulations promulgated by the Secretary of the Treasury providing for the application of such Articles in the absence of an importation by the producer; or

(C) in the case of a material that is self-produced, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit equivalent to the profit added in the normal course of trade.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIAL.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Korea, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Korea, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(B) NONORIGINATING MATERIAL.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Korea, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Korea, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(iv) The cost of originating materials used in the production of the nonoriginating material in the territory of Korea, the United States, or both.

(e) ACCUMULATION.—

(1) ORIGINATING MATERIALS USED IN PRODUCTION OF GOODS OF THE OTHER COUNTRY.—Originating materials from the territory of Korea or the United States that are used in the production of a good in the territory of the other country shall be considered to originate in the territory of such other country.

(2) MULTIPLE PRODUCERS.—A good that is produced in the territory of Korea, the

United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(f) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a good that does not undergo a change in tariff classification pursuant to Annex 6-A of the Agreement is an originating good if—

(A) the value of all nonoriginating materials used in the production of the good that do not undergo the applicable change in tariff classification (set forth in Annex 6-A of the Agreement) does not exceed 10 percent of the adjusted value of the good;

(B) the good meets all other applicable requirements of this section; and

(C) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value-content requirement for the good.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 3 that is used in the production of a good provided for in chapter 3.

(B) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90, that is used in the production of a good provided for in chapter 4.

(C) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90, that is used in the production of any of the following goods:

(i) Infant preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.10.

(ii) Mixes and doughs, containing over 25 percent by weight of butterfat, not put up for retail sale, provided for in subheading 1901.20.

(iii) Dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90.

(iv) Goods provided for in heading 2105.

(v) Beverages containing milk provided for in subheading 2202.90.

(vi) Animal feeds containing over 10 percent by weight of milk solids provided for in subheading 2309.90.

(D) A nonoriginating material provided for in chapter 7 that is used in the production of a good provided for in subheading 0703.10, 0703.20, 0709.59, 0709.60, 0711.90, 0712.20, 0714.20, or any of subheadings 0710.21 through 0710.80 or 0712.39 through 0713.10.

(E) A nonoriginating material provided for in heading 1006, or a nonoriginating rice product provided for in chapter 11 that is used in the production of a good provided for in heading 1006, 1102, 1103, 1104, or subheading 1901.20 or 1901.90.

(F) A nonoriginating material provided for in heading 0805, or any of subheadings 2009.11 through 2009.39, that is used in the production of a good provided for in any of subheadings 2009.11 through 2009.39, or in fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, concentrated or unconcentrated, provided for in subheading 2106.90 or 2202.90.

(G) Nonoriginating peaches, pears, or apricots provided for in chapter 8 or 20 that are used in the production of a good provided for in heading 2008.

(H) A nonoriginating material provided for in chapter 15 that is used in the production

of a good provided for in any of headings 1501 through 1508, or heading 1512, 1514, or 1515.

(I) A nonoriginating material provided for in heading 1701 that is used in the production of a good provided for in any of headings 1701 through 1703.

(J) A nonoriginating material provided for in chapter 17 that is used in the production of a good provided for in subheading 1806.10.

(K) Except as provided in subparagraphs (A) through (J) and Annex 6-A of the Agreement, a nonoriginating material used in the production of a good provided for in any of chapters 1 through 24, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(3) TEXTILE OR APPAREL GOODS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification, set forth in Annex 4-A of the Agreement, shall be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed and finished in the territory of Korea, the United States, or both.

(C) YARN, FABRIC, OR FIBER.—For purposes of this paragraph, in the case of a good that is a yarn, fabric, or fiber, the term “component of the good that determines the tariff classification of the good” means all of the fibers in the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TARIFF TREATMENT.—A person claiming that a fungible good or fungible material is an originating good may base the claim either on the physical segregation of the fungible good or fungible material or by using an inventory management method with respect to the fungible good or fungible material.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term “inventory management method” means—

(i) averaging;

(ii) “last-in, first-out”;

(iii) “first-in, first-out”; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the country in which the production is performed (whether Korea or the United States); or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for a particular fungible good or fungible material shall continue to use that method for that fungible good or fungible material throughout the fiscal year of such person.

(h) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), accessories, spare parts, or tools delivered with a good that form part of the good's standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the

production of the good undergo the applicable change in tariff classification set forth in Annex 6-A of the Agreement.

(2) **CONDITIONS.**—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are classified with and not invoiced separately from the good; and

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good.

(3) **REGIONAL VALUE CONTENT.**—If the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) **PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.**—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 4-A or Annex 6-A of the Agreement, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(j) **PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.**—Packing materials and containers for shipment shall be disregarded in determining whether a good is an originating good.

(k) **INDIRECT MATERIALS.**—An indirect material shall be disregarded in determining whether a good is an originating good.

(l) **TRANSIT AND TRANSHIPMENT.**—A good that has undergone production necessary to qualify as an originating good under subsection (b) shall not be considered to be an originating good if, subsequent to that production, the good—

(1) undergoes further production or any other operation outside the territory of Korea or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of Korea or the United States; or

(2) does not remain under the control of customs authorities in the territory of a country other than Korea or the United States.

(m) **GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.**—Notwithstanding the rules set forth in Annex 4-A and Annex 6-A of the Agreement, goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless—

(1) each of the goods in the set is an originating good; or

(2) the total value of the nonoriginating goods in the set does not exceed—

(A) in the case of textile or apparel goods, 10 percent of the adjusted value of the set; or

(B) in the case of goods, other than textile or apparel goods, 15 percent of the adjusted value of the set.

(n) **DEFINITIONS.**—In this section:

(1) **ADJUSTED VALUE.**—The term “adjusted value” means the value determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8)

of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), adjusted, if necessary, to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation.

(2) **CLASS OF MOTOR VEHICLES.**—The term “class of motor vehicles” means any one of the following categories of motor vehicles:

(A) Motor vehicles provided for in subheading 8701.20, 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, or motor vehicles for the transport of 16 or more persons provided for in subheading 8702.10 or 8702.90.

(B) Motor vehicles provided for in subheading 8701.10 or any of subheadings 8701.30 through 8701.90.

(C) Motor vehicles for the transport of 15 or fewer persons provided for in subheading 8702.10 or 8702.90, or motor vehicles provided for in subheading 8704.21 or 8704.31.

(D) Motor vehicles provided for in any of subheadings 8703.21 through 8703.90.

(3) **FUNGIBLE GOOD OR FUNGIBLE MATERIAL.**—The term “fungible good” or “fungible material” means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

(4) **GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.**—The term “generally accepted accounting principles”—

(A) means the recognized consensus or substantial authoritative support given in the territory of Korea or the United States, as the case may be, with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information, and the preparation of financial statements; and

(B) may encompass broad guidelines for general application as well as detailed standards, practices, and procedures.

(5) **GOOD WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF KOREA, THE UNITED STATES, OR BOTH.**—The term “good wholly obtained or produced entirely in the territory of Korea, the United States, or both” means any of the following:

(A) Plants and plant products grown, and harvested or gathered, in the territory of Korea, the United States, or both.

(B) Live animals born and raised in the territory of Korea, the United States, or both.

(C) Goods obtained in the territory of Korea, the United States, or both from live animals.

(D) Goods obtained from hunting, trapping, fishing, or aquaculture conducted in the territory of Korea, the United States, or both.

(E) Minerals and other natural resources not included in subparagraphs (A) through (D) that are extracted or taken from the territory of Korea, the United States, or both.

(F) Fish, shellfish, and other marine life taken from the sea, seabed, or subsoil outside the territory of Korea or the United States by—

(i) a vessel that is registered or recorded with Korea and flying the flag of Korea; or

(ii) a vessel that is documented under the laws of the United States.

(G) Goods produced on board a factory ship from goods referred to in subparagraph (F), if such factory ship—

(i) is registered or recorded with Korea and flies the flag of Korea; or

(ii) is a vessel that is documented under the laws of the United States.

(H)(i) Goods taken by Korea or a person of Korea from the seabed or subsoil outside the

territory of Korea, the United States, or both, if Korea has rights to exploit such seabed or subsoil; or

(ii) Goods taken by the United States or a person of the United States from the seabed or subsoil outside the territory of the United States, Korea, or both, if the United States has rights to exploit such seabed or subsoil.

(I) Goods taken from outer space, if the goods are obtained by Korea or the United States or a person of Korea or the United States and not processed in the territory of a country other than Korea or the United States.

(J) Waste and scrap derived from—

(i) manufacturing or processing operations in the territory of Korea, the United States, or both; or

(ii) used goods collected in the territory of Korea, the United States, or both, if such goods are fit only for the recovery of raw materials.

(K) Recovered goods derived in the territory of Korea, the United States, or both, from used goods, and used in the territory of Korea, the United States, or both, in the production of remanufactured goods.

(L) Goods, at any stage of production, produced in the territory of Korea, the United States, or both, exclusively from—

(i) goods referred to in any of subparagraphs (A) through (J); or

(ii) the derivatives of goods referred to in clause (i).

(6) **IDENTICAL GOODS.**—The term “identical goods” means goods that are the same in all respects relevant to the rule of origin that qualifies the goods as originating goods.

(7) **INDIRECT MATERIAL.**—The term “indirect material” means a good used in the production, testing, or inspection of another good but not physically incorporated into that other good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of another good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other good that is not incorporated into the other good but the use of which in the production of the other good can reasonably be demonstrated to be a part of that production.

(8) **MATERIAL.**—The term “material” means a good that is used in the production of another good, including a part or an ingredient.

(9) **MATERIAL THAT IS SELF-PRODUCED.**—The term “material that is self-produced” means an originating material that is produced by a producer of a good and used in the production of that good.

(10) **MODEL LINE OF MOTOR VEHICLES.**—The term “model line of motor vehicles” means a group of motor vehicles having the same platform or model name.

(11) **NET COST.**—The term “net cost” means total cost minus sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost.

(12) **NONALLOWABLE INTEREST COSTS.**—The term “nonallowable interest costs” means

interest costs incurred by a producer that exceed 700 basis points above the applicable official interest rate for comparable maturities of the country in which the producer is located.

(13) **NONORIGINATING GOOD OR NONORIGINATING MATERIAL.**—The term “nonoriginating good” or “nonoriginating material” means a good or material, as the case may be, that does not qualify as originating under this section.

(14) **PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.**—The term “packing materials and containers for shipment” means goods used to protect another good during its transportation and does not include the packaging materials and containers in which the other good is packaged for retail sale.

(15) **PREFERENTIAL TARIFF TREATMENT.**—The term “preferential tariff treatment” means the customs duty rate, and the treatment under article 2.10.4 of the Agreement, that are applicable to an originating good pursuant to the Agreement.

(16) **PRODUCER.**—The term “producer” means a person who engages in the production of a good in the territory of Korea or the United States.

(17) **PRODUCTION.**—The term “production” means growing, mining, harvesting, fishing, breeding, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(18) **REASONABLY ALLOCATE.**—The term “reasonably allocate” means to apportion in a manner that would be appropriate under generally accepted accounting principles.

(19) **RECOVERED GOODS.**—The term “recovered goods” means materials in the form of individual parts that are the result of—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing that is necessary for improvement to sound working condition of such individual parts.

(20) **REMANUFACTURED GOOD.**—The term “remanufactured good” means a good that is classified under chapter 84, 85, 87, or 90 or heading 9402, and that—

(A) is entirely or partially comprised of recovered goods; and

(B) has a similar life expectancy and enjoys a factory warranty similar to such a good that is new.

(21) **TOTAL COST.**—

(A) **IN GENERAL.**—The term “total cost”—

(i) means all product costs, period costs, and other costs for a good incurred in the territory of Korea, the United States, or both; and

(ii) does not include profits that are earned by the producer, regardless of whether they are retained by the producer or paid out to other persons as dividends, or taxes paid on those profits, including capital gains taxes.

(B) **OTHER DEFINITIONS.**—In this paragraph:

(i) **PRODUCT COSTS.**—The term “product costs” means costs that are associated with the production of a good and include the value of materials, direct labor costs, and direct overhead.

(ii) **PERIOD COSTS.**—The term “period costs” means costs, other than product costs, that are expensed in the period in which they are incurred, such as selling expenses and general and administrative expenses.

(iii) **OTHER COSTS.**—The term “other costs” means all costs recorded on the books of the producer that are not product costs or period costs, such as interest.

(22) **USED.**—The term “used” means utilized or consumed in the production of goods.

(C) **PRESIDENTIAL PROCLAMATION AUTHORITY.**—

(I) **IN GENERAL.**—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set forth in Annex 4-A and Annex 6-A of the Agreement; and

(B) any additional subordinate category that is necessary to carry out this title consistent with the Agreement.

(2) **MODIFICATIONS.**—

(A) **IN GENERAL.**—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 (as included in Annex 4-A of the Agreement).

(B) **ADDITIONAL PROCLAMATIONS.**—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim—

(i) such modifications to the provisions proclaimed under the authority of paragraph (1)(A) as are necessary to implement an agreement with Korea pursuant to article 4.2.5 of the Agreement; and

(ii) before the end of the 1-year period beginning on the date on which the Agreement enters into force, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 (as included in Annex 4-A of the Agreement).

(3) **FIBERS, YARNS, OR FABRICS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE UNITED STATES.**—

(A) **IN GENERAL.**—Notwithstanding paragraph (2)(A), the list of fibers, yarns, and fabrics set forth in the list of the United States in Appendix 4-B-1 of the Agreement may be modified as provided for in this paragraph.

(B) **DEFINITIONS.**—In this paragraph:

(i) **INTERESTED ENTITY.**—The term “interested entity” means the Government of Korea, a potential or actual purchaser of a textile or apparel good, or a potential or actual supplier of a textile or apparel good.

(ii) **DAY; DAYS.**—All references to “day” and “days” exclude Saturdays, Sundays, and legal holidays observed by the Government of the United States.

(C) **REQUESTS TO ADD FIBERS, YARNS, OR FABRICS.**—

(i) **IN GENERAL.**—An interested entity may request the President to determine that a fiber, yarn, or fabric is not available in commercial quantities in a timely manner in the United States and to add that fiber, yarn, or fabric to the list of the United States in Appendix 4-B-1 of the Agreement.

(ii) **DETERMINATION.**—After receiving a request under clause (i), the President may determine whether—

(I) the fiber, yarn, or fabric is available in commercial quantities in a timely manner in the United States; or

(II) any interested entity objects to the request.

(iii) **PROCLAMATION AUTHORITY.**—The President may, within the time periods specified in clause (iv), proclaim that the fiber, yarn, or fabric that is the subject of the request is added to the list of the United States in Appendix 4-B-1 of the Agreement, if the President has determined under clause (ii) that—

(I) the fiber, yarn, or fabric is not available in commercial quantities in a timely manner in the United States; or

(II) no interested entity has objected to the request.

(iv) **TIME PERIODS.**—The time periods within which the President may issue a proclamation under clause (iii) are—

(I) not later than 30 days after the date on which a request is submitted under clause (i); or

(II) not later than 60 days after the request is submitted, if the President determines, within 30 days after the date on which the request is submitted, that the President does not have sufficient information to make a determination under clause (ii).

(v) **EFFECTIVE DATE.**—Notwithstanding section 103(a)(2), a proclamation made under clause (iii) shall take effect on the date on which the text of the proclamation is published in the Federal Register.

(D) **DEEMED DENIAL OF REQUEST.**—If, after an interested entity submits a request under subparagraph (C)(i), the President does not, within 30 days of the expiration of the applicable time period specified in subparagraph (C)(iv), make a determination under subparagraph (C)(ii) regarding the request, the request shall be considered to be denied.

(E) **REQUESTS TO REMOVE FIBERS, YARNS, OR FABRICS.**—

(i) **IN GENERAL.**—An interested entity may request the President to remove from the list of the United States in Appendix 4-B-1 of the Agreement, any fiber, yarn, or fabric that has been added to that list pursuant to subparagraph (C)(iii).

(ii) **PROCLAMATION AUTHORITY.**—Not later than 30 days after the date on which a request under clause (i) is submitted, the President may proclaim that the fiber, yarn, or fabric that is the subject of the request is removed from the list of the United States in Appendix 4-B-1 of the Agreement if the President determines that the fiber, yarn, or fabric is available in commercial quantities in a timely manner in the United States.

(iii) **EFFECTIVE DATE.**—A proclamation issued under clause (ii) may not take effect earlier than the date that is 6 months after the date on which the text of the proclamation is published in the Federal Register.

(F) **PROCEDURES.**—The President shall establish procedures—

(i) governing the submission of a request under subparagraphs (C) and (E); and

(ii) providing an opportunity for interested entities to submit comments and supporting evidence before the President makes a determination under subparagraph (C)(ii) or (E)(ii).

SEC. 203. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (18) the following:

“(19) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 202 of the United States-Korea Free Trade Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.”.

SEC. 204. DISCLOSURE OF INCORRECT INFORMATION; FALSE CERTIFICATIONS OF ORIGIN; DENIAL OF PREFERENTIAL TARIFF TREATMENT.

(a) **DISCLOSURE OF INCORRECT INFORMATION.**—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10) the following new paragraph:

“(11) **PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE UNITED STATES-KOREA FREE TRADE AGREEMENT.**—An importer shall not be subject to penalties under subsection (a) for

making an incorrect claim that a good qualifies as an originating good under section 202 of the United States-Korea Free Trade Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, promptly and voluntarily makes a corrected declaration and pays any duties owing with respect to that good.”; and

(2) by adding at the end the following new subsection:

“(j) FALSE CERTIFICATIONS OF ORIGIN UNDER THE UNITED STATES-KOREA FREE TRADE AGREEMENT.—

“(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a KFTA certification of origin (as defined in section 508 of this Act) that a good exported from the United States qualifies as an originating good under the rules of origin provided for in section 202 of the United States-Korea Free Trade Agreement Implementation Act. The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of this subsection.

“(2) PROMPT AND VOLUNTARY DISCLOSURE OF INCORRECT INFORMATION.—No penalty shall be imposed under this subsection if, promptly after an exporter or producer that issued a KFTA certification of origin has reason to believe that such certification contains or is based on incorrect information, the exporter or producer voluntarily provides written notice of such incorrect information to every person to whom the certification was issued.

“(3) EXCEPTION.—A person shall not be considered to have violated paragraph (1) if—

“(A) the information was correct at the time it was provided in a KFTA certification of origin but was later rendered incorrect due to a change in circumstances; and

“(B) the person promptly and voluntarily provides written notice of the change in circumstances to all persons to whom the person provided the certification.”.

(b) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended by adding at the end the following new subsection:

“(j) DENIAL OF PREFERENTIAL TARIFF TREATMENT UNDER THE UNITED STATES-KOREA FREE TRADE AGREEMENT.—If U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement of the Department of Homeland Security finds indications of a pattern of conduct by an importer, exporter, or producer of false or unsupported representations that goods qualify under the rules of origin provided for in section 202 of the United States-Korea Free Trade Agreement Implementation Act, U.S. Customs and Border Protection, in accordance with regulations issued by the Secretary of the Treasury, may suspend preferential tariff treatment under the United States-Korea Free Trade Agreement Implementation Act to entries of identical goods covered by subsequent representations by that importer, exporter, or producer until U.S. Customs and Border Protection determines that representations of that person are in conformity with such section 202.”.

SEC. 205. RELIQUIDATION OF ENTRIES.

Section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1)—

(1) by striking “or”; and

(2) by striking “for which” and inserting “, or section 202 of the United States-Korea Free Trade Agreement Implementation Act for which”.

SEC. 206. RECORDKEEPING REQUIREMENTS.

Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following new subsection:

“(i) CERTIFICATIONS OF ORIGIN FOR GOODS EXPORTED UNDER THE UNITED STATES-KOREA FREE TRADE AGREEMENT.—

“(1) DEFINITIONS.—In this subsection:

“(A) RECORDS AND SUPPORTING DOCUMENTS.—The term ‘records and supporting documents’ means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

“(i) the purchase, cost, and value of, and payment for, the good;

“(ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and

“(iii) the production of the good in the form in which it was exported.

“(B) KFTA CERTIFICATION OF ORIGIN.—The term ‘KFTA certification of origin’ means the certification established under article 6.15 of the United States-Korea Free Trade Agreement that a good qualifies as an originating good under such Agreement.

“(2) EXPORTS TO KOREA.—Any person who completes and issues a KFTA certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

“(3) RETENTION PERIOD.—The person who issues a KFTA certification of origin shall keep the records and supporting documents relating to that certification of origin for a period of at least 5 years after the date on which the certification is issued.”; and

(3) in subsection (j), as so redesignated, by striking “(g), or (h)” and inserting “(g), (h), or (i)”.

SEC. 207. ENFORCEMENT RELATING TO TRADE IN TEXTILE OR APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Korea to conduct a verification pursuant to article 4.3 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination of the Secretary that—

(A) an exporter or producer in Korea is complying with applicable customs laws, regulations, procedures, requirements, and practices affecting trade in textile or apparel goods; or

(B) a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 202, or

(ii) is a good of Korea,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of liquidation of the entry of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A),

in a case in which the request for verification was based on a reasonable suspicion of unlawful activity related to such goods; and

(2) suspension of liquidation of the entry of a textile or apparel good for which a claim has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

(c) ACTION WHEN INFORMATION IS INSUFFICIENT.—If the Secretary of the Treasury determines that the information obtained within 12 months after making a request for a verification under subsection (a)(1) is insufficient to make a determination under subsection (a)(2), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make the determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (c) includes—

(1) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) the textile or apparel good for which a claim has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B); and

(2) denial of entry into the United States of—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

(e) PUBLICATION OF NAME OF PERSON.—In accordance with article 4.3.11 of the Agreement, the Secretary of the Treasury may publish the name of any person that the Secretary has determined—

(1) is engaged in circumvention of applicable laws, regulations, or procedures affecting trade in textile or apparel goods; or

(2) has failed to demonstrate that it produces, or is capable of producing, textile or apparel goods.

(f) CERTIFICATE OF ELIGIBILITY.—The Commissioner responsible for U.S. Customs and Border Protection of the Department of Homeland Security may require an importer to submit at the time the importer files a claim for preferential tariff treatment under Annex 4-B of the Agreement a certificate of eligibility, properly completed and signed by an authorized official of the Government of Korea.

(g) VERIFICATIONS IN THE UNITED STATES.—If the government of a country that is a party to a free trade agreement with the United States makes a request for a verification pursuant to that agreement, the Secretary of the Treasury may request a verification of the production of any textile or apparel good in order to assist that government in determining whether—

(1) a claim of origin under the agreement for a textile or apparel good is accurate; or

(2) an exporter, producer, or other enterprise located in the United States involved in the movement of textile or apparel goods from the United States to the territory of the requesting government is complying

with applicable customs laws, regulations, and procedures regarding trade in textile or apparel goods.

SEC. 208. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

- (1) subsections (a) through (n) of section 202;
- (2) the amendment made by section 203; and
- (3) any proclamation issued under section 202(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

- (1) **KOREAN ARTICLE.**—The term “Korean article” means an article that qualifies as an originating good under section 202(b).
- (2) **KOREAN MOTOR VEHICLE ARTICLE.**—The term “Korean motor vehicle article” means a good provided for in heading 8703 or 8704 of the HTS that qualifies as an originating good under section 202(b).
- (3) **KOREAN TEXTILE OR APPAREL ARTICLE.**—The term “Korean textile or apparel article” means a textile or apparel good (as defined in section 3(5)) that is a Korean article.

Subtitle A—Relief From Imports Benefitting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) **FILING OF PETITION.**—

(1) **IN GENERAL.**—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(2) **PROVISIONAL RELIEF.**—An entity filing a petition under this subsection may request that provisional relief be provided as if the petition had been filed under section 202(a) of the Trade Act of 1974 (19 U.S.C. 2252(a)).

(3) **CRITICAL CIRCUMSTANCES.**—Any allegation that critical circumstances exist shall be included in the petition.

(b) **INVESTIGATION AND DETERMINATION.**—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Korean article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Korean article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) **APPLICABLE PROVISIONS.**—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

- (1) Paragraphs (1)(B) and (3) of subsection (b).
- (2) Subsection (c).
- (3) Subsection (d).
- (4) Subsection (i).

(d) **ARTICLES EXEMPT FROM INVESTIGATION.**—No investigation may be initiated under this section with respect to any Korean article if, after the date on which the Agreement enters into force, import relief has been provided with respect to that Korean article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) **DETERMINATION.**—Not later than 120 days (180 days if critical circumstances have been alleged) after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) **APPLICABLE PROVISIONS.**—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) **ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.**—

(1) **IN GENERAL.**—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(2) **LIMITATION ON RELIEF.**—The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c).

(3) **VOTING; SEPARATE VIEWS.**—Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) **REPORT TO PRESIDENT.**—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination referred to in paragraph (1) and any finding or recommendation referred to in paragraph (2).

(e) **PUBLIC NOTICE.**—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public the report (with the exception of information which the Commission determines to be confidential) and shall publish a summary of the report in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) **IN GENERAL.**—Not later than the date that is 30 days after the date on which the President receives a report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be

affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) **EXCEPTION.**—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) **NATURE OF RELIEF.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2-B of the Agreement in the duty imposed on the article.

(B) An increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) **DUTIES APPLIED ON A SEASONAL BASIS.**—In the case of imports of an article to which a duty is applied on a seasonal basis, the import relief that the President is authorized to provide under this section is as follows:

(A) The suspension of any further reduction provided for under Annex 2-B of the Agreement in the duty imposed on the article.

(B) An increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles for the corresponding season immediately preceding the date the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS for the corresponding season immediately preceding the date on which the Agreement enters into force.

(3) **PROGRESSIVE LIBERALIZATION.**—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 10.2.7 of the Agreement) of such relief at regular intervals during the period of its application.

(d) **PERIOD OF RELIEF.**—

(1) **IN GENERAL.**—Subject to paragraph (2), any import relief that the President provides under this section may not be in effect for more than 2 years.

(2) **EXTENSION.**—

(A) **IN GENERAL.**—Subject to subparagraph (C), the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section by up to 1 year, if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—

(i) INVESTIGATION.—Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date that is 9 months, and not later than the date that is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) NOTICE AND HEARING.—The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) REPORT.—The Commission shall submit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) PERIOD OF IMPORT RELIEF.—Any import relief provided under this section, including any extensions thereof, may not, in the aggregate, be in effect for more than 3 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—Beginning on the date on which import relief under this section is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect but for the provision of such relief.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on any article that is subject to import relief under—

(1) subtitle B or C; or

(2) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—If an article for which relief is provided under this subtitle is an article for which the period for tariff elimination, set forth in the Schedule of the United States to Annex 2-B of the Agreement, is greater than 10 years, no relief under this subtitle may be provided for that article after the date on which that period ends.

(c) PRESIDENTIAL DETERMINATION.—Import relief may be provided under this subtitle in the case of a Korean article after the date on which such relief would, but for this subsection, terminate under subsection (a) and (b), if the President determines that Korea has consented to such relief.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking “and”; and

(2) by inserting before the period at the end “, and title III of the United States-Korea Free Trade Agreement Implementation Act”.

Subtitle B—Motor Vehicle Safeguard Measures

SEC. 321. MOTOR VEHICLE SAFEGUARD MEASURES.

The provisions of subtitle A shall apply with respect to a Korean motor vehicle article to the same extent that such provisions apply to Korean articles, except as follows:

(1) Section 311(d) and paragraphs (2) and (3) of 313(c) shall not apply.

(2) Section 313(d)(2)(A) shall be applied and administered by substituting “2 years” for “1 year”.

(3) Section 313(d)(2)(C) shall be applied and administered by substituting “4 years” for “3 years”.

(4) Section 313(f)(1) shall be applied and administered by substituting “subtitle A” for “subtitle B or C”.

(5) Section 314(b) shall be applied and administered as if such section read as follows:

“(b) EXCEPTION.—Import relief may be provided under this subtitle with respect to a Korean motor vehicle article during any period before the date that is 10 years after the date on which duties on the article are eliminated, as set forth in section 201(d), or, if the article is not referred to in section 201(d), the Schedule of the United States to Annex 2-B of the Agreement.”.

Subtitle C—Textile and Apparel Safeguard Measures

SEC. 331. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request for action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall publish in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 332. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 331(b), the President shall determine whether, as a result of the reduction or elimination of a duty under the Agreement, a Korean textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, no one of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as provided in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is—

(A) the suspension of any further reduction provided for under Annex 2-B of the Agreement in the duty imposed on the article; or

(B) an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 333. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), the import relief that the President provides under section 332(b) may not be in effect for more than 2 years.

(b) EXTENSION.—

(1) IN GENERAL.—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle for a period of not more than 2 years, if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) LIMITATION.—Any relief provided under this subtitle, including any extensions thereof, may not, in the aggregate, be in effect for more than 4 years.

SEC. 334. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to an article if—

(1) import relief previously has been provided under this subtitle with respect to that article; or

(2) the article is subject to import relief under—

(A) subtitle A; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 335. RATE AFTER TERMINATION OF IMPORT RELIEF.

On the date on which import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect but for the provision of such relief.

SEC. 336. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 10 years after the date on

which duties on the article are eliminated pursuant to the Agreement.

SEC. 337. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 338. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information received in connection with an investigation or determination under this subtitle which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information, the party shall also provide a nonconfidential version of the information in which the confidential business information is summarized or, if necessary, deleted.

Subtitle D—Cases Under Title II of the Trade Act of 1974

SEC. 341. FINDINGS AND ACTION ON KOREAN ARTICLES.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d))), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the Korean article are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL DETERMINATION REGARDING KOREAN ARTICLES.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the President may exclude from the action Korean articles with respect to which the Commission has made a negative finding under subsection (a).

TITLE IV—PROCUREMENT

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking “or” at the end of clause (vi);

(2) by striking the period at the end of clause (vii) and inserting “; or”; and

(3) by adding at the end the following new clause:

“(viii) a party to the United States–Korea Free Trade Agreement, a product or service of that country or instrumentality which is covered under that agreement for procurement by the United States.”.

TITLE V—OFFSETS

SEC. 501. INCREASE IN PENALTY ON PAID PREPARERS WHO FAIL TO COMPLY WITH EARNED INCOME TAX CREDIT DUE DILIGENCE REQUIREMENTS.

(a) IN GENERAL.—Section 6695(g) of the Internal Revenue Code of 1986 is amended by striking “\$100” and inserting “\$500”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns required to be filed after December 31, 2011.

SEC. 502. REQUIREMENT FOR PRISONS LOCATED IN THE UNITED STATES TO PROVIDE INFORMATION FOR TAX ADMINISTRATION.

(a) IN GENERAL.—Subchapter B of chapter 61 of the Internal Revenue Code of 1986 is amended by redesignating section 6116 as section 6117 and by inserting after section 6115 the following new section:

“SEC. 6116. REQUIREMENT FOR PRISONS LOCATED IN UNITED STATES TO PROVIDE INFORMATION FOR TAX ADMINISTRATION.

“(a) IN GENERAL.—Not later than September 15, 2012, and annually thereafter, the head of the Federal Bureau of Prisons and the head of any State agency charged with the responsibility for administration of prisons shall provide to the Secretary in electronic format a list with the information described in subsection (b) of all the inmates incarcerated within the prison system for any part of the prior 2 calendar years or the current calendar year through August 31.

“(b) INFORMATION.—The information with respect to each inmate is—

- “(1) first, middle, and last name,
- “(2) date of birth,
- “(3) institution of current incarceration or, for released inmates, most recent incarceration,
- “(4) prison assigned inmate number,
- “(5) the date of incarceration,
- “(6) the date of release or anticipated date of release,
- “(7) the date of work release,
- “(8) taxpayer identification number and whether the prison has verified such number,
- “(9) last known address, and
- “(10) any additional information as the Secretary may request.

“(c) FORMAT.—The Secretary shall determine the electronic format of the information described in subsection (b).”.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by striking the item relating to section 6116 and by adding at the end the following new items:

“Sec. 6116. Requirement for prisons located in United States to provide information for tax administration.

“Sec. 6117. Cross reference.”.

SEC. 503. RATE FOR MERCHANDISE PROCESSING FEES.

For the period beginning on December 1, 2015, and ending on June 30, 2021, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—

- (1) in subparagraph (A), by substituting “0.3464” for “0.21”; and
- (2) in subparagraph (B)(i), by substituting “0.3464” for “0.21”.

SEC. 504. EXTENSION OF CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking “January 7, 2020” and inserting “August 2, 2021”.

(b) OTHER FEES.—Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is amended by striking “January 14, 2020” and inserting “December 8, 2020”.

SEC. 505. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than \$1,000,000,000 (determined as of the end of the preceding taxable year)—

- (1) the amount of any required installment of corporate estimated tax which is other-

wise due in July, August, or September of 2012 shall be increased by 0.25 percent of such amount (determined without regard to any increase in such amount not contained in such Code);

(2) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2016 shall be increased by 2.75 percent of such amount (determined without regard to any increase in such amount not contained in such Code); and

(3) the amount of the next required installment after an installment referred to in paragraph (1) or (2) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

The SPEAKER pro tempore. The bill shall be debatable for 90 minutes, with 30 minutes controlled by the gentleman from Michigan (Mr. CAMP), 30 minutes controlled by the gentleman from Michigan (Mr. LEVIN), and 30 minutes controlled by the gentleman from Maine (Mr. MICHAUD).

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Madam Speaker, I ask unanimous consent that Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume.

The U.S.–Korea agreement is the most commercially significant trade agreement considered by the Congress in 17 years, and it couldn't come at a better time. With the unemployment rate stuck stubbornly above 9 percent, we must seek out and take advantage of all opportunities to create American jobs. This agreement, known as KORUS, will do just that by supporting hundreds of thousands of good-paying jobs in all sectors.

Last year, I worked closely with the administration, the major auto makers, auto workers and Mr. LEVIN to address persistent barriers to U.S. automobile trade with South Korea. The supplemental agreement which is incorporated in the legislation before us today addresses key tariff and non-tariff barriers, and includes numerous provisions to ensure that South Korea can no longer use its regulatory system to block U.S. exports.

The International Trade Commission estimates that removal of nontariff barriers will add an additional \$48 million to \$66 million in new exports. This, in addition to the \$194 million in expected new exports from lower Korean tariffs on U.S. autos.

Inaction on KORUS has allowed the EU and other competitors to step in and steal U.S. market share and has diminished U.S. leadership in Asia. KORUS is key to our engagement in Asia and a critical bulwark to Chinese influence in the region. I call on the President to promptly enter this agreement into force so that our workers,

companies, farmers, and ranchers can get off the sidelines and recapture market share. KORUS and the other two agreements we will pass this week will create sustainable and well-paying jobs.

Passage of KORUS will also deepen ties with a strong and important ally. The United States and South Korea have stood shoulder-to-shoulder for more than 60 years. KORUS is the next step forward in our bilateral relationship, and today's action could not come soon enough.

I look forward to welcoming President Lee during his state visit tomorrow, and to congratulating him personally on passage of this important agreement.

I reserve the balance of my time.

Mr. LEVIN. It is now my distinct pleasure to yield 4 minutes to our whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

I rise in support of the three trade agreements that are pending before us and in support of the Trade Adjustment Assistance for our working men and women in this country.

There is no doubt, as so many of my colleagues have observed, that globalization of the marketplace and the growth of competitors from around the world has put a real stress on America and on American workers. As one of those who has fought very hard to have this floor consider legislation to facilitate making it in America, making sure that American workers are making American goods and selling them here and around the world, it seems to me that, in that process, what we need to do is bring down barriers to exports around the world. I perceive these three agreements accomplishing that objective.

I want to congratulate my dear friend, SANDY LEVIN, as well as the chairman of the Ways and Means Committee, Mr. CAMP, for working hard on all of these agreements. I particularly want to congratulate Mr. LEVIN, who has given such careful consideration and care to the development of agreements that he feels he can support. He is supporting Korea and Panama, as am I. He has concluded that the protections in Colombia are not yet sufficient to protect workers that we all want to protect. I share his concern there. I have transmitted that to the administration, as has Mr. LEVIN.

I would like to read a portion of the submittal correspondence from the President of the United States referencing Colombia. The agreement contains state-of-the-art provisions to help protect and enforce intellectual property rights, reduce regulatory red tape, and eliminate regulatory barriers to U.S. exports.

The agreement also contains the highest standard for protecting labor

rights, carrying out covered environmental agreements, and ensuring that key domestic labor and environmental laws are enforced, combined with strong remedies for noncompliance.

Colombia has already made significant reforms related to the obligations it will have under the labor chapter. A number of these steps have been taken in fulfillment of the commitments Colombia made in the agreed action plan.

I want to again say that Mr. LEVIN has visited Colombia, spent time there and overseen the action plan and its implementation.

But then the important sentence for me and I hope for others is, Colombia must successfully implement key elements of the action plan before I will bring the agreement into force.

There is a bipartisan consensus, Madam Speaker, in favor of reducing trade barriers. Those who support expanded trade do so because we believe American companies can compete globally and export more of what our workers make right here in America.

At the same time, though, trade agreements bring changes which may cause and do cause some workers to lose their jobs. That is why President Kennedy, in 1962, introduced a Trade Adjustment Assistance program to mitigate the negative effects of changes in trade policy. Under this program, the government provides job retraining, relocation allowances, and income assistance for those whose jobs are affected by international trade.

For companies that lose business, the Federal Government lends a hand with guidance and financial assistance to help develop recovery plans. President Kennedy called it: "A program to afford time for American initiative, American adaptability, and American resilience to assert themselves." I believe these agreements give us that continuing opportunity, but we must protect our workers in the process.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOYER. Mr. CAMP, may I have a minute?

Mr. CAMP. How much time do I have?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 28 minutes remaining.

Mr. CAMP. I yield the gentleman 1 minute.

□ 2150

Mr. HOYER. I thank my friend for yielding.

As we engage in measures designed to strengthen exports, at the same time Congress must continue to provide assistance to those whose jobs may be lost in the process. We need to do whatever we can to help get our people back to work and safeguard American jobs.

I urge a vote in favor of the trade adjustment assistance. That will be the last item we will consider. And I indi-

cate my support of all three of the agreements.

In May of '07, we made definite progress with Mr. LEVIN's leadership and the leadership in a bipartisan way of saying workers' rights were going to be recognized in these agreements. In my view, that is the case in these three agreements. Are they perfect? I think no agreement is ever perfect. But do they move us in a position where the United States will be better able to make it in America and sell it abroad? I think they do; and, therefore, I will support these agreements.

I thank the gentleman for yielding me the additional minute.

Mr. MICHAUD. I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, this agreement is based on the NAFTA-style trade model that has displaced and cut hundreds of thousands of jobs in the U.S. over the last decade. According to the Economic Policy Institute, this agreement is expected to increase our trade deficit with Korea by \$16.7 billion and, in turn, cost the U.S. 159,000 jobs within the first 7 years of its implementation alone. Global Trade Watch states that it is expected to increase our trade deficit in autos and auto parts by \$700 million, further devastating a domestic industry that's been in decline.

I'm tired of visiting places where there's grass growing in parking lots in this country where they used to make steel and they used to make automotive products. It's time that we drew the line on behalf of American jobs and American workers and defeat this trade agreement.

Mr. CAMP. I yield 2 minutes to the distinguished chairman of the Trade Subcommittee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, I want to thank Chairman CAMP and Ranking Member SANDY LEVIN for working together with this President, with the Senate, and with the auto companies and autoworkers to improve this agreement to ensure we sell more American cars into Korea. This is why, among many other reasons, this agreement has so much strong bipartisan support.

As I've already said tonight, I'm excited to be here. This trade agreement improves as well as strengthens our security relationship with one of our strongest allies. This is the most commercially significant trade agreement the United States has signed since I've been in Congress.

The delay in implementing the sales agreement has been felt across America. If our exporters can't compete because of high tariffs or nontariff barriers, they can't grow their businesses and put Americans back to work. That's why expanding opportunities for U.S. exporters and finding new customers is so critical to our workers, so

critical to putting our economy back on the right track and creating good-paying American jobs right here in the United States.

For example, this agreement turns one-way trade into the United States into two-way trade. The average South Korean tariff on our exporters is more than four times what it is when South Korea exports to us. This agreement addresses that imbalance.

The job-creating benefits of this agreement will be enjoyed broadly among manufacturers, agriculture, service, and technology companies. The American Farm Bureau estimates that U.S. farm exports will increase by more than \$1.8 billion to this market. Moreover, 90 percent of American companies selling to South Korea are small and medium-sized enterprises in our neighborhoods and in our communities, and it will lead to an additional \$3 billion in exports for these small businesses.

It's no longer enough to buy American; we have to sell American. And this "Sell American" agreement is essential if we are to get our economy back on track. I strongly support it.

Mr. LEVIN. I reserve the balance of my time.

Mr. MICHAUD. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman from Maine for yielding and rise in opposition to the proposed South Korea trade accord.

Look, my friends, South Korea's market is basically closed. You can't see any other cars on the road there other than Korean cars. And American policy has allowed jobs to be whittled away here at home through a trade agenda that outsources U.S. production and American jobs. Every single year we have a trade deficit with South Korea now. Why do we want to make it worse? Do you know what? The American people know it. They're living it. They want us to fix it. They're pouring out into the streets of America to tell us.

Last year, our trade deficit with South Korea already was over \$10 billion. That translates into more lost jobs here at home. But rather than stopping this outsourcing of America, the executive branch and some of their allies up here keep concocting more of the same NAFTA-type trade agreements that increase our trade deficit, and obviously even more with South Korea now.

The Economic Policy Institute analysis predicts this proposed agreement with South Korea will cost us 159,000 more lost jobs, net, and the International Trade Commission verifies that.

Isn't it time that we put Americans back to work here inside our country rather than giving them more of the same red ink?

Mr. CAMP. At this time, I reserve the balance of my time.

Mr. LEVIN. I continue to reserve the balance of my time.

Mr. MICHAUD. I would now yield 1 minute to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. I thank the gentleman for yielding.

Madam Speaker, I call on all my colleagues to oppose George Bush's job-killing trade deal with Korea. Listen to the American people: Only 18 percent of Americans believe that free trade has created jobs in the United States. That's from the conservative Wall Street Journal poll. The same poll says that 53 percent of Americans say trade deals have hurt our country. Sixty-one percent of the Tea Party supporters say that free trade has hurt the United States.

Facts don't lie. The simple truth is, during the last decade of so-called free trade, the United States has lost 54,000 manufacturers and over 5 million manufacturing jobs—43,000 manufacturing jobs in my State of Iowa. That's 1,370 factory jobs lost every day at an average salary of \$55,000.

Wake up, America. We need to get serious about creating jobs, and passing more Bush-era, job-killing trade deals is not the answer. We have a trade deficit that has created a job deficit. That's what we need to solve.

Mr. CAMP. Madam Speaker, I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from New York (Mr. REED).

Mr. REED. Thank you, Mr. Chairman.

I rise today in strong support of the three pending agreements before this great body. This is a great day. This is a great day for America in the sense that we have before us an opportunity to create 250,000 jobs. That's the administration's own number. That is the number that has been verified, and I am a supporter of that number in creating jobs for Americans across this entire Nation.

Now, when I came here as a freshman Member of Congress, there was a big question about the freshman class's thoughts about free trade. And I was proud to be part of an effort that got 67 out of 87 freshman Republican Members to sign a letter to the administration to say that we support free and fair trade. Because when it's free and when it's fair, the American workers will outcompete anyone in the world. And that is exactly what these agreements will do.

In particular, with the U.S.-Korea relationship, not only will we be strengthening a strategic relationship, we will be creating hundreds of thousands of jobs.

With that, I support this bill.

□ 2200

Mr. MICHAUD. I yield 3 minutes to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentleman for the time.

Madam Speaker, I rise today in opposition to all of the raw trade deals coming to the floor tomorrow, because our families cannot afford the loss of any more jobs.

Based on the myth that there is some sort of world free market, they call these deals "free trade agreements," but there is nothing free about them. These NAFTA-type deals are not free to our workers, who will lose their jobs because of them. They're not free for our communities when more of our factories are boarded up and when more careers are packed up and shipped overseas as some of our multinational corporations, with no allegiance to America, search the world over for the lowest wages to be found. Common sense tells us that pittance wages paid to workers in other countries, like low wages here, will not empower people to buy our products.

Enough is enough, Madam Speaker.

Some of the same people here on the floor who are claiming these deals level the playing field for American manufacturers and jobs supported NAFTA, too. How has that worked for us? Since NAFTA was signed, according to the Bureau of Labor Statistics, we've seen approximately 5 million manufacturing jobs lost—over 350,000 of those jobs from my State of Ohio. These are not free deals. They are raw deals for the American people.

Make no mistake. The fact that we're seeing more trade adjustment assistance being offered for passage alongside these deals is an admission that more Americans are about to lose their jobs with these deals. At a time when so many are struggling to find jobs, why would we pass a deal that we know will result in job loss?

It's unconscionable that we would pass a deal with Colombia where they have allowed trade unionists and those standing for civil rights to be killed with impunity. If we pass a deal with Korea, according to the Economic Policy Institute, we could see our trade deficit increase by another \$14 billion, and we could see another 159,000 jobs lost.

This raw deal would be particularly bad for my district and districts around the country that support our domestic auto industry—auto suppliers and parts makers. Right now, Korea has the largest trade imbalance when it comes to cars, only importing 5 percent of cars sold. This won't change that. In fact, it will only make it worse by allowing Korea to keep out American cars if they don't meet certain standards.

Madam Speaker, enough is enough.

This bad trade deal pours salt into the wound already festering within the American manufacturing sector, and it will destroy opportunities for people right here in the United States. The

American people don't want more bad free trade deals that aren't free.

I encourage all of my colleagues to vote against this horrible, horrible package of trade deals. Enough is enough.

Mr. CAMP. Madam Speaker, I yield 1 minute to the distinguished chair of the Foreign Affairs Committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank my good friend from Michigan for yielding.

Madam Speaker, at a time when millions of American families are struggling and when so many people are looking for work, passage of this U.S.-South Korea Free Trade Agreement should be a top priority for all of us; but there is more at stake than just increased exports. South Korea is a key U.S. ally in an unstable region of the world where tens of thousands of our U.S. troops stand on guard against aggression and where U.S. interests are increasingly under threat from China and other countries.

At a time when much of the world is waiting to see if the U.S. will retreat from our responsibilities, passage of this free trade agreement will serve as a clear demonstration of our enduring commitment to our ally South Korea and to our determination to defend our interests throughout East Asia.

I strongly urge my colleagues to vote for this U.S.-South Korea Free Trade Agreement and for the creation of tens of thousands of American jobs for the many families who are desperately in need of them.

Mr. MICHAUD. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. It looks like the only thing Congress is going to do this year about jobs is to ship them overseas. Trade adjustment assistance is being authorized tomorrow, but not a penny is being appropriated tomorrow; and any penny that is appropriated will, no doubt, be taken from health and education spending necessary without the trade agreements.

This South Korean Free Trade Agreement will increase our trade deficit by tens of billions of dollars, and every billion dollars of increase in our trade deficit costs us tens of thousands of jobs. The agreement is being sold as if goods made in South Korea are the only goods that are going to come into our country. That's wrong in three ways.

First, if goods are 65 percent made in China, 35 percent finished in South Korea, they come into our country duty free; and that 35 percent of the work done in South Korea can be done by Chinese workers living in barracks in South Korea, so the goods may not ever be touched by a South Korean.

We are going to be talking in this Congress, I hope, about Chinese currency manipulation. There are pro-

posals that would impose tariffs on Chinese goods. This South Korean agreement is a prebuilt loophole in anything we try to do with China over currency manipulation. They manipulate their currency. They make 65 percent of the goods in China. They ship them to South Korea. They come in free to the United States without having to worry about our tariffs or our sanctions against their currency manipulation.

Second, goods that are 65 percent made in North Korea, 35 percent made in South Korea have a right to come in under this agreement; but we have an executive order that will bar them at our ports, so we will be in violation of this agreement on the first day. That means South Korea can impose sanctions and take away whatever benefits you think we're going to get under this agreement.

The SPEAKER pro tempore (Mr. YODER). The time of the gentleman has expired.

Mr. CAMP. Mr. Speaker, I have just one further request for time, so I reserve the balance of my time.

Mr. LEVIN. I yield 2 minutes to the gentleman from California (Mr. BERMAN), the ranking member of the Foreign Affairs Committee.

Mr. BERMAN. I thank my friend for yielding.

I rise in support of the Korea trade agreement.

The agreement will lead to increased California exports of manufactured goods, agricultural products and raw materials, thereby creating a large number of new jobs. It will also provide rigorous intellectual property protections for the creative industries in Los Angeles and throughout the Nation.

I would like to use the remainder of my time to address the allegations that the agreement would undermine our sanctions against North Korea. There is no truth to those allegations. Under KORUS, we will continue to enforce our sanctions against North Korea just as we do now.

The first allegation is that the agreement would allow North Korean goods produced at the Kaesong Industrial Complex in North Korea or elsewhere in that country to be imported into the United States. I raised this issue with Ambassador Kirk.

His response in writing:

"Neither the rules of origin nor any other provision of KORUS changes U.S. sanctions on North Korea, including the prohibition on direct or indirect importation of goods, services and technology from North Korea."

He went on to say:

"South Korean firms cannot avoid U.S. sanctions by including parts from North Korea in their exports to the U.S. and claiming preferential tariff treatment."

□ 2210

The second allegation is that South Korean firms might have recourse

against U.S. sanctions targeted at North Korea, either under KORUS or under the WTO. Kirk's response, "U.S. sanctions are fully consistent with KORUS, and therefore, South Korea would not be able to obtain remedies against U.S. sanctions using KORUS dispute settlement procedures. Nor does KORUS provide South Korea with any recourse to the WTO."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. BERMAN. According to the Congressional Research Service, article 2.8.4(a), explicitly permits the U.S. to prohibit imports from a third country, such as North Korea. The fact is, we pass KORUS, our North Korean embargo stands; we defeat KORUS, our embargo stands. There are legitimate issues to debate regarding KORUS, but one should not let a bogus argument determine our vote.

Mr. MICHAUD. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. I thank the gentleman for yielding and for his leadership on this issue.

Mr. Speaker, I cannot imagine a worse time for this job-killing trade agreement with South Korea. Expanding a NAFTA-style trade agenda that has already destroyed 5 million manufacturing jobs would make no sense in the best of times, but to do it when 25 million Americans are unemployed or underemployed, it is totally absurd now.

Economists estimate that 159,000 American workers will lose their jobs over 7 years if we pass this agreement, most of these good-paying manufacturing jobs. In exchange, we likely get not only more Chinese imports, but we open up our country to imports from the nuclear dictatorship in North Korea. Manufacturers in my district know this. Workers in my district know this. It only seems that Washington is blind to this.

It is well past time that Washington puts American workers and American manufacturers first. We can start by rejecting this trade agreement. We cannot hang our middle class out to dry any longer. We need to support American workers now.

Mr. CAMP. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. PAULSEN), a distinguished member of the Ways and Means Committee.

Mr. PAULSEN. I thank the chairman for his leadership because this is an exciting day, an important time for our economy. I strongly urge passage of all three of these long-stalled free trade agreements which will promote exports, with new sales to new customers, giving our economy more jobs. And while some in Washington have put these trade agreements on the back

burner, other countries have been moving full-speed ahead on trade. The European Union signed their own agreement with South Korea, which put American companies at a disadvantage in one of the great emerging Asian markets. Standing still on trade is moving our economy backwards.

Mr. Speaker, passing the South Korea trade agreement is the quickest and most effective way to level the playing field for American companies, small, medium, and large. One of Minnesota's major employers with lots of jobs connected to trade is 3M, which manufactures everyday products from Post-It notes to Scotch tape to road signs to medical devices. South Korea is this company's fourth-largest export market, and the passage of this trade agreement will lower the duty rate levied on these American products by \$20 million. This is about selling American. This will free up additional capital to create new jobs and reinvest in innovation and research and development to create new products.

Mr. Speaker, we must remain focused on creating jobs and helping our economy. I strongly encourage the passage of the South Korea free trade agreement as well as the agreements with Panama and Colombia, marking the largest expansion of trade in 15 years.

Mr. LEVIN. Could I inquire how much time remains for the three of us?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 23½ minutes remaining, the gentleman from Michigan (Mr. CAMP) has 21½ minutes remaining, and the gentleman from Maine (Mr. MICHAUD) has 21 minutes.

Mr. CAMP. I have no further requests for time, so I will reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself 3½ minutes, but I may use only 2½.

First I want to emphasize each of these agreements should be on their own merit. Trade is so polarized, it's easy to lump things all together. We won't carve out a new trade policy if that's the way we proceed.

Secondly, there's been reference to NAFTA. This is really kind of an anti-NAFTA agreement. The labor standards are the new standards that we put into Peru and are incorporated here. The reference to job loss and EPI, it bases its assumption that what happened after NAFTA in terms of trade will happen as well with Korea. They are very different situations. And that's why many suggestions are that there will be major increases in jobs.

Thirdly, there's been reference to this as the George Bush FTA. No, this is the FTA renegotiated by the Obama administration. And why was it renegotiated? To open up the markets of Korea, to change one-way trade to two-way trade. That's jobs. And that's exactly what this agreement does. Tomorrow we will outline how it does it.

In all respects, it will make sure that the Korean market at long last is open to American automotive products, which is the major source of our trade deficit. That's why the automotive companies issued this statement: "As representatives of the largest exporting sector, this FTA will help open an important auto market for Chrysler, Ford, and GM exports. Our companies make the best cars and trucks on the road, and we are excited for the export opportunity this agreement represents." That's why it's supported by the UAW. It will open up markets. That's why Ford sat down today to describe how they're going to penetrate the market of Korea. They're determined to do that, as the other companies are. So this is a market-opening provision at long last, in that sense a major change from the Bush-negotiated agreement. I strongly urge support for the Korea FTA.

I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield 1 minute to a leader of the China currency manipulation legislation, the gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. I thank the gentleman from Maine for yielding.

Mr. Speaker, I rise in opposition to the Korea free trade agreement. I represent a manufacturing district, and we need trade policies that put American workers first. I've seen firsthand the negative effects that trade agreements have had on our manufacturing sector. And this one is estimated to displace 159,000 jobs and increase our trade deficit with Korea by \$16.7 billion.

Every trade dollar we lose as a result of an international marketplace rigged against us is one more blow to our effort to climb out of debt and get our economy moving again. We can prevent the outsourcing and offshoring of American jobs and the ballooning of our trade deficit simply by basing trade agreements on a level playing field and rebuilding our manufacturing strength. In order to accomplish this, we must oppose agreements like this one that are founded on policies that have a record of failure.

With an unemployment rate currently hovering around 9 percent and an 11 million job shortfall, we simply cannot afford another trade agreement that increases the deficit and drives more Americans out of work. Please join me in opposing the Korea free trade agreement, as all our workers and businesses deserve to know that we are standing up for them in the global marketplace.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 3080 is postponed.

□ 2220

EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 425, I call up the bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes, with a Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

At the end, add the following:

TITLE II—TRADE ADJUSTMENT ASSISTANCE

SEC. 200. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This title may be cited as the "Trade Adjustment Assistance Extension Act of 2011".

(b) *TABLE OF CONTENTS.*—The table of contents for this title is as follows:

TITLE II—TRADE ADJUSTMENT ASSISTANCE

Sec. 200. Short title; table of contents.

Subtitle A—Extension of Trade Adjustment Assistance

PART I—APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE

Sec. 201. Application of provisions relating to trade adjustment assistance.

PART II—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Sec. 211. Group eligibility requirements.

Sec. 212. Reductions in waivers from training.

Sec. 213. Limitations on trade readjustment allowances.

Sec. 214. Funding of training, employment and case management services, and job search and relocation allowances.

Sec. 215. Reemployment trade adjustment assistance.

Sec. 216. Program accountability.

Sec. 217. Extension.

PART III—OTHER ADJUSTMENT ASSISTANCE

Sec. 221. Trade adjustment assistance for firms.

Sec. 222. Trade adjustment assistance for communities.

Sec. 223. Trade adjustment assistance for farmers.

PART IV—GENERAL PROVISIONS

Sec. 231. Applicability of trade adjustment assistance provisions.

Sec. 232. Termination provisions.

Sec. 233. Sunset provisions.

Subtitle B—Health Coverage Improvement

Sec. 241. Health care tax credit.

Sec. 242. TAA pre-certification period rule for purposes of determining whether there is a 63-day lapse in creditable coverage.

Sec. 243. Extension of COBRA benefits for certain TAA-eligible individuals and PBGC recipients.

Subtitle C—Offsets

PART I—UNEMPLOYMENT COMPENSATION PROGRAM INTEGRITY

Sec. 251. Mandatory penalty assessment on fraud claims.

Sec. 252. Prohibition on noncharging due to employer fault.

Sec. 253. Reporting of rehired employees to the directory of new hires.

PART II—ADDITIONAL OFFSETS

Sec. 261. Improvements to contracts with Medicare quality improvement organizations (QIOs) in order to improve the quality of care furnished to Medicare beneficiaries.

Sec. 262. Rates for merchandise processing fees.

Sec. 263. Time for remitting certain merchandise processing fees.

Subtitle A—Extension of Trade Adjustment Assistance

PART I—APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE

SEC. 201. APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE.

(a) **REPEAL OF SNAPBACK.**—Section 1893 of the Trade and Globalization Adjustment Assistance Act of 2009 (Public Law 111–5; 123 Stat. 422) is repealed.

(b) **APPLICABILITY OF CERTAIN PROVISIONS.**—Except as otherwise provided in this subtitle, the provisions of chapters 2 through 6 of title II of the Trade Act of 1974, as in effect on February 12, 2011, and as amended by this subtitle, shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to petitions for certification filed under chapters 2, 3, or 6 of title II of the Trade Act of 1974 on or after such date of enactment.

(c) **REFERENCES.**—Except as otherwise provided in this subtitle, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision of chapters 2 through 6 of title II of the Trade Act of 1974, the reference shall be considered to be made to a provision of any such chapter, as in effect on February 12, 2011.

PART II—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

SEC. 211. GROUP ELIGIBILITY REQUIREMENTS.

(a) **IN GENERAL.**—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively;

(3) in paragraph (2) of subsection (b), as redesignated, by striking “(d)” and inserting “(c)”;

(4) in subsection (c), as redesignated, by striking paragraph (5); and

(5) in paragraph (2) of subsection (d), as redesignated, by striking “, (b), or (c)” and inserting “or (b)”.

(b) **CONFORMING AMENDMENTS.**—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “Subject to section 222(d)(5), the term” and inserting “The term”; and

(B) in subparagraph (A), by striking “, service sector firm, or public agency” and inserting “or service sector firm”;

(2) by striking paragraph (7); and

(3) by redesignating paragraphs (8) through (19) as paragraphs (7) through (18), respectively.

SEC. 212. REDUCTIONS IN WAIVERS FROM TRAINING.

(a) **IN GENERAL.**—Section 231(c) of the Trade Act of 1974 (19 U.S.C. 2291(c)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A), (B), and (C); and

(B) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (A), (B), and (C), respectively; and

(2) in paragraph (3)(B), by striking “(D), (E), or (F)” and inserting “or (C)”.

(b) **GOOD CAUSE EXCEPTION.**—Section 234(b) of the Trade Act of 1974 (19 U.S.C. 2294(b)) is amended to read as follows:

“(b) **SPECIAL RULE ON GOOD CAUSE FOR WAIVER OF TIME LIMITS OR LATE FILING OF CLAIMS.**—The Secretary shall establish procedures and criteria that allow for a waiver for good cause of the time limitations with respect to an application for a trade readjustment allowance or enrollment in training under this chapter.”.

SEC. 213. LIMITATIONS ON TRADE READJUSTMENT ALLOWANCES.

Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(1) in subsection (a)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking “(or)” and all that follows through “period”;

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking “78” and inserting “65”; and

(ii) by striking “91-week period” each place it appears and inserting “78-week period”; and

(2) by amending subsection (f) to read as follows:

“(f) **PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.**—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 that leads to the completion of a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter if—

“(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

“(2) the worker participates in training in each such week; and

“(3) the worker—

“(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

“(B) is expected to continue to make progress toward the completion of the training; and

“(C) will complete the training during that period of eligibility.”.

SEC. 214. FUNDING OF TRAINING, EMPLOYMENT AND CASE MANAGEMENT SERVICES, AND JOB SEARCH AND RELOCATION ALLOWANCES.

(a) **IN GENERAL.**—Section 236(a)(2) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)) is amended—

(1) by inserting “and sections 235, 237, and 238” after “to carry out this section” each place it appears;

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “of payments that may be made under paragraph (1)” and inserting “of funds available to carry out this section and sections 235, 237, and 238”; and

(B) by striking clauses (i) and (ii) and inserting the following:

“(i) \$575,000,000 for each of fiscal years 2012 and 2013; and

“(ii) \$143,750,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013.”;

(3) in subparagraph (C)(ii)(V), by striking “relating to the provision of training under this section” and inserting “to carry out this section and sections 235, 237, and 238”; and

(4) in subparagraph (E), by striking “to pay the costs of training approved under this section” and inserting “to carry out this section and sections 235, 237, and 238”.

(b) **LIMITATIONS ON ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.**—

(1) **IN GENERAL.**—Section 235A of the Trade Act of 1974 (19 U.S.C. 2295a) is amended—

(A) in the section heading, by striking “**fund-**ing for” and inserting “**limitations on**”; and

(B) by striking subsections (a) and (b) and inserting the following:

“Of the funds made available to a State to carry out sections 235 through 238 for a fiscal year, the State shall use—

“(1) not more than 10 percent for the administration of the trade adjustment assistance for workers program under this chapter, including for—

“(A) processing waivers of training requirements under section 231;

“(B) collecting, validating, and reporting data required under this chapter; and

“(C) providing reemployment trade adjustment assistance under section 246; and

“(2) not less than 5 percent for employment and case management services under section 235.”.

(2) **CLERICAL AMENDMENT.**—The table of contents for the Trade Act of 1974 is amended by striking the item relating to section 235A and inserting the following:

“Sec. 235A. Limitations on administrative expenses and employment and case management services.”.

(c) **REALLOTMENT OF FUNDS.**—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended by adding at the end the following:

“(c) **REALLOTMENT OF FUNDS.**—

“(1) **IN GENERAL.**—The Secretary may—

“(A) reallocate funds that were allotted to any State to carry out sections 235 through 238 and that remain unobligated by the State during the second or third fiscal year after the fiscal year in which the funds were provided to the State; and

“(B) provide such reallocated funds to States to carry out sections 235 through 238 in accordance with procedures established by the Secretary.

“(2) **REQUESTS BY STATES.**—In establishing procedures under paragraph (1)(B), the Secretary shall include procedures that provide for the distribution of reallocated funds under that paragraph pursuant to requests submitted by States in need of such funds.

“(3) **AVAILABILITY OF AMOUNTS.**—The reallocation of funds under paragraph (1) shall not extend the period for which such funds are available for expenditure.”.

(d) **JOB SEARCH ALLOWANCES.**—Section 237 of the Trade Act of 1974 (19 U.S.C. 2297) is amended—

(1) in subsection (a)(1)—

(A) by striking “An adversely affected worker” and inserting “Each State may use funds made available to the State to carry out sections 235 through 238 to allow an adversely affected worker”; and

(B) by striking “may” and inserting “to”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “An” and inserting “Any”; and

(ii) by striking “all necessary job search expenses” and inserting “not more than 90 percent of the necessary job search expenses of the worker”; and

(B) in paragraph (2), by striking “\$1,500” and inserting “\$1,250”; and

(3) in subsection (c), by striking “the Secretary shall” and inserting “a State may”.

(e) **RELOCATION ALLOWANCES.**—Section 238 of the Trade Act of 1974 (19 U.S.C. 2298) is amended—

(1) in subsection (a)(1)—

(A) by striking “Any adversely affected worker” and inserting “Each State may use funds made available to the State to carry out sections 235 through 238 to allow an adversely affected worker”; and

(B) by striking “may file” and inserting “to file”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by striking “The” and inserting “Any”; and

(ii) by striking “includes” and inserting “shall include”;

(B) in paragraph (1), by striking “all” and inserting “not more than 90 percent of the”; and

(C) in paragraph (2), by striking “\$1,500” and inserting “\$1,250”.

(f) CONFORMING AMENDMENTS.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended—

(1) in subsection (b), in the first sentence, by striking “appropriate” and inserting “appropriate”; and

(2) by striking subsection (g) and redesignating subsection (h) as subsection (g).

SEC. 215. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Section 246(a) of the Trade Act of 1974 (19 U.S.C. 2318(a)) is amended—

(1) in paragraph (3)(B)(ii), by striking “\$55,000” and inserting “\$50,000”; and

(2) in paragraph (5)—

(A) in subparagraph (A)(i), by striking “\$12,000” and inserting “\$10,000”; and

(B) in subparagraph (B)(i), by striking “\$12,000” and inserting “\$10,000”.

(b) EXTENSION.—Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking “February 12, 2011” and inserting “December 31, 2013”.

SEC. 216. PROGRAM ACCOUNTABILITY.

(a) CORE INDICATORS OF PERFORMANCE.—

(1) IN GENERAL.—Section 239(j)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2311(j)(2)(A)) is amended to read as follows:

“(A) IN GENERAL.—The core indicators of performance described in this paragraph are—

“(i) the percentage of workers receiving benefits under this chapter who are employed during the first or second calendar quarter following the calendar quarter in which the workers cease receiving such benefits;

“(ii) the percentage of such workers who are employed during the 2 calendar quarters following the earliest calendar quarter during which the worker was employed as described in clause (i);

“(iii) the average earnings of such workers who are employed during the 2 calendar quarters described in clause (ii); and

“(iv) the percentage of such workers who obtain a recognized postsecondary credential, including an industry-recognized credential, or a secondary school diploma or its recognized equivalent if combined with employment under clause (i), while receiving benefits under this chapter or during the 1-year period after such workers cease receiving such benefits.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall—

(A) take effect on October 1, 2011; and

(B) apply with respect to agreements under section 239 of the Trade Act of 1974 (19 U.S.C. 2311) entered into before, on, or after October 1, 2011.

(b) COLLECTION AND PUBLICATION OF DATA.—

(1) IN GENERAL.—Section 249B(b) of the Trade Act of 1974 (19 U.S.C. 2323(b)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (B), by inserting “(including such allowances classified by payments under paragraphs (1) and (3) of section 233(a), and section 233(f), respectively) and payments under section 246” after “readjustment allowances”; and

(ii) by adding at the end the following:

“(D) The average number of weeks trade readjustment allowances were paid to workers.

“(E) The number of workers who report that they have received benefits under a prior certifi-

cation issued under this chapter in any of the 10 fiscal years preceding the fiscal year for which the data is collected under this section.”;

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting “training leading to an associate’s degree, remedial education, prerequisite education,” after “distance learning,”;

(ii) by amending subparagraph (B) to read as follows:

“(B) The number of workers who complete training approved under section 236 who were enrolled in pre-layoff training or part-time training at any time during that training.”;

(iii) in subparagraph (C), by inserting “, and the average duration of training that does not include remedial or prerequisite education” after “training”;

(iv) in subparagraph (E), by striking “duration” and inserting “average duration”; and

(v) in subparagraph (F), by inserting “and the average duration of the training that was completed by such workers” after “training”; and

(C) in paragraph (4)—

(i) by redesignating subparagraph (B) as subparagraph (D); and

(ii) by inserting after subparagraph (A) the following:

“(B) A summary of the data on workers in the quarterly reports required under section 239(j) classified by the age, pre-program educational level, and post-program credential attainment of the workers.

“(C) The average earnings of workers described in section 239(j)(2)(A)(i) in the second, third, and fourth calendar quarters following the calendar quarter in which such workers cease receiving benefits under this chapter, expressed as a percentage of the average earnings of such workers in the 3 calendar quarters before the calendar quarter in which such workers began receiving benefits under this chapter.”;

and

(D) by adding at the end the following:

“(6) DATA ON SPENDING.—

“(A) The total amount of funds used to pay for trade readjustment allowances, in the aggregate and by each State.

“(B) The total amount of the payments to the States to carry out sections 235 through 238 used for training, in the aggregate and for each State.

“(C) The total amount of payments to the States to carry out sections 235 through 238 used for the costs of administration, in the aggregate and for each State.

“(D) The total amount of payments to the States to carry out sections 235 through 238 used for job search and relocation allowances, in the aggregate and for each State.”.

(2) EFFECTIVE DATE.—Not later than October 1, 2012, the Secretary of Labor shall update the system required by section 249B(a) of the Trade Act of 1974 (19 U.S.C. 2323(a)) to include the collection of and reporting on the data required by the amendments made by paragraph (1).

(3) ANNUAL REPORT.—Section 249B(d) of the Trade Act of 1974 (19 U.S.C. 2323(d)) is amended by striking “December 15” and inserting “February 15”.

SEC. 217. EXTENSION.

Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking “February 12, 2011” and inserting “December 31, 2013”.

PART III—OTHER ADJUSTMENT ASSISTANCE

SEC. 221. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended by inserting after section 255 the following:

“SEC. 255A. ANNUAL REPORT ON TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.

“(a) IN GENERAL.—Not later than December 15, 2012, and annually thereafter, the Secretary shall prepare a report containing data regarding the trade adjustment assistance for firms program under this chapter for the preceding fiscal year. The data shall include the following:

“(1) The number of firms that inquired about the program.

“(2) The number of petitions filed under section 251.

“(3) The number of petitions certified and denied by the Secretary.

“(4) The average time for processing petitions after the petitions are filed.

“(5) The number of petitions filed and firms certified for each congressional district of the United States.

“(6) Of the number of petitions filed, the number of firms that entered the program and received benefits.

“(7) The number of firms that received assistance in preparing their petitions.

“(8) The number of firms that received assistance developing business recovery plans.

“(9) The number of business recovery plans approved and denied by the Secretary.

“(10) The average duration of benefits received under the program nationally and in each region served by an intermediary organization referred to in section 253(b)(1).

“(11) Sales, employment, and productivity at each firm participating in the program at the time of certification.

“(12) Sales, employment, and productivity at each firm upon completion of the program and each year for the 2-year period following completion of the program.

“(13) The number of firms in operation as of the date of the report and the number of firms that ceased operations after completing the program and in each year during the 2-year period following completion of the program.

“(14) The financial assistance received by each firm participating in the program.

“(15) The financial contribution made by each firm participating in the program.

“(16) The types of technical assistance included in the business recovery plans of firms participating in the program.

“(17) The number of firms leaving the program before completing the project or projects in their business recovery plans and the reason the project or projects were not completed.

“(18) The total amount expended by all intermediary organizations referred to in section 253(b)(1) and by each such organization to administer the program.

“(19) The total amount expended by intermediary organizations to provide technical assistance to firms under the program nationally and in each region served by such an organization.

“(b) CLASSIFICATION OF DATA.—To the extent possible, in collecting and reporting the data described in subsection (a), the Secretary shall classify the data by intermediary organization, State, and national totals.

“(c) REPORT TO CONGRESS; PUBLICATION.—The Secretary shall—

“(1) submit the report described in subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives; and

“(2) publish the report in the Federal Register and on the website of the Department of Commerce.

“(d) PROTECTION OF CONFIDENTIAL INFORMATION.—

“(1) IN GENERAL.—The Secretary may not release information described in subsection (a) that the Secretary considers to be confidential business information unless the person submitting the confidential business information had

notice, at the time of submission, that such information would be released by the Secretary, or such person subsequently consents to the release of the information.

“(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to prohibit the Secretary from providing information the Secretary considers to be confidential business information under paragraph (1) to a court in camera or to another party under a protective order issued by a court.”.

(2) **CLERICAL AMENDMENT.**—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 255 the following:

“Sec. 255A. Annual report on trade adjustment assistance for firms.”.

(3) **CONFORMING REPEAL.**—Effective on the day after the date on which the Secretary of Commerce submits the report required by section 1866 of the Trade and Globalization Adjustment Assistance Act of 2009 (19 U.S.C. 2356) for fiscal year 2011, such section is repealed.

(b) **EXTENSION.**—Section 255(a) of the Trade Act of 1974 (19 U.S.C. 2345(a)) is amended—

(1) by striking “\$50,000,000” and all that follows through “February 12, 2011.” and inserting “\$16,000,000 for each of the fiscal years 2012 and 2013, and \$4,000,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013.”; and

(2) by striking “shall—” and all that follows through “otherwise remain” and inserting “shall remain”.

SEC. 222. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

(a) **IN GENERAL.**—Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended—

(1) by striking subchapters A, C, and D;

(2) in subchapter B, by striking the subchapter heading; and

(3) by redesignating sections 278 and 279 as sections 271 and 272, respectively.

(b) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Subsection (e) of section 271 of the Trade Act of 1974, as redesignated by subsection (a)(3), is amended—

(A) in the matter preceding paragraph (1), by striking “December 15 in each of the calendar years 2009 through” and inserting “December 15, 2009.”;

(B) in paragraph (1), by striking “and” at the end;

(C) in paragraph (2), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(3) providing the following data relating to program performance and outcomes:

“(A) Of the grants awarded under this section, the amount of funds spent by grantees.

“(B) The average dollar amount of grants awarded under this section.

“(C) The average duration of grants awarded under this section.

“(D) The percentage of workers receiving benefits under chapter 2 that are served by programs developed, offered, or improved using grants awarded under this section.

“(E) The percentage and number of workers receiving benefits under chapter 2 who obtained a degree through such programs and the average duration of the participation of such workers in training under section 236.

“(F) The number of workers receiving benefits under chapter 2 served by such programs who did not complete a degree and the average duration of the participation of such workers in training under section 236.”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall—

(A) take effect on October 1, 2011; and

(B) apply with respect to reports submitted under subsection (e) of section 271 of the Trade

Act of 1974, as redesignated by subsection (a)(3), on or after October 1, 2012.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 271 of the Trade Act of 1974, as redesignated by subsection (a)(3), is amended—

(A) in subsection (c)—

(i) in paragraph (4)—

(I) in subparagraph (A)—

(aa) in clause (ii), by striking the semicolon and inserting “; and”;

(bb) by striking clauses (iii) and (iv); and

(cc) by redesignating clause (v) as clause (iii);

(II) in subparagraph (B), by striking “(A)(v)” and inserting “(A)(iii)”;

(ii) in paragraph (5)(A)—

(I) in clause (i)—

(aa) in the matter preceding subclause (I), by striking “, and other entities described in section 276(a)(2)(B)”;

(bb) in subclause (II), by striking the semicolon and inserting “; and”;

(II) by striking clause (iii); and

(B) in subsection (d), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(2) Subsection (b) of section 272 of the Trade Act of 1974, as redesignated by subsection (a)(3), is amended by striking “278(a)(2)” and inserting “271(a)(2)”.

(d) **CLERICAL AMENDMENT.**—The table of contents for the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting the following:

“CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

“Sec. 271. Community College and Career Training Grant Program.

“Sec. 272. Authorization of appropriations.”.

SEC. 223. TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.

(a) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Section 293(d) of the Trade Act of 1974 (19 U.S.C. 2401b(d)) is amended to read as follows:

“(d) **ANNUAL REPORT.**—Not later than January 30 of each year, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report containing the following information with respect to the trade adjustment assistance for farmers program under this chapter during the preceding fiscal year:

“(1) A list of the agricultural commodities covered by a certification under this chapter.

“(2) The States or regions in which agricultural commodities are produced and the aggregate amount of such commodities produced in each such State or region.

“(3) The number of petitions filed.

“(4) The number of petitions certified and denied by the Secretary.

“(5) The average time for processing petitions.

“(6) The number of petitions filed and agricultural commodity producers approved for each congressional district of the United States.

“(7) Of the number of producers approved, the number of agricultural commodity producers that entered the program and received benefits.

“(8) The number of agricultural commodity producers that completed initial technical assistance.

“(9) The number of agricultural commodity producers that completed intensive technical assistance.

“(10) The number of initial business plans approved and denied by the Secretary.

“(11) The number of long-term business plans approved and denied by the Secretary.

“(12) The total number of agricultural commodity producers, by congressional district, receiving initial technical assistance and intensive technical assistance, respectively, under this chapter.

“(13) The types of initial technical assistance received by agricultural commodity producers participating in the program.

“(14) The types of intensive technical assistance received by agricultural commodity producers participating in the program.

“(15) The number of agricultural commodity producers leaving the program before completing the projects in their long-term business plans and the reason those projects were not completed.

“(16) The total number of agricultural commodity producers, by congressional district, receiving benefits under this chapter.

“(17) The average duration of benefits received under this chapter.

“(18) The number of agricultural commodity producers in operation as of the date of the report and the number of agricultural commodity producers that ceased operations after completing the program and in the 1-year period following completion of the program.

“(19) The number of agricultural commodity producers that report that such producers received benefits under a prior certification issued under this chapter in any of the 10 fiscal years preceding the date of the report.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall—

(A) take effect on October 1, 2011; and

(B) apply with respect to reports submitted under section 293(d) of the Trade Act of 1974 (19 U.S.C. 2401b(d)) on or after October 1, 2012.

(b) **EXTENSION.**—Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended—

(1) by striking “and there are appropriated”; and

(2) by striking “not to exceed” and all that follows through “February 12, 2011” and inserting “not to exceed \$90,000,000 for each of the fiscal years 2012 and 2013, and \$22,500,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013”.

PART IV—GENERAL PROVISIONS

SEC. 231. APPLICABILITY OF TRADE ADJUSTMENT ASSISTANCE PROVISIONS.

(a) **TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.**—

(1) **PETITIONS FILED ON OR AFTER FEBRUARY 13, 2011, AND BEFORE DATE OF ENACTMENT.**—

(A) **CERTIFICATIONS OF WORKERS NOT CERTIFIED BEFORE DATE OF ENACTMENT.**—

(i) **CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.**—If, as of the date of the enactment of this Act, the Secretary of Labor has not made a determination with respect to whether to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall make that determination based on the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment.

(ii) **RECONSIDERATION OF DENIALS OF CERTIFICATIONS.**—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall—

(I) reconsider that determination; and

(II) if the group of workers meets the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment, certify the group of workers as eligible to apply for adjustment assistance.

(iii) **PETITION DESCRIBED.**—A petition described in this clause is a petition for a certification of eligibility for a group of workers filed under section 221 of the Trade Act of 1974 on or after February 13, 2011, and before the date of the enactment of this Act.

(B) **ELIGIBILITY FOR BENEFITS.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), a worker certified as eligible to apply for adjustment assistance under section 222 of the

Trade Act of 1974 pursuant to a petition described in subparagraph (A)(iii) shall be eligible, on and after the date that is 60 days after the date of the enactment of this Act, to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment.

(ii) ELECTION FOR WORKERS RECEIVING BENEFITS ON THE 60TH DAY AFTER ENACTMENT.—

(I) IN GENERAL.—A worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (A)(iii) who is receiving benefits under chapter 2 of title II of the Trade Act of 1974 as of the date that is 60 days after the date of the enactment of this Act may, not later than the date that is 150 days after such date of enactment, make a one-time election to receive benefits pursuant to—

(aa) the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment; or

(bb) the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011.

(II) EFFECT OF FAILURE TO MAKE ELECTION.—A worker described in subclause (I) who does not make the election described in that subclause on or before the date that is 150 days after the date of the enactment of this Act shall be eligible to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011.

(III) COMPUTATION OF MAXIMUM BENEFITS.—Benefits received by a worker described in subclause (I) under chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011, before the worker makes the election described in that subclause shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, or as in effect on February 13, 2011, whichever is applicable after the election of the worker under subclause (I).

(2) PETITIONS FILED BEFORE FEBRUARY 13, 2011.—A worker certified as eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974—

(A) on or after May 18, 2009, and on or before February 12, 2011, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act, as in effect on February 12, 2011; or

(B) before May 18, 2009, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act, as in effect on May 17, 2009.

(3) QUALIFYING SEPARATIONS WITH RESPECT TO PETITIONS FILED WITHIN 90 DAYS OF DATE OF ENACTMENT.—Section 223(b) of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall be applied and administered by substituting “before February 13, 2010” for “more than one year before the date of the petition on which such certification was granted” for purposes of determining whether a worker is eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 on or after the date of the enactment of this Act and on or before the date that is 90 days after such date of enactment.

(b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—

(1) CERTIFICATION OF FIRMS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act, the Secretary of Commerce has not made a determination with respect to whether to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in sub-

paragraph (C), the Secretary shall make that determination based on the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment.

(B) RECONSIDERATION OF DENIAL OF CERTAIN PETITIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—

(i) reconsider that determination; and

(ii) if the firm meets the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment, certify the firm as eligible to apply for adjustment assistance.

(C) PETITION DESCRIBED.—A petition described in this subparagraph is a petition for a certification of eligibility filed by a firm or its representative under section 251 of the Trade Act of 1974 on or after February 13, 2011, and before the date of the enactment of this Act.

(2) CERTIFICATION OF FIRMS THAT DID NOT SUBMIT PETITIONS BETWEEN FEBRUARY 13, 2011, AND DATE OF ENACTMENT.—

(A) IN GENERAL.—The Secretary of Commerce shall certify a firm described in subparagraph (B) as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974, as in effect on the date of the enactment of this Act, if the firm or its representative files a petition for a certification of eligibility under section 251 of the Trade Act of 1974 not later than 90 days after such date of enactment.

(B) FIRM DESCRIBED.—A firm described in this subparagraph is a firm that the Secretary determines would have been certified as eligible to apply for adjustment assistance if—

(i) the firm or its representative had filed a petition for a certification of eligibility under section 251 of the Trade Act of 1974 on a date during the period beginning on February 13, 2011, and ending on the day before the date of the enactment of this Act; and

(ii) the provisions of chapter 3 of title II of the Trade Act of 1974, as in effect on such date of enactment, had been in effect on that date during the period described in clause (i).

SEC. 232. TERMINATION PROVISIONS.

Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended—

(1) by striking “February 12, 2011” each place it appears and inserting “December 31, 2013”;

(2) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by striking “that chapter” and all that follows through “the worker is—” and inserting “that chapter if the worker is—”; and

(B) in subparagraph (A), by striking “petitions” and inserting “a petition”; and

(3) in subsection (b)—

(A) in paragraph (1)(B), in the matter preceding clause (i), by inserting “pursuant to a petition filed under section 251” after “chapter 3”;

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting “pursuant to a petition filed under section 292” after “chapter 6”; and

(C) by striking paragraph (3).

SEC. 233. SUNSET PROVISIONS.

(a) APPLICATION OF PRIOR LAW.—Subject to subsection (b), beginning on January 1, 2014, the provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.), as in effect on February 13, 2011, shall apply, except that in applying and administering such chapters—

(1) paragraph (1) of section 231(c) of that Act shall be applied and administered as if subparagraphs (A), (B), and (C) of that paragraph were not in effect;

(2) section 233 of that Act shall be applied and administered—

(A) in subsection (a)—

(i) in paragraph (2), by substituting “104-week period” for “104-week period” and all that follows through “130-week period”;

(ii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by substituting “65” for “52”; and

(II) by substituting “78-week period” for “52-week period” each place it appears; and

(B) by applying and administering subsection (g) as if it read as follows:

“(g) PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 that leads to the completion of a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter if—

“(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

“(2) the worker participates in training in each such week; and

“(3) the worker—

“(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

“(B) is expected to continue to make progress toward the completion of the training; and

“(C) will complete the training during that period of eligibility.”;

(3) section 245 of that Act shall be applied and administered by substituting “2014” for “2007”;

(4) section 246(b)(1) of that Act shall be applied and administered by substituting “December 31, 2014” for “the date that is 5 years” and all that follows through “State”;

(5) section 256(b) of that Act shall be applied and administered by substituting “the 1-year period beginning on January 1, 2014” for “each of fiscal years 2003 through 2007, and \$4,000,000 for the 3-month period beginning on October 1, 2007”;

(6) section 298(a) of that Act shall be applied and administered by substituting “the 1-year period beginning on January 1, 2014” for “each of the fiscal years” and all that follows through “October 1, 2007”; and

(7) section 285 of that Act shall be applied and administered—

(A) in subsection (a), by substituting “2014” for “2007” each place it appears; and

(B) by applying and administering subsection (b) as if it read as follows:

“(b) OTHER ASSISTANCE.—

“(1) ASSISTANCE FOR FIRMS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 3 after December 31, 2014.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 3 on or before December 31, 2014, may be provided—

“(i) to the extent funds are available pursuant to such chapter for such purpose; and

“(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

“(2) FARMERS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 after December 31, 2014.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before December 31, 2014, may be provided—

“(i) to the extent funds are available pursuant to such chapter for such purpose; and

“(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

“(1) ASSISTANCE FOR FIRMS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 3 after December 31, 2014.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 3 on or before December 31, 2014, may be provided—

“(i) to the extent funds are available pursuant to such chapter for such purpose; and

“(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

“(2) FARMERS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 after December 31, 2014.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before December 31, 2014, may be provided—

“(i) to the extent funds are available pursuant to such chapter for such purpose; and

“(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.”.

(b) **EXCEPTIONS.**—The provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall continue to apply on and after January 1, 2014, with respect to—

(1) workers certified as eligible for trade adjustment assistance benefits under chapter 2 of title II of that Act pursuant to petitions filed under section 221 of that Act before January 1, 2014;

(2) firms certified as eligible for technical assistance or grants under chapter 3 of title II of that Act pursuant to petitions filed under section 251 of that Act before January 1, 2014; and

(3) agricultural commodity producers certified as eligible for technical or financial assistance under chapter 6 of title II of that Act pursuant to petitions filed under section 292 of that Act before January 1, 2014.

Subtitle B—Health Coverage Improvement

SEC. 241. HEALTH CARE TAX CREDIT.

(a) **TERMINATION OF CREDIT.**—Subparagraph (B) of section 35(b)(1) of the Internal Revenue Code of 1986 is amended by inserting “, and before January 1, 2014” before the period.

(b) **EXTENSION THROUGH CREDIT TERMINATION DATE OF CERTAIN EXPIRED CREDIT PROVISIONS.**—

(1) **PARTIAL EXTENSION OF INCREASED CREDIT RATE.**—Section 35(a) of such Code is amended by striking “65 percent (80 percent in the case of eligible coverage months beginning before February 13, 2011)” and inserting “72.5 percent”.

(2) **EXTENSION OF ADVANCE PAYMENT PROVISIONS.**—

(A) Section 7527(b) of such Code is amended by striking “65 percent (80 percent in the case of eligible coverage months beginning before February 13, 2011)” and inserting “72.5 percent”.

(B) Section 7527(d)(2) of such Code is amended by striking “which is issued before February 13, 2011”.

(C) Section 7527(e) of such Code is amended by striking “80 percent” and inserting “72.5 percent”.

(D) Section 7527(e) of such Code is amended by striking “In the case of eligible coverage months beginning before February 13, 2011—”.

(3) **EXTENSION OF CERTAIN OTHER RELATED PROVISIONS.**—

(A) Section 35(c)(2)(B) of such Code is amended by striking “and before February 13, 2011”.

(B) Section 35(e)(1)(K) of such Code is amended by striking “In the case of eligible coverage months beginning before February 13, 2012, coverage” and inserting “Coverage”.

(C) Section 35(g)(9) of such Code, as added by section 1899E(a) of the American Recovery and Reinvestment Tax Act of 2009 (relating to continued qualification of family members after certain events), is amended by striking “In the case of eligible coverage months beginning before February 13, 2011—”.

(D) Section 173(f)(8) of the Workforce Investment Act of 1998 is amended by striking “In the case of eligible coverage months beginning before February 13, 2011—”.

(c) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to coverage months beginning after February 12, 2011.

(2) **ADVANCE PAYMENT PROVISIONS.**—

(A) The amendment made by subsection (b)(2)(B) shall apply to certificates issued after the date which is 30 days after the date of the enactment of this Act.

(B) The amendment made by subsection (b)(2)(D) shall apply to coverage months beginning after the date which is 30 days after the date of the enactment of this Act.

SEC. 242. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) **IN GENERAL.**—The following provisions are each amended by striking “February 13, 2011” and inserting “January 1, 2014”:

(1) Section 9801(c)(2)(D) of the Internal Revenue Code of 1986.

(2) Section 701(c)(2)(C) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)(C)).

(3) Section 2701(c)(2)(C) of the Public Health Service Act (as in effect for plan years beginning before January 1, 2014).

(4) Section 2704(c)(2)(C) of the Public Health Service Act (as in effect for plan years beginning on or after January 1, 2014).

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply to plan years beginning after February 12, 2011.

(2) **TRANSITIONAL RULES.**—

(A) **BENEFIT DETERMINATIONS.**—Notwithstanding the amendments made by this section (and the provisions of law amended thereby), a plan shall not be required to modify benefit determinations for the period beginning on February 13, 2011, and ending 30 days after the date of the enactment of this Act, but a plan shall not fail to be qualified health insurance within the meaning of section 35(e) of the Internal Revenue Code of 1986 during this period merely due to such failure to modify benefit determinations.

(B) **GUIDANCE CONCERNING PERIODS BEFORE 30 DAYS AFTER ENACTMENT.**—Except as provided in subparagraph (A), the Secretary of the Treasury (or his designee), in consultation with the Secretary of Health and Human Services and the Secretary of Labor, may issue regulations or other guidance regarding the scope of the application of the amendments made by this section to periods before the date which is 30 days after the date of the enactment of this Act.

(C) **SPECIAL RULE RELATING TO CERTAIN LOSS OF COVERAGE.**—In the case of a TAA-related loss of coverage (as defined in section 4980B(f)(5)(C)(iv) of the Internal Revenue Code of 1986) that occurs during the period beginning on February 13, 2011, and ending 30 days after the date of the enactment of this Act, the 7-day period described in section 9801(c)(2)(D) of the Internal Revenue Code of 1986, section 701(c)(2)(C) of the Employee Retirement Income Security Act of 1974, and section 2701(c)(2)(C) of the Public Health Service Act shall be extended until 30 days after such date of enactment.

SEC. 243. EXTENSION OF COBRA BENEFITS FOR CERTAIN TAA-ELIGIBLE INDIVIDUALS AND PBGC RECIPIENTS.

(a) **IN GENERAL.**—The following provisions are each amended by striking “February 12, 2011” and inserting “January 1, 2014”:

(1) Section 602(2)(A)(v) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)(A)(v)).

(2) Section 602(2)(A)(vi) of such Act (29 U.S.C. 1162(2)(A)(vi)).

(3) Section 4980B(f)(2)(B)(i)(V) of the Internal Revenue Code of 1986.

(4) Section 4980B(f)(2)(B)(i)(VI) of such Code.

(5) Section 2202(2)(A)(iv) of the Public Health Service Act (42 U.S.C. 300bb-2(2)(A)(iv)).

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to periods of coverage which would (without regard to the amendments made by this section) end on or after the date which is 30 days after the date of the enactment of this Act.

Subtitle C—Offsets

PART I—UNEMPLOYMENT COMPENSATION PROGRAM INTEGRITY

SEC. 251. MANDATORY PENALTY ASSESSMENT ON FRAUD CLAIMS.

(a) **IN GENERAL.**—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended—

(1) in paragraph (10), by striking the period at the end of subparagraph (B) and inserting “; and”; and

(2) by adding at the end the following new paragraph:

“(11)(A) At the time the State agency determines an erroneous payment from its unemployment fund was made to an individual due to fraud committed by such individual, the assessment of a penalty on the individual in an amount of not less than 15 percent of the amount of the erroneous payment; and

“(B) The immediate deposit of all assessments paid pursuant to subparagraph (A) into the unemployment fund of the State.”.

(b) **APPLICATION TO FEDERAL PAYMENTS.**—

(1) **IN GENERAL.**—As a condition for administering any unemployment compensation program of the United States (as defined in paragraph (2)) as an agent of the United States, if the State determines that an erroneous payment was made by the State to an individual under any such program due to fraud committed by such individual, the State shall assess a penalty on such individual and deposit any such penalty received in the same manner as the State assesses and deposits such penalties under provisions of State law implementing section 303(a)(11) of the Social Security Act, as added by subsection (a).

(2) **DEFINITION.**—For purposes of this subsection, the term “unemployment compensation program of the United States” means—

(A) unemployment compensation for Federal civilian employees under subchapter I of chapter 85 of title 5, United States Code;

(B) unemployment compensation for ex-servicemembers under subchapter II of chapter 85 of title 5, United States Code;

(C) trade readjustment allowances under sections 231 through 234 of the Trade Act of 1974 (19 U.S.C. 2291–2294);

(D) disaster unemployment assistance under section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a));

(E) any Federal temporary extension of unemployment compensation;

(F) any Federal program which increases the weekly amount of unemployment compensation payable to individuals; and

(G) any other Federal program providing for the payment of unemployment compensation.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to erroneous payments established after the end of the 2-year period beginning on the date of the enactment of this Act.

(2) **AUTHORITY.**—A State may amend its State law to apply such amendments to erroneous payments established prior to the end of the period described in paragraph (1).

SEC. 252. PROHIBITION ON NONCHARGING DUE TO EMPLOYER FAULT.

(a) **IN GENERAL.**—Section 3303 of the Internal Revenue Code of 1986 is amended—

(1) by striking subsections (f) and (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) **PROHIBITION ON NONCHARGING DUE TO EMPLOYER FAULT.**—

“(1) **IN GENERAL.**—A State law shall be treated as meeting the requirements of subsection (a)(1) only if such law provides that an employer’s account shall not be relieved of charges relating to a payment from the State unemployment fund if the State agency determines that—

“(A) the payment was made because the employer, or an agent of the employer, was at fault for failing to respond timely or adequately to the request of the agency for information relating to the claim for compensation; and

“(B) the employer or agent has established a pattern of failing to respond timely or adequately to such requests.”.

“(2) **STATE AUTHORITY TO IMPOSE STRICTER STANDARDS.**—Nothing in paragraph (1) shall limit the authority of a State to provide that an employer's account not be relieved of charges relating to a payment from the State unemployment fund for reasons other than the reasons described in subparagraphs (A) and (B) of such paragraph, such as after the first instance of a failure to respond timely or adequately to requests described in paragraph (1)(A).”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to erroneous payments established after the end of the 2-year period beginning on the date of the enactment of this Act.

(2) **AUTHORITY.**—A State may amend its State law to apply such amendments to erroneous payments established prior to the end of the period described in paragraph (1).

SEC. 253. REPORTING OF REHIRED EMPLOYEES TO THE DIRECTORY OF NEW HIRES.

(a) **DEFINITION OF NEWLY HIRED EMPLOYEE.**—Section 453A(a)(2) of the Social Security Act (42 U.S.C. 653a(a)(2)) is amended by adding at the end the following:

“(C) **NEWLY HIRED EMPLOYEE.**—The term ‘newly hired employee’ means an employee who—

“(i) has not previously been employed by the employer; or

“(ii) was previously employed by the employer but has been separated from such prior employment for at least 60 consecutive days.”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the amendments made by this section shall take effect 6 months after the date of the enactment of this Act.

(2) **COMPLIANCE TRANSITION PERIOD.**—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirement imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirement before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

PART II—ADDITIONAL OFFSETS

SEC. 261. IMPROVEMENTS TO CONTRACTS WITH MEDICARE QUALITY IMPROVEMENT ORGANIZATIONS (QIOS) IN ORDER TO IMPROVE THE QUALITY OF CARE FURNISHED TO MEDICARE BENEFICIARIES.

(a) **AUTHORITY TO CONTRACT WITH A BROAD RANGE OF ENTITIES.**—

(1) **DEFINITION.**—Section 1152 of the Social Security Act (42 U.S.C. 1320c-1) is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) is able, as determined by the Secretary, to perform its functions under this part in a manner consistent with the efficient and effective administration of this part and title XVIII;

“(2) has at least one individual who is a representative of health care providers on its governing body; and”.

(2) **NAME CHANGE.**—Part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.) is amended—

(A) in the headings for sections 1152 and 1153, by striking “UTILIZATION AND QUALITY CONTROL PEER REVIEW” and inserting “QUALITY IMPROVEMENT”;

(B) in the heading for section 1154, by striking “PEER REVIEW” and inserting “QUALITY IMPROVEMENT”;

(C) by striking “utilization and quality control peer review” and “peer review” each place it appears before “organization” or “organizations” and inserting “quality improvement”.

(3) **CONFORMING AMENDMENTS TO THE MEDICARE PROGRAM.**—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended—

(A) by striking “utilization and quality control peer review” and inserting “quality improvement” each place it appears;

(B) by striking “quality control and peer review” and inserting “quality improvement” each place it appears;

(C) in paragraphs (1)(A)(iii)(I) and (2) of section 1842(l), by striking “peer review organization” and inserting “quality improvement organization”;

(D) in subparagraphs (A) and (B) of section 1866(a)(3), by striking “peer review” and inserting “quality improvement”;

(E) in section 1867(d)(3), in the heading, by striking “PEER REVIEW” and inserting “QUALITY IMPROVEMENT”;

(F) in section 1869(c)(3)(G), by striking “peer review organizations” and inserting “quality improvement organizations”.

(b) **IMPROVEMENTS WITH RESPECT TO THE CONTRACT.**—

(1) **FLEXIBILITY WITH RESPECT TO THE GEOGRAPHIC SCOPE OF CONTRACTS.**—Section 1153 of the Social Security Act (42 U.S.C. 1320c-2) is amended—

(A) by striking subsection (a) and inserting the following new subsection:

“(a) The Secretary shall establish throughout the United States such local, State, regional, national, or other geographic areas as the Secretary determines appropriate with respect to which contracts under this part will be made.”;

(B) in subsection (b)(1), as amended by subsection (a)(2)—

(i) in the first sentence, by striking “a contract with a quality improvement organization” and inserting “contracts with one or more quality improvement organizations”; and

(ii) in the second sentence, by striking “meets the requirements” and all that follows before the period at the end and inserting “will be operating in an area, the Secretary shall ensure that there is no duplication of the functions carried out by such organizations within the area”;

(C) in subsection (b)(2)(B), by inserting “or the Secretary determines that there is a more qualified entity to perform one or more of the functions in section 1154(a)” after “under this part”;

(D) in subsection (b)(3)—

(i) in subparagraph (A), by striking “, or association of such facilities.”; and

(ii) in subparagraph (B)—

(I) by striking “or association of such facilities”; and

(II) by striking “or associations”; and

(E) by striking subsection (i).

(2) **EXTENSION OF LENGTH OF CONTRACTS.**—Section 1153(c)(3) of the Social Security Act (42 U.S.C. 1320c-2(c)(3)) is amended—

(A) by striking “three years” and inserting “five years”; and

(B) by striking “on a triennial basis” and inserting “for terms of five years”.

(3) **AUTHORITY TO TERMINATE IN A MANNER CONSISTENT WITH THE FEDERAL ACQUISITION REGULATION.**—Section 1153 of the Social Security Act (42 U.S.C. 1320c-2) is amended—

(A) in subsection (b), by adding at the end the following new paragraph:

“(4) The Secretary may consider a variety of factors in selecting the contractors that the Secretary determines would provide for the most efficient and effective administration of this part, such as geographic location, size, and prior experience in health care quality improvement. Quality improvement organizations operating as

of January 1, 2012, shall be allowed to compete for new contracts (as determined appropriate by the Secretary) along with other qualified organizations and are eligible for renewal of contracts for terms five years thereafter (as determined appropriate by the Secretary).”.

(B) in subsection (c), by striking paragraphs (4) through (6) and redesignating paragraphs (7) and (8) as paragraphs (4) and (5), respectively; and

(C) by striking subsection (d).

(4) **ADMINISTRATIVE IMPROVEMENT.**—Section 1153(c)(5) of the Social Security Act (42 U.S.C. 1320c-2(c)(5)), as redesignated by this subsection, is amended to read as follows:

“(5) reimbursement shall be made to the organization on a monthly basis, with payments for any month being made consistent with the Federal Acquisition Regulation.”.

(c) **AUTHORITY FOR QUALITY IMPROVEMENT ORGANIZATIONS TO PERFORM SPECIALIZED FUNCTIONS AND TO ELIMINATE CONFLICTS OF INTEREST.**—Part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.) is amended—

(1) in section 1153—

(A) in subsection (b)(1), as amended by subsection (b)(1)(B), by inserting after the first sentence the following new sentence: “In entering into contracts with such qualified organizations, the Secretary shall, to the extent appropriate, seek to ensure that each of the functions described in section 1154(a) are carried out within an area established under subsection (a).”; and

(B) in subsection (c)(1), by striking “the functions set forth in section 1154(a), or may subcontract for the performance of all or some of such functions” and inserting “a function or functions under section 1154 directly or may subcontract for the performance of all or some of such function or functions”; and

(2) in section 1154—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking “Any” and inserting “Subject to subsection (b), any”; and

(II) by inserting “one or more of” before “the following functions”;

(ii) in paragraph (4), by striking subparagraph (C);

(iii) by inserting after paragraph (11) the following new paragraph:

“(12) As part of the organization's review responsibility under paragraph (1), the organization shall review all ambulatory surgical procedures specified pursuant to section 1833(i)(1)(A) which are performed in the area, or, at the discretion of the Secretary, a sample of such procedures.”; and

(iv) in paragraph (15), by striking “significant on-site review activities” and all that follows before the period at the end and inserting “on-site review activities as the Secretary determines appropriate”.

(B) by striking subsection (d) and redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following new subsection:

“(b) A quality improvement organization entering into a contract with the Secretary to perform a function described in a paragraph under subsection (a) must perform all of the activities described in such paragraph, except to the extent otherwise negotiated with the Secretary pursuant to the contract or except for a function for which the Secretary determines it is not appropriate for the organization to perform, such as a function that could cause a conflict of interest with another function.”.

(d) **QUALITY IMPROVEMENT AS SPECIFIED FUNCTION.**—Section 1154(a) of the Social Security Act (42 U.S.C. 1320c-3(a)) is amended by adding at the end the following new paragraph:

“(18) The organization shall perform, subject to the terms of the contract, such other activities as the Secretary determines may be necessary for the purposes of improving the quality of care furnished to individuals with respect to items and services for which payment may be made under title XVIII.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contracts entered into or renewed on or after January 1, 2012.

SEC. 262. RATES FOR MERCHANDISE PROCESSING FEES.

(a) **FEES FOR PERIOD FROM JULY 1, 2014, TO NOVEMBER 30, 2015.**—For the period beginning on July 1, 2014, and ending on November 30, 2015, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—

(1) in subparagraph (A), by substituting “0.3464” for “0.21”; and

(2) in subparagraph (B)(i), by substituting “0.3464” for “0.21”.

(b) **FEES FOR PERIOD FROM OCTOBER 1, 2016, TO SEPTEMBER 30, 2019.**—For the period beginning on October 1, 2016, and ending on September 30, 2019, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—

(1) in subparagraph (A), by substituting “0.1740” for “0.21”; and

(2) in subparagraph (B)(i), by substituting “0.1740” for “0.21”.

SEC. 263. TIME FOR REMITTING CERTAIN MERCHANDISE PROCESSING FEES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, any fees authorized under paragraphs (9) and (10) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9) and (10)) with respect to processing merchandise entered on or after October 1, 2012, and before November 12, 2012, shall be paid not later than September 25, 2012, in an amount equivalent to the amount of such fees paid by the person responsible for such fees with respect to merchandise entered on or after October 1, 2011, and before November 12, 2011, as determined by the Secretary of the Treasury.

(b) **RECONCILIATION OF MERCHANDISE PROCESSING FEES.**—

(1) **IN GENERAL.**—Not later than December 12, 2012, the Secretary of the Treasury shall reconcile the fees paid pursuant to subsection (a) with the fees for services actually provided on or after October 1, 2012, and before November 12, 2012.

(2) **REFUNDS OF OVERPAYMENTS.**—

(A) After making the reconciliation required under paragraph (1), the Secretary of the Treasury shall refund with interest any overpayment of such fees made under subsection (a) and make proper adjustments with respect to any underpayment of such fees.

(B) No interest may be assessed with respect to any such underpayment that was based on the amount of fees paid for merchandise entered on or after October 1, 2012, and before November 12, 2012.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Camp moves that the House concur in the Senate amendment to H.R. 2832.

The SPEAKER pro tempore. Pursuant to House Resolution 425, the motion shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2832, the bill which renews the Generalized System of Preferences program and also contains the Trade Adjustment Extension Act of 2011. This bill is the cornerstone of a carefully crafted bipartisan, bicameral agreement that prompted the President to send the three trade agreements to Congress last Monday and, in turn, has allowed us to move forward on the long-stalled trade agenda.

The bill renews the bipartisan GSP, the largest U.S. trade preference program, which was already passed by the House last month. Not only does this legislation allow duty-free access for specific products from certain developing countries into the U.S. market; it makes U.S. manufacturing more competitive by lowering the cost of inputs.

The Coalition for GSP has estimated that over 82,000 U.S. jobs are directly or indirectly associated with this program. This legislation renews the program through July 31, 2013, and applies it retroactively for eligible products imported after the program's expiration date on December 31, 2010. This program is fully offset with spending cuts.

This bill also contains a reauthorization of Trade Adjustment Assistance, better known as TAA. Earlier this summer, the White House sprung upon us that it would not send the three free trade agreements to Congress if there was no “deal” on TAA. I took this demand to heart and made the decision that I had to do everything in my power to reach agreement on a streamlined, cost-effective, and reduced TAA program to ensure that all three job-creating trade agreements could move forward. I worked with Chairman BAUCUS and the White House to forge a bipartisan agreement on TAA to do just that.

The core principles of our conference—ensuring smaller government and cutting spending—were the foundation of my negotiating stance throughout the TAA talks. As a result, contrary to initial White House demands that we reauthorize the 2009 TAA law that, according to the Congressional Budget Office, cost more than \$700 mil-

lion per year for 5 years, we forced the administration to accept significant cuts to the program. The cost for the final TAA agreement is approximately one-half that amount, according to CBO. The deal costs roughly \$900 million total for a 3-year program and is fully offset with spending cuts, including deep cuts below the baseline to the program itself. Moreover, TAA reverts to 2002 levels or below for 2014, and the entire program completely ends after 2014.

In order to achieve these savings, we streamlined and scaled back TAA as a whole. I'll note some of the highlights. We reduced the number of weeks of income support under the TAA for Workers program from 156 in 2009 down to 117 weeks, with up to an additional 13 weeks available only if the applicant has met stringent standards and has “substantially met the performance benchmarks” of his or her training program.

I also want to note here for clarity that TAA benefits run concurrently with unemployment benefits. In other words, there is no double-dipping. We slashed the health care subsidy from 80 percent down to 72.5 percent and completely repeal it after 2013.

We denied TAA eligibility for public sector workers.

We eliminated half of the allowable justifications for the program's training waivers to ensure that only those who are in training will be eligible for TAA benefits, with only limited exceptions.

We consolidated and reduced by \$110 million all non-income support expenditures of the program.

We slashed funding for TAA for Firms back to 2002 law levels, made TAA for Farmers a discretionary program, and eliminated most of the TAA for Communities program authorized at \$190 million in the 2009 law.

We also added in enhanced performance measures and accountability into all of the TAA programs. And on top of that, we fully offset this program with spending cuts.

Overall, we slashed and streamlined TAA significantly and are today moving forward the most significant trade deal this country has seen in 15 years. For those who are concerned about TAA, let me urge you to recognize that this extension of a scaled back TAA is a small price to pay for the extraordinary promise these trade agreements hold for our economy.

I encourage my colleagues to consider the four votes for the three trade agreements and the GSP/TAA bill as a comprehensive package and a model of bipartisanship for creating jobs and enhancing economic growth in this country.

Therefore, I urge all of my colleagues to support this legislation, and I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield such time as he may consume to the ranking member on the Trade Subcommittee, the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, finally we come to the most important of the bills that we're going to deal with tonight. This should have been the first bill. This should have been dealt with a long time ago—back in February when it expired—because this is a bill that extends two programs that have had strong bipartisan support in the past, the Trade Adjustment Assistance program and the Generalized System of Preferences program.

When the leadership in the Senate decided that the only thing that they were going to do was stop President Obama from having a second term, they recognized this trade issue was a very sensitive one, and the most sensitive issue was what does it do to American workers. Do we help people that are displaced when jobs go overseas or just disappear generally? Then are we going to help our workers? And the Democrats said we've got to do that. If we don't do that, nothing else is going to happen. Finally, the Republican leadership in the Senate said, well, okay. Because we want something, we'll finally give a little something to the workers. You've heard the reductions that have been made.

This bill started in 1962 under John Kennedy, and it was done to help workers who were laid off because of increased competition in trade. In 2009, we finally had a reform with bipartisan support. The Congress made significant changes in TAA, many of which were made to deal with past criticisms of the bill. It wasn't enough; it didn't help people. It needed health care benefits. There were a lot of things that were problematic since 1962.

When the Recovery Act became the vehicle in 2009, TAA was put on it. There was never any expectation that it would just disappear in 2011. Senator GRASSLEY, a nice conservative, solid Republican Senator from Iowa said: "Today's achievement is the culmination of years of effort, and I'm confident the result will serve to benefit American workers in Iowa and across the United States for years to come." Not ending in 2011—for years to come. Don't forget those words. And yet the House leadership made the unfortunate choice to let those critical reforms expire last winter.

Washington State workers benefited immensely from those 2009 reforms. In fact, in the past couple of years, 35 percent of all of the workers certified for TAA in Washington State were certified under the new eligibility criteria, including the expansion of work programs to cover service workers. Today's bill protects and preserves the integrity of the TAA program and the 2009 reforms and provides trade-im-

pacted workers with the support they need to get back on their feet.

Now when you lose a job, it used to be unemployment was sort of set up, if your construction job went away because it was wintertime, you went on unemployment insurance. And springtime came back and the job came back, and away you went. In this economy, the jobs go away, and they don't come back. So you have to learn some new skill to make a living for your family. Now that concept is one we should have for all workers in this country, not just for those affected by trade.

□ 2230

Workers in Washington and all across the country have suffered because of the delay in the implementation of this bill.

This bill also extends the General Systems of Preferences program, which is the oldest of the U.S. assistance programs for our businesspeople in this country. It's played an important role in our Nation's trade and development efforts for decades.

Sometimes I ask myself if anybody on the Republican side ever had anything to do with a business. I'm not a businessman, but I know that the most important thing for a businessman or businesswoman is to be able to plan, to know that the program is going to be there and that you can quote a price to somebody because you know it will be there. But the GSP program, which has been important to a lot of our small businesses, has simply been unreliable because the Republican leadership couldn't seem to figure out how to extend something that has been bipartisan for years.

U.S. workers as well as businesses have relied on GSP. About 65 to 70 percent of U.S. imports under GSP are imports used to support U.S. manufacturing. We're getting things from outside to bring into this country. As a result of the delay in extending GSP in the U.S. and in developing countries that rely on these preferences, the business deals have ended. There have been all kinds of problems. We hear about them in our office from our little businesses in our district.

Now we are finally considering this important legislation. I urge my colleagues to pass it. I understand that the Senate is, tomorrow, going to pass; it at exactly the same time as we pass it in here. It will be a historic moment that we extend a program that started as bipartisan in 1962. It is essential that we as a Congress think about our workers and their jobs. We're not worried about the rest of the world.

A big problem in this country is that we haven't paid attention to our workers and what happens to them when they lose their jobs. They have unemployment maybe for 99 weeks. We haven't extended unemployment benefits either. That's another issue hang-

ing around here that's going to ultimately hurt our workers. The leadership on the other side knows it. Why do they sit there and dangle our workers that way? Why do you want to make them angry and upset and uncertain?

You watch the Tea Party in the street, you watch what's going on down on Wall Street, you've got to say to yourself, There's something brewing out there. And if you don't deal with unemployment insurance and what happens to workers, we are going to have a very turbulent year in the next year.

I urge all Members to vote for this.

Mr. CAMP. I yield such time as he may consume to the distinguished chairman of the Trade Subcommittee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I join my colleagues in strongly supporting passage of this legislation which renews the Generalized System of Preferences program and also reauthorizes a smaller Trade Adjustment Assistance program. This bill is a key part of the bipartisan trade package before us today and is crucial to letting the world know the United States is back on the trade field again.

The legislation has two very important parts: GSP and Trade Adjustment Assistance. With regard to preferences, this program provides preferential access to certain imports from selected developing countries. And, importantly, it also benefits U.S. manufacturers and creates U.S. jobs. Nearly three-quarters of all the eligible imports are raw materials, component parts, or machinery and equipment used by American companies to manufacture goods in America. That means our manufacturers can make things here in the United States more cheaply and employ more Americans in the process. As far as I'm concerned, that is a real win-win. Moreover, I must note that this program is fully offset with spending cuts.

On Trade Adjustment Assistance, I applaud Chairman CAMP for his scaled-back version of TAA that he was able to negotiate with the White House and Chairman BAUCUS from the Senate. At the outset, the White House demanded that there be a straight extension of the 2009 law for 5 years and held the trade agreements, frankly, hostage. Chairman CAMP, however, refused to accept that ultimatum. He instead negotiated a strong agreement and forced the White House to accept deep cuts to the programs as well as other significant spending cuts, including cuts to other unemployment benefit programs. Overall, according to the Congressional Budget Office, the Trade Adjustment Assistance package costs one-half of what the administration had originally demanded and is fully offset with spending cuts.

Now, there is fair criticism of Trade Adjustment Assistance. It is expensive,

not especially efficient, and has grown over the years to not really serve the people that it needs to. In this tight fiscal situation, these are fair concerns. In an ideal world, the President would have needed no persuading to send up the trade agreement to Congress and we would have considered them long ago. However, the reality is different, and we were told in order to move forward bipartisan legislation on trade, we had to work with the Senate and the White House on this issue. In this case, Chairman CAMP, on behalf of Republicans in the House and the Senate, secured significant reforms to the programs, including key spending cuts, consolidations, and other concessions. The program has been cut in some cases below the 2002 trade adjustment levels, all setting the stage for sunset of the program at the end of 2014.

All in all, our constructive bipartisan work on trade has yielded a victory for the American people both through the trade agreements and this bill. I urge my colleagues to support this measure and consider this to be part of the comprehensive package, a comprehensive bipartisan jobs package for America.

Mr. LEVIN. How much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has

23 minutes remaining. The gentleman from Michigan (Mr. CAMP) has 22 minutes remaining.

Mr. LEVIN. I reserve the balance of my time.

Mr. CAMP. I reserve the balance of my time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the motion is postponed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NUNNELEE (at the request of Mr. CANTOR) for today on account of a family issue.

PUBLICATION OF BUDGETARY MATERIAL

REVISIONS TO AGGREGATES AND ALLOCATION

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to section 404 of H. Con. Res. 34, the House-passed budget resolution for fiscal year 2012, deemed to be in force by H. Res. 287, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the budget allocations and aggregates set forth pursuant to the budget for fiscal year 2012 as set forth under the provisions of that resolution. Aggregate

levels of budget authority, outlays, and revenue are revised and the allocation to the House Committee on Ways and Means is also revised, for fiscal year 2012. The revision is designated for the trade agreement bills H.R. 3078, H.R. 3079, and H.R. 3080. Corresponding tables are attached.

This revision represents an adjustment pursuant to sections 302 and 311 of the Congressional Budget Act of 1974, as amended (Budget Act). For the purposes of the Budget Act, these revised aggregates and allocations are to be considered as aggregates and allocations included in the budget resolution, pursuant to section 404 of H. Con. Res. 34.

BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

	Fiscal year	
	2012	2012–2021
Current Aggregates:		
Budget Authority	2,858,545	(1)
Outlays	2,947,916	(1)
Revenues	1,866,454	26,133,796
Changes for the United States—Columbia, Panama, Korea Free Trade Agreement Implementation Acts (H.R. 3078, H.R. 3079, H.R. 3080):		
Budget Authority	– 14	(1)
Outlays	– 14	(1)
Revenues	– 52	– 8,485
Revised Aggregates:		
Budget Authority	2,858,531	(1)
Outlays	2,947,902	(1)
Revenues	1,866,402	26,125,311

¹ Not applicable because annual appropriations Acts for fiscal years 2012 through 2021 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

(Fiscal years, in millions of dollars)

	2012		2012–2021 Total	
	Budget authority	Outlays	Budget authority	Outlays
House Committee on Ways and Means				
Current allocation	1,031,002	1,031,534	13,181,787	13,182,450
Changes for the United States—Columbia, Panama, Korea Free Trade Agreement Implementation Acts (H.R. 3078, H.R. 3079, H.R. 3080)	– 14	– 14	– 8,525	– 8,525
Revised Allocation	1,030,988	1,031,520	13,173,262	13,173,925

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1639. An act to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes, to the Committee on the Judiciary.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on October 06, 2011 she presented to the President of the United States, for his approval, the following bills.

H.R. 771. To designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the "Schertz Veterans Post Office."

H.R. 1632. To designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the "Sergeant Chris Davis Post Office."

ADJOURNMENT

Mr. CAMP. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, October 12, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3425. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program, Livestock Indemnity Program, and General Provisions for Supplemental Agricultural Disaster Assistance Programs (RIN: 0560-AH95) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3426. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agen-

cy's final rule — *Bacillus thuringiensis* eCry3.1Ab Protein in Corn; Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2009-0609; FRL-8889-2] received September 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3427. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tetrachlorvinphos; Extension of Time-Limited Interim Pesticide Tolerances [EPA-HQ-OPP-2011-0360; FRL-8887-5] received September 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3428. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement (DFARS Case 2007-D003) (RIN: 0750-AF84) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3429. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3430. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Energy Conservation Standards for Certain External Power Supplies [Docket No.: EERE-2008-BT-STD-0005] (RIN: 1904-AB57) received September 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3431. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Amendments to National Emission Standards for Hazardous Air Pollutants for Area Sources: Plating and Polishing [EPA-HQ-OAR-2005-0084; FRL-9466-1] (RIN: 2060-AQ74) received September 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3432. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Control of Particulate Matter Emissions from the Operation of Outdoor Wood-Fired Boilers [EPA-R03-OAR-2011-0288; FRL-9468-4] received September 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3433. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oregon: Final Approval of State Underground Storage Tank Program [EPA-R10-UST-2011-0097; FRL-9465-3] received September 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3434. A letter from the Chief, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, E911 Requirements for IP-Enabled Service Providers, Internet-Based Telecommunications Relay Service Numbering, CSDVRS, LLC Petition for Expedited Reconsideration, TDI Coalition Petition for Emergency Stay, TDI Coalition Request for Return to Status Quo Ante [CG Docket No.: 03-123] [WC Docket No.: 05-196] [WC Docket No.: 10-191] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3435. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 1, 73 and 76 of the Commission's Rules Regarding Practice and Procedure: Broadcast Applications and Proceedings, Radio Broadcast Services: Fairness Doctrine and Digital Broadcast Television Redistribution Control, Multichannel Video and Cable Television Service: Fairness Doctrine, Personal Attacks, Political Editorials and Complaints Regarding Cable Programming Service Rates received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3436. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Licenses, Certifications, and Approvals for Materials Licensees [NRC-2010-0075] (RIN: 3150-AI79) received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3437. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory

Commission, transmitting the Commission's final rule — Notice of Availability of Proposed Models for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF-500, Revision 2, "DC Electrical Rewrite — Update to TSTF-360" [Project No.: 753; NRC-2010-0170] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3438. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Updated Statements of Legal Authority for the Export Administration Regulations [Docket No.: 110804473-1484-01] (RIN :0694-AF34) received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3439. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Privacy Act of 1974: Implementation and Amendment of Exemptions [Release No.: PA-47; File No. S7-19-11] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3440. A letter from the Division Chief, Regulatory Affairs, Department of the Interior, transmitting the Department's final rule — Minerals Management: Adjustments of Cost Recovery Fees [L13100000 PP0000 LLWO310000; L1990000 PO0000 LLWO320000] (RIN: 1004-AE22) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3441. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Policy Clarifying Definition of "Actively Engaged" for Purposes of Inspector Authorization [Docket No.: FAA-2010-1060] received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3442. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Final Withdrawal of Certain Federal Aquatic Life Water Quality Criteria Applicable to Wisconsin [EPA-HQ-OW-2010-0492; FRL-9466-3] (RIN: 2040-AF23) received September 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3443. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tax Treatment of Employer-Provided Cell Phones [Notice 2011-72] received September 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3444. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Due Dates for Filing Form 706-NA, or Form 8939, Extension of Time to Pay Estate Tax, and Penalty Relief for Recipients of Property Acquired from Decedents who Died in 2010 [Notice 2011-76] received September 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. Supplemental report on House Resolution 425. Resolution providing for consideration of the Senate amendment to the bill (H.R. 2832) to

extend the Generalized System of Preferences, and for other purposes; providing for consideration of the bill (H.R. 3078) to implement the United States-Colombia Trade Promotion Agreement; providing for consideration of the bill (H.R. 3079) to implement the United States-Panama Trade Promotion Agreement; and providing for consideration of the bill (H.R. 3080) to implement the United States-Korea Free Trade Agreement (Rept. 112-240, Pt. 2).

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 2433. A bill to amend title 38, United States Code, to make certain improvements in the laws relating to the employment and training of veterans, and for other purposes; with an amendment (Rept. 112-242, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the following action was taken by the Speaker:

H.R. 2433. The Committee on Armed Services discharged from further consideration. Referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BISHOP of New York (for himself, Mr. RAHALL, Mr. LATOURETTE, and Mr. PETRI):

H.R. 3145. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LABRADOR (for himself, Mr. GRIFFIN of Arkansas, Mr. ROSS of Florida, Mr. YODER, Mr. SENSENBRENNER, and Mr. DOLD):

H.R. 3146. A bill to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Science, Space, and Technology, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNEY (for himself, Mr. FRANK of Massachusetts, Mr. PERLMUTTER, Mr. PETERS, Mr. MILLER of North Carolina, and Mrs. MALONEY):

H.R. 3147. A bill to amend the Small Business Jobs Act of 2010 to extend the Small Business Lending Fund Program, to provide for an appeals process, and for other purposes; to the Committee on Financial Services.

By Mr. GRAVES of Missouri (for himself, Mr. LUETKEMEYER, Mr. BARROW, Mr. MCINTYRE, Mr. CARNAHAN, and Mr. LOEBACK):

H.R. 3148. A bill to amend the Internal Revenue Code of 1986 to extend and expand the deduction for certain expenses of elementary

and secondary school teachers; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina:

H.R. 3149. A bill to amend title I of the Patient Protection and Affordable Care Act to expand access to high risk pools; to the Committee on Energy and Commerce.

By Mr. WHITFIELD (for himself and Ms. DEGETTE):

H.R. 3150. A bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of containment, removal, decontamination and disposal of home-generated needles, syringes, and other sharps through a sharps container, decontamination/destruction device, or sharps-by-mail program or similar program under part D of the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Ms. ROYBAL-ALLARD, Mrs. MALONEY, and Ms. MCCOLLUM):

H.R. 3151. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow employees leave to address domestic violence, sexual assault, or stalking and their effects, and to include leave to care for domestic partners under the Act, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN of South Carolina:

H. Res. 429. A resolution expressing the sense of the House of Representatives that the Western Hemisphere should be included in the Administration's 2012 National Strategy for Counterterrorism's "Area of Focus", with specific attention on the counterterrorism threat to the homeland emanating from Iran's growing presence and activity in the Western Hemisphere, and for other purposes; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KEATING:

H.R. 3152. A bill for the relief of Patricia Donahue, individually and in her capacity as Administratrix of the estate of Michael J. Donahue; Michael T. Donahue; Shawn Donahue; and Thomas Donahue; to the Committee on the Judiciary.

By Mr. KEATING:

H.R. 3153. A bill for the relief of Patricia Macarelli, in her capacity as Administratrix of the estate of Edward Brian Halloran; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers

granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BISHOP of New York:

H.R. 3145.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Sec. 8, Clause 3

By Mr. LABRADOR:

H.R. 3146.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 4 of the Constitution

By Mr. CARNEY:

H.R. 3147.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article 1 of the Constitution.

By Mr. GRAVES of Missouri:

H.R. 3148.

Congress has the power to enact this legislation pursuant to the following:

This Act is justified by the Sixteenth Amendment, which grants Congress the power to lay and collect taxes on incomes.

By Mr. PRICE of North Carolina:

H.R. 3149.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section 8, Clause 18: The Congress shall have Power . . . "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. WHITFIELD:

H.R. 3150.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 3 that grants Congress the power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Ms. WOOLSEY:

H.R. 3151.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced under the powers granted to Congress under Article 1 of the Constitution.

By Mr. KEATING:

H.R. 3152.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. KEATING:

H.R. 3153.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. MURPHY of Connecticut.

H.R. 100: Mr. MCINTYRE and Mr. SCHWEIKERT.

H.R. 122: Mr. YODER.

H.R. 178: Mrs. ADAMS.

H.R. 191: Mr. CLAY and Mr. JACKSON of Illinois.

H.R. 420: Mr. WALDEN and Mr. SCHWEIKERT.

H.R. 482: Mr. FINCHER.

H.R. 674: Mr. PASCRELL.

H.R. 679: Mr. CICILLINE, Ms. HOCHUL, and Mr. MURPHY of Connecticut.

H.R. 721: Mr. HARPER, Mr. BISHOP of Georgia, and Mrs. MCMORRIS RODGERS.

H.R. 733: Mr. CLAY and Mr. OWENS.

H.R. 797: Ms. SLAUGHTER.

H.R. 835: Mr. NEAL and Ms. LORETTA SANCHEZ of California.

H.R. 885: Mr. TERRY and Mr. MCGOVERN.

H.R. 886: Mr. KISSELL and Mr. KINGSTON.

H.R. 973: Mr. CRAWFORD.

H.R. 1041: Mr. PERLMUTTER.

H.R. 1166: Mr. MILLER of Florida.

H.R. 1173: Mr. WESTMORELAND.

H.R. 1175: Ms. HAYWORTH and Mr. GIBSON.

H.R. 1193: Ms. BROWN of Florida.

H.R. 1259: Mr. AUSTRIA.

H.R. 1262: Ms. MATSUI and Ms. MCCOLLUM.

H.R. 1274: Mr. SCHWEIKERT.

H.R. 1288: Mrs. ADAMS, Mr. McDERMOTT, Ms. HERRERA BEUTLER, Mr. FILNER, and Mr. GARAMENDI.

H.R. 1325: Mr. MURPHY of Connecticut.

H.R. 1340: Mr. GARDNER and Mr. HANNA.

H.R. 1351: Ms. BUERKLE.

H.R. 1356: Mr. GIBBS.

H.R. 1418: Ms. KAPTUR and Mr. HOLDEN.

H.R. 1427: Mr. WESTMORELAND and Mr. HANNA.

H.R. 1580: Mr. SMITH of Texas and Mr. ROYCE.

H.R. 1633: Mr. PAULSEN, Mr. GRIFFIN of Arkansas, Mrs. CAPITO, Mr. HASTINGS of Washington, Mr. STEARNS, Mr. HULTGREN, Mrs. SCHMIDT, Mr. THOMPSON of Pennsylvania, Mr. GARDNER, Mr. SCHWEIKERT, Mr. RIGELL, Mr. ROSS of Arkansas, Mr. ROONEY, Mr. SHIMKUS, Mr. KINZINGER of Illinois, Mr. MCINTYRE, Mr. FORTENBERRY, and Mr. TERRY.

H.R. 1639: Mr. BUCHANAN, Mr. NUNES, and Mr. WOMACK.

H.R. 1653: Mrs. MCMORRIS RODGERS and Mr. MEEKS.

H.R. 1659: Mr. CLARKE of Michigan.

H.R. 1666: Ms. NORTON and Mr. MICHAUD.

H.R. 1704: Mr. CONYERS.

H.R. 1717: Mr. MICHAUD.

H.R. 1738: Mr. WELCH, Ms. FUDGE, Mr. ROSS of Arkansas, and Mr. CONYERS.

H.R. 1744: Mr. CRAWFORD.

H.R. 1776: Mr. AL GREEN of Texas.

H.R. 1831: Mr. WELCH.

H.R. 1834: Mrs. HARTZLER, Mrs. ELLMERS, and Mr. BARROW.

H.R. 1878: Mr. BLUMENAUER.

H.R. 1903: Mr. TOWNS and Mr. CONYERS.

H.R. 1965: Mrs. MCMORRIS RODGERS and Ms. HERRERA BEUTLER.

H.R. 2059: Mr. BARLETTA, Mr. WALSH of Illinois, Mr. FARENTHOLD, Mr. MULVANEY, and Mr. NEUGEBAUER.

H.R. 2104: Mr. SHIMKUS.

H.R. 2131: Mr. TIPTON and Mr. WHITFIELD.

H.R. 2137: Mr. FITZPATRICK.

H.R. 2139: Mr. MICHAUD, Mr. MILLER of North Carolina, Mrs. CAPPS, and Mr. PASTOR of Arizona.

H.R. 2287: Mr. GRIJALVA, Mr. RYAN of Ohio, and Ms. SLAUGHTER.

H.R. 2346: Mr. AL GREEN of Texas.

H.R. 2369: Mr. NUNES, Mr. QUAYLE, Mr. AUSTIN SCOTT of Georgia, and Mr. DUFFY.

H.R. 2433: Ms. BUERKLE, Mr. RIGELL, Mr. WALBERG, and Mr. NUGENT.

H.R. 2447: Mr. DINGELL, Mr. HUIZENGA of Michigan, Mr. MILLER of North Carolina, Mr. CRAWFORD, Mr. TONKO, Mr. COLE, Mr. THOMPSON of Pennsylvania, Mr. HIGGINS, Mr. MCGOVERN, Mr. BONNER, and Ms. SCHWARTZ.

H.R. 2459: Mrs. MILLER of Michigan and Mr. HULTGREN.

H.R. 2464: Mr. MORAN and Mr. RANGEL.

H.R. 2466: Mr. PAULSEN.

H.R. 2514: Mr. CRAVAACK and Mr. SHIMKUS.

H.R. 2541: Mr. GUTHRIE.

H.R. 2595: Mr. BACHUS and Ms. PINGREE of Maine.

H.R. 2697: Mr. CARSON of Indiana.
 H.R. 2769: Mr. HENSARLING.
 H.R. 2787: Ms. ROYBAL-ALLARD and Ms. ZOE LOFGREN of California.
 H.R. 2815: Mr. LAMBORN.
 H.R. 2830: Mr. BISHOP of Georgia, Ms. NORTON, and Mr. INSLEE.
 H.R. 2834: Mrs. ELLMERS, Mr. ROSS of Arkansas, Mr. MCCLINTOCK, Mr. LATHAM, and Ms. BUERKLE.
 H.R. 2866: Ms. JACKSON LEE of Texas and Mr. MORAN.
 H.R. 2874: Mr. DUNCAN of South Carolina and Mr. TIBERI.
 H.R. 2881: Mr. HUIZENGA of Michigan.
 H.R. 2886: Mr. KING of New York.
 H.R. 2888: Mr. CARTER.
 H.R. 2898: Mr. NEUGEBAUER, Mr. OLSON, Mr. THORNBERRY, Mr. SESSIONS, Mr. RYAN of Wisconsin, Mr. WESTMORELAND, and Mr. PAUL.
 H.R. 2899: Mr. WOLF.
 H.R. 2930: Mr. DOLD and Mr. DUFFY.
 H.R. 2966: Ms. LORETTA SANCHEZ of California, Mr. NEAL, Mr. SIRES, and Mr. LEWIS of Georgia.
 H.R. 2982: Mr. BARTLETT and Mr. LATHAM.
 H.R. 3000: Mr. WESTMORELAND, Mr. WALSH of Illinois, Mr. FRANKS of Arizona, Mr. FLORES, Mr. HULTGREN, and Mrs. BLACK.
 H.R. 3009: Mr. YOUNG of Alaska.
 H.R. 3012: Mr. GRIFFIN of Arkansas.
 H.R. 3014: Mr. HONDA.
 H.R. 3024: Mr. HINCHEY.
 H.R. 3035: Mrs. BLACKBURN.
 H.R. 3039: Mr. CARNAHAN and Mr. SCHOCK.
 H.R. 3052: Mr. DICKS and Mr. SMITH of Washington.
 H.R. 3053: Ms. SCHAKOWSKY.

H.R. 3059: Mr. RANGEL and Mr. CARNAHAN.
 H.R. 3067: Mrs. MCMORRIS RODGERS, Mr. KEATING, and Ms. RICHARDSON.
 H.R. 3077: Mr. ELLISON, Mr. McDERMOTT, Mr. GRIJALVA, Mr. CONYERS, Mr. BLUMENAUER, and Mr. CAPUANO.
 H.R. 3096: Mr. NUGENT.
 H.R. 3126: Mr. SCOTT of Virginia and Ms. TSONGAS.
 H.R. 3143: Mr. BILBRAY.
 H. J. Res. 78: Mr. RUSH, Mr. BLUMENAUER, and Mr. WELCH.
 H. Con. Res. 72: Mr. MARKEY, Ms. BROWN of Florida, and Ms. TSONGAS.
 H. Res. 137: Mr. MURPHY of Connecticut.
 H. Res. 253: Mr. HUIZENGA of Michigan, and Mr. ROGERS of Kentucky.
 H. Res. 304: Mr. PETERSON.
 H. Res. 401: Mr. MORAN.
 H. Res. 407: Mr. TOWNS.
 H. Res. 416: Mr. RIVERA.
 H. Res. 427: Mr. REYES and Mr. LEVIN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2273

OFFERED BY: MS. EDWARDS

AMENDMENT NO. 1: At the end of the bill, add the following new section:

SEC. 4. VULNERABLE POPULATIONS; EFFECTIVE DATE.

(a) DETERMINATION OF IMPACT.—The Administrator of the Environmental Protection

Agency shall determine whether the implementation of this Act (including the amendments made by this Act) will have an adverse impact on vulnerable populations.

(b) EFFECTIVE DATE.—This Act (including the amendments made by this Act) shall not be effective until the date that is 90 days after the Administrator makes a determination under subsection (a) that the implementation of this Act (including the amendments made by this Act) will not have an adverse impact on vulnerable populations.

(c) DEFINITION.—For purposes of this section, the term “vulnerable population” means a population that is subject to a disproportionate exposure to, or potential for a disproportionate adverse effect from exposure to, coal combustion residuals (as defined in section 4011 of the Solid Waste Disposal Act (as added by section 2 of this Act)), including—

- (1) infants, children, and adolescents;
- (2) pregnant women (including effects on fetal development);
- (3) the elderly;
- (4) individuals with preexisting medical conditions;
- (5) individuals who work at coal combustion residuals treatment or disposal facilities; and
- (6) members of any other appropriate population identified by the Administrator based on consideration of—
 - (A) socioeconomic status;
 - (B) racial or ethnic background; or
 - (C) other similar factors identified by the Administrator.

EXTENSIONS OF REMARKS

HONORING REBECCA FLANAGAN
FOR HER SERVICE TO THE U.S.
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. GRIJALVA. Mr. Speaker, I rise to honor Rebecca Flanagan for her public service.

Rebecca Flanagan was selected on March 24, 2002, as Director for the Field Office of the U.S. Department of Housing and Urban Development (HUD) in Phoenix, Arizona and for the last 2 years has taken on the responsibility of the Tucson Office jurisdiction, as well. Rebecca is the senior management official for the close to 100 staff. She ensures that HUD's current and prospective customers gain the necessary access to the whole range of HUD services. She provides communities with technical expertise and continues to foster and develop public/private partnerships, and sustains her involvement within various community organizations.

Rebecca represents the Department throughout the State of Arizona to ensure effective and coordinated customer service and public relations.

Rebecca began her career 34 years ago with HUD as an Equal Opportunity Specialist in Denver, Colorado. She was hired to outreach to the Hispanic community to ensure their inclusion and access to HUD's programs business opportunities, and employment.

Rebecca transferred to Los Angeles and worked in the Community Planning and Development Division for the Los Angeles Office of HUD for 10 years, developing and sharing her expertise in community development with both large (ex. Los Angeles County) and small (ex. Santa Paula) communities within the greater L.A. area.

In 1990, Rebecca moved with her two high school aged sons to Phoenix after being selected as the Deputy Manager for the Phoenix HUD office. During her tenure, she was able to develop a number of key local policies including, the use of "cash on hand" by FHA borrowers to qualify using a down payment that was saved at home and not in a bank. It was very clear that in order to provide FHA insurance to the local underserved market of Hispanic and immigrant populations in Phoenix, that a policy like this was needed to allow these creditworthy borrowers to provide so-called "mattress money" as well as ensure that the prospective borrower was providing his/her own money. Another party to the transaction, namely the real estate agent or homebuilder, could not give the money. Given the policy's success in Phoenix, it has been adopted nationally by HUD.

During the last few years she developed a number of important partnerships for the Of-

fice including a HUD/DES partnership in which for the first time, the Arizona Department of Economic Security and HUD are jointly focused on their mutual clients living in public and assisted housing striving to become self-sufficient. Rebecca continues this focus through her involvement with Maricopa Workforce Connections Board, which oversees the one-stop career centers within the County.

In addition, Rebecca has involved the Phoenix HUD Office staff and resources in a wide range of community activities such as Job Fairs, Minority Appraiser Training, Adopt-a-School Programs, Summer Youth Programs, Homeownership education and fairs, and Faith-based conferences, all in support of HUD's mission and initiatives.

Rebecca is especially proud of her past community development efforts in the local Wilson neighborhood, located just east of Downtown Phoenix. After being the Principal for the Day she heeded the request from the school to "be a role model and help provide housing for the neighborhood". Rebecca created a coalition of school and neighborhood representatives, stakeholder businesses and agencies to assist in meeting the unmet needs of the Wilson students and their families. Rebecca was instrumental in getting the first 4 homes built in the Wilson area in over 40 years. Rebecca proudly mentored a young girl through high school, and tutored another young student in reading.

Rebecca was influential in bringing together Arizona leaders in business, industry, banks and non-profits, for a "peer to peer" meeting with the Mayor of San Jose and their leaders. The Arizona group flew to San Jose in the first ever endeavor by HUD's Phoenix Office, in gathering a prestigious assemblage of housing experts for a roundtable forum discussion of affordable housing. The meeting enlightened attendees about San Jose's strides and actual accomplishments to incorporate their best practices here in Arizona. Soon, other groups branched out to address the issue of affordable housing by formulating meetings and conferences, dialogs, summits, and other ongoing efforts to continue to assess the need for affordable housing within our communities.

Rebecca earned a Bachelor of Arts Degree with a major in Sociology, from the University of California at Los Angeles (UCLA). She is married to Ray Lechuga, a local businessman, the proud mother of two (2) grown sons, Andres and Daniel Benites, and the proudest of all Nanas to Erin's and Andres' real live angels, Raven, Willow and Ivy and Jennifer and Daniel's angel Diego.

IN RECOGNITION OF MARJO
RIVINIUS

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. CARDOZA. Mr. Speaker, I rise today to recognize MarJo Rivinius in the event of her retirement after thirty-eight years of dedicated service as Association Executive for the Lodi Association of Realtors.

MarJo was born and raised in Gackle, North Dakota. Her parents owned a local grocery store where she worked while growing up. MarJo attended local schools and graduated with a teaching degree from Jamestown College in North Dakota. She moved with her parents to the Santa Rosa area after college and got her first teaching job in Potter Valley.

MarJo married her high school sweetheart, Dennis in 1960. Dennis was in the Navy and stationed in Florida where she joined him after they were married. This was an eye opening experience for a girl from North Dakota. She learned about southern food, grits and segregation.

MarJo and Dennis moved to Lodi in 1961, where they have lived for the past 50 years. Over the years, MarJo has been involved in many activities associated with their two daughters, Pam and Denise. She is a past Campfire Girls Leader, 4-H Project Leader and also served on the original Lodi-Tokay Band Review Committee. She is a long-time member of Emmanuel Lutheran Church where she serves on the Finance Committee. MarJo is also an enthusiastic supporter of her five grandchildren's activities.

MarJo went to work for the Lodi Association for Realtors in 1974, where she has served as the Association Executive for the past 38 years. She has participated in the Association Executive's Committee for the California Association of Realtors during that time. MarJo has served the Association with the utmost of integrity and professionalism.

Mr. Speaker, I ask that my colleagues join me in honoring MarJo Rivinius for her dedication to the Lodi Association of Realtors and our community as a whole.

JOSEPH ANTHONY FORTINO
TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. TIPTON. Mr. Speaker, I rise today to recognize Joseph Anthony Fortino, who was born and raised in Pueblo, Colorado. During his life Mr. Fortino was both a successful businessman and a dedicated civil servant.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Early in life Mr. Fortino worked for his family grocery store. After graduating high school he served in World War II in the United States Coast Guard. After the war, he returned to Pueblo and his family grocery business with his father before joining Jackson Chevrolet as a salesman, and working his way up to partner. He won the Time Magazine Quality Dealer Award in Colorado for his hard work and dedication to the community.

Mr. Fortino was truly a leader and was involved on several boards and committees in Pueblo, including the Colorado Transportation Commission, on which he was the longest serving member. He was the president of the Pueblo Community College Foundation, through which he was elected to the Pueblo Hall of Fame for his civic and business activities.

On October 4, 2011 Mr. Fortino passed away at the age of 89. I have no doubt that his business and civic legacy will have a lasting effect on the people of Colorado for many years to come.

IN SUPPORT OF THE NATIONAL
TRADEMARK EXPO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. MORAN. Mr. Speaker, I rise today to express my support of the United States Patent and Trademark Office's (USPTO) National Trademark Expo. In a time of ongoing challenges for the American and global economy, I want to join the USPTO in its efforts to recognize the vital role trademarks play in the economy.

Trademarks are words, names, symbols, sounds, or colors that identify and distinguish the goods and services of one party from those of others. American innovation and its associated intellectual property are very important to job creation and economic recovery. The USPTO facilitates the efficient approval of intellectual property rights to deliver goods and services to the global market. Through the registration of trademarks, the agency assists businesses in protecting their investments, promoting goods and services, and safeguarding consumers against confusion and deception in the marketplace.

The USPTO disseminates trademark information at the Expo to educate the public about the important role trademarks play in our society and the global marketplace. The National Trademark Expos have been very successful events attended by the trademark community and the public at large. This year's 2-day event will be held on Friday, October 14th, from 10:00 a.m. to 6:00 p.m., and Saturday, October 15th, from 10:00 a.m. to 4 p.m., at the USPTO headquarters in Alexandria, Virginia.

During the Trademark Expo, Chubby Checker will twist with the audience and costumed trademarked characters to music played by Max Impact, the rock band of the United States Air Force. A new cast of characters featuring registered trademarks including Barbie, The Pink Panther, The Very Hungry

Caterpillar, Hamburger Helper, Rita's Ice Guy, and Fruit of the Loom "fruit suits" will join veteran Expo characters GEICO's Gecko, Crayola crayons' mascot "Tip," Pillsbury's Doughboy, Curious George, Clifford the Big Red Dog, Popeye, Olive Oyl, the 5-Hour Energy Bottle, Spuddy Buddy, Reese's Peanut Butter Cups, and Hershey's Milk Chocolate Bar. Large inflatable characters, including a Pinocchio Giant Inflatable, a Bridgestone Tire, GEICO's Gecko, Collegiate mascots and NFL Football player inflatables of the Washington Redskins and Baltimore Ravens will once again transform the USPTO's campus into a "Trademark Theme Park". A NASCAR show car for 5-Hour Energy, a UPS truck, and Caterpillar machines will also decorate the grounds. A story time featuring literary trademarked characters sponsored by Hooray for Books!, a local children's bookstore, will help tell the story of the prevalence of trademarks in our daily lives and their value as source indicators.

Some of America's leading large corporations, small businesses, governmental agencies, and non-profit corporations will highlight the various types of trademarks, the breadth of trademarks used by one source, interesting stories about trademarks and their creation, and the benefits of federal trademark registration. The exhibitors include 5-Hour Energy; 1000 Cranes, LLC; American Girl, LLC; American Intellectual Property Law Association (AIPLA); Bigsby Division and the Gretsch Company; Bridgestone Americas, Inc.; Caterpillar Inc; City of Falls Church; CMG Worldwide, Inc.; Cotton Incorporated; Elevation Burger; GED Testing Service; GEICO; Idaho Potato Commission; International Trademark Association (INTA); Mattel, Inc.; Rita's Italian Ice; The Girl Scout Council of the Nation's Capital; The Hershey Company; The Pepsom Group; Travelers; UPS; U.S. Air Force; U.S. Department of Commerce, International Trade Administration; U.S. Department of Homeland Security, Immigration and Customs Enforcement, National IPR Coordination Center; U.S. Department of Homeland Security, Customs and Border Protection; U.S. Department of Interior, Indian Arts and Crafts Board (IACB); and U.S. Department of the Army.

The Expo will also feature educational seminars, children's workshops, story time and guided tours. Educational seminars will include presentations on "What Every Small Business Should Know About Intellectual Property," "Counterfeiting & Piracy—Why Buy 'Legit'?", "Common Mistakes to Avoid When Filing for Trademark Registration," "Know What You're Buying: American Indian Art and Imitations," and "Trademarks 101" which covers basic facts about trademarks and trademark law. A video made to instruct pro se applicants will play in the National Inventors Hall of Fame Museum throughout the Expo. Also, the Museum's current exhibit titled "Exercising Ingenuity: Inventions in Health and Fitness" highlights trademarks related to fitness and health.

The National Trademark Expo will also display different types of trademarks including non-traditional trademarks such as sound marks, which are marks comprised of a sound or series of sounds, highlighted in an exciting interactive exhibit, and trademarks that identify shapes and configurations of products high-

lighted in an elaborate display of trademarked bottle shapes and a variety of other goods. Banners will feature century-old registered trademarks, the evolution and transformation of trademarks, the history of people behind certain trademarks, and other information about trademarks.

I applaud the USPTO for its continued efforts to educate the public on the important role of trademarks and the benefits of federal registration through the National Trademark Expo. I urge my colleagues to join me in recognizing the USPTO, at this time when trademark protection and intellectual property rights play an increasingly important role in our global economy. And, I encourage the public and my fellow Members of Congress and staff to bring their family and friends to this family friendly and free event.

COMMEMORATING THE LIFE OF
ELAINE GAWRONSKI

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor the life of Elaine Gawronski of Revere, Pennsylvania who passed away on September 20, 2011 at the age of 71 after a courageous battle with cancer. As a public servant, Elaine was truly committed to the well-being of her friends and neighbors in Nockamixon Township.

Having moved to Bucks County from Ithaca, New York, Elaine received her education in Southeastern Pennsylvania, graduating first from Germantown High School, and later from Temple University.

A prominent member of her community, Elaine served both local government and community groups as treasurer for Nockamixon Township, the Palisades Republican Club, the Nockamixon Community Day Committee, and the Nockamixon Historical Society. Additionally, she served as Nockamixon Township Auditor and as Recording Secretary for the Nockamixon Planning Commission.

Elaine's faith also played an important role in her life. She served as parishioner of the St. John the Baptist Catholic Church and as a member of the school's Home and School Committee.

As a beloved family member, dedicated worker and loyal community servant, Elaine's life serves as an example to all of us. She generously dedicated her time and her efforts to enhance the quality of life of her family and community, and she will certainly be missed.

RECOGNIZING THE EFFORTS OF
THE LAKE SHORE AREAS RE-
GIONAL RECOVERY OF INDIANA

HON. PETER J. VISCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. VISCLOSKEY. Mr. Speaker, it is with great pleasure that I stand before you today to

recognize the efforts of the Lakeshore Areas Regional Recovery of Indiana, or LARRI for short, and to recognize its esteemed partners for their dedication as this organization reaches the end of its third, and final, year of operation. Although LARRI has served the Region admirably since the widespread flooding of Northwest Indiana in September of 2008, its work has come to an end, and the organization ceased operations on September 30, 2011.

LARRI was formed by a coalition of dedicated non-profit organizations in response to the heavy flooding of Northwest Indiana in September of 2008. As the Little Calumet overflowed its banks, LARRI went into immediate action for its neighbors in need, and by the time it closed its doors, LARRI had coordinated more than 6,000 volunteers in removing 15,920 pounds of debris, building 5 homes, restoring another 600 more, and relocating 26 displaced families to new homes throughout the area. In short, LARRI has helped to get a struggling region back on its feet with nothing more than volunteer time and donations. They are true examples of a civic spirit to which we can all aspire. Notable contributors to LARRI's philanthropic mission include: the Lake Area United Way, United Way of Porter County, Ridge United Methodist Church, Northwest Indiana Community Action Corporation, American Red Cross of Northwest Indiana, the Salvation Army, Dyer United Methodist Church, Gary Neighborhood, the Geminus Corporation, Continuum of Care Northwest Indiana, Lutheran Church Charities, Catholic Charities, McShane's Business Products and Solutions, and the Gary 411 newspaper, as well as individuals John Beebe and Ted Prettyman.

Mr. Speaker, Northwest Indiana is fortunate to have such an impressive array of willing humanitarians, and I ask that you and my other distinguished colleagues join me in recognizing this outstanding organization on its campaign. Although LARRI's efforts lasted a mere three years, this should only add to the profound impact the organization had on Northwest Indiana. I ask that you join me in honoring its individual members who freely gave so much of their time in service to their community.

RECOGNIZING THE IMPORTANCE OF BREAST CANCER AWARENESS

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. CARSON of Indiana. Mr. Speaker, providing everyone with access to affordable health care continues to be an important issue in this Congress, and it is even more critical to the individuals seeking preventive care and treatment. This October, I would like to ask you, our colleagues and our communities to join me in recognizing the impact breast cancer has had on families across the nation.

Breast cancer is one of the leading cancers among women and tens of thousands die each year in this country as a result of this devastating illness. With proper education,

screening and treatment, those deaths can be prevented. As we work to encourage research to find a cure, we must remember to be proactive by supporting breast cancer awareness that can save the lives of our mothers, sisters, wives and daughters.

IN RECOGNITION OF PATROLMAN FRANK PAPAIANNI

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. PALLONE. Mr. Speaker, I rise today in commemoration of Patrolman Frank Papaiani of Edison, New Jersey. On September 16, 1971, Patrolman Papaiani and his partner responded to a silent holdup alarm at a bank located within the Menlo Park Mall in Edison, New Jersey. The gunfire exchanged fatally wounded Patrolman Papaiani and critically wounded his partner. Today, members of the Edison community gather to remember and honor the life of Patrolman Frank Papaiani.

Patrolman Frank Papaiani was a noble officer who faithfully protected and served the local residents, businesses and visitors of Edison, New Jersey. Patrolman Papaiani served with the Edison Division of Police for three years and continued to personify his commitment and dedication to maintaining a safe and peaceful environment. He was survived by his wife Adeline and his three children, Maria, Joann and Frank. Lake Papaiani in Edison, New Jersey is named in honor of the late Patrolman.

Mr. Speaker, once again, please join me in commemorating the life of Patrolman Frank Papaiani and remembering him for his dedication to serve and protect the township of Edison.

HONORING UNITED STATES ARMY SPECIALIST JAMES A. BUTZ

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with great respect and deep sadness that I wish to commend United States Army Specialist James A. Butz for his bravery and willingness to fight for his country. Specialist Butz was a member of the 1st Battalion, 505th Parachute Infantry Regiment, 3rd Brigade Combat Team, 82nd Airborne Division out of Fort Bragg, North Carolina. While serving in Afghanistan as a combat medic, on September 28, 2011, Specialist Butz was killed while rushing to assist two wounded Marines when an improvised explosive device detonated, taking his life and the lives of the two Marines. His sacrifice will forever be remembered by those he fought to protect.

A native of Porter, Indiana, James graduated from Chesterton High School in 2009. While in high school, James was a wrestler and football player. Many describe James as very outgoing, happy, smart, and full of en-

ergy. After graduating high school in June 2009, James enlisted in the Army. According to his family, James decided in high school that he wanted to join the military. Family and friends remember James as a hard worker who enjoyed military life and thrived in that environment. His plans were to continue his military career and become a registered nurse. For his selfless commitment to the Army and outstanding dedication to his country, James is worthy of the highest praise. For his courage and sacrifice, James has been honored by the military with the Purple Heart, the Army Commendation Medal, the Afghanistan Campaign Medal, the National Defense Service Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the NATO medal, the Combat Medic Badge, and the Parachutist Badge. Although only a young man, James gained immense respect from those around him, and he was admired in his community. He will be greatly missed and forever cherished by those who loved him.

Specialist Butz leaves behind a loving family. He is survived by his adoring parents, John and Mary Jane Butz. James also leaves to cherish his memory his brothers, John and William. He also leaves behind many other dear friends and family members, as well as a saddened community and a grateful nation.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring a fallen hero, United States Army Specialist James A. Butz. Specialist Butz sacrificed his life in service to his country, and his passing comes as a great loss to our nation, which has once again been shaken by the realities of war. Specialist Butz will forever remain a hero in the eyes of his family, his community, and his country. Thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

IN MEMORY OF MR. GEORGE CONDON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in memory of Mr. George Condon, an iconic journalist, author and historian that truly loved the City of Cleveland.

Born in Falls River, Massachusetts, George was the youngest of eight children. At the age of six, his Irish family moved to Cleveland's Ohio City neighborhood. He attended St. Patrick's on the Bridge and later West Tech High School during the height of the Great Depression. He left high school and began working at Atlas Display Fixture Company and later Blocks Clothing Store. After several years of working and saving money, George enrolled in the Ohio State University and graduated in 1941 with a Bachelor of Science degree in Journalism. It was during college that George met his future wife, Marjorie Smith. The two married in 1942 and had seven children together.

Following graduation, George became the editor of the Mount Pelier, Ohio newspaper. Shortly after, he took a public relations job at

Mount Union College before being hired by the Cleveland Plain Dealer in 1941. He started at the Plain Dealer as a general assignment reporter and in 1948 became the first radio critic. He would later move to the editorial page, where he remained for the rest of his 41-year-long career. In addition to being a unique voice for the Plain Dealer, George became a respected historian for the City of Cleveland. He wrote nine books throughout his life including Cleveland: The Best Kept Secret and Yesterday's Cleveland.

George loved the City of Cleveland and, in return, he was honored and recognized countless times throughout his illustrious career. In addition to having been inducted in the Cleveland Journalism Hall of Fame, George has received the Ohiana Award, the Cleveland Award for Literature, the Burke Award for Literature and the Sigma Delta Chi Award for Distinguished Service.

Mr. Speaker and colleagues, please join me in honoring the memory of Mr. George Condon, he will forever be remembered by the city that he loved.

RECOGNIZING OCTOBER AS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Ms. RICHARDSON. Mr. Speaker, I rise today to recognize the month of October as Domestic Violence Awareness Month. Domestic Violence Awareness Month is a month-long project dedicated to addressing the victimization of men, women, and children in our nation and raising awareness of the devastating impact of domestic violence. This month, we honor the survivors of domestic violence, whose struggles and successes continue to inspire us all as we rededicate ourselves to ending domestic violence in our communities.

Domestic violence touches the lives of Americans of every background and circumstance and affects every sector of our society. It can be defined as a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner. Abuse can be physical, emotional, sexual, or behavior used to coerce, threaten or humiliate another person.

When it comes to domestic violence, there is no standard victim. It affects people from all walks of life, and individuals of every race, ethnicity, religion, gender, and socioeconomic background. Domestic violence is not restricted; it can happen to any couple, homosexual or heterosexual, whether they are married, living together, or dating.

Mr. Speaker, despite the progress and achievements we have made in the recent past, there is still so much more to do. It is time to put an end to this devastating crime. Far too many families in this nation are affected by domestic violence. It is a growing epidemic affecting local, national and international communities alike.

In the United States, one in four women and one in thirteen men will be the victim of do-

mestic violence at some point in his or her lifetime and over 3.3 million children witness domestic violence each year. Further, domestic violence can also act as a precursor to more serious crimes. In 80% of intimate party homicides, regardless of which partner was killed, domestic violence was present during the relationship prior to the killing. We must remember that these victims are not statistics, but people.

Mr. Speaker, victims of violence often suffer in silence, with limited options, not knowing where to turn for support and guidance. We need to break this silence. Local domestic violence agencies, shelters, victim services providing legal, emotional, and medical support are vital to helping victims and their families heal. To effectively respond to domestic violence, we must support efforts to help expand these services and to continue to foster awareness.

The Recovery Act passed by Congress in 2009 and signed by President Obama provided a total of \$225 million to the Office of Violence against Women for grant funding for programs which expands efforts to curtail domestic violence.

These vital funds help communities develop and enhance strategies to curb domestic violence, enhance services to people victimized by domestic violence, and work in cooperation to develop education and prevention strategies directed towards issues of domestic violence. Through knowledge, action and awareness we can take the necessary steps forward to reduce the prevalence of violence in our communities.

In addition, as part of the Affordable Care Act, women will receive free preventative care, including domestic violence screenings and counseling as well as ensure that insurance companies may no longer classify domestic violence victims as people with pre-existing conditions.

This month, let us recommit ourselves to ending domestic violence in our communities. We have a responsibility to continue to broaden our efforts to end violence against men, women and children. But we cannot solve this crisis alone. We must work together to create support, expand resources and eliminate barriers for victims of domestic violence. Stopping domestic violence means saving lives.

Mr. Speaker, I rise today in recognition of Domestic Violence Awareness Month. I urge all Americans to take time this month to honor domestic violence survivors, applaud their strength and courage, and find out what you can do to help prevent domestic violence in your community.

TRIBUTE TO NEIL SAIGAL

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. DENHAM. Mr. Speaker, I rise today to honor the life and legacy of Neil Saigal, a remarkable young man who will be remembered as someone who lived life's moments to their fullest. His presence impacted, and changed for the better, all those who were fortunate enough to be in his company.

It's hard to imagine that such a bright flame has been extinguished, and even harder to imagine that we won't one day see Neil again with his camera in hand, a story to tell, and a witty remark on his lips. While we all miss Neil, we take comfort in knowing that God had better plans for him, and that he's found peace. Before Neil passed away he was living in India, surrounded by family and everything he loved in life. He was learning meditation, practicing yoga, and playing any number of sports every day.

Even though we often measure life in years, with Neil it is more fitting to measure it in terms of accomplishments. Everything Neil did, he did in splendid fashion. After graduating from Clovis West High School in 2003, he went on to attend the University of California, Irvine, and received a degree in Psychology in 2008. While at U.C. Irvine he was a member of the Crew team, a researcher in the Brain Imaging Center, and a great friend to all his classmates. His success at U.C. Irvine included receiving a patent for MEFWAY, and being awarded a 1st place prize at the Young Investigators Award by the Society of Nuclear Medicine, in Toronto. He continued his academic pursuits as a Fulbright Scholar, attending the Karolinska Institute where he continued his research in brain imaging. Soon after, he attended the University of Cambridge, in England, on a full scholarship. Neil's most notable accomplishment however was not academic, but moral—living compassionately, selflessly, and always thinking of those around him.

Mr. Speaker, please join me in remembering Neil for his thirst for life, love of nature, insatiable curiosity, humble spirit, and warm heart.

HONORING CAROLE DILLON-KNUTSON

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Carole Dillon-Knutson of Novato, CA, who is retiring after 20 years of public office. She served 16 years on the Novato City Council and four years on the College of Mann Board of Trustees, earning the appreciation of her constituents and peers for her many accomplishments that enhanced the community's quality of life.

First elected to the Novato City Council in 1994, Carole is especially proud of significant projects that she worked with colleagues to create including the Novato Arts Center, the Gymnastics Center, several development projects at the former air field at Hamilton from a large wetlands restoration to transitional housing, improvements on Grant Avenue (the city's downtown artery), restoration of City Hall, and refurbishment of the Novato playgrounds.

Carole also represented the community on key boards and commissions such as the Association of Bay Area Government's Executive Committee, the North Bay Division of the League of California Cities (President in 2001), the Marin County Council of Mayors

and Council members (President in 2004), the Transportation Authority of Marin Executive Committee, and the Sonoma Marin Area Rail Transit Agency Board.

Carole says she feels "a deep comfort in the priorities and accomplishments that I originally set as my goals: to create a balanced approach and focus on the quality of life issues so important to the residents of Novato."

Mr. Speaker, I know Carole-Dillon Knutson is looking forward to spending more time with her family, including five grandsons. Please join me in congratulating her on her years of service and in wishing her well in her retirement.

OPENING REMARKS FOR THE SCREENING OF THE LAST MOUNTAIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. KUCINICH. Mr. Speaker, I submit the following. Thank you for coming this evening and welcome. I am excited to introduce to you The Last Mountain and I am proud to host its screening. It left quite an impression on me when I saw it and I trust it will do the same for you.

Scientific research shows that Mountaintop removal mining is devastating to both the environment and the health of Appalachian communities. It has created a water quality crisis in streams where the debris and spoil from mining sites have been dumped. It has created an environmental crisis for aquatic life in those streams and for the most biologically diverse forests in the world, which are being systematically destroyed by Mountaintop removal.

Mountaintop removal mining has created a public health crisis for people depending on those streams. The research shows that Appalachian residents of areas affected by mountaintop mining experience significantly more unhealthy days each year than the average American; and women who live in areas with high levels of mountaintop coal mining are more likely to have low birth-weight infants and poor birth outcomes.

Not only is mountaintop removal mining environmentally harmful, but it is actually a job destroyer, not a job creator. Studies have shown that mountaintop removal mining has actually had a negative impact on Appalachian employment. Because Mountaintop removal mining relies on enormous machines instead of individual, skilled miners, the number of mining jobs needed to produce each ton of coal has been drastically reduced. Mountaintop removal mining is essentially eliminating the miner from coal mining, contributing to a decrease in mining jobs.

In 1948, there were 126,000 coal-mining jobs in West Virginia and 169,000,000 tons of coal mined. In 2010, however, only 20,000 of these jobs remain despite the fact that almost the same amount of coal—144,000,000 tons—had been mined. This job loss did not result from any regulation. Instead, it occurred be-

cause coal companies themselves have replaced workers with machines and explosives. The evidence is clear: mountaintop removal mining destroys both mountains and jobs.

Coal mining in general has experienced a diminishing share of employment in Appalachia as well. The cause is falling demand for coal. According to the Federal Reserve, the capacity of already permitted and active coal mines set an all-time record in 2010, while the utilization of that capacity was at a 25-year low. So, while enough permits have been approved to achieve a new record level of coal mine capacity, there is simply not enough demand for all of the coal that these mines can produce. Demand for coal, or the decision by consumers to use cleaner, more energy efficient forms of energy, is not something the EPA controls. It is a decision by made by electric generating plant operators and investors. Increasingly, they have chosen to fuel their power plants with natural gas, rather than coal.

Just last week, a study in the prestigious American Economic Review found that the damage from coal-fired electrical plants costs more than twice as much as the electricity they generate. Coal plants wreak \$53 billion worth of damage per year, not considering the enormous harm from climate change.

The Environmental Protection Agency is in the process of trying to fulfill its duty to increase scrutiny of Appalachian mountaintop mining permits. The efforts in the House to undermine the EPA are wrongheaded. I have fought them on the floor and I have fought them as Ranking Member of the Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending of the Committee on Oversight and Government Reform. And I will continue to fight to stop not only mountaintop mining, but also coal.

Coal-based energy creates ponds of ash that are so toxic the Department of Homeland Security will not disclose their locations for fear of their potential to become a terrorist weapon; it fouls the air and water with sulfur oxides, nitrogen oxides, particulates, ozone, mercury, polycyclic aromatic hydrocarbons, and thousands of other toxic compounds that cause asthma, birth defects, learning disabilities, and pulmonary and cardiac problems . . . for starters.

In contrast, several times more jobs are yielded by renewable energy investments than comparable coal investments. We must redirect the resources of this great nation away from things like war and counterproductive spending cuts and toward creating millions of new jobs in the economic sector of tomorrow; green energy. I will be introducing a bill to create a Works Green Administration which will harness the innovative power of NASA to help create, refine, and ready for distribution the very technologies that put the power in the hands of the people. It will put people to work promoting and installing wind and solar micro-technologies, energy efficiencies, and much more.

Until then, I hope you enjoy the screening tonight. Thank you for your interest and for your time. I look forward to working with you to save mountains, streams, forests, and livelihoods.

IN RECOGNITION OF FATHER
DANIEL G. CAHILL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Reverend Daniel G. Cahill. On September 17, 2011, Father Dan will be recognized as Festival Chieftain at the Irish Festival at the Jersey Shore in Sea Girt, New Jersey. Father Dan continues to provide outstanding spiritual guidance for the members of the Monmouth County community. His exceptional service is highly deserving of this body's recognition.

Father Dan, fondly referred to as "Donnie" by his family and peers, was the third of six children raised on a small farm in the village of Gortdarrig, County Kerry in Ireland. At the age of thirteen, Father Dan was enrolled at St. Brendan's Seminary in Killarney, Ireland. His attendance at this prestigious institution later influenced his future decision to become a priest. Upon graduation from St. Brendan's, Father Dan entered All Hallows Seminary College in Dublin, Ireland, an organization recognized for preparing men to serve as missionary priests in foreign countries. During his time in the Seminary, Father Dan also spent a summer abroad working in various New Jersey parishes alongside the late Father Thomas O'Connor, former Pastor of St. Robert Bellermino in Freehold, New Jersey. His positive experience serving in New Jersey later influenced his decision to accept a position as a recruit from the Diocese of Trenton. Father Dan was ordained on June 17, 1973 at the age of twenty-four. He served for many years in the parishes of St. Anthony of Padua in Hightstown, New Jersey and St. Anthony in Trenton, New Jersey. In 1989 he became the Pastor of St. Ann's Church in Browns Mills, New Jersey. Father Dan currently presides as Pastor of the Church of St. Ann in Keansburg, New Jersey and has held this position since 1995.

In addition to his work with the ministry, Father Dan provides spiritual guidance to various Christian organizations, specifically the Ancient Order of Hibernians, AOH. He served as the New Jersey State AOH Chaplain for nineteen years during which time his outstanding spiritual leadership assisted the organization to fulfill their motto of Friendship, Unity and Christian Charity. He continues to serve as the Chaplain for the Ancient Order of Hibernians Pat Torphy Division—Monmouth 2, located in Middletown, New Jersey, and hosts an annual mass in recognition of those lost during the Great Hunger. Father Dan also serves as the Chaplain of the Knights of Columbus Vincent T. Lombardi Council.

Mr. Speaker, once again, please join me in congratulating Father Daniel Cahill for receiving the esteemed title of Festival Chieftain at the Irish Festival at the Jersey Shore. His extraordinary spiritual leadership continues to guide Monmouth County Bayshore community, my district, and the State of New Jersey.

RECOGNIZING ITMC SOLUTIONS,
LLC OF BRISTOW, VA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize ITMC Solutions, LLC, of Bristow, Virginia, for its acceptance into the National Center for the Veteran Institute for Procurement, VIP.

ITMC Solutions is a woman-owned, veteran-owned, minority-owned, small business supplier of management consulting and technology solutions to the federal government, specializing in identity solutions, program management, portfolio management and application development, deployment, modernization and maintenance.

VIP, a program of the Montgomery County Chamber of Commerce, is the country's first-ever program to train veteran small business owners to succeed in the federal contracting market. VIP has helped more than 200 veteran-owned businesses win government contracts and continues to actively serve veterans by connecting top executives of veteran owned small businesses with leaders in government and industry.

Mr. Speaker, it is a great honor to be accepted into this program and I ask that my colleagues join me in recognizing ITMC Solutions, LLC for its accomplishment.

THE 100TH ANNIVERSARY OF THE
REPUBLIC OF CHINA (TAIWAN)

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Ms. CHU. Mr. Speaker, yesterday, October 10th marked the 100 year anniversary of the Republic of China (ROC).

And how the ROC has grown over the years since the 1911 Revolution! The state played a vital role as a founding member of the United Nations and contributed to the drafting of the Universal Declaration of Human Rights, infusing into it the spirit of Confucianism. And it drafted the most progressive and democratic constitution in Asia. And finally, the state found solid footing on the island of Taiwan in 1949. It has successfully transitioned into a liberal democracy and become the first democratic state in an ethnic Chinese society in history.

Today, the ROC is a model of political and economic progress for developing nations around the world. It is a modern and industrialized nation, an early adapter and proponent of a global and interconnected marketplace. Taiwan, Asia's first Economic Tiger, embraced market reforms in the 1950s and quickly launched some of the best known, and most efficient, original equipment manufacturers (OEMs) that came to serve many U.S. multinationals. Today's Taiwan is a technology powerhouse and the island's firmly entrenched in the top tier of developed world markets.

And while many other markets turn inwards when economic times are tough, Taiwan's al-

most always kept its trade and investment doors open. A founding member of the Asia Development Bank in 1966, the ROC on Taiwan joined the World Trade Organization (WTO) in 2001. It further acceded to the WTO's Government Procurement Agreement (GPA) in 2009.

And since 2008, Taiwan President Ma Ying-jeou has removed many of the longstanding trade and investment barriers to mainland China, resulting in Taiwan now best positioned serving as a global gateway to the Greater China market. This new outlook culminated in last year's signing of the Economic and Cooperation Framework Agreement between Taiwan and mainland China. Foreign firms can now access mainland China's vast economic potential from the comfort and safety of a Taiwan market that's among the friendliest in the world to U.S. companies and one that also values and protects their intellectual property.

As we celebrate this hundred years of history, let us recall that the ROC of today has come about thanks to generations of people who have fought for social reform and a democratic future.

And as the Republic of China embarks on a new century, I hope it will be a model democratic nation for the world and continue to grow and prosper. I therefore urge all my colleagues to join me in congratulating the Republic of China on its 100 years of existence, Taiwan's many economic achievements since 1949, and to further support enhanced economic relations between the United States and Taiwan.

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,860,324,039,615.03.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,221,898,293,321.23 since then. This debt and its interest payments we are passing to our children and all future Americans.

IN RECOGNITION OF ARTHUR J.
MCCLUNG, JR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to one of Morehouse College's most distinguished graduates and accomplished alumni, Mr. Arthur J. McClung, Jr. I am very happy to point out that earlier this year Morehouse College President, Dr. Robert M. Franklin, presented Mr. McClung with the school's Presidential Award of Distinction in recognition of his many outstanding profes-

sional achievements, unyielding support for his alma mater and heartfelt philanthropic endeavors.

As a graduate of Morehouse College and as one who matriculated at Morehouse during the same period as Mr. McClung, I am very proud to call him a fellow alumnus and personal friend. As a dedicated family man, successful business professional and role model for young African-American men, Arthur J. McClung, Jr. has worked tirelessly to effectively balance his multitude of roles of being a loving husband, committed father, skillful senior executive and dedicated community leader.

Arthur J. McClung, Jr. is a native of Columbus, Georgia, the perennial site of this weekend's 76th Annual Tuskegee-Morehouse Football Classic. This classic is one of our nation's longest running football rivalries and Mr. McClung, Jr. along with his father, the late Arthur "A.J." McClung, Sr., have played instrumental roles in this beloved event's ongoing success. The stadium that has hosted this game since its inception is named in honor of the late A.J. McClung, Sr.

This classic also created a fierce but friendly rivalry between the late A.J. McClung, Sr., a graduate of Tuskegee University, and his loving son who not only graduated from Morehouse College but was also a member of the school's renowned Maroon Tiger Marching Band. The McClung men's love for their respective colleges and their dedication to one of Columbus, Georgia's most treasured football traditions has reaped tremendous benefits for Tuskegee University, Morehouse College and the Columbus, Georgia community at-large.

In light of the McClung family's tenured involvement in the classic's success over the last five decades, this weekend Mr. Arthur J. McClung, Jr. will be named as an honorary alumnus of Tuskegee University, even though he is in fact a diehard Morehouse Maroon Tiger. This esteemed designation is one of the many outstanding accomplishments that Mr. McClung has enjoyed during his life's journey.

After graduating from Morehouse College in 1966, Mr. McClung, Jr. began his professional career at Westinghouse Electric. He later would go on to serve in important roles at IBM, the Atlanta Urban League and the United States government's ACTION Agency before eventually joining Georgia Power as a Consumer Affairs Representative. Throughout his twenty-six year career at Georgia Power, he served as an executive in the utility company's External Affairs, Economic Development and Corporate Relations divisions.

In concurrence with his notable career accomplishments, Mr. McClung has been repeatedly acknowledged for his outstanding community service and support for civic organizations throughout the state of Georgia. He is the recipient of awards from Ben Hill United Methodist Church; the Atlanta Area Council of Boy Scouts; Concerned Black Clergy; the Georgia Association of Black Elected Officials; and the Rotary International. Furthermore, he has played a proactive role in supporting initiatives sponsored by Habitat for Humanity; the United Way of Metropolitan Atlanta; Boy Scouts of America; the Butler Street YMCA; the Atlanta Branch of the National Association for the Advancement of Colored People

(NAACP); Georgia Citizens for the Arts; and the Fulton County Planning Commission.

It cannot be disputed that Mr. McClung has achieved numerous successes throughout his life. However, none of this would have been possible without the grace of God and the support of his loving wife, Angela. Mr. and Mrs. McClung, Jr. are the proud parents of Arthur J. McClung III, who like his father is also a proud graduate of Morehouse College. Art III went on to earn a Doctorate degree from Stanford University in Mechanical Engineering and in December 2010, he completed his post doctoral studies at Yale University in New Haven, Connecticut.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Mr. Art "Bullwinkle" McClung, Jr. for his many career achievements, outstanding service, and public distinction and most importantly for his unrelenting support of the Tuskegee-Morehouse Football Classic.

IN HONOR OF MR. JACK KAHL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Jack Kahl, the founder and former Chief Executive Officer (CEO) of Manco Inc., who is being recognized as the Mayo Society's Mayo Person of the Year.

Mr. Kahl graduated from Ohio Wesleyan University with a Bachelor of Science in Economics. In 1971, he bought Manco, Inc. and grew the company from a small industrial tape distributor into a leading global consumer products company. He served as the CEO of Manco for more than 25 years before selling the company to the Henkel Group. Mr. Kahl has also held the position of Chief Executive Officer of Henkel Consumer Adhesives, Inc. and Chief Executive Officer and President of Duck Investments LLC and Jack Kahl and Associates during his career. Additionally, he has served on the Board of Directors of numerous companies including Paragon Corporate Holdings, Inc., Acorn Products Inc., Technical Consumer Products, Cleveland Clinic Foundation, MCM Capital Advisory, Clark/Bardes Inc., and American Greetings.

In addition to his career in the business world, Mr. Kahl has been a dedicated and active member of the education community. He is the former chairman of Students In Free Enterprise (SIFE) and has served on the Board of Trustees of John Carroll University (JCU) and St. Edward's High School. Due to his tireless advocacy he has been named "Outstanding Alumnus and Alumnus of the Year" by both St. Edward's and JCU. In 1999 SIFE dedicated a wing of its world headquarters the Jack Kahl Entrepreneurship Center and, in 2000, St. Edward's named its new student center the Jack Kahl Student and Life Leadership Center.

Throughout his illustrious career, Mr. Kahl has been honored and recognized countless times on the local and international level. He has been named one of America's Most Admired CEOs by Industry Week Magazine, Best

Boss in Town twice by Cleveland Magazine and recognized by Inc. Magazine for his leadership practices. During his tenure as CEO, Manco, Inc. was the first company to receive three Wal-Mart Vendor of the Year awards and OfficeMax's Vendor of the Year—Supply Chain Award. Mr. Kahl has also been awarded the Lifetime Achievement Award by the School Home Office Products Association, the National Medal for Entrepreneurship by Beta Gamma Sigma and Cleveland's Philanthropist of the Year Award.

Mr. Speaker and colleagues, please join me in honoring and congratulating Mr. Jack Kahl, the Mayo Person of the Year.

RECOGNIZING WILLIAM HENRY BURKHART ELEMENTARY SCHOOL FOR RECEIVING THE HONOR OF A 2011 NATIONAL BLUE RIBBON SCHOOL

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. CARSON of Indiana. Mr. Speaker, I would like to recognize the wonderful students, teachers and administrators at William Henry Burkhardt Elementary School for the outstanding honor of winning the 2011 National Blue Ribbon Schools Award from the United States Department of Education.

The Blue Ribbon Schools program honors schools that have taken successful measures toward maintaining and increasing student achievement. Located in my district in Indianapolis, Indiana, William Henry Burkhardt Elementary School is a fine example of what can be accomplished when parents, teachers and administrators collaborate on preparing our students for a prosperous future. By emphasizing the importance and real world applications of subjects like math, science and language arts, William Henry Burkhardt is enabling a new generation of community leaders.

It is my hope that other schools and educators in Indiana will be inspired by the recognition and success of William Henry Burkhardt Elementary School. In addition, I hope everyone at the school can keep up the hard work by inspiring these young students to continue to strive for success in school, career and life.

INTRODUCTION OF THE WATER QUALITY PROTECTION AND JOB CREATION ACT OF 2011

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. BISHOP of New York. Mr. Speaker, today we are introducing legislation to make long overdue investments in our nation's water infrastructure systems that will benefit both our communities and our economy.

The American economy needs jobs, and this Congress has a responsibility to support programs that create jobs. This is precisely

what spending on water infrastructure systems will do: plain and simple, it will create jobs. For every \$1 billion we spend on wastewater infrastructure we can create as many as 33,000 jobs in communities across America while improving our public health and protecting our environment. It is a win-win proposition.

The importance of investment in wastewater infrastructure is clear and the need is great. In EPA's 2008 Clean Water Needs Survey, states documented nearly \$300 billion in wastewater treatment, pipe replacement and repair, and stormwater management projects that need to be fulfilled over the next 20 years.

While Congress appropriated \$2.1 billion for wastewater infrastructure projects in 2010, this year allocations to the Clean Water State Revolving Funds were reduced to \$690 million. This is a far cry from the \$15 billion a year we would need to spend to address the needs identified by the States to modernize and repair our aging systems.

The "Water Quality Protection and Job Creation Act of 2011" is intended to close that gap. For decades, the SRFs have been the traditional mechanism for Federal wastewater infrastructure assistance. The bill renews the Federal commitment to addressing our Nation's substantial needs for wastewater infrastructure by investing \$13.8 billion in the State Revolving Funds over the next five years.

Recognizing that significant additional resources will be necessary, the bill also establishes two complimentary new initiatives for the long-term, sustainable financing of wastewater infrastructure. The first is a direct loan and loan guarantee program and the second, a Clean Water Infrastructure Trust Fund. These proposals, when implemented in concert, would leverage billions of additional dollars to meet local wastewater infrastructure needs, create jobs, and protect our public health and environmental quality.

Mr. Speaker, I recognize that some may express concern with the overall cost of this legislation; however, when compared to the estimated \$300 to \$400 billion in documented wastewater infrastructure needs for our communities over the next 20 years, I would suggest that this authorization will help meet, but not entirely close, the water infrastructure gap. In addition, based on a preliminary estimate by the Congressional Budget Office, this legislation would have no negative impact on direct spending and revenues over the next ten years under pay-as-you-go rules.

Meeting the critical water infrastructure investment needs of our local communities should not be a partisan issue. As my colleagues on the Committee on Transportation and Infrastructure often say, "There is no such thing as Republican or Democratic infrastructure projects." These are investments that benefit our local constituents, the economies of our towns, cities, and States, and provide the added benefit of protecting public health and the overall condition of the environment. I am pleased that this legislation has garnered bipartisan support for introduction, and I plan to work with my colleagues on both sides of the aisle to see this Congress move on providing long-term, sustained investment in our nation's wastewater infrastructure.

Again, this is a win-win proposal and as such, it has broad support from the Associated

General Contractors of America, the National Assoc of Clean Water Agencies, Food and Water Watch, the Water Environment Federation, the National League of Cities, the Water Infrastructure Network, the American Society of Civil Engineers, the National Construction Alliance II, the American Public Works Association and many others.

In short, Mr. Speaker, this bill is good for America, for American workers and for the environment, and thus I urge my colleagues to join me and my fellow cosponsors in supporting this very important legislation that will help our economy recover.

RECOGNIZING NATIONAL DAY OF THE REPUBLIC OF CHINA

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. BURGESS. Mr. Speaker, today I rise to commemorate the 100th anniversary of the National Day of the Republic of China. October 10, 1911 marked the day of the Wuchang Uprising, which served as the beginning to the Xinhai Revolution. The Xinhai Revolution established the present day Republic of China thus bringing an end to the Qing Dynasty.

Dr. Charles Ku is close friend of mine and the committee chair to the DFW Chinese Double Tenth Centennial Celebration Committee. I am a strong supporter of Dr. Ku and his activeness within our Chinese community. The DFW Chinese Double Tenth Centennial Celebration Committee sponsors the Dallas Chinese Community Center whose mission it is to promote Chinese culture and diversity through recreational programs and enrich the lives of Chinese immigrants.

As a result, the Dallas-Fort Worth area has a thriving Chinese culture. It is worth recognizing and commending the DFW Chinese Double Tenth Centennial Celebration Committee, the Dallas Chinese Community Center, Dr. Ku, and the entire Chinese community for standing by this county's tradition and value of maintaining a diverse cultural presence. So, it is with great honor that I congratulate the Republic of China and the Chinese community on their 100th anniversary of the National Day of the Republic of China.

IN RECOGNITION OF NORTHERN OHIO LEBANESE AMERICAN AS- SOCIATION'S 6TH ANNUAL LEBANESE AMERICAN HERITAGE BALL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Northern Ohio Lebanese American Association's 6th Annual Lebanese American Heritage Ball which will be honoring General John P. Abizaid, retired United States Army General and the former Commander of the United States Central Command.

The Northern Ohio Lebanese American Association (NOLAA) was founded in 1931 as a social and charitable organization. NOLAA's original purpose was to promote an understanding and unity among its members, act as a resource to better the conditions of its members and to foster unity among Lebanese Americans and their families in Cleveland and neighboring cities. In 2005, the Lebanese American Christian Society (LACS) was established in conjunction with NOLAA. Today NOLAA and LACS are dedicated to preserving, enriching, and promoting Lebanese heritage and traditions through cultural, educational, humanitarian and social activities.

NOLAA's Annual Lebanese Heritage Ball honors those who have made significant contributions to the community. This year's celebration will honor General John P. Abizaid, a retired U.S. Army General and the former Commander of the U.S. Central Command. General Abizaid rose to the rank of a four-star general during his 34 year long career with the U.S. Army. The Ball will also feature Tony Kiwan, a world renowned Lebanese singer.

Mr. Speaker and colleagues, please join me in recognizing the Northern Ohio Lebanese American Association as they come together to celebrate their Annual Lebanese Heritage Ball and General John P. Abizaid.

RECOGNIZING DR. JACK VORONA'S INDUCTION INTO THE DIA TORCH BEARERS HALL

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize Dr. Jack Vorona of Falls Church, Virginia for his induction into the Defense Intelligence Agency's Torch Bearers Hall. DIA established Torch Bearers Hall this year to coincide with its 50th anniversary and to recognize former employees who have made exceptional contributions to its mission. Dr. Vorona's invaluable leadership in developing scientific and technical intelligence programs during the height of the Cold War helped keep Americans safe and secured him a spot among the eight inaugural recipients of this honor.

During his 25-year career at DIA, Dr. Vorona developed many programs aimed at identifying foreign defense technologies that could threaten the U.S. and its allies, including nuclear technologies. As Deputy Director for Scientific and Technical Intelligence, he oversaw funding to address the most significant threats posed by massive Soviet investments in science, technology, and weapons programs. His work was vital in helping to ensure that the U.S. was never technologically surprised.

Mr. Speaker, I ask my colleagues to join me in recognizing Dr. Vorona's remarkable achievements and in thanking him for his dedicated service to the nation.

IN RECOGNITION OF DOMESTIC VIOLENCE AWARENESS MONTH

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Ms. MCCOLLUM. Mr. Speaker, I rise today in recognition of "Domestic Violence Awareness Month." The month of October is designated as a time to honor the unknown number of lives lost to domestic violence, recognize the survivors, and applaud the work of dedicated advocates, social workers, and counselors. By bringing awareness to this issue we can help to erase the stigma for survivors of domestic violence.

Domestic violence happens in every community. Domestic abuse takes the form of physical violence, sexual assaults, economic abuse, verbal manipulation, stalking, or psychological intimidation. It affects children, women, and men regardless of where they live, how much they earn, the color of their skin, or the level of education they have attained. One in four women will experience domestic violence during her lifetime. An estimated 1.3 million women will be physically assaulted this year. And in Minnesota, at least 15 women, 7 children, and 2 men died from domestic violence in 2010. Yet despite all of this, domestic violence remains a "hidden crime" with most incidents going unreported.

While progress has been made to raise awareness of domestic violence and provide needed services to survivors, much more must be done to break the culture of silence surrounding this public health epidemic. Law enforcement, health providers, community leaders, social workers, teachers, and concerned citizens must work together to hold perpetrators accountable and ensure survivors have the support and resources they need. Communities need to promote a culture of safety and support. Individuals have to stand up and declare with our words and actions that domestic violence is unacceptable.

For those committed to ending domestic violence, and in honor of survivors of domestic abuse, I stand today in support of "Domestic Violence Awareness Month".

IN RECOGNITION OF MR. JOHN DILEO, JR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mr. John DiLeo, Jr., Italian Tribune's 41st Annual Columbus Day Gala honoree. Mr. DiLeo has demonstrated outstanding entrepreneurial and philanthropic endeavors during his tenure and is undoubtedly worthy of this body's recognition.

Mr. DiLeo is the reigning President of Hylan Datacom and Electrical, Inc. in Holmdel, New Jersey. Mr. DiLeo has admirably worked side-by-side with his father, Mr. John S. DiLeo, Sr. for over 20 years, learning and executing the responsibilities to successfully fulfill the mission of Hylan Datacom and Electrical. He has

retained responsibility for all of the organization's financial and business decisions at Hyland Datacom. Mr. DiLeo continues to exceed customers' needs and expectations while maintaining a powerful work ethic and customer-centered approach. Mr. DiLeo is also President of Gordon Petroleum, Inc. and owns and operates multiple corporations in the tri-State area. He is also a partner to six Perkins Restaurants and Damon's Steakhouse, family owned businesses that continue to appeal to residents throughout New York and New Jersey. Mr. DiLeo is currently a Board Member with the Staten Island Economic Development Corporation and has held this position since 2002.

In addition to his professional responsibilities, Mr. DiLeo supports various charitable organizations, including the Count Basie Theater Foundation, Girl Scouts of America and South Shore Rotary. He is a proud graduate of St. John's University and is an avid sports fan, passionate about animals and nature. John is also happily married to his wife Madeline of 22 years.

Mr. Speaker, once again please join me in congratulating Mr. John DiLeo for receiving the honor bestowed by the Italian Tribune at their 41st Annual Columbus Day Gala. Mr. DiLeo continues to provide outstanding services to the members of the community and the constituents of my district.

RECOGNIZING GLASGOW INVESTIGATIVE SOLUTIONS, INC. OF WOODBRIDGE, VA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize Glasgow Investigative Solutions, Incorporated, of Woodbridge, Virginia (GIS), for its acceptance into the National Center for the Veteran Institute for Procurement (VIP).

Founded in 2004 by Mr. Rudolph A. Glasgow, GIS is a disabled veteran, minority-owned business, providing quality services with integrity and high ethical standards. These services include background investigations for the issuance of government security clearances, pre-employment background screening, criminal record searches, education verification, employment reference verification, credit reports, civil record searches, driving record searches and finger printing.

VIP, a program of the Montgomery County Chamber of Commerce, is the country's first-ever program to train veteran small business owners to succeed in the federal contracting market. VIP has helped more than 200 veteran-owned businesses win government contracts and continues to actively serve veterans by connecting top executives of veteran owned small businesses with leaders in government and industry.

Mr. Speaker, it is a great honor to be accepted into this program and I ask that my colleagues join me in recognizing Glasgow Investigative Solutions for its accomplishment.

HONORING THE LIFE OF MAYOR
JEROEL D. "J.D." BRAY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the life and service of Northwest Florida's beloved Jerroel D. "J.D." Bray.

Born in Jay, Florida on December 25, 1919 to H.H. "Hub" and Alice Bray, J.D. spent his childhood with his brothers, Charlie, C.H. "Chab," and Raymond; and his sisters, Beatrice, Mattie, Myrtle, and Maudie, helping out on the family farm and playing sports. He attended Jay High School and played football, baseball, and basketball.

J.D. Bray was a true patriot, and when his country called him to duty during World War II, he responded with honor and distinction. He enlisted in the United States Army in 1938 and upon completion of basic training, was sent to the Panama Canal. Later, as a member of the infantry, he fought in the Battle of the Bulge. J.D. earned the rank of Sergeant and received an honorable discharge in 1945.

When he returned home, J.D. worked as a lineman for the Escambia River Electric Cooperative, and in 1952, he married Theda Warrick in Pascagoula, Mississippi. They bought and operated a local service station, and J.D. later joined the Santa Rosa County Road Department in Northwest Florida, where he retired in 1988. Throughout the course of his life, he understood and exemplified the true meaning of public service. As an active member in the Jay community, J.D. served as a City Councilman from 1954 to 1956 and then was elected to serve as Mayor. For 44 years, Mayor Bray held the position and assisted in the growth of the town's infrastructure through his invaluable leadership and unwavering dedication. Aside from his career, Mayor Bray was a member of the American Legion, past Commander of Edeker-DuBose Post 121 in Jay, a 32° freemason, and a member of Red Rock Masonic Lodge #96 in Munson, Florida.

Mayor Bray is survived by his wife of 59 years, Theda; three children, Debbie (Michael) Gilley, Cheryl Bray, and Stewart (Maria) Bray; his grandchildren, S.J. Bray and Meghan Gilley; great-granddaughter, Tristan Bray; and his sister, Myrtle Bray.

To some, Mayor Bray will be remembered as a courageous member of our armed services who answered the call of duty during one of our Nation's most trying hours; to others, he will be remembered as a successful farmer, gardener, and a regular at the peanut co-op. He was a distinguished public servant, volunteer, and soldier; however, above all, Mayor Bray was a true family man. More than anything, J.D. enjoyed spending time with his family, friends, and neighbors, and he loved cheering his Florida State Seminoles to victory. Northwest Florida mourns the loss of a true leader, and his service to the community and this Nation will not be forgotten.

RECOGNIZING CLIFF MOSHOGINIS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. UPTON. Mr. Speaker, I rise today to recognize Cliff Moshoginis of Kalamazoo, Michigan, who was named Airport Manager of the Year by the Michigan Association of Airport Executives on Thursday, September 15, 2011.

Mr. Moshoginis began his career at the Kalamazoo/Battle Creek International Airport in 1993. In 1999, he rose to assistant director of the airport, and in 2006 became its director. Mr. Moshoginis was chosen as the recipient of this impressive honor by the president of the association and other members of the board. He himself previously served as president of the association and currently acts as its legislative committee chair.

Despite enormous challenges that have directly affected the air transportation industry in recent years, Mr. Moshoginis has displayed great innovation in keeping our airports safe and efficient. It is because of his vision and direction that the Kalamazoo/Battle Creek International Airport has prospered, seeing an 11 percent increase in employment and approval of several new construction projects.

I was pleased that the Kalamazoo/Battle Creek International Airport recently received vital funding for ongoing construction of a new terminal. This expansion has been good for economic growth in our district and made the airport a more efficient gateway to southwest Michigan.

The honor bestowed upon Mr. Moshoginis is an achievement that makes us all very proud to have such a remarkable person serving the people of our district. Congratulations to Mr. Moshoginis and his employees for being recognized with this well-deserved achievement.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. BASS of New Hampshire. Mr. Speaker, on October 6, 2011, I had a family gathering and was not present for rollcall votes 765, 766, 767, 768, 769, and 770. Had I been present, I would have voted in the affirmative on rollcall vote 765 and against rollcall votes 766, 767, 768, 769, and 770.

TRIBUTE TO VOLUNTEERS OF
NORTH BAY STAND DOWN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today and invite my colleagues to join me in honoring the work of the men and women who have organized and staffed

the North Bay Stand Down, serving homeless military veterans in my 7th Congressional District for a full 10 years. This annual event has quite literally been a lifeline for countless veterans and their families who have found themselves without support or resources to make it on their own.

The North Bay Stand Down was established in 2002 as a one-day, one-stop shop for access to health care and social services. That first year, 100 volunteer workers enrolled 50 veterans in the VA system, provided job counseling to 10 participants, and prepared 150 meals. Over the years, the program has met the ever-growing need in our community by expanding to a full three-day event. Last year alone, 601 volunteers enrolled 265 veterans

plus 15 family members in the Veterans Affairs system. In addition, they served 2,700 meals, provided job counseling to 101 participants, resolved 298 court cases, and provided medical services to 413 of the attendees.

Each year, the North Bay Stand Down has recorded remarkable success stories. Veterans have found employment as well as medical and dental care. Many have found the strength and support to commit to a sober lifestyle with the help of the psychiatric services on grounds. Families have been stabilized as they have made the connection to transitional housing programs and counseling services. And Stand Down has provided an opportunity for veterans to connect with old friends finding

the critical support network that is born out of shared experiences.

Our military men and women have stepped up to answer our country's call, and what we do for them as a nation after they step out of the uniform must match that level of commitment. While the GI benefits have been expanded in recent years, it is clear that the needs of our returning veterans still outweigh the resources available. The North Bay Stand Down continues to fill in that gap. So many of our returning military veterans are finding barriers to their successful readjustment to civilian life. I am ever grateful for the men and women volunteers of North Bay Stand Down who, year after year, have helped knock those barriers down.

HOUSE OF REPRESENTATIVES—Wednesday, October 12, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MARCHANT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 12, 2011.

I hereby appoint the Honorable KENNY MARCHANT to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

WHY ARE WE STILL IN AFGHANISTAN?

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, yesterday I had the privilege and the humbling experience of going to Walter Reed at Bethesda. It is a magnificent medical complex, and our young men and women deserve to have that kind of treatment. I was so impressed.

In visiting the wounded and thanking them for their service, I encountered a 22-year-old lance corporal who was wounded during his second tour of duty in Afghanistan. Standing there in his room with his mother, he asked me why are we still in Afghanistan. I looked at his mother and I looked in his face and I said, I don't know. I said there are a few of us in the House trying to get our troops back home before the 2014-2015 deadline.

Mr. Speaker, I have beside me a photograph of a triple amputee, a soldier, with his wife, who has lost both legs and an arm. Yesterday I noted to the doctor who was escorting me around that I saw more double amputees than

ever before. I saw some down in the rehab center, and I saw those in their rooms that have not gotten to that point yet because of their severe wounds. He said, Congressman, the number of double amputees is going up every week, every month, and it will continue to go up.

My question to the leadership of the House: Why don't you speak out, both parties, and call on Mr. Obama to bring our troops home before 2015?

It's kind of ironic. I represent the Third District of North Carolina and we got hit pretty hard, like most of the States all of the way up to Vermont, by the hurricane. It was so ironic last week that we passed a continuing resolution that had \$2.65 billion for FEMA to help those who have experienced disasters like wildfires in Texas to tornadoes to hurricanes—\$2.65 billion—but yet we found \$118 billion to spend in Afghanistan and Iraq. Where does that equal itself out? The American people get shortchanged while we send \$118 billion to Afghanistan and Iraq. It makes no sense.

That's why it's so ironic that the American people have given all of us in Congress an 18 percent approval rating. And here we will be passing trade bills today to send jobs overseas. That'll be great. The American people are tired and fed up.

But what bothers me more than anything are those young men and women over at Walter Reed who are 20, 22, 25. I met a gunnery sergeant who's in his early thirties, both legs gone, trying to learn to walk.

I hope that the leadership in the House and Senate will join JIM MCGOVERN and many of us in both parties who are speaking out about getting our troops home before 2014-2015. And, Mr. Speaker, I want to say to those people who are protesting Wall Street, whether I agree with you or not, you have a right to protest. Join us in protesting the war in Afghanistan. We are beginning the 11th year. And as the 22-year-old lance corporal said to me, Why are we still there? I couldn't answer him. I don't know. I don't know. Karzai gets \$10 billion a month, and the people who've lost so much in the hurricanes and tornadoes, they get a measly pittance to what Karzai gets.

Please, American people, join us and put pressure on the House and Senate, and let's bring our troops home.

Mr. Speaker, my close is this: I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in

uniform. I ask God in His loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. I ask God to bless the House and Senate that we will do what is right in the eyes of God for his people today and his people tomorrow. And I ask God to give wisdom, strength, and courage to President Obama that he will do what is right in the eyes of God for God's people today and God's people tomorrow. And three times I will ask from the bottom of my heart, God please, God please, God please continue to bless America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members to direct their remarks to the Chair.

JOBS OUGHT TO BE TOP PRIORITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I certainly agree with my colleague from North Carolina that it is time for us to not just reassess but readjust our policies in Afghanistan, scale it down and bring the troops home.

There's another area of consensus that I hope we can focus on: Most people agree that employment, that jobs, ought to be a priority for this Congress, for the government, for American business. Much of what you hear on Capitol Hill about creating jobs and employment is very, very contentious. Yet what is complex and controversial in Congress is not so hard when you move off the Hill, when you look at what the experts suggest, when you look at what the American people will support, for the shape of a future recovery is emerging in terms of a consensus about what we should do. I think we probably will; the question is when.

First and foremost, it is important that we rebalance our long-term programs and priorities. But in the short term, it is not only important to keep the spending levels where they are, it would be disastrous to cut it further. Chairman Bernanke said just last week that short-term increases can strengthen economic demand with a long-term adjustment to strengthen our balance sheet by reducing the deficit.

One of the first places to start is rebuilding and renewing America. Experts agree we have vast unmet needs; the Society of Civil Engineers suggests \$2.3 trillion that should be spent in the

next 5 years on repairing our roads and our bridges, extending and enhancing our transit system. There are two dozen cities across America that are looking at reintroducing a modern streetcar which can be done quickly and will spark investment in those communities that have that opportunity.

We have aging and inadequate water systems that leak 6 billion gallons of water a day, enough to fill 9,000 Olympic-sized swimming pools that would stretch from Washington, DC, to Pittsburgh. We have an aging and ineffective electrical grid. We have pipelines that need to be upgraded for safety. There is environmental cleanup, especially expensive Superfund sites that otherwise will continue to put a cloud over the adjacent businesses and governments.

□ 1010

This will create millions of family-wage jobs in the course of the next year. It is important to deal with our health care system, which is creating jobs. But, unfortunately, it's creating jobs now very inefficiently. We pay more for healthcare than anybody else in the world, by far. Compared to what other developed countries produce, we have mediocre results as a whole. Spectacular for some Americans, but overall, Americans die sooner, get sick more often, stay sick longer. By accelerating the health care reforms to provide value instead of volume of health care, we can squeeze more value and the right type of employment that will be sustainable over time and help make Americans healthier.

There is, Mr. Speaker, no question that we need in fact to pay for this over the long term. But the path here is something that most of the American public will in fact agree on, and the experts have a consensus that this is where we start, with tax equity, making sure everybody is paying their fair share adjusting user fees for infrastructure to account for inflation—not anything immediate, but over the course of the next year or two—to be able to have the cash flow to meet our obligations for transportation, for water; reinstituting the Superfund tax that expired in 1995, leaving communities with the toxic legacy.

It's important to consider a financial transaction fee, something that other European countries have—that England has had for over a century—that would in fact give stability to our stock market. This is something that's within our capacity, Mr. Speaker. I hope we do it sooner rather than later.

H.R. 3080, UNITED STATES-KOREA FREE TRADE AGREEMENT IMPLEMENTATION ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Alabama (Mrs. ROBY) for 5 minutes.

Mrs. ROBY. I come to the floor today to talk about the need to pass the three free trade agreements that we will be voting on today. These agreements will mean more export opportunities, access to raw materials at a lower cost for American manufacturing, and make American companies and farmers more competitive in additional markets where they currently face high tariffs. Free trade agreements result in jobs and profits for American businesses.

In 2010, the Second District of Alabama saw 4,927 jobs directly supported by exports. Of the \$2 billion in total merchandise exports, \$769.4 million was to free trade agreement partners. The Korea, Colombia, and Panama free trade agreements will open up opportunities for businesses all over the Nation, including those in my home State of Alabama.

In regards to the Korea free trade and what it means to Alabama, in 2009 Alabama did \$300 million in exports to Korea, making Korea the 11th largest export market for Alabama. According to the Business Roundtable, the agreement that we will be voting on today will make more than half of Alabama merchandise exports to Korea be duty free. The immediate tariff eliminations in this bill gives Alabama exports a \$3.1 million cost advantage over similar products exported by competitors who do not have free trade agreements with Korea.

Additionally, agriculture in Alabama will benefit from the Korea free trade agreement. Currently, U.S. agricultural products face tariffs up to 500 percent in South Korea. By eliminating these tariffs, agriculture will see over \$20.3 million in additional gains in sales to South Korea. In particular, it is estimated that Alabama's export of poultry will rise to \$4.4 million per year, and cattle and beef to \$3.7 million per year.

In regards to the Colombia free trade agreement, in 2010, Colombia was Alabama's 21st largest export market, with \$154 million in exports. The agreement we will be voting on today will mean an estimated 72.3 percent increase in exports for Alabama to Colombia and 56.4 percent in fabricated metal products.

And finally, Panama is one of the fastest expanding economies in Latin American. In 2010, the United States saw a 7.5 percent growth in exports to Panama. In regards to agriculture, the United States exported more than \$450 million to Panama in 2010.

The free trade agreements that we are voting on today are in total expected to increase direct agricultural exports from Alabama by \$22.8 million per year, and the increased marketing opportunities will add more than 200 jobs to the Alabama economy. It is unfortunate that these agreements have taken so long to be considered by Con-

gress. They will have a significant impact on our economy. This delay has already put American businesses at a disadvantage with the South Korea-European Union free trade agreement going into effect in July of this year.

American businesses do not need a stimulus or stimulus programs that do not work. I have come to the floor several times to talk about how American businesses are being stifled by overreaching and burdensome regulations. American businesses have also been stifled by the slow-moving administration and ensuring that our businesses have the same advantages as those in other countries. These agreements remove the high tariffs that have been in place in important and expanding markets.

I will continue to work to protect and promote jobs here in the United States and in my home State of Alabama and will be voting "yes" on all three trade agreements. I ask my colleagues to do so as well.

IN OPPOSITION TO THE TRADE AGREEMENTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. KISSELL) for 5 minutes.

Mr. KISSELL. Mr. Speaker, I rise today to speak of the opposition that I will have to the free trade agreements that we'll be voting on today and to speak of some of the details about those free trade agreements that seem not to be discussed. We seem to want to talk about how these free trade agreements will be good without understanding the details of what we'll be voting upon.

My opposition to these trade agreements is not based upon any type of partisanship. That negative force called "partisanship" that is too much part of our lives here in Washington, I don't deal with. This is not partisanship. This is not some type of blinded protectionism, that somehow we need to close our shores. I'm very aware of the global impact of our modern economy. And it's not based upon any type of ignorance of the potential good that these so-called free trade agreements can present to us. Indeed, I have lived in a part of the country that has suffered immensely from free trade agreements. I worked 27 years in textiles and watched the jobs leave. My district, North Carolina's Eighth District, is still suffering, as it has for the last 10 years, because of the results of free trade agreements.

Indeed, if you look at the facts of our Nation and where we are in our economy, it's hard to say that since free trade agreements have become part of our lives that it has been good for the Nation. We look at our working families. It was reported last week that our working families are now at income

levels of the mid-1990s. We've lost so much of our industrial base. We've lost hundreds of thousands of jobs. And we continue to see our trade deficits climb and climb and climb.

Mr. Speaker, we have the world's greatest economy. We need trade agreements, but not these trade agreements. We need for people to come to us and say we would like to play in the United States market, and we should say what terms that we should have for that.

So what are the details of the Korean free trade agreement? We hear that it will create 75,000 jobs. The Economic Policy Institute tells us we will lose over 150,000 jobs. And we'll hear a lot about the jobs that were created, but we won't hear too much about those jobs that were lost, of which 40,000 jobs are estimated to be lost in the textile industry.

We won't hear about how 65 percent of something can be made in another country and brought to South Korea and finished there and then brought into the United States, recognizing that China is the next-door neighbor to Korea. So how much transshipment is going to come out of China, the 65 percent to South Korea?

We won't hear that North Korea will be allowed to send goods to the United States as a part of this trade agreement.

We won't talk about the currency manipulation that South Korea engages in, just like China does.

We won't talk about the tariffs that will stay in place, protecting Korean goods, while we drop ours immediately.

We'll talk about that we can sell more cars in Korea, up to 75,000, if they choose to buy them—there's no guarantees—when we know that South Korea now is selling hundreds of thousands of cars in the United States.

□ 1020

Mr. Speaker, we need trade agreements, but we need trade agreements that work for us. This is not a reflection on the countries. It's a reflection on these old NAFTA/CAFTA-type trade deals that were negotiated years ago in the Bush era that have been dusted off and brought to us and being told to us that this is good for the American worker, this will create jobs. Unfortunately, the history of our trade agreements has been anything but that.

I was with an administration official in North Carolina a year ago, and I was told how good free trade had been for North Carolina. And I said, I can't address that, but I can address that free trade has not been good for my district. I was told that they could show me the numbers, and I told them I could show them the empty buildings, many of which are not even standing now. They've just been torn down, not replaced with jobs. Retrain our people for what, to ship more jobs offshore?

Mr. Speaker, I ask my colleagues to look at the details of this, look at our economy, and look at the jobs we have lost and say, is this good for America? No, it's not.

IN SUPPORT OF THE TRADE AGREEMENTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. GIBSON) for 5 minutes.

Mr. GIBSON. Mr. Speaker, I rise in support of the fair trade agreements that we will vote on later today. I commend the Obama administration for their work in ensuring that our businesses and workers get the best agreement possible to grow the economy and create jobs.

While these agreements have been in the works for years, our country has benefited from the improvements garnered by our U.S. Trade Representative, Ron Kirk, and his team. This is particularly evident in their refining of the South Korean agreement so that our farmers and automobile manufacturers get a fair deal. Of course, each trade agreement is different, and they all have to be evaluated on their merits. Details matter.

Overall, these agreements will help increase U.S. exports by an estimated \$13 billion, adding \$10 billion to our annual gross domestic product and creating nearly a quarter million jobs, including many in my district in upstate New York; and we'll do that without adding a single dollar to the deficit. In fact, these fiscally responsible agreements will help cut the deficit.

Our farmers, in particular, stand to gain significantly from these agreements, opening up nearly \$30 million in new business a year for our farmers in New York. These agreements are enthusiastically supported by our New York State Farm Bureau and by my Agricultural Advisory Panel, comprised of farmers from across the 10 counties and 137 towns I represent, a congressional district with over 1,000 family farmers.

Mr. Speaker, we have the smartest, hardest-working farmers in the world. Their issue is profitability. We help farmers when we attack the impediments to growth, which include taxes, regulations, health care costs, and energy costs. We help farmers when we have access to quality infrastructure—not only roads and bridges, but also access to high-speed broadband. And we help farmers when we expand markets to help them sell their goods. These agreements enhance our farmers' profitability.

Supporting our farmers is supporting the American way. Our family farmers represent the best of our country. And this is also a national security issue—no farms, no food. We must ensure our family farms can compete, or we risk losing them and relying on imports

with the attendant food security risks. That's not what my constituents want; that's not what our country wants, which is why we need to pass these agreements.

Now, in addition to helping our farmers, the independent, nonpartisan U.S. International Trade Commission estimates key U.S. manufacturing sectors are also poised to gain. This includes the increase of U.S. exports of motor vehicles and parts by about 50 percent; metal products by over 50 percent; chemical, rubber, and plastic products by over 40 percent; and machinery and equipment by over 30 percent. This will directly help companies in my district, who are already relying on exports, with expanding markets for selling their products, companies like B&B Forest Products in Greene County, Momentive in Saratoga County, EFCO Products in Dutchess County, and Hudson River Stove Works in my home county, Columbia.

What's often missed in these conversations about trade are some of the key points. Right now, over 90 percent of the products coming from Colombia and Panama are already duty free, when less than 40 percent of our goods currently go duty free to these countries. Our goods to South Korea suffer under tariff rates about four times higher. With passage of these fair trade agreements, we will address these imbalances. These agreements will add to our GDP, strengthen existing jobs, and create new ones.

Let's recognize what's at stake, and let's not fool ourselves. If we fail to pass these fair trade agreements and do nothing, we will fall behind. In South Korea, we have seen our beef industry lose more and more of the share of that country's business year after year since the 1990s. South Korea is poised to increase agricultural trade with Australia and the European Union. If we don't pass these agreements, we will continue to fall behind while other countries gain. Same with Colombia: in 2007, our farmers accounted for 44 percent of the agricultural business in Colombia. By 2010, that number fell to 21 percent.

These agreements are about the future. As Americans, we've enjoyed an unprecedented quality of life because we make things other people can't and we make common goods better than anyone else. That's still the case. In my district, we make the world's most advanced wafers in the semi-conductor industry and some of the most advanced medical devices.

We are poised to continue our tradition of excellence in this country if we make the right choices. And, today, making the right choices means working in a bipartisan way with the Obama administration and enacting a key provision of the President's jobs plan. It means passing these fair trade agreements before the House this week.

I urge my colleagues to support these bills and help get America back to work.

RECOGNIZING LAS VEGAS CHAMBER OF COMMERCE ON ITS 100TH ANNIVERSARY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Nevada (Ms. BERKLEY) for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I rise today to give special recognition to the Las Vegas Chamber of Commerce as it celebrates its 100th anniversary on October 21 and marks a century of success in working to help build and sustain southern Nevada's business community.

I'm a proud member of the Las Vegas Chamber of Commerce. And as someone who grew up in southern Nevada and who represents her hometown of Las Vegas here in Congress, it has been remarkable to see firsthand so many of the outstanding achievements of the chamber and its thousands of members and how they—we—have shaped our community throughout the years.

From designing some of the very first tourism campaigns for Las Vegas, to helping pass major small business legislation in recent years, the chamber has always played a key part in facilitating the growth of Las Vegas and in supporting the business community in southern Nevada—today's economic engine of the great Silver State.

I have had the pleasure to know and work with many of the chamber's leaders and participants from its member businesses who serve the families of my community every day and who serve the nearly 40 million visitors drawn to Las Vegas each year. The Las Vegas Chamber's centennial marks a milestone for an organization that had its humble beginnings a century ago in a dusty railroad town—now known around the globe as the "entertainment capital of the world."

Many of the chamber's early leaders were instrumental in getting legislation passed to create the first highways being built to and from Las Vegas, making the city more accessible to northern Nevada, southern California, Arizona and Utah. Chamber leaders advocated for the building of Hoover Dam. This modern marvel still operates today, creating electricity for millions of homes and businesses, drawing millions of tourists for recreational opportunities at Lake Mead, and creating thousands of jobs for the region.

Chamber leaders were early supporters of the aviation industry in Las Vegas, bringing the first airfield to Las Vegas in the 1920s, establishing McCarran Airport's current location. Later, the chamber worked to secure financing for a modern airport built in 1960. These early leaders recognized the need for air travel to keep Las Vegas accessible, competitive, and relevant;

and their support led to McCarran Airport growing to become one of the busiest airports in our Nation.

The Las Vegas Chamber of Commerce was instrumental in creating the modern method of promoting Las Vegas through the initiation of the Live Wire Fund. Created in 1944, the Live Wire Fund eventually led to creative marketing campaigns and the initiation of the Las Vegas News Bureau to promote Las Vegas tourism and hospitality to the Nation and to the world. What happens in Las Vegas stays in Las Vegas.

The chamber has always been and remains the voice of business in southern Nevada. With over 80 percent of the jobs in the United States created by small businesses, it is my commitment to continue to honor the business people of Nevada by working towards a fairer business environment where "Made in America"—and especially "Made and Sold in Nevada"—drive the philosophy of our business mindset.

□ 1030

This will create jobs, put people back to work, and continue to provide the kind of opportunities on which our Nation was founded. The Las Vegas Chamber of Commerce has embodied these business ideals for a century, and I look forward to being a part of the great things they do in their 101st year and beyond.

In recognition of the Las Vegas Chamber of Commerce's success, and they are here today in number on Capitol Hill, in helping to make Las Vegas a brand recognized around the world, and for their unwavering commitment to local businesses, I ask my colleagues to join me in saluting the Las Vegas Chamber of Commerce for their 100 years of service and in wishing this organization and its members another century of extraordinary success.

FREE UP AMERICA'S RESOURCES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. The President's jobs bill has a surprising number in it for rebuilding our infrastructure. Most Americans would be surprised that that number is only \$27 billion. Divide that between States, and you barely have enough to put some tar and chips on the roads. And yet, as the President is out touting this jobs bill and talking about our crumbling infrastructure, it just isn't going to do the job.

How about this number? \$129 billion to build roads and buildings and water projects? Unfortunately, that number is not being spent in the United States; rather, that \$129 billion is the number that Americans pay in foreign aid to OPEC countries to build their roads, their palaces, their buildings.

Now, unfortunately, that money goes to more than just their infrastructure. It also goes to countries like Iran that fund their nuclear weapons programs threatening Israel and the neighboring countries. It goes to Iran to fund their assassination attempts against Saudi Ambassadors. Iran used it to fund terrorist weapons and IEDs to kill our soldiers. We pay for both sides in the war on terror, and much of that comes through buying foreign energy.

In the meantime, our roads are crumbling, our bridges are rusting and corroding, our locks and dams are decaying, our water and sewer pipe lines are collapsing.

And listen to the cost. According to the American Society of Civil Engineers, the numbers are staggering: \$935 billion are needed to fix our roads and bridges; \$87 billion for aviation; \$12.5 billion for our locks and dams; \$255 billion to fix our drinking water; \$75 billion for energy infrastructure; \$50 billion for inland waterways; \$50 billion for levees; \$265 billion for transit. Where is the money going to come from?

What is being proposed are long-term and permanent taxes, about 30 years worth of more debt and borrowed money from China for a small \$27 billion to do this. It's not going to do the job, and raising taxes and creating warfare between classes is not going to do it.

Here's what can do it. We have, off of our coast, about 85 to 115 billion barrels of oil, trillion cubic feet of natural gas, trillions. We have massive amounts of money off our coast. Unfortunately, the administration says no, we can't use our money. We have to continue to borrow from China, increase debt or raise taxes. Those approaches to rebuilding America will not do.

What we need to do is free up American resources, use our resources, use our funding to rebuild America. And think what comes out of this. From the royalties, the leases, and from the income taxes that come from hiring, yes, millions of people to involve with civil engineers and operating engineers, laborers, architects, steamfitters, welders, people who work on the rigs, you create \$2 trillion to \$3 trillion worth of revenue over the next 20 years.

What we need to be doing is making a commitment to invest that money in American infrastructure, American resources, American funds for American infrastructure.

Think of what this also does for our manufacturing. When you create that kind of demand for steel and concrete and that kind of demand for equipment to be purchased over a long time, this is a real jobs plan. We don't need to be going back hat in hand to other countries and saying, please let us borrow more from you. We don't need to be having class warfare. We don't need to

be saying, let's just attack people who make a certain amount of money. We don't need to be saying, let's take all the revenue that comes from taxing these corporate jets for 10 years and use it to fund the government for a lousy hour and 45 minutes. Those may be great talking points, but they are not a jobs plan.

America wants to work and America wants us to use our resources. America wants to stop funding both sides in the war on terror. We can do this. And it doesn't take some sort of super plan to do this. It just says, America has all the resources.

I call upon my colleagues to continue to push for ways that we can free up American resources, stop saying no to American jobs, stop simply using political rhetoric to block these things, but really create this mechanism by which we can pay for rebuilding America.

We can do it. We have the resources to do it. We have to have the way and we have to have the will.

INITIATIVES OF THE SMALL BUSINESS COMMITTEE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. ALTMIRE) for 5 minutes.

Mr. ALTMIRE. Recently I had the honor of being reappointed to the House Committee on Education and the Workforce, a committee on which I served during my first two terms in Congress. Consequently, caucus rules require me to, in turn, step down from the Small Business Committee, where I've proudly served for the past 5 years.

As I leave the Small Business Committee, I wanted to take a moment to discuss a few of the important initiatives on which the committee has played a meaningful role during that time. Some of the most important initiatives have been to support the brave men and women who have served our Nation in uniform. The Small Business Committee, over the past 5 years, has led the way in helping small business owners deal with the loss of key employees during long-term overseas deployments, and has helped incentivize the hiring of our military veterans.

Committee successes include the enactment of my legislation to increase business opportunities for veterans and reservists, and support business owners who employ them. This bill was signed into law by President Bush in 2008 and has since helped countless veterans and employers.

We also successfully enacted laws to help returning veterans access job training programs and learn entrepreneurial skills to help them transition back into the workforce.

As chairman of the Subcommittee on Investigations and Oversight, I was able to convene hearings that gave voice to all sides on pending issues in

Congress, including bringing more than a dozen people from western Pennsylvania before the committee to make sure that their voice was heard and their point of view understood during the critical early stages of the legislative process.

Our subcommittee held hearings that brought to light the unintended consequences of the Consumer Product Safety Commission's lead regulations on small businesses and home-based toy manufacturers. We also held hearings that raised concerns about the effect that various health care reform proposals might have on small employers, and the devastating impact that skyrocketing gas prices can have on businesses and consumers.

When CMS proposed a flawed Medicare competitive bidding program that would harm medical equipment suppliers and negatively impact patient access and quality of care, our subcommittee heard the concerns of small businesses across the country. And when necessary, our subcommittee also convened field hearings to discuss important issues, such as a hearing we held in western Pennsylvania to discuss ideas on how to increase access to capital for small businesses.

When flooding impacted businesses in western Pennsylvania, we brought the SBA to Aliquippa to personally inspect the damage and improve the SBA's response. And as gas prices continued to climb and the Nation looked for solutions to our energy crisis, I joined our former colleague, Mary Fallon, now Oklahoma's Governor, to cochair a field hearing in Tulsa to hear directly from the oil industries their explanation of why gas prices were so unacceptably high and what we can do to help bring them down.

Our subcommittee also led the way in twice passing through the House my bill to expand access to private capital investment through the SBIR program. And we held the first hearing in either Chamber of Congress on the controversial credit card interchange fee, an issue that since has grown into a top priority for businesses, consumers, and banks.

We worked in a bipartisan way to successfully advocate for repeal of the onerous 1099 reporting requirements included in the health care reform law. All in all, quite a record of bipartisan success.

As I leave the committee, I want to thank Ranking Member VELÁZQUEZ for her help and support during my time on the committee, and I look forward to continuing to work on small business issues through my new committee assignments in the months ahead.

□ 1040

RECOGNIZING MATT PORTER, 2011 RECIPIENT OF NATIONAL DOWN SYNDROME SOCIETY'S DAN PIPER AWARD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise to recognize Matt Porter of State College, Pennsylvania, the 2011 recipient of the National Down Syndrome Society's Dan Piper Award.

Dan Piper was a young man born with Down syndrome who spent much of his life advocating on behalf of himself and others with Down syndrome. He, sadly, passed away on September 1, 2002. In order to celebrate Dan's life, the Dan Piper Award was created to recognize and celebrate an individual with Down syndrome that has made similar contributions to Down syndrome awareness and advocacy.

Today, I'm pleased and proud to recognize one of my constituents, Matt Porter, as the 2011 recipient of this great honor. I have met Matt Porter on several occasions. Most recently, I joined him and others at the Centre County Down Syndrome Society's annual Buddy Walk. My introduction to Matt, however, was sometime before that when he visited my Washington office in mid-February with his brother, Andy. Matt was visiting congressional offices to raise awareness for the Down Syndrome Society and to advocate on issues most pressing to those who are living with Down syndrome.

Matt's personality and attitude towards life embody the spirit of the Dan Piper Award. Much like Dan, Matt's accomplishments have opened so many doors to those with Down syndrome. I find Matt to be an inspiring individual, and I commend him on the hard work with his employment, participating in the Special Olympics, volunteering in the community, and advocating on behalf of others with Down syndrome.

We all stand to learn a lot from this young man's example and character. Congratulations, Matt Porter.

HAVE 10 YEARS IN AFGHANISTAN MADE AMERICA SAFER?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, I rise today because I feel like I have a case of déjà vu. Two years ago, I stood on this floor, on the eighth anniversary of our invasion of Afghanistan, and asked: Have our 8 years, 791 American deaths, and billions of U.S. dollars spent in Afghanistan made America safer?

Today, I stand in the same place asking the same question. Now, 10 years have passed, 1,800 American lives have been lost, and we have spent almost

half a trillion dollars, and I have to ask again: Have 10 years in Afghanistan made America safer? Sadly, just as I concluded 2 years ago, I must conclude again today, they have not.

We went into Afghanistan under the mantle of protecting America's national security. The perpetrators of September 11, al Qaeda, were in Afghanistan, and we had to go after them. But just as was the case 2 years ago, al Qaeda is no longer primarily in Afghanistan. In fact, only 50 to 100 al Qaeda operatives are estimated to be operating in Afghanistan. Al Qaeda's primary hub is still located across the border in tribal areas of Pakistan. And other al Qaeda cells are operating around the world in Yemen, North Africa, and through affiliated groups in Southeast Asia and Uzbekistan.

Threats to America are not from Afghanistan but from ungoverned spaces around the world and even right here on American soil. A review of recently foiled terrorist plots shores up the widespread origins of U.S.-centered terror attempts. The Times Square bomber is a Pakistani American who received training in the Waziristan region of Pakistan. The explosives hidden in ink cartridges and destined for an American synagogue in my own district in Chicago were planted by a Saudi militant and shipped from Yemen. The Christmas Day airline bomber was a Nigerian, inspired by Anwar al-Awlaki, who was based in Yemen. And another devotee of al-Awlaki was the Fort Hood shooter, Nidal Hasan, an American citizen born in Virginia.

Not one of these terror plots originated in Afghanistan, and yet still we maintain close to 100,000 U.S. troops on the ground there. Every major U.S. victory the U.S. has had in the fight against terrorism has come not on the ground in Afghanistan but through targeted attacks such as those that killed Osama bin Laden in Pakistan and the recent strike that killed Anwar al-Awlaki in Yemen.

There have been at least 45 jihadist terrorist attacks plotted against the U.S. since 9/11, and each one of them was foiled not by our mass ground forces in Afghanistan, but through a combination of intelligence, policing, and citizen engagement.

According to terrorism expert Erik Dahl of the Naval Postgraduate School, "When it comes to domestic attacks and securing the homeland, what works is really good, old-fashioned policing—law enforcement, tips from the public, police informants."

Not only is our military action in Afghanistan not making us safer, but research indicates it could actually be making us less safe. As counterinsurgency expert David Kilcullen points out, rather than reducing the number of terrorists, the U.S. presence in Afghanistan could actually be spurring

new terrorism as locals band together to resist foreign occupation.

It's called accidental guerrilla syndrome.

Further, a report issued last year by the gentleman from Massachusetts, Representative TIERNEY, revealed the U.S. military is funding the multibillion dollar protection racket. A good portion of a \$2.16 billion transportation contract is being paid to corrupt public officials, warlords, and the Taliban to get needed supplies to our troops. We are funding the very insurgency we are fighting.

We went into Afghanistan to make America safer, but, for several years now, we have known that our enemies are no longer concentrated in Afghanistan. Al Qaeda is an enemy without borders, and so now we must have a strategy without borders. The question now is: Will we adjust our strategy to reflect today's circumstances, or will we continue to live in the past, repeating this destructive cycle of sending dollars and troops to a mission no longer central to American security?

We have to end our military presence in Afghanistan now, because I don't want to stand in this same spot a year from now with another case of déjà vu.

DRILLING EQUALS JOBS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. LANDRY) for 5 minutes.

Mr. LANDRY. Mr. Speaker, with the free trade agreements being debated this week, some of my Democratic colleagues have been talking about our trade deficit. However, if they really want to reduce the trade deficit, they'd help me end the President's de facto moratorium on offshore drilling.

You see, if oil were a country, it would be our biggest trading partner. Oil makes up 65 percent of our trade deficit. And it's simple: Drilling equals jobs. It equals American jobs.

You see what I have here is a parking lot to one of the heliports down in my district. In 2004, the parking lot was full. Last year, the parking lot was empty. And you don't have to worry because that parking lot, when we're drilling offshore, is this full 365 days a year.

Here is a port in my district which supplies over 30 percent of the oil and gas that fuels this Nation. You can see the boats in 2004 in the busy port; and today, it's empty.

If we really want a jobs bill, this is it. In the past year, deepwater permit issuance is 39 percent below the monthly averages observed over the past 3 years; and shallow water permits, permits that were supposedly never impacted by the moratorium, are off 80 percent over historical averages. As a result of this de facto moratorium, 11 offshore rigs scheduled to drill in the gulf have relocated to countries like

Brazil, Nigeria, Egypt, Congo, French Guiana, and Liberia.

Now, what does this say about American policies when businesses prefer the regulatory certainty offered by Egypt over the bureaucratic uncertainty off our own shores? And while 11 rigs might not seem like a lot, each drilling platform supports 200 to 300 workers every month. Additionally, each exploration and production job supports four other positions. Therefore, 900 to 1,400 jobs per idle rig platform are at risk if production does not resume as soon as possible.

□ 1050

Wages for those jobs average \$1,800 per week, so the potential for lost wages is more than \$5 million to \$10 million per month, per platform.

Drilling equals good-paying jobs.

According to the Obama administration's own estimates, the 6-month "official moratorium" on drilling cost up to 12,000 jobs. However, the long-term impacts of the de facto moratorium could be significantly higher. A study by Louisiana State University predicts, if the de facto ban on deepwater drilling were sustained for 18 more months, we could lose 36,000 jobs nationwide, 24,000 of those along the gulf coast region alone. If the administration would accelerate the permit issuance instead of continuing this de facto moratorium, we could create a quarter of a million jobs in this country, and we could increase the GDP by \$8 trillion over the next 10 years.

As I said, the solution is actually very simple—at no cost to the taxpayer and with the ability to bring revenue into the Federal Government.

It's simple, Mr. Speaker: Drilling equals jobs.

LIBERTY, JUSTICE, AND THE ECONOMY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise today to talk on two subjects: one, liberty and justice and, number two, our economy.

On the first, as cochair of the House Ukrainian Caucus, I stand today and join my voice to the citizens of the free world who stand in solidarity with freedom lovers in Ukraine seeking liberty and justice for all. It is with the deepest concern that we raise strenuous objection to the political decision by Ukraine's Pechersk court that sentenced former Ukrainian Prime Minister Yulia Tymoshenko to prison this October 11. The court's "guilty" verdict sentences her to 7 years in prison, bars her from holding office for 3 years, and effectively stops her from participating in Ukraine's upcoming elections.

Ukraine's actions should also call into question Ukraine's accession to

the European Union. I join with the members of the Ukrainian Congress of America in supporting immediate congressional hearings on what has transpired in Ukraine. I urge our leadership to allow the passage of a resolution expressing U.S. objection to the actions of Ukraine's politically driven judicial system that seem to have more to do with politics than justice.

In furtherance of these objectives, I place on record on behalf of the Ukrainian Caucus the official statement of the Ukrainian Congress Committee of America, which represents over 1 million Americans of Ukrainian descent, equally incensed at what has occurred. From their statement, the Ukrainian Congress states:

They call upon the Government of the United States to take appropriate measures to support democracy and human rights in Ukraine. They urge the United States Government to restrict visas and freeze assets of the current antidemocratic regime and to hold congressional hearings on sanctions and future foreign assistance to the Government of Ukraine.

Mr. Speaker, I urge my colleagues to join me, to join our caucus; to speak out and to act then on behalf of the advance of democracy and justice in post-Soviet Ukraine.

I also wish to address today the U.S. economy. We've heard a lot about the trade agreements that are going to come before us today dealing with so-called "free trade" for South Korea, for Colombia and Panama. I wish to place some information on the record.

I've served in Congress awhile now, and fought against the NAFTA trade model back in the nineties when they said it would create jobs that would result in trade surpluses. Advocates promised we would have all this extraordinary economic growth and new jobs in the United States. Then after NAFTA was passed, we saw the beginning of these hemorrhaging trade deficits with Mexico, with Canada and, indeed, with the world. In 1997 and '98, when the China permanent normal trade relations, which I might add are anything but normal, kicked in, America went into an even greater trade deficit. Each billion dollars of trade deficit represented a loss of thousands upon thousands of lost jobs.

So, as we look at the period that we've been living through over the last 20 to 25 years as these so-called free trade agreements locked down, with every single one, America goes deeper and deeper into trade deficit, which kills the economic growth in our country. Now, today, we're being delivered three more: South Korea, Panama, and Colombia.

When we look back at CAFTA, which was passed in the early 2000s, what happened? Did we get trade balances with those countries? No. We got more U.S. job loss.

Sure, there were a few industries that made out like bandits. Okay. That's fine, I'm glad that some industries can export, and generally, agriculture is able to sell a little bit more, but the overall net is negative. The net is negative. That translates into lost jobs. We've lost over 7 million jobs in this country because these agreements are not fair trade agreements. They really don't result in trade balances for our country, nor job creation. They yield job losses—coast to coast.

Let's just take a look at what happened with Mexico alone. Back when NAFTA was passed, we had a trade surplus with Mexico. The same people who are arguing for these agreements today said, Don't worry about NAFTA—jobs are going to be even better. We said, No, no. It's not going to be better because there's not a real rule of law. There is no respect for the peasant class in Mexico, and the agricultural adjustment there is going to be horrendous.

In fact, it is at the basis of the exodus of Mexican farmers and peasants into our country. That is what is fueling illegal immigration—the lack of a resolution to what occurred during NAFTA when the agricultural adjustment was not allowed to occur in a humane way in Mexico. What a pity to go to the communities and to see how people are living there, disrupted from their land, and then in our country to see the jobs outsourced from the United States down there or from the United States to almost anywhere—China, et cetera—to the low-wage havens with no rule of law. Every year, the trade deficit with Mexico has grown greater and greater. Remember when we began with NAFTA, we had a trade surplus with Mexico. That has disappeared and gone very negative translating into lost jobs.

Now just take a look at Korea. They say this deal is going to make trade better. Well, do you believe that? We already have a trade deficit with Korea, and this agreement isn't going to solve it because Korea already sells over a half a million cars in this country, but we only sell a few thousand cars there now. This agreement will not change these numbers and will result in more lost jobs in our country. This agreement contains no requirement for reciprocity.

I ask the Members to vote "no" on the agreements dealing with Korea, Colombia, and Panama.

UCCA CONDEMNS TYMOSHENKO SHOW TRIAL VERDICT

NEW YORK, NY.—The Ukrainian Congress Committee of America, the representative organization of the over one million Americans of Ukrainian descent, is outraged and strongly condemns the Pechersk court's sentencing of Yulia Tymoshenko.

The October 11th guilty verdict, which sentences the former prime minister to 7 years in prison, and bans her from holding office for three years, displays the selective and po-

litical motivations of the current regime and leaves no doubt that the court's decision was dictated by the government to remove one of the top opposition leaders from taking part in upcoming elections.

From the start, the UCCA, along with the international community, deemed the various court proceedings to be biased, not meeting international standards and selective in persecution of opposition leaders and former government officials. Thus, today's guilty verdict not only demonstrates the ongoing anti-democratic and authoritarian tendencies of the regime, but also severely threatens the country's European aspirations, specifically the expected ratification of an association agreement with the European Union.

President Yanukovich's use of criminal law to serve his own political end, must not be tolerated! The UCCA calls upon the government of the United States to take appropriate measures to support democracy and human rights in Ukraine. We urge the United States government to restrict visas and freeze assets of the current anti-democratic regime and to hold congressional hearings on sanctions and future foreign assistance to the government of Ukraine.

COLOMBIA FREE TRADE AGREEMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. I want to talk today about two people opposed to the Colombia Free Trade Agreement:

Alejandro Jose Penata—a teacher, a union organizer, a spokesperson for fairness for his fellow educators in a country where getting a decent education can be difficult to impossible. Also, I want to talk about Ana Fabricia Cordoba—an advocate for the displaced, an advocate for returning stolen land to those from whom it was taken.

Ana and Alejandro were part of a vocal and committed and brave group of Colombians willing to stand up for what they believed in. They stood up for the dispossessed, for peasants, for trade union members, and for those who want to join trade unions. Like many Colombians, they were tremendously concerned about a free trade agreement that reflected the interests of large corporations but not of those workers and farmers and poor people they fought for every day.

Ana and Alejandro, if they could, would be with us today to voice their opposition in person to the Colombia Free Trade Agreement, but they can't voice that opposition because they were both murdered in Colombia. Ana was shot dead on a public bus. Alejandro was tortured and hung with barbed wire. These are tragic facts, uncomfortable facts, unacceptable facts, but they are not isolated facts.

Sadly, the faces of Ana and Alejandro are the faces of Colombia today. Nowhere in the world is it more dangerous to be a union organizer, fighting for the wages and rights of working

people than in Colombia. Twenty-three trade unionists were killed this year. Fifty-one were killed last year. And over the last several years, hundreds more have been threatened, driven out by violence or have simply disappeared. In 2010, more trade unionists were murdered in Colombia than in the rest of the world combined.

In Colombia, there is an organized, intensive campaign to prevent working men and women from working together to fight for better wages and working conditions, and it seems to be working. So why would the United States want to endorse this behavior and reward the companies, working with the government, that have unleashed this violent assault on workers' rights?

□ 1100

That, after all, is what a trade agreement is really about, a partnership. This is not a partnership the United States of America should enter into.

I'm voting "no" on the Colombia free trade agreement. I urge my colleagues to vote "no" on the Colombia free trade agreement.

I believe the facts are simple. Voting for the Colombia free trade agreement is a vote for violent union busting, for driving people from their land, for setting the American working man and woman up to compete on an unlevel playing field that will cost us jobs and livelihoods. I know that it is difficult to look at these pictures and hard to accept the reality of the danger to people who speak up in Colombia.

But we cannot ignore the facts, and in Colombia, trade union activists are targeted for assassination and murder. That's not an easy fact to accept, but it's a fact. Approving the free trade pact with Colombia says that the United States can live with this fact. It brings the blood of union activist victims from Bogota to Washington. That blood won't be easily washed away.

Let's think about the movements for freedom happening from Cairo to Damascus to Tripoli. We applaud them. We congratulate the protesters.

When the union leaders in Wisconsin, Ohio, and Puerto Rico stand up for their rights against oppressive State governments, my Democratic colleagues, they applaud those workers. When angry Tea Partiers bash our government and talk about individual rights, my Republican colleagues applaud them.

Well, today we have a chance to do more than applaud. We can side with the people who are standing up for freedom in Colombia. I suggest that everyone in the House who has ever celebrated, applauded, or supported a popular, pro-democracy movement in the U.S. or abroad think long and hard before they vote "yes" on the Colombia free trade agreement.

Because what we see is what we get when it comes to free trade in Colom-

bia. We get a partnership with a country where speaking your mind is a death sentence. I want free trade, but I'm for an agreement that builds commerce while protecting commerce, environment, and the rights of farmers and men.

This is not that agreement. This is an agreement that turns a blind eye to violence and oppression and injustice.

So I ask my colleagues to do what Alejandro and Anna who were murdered cannot do: say "no" to FTA with Colombia.

GRIDLOCK EXISTS IN UNITED STATES CONGRESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes.

Mr. RANGEL. Mr. Speaker and my colleagues, I stand once again to make a plea to our spiritual leaders throughout the United States to be heard and to speak out against the gridlock that exists here in the United States Congress.

I do this feeling very comfortable since we open up our session with a prayer and as everyone can see and many have taken for granted, it says: "In God We Trust."

Clearly, the protesters have caused quite a bit of inconvenience for my colleagues and the constituents in New York, but the fact remains that they speak out for a frustration that most all Americans have. Uncertain as to what the future holds for them, many have lost their jobs, their savings, pulled their kids out of school; and they are frustrated that we in the Congress hardly talk to each other because of the depth of polarization.

And yet beyond the politics of it all, whether it's Democrats or Republicans, when you think about it, this recession can only be stopped and unemployment lowered by a combination of two things, the reduction of our spending and the raising of revenue in order to increase not only the confidence that people have but the necessity of having economic growth so America can regain its status among civilized nations.

Yet we find very little movement here because there's some that have already embarked on the 2012 campaign. They do that even though millions of Americans are suffering painfully, seeking relief now and not waiting until the end of next year.

It seems to me, whether we are dealing with the Koran or whether we are dealing with the Bible or the Torah, one thing is abundantly clear, that those who believe in a superior force would know that one of the things that we have a moral obligation to do is to take care of the vulnerable among us.

This great Nation now has broken all records in terms of our middle class actually being shrunk as people are forced into poverty. One out of every

five kids in the United States of America is born into poverty, and we find that a smaller number of people in our country are controlling nearly half of the wealth.

There's something wrong with that equation, and certainly this is the time to fill that vacuum. For those who believe there's no direction to the protesters, there may not be direction, but they certainly expect that their government should be there for them. Their government is gridlocked. Our spiritual leaders could encourage them not just to pray, but to become active, find out who the Members are that represent them in the Congress, ask them to be voting on these bills that can create economic growth or can create jobs.

And so whether you're Protestant or Catholic or Jews or gentiles or Mormons or Muslims, this is the time that America needs you. This is why our Forefathers have never written out religion. While it cannot dictate which religion, if any, you should have, certainly we do have freedom of religion.

And as the protesters have a constitutional right in order to speak out to release their frustrations, I think we have a spiritual responsibility to take those parts of the proclamations that they're making, the protestations that take care of trying to get the vulnerable to get a fair shake out of this economic disaster we find ourselves in, let us take care of our aged, our sick, those that are in poverty.

Let Social Security and Medicaid and Medicare be something that's not a gamble, but something that the American people can depend on.

Let the churches and the synagogues and the mosques and the temples be open so people can express themselves, and let this Congress attempt to be more civil in recognizing that we have a responsibility that goes beyond the election. We have a responsibility to the American people. So I conclude my remarks and make my plea.

HONORING GENERAL DUNCAN J. McNABB

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. COSTELLO) for 5 minutes.

Mr. COSTELLO. Mr. Speaker, it is my honor and privilege to pay tribute to a leader and a warrior, General Duncan J. McNabb, commander of the United States Transportation Command. General McNabb is retiring after honorably serving this great Nation for over 37 years with a distinguished career.

General McNabb graduated from the United States Air Force Academy in 1974. As a command pilot, he has more than 5,600 flying hours in transport and rotary wing aircraft. In addition, General McNabb has held command and

staff positions at squadron, group, wing, major command and Department of Defense levels and is considered the finest mobility and logistics expert in the Department of Defense.

I have had the pleasure of working with General McNabb from 2005 to 2007 when he assumed command of the Air Mobility Command at Scott Air Force Base in the congressional district that I am privileged to represent and, again, when he returned to Scott Air Force Base to be the commander of USTRANSCOM in 2008.

USTRANSCOM is a critical part of our military operations. It provides the coordinated transportation, distribution and sustainment, which projects and maintains our national power. As a global combatant commander, General McNabb has made supporting the American warfighter his top priority.

□ 1110

Under General McNabb's leadership, USTRANSCOM has moved over 1.5 million passengers and over 4 million short tons of cargo in supporting Operation Enduring Freedom and Operation Iraq Freedom. To put this in perspective, this is the equivalent to moving the entire population of southwestern and southern Illinois and all of their household belongings halfway around the world. America truly has a military deployment and distribution system that is unmatched anywhere in the world.

Under General McNabb's command, USTRANSCOM has provided humanitarian relief to hurricane victims in the United States, earthquake victims in Haiti and Japan, and flood victims in Pakistan, just to name a few. The medicine, supplies, equipment, and personnel that USTRANSCOM has delivered in the wake of these and other natural disasters ultimately saved lives and eased human suffering.

In addition to conducting some of the largest military moves since World War II and providing unparalleled humanitarian relief, General McNabb has made it a priority to transform our Nation's deployment and distribution system, ensuring our ability to project national power where needed with the greatest speed and agility, the highest efficiency, and the most reliable level of trust and accuracy. As a USTRANSCOM commander, General McNabb actively took on the role of the distribution process owner for DOD, charged with improving efficiency and interoperability across the entire DOD supply chain. To meet the needs of the military and the Nation, General McNabb developed the Arctic overflight route and expanded multimodal logistics throughout the northern distribution network. He has improved combat readiness and capability while saving hundreds of millions of taxpayer dollars. Troops and equipment are now arriving and leav-

ing the battlefield faster and at less cost.

General McNabb will be the first to tell you he did not accomplish these feats alone. He led the way in seeking collaborative joint solutions to today's complex global distribution issues. Those who worked for him and with him, military and civilians from every branch of service, will miss his leadership and mentorship. They'll miss the stories and humor he used to get his message across. We in Congress will miss his straightforward approach and sound counsel. The Nation will miss his devotion to duty, ceaseless drive for improvement, and unwavering support to the men and women serving in our armed services.

Mr. Speaker, I want to recognize General McNabb for serving the Air Force with honor and distinction for 37 years. I also wish to recognize his wife, Linda, and wish her the very best in the future as well. The Air Force will lose not one but two exceptional people upon General McNabb's retirement.

General McNabb and Linda, we wish you well in your future endeavors and pray that those who follow in your footsteps may continue the legacy of unprecedented support for our great Nation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 14 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another day.

We pray this day, O Lord, for peace in our world, that righteousness will be done and freedom will flourish.

The work of these days has concerned the interchange of goods, talent, and resources with other nations of the world. In Your wisdom You created many peoples and have asked us to live and work together so that all might know and experience Your blessings.

Send Your Spirit upon the Members of this people's House, that they might judiciously balance seemingly irreconcilable interests. Help them to execute their consciences and judgments with clarity and purity of heart so that all might stand before You honestly and

trust that You can bring forth righteous fruits from their labors.

Bless us this day and every day, and may all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Virginia (Mr. FORBES) come forward and lead the House in the Pledge of Allegiance.

Mr. FORBES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

MILAN PUSKAR

(Mr. MCKINLEY asked and was given permission to address the House for 1 minute.)

Mr. MCKINLEY. Mr. Speaker, this past week, West Virginia experienced a tremendous loss. Milan "Mike" Puskar, cofounder, former chairman and CEO of Mylan Labs in Morgantown and the namesake of WVU's Milan Puskar Stadium, passed away.

Mike was not only a visionary entrepreneur who grew Mylan into the largest generic drug manufacturer in America, but he also was a beloved philanthropist who was passionate about our Mountain State. He was an extremely committed supporter of West Virginia University and gave selflessly of his time and treasure to the academic and athletic programs there.

Milan had a kind heart and lived his life with the utmost integrity. The life he lived and the legacy he left behind have left West Virginia a better place for our children and grandchildren.

My wife, Mary, and I, as well as all West Virginians and Mountaineer fans across this country, will keep Mike and his family in our thoughts and prayers. He will be missed by all.

RELIGIOUS VIOLENCE IN EGYPT

(Mr. SIRE asked and was given permission to address the House for 1 minute.)

Mr. SIRE. Mr. Speaker, I rise today to condemn the violence in Egypt.

Months after Muslims and Christians fought for democracy, religious violence continues to plague the country. Worse yet, in post-revolution Egypt, violence against Coptic Christians is rising.

This weekend, over two dozen people were killed in Cairo, most of them Coptic Christians. Demonstrators had gathered to protest the attack on a Coptic church and other Christian-owned properties. In response, military officials aggressively confronted protesters by driving vehicles into crowds and shooting off rounds of live ammunition. In the end, 26 people were dead and hundreds were wounded.

This brutal crackdown puts into great question the ability of the military government to bring democracy to Egypt and protect its minority Coptic population. These military attacks are unacceptable, and the resulting deaths are absolutely appalling.

The Coptic Christians simply want respect for their churches, their homes, and their basic rights. Democracy cannot thrive in Egypt if the rights of Coptic Christians are not respected.

The United States must do everything it can to pressure military leaders to end the violence, punish those responsible, and uphold the equal rights of all Egyptian citizens.

PRIVATE FIRST CLASS DAVID A. DRAKE

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Mr. Speaker, today I rise to honor a soldier who made the ultimate sacrifice and laid down his life for our freedom: United States Army Private First Class David A. Drake.

Private First Class Drake enlisted in the United States Army in January 2011. In the Army, he served as a combat engineer, leading from the front with his unit, the 515th Engineer Company, 5th Engineer Battalion, 4th Maneuver Enhancement Brigade, and deployed in support of Operation Enduring Freedom. On September 28, 2011, he gave his life in Ghazni province, Afghanistan, conducting operations against the enemy.

David is remembered not only for his heroics on the battlefield, but for the tremendous impact he had on his family, friends, and his community. His brother recalls David's absolute devotion to others in describing why he joined the Army. "For him, it was pride in serving our country, serving the people, keeping our freedom." His character and patriotism are an example for us all.

Private First Class David Andrew Drake personifies the honor and selflessness of service in the United States Army. His bravery and dedication to

duty will not be forgotten. As a Marine Corps combat veteran, my deepest sympathies go out to his family, his fellow soldiers, and to all who knew him.

SENIORS TASK FORCE: ENTITLEMENTS AND THE SUPERCOMMITTEE

(Ms. MATSUI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, I rise today to voice my support for older Americans and pledge to protect the program they have paid into, have been promised and deserve.

Throughout much of the year, we have heard how Congress needs to cut Medicare, Medicaid, and Social Security benefits under the guise of deficit reduction. I reject that premise.

I do so for Dale, a Sacramento resident, who, at 70 years old, recently retired with his wife. The dream of retirement went well for a short while, then utility and home repair bills started piling up. And if this weren't enough, both Dale and his wife have suffered deteriorating health, which has increased their medical bills to levels they cannot afford. Cuts to Medicare or Social Security would, as Dale put it, "take from the poorest of the poor."

That is unacceptable. Any proposal to meet our deficit must meet the test of protecting our seniors.

THE IMPORTANCE OF PRAYER

(Mr. FORBES asked and was given permission to address the House for 1 minute.)

Mr. FORBES. Mr. Speaker, I rise today on behalf of the Congressional Prayer Caucus to note the importance of prayer in our Nation's history. On October 12, 1844, 167 years ago today, John Chambers, the Governor of Iowa Territory, issued a proclamation declaring a day of Thanksgiving to God.

Chambers said, in part, "I have deemed it proper to recommend a day of general Thanksgiving to Almighty God for the many and great blessings we enjoy as a people and individually, and of prayer and supplications for the continuance of His mercy and goodness towards us; and for the prosperity, happiness, and ultimate salvation of the American people."

"We are told that 'righteousness exalteth a nation' and are taught by divine authority that the voice of thanksgiving and prayer is acceptable to our Father in Heaven. Let us then unite our voices in the humble hope that they will reach the Throne of Grace and obtain for us a continuation and increase of blessings."

□ 1210

PHYSICIAN ASSISTANT WEEK

(Ms. BASS of California asked and was given permission to address the House for 1 minute.)

Ms. BASS of California. Mr. Speaker, I rise today to recognize National Physician Assistant Week, which is observed annually from October 6 through October 12.

On October 6, 1967, the first PAs graduated from Duke University. Today, more than 40 years later, legions of practicing PAs have reached the number of over 83,000, and 307 million patients visited PAs last year alone. I know firsthand the key role of the PA profession in the delivery of care. Before serving in office, I worked for nearly a decade as a PA and served as a clinical instructor who trained future PAs.

Created in response to a shortage of primary care physicians, the PA profession today is crucial to developing a strong primary care workforce. Not only do PAs provide high-quality, cost-effective care in virtually all health care settings, but PAs also extend the reach of medicine to underserved communities throughout the U.S. With health care reform expanding access to 33 million Americans, PAs are needed now more than ever.

Mr. Speaker, as we mark the final day of PA week, I ask my colleagues to join me in celebrating the contribution, as well as the promise, of the PA profession.

FREE AMERICA TO TRADE FREELY WITH COLOMBIA

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the House today will vote on a jobs plan that will create thousands of jobs for Americans. I'm talking about the pending free trade agreement with Colombia that has been waiting for years to be voted on.

In my great home State of Texas, new jobs will be created in the exporting sectors like petroleum, chemicals, and machinery. Texas is the number one State that exports to Colombia, but in my district alone, the 22 companies that exported to Colombia last year paid almost \$12 million in unnecessary tariffs. When tariffs on these products are removed, United States companies will be able to expand their markets, export more products, and create American jobs; and America will become more of a competitive country in the international marketplace.

I've been to Colombia, and unlike some South Americans, Colombians like Americans. They are a U.S. ally. Free trade with Colombia helps both nations and solidifies our joint interests in South America. This agreement

is a diplomatic win to help thwart the influence of dictator Chavez of Venezuela in that region.

Create jobs. Pass the free trade agreement with Colombia. It's good for Americans, and it's good for Colombians.

And that's just the way it is.

SOCIAL SECURITY, MEDICARE, AND MEDICAID

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Social Security, Medicaid, and Medicare were created because they reflect the values of our country. We should be incredibly proud of these programs, which provide a vital safety net for our seniors, and we should commit ourselves to strengthening them.

There are seniors like Rita Manley, in my district, who depend on Social Security, Medicare, and Medicaid. Rita is 82 years old, suffering from cancer. She lives in Central Falls, Rhode Island. She was recently laid off from her job at the Central Falls Housing Authority, and relies on Social Security for income and Medicare to cover her medication, which costs about \$400 a month. Rita would not be able to afford her cancer medication without the support of Medicare.

We should do everything we can to protect and strengthen Social Security, Medicare, and Medicaid for seniors like Rita all across this country. Our seniors deserve and have earned the benefits provided in these programs. They deserve to live their retirement years with dignity. We should not ask seniors to sacrifice benefits before asking the wealthiest Americans and largest corporations to pay their fair share.

COMMEMORATING THE BOMBING OF THE USS "COLE"

(Mr. RIGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGELL. Mr. Speaker, I rise to honor the 39 wounded and the memory of the 17 killed who were aboard the USS *Cole* when it was attacked by terrorists this day 11 years ago. I have the privilege of representing Norfolk Naval Station, the home port of the USS *Cole*.

On the morning of October 12, 2000, the USS *Cole* was moored off the coast of Aden, Yemen. At around 11:18 a.m., a small craft approached the port side of the ship and exploded, ripping a 40-by-40-foot gash through the steel of the destroyer. The ship's galley, where the crew was gathering for lunch, took a direct hit.

The attack was organized and executed and planned by Osama bin Laden. In his death, justice was served, but at

the dinner table of 17 American families, there sits an empty chair. What should be a joyous family gathering is tempered by the loss of a loved one.

So we pause today, and rightly so, to honor and remember those who stand boldly in defense of America, in defense of freedom. We must meet our deep obligation to them, to our veterans, and to the families of the fallen.

May God forever bless the crew and families of the USS *Cole*, past and present, and may God forever bless the United States of America.

REJECT PROPOSED BENEFIT CUTS TO SOCIAL SECURITY, MEDICARE, AND MEDICAID

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, the Republican budget would turn the American Dream into a nightmare for millions of senior citizens—eliminating Medicare, threatening Social Security benefits, and turning Medicaid into a block grant. Those same proposals are now being discussed in the Select Committee on Deficit Reduction.

Seniors are terrified, and they are speaking out against cuts—people like Debby from Wilmette, Illinois, a public school teacher whose husband was diagnosed with MS and was forced to sell his business at a loss. She says, "My husband only gets \$1,800 a month now. There is no way we will be able to keep our house and pay our bills. We are worried."

Or Nirlean from Chicago, who lives on her Social Security check. "Medicare helps with my medication. I'm living month to month, and I always run out of food before the next month. I really miss getting the cost-of-living increase, because my rent takes half my income."

Let's listen to Debby and Nirlean and to millions of seniors. Let's reject benefit cuts.

LET'S PUT THE GULF BACK TO WORK

(Mr. PALAZZO asked and was given permission to address the House for 1 minute.)

Mr. PALAZZO. Mr. Speaker, I rise today to once again urge the administration to issue drilling permits in the Gulf of Mexico in a more timely and efficient manner.

As demonstrated at today's Natural Resources hearing, there is a critical need to correct the regulatory backlog. The long-term effects of the moratorium and subsequent regulatory slowdown will lead to decreased development levels in the Gulf of Mexico, which will reduce oil and gas production levels and associated employment and economic activity in the gulf South's economy. Recent reports show

that up to 20 deepwater drilling rigs could leave the Gulf of Mexico due to the slow, uncertain pace of the permit process. Continued regulatory uncertainty will only exacerbate this trend as operators reallocate resources to other major offshore provinces.

President Obama has said over and over that jobs and the economy are the administration's number one priority.

Mr. President, the Gulf of Mexico sits ready to work. Let's put her to work for America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DOLD). Members are reminded to direct their remarks to the Chair.

AMPSURF

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today to recognize the Association of Amputee Surfers and its founder, Dana Cummings.

On Saturday, I participated in AmpSurf's sixth annual Operation Restoration on Pismo Beach in California. Together, disabled veterans and other people with disabilities took to the water and learned to surf with the help of the local surfers. This event proved that the power of the ocean can inspire, educate, and rehabilitate the disabled, especially our veteran warriors.

Earlier this year, I met one of those veteran warriors at Bethesda Naval Hospital. He was recovering from injuries he sustained from an IED attack in Afghanistan. Before he'd enlisted in the Marines, Cody had volunteered with AmpSurf right there on Pismo Beach. So it was a special treat to see his mother at the beach on Saturday, supporting all those in the water as her son rehabilitates.

I know Cody and so many others are resolved and determined to get back out in the water, and they'll be able to do it with the help of AmpSurf. Cody's story brings AmpSurf's wonderful cause full circle.

Mr. Speaker and colleagues, please join me in honoring AmpSurf and what it does for our veterans and for those who share the powerful forces of sacrifice, perseverance, and healing.

□ 1220

IN SUPPORT OF AMERICAN JOBS

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, the President has proposed the American Jobs Act to get people back to work. The bill will revitalize American manufacturing and invest in infrastructure to create jobs now.

It contains proven ideas for job creation that received bipartisan support, and economists agree. Mark Zandi at Moody's says passing this bill will create almost 2 million jobs and won't add a dime to the deficit.

So why aren't we passing the bill now? Sadly, last night, Senate Republicans stood with House Republicans to stop the American Jobs Act from even coming to a vote. In fact, in 40 weeks in which they have been in control of the House, Republican leaders have never called a vote on a jobs bill. It's time we put the country first in the face of this tough economy.

Last month, I welcomed some amazing World War II veterans to their memorial here in D.C., who shared with me their great challenges of their time, how they set their differences aside and pulled together for the good of the country. Now, Mr. Speaker, with the great economic challenges we face today, it is time for us to pull together for the good of the country.

PRAISING LAWRENCE COMPANY COTTONWOOD

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, I rise today to praise a not-for-profit organization in Kansas that I recently visited. Cottonwood, located in Lawrence, Kansas, provides a valuable service to our country by establishing employment and living opportunities to individuals with developmental disabilities. Over the years, Cottonwood has earned a reputation for quality services and care as a community service provider.

At Cottonwood, workers help make a number of consumer products, including industrial-strength cargo straps that are used by our troops here at home and overseas for a variety of purposes. Thanks to the workers at Cottonwood, our soldiers have a great and much needed tool to help them do their jobs and keep them safe.

Cottonwood is a shining example of the potential within every American that can be developed and maintained when local community groups couple with the private sector to create products at a good value for our American military and other consumers. I am proud to use my voice on the floor of the U.S. House to praise Cottonwood and other organizations who provide meaningful employment for Americans with disabilities across the United States.

FREE TRADE

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, as policymakers, it is our job to learn from the

mistakes of the past and not repeat them.

Nearly 700,000 American jobs have been lost as a direct result of NAFTA. In my district, the 43rd Congressional District, we have lost over 2,000 jobs since the passage of NAFTA and other trade agreements; and the United States has gone from a \$1.6 billion trade surplus to a \$97 billion trade deficit with Mexico. Yet we stand this week ready to pass three more NAFTA-style trade agreements: Korea, Colombia, and Panama.

My constituents face a 15 percent unemployment rate. They need us to create jobs, not shift them overseas where thousands of jobs will be sent.

I ask you, who benefits from these trade deals? Not the American working families. Major corporations are the ones who benefit with this misguided agreement.

This is a debate about the haves and the have-nots. It is time to stand up for working families. I say it's time to stand up for working families and do the right thing for the American people.

COMMEMORATING 9/11

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Mr. Speaker, last month Americans around the country commemorated the 10th anniversary of the September 11 attacks. I had the honor and privilege to spend the day with some of the brave police, firefighters, EMTs, paramedics, and first responders that put their lives on the line every day to protect us from harm.

In Berthoud and then in Fort Collins, Colorado, I had the opportunity to speak with local firefighters and police as we remembered the tragedy of 10 years ago and the sacrifice and loss of so many lives.

The lapel pin that I have on this morning was lent to me by a friend of mine, Ed Haynes. It's a pin given to New York Police Department police officers in the wake of September 11. An officer gave it to Ed in 2004.

The pin is a reminder of that day and the understanding that police officers and firefighters around the country share, the understanding that every day they go to work willing to give their own lives to save the lives of others.

As the 10-year anniversary of September 11 passed, we remembered the victims and the devastation, the fear and the anger of that time. But we also remember the unity, the sense of understanding that existed across the Nation in the days after that horrible tragedy.

The people that have observed September 11 over this past month, September 11 through today, the people that I saw that weekend, the fire-

fighters, the police and the citizens, remember those days as well. And in today's political environment, we could do well to focus on how it should not require a national tragedy to bring us together.

CHILDHOOD OBESITY

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, we talk a lot about our different concerns for the future of our Nation, but there is one gravely serious threat that exists in every single congressional district and could cripple future generations and the long-term strength of our Nation.

More than 12 million American citizens, children, 17 percent, are currently obese. In my home State of Kentucky, the number is even worse, with obesity affecting 37 percent of Kentucky kids. That's millions of children who are at a significantly higher risk of cardiovascular disease, diabetes and cancer, millions at risk of having their dreams cut short and millions who may not get the chance to contribute all their potential to our Nation's growth.

I am proud to applaud the work of Kosair Children's Hospital in Louisville, one of dozens of children's hospitals around the U.S. taking new steps to educate kids about the importance of eating healthy and getting active. Children's hospitals are essential allies in the battle to stop childhood obesity.

I urge my colleagues to support these initiatives and every effort to get our kids focusing on a fitter future.

PASS THE FREE TRADE AGREEMENTS

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, unemployment numbers just came out for our country; and again we see the country at 9.1 percent unemployment. The number one issue that we face here in this body and this government, I would argue, is jobs and the economy.

This week we have an opportunity to come together in a bipartisan fashion. The President has talked about the trade agreements with both South Korea, Colombia, and Panama; and I think this is an opportunity for us to be able to level the playing field to allow the American worker to win.

We know that if we level the playing field, the American worker can win; and we know that if we take South Korea alone, this is an opportunity for us to add \$10 billion to our GDP. For every billion dollars that we send in exports, we create 6,250 jobs right here at home. Seventy-three percent of the dollars are outside of the United States and 95 percent of the consumers.

We want to make sure that we're selling America abroad. This is an opportunity for us to put American workers back to work, try to lower the unemployment rate from 9.1 percent, and move the country forward.

I ask my colleagues on both sides of the aisle to come together today and this week to pass the free trade agreements and move our country ahead.

OPPOSING THE FREE TRADE AGREEMENTS

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Connecticut. Mr. Speaker, free trade deals are not an industrial policy. Unlike most industrial countries in the world, the United States is the only one that has no overall strategy for bringing back the 5 million manufacturing jobs that we've lost in the last decade or reopening the 50,000 factories that have been shuttered.

Without enforcing current trade laws, or pressuring China to adopt fair currency policies, or using U.S. taxpayer dollars to benefit U.S. companies, we are on the losing end of free trade before the deals are even negotiated. Where's the focus on industrial education? Where's the focus on requiring other countries to live up to their trade obligations? Where's the focus on making sure that U.S. taxpayer dollars are spent on U.S. jobs?

Now, I get the benefits of free trade, but come to Waterbury, Connecticut; New Britain, Connecticut; and Meriden, Connecticut, and what you will hear is a cry for help, not for more trade deals, but for a country that recognizes what every other developing industrial country has in this world, that we need a domestic industrial policy to protect and support our manufacturers here before we engage in free trade deals abroad.

WORKING TOGETHER FOR JOB CREATION

(Mr. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRIS. Mr. Speaker, when it comes to job creation, the American people are not waiting for the right speech but, rather, the right leadership.

While the Obama administration claims to seek common ground on which to help employers hire workers, House Republicans have already produced and passed more than a dozen job-creating bills through the House this year. We're going to do that here later today with the three trade bills that will create 250,000 jobs.

Unfortunately, these measures have long been ignored by the Senate and

the White House. Where was the leadership? If President Obama is serious about helping create jobs, then he must listen to what job creators are actually saying. More than anything else, they need long-term confidence that Washington will stop punishing them with reckless red tape and threatening them with new taxes.

House Republicans are ready to work with the President, but not if it means supporting policies that only work against job creators and job-seekers.

□ 1230

JOBS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Some few weeks ago, the President addressed this Congress in this Chamber about jobs and introduced the American Jobs Act. Something that would help small businesses, something that would help put policemen and firemen and teachers to work, something that would help rebuild schools, a bill that would appropriately put Americans back to work and address our problems, but the Senate killed it yesterday. We should have known, and we did know the Senate would kill it because Senator MCCONNELL said right after the President was sworn in: Our main job is to see that he's not reelected.

The President is in support of these trade agreements. I'm not; he is. The Republicans are, but they don't give him credit for it. They condemn him today, the previous speaker, and yet he's for the trade agreements. He couldn't do anything for them. If he made them a kidney transplant, they'd want two. There's nothing he could do they'd think was right.

We need to create jobs. It's the main issue in my district and in this Nation. We need to work together to create jobs in America, and the millionaires need to pay their fair share.

JOBS

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, last night I was disappointed, although not surprised, to see the Senate fail to arrive at the number of votes needed to bring cloture so that the American Jobs Act could be debated. They not only don't want to pass the jobs bill, they don't even want to debate the jobs bill. I thought that was an embarrassing moment for the U.S. Congress because, with 9.1 percent unemployment, with people who have been chronically unemployed for so long, one would think that we'd want to get down here and talk about jobs, bring forth our ideas, offer amendments, and

do everything we could to try to help spur the American economy on. And yet we saw that jobs bill go down.

Mr. Speaker, the American people know that Congress can bring things up, and they can bring things up again. And as long as Americans are unemployed at the disgraceful rates that they are today, our Congress will never stop fighting to continue to bring jobs bills back to this Congress.

The Republican majority in this House has yet to bring a jobs bill. We hope to see one one day soon.

SUPPORT THE FREE TRADE AGREEMENTS

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, passing the South Korea, Colombia, and Panama trade agreements will decrease our trade deficit and make it easier for U.S. companies to compete on a global level. Specifically, the U.S.-Colombia Trade Promotion Agreement levels the playing field for Texas exports and translates into a potential duty-free savings of \$180 million for this fast-growing regional market.

For example, in the district I represent, Texas 22, Schlumberger exported \$6.7 million in machinery parts to Colombia in 2010 and paid over \$336,000 in duty fees. In Texas 22 alone, over 107,000 jobs are directly supported by over \$57 billion in exports.

Free trade means more money—money that stays with the companies in America, money that can be used to expand American businesses and grow American jobs.

I urge my colleagues to level the playing field for American businesses by supporting these three free trade agreements. Let's export American goods and services, not American jobs.

CHINA CURRENCY MANIPULATION

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, the trade agreements are front and center for us right now. But I have to ask you: What are you waiting for?

We talk about deficits; we talk about debt; we talk about trade agreements; but what is it that really would have an impact, and that is if you would set for hearing the whole concept of currency manipulation. We have got to address China's manipulation of its yuan.

I just came running over from HASC, the House Armed Services Committee, and one of the issues that was raised there was we've got to do something about the yuan. China is outbuilding us. China is going to try to take over the Pacific. China is building ships. China is doing all of these things that put our defense and our people at risk.

So, Mr. Speaker, I ask you again: What are you waiting for? Let's hear that currency manipulation bill that has 226 of us, bipartisan support. Let's hear it. It's time to really come to grips with what is truly our problem, how this bill will then affect issues such as the deficit and the debt and increase our GDP. Think about it, Mr. Speaker.

JOBS

Mr. McDERMOTT. Mr. Speaker, it's a very important day today.

Five hundred and nineteen years ago, Columbus discovered America. He was on a trade mission. But the problem is that today, instead of dealing with trade missions and all the rest, we ought to have the bill out here that the President presented on creating jobs for American workers.

Now, this Congress has been in session for 300-some-odd days. With the Republicans talking about all of the problems of this society and how the President's plan hasn't worked, they have yet to bring to this floor a presentation of a way to create jobs for American workers.

These trade agreements, they say, well, if we had a level playing field with Korea and all of these other places, suddenly we would have a lot of jobs here. There is a much better way and a much surer way to provide jobs here in this country. My predecessor here talked about manipulation by the Chinese of our currency, which has been estimated to cut out a million jobs. There are other things we ought to be doing today than these free trade agreements.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 12, 2011.

Hon. JOHN A. BOEHNER,
*The Speaker, U.S. Capitol,
House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 12, 2011 at 9:11 a.m.:

That the Senate passed S. 1619.

With best wishes, I am,

Sincerely,

KAREN L. HAAS.

UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 3078) to

implement the United States-Colombia Trade Promotion Agreement will now resume.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 30 minutes remaining.

Mr. CAMP. Thank you, Mr. Speaker.

At this time I yield 1 minute to the gentleman from North Dakota (Mr. BERG), a distinguished member of the Ways and Means Committee.

Mr. BERG. Mr. Speaker, we've been waiting for these trade agreements for a long time. Every day that goes by without them has been a missed opportunity. At a time when our economy is struggling, these trade agreements mean more opportunities for Americans. They mean more American exports. And, most importantly, they mean more American jobs.

We've already seen the benefits of trade in North Dakota. Our exports have more than doubled over the last 5 years because of our renewed commitment to free trade. These trade agreements before us today could increase exports by \$23 million in North Dakota alone and \$13 billion nationwide.

If we're serious about creating jobs, if we're serious about getting our economy back on track and allowing the U.S. to stay competitive in a fast-moving global market, passing these trade agreements is a critical first step. I urge my colleagues to join me in supporting them.

□ 1240

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. I yield 1 minute to the very distinguished gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

I rise today in opposition to the Colombia Free Trade Agreement. I oppose this bill for many reasons. First, Colombia does not yet meet the high standards we should be demanding of our trading partners. While Colombia has made admirable progress, trade unionists continue to be brutally murdered and attacked. This is unacceptable. We can't just look the other way and hope things get better.

Second, this agreement makes permanent the trade preferences that have absolutely devastated California's cut flower industry, which produces 80 percent of domestically grown flowers. This agreement continues millions of dollars in subsidies for Colombia flower growers but provides no such support for our domestic growers. California's growers have developed a plan to cut costs and compete globally, but they can't do it alone. It's only fair that our domestic flower growers get a little help from their government, too. This FTA is a huge missed opportunity to help this valued domestic industry.

For these, and so many other reasons, I urge my colleagues to vote "no" on the Colombia Free Trade Agreement.

Mr. CAMP. Mr. Speaker, I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentlewoman from Kansas (Ms. JENKINS).

Ms. JENKINS. Thank you, Mr. Chair, for yielding, and thank you for your leadership in this area.

It has been nearly 5 years since we signed our trade agreement with Colombia, and although I'm disappointed that it took this long, I am so pleased we will be ratifying this agreement today. Once this trade deal has passed, we will finally have what our Trade Subcommittee chairman Representative BRADY has correctly labeled a "Sell American" agreement with the third-largest economy in South and Central America.

Exports of American goods will increase by more than \$1 billion, and the ITC expects our stagnant GDP will get a boost of at least \$2.5 billion, not to mention Kansas wheat farmers can look forward to an even larger share of the Colombian grain market.

It's been 5 years in the making, but we are finally here. I urge my colleagues to come together and support the pro-jobs, pro-growth Colombian Free Trade Agreement.

Mr. LEVIN. It is now my privilege to yield 3 minutes to the distinguished member of our committee, Mr. LEWIS of Georgia.

Mr. LEWIS of Georgia. I want to thank my friend and colleague Mr. LEVIN for yielding.

Mr. Speaker, I rise in strong opposition to the United States-Colombia free trade agreement. Some of my colleagues do not believe that the issue of human rights and the issue of the rule of law should be addressed through our trade policy. Some believe it is not about stolen lands, ransacked homes. It is not about human rights activists whose families and friends were harassed and disappeared. It is not about murdered labor leaders. It is not about a crisis that is only comparable to Sudan.

Trade for the sake of trade. Money for the sake of money. Let someone else care. Let someone else do it. Let someone else work on the human rights. Let someone else fight for justice. Let someone else worry about peace, order, and tranquility. All we need to do is find the cheapest, fastest, and easiest way to make a buck.

My friends, we're mistaken to believe that this is not about us. But the crisis in Colombia affects every part of our region. It affects millions forced from their homes. It helped to create the drug cartels and international gangs. It impacts the cost of crack and cocaine on every single street on America.

We cannot ask someone else to address the violence. We cannot leave the

question of corruption and impunity to another leader, another generation. We must demand these answers now. If we don't, who will? It is up to us. We can do better. It is on our watch.

Mr. Speaker, today is a very sad day. We could have taken our time and done it right.

Today, we are abandoning our duty to the people who elected us and to millions of Colombians who now know that their cries fell on deaf ears and cold hearts. We can do better. We must do better. This Congress and this administration must have the courage to stand up and do what is right and be on the right side of history. It is a missed opportunity for change, for good, if we fail to do what is right.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. First, I thank the chairman for his leadership in support of these agreements.

Let me say I agree with the President. The passage of the Colombia, Panama, and South Korea trade agreements will mean 250,000 new jobs at a time when our economy needs them most. But these trade agreements, Mr. Speaker, aren't just about new jobs. They're about the millions of Americans who rely on new markets and new customers. In my district in central Illinois alone, Illinois' farmers depend on customers in South Korea, in Panama, and in Colombia. And when the United States of America does nothing, we lose market share.

Five years ago, when this agreement was negotiated, Colombians purchased 60 percent of their wheat from the United States' farmers. Today, that number is 30 percent. It's costing jobs and it's costing opportunity here in our country. In manufacturing in my home area, Caterpillar, one of the major manufacturers of our country, employs a lot of high-wage union jobs, manufacturing jobs. Eight out of 10 of the tractors that are built in my district are sent to other customers around the world. With only 5 percent of the world's population in this country, it takes a pretty defeatist mentality to believe that our country would be better off not selling to the other 95 percent of the world.

Mr. Speaker, today, the House of Representatives will pass a jobs bill, a jobs bill that can pass the House, a jobs bill that can pass the Senate, and a jobs bill, Mr. Speaker, that the President of the United States has already said he will sign into law. And this jobs bill, Mr. Speaker, does not require a tax increase. This jobs bill does not require us to go into debt. And this jobs bill has bipartisan support and is good not only for current Americans, but more importantly, it's good for future Americans and the future generation of America.

I urge passage of these three bills.

Mr. LEVIN. I yield 3 minutes to the ranking member on the Trade Subcommittee of Ways and Means, the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, we are all proud Members of the United States Congress. We consider this the preeminent legislative body in the world that sets the standard for how the world should create laws and how we should govern our country. We believe in the rule of law. We talk about it all the time. We're for the rule of law. Well, that is the nub of this argument about why so many of us will vote against the Colombian Free Trade Agreement.

Now, we all know the horrors. And we'll hear them repeated again and again. But the fact is that we forced the government of Colombia—President Obama did—to sit down and write a Labor Action Plan in which they said what they would do. We had listened for a couple of years to the previous administration, the Uribe administration; promise, promise, promise—nothing happened. So this President said, I want it in writing. Write down a labor agreement. It set out the precise steps that Colombia had to take to address the particular problems faced in that country; for example, steps Colombia could take to detect sham subcontractors and punish employers for using them to suppress worker rights.

□ 1250

We went down to very specific things. Why was that? Well, many of us who have been here awhile were here when we passed NAFTA. And we thought we had read it and understood what it meant, but we didn't understand a lot of what happened because we agreed that we wouldn't put the labor into the agreement; we would write a side letter. And we wouldn't put the environment into the agreement; we would put it in a side letter. Maquiladoras would be taken care of; the Rio Grande would be cleaned up.

Nothing happened because it wasn't in the agreement. It did not have the force of law of the United States Congress behind it.

So when we came to this, we didn't seal the deal. We said to the President, we want that in there. The President talked to the Republicans, and back and forth it went. And the Republicans were absolutely implacably opposed to putting in any mention of the Colombian Action Plan. Now, if somebody says they're going to do something, you take them at face value—sure they're going to do it. Then write it down here; just let's put it right in there so there's never any confusion about what it was you said you were going to do. But the Republicans insisted that this be as wide open as the NAFTA agreement, that it not have

built into it the one thing that makes this so difficult for us to deal with.

If we believe in workers' rights and if we believe in human rights in this place—and we talk about it all the time. We talk about it for every country in the world. But when we write a trade agreement for Colombia, we're unwilling to write in the demands for the Colombian workers. That's what's wrong with this, and that's why most of us will vote against it.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arizona (Mr. QUAYLE).

Mr. QUAYLE. I want to thank the chair for his excellent leadership in this because it's taken 5 years too long, but finally the House will have the opportunity to vote on the three pending free trade agreements.

We have to understand that America competes in the global economy; and if we ignore this, we ignore it at our own peril. And while these free trade agreements have been languishing on the President's desk for 5 years, we have actually lost market share to the EU, to Canada. And those are the things that are going to keep our country from growing again.

Now, if you look at just the Colombia free trade agreement, since we have actually drafted that agreement, \$3.85 billion in unnecessary tariffs have been put on American products. When we actually have these free trade agreements in place, we're going to actually add to our economy and add to the jobs here in the United States.

In my home district, we have a very robust high-tech sector, and it's very heavily on trade. Last year, we had \$10 billion of trade going out in exports, and a lot of them have been going to countries that we actually have free trade agreements for. And 35,000 jobs are directly related to that.

So I think that this is a jobs bill. I urge my colleagues to support all three free trade agreements, and I urge their passage.

Mr. LEVIN. How much time remains on each side, please?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 23 minutes remaining, and the gentleman from Michigan (Mr. CAMP) has 25 minutes remaining.

Mr. CAMP. At this time, Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the gentleman for yielding and for his leadership.

Mr. Speaker, this is just long overdue. This creates jobs. There is an issue that comes to the floor that has bipartisan support rarely these days. The Obama administration estimates this will create 250,000 new jobs. We agree. With respect to Colombia in particular, they have free access to our markets,

but we don't have free access to theirs. This gives us a level and equal playing field.

Colombia is our strongest ally in the region. Colombia has done so much to help stop the proliferation of drugs coming into this country. They've helped us at the U.N. More importantly, they want to buy our products. Where I come from, Mr. Speaker, we make things and we grow things. Twenty percent of all the manufacturing jobs in Wisconsin require exports; \$16.7 billion of our agricultural products in Wisconsin in 2009 were in exports, creating 200,000 jobs in Wisconsin alone. Ninety-five percent of the world's consumers, they're not in this country; they're in other countries. If you're standing still in trade, you're falling behind.

All our trading competitors are going around the world getting better agreements and better deals for their exporters, freezing us out. It's high time we pass these agreements to break down these barriers so that we can make and grow things in America and sell them overseas so we can create jobs. And that's exactly what these three agreements, especially Colombia, do; and I urge its passage.

Mr. LEVIN. It is now my pleasure to yield 3 minutes to a very active member of our committee from the great State of Texas (Mr. DOGGETT).

Mr. DOGGETT. I thank the gentleman.

We need a new, 21st-century trade policy that encourages more trade without encouraging a race to the bottom in conditions for our workers and in the quality of the air we breathe and the water we drink.

Trade agreements should not be measured solely with regard to how many tons of goods move across a border, but they must consider the impact on how our workers are treated, how our environment is treated. And that's the very kind of trade policy that President Obama has said repeatedly he is committed to. Trade Adjustment Assistance is just not a substitute for a new trade policy that recognizes that too often American jobs have been a leading American export.

All three of these Bush-Cheney trade agreements are deficient. But this one in particular shows just how far those who think that the only thing that matters in trade policy is the volume of goods from one country to another, to the exclusion of everything else, how that narrow view insists today that we must have totally free trade with the trade union murder capital of the world. Yes, supporters of this free trade agreement have forgotten it's not free, it's not free to those who attempt to represent workers in Colombia.

Last year, 49 trade union members were murdered in Colombia. And this year, it's already up to 20. Human Rights Watch has just reported that

there is virtually no progress in securing murder convictions. They got six out of 195 union member murders that were actually convicted. In nine of 10 cases, the Colombians haven't even identified a suspect in these murders. You can talk of an action plan, and that's fine; but it's just like talk of a new trade policy. It's just talk and nothing else.

This amendment denies any enforcement provision on the Action Plan that would make it actionable. LULAC, the League of United Latin American Citizens, opposes this agreement, quite rightly calling for a new American trade policy that promotes living wages and sustainable jobs, encourages human rights, labor standards, and a healthy environment—not only here, but among each of our trading partners.

Instead, today's agreement emplaces the principle that violence against the very people who make the goods being traded will be disregarded, will be overlooked if only we can increase the trade volume of what they make.

Reject this misguided agreement.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume to say that obviously the murder of any citizen in any country is something to be avoided. But let's just set the record straight that the homicide rate since 2002 against union members has declined 85 percent in Colombia. I think this is an example that the efforts of the Colombian Government are succeeding. And the homicide rate for the general population has declined by 44 percent, and kidnappings as well have declined.

The ILO has also removed Colombia from their Labor Watch List. They did that in 2010, recognizing their collective bargaining rules, recognizing the measures they've adopted to combat violence against trade union members. And so we have a very different picture being painted by the reality there.

I would also point out that three main labor confederations have called the Labor Action Plan the most significant social achievement in Colombia in 50 years.

With that, I yield 1 minute to the distinguished gentleman from Florida (Mr. DIAZ-BALART).

□ 1300

Mr. DIAZ-BALART. I want to thank Chairman CAMP not only for that great explanation that he just gave, but for bringing this bill to the floor.

Look, I keep hearing a lot about the horrors of Colombia. A couple of facts:

Because of the Andean trade pact preferential act, Colombian goods that come to the United States already basically come almost tariff-free. This would even it out so our products, created by American labor here, can go to Colombia with the same preferential treatment, fact number one.

And fact number two, the chairman just talked about this. I keep hearing about this Colombia, which is really, frankly, a caricature, an offensive caricature of what Colombia really is, as if we can just throw those things out there pretending that it doesn't mean anything. Colombia is a democratic ally, Mr. Speaker. They have taken incredible steps to move forward to lower violence, to lower crime, to lower narcotrafficking. They're even now training police forces across the world, including Mexico, in their fight against narcoterrorism.

The SPEAKER pro tempore (Mr. DREIER). The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. DIAZ-BALART. Mr. Speaker, it's an offensive caricature of Colombia, a democratic ally, a place that is fighting for democracy and for freedom and for due process and the rule of law. We should recognize it, commend them, thank them for being such an ally, for being a democracy.

Mr. Speaker, isn't it ironic that a lot of the people that want to do business with Castro's Cuba, where labor unions aren't even permitted, complain about Colombia because they are a democracy, because they're an ally, because they're doing the right thing. Let's pass this commonsense thing.

Let's also thank the President for finally doing what he said he was going to do a long time ago when he said that it was time to pass this.

It's better late than never, Mr. President, but thank you for finally sending it.

Mr. LEVIN. It is now my privilege to yield 1 minute to our distinguished leader, the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding, and I thank him for his great leadership on protecting American workers while promoting the global economy which we are proudly a part of.

Mr. Speaker, I rise today, as we consider the Colombia free trade agreement, to make the following statement:

Much has been said about this agreement creating 6,000 jobs in the United States—6,000 jobs. Now, we want to fight for every single job for the American people. But it is ironic or strange to hear a big fuss about we have to do this because it's going to create 6,000 jobs, when the leadership of this body is totally ignoring the fact that we are losing 1 million jobs—1 million jobs—because of the China currency bill.

When it was discussed that these bills would be brought to the floor, many of us said we shouldn't even be considering these bills: 6,000 for Colombia, perhaps 70,000 for Korea, maybe 1,000 for Panama, 77,000 jobs. That's significant if, in fact, those numbers

really bear out. But let's assume they do for a moment.

We're making a big deal out of 77,000 jobs, which are a big deal. But how much bigger a deal is it to say we're ignoring the fact that we are losing over 1 million jobs per year because of the China manipulation of their currency?

The distinguished Speaker has said, if we push this bill, we will start a trade war with China. My, have I heard that song before. Many of us have been fighting for a better relationship with China in terms of our trade relationship, and for at least two decades we've been fighting for opening of our markets to China to stop the piracy of our intellectual property. The list goes on.

But this manipulation of currency, okay, the Speaker says we're going to start a trade war. Twenty years ago, when we started this debate, following Tiananmen Square, our trade deficit with China was \$5 billion a year. We tried to use our leverage with most favored nation status to get the Chinese to open their markets, stop pirating our intellectual property, et cetera, and everybody said, if you do that, you will start a trade war. Just let the natural course of events take place.

Well, we didn't start a trade war. But do you know what China's surplus with the United States is today, what our deficit is with China? \$5 billion a year two decades, 20 years ago when we fought this fight and lost. It's now \$5 billion per week, over—more than \$5 billion a week. Over a quarter of \$1 trillion in surplus does the Chinese Government enjoy in their relationship with the United States.

So you're telling me that if we say, "We want you to act fairly in terms of your currency," that they're going to give up a quarter of \$1 trillion in surplus, much bigger exports to the United States, but in surplus.

This manipulation of currency is the subsidy of the Chinese Government for their products. By subsidizing their exports, they make it uncompetitive for us, not only in the U.S.-China bilateral trade relationship, but also in the global marketplace where we have to compete. Our exports have to compete with China's exports, and they have subsidized their exports on the manipulation of about 25 percent of their currency, 25 percent manipulation.

This is just not fair; a million U.S. jobs. So when our colleagues make a fuss about 6,000, every one of them is precious to us, yes, but why are we missing in action when it comes to a million jobs if 6,000 jobs are so important? And I agree, they are.

Last night in the Senate, they passed this legislation. They passed legislation to take action if China continues to manipulate their currency. We shouldn't even be talking about any trade bills until we do the same. They're not voting on Colombia, Korea, and Panama before they voted on

China. They did that. They staked their claim for the American workers.

The Speaker says we're going to start a trade war. The Chinese Government started a war with America's manufacturing sector a long time ago. They've undervalued their currency, as I've said. They've violated intellectual property rights. They've subsidized target industry. They've dumped their products into our country. This is a one-way street to the disadvantage of American workers.

Look, many of us, when we grew up, we dug a hole in the sand at the beach and we said we were going to reach China if we were digging far enough, if we dug far enough. It's a country that we want to have a brilliant relationship with culturally, economically, politically, in every possible way, economically, too.

But when are we going to call a halt to something that is so obvious? We're talking about not an 800-pound gorilla, an 8-ton gorilla that is lying on the floor of this House that we want to ignore so we can talk about 6,000 jobs and 70,000 jobs, which are important. I don't want to minimize that. But why are you minimizing a million jobs at least that would be affected?

It's funny to me because when we were having the fight on most favored nation status for China, we were winning every vote; we just couldn't override the Presidential vetoes. And so they had to change the name. You've heard the expression, PNTR. Do you know what that means? It went from most favored nation, which they said that sounds—we can't win that argument, to permanent normal trade relations.

You know what that means? Surrender all your leverage in the trade relationship. Surrender because this is a permanent normal trade relationship. So when specific things come up like the manipulation of currency—and, by the way, other Asian economies peg their currency to China's currency; so we're getting an onslaught of this. It's really, really important for us to say: Whom are we here for? Whom are we representing?

□ 1310

We have a Make It In America agenda to grow and to strengthen our industrial and manufacturing base in our country. Exports are essential to our success economically. Small businesses are essential to the success of our economy. Small businesses want to export as well. But why are we saying to small business people, to our industrial workers and to our manufacturing base, you are now going to go into an arena which we have subscribed to that makes you engage in an unfair relationship because we will not speak out against this manipulation of currency?

Sixty-one Republicans are cosponsors of the bill. It has bipartisan support.

The Senate has passed the bill overwhelmingly with bipartisan support. They took it up first as a premise planting a flag, staking a claim for the American worker before they went on to consider other trade agreements. Why can't we do that in the House? I think we should call a halt to voting on any of these things until we say to the American worker, we're on your side. We're on your side when it comes to these trade agreements.

We recognize that trade is very important to us. President Kennedy is part of the legacy of all of us here talking about America as important in the world economy and free trade. Fair trade, I like to think, is part of that. But after 20 years of violations of our intellectual property, subsidizing their projects—the list goes on and on—we just sit by and say we're going to start a trade war if we do something about the war on America's manufacturers that the Chinese already have done.

Remember, 20 years ago, they made the same claims, \$5 billion a year. How did that work out for us? Today, \$5 billion a week at least. So the Chinese are going to walk away from a quarter of a trillion dollars in profits? I don't think so. Let's stop riding that tiger. Let's do the right thing for our workers. Let's not even consider any of these trade agreements.

Since we're talking about Colombia, I want to say the following. I really wanted very much to be able to vote for this legislation. I was very hopeful when the two governments, Colombia and the U.S., negotiated the U.S.-Colombian action plan related to labor rights. They addressed labor concerns to start the process of ending the abuses. But that didn't happen. The administration was advocating for this, but the leadership in the Congress said, no, and leadership in this House said no, we're not going to put language in the bill, the language that the two governments negotiated to address the labor concerns. If it's not in the bill, it doesn't exist. If we're going to implement this action plan, it has to be part of the legislation, or else we're just saying it's an incidental, it's something on the side. That's not fair to the workers in Colombia or to the workers in the United States.

So when the commitment made by our government and Colombia to each other was not included in the bill, I lost my faith in the legislation. I hope that today we can get a vote on China's manipulation of currency, get a Colombia free-trade agreement that can work for Colombian workers and U.S. workers, and get a trade policy that recognizes that it's a competitive world. We intend to be number one, we intend to be innovative, and we intend to educate our workforce so that our entrepreneurial spirit can prevail. It could be a very exciting time—something new and something fresh, instead of reverting to the same old same old ways.

So I urge my colleagues to urge the leadership of this House to take up the China currency bill before we consider any other trade bills.

Mr. CAMP. Mr. Speaker, I yield 3 minutes to the lead chief Democrat cosponsor of the bill we're considering today, the Colombia trade promotion agreement, Mr. FARR of California.

Mr. FARR. I thank the chairman for yielding.

I rise in support of this agreement. Look, Colombia is a very important country to us. It has a lot of problems, but it has incredible potential. Colombia is a big country. It's the 20th-largest trade partner with the United States. It's our best ally in Latin America. It was the oldest democracy in Latin America, the first country to accept Peace Corps. It allowed an Air Force base to be built in Colombia. Other countries haven't allowed that. They fought alongside of us and are now fighting alongside of us in Afghanistan. They help us with Mexico drug cartels by teaching the Mexican national police and military how to handle those cartels.

It's the first country to adopt a labor action plan. And let me speak to that. That labor action plan was adopted this year on April 11. You're going to hear a lot of complaints—well, it hasn't moved fast. It's only been in effect 6 months. It's already been able to organize the grocers into unions and other big industries into unions. It's the strongest labor plan ever adopted in the history of the United States trade agreements. And that's not my opinion; that's the opinion of the Secretary of Labor of this country. It's the opinion of the Congressional Research Office.

And, frankly, a lot of people say, oh, this is another NAFTA. No. No. No. It's not NAFTA. NAFTA didn't have the ILO declaration on fundamental principles and rights at work and the follow-up provisions. This is the Peru free trade agreement which we passed. It has that right here under article 17, and this is the Colombian free trade agreement. They are exactly the same. The principles are the same. Number 2 reads, effective recognition of the right to collective bargaining—effective recognition. That means that anything that stops that can be brought under this agreement, an action against the country.

So, look, you'll hear arguments today that it will create a loss of jobs. There's going to be a loss of jobs if we don't do this. Do you know that we have made a free trade agreement with every single country in Latin America except Colombia, Panama, and Ecuador? Every one of them, none of them with these labor protections. These will be the strongest. But if we don't lift those trade barriers, all the products that we send to Colombia have a tariff on them. All those other coun-

tries, they don't. All of the European countries that are entering into a free trade agreement with Colombia don't have it. Canada doesn't have it. So guess what? We're going to lose the jobs of people who make things here and send them there because it's going to be too expensive to buy them in Colombia. So we don't want to lose those jobs. We want to grow those jobs. And there's a great market in Colombia to do that.

They say union workers are not protected, and they're not allowed to organize. That's not true. In fact, the only country that counts the crimes against labor unions is Colombia. It's the only country that has set up a ministry just to handle those crimes. And some say, oh, they haven't prosecuted enough. Some of those crimes were committed in the 1960s, 1970s, and 1980s, it's old, old hard evidence. It's hard to figure out who did it. But they have people assigned to it, they have investigators, they have judges, and they have prosecutors. They've worked those out with the Colombian labor unions as to what crimes do you want us to go after first? They're working with the unions. A lot of unions are in support of this free trade agreement because of the labor standards that we've required them to adopt.

So I would submit to you, Mr. Speaker, that the provisions in this Colombian free trade agreement are the strongest labor provisions in any U.S. free trade agreement.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 15 seconds.

Mr. FARR. If we're going to encourage progress—we're investing a lot of money in Colombia, we have Peace Corps volunteers in Colombia—if we're going to encourage growth of U.S. industries and markets in South America, and if we're going to really deal with the culture of poverty, then we have to encourage a strong future for both countries. And the only way to do that is to assure the adoption of this agreement.

Most agricultural groups across the state of California are strongly supportive of all three FTAs.

They understand that the FTAs will generate new export opportunities in their sector.

However, the California cut flower industry grows over 80% of the domestically grown flowers, supporting over 10,000 jobs and contributing \$10 billion to the California economy.

They have real concerns about the pending Colombia FTA.

Our cut flower farmers are the group most adversely impacted by free trade with Colombia.

And I have been working hard to mitigate the impact of the FTA on their industry.

To their great credit, our California flower farmers do not oppose the FTA.

Together, they have developed a transportation and logistics center.

This will cut shipping costs by 22–34 percent, according to a new study by USC.

This would help level the playing field and restore competitiveness with Colombian farmers, who have received hundreds of millions of dollars in assistance from their government and ours over the past 20 years.

As reference I will point out that from 2002–2010, Colombian exports to the U.S. increased 89%.

In the same time span, the number of acres dedicated to cut flower production in the U.S. declined by 22%.

The Obama administration knows that I am a strong supporter of the Colombia FTA, and I am proud to be leading the charge in the House to pass it.

However, I have also made it very clear that I will continue to fight for funding for the new transportation center that is vital to California cut flower farmers.

I am optimistic that this vital U.S. industry that provides 20% of flowers sold to U.S. consumers will soon get the federal assistance that it needs to thrive over the long term.

Mr. LEVIN. I yield 2 minutes to another member of our committee, the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding me time.

Mr. Speaker, I rise in opposition to the Colombia trade bill.

Trade agreements must be balanced, facilitating reciprocal two-way trade between nations. It's absolutely necessary that we also take into consideration small, family-owned, domestic industries that are sensitive to cheap foreign imports. Unfortunately, the Colombia trade bill falls flat in accomplishing these goals.

□ 1320

For more than 20 years, Colombia has benefited from the duty-free access to the U.S. market under the Andean Trade Preference Act. At the same time, some Colombian industries have received big government subsidies from the Colombian Government, and oftentimes our own U.S. foreign aid dollars benefit them. These policies have slowly eroded one of California's most unique and innovative industries.

California is home to the vast majority of domestic cut-flower growers in the United States of America. They account for more than 10,000 jobs across our State and represent hundreds of millions of dollars in economic activity every year. Because of these failed trade policies, Colombia now has a stranglehold on 75 percent of the U.S. cut-flower market, creating a marketplace dominated by cheap foreign flowers, produced with cheap, unregulated labor. This puts our small family-owned businesses at an extreme disadvantage.

You can't tell me that it's cheaper to import flowers from Colombia than it is to grow them in our own backyard. I drive through northern California on a

very regular basis and see collapsed, dilapidated, and unused greenhouses littering the small towns and rural communities of California. It's clear this industry has taken a major hit over the last few decades due to this flawed trade policy.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. THOMPSON of California. As we see more and more flower farms and greenhouses closing all over California, this reminds us of the last time we did business with Colombia. This agreement is anti-family business and it's anti-American jobs. I urge a "no" vote on the Colombia trade bill.

Mr. CAMP. Mr. Speaker, I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. I want to thank Chairman CAMP and Chairman BRADY for their leadership in moving the three pending free trade agreements that are long overdue for our consideration.

I strongly urge all of my colleagues to support the passage of all three pending trade agreements. Passing the Colombian agreement would not only create jobs in the U.S. but would signal our dedication to a faithful and strategic ally.

During my service in the U.S. Army, I ran Army flight operations with the Multinational Force and Observers-Sinai while serving jointly with the Colombian military. That was over 25 years ago. In watching the changes that have taken place, Colombian troops are still serving in peacekeeping roles, and they're serving internationally now in counterinsurgency and counternarcotic roles around the globe.

In 20 years Colombia has gone through an incredible economic, social, and democratic transformation. They are a robust democracy with strong ties to the United States in a region that includes increasingly anti-American governments, especially Venezuela. Let's strengthen these ties and eliminate any concern about America's reliability as a partner by ratifying the Colombian trade agreement.

I urge my colleagues to vote in favor of the Colombia free trade agreement for the job creation potential it brings to our struggling economy and especially to improve our national security in the Western Hemisphere.

Mr. LEVIN. I yield 2 minutes to the distinguished Member from Nevada, a member of our committee, Ms. BERKLEY.

Ms. BERKLEY. I thank the gentleman from Michigan for yielding me the time.

I rise today to talk about what should be Congress' top priority—jobs, jobs, jobs. The economic downturn has hit my State of Nevada particularly

hard, and families are still struggling with record unemployment.

Instead, today, we are debating the job-killing Colombia free trade agreement that will result in more good-paying American jobs being shipped overseas. In fact, this trade agreement, taken together with the Panama and the Korean trade agreements, will cost our Nation over 200,000 more jobs.

How much more job loss can Nevadans be expected to absorb before we stand up and say enough is enough?

Congress needs to get our priorities straight. Job creation needs to be our top priority. We must create a level playing field for the American worker. Last night, the Senate took a step in that direction by voting to stand up to the Chinese Government, whose unfair currency manipulation has cost our Nation over 3 million jobs in the last decade, including over 14,000 jobs in the State of Nevada alone. The House should be following suit. Instead of focusing on a trade agreement that will send more Nevada jobs to foreign countries at a time when we can least afford it, we should reject these job-killing trade agreements and pass the China currency manipulation bill.

Let's get on with the job of Congress, which is to create jobs for the American people, for the American worker.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Speaker, I do understand the concern that my very good friends have expressed on the Democratic side about the threat of violence in Colombia and the loss of jobs in America. What I don't understand is how voting against this trade agreement helps on either front. A "no" vote does nothing to create more jobs in America or, in fact, to reduce the level of violence in Colombia.

The fact is that the rate of violence in Colombia has been cut in half. The murder of trade union members is down by 80 percent. College enrollment is up by 50 percent. 90 percent of children are in school now. Poverty is down by 25 percent. Why? In large part because of the \$8 billion in Plan Colombia we provided.

Now the Colombian Government wants to show its appreciation for our investment in Colombia's future by letting us share in their new prosperity. It's difficult to do that, though, when Colombia has average tariff barriers of 9 percent, with agriculture at 17 percent. The U.S. has virtually no tariff barriers, so this is a one-way street going in our direction, this trade agreement.

The share of U.S. imports, though, to Colombia, as a total amount of their imports, has dropped from 21 percent to 9 percent; and that's because of the trade agreements Colombia has been able to sign with Argentina, Brazil, Canada, and others; and they're about

to further eat into American jobs by signing a trade agreement with the European Union. We in America made the investment to help Colombia become less violent, more democratic and more prosperous; and now we want to disengage rather than reap the benefits of producing jobs, products and services in America for export to Colombia.

It seems to me my very good friends on the Democratic side should support our President, who is doing everything he can to create jobs here. He understands when other countries, don't have tariff barriers that we have to overcome we can produce and sell more products and services to those countries and generate more jobs in this country. That's what we ought to be about. It seems to me a "yes" vote on all three trade agreements is the right thing to do.

Mr. LEVIN. How much time remains, please, on both sides?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 14¼ minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 15 minutes remaining.

Mr. LEVIN. I now yield 2 minutes to another distinguished member of our committee, Mr. KIND from the great State of Wisconsin.

Mr. KIND. Mr. Speaker, I am grateful for the gentleman from Michigan's allotment of time.

I rise in strong support of the three trade agreements before us today: the Colombia agreement, Panama, as well as South Korea. Let me explain why.

For too long, I feel the United States has been standing on the sidelines while other countries have been moving on without us in opening up market share and establishing bilateral/multilateral agreements with them.

In the specific case of Colombia, because of our inability to be able to come together and pass a trade agreement, in the last year alone we've lost close to 50 percent market share with agricultural products that we would normally be exporting in the Colombian market. Being from the State of Wisconsin, obviously the agriculture sector is immensely important; and the longer we delay in passing these measures, the more we're going to be precluded from the market.

Also Mr. Speaker, I rise and share the concern of so many of my colleagues today in regard to labor rights in Colombia, but I think the Colombia of today is not the Colombia of 10 years ago or even of 5 years ago.

□ 1330

And much to the credit of the ranking member on Ways and Means, Mr. LEVIN, who worked tirelessly to make sure that we had a Labor Action Plan to work with Colombia to improve labor rights and protections, he thinks it should be a part of the body of the agreement. I think it's being implemented as we speak now, and it's not

necessary, but the Santos administration realizes it's in their best interest to do more to enhance labor rights and protections in Colombia. I think a large part of the credit deserves to be given to the gentleman seated next to me here today, Mr. LEVIN.

We're just 4 percent of the world's population. Of course we've got to have a proactive trade agenda. The question is whether we're going to be a member of a rules-based trading system or not, because we are going to be trading with these countries one way or the other. These trade agreements now have core international labor and environmental standards in the bulk of the agreement, fully enforceable with every other provision.

That is an attempt to elevate standards upwards rather than seeing this race to the bottom that so many of my colleagues are concerned about. That's the question I think that's before us today involving Colombia, Panama, and the larger market, South Korea, is whether we're going to move forward on trade agreements that have been much improved with the current administration, having inherited from the last, or whether we will continue to move forward without any rules with those countries. They already have virtual unlimited access to our market but we face restrictions to theirs. These trade agreements will fix that.

I would urge my colleagues to support all three trade agreements.

Mr. CAMP. I yield 1½ minutes to the distinguished chairman of the Agriculture Committee, the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. Mr. Speaker, I rise to voice my support for this free trade agreement on behalf of America's farmers and ranchers.

All three free trade agreements under consideration today are essential for our Nation's agricultural industry. Out of every \$100 in agricultural sales, more than \$25 comes from exports. So market access is critical to the success of our farmers and ranchers.

Colombia is particularly important to our producers because without a free trade agreement in place, we have begun to lose market access. Tariffs on American goods have made them more expensive and Colombians are choosing to buy other countries' products instead. Lost market access means lost income, lost jobs, and we cannot afford that.

Right now Colombia imposes duties on all American agricultural products. They range from 5 percent to 20 percent. Yet we still sell more than \$830 million in agricultural products there. That's because America's farmers and ranchers produce high-quality crops and livestock, and those goods are in demand.

Under this agreement Colombia will eliminate tariffs on 70 percent of our exports. We can be sure that when

American agricultural products are no longer subject to tariffs and become more cost competitive, we'll see substantial benefits. In fact, the Farm Bureau estimates we'll see 370 million more dollars in farm exports to Colombia annually.

While our farmers and ranchers will benefit from increased market access, they will not be alone. Farm exports create jobs throughout the economy in processing, packaging, transportation, just to name a few industries. A vote to pass the Colombia free trade agreement is a vote for job growth in all these sectors. It's a vote to create income and opportunity for our farmers and ranchers.

So I strongly urge my colleagues to support this free trade agreement and help keep America's agricultural industry competitive.

Mr. LEVIN. I yield 2 minutes to the gentlelady from California, MAXINE WATERS.

Ms. WATERS. I thank my friend from Michigan, Congressman SANDER LEVIN, for the time.

I rise to oppose this so-called free trade agreement. I find it deeply disturbing that the United States Congress is even considering a free trade agreement with a country that holds the world's record for assassinations of trade unionists and would cause a loss of 55,000 jobs in the United States.

The Congressional Black Caucus has been working hard to create jobs. We've held job fairs in five cities in the country. We have been working hard to create jobs because the unemployment rate in this country is unacceptable: 9.1 throughout the country, 11.3 for Latinos, 16 percent for African Americans. We need jobs, not an unfair trade agenda.

Additionally, according to Colombia's National Labor School, 51 trade labor unionists were assassinated in 2010. That's more than the rest of the world combined. In addition, 21 unionists survived attempts on their lives, 338 unionists received death threats, 35 were forcibly displaced, 34 were arbitrarily detained, and 7 just disappeared in 2010. Another 23 unionists have been assassinated so far this year, and a total of 2,908 union members have been murdered in Colombia since 1986. And the Colombian Attorney General's Office has not obtained any convictions for these murders for the past 4 years.

The people of Colombia don't need a free trade agreement; they need a government that respects the rights of all of its citizens.

Let's vote down this trade agenda and tell the Government of Colombia that there can be no free trade without human rights and human dignity.

Mr. CAMP. I yield 2 minutes to the distinguished gentleman from New York (Mr. MEEKS).

Mr. MEEKS. I thank the chairman for his work and I thank the ranking member.

Let me start off by thanking Mr. LEVIN also, because indeed I know he's been back and forth to Colombia, and he's made this a better trade bill with the action plan. And it was your hard work and dedication, Mr. LEVIN, and I thank you for doing that.

Yesterday, I had a chance to talk briefly on the floor in regard to the economics of it, and I'm hearing a lot of people talk about the past of Colombia, but not some of the things that are taking place on the ground right now. I have heard a lot of individuals talk about how it may be devastating in reference specifically to the African Colombian community.

But let me bring some facts to the issue, because I think oftentimes when I looked and talked to President Santos and the civil rights struggle right here in America, I see some similarities that we've got to think about because there's some positive things, a lot of positive things that happen on the floor.

For example, for the first time we have the Victims and Land Restitution Law in Colombia that was passed by the Government of Colombia. We have at the Presidential program on Afro-Colombians. We have the development projects. We have the mining and prior consultation law. We have addressing discrimination law that has been passed. We have the Afro-Colombian and Indigenous Program that has been passed by the Colombian legislature. We have the Afro-Colombian leadership and scholarship program. We have the Martin Luther King scholarship program. We have the Equal Employment Opportunity initiative. All of this is done by the Santos government. We have the Pathways to Prosperity Women Entrepreneurs Mentoring Network. We have 400 scholarships for Afro-Colombian police. We have the emergency humanitarian assistance programs. These are just some of the programs that are happening on the ground right now that are benefiting African Colombians.

When you talk about the leadership there, because I'm getting letters back and forth, this is a diverse leadership in Colombia. This is a diverse leadership here in America.

And just as the goal is to make sure that we enact certain things into laws so that we can make changes to make it better for people for tomorrow, that is what President Santos has been doing. That's what has happened, and that's what is happening.

Some say Santos is not going to carry it out. When Lyndon Baines Johnson became President, some said he wouldn't do anything.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. MEEKS. But he did. He came with some of the most landmark legislation with reference to civil rights and

voting rights in the history of this country, the same thing that I see happening right now on the ground with President Santos. Landmark, for the first time ever, legislation addressing the rights of African Colombians; and because of the work of Mr. LEVIN, also landmark rights addressing the rights of all in labor.

I think that it's a positive thing and we should pass this Colombia free trade agreement because we are moving in the right direction. We're not there yet, but we're moving in the right direction.

□ 1340

Mr. LEVIN. I yield 2 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I have listened carefully to this debate, and I know that my good friend Mr. LEVIN and my friend Mr. CAMP have worked to try to craft an agreement that they feel is in the best interest of this country. But this debate cannot pass without pointing out some facts that concern those of us who are opposed to this.

According to Global Trade Watch, Colombia is the world capital for violence against workers, with more unionists killed every year than in the rest of the world combined. Unionist murders have been growing from 37 in 2007 after the deal was signed to 51 in 2010, even though Colombia has been under maximum security. Only 6 percent of the nearly 2,680 unionist murders that have occurred have been prosecuted to date.

The deal doesn't require Colombia to end the unionist murders or bring past perpetrators to justice to obtain special trade privileges. Colombian unions oppose the deal and agree with U.S. unions that a recent action plan will not fix this horrific situation.

Colombia has the highest number of displaced people in the world, outpacing even Sudan because of forced displacement and land grabs, often with Colombian military involvement.

Now, I know there has been an attempt to try to address these, but I think that we have to get the Government of Colombia to answer these things first before we pass a trade agreement, and I don't believe that they have sufficiently done that. In particular, they haven't brought to justice those who are responsible for the murder of all of these unionists.

I think, as a country which supports the right of people, freedom of association, the right of free speech, if we do not stand for them in these trade agreements, then we can expect the same kind of conduct to occur. This is a concern I have, notwithstanding what I know are the honest, good-faith efforts of my colleagues who support this, even though I don't. I urge the bill's defeat.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Kansas (Mr. YODER).

Mr. YODER. I thank the chairman for yielding me this time.

As my colleagues have listened to this debate today, and as we listen to our constituents at home, our constituents are asking us to focus on one thing—jobs. We've talked about a lot of issues today. We've talked about unions. We talked about all sorts of issues; but at the end of the day, the American people are asking us to focus on jobs.

These trade agreements allow American companies to export more products to Colombia. They level the playing field, and they create jobs back here at home in America. Colombia is the third largest U.S. export market in Latin America; and for farmers and companies in places like Kansas, exports have grown over 667 percent in the last 13 years, even with the one-sided tariffs that Colombia is currently imposing. If we level the playing field, allow companies in Kansas and across the country equal access to Colombian markets, exports will go up, as will the jobs those exports create.

Mr. Speaker, every day we don't pass these agreements we are falling behind, and our companies and our workers are at a disadvantage. If our top priority is jobs, then it's time to open up these markets, put our businesses on a level playing field, and create jobs at home as opposed to exporting them overseas.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. CAMP. Does the gentleman from Michigan have any additional speakers?

Mr. LEVIN. I think not. I'm going to sum up myself.

Mr. CAMP. At this time I yield 1 minute to the distinguished gentleman from Texas (Mr. CANSECO).

Mr. CANSECO. Mr. Speaker, I'm pleased to be able to cast my vote in support of the Colombia free trade agreement, even though it has taken almost 5 years to get a vote on it. I thank Chairman CAMP, Chairman DREIER, and Chairman BRADY for their leadership on this cause.

The Colombia free trade agreement is important for several reasons. First, it will create jobs here in the United States. The International Trade Commission has estimated this will increase U.S. exports to Colombia by over \$1 billion. It will grow our Nation's economy by over \$2 billion and create thousands of new jobs here at home.

In the case of the 23rd District of Texas, the Colombia free trade agreement is of particular importance as I have a great deal of agriculture in my district and more than half of current U.S. agricultural exports to Colombia will become duty free immediately and almost all remaining tariffs gone after

15 years. This agreement is also important as it demonstrates our commitment to a steadfast ally in Latin America against oppressive regimes like Hugo Chavez's Venezuela.

Fundamentally, this agreement is about the economic freedom of the American people to be able to have a wide array of choices and to pay less for those choices because of the power of trade and competition.

Mr. LEVIN. I continue to reserve the balance of my time.

Mr. CAMP. At this time I yield 1 minute to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I rise in support of all three free trade agreements that will be on the floor today.

In an era where we have a near-constant supply of Federal bailouts and stimulus packages and Federal spending, it is refreshing that Congress is doing today what it should be doing, and that is creating an environment in a bipartisan way under which businesses can create jobs and the economy can flourish. It's the appropriate role of Congress to take these kinds of steps, to simply create an environment and then step out of the way and let businesses create these jobs.

Arizona alone had more than \$15 billion worth of merchandise exports in 2010. More than half was exported to countries with which we have free trade agreements. These three free trade agreements today will only expand the opportunities for that to increase. These arrangements will allow the private sector to create thousands of new jobs and strengthen the economy in the long term.

Again, that is the appropriate role for government, to create an environment where the private sector can create jobs. That's what free trade agreements do. That's why I'm pleased to support these agreements today.

Mr. CAMP. Mr. Speaker, I advise my colleague that I have no further requests for time.

Mr. LEVIN. I yield myself the balance of my time.

Let me be clear what's at stake here on the Colombia FTA. I feel so deeply about it. Free trade agreements set the terms of competition between nations. It's more than about the mathematical flow of goods. The conditions for workers in the country we trade with are fundamental to that competition. Workers in Colombia have long been without their basic worker rights. More than any other democracy in the globe, there have been extreme levels of violence against workers and their leaders. There's been a universal, really, a universal lack of justice for murders of union activists. And there have been extensive flaws in Colombia's labor law and its practices.

These conditions and the insistence of Democrats that they be effectively and fully enforced are what held up

consideration of the Colombia free trade agreement. What has been long overdue was work on these conditions, and there wasn't by the Bush or the Uribe administrations. Yes, it has taken 5 years because most of those years were taken up by inaction by the Bush administration, and by the administration previous to Mr. Santos.

□ 1350

Earlier this year, an Action Plan on Labor Rights was negotiated between the new American and Colombian administrations, and it included some commitments and deadlines at long last for Colombia to address issues of worker rights, violence, and impunity. Very regretfully, some key obligations have not been met in a meaningful way. Let me give you one example about a condition that I saw firsthand in visits to Colombia. Their employers have a history of using sham cooperatives and other contract relationships to camouflage true employment relationships and thereby to rob workers of their rights. The ILO has long identified this type of practice as among the most serious problems facing Colombian workers. In Colombia, only workers who are directly employed can form a union and collectively bargain. Colombia committed to stop such abuses in the action plan. It passed far-reaching legislation and proposed effective regulations. But, unfortunately, it then backed away.

Through loopholes in the law it has allowed employers in Colombia, including a major beverage company and palm oil producers, to begin converting cooperatives to other contract forms to continue denying workers their basic rights. So we privately, we Democrats in the House, pushed the Colombians for months to try to stem this problematic shift. But even a clarification it issued on the eve of the markup last week—after public pressure had been brought to bear—fell short. So this problem highlights precisely why it was vital to link the action plan to the FTA we're voting on today. But very regrettably, the Republicans blocked any reference at all to the Labor Action Plan in the implementation bill, and unfortunately, the administration acquiesced in that position.

I just want to emphasize: Explicitly linking the action plan to entry into force of the Colombia FTA was necessary as a vital step to ensure effective, meaningful implementation of the action plan. Without such a linkage, we have no leverage to ensure that Colombia lives up to the commitments it has made. I also want to emphasize it provides no context and meaning for the enforcement of the FTA worker rights standard in the future.

The language in the FTA is the basic international worker rights language. It is general in its provision. It has to be given meaning. The Action Plan

would help to give it meaning if in the future action is needed to be taken under the dispute settlement system. And so when there's no linkage between the implementation bill and the Action Plan, it takes away the context for future action.

Other obligations under the action plan have not been meaningfully met.

Despite minimal requirements set in the action plan, Colombian employers continue to use direct negotiations with workers, referred to as "collective pacts," to thwart workers from organizing. And I saw firsthand the use of those collective pacts when I was in Colombia on one of my three visits.

Another pervasive problem was highlighted earlier this month by Human Rights Watch: Little progress in investigating and prosecuting murders of people trying to exercise their rights—even those cases designated as priorities. Colombia authorities obtained just 6 convictions of 195 union murders that occurred in the 4-plus years leading up to May, 2011. It's told that the ILO left Colombia off its priority list. That's because employers vetoed Colombia being on the list.

Notwithstanding clear commitments under the Action Plan to improve the situation through reforms and investigatory policies and methods, Colombia did not take the first step to do this—namely, the publication of an analysis of closed union murder cases—until the eve of the markup, even though the action plan called for its completion. Even with this, it is clear that additional leverage is necessary. Interviews by Human Rights Watch with Colombian prosecutors reveal that there's been no clear direction to implement the new policies and methods as committed to under the Action Plan.

I wish I could stand here today and say that Colombia had fully implemented the commitments under the Action Plan to date, and very significantly, vitally, that the legislation incorporated the Action Plan and conditioned the FTA's entry into force on its effective implementation. I cannot in good conscience do so. Therefore, I urge my colleagues to oppose the Colombia Free Trade Agreement.

I yield back the balance of my time.

Mr. CAMP. I yield myself the balance of my time.

I would just say, Mr. Speaker, that well before the Labor Action Plan was signed by President Obama and President Santos, Colombia had raised their labor standards and aided union members in the exercise of their rights well before the action plan ever occurred. Colombia now has implemented all eight of the ILO core conventions—six more than the United States. The statute of limitations for murder was raised in 2009 from 20 to 30 years. The minimum prison sentence was raised from 13 to 25 years and the maximum

was raised from 25 to 40. The authority to declare the legality of strikes is now in the purview of the judiciary, not the executive branch, which depoliticizes these decisions and shows the transition and progress that Colombia has made in this area. Employers no longer have a unilateral right to force a strike to arbitration. The constitution reforms in 2004 shortened by 75 percent the time it takes to prosecute a homicide case. As I mentioned earlier, the murder rate in Colombia against union members has declined by 85 percent since 2002.

As my Democrat colleagues in support of the Colombian Trade Agreement have said, the Labor Action Plan is the most stringent Labor Action Plan anywhere in the world that has ever occurred.

With regard to the cooperative issue, the U.S. Trade Representative testified in the Ways and Means Committee when we worked up this legislation that that loophole has been addressed and has been closed by the Colombian government. This is something the administration has agreed has occurred as well, not just myself.

Let me just address this issue of the Labor Action Plan being placed inside the trade agreement. I would just say that to condition entry into force of the trade agreement with compliance with the Labor Action Plan is completely inappropriate, and that's why there was bipartisan opposition to doing that. I certainly welcome the gentleman's statement that I was able to get the administration to acquiesce to not having the Labor Action Plan put into the agreement. Frankly, there was bipartisan agreement, with the administration agreeing as well on that point.

Let me just say there is a labor chapter in the agreement itself that addresses the labor issues that appropriately fall within the scope of the agreement. The Labor Action Plan goes well beyond that scope. Let me say why. The purpose of the implementing bill, the purpose of the bill before the House today, is to make changes to the United States laws that are necessary to implement the agreement. The Labor Action Plan doesn't require any changes to U.S. law. So therefore it should not and is not in the bill. Apart from being inappropriate, it's really unnecessary to condition entry into force on a labor action agreement that the Colombians have agreed to.

□ 1400

They have demonstrated their commitment to fulfilling the terms of the Labor Action Plan. They have satisfied, and on time, every single action item that has come due thus far. And our administration has certified that they have satisfied those conditions. There's only a few conditions that remain, which are due at the end of the

year, and a few due in 2012, which we fully expect they will completely agree to.

And let me just say that it is high time we took up this agreement. Last year Colombian exporters paid virtually no tariffs when they shipped goods to the United States, but our exporters paid a tariff on an average of 11 percent trying to enter into their market. This agreement removes that imbalance by eliminating the Colombian duties. This need is urgent. Our exporters have paid nearly \$4 billion in unnecessary duties since this agreement was signed and has been pending over the years.

We know from experience these agreements will yield the benefits that we say they will. Between 2000 and 2010, total U.S. exports increased by just over 60 percent, but our exports to countries in which we have trade agreements increased by over 90 percent. Our exports to Peru, for example, have more than doubled since the passage of the U.S.-Peru trade agreement, and those are very important statistics in these tough economic times.

So this is a major economic opportunity. Delay has been costly. There are major economies whose workers and exporters compete directly with ours. They have moved aggressively to sign and implement trade agreements with Colombia, Canada, Argentina, Brazil. Those undermine our competitive edge for our Nation and our workers and our families.

So we've been falling behind. We've been losing export market share that took years to build, frankly. For example, just the U.S. share of Colombia's corn, wheat, and soybean imports fell from 71 percent in 2008 to 27 percent in 2010 after Argentina's exporters gained preferential access.

Obviously, we have seen, also, a decline in our exports of wheat since Canada signed its trade agreement with Colombia, 2 years after. They entered and enforced their agreement with Colombia, which was signed 2 years after ours. So we owe it to U.S. workers. We owe it to our exporters to approve this agreement now and to press the President for prompt implementation.

I would urge strong support for this agreement, and I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, the free trade agreement between the United States and Colombia means jobs. If you are looking for bright spots in the U.S. economy, our trading relationship with Colombia is one of them. Even though we have been operating under a handicap to competitors like Argentina because of higher tariffs and duties, American exports to Colombia have been growing. Our exports last year were worth \$12.1 billion, up 26 percent, and the International Trade Commission estimates this agreement will increase exports by at least another \$1.1 billion.

Each of those exports supports jobs in the United States, not to mention jobs in the State

of Alabama. Colombia is one of Alabama's best export markets in this hemisphere, and it is an excellent customer for high-value manufactured products like machinery and transportation equipment. Our former Governor Bob Riley demonstrated the importance of the partnership when he led a trade delegation to Colombia in 2009, and it is my view that this agreement will create even more opportunities for mutually beneficial trade.

Colombia is a strategic ally committed to a free market economy. Working together, our governments have made progress in addressing the scourge of narcotics. The Colombian government has also instituted major labor reforms, and the labor provisions in this agreement reflect the government's commitment to protect those rights. For the record, I am submitting information I received from the Colombian Ambassador to the U.S. regarding the Action Plan on labor protections.

The U.S.-Colombia Free Trade Agreement will open up new avenues of cooperation between our two countries, and provide an immediate boost to our farmers, the textile industry, our energy industry, and our manufacturers to name just a few. It is a win-win agreement and I am pleased to support it.

THIRD PARTY VALIDATORS

COLOMBIA HAS ACHIEVED ALL OF THE ACTION PLAN MILESTONES

September 15 Milestones: "Colombia continues to meet its milestones for the action plan."—Deputy USTR Miriam Sapiro, September 23, 2011.

June 15 Milestones: "The Action Plan is designed to significantly increase labor protections in Colombia, and we are pleased that Colombia is meeting its commitments. We are eager to see Congress move the Colombia trade agreement forward as soon as possible (. . .)."—USTR Ron Kirk, June 13, 2011.

April 22 Milestones: U.S. Trade Representative Ron Kirk sent a letter to the Chairmen and Ranking Members of the Senate Finance and House Ways and Means Committees "indicating that Colombia has taken the necessary steps, consistent with the April 22 milestones outlined in the Action Plan, to move to the next stage in the process."—USTR Ron Kirk, May 4, 2011.

COLOMBIA IS ON THE RIGHT TRACK: PROMOTING AND PROTECTING THE RIGHTS OF WORKERS AND THE RESPECT TO HUMAN RIGHTS

"On September 8, 2011, the Department of State determined and certified to Congress that the Colombian Government is meeting statutory criteria related to human rights."—U.S. State Department, September 15, 2011.

The International Labor Organization (ILO) Committee that has monitored Colombia since 1985, excluded Colombia in June 2010 and again this year from the list of countries that need special monitoring.—ILO, June 2011.

For the first time in more than a decade, Colombia has been selected as a titular member of the ILO Governing Body for the 2011-2014 term. Colombia was elected with 96 percent of votes from the tripartite delegations of 182 countries around the world.—ILO, June 2011.

COLOMBIAN GOVERNMENT AND LABOR UNIONS: WORKING HAND IN HAND

An effective Three-Party Agreement was signed by the Colombian Government, labor unions and employers to strengthen democ-

racy and advance the social dialogue on labor issues. The Agreement, which was originally signed in June 2006, was updated in May 2011 to reaffirm all three parties' commitment to reestablishing a social dialogue to generate solutions on labor-related issues and address conflicts and differences.—May 2011.

The Colombian Government and Colombian Federation of Educators—Fecode, which represents 250,000 educators—signed an historic agreement on May 4, 2011 that will improve working conditions and the quality of life for the nation's educators. "We achieved very important points and discussed important topics such as the teachers' status. As teachers, we have welcomed this agreement."—Senén Niño, President of Fecode. June 15, 2011.

TRADE UNIONS AND NGO EXPRESS SUPPORT FOR ACTION PLAN AND PROGRESSIVE AGENDA

On the Progressive Agenda: "The General Labor Confederation (CGT) salutes the achievements of the Administration of President Juan Manuel Santos during his first year in office. The Administration has enacted a series of policies of enormous value to workers and all Colombians."—CGT, August 11, 2011.

On the Progressive Agenda: "The agenda that is being constructed at this moment is the result of a constant battle and the work of the Colombian union movement with the support of international unions. The measures contained in the agreement signed by Presidents Santos and Obama last week, the recommendations of the High Level Mission of the OIT that visited us in February, and President Santos' programs on labor are all measures that the union movement has advocated for years."—Luciano Sanin, Director of the National Union School (ENS), April 2011.

On the Action Plan: "It is a step in the right direction that the President (Santos) deepened the agreement so that the topics of union liberty, human rights and guarantees for workers are included in the FTA."—Julio Roberto Gomez, General Secretary of the CGT, April 8, 2011.

A VIEW FROM OUTSIDE: "COLOMBIA'S PROGRESS DESERVES SUPPORT"

"The best way to encourage Mr. Santos to take further steps to end impunity and protect activists, political candidates and indigenous and Afro-Colombian communities is to approve the FTA." (. . .) "Democrats should join in ratifying the Colombia pact, and they should credit progress on human rights."—Mark Schneider, Senior Vice President, International Crisis Group and Former Principal Deputy Assistant Secretary of State for Human Rights, September 18, 2011.

"We commend President Juan Manuel Santos's commitment to compensate the victims of violence and return confiscated land to poor farmers. And we applaud efforts to reduce homicides of union members, which Colombia reports have declined by nearly 90% since 2002. These are significant steps. The FTA will further Colombia's progress by providing clear protections for fundamental labor rights."—Sens. John Kerry (D-MA) and Max Baucus (D-MT), Wall Street Journal Op-ed, April 4, 2011.

"A Gain for Workers." In an article on labor cooperatives, *Revista Semana* highlighted that the new decree that tackles illegal forms of labor intermediation "is very good news for the working class (. . .) 300,000 jobs will be formalized (. . .) several companies are already adjusting to the new standard. Carrefour added 600 employees to its

payroll, representing additional annual costs of about 5,000 million pesos (US\$2.5 million). Exito has hired 2,500 packers, as part of a plan that includes the direct hiring of 6,250 employees this year. This will cost Exito about 70,000 million pesos per year (US\$35 million).”—*Revista Semana*, June 18, 2011. The Colombian news weekly *Revista Semana* was awarded in 2009 by the Council on Hemispheric Affairs (COHA) with the Charles A. Perlik, Jr. Award for Excellence in the Field of Print Journalism throughout the hemisphere.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in strong support of the U.S.-Colombia Free Trade Agreement.

After having waited for four years since this agreement was first signed, the time has finally come for Congress to vote to approve it.

This agreement is good for Colombia but is even better for the United States.

According to the International Trade Commission, the U.S.-Colombia Free Trade Agreement will expand exports of U.S. goods by more than \$1 billion dollars every year, which will allow businesses to create thousands of new jobs for those Americans who are struggling to find one.

In South Florida, Colombia is already our second largest trading partner.

Our two largest economic engines are the Port of Miami and Miami International Airport, both of which will benefit tremendously from the increase in trade with Colombia.

In 2010, Colombia was the 10th largest trading partner with the Port of Miami, with bilateral trade worth \$6.8 billion.

And 96 percent of the flowers that are sent to the U.S. from Colombia come through Miami International Airport, which helps support tens of thousands of jobs related to the airport and several aviation industries.

These figures will grow rapidly once this agreement has been approved.

But there is more at stake here than increased trade.

Colombia has been a strong democracy and a steadfast ally in a region where U.S. interests are under assault.

We have jointly battled narco-terrorists, leftist guerrillas, and the aggressive actions of Venezuelan strongman Hugo Chavez.

This agreement will strengthen that vital partnership between our two nations and demonstrate to our friends and enemies alike that the U.S. intends to remain a strong presence in the region.

Mr. Speaker, it is time to put American interests first instead of the partisan political considerations that have delayed this agreement for four years.

I strongly encourage my colleagues to vote yes on the U.S.-Colombia Free Trade Agreement and allow our businesses to finally begin creating the jobs that so many Americans are searching for.

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to express my support for the proposed free trade agreement with Colombia, which, of the three agreements we are considering today, is the one with which I have been most personally involved.

My support for this agreement did not come lightly. As the representative of the Research Triangle region, I have witnessed the transformative impact of trade on our state's econ-

omy, and I have supported free trade agreements that help create a truly level playing field for American workers through the inclusion of robust labor and environmental standards. When agreements have failed to meet this test, I have opposed them, as I did the Central American Free Trade Agreement.

I am keenly aware of the unique challenges that Colombia has faced throughout its history and the relationship between these challenges and international trade. The country has only recently emerged from a long period of civil conflict and political instability, one of the darkest features of which has been a campaign of intimidation, violence, and murder against Colombian labor leaders. At best, the Colombian government failed in the past to adequately respond to this campaign, and at worst officials turned a blind eye to, or were even complicit in, the violence.

This left me with a fundamental decision to make when the Bush Administration proposed a free trade agreement with Colombia: I could reflexively oppose the agreement from the outset, notwithstanding the potential benefits it could bring to both of our countries. Or, using the relationships I have built through my work in Colombia, I could help shape the agreement, using it as a source of leverage to achieve meaningful progress on issues such as labor violence. I chose the latter.

From the beginning, I have been very clear about what it would take for me to support the agreement in the end. Any agreement that failed to strengthen Colombia's labor and environmental standards or to ensure meaningful progress toward addressing labor violence would be unacceptable. And, in the current economic environment, I wanted assurance that no agreement would be approved without an extension of Trade Adjustment Assistance for displaced workers.

In two subsequent visits to Colombia, and in regular consultations with the Obama Administration, I have carried this message to the highest levels. During a visit in 2007, in addition to meeting with President Uribe, members of the Colombian parliament, and Colombian labor leaders, I requested a briefing by the special Attorney General unit that was created to prosecute labor violence cases. I was not impressed with what I heard, and I made this clear to the Colombian government.

When I returned in 2009 and received a similar briefing, the progress made over the past two years was significant and encouraging. Since then, and particularly since President Santos came to office, the Colombian government has made further strides in prosecuting incidents of labor violence, legislating improved labor protections, adopting judicial reforms, and enforcing its new labor law. Colombia has welcomed an ILO office to Bogota to monitor labor violations and appointed a Ministry of Labor to guide the executive on pressing labor issues and reforms.

Has Colombia done enough to solve this problem? No. One incident of labor-related violence is too many. I believe it is critical for us to continue to hold the country's leaders accountable for prosecuting labor violence and protecting labor rights. I was among the group of Democratic Members of Congress urging the Obama Administration to go beyond the text of the free trade agreement on the issue of labor rights.

The result was the Labor Action Plan negotiated between the Obama and Santos administrations, which represents an unprecedented mechanism to hold a trading partner accountable to a set of concrete commitments on labor rights. The Obama Administration has made its commitment clear to ensure compliance with this Action Plan for as long as it takes, a commitment I confirmed with Ambassador Ron Kirk as recently as this morning.

I remain concerned about the potential impact of this agreement on Colombia's subsistence farmers, particularly among Afro-Colombians and other indigenous communities. The land reform law recently approved by the Colombian Congress is a step forward, and the agreement before us today (unlike NAFTA) allows Colombia to protect its most sensitive agricultural commodities for up to 19 years. But we must do more to mitigate any displacement caused when reduced trade barriers are combined with subsidized imports, leaving local farmers unable to compete. This means addressing the significant threat to small farmers in Colombia and around the world posed by the distortive agricultural subsidies some of our own farmers receive.

On balance, however, I believe the labor and environmental protections in the agreement, along with the Labor Action Plan and the extension of Trade Adjustment Assistance, largely meet the demands I made when I decided to participate in the negotiations surrounding this agreement. The Colombian government has made undeniable progress and continues to move in the right direction. By any metric, labor violence in Colombia is down. Colombia's land and agricultural reforms are working, albeit slowly. Progress on these fronts is much more likely with an agreement than it would be without.

We also have to consider the best way to encourage further reforms and further progress. Is it by walking away from an agreement at a time when Colombia is expanding trade with China, Canada, the EU, and other partners? Or is it by using a free trade agreement with the United States as a catalyst, as leverage, for further reforms to address the underlying causes of the country's conflict: poverty, inequality, and a lack of economic opportunity.

The best way forward is to support a robust and vibrant Colombian economy. A higher standard of living in Colombia results in greater social stability and a lower crime rate. It is important that we remain a powerful and progressive force in the development of its democracy and economy, and I believe the best way to do that is to approve the Colombia FTA. For me, to oppose this agreement now, after encouraging—even demanding—that the Colombian government enact reforms, would amount to changing the rules in the middle of the game.

Mr. KUCINICH. Mr. Speaker, I rise in strong opposition to H.R. 3078, the United States-Colombia Trade Promotion Agreement Implementation Act.

This trade agreement continues in the NAFTA tradition of trampling on human and economic rights.

Colombia is the world's most dangerous place to be a unionist. More trade unionists were killed last year in Colombia than in the

rest of the world combined. The Labor Action plan signed by Colombia in April of this year has not done enough to address these significant human rights abuses. Sixteen trade unionists have been killed since it was signed. Now we're going to pass a trade agreement that will further weaken the rights of workers whose lives are at stake?

Workers in the U.S. will be hurt by this trade agreement too. The Economic Policy Institute estimates that the Colombia FTA will result in the loss or displacement of 55,000 U.S. jobs. We have heard the promises of economic prosperity from free trade advocates before. Those promises have consistently failed to materialize.

Workers in the U.S. and Colombia cannot afford a NAFTA-style trade agreement that significantly weakens their economic security and fundamental labor rights.

I urge my colleagues to oppose this bill.

The SPEAKER pro tempore. Pursuant to House Resolution 425, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 3078 will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 358, PROTECT LIFE ACT

Ms. FOXX (during consideration of H.R. 3078), from the Committee on Rules, submitted a privileged report (Rept. No. 112-243) on the resolution (H. Res. 430) providing for consideration of the bill (H.R. 358) to amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2273, COAL RESIDUALS REUSE AND MANAGEMENT ACT

Ms. FOXX (during consideration of H.R. 3078), from the Committee on Rules, submitted a privileged report (Rept. No. 112-244) on the resolution (H. Res. 431) providing for consideration of the bill (H.R. 2273) to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels, which was referred to the House Calendar and ordered to be printed.

UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further

consideration of the bill (H.R. 3079) to implement the United States-Panama Trade Promotion Agreement will now resume.

The Clerk read the title of the bill.

The SPEAKER pro tempore. One hour of debate remains on the bill. The gentleman from Michigan (Mr. CAMP), the gentleman from Michigan (Mr. LEVIN), and the gentleman from Ohio (Mr. KUCINICH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. I yield 2 minutes to the distinguished gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in strong support of the pending trade agreements, all three trade agreements, with Colombia, South Korea, and Panama.

In my home State of Washington, where one in three jobs is dependent on international trade, we understand the importance of expanding foreign markets for economic success. There is no question, Mr. Speaker, that these agreements will increase jobs. Let me give you an example on a parochial basis in my district. Today, potato growers and processors face an 18-percent tariff when sending their product to South Korea. This agreement will end the tariff immediately, allowing our growers to fairly compete in this very important market.

It is critical to my constituents that we act now on all three of these trade agreements. Let me be parochial again, Mr. Speaker. Apple sales in Colombia dropped 48 percent last year because Chile had duty-free access to the Colombian market while my growers in my State did not—in fact, they had a 15-percent tariff. The passage of this agreement is expected to increase apple sales by 250,000 boxes a year, allowing us to regain a market share or at least to compete on a level playing field.

As our economy is struggling to recover, I encourage all of my colleagues to act now to support all three of these trade agreements because all three of these trade agreements will expand an opportunity for our economy to grow, and especially, Mr. Speaker, the diverse agriculture economy I have in central Washington.

I thank the gentleman for yielding.

Mr. LEVIN. I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), a member of our committee.

Mr. DOGGETT. While this agreement, based upon the flawed framework of the Bush-Cheney administration, offers no model for the future with regard to workers or environmental protection, I am supporting today's measure because of a successful response to a longstanding concern that I have had, that is, Panama's status as a notorious tax haven, a place where taxpayers who refuse to pay

their fair share of the cost of our national security and vital public services could go to hide their assets and dodge taxes.

About 2 years ago, Senator CARL LEVIN and I urged the administration to postpone the approval of this trade agreement until Panama first signed a Tax Information Exchange Agreement, where we could get information about assets hidden there and for Panama to change its laws regarding bank secrecy and other matters to assure that this agreement was meaningful. Panama has now met these conditions.

For the first time ever, we can obtain information from the Panamanian Government on U.S. taxpayers who have Panamanian assets or income. Though the Treasury Department should have secured a stronger automatic information exchange similar to the one we have with Canada and 24 other countries—and I would much prefer also to see an actual record of Panamanian compliance—we need to accept this as a victory in the fight against offshore tax cheats. This would not have been possible had it not been for the strong Panamanian desire to get the trade agreement approved.

By also agreeing to 12 other exchange agreements on tax information, Panama was recently removed from the OECD gray list of tax havens. Now we must ensure that Panama's newfound openness and transparency does not end with approval of today's agreements.

I support this trade agreement, knowing that while it could have been much better, the dangers have been mitigated with an agreement that has a very modest scope.

Mr. KUCINICH. Mr. Speaker, I yield myself 1 minute.

The rights of workers, which have increasingly come under attack in this country, are also at risk under these NAFTA-style trade agreements.

In Panama a 2010 State Department Human Rights Report notes that "the government lacked sufficient mechanisms to ensure that laws prohibiting employer interference in unions and protecting workers from employer reprisals were adequately enforced."

So the government lacked sufficient mechanisms to make sure that they were adequately enforced. We shouldn't be entering into a trade agreement with a country that has yet to demonstrate its ability to uphold international standards for labor rights and financial regulation.

Panama's track record on fulfilling its promises is clear: Just as it failed to adequately address its status as a tax haven wonderland, it has failed in its promise to adequately protect its workers.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. I thank both Chairman CAMP and Chairman BRADY for their leadership on the pending trade agreements with Colombia, Panama, and South Korea. All three countries have seen incredible transformation take place over the last generation, especially Panama and Colombia.

□ 1410

In the last 25 years, they have revolutionized their economies. They've revolutionized socially, and their democracies are robust.

I rise in support of the pending trade agreement with Panama and encourage my colleagues to support passage of this important agreement. It's critical, not just to our economy but also for our national security. Passage of this agreement will mark renewed U.S. engagement with the region, while countering anti-Americanism and China's increasing economic prominence in South America.

Additionally, the U.S. is the largest user of the Panama Canal and works closely with the Panamanian government to ensure the safety of the canal itself and to enhance regional, maritime, and port security. For this critical asset alone and maintaining that relationship, it would be essential to passing this agreement.

I'd like to comment on one other aspect of security that's been enhanced in all three trade agreements, and that's the security of intellectual property rights. These agreements, all three of them, Korea, Panama, and Colombia, make significant improvements to IPR protections for U.S. companies. In all categories of intellectual property rights, U.S. companies will be treated no less favorably than companies in the partner countries. That's a great step forward.

The agreements establish tough penalties for piracy and counterfeiting. They include state-of-the-art protection for U.S. trademarks. The agreements include enhanced protection for copyrighted work and, ultimately, the agreements include stronger protections for patent and trade secrets.

As we look at the changing demographics of the world and the face of relationships, it is important that we turn our eyes to the south and to the east, strengthening our ties with Latin America and with South America, strengthening our ties with Asian democracies and republics through the Korean Free Trade Agreement. What we're doing with Panama, Colombia, and Korea is critical to our future, to our children's future.

I strongly urge passage of the Panama Free Trade Agreement. It's a great step forward. It's a great step in our alliance.

Mr. LEVIN. I yield 5 minutes to a member of our committee, the distinguished gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank the gentleman from Michigan for the nice words of introduction.

Mr. Speaker, the U.S.-Panama Free Trade Agreement is an example of how to do a trade agreement right. This agreement will improve the U.S. trade surplus, emphasis on the word surplus, with Panama, and help with U.S. job creation and economic growth. And thanks to the FTA, Panama has brought its labor laws up to international standards and addressed Panama's status as a tax haven.

Let's start with economics. In Massachusetts, which exported a total of over \$8 billion worth of merchandise in 2010, the total number of jobs created in my district supported by exports is over 26,000.

New exports help to support new jobs, and that's why I support the Panamanian free trade agreement. Panama is one of the fastest growing economies in Latin America. This FTA will eliminate tariffs and other barriers to U.S. exports, promote economic growth, and expand trade between our two countries.

For example, most goods from Panama currently enter the U.S. duty-free, whereas U.S. exporters face import duties in Panama ranging from 5 to over 35 percent. This FTA will level the playing field by eliminating Panama's import duties on U.S. goods. As a result, U.S. passenger vehicle exports are expected to increase by 43 percent, and machinery exports are expected to increase by 14 percent.

Furthermore, Panama is currently free to discriminate against U.S. suppliers in government procurement, including the ongoing \$5.25 billion Panama Canal expansion project. The FTA will require Panama to treat U.S. suppliers the same as Panamanian suppliers. There is going to be an explosion of opportunity with the opening of the Panama Canal after its expansion.

Now let's go to labor rights. Over the course of several years, House Democrats, myself included, have identified a variety of deficiencies in Panama's labor laws, and we insisted that the Panamanian FTA not be considered until those issues were addressed. In April of this year, Panama's President signed into law the last remaining changes needed to bring Panamanian laws into compliance with labor obligations of this agreement.

Furthermore, when we took the majority in 2007, House Democrats insisted that the FTA be negotiated or renegotiated to include the May 10 agreement. Among other things, the FTA was renegotiated to require Panama to comply with international labor standards and key international environmental agreements. Labor rights, environmental concerns, human rights. We insisted that those be undertaken, and we were told at one time that the agreement offered had to be

all or nothing. House Democrats changed that with our insistence on those basic issues.

Now let me highlight how Panama has addressed its tax haven issue. And I would submit to you today there is no Member of this House that has a stronger credential on cracking down on tax havens than I do. I have stayed at it through the course of a career, and we've had some success, with more guaranteed to come.

In 2000 the OECD listed Panama as a tax haven, but since that time, Panama has worked to adopt international standards of transparency and effective exchange of information. In 2010, the U.S. and Panama entered into a tax information exchange agreement, and this past July the OECD placed Panama on its white list of countries who have substantially implemented international standards for exchange information. These are substantial advancements.

This would not have been possible without Democrats in this House who insisted that the FTA not be submitted to Congress until the tax haven issue was addressed. This FTA is a better agreement because House Democrats insisted on those basic human rights issues.

There is no question but labor agreements, human rights agreements, and environmental agreements have been included because of work that the minority in the House has done. And at the same time, we understand that these trade agreements are not necessarily panaceas. But by and large, the ones that I know that I've supported over a career, and some I've opposed, have had a net impact on economic growth.

These are very difficult issues for Members of this body to undertake. But we argue that the genius of opportunity is what Steve Jobs promoted through much of his life, with many setbacks along the way. But understand that many of the products that Steve Jobs and his genius succeeded in implementing ensure that people across the globe use those products today, and I think this an example of those opportunities.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I would just say, this agreement will create new market access for U.S. exporters of consumer and industrial products. Over 87 percent of our exports to Panama will become duty-free immediately, with the remaining tariffs to be phased out that are left over a 10-year period. This will cut by more than half the average 8 percent tariff that our exporters face.

This will provide U.S. firms with an advantage over major competitors from Europe and Asia. And because Panama recently signed an agreement with the EU, our advantage is dependent on having our agreement enter into

force immediately. So it's not just about what the U.S. and Panama are doing in a vacuum; it's about what the rest of the world is doing as well.

As I said, there are key export sectors that get immediate duty-free treatment: aircraft, construction equipment, fertilizers, medical and scientific equipment. This levels the playing field for our exporters versus importers from Panama, and this agreement will create new opportunities for our farmers and ranchers.

More than half of the current U.S. farm exports to Panama will become duty-free immediately. It gives our U.S. farmers an advantage over our EU and Canadian competitors. Our exports in agriculture to Panama now face a 15 percent average tariff. Our exports of pork, rice, soybeans and wheat, and most fresh fruit will receive immediate duty-free treatment, while our competitors in Asia and Europe will continue to face tariffs on those commodities as high as 90 percent. And that's why you've seen great support, both bipartisan, for this agreement. The American Farm Bureau estimates that the increase in farm exports to Panama alone could increase our agricultural exports by \$46 million a year.

Obviously, this agreement also provides our access to Panamanian services markets. It will give our U.S. service firms market access, national treatment, regulatory transparency, and that is going to be very helpful as we continue to try to grow our economy and create jobs here in the United States.

□ 1420

I would agree with my friend from Massachusetts, Panama has improved their tax transparency; and because of the cooperation, adoption of the Tax Information Exchange Agreement, as well as other numerous double taxation treaties that I won't repeat that he referenced, they have been removed by the OECD from the so-called "gray list" to join countries such as the United States that meet internationally-agreed-to tax standards.

So by almost any measure, this agreement is positive, and it is something that we should strongly support.

I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield myself 4 minutes.

Public Citizen is an organization that dedicates itself to an impartial economic analysis of trade agreements. They looked at the Panama trade agreement, and here's what they came up with. They said that it includes extreme foreign investor privileges and offshoring protections and their private enforcement in international tribunals. It includes limits on financial and other service sector regulation, a ban on Buy America procurement preferences, limits on environmental safeguards and imported food and product

safety and limits on drug patent rules that limit generics.

The AFL-CIO is one of the most important workers' organizations in the history of this country. They've analyzed the Panama free trade agreement, and here's what they have said. They've said it's the wrong trade model at the wrong time. Instead of helping workers here or in Panama, it rewards a country that has a history of repressing labor rights and has achieved much of its economic growth by making it easy for money launderers and tax dodgers to hide their income from legitimate authorities.

Moreover, this agreement, which was negotiated by the previous administration, contains too many flawed trade policies of the past, rather than laying out a new and progressive vision for the future. President Obama should not waste valuable time and effort advancing this inadequate agreement, but should instead focus on effective job creation measures, including currency reform, infrastructure investment, and robust training and education, and reforming our trade model so that it strengthens labor rights protections for all workers, safeguards domestic laws and regulations, and promotes the export of goods, not jobs.

The AFL-CIO noted that due to the small size of Panama's economy, the economic impact of the Panama free trade agreement is likely to be small. Panama's gross domestic product is tiny in comparison to that of the United States, and Panama accounted for less than 1/2 of 1 percent of total U.S. exports in 2010. Thus, any demand for U.S. goods and services is likely to be minuscule. This is simply not an agreement that will substantially increase net exports or create American jobs.

While the Panama FTA contains—and we have to say it contains—improved labor and environmental provisions, these provisions need to be further strengthened, and our government needs to invest more resources and energy in more consistent enforcement across the board; and President Obama should work to further improve the labor, environment, investment, financial services and government procurement provisions contained in the Panama free trade agreement to build a new trade model for the future.

The AFL-CIO also pointed out another thing, Mr. Speaker. They said that Panama is not a part of any meaningful U.S. jobs plan. Even the Obama administration is not selling the Panama free trade agreement as a job-creating measure. Panama's economy is so small that the U.S. International Trade Commission was unable to quantify any job-creation effects of the Panama free trade agreement.

While economists routinely predict that trade agreements between the U.S. and developing countries will cre-

ate jobs and improve our trade imbalances, the fact is that these rosy predictions repeatedly fail to pan out. The current U.S. approach to trade agreements has tended to destroy jobs, not create them.

Mr. CAMP. I yield 2 minutes to the distinguished gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Thank you, Mr. Chairman.

Mr. Speaker, I rise today in support of the three free trade agreements that we are considering today. Free trade is good for America. These agreements will increase our products flowing to other countries that currently get to send their products for free here. We live in a world where products flow freely around the world. It's time for us to get American jobs to produce some of those goods moving abroad.

I would note that the President has asked us to pass pieces of his legislation, his jobs-creating legislation. I would compliment the chairman that we've waited 2½ years to get this particular proposal from the administration, and in less than 9 days, now we have it on the floor of the House. We're serious about doing the things to fix the economy. While the President lectures us, he fails to follow through on regulatory relief and tax relief. He fails to follow through on those things which would actually create jobs.

So we in the House appreciate the opportunity to vote on these particular bills today, because it is our way of saying that we will agree with the President when he's right, and we'll steadfastly disagree with him when he's wrong. We've got many areas that we can move forward together on, and I would recommend that the President come and sit down with us, come back to this floor of the House and sit and discuss with us the way to move forward instead of pushing a plan that says "my way or the highway."

We have generally a great threat from American Government on American jobs. The overregulation is killing jobs in the electrical utility field, it's killing jobs in oil and gas, and it's killing jobs in manufacturing. We can protect workers, we can protect the environment, and we can protect species and create jobs simultaneously. It is up to us, the policymakers, to find those balance points and to move forward with commonsense legislation that will effect these.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to another member of our committee, Mr. KIND of Wisconsin.

Mr. KIND. Mr. Speaker, I rise in strong support of the Panama trade agreement, as well as the Colombia and South Korea agreements before us today. And in the matter of Panama, to Panama's credit and to Panama's Parliament's credit, they realize that in order for this trade agreement to be fully considered by the Congress, they

had to make improvements in regards to the tax havens of their country. And as the chairman of the Ways and Means Committee pointed out, they did that. They took that additional step removing them from the "Gray List" of tax havens internationally.

But that brings me to the larger point. When President Obama took office, I believe he inherited three pretty good trade agreements at his desk negotiated by the previous administration; but he knew that they could be improved upon, which they immediately set out to do. And to the credit of many members of the Ways and Means Committee, especially the chairman and the ranking member both from Michigan, and the tireless efforts they put into improving these trade agreements, we finally reached the point where we could get back in the game.

At just 4 percent of the world's population, we have to be engaged with a proactive trade agenda; but the last time we had a trade agreement before this Congress has been roughly 6 years ago while other nations have been moving on with bilateral and multilateral agreements. That's too long when we have a floundering economy. Not that these trade agreements are going to be the panacea to rapid and significant job growth, but they will be helpful. In fact, countries like Panama and Colombia have virtually duty-free access to our country's markets already.

So the question is whether or not we want to try to level the playing field for our workers, for our businesses, and for the jobs being created here in the United States. And in the specific case of Panama, tariff reductions will be significant that will lead to further job growth in both the manufacturing, the service and the agricultural sectors alone.

But I commend the Obama administration and the team at the USTR led by Ambassador Kirk with the work they did in improving this Panama trade agreement, along with Colombia and South Korea, putting them in a position where there can be bipartisan support, and more importantly, to get us back into the arena of active trade which will help create jobs here at home.

□ 1430

Mr. KUCINICH. I yield 3 minutes to the distinguished gentlelady from Maine, a champion of workers' rights, Ms. PINGREE.

Ms. PINGREE of Maine. I thank my colleague and friend from Ohio for yielding me this time.

Mr. Speaker, I rise today in opposition to the proposed trade agreement. The Panama free trade agreement is structured exactly like NAFTA, a trade policy that resulted in the loss of millions of manufacturing jobs all over America. In Maine alone, we have lost

31,000 manufacturing jobs since NAFTA was ratified in 1994. In addition to manufacturing jobs, it has hurt our agricultural and fishing sectors, and has had a huge impact on the economy of our State.

I have a perfect example. Steve White of Brewer, Maine, comes to mind. He worked in a factory for 22 years, making components that were used by GM, Ford, and Chrysler. Now those parts are being made in Mexico. Steve wrote this in the Bangor Daily News:

"We were given the opportunity, if we wished, to travel to Mexico and further train our replacements. My co-workers who went said that the conditions for the Mexican workers were very poor and far below the American standard. The pay rate was very low, and they would work long hours every day of the week."

Here we are today, voting on three more trade agreements that could have the same devastating consequences for American jobs. Why would we do this at a time when we desperately need these jobs right here in the United States?

This week, in addition to the three free trade agreements, we will also vote on the extension of Trade Adjustment Assistance, a program that was created for those adversely affected by trade agreements. For several years and for probably many more, we have and will spend millions of dollars retraining people who have been put out of work by misguided trade agreements.

And for what? So that big companies can get a better deal on cheap labor and loose environmental standards in other countries?

What our workers want today, what the people in my State, the State of Maine, want are jobs, not readjustment assistance, not retraining, not some idea of another job to come in the future. They want a job today. They don't want these trade agreements, and they don't want to lose any more jobs in our State.

Mr. Speaker, America has a long history of supporting our hardworking families, but this policy does not invest in our workforce. It is not what is right for America's future, and I cannot support it.

Mr. CAMP. I yield 3 minutes to the distinguished chair of the Trade Subcommittee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. I thank the chairman for yielding time.

I first want to thank Chairman CAMP and Speaker BOEHNER for insisting that the White House submit the Panama trade agreement along with those of Colombia and Korea to ensure that we open all three markets equally to American farmers, manufacturers, service, and technology companies. But for your work, we would not be here today.

This agreement is long overdue. As families know, the world has changed. It's not simply enough to buy American; we have to sell American all throughout the world. Panama is a dynamic new market for America with almost 9 percent a year in economic growth—far stronger than our own. Panama is important to our manufacturers in America, it's important to our farmers, it's especially important to our service companies because so much of Panama's economy matches up beautifully with America's economy. With the expansion of the Panama Canal, you're going to see increased cargo at our ports, increased jobs along our coasts, and lower prices in products in America as well.

Critics will say, Panama is too small an economy. Why do we bother?

In this dismal economy in America, every sale, every job counts. From Europe to Canada, to Thailand, to Singapore, and many more, our competitors negotiate sales agreements with Panama because they know those customers matter.

Critics say, Panama is a tax haven. Why are we doing this agreement? But those simply aren't the facts. They also often say that labor rights aren't what they ought to be.

Panama has passed more than a dozen labor laws that dramatically commit to raising the standard of labor protections in that country. They have passed tax information agreements with America and with other countries around the world, so much so that they are now considered in standing on tax transparency equal to the United States.

This is a valued ally in a strong and growing part of the world that, frankly, has waited far too long. It is embarrassing that it has taken 4 years to bring this agreement to the floor. But today it is here. Today, we will signal we are going to open those markets, that we are going to strengthen our ties, and that we are going to pass this sales agreement with Panama.

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent that the gentleman from Maine (Mr. MICHAUD) be permitted to manage the remainder of the time.

The SPEAKER. Without objection, the gentleman from Maine will control the time.

There was no objection.

Mr. LEVIN. Mr. Speaker, I now yield 3 minutes to another distinguished member of our committee, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, Panama will be the only trade deal that I will vote for because they import very little to the United States in the first place. More importantly, this allows for, as I see it, new opportunities for the U.S. gulf and east coast ports. Over 60 percent of the goods shipped through

the canal sail to or from the United States. I think they've corrected what needed to be corrected. There is no indication of a loss of American jobs, and I think that's what we should be all about.

As for Colombia, I don't know how anyone could stand in front of the American people and say that Colombia is making progress in terms of stopping the concerted, conspiratorial effort, proven time and time again, of the murder of trade unionists in that country. In fact, there have been no convictions in 94 percent of the cases from 1986 to 2010—6 percent of convictions. I don't know how anybody could stand on this floor, Mr. Speaker, and compare the system of justice there to the system of justice of the United States. Some have suggested, well, we have murders here in this country, too. Of course there are. This is an absolute disgrace. We've lost our soul on this deal, no question about it.

Also, a number of multinational companies didn't want the China currency fixed because it doesn't help their big businesses and their purposes. So let's come to the crux of the issue:

If we'd have put together all the promises that were made to the American workers for the past 25, 30 years on trade deals, we would be very, very disappointed. This deal has come a long way, perhaps, since the last administration, but neither party is privy to perfection here. This is not a one-party rap.

I've read every one of these deals as much as I could, and there are good aspects of the deal, but let's take, for instance, that the United States International Trade Commission does not believe this bill will create jobs. Let me repeat that over and over again.

The SPEAKER. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. PASCRELL. In fact, the updated report they provided to Congress contains a very specific disclaimer that is not an official estimate.

When are we going to stop the hemorrhaging of American jobs? It is part of what we've gone through, both parties, but more importantly, the entire Nation, over the last 4 or 5 years.

Every trade deal does not mean that there are jobs created in this country. In fact, 90 percent of the trade deals have led to a lessening of jobs in the United States of America. So you can't have high hopes, and you don't have the evidence to show it. Let's bring jobs here to this country.

□ 1440

Mr. BRADY of Texas. I yield 2 minutes to the chairman of the Agriculture Committee and a champion of new markets, the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. Mr. Speaker, I rise to voice my support for this free trade agreement with Panama.

Trade agreements open market access to our farmers and ranchers, which brings in valuable income and creates jobs. In my home State of Oklahoma, agricultural exports support more than 10,000 jobs. Across the country, agriculture exports support more than 1 million jobs total. Those jobs aren't confined to the farm either. They stretch across a variety of industries, including processing, manufacturing, and transportation.

In fact, for every dollar of farm products that we export, we add another \$1.31 to our economy from those non-farm industries. That's why it's so important to continue opening markets for American agricultural products.

More than 60 percent of our agricultural exports to Panama face some sort of duty or tariff. Those tariffs average 15 percent; but they can be as high as 70 percent on meat, 90 percent on grain, and a staggering 260 percent on poultry. Meanwhile, more than 99 percent of Panama's farm exports enter the U.S. duty free.

So this agreement will not only create new opportunities for America's farmers and ranchers but it levels the playing field for our exporters. As soon as this agreement is implemented, more than half of our farm exports will become duty free. So we can expect to see immediate opportunities once this agreement is in force.

America's farmers, ranchers, processors, manufacturers and shippers can all benefit from those opportunities. Let's help them expand their businesses and create more jobs. Let's pass this agreement.

Mr. MICHAUD. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman from Maine for yielding.

Mr. Speaker, I am proud to stand here today voicing the concerns of America's workers and rise in opposition to the Panama free trade agreement, as well as the South Korean and Colombian.

Like many others, in terms of Panama, I have expressed concerns about Panama's long history of being a tax haven. Supporters of this NAFTA-style trade deal claim that the Tax Information and Exchange Agreement, or TIEA, that Panama ratified in April of this year wiped away decades of secrecy as a tax haven there. We've been told that Panama's recent removal from the OECD's gray list indicates that it's a fresh start.

Well, I ask, when have the promises made in other NAFTA-style trade deals that have brought us these trade deficits since NAFTA was first signed, when have they ever made good on their agreements?

Public Citizen notes that the 2001 Panama tax agreement, called TIEA, includes a major exception, a major exception that allows Panama to reject

specific requests if it's contrary to the public policy of Panama. Now, that's an interesting concept for a country that derives a significant national income from activities related to being a tax haven.

Time has proven those who oppose these NAFTA-type trade accords correct. They have all been job losers.

Otherwise, America would have a trade balance, but we have a half a trillion dollar trade deficit. Sure we might sell a few more pork chops and a few more soybeans. But, you know what, overall America loses almost all of its GDP growth simply because the growing trade deficit just squashes down the opportunity for job creation in our country. We've seen millions and millions of jobs outsourced.

Let me say a word about the U.S.-Korea trade agreement. It's modeled after NAFTA too; and, again, it's one of these copy-cat agreements. In the last decade alone, these agreements have cost Americans over 6 million jobs, 55,000 plants have been lost, so many outsourced. I mean, what world do you live in if you don't even understand what's happening with job outsourcing to our country between our borders from Atlantic to Pacific.

The SPEAKER pro tempore (Mrs. EMERSON). The time of the gentlewoman has expired.

Mr. MICHAUD. I yield the gentle lady 1 additional minute.

Ms. KAPTUR. I thank the gentleman.

I'm from northern Ohio. Just to clarify what this means for one of America's lodestar industries, here's a little graph that shows how many Korean cars are coming into the United States today, over half a million.

This little dot here represents what the U.S. is selling into the Korean market right now: 7,450 of our cars in that market versus over half a million of their cars sold here. This agreement basically says maybe America could sell 75,000 cars—but there's no guarantee, no guarantee—and if you go to Korea today, you see less than 5 percent of the cars on their streets are from anywhere else in the world. So, you think they're going to be reciprocal?

Theirs is a closed market. When is America going to stand up in its trade policies to state-managed capitalism in these other countries and give our workers and our companies an even break? All this deal says is we might sell—it doesn't say must sell—it says we might sell up to 75,000 cars in that economy, but they're already eating our lunch.

The Economic Policy Institute estimates this agreement will cost us another 159,000 net jobs. And you know, Mr. Speaker, I sure hope they don't come out of Ohio again. I hope they come out of the districts of every single person here who's going to vote for this agreement and cause more job hemorrhaging to this economy.

Mr. LEVIN. I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. I thank the gentleman from Michigan for yielding me some time.

Madam Speaker, I find that sometimes when we talk about issues around here, we hear the same thing we've heard for years and years and years, and sometimes that's a good thing.

But sometimes it's also important to acknowledge that the world is changing. Things are happening. Globalization is a mixed bag, globalization creates opportunities, but it also creates a lot of challenges. As policymakers, what we need to do is look for where we can best position this country to compete in that changing environment.

I rise in support of all three of these agreements, and I will tell you what's going on compared to years ago. The rest of the world's moving on. The rest of the world is opening markets to each other, and U.S. products and U.S. opportunities are being limited by that phenomenon.

For example, in Colombia, 2008, the United States was responsible for 46 percent of all the goods coming into Colombia. But what happened after 2008? Well, Colombia entered into bilateral trade agreements with Argentina and with Brazil, and just 2 short years later, in 2010, the U.S. only had 20 percent of the products that were being shipped into Colombia. That's a pretty big drop. About 25 percent of all the materials coming into that country, the U.S. used to have that market and then we lost it.

We should seek out the fairest deals, the best deals for this country; but we should not be in denial for what's going on in the rest of the world. We should not be in denial about markets opening up elsewhere and the U.S. sitting on its hands and doing nothing.

Now, mind you, in the case of Colombia, in particular, it's already had an opportunity for markets in the U.S. due to the Caribbean Basin Initiative. Their goods have been coming here duty free for years. We have an opportunity now to level that playing field.

So I encourage my colleagues to recognize where we are in 2011 and the circumstances we are in and what other countries in the world are doing to respond to the opportunities presented by globalization and dealing with mitigating the problems. I encourage you to vote for all three of these trade agreements.

Mr. BRADY of Texas. I yield myself 10 seconds.

I would point out in manufacturing we actually run a trade surplus with our trading partners, including NAFTA, selling much more products there. It's our trade deficit with our nontrade agreement partners that we have troubles with. Panama is a surplus for America.

I now yield 2 minutes to a key member of the Ways and Means Committee, who has helped lead the freshman class in opening new markets and finding new customers, the gentleman from New York (Mr. REED).

□ 1450

Mr. REED. Madam Speaker, I rise today in strong support of all three free trade agreements we will be voting on this evening. This is a great day. We are talking about, with the passage of these free trade agreements, approximately 250,000 new jobs across America. Those are new jobs that will put families back to work. They'll put roofs over their heads, put food on their tables, and allow them to enjoy the American Dream.

I rise in particular in regards to the U.S.-Panama agreement. Some of my colleagues, Madam Speaker, have argued that free trade has forced a lot of our manufacturing and industrial jobs to go overseas. Well, one of the facts of the circumstances can be illustrated by what's going on with U.S.-Panama. Right now our goods, as they go into Panama, face up to a 260 percent tariff at its borders. Yet the imports coming from Panama to America, because of the Caribbean Basin Initiative and the Caribbean Basin Trade Partnership Act, come to us duty free. That is an uneven playing field.

What these free trade agreements do, in my humble opinion, is even the playing field so that American workers can compete on an equal and level playing field. And if that is the case, I'm confident that the American worker and American families will always win in that competition. So I strongly support these trade agreements.

It's amazing to me that it has taken 5 years to get these agreements to this Chamber; but rather than point fingers at who caused what and what the reasons for those delays were, I always will look to the future. And what these agreements will represent is a step in the right direction of getting America back in a position where it competes in the world market and once again rises up and says we are the strongest, we are the best, and we will create 250,000 new jobs.

Mr. LEVIN. I yield 2½ minutes to a new parent who is bringing a picture of his new son with him to the podium, Mr. POLIS of Colorado.

Mr. POLIS. I thank the gentleman from Michigan.

Today I am pleased to see that Congress is finally focused on America's top priority, jobs. As economic experts from across the ideological spectrum have made clear, these trade agreements with Panama, Colombia, and South Korea will create jobs for Americans. In fact, the White House has said these deals will create 70,000 new jobs for Americans at a time when we need them. That's why I intend to vote for all three agreements.

I'm also going to vote "yes" because these trade pacts will help put money back in the pockets of hardworking Americans. By lifting the aggressive tariffs on many commonly purchased clothing and household items, we can cut the prices of essentials that every family needs. Tariffs are essentially like a sales tax on imported goods, and like sales taxes in many States, they're regressive.

Most U.S. imports today come into this country duty free, but a small amount of items that many Americans use, like sneakers and clothing and other household items, come with a tariff that's much higher than many luxury items. For example, a pair of fancy Italian loafers has a tariff of only 8.5 percent, but a pair of affordable sneakers that moms and dads buy for their kids when they're heading back to school carry a tariff that increases their price by 50 percent. Thrifty cotton and polyester work shirts carry a 16 and 32 percent tariff, but a silk Armani shirt comes with only a 1 percent tariff. Not only are these regressive tariffs hard on the middle class, but they hurt American businesses.

Many businesses in my district can expand their operations and hire more workers with these three trade agreements. For example, in my district alone, four businesses that export electronics, building materials, and foods pay hundreds of thousands of dollars in tariffs just to the Colombian Government. That translates into jobs in my district.

Most importantly, as the gentleman from Michigan mentioned, as a new father, I think about the kind of world I want my son to grow up in. I want a world that reduces barriers between ideas, between people, and between the flow of goods and services so that we can fully embrace our brothers and sisters in Colombia, our brothers and sisters in South Korea, our brothers and sisters in Panama and, indeed, across the world to build a common greatness of humanity that manifests itself economically through the flow of goods and services, culturally, and of course to better establish the greatness of global culture.

Congress should pass these three trade agreements. I'm proud to support all three of these job-creating free trade agreements. I compliment President Obama on his leadership for bringing these deals before us, and I encourage my colleagues to vote "yes" to create jobs in America.

Mr. BRADY of Texas. Madam Speaker, I would like to inquire as to how many speakers we have remaining, if I may.

Mr. MICHAUD. I have one more, plus I will be closing.

Mr. LEVIN. I will close on our side.

Mr. BRADY of Texas. We have two more and then closing.

At this time I would like to yield 1 minute to the gentleman from New

Jersey (Mr. FRELINGHUYSEN), the chairman of the Energy and Water Subcommittee for Appropriations.

Mr. FRELINGHUYSEN. I thank the chairman for yielding.

Madam Speaker, I rise in strong support of the three free trade agreements with Panama, Colombia, and South Korea. Frankly, it is about time they have come to the House for action. Studies have shown that further delays on these three trade agreements would put 380,000 American jobs at risk; whereas, passing them will create over a quarter of a million new jobs and add \$13 billion to our gross domestic product.

The latest data shows 130,000 jobs in New Jersey depend on international trade. Of these, 50,000 are manufacturing jobs. Approximately one out of every six manufacturing jobs in New Jersey is directly related to global trade. We need more activity on the trade export agenda, and these free trade agreements will produce many, many hundreds of thousands of jobs. We need to get about it. Let's act on it. I strongly support it.

Mr. MICHAUD. Madam Speaker, may I inquire how much time remains on all sides?

The SPEAKER pro tempore. The gentleman from Maine has 9½ minutes remaining, the gentleman from Michigan has 3 minutes remaining, and the gentleman from Texas has 3¾ minutes remaining.

Mr. MICHAUD. I now would like to yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. The United States of America has failed trade policies. They are unlike any other in the world. And I guess the question before this body today should be: Will these trade policies create jobs? The answer is yes. Will they create jobs in America? The answer is no.

Like all the other free trade agreements we've entered into, these are designed to benefit multinational companies seeking cheap labor and fewer restrictions in terms of the environment and labor protections and other things overseas. That's what these are about. They're also about transshipment of goods with the low content requirement in Korea. Yeah, goods will be cheaper. Made in China, maybe made by slave labor in North Korea, those will be really cheap.

American consumers who don't have jobs will benefit from this. No, American consumers would benefit a heck of a lot more if their neighbors had jobs, if they had jobs and if our kids had a future. Passing more of these free trade agreements, which has led to this sea of red ink, isn't going to fix the problem.

Directly before us now is Panama. Now, Panama has a very interesting economy, mostly bolstered by being a tax haven and money laundering cen-

ter. Now, the agreement that we're voting on doesn't prohibit that, but there's a separate agreement entered into by the administration that will go into effect a year from now. It doesn't require an automatic exchange of tax information between the U.S. and Panama, unlike other countries where we have these sorts of agreements. We must know what we want and submit detailed information to Panama, and Panama might or might not honor that request; i.e., we submit a request for drug money laundering. They say, "You have to be more specific."

"Name the drug money people's deposits."

"Well, we can't do that."

"All right. Forget about it."

We can name them. Good. But then Panama says they won't give us the information if it is contradictory to their public policy; i.e., the way they make a living, by being the largest Western Hemisphere haven for the laundering of drug money, as a tax haven, and also terrorist money in recent cases. We're going to facilitate that with this agreement.

Somehow, a country with 3.5 million people, about the same size as my State but a much lower income per capita, has 400,000 corporations domiciled there, almost one for every Panamanian.

□ 1500

No, these aren't really domiciled there. They're very conveniently avoiding our laws and the laws of other advanced nations around the world.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MICHAUD. I yield the gentleman an additional 30 seconds.

Mr. DEFAZIO. As I said yesterday on Colombia, the noted economist Joseph Stiglitz says that our agriculture—yes, we'll get a few agriculture jobs—will displace traditional agriculture in Colombia, causing huge disruptions in that country, driving people to produce more coca. But don't worry. Right next door, the Colombian drug lords will be able to deposit their money and not have to worry about the U.S. finding out about it—right next door in Panama. How convenient.

This is really a great series of trade agreements.

Mr. BRADY of Texas. Madam Speaker, I am proud to yield 1 minute to a freshman lawmaker who represents a region of Texas where international trade means jobs, the gentleman from Texas (Mr. CANSECO).

Mr. CANSECO. I rise in strong support of the Panama free trade agreement. Like the Colombian agreement, this agreement has been pending for far too long. And I thank the leadership of Chairmen BRADY, DREIER, and CAMP.

At a time when unemployment is hovering above 9 percent, the Panama free trade agreement will be a welcome

shot in the arm to help the U.S. economy. The International Trade Commission's analysis shows that the Panama agreement will boost U.S. exports to Panama for key products between 9 percent and 145 percent. This will mean thousands of new jobs here at home. The Commerce Department has estimated that every \$1 billion in exports creates 6,000 new jobs.

This agreement will benefit all sectors of the American economy, from agricultural to financial services to manufacturing. It does so by leveling the playing field for American exporters who currently face tariffs of up to 260 percent while Panama exports face virtually no tariffs in the United States.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRADY of Texas. I yield the gentleman an additional 15 seconds.

Mr. CANSECO. Fundamentally, this agreement is about the economic freedom of the American people to be able to have a wide array of choices and pay less for those choices because of the power of trade and competition.

Mr. MICHAUD. Madam Speaker, is the chairman prepared to close?

Mr. BRADY of Texas. Yes, I am.

Mr. MICHAUD. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Maine is recognized for up to 6 minutes.

Mr. MICHAUD. On the House floor today, we are considering three trade agreements: the FTA with Korea, which manipulates its currency; the FTA with Colombia, the labor unionist murder capital of the world; and the FTA with Panama, which has one of the smallest populations in Latin America.

At a time of 9 percent unemployment, why are we even considering these trade agreements? We should not be advancing the failed NAFTA-style trade policy when millions of Americans are still out of work. Instead, we should be considering legislation that will create jobs here at home.

The American people were pretty clear in 2008 when they voted for hope and change, and they were even clearer in 2010 when they voted in a new generation of lawmakers to set Washington straight. Both times, Americans voted against the inside-the-beltway perspective and for Representatives and a President they thought would take the country in a different direction. Both times, despite these signals from the American people, the White House and Congress have ignored them, and Washington remains as beholden to Wall Street and as detached from Main Street as ever.

In a poll done by NBC and the Wall Street Journal last year, the majority of Americans said that they thought the FTAs had been bad for the country. Given that they're so unpopular, why

on Earth would the President send these agreements up to Congress right now? Well, you only have to look at the President's economic advisers to find out.

Since elected, the President has surrounded himself with advisers from Wall Street banks, with CEOs from companies that don't pay taxes, and with staffers who pushed the NAFTA-style trade agreement under Clinton. Those advisers don't bring fresh perspectives to the White House. They bring more of the same corporate priorities that have caused the current and previous White House administrations to turn a blind eye while the big banks played roulette with our pensions and mortgages and then asked for a taxpayer bailout.

The Panama free trade agreement is another example of Washington's corporate priorities. Panama's GDP is about \$25 billion. That's about the same GDP as the city of Portland, Maine. The entire country has a population of 3.4 million. We have three times as many people in the United States on unemployment lists alone. And this agreement does nothing for those 14 million Americans without jobs.

Panama simply isn't a significant market opportunity for U.S. exports, and this FTA won't do anything to reduce our 9 percent unemployment. But the big companies and the big banks want it, so President Obama is going to give in to the Washington elites once again.

The working people and the middle class don't want these trade agreements—not with Panama, not with Korea, and not with Colombia. They want good-paying jobs that allow them to provide for their families. They want a government to pass laws to help get the economy going again. They don't want another NAFTA-style trade agreement, and they definitely don't want any more Wall Street-centric, beltway-based policies from the White House or Congress. They want Washington to wake up and they want the hope and change that they voted for. How much clearer could the American people be? They want policies written by citizens, not by chief executives. They want leaders to listen to town halls, not wealthy tycoons. They want change, not more of the same.

I call on my colleagues who were sent here in 2010 with a mandate of change to work with me. Vote against these trade deals, which will cost us more than \$7 billion. I call on my colleagues on the Democratic side to remember we have always been the party of the working people. We must vote against these NAFTA-style trade agreements. These agreements are unjust to the American people.

I urge a "no" vote on all three of these trade agreements.

I yield back the balance of my time.

Mr. LEVIN. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for up to 3 minutes.

Mr. LEVIN. First, let me speak as someone who opposed, actively, the NAFTA agreement and led the effort in this House in opposition to CAFTA. This is, in terms of worker rights, the opposite of NAFTA and CAFTA. What this does is to embody the basic international worker rights enforceable in the trade agreement. Peru was the breakthrough, and Panama continues along that pioneering path.

Secondly, on Panama, why are we here? Panama acted to change its labor laws before we voted, as was true for Peru. We pointed out the deficiencies in their laws and I discussed them with the previous administration in Panama. But neither it nor the Bush administration was willing to make sure action occurred.

□ 1510

Now those changes have been made as to companies less than 2 years. Those changes have been made in terms of the economic processing zones, and they have prohibited bypassing unions by direct negotiations with non-unionized workers—unfortunately, not true in Colombia. Look, on the tax haven, they signed the TIEA. We asked them to do that, and that's precisely what they have done.

In terms of investment, this bill strengthens the present status quo in terms of investment protections for the United States communities.

So, in a word, we have a bill before us that meets the requirements that we set out when we said to the Bush administration, we will not take up Panama until changes have been made. Those changes have now indeed been made in terms of worker rights, in terms of strengthening investment, in terms of ending Panama as a tax haven. Those changes having been made, I urge support of this FTA.

I yield back the balance of my time.

Mr. BRADY of Texas. Madam Speaker, to close, I am proud to yield the balance of my time to a champion for job creation in America, the majority leader of the House, Mr. CANTOR.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for up to 2½ minutes.

Mr. CANTOR. I thank the gentleman from Texas.

Madam Speaker, our current economic environment has left millions of Americans without the hope of a brighter future. The constant threat of tax increases and the continued threat of excessive regulations coming from this administration sends the wrong signal to our entrepreneurs, our investors, and our small business people, the very people we need to create jobs. It sends the signal that America is not

open for business. And there is a sense that we may be falling behind other nations in the global marketplace.

We face big challenges, but America has always stood up when times were tough. We are a country of entrepreneurs and innovators. Madam Speaker, it is time to energize our small businesses and job creators and get the economy growing again.

When House Republicans released our plan for America's job creators, we outlined our ideas to get our economy back on track, to promote an environment for job creation, and to ensure America remains the land for opportunity without raising taxes or adding to the deficit. And part of that plan was passage of the free trade agreements with Colombia—yes, Panama, and yes, South Korea.

But our support for passing these agreements is not new. On December 22, 2009, I, along with other House Republican leaders, wrote to President Obama outlining what we called the "No Cost Jobs Plan." In that letter, we noted that passage of these trade agreements would, according to experts, increase exports by 1 percent. That 1 percent increase in exports equates to a quarter of a million new jobs. We noted in our letter that the only thing standing in the way of creating those jobs was for the President to submit the trade agreements to Congress for approval. Since then, we have repeatedly called on the President to move forward with these agreements so we can clear the way for thousands of new jobs and create an environment for economic growth. Nearly 2½ years later, on October 3, the President finally submitted all three agreements.

I am glad that the administration has recognized the importance of expanding market access for American companies, both small and large. As majority leader, I introduced all three agreements the very same day the President submitted them, and I am pleased today that the House will approve all three agreements.

By moving forward on these agreements, Madam Speaker, we will help manufacturers in my home State of Virginia and those across the country increase exports and increase production. The more manufacturers produce, the more workers they need, and that means more jobs.

Our action today is proof that when we look for common ground and work together, we can produce results. I'd also like to note that today, Madam Speaker, the House is acting on another bill that is part of the President's jobs plan. The House will pass the VOW Act, the Veterans Opportunity to Work Act, to help our soldiers and veterans with the challenges of reentering the workforce.

Madam Speaker, there is no more time to waste. We have said over and over again that we should not let our

differences get in the way of producing results, and we want to find common ground so that we can work together to improve the economy. I hope today's action will encourage the Senate and the President to join us in helping to pass these trade agreements and other pro-growth measures to help the American people get back to work.

Ms. ROS-LEHTINEN. Madam Speaker, I rise in strong support of the U.S.-Panama Free Trade Agreement.

We have been waiting to vote on this agreement since it was first signed in 2007, which means four years of lost opportunities.

But now we have a chance to repair that damage.

In the past year alone, Panama's economy grew 6.2 percent, making it one of the fast growing in Latin America and an expanding opportunity for American exporters.

Panama is already among Miami-Dade county's top 25 trading partners, and Florida as a whole ranks number one among the 50 States in exports to that country.

These figures will only increase once the FTA has been approved and American businesses no longer face heavy tariffs and other artificial barriers to trade.

Currently, U.S. industrial exports face an average tariff of 7 percent, with some tariffs as high as 81 percent.

Once this agreement goes into effect, 87 percent of all U.S. goods exported to Panama will become duty-free immediately.

In the past 4 years since the U.S.-Panama Free Trade Agreement was signed, American companies have paid millions upon millions of dollars in tariffs to the Panamanian government.

Those are dollars needlessly spent by U.S. businesses, which they could have used for investments and expansion here in the U.S. instead of paying fees to a foreign government.

Approval of the U.S.-Panama FTA will eliminate this transfer of wealth, increase U.S. exports, and create new jobs here at home that so many Americans are desperately searching for.

The agreement also has many other provisions of importance to U.S. businesses, especially strengthening intellectual property rights, which are under assault around the world.

In addition to the potential economic growth stemming from this agreement, Panama is a key strategic ally in the region.

Ever since the Panama Canal was completed a century ago, Panama's importance to the U.S. has only increased as a major transportation route, with two-thirds of its traffic consisting of shipments between our west and east coasts.

For these many reasons—expanded exports, increased jobs, and closer ties with a strategic ally—I strongly urge my colleagues on both sides of the aisle to vote in favor of the U.S.-Panama Free Trade Agreement.

Mr. KUCINICH. Madam Speaker, I rise in strong opposition to H.R. 3079, the United States-Panama Trade Implementation Act.

OPPOSING NAFTA-STYLE TRADE POLICIES

With all the talk this Congress about addressing the deficit, you might think that Democrat and Republican supporters of these

agreements would be even more concerned about a larger deficit that is responsible for the displacement of thousands of American jobs—the trade deficit.

Our rapidly increasing trade deficits with countries like China and Mexico have displaced millions of jobs over the past decade. According to Economic Policy Institute (EPI), the U.S.-China Free Trade Agreement resulted in the displacement of over 2.3 million American workers between 2001 and 2007, as a direct result of the increase in China trade deficits. U.S. producers of apparel, steel and technology (parts) have been the industries most significantly impacted by imports from China. Two-thirds of those jobs displaced were in the manufacturing sector—resulting in the outsourcing of hundreds of thousands of American jobs in the computer and electronic parts, apparel and accessories and fabricated metal production sectors.

It is these same industries that will be further affected by the proposed trade deals with Korea, Panama and Colombia.

Yet today we are considering NAFTA-style free trade agreements that are projected to continue in this tradition. Those of us who were in Congress during the debates on NAFTA and CAFTA have heard the promises of more jobs and economic opportunity from supporters of free trade. These promises have never materialized.

NAFTA's record is clear: it is negative for jobs, negative for democracy and negative for the environment.

PANAMA FREE TRADE AGREEMENT: GOOD FOR MULTINATIONAL CORPORATIONS, BAD FOR THE RULE OF LAW

Madam Speaker, the Panama trade agreement is good for multinational corporations and bad for the rule of law.

An April 2009 report by Public Citizen on the Panama trade agreement found that it would undermine U.S. efforts to stop offshore tax-haven abuse and undermine financial regulations.

Among the key findings: some of the corporations who were the largest recipients of U.S. federal procurement contracts and money under the Troubled Asset Relief Program—including Citigroup—have dozens of subsidiaries in Panama that would be granted expansive new rights under this trade agreement. So firms that were bailed out with U.S. taxpayer dollars, like AIG and Citigroup, are being rewarded with a trade agreement that undermines U.S. efforts to stop offshore tax-haven abuse.

As Public Citizen notes, "Panama's tiny economy provides no prospects for significant U.S. economic gains. Panama's total annual GDP is about 6 percent of Washington, D.C." Like NAFTA, this trade agreement includes provisions that allow investors to challenge the U.S. government in international courts—and demand U.S. taxpayer compensation—for U.S. policies that conflict with their expansive rights under the FTA to "free transfers" (i.e.: conflict with their bottom line).

At a time when we should be focusing on strengthening worker's rights and investing in domestic manufacturing and infrastructure and job creation, a trade deal with Panama that is unlikely to have any significant effect at all on creating jobs or increasing imports is the wrong way to go.

It is abundantly clear that this trade agreement is not about expanding opportunity for the American worker, but about expanding opportunity for multinational corporations and their subsidiaries. Just like NAFTA.

REWARDING PANAMA FOR ITS FAILURE TO ABIDE BY INTERNATIONAL TAX NORMS

With the Panama trade agreement, we are rewarding a country for failing to abide by even the minimum transparency standards for tax norms. An April 2009 tax-haven watch list by the Organization of Economic Cooperation and Development (OECD) cites Panama as one of thirty countries that agreed to conform to international tax norms but failed to do so. The OECD reports that Panama made such a commitment in 2002 and has not since completed a single agreement to fulfill its commitment.

According to Public Citizen, Panama is "one of only 13 countries—and the only current or prospective FTA partner—that is listed on all of the major tax-haven watchdog lists that does not also have U.S. tax transparency treaties."

If you're still not convinced to vote against the Panama trade agreement, this laundry list from Public Citizen may help: The Panama trade agreement "includes extreme foreign investor privileges, and offshoring protections and their private enforcement in international tribunals, limits on financial and other service sector regulation, a ban on Buy America procurement preferences, limits on environmental safeguards and imported food and product safety, and drug patent rules that limit generics."

The AFL-CIO correctly notes that with this agreement, we are rewarding "a country that has a history of repressing labor rights and has achieved much of its economic growth by making it easy for money launderers and tax dodgers to hide their income from legitimate authorities."

I urge my colleagues to join me in opposing the Panama free trade agreement.

LABOR RIGHTS IN PANAMA

The rights of workers, which have increasingly come under attack in this country, are also at risk under these NAFTA-style trade agreements.

In Panama, a 2010 State Department Human Rights report notes that "the government lacked sufficient mechanisms to ensure that laws prohibiting employer interference in unions and protecting workers from employer reprisals were adequately enforced."

We should not be entering into a trade agreement with a country that has yet to demonstrate its ability to uphold international standards for labor rights and financial regulation. We cannot afford to reward corporations for offshoring jobs and tax-evasion at a time of historic budget constraints.

Panama's track record on fulfilling its promises is clear: just as it failed to adequately address its status as a tax-haven wonderland; it too has failed in its promise to adequately protect its workers from reprisals due to union activity.

JOB LOSS UNDER NAFTA

It is undisputable that NAFTA has led to widespread job loss across this country. In a report titled "Heading South: U.S.-Mexico trade and job displacement after NAFTA," EPI

estimates that the U.S. trade deficit with Mexico totaling \$97.2 billion has displaced nearly 700,000 U.S. jobs. This number takes into account any jobs that were created through U.S. exports to Mexico. Like NAFTA, the Korea and Colombia FTAs are expected to result in the loss of over 200,000 jobs and increase our trade deficit by \$16.9 billion.

The majority of those jobs were in the manufacturing sector. Like Korea, much of our trade with Mexico is in the same industries that took a big hit under NAFTA.

We cannot have a strong economy without a strong manufacturing base. Any investments this Congress makes to rebuild our infrastructure and our domestic manufacturing sector would be significantly undermined by the passage of the three free trade agreements we are considering today. NAFTA-style free trade agreements that rapidly increase our trade deficit and lead to the further diminishment of our manufacturing employment base are not the answer.

"WHITE-COLLAR SERVICE JOBS" VULNERABLE TO BEING OFFSHORED

NAFTA-style trade policies are not just destructive to our domestic manufacturing and textile sectors. So called "White-Collar" service jobs are now some of the jobs most vulnerable to offshoring.

Alan S. Binder, a former Clinton advisor and member of the Board of Governors of the Federal Reserve—and supporter of free trade—came up with a list of the top 100 jobs that are most likely to be offshored over the next 10–20 years as a result of our free trade policies. Those jobs include computer programmers, mathematicians, editors, actuaries and even economists. A 2007 paper by the Economic Policy Institute took the research one step further and found that the demographic most vulnerable to offshoring are persons with at least a four-year college degree.

Since the era of the WTO and NAFTA, U.S. wages have been stagnant and barely increased since 1973. Workers in the manufacturing sector displaced by our trade policies and looking for new work will be forced to go into service fields with even lower wages where jobs are not threatened to be offshored, such as in food service and hospitality.

Our \$776 billion trade deficit has already displaced hundreds of thousands of American workers. It is time to end expansion of NAFTA to other countries. We have over a decade of evidence and the evidence is clear: this free trade model is damaging for our economy, our workers, the environment and for global economic security. It is time for fair trade, not free trade.

Mr. KUCINICH. Madam Speaker, I rise in strong opposition to H.R. 3079, the United States-Panama Trade Implementation Act.

With our nation's unemployment rate continuing to hover around 9 percent, it is unconscionable that we are considering NAFTA-clone free trade agreements that will further facilitate the outsourcing of American jobs and undermine the rights of American workers. Proponents of free trade agreements like to purport that they are good for the U.S. economy and will create jobs. But history is on the side of those of us who opposed NAFTA, CAFTA and other damaging trade agreements over the last decade.

Free trade agreements play a significant role in exacerbating the negative effects of globalization, including the rapid privatization of vital public resources. They have resulted in the loss of domestic jobs and manufacturing industries and in significant decreases to labor and environmental standards. In addition, FTAs result in significant job loss and privatization of labor-intensive industries for the countries we enter in trade agreements with. Unionizing in countries like Mexico and Colombia has resulted in death or imprisonment of union leaders.

Every state in this country has been affected negatively by our destructive trade policies. The Economic Policy Institute estimates that nearly 700,000 U.S. jobs have been displaced since the passage of NAFTA in the 1990s. The majority of the jobs displaced—60 percent—were in the manufacturing sector. My home State of Ohio is one of the top ten states with the most jobs displaced by NAFTA, having lost 34,900 jobs. Our rapidly increasing trade deficits with countries like China has resulted in the loss over 5 million jobs over the past decade. Of that 5 million, the State of Ohio has lost 103,000 jobs as a result of the increase in our trade deficit with China.

This is not a debate about being for trade or against trade as some of my colleagues have framed it. This is a debate about learning from the free trade policies we have pursued over the last decade that have proven to be significantly damaging to the American economy and American workers. The numbers speak for themselves.

I urge my colleagues to oppose this agreement.

PANAMA IS A TAX HAVEN

Panama is one of the world's worst tax havens, allowing rich U.S. individuals and corporations to skirt their responsibility to pay taxes that are vital to the local communities that depend on those revenues. The U.S.-Panama free trade agreement does nothing to address this issue. At a time when potentially damaging austerity measures are being proposed to balance the budget, we should not be considering a free trade agreement that fails to deal with an issue critical to addressing our deficit.

This FTA includes provisions that even undermine our own laws to combat tax haven activity. Public Citizen's Global Trade Watch reports that the "FTA's Services, Financial Services and Investment Chapters include provisions that forbid limits on transfers of money between the U.S. and Panama. Yet, such limits are the strongest tools that the U.S. has to enforce policies aimed at stopping international tax avoidance."

Many have cited a tax treaty signed by Panama earlier this year as a reason to support the Panama-FTA and dismiss the concerns of Panama as a tax haven. In reality, the agreement (the "Tax Information Exchange Agreement") fails to hold Panama and corporations accountable for tax evasion. The agreement only requires Panama to stop refusing to provide information to U.S. officials in specific cases if U.S. officials know to inquire. It also includes a significant exception which allows Panama to reject requests for information if it is "contrary to the national interest."

By passing this free trade agreement, we are rewarding and condoning corporations

who offshore jobs and practice international tax avoidance—practices that significantly hurt American workers and the American economy.

BUY AMERICAN PROVISIONS—AND U.S. WORKERS—UNDERMINED

The U.S.-Panama FTA requires the U.S. to waive Buy America requirements for all Panamanian-incorporated firms, and even many Chinese and other foreign firms incorporated in Panama that are there to exploit the tax system. This means that work that should go to U.S. workers can be offshored because of rules which forbid Buy America preferences requiring U.S. employees to perform contract work by a federal agency in the federal procurement process. According to Global Trade Watch, the U.S. would be waiving Buy America requirements for "trillions in U.S. government contracts for any corporations established in Panama and in exchange would get almost no new procurement contract opportunities in Panama for U.S. companies."

If you support the NAFTA tradition of weakening offshore protections, limiting financial service regulations, banning Buy America procurement preferences, limiting environmental, food and product safety safeguards, and the undermining U.S. workers and our economy, than this is your agreement.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 425, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BRADY of Texas. Madam Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

UNITED STATES-KOREA FREE TRADE AGREEMENT IMPLEMENTATION ACT

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 3080) to implement the United States-Korea Free Trade Agreement will now resume.

The Clerk read the title of the bill.

Mr. CAMP. Madam Speaker, I yield 2 minutes to the distinguished member of the Ways and Means Committee, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. I rise in support of all three of these very important agreements because they promote U.S. engagement in strategically important countries around the world. Also, they promote U.S. leadership. They open new markets for American farmers,

ranchers, and businesses. This means American jobs, good-paying American jobs. These agreements constitute a signature jobs bill, a jobs promotion bill.

South Korea is a critical U.S. ally in Asia and one of the fastest growing economies in the world. Multiple agreements have occurred throughout Asia over the past few years while America sat on the sidelines. This agreement is the largest free trade agreement for the U.S. and could result in an increase of our exports by \$9.7 billion, according to the International Trade Commission, by lowering tariffs and other barriers to U.S. goods and services. We must pass this agreement in order to gain leverage in Asia and to show support for one of our key allies in Asia.

This expansion of U.S. engagement will serve as a platform to build further commercial relationships, creating more jobs for American workers by opening new markets. Upon implementation, more than one-third of Louisiana's exports will be duty free, and that's just a starting point. This alone will give Louisiana companies a significant advantage over similar products made in countries that don't have an FTA with South Korea.

We know small and medium-size businesses are the key to creating new jobs. Over 18,500 companies of this size, small and medium companies, export to South Korea. And they will be able to grow and hire new workers here in the United States, right here at home.

□ 1520

These agreements are about creating jobs. In fact, President Obama estimates that the passage of these bills will create over 250,000 new jobs right here at home as a starting point.

Madam Speaker, I urge voting to promote all of these agreements because it will promote American competitiveness and American jobs. It will promote American credibility with our trading allies. It will promote American confidence in our international engagement. And it will promote American leverage as we work with our trading partners. And most importantly, it will promote American leadership in the 21st century.

Mr. LEVIN. I yield 3 minutes to the gentleman from Washington (Mr. McDERMOTT), ranking member on Trade.

Mr. McDERMOTT. Madam Speaker, I rise in support of the Korean free trade agreement.

We should all be proud of Korea. We created Korea. Our troops went to Korea at the beginning of the Korean War and saved South Korea from becoming North Korea. That's how the Koreans look at it.

I took a trip with the Commerce Secretary, Gary Locke, who's now the Ambassador to China. And the Koreans

said, we're very grateful and we want to have this relationship with you. And they have come—because we opened our markets to them, they are the most successful country in Asia in coming from nowhere to an average income of around \$33,000 per person.

Now, making an agreement with them is making an agreement more with an equal. And when we went from Seattle, we know about our regional relationship with them, we are the third-largest State exporter to Korea. In 2010, Washington State exported more than \$55 billion worth of goods; more than half of all that went to Asia. Hundreds of thousands of jobs in my State depend on this trade relationship. So this is not something where we're going to lose jobs.

I believe it's important to move ahead because I think it's equally important to move ahead right. And what is amazing is how the Bush administration went into this thing and never figured out the biggest problem, that it was a one-way trading operation. We said to them, send us anything you want, and they did. And now we were going to go for an agreement where we were going to turn it around and say, we're going to send some things to you.

The Bush administration ignored that. Had it not been for CHARLIE RANGEL and SANDY LEVIN and the Democrats, we would never have gotten them to sit down and renegotiate. They didn't want to reopen. They had actually passed it and felt badly, and kind of—they lost some face because we didn't respond. But we said, no, it's not good enough. So we brought this agreement back and got an agreement that is much fairer and much more equitably deals with our economy, particularly our automobile industry, but also beef and some other things.

And this is an agreement between equals. This is not going out looking for cheap labor. They were that once. Back in the mid-1950s, when we said send us anything, they made all the textiles. They were the textile bunch. But they don't make textiles anymore. That's not what they're doing. They're dealing with high-end exports. And we have to have an agreement with them that makes it possible for us to have a level playing field.

This agreement does it, and from that point of view, I think this is one that everybody can support. I urge my colleagues to support this free trade agreement with the People's Republic of Korea.

Mr. MICHAUD. Madam Speaker, I yield myself 15 seconds.

In response to the two previous speakers, I just want to highlight at this time the lunch bucket that I carried with me for over 29 years at Great Northern Paper Company in the mill. The Korea free trade agreement is bad for the workers who carry a lunch bucket similar to this.

At this time I would like to yield 1 minute to the gentlewoman from California (Ms. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to speak in opposition to this fatally flawed trade agreement. During a time when our top priority should be job creation, Congress is instead considering free trade agreements that will ship more American jobs overseas.

Making matters worse, we need to make sure that our current trade laws are being enforced. This Korea FTA will allow China to dump even more cheap goods into the U.S. without paying proper duties. And we're not talking about just a couple of dollars here either.

Chinese companies fraudulently labeled many of their products as "Made in Korea" to the tune of \$153 million last year. This fraud will mean lost jobs and lost revenue here in the United States. If this agreement passes, more Chinese companies will ignore our trade laws. I think we can all agree that we should be working toward supporting our manufacturing sector, not making it easier for China to cheat us.

Working families in this country deserve better than this flawed agreement. For that reason, I'm urging my colleagues to vote against it.

Mr. CAMP. I yield 1 minute to the gentleman from Texas (Mr. MARCHANT), a distinguished member of the Ways and Means Committee.

Mr. MARCHANT. Madam Speaker, I rise today in support of these free trade agreements. Simply put, the trade agreements create more jobs, increase exports, and broaden economic growth. At a time when the United States unemployment hovers around 9 percent, including 8½ percent in Texas, engines of job growth are needed.

As the independent International Trade Commission points out, the three trade agreements would increase U.S. exports by \$13 billion. While more jobs are good news for the country as a whole, Texas, in particular, stands to benefit from increased trade. In today's globalized economy, Texas depends more than ever on world exports.

Businesses in the Dallas-Fort Worth area are positioned for big gains. DFW Airport, one of the world's leading trade gateways, already handles almost 65 percent of all international air cargo in Texas. The trade agreements would increase shipments of goods from DFW to some of the most lucrative Latin American and Asian markets.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 15 seconds.

Mr. MARCHANT. DFW alone has five direct flights every week to South Korea. Madam Speaker, I am in support of the trade agreements.

Mr. LEVIN. Madam Speaker, I yield 2 minutes to the gentleman from the

great State of Oregon (Mr. BLUMENAUER), another distinguished member of our committee.

Mr. BLUMENAUER. On balance, the package of measures moving forward is a constructive development for America's economy, and particularly for my State of Oregon. The people I represent will see increased sales abroad of machinery, technology, and agricultural products. This, in turn, will lead to increased activity at our ports. Beef exports from Oregon will increase to help our State's farmers and ranchers. Services ranging from engineering, design, to the legal sector, all will increase. The Korean free trade agreement means jobs for Oregonians.

Some people have complained this process took too long, but I commend this administration and, particularly, my colleague, Mr. LEVIN, who didn't rush to approve trade deals that weren't good enough. Dramatic improvements have been made to the Korean free trade agreement where blatant unfairness towards American automobile sales in Korea have been addressed. Indeed, this agreement is now supported by the American workers who make cars. And I commend Mr. LEVIN for his untiring efforts.

In total, these agreements represent improvements that we can build upon, but do not signal that we can relax our efforts. There's more that can be done. We need to redouble our efforts to ensure the benefits of trade are more widely distributed, and in the spirit with which we discussed today, that they, in fact, are enforced.

I've been encouraged by the renewed commitment to use the tools as they're supposed to be. I was pleased the Senate has acted on Chinese currency manipulation, and that the administration's decision to impose tariffs on illegal Chinese activity in the tire market was sustained by the WTO. I look forward to helping ensure a continued focus on appropriate trade enforcement.

Our economy has grown increasingly interdependent around the world, especially in Oregon. Our best efforts are needed to make sure we realize the promise of international trade. It is not a one-way street. The years spent to improve these agreements were an important step in that direction.

□ 1530

Mr. MICHAUD. Madam Speaker, the Korea trade agreement is bad for workers who carry a lunch bucket like this one.

At this time I would like to yield 1½ minutes to the gentleman from North Carolina (Mr. KISSELL).

Mr. KISSELL. Madam Speaker, I rise in strong opposition to the Korean free trade agreement, and I want to make two points. One, Korea is a very important ally, a good friend of ours. It's just that their name is on the latest of

these NAFTA-type template deals that we've been asked to pass. Two, I love exports, but if you look at our trade deficit, you've got to figure out that we don't know how to get our exports higher than our imports, not even get close.

I want to talk about the textile industry today. I spent 27 years of my life working in textiles. Hundreds of thousands of good Americans were working there. Their only mistake was in believing their American Dream could be fulfilled in an industry that our government decided to give away in trade deals. Now we're at it again. The South Korean free trade agreement will eliminate around 40,000 textile jobs. How much more can one industry be asked to give? They give good solid jobs, and, once again, we give those jobs away.

We heard last week the average American working family is now effectively down to a standard of living of the mid-1990s. I simply ask this question: How much more of the American Dream of our American working families should they have to give up, have to delay, until we figure out how to get this right, until we quit trying to give our jobs away to other parts of the world and we concentrate on this great American economy and make it here in America?

Mr. CAMP. Madam Speaker, I would just note that in countries that we have trade agreements with, we have a surplus in manufacturing exports.

With that, I would yield such time as he may consume to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Thank you, Mr. Chairman.

Being from Georgia's Third Congressional District, we have been blessed to have a robust manufacturing industry. We have both Kia Motors and a large textile presence in my district.

I would like to ask the chairman if he would enter into a colloquy.

Mr. CAMP. Yes, I would be glad to.

Mr. WESTMORELAND. Mr. Chairman, what will the Ways and Means Committee do to ensure no textile jobs in the U.S. are lost due to the Korea free trade agreement?

Mr. CAMP. If the gentleman would yield, first of all, the agreement includes a robust safeguard that allows the United States to raise tariffs if imports from South Korea surge and injure the domestic textile industry.

Second, the agreement includes a number of provisions to prevent transshipment of products from China or other third countries to ensure that U.S. companies are competing only against South Korean imports.

Third, KORUS uses a "yarn forward" rule of origin, which requires that the yarn production and all operations forward occur either in South Korea or in the United States. This stringent rule is consistent with other U.S. trade agreements.

Fourth, the agreement will open up significant new commercial opportunities for U.S. textile and apparel exporters and support the creation of new textile and apparel jobs in the United States.

South Korea is the 10th largest market for U.S. textile and apparel exports. The ITC estimates that U.S. textile exports would increase by \$130 million to \$140 million, that's 85 to 92 percent, and apparel exports would increase by \$39 million to \$45 million, that's 125 to 140 percent.

U.S. textile and apparel exporters are currently at a significant disadvantage vis-a-vis European textile and apparel exporters. U.S. companies currently face average tariffs in South Korea of 10.2 percent on U.S. textile and apparel exports. As a result of the EU-South Korea FTA entering into force, EU textile and apparel exporters now face an average tariff of just 0.1 percent.

Mr. WESTMORELAND. Further, Mr. Chairman, what has the Ways and Means Committee done to ensure textiles from China do not illegally enter the U.S. through Korea?

Mr. CAMP. If the gentleman would yield, we are currently working with U.S. Customs and with the Koreans to avoid this problem. The agreement itself includes a number of aggressive provisions to address transshipment. In addition, U.S. Customs and South Korean Customs have worked closely to develop state-of-the-art procedures, including advanced risk management techniques. For example, textile products are automatically categorized as "high risk" and subject to a greater level of scrutiny by U.S. Customs.

In addition, the agreement authorizes textile-specific fraud detection and verification programs. For example, article 4.3 of the agreement requires the South Korean Government to share detailed information about textile manufacturers in South Korea, including production capacity, supplier information, and machinery. This allows U.S. Customs to quickly and accurately estimate likely production and to flag suspicious shipments and companies.

The agreement also allows U.S. Customs to send inspectors to South Korea to conduct on-site verifications to prevent evasion and transshipment. These inspectors are allowed to make unannounced visits; and if the South Korea firm refuses to allow U.S. Customs officials to inspect, Customs can suspend preferential tariff treatment for goods from that company.

U.S. Customs maintains a permanent Customs liaison in our Seoul Embassy who focuses closely on transshipment issues. South Korea has already started implementing its commitments in preparation for the trade agreement. South Korea has dramatically increased resources to address transshipment, including tasking 157 Customs employees to work exclusively to

verify the accuracy of country of origin information to products going to countries in which South Korea has a trade agreement.

I will continue to work with Customs and the Koreans to ensure that trade enforcement is a high priority in the Ways and Means Committee.

Mr. WESTMORELAND. I thank the gentleman, and I appreciate his commitment to bolster the customs enforcement and close the loopholes in the customs process that have negatively impacted U.S. textiles, including taking up the Textile Enforcement and Security Act, which I'm sure the chairman would do.

It is my understanding that Korea's tariffs on U.S. textiles are subject to a 5-year phaseout, but the U.S. tariffs would go to zero immediately, allowing for free entry for Korean textiles. What is your committee doing and will it do to ensure an equal playing field for U.S. textiles in Korea and there's not a flood of Korean textiles into the U.S. market?

Mr. CAMP. If the gentleman would yield, actually the tariff asymmetry works the other way around. By value, 73 percent of U.S. textile exports to South Korea would receive duty-free treatment immediately upon entering into force. In contrast, only 52 percent of South Korean textile exports to the U.S. by value would become duty-free immediately.

So, in addition, it's worth noting that South Korean exports to the United States have fallen by 50 percent over the past 5 years, while U.S. exports to South Korea have nearly doubled.

Mr. WESTMORELAND. I'd like to ask the chairman, will you promise to work with the Textile Caucus to ensure that the textile provisions of the Korean free trade agreement are not used as a model of future free trade agreements, especially the Trans-Pacific Partnership?

Mr. CAMP. If the gentleman would continue to yield, I look forward to continuing to work together with you and your colleagues in the Textile Caucus to work to address your concerns and ensure that the USTR is aware of industry concerns and that Customs adequately prioritizes its trade enforcement responsibility, particularly as it relates to textiles.

Mr. WESTMORELAND. I thank the chairman for the colloquy.

I would like to submit two articles about the impact of the Korea free trade agreement on the textile industry.

[From Bloomberg Businessweek, Sept. 15, 2011]

KOLON LOSES \$920 MILLION VERDICT TO DUPONT IN TRIAL OVER KEVLAR

(By Jef Feeley, Gary Roberts and Jack Kaskey)

Kolon Industries Inc. lost a \$919.9 million jury verdict to DuPont Co. over the theft of

trade secrets about the manufacture of Kevlar, an anti-ballistic fiber used in police and military gear.

Jurors in federal court in Richmond, Virginia, deliberated about 10 hours over two days before finding Gyeonggi, South Korea-based Kolon and its U.S. unit wrongfully obtained DuPont's proprietary information about Kevlar by hiring some of the company's former engineers and marketers. The award yesterday is the third-largest jury verdict this year, according to data compiled by Bloomberg.

DuPont, based in Wilmington, Delaware, is spending more than \$500 million to boost Kevlar production and meet rising demand for armor and lightweight materials that reduce energy use. Kevlar and Nomex, a related fiber used in firefighting gear, accounted for about \$1.4 billion of DuPont's \$31.5 billion in sales last year.

The "jury decision is an enormous victory for global intellectual property protection," Thomas L. Sager, DuPont's general counsel, said in a statement. "It also sends a message to potential thieves of intellectual property that DuPont will pursue all legal remedies to protect our significant investment in research and development."

DuPont rose 86 cents, or 1.9 percent, to \$45.52 in New York Stock Exchange composite trading yesterday. The shares have declined 8.7 percent this year.

Kolon said it disagrees with the verdict and will appeal.

MULTIYEAR CAMPAIGN

The "verdict is the result of a multiyear campaign by DuPont aimed at forcing Kolon out of the aramid fiber market," Kolon said in a statement e-mailed by Dan Tudesco of Brodeur Partners, a public relations agency. "Kolon had no need for and did not solicit any trade secrets or proprietary information of DuPont, and had no reason to believe that the consultants it engaged were providing such information. Indeed, many of the 'secrets' alleged in this case are public knowledge."

Kolon said it will continue to pursue an antitrust case against DuPont, which is scheduled for a March trial. DuPont will file motions later this year to have the case dismissed, Sager said in a telephone interview.

DuPont will pursue recovery of the award "wherever we can find Kolon assets," Sager said. The company also will seek punitive damages for each of the 149 stolen secrets, reimbursement of more than \$30 million in attorney's fees and an order barring Kolon from making products with DuPont's information, Sager said.

BODY ARMOR

DuPont, the largest U.S. chemical company by market value, sued Kolon in February 2009 alleging it stole confidential data about Kevlar. DuPont began selling the bullet-resistant fiber in 1965 and it's used in body armor, military helmets, ropes, cables and tires. Kolon began making its own version of the para-aramid fiber in 2005.

DuPont argued in court filings that Kolon executives conspired with five former employees of the U.S. chemical maker or its Japanese joint venture, DuPont-Toray Co., to gain access to Kevlar information.

To spur sales of its Heracron aramid fiber, Kolon hired Michael Mitchell, a former DuPont engineer who also had served as a Kevlar marketing executive, DuPont said in court papers. DuPont contended that Mitchell, hired as a consultant, provided Kolon with proprietary information about Kevlar.

HOME COMPUTER

Mitchell "retained certain highly confidential information on his home computer" and

passed the information to Kolon, DuPont alleged in court filings.

After learning about Mitchell's activities, DuPont executives alerted the Federal Bureau of Investigation, according to U.S. Justice Department officials.

During a search of Mitchell's Virginia home, FBI agents uncovered DuPont documents and computers containing confidential information belonging to his former employer, federal prosecutors said last year.

Mitchell pleaded guilty to theft of trade secrets and obstruction of justice and was sentenced in March 2010 to 18 months in prison.

Kolon recruited other former DuPont workers, including engineers and researchers, as part of a "concerted effort" to obtain information about Kevlar, according to court filings.

"DuPont's investment in developing this information, amounting to hundreds of millions of dollars over many years, was thereby essentially lost," the company said in a filing in October. "Kolon is now able to compete against DuPont in the aramid marketing using DuPont's own information against it."

[From the New York Times, Oct. 11, 2011]

TEXTILE MAKERS STRUGGLE TO BE HEARD ON SOUTH KOREA FREE TRADE PACT

(By Binyamin Appelbaum)

WASHINGTON.—There are still a few textile mills in the Carolina piedmont, making futuristic fabrics that cover soldiers' helmets and the roofs of commercial buildings.

There is also a new threat on the horizon. A proposed free trade agreement with South Korea, which the House and Senate are scheduled to consider this week, would open the American market to a manufacturing powerhouse that has its own high-technology textile industry.

The South Korea deal, and companion pacts with Colombia and Panama, are sailing toward approval. Both political parties are eager to show they are doing something to revive the ailing economy, and there is a broad consensus among the Obama administration, Republican leaders in Congress and many moderate Democrats that the deals will reduce costs for American consumers and increase foreign purchases of American goods and services.

That has left opponents of trade deals, like the textile industry, struggling to be heard. They say past trade agreements, which remove tariffs and other protections for domestic manufacturers, have eroded the nation's industrial strength. The new round of deals will repeat that pattern, they say, allowing South Korean companies to flood the domestic market without creating significant export opportunities for American manufacturers.

"We are very much in favor of global trade, but we're just not about having agreements that are unfair to the U.S. textile industry," said Allen E. Gant, Jr., chief executive of Glen Raven, a family-owned company that employs 1,500 people in the United States. "The U.S. needs every single job that we can get."

The Obama administration renegotiated some elements of the deals—first authored by the Bush administration—to address concerns raised by trade unions and industries including automakers. The agreements are a centerpiece of its strategy to increase exports as a driver of faster economic growth, and the White House is pushing to seal the deals in time for a state visit to Washington this week by President Lee Myung-bak of South Korea.

Votes in both chambers of Congress could come as soon as Wednesday, during Mr. Lee's scheduled visit.

"These agreements will support tens of thousands of jobs across the country for workers making products stamped with three proud words: Made in America," President Obama said in a statement last week when he submitted the deals to Congress.

Economists generally argue that free trade agreements benefit all participating countries by creating a larger market for goods and services. But that benefit derives in part from the movement of some activities to the lower-cost countries. In other words, even if the deal is good for the United States as a whole, it is likely to create clear losers.

The government estimated in 2007 that the deals would increase annual economic output by up to \$14.4 billion, or about one-tenth of one percent. Most of that demand would come from South Korea, which would join a short list of developed nations that have free trade pacts with the United States, including Australia, Canada, Israel and Singapore.

But the study by the United States International Trade Commission found that the deals would cost jobs in some industries, and it singled out the textile industry as one likely to face the largest blow.

Highland Industries, a Greensboro, N.C., company that employs 680 people at two factories, manufactures a kind of fabric that is used to reinforce the roof coverings on commercial buildings like big-box stores. The massive rolls of fabric can be 12 feet wide and 5,000 yards in length.

South Korean companies already sell similar material at prices 15 to 20 percent below Highland's. Bret Kelley, the company's marketing manager, said Highland was able to compete on speed and customer service, but he said that could change if the trade agreement passed, because the tariff reductions would allow South Korean companies to lower prices by another 10 percent.

"We're quick and nimble, and we forge strong relationships, but what we're selling is a commoditized product," Mr. Kelley said. "Those companies will start looking away for savings of 25 and 30 percent."

Textile industry executives are particularly incensed that for some products, like the roofing fabric produced by Highland, the deal requires the United States to reduce tariffs more quickly than South Korea.

The administration says there are only about two dozen such cases, and that the deal on the whole favors American companies. South Korea must eliminate tariffs immediately on 98 percent of the roughly 1,500 listed products in those categories, and to complete the process within five years. The United States, by contrast, would eliminate tariffs immediately on 87 percent of listed products, and complete the process within 10 years.

But many in the textile industry say they have a broader concern. Even once all the tariffs are gone, a deal between a large economy and a smaller one inevitably favors the smaller one, because it gains access to a much larger market. South Korea's economy is less than one-tenth the size of the American economy.

"There's not a market for our products there," Mr. Kelley said. "We don't have an opportunity."

All of this is a familiar story for the textile industry. The production of shirts and sheets has shifted steadily from the United States to countries with lower-cost labor. Economists argue that this process strengthens the economy as companies and workers

shift to more productive and lucrative kinds of work.

The American Apparel and Footwear Association, a trade group that includes many members who have shifted some production overseas, is among the supporters of the trade deals. The group's president, Kevin M. Burke, has said the deal would "create more jobs here at home," because American workers still run textile companies, and design, transport and sell the products.

But from the perspective of the dwindling ranks of domestic manufacturers, putting existing jobs in jeopardy seems like an act of senseless destruction.

"We have felt for many years that our government isn't supporting the idea of keeping manufacturing alive in the United States," said Ruth A. Stephens of the United States Industrial Fabrics Institute, a trade group that represents companies with domestic factories.

Critics also see little evidence that American workers are moving on to better jobs in more competitive industries. The primary benefit of the deals, they say, is that corporations are able to produce goods more cheaply for consumption in the United States.

"We don't have a free trade agreement with Great Britain, which could actually buy American products," said Auggie Tantillo, executive director of the American Manufacturing Trade Action Coalition, which opposes the agreements. "Instead we have this penchant for doing free trade agreements with countries that are low-cost manufacturing centers. Why? Because multinational companies aren't looking at this and saying, 'It will be great to make things in Ohio and send it to South Korea.' No, they're looking at this and saying, 'It will be great to make things in South Korea and send it to Ohio.'"

Mr. Tantillo said he expected it would be clear even a year from now that the benefits predicted by the government were overstated.

Mr. LEVIN. First, I yield 10 seconds to the gentleman from Washington.

Mr. McDERMOTT. Thank you, Mr. Chairman.

Madam Speaker, in a letter to the president of the Committee to Support U.S. Trade Laws, the Ambassador of the Trade Representative, Mr. Kirk, said there is nothing in the trade treatment that will weaken the international rules or U.S. laws to address unfairly traded imports that injure U.S. industry and workers. The specific trade remedies provisions you raise are carefully crafted by our negotiators to mean that they will not adversely affect the efficacy of relief under U.S. anti-dumping and countervailing duty laws.

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,

Washington, DC, April 13, 2011.

GILBERT B. KAPLAN,

President, Committee to Support U.S. Trade Laws, c/o King & Spalding, LLP, Washington, DC.

DEAR MR. KAPLAN: Thank you for your recent letter regarding certain provisions in the trade remedies chapter of the U.S.-Korea trade agreement (KORUS). Let me assure you that the Administration is committed to maintaining strong and effective trade remedy laws. There is nothing in KORUS that will weaken the international rules or U.S.

laws to address unfairly traded imports that injure U.S. industries and workers.

The specific trade remedies provisions you raise in your letter were carefully crafted by U.S. negotiators to ensure that they would not adversely affect the efficacy of relief under U.S. antidumping and countervailing duty laws, and would not impinge upon the rights of U.S. petitioners to seek and obtain relief from unfairly traded imports. None of the provisions mentioned in your letter—relating to undertakings, pre-initiation notification and consultation, and the committee on trade remedies—will require any change in current U.S. laws or regulations or any substantive change to current U.S. practice. Furthermore, the dispute settlement provisions of the agreement do not apply to the antidumping and countervailing duty provisions of the trade remedies chapter.

With regard to undertakings, which are currently permitted under U.S. law, KORUS does not require that any special consideration be given to requests for undertakings from Korean exporters or the Korean government or otherwise obligate the U.S. Department of Commerce to enter into undertakings. The only requirement in KORUS that does not already exist in current practice involves the provision of written information on the procedures for requesting an undertaking, as well as the timeframes for offering and concluding such an undertaking. This information is readily available in U.S. law and regulations. The requirement to provide a copy of this information at the time an investigation is initiated will in no way affect our ability to enforce our trade remedy laws.

With respect to the pre-initiation notification and consultation provisions in KORUS, these are procedural provisions that will not require any changes to U.S. law. Under current law and practice, the Commerce Department notifies the government of the exporting country when an antidumping or countervailing duty petition is filed. Pre-initiation consultations are already required under U.S. countervailing duty law. In the antidumping duty context, the agreement clearly states that the provisions are to be applied consistent with U.S. law. Accordingly, these provisions do not alter current laws or regulations in any way.

As you note in your letter, KORUS establishes a Committee on Trade Remedies, the purpose of which is to exchange information and discuss issues related to trade remedies; enhance each country's knowledge and understanding of the other country's trade remedy laws and practices; and improve cooperation on trade remedy matters. This forum will allow U.S. trade law administrators and experts an opportunity to exchange information and views with their Korean counterparts, and could provide us a basis to address matters of common concern and better advocate on behalf of the commercial interests of U.S. exporters, manufacturers and workers. Moreover, the United States succeeded in obtaining a commitment from Korea to use this Committee as a forum to discuss industrial subsidies, which will enhance our ability to obtain information on Korean government subsidy practices to the benefit of U.S. companies and workers.

Thank you again for sharing your views on these important issues. Please do not hesitate to contact me if you have any additional concerns.

Sincerely,

AMBASSADOR RON KIRK.

Mr. LEVIN. I now yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I rise in strong support of the U.S.-Korea trade agreement today as I have in support of Colombia and Panama as well.

Madam Speaker, the Korea trade agreement is another example of President Obama and his team at USTR, led by Ambassador Kirk, inheriting what I thought were three pretty good trade agreements when they assumed office, but realizing there was room for improvement, and much to the credit of the chairman and the ranking member of the Ways and Means Committee, we got that crucial improvement with Korea over two vital sectors of the U.S. economy—automobiles and beef.

More specifically for the State of Wisconsin, which is the largest cranberry-producing State in the Nation, this enables us to get back into the game with meaningful exports going into the Korean market. Each day we wait to pass this agreement, Chile captures more market share, affecting the ability to export and the job creation that we desperately need back home.

□ 1540

It's also true for one of the largest manufacturers and, therefore, one of the largest employers in my district in western Wisconsin, located in my hometown of La Crosse. Right now, the goods and products that they're making at that La Crosse plant face an 8 percent tariff barrier to the export into the Korean market. With the passage of this agreement, that tariff goes down to zero, which is the point of all of these trade agreements, that we're leveling the playing field for our workers and our businesses so they can compete more effectively and fairly in gaining greater market access to Korea, to Colombia, and to Panama.

These won't be the panaceas to the job creation we need at home, but they are important steps in the right direction. They all contain vital international labor and environmental standards in the bulk of the agreements, fully enforceable with all other provisions. That has been a significant improvement as far as the elevation of standards globally and the leveling of the playing field for our businesses and our workers at home, which cannot be discounted.

Again, I commend the members of the Ways and Means Committee, the leadership there, and especially President Obama and his USTR team in taking these three trade agreements, improving upon them, and making sure that the "open for business" sign is over the United States of America again so we can pursue a meaningful economic engagement throughout the rest of the world.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. KIND. I do subscribe to Cordell Hull's theory on trade. He once stated

that trade is more than just goods and products crossing borders because, when that occurs, armies don't.

These are an important tool in our diplomatic arsenal and also part of the answer to the economic growth that we need desperately in this country.

Mr. MICHAUD. I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. My friend who preceded me talked about the reduction in tariff exports. Well, guess what? That will be blown away if they manipulate their currency, and Korea is one of only three nations on Earth identified as a currency manipulator by our own U.S. Treasury. Does this agreement preclude currency manipulation? No, it does not.

Secondly, they rebate their national taxes, a Value Added Tax, to all their exports. Build a car in Korea, you don't have to pay taxes in Korea. Guess what? Build a car in the U.S., we can't rebate the taxes under these crummy trade laws we've bound ourselves to, and when the U.S. car gets to the border of Korea, they have to pay a 10 percent tax. So we're going to be able to export autos to Korea if they're 20 percent cheaper than those produced by cheaper labor in Korea. Not very likely, but let's say we could do that. Then there are a couple of other problems.

If you buy a U.S. car and if you're a Korean citizen, they will audit your taxes. Most employers do not allow the owners of foreign automobiles, which are mostly luxury automobiles over there—there are very few foreign automobiles—to have parking spaces at work. Also, Korea does not buy very many cars. They have a 65 percent mix: 65 percent of the cars they produce are exported.

This is not about U.S. exports to Korea. Once again, it's a platform for them to say to us stop here—it's cheaper—and displace American jobs.

Even the U.S. International Trade Council, the wildest cheerleader in the world for all of these failed agreements, says we're going to have a bigger deficit in autos. These are the same people who said we were going to have huge trade surpluses with Mexico. Whoops, got it wrong. They can't even mess around with this and pretend we're going to benefit from this—\$300 million, they say, of additional auto exports to Korea and \$1.7 billion of more auto exports from Korea to the U.S. That's what the cheerleader is saying. Imagine what the real numbers are going to be like.

We're talking about 160,000 to 200,000 U.S. jobs. Kiss the remainder of the auto industry and auto parts goodbye with this agreement.

Mr. CAMP. I would just note that this agreement is endorsed by the three big automakers as well as by the United Auto Workers.

With that, I would yield 1 minute to a distinguished member of the Ways

and Means Committee, the gentlewoman from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the chairman for his leadership on this important issue and for yielding time.

Madam Speaker, many Americans believe that Congress can't agree on anything; but if there is one thing Washington can agree on, it's that we're in a jobs crisis and that we should be doing everything in our power to create an environment that encourages the private sector to thrive and create jobs.

If we are looking to make a dramatic and immediate impact on our job market, we need to look no further than the South Korean trade agreement. Ratifying this deal will secure at least 70,000 American jobs as we increase our exports by more than \$10 billion, adding \$12 billion to our GDP. This agreement also means jobs for Kansas. Our agriculture sector is looking at a multibillion-dollar expansion in our processed foods, chemical and transportation industries, which do well over \$150 million of business with South Korea each year, and are prime to expand further under this deal.

If our focus is on jobs, jobs, jobs, then let's pass this South Korean trade agreement, and let's get America back to work.

Mr. LEVIN. Madam Speaker, I yield 3 minutes to another member of our committee, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I rise today in support of this agreement between the United States and Korea. I especially want to thank my colleague, Mr. LEVIN of Michigan, for his tireless efforts to improve the agreement, along with Chairman CAMP and Congressman BRADY of Texas in a bipartisan way.

A lot of credit for the concept of this agreement should also go to President Obama. The Bush administration was willing to submit an agreement that heavily favored Korea, but the Obama administration held out until we got a better deal—a more fair deal, a more fair agreement.

For a long time, our roadways have been home to cars named Hyundai. Now, because of this agreement, South Korean roadways will see more American cars on them. It's only right that Fords and Chevys have the same access that Hyundai has here in America. This agreement will not only break down barriers for American car manufacturers, but American services and goods, such as insurance, legal, finance, television, and movies will now be available in South Korea. Korean services companies have always had the right to operate here, but this agreement is about making sure that American companies have the same ability to operate in South Korea.

That's good news for American businesses and good news for American workers. For a State like mine, which

depends so much on the service industries, it is important that we are able to export our products throughout the world. It is no secret that the number one reason to support this agreement is that it tears down barriers for U.S. exporters and will create jobs right here in the United States.

But the number two reason is just as important. I have often discussed with my Korean American constituents back in Queens and in the Bronx the importance of there being a strong South Korea. This is as much about diplomacy. This is as much about our geopolitics. South Korea is in an area of the world that is dangerous and unpredictable. America needs strong allies in this region, and this agreement acknowledges South Korea as a friend and stalwart ally of the American Government and, more importantly, of the American people. Since we stood shoulder to shoulder during the Korean war against the advancement of Communism to our joint efforts today to stop terrorism throughout the world, South Korea has been a true ally of the United States.

This agreement sends a message to countless other countries around the world that, if you want to be treated like South Korea, act like South Korea.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. CROWLEY. South Korea has strong labor and environmental laws. South Korea is committed to a representative democracy, and South Korea recognizes that trade is a two-way street that must benefit Americans as well as South Koreans.

I strongly urge the passage of this agreement.

□ 1550

Mr. MICHAUD. I yield 2 minutes to the gentleman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I rise to voice my strong opposition to this trade agenda with South Korea.

Like the two other NAFTA-style trade agreements before us, we know this deal will lead to the outsourcing of American jobs, potentially displacing 159,000 U.S. workers, according to the Economic Policy Institute. It will provide Chinese businesses engaged in the transshipment of goods through third countries an easy opportunity to take advantage of tariff rates that are intended for South Korean goods.

According to the Korea Customs Service, the quantity of products illegally labeled "Made in Korea" doubled from 2008 to 2010. These transshipped products come primarily from China and southeast Asian nations.

Chinese companies have a history of transshipping goods to the U.S. through other countries so that they

can avoid duties that are levied against them for illegal trading practices. Korea's proximity and 16 ports, including the world's fifth-largest, makes them a usual target for Chinese companies.

Investigations by U.S. Customs in recent years have resulted in indictments and convictions for a variety of duty evasion schemes that hurt America, including cases concerning steel, wire garment hangers, and honey from China. There are no provisions in this agreement to guard against a potential flood of Chinese products shipped through Korea.

That means we can expect an increase of cheap Chinese goods into our market, again to the detriment of U.S. workers, if we pass this agreement. Millions of jobs have been lost or displaced because of our trade deficit with China, and Chinese products from chicken to toys have posed serious public health concerns.

What American families need right now is real job creation. We should be focused on policies that will put Americans back to work here at home in good, well-paying jobs that cannot be outsourced. And what we do not need are shortsighted trade deals that open a back door for Chinese companies to exploit.

I urge my colleagues: Stand up for struggling Americans and oppose this agreement.

DISTRICT LODGE 26, INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO, Kensington, CT, March 22, 2011.

Hon. ROSA DELAURO,
House of Representatives,
Washington DC.

DEAR REPRESENTATIVE DELAURO: I am writing to you, and all members of the Connecticut Congressional delegation, to make certain that we have conveyed clearly to you the position of the International Association of Machinists regarding the proposed South Korea Free Trade Agreement.

It is our understanding that you have already declared your opposition to this unacceptable treaty. Thousands of IAM members across the state and the country thank you for your decision to protect working families rather than cave in to global corporate interests. Hopefully, the material in this letter will give you more ammunition with which to actively encourage defeat of this flawed pact.

Let me start by stating plainly and without equivocation—the Machinists Union nationally and in Connecticut is strongly opposed to this proposed agreement. Much has been written about this pact, so I will not repeat arguments unnecessarily. Attached to this correspondence is a statement from our national leadership declaring their opposition. Our main concern, and one that has been borne out by the results of a series of regrettable so-called "free trade" agreements, is further loss of US jobs, and a mounting US trade deficit.

The Economic Policy Institute estimates that the US will lose approximately 159,000 jobs as a result of this pact. We cannot afford to lose any jobs, and certainly not here in Connecticut.

Our state is particularly vulnerable in regards to this agreement. As you may know,

South Korea has embarked on an ambitious renewable energy program, and one of their favored technologies is the fuel cell. While neither our state nor our federal government has seen fit to invest significantly in fuel cells, South Korea is now the largest consumer of the technology.

Fuel Cell Energy has already located production facilities in South Korea, and there is no doubt that other producers, including UTC Power, are continually evaluating the location of their production in relation to markets.

The US State Department, in its 2010 Investment Climate Guide, states:

The Korea-U.S. Free Trade Agreement (KORUS-FTA) would be a major step to enhance the legal framework for U.S. investors operating in Korea. All forms of investment would be protected under the KORUS-FTA agreement, including enterprises, debt, concessions and similar contracts, and intellectual property rights. With very few exceptions, U.S. investors will be treated as well as Korean investors (or investors of any other country) in the establishment, acquisition, and operation of investments in Korea. In addition, these protections would be backed by a transparent international arbitration mechanism, under which investors may, at their own initiative, bring claims against a government for an alleged breach of the KORUS-FTA chapter. Submissions to investor-state arbitration tribunals would be made public, and hearings would generally be open to the public.

Such re-assurances about the ease & safety of investing in Korea are, in fact, alarming to workers whose jobs will be the "collateral damage" when such investments occur. That includes Connecticut working families.

The 35% content provision—allowing goods with up to 65% content produced outside of South Korea to be treated as South Korean exports—makes the agreement a conduit for sweatshop products from all over Asia. These are not provisions that help workers either in the US or South Korea.

There has been some small confusion, exacerbated by proponents of the treaty, about where the US trade movement generally stands on this issue. It is true that the United Auto Workers and the United Food & Commercial Workers have stated their support—but labor's support stops there. The AFL-CIO and its affiliates oppose this treaty—period.

Just as importantly, the South Korean labor movement also vigorously opposes the pact. Given the claims that workers' rights are enhanced in the agreement, the Koreans' opposition is a sobering reality check. In fact, the International Metal-Workers Federation (IMF), of which the IAM is a part, stated in 2009 that "Union repression in South Korea is among the worst in the world." That article is attached, as is a recent piece concerning a huge struggle taking place at a South Korean shipyard where thousands of workers are losing their jobs, despite contractual commitments from the employer.

Incidentally, the conduct of large Korean corporations, even outside of Korea, calls into question their attitude towards workers. Attached is an article describing the ongoing hardship being endured by employees of the South Korean ship building HANJIN in the Philippines. The situation is, in a word, shameful.

South Korea, and the rights of workers internationally, is of such importance to our Union and its members that Eastern Territory General Vice President Lynn Tucker recently traveled to Korea for a conference of

ship-building unions, to speak to delegates. General Vice President Tucker was appalled at the accounts of abuse of South Korean workers. He asks very pointedly how President Obama can give assurances that the "re-negotiated" treaty protects workers, when here in the US workers in states like Wisconsin and Ohio are being trampled into the ground. "Does Obama know how to get to Wisconsin or Ohio and demand from those Governors a fair agreement for workers? I think not," GVP Tucker concluded.

Please dispense with any notion that the labor movement is supportive or ambivalent about the South Korea Free Trade Agreement. We urge you to remain steadfast against the treaty and to work on persuading your colleagues to do the same, in the best interests of our great country and our beleaguered state.

Thank you. Please contact me if you have any questions or concerns about this matter. I can be reached at 860 459-5381.

Sincerely,

JOHN W. HARRITY.

Mr. CAMP. Madam Speaker, I yield 1 minute to the distinguished chairman of the Select Revenue Subcommittee, the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. I rise in support of the three agreements before us today and would like to read a recent quote from our President, Barack Obama:

"If Americans can buy Kias and Hyundais, I want to see folks in South Korea driving Fords and Chevys and Chryslers. I want to see more products sold around the world stamped with three proud words: 'Made in America.'"

Madam Speaker, this is about jobs, and I support the President's effort, our chairman's effort in crafting these three agreements before us today. In fact, I asked Ambassador Kirk earlier this year in our full committee, how many jobs did he think would be created if these three agreements were passed? And his answer was 250,000 new American jobs would be supported with these three agreements.

In Ohio, Madam Speaker, agriculture is still the number one industry. We believe, the trade ambassador believes, that we will see an increase in exports to South Korea and the three other countries of 55 million per year.

This is about jobs, Madam Speaker. This is about exports. This is about leveling the playing field.

I urge my colleagues' support of the agreements.

Mr. LEVIN. It is my pleasure to yield 1½ minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Madam Speaker, I rise in support of the U.S.-Korea free trade agreement, as well as the Panama and Colombia agreements before us today.

Economic growth depends upon a number of factors, including growing access to foreign markets. These agreements do that. Foreign goods enter our country under few restrictions, but around the world our products face product tariffs and other prohibitive barriers to trade. The current situation is neither free nor fair trade.

This changes that. The barriers are against our products. This reduces and eliminates those barriers.

The pending agreements will allow American products to better compete globally and drive job creation here at home. That's why I support these agreements.

Perhaps no industry stands to gain more than agriculture throughout America, and especially in California, the number one agricultural State in the Nation. Passage of these agreements with South Korea means American-grown raisins, asparagus, almonds, pistachios, and wine will benefit from immediate duty-free access to the world's 12th-largest economy. Many other crops, including citrus, will also benefit. Recognizing the agreement's potential to create over 70,000 American jobs, it's been endorsed by the United Auto Workers, United Food and Commercial Workers, and many of the agricultural trade associations.

With Panama, American exports will gain duty-free access to Latin America's fastest-growing economy. The agreement with Colombia will eliminate most barriers to trade for U.S. products entering Central and South America, its third-largest economy, and strengthen our ties with a key ally in that region.

Simply put, expanding access to emerging foreign markets will boost agricultural revenue and, in turn, help put Californians back to work.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. COSTA. But simply passing these agreements is not enough. We must build on the current and future administration's accountability to ensure these trade agreements are enforced. We cannot afford to sit on the sidelines while other countries forge their own pacts with emerging markets. Increased exports mean more jobs for here at home and for America.

I ask you to support these measures.

Mr. MICHAUD. Madam Speaker, I yield 1 minute to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentleman.

These are the same promises that we heard during NAFTA and during the Most Favored Nation trade status debate with China.

We hear a lot of statistics about job creation. We don't need statistics. Come to Ohio. Go to Toledo. Go to Pittsburgh. Go to Fayetteville, North Carolina. Go to Youngstown, Ohio. Go to Akron. Go down the Ohio River. All these promises were made before, and it didn't pan out. It didn't work.

And these trade issues are sideshows. The number one issue facing this Congress is whether or not we're going to deal with China and their currency ma-

nipulation. That bill came to the floor, this floor, last year. We had 99 Republicans vote for it. It passed with 350 votes. It just passed the Senate.

We need to bring that bill to the floor and take on the beast in the middle of the room, and that's the Chinese, and drive investment back.

When we put a tariff on oil country tubular goods in China, countervailing duties and anti-dumping, we had \$2 billion of investment that now came into the United States in steel mills.

We know what to do. We just need the courage to do it. And to all my friends here who are going to help all these multinational corporations, they're going to get the money that they made, and they're going to utilize the Citizens United case, and they're going to invest it in your campaigns to beat you.

It's time we have the courage to take on the beast and do what's right.

Mr. CAMP. Madam Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. Thank you, Mr. Chairman, for yielding.

Well, the beast in the room is jobs, and that's what these bills are about: jobs.

We need to pass these trade agreements just like President Obama said. Pass these trade agreements now. Pass these jobs bills now. That's what these are, jobs bills.

Korea alone, 70,000-plus jobs. And how does that work? Well, 95 percent of the tariffs that we pay currently to Korea disappear. They're eliminated almost immediately.

What happens then? Guess what. Our prices go down. More demand for our goods. More demand for our goods, what does that mean? Produce more products. When you produce more products, what happens? This is Economy 101.

□ 1600

You have to hire more workers, more workers to make more products. Guess what. The unemployment rate goes down.

That's what we need to do today. We have to come together, and we know this is a bipartisan effort. We know that people have come together on both the Democrat side and the Republican side. We know that the White House has supported these trade agreements.

What happens if we don't pass these bills? We lose. The European Union has already made their agreement with Korea. It went into effect on July 1. Their exports to Korea have already increased by 17 percent. We are losing market share. Ninety-five percent of our market is outside of this country. We need to sell America. We need to pass these trade agreements now. We need to pass these jobs bills now.

Mr. LEVIN. Madam Speaker, I reserve the balance of my time.

Mr. MICHAUD. I yield 1½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I would like to thank my colleague, Congressman MICHAUD, for his tireless work to promote responsible trade policy.

Madam Speaker, I rise in strong opposition to the U.S.-South Korea free trade agreement. Nearly 14 million Americans remain out of work; and instead of considering a job creation bill, we are voting today on a trade bill that the Economic Policy Institute estimates will cause the loss of an additional 159,000 U.S. jobs.

This trade deal will further devastate the American manufacturing sector which has already lost 6 million jobs since 1998; 55,000 factories have closed in the last decade. The three Bush-negotiated trade deals under consideration today are an expansion of the NAFTA trade model, which has decimated cities and towns across America. Agreements like the Korea FTA have accelerated the outsourcing and offshoring, sending American jobs and plants overseas.

This trade agreement is a bad deal for American workers. Trade can be a valuable tool to bolster the U.S. economy, but only if we utilize a trade model that promotes U.S. jobs. If we want to create jobs, we need to create jobs, not pass another trade agreement that will ship even more U.S. jobs abroad.

Mr. CAMP. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding.

Madam Speaker, this is a difficult time in the life of our Nation—9.1 percent unemployment nationally, and millions of Americans families are hurting. And the American people are looking to Washington, D.C., more for solutions than for fights. And today with the Korea free trade agreement, with the Colombia trade promotion agreement and the Panama trade promotion agreement, Washington, D.C., in a bipartisan way is coming together with a solution that will help to create jobs and get this economy moving again, and I heartily support it.

I want to commend Chairman CAMP, Ranking Member LEVIN, Speaker BOEHNER, Leader CANTOR, and even the President of the United States for working together in common purpose to bring us to this important moment. I've always believed that trade means jobs. And I say with some pride, that's especially true in the Hoosier State.

Indiana is uniquely poised to take advantage of the free trade opportunities provided in these agreements, and I'm grateful for the chance to elaborate on that. I often say in Indiana we do two things well: we make things and we

grow things. The truth is that in the State of Indiana, we do a lot more than that. But in Indiana, what we grow and what we build is really at the heart of the Hoosier economy, and expanding global markets for what we make and for what we grow is going to create jobs in Indiana, in the city and on the farm.

The American Farm Bureau estimates that implementing these three agreements will increase agricultural exports in Indiana by nearly \$55 million a year, creating 500 new agricultural-related jobs.

The Korea agreement that we debate at this moment will eliminate \$1.3 billion in tariffs on U.S. exports that cover many products Indiana is known for, like feed corn, soybeans, and dairy. It will eliminate those duties while other duties on products like pork will be phased out. Other industries, like Indiana's growing life sciences sector, will benefit.

Let me say again, I rise in support of these agreements because I believe that trade means jobs. And America and Indiana need jobs like never before. I urge my colleagues in both parties to join in this bipartisan effort, and let's move this bill.

Mr. MICHAUD. Madam Speaker, may I inquire how much time remains.

The SPEAKER pro tempore. The gentleman from Maine has 11 minutes remaining, the gentleman from Michigan (Mr. LEVIN) has 8 minutes remaining, and the gentleman from Michigan (Mr. CAMP) has 6½ minutes remaining.

Mr. MICHAUD. Thank you.

At this time I would like to yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. I thank the gentleman for the time.

Every time a President, Democrat or Republican, asks Congress to approve a trade deal, they give us these wild optimistic projections for how many jobs these deals are going to create.

Sadly, this administration is no different. President Obama has suggested that the Korea free trade agreement will create 70,000 new jobs. The record shows just how wrong that claim is.

In the 1990s, President Clinton suggested that NAFTA would create over 200,000 jobs. Well, here's the reality: Since NAFTA passed in December 1993, America has lost 5.15 million jobs. Lost 5.15 million manufacturing jobs. And 384,000 of these jobs were lost in my home State of North Carolina.

In 2005 President Bush claimed that CAFTA was a "pro-jobs bill" that would stem the tide of U.S. manufacturing job losses. But since CAFTA passed in September of 2005, America has lost 2.4 million manufacturing jobs.

Here we have roughly 9.1 percent unemployment in this country, due in no small part to the Washington elite jamming these job-destroying trade agreements down our throats.

Americans do not want more "free trade." A recent NBC-Wall Street Journal poll showed that 69 percent of the American people believe that free trade has cost American jobs. The poll shows that 61 percent of Tea Party supporters believe that trade agreements have hurt this Nation.

It's time we started listening to the will of the American people and doing what is in the best interests of the American people, not in the best interests of the foreign nationals who desperately want to take our jobs.

Madam Speaker, I hope my colleagues on both sides of the aisle will show their true American colors and vote "no," "no," and "no" on these three trade agreements.

Mr. CAMP. I yield 2 minutes to the gentleman from Illinois (Mr. ROSKAM), a distinguished member of the Ways and Means Committee.

Mr. ROSKAM. Madam Speaker, as the public is listening to this, I think they're kind of collectively going, Whew, finally there's something that's going on in Congress. Finally there's something going on with the other body. Finally there's something going on with the White House that is common ground around a very simple premise, and that's this: no-cost job creation. It doesn't cost a single dime.

For my home State, the proof is in the pudding. This means it's going to help 145,000 Illinois jobs right now that are tethered within 650 companies that are dealing with exports. This deal helps them. Twenty-five percent of all manufacturing jobs in my home State of Illinois are related to exports. And let's face it, 95 percent of the world's consumers live outside of the United States. So you know what this trade deal does, this says: game on. The U.S. can compete. Give us a fair playing field, and game on. We can compete.

These were hard-headed, hard-nosed negotiations led by Chairman CAMP and the White House and Ranking Member LEVIN and others. These were tough deals that were put together that were not just weak handshakes. This was staring down opponents and finally coming to common ground and putting something together that has a great deal of possibility, a great deal of promise in a country that is desperate, I mean absolutely desperate, for solutions; and this is a remedy. This is a way for us to move forward.

□ 1610

It's important from a strategic point of view. We've got one of our Nation's best friends poised in Asia, the 10th largest economy in the world, a country that has moved from the devastation of the Korean War, that has transcended all of that and is now a donor nation, and we've got the opportunity to be in a unique and strategic relationship with them.

This is our opportunity to move forward. I think we need to support all of these FTAs. I urge their passage.

Mr. LEVIN. I continue to reserve the balance of my time.

Mr. MICHAUD. Madam Speaker, at this time I would like to yield 1½ minutes to the gentlewoman from Ohio (Ms. KAPTUR), who has fought harder and longer for fair trade than any Member I have served with.

Ms. KAPTUR. I thank my dear colleague Mr. MICHAUD, who has fought equally hard.

I'm proud to stand here on behalf of the communities and workers and businesses of our country that want to compete on a level playing field. The problem with our trade policies is they export more U.S. jobs than products.

The gentleman talks about possibility. I don't want possibility. I want results. When you look at what's happened over the last quarter century, we don't have any balanced trade accounts. They're all in the red. And these trade deficits snuff out economic growth. Didn't anybody here take math? Look at the balance sheet. It's all negative.

This is Korea today. All negative. Our trade accounts with them have been negative. They're already negative. What difference does this deal make? It only says "maybe." Maybe Korea will allow us to sell more than 7,450 cars in their market when they're selling half a million here already. Shouldn't reciprocity be at the heart of our trade deals?

We've got a half a trillion dollar trade deficit. How many times do you have to be hit over the head before you say, You know what? This isn't working.

Soybean exports aren't enough. Cranberries aren't enough. Look at the job outsourcing of America from coast to coast. Our people's wages are going down. Their standard of living is going down. Their jobs have been outsourced. They're losing their homes. Unemployment is stuck. GDP isn't rising. Is anybody here listening? Is anybody paying attention?

This is just another example of powerful Washington elites being totally out of step with Main Street and the American people.

I'm proud of the Tea Partiers who are out there organizing and I'm proud of the Occupy Wall Street rallies because they're saying, You folks, you are out of step up here in Washington. Pay attention to what is happening on Main Street.

I oppose this agreement with Korea as well as Colombia and Panama and ask this Congress to have some real common sense and move to trade balance rather than trade deficit. Create jobs in America by balancing our trade accounts.

Mr. CAMP. I yield 1 minute to the distinguished gentleman from Texas (Mr. CANSECO).

Mr. CANSECO. Madam Speaker, I rise in strong support of the South

Korea free trade agreement, which is the most significant trade agreement the United States has negotiated in more than 16 years, and I thank the leadership of our chairmen, Mr. CAMP, Mr. BRADY, and Mr. DREIER, in this regard.

The International Trade Commission's analysis shows that the South Korean agreement will increase U.S. exports to South Korea by at least \$9.7 billion annually, the tariff cuts alone will add \$10.1 billion to the U.S. economy annually, and that U.S. exports to South Korea will increase by nearly 30 percent more than imports from South Korea.

The economic activity that will result from the South Korean agreement will mean thousands of new jobs here at home. The Commerce Department has estimated that every \$1 billion in exports creates 6,000 new jobs.

In particular, the South Korean agreement is especially beneficial for agriculture. In the 23rd District of Texas, I have the privilege to represent many agricultural producers. This agreement would be a huge win for American farmers and ranchers by ensuring that our competitors who are also seeking trade agreements with Korea are not at an advantage in South Korea's \$15 billion per year agricultural market.

Mr. LEVIN. Madam Speaker, would you tell us each our remaining time?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 8 minutes. The gentleman from Michigan (Mr. CAMP) has 3½ minutes. The gentleman from Maine (Mr. MICHAUD) has 7½ minutes.

Mr. LEVIN. I continue to reserve the balance of my time.

Mr. CAMP. I reserve the balance of my time.

Mr. MICHAUD. Madam Speaker, I yield myself such time as I may consume.

I rise today as a former mill worker who punched a time clock for over 29 years at the Great Northern Paper Company in East Millinocket, Maine. What I've seen firsthand is the devastation that these free trade agreements can do to our communities.

This agreement is the most economically significant since NAFTA, and its consequences for America's middle class will be enormous. Since NAFTA, we have lost more than 5 million manufacturing jobs. We've seen more than 50,000 factories close in the last 10 years alone. The Korea FTA will bring more of the same. It will cost us more manufacturing jobs, it will shut down more factories, and it will ship more jobs overseas, all at a time of 9 percent unemployment when the American middle class can least afford it.

My colleagues have already highlighted the many reasons to oppose the Korea FTA, but I want to highlight two of those issues again. First, it does

nothing to protect the U.S. in the face of Korea's currency manipulation. Second, this agreement isn't just a giveaway to Korea; it's also a giveaway to China.

Korea has a history of manipulating its currency to boost its exports. Once in 1988 and twice in 1989, the U.S. Treasury Department officially labeled Korea a currency manipulator. Even though the Treasury stopped officially identifying currency manipulators, in their February and May report of 2011 they stated explicitly, "Korea should adopt a greater degree of exchange rate flexibility and less intervention."

The International Monetary Fund agrees. In August of this year, the IMF stated that the won was undervalued by 5 to 20 percent. The fact is, Korea manipulates its currency. Our own Treasury Department recognizes it. But the FTA does nothing to protect American businesses and workers from it.

You only have to look at Mexico's 1994 devaluation of the peso to see how effectively an undervalued currency can wipe out an FTA's benefits. Our trade balance with Mexico has never been positive since.

Without a provision to protect us from the won undervaluation, Korea's exports will continue to be cheaper than our own exports. This Korean advantage will wipe out the FTA's tariff benefits for American companies and cost American workers their jobs.

□ 1620

Candidate Barack Obama recognized this threat, claiming that as President he would "insist that our trade deals include prohibition against illegal subsidies and currency manipulation." But this FTA includes no such prohibition at all.

And, second, this agreement is not just good for Korea; it's great for China too. Today, we're actually voting on an FTA that will be an outright boon for China's auto parts sector. The agreement's rules of origin require that only 35 percent of the car's content value come from Korea or the U.S.

We have two FTAs with car-producing countries: NAFTA and the Australia FTA. In the Australia FTA, the content requirements are 50 percent. And in the NAFTA, the content requirements are 62.5 percent. Korea's car production in 2010 was almost equal to that of Canada's and Mexico's combined; yet the Korea FTA content requirements are much lower than NAFTA's. By allowing 65 percent of a car's content value to come from a third country, we're opening the door for that 65 percent to come from—guess who—China. As a result, these rules of origin will be devastating to the American auto parts industry.

The U.S. auto supply chain is already facing challenges from China. According to the Commerce Department 2010

report titled, "On the Road," China auto parts exports to the U.S. have increased 43 percent from 2004 to 2009, and they're expected to account for an increased share of U.S. automotive parts in the future. In fact, Commerce predicts that many auto parts companies will continue to move production to China in an effort to reduce costs and remain competitive. If this FTA passes, that's not a prediction; that's a guarantee.

I've already mentioned the fact that we have lost more than 50,000 factories since 2001. Before voting today, I urge you to imagine how many more factories will close if we are to pass this agreement, and to think about the devastation that will be brought to those towns when that happens.

I oppose it because it will devastate our manufacturing sector at a time when we need to rebuild it. I oppose it because this President promised hope and change, not more of the same. I oppose it because in my home town, unemployment is more than 28 percent. I oppose it because I want to create jobs in the United States, not South Korea, and definitely not in China.

As a former mill worker from East Millinocket and on behalf of America's middle class, I urge my colleagues to oppose the Korea FTA agreement.

I would like to insert into the RECORD a letter from the AFL-CIO in opposition to all three free trade agreements.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL OR-
GANIZATIONS,

Washington, DC, July 7, 2011.

DEAR REPRESENTATIVE: On behalf of the AFL-CIO, I write to urge you to oppose the proposed trade agreements with Colombia, Korea and Panama. Working people, in the U.S. and around the world, are bearing the brunt of decades of flawed trade policy. We need Congress and the White House to focus on creating the millions of good jobs at home that we so desperately need—not passing more flawed trade deals. These trade agreements, negotiated by the Bush Administration, incorporate too many of the disastrous policies of the past, rather than laying out a new and progressive vision for the future.

Instead of using valuable time and effort advancing these flawed agreements, Congress should instead focus on effective job creation measures, including currency rebalancing and enforcing existing trade laws. We need to invest in a modern, functional infrastructure; in a high-tech, high-skilled workforce; and in clean renewable energy. It is time to update our trade model for the 21st century so that it strengthens labor rights protections for all workers, safeguards domestic laws and regulations, and promotes the export of U.S. goods rather than jobs.

COLOMBIA FREE TRADE AGREEMENT

Violence: Colombia is the most dangerous place in the world for trade unionists. In 2010, 51 labor leaders were killed in Colombia, an increase over 2009 and more than in the rest of the world combined. So far in 2011, another 17 have been killed. The government of Colombia—despite renewed efforts—has been unable to effectively guarantee the rule of law allowing workers to ex-

ercise their legal rights without fear of violence.

Impunity: Impunity in cases of violence against trade unionists remains high, with more than 95% of cases unsolved.

No Opportunity to Exercise Fundamental Rights: As a result of this campaign of violence, as well as weak labor laws and inconsistent enforcement, only four percent of Colombian workers are unionized today, and only one percent of workers are covered by a collective bargaining agreement. Most workers lack freedom of association, the ability to engage in collective bargaining, and the right to strike effectively.

Labor Action Plan Inadequate: In April 2011, the Obama Administration negotiated a Labor Action Plan with the Colombian government to address long-standing concerns about violence, impunity, and weak and unenforced labor laws. Unfortunately, the Labor Action Plan does not go nearly far enough in addressing these issues. It fails to require sustained, meaningful, and measurable results with respect to reductions in violence and improvements in impunity prior to ratification or implementation of the agreement, and it does not address the need for broad labor law reform. In addition, the Action Plan is not enforceable under the trade agreement itself.

Need to Wait for Results: Once the agreement is in force, the United States will have lost its most important leverage to improve the human rights situation in Colombia. The Labor Action Plan will not fix Colombia's problems overnight. Congress should wait to see if it is implemented as promised, and if conditions for working families in Colombia actually improve as a result.

KOREA-US FREE TRADE AGREEMENT

Job Loss: The Korea FTA is the largest trade deal of its kind since NAFTA. If enacted, the Economic Policy Institute estimates the Korea FTA would displace 159,000 U.S. jobs—mostly in manufacturing.

Kaesong: The Korea FTA does not adequately protect against goods from the Kaesong Industrial Complex, a sweatshop zone in North Korea where workers have few rights and earn an average wage of \$61 a month. Kaesong provides \$20 million a year to a dangerous North Korean regime.

Weak Rules of Origin: In order to qualify for reduced tariff under the Korea FTA, automobiles need only have 35% U.S. or South Korean Content—meaning up to 65% of the content of autos traded under the deal could be from other any other country, including China.

Transshipment: South Korea has already reported an increase in transshipped goods (primarily from China) illegally and improperly labeled "made in South Korea." This illegal transshipment is likely to increase further as unscrupulous businesses try to take advantage of reduced U.S. tariff rates specified in the Korea FTA.

PANAMA FREE TRADE AGREEMENT

Investment, Financial Services, and Procurement Problems: The Panama FTA contains similar flaws as other past trade agreements, including:

Investment provisions that give foreign investors the right to bypass U.S. courts while they challenge our domestic health, safety, labor, and environmental laws.

Provisions that reduce our ability to regulate the financial sector; prevent banks from becoming "too big to fail"; and even use taxpayer money to "buy American" and create local jobs.

Labor Rights: Panama has a history of failing to protect workers and enforce labor rights.

Tax Haven: Panama is known as a "tax haven," with a history of attracting money launderers and tax dodgers. The Tax Information Exchange Treaty that Panama recently signed does not go into effect for another year and may be too weak to fix the problems. Only time will tell if Panama will live up to its promises.

American families need a new way forward on trade, not more of the same. So long as these agreements fall short of protecting the broad interests of American workers and their counterparts around the world in these uncertain economic times, we will oppose them.

Sincerely,

WILLIAM SAMUEL,
*Director,
Government Affairs Department.*

I yield to the gentleman from North Carolina (Mr. KISSELL) for the purpose of making a unanimous consent request.

Mr. KISSELL. I thank my friend for yielding.

Madam Speaker, I would like to insert into the RECORD 27,000 petitions from American Textile Workers expressing opposition to the Korean free trade agreement.

Mr. MICHAUD. I yield to the Congresswoman from Ohio (Ms. SUTTON) for the purpose of making a unanimous consent request.

Ms. SUTTON. Madam Speaker, I would like to insert into the RECORD a letter from the AFL-CIO on Korea's labor violations.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL OR-
GANIZATIONS,

Washington, DC, July 6, 2011.

LEGISLATIVE ALERT

DEAR REPRESENTATIVE: As you will soon be asked to ratify the U.S.-Korea Free Trade Agreement, I would like to share important information regarding serious labor violations in South Korea.

The AFL-CIO has learned disturbing allegations from our colleagues in the Korean Metal Workers Union (KMWU). These allegations call into question the Government of South Korea's commitment to promote and defend not only the ILO Declaration on Fundamental Principles and Rights at Work (as promised in Chapter 19 of the U.S.-Korea Free Trade Agreement), but human rights more generally.

The allegations center on concerted actions against two different employers. The first involves Hanjin Heavy Industries, which in December 2010 unilaterally dismissed 170 workers in violation of the employment security agreement with KMWU. Later that month, the union local began a strike, which included a sit-in protest inside the factory. We understand that, in June, Hanjin hired some 400 private contractors, who, together with 2000 riot police, forced most of the peaceful protestors out of the building. In addition, it is alleged that, for the protestors who remain on site in "Crane 85," these security forces have limited the food and water available and cut off electricity.

Instead of helping these workers, we understand that the Government of South Korea has imprisoned one striker, issued arrest warrants for four union leaders, and issued police summonses for an additional 240 union members in connection with its "Obstruction of Business" law. The ILO has repeatedly called on Korea to revise this law to

bring it into conformity with the internationally recognized right of workers to exercise their freedom to associate.

The second incident involves Yuseong Piston Ring (YPR), a major supplier for Hyundai Motors. On May 18, workers at YPR engaged in a two-hour work stoppage in order to protest management's apparent failure to implement a "2-day shift system" per an agreement signed with the workers in 2009. That day, YPR instituted a lockout that remains in place. When workers attempted to return to work on June 22, 150 private contractors physically attacked union workers with iron pipes, fire extinguishers, and other weapons. Some 20 union members were seriously injured, and four arrest warrants were issued for KMWU leaders.

These allegations are made all the more disturbing with the impending vote on the Korea FTA. If these types of violations are occurring at a time when Korea should be putting its best foot forward in hopes of gaining trade concessions from the U.S., it is unlikely that the government will feel the need to better uphold its promises to guarantee fundamental rights for workers once the agreement is in place and Korea's internal labor relations are no longer under a microscope.

While opinions differ on the underlying merits of the Korea FTA, the AFL-CIO asks that you oppose Congressional consideration of the FTA at least until the fundamental rights of South Korean workers to organize and bargain collectively are respected.

I urge you to contact the Korean Government and make your views known on this important matter.

Sincerely,

WILLIAM SAMUEL,
Director,
Government Affairs Department.

Mr. MICHAUD. I yield to the Congresswoman from California (Ms. LINDA T. SANCHEZ) for the purpose of making a unanimous consent request.

Ms. LINDA T. SANCHEZ of California. Madam Speaker, I would like to insert into the RECORD a resolution from the League of United Latin American Citizens expressing opposition to the free trade agreement.

TO SUPPORT A FAIR TRADE MODEL AND OPPOSING THE COLOMBIA, PANAMA AND SOUTH KOREA FREE TRADE AGREEMENTS

Whereas, the League of United Latin American Citizens is this nation's oldest and largest Latino organization, founded in Corpus Christi, Texas on February 17, 1929; and

Whereas, LULAC throughout its history has committed itself to the principles that Latinos have equal access to opportunities in employment, education, housing and healthcare; and

Whereas, LULAC supports a new U.S. trade policy that creates living-wages, sustainable jobs for people in the U.S. and trade partners countries while promoting democracy, human rights, labor standards, a healthy environment, and access to essential services; and

Whereas, LULAC opposes the U.S. Korea Free Trade Agreement (FTA), U.S. Colombia FTA and U.S. Panama FTA, and it has in the past opposed the U.S. Peru FTAs and the Central America FTA (CAFTA) because these pacts did not meet these goals; and

Whereas, LULAC has succeeded in bringing to national attention how agriculture provisions in the North American FTA (NAFTA) and CAFTA have forced rural Latin Ameri-

cans to leave their countries and families, risking their lives crossing the U.S. border to be able to support their loved ones back home; and

Whereas, since NAFTA the U.S. has lost over 5 million family-supporting manufacturing jobs and whereas the country cannot sustain further job loss of this magnitude, especially when unemployment disproportionately affects Latino families and other people of color; and

Whereas, the foreign investor provisions and their private enforcement included in pacts like NAFTA and CAFTA threaten the sovereignty and the environment of Latin American nations, and their control of their natural resources; and

Whereas, President Obama committed during his campaign to create a new American trade model that could deliver benefits to more people and remedy these problems, but to date has not implemented these commitments; and

Whereas, a comprehensive, bipartisan reform bill—the Trade Reform, Accountability, Development and Employment (TRADE) Act—that would deliver on Obama's commitment by addressing agricultural displacement, job loss and other past trade deal problems was supported by LULAC and over 150 members of Congress; and

Whereas, the Obama administration has announced that it will send to Congress three NAFTA-style trade deals with Colombia, Panama and South Korea; and

Therefore be it resolved, that the League of United Latin American Citizens will continue to fully and actively support a new fair trade model based on the TRADE Act; and

Be it further resolved, opposes ratification of FTAs with Colombia, Panama and South Korea leftover from the Bush administration; and

Be it further resolved, that a copy this resolution be provided to the President of the United States, the Members of the appropriate Congressional committees, the U.S. Trade Representative, the Secretary of Commerce, the Secretary of Labor, the Secretary of Agriculture and the Administrator of the U.S. Environmental Protection Agency.

Approved this 1st day of July 2011.

MARGARET MORAN,
LULAC National President.

Mr. MICHAUD. I yield to the Congressman from Pennsylvania (Mr. CRITZ) for the purpose of making a unanimous consent request.

Mr. CRITZ. Madam Speaker, I would like to insert into the RECORD a letter from the United Steelworkers in opposition to the Korea free trade agreement.

UNITED STEELWORKERS,
June 20, 2011.

Re oppose the free trade agreements with Korea, Panama and Colombia

U.S. SENATE,
HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR SENATOR/REPRESENTATIVE: On behalf of the 1.2 million active and retired members of the United Steelworkers (USW) I write to urge you to vigorously oppose the Free Trade Agreements with Korea, Panama and Colombia. These three FTA's will undermine our economic recovery, further decimate American manufacturing and jobs and deepen the economic insecurity and devastation faced by workers across the country.

International trade and the consequences of accelerated globalization are matters of

long-standing and deep concern to the USW, as an overwhelming portion of our members work in import-sensitive manufacturing sectors and all too often have lost their jobs due to bad trade deals and unfair and predatory trade practices. Promises made by administrations past and present touting the benefits of free trade have simply not materialized for America's manufacturing workers. This is clearly reflected in the nation's massive trade deficit—a deficit fueled by trade deals that grease the path for greater and greater out-sourcing and off-shoring of jobs and capacity—and every bit as dangerous as our federal deficit.

The results of "free trade" deals are all too clear: In the last decade alone six million manufacturing jobs and 55,000 plants have been lost. Multinational companies easily set up operations overseas and export back to the U.S. market. Numbers tell the story. New Department of Commerce data show that large U.S. multinational companies cut their workforces in the U.S. by 2.9 million during the 2000s while increasing employment overseas by 2.4 million. This continues even as workers and families wrestle with a tepid and uncertain economic recovery that is generating insufficient job growth with millions still unemployed or underemployed. It's no wonder—our trade policies encourage job growth overseas. Trade deals force working Americans to assume all the risk and encourage big multinationals to reap all the rewards.

USW members have sacrificed enough. We oppose these trade deals because they do not adequately address the changing nature of trade and accelerating globalization. They are based on the failed NAFTA model. We need to update and reform our nation's trade policies, not simply continue on the present course.

The following comments provide an overview of our objections to these three agreements. They touch upon only some of the issues which undermine our nation's interests.

US-KOREA FREE TRADE AGREEMENT.

The Steelworkers have spent considerable time and effort analyzing the proposed FTA and engaged in a substantive and extensive dialogue with the Administration and leaders on the Hill regarding the FTA's provisions. Regrettably, the US-Korea FTA (KORUS) will undermine America's economic interests and lead to higher trade deficits and greater job loss.

While the focus of the Obama Administration's activities relating to KORUS was on improving the provisions relating to trade in autos, their efforts came up short for the vastly larger US auto supply chain. The final provisions allow for a vehicle to be eligible for the preferences of KORUS with only 35% of the content, by value, coming from the signatory countries. So, a Korean vehicle, to be eligible for duty-free treatment entry into the U.S., could have almost 2/3rds of its content, by value, coming from another country—like China. And, KORUS gives automakers the discretion to choose among three different methods to calculate content allowing them to choose whichever method is best for them, not for job retention or creation.

Americans want the term "Made in USA" to mean something. Indeed, the Federal Trade Commission's standard for Made in USA is that "all or virtually all" of the content should be of U.S. origin. The KORUS will accelerate the off-shoring and outsourcing of auto parts production, jeopardizing not only the jobs of the 350,000 Steelworkers

that make products that can be used in the auto supply chain, but those of other workers across the country.

These provisions alone make the FTA fundamentally flawed, but, there are other problems that will cause serious economic consequences with the KORUS:

It will jeopardize jobs across the economy. The Economic Policy Institute estimates that KORUS will cause the loss of 159,000 jobs;

It will increase the trade deficit in seven high-paying sectors, according to the International Trade Commission;

It undermines our trade laws by allowing for the diversion of dumped or subsidized components to be shipped to the U.S. from third countries. The agreement lacks sufficient safeguards to address this serious problem and provides new procedures that could advantage Korean producers.

It does not include provisions to ensure reciprocal market access—the Korean market is one of the toughest markets in the world for foreign products to compete in. Tariffs are often buttressed by a labyrinth of non-tariff barriers that will continue to impede our exports.

It fails to address Korea's ongoing currency manipulation.

It fails to include a comprehensive and annual review mechanism that will allow for comprehensive oversight of the workings of the FTA to ensure that the provisions that are adopted, and fully and faithfully enforced. It largely leaves to the private sector the job of demanding compliance, rather than an ongoing review mechanism that identifies and addresses problems before the injury is inflicted on our workers, farmers and businesses.

U.S.-PANAMA FREE TRADE AGREEMENT

The U.S.-Panama FTA is not an economically meaningful agreement in terms of providing a robust market for U.S. exports and job creation. But, its flawed provisions continue to expand the existing trade model that has proven to undermine our economic and employment interests. Thus, it further jeopardizes our economic recovery and expands an unacceptable trading framework.

Among the reasons the U.S. Panama FTA should be rejected are:

It fails to provide significant economic opportunities to promote our economic recovery and job creation;

It fails to reform the existing FTA approach to investment allowing for Panamanian investors to challenge many of our most important health, safety, environmental and other laws;

It fails to ensure adequate provision of labor rights despite recent changes adopted by the Panamanian government;

It does not do enough to address Panama's historic role as a tax haven or center for narco-trafficking.

US-COLOMBIA FREE TRADE AGREEMENT

The U.S.-Colombia Free Trade Agreement puts in jeopardy America's moral leadership by sacrificing the lives and livelihoods; the worker and human rights of the Colombian people at the altar of free trade. Trade has the power to lift people up and to advance America's values—it also has the power to entrench the status quo.

In Colombia, the status quo has made that country the most dangerous place in the world to be a union member. Indeed, as the ITUC concluded in its most recent, 2011 world survey of anti-union violence, Colombia, in the words of the ITUC, continues “to maintain the lead in a grim record of murder

and repression of workers involved in trade union activities.”

Moreover, the Colombian government continues to fail miserably at effectively prosecuting those responsible for anti-union violence. Thus, impunity for anti-union killings remains at 96%, while impunity for other forms of anti-union violence remains at an incredible 99.8%.

Colombia should not be rewarded with a trade agreement until it has a proven track record of bringing to justice those who have perpetrated crimes against union activists and has adopted and enforced workers' rights throughout the country. In recent weeks, since the Action Plan was announced between our two countries—violence against union activists and worker repression has continued unabated. And, while the Action Plan purports to improve Colombia's existing framework of laws and regulations, there is no reason to believe that these changes will have any real positive impact on workers. The US is giving away the one tool it has to effect change in Colombia, by voting to pass the agreement before there is time to see if the Santos Administration will live up to its commitments under the Action Plan. Only time, and additional improvements in the operation of their laws and judicial system and the enforcement of their labor laws, will position Colombia as an appropriate free trade agreement partner.

Among the reasons that the US-Colombia FTA should be rejected are:

Violence against union leaders and activists continues;

Colombia has not developed a sufficient investigatory and judicial infrastructure to bring the perpetrators of this violence to justice;

Significant opportunities exist for employers to deny workers their most basic organizing rights. Employers can continue to use cooperatives, temporary contracts and other means to thwart union organizing and the ability of workers to exert their rights;

The Action Plan is not part of the FTA and, as a result, Colombia's adherence to its terms may be subject to the discretion of this and future Administrations. The provisions of the Action Plan need not only to be given time to be fully and faithfully implemented but must be subject to specific mechanisms and commitments to ensure that they will be effective—now and in the future;

The FTA, through its agricultural provisions and its encouragement of further corporate exploitation of Colombian land, will only accelerate internal displacement in Colombia which just overtook the Sudan as the country with the largest internally displaced population (over 5 million) in the world.

America's economic recovery is still tenuous. We face a significant jobs and trade deficit which will only deepen if these agreements were to pass. And, indeed, passage of the Colombia agreement will create a moral leadership deficit—where America's promotion of internationally-recognized workers' rights is put in jeopardy. At any time, but certainly at this time, these three agreements should be rejected.

The American people, in increasing numbers, reject the approach our policymakers have taken on the trade issue. They will remember, at the next election, those who stood by their side and those who put their jobs, their families and their communities at risk.

Sincerely,

LEO W. GERARD,
International President.

Mr. MICHAUD. I yield to the Congresswoman from Maine (Ms. PINGREE)

for the purpose of making a unanimous consent request.

Ms. PINGREE of Maine. Madam Speaker, I would like to insert into the RECORD a letter from the Building and Construction Trades Department of the AFL-CIO in opposition to all three FTAs.

BUILDING AND CONSTRUCTION

TRADES DEPARTMENT,

Washington, DC, June 27, 2011.

DEAR HOUSE OF REPRESENTATIVES: As President of the Building and Construction Trades Department of the AFL-CIO, I strongly oppose the Free Trade Agreements (FTAs) with Columbia, Panama, and South Korea, and I urge you to oppose each of these trade agreements because they represent an expansion of failed trade policies that will cause great harm to workers in the building and construction trades.

In 1993, President Bill Clinton worked to pass the North America Free Trade Agreement (NAFTA) that was negotiated by President George H.W. Bush. NAFTA has contributed to the erosion of America's industrial base and been a disaster for our members who build America's factories and retool and service them. Many of our unions represent manufacturing workers, as well as those in the construction trades, and our members have lost jobs as well as line workers in America's shuttered factories. The loss of manufacturing jobs also undermines our nation's ability to finance the public infrastructure (roads, bridges, schools) on which we all rely.

When unfair trade policies destroy our manufacturing base and erode the tax base for infrastructure, our jobs in the building and construction trades disappear too.

With that experience, I am very disappointed that Congress may soon consider the free trade agreements for Colombia, Panama and South Korea. These trade agreements, negotiated by President George W. Bush, replicate the failed trade policies of the past that have exploded our trade deficit, destroyed millions of jobs, driven down U.S. wages, undermined the Buy America policies that reinvested our taxes in our communities, and exposed our domestic laws to repeated attacks in foreign tribunals.

From the extreme violence against labor leaders in Colombia to the tax havens in Panama and the failure to address currency manipulation in South Korea, these trade deals are a bad deal for U.S. workers. In addition, efforts to provide expanded Trade Adjustment Assistance benefits are a recognition that jobs will be lost as a result of these trade agreements.

The Building and Construction Trades Department supports a more equitable trade model. Our nation can and must do better to enact fair trade policies that expand economic opportunities for all Americans. With unacceptable unemployment levels and working families struggling to recover from the Great Recession, our members want Congress to pass real job-creation legislation, not more job-killing trade agreements. In the end, working families will remember who is working for them.

Thank you for their consideration.

Sincerely,

MARK H. AYERS,
President.

Mr. MICHAUD. I yield to the Representative from North Carolina (Mr. JONES) for the purpose of making a unanimous consent request.

Mr. JONES. Madam Speaker, I would like to insert into the RECORD two letters opposing the Korean free trade agreement, one from the American Manufacturing Trade Action Coalition and another from the United States Industrial Fabrics Institute.

AMERICAN MANUFACTURING
TRADE ACTION COALITION,
October 7, 2011.

AMTAC URGES "NO" VOTE ON KORUS

DEAR MEMBER OF CONGRESS: The American Manufacturing Trade Action Coalition (AMTAC) urges you to vote NO on the U.S.-South Korea Free Trade Agreement (KORUS). The agreement was submitted to Congress on October 3, and a vote is expected in both the House and Senate on Wednesday, October 12.

AMTAC strongly opposes KORUS for three main reasons:

- the agreement is flawed in concept;
- the terms of the agreement are unfavorable to key industries such as textiles; and,
- the textile and apparel provisions in the agreement are unlikely to be adequately enforced.

These problems are why as many as an estimated 40,000 U.S. jobs are expected to be lost in the first seven years after implementation just as a result of textile concerns with the agreement.

If Congress is serious about creating jobs, passing trade-law enforcement measures like the stalled anti-currency manipulation legislation, strengthening our "buy American" laws, and eliminating trade distortions caused by foreign border-adjusted taxes should be targeted instead.

(1) KORUS IS A CONTINUATION OF A JOB-DESTROYING U.S. TRADE POLICY

KORUS replicates a fatal flaw contained in almost every free trade agreement (FTA) that the United States has implemented: our FTA partners can (and do) sell more to us than we to them. During the lifetime of our existing FTAs, the United States has run a cumulative \$2.1 trillion deficit with our trade partners. This flaw drives up the U.S. production shortfall manifested in our trade and current account deficits that have destroyed so many middle-class American jobs.

The disparity in market opportunities is immense for several reasons. South Korea's population is less than one-sixth of the United States. Its GDP of \$986.3 billion is less than 7 percent of the U.S. GDP of \$14.6 trillion in 2010.

Despite the South Korean economy's smaller size, it is an export superpower in many important industries such as autos, electronics, and textiles.

With respect to textiles, South Korea has a highly sophisticated, vertically integrated industry that is a world-class manufacturer of even the most technical products. In 2010, South Korea was America's 8th largest supplier of textiles and apparel by volume. For just yarns and fabrics, the largest component of the U.S. industry, South Korea is America's 2nd largest source of imports.

In addition, South Korea has a long history of unfair trading practices. Currently, there are 16 antidumping and countervailing duty orders in place against U.S. imports of goods from South Korea.

Moreover, despite its obligations under the World Trade Organization (WTO), South Korea has been hostile to imports. It has raised non-tariff barriers for those goods where there is sizeable Korean production, autos being the prime example.

We would also note that while KORUS will give South Korean goods duty-free entry into the U.S. market, U.S. exports to South Korea will still be subjected to a 10 percent Value Added Tax (VAT). Through their VAT system, South Korea will be allowed to maintain what amounts to a permanent 10 percent tariff on U.S. exports to their market. Moreover, South Korea has complete freedom to raise their VAT rate above the current 10 percent at any point in the future. It was a major error on the part of our negotiators not to address this inequity as part of KORUS, as border taxes are another persistent example of foreign practices that place domestic companies at a competitive disadvantage.

Finally, the agreement is geographically disadvantageous to the United States. South Korea faces roughly the same logistical challenges as its other Asian competition when it exports to the United States. In contrast, the United States must ship its exports of manufactured goods several thousand miles across the Pacific Ocean to a market where our competitors in China and Japan are right next door.

The disparity in market opportunity is one reason why the United States ran a \$10 billion trade deficit with South Korea in 2010. Of that total, the U.S. ran a \$10.6 billion deficit in motor vehicles and motor vehicle parts and a \$600 million deficit in textiles and apparel. It is also why the U.S. textile industry and some other sectors expect few export opportunities for their products under KORUS.

In the face of these unfavorable factors, KORUS will eliminate U.S. tariffs on 95 percent of current trade in industrial products within three years of implementation of the agreement while not guaranteeing reciprocal U.S. access to the South Korean market for key industrial products such as autos and textiles.

With South Korea's current capabilities as a major producer and exporter of industrial products, its close proximity to China, and its traditional hostility to imports, KORUS will hurt U.S. manufacturers and exacerbate our trade deficit.

No wonder the Economic Policy Institute predicts the KORUS agreement will increase the total U.S. trade deficit with South Korea by about \$16.7 billion annually and displace approximately 159,000 American jobs within the first seven years after it takes effect.

(2) KORUS'S TEXTILE CHAPTER HURTS U.S. TEXTILE MANUFACTURERS

The United States International Trade Commission (USITC) estimates that U.S. textile and apparel output will decline by the largest percentage of any sector as a result of KORUS and cites expected increases in U.S. imports from South Korea as the driving factor.

According to the U.S. International Trade Commission's initial analysis of entering into an agreement with South Korea, "The largest gains for Korean exports to the United States are anticipated in textiles, apparel, and leather goods, and other manufacturing (e.g., chemicals and allied products, electronics, and transportation)." Various studies cited in the 2007 USITC report on KORUS uniformly predict declines in U.S. textile and apparel output ranging from 0.4 to 1.5 percent.

AMTAC estimates that 9,300 to 12,300 U.S. textile and apparel manufacturing jobs are expected to be lost in the first seven years after implementation as result of flaws in the textile chapter of KORUS. Moreover, because U.S. government figures show that ap-

proximately three additional jobs are lost to the U.S. economy for each textile job that is eliminated, the total estimated job loss climbs to nearly 40,000. It is also important to note that these figures do not account for job losses as a result of a likely surge in illegal Chinese transshipments via South Korea, which we expect to be significant.

One highly sensitive market where South Korea competes head-to-head with U.S. producers in the U.S. market is in industrial textiles, a sector with employment of more than 25,000.

U.S. industrial textile manufacturers are particularly concerned about this agreement and its impact on the extended domestic supply chain for coated and laminated membranes used in industrial and military applications such as fuel cells, oil booms, rapidly deployable shelters/tents, radar attenuating covers, safety and protective gear, and many more advanced applications, including automotive fabrics. Many companies participating in this supply chain also support the military needs of our warfighters. Their ability to innovate and responsibly supply the military is dependent on an overall healthy domestic market and industry.

Our principal concerns with the text include (1) accelerated tariff phase-outs that do not give U.S. producers time to adjust, (2) non-reciprocal tariff phase-outs that favor the South Korean textile industry in key products, and (3) exclusion of certain textile components from the rule of origin.

The aforementioned reasons and others are why, as the auto provisions of KORUS were being reopened, AMTAC and other industry associations made a request to the Obama administration in August 2010 that they also reopen the textile and apparel chapter of the agreement to fix the problems therein. Textile concerns, however, were never raised with South Korea and these damaging provisions remain unchanged.

PROBLEMATIC ACCELERATED TARIFF PHASE-OUTS

Contrary to the precedent established in the NAFTA, 86 percent of textile and apparel product lines are duty free immediately under KORUS and an additional 10 percent will be duty free on January 1 of Year 5 of the agreement. This is the first time a large number of sensitive products from a country with a large, sophisticated textile industry have received immediate access to the U.S. market. Tariff phase-outs for sensitive products have traditionally been a key part of trade agreements in order to give companies time to adjust business models and minimize large-scale potential job displacement. For example, South Korea exports of polyester fiberfill have entered the United States under anti-dumping orders for the past 15 years. This dumping case passed two sunset reviews, the last of which was successfully completed prior to the end of the KORUS negotiations. Nevertheless, KORUS immediately removes the U.S. duty on polyester fiberfill, defeating the purpose of the anti-dumping rule and defying logic of equitable trade negotiations.

In the U.S. technical textile market, South Korea has emerged as the number one exporter of advanced textile reinforcements, and this sensitive tariff line is scheduled for immediate tariff phase out. U.S. industrial textile producers have already lost significant market share to South Korean manufacturers, and this FTA will do significant harm to the industrial textile industry and greatly diminish the sustainability of our fragile domestic supply base.

Socks are another sensitive product where most tariff lines go to zero immediately.

South Korea was the 6th largest exporter of socks to the United States in 2010 by volume, shipping more than 152 million pair.

NON-RECIPROCAL TARIFF PHASE-OUTS

The agreement also provides South Korea with a more generous and expedited tariff elimination schedule than what is afforded U.S. producers and exporters for certain products. One example is para-aramid fiber, which is used to produce tough, flame-retardant fabrics for industrial and military applications including body armor. Under KORUS, South Korea will be allowed to export aramids to the United States with immediate duty free treatment. U.S. producers do not get duty free access to the Korean market as South Korea is allowed to phase out its tariff to be duty free on January 1 of Year 5. This puts U.S. manufacturers at a direct disadvantage.

JOB-DESTROYING LOOPHOLES IN RULE-OF-ORIGIN

The rule of origin is a critical element of any free trade agreement because it defines which products qualify for preferential treatment and whether countries not party to the agreement will receive benefits. The KORUS contains a "yarn forward" rule of origin. While we support a basic yarn forward rule, certain specific exemptions to the product origin rules under KORUS are very problematic.

In essence, the rule applies only to the component that determines the tariff classification of the apparel or home furnishing good (in other words, the main or essential fabric) plus certain visible lining fabrics. Applying origin rules in this manner means that key component yarns, threads and fabrics are not adequately covered under the rule of origin and therefore do not have to be of U.S. or South Korean origin. This conflicts with the majority of our recent agreements including CAFTA-DR, Peru, Colombia and Panama which apply the yarn forward rule beyond just the essential character fabric.

Under KORUS, components including sewing thread, pocketing and narrow fabrics, all of which are in plentiful supply from U.S. producers, are allowed to come from anywhere. This allows third parties, such as China, to benefit without making any market concessions of their own. Domestic producers of these types of component yarns and fabrics provide thousands of U.S. jobs, which will be put into jeopardy if KORUS is implemented.

(3) HIGH LIKELIHOOD OF MASSIVE CUSTOMS FRAUD DUE TO INADEQUATE ENFORCEMENT PROVISIONS

In addition to the flaws in the textile chapter of KORUS, there is strong evidence that Customs' ability to enforce this agreement will be ineffective.

Due to South Korea's history of transshipment paired with significant cross-border investment with China, upgraded customs enforcement provisions are essential to prevent large-scale customs fraud under KORUS. China already exports nearly \$4 billion annually in textiles and apparel to South Korea, and South Korea was labeled by U.S. Customs as a major transshipment point for Chinese exporters when quotas were in place.

Instead of strengthening enforcement, however, the customs language in KORUS was significantly weakened compared to other high risk agreements such as the Singapore PTA.

Key enforcement provisions that were dropped under KORUS include the ability for U.S. Customs to (1) seize goods from repeat

offenders, (2) reduce South Korea's access if it does not enforce the rules of the agreement, and (3) deny fraudulent companies import privileges for several years.

The substandard customs provisions in the KORUS leave the U.S. textile industry and its workers vulnerable to large-scale illegal imports from China through South Korea. As a result, the industry fully expects Chinese textile exporters to be a primary beneficiary of KORUS.

In addition to its direct threat to the U.S. market, the specter of increased illegal transshipments likely to be generated by KORUS represents a significant attack on the hemispheric textile production structure encouraged by U.S. policy for the past three decades.

The KORUS threatens to damage the Western Hemisphere because South Korea's textile and apparel exports are expected to surge and displace orders currently being sourced in the region. When finished product orders are lost by manufacturers in the Western Hemisphere, U.S. mills also lose the orders for the yarns and fabrics that go into garments and made-up articles.

The potential loss of business is enormous. As a result of trade preference programs and the NAFTA/CAFTA/Peru FTAs, nearly two million textile and apparel workers in those regions produce garments, home furnishings, and the textile components incorporated into those products. The U.S. textile and apparel industry is a critical link in the supply chain. We export more than \$12 billion a year to our preferential partners in the Western Hemisphere, predominantly in components such as yarns, threads, and fabrics. This trade accounts for more than 60 percent of total U.S. textile and apparel exports.

CONCLUSION

AMTAC urges Members of Congress to vote NO on KORUS due to the expedited tariff reductions, lack of reciprocity in certain key product areas and overall negative impact on U.S. companies and jobs. Congress should prioritize fixing U.S. trade policy, stopping manufacturing job loss, and closing the trade deficit before considering any new trade deals including KORUS.

Thank you for your consideration in this matter. If you have any questions, please do not hesitate to contact us.

Sincerely,

AUGGIE TANTILLO,
Executive Director,
American Manufacturing Trade Action
Coalition.

USIFI,
April 6, 2011.

Hon. DAVE CAMP,
Chairman.

Hon. SANDER LEVIN,
Ranking Member, Ways and Means Committee
Office, 1102 Longworth House Office Building,
Washington DC.

DEAR CHAIRMAN CAMP AND RANKING MEMBER LEVIN: The United States Industrial Fabrics Institute (USIFI) submits the following comments for the record in conjunction with the Ways and Means Hearing on the U.S.-Korea Free Trade Agreement.

The United States Industrial Fabrics Institute (USIFI) has fifty company members, each with significant U.S. manufacturing. The member companies supply technical textiles and made-up products for advanced industrial and military applications. USIFI is a sub-set of the 2,000 member not-for-profit Industrial Fabrics Association International (IFAI).

The United States technical textile industry (also known as specialty or industrial

textiles) continues to be a pawn in the chess game of international trade agreements. Our own government, in its analysis of the pending U.S. Korea Free Trade Agreement, states "The expected increase in imports from Korea will likely be concentrated in goods for which Korea is a competitive, and major supplier, and U.S. tariffs are high, such as man-made fibers, yarns, fabrics, and hosiery, and will likely displace domestic production of such goods and especially imports of such goods from other sources. . . . The expected increase in U.S. imports of textiles and apparel from Korea under the FTA will likely be concentrated in man-made fibers and goods made of such fibers, for which Korea is a major world producer and has a "proven advantage."

In fabrics, the expected growth in U.S. imports from Korea will likely be concentrated in knit and woven industrial and specialty fabrics and will likely displace domestic production of such fabrics. Korea was the third-largest source of U.S. fabric imports in 2006 with 11 percent (\$953 million) of the total, reflecting significant positions in knit fabrics (27 percent import share or \$203 million) and specialty fabrics (13 percent or \$116 million). Korean producers reportedly are expanding output of industrial and specialty fabrics that use information technology and biotechnology for use in tire-cord fabrics and engineering, construction, and medical applications. Industrial fabrics include high-strength reinforcements, textile reinforcements, and laminated sheet goods that use the textile reinforcements to make them stronger. The fabrics are used in awnings, tents and shelters, signs and banners, tarpaulins, commercial roofing membranes, health-care mattress and seating covers, truck covers, conveyor belting, fabrics for package handling and treadmills, and geotextiles for water-containment linings and erosion control.

Committee Members, these are the products our member companies produce in the United States.

U.S. companies in the specialty technical textile industry manufacture highly specialized products for protection (ballistic, shelter, chemical-biological-radiation-nuclear protection textiles, potable water and fuel fabrics and bladders); partner with our military and academic institutions to develop new textile fibers, fabrics, and finishes; and employ highly skilled workers in almost every state in the Union. The U.S. technical textile industry is a success story—expanding, efficient, and leading the world in innovation. These are the jobs that will disappear if you ratify the U.S. Korea Free Trade Agreement.

A USIFI member, one of the largest U.S. military tent manufacturers, shared this comment:

The technical textile military shelter supply base consists of suppliers of fibers, yarn, woven fabrics, specialty chemical films and technical coatings, all of which are combined by our technical fabric suppliers to our end products manufacturers for use in the manufacture of military tent liners, covers and flooring materials in broad range military tent shelters as well as a large family of related products made from technical fabrics. This supply chain employs unique and highly sophisticated processes that require major capital investments, thus making their sustainability extremely sensitive to the loss of volume.

The severe constriction that has already occurred in the U.S. technical fabrics supply chain has greatly diminished the sustainability of the industry. This proposed FTA

will further reduce the sustainability of our extremely fragile domestic supply base upon which our U.S. military relies for shelters and related personal protection products.

—J.C. Egnew, President, Outdoor Venture Corporation, Stearns, KY.

The technical textile segment of the U.S. textile and apparel industry has grown; in 1998, this segment made up 25% of the market by volume. Now it comprises 43% of the domestic market. In contrast, the apparel market in 1998 had 38% share and now is only 20%, directly due to imports and the move to off-shore manufacturing.

According to the U.S. Bureau of Labor Statistics, there are 393,000 textile and apparel jobs left in the United States as of February 2011. Five years ago, this segment employed 617,500 (February 2006), a loss of 224,500 jobs (–36%). Ten years ago, the textile and apparel industry employed 1,028,900 (February 2001), making a cumulative loss of 635,900 good paying, skilled jobs (–62%) in the last decade. It is estimated that U.S. domestic textile mills and finishers producing fabrics specifically for the technical textile market employ approximately 160,000. USIFI member companies account for more than 25,000 of this number. This figure does not include made-up products nor does it include the raw materials like fiber or chemicals for dyes and finishes. The U.S. textile industry predicts that the threat placed on us by the substantial increase in Korean imports if KORUS is ratified will jeopardize 40,000 technical textile and related jobs. The Economic Policy Institute estimates that 159,000 good paying American manufacturing jobs across all sectors will be lost if the KORUS agreement is passed.

With South Korea's current capabilities as a major producer and exporter of industrial products, its close proximity to China, and its traditional hostility to imports, the Agreement is not in the best interests of American manufacturing. USIFI has been tracking imports from Korea for more than a decade; their data, compiled from the U.S. Department of Commerce (DOC) and the USITC, shows that Korea is the largest supplier to the U.S. of advanced textiles reinforcements, the second largest supplier of yarns and fabrics, and second largest supplier of coated and laminated membranes.

Specifically, we have three main concerns with the Agreement:

Customs enforcement;

Tariff phase-out schedule;

Product coverage of the rules of origin.

Customs Enforcement: Korea is a known illegal transshipment axis for Asia, especially China. The Agreement as drafted leaves the U.S. and its workers vulnerable to large-scale fraud. The long history between the South Korean and Chinese textile industries and the documented cases of transshipment cooperation between producers in these countries are major sources of concern. Korea's position as a transit hub for Chinese goods will make the enforcement of the KORUS particularly challenging. The Korean port of Busan is the 5th largest container port in the world and is the largest transshipment port in northeast Asia, handling more than 13 million twenty-foot equivalent unit (TEU) containers annually. The port handles cargo from 500 ports and 100 countries with an expansive feeder vessel operation connecting Busan with China, Japan and Russia. The U.S. Customs and Border Patrol, while its budget has increased, has decreased its commitment to its customs textile enforcement program as priorities have shifted to other areas.

Tariff Phase-Out Schedule: Korean textile products are provided a much more generous phase-out schedule than U.S. products, allowing many Korean products immediate duty-free access to the enormous U.S. market (96% of their products go to zero duty within three years). Access to the much smaller Korean market for those same U.S.-made products will be phased in over ten years. The disparity in the phase-out schedule is particularly concerning because Korea is already the largest supplier to the U.S. of technical textiles and has a sophisticated, government supported technical textile industry, with excess capacity, just waiting for this agreement to pass so they can flood the U.S. market with their products.

Product Coverage of the Rules of Origin: The rules of origin under the KORUS agreement exclude certain components such as sewing thread, narrow fabrics and pocketing fabrics, items that are required under the CAFTA-DR and Panama Agreements and are important to U.S. textile manufacturers. Allowing these inputs to be sourced from countries not party to the Agreement is a departure from recent FTAs and it is illogical that these and other products were excluded in this Agreement.

You have seen the Agreement and studied its analysis. You read in government documents that whole segments of the U.S. economy will not be helped by this Agreement, including technical textiles. We are asking that you address this flaw now with your vote against the U.S. Korea Free Trade Agreement, ending the chess match where U.S. textile manufacturing never wins.

Sincerely,

RUTH A. STEPHENS,
*Executive Director, U.S. Industrial
Fabrics Institute (USIFI)*

Mr. MICHAUD. I yield to the gentleman from Illinois (Mr. LIPINSKI) for the purpose of making a unanimous consent request.

Mr. LIPINSKI. Madam Speaker, I rise in opposition to this job-killing trade bill, and I would like to insert into the RECORD a letter from the International Federation for Professional and Technical Engineers in opposition to the Korea FTA.

INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS,

Washington, DC, February 7, 2011.

Hon. HILDA L. SOLIS,

U.S. Department of Labor, Washington, DC.

Hon. RON KIRK,

Office of the U.S. Trade Representative, Washington, DC.

DEAR SECRETARY SOLIS AND AMBASSADOR KIRK: The International Federation of Professional and Technical Engineers (IFPTE) applauds the Obama Administration, most notably the Department of Labor (DOL) and the office of the United States Trade Representative (USTR) for your willingness to include labor in last year's discussions preceding the Administration's announced agreement on the US-South Korea (KORUS) Free Trade Agreement. That said, and after a long review and analysis of this FTA, I am writing to express IFPTE's concerns with the final proposal. While some improvements compared to the Bush Administration negotiated KORUS FTA were achieved, IFPTE continues to believe that the proposed agreement falls short in several key areas and fails to put US workers and businesses in a better position to compete.

First and foremost, KORUS does not include enforceable labor protections. Granted,

the language urges the United States and South Korea to adhere to the International Labor Organization (ILO) Declaration on Fundamental Principles and Rights at Work. However, like the 2007 Bush Administration negotiated Korea deal, as well as the Panama, Peru and Colombia FTAs, the practical implication of this provision is the exclusion of any enforceable ILO labor protections. The fact is that the ILO Declaration itself has no teeth and is not enforceable. Instead, it is the eight ILO Conventions themselves that are enforceable. Yet, and despite the urging of labor to include the ILO Conventions, they are not included in KORUS. The resulting compromise allows potential FTA panels the flexibility to ignore, or even weaken through misguided interpretations, the true labor protections called for by the ILO.

It is IFPTE's long-standing position that any trade framework should be reflective of a broader US industrial policy whose foundation is enhancing the rights of workers not only here in the US, but worldwide. Consequently, the mere fact that the ILO Conventions are absent from this agreement is reason enough for IFPTE to oppose the KORUS FTA.

We have many other concerns as well, including our skepticism with claims of a limited negative impact on American workers. The basis for these claims stems from an analysis of KORUS by the United States International Trade Commission (USITC), which attempts to predict the impact that specific trade agreements will have on the US economy. The USITC suggests that KORUS will have no negative impact on US jobs, and will have a limited impact on the US trade deficit with South Korea over the first seven years. However, USITC estimates have historically underestimated the damage that past trade agreements have had on US workers and the economy. For example, when China sought membership in the World Trade Organization (WTO), the USITC predicted that our trade deficit with China would increase by \$1 billion, and it would have a negligible impact on jobs. Instead, from the time China entered the WTO in 2001, through 2008, our trade deficit with China ballooned to \$185 billion annually and resulted in the loss of 2.4 million American jobs. In other words, IFPTE warns against relying on the USITC metric.

We at IFPTE believe that a more reliable, and realistic, estimate of the impact of KORUS is outlined by the Economic Policy Institute (EPI). Contrary to the USITC findings, EPI found that over the first seven years of implementation, KORUS will result in 159,000 lost American jobs and increase the US trade deficit with Korea by \$16.7 billion. To put this into practical terms, an analysis by the United Steelworkers of America (USW), for example, suggests that KORUS will only enflame our trade deficit with Korea. In expressing their opposition to KORUS, the USW issued a statement saying, "auto parts, petroleum products, tires and iron and steel, for example—have contended with fast growing imports from Korea this year, and the FTA will only ensure a continuation of the negative impact of this import flood on domestic production and employment."

Equally troubling is that KORUS mirrors NAFTA when it comes to foreign investor privileges and Buy America policies. Among the foreign investor problems with this bill are the following:

Gives foreign investors the right to enforce FTA privileges by suing the U.S. government

in foreign tribunals for violations of FTA rights;

Opens up U.S. environmental, health, zoning and other policies to challenge by foreign investors in foreign tribunals;

Requires that foreign based companies in South Korea, like those in all FTA nations, have the same access to state and federal government contracts as that of U.S. based companies; and,

Forbids the reinvestment of U.S. taxpayer dollars back into the domestic economy by governments at the state and federal levels through, "Buy America" policies.

It is worth noting that the Korean Confederation of Trade Unions (KCTU), South Korean Farmers organization, and civil and human rights groups have also lined up in opposition to KORUS. Indeed, our national experiment with free trade agreements has been negative for workers in America, as well as those around the world. There has been enough suffering from one sided trade deals that are great for business, but are disastrous for American and foreign workers alike. Therefor IFPTE opposes the KORUS FTA and will encourage Congress to reject it.

I thank you for your consideration. Should you have any questions please feel free to contact me, or IFPTE Legislative Director Matt Biggs.

Sincerely,

GREGORY J. JUNEMANN,
President.

Mr. MICHAUD. I yield to the gentlewoman from North Carolina (Ms. FOXX) for the purpose of making a unanimous consent request.

Ms. FOXX. Madam Speaker, I would like to insert into the RECORD a statement from the National Council of Textile Organizations in opposition to the Korea free trade agreement.

TEXTILE WORKERS DELIVER 27,000 PETITIONS
URGING "NO" VOTE ON U.S.-KOREA FTA
UNITED STATES REPRESENTATIVE VIRGINIA
FOXX (R-NC)

2,584 PETITIONS SIGNED

The U.S. textile industry has witnessed firsthand the damage that poorly constructed trade agreements inflict on textile and apparel producers in our country. The industry requested that the Obama Administration renegotiate the textile and apparel chapter of the Korea FTA and was ignored.

At a time when our country's unemployment rate remains at record high levels, the industry would like to count on you to stand up for textile jobs and vote NO when this poorly negotiated agreement comes up for a vote.

The textile industry is creating jobs in the United States. Exports have increased more than 16 percent this year alone. The industry is experiencing a shift of sourcing by brands and retailers out of China and into the Western Hemisphere in order to take advantage of the hemisphere's unique trading relationship and its ability to quickly supply major retailers in the U.S.

Enacting the Korea FTA will reverse this positive trend. The reality is that this agreement benefits China and a select group of Korean exporters while it hurts U.S. textile workers.

PLEASE VOTE NO ON H.R. 3080, THE U.S.
KOREA FREE TRADE AGREEMENT

Mr. MICHAUD. I yield to the Congresswoman from California (Ms. WOOLSEY) for the purpose of making a unanimous consent request.

Ms. WOOLSEY. Madam Speaker, I would like to insert into the RECORD a letter from the International Union of Painters and Allied Trades and a letter from the National Farmers Union in opposition to the Korea FTA.

INTERNATIONAL UNION OF PAINTERS
AND ALLIED TRADES, AFL-CIO,
Hanover, MD, June 30, 2011.

DEAR REPRESENTATIVE: On behalf of the 140,000 active and retired members of the International Union of Painters and Allied Trades (IUPAT), I am writing you regarding the proposed Free Trade Agreement between the United States and the Republic of Korea (KORUS FTA). I have serious concerns about duty free construction materials entering the United States and the devastating effect that this and all free trade agreements have on the manufacturing sector.

The IUPAT represents men and women working in the finishing trades as commercial and industrial painters, drywall finishers, wall coverers, glaziers, glass workers, floor covering installers, sign makers, display workers, convention and show decorators, and many more occupations. Our union is made up of over 400 local union halls throughout the United States. While the IUPAT is working overtime to make sure our membership has the ability to provide for their families through this time of chronic and crippling unemployment, I find it unimaginable that this job killing trade agreement would even be considered. According to the Bureau of Labor Statistics, 13,700,000 Americans remain unemployed and nearly 2.5 million Americans have given up on finding work because job loss is so rampant in their communities. The United States International Trade Commission (ITC) report from March 2010 projects that implementation of the Korea Free Trade Agreement would increase the U.S. goods trade deficit. This predicted increase in the U.S. trade deficit under the Korean FTA would risk the jobs of millions of Americans, including IUPAT members, employed in our industries.

Even the White House has ceded the point that this Free Trade Agreement will cost jobs when they demanded on May 16, 2011, that Trade Adjustment Assistance be a prerequisite to the ratification of any of the three pending Free Trade Agreements. While the IUPAT is supportive of the president's promise to provide burial insurance to thousands upon thousands of Americans who will lose their jobs due to the Korean Free Trade Agreement. A better policy would be to focus on rebuilding the frail U.S. economy by investing in American workers instead of workers from North Korea, Korea, China or any other country that imports component parts through Korean ports.

Approximately 20% of IUPAT members work in the manufacturing sector. They work to maintain factories and manufacture paint, plate glass, and floor covering materials, and fabricating glass systems. According to the ITC, these members' jobs and their livelihood would be directly threatened by the duty free importation of the products they proudly manufacture or fabricate as American made.

IUPAT members working in glass fabrication shops manufacture energy efficient shells for buildings and factories. Their product would be turned away in favor of duty free glass panels shipped from Korea. The ITC report indicates that IUPAT members who manufacture floor covering materials or wall coverings would be told to find a new career when cheap carpets, rugs, and wall

covering materials flood the United States duty free. It is clear that duty free will destroy American communities and leave Americans families helpless.

Beyond the very troubling job loss predicted by the USITC, I am deeply concerned about the weak rule of origin that was negotiated by President George W. Bush in this Free Trade Agreement. In 2009, millions of pounds of toxic drywall entered the United States. That lack of oversight put thousands of IUPAT members and an estimated 60,000 families at risk. This was the direct result of allowing uninspected products from an under-regulated country. The weak rule of origin opens the United States, the members of the IUPAT, and American property owners up to the strong possibility that subpar and possibly dangerous building materials will enter the United States and be used in our homes and businesses.

In the interest of the United States economy and all of the families who wish to be working again, including the membership of the IUPAT, I strongly urge you to stand up for American made products and jobs by voting against the Republic of Korea/United States Free Trade Agreement.

Sincerely,

JAMES A. WILLIAMS,
General President.

JULY 7, 2011.

DEAR MEMBER OF CONGRESS: As the House Ways and Means Committee conducts mark ups of the three pending Free Trade Agreements (FTAs), National Farmers Union (NFU) urges members of Congress to oppose these FTAs unless changes are made to make sure that the FTAs are fair for each party involved. As described in a policy resolution NFU's membership passed in the spring of 2011, in order for NFU to support the FTAs negotiated with South Korea (KORUS), Colombia and Panama, inequalities stemming from lack of market access, weak labor standards, extraordinary foreign investor rights and currency manipulation must be addressed.

The U.S. International Trade Commission has released their analysis of the KORUS agreement. Losers under the agreement include all oilseeds (which include soybeans), wheat and specialty crops (which include forages, sheep, goats and horses). The report predicts that the agreement would lead to an increase in the overall U.S. good trade deficit of \$308 to \$416 million because seven U.S. industrial sectors will see net losses. The Economic Policy Institute projects the agreement will cost the U.S. 159,000 jobs in the first seven years. At a time of high unemployment, it would be irresponsible to pass this job-killing FTA.

The U.S. Treasury declared South Korea a currency manipulator in 1988 and 1999. In February 2011, the Treasury issued a warning that South Korea was taking the same steps as it did before past devaluations. Devaluing their currency could wipe out any gains achieved in any sector of the agreement. The KORUS agreement does nothing to address currency manipulation, which puts U.S. producers at an economic disadvantage.

Although U.S. agriculture has a substantial net trade surplus with the world as a whole, U.S. agriculture is currently running a net trade deficit with countries that have FTAs with the U.S. In fact, U.S. agriculture has actually done worse after FTAs have been entered into.

As your committee considers the pending FTAs, given our concerns, we strongly urge members to vote against the agreements.

Sincerely,

ROGER JOHNSON,
President, National Farmers Union.

Mr. MICHAUD. I yield to the gentlewoman from Ohio (Ms. KAPTUR) for the purpose of making a unanimous consent request.

Ms. KAPTUR. Madam Speaker, I would like to insert into the RECORD a letter from the hardest-working workers in America—the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers—in opposition to this Korean free trade agreement.

INTERNATIONAL BROTHERHOOD OF
BOILERMAKERS, IRON SHIP BUILD-
ERS, BLACKSMITHS, FORGERS &
HELPERS,

Kansas City, KS, December 16, 2010.

*House of Representatives,
Washington, DC.*

DEAR REPRESENTATIVE: On behalf of the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, I write to express our opposition to the U.S.-Korea Free Trade Agreement (KORUS FTA). This misguided agreement fails to address the long-standing concerns of American workers, will result in more lost American manufacturing jobs, and fails to establish an appropriate model for sustainable global trade. At a time when so many Americans are struggling in our weak economy, the KORUS FTA is the last thing our nation can afford to pursue.

We continue to be disappointed the U.S. Trade Representative has failed to negotiate positive changes in core aspects of this agreement. The provisions on investment, procurement, and services continue to constrain both governments' ability to regulate in the public interest, promote domestic job creation through responsible procurement policies, and provide public services. The agreement's rules on procurement have the potential to restrict policy goals of vital importance to our union, including domestic sourcing requirements. It is inappropriate for trade agreements to restrict the ability of governments to invest tax dollars in domestic job creation and promote legitimate social objectives. In addition, the investment provisions of the agreement include provisions that allow foreign investors to claim rights above and beyond those granted to domestic investors.

With respect to the labor chapter, no effort was made to improve and strengthen the labor provisions with the Korean Government. Contrary to popular belief, Korean labor laws fail to conform to norms established by the International Labor Organization (ILO). In fact, dozens of trade unionists have been imprisoned for exercising basic labor rights. Further, the Korean Government passed legislation several years ago weakening basic labor protections, contrary to the recommendations of the ILO.

This trade agreement—the most significant in over a decade—fails to live up to the standards workers in both countries deserve. During the 2008 Presidential campaign, then candidate Obama promised to renegotiate the North American Free Trade Agreement (NAFTA). Instead, two years later, the Obama administration is asking American workers to once again turn a blind eye to yet another unfair and unbalanced trade agree-

ment. It is time to abandon the flawed model on which the KORUS FTA is based, and move toward a new policy that creates good jobs, benefits the U.S. economy as a whole, and protects fundamental rights.

Thank you for your consideration of our views on this important matter.

Sincerely,

NEWTON B. JONES,
International President.

Mr. MICHAUD. I yield to the Congresswoman from Ohio (Ms. SUTTON) for the purpose of making a unanimous consent request.

Ms. SUTTON. Madam Speaker, I would like to insert into the RECORD a letter from the International Brotherhood of Electrical Workers in opposition to the free trade agreement.

INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS,
Washington, DC, July 13, 2011.

DEAR SENATOR OR REPRESENTATIVE: On behalf of the approximately 725,000 members of the International Brotherhood of Electrical Workers (IBEW), I write to express my strong opposition to the proposed trade agreements with South Korea, Columbia, and Panama. All three are North American Free Trade Agreement (NAFTA)-style pacts originally negotiated by President Bush. I urge you to vote no when they are considered by Congress.

As I stated in a letter I sent you in December, 2010 regarding the South Korea agreement: "It is long past due that common sense be applied to the issue of international trade. For the better part of two decades Americans have been told that free trade is good for workers and consumers. In reality, trade policies promulgated by both Democratic and Republican administrations have benefited multi-national corporations and their top executives. Although these policies have allowed consumers access to cheap (though sometimes toxic) products, they have come at a tremendous cost in the form of lost jobs, a shrunken tax base, diminished access to health care, and a reduced quality of life." Now, in addition to the South Korea agreement, the Columbia and Panama pacts will perpetuate the same job-killing provisions that gained their greatest traction in NAFTA.

The problems with these agreements are well-documented. Adoption of the South Korea agreement will lead to the loss of approximately 159,000 jobs and expand our trade deficit with this country by \$16.7 billion during the first seven years of implementation. Additionally, South Korea is a proven currency manipulator having been declared so by the U.S. Treasury in 1988 and again in 1999. Unfortunately, the South Korea agreement does nothing to address currency manipulation.

Like South Korea, the Columbia agreement is another NAFTA-style pact, but in Columbia more is being lost than jobs. Columbia is the most dangerous place in the world for trade unionists. In 2010, 51 labor leaders were killed in Columbia, an increase over 2009. This is more than in the rest of the world combined. The government of Columbia has been unable to effectively guarantee the rule of law to allow workers to exercise their legal rights.

The last of the nations being considered for a NAFTA-style agreement, Panama, is a known "tax haven" with a history of attracting money launders and tax dodgers. Although the Tax Information Exchange Treaty that Panama recently signed looks to

combat these issues, it does not go into effect for another year and may be too weak to fix the problems. Additionally, Panama has a history of failing to protect workers and enforce labor rights.

"Free trade" has proven to be a job-killer in the good-paying manufacturing sector. Lay-offs, closed factories, and lost tax base have been the legacy of NAFTA, CAFTA, and their associated trade agreements. This is why I urge you to vote no on the South Korea, Columbia, and Panama free trade agreements when they are brought to a vote in Congress.

Sincerely yours,

EDWIN D. HILL,
International President.

Mr. MICHAUD. I yield to the gentleman from Pennsylvania (Mr. CRITZ) for the purpose of making a unanimous consent request.

Mr. CRITZ. Madam Speaker, I would like to insert into the RECORD a letter from the International Longshore and Warehouse Union in opposition to the Korea free trade agreement.

INTERNATIONAL
LONGSHORE & WAREHOUSE UNION,
San Francisco, CA, Dec. 13, 2010.

Hon. NANCY PELOSI,
*House of Representatives, Cannon House Office
Building, Washington, DC.*

DEAR MADAM SPEAKER: President Obama has reached a trade agreement with South Korea. That agreement must now be submitted for Congressional ratification. We anticipate that the President will aggressively shepherd this pact through Congress.

The International Longshore and Warehouse Union (ILWU) represents approximately 14,000 full time dockworkers and 14,000 part time dockworkers on the West Coast of the United States and in Hawaii and Alaska. Our members are in the business of moving cargo. By all accounts, the Korea-United States Free Trade Agreement (KORUS FTA) will increase trade between South Korea and the United States, which will result in an increase in cargo movement between the two countries. An increase in cargo movement is good for dockworkers. However, this fact alone is insufficient to overcome the vast deficiencies of the KORUS FTA.

The KORUS FTA will cost jobs, lower environmental, labor, food and product quality standards, and empower corporations from the United States and South Korea to challenge public interests in both countries. The labor standards provision of the agreement only provides that each country enforce its own laws to adhere to the core labor standards identified by the International Labor Organization. The United States and South Korea's laws and enforcement in this area are completely inadequate and must be amended prior to the implementation of the agreement.

Labor supported President Obama and numerous other democratic candidates two years ago. In exchange for this support, we were promised a return to policies and practices that maintain, restore, and strengthen the middle class and working people across the United States. For two years, we have watched campaign promises be broken, one after the other, on this relentless march down the road of business as usual. Now, despite his campaign promise that he would only support trade agreements that "put workers first," the President is pushing a trade agreement, the largest since the

NAFTA debacle, that undeniably puts workers in South Korea and the United States in jeopardy.

On December 10, 2010, the International Executive Board of the ILWU voted unanimously to oppose the KORUS FTA. The ILWU will not support trade policy that exacerbates inequities, awards special rights to foreign investors, allows banks to practice the same disastrous policies that resulted in the current economic downturn, opens domestic environmental laws to foreign challenge, increases the trade deficit, and costs jobs. We urge Congress to support the Trade Reform, Accountability, Development and Employment (TRADE) Act, which outlines a way forward to a new trade and globalization agenda that would be better for labor, the environment, the economy, consumers, and our trade partners.

If my letter serves but one purpose, let it be to communicate this basic message: we have had it. Today, we join the growing chorus of labor unions who oppose the KORUS FTA. We also ask that our representatives in the Democratic Party stand up, discard meaningless oration, and remind us, with action, what the Democratic Party stands for because we have forgotten.

The Democratic Party needs to reject the KORUS FTA and stop taking its base for granted.

Sincerely,

ROBERT MCELLRATH,
International President.

Mr. MICHAUD. Madam Speaker, I yield back the balance of my time.

Mr. LEVIN. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 8 minutes.

Mr. LEVIN. This is an important discussion, and I want to be clear what is really at stake here. It's the automotive industry of this country, but it's more than that. There's a basic principle involved in the Korea FTA issue, and that is whether we will replace one-way trade with two-way trade.

When this was negotiated by the Bush administration, it failed to take the most important step relating to Korea. They were shipping hundreds of thousands of cars to the United States. We were shipping, at that time, less than 10,000. So this, indeed, while it mainly involved automotive—and that was 75 percent of our deficit—it was even more than that, opening up markets for our goods produced in the United States of America. This was a Make It in America issue. And there was a Korean iron curtain against our products—by the way, not only automotive, but refrigerators and others.

The number one priority of the Koreans was to eliminate the 2.5 percent U.S. tariff, because if you ship 600,000 to 700,000 cars, that's a lot of money. We said to the administration, no way, we were not going to let the Korea free trade agreement be approved if it continued to embody one-way trade.

□ 1630

The Korean Ambassador met with Mr. RANGEL and me often, and the

Trade Minister, and they said, We aren't going to talk about it. And we said, Well, if you don't talk, there will be no agreement.

And then what happened was that the new administration came into being, the Obama administration, and it began to work on this issue. And what happened was there were major changes in the agreement. Instead of the elimination of the tariff on most vehicles, immediately it was delayed to the 5th year, and on trucks it was delayed for 8 years to give time to make sure that the one-way street became a two-way street. That has been accomplished, and to make entirely sure of this, there were provisions to make sure that they could no longer use their tax provisions and their environmental standards to keep out our products.

And to make it even safer, we made sure that there was a safeguard, so if there's a surge of automotive products into the United States, we could defend ourselves. That was unique.

And that's why the big three are saying the following: "As representatives of the largest exporting sector, this FTA will help open up an important auto market for Chrysler, Ford, and GM exports. Our companies make the best cars and trucks on the road, and we are excited for the export opportunity this agreement represents." And that's why the UAW has indicated its support, because workers making their cars will now be able to see that their cars can be shipped to Korea. And Ford has said they're going to use Korea as a base to penetrate, with American products, the markets of the rest of Asia.

So that's what this is all about. No, it won't be China getting into the U.S. It will be the U.S. getting into Korea. That's really what this is all about.

I want to say a word about the issue relating to issues of transshipment. We insisted in the FTA that there be provisions relating to transshipment, and I want to quickly refer to them.

If Customs has any doubt about a shipment, it can require Korean exporters to provide documentation showing that the goods qualify for FTA treatment. If a Korean exporter refuses or the document is not acceptable, Customs can deny FTA treatment to the good.

U.S. Customs can also do site visits—this is something different—to Korean factories to verify information. And if our Customs officials are denied access or the visit shows problems, they can deny entry to the Korean goods. And exporters who intentionally or repeatedly make false claims are subject to penalties.

I have a letter embodying this from the U.S. Customs and Border Protection that I would like to insert in the RECORD. I would also like to insert in the RECORD the letter that I referred to

from the automobile association and from the UAW.

I also want to quote the statement from the Motor and Equipment Manufacturers Association. It says as follows: "The pending FTAs offer real opportunities for parts manufacturers and our employees in two of the fastest growing regions: Asia Pacific and South America. We can ill afford to neglect these and other markets as key competitors."

I would like to insert this letter from MEMA into the RECORD.

So that's what the issue is here today. We faced a one-way market with impenetrable barriers. These are now being torn down.

This is a jobs bill. This is a jobs bill. We have to be able to compete, and our auto industry can now compete. In order to be able to compete effectively, we have to tear down the markets of other countries and make sure that our markets are not only open to them, but their markets are open to us.

We worked very hard to make this happen. It wasn't an easy job. There were times when the administration, perhaps, the new one, the Obama administration, was going to settle for something less than was necessary. We pressed. We pressed effectively.

The Obama administration rose to the occasion and, in the end, said to Korea, You must agree to open the market or we will not send this agreement, this revised agreement to the U.S. Congress.

This revised agreement has now been sent here. I urge its support.

U.S. CUSTOMS AND BORDER PROTECTION U.S.-KOREA FREE TRADE AGREEMENT: CBP'S ENFORCEMENT MECHANISMS

U.S. Customs and Border Protection (CBP) plays an integral role in the implementation and enforcement of free trade agreements, which provide duty-free or reduced duty access to the U.S. market for qualifying merchandise. CBP is responsible for assessing and collecting duties, taxes, and fees and ensuring compliance with all import laws. CBP works to ensure that the benefits afforded by Trade Agreements accrue only to eligible importations.

CBP will utilize its layered trade enforcement approach to ensure compliance with the U.S.-Korea Free Trade Agreement's (KORUS) provisions. If CBP finds violations, CBP will take action to recover duty losses, pursue penalties when necessary, and establish enforcement criteria to prevent future potential fraudulent claims.

CBP will use the various enforcement mechanisms listed below to implement KORUS. Many of these mechanisms are used in the enforcement of all Trade Agreements, but will be tailored to take into consideration factors that are unique to Korea and the provisions listed in KORUS.

Targeting High-Risk Imports

CBP will conduct trend analysis to spot unusual trade patterns such as U.S. imports of products that South Korea does not produce.

CBP will monitor the emergence of new importers or changes in importer behavior.

CBP will review intelligence provided by other governments or industry.

Under KORUS, CBP can also take several other courses of action, including but not limited to: conducting comprehensive cargo exams or importer audits and performing laboratory analysis on the contents of imports.

Trade Agreement Verifications

Under KORUS, CBP will conduct extensive verifications as warranted of imports that seek preferential duty treatment to ensure that they legitimately qualify under the agreement.

CBP will request documentation from importers to substantiate their preference claims, as needed. If an importer cannot substantiate its preference claim, CBP will bill the importer for the duty amount owed, as well as other associated fees.

Under KORUS, CBP can visit South Korean factories to validate a factory's production capability as well as compliance of the goods with the requirements of KORUS. If a factory does not have the facilities to produce goods or documentation to support a KORUS claim, CBP can deny duty-free treatment under KORUS on future shipments.

CBP can also visit South Korean exporters or any other individuals or companies that may have evidence relative to the verification of a KORUS claim.

CBP can deny the preferential treatment granted under the agreement to any good when verification can not be completed because of a lack of cooperation from the foreign entity.

Textiles and Apparel Goods

KORUS includes provisions similar to other Trade Agreements that allow CBP to address major concerns of the U.S. business community, such as the transshipment of textile or apparel goods from China or other countries to take advantage of the duty preference.

Under KORUS, CBP can visit South Korean textile factories to validate a factory's production capability as well as compliance of the goods with the requirements of KORUS. If a factory does not have the facilities to produce goods or documentation to support a KORUS claim, CBP can deny duty-free treatment under KORUS on future shipments.

CBP can also visit South Korean exporters or any other individuals or companies that may have evidence relative to the verification of a KORUS claim.

CBP can deny the preferential treatment granted under the agreement to any textile or apparel good when verification can not be completed because of a lack of cooperation from the foreign entity.

Korea is required to provide CBP with an annual report detailing those factories that are involved in textile and apparel production. This information will be used to validate legitimate yarn, fabric, and apparel producers to assist CBP with their targeting.

AMERICAN AUTOMOTIVE POLICY COUNCIL

AAPC STATEMENT IN SUPPORT OF CONGRESSIONAL PASSAGE OF THE U.S.-KOREA FTA

WASHINGTON, D.C.—The American Automotive Policy Council (AAPC)—representing its member companies Chrysler Group LLC, Ford Motor Company and General Motors Company—strongly supports the passage of the U.S. free trade agreement with South Korea (U.S.-Korea FTA). AAPC and its member companies worked closely with the United States Trade Representative (USTR) throughout the negotiations to ensure that the agreement provides the opportunity for our companies to compete and succeed in the Korean auto market. Our full support for

this agreement was secured through this ongoing collaboration and the important improvements made to the auto provisions late last year.

"As representatives of the largest exporting sector, this FTA will help open an important auto market for Chrysler, Ford and GM exports. Our companies make the best cars and trucks on the road and we are excited for the export opportunity this agreement represents," AAPC President Matt Blunt said.

AAPC and its member companies support the agreement's automotive rule of origin (RoO), which is required to be met for auto products to receive the benefits of the FTA. When the high-level of integration of the North American auto market and the very narrow subset of costs that can be counted under the strict methodology used is considered, AAPC believes the automotive RoO content level maximizes its members' export opportunities from the United States, and allows America's automakers and its workers to fully benefit from the FTA.

"This agreement will help open a major Asian market that has been largely closed to U.S. auto exports. I urge members of Congress to vote for the U.S.-Korea free trade agreement. Not only is it good for the American auto industry and its workers, but it is good for the nation," Blunt said.

The Motor & Equipment Manufacturers Association (MEMA) represents over 700 companies that manufacture motor vehicle parts for use in the light vehicle and heavy-duty original equipment and aftermarket industries. Motor vehicle parts manufacturers are the nation's largest manufacturing sector, directly employing over 685,000 American workers. MEMA represents its members through four affiliate associations: Automotive Aftermarket Suppliers Association (AASA), Heavy Duty Manufacturers Association (HDMA), Motor & Equipment Remanufacturers Association (MERA) and the Original Equipment Suppliers Association (OESA).

On behalf of this industry, I urge you to vote in favor of the free trade agreements (FTA) with Colombia, Panama and South Korea. These agreements are critical to helping America maintain its leading role in the world economy while promoting democratic and free market values.

The global economy has drastically changed, bringing greater competition which requires us to more actively engage our trading partners, be it through free trade agreements or other trade/investment partnerships, to help grow our economy. The pending FTAs offer real opportunities for parts manufacturers and our employees in two of the fastest-growing regions: Asia-Pacific and South America. We can ill afford to neglect these and other markets as key competitors, such as the EU and Canada, forge stronger partnerships with key countries.

As manufacturers, MEMA members are ready to take advantage of the pending FTAs, a sentiment expressed in testimony by MEMA in April before the House Small Business Committee. As our members continue to readjust their business operations in response to the recession, the agreements with Colombia, Panama, and South Korea will provide significant business opportunities for the motor vehicle parts industry, creating jobs and helping to restore manufacturing to its rightful place in America's economy.

Thank you for your attention as Congress considers these important agreements.

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA—UAW

Washington, DC, October 12, 2011.

DEAR REPRESENTATIVE: The House is expected to vote this week on legislation to implement pending free trade agreements and renewal of the 2009 Trade Adjustment Assistance program (TAA). The UAW urges you to vote for the U.S.-Korea Free Trade Agreement (KORUS FTA) and TAA, and to oppose the U.S.-Colombia Free Trade Agreement.

The automotive provisions of the original 2007 trade agreement with South Korea were substantially renegotiated by the Obama administration in 2010. The revised agreement creates the opportunity to address our Korean trade imbalance by providing greater market access for American exports and stronger safeguards to protect our domestic markets from harmful surges of Korean automotive imports.

The revised KORUS FTA keeps the 2.5 percent U.S. tariffs on automobiles and most auto parts in place until the fifth year after the agreement goes into effect. It also allows the U.S. to maintain the full 25 percent tariff on light trucks until the eighth year, and then phases this tariff out over three years. Korea will immediately reduce its electric car tariffs from 8 percent to 4 percent, and will phase out the tariff by the fifth year of the agreement. American automakers believe that the delayed tariff reductions will give them sufficient time to enhance their ability to compete in the historically-closed Korean market.

The revised KORUS FTA includes an auto-specific safeguard provision to protect against drastic increases in imported Korean vehicles that harm the domestic auto industry. The remedy for a finding of injury is the "snapback" to the original tariff levels prior to implementation of the FTA. The new agreement also addresses the pervasive use of Korean non-tariff barriers (NTBs). The KORUS FTA includes standards for the protection of worker rights, including obligations for South Korea to respect core International Labor Organization (ILO) labor rights and standards, to refrain from weakening any laws that reflect those rights in any way, and to effectively enforce labor laws designed to ensure a level playing field for American workers to compete. These labor standards are enforceable in the same manner as the commercial provisions of the FTA.

The UAW believes that the revised KORUS FTA will lead to an improvement in our economic relationship with South Korea and help to protect America's domestic auto industry and its workers from South Korea's tradition of engaging in unfair trade practices. Therefore, the UAW urges you to vote for the implementation of the KORUS FTA.

The UAW commends the Obama Administration's efforts to strengthen labor and human rights protections in Colombia through the recently negotiated Action Plan, and we are hopeful that the provisions in the Plan will result in significant changes on the ground in Colombia. We note, however, that the Action Plan is not included in the Colombia FTA. Moreover, we cannot support Congressional action on the Colombia FTA until there is significant progress on the paramount moral issues surrounding the continued violence against unionists and concrete evidence that the perpetrators of these crimes are being brought to justice.

Earlier this month, the International Trade Union Confederation (ITUC) released

its new Annual Survey on Trade Union Rights, which confirmed that Colombia remains the most dangerous place on earth for unionists: last year 49 people were murdered for their trade union activities, more than the rest of the world combined; 75 additional individuals received credible death threats; at least 2,500 unionists were arrested; and thousands more fired from their jobs solely due to union membership. The Action Plan is not enforceable under the FTA, and the passage of the U.S.-Colombia FTA would seriously weaken the pressure on the Colombian government to fulfill its human rights obligations. The Colombian government has been unambiguously complicit in the abuse of labor and human rights and the signing of the FTA would be an insult to workers everywhere, and to the basic principles of freedom and justice. Therefore, we urge you to vote against the Colombia FTA.

The 2009 enhanced TAA program expired in February of this year. Since that time, tens of thousands of service workers and manufacturing workers whose jobs were shipped to China and India have been ineligible for TAA retraining benefits, and workers who have been certified for TAA have received reduced benefits. The UAW urges you to vote for legislation already passed in the Senate to reinstate the provisions of the 2009 TAA so that workers whose jobs have been offshored have an adequate opportunity to find reemployment.

Accordingly, the UAW urges you to vote for the KORUS FTA and TAA, and to vote against the U.S.-Colombia FTA. Thank you for considering our views on these very important matters.

Sincerely,

BARBARA SOMSON,
Legislative Director.

Mr. CAMP. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 3½ minutes.

Mr. CAMP. I yield to the gentleman from California.

Mr. ROYCE. I thank the gentleman.

This agreement will break down trade barriers. Frankly, it will level the playing field for 19,000 small and medium-sized businesses here in the United States and the farmers here who export into this market. It means 280,000 new American jobs and, frankly, it means \$10 billion in new exports.

And let's remember this: Europe has this trade agreement. It went into effect on July 1. They've seen a 17 percent increase in their exports into the market in South Korea at our expense. Why? Because, frankly, U.S. exports to Korea currently face an average tariff of 12.2 percent, and it's, frankly, 49 percent for agricultural products. If we can bring that down—their tariffs are higher than ours. If we can bring that down, we can get that market share. We can increase that trade and develop these jobs.

And the agreement also removes the barriers and provides transparency. It provides property rights. It has rules on competition that make U.S. businesses much more competitive in Korea, that gives them access into that market.

Mr. CAMP. Madam Speaker, I do want to just touch on some points

raised by the gentleman from Michigan (Mr. LEVIN). We did work closely together on the supplemental agreement last year with the administration, with automakers, with autoworkers, and that is incorporated in the legislation before us today.

It does address, as the gentleman from Michigan pointed out, key tariff and nontariff barriers, including numerous provisions to ensure that South Korea cannot use a regulatory system or process to block our exports.

The International Trade Commission estimates that the removal of nontariff barriers alone will add an additional between \$48 million and \$66 million in new exports. That's in addition to the \$194 million dollars in new exports expected from lower Korean tariffs on autos alone.

Inaction on the Korean trade agreement has allowed the European Union and other competitors to step in and take our market share. That's diminished our leadership in Asia. The Korean trade agreement is key to our engagement in Asia, and it will be a critical counter to Chinese influence in the region.

We've heard a lot about China today, but how do we counter Chinese influence in the region through this agreement?

□ 1640

This agreement, also, I think, is critically important because it deepens our ties with a strong and important ally. The United States and South Korea have had a 60-year history of standing together. This agreement is really a step forward in our bilateral relationship, and it is an important step that we need to take today.

I would urge passage of this agreement. It has been endorsed—and I have a 4-page list of organizations and associations, including the American Farm Bureau, the Business Roundtable, Heritage, and other groups, a 4-page list—by many organizations supporting the passage of this agreement.

[From The Committee on Ways and Means]

THE SUPPORT FOR JOB CREATING TRADE AGREEMENTS IS LARGE . . . AND GROWING

Aerospace Industries Association, Agri Beef Co., American Apparel & Footwear Association, American Automotive Policy Council, American Chamber of Commerce in Korea, American Chemistry Council, American Council of Life Insurers, American Farm Bureau Federation, American Feed Industry Association, American Forest & Paper Association.

American Frozen Food Institute, American International Automobile Dealers Association (AIADA), American Iron and Steel Institute, American Meat Institute, American Peanut Product Manufacturers, Inc., American Potato Trade Alliance, American Seed Trade Association, American Soybean Association, Americans for Tax Reform, Animal Health Institute, Asia-Pacific Council of American Chambers of Commerce.

Association of American Chambers of Commerce in Latin America, Association of

Equipment Manufacturers, Blue Diamond Growers, Business Roundtable, Business Software Alliance, California Cherry Export Association, California Date Commission, California Dried Plum Board, California Fig Advisory Board, California Pear Growers.

California Strawberry Commission, California Table Grape Commission, California Walnut Commission, Campbell Soup Company, Cargill Incorporated, Club for Growth, Coalition of Service Industries, Commodity Markets Council, Computer & Communications Industry Association, ConAgra Foods, Inc., Corn Refiners Association.

Dairylea Cooperative Inc., Distilled Spirits Council of the United States, Dow Chemical Company, Emergency Committee for American Trade, Equity Cooperative Livestock Sales Association, Footwear Distributors & Retailers of America, FreedomWorks, Grocery Manufacturers Association.

Heritage Action, Hormel Foods Corporation, Idaho Barley Commission, Idaho Grain Producers Association, International Dairy Foods Association, International Intellectual Property Alliance, JBS USA, Kansas Association of Wheat Growers, Kentucky Small Grain Growers Association, Kraft Foods.

Land O'Lakes, Inc., Latin America Trade Coalition, Montana Grain Growers Association, Motion Picture Association of America, National Association of Manufacturers, National Association of State Departments of Agriculture, National Association of Wheat Growers, National Barley Growers Association, National Cattlemen's Beef Association, National Chicken Council.

National Confectioners Association, National Corn Growers Association, National Council of Farmer Cooperatives, National Fisheries Institute, National Foreign Trade Council, National Grain and Feed Association, National Grape Cooperative Association, Inc., National Meat Association, National Milk Producers Federation, National Oilseed Processors Association.

National Pork Producers Council, National Potato Council, National Renderers Association, National Sorghum Producers, National Sunflower Association, National Taxpayers Union, National Turkey Federation, North American Equipment Dealers Association, North Dakota Grain Growers Association, Northwest Dairy Association/Darigold.

Northwest Horticulture Council, Ocean Spray Cranberries, Inc., Oklahoma Wheat Growers Association, Outdoor Industry Association, Pet Food Institute, Produce Marketing Association, Recording Industry Association of America, Retail Industry Leaders Association, Seaboard Foods, Securities Industry and Financial Markets Association.

Smithfield Foods, South Dakota Wheat Inc., SPI: The Plastics Industry Trade Association, Sunmaid Growers of California, Sunsweet Growers, Inc., Sweetener Users Association, TechNet, Texas Wheat Producers Association, The Financial Services Roundtable, Third Way.

Travel Goods Association, Tyson Foods, Inc., U.S. Apple Association, U.S. Canola Association, U.S. Chamber of Commerce, U.S. Council for International Business, U.S. Dairy Export Council, U.S.-Korea FTA Business Coalition, U.S. Meat Export Federation, U.S. Premium Beef.

Unilever United States, United Egg Association, United Egg Producers, United Producers, Inc., US Dry Bean Council, US Wheat Associates, US-Colombia Business Partnership, USA Dry Pea & Lentil Council, USA Poultry & Egg Export Council, USA Rice Federation, Valley Fig Growers, Washington

State Potato Commission, Welch Foods Inc., Western Growers Association.

I urge passage of this agreement, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, at a time when millions of American families are struggling and so many people are looking for work, passage of the U.S.-South Korea Free Trade Agreement should be a top priority for our government.

It is time to grant American businesses and exporters barrier-free access to the world's 13th largest economy.

The U.S. International Trade Commission estimates that it will increase our export of goods by at least \$10 billion a year.

That's not even counting the high-value services in which our country leads the world, which are now largely shut out of many areas of South Korea's economy.

The Administration estimates that at least 70,000 jobs will result from the free trade agreement with South Korea alone.

That means paychecks for 70,000 American families.

The years of delay in sending this agreement to Congress since it was first signed in 2007 have put U.S. businesses at a severe disadvantage.

Earlier this year, the European Union's free trade agreement with South Korea went into effect, giving their companies a major boost and resulting in lost sales for American companies and lost jobs here in the U.S.

But there is more at stake than just increased exports.

South Korea is a key U.S. ally in an unstable region of the world, where tens of thousands of U.S. troops stand on guard against aggression, and where U.S. interests are increasingly under threat from China and other countries.

At a time when much of the world is waiting to see if the U.S. will retreat from its responsibilities, passage of this free trade agreement will serve as a clear demonstration of our enduring commitment to our ally South Korea and our determination to defend our interests throughout East Asia.

I strongly urge my colleagues to vote for the U.S.-South Korea Free Trade agreement and for the creation of tens of thousands of jobs for the many Americans who desperately need them.

Mr. GENE GREEN of Texas. Madam Speaker, I would like to insert into the RECORD a letter from the International Brotherhood of Teamsters in opposition to the Korea, Panama, and Colombia Free Trade Agreements.

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS,
Washington, DC, June 15, 2011.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.4 million men and women of the International Brotherhood of Teamsters, I am writing to urge you to oppose the three pending so-called free trade agreements (FTAs)—South Korea, Colombia, and Panama—when they reach the floor of the House for a vote. All three agreements are modeled after the job-killing North American Free Trade Agreement (NAFTA).

Trade agreements based on the NAFTA model have resulted in nearly two million job losses in the U.S. The three pending

FTAs continue this trend. With the unemployment rate at a record high of more than nine percent, we must focus on job creation and growth in the U.S. Not only will these trade agreements result in job losses, they will further exploit workers and deny basic human rights.

The South Korea FTA is projected by the Economic Policy Institute to cause job losses of 159,000 in the U.S. and the International Trade Commission estimates the trade deficit will increase in seven high-paying sectors. In addition, the South Korea HA forbids reference to the International Labor Organization (ILO) conventions.

The South Korea FTA's investment chapter would give South Korean investors rights to challenge U.S. laws, regulations, and even court decisions in international tribunals that circumvent the U.S. judicial system. Any potential benefit from reduced tariffs would be mitigated, as South Korea is one of the three countries that the U.S. Department of Treasury lists as a currency manipulator.

Even more troubling is that the South Korea FTA lacks assurances that products assembled in South Korea will not contain parts from North Korea's Kaesong Industrial Complex.

These three pending agreements insult basic human rights. The country of Colombia remains the global capital for violence against workers; more unionists are killed every year in this country than any other country. Most recently, a lawyer representing sugarcane workers was gunned down in May—only five weeks after a so-called U.S.-Colombia Labor Action Plan was released.

Nearly 2,680 unionists have been murdered in the country. Only six percent of the murders have been prosecuted. Most are never even investigated. In June, a Colombian rights leader campaigning for the return of land snatched by illegal militias was gunned down. While the Action Plan is a step in the right direction, it does not go far enough to ensure enforcement and compliance. We must see real improvement in labor laws and a stop to the killing of unionists in Colombia, before any trade agreement is approved. Simple public relations gimmicks and laws that go unenforced are not enough.

The Colombia FTA will result in the further displacement of the country's Afro-Colombian population. The country has the highest population of displaced people, an estimated 5.2 million. The agreement will only accelerate the displacement of impoverished Afro-Colombians and farmers.

Panama remains one of the world's top tax havens. The country is home to approximately 400,000 corporations, including U.S. firms, which incorporate in the country to avoid paying taxes. The pending Panama FTA does not require U.S. construction and other firm's equal access to work on the Panama Canal improvement project. In addition, Panama continues to be a main site for drug money laundering by Mexican and Colombian drug kingpins.

Each of these three pending trade agreements remains flawed. None will further U.S. job growth, which should be our nation's top priority. Ensuring basic human rights and dignity is a moral imperative. For economic and moral reasons, we urge you to vote against these agreements. If you have any questions, please contact Lisa P. Kinard, Director, Department of Federal Legislation and Regulation, International Brotherhood of Teamsters.

Sincerely,

JAMES P. HOFFA,
General President.

Mr. DUNCAN of South Carolina. Madam Speaker, I rise today to speak in opposition to H.R. 3080, the Korean Free Trade Agreement.

Earlier today, I voted to support free trade agreements with Colombia and Panama because I recognize the value of promoting trade with our neighbors.

Unfortunately, the Korean trade agreement that we're debating right now is deeply flawed, poorly negotiated, and will cost American jobs by picking winners and losers in the market place.

The textile provisions alone in the agreement will cost Americans nearly 40,000 jobs over the next 7 years. Sadly, many of those jobs will be lost in my own state of South Carolina.

While this agreement gives South Korean goods duty-free entry into the U.S. market, American exports to South Korea will still be subjected to a 10 percent Tax. That amounts to an automatic 10 percent tariff on certain US goods, putting our manufacturers at an immediate competitive disadvantage. Additionally, this agreement opens US markets to Korean goods, but doesn't guarantee the Korean market will be open for US goods.

Finally, I'm concerned about this agreement's impact on our national security as it relates to the extended domestic supply chain for industrial and military applications. These include fuel cells, oil booms, rapidly deployable shelters and tents, radar covers, Kevlar body armor for our troops, and many more advanced applications. This trade agreement could have a major negative impact on the private sector's ability to innovate and supply our military.

I strongly urge my colleagues to send this trade agreement back to drawing board. For the sake of our economic and military security, I urge a NO vote. Thank you, and may God Bless America.

JANUARY 20, 2011.

DEAR REPRESENTATIVE, As representatives of the domestic textile and apparel sector and its nearly 600,000 workers, we strongly urge you to oppose the U.S.-South Korea Free Trade Agreement (KORUS). In regards to textiles and apparel, the FTA is seriously flawed and will result in the continued outsourcing of valuable textile, apparel and other manufacturing jobs. With our nation struggling through one of the worst economic periods in its history, we believe the current agreement sends the wrong message to our workers and to American voters.

During the past forty years, Korea has developed a sophisticated industrial and apparel fabrics sector and, as a consequence, is the second largest exporter of textile yarns and fabrics to the United States. Although the U.S. textile sector is one of the most efficient and quality-driven producers in the world, the Korean economy presents virtually no export opportunities to Korea for U.S. textile producers. As a measure of this one-way trading relationship, the U.S. trade deficit in textiles and apparel totaled \$708 million in 2009.

As a result, the textile industry asked the Obama Administration to make three fixes to the KORUS agreement in order to ensure that U.S. textile, apparel and fiber jobs were not outsourced to Korea and China. These fixes concerned (a) loopholes in the enforcement portions of the agreement that benefit China, (b) a tariff schedule that gives Korean exporters better terms than U.S. companies

and (c) the exclusion of textile components in the agreement's rules-of-origin that advantage non-signatories to the agreement such as China.

These mistakes not only hurt our manufacturing workers but also damage our industry's ability to supply our military with essential goods for our men and women in uniform. In particular, Korea's producers get longer phase-out schedules than U.S. producers on a number of sensitive product lines that include products that are needed by the U.S. military. Damaging surges by Korean producers because of this inequitable arrangement will hurt U.S. companies that the military depends on for a number of important products.

Unfortunately, the Administration chose not to address the concerns of textile workers in your districts, and we are concerned that their jobs are now in jeopardy.

Polls have shown a rising concern by the American voter regarding the outsourcing of American jobs, particularly manufacturing jobs, and the decline of the U.S. as an economic power. Recent Wall Street Journal and Pew polls show voter dissatisfaction regarding badly written trade agreements is at a record high.

An analysis by the Economic Policy Institute estimates that 159,000 good paying American jobs will be destroyed if the KORUS agreement in its present form passes Congress. Of that total, we estimate that between 9,300 and 12,300 jobs will be lost specifically in the U.S. textile and apparel sector as a result of legal KORUS trade. U.S. government figures show that approximately three additional jobs are lost to the U.S. economy for each textile job that is eliminated. In addition, U.S. job losses from illegal Chinese exports are not included and these would be significant. Total U.S. job losses because of the flawed KORUS textile text are expected to be at least 40,000 jobs.

With job creation a central concern in the country, we do not believe that this agreement meets that goal. We continue to urge that the textile portions of the agreement be renegotiated in order to ensure that textile jobs are not imperiled. Until that time, we ask you to stand firm on behalf of textile workers in your district and oppose the Korean FTA when it comes before a vote in Congress.

Sincerely,

AUGGIE TANTILLO,
*Executive Director,
American Manufacturing
Trade Action
Coalition.*

KARL SPILHAUS,
*President, National
Textile Association.*

PAUL O'DAY,
*President, American
Fiber Manufacturers
Association.*

CASS JOHNSON,
*President, National
Council of Textile
Organizations.*

RUTH STEPHENS,
*Executive Director,
U.S. Industrial Fabrics
Institute.*

Mr. HUNTER. Madam Speaker, I rise today to express my opposition to the U.S.-Korean Free Trade Agreement (KORUS). Put simply, this agreement is a bad business deal for the United States.

KORUS is an example of an agreement that stands to benefit certain industries at the ex-

pense of others. For instance, the Obama administration went to great lengths to include special provisions to ensure that our auto manufacturers have equal access to South Korean markets. While the economic fairness may help, the effect is likely to be minimal. Currently, over 95 percent of South Koreans drive South Korean cars. Because of this, I have serious concerns about the realistic ability of our auto industry to succeed in a reluctant Korean market.

In addition to my concerns with the feasibility of success for the auto industry in South Korea, it is widely acknowledged that textile workers will lose out because of the deal. The Economic Policy Institute estimates that 159,000 American manufacturing jobs will be lost, and because of the administration's failure to address textile issues, it is estimated that 40,000 textile jobs will be lost. I have always said that 1 job lost as a result of free trade is too much.

Perhaps most troubling about KORUS-FTA is the unintended economic boost it will give to China, currently South Korea's largest trading partner. Rules of origin provisions in the agreement are set far too low so that only 35 percent, less than half, of a product has to come from either South Korea or the United States.

Because such a small portion of a product must come from South Korea in order for it to ensure duty-free access to the United States, the majority of supplies can come from neighboring countries in Southeast Asia, such as China, or even other foreign trading partners, such as the European Union with which South Korea recently entered into a free trade agreement. The United States currently has a \$273 billion trade deficit with China, and we should not be in the business of helping China increase their exports with special access to our market.

Proponents argue that new, stronger customs provisions in the agreement prevent the transshipment of goods from China or other countries through South Korea. However, the fact of the matter is that these provisions are modeled off NAFTA, which stands as an example of failed free trade. U.S. Customs data shows that fraud has increased as a result of NAFTA, and there has been a decreased ability to intercept or deter illegal activity. These same failed policies should not be replicated in a new agreement.

We need to look no further than our previous free trade agreements to see the effects of these deals. In the 17 years since NAFTA, our trade balance with Mexico has gone from a \$1.4 billion surplus in 1994 to a \$97.2 billion deficit in 2010. South Korea is currently the seventh-largest trading partner of the United States, and the United States is South Korea's third-largest trading partner. Therefore, any agreement is sure to have significant effects on the U.S. economy and trade balance.

Madam Speaker, I feel that this agreement includes too many loopholes, carries too many unintended benefits for foreign competitors, and will result in U.S. job loss.

Mr. CONNOLLY of Virginia. Madam Speaker, ratification of the Korea-U.S. Free Trade Agreement—or KORUS—is economically important, for the nation and for my home state of Virginia. According to the U.S. International

Trade Commission, U.S. exports to South Korea would increase by more than \$10 billion. Increased U.S. exports mean more U.S. manufacturing jobs.

Korea is the 14th largest export market for Virginia goods, and the trade agreement would strengthen that relationship. Upon implementation of KORUS, Virginia exporters would have a \$4 million cost advantage over similar global competitors without a Korean agreement. Eight out of Virginia's ten top exports would enter Korea duty free immediately.

The U.S. tech industry, which has a significant presence in Northern Virginia, also stands to gain from KORUS. According to industry groups, exports from the U.S. to South Korea could increase by up to 49 percent. Korean businesses have a strong presence in Virginia and we must ensure that businesses in Virginia and throughout the nation have equal access. I urge my colleagues to support the Korean Free Trade Agreement.

Ms. BORDALLO. Madam Speaker, I rise today in strong support of H.R. 3080, the United States-Korea Free Trade Agreement Implementation Act. The United States-Korea Free Trade Agreement, or KORUS, is the most significant trade agreement our country has entered into since NAFTA sixteen years ago, and it would help stimulate the U.S. economy at no cost to the American taxpayers.

Trade liberalization is a consistent precursor to global economic growth, and when done with a fair and close trading partner, could prove critical to American economic recovery. The current fiscal environment facing the federal government requires that we pursue all available options to create jobs and spur economic growth. Currently, the Republic of Korea is the world's twelfth largest economy and our seventh largest trading partner. This trade agreement will remove nearly 95 percent of tariffs on consumer and industrial goods within three years, create approximately 70,000 jobs nationwide, and increase U.S. GDP by an estimated \$10 to \$12 billion.

Further, Korea's strong record on labor rights and environmental protection ensures that American firms will compete on a level playing field with their Korean counterparts. By increasing trade with Korea, American businesses will have greater access to a nearly \$1.5 trillion economy. The provisions included in the agreement will improve intellectual property rights protections and benefit businesses across all sectors of the American economy.

KORUS would also strengthen our relationship with a critical democratic ally and reaffirm our nation's commitment to the Asia-Pacific region. As the first trade agreement between the United States and a North Asian country, KORUS underscores this strategic alliance and may serve as a model for future agreements across the region. Moreover, the benefits of this longstanding partnership are evident on Guam, where Korea was first accepted into the Guam Visa Waiver Program. To date, Korean visitors remain the second largest group to visit Guam annually.

The United States-Korea Free Trade Agreement would stimulate the U.S. economy, create jobs, and increase economic competitiveness of the United States in East Asia. I strongly support the passage of H.R. 3080,

and I urge my colleagues to vote in favor of this bill.

Mr. LUCAS. Madam Speaker, I rise in support of this legislation.

The free trade agreement with Korea is of vital importance to America's farmers and ranchers.

Korea is the fifth largest market for our agricultural exports. But currently, America's farmers and ranchers face an average tariff of 54 percent when exporting to Korea. Similar goods from Korea enter our country at an average rate of only 9 percent.

Passing this agreement corrects that imbalance and gives us better access to Korea's 49 million consumers.

The Farm Bureau estimates that once the agreement is fully implemented, we could see \$1.9 billion in increased farm exports.

Every dollar in agricultural exports creates another \$1.31 in economic activity off the farm in industries like processing, manufacturing, and transportation. So the agricultural provisions alone have the potential to provide a significant boost to our economy.

That isn't including the other tariff cuts in this agreement, which the International Trade Commission predicts will add more than \$10 billion annually to our GDP.

Within agriculture, we could see dairy exports to Korea quadruple under this agreement. Fruit and vegetable sales would increase by 50 percent. And processed food sales would increase by more than a third.

Those increased sales will translate directly to more jobs—both on and off the farm. That's especially good news because workers whose jobs depend on trade earn 13 to 18 percent more than the national average.

That's why there is such tremendous support among the agricultural community for these free trade agreements.

I strongly urge my colleagues to support our farmers and ranchers . . . to support American jobs . . . and to support this free trade agreement.

Mr. UPTON. Madam Speaker, thanks to my good friend and Michigan colleague DAVE CAMP for his leadership on this issue. I come from the State of Michigan, where there is no single issue of greater importance than jobs and the economy.

The fact is hundreds of thousands of American jobs rely on exports, and promoting a robust trade agenda will only help bolster our economy and create more jobs. 95 percent of the world's consumers live outside of the United States, so opening up their markets for our manufactured and agricultural goods is a matter of common sense.

In 2010, U.S. exports totaled more than \$1.8 trillion, or 12.5 percent of GDP. Michigan ranks 8th in the nation for the number of export-dependent jobs. In 2008, nearly 12,000 companies exported goods from locations within our state. And last year, Michigan export shipments totaled some \$44.5 billion.

The three pending free trade agreements are expected to increase Michigan agriculture exports by \$45 million per year—the agreement with South Korea alone will increase Michigan pork exports by \$4.5 million annually.

The medical device industry also stands to benefit greatly from these agreements. De-

mand for medical devices in South Korea is expected to grow by 10 percent each year, and the new duty-free status given to devices will give companies like Stryker, headquartered in my district, unprecedented access to that market. In fact, it is my understanding that medical device sales may increase as much as \$1 billion. This legislation finally allows us, the United States, to reverse course and export products rather than jobs. Isn't that a good thing? Of course it is!

By removing barriers to U.S. exports, American job creators will have significant new market access: that's good news for business, jobs, and Southwest Michigan; and the entire country.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 425, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVIN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES

Mr. CAMP. Madam Speaker, I ask unanimous consent that the Speaker may postpone further proceedings on the motion to concur in the Senate amendment to H.R. 2832 as though under clause 8(a)(1)(A) of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the motion to concur in the Senate amendment to the bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes, will now resume.

The Clerk read the title of the bill.

Mr. CAMP. At this time, Madam Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the chair for yielding.

Three and a half trade deals that we have taken up today have bipartisan support, the three pending free trade agreements and the GSP extension within this bill. Both parties in both Chambers agree that these important trade pacts will grow our economy, create jobs, and make America more competitive in the global marketplace.

Sadly, however, the bipartisan, bicameral approval of the merits of these trade deals did not keep the Washington gamesmanship at bay. For nearly 10 months, as they pushed for an expanded and enlarged TAA program, our colleagues in the Senate allowed the GSP to lapse, holding American jobs hostage until their political allies could be pacified with a sufficient payoff.

This delay wasn't simply an intellectual exercise either. It hurt real businesses, real families, and cost us real jobs in my home State of Kansas. Take the Berger Company in Atchison, Kansas. The family-owned Berger Company manufactures leather goods for sale across the United States. But due to the increased cost of materials caused by the lapse in the GSP, Berger has lost customers to foreign competitors like China, causing lower profit and placing real Kansas jobs at risk.

I'm voting for this bill because we need GSP to be reauthorized immediately, but I'm extremely disappointed that Senate Democrats have again risked the continued lapse of this important program all for a TAA program that does not work.

The results of Washington brinksmanship have real life impacts across this country. So while I'm hopeful that we will finally extend the GSP package today, I'm disappointed Washington political games made our small businesses, like the Berger Company, wait so long.

Mr. McDERMOTT. Madam Speaker, I yield myself such time as I may consume.

I rise to express my strong support for H.R. 2832, which is extending what have been historically two programs that have received strong bipartisan support. Beginning in 1962, the TAA bill was originally put in under the Kennedy administration, and it has been extended for all these years. And the Generalized System of Preferences has also been there for a long time. Our importers and exporters have been using it as ways of getting things into the United States that have made real differences not only for our people but for people in developing countries.

Now, TAA provides critically needed assistance to workers who lose their jobs as a result of trade. It would be hard to find anybody on the floor of the House who wouldn't say that trade causes displacement of workers. There are jobs that move here, move there, and this is a recognition of that and a statement that we care about what happens to workers and that we give them some kind of help. It provides them with support, education, and training so that they can obtain new jobs in growth sectors. In my State, we used to do log exports. Logging was a big issue. Then it went away. Well, you have to retrain people, and community colleges have trained a lot of people in this kind of thing.

In 2009 Congress made some much-needed reforms in TAA, many of which addressed past criticisms of the program. These reforms included extending TAA to cover service workers and more manufacturing workers, offering long-term training and increasing training funds, and increasing the health care coverage tax credit.

This was probably the most important of the reforms. When people lose their job, they have no health care. And everything that you have in your life can be wiped out by an illness or an injury. So the idea that you can get COBRA is a nice idea, but you've got to have money to do that. Most of the unemployment checks in this country don't make it possible for people to take advantage of the COBRA. So when we had this increase in support from the Federal Government for workers, we were really looking at the real problems that people face.

Now, unfortunately, last winter the House leadership let the 2009 reforms lapse, leaving a lot of workers just hanging out there. The Generalized System of Preferences was also permitted to expire, which harmed businesses that rely on the program both in developing countries and in the United States. While it's long overdue, I'm pleased to see we're finally moving the legislation to expand both of these programs.

I urge my colleagues to join me in supporting H.R. 2832, and I reserve the balance of my time.

Mr. CAMP. Madam Speaker, I yield 3 minutes to the distinguished chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding.

Madam Speaker, it's taken a long time for us to get here. We've had hours and hours of debate, last night and today, and literally years and years and years of discussion and of negotiation, and a lot of anguish and a lot of pain, but we have finally gotten here.

I want to begin by expressing my great appreciation to a man with whom I've been pleased to partner in cochairing what has been a long-standing group known as our Trade Working Group. It's sometimes partisan, sometimes bipartisan. It began two decades ago when Bill Archer was chairman of the Ways and Means Committee and Phil Crane chaired the Trade Subcommittee, and with every chairman of the Ways and Means Committee and the Trade Subcommittee, I've been privileged to join with them in working to build these coalitions for the very important goal of breaking down barriers to ensure that we can have access to consumer markets for union and nonunion workers in this country. And this is what it's all about.

DAVE CAMP has done a phenomenal job in negotiating these trade agree-

ments and the issue which is before us today, which is trade adjustment assistance. Now I know that there's a lot of concern about it. I'm frankly not a huge enthusiast, but I recognize that while there is a net gain—a net gain—when it comes to the issue of global trade, there are some workers who are displaced.

□ 1650

While some people have been saying that those of us who are enthusiastically supporting the Korea, Panama, and Colombia free trade agreements are greatly exaggerating the positive impact of this, I've got to say that I recognize that there are some people who are going to be going through challenging economic times as a by-product of this agreement. That's why, as we look at this 21st century economy, it is critically important for us, Madam Speaker, to do everything that we can to ensure that our fellow Americans, U.S. workers, have the kind of training and expertise necessary to deal with this global economy in the 21st century. That's exactly what the Trade Adjustment Assistance package is all about. It's a modest package of \$300 million.

I know that last night, as he has just informed me, Mr. CAMP outlined the details of this to the House. He worked with the chairman of the Senate Finance Committee, Mr. BAUCUS, and with others to get this to the point where we are.

But we are now winding down this debate, and I think about the fact that, when Ronald Reagan on November 6 of 1979 announced his candidacy for President of the United States, in that speech, it was seen as heresy. I mean, it was almost a joke, Madam Speaker. Ronald Reagan said that he envisaged an accord of free trade among the Americas so that we could allow for the free flow of goods and services and capital. He was laughed at here in the United States, and he was laughed at throughout the hemisphere. Madam Speaker, since that time, we have seen tremendous, tremendous changes taking place.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 1 minute.

Mr. DREIER. It has been almost 32 years since Ronald Reagan made that announcement; and last Monday, a week ago Monday, on October 3, Democratic President Barack Obama sent these agreements for us to consider, and here we are now doing this.

There are so many people who have been involved in this. One of the things that has really impressed me, Madam Speaker, has been the involvement of the 87—now, I guess, 89—new Members on our side of the aisle who have brought about a change in the makeup of this institution. There are people

who have stepped to the forefront—TOM REED, RICK BERG, TIM GRIFFIN, BOB DOLD, QUICO CANSECO, and many others—who have felt strongly about the need to get our economy growing and who know that, in so doing, we will be able to create jobs for U.S. workers.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. DREIER. Let me just close by saying, over that 5-year period of time, Madam Speaker, we have seen so many tremendous changes that have taken place. Five years is half the life for a child who was born on September 11. There have been changes in our economy—and in the global economy—in dealing with issues that weren't even addressed then. The iPad didn't exist 5 years ago when these were put into place. There are issues like encryption, cross-border dataflow, things like intermediary liability, privacy. Those were barely discussed then. Today, these are critical, important issues. This is a very small first step towards regaining our position as the world's global leader.

I thank my friend for his support, and I thank all of our colleagues who have been involved in this.

Mr. MCDERMOTT. Madam Speaker, I yield 3½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I rise in support of H.R. 2832, the Trade Adjustment Assistance Extension Act of 2011.

This legislation continues vital coverage of the TAA program while it expands the Generalized System of Preferences, a key trade and development program.

We have a responsibility to ensure that our workers, communities, and economy can adjust to a rapidly globalizing economy. As Congress advances international trade opportunities for our firms, it has an opportunity to ensure that American workers can also compete.

Since 1962, the TAA has expanded to respond to the continual changes to the economy and the global system. Among the most significant changes were those that we made when the Democrats were in charge just in 2009, which expanded the program to include service workers as well as to improve the coverage of reemployment benefits, job search benefits, relocation and health care benefits. It produced tangible results. The coverage in 2008 certified 125,000 workers. As a result of the changes we made in 2009, 280,000 workers were certified.

The expansion of the program appropriately reflects the challenges trade poses to our service economy, and continues our commitment to the manufacturing sector. In my State alone, in 2010, the coverage reached over 10,000 workers and directed \$30 million in

Federal funds to carry out those efforts and to support our economy as it adjusted to competition from international trade.

It's interesting to see the broad range of supporters. The Communications Workers of America say that TAA is a critical lifeline in providing retraining and education, helping service workers to pull themselves back up and find good new jobs. The U.S. Chamber of Commerce will score the vote on TAA, writing that this legislation is a thoughtful compromise that preserves the more effective elements of the five-decade-old TAA program.

I am also pleased that we are dealing with the Generalized System of Preferences. I think my good friend from the State of Kansas may have been confused. I was, frankly, frustrated that it had been held up. We passed it in the last Congress. There was nothing to have prevented my Republican friends from bringing it forward at the beginning of this Congress. In fact, I wished that they would have, but they didn't get around to it until September. I don't know why, but I think the criticism is misplaced.

Regardless, each day without action on GSP costs American companies \$1.8 million in extra, unnecessary import tariffs. I've watched as the expiration of GSP has cost Evergreen Container in Portland, Oregon, \$50,000 already this year—\$10,000 for this company, \$70,000 over here, another \$5,000 here. It adds up. \$1.8 million a day.

But it's more than just a trade agreement and helping American companies. Under the GSP program, we will judge our trading partners on the protection of American commercial interests, such as the protection of intellectual property and preventing the seizure of property belonging to U.S. citizens or businesses. We judge them on the protection of individual rights, the protection of commonly accepted labor rights, and the elimination of child labor.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McDERMOTT. I yield the gentleman an additional 1 minute.

Mr. BLUMENAUER. We ought to add the protection of the environment to this criteria. I raised it in our Ways and Means hearing. The thought was we were going to go ahead and not adjust the status quo, but the protection of the environment exerts tremendous influence on international trade. The trade in illegally logged timber, for instance, costs the U.S.-based legal timber industry billions of dollars a year. If we truly expect trade to be a tool of development, trade must support environmental protections in our partner nations as our free trade agreements do.

Concern for the environment is a core element of development. It reflects the appreciation for civil law, for

the protection of the rights of individuals, and of a concern for the long-term sustainability of state and society and of the planet. It should have a place in our GSP program. I hope when it comes next before us that we've added environmental protections to the criteria.

Mr. CAMP. I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY. I rise in strong support of the bill.

I can speak very clearly about the relationship that we have with Korea because, in addition to being a General Motors dealer who sells Chevrolets and Cadillacs, I also sell Hyundais and Kias. I can tell you of the alliance that we have had, of the very strong partner we have had in Korea for so many years. Since 1949, Korea has fought with us in every military skirmish—side by side, shoulder to shoulder with us. In the United States alone, Hyundai has invested over \$3 billion in bricks and mortar in building two plants—one in Montgomery, Alabama, the other in West Point, Georgia. When we're worried about the number of cars being sold here, let's understand one thing, that over 60 percent of the Korean cars sold in the United States are made by Americans.

□ 1700

There are 60,000 jobs in the United States right now because of Hyundai and Kia's investment between our borders. And when we look at our market, our global opportunity, we have got to pass these trade agreements. We have got to pass the TAA. Why? Because it's good for America in addition to all these jobs and the possibility of 250,000 additional jobs in the country that's looking for a job almost every day.

These jobs are there. They're available to us. We have got to get on with these trade agreements. In addition, let me also state that Hyundai and Hyundai dealers have raised over \$43 million in the fight against pediatric cancer, which is over 10 times what this Congress has invested in that fight against pediatric cancer.

The opportunities are outstanding right now. The opportunity is now, and what better time to pass these agreements than when we're hunting for the jobs that we need the most for our people and also with allies who have stood shoulder-to-shoulder and arm-in-arm with us in every single battle.

I would urge every single Member in this House to please pass the agreements. Let's move on. Let's get America back to work.

Mr. McDERMOTT. Madam Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank my good friend and colleague from the committee for yielding me this time.

Madam Speaker, many of us have been rising throughout the course of

the debate today talking about the merits of the three pending trade agreements before us and why it's important for us to move forward on them, the reduction of tariff and non-tariff barriers, greater market access to the goods, product services that are being made right here in America, a system of rules that all countries have to abide by that are parties to this agreement, according to international labor and environmental standards included in the body of the agreement, fully enforceable with any other provision, protection of intellectual property rights, and on and on and on. That's why I'm supportive of the three bilateral agreements before us.

But to be honest with the American people, and as long as trade remains a two-way street, there will be adverse impacts of trade on companies and workers here in America. When that occurs, then the workers of that business should not just be left on their own.

That's why the reauthorization of the Trade Adjustment Assistance is important today, to move forward hand-in-hand with those trade agreements so those workers will have an opportunity to upgrade their skills, to go to school, to have a better match in the job market and find placement as quickly as possible. Since 1962, the TAA program has assisted those workers who lost their position as a result of international trade, helped them retrain and acquire skills needed for them to be more competitive in the global marketplace.

In Wisconsin alone in 2010, we had an estimated 10,359 workers who were covered by this program, and my State's not alone. In fact, the three largest TAA State recipients were Michigan, Ohio, California.

In 2010 in Wisconsin, 52 percent of the TAA participants were successfully employed within 3 months of leaving the program, and 88 percent of those participants continued that employment over the next few quarters. The benefit of this program not only helps workers in my State, but also those specifically in western Wisconsin that I represent.

In 2010, again, when Chart Energy & Chemicals in La Crosse moved some of its production line to China, approximately 230 employees were laid off, but they were able to receive reemployment and training services under the Federal TAA program. When Northern Engraving Corporation shut down its Luxco division tool shop in La Crosse, 27 workers were laid off; and they too qualified for assistance so that they could get reintegrated in the regional economy.

There are many more examples of that throughout Wisconsin and, I am sure, throughout the country. And that's why it was a bit discouraging that it took so long for us to reach an

agreement on TAA reauthorization when there's wide bipartisan support and great support on the outside, from the Chamber of Commerce to the AFL-CIO, saying this is the right and decent thing to do for America's workers if we are going to move forward in a proactive trade agenda.

I want to take a moment and commend my good friend and colleague, the chairman of the Ways and Means Committee, Mr. CAMP, for the work that he did with Senator BAUCUS in order to get the TAA reauthorization in the place that it is today. I think it was very helpful.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The time of the gentleman has expired.

Mr. McDERMOTT. I yield the gentleman an additional 30 seconds.

Mr. KIND. I thank my friend.

As I mentioned in committee last week during the markup, I think it would make sense if the committee, Ways and Means that had jurisdiction, were to hold some hearings as we move forward on ways that we can improve the efficiency and the outcome of the TAA program. Any program is worthy of change and improvements. I think this is right for that.

My concern is this is only a 3-year reauthorization. I hope we can continue bipartisan support that continues beyond 3 years so it's not having to be linked to other trade agreements, but I think our committee has some work to do to improve a very successful program.

I encourage my colleagues to support it.

Mr. CAMP. Madam Speaker, I would advise the gentleman from Washington that I have no other speakers and am prepared to close.

I reserve the balance of my time.

Mr. McDERMOTT. I yield 3 minutes to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Madam Speaker, I thank the Ways and Means Committee for their excellent work on the trade agreements and, most importantly, on Trade Adjustment Assistance; and I agree with the comments of my colleague from Wisconsin about why this program is so important.

I mean the bottom line is the TAA and the trade agreements themselves are part of figuring out how to help American workers and the American economy compete in a very, very difficult global economic situation. The amount of skills that our workers need now are vastly beyond what they needed in previous generations, and the need to update them constantly in order to continue to be competitive, to continue to be employable are a significant challenge for American workers.

This program is one way to give them help, to help give them the training and the skills that they need to

continue to be employable. It is incredibly important for our workers, and we have heard the statistics about the number of workers in our country who have benefited from these programs.

But I also submit to you that it is critically important to our economy. Our economy needs a skilled workforce in order to compete. Trade Adjustment Assistance is one way to help our workers get those skills that they need. Certainly it helps them, but it also helps our businesses and our overall economy.

I, along with my colleague from Wisconsin, support all three trade agreements. I believe trade is critically important to growing our economy as well, and it's simple math. Ninety-five percent of the people in this world live someplace other than the United States of America, but the United States of America is responsible for 20 percent of the world's consumption.

If we're going to grow, we need access to other markets. Korea, Colombia, and Panama are good steps in that direction to give us access to those other markets so that our businesses can have the possibility of growing their businesses and taking advantage of the growing economy.

It has been Asia and other parts of the world that are growing the most. We need access to those markets. Trade agreements like this give us that opportunity.

But as I have said for the entire 15 years I have been in Congress, that alone is not sufficient to protect American workers in our economy. Access to overseas markets on its own isn't enough to take care of our workers as they should be taken care of.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McDERMOTT. I yield the gentleman 1 additional minute.

Mr. SMITH of Washington. They need training. That's the other critical piece of these trade agreements that I want to emphasize.

For the first time—not the first time, actually we did it in Peru—thanks, actually, to the leadership of the gentleman from Michigan (Mr. LEVIN) and Mr. RANGEL and others, we have enforceable workers' rights in all three of these agreements.

There have been justifiable criticisms, for instance, in Colombia of the ability of workers that organize and collectively bargain. But this agreement will give us the enforceable ability to make sure that they do. If Colombia or any one of these countries doesn't live up to the ILO standards and requirements, this agreement now gives us the ability to use trade sanctions to make sure that they do.

That is an incredibly important step forward to protect the workers in this country. It needs to work together, access to overseas markets, to trade agreements and adequate protections

for our workers so that they can compete in that environment with TSA, with the workers' rights provisions in these trade agreements. I believe that all three trade agreements and this TAA bill do this.

I thank the Ways and Means Committee, both Republican and Democrat, for their work in making this happen.

Mr. McDERMOTT. Madam Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. LEVIN).

□ 1710

Mr. LEVIN. I rise in strong support of this proposal, this bill. It restarts TAA and the GSP program. You know, this should have happened long ago. The Republican decision to let it lapse over 8 months ago was very wrong. And as a result, and we're not sure of the exact numbers because that isn't public, but hundreds of service workers were completely shut out. Fewer manufacturing workers became eligible, and those who did qualify for TAA received less assistance and support. So now we're taking action today that's long overdue.

I heard last night somebody said that the trade agreements were being held "hostage" to the TAA program. They just got it 180 degrees wrong. It was the TAA program that was being held hostage to trade agreements, and that never should have happened.

Well, now we can act. I just want to say, some people, I think, look upon TAA as kind of the teaspoon of sugar to make the trade agreements go down. That could not be more incorrect. What TAA does is to help those who are thrown out of work because of trade, through no fault of their own. And if we're going to have a competitive workforce, people need to be able to be retrained. And interestingly enough, if you go to any place where TAA operates, you'll see a wide variety of people who have become eligible and who are being helped.

So I very, very much support this bill which preserves the integrity, although not all, of the TAA program, and the 2009 reforms.

I close by saying I also support the GSP provisions in this bill. I think there is a misconception. It does help, indeed, developing countries who rely on the GSP. But as our ranking member knows from all of his work, it also benefits American companies and the workers they employ. In fact, the majority of GSP imports are inputs used to support U.S. manufacturing, including raw materials, parts and components, and machinery and equipment. So not only did failing to extend GSP hurt developing countries, it hurt American businesses and their employees.

A wide spectrum supports this bill, and I hope all of us on this side of the aisle will vote in favor of it.

Mr. CAMP. I continue to reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Washington has 5½ minutes remaining. The gentleman from Michigan has 13½ minutes remaining.

Mr. McDERMOTT. I yield myself the balance of my time.

Madam Speaker and Members of the House, I think it's important that we are passing this TAA today. But it is just the tip of the iceberg of the problems faced by workers in this country. I think that we are picking one group and saying, well, if you can qualify for having lost your job because of international trade adjustment of one sort or another, you're eligible for some benefits. But I think that in the much larger sense the House faces a problem. We're seeing it in the streets. We're seeing it on Wall Street. We're seeing it on my Central Plaza. We're seeing it here in Washington, DC. We're seeing it in Atlanta. The workers of this country are very upset, and there's a long agenda that is sort of dealt with here for one small group of workers that ought to be available for all workers.

Now, we're going to have to extend unemployment benefits at the end of this year unless, like last year, at Christmastime, we'll be saying to people, You know what? We don't care about you; you're done. We haven't extended unemployment benefits. We ought to be doing it right now. It will be caught in the crush of all what happens at the end of the year, but it needs to happen.

Foreclosure relief. We continue to have foreclosures in this country with no way out for the workers of this country, including these. We didn't do anything for foreclosure problems for somebody who's lost their job because of trade. We make no adjustment. We don't say that you can lower the amount of your loan or the banks must negotiate. We don't do anything for people who are struggling with foreclosures in this country.

Health care. Health care in this bill makes it possible for people to get health care coverage. But there are thousands and thousands and thousands of workers, 14 million of them walking around in this country, with no health care, and we have done nothing this session to implement the Affordable Care Act.

Finally, I would just say there is one last issue that needs to be thought about. What happens to a worker who, training or not, exhausts all their unemployment benefits, and they have a family and they have a house? Now in the 1930s what people did was backed the car up to the house, put the furniture up on top, and drove off and got a job in California. You have got millions of people today who are tied to a house in Flint, Michigan, or Toledo, Ohio, or a thousand places. They can't drive off to Florida and get a job, or to California. They're stuck. And so they find themselves with no access to any

kind of way to pay their mortgage. They're going to get foreclosed. Then they can leave, of course.

Or we've got to find some way to make it possible for workers in this economy as it recovers to somehow get by. If we don't care, if we just care about the workers who are lost because of trade—that's nice and we ought to do that. We're doing the right thing, but we ought to be thinking much broader than that if we're serious about coming out of the problems we have in this economy.

I urge everyone to vote for this bill and begin the drumbeat for the unemployment insurance extension and a couple of other things.

I yield back the balance of my time.

Mr. CAMP. Madam Speaker, I yield myself the balance of my time.

I support H.R. 2832, the bill that renews the Generalized System of Preferences, known as GSP, and also contains the Trade Adjustment Assistance, also called TAA.

This bill really is the cornerstone of the carefully crafted bipartisan and bicameral agreement that then prompted the President to send the three trade agreements to the Congress last Monday. So this has allowed us, this legislation today, has allowed us to move forward on a long-stalled trade agenda.

The bill renews GSP, which the House passed last month, and that is the largest trade preference program and is estimated to account for 82,000 U.S. jobs that are directly or indirectly related to that program.

The second portion of this bill, the bill that reauthorizes Trade Adjustment Assistance, is absolutely critical because it is one of the core items that has allowed these trade agreements to come forward. And this legislation really does ensure smaller government and less spending on an important program in these difficult economic times where we have a growing debt and deficit.

This program was streamlined and scaled back, and just quickly I'll note some of the highlights. There is no TAA for public sector workers. The number of weeks was reduced from 156 in the 2009 law down to 117 weeks. Also, there is no double-dipping. These benefits run concurrently with current unemployment insurance, or UI benefits, and the health care subsidy was reduced in this legislation.

We also eliminated half of the allowable justifications for the program's training waivers to ensure that those who are eligible for TAA are in those training programs with only limited exceptions.

We also consolidated and reduced all the non-income support expenditures. We reduced funding for the TAA for firms, and also added enhanced performance measures. Now, no worker will qualify for this unless certified by the Department of Labor. This is an

important attempt to bring some reform and integrity to our unemployment programs, particularly by strengthening the job training provision where 80 percent of the waivers were used to waive people out of the requirement they job train.

□ 1720

This is an important reform; and it's going to be an important reform in this bill to make sure we implement it so as we move forward on the employment insurance debate later this year, as the gentleman from Washington State alluded to, we actually have a track record on some of these items and can see how they're at least beginning to work.

So I urge my colleagues to support not only all three trade agreements, but also what really was the cornerstone for bringing those three trade agreements to the floor, H.R. 2832.

I yield back the balance of my time.

Mr. GENE GREEN of Texas. Madam Speaker, I rise in support of H.R. 2832, legislation that will extend the Trade Adjustment Assistance program and the 2009 TAA reforms for workers, firms, and farmers through December 31, 2013.

Since its creation nearly half a century ago, TAA has helped millions of Americans whose jobs were lost to outsourcing, off-shoring, and increased foreign competition.

For many, TAA is a critical lifeline that provides retraining and education, health insurance assistance, and other crucial support initiatives to workers affected by international trade.

TAA also helps small businesses and farmers become more competitive through the TAA for firms and TAA for farmers program.

This legislation will also extend important reforms made to TAA in 2009, but were allowed to expire in February of this year. These improvements include guaranteeing access to training for American service and manufacturing workers, as well as allow workers to qualify for TAA benefits if their firms shifted production to any country, including China and India, not just countries with which the United States has entered into a free trade agreement.

More than 185,000 additional trade-impacted workers have become eligible for training opportunities and benefits under the 2009 reforms.

In my state alone, over 20,000 workers have benefited from TAA's services and support since May 2009. Nationwide, nearly half a million Americans have benefited from TAA over the past two years.

TAA has historically received bipartisan support in this chamber. I hope my colleagues on both sides of the aisle will join me and support this legislation.

Unfortunately, programs like TAA would not be necessary if this Congress and this Administration would push for trade deals that would focus on job creation here at home.

The history of free trade agreements shows that the promised benefits of FTAs, be with Mexico and NAFTA, or with China and Most-Favored-Trade Status, have not materialized.

In fact, it has been the opposite.

Soon after the enactment of NAFTA in 1994, six factories in my district in Houston were shut down. The thousands of Houstonians who were laid-off were able to get assistance through TAA, but would have much rather have kept their jobs than seen their livelihoods moved to Mexico.

Before NAFTA came into effect, the United States had an annual trade surplus of over \$1 billion with Mexico. Last year, our nation's trade deficit with our southern neighbor reached \$66 billion.

The story is similar with China. In 1999, the year before permanent MFT status was granted on China, our trade deficit was \$68 billion.

Today, that deficit has exploded to \$273 billion, and with it, millions of American jobs. A recent study by the Economic Policy Institute found that the trade deficit with China eliminated or displaced 2.8 million jobs between 2001 and 2010.

I fear that enactment of the trade agreements debated in this chamber today will further exacerbate job losses in our country.

EPI found in a study last year that the Korea FTA alone would displace 159,000 jobs in the United States. The same study found that the Colombia FTA would cost the American people 55,000 jobs.

It is time for this chamber to ask why our nation gives open access to our markets to foreign competitors—as is the case with South Korea, Colombia, and Panama—and only, years later, look to gain similar access into their markets.

History has shown me that genuine free trade comes when all parties receive equal access to each others' markets. All three of these agreements fail to do so.

I close by calling on my colleagues today to vote in favor of working Americans by voting against these trade agreements and voting in favor of TAA.

Mr. DINGELL. Madam Speaker, I rise in strong support of H.R. 2832, a bill whose consideration by the members of this House is long overdue. It is absolutely unconscionable that working Americans displaced by trade have had no Trade Adjustment Assistance (TAA) benefits since the beginning of this year. I am ashamed that partisan rhetoric has stalled congressional consideration of TAA, once a reliably non-partisan issue. In more human terms, my home state of Michigan has weathered the ill effects of free trade agreements arguably longer than any other state in the union. Thousands of displaced workers in my district have relied on TAA to start their careers over in fields like nursing, alternative energy, an information technology. These workers have experienced first-hand the benefits of TAA and understand—as I do—the value the program brings to communities across the country.

In closing, I call on my colleagues to vote in support of H.R. 2832 and stand up for the American families all over the country to whom free trade has been less than fair. And when we finish voting on this measure, I urge everyone on both sides of Capitol Hill—Republicans and Democrats alike—to take the country's best interests to heart and pass legislation to create jobs.

Mr. WEST. Madam Speaker, I rise today in strong support of the Free Trade Agreements

with Panama, Korea and Columbia. These long overdue trade agreements will increase exports, lower the trade deficit and stimulate much-needed economic growth in the United States.

Free market competition is the proven way to create wealth and jobs in the economy. When the Federal Government attempts to create winners and losers, the American people get the short end of the stick.

South Florida is the gateway to Latin America, and the trade agreements with Colombia and Panama will support and create jobs in Florida and throughout the nation by leveling the playing field for United States goods and services.

Today, nearly all imports from Colombia and Panama enter the United States market duty free, but these countries continue to impose tariffs on our farm and manufactured goods exports that often soar into the double digits. Colombia currently collects \$100 in tariffs on United States exports for every \$1 the United States collects in tariffs on Colombian goods, and a similar lopsidedness holds back American export sales to Panama.

The free trade agreements will eliminate these tariffs and other barriers United States exporters face, and will create new opportunities for the sale of American products. In addition, they will secure the intellectual property of United States inventors, researchers, and creators; open services markets; and protect American investors and the jobs they support in the United States.

The independent United States International Trade Commission estimates that implementation of the three pending trade agreements would increase American exports by at least \$13 billion and add at least \$10 billion to our nation's Gross Domestic Product per year, which would mean 250,000 new jobs in the United States. Passing all three pending trade agreements will directly benefit small and medium-sized businesses, as well as the hundreds of thousands of American jobs they create.

Exports are critical to United States economic growth, and will have a significant, positive impact to my Congressional District that is home to two major ports—Port Everglades and the Port of Palm Beach. In 1986, exports equaled 7.2 percent of GDP. In 2010, exports equaled nearly 13 percent of GDP.

In 2010 alone, the State of Florida exported more than \$4.2 billion to Colombia, Panama and South Korea combined. This represents a significant increase over the last decade. With the passage of the Free Trade Agreements, all indications point to significantly increased exports for the State of Florida.

Finally, the implementation of each of these Free Trade Agreements is important for our security and geostrategic goals. Each of the agreements will strengthen the United States' relationship with South Korea, Colombia and Panama, some of our country's strongest partners in advancing both regional and global security.

However, in May of 2011, President Barack Obama's Administration announced that it would not submit these three long-pending, job-creating trade agreements to the United States Congress unless "trade adjustment assistance" benefits (TAA) were renewed and expanded.

Quite simply, TAA is a federal program that sends cash and provides other benefits to workers whose jobs are purportedly affected negatively by trade. As a letter that was sent to Republican Leadership earlier this year states, "TAA is undoubtedly—and deliberately designed as—a federal wealth redistribution program that has no business existing in a free society."

Furthermore, the central components of these TAA programs—job-training, unemployment subsidies, and health-care subsidies—are available under dozens of other federal programs. In all, there are currently 47 government-sponsored and taxpayer-funded job training programs that received over \$18 billion in Fiscal Year 2009. There are eight taxpayer-funded programs that provide unemployment insurance, and six taxpayer-funded programs that provide health insurance—all duplicative to programs found within TAA.

TAA accepts the premise that free trade is bad and needs to be offset by another federal program paid for by the American taxpayers. By strictly assisting workers who claim job losses due to trade, the program provides an incentive to exaggerate the negative impact on jobs due to free trade. In my assessment, TAA programs amount to subsidized excuses. Americans can openly compete with anyone in the free market—we do not need government creating victims.

I will not support H.R. 2832 because TAA programs allow the Federal Government to pick winners and losers. As The Heritage Foundation recently analogized, "the worker who loses his job to a foreign competitor should receive the same treatment as the Blockbuster employee who lost his job to Netflix."

Free trader benefits all parties involved—from consumers to business owners and farmers, to the port employees in my Congressional District. Free market competition and enterprise through free trade agreements should not be held back by what amounts to another duplicated, wasteful Federal Government program.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 425, the previous question is ordered.

The question is on the motion that the House concur in the Senate amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McDERMOTT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the order of the House today, further proceedings on this question will be postponed.

UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 3078) to implement the United States-Colombia Trade Promotion Agreement will now resume.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mr. LEVIN. I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEVIN. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Levin moves to recommit the bill H.R. 3078 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendments:

At the end of the bill, add the following:

TITLE VII—CURRENCY REFORM FOR FAIR TRADE ACT

SEC. 701. SHORT TITLE.

This title may be cited as the "Currency Reform for Fair Trade Act".

SEC. 702. CLARIFICATION REGARDING DEFINITION OF COUNTERVAILABLE SUBSIDY.

(a) **BENEFIT CONFERRED.**—Section 771(5)(E) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(E)) is amended—

(1) in clause (iii), by striking "and" at the end;

(2) in clause (iv), by striking the period at the end and inserting "; and"; and

(3) by inserting after clause (iv) the following new clause:

"(v) in the case in which the currency of a country in which the subject merchandise is produced is exchanged for foreign currency obtained from export transactions, and the currency of such country is a fundamentally undervalued currency, as defined in paragraph (37), the difference between the amount of the currency of such country provided and the amount of the currency of such country that would have been provided if the real effective exchange rate of the currency of such country were not undervalued, as determined pursuant to paragraph (38)."

(b) **EXPORT SUBSIDY.**—Section 771(5A)(B) of the Tariff Act of 1930 (19 U.S.C. 1677(5A)(B)) is amended by adding at the end the following new sentence: "In the case of a subsidy relating to a fundamentally undervalued currency, the fact that the subsidy may also be provided in circumstances not involving export shall not, for that reason alone, mean that the subsidy cannot be considered contingent upon export performance."

(c) **DEFINITION OF FUNDAMENTALLY UNDERVALUED CURRENCY.**—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end the following new paragraph:

"(37) **FUNDAMENTALLY UNDERVALUED CURRENCY.**—The administering authority shall determine that the currency of a country in which the subject merchandise is produced is a 'fundamentally undervalued currency' if—

"(A) the government of the country (including any public entity within the territory of the country) engages in protracted, large-scale intervention in one or more foreign exchange markets during part or all of the 18-month period that represents the most recent 18 months for which the information required under paragraph (38) is reasonably available, but that does not include any period of time later than the final month in the period of investigation or the period of review, as applicable;

"(B) the real effective exchange rate of the currency is undervalued by at least 5 percent, on average and as calculated under

paragraph (38), relative to the equilibrium real effective exchange rate for the country's currency during the 18-month period;

"(C) during the 18-month period, the country has experienced significant and persistent global current account surpluses; and

"(D) during the 18-month period, the foreign asset reserves held by the government of the country exceed—

"(i) the amount necessary to repay all debt obligations of the government falling due within the coming 12 months;

"(ii) 20 percent of the country's money supply, using standard measures of M2; and

"(iii) the value of the country's imports during the previous 4 months."

(d) **DEFINITION OF REAL EFFECTIVE EXCHANGE RATE UNDERVALUATION.**—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677), as amended by subsection (c) of this section, is further amended by adding at the end the following new paragraph:

"(38) **REAL EFFECTIVE EXCHANGE RATE UNDERVALUATION.**—The calculation of real effective exchange rate undervaluation, for purposes of paragraph (5)(E)(v) and paragraph (37), shall—

"(A)(i) rely upon, and where appropriate be the simple average of, the results yielded from application of the approaches described in the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues; or

"(ii) if the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues are not available, be based on generally accepted economic and econometric techniques and methodologies to measure the level of undervaluation;

"(B) rely upon data that are publicly available, reliable, and compiled and maintained by the International Monetary Fund or, if the International Monetary Fund cannot provide the data, by other international organizations or by national governments; and

"(C) use inflation-adjusted, trade-weighted exchange rates."

SEC. 703. REPORT ON IMPLEMENTATION OF TITLE.

(a) **IN GENERAL.**—Not later than 9 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation of the amendments made by this title.

(b) **MATTERS TO BE INCLUDED.**—The report required by subsection (a) shall include a description of the extent to which United States industries that have been materially injured by reason of imports of subject merchandise produced in foreign countries with fundamentally undervalued currencies have received relief under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), as amended by this title.

SEC. 704. APPLICATION TO GOODS FROM CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act of 1993 (19 U.S.C. 3438), the amendments made by section 702 of this Act shall apply to goods from Canada and Mexico.

Mr. CAMP (during the reading). Madam Speaker, I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

Pursuant to the rule, the gentleman from Michigan is recognized for 5 minutes.

Mr. LEVIN. I want everybody to know what this is. This is a bill on currency. This is the opportunity for people to once again stand up and be counted. This is the bill that passed last year 349–79, with 99 Republicans supporting it. This is the House bill that has 225 cosponsors. More than 60 are Republicans.

It's clear that China's currency manipulation is a major cause of hundreds of thousands of lost manufacturing jobs, and imports from China are about half of that. So we're talking about 1 million jobs, at the least. What is also clear is that the manipulation of currency tilts the playing field in favor of China at least 25 percent, and it's not getting better.

China's currency manipulation isn't the only cause of that deficit and loss of jobs. But because it's not the only cause doesn't mean we should address it. It's a major one. It's clear we haven't been effectively confronting China on this issue, and China pushes ahead.

So in a few words, the time has come for action. Eight years of talk have yielded very meager results.

As said, this has broad bipartisan support. And to make it utterly clear, last night the Senate passed a bill on currency by 63–35. Sixteen Republican Senators supported it.

This will not kill the bill. It will not send it back to committee. If adopted, the bill will immediately go to passage.

So, as I said, now is the moment for all of us to be counted, to stand up and be counted. No excuses. As Robert Samuelson said in *The Post* last week-end, there's already a trade war between them and us, but only one side is fighting. Now we'll make sure that both sides are in this effort.

I now yield to the gentleman from Pennsylvania who is so active on this issue.

Mr. CRITZ. I appreciate the gentleman from Michigan for yielding, and I thank him for his leadership on this important issue.

"As the Chamber closest to the people, the House works best when it is allowed to work its will." Those aren't my words. They're a direct quote of Speaker BOEHNER.

Since China's 2001 entry into the World Trade Organization, we have lost nearly 3 million manufacturing jobs, and our overall trade deficit with China has grown to over \$237 billion. Our manufacturers are hurting. The American people are hurting.

We were sent here to lead. Here is our chance.

We're talking about creating over 2 million American jobs and reducing our annual trade deficit by over \$70 billion. The Speaker warns of a "trade

war." You want to talk about a trade war? Ask the workers in industries like steel tubing, tires, and solar panels who have lost their jobs because of China's unfair trade practices. At some point, we have to stand up and do what is right for the American people.

You gain respect through strength. This is our moment of truth. This bill has broad bipartisan support. We must send a strong message the United States will not stand idly by while foreign currency manipulators destroy American manufacturing jobs. It's time to stand up and be leaders for the American people and defend their interests over all others.

At any rate, Madam Speaker, it's time to stop being part of the problem and become part of the solution. Lead, follow, or get out of the way, and as the Speaker said, "Let the House work its will."

I urge my colleagues to stand up for America, to level the playing field with China. Support this motion to recommit.

Mr. LEVIN. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 15 seconds remaining.

Mr. LEVIN. That's all it will take.

The issue is clear: Act. Act. You must stand up and be counted. This is the moment on currency for every Member of the House.

Mr. CAMP. Madam Speaker, I withdraw the point of order, and I rise in opposition to this motion to recommit.

The SPEAKER pro tempore. The point of order is withdrawn.

The gentleman from Michigan is recognized for 5 minutes.

Mr. CAMP. Madam Speaker, the implementing bill before us reflects a carefully negotiated agreement that involved the White House, the U.S. Trade Representative, and bipartisan staffs and members from both Ways and Means and Finance. All four offices were consulted at every step of the process and all sides were fully involved. This provision was not part of that negotiation. In fact, it was not even raised during negotiations. This threatens to undue the carefully negotiated terms of this compromise and set our trade agenda back.

This motion is a true poison pill. Any change, even moving a single comma, would strip the bill of fast-track protections under Trade Promotion Authority in the United States Senate. Thus, this motion really isn't about Chinese currency practices. It's an effort to kill the Colombian free trade agreement. In fact, the irony is that the only reason the minority is even allowed to offer this motion is because then-Speaker PELOSI took the unprecedented step of turning off the clock on TPA 3 years ago on the Colombian free trade agreement. Passing this or any other motion would reward that deci-

sion to put our trade agenda on ice—a decision that hurt our economy, cost us jobs, as U.S. farmers and exporters lost out on opportunity in that fast-growing country.

□ 1730

Finally, with respect to the substance of this motion, everyone agrees that China's currency is undervalued. China must let its currency appreciate and commit to allowing market supply and demand to determine its value. But at the same time, we need to recognize that currency is not the only barrier that U.S. businesses face in China and that legislation on currency is not a silver bullet.

I plan to hold a hearing in the Ways and Means Committee this month on all of these issues, including currency; but this is the wrong vehicle for such legislation and would kill the very important Colombian trade agreement. I therefore urge defeat of this motion and passage of this important trade agreement.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. LEVIN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 3078, if ordered; passage of H.R. 3079; passage of H.R. 3080; adoption of the motion to concur in the Senate amendment to H.R. 2832; and the motion to suspend the rules and pass H.R. 2433.

The vote was taken by electronic device, and there were—yeas 192, nays 236, not voting 5, as follows:

[Roll No. 780]

YEAS—192

Ackerman	Carney	Davis (IL)
Altmire	Carson (IN)	DeFazio
Andrews	Castor (FL)	DeGette
Baca	Chandler	DeLauro
Baldwin	Chu	Deutch
Barrow	Ciциlline	Dicks
Bass (CA)	Clarke (MI)	Dingell
Becerra	Clarke (NY)	Doggett
Berkley	Clay	Donnelly (IN)
Berman	Cleaver	Doyle
Bishop (GA)	Clyburn	Duncan (TN)
Bishop (NY)	Cohen	Edwards
Blumenauer	Connolly (VA)	Ellison
Boren	Conyers	Engel
Boswell	Cooper	Eshoo
Brady (PA)	Costa	Farr
Braley (IA)	Costello	Fattah
Brown (FL)	Courtney	Filner
Butterfield	Critz	Frank (MA)
Capps	Crowley	Fudge
Capuano	Cuellar	Garamendi
Cardoza	Cummings	Gonzalez
Carnahan	Davis (CA)	Green, Al

Green, Gene	Lynch	Rothman (NJ)
Grijalva	Maloney	Roybal-Allard
Gutierrez	Markey	Ruppersberger
Hahn	Matheson	Rush
Hanabusa	Matsui	Ryan (OH)
Hastings (FL)	McCarthy (NY)	Sánchez, Linda
Heinrich	McCollum	T.
Higgins	McDermott	Sanchez, Loretta
Himes	McGovern	Sarbanes
Hinchev	McIntyre	Schakowsky
Hinojosa	McNerney	Schiff
Hirono	Meeks	Schrader
Hochul	Michaud	Schwartz
Holden	Miller (NC)	Scott (VA)
Holt	Miller, George	Scott, David
Honda	Moore	Serrano
Hoyer	Moran	Sewell
Inslee	Murphy (CT)	Sherman
Israel	Nadler	Shuler
Jackson (IL)	Napolitano	Sires
Jackson Lee	Neal	Smith (WA)
(TX)	Olver	Speier
Johnson (GA)	Owens	Stark
Johnson, E. B.	Pallone	Sutton
Jones	Pascrell	Thompson (CA)
Kaptur	Pastor (AZ)	Thompson (MS)
Keating	Payne	Tierney
Kildee	Pelosi	Tonko
Kind	Perlmuter	Towns
Kissell	Peters	Tsongas
Kucinich	Peterson	Van Hollen
Langevin	Pingree (ME)	Velázquez
Larsen (WA)	Platts	Visclosky
Larson (CT)	Price (NC)	Walz (MN)
Lee (CA)	Quigley	Wasserman
Levin	Rahall	Schultz
Lewis (GA)	Rangel	Waters
Lipinski	Reyes	Watt
Loeback	Richardson	Waxman
Lofgren, Zoe	Richmond	Welch
Lowey	Rohrabacher	Woolsey
Lujan	Ross (AR)	Yarmuth

NAYS—236

Adams	Dent	Huelskamp
Aderholt	DesJarlais	Huizenga (MI)
Akin	Diaz-Balart	Hultgren
Alexander	Dold	Hunter
Amash	Dreier	Hurt
Amodel	Duffy	Issa
Austria	Duncan (SC)	Jenkins
Bachmann	Ellmers	Johnson (IL)
Barletta	Emerson	Johnson (OH)
Bartlett	Farenthold	Johnson, Sam
Barton (TX)	Fincher	Jordan
Bass (NH)	Fitzpatrick	Kelly
Benishek	Flake	King (IA)
Berg	Fleischmann	King (NY)
Biggart	Fleming	Kingston
Bilbray	Flores	Kinzing (IL)
Bilirakis	Forbes	Kline
Bishop (UT)	Fortenberry	Labrador
Black	Fox	Lamborn
Blackburn	Franks (AZ)	Lance
Bonner	Frelinghuysen	Landry
Bono Mack	Gallely	Lankford
Boustany	Gardner	Latham
Brady (TX)	Garrett	LaTourette
Brooks	Gerlach	Latta
Brown (GA)	Gibbs	Lewis (CA)
Buchanan	Gibson	LoBiondo
Bucshon	Gingrey (GA)	Long
Buerkle	Gohmert	Lucas
Burgess	Goodlatte	Luetkemeyer
Burton (IN)	Gosar	Lummis
Calvert	Gowdy	Lungren, Daniel
Camp	Granger	E.
Campbell	Graves (GA)	Mack
Canseco	Graves (MO)	Manzullo
Cantor	Griffin (AR)	Marchant
Capito	Griffith (VA)	Marino
Carter	Grimm	McCarthy (CA)
Cassidy	Guinta	McCaul
Chabot	Guthrie	McClintock
Chaffetz	Hall	McCotter
Coble	Hanna	McHenry
Coffman (CO)	Harper	McKeon
Cole	Harris	McKinley
Conaway	Hartzler	McMorris
Cravaack	Hastings (WA)	Rodgers
Crawford	Hayworth	Meehan
Crenshaw	Heck	Mica
Culberson	Hensarling	Miller (FL)
Davis (KY)	Herger	Miller (MI)
Denham	Herrera Beutler	Miller, Gary

Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby

Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns

Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—5

Bachus
Giffords

Paul
Slaughter

Wilson (FL)

□ 1757

Messrs. FARR, FRANK of Massachusetts, COOPER, PAYNE, ROHR-ABACHER, and Ms. EDWARDS changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 262, noes 167, not voting 4, as follows:

[Roll No. 781]

AYES—262

Ackerman
Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Berman
Biggart
Billray
Bilirakis
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)

Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Cravaack

Crawford
Crenshaw
Crowley
Cuellar
Culberson
Davis (CA)
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Engel
Farenthold
Farr
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores

Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Hinojosa
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry

Lankford
Larsen (WA)
Latham
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Meehan
Meeks
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby

NOES—167

Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boswell
Bradley (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen

Conyers
Costello
Courtney
Critz
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Eshoo
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich

Higgins
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeback
Lofgren, Zoe
Lowey
Lujan

Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinley
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascroll
Pastor (AZ)
Payne
Pelosi

Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (TX)
Smith (WA)
Southerland
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Wasserman
Schultz
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

Perlmutter
Peters
Peterson
Pingree (ME)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano

NOT VOTING—4

Giffords
Paul

Slaughter
Wilson (FL)

□ 1804

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on passage of the bill (H.R. 3079) to implement the United States-Panama Trade Promotion Agreement, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 300, nays 129, not voting 4, as follows:

[Roll No. 782]

YEAS—300

Ackerman
Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Berman
Biggart
Billray
Bilirakis
Bishop (GA)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boustany
Brady (TX)

Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Cravaack
Crawford

Crenshaw
Crowley
Cuellar
Culberson
Davis (CA)
Davis (KY)
DeGette
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Doggett
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming

Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Cowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Hinojosa
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Levin
Lewis (CA)

Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Maloney
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCotter
McDermott
McHenry
McKeon
McMorris
Rodgers
Meehan
Meeks
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (PA)
Myrick
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Oliver
Owens
Palazzo
Pascarell
Paulsen
Pearce
Pelosi
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rangel
Reed
Rehberg
Reichert
Ribble
Richmond
Rigell
Rivera
Roe (TN)

NAYS—129

Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Berkley
Bishop (NY)
Bishop (UT)
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Chandler
Chu
Cicilline
Clarke (MI)

Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schiff
Schilling
Schmidt
Schock
Schradler
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Wasserman
Schultz
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Hinchev
Hirono
Hochul
Holden
Holt
Honda
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Jones
Kaptur

Keating
Kildee
Kissell
Kucinich
Langevin
LaTourette
Lee (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lujan
Lynch
Markey
McCarthy (NY)
McCollum
McGovern
McIntyre
McKinley
McNerney
Michaud

Giffords
Paul

Miller (NC)
Miller, George
Moore
Murphy (CT)
Nader
Napolitano
Pallone
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Rahall
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.

NOT VOTING—4

Slaughter
Wilson (FL)

□ 1810

So the bill was passed.
The result of the vote was announced
as above recorded.

UNITED STATES-KOREA FREE
TRADE AGREEMENT IMPLEMEN-
TATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on passage of the bill (H.R. 3080) to implement the United States-Korea Free Trade Agreement, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 278, nays 151, not voting 4, as follows:

[Roll No. 783]

YEAS—278

Ackerman
Adams
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bass (NH)
Becerra
Benishke
Berg
Berman
Biggett
Bibray
Bilirakis
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert

Camp
Campbell
Canseco
Cantor
Capito
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Clyburn
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Cravaack
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Dreier

Sanchez, Loretta
Sarbanes
Schakowsky
Scott (VA)
Serrano
Sherman
Shuler
Smith (NJ)
Speier
Stark
Sutton
Thompson (MS)
Tierney
Tonko
Towns
Velazquez
Visclosky
Walz (MN)
Waters
Woolsey
Yarmuth

Duffy
Emerson
Eshoo
Farenthold
Baca
Baldwin
Barrow
Bass (CA)
Berkley
Bishop (GA)
Bishop (NY)
Bishop (UT)
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Coble
Cohen
Conyers
Costello
Courtney
Critz
Cummings
DeFazio

McDermott
McKeon
McMorris
Rodgers
Meehan
Meeks
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Murphy (PA)
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pelosi
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)

NAYS—151

Honda
Hunter
Hurt
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Jones
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
LaTourette
Lee (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lujan
Lynch
Markey
McCollum
McGovern
McHenry
McIntyre
McKinley
McNerney
Michaud
Miller (NC)
Miller, George
Moore

Mulvaney Rohrabacher Stark
 Murphy (CT) Roybal-Allard Sutton
 Myrick Ruppelberger Thompson (MS)
 Nadler Rush Tierney
 Napolitano Ryan (OH) Tonko
 Olver Sánchez, Linda Towns
 Pallone T. Tsongas
 Pascrell Sarbanes Velázquez
 Pastor (AZ) Schakowsky Visclosky
 Payne Scott, David Waters
 Perlmutter Serrano Watt
 Peters Sherman Waxman
 Pingree (ME) Shuler Welch
 Rahall Sires Wilson (SC)
 Reyes Smith (NJ) Woolsey
 Richardson Speier Yarmuth

NOT VOTING—4

Giffords Slaughter
 Paul Wilson (FL)

□ 1817

So the bill was passed.
 The result of the vote was announced
 as above recorded.

EXTENDING THE GENERALIZED
SYSTEM OF PREFERENCES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to concur in the Senate amendment to the bill, H.R. 2832, offered by the gentleman from Michigan (Mr. CAMP) on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 307, nays 122, not voting 4, as follows:

[Roll No. 784]

YEAS—307

Ackerman Carnahan Dreier
 Alexander Carney Duffy
 Altmire Carson (IN) Edwards
 Andrews Cassidy Ellison
 Baca Castor (FL) Emerson
 Bachmann Chandler Engel
 Bachus Chu Eshoo
 Baldwin Cicilline Farenthold
 Barletta Clarke (MI) Farr
 Barrow Clarke (NY) Fattah
 Bartlett Clay Filner
 Barton (TX) Cleaver Fitzpatrick
 Bass (CA) Clyburn Forbes
 Bass (NH) Cohen Fortenberry
 Becerra Cole Frank (MA)
 Benishek Connolly (VA) Fudge
 Berg Conyers Gallegly
 Berkley Cooper Garamendi
 Berman Costa Gerlach
 Biggert Costello Gibbs
 Bilbray Courtney Gibson
 Bishop (GA) Cravaack Gonzalez
 Bishop (NY) Crenshaw Green, Al
 Blumenauer Critz Green, Gene
 Bonner Crowley Griffith (VA)
 Boren Cuellar Grijalva
 Boswell Cummings Grimm
 Boustany Davis (CA) Guthrie
 Brady (PA) Davis (IL) Gutierrez
 Brady (TX) Davis (KY) Hahn
 Braley (IA) DeFazio Hanabusa
 Brown (FL) DeGette Hanna
 Buchanan DeLauro Hastings (FL)
 Butterfield Dent Hastings (WA)
 Calvert Deutch Hayworth
 Camp Diaz-Balart Heinrich
 Canseco Dicks Hegerger
 Cantor Dingell Herrera Beutler
 Capito Doggett Higgins
 Capps Dold Himes
 Capuano Donnelly (IN) Hinchey
 Cardoza Doyle Hinojosa

Hirono McIntyre
 Hochul McKeon
 Holden McKinley
 Holt McMorris
 Honda Rodgers
 Hoyer McInerney
 Hurt Meehan
 Inslee Meeks
 Israel Mica
 Jackson (IL) Michaud
 Jackson Lee Miller (MI)
 (TX) Miller (NC)
 Jenkins Miller, George
 Johnson (GA) Moore
 Johnson (IL) Moran
 Johnson (OH) Murphy (CT)
 Johnson, E. B. Myrick
 Johnson, Sam Nadler
 Kaptur Napolitano
 Keating Neal
 Kelly Shimkus
 Kildee Shuler
 Kind Olson Shuster
 King (NY) Olver Sires
 Kissell Owens Smith (NE)
 Kline Pallone Smith (NJ)
 Kucinich Pascrell Smith (TX)
 Lance Pastor (AZ) Smith (WA)
 Langevin Paulsen
 Larsen (WA) Payne Stark
 Larson (CT) Pelosi Stearns
 Latham Pence Stivers
 LaTourette Perlmutter Sutton
 Lee (CA) Peters Terry
 Levin Peterson Thompson (CA)
 Lewis (CA) Petri Thompson (MS)
 Lewis (GA) Pingree (ME) Thompson (PA)
 Lipinski Platts Tiberi
 LoBiondo Polis Tierney
 Loeb sack Price (NC) Tonko
 Lofgren, Zoe Quigley Towns
 Long Rahall Tsongas
 Lowey Rangel Turner (NY)
 Lucas Reed Turner (OH)
 Luetkemeyer Rehberg Upton
 Lujan Reichert Van Hollen
 Lungren, Daniel Renacci Velázquez
 E. Reyes Visclosky
 Lynch Richardson Walberg
 Maloney Richmond Walden
 Marchant Rivera Walz (MN)
 Marino Roe (TN) Wasserman
 Markey Rogers (AL) Schultz
 Matheson Rogers (MI) Waters
 Matsui Ros-Lehtinen Watt
 McCarthy (CA) Roskam Waxman
 McCarthy (NY) Ross (AR) Welch
 McCollum Rothman (NJ) Whitfield
 McCotter Roybal-Allard Wolf
 McDermott Runyan Woolsey
 McGovern Ruppelberger Yarmuth
 McHenry Rush Young (AK)
 Young (IN)

NAYS—122

Fincher Jones
 Flake Jordan
 Fleischmann King (IA)
 Fleming Kingston
 Flores Kinzinger (IL)
 Foxx Labrador
 Franks (AZ) Lamborn
 Frelinghuysen Landry
 Gardner Lankford
 Garrett Latta
 Gingrey (GA) Lummis
 Gohmert Mack
 Goodlatte Manzullo
 Gosar McCaul
 Gowdy McClintock
 Granger Miller (FL)
 Graves (GA) Miller, Gary
 Graves (MO) Mulvaney
 Griffin (AR) Murphy (PA)
 Guinta Neugebauer
 Hall Noem
 Harper Nugent
 Harris Nunnelee
 Hartzler Palazzo
 Heck Pearce
 Hensarling Pitts
 Huelskamp Poe (TX)
 Huizenga (MI) Pompeo
 Hultgren Posey
 Hunter Price (GA)
 Issa Quayle

Ribble Scott (SC)
 Rigell Scott, Austin
 Roby Sensenbrenner
 Rohrabacher Simpson
 Rokita Southerland
 Rooney Stutzman
 Ross (FL) Sullivan
 Royce Thornberry
 Schmidt Tipton
 Schweikert Walsh (IL)

NOT VOTING—4

Giffords Slaughter
 Paul Wilson (FL)

□ 1827

Mr. RIBBLE and Mrs. BLACK changed their vote from “yea” to “nay.”

Mr. PALLONE changed his vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS OPPORTUNITY TO
WORK ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2433) to amend title 38, United States Code, to make certain improvements in the laws relating to the employment and training of veterans, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 6, not voting 9, as follows:

[Roll No. 785]

YEAS—418

Ackerman Bonner Chandler
 Adams Bono Mack Chu
 Aderholt Boren Cicilline
 Akin Boswell Clarke (MI)
 Alexander Boustany Clarke (NY)
 Altmire Brady (PA) Clay
 Amodei Brady (TX) Cleaver
 Andrews Braley (IA) Clyburn
 Austria Brooks Coble
 Baca Broun (GA) Coffman (CO)
 Bachmann Brown (FL) Cohen
 Bachus Buchanan Cole
 Baldwin Bucshon Conaway
 Barletta Buerkle Connolly (VA)
 Barrow Burgess Conyers
 Bartlett Burton (IN) Cooper
 Barton (TX) Butterfield Costa
 Bass (NH) Calvert Costello
 Becerra Camp Courtney
 Benishek Canseco Cravaack
 Berg Cantor Crawford
 Berkley Capito Crenshaw
 Berman Capps Critz
 Biggert Capuano Crowley
 Bilbray Carnahan Cuellar
 Bilirakis Carney Culberson
 Bishop (GA) Carson (IN) Cummings
 Bishop (NY) Carter Davis (CA)
 Bishop (UT) Cassidy Davis (IL)
 Black Castor (FL) Davis (KY)
 Blackburn Chabot DeFazio
 Blumenauer Chaffetz DeGette

DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxo
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Hergert
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)

Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larsen (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loeb
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone

Pascarella
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schroeder
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)

Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez

Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West

Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—6

Amash
Campbell

Filner
Flake

Garrett
Jones

NOT VOTING—9

Bass (CA)
Cardoza
Giffords

Hoyer
Lewis (GA)
Matheson

Paul
Slaughter
Wilson (FL)

□ 1834

Mr. WELCH changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 1380

Mr. TURNER of Ohio. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

UNITED STATES PAROLE COMMISSION
EXTENSION ACT OF 2011

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2944) to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

On page 2, line 12, strike “‘27 years’ or ‘27-year period’” and insert “‘26 years’ or ‘26-year period’”.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9:30 a.m. tomorrow for morn-

ing-hour debate and 11:30 a.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 822

Mr. COHEN. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 822.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

EPA REGULATORY RELIEF ACT OF
2011

Mr. WHITFIELD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2250.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2250.

□ 1838

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, with Mr. DUFFY (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, October 11, 2011, amendment No. 3 printed in the CONGRESSIONAL RECORD by the gentlewoman from Texas (Ms. JACKSON LEE) had been disposed of.

AMENDMENT NO. 22 OFFERED BY MR. COHEN

Mr. COHEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, line 18, strike “and” after the semicolon.

Page 7, line 19, strike “impacts.” and insert “impacts; and”.

Page 7, after line 19, insert the following subparagraph:

(F) potential reductions in the number of illness-related absences from work due to respiratory or other illnesses.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. Thank you, Mr. Chairman.

My amendment is a very simple amendment. It should get unanimous support here. It simply requires the Environmental Protection Agency administrator to consider increases in illness-related absences from work when establishing a compliance date for the boiler rule.

Last week, I offered similar language as an amendment to the Cement Sector Regulatory Relief Act, which, unfortunately, didn't pass. I don't think it was clearly understood by both sides of the aisle. However, I believe my amendment is more applicable to this legislation since boilers and incinerators pose an even greater health threat to the American people. In fact, EPA's analysis demonstrates that for every year this rule will be in effect, it would prevent up to 320,000 missed work- or schooldays.

During the debate on my amendment last week, the majority conceded, which I appreciated, that the amendment would do no harm because the majority thought that the language was already in the bill and that it would be duplicative and unnecessary.

□ 1840

The reality is that there's nothing in the underlying legislation that requires the administrator to consider illness-related absences from work when setting a compliance date. Now, indeed, it should have been in there—and I can understand why the other side thought it would be in there because it should have been in there—but it wasn't in there, and that's why I offered this amendment. But this factor is critical, and any establishment of a compliance date that does not consider the health of the American workforce is fundamentally flawed and inadequate.

As the majority correctly stated last week, the EPA already knows how many work days will be missed as a result of delaying the boiler rule, so my amendment will not hinder the EPA's decisionmaking process. Additionally, as the majority admitted last week, at worst, my amendment does no harm—or, as kind of the NBA rule, no harm, no foul. However, at best, my amendment ensures that EPA's decision is based on a more complete analysis of the economic impacts of the rule. And given the economic consequences of 320,000 days of missed work or school a year, it's imperative that EPA factor this information into its compliance date decision.

I ask the majority to recognize that if the United States is going to retain its status as the world's economic engine, then we need to have the world's healthiest and most productive work-

force—and children. But that will not happen if we continue to let polluting boilers and incinerators undermine the health and well-being of millions of American workers and children.

I encourage my colleagues to understand the importance of a healthy workforce and support my amendment. On behalf of the millions of American workers and schoolchildren who have been forced to miss work or school because of sickness incurred by breathing toxic pollutants from boilers and incinerators—mercury, no less, which interferes with young people's abilities to think—I ask that you support my amendment. It's time to put partisanship aside and work together to strengthen the American worker and the American school child.

I urge passage of my amendment, and I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I want to thank the gentleman from Tennessee for offering this amendment. He always does a great job of articulating his position on these issues, some of which are pretty complicated.

In this amendment, he would add illness-related work absences to the considerations when EPA is setting the compliance deadline. And of course that's one of the main purposes of H.R. 2250, to allow additional time for universities, hospitals, and industries in complying with these rather complicated Boiler MACT rules. And in the legislation, we set out six or seven specific items that EPA must consider in setting the compliance deadline. They do have to set it no sooner than within 5 years, but the EPA administrator has additional time after that. And the section of the bill that I'm talking about identifies specific issues relevant to a facility's ability to comply and simply ensures that in setting these compliance dates, plant-focused considerations are taken into account.

Now, EPA already has the responsibility for considering health impacts in setting its standards. And its unclear exactly how this amendment would be implemented different from what the act already requires the EPA to do. So I'm going to respectfully oppose the amendment and ask that it be defeated. However, if we end up having a vote on this and if it is defeated, either by voice vote or by record vote, if we are successful in getting this into a conference with the Senate, I would specifically make the commitment to the gentleman from Tennessee that I would work with him sincerely in trying to address his concern. And I might say that we've had a lot of amendments, and this is, I guess, the only time we said we would really be willing to do that. I know you're trying to ad-

dress an issue that's of concern to you. And while I oppose the amendment here, if we are successful in getting to conference, I'd look forward to working with the gentlemen at that time. For that reason, I would formally, at this time, oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. COHEN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. COHEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

Mr. WHITFIELD. I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. DUFFY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, had come to no resolution thereon.

IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. CARTER. Mr. Speaker, I've been appearing on the floor of this House now for quite a while talking about regulations, but information has come to my attention from a report that was prepared by a group of people in the Texas government about problems that are way beyond anything that many people are perceiving concerning what's going on on the border between Texas and Mexico in this ongoing immigration crisis that we have in America. And quite honestly, it's so concerning that tonight we're going to talk about—I'm going to talk about it, and I hope we will be joined by some of my colleagues—the actual crisis that is going on with the criminal element that has gathered across the border from Texas with the drug cartels in Mexico.

I'm going to have some posters here in a few minutes to talk about some of these things. But I think that everybody is well aware of the fact that we have an issue that is going to have to

be addressed by this Congress. And that issue is not only that legal immigration needs to be worked on and fixed so that we can have an immigration policy that actually works in this country, rather than one that seems to be haphazard and in many ways subject to the whims of people's personal opinions rather than the laws that should be established under the rule of immigration law for our country, but this whole issue of illegal immigration is compounded and geometrically compounded by the fact that massive illegal drug cartels have gathered on our border.

First, remember—and I think all people that have dealt with criminology anywhere, anytime will tell you that when you create a criminal environment, you have to expect that environment to grow. At some point in time in the recent past, the cartels that deliver drugs to basically the entire Western World decided to move their operation from South America right to the border of the United States, across the border in Mexico. And these cartels have been battling each other in literally warfare to determine what cartels will dominate the illegal importation of drugs and people into this country—and those people brought in, in many instances, for illicit purposes, such as prostitution.

□ 1850

The most recent count that I have heard is approximately 44,000 Mexicans across the border have lost their lives in this war that's going on in Mexico. That is a number that, when you look at the 10 years of warfare our country has been involved in in other places around the world, is astronomical. And to think that that's happening.

I live in Round Rock, Texas, which is approximately close to 200 miles from the Mexican border. And to think that there's a war going on in an area where most Texans have, when there was peace upon the border, most Texans visited that area many times during their lifetime because those were our friends across that border. Now they're no longer our friends, they're our enemies, and not only the enemies of all law-abiding people, but they're enemies of mankind because they are bringing poison into our Nation in every form and fashion; and they're killing each other for the right to do so.

One of the things that has concerned members of our Texas delegation and members of other delegations in this Congress has been, will that lawlessness spill over into the United States of America.

The report that was done by Todd Staples and the Texas Department of Public Safety and others in Texas tells us that not only will it spill over into our country, but it has spilled over into our country, and that there is an

evil plan by these cartels to actually come in and try to seize control of every border county in Texas that borders on the Rio Grande. Now, that's a big project that they are—and, actually, I would say it is a plan for the invasion of the United States of America.

This is something we honestly have to address in a serious manner. We have a lot of legislation pending. One of the bills that I have that connects to this talk today is a bill that will add further assistance to the border sheriffs in their war against the illegal element on the border.

Our Border Patrol has grown to an enormous body, and they are involved in this war on the border. Currently, the Texas Rangers have a task force on the border. They are the elite law enforcement officers of Texas, and they have a task force which is working up a, hopefully, a counter-plan to stand up to this plan that's coming out of Mexico to start to infiltrate our counties along the border and ultimately, through intimidation, kidnapping, beheading, murdering and bribing and all other types of illegal activity, they are going to try to both buy and intimidate their way into a position of control of these counties.

Some of these counties have large populations, but some of these counties have very small populations and a lot of land mass along the Texas border. And it is a real concern when you're talking about 1,200 miles of border between the United States and Mexico, that someone would have a plan to invade our country and take control of those border counties that are bordering on Mexico.

The first question you would say is, with them fighting to establish their base in Mexico, why would they cross the border?

The report that was given, and when I get that report I'll talk to you about some of the people that were involved in it, but I don't have it in front of me. It was done with the aid of two former United States military generals who looked at it from the standpoint of strategic and tactical planning that you would have in the case of any other kind of military invasion, to look at what countermeasures we would take in this country and others.

One of the countermeasures that would fall upon the people of Texas would be that we would need to be using every law enforcement officer we could to their maximum benefit; and therefore we have done things to enhance border sheriffs in the past. We're going to do things to enhance border sheriffs in the future; but we have a bill that will add to that enhancement, and I would think that's just the tip of the spear of what's going to be needed if these people get serious about trying to come across the border and create criminal counties along the Texas/Mexican border on the Texas side of the border.

It's almost beyond our belief. And here's the man with my materials. Bring them over here.

That's almost beyond our conception of what will truly happen. But this is a copy of the plan. You want to hand one up there to Judge Poe and let him, he's read it, but he might want to have it as a reference. It's "Texas Border Security Strategic Military Assessment," prepared in September of 2011. And some of the funds were provided by Todd Staples, the commissioner of the Texas Department of Agriculture, assisted by the Texas Department of Public Safety, and four star Retired General Barry McCaffrey and Retired Army Major General Robert Scales, both of whom looked at this from a unique and strategic assessment as they would do with a military project.

General McCaffrey is the former director of the Office of National Drug Control Policy under President Bill Clinton and a former commander of all U.S. troops in Central and South America. Major General Robert Scales is a former commander, United States Army War College.

These two gentlemen have taken the intelligence that has been gathered by the Texas Department of Public Safety, the Border Patrol, special group called the Texas Rangers, and others, to discuss this criminal element on the border.

Now, why would we do this today? Well, it's because of what's on this poster right here. We have had an event in our country where these blatant criminals from the cartels have at least attempted to be—they have been solicited by enemies of our country from Iran to commit an assassination bombing here in Washington, D.C. on behalf of Iran. And they tried to hire Mexican cartel members to do this heinous event here to attack the Saudi Arabian—and I believe potentially the Israeli embassies here in Washington, D.C. in an attempt to kill those ambassadors from those countries.

Now, I have a particular interest in this, above the interest I would have anyway, having dealt with law enforcement for many, many years now, in that one of these guys that tried to make the deal has a home in my hometown of Round Rock, Texas. This has just come out recently. I haven't seen what neighborhood it's in yet because I haven't seen it on television. But I'm going to call my son as soon as I get through talking here, and he knows everything that goes on in Round Rock because he's the coach, and he'll know where it is.

But this is serious business when you start realizing that there are people trying to set up assassination plots that live in your hometown. And we are one of the most law-abiding—I would argue we are the most law-abiding county in the State of Texas and one of the most law-abiding counties in

the entire Nation. And to think that someone would be stupid enough to choose Williamson County as a place for operations for terrorist behavior is almost beyond my belief. But it seems to be, from the indications that are being reported in the news, at least one of these people owned a home in Williamson County.

It shocks me to come up here on the floor and admit that about my hometown; but I can promise you, if we can find anything we can do to him in Williamson County, we'll take care of the boy. I can give you my assurance of that. But that's another story.

But look at these characters and realize we live 200 miles from the Mexican border, and yet operations are being planned by people from a foreign country, Iran, an enemy of our Nation, part of the axis of evil that former President Bush talked about. These guys are trying to make a deal with this criminal element across the border.

So that, coupled with this Texas Border Security Act, is a huge eye-opener, that this issue that we have talked about now for the entire almost 10 years I have been here in Congress is a lot more serious issue, from a national security standpoint, than anything we ever imagined; and I think that's something we really need to start thinking about.

□ 1900

I am joined by another very law-and-order former judge from the State of Texas, my good friend, TED POE. Judge POE and I both served on the bench. We both did our best to put bad guys where they belong, and I think we did more than our share.

I will just yield to Congressman POE whatever time he may wish to consume to discuss this matter.

Mr. POE of Texas. Thank you, Judge CARTER.

The reason Williamson County doesn't have any criminals in it is you sent them all to the Texas State penitentiary when you were judge. But I think this event that has occurred should tell us a lot of things. One, that the country of Iran is so bold they believe that they can commit a crime of terror on the soil of the United States and get away with it, that the United States wouldn't do anything, or there wouldn't be any consequences, whatever. But the government, and I believe the Government of Iran was in the middle of this, was so arrogant to hurt and kill Americans that they were willing to do this on our homeland.

I think that we have the responsibility to treat this just like it had actually occurred, had they carried out the assault on the Embassy here, killed the Ambassador at a restaurant, apparently, killed the Israeli Ambassador, killed the two Ambassadors of the same countries in Argentina, which

was discussed. We should be very concerned about that and not give it a pass because our law enforcement did a good job.

But also, they're willing to recruit the Zeta cartel to bring explosives into the United States. I wonder whether this is the first time they thought they were dealing with the Zeta cartels. We don't know. But the Zetas, to me, are the worst of the worst drug cartels. It reminds me of the old show on television back years ago, "Paladin," where his business card read "Have gun—will travel." And that's what the Zetas are. They've got guns, and they'll travel anywhere to assassinate people to make a little money.

So you've got Iran on one side of the world and the drug cartels in Mexico, two criminal enterprises working together—one for political reasons, one for money reasons—to cause harm to the United States.

Now, that brings us to a question of the real problem, which is the border. The U.S. border with Mexico and its porousness is a national security issue. It is not an immigration issue. That is a completely different issue. It's a border security, national security issue.

Last year, from the, I believe the same report that you have provided, there were 663 individuals from special interest countries that were captured by our law enforcement. Now, special interest countries are countries where terror organizations originate—Saudi Arabia, Pakistan, Sri Lanka, and Afghanistan. That's where these 663 people were from that were captured by our law enforcement trying to come into the United States. And they weren't coming in here looking for work that Americans won't do. They were coming over here for mischief reasons. And that's because the border is open. The world knows if you can get to Mexico, you can get to the United States. And that was the plan in this bold endeavor to commit terror in the United States.

Recently, we did a border forum in Brownsville where we had primarily law enforcement and people who lived on the border testified about violence on the border. There are some places on the border that aren't violent on the United States side. But there are other places that are. It's not all peaceful, and it's not all violent. It depends on the area of the border.

One of the cattlemen that is a ranger for the Cattlemen's Association testified that he was so concerned about cross-border travel and crime coming into the United States on ranches and nothing was being done about the crime that was being committed on these ranches by people crossing into the United States, primarily drug cartels, that the cattlemen, since they don't feel protected, may end up taking the law into their own hands. And we don't want to get into that situation.

You mentioned trafficking, human trafficking. That's another tremendous problem that the United States needs to be aware of, that young people, young women and girls from all over the world are being smuggled to Mexico, then smuggled into the United States, and then trafficked throughout the United States for sexual crimes. And it's an awful, awful scourge, but they cross the border because it's open in so many places.

In our Judiciary Committee a couple weeks ago, we had testimony that the number one threat to national security of the United States is not al Qaeda but the criminal drug cartels that operate in Mexico. The number one national security threat is the criminal drug cartels that operate in Mexico. That should give us, really, a warning that we really do have a tremendous crisis on our hands, because those people are at war not only with Mexico, but they're at war with the United States.

Lastly, I wanted to point out that there are several things that are being done, but the problem still exists—people are crossing into the United States. Border Patrol is doing the best they can. Of course, local law enforcement, the sheriffs, are doing as good a job as they can, and they mentioned the problem that you have talked about, about how the drug cartels want to infiltrate this side of the border and actually control regions. It's pretty simple what they do. They own land on one side of the Rio Grande River in Mexico, and they want to buy or steal or confiscate land on the Texas side of the Rio Grande River. That way they can move their drugs and smuggling operation from one land they own to another land they own across the river.

And when we get in that situation where the drug cartels are owning land on both sides of the border, we've got ourselves a real problem. And it's not just drugs; it's this problem right here. It seems to me that we need more people to protect the security of the United States. That's one of the things the Federal Government is actually supposed to do is to protect us.

And one piece of legislation I've offered is to put the National Guard on the border, not behind the border, but on the border, 10,000 troops, at the request of the Governors, supervised by the Governors, paid by the Federal Government, but put them on the border. Right now our policy seems to be, since we can't have enough people on the border, we have them behind the border, and we try to catch them if you can, that's people coming into the United States, everybody, the good, the bad, and the ugly. And once we catch them, they become our problem, our financial problem, and then we have to deal with them and try to send as many as we can back.

If we have the National Guard on the border, they're not going to cross into

the United States if we have that presence. And I think it's come to that, where we actually need to do that and talk about the role of the Federal Government is national security.

With that, I thank my friend for yielding.

Mr. CARTER. Reclaiming the time, thank you, Judge. I also have a bill, and I'm a cosponsor of your bill.

I also believe that we need the National Guard on the border. As this report indicates, you fight wars tactically and strategically. Strategically are big, big issue plans. Tactically is how you do the fighting. Well, they seem to have a plan that has been worked out strategically to seize the Texas border, as much of it as they can get; and then tactically, how to go about doing this with all sorts of criminal activity so they control some of these very rural, very large rural counties. But I'm sure they're even going to try for some of those urban and quasi-urban counties that are along the border with a whole intent that it would enhance their ability to move their products.

There's an anecdote in this bill, and I think I need to read it. This is what one rancher observed: "But the Border Patrol, I can tell you that their hands are tied about a lot of stuff. They have to call Washington. Even if they're having a gunfight down at the river, they're on the phone. They have to call Washington. The Border Patrol have boats on the river. They patrol the river, but they are not allowed to pick up anybody that is in the water unless they are dead."

□ 1910

"If the drug guys are loading drugs, all they have to do is wade out into the water, and the Border Patrol can't touch them. They are not allowed to go into the water. They can't do anything about it."

If that's the policy of the country and if that's what's going on, then they're looking at ways to avoid law enforcement—this is what this plan goes on to say—on both sides of the border. If the Texas authorities are chasing a carload of drugs in Texas, then drive out into the river, and they can't come after you. If the Mexicans are chasing you, then drive out into the river on the Mexican side. It gives them a getaway to get into that international zone.

I'm not sure of the legal ramifications of that policy. It has always been my understanding that the State of Texas owns to the middle of the river; but there seems to be some policy that says, once you're in the water, you can't make an arrest of these people unless you get your hands on them without going into the water. I don't know how you do that. If that's the policy, then that's a getaway zone on both sides of the river. They can run right back in.

If they get this control of law enforcement and other things—and I'm not in any way besmirching these guys who are working nights, weekends and holidays down there who are trying to stop this invasion; but look what they've done to law enforcement across the border. I mean, I think the life expectancy of a chief of police in Nuevo Laredo, Mexico, is about 6 hours before they either kill you or behead you, set you on fire, burn up your family or do something to you.

These are evil people; and the Zetas, they're the worst of the gathering of the evil people over there. They do it for money. They'll do anything for money. Almost anything. Obviously, they didn't do this, but it's only by the grace of God and good intelligence and, quite honestly, good law enforcement work down there that we prevented this. It's almost, arguably, that we got lucky, because there are so many people they could have contacted; and then we wouldn't have known about this. It's kind of frightening.

Another comment by another person who lives on the border: "We see a lot of things, but we keep our mouths shut about it. We just don't want to be on anybody's hit list. I keep to myself. The people who are doing what they're doing; they keep to themselves. If I see something, I ignore it—I look the other way—but there is a problem. It's really bad. Here on the river, you see a lot of stuff, and you don't pay attention to it. You walk away, and you try to stay in an area where they don't see you, so if somebody gets caught they don't say, 'Well, somebody called.' So you try to blend in and not create any waves." This is a citizen.

I can tell you that one of our citizens owns land on the border, and he has told stories of 50-caliber machine gun-armed, mounted Toyota pickups—I don't mean to besmirch Toyota, but that's what they are—that drive all loaded up, with the cartel members telling deer hunters to get off the ranch because they're hunting there that day, which means they're bringing a big load of drugs across the river. There is anecdote after anecdote from the citizens of Texas.

One of the things, I think, that's very important that we explain to people and to everybody who might be paying attention to this is that there is one big difference between Texas, New Mexico, Arizona, and California, which is: in Texas, we retained our public lands when we came into the United States under treaty.

So the land that they cross the river onto is not Federal land. It's individual human beings' land. People water their cattle in the Rio Grande off of their ranches, and that Rio Grande is one border of their ranches. They own the land right up to the river. It's different in Arizona, and it's different in California. In most instances, they butt up

against federally owned land because, in the other States, all land not owned by the individuals is owned by the Federal Government as part of Federal lands. In our State, we have no Federal lands. We have only State-owned lands and lands owned by individuals. So it's actually State-owned land or it's individual land with the exception of Big Bend National Park. That's the only exception that we have.

Mr. POE of Texas. I just wanted to point out another statement made by Texas ranchers. I think the Texas ranchers are the finest law enforcement organization in the world next to Scotland Yard—the two of them.

Lieutenant Arthur Barrera, whom I met when I was down there about 3 weeks ago, grew up on the border and knows how the life has changed. Here is what he says about what has taken place on the Texas-Mexico border. The people in Washington, D.C., who live in never-never land, thinking there are no problems down on the border, need to listen to some law enforcement officer who has been there for a long time.

Lieutenant Arthur Barrera says: "We are in a war. We are in a war, and I'm not going to sugarcoat it by any means. We are in a war, and it is a war, and we need to understand that." That's exactly what has taken place on the border.

Mr. CARTER. Quite honestly, if they have a plan to seize American soil, I think that's as close to an invasion plan as I can think of, and that concerns me greatly. If it's going to happen in Texas, it's going to happen in other States.

I've had the pleasure twice now to go to the border of the great State of Arizona. To be very honest, at least we've got a river between us and them. With the exception of some of the fences being built in Arizona—and I've seen the old fence. It was a two-strand, barbed wire fence that a young heifer calf could walk through without any problem at all.

Tonight, we're joined by Congressman FRANKS from Arizona. He wants to tell us a little bit about his view of this serious problem on our border with our cartels from the standpoint of our friends in Arizona. I yield to the gentleman whatever time he may wish to use here tonight.

Mr. FRANKS of Arizona. I certainly thank the gentleman very much. I know that Texas and Arizona are kin in a lot of different ways, and I appreciate all the good work that you do; and I certainly thank Mr. POE.

I suppose it's important for us first to just restate the obvious, that the President's most fundamental duty is to protect our country. This recent attempted attack, which could have resulted in an act of war if they'd been successful, I think reveals two very glaring examples of President Obama's abject failure to adequately fulfill his

responsibility to protect our southern borders and the failure to respond to a terrorist regime on the verge of obtaining nuclear weapons.

The main terrorist attempting to organize these attacks on our soil sought to hire members of the Mexican drug cartel known as the Zetas—I'm sure you folks have discussed that already—partly because of their seemingly unfettered access to weaponry. It's an astonishing irony to me, Mr. CARTER, that it was the Obama Department of Justice that was involved in allowing just such weaponry to be walked across the border into the waiting arms of Mexican drug cartels like the Zetas.

Yesterday's foiled plot underscores the serious nature of the allegations surrounding Operation Fast and Furious; and, of course, I think it's very appropriate that Attorney General Holder has now been rightly subpoenaed. Beyond any shadow of a doubt, this momentous event establishes that Iran is committed enough to try to foment an attack upon the United States.

There are really only two fundamental components to any threat to our national security. One is intent. The second is capacity. If this doesn't clarify once again in the starkest terms Iran's intent, I don't know what it will take to wake this administration up. The frightening part about it is that this same regime has gone on unabated for years now, inexorably and inevitably pursuing a nuclear weapons capability. This administration has been asleep at the wheel, and I can't express to you how dangerous I believe that is.

Last year, General David Petraeus announced that Iran was directly assisting al Qaeda. Shortly thereafter, General Raymond Odierno, now Chief of Staff of the Army, said Iran was funding and training insurgent groups in Iraq. Furthermore, in a report last September, he indicated that Iran was also funding Taliban efforts to kill American troops in Afghanistan.

□ 1920

This is a pattern here; and if they are committed enough to try to foment an attack here and literally try to blow up the Israeli embassy here or to kill the Saudi Arabian ambassador to the U.S., let me suggest to you that the intent is so clear that our entire focus now should be upon dealing with the capacity.

And this administration should have the courage now to take this moment to stand up and say to the whole world that America will not let Iran gain nuclear weapons with which to threaten the entire human family, even if it means a military response on the part of the United States.

They need to make that very clear, and this is the moment to do that, because I would suggest to you that there is an effort by Iran to create a hegemony

in the Middle East that's causing a lot of the Middle Eastern countries now to flock to Iran's side out of absolute sniveling terror that Iran will gain a nuclear weapons capability.

I would just say to you that if Iran does do this, not only will it change the history of humanity, not only will we all be stepping into the shadow of nuclear terrorism, but history will record that this President was the one that stood by and allowed that to happen. I would suggest to you that that is a complete abrogation of Presidential duty.

Perhaps this President would do better if he were able to focus on the threats of our Nation without being so busy apologizing for America at every opportunity. It's been reported the State Department under Secretary of State Hillary Clinton, that they called to express condolences to the family of al Qaeda propagandist Samir Khan, who was killed in the same attack that took out Anwar Awlaki.

It's a difficult thing to say or ask, but I just wonder if the Obama State Department called all of the families of the victims of the terrorism that these two men fomented in the world, especially those perhaps who died at Fort Hood. I am just astonished that this President is so busy apologizing to the families of terrorists that I wonder if he has time to defend this country.

We have an administration that not only refuses to enforce our immigration laws, but then allows weapons to pass to the very criminals from whom they are given charge to protect Americans from, and then they sue the States who step in, like Arizona, and try to enforce immigration laws themselves.

Meanwhile, Mr. CARTER, I just suggest to you that it is just astonishing that we have to sit here and have this conversation while the world's largest state sponsor of terrorism, Iran, is drawing closer and closer to building a functional nuclear weapons capability that they could pass on to their terrorist proxies, some of which are believed to be operating near the same unsecured southern border.

Just the fact that Iran was willing to try to bring in the Mexican drug lords, the Zeta gangs, is proof that they're willing to try to pass some of their deeds off to proxies. Now, if that becomes a nuclear weapons capability, then the world's in trouble and there's just no way I can conjure words strong enough to describe the insanity of this administration's lackadaisical, irresponsible approach to national defense. I wish I could.

Mr. CARTER. You paint a pretty severe picture, which I agree with. Think about this. Part of the contract they were trying to make with the Zetas was to bring into this country explosives, supposedly to set a plant, a bomb, in a favorite eating place here in

Washington, D.C. and blow up that place in order to kill the ambassador.

Now, just let's assume for the sake of argument that something like C-4 that was smuggled in here, if they can smuggle C-4 across the border in from Mexico and transport it across the country to Washington, D.C., once they develop a tactical nuclear weapon in Iran, what's to prevent them from smuggling a tactical nuclear weapon into the United States. I would argue, nothing.

Mr. FRANKS of Arizona. If the gentleman would yield, I serve on the Strategic Forces Committee and am familiar with some of the designs of our nuclear warheads, and this is certainly open-source material.

But the fact is that a couple of people in a large red wagon can pull a W88 nuclear warhead across the border if they wanted to. Then people say, well, how could they ever do that? How could they ever bring a nuclear warhead across the border? The remark that I think clearly illustrates the significance of the possibility is maybe they could just hide it in a bale of marijuana. That would help them get it across.

So the fact that terrorists are beginning to move in this direction where they're getting so bold that they're willing to try to foment attacks on American soil, let me suggest to you that it's very late in the day, Mr. CARTER, and I think maybe we missed one other point, that is, that in blowing up the Israeli embassy, that would be an act of war against Israel, because that would be Israeli soil in terms of our entire architecture of diplomacy.

Yet there was no hesitancy on the part of these terrorists to try to foment exactly that outcome and, again, if it had occurred, if they had been successful, it would have been nothing short of an act of war on the United States. Yet this administration is strangely quiet, and I wonder what this body should do to try to wake up this administration.

Mr. CARTER. I think that what we will hear is this, as what we have heard before in the past, this is a law enforcement matter being handled by the FBI and law enforcement, and it will be handled accordingly. That's what I think we will hear from the administration.

But this is a threat to the national sovereignty of this country, potentially the national sovereignty of our friends from Israel and our friends from Saudi Arabia. This could have been the major incident that set off a chain reaction that could have done who knows what to the future of mankind, and these crazy people would do that using a criminal element that is smuggling horrible drugs and people for illicit purposes into our country every day.

And you're talking about the marijuana loads. They pack hundreds of

backpacks across the border loaded with marijuana almost daily, and they march right on into Texas and Arizona. In your case, they go off into the Federal lands, into the reservations and up to the highway and off to the east coast and the west coast. In our case, they come across the border, off the ranches, get up to the highway, east coast and west coast.

We are the major dispersal route for all this illegal and illicit poison that they're selling, and that's who they would hire to deliver a blow against two of our allies. That's frightening, what could have occurred.

Mr. FRANKS of Arizona. Yes, sir, I agree. Speaking of our allies, I was just in Israel not long ago, and I have to say to you, you understand that a lot of us—and I know including you, Congressman CARTER—believe that Israel is our most reliable, most vital ally in the world.

Mr. CARTER. Yes, sir.

Mr. FRANKS of Arizona. Yet they feel under siege right now because they don't sense that this administration truly has their best interest in mind, partly because the Obama administration has reserved more open rebuke for Israel building homes in its own capital city than it has reserved for people like Mahmoud Ahmadinejad for building nuclear weapons to threaten the entire human family. And I find that lack of priority beyond my ability to articulate.

Mr. CARTER. I agree. And that's the purpose for us being here tonight. There is no reason to scare people. They can make them draw their own conclusions.

But if you're hiring, if you're contracting, this guy who represents Iran is contracting with this creep, who represents the Zetas, that's frightening to think lawlessness being directed by a nation-state to attack innocent people in our country. And when you blow up an area in Washington, D.C., how many Americans are going to get killed besides the Israelis or the Saudi Arabians that are attacked? We don't know.

And then we thought of nuclear, nuclear elements. It's frightening.

Mr. FRANKS of Arizona. I just think that sometimes it's very easy for all of us as Americans. We've grown so used to being the most secure Nation in the world, and we owe that to the greatest military and the greatest men and women wearing the uniform that any nation could ever have.

But we've grown complacent and we, I think, have forgotten the seriousness and the reality of nuclear weapons. And we're living in a world now where countries like Pakistan have a major arsenal. If there is some sort of breakdown in the hierarchy in Pakistan or if Iran gains nuclear weapons, there's a lot of very dangerous circumstances facing this country.

□ 1930

I just think that somehow the lack of priority frightens me because this administration seems so focused on so many other things rather than doing what's necessary.

I haven't heard the outrage from this administration even related to this Iran-Mexican drug cartel effort. I haven't heard the strident outrage that you hear on a lot of other issues that they put forth. I just suggest to you, Congressman CARTER, I hope that the people of this country will somehow let their Members of Congress and their President understand that the first responsibility we all have to offer them is security.

I know we're all focused on the economy of this country and jobs, and I certainly recognize the significance of that and the importance of it. But do we realize what would happen to our civil laws, to our liberties, do we realize what would happen to our economy if we had a major nuclear weapons attack on this country by terrorists? I mean, I don't think any of us would ever sleep again. The damage that could be caused is almost beyond my imagination, and yet again this administration seems focused on other things.

Mr. CARTER. Reclaiming my time, in fact if that happened, I would argue that we would have the same kind of mental strain that the people of Israel have been living with since the creation of their country. That any day, any minute of any day could be the day a rocket lands in your house, or when a terrorist blows your house up or shoots you. We'd have the same feeling in this country. You think we have economy problems now, who's out there to pick us up? We picked up countries around the world after wars and put them back on their feet for no other reason than because it made good sense. But there is no country that will pick us up and put us on our feet, so it's a crisis.

I don't know if you're aware of this, but there has been a study made, a Texas border security study, a strategic military assessment, and here's an executive summary of the 150 pages. It is much more detailed, but just to read this very quickly: During the past 2 years, the State of Texas has become increasingly threatened by the spread of Mexican cartel organized crime. The threat reflects the change in the strategic intent of the cartels to move their operation into the United States. In effect, the cartels seek to create a sanitary zone inside the Texas border one county deep that will provide sanctuary from Mexican law enforcement, at the same time allow the Mexican cartels to transform the Texas border counties into narcotics transshipment points for continued transport and distribution into the continental United States. To achieve their objective, the

cartels are relying increasingly on organized gangs to provide expendable and unaccountable manpower to do their dirty work. These gangs are recruited on the streets of Texas cities and inside Texas prisons by top-tier gangs who work in conjunction with these cartels.

So in addition to this threat from Iran, I mean if you have a plan to seize a part of the United States of America by force, I would call that invasion. And I would argue that if that is a true statement, Texas has already put together a task force under the leadership of the Texas Rangers. They are setting up stations along the border with a goal of setting up an intense communication system to be prepared for what may be coming from across the river. But they are just a small body of very effective law enforcement people. This could be a major, major intrusion on the United States. Add that to their partners, Iran, trying to make a deal with these criminals, the Zetas, it's frightening.

We learned a long time ago in law enforcement that when you create an environment of lawlessness, it breeds more lawlessness. Quite honestly, that theory is what cleaned up New York City under Rudy Giuliani. Using that theory, they said we're going to go into neighborhoods and we're going to take the street lawlessness out of the neighborhoods so that the big lawlessness will move somewhere else, because if they're in a lawless environment, it just enhances lawlessness. And it worked. And they cleaned up the streets of New York, and it's a much safer place for people to go these days than it was 20 years ago. And it's all because of the concept lawlessness breeds lawlessness.

Because we were allowing laws to be violated on our border, from Brownsville all of the way to San Diego, we basically created, by our own efforts by not enforcing immigration laws and the sovereignty of our country, we created a lawlessness area before the cartels got there. So when lawlessness breeds lawlessness, why wouldn't they go there. There are already people not obeying the laws in that area, why not go in and make it official. And they did. It's frightening.

I yield to my friend.

Mr. FRANKS of Arizona. Well, you know, I couldn't agree with you more. We have to realize that the criminal element reads our intent. They know how serious we are. And terrorists across the world don't really believe that Barack Obama is serious about doing what's necessary, not only to identify clearly the difference between freedom and terrorism. I mean, they're calling the war on terror now overseas contingencies. They're using all these euphemisms. You know, I wonder, maybe now they'll say the drug cartels are merely unlicensed pharmacists.

When we use words that don't reflect the truth and reflect the reality, we are undermined from the very beginning.

My concern is that Iran doesn't take this President seriously. They have put explosive form penetrators in the war in Iraq that have killed many of our soldiers. They've sent weapons to Afghanistan. And now they're trying to send drug cartels into our country to help blow up our embassies, and this administration allows them to continue on this inexorable march to gaining nuclear weapons.

And I just want to tell you, I'm afraid of something tonight. Again, it frightens me, like a lot of other things that we've talked about tonight, and that is that I'm afraid that this administration has embraced the notion that it's too late to stop Iran from gaining nuclear weapons, and that they're going to go ahead and allow them to do that and then pursue a policy of containment when they do. I cannot find the words to express how dangerous that policy is and how it will damn this and future generations if we allow that policy to take hold.

If Iran gains nuclear weapons capability, history itself is divided because for the first time a jihadist rogue nation will have its finger on the nuclear button. And whatever challenges we face to prevent Iran from gaining nuclear weapons, whatever they are, and I know that they are myriad and significant, but they will pale in insignificance compared to the problems we'll have after Iran gains nuclear weapons. It will change the world for all of us.

And I would just join with you and call upon the administration to refocus their efforts on the central duty of the President of the United States and upon this government, which is to protect the lives and constitutional rights of our citizens, and that starts with national security. And whether it's a porous border or whether it's allowing a country like Iran whose leaders have made it clear that they intend to do everything they can to destroy Israel and ultimately the United States, we need to do everything that's necessary again, including military response, to prevent Iran from gaining nuclear weapons. The sooner the President makes that clear, the better chance that we won't have to have a military response. But right now the Iranian administration, the Iranian leaders are simply not convinced that this President intends to hold them accountable and keep them from gaining nuclear weapons capability, and I think it's one of the most dangerous things that we face in the world for that reason.

Mr. CARTER. Reclaiming my time, I agree with everything that you say, and I want to say this further: it's the duty of the President of the United States and the executive branch to enforce the laws of the United States, to

protect the borders of the United States against intrusion. It's their duty to protect our Nation from those who would wreak havoc and harm upon our Nation wherever they may be located, Iran being the primary example on the face of the earth today as a threat to our country.

And, quite honestly, jobs are very important in our country, and once we get the government out of the way we'll get some jobs started, but it's time for this administration to do something on the border of this country to protect the citizens on the border. There's no reason why a landowner who lives on the border has to get assassinated like the landowner in Arizona, or has to get run off his land by armed men, as our landowners in Texas are doing, without the protection of the Federal Government. We are the United States of America, and when they attack one State, they attack all of the States of our Union.

□ 1940

When they attack our border, they attack every State in this Union. By the way, there are many Americans who realize that today. I had sheriffs from the State of North Carolina and the State of Maryland and maybe one other State, I don't remember where it was, but those two I know were in my office telling me, Hey, this violence is all the way in Maryland, it's all the way in North Carolina. They showed me pictures of an assassinated cartel member shot in the back of the head found right outside of a town in North Carolina.

So these guys in their terror tactics come from across that border and are all the way up here on the East Coast dealing terror in smaller doses but just as serious for the future of this country. Meanwhile, we've got Iran contracting with this criminal element, which is a ruthless criminal element, and saying, We want you to do our bidding on our behalf, and here's the money. As Judge POE says, Have gun, will travel. And you'll travel and kill whoever we want you to kill and blow up whoever we want you to blow up in any form or fashion that we see fit. How about a deal? And they were making a deal.

That ought to scare the pants off of everybody, and it ought to wake the Obama administration up that there are serious things being overlooked by their cavalier idea that everything America does is bad and everything other countries do is excusable. That seems to be our policy, to the point where they're willing to let an agency of the United States Government become the biggest gun runner in the history of Mexico in Fast and Furious, which we are investigating right now in the Halls of this Congress. These are things that people ought to wake up and say, My Lord, this is insane. What

is wrong with us? Where are those people who stood up for Americans and stood up for freedom and fought for the right ideas? They seem to have disappeared.

I yield to my friend.

Mr. FRANKS of Arizona. Mr. CARTER, I think we forget when we talk about the economy and jobs that the most important thing we can do for the economy and jobs is to make sure that this country is secure and that productivity is allowed unfettered; that it has a secure environment in which to flourish. If the government will get out of the way, this economy will flourish. It will go forward. But if we fail as a government to do what is our duty, which is national security, there's nothing that could damage our economy more.

I remind everyone that we lost \$2 trillion in our economy when two airplanes hit two buildings. It's very easy to forget the cost of war. Someone said that war devours everything that peace gives. And we need to make sure that we defend this country and make sure that the people who are investing in this country and are trying to work in this country and be productive know that they can do so in a fully secure environment. It is the most important thing that we can do for our national economy.

And I would suggest to you that it's important for us to start asking this administration some key questions. The number one question is: Where do they put the national security of the United States on their priority list? Secondly: What are they willing to do to clarify this dangerous jihadist ideology in stark terms where everyone can understand what we're dealing with and that we're willing to do whatever is necessary to prevent terrorism in this country and protect the American people? And third: What is Mr. Obama willing to do? What is he willing to do to prevent Iran from gaining nuclear weapons with which to threaten the peace of mankind?

With that, I thank my friend for yielding.

Mr. CARTER. I appreciate you being here, TRENT. You're a good friend, and I value your opinions that you have given here tonight.

This is a problem that has risen its head because of this event. We could talk for days about this because it is so serious to the future and welfare of every American citizen. And to think that any enemy of our country is contracting with a criminal element that has a track record thus far of killing 44,000 people, many of whom were just bystanders, just in an ongoing event of driving their illegal operation. If they get involved in international terrorism, heaven help us. I hope that heaven will. And I hope this administration will take a hard look at where they're going to be willing to draw the line and say, We're not taking this any

more. And I would argue at least it ought to be at the borders of our country and at those who would develop a nuclear weapon that could devastate mankind.

I thank both of my friends for joining me tonight, and I yield back the balance of my time.

PUTTING AMERICANS BACK TO WORK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. For our hard-working stenographers, it's late into the evening, and we thank you for all the work that you do recording our words, many of which are worth listening to and having written down and some of which are probably not.

I want to thank my colleagues from across the aisle for bringing the issue of securing our borders to our attention tonight and along with it the issue of immigration. I would just like to remind them that the current administration has done more in the last 2½ years to secure our borders than in the previous 8 years of the George W. Bush administration, putting more Border Patrol to work—significantly more—and also putting on the borders members of the National Guard. It remains a difficult and in very many places a very dangerous situation. Nonetheless, a great deal is being done.

I would also like to remind my colleagues from the Republican side that they control this House. When a certain piece of legislation came here with regard to appropriations, they actually proposed to cut the men and women that are there to protect the border. So I'm not quite sure I understood all of tonight's debate from their side. And also I would remind them that if immigration is such a big issue, they should bring a comprehensive immigration bill to this floor so that we have a rational immigration policy in the United States.

I guess it's easier to talk than it is to take action.

What I would like to spend tonight talking about is putting Americans back to work. Let's go back to work. This is one great country. We're America. We're the people that make things. We're the people that can do things. We're the people that want to go back to work. And this government wants to put people back to work.

About a month ago the President proposed the American Jobs Act, a very comprehensive program that would put Americans back to work. I want to spend this evening talking about the critical and the most important elements of that legislation that he has proposed. Unfortunately, our

friends in the Senate—well, maybe they're not America's friends—they killed the American Jobs Act. When it came up for a vote this week, they chose to not allow it to come to a vote. They did one of their little filibuster routines over there, with every Republican voting against putting Americans back to work.

Now, I don't know exactly what they have in mind. I guess they would like the economy to stumble along with millions of Americans out of work. They couldn't possibly want that. They couldn't possibly want a situation where men and women are desperate for a job when there's an opportunity—and I'll explain in a few moments how many people will be able to go back to work if this American Jobs Act were actually to become law. But they voted not even to allow it to come to a vote. They did one of their little filibuster threats and every Republican lined up sufficient in number to block the bill from moving forward.

I must say two of my Democratic colleagues over there also voted on the wrong side of putting Americans back to work. But I'll let them explain that to their constituents.

□ 1950

So what is the American Jobs Act? Well, let's start with the foundation. The foundation of any economy is the infrastructure. It is that part of the structure of an economy that is the foundation. It is the transportation system. Infrastructure is the sanitation and the water systems and the modern communication systems.

In the President's American Jobs Act is \$50 billion, in addition to what we're already spending, to build the bridges, to repair the roads, to add to the transportation systems—the light rail, the heavy rail, the Amtrak systems—to move Americans, and also to move modern communication systems. Fifty billion dollars.

What does that mean to my State of California? Well, it's \$4 billion right off the top. It's 51,500 jobs that could begin the day after this House and the Senate sends to the President the American Jobs Act—\$50 billion, 51,500 jobs for California, building the foundation of economic growth.

In addition to that, the President proposed a \$10 billion capitalization of an infrastructure bank in which pension funds from around the Nation could then invest in that infrastructure bank—more money for those projects that are not earmarks, not political, but rather jobs and programs that are actually needed in communities, that have the ability to repay the loans that the infrastructure bank would make.

Let me just put up a couple of things here that really build an economy, and we will soon come to this issue of making it in America. But before I do, I

just want to point out that these are the key elements in creating an economy.

We talked a moment ago about the infrastructure. It's down here at the bottom, not for any reason other than that's the foundation. So the infrastructure. The other thing that's in the American Jobs Act deals with this: education. Now, education is the most fundamental investment that any society must make if it's going to have future economic growth and social justice.

So what has the President proposed in the American Jobs Act for education? How about putting 280,000 teachers back to work the day after this bill passes this Congress and the Senate and is signed by the President; 280,000 teachers in the classrooms teaching our children, preparing them to compete in the world's economy; 280,000 teachers. For California, \$3.6 billion and 37,000 teachers in the classroom immediately.

Now, my daughter is a teacher; my son-in-law is a teacher. Their class size went from 22 or 24 to 35, a very difficult situation for any teacher in the second grade to be able to adequately prepare those children. However, my daughter is a great teacher and she's hanging in there, but this is tough. This is a very, very difficult situation. What would it mean to her if there's one additional second grade teacher in her school? It would mean her classroom size would come down and her ability to bring those kids along faster would very, very much be in play. 280,000 teachers. So that's the education piece of it.

Let's talk for a moment about the classroom itself. We know here in Congress, all 435 of us, we go back to our districts and we see our schools. The parents out there, they know their schools need to be renovated. They know that many of the bathrooms aren't working. They know the playgrounds are in disrepair. They know the paint is peeling and the roofs are leaking. In the President's bill, 35,000 schools across this Nation are going to be renovated—35,000 schools. In California, that amounts to 2,800 schools being rehabilitated and 36,000 jobs.

This is a big deal. If a kid takes pride in his school, he's going to be a better student. If a kid sees his school and it's in disrepair, bathrooms are not working, he could just lose interest. So let's give them a good environment in which to learn. And so the President has proposed \$25 billion, 35,000 schools across this Nation. This is a big deal for education: teachers, better schools, renovation.

And for community colleges, there's also money in here for community colleges, \$5 billion to upgrade the plant, the laboratories, the science facilities for community colleges across this Nation.

Let's go back to work. Let's put America back to work. Let's pass the

American Jobs Act. The Senate, you haven't helped. In this House, in the House of Representatives, the Republican leadership refuses to even bring this bill up for a vote, even bring it to a hearing in any of the committees. They simply say "no." So what's their solution? What's their solution for putting Americans back to work? Well, thus far it's been to cut budgets, to lay people off all across this Nation.

How is this going to get paid for? It's fully paid for. This is not going to be borrowed money. This is not going out and borrowing money to create jobs here in the United States, fundamental investments that we need to grow the economy. This American Jobs Act, just under \$500 billion, is fully paid for. It's paid for by fairness. Finally, some fairness in our tax policies. No longer are the superrich in this Nation going to be able to skip out of their share of carrying the burden of America. No longer are we going to see situations in which the top 1 percent of America continue to acquire more and more wealth at the expense of the rest of this Nation.

The President and the Senate Democrats—and I credit them with this, positively credit them with this—have said, let's allow the millionaires to share in putting Americans back to work. They certainly have benefited significantly over these years. They will have their opportunity to pay their fair share and put Americans back to work.

Now, on tax policy, there's another thing here. Some are going to pay more. Those millionaires who have more than \$1 million of annual income, yes, they will pay more. However, the working men and women of America, the 160 million working men and women in America are going to get a tax break. They're going to see one half of their payroll tax reduced, about \$1,500 per person. This is a big deal. To have an extra \$1,500 in your pocket, you'll be able to pay your mortgage, buy food for your kids, be able to go out, and maybe replace that refrigerator that's broken. 160 million Americans are going to get a tax break when their payroll tax is reduced.

Now, what about the businesses in America? We hear a lot of talk from our Republican friends about protecting small business. The American Jobs Act provides 98 percent of the businesses of America with a 50 percent reduction in their payroll tax, a 50 percent reduction in their payroll tax. What's more, in California, 710,000 businesses will see a 50 percent reduction in their payroll tax. That's a big deal. That's money that those businesses can then use to hire new workers.

And if they hire a new worker, guess what? The President has proposed that if they hire a long-term unemployed worker, they will have a \$4,000 tax credit, a tax credit. That is money right off the bottom line that they

don't have to pay to the government, a reduction in their taxes. And if they go out and they hire an injured veteran coming home from the wars in Afghanistan or Iraq, they will get another tax credit. And if they hire a long-term unemployed person, similarly, very strong incentives in this legislation for employers to hire the unemployed, to hire our heroes who are returning from the wars—some injured—giving an additional incentive to hire those people. And let's understand that they do come back with skills, not just skills in war, but skills in communication, skills in repairing machinery. These are vital skills that most businesses in the United States need.

So when we look at the American Jobs Act that the President brought here to this House with the speech, standing right there, a speech to the joint session, he said, Pass this law.

□ 2000

Let's go back to work. Let's go back to work, America. We are a strong, vibrant Nation. We're a Nation of workers. We're not a Nation of slackers. We're a Nation that wants to work. And what we need is a government that's willing to help American go back to work. And that's what the President has proposed in the American Jobs Act.

So where is the American Jobs Act? It died in the Senate early this week.

Did it die? I don't think so. Americans are rising up across this Nation. They are in the streets. We often talked about the "Arab Street" and the "Arab Spring."

Well, this is the "Autumn in America," and Americans are back in the street and they are demanding jobs. They're demanding fairness in their tax policy. They're demanding that Wall Street bankers get with the program of putting Americans back to work. Stop playing your games and all of your derivatives. Stop all of those computerized trading games and make the loans, make the loans to American businesses. That's what the people in the streets are saying. They want fairness in this system. They want a job. They want to be able to get an education, and they want this government to do the kinds of things that the President has proposed in the American Jobs Act: education, teachers in the classroom, renovating the schools, building the infrastructure, putting this Nation back on its feet. That's what we can do, and that's what we must do.

Let's take a look at the other things that are necessary if America is going to make it. If America's going to make it, we must, once again, make it in America. Make it in America. This Nation is still, even though we have lost more than half of our manufacturing jobs in the last 25 years—that's right. In this Nation of manufacturers, in

this Nation where we once built the armaments of the world, where we once built the cars of the world, where we once built the great earthmovers, in this Nation that once was the strongest manufacturing Nation in the world, we have lost half of the manufacturing jobs.

How did that happen? It happened with tax laws that encouraged American corporations to go global, to offshore American jobs and get a tax break.

You heard me right. American tax policy, until last December, gave American corporations a tax break for every job they shipped offshore. Before the Democrats lost the House of Representatives in January of this year, we passed a law that repealed those tax benefits. More than \$12 billion returned to the United States Treasury, taken out of the hands of American corporations that were shifting jobs overseas—\$12 billion. Not one, not one Republican voted to end that tax break.

Let's understand. There's a very different way in which we look at how to make it in America. End the tax breaks that allow corporations to shift jobs offshore.

Trade policy. My view, today is a sad day in American trade policy. Today this House, and yesterday the Senate, passed three trade bills. They were called "free trade." They were certainly not fair trade, in my estimation. Those trade bills are going to cause a loss of American jobs no matter how you look it, and I'll tell you what the proof is.

No sooner had those three trade bills passed out of this House than a fourth bill came up. You know what the fourth bill was? It's called the Trade Adjustment Act, providing a substantial amount of money, billions of dollars for those workers that lose their jobs as a result of the three trade bills that passed this House today.

Do you get it? What's going on here?

You're telling me these are going to create jobs, and then you turn around not more than 50 seconds later and pass a bill that provides unemployment benefits and educational benefits for the very same workers that lose their jobs as a result of those fair trade acts? Excuse me—free trade, not fair trade.

Anyway, trade's an important issue. This Nation has opened its doors to the world. You send your stuff here and we'll buy it. And the doors around the world only opened a little tiny bit. It's not fair.

Nonetheless, the President will sign it and we'll go on our way.

We talked about tax policy.

Let me talk about one more thing here that's really important. Here we go. I think I'll leave that up there. Again, it's tax policy. I suspect most of you have been offered an opportunity to buy photovoltaic solar systems for your roof, generate your own electricity. And I suspect many Americans

have seen the big wind turbines and these wind farms going round and round generating electricity.

This is really important energy policy for this Nation. It is extremely important that we move to these renewable energy sources. However, it is part of the American energy policy to encourage investments in solar and wind and biofuels and other kinds of renewable energy, and we do that in a variety of ways. We do that by loan guarantees. We do that with direct subsidies. We do that with tax credits. All of those are our tax money being used to encourage the appropriate and correct energy policy.

However, there's one thing missing. Where are those pieces of equipment made? Where is our tax money going? Where is it going? Is it going to American-made solar panels, American-made wind turbines, or is it going to solar panels that are made in China or Germany, Korea? Where are those solar panels made, and where is that gigantic wind turbine made with blades that are 300 feet across? Are those made in America? Our tax money is being used to buy it.

This is my legislation, House Resolution 487. It says this: If you're going to use our American tax money, your tax money, my tax money, the American tax money, if you're going to use that tax money to subsidize the purchase of a solar panel, a wind turbine, a bioelectric system, then that tax money's going to be used to buy American-made equipment. We're going to make it in America when we use our tax money to buy American-made equipment. That's what this bill does. And I think we ought to be passing this, along with the American Jobs Act.

If we're going to go out and spend \$50 billion on infrastructure, then it ought to be American-made concrete. That ought to be American-made steel on those bridges. It ought to be American-made, and we can make it in America if we have the right policies in place.

A couple of more things.

Any of you buy gasoline? Any Americans out there buying diesel fuel for their trucks or their pickups or cars? When you do, you're paying a tax. It's the excise tax on fuel. A little over, what is it, about 16 cents, 18 cents for gasoline and 24.5 cents, 25 cents for diesel fuel. So every gallon you're paying a tax.

Where's that tax money go? It goes to build your highways, to repair your highways. It goes to build your bridges. It goes to buy trains, locomotives for Amtrak. It goes to buy light rails for San Diego, heavy rail or transit systems for Washington, DC.

□ 2010

That's where the money goes. And we need it. We need that money to be spent on our basic transportation systems, whether they are the rails, the

concrete for the highways or the steel for the bridges, or for the buses and trains that we travel in. However, is that money being used to purchase American-made concrete and American-made steel for the bridges? Is it used to buy American-made buses, American-made trains, locomotives and light rail systems? Not always. But if my legislation, H.R. 613, becomes law, it will be American made; and, once again, we will make it in America because we're using our tax money to buy American-made equipment.

We can put Americans back to work, and we must put Americans back to work. We can do these things. We can use our government in coordination and cooperation with the private sector to build this Nation once again, to build the infrastructure of this Nation, to educate our children, to do the research that's necessary for tomorrow's innovation. We can do this. We can use our tax money wisely to buy American-made equipment, American-made buses and steel. We can do it.

But we need good laws to do it. We need wise laws to do it. We need to not just abandon the American worker and say there's nothing that can be done, government has to get out of the way, just back up and let it go. It doesn't happen that way. We wish it did, but it doesn't happen that way. There are no economists out there that are saying, continue to cut government spending and somehow there will be jobs created. If you cut that spending now, then you're going to lay people off.

Surely we have to deal with the deficit, and that's going to take 5 to 10 years to do that. So what we need to do now, in a balanced way, with the American Jobs Act, is to put people back to work, to let those who have prospered so much, those who have made out so well in this economy, the top 1 percent, those whose annual income is \$1 million or more, in fairness, in equity, in what is right for this Nation, let them share the burden. Let them help the 99 percent that have been struggling these many, many years. Let them help with their taxes. They can afford it. They're not going to go belly up, they're not going to be hurting, and they're not going to be out in the street homeless. They're going to continue to do very, very well.

Fairness demands, as the President has proposed and as the Democrats in the Senate have proposed, that the millionaires, those whose annual adjusted gross income is more than \$1 million, that they pay a little extra, that they contribute to the future of this Nation. And in doing so, the American Jobs Act that the President has proposed could become law, not increasing the deficit, but, in fact, reducing the deficit by giving Americans the work, by restarting the great engine of the American economy and by making it in America once again. That's where our

future lies, and that's where we must go.

So, as we go about the debates this week, as we talk about those things that are before us, let us think about making it in America, let us find ways to use the wisdom of 535 Members of Congress and the Senate and the administration to reflect the wisdom of the American public. Use our tax money here at home. Put Americans back to work, educate, create a fair and equitable tax system. We can do it. We have no choice but to do it.

With that, Mr. Speaker, I yield back the balance of my time.

PUBLICATION OF BUDGETARY MATERIAL

REVISIONS TO THE AGGREGATES AND ALLOCATIONS OF THE FISCAL YEAR 2012 BUDGET RESOLUTION FOR H.R. 2832

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to section 305 of H. Con. Res. 34, the House-passed budget resolution for fiscal year 2012, deemed to be in force by H. Res. 287, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the budget allocations and aggregates set forth pursuant to the concurrent resolution on the budget for fiscal year 2012. Aggregate levels of budget authority, outlays, and revenue are revised and the allocation to the House Committee on Ways and Means is also revised, for fiscal year 2012 and the period of fiscal year 2012 through 2021.

The revision is provided for H.R. 2832, legislation extending the Generalized System of Preferences and Trade Adjustment Assistance. Corresponding tables are attached.

This revision represents an adjustment for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended. For the purposes of the Budget Act, these revised aggregates and allocations are to be considered as aggregates and allocations included in the budget resolution.

Section 305 of the budget resolution allows the Chairman of the Committee on the Budget to revise the allocations of spending authority provided to the Committee on Ways and Means for legislation that decreases revenue. The Chairman of the Committee on the Budget may adjust the allocations and aggregates of this concurrent resolution if such measure would not increase the deficit over fiscal years 2012 through 2021.

H.R. 2832 decreases the deficit over this period by \$6 million and is hence eligible for these adjustments.

Section 407(d) of the budget resolution provides an exemption for legislation for which the Chairman of the Committee on the Budget has made adjustments in the allocations or aggregates of the resolution and that complies with such resolution.

This subsection specifically provides that: "Any legislation for which the chairman of the Committee on the Budget makes adjustments in the allocations and aggregates of this concurrent resolution on the budget and complies with the Congressional Budget Act of 1974 shall not be subject to the points of order set forth in clause 10 of rule XXI of the Rules of

the House of Representatives or section 405.” The table that follows indicates what these adjustments are.

BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

	Fiscal Year 2012	Fiscal Years 2012–2021
Current Aggregates:		
Budget Authority	2,858,531	¹
Outlays	2,947,902	¹
Revenues	1,866,402	26,125,311
Changes for legislation to extend the Generalized System of Preferences, and for other purposes. (H.R. 2832):		
Budget Authority	–28	¹
Outlays	–240	¹
Revenues	–996	–1,784
Revised Aggregates:		
Budget Authority	2,858,503	¹
Outlays	2,947,662	¹
Revenues	1,865,406	26,123,527

¹ Not applicable because annual appropriations Acts for fiscal years 2012 through 2021 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

(Fiscal Years, in millions of dollars)

	2012		2012–2021 Total	
	Budget Author- ity	Outlays	Budget Author- ity	Outlays
House Committee on Ways and Means:				
Current allocation:	1,030,988	1,031,520	13,173,262	13,173,925
Changes for legislation to extend the Generalized System of Preferences, and for other purposes. (H.R. 2832):	–28	–240	–1,709	–1,790
Revised Allocation:	1,030,960	1,031,280	13,171,553	13,172,135

ADJOURNMENT

Mr. GARAMENDI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, October 13, 2011, at 9:30 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3445. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; Michigan [Docket No.: APHIS-2011-0075] received September 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3446. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3447. A letter from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Schools and Libraries Universal Service Support Mechanism, National Broadband Plan for Our Future [CC Docket No.: 02-6] [GN Docket No.: 09-51] received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3448. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 [MB

Docket No.: 11-43] received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3449. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Editorial Correction to the Export Administration Regulations [Docket No.: 100325169-0629-01] (RIN: 0694-AE90) received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3450. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Abolishment of Monmouth, New Jersey, as a Nonappropriated Fund Federal Wage System Wage Area (RIN: 3206-AM49) received September 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3451. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Noncompetitive Appointment of Certain Military Spouses (RIN: 3206-AM36) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3452. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's "Major" final rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2011-12 Early Season [Docket No.: FWS-R9-MB-2011-0014] (RIN: 1018-AX34) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3453. A letter from the Acting Chief, Branch of Foreign Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing Six Foreign Birds as Endangered Throughout Their Range [FWS-R9-ES-2009-0084; MO 92210-1111F114 B6] (RIN: 1018-AW39) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3454. A letter from the Chief, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removal of *Echinacea tennesseensis* (Tennessee Purple Coneflower) from the Federal List of Endangered and Threatened Plants [Docket No.: FWS-R4-ES-2011-0059] (RIN: 1018-AW26) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3455. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska — Subpart B, Federal Subsistence Board [Docket No.: FWS-R7-SM-2011-0004] (RIN: 1018-AX52) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3456. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Protests and Contracts Dispute [Docket No.: FAA-2010-0840; Amdt. No. 17-1] (RIN: 2120-AJ82) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3457. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Track Safety Standards; Concrete Crossties [Docket No.: FRA-2009-0007, Notice No. 4] (RIN: 2130-AC35) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3458. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2011-75] received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3459. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule

— Section 6707A and the Failure to Include on any return or Statement any Information Required to be Disclosed under Section 6011 with Respect to a Reportable Transaction [TD 9550] (RIN: 1545-BF61) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3460. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Announcement of the Results of the 2010-2011 Allocation Round of the Qualifying Advanced Coal Project Program [Announcement 2011-62] received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3461. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of tax liability (Rev. Proc. 2011-45) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3462. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — List of Nonbank Trustees and Custodians [Announcement 2011-59] received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3463. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Air transportation and aviation fuels excise taxes [Notice 2011-69] received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3464. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Implementation of Form 990 [TD 9549] (RIN: 1545-BH28) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of Committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. FOXX: Committee on Rules. House Resolution 430. Resolution providing for consideration of the bill (H.R. 358) to amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act (Rept. 112-243). Referred to the House Calendar.

Mr. SCOTT of South Carolina. Committee on Rules. House Resolution 431. Resolution providing for consideration of the bill (H.R. 2273) to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels (Rept. 112-244). Referred to House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. THOMPSON of Pennsylvania:

H.R. 3154. A bill to amend section 1112 of the Elementary and Secondary Education

Act of 1965; to the Committee on Education and the Workforce.

By Mr. FRANKS of Arizona (for himself, Mr. FLAKE, Mr. GOSAR, Mr. QUAYLE, Mr. SCHWEIKERT, Mr. HASTINGS of Washington, Mr. BISHOP of Utah, Mr. CHAFFETZ, and Mrs. LUMMIS):

H.R. 3155. A bill to preserve the multiple use land management policy in the State of Arizona, and for other purposes; to the Committee on Natural Resources.

By Mr. CHAFFETZ (for himself and Mr. OWENS):

H.R. 3156. A bill to repeal the debit card interchange price control provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act and restore balance to the electronic payments system, and for other purposes; to the Committee on Financial Services.

By Mr. NEAL (for himself and Mr. PASCRELL):

H.R. 3157. A bill to amend the Internal Revenue Code of 1986 to prevent the avoidance of tax by insurance companies through reinsurance with non-taxed affiliates; to the Committee on Ways and Means.

By Mr. CRAWFORD (for himself, Mr. LUCAS, Mr. RIBBLE, Mr. WALSH of Illinois, Mr. DENHAM, Mr. GRIFFIN of Arkansas, Mr. WOMACK, Mr. SMITH of Nebraska, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr. WESTMORELAND, Mr. JOHNSON of Illinois, Mr. LATTA, Mr. COLE, Mr. CASSIDY, Mr. FLEISCHMANN, Mr. ROSS of Arkansas, Mr. BERG, Mr. FINCHER, Mr. CARTER, and Mrs. EMERSON):

H.R. 3158. A bill to direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms; to the Committee on Transportation and Infrastructure.

By Mr. POE of Texas (for himself, Mr. BERMAN, Mr. SMITH of Washington, Mr. CRENSHAW, Mr. BURTON of Indiana, Mrs. ELLMERS, Mr. CONYERS, Mr. MORAN, Mr. CARNAHAN, Mr. SIRE, Mr. RANGEL, Mr. GRIFFIN of Arkansas, Mr. CHABOT, Mr. BILIRAKIS, Mr. ACKERMAN, Mr. WESTMORELAND, Mr. CONNOLLY of Virginia, Mr. McCaul, Mr. JACKSON of Illinois, Mr. McDermott, Mr. BONNER, Ms. ESHOO, Mr. CICILLINE, Mr. BLUMENAUER, Mr. COFFMAN of Colorado, Mr. WELCH, Mr. DEUTCH, Mr. MURPHY of Connecticut, Mrs. SCHMIDT, Mr. ELLISON, and Mr. KELLY):

H.R. 3159. A bill to direct the President, in consultation with the Department of State, United States Agency for International Development, Millennium Challenge Corporation, and the Department of Defense, to establish guidelines for United States foreign assistance programs, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BROWN of Georgia:

H.R. 3160. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to make permanent the E-Verify program, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 3161. A bill to amend the Public Health Service Act to provide for activities

to increase the awareness and knowledge of health care providers and women with respect to ovarian and cervical cancer, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ALEXANDER (for himself, Mr. WITTMAN, Mr. HARRIS, and Mr. BOUSTANY):

H.R. 3162. A bill to prohibit the Secretary of Labor from implementing certain rules relating to employment of aliens described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Ms. BROWN of Florida:

H.R. 3163. A bill to amend the Help America Vote Act of 2002 to require any State offering an early voting period in elections for Federal office to make the period available for the entire 14-day period that precedes the date of the election, to prohibit States from imposing identification requirements on individuals who wish to vote or register to vote who are not otherwise required to provide identification under such Act, and for other purposes; to the Committee on House Administration.

By Mrs. DAVIS of California (for herself, Ms. SPEIER, and Mr. HONDA):

H.R. 3164. A bill to require Fannie Mae and Freddie Mac to disclose the minimum purchase price that such an enterprise will accept on the short sale of a residence financed by a mortgage purchased by such an enterprise in order to make short sales a viable alternative to foreclosure; to the Committee on Financial Services.

By Mr. DAVIS of Illinois (for himself, Mr. PLATTS, Mr. SCOTT of Virginia, and Mr. MURPHY of Connecticut):

H.R. 3165. A bill to amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of school-wide positive behavior supports; to the Committee on Education and the Workforce.

By Mr. DENT (for himself and Mr. ALTMIRE):

H.R. 3166. A bill to add engaging in or supporting hostilities against the United States to the list of acts for which United States nationals would lose their nationality; to the Committee on the Judiciary.

By Mr. FORTENBERRY:

H.R. 3167. A bill to direct the Secretary of Veterans Affairs to establish a program under which certain veterans entitled to educational assistance under the laws administered by the Secretary can use such entitlement to start or purchase a qualifying business enterprise, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Small Business, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES (for himself, Mr. ROHRABACHER, and Mr. BILBRAY):

H.R. 3168. A bill to make payments by the Department of Homeland Security to a State contingent on a State providing the Federal Bureau of Investigation with certain statistics, to require Federal agencies, departments, and courts to provide such statistics to the Federal Bureau of Investigation, and to require the Federal Bureau of Investigation to publish such statistics; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of

such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California:

H.R. 3169. A bill to amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to make grants to States for assistance in hiring additional school-based mental health and student service providers; to the Committee on Education and the Workforce.

By Mr. MURPHY of Connecticut (for himself and Mr. PLATTS):

H.R. 3170. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide incentive grants to promote alternatives to incarcerating delinquent juveniles; to the Committee on Education and the Workforce.

By Mr. MURPHY of Connecticut:

H.R. 3171. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 with respect to juveniles who have committed offenses, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MURPHY of Connecticut:

H.R. 3172. A bill to amend title XIX of the Social Security Act to protect the eligibility of incarcerated youth for medical assistance; to the Committee on Energy and Commerce.

By Mr. SCALISE (for himself, Mr. YOUNG of Alaska, Mr. KING of New York, Mr. THOMPSON of Mississippi, Mr. CUMMINGS, and Mr. RICHMOND):

H.R. 3173. A bill to direct the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require, in total, not more than one in-person visit to a designated enrollment center; to the Committee on Homeland Security.

By Mr. THOMPSON of Mississippi:

H.R. 3174. A bill to amend the provisions of title 5, United States Code, relating to the methodology for calculating the amount of any Postal surplus or supplemental liability under the Civil Service Retirement System, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska:

H.R. 3175. A bill to amend the Elementary and Secondary Education Act of 1965 to suspend temporarily the process of imposing restructuring sanctions on such schools and local educational agencies; to the Committee on Education and the Workforce.

By Ms. SEWELL (for herself, Mr. MCNERNEY, Ms. CASTOR of Florida, Ms. MCCOLLUM, Ms. SCHAKOWSKY, Mr. HASTINGS of Florida, Ms. BERKLEY, Mr. COOPER, Mr. CARSON of Indiana, Ms. PELOSI, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HANABUSA, Ms. LORETTA SANCHEZ of California, Mr. FUDGE, Ms. WATERS, Mr. KEATING, Mr. CICILLINE, Ms. KAPTUR, Mr. CARNEY, Mr. DAVID SCOTT of Georgia, Mr. CLYBURN, Mr. WATT, Mr. CROWLEY, Mr. HOYER, Mr. CLAY, Mr. ROGERS of Alabama, Mr. BROOKS, Mr. GEORGE MILLER of California, Mr. KUCINICH, Ms. HOCHUL, Mr. WALZ of Minnesota, Mr. NEAL, Mrs. MALONEY, Mr. JOHNSON of Georgia, Ms. WILSON of Florida, Mr. UPTON, Ms. SCHWARTZ, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. CONNOLLY of Virginia, Mr. BECERRA, Mr. CLEAVER, Mr. MEEKS, Mrs. CHRISTENSEN, Mr. NORTON, Mr. CONYERS, Mr. CLARKE of Michigan, Ms. RICHARDSON, Mr. CUMMINGS, Mr. RICHMOND, Mr. BUTTERFIELD, Mr. THOMPSON of Mis-

issippi, Mr. JACKSON of Illinois, Mr. BONNER, Mrs. ROBY, Mr. BACHUS, Mr. COHEN, Ms. BASS of California, Ms. MOORE, Mr. RANGEL, Mr. LARSON of Connecticut, Mr. WEST, Mr. DEUTCH, Mr. ELLISON, Mr. SCOTT of Virginia, Mr. LEVIN, Ms. EDWARDS, Mr. ADERHOLT, Ms. SUTTON, Ms. LEE of California, Mr. BISHOP of Georgia, Mr. YARMUTH, Ms. WOOLSEY, Mr. MORAN, Mr. VAN HOLLEN, Mr. WELCH, Ms. DELAURO, Mr. RYAN of Ohio, Ms. MATSUI, Mrs. CAPPS, Mrs. SCHMIDT, Mr. CHABOT, Mr. AUSTRIA, Mr. FATTAH, Mr. RIVERA, Mr. BARROW, and Mr. DESJARLAIS):

H. Res. 432. A resolution celebrating the life and achievements of Reverend Fred Lee Shuttlesworth and honoring him for his tireless efforts in the fight against segregation and his steadfast commitment to the civil rights of all people; to the Committee on the Judiciary.

By Mrs. BACHMANN (for herself and Ms. BASS of California):

H. Res. 433. A resolution supporting the goals and ideals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children in foster care awaiting families, celebrating children and families involved in adoption, recognizing current programs and efforts designed to promote adoption, and encouraging people in the United States to seek improved safety, permanency, and well-being for all children; to the Committee on Education and the Workforce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. THOMPSON of Pennsylvania:

H.R. 3154.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18; and including, but not solely limited to the 14th Amendment.

By Mr. FRANKS of Arizona:

H.R. 3155.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3, the Commerce Clause.

By Mr. CHAFFETZ:

H.R. 3156.

Congress has the power to enact this legislation pursuant to the following:

This law is enacted pursuant to Article I, Section 8, Clauses 1, 3, and 18 to the U.S. Constitution.

By Mr. NEAL:

H.R. 3157.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Clause 1 of Section 8 of Article I and the 16th Amendment to the U.S. Constitution.

By Mr. CRAWFORD:

H.R. 3158.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the enumerated powers listed in Article I, Section 8, which include

the power to "regulate commerce . . . among the several States . . .".

By Mr. POE of Texas:

H.R. 3159.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Article I, Section 9, Clause 7.

By Mr. BROUN of Georgia:

H.R. 3160.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution clause 18 (relating to the power of Congress to make all laws necessary and proper for carrying out the powers vested in Congress).

By Ms. VELÁZQUEZ:

H.R. 3161.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. ALEXANDER:

H.R. 3162.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1, which states, "The Congress shall have Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Ms. BROWN of Florida:

H.R. 3163.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section IV.

By Mrs. DAVIS of California:

H.R. 3164.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. DAVIS of Illinois:

H.R. 3165.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clauses 1 and 18 of the Constitution.

By Mr. DENT:

H.R. 3166.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4

By Mr. FORTENBERRY:

H.R. 3167.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. JONES:

H.R. 3168.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article 4, section 4 of the United States Constitution:

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

By Ms. LEE of California:

H.R. 3169.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and

interpreted by the Supreme Court of the United States.

By Mr. MURPHY of Connecticut:

H.R. 3170.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. MURPHY of Connecticut:

H.R. 3171.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. MURPHY of Connecticut:

H.R. 3172.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. SCALISE:

H.R. 3173.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. THOMPSON of Mississippi:

H.R. 3174.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 The Congress shall have power * * * To establish Post Offices and post roads.

By Mr. YOUNG of Alaska:

H.R. 3175.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. MARINO, Mr. GRIMM, Mrs. HARTZLER, Mr. BROWN of Georgia, Mr. LEWIS of California, Mr. DUFFY, and Mr. JORDAN.

H.R. 36: Mr. WEST.

H.R. 58: Mr. WALDEN, Mr. SCHWEIKERT, Mr. SCOTT of South Carolina, Mr. KING of Iowa, and Mr. ADERHOLT.

H.R. 100: Mr. WITTMAN.

H.R. 104: Mr. DANIEL E. LUNGREN of California and Mr. LEVIN.

H.R. 157: Mr. BUCSHON, Mr. THORNBERRY, and Mr. LATTA.

H.R. 237: Mr. LOEBACK.

H.R. 360: Mr. JOHNSON of Ohio.

H.R. 363: Mr. FARR.

H.R. 420: Mr. PALAZZO, Mr. GRIFFIN of Arkansas, Mr. PEARCE, and Mr. ADERHOLT.

H.R. 452: Mr. WALSH of Illinois.

H.R. 574: Mr. THOMPSON of California.

H.R. 607: Mr. WOLF and Ms. HAHN.

H.R. 640: Mr. SMITH of Washington and Ms. HIRONO.

H.R. 645: Mr. KING of Iowa, Mr. ADERHOLT, Mr. WALDEN, and Mr. SCHWEIKERT.

H.R. 674: Mr. KIND, Mr. KINGSTON, Ms. BROWN of Florida, Mr. SMITH of Nebraska, and Mr. FLAKE.

H.R. 733: Mr. GUTIERREZ.

H.R. 735: SCHWEIKERT, Mr. SMITH of Nebraska, Mr. CULBERSON, and Mr. BERG.

H.R. 835: Mr. SIRE.

H.R. 854: Mr. LATHAM, Mr. YOUNG of Alaska, and Mr. HINOJOSA.

H.R. 883: Mr. HEINRICH.

H.R. 886: Mr. HIMES, Mr. SCHIFF, Mr. BARTLETT, Mr. STEARNS, Mr. THOMPSON of Mississippi, Mr. THOMPSON of Pennsylvania, Mr. CLEAVER, and Mr. CLAY.

H.R. 890: Mr. TURNER of New York.

H.R. 891: Mr. MARINO.

H.R. 930: Ms. SPEIER.

H.R. 1085: Mr. HIMES.

H.R. 1130: Mr. MARCHANT.

H.R. 1161: Mr. RUSH.

H.R. 1164: Mr. BUCHANAN and Mr. HARRIS.

H.R. 1173: Mr. HARRIS, Mr. SCALISE, Mr. POMPEO, Mr. GRAVES of Georgia, Mr. HUIZENGA of Michigan, Mr. BRADY of Texas, Mr. PEARCE, and Mr. FRANKS of Arizona.

H.R. 1179: Mrs. LUMMIS and Mr. KINZINGER of Illinois.

H.R. 1186: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Ohio, and Mr. CHABOT.

H.R. 1195: Mr. JOHNSON of Illinois.

H.R. 1206: Mr. GOODLATTE.

H.R. 1291: Mr. MORAN.

H.R. 1307: Mr. HARRIS.

H.R. 1322: Ms. RICHARDSON.

H.R. 1340: Mr. FLAKE.

H.R. 1367: Mr. MURPHY of Connecticut.

H.R. 1370: Mr. MARCHANT, Mr. CHABOT, Mr. KINZINGER of Illinois, and Mr. BERG.

H.R. 1489: Ms. LORETTA SANCHEZ of California.

H.R. 1509: Mr. JOHNSON of Ohio.

H.R. 1513: Mr. NEAL, Mrs. CAPPS, Mr. BLUMENAUER and Ms. BERKLEY.

H.R. 1519: Ms. HOCHUL.

H.R. 1527: Mr. AMASH.

H.R. 1558: Mr. RYAN of Wisconsin and Mr. GINGREY of Georgia.

H.R. 1580: Mr. MURPHY of Pennsylvania.

H.R. 1588: Mr. GINGREY of Georgia.

H.R. 1653: Mr. CASSIDY, Mr. WILSON of South Carolina, Mr. GARDNER, and Mr. BISHOP of New York.

H.R. 1681: Mr. HIMES, Mr. HOLT, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1697: Mr. ALTMIRE, and Mr. CARNAHAN.

H.R. 1738: Mr. SHIMKUS and Mr. WALDEN.

H.R. 1746: Mr. FRANK of Massachusetts.

H.R. 1755: Mr. SCOTT of South Carolina.

H.R. 1798: Ms. CHU, Mr. GIBSON, and Mrs. MYRICK.

H.R. 1834: Mr. GRIFFIN of Arkansas.

H.R. 1842: Mr. INSLEE.

H.R. 1876: Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mr. PETERS, and Mr. COSTELLO.

H.R. 1905: Mr. BUCSHON, Mr. DENT, Mr. DUNCAN of South Carolina, Mr. FATTAH, Mr. FITZPATRICK, Mr. GIBBS, Mr. GINGREY of Georgia, Mr. AL GREEN of Texas, Mr. HENSARLING, Mr. KING of Iowa, Mr. LARSEN of Washington, Mrs. LUMMIS, Mr. PENCE, Mr. ROKITA, Mr. RYAN of Ohio, Mr. DAVID SCOTT of Georgia, Mr. TONKO, Mr. YOUNG of Florida, Ms. DeLAURO, Mr. GUTHRIE, and Mr. SOUTHERLAND.

H.R. 1946: Mr. ROGERS of Alabama.

H.R. 1974: Mr. AMASH.

H.R. 2020: Ms. NORTON.

H.R. 2042: Mr. CAMP and Mr. BOUSTANY.

H.R. 2108: Ms. CASTOR of Florida and Mr. DESJARLAIS.

H.R. 2182: Mr. MARKEY.

H.R. 2193: Ms. BASS of California.

H.R. 2233: Ms. SLAUGHTER and Mr. LEWIS of Georgia.

H.R. 2284: Ms. HIRONO.

H.R. 2304: Mr. FLORES.

H.R. 2337: Mr. LATHAM, Mr. PLATTS, Mr. CARTER, and Mr. STARK.

H.R. 2418: Mr. MURPHY of Connecticut.

H.R. 2437: Mr. KINZINGER of Illinois.

H.R. 2447: Mr. HIMES, Mr. LYNCH, Mr. ROSKAM, Mr. THOMPSON of California, Mr. PASTOR of Arizona, Mr. PASCRELL, Mrs. ROBY, Mrs. CAPPS, Mrs. MALONEY, Mrs. LOWEY, and Mr. JOHNSON of Ohio.

H.R. 2457: Mr. ROSS of Florida and Mrs. HARTZLER.

H.R. 2471: Mr. DEUTCH.

H.R. 2479: Mr. BOUSTANY.

H.R. 2492: Mr. LEWIS OF GEORGIA, Mr. SIRE, and Mr. INSLEE.

H.R. 2500: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2513: Mr. BUTTERFIELD and Mr. MCINTYRE.

H.R. 2514: Mr. MARINO.

H.R. 2517: Mr. CICILLINE.

H.R. 2528: Mr. FLAKE, Mr. BOUSTANY, and Mr. CAMPBELL.

H.R. 2541: Mrs. ROBY.

H.R. 2559: Mr. GRIJALVA.

H.R. 2602: Mr. FLORES.

H.R. 2668: Ms. RICHARDSON.

H.R. 2674: Mr. LONG and Mr. THOMPSON of Pennsylvania.

H.R. 2679: Mr. GENE GREEN of Texas and Mr. MCGOVERN.

H.R. 2694: Mr. DUNCAN of Tennessee and Mr. CANSECO.

H.R. 2695: Ms. TSONGAS.

H.R. 2696: Ms. TSONGAS.

H.R. 2697: Mr. PAULSEN.

H.R. 2784: Ms. HIRONO.

H.R. 2799: Ms. HAHN.

H.R. 2815: Mr. AL GREEN of Texas.

H.R. 2829: Ms. HAYWORTH, Mr. LABRADOR, Mrs. LUMMIS, Mr. MURPHY of Pennsylvania, Mr. PRICE of Georgia, Mr. RUNYAN, Mr. THORNBERRY, Mrs. BACHMANN, Mr. LATHAM, Mr. MACK, Mr. ROHRBACHER, Mr. SMITH of New Jersey, and Mrs. MYRICK.

H.R. 2840: Ms. HERRERA BEUTLER.

H.R. 2874: Mr. CANSECO and Mr. FLORES.

H.R. 2876: Mr. KLINE.

H.R. 2880: Ms. SLAUGHTER.

H.R. 2885: Mr. LANCE and Ms. GRANGER.

H.R. 2888: Mr. MCCOTTER and Mr. GRIMM.

H.R. 2898: Mr. LANKFORD, Mr. CONAWAY, Mr. WILSON of South Carolina, Mr. KLINE, and Mr. FLAKE.

H.R. 2900: Mr. MARCHANT.

H.R. 2913: Mr. HARRIS, Mr. ROE of Tennessee, Mr. GRIFFIN of Arkansas, Mrs. LUMMIS, and Mr. WILSON of South Carolina.

H.R. 2945: Mr. GRAVES of Georgia, Mr. ISSA, Mr. FLEMING, Mr. DUNCAN of South Carolina, Mr. FRANKS of Arizona, and Mr. GARDNER.

H.R. 2962: Mr. LANKFORD.

H.R. 2966: Mr. HIMES and Mr. BRADY of Pennsylvania.

H.R. 2967: Mr. COOPER.

H.R. 2978: Mr. LANKFORD, Mr. GRIFFIN of Arkansas, Mr. SCOTT of South Carolina, Mr. DESJARLAIS, Mr. KELLY, Mr. HUELSKAMP, and Mr. WEST.

H.R. 2982: Mr. HASTINGS of Florida and Mr. SABLAN.

H.R. 2985: Mr. BUCSHON, Mrs. DAVIS of California, Mr. PITTS, Mr. FLORES, Mr. AL GREEN of Texas, Mr. FARENTHOLD, Mr. OLSON, Mr. CARTER, Mr. POSEY, and Mr. MCGOVERN.

H.R. 2993: Mr. TERRY.

H.R. 2994: Mrs. CAPPS, Mr. DEFazio, and Mr. BLUMENAUER.

H.R. 2998: Mrs. MYRICK, Ms. BORDALLO, Mr. SMITH of Texas, and Mr. PALAZZO.

H.R. 3009: Mr. JONES.

H.R. 3029: Mr. DUNCAN of South Carolina and Mrs. ELLMERS.

H.R. 3046: Mr. CALVERT, Mr. AL GREEN of Texas, Ms. NORTON, and Mr. GARAMENDI.

H.R. 3048: Mr. TONKO.

H.R. 3050: Mr. LANKFORD and Mr. NUNNELEE.

H.R. 3059: Mrs. SCHMIDT, Mr. GALLEGLY, Mr. ROSKAM, and Mr. JONES.

H.R. 3062: Mr. BRALEY of Iowa.

H.R. 3074: Mr. RYAN of Wisconsin and Mr. LATTA.

H.R. 3090: Mr. DUNCAN of South Carolina, Mr. BRADY of Texas, Mr. GOHMERT, Mr. HUIZENGA of Michigan, Mr. MCCLINTOCK, Mr. PAUL, Mr. FLAKE, and Mr. KLINE.

H.R. 3094: Mrs. BIGGERT, Mrs. NOEM, Mr. PETRI, and Mr. STIVERS.

H.R. 3099: Mr. WESTMORELAND, Mr. BUCSHON, Mr. JOHNSON of Ohio, and Mr. FARENTHOLD.

H.R. 3104: Mr. PAUL, Mr. WESTMORELAND, and Mr. FARENTHOLD.

H.R. 3110: Mr. BROUN of Georgia.

H.R. 3128: Mr. ACKERMAN.

H.R. 3147: Mr. MCGOVERN.

H.R. 3148: Mr. CLAY.

H.J. Res. 11: Mr. POSEY, Mr. WALSH of Illinois, Mr. FLORES, Mr. DUNCAN of South Carolina, Mr. KINGSTON, Mr. FARENTHOLD, Mr. MULVANEY, and Mr. SOUTHERLAND.

H.J. Res. 73: Mr. QUIGLEY.

H.J. Res. 80: Mr. CONYERS.

H. Con. Res. 77: Mr. GINGREY of Georgia.

H. Res. 95: Mr. OWENS.

H. Res. 111: Mr. TONKO and Mr. TERRY.

H. Res. 177: Mrs. BIGGERT.

H. Res. 247: Mr. DUNCAN of South Carolina.

H. Res. 336: Mr. SMITH of Washington, Mr. COBLE, and Mr. RUPPERSBERGER.

H. Res. 364: Mr. REHBERG, Mr. LANKFORD, Mr. THOMPSON of California, Mr. THOMPSON

of Mississippi, Mr. PALLONE, Mr. TIERNEY, Mr. SABLAN, Mr. RANGEL, Mr. LEVIN, Mr. ROSS of Arkansas, Mr. MEEKS, Mr. WATT, Mr. CLAY, Mr. HINOJOSA, Mr. LARSON of Connecticut, Mr. SHULER, Mrs. LOWEY, Ms. SLAUGHTER, Mr. SHERMAN, Mr. HANABUSA, Mr. CAPUANO, Mr. SARBANES, Mr. RAHALL, Mr. KELLY, Mr. LEWIS of California, and Mr. CALVERT.

H. Res. 367: Mr. LANCE.

H. Res. 378: Mr. FILNER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative SHIMKUS, or a designee, to H.R. 2273, the "Coal Residuals Reuse and Management Act," does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 822: Mr. COHEN.

H.R. 1380: Mr. TURNER of Ohio.

SENATE—Wednesday, October 12, 2011

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious Lord, whose glory has been revealed through the generations, renew within our Senators a true understanding of Your purpose for their lives, for our Nation, and for our world. Amid the challenges of our time, infuse them with a spirit of wisdom and courage so that they will be instruments of Your providence. Lord, use them to make an impact on the lives of the forgotten who lack hope and on all people who seek Your presence. May Your grace, mercy, and peace be on us all now and stay with each one of us always.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 12, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will

begin consideration of the free-trade agreements. There are three of them. There will be up to 12 hours of debate on these matters. The Senate will have its normal recess from 12:30 p.m. until 2:15 p.m. today for our caucus meetings. We expect to yield back some of the time—I certainly hope so—on the trade agreements, although people can speak as much as they want on these matters. But we are going to complete the action tonight. Whether it is at 4 o'clock or midnight, we are going to complete action on these bills today. The House is awaiting our action.

MEASURE PLACED ON THE CALENDAR—H.R. 2681

Mr. REID. Madam President, H.R. 2681 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes.

Mr. REID. Madam President, I would object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

AMERICAN JOBS ACT

Mr. REID. Madam President, Republican obstructionism was once again in evidence last night, and it has cost this Nation millions of jobs.

Last night, Republicans blocked the American Jobs Act, President Obama's plan to create 2 million jobs by giving tax cuts to businesses and middle-class families and investing in modern roads, bridges, and schools.

It is not the first jobs bill they have blocked this Congress, although I hope it will be the last. But it seems as if the Republicans do not really want to put Americans back to work. They believe a weak economy means a weak President. So even though they have supported each piece of the American Jobs Act in the past, they blocked this job-creating legislation in the hopes of doing political damage to the President.

But we have not given up on creating jobs in America, and we will not let Republican political games stand between Congress's most important duty: to put 14 million Americans back to work.

Passing the American Jobs Act would have been a step in the right direction. Economists of every stripe agree it would have impacted the economy immediately and put up to 2 million people back to work.

Mark Zandi, chief economist at Moody's and economic adviser to Senator JOHN MCCAIN's Presidential campaign said this:

Given the high odds of another recession in the next few months, it is vital for Congress and the administration to provide some near-term support to the economy.

Zandi says the American Jobs Act could shave a percentage point off the unemployment rate. Conversely, he warned that without immediate action the likelihood is high of a double-dip recession. So the last thing we should be doing right now is wasting time, but that is what Republicans are forcing us to do.

Last night, a majority of the Senate voted to take up this bill. But Republicans will not put politics aside for a moment, even when the price of their stubbornness is struggling families and failing businesses.

I say it again: Democrats are not going to give up on creating jobs. We will introduce the American Jobs Act piece by piece.

I had two conversations last night while the vote was taking place with Republicans, and both Republican Senators said they would like to join in moving some pieces of this legislation. So we are going to do that, and I am glad to see there is some interest by my Republican colleagues in doing that.

Many of the ideas we will advance will be proposals Republicans have supported in the past, as I have already indicated. I think they will have to explain to the American people—at a time of record unemployment—why they continue to oppose job-creating tax cuts for small businesses and the middle class and other proposals they have supported in the past. So, as I said a minute ago, I look forward to working with my Republican colleagues in moving forward parts of this bill they like. At the end of the day, if they do not do this, their motive will be crystal clear: politics.

So I hope Republicans will be able to see past partisan posturing to support their own past proposals when we consider them individually in the next few weeks.

Take, for example, the payroll tax cut. My friend, the Republican leader, has supported payroll tax cuts in the past. Most Republicans have. This is what my friend, the Republican leader,

said about the same tax cut in 2009. I quote:

It would put a lot of money back in the hands of businesses and in the hands of individuals. . . . Republicans, generally speaking, from Maine to Mississippi, like tax relief.

So that is part of the American Jobs Act.

Another Republican Senator sponsored a bill to give tax credits to businesses that hire out-of-work veterans. Yet that same Republican Senator voted against the same proposal last night. It was part of the bill last night.

Republicans have supported these proposals in the past. They should have supported them yesterday. But Democrats care so much about creating jobs that we will give our Republican colleagues another opportunity to do the right thing, and we will move forward in the best way we can to put these matters before the American people, if necessary, piece by piece.

TRADE AGREEMENTS

Mr. REID. Madam President, we have worked hard to be in the posture we are in today to have votes on these trade bills. My friend, the Republican leader, has heard me say this too much, but I do not favor these bills. But a majority of this Senate does, and I believed it was important we move these forward. I have worked with the Republican leader to do it today. I think it is important to do it today. We have the President of Korea here in America. He is going to speak to a joint meeting of Congress tomorrow. I look forward to a very productive day in moving these matters forward.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE JOBS BILL

Mr. MCCONNELL. Madam President, before my friend, the majority leader, leaves the floor, let me remind him and our Senate colleagues and the American people that Republicans were prepared to vote on the President's second version of the stimulus bill last night. In fact, I offered a unanimous consent that we have that vote—not the motion to proceed to it but the actual vote. I am not going to renew that request at the moment but just would say to my friend, we are happy to have that vote. We were happy to have it last night.

With regard to the pieces of it, my friend is correct; some of the pieces of this second stimulus might well be appropriate. I have recommended to the joint select committee—that he and I appointed 50 percent of—that they take a look at some of the pieces of it which

could well be included in a product we are going to get before Thanksgiving before the Senate and the House.

So, again, we would be happy to vote on the entire package. We were happy to do it last night and also happy to look at pieces of it. We do have, as the majority leader and I have discussed before, important work to do in the Senate. We have the trade agreements we are going to approve tonight. We have three appropriations bills we are going to go to after that—the basic work of government, which we have not done in the last few years, the American people would like to see us do. We also have a joint select committee set up that could look at parts of the proposal to which the majority leader is referring. So I have some optimism that we will be able to come together on pieces of it that we think make sense.

I will say that as far as I know, there is not a single Republican who thinks it is a good idea to raise taxes on over 300,000 business owners, which is what would happen under the so-called millionaires' surtax. So there are parts of it we very much disagree with. We have divided government. Neither party controls the entire government. We will only be able to pass those things we do agree on. I think there are parts of the package my friend refers to that could well be agreed to at some point this year on a bipartisan basis.

FREE-TRADE AGREEMENTS

Mr. MCCONNELL. Madam President, later today the Senate will show that Democrats and Republicans can, in fact, work together to make it easier for American businesses to create jobs.

By passing free-trade agreements with Colombia, Panama, and South Korea, we will help the economy, and we will put the lie to the ridiculous Obama campaign claim that Republicans are somehow rooting against the economy. Nothing could be more ridiculous and absurd as to suggest that Republicans are somehow rooting against our economy.

In fact, if President Obama were willing to work with us on a more bipartisan piece of legislation, nobody would even be talking about a dysfunctional Congress. There would not be any reason to.

But, as we all know, that does not fit in with the President's election strategy. The White House has made it clear that the President is praying for gridlock—he is actually hoping for gridlock—so he has somebody besides himself to point the finger at next November.

That is a big mistake. The American people will not tolerate their own President putting politics ahead of working with Congress on the kind of bipartisan legislation that we know both parties could agree on right now.

So this morning I would like to repeat my call to the President to put the political playbook aside and work with us instead on the kind of bipartisan, job-creating legislation the American people truly want.

The trade bills we will be voting on tonight are a good start. There is no reason we should have had to wait nearly 3 years for this President to send them to Congress for a vote, but they are a good start nonetheless—3 years late but still very important to do.

Now let's move on to some other things. We have pointed to areas such as regulatory reform, tax reform, and energy exploration where the parties could help create jobs without raising taxes or adding to the deficit.

It is just the kind of bipartisan cooperation that the American people are actually demanding from us, and what I am saying this morning is that Republicans are eager and willing to join Democrats in making that happen.

The Presidential election, for goodness' sake, is 13 months away; 13 months from now is the Presidential election. There is plenty of time to campaign. Why don't we put that off for a while and do what we were sent here to do?

But right now we have an opportunity to work together. Let's put aside the political playbook and focus on results. I know that does not come easy for some around here. The senior Senator from New York, for example, made it pretty clear yesterday that he is more interested in drawing a contrast with Republicans than he is in actually passing bipartisan legislation that we know will spur job growth. But I do not believe the 14 million Americans looking for work right now care more about contrast than about jobs. The jobs crisis we are in calls for lawmakers to rise above these games.

Americans expect us to do something to help create jobs. That is what we should be doing. That is why Republicans will continue to seek to find Democrats who are more interested in jobs than in political posturing and work with them on bipartisan legislation such as the trade bills we will vote on tonight.

What we will not do, though, is vote in favor of any more misguided stimulus bills because some bill writer slapped the word "jobs" on the cover page. The stimulus bill with the word "jobs" slapped on the cover page and wrapped around a talking-point tax hike is not our idea of what is good for America. We refuse to raise taxes on the very people Americans are depending on to create jobs. We need to be looking for ways to make it easier to create jobs, not harder.

For nearly 3 years, Republicans have told Democrats again and again that we are willing and eager to work with the Democrats anywhere, anytime, on

real job-promoting legislation on which both sides could agree.

I have been calling on the President to approve these three free-trade agreements since the day he took the oath of office. All the President had to do was to follow through on these agreements and send them up to Congress, and we would have had an early bipartisan achievement that did not add a single dime to the deficit, that would have convinced people the two sides could work together, and that by the President's own assessment created tens of thousands of jobs right here at home. But he did not. The President chose to push a highly partisan stimulus bill instead that the administration said would keep unemployment below 8 percent. We all know how that turned out. Nearly 3 years later, the only thing left is the nearly \$1 trillion it added to the debt and the government programs it created. As for jobs, well, unemployment has been above 8 percent for 32 months straight, and according to the Labor Department, there are now 1.5 million fewer jobs than there were then.

It is time to try something different. Republicans have proposed a number of ideas that would not only represent a change in direction but would also attract broad bipartisan support. There is no good reason whatsoever for the President and Democrats in Congress to prevent us from doing these things. As I see it, the President actually has a choice: He can spend the next 13 months trying to get Republicans to vote against legislation which will not create sustainable private sector jobs and which is designed to fail in Congress or he can work with us on legislation that will actually encourage small businesses to create jobs and is actually designed to pass.

There is an entire menu of bipartisan job-promoting proposals the President could choose to pursue over the next year. Republicans hope he works with us to approve them. Americans are waiting. We are ready to act. The free-trade agreements we are voting on tonight are a good first step. They demonstrate the way Washington can actually help tackle the jobs crisis, not by spending borrowed money to create temporary jobs—spending borrowed money to create temporary jobs. We have tried that. This will lower barriers to private enterprise, unleashing the power of the private sector to make and sell products, expand market share, and in doing so create sustainable private sector jobs that will not disappear when the Federal cash spigot runs dry. But if we are going to tackle the enormous challenges we face, we need to do much more than that. With these trade agreements, we are showing we can work together to create jobs and help the economy. We can and must do more of this kind of thing.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

UNITED STATES-KOREA FREE TRADE AGREEMENT IMPLEMENTATION ACT

UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will consider H.R. 3080, H.R. 3079, and H.R. 3078 en bloc, notwithstanding the lack of receipt of papers from the House of Representatives.

Under the previous order, there will be up to 12 hours of debate, with the time equally divided and controlled between the two leaders or their designees.

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. JOHANNES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHANNES. Madam President, I come to the floor today—thankfully for the last time, I hope—in support of the pending free-trade agreements with Korea, Panama, and Colombia. For nearly 3 years we have heard the administration say the right things. Yet there were countless delays. It has been 1,566 days since the U.S.-Korea Free Trade Agreement was signed, 1,568 days for the Panama agreement, and 1,786 days since we completed negotiations with Colombia. Finally, though, I believe the waiting has ended, and the administration took action and has submitted these agreements for a vote. I am eager to vote for all three FTAs this evening and to see their job-creating power in action. By the administration's own estimates, these agreements will spur a quarter of a million new jobs.

We should all be able to agree that the benefits of trade are significant. In my home State of Nebraska alone, more than 19,000 jobs and more than \$5.5 billion in revenue were directly tied to exports in this last year. With these agreements, these statistics will only improve. Nebraska is a big agricultural State, and these three agreements eliminate tariffs and other barriers on most agricultural products, including beef, corn, soybeans, and pork—all products grown in Nebraska.

In fact, according to the Farm Bureau and economic analysis from the USDA, full implementation of those agreements will result in nearly \$2.5 billion increases in U.S. agricultural exports each year. In Nebraska, this increase in agricultural exports is expected to total about \$125 million per year and add another 1,100 jobs to our State.

The benefits for my home State are not hard to see. In fact, they would be hard to miss. As the Nation's fourth largest exporter of feed grain and a key beef State, the U.S.-Korea agreement holds great opportunity and promise for Nebraska. It immediately eliminates duties on nearly two-thirds of U.S. agricultural exports to Korea. U.S. exports of corn for feed enter at zero duty—zero duty immediately. For the second largest corn State, that is a significant leveling of the playing field. And it phases out the 40-percent tariff on beef muscle meat and the 18-percent tariff on variety meats.

The Colombia agreement offers great opportunities to both manufacturing and the agricultural sector. Just one example: Nebraska manufactures and exports irrigation pivots to customers all over the world. Currently Colombia imposes a 15-percent duty on pivots, which would be eliminated by this trade agreement. This will allow Nebraska manufacturers to compete on a level playing field with European companies.

The Colombia agreement also eliminates barriers for many Nebraska agricultural products, including beef, corn, soybeans, pork, and wheat. In particular, the agreement immediately eliminates the 80-percent duty on some of the most important products to the U.S. beef industry—prime and choice cuts of meat. The Colombia agreement eliminates all tariffs on wheat and barriers on corn and on soybeans.

Unfortunately, during these years of delay I referenced at the start of my comments this morning, negotiators for other countries saw an opportunity. Negotiators from the European Union, Argentina, and Canada saw the void the U.S. companies, workers, and farmers should have been filling, and they acted. As a result, our exporters now face even greater competition in these markets. For example, when the U.S.-Colombia agreement was signed, American wheat farmers supplied 70 percent of the Colombian market. In 2010, U.S. wheat growers supplied only 45 percent of that market. During that time, the United States lost market share in Colombia to competitors such as Argentina and Canada that did not wait on the sidelines, and now they enjoy duty-free access. Because of unnecessary delays, our farmers have lost out in markets they dominated when this agreement was signed. But if we act quickly, if we pass these agreements tonight, U.S. producers can work to build back market share.

I am confident that Nebraska farmers, businesses, workers, and those around the country can compete with anybody in the world, and in doing so we can create jobs here at home. By the administration's estimates, the Korea, Colombia and Panama Free Trade Agreements will create, as I have referenced, 250,000 U.S. jobs. The U.S. Chamber of Commerce took a broader view; they have an estimate of 380,000 jobs to be created. But either number is worth celebrating.

In May, the President called for "a robust, forward-looking trade agenda that emphasizes exports and domestic job growth." I am glad the President has turned these words into action on these long overdue job-creating agreements. These three bipartisan votes should have been near the top of the agenda 3 years ago. By now, we should be voting on new agreements this administration has negotiated, not the leftover work of the past administration.

During the challenging economic times our Nation has endured, we should have been exerting every ounce of energy to get our economy going. That is not done by heavyhanded government regulation and massive, unsustainable new government spending. It is accomplished by lowering and removing barriers so our job creators can flourish in a global environment. That is what we have today—an opportunity to give our job creators a chance to flourish in the global environment. We cannot ignore that the fastest growing opportunities for American businesses, farms, and ranchers are not in the United States or outside our borders, they are overseas in rapidly developing countries where 95 percent of the world's population lives. I sincerely hope those long delays have not hurt our ability to negotiate high-quality trade agreements, but more importantly, I hope it has not hurt the ability of Americans to compete in these growing markets.

I look forward to working with the administration over the rest of this Congress on forward-looking trade efforts. Real progress forward would produce even more opportunities.

I am optimistic this morning. I am optimistic that my colleagues on both sides of the aisle will join me in voting in favor of the trade agreements with Korea, Panama, and Colombia. Together, we can allow hard-working Americans to create jobs here at home.

I hope these three agreements are the beginning, not the end.

Following today's vote, we should rejoice in an accomplishment, but more work remains to be done. I am prepared to tackle this endeavor, as I did when I was Secretary of Agriculture. For the sake of our Nation, I hope to find willing partners on these three votes and, in the future, more trade agreements and additional opportunities.

Before yielding the floor, I ask unanimous consent that all time during the quorum calls be divided equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHANNIS. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARPER. Madam President, I was on the phone earlier this week with a friend in Delaware. We were talking about these free-trade agreements negotiated by the Bush administration and fine-tuned by the Obama administration. My friend said: Why do we have free-trade agreements anyway? I said: Let's go back a little bit in time. At the end of World War II, when the baby boomers and my sister and I came along, the United States was on top of the world. Our industrial infrastructure was strong. We were a vibrant economy. We had come out of the Great Depression with all guns blazing, while a lot of the rest of the world lay in ruin. Some of the nations that would go on to become our greatest competitors, including China, Korea, and some others as well, were in the midst of wars of their own, and eventually they would be governed—at least in part in Korea—by a Communist form of government. So the competition wasn't that great.

Then things started to change. The competition got a whole lot stronger. I remember when I was a kid growing up, at Christmas time we were opening presents around the Christmas tree. I grew up in Danville, VA. We received a knickknack or something from friends of our family, and my father turned it over and it said "Made in Japan." He and my mom kind of sneered at that, as if it were unworthy of us—anything being made in Japan.

Things have changed—in some ways for the better and in other ways maybe not. For a long time, we were the 800-pound gorilla in the room. In terms of auto sales, I think we had about 90 percent of the market share in the United States—maybe more than that—well into the latter part of the last century. Now we don't. Our market share in cars is less than 50 percent. The quality is good, but the market share is less. If we look at the amount of cars that come to us from Korea, they will roughly export 500,000 vehicles to the United States this year, as they did last year and will next year. We will export barely 5,000 cars to them. Think about that. Roughly, for every 1 American car we sell them, they sell us

about 100. That is not free trade. As it turns out, it is not fair trade either. They don't put tariffs on their cars. They have nontariff barriers—a very clever way to keep our vehicles out. It could have to do with the environmental equipment on the car, the fuel system, transmissions, you name it. They find all kinds of ways to keep our vehicles out. We don't do that or play that game. They take advantage of that.

We wish to sell in a place such as Panama. In this country, a lot of people like the white meat of the chicken. Overseas, a lot of people eat the dark meat. It is an opportunity to export the dark meat for us. If we want to export leg quarters, drumsticks, and thighs in Panama, normally, a package of leg quarters costs \$10 here, and there is a 260-percent tariff for those leg quarters going into Panama. They have to pay \$36. I don't know what that translates into pesos, but they pay \$36 for \$10 worth of chicken.

We allow other countries, whether it is Korea, Panama, Colombia or many other nations, to sell their goods and products at will into our country, without much at all in the way of barriers, without impediment, without tariff barriers or nontariff barriers. But they impose barriers against us. The reason why flows from the situation we were in at the end of World War II, when we were such an economic juggernaut. Other countries wanted to protect their markets a little bit from the 800-pound gorilla in the world, which was us.

While we are still a strong and vibrant nation, we no longer dominate world markets. We want to make sure we have access to other markets in ways we have not had in recent years in some countries.

I would like to think of one of the roles of government, and one of the major roles of government, is to provide a nurturing environment for job creation and job preservation. That includes a lot of things. That includes making sure businesses, large and small, have access to the credit; it means that when folks come up with an idea, we have an innovative economy and a lot of technology; when people come up with new technology and new ideas, they go to the Patent Office to file it and they end up getting the patent and they don't end up in years of litigation.

Businesses like predictability, and that is part of the environment we need to provide. We need to provide a workforce where the people can come out of our schools and can read, write, think, do math, and have a good work ethic. We have to have common sense in regulations. Obviously, we need regulations, and we need to consider cost-benefit relations. As we do those regulations, we can get input from all sides.

We need predictable tax policies—tax policies that are pro-growth. We also

need access to foreign markets. Folks who build products in this country need access to foreign markets. In too many cases, we don't have that. These trade agreements are attempting to change that. Very soon, for that family in Panama who has to pay \$36 for the same amount of drumsticks and thighs that now cost \$10 here, that is going to change. We are going to start exporting and selling cars in Korea. They will still be able to sell theirs here, but we will sell tens of thousands of cars in Korea in a year or two.

In my State, we used to make a lot of cars. We had a GM plant and a Chrysler plant. They are now gone. But starting next year, a new plant will start up, and they will make some of the most beautiful cars in the world. Some are already being made, called the Karma. It gets about 70 miles per gallon. It is a drop-dead beautiful vehicle. Starting late next year, they will be making it a less-expensive car. We want to make sure they use our Port of Wilmington to ship those cars around the world. It would be nice to sell some of those in Korea or in Latin America and South America, as well as in Europe.

For my State, 80 percent of our agricultural industry, believe it or not, is chickens. I don't know what it is like in Iowa or in Florida or New York, but 80 percent of ours is chickens. Agriculture is one of the top three sectors of our State's economy—80 percent chickens. One out of every five chickens we raise in the Delmarva Peninsula is exported to another country. This is not chickenfeed; this is a big deal for us in Delaware.

This is important for our ability to export vehicles, our ability to export chemicals, plastics, poultry, and the ability for us to export some of our services—the work we do in financial services with banking or insurance. A lot of those companies would like to be able to do business in Korea or Latin America. This legislation will enable them to do that.

I think a lot of people will vote for the agreements today with Panama and with South Korea. Even some of the labor unions—the UAW and others—support the South Korea agreement. There is still skepticism and concern, understandably, regarding the agreement with Colombia. As everybody in the Chamber knows, and a lot of people in this country know, for years, labor leaders, organizers have been the target of assassinations in Colombia. According to the Colombians, in 2001, I believe there were about 205 assassinations in that 1 year alone in Colombia. The numbers are a little bit confusing because that includes folks who are not necessarily labor organizers but who are educators and maybe members of labor unions—205 people in 1 year. Can you imagine in this country if 205 labor leaders, organizers, and teachers were murdered in a

year? That is a much smaller country than ours. The numbers have come down.

In one of our conversations yesterday with some labor unions in Delaware, one shared the latest number reported by the Colombian Government; I think it was 22 in the early part of this month. That is 22 too many. About half those folks killed were teachers who have been targeted by criminal elements and drug folks, drug gangs, because of the threat that teachers and educators pose to the ability of the drug folks to destabilize that country. So they are targets as well.

The Colombian Government has provided almost like a witness protection service down there, but it is somewhat different. They don't take people and change their identities and move them and hide them. They actually provide extra protection for folks who are believed to be at risk. That caused a reduction of almost 90 percent in the assassinations over the last decade. Even if it is just one or two, we know that is too many.

The question for us is, Do we ignore the progress or do we say, no, we are not going to ratify a free-trade agreement with Colombia until there are no assassinations? We have a saying: Don't let the perfect be the enemy of the good. That may trivialize this particular argument, and I would not suggest that is the standard we should use. But substantial progress has been made. We have embedded in that trade agreement environmental provisions, labor provisions, that are now part of the agreement. We have done the same with Panama and Korea. There is an implementation schedule that the government is expected to follow and has been followed. It has been certified by the President. They are taking the steps they are supposed to be taking in order to further reduce the level of violence. Overall, rather extraordinary progress has been made in Colombia.

A friend of mine who works there in the Embassy described to me the difference is between night and day.

It wasn't all that long ago when gunmen rounded up 11 supreme court justices in Colombia and took them into a room and shot them all dead. We know it is not just teachers or labor leaders who are being targeted for assassination and have been targeted but people at the highest levels of that country's government—government leaders, people who run for office, officeholders, law enforcement officers, judges, all kinds of people.

For the most part, it has changed. It is a lot better. The question is, Do we reward the improvement made or do we say, no, that is not enough, come back when you are pristine clean, pristine pure? For me, it is one I wrestled with and others have as well. I think, in this case, we can vote with our hopes, and our hope and expectation is that this

progress has been realized and will continue.

There is one last thing I wish to mention before I finish.

Any number of folks have said to me: You know, NAFTA didn't help us all that much—Mexico and Canada—and so how do we know these trade agreements will help us? We learned some things from NAFTA. One of the things we learned is if we have environmental concerns, we ought to embed in the agreement the rest of those environmental concerns—actually addressing them in the treaty. We have done that with all these nations. We have done the same thing with respect to labor provisions. They are actually embedded in the agreement.

The other thing I have said to folks who are concerned this isn't in our best interest and it will not help us economically, I don't agree with that. But think about this. To say this is not going to help us is counterintuitive. Think about it. We allow these countries to sell their goods and services in our country without impediment. We don't keep them out. We don't impose, for the most part, tariff or nontariff barriers. But if we want to sell our goods and services there, they impose these barriers—tariff or nontariff barriers. Under a free-trade agreement, the barriers that others put up to keep our goods and services out pretty much go away and in some cases pretty fast.

It is hard for me to say: Well, if we are going to let them ship their goods and services to us—continue to—and they are going to eliminate their tariff and nontariff barriers, why shouldn't we do better? We will do better. We make great chicken, we build great cars, have great chemical products, and excellent financial services. Those products will sell and we will be able to grow our economy.

The last problem is this. For us to come out of this recession—and we have come out of the recession officially, but there is still a lot of hurt and pain all over the place, including in my own State, but for us to come out of it, we need to grow the economy—we need to grow the economy—and we need to grow it across the world. We make any number of products in this country. Some are products—cars, chickens, chemicals, plastics—and others are services. They are as good as any in the world. We want to make sure we have access to sell them anywhere in the world, including these three countries. Their consumers will be better off and our producers and our businesses will be better off. That is why I am happy to support these agreements.

The last thing I want to do is to acknowledge the excellent leadership Senator BAUCUS has provided for us. Senator GRASSLEY is on the floor, and I know these are issues he cares a lot about. The partnership he and Senator

BAUCUS have had over the years is a model for the Senate.

They are not on the floor now, but I also want to mention Senator BLUNT and Senator PORTMAN, two of our Republican colleagues, who joined with me to make sure at the end of the day we didn't just vote for three free-trade agreements but we also had the opportunity to vote and put in place trade adjustment assistance to ensure those workers in this country who might be negatively affected or displaced would have the opportunity to get unemployment compensation and have the opportunity to get job training so they will be treated fairly as well. It is the personification of the Golden Rule: Treat other people the way we want to be treated.

So we have succeeded in not just passing three free-trade agreements, which I think will help our economy overall, but we will also look out for the people who might be adversely affected. So I want to thank Senator GRASSLEY and the other Republicans who provided the support to make that happen too. And again to Senator BAUCUS: A job well done.

Madam President, I thank the Chair, and I yield the floor to anyone else who is here and wants to speak at this time.

The ACTING PRESIDENT pro tempore, The Senator from Iowa.

Mr. GRASSLEY. Well, can you believe it, we are finally here. After several years of waiting for these trade agreements to come to the Congress, it looks as though we are going to be able to vote on them, pass them, and send them to the President for his signature, and they will become law.

Quite frankly, I thought soon after May 10, 2007, we would be voting on the Colombia trade agreement because President Bush was anxious to send it to the Hill. But the Democrats took over the Congress after the 2006 election, and the way it was negotiated by the Bush administration wasn't good enough. There wasn't enough negotiation to go far enough on labor and environment, so the new Democratic-controlled Congress said we have to do more on those negotiations for environment and labor.

So more was renegotiated, and on May 10, 2007, there was a news conference announcing a bipartisan result between the Bush administration and the Democratic Congress on an agreement with Colombia on better environment and labor issues that had been reached. So a bipartisan agreement, particularly when you have a Democratic Congress and a Republican President, you would have expected that right away we would be having at least Colombia up here. At that time, South Korea wasn't completely negotiated. But the other party turned into a protectionist party and so nothing has happened until now. The goalposts have been moved several times, but the

free trade reality of creating jobs has come back to the other political party. So I am glad we are here at last, even though it may be 4 years late. We are doing the right thing, even though it is being done later than it should have been done.

Everybody knows that every day in this Congress, and rightly so, with 9.1 percent unemployment, the topic is jobs. And that is as it should be. The question gets asked a lot: What policies can we implement here in the Congress to create jobs or at least to encourage jobs. With over 9 percent unemployment in this country, we should, in fact, be talking about how to have an environment that creates jobs, and freeing up trade is one of the best ways to create jobs. These aren't just creating jobs, these are good-paying jobs. On average, jobs related to international trade pay 15 percent above the national average.

The truth is for years we have known one clear and simple way to create jobs and stimulate growth in our economy, and that is international trade. The Colombia, South Korea, and Panama trade agreements will create and support thousands of jobs, and I believe even hundreds of thousands of jobs. So we must implement the trade deals reached with Panama, South Korea, and Colombia, and we must do it today, even though it should have been done, in the case of South Korea, a year ago and in the case of Panama and Colombia 3 or 4 years ago.

We entered into these agreements back in 2006 and 2007, and there is no excuse why we have had to wait nearly 5 years—until now—to get to them. Yet congressional Democrats, and later President Obama, continued to move the goalposts, putting up barriers that prevented their consideration and passage until this day. There is no clearer or easier way of creating jobs in the near term, and good jobs lasting for a long period of time, than passing these trade bills and doing it now. Thank God the President has said he would sign them.

According to the National Association of Manufacturers, 100,000 jobs will be created by the implementation of these trade agreements. There are estimates from other sources that suggest the number of jobs may be even higher. The administration—and I believe rightly so—believes that the higher number of jobs being created would be in the few hundred thousand. The Obama administration estimates in the case of the Korea trade agreement alone 70,000 additional jobs for the U.S. workforce will be created.

Not only do these trade agreements expand opportunities for U.S. workers, they also present tremendous opportunities for American agriculture. It is estimated that the Korean agreement could increase the price farmers receive for pigs by \$10 per head. So you

see in the case of Delaware, where Senator CARPER says it is good for his poultry industry because that is so dominant there, where larger livestock is so dominant in the Midwest, in my State of Iowa, it is going to be a very good agreement as well.

The Colombian agreement will level the playing field for U.S. corn farmers so they can begin to reclaim some of the market share they lost due to high tariffs for our products going down there. We have lost markets not just because of the high tariffs but because Colombia, in the last 5 years, has reached agreements with other countries that have allowed those countries, through their agricultural products—particularly grain—to take over the share of the Colombian market that American agriculture previously had.

The agreement with the country of Panama will bring about better opportunities for a variety of agricultural products, including beef, poultry, and pork, to name a few.

We have been waiting a long time to get to this point, and so, as I have said two or three times, because I am satisfied we are going to get the job done, I am eager to cast my vote in support of all three agreements. But as the finish line nears on these agreements, the American people should be asking why President Obama has dragged his feet on these agreements for so long. There has been a lot of wasted time and tax dollars with stimulus programs that were supposed to create jobs but did not produce any measurable amount of jobs; whereas, if these agreements had been in place, these jobs we are talking about creating from this day forward would probably have already been created. The stimulus plan failed to do what President Obama promised Americans, but I am telling you these trade agreements will do what President Obama promises the American people, they will do in the way of creating jobs.

Of course, the President wants to try it again with yet another costly stimulus program, as we were debating yesterday. We don't need more government spending to create jobs. We know that doesn't work. What we need to do is create an environment so the private sector will create jobs. We know what works, and these agreements are part of what works to create jobs. We need to continue opening markets for U.S. exports, and that is what these agreements will do. We need to pass these trade agreements and do it now. American workers need them now and the unemployed need the new jobs that will be created as a result of these agreements.

But for the economic future of our country, we should not stop with these three trade agreements. The President can provide certainty to businesses, farmers, and workers by renewing his

commitment to expanding trade opportunities. The best way to do that is to ask Congress to renew his authority to negotiate free-trade agreements through a long-used cooperative process between the Congress and the executive branch of government, involving the Congress giving the President what is called trade promotion authority so he can work further agreements.

In January of 2010, the President said he wanted to double exports by 2015, and that was welcome news. But actions speak louder than words, Mr. President. The President has repeatedly delayed these trade deals. He has routinely dodged the question of when he would request authority for trade promotion to negotiate new agreements, and he has not laid out a clear strategic plan for in fact reaching the trade goals he expressed at the beginning of 2010. We are now nearly 2 years further down the road from that discussion he had.

While it may be tough to reach the goals of doubling exports by 2015, we can still push on toward that goal, as we should. The more we do to open new markets and then get out of the way, the more we will help our struggling economy. There are three steps to continue helping U.S. businesses, farmers, and most of all the workers of America—particularly the unemployed workers of America. First, we need to pass these three trade agreements with no more political gamesmanship by this administration, and I think we are over that hurdle. Secondly, Congress should pass trade promotion authority so the administration can responsibly seek opportunities for greater market access for U.S. products. Finally, the administration must make it a top priority to actually seek more opportunities for opening foreign markets for our products.

We live in a global economy. We once led the way in forming trade agreements and expanding trade relationships. The rest of the world waited for the United States to take the first step.

In recent years, we have lost our way. The rest of the world isn't going to wait on the United States as they did for the last 60 years. That is why we have lost market share in Colombia that I just spoke about as one example.

We need to reestablish our position as a world leader in opening and expanding markets. Passing these trade agreements is crucial and long overdue, but it is a necessary first step. The next step is for the President to seek trade promotion authority and get back in the game leading the rest of the world.

I urge my colleagues to help U.S. businesses, farmers, our workers, and, most importantly, our unemployed workers by voting in support of the Panama, Colombia, and South Korea trade agreements.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. I compliment my colleague for his kind and good words on the floor. He is a great leader in the Senate, and the Senator from Iowa is one of the truly great people I have met.

Today, we are finally considering our free-trade agreements with Colombia, Panama, and South Korea. It has been 9 long years since the authority to negotiate these trade agreements was passed by Congress, and it has been over 4 years, as the distinguished Senator from Iowa said, since each of these agreements was signed.

After a burst of international economic engagement under President Bush, we witnessed nothing but passive indifference by the 111th Democrat-led Congress and then, in more recent years, by the Obama administration.

While purporting to support trade and seemingly acknowledging its benefits, the current administration took little concrete action to advance these or any trade agreements for years. In fact, the opposite was true. Instead of devising ways to gain their approval, President Obama used his time to create excuses for not supporting any of the three agreements.

Finally, early this year, under relentless political pressure from Congress and from American businesses and farmers who will benefit from these agreements, the administration's excuses slowly melted away. Then, with every reasonable excuse gone and with bipartisan support for passing the agreements building and the end in sight, President Obama threw another obstacle in the path of their consideration. This time he made new demands for more spending on domestic worker retraining programs. Let's consider that at a time when virtually every government spending program faces intense scrutiny and many programs are being cut, this administration demanded more spending for a program of dubious value and with an unproven track record. In doing so, the President put his thirst for more spending ahead of the interests of the broader American economy that would benefit from these agreements entering into force, and he risked the tens of thousands of jobs his own administration insists these agreements will create. His reckless demands ground any progress we had achieved to pass the agreements to a halt. Accordingly, it took months for Congress to unravel this substantive and procedural Gordian knot of the President's own making. Meanwhile, U.S. workers continued to lose ground as our foreign competitors completed agreements to benefit their workers at our expense.

With today's vote, our Nation can hopefully begin to awaken from its trade stupor and confront the opportu-

nities and challenges the world economy offers once again. Frankly, I am baffled by this administration's disregard for trade. They should know better. Our country benefits from free-trade agreements, and the reason is simple: The tariffs of our trading partners are generally significantly higher than are those of the United States. Free-trade agreements even the playing field for U.S. exporters by lowering the tariffs of the United States and our trading partners to the same level of zero.

For those who say they demand fair trade, it is hard for me to conceive of fairer trade than that—a level playing field where our products and services enjoy the same access and protections that foreign goods and services enjoy here in the United States. By leveling the playing field, free-trade agreements promote U.S. exports. Indeed, U.S. exports to our free-trade-agreement countries increased at a faster rate than U.S. exports to the rest of the world from 2009 to 2010. Moreover, in 2010, U.S. exports to our free-trade partner countries constituted 41 percent of all U.S. exports. Yet the United States has free-trade agreements with only 17 countries, and that is out of the 234 countries on which the U.S. Department of Commerce collects trade data. So our exports to our free-trade-agreement partners—just 17 countries—come close to dominating U.S. exports.

Let's look at this another way. The combined population of our free trade agreement partner countries is only about 310 million, while the world population is approximately 7 billion. So almost half of U.S. exports go to the less than 5 percent of the world's population that lives in countries with which we have free trade agreements. To me, it is clear that if we really want to double exports over the next 5 years, among the best tools available to us are our free trade agreements.

The export numbers under our recent free trade agreements certainly bear this out. Staff economists at the U.S. International Trade Commission share these observations on the benefits of the recent free trade agreements. They wrote last month that "the United States has a significant and sustained trade surplus with recent FTA partners." In an analysis of recent free trade agreements that excluded oil trade, these economists noted that the U.S. trade surplus with these recent free trade agreement partners grew from \$1.7 billion in 2005 to \$16.7 billion in 2010, and they stated that this expanded trade surplus was driven mainly by a \$24.5 billion increase in U.S. exports to those countries. During this same period, U.S. non-oil exports to the recent FTA partner countries increased by 23 percent, while non-oil imports from those countries grew by only 3 percent.

So the facts are clear that the recently implemented U.S. free trade

agreements have benefited the United States. There is little doubt that the pending U.S. free trade agreements will do the same. As with existing U.S. free trade agreements, the free trade agreements with Colombia, Panama, and South Korea will level the playing field for U.S. exporters. They will eliminate the significant disparity between tariffs imposed by Colombia, Panama, and South Korea on imports from the United States and tariffs that the United States applies to imports from those countries.

According to the U.S. International Trade Commission, U.S. exports to these countries may increase by up to \$12 billion following implementation of these agreements. The U.S. International Trade Commission also estimates that these agreements, once implemented, could expand the U.S. GDP by over \$14 billion.

Let's take a moment to review the unique benefits of each of these agreements. The South Korea FTA is in many ways the gold standard for trade agreements. South Korea's economy is worth over \$1 trillion, and this agreement enables American workers and companies to take advantage of it.

The FTA incorporates state-of-the-art intellectual property rights protections, significantly expands services sector market access, opens a large agriculture market, and offers new market access for American manufacturers. It adopts the most advanced regulatory, non-tariff barrier, and investment provisions of any FTA thus far and champions the rule of law which is so critical to an effective and fair rules-based trading relationship.

For my home State of Utah, South Korea is already an impressive market. South Korea imported more than \$294 million of goods from Utah in 2009 alone. Implementation of the agreement will help boost Utah's exports even more, as over two-thirds of our exports to Korea will become duty-free immediately.

The sectors that will immediately benefit from the agreement's tariff cuts reflect Utah's economy, including computers and electronics, metals and ores, machinery, agriculture, and services.

But the benefits of this agreement for Utah go far beyond just reducing tariffs. By adopting the strongest intellectual property rights, regulatory reforms, investment protections, and transparency provisions, the South Korea FTA will ensure that our companies, farmers, and workers realize the full potential of the South Korean market. By protecting the ideas of America's entrepreneurs and providing a level playing field, U.S. workers and job creators stand to benefit significantly from implementation of this agreement.

Panama plays a unique and important role in international trade. The

construction of the Panama Canal bridged East and West, allowing us to link economies across the globe. Today, Panama is building towards an even more interconnected future as it engages in an ambitious \$5.25 billion construction project to broaden and deepen the canal. The Panama FTA will provide our companies and workers with access to this and other government procurement projects.

Panama is one of the fastest growing economies in Latin America, having experienced a decade of economic growth that has at times reached double digits. Panama's GDP is expected to more than double by 2020. Passing this agreement will provide significant new access for U.S. companies and workers to this growing market.

Bear in mind that today, 98 percent of Panama's goods enter the U.S. duty free. Our trade agreement turns this into a two-way street, ensuring that 87 percent of U.S. goods will enter Panama duty free immediately once we get this agreement implemented.

Panama is also one of the world's financial hubs and in recent years has taken giant leaps to increase its fiscal transparency. This financial industry underpins a services market worth over \$20 billion. Our services firms will have guaranteed access to this market once we the FTA enters into force. Our farmers and ranchers will gain additional market access through tariff reductions and a fair and transparent, science-based regulatory environment which will enable them to sell more products to Panama's growing consumer class. The agreement will foster greater customs transparency, which will benefit both exporters and importers, including Utah companies who currently export almost \$4.5 million per year in goods to Panama.

The Colombia agreement will also help our exporters. Our agreement with Colombia will transform a one-way preferential trade relationship into a two-way street, giving U.S. exporters fair access to a large and growing consumer market. Colombia's economy is the third largest in Central and South America. Colombia is also the third largest recipient of U.S. exports in Latin America. In fact, in 2010 the U.S. sold more products to Colombia—approximately \$12 billion—than to Russia, Spain, Turkey, Saudi Arabia, Egypt, Chile, Peru, Indonesia, South Africa, Thailand, and the Philippines.

The agreement will affect the lives of farmers and workers across the United States in a positive way. A good example of the agreement's positive effects can be found in my home State of Utah where workers at AC Med, a Salt Lake City company that exports hospital beds to Colombia, will see tariffs of 20 percent eliminated immediately upon implementation of this agreement.

Implementation of this agreement will result in over 80 percent of U.S. ex-

ports of consumer and industrial products to Colombia becoming duty free immediately, with the remaining tariffs being phased out over 10 years.

The agreement will also provide significant new access to Colombia's \$134 billion services market, will require the use of fair and transparent procurement procedures protecting United States companies in Colombia against discriminatory or unlawful treatment, protect intellectual property rights, and increase access for U.S. service providers, telecommunication companies, and agricultural exporters.

There are a number of reasons beyond the economic benefits to the United States economy to support our trade agreement with Colombia in particular. Colombia is a strategic ally of the United States. In a part of the world where the United States has too often lacked friends, Colombia is a sound and steadfast ally. In fact, I can think of no other countries in South America with which the United States has closer, stronger, and more positive relations.

While Colombia has a long democratic tradition, undemocratic forces have tried over the years to topple its government. Determined to keep these armed entities from destroying their democracy, Colombians fought for decades against these forces. Far too many brave men and women lost their lives and their livelihoods in this struggle.

The United States stood by the side of these Colombians, devoting significant resources in the fight against drug traffickers and narco-terrorists through Plan Colombia. The accomplishments of Plan Colombia have been significant, but there is more work to be done. Continued economic growth will be key to helping Colombia further solidify its democratic gains and strengthen the rule of law. This FTA can contribute to both our economies while strengthening democracy in Colombia and helping our friends.

Each of these agreements will enhance our economic competitiveness and provide new opportunities for our exporters. Our Nation has been denied the benefits of these agreements for long enough. As President Obama himself has said, it is time to put country before party, and support each of these important trade agreements. I urge all my colleagues to vote for each of these agreements.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

IRANIAN BOMBING PLOT

Mr. NELSON of Florida. Madam President, I wish to speak on the trade bills, but first I would like to comment on the fact, as the Senator from Utah has reminded us, of the sacrifice a lot of young Americans are enduring.

One of the more difficult tasks that I have is to sign the letters of condolence to the families on the loss of one

of their members anywhere in the world having to do with the armed services.

I might say that another major part of our protection of our national security is the young men and women we do not hear about, the men and women of the intelligence community all across the globe who likewise are protecting our national security interests, many times in direct coordination with the U.S. military. From time to time, we have casualties in the intelligence community as well.

I just want to again express my profound thanks and gratitude to those across the globe who are protecting the national security interests of our blessed country.

It is interesting because we just learned of a plot that was a threat to our security interests. Can you believe—a plot to assassinate a diplomat here in our Capital City of Washington; a plot that has intrigue like a B novel, that brings in the Mexican drug cartels; a plot that, according to the Attorney General, has been hatched by high levels of the Iranian Government. Now, the question is, who is in control in the Iranian Government? Is it the Supreme Leader? Is it the President, Ahmadi-Nejad? Is it what this plot was traced to, which is one arm of their governmental apparatus, the Revolutionary Guard, the Quds Force? It doesn't seem that Iran has its act together.

Even though we hear the protestations by the Iranian Ambassador at the United Nations that this is all a fabricated lie, this perpetrator has already confessed. According to the news reports, they are saying this plot included bomb attacks, plotting on the Saudi and Israeli Embassies here in Washington, and that is all here in our National Capital. It was, according to the Attorney General, conceived, sponsored, and directed from Iran. This is obviously a flagrant violation of international law.

An FBI informant, in the transcript the Justice Department released yesterday, asked the alleged plotter whether he was worried about innocent people being killed by a bombing in a restaurant where the supposed plot was to have taken place, where the Saudi Ambassador was going to be dining. In a reference to his Iranian superiors, this bomber said, "They want that guy done" even if "a hundred go with him." The people of the United States have every reason to be outraged, to view this plot as an outright attempt to assault our Nation and our allies. I appreciate the Secretary of State calling for tougher sanctions. I want to hear what the administration is going to do, to make it very clear that these kinds of actions are not going to be tolerated.

I thank, again, the intelligence community, which is how I started my

comments. I thank the intelligence community for what they are doing around planet Earth, day in and day out, gathering the information that protects us.

I want to comment on the matter at hand, the trade bills. I thank the chairman and the ranking member for their hard work in bringing to the table and shepherding these trade agreements through the Finance Committee and now here to the Senate. I came here to talk about what is good about these agreements and other people are coming here to talk about what is good, but all you hear is people want to blame the administration for something. Why don't we say something good?

Not only are these agreements with South Korea, Colombia, and Panama critical to the U.S. economy, they are certainly critical to the economy of my State of Florida, and they send an important signal that the United States is not going to turn its back on economic engagement. These trade agreements are creating a level playing field for American companies by removing foreign barriers to U.S. exports and U.S. investment. And, by the way, some of us would not have let these trade agreements go forward unless there had been also the passage of the trade adjustment assistance, which is assistance for workers who might be displaced as a result of the trade bills, especially with regard to retraining.

The bottom line of these trade bills, then, means real jobs for struggling American workers. If there is any doubt with regard to an economy such as Florida's, there is no question that trade with Colombia, trade with Panama, trade in our agricultural sector with South Korea, is in the interests of my State. But this is also in the interests of the economy of the United States.

The U.S. International Trade Commission estimates American economic output will grow more from the U.S.-Korea agreement than from the last nine trade agreements of the United States combined; just from this one agreement with Korea, more economic output than the last nine agreements combined. The administration has taken extra steps to obtain these labor protections I talked about and further labor protections in the agreement with Colombia and the necessary tax transparency in the agreement with Panama. There is no question that free trade, if it is done right, creates jobs and opportunities. My State, Florida, is the launching point, the gateway to Latin America. Thousands of jobs in Florida depend on maintaining a vibrant commerce in the economic relations with our trading partners to the south. If we fail to move these agreements with Colombia and Panama, we are going to run the risk of losing these jobs.

I often say why does Florida reflect the Nation in a lot of our political mood? It is because the country has moved to Florida. But what is also reflective of Florida, Florida is increasingly a reflection of the Western Hemisphere because of all our ties into Central and South America and the Caribbean.

Under these agreements we are going to pass, emerging industries in Florida, such as aerospace, will be able to increase sales abroad while we are going to be able to hire more people here at home. In the agricultural sector, our ranchers, our farmers, our growers are going to significantly benefit from these agreements. Korea's 54-percent tariff on certain citrus products is going to be eliminated immediately or reduced to zero over 5 years. Do you know who that helps? It helps a specialty section of citrus called the Indian River region, the region this Senator grew up in, on the banks of the Indian River. The delicacy fruit of the world comes from the Indian River region. They are a huge exporter of fresh grapefruit, and especially that grapefruit going into Korea as a result of this agreement is going to be helpful.

The changes will create new export opportunities for the entire citrus industry and the tariffs on Florida beef exports to Korea will also come down. A lot of people do not know—the Presiding Officer being from New York, people they do not know that New York is a great agriculture State. A lot of folks do not know that Florida is not only how they would identify it—citrus—but it is a huge agriculture State. A lot of people do not realize how much the beef industry, the ranches this Senator grew up on, are so much a part of our economy, and among the 50 States Florida is a leader among beef ranches. This is all going to benefit as a result of this trade agreement with Korea.

The Colombia and Panama agreements include important protections to prevent Brazil, a major producer of orange juice, from shipping orange juice through these other countries to the United States.

These trading agreements are important for strategic reasons as well. Obviously Colombia is a key ally in the region. You have to give credit where credit is due to the Colombian Government, the previous government of President Uribe and the present government, for the close working relationship with the U.S. military, as well as our intelligence community. Give credit where credit is due, that the Government of Colombia pulled off that ruse that helped us bring our three American hostages, who were held by the FARC for years, out of the jungles. South Korea and Panama are strategic partners and share regional interests in security and economic stability.

With all of these trading partners, we are bound by our commitment to freedom and the rule of law, and these trade agreements are certainly going to help us solidify our converging aspirations.

I yield the floor.

Mr. ROBERTS. Madam President, it is my understanding we are in morning business and I am allowed 10 minutes; is that correct?

The ACTING PRESIDENT pro tempore. There is no restriction on floor time.

Mr. ROBERTS. Marvelous. Before the Senator from Florida leaves, let me say, from the banks of the Indian River to the prairies of Kansas and Dodge City, I know many people do not quite grasp the fact that there are a lot of cowboys in Florida. Obviously we have a lot of cowboys in Dodge City. From the wheat we want to export to Colombia, despite their trade agreements with other countries, and you want to export citrus, beef—the same kind of thing—it just shows you from Kansas to Florida, we have similar interests. I thank the Senator for his comments and for his comments yesterday in the markup in the Finance Committee, and for his support. A lot of my remarks will be duplicative of his. That shows you, in regard to Florida and Kansas, we have a very strong mutual interest.

Mr. NELSON of Florida. Will the Senator yield for a question?

Mr. ROBERTS. I will be happy to yield.

Mr. NELSON of Florida. And also in a bipartisan way that we are supporting this. Isn't that a wonderful term to suddenly throw around, "bipartisanship," where we can come together, not as partisans, not as ideologists, but in the best interests of the country?

Mr. ROBERTS. I share the Senator's views, and I am very hopeful this will not be the last trade agreement we see. I, again, thank him for his comments and his work.

Madam President, some of my remarks will be duplicative of those of Senator HATCH and those of the Senator from Florida, as I have indicated, but on behalf of our Nation's farmers, ranchers, and manufacturers, service providers, I rise today to add my voice to the chorus of strong support for passing the pending trade agreements with Colombia, Panama, and Korea.

I will be candid with you. I am not trying to be a "bad news bear" here, but I was not all convinced this day would ever come. But after learning that the President was sending the trade agreements to Congress, I think the word I thought of in my head was "finally," maybe five "finallys," because it has been 5 years that the U.S. trade agenda has been put on hold and frankly was hostage to demands by certain environmental groups, labor groups, and a rewrite of the trade ad-

justment assistance. But yesterday under the perseverance of the chairman, Senator BAUCUS, and others on the committee, finally the Senate Finance Committee did pass the trade agreements.

We had a markup. It was amidst protesters. It was not a unique situation, but one that the chairman handled very deftly. I call to the attention of Members in regard to their interests in the trade agreements, if they have any possible concerns, read the remarks by Senator HATCH and by the chairman, by Senator CRAPO, Senator WYDEN, and Senator KERRY—more especially Senator WYDEN. He got a little static from the audience, undeservedly.

The good news is, the pending trade agreements add up to \$13 billion in additional exports and estimated 250,000 jobs.

A few big picture highlights: Right now, Korea imposes on average a 54-percent tariff for ag products. Upon implementation, two-thirds of current tariffs are immediately eliminated, with most zeroing out after a decade. For beef producers—and that is a big thing for Kansas—that means the 40-percent tariff on beef products will be phased out over 15 years. Around 75 percent of the ag and non-ag exports entering Colombia will be duty free upon implementation of the agreement. Duties on many other tariff lines will be phased out over a 5- to 10-year period.

For Panama, while reducing import duties is important, the expansion of the Panama Canal is not only an important project for U.S. bidders, it is geographically key for international commerce and transportation and security for the region.

But from the agricultural perspective, just for the aggies, the three pending trade agreements represent \$2.5 billion upon full implementation; in regard to exports, more than 22,000 jobs. The Kansas Farm Bureau estimates the three agreements in total are expected to increase direct exports by \$130 million for Kansas agricultural producers and an additional 1,150 jobs.

Finally, these trade agreements will help put American workers and exporters on a level playing field with our competitors and hopefully—a tough job—regain lost market share.

Let me emphasize that in the case of two of these agreements, Panama and Colombia, under normal conditions their exports already have duty-free access to the U.S. market. The pending agreements merely create a two-way trade and allow U.S. exporters the same treatment we already grant their countries. It makes one wonder what all the fuss was about. The 5-year fuss and delay hurt us, not them. That is the point I think everybody should finally discern.

Yet for 5 years, 3 years under this administration, the goalposts continued

to shift and action was delayed indefinitely—2 years under the previous administration, basically with objections by the House of Representatives. As a consequence, U.S. producers and exporters lost market share to our competitors.

Let me give an example. Over the past 2 years, U.S. wheat producers have already lost market share to Argentina, which receives preferential trade treatment based on a regional trade agreement. In just 2 years, the U.S. share of the Colombian wheat market dropped by 30 percent. Including corn and soybeans, the lost market share jumps to 57 percent.

In addition, the largest food processor in Colombia—Nutresa—announced shortly after the Canada-Colombia trade agreement went into effect that they were sourcing all of their wheat purchases from Canada, accounting for half of all wheat imports. Previously, U.S. wheat growers were the largest suppliers of wheat in Colombia.

In July, the Korea-European Union trade agreement—not U.S. agreement, European Union agreement—went into effect, and within the first month, according to Korean Customs, European Union exports are up 34 percent. That is market share going to the European Union, not the United States. Notably, aerospace equipment increased a whopping 1,693 percent. We can see where that is going. Kansas is a major player in the aviation sector. We exported \$2.7 billion in transportation equipment last year. Considering the European Union agreement, we can see what happens with lost market share.

Finally, with regard to the United States and future trade and trade in general, the United States must be trusted to stand by its word. Trust in our word in trade means everything. The dithering on these trade agreements has not been lost on our trading partners or the world at large. It is just not economic growth and job creation we have gambled with. All the back and forth and increased demands on our part calls into question our integrity. Is the United States a dependable partner and ally?

As the former chairman of the Senate Intelligence Committee, I am quite familiar with who is a friend to the United States and who is not. In the 31 countries and 10 territories that make up the U.S. Southern Command, there is a growing sense of anti-Americanism. Venezuela's President, Hugo Chavez, is a perfect example.

A decade ago, Colombia was essentially a failed state suffering from a war waged between the guerilla groups and the paramilitary groups, the FARC and the ELN. Much has changed over 10 years under the leadership of then-President Uribe and continued by President Santos—an amazing job.

U.S. support during this time has helped establish a firm relationship

and form a key ally in an increasingly hostile area. So strengthening our economic relationship just makes sense. The unjustified delay on our part is not only embarrassing, it has potentially damaged our credibility, in my view.

As Kansans and the rest of our Nation continue the slow and bumpy climb out of these tough economic times, we must do all we can to foster economic growth. Opening foreign markets to U.S. goods, services, and agriculture is an obvious and long overdue part of the solution. But we can't stop with passing these three trade agreements, pat ourselves on the back, and call it a day. I assure my colleagues that our foreign competitors are not stopping. In fact, it has been reported that there are approximately 100 trade agreements being negotiated right now, give or take, that do not include the United States—100.

We, the United States, are negotiating one, initiated in the waning days of the Bush administration—the Trans-Pacific Partnership, or TPP. The TPP provides critical access to the ever-growing Asia-Pacific region and has the potential to include other countries later in the future.

While negotiations continue, there will soon come a point when talks will stall because the U.S. negotiators' hands are tied without the protection of trade promotion authority or fast track, as some refer to it. Without TPA, negotiating countries will have little reason to negotiate much less make any difficult concessions until they know the United States is serious. Fast track provides the substance to these talks.

So why is TPA not a priority? I am concerned that as the administration quietly defers on seeking trade promotion authority, negotiators will be unable to negotiate, and trade will take a back seat once again. The signal may well be—and I hope this is not true—that these trade agreements will be the last under the current administration.

Now, let me get off the “Bad News Bears” stuff and the stubborn facts and the 5-year delay. Let me give credit to the President for finally—yes, finally—sending these trade agreements to Congress. But let's not become pacified with the long overdue action. In order to stay competitive with our foreign partners, we need to stay in the game. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Madam President, I will speak for up to 10 minutes, but I would first defer to the Senator from Michigan for a unanimous consent agreement.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. I thank the Senator from Louisiana. I ask unanimous consent that immediately after Senator VITTER

has completed his statement I be recognized for up to 30 minutes, and that I may yield time during that 30-minute period to Senators on this side as we control the 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Louisiana.

ENERGY

Mr. VITTER. Madam President, today is the 1-year anniversary of President Obama and Secretary of Interior Salazar finally lifting the formal moratorium on drilling in the Gulf of Mexico following the BP disaster. But simply lifting the moratorium did not solve the problem. I return to the Senate floor today to again say that still, a year later, that problem is not solved because there is a continuing permit logjam.

It started with a de facto moratorium. Now there has just been a trickle of permits, and there is a continuing permit logjam that has dramatically shut down and slowed energy activity in the Gulf of Mexico. That must change.

Of course, this is vitally important for my State of Louisiana and the livelihoods of tens of thousands of my citizens. That must change for the good of the country as well, for our economic well-being and to increase our revenues to address deficit and debt.

As we talk about jobs and various jobs bills and jobs proposals, we must focus on the domestic energy sector, and we must change the situation. We must reverse this virtual shutdown of the gulf for the good of the country, and I hope we do that.

To that end, I joined Congressman JEFF LANDRY yesterday in a meeting with Obama Director Michael Bromwich and other high-ranking administration officials who have to do with this very permitting and leasing process. We wanted to sit down with these officials in the Obama administration to again make this very point. The formal moratorium was lifted a year ago, but the problem persists, and we need to do better. We need to issue permits at a much more healthy pace. We need to get that important domestic energy activity back up and running in the Gulf of Mexico.

Recently, there was an independent study by HIS Global Insight which put some hard numbers on this situation. That study said leasing in the Gulf of Mexico is down about 65 percent from pre-formal moratorium levels. It also pointed out that the waiting line of people and companies to get permits has almost doubled. It has increased 90 percent.

So what does that mean? That means far less activity in the gulf, far less energy activity for the country, and far fewer jobs—jobs we need now more than ever in this horrible economy.

Let me give some other relevant numbers. As of the end of September—

just a few weeks ago—there were 21 floating rigs in the Gulf of Mexico, of which about 18 are currently drilling wells. That compares, pre-moratorium, to 33 floating rigs with 29 drilling wells at that time. That is a 37-percent drop in both the number of rigs and those drilling.

Since the moratorium began, 11 rigs have left the Gulf of Mexico. Only one of these has returned. In addition, three more are sitting idle. Seven of these rigs have left to go to African countries, including Egypt, Nigeria, Liberia, and the Republic of Congo. Three have gone to South America, mostly to Brazil and French Guiana; and the remaining rig was mobilized to Vietnam. This all translates to about 60 wells lost based on the original contract terms for these rigs.

The loss of these rigs isn't just loss of equipment; it is loss of important energy and economic activity, and it is loss of jobs. It is lost spending of \$6.3 billion and an annual loss of direct employment of 11,500 jobs over just 2 years. When we look at indirect employment, it is a multiplier that brings that lost job figure to way more than that.

Again, it started with the formal moratorium. The formal moratorium was lifted 1 year ago today, but the problem persists because there was a de facto moratorium, and there is still a permit logjam.

Another example of this enormous problem isn't just permitting. Another example is lease activity by the administration. Again, that is completely separate and apart from permitting. But the dramatic decline in lease sales, lease activity that the administration is putting out, shows the same problem mindset. What do I mean?

Well, in the last fiscal year, the administration had no new lease activity—zero, nothing, nada. What that means is—just a few years ago the income to the Federal Government from lease sales was almost \$10 billion, and that has fallen like a rock through the floor and is now zero. That is another indicator of a problem mindset in this administration, leading to a dramatic economic slowdown. We need to reverse this. We need to do better for the economy, for jobs, and for that important revenue it brings to the Federal Government which could lower deficit and debt.

So as we talk about the need to create good American jobs, as we also talk about the need to grapple with our deficit and debt situation and dramatically lower deficit and debt, as we talk about the need for revenue to be part of that picture, domestic energy has to be part of the solution, and it can be a big and productive part of the solution to both of those huge problems—the need to create good American jobs and the

need to lower deficit and debt. If we aggressively pursue domestic energy production, starting in the gulf, fully reopening the gulf, getting the permit process to a pace at least equal to pre-formal moratorium levels, get lease activity back online, and then expand to other areas of our resources off the Atlantic, Pacific, offshore Alaska—we have enormous resources that are now off-limits to energy production—if we do that, we can grow jobs, we can grow Federal revenue and lessen deficit and debt, and we can help attack both of those major economic problems for the country.

Again, yesterday, I met, along with Congressman LANDRY, with Director Bromwich to make those points, to give specific examples of what we can be doing to go down that path in favor of good American jobs and lowering the deficit and debt. I hope it made a difference. Ultimately, only time will tell. But this needs to be part of our overall economic approach. This needs to be part of our deficit and debt reduction approach, and it can make a major contribution to solving both of these problems.

I hope in a bipartisan way we will do that, and urge that in the Senate, and the administration will break through the negative mindset they have had for several years and do that in an aggressive way. Our country needs it. Our workers need it. We need it as taxpayers to lower the deficit and debt, and this would be a very productive way forward.

Madam President, with that, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN JOBS ACT

Mr. LEVIN. Madam President, more than 14 million Americans are without work. The American Jobs Act would help up to 2 million Americans get work or keep their jobs. It would prevent the layoffs of hundreds of thousands of teachers, police, firefighters, and other first responders. The jobs bill would give tax cuts to millions of small businesses. It would give incentives to those businesses to hire new workers. The American Jobs Act would provide a payroll tax cut to millions of American families. It would help our returning veterans find jobs. The American Jobs Act would put thousands of construction workers on the job repairing crumbling schools, building and repairing roads and bridges.

The chief economist for Moody's, Mark Zandi, estimates that this legis-

lation would add 2 percentage points to economic growth and would reduce the unemployment rate by up to 1 full percentage point. Economists surveyed by Bloomberg believe this bill "would help avoid a return to recession." Those are their words. That is what the majority of our economists say from both sides of the aisle, across the political spectrum.

How does it do this? The bill uses ideas that both Democrats and Republicans have supported in the past. It would not add a dime to the Federal deficit, and its provisions are overwhelmingly popular with the American people, according to all of the public opinion polls.

We should be debating this bill. We should be offering amendments, as the majority leader said we would be doing. We should be improving it. We should be preparing to vote on it so millions of American working families can get the relief they need. We should do this so we can demonstrate to our constituents and to the world that we will come together to act in the face of crisis. Yet here we are roadblocked again. Why are we roadblocked? Because our Republican colleagues last night voted not to allow us to even begin to debate legislation that has ideas so many of them have supported in the past.

Senate Republicans are once again walking down the filibuster road. The vote last night was not a vote on the American Jobs Act. Because the filibuster rules of the Senate require 60 votes, Senate Republicans last night were able to prevent the Senate from proceeding to a bill addressing the jobs crisis. We all know the rules of the Senate give the minority the power to stop us from holding this debate, but exercising that power, as they did last night, is profoundly mistaken. What they are doing when they do that is they are using a filibuster to prevent the Senate from even debating this bill. What that does in turn is elevate partisan interests over the good of the country.

A number of us are going to be speaking today because we are deeply concerned—concerned that Republicans once again have signaled to an anxious and skeptical nation that we cannot address a great challenge of the day. We are deeply concerned that the single most important need in this country—jobs—will not be debated and remedies will not be sought because the Republicans once again are walking down the filibuster road.

If Republicans oppose this bill, which is their right, vote against it. Better yet, if Republicans oppose this approach, for heaven's sake, offer an alternative jobs bill, offer a substitute, an alternative, something where the American public can compare what is in our jobs bill with what Republicans presumably favor. They oppose ours without saying what they favor, except

vague references to less regulation. Everybody is in favor of eliminating wasteful regulations, but nobody believes you can do serious deficit reduction or create serious numbers of jobs by just freezing regulation.

By the way, the small business community does not believe that. The surveys which were taken of small businesspeople by their own organizations say the biggest problem small business has is not regulation, and it is not taxes; it is a lack of demand. This bill helps to create demand by putting dollars into the pockets of our workers. There is a tax cut here which is very important to help stimulate that demand.

So what is coming across to the American public loudly and clearly these days is that the Democrats here in the Senate have an alternative. The Republicans are filibustering that alternative without offering one of their own. Now, the majority could seek to break this filibuster by forcing the Republicans to sustain the filibuster and to try to wear them down. That process, however, at this time in this Congress is not a practical approach because it takes weeks or even months to break a filibuster. It is just simply too late in the session for us to practically be able to do that. And, by the way, the American people should not have to wait that long in any event for us to act.

But there is another way to overcome a filibuster. It is not just forcing the filibusterers to filibuster—that is one way to do it; it takes usually months in order to succeed, but it would dramatize where the obstruction is—but the other way to overcome a filibuster is for public opinion to wear down the Republican wall of obstruction. That is probably the only practical path available for overcoming this filibuster at this time of this Congress.

I hope the President will use his bully pulpit to make clear to the American people that it is the obstructionism of filibustering Republicans that prevents us from taking action on a jobs bill. The President has very effectively gone around the country supporting his jobs bill. I commend him for doing that. But what we need him now to do is to take that bully pulpit, which is unique to the President and to the Presidency, and use that bully pulpit to make it clear to the American people that filibustering Republicans are obstructing us from even taking up a jobs bill.

The majority leader has made it clear that this is open to amendment. If the Republicans have a better idea, they can offer a substitute. But what is going on here now is that, without any alternative of their own, they are preventing us from addressing the major issue of this country.

The Republican leader last night repeatedly asked unanimous consent to

send this bill back to the calendar if we did not get 60 votes to proceed. The Republican leader wants this bill to go away. Well, this jobs bill is not going to go away. It should not go away. And the Republican leader is engaging in wishful thinking if he believes that because he and his colleagues on that side of the aisle are filibustering a jobs bill, that means the filibuster is going to succeed and this bill is simply going to be returned to the calendar.

The majority leader has said he is going to try again. Senator REID said specifically he is going to bring this bill back again by using his rights, after he made it clear last night he is going to reconsider this bill. He has the right to do that because of the way in which he voted last night. He voted with the prevailing side at the end in order that he could reconsider this bill—a technical way that he could. He already had expressed his view very strongly supporting cloture, but he also, in order to bring this bill back under the same cloture motion, then filed a motion to reconsider as a Member of the prevailing side at the end, after he switched his vote so he could do so.

I commend the majority leader. I commend him for taking that action. I commend him for signaling to the American people, to the media, to our colleagues on both sides of the aisle that he is going to try again. We are not simply going to fold our tent and go away. The majority leader is going to move to reconsider at a time he believes is appropriate, and then there will be another effort to break a Republican filibuster so we can at least debate this critically important legislation.

Madam President, I am going to read from an analysis on the jobs plan by Mark Zandi that I ask unanimous consent be printed in the RECORD. Mark Zandi is an economist at Moody's.

[From Economy.com, Sept. 9, 2011]

AN ANALYSIS OF THE OBAMA JOBS PLAN
(By Mark Zandi)

President Obama's jobs proposal would help stabilize confidence and keep the U.S. from sliding back into recession.

The plan would add 2 percentage points to GDP growth next year, add 1.9 million jobs, and cut the unemployment rate by a percentage point.

The plan would cost about \$450 billion, about \$250 billion in tax cuts and \$200 billion in spending increases.

Many of the president's proposals are unlikely to pass Congress, but the most important have a chance of winning bipartisan support.

President Obama's much-anticipated jobs plan is a laudable effort to support the struggling economy. The plan would go a long way toward stabilizing confidence, forestalling another recession, and jump-starting a self-sustaining economic expansion. If fully implemented, the Obama jobs plan would increase real GDP growth in 2012 by 2 percentage points, add 1.9 million jobs, and reduce the unemployment rate by a full percentage point, compared with current fiscal policy.

The president's plan includes a wide range of temporary tax cuts and spending increases. Among its widely anticipated provisions are one-year extensions of this year's employee payroll tax holiday and the full expensing of business investment. Surprisingly, the plan would also increase the size of the temporary payroll tax cut and creatively expand it to employers. The president would also help state and local governments pay teacher and first-responder salaries, boost funding for unemployment insurance while meaningfully reforming the UI system, and launch several infrastructure initiatives.

The plan has its drawbacks. It isn't cheap, costing taxpayers an estimated \$450 billion. Of that, approximately \$250 billion takes the form of tax cuts, while another \$200 billion comes through spending increases. The president proposes paying for his plan with additional deficit reduction beginning in fiscal 2014, but he does not explicitly say how this is to be accomplished. The plan also results in weaker growth in 2013, as most of the tax cuts and spending increases are temporary and fade during the year. Presumably the economy will be strong enough to handle it by then, but that is far from certain. Moreover, the plan fails to address the ongoing foreclosure crisis and housing slump, major impediments to the recovery.

In the current political environment, it is less than likely that most of the president's plan will pass Congress. Our current baseline outlook assumes that the payroll tax holiday for employees is extended for only one more year. There is a fighting chance that broader payroll tax cuts for employees and employers could become law, but the odds aren't high enough at this time to change our baseline assumptions.

WHY MORE SUPPORT IS CRITICAL

There are compelling reasons why the Obama administration and Congress should provide more fiscal support to the economy. Most obviously, the U.S. is struggling to avoid recession as confidence flags. To complicate matters, federal fiscal policy is quickly becoming a significant drag on growth; state and local governments are already a weight. The Federal Reserve has resumed easing monetary policy, but with interest rates near zero, the Fed cannot lift the economy by itself. Moreover, with the government's borrowing costs as low as they have ever been and no indication that public borrowing is crowding out private activity, there is ample room to fund more near-term fiscal support, particularly if it is paid for with additional long-term deficit reduction.

The U.S. economy is on the cusp of another recession. Businesses have stopped hiring and households are spending more tentatively. Bankers are re-evaluating whether it makes sense to continue easing credit standards and wondering if instead they should be battening down the hatches again. Declining stock prices and widening credit spreads suggest investors are also losing faith.

CRISIS OF CONFIDENCE

Recession risks are uncomfortably high largely because confidence is low. The economy has fundamental problems, including the foreclosure crisis, a surfeit of residential and commercial real estate, and yawning government deficits. But even more serious is that investors, consumers and businesses appear shell-shocked by recent events.

Confidence normally reflects economic conditions; it does not shape them. Consumer sentiment falls when unemployment,

gasoline prices or inflation rises, but this has little impact on consumer spending. Yet at times, particularly during economic turning points, cause and effect can shift. Sentiment can be so harmed that businesses, consumers and investors freeze up, turning a gloomy outlook into a self-fulfilling prophecy. This is one of those times.

The collective psyche was already very fragile coming out of the Great Recession. The dramatic loss of millions of jobs and double-digit unemployment have been extraordinarily difficult to bear. Businesses have also struggled with a flood of major policy initiatives from Washington, led by healthcare and financial regulatory reform. The lengthy political battle over raising the nation's debt ceiling and Standard & Poor's downgrade of U.S. debt eviscerated what confidence remained. While the loss of S&P's AAA rating has little real significance—Treasury yields have fallen since the downgrade—it unnerved investors, judging by the plunge in stock prices. Consumer and small-business confidence gauges are as low as they have been since the Great Recession.

Consumers and businesses appear frozen in place. They are not yet pulling back—that would mean recession—but a loss of faith in the economy can quickly become self-fulfilling. Whether the current crisis of confidence produces a double-dip recession depends critically on how policymakers respond. Washington must act aggressively to stabilize sentiment and lift flagging expectations.

If no changes are made to current federal fiscal policy, the economic impact of that policy will shift from acting as a small drag this year to subtracting 1.7 percentage points from real GDP growth in 2012. For context, at the peak of the federal fiscal stimulus in 2009, federal policy added 2.6 percentage points to real GDP growth. Yet as the impact of federal policy shifts from a stimulus to restraint, the private sector must grow faster for the economy to simply grow at its potential. In 2012 that potential is estimated at 2.7%; to reach it, private sector GDP would need to grow well above 4%. That seems unlikely given the weak pace of recovery.

The biggest drag next year under current federal policy comes from the scheduled expiration of two stimulus measures at the end of 2011: the current 2% employee payroll tax holiday and the emergency unemployment insurance program. Not extending the programs will shave 0.9 percentage point off 2012 real GDP growth and cost the economy some 750,000 jobs. The end of other fiscal stimulus measures enacted in 2009 will further reduce economic growth.

State and local government actions are already producing serious drags on the economy. Spending cuts and tax increases will shave an estimated 0.5 percentage point from real GDP growth this year and almost as much in 2012. The impact can be seen clearly in the job market. State and local governments have cut close to 700,000 jobs since their employment peaked three years ago and are continuing to shed workers at a stunning rate, averaging nearly 40,000 per month. Many of those losing their jobs are middle-income teachers, police, and other first responders.

The need for more federal fiscal support is increasing as the Federal Reserve's ability to respond to the weak economy diminishes. The Fed recently took a bold step by stating its intention to keep short-term interest rates near zero until mid-2013. This has brought down long-term interest rates and

provided some support to stock prices. The Fed can provide even more help by extending the maturity of the Treasury bonds it owns and by purchasing more long-term bonds through another round of quantitative easing. But these ideas are not without problems, chiefly that they are becoming less effective in stimulating the economy.

THE FED CAN'T DO IT ALONE

Acknowledging this in his recent Jackson Hole speech, Fed Chairman Ben Bernanke focused attention on fiscal policymakers. Bernanke explained that Congress and the Obama administration must follow through on plans for long-term deficit reduction but also must provide additional near-term support to the economy. Monetary policy alone may not be able to prevent another recession.

Additional fiscal help for the economy wouldn't be desirable or even possible if the federal government's debt costs were rising or if government borrowing were tightening credit for households and businesses. But there is no evidence that such crowding out is occurring. Ten-year Treasury yields have fallen below 2%, a near record. This is in part because of the Fed's actions, but the U.S. also remains the global economy's safe haven. Whenever there is a problem anywhere, the investment of choice is a Treasury bond—witness the current flight to Treasuries sparked by financial turmoil in Europe. Borrowing costs for households and businesses also remain extraordinarily low, with fixed mortgage rates closing in on a record low of 4% and Baa corporate bond yields (the lowest investment grade) nearing a 50-year low below 5.5%.

ASSESSING THE PLAN'S COMPONENTS

The president's jobs plan includes a wide range of temporary tax cuts and spending increases. The plan would cost close to \$450 billion over 10 years, with slightly more than \$250 billion coming from tax cuts and \$200 billion from spending increases. For context, the plan's cost is equal to about 3% of current GDP and just over half the \$825 billion ultimate price tag for the 2009 Recovery Act.

The largest tax cuts include an extension and expansion of the payroll tax holiday for employees and a creative new payroll tax holiday for employers. Employers would be able to cut their payroll taxes in half on up to \$5 million in taxable wages annually. Small businesses, many of whom are cash-strapped, would enjoy a sizable albeit temporary boost in their cashflow. Businesses will also pay no additional taxes on any wages that rise from the year before, up to \$50 million. This would give firms a substantive incentive to increase hiring and should result in a larger economic bang for the buck—additional GDP per tax dollar—than previous job tax credits such as last year's HIRE Act.

The president has also proposed a tax credit for businesses that hire people unemployed longer than six months—a group that, astonishingly, includes half the jobless. The longer these workers remain unemployed, the harder finding work becomes as their skills and marketability erode. Structural unemployment thus rises as a long-term threat; it appears to have already risen from around 5% before the Great Recession to closer to 5.5% currently.

DOING INFRASTRUCTURE THE RIGHT WAY

The Obama plan's most significant spending increases, totaling more than \$100 billion, are for infrastructure. Such development has a large bang for the buck, particularly now, when there are so many unem-

ployed construction workers. It can also help remote and hard-pressed regional economies and produces long-lasting economic benefits. Such projects are difficult to start quickly—"shovel ready" is in most cases a misnomer—but since unemployment is sure to be a problem for years, this does not seem a significant drawback in the current context.

More serious concerns are the expense of infrastructure projects and their often political rather than economic motivation. A creative way to address these concerns is through an infrastructure bank—a government entity with a federal endowment, able to provide loans and guarantees to jumpstart private projects. These might include toll roads or user-supported energy facilities or airports. Private investors and developers would determine which projects to pursue based on what works financially rather than politically. The infrastructure bank would take time to launch, however, and thus would not produce quick benefits.

UNEMPLOYMENT INSURANCE REFORMS

The president also proposes more funding for unemployment insurance, but in combination with some much-needed reforms to the UI system. One idea involves scaling up a Georgia program that places unemployed workers at companies voluntarily for up to eight weeks at no charge to the businesses. Along with their unemployment benefits, workers receive a small stipend for transportation and other expenses, training, and a tryout with the employer that could lead to a permanent job. Employers can potentially abuse the program by recycling unemployed workers, but the program seems to have had some success since it began in 2003.

Another idea to reform UI is to more broadly adopt "work share" as an alternative to temporary layoffs and furloughs. Instead of laying off workers in response to a temporary slowdown in demand, employers reduce workers' hours and wages across a department, business unit, or the entire company. The government then provides partial unemployment insurance benefits to make up for a portion of the lost wages. Work share exists in 17 states and several countries overseas, including Germany, where it is credited for contributing to a relatively strong recovery.

SAVING VITAL PUBLIC JOBS

Like the temporary extension of unemployment insurance benefits, work share has a large bang for the buck, since distressed workers are likely to quickly spend any aid they receive. Work share's economic effectiveness even exceeds that of straight UI benefits, because it reduces both the financial and psychological costs of layoffs. Work share can particularly help firms that expect reductions to be temporary, by reducing their costs for severance, rehiring and training.

Hard-pressed state and local governments would also receive additional relief under the president's plan. While state governments appear to be working through their near-term budget problems, local governments are still struggling with flagging property tax revenues. The biggest casualties are teachers and first responders, and Obama's plan would help with their salaries through the end of the 2013 school year.

FROM A HEADWIND TO A TAILWIND

The president's plan would provide a meaningful boost to the economy and job market in 2012. Compared with current fiscal policy, the plan adds 2 percentage points to real GDP growth, adds 1.9 million payroll jobs, and reduces unemployment by a percentage

point. Federal fiscal policy would go from being a powerful headwind next year to a modest tailwind.

Of the 1.9 million jobs added in 2012 under the president's plan, the largest contributor would be the extended payroll tax holiday for employees, which adds approximately 750,000 jobs. The payroll tax holiday for employers is responsible for adding 300,000 jobs, although this may be understated; quantifying the impact of this proposal is difficult. Infrastructure spending adds 400,000 jobs—275,000 jobs are due to additional unemployment insurance funding and 135,000 jobs result from more aid to state and local governments.

One potential pitfall of the president's plan is that the boost to growth and jobs fades quickly in 2013. Additional infrastructure spending and aid to state and local governments continue to support growth, but the benefits of the tax cuts peter out. The hopeful assumption is that the private sector will be able to hold up as government support abates. While reasonable, it is important to acknowledge that policymakers hoped for the same thing last year when they passed the one-year payroll tax holiday and extended emergency unemployment insurance through 2011.

ALSO NEEDED: HELP FOR HOUSING

The president's plan is large, but in some key respects it is not complete. Most notably, it does not directly address the foreclosure crisis and housing slump, save for some added funding for neighborhood stabilization. The President did mention in his speech that he would be working with the FHFA (Fannie Mae's and Freddie Mac's regulator) to facilitate more mortgage refinancing; this would be a significant plus for housing and the broader economy if he is able to break the logjam in refinancing activity.

With some 3.5 million first-mortgage loans in or near foreclosure and more house price declines likely, it is hard to be enthusiastic about the recovery's prospects. A house is most Americans' most important asset; many small-business owners use their homes as collateral for business credit, and local governments rely on property tax revenues tied to housing values.

Most worrisome is the risk that housing will resume the vicious cycle seen at the depths of the last recession, when falling prices pushed more homeowners under water—their loans exceeded their homes' market values—causing more defaults, more distress sales, and even lower prices. That cycle was broken only by unprecedented monetary and fiscal policy support.

OTHER CRITICISMS

The president's plan will be criticized for many other reasons. Some will argue that he should have proposed massive public works, like the Depression-era WPA. Others will say the plan should have included broader reforms to corporate taxes or even immigration. While these suggestions may have merit as policies, they seem like steps too far given what lawmakers need to do and how quickly they need to do it.

Given the current political environment, it is unlikely that much of what the president has proposed will become law, but nearly all the proposals have some bipartisan support. An extension of the current payroll tax holiday for employees seems most likely to pass and is included in the Moody's Analytics baseline economic outlook. The proposed expansion of the employee tax holiday and the new payroll tax holiday for employers are

also possible. The president's spending initiatives, while worthwhile, seem like longer shots.

POLICYMAKERS NEED TO WORK FAST

The risk of a new economic downturn is as high as it has been since the Great Recession ended more than two years ago. A string of unfortunate shocks and a crisis of confidence are to blame. Surging gasoline and food prices and fallout from the Japanese earthquake hurt badly in the spring; more recently, the debt-ceiling drama, a revived European debt crisis, and the S&P downgrade have been especially disconcerting. Confidence, already fragile after the nightmare of the Great Recession and Washington's heated policy debates, was severely undermined.

Whether the loss of faith in our economy results in another recession critically depends on how policymakers respond. Whether they will succeed in shoring up confidence is a difficult call. The odds of a renewed recession over the next 12 months are 40%, and they could go higher given the current turmoil in financial markets. The old adage that the stock market has predicted nine of the last five recessions is apt, but the recent free fall is disconcerting. Markets and the economy seem one shock away from dangerously unraveling. Policymakers must work quickly and decisively.

Mr. LEVIN. This is what Mark Zandi said about the President's job proposal:

[It] would help stabilize confidence and keep the U.S. from sliding back into recession.

[It] would add 2 percentage points to GDP growth next year, add 1.9 million jobs, and cut the unemployment rate by a percentage point.

The plan would cost about \$450 billion, about \$250 billion in tax cuts and \$200 billion in spending increases.

Many of the president's proposals [may be] unlikely to pass Congress, but the most important have a chance of winning bipartisan support.

They deserve bipartisan support. Again, most of these proposals have been made by Republicans, not just by Democrats. But even if we cannot get the Republicans to support the proposal—because at least on the spending side it is the President's proposal; on the revenue side, it is now a Democratic Senate proposal in terms of the millionaires' surcharge—but if the Republicans will not vote for it, if they will not offer a substitute, an alternative of their own, if they will not seek to amend it to improve it, for heaven's sake, allow us to take up this bill.

Mr. BROWN of Ohio. Will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. BROWN of Ohio. I say thank you to Senator LEVIN.

Yes, I try to explain this. I was on some radio calls this morning with stations in Dayton and Cincinnati and all over the State, and the questions they asked were just that: Wait a minute, OK, I understand people being against a proposal, but why would the leader of one political party say about a jobs bill—when unemployment is this high in the Senator's State and my State

and millions and millions of Americans want jobs and cannot find them—why would they say: Let's not even put it on the floor for discussion.

The rules of this place are peculiar, obviously, but why would you say: I am not even willing to bring it up for a vote. I am not even willing to debate it. I am not even willing to set the stage so we can discuss it.

People do not want to hear about process. I understand that. But people do want us to do something about jobs. The first step is, you have a debate—you bring the bill forward, you have a debate, you offer amendments, and then you come up with something.

Last night, as you recall, I say to Senator LEVIN, right before the jobs bill vote, we had a huge bipartisan vote, with 63 votes for the China currency bill. To do what? I know the Senator has advocated for years that we have a level playing field in our dealings with China so that so many Chinese companies do not get an advantage selling here and so that so many Michigan and Ohio companies do not get a disadvantage—a currency tax; a tariff, if you will—when our companies in Michigan and Ohio try to sell into China.

So I guess I am curious as to the Senator's thoughts on why we would not even set up ourselves—why Republicans would not want to at least come together and say, let's debate it. Then maybe we can make some interesting amendments we can come together on, like we came together bipartisanly just 24 hours ago—less than that—fewer than 24 hours ago, to come up with a real jobs bill.

Mr. LEVIN. I wish there was an explanation which was satisfactory or an answer which was satisfactory to Senator BROWN's question. I am afraid the only answer I can come up with is because this started off as President Obama's job bill. It has been changed. Now we have a different source of funding for it. We have a millionaire's surcharge in there which will fund these critically important programs, these job-creation programs.

I cannot think of any other reason, other than they think it will simply go away. What is an explanation? Maybe it was in the unanimous consent request of the Republican leader last night: I ask unanimous consent that this bill not be amendable—no amendments would be in order under his unanimous consent proposal—and then when it does not get 60 votes, which he knew it would not get, that it be immediately returned to the calendar.

That is what he asked twice last night—immediately be returned to the calendar. The Republican leader wants this bill to go away. It cannot go away. It should not go away. It will not go away. The majority leader has already said he is going to move to reconsider the vote last night. I expressed the

hope, in my remarks, that the President use his bully pulpit not just to support the jobs bill, which is critically important—he is doing a good job as he goes around the country—but to make it clear where the obstruction is; that the Republicans will not allow us to consider a jobs bill, amend it if they want to try, substitute their own if they have one, which so far they do not. But let us debate this bill. I hope the bully pulpit of the President is used, not just to support a jobs bill, which is so critically important, but to point out where the obstruction is.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN.) The Senator from Rhode Island.

Mr. REED. Mr. President, I wish to join Chairman LEVIN in his plea that we be allowed to consider this legislation. The greatest crisis we face in the United States, for families all across the country, is jobs. The President has proposed a bill that is going to help us begin to deal with that job crisis, and he proposed a way to pay for it. An overwhelming portion of the country, the polling is definite, supports the President's proposal and our proposal, as modified by Senator REED, to have a surcharge on individuals making over \$1 million.

So we have a bill that responds to the greatest need, that is paid for by doing what the American people overwhelmingly want us to do, and we cannot get it on the floor for debate, for amendment, and finally for passage. We are not able to respond to this crisis because we have been frustrated by our colleagues who refuse to let us take up the bill. The American people are demanding we act—the message is being sent far and wide in many different mediums—and we get it directly from home, and it is: Do something. It might not be perfect. It might not solve the problem immediately. But do something. Do not just stop debate, stop progress, stop discussion on the issues that are so critical to this country.

Again, we are in a serious jobs crisis. We have seen the latest job report showing some sort of improvement but not enough, and we have to do more. If we do not pass the American Jobs Act, then we are going to be in a situation where—and this is one of the great ironies—the deficit will get worse, not better. One of the most direct ways to begin to deal with the deficit is to put people to work so they can resume their participation in the economic life of this country and contribute not only to their own well-being and that of their family but the growth of the country, and the robustness of our economy. In that way, we can address the deficit.

So this refusal to act does not even serve the goal of deficit reduction. Again, I wish to emphasize this: We have a bill that has measures in it that

are proven, that are bipartisan, that will put people to work, and that are fully paid for by a tax that is overwhelmingly supported by the American people. If we do not act, the jobs crisis and our deficit will persist.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to thank the Senator from Michigan for bringing us together and making the point, as clearly as we can make it, that last night we had a chance to launch maybe the most important single issue in debate that we can consider in the Senate. We had a chance to bring both parties to the floor of the Senate and ask for the best ideas each of us has to move the economy forward.

The President has a plan. I think it is a good one. I support the plan. I think it is a reasonable way to move this economy forward and put people to work. But it is the nature of the legislative process that some will disagree with one aspect of it, some with others, and Members may have their own ideas to bring to the floor. That is what this branch of government is all about, that we have this debate, an open debate, Democrats and Republicans on the floor, and at the end of the day vote on something to move forward with together.

But last night not one single Republican Senator would join us in an effort to bring this matter to a debate on the floor. In fact, the Senator from Michigan has made the point over and over that the Republican filibuster requiring 60 votes to break the filibuster is stopping the majority from acting in the Senate on the issue of creating jobs—a Republican filibuster. That is problematic. It is troublesome. It is frustrating.

Because I am sure in Michigan, where they have been wracked for years now with unemployment and businesses struggling—we have similar problems in Illinois, 14 million Americans unemployed across the board. Take a look at what the Senator from Kentucky comes and tells us every day as Republican leader. He tells us that one of the big problems with this bill, as he sees it, is it is paid for. He does not like the fact that President Obama has paid for it and certainly does not like the way he paid for it. The way he paid for it is to impose a surtax of 5.6 percent on people making more than \$1 million a year. That generates enough revenue, over a 10-year period of time, that we can give a payroll tax cut to working families across America, and we can provide tax incentives for businesses to hire unemployed veterans and people who have been out of work for a long time.

The money generated from that millionaire's tax is going to end up allowing us to save, in my State, 14,000

teacher, firefighter, and policemen jobs that otherwise would be lost. It will allow us to put money into modernizing our schools—which we need to do in Illinois and across the country, in Minnesota, Michigan, in Montana and every State and to build the basic infrastructure that America needs to be successful. Senator MCCONNELL has said over and over, he will not agree to this tax hike.

Let's take a look at what middle-income Americans are paying as an effective Federal tax rate as opposed to the wealthiest in America, the point made over and over by President Obama and a point worth repeating today. Middle-class families in America, people making between \$50,000 and \$75,000 a year have an effective Federal tax rate of 14.9 percent. The wealthiest 1 percent, those making over \$1 million a year, their effective Federal tax rate, 12 percent; 14.9 percent for middle-class families, working families; 12 percent for the wealthiest. What is wrong with this picture? What is wrong with it is that working families across America struggle paycheck to paycheck, and they are paying a higher Federal tax rate than the wealthiest people in America.

I think everyone in America has to sacrifice. Now I know, some of the most vulnerable in America cannot. Physically, mentally they cannot rise to this challenge. But the rest of us, for goodness' sake, have to be prepared to sacrifice. Working families are already sacrificing, living paycheck to paycheck. To ask the wealthiest people in America, who are comfortable in this country because of the greatness of our economy, this open and transparent system, this rule of law we have, to ask them to pay a little more so America can move forward is not unreasonable.

I would say this: At the end of the day, when the economy picks up and moves forward, and it will, the folks in the highest income categories are going to do quite well. It is the bottom line. They are going to do well. The ones I have run into, the ones I have talked to who are fortunate enough to be in this category—I know a few of them—say: This is not unreasonable, Senator. Why do the Republicans oppose \$1 in additional taxes to get the American economy moving forward?

But that, of course, is the reason the Senate Republicans, not a single one of them, would support bringing this jobs bill from the President to the floor. A second reason is fairly obvious. It is the President's plan. For many of them they are in full campaign mode now. They do not want to give this President anything that looks like a victory. So they are not going to vote for anything that has his name on it. In fact, they will oppose things which historically they have supported. When President Bush came forward with his own stimulus plan to create jobs, supported by the Republicans, it had a

payroll tax cut in it—a payroll tax cut for working families. It also had tax breaks for businesses to hire the unemployed. That is what President Obama proposes, and now the Republicans have said: Oh, we liked it as a Bush plan. We do not like it as an Obama plan. What is the difference? The name.

I do not think the American people are going to cut us any slack if they believe we are spending more time designing bumper stickers for next year's election than we are in designing an economy that moves this country forward. I think they expect us—they demand of us—that we respond to this. When the Republicans impose a filibuster on President Obama's jobs act it is wrong. Let us have, as Senator REID asked for last night, let us have the motion to proceed, let's get on this matter, and let's do it this week.

I wish to say a word as well—Senator MCCONNELL comes to the floor frequently and says: Whoa. There is a big jobs bill coming up, the trade agreements. Listen, trade agreements can expand opportunity for the sale of goods and services. That is a fact. But when we look at the scheme of things and look at these trade agreements, the proposal I have read says the South Korea Trade Agreement would expand U.S. exports by \$10 to \$11 billion and support up to 70,000 jobs. That is a lot of money and a lot of jobs, except when we look at the universe—\$10 to \$11 billion in additional exports to Korea at a time when we have a \$15 trillion economy. Good but not good enough. We need to make sure we are expanding jobs at a greater rate to get people back to work. The other two trade agreements are much smaller in comparison. So to argue that these trade agreements are the engine that will pull us out of the ditch and drive the economy forward is to completely overstate the positive impact which they might have.

I would say to my friends on the Republican side, do not believe that voting for a trade agreement that generates \$10 billion more in exports and 70,000 jobs will solve the problems we face in America.

Yesterday, I went to a place called Career Tech in Chicago, funded by the Federal Government, an effort to take people who have been out of work for a long time and get them back into the workforce. They are introducing workers who had successful careers at businesses that closed to a new world, the world of social media, the world of information technology. They are learning. With that new education and training, they are getting new jobs.

I asked them about what life was like unemployed. Some of them have been out of work for over 2 years. I said to them: The President wants to extend unemployment benefits for those out of work. A lot of folks on the other side of the aisle are saying: Oh, we already

tried that. We are not going to try that again. I said: What would happen to your family without unemployment benefits? To a person they said: I am not sure if we could have survived.

They are basically making the mortgage payment, paying utility bills, putting food on the table—the basics. So if the Republicans are opposed to unemployment benefits for those who cannot find a job, no matter how hard they try, unfortunately, that is going to have a devastating impact on working families across America.

For a footnote, I asked each one of them: What happened to your health insurance when you lost your job? They lost their health insurance. Think about it, Mom and Dad. Think about your responsibility to one another and to your kids with no health insurance. I mean, that is what happens to an unemployed person. Life is not a crystal staircase for these folks. They are just basically trying to get by and find a job. We need to help them. It is time for the Republicans to stop the filibuster and bring the Obama jobs bill to the floor. If they have better ideas, present those ideas as amendments. Our people will present their ideas. Let's have a full-throated debate about moving America forward. But for goodness' sakes, let's not stop the American economy cold in its tracks in an effort to preserve a Republican filibuster.

It is time for us to move together in a bipartisan nature as a Congress in both political parties. I thank my colleague from Michigan for bringing us together for this conversation. There is nothing more topical that we face.

Mr. LEVIN. Mr. President, Colombia remains the most dangerous country in the world for trade unionists and workers seeking to exercise their internationally recognized right to organize and bargain collectively. The International Trade Union Confederation reported that in 2010 Colombia had 49 union worker assassinations. That is more than the rest of the world combined. To make matters worse, a 2011 ILO report found that the majority of the cases of violence against workers in Colombia had not been investigated nor had the perpetrators been brought to justice. That is simply unacceptable and the United States should not enter into a free trade agreement with a country with such an atrocious human rights record.

The Colombian government has failed to enforce its laws, adhere to its international commitment on worker rights, or to prosecute those who commit acts of violence against workers. This repression of fundamental labor rights presents a threat to the lives of the workers in Colombia and a threat to the livelihoods of the workers in the United States who are forced to compete against a country that doesn't play by the rules.

I have written several letters to the administration expressing concerns

about entering into a free trade agreement with Colombia until these worker rights abuse concerns are adequately addressed. The agreement before us does not adequately address them, and as a result I will oppose H.R. 3078, the U.S.-Colombia Free Trade Agreement Implementation Act.

The Obama administration recognized the need to address these concerns before the free trade agreement could be submitted to Congress and reopened the Bush administration-negotiated U.S.-Colombia FTA to try to address them. That resulted in the action plan related to labor rights agreement reached between the U.S. and Colombia on April 7, 2011.

The action plan lists steps Colombia must take to improve its record on antilabor violence and, if rigorously implemented and enforced, could protect Colombian workers' internationally recognized rights. Unfortunately, we gave up any leverage we had to ensure this outcome would occur when we failed to link the action plan to the FTA or its implementing legislation. Both House and Senate Democrats during committee mark up of the bill proposed an amendment that would have created a link between the two, but Republicans blocked any reference to the labor action plan in the Colombia FTA.

I disagree with the administration's conclusion that Colombia has made enough progress on implementing the Action Plan to send the U.S.-Colombia FTA implementation act to Congress. Because this free trade agreement is being considered under fast-track procedures, Members of Congress like me, who would like to amend it to make improvements such as linking entry into force of the Colombian FTA to Colombia meeting its obligations under the action plan, cannot do so.

Yes, Colombia may so far have technically met its commitments under the action plan. But it has done this only in the narrowest sense, and not in a way that really tries to address the labor problem. For instance, in Colombia, only workers who are directly employed by a company or business can form a union and collectively bargain. To get around allowing workers to form unions and collectively bargain, Colombian employers have formed co-operatives, or made other arrangements to hire their employees as contractors rather than as direct employees. The action plan addressed these abuses by requiring Colombia to pass legislation and regulations to prohibit such misuse of cooperatives and contract employees. Colombia did pass legislation and regulations that looked good on paper, but they were undermined when Colombia decided to narrowly interpret the new law and regulations as applying only to cooperatives. This leaves plenty of ways for employers to continue the same practice under a different guise.

Given the lack of full implementation of the action plan to date, and without a provision explicitly inking implementation of the FTA to Colombia addressing anti-union violence, impunity and fundamentally deficient labor laws under the action plan, the legislation is fundamentally flawed and I cannot support it.

I recognize that we currently do not have two-way trade with Colombia because most Colombian exports enter the U.S. duty free under the Andean Trade Preferences Act. Some might say we should adopt the U.S.-Colombia FTA so U.S. exports can face lower tariffs in Colombia. But Colombia's market is small compared to the U.S. economy and as a result the ITC estimates the overall effect of the U.S. Colombia FTA on the U.S. economy is likely to be small. To me it is more important to insist that any country to which we enter a free trade agreement abide by internationally recognized labor standards and that plans to implement compliance actions be enforceable.

Mr. President, I will vote in favor of H.R. 3080, the United States-Korea Free Trade Agreement Implementation Act. I will do so because the Obama administration has succeeded in improving the automotive provisions in the Bush administration-negotiated original agreement. The result is that U.S. made vehicles now have a better opportunity to gain access to the historically closed South Korean market.

For too long, trade with South Korea has been a one-way street. The American market has been open and South Korea's market persistently closed by using a combination of tariff and non-tariff barriers constructed to keep U.S. products out. This was most pronounced in the automotive sector, which makes up the majority of our trade deficit with South Korea. For instance, in 2010 South Korea shipped 515,000 cars to the United States while U.S. automakers exported fewer than 14,000 cars to South Korea. In 2010, we ran a \$10 billion trade deficit with South Korea. Our trade deficit with South Korea in the automotive sector accounted for all of that \$10 billion. Correcting our deficit in the automotive sector would go a long way to fixing our overall trade deficit with South Korea.

The original 2007 U.S.-Korea FTA negotiated by the Bush administration was fundamentally flawed. The agreement called for significant concessions from the United States but would have perpetuated a skewed playing field that unfairly disadvantages U.S. automotive exports. It would have left in place the ever-shifting regulatory regime South Korea has used to effectively bar U.S. autos from the South Korean market. For example, South Korea has imposed so-called auto safety regulations that are unique to Korea and don't have anything to do with

safety such as the location of towing devices or headlights or the color of turn-signal lamps. This means that no vehicle built outside of Korea can be sold in Korea without special and expensive modifications and testing to meet these Korean requirements.

The failure to address these and other arbitrary, ever-changing regulations was one of the main reasons the agreement was not brought before the Congress for approval for so long. I was opposed to that agreement and as co-chairman of the Senate Auto Caucus I spoke out against it.

I am pleased that President Obama recognized the importance of the U.S. automotive industry and reopened the agreement to negotiate significantly improved terms for U.S. auto exports to South Korea.

Importantly, the revised agreement will prevent South Korea from relying on discriminatory, rotating safety regulations as it has in the past to keep out U.S. auto imports. It does this by requiring South Korea to recognize 25,000 vehicles built to meet U.S. safety standards per automaker per year as meeting South Korean safety standards. This is an increase from 6,500 in the 2007 agreement. The revised agreement also includes an auto-specific safeguard designed to protect against potential surges of South Korean cars and trucks once the applicable tariffs are eliminated.

Under the original 2007 agreement, almost 90 percent of South Korea's auto exports to the United States would have received duty-free access. But why should we have reduced our few remaining tariffs to South Korean auto exports unless we were assured greater access to the South Korean markets for our auto exports? For instance, the U.S. auto tariff is only 2.5 percent compared to the South Korean auto tariff of 8 percent. The revised agreement corrected this inequity by reducing Korea's 8 percent duty to 4 percent immediately and to zero in year 5 while delaying elimination of the duty on South Korea's auto exports until year 5, giving U.S. automakers the time to build a brand and distribution presence that will reverse decades of South Korean protectionism.

The 2007 agreement was flawed also in how it dealt with the growing field of electric vehicles. The 2007 agreement would have allowed for a 10-year phase-out of the 8 percent South Korean tariff on hybrid electric passenger vehicles and the 2.5 percent U.S. tariff. That was not a fair deal for U.S. electric car exports. It's bad enough that the current South Korean electric car tariff is more than three times the U.S. tariff. The 2007 agreement would have locked in place for 10 years South Korea's electric car tariff advantage. Why in the world would we agree to that? Thankfully the Obama administration did not. Under the revised agreement,

the South Korean tariff on electric cars immediately drops from 8 percent to 4 percent. Then the 4 percent South Korean tariff and the 2.5 percent U.S. tariff are phased out over 5 years. Though the tariffs are still not completely symmetrical, it's a big improvement over the original deal. And importantly, this phase-out now tracks the EU-Korean FTA, so U.S. automakers will now not be disadvantaged compared to European auto makers in the South Korean market as they would have been under the 2007 agreement.

Stakeholders, including Members of Congress, the United Auto Workers and U.S. auto companies, pushed hard for improved market access in the U.S.-Korea FTA. Thanks to the improvements the Obama administration has negotiated, the UAW, Ford, GM and Chrysler as well as the Motor & Equipment Manufacturers Association, MEMA, among others, support the agreement. They think it will result in their being able to sell more U.S.-made vehicles in South Korea. Specifically, Chrysler has stated that as a result of the FTA it expects to sell 20,000 units per year in South Korea by the end 2014 compared to the paltry 2,638 passenger vehicles it sold there in 2010, and that the company plans to expand its dealer network to 30 outlets from the current 16.

These additional U.S. auto exports translate into badly needed American jobs. The 2007 ITC report on the expected impact of the U.S.-Korean FTA estimated U.S. exports to South Korea would increase by \$10-\$11 billion annually. The administration estimates that an additional \$11 billion in exports would mean around 70,000 more jobs annually. In an updated ITC report requested by Senator WYDEN to assess the impact on American jobs of the FTA tariff and tariff rate quota reductions on goods based on current economic conditions, the ITC concluded that the agreement has the potential to create about 280,000 American jobs.

The agreement also has strong labor and environmental provisions that were agreed to in May 2007 at the insistence of Democratic Members of Congress, led by my brother, Congressman SANDY LEVIN, the ranking member of the House Ways and Means Committee. They include the enforcement of a commitment to adopt and enforce internationally recognized labor and environmental standards and agreements.

It is high time we insisted on a different trade model that fights for a level playing field for American exports and American workers. I believe the revised U.S.-Korea FTA moves significantly toward that model and I will vote in favor of the legislation to implement it.

Mr. President, I will support legislation to implement the U.S.-Panama Free Trade Agreement. The Obama ad-

ministration has taken important steps to address concerns about worker rights and environmental protections in Panama that represent a significant improvement over the original agreement negotiated by the Bush administration. And, after years of pressure from those of us concerned about the abuse of offshore tax shelters, Panama has finally removed a major impediment to this free trade agreement by agreeing to and beginning to implement a tax information exchange agreement.

For 6 years, the Bush administration failed to conclude a tax information exchange agreement with Panama. In 2009, I joined with Congressman DOGGETT in a letter to President Obama making clear that we could not support a free trade agreement with Panama unless that country upheld its international obligations under the Organization for Economic Cooperation and Development's standards for transparency. The OECD found in September 2010 that Panama has "potentially serious deficiencies" in its laws on tax transparency. Thanks to pressure from the OECD, the Obama administration and those of us in Congress who oppose offshore tax haven abuse, Panama negotiated an information exchange agreement that took effect earlier this year.

Panama also agreed in negotiations with the Obama administration to uphold internationally recognized labor rights, making changes in its laws to protect collective bargaining rights. These changes have removed a major obstacle to approval of this free trade agreement.

With Panama's agreement to meet international standards for tax transparency and labor rights, I believe the agreement before us will protect workers in both countries, and the interests of U.S. taxpayers who are tired of seeing others dodge their tax obligations using offshore tax havens.

Mr. LIEBERMAN. Mr. President, I rise to urge my colleagues to lend their swift support to the pending free trade agreements with South Korea, Colombia, and Panama that have at last come before this Chamber. In approving these FTAs, we have an opportunity to show the American people that we in Congress are prepared to set aside partisan politics and come together to do something truly important to help our nation at a time when our economy is under unprecedented pressure.

Simply put, free trade agreements like the ones before us today are not a choice for the United States—they are a necessity. As President Clinton used to point out, only 4 percent of the world's population lives in the United States, and there is only so much we can sell to each other. Creating new jobs and growing our economy requires tapping into the other 96 percent. And

that requires breaking down trade barriers and lowering tariffs so that American goods can reach more consumers at a price they can afford.

That is precisely what these three FTAs will accomplish. This legislation is a jobs bill that won't add a dime to the deficit. Instead, it will add \$10 to \$12 billion to our GDP, grow U.S. exports by \$13 to \$15 billion, and support an additional 100,000 American jobs.

These FTAs are not only critical for our economic recovery, however. They are essential to our global leadership and our national security.

In the case of the Korea-U.S. FTA, known as KORUS, the success or failure of this measure is inseparable from U.S. leadership in the Asia-Pacific region. The balance of power in Asia will determine the shape of the 21st century and whether it will be an American century or a Chinese century. Our friends and allies across this region are looking to Washington. In the face of a rising Beijing, they want to know if the U.S. is a country they can count on, or whether we are in retreat. From Japan to India to Australia, there is no test for American leadership today that is more urgent than approving our FTA with South Korea.

That is because the competition for the future in the Asia-Pacific is as much about economic power as it is about military power. Since 2000, approximately 50 free trade agreements have been put in place in East Asia alone, with approximately 80 additional agreements currently under negotiation. The United States is party to just four FTAs in the Asia-Pacific region.

Passing KORUS is the first step to righting this wrong and restoring a balance of economic power that favors America. Doing so will send an unequivocal message across the Asia-Pacific of American strength and commitment. It will also deepen one of our most important alliances in the world, with the Republic of Korea—a dynamic, free market democracy that has climbed from the depths of poverty and the devastation of war to become a model for the entire planet and a great global ally in the cause of freedom.

The economic benefits of KORUS are also extraordinary. This FTA will increase exports of American goods to Korea by around \$11 billion once the agreement is fully in effect, supporting as many as 70,000 additional jobs here in the United States.

The agreement will also grant American firms greater access to Korea's \$580 billion services market, creating new jobs for American workers in sectors from delivery and telecommunications services to energy and environmental services.

While South Korea is on the cusp of becoming our third-largest free trade partner after Canada and Mexico, free trade agreements with Colombia and

Panama also offer enormous opportunities for the United States and will open the way for tremendous growth here in our own hemisphere.

Colombia is the oldest democracy in Latin America and one of America's most steadfast allies in that region. Like South Korea, Colombia is a great global success story—a country that has overcome narco-insurgency and terrorism, and a pro-American bulwark against Hugo Chavez's corrupt authoritarianism.

By completing this FTA, the U.S. will strengthen not only our Colombian allies, but also our shared values of democracy, rule of law, and the free market across Latin America.

The U.S.-Colombia FTA will also strengthen our own economy—expanding U.S. exports by more than \$1.1 billion, increasing U.S. GDP by \$2.5 billion, and creating thousands of U.S. jobs. Keep in mind, currently Colombia collects \$100 in tariffs on U.S. exports for every \$1 the United States levies on Colombian goods. With this FTA, that will end.

Similarly, the U.S.-Panama FTA will eliminate tariffs and other barriers to U.S. exports, promote economic growth, and expand trade with one of the fastest growing economies in Latin America. American companies will be granted immediate access to Panama's \$21 billion services market, including priority areas such as financial services and telecommunications. Panama's economy expanded 6.2 percent in 2010, with similar annual growth forecasts through 2015. All of this translates to more opportunities for American workers.

Some have argued that free trade agreements threaten to increase our trade deficit. However, as the U.S. Department of Commerce recently pointed out, in recent years, U.S. manufacturers have run a \$47 billion trade surplus with our FTA partners; by contrast, we have incurred a trade deficit of \$823 billion with countries where no FTAs are in place.

Time is of the essence. If we delay any further on these agreements, it will cost our country dearly in jobs and growth. The rest of the world is not standing still.

The European Union finalized a free trade agreement with South Korea over the summer, and Canada implemented a free trade agreement with Colombia just weeks ago. If we do not act, jobs and market share that could have gone to U.S. companies will instead head to their competitors in Europe and Canada. That is why we must act now.

In conclusion, let me underscore how important it is that these FTAs are the beginning, not the end, of a revived American global trade agenda. In order to get our economy back on track, in order to create the new jobs we need, in order to lead the world economically,

the U.S. must have a forward-looking, optimistic trade liberalization vision.

That is true not only in the Asia-Pacific and Latin America but also in the Middle East where millions of people who have long suffered and stagnated under thuggish dictators are at last grasping for greater political freedom and economic opportunity. More than foreign aid, countries like Tunisia and Egypt need the U.S. and Europe to lower trade barriers. That is why I believe so strongly that the U.S. should immediately begin negotiations for an FTA with Tunisia. Tunisia is a small country, but it is the place where the Arab Spring began and consequently critical to the future of Arab democracy.

I strongly urge the Obama administration to begin negotiations on a free trade agreement with Tunisia as quickly as possible. The freer the flow of world trade, the stronger the tides for economic progress, prosperity, democracy and peace will be.

Beginning today with the passage of these critical free trade agreements with South Korea, Colombia and Panama, we take another step towards restoring our economy and strengthening our global leadership.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I will yield briefly to the Senator from Montana, and I ask that we set an order. I thought I was scheduled to speak, but apparently it is up in the air. I will defer to the Senator from Montana and ask unanimous consent that I be allowed to follow him.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Mr. President, the English poet, Thomas Gray, once said: "Commerce changes the fate and genius of nations."

The United States has always understood that commerce improves our fate and sharpens our genius. We know opening the channels of commerce creates new opportunity, generates new ideas, and forms new partnerships.

We know global commerce makes us more competitive, more innovative, and more productive—but also sometimes more difficult.

Today, the Senate has a historic opportunity to build on this legacy by approving our free-trade agreements with Colombia, Panama, and South Korea. These agreements will increase exports of U.S. goods and services. They will create tens of thousands of good-paying American jobs. They will bind us even more closely to the three important allies.

Colombia, especially, has returned from the brink of becoming a failed state to being the third largest economy in Latin America and one of its most respected leaders. It is astounding just how far Colombia has come. It

has a lot further to go, but considering the state of Colombia 15, 20 years ago, with the narcotics trade, paramilitary forces, and assassinations, it is amazing how far they have come. A lot of this goes to the courage of the Colombian people, and especially to the leaders. It has not been easy, to say the least.

Panama is the crossroads of global commerce and among the fastest growing economies in the Western Hemisphere.

South Korea is the world's 15th largest economy, our seventh largest trading partner, and a strategic ally in a very volatile region of the world.

Now, more than ever, we need to expand commerce and improve our economic fate. Clearly, with unemployment at 9.1 percent, our economy is growing too slowly. Consumer demand is too weak, and American workers, farmers, and ranchers are desperately seeking new markets and customers for their products.

The Colombia, Panama, and South Korea trade agreements will help U.S. exporters gain new customers in three lucrative and fast-growing markets. They will increase U.S. exports by up to \$13 billion each year. They will boost our GDP by more than \$15 billion, and they will support tens of thousands of urgently needed American jobs. It will help the jobs picture—clearly, it will not solve it, but it will help.

These agreements will help folks such as Errol Rice, a fifth generation cattle rancher from Helena, MT. Earlier this year, Errol testified before the Finance Committee on the importance of the South Korea trade agreement. He told us that South Korea is the fourth largest market in the world for U.S. beef, and it is growing rapidly.

Errol welcomed the commitments I secured to increase funding for market promotion and fully implement our bilateral beef import protocol. But he underscored that our position in the South Korean market is at risk. Australia, a large beef exporter, is racing to conclude its own trade agreement with South Korea. By approving our agreement with South Korea today, we will help Errol and all American ranchers maintain their competitive edge, increase sales, and create jobs in their communities.

Trade agreements improve our economy only if they create a level playing field for U.S. exporters. We cannot allow our trading partners to gain unfair advantage by failing to respect workers' rights or protect the environment.

That is why the Colombia, Panama, and South Korea trade agreements include robust labor and environmental commitments that were basically made in 2007, with all the labor and environmental framework included in these agreements. These commitments re-

quire our trading partners to uphold internationally recognized labor rights, including the right to organize and bargain collectively. That is in the agreement.

They also required our partners to protect the environment, and these obligations are fully enforceable, just like the commercial obligations in the agreements. In many cases, our free-trade agreement partners have gone the extra mile to meet our high standards. Colombia is the best example. Many of us are concerned about labor violence in Colombia. We believe the death of even one union member is one too many.

I urge my colleagues to consider the progress Colombia has made in recent years and the commitment of the Colombian Government to continue that progress.

Colombia demonstrated this commitment in April when President Obama and Colombian President Santos agreed to the Labor Action Plan. In that plan, Colombia made specific and groundbreaking commitments to strengthen worker rights, protect workers from violence, and prosecute the perpetrators of violence.

Colombia has fulfilled every commitment to date. It has hired 100 new inspectors to enforce workers' rights. It has cracked down on the abuse of co-operatives. It has expanded protection of union members. It has sentenced to prison 47 people found guilty of killing union members. There is still more to be done, but Colombia has demonstrated remarkable progress.

By approving the free-trade agreement, we will be able to enforce labor rights in Colombia, including the rights addressed by the action plan. If we reject the agreement, however, we lose our ability to ensure that labor conditions in Colombia will continue to improve. This is a very important point. Other countries' trade agreements with Colombia don't have the labor protection provisions. The U.S. one does have labor protection provisions that are very strong. If we don't ratify this agreement, then workers in Colombia will not be protected because other agreements don't protect them.

These trade agreements will also help us rise to the challenge of China. Today, China is the No. 1 trading partner for South Korea and No. 2 partner for Colombia and Panama. If we approve these agreements, we will give American exporters a leg up on competitors from China and other countries. If we reject them, China's advantage and influence in these markets will only grow.

After we approve these agreements, we should begin thinking about the next steps for our trade agenda. We should invite our new free-trade agreement partners to join the Trans-Pacific Partnership, or TPP, negotiations. We need to negotiate a Trans-Pacific Part-

nership Agreement and extend these agreements to better facilitate even more jobs in America.

Colombia, Panama, and South Korea have demonstrated that they are willing to make the far-reaching commitments that our trade agreements require. Their participation in the TPP negotiations will help us achieve a high-standard 21st-century agreement that spans the Pacific.

Thomas Gray was correct when he said commerce changes the fate and genius of nations. There is no better example than the United States. We have benefited greatly from trading with foreign nations. In these tough economic times, we need to embrace these benefits now more than ever. For the sake of American exporters seeking to grow and create jobs, let's approve these three free-trade agreements.

One final point. I think it is fair to say that as we engage in commerce worldwide in countries around the world, we are not totally pure. We don't wear white hats, and other countries are not Darth Vaders and wear black hats. But it is true the shade of gray of our hats are a lot lighter shade of gray than the shade of gray of their hats, which is a darker shade. That is especially true in the American, Asian, and African countries—maybe a little less true in European countries.

These agreements are no-brainers. Why do I say that? Because with respect to Colombia and Panama, products, goods, and services coming to our country today are virtually duty free, virtually no tariffs, or nontariff trade barriers.

On the other hand, American products going to those countries today face very high tariffs and trade barriers, especially with agriculture but also in manufacturing goods. The figures are quite startling, frankly. So it is a no-brainer. These are, for the first time virtually, free-trade agreements. It is a freebie for U.S. exporters and American companies exporting products into Colombia and Panama. They are really free.

With respect to Korea, it is very similar. Korean manufacturing tariffs, tariffs that Korea has on U.S. goods are more than twice as high as U.S. tariffs on Korean-manufactured goods. Tariffs that U.S. companies face in trying to export to Korea are twice as high today as are the tariffs the Korean manufacturers face when they try to sell products in the United States. The average Korean tariff on U.S. agricultural goods is 54 percent. The average tariff on American agricultural goods that we are trying to sell in Korea is 54 percent, about 5 times as high as the tariff on Korean agricultural products as they attempt to ship to the United States.

That is why this is a no-brainer. This is so simple. Everybody should be for this agreement. It creates a more level

playing field. I urge my colleagues to support this agreement. When they read the agreement and understand the terms, it should go through with no opposition because we are, in fact, helping Americans, American jobs.

The only wrinkle I hear about is Colombia. I have been there. When one is in Colombia—and I have known their leaders, the past two Presidents—it is clear that they have made huge progress. If we reject this agreement, I submit that the progress made thus far will slip, and the conditions in Colombia will start to deteriorate.

We must pass these three trade agreements. Also, the U.S. political-geopolitical position in South America is critical. If we adopt this agreement, that will enhance America's geopolitical position in South America. If we don't do it, Colombians are going to say: We have given up on the United States. We have been trying to negotiate this for over 5 years. Then where are they going to go? They will embrace Venezuela or China.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I also rise today to speak in favor of the pending free-trade agreements with South Korea, Panama, and Colombia.

More than 50 million Americans work for companies that engage in international trade. Currently, U.S. exporters operate at a distinct disadvantage in countries where U.S. goods face high tariffs or discriminatory regulations. Passage of these three free-trade agreements will erase those disadvantages and allow our American businesses to compete on a level playing field in the global marketplace.

For far too long, these trade agreements have sat on the President's desk. This delay has hurt our competitive advantage and cost American jobs. Moreover, the administration's slow walk of these bills has encouraged some of our major trading partners to go forward and quickly negotiate their own trade agreements with South Korea, Panama, and Colombia, putting their workers at an advantage over U.S. workers.

Canada has already approved trade deals with both Colombia and Panama. The European Union has passed agreements with all three countries. Canadian and EU workers and farmers are reaping the advantages of greater access to these markets.

Creating jobs, increasing investment, and growing the U.S. manufacturing and farming sectors should be our top priority. With a 9.1-percent unemployment rate, this is a no-brainer: export more, make our products more competitive by lowering the tariffs, and create jobs in America. What could be more clear?

If we fail to act, American businesses will continue watching from the side-

lines as other countries enjoy duty-free trading and continue to gain an advantage over American companies and employees.

It has been estimated that failure to implement just the Colombia and South Korea Free Trade Agreements would lead to a decline of \$40.2 billion in U.S. exports. The net negative impact on U.S. employment from these trade and output losses could total nearly 400,000 jobs.

Small businesses in America will be the largest beneficiary of these free-trade agreements. These are the businesses that account for the largest group of U.S. exporters. Indeed, more than 97 percent of the U.S. companies that export are small businesses, and they account for one-third of the total U.S. merchandise exports.

Our farmers and ranchers will also benefit from these agreements as the exports of our agricultural products have historically suffered from high tariffs and other nontariff barriers.

South Korea. The South Korea Free Trade Agreement will be America's largest free-trade agreement in Asia. South Korea is our Nation's seventh largest trading partner and the United States is South Korea's third largest trading partner. The White House has estimated that when the free-trade agreement with South Korea is fully implemented, U.S. exports to South Korea will increase by \$11 billion annually and add as many as 70,000 U.S. jobs.

The pending agreement will open the door for increased U.S. exports to South Korea of our automobile products, which are among the U.S. industries and workers that will benefit. It should also be noted that approval of this free-trade agreement will send a strong message that we stand with our allies in Asia and will further strengthen our long and positive relationship with South Korea.

Right here in our own hemisphere, the implementation of the U.S.-Panama Free Trade Agreement will guarantee American companies access to Panama's \$21 billion in services. This includes priority areas in financial, telecommunications, computer, distribution, express delivery, energy, environmental and professional services.

Once implemented, 88 percent of U.S. commercial and industrial exports to Panama will become duty free. The remaining tariffs would be phased out over a 10-year period. We need to act now in order to preserve current exports to Panama and pave the way for more. Panama has recently signed free-trade agreements with Canada and the European Union.

Nearly 5 years have passed since the U.S.-Colombia Free Trade Agreement was signed by the United States and Colombia on November 22, 2006. Last year, U.S. exports to Colombia totaled \$12 billion, with many of those subject

to the high tariffs. Our exporters have paid nearly \$4 billion in duties to Colombia since that agreement was signed 5 years ago.

The Colombian Congress approved the free-trade agreement less than 1 year after it was signed. After 5 years, the Congress is only now finally considering this agreement. That is not the way to treat a friend.

With passage of the Colombia Free Trade Agreement, 80 percent of U.S. exports of consumer and industrial products to Colombia will be duty free immediately, with remaining tariffs phased out over 10 years. The U.S. International Trade Commission has estimated that this agreement will increase the U.S. gross domestic product by \$2.5 billion.

On another front regarding Colombia, they once had one of the worst drug cartel problems in our hemisphere. With their determination and integrity and with our help, Colombia's Government and law enforcement systems have substantially cleaned out the Medellín and Cali drug cartels. To acknowledge their sacrifice this should have been the easiest of the free-trade agreements to quickly have confirmed.

We have waited 5 years, as Colombia has done so much for itself to clean up the cancer in their system. We should have done this 5 years ago. So I hope there is no hesitancy now and there is overwhelming support in this Senate for this free-trade agreement.

In conclusion, with so many American businesses and workers struggling during this prolonged economic slump, it should be the easiest thing we do to enact these three free-trade agreements. Exports support millions of jobs in this country. These agreements will promote American sales in markets where we have been at a disadvantage for too long.

It was disheartening that this administration let these agreements languish for many months without taking action. We now have the chance to approve those before us today—these three—which are good for our bilateral relations with these three countries, for working Americans, for farmers and ranchers throughout our system, and for our struggling economy.

I am very pleased these votes are being scheduled for today. We know the South Korean President is going to address a joint session of Congress tomorrow and to have these done and, hopefully, signed by the President when the South Korean President comes is the welcome gift he has been looking for, for a long time.

I so look forward to having these three free-trade agreements with these countries that have shown they want to do business with America, they want to have free and fair access into their country for our great products and our great workers, and we should let them have it without further delay.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ALEX GLASS

Mrs. MURRAY. Mr. President, as every one of our colleagues knows, so much of what we do depends on the hard work and commitment of the dedicated staffers who toil behind the scenes on behalf of us and the constituents we represent. I wish to take a few minutes to recognize a member of my own staff who has been with me for many years, through good times and bad, and whose work ethic, competence, intelligence, and passion for public service is truly deserving of admiration and recognition as she now moves on to a new job, after more than 10 years of service in my office.

Alex Glass came to work for me on April 2, 2001. We hired her on as the deputy press secretary. She had graduated from Bryn Mawr the year before and had gone to work for the Gore for President campaign before joining my staff. Alex was similar to many young people who make their way to our Nation's Capitol after college. She was passionate about public service, wanted to make a difference, and cared deeply about her country and the serious issues we faced.

From the start, I knew Alex was a strong addition to my team. But just a few months later, it became clear to me she was much more. It was a Tuesday morning. We were right here in the Nation's Capitol. My communications director happened to be traveling that week. So even though Alex had just joined my staff, she was my only press staffer here that day.

As we all remember, a little bit after 9 a.m., we got word in the Capitol that planes had struck the World Trade Center. Shortly after that, I looked out the window of the Capitol and saw black clouds of smoke filling the sky above the Pentagon. It was September 11, 2001, a day of unspeakable tragedy and devastating loss for our Nation. For those of us here in Washington, DC, and those in New York, and for families across America, it was a day of great confusion, uncertainty, and fear.

On that day, Alex stepped up for me, she stepped up for our office, and she stepped up for our constituents. Alex felt the same way every one of us did that day. But right away, she realized families in my home State of Washington were going to want to hear from their elected official in this time of national crisis. She was calm, she was collected, and she was already thinking ahead to what we were going to need to do that day.

So before we even evacuated, she quickly scribbled down the phone num-

bers of the major press outlets in Washington State, and then throughout that dark day and into the night, Alex and I stayed together and, through our State's press, I was able to reach out to families who were desperate for news and who needed to know that, despite this tragedy, their government remained strong. That day, I knew what Alex was made of, and I saw that spirit and dedication again and again over the next 10 years because Alex always knew what this job was all about—it was about helping people and solving problems.

I remember so many times I was in the room with my staff, where we were discussing one issue or another. Every once in a while, we would hear a soft voice from the chair to my left—Alex only talks when she has something to say—and in the clearest and most concise way, she would help bring our discussion from the theoretical to the practical: How does this affect families in our State? How will these policies help the people I was sent to represent? These were the questions that were always on Alex's mind because she knew those were the most important questions to me.

So many times over the years I would wake and check my e-mail and see an article Alex had forwarded to me—stories about veterans who weren't getting the care they deserved, workers who couldn't find a job or families falling through the cracks. She didn't include a comment with those stories. She knew she didn't have to. She just passed them along because she knew I would want to see them. She understood it was those people, the ones in those stories, whom I came to DC to fight for. Alex isn't from Washington State, but she dove into her adopted State with gusto, and within a few months she knew more about the issues facing our local communities than most people from Washington.

I remember one time—and I never thought I would tell this story out loud—Alex and I were in Port Angeles, and someone thought it would be a good idea for us to travel in a helicopter to our next event. It may have been a good idea, but Alex and I—5 feet tall, both of us—had to put on these huge bright orange flight suits that were made for someone much bigger than either of us. I just remember catching her eye and we started laughing at each other and at ourselves. She and I had so many moments such as that together because Alex is very serious about her work, but she doesn't take herself seriously. She is much fun to be around, and she has a fantastic sense of humor, which is good for me because I don't think there is anyone I have spent more time with in my car traveling around Washington State than Alex.

On a particularly stressful or long day on the road, Alex always made sure

we had cookies in the car, which I very much appreciated. Once, during a busier day than usual, I remember Alex and I having a conversation about all the fun places we had to pass by in the car as we drove to the next events but never had time to stop and visit.

We resolved to find the time to visit some of those when things got a bit slower, and I haven't forgotten about that. One day Alex and I are going to visit that alpaca farm up in Skagit Valley.

Alex also knew there was nothing I liked more than doing events where I could wear my jeans and tennis shoes, and I know she fought hard to make sure that happened as often as possible; and, Alex, I appreciate that.

Alex always had my back. She was always ready to get done what needed to get done. Back in 2004, I was facing a tough reelection campaign in my State. Alex had a life here in DC, but I went to her and I asked her to move back to the State to help me. I wanted her there, not because she is just good at her job and knows my voice so well—though she certainly is and does—but because she shares values, and I had every confidence that she would know exactly how I would want to tell my story and get my message out to the people in Washington. And Alex, without blinking, said yes. She packed up her bags and boxed up her apartment, she put her pet bunny in the car—I think this may be one of the most well-traveled rabbits in all of America—and she drove all the way across the country to fight by my side in Washington State. I don't know if I could have done it without her.

Alex then, after that election, came back here to DC and spent 6 years as my communication director. Then she did it all over again—uprooting her life, packing up that bunny, and driving all across the State when I needed her out in Washington State again last year. After she finished that job, I asked Alex to come back here to Washington, DC, to serve as my senior adviser and provide me with counsel and advice as I took on new challenges, and I was grateful when she accepted and got to work.

But 10½ years after Alex Glass first started working for me, the moment came that I knew was always going to come but never looked forward to. Alex knocked on the door of my office and walked in, and before she could say a word I knew exactly what she had come to tell me. I gave her a hug. We talked. There may have been a few tears shed. But I always knew that Alex has the skills, the talent, and the experience to do absolutely anything she wants to do, and I am proud that she has chosen to continue working in public service and has accepted a job at USAID.

Although she is moving on, her amazing work and strong influence in my office will continue. Her words and her

ideas have helped shape so much of what I have done and how I have communicated with my constituents. I can't tell you how many Washington State reporters have come over to me to thank me. They told me how helpful Alex was, how responsive and how good she was at connecting the policy debates here in Congress to the struggles of families and communities in our State.

Alex didn't just keep this to herself. She helped build and mentor a strong team in my office that knows what we are trying to do and understands my voice and how I want to communicate with the people I represent.

I have had many members of my staff come and go in my time here in the Senate. Many of them have been outstanding. Every one of them has added value and done good work for me and my constituents. But there are very few I have come as close to as I have to Alex.

Over the last 10 years, Alex, you have been like a member of my family, truly like a daughter to me. You have gone to the mat time and time again for me. You have been through thick and thin with us. You have sacrificed so much for me and my office, and I can't express enough how deeply I appreciate it. I know there is nothing you wouldn't do for me, and I hope you know I feel the same way about you. So on behalf of everyone in my office, all the constituents I represent, I want to thank you for the years of service to Washington State and to the Nation. You have been my voice, my adviser, my confidante and, most importantly, my friend. It has meant so much to me. And although I know it will continue, you aren't going away very far, I am going to miss seeing you in the office and hearing your voice almost every day.

So, Alex, as you start this exciting new chapter in your professional life, remember what Rob and I would say to you when times got tough out in the State: Shoulders up. Shoulders up. You have helped me keep mine up for more than 10 years, and I wish you luck now as you tackle your next challenge with the same heart, gusto, and good humor that you brought to our office every day.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:49 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

UNITED STATES-KOREA FREE TRADE AGREEMENT IMPLEMENTATION ACT—Continued

UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT—Continued

UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT—Continued

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1692 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Ohio.

Mr. PORTMAN. Mr. President, I am happy to rise today to speak about the three trade agreements that are working their way over to the Senate. At a time when unemployment is over 9 percent and we have over 14 million Americans out of work, it is past time for us to take up these three important agreements. These agreements with Korea, Colombia, and Panama are going to create jobs and put Americans back to work. That is why it is so important we move, and move on a bipartisan basis, to get them done.

With 95 percent of consumers living outside of our borders, we need to proactively help American workers, farmers, and service providers sell their products all around the world. The President himself has said that repeatedly. Just last month he came to Ohio and said he wants to be sure more products are stamped with the three proud words "Made in America." I couldn't agree more.

One way to do that is to get these trade agreements done. Finally, we have the opportunity to vote on them. This will help us to gain market access for U.S. workers to about 100 million consumers.

Unfortunately, while these agreements have been sitting on the shelf for over 4 years, our workers, our farmers, and our service providers have lost market share. They have fallen behind because other countries have completed agreements, and their workers and their farmers, their service providers have gained market share that we should have had. According to the National Association of Manufacturers, by waiting for 4 years to take up these agreements, American workers have lost over \$12 billion in wages.

So I am glad the agreements are here. They should have been here soon-

er. Again, this, to me, should be a lesson that we learn as a Congress, a Senate. We need to have more agreements, and we need to have them negotiated constantly on behalf of our businesses and our workers.

While we have waited for the President to submit these agreements to Congress for a vote, other countries have moved forward and have gained footholds in other markets. The European Union and Korea, along with Canada and Colombia, have negotiated, completed, and put into force their own trade agreements they started to negotiate after we were done with ours. In other words, we finished our negotiations, they then began negotiations, they ratified their agreements, and they are now in effect taking market share away from us.

We have seen the U.S. market share be reduced in Colombia and in Korea because of these agreements. A good example would be our exports of agricultural products to Colombia. We have seen them drop from 70 percent of the market for corn, wheat, and soybeans to less than 30 percent of the market just since we completed the agreement with Colombia. Because, again, the President did not send these agreements forward for ratification, we have been on the sidelines while farmers in my State and around the country have lost out.

We are falling behind in Korea too. When we started discussing an agreement with Korea, the United States was Korea's biggest trading partner. Since then we have slid down the ladder, with China, Japan, and the Europe Union jumping ahead of us. According to the U.S. Trade Representative's Office, in just over a decade, our share of Korea's goods imports has fallen from 21 percent of their market to 9 percent of their market, while China's share of the Korean market has increased from 7 percent to 17 percent. We are now at 9 percent; China is now at 17 percent. This has happened, again, since we began negotiations or discussions about negotiations with Korea. By standing still we are still allowing China and our competitors to get a leg up in this crucial Asian market.

According to the President's own metrics, these three agreements together will create over 250,000 new jobs. Conversely, according to the U.S. Chamber of Commerce, if we fail to move forward on these agreements, we would lose 380,000 jobs—again, because we would lose market share that we already have to these other countries that are negotiating agreements while we sit on the sidelines.

The nonpartisan U.S. International Trade Commission says these three agreements will increase U.S. trade exports by nearly \$13 billion each year.

When I was the U.S. Trade Representative, I had the privilege of

launching the Korea agreement, actually in a room right next to the Chamber. This agreement is called KORUS. I did so with Korean Trade Minister Kim in February of 2006. At that time, many people said this agreement would be very difficult to negotiate. Some criticized us for launching it thinking this economy was too big, too complicated, that we would not be able to get a meaningful agreement. We took the chance because we saw the incredible potential for trade liberalization, and it would drive greater economic growth in the United States and U.S. job creation—and also because of the importance of the alliance with the Republic of Korea.

It turns out the skeptics were wrong, and we now have before us this week, in the Senate, to vote on the largest free-trade agreement, largest export agreement this Congress has looked at in almost two decades.

Korea is a vital market for U.S. exports already. It is America's seventh largest trading partner, and their economy is now growing by more than 6 percent per year.

KORUS eliminates tariffs on over 95 percent of U.S. exports of industrial and consumer goods to Korea within the first 5 years of the agreement. The agreement's intellectual property rights provisions contain stringent protections for American intellectual property—extremely important to some of our service companies and other exporters. This gives American companies additional access to Korea's \$850 billion services market.

America has a large services trade surplus, actually, in services right now, both globally and with Korea, and this agreement will allow American service companies that are the best in the world to expand and sell more products to a country of more than 48 million people.

KORUS is supported by the United Auto Workers, the U.S. Chamber of Commerce, and many other business and export-related groups. Let me read an excerpt, if I could, from the United Auto Workers' statement earlier this year about the Korean agreement. The UAW said the Korea agreement and related auto provisions "will protect current American auto jobs . . . will grow American auto industry jobs . . . includes labor and environmental commitments, and . . . has important enforcement mechanisms."

The KORUS agreement opens an important market for American farmers and ranchers as well. According to the International Trade Commission, KORUS will expand American agricultural exports by \$1.9 billion to \$3.8 billion per year. In my own State of Ohio, KORUS, along with Panama and Colombia, will increase Ohio's agricultural exports by nearly \$55 million annually—just to Ohio.

KORUS will eventually phase out the 40-percent Korean tariff on U.S. beef

and will immediately eliminate the 5-percent Korean tariff on soybeans, resulting in a \$3 million annual increase in Ohio soybean exports. Soybeans are the biggest export crop in Ohio. In fact, 1 of every 2 acres of soybeans in Ohio is planted now for export.

KORUS also opens the door for American manufacturing jobs. In Ohio over 25 percent of manufacturing jobs now depend on exports. Over \$31 billion of U.S. manufacturing goods were exported to Korea last year. In fact, Korea was our fastest growing export destination in the world, with a 37-percent increase over 2009. When American-manufactured goods are exported to Korea, they face an average tariff now of about 9 percent. With passage of this agreement this 9-percent tariff will fall to zero and in most cases immediately. However, due to this agreement we talked about earlier between the European Union and Korea going into force about 100 days ago, on July 1, EU exports to Korea are now on the rise because 90 percent of their goods can now enter Korea duty free. Again, it is important we move forward, and move forward quickly, to avoid losing more American share which is difficult for us to regain.

The Cleveland Plain Dealer wrote an editorial recently entitled, "Korea Free Trade Deal Will Help U.S. and Ohio."

The piece talked about the benefits of the Korean agreement, particularly for manufacturers and autoworkers. The editorial concluded by saying:

Trade can help drive recovery. This deal with a longtime ally will help.

They are right.

Another important agreement is the U.S.-Colombia trade promotion agreement. Colombia is a growing economy in Central and South America, to which the United States exported over \$121 million in goods last year. This agreement with Colombia is a clear victory for U.S. workers. Due to preference programs that are already in place, nearly 90 percent of the exports from Colombia to the United States have entered our market tariff free. So we largely have a one-way free-trade agreement with Colombia already. Due to these preference programs, this agreement will be a huge benefit to U.S. workers and U.S. businesses, because U.S. exports to Colombia have faced an average tariff of about 14 percent. So, historically, 90 percent of their goods come in duty free while ours face much higher tariffs when they enter Colombia. This isn't fair trade, and this agreement will fix that. It will assure that the one-way trade that advantages Colombian exports instead of American exports is balanced.

The agreement will lower the 14-percent average Colombian tariff to zero, allowing over 80 percent of U.S. consumer and industrial products exported to Colombia to become duty free imme-

diately. The agreement also immediately eliminates duties on about 70 percent of U.S. farm exports, including soybeans, wheat, barley, flour, and beef.

The Colombia agreement also establishes new transparency rules on nontariff barriers to trade; in other words, not a higher tariff, but other barriers in the country, so-called nontariff barriers, that keep our products out.

Further, it establishes new commitments on the environment and labor, an area on which Colombia is improving and proactively addressing.

The agreement also protects U.S. intellectual property with enhanced protection for copyrighted entertainment products, software, and U.S. trademarks.

Finally, we have an important agreement with Colombia's Latin American neighbor, Panama, another key ally to the United States. Panama is one of the fastest growing economies in Latin America. Last year, \$46 million worth of Ohio goods were exported to Colombia. Panama is a vital strategic partner for the United States, since nearly two-thirds of the Panama Canal's annual transits are either from or to U.S. ports.

Moreover, the ongoing \$5 billion Panama Canal expansion project presents unique opportunities for American exporters such as Rockwell Automation, which employs nearly 3,000 Ohioans. At Rockwell's Twinsburg facility in northeast Ohio, they produce controllers and automation systems that open and close the doors of the Panama Canal's locks and divert the water. They are bidding on more work in Panama. However, they say they are currently working with one hand tied behind their back because their competitors have an advantage in Panama, because we don't have a trade agreement. So this Panama export agreement will help companies such as Rockwell by cutting tariffs, protecting their intellectual property, and giving them more investment certainty.

Upon entry into force, Panama will immediately eliminate its tariffs on over 87 percent of U.S. exports of consumer and industrial goods and on more than half of U.S. agricultural exports. Eighty-five percent of U.S. exporters to Panama are small and medium-sized companies. That is over 7,000 American small and medium-sized companies that export to Panama and will thus benefit from this agreement.

Let me speak about a couple of Ohio products that are exported to these markets. The Step2 Company, headquartered in Streetsboro, OH, is the largest American manufacturer of preschool and toddler toys. They employ over 800 Ohioans. They like to export to Korea and Panama, and they want to take advantage of these agreements. Lincoln Electric's 3,000 employees in Euclid and Mentor export welding products and equipment to Korea,

Colombia, and Panama from northeast Ohio. These agreements don't just help Lincoln Electric export more, they also will help Lincoln's customers export more.

Another Ohio company is PRO TEC Coating, a U.S. Steel joint venture company located near Findlay. PRO TEC Coating employs about 250 Ohioans and creates steel that meets the most demanding specifications of U.S. automakers. The Korean agreement will open a big potential market for U.S. auto exports, which will help companies throughout the automotive supply chain to be able to get more business, and PRO TEC Coating is one.

Gorilla Glue, one of my favorite named companies in Cincinnati, OH, my hometown, has over 100 employees and they export their premium line of adhesives and tapes to Panama, Colombia, and Korea. They want this agreement because they will be able to expand their exports and create more jobs in Cincinnati.

While these agreements bring large economic benefits, those responsible for our national security also recognize the geopolitical benefits of building economic ties with key regional allies. In testimony earlier this year before the Senate Armed Services Committee, GEN Douglas Fraser, who is Commander of U.S. Southern Command, described the Colombian agreement as "a very positive, beneficial aspect for our cooperation because of a growing capacity to support the capabilities of the armed forces and law enforcement."

Defense Secretary Leon Panetta and Secretary of State Hillary Clinton strongly support these agreements, noting the importance of an effort that leverages all elements of national power to protect our interests overseas. Secretary Panetta confirmed the role these increased economic ties have on promoting regional security, with Colombia as a prime example of a key ally in a continent with ever changing political dynamics. When it comes to international economics and security, there is no question of the critical role Panama plays. With 20 percent of our trade to Asia passing through Panama, building on this historically strong relationship will signal our commitment to engaging with Central America.

When President Obama submitted these agreements to Congress last week, he said, "The agreements I am submitting to Congress today will make it easier for American companies to sell their products in South Korea, Colombia, and Panama and provide a major boost to our exports. These agreements will support tens of thousands of jobs across our country. . . ."

While these agreements are late, the President is right. These are important job-creating and export-opening agreements. They have strong support from Members of both parties and, more im-

portantly, they are supported by American workers and businesses.

Again, the lesson we should learn here is that we need to give the President the authority he has yet to ask for to negotiate further agreements. Because in these last 4 years while these agreements have been pending, while the President has not sent them during his administration—and prior to that when President Bush was blocked by the House from moving them forward—we have not been negotiating additional agreements. I am told there are over 100 bilateral trade agreements being negotiated right now. The United States is not a party to any of them. That is not acceptable because we are losing out. Our workers, our service providers, and our farmers are losing out and we will not have the sustained recovery we all hope for unless we engage more in these international markets.

I wish to commend so many in this body who have been patient, persistent, and even passionate in promoting these agreements over the years. When I was U.S. Trade Representative, I worked closely with then Chairman GRASSLEY, with Chairman BAUCUS, with Senator HATCH, and others on the Finance Committee to promote these agreements. Those Senators are to be commended today. We will hear a lot from Senator BAUCUS and Senator HATCH, I am sure, about the importance of these agreements, but I want to underscore the key role they played even early on in ensuring that these agreements could be here before us today.

I commend the staff of the Finance Committee, who have worked tirelessly over the years to ensure that we could be here with this opportunity today. Other Senators played a key role—Senator BLUNT, Senator KERRY, and others whom I should be naming but I am not—to make sure we have this opportunity to move our country forward by enacting these agreements.

Finally, I wish to thank the dedicated staff at the Office of the U.S. Trade Representative who make these agreements possible. Again, I had the privilege to lead this nimble and effective agency, comprised of remarkable public servants who relish the agency's mission, which is to knock down barriers to U.S. products so we get a fair shake. They balanced this challenge with aggressively enforcing our international trade laws, which is also part of the mix. We need to both expand exports in open markets and ensure that trade is fair, and that we are enforcing both the international standards and U.S. laws with regard to trade. They do it very well. Without our negotiators' commitments to resolving some of these very complex and sometimes controversial economic issues, we would also not be here today. So I commend them. For all of those professionals with whom I have had the honor to

serve and for those who are there now serving under Ambassador Ron Kirk, who has also been a strong promoter of these agreements, I thank you for your efforts.

Finally, I urge my colleagues who are on the fence—and some of them have talked to me—to take a strong look at the economic and geopolitical benefits of these agreements. We don't do much around here that is bipartisan these days. Yet we have a country that is crying out for it. This is an example of where we can come together as Republicans and Democrats, realizing that for 14 million Americans out of work, we need to move our economy forward. This is a clear example of where we can indeed take steps that are bipartisan, where we have a consensus to be able to create jobs and opportunity in the United States of America.

Thank you, Mr. President. I yield the floor.

THE PRESIDING OFFICER. The Senator from Pennsylvania.

MR. CASEY. Mr. President, I rise this afternoon to speak for a couple of moments about the three pending trade agreements that the Senate is considering, those with South Korea, Panama, and Colombia. I wish to start by highlighting what I believe the American people are most concerned about right now—certainly the people I represent in the Commonwealth of Pennsylvania. Wherever I go, other than sending us a message that they want us to work together to solve problems they confront in their lives, the No. 1 issue, the No. 1 priority in terms of the work we can and should be doing, and thankfully are starting to move forward on, is a series of steps to improve the job market and to reduce the unemployment rate.

As we have so often said, we have more than 14 million Americans out of work. In Pennsylvania, we were on the way last year of lowering the rate of that number substantially. We went from approaching 600,000 people out of work to going below 500,000. Now, unfortunately, the number has shot back up to above 500,000 people out of work. So the No. 1 issue, bar none, is jobs, and that is why this debate about trade and these agreements is so important.

Jobs are the key consideration for Americans. They should be the key consideration for us, and they are, in short, the biggest challenge we have. So we need to ask a series of questions, and I have at least three major questions about these trade agreements, but all center on that issue of jobs.

We have had a series of debates in the last couple of weeks which I think have been pretty instructive on both jobs and on efforts to achieve bipartisanship. We had a significant period of time we spent on trade adjustment assistance legislation. I was one of the leaders of that, and, thankfully, we

were able to pass trade adjustment assistance to help workers who are displaced by unfair trade and, in many cases, have tremendous challenges getting from here to there—getting from a position of joblessness because of unfair trade to training and education and preparation for a new job or a new career.

We also just completed a debate about China's currency policy. We know our recent history proves that when China cheats on its currency, which it has over a long period of time, we lose American jobs. So the Senate spoke in a loud voice, in a bipartisan way, to indicate that we are overdue. It is long past time to get tough with China. If they are going to cheat, there will be consequences when they cheat on their currency. So we have had some interesting debates, and we have focused on jobs and we have focused on working together.

Finally, let me make a point before I get to the three basic questions I have. The Joint Economic Committee, which I chair, released a report today, and the report is entitled "Nowhere to Go: Geographic and Occupational Immobility and Free Trade." It is dated today, October 12. I commend to my colleagues this report by the Joint Economic Committee. I won't go through the whole report, but here is the conclusion of the report itself:

Given the already high national unemployment rate and depressed home values still evident in most states, policies that seek to liberalize trade may impose even larger costs on—

older workers and workers who don't have a college education, therefore—

bolstering the need for additional investments in training or other forms of trade-adjustment assistance.

So when people lose their jobs as a result of unfair trade and because of the ravages of what happens in the international marketplace, what happens to an individual, to a company, and to a community, if they are older workers and if they don't have an education level that is commensurate with allowing them to adjust and to be able to respond to those dramatic changes, they will be much worse off. I think that is why these trade agreements are so important to debate.

We have limited time for debate and we have limited time for full consideration, but I think we are going to have a number of hours to put some questions on the table. The first question I have is will these trade agreements protect and create jobs in Pennsylvania, the State I represent, and across the country?

We know manufacturing is the core or probably the most important part of our job creation analysis. If we are making things, producing goods, engaged in advanced manufacturing, in new manufacturing—that we are seeing all over the country—if we are doing

that at high levels and with big job numbers, we are moving in the right direction. But, unfortunately, economic policies and trade policies have inhibited and badly damaged our ability to create manufacturing jobs.

I know in Pennsylvania manufacturing is especially critical to what is still the largest source of jobs in the Commonwealth of Pennsylvania—that sector of our economy. The benefits to manufacturing jobs, of course, extend beyond individual companies, individual businesses. The economic benefits of a strong manufacturing sector are experienced throughout the economy. They have a ripple effect, multipliers beyond just that company.

In Pennsylvania, according to research commissioned by the Pennsylvania Industrial Resources Centers, for every \$1 increase in demand for products manufactured in this country, that leads to a gain in gross value to the economy overall of \$2.52. So \$1 in by way of manufacturing and \$2.52 in return.

Furthermore, manufacturing jobs create and support middle-income families. We know the wage level is higher and, therefore, those families can benefit tremendously. In 2008, the average annual compensation of a worker in the manufacturing sector was over \$65,000. The average pay for the rest of the workforce was \$10,000 less. Each good-paying job in the country allows for more money to flow back into the economy. We know that.

Given the importance of protecting these critical manufacturing jobs, we must ask ourselves: Will the trade agreements with South Korea, Colombia, and Panama create jobs, especially in the manufacturing sector? Unfortunately, the answer to that question is no. All we need to do is look at the history. This is not theory. All we need to do is look at recent history.

Trade-related job expansion has been, unfortunately, an unfulfilled promise to the people of Pennsylvania and across the country. In 1993, the United States entered into the so-called NAFTA agreement, North American Free Trade Agreement, which promised to deliver hundreds of thousands of jobs across the United States. Those gains were not realized, especially in a State such as Pennsylvania. From 1993 to 2002, 525,094 workers were certified as displaced under NAFTA, according to the Department of Labor.

Overly optimistic job creation estimates were not the only flawed projection. At that time, leaders suggested that NAFTA would expand demand for American exports. That never came to be. In 1993, the United States had a small trade surplus with Mexico. Let me say that word again: We had a "surplus" in our trade with Mexico. By 2010, just 17 years later, according to Census Bureau statistics, we had amassed a trade deficit of \$66.4 billion

with Mexico. Our trade relationship with Canada tells the same story—a widening trade deficit from \$10 billion in 1993 to \$28.5 billion in 2010.

So we know and everyone knows this, that a trade deficit does lead to job losses. In Pennsylvania, we have seen a dramatic decline in manufacturing employment since NAFTA was implemented, losing a total of 308,100 manufacturing jobs. That is one State in that time period; so more than 300,000 jobs lost just in Pennsylvania.

With this experience, we need to take a close look at the government's projections for the pending agreements that are before us right now. While the International Trade Commission predicts our bilateral trade with Korea will improve—that is the assertion—the total U.S. trade deficit is predicted to get larger which, if past experience is any gauge, will mean job losses, not job gains.

According to the International Trade Commission, the agreement with Colombia means—and I am quoting—

There is likely to be minimal to no effect on output or employment for most sectors in the U.S. economy.

That is according to the International Trade Commission.

About the Panama agreement, the same commission concluded that the impact of the Free Trade Agreement "would likely be small because of the small size of the Panamanian market relative to total U.S. trade and production."

Simply put, even the always optimistic International Trade Commission does not see these agreements as job-creating measures. That is question No. 1, a direct question on jobs.

Question No. 2: Will this agreement create a level playing field? I would assert the answer is no to that question.

Panama, while a very small economy, has one advantage to lure foreign investment. It remains a tax haven for companies that incorporate within its borders. As recently as 2009, Panama was listed on all major tax haven lists maintained by the Organization for Economic Cooperation and Development, the so-called OECD; Global Forum on Taxation; the National Bureau for Economic Research; and the Internal Revenue Service. While the tax information exchange agreement signed since then may address these issues, this same organization, the Organization for Economic Cooperation and Development, has yet to evaluate whether Panamanian law will allow for effective enforcement pursuant to these agreements. Given the lack of definitive progress, I am concerned that the Panama trade deal remains silent on this very basic issue.

Let me move to the question of what happens as it relates to Colombia on this basic question about a level playing field.

Additionally, as it relates to Colombia, despite efforts to move that country toward a regime that tolerates workers' rights, Colombia remains one of the most dangerous places in the world for union workers to be working. While it has been greeted with great fanfare, nothing in the so-called labor action plan negotiated between the United States and the Colombian Government—nothing—has required Colombia to establish a measurable system for enforcement of these labor rights prior to ratification or implementation of the agreement. In fact, Colombian companies can skirt many of the provisions in the so-called action plan—for example, by forcing new hires to sign a pledge offering higher salaries based upon a number of conditions, including not joining a union.

Given the weakness of this plan, it is not surprising that violence against union workers remains commonplace in Colombia. Twenty-two union members and organizers have been killed in Colombia this year. Six Catholic priests known for working for the rights of the poor have also been targeted for assassination this year, leading the Catholic Bishops Conference of Colombia to call for protection of its clergy. Imagine that: union workers and priests needing protection in a country such as Colombia.

Additionally, a June 8 study by the International Trade Union Confederation condemned the ongoing problems for labor organizers in Colombia.

One simple comparison speaks volumes. In total, 49 union members were murdered in Colombia in the year 2010—49 people. All other countries combined had 41 killings of this kind. I do not think that needs any more emphasis.

I am going to move now to a couple of comments as they relate to this level playing field question as it relates to South Korea.

We had a long debate and a good debate and a good consensus on a bipartisan basis as it relates to China's currency policy. I believe we took a positive step forward in passing through the Senate a bipartisan bill to get tough with China when they cheat on their currency.

All the while, we did not say much about another country that has had currency problems, and that is South Korea. We know they have their own record on currency, and I am troubled by South Korea's currency manipulation over time. They devalued their currency at least in very specific time periods that we are aware of at least twice—once in 1998 and once in 1988. In fact, the most recent Treasury "Report to Congress on International Economic and Exchange Rate Policies"—a long name for a currency report—this report is dated May 27, 2011. It noted that South Korea intervened "heavily" in its currency market during the finan-

cial crisis and has continued uninterrupted since. So it has a history, but we also have current information, current evidence, recent evidence that South Korea has been intervening heavily in its currency market. Treasury urged—urged—South Korea to "adopt a greater degree of exchange rate flexibility and less intervention." I think we could get a little tougher than that, be a little more direct and maybe have some consequences, but that is the extent that Treasury is willing to go.

So as we debate a trade agreement with a major country such as South Korea, we ought to know something about their currency policies, especially in the aftermath of bipartisan currency legislation as it relates to China.

I am pleased the Senate has passed this currency legislation this past week, and we are all hoping the House of Representatives will move quickly to consideration and passage of the currency legislation. But we should not be entering into a trade agreement with South Korea at a time when we know their currency policies are at best suspect and I think worse than that.

Finally, let me lead to the last question of the three. The third question I have is: Does the agreement provide new opportunities for manufacturers in Pennsylvania as well as other States to export their goods?

The benefits of the agreements with South Korea, Colombia, and Panama have been, in my judgment, overstated, while the risks have been largely ignored. Rather than opening a new market for Pennsylvania farmers or Pennsylvania manufacturers, I fear the benefits to the United States are likely to be minimal at best.

There are specific reasons the South Korea deal fails to deliver for Pennsylvania exporters as well. First, the most recent benefits are based upon an overly optimistic projection for agriculture. These projections, compiled by supporters of the agreement, assume that a cut in tariffs will immediately equal a growth in market share. We know from past experience that Asian markets, including South Korea, have come up with a host of unjustified nontariff restrictions to keep U.S. goods, particularly beef, out of their country. These barriers to free trade are likely to limit export potential and are largely unaddressed in the agreement.

There are other troubling clauses, as well, dealing with, in this case, the beef industry. The South Korea agreement will allow American beef packagers to use Canadian or Mexican cattle and then export the packaged Mexican and/or Canadian beef as "American" beef. This policy, while great for beef packagers, undercuts U.S. ranchers.

Another problem with the Korea deal is which goods will qualify for the

"Made in South Korea" designation or sticker. Which will qualify for that? And therefore, if they have that, they are allowed to enter the U.S. duty free. Under the rules of origin in annex 6-A of the agreement, 65 percent of the value of many goods, including automobiles, shipped duty free to the United States can come from outside—just imagine this—outside of South Korea and still be considered "Made in South Korea." That defies description. It is internally inconsistent at best, and it is contradictory for sure. This standard is lower than the European Union agreement, where only 55 percent of content can be foreign and once again places our companies at a comparative disadvantage to international competition. Furthermore, this policy opens the door for products primarily made from Chinese parts to enter the United States duty free. That makes no sense at all.

Earlier I posed these questions. The first I posed was: Will these agreements create a substantial number of new jobs? They will not. If previous agreements are any indication at all, the South Korea, Colombia, and Panama agreements will not create jobs in the way they are projected to and will, in fact, lead to job losses, especially in manufacturing.

The second question: Will the agreements help create a level playing field? They will not. The agreements fail to address critical issues such as violence against union members, as well as currency manipulation by, for example, South Korea.

The third question: Does the agreement provide new opportunities for American manufacturers to export? Proponents have overstated the benefits. Certain industries and firms are likely to benefit for sure, while others will not.

While it is clear that in its failure to address nontariff barriers to trade, the agreement leaves American firms unprotected on an unlevel playing field.

Finally, based upon this set of questions and, more importantly, the answer to those questions, I will vote against the agreements with South Korea, Panama, and Colombia.

It is my job as a Senator from Pennsylvania to fight for Pennsylvania jobs, and for too long the needs and the concerns of the jobs of Pennsylvania's workers have been last on the list when it comes to trade agreements. The fact is that past trade agreements have failed Pennsylvania and our workers, and I refuse to support new foreign trade agreements without reasonable debate and adequate answers for the questions that I pose and especially as it relates to jobs and the impact on workers.

Instead of moving ahead quickly with what is a broken model, we need to focus on the biggest picture: formulating a strategy that helps American

manufacturers, that leads to job creation, and that creates a stronger middle class. We need a trade policy in the United States of America. We do not have one right now. We need one that is bipartisan in nature.

To make real, sustained progress, Washington needs to have a strategy. We must develop and commit ourselves to a national manufacturing strategy as part of a trade policy that includes job-creating trade agreements, not job-killing trade agreements. Manufacturing is the heart and soul of our Commonwealth and our country. Our future's success depends upon developing policies that allow our people to create jobs and compete in the global production of goods. I know our workers are up to it. If we give them the tools and the agreements and the policies to do just that, they will outcompete anybody in the world, any country in the world.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Vermont. Mr. SANDERS. Let me begin by concurring with much of what the Senator from Pennsylvania has said. I think he is right-on. Like him, I rise today in strong opposition to the unfettered free-trade agreements with Korea, Colombia, and Panama. Let's be clear. One of the major reasons why the middle class in America is disappearing and why poverty is increasing and why the gap between the very wealthy and everybody else is growing wider is directly related to our disastrous, unfettered free-trade policy. If the United States is to remain a major industrial power, producing real products and creating good-paying jobs, we cannot continue the failed, unfettered free-trade policies that have been in existence for the last 30 years.

We need to develop trade policies—I know this is a radical idea—that work for working people and not just the CEOs of large corporations. What we must do is rebuild our manufacturing sector and once again create millions of good-paying jobs where workers are producing real products made in the United States of America.

Over the last decade, more than 50,000 manufacturing plants in this country have shut down. Let me repeat that. In the last decade, more than 50,000 factories in this country have shut down. Over 5.5 million factory jobs have disappeared.

Back in 1970, 25 percent of all jobs in the United States were manufacturing jobs, often paying workers a living wage, decent benefits, pensions. Today, that figure is down to just 9 percent.

In July of 2000, there were 17.3 million manufacturing workers in this country. Today, there are only 11.7 million.

According to a recent study conducted by a well-respected economist at the Economic Policy Institute, per-

manent normal trade relations with China has led to the loss of 2.8 million jobs. In fact, the United States has lost an average of about 50,000 manufacturing jobs per month since China joined the World Trade Organization in 2001.

I was in the House of Representatives when PNTR with China was passed. I can remember all of the fine speeches from the President on down, Republicans, Democrats: Permanent normal trade relations with China is going to open up that great market, going to create millions of jobs in America. It was not true. Free trade with China ended up costing us 2.8 million jobs. You don't have to be an economist to understand that; all you have to do is walk into any department store in America and buy a product. Do you know where that product is made? It is not made in the United States of America, it is made in China.

We all now understand what that trade agreement was about. It was not to open markets in China for American products, it was to open China so corporations in this country could shut down here, throw American workers out on the street, and move there in order to pay workers pennies an hour. That is what those trade agreements are about. There is no doubt in my mind that—certainly to a much lesser degree because they are smaller trade agreements—trade agreements with Korea, Panama, and Colombia will continue that same process.

The U.S. Department of Commerce has reported that over the last decade, U.S. multinational corporations slashed 2.9 million jobs. Now the biggest advocate of unfettered free trade, of NAFTA with Mexico, of PNTR with China, of these trade agreements, is corporate America. It is the chamber of commerce, it is the National Association of Manufacturing. They spend huge sums of money on lobbying and campaign contributions in order to make Congress vote for these great trade agreements.

Let me repeat. Over the last decade, these very same corporations that want us to pass these disastrous trade agreements slashed 2.9 million American jobs. Furthermore, what we have learned is that during that same period of time—and here is the kicker—these same corporations have created 2.4 million jobs. The only problem is that those jobs were created in China, Mexico, and other low-wage countries.

What we have here is that key advocates for continuing this disastrous trade policy are precisely the people who have been slashing jobs in America, closing down factories, and hiring people abroad. And I would suggest that Members of the Senate might want to think twice about listening to the advice of people who have been laying off millions of American workers.

Oddly enough, again we have one of the leading advocates for these disas-

trous trade agreements—it is the chamber of commerce. Well, some years ago, the chamber of commerce, to its credit, was pretty up front. They said outsourcing is a good idea. They recommended to American corporations: Shut down in America and move abroad. It is good for your stockholders.

Do you really want to take the advice of people who believe that outsourcing and throwing American workers out on the street is a good idea? I do not think so.

Today we are hearing all of this talk about how these trade agreements are going to create new jobs. We heard it before. It is the same old movie. The American people understand it is a bad movie. It is an unfactual movie.

During the Clinton administration, we were told by Republicans and Democrats and then-President Clinton that NAFTA would create 100,000 American jobs over a 2-year period. That is what we were told about NAFTA. Well, results are in on NAFTA. Instead of creating 100,000 American jobs, the Economic Policy Institute has found that NAFTA destroyed more than 682,000 American jobs, including the loss of 150,000 computer and electronic jobs.

I do not understand why, when you have a policy that has failed and failed, you want to continue that policy. Football teams that have coaches with losing records get rid of those coaches. When you have a trade policy that has resulted in millions of American workers losing their jobs, you do not continue that same philosophy.

The issue here is not just Mexico and NAFTA, it is not just PNTR with China, it is obviously what is going to happen with the trade agreements that are before us today, Korea, Panama, and Colombia.

The Economic Policy Institute has estimated that the Korea Free Trade Agreement will lead to the loss of 159,000 American jobs and will increase the trade deficit by nearly \$14 billion over a 7-year period. Why would you want to go forward with those ideas? Why would you want to go forward with a trade agreement that will increase our trade deficit?

President Obama has estimated that the Korea Free Trade Agreement will support at least 70,000 American jobs. But the headline of a December 7, 2010, article in the New York Times says it all: "Few New Jobs Expected Soon From Free-Trade Agreement With South Korea." According to this article, the Korea Free Trade Agreement "is likely to result in little if any net job creation in the short run, according to the government's own analysis."

Let me touch on one particular aspect of the Korea Free Trade Agreement that I find especially troubling and that I think the American people, to the degree they understand this and learn about it, will also find troubling;

that is, this particular free-trade agreement will force American workers to compete not just against the low-wage workers in China or Vietnam or Mexico, they are going to be forced to compete against the virtual slave labor that exists in North Korea, the most undemocratic country in the world and a country itself whose government will financially benefit from this, with the dictatorship of Kim Jong Il.

We all know that under current law the United States has an embargo on all North Korean goods—for a very good reason. Workers in North Korea are the most brutalized in the world, have virtually no democratic rights, and are at the mercy of the most vicious dictator in the world. But after the South Korea Free Trade Agreement is signed into law, the United States would have a new obligation to allow South Korean products to come into our country tariff-free that contain major parts made by North Korean workers who make pennies an hour.

According to a January 2011 report from the Congressional Research Service, "There is nothing to prevent South Korean firms from performing intermediate manufacturing operations in North Korea and then performing final manufacturing processes in South Korea." In other words, there is a huge industrial park in North Korea. South Korean companies own that park. Workers there are paid horrendously low wages, and some of those wages go right to the North Korean Government. Products made in that industrial park in North Korea will go to South Korea and then will come back into the United States as part of that so-called free-trade agreement.

Today, over 47,000 North Korean workers currently are employed by more than 120 South Korean firms, including Hyundai, at the Kaesong Industrial Complex in North Korea.

This facility is located just 6 miles north of the demilitarized zone, with direct road and rail access to South Korea and just an hour's drive away from Seoul.

These North Korean workers officially make a minimum wage of 35 cents an hour, but they actually make less than that.

Instead of paying these workers directly, Hyundai and the other South Korean firms pay the North Korean Government. How is that? South Korean companies—major companies—pay the North Korean Government. They take a piece of the action, which is going to the most undemocratic, vicious dictatorship in the world. The products then go to South Korea, and they are part of the free-trade agreement with South Korea.

In 2007, Han Duck-soo, who was then the Prime Minister of South Korea and is the current South Korean Ambassador to the United States, said this:

The planned ratification of the South Korea-U.S. free trade agreement will pave

the way for the export of products built in Kaesong [North Korea] to the U.S. market.

So what we have now is American workers being forced to compete against desperate people all over the world, who are making a tiny fraction of the wages that are paid in America, and forced to compete against countries where there are no environmental standards, where worker unions are not recognized or respected.

But now it gets even worse. American workers are now being forced to compete against the virtual slave labor in North Korea as part of this trade agreement.

What about the Colombia Free Trade Agreement? It is understandable why the CEOs of multinational corporations would like this free-trade agreement. After all, Colombia is one of the most anti-union countries on the planet.

Since 1986, over 2,800 trade unionists have been assassinated in Colombia—more than the rest of the world combined. Think about it for a moment. If we found out that 50 CEOs had been assassinated in Colombia last year instead of trade leaders, do you think we would be on the verge of approving a free-trade agreement with that country? Frankly, I don't think so.

Lastly, let me say a brief word about Panama and the Panama free-trade agreement. Panama's entire economic output is only \$26.7 billion a year or about two-tenths of 1 percent of the U.S. economy. Nobody can legitimately claim that approving this free-trade agreement will significantly increase American jobs.

Then why would we be considering a stand-alone free trade agreement with Panama? It turns out that Panama is a world leader when it comes to allowing wealthy Americans and large corporations to evade U.S. taxes by stashing their cash in offshore tax havens. The Panama Free Trade Agreement will make this bad situation much worse.

Each and every year, the wealthiest people in our country and the largest corporations evade about \$100 billion in U.S. taxes through abusive and illegal offshore tax havens in Panama and other countries.

According to Citizens for Tax Justice:

A tax haven . . . has one of three characteristics: it has no income tax or a very low rate income tax; it has bank secrecy laws; and it has a history of non-cooperation with other countries on exchanging information about tax matters. Panama has all three of those. . . . They're probably the worst.

Let me conclude—and I will be back on the floor later to amplify on these remarks. I will conclude by saying this: If you go out to any community in America and you ask the people in those communities—especially working people—do you think our current free-trade agreements, such as NAFTA and permanent normal trade relations with China, have worked, and have

they been creating jobs in your community or have you seen factories shut down, I suspect that in almost every instance people will say these free-trade agreements are not working for American workers. They are costing us jobs.

That is what the American people understand to be true because it is true. So it seems to me that when you have a history of failed trade policies—policies that have enabled and encouraged large corporations to shut down in this country and move abroad, it is insane to continue that policy if you are serious about creating jobs in America, rebuilding our manufacturing sector, and trying to address the crises facing the middle class today.

We need new trade policies. Trade unto itself is a good idea. Everybody believes in trade. But you need trade policies that are designed to help ordinary working people and not just wealthy CEOs.

I feel very strongly that the policies we are debating today—trade policies with Korea, Panama, and Colombia—are nothing more than extensions of disastrous trade policies of the past. They should be defeated. We should come together and develop new approaches to trade, which will benefit all our people and not just CEOs or multinational corporations.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, Senator SANDERS has raised some questions about our trade policy. I do believe we need to examine our trade policies more carefully. As I have said in the last few days, we need to defend our legitimate interests as a nation, and I have supported legislation that would curtail China's ability to manipulate its currency to gain a trade advantage over us.

Trade agreements are not a religious thing with me. I think some of the free traders are accused of believing it is a religious thing—that whatever you do to further trade, even if we are at a disadvantage, somehow it is still better for us to sign these agreements; that we should just do this and not worry about it—cancer will be cured, peace will occur in the world, we will all be better friends, and things will happen good.

Things do tend to happen good when you have a trading relationship with a nation. I will support all three of these trade agreements. But I believe it is healthy to have Senators examine and make sure that these are the kinds of

agreements that advance our national interest. Is this the kind of trading partner we feel comfortable signing an agreement with? Will they honor it? Do we have prospects for improved trade over the years that could help both our countries?

Any business that does business with another business presumes it will be beneficial to them, and the other company that agreed to do business with this other company assumes it will be good for them. Certainly, any kind of contract, any kind of agreement that is a legitimate agreement of value benefits both parties. That is very achievable. It can be achievable in the trade world.

I believe that with regard to Colombia, South Korea, and Panama, we have reason to believe they will be good trading partners. Colombia is the longest democracy in South America. They had to go for over a decade dealing with narcotrafficking, a Communist guerrilla force, and we were able to help them defeat their enemy. They are now prospering. They have elections. The Congress is doing a good job. They are honoring their agreements. The people of Colombia are positive about the people in the United States. I have been there and I appreciate that.

As a native of Alabama and on the gulf coast, it is a direct shot south to Colombia. We have every reason to believe we can have a positive trading relationship with Colombia.

Panama is much smaller, but they have done well. A lot of people doubted their ability to function successfully as a government. I think Panama has been doing very well, and they believe in trade and want to be good trading partners. All of these will have to be watched. South Korea is one of our best allies in the world. We have huge amounts of soldiers there and basing in Korea. We do many things together. Korea has invested billions of dollars in the United States of America.

The Hyundai plant that makes the Sonata automobiles—one of the most popular automobiles in America today—is in Montgomery, AL. There are 3,000 workers, plus additional suppliers, many of which are Korean companies that have invested here and hired Alabamans—Americans—to work in their plant, and they do this around the country. They are honorable and when they sign agreements, you can expect them, as well or better than most nations, to adhere to it. They are disciplined people with integrity and they are smart and well educated. They are allies—strategic allies.

So in each one of these agreements, it is my best judgment that it will be beneficial to us. For example, with regard to Colombia, under the Andean Trade Agreement, basically, they can import products into the United States with no duty, for the most part. But this agreement is critical to them pro-

ducing their tariffs on the products that we ship to Colombia. Colombia buys a lot of our products. They are one of the best customers we have in South America. They have a positive view of the United States. I have a very positive view of Colombia.

My thought on these agreements would be that, yes, I think each one of these agreements has been negotiated sufficiently well to ensure that we will have a beneficial relationship. It will help us be more economically strong than we would be if we did not have these agreements. We are in a world economy. It makes no sense to me to think we can just build a wall around the United States and stop trade from occurring. That doesn't make sense to me. But I do believe that each and every trade agreement has to be carefully considered, and I expect the USTR to enforce the laws we pass.

We need to be sure we have the mechanisms in place to assure that those with whom we agree to trade will follow fair trade, will follow the terms of the contract, and will otherwise follow the requirements of a decent trading partner. I believe all three of these countries will do that. I think all three of these countries represent decent governments.

All three of these countries are allies of the United States. With regard to all three of these countries, I believe the signing of these treaties will enhance our economic vitality and will be good for us. I suggest, however, that it is not going to be an overnight boom. Trading is a two-way street. We will have economic advantage, and that is sufficient to me. It will be felt over decades. It has been said by someone—and I see Senator McCain and he can probably remember who said it—that there has never been a war between two countries, both of which have a MacDonald's.

Now, I don't know if that is accurate anymore or not, but most of the wars we get into are with countries that are isolated, backward, and insular. Trade can reduce the chance of war and hostile relations between nations. It can build positive relations.

So from that point of view, Mr. President, I think these trade agreements are agreements I can support. I believe my colleagues, if they analyze them, will reach the same conclusion. We are showing substantial increases in our exports to all three of these countries, and I do believe our exports would increase more with these agreements if they are ratified.

I thank the Chair, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Arizona.

MR. MCCAIN. Mr. President, I ask unanimous consent that the Senator from Ohio, Mr. BROWN, be next to speak following my remarks.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. I thank the Senator.

Mr. McCain. Mr. President, I support ratification of the three free-trade agreements we are debating. They are long overdue, and they are important to job creation in this country. While we have waited around, these countries have concluded free-trade agreements with other countries, much to the detriment of American exports.

The best example I can cite of that is several years ago, 40 percent of the imports of agricultural products into Colombia were from the United States of America, while today only 20 percent of their agricultural imports are from the United States because while we have been waiting, Colombia has concluded free-trade agreements with other nations which have given them access to their markets while we were not able to expand. One of the ironies of all this is, thanks to a rather complicated process that took place during President Clinton's administration, the results of the Andean trade preference agreements meant there were tariffs on U.S. goods going into Colombia but no tariff on Colombian goods coming into the United States.

But why I am here this afternoon, Mr. President, is because what has been unremarked on—and which was outrageous about this whole process we have been through in these times of fiscal difficulties—is that roughly \$1.3 billion is going to be spent on the so-called TAA, trade adjustment assistance. I would like to remind my colleagues the TAA was adopted in order to satisfy many of the concerns of labor and others at the time of the passage of other free-trade agreements, and like other government programs, spending on the TAA has grown and grown and grown and grown.

By the way, this was supposed to be for individuals, and, originally at least, individuals who have lost their jobs as a result of jobs going to the countries which free-trade agreements were entered into.

In 2006, it was \$735 million; in 2007, \$779 million; and in 2008, \$791 million. But following the so-called stimulus package—and the stimulus was supposed to be temporary—it ballooned to \$1.1 billion.

Additionally, according to the Department of Labor, Congress allocated more than \$975 million to fund other TAA services, including \$575 million for job training. In all, the annual TAA spending for the stimulus expansion totaled approximately \$2 billion.

Three weeks ago, the Congress passed an agreement to reauthorize the TAA through 2014. This paved the way for these free-trade agreements to be considered today. The agreement pares back some of the expansions from the 2009 stimulus and funds the program somewhere between the prestimulus

and poststimulus levels. This “compromise,” which, by the way, was negotiated by Republicans in the House of Representatives, will increase the annual TAA spending by at least \$460 million above the prestimulus levels before 2012 and 2013. Therefore, the total cost to taxpayers for the deal to allow these trade agreements to be considered by the Senate will be \$1.3 billion through 2014.

According to the Heritage Foundation, the TAA spending legislation passed by this body 3 weeks ago does the following: No. 1, it keeps the 2009 stimulus expansion for service sector workers. The stimulus, by the way, was supposed to be temporary. TAA was originally intended to provide income maintenance and job training to workers from the manufacturing sector. The stimulus bill expanded eligibility to include workers from the service and public sectors. This expansion expired in February, but the agreement restored TAA eligibility for service sector workers.

No. 2, it restored the stimulus expansion of benefits for job losses that are unrelated to free-trade agreements. The agreement retained the stimulus expansion of providing TAA benefits to any workers who lost their jobs to overseas production, not just TAA-certified jobs that were lost to free-trade agreements.

No. 3, it reinstated the stimulus's 160 percent increase in trade adjustment assistance for workers' job training spending. The proposal cemented the stimulus spending expansion of TAA for workers' job training at \$575 million a year from \$220 million, an increase of \$355 million a year.

No. 4, it continued the stimulus's creation of a new and duplicative job-training program. The agreement kept the TAA Community College and Career Training Program, which will dole out \$2 billion over the years 2011 through 2014.

So this program cries out for significant reform. The previous administration's agency leader called for FAA deficiencies to be addressed for the displaced workers who need the TAA benefits. In testimony before the House Ways and Means Committee on June 14, 2007, the Deputy Assistant Secretary of Labor called on Congress to take the “opportunity to improve the current TAA program to help workers gain the skills needed to successfully compete in the global economy.” The administration didn't listen and neither did Congress.

Let's look at an example of excess created in the temporary stimulus expansion of the TAA program that taxpayers are still on the hook for. According to a February 2011 study by Senator COBURN entitled, “Help Wanted: How Federal Job Training Programs are Failing Workers,” quoting from the study that Senator COBURN brought to this body:

Taxpayers may have a case of indigestion when they learn, nearly 2 years after the stimulus was enacted, their money is paying lobstermen, shrimpers and blueberry farmers \$12,000 each to attend job training sessions on jobs that they are already trained to do. The stimulus reauthorized the Trade Adjustment Assistance for the Farmers program administered by the U.S. Department of Agriculture, a program that provides subsidies to producers of raw agricultural commodities and fishermen so they can adjust to import competition. Under the stimulus, TAA benefits were enhanced to focus more on employment retraining.

Recently, the Department of Labor issued a report on the TAA program which indicated that only approximately 50 percent of the TAA training participants were actually placed in new jobs. While we can be happy for the 50 percent that used the training for new employment, a 50-percent success level is, of course, dismally low. Our obligation should have been to reform and fix the flaws in the program. Instead, we expanded it.

I am a big supporter of America's community colleges. One of the best community college networks happens to be in my home State of Arizona. It has been suggested that the TAA for Community Colleges Program, which was vastly expanded in the stimulus bill, has become nothing but a vehicle to funnel scarce tax dollars to community colleges around the country whether they need the money or not, with no performance reviews, no standards for graduation, and no oversight.

In March 2010, the Senate and House leadership, together with the administration, funded the TAA for Community Colleges Program \$2 billion over 4 years. Just last month—conveniently, right before the end of the fiscal year—the Department of Labor rolled out the money to individual community colleges and consortiums of community colleges. The money started flowing without regard to how well the community colleges did at graduating their students or whether there was sufficient TAA need.

Several of the community colleges have received grants of over \$2½ million of taxpayer funds while having extremely low graduation rates. Shouldn't we ensure that an institution can actually graduate its students before funneling money to it?

For example, Oklahoma City Community College received \$2.7 million. This institution had a graduation rate of 11 percent. If there was any doubt that the administration was using this program to funnel money to community colleges without regard to need or their ability to help dislocated workers receive training, let me just read from the Department of Labor grant announcement issued last week.

The following is a list of the entities in each State that will be receiving funding. The Department of Labor's Employment and Training Administration is continuing to work with these institutions to develop final performance operating and spending plans.

Earlier this year, the GAO released a study entitled “Multiple Training and Employment Programs: Providing Information on Collocating Services and Consolidating Administrative Structures Could Promote Efficiencies.” Here is what the GAO reported on Federal employment and retraining programs, including trade adjustment assistance.

Based on our survey of agency officials, we determined that only 5 of the 47 programs have had impact studies that assess whether the program is responsible for improved employment outcomes. The five impact studies generally found that the effects of participation were not consistent across programs, with only some demonstrating positive impacts that tended to be small, inclusive, or restricted to short-term impacts.

So what are we doing? We are going to spend at least \$1.3 billion, part of it on programs that clearly the Government Accountability Office says have not been productive in any way and are small, inclusive, or restricted to short-term impacts.

There are a lot of questions about the TAA Program. Does the TAA Program provide overly generous benefits to a narrow population? According to an analysis from the Heritage Foundation, based on statistics from the Bureau of Labor Statistics, in the third quarter of fiscal year 2009 only 1 percent of mass layoffs were the result of import competition or overseas relocation.

Is there evidence that TAA benefits and training help participants' earnings? An analysis by Professor Kara M. Reynolds of American University found “little evidence that it [TAA] helps displaced workers find new, well-paying employment opportunities.” In fact, TAA participants experienced a wage loss of 10 percent. The same study found that, in fiscal 2007, the Federal Government appropriated \$885.1 million to TAA programs. Of this amount, funding for training programs accounted for only 25 percent.

In 2007, the Office of Management and Budget rated the TAA programs as “ineffective.” The OMB found that the TAA Program fails to use tax dollars effectively because, among other reasons, the program has failed to demonstrate the cost effectiveness of achieving its goals.

Let me close by reminding my colleagues how we got to our current predicament. It is mid-October of 2011, 2½ years since President Obama took office, and we are just now considering these important trade agreements that were finalized half a decade ago, all because of the White House's insistence on making a temporary stimulus program—the dubious extension of TAA—into a permanent domestic spending program.

This is how George Will summed it up, writing in the Washington Post, on June 8, 2011:

President Obama is sacrificing economic growth and job creation in order to placate

organized labor. And as the crisis of the welfare state deepens, he is trying to enlarge the entitlement system and exacerbate the entitlement mentality.

On May 4, the administration announced that, at last, it was ready to proceed with congressional ratification of the agreements. On May 16, however, it announced it would not send them until Congress expands an entitlement program favored by unions.

Since 1974, Trade Adjustment Assistance has provided 104, and then 156, weeks of myriad financial aid, partly concurrent with the 99 weeks of unemployment compensation, to people, including farmers and government workers and firms, even whole communities, that can more or less plausibly claim to have lost their jobs or been otherwise injured because of foreign competition. Even if the injury is just the loss of unfair advantages conferred, at the expense of other Americans, by government protectionism.

This process should be appalling to the average American who is looking for an improving economy, not special favors to certain special interest groups.

Our national debt has reached unsustainable levels. Congress and the American people face some truly painful choices about how to cut our Federal budget. At a time when some are even considering enormous and dangerous cuts to our defense spending as a way to get our fiscal house in order, we shouldn't be throwing more and more scarce money at a Federal program that, as the GAO points out, is duplicative and possibly ineffective.

There is guilt on both sides of the aisle for the extension of this program. It has not had proper scrutiny, it has not had proper oversight. The studies that have been done have shown that it is practically useless—or certainly not useful—and ineffective; and now, as a price for these free-trade agreements, which I strongly support, we will be laying another \$2 billion on the taxpayers of America, unfortunately.

Mr. KYL. Mr. President, I would like to briefly explain my position on the free trade agreements/trade adjustment assistance package.

I support the free trade agreements, FTAs, with Panama, Colombia, and South Korea, and only wish these agreements had been taken up sooner. The FTAs represent true, bipartisan jobs legislation, and I am pleased they will soon become law. Free trade agreements have proven to be one of the best ways to open up foreign markets to American exporters. These agreements will create tens of thousands of new jobs by boosting American exports to three nations. The FTAs will also strengthen America's interests in two strategically important regions.

I do not, however, support the trade adjustment assistance, TAA, deal that was negotiated as part of the compromise to pass the FTAs. Nor do I think it should have been included in the FTA negotiations.

I have several key objections. First is the enormous costs. Over the next 3

years, the TAA deal adds over \$1.15 billion in new costs to the baseline TAA costs. Together, baseline TAA and these provisions will cost almost \$6 billion for the 2011–2013 fiscal years.

Second, the TAA deal does not represent a true compromise. The proposal was made only by three of the strongest TAA supporters. No critic of TAA was included in the negotiations.

Third, the umbrella of TAA programs deserved greater scrutiny than the process allowed. Instead of a moving a reauthorization with some rudimentary changes, fundamental reform should have been completed. There is little evidence that the TAA programs are actually effective, and, under this deal, we are going to spend billions of dollars on these programs without knowing whether they actually help Americans. Moreover, no work was done to reform the TAA training funding to reflect the fact that there are already over 40 programs dedicated to worker training.

Fourth, the TAA deal represents false reform. Proponents try to take credit for eliminating two grant programs within TAA for communities—programs which were already repealed. Proponents also cite the elimination of the mandatory nature of TAA for farmers/fisheries, which were already defunded for other purposes. Only in Washington would someone try to take credit for “ending” programs that no longer exist or that have no funding.

Proponents also claim that the size of the TAA for firms program was reduced. But that program represents a status quo authorization and is one already targeted by President Obama for elimination. How does level funding and rejecting a repeal recommendation constitute reform?

For these reasons, and others, I voted against the trade adjustment assistance legislation when it was considered a few weeks ago. The FTAs are sufficiently meritorious on their own accord without tying in a poorly designed and operated social welfare program such as TAA.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I would like to speak in opposition to these three pending free-trade agreements.

The bills look like they are about this size. These are the actual implementing of the three free-trade agreements. But one of the bills, and not the largest one—the one, in fact, of the three countries we are probably today passing trade agreements with, Colombia, South Korea, and Panama—the smallest by far in terms of its economy is Panama, and this is the trade agreement with Panama.

I remember all these conservative talk radio people saying: Have you read the bill? Have you read the bill? Have

you read the bill? Every time it is a bill they don't agree with, they ask: Have you read the bill? This isn't just to eliminate the tariffs we have with the Republic of Panama. If these agreements were about eliminating tariffs with labor standards—and I know the Presiding Officer from Oregon shares that view about labor standards. If these agreements were about eliminating tariffs and labor standards, they would be about this big. They wouldn't be anything like this. But these are chock-full of special interest deals. It is what this body always does: the North American Free Trade Agreement with Canada and Mexico; the PNTR with China, a different kind of situation but leading to even more problems; the Central American Free Trade Agreement with six countries in Central America and the Dominican Republic. Rules that help the drug companies, rules that help the insurance companies, special interest provisions that help the banks, special interest provisions that undermine public health and undermine safety, that is what these free-trade agreements are about.

I get it. I get it that this is greased. I get it that this will pass with overwhelming numbers. I get it that this White House is only this much better than the last White House in pushing for these trade agreements. These are Bush trade agreements, Korea, Colombia, and Panama. President Obama inherited them, but he doesn't get off the hook because he has improved these slightly. We have a little bit of an improvement with Korea so a few more American cars can be sold into Korea, nothing like the number of Korean cars that can be sold in the United States because we didn't want to be that tough when we negotiated, so we just make slight changes. This President made slight changes, and I have seen this. I was in the House for 14 years, and in my first term in the Senate I have seen this kind of game played by administration after administration. This is technically my fourth administration I have worked with, third at some length, and I have seen this over and over and over again.

When I hear of these trade agreements coming forward, every President says this is going to create tens of thousands of jobs. NAFTA was going to create 200,000 jobs, almost immediately, the first Bush administration said. The Clinton administration said: Yes; that is right. It is going to create more or less 200,000 jobs immediately. Do you know what it has created? It has created a loss of 600,000 jobs under the North American Free Trade Agreement. We gain some jobs; we lose some jobs, but the net is always lost jobs.

How many times is an administration going to come forward and how many times are we going to believe them? Fool me once, shame on you.

Fool me twice, shame on me. This body continues, as the House of Representatives does—they are a little smarter in the House; they don't pass these with quite the same numbers in the overwhelming margins, but they continue to do the same thing over and over and over.

The American public doesn't like these trade agreements. The American public, in large numbers, under poll after poll after poll—the American people don't like NAFTA, don't like CAFTA, don't like PNTR with China. Why do you think last night, finally, this body stood—63 Members of the Senate, almost 20 of them Republicans, voted to finally stand up on currency and try to create a level playing field in our trade with China? But we don't do it on these other trade agreements. With the lobbying efforts on NAFTA, on CAFTA, on PNTR with China, on the Panama Trade Agreement, on the Colombia Trade Agreement, on the Korea Trade Agreement, the lobbying is overwhelming. Special interest groups line up because they are so excited about passing these free-trade agreements. In the end, we lose jobs every single time.

When I came to the Congress 20 years ago, we had a trade surplus with Mexico and, if I recall, a small trade deficit with Canada. That means we sold more to Mexico than we bought from them. We bought more from Canada than we sold to them. Today, it is tens of billions of dollars' trade deficit we have bilaterally with those two countries.

The China trade deficit 10 years ago, when China got into the World Trade Organization because we passed PNTR in part—that is part of the reason they got in—our trade deficit with China was something like \$80 billion; today, it is almost \$300 billion, more than three times the trade deficit with China. So our answer is, let's do more of it.

So China undercuts our manufacturing. NAFTA takes away American jobs. CAFTA costs us jobs. Yet the geniuses around here, the people—and the majority leader has been wonderful in this, opposing trade agreement after trade agreement because he gets it—the geniuses around this place, in the White House, in the House leadership, in some of the Senate leadership, Senate Republican leadership, and far too many of my colleagues on my side of the aisle, the geniuses around here are saying: Let's pass more trade agreements because it is working.

Give me one other issue where people in this body en masse, in huge numbers, say: This trade policy isn't working so let's try more of it. That is exactly what we have done. We continue to pass trade agreements that look a lot like NAFTA. We continue to pass trade agreements that get us in this situation that cost us jobs.

I am for more trade. Like most Americans, I want to see us trade more

with other countries. But like most Americans, I have a problem with many of the rules that govern our trade policy because these aren't simple—eliminate tariffs. This is a trade policy that time after time favors corporate or investors' interests, and, in some cases, actually undermines our national security and undermines our national interests.

When we see the kind of job loss that NAFTA caused and CAFTA caused and PNTR caused, and these trade agreements with Panama and Korea and Colombia cause, we know this is not good for our national interests.

That is why I object to these trade agreements: They are more of the same broken promises, the same promises about: Oh, yes, it is going to create jobs. The same promise about: Oh, yes, it is going to expand our markets.

It may expand our markets a little bit, but it costs. We may sell some more, but we are buying a lot more from these other countries because the trade agreements simply aren't working.

Trade agreements are permanent. They often handcuff Congress and State legislatures from setting new priorities. North American Free Trade Agreement. I have heard Presidential candidates in campaigns say: Yes, they would work to renegotiate or even repeal NAFTA. Then they raise their right hand, get sworn in to be President of the United States, and they kind of forget they promised that.

These trade agreements undermine "Buy American" policy. How does that work? Because when we pass free-trade agreements, our FTAs, bilaterally or trilaterally with other countries, it doesn't give the same standing to our "Buy American" provisions. Do you think countries around the world don't have buy whatever their country is? You don't think the Chinese give special preference to "Buy China"? You don't think other countries ever give special preference? But we couldn't do that here because that would mean we aren't practicing free trade.

Every country in the world practices trade according to their national interests. But what do we do in the United States of America? What do we do in the Senate? What do they do in the House? What do they do in the White House? They practice trade according to some economic textbook that was printed before these pages sitting in front of me were even born.

These trade agreements lack any meaningful way to withdraw if the promised benefits don't materialize. We passed these trade agreements in Ohio communities from Springfield to Chillicothe to Portsmouth to Ash-tabula to Toledo. These Ohio communities can't understand why they are so buffeted by these trade winds that so often undermine their ability to make a living.

These trade agreements were originally negotiated by the Bush administration. I don't blame President Obama for that. But to the rest of the country, hearing the Obama administration talk about these trade agreements sounds like a continuation of the incoherent approach to America's engagement in the global economy that we saw with the Bush trade agenda.

Many of us on this floor have criticized the Bush trade policy. The Obama trade policy—I am a Democrat, he is a Democrat. The Obama trade policy is better than it was under the Bush trade agreement. The Obama administration has made these three trade bills a little better—at least Korea a little better than it was—a little better. The Obama administration has actually enforced trade laws when the Chinese cheat on tires, when they cheat on oil country tubular steel, when they cheat on glass, when they cheat on aluminum, when they cheat—not on glass; when they cheat on paper. We have made some progress.

There is a new steel mill in the Mahoning Valley in Youngstown, in large part, because President Obama enforced trade rules, trade laws with the Commission Department of the International Trade Commission. It is interesting, though. When the President went to Youngstown to talk about the opening of the steel mill, he talked about the Recovery Act, and the Recovery Act put some dollars and infrastructure around the steel mill, but he neglected to talk about trade policy, which he had enforced for these agreements. That is all behind us.

But these trade policies ignore the elephant in the room, which is our trade relationship with China. Last night, as I said, the Senate did the right thing on a strong bipartisan vote on Chinese currency. But, unfortunately, some of the opponents of cracking down—unfortunately, I guess. Opponents of cracking down on China's currency manipulation are the same supporters of these trade agreements and, on both issues, respectfully, they miss the point. People have heard the same promises from NAFTA and CAFTA and China PNTR: Businesses promise more jobs from increased exports. Yet no one talks about the increased imports that pale in comparison.

So when I used to hear President Bush, Jr.'s predecessor, Bill Clinton, always talk about look how NAFTA and these agreements are increasing exports, well, they do increase exports, but they increase imports so much faster. It was President Bush, first, who said some years ago that for every billion dollars of trade, either surplus or deficit, it translated into 13,000 jobs. I don't know if that number is exactly correct—it probably is a little less than that now with inflation what a job is worth in dollars. But if \$1 billion in

trade surplus creates 13,000 jobs, that means \$1 billion in trade deficits costs us 13,000 jobs.

So when I hear people say: Oh, these trade agreements, they are increasing exports, we have to tell the whole story.

It is akin to a sports reporter on the 11 o'clock news reading the baseball scores and saying: The Yankees scored seven runs tonight. That means maybe they won? Well, it turns out the Indians scored nine so the Yankees lost, which is a good outcome. But the fact is, when we are talking about trade, we don't just brag about exports. We have to look at what the value of the imports was too. We are not talking about that. No one likes to talk about the communities that are left cleaning up after a plant is abandoned, moved to somewhere else. No one likes to talk about the families who are devastated when the plant closes and they lose their jobs. Nobody wants to talk about what happens to our national security when a steel mill closes and the jobs go elsewhere.

To keep up, each month the economy must add 150,000 new jobs, just to keep up with population growth. There are 14 million who are unemployed and another 15 million who are underemployed or who have stopped searching for work. What do Korea, Colombia, and Panama trade agreements have to do with that? We did a great thing last night by standing up to China on currency, but then we are giving it away with trade agreements such as these that cost us jobs rather than increase jobs. I do not get it. A good week? It was not such a good week for international trade and for us creating jobs in this country.

Most people, when they think about trade, think about goods and tariffs, but these agreements are not just about tariffs. If they were just about tariffs, as I said, these agreements would be relatively short, a simple declaration of tariff rates. Instead, as I said, these agreements are hundreds of pages on procurement rules and financial services and investor-state dispute resolution. What does that mean? What it means is a whole lot of corporate lobbyists lobbied the administration—the Finance Committee, the Ways and Means Committee, the Senate and House committees that work on these things—and struck gold. It means these corporate lobbyists had their way in Washington again, that these corporate lobbyists never lose on these trade agreements. In the end, they almost always get their way, but it so much and in so many ways undermines our public interest and certainly undermines jobs.

These are complex agreements. They do not have to be that complex. But then some of my colleagues say we are falling behind when Brazil and Korea and the European Union sign trade

deals. What they do not say is that these are not the same kinds of agreements. If they were just about lowering tariffs in a reciprocal way—but they are not—if they were not the United States giving away the store for a little access, if they were just about tariffs, as I said earlier, and strong labor standards, we probably would have had a voice vote and passed them already. But these are not the same deals Brazil or the European Union signs with Korea. Let me explain that for a moment.

The European Union-Korea agreement does not have investor-state dispute resolution. Most countries have strong legal systems, and the EU and Korean negotiators decided they did not need to create a new privileged process under the trade deal to resolve disputes. In other words, if Korea has a food safety rule and the European Union has a food safety rule, they do not have to come into conflict because they do not have this dispute resolution that we do in our agreements. Then what happens when it is food safety or product safety? Do you know what happens? The country with the weaker rules wins.

What these trade agreements with the investor-state provisions—something the Europeans and Brazilians didn't do with Korea—with these provisions, it means we are weakening food safety laws, weakening consumer protection laws, weakening the kind of sovereignty that I thought people—particularly conservatives in this body—cared about.

When an investor can challenge a law in Korea or the United States under the special privilege process, outside the normal legal system, it can have the effect of chilling nondiscriminatory safety rules. But having a special privilege system outside the normal legal process is exactly what some companies want in these trade deals. In other words, if a company in the United States cannot find a way—if they are unsuccessful at lobbying the Senate, the House of Representatives, and the President, unsuccessful in weakening consumer protection measures or undermining a food safety rule, if they have been unsuccessful doing that directly here, through these trade agreements they are able to do that.

If Panama has weaker rules on investor protections, has weaker rules on financial consumer protection, weaker rules on food safety laws, then, through these trade agreements, it gives these corporate interests a back door to weaken our safety rules.

We fight like crazy around here to have strong consumer protections, to have safe pharmaceutical rules, to have good, strong pharmaceutical safety rules. We fight for those things, but then we are going to allow these trade agreements to undermine that.

These agreements affect investment dynamics and corporate decision-

making. They affect how a company makes decisions in 2 years, 5 years, 10 years, so these are important long term for these companies. Yet Congress has a few hours to debate these and vote up or down, with no amendments. These agreements are permanent. They affect the flow of goods and services on a permanent basis across the world for decades to come. These agreements are hundreds of pages, and here we are fitting them into the workweek, voting them up or down. The vote tonight is at 6:30.

I don't hear Rush Limbaugh, I don't hear the Washington Post, I don't hear others—conservatives on the other side of the aisle say: I can't believe you are jamming this through so fast, which is what they said on health care, which took months and months. They jammed this through in 48 hours, but that is OK because it is a trade agreement, even though it is this long and nobody has read it. I am almost sure that there is not one Senator out of 100 and maybe none in the 435 in the House of Representatives who actually read this bill. And this is the least consequential. This is the Panama trade agreement. This is not Korea, which is much bigger. This is not Colombia, which is significantly bigger. Yet we decided it is OK to fit this because fast track—the way we do trade agreements—has a whole special set of rules.

In my mind, nothing I know of in this body has this special set of rules that trade agreements get. They have to be debated quickly. There is a time limit once they are sent up by the President. There is no hold allowed on a trade agreement. There is no filibuster allowed on a trade agreement. There is no 60-vote threshold. There is a 60-vote threshold on confirming a Federal judge out of Toledo, OH. There is a 60-vote threshold on an Under Secretary of Interior. There is no 60-vote threshold on an agreement of hundreds of pages that will last forever with the Republic of Panama or Colombia or Korea, no 60-vote requirement, no hold, none of the rules of the Senate that might slow this down. Do you know why? Because these are chock-full of special interest provisions that every insurance company and drug company and bank can get their way and get this in permanent law. No scandal there, not with that. We will do it on every other bill but not trade agreements.

Two things, and then I want to close with a story.

Think about what fast-track authority does. I want to pursue that with a little more detail, about how we have these special rules in the Senate only for trade agreements, for nothing else.

First of all, with fast-track authority, in addition to having rules in the Senate that are very different from other rules in order that these pass quickly, we also delegate authority to

the executive branch—something we normally don't do. We allow the executive branch to set the substance of the negotiations. The executive branch is only required to notify Congress 90 days before signing the agreement. The executive branch writes the implementing legislation for each trade pact without the committees of jurisdiction having actual markups. In other words, it circumvents the normal committee process. Once the executive branch has submitted the bill, we have to vote for the implementing bill within 90 days. The votes in both Chambers are highly privileged. Normal congressional floor procedures are waived, including unanimous consent. Debates are limited, and no amendments are allowed. The result is that Congress is given little time. In the present case, the Senate has 4 hours to debate each agreement.

I am amazed. I mean, where are the conservatives in this country who said: Don't give Barack Obama so much power. You just did when you passed this. Why? Because it is a trade agreement. The rules are always different. MITCH MCCONNELL, the Republican leader, said his No. 1 goal in 2011 and 2012 is to make sure Barack Obama is a one-term President. We don't want to give him any power, we want to criticize him on everything—except, Mr. President, we would like to give you this, and you do whatever you want on these special trade agreements. Just the hypocrisy here on trade is beyond belief.

Let me close with what I think may tell the story of the importance of how we practice trade around the world. Some years ago, I flew into South Texas at my own expense, rented a car, and with two friends crossed the Texas-Mexican border just to follow up on what had happened with NAFTA. This was the mid- to late 1990s. I wanted to see how NAFTA was working out for the United States and Mexico along the border where there were so many manufacturing plants.

Right near the border, there was an auto plant, a GM plant. This GM plant looked just like a General Motors plant, not much different from Lordstown near Youngstown, not much different from the GM plant in my hometown of Mansfield, which unfortunately is now closed, not much different from any other auto plant. It was modern, the floors were clean, great technology. But there was one difference between the two plants, one major difference: The GM plant in Mexico didn't have a parking lot because the workers were not paid enough to buy the cars they made. That may tell you something.

I didn't do this, but go around the world, and in Malaysia, in the Motorola plant, the workers didn't get paid enough to buy a lot of the Motorola electronics they made. Then go back to Central America and go to Costa Rica,

and the workers in the Costa Rica Disney plant were not making enough to buy the toys for their children that they made. Go to China, go almost anywhere in the world in these developing countries where we either have trade agreements or where our trade policy has such impact, where companies in the United States shut down—never in world history have companies in one country, to the degree they do here—they shut down in the United States and move to China, move to Mexico, move to Malaysia, move to Indonesia, and then they sell their products back to the United States.

How do you build a country's wealth when you do that? And the reason they do is because these workers in Mexico who are building cars, in Malaysia making electronic equipment, in Costa Rica making Disney toys—these workers don't share in the wealth they create. They are not making enough from the jobs they do to buy the things they make.

The beauty of our system and what has made the United States a prosperous country with a strong middle class is—partly because of unions, partly because of democracy—is our workers typically earn enough that they can buy the products they make. In other words, if the workers are creating wealth for the company, for their bosses, they get paid enough, they can extract enough of that wealth that they can have a decent standard of living. Not in Mexico, China, Malaysia, or many of these countries that are part of this free-trade regimen.

Let me take you to one more place on this little tour around the world. Let me take you to a midwestern meatpacking plant. Most of these meatpacking plants were union plants. They had very little turnover. Workers were making very good wages, and they were safe, by and large, because the workers had demanded safety and the U.S. Government had enforced it.

Well, what has happened in the last 10 or 15 years in these meatpacking plants is the union has been busted. Many of the workers are immigrants. They are immigrants who—probably some of them are not legal, but certainly these immigrants who are there are not about to form a union. They do not speak English, sometimes, very well. They are not so certain they are going to be able to stay in this country. They are just not going to speak out. They are hardly ever going to talk back to their boss and will never form a union.

Here is what happened. It used to be in those plants—pardon me if my numbers are not precise here because it has been a while since I thought about this—it used to be in these meatpacking plants that the workers would stand there, they would have the vinyl aprons and a sharp knife because they were processing beef, and the car-

casses would be hung on the big hooks, and the carcasses would slowly go by, about 150 an hour, something like that. So these workers would be standing there and they would make their cut as the carcasses went by slowly, 150 an hour. After they busted the union, they sped up the line. When it is 150 an hour, that is about the right speed for them to do this work. They almost doubled the speed of the carcasses as they went by, and two things happened: Workers had to hurry, so they were more likely to hurt themselves because they would aim the knife, and because it was moving fast, they might end up glancing off the bone and cutting their leg. The other thing that would happen is workers were much more likely to drop their knives, quickly pick them up, wipe them on their apron, and go back to work. Here is the interesting thing. The line had sped up to 300, more or less, an hour. On Thursdays they slowed the line back. Do my colleagues know why? Because Thursday was the day these meatpacking companies were shipping those carcasses, that processed meat, to Europe, and Europe has higher food safety standards than the United States does. So if these workers could work fast, and if they dropped the knife and wiped it off, the meat might get a little contaminated. That is OK for U.S. food safety standards, but the Europeans, who had higher food safety standards, said, We are not buying your beef unless you slow the line down and make it safer.

That is what globalization would be. It is not just workers in Mexico who can't buy the cars; it is not just Motorola workers in Malaysia or Disney workers in Costa Rica who can't buy the products they make; it also undermines our food safety and drug safety and consumer protection.

These agreements are not trade agreements. They are special interest laws that never see the light of day because of the peculiar rules of the Senate.

We should be ashamed of ourselves for passing these agreements, period, and especially passing them under these provisions. I hope the administration learns something from this. I hope the administration decides, on these trade agreements, instead of being on the side of the largest corporations in the country and in the world, which don't always look out for American interests—I hope the administration and the Members of the House and Senate will decide they want to be on the side of American families, of American communities, of American workers, of American small companies that make goods and want to sell all over the world.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Madam President, international trade has always been controversial. That has been true since the days of the Smoot-Hawley effort—Hawley, by the way, was an Oregon Congressman—and it continues to be true today. It is important to our country and important to my home State that I made a special priority, when I was given the honor of serving on the Senate Finance Committee, to queue up to be able to chair the Subcommittee on International Trade and Global Competitiveness, because I think it important that we continue our work here in the Senate to keep pushing to keep our trade policy on the right track.

I wish to describe today three aspects of this debate that are indisputable. In other words, we have lots of differences of opinion with respect to past agreements—did they create jobs, did they not create jobs, and how did they affect various parts of the country—and suffice it to say reasonable people can differ with respect to these analyses. But I have been able, as the chair of this subcommittee of the Senate Finance Committee—the Subcommittee on International Trade and Global Competitiveness—to dig deeply into this issue.

I believe there are three indisputable positions with respect to the agreements we will be voting on tonight that the Senate ought to take into consideration that are at the core of why I will be voting later this evening in favor of the agreements.

The first position is there is a huge appetite all around the world for American goods and services. We are the gold standard. People around the world want to buy Brand USA. They want to display it. They want to feature it. There is no question that we have an opportunity to feed this huge demand for American goods and services. I think we ought to go forward and tap this opportunity. The bottom line is if we don't take this opportunity to burnish this Brand America and get our goods and services around the world, we can be very sure that somebody else will be right there, and it is most likely to be China. That is point No. 1. I think it is indisputable.

Point No. 2 is the challenge today in global markets is to capture the entire supply chain. That means everything from raw materials to component parts to the finished good. When I talk about this opportunity to capture the global supply chain, what it means to me in Oregon, and I think it means the same thing in North Carolina or South Dakota—I see my friend and colleague, who is the ranking member on the trade subcommittee, and it has been a

pleasure for me to work with him—and I think all over the United States, capturing this supply chain in the global economy means the same thing, and that is what we ought to do—what I say at home in Oregon and I am sure my friend in South Dakota says exactly the same thing, let us grow it in Oregon, let us make it in Oregon, let us add value to it in Oregon, and then let us ship it somewhere. It is a huge opportunity we have in front of us to tap this global supply chain where, once again, if we walk away from this kind of opportunity, we can be very certain that China will be right there to fill the void.

The third issue involves the question of tariffs. I have heard people say, well, these agreements have lots of other things in them, lots of other provisions that are unrelated to tariffs. There is no question that is accurate. But at the end of the day, if American import tariffs are in low and American goods are faced with very high tariffs when they arrive into foreign markets, that is a very substantial advantage for our trading partners. As I highlighted yesterday in the Senate Finance Committee, when we want to send our beef, Oregon beef, to Korea, we sometimes face a 40-percent tariff. When Korea sends their beef to us here in the United States, it can be as low as 4 percent. That is a tenfold difference.

I could go through a whole host of other products.

Oregon wine faces a tariff in Korea that is fifteen times higher than wine that is imported into the U.S.

Value-added wood products. I know the Presiding Officer, the Senator from North Carolina, cares an awful lot about wood products. Well, the fact of the matter is, if we want to send finished wood into Korea—not the raw materials. We all know what we want to do, again, is add value to wood products, a key component of the Pacific northwest's economy, of the southern economy. We want to add value to it. Well, the fact is, the tariffs are four times as high for finished wood products in Korea as they are here in the United States.

These are indisputable facts: the question of the tariffs, the question of the global supply chain, and the Brand USA opportunity I have described as this huge appetite for American goods and services that exists around the world that I think we will be making a grave mistake to pass up an opportunity to level the playing field by dismantling foreign trade barriers to U.S. goods and services, whether they are tariffs or otherwise. The free trade agreements with Korea, Colombia, and Panama provide us an opportunity to level the playing field for U.S. producers who would like to feed the appetite for American goods and services in Korea, Colombia, and Panama.

There are a lot of other issues associated with the votes we are going to

have to cast. I feel very strongly about the trade adjustment assistance program because I want to make sure, in an economy that is constantly changing, our workers have a trampoline, in effect, to get the training and the skills they need to succeed, which may mean moving into new careers. People think the Trade Adjustment Assistance Program is just about workers. This is a crucial program for employers, and that is why it has so much support among employers. Employers need workers with the types of skills that enable them to be competitive in global markets, and trade adjustment assistance helps in this regard.

By the way, one of the concerns business is continually citing, and increasingly so, is the mismatch they often face where they need workers who have one sort of skill but the workers in their community do not have what they need. So, with the Trade Adjustment Assistance Program, we can close that skills gap, we can do more to ensure businesses can get the type of workers they can rely on to be efficient and competitive. So, the idea that trade adjustment assistance is just for workers is a mistake. It is a major plus to our employers. Oversight over trade adjustment assistance is going to be one of the things that the subcommittee on trade, which I chair, is going to zero in on.

Worker issues: Another one we will be looking at on the subcommittee involves issues relating to workers rights under the U.S.-Colombia Free Trade Agreement. There, our concern is violence—demonstrable, serious violence against Colombian union members and the impunity the perpetrators of such violence have enjoyed.

This situation does seem to be getting a bit better. The Santos administration understands the concern. There is an agreement with Colombia on an action plan on labor that sets in motion a series of steps the Colombian Government is taking to provide workers with more adequate labor rights and protection from violence. But there is a lot more to do, and I intend to conduct meaningful oversight over the labor situation in Colombia and Colombia's adherence to its commitments to the Obama administration. As far as I am concerned, that is going to start as soon as these agreements have been voted on. Senator STABENOW, Senator CARDIN, and Senator MENENDEZ will be joining me, and we are all going to be doing more to make sure the Obama administration provides the Congress with annual reports on the labor situation in Colombia and the impact of the labor action plan that was reached by the Obama administration and the Santos administration.

I have mentioned trade adjustment assistance. I have mentioned labor rights. I want to close in terms of future work that is related to this topic

by talking about China because certainly these trade agreements and the ability to tap the opportunity, particularly in our country, for family wage employment through more exports is going to require tougher enforcement of our trade laws and, particularly, the Obama administration getting serious about enforcing the laws on the books.

We have had a series of investigations looking at cheating—cheating, Madam President. I use that word specifically. I guess you could call it merchandise laundering because some foreign producers, when they are faced with U.S. trade remedy laws, like anti dumping and countervailing duties, instead of doing the right thing and coming into compliance, decide to ship their U.S.-bound merchandise through another country in order to falsify the country of origin import documents. This is going to be an even more important challenge when the trade agreement with Korea goes into force. Fortunately, we have bipartisan legislation in order to stop this type cheating, to strengthen the enforcement of our trade laws. It is going to be even more important to pass that effort to eliminate this kind of cheating because with respect to the agreement and Korea, Chinese suppliers have a long history of laundering their goods through Korea in order to avoid U.S. trade laws by suggesting the Chinese merchandise is from Korea.

On the question of cheating, we have documented the problem in our hearings of the Finance Subcommittee on International Trade. And we have a bipartisan bill with, I believe, four Democratic Senators and four Republican Senators. It's called the Enforce Act and we are ready to move it forward. I was very pleased, in the discussion in the Finance Committee, Chairman BAUCUS and Senator HATCH, the ranking minority member, said this effort to fight these practices, this kind of cheating—which potentially could get worse unless you strengthen enforcement—Chairman BAUCUS and Senator HATCH said it was going to be a priority for them, and they wanted to make our antichecking legislation a must-pass effort before the end of this year, that they would attach it to a must-pass piece of legislation.

I could go on.

Even today, the administration is going forward with the anti-counterfeiting trade agreement, or ACTA, without doing it with the approval of the Congress. I think that is a mistake. I think that may be misreading of the law that the executive branch can do it of its own accord, and many legal scholars agree. We are going to tackle that in the days ahead because those issues are important now. They will be even more important, given the expansions of trade and commerce when these agreements are approved.

So there is a lot to do to keep the country's trade agenda on track. Level

the playing field for U.S. producers. Ensure we have a competitive workforce. Advance labor rights, and enforce the trade laws to combat unfair trade. At the end of the day, if we miss one opportunity to do more to market our brand around the world in order to enable Americans to make things here and grow things here and continually add value to them, dominate that supply chain—which I think is going to be the overriding issue for global competitiveness in the days ahead—if we walk away from those issues, and enabling U.S. producers to export—to feed the foreign appetite for our goods and services—we are walking away from the opportunity for American workers to get the good-paying jobs in the private sector that they need.

In my home State, international trade is a very significant barometer of our economy, with estimates even being that one out of six jobs in Oregon depends on international trade, and the trade jobs pay better than do the nontrade jobs. I want America to be the leader in seizing the opportunities that exist to sell goods and services in foreign markets. I want Oregon producers of high-value goods and services to benefit from our efforts here in the Senate to level the playing field in global markets. These trade related jobs that we can help create—I call them red, white, and blue jobs—these are the kinds of jobs I want for this country that I know the Presiding Officer wants, where we do allow American productivity and American ingenuity to continually innovate and compete.

There are other issues. I know the Presiding Officer cares a great deal about tax policy, global tax policy. Senator COATS and I have a bipartisan tax reform proposal. We look forward to working with the Presiding Officer on that issue.

But today is a chance to expand our opportunity to get the American brand, the USA brand for goods and services, in markets that are growing, in markets that you can bet China wants.

I know this is controversial. Trade policy always is. But I think, for our workers to get the chance to get our goods and services into growing markets—growing markets that China wants—that my colleagues support the trade agreements that are before us today.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Madam President, I, too, rise in strong support of the pend-

ing trade agreements with America's allies, Colombia, South Korea, and Panama.

These agreements hold great promise for American farmers, manufacturers, service providers, and American consumers. I would echo my colleague from Oregon, who chairs the Subcommittee on Trade on the Finance Committee; that is, these trade agreements position American businesses to capture more of that supply chain to enable us to create jobs here at home and to grow the economy, to generate economic activity out there that otherwise we would not see happening. At a time when we need to focus our efforts on measures that will promote economic growth and job creation, these agreements are exactly the type of legislation we ought to be considering.

There is broad consensus these agreements are going to benefit our economy. The Obama White House estimates that enactment of these three trade agreements will boost exports by at least \$12 billion, supporting over 70,000 American jobs.

The Business Roundtable estimates that passage of these trade agreements will support as many as 250,000 American jobs. These are not only jobs at large businesses but increasingly at smaller companies that are accessing international markets.

As an example of that, more than 35,000 small and mid-sized American businesses export to Colombia, Panama, and South Korea, and these firms now account for more than one-third of U.S. exports to these countries. Passing these three trade agreements will provide export opportunities to American businesses of all sizes, creating good-paying jobs here at home.

The benefits to U.S. agriculture from passing these agreements are especially compelling. These three agreements are estimated to represent \$3 billion in new agricultural exports that will support 22,500 U.S. agricultural-related jobs.

My State of South Dakota is a good example if you look at the export potential for U.S. agriculture represented by these agreements. According to the American Farm Bureau Federation, these agreements will add \$52 million each year to South Dakota's farm economy. South Dakota is projected to gain \$22 million from increased beef exports, \$25 million from increased exports of wheat, soybeans, and corn, and \$5 million from increased pork shipments each year.

America's market is already largely open to imports from many of our trading partners. In fact, almost 99 percent of agricultural products from Colombia and Panama, for example, already enters the United States duty free. Without trade agreements to ensure similar treatment for our exporters, American businesses will continue to face high tariff and nontariff barriers abroad.

Consider just one example, the market for agricultural products in Korea, which is the world's 13th largest economy. Korea's tariffs on imported agricultural goods average 54 percent compared to an average of 9 percent tariff on their imports into the United States. So passage of the Korea Free Trade Agreement will level this playing field. Think about that. Fifty-four percent for our exporters to get into the Korean market, 9 percent tariff for their exports coming here. That is a huge discrepancy that will be rectified by passage of this agreement.

Korea's market for pork products in particular underscores how removing barriers to trade can benefit U.S. farmers and ranchers. U.S. pork exports to South Korea have increased 130 percent from January to July of this year because Korea temporarily lifted its 25 percent duty on pork imports due to an outbreak of foot-and-mouth disease in Korea.

During this period, the Korean market surpassed Canada to become the third largest export destination for U.S. pork producers after Japan and Mexico. Korea's tariff on pork imports is expected to return but would be permanently eliminated by 2016 under the terms of the United States and South Korea Free Trade Agreement.

We know when we eliminate barriers to U.S. exports, American producers will compete and win in the global marketplace. However, if we fail to act and continue to delay implementation of these agreements, the cost to our economy will also be substantial. The U.S. Chamber of Commerce study warns that failure to enact the three pending free-trade agreements could threaten as many as 380,000 American jobs and the loss of \$40 billion in sales. The cost of inaction on trade is high because today we live in a global economy where American producers rely on access to foreign markets.

Consider that in 1960, exports accounted for only 3.6 percent of our entire GDP. Today exports account for 12.5 percent of our entire GDP. Exports of U.S. goods and services support over 10 million American jobs. When America stands still on trade, the rest of the world does not. Today there are more than 100 new free-trade agreements that are currently under negotiation around the world. Yet the United States is only party to one of those negotiations; that is, the Trans-Pacific Partnership.

If we do not aggressively pursue new market-opening agreements on behalf of American workers, we will see new export opportunities go to foreign businesses and foreign workers. Unfortunately, that is exactly what we have experienced under the current administration. The three trade agreements we are considering today were signed over 4 years ago, and this administration had more than 2½ years to submit

them to Congress for consideration but failed to do so.

Instead, the President chose to sit on these agreements and not send them to Congress for nearly now 1,000 days. We cannot quantify precisely the cost of this unfortunate delay, but we know it put American exporters at a competitive disadvantage in the Colombian, Korean, and Panamanian markets. For example, on July 1 the European Union-Korea trade agreement went into effect. In just the first month after this agreement took effect, EU exports to Korea jumped nearly 37 percent, while U.S. exports to Korea rose by only 3 percent.

Let's be clear about what this means. Korean consumers are choosing to buy German, French, and British cars, electronics, and agricultural products rather than American-made products because those European products now have a price advantage. This would have been entirely preventable if we had acted on the U.S.-Korea trade agreement sooner. Likewise, the Canada-Colombia agreement went into effect on August 15 of this year. This is resulting in an advantage for Canadian goods such as construction equipment, aircraft, and a range of other industrial and agricultural products. Colombia is now reporting that since the Canada-Colombia trade agreement took effect, there has been an 18.3-percent increase in Colombian imports of Canadian wheat.

Much as with Korea, U.S. businesses are finding themselves disadvantaged because the President waited so long before sending these agreements to Congress. Unfortunately, the negative impact of the Canada-Colombia agreement on U.S. exporters is just a continuation of the lost export opportunities we have seen over the past few years as these trade agreements have lingered.

Just a few years ago, American wheat producers dominated the market in Colombia with a 73-percent market share, as of 2008. Today we are facing a situation where U.S. wheat producers are likely to be completely shut out of the Colombian market if we do not act. Hopefully, by passing this agreement today and by swiftly implementing the U.S.-Colombia trade promotion agreement, our wheat producers will be able to recover much of their lost market share. But they should never have been placed in this position to begin with.

In 2010, for the first time in the history of U.S.-Colombia trade, the U.S. lost to Argentina its position as Colombia's No. 1 agricultural supplier. Now, consider the story of three of the major crops that we grow in South Dakota: soybeans, corn, and wheat. The combined market share in Colombia for these three U.S. agricultural exports has decreased from 78 percent in 2008 to 28 percent as of 2010, a staggering decline of 50 percentage points in our market share.

U.S. corn sales to Colombia fell from 3 million metric tons in 2007 to 700,000 metric tons in 2010. This is the high cost of delay while our trading partners pursue new regional and bilateral trade agreements. There has also been the cost of duties that have been paid on U.S. exports while these agreements are waiting. U.S. companies have paid more than \$5 billion in tariffs to Colombia and Panama since the trade agreements with these nations were signed more than 4 years ago.

Let's consider the cost of delay to just one American company, Caterpillar. We all know Caterpillar is a leading producer of large construction and mining equipment and a major U.S. exporter. Caterpillar exports 92 percent of its American-made large mining trucks. Caterpillar's large truck exports to Colombia face a 15-percent duty which adds about \$300,000 to the cost of each of these trucks exported to Colombia.

I mean, how does that work? Think about that. Every truck that Caterpillar sends into the Colombian market, it is an additional \$300,000 on top of the cost of that piece of equipment for the tariff that has to be paid. Just imagine the advantage that Caterpillar could have had for the last several years over its Japanese and Chinese competitors if the House of Representatives—at the time was controlled by the Democrats back in 2008—had not refused to consider the Colombia agreement when President Bush submitted it or if the current administration had acted sooner, and that is just one example of countless others out there with American businesses.

So I am glad we are here today. I expect all three trade agreements to pass with what I hope is broad bipartisan support. I hope we also have learned an important lesson. We cannot afford to delay when it comes to international competition in trade. I hope the White House has learned an important lesson as well rather than submitting to Congress divisive measures where there are fundamental disagreements, such as new tax increases. This administration should identify measures such as these trade bills that will spur our economy and where there is broad bipartisan agreement.

The President sent his American Jobs Act to Congress exactly 1 month ago today. Yet we only, just last night, voted on whether we should consider this bill—a vote that did not get a single Republican vote, and it did not get every Democratic vote either. Contrast that approach with these free-trade agreements which were submitted to Congress by the President on October 3, just 9 days ago. Within about a week and a half, these trade agreements will have passed the relevant committees in the House and the Senate with large bipartisan votes and will be on the President's desk awaiting his signature.

Clearly, reaching across the aisle on measures where both parties can find agreement is a much more effective approach. So I would urge my colleagues to support these job-creating trade bills based upon their merit. I would also urge my colleagues to support these bills to send a message that when this administration is willing to send us commonsense, progrowth legislation, we are ready and willing to pass it.

We can only hope our votes on these trade agreements will set that precedent. I look forward to voting for these long overdue agreements on behalf of American businesses and consumers. I look forward, hopefully, to being able to act on what are truly progrowth job measures in the coming weeks and months.

We have an economy that continues to struggle with over 9 percent unemployment. Month after month we continue to see a lot of Americans who are without jobs, and this is one example of something we can do to address that concern. But there are lots of other things out there we can be doing as well if we are willing to identify those things on which there is agreement and those types of policies that actually do create jobs that are about getting Americans back to work and not about making some sort of a political statement.

I hope this will set a pattern and a trend that will be replicated in the future and that we can do some things that are good for our American economy and for American jobs.

Mr. ENZI. Madam President, I rise today to speak on final passage of the implementing language for the South Korea, Colombia and Panama free trade agreements. I support passing these three agreements. I supported them as they made the long and arduous journey from the negotiating table, through the Senate Finance Committee and now to the Senate floor. As has been stated by my colleagues, these agreements are far overdue. Our government and industries have long shared with Congress the positive job impact these trade deals would have on the American economy. In the case of both Korea and Colombia, other nations have not hesitated to adopt similar agreements and I just hope that inaction by the White House has not resulted in U.S. manufacturers and agricultural producers losing market share that can be difficult, if not impossible, to regain.

I can say that Wyoming will benefit directly from these agreements. Disodium carbonate, also known as soda ash, is Wyoming's largest export to South Korea. This agreement would immediately remove, upon ratification, the 4 percent tariff on U.S. soda ash exports to that country. This will not only increase U.S. exports of soda ash to Korea by millions of dollars annu-

ally but will also increase job opportunities in and around Green River, WY where natural soda ash is found.

Wyoming's agricultural producers also stand to gain with the passage of these agreements. In the case of Korea, we know that a strong market for beef will be opened which will help Wyoming ranchers increase the value of their cattle heading to the sale barn. The standards in the Korea agreement will also set the stage for future negotiations in gaining market share for U.S. beef in other Asian markets. Consumer tastes are changing all over the world and our trading partners in Asia offer the largest potential market for American produced meat products. Colombia will do the same for Wyoming's wheat growers by reducing trade barriers and helping that country meet its growing demand for grain products.

I stand today in support of these important free trade agreements with South Korea, Colombia, and Panama. Not only are these nations our economic allies but strategic allies as well. These agreements solidify our relations with these countries and help promote U.S. job growth through our export markets. It is finally time Congress pass these agreements and fulfill the commitments we have made to our trading partners.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Madam President, I join with my good friend from South Dakota and the comments he made about the disadvantage we have created for ourselves in the last 3 years by not moving forward with these trade agreements long ago. But we are going to move forward today.

Jump-starting America's economy is going to require bipartisanship. If we are going to compete in a global economy, it means we are all going to have to work together to help create economic opportunities for Americans who are looking for work and help to create those private sector jobs that are the difference in a prosperous economy and an economy that is struggling.

Last night the motion to open debate on the President's so-called jobs bill was amended by his own party and was defeated then by a bipartisan vote in the Senate. That is not the kind of bipartisanship we need. We need bipartisanship moving forward.

The bill was defeated because it does not make economic sense—as the President said in August of 2009—to raise taxes on job creators. In fact, the administration, by its own accounting, said roughly 80 percent of the people who would be impacted by the surtax imposed by the bill that was set aside last night would be defined as businesses, the very businesses that need to create jobs in an economy where that should be the No. 1 priority.

The President's first \$800 billion stimulus plan failed to stimulate. It

did not create the private sector jobs we needed and, simply, my view of the \$450 billion we were talking about yesterday was that it was more of the same. But today is not more of the same. Today is a bipartisan opportunity to move forward with a bipartisan bill to help jump-start our economy.

If there is low-hanging fruit in job creation, it is exporting products to markets that want to buy them. This is not about labor conditions in Colombia or whatever might happen in Korea or Panama. This is about products that American workers make and whether they can get into those markets.

I would also say that for well over a decade now Colombian products have come into our country without a tariff under something called the Andean Free Trade Agreement. Well, so this can't be about Colombian labor. It must be about American labor and what we can do for American workers. We can open markets for American products, and that is what we are going to do today, I hope, as we move to agree to these trade bills.

These trade agreements would mean an additional \$2.5 billion per year in agricultural exports. Every billion dollars' worth of agricultural exports means an estimated 8,000 new jobs in Missouri. In Missouri, the trade-related jobs grew more than three times faster than other employment from 2004 to 2008.

I recently asked Missourians on Facebook and Twitter to share some of their personal stories about how they thought these trade agreements would impact their lives. Glen Cope, a young full-time farmer from Aurora, MO, noted:

Agriculture is not drawing young people to stay on the farm. . . . because it is difficult to make land payments based on what little we get for the products we produce—Versus the inputs—

and this has been the case now for generations.

Glen called on Congress to help farmers by creating "more demand for our products if we are going to get young people to stay and take over the farm."

Their parents and grandparents have produced food for our country and for much of the world for a long time. Glen Cope's generation can continue to do the same.

Chris Chinn, who runs a family farm in Clarence, MO, in northeast Missouri, told me if these trade deals pass, her family "could receive almost \$11 more for every hog they sell." Now, she noted, while \$11 may not sound like a lot, it sure seemed like a lot when they were losing \$20 for every hog they sold from 2007 through 2010. That makes the difference in whether that family stays on the farm.

Chris urged Congress to pass these agreements because "this increased revenue will help us meet expenses and

help us ensure our family farm will be there to pass on to my kids, who will be the sixth generation of farmers in our family."

Barbara Wilson noted that "agriculture fuels the economy in our small town of Mexico, Missouri." She told me that the passage of these free-trade agreements would lead to an "increased demand for our corn and our soybeans," and she stressed that "when the agricultural economy is good, the economy in our small town benefits." That means increased jobs in all sectors of that small-town economy.

Brian Hammons, president of Hammons Products Company in Stockton, MO, told me that "significant government-mandated trade barriers are hurting" his attempts to compete and develop markets for American black walnuts, which are harvested by hand in Missouri and other Midwestern States. Brian noted, if these trade deals passed, "our company can buy more black walnuts from thousands of people in Missouri and 11 other States, providing cash to those rural areas. And even more importantly, the increased production activity from processing those nuts would allow us to provide more employment for people in our rural Missouri community."

These are just a few of the farmers and job creators in Missouri who are calling on Congress to pass these free-trade agreements.

I look forward to voting for these agreements tonight. I hope a huge majority of my colleagues will join me in voting for the South Korea agreement, the Panama agreement, and the Colombia agreement. We will send a message to the world that we intend to compete in a world economy. If we are given the chance to compete, American workers can compete with anybody. These trade agreements provide an opportunity to do that.

Mr. WHITEHOUSE. Mr. President, I rise today to discuss the three pending trade agreements with Korea, Colombia, and Panama.

Let me say at the outset that I am in favor of free trade, if that term is allowed its true meaning. I have great confidence in the American worker and American businesses to compete and succeed in the global marketplace if given a free and level playing field. For generations, our country has shown that hard work and ingenuity are the engines of progress and economic prosperity. The innovations that have shaped our 21st century economy were, in great measure, conceived and produced here in the United States. And in return for allowing other countries to benefit from our hard work and innovation, America was rewarded with a strong middle class.

Unfortunately, however, in a post-NAFTA world, being the best is no longer good enough. Instead, we have engaged in a race to the bottom, where

to succeed you have to be the cheapest. And so, through our trade policy, we have too often put our workers at a real disadvantage.

Indeed, since 1994, when NAFTA went into effect, manufacturing sector employment across the country has fallen by over 5 million jobs, including over 42,000 in my State of Rhode Island. Contributing to these staggering losses are our trade agreements with Mexico, Central American and Caribbean countries, as well as the entry of China into the WTO.

That is why I cannot support the three trade agreements that are before the Senate today.

The Korea Free Trade Agreement is especially troubling for Rhode Island, particularly with respect to its treatment of textiles. According to the U.S. International Trade Commission's report, the textile industry is expected to lose jobs because of the favorable tariff reductions Korean manufacturers would receive under the agreement.

Rhode Island has a long history in textiles. In fact, the modern textile industry in this country can be traced back to Slater Mill in Pawtucket, RI, in 1793. Textiles were an important part of the State's economy throughout the Industrial Revolution and into the 20th century. But many of the business owners I have been talking to have told me how hard it has been for them, shrinking, laying off workers, and watching as factory after factory closed their doors around them.

I am working with what's left of the textile industry in Rhode Island—a small group of companies that are making really great products. Darlington Fabrics in Westerly, for example, makes performance athletic-wear, including products for our military. Coated Technical Solutions, based in Newport, works with coated fabrics for things like inflatable boats and tarpaulins. Northeast Knitting makes specialized medical fabrics, and Hope Global exports shoelaces.

I have heard from some textile companies that their sole competition comes from manufacturers in South Korea. These foreign competitors will disproportionately benefit from the tariff reductions in the Korea FTA. This is just another in a long line of examples of how our trade policy has failed American manufacturers.

With respect to the Colombia agreement, Colombia has a history of violence toward trade unionists, with 51 labor members murdered last year alone. Although the Obama administration negotiated a labor action plan with the Colombian government, there are no guarantees that its provisions will be enforced, and in fact, indications are that the violence has continued.

In short, I see no reason why we should put American jobs at risk to benefit a country that cannot provide

its citizens the most basic rights that we offer to ours. The Colombia free trade agreement is a bad deal for Americans, and it may be a worse deal for Colombians.

Panama has its own labor abuses, but its status as a tax haven is perhaps most troubling. Approximately 400,000 multinational corporations are registered in Panama, many of which have license to conduct business without reporting or paying taxes. While the Obama administration stepped in and negotiated a tax information exchange agreement, this agreement lacks the transparency required to assure compliance.

The benefits of a trade agreement with Panama barely register by any economic measure. I believe it would be a mistake to encourage trade with a country that offers little to the United States but that so brazenly facilitates the breaking of our tax laws.

I will object to these agreements until we make a wholesale revision of our trade policy and put enforcement at the forefront. Representing a State that may have suffered the most from unfair Chinese competition, I can't support more of these agreements until I see serious and sincere enforcement. We should refrain from passing further free trade agreements until we can ensure that American workers and businesses are protected.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I always enjoy the Senator's remarks. However, I cannot quite agree with the thrust of his statement.

In my view, the current trade policies in this country are a disaster. The evidence is very clear that they have cost us many millions of jobs and to continue that same unfettered free-trade philosophy, in terms of trade agreements with Korea, Panama and Colombia, makes absolutely no sense at all. When we have a policy that is failing, we change it; we don't continue it.

Let us be very clear. I think most Americans understand that our economy today is in disastrous shape. Our middle class is disappearing. Recent statistics have told us poverty levels are at an alltime high, and the gap between the very rich and everybody else is growing wider.

In my view, one of the reasons—not the only reason—for the collapse of the middle class has to do with the loss of millions of good manufacturing jobs, attributable to these disastrous trade policies. If we are serious as a nation in wanting to rebuild the middle class, lower our poverty rate, what we have to do is move forward in a new direction in trade, based on fair trade principles, and end this unfettered free trade, which has been such a disaster for American workers.

Over the last decade, we as a nation have lost 50,000 manufacturing plants in our country. I will repeat that because that is such a staggering number that it needs to be said over and over. Fifty thousand manufacturing plants in this country have shut down over the last 10 years alone. We have lost, during that same period, 5.5 million factory jobs. Many of those jobs were good-paying jobs. They were jobs that provided people with good wages and good benefits. Those jobs are gone and, in many cases, have been replaced by Walmart and McDonald's-type jobs, with low wages and minimal benefits.

To give us a sense about how significant the decline of manufacturing in this country is, the reality is, in 1970, 25 percent of all jobs in the United States were manufacturing jobs. Today, that number is just 9 percent. In July of 2000, there were 17.3 million manufacturing workers in this country. Today, there are only 11 million manufacturing workers. In my small State of Vermont—which is not as big as Ohio or Michigan and has never been one of the great manufacturing centers in the country, but even in a small State such as Vermont, what we have seen is a huge decline in good-paying manufacturing jobs, which have certainly impacted our middle class.

Mr. President, 10 years ago, we had approximately 45,000 manufacturing jobs in Vermont. Last year, we had 31,000 manufacturing jobs in Vermont. We have lost about one-third of our manufacturing jobs. I should tell everyone that 7,800 of those jobs were lost as a result of the trade agreement with China and another 1,300 were lost as a result of NAFTA.

The key issue is whether we continue our disastrous trade policy, which includes NAFTA, permanent normal trade relations with China, and CAFTA. Do we add on to trade policies that have failed? For the love of me, I cannot understand why anybody would want to do that.

The facts are very clear: Our current trade policies have failed, have been a disaster for working families. According to a recent study conducted by well-respected economists at the Economic Policy Institute, permanent normal trade relations with China led to the loss of 2.8 million American jobs—2.8 million American jobs. I remember because I was in the House when that debate took place. I heard the same thing then as I hear now—Members of Congress getting up and talking about all the new jobs that were going to be created. It wasn't true then and it is not true now.

How could we defend a trade policy based on the same principles as PNTR with China when that policy cost us 2.8 million jobs in the last year alone?

Then we have NAFTA. Many of us remember the rhetoric around NAFTA. My goodness, we were going to open

the entire Mexican economy for products made in the United States of America. We were going to be selling it in Mexico. Does anybody in America believe that policy has worked—that NAFTA has worked? The facts are very clear. Again, according to the EPI, they found that NAFTA has led to the loss of 680,000 jobs. So the simple reality is—and one doesn't have to be a Ph.D. in economics to figure this out—that if a company has the option of hiring somebody in a low-wage country at 50 cents or 70 cents an hour and they don't have to deal with unions or with environmental standards, why would they not go to those countries? The answer is they would go. The answer is they have gone.

That is what these trade policies are about—not selling American-produced products abroad but creating a situation where companies can shut down in America, move factories abroad, and bring those products back into this country tariff free.

We have quote after quote after quote from Members of Congress who got up on the floor during the NAFTA debate, during the China debate, and told us about all the jobs that would be created. I keep hearing that rhetoric, when, in fact, nothing said in the past has proven to be true.

Let me quote my good friends—and they are not good friends—from the U.S. Chamber of Commerce. They tell us this, and this is the discussion about Korea, Panama, and Colombia:

This is foremost a debate about jobs. At a time when millions of Americans are out of work, these agreements will create real business opportunities that can generate hundreds of thousands of new jobs.

But wait a second. Is this the same Chamber of Commerce that, on July 1, 2004, according to the Associated Press, said this—this is the headline: "Chamber of Commerce leader advocates offshoring of jobs."

Here is what the article stated about the Chamber of Commerce, a strong advocate for these trade policies:

U.S. Chamber of Commerce President and CEO Thomas Donahue urged American companies to send jobs overseas as a way to boost American competitiveness. . . . Donahue said that exporting high-paid tech jobs to low-cost countries such as India, China and Russia saves companies money. . . .

Let's see, the Chamber of Commerce is leading the effort for these trade agreements, but they tell us the outsourcing of jobs is a good thing. Maybe we want to think twice before we accept the advice of the Chamber of Commerce.

The U.S. Department of Commerce has reported—and this is very interesting, not only as information unto itself but about the politics of this whole trade agreement. We have the Chamber of Commerce and we have every major multinational corporation in the country telling us how good this

unfettered free trade policy is. But now we have the U.S. Department of Commerce reporting that over the last decade, U.S. multinational corporations slashed 2.9 million American jobs.

Let's digest that. Large corporations and multinationals come in here and say the trade agreements are great and will create American jobs. At the same time, over the last decade, they have slashed 2.9 million American jobs.

Here is the other side of the story. The truth is, these same multinational corporations that are telling Members of Congress to vote for these trade agreements—the truth is, they are creating jobs. The only problem is, the jobs they are creating are not in the United States of America; they are in China and other low-wage countries.

Over this last same period, the last decade, while they laid off 2.9 million American workers, these same multinational corporations created 2.4 million new jobs abroad. So they laid off 2.9 million American workers and created 2.4 million jobs in China and other low-wage countries.

That, in a nutshell, is what these trade agreements are about—enabling corporations to shut down in America, move to low-wage countries, and bring their products back into our country. The results are very clear. We don't need a great study done by the Department of Commerce or the Economic Policy Institute; all we have to do is walk into any department store in America. When we buy a product, we know where that product is manufactured. It is not manufactured in Vermont, it is not manufactured in California, and it is often manufactured in China, Mexico or other developing countries.

That has been the whole goal of these trade agreements—shut down plants in America, move them abroad, hire low-wage workers there, and bring the products back into this country. The idea that we would be extending this concept to Korea, Panama, and Colombia makes no sense to me at all.

Since the year 2000, 2.8 million American jobs have been eliminated or displaced as a result of the increased trade deficit with China. After all the talk on the floor of the Senate and the floor of the House, at the editorial boards of major newspapers and by leading politicians about how the China Free Trade Agreement would create jobs in America, it is very interesting to hear what these corporations had to say a few years after the trade agreement was passed. In other words, before it is passed, they will tell us about how we are going to create all these jobs in America. The day after it is passed, their line changes. The China Free Trade Agreement was passed in the year 2000. A couple years later, Jeffrey Immelt, the CEO of General Electric, was quoted on this subject at an investor meeting, just one year after

China was admitted to the World Trade Organization. This is after the Chinese-American free-trade agreement. This is what Mr. Immelt said:

When I am talking to GE managers, I talk China, China, China, China, China.

That is him, not me—five Chinas.

You need to be there. You need to change the way people talk about it and how they get there. I am a nut on China. Outsourcing from China is going to grow to \$5 billion. We are building a tech center in China. Every discussion today has to center on China. The cost basis is extremely attractive. You can take an 18 cubic foot refrigerator, make it in China, land it in the United States, and land it for less than we can make an 18 cubic foot refrigerator today, ourselves.

This is the head of General Electric, who, by the way, I guess is President Obama's great adviser on creating jobs in America. So that was 2 years after the China agreement was signed.

And on and on it goes. It is not just Mr. Immelt, it is major corporation after major corporation. Before the agreement, it is jobs were doing great in America. After the agreement, it is all of the advantages of outsourcing.

Let me tell you how bad the situation is. By the way, I think most Americans know that not only is it a disaster for our economy that we are not producing the products we consume, but it is really an embarrassment. I will cite an example. Last year, during the holiday season, I walked into the Smithsonian's very beautiful American History Museum. It is a great museum, and I urge everybody who comes to Washington to visit. I walked into the gift shop of the Smithsonian museum, owned by the people of America, paid for by the people of America, and do you know what their gift shop had? Most of the products in the gift shop were not made in America. It turns out they were made in China or made in other low-wage countries around the world. I went to a section where they had little busts of Presidents of the United States—George Washington, Thomas Jefferson, Barack Obama—and when you turned them over, do you know where these busts of Presidents of the United States were made? Yes, you guessed it—in China.

We have since been having some discussions with the Smithsonian. They are in the process of changing their policies. And we are working with other people as well. But that is how bad the situation is, that busts of American Presidents, sold in a museum owned by the people of the United States of America, talking about the history and culture of America, are made in China. That is just one example of how pathetic this whole situation is. And on and on it goes.

By the way, when we talk about trade, we often focus on blue-collar jobs and manufacturing jobs, but it is also increasingly information technology jobs and white-collar jobs. Just think for a moment that during the

past 4 years the cumulative trade deficit with China in advanced technology—not talking about sneakers but advanced technology products—totaled more than \$300 billion. Last year, our trade deficit with China on advanced technology products was a staggering \$92 billion—in 1 year alone.

I just bought one of these very nice iPhones. It is very nice. Do you know where that product is made? It is made in China. And the iPad is made in China, and the iPod and the Blackberry and IBM computers and Dell computers and the Microsoft X-Box and big-screen TVs. None of these American inventions we pride ourselves on inventing, none of the technologies we pride ourselves on developing—and Steve Jobs recently passed away, a great businessperson—none of these are made here. Where are they made? More often than not, they are made in China.

Let me quote from a December 15, 2010, article in the Wall Street Journal:

One widely touted solution for current U.S. economic woes is for America to come up with more of the high-tech gadgets the rest of the world craves. Yet two academic researchers estimate that Apple's iPhone—one of the best selling U.S. technology products—actually added \$1.9 billion to the U.S. trade deficit with China last year.

So we develop these products, but we can't manufacture them here because these companies prefer the low wages in China. And on and on it goes—not just blue-collar jobs but white collar jobs as well.

Today, we are not talking about China and we are not talking about Mexico. We are talking about Korea and Panama, and we are talking about Colombia, but it is the same old story. The chamber of commerce is back again suggesting the creation of all of these jobs, until the day after the agreement is signed, and then they will be talking about how they can throw American workers out on the street.

It is interesting that poll after poll shows that, to say the least, the American people do not have an enormous amount of respect for the U.S. Congress and they see Congress as living in a very different world than working-class people are living in.

I don't know of any example where that schizophrenia is greater than in terms of trade. I don't know what it is like in Rhode Island, but I will tell you what it is like in Vermont when you ask people what they think about these trade agreements with China. When you ask constituents if they think they are creating jobs in America, they reply: What, are you nuts? Of course they are not. And the polls tell us that. In a September 2010 NBC News/Wall Street Journal poll, 69 percent of Americans said they believe "free trade between the United States and other countries cost the U.S. jobs." I think every group in America except the Congress seems to get that point. But then again, the Congress is sur-

rounded by lobbyists and campaign contributors who come from big-money interests, and they like these unfettered free-trade agreements.

Let me say a word or two about Korea. The Economic Policy Institute has estimated that the Korea free-trade agreement will lead to the loss of 159,000 American jobs and will increase the trade deficit by nearly \$14 billion over a 7-year period. Why would we want to go forward in a trade agreement that will cost us jobs?

President Obama has estimated that the Korea Free Trade Agreement will "support at least 70,000 American jobs." But the headline of a December 7, 2010, article in the New York Times says it all: "Few New Jobs Expected Soon From Free-Trade Agreement with South Korea." According to this article, the Korea Free Trade Agreement "is likely to result in little if any net job creation in the short run, according to the government's own analysis"—our government's own analysis. That analysis was done by the U.S. International Trade Commission, which projects our overall trade deficit will increase, not decrease, if the Korea Free Trade Agreement is implemented. This is our own International Trade Commission. So what are we doing? What are we doing?

Let me touch on one aspect of the Korea Free Trade Agreement that deserves a lot of focus, and I fear very much it is not getting it; that is, the Korea Free Trade Agreement will force American workers not just to compete against low-wage workers in South Korea but also to compete against the virtual slave labor conditions that exist in North Korea, a country which is certainly one of the most undemocratic countries in the world. To add insult to injury, not only are our workers going to be competing against slave labor in North Korea, some of the proceeds from this free-trade agreement are going to the dictatorship of Kim Jong Il, certainly one of the more vicious dictators in the entire world.

What that is about is that a number of companies in South Korea, including Hyundai and many others, own companies that are doing business in a large industrial area in North Korea. This agreement will allow products made in North Korea to go to South Korea and then come back into the United States.

I know there has been a little confusion on this, but there shouldn't be. Let me quote from a January 2011 report from the Congressional Research Service, and I hope everybody who plans on voting for this free-trade agreement with Korea hears this:

There is nothing to prevent South Korean firms from performing intermediate manufacturing operations in North Korea, and then performing final manufacturing processes in South Korea.

For example, as much as 65 percent of the value of a South Korean car

coming into the United States could actually be made in North Korea if this trade agreement goes into effect.

Today, we have almost 47,000 North Korean workers currently employed by more than 120 South Korean firms, including Hyundai, at the Kaesong Industrial Complex in North Korea. What an agreement. What an agreement. Slave labor in North Korea manufacturing products that go to South Korea and then come into the United States of America. Meanwhile, the dictatorship of North Korea gets a significant piece of the action on top of the pennies an hour the North Korean workers get.

In 2007, Han Duck-soo, who was then the Prime Minister of South Korea and is now the current South Korean Ambassador to the United States, said:

The planned ratification of the South Korea-U.S. Free Trade Agreement will pave the way for the export of products built in Kaesong [North Korea] to the U.S. market.

Isn't that wonderful. Isn't that wonderful. Bad enough for workers in our country to have to compete against people in China and in Vietnam—people making 20 cents, 30 cents, or 40 cents an hour—but now we are asked to compete against slave labor in Korea. And that is the treaty people will be voting for today.

Mr. President, I think a lot of folks have mentioned, in terms of Colombia, the assault on trade unionists there. Since 1986, some 2,800 trade unionists have been assassinated. Less than 6 percent of these murders have been prosecuted by the Colombian Government. Last year alone—last year alone, in a small country—more than 50 trade unionists were assassinated in Colombia. That is up 9 percent from 2009. I ask, if in Colombia 50 CEOs of companies were killed last year, were murdered last year, do you think people here would be voting for a free-trade agreement with Colombia or would they say: Why would we want an agreement with a country that is so unlawful, that is so brutal, where so many CEOs are being killed? But it is not CEOs, it is just trade union leaders, so I guess it is OK to have an agreement there.

I would also say that President Obama had a different view on Colombia when he was a candidate for President in 2008. In October of 2008, candidate Barack Obama said:

The history in Colombia right now is that labor leaders have been targeted for assassination on a fairly consistent basis and there have not been prosecutions.

Candidate Obama in 2008 was right in opposing this trade agreement. Unfortunately, as President, he is wrong to support it right now.

Let me say a word about the Panama Free Trade Agreement.

Panama is a very small country. Its entire annual economic output is only \$26.7 billion a year or about two-tenths of 1 percent of the American economy.

So I think no one is going to legitimately stand here and say that trading with such a small country is going to significantly increase American jobs. Then why would we be considering a trade agreement with Panama? What is going on there? Well, it turns out Panama is a world leader when it comes to allowing wealthy Americans and large corporations to evade U.S. taxes by stashing their cash in offshore tax havens. And the Panama Free Trade Agreement would make this bad situation much worse.

I am a member of the Budget Committee, as is the Presiding Officer, and we have heard testimony time and time again that our country is losing up to \$100 billion every year as corporations stash their money in postal addresses in the Cayman Islands, in Bermuda, and in Panama. This trade agreement makes that situation even worse.

According to Citizens for Tax Justice:

A tax haven . . . has one of three characteristics: It has no income tax or a very low-rate income tax; it has bank secrecy laws; and it has a history of noncooperation with other countries on exchanging information about tax matters. Panama has all three of those. . . . They're probably the worst.

That is according to Citizens for Tax Justice.

The trade agreement with Panama would effectively bar the United States from cracking down on illegal and abusive offshore tax havens in Panama. In fact, combating tax haven abuse in Panama would be a violation of this free-trade agreement, exposing the United States to fines from international authorities.

At a time when we have a 14-trillion-plus national debt and at a time when we are frantically figuring out ways to try to lower our deficit, some of us believe it is a good idea to do away with all of these tax havens by which the wealthy and large corporations stash their money abroad and avoid paying U.S. taxes. The Panama trade agreement would make that goal even more difficult.

I want to say another word on an issue that I think is important as we look into the future. The proposed Korea Free Trade Agreement threatens both the 340B drug program, which requires drug companies to provide discounts on covered outpatient drugs purchased by federally funded health providers, such as community health centers and other safety net providers, and the ability of Medicare Part B to hold down the prices of outpatient drugs. The Korea Free Trade Agreement would potentially allow Korean drug manufacturers to challenge the pricing under these programs on the grounds that the prices are not market driven—in other words, forcing prices up in this country. That is something that was pushed, by the way, by our

trade representative, not theirs. In essence, the pharmaceutical industry's lobbyists, with complete indifference to the plight of millions of the most frail and vulnerable Americans, have succeeded in inserting provisions into the Korea Trade Agreement that would allow Korean companies to maximize their profits by challenging the cost control measures under the 340B and Medicare Part B programs.

But, unfortunately, this is just the tip of the iceberg. Right now, the pharmaceutical lobby—and they are a very powerful lobby—and the U.S. Trade Representative are negotiating a new trade agreement, the so-called Trans-Pacific Partnership, that I fear very much will make a bad situation in terms of drug access for the developing world, for poor people all over the world, much worse than it already is. Their aim, yet again, is to maximize drug company profits at the expense of the most vulnerable populations by tying the hands of health authorities here and in other developed and developing countries abroad who seek to provide access to low-cost generic pharmaceutical drugs for their citizens.

In negotiating the Trans-Pacific Partnership, our government is actively pushing intellectual profit laws for medicines that are more restrictive than we impose even here in the United States, with the effect of making it far more difficult to get generic drugs on the market in those countries. One of them, Vietnam, is a good example. Vietnam obviously is a very poor country. Vietnam has received more than \$320 million from the President's Emergency Plan for AIDS Relief, PEPFAR, created under President George W. Bush and continued under President Obama since 2004. The function of this program is to make sure the poorest people in the world who have diseases such as AIDS are able to get the drugs they need at a price they can afford to pay, and that means making generic treatments available.

The PEPFAR program has actually had significant success. As somebody who is not a great fan of President George W. Bush, this is an area where he actually did something quite positive, and that program is credited with saving millions of lives in 15 developing nations over the last 7 years. In the face of one of the most severe humanitarian crises in modern history, the United States put billions of dollars into doing something about it, and we are doing that today.

So why, in the face of this success by one arm of our government, would another arm work to pull the rug out from underneath it? Yet that is what the U.S. Trade Representative's Office is doing now.

In other words, on the one hand what we are trying to do is the right thing, the humanitarian thing, to make sure

that poor and sick people around the world are able to get the medicines they desperately need to stay alive at a price they can afford to pay; and, on the other hand, another part of the U.S. Government is saying, wait a second. We have got to protect the interests of the drug companies and make sure they can make as much money as possible so they can charge and force poor countries to pay outrageously high prices for drugs even if that means many people die because they can't afford those drugs. So this is a contradiction. This is what our new trade policies are about.

I will be back on the floor at some point in the not too distant future to be talking about this very important issue, but let me conclude by saying this country is in the midst of the worst economic crisis since the 1930s; the middle class is disappearing; poverty is increasing; millions of Americans have seen a decline in their standard of living; the gap between the very rich and everybody else is growing wider. That is the reality of the American economy today.

One of the reasons for the collapse of the middle class is the loss of millions and millions of good-paying manufacturing jobs, and one of the key reasons—not the only reason but one of the key reasons—we are losing millions of manufacturing jobs is disastrous trade policies designed to allow American corporations to shut down here, move to low-wage countries, hire people there for pennies an hour, and bring their products back. That is a policy I suppose you could say has worked if you are the CEO of a large corporation. You make a lot more money paying people 50 cents an hour than \$20 an hour. You make a lot more money working in a country where there are no environmental standards rather than in a country where you have to have some standards protecting air and water.

That is what our trade policy has been, and it seems to me to be enormously foolish for us to continue this failed policy of NAFTA, of CAFTA, of permanent normal trade relations with China, and extend them to Korea, Panama, and Colombia. I urge my colleagues to stand up to the big money interests which want us to pass these trade agreements, stand up for American workers, and say: No. Trade is a good thing, but it has to be based on principles that protect ordinary Americans, working people, not just the CEOs of large corporations.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today in the wake of another very sobering jobs report. Unemployment remains stalled at 9.1 percent; 14 million Americans are out of work; another 9 million have been forced into part-time

jobs because they simply cannot find full-time employment. These challenging economic times demand that Congress and the administration put aside partisanship and work together in earnest to address the prolonged jobs crisis.

Many of the decisions that will come before Congress in the next few months will be difficult ones, including those that must be made to restore fiscal order to our Nation's books. But there are bipartisan measures that we know will create and preserve jobs now. We must work together to advance them.

One such measure before us today is the free-trade agreement with South Korea. As President Obama stated last week, this agreement "will make it easier for American companies to sell their products in South Korea and provide a major boost to our exports."

South Korea is our country's seventh largest trading partner. The U.S. International Trade Commission estimates that implementation of this agreement would increase our gross domestic product by \$10 billion to \$12 billion, and annual merchandise exports by \$10 billion. The ITC further estimates that the agreement will reduce the U.S. trade deficit with Korea by between \$3 billion and \$4 billion.

An analysis of the Korean agreement conducted by the staff of the ITC at the request of the Senate Finance Committee concludes that the agreement could create up to 280,000 American jobs, including more than 650 jobs in my home State of Maine. Just this week there were announcements of 130 jobs lost at a paper mill in Maine and 65 jobs eliminated at a call center. So these new jobs, potentially 650 new jobs, would be welcome indeed.

South Korea is the fifth largest international market for Maine's products. Last year, the value of Maine exports to South Korea reached nearly \$100 million, including \$31 million in chemical products, \$29 million in wood pulp, \$15 million in civilian aircraft and engine parts, \$7 million in electrical machinery, and \$5 million in coated paper and paperboard.

Upon implementation of the U.S.-Korea Free Trade Agreement, more than 95 percent of Maine's exports to South Korea would be duty free. Let me repeat that. More than 95 percent of our exports from Maine to South Korea would be duty free. That means the elimination of these barriers to Maine's exports would expand markets for Maine's manufacturers and agricultural producers, and that translates into saving jobs and creating jobs.

Korea is the fourth largest and fastest growing market for American frozen potatoes, a major industry in my State. In 2009, the U.S. share of the Korean market was 81 percent, compared to 2 percent market share for the European Union. But with the implementation of the European Union-Korea

Trade Agreement this past July, the European Union frozen potatoes now enter the Korean market duty free. That obviously gives European Union growers a significant competitive advantage over American exporters, who face an 18-percent tariff for shipping their products into Korea. The U.S.-Korea agreement would eliminate this tariff immediately, leveling the playing field for our producers.

According to the Maine Potato Board, which has endorsed this agreement, passage of this free-trade agreement is expected to translate into a \$35 million annual increase in U.S. frozen potatoes exports to Korea. More important, in the long term it will allow American potatoes to be the product of choice in the Korean market because, as the Presiding Officer well knows, Maine potatoes taste better than those grown by the European Union countries.

In all seriousness, we do need to eliminate these discrepancies in tariffs that give our competitors an advantage over our American producers. Exports are essential to a strong industrial manufacturing base throughout our country and in the State of Maine.

I want to read an excerpt from a letter I recently received from the plant manager of the General Electric Energy Plant in Bangor, ME. The plant manager had this to say about the potential impact if this free-trade agreement were approved:

He wrote as follows:

GE's continuing ability to pursue expanding international opportunities for our aviation, energy and financial services exports is critical to our more than 700 workers in the State of Maine. In fact, 100 percent of the new steam turbine units coming out of our Bangor facility this year and next will be exported.

That just shows how critical that export market is to maintaining those 700 jobs in Maine.

The Bangor plant has, in addition, recently started producing components for gas turbines. To this end, we have invested roughly \$30 million in Bangor, to expand capacity. These gas turbines [under current law] face tariffs of 8 percent in Korea. . . .

If the U.S.-Korea Free Trade Agreement is passed, the GE plant manager in Bangor told me the tariff on the gas turbines produced at the Bangor plant would drop from 8 percent to 0, and that obviously would make those GE products and GE's employees in Maine all that much more competitive.

For Maine's wood pulp producers, Korea is already the second largest international market they have. Exports to Korea account for nearly 17 percent of the total production coming out of the pulp mill in Woodland, ME. In an e-mail to my office, Burt Martin, a director of the pulp mill in Washington County, had this to say about the importance of the Korean market to his business operation in Maine. He wrote:

Free trade with Asian countries means that we have an operating pulp facility in Woodland, ME. . . . Koreans are good paying customers—high revenue—and they are an important part of our markets.

Maine's blueberry growers also will benefit from the phaseout of tariffs on wild blueberry products. While I would have preferred to see the tariffs on blueberries eliminated immediately, the way they are on many other products I mentioned, the tariff reductions that would come about as a result of this agreement will help our blueberry growers compete in an increasingly important market.

An agreement will also unlock new market opportunities for Maine's iconic lobster industry. Live lobster exports to Korea currently face a 20-percent tariff. Under the agreement, this tariff would be phased out over 5 years, making it far easier for Maine to compete in the marketplace in Korea.

Fairchild Semiconductor in Portland, ME, is another strong supporter of this agreement. The manager of Fairchild cites the benefits of "tariff elimination, regulatory improvement, stronger intellectual property protection and simplified trade clearance procedures, measures that help streamline customs procedures and help U.S. companies cut down on the costs of doing business" as advantages that would be brought about by this agreement.

The bottom line is, exports to Korea support Maine jobs. Passage of this agreement is critical to ensuring not only that we can expand export opportunities, but also that we do not lose market share in one of the world's largest economies because our foreign competitors are more aggressive in their pursuit of trade liberalization agreements.

On balance, I believe the U.S.-Korea Free Trade Agreement is good for America and good for the State of Maine, and I will vote for it. I am convinced the elimination of tariffs will create jobs and help us save jobs at this critical time in our economy.

I also plan to vote for the agreement with Panama, a country with which the United States had a \$5.7 billion trade surplus last year. But I cannot support the free-trade agreement with Colombia. This was a difficult decision for me to reach, and I have given it considerable study and thought. But, unfortunately, the violence against labor unions continues at an unacceptably high rate in that country.

I do appreciate and recognize that the Colombian Government has taken steps to improve in this area, but I think it is simply too soon to declare the Labor Action Plan a success. I think more time is needed to assess progress in this area, and I wish the President had brought forth the two agreements I can support—those with South Korea and Panama—and held back on the Colombian agreement

until we have a better sense of the direction of the country and where we are going in making progress with the Labor Action Plan.

The benefits of free trade are not spread evenly over all sectors. With any trade agreement there is a potential that some U.S. workers and industries may be harmed. That is why I have looked at each agreement individually over the years. I have supported some, and I have opposed others. Frankly, the criteria I apply is whether the agreements benefit the people of my State and the workers of this country. It is also why I have been such a strong supporter of a robust trade adjustment assistance program, and I have also strongly supported tough enforcement of trade laws to protect U.S. workers against unfair trade practices. I have testified before the ITC in cases involving the paper industry where there has been illegal dumping. I have also been a cosponsor of the bill we just passed yesterday to crack down on currency manipulation by the Chinese Government.

But if the United States does not adopt policies to expand trade opportunities in a fair way, we will lose out on market opportunities, and that means we will lose out on the creation of jobs. The jobs that would be created or sustained at home will, instead, be created and sustained in other countries that are aggressively pursuing trade agreements.

With nearly 95 percent of the world's customers living outside of our borders, we simply must seize opportunities to expand our exports, to look for new markets for our products. Our competitors in Europe, Canada, and other nations are actively working to tear down barriers to trade and promote their exports. We must do the same for our industries and for our workers.

Mr. CHAMBLISS. Mr. President, I rise today to speak about one of the greatest job-creation measures this body has considered in a long time.

The three long-awaited trade agreements with South Korea, Panama, and Colombia that the Senate will soon receive will create more real, long-term jobs than any stimulus approach advocated by the President.

While many of us are concerned about the role of government in job creation—an issue that will continue to be debated by this body—we can all agree that it is imperative to create a fair and efficient platform on which businesses can grow. The trade agreements before us will do just that.

Some economists believe that we are doing perpetual harm to our manufacturing, agricultural and export sectors by not passing these agreements. For instance, the U.S. Chamber of Commerce has previously calculated that delaying the passage of the Colombia Free Trade Agreement alone may have

resulted in the direct loss of more than 20,000 jobs in the United States.

Our trading partners have looked elsewhere for goods and services to power their growing economies. When Canada and Colombia completed their trade agreement in August, within 15 days there was an 18-percent increase in wheat exports from Canada to Colombia.

The U.S. Trade Representative completed negotiations in 2006 with Colombia for the agreement we will soon have before us. Nearly 5 years of delays on this agreement alone have caused us irreparable damage.

While America was once the envy of the world for our trade agreements, we are now losing ground.

According to some estimates, the South Korean Free Trade Agreement has the potential to create 280,000 jobs in America alone. South Korea once called the United States its largest trading partner. We have since lost that distinction to China.

We are not simply creating jobs by passing these agreements, we are invigorating America's economy.

The Panama agreement will pack a significant economic punch for the United States. While it is a smaller country than South Korea or Colombia, the International Trade Commission estimates that U.S. grain and meat exports to Panama will increase 60 percent.

In the past several years, my State of Georgia has experienced a 327-percent increase in exports to Panama. While these exports have increased despite the tariffs exporters are burdened with, a fair and free trade agreement will allow these firms to export duty-free, increasing the capital available to them and giving them more opportunity to grow.

This agreement will have major implications for Georgia's agricultural producers. In fact, all three of these trade agreements will give major benefits to Georgia's agriculture sector.

With the South Korea agreement, we will see gains in poultry, eggs, beef, cotton, and pecan exports as tariffs on these items are phased out. We will see the same benefits with the Colombia pact, and that agreement will also eliminate peanut tariffs over the next 15 years.

I am proud to say that agriculture is not the only sector where Georgia will see gains. I would like to highlight a couple of local companies that stand to benefit from these agreements.

Sasco is a third-generation family-owned business based in Albany, GA. Sasco produces and distributes worldwide more than 1,200 chemical products, but it faces a 5-percent tariff in Colombia.

For Sasco to remain competitive in South America, it must be able to export duty free. While the company's president, Mark Skalla, continues to

seek partnerships and contracts in the region, the delays he has experienced are hindering Sasco's expansion.

Payne Hughes, CEO of Thrush Aircraft, a manufacturer of agricultural aircraft in Georgia, says he has already seen big gains in Panama and Colombia, where these markets continue to grow. As these countries' economies expand, American business will be able to take advantage of the increased needs for our quality products.

The U.S. Chamber of Commerce has calculated that for every \$1 billion in agriculture exports, some 8,000 U.S. jobs are created and supported. Every \$1 billion in manufacturing exports supports nearly 7,000 U.S. jobs.

The large-scale manufacturers in Georgia, including General Electric and IBM, will also see major benefits that translate to growth and job creation.

As we continue to look for areas where we can enhance American competitiveness, increase job creation, and boost economic development, free-trade agreements are a sure-fire way to make big gains. They are, quite simply, good for American business.

Mr. CORNYN. Mr. President, I support the approval of free trade agreements for one simple reason: they create jobs across America. And they especially create jobs in my home State of Texas.

Last year, Texas companies exported lots of products to South Korea, Colombia, and Panama, including chemical and energy products, heavy machinery and electronics, cotton and grain crops, and many others. Unfortunately, all of these products faced trade barriers in these countries through foreign tariffs amounting to hundreds of millions of dollars. These free trade agreements will level the playing field in America's favor by eliminating foreign tariffs. Each of these trade agreements also strengthens a key strategic relationship for our country. And so I would like to say a word or two about each one.

The Korea Free Trade Agreement is of strategic importance because it reminds the world that America is a Pacific nation, and that America will continue to deepen our relationships with our allies and not abandon East Asia to China or anybody else. The Korea Free Trade Agreement is the most significant on the table in terms of U.S. exports. South Korea is the most prosperous nation to sign a free trade agreement with the United States since Canada and Mexico in the 1994 NAFTA. Currently, Korean tariffs on U.S. products can be as high as 13 percent. The White House estimates that the Korean Free Trade Agreement will generate up to \$11 billion in new U.S. exports and 70,000 U.S. jobs.

And a lot of that economic activity will be in Texas. Texas exported \$6.4 billion in products to South Korea last

year—second only to California. Our State's leading category of exports to Korea is computers and electronics, which include integrated circuits, magnetic tape, and navigational equipment. Texans also export a variety of chemicals and machinery to Korea.

The Colombia Free Trade Agreement will solidify our relationship with a crucial ally in a volatile region of our own hemisphere. Colombia has been a leader in the fight against drug trafficking and narcoterrorism. Colombia has also resisted the regional ambitions of Venezuela's Hugo Chavez. The White House estimates that the Colombian Free Trade Agreement will generate \$1 billion in new U.S. exports and thousands of U.S. jobs.

In Texas, my state exported \$4.4 billion in products to Colombia last year more than any other state. Those products include petroleum products, coal, chemicals, electronics, and agricultural products. Texas ranchers will especially welcome this agreement as beef currently faces the single highest tariff in Colombia at 80 percent and this trade agreement will reduce that tariff to zero. Also cotton, wheat, and almost all fruits and vegetables will become duty free immediately.

The Panama Free Trade Agreement is important because Panama is conducting one of the largest public works projects in history: expanding the Panama Canal. This project will cost \$5.25 billion and provide many opportunities for construction firms and heavy equipment manufacturers in the U.S. Construction equipment and infrastructure machinery used in such projects accounted for \$280 million in U.S. exports to Panama in 2010. The agreement will end tariffs on these exports, providing U.S. firms an almost immediate 5 percent price advantage on procurement contracts.

Texas exported \$1.8 billion in products to Panama last year—more than any other State. Texas top exports to Panama are petroleum, coal, chemicals, and computers and other electronics.

It is clear why Congress should approve these trade agreements. What is not clear is why it has taken us so long to act. The Colombia Free Trade Agreement was signed in November 2006. The Korea and Panama agreements were signed in June 2007. Why has it taken more than 4 years to act on them?

The answer is that the leadership of Congress changed in 2007, and that leadership has been listening too much to union bosses and other special interests. Every time we seem to be close to approving these agreements, these liberal special interests have come up with a new set of demands. On May 10, 2007, the Bush White House and Congress agreed on new and more stringent labor and environment provisions. This action was supposed to allow approval

for four trade agreements; however, only a pact with Peru was approved at that time. The Obama administration could have submitted the three remaining trade agreements at any time since January 2009. But new conditions kept coming.

In November 2010, we learned of new conditions regarding taxation policy in Panama. In February 2011, we learned about new conditions placed on the Korea deal regarding auto emissions standards. In April 2011, we learned about new and strikingly detailed conditions bordering on micromanagement—on the Colombian judiciary and law enforcement agencies.

And in May 2011, we learned about new demands for a little-known program called trade adjustment assistance, including the demand to dramatically expand trade adjustment assistance to cover nations the U.S. has not signed agreements with.

The time is up for demands from Washington special interests. The time is now to make U.S. jobs and U.S. exports our priority. Let's send a message of friendship to the people of South Korea, Colombia, and Panama. And let's send a message to U.S. exporters that real jobs legislation is on its way.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on an issue that is of great importance to my home State of Louisiana: international trade. From its founding, Louisiana has been a hub for trade and entrepreneurship. In fact, the French explorer Bienville chose the site for the city of New Orleans in 1718 because, at a crescent bend in the Mississippi River, it is close to the Gulf of Mexico but safe from tidal waves. President Thomas Jefferson later made the Louisiana Purchase in 1813 to increase opportunities for U.S. traders and protect U.S. access to the Port of New Orleans. Ever since then, Louisiana and the Mississippi River have been the gateway to the economic heartland of the United States. For example, 60 percent of all grain exported from the United States is shipped via the Mississippi River. It is also a little known fact that the Port of New Orleans imports more steel than any other port in the country. This crucial port sees more goods leave its docks each day than almost anywhere in the Nation. Studies have found that the Port of New Orleans pumps \$882 million into the Louisiana economy and helps sustain more than 160,000 jobs. The reality is Louisiana's ports are America's ports and the gateway to the world. There are 31 ports in the State of Louisiana and some of the busiest in the world in terms of gross tonnage. Five of the 31 ports in Louisiana, from the Gulf of Mexico to Baton Rouge, are deepwater ports. We are home to 5 of the country's top 13 ports, exporting more than \$40 billion in goods last year alone and making

Louisiana the fourth largest exporting State in the country. Louisiana sends everything from sugar to oil to more than 200 countries worldwide. Port Fourchon supports infrastructure that provides 18 percent of the Nation's entire oil supply. The Port of South Louisiana exports more than any other port in the country. When combined with the nearby Port of New Orleans, these ports form the fourth largest port system in terms of volume handled. Today New Orleans hosts an Australian Trade Office, a Mexican Consulate, a French Consulate, and countless honorary consuls. For all of these reasons, I do all I can here in the U.S. Senate to promote exports from Louisiana. These exports mean jobs in my State—from the suppliers, to the manufacturers, to the shipping companies, to the port workers.

I support the trade promotion agreements with Colombia, South Korea, and Panama. This is because I believe that these agreements are fair and present excellent opportunities for Louisiana companies. Since coming to the Senate in 1996, I have been a strong supporter of free trade. However, my first priority is our local businesses and workers in Louisiana. For example, I voted against the Central American Trade Promotion Agreement in 2005. I voted against this agreement because I did not feel that the agreement was fair. Free trade requires that all players operate on as level a playing field as possible—accountable to the same labor laws, environmental standards, and governmental intervention.

A main reason that I am able to strongly support these three agreements is that the Congress just passed the extension of the Trade Adjustment Assistance, TAA, Program. Congress created TAA in 1962 to help workers and firms adjust to dislocation that may be caused by increased imports. The program assists workers who lose their jobs or whose hours of work and wages are reduced as a result of imports. In 2010 alone, 12 TAA petitions were certified in Louisiana, providing almost \$5 million in Federal funds, and most importantly, assisting 1,309 workers.

An example of a key business that benefitted from TAA is the Georgia Pacific plywood plant in Logansport. Georgia Pacific was the largest employer in Logansport and in October 2007 it announced that it was immediately closing its local plywood operation, putting 280 employees out of work. The Department of Labor determined an increase in imports contributed to the plant closure, making these workers eligible for TAA benefits. Furthermore, in November 2008, over 500 workers in Bastrop were laid off because of the closure of the International Paper Mill. I worked closely with U.S. Representative RODNEY ALEXANDER to secure TAA assistance

for these workers in 2009. These workers in Logansport and Bastrop are but two examples of how important this program has been in assisting workers in Louisiana impacted by increased imports.

In terms of the pending trade promotion agreements, in my view, Colombia presents the most economic opportunities for Louisiana businesses. Colombia is a fast-growing market of 45 million consumers. This makes it the second largest country in Latin America and the third largest economy in the region. It purchases more U.S. products than Russia, Spain, Indonesia, or Thailand. The United States is also Colombia's largest trading partner in terms of exports and imports. Two-way trade between the countries accounted for more than \$28 billion.

While these figures sound promising for U.S. exports to Colombia, they do not tell the whole story. In order to keep competing for Colombia's consumers, we must view trade with Colombia as a marathon, not a sprint. The United States is Colombia's top supplier today but China is closing fast on our heels. China has increased its share of the Colombian market sixfold in the last 10 years. Imports from China increased 47 percent in 2010, compared to the previous year. At the current pace, China will displace the United States as Colombia's main trading partner in less than a decade. For my part, I do not intend to concede the race before it is won. Colombia has long been one of our closest allies in South America and is making great strides in curbing decades of violence caused by drug cartels, paramilitaries. To concede the Colombian market to China after years of cooperation on economic and strategic interests is unwise. It is particularly unwise and shortsighted as Colombia is an emerging market close to our shores. Colombia has also recently signed agreements with Canada, the European Union, and South Korea that present challenges to U.S. companies competing in the country. Other countries are not standing still on trade opportunities with Colombia and neither should the United States.

As of 2010, Colombia was Louisiana's 12th largest export market with \$727 million in exported goods. This is down from highs of \$856 million in 2007 and \$1.5 billion in 2008. The decline in exports is attributed in large measure to a reduction in U.S. agricultural market share in Colombia since 2008. U.S. farmers saw their market share decrease from 46 percent in 2008 to 21 percent in 2010. The reduction stems in part from Colombian agreements with other countries, such as Argentina and Brazil as well as tariffs on U.S. goods as high as 20 percent. Tariffs result from the absence of a bilateral trade promotion agreement, TPA, between the United States and Colombia. That

is a major reason I believe the Colombian Trade Promotion Agreement can benefit Louisiana.

According to the U.S. Department of Agriculture, Louisiana is currently the third largest exporter of rice in the United States with \$136 million in total rice exports. However, U.S. rice exports to Colombia currently face tariff rates from 5 to 20 percent. Under the TPA, Colombia will establish a 79,000-ton, zero-duty rice tariff rate quota, TRQ, that will grow 4.5 percent annually for 19 years. Louisiana rice exports to Colombia could increase by more than \$3.2 million per year. Funds from companies bidding on rights to export rice to Colombia duty free will go to research boards in the six biggest rice production States, including Louisiana. This is estimated to be as much as \$10 to 12 million per year.

As with other agricultural products, since 2008, U.S. soybean exports were down significantly to Colombia as the United States lost market share in the country and tariffs ran as high as 20 percent. In 2010, the United States exported \$103 million of soybeans and soybean products. This was a 21-percent drop in U.S. soybean exports from 2009 to 2010 and followed a 51-percent drop from 2008 to 2009. Under the TPA, Colombia will immediately eliminate duties on soybean imports from the United States. Colombia will also establish a 31,200-ton, zero-duty rice tariff rate quota for crude soybean oil that will grow 4.5 percent annually. Louisiana soybean exports to Colombia could increase by more than \$600,000 per year. Lastly, the country will also phase out its 24-percent tariff for refined soybean oil over 5 years.

Furthermore, in 2010, the United States exported \$100 million of cotton to Colombia. Under the TPA, Colombia will immediately eliminate duties on cotton. Louisiana cotton exports to Colombia could increase by more than \$710,000 per year. This provides duty-free opportunities for Louisiana cotton producers to gain a new partner to spin, cut, and sew our Louisiana cotton for textiles instead of exporting raw cotton to China. This could provide a double benefit to the U.S. economy as our cotton exports to Colombia are used in many apparel items that Colombia then exports back to the U.S. market.

Outside of agricultural products, there are also benefits to other industries in Louisiana from increased opportunities in Colombia. For example, according to the U.S. International Trade Commission, the TPA will result in an annual increase of 23 percent, to \$1.9 million, in U.S. exports in chemical, rubber, and plastic goods to Colombia. Why is this important to Louisiana? As you may know, Louisiana hosts 90 major chemical plants and 300 petrochemical manufacturers that directly employ 27,000 skilled workers.

The State supplies infrastructure required for world-class manufacturing combined with the necessary service providers—more than 1,000 Louisiana service companies support the petrochemical industry. From 2008 to 2010, 15 percent of the \$937 million in goods exported to Colombia consisted of chemical products. Colombian tariffs on Louisiana chemical exports range as high as 20 percent. Under the TPA, 86 percent of U.S. chemical exports would immediately receive duty-free treatment. This will significantly help Louisiana chemical companies looking to export to Colombia.

Next, under the TPA, Colombia will immediately eliminate its tariffs on 75 percent of U.S. plastics exports. An example of how this benefits one Louisiana product is that the State exported almost \$6 million worth of polyethylene, a plastic widely used in packaging materials, to Colombia in 2010. This product would see almost \$900,000 in duty savings.

Louisiana companies in the oil and gas machinery and services industries also stand to benefit greatly from the TPA. According to the "Oil and Gas Journal," Colombia has 1.9 billion barrels of proven crude oil reserves in 2011, the fifth largest in South America. These reserves are expected to increase with the exploration of several new blocks that were auctioned in 2010. The Energy Information Administration projects that Colombian oil production will surpass the 1 million barrel per day mark during the third quarter of 2012. Also, as of 2010, there were natural gas reserves in Colombia of 4 trillion cubic feet. Because of the huge potential of these reserves, the Colombian Government has made oil and gas exploration and production a top priority.

Currently, Louisiana companies exporting oilfield equipment to Colombia face tariffs of 10 percent or higher. They also face growing competition, with 11 percent of the market in 2009 from Chinese companies at lower costs, but lower quality and reliability in relation to U.S. products. Under the TPA, Colombia will immediately eliminate tariffs on 52 percent of U.S. energy equipment exports. Tariffs on an additional 6 percent of exports would be eliminated after 5 years and the remaining 42 percent would be eliminated after 10 years. This allows our highly skilled oilfield companies in Louisiana to get more of their quality products into the Colombian market at lower prices.

I also understand that the U.S.-Colombia Trade Promotion Agreement includes strong protections for workers rights. These protections were strengthened further this year by a labor action plan agreement between President Obama and President Santos. The concerns this plan addresses are: violence against Colombian labor

union members, inadequate efforts to bring murder suspects to justice, and insufficient protection of workers rights in Colombia. The action plan included major steps that the Colombian Government had to undertake before the trade promotion agreement would enter in force. Key to these reforms included the creation of three ministries: Labor, Justice and Housing. The new Labor Ministry will be responsible for implementing programs to protect labor rights. I also believe that the Colombian Government's efforts to turn the tide on the long-running terrorist insurgency will promote long-term stability in Colombia and the region. This is because a great deal of the violence seen in Colombia over the past decades was fueled by drug money funneled to paramilitary groups and criminal organizations. As the Colombian Government has recovered more control over its territory and demobilizing these groups, it is seeing increased security, social progress and economic growth.

I have presented facts and figures, but let me give you an example of a Louisiana company that has already had success in Colombia. Textron Marine and Land Systems, based in New Orleans, manufactures armored personnel carriers and armored security vehicles. They are four-wheeled vehicles that have multiple layers of armor to defend against small arms fire, land mines, and explosive devices. Both of these vehicles have an impressive track record around the world and are vital to the U.S. and coalition forces in Iraq and Afghanistan. Textron builds these vehicles for the U.S. Army at their plants in eastern New Orleans and Slidell.

With the help of the U.S. Foreign Commercial Service, Textron was able to secure a \$45.6 million contract in 2009 to provide 39 armored personnel carriers for the Colombian Army. These vehicles were delivered to the Colombian Army and see daily service throughout the country protecting their soldiers. Not only did these exports help promote peace and security in Colombia, but they allowed Textron to maintain its workforce and continue the vehicle line into the future. Textron was so successful with this first order that Colombia has requested another 38 armored security vehicles. The combined value of both contracts is more than \$80 million. In addition to these vehicles, Textron is working closely with the Colombian Government to create a Center of Excellence for vehicle maintenance in the country. This center would develop maintenance and supply systems to cover all the Colombian armored security vehicles with the potential to cover all other vehicle fleets owned by the government. The company also helped lead a 2009 trade mission of 12 Louisiana companies to Colombia. I applaud Textron, as well as our local U.S. Foreign

Commercial Service staff in New Orleans, for promoting these exports in Colombia. Textron is a great example of a Louisiana company that has not just succeeded in tapping this market—they continue to succeed in Colombia. Under the trade promotion agreement, I am optimistic that more Louisiana companies will be able to follow in Textron's successful footsteps.

In regards to the South Korea Trade Promotion Agreement, this is another promising, high-growth market for U.S. companies. Korea has an economy at close to \$1 trillion and is the eighth largest trading partner of the United States. Korea's economy grew 5.8 percent in the second quarter of 2010 and the International Monetary Fund expects it to grow by 6.1 percent in 2010. There also is currently a trade deficit between Korea—\$11 billion in 2009. The trade promotion agreement is estimated by the International Trade Commission to improve the trade balance with Korea by \$3.3 billion to \$4 billion. Lastly, I am aware that as in Colombia, the European Union, EU, signed a trade promotion agreement with South Korea on July 1, 2011. This agreement eliminated 98.7 percent of the Korean tariffs on EU products. U.S. companies are now at a sharp competitive disadvantage in this growing market. We used to be Korea's top trading partner but now have taken a backseat to China, Japan, and the EU. Over the last decade, China's market share increased in Korea from 7 percent to 18 percent alone while U.S. market share flipped from 21 percent to 9 percent. So this is another instance where inaction on a bilateral agreement could cost the United States dearly on Korean market share, missed export opportunities, and most importantly, lost job opportunities here at home.

Overall, I note that Korea bought \$3.9 billion in agricultural products in 2009, making Korea our fifth largest agricultural export destination. This is despite the fact that Korea's tariffs on imported agricultural products average 54 percent, compared to the average 9 percent levied by the United States on the same type of imports. According to the American Farm Bureau Federation, exports by American's ranchers and farmers to Korea will increase by almost \$1.8 billion every year under the agreement. This is attributed to increases in exports of grain, oilseed, fiber, fruit, vegetable, and livestock products.

Louisiana farmers stand to benefit greatly from these reductions in agricultural tariffs in Korea. For example, as the agreement eliminates tariffs and other barriers on most agricultural products, this increases export opportunities for Louisiana cotton, beef and soybeans. I have heard from my soybean farmers in Louisiana that they have tried in the past to develop a market in Korea, but have had difficulty.

They are optimistic that the agreement will help efforts to establish a market in Korea—particularly with getting soybean products into Korea's livestock industry.

One company that should benefit from the Korea Trade Promotion Agreement is Pontchartrain Blue Crab. As you know, Korea is the fifth largest market for U.S. fish and fish product exports. Gary Bauer, owner of Pontchartrain Blue Crab, PBC, has been in the blue crab fishery for nearly 29 years. He began working in the industry as a commercial fisherman in 1979, where he worked part time to support his family. Mr. Bauer then established a seafood dock to service fishermen from Lake Pontchartrain. Pontchartrain Blue Crab has grown from 4 employees to now more than 70 employees.

In 2002, PBC was able to create a blue crab processing plant located in Slidell, LA, which then allowed the company to pasteurize crab into exportable containers. Like other businesses in south Louisiana, however, it had to rebuild its facilities following Hurricane Katrina. With assistance from the Small Business Administration, SBA, Mr. Bauer and his company were able to export into the Korean market. Their success in Korea has encouraged PBC to also look into expanding into the European market in the near future. So although PBC is already in the Korean market, reductions in Korean tariffs offer new opportunities for the company.

There are also benefits to non-agricultural businesses from this trade promotion agreement. One area that will greatly assist Louisiana companies is reductions on tariffs on chemical exports. Currently chemical product exports accounted for an average of \$360 million per year of Louisiana's exports to Korea between the years of 2008 to 2010. However, Korean chemical tariffs average 6 percent but can run as high as 50 percent. As such, U.S. exporters of chemicals and related products, including chemicals, organic chemicals, plastics, and fertilizers will see significant reductions in tariffs on their exports to Korea. First, 50 percent of U.S. chemical exports will receive duty-free treatment immediately after the agreement enters into force. The remaining tariffs will be phased out over 10 years. Tariffs on such products as silicon and plastics will also be eliminated immediately.

The third trade promotion agreement is with Panama. It is my understanding that Panama is already a great market for U.S. exports, even with an uneven playing field. U.S. products entering Panama are subject to tariffs, but most products from Panama receive duty-free treatment when entering the United States. The trade promotion agreement will encourage further expansion and diversification

of U.S. exports in the country. With a major expansion of the Panama Canal, a huge subway project in Panama City and development of the world's fifth largest copper mine underway, the opportunities ahead for U.S. companies in Panama are significant. By entering into a bilateral agreement with Panama, the United States also ensures that our companies can compete for contracts on the \$5.25 billion Panama Canal expansion project. EU and Canadian companies currently have the inside track on these contracts because of their bilateral agreements with Panama.

In terms of Louisiana, agricultural exports to Panama stand to benefit greatly from the trade promotion agreement. While the benefits for the Louisiana rice industry as not as great as with Colombia, duties on U.S. rice exports will be phased out over 20 years. There will also be two separate tariff rate quotas established—one for rough rice and one for milled rice. The milled rice TRQ in year one of the agreement is 4,240 metric tons and will increase 6 percent each year before becoming duty free in year 20. This TRQ will allow for improved access for Louisiana milled rice starting in the agreement's first year of implementation. As I have indicated before, in 2010 Louisiana exported \$427 million in soybeans and soybean products abroad. The Louisiana soybean industry will also see Panama lock in its current zero-tariff treatment for soybeans and soybean meal after the agreement is implemented. Panama is a smaller market than Korea or Colombia but the country's geographic proximity to Louisiana presents unique opportunities for our companies.

With that in mind, let me give you an example of a Louisiana company currently working in Panama. Baker Sales Inc. of Slidell, LA, is a small business that distributes imported steel tubing and fencing. When construction slumped during the recession, so did demand for steel products. They saw their sales drop 20 percent last year when oil/gas contractors pulled orders after the Deepwater Horizon disaster. For 30 years, Baker Sales has imported steel products and sold them to customers largely within a 200-mile radius of Slidell. The company has always wanted to export—particularly recently as they identified opportunities in Panama, where South American immigrants are moving in, necessitating new housing developments and high-rises.

President Robert Baker paid \$800 for U.S. Commercial Service's Gold Key Service last March. He met with a dozen potential clients in Panama over 2 days and one developer he met is interested in ordering \$100,000 aluminum fencing. Thanks to the higher loan limits authorized by the Small Business Jobs Act passed by Congress last year,

Baker Sales Inc. received a \$3 million U.S. Small Business Administration 7(a) loan that will help them expand their business by facilitating export transactions with buyers in Panama. They immediately hired two more employees because of the loan. As sales to Panama increase—and potential sales to South Korea materialize—the company expects to hire more employees.

In closing, as chair of the U.S. Senate Committee on Small Business and Entrepreneurship, I am aware that cash registers are not ringing like they used to for our small businesses around the country. For this reason, exporting has become a practical solution for small businesses looking to survive and grow. Small businesses across the country have not only used exporting to weather the economic storm, they have proven that what helps our entrepreneurs helps our entire economy. According to the U.S. Department of Commerce, U.S. exports supported an estimated 9.2 million jobs in 2010—up from 8.7 million in 2009. Furthermore, for every billion dollars of exports, over 5,000 jobs are supported. As our country digs out of the economic crisis, helping more small businesses export for the first time and current exporters reach new countries, should be a top priority. I believe that small businesses can lead us out of this recession by creating new and higher paying jobs and lessening this trade deficit. These three trade promotion agreements will further promote small business exports and help our companies compete in these growing markets.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the free trade agreements with South Korea, Colombia, and Panama.

These agreements will eliminate tariffs and nontariff barriers to U.S. exports and protect intellectual property and investment with three key trading partners.

At a time when the national unemployment rate stands at almost 10 percent—and tops 12 percent in my home State of California—I believe it is vital that we promote job growth by securing new opportunities for U.S. manufacturers, farmers and service providers in expanding foreign export markets.

These three agreements are a good place to start.

They are critical to the President's goal of doubling exports over 5 years, which could create 2 million new jobs. This is from a L.A. Times editorial of August 12, 2010.

It is simple: export growth as a result of these trade agreements will mean more jobs.

And we have no time to lose. Other trading partners have signed or are in the process of negotiating free trade agreements with South Korea, Colombia and Panama.

The European Union has already signed free trade agreements with

South Korea, Colombia, and Panama. The EU-South Korea agreement came into effect in July.

Korea now has or is negotiating 13 free trade agreements involving 50 nations.

Canada concluded a trade agreement with Panama in 2010 and will gain preferential access to Colombia's market in August 2012.

Argentina and Brazil already have preferential access to the Colombian market.

We cannot afford to let our exporters lose market share to our competitors.

If we are left out, the U.S. Chamber of Commerce reports that we could lose up to 380,000 jobs and \$40 billion in exports.

The best estimate is that these agreements will, in fact, create jobs.

According to the U.S. International Trade Commission, these agreements will create at least 70,000 U.S. jobs.

U.S. exports to South Korea will increase by \$11 billion and raise U.S. GDP by \$12 billion.

The Colombia trade agreement will increase U.S. exports by more than \$1.1 billion and increase U.S. GDP by \$2.5 billion.

U.S. exports to Panama grew by 41 percent in 2010 to \$6.1 billion and will continue to rise with passage of the free trade agreement.

The Business Roundtable puts the number even higher at 250,000 jobs created with passage of the three agreements.

Let me speak to the effects these agreements would have on my home State of California.

As one of the 10 largest economic engines in the world with a \$1.9 trillion economy, California is a leader in U.S. and global markets with products ranging from agriculture to high-tech products and manufacturing.

In 2008, approximately 60,000 California companies exported products abroad, with manufactured good exports supporting 738,000 California jobs.

South Korea, Colombia and Panama already represent growing markets for California exporters. In 2010, South Korea was California's fifth largest export market with exports totaling more than \$8.1 billion, up from \$5.9 billion in 2009. In 2010, Colombia was California's 34th largest export market with exports totaling \$408.7 million—a 24-percent increase over the previous year.

In 2010, Panama, with a growth rate of 7.5 percent, was California's 42nd largest export market with exports totaling \$252 million.

Passage of these agreements will provide important openings for California exports which will help create jobs.

According to Business Roundtable, more than 66 percent of California exports to Colombia will be duty-free after passage of this agreement, saving \$27.2 million for California businesses

and farmers, and more than 80 percent of California exports to South Korea will be duty free following implementation of the agreement, saving exporters \$66 million.

In Panama, California high-quality beef, other meat and poultry products, soybeans, wines and most fresh fruit and tree nuts will become duty free upon enactment.

According to the California Chambers of Commerce Council for International Trade, California manufacturers will also gain significant access to the \$5.25 billion Panama Canal expansion project as the agreement eliminates the 5 percent duty on construction equipment and infrastructure machinery. The project will ultimately reduce transportation costs for California exports.

Make no mistake, South Korea, Colombia and Panama represent significant opportunities for all U.S. exporters.

South Korea is our 7th largest trading partner, our 8th biggest export market and the 15th largest economy in the world.

The agreement represents the largest free trade agreement since the North American Free Trade Agreement, NAFTA.

While Colombia and Panama have smaller economies, they are both emerging trading partners. In 2010, U.S. exports to Colombia grew by 34 percent to \$12 billion, while exports to Panama grew by 41 percent to \$6.1 billion.

Again, export growth will lead to job growth.

Some critics of these agreements argue that benefits gained by lowering tariffs and nontariff barriers to U.S. exports will be offset by benefits gained by our trading partners.

The fact is, our trading partners already have substantial access to the U.S. market while our exports continue to face significant barriers.

Currently, the average Korean applied tariff on U.S. non-agricultural products is 7 percent. In contrast, the average U.S. tariff on Korean non-agricultural imports is 3.7 percent.

The average Korean applied tariff on U.S. agricultural products is 52 percent. The average U.S. tariff on Korean agricultural products is 12 percent.

Approximately 90 percent of Colombian exports and 98 percent of Panamanian exports enter the United States duty free under existing trade preference programs.

In contrast, over 90 percent of U.S. exports to Colombia face tariffs averaging 12.5 percent, and less than 40 percent of U.S. exports to Panama enter duty free with industrial exports facing an average tariff of 7 percent and agricultural exports facing an average tariff of 15 percent.

So, these agreements will only serve to enhance U.S. competitiveness by leveling the playing field for our exporters

and give them opportunities our trading partners already enjoy here in the United States.

And I know our manufacturers, farmers and service providers can compete and succeed against anyone.

Let me briefly discuss the key benefits of these agreements.

Upon enactment of the agreement with South Korea, approximately 95 percent of bilateral trade in industrial and consumer products will become duty-free within 5 years of the enactment of the agreement, including industrial and consumer electronic machinery, most chemicals, motorcycles and certain wood products. Most remaining tariffs will be eliminated within 10 years.

More than half of current U.S. agricultural exports to Korea will become duty free immediately, including wheat, feed corn, soybeans for crushing, hides and skins, cotton, almonds, pistachios, bourbon whiskey, wine, raisins, grape juice, orange juice, cherries, frozen French fries and pet food.

Approximately 80 percent of U.S. exports of consumer and industrial products to Colombia will be duty-free upon the enactment of the agreement. Most remaining tariffs will be removed after 10 years.

Both parties will grant certain farm products duty-free treatment immediately upon enactment of the agreement including high-quality beef, cotton, wheat, soybean meal, apples, pears, peaches, cherries and processed food products.

Colombia will phase out quotas and over-quota tariffs on standard beef, chicken leg quarters, dairy products, corn, sorghum, animal feeds, soybean oil and rice within the next three to 19 years.

Over 87 percent of U.S. exports of consumer and industrial products to Panama will become duty free upon enactment of the agreement, with the remaining tariffs phased out within 10 years.

Panama will provide immediate duty-free access for more than half of U.S. agricultural exports including high-quality beef, poultry products, soybeans, cotton, wheat, fruits and vegetables, corn oil and many processed foods.

I understand the concern some of my colleagues have about the effects free trade agreements may have on domestic jobs.

While I firmly believe that past free trade agreements have an overall positive impact on the economy and job growth, there is no doubt that some Americans have lost jobs due to increased trade.

That is why I remain a strong supporter of the Trade Adjustment Assistance, TAA, Program, which has helped these American workers transition to new opportunities in emerging job markets.

TAA has proven to be a wise investment by ensuring that workers who lose their jobs remain productive and lose-paying members of our society, free of government assistance.

I am pleased that we voted to renew this critical program before the vote on the three trade agreements.

Now, I would like to address specific concerns raised about the agreements with Colombia and Korea.

Critics have argued that, given Colombia's weak labor laws and violence against labor leaders and union organizers, it should not be rewarded with a free trade agreement.

First, under the terms of the free trade agreement, Colombia has agreed to: reaffirm its obligations as a member of the International Labor Organization, ILO, and adopt and maintain in its laws and practice core labor rights and ILO labor standards; refrain from waiving or otherwise weakening the laws that implement this obligation in a manner affecting trade or investment; effectively enforce labor laws related to the fundamental rights, plus acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health; and ensure that workers and employers will have fair, equitable and transparent access to labor tribunals or courts.

All labor obligations are subject to the agreement's dispute settlement procedures.

Colombia in April also agreed to an action plan related to labor rights to prevent violence against labor leaders, prosecute antilabor violence and protect internationally recognized worker rights.

Among other things, this plan requires Colombia to: create a specialized Labor Ministry to improve the enforcement of labor rights; criminalize actions or threats that could affect fundamental workers' rights including the right to organize; eliminate the backlog of requests from union members for protection; expand the scope of a protection program for union leaders to additional labor activists and union organizers; assign 95 police investigators to support the prosecution of crimes against union members; double the number of labor inspectors by hiring 480 inspectors over the next 4 years including 100 new inspectors in 2011; and seek the assistance of the International Labor Organization to implement and enforce these pledges.

Colombia has met the first two deadlines for implementation of the action plan and I look forward to the successful completion of the remaining commitments.

There was also great concern about the auto provisions in the original 2007 U.S.-Korea Free Trade Agreement.

Currently, South Korea maintains an 8-percent tariff on U.S. autos. The United States maintains a 2.5-percent

tariff on Korean autos and a 25-percent tariff on Korean trucks.

Under the 2007 agreement, South Korea and the United States agreed to eliminate their respective duties on priority passenger vehicles immediately, to phase out their duties on other cars over 3 years and to phase out their duties on trucks over 10 years. In addition, South Korea agreed to eliminate the discriminatory aspects of its special consumption and annual vehicle taxes; not impose any new engine displacement taxes and to maintain non-discriminatory application of its existing taxes; and address several other non-tariff barriers to ensure that they do not impede the market access of U.S. autos.

The U.S. auto industry and labor unions argued that the United States should not expand Korean access to the U.S. market until U.S. manufacturers are able to significantly increase their market share in South Korea and South Korea makes more concrete assurances that it will dismantle non-tariff barriers.

President Obama responded to their concerns and secured additional concessions from Korea that will expand U.S. access to the Korean auto market.

Under the terms of the December, 2010 agreement the U.S. will keep its 2.5-percent tariff on Korean imports until the 5th year following enactment of the agreement while Korea will immediately cut its tariff on U.S. autos in half—from 8 percent to 4 percent—and fully eliminate the tariff in the fifth year; and the U.S. will keep its 25-percent tariff on trucks until the 8th year and eliminate it by year 10 while Korea will keep its original commitment to eliminate its 10 percent tariff on U.S. trucks immediately.

The agreement also contains new provisions to eliminate nontariff barriers to U.S. auto exports to Korea and increase protection against surges of Korean auto imports in the U.S.

I applaud the administration for listening to the concerns of U.S. automakers.

These additional provisions strengthen the overall agreement and will provide new benefits for U.S. autos in an expanding foreign market and create more jobs. Due to President Obama's efforts, the United Auto Workers union and U.S. automakers now support the Korea agreement.

In these difficult economic times, our constituents are sending us a clear message: they want Congress to focus on jobs.

In this effort, we should leave no stone unturned.

Expanding access for U.S. exports to the growing markets of Korea, Colombia and Panama will help create new jobs and increase economic growth.

I urge my colleagues to support these agreements.

Mr. WARNER. Mr. President, I support all three pending free trade agree-

ments, FTAs. They will be good for our country and good for Virginia. They will create jobs by opening markets for high quality American products.

Trade with Korea was worth \$379 million to Virginia in 2010. Colombia was worth \$80 million and Panama was worth \$30 million. The Commonwealth stands to benefit from expanded opportunities for agriculture, chemicals, information technology, services, and other key sectors.

The success of FTAs for Virginia can be seen in the 13 other agreements entered into over the past decade. The 2004 U.S.-Singapore FTA enabled Singapore to become the fastest-growing market among the major buyers of Virginia's goods, rising from \$300 million to over \$1 billion last year, mainly in computers and electronics.

All told, Virginia did \$17.1 billion in exports last year, including \$14 billion in manufactured goods, \$1.2 billion in agriculture, and a host of other products.

Nonetheless, it is very important to me that we do more as a country to make sure the benefits of trade agreements and international commerce are more evenly distributed across this country.

In the past, some States have done really well under trade deals. Others have not. Most of Virginia has been lucky to be on the winning end of trade. But there are areas, like south-side Virginia, that have not seen the same benefits from earlier trade deals.

That is why I am a strong advocate for onshoring initiatives and greater economic engagement between foreign-owned companies and rural America. I have joined my Virginia colleague, Representative FRANK WOLF, in sponsoring bipartisan legislation called America recruits, which would support new inbound investment into the United States.

The United States is one of the few countries without a national policy of supporting the recruitment of new companies. As a former Governor, I can tell you that this hamstring the States when they compete head-to-head with foreign countries that can match or exceed support for individual State recruitment efforts.

Looking forward, I hope the President and the Administration will be ambitious in working to complete the nine-country Trans-Pacific Partnership, TPP, as soon as possible.

I commend our Trade Representative for the ongoing work on TPP. It is an innovative new type of trade deal, which aims for a high-standard, broad-based regional free trade agreement with Australia, Brunei Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore, and Vietnam.

It is critically important that we not lose sight of the fact that many of our competitors, ranging from Canada and the European Union to China, India,

and Brazil are signing market access agreements and trade deals as quickly as possible. They understand the value of securing favorable terms for their goods and services in an increasingly globalized world. We cannot sit back and do nothing when 95 percent of the world's consumers live outside the United States.

Therefore, while new trade agreements and efforts to remove market barriers are crucial, I conclude by urging Congress to reauthorize Trade Promotion Authority, TPA, which expired 4 years ago.

TPA is often just referred to as "fast track" authority to pass trade agreements. But it is much more than that. TPA sets the direction of U.S. trade policy and guides the work of our trade negotiators.

We need to have clear national objectives for trade and economic engagement. We need a greater focus on development and maintenance of global supply chains. We need strategies to address intellectual property issues and emerging concerns about the effects of state-owned enterprises as we focus on expanding market opportunities for U.S. goods and services.

Trade is a key aspect of U.S. competitiveness. It is difficult to get completely right, but it is important to acknowledge our progress. The U.S. House of Representatives has just passed the three free trade agreements this evening. I hope the Senate will do the same in the next few hours so that we can continue to work together in support of an international economic agenda that benefits the United States to the greatest extent possible.

Ms. AYOTTE. Mr. President, I rise today to welcome the imminent arrival of free trade agreements that are long-overdue in this Chamber. Our Nation grew to be the leader of the free world through trade and commerce, and we must not lose sight of the fact that safeguarding our access to world markets is essential to maintaining our economic preeminence.

These free trade agreements with South Korea, Colombia, and Panama which I look forward to supporting this evening, represent real measures that will produce jobs and provide better opportunities for our manufacturers to sell their goods abroad. Given our faltering economy and the continuing high rate of unemployment, it is significant that today we can vote to implement policy that will put Americans to work and let our businesses compete on a level playing field with foreign competitors. Gaining access to hundreds of millions of consumers across the globe will have a monumental effect on our local economies.

For years, most goods from Colombia and Panama have entered the U.S. duty-free, and it is about time that the President submitted these agreements to Congress so that American busi-

nesses can enjoy equal treatment. Despite having successfully negotiated treaties on his desk, the President stood by as other countries signed free trade pacts with these nations, forcing American exporters to watch as international competitors benefited. As the global economy continues to evolve, the submission of these agreements for congressional consideration is an important step to spur further trade and contribute to the growth of our economy at a time when it is so badly needed.

During these challenging economic times, American businesses should not have to face trade barriers, such as high tariffs, which put them at a competitive disadvantage. Since 1997, New Hampshire's exports to Colombia have increased by nearly 1,300 percent, nearly 200 percent to Panama, and by 324 percent to South Korea. However, U.S. exporters pay billions of dollars a year through tariffs on industrial goods. After these free trade agreements go into effect, 95 percent of those tariffs will be eliminated, meaning that American businesses will benefit by expanding payroll and consumers will benefit by lowered costs for goods and services.

With the highest growth rate in the Northeast and the fourth highest growth rate in the country, New Hampshire in particular stands to benefit from these agreements. New Hampshire exported \$4.4 billion worth of merchandise in 2010, a major component of our State's approximately \$60 billion total GDP. We have 15,000 New Hampshire jobs supported by exports, which represents a quarter of our manufacturing sector. The improved access to foreign markets brought about by these agreements will allow our industries to continue to grow and contribute to the economic environment that has made New Hampshire an attractive place for entrepreneurs to come to build their businesses.

We need these free trade agreements because we need to commit to economic policies that will create jobs and grow our economy.

Ms. KLOBUCHAR. Mr. President, I rise today to discuss the three pending agreements that the Senate will be considering later today.

But before I address these agreements, I first want to express my strong support for the reauthorization of the Trade Adjustment Assistance Program.

Three weeks ago I joined a bipartisan group of colleagues in passing an expansion of the Trade Adjustment Assistance Program to support workers in Minnesota and across this Nation who have lost their jobs or seen their hours reduced as a result of global exchange.

I made clear then that I believed it was essential that we act on trade adjustment assistance before turning to

the pending agreements and—with the House passing this legislation today—that is exactly what we have done.

As chair of the Senate subcommittee on export promotion, I have long been a proponent of increasing U.S. exports and helping U.S. producers reach new markets overseas.

Ninety-five percent of the world's customers live outside our borders. So it is without exaggeration that I say our future prosperity hinges on our ability to reach those customers.

As we continue to work to move our country out of this current economic downturn, we must take every available step we can to increase the competitive edge of American producers, farmers, and workers in the global economy.

I will therefore be voting for both the South Korea and Panama agreements. While these agreements are not perfect, after hearing from Minnesota farmers and businesses, I believe they can help open new overseas markets for Minnesota producers and increase U.S. exports.

The South Korea agreement is projected to increase U.S. exports to South Korea by an estimated \$10 billion and increase U.S. GDP by \$11 billion.

The agreement will have key benefits for my home State of Minnesota. Of Minnesota's top 10 exports to South Korea—such as machinery and electronics, medical equipment, and animal feed and meats—9 are expected to gain under the agreement.

Many of those gains are expected to be in our State's agriculture industry, where South Korea is the fifth largest trading partner for Minnesota farmers. This agreement will reduce tariffs on dairy, corn, soybeans, pork, and other food products, allowing our Minnesota producers increased access to Korean markets.

The Korea agreement will also eliminate tariffs on processed food, helping to increase exports and promote job growth for Minnesota's processed food producers like General Mills, Schwan's, and Hormel.

The Korea agreement will also benefit the workers in our state's strong medical device industry. South Korea is currently the fifth largest market for U.S. medical equipment exports.

Under the pending agreement, South Korea will immediately eliminate tariffs on 43 percent of medical equipment exports and eliminate tariffs on 90 percent of the remaining medical equipment products in 3 years.

Finally, I support the Korea agreement because it includes unprecedented provisions to defend intellectual property rights, promote transparency in Korea's trading and regulatory systems, and ensure full and equitable protection and security for American investors in Korea.

Unfortunately, too many foreign nations engage in illegal trade practices, and too often they get away with it.

I have long said that in order to ensure a level playing field for U.S. businesses and workers in an increasingly competitive global environment, we need enforceable standards in our agreements and we need to hold other nations accountable to those standards.

Over the years, I have consistently fought to expose these illegal behaviors and worked hard to support several Minnesota industries such as our coated paper producers, steel producers, honey producers, and alternative energy producers. And just this week the Senate came together on a bipartisan basis to crack down on China's currency manipulation that is undermining our businesses and workers.

As we move forward, I will continue to do everything I can to ensure that the standards included in the Korea agreement—and all other agreements—are strongly and fairly enforced.

I would also like to briefly discuss the Panama Free Trade Agreement.

Like the Korea agreement, I believe the Panama agreement will promote U.S. exports and strengthen market access for Minnesotan and U.S. companies.

The United States already runs a trade surplus with Panama. Through the immediate elimination of tariffs on 88 percent of U.S. exports to Panama, and the elimination of remaining tariffs within 10 years, that surplus will only increase.

The Panama agreement presents new opportunities for Minnesota manufacturers and their workers and, like the Korea agreement, also promotes greater transparency and enforcement in Panama.

Finally I will oppose the Colombia agreement which does not do enough to address the country's endemic corruption and violence directed toward labor.

Increasing U.S. exports will bring many opportunities to our businesses and workers, and implementation of the Korea and Panama Free Trade Agreements, as well as the Trade Adjustment Assistant Program, will help our Nation stay competitive in the global economy.

Mrs. BOXER. Mr. President, I rise to discuss the trade agreements pending before the Senate.

I first want to note how pleased I am that a full extension of trade adjustment assistance will be sent to President Obama for his signature. This important program provides much-needed job training, health care, and income support to workers whose jobs are affected by trade.

As we seek to grow our economy and increase exports we must take steps to train American workers and provide them with continued job opportunities.

I am supporting the free trade agreement with South Korea because of its impact on California's economy. This

agreement is not perfect, but on balance I believe it will benefit California.

South Korea is California's 5th largest trading partner. California companies export more than \$7 billion in goods there every year. This agreement will reduce tariffs and other trade barriers for California businesses that export goods to South Korea, resulting in greater productivity in my State. In addition, the South Korean economy is advanced, with per capita GDP equal to \$30,000 year and a well-developed middle class, which will provide a substantial market for all types of U.S. exports.

The South Korea Free Trade Agreement also includes strong intellectual property rights that protect U.S. patents and trademarks and copyrights for films and other recorded works. These provisions are very important for California's entertainment sector. The agreement also reduces tariffs on U.S.-made machinery and high-tech products, increasing export potential for California industries.

The agreement also includes carefully negotiated rules for automobiles, to protect our auto industry from unfair treatment. I am pleased that the United Auto Workers were able to support the final version.

The free trade agreement opens the Korean market to the large number of agricultural products we produce in California. In February 2011, I wrote to the administration to urge better market access for two important California products: rice and fresh oranges. While I am disappointed that California rice is not part of the FTA, I was pleased that the Obama administration will continue working to expand market access for California rice and for California citrus. As the agreement is implemented I will continue to press for fair treatment for all California agricultural commodities.

I am also supporting this agreement because South Korea is a close friend and strategically-important ally for the United States in East Asia. Strengthening our trade relationship will bring economic and national security benefits to both nations, and will help to ensure that the U.S.-Korea relationship remains strong in the future.

The South Korea FTA is supported by the California Chamber of Commerce, the Silicon Valley Leadership Group, the Motion Picture Association of America, the California Association of Port Authorities, the California Manufacturing and Technology Association, the Pacific Merchant Shipping Association, the California Farm Bureau Federation, the Wine Institute, the Coachella Valley Economic Partnership, the California Table Grape Commission, the California Walnut Commission, the California Strawberry Commission, the California Fig Advisory Board, the California Dried Plum

Board, and the Western Growers Association, among many other groups.

Mr. President, as chairman of the Foreign Relations subcommittee responsible for human rights, I cannot support a free trade agreement with Colombia. In short, Colombia's human rights record is appalling.

More than 2,800 union members have been murdered in Colombia in the last 25 years, including 51 last year, and many more so far in 2011. The conviction rate for union murders and other violence is shockingly low, and the Colombian government continues to support policies that deny workers the right to join unions and bargain collectively.

I am pleased that under a labor rights action plan negotiated between the Obama administration and the Colombia government that steps are being taken to provide more protection for union members and to investigate crimes, but I have major concerns that these reforms do not go far enough to provide real changes for workers in Colombia.

This summer trade unionists from Colombia came to the United States to discuss the environment for working people in their country. Their stories are chilling.

A Colombian port worker described how he is one of the few union members at the ports because so many trade unionists have been fired for joining unions. He talked about how the unsafe working conditions have caused dozens of deaths at ports, how those who are injured on the job receive no compensation from their employer, and how older workers are routinely fired.

A math and science teacher discussed how teachers who participate in organizing efforts have their salaries withheld, and that the threat of violence against teachers with union ties forces many to flee their homes and their jobs to protect their families.

Human Rights Watch recently released a report that concluded that Colombia has made "virtually no progress" in securing convictions for killings that have occurred in the last 4 years. Until Colombia's labor and human rights record shows significant long-term improvement, I cannot support a Free Trade Agreement, especially when U.S. producers stand to gain little from market access.

When the North American Free Trade Agreement, NAFTA, was approved, we were told that the U.S. would run a trade surplus with Mexico and gain hundreds of thousands of jobs. But instead, our trade deficit with Mexico increased to almost \$100 billion, displacing an estimated 682,900 U.S. jobs.

The economic situation in Mexico when NAFTA was passed is similar to the current climate in Colombia—a very low per capita GDP and a large percentage of the population living in

poverty. A free trade agreement with Colombia under these conditions will result in the displacement of U.S. manufacturing jobs and few consumers for U.S. exports, just like what happened with Mexico after implementation of NAFTA.

I also oppose the free trade agreement with Panama.

For many years, Panama has failed to implement international tax standards. It has been a haven for those who seek to avoid their tax obligations. More than 400,000 multinational corporations register businesses in Panama, a nation with a population of 3.4 million people. That is one corporation for every seven persons. Although the recent Tax Information Exchange Agreements entered into by Panama are a step in the right direction, I will continue to have significant concerns about Panama's tax policies until they have fully implemented an accountable system.

I hope that Panama will eventually develop a well-functioning tax system and cooperate with the international community, but I cannot support a Free Trade Agreement until a higher standard is reached.

Mr. REED. Mr. President, since World War II the United States has traded away American jobs in the name of foreign policy by entering into bilateral and multilateral trade agreements.

With a 9.1 percent national unemployment rate, 14 million Americans looking for work, and 10.6 percent unemployment in Rhode Island, there are no more jobs to give. As such, I cannot support these trade agreements with Korea, Colombia, and Panama that the Senate is considering today.

I am not convinced these trade deals will result in net job growth for the United States. The International Trade Commission's analysis of the agreements finds negligible changes to aggregate employment and output. Analysis from The Economic Policy Institute estimates that the Korea FTA would lead to a loss of 159,000 jobs—much of this in the manufacturing sector. It must be stressed that, according to these analyses, any potential job gains associated with increases in American exports will be offset by job losses resulting from increased imports to the United States.

Moreover, as a recent economic study has shown, my State is one of the most susceptible to labor-intensive imports. And as the International Trade Commission's sector analysis of these free trade agreements found, industries that are based in Rhode Island align with those foreign industries that will have the most access to U.S. markets. I am very concerned that Rhode Island businesses will feel the brunt of this import pressure while realizing little of the potential gains from exports.

It is likely that U.S. job losses associated with the Korea FTA will be dis-

proportionately felt in Rhode Island, particularly in the textile sector. The nature of the agreement and the change in tariff schedules pick clear winners and losers. U.S. agriculture and passenger vehicles will be winners, while manufacturing industries central to my State like textiles will be losers. I have heard from Rhode Island businesses opposed to the Korea agreement for this very reason.

I, also, have serious reservations about the Colombian and Panama agreements. These agreements will have a relatively small impact on the U.S. economy, but present basic questions of accountability. Colombia has one of the highest rates of anti-union violence in the world. Panama has its own duty free zone and there are concerns about whether there are enough resources being dedicated to deter illegal transshipment of goods, which could lead to other nations taking advantage of our trade agreement with Panama by skirting customs and violating "rules of origin" requirements. Additionally, despite Panama's recent tax information exchange agreement, questions remain about the degree to which transparency and bank secrecy laws will continue to be obstacles to enforcing U.S. tax law.

Both Colombia and Panama have made efforts to correct these issues. However, the results of these efforts are not clear and more work remains to be done to ensure that accountability is built into the system.

I do want to stress that my opposition to these agreements is not meant to undercut the good work of our partners and allies in Korea, Colombia, and Panama. Korea is one of our most vital partners in Asia and a democracy that shares our values. Colombia is an important Latin American ally that has made enormous progress in strengthening the rule of law and combating extremist organizations and drug traffickers. And the United States has a singular relationship with Panama that has progressively strengthened over time.

However, at this time, I think we should stop and pause and think about our domestic needs and how to get our economy back on track. The United States needs to enter into trade agreements that will unequivocally benefit Americans workers—these trade deals do not. So, I will vote against the Korea, Colombia, and Panama trade agreements, and continue working to find a better way to promote bilateral trade that will lead to job growth here at home.

Mr. DURBIN. Mr. President, our country continues to struggle with the aftereffects of the housing bubble and the economic mistakes of the previous decade. There has been a great human cost to this economic slump—families forced out of their homes, shameful increases in child poverty, and a shrinking middle class.

President Obama has offered a number of steps to help heal our economy and put people back to work. One such plan includes a doubling of U.S. exports within five years. Exports are good for America and good for American jobs. They strengthen our manufacturing and agriculture sectors and in turn create good paying jobs. Quite simply, to help create more jobs here at home, we need to be able to access new markets and eliminate trade barriers for U.S. exporters.

At the same time, we must ensure that we engage not just in free trade, but fair trade—trade that upholds our values on labor, human rights, and environmental protections, fair treatment of U.S. products, and supports transparent markets.

That is why in my time in Congress I have always considered each potential trade agreement on a case by case basis.

This year, it was clear to me that we could not approve further free trade agreements if the trade adjustment assistance programs were not extended. We can't expand free trade without helping workers who may be displaced because of trade agreements. I strongly support and voted to extend the benefits under trade adjustment assistance. Since 2009, TAA has provided assistance to 447,235 workers—119,772 in Illinois—displaced due to trade agreements. It has provided training for workers as they transition to a new career, help with income, and health care tax credits to ease the transition.

Overall I believe in trade. I believe trade creates jobs. Illinois is the country's sixth largest exporter. Exports grew 19.6 percent from 2009 and totaled over \$50 billion in 2010 and supported 540,000 jobs. In 2008 alone, nearly 17,000 companies exported goods from Illinois locations. Iconic Illinois companies like Caterpillar, John Deere, and Boeing rely on trade to grow their business and support workers in Illinois and across the country. Other industries, including Illinois agriculture, have used trade to expand markets and feed more and more of the world. Motorola, ADM, Illinois Tool Works, Navistar, Abbott, Fortune brands and many others rely on trade to help grow business here at home.

I also believe trade keeps America engaged in the world. It gives us economic and diplomatic leverage around the world. Too often in recent years we have sat on the sidelines while countries with emerging markets sign bilateral trade agreements with our competitors in the EU and elsewhere—too often at America's loss.

Last year, U.S. exports supported 9.2 million good paying American jobs. Every \$1 billion in new exports supports 6,000 additional jobs here at home. The free trade agreements now being considered by Congress similarly

offer the potential to open new markets for agricultural, consumer and industrial exporters.

The South Korea Free Trade Agreement alone is estimated to support 70,000 additional jobs by opening up Korea's \$560 billion market to U.S. companies. South Korea is Illinois' 16th largest export market. We exported \$788 million in goods and services in 2010. Illinois Pork Producers will gain improved access to a market that is constantly growing. With this trade agreement, 66 percent of tariffs on agricultural products will be eliminated immediately, allowing us to better compete with imports from Europe. Chemical manufacturers accounted for an average of \$97 million per year of Illinois' merchandise exports to Korea between 2008 and 2010. This deal will mean that 50 percent of U.S. chemicals exports by value will receive duty-free treatment, immediately creating opportunities for Illinois exporters. And many of those exports were moved through the Port of Chicago, which supports and strengthens our transportation infrastructure.

Profile Products is a company based in Buffalo Grove, IL, with offices and plants in five other States. This company makes products that help establish turf and accessories to control erosion on sports fields, golf courses, and landscaping. It has been exporting to South Korea for over 15 years. The company faces tariffs up to 14 percent. Passage of the South Korea FTA would eliminate tariffs on the company's exports to South Korea, allowing the company to grow and to hire more American employees.

The Panama Free Trade Agreement also provides opportunities for several Illinois companies and industries. As Panama continues with the \$5.25 billion expansion of the Panama Canal, Illinois companies like John Deere and Caterpillar will see almost all tariffs eliminated for equipment and infrastructure machinery with this trade deal. Ninety-two percent of large mining trucks shipped from Caterpillar's Decatur, IL, location are exported. Eighty-two percent of Large Track Type Tractors shipped from the East Peoria, IL, plant are exported. With the elimination of tariffs on exports into Panama, Caterpillar's American jobs are more secure.

Passing these two free trade agreements with growing free market democracies is an important step in meeting the President's goal of doubling exports in five years, creating more American jobs, and staying engaged in the global community.

On the third proposed agreement—the one with Colombia—I have wrestled with whether this is the time to support such a step. Colombia is a strong American ally in an often turbulent region. It will remain our strong friend and partner.

Last year, as chairman of the Senate Human Rights and the Law Subcommittee, I held a hearing that examined the human rights situation in Colombia.

Colombia has made progress on protecting human rights, activists and indigenous populations and providing reparations and returning land to those who have been displaced during the decade long civil war. Colombia has worked with the U.S. to develop and implement the "Action Plan Related to Labor Rights" in an attempt to address issues that have allowed more than 2800 union members to be murdered since 1986.

But the action plan is not included in this trade agreement and, given the history of violence and human rights abuses, I worry that its omission leaves us without an enforcement capability to ensure it is followed to completion.

While Colombia's steps to mitigate human rights abuses should be noted, the trend remains troubling. In 2010, 51 unionists were murdered and many cases have not been brought to justice. Too often perpetrators of violence do so with impunity. So far this year, 22 unionists have been killed in Colombia—10 since the action plan on labor rights was agreed to. Too often workers who try to unionize are fired and blacklisted. Some continue to receive death threats.

There are other examples, including the baseless prosecutions of human rights defenders, and the "false positives" cases, where innocent civilians were executed by the military and passed off as rebel fighters killed in combat.

Simply put, these problems remain unacceptable. More needs to be done. The Colombian government needs to utilize every available resource to ensure that unionists, indigenous populations, and their allies are protected. Colombia also needs to ensure that victims are treated fairly, human rights violators are brought to justice, and that laws are enforced.

I support trade with Colombia and hope such an agreement is in our near future, but I cannot in good conscience ignore the fact that my vote for this Colombia Free Trade Agreement would indicate my approval that enough has been done to stem human rights abuses in Colombia. It hasn't.

Mr. President, seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN SANCTIONS

Mr. MENENDEZ. Mr. President, I know we will soon be voting on these

trade agreements, but I have an issue that I think has immediacy in nature and needs to be brought up now. It is something I have been pursuing for some time.

We have heard FBI evidence of an alleged plot by Iran and its elite Quds Force to assassinate a foreign diplomat on U.S. soil—an extraordinary act of international terrorism that demands, at a minimum, immediate enactment of the most robust sanctions against Iran possible. Were it not for the vigilance of the American intelligence community, the FBI, and all our law enforcement and intelligence agencies working together, this plot could have not only taken the life of Saudi Arabia's Ambassador to the United States but potentially hundreds of innocent Americans here in Washington.

Think of the Machiavellianism of taking out the Saudi Ambassador at a downtown Washington restaurant and what that would mean in terms of lives lost and the inevitable response it would provoke from the Saudis and from the United States.

In the coming weeks, we will hear the exact details of this incredible plot and the extent of the involvement of members of the Iranian Revolutionary Guard. We know the Revolutionary Guard in Iran is at the highest levels of the Iranian Government. That is why I specifically targeted the Revolutionary Guard in the Iran sanctions legislation that is now law. The new legislation I call on my colleagues to support and which now has 76 bipartisan cosponsors will consolidate our original sanctions law.

Iran's actions demand that we move this legislation in the Congress as we simultaneously go to the United Nations, to the international community, and bring to bear whatever pressure we can to convince the Chinese and the Russians to agree to tighter sanctions against Iran.

The fact is—clearly—we must do all we can to end Iran's exportation of terrorism, which has already taken lives around the globe from Lebanon to Argentina, is responsible for attacks on coalition forces in Iraq, our own soldiers in Iraq, and now threatens innocent Americans in our Nation's Capital. I, for one, am not shocked at the revelations we have heard in the last 24 hours. I have known what this regime is capable of, what it intends, and what it will do to achieve its goals. The time has come for this Congress to take the first step in responding to this egregious plot to conduct an assassination in a downtown Washington restaurant.

Since I took Federal office in 1993, then in the House of Representatives, I have raised, for some time, this issue of Iran and its ambitions. I have vociferously and passionately advocated my concern on behalf of the Jewish people in the State of Israel to protect them

from the threat of a radical Iranian regime. Now that threat has been directed here, toward American soil, where even American citizens could have died in a plot that defies the imagination in its brashness, boldness, and irrationality.

What specifically do we do? Our first act must be to immediately respond with tougher sanctions that isolate Iran politically and economically—sanctions that will freeze the assets of the Iranian Revolutionary Guard Corps members and allies and shut down the IRGC's sources of revenue, expedite the imposition of sanctions, force companies to decide whether they want to do business with the United States or Iran, and ensure that the United States is an Iranian oil-free zone by banning imports of refined petroleum made with Iranian crude.

To that end, along with Senators LIEBERMAN, KYL, GILLIBRAND, CASEY, KIRK, and COLLINS, we have introduced in the Senate the Iran, North Korea, and Syria Sanctions Consolidation Act of 2011. It is a bill which recognizes that if Iran's principal goal is to acquire weapons of mass destruction and apparently conduct brazen attacks on American soil against international officials, then it must be the policy of the United States to prevent the Islamic Republic of Iran from acquiring the capability to threaten its neighbors and to threaten nations around the world.

The time has come to take that first step and move this legislation.

This legislation closes the remaining loopholes in our sanctions policy. In essence, it is perfecting the sanctions policy we helped pass in the Senate. It insists on a comprehensive diplomatic initiative within the United Nations to qualitatively expand the U.N. Security Council sanctions regime against Iran so Iran cannot find a financial safe harbor or a willing partner anywhere in the world. It imposes immigration restrictions on senior officials from Iran, North Korea and Syria and their associates who seek to enter our country, and it complements those sanctions by reaching out to the Iranian people—facilitating democracy assistance and developing a comprehensive strategy to promote Internet freedom and access to information inside Iran. These sanctions will help deter the threat Iran poses to U.S. national security because of its suspected nuclear weapons program and will have an impact on Iran's ability, through the Revolutionary Guard and its intelligence arm, to carry out another plot such as the one we have uncovered.

What have we learned in the last 24 hours? We have learned that the Iranian regime is a growing threat not only to its neighbors, not only to the region, but to the world, and potentially to our own homeland. We have learned it is in the interest of the

world to apply maximum pressure to the Iranian regime. We have learned we must tighten the screws on the Iranian regime to genuinely advance the cause of stability and peace in the Middle East and, clearly, around the world.

These sanctions are an essential means to that end. We need the ban on trade with Iran to be strong, significant and, as humanly possible, airtight—a ban that does not have Americans subsidizing the very regime that seeks to harm us by purchasing gasoline and diesel that are made of Iranian crude.

Iran's actions have made it a rogue nation that must be dealt with in the strongest terms. We cannot wait for another plot such as this to be uncovered. We cannot take the chance that the next one will not be uncovered. Passing the new sanctions I have proposed with, as I said, 76 of our colleagues here is a start, and we cannot, as a nation, falter. The time to act is now.

I applaud the White House for its quick action this week in imposing new sanctions against the people responsible for the planned attack on the Saudi Ambassador and other targets in Washington. I appreciate the administration's effort to implement and multilateralize sanctions on Iran. This administration has done more to isolate Iran than any prior administration, Republican or Democratic, including their quick response this week designating individuals involved in the plot as well as today's sanction of Iran's Mahan Air.

The news this week, however, has confirmed our worst fears that Iran will not hesitate to advance its interests regardless of the political cost. Iran, given its history of exporting terrorism against coalition forces in Iraq, in places such as Argentina, in Lebanon—and its continued drive to advance its nuclear weapons program, despite being slowed by U.S. and international sanctions—clearly, with the alleged plot uncovered this week, remains undeterred.

It is time to take the next steps—to isolate Iran politically and financially. We must enact sanctions now, to exert the unyielding pressure of the U.S. Government against the Iranian regime, and bring to bear the condemnation of the international community so that the regime fully understands the world will not tolerate such actions if carried out.

These sanctions will prevent us from having to face that situation in the future. They are in our national security interest. They are in the interest of Iran's neighbors, in the interest of the region, and they are in the interest of the security of every nation that wishes to be secure in its borders, safe from the terrorist acts of a rogue state. That is what is at stake. That is why I look forward to a hearing we will be having

tomorrow in the Banking Committee on the effect of the sanctions legislation we already have. I believe that hearing will deduce testimony that clearly shows that because of the sanctions legislation we already passed in the Congress, signed by the President that, in fact, we have made a significant dent in Iran's commercial activities. But it has not ceased or desisted from its march to nuclear weaponry. And, obviously, by this latest plot, it has not ceased or desisted from its willingness, even on U.S. soil, to carry out such an assassination. Therefore, the time to act is now.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MANCHIN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Mr. President, I rise in support of the three free-trade agreements with Colombia, Panama, and South Korea that will be before us shortly here in the Senate. Few States need these agreements more than the State of Illinois.

This week, I released a report on the State of Illinois's debt. We now have the worst credit rating in America. Our State has fallen to 47th for a healthy business climate, with only half of the State's pension and health care promises actually funded.

Instead of continuing our State's debt spiral, these agreements will help the bottom line of Illinois exporting employers who hopefully will create thousands of new jobs without adding to the borrowing of our State or any new taxes.

Since 1997, Illinois exports to Colombia have increased by 164 percent, and exports to Panama have increased by 196 percent. Collectively, the three nations represented more than \$1 billion worth of Illinois export sales in 2010.

We will see the benefits of these agreements across a wide spectrum of jobs—from high-tech companies to manufacturers to farmers.

Illinois-based Caterpillar, in Peoria, which in 2010 exported \$13 billion worth of products to other countries, will see tariffs reduced by hundreds of thousands of dollars on goods through these free-trade agreements. The Panama Canal expansion project alone represents a \$300 million opportunity for Caterpillar. The trade deals are particularly important for Illinois-based Navistar, which has one of the best

named truck brands in Colombia and Panama.

Illinois agriculture also reaps a windfall from the pending free-trade agreements. Trade deals are expected to create about \$2.5 billion in new agricultural exports and over 22,000 jobs nationwide. Expanding export markets for Illinois farmers and the increased demand for agricultural products and equipment manufactured in Illinois will allow employers such as ADM in Decatur, John Deere in Moline, and, as I mentioned, Caterpillar in Peoria to reinvest in their companies and to hire more citizens of our State. Illinois farmers and ranchers are expected to see about \$90 million in increased direct exports as a result of the Senate's approval of these trade deals.

These deals represent the direction the Senate should take overall on job creation—no tax increase, no borrowing, but opening new markets for American-made products.

I think next the Congress should build on this bipartisan job-creating vote and move to reduce regulatory burdens on small businesses and reform the Tax Code so U.S. businesses can better compete globally.

With that, Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, over the past several weeks, the Senate has focused closely on international trade. We have debated trade adjustment assistance, a bill to penalize China's currency policies, and our pending free-trade agreements. These have been robust debates. It is an appropriate capstone that we will soon be approving our trade agreements with Colombia, Panama, and South Korea.

The reality is, these agreements should have passed long ago. Although completed over 4 years ago, they were first blocked in the 111th Congress by a Democratic majority in the House of Representatives. They were then delayed by our own President, who devised excuse after excuse for not acting to implement them.

This spring, after the excuses related to the agreements themselves were addressed by our trading partners, the President made a new demand. This time it was trade adjustment assistance spending. The President made it clear that if this domestic spending program was not expanded and approved, he would abandon our allies in Colombia, Panama, and South Korea and cede these growing markets to our foreign competitors.

It took Congress months to untie this substantive and procedural Gordian knot that President Obama and his administration created.

Throughout this long period of delay, U.S. workers and exporters were denied the benefits of these agreements. At the same time, these allies began to doubt the commitment of the United States to our friendship, as well as our ability to deliver on our promises.

I am concerned that going forward the President will put even more new conditions on his support for trade and trade agreements. I certainly hope not. As a nation, we cannot afford to hold our international economic competitiveness hostage to unrelated demands for more spending or to a liberal social agenda. If our economy is going to grow and our workers prosper, then we need to do better.

Trade is good for the United States. Today, the United States is the world's largest economy. Contrary to the views of many Americans, the United States exports more in goods and services than any other country. It is imperative that the United States continues to open foreign markets. After all, 95 percent of the world's population lives outside of the United States. Economists estimate that almost 83 percent of growth over the next 5 years will take place outside of the United States. Simply put, most of our future customers are located in foreign countries.

U.S. exporters face foreign barriers that limit our ability to sell U.S. goods and services in foreign markets. Often, tariffs on our exports tend to be much higher than our own tariffs. U.S. trade agreements level the playing field. They reduce or eliminate tariffs and other barriers to U.S. exports.

The math is pretty simple. Lower tariffs and fewer barriers mean more exports, and more exports mean more jobs. But we cannot reduce these tariffs or eliminate barriers without the right tools. In my mind, renewing trade negotiating authority is the key to our future success. I was, frankly, dismayed when our colleagues across the aisle, just a few weeks ago, rejected an amendment to provide their own President with the authority to negotiate new trade agreements. We call that trade promotion authority. We all know the authority to negotiate trade agreements expired years ago. Since then the United States has been sitting on the sidelines while other nations negotiate agreements all around the world.

There is no doubt about it, even with the approval of these three free-trade agreements, the United States is already far behind. It is my understanding that there are 209 free-trade agreements around the world. The United States is a party to just 12 such agreements, with 17 countries. We should be expanding the number of our

free-trade agreements and the number of our free-trade partner countries.

Everyone knows if you are not in the game, you cannot win. Right now, the United States is not in the game. While it is true the President is in the process of negotiating an agreement to create a Trans-Pacific Partnership, we all know the chances of it actually succeeding are almost nonexistent without trade negotiating authority.

Let's keep in mind that trade negotiating authority has been the norm rather than the exception for much of this past century. Congress first authorized reciprocal negotiating authority in 1934 to help pull the U.S. economy out of the Great Depression. That authority was renewed 11 times between 1934 and 1962. In 1974, the Congress first authorized the President to negotiate tariff and nontariff barriers and bring them back for congressional consideration on an expedited basis, without amendments. Every President since 1974 has sought that authority from Congress.

President Ford argued that the legislation "enables the United States to play a leading role in . . . multilateral negotiations."

President Carter said the legislation "solidifies America's position in the international community."

President Ronald Reagan extolled the virtues of TPA, noting that when properly used, it "manifestly serves our national economic interests."

President George H.W. Bush noted that extension of TPA was "in the vital national interest of the United States and absolutely fundamental to our major foreign policy objectives."

President Clinton argued strenuously for TPA, making the case that "the legislation will give us the authority to increase access to foreign markets . . . if we don't seize these opportunities, our competitors surely will. An 'America last' strategy is unacceptable."

President George W. Bush successfully made the case that TPA was critical to opening markets around the world. Once he achieved its renewal, he made opening foreign markets a key priority of his administration. To give credit where it is due, if it wasn't for President Bush's leadership in seeking TPA and negotiating agreements with Colombia, Panama, and South Korea, we would not have any agreements to consider today.

Unfortunately, President Obama, while touting the importance of exports, has been virtually silent on the need for TPA. Instead of leading on TPA, this President has consistently ducked the issue, avoided the debate, and let America continue to fall further behind.

This America-last—or, as some put it, leading-from-behind—strategy is unacceptable. We need a strong vision of leadership in the global economy. We can start by approving these three

free-trade agreements. The fact is, tariffs on our exports to Colombia, Panama, and South Korea are much too high. These agreements will eliminate these tariffs. But the benefits of each agreement go far beyond tariff elimination. The agreements also guarantee fair access for U.S. service providers, reduce unfair barriers to our agricultural exports, provide high levels of protection for our intellectual property rights, and ensure high levels of investment protection. In short, each of these agreements helps U.S. workers compete and win in these growing markets.

Make no mistake, if we don't take advantage of these new markets, other countries will, and it is the U.S. worker who will lose. We cannot afford to allow nations to race ahead while our workers stay behind.

I urge my colleagues to join with Senator BAUCUS and me in supporting each one of these trade agreements. Their approval can be the first good step toward reigniting a vigorous international trade agenda that puts America first and enables the United States to once again lead the world in opening markets and expanding economic growth.

In that regard, I pay tribute to my colleague on the Finance Committee, Senator BAUCUS. He has done a great job in working on this issue. He has been a wonderful partner to me and a wonderful leader on our committee. When it comes to trade, he certainly deserves a lot of credit for helping to push this through. I am grateful to be able to work with a quality person like him.

I also would like to acknowledge a few of the many people who made these agreements happen. First, I would like to thank the talented members of the Bush administration who were instrumental in negotiating these agreements. Of course, first there is our colleague, Senator ROB PORTMAN, U.S. Trade Representative for President George W. Bush; Ambassador Susan C. Schwab, U.S. Trade Representative; Warren Maruyama, General Counsel; Ambassador John Veroneau, Deputy U.S. Trade Representative; Rob Lehman and Tim Keeler, Chiefs of Staff to the U.S. Trade Representative; Karan Bhatia, Deputy U.S. Trade Representative; Justin McCarthy, Special Assistant to President Bush for Legislative Affairs; and Andy Olson, Assistant U.S. Trade Representative for Legislative Affairs. I would also like to recognize the hard work and commitment of USTR's professional staff, especially Wendy Cutler, Bennett Harman, Michelle Carrillo, Maria Pagan, and Leigh Bacon—without their efforts we would not have achieved conclusion of these historic agreements.

Next, I would like to thank my staff—they have been relentless in pressuring the administration to send

these long-completed FTAs to Congress so we can pass them in order to create American jobs and grow the American economy. This is a huge success and I am happy to share it with them. In particular, I would like to thank the Staff Director of my Finance Committee staff, Chris Campbell; my Chief International Trade Counsel, Everett Eissenstat, both for serving as a chief negotiator for the Colombia and Panama agreements while at USTR and for his efforts in implementing the agreements here on Capitol Hill; International Trade Counsels Paul DeLaney, Greg Kalbaugh, David Johanson, Maureen McLaughlin, and Ryika Hooshangi; Staff Assistant Rebecca Nasca; and Legislative Counsel Polly Craighill. I would like to also thank prior Finance Committee trade staff including former Chief Counsel Stephen Schaefer, International Trade Counsel David Ross, and Claudia Poteet. The multi-year effort to pass these FTAs succeeded because of their hard work, expertise, and tenacious pursuit of the public interest.

Senator BAUCUS had a good staff helping him as well. I would like to thank them for their hard work and long nights that went into making this happen. I would like to thank Russ Sullivan, majority Staff Director of the Finance Committee; Chief Trade Counsel Amber Cottle; International Trade Counsels Ayesha Khanna, Michael Smart, and Gabriel Adler; and professional staff member Chelsea Thomas. Their work is to be commended.

We can all be proud of these accomplishments and I look forward to the President signing these agreements into law.

Mr. President, I am ready to vote. I yield the floor at this time.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that all remaining time be yielded back, with the exception of 15 minutes, to be equally divided between Senator BAUCUS and the Republican leader, with Senator BAUCUS controlling the first 7½ minutes; that upon completion of their remarks, the Senate proceed to votes on passage of H.R. 3080, H.R. 3079, and H.R. 3078 as provided under the previous order; that there be 2 minutes, equally divided, in the usual form between the votes; and that all after the first vote be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, my remarks will be brief because we are at a point, finally, where we are passing these three trade agreements.

The Colombia, Panama, and South Korea Free Trade Agreements will increase U.S. exports by \$13 billion, boost gross domestic product by more than \$15 billion, and support or create tens of thousands of American jobs.

These agreements will provide an economic boost at a time when our country sorely needs it. But the value of these agreements goes well beyond dollars and cents. In recent years, critics of the United States have argued we have surrendered our leadership role on international trade. They claim our government, with its divided powers and narrow and changing partisan majorities, is incapable of forming a consensus for expanding trade, let alone a consensus on other political matters, including reducing our national debt.

Today, we have the opportunity to prove our critics wrong. These agreements were negotiated by a Republican President, improved by a Democratic President, and will be supported by strong bipartisan majorities in the House and in the Senate. They demonstrate the best of American values—open markets, transparent regulation, and respect for labor rights and the environment. They set the standard by which all trade agreements will be judged, and they put to rest any doubt the United States will engage its global partners to establish trade rules that are both free and fair.

By approving these agreements, we will also bind ourselves even more closely to three of our most important allies, and we will demonstrate to countries around the world that the United States is a good and dependable partner.

One decade ago, Colombia was on the brink of collapse. Armed conflict raged, drug traffickers flourished, violence against workers flared, and the economy stagnated. The United States pledged its support for Plan Colombia. With that plan, we provided more than \$7 billion to Colombia to fight drug trafficking, spur development, and protect human rights.

With our assistance, Colombia has achieved amazing progress. It is healing from the wounds of conflict. It has demobilized 50,000 former combatants, stemmed the flow of illegal drugs and the violence associated with it, and it is reducing labor violence and strengthening worker rights. If we approve our free-trade agreement with Colombia, we will help Colombia solidify and build on these gains, and we will reap for ourselves the benefits of our significant investments in this important country.

Panama has been a friend and ally since its early days as a nation. In the early 20th century, the United States built the Panama Canal, which remains

the world's greatest commercial hub. We helped the Panamanian people restore democracy in 1989 after 20 years of military rule.

Today, Panama is among the fastest growing countries in the Western Hemisphere. It is both the crossroads of international trade and a global financial center. It is also a close partner in the fight against the illegal drug trade. With the Panama Free Trade Agreement, we will further strengthen our relationship for decades to come.

South Korea is a strategic ally in a region clearly vital to U.S. national interests. Despite living under the constant threat of a dangerous and erratic neighbor, South Korea has become the 15th largest economy in the world. Last year, it served as President of the G20 group of countries.

This trade agreement we have concluded with South Korea is our largest bilateral agreement in nearly two decades. It will ensure our commercial relationship is as strong as our 60-year security partnership.

These free-trade agreements will deliver significant economic benefits to the American people. Let us renew a bipartisan consensus on trade, reaffirm U.S. leadership in the global economy, and cement our ties with three important partners. Let us approve our free-trade agreements with Colombia, Panama, and South Korea.

I might add, before I yield to the Republican leader, that the order of the agreements is, first, on Panama, then South Korea, and then Colombia.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, we are on the verge of doing something very important for our country tonight, and we are going to do it on a bipartisan basis. I wish to congratulate the chairman of the Finance Committee, Senator BAUCUS, for the role he played and for the constructive efforts by Senator PORTMAN and Senator BLUNT to help us get to this evening. But I wish to single out for special praise our leader on this issue, Senator HATCH, the ranking member of our Finance Committee, who has been a stalwart on behalf of free trade over the years.

I think it is appropriate to take a moment before the vote to note the importance of what we are doing. The first point to make about these agreements is that they will help American businesses create new jobs in the United States. The second point to make is there is strong bipartisan support for all three of these agreements. In other words, anyone who says that two parties can't agree on anything isn't telling the whole story.

Consider this: On the very day Democrats and Republicans were planning to come together to vote in favor of these trade agreements, Democrats spent the entire morning talking about what a

shame it is that it never happens—that we never get together. Clearly, this vote is getting in the way of their political message, and that message is kind of absurd to watch.

Frankly, I think it would be a lot less confusing for anybody watching at home—not to mention a lot better for job creation—if our friends on the other side would agree to work with us more often on a bipartisan basis, as we have done on the bills before us. Our friends on the other side may think it helps them politically for Americans to think we don't cooperate, but what I am seeing is that the vote we are about to take shows that is simply not true.

We could get a lot more done up here if the President and our friends who control the Senate would move away from the left fringe and stop insisting on partisan bills that are designed to fail. If they agreed to that, then this Democratically led Senate would be a lot more productive.

Here is why these trade agreements are so important. First, they lower the barriers to selling American-made goods to consumers in other countries. On a variety of agricultural and manufactured goods, those tariff barriers are completely and totally eliminated, and increasing exports is crucial to growing the economy in States such as Kentucky, where nearly one-fifth of manufacturing workers depend on exports for their jobs.

It isn't just manufacturing that will benefit. America's service and technological sectors—where we are global leaders—will gain greater access to these foreign markets and strong assurances that the legal environment will not change to disadvantage U.S. firms. So passing these trade agreements will mean more U.S. exports and more U.S. jobs.

The total value of exports just from my own State of Kentucky currently totals more than \$19 billion. With these trade agreements, that number will only grow, increasing demand for Kentucky-made goods even more. What is more, the vast majority of Kentucky companies that export goods overseas—80 percent of them—are small- and medium-sized businesses.

So the question is, Do we want small businesses in Kentucky and other States finding new customers for their goods in these growing economies or do we want to cede those customers to other countries that are only too happy to exploit the advantages they had before today?

These agreements are good news for American businesses looking to expand the market for their goods, and they are good news for all the American workers who benefit when those businesses are able to compete on a level playing field with workers in other countries.

While we have waited to pass these agreements, America's competitors

overseas have increased their share of the markets in Panama, in Colombia and in South Korea and operated without the barriers American job creators have faced prior to tonight. Today, we are leveling the playing field, and when the playing field is level, we know American workers and American businesses and farmers will come out on top. They just needed us to clear the way.

Personally, I have never voted against a free-trade agreement, and I hope we will consider others in the near future.

Now that we have finally finished the business of the last administration's trade efforts, President Obama needs to think about what the trade agenda of his administration is going to be moving forward. Will he let America fall behind our competitors or will he embrace a proactive free-trade agenda that he knows will help create jobs here at home and project American influence around the world? For our part, Senate Republicans are ready to work with him on an even more robust trade agenda, one which involves reauthorizing a stronger TPA and which helps him help the economy in a bipartisan way, just as we are doing tonight.

This is a very important vote. It shows that the two parties can, in fact, work together to help American businesses create jobs, and I hope it leads to a lot more of the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. H.R. 3080, H.R. 3079, H.R. 3078, having been received from the House, are each considered to have been read three times.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the passage of H.R. 3080.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS), is necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. SANDERS) would vote "no."

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 15, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—83

Akaka	Bennet	Burr
Alexander	Bingaman	Cantwell
Ayotte	Blunt	Carper
Barrasso	Boozman	Chambliss
Baucus	Boxer	Coats
Begich	Brown (MA)	Cochran

Collins	Johnson (SD)	Nelson (FL)
Conrad	Johnson (WI)	Paul
Coons	Kerry	Portman
Corker	Kirk	Pryor
Cornyn	Klobuchar	Risch
Crapo	Kohl	Roberts
DeMint	Kyl	Rubio
Durbin	Landrieu	Schumer
Enzi	Lautenberg	Sessions
Feinstein	Lee	Shaheen
Franken	Levin	Shelby
Gillibrand	Lieberman	Stabenow
Graham	Lugar	Thune
Grassley	McCain	Toomey
Hatch	McCaskill	Udall (CO)
Heller	McConnell	Udall (NM)
Hoeven	Menendez	Vitter
Hutchinson	Mikulski	Warner
Inhofe	Moran	Webb
Inouye	Murkowski	Wicker
Isakson	Murray	Wyden
Johanns	Nelson (NE)	

NAYS—15

Blumenthal	Harkin	Reid
Brown (OH)	Leahy	Rockefeller
Cardin	Manchin	Snowe
Casey	Merkley	Tester
Hagan	Reed	Whitehouse

NOT VOTING—2

Coburn	Sanders
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The bill (H.R. 3080) was passed.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on passage of H.R. 3080.

The Senate will be in order.

Who yields time? The Senator from Montana.

Mr. BAUCUS. Mr. President, what is the regular order?

The PRESIDING OFFICER. Two minutes of debate equally divided.

Mr. BAUCUS. I thank the Chair.

Mr. President, we are now voting on the Panama TPA to provide lucrative new opportunities for American farmers. It will level the playing field for American exporters and do a lot of stuff.

Let me say this. Basically, we accept virtually all Panama's products duty free—virtually. Panama has significant duties on products going into Panama. This is a free-trade agreement. It is a freebie. I urge Members to vote for it so now we can export more products to Panama. Vote for this agreement.

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio.

Mr. BROWN of Ohio. I rise to speak against this agreement. This, my friends, is the Panama trade agreement. There are 1,600 pages. If we want to get rid of tariffs and level the playing field, we would pass about three pages of tariff schedules and build in labor rights so that all of us would pass this by a voice vote.

This is 1,600 pages of rules to help insurance companies, to help drug companies, to undercut America's sovereignty. It is based on the same NAFTA trade model that doesn't work with investor-state relations. The same promises we hear in every trade agreement—the Clinton administration and the first Bush administration promised 200,000-plus jobs for NAFTA. We lost 600,000 jobs.

Vote no on Panama. It is more of the same. It doesn't work for America and small businesses, and it doesn't work for our workers.

I ask for a "no" vote.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I appreciate the Senator from Ohio showing us the big, long stack. Those are all the tariffs Panama is going to get rid of and reduce so we can sell more products to Panama. I appreciate the Senator pointing that out to us.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 22, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—77

Alexander	Graham	Menendez
Ayotte	Grassley	Moran
Barrasso	Hatch	Murkowski
Baucus	Heller	Murray
Bennet	Hoeven	Nelson (NE)
Bingaman	Hutchison	Nelson (FL)
Blunt	Inhofe	Paul
Boozman	Isakson	Portman
Brown (MA)	Johanns	Pryor
Burr	Johnson (SD)	Risch
Cantwell	Johnson (WI)	Roberts
Cardin	Kerry	Rubio
Carper	Kirk	Schumer
Chambliss	Klobuchar	Sessions
Coats	Kohl	Shaheen
Cochran	Kyl	Shelby
Collins	Landrieu	Snowe
Conrad	Lautenberg	Thune
Coons	Leahy	Toomey
Corker	Lee	Udall (CO)
Cornyn	Levin	Vitter
Crapo	Lieberman	Warner
DeMint	Lugar	Webb
Durbin	McCain	Wicker
Enzi	McCaskill	Wyden
Feinstein	McConnell	

NAYS—22

Akaka	Hagan	Rockefeller
Begich	Harkin	Sanders
Blumenthal	Inouye	Stabenow
Boxer	Manchin	Tester
Brown (OH)	Merkley	Udall (NM)
Casey	Mikulski	Whitehouse
Franken	Reed	
Gillibrand	Reid	

NOT VOTING—1

Coburn

The bill (H.R. 3079) was passed.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on passage of H.R. 3078.

Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, we are now on the Colombia Free Trade

Agreement. I am not going to take a lot of time. I think most Senators know how they are going to vote.

Let me say I have visited Colombia. I am extremely impressed with the progress Colombia has made. Colombia was a failed state, a failed country about 10 years ago. With America's Plan Colombia and the assistance we have given, the narcotraffic is dramatically down, the labor killings are dramatically down. Clearly, we don't want one labor member killed or anyone killed in Colombia. But the fact is there is tremendous progress in Colombia. Colombia is so important to America's geopolitical future and to South America. If we cut and run, Colombia is going to run away from the United States. We will not be trusted. They will go to other countries, including Venezuela, China, and so forth.

I urge my colleagues who are on the fence—who are on the fence—to vote for this because that is a vote for the future. The glass is half full.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time? The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, this is the same story. This is Panama's agreement, but Colombia's is even longer—hundreds and hundreds of pages of rules.

I admire the Colombian people. They are our allies, but the Colombian Government not so much. Colombia remains the most dangerous place in the world to be a trade unionist. There were 23 trade unionists killed in 2011, and 51 were killed in 2010. What is happening to them is working. Over the past 20 years, unionization rates in Colombia have been cut in half.

When you threaten trade unionists, when you actually murder them, of course, unionization rates are going to go down. The Labor Action Plan commits the Colombian Government to get better, but what we are doing by a "yes" vote is rewarding promises, as we always do in trade agreements. But we are doing nothing to establish and enforce concrete results.

If you care about human rights, if you care about workers having the ability to freely organize and collectively bargain, you will vote no on the Colombian trade agreement.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—66

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Murray
Baucus	Heller	Nelson (NE)
Bennet	Hoeben	Nelson (FL)
Bingaman	Hutchison	Paul
Blunt	Inhofe	Portman
Boozman	Inouye	Pryor
Brown (MA)	Isakson	Risch
Burr	Johanns	Roberts
Cantwell	Johnson (SD)	Rubio
Carper	Johnson (WI)	Sessions
Chambliss	Kerry	Shaheen
Coats	Kirk	Shelby
Cochran	Kyl	Thune
Conrad	Landrieu	Toomey
Corker	Leahy	Udall (CO)
Cornyn	Vitter	Warner
Crapo	Lieberman	Webb
DeMint	Lugar	Wicker
Enzi	McCain	Wyden
Feinstein	McConnell	

NAYS—33

Akaka	Gillibrand	Mikulski
Begich	Hagan	Reed
Blumenthal	Harkin	Reid
Boxer	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cardin	Lautenberg	Schumer
Casey	Levin	Snowe
Collins	Manchin	Stabenow
Coons	McCaskill	Tester
Durbin	Menendez	Udall (NM)
Franken	Merkley	Whitehouse

NOT VOTING—1

Coburn

The bill (H.R. 3078) was passed.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I think this is a great day. It shows America is moving forward, is forward-leaning, forward-looking. I thank the countries with whom we have reached these agreements. They, too, have shown courage. I hope this is a good model we can pursue in the future.

In that vein, I would like to thank some people who worked extremely hard on this agreement. They are members of my staff, beginning with my chief trade person, Amber Cottle; Mike Smart, Hun Quach, Chelsea Thomas, Gabriel Adler, Rory Murphy, Danielle Fidler, Sarah Babcock, and Jane Beard.

I also very much thank the staff who works for my good friend and colleague, Senator HATCH, beginning especially with Everett Eissenstat. We have been a real team, and I believe very strongly that not much is accomplished in this body if you try to go it alone, if you try to do it by yourself. Rather, much is accomplished with teamwork and working together, and I thank very much my team, and very much I thank the team from Senator HATCH. It is nice to see Everett over there nodding his head. He knows teamwork really works.

Mr. President, I thank you, also, very much.

MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate

proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT DANIEL DAVID GURR

Mr. HATCH. Mr. President, today I rise to pay tribute to Sgt Daniel David Gurr of the U.S. Marine Corps.

Sergeant Gurr was assigned to the 3rd Reconnaissance Battalion, 3rd Marine Division, II Marine Expeditionary Force. He was killed by small arms fire while on patrol in Helmand Province, Afghanistan. Sergeant Gurr was only 21 years of age, but as a testament to his character and reputation, hundreds attended his memorial service and hundreds more lined the procession route to where he was laid to rest.

Sergeant Gurr always wanted to be a marine. In fact, his friends and family from Vernal, UT, remember a young man who could hardly wait until his senior year at Uintah High School before enlisting in the Marine Corps. But even during his school years, his personality and character exemplified what it means to be a marine. Sergeant Gurr was the captain of his high school soccer team and was always there for his teammates. By all accounts, whether in high school or as a noncommissioned officer, he was a leader and loved by many.

Sergeant Gurr had a profound sense of duty and deep commitment to freedom and liberty. All he asked for was the opportunity to dedicate his life to the service and safety of others. His dedication and leadership were clearly apparent to the marines who advanced him to the rank of sergeant, a truly impressive accomplishment for a 21-year-old.

As we grieve the loss of one of this country's finest, let us celebrate Sergeant Gurr's life. His selfless and noble actions will never be forgotten.

I know I am joined by the entire Senate in extending heartfelt condolences to Sergeant Gurr's family. Elaine and I will certainly keep them in our prayers.

CORPORAL RAPHAEL R. ARRUDA

Mr. President, today I also wish to honor CPL Raphael R. Arruda of Ogden, UT.

Corporal Arruda was an Army reservist assigned to the 744th Engineer Company, 416th Theater Engineer Command. As a combat engineer tasked with finding improvised explosive devices, Corporal Arruda never shied away from driving the lead vehicle on operations. Out in front protecting his fellow soldiers was where he was when an explosion took his life. Adding to this tragedy, Corporal Arruda's mother had died 10 days before, and the corporal was but days away from his 22nd birthday.

Corporal Arruda was raised in Brazil until the age of 12. His family immigrated to the United States and settled in South Ogden, UT, where Corporal Arruda graduated from Bonneville High School in 2008. While in high school, he joined the Army Reserves and left for basic training only days after graduating from high school. After basic training, he attended Weber State University for a semester and planned to continue his education upon his return.

Upon learning about Corporal Arruda's life, I was struck by what his family and friends had to say about him. Andrey, his brother and also an Army reservist, said Corporal Arruda was the "life of the party." His fellow soldiers said the corporal was "the guy who pushed everyone and made everyone laugh." It is a special leader who has the unique ability to motivate others while simultaneously making them feel at ease.

Corporal Arruda was a brave and selfless soldier. His family now bears a heavy burden. However, I hope they will take comfort in knowing that I am joined by the entire Senate in extending our condolences over the loss of Corporal Arruda and his mother. My wife Elaine and I will have them in our prayers.

REMEMBERING MIKE PUSKAR

Mr. MANCHIN. Mr. President, only a few people in your lifetime stand out as people of the highest caliber, people who truly care about making the world a better place not only for the present generation but also for the next generation and many generations to come.

My dear friend Mike Puskar was one of those rare people. My wife Gayle and I consider ourselves extremely lucky to have even known a man of his caliber, let alone be dear friends with him for many years.

Mike passed away on Friday after a long battle against cancer.

I first met Mike in the early 1980s before the start of a football game in the then-gravel parking lot at the WVU stadium, a place we both truly loved. The generator in his motor home was not working, and, luckily, the generator in my brother's RV that I was using did work. So Mike plugged into our RV that day, and we were plugged in thereafter.

Mike was a man whose friendship was unconditional. It was not about whether you lined up exactly with his beliefs. He supported you as a person.

Mike dedicated his life to helping others and to making a real lasting impact in West Virginia. He had a tremendous heart and a strong sense of giving. Mike truly epitomized the word "friend" at every level.

We can see Mike's handprint everywhere—at West Virginia University, at Mylan Park, and in charitable organizations throughout West Virginia that serve those in need.

Mike loved to build things—whether it was his company or the waterfront in Morgantown. He gave the largest gift in the history of West Virginia University because he truly believed in making our State, our schools, and our hospitals the best in the country. In fact, that gravel parking lot where we first met at the WVU stadium is now the site of the Mylan Tailgate Tent. But the thing Mike was most proud of was when he helped people build their own lives—and those people who knew Mike know exactly what I am talking about.

Mike was a pioneer who started Mylan Pharmaceuticals to give people access to affordable quality medicine. Mylan is a homegrown West Virginia company that he started with his Army buddy Don Panoz in 1961. He led Mylan until 2002, and Mylan has continued to grow and has now become the third largest generic and specialty pharmaceutical manufacturer in the world.

There are so few people like Mike, whose legacy will echo for generations to come. On Thursday, his friends and family will gather to pay tribute to his legacy when he is laid to rest in Morgantown, WV—a town he loved and gave so much to improve.

Tomorrow and every day our thoughts and prayers will go out to the entire Puskar family, Mike's friends and colleagues, and everyone whose life he touched, as all of them mourn the loss of this great man.

While every one of us is truly going to miss Mike, he truly will never leave us. We all have beautiful memories of Mike that will last a lifetime, and his legacy to West Virginia and its people will remain in our hearts forever.

BURMA CHALLENGES

Mr. McCONNELL. Mr. President, I rise today, as I do on many occasions, to bring attention to the numerous challenges that face the people of Burma. Of great concern to those advocating for democracy in Burma is promoting reconciliation among the diverse groups in the country. Like many ethnic groups in the country, the Kachin people of northern Burma have a distinct and longstanding heritage. Yet, they continue to be targeted by the ruling junta. Not only is their struggle against the oppressive junta of concern to those of us focused on reforms in Burma, but they also have an important historical connection to the United States, a connection that I would like to highlight today.

On September 13, 1945, Japanese soldiers surrendered to Allied forces in Burma. As many in this Chamber are no doubt aware, many Americans bravely fought in the China-Burma-India theater during World War II. The late Senator Ted Stevens, for example, flew the treacherous “hump” over the Himalayas, and many other Americans

helped build the important Ledo supply road, linking China, Burma and India. In the Allied effort in this theater, the Kachin people deserve particular mention for the commitment, sacrifice and invaluable support they provided Allied forces to reclaim that country.

The situation in this region was bleak for Allied forces in 1942. The Burmese terrain, a combination of dense rain forest and high altitude, proved a formidable obstacle in itself. Of particular importance was building and maintaining the Allied supply lines into Kunming, China. This task was assigned to GEN Joseph Stilwell and was later described by George Marshall as “one of the most difficult assignments” given to any theater commander. As part of this endeavor, CPT Carl Eifler directed U.S. efforts against Japanese forces in Burma. Captain Eifler assembled an accomplished group of officers with a diverse set of skills, ranging from linguistics and medicine to piloting and explosives. Detachment 101 officially began on April 14, 1942, a mere 3 weeks before the Japanese Imperial Army would take Rangoon and, with it, effective control of the country.

As part of its mission, GEN Stilwell wanted Detachment 101 to learn to adapt to and thrive in Burma's thick rain forests. He would use his troops' familiarity with fighting in such terrain to harass the enemy with unconventional tactics, weakening its grip on strategic locations such as the Myitkyina Airbase in the Kachin State. The historian for U.S. Army Special Operations Command, Dr. C. H. Briscoe, credits part of Detachment 101's operational success to support from a group of Burmese in the “Kachin Rangers” unit and, in particular, their efforts in intelligence collection, as well as pilot rescue and sabotage missions. In the spring of 1945, due to its success, Detachment 101 expanded its Kachin forces to more than 10,000 troops.

The Kachin Rangers are credited with many effective and unconventional warfare tactics, some of which have subsequently been incorporated by the Army Special Forces Green Berets. In just a few years of combat, according to James R. Ward—a member of Detachment 101—the Kachin Rangers reportedly provided the U.S. 10th Air Force with 75 percent of its targets and the 164 Kachin radio teams in Burma provided some 85 percent of the intelligence received by General Stilwell's Northern Combat Area Command. In addition, these Kachin soldiers are credited with destroying an estimated 15,000 tons of Japanese supplies and killing or capturing more than 15,000 enemy troops. According to reports, the group also helped save the lives of as many as 425 downed Allied airmen during the war.

Ultimately, following the Japanese surrender of Burma, Detachment 101

was awarded the Presidential Distinguished Unit Citation by the Army Chief of Staff at the time, future President Dwight D. Eisenhower.

Efforts by the Kachin people helped secure an Allied victory in Burma 66 years ago. Currently, the Kachin—like other ethnic minorities in Burma—deserve our recognition as allies in another noble cause: to secure freedom and reconciliation in a democratic Burma. We honor their bravery and commitment to freedom six decades ago as well as today.

TRIBUTE TO CARL WEAVER

Mr. McCONNELL. Mr. President, I rise today to recognize the accomplishments and achievements of lifetime educator Carl Weaver. For almost 40 years, Carl devoted himself to teaching young Kentuckians history, civics, and psychology while also coaching little league baseball in the afternoons and the South Laurel High School boys' baseball team.

Carl began teaching as an undergraduate student while at the University of the Cumberlands in 1963, at the age of 19. After graduation, Carl spent 6 years teaching in Ohio before returning to Laurel County, KY, where he earned his master's degree from Union College while simultaneously teaching full-time and raising his three children, Wayne, Karen (Davenport), and Whitney.

Carl witnessed many changes during his 33-year career teaching in Laurel County, but he cherishes most the time he spent teaching his own kids—Carl had each of his three children in at least one class in high school and also had the opportunity to teach Karen psychology her freshman year at Sue Bennett College. Carl never had a problem with any of his children in the classroom, recalling, “I was probably harder on them than on other students.”

For Carl, it was always about the kids. Carl has an amazing passion for teaching and he truly enjoyed and appreciated the students. “That's what it's really all about. You're teaching the student, not the subject,” Carl says. Carl still misses teaching, but he was forced to retire at the 27-year mark due to ongoing complications with his legs as a result of his diagnosis with polio as a child.

These obstacles don't hinder Carl's spirit however, as he continues to stay busy by helping out in his son's produce stand on East Ky. 80. Carl admits he's enjoyed a good life. As he looks back now on his teaching career however, he says he doesn't regret a thing.

Mr. President, Carl Weaver is a humble, selfless Kentuckian who dedicated his life to educating the youth of Kentucky. I thank him for his passion and the wisdom he has shared with the people of our great Commonwealth. The

Laurel County Sentinel Echo published an article in the spring of 2011 to honor Carl's career and accomplishments. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Laurel County Sentinel Echo, Spring 2011]

BUSIER SINCE RETIREMENT: CARL WEAVER WORKS CONCESSIONS, MANS A PRODUCE STAND AND SPENDS TIME WITH GRANDCHILDREN. AND LIKE TEACHING, HE LOVES EVERY MINUTE OF IT.

(By Nita Johnson)

He walks with two canes due to rheumatoid arthritis, another storyline to the limp he's had all his life since suffering from polio at age 3.

But the canes and the limp don't deter long-time educator Carl Weaver. In fact, since his retirement from the Laurel County school system in 2002, Weaver has been busier than ever.

In fact, Weaver depicts the word "busy." With nearly 40 years of teaching experience under his belt, Weaver has always been active in the school, in his personal life, and in his community.

Even while raising his three children, his life has revolved around academics and athletics. During school hours, the classroom setting found him instructing students about history, civics, and psychology. During summer breaks, he taught psychology at Sue Bennett College.

After-school hours found Weaver on the baseball field where he coached the South Laurel High School baseball team for six years. When not on the baseball field, Weaver was the academic team coach for Laurel County High School, and when the county school split into two high schools, he remained on at South Laurel High School as academic team coach, garnering over 20 years in that position. During this time he was an unyielding advocate for the establishment of elementary school academic teams—a goal he not only saw accomplished but saw its success and contributions to the educational programs of the school system where he taught for 33 years.

As if that weren't enough, Weaver also coached baseball for the local Little League teams, coached basketball for the Laurel-London Optimist Club, and served as a 4-H leader. His ties to the baseball field didn't end when he retired in 2002.

"I help with the concession stands at South Laurel now," Weaver said. "My son, Whitney, is assistant baseball coach there."

Weaver's teaching career began in 1963 after graduation from Cumberland College (now University of the Cumberlands). He attended Sue Bennett College for two years prior to transferring to Cumberland College to pursue his bachelor's degree. After college graduation, he moved to Zanesville, Ohio, and taught seventh- and eighth-grade students for six years before returning to Laurel County.

"I was an undergraduate student and I was only 19 when I started teaching," he said.

He earned his master's degree from Union College while still teaching full-time and raising his own children.

Weaver saw many changes over the span of his career, but his focus always remained on the students who came through his classes. Three of those students were his own children—Wayne, Karen (Davenport), and Whitney.

"I had all three in at least one class during high school," he said, "and I had Karen in her first year at Sue Bennett for psychology class. I never had any problems out of my children in class. I was probably harder on them than on other students."

Many of his former students approach him even now, some of which he said he had in class as many as 30 years ago.

"I always enjoyed teaching. I enjoyed the students," Weaver said. "You meet so many different students and see the uniqueness of each one, their personality. That's really what it's all about is the kids. You're teaching the student, not the subject matter."

He related that he still misses being in the classroom but ongoing problems with his legs prompted him to retire after reaching the 27-year mark.

"I taught for 33 years but the six years in Ohio didn't count toward my retirement time," he explained.

But retirement didn't provide time off from being busy. In fact, between his own activities and those with his grandchildren, Weaver says he has more to do now than in the past.

Currently Weaver and his wife of 48 years, Pearl, are helping out in their son's produce stand, located on East Ky. 80 beside Arnold's Place, while they continue to raise strawberries and raspberries on their farm in the Laurel River community. That farm produces the fruits and vegetables that the Weavers display in their produce market—homemade strawberry preserves made by their son Wayne and wife Michelle. Jars of bread-and-butter pickles also adorn the counter of the market, another example of the Weaver's farming products.

"Good to see you," Carl Weaver greets the customers coming in to the produce market during the day, and their parting is accentuated with, "Thanks for stopping by. Come back and see us."

A friendly and informal manner from a man who holds his honorary doctorate in humanities, but the nature of his greeting is reason for the doctorate degree presented by his brother Neal, then president of Louisiana Baptist University in Shreveport.

"He gave me an honorary doctorate in humanities because of my long years of work with young people, in the classroom and in the community," Weaver said.

"It's been a good life," he added. "When I started college I planned to pursue a law degree. But somewhere along the lines I decided I wanted to be a teacher. I guess some people look back and see visions of better things but I enjoyed teaching and I never regretted it."

NOMINATION OF WINSLOW LORENZO SARGEANT

Ms. LANDRIEU. Mr. President, today the Senate Committee on Small Business and Entrepreneurship favorably reported out the President's nomination of Dr. Winslow Lorenzo Sargeant to serve as Chief Counsel for Advocacy of the Small Business Administration.

I am pleased that President Obama nominated such a talented individual to this top position at the SBA. His confirmation will complete the SBA's exceptional leadership team.

As Chief Counsel for Advocacy, Dr. Winslow Sargeant brings a unique background to this very important position. With a Ph.D. from the Univer-

sity of Wisconsin-Madison in electrical engineering and a background as a very successful small business owner, he is not only well-educated but well-educated about the challenges facing small businesses today.

He is the former managing director of Venture Investors, a Midwest venture capital company with a concentration on starting up healthcare and technology companies. From 2001 to 2005, he served as a program manager for SBIR in electronics at the National Science Foundation. He has also worked at IBM as a staff engineer, at AT&T as technical staff, and as an associate adjunct professor at the University of Pennsylvania.

With capable leaders such as Dr. Sargeant at the helm, the agency is more than ready to continue to play an important role in assisting small businesses as they lead this country to an economic recovery. We look forward to continuing to work with them and to a new era for the SBA and American small businesses.

CELEBRATING THE U.S. NAVY'S 236th BIRTHDAY

Mr. LUGAR. Mr. President, tomorrow, the U.S. Navy celebrates its 236th birthday.

On Friday, October 13, 1775, the Continental Congress, representing the citizens of 13 American colonies, passed a resolution to acquire the first two warships for the Continental Navy. It stated "that a swift sailing vessel, to carry ten carriage guns, and a proportional number of swivels, with eighty men, be fitted with all possible dispatch, for a cruise of three months, and that the commander be instructed to cruise eastward, for intercepting such transports as may be laden with warlike stores and other supplies for our enemies, and for such other purposes as the Congress shall direct."

The Founders recognized the essential nature of a Navy to the strength and longevity of the Nation by authorizing Congress "to provide and maintain a Navy" in article I of the Constitution. A Naval Committee was established to build a fitting Navy for our fledgling country, acquire and fit out vessels for sea, and draw up regulations. The Continental Navy began a proud tradition, carried out for 236 years by our U.S. Navy, to protect our Nation and pursue the causes of freedom we hold so dear.

For the past 236 years, the central mission of the Navy has been to protect the interests of our Nation around the world on the high seas, to fight and win the wars of our Nation, and to maintain control of the sea lines of communication enabling this Nation and other free nations to grow and prosper. Whether in peace or at war, U.S. citizens around the world can rest assured that the U.S. Navy is on watch, ever vigilant, and ready to respond.

U.S. sailors, as both ambassadors and warriors, have won extraordinary distinction and respect for the Nation and its Navy. The core values of "Honor, Courage, and Commitment" are the guides by which the U.S. sailors live and serve. Today, the U.S. Navy is the most capable, most respected, and most effective sea service in the world.

Seventy-five percent of land in the world is bound by water and 75 percent of the population of the world lives within 100 miles of the sea, assuring that our naval forces will continue to be called upon to respond to emerging crises, to maintain freedom of the sea, to deter would-be aggressors, and to provide our allies with a visible reassurance of support of the United States of America.

As we celebrate our Navy's 236th birthday, America's sons and daughters continue to stand the watch on the frontlines of the war on terror at sea and on foreign shores. While we look at the current conflicts in Iraq and Afghanistan as predominantly ground engagements, our Navy is there too. Twelve hundred Navy personnel are on the ground in Iraq (200 of these are Reservists), with a total of 21,800 deployed to the region aboard ships at sea, on bases, and air stations in the region supporting Iraq operations. Forty-six hundred sailors and officers are on the ground in Afghanistan and a total of 7,700 are deployed aboard ships at sea, on bases, and air stations in the region supporting Afghanistan operations (Operation Enduring Freedom). One thousand four hundred and thirteen Navy personnel have been killed in action in these conflicts, 576 in Operation Enduring Freedom, 820 in Operation Iraqi Freedom and 17 in Operation New Dawn as the Pentagon now refers to the Iraq war.

This year marks not only the 236th Navy birthday, but also the 100th anniversary of naval aviation. On May 8, 1911, Cpt Washington Irving Chambers, USN, Officer-in-Charge of Aviation, prepared the requisition for the Navy's first aircraft to be purchased from aviator and inventor Glenn H. Curtiss. The Navy is commemorating that historic event throughout the year at its "Navy Weeks," one of which was held in Indianapolis in August.

The 20 Navy Weeks conducted annually across the Nation exemplify the respect and proud heritage that the U.S. Navy commands. Navy Week gives the Navy a chance to show off its heritage and hardware and allows Americans to learn more about their Navy and its heroes.

No matter the cause, location or magnitude of future conflicts, the Nation can rely on its Navy to produce well-trained, well-led, and highly motivated sailors to carry out the missions entrusted to them.

As a Navy veteran myself, I speak with no small measure of pride in call-

ing attention to the significance of the 236th birthday of the U.S. Navy and expressing the appreciation of the people of the United States to the Navy and its men and women who have dedicated 236 years of service. The honor, courage, commitment, and sacrifice that generations of Americans have made throughout the history of the Navy and the sacrifices shared by the extended Navy family of civilians, family members, and loved ones who have served for the past 236 years are extensive and greatly appreciated.

TRIBUTE TO DR. BRIAN SCHMIDT

Ms. MURKOWSKI. Mr. President, I speak today in honor of Brian Schmidt, one of three individuals who were awarded the Nobel Prize for physics this week. Dr. Schmidt, of the Australian National University, along with Dr. Adam Reiss, of Johns Hopkins University, and Dr. Saul Perlmutter, of Lawrence Berkeley National Laboratory, completed groundbreaking work on the expansion of the universe. The scientific achievement of these three men deserves to be recognized. I am pleased to acknowledge that the scientific career of Dr. Schmidt was encouraged through his tenure in high school in Alaska.

Dr. Schmidt, originally from Montana, moved to Alaska in 1981, where he attended Bartlett High School in Anchorage, AK, graduating in 1985. At Bartlett, many teachers took note of his academic achievements and strong work ethic, and encouraged him to excel in his studies. Dr. Schmidt has remarked on the great experience he had attending school in Alaska, crediting his high school teachers for helping him cultivate an interest in science that has brought him to where he is today.

After leaving Alaska, Dr. Schmidt attended the University of Arizona, receiving a bachelors of science in both physics and astronomy, before continuing on to receive his doctorate in astronomy at Harvard University. He has since relocated to Australia with his wife Jennie and is a researcher at the Research School of Astronomy and Astrophysics at the Australian National University.

Dr. Schmidt, Dr. Reiss, and Dr. Perlmutter are receiving the Nobel Prize for a discovery that has greatly changed the field of astrophysics and made great furloughs into the understanding of dark matter, the term for the force that is driving the universe apart. Conventional understanding was that rate of expansion of the universe has slowed. However, these three scientists turned this theory on its head by proving that, in fact, the rate of expansion is actually accelerating. This change in understanding affects predictions regarding the conditions of future galaxies, and the discovery has

been lauded by some as one of the greatest discoveries in science.

Those who knew Dr. Schmidt in Alaska were not surprised to learn of his accomplishment. His teachers at Bartlett knew his intellect and passion for science would take him far. I, along with many others in my State, am proud to recognize this Alaskan who has made valuable contributions to our understanding of the universe.

I offer warm congratulations to Dr. Schmidt, Dr. Reiss, and Dr. Perlmutter on their Nobel Prize and scientific achievements.

REMEMBERING THOMAS P. FOY

Mr. BINGAMAN. Mr. President, last Saturday, Thomas P. Foy died at his home in Bayard, NM, a few weeks shy of his 97th birthday. A native of Grant County, he lived most of his outstanding life there, except for the years he spent as a prisoner of war in Japan including the Bataan Death March. It was a life largely devoted to public service and completely devoted to the public good.

The word "survivor" is used rather freely these days, but he and his comrades, many of them fellow New Mexicans who managed to live through the horrors of years of internment, deserve the title if anyone does. But Tommy didn't just survive, he triumphed and prospered in a life well-lived.

He had graduated from Notre Dame, and received a law degree from there a year before he joined the New Mexico National Guard in 1940. Assigned to the Philippines, the 200th Coast Artillery Battery surrendered after holding out for 5 months against the Japanese and began their gruesome forced march to prison. In 1945, the war was ended and he was rescued.

His postwar life was full of accomplishment and service. Practicing law, marrying, running for—and winning—public office, founding a bank and raising five children with his wife Joan, and doing it all with a stout, cheerful heart brought him admiration and affection from all quarters. He served in the New Mexico State Legislature for 28 years.

For many of us from Grant County, this is the loss of a beloved family member. My parents, now deceased, and my wife Anne and I certainly share that view. A stalwart figure, he was true to his faith, his family, our country and Notre Dame, and deeply loved and respected in return. He is already greatly missed.

REMEMBERING MAJOR THOMAS E. CLARK

Mr. TOOMEY. Mr. President, today I pay tribute to Air Force Major Thomas E. Clark, from Emporium, PA, whose aircraft was shot down during a combat mission over Laos in 1969.

Thomas graduated from the U.S. Air Force Academy in 1963. He served with the 416th Tactical Fighter Squadron, 37th Tactical Flight Wing.

He was the beloved son of Otto and Josephine Schager Clark. He was married to his high school sweetheart, Kathleen Mottern of Emporium.

On February 8, 1969, Major Clark was flying an F-100D aircraft from Phu Cat Air Base, Republic of Vietnam, in a flight of four on a combat mission over Laos. The flight engaged a 23mm anti-aircraft artillery battery and his aircraft was hit, burst into flames and crashed. No parachute was observed. Visual and electronic searches detected no sign of life. Subsequent to the incident the U.S. Air Force determined Major Clark to be Killed in Action, Body Not Recovered.

In his career, Major Clark was awarded the Distinguished Flying Cross, Bronze Star Medal, Purple Heart, Air Medal with Two Oakleaf Clusters, National Defense Service Medal and the Vietnam Service Medal with One Bronze Service Star.

On October 14–20, 2009, a joint U.S./Laotian team investigated the crash site for the fourth time and recovered a human tooth which was later identified as the remains of Major Clark.

During a ceremony at Emporium, PA, on October 22, 2011, his remains will be interred in a plot beside his parents.

My thoughts and prayers are with Major Clark's family and friends as we honor the life and service of this Pennsylvanian hero.

All Americans are deeply indebted to Major Clark for his service and sacrifice.

ADDITIONAL STATEMENTS

REMEMBERING JOE GARLAND

• Mr. KERRY. Mr. President, over the course of the past half century, Joe Garland served as the unofficial historian of Gloucester, MA—its fishermen, its boats and its life. But Joe Garland not only wrote history in his books and newspaper column—he was part of history, guiding his beloved hometown through headwinds and troubled waters. Joe Garland passed away August 30, and his family and friends gathered October 1 for a memorial service. I would like to share with the Senate the thoughts and memories of Joe that I shared with those who were part of that service honoring this great champion of all things Gloucester.

If you visit the Fisherman's Memorial on Gloucester's waterfront on a stormy winter day, the statue of the Heroic Mariner seems to be steering the whole town into the wind toward fair weather. And if you look closely at the statue, you can almost see Joe Garland in its carved granite face, full of

grit and determination, guiding his beloved Gloucester through headwinds and troubled waters.

"Beating to windward" is the art of sailing into the wind. "Beating to Windward" is also the name of the column Joe wrote so many years for the Gloucester Times. And it is no surprise to any of us who knew him that Joe used the column to champion all things Gloucester. Joe didn't just chronicle Gloucester's history—he was a part of it. In his column and in his books, he brought to life the era of the great schooners—like the 122-foot Adventure, the flagship of Gloucester, and the larger-than-life Gloucestermen—like the "Bear of the Sea," Giant Jim Patillo, and the "Lone Voyager," Howard Blackburn.

But he also used the sharpness of his pen to make his case on all kinds of civil causes—opposing unbridled economic development, warning about the loss of local control of the hospital and water supply, complaining about compromises on the environment or demanding the preservation of Gloucester's beauty. And trust me—Joe never hesitated to offer his advice to a certain U.S. Senator, if he felt like I needed it.

Joe wrote with passion, conviction and humor, never with ill will or with the intent to wound. He was a gentleman. And always, whether in his column or in his books, he promoted the interests of Gloucester's fishing fleet. In my office in Washington, I have a copy of the book he wrote in 2006, "The Fish and the Falcon," about Gloucester's role in the American Revolution. His inscription to me expresses his appreciation "for your efforts to relieve the fiscal crisis that has long haunted our beleaguered fishing industry." He urged me to keep up the fight, and I have.

Joe wrote 21 books, and I always enjoyed his sharing the latest with me. In my Boston office, I have a copy of his book about the Adventure, which he helped to restore. It arrived with an invitation from Joe to tour the schooner and, of course, I didn't waste any time accepting his invitation. He welcomed me aboard, and his tour made the Adventure's history come alive—from its construction in 1926 through its career as a "highliner," the biggest money-maker of them all, landing nearly \$4 million worth of cod and halibut during her career.

But the book that spoke to me the most was his last, "Unknown Soldiers," his memoir of World War II and his journey from a student at Harvard to a "dogface" with a close-knit infantry in Sicily, Italy, France and finally Germany. It is a clear, eloquent and unflinching panorama of the mundane and the horrific in war. It is, by turns, humorous, poignant and gut-wrenching, with the common soldier perspective long associated with journalist Ernie Pyle or cartoonist Bill Mauldin,

a point of view with which soldiers from my war, from any war—a band of brothers stretching through generations of Americans—can identify.

I was deeply saddened to learn of Joe's passing. But I am glad that his passing was gentle, his last moments of his life near the window of his beloved house by the sea, surrounded by loved ones and squeezing the hand of the woman he loved—Helen, his wife, his World War II pen pal. And how fitting that in those final moments, the schooner Landon fired a farewell cannon salute to Joe as it headed out to sea. Joe loved the tradition of cannon salutes, so much so that he fired one at the wedding of his stepdaughter, Alison, only to have it backfire, burning a hole in his jacket and covering his face with gunpowder, just in time for the official wedding photos. But that was Joe, and a face smudged with gunpowder underscored what we all know—truly, his was a life well lived.

There is an anonymous quote I once read which may well describe how we should think of Joe's passing. It says:

I am standing upon the seashore. A ship at my side spreads her white sails to the morning breeze and starts for the blue ocean. She is an object of beauty and strength, and I stand and watch her until, at length, she hangs like a speck of white cloud just where the sea and sky come down to mingle with each other. Then someone at my side says, "There! She's gone."

Gone where? Gone from my sight—that is all. She is just as large in mast and hull and spar as she was when she left my side, and just as able to bear her load of living freight to the place of destination. Her diminished size is in me, not in her, and just at the moment when someone at my side says, "There, she's gone,"—there are other eyes watching her coming, and other voices ready to take up the glad shout, "There she comes!" And that is dying.

Because Joe loved the sea so much—and because he enjoyed watching seagulls soar—I close with a special poem. It is titled "Sea Joy" and it was written in 1939 by a little girl named Jaqueline Bouvier. America eventually came to know her as Jackie Kennedy. But when she was 10 years old, she wrote:

"When I go down by the sandy shore
I can think of nothing I want more
Than to live by the booming blue sea
As the seagulls flutter round about me
I can run about—when the tide is out
With the wind and the sand and the sea all about
And the seagulls are swirling and diving for fish
Oh—to live by the sea is my only wish."

To Helen and Joe's family, I extend my deepest sympathy, but with a reminder that Joe's work, like the sea he loved, is eternal and booming, and that Joe's life, like the seagulls he enjoyed so much, swirled and soared.

And to Joe, from one sailor to another, I wish him "fair winds and following seas."●

RECOGNIZING MOTHER'S MOUNTAIN

● Ms. SNOWE. Mr. President, across the country one of the most treasured and comforting thoughts of home is our own family's homemade cooking. Regardless of whether this delicious homemade cooking is a main dish, a condiment, or a dessert, we will always remember the wonderful way it tastes. In my home State of Maine, one small business has taken the fond memories of home cooking and developed a successful small business. Today, I commend Mother's Mountain, located in the coastal town of Falmouth, which this month will celebrate its 30th anniversary.

Growing up during the Great Depression, Carol Tanner remembered her mother making homemade mustard for her father, and in later years she too acquired a fondness for this delectable condiment. In 1981, Carol Tanner and her then business partner now husband, Dennis Proctor, took Carol's childhood memories and turned that single mustard recipe into a business which now offers over 30 appetizing specialty products. Today, they make dozens of award winning jams, jellies, sauces, marinades and honeys. They also emphasize healthier alternatives by producing natural, gluten free, salt free, and fat free products.

As a family-run small business, Mother's Mountain employs three generations, who are instrumental in maintaining the quality and customer service, which is the key ingredient in their success. In order to ensure that their customers receive personal attention and the highest quality product, Dennis and Carol personally hand-pack and label each and every jar.

Mother's Mountain creations have received extraordinary reviews from Maine Magazine and Eat Around Maine. In addition to selling its homemade goods, Mother's Mountain also provides appetizing recipe ideas to its customers using their products. Mother's Mountain also produces delectable items for other Maine-based companies, such as L.L. Bean.

Small businesses like Mother's Mountain are the lifeblood of our economy, and indicative of the great entrepreneurial spirit that is alive and well in Maine. I congratulate Carol and Dennis, for operating such a successful business from the ground up out of their home, and commend them for passing down this strong work ethic through three generations. I am proud to celebrate Mother's Mountain's 30th year anniversary, and offer my best wishes for their continued success.●

TRIBUTE TO KIRK KLANCKE

● Mr. UDALL of Colorado. Mr. President, today I recognize Kirk Klancke, an angler and true Coloradan known for his commitment to preserving our environment and making Colorado a better place to live, work and play.

Kirk was recently selected as a finalist for Field and Stream Magazine's prestigious Heroes of Conservation Award. He was chosen based on his leadership and commitment to an effort he has led to preserve the Fraser River. This achievement goes to show how important his water conservation work in the West has been, and I want to take this opportunity to acknowledge his significant contributions to the State of Colorado.

Both Kirk and I have spent time enjoying the natural beauty of our State while appreciating the value of preserving it for future generations. Kirk's longstanding dedication to these values has not only ensured that we can fully enjoy what Colorado has to offer, but that our kids will too. His work embodies what I have long held to be true—we don't inherit the Earth from our parents; we borrow it from our children and the generations that will follow.

Currently serving as president of the Colorado River Headwaters Chapter of Trout Unlimited, Kirk leads a team improving watersheds, restoring trout populations and keeping our rivers and streams healthy. More specifically, Kirk has been instrumental in efforts to conserve waters of the Fraser River and ensure their use for generations to come. As one example of this work, he has spearheaded the removal of highway traction sand from the water, which impedes flows and the ability of trout to spawn.

Colorado has reaped many benefits from his efforts as a capable conservationist that understands this delicate work and how to overcome the challenge of building consensus around water-use solutions. Among others, he sits on the Grand County Water Information Network Board and the Colorado River Basin Roundtable. Formerly serving on the Fraser Sanitation District Board of Directors, and now as manager of the Winter Park Ranch Water and Sanitation District, Kirk's contribution to one of Colorado's most precious resources—our water—continues to be vital to the health of the Fraser Valley community and our State's water supplies.

I commend Kirk for his recognition as a Field and Stream Hero of Conservation, and I wish him well in his continued efforts to keep Colorado's natural resources healthy.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:47 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that it had passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1025. An act to amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law.

H.R. 1263. An act to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures, and for other purposes.

H.R. 2074. An act to amend title 38, United States Code, to require a comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents that occur at medical facilities of the Department of Veterans Affairs, to improve rehabilitative services for veterans with traumatic brain injury, and for other purposes.

H.R. 2302. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to notify Congress of conferences sponsored by the Department of Veterans Affairs, and for other purposes.

H.R. 2349. An act to amend title 38, United States Code, to improve the determination of annual income with respect to pensions for certain veterans, to direct the Secretary of Veterans Affairs to establish a pilot program to assess the skills of certain employees and managers of the Veterans Benefits Administration, and for other purposes.

At 6:30 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that it had passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3078. An act to implement the United States-Colombia Trade Promotion Agreement.

H.R. 3079. An act to implement the United States-Panama Trade Promotion Agreement.

H.R. 3080. An act to implement the United States-Korea Free Trade Agreement.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1025. An act to amend title 38, United States Code, to recognize the service in the

reserve components of certain persons by honoring them with status as veterans under law; to the Committee on Veterans' Affairs.

H.R. 1263. An act to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2074. An act to amend title 38, United States Code, to require a comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents that occur at medical facilities of the Department of Veterans Affairs, to improve rehabilitative services for veterans with traumatic brain injury, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2302. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to notify Congress of conferences sponsored by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2349. An act to amend title 38, United States Code, to improve the determination of annual income with respect to pensions for certain veterans, to direct the Secretary of Veterans Affairs to establish a pilot program to assess the skills of certain employees and managers of the Veterans Benefits Administration, and for other purposes; to the Committee on Veterans' Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2681. An act to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3545. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sudanese Sanctions Regulations; Iranian Transactions Regulations; Final Rule" (31 CFR Parts 538 and 560) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3546. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice No. 2011-84) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Finance.

EC-3547. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Updated Procedures for Opinion and Advisory Letter Rulings for Pre-approved Plans" (Notice No. 2011-49) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Finance.

EC-3548. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Implementation of Recovery Auditing at the Centers for Medicare and Medicaid Services" for fiscal year 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-3549. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Reactive Blue 69; Confirmation of Effective Date" (Docket No. FDA-2009-C-0543) received in the Office of the President of the Senate on October 5, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3550. A communication from the Program Manager, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Countermeasures Injury Compensation Program (CICP): Administrative Implementation, Final Rule" (RIN0906-AA83) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3551. A communication from the Director, Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Presumptive Service Connection for Diseases Associated With Service in the Southwest Asia Theater of Operations During the Persian Gulf War; Functional Gastrointestinal Disorders" (RIN2900-AN83) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Veterans' Affairs.

EC-3552. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Embraer—Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes" (RIN2120-AA64) (Docket No. FAA-2011-0088) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3553. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes" (RIN2120-AA64) (Docket No. FAA-2011-0225) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3554. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited (Type Certificate No. A-815 Formerly Held by Bombardier Inc. and de Havilland, Inc.)" (RIN2120-AA64) (Docket No. FAA-2011-0597) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3555. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 2000 Airplanes" (RIN2120-AA64) (Docket No. FAA-2011-0476) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3556. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA-365N and SA-365N1 Helicopters" (RIN2120-AA64) (Docket No. FAA-2011-0791) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3557. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF34-10E2A1, CF34-10E5, CF34-10E5A1, CF34-10E6, CF34-10E6A1, CF34-10E7, and CF34-10E7-B Turbofan Engines" (RIN2120-AA64) (Docket No. FAA-2011-0187) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3558. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701 and 702), Model CL-600-2D15 (Regional Jet Series 705), and Model CL-600-2D24 (Regional Jet Series 900) Airplanes" (RIN2120-AA64) (Docket No. FAA-2010-0515) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3559. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200, A330-300, A340-300, A340-500, and A340-600 Series Airplanes" (RIN2120-AA64) (Docket No. FAA-2011-0385) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3560. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model DC-9-81 (MD-81), and DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes" (RIN2120-AA64) (Docket No. FAA-2009-1213) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3561. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney (PW) Models PW4074 and PW4077 Turbofan Engines" (RIN2120-AA64) (Docket No. FAA-2010-1095) received during adjournment of the Senate in the Office of

the President of the Senate on September 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3562. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 1000, 2000, 3000, and 4000 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0473)) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3563. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0470)) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3564. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320-214, -232, and -233 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0305)) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3565. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Model F-28 Mark 1000, 2000, 3000, and 4000 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0472)) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3566. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2007-28661)) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3567. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Cod by Non-American Fisheries Act Crab Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XA715) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3568. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska" (RIN0648-XA710) received in the Office of the President of the Senate

on October 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3569. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648-XA704) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3570. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (RIN0648-XA690) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3571. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Surfclam and Ocean Quahog Fisheries; 2012 Fishing Quotas for Atlantic Surfclams and Ocean Quahogs; and Suspension of Minimum Atlantic Surfclam Size Limit" (RIN0648-XA529) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3572. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Highly Migratory Species; Annual Catch Limits and Accountability Measures" (RIN0648-BA35) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3573. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 45; Adjustments for Fishing Year 2011" (RIN0648-BA27) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3574. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648-XA722) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3575. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure" (RIN0648-XA709) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3576. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the re-

port of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Stone Crab Fishery of the Gulf of Mexico; Removal of Regulations" (RIN0648-BB07) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3577. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure" (RIN0648-XA677) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3578. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons on the Entity List; Implementation of Entity List Annual Review Change; and Removal of Persons from the Entity List Based on Removal Requests" (RIN0694-AF28) received in the Office of the President of the Senate on October 5, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3579. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "The Cross-Border Trucking Pilot Program Report to Congress"; to the Committee on Commerce, Science, and Transportation.

EC-3580. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Model A109A, A109A II, A109C, and A109K2 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2011-0823)) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3581. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2007-27747)) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3582. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data and defense services to support the Proton launch of the W5A Commercial Communication Satellites from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3583. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including technical data and defense services to The Netherlands for the manufacture of Improved Extended Forward Avionics Bays for the AH-64D Apache Helicopter for end use by the United States Government in the amount of

\$100,000,000 or more; to the Committee on Foreign Relations.

EC-3584. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including technical data and defense services to the Republic of Korea to support the manufacture and assembly of the Rolling Airframe Missile (RAM) Guided Missile Round Pack (GMRP) and Guided Missile Launching System (GMLS) in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3585. A communication from the Acting District of Columbia Auditor, transmitting, pursuant to law, three reports entitled, "Audit of Advisory Neighborhood Commission 2F for Fiscal Years 2008 through 2011, as of March 31, 2011", "Audit of Advisory Neighborhood Commission 4D for Fiscal Years 2008 through 2011, as of March 31, 2011", and "Audit of Advisory Neighborhood Commission 5A for Fiscal Years 2008 through 2011, as of March 31, 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3586. A communication from the Acting District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "District of Columbia Agencies' Compliance with Fiscal Year 2010 Small Business Enterprise Expenditure Goals"; to the Committee on Homeland Security and Governmental Affairs.

EC-3587. A communication from the Acting District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 2nd Quarter of Fiscal Year 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3588. A communication from the Acting District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 3rd Quarter of Fiscal Year 2011"; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Joyce A. Barr, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Assistant Secretary of State (Administration).

*Michael A. Hammer, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be an Assistant Secretary of State (Public Affairs).

*Anne Terman Wedner, of Illinois, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2013.

*Katherine M. Gehl, of Wisconsin, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2013.

*Terry Lewis, of Michigan, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2011.

*Terry Lewis, of Michigan, to be a Member of the Board of Directors of the Overseas Pri-

vate Investment Corporation for a term expiring December 17, 2014.

*Russ Carnahan, of Missouri, to be a Representative of the United States of America to the Sixty-sixth Session of the General Assembly of the United Nations.

*Ann Marie Buerkle, of New York, to be a Representative of the United States of America to the Sixty-sixth Session of the General Assembly of the United Nations.

*Dan W. Mozena, of Iowa, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Nominee: Dan W. Mozena.

Post: Dhaka, Bangladesh.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Anne C. Mozena, None; Mark W. Mozena, None. (Both are single).

4. Parents: Kenneth E. Mozena, (Deceased); Edna C. Mozena, \$100, Annually, Republican National Committee.

5. Grandparents: Frank Mozena, (Deceased); Hattie Mozena, (Deceased); William Gottschalk, (Deceased); Charlotte Gottschalk, (Deceased).

6. Brothers and Spouses: Darryl & Terry Mozena, \$500 (total), 2005-2010, RNC; Jeff and Janet Mozena, None; Terry and Angie Mozena, None.

7. Sisters and Spouses: Kris Ann (Mozena) McNamer (Deceased); Marty McNamer, \$100, 2008, RNC.

*Robert A. Mandell, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

Nominee: Robert Mandell.

Post: Ambassador to the Grand Duchy of Luxembourg.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$1000, 12/4/07, Robert Wexler for Congress; \$1000, 9/5/07, Tom Feeney for Congress; \$2100, 9/26/07, Citizens for Harkin; \$2300, 4/26/07, Obama for America; \$2300, 4/26/07, Obama for America; \$4600, 8/23/07, Martinez for Senate; - \$2300, 12/29/08, Martinez for Senate; \$2,100, 09/07, ACT Blue; \$2,500, 12/07, Dem Sen Camp Comm; \$1,000, 12/07, Charlie Stuart Campaign; \$2300, 3/17/08, Yarmuth for Congress; \$100, 04/08, Darcy Burner for Seattle; \$1000, 6/6/08, Alexander for Senate; \$2300, 10/24/08, Castor for Congress; \$2300, 10/25/08, Kosmas for Congress; \$2300, 7/14/08, Hillary Clinton for President; \$250, 4/21/08, Dollars for Democrats; \$1000, 10/31/08, Committee to Elect Alan Grayson; \$500, 8/12/08, Hodes for Congress; \$2250, 6/27/08, Friends of Carl Levin; \$5000, 10/30/08, Democratic Exec. Committee of FL; \$1000, 2/11/08, Klein for Congress; \$4000, 8/20/08, Obama Victory Fund; \$1700, 8/27/08, Obama for America via Obama VF; \$2300, 8/27/08, Obama for America via Obama VF; - \$4000, 8/23/11, Obama for America (re-

funded); \$27000, 10/2/08, Committee for Change; \$28500, 5/21/08, DNC; \$300, 02/09, Mica for Congress; \$2500, 2/3/09, Franken Recount Fund; \$1,000, 06/09, Kendrick Meek; \$5000, 10/29/09, Midwest Values PAC; \$400, 9/30/09, Kendrick Meek for Florida INC; \$1000, 6/11/09, Kosmas for Congress; \$1000, 9/30/09, Kosmas for Congress; \$1000, 11/19/09, Klein for Congress; \$4800, 4/28/09, Bill Nelson for Senate; \$2300, 2/8/09, Al Franken for Senate; \$1000, 7/16/09, Boyd for Congress; \$1,000, 12/09, Kendrick Meek; \$1000, 3/30/10, Kosmas for Congress; \$500, 06/10, Mica for Congress; \$2400, 9/29/10, Yarmuth for Congress; \$1500, 4/13/10, DCCC; \$1000, 8/2/10, Lori Edwards Campaign Cmte; \$1000, 9/27/10, Lori Edwards Campaign Cmte; \$1000, 3/2/10, Ted Deutch for Congress; \$10000, 8/23/10, Democratic Exec Cmte of FL; \$1400, 8/16/10, Boyd for Congress; \$1000, 3/1/11, McCaskill for Missouri.

2. Spouse: Julie W. Mandell: \$2400, 3/26/10, Kendrick Meek for Florida INC; \$1000, 3/31/10, Kendrick Meek for Florida INC; \$2400, 9/10/10, Kosmas for Congress.

3. Children and Spouses: Zachary Mandell: \$2300, 4/26/07, Obama for America; \$2100, 6/30/07, Obama for America. Scott Mandell: \$2000, 2/27/08, Obama for America.

4. Parents: Lester Mandell: \$2300, 4/26/07, Obama for America; \$2300, 6/30/07, Obama for America; \$200, 09/07, Charlie Stuart for Congress; \$28500, 7/31/08, DNC; \$250, 2/14/08, Washington PAC; \$1000, 7/9/08, Washington PAC; \$250, 4/8/08, Charlie Stuart for Congress; \$2000, 5/6/09, Bill Nelson for Senate; \$500, 11/08/10, Washington PAC; \$3000, 3/28/11, Bill Nelson for Senate. Sonia Mandell: \$500, 6/18/08, Friends of Carl Levin; \$500, 6/26/08, Friends of Carl Levin; \$2300, 4/26/07, Obama for America; \$2300, 6/30/07, Obama for America; \$1250, 11/04/09, Midwest Values PAC.

5. Grandparents: None.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Allison Knapp: \$1,000, 4/26/07, Obama for America; \$3,600, 6/27/07, Obama for America.

*Thomas Charles Krajewski, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Bahrain.

Nominee: Thomas C. Krajewski.

Post: Bahrain.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: None.

2. Spouse: \$50, 07/08, Democratic Party.

3. Children and Spouses: Alix (Krajewski) O'Connell: None. Brian O'Connell: None. Jenna Krajewski: \$25, 07/08, Obama. Aaron Krajewski: None.

4. Parents: Chester J. Krajewski—deceased; Helen J. Krajewski—deceased.

5. Grandparents: Jacob Krajewski—deceased; Anna Krajewski—deceased; Percy Trasher—deceased; Emma Trasher—deceased.

6. Brothers and Spouses: Stephen Krajewski—deceased; Michael & Maria Krajewski: \$25, 07/08, Obama; William & Kathleen Krajewski: \$50, 07/08, McCain; Lawrence & Pamela Krajewski: \$50, 07/08, Obama.

7. Sisters and Spouses: Margaret Krajewski—deceased; Janet & Joseph Paquette: \$250, 07/08, Democratic Party.

*Susan Denise Page, of Illinois, to be Ambassador Extraordinary and Plenipotentiary

of the United States of America to the Republic of South Sudan.

Nominee Susan Denise Page.

Post: Juba, South Sudan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount date, and donee:

1. Self: \$300, 7-31-2008, Obama for America.
2. Spouse Damien Kaki Coulibaly 0.
3. Children and Spouses Names: Marius Muhjima Page: 0.

4. Parents Names: Dr. & Mrs. Harold A. and Maurice F. Page: 200, 2006, Campaign of Obama for Senate; 200, 2008, Obama for America; 100, 2000, Carol Mosseley Branun; 100, 2002, Sen. Nelson (FL).

5. Grandparents Names: Deceased.

6. Brothers and Spouses Names: Mr. and Mrs. Harold Brian and Natalie Page: 5.00, 2011, Organizing for Obama.

*Adrienne S. O'Neal, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cape Verde.

Nominee: Adrienne S. O'Neal.

Post: Cape Verde.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

Self: none; Children and Spouses: Quincy S. O'Neal, none; Parents: deceased; Grandparents: deceased; Brothers and Spouses: (N/A); Sisters and Spouses: Deborah P. O'Neal, sister, none.

*Mary Beth Leonard, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Nominee: Mary Beth Leonard.

Post: Mali.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: n/a.
3. Children and Spouses: n/a.
4. Parents: Earl W. Leonard—deceased; Margaret M. Leonard—none.
5. Grandparents: Thomas F. and Florence Leonard—deceased; Joseph and Catherine M. Mastroi—deceased.
6. Brothers and Spouses: Michael Leonard—deceased.
7. Sisters and Spouses: Claire M. and William K. McIntire, none; Ann Marie and David N. Stoica, none.

*Mark Francis Brzezinski, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Nominee: Mark Francis Brzezinski.

Post: Ambassador to Sweden.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: \$500, April 15, 2001, Alexandria (VA) Democratic Committee; \$1,000, April 7, 2011, Kaine for VA (Senate); \$500, February 9, 2011, Bysiewicz for Senate; \$250, July 1, 2010, Giannoulas for U.S. Senate; \$1,000, May 28, 2010, Friends of Mark Warner; \$1,000, Nov. 25, 2009, Forward Together PAC.

Spouse: Natalia Anna Brzezinski, None.

Children and Spouses: Aurora Emilie Brzezinski, None.

Parents: Zbigniew Brzezinski, None; Muska Brzezinski, None.

Grandparents: Emilie Benes, Deceased; Leonia Brzezinski, Deceased; Tadeusz Brzezinski, Deceased.

Brothers and Spouses: Ian Brzezinski, None; Ginny Brzezinski, None.

Sisters and Spouses: Mika Brzezinski, None; Jim Hoffer, None.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Foreign Service nominations beginning with Nicholas E. Gutierrez and ending with John L. Shaw, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2011.

*Foreign Service nominations beginning with Erik M. Anderson and ending with Larry G. Padget, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2011.

*Foreign Service nominations beginning with Robert Donovan, Jr. and ending with Brenda Vanhorn, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

By Ms. LANDRIEU for the Committee on Small Business and Entrepreneurship.

*Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, Small Business Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY:

S. 1682. A bill to amend the Food, Conservation, and Energy Act of 2008 to promote growth and opportunity for the dairy industry in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HAGAN (for herself and Mr. GRAHAM):

S. 1683. A bill to provide the Department of Homeland Security, U.S. Customs and Border Protection, and the Department of the Treasury with authority to more aggressively enforce trade laws relating to textile and apparel articles, and for other purposes; to the Committee on Finance.

By Mr. BARRASSO (for himself, Mr. AKAKA, Mr. MCCAIN, and Mr. HOEVEN):

S. 1684. A bill to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes; to the Committee on Indian Affairs.

By Mr. WEBB (for himself and Mr. WARNER):

S. 1685. A bill to amend the Internal Revenue Code of 1986 to allow rehabilitation expenditures for public school buildings to qualify for rehabilitation credit; to the Committee on Finance.

By Mr. CASEY:

S. 1686. A bill to amend section 1112 of the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 1687. A bill to adjust the boundary of Carson National Forest, New Mexico; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI:

S. 1688. A bill to amend the provisions of title 5, United States Code, relating to the methodology for calculating the amount of any Postal surplus or supplemental liability under the Civil Service Retirement System, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TOOMEY:

S. 1689. A bill to amend title 38, United States Code, to require a comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents that occur at medical facilities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCCAIN (for himself, Mr. KYL, Mr. HATCH, Mr. LEE, and Mr. BARRASSO):

S. 1690. A bill to preserve the multiple use land management policy in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BEGICH (for himself and Mr. HATCH):

S. 1691. A bill to amend chapter 44 of title 18, United States Code, to update certain procedures applicable to commerce in firearms and remove certain Federal restrictions on interstate firearms transactions; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. CRAPO, Mr. WYDEN, Mr. RISCH, Mr. REID, Mr. COCHRAN, Mr. TESTER, Mr. BLUNT, Mrs. FEINSTEIN, Mr. HELLER, Mr. UDALL of New Mexico, Mrs. BOXER, Ms. CANTWELL, Mrs. MURRAY, Mr. BENNET, Mr. MERKLEY, Mr. SANDERS, Mr. JOHNSON of South Dakota, Mr. BEGICH, Mrs. MCCASKILL, Mr. UDALL of Colorado, Mr. FRANKEN, and Mr. LEVIN):

S. 1692. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S. 1693. A bill to amend the Internal Revenue Code of 1986 to prevent the avoidance of tax by insurance companies through reinsurance with non-taxed affiliates; to the Committee on Finance.

By Mr. MCCAIN (for himself and Ms. AYOTTE):

S. 1694. A bill to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs; to the Committee on Armed Services.

By Mr. BLUMENTHAL (for himself, Ms. KLOBUCHAR, and Mr. FRANKEN):

S. 1695. A bill to require accurate disclosures to consumers of the terms and conditions of 4G service and other advanced wireless mobile broadband service; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself, Ms. MIKULSKI, Ms. LANDRIEU, and Mr. CARDIN):

S. 1696. A bill to improve the Public Safety Officers' Benefits Program; to the Committee on the Judiciary.

By Mr. LEE (for himself and Mr. SCHUMER):

S. 1697. A bill to amend the Immigration and Nationality Act to provide a special rule for the period of admission of H-2A non-immigrants employed as shepherders, goat herders, or dairy farmers, and for other purposes; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself and Mr. BROWN of Massachusetts):

S. 1698. A bill to add engaging in or supporting hostilities against the United States to the list of acts for which United States nationals would lose their nationality; to the Committee on the Judiciary.

By Mr. KOHL:

S. 1699. A bill to reduce the costs of prescription drugs under the Medicare program, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself, Mr. CORNYN, and Mr. WARNER):

S. Res. 291. A resolution recognizing the religious and historical significance of the festival of Diwali; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. ROCKEFELLER, Mr. PRYOR, Mr. ALEXANDER, Mrs. MURRAY, Mr. BROWN of Ohio, Mr. COCHRAN, Mr. ENZI, Mr. LIEBERMAN, and Mr. LEVIN):

S. Res. 292. A resolution designating the week beginning October 16, 2011, as "National Character Counts Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 581

At the request of Mr. BURR, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 581, a bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks for child care providers.

S. 714

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 714, a bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 887

At the request of Mr. NELSON of Florida, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 887, a bill to increase the portion of community block grants that may be used to provide public services, and for other purposes.

S. 1102

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1102, a bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy.

S. 1231

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1231, a bill to reauthorize the Second Chance Act of 2007.

S. 1251

At the request of Mr. COBURN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1281

At the request of Mr. KIRK, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1281, a bill to amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing two or more levels stacked on top of one another.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1358

At the request of Mr. TESTER, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1358, a bill to amend the Family and Medical Leave Act of 1993

to provide leave because of the death of a son or daughter.

S. 1452

At the request of Mr. DURBIN, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1452, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 1460

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1472

At the request of Mrs. GILLIBRAND, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1472, a bill to impose sanctions on persons making certain investments that directly and significantly contribute to the enhancement of the ability of Syria to develop its petroleum resources, and for other purposes.

S. 1506

At the request of Mr. RUBIO, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Missouri (Mr. BLUNT), the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Utah (Mr. LEE), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Kentucky (Mr. PAUL), the Senator from Louisiana (Mr. VITTER) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 1506, a bill to prevent the Secretary of the Treasury from expanding United States bank reporting requirements with respect to interest on deposits paid to nonresident aliens.

S. 1541

At the request of Mr. BENNET, the names of the Senator from North Carolina (Mr. BURR), the Senator from North Carolina (Mrs. HAGAN), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Alaska (Mr. BEGICH) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1569

At the request of Mr. BURR, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1569, a bill to amend the Elementary and Secondary Education Act of 1965 to provide State educational agencies and

local educational agencies with flexible Federal education funding that will allow such State and local educational agencies to fund locally determined programs and initiatives that meet the varied and unique needs of individual States and localities.

S. 1600

At the request of Mr. MORAN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1600, a bill to enhance the ability of community banks to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1676

At the request of Mr. THUNE, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Iowa (Mr. GRASSLEY), the Senator from Nebraska (Mr. JOHANNES), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Florida (Mr. RUBIO), the Senator from New Hampshire (Ms. AYOTTE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Kentucky (Mr. PAUL), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. KYL), the Senator from Mississippi (Mr. WICKER), the Senator from Kansas (Mr. ROBERTS), the Senator from North Dakota (Mr. HOEVEN), the Senator from Indiana (Mr. LUGAR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Idaho (Mr. RISC), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Ohio (Mr. PORTMAN), the Senator from Indiana (Mr. COATS), the Senator from Wyoming (Mr. BARRASSO), the Senator from Tennessee (Mr. CORKER), the Senator from Nevada (Mr. HELLER), the Senator from South Carolina (Mr. DEMINT), the Senator from Arizona (Mr. MCCAIN), the Senator from Illinois (Mr. KIRK), the Senator from Texas (Mr. CORNYN), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 1676, a bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt.

S. 1679

At the request of Mr. THUNE, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Georgia (Mr. CHAMBLISS), the Senator from

Idaho (Mr. CRAPO), the Senator from Oklahoma (Mr. INHOFE), the Senator from Nebraska (Mr. JOHANNES), the Senator from Illinois (Mr. KIRK), the Senator from Ohio (Mr. PORTMAN), the Senator from Mississippi (Mr. WICKER), the Senator from Louisiana (Mr. VITTER), the Senator from Indiana (Mr. LUGAR) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 1679, a bill to ensure effective control over the Congressional budget process.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S.J. RES. 6

At the request of Mrs. HUTCHISON, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S.J. Res. 6, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

S. RES. 253

At the request of Mr. HOEVEN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. Res. 253, a resolution designating October 26, 2011, as "Day of the Deployed".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO (for himself, Mr. AKAKA, Mr. MCCAIN, and Mr. HOEVEN):

S. 1684. A bill to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes; to the Committee on Indian Affairs.

Mr. BARRASSO. Mr. President, I rise today to introduce the Indian Tribal Energy Development and Self-Determination Act Amendments of 2011. For far too long, bureaucratic red tape has prevented Indian tribes from pursuing economic development opportunities on tribal trust lands, including energy development. For years, Indian tribes have expressed concerns about how Federal laws and regulations governing the management of trust resources, including energy resources, create significant delays and uncertainty in development proposals.

This bill represents an effort to deal with some of those concerns, and for the RECORD I would like to highlight some of its provisions. The Energy Policy Act of 2005 included an Indian Energy title—Title V—that, in significant part, attempts to deal with these delays and uncertainties that are in-

herent in the Bureau of Indian Affairs' energy leasing process, by providing Indian tribes with an alternative way to develop their energy resources. However, more than 6 years after the enactment of that act, it appears that no tribe has yet availed itself of the new energy development process authorized in the 2005 Act.

This bill includes a number of amendments to the alternative process established back in 2005, all of which are intended to facilitate the use of that section—to make the process easier for Indian tribes to follow and more predictable—be clearing away some of the red tape and other impediments.

Another amendment to this process would provide the Indian tribes with some funding to implement the processes authorized under the 2005 Energy Policy Act, in a way that should not increase the cost of the program. What this amendment would do is require the Secretary to provide funding to the tribe for its energy development activities in an amount equal any savings that the United States might realize as a result of the Indian tribe pursuing this process, since the Indian tribe would be performing many functions itself rather than the Bureau of Indian Affairs. The bill requires the Secretary to identify the savings to the United States and make that amount available to the Indian tribe in a separate funding agreement.

The ultimate goal of these amendments is to facilitate economic development, provide Indian people with an opportunity to make a good living, and give the tribes greater control over the management and development of their own trust resources.

There are other energy-related issues addressed in this bill as well. There is an amendment to section 201 of the Federal Power Act that would put Indian tribes on a similar footing with States and municipalities for preferences when preliminary permits or original licenses, where no preliminary permit has been issued, for hydroelectric projects. However, this provision does not affect any preliminary permit or original license issued before the bill's enactment date or any application for an original license where no preliminary permit has been issued that was complete before the date of enactment of the bill.

The bill would also authorize a "biomass demonstration project" for biomass energy production from Indian forest lands, rangelands and other Federal lands in accordance with program requirements developed by the Secretaries of Interior and Agriculture after consultation with Indian tribes. This amendment would promote the development of tribal biomass projects by providing them with more reliable and potentially long-term supplies of woody biomass materials.

There are many other provisions of the Indian Tribal Energy Development

and Self-Determination Act of 2011, but the foregoing items are among the more important. Before I conclude, I would like to thank Senator AKAKA, the Chairman of the Committee on Indian Affairs, for his leadership on this issue and for agreeing to cosponsor this bill with me as well as the other Senators who have agreed to join as cosponsors.

In closing, I urge my colleagues to help us expand economic opportunity on tribal trust lands by moving this act expeditiously.

Mr. AKAKA. Mr. President, today I rise in support of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2011. I am proud to co-sponsor this bill introduced by my friend, colleague, and Vice Chairman of the Committee on Indian Affairs, Senator JOHN BARRASSO. I applaud his leadership and am proud to call him my full partner in our work on behalf of the Native peoples of the United States. Introduction of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2011 is an important first step. I look forward to hearings on this measure and working with all of my colleagues to increase the ability of Native communities to develop energy resources on their lands and enhance self-determination.

Indian lands hold great potential for traditional and renewable domestic energy production. Responsible development could help decrease our Nation's dependence on foreign energy sources and create much needed jobs in some of the most impoverished areas of the Nation. Today, Indian reservations make up approximately 5 percent of the United States land base, and it is estimated that those reservations contain about 10 percent of the country's energy resources. A number of Indian tribes are already working in the areas of traditional and renewable energy production, energy transmission, and energy planning. Yet, successfully tapping into the vast energy reserves in our Nation's Indian communities remains a difficult and complex task.

It remains challenging for Indian tribes to develop adequate information about their energy resources, to obtain interconnection to the electric transmission grid, and to partner with private entities to engage in energy projects. Congress recognized the potential of tribes to develop energy sources on their lands by enacting tribal provisions in the Energy Policy Act of 2005. However, many of the programs and policies authorized by Title V of the act intended to benefit tribes have not been implemented or have only been partially implemented.

The Committee on Indian Affairs has held a listening session, and we have solicited comments from stakeholders across the spectrum on the issue. Tribes have made it clear they wish to

chart their own economic destinies, but that in order to do so modifications are needed to the Energy Policy Act of 2005. The legislation introduced today will address tribal concerns as well as private sector concerns and will help unlock the huge potential of Indian tribal energy development to create jobs, promote tribal self-determination, and decrease our dependence on foreign energy sources.

This bill will set clear deadlines for Secretarial approval and streamline administrative processes related to tribal energy development which will help tribes and the United States "win the future" by enabling development of renewable energy sources from tribal lands.

I encourage all of my colleagues to stand with me and Senator BARRASSO in support of this legislative initiative.

By Ms. MIKULSKI:

S. 1688. A bill to amend the provisions of title 5, United States Code, relating to the methodology for calculating the amount of any Postal surplus or supplemental liability under the Civil Service Retirement System, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. MIKULSKI. Mr. President, I rise to introduce the Save Our Postal Worker Jobs Act.

Even with advances in technology, America relies on the Postal Service for everything from notes to family back home, birthday cards, medicine, tax returns and absentee voting. The Postal Service binds our nation together through communication. But the Postal Service is facing a financial crisis and it needs Congress to help.

The Save Our Postal Worker Jobs Act is simple. It doesn't restructure the Postal Service, lay off workers, or close Post Offices. It simply gives the Postal Service the authority it needs to take its own money—not taxpayer money—that it overpaid into its employee pension funds to use to help pay its obligations.

This bill is a jobs bill. Many of the plans that have been introduced to keep the U.S. Postal Service financially solvent include provisions to lay off thousands of workers, cut promised benefits, and undermine collective bargaining rights. The Postal Service has talked about reducing its workforce by more than 200,000.

Our postal service employees are on the front lines every day, working hard for America. I want them to know that I am on their side, and I will not let them be scapegoated for financial problems at the Postal Service. Through the dedication and diligence of our postal workers, the mail is delivered across the country through rain or sleet or snow. It is their work that conveys messages to family, brings medicine to our veterans and seniors, and

helps our constituents who are away from home on election day have their voices heard.

This bill is about preserving the local Post Office—an important part of a neighborhood's identity and a piece of the fabric of our communities. This bill is about preserving Postal Service delivery—which is so important for rural areas like Western Maryland and the Eastern Shore. Each region has unique geography that can complicate or delay mail delivery. And reductions to the Postal Service could seriously harm those residents.

This bill alone will not solve all of the Postal Service's problems. The process of reforming the Postal Service and bringing it into the 21st Century may mean that some workers will be let go, some Post Offices may close, and some changes may be made to delivery.

Ultimately, this bill is about allowing those decisions to be thoughtfully considered, with time for the Americans who rely on the Postal Service to be heard. It's about avoiding making rash decisions with a crisis hanging over our heads.

It is about saving our postal workers' jobs.

By Mr. MCCAIN (for himself, Mr. KYL, Mr. HATCH, Mr. LEE, and Mr. BARRASSO):

S. 1690. A bill to preserve the multiple use land management policy in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined by my colleagues, Senator KYL, Senator HATCH, Senator LEE and Senator BARRASSO in introducing legislation to prevent the Secretary of the Interior from executing his plan to ban mining on 1 million acres of Federal land in northern Arizona. A companion bill has been introduced by Congressman TRENT FRANKS in the House. The purpose behind this legislation is best outlined in a recent letter that I along with several members of the Senate and House transmitted to the Secretary of the Interior today.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 12, 2011.

Hon. KEN SALAZAR,
Secretary, U.S. Department of the Interior,
Washington, DC.

DEAR SECRETARY SALAZAR: We are writing to urge you to reconsider moving forward with a proposed 20-year withdrawal of approximately 1 million acres of federal mineral estate in northern Arizona. We predict such a decision, if finalized, would kill hundreds of potential jobs in our states and erode the trust needed for diverse stakeholders to reach agreement on how to protect and manage public lands in the future.

Grand Canyon National Park is an Arizona icon and a natural wonder that attracts visitors from around the world. The Colorado River that flows through the park is the lifeblood of the West, providing drinking water for millions in seven states. We share your desire to protect Grand Canyon National Park and the region's water supplies from adverse environmental effects that may be associated with hardrock mineral exploration and development. We disagree that the proposed withdrawal is necessary to achieve that objective. In our view, the draft Environmental Impact Statement (EIS) on the proposed withdrawal actually demonstrates that uranium mineral development would pose little, if any, threat to the park or water quality in the region. Thus, we are concerned that this proposed withdrawal is more about social agendas and political pressure than about the best available science.

The aspiration on the part of the environmental community to ban all mining activity in the Grand Canyon region is not new. It existed during the last uranium rebound of the late 1970s and early 1980s. The difference is that, back then, the environmental community put their aspirations aside to constructively work with the mining and livestock industries and Congress to reach an historic agreement on wilderness designations and multiple use land policy—an agreement that ultimately became Title III of the Arizona Wilderness Act of 1984 (P.L. 98-406). The Act designated over 1.1 million acres of wilderness on the Arizona Strip while, at the same time, releasing another 540,000 acres of federal land for multiple-use development; how that development would be conducted was left to the land management planning process. The Act is rightfully held up as the gold standard of stakeholder collaboration and bipartisan compromise. Until now, it has allowed sustainable uranium mining to coexist with the protection of some of our most treasured natural resources. If the decision is made to move forward with the proposed withdrawal, you will be casting aside that historic compromise and ignoring the land management plans developed through the land management planning process that identify the bulk of the proposed withdrawal area as open to uranium mineral development.

THE LEGISLATIVE HISTORY OF THE ARIZONA WILDERNESS ACT OF 1984

It is important that you review and fully consider the legislative history of the Arizona Wilderness Act of 1984 before making a final decision regarding the proposed withdrawal. At that time, former House Interior Committee chairman, the late Rep. Morris Udall, led the Arizona congressional delegation (including then-Rep. John McCain) in crafting the legislation. The legislative history strongly substantiates that there was a compromise regarding wilderness protection and continued uranium exploration and development on the Arizona Strip. That compromise was originally embodied in a free-standing bill, the Arizona Strip Wilderness Act of 1983 (H.R. 3562). The Arizona Strip Wilderness Act of 1983 was incorporated into the Arizona Wilderness Act of 1984 at Title III. A review of the House committee report (H.Rpt. 98-643, Part 1, pages 34-35) accompanying the bill demonstrates the clear recognition by Congress that the lands not designated as wilderness had significant uranium mineral potential, and that the land-management planning process would govern that future development. It states:

There is also a great desire on the part of the Bureau of Land Management and all the

interest groups concerned to lay the wilderness issue to rest. This is particularly true for those companies engaged in uranium exploration and mining, as the current wilderness status of large acreages in the Arizona Strip constitutes an impediment to rational and coordinated exploration and development. Likewise, environmental groups feel that uranium activities should be excluded from certain key areas and that immediate wilderness designation for such areas is far preferable to relying on interim wilderness study protection. To this end, a broad coalition of groups and individuals sat down during the early months of 1983 and worked out an agreement that has since received the support from the Administration, the State of Arizona, the local congressman, both senators and virtually every other interest party of which the Committee is aware. Indeed, the Committee's hearings revealed nearly unanimous support for the Arizona Strip proposal. Accordingly, Title III of H.R. 4707 designates the following Arizona Strip lands as wilderness, and releases certain other lands for such non-wilderness uses as are determined appropriate through the land management planning process.

[T]he Committee has not included these lands in wilderness in recognition of their significant mineral (especially uranium) potential. In leaving these lands open for mineral exploration and potential development, the Committee emphasizes that this is an environmentally sensitive area that should be managed by the Bureau of Land Management to minimize adverse impacts on the current remote and wild values. The Committee understands that the type of mining that will take place here is of a low impact, underground type.

The hearing record on the Arizona Strip Bill is also instructive. It demonstrates that the stakeholders truly believed a "win win" had been struck and were willing to testify in support of the compromise. The following excerpts are taken from the testimony offered on October 21, 1983 on the Arizona Strip Wilderness Act of 1983 before the House Subcommittee on Public Lands and National Parks:

Testimony of Michael D. Scott, Regional Southwest Director, The Wilderness Society.

It [H.R. 3562] is supported by, among others, the mining industry, local government, the livestock industry, and conservationists. This unusual combination of support is not an accident. It represents many months of work at forging a compromise acceptable to the entire range of interests on the Arizona Strip." (Page 296)

At the same time that the Strip emerged as a top conservationist priority, energy companies, most notably Energy Fuels Nuclear (EFN), began to discover significant uranium deposits. As you know, Mr. Chairman, in most cases there are no significant minerals in wilderness or wilderness candidate lands. As unfortunately happens on occasion, some of these significant uranium deposits overlapped with outstanding wildlands in the Strip. Fortunately, EFN, is not a typical hard-rock mining company. Conservationists and EFN decided to discuss those differences. (Page 297)

Statement of Representative Bob Stump.

For many months, several divergent groups, who would usually be viewed as adversaries, have worked together to form a consensus on wilderness designation and multiple use for the Arizona Strip. The legislation which you have before you today is the result of those efforts and is proof posi-

tive that give and take on the part of all participants can result in a compromise which will address all concerns. (Page 271)

The key and important factor in this agreement is that it expresses the needs and desires of the ranching, mining, local government, public land managers and environmental communities . . . an example of business interests and environmental concerns working together. (Page 272)

Almost 800,000 acres were included in the Bureau of Land Management Wilderness Study Areas in the Arizona Strip. H.R. 3562 designates approximately 165,996 of those acres as well as 122,604 acres in the Paiute Primitive Area, Paria Primitive Area and Vermilion Cliffs Natural Area, as wilderness. The remaining 620,000 acres or 79% of the BLM Wilderness Study Areas will be released to multiple use. (Page 272)

Testimony of Gerald Grandey, Vice President, Energy Fuels Corporation.

Of what we know today, the Arizona Strip appears to be the only area in the United States that has the potential to produce relatively high grade uranium ore, which even at today's depressed market is capable of competing with foreign sources of the material, such as South Africa, Canada, and Australia. (Page 106)

The benefits to be had from the passage of the Arizona Strip Wilderness Act of 1983 are clear. The wilderness in question will be decided once and for all ending many years of potential controversy and debate. In the areas released to multiple use, our Company and others with active programs in the Arizona Strip will be able to conduct exploration in a cost effective and responsible manner. (Page 284)

Testimony of Russ Butcher, Southwest Regional Representative, National Parks Conservation Association.

It was exactly one year ago that we first met and began talking formally with the top officials of Energy Fuels Nuclear, talking about the company's uranium exploration and mining activities north of the Grand Canyon, and about the relationship of these activities to an array of Federal wilderness study areas. (Page 120)

The proposed withdrawal is a "de facto wilderness" designation; it will unravel decades of responsible resource development on the Arizona Strip in a misguided effort to "save" the Grand Canyon from the same form of uranium mining that environmental groups once agreed to. Moving forward with the proposed withdrawal will call into question the Department's interpretation of wilderness-release language in other legislation and its commitment to multiple-use policy in the years ahead. If the decision is made to finalize the proposed withdrawal, all future wilderness proposals will assuredly face even greater scrutiny as it will be clear that negotiated agreements, such as those contained in the Arizona Wilderness Act, are neither genuine nor enduring.

Again, we agree that the Grand Canyon deserves to be protected for the enjoyment of future generations. However, moving forward with the proposed withdrawal flies in the face of the legislative history regarding mineral development and responsible land management planning. We strongly urge you to reconsider the proposed withdrawal.

Sincerely,

Signed by: Senator John McCain, Senator Orrin Hatch, Senator Jon Kyl, Senator Mike Lee, Senator John Barasso, Congressman Trent Franks, Congressman Rob Bishop, Congressman

Jeff Flake, Congressman David Schweikert, Congressman Paul Gosar, Congressman Ben Quayle, Congressman Jason Chaffetz.

By Mr. BINGAMAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. CRAPO, Mr. WYDEN, Mr. RISCH, Mr. REID, Mr. COCHRAN, Mr. TESTER, Mr. BLUNT, Mrs. FEINSTEIN, Mr. HELLER, Mr. UDALL of New Mexico, Mrs. BOXER, Ms. CANTWELL, Mrs. MURRAY, Mr. BENNET, Mr. MERKLEY, Mr. SANDERS, Mr. JOHNSON of South Dakota, Mr. BEGICH, Mrs. MCCASKILL, Mr. UDALL of Colorado, Mr. FRANKEN, and Mr. LEVIN):

S. 1692. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I introduced, along with Senator MURKOWSKI and 22 other Senators S. 1692, the County Payments Reauthorization Act of 2011. The bill would provide dependable funding to support public schools, transportation infrastructure, and other critical county programs in more than 1,900 counties in 49 States. Specifically, it would continue to fund for 5 more years the Payments in Lieu of Taxes Program, and it would reauthorize the Secure Rural Schools and Community Self-Determination Act. The Secure Rural Schools Act expired at the end of September.

Economists have long said that funding for local governments not only provides one of the most efficient and immediate ways to create and save jobs, it also helps to ensure that essential community services on which economic growth depends are maintained. These programs have proven that point in recent years. They have been lifelines for financially strapped rural counties and the thousands of Americans they employ and they contract with. They employ a multitude of public school teachers, support countless miles of county road projects, fund thousands of collaborative forest and watershed restoration projects, and pay for hundreds of community wildfire risk reduction programs in all parts of the country.

I would like to give one example from my home State of New Mexico. Many of my colleagues may know that the Wallow fire this summer grew to become the largest fire in the history of Arizona. My colleagues may not know that its leading edge burned more than 15,000 acres into New Mexico, and it threatened the community of Luna in Catron County, New Mexico.

When I visited the town of Luna, the community's firefighters told me the wildfire risk reduction projects they

had completed using funds from the Secure Rural Schools Program helped to save their town. The funds from this bill also will fund many projects to help their local forests and watersheds and many others around New Mexico to recover from the severe fires that burned there this summer.

Despite the important work these programs support, we recognize that funding these programs is not easy, given the financial circumstance in which we find ourselves. We worked for months to build this strong coalition in the Senate and among the stakeholders in support of these programs across the country. In the process there have been an array of differing views about the details of how these programs should be structured going forward.

For example, recognizing the difficult financial situation in communities around the country and the urgent need to create jobs, some would significantly increase funding for these programs. Others, recognizing the challenging fiscal situation that the Federal Government faces, would sharply reduce funding for these programs. Some would shift the emphasis of the Secure Rural Schools Program to forestry projects such as those covered by titles II and III of that program. Others would shift the emphasis to public schools and to road projects.

But most importantly, there has been broad agreement on the most critical issues. First, there is broad agreement that funding for these two programs is immensely important. Second, there is broad agreement that the only way for us to successfully continue that funding is for us to renew the compromise we negotiated in 2008. Congress overwhelmingly passed that compromise, it has provided funding for these programs for the last 4 years, and our communities have broadly supported it.

The alternative, which seems to have become routine in Congress, is to emphasize our differences and destroy the coalition of support that will be essential to continue funding of these programs.

I greatly appreciate the support and leadership of Senator MURKOWSKI and many others. Let me mention all those who have helped with this bill and who are cosponsoring this effort: Senator BAUCUS, Senator CRAPO, Senator WYDEN, Senator RISCH, Senator REID of Nevada, Senator COCHRAN, Senator TESTER, Senator BLUNT, Senator FEINSTEIN, Senator HELLER, Senator TOM UDALL, Senator BOXER, Senator CANTWELL, Senator MURRAY, Senator BENNET, Senator MERKLEY, Senator SANDERS, Senator TIM JOHNSON, Senator BEGICH, Senator MCCASKILL, Senator MARK UDALL, Senator FRANKEN, and Senator LEVIN—all of whom are cosponsoring this important legislation.

I hope the rest of the Senate will join us once again to support the continu-

ation of these important programs and enact this legislation.

Ms. MURKOWSKI. Mr. President, I rise today to thank Senator BINGAMAN for leading the effort to reauthorize the Secure Rural Schools and Community Self-Determination Act.

Over 100 years ago this Congress passed a law which formed a compact with counties, boroughs and parishes in rural America where the National Forests are located. That compact stipulated that the Forest Service would share 25 percent of its revenues with local governments to support roads and schools.

This agreement was put into law 60 years before the Payment in Lieu of Tax law was written to help compensate counties for the loss of revenue caused by the inability to tax federal property.

Over the years, the Forest Service shared billions of dollars with the counties and, until 1990, the amount of those payments increased almost every year. In fact, the Forest Service sold \$1.6 billion worth of timber in fiscal year 1990. As a result, counties received more than \$402 million in 25 percent payments to support schools and roads.

More importantly, the Forest Service timber sale program in 1990 generated more than 102,000 direct and indirect jobs in areas that now have the highest unemployment rates in the country. Those timber sales generated more than \$5.3 billion—that is billion with a “B” of economic activity and \$800 million in Federal income taxes. Further, revenue from the Forest Service's timber sale program supported many of the other Forest Service's multiple-use programs, including recreation, wilderness, road building and maintenance, and fire suppression.

All that changed in 1990 and 1991, when activists used the Endangered Species Act to reduce, and in some instances stop, timber harvesting across the West. If I could wave a magic wand and legislate reforms to the many environmental laws that have been twisted and misconstrued in order to block any development of our natural resources, rather than ensuring responsible decision making by our Federal land management agencies, as Congress intended, I would.

In the long run, I think that is what is needed, and I am convinced that given the economic malaise this country suffers, the American public is beginning to understand the wrongheaded direction our Federal land management has taken over the last two and a half decades.

But I don't think I can accomplish that in this Congress, and I am compelled to avoid adding any additional pain and suffering to the shoulders of the small rural communities that depend on Secure Rural Schools and Community Self-Determination Act payments. Therefore I am joining Senators BINGAMAN and WYDEN and others

in cosponsoring legislation to reauthorize the Secure Rural Schools and Community Self-Determination Act for another 5-year period.

Senator BINGAMAN has fully described the bill, but it reauthorizes the Secure Rural Schools and Community Self-Determination Act at fiscal year 2011 payment levels for 5 more years. We have reduced the annual reduction in payments from the 10 percent level in current law down to a 5-percent annual reduction. Under this plan, counties, parishes, communities and schools will receive up to \$364 million in temporary assistance each year for the next 5 years.

I say "temporary" because this program was, and is, designed to be a short-term bridge to allow counties and communities to transition to the new economic reality that our wrong-headed Federal lands policy has forced upon them.

I want everyone to also understand that while having signed on to this bill I am also considering a number of other alternative solutions that have the promise of generating enough revenue and jobs from Federal land activities to make our counties whole. I am willing to go as far as turning control of some Federal lands over to counties so that they may get some economic benefit from them. But first I will be taking a careful look at Representative HASTINGS's bill to generate additional resource management by lifting restrictions and expediting the processes needed to offer additional timber sales.

I want everyone to know that if a legitimate, acceptable, offset to pay for the cost of this program is not identified by the time the bill is ready to move to the Senate floor, I will have no alternative but to remove my name from the bill and will have to work to defeat the bill.

I would tell my fellow Senators that the folks in the House Resources Committee are fundamentally correct. We are going to have to either utilize our Federal lands to support our rural communities or we should divest the Federal Government of those lands and let the States, or the counties, manage those lands. I look forward to working with my colleagues in the House to find a path forward for this approach in this and future Congresses.

I will close by speaking directly to the counties, parishes, boroughs and communities that have now depended on the Secure Rural School program for more than a decade—and for some counties in Oregon, Washington and Northwest California for more than two decades—the Secure Rural Schools Payments are coming to an end. It could be this year if enough people do not rally around the bill that Senator BINGAMAN, I, and our other cosponsors have proposed. It could be 2 years from now if Representative HASTINGS and other Representatives prevail. Or it

could be 5 years from now if we find the acceptable offsets needed to pay for our legislative proposal. My fervent hope is that the program will be replaced by a forest management system that actually puts people back to work in the forest, but it's coming to an end, and the counties and schools need to prepare for that eventuality.

By Mr. LEAHY (for himself, Ms. MIKULSKI, Ms. LANDRIEU, and Mr. CARDIN):

S. 1696. A bill to improve the Public Safety Officers' Benefits Program; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce legislation to improve the Public Safety Officers' Benefits Act, PSOB. This law, enacted in 1976, is a vital safety net for our first responders who are permanently disabled in the line of duty, and for the families of those who make the ultimate sacrifice while serving their fellow citizens.

This legislation, along with several technical refinements to the program, will add certain classes of first responders who, due to gaps in the law, have been left without protection. For example, the bill contains legislation I introduced in the 111th Congress in response to the tragic death of Dale Long, a decorated emergency medical responder in Vermont. The Dale Long Emergency Medical Service Providers Protection Act would protect Mr. Long's survivors and those who may follow and encounter the same limitations under the current law.

Under current PSOB law, in order to be eligible for benefits, a member of an ambulance crew must work for an organization that is deemed a unit of State or local government, and thus be deemed a public employee. In Dale Long's case, as with rescue crews across the country, he worked for a private, non-profit entity that nonetheless served his community in a way indistinguishable from an organization with status as a unit of government. Based upon this distinction, Dale Long's surviving family was ineligible for these benefits. This is unfair, and undermines the Federal policy that is in place to support and protect these men and women. The bill I introduce today would end this disparate treatment.

The legislation also includes a provision to ensure that a cadet officer killed during a dangerous training exercise would be eligible for such benefits. The current law's weakness in this area was highlighted in a case in Maryland, during which fire cadet Racheal Wilson was killed during a training exercise. Senator MIKULSKI and Senator CARDIN have been very concerned about this situation, and I commend them for advocating for its inclusion in this legislation.

In the 111th Congress, the Judiciary Committee considered and reported the

Dale Long Emergency Medical Service Providers Protection Act by voice vote. Despite the Committee's work, and the process and debate it was afforded within the Committee, the bill was objected to when I tried to get Senate consideration. This was very disappointing, given the importance of this legislation to first responders around the country, and given the fact that the legislation was fully offset.

This year, I once again introduced the Dale Long Emergency Medical Service Providers Protection Act. During the Senate's debate in February on the FAA Air Transportation Modernization and Safety Improvement Act, I worked closely with Senator INHOFE to propose an amendment that included both the Dale Long Emergency Medical Service Providers Protection Act and a proposal from Senator INHOFE to support those who volunteer their time and expertise as airplane pilots to help those in need. Our bipartisan amendment was adopted by voice vote.

During the course of the subsequent conference negotiations on the FAA authorization legislation, I worked closely with Chairman ROCKEFELLER and House Judiciary Committee Chairman LAMAR SMITH to ensure that our bipartisan amendment was retained in the conference agreement. During the course of these negotiations, Chairman SMITH proposed to expand the Dale Long Emergency Medical Service Providers Protection Act to include other changes to the current PSOB law.

For example, Chairman SMITH proposed a refinement of the Hometown Heroes law, a law that I authored and which was enacted in 2003. I worked with firefighters, police officers, and first responders to make sure that what Chairman SMITH had proposed would not only retain the spirit and intent of the original Hometown Heroes law, but, most importantly, would improve upon it to alleviate some of the administrative delays that the families of first responders had encountered in the past. This refined proposal is included in the bill.

The bill I introduce today also includes provisions to lessen the length of a currently unwieldy appeals process for claimants, clarify the list of eligible survivor beneficiaries, and make those who have been catastrophically injured eligible for peer support and counseling programs. It also removes artificial distinctions under the Hometown Heroes Act to expand the types of injuries that would make a public safety officer's survivors eligible for benefits.

The final version of the legislation to which Chairman SMITH and I agreed represents a bipartisan compromise on the overall improvement of this important program. I appreciate Chairman SMITH's willingness to work with me in support of this program, and the first

responders for whom the law is intended to protect. I understand that our agreement was to be incorporated in the FAA conference report.

Unfortunately, the future for a conference agreement on the FAA legislation is unclear. Each day that passes is another day that Mr. Long's family, and others who would benefit from this legislation, must live without the assistance this benefit provides. The Public Safety Officers' Benefits Act has been in effect for over 30 years, and has brought a measure of security to survivors of fallen first responders. In 1990, Congress continued this tradition and acted again to ensure that those first responders who have been permanently disabled in the line of duty are taken care of. This longstanding policy is reflective of Congress' recognition of the importance and necessity of the men and women who commit themselves as firefighters, police officers, and medical responders.

It is difficult to imagine what communities across America would be like without these essential services. From the firefighters in Vermont who race to the scene of a rural fire during a cold winter night, to the ambulance crews providing emergency medical services following a natural disaster in Oklahoma, our dedicated first responders are all connected by their sense of duty and their selflessness in the service of their neighbors. In Congress, lawmakers have traditionally acted in support of these men and women irrespective of party and we should continue that great tradition. I hope the Senate will act quickly to pass this important bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Safety Officers' Benefits Improvements Act of 2011".

SEC. 2. BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS AND CERTAIN TRAINEES; MISCELLANEOUS AMENDMENTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in section 901(a) (42 U.S.C. 3791(a))—

(A) in paragraph (26), by striking "and" at the end;

(B) in paragraph (27), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(28) the term 'hearing examiner' includes any medical or claims examiner.";

(2) in section 1201 (42 U.S.C. 3796)—

(A) in subsection (a), by striking "follows:" and all that follows and inserting the following: "follows (if the payee indicated is living on the date on which the determination is made)—

"(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

"(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

"(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

"(4) if there is no surviving spouse of the public safety officer and no surviving child—

"(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

"(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

"(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

"(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term 'child' under section 1204 but for age.";

(B) in subsection (b)—

(i) by striking "direct result of a catastrophic" and inserting "direct and proximate result of a personal";

(ii) by striking "pay," and all that follows through "the same" and inserting "pay the same";

(iii) by striking "in any year" and inserting "to the public safety officer (if living on the date on which the determination is made)";

(iv) by striking "in such year, adjusted" and inserting "with respect to the date on which the catastrophic injury occurred, as adjusted";

(v) by striking ", to such officer";

(vi) by striking "the total" and all that follows through "For" and inserting "for"; and

(vii) by striking "That these" and all that follows through the period, and inserting "That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer.";

(C) in subsection (f)—

(i) in paragraph (1), by striking ", as amended (D.C. Code, sec. 4-622); or" and inserting a semicolon;

(ii) in paragraph (2)—

(I) by striking ". Such beneficiaries shall only receive benefits under such section 8191 that" and inserting ", such that beneficiaries shall receive only such benefits under such section 8191 as"; and

(II) by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107-42).";

(D) by amending subsection (k) to read as follows:

"(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

"(1) the public safety officer, while on duty—

"(A) engages in a situation involving non-routine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

"(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

"(2) the heart attack, stroke, or vascular rupture commences—

"(A) while the officer is engaged or participating as described in paragraph (1);

"(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

"(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

"(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer, unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.";

(E) by adding at the end the following:

"(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.";

(3) in section 1202 (42 U.S.C. 3796a)—

(A) by striking "death", each place it appears except the second place it appears, and inserting "fatal"; and

(B) in paragraph (1), by striking "or catastrophic injury" the second place it appears and inserting ", disability, or injury";

(4) in section 1203 (42 U.S.C. 3796a-1)—

(A) in the section heading, by striking "**WHO HAVE DIED IN THE LINE OF DUTY**" and inserting "**WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY**"; and

(B) by striking "who have died in the line of duty" and inserting "who have sustained fatal or catastrophic injury in the line of duty";

(5) in section 1204 (42 U.S.C. 3796b)—

(A) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

"(1) 'candidate-officer' means an individual who is officially enrolled or admitted, as a cadet or trainee, in an officially recognized, formal program of instruction or training (such as a police or fire academy) that is solely and specifically intended to result, directly or immediately upon completion, in—

"(A) commissioning as a law enforcement officer;

"(B) conferral of authority to engage in fire suppression (as an officer or employee of a public fire department or as an officially recognized or designated member of a legally organized volunteer fire department); or

“(C) the granting of official authorization or license to engage in rescue activity or in the provision of emergency medical services as a member of a rescue squad or ambulance crew that is (or is a part of) the agency or entity sponsoring the enrollment or admission of the individual;”;

(C) in paragraph (2), as so redesignated, by striking “consequences of an injury that” and inserting “an injury, the direct and proximate consequences of which”;

(D) in paragraph (4), as so redesignated—

(i) in the matter preceding clause (i)—

(I) by inserting “or permanently and totally disabled” after “deceased”; and

(II) by striking “death” and inserting “fatal or catastrophic injury”; and

(ii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(E) in paragraph (6), as so redesignated—

(i) by striking “post-mortem” each place it appears and inserting “post-injury”; and

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(F) in paragraph (8), as so redesignated, by striking “public employee member of a rescue squad or ambulance crew;” and inserting “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

“(i) is a public agency; or

“(ii) is (or is a part of) a nonprofit entity serving the public that—

“(I) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

“(II) is officially designated as a prehospital emergency medical response agency;”;

(G) in paragraph (10), as so redesignated—

(i) in subparagraph (A), by striking “as a chaplain, or as a member of a rescue squad or ambulance crew;” and inserting “or as a chaplain;”;

(ii) in subparagraph (B)(ii), by striking “or” after the semicolon;

(iii) in subparagraph (C)(ii), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

“(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity (and as designated by such agency or entity), is engaging in rescue activity or in the provision of emergency medical services; or

“(E) a candidate-officer who is engaging in an activity or exercise—

“(i) that is a formal or required part of the program described in paragraph (1); and

“(ii) that poses or is designed to simulate situations that pose significant dangers, threats, or hazards.”;

(6) in section 1205 (42 U.S.C. 3796c), by adding at the end the following:

“(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.”;

(7) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d-1), sections 1213 and 1214 (42 U.S.C. 3796d-2 and 3796d-3), and subsections (b) and (c) of section 1216 (42 U.S.C. 3796d-5), by striking “dependent” each place it appears and inserting “person”;

(8) in section 1212 (42 U.S.C. 3796d-1)—

(A) in subsection (a)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking “Subject” and all that follows through “, the” and inserting “The”; and

(ii) in paragraph (3), by striking “reduced by” and all that follows through “(B) the amount” and inserting “reduced by the amount”;

(B) in subsection (c)—

(i) in the subsection heading, by striking “DEPENDENT”; and

(ii) by striking “dependent”;

(9) in section 1213(b)(2) (42 U.S.C. 3796d-2(b)(2)), by striking “dependent’s” each place it appears and inserting “person’s”;

(10) in section 1216 (42 U.S.C. 3796d-5)—

(A) in subsection (a), by striking “each dependent” each place it appears and inserting “a spouse or child”; and

(B) by striking “dependents” each place it appears and inserting “a person”; and

(11) in section 1217(3)(A) (42 U.S.C. 3796d-6(3)(A)), by striking “described in” and all that follows and inserting “an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 402(l)(4)(C) of the Internal Revenue Code of 1986 is amended—

(1) by striking “section 1204(9)(A)” and inserting “section 1204(10)(A)”;

(2) by striking “42 U.S.C. 3796b(9)(A)” and inserting “42 U.S.C. 3796b(10)(A)”.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS; DETERMINATIONS; APPEALS.

The matter under the heading “PUBLIC SAFETY OFFICERS BENEFITS” under the heading “OFFICE OF JUSTICE PROGRAMS” under title II of division B of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1912; 42 U.S.C. 3796c-2) is amended—

(1) by striking “decisions” and inserting “determinations”;

(2) by striking “(including those, and any related matters, pending)”;

(3) by striking the period at the end and inserting the following: “: *Provided further*, That, on and after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2011, as to each such statute—

“(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

“(2) payment shall be made only upon a determination by the Bureau that the facts legally warrant the payment;

“(3) any reference to section 1202 of such title I shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202; and

“(4) a certification submitted under any such statute may be accepted by the Bureau as prima facie evidence of the facts asserted in the certification:

Provided further, That, on and after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2011, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: *Provided further*, That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2011 shall apply to any matter pending on, or filed or accruing after, the effective date specified in the regulations, except as the Bureau may indicate otherwise.”.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed or accruing after that date.

(b) EXCEPTIONS.—

(1) RESCUE SQUADS AND AMBULANCE CREWS.—For a member of a rescue squad or ambulance crew (as defined in section 1204(8) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act), the amendments made by this Act shall apply to injuries sustained on or after June 1, 2009.

(2) HEART ATTACKS, STROKES, AND VASCULAR RUPTURES.—Section 1201(k) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, shall apply to heart attacks, strokes, and vascular ruptures sustained on or after December 15, 2003.

(3) CANDIDATE-OFFICERS.—For a candidate-officer (as defined in section 1204(l) of the title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act), the amendments made by this Act shall apply to injuries sustained on or after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 291—RECOGNIZING THE RELIGIOUS AND HISTORICAL SIGNIFICANCE OF THE FESTIVAL OF DIWALI

Mr. MENENDEZ (for himself, Mr. CORNYN, and Mr. WARNER) submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 291

Whereas Diwali, a festival of great significance to Indian Americans and South Asian Americans, is celebrated annually by Hindus, Sikhs, and Jains throughout India, the United States, and the world;

Whereas Diwali is a festival of lights, during which celebrants light small oil lamps, place the lamps around the home, and pray for health, knowledge, peace, wealth, and prosperity in the new year;

Whereas the lights symbolize the light of knowledge within the individual that overcomes the darkness of ignorance, empowering each celebrant to do good deeds and show compassion to others;

Whereas Diwali falls on the last day of the last month in the lunar calendar and is celebrated as a day of thanksgiving for the homecoming of the Lord Rama and worship of Lord Ganesha, the remover of obstacles and bestower of blessings, at the beginning of the new year for many Hindus;

Whereas for Sikhs, Diwali is celebrated as Bandhi Chhor Diwas (The Celebration of Freedom), in honor of the release from prison of the sixth guru, Guru Hargobind; and

Whereas for Jains, Diwali marks the anniversary of the attainment of moksha, or liberation, by Mahavira, the last of the Tirthankaras (the great teachers of Jain dharma), at the end of his life in 527 B.C.: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the religious and historical significance of the festival of Diwali; and

(2) in observance of Diwali, the festival of lights, expresses its deepest respect for Indian Americans and South Asian Americans, as well as fellow countrymen and diaspora

throughout the world on this significant occasion.

SENATE RESOLUTION 292—DESIGNATING THE WEEK BEGINNING OCTOBER 16, 2011, AS “NATIONAL CHARACTER COUNTS WEEK”

Mr. GRASSLEY (for himself, Mr. ROCKEFELLER, Mr. PRYOR, Mr. ALEXANDER, Mrs. MURRAY, Mr. BROWN of Ohio, Mr. COCHRAN, Mr. ENZI, Mr. LIEBERMAN, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 292

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry of good character;

Whereas the character education of children has become more urgent, as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of a democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those that have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to

integrate the values of their communities into their teaching activities; and

Whereas the establishment of “National Character Counts Week”, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 16, 2011, as “National Character Counts Week”; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 13, 2011, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a hearing entitled “Carciari Crisis: The Ripple Effect on Jobs, Economic Development and Public Safety in Indian Country.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 20, 2011, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a meeting on S. 1262, the Native Culture, Language, and Access for Success in Schools Act to be followed immediately by a hearing on the following bills: S. 134, Mescalero Apache Tribe Leasing Authorization Act; S. 399, Blackfeet Water Rights Settlement Act of 2011; S. 1327, A bill to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation, and for other purposes; and S. 1345, Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 12, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, “Universal Service Reform—Bringing Broadband to All Americans.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 12, 2011, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 12, 2011, directly after the business meeting scheduled for 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled “The State of Chronic Disease Prevention,” on October 12, 2011, at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 12, 2011, at 10:30 a.m. to conduct a hearing entitled “Ten Years After 9/11: A Status Report on Information Sharing.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on October 12, 2011, immediately after the first vote, off the Senate floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on October 12, 2011, at 2 p.m. in room 562 of the Dirksen Senate Office Building, to conduct a hearing entitled “A Time for Solutions: Finding Consensus in the Medicare Reform Debate.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that the following members of Senator BAUCUS’s staff be

granted floor privileges during the consideration of the Colombia, Panama, and South Korea Free Trade Agreement legislation: Jane Beard, Sarah Babcock, Danielle Fidler, Laura Jaskierski, Stephen Simpson, Jonathon Goldman, Nick Malinak, and Cosimo Thawley.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Rose Fennell, who is a National Park Service fellow working on the staff of the Committee on Energy and Natural Resources be granted the privilege of the floor for today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Eli Zupnick, Alex Glass, Paula Burg, Matt McAlvanah, Moire Duggan, Shawn Bills, Adam Goodwin, Zach Mallove, Lauren Overman, and Evan Schatz, members of my staff, be granted the privilege of the floor for the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL LIFE INSURANCE AWARENESS MONTH

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of S. Res. 270 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 270) supporting the goals and ideals of "National Life Insurance Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 270) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 270

Whereas the vast majority of people in the United States recognize that life insurance is important to protecting their loved ones;

Whereas the life insurance industry pays approximately \$60,000,000,000 to beneficiaries each year, providing a tremendous source of financial relief and security to families that experience the loss of a loved one;

Whereas, as of the date of agreement to this resolution, the unfortunate reality is that approximately 95,000,000 adults in the United States have no life insurance, and ownership of both individual and employer-sponsored life insurance has declined in recent years;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2011 as "National Life Insurance Awareness Month" as a means to encourage consumers to become more aware of their life insurance needs, seek advice from qualified insurance professionals, and take the actions necessary to achieve financial security for their loved ones: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "National Life Insurance Awareness Month"; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

NATIONAL CHARACTER COUNTS WEEK

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 292, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 292) designating the week beginning October 16, 2011, as "National Character Counts Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. UDALL of Colorado. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 292) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 292

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry of good character;

Whereas the character education of children has become more urgent, as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of a democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those that have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of "National Character Counts Week", during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 16, 2011, as "National Character Counts Week"; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

ORDERS FOR THURSDAY, OCTOBER 13, 2011

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, October 13, 2011; that following the prayer and the pledge, the Journal of

proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 12 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; and that at 12 p.m. the Senate proceed to executive session to consider Calendar Nos. 251, 252, and 253, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. UDALL of Colorado. Mr. President, we expect two rollcall votes at approximately 2 p.m. tomorrow on judicial nominations.

Additionally, there is a joint meeting of Congress with the President of Korea at 4 p.m. tomorrow. Senators will gather in the Senate Chamber at 3:40 p.m. to proceed to the House together.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. UDALL of Colorado. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:41 p.m., adjourned until Thursday, October 13, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PAUL W. HODES, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2016. (NEW POSITION)

NATIONAL TRANSPORTATION SAFETY BOARD

ROBERT L. SUMWALT III, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2016. (RE-APPOINTMENT)

DEPARTMENT OF STATE

ELIZABETH M. COUSENS, OF WASHINGTON, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

ELIZABETH M. COUSENS, OF WASHINGTON, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HER TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

JAMES A. BEVER, OF VIRGINIA
DEBORAH K. KENNEDY—IRAHETA, OF VIRGINIA

SUSAN G. REICHLER, OF VIRGINIA
PAUL E. WEISENFELD, OF MARYLAND

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR:

WILLIAM R. BRANDS, OF VIRGINIA

THOMAS R. DELANEY, OF PENNSYLVANIA

T. CHRISTOPHER MILLIGAN, OF THE DISTRICT OF COLUMBIA

BETH S. PAIGE, OF TEXAS

ALEXANDRIA L. PANEHAL, OF VIRGINIA

PATRICIA L. RADER, OF MARYLAND

MAUREN A. SHAUKET, OF THE DISTRICT OF COLUMBIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

R. DOUGLASS ARBUCKLE, OF FLORIDA

DAVID C. ATTEBERRY, OF FLORIDA

REBECCA RANDOLPH WALLACE BLACK, OF NEW MEXICO

DERRICK S. BROWN, OF FLORIDA

CHRISTINE M. BYRNE, OF VIRGINIA

ANTHONY S. CHAN, OF VIRGINIA

KIRK M. DAHLGREN, OF FLORIDA

ALEXANDRE DEPREZ, SR., OF FLORIDA

CARL BRANDON DERRICK, OF VIRGINIA

AZZA EL-ABD, OF THE DISTRICT OF COLUMBIA

NANCY L. ESTES, OF FLORIDA

STEPHANIE A. FUNK, OF FLORIDA

JAMES LAURENCE GOGGIN, OF NEW MEXICO

CAREY NATHANIAL GORDON, OF FLORIDA

MICHAEL J. GREENE, OF MARYLAND

CAROL J. HORNING, OF VIRGINIA

GARY C. JUSTE, OF FLORIDA

NEIL McDONALD KESTER, OF FLORIDA

NATHAN S. LOKOS, OF VIRGINIA

SHEILA M. LUTJENS, OF FLORIDA

KATHLEEN S. McDONALD, OF THE DISTRICT OF COLUMBIA

ERIN ELIZABETH MCKEE, OF CALIFORNIA

ALFRED M. NAKATSUMA, OF CALIFORNIA

JOHN R. POWER, OF MINNESOTA

DIANA BRITON PUTMAN, OF CONNECTICUT

R. THOMAS RAY, OF FLORIDA

FREDERIC G. SCOTT, OF THE DISTRICT OF COLUMBIA

KRISTINE SMATHERS, OF CALIFORNIA

ELIZABETH BANCROFT WARFIELD, OF MARYLAND

A. J. ALONZO WIND, OF VIRGINIA

JOHN MARK WINFIELD, OF MARYLAND

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO THE POSITION OF COAST GUARD BAND DIRECTOR IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 336:

To be captain

KENNETH W. MEGAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211(A)(2):

To be commander

JENNIFER A. KETCHUM

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GARY R. ALLEN
ANDREW M. HARRIS
ROBERT W. LESHNER
JOHN A. PAPLE, JR.
ORAN L. ROBERTS

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

PATRICK A. BARNETT
CHARLES T. CROSBY
MARK D. DROWN
BRUCE D. FARRELL
KERRY W. GOODMAN
ROBERT D. GUADSMITH
LYNN M. HENG
JAMES W. HILLIARD
PAUL E. LIPPSTOCK
KEVIN D. LYONS
JOHN J. MORRIS
MARTIN K. MOTE
WILLIAM J. PRENDERGAST IV
ELLEN J. REILLY
TROY W. ROSS
WILLIAM R. SPRAY
JEFFREY P. VAN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DAVID S. FUCHS, JR.

THE FOLLOWING NAMED OFFICERS IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

DANIEL J. TRAUB

To be lieutenant commander

KURT A. MICHAELIS
WILLIAM N. SOLOMON

EXTENSIONS OF REMARKS

RON ALLERD TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor Mr. Ron Allerd, a Colorado businessman who transformed Telluride, Colorado into one of the nation's most treasured, world-class ski resorts. Because of his vision and determination, Mr. Allerd will officially be inducted into the Colorado Ski Hall of Fame on November 2, 2011.

Mr. Allerd first envisioned what the town of Telluride could become after skiing with Telluride native, Johnnie Stevens. In 1978, Mr. Allerd and his business partner, Jim Wells, purchased the Telluride Ski Company, a small company that operated only a few lifts and one day resort.

Their vision slowly became a reality in the community, but on more than one occasion its existence was threatened. After tireless effort and determination, Mr. Allerd worked with various stakeholders and the community to bring amenities to the area, such as an airport, a golf course and a gondola transportation system.

Today, Telluride is an all-season resort that offers unique character to a once dying mining town. Networks of lifts now cover Telluride and its adjoining town, Mountain Village, bringing tourists from around the world to visit this vibrant and active Colorado community.

Mr. Speaker, it is an honor to recognize Mr. Ron Allerd. His legacy and vision is one that will affect Coloradans and Americans for many years to come.

MR. BRIAN GRYBOSKI

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. BARLETTA. Mr. Speaker, I rise to honor Brian Gryboski for the recognition of his athletic ability as he is accepted into the Plains Sports Hall of Fame in Northeastern Pennsylvania.

Mr. Gryboski began his sports career as a pitcher and shortstop in the Plains Little League and as a running back and linebacker with the Plains Yankee football team. In 1989, his final year in the Plains Little League, he threw a no-hitter against Pittston, and he and his team would go on to win the District 16 Little League championship.

While attending Bishop Hoban High School, Mr. Gryboski was a two-year starter for the Argents basketball team when they won two District 2 championships. In 1994, the team reached the state quarterfinals. Also in 1994,

Mr. Gryboski was named the McGrane Tournament Most Valuable Player. In 1995, he was a Wyoming Valley Conference All-Star, and he was the leading scorer in the conference.

While at Wilkes University, Mr. Gryboski played in a record-setting 116 games for the Colonels through his four years. During his stretch at Wilkes, the team earned an impressive 99 wins with just 17 losses. He was a three-year starter, and he was team captain as a senior. Mr. Gryboski's teams accumulated four Middle Atlantic Conference (MAC) Freedom League Championships, three MAC conference titles, and trips to the NCAA Division III "Elite Eight" in 1996, "Final Four" in 1998, and "Sweet 16" in 1999.

Individually, Mr. Gryboski was selected to the All-Eastern College Athletic Conference Third Team in 1997–1998. He left a legacy at Wilkes University, where he is ranked in the Top 20 in all-time scoring with 1,120 points, and he is in the Top 10 in rebounding, free throws attempted, and free throws made.

Mr. Speaker, as a fantastic baseball and basketball player, Mr. Brian Gryboski, left his mark on numerous sports teams, and he will be honored by being inducted into the Plains Sports Hall of Fame.

RECOGNIZING PROF. KRZYSZTOF KANIASTY FOR RECEIVING THE STRESS AND ANXIETY RESEARCH SOCIETY (STAR) LIFETIME CAREER ACHIEVEMENT AWARD

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. CRITZ. Mr. Speaker, I rise today to recognize an outstanding scholar for being honored by his peers with an internationally coveted award for excellence in the field of social psychology. Krzysztof Kaniasty, a psychology professor at Indiana University of Pennsylvania, received the Stress and Anxiety Research Society (STAR) Lifetime Career Achievement Award during the 32nd annual STAR Conference held recently in Munster, Germany. Each year, STAR presents this award to one of its members who has contributed an original and impactful body of work to one or more of the psychology sub-fields of stress, coping, emotions and health.

Dr. Kaniasty received a Master of Arts in Clinical psychology from Adam Mickiewicz University in Poland in 1981 and a Ph.D. in Social/Community Psychology from the University of Louisville in 1991. Since completing his Doctoral work, he has had over 50 articles published in respected professional journals and has been invited to speak about his work at over 150 different international conferences

and meetings. In addition to receiving STAR's lifetime achievement honor, he has been given awards for his work by both the Polish government and Indiana University of Pennsylvania.

Dr. Kaniasty rose to prominence in his field by producing research that provides valuable insight into the psychological impact of natural disasters and criminal victimization. His ability to write and speak prolifically on the complex social dynamics and psychological processes that characterize populations that have experienced a traumatic event is a testament to his skillfulness as a scholar.

It pleases me greatly that Dr. Kaniasty's scholastic efforts have been officially recognized by a professional society as reputable as STAR. I expect that his research from this point forward will be as edifying as it has been over the first 30 years of his distinguished career.

HONORING FARHAD MANSOURIAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Ms. WOOLSEY. Mr. Speaker, I rise today to recognize Marin County's departing Director of Public Works, Farhad Mansourian. After more than three decades of service to the County of Marin and seven years as Director of the Department of Public Works, Mr. Mansourian has demonstrated an unparalleled commitment to the people of Marin. His passion for managing public works initiatives has earned him the respect and admiration of colleagues across the North Bay. Mansourian moves on to a position as General Manager of the Sonoma-Marina Area Rail Transit (SMART) District, where his voice of experience will be instrumental in bringing our regional rail service to completion.

Farhad Mansourian began his service with the County of Marin in 1980 as a Junior Civil Engineer, gradually branching into new fields as he was promoted to administrative analyst, traffic operations engineer, road maintenance engineer, and eventually Assistant Director. In 2002, the Marin County Board of Supervisors named Mansourian Director of the Department of Public Works, putting him in charge of an agency with over 200 employees and an annual budget of roughly \$80 million.

Since that time, Mansourian has distinguished himself as the principal guardian of the County's infrastructure, including roads and bridges, flood control operations, hazardous waste systems, and public buildings. The County has turned to Mansourian every winter to keep an aging infrastructure functioning in the aftermath of heavy storms. The community turned to him in the event of emergencies like flooding or earthquakes many times. Mansourian also serves as Co-Commander of the Regional Urban Search and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Rescue Task Force, which has provided assistance not only in the North Bay, but in other communities recovering from natural disasters, as far away as the Gulf Coast.

In countless ways, Farhad Mansourian has been responsible for keeping our County functioning by facilitating environmental protection and economic development that ensure the safety of Marin County residents. I have found him to be a thoughtful, reliable, and expert partner when working together on these important issues.

Over the past several years, Mansourian has also been a strong advocate for the SMART initiative linking the urban centers of the North Bay with a modern and environmentally responsible rail system. He was active in gathering support for the proposal and in achieving the overwhelming public support received for the bi-county ballot measure providing SMART funding. Mansourian's new role managing the SMART District is fitting for a man so committed to advancing the North Bay's vision for its future, while bridging its infrastructure needs with strong environmental priorities.

Mr. Speaker, I ask you to join me in thanking Farhad Mansourian for his many contributions to Marin County. He represents an admirable model of public service, and we wish him the same success in his new endeavors.

GOVERNMENT ACCOUNTABILITY
OFFICE OPINION THAT THE
WHITE HOUSE OFFICE OF
SCIENCE AND TECHNOLOGY POL-
ICY HAS VIOLATED THE LAW
AND THE ANTI-DEFICIENCY ACT
IN ITS BILATERAL DEALINGS
WITH THE CHINESE GOVERN-
MENT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. WOLF. Mr. Speaker, I submit an opinion that I have received from the Government Accountability Office that White House Office of Science and Technology Policy, led by Dr. John Holdren, is in violation of the law and the Anti-Deficiency Act due to its continued dealings with the Chinese government.

UNITED STATES

GOVERNMENT ACCOUNTABILITY OFFICE,

Washington, DC, October 11, 2011.

Hon. FRANK R. WOLF,
*Chairman, Subcommittee on Commerce, Justice,
Science, and Related Agencies, Committee
on Appropriations, House of Representa-*

tives.
Subject: Office of Science and Technology
Policy—Bilateral Activities with China

This responds to your request for our opinion on the propriety of activities undertaken in May 2011 by the Office of Science and Technology Policy (OSTP) with representatives of the government of the People's Republic of China. Letter from Representative Wolf to the Comptroller General (May 11, 2011) (Request Letter). Specifically, you point to meetings with Chinese representatives during the U.S.-China Dialogue on Innovation Policy (Innovation Dialogue) and the U.S.-China Strategic and Economic Dia-

logue (S&ED) held in Washington, D.C., in May 2011. You ask whether OSTP violated section 1340 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011. Section 1340 prohibits the use of OSTP appropriations for bilateral activities between OSTP and China, or Chinese-owned companies, unless specifically authorized by laws enacted after the date of the appropriations act. Pub. L. No. 112-10, div. B, title III, 125 Stat. 38, 123 (Apr. 15, 2011).

As explained below, we conclude that OSTP's use of appropriations to fund its participation in the Innovation Dialogue and the S&ED violated the prohibition in section 1340. In addition, because section 1340 prohibited the use of OSTP's appropriations for this purpose, OSTP's involvement in the Innovation Dialogue and the S&ED resulted in obligations in excess of appropriated funds available to OSTP; as such, OSTP violated the Antideficiency Act, 31 U.S.C. § 1341(a)(1)(A).

Our practice when rendering legal opinions is to obtain the views of the relevant agency to establish a factual record and to elicit the agency's legal position on the subject matter of the request. GAO, *Procedures and Practices for Legal Decisions and Opinions*, GAO-06-1064SP (Washington, D.C.: Sept. 2006), available at www.gao.gov/legal/resources.html. In this case, OSTP provided us with its legal views and relevant supporting materials. Letter from General Counsel, OSTP to Assistant General Counsel, GAO, Re: B-321982, Office of Science and Technology Policy—Bilateral Activities with China (June 23, 2011) (OSTP Response). We also spoke by telephone with OSTP's General Counsel to ask questions about OSTP's June letter. Telephone Conversation with General Counsel, OSTP (Aug. 4, 2011) (August Conversation). See also Letter from General Counsel, OSTP to Senior Attorney, GAO, Re: Follow-up to August 4, 2011, Telephone Call (Aug. 29, 2011) (OSTP August Letter).

BACKGROUND

The Presidential Science and Technology Advisory Organization Act of 1976 established OSTP to "serve as a source of scientific and technological analysis and judgment for the President with respect to major policies, plans, and programs of the Federal Government." 42 U.S.C. 6614(a). Part of the agency's mission is to "advise the President of scientific and technological considerations involved in areas of national concern including . . . foreign relations. . . ." 42 U.S.C. 6613(b)(1).

Between May 6 and 10, 2011, OSTP "led and participated in a series of meetings with Chinese officials" as part of the Innovation Dialogue and the S&ED. OSTP Response, at 3. On May 6, 2011, the OSTP Director and Chinese Minister of Science and Technology participated in the Innovation Dialogue. According to OSTP, a goal of the Innovation Dialogue was to "serve as a forum for persuading the rollback of discriminatory, counterproductive Chinese procurement and intellectual property policies. . . ." OSTP Response, at 3. Among the topics discussed were "market access and technology transfer; innovation funding and incentives; standards and intellectual property; and government intervention." OSTP Response, at 4. OSTP informed our office that the OSTP Director opened and closed the Innovation Dialogue and served on discussion panels. OSTP August Letter, at 1. OSTP staff helped the Director prepare for and participate during the meetings. Id. See OSTP Response, at 5.

On May 8, 2011, OSTP hosted a dinner to honor Chinese dignitaries. Six U.S. partici-

pants attended the dinner, along with an unidentified number of "staff-level employees from other federal agencies." OSTP Response, at 4, n.13. The Director is the only listed dinner attendee from OSTP. There were six Chinese invitees. Id.

On May 9 and 10, 2011, OSTP participated in the S&ED. The purpose of the S&ED was to bring together various U.S. and Chinese government officials to "discuss a broad range of issues between the two nations," including on matters regarding trade and economic cooperation. U.S. Department of the Treasury, U.S.-China Strategic and Economic Dialogue, available at www.treasury.gov/initiatives/Pages/china.aspx (last visited Oct. 4, 2011). The Secretary of the Treasury and the Secretary of State co-chaired the S&ED along with the Vice Premier and State Councilor of the People's Republic of China. Id. Topics of discussion included "enhancement of trade and investment cooperation; an overview of bilateral relations; military-to-military relationships; cooperation on clean energy, energy security, climate change, and environment; customs cooperation; and energy security." OSTP Response, at 4. The OSTP Director spoke many times during the various sessions, including on U.S.-China cooperation on climate science. August Conversation. OSTP also had at least one staff member attend the S&ED in addition to the Director. Id.

The Full-Year Continuing Appropriations Act, 2011, enacted into law on April 15, 2011, included appropriations for OSTP for fiscal year 2011 in title III of division B. Pub. L. No. 112-10, div. B. Section 1340 of title III provides:

"None of the funds made available by this division may be used for the National Aeronautics and Space Administration or the Office of Science and Technology Policy to develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company unless such activities are specifically authorized by a law enacted after the date of enactment of this division."

Pub. L. No. 112-10, 1340.

OSTP informed us that it incurred costs of approximately \$3,500 to participate in the week's activities, including the cost of staff time for nine employees preparing for and participating in the discussions, as well as the cost of the dinner OSTP hosted on May 8. OSTP Response, at 5.

DISCUSSION

At issue in this opinion is whether OSTP violated section 1340's proscription, and, if so, whether the agency violated the Antideficiency Act.

As with any question involving the interpretation of statutes, our analysis begins with the plain language of the statute. *Jimenez v. Quarterman*, 555 U.S. 113 (2009). When the language of a statute is "clear and unambiguous on its face, it is the plain meaning of that language that controls." *B-307720*, Sept. 27, 2007; *B-306975*, Feb. 27, 2006; see also *Lynch v. Alworth-Stephens Co.*, 267 U.S. 364, 370 (1925).

The plain meaning of section 1340 is clear. OSTP may not use its appropriations to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned companies. Here, OSTP's participation in the Innovation Dialogue and S&ED contravened the appropriations restriction. The Director opened the Innovation Dialogue and moderated discussions therein. OSTP

staff prepared materials for and attended the discussions. OSTP then invited U.S. and Chinese officials to a dinner that it paid for using its appropriation. Finally, OSTP participated in the S&ED, during which the Director spoke on multiple occasions, including on climate science. OSTP did not identify, nor are we aware of, any specific authority to do so that was enacted after the date of the Continuing Appropriations Act, 2011.

OSTP does not deny that it engaged in activities prohibited by section 1340. OSTP Response; August Conversation. OSTP argues, instead, that section 1340, as applied to the events at issue here, is an unconstitutional infringement on the President's constitutional prerogatives in foreign affairs. OSTP Response, at 1; August Conversation; Letter from Director, OSTP, to the Speaker of the House of Representatives, Re: Section 1340 of the Department of Defense and Full-Year Continuing Appropriations Act of 2011 (May 16, 2011) (OSTP May 16 Letter). OSTP claims that section 1340 is "unconstitutional to the extent its restrictions on OSTP's use of funds would bar the President from employing his chosen agents for the conduct of international diplomacy." OSTP Response, at 1. OSTP asserts that the President has "exclusive constitutional authority to determine the time, place, manner, and content of diplomatic communications and to select the agents who will represent the President in diplomatic interactions with foreign nations." OSTP May 16 Letter. OSTP argues that, for this reason, Congress may not "use its appropriations power to infringe upon the President's exclusive constitutional authority in this area." *Id.*

It is not our role nor within our province to opine upon or adjudicate the constitutionality of duly enacted statutes such as section 1340. See B-300192, Nov. 13, 2002; see also B-306475, Jan. 30, 2006. In our view, legislation that was passed by Congress and signed by the President, thereby satisfying the Constitution's bicameralism and presentment requirements, is entitled to a heavy presumption in favor of constitutionality. B-302911, Sept. 7, 2004. See *Bowen v. Kendrick*, 487 U.S. 589, 617 (1988). Determining the constitutionality of legislation is a province of the courts. U.S. Const. art. III, §2. Cf. *Fairbank v. United States*, 181 U.S. 283, 285 (1901). Therefore, absent a judicial opinion from a federal court of jurisdiction that a particular provision is unconstitutional, we apply laws as written to the facts presented. See B-114578, Nov. 9, 1973. In 1955, for example, we stated that we "accord full effect to the clear meaning of an enactment by the Congress so long as it remains unchanged by legislative action and unimpaired by judicial determination." B-124985, Aug. 17, 1955. We see no reason to deviate here. Indeed, we are unaware of any court that has had occasion to review the provision, let alone adjudicate its constitutionality, nor did OSTP advise of any judicial determination or ongoing litigation.

As a consequence of using its appropriations in violation of section 1340, OSTP violated the Antideficiency Act. Under the Antideficiency Act, an officer or employee of the U.S. Government may not make or authorize an expenditure or obligation exceeding an amount available in an appropriation. 31 U.S.C. §1341. See B-300192, Nov. 13, 2002. If Congress specifically prohibits a particular use of appropriated funds, any obligation for that purpose is in excess of the amount available. 71 Comp. Gen. 402 (1992); 62 Comp. Gen. 692 (1983); 60 Comp. Gen. 440 (1981). By

using its fiscal year 2011 appropriation in a manner specifically prohibited, OSTP violated the Antideficiency Act. Accordingly, OSTP should report the violation as required by the act.

Sincerely,

LYNN H. GIBSON,
General Counsel.

MS. ERIN TREASTER

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. BARLETTA. Mr. Speaker, I rise to honor Erin M. Treaster for her performance on the basketball court and soccer field, and as she is accepted into the Plains Sports Hall of Fame in Northeastern Pennsylvania.

A graduate of Bishop Hoban High School, Ms. Treaster was a four-year starter on both the soccer and basketball teams. In both sports she excelled, as she was selected as an all conference performer. She was also selected as the most valuable player of the Wyoming Valley Soccer Conference, and she was selected to the All-State Soccer team.

While attending college at Bloomsburg University, Ms. Treaster was a four-year starter for the Huskies in both basketball and soccer. In soccer, she was selected to the Pennsylvania State Athletic Conference (PSAC) second team from 1995 through 1998, a regional All-American in 1996 and 1997, and ranks as the 10th overall soccer assist leader in Bloomsburg University history.

In basketball, Ms. Treaster's performance was equally impressive. She was selected All-Conference PSAC East Rookie of the Year in 1995-1996. With 456 assists, she is the all-time leader in the school's history, and the eighth all-time leader in steals with 202.

Mr. Speaker, it is my pleasure to officially congratulate Ms. Erin M. Treaster for all of her accomplishments, and especially her induction into the Plains Sports Hall of Fame.

GREATER NEW BEDFORD COMMUNITY HONORS NATE MEDEIROS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, there is no way that those of us who have stayed at home can discharge the debt we owe to the men and women who put their lives and safety at risk as members of the Armed Services, but it is important that we do what we can to show that we understand how deep that debt is. On October 23, I will have the privilege of participating in an effort to do that in the town of Fairhaven, Massachusetts, where the Greater New Bedford Community will gather to honor Army Pfc. Nathan Medeiros. Pfc. Medeiros is recovering from serious shrapnel and burn wounds he sustained from a roadside bomb last month in Afghanistan. His friends and neighbors will be gathering to show how deeply they honor his courage and appreciate his sacrifice.

Mr. Speaker, the wounds from which Nate Medeiros is recovering remind us all that while war is sometimes necessary in national self defense, it is always terrible in the toll it takes of our best and bravest. I am honored to be able to participate in this community effort to show Nate Medeiros how deeply we feel the debt to him, and Mr. Speaker, as an example that the nation should note, I ask that the article from the New Bedford Standard Times from October 11 about this event be printed here.

EVENT SCHEDULED TO HONOR NEW BEDFORD SOLDIER WOUNDED IN AFGHANISTAN

(By Brian Fraga)

NEW BEDFORD.—An event will be held later this month to honor Army Pfc. Nathan Medeiros, a New Bedford native recovering from shrapnel and burn wounds he sustained from a roadside bomb in Afghanistan last month.

"Honoring Our Own: Nate Medeiros" is scheduled for Oct. 23, from 3-7 p.m., at the Seaport Inn in Fairhaven. Due to military regulations, the event is not a benefit, and there will be no admission charge.

"After all, this will be the true epitome and best way to honor Nate for his heroic efforts," said Carl Pires, a friend of Medeiros's family who is coordinating the event, and will serve as its emcee.

The night will also feature performances by local musicians and artists such as poet Charles Perry and singers Tiny Tavares, Candida Rose, Glenn "G-Money" Enos, Navelle "Chops" Turner and Irving Washington III, former lead singer of the R&B group Portrait.

New Bedford Mayor Scott W. Lang, State Sen. Mark C.W. Montigny, D-New Bedford, and U.S. Rep. Barney Frank are also scheduled to be on hand to speak and present resolutions to Medeiros and his family, Pires said.

On Sept. 14, Medeiros, 28, an infantry machine-gunner assigned to the 1st Stryker Brigade Combat Team of the 25th Infantry Division, was on patrol in Afghanistan, clearing roadside bombs from an area known as "IED Alley."

Medeiros said he had just noticed two Afghan men crouching at a distance, and was pointing out their location to his fellow soldiers when a roadside bomb detonated less than 2 feet from where he was standing.

"I turned back around and just as I do this, I'm blown into the air and back onto my side," said Medeiros, who has undergone several surgeries to remove shrapnel and debris from his legs.

Medeiros, a graduate of New Bedford High School's night program, also sustained lacerations to his face and neck, swelling in his hands and partial hearing loss.

He arrived home in New Bedford last week on leave, and will be present for the event.

"It's great to have him home," said Medeiros' mother, Cherele Fortes, who said her son surprised them in coming home.

"He looks good. He's got some scars, some bruising, but he is in great spirits. He is an amazing kid. God still has plans for him. That's why he's still with us," Fortes said.

HONORING THE NAACP—MORRIS
COUNTY BRANCH

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Morris County Branch of the National Association for the Advancement of Colored People, NAACP, as it celebrates its 80th Anniversary.

Founded in 1909, the NAACP is the nation's oldest and largest grassroots-based civil rights organization. With over a half-million members and supporters both throughout the country and around the world, the NAACP strives to ensure the political, educational, social and economic equality of rights of all persons and to eliminate race-based discrimination.

To support the national organization's mission, different branches of the NAACP have been established throughout the United States. The NAACP, Morris County Branch, was established in 1931. Headquartered in Morristown, New Jersey, the Morris County Branch has provided great support to the mission and vision of the national organization.

Throughout its 80 years, the Morris County branch has sought to pursue the elimination of racial prejudice and discrimination through numerous events and fundraisers, most notably their Annual Freedom Banquet. This annual fundraiser, also celebrating its 80th anniversary, brings together people from all races, all economic backgrounds to join together for one common purpose: to ensure equality for our fellow citizens.

The NAACP, Morris County Branch, is a wonderful organization, one of which I am proud to say calls the New Jersey 11th Congressional District home.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the members and staff of the Morris County Branch of the NAACP as they celebrate 80 years of promoting equality for our nation.

INTRODUCTION OF LEGISLATION
ENDING A CURRENT LAW LOOP-
HOLE THAT ALLOWS FOREIGN
INSURANCE GROUPS TO STRIP
THEIR U.S. INCOME INTO TAX
HAVENS TO AVOID U.S. TAX

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. NEAL. Mr. Speaker, today I am pleased to come before the House to introduce legislation ending a current law loophole that allows foreign insurance groups to strip their U.S. income into tax havens to avoid U.S. tax and gain a competitive advantage over American companies. I am pleased to be joined in my efforts by Senator MENENDEZ who is introducing the Senate companion bill.

Many foreign-based insurance companies are using affiliate reinsurance to shift their U.S. reserves overseas into tax havens, thereby avoiding U.S. tax on their all investment in-

come. This provides these companies with a significant unfair competitive advantage over U.S.-based companies, which must pay tax on their investment income. To take advantage of this loophole, several U.S. companies have "inverted" into tax havens and numerous other companies have been formed offshore. And, absent effective legislation, industry experts have predicted that capital migration will continue to grow and other insurers will be forced to redomesticate offshore. As we grapple with significant budget challenges in the years to come, it is essential that we not allow the continued migration of capital overseas and erosion of our tax base.

The bill I am introducing today does not impact third party reinsurance, which adds needed capacity to the market. It is a fundamental business technique for risk management and is to be fostered. Rather, the bill is targeted solely at reinsurance among affiliates, which adds no additional capacity to the market and is often used for tax avoidance.

There have been previous attempts to address the tax avoidance problem resulting from reinsurance between related entities. Congress first recognized the problem of excessive reinsurance in 1984 and provided specific authority to Treasury under Section 845 of the Tax Code to reallocate items and make adjustments in reinsurance transactions in order to prevent tax avoidance or evasion. In 2003, the Bush Treasury Department testified before Congress that the existing mechanisms were not sufficient. In 2004, Congress amended Section 845 to expand the authority of Treasury to not only reallocate among the parties to a reinsurance agreement but also to recharacterize items within or related to the agreement. Congress specifically cited the concern that these reinsurance transactions were being used inappropriately among U.S. and foreign related parties for tax evasion. Unfortunately, as recent data shows, this grant of expanded authority to Treasury has not stemmed the tide of capital moving offshore.

Since 1996, the amount of reinsurance sent to offshore affiliates has grown dramatically, from a total of \$4 billion ceded in 1996 to \$33 billion in 2008, including nearly \$21 billion to Bermuda affiliates and over \$7 billion to Swiss affiliates. Use of this affiliate reinsurance provides foreign insurance groups with a significant market advantage over U.S. companies in writing direct insurance here in the U.S. We have seen in the last decade a doubling in the growth of market share of direct premiums written by groups domiciled outside the U.S., from 5.1 percent to 10.9 percent, representing \$54 billion in direct premiums written in 2006. Again, Bermuda-based companies represent the bulk of this growth, rising from 0.1 percent to 4 percent. And it should be noted that during this time, the percentage of premiums ceded to affiliates of non-U.S. based companies has grown from 13 percent to 67 percent. Bermuda is not the only jurisdiction favorable for reinsurance. In fact, one company moved from the Cayman Islands to Switzerland citing "the security of a network of tax treaties," among other benefits.

A coalition of U.S.-based insurance and reinsurance companies has been formed to express their concerns to Congress. They wrote to the leadership of the House and Senate

tax-writing committees urging passage of my prior bill because, as they wrote, "This loophole provides foreign-controlled insurers a significant tax advantage over their domestic competitors in attracting capital to write U.S. business." With more than 150,000 employees and a trillion dollars in assets here in the U.S., I believe it is a message of concern that we should heed.

That is why I am again filing legislation to end the Bermuda reinsurance loophole. This proposal has been developed working with the tax experts at both the Treasury Department and the staff of the Joint Committee on Taxation to address concerns that have been raised with prior versions of the bill and develop a balanced approach to address this loophole. The proposal is consistent with our trade agreements and our tax treaties.

Specifically, the proposal I am filing today effectively defers any deduction for premiums paid to foreign affiliated insurance companies if the premium is not subject to U.S. tax. This is accomplished by denying an upfront deduction for any affiliate reinsurance and then excluding from income any reinsurance recovered (as well as any ceding commission received), where the premium deduction for that reinsurance has been disallowed.

The bill allows foreign groups to avoid the deduction disallowance by electing to be subject to U.S. tax with respect to the premiums and net investment income from affiliate reinsurance of U.S. risk. Special rules are provided to allow for foreign tax credits to avoid double taxation. This ensures a level-playing field, treating U.S. insurers and foreign-based insurers alike.

The legislation provides Treasury with the authority to carry out or prevent the avoidance of the provisions of this bill.

A fuller technical explanation of the bill can be found on my website.

This "deduction deferral" proposal is similar to one contained in the administration's budget this year. In an effort to combat earnings stripping, this bill uses a common-sense approach, which will effectively defer the deduction for premiums paid until the insured event occurs—thereby restricting any tax benefit from shifting reserves and associated investment income overseas.

Ending this unintended tax subsidy for foreign insurance companies will stop the capital flight at the expense of American taxpayers and restore competitive balance for domestic companies. Closing this loophole does not impose a new tax. It merely ensures that foreign-owned companies pay the same tax as American companies on their earnings from doing business here in the United States. Congress never would consciously subsidize foreign-owned companies over their American competitors. Thus, there is no reason an unintended subsidy should be allowed to continue.

Mr. Speaker, I appreciate the opportunity to address the House on this important matter and I assure my colleagues that I will continue my efforts to combat offshore tax avoidance, regardless of what industry is impacted.

MR. JOHN BARANSKI

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. BARLETTA. Mr. Speaker, I rise to honor John Baranski for his performance as an athlete, coach, and mentor, and on his acceptance into the Plains Sports Hall of Fame in Northeastern Pennsylvania.

John Baranski, who was better known as Jack, is a graduate of Coughlin High School. At Coughlin, he played tackle on both offense and defense for the Crusaders, and was part of their 1985 and 1986 Wyoming Valley Conference Championship teams. In 1987, Mr. Baranski was selected by the Wilkes-Barre Times Leader newspaper as a first-team All-Conference tackle. Because of his stellar performance in the Wyoming Valley West High School game, he was awarded the Outstanding Senior Athlete Award from the Coughlin Booster Club and the Red Pendergrass Award. Also as a senior, Mr. Baranski played in the UNICO All-Star Game.

Mr. Baranski's playing career may be over, but his knowledge and skills are present in the student-athletes he has coached over the years. He coached at Coughlin from 1992 through 1999, and now he is the offensive coordinator for the Spartans of Wyoming Valley West. During his career as a coach, his teams have combined for seven District 2 AAAA championships and five Wyoming Valley Conference championships. He has also served as president of the Ed/Stark Little League in 2009, and of the West Side Little League in 2010 and 2011.

Mr. Speaker, John "Jack" Baranski, a product of Plains youth football and basketball, has certainly proven himself worthy of being called a "Hall of Famer" through his years of outstanding performance as a player and coach.

HONORING PAMELA ANN
COCHRANE OF LAKEPORT, CALI-
FORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of Mrs. Pamela Ann Cochrane, a resident and servant of the County of Lake for over three decades and among the most cherished and appreciated members of her community.

Mrs. Cochrane has been a public servant for 40 years, beginning her career of service in Lake County as an accountant in the Auditor-Controller's Office in 1980. Since that time her responsibilities and contributions have only increased. She became a supervising accountant in 1988, was promoted to Chief Deputy Auditor-Controller in 1994, served as Interim County Clerk/Auditor-Controller in 1998, and was successfully elected by the citizens of Lake County to the post of County Clerk/Auditor-Controller in 1998, 2002, 2006, and 2010.

Always a leader who valued versatility and adaptability among her staffers, Mrs.

Cochrane made good on her campaign promise to "cross train all employees of the Auditor-Controller's Office," and is regarded by many of her colleagues and peers as an outstanding boss and coworker, and a great friend. She has always been quick to champion the accomplishments of her staff and department, which has won awards for excellence in financial reporting from the Government Finance Officer's Association and the State Controller's Office.

Mrs. Cochrane is also a model citizen and an enduring participant in a number of community organizations and groups. She is treasurer and a long-time member of the Lake County Hospice Board of Directors, a very active member of the Lakeport Rotary Club, a proud mother of three and grandmother of four.

Therefore, Mr. Speaker and colleagues, I believe it is appropriate at this time that we commend and applaud the tremendous contributions that my friend, Mrs. Cochrane, has made to the County of Lake and her fellow members of that community. We wish to extend to her our deepest gratitude and best wishes for many years of happy retirement with her husband, James.

CAPE VERDEAN EX-PRESIDENT
PIRES IS PRAISED FOR HIS
LEADERSHIP ROLE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, last week, on the death of former Cape Verdean President Aristides Pereira, I noted the great achievement of that country in showing the world that a nation winning its independence in the post-World War II period can progress economically while fully respecting democratic norms. Earlier this week, that extremely admirable record was recognized as well by the Mo Ibrahim Foundation as they awarded the Ibrahim Prize for Achievement in African Leadership to Pedro de Verona Rodrigues Pires, the recently retired President of Cape Verde. President Pires was elected to two terms as President and was one of those responsible for the great record of economic development a record recognized by both the Bush and Obama administrations in their strong support for Cape Verde's participation in our Millennium Challenge program. President Pires' popularity and record of success was such that some urged him to support a constitutional amendment so he could run for a third term, but he refused to do that, demonstrating a strong commitment to both the spirit and the letter of democracy.

Mr. Speaker, I congratulate the people of Cape Verde for the example they set so much of the world in combining economic progress and democratic commitment, and I am glad to once again express to President Pires, whom I had the privilege of meeting in Brockton, Massachusetts last summer, my great admiration and respect for his work.

Mr. Speaker, I ask that the article from the New York Times about Pedro Pires winning

the Ibrahim Prize for Achievement in African Leadership be printed here, because the example set by President Pires and by the people of Cape Verde is one that deserves to be chronicled widely, and, I hope, followed.

[From the New York Times, Oct. 10, 2011]

EX-PRESIDENT OF CAPE VERDE WINS GOOD-
GOVERNMENT PRIZE

(By Adam Nossiter)

MONROVIA, LIBERIA.—Pedro de Verona Rodrigues Pires, the former president of Cape Verde, the desertlike archipelago about 300 miles off the coast of West Africa, has won one of the world's major prizes, the \$5 million Ibrahim Prize for Achievement in African Leadership.

The record of governing in Africa has been poor enough lately that the Mo Ibrahim Foundation decided not to award the prize for the past two years. In many African countries, leaders have refused to leave office after losing elections, tried to alter constitutions to ensure their continued tenure or gone back on pledges not to run for reelection.

But on Monday the foundation of Mr. Ibrahim, a Sudan-born telecommunications mogul whose goal is to promote good government in Africa, announced it had picked Mr. Pires of Cape Verde, a sparsely populated former Portuguese colony of 500,000 people, mostly of mixed Portuguese-African descent. The islands are a perennial exception to the many low rankings that international organizations, including Mr. Ibrahim's, give to nations on the continent for human rights and governing.

Mr. Pires served two terms—10 years—as president until stepping down last month. During that period, the foundation noted, Cape Verde became only the second African nation to move up from the United Nations' "least developed" category. The foundation says the prize is given only to a democratically elected president who has stayed "within the limits set by the country's constitution, has left office in the last three years and has demonstrated excellence in office."

Mr. Pires resisted suggestions that his country's Constitution could be changed to allow him to run again, a further point in his favor, the foundation said. In addition to the \$5 million award paid over 10 years, the winner receives \$200,000 annually for life thereafter.

"It is wonderful to see an African leader who has served his country from the time of colonial rule through to multiparty democracy, all the time retaining the interests of his people as his guiding principle," Mr. Ibrahim said in a statement. "The fact that Cape Verde with few natural resources can become a middle-income country is an example not just to the continent but to the world."

Mr. Ibrahim publishes an index scoring African countries on how they govern, and this year the index noted significant improvements in Liberia and Sierra Leone, while nonetheless finding an "unchanged continental average" in "overall governance quality."

THE U.S.-KOREA FREE TRADE AGREEMENT: A NO WIN SITUATION FOR AMERICA AND ITS WORKERS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. CONYERS. Mr. Speaker, why would Congress pass three leftover Bush NAFTA-style "free trade" agreements with Korea, Panama and Colombia?

A report issued by the Economic Policy Institute concluded that the Korea FTA agreement not only fails to create jobs for American workers, it would result in the net loss of 159,000 U.S. jobs in its first seven years. And when one considers the details of the agreement, it is not hard to see why.

Under the proposed Korea FTA, the United States will eliminate tariffs on South Korean cars and trucks, increasing South Korean imports here, without requiring them to buy more of our vehicles. As a concession, South Korea did agree to waive certain environmental and safety requirements for up to 25,000 cars per U.S. maker—if suddenly there is demand for U.S. cars in South Korea, whose consumers historically have not bought U.S. imports. More than 95 percent of the cars sold in South Korea today are made in South Korea.

Additionally, no changes were made to the low domestic content rules. Under the proposed agreement, up to 65 percent of the value of a vehicle can be sourced in low-wage nations like China and still qualify for the FTA's duty-free access. As a result, this agreement is an open invitation to the auto industry to send American auto parts jobs to China. Indeed, the Korean Auto Workers Union opposes this FTA because the low domestic content rules will also invite the South Korean parts industry to outsource their jobs to China. Meanwhile, Europe's trade agreement with South Korea requires 55 percent domestic content. Even NAFTA required 50 percent domestic content.

But while this FTA does not follow NAFTA's domestic content requirements, it does replicate NAFTA's special privileges for foreign investors. This allows foreign investors to evade domestic courts and use foreign tribunals to get reimbursed for regulatory costs from U.S. taxpayers. There are more than 270 Korean corporate affiliates in the U.S. who would be empowered to use these tribunals to raid our Treasury if the Korea FTA were implemented.

Among the laws exposed to attack are financial regulations that the U.S. and Korea implemented to restore stability after the devastating global financial crisis. The banks and securities firms that wrecked the global economy would be newly empowered under this deal to attack the policies designed to get them under control. Not surprisingly, the Korea FTA is loved by Wall Street's titans.

And the FTA even includes President Bush's ban on references to the International Labor Organization's Conventions—the global labor standard. The agreement does nothing to require South Korean labor law to be put on equal footing with U.S. law, as under South Korean law, union members can be fired for

striking and then sued for their employers' lost profits. The AFL-CIO, Teamsters, and many other American and Korean unions oppose this FTA.

With the Big Three beginning to recover and hire more workers thanks to major U.S. government assistance, it seems problematic that Congress would support an agreement that could boost the auto industry's profits, but only at the cost of more off-shored jobs.

The proposed Korea FTA is a bad deal for our country and America's workers. It's time to put the American worker first and stop these trade deals.

MR. KEVIN GRYBOSKI

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. BARLETTA. Mr. Speaker, I rise to honor Kevin Gryboski for his lifetime of outstanding athleticism, and on his acceptance into the Plains Sports Hall of Fame in Northeastern Pennsylvania.

Mr. Gryboski is a graduate of Bishop Hoban High School and Wilkes University. He began his baseball career in Plains with a Little League championship in 1984. He was also selected first-team All-State and top pitcher in the state in 1992 while playing for the Plains American Legion Baseball team. While at Bishop Hoban, Mr. Gryboski showed his talents on the field, as he was named an all-star in 1990 and 1991, and he also played basketball for the Argents.

Mr. Gryboski continued to show his talents during his time at Wilkes University, where he participated in both baseball and basketball. On the mound, he was named pitcher for the 1994 Middle Atlantic Conference championship team. To this day, he holds the Colonels' all-time record for complete games, and he has been inducted into the Wilkes University Athletic Hall of Fame.

Mr. Gryboski is an inspiration to many student-athletes because he showed the importance of education. In 1994, he was drafted by the Cincinnati Reds, but he deferred signing so he could finish earning his degree. He had truly ended up with the best of both worlds, as in 1995 he had his degree and signed with the Seattle Mariners, where he played until 2001. He was traded to the Atlanta Braves in 2002. His career also took him to the Texas Rangers, the Washington Nationals, the Pittsburgh Pirates, and finally to the San Francisco Giants in 2008 before he retired after a shoulder injury. He pitched in 190 regular-season games and 13 post-season games, and he helped the Braves win a National League East championship.

Mr. Speaker, it is an honor to commend Mr. Kevin Gryboski, and speak for the members of his hometown in appreciation of his gifts and abilities.

CONGRATULATING SIERRA PACIFIC INDUSTRIES ON RE-OPENING THE SONORA SAWMILL

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. DENHAM. Mr. Speaker, I rise today to recognize and congratulate Sierra Pacific Industries on re-opening the Sonora Sawmill. This dedicated business is assisting in bringing back economic vitality to the region.

Sierra Pacific Industries (SPI) is a third-generation family-owned forest products company based in Anderson, California. With its formation in 1949, the firm now owns and manages nearly 1.9 million acres of timberland in California and Washington, and is the second largest lumber producer in the United States. Sierra Pacific employs over 3,500 people in these two states, with about 3,000 of them in California. The U.S. Forest Service estimates that these direct jobs in California also provide more than 7,000 indirect jobs in related and affected businesses.

At Sierra Pacific Industries, the company's dedicated team members produce quality wood products using the most sophisticated equipment and machinery. This basic understanding represents Sierra Pacific's philosophy toward its valued crew members. During the course of Sierra Pacific's growth and development, efforts have been made to assure an atmosphere of fair treatment and appreciation for all employees. Some of SPI's continuing programs include: appropriate compensation and benefit levels for crew members and their dependents; development of supervisors sensitive to the needs and concerns of today's crew members; and career advancement opportunities for all employees through a desire to promote from within the company whenever possible. Through a full commitment to this philosophy, SPI continues to be an organization where its crew members are proud to work and others strive to become part of the team.

Sierra Pacific continues to make substantial investments in forestry and mill modernization in the State of California. Although many companies have left the state due to its difficult economic and regulatory climate, SPI remains committed to rebuilding a competitive climate for business in California and investing in the rural communities where it operates.

Sierra Pacific Industries is committed to managing its lands in a responsible and sustainable manner to protect the environment while providing quality wood products and renewable power for consumers. To SPI, sustainable forest management means more than planting trees. The company employs modern forest management practices that closely mimic natural forest events. It has invested in state-of-the-art equipment to optimize every fiber of every tree. SPI is a voluntary partner in the independent Sustainable Forestry Initiative® (SFI®) forest certification program to help ensure our forests are here for generations to come. The expertise of its registered professional foresters and natural resource specialists guarantees that wildlife habitats, water quality, and other forest values are protected.

The Sierra Pacific Foundation was established and funded in 1979 by A.A. "Red" Emmerson's father, R.H. "Curly" Emmerson. During the past 20 years, the Foundation has provided over \$3 million in Higher Education scholarships to dependent children of SPI employees. The Foundation also contributes to youth activities and other organizations in the communities in which Sierra Pacific Industries has facilities, with contributions to more than 100 worthy organizations each year. The Foundation awarded \$403,250 to 177 students to assist them as they attend colleges, universities and trade schools during the 2011-2012 school year.

Mrs. Ida Emmerson, wife of company president A.A. "Red" Emmerson for nearly 41 years, served as president of the Sierra Pacific Foundation until her death in 1996. Red and Ida's daughter, Carolyn Dietz, proudly succeeded her as Foundation president.

The original Sonora sawmill was first constructed in 1901. It had several owners before Sierra Pacific Industries purchased it and nearby timberlands in 1995. Sierra Pacific operated the plant continuously until it was forced to close the facility in 2009 amid weakness in the lumber market, reduced timber harvests on nearby national forest lands, and increasing state regulatory burdens. In June of 2011 SPI announced that it would rebuild the mill using new technologies that would allow it to cut a wider array of log sizes to maximize the efficiency of the operation. The mill restarted in September, 2011 and employs about 130 workers on two shifts.

Sierra Pacific Industries generates \$11.7 million in annual payroll in Tuolumne County to its direct employees, and pays \$400,000 in property taxes. In addition, SPI pays out over \$200,000 annually to local vendors for their supplies and services.

Mr. Speaker, please join me in praising Sierra Pacific Industries for their diligent work in the timber industry and applauding them in the re-opening of the Sonora Sawmill.

H.R. 2017, CONTINUING
APPROPRIATIONS ACT, 2012

HON. MICK MULVANEY

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. MULVANEY. Mr. Speaker, H.R. 2017 would fund the Federal Government from October 1, 2011 through October 4, 2011. It was considered by a unanimous consent request, which does not require a recorded vote. Had a recorded vote been required, I would have voted against this spending bill.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, October 11, 2011, I regrettably missed the votes on rollcall. My leave of absence was

due to a district event with the Secretary of Education, Arne Duncan. Had I been present, I would have voted "Nay" on the following bill.

H. Res. 425—Rule providing for consideration of H.R. 3078, United States-Colombia Trade Promotion Agreement Implementation Act, H.R. 3079, United States-Panama Trade Promotion Agreement Implementation Act, H.R. 3080, United States-Korea Free Trade Agreement Implementation Act and the Motion to Concur in the Senate Amendments to H.R. 2832 which extends the Generalized System of Preferences, and for other purposes.

Following H. Res. 425, I would have voted "Yea" on the following amendments.

Waxman Amendment (#11) which adds a new section at the end of the bill to ensure that the bill complies with the Republican discretionary CutGo protocol. The section says if the bill authorizes the appropriation of funds and does not reduce an existing authorization of appropriations to offset that amount, then the bill's provisions cease to be effective. CBO currently scores the bill as spending \$1 million over 5 years subject to appropriations.

Connolly Amendment (#18) which adds a new section at the end of the bill that directs the EPA Administrator not to delay actions to reduce pollution emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries or large manufacturing facilities if such emissions are causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks and bronchitis.

Markey Amendment which adds a new section at the end of the bill which directs the EPA Administrator not to delay actions to reduce pollution emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries or large manufacturing facilities if such emissions are increasing the risk of cancer.

Edwards Amendment which adds a finding to the bill which states, according to EPA, if the rules overturned by the bill remained in effect, they would create 2,200 net additional jobs, not including jobs created to manufacture and install equipment to reduce air pollution. This finding is drawn from EPA's analysis of the rules.

Schakowsky Amendment which adds a finding to the bill that mercury released into the ambient air from cement kilns is a potent neurotoxin that can damage the development of an infant's brain.

Ellison Amendment (#12) which allows EPA to require compliance by boilers sooner than 5 years (underlying bill says boilers get at least 5 years or longer to comply) if the new regulations required to be written under the bill result in the creation of more than 1,000 jobs.

Welch Amendment which adds a finding to the bill affirming that that the American people are exposed to mercury from industrial sources through the consumption of fish containing mercury and every state in the nation has issued at least one mercury advisory for fish consumption.

Jackson-Lee Amendment which requires boilers to comply no later than 3 years after EPA completes the re-write of boiler rules required by the bill. The bill includes a deadline of at least 5 years, the Clean Air Act currently requires 3 years and gives states or EPA the

ability to extend for a 4th year. The Jackson-Lee amendment would retain the CAA's current provisions.

MR. GERRY GRYBOSKI

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. BARLETTA. Mr. Speaker, I rise to honor Gerry Gryboski for his performance as an athlete, coach, and role model, and on his acceptance into the Plains Sports Hall of Fame in Northeastern Pennsylvania.

Gerry is a graduate of Sacred Heart High School, where he participated in basketball and baseball. He posted a 4-0 record as a pitcher in the 1962 Catholic League Championship, and he led the team with a .484 batting average.

Mr. Gryboski was invited to tryouts for both the Pittsburgh Pirates and Philadelphia Phillies; however, he ended up serving his country in the United States Army from 1963 to 1966.

Mr. Gryboski coached Biddy league as well as seventh and eighth grade basketball. He also coached Little and Teener league baseball for eleven years, from 1980 to 1991. He also contributed two All-Star sons to the Wyoming Valley Conference, Kevin and Brian.

Mr. Speaker, Gerry Gryboski must surely be proud of the spectacular athletes he has coached and raised, as well as of his career and the teams he has coached. It is with great pleasure that I commend him as he is accepted into the Plains Sports Hall of Fame.

SUPPORTING THE EXTENSION OF
TRADE ADJUSTMENT ASSISTANCE
AND OPPOSING THE FREE
TRADE AGREEMENTS WITH
SOUTH KOREA, PANAMA AND
COLOMBIA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. STARK. Mr. Speaker, I rise today in support of extending the Trade Adjustment Assistance Program (TAA) and in opposition to the three free trade agreements between the U.S. and South Korea, Panama, and Colombia.

TAA provides essential assistance to workers who lose employment due to trade agreements with foreign countries. We need to extend it. More than 280,000 displaced workers in 2010 relied on the greater job training options, health care tax credit coverage, and extra weeks of income support provided under the TAA program to get back on their feet after losing their jobs to foreign countries.

The residents of my district in California have firsthand experience with the benefits of TAA. California has seen multiple plant closings due to trade with countries around the globe. Last year, the NUMMI auto plant in my district closed and nearly 5,000 employees lost their jobs along with thousands more who

worked at suppliers for the plant. For these workers, TAA is a lifeline that is providing retraining, education, and other assistance to help them find new jobs.

U.S. trade policies and free trade agreements, such as NAFTA and DR-CAFTA, have decimated our manufacturing sector. They have protected corporate interests at the expense of workers and created incentives to ship jobs overseas. I opposed those agreements and I oppose the unfair free trade Agreements with Panama, Korea and Colombia that are currently before Congress.

If we want to get our economy back on track, we need to focus on creating jobs and not shipping more jobs overseas. These three free trade agreements follow the same failed Bush-era trade policies that allow multinational corporations to challenge public interest laws that protect the environment, health, and workers.

The agreement with South Korea will increase our trade deficit by billions of dollars and cost us an estimated 159,000 jobs. The Colombia agreement stands out because it would have us lower trade barriers with a country in which only 2 percent of workers are unionized and more trade unionists are murdered annually than anywhere else in the world. We should not sign more agreements that ship our jobs overseas, grant exceptional rights to large corporations, and fail to protect workers' rights or our environment.

Republicans in Congress have spent eight months tying the extension of critical TAA benefits to the three pending free trade agreements. In doing so, they've abandoned the very people who will get our economy going again: workers. It is a further wrong that the extension of TAA is just for two years, and not longer. These new trade agreements are going to be permanent. We should ensure that permanent TAA protections are there for the workers who will lose their jobs as a result of the trade agreements. Our vote today in favor of an extension of TAA will provide real help to these workers and their families. We owe it to them to support TAA and to oppose the three pending free trade agreements that will cost more jobs. I urge my colleagues to do the same.

HONORING DR. JOSEPH N. HANKIN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mrs. LOWEY. Mr. Speaker, I rise today to pay tribute to Dr. Joseph N. Hankin, who will be honored October 12 for his 40 years as President of Westchester Community College, the State University of New York, in Valhalla, NY. His four decades of exceptional leadership and dedication at this outstanding institution make him the longest-serving community college president in the nation.

That distinction is only the latest in Dr. Hankin's distinguished career in higher education. At age 26, he became the youngest community college president in the nation, when he assumed the presidency of Harford Community College, in Maryland. Four years

later, he moved to Westchester Community College. Under his leadership, WCC's enrollment has grown from several thousand to more than 30,000 in both credit and non-credit programs. The college's Continuing Education division is now the largest in New York State, providing lifelong learning for students of all ages. Its faculty and professional staff have received more SUNY Chancellors Awards for Excellence than any other community college in the system and the Westchester Community College Foundation has grown into one of the most successful community college foundations in the nation.

Mindful of the need to keep education relevant to the changing needs of its students and society, Dr. Hankin has overseen the addition of dozens of new curricula and the redesign of existing programs as well as the growth of comprehensive corporate training for businesses and entrepreneurs. Committed to the college's mission of quality, affordability and accessibility, he launched the highly-regarded Honors Program, and continues to support WCC's English Language Institute and its Virginia Marx Children's Center on campus. The latter gives students and staff the best child care possible at affordable rates. Dr. Hankin also has expanded the college's reach into every corner of the community, with five stand-alone extension centers and class offerings at hundreds of additional locations.

For all of these accomplishments and many more, Dr. Joseph N. Hankin has been named one of the Top Fifty Community College Leaders in the Nation and one of the Most Effective College Presidents in the U.S. I urge my colleagues to join me in recognizing him for his exemplary educational leadership, vision, service and commitment during his 40 years at Westchester Community College.

HONORING THE LIFE OF EMMA BATES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to pay tribute and honor the memory of Emma Bates from Riviera Beach, Florida. Mrs. Bates passed away on October 9, 2011, following a year-long battle with stomach cancer. Previously, she had beaten both breast and colon cancer, attesting to the strength and perseverance that drove Mrs. Bates throughout her life.

Mrs. Bates moved from her native Baxley, Georgia to the Glades area in Florida as a child. She graduated from Roosevelt High School in West Palm Beach. After graduation, she enrolled in several business management courses at what is now known as Palm Beach State College and later found an interest in cosmetology. It was not long until she opened her own hair salon, the Intimate Salon of Beauty in Riviera Beach. Mrs. Bates was believed to have been the first licensed African-American beautician in Palm Beach County.

She was known by many in the community as an activist who worked tirelessly for what she believed was right and in the best interest

of the Riviera Beach community. She served as the chairwoman of the Citizens Task Force and was a campaign manager for multiple candidates, including a successful campaign for City Council in 2007.

Mrs. Bates was a woman who was truly loved by her community and worked hard for what she believed in. I am deeply saddened by her passing, which is more than a personal loss, but also a loss for the community that she fought for and inspired. Her selfless efforts will continue to be felt for many years to come.

Mr. Speaker, I would like to extend my deepest condolences to Mrs. Bates' family and friends during this most difficult time. Her memory will live on and she will be dearly missed.

CELEBRATING THE 70TH BIRTHDAY OF TAKAYOSHI OSHIMA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. HONDA. Mr. Speaker, I rise today to honor a great American innovator and entrepreneur, Mr. Takayoshi Oshima. On the occasion of his 70th birthday, which he celebrated last month, I would like to take this opportunity to herald Mr. Oshima's many achievements in the field of business and technology—achievements that have helped establish Silicon Valley, which I am proud to represent, as the international center of IT research and development.

Born in Tochigi, Japan on September 17, 1941, Mr. Oshima moved to the United States with the support of generous benefactors to pursue an engineering degree at the University of Florida. He began his studies with little English fluency, but he studied hard and excelled academically, demonstrating early the high standards to which he has held himself throughout his life. Upon graduating, he was recruited by ITT to work in Puerto Rico. Restless for new challenges and opportunities, Mr. Oshima returned to Florida to study business after which he joined the esteemed ranks of the technology industry's earliest and most promising pioneers. He worked for the legendary Fairchild Semiconductor company, where he and his colleagues like Dr. Robert Noyce, Dr. Gordon Moore, and Dr. Andy Grove helped start what today has become Silicon Valley. He would later take on senior technical, marketing, and managerial roles at Advanced Micro Devices and Ungermann-Bass.

Taki currently serves as Chairman and CEO of Allied Telesis Holdings KK which he founded in San Jose, CA in 1987. Internationally recognized for developing sophisticated data networks used in high performance and high reliability applications, Allied Telesis today employs over 2,400 people in 23 countries around the world. At 70, he remains committed to leading a company on the cutting edge of technological innovation. He is personally motivated to address some of our nation's most pressing challenges: improving health care, homeland security, and transportation through more advanced technologies.

Mr. Oshima has not only distinguished himself in engineering and business; he is also a respected leader in the San Francisco Bay Area's Japanese American community. He is a committed family man—a proud father to two daughters and one son and a doting grandfather to four grandsons.

As a fellow Californian, as a Japanese American, and as a friend, I am proud today to pay tribute to Mr. Oshima for his contributions to America's technological advancement and economic growth. Although his modesty would seek to convince you otherwise, Mr. Oshima is among Silicon Valley's most successful and transformative entrepreneurs.

Mr. Speaker, I thank and applaud Mr. Takayoshi Oshima for his outstanding achievements and his passion to discover and foster untapped potential in every frontier. He is a true American pioneer.

MS. MARIE PAGE

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. BARLETTA. Mr. Speaker, I rise to honor Marie Page, president of Marie Page Cleaning Services, for her entrepreneurial spirit. Ms. Page started her business in residential cleaning and janitorial service in 1989. She proved herself as a legitimate business owner through hard work and determination. Marie Page Cleaning Services LLC is certified by the State of Pennsylvania as a woman-owned business enterprise.

Ms. Page's company is affiliated with the not-for-profit organization, Cleaning for a Reason, through which Marie Page Cleaning Services provides free cleaning for women undergoing cancer treatment—something we should note during Breast Cancer Awareness Month. Ms. Page shows her good heart as a business owner as she still offers compensation to her employees but donates the supplies and services. Marie Page has made her presence known as a businesswoman as well as her community efforts. It is for these reasons that I commend her.

Mr. Speaker, I applaud the efforts of this woman and her enterprising spirit in the face of adversity and in a difficult business climate. It is citizens such as Marie Page that make Northeastern Pennsylvania a wonderful place to live and work. As a former small business owner, I understand the concerns of starting a business, and Ms. Page has turned her start-up company into a successful and philanthropic organization that I am sure has a very bright future.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,863,312,407,851.35.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,224,886,661,557.55 since then. This debt and its interest payments we are passing to our children and all future Americans.

SOCIAL SECURITY, MEDICARE,
AND MEDICAID

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. BACA. Mr. Speaker, I urge my colleagues on the Joint Select Committee on Deficit Reduction to not make cuts to vital safety net programs like Social Security, Medicare, and Medicaid.

52.5 Million people received Social Security in 2009 alone—and 3 million seniors live below the \$11,000 federal poverty level.

Today, 40 million Americans are enrolled in Medicare.

More than 48 million people rely on Medicaid services.

Unfortunately, Republicans want to turn back the clock and place increasing costly burdens on the backs of America's seniors and their families.

We must not ask seniors to sacrifice benefits before asking the wealthiest few and major companies to pay their fair share.

Seniors have health care security and a greater financial security because of these services—we must ensure their protection and avoid cuts that will negatively impact job creation.

We must lower our long-term deficit and work together to find a better solution so that America's beneficiaries are not at risk.

TO COMMEMORATE THE GRAND
OPENING OF OTTO BOCK POLY-
URETHANE TECHNOLOGIES IN
ROCHESTER HILLS, MI

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. PETERS. Mr. Speaker, I rise today to mark the grand opening of Otto Bock Polyurethane Technologies in Rochester Hills, Michigan. Otto Bock is world-renowned and award-winning for its work in the field of prosthetics and orthotics. The story of the Otto Bock family of companies is a striking example of how innovation and technology can be transferred across discrete industries to create synergies for new products and processes.

Founded in 1919 in Berlin, Germany and named for its founder, Otto Bock has stayed true to its origins as an innovator and manufacturer of prosthetic devices. The perpetual process of innovating and improving prostheses combined with the challenge presented by the physical needs of returning war veterans, pushed Bock to use new materials and processes to increase production of improved

prostheses. Traditionally an artisan-based process, Bock sought to move the industry toward a component-based manufacturing system. He was a forerunner in the use of aluminum parts and in 1950, he applied the first plastics to prosthetic production, some of which are still used today. Recognizing the vast potential of this new material, Max Näder, Bock's son-in-law, founded the Otto Bock Kunststoff in 1953. Today, the company is an important technology partner for Otto Bock HealthCare as well as a successful developer and supplier of plastics for the automobile industry. The third pillar of the company group Otto Bock is Sycor. Formerly part of the computer department of Otto Bock, the information and communication technology company develops customized solutions for company networks.

Otto Bock's Rochester Hills facility will focus on advanced products and manufacturing of technologies of noise-reducing NVH Foam Parts for automotive engines and will eventually bring nearly \$14 million in capital investments and 100 jobs to our community.

Mr. Speaker, I am pleased to welcome the entire Otto Bock family to Michigan's 9th Congressional District and I am honored to recognize Otto Bock Polyurethane Technologies and the dedicated individuals who work to maintain its mission of innovation. I know that the leadership of Otto Bock will find some of the best engineers and skilled workers in the world here to further its work in advanced technology and manufacturing. I look forward to Otto Bock maintaining its strong tradition of innovation, excellence and good corporate citizenship in our communities for many decades to come.

MS. RITA LACEY

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. BARLETTA. Mr. Speaker, I rise to honor Rita Lacey of Close the Loop, for her excellent work as an entrepreneur. Ms. Lacey has managed to merge business and the phrase "Reduce, Reuse, Recycle" through her business, Close the Loop LLC.

Close the Loop LLC began in 2000. Ms. Lacey started a new venture with no background in sales or accounting. Its aim was to help United States manufacturers of recycled products build the demand for their products made from recycled materials. By 2008, Close the Loop had shipped more than 7 million pounds of rubber mulch and more than 130,000 pounds of plastic fencing.

In 2009, a time of economic downturn led Ms. Lacey's company to get more socially involved in the community. Close the Loop organized free community events such as "Give and Take Days," during which community members donated items they no longer needed and took items they could use. Ms. Lacey has passed her business knowledge to others by offering free workshops and classes at Careerlink in Tannersville and the Monroe County Chamber of Commerce. She shows unemployed and underemployed people how

they can start their own business while on a limited budget. I commend Ms. Lacey for all she has done as an entrepreneur and a philanthropist.

Mr. Speaker, I applaud the efforts that Rita Lacey has made. It is citizens such as Ms. Lacey that make Northeastern Pennsylvania a wonderful place to live and work. In these struggling times, it is wonderful to see all of the positive work Ms. Lacey is doing to promote her community.

CELEBRATING THE LIFE OF MR.
RICHARD "FOZ" RYAN

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in celebrating the life of Mr. Richard "Foz" Ryan, teacher, coach and community servant, who passed away this week on Monday, October 10, 2011.

A native of East St. Louis, Illinois, Foz Ryan was a competitive athlete who blended his interests in education and sports as a highly successful coach. Foz coached an impressive array of sports over a 36 year career, including basketball, football, cross country, track and volleyball. The lessons learned by his athletes enabled them to achieve success, not only in their athletic pursuits, but in life as well.

Foz never faced a worthy cause he did not champion or an event he could not organize. He became involved with the Special Olympics over 30 years ago and was a dedicated supporter of that organization ever since. While Foz was honored for his years of service to Special Olympics he noted that his true reward came through his interaction with the Special Olympics athletes.

Through his work with the Knights of Columbus and the Ancient Order of Hibernians, Foz organized and initiated a number of community events, including the annual St. Patrick's Day parade in Belleville, Illinois, which was founded through Foz's initiative and which has grown in popularity every year.

Always proud of his Irish ancestry, Foz made several trips to Ireland and worked tirelessly to promote an appreciation for Irish heritage within his community. He was honored as the "Hibernian of the Year" and held every office of his local chapter of the Ancient Order of Hibernians.

Foz Ryan's lifetime of achievement was accomplished through his roles as a teacher, coach, mentor, volunteer, fund-raiser and community servant. He is now reunited with his wife, Shirley, to whom he was married for 44 years and who preceded him in death in 2000. Foz is survived by three children, Theresa, Timothy and Patrick, and eight grandchildren.

Mr. Speaker, I ask my colleagues to join me in celebrating the life of Mr. Richard "Foz" Ryan, offering our best wishes to his family and recognizing the indelible mark he left on his community and in the hearts of everyone who knew him.

A GOTHAM HEART—IN HONOR OF
AN AMERICAN HERO, PFC BYRAN
A. DILBERIAN, JR., UNITED
STATES ARMY, 10TH MOUNTAIN
DIVISION, 1ST BATTALION, 32ND
INFANTRY REGIMENT

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. GRIMM. Mr. Speaker, on July 1, 2011 PFC Bryan Dilberian, Jr., while on patrol in Arghandab Valley in Afghanistan, was nearly killed by an Improvised Explosive Device that took both of Bryan's legs and an arm. His brother in arms, SPC Jimmy Waters died literally in his arms from the same IED explosion.

But, because of his Gotham Heart and extraordinary will to live, and not just live but flourish, he is now walking less than three months from the day he lost his legs. His courage is a lesson to us all in the resilience of the human spirit. PFC Dilberian and his wonderful family make us all proud to be Americans; their faith, courage, and character throughout this trying ordeal is an inspiration, and like all Wounded Warriors, are shining examples for our nation. I submit this poem penned by Mr. Albert Caswell to honor PFC Bryan Dilberian Jr. of The Tenth Mountain Division from Brooklyn, New York and his fallen brother in arms SFC Jimmy Waters.

A GOTHAM HEART

(By Mr. Albert Caswell)

A Gotham Heart!
And from this Gotham City of great consequence!
Has but come such a fine young Man, to all hearts to so enhance!
A Man of such heart and soul, to warm our hearts when they are cold!
Oh yes my Lord, something so special so . . . as but such a sheer work of art, to behold!
One Mountain of a Man! Tenth Mountain . . . "The Chosen" . . . America's Son, who makes all of us so very proud this one!
As One of The Band of Brothers, known as 10th Mountain Men!
Angels put upon this earth, to but protect us all our Lord has sent!
Oh to be A Tenth Mountain Man!
Magnificent . . . Magnificent . . . Magnificent!
And so gallantly off to war, for all of us he so went!
Who upon battlefields of honor bright!
One of Brooklyn's best, who so makes all our hearts ignite!
As so soon Bryan, you began your new fight!
While, out on patrol . . . as you so stood at death's door that night!
Losing your two strong legs, and arm of might!
As the tears rolled down your most precious eyes, this sight!
And your Brother In Arms SPC James Waters, almost in your arms so died!
As the Angels cried, The Angels Cried!
As there they found you together side by side . . .
And Bryan, you so said to yourself, I will live! I will not die!
Armed now, with only the kind of courage that makes the Angels cry!
As Bryan you so wiped away all of those tears from your most brilliant eyes!

To so teach as all, how high a heart can rise!
All about, what within a Gotham Heart so lies!

Even Batman, doesn't have such a Gotham Heart as comprised!

With such courage and faith, oh how Bryan you make us cry!

As you were off running, for you had mountains to so climb!

In less than three months Bryan, you would walk with your head held high!

Making your wonderful Mother Mary Jane, and your family so cry!

With your heart as big as New York City, full of courage . . . as tall as any building does rise!

Yea, The Beastly Boys ought to write a song about your life . . . Word!

Don't Sleep to Brooklyn, might be one of the lines!

Showing us all, as to what new heights a heart can climb!

Beseeching us all to behold, the beauty of mankind!

As against all odds, somehow Bryan the way back you'd find!

As you live each new day, all in honor of your Brother Waters in kind!

And that blood that binds you, forever in time!

For in your heart your brother in arms, Machine Gunner . . . this American Hero will never die!

Yes, Strength In Honor Bryan . . . is what your most courageous life defines!

As so Gotham is your heart, so beating here now so in time!

For all in your life, you will so teach woman and mankind!

Because, Tenth Mountain man . . . you do, you do shine . . .

For Bryan there is no mountain that you cannot climb!

All over this Gotham City with your Gotham heart in time!

Yes, arms and legs we all need . . . but we can survive!

But, without a Gotham Heart of Gold . . . we will surely die!

Because, up in Heaven you need not arms or legs!

And Bryan my son, that's where your are going one day!

And you will look into our Lord's eyes!

And if ever I have a son?

I wish he'd have a heart as Gotham, as your one!

Hooah Bryan! For you have mountains to so climb!

And you have miles to go, and hearts to heal and inspire before you die!

As Bryan, out across our Nation your Gotham Heart so cries!

HONORING GERALD SCOTT

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Mr. Gerald Scott, on the occasion of his induction as a distinguished alumnus of Mountain View High School.

Mr. Scott graduated from Mountain View High School in 1970, after which he received his Associate's Degree from Keystone College and his Bachelor's Degree from Wilkes College, all while working as a carpenter and a

machinist. In 1983, he received his Master's of Science Degree from the University of Virginia and two years later his Doctorate. Mr. Scott then began his career at Alcoa as a senior engineer overseeing the Wire and Bar Division of the company. Mr. Scott gained invaluable experience while at Alcoa, primarily in the field of international business, as he was able to travel to Asia, Europe, Australia, and South America on behalf of Alcoa.

Mr. Scott has numerous patents and publications, both here in the United States and internationally. His community involvement includes membership to the Carnegie Museum, service as a judge for Junior Academy of Science at the University Of Pennsylvania Wharton School Of Business, automotive racing consultant to the NHRA, and a NASA advisory board member. Gerald and his wife, Lynn, are the proud parents of three children, Alexander, Philip, and Karl.

Mr. Speaker, I rise today in honor of my constituent, Mr. Gerald Scott, and ask my colleagues to join me in praising his commitment to country and community.

PERSONAL EXPLANATION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. ACKERMAN. Mr. Speaker, on Tuesday, October 11, 2011, I inadvertently voted "no" on rollcall No. 774. I intended to vote "aye."

AMERICAN TRADE AGREEMENTS

HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. SCHILLING. Mr. Speaker, I rise today in the spirit of competition, in support of American workers and as an advocate for a government that seeks to provide economic certainty for the businesses that create jobs in this country.

Later today, the House will vote on bipartisan trade agreements with Colombia, Panama and South Korea. These agreements represent an opportunity to compete, grow jobs and promote American exports.

Here is what we know. Ninety-five percent of the world's customers live outside of our great country.

Here is what I believe. If America gives itself the opportunity to compete with other countries—like these three agreements will—American manufacturers and farmers will deliver, and we will win.

Job creation is a red, white and blue issue. And that is why you see Democrats and Republicans coming together to provide this opportunity for American exports to compete.

In the 17th District of Illinois which I have the honor to represent, I recently visited a company that manufactures mining trucks. Nine out of 10 of these mining trucks are bought by customers overseas. These jobs

are dependent on exports. This same company also manufactures bulldozers, 8 out of 10 of which are sold to buyers overseas. Yet again, this is an example of jobs being created because of demand for American products by customers in the global economy.

These trade agreements will reduce tariffs on goods and remove barriers that are currently in place. By leveling the playing field for our manufacturers and farmers, we can further promote these cornerstones of the American economy. We need to enact policies that strengthen our manufacturing base which is why I am a cosponsor to legislation offered by my colleague and friend, DAN LIPINSKI. Three million manufacturing jobs and almost 4 million agriculture sector jobs are dependent on U.S. exports.

The independent U.S. International Trade Commission estimates that these agreements will increase American-made exports by \$13 billion and inject \$10 billion to our GDP. President Obama estimates that these agreements could create a quarter-of-a-million jobs.

According to the Congressional Research Service, the last time the United States signed a trade agreement was back in 2006 with Peru. These FTA's could have been sent to Congress back in 2009. Every day we hold off on is a day we deny American workers the opportunity to compete.

These trade agreements aren't about rhetoric, they are about results. We cannot afford to sit on the sidelines while other countries enter in to trade agreements with Colombia, Panama and South Korea, causing us to lose market share.

Again, I rise in support of these trade agreements. If as a country we are allowed to compete, I know we will deliver.

CELEBRATING THE LIFE OF MAYOR FRANK SALVATO OF WARREN, NEW JERSEY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. LANCE. Mr. Speaker, I rise today to celebrate the life of Mayor Frank Salvato of Warren, New Jersey. Frank was a lifelong resident of Warren Township, in the heart of Somerset County, where he owned and operated a farm for over forty years.

Frank held the record as New Jersey's longest serving elected official. During his 60 years of public service Frank served five terms as Mayor of Warren and was a member of the Township Committee for eleven terms. Frank also served on the Board of Adjustment, the Board of Health, the Planning Board and the Recreation, Police, Roads, Finance, Environment and Senior Citizens Boards. He was a 50-year Charter member of the Warren Lions Club and served on the Watchung Hills Regional High School Board of Education for 27 years, including seven years as its president.

Today I rise to share Frank's tremendous accomplishments and dedicated public service with the House of Representatives. I extend my sincere condolences to his wife, Aldona, and his family and my deep gratitude to Frank for his lifetime of service and leadership.

HONORING RAYMOND WILMARTH, JR.

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Mr. Raymond Wilmarth, Jr., on the occasion of his induction as a distinguished alumnus of Mountain View High School.

Mr. Wilmarth graduated from Harford Vocational High School in 1950 and went on to attain a General Certificate from the American Institute of Banking. Mr. Wilmarth served as an active duty member of the United States Army, including a tour in Germany from 1953 through 1955. In 1962, Mr. Wilmarth became Vice President of County National Bank, a position he held until 1990. Raymond, along with his wife Ruth, owned and operated Harford Store until he became Business Manager for the Mountain View School District in 1993.

As a proud member of his community, Mr. Wilmarth has served as President, Secretary, and Treasurer of the Montrose Rotary Club. Additionally, Raymond founded the Rotary Youth Leadership Awards and the District 741 Girls Leadership Camp. From 1992 to the present, Mr. Wilmarth has served as the Chairman of the Board for the Endless Mountains Health System and has worked to raise money for equipment purchases, facility improvements, and land purchases, striving to improve healthcare in the area.

Raymond and Ruth are the proud parents of six children.

Mr. Speaker, I rise today in honor of my constituent, Mr. Raymond Wilmarth, Jr., and ask my colleagues to join me in praising his commitment to community and country.

IN RECOGNITION OF KATHY CLONINGER, CHIEF EXECUTIVE OFFICER OF GIRL SCOUTS OF THE USA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mrs. MALONEY. Mr. Speaker, I rise today to recognize Kathy Cloninger for her outstanding service as the Chief Executive Officer of Girl Scouts of the USA for the past 8 years, and for her 28 years of service to the Girl Scouts Movement.

Kathy Cloninger epitomizes the American spirit of community service. She has devoted her life to girls and to an institution that itself is a shining example of America at her best. We honor her today for a career that has been dedicated to building girls of courage, confidence and character who make the world a better place.

Ms. Cloninger's journey with Girl Scouts began in 1983, and spanned more than two decades of service as CEO of Girl Scout councils in Tennessee, Texas and Colorado.

After taking the reins at Girl Scouts of the USA in 2004, Kathy initiated a truly transformative strategy that led to a national realignment of the Girl Scout Movement. Under

her guidance, Girl Scouts accomplished a nearly impossible task by successfully merging 315 councils down to 112 high-performance councils. Thanks to Kathy's compelling leadership, the Girl Scout Movement has unified around a common mission and business strategy that has set the organization on a path to success for its upcoming 100th anniversary and beyond.

Kathy has also been instrumental in developing the Girl Scout Leadership Experience where girls discover themselves and their values, connect with others and take action to make the world a better place. She oversaw the launch of the first-ever national program evaluation system that measures girls' development of 15 leadership outcomes and ensures that all Girl Scouts grow into strong leaders in their lives today and into the next generation of female leaders in our country and the world.

Ms. Cloninger should also be commended for heightening Girl Scouts' focus on research and advocacy activities. During her tenure, the Girl Scout Movement amended its Constitution to be the "voice for girls and an expert on their growth and development." The Girl Scout Research Institute has published many groundbreaking studies on issues that affect girls and leadership, such as research on body image, social media and girls' participation in science, technology, engineering, and math, as well as research on African American and Hispanic girls' leadership aspirations. Thanks to her vision, Congress and decision makers across our nation have an incredible resource in the Girl Scout organization, so all of us can better understand the issues girls face today and advocate for the solutions important to their success.

Ms. Cloninger has received numerous awards for her work, including "Nonprofit CEO of the Year 2000" from the Center for Non-profit Management, and "CEO of the Year 2008" from the National Assembly of Human Services. In 2010, Ms. Cloninger was named one of the "21 Leaders for the 21st Century" by Women's eNews.

Kathy's service as a leader expanded beyond the Girl Scouts. As a champion for youth empowerment and the non-profit community, Kathy served as chair of the National Collaboration for Youth, she was the secretary of the board of directors of the National Assembly of Human Services (2008–2011), was on the national boards of the Nonprofit Leadership Alliance and the National Council for Research on Women, and she is a member of the Women's Leadership Board of Harvard's Kennedy School of Government.

Ms. Cloninger is also the author of the forthcoming book *Tough Cookies*, which chronicles the recent transformation of Girl Scouting and issues a call to arms on behalf of all girls today. Johnnetta Cole, President Emerita of Spelman College and Bennett College for Women, explained, "Tough Cookies shows what vision, courage, and an unflinching dedication to mission can accomplish. Kathy Cloninger makes it clear that the Girl Scouts—and girls—rank high among our nation's treasures."

It is obvious why Kathy has received such wide praise for her leadership. I would have to agree with Willie Pietersen, leadership guru

and author of *Reinventing Strategy*, who noted that, "Guided by a transcendent mission and Kathy Cloninger's courageous leadership, the Girl Scouts have transformed themselves for a new century."

Kathy leaves Girl Scouts on the eve of its 100th anniversary, which they will celebrate throughout 2012. Kathy led the Girl Scout Movement to this exceptional point in history with a mission and program that is as critically important today as it was 100 years ago, and I know she leaves it a stronger, more vibrant part of our culture.

Mr. Speaker, I ask that my colleagues join me in thanking Kathy Cloninger for nearly 30 years of service to the Girl Scouts and to our country. We wish her the best in all of her continuing work for girls nationwide.

HONORING LIEUTENANT COLONEL
DAVID J. PALMER

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Lieutenant Colonel David J. Palmer, on the occasion of his induction as a distinguished alumnus of Mountain View High School.

After graduating from Mountain View High School in 1973, David J. Palmer enlisted in the United States Air Force as an aircraft maintenance specialist. Four years later, Mr. Palmer transferred to the U.S. Air Force Reserves, where, in 2004, he was commissioned to the rank of Lieutenant Colonel. Over his illustrious career, Lieutenant Colonel Palmer has earned fourteen medals and awards for his dedicated and selfless service.

Lieutenant Colonel Palmer received both his Bachelor's and Master's degrees at the University of Scranton and has always been diligent in service to his community. He has worked with the Northern Tier Planning and Development Commission, the Susquehanna Housing Authority, and Wilkes University. Lieutenant Colonel Palmer continues to be active in many local organizations, including sitting on the Board of Trustees for the First Universalist Church, as well as serving as a Citizenship Merit Counselor for the Boy Scouts of America's Baden-Powell Council.

Lieutenant Colonel Palmer and his wife, Luann, have two sons, both of whom are combat veterans and have received a Purple Heart and Joint Service Commendation for their service in Operation Iraqi Freedom. Today, the Palmers reside on their farm, near Hop Bottom, Pennsylvania, where they raise sheep and train border collies.

Mr. Speaker, I rise today in honor of my constituent, Lieutenant Colonel David J. Palmer, and ask my colleagues to join me in praising his commitment to community, country, and family.

(SCREEN) ACT FOR 112TH
CONGRESS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. NEAL. Mr. Speaker, I rise today to introduce the Supporting Colorectal Examination and Education Now (SCREEN) Act. This legislation will remove barriers to one of the most effective preventive health screenings available, saving lives and reducing health care costs in the process. I urge all of my colleagues to support this important legislation.

The statistics surrounding colon cancer are startling. Colon cancer is the number two cancer killer in the United States for both men and women. (CDC Colorectal Cancer Vital Signs; July 2011)

Over 50,000 people will die this year from this disease according to the American Cancer Society (2010 Fact & Figures).

These deaths become more tragic when one considers that colorectal cancer is highly preventable with appropriate screening. According to the American Cancer Society (2010 Facts & Figures), the 5 year survival rate is 90 percent for those diagnosed at an early stage; however, less than 40 percent of the cases are diagnosed at that stage.

During colorectal cancer screening by colonoscopy, pre-cancerous polyps are removed during the same encounter, thus preventing cancer from developing, as opposed to other cancer screenings where early detection is the goal. That is one reason why the U.S. Preventive Services Task Force provides an "A" rating for CRC screenings.

The CDC "colorectal cancer control program" screening target rate is 80 percent. The American Cancer Society and other patient advocacy groups have a target rate of 75 percent. Unfortunately, only half of the Medicare population is being screened, despite the availability of a Medicare colon cancer screening benefit. According to CMS and American Cancer Society (March 2011), Medicare claims indicate that only 52–58 percent of beneficiaries have had any colorectal cancer test and there is "clearly an opportunity to improve colorectal cancer screening rates in the Medicare population."

The latest findings by the American Cancer Society confirm that screening rates among the Medicare population continue to be in this 50th percentile range, with screening rates among minority populations are especially low among Medicare-aged beneficiaries.

The CDC concludes that 1,000 additional colorectal cancer deaths will be prevented each year if screening rates reached 70.5 percent. (CDC Colorectal Cancer Vital Signs; July 2011).

In addition to saving lives, colorectal cancer screening has been demonstrated to save Medicare long-term costs as noted by the New England Journal of Medicine in a recent article (Feb. 2008).

The direct costs of treating colorectal cancer in 2010 reached \$4 billion. (CDC Colorectal Cancer Vital Signs; July 2011)

I am pleased that Congress took steps to improve access to life-saving colon cancer

screening when it passed the Patient Protection and Affordable Care Act PPACA in March 2010.

While Congress has made tremendous strides in increasing colorectal cancer utilization rates in PPACA, this bill will further make live saving screenings more accessible to Medicare beneficiaries.

Currently, Medicare waives cost-sharing for any colorectal cancer screening recommended by the U.S. Preventive Services Task Force. However, should the beneficiary have a precancerous polyp removed, the procedure is no longer considered a "screening" for Medicare coding purposes.

The unintended consequence of this is that the beneficiary is obligated to pay the Medicare coinsurance because the procedure is no longer a "screening." However, the purpose of the screening is to find and remove precancerous polyps.

the SCREEN Act waives all Medicare beneficiary cost-sharing for colorectal cancer screenings that become "therapeutic" or diagnostic procedures.

The legislation also resolves this unintended consequence for beneficiaries participating in health insurance exchanges beginning in 2014.

The SCREEN Act also provides incentives for Medicare providers to participate in nationally recognized quality improvement registries so that our Medicare beneficiaries are in fact receiving the quality screening they deserve.

Lastly, the SCREEN Act removes barriers to screening rates by allowing a Medicare beneficiary to sit down and discuss the importance of the procedure before seeing the provider for the first time right before procedure. The federal government and colorectal cancer patient advocacy groups have concluded that the "fear of the procedure" is a major impediment to increasing colorectal cancer screening rates.

Promoting access to colorectal cancer screening is good policy. It will save lives and reduce costs to families and the health care system. Please join with me in the fight against colorectal cancer by cosponsoring this legislation.

H.R. 3078 COLOMBIA FREE TRADE AGREEMENT, H.R. 3079 PANAMA FREE TRADE AGREEMENT, H.R. 3080 SOUTH KOREA FREE TRADE AGREEMENT, H.R. 2832 TAA AND GSP EXTENSION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Ms. McCOLLUM. Mr. Speaker, I rise today in opposition to the three trade agreements this House is considering with Colombia, Panama, and South Korea, respectively. At a time when our national unemployment rate is at 9.1 percent, with 14 million Americans looking for work, we cannot afford to pass trade agreements that cost jobs here in the United States. Instead, I urge my colleagues to bring a real jobs bill—one that will create jobs for American workers—to the floor of the House immediately.

America depends on trade with countries around the world to expand export markets for our products and create good-paying jobs in the U.S. To achieve fair trade, agreements must not export U.S. jobs or economically harm communities. We must insist that all trade agreements promote environmental sustainability, workers' rights, and improved living standards for people throughout the world. The negotiated trade agreements with Colombia, Panama, and South Korea do not meet the standard of fair trade agreements and will leave Americans worse off. I do not support their passage.

In Colombia, the intimidation and murder of trade unionists and human rights workers is widespread. According to Human Rights Watch, over 50 trade unionists were murdered last year. The Colombian government's human rights record may be improving but it is still very poor. This is not the time to reward Colombia's poor record with a preferential trade arrangement. This agreement does not advance fair trade, and I urge my colleagues to vote against it.

The proposed free trade agreement with Panama fails to create any American jobs. Widely known as a tax haven for multinational corporations, Panama has not shown the inclination or ability to change its status as an off-shore tax shelter. This practice rewards U.S. companies that ship jobs overseas to avoid taxation here. This agreement does not advance fair trade, and I urge my colleagues to vote against it.

In South Korea, between 2001 and 2009, the U.S. ran a trade deficit in goods of approximately \$125 billion. The Economic Policy Institute found that implementation of the Korea trade deal would increase U.S. trade deficit by \$16.7 billion and result in 159,000 American jobs lost over the next seven years. According to Public Citizen, almost 8,000 good-paying jobs would be lost in the 4th Congressional District of Minnesota. This agreement does not advance fair trade, and I urge my colleagues to vote against it.

As we've seen with free trade agreements with China, NAFTA, and CAFTA, unfair trade deals cost American jobs. This is why Trade Adjustment Assistance, TAA, exists—to provide training to workers who lose their jobs due to trade. Considering TAA while we consider these three agreements is evidence that these deals result in the loss of jobs here in the U.S. I support the passage of the needed TM extension, H.R. 2832, in order to provide some protections for American workers.

For these reasons, I urge my colleagues to oppose these unfair trade deals and support the badly-needed extensions of TAA.

YES ON COLOMBIA AND PANAMA
AND NO ON KOREA

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. COBLE. Mr. Speaker, at one time, North Carolina's Sixth Congressional District was one of America's manufacturing power houses. Over the years, our manufacturing

strength has been compromised by discriminatory trade practices that unfairly benefit overseas competitors.

Unfortunately, the Korea-United States Free Trade Agreement (KORUS) is a critically flawed trade proposal. With respect to textiles, South Korea has a highly sophisticated and vertically integrated industry. In 2010, South Korea was America's 8th largest supplier of textiles and apparel by volume. For example, yarns and fabrics, the largest component of the U.S. industry, South Korea was America's 2nd largest source of imports this past year.

The U.S. textile industry is staunchly opposed to the KORUS agreement due to the fact that it provides Korean textile exporters with instant, duty-free access for virtually all textile and apparel products, while giving U.S. producers no time to adjust. At the same time, KORUS has a number of non-reciprocal tariff phase-outs that favor the South Korean textile industry in key product areas.

We also understand that China could exploit the KORUS agreement by utilizing business relationships in South Korea to reach U.S. markets.

Our manufacturers are competing against foreign trade barriers, high tariffs, export subsidies, state-ownership of enterprises, and currency manipulation. The goals of this Congress should be to prioritize fixing U.S. trade policy, stopping manufacturing job loss, and closing the trade deficit.

South Korea and its people are true allies of the United States, and I value our diplomatic relations. As a Korean War-era veteran, I have witnessed first-hand how relations between our two great nations have improved dramatically over the years.

Unfortunately, I cannot support KORUS because it will do real harm to the North Carolina textile industry. I am sure that our two countries will continue our harmonious relations, but I am hopeful that we can reach a trade deal someday that is fair and equitable to both trading partners.

On the other hand, trade with Colombia and Panama does not pose similar threats to the textile industry in the United States generally and North Carolina's Sixth Congressional District specifically. In fact, textile trade among these great nations is healthy and balanced—we trade raw materials, value added materials and finished goods. Furthermore, agreements with Colombia and Panama are far less likely to be exploited by countries such as China or Vietnam.

Colombia and Panama are strategic diplomatic partners with America in Central and South America. Free trade agreements with these countries will boost our economy, according to the International Trade Commission. A deal with Colombia will boost exports of goods by \$1.1 billion and add \$2.5 billion to our Gross Domestic Product. An agreement with Panama will greatly improve the export of American agricultural goods, manufactured goods, specialized services, and support other diplomatic efforts to close a notorious tax reporting loophole that involves money laundering and tax cheating.

The agreements with Colombia and Panama show the way fair trade agreements should be written. My hope remains that a similar deal can be reached with Korea in the near future.

HONORING STATE
REPRESENTATIVE SANDRA MAJOR

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of the Honorable Sandra Major, on the occasion of her induction as a distinguished alumna of Mountain View High School.

Representative Major graduated from Mountain View High School in 1972. She has been a resonant voice for Susquehanna County, beginning with her service as Direct Assistant to the late Representative Carmel Sirianni, to her current position as State Representative for Pennsylvania's 111th legislative district. Representative Major was elected to the Pennsylvania State Legislature in 1995 and has served as Majority Caucus Chairman since 2007.

Representative Major has been a leading advocate for rural and agricultural communities. She is a member of the President's Advisory Council for Keystone College, the Pennsylvania Farm Bureau, and the National Rifle Association. Furthermore, she has been recognized for her service with numerous awards, including the Boy Scouts Distinguished Citizen Award, the American Legion Generals Medal of Excellence, and the Pennsylvania Landowner Association's Representative of the Year. Representative Major and her husband, Anthony Cerasaro, currently reside near Montrose, PA.

Mr. Speaker, I rise today in honor of my constituent, the Honorable Sandra Major, and ask my colleagues to join me in praising her commitment to public service.

HONORING THE USS "CRUISER
OLYMPIA"

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. BRADY of Pennsylvania. Mr. Speaker, since 1922, an American icon of the late 19th and early 20th Century, the USS *Cruiser Olympia*, rests majestically at Penn's Landing, in our District, along the Philadelphia waterfront of the Delaware River. The *Cruiser Olympia* is a National Historic Landmark, a National Historic Engineering Landmark, is on the National Register of Historic Places, and is best known in history as the Flagship of Commodore George Dewey in his 1899 victory at the Battle of Manila Bay during the Spanish-American War, as well as being sent by the President to France in 1921 to return the remains of a World War I U.S. soldier for internment in the "new" Tomb of the Unknown Soldier at Arlington Cemetery. This first unknown soldier was laid in State in the Capitol Rotunda before beginning the final journey across the Memorial Bridge to Arlington Cemetery on November 10–11, 1921. It is one of the only warships of that era still afloat in the world! The *Cruiser Olympia* stood for the principles that make America the great Nation that

it is, and is the sole survivor of a time in American history when these principles helped to define a Nation to the entire world.

Unfortunately, unless the American public and the U.S. Congress takes notice to preserve this national treasure for future generations, I am afraid our Nation might lose this great ship to old age and neglect. Unless it is placed in dry dock in Philadelphia, and its hull stabilized, we could lose this historic vessel. The *Cruiser* suffers from a combination of threats. It has not been placed in dry dock for maintenance in over sixty years. There are 62 openings along the hull near or at the waterline that permit water to enter the vessel, the steel is rusting, and the original wood has been slowly rotting and deteriorating, causing leaks into the interior. The land underneath the *Cruiser Olympia* also requires dredging as years of silt have built up underneath her, not allowing her to float free from her moorings. We simply cannot permit the *Cruiser Olympia* to disappear.

The legislation I am introducing today will be one of many efforts to restore and preserve the *Cruiser Olympia*. The bill permits the U.S. Mint, at no cost to the taxpayer, to design and offer for sale to the public a commemorative coin honoring the *Cruiser Olympia*, and that the sales of these coins will be utilized by the Friends of the *Cruiser Olympia* for dry-docking and preserving the *Cruiser Olympia* as a ship museum. As a tax-exempt organization whose mission is to restore the *Cruiser Olympia*, I cannot think of any more worthwhile project to support. I understand that after its successful voyage to Manila Harbor, the U.S. Congress in 1899 struck a medal to present to each of the sailors and officers aboard the *Cruiser Olympia* to commemorate their victory in this engagement. This would be the first time in 112 years that the Congress would once again honor the *Cruiser Olympia*.

I urge my colleagues to cosponsor the bill and support its passage in the Congress so that we can begin the process to restore this great historic *Cruiser* so that present and future generations of Americans and visitors to our nation can view the *Cruiser Olympia*, walk its decks and envision a time years ago when it ruled the waves.

HONORING DR. JAMES EDWARD
BOWMAN

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the life of Dr. James Edward Bowman who passed away on September 28, 2011 at the age of 88. An American physician and specialist in pathology, genetics, and hematology, Dr. Bowman made invaluable contributions to the world of medical research.

Dr. Bowman was born on February 5, 1923, in Washington, DC After earning both his undergraduate and medical degrees from Howard University, he completed his residency in pathology at St. Luke's Hospital in Chicago. Dr. Bowman served in the U.S. Army, serving

as chief of pathology for the Medical Nutrition Laboratory at Fitzsimons Army Hospital in Denver.

Dr. Bowman has many "firsts" to his credit; he was the first African-American resident to train at Chicago's St. Luke's hospital, as well as the first tenured African-American professor in the University of Chicago's Biological Sciences Division. He was also one of the first to study the relationship between genetics and minority health which led to significant findings regarding sickle cell disease and other inherited diseases.

Later in his career, Dr. Bowman focused on the legal and ethical issues surrounding human genetics and mandatory screening tests. In 1972, he garnered national attention when he declared that the passage of mandatory sickle cell screening laws was "more harmful than beneficial."

Serving as a mentor and role model to many, Dr. Bowman was highly respected and beloved among his colleagues and students alike. At the time of his passing, Dr. Bowman served as professor emeritus in the departments of pathology and medicine at the University of Chicago. Dr. Bowman is survived by his wife Barbara Bowman and his daughter, Valerie Bowman Jarrett, a senior advisor to President Barack Obama.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Dr. James Edward Bowman. I greatly appreciate the dedication and innovative contributions he made to medical research. He will truly be missed.

PANAMA AND COLOMBIA FREE
TRADE AGREEMENT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. WAXMAN. Mr. Speaker, I rise today, to provide qualified support of the U.S.-Panama Free Trade Agreement (FTA), and to express my opposition to the U.S.-Colombia and U.S.-South Korea Trade Agreements.

The original Panama and Colombia FTAs, negotiated by the Bush Administration, were fatally flawed. The Democratic congressional leadership negotiated substantial improvements to the accords, among them ensuring that generic medicines could be made available in these countries at the same time as the United States. There is no reason that intellectual property rules in free trade agreements should force our trading partners in the developing world to wait longer than the United States to have access to affordable medicines, and I strongly believe that we need to make more progress on this issue in future agreements. I am deeply concerned that the proposal USTR has made for the Trans Pacific Partnership (TPP) may result in generic medicines becoming available in TPP developing countries later than in the United States. Denying poor countries access to generic competition can mean the difference between life and death. I am prepared to support the Panama FTA, consistent with my previous support of the Peru FTA, because the issue of access to medicines is positively addressed;

and I will continue to argue that, at the minimum, the precedent in the Peru and Panama treaties be followed.

Unfortunately, I regret I am unable to support the Colombia Free Trade Agreement. Colombia is a great friend of the United States. We are strong economic partners and have strong cultural ties. And Colombia has been an important ally at the UN Security Council, opposing the unilateral bid for statehood for Palestine. But this trade agreement contains a fatal flaw at the heart of what trade must be about: raising the quality of life for the people living and working here in the United States and in the countries we trade with. Jobs, job security, and labor rights are fundamental to a successful trade relationship. Regrettably, Colombia has had a long and painful struggle with labor abuses and violence and retribution against labor rights activists. Although Colombia has taken significant steps to reform labor and workplace protections by carrying out the Action Plan on Workers Rights that was negotiated with the help of the Obama Administration, the plan is not yet fully implemented and significant benchmarks for labor reform are still outstanding. Moreover, the Republican leadership has refused to allow the Action Plan to be referenced in the FTA implementing legislation we are voting on today. If the Action Plan had been incorporated directly into this legislation, I would have been inclined to vote for the Colombia FTA today. But this inherent deficiency prevents me from supporting this measure for a country I respect and value as a strategic ally.

Finally, I regret that I am unable to support the U.S.-South Korea Trade Agreement. I am pleased that the agreement makes transformative progress in copyright protection by strengthening enforcement against counterfeits and extending intellectual property protection to the digital and online domain. But the agreement includes a harmful provision exempting American vehicles from South Korea's progressive greenhouse gas and fuel economy standards. I have consistently believed in the principle that trade agreements negotiated by the United States should not compromise environmental standards in the US or abroad, and I believe the provisions in this FTA, by weakening South Korea's overall environmental benchmarks, sets a dangerous precedent for future FTAs. The global market for automobiles increasingly demands more fuel efficient and environmentally friendly vehicles. We should strengthen the competitiveness of our auto industry by raising our own standards, not by weakening those of others.

I am disappointed that further progress on these core issues could not be made as the Colombia and Korea trade agreements were finalized. I remain committed to strong economic ties between the United States and these vital markets in Latin America and Asia.

SOUTH KOREA, PANAMA, AND COLOMBIA FREE TRADE AGREEMENTS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of the South Korea, Panama, and Colombia Free Trade Agreements. It is estimated that, combined, these free trade agreements will create over 250,000 jobs and will increase U.S. exports by \$13 billion dollars. Given the extraordinary economic challenges we face today, we must seize every opportunity which promises to stimulate our weakened economy and put Americans back to work.

In the Texas' 30th district, merchandise exports support 64,000 jobs and directly benefit 48 companies. In 2010, my congressional district exported \$876 million worth of goods to South Korea, which directly supported nearly 2,250 jobs. The South Korea Free Trade Agreement will increase market access for the district's goods and services exports and reduce costs for imported raw materials.

The State of Texas depends on world markets; last year alone, Texas' shipments of merchandise totaled \$207 billion. Recently implemented trade agreements, such as the U.S.-Singapore agreement, which increased Texas exports to Singapore by 159 percent, prove that trade works for Texas.

Despite the benefits we stand to reap as a result of passage of these agreements, we must not ignore the associated labor and human rights issues. The Obama Administration, along with Ambassador Kirk, have worked tirelessly to address these valid concerns. Specifically, Colombia has agreed to a Labor Action Plan which requires Colombia to fulfill a series of measures in defined time frames to advance the rights of its workers.

Mr. Speaker, I urge my colleagues to pass the South Korea, Panama, and Colombia Free Trade Agreements to ensure that America continues to remain at a competitive advantage when it comes to international trade. Our nation's economic growth depends on it.

RECOGNIZING THE ACCOMPLISHMENTS OF LISA CODISPOTI

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to remember Lisa Codispoti, a dynamic and talented champion for better health care who, tragically, lost her battle with her own personal health care challenges last week.

A senior counsel for the National Women's Law Center, Lisa was well-known on Capitol Hill. You could always count on Lisa for an on-target analysis of an arcane policy question or a suggestion for a creative way to overcome any one of the many obstacles we faced in winning health care reform. My staff and I relied on her for so much, and we were far from the only Congressional office that did so.

Lisa was also a hero to health care advocates around the country. As Rachel DeGolia, executive director of the Universal Health Care Action Network said of her, "The movement for health care justice, and for justice of all kinds for women, has lost a wonderful champion and friend."

Lisa's influence was broad and important. They may not have known Lisa personally, but millions of Americans are better off today because of her. Her work is evident throughout the Patient Protection and Affordable Care Act. As a result of the law she helped to fashion and then enact, being a woman will no longer be a pre-existing condition. People with existing health problems will no longer face job-lock or the pain of knowing that their condition is raising premiums for their co-workers. Coverage will no longer be denied or lifetime limits imposed. These are very real improvements that will make tangible differences in people's lives.

As her blog post below shows so clearly, this was not a theoretical exercise for Lisa. She lived her entire adult life knowing the significant problems that the private insurance market creates for anyone living with a health care condition—big or small. Her understanding and her experience made her arguments even more compelling and more effective.

We are better off for having known and worked with Lisa Codispoti. Her eloquence and knowledge, combined with her optimistic and gracious spirit, will be deeply missed.

THE HEALTH CARE LAW: PROVIDES NEW PEACE OF MIND FOR MILLIONS OF PEOPLE WITH CHRONIC HEALTH CONDITIONS—LIKE ME

(By Lisa Codispoti)

For many health care advocates, the fight for the health care law is more than just a job—it's personal. I was just a sophomore in college when I was diagnosed with a chronic condition that would require lifelong medical treatment. At a time when most college students believe they are invincible, my parents and I were consumed with issues like, would my life-saving medical treatment—which would be necessary for the rest of my life—be covered by insurance, and if so, would they cover my treatment at school five-hours away from my home? And what would happen when I graduated? Would I be able to find a job that had decent health insurance? And what if I decided to go to graduate school? In short, in addition to worrying about my newly diagnosed condition, health insurance was something I had to worry about. A lot. In fact, it has been a recurrent worry throughout the last 28 years since I was diagnosed. What is proper etiquette when receiving a job offer to try to figure out if the insurance they offer is good enough to cover your needed medical treatment? Will you doom a small employer's health insurance premiums with huge cost increases once you are added to their workforce? How to explain to others offering to hire you that, thanks anyway, you couldn't possibly open your own consulting gig because you wouldn't be able to get health insurance on your own?

That's why for me—and millions of Americans living with a chronic health condition—passage of the Affordable Care Act provides such peace of mind. And while I've been very lucky over the last three decades to have jobs with decent insurance, I wonder what kinds of different opportunities I might have

pursued had I not been so worried about finding and keeping health insurance coverage. And still, there are opponents of the law who want to repeal it and have stated that the "private market" would somehow magically take care of these problems. Right. Like the private market has done so well for insurance for decades now. Like how the private market has created conditions where women can't find insurance at any price that includes coverage of a basic health care service like maternity. Or allows insurance companies to charge women more than men just because of their gender.

Some opponents of the law have said that there could be high risk pools for people like me who can't get coverage due to a pre-existing condition. To an insurance company executive, that sounds like a dream come true. After all, insurance companies have been rejecting people from coverage due to pre-existing conditions without accountability or recourse for decades. But we're not just talking the serious stuff like breast cancer or heart disease—we're talking about previously having had a c-section. Or acne. Should someone who is rejected by an insurance company because they had acne be in a high risk insurance pool? All that does is incentivize insurance companies to reject even more people and fight over the remaining cream of the insurance risk pool crop: healthy, young people. And thus further incentivize insurers to reject people they deem not worth the risk (ie: a risk to their high profits).

Already the Affordable Care Act is helping millions of Americans living with a chronic health condition like me. And for us, 2014 can't come fast enough because that's when the majority of the Affordable Care Act provisions come into effect. The thought that some would want take this law away—and the peace of mind that comes with it—is maddening to me. Is the law a cure for all the problems of our current health care system? Of course not. Could the law be better? Absolutely—I could point you to several places. But to repeal the whole thing? No way. We can't go back. I know I've waited 28+ years for this law—and there are millions who have waited far longer.

That's why today I'm one of millions saying, Happy Anniversary to the Affordable Care Act; here's to many more years to come.

IN CELEBRATION OF THE 30TH ANNIVERSARY OF EKOJI BUDDHIST TEMPLE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to congratulate Ekoji Buddhist Temple on the occasion of its 30th anniversary and to recognize the commemoration of the 750th Memorial for Shinran Shonin, the founder of Jodo Shinshu Buddhism.

Ekoji Temple, which was founded in 1981 by Rev. Kenryu T. Tsuji and Rev. Dr. Yehan Numata, shares the Pure Land Buddhist teachings of Shinran Shonin, which is based on the Nembutsu Teaching of Amida Buddha, the Buddha of Infinite Life and Light. The Nembutsu Path is to become aware of the ignorant self and to transcend the petty selfish-

ness of the individual. The aim of the Ekoji Temple fellowship is to live the life of gratitude and share the rejoicing with others.

The name Ekoji, selected by Rev. Numata, means "The Temple of the Gift of Light." Ekoji Buddhist Temple shares this gift with all who wish to enter. Ekoji is a place where the differences of race, color and creed disappear and all who seek the truth are welcomed.

The 11th Congressional District of Virginia is blessed by its diversity. This district is more than 40% minority and is home to people of many ethnic heritages, cultures, and religions. Ekoji Temple adds to this rich tapestry and benefits our entire community by its presence.

Mr. Speaker, I ask that my colleagues rise and join me in congratulating the Sangha of the Ekoji Buddhist Temple in the celebration of its 30th anniversary, and also in thanking the Rev. Kazuaki Nakata and Rev. Shoji Honda, Emeritus for their leadership and inspiration.

THE KOREA, COLOMBIA AND PANAMA FREE TRADE AGREEMENTS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. BERMAN. Mr. Speaker, as the House considers the Korea, Colombia and Panama trade agreements, I would like to set forth my analysis of the effects that these agreements will have on my home state of California. In all three cases, the facts are overwhelming that California will benefit from these agreements.

At the outset, it is important to note that these agreements are mis-labeled. They do not provide "free trade" in the sense of unfettered, unregulated commerce. In reality, these agreements are a set of detailed rules that provide for regulated commerce in terms that apply to both parties. They specify the tariffs that may apply, the non-tariff restrictions that may be imposed, the rules of origin to prevent third-countries from benefiting, and the enforcement and dispute resolution procedures that will provide discipline and order.

KOREA-U.S. TRADE AGREEMENT

CALIFORNIA BENEFITS

With regard to the Korea-U.S. agreement (KORUS), California stands to benefit substantially. California already exports \$8 billion a year to South Korea, accounting for one-fifth of all U.S. exports to that country. For California's 60,000 exporting companies, there is potential for growth; in 2010 only 6 percent of California's total \$143 billion in exports went to South Korea. The U.S. International Trade Commission estimates that KORUS will lead to increases in 9 of the 10 products that now account for \$6 billion of California's exports to South Korea. Of these, 5 categories are high value-added products, produced by skilled California workers: semiconductor manufacturing equipment, computers, electrical equipment, optical and other medical equipment and aircraft and aircraft engines.

In addition, KORUS will increase exports of California-grown edible fruit and nuts, in particular walnuts and almonds. We will sell more chemicals. And, we will sell more reusable iron, steel and aluminum scrap.

According to the U.S. Trade Representative, some 6,000 jobs are supported for every \$1 billion in manufactured exports and some 4,500 jobs are supported for every \$1 billion in services exports.

INTELLECTUAL PROPERTY PROTECTIONS

KORUS has important benefits for California's entertainment industry. KORUS relaxes a number of Korean content quotas and should increase the U.S. motion picture and television industries' opportunities to compete in the Korean market. KORUS obligates South Korea to decrease the domestic content quota on films and animation products. KORUS improves the opportunity for U.S. ownership in the broadcast sector, by permitting U.S. firms that establish Korean subsidiaries to have 100 percent ownership of program providers, phased in over 3 years.

In a side letter, South Korea has agreed to place a priority on enforcement against Internet piracy, aimed not only at direct infringement but also those who profit from services that induce infringement. KORUS also obligates South Korea to implement the World Intellectual Property Organization Internet Treaties and expands intellectual property protections and penalties against unlawful decoding of encrypted satellite TV signals. It also covers cable and satellite signals that are retransmitted without authorization of the signal distributor. Further, the side letter to KORUS ensures that copyright owners have the exclusive right to make their works available online.

LOS ANGELES COUNTY ECONOMIC DEVELOPMENT CORPORATION ANALYSIS

There have been many analyses and position statements issued for and against the Korea trade agreement. In particular, the analysis by the Los Angeles County Economic Development Corporation is persuasive. In its conclusion, the LACEDC said:

"KORUS would create multiple opportunities for both U.S. goods and services. On the goods side, the agreement opens the 12th largest economy's large middle class of consumers to American-made goods. On the services side, the agreement opens up South Korea's \$560 billion services market to American and Los Angeles area based companies."

"The agreement also creates new opportunities for the U.S. manufacturing industry. And the manufacturing capital of the U.S. is Los Angeles County. Thus the local economy has a lot to look forward to in the coming years, as increased exports will boost economic growth and create new and well paid jobs in the Los Angeles region."

COLOMBIA-U.S. TRADE AGREEMENT

There are compelling foreign policy reasons to pass the Colombia-U.S. Free Trade Agreement (FTA). Colombia is an important U.S. ally in the Western Hemisphere, and this agreement will help cement our relationship. The FTA will also increase American exports, providing a needed economic boost for the U.S. economy and the creation of new jobs here at home.

I've listened very carefully to the debate on issues of human rights and labor rights in Colombia, the horrific levels of violence, and its deplorable track record in bringing to justice those accused of violating these rights. These issues are profoundly important to me and I will continue to work with the government of

Colombia to ensure that the Labor Action Plan is fully implemented. I believe it is in the interests of both the United States and Colombia to subject this FTA to labor rights and human rights conditions.

President Obama deserves credit as the first President to shine such a sharp spotlight on labor issues in Colombia, and it is fair to say that this FTA addresses labor issues more fully than any FTA before it. The Action Plan agreed to by the White House and the government of Colombia on April 7 was comprehensive and highlighted specific areas where it could improve its record on labor issues. And in his October 3 letter transmitting the FTA to Congress, the President pledged that he would not bring the agreement into force until key elements of the Action Plan are implemented.

Results matter and the kinds of fundamental changes we seek from and wish for Colombia and its people will be a long term process. I have derived great comfort in the positive sea-change that President Santos has represented for Colombia, but I will be watching closely for progress and whether this transformative President fulfills his promises to change the labor and human rights environment in Colombia.

PANAMA-U.S. TRADE AGREEMENT

While Panama's trade with the U.S. is small, the U.S.-Panama trade agreement includes enforceable labor standards for Panamanian workers, compulsory Panamanian membership in multilateral environmental agreements—both included at the behest of the U.S. administration and Congress. Under this agreement, 88% of U.S. commercial and industrial exports would become duty-free upon implementation, with remaining tariffs phased out over a 10-year period.

More than 50% of U.S. farm exports to Panama also would achieve immediate duty-free status, with tariffs and tariff rate quotas (TRQs) on select farm products to be phased out by year 17 of the agreement (year 20 for rice). The agreement also contains provisions on telecommunications, services trade, government procurement, investment, intellectual property rights and tax transparency—the latter to address Panama's significant problems with money laundering.

CONGRATULATING MARTIN'S POINT HEALTH CARE MEDICARE ADVANTAGE PLANS

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Ms. PINGREE of Maine. Mr. Speaker, today I am thrilled to congratulate Martin's Point Health Care Medicare Advantage plans for receiving five-star quality ratings from the Centers for Medicare and Medicaid Services.

Martin's Point Health Care is a not-for-profit health care organization that provides primary care services, health plans, and wellness services in Maine and other parts of northern New England.

Under the direction of their president and chief executive officer, Dr. David Howes, Mar-

tin's Point has established a long tradition of providing high quality, efficient, and affordable care to thousands of veterans, seniors, and families in Maine.

Today CMS announced that Martin's Point has received five-star ratings for both its Value and Prime Medicare Advantage plans—the highest possible rating granted by CMS.

High quality care is not new to Martin's Point: for the last 3 years, Martin's Point has had the highest rated Medicare Advantage plan in Maine. But I am particularly proud to say that it is one of only nine Medicare Advantage organizations in the entire country to receive the CMS five-star designation for 2012.

The five-star rating system helps Medicare beneficiaries compare available plans and make meaningful choices about which plans are right for them based on quality of care and customer service. As a five-star plan, Martin's Point will be able to assure potential patients that they offer the highest quality, patient-centered care. And thanks to the Patient Protection and Affordable Care Act, this five-star rating will make Martin's Point Health Care eligible for quality bonus payments from CMS to help bolster their good work and ensure that patients in Maine will continue to benefit from their services for years to come.

I want to congratulate Dr. Howes and the entire team of health care providers and support staff at Martin's Point for this tremendous accomplishment. Their commitment to delivering quality health care and service excellence is second to none.

As we continue to work to shift our health care system to one that better values quality outcomes and patient experience, Martin's Point will stand as a model for health care organizations across the country, and a real asset to the people of Maine.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. GRAVES of Missouri. Mr. Speaker, on Tuesday, October 11, I missed a couple of rollcall votes. Had I been present, I would have voted "yea" on No. 771 and "nay" on Nos. 772, 773, 774, 775, 776, 777, 778, 779.

WELCOMING PRESIDENT LEE MYUNG-BAK OF SOUTH KOREA TO THE UNITED STATES CON- GRESS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. RANGEL. Mr. Speaker, it is with great pleasure and pride that I welcome President Lee Myung-bak of the Republic of Korea to the United States and his address to the Joint Session of Congress on October 13, 2011. His visit to our great nation is another significant step in broadening and deepening the friendship and cooperation between our two sovereign nations.

For more than 60 years an enduring friendship has existed between the United States and the Republic of Korea which has been of enormous economic, cultural, and strategic benefit to both nations. Our countries share common ideals and a clear vision for the 21st century, where freedom and democracy are the foundations for peace, prosperity, and progress.

During the Korean War the United States and the Republic of Korea forged a bloodshed alliance. Approximately 1,789,000 members of the United States Armed Forces served in-theater along with the forces of the Republic of Korea and 20 other members of the United Nations to defend freedom and democracy of the Republic of Korea from 1950 to 1953. Since 1975, the Republic of Korea has invited thousands of American Korean War veterans to revisit Korea in appreciation for their sacrifices. Currently more than 28,500 members of the United States Armed Forces have served annually in the United States Forces Korea to defend the Republic of Korea against external aggression, and to promote regional peace.

The Republic of Korea is among the closest allies of the United States, having contributed troops in support of United States operations during the Vietnam War, Gulf War, and operations in Iraq and Afghanistan, while also supporting numerous United Nations peacekeeping missions throughout the world.

As a Korean War veteran, I am proud to see that in the 60 years since the outbreak of the Korean War, the Republic of Korea has emerged from a war-torn economy into one of the major economies in the world and one of the largest trading partners of the United States.

The success of Republic of Korea is a shining example of the peacekeeping efforts and contribution made by the United States.

I would like to congratulate President Lee Myung-bak for recently being awarded the World Statesman Award for his leadership in furthering democracy, freedom, peace and human rights, on September 20, 2011, by The Appeal of Conscience Foundation, an interfaith organization founded and presided by my good friend, Rabbi Arthur Schneier.

I applaud President Lee Myung-bak's many accomplishments, including his tenure as the CEO of Hyundai Engineering and Construction, Member of the Korean National Assembly, Mayor of Seoul, and as the 10th President of the Republic of Korea. Under his presidency since 2008, Republic of Korea has emerged as one of the key players on the international scene through hosting the 2010 G-20 Seoul Summit. Now with the passage of the U.S.-Korea Free Trade Agreement, I hope that the economies of both the United States and Republic of Korea would continue to prosper as our partnership remains strong.

REMARKS ON TRADE
AGREEMENTS**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. HOLT. Mr. Speaker. I rise in opposition to the pending free trade agreements with Colombia, Panama, and Korea we are considering today.

I do not support these agreements for one simple reason: I remain completely unconvinced that they can create jobs in the short term. Job creation must be our principal objective. That is what nearly everyone in New Jersey tells me is their concern. Given the tough economic times we face and the high rates of unemployment and underemployment, we need to take steps to help create jobs now. In my view these agreements fail that job-creation test. Instead of advancing these steps that might possibly start producing some jobs years from now, we should be passing immediately legislation that creates jobs now, legislation that helps homeowners now, and legislation that helps the middle class now.

H.R. 3078, THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT, H.R. 3079, THE UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT, AND H.R. 3080, THE UNITED STATES-KOREA FREE TRADE AGREEMENT IMPLEMENTATION ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 12, 2011

Mr. DINGELL. Mr. Speaker, I rise in reluctant opposition to the pending free trade agreements (FTAs) with Colombia and Korea. I wish, however, to commend my good friend from Michigan and Ranking Member of the Committee on Ways and Means, SANDY LEVIN, for his hard and effective work with the Obama Administration to improve them. SANDY and the Administration have fought hard to ensure improved market access for American workers and companies, all while insisting that our trading partners' labor protections be improved. Nevertheless, my experience with FTAs has been one of nearly two decades of broken promises and widespread domestic economic dislocation, particularly in my home state of Michigan. With our economy teetering on the edge of recession and the painful memory of millions of lost jobs, I cannot vote in good conscience for more free trade agreements.

With respect to Colombia, I am disappointed by the Administration's decision not to include the Labor Action Plan as a binding and enforceable provision of the FTA. Colombia has a well known history as one of the world's most inhospitable places for labor leaders. While the country was showing some signs of progress under the action plan, there is nothing to prevent Colombia from backsliding once the FTA is in effect and the plan itself does not have the force of law.

Although I recognize that significant improvements in terms of tariff and non-tariff barriers to trade have been made in the Korean trade agreement, I rather unhappily believe that promises will not translate into reality. In short, I believe the United States is giving up far too much for mediocre market share gains in the short term. This agreement may well boost our exports to Korea over the next few years, but I am firmly convinced that the benefits Korea will reap in the long run—especially in the auto sector—will eclipse any that the U.S. may achieve. Even the International Trade Commission estimates that our auto trade deficit with Korea will rise by over \$700 million in the next ten years if this agreement is implemented.

With due recognition of my colleagues' hard work to improve these agreements, I must respectfully part ways and vote in opposition to them. Let me be condemned to repeat it, I ask my colleagues to learn the lessons of history and vote "no" on these trade deals.

With due recognition of my colleagues' hard work to improve these agreements, I must respectfully part ways and vote in opposition to them. Let me be condemned to repeat it, I ask my colleagues to learn the lessons of history and vote "no" on these trade deals.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 13, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 18

10 a.m.

Energy and Natural Resources

To hold hearings to examine the status of response capability and readiness for oil spills in foreign Outer Continental Shelf waters adjacent to United States waters.

SD-366

Environment and Public Works

To hold hearings to examine a review of the 2011 floods and the condition of the nation's flood control systems.

SD-406

Finance

To hold hearings to examine tax reform options, focusing on incentives for charitable giving.

SD-215

Health, Education, Labor, and Pensions
Primary Health and Aging Subcommittee

To hold hearings to examine the recession and older Americans.

SD-430

Homeland Security and Governmental Affairs

To hold hearings to examine ten years after 9/11 and the anthrax attacks, focusing on protecting against biological threats.

SD-342

Small Business and Entrepreneurship

To hold hearings to examine the "Small Business Jobs Act of 2010", one year later.

SR-428A

2:30 p.m.

Health, Education, Labor, and Pensions

Business meeting to consider an original bill entitled, "Elementary and Secondary Education Act", and any pending nominations.

SD-106

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety, and Security Subcommittee

To hold hearings to examine pipeline safety since San Bruno and other recent incidents.

SR-253

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

OCTOBER 19

9:30 a.m.

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine market microstructure, focusing on an examination of Exchange-Traded Funds (ETFs).

SD-538

10 a.m.

Environment and Public Works

Superfund, Toxics and Environmental Health Subcommittee

To hold a joint oversight hearing to examine the Brownfields Program, focusing on cleaning up and rebuilding communities.

SD-406

Homeland Security and Governmental Affairs

Business meeting to consider pending calendar business.

SD-342

Judiciary

To hold an oversight hearing to examine the Department of Homeland Security.

SD-226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine concussions and the marketing of sports equipment.

SR-253

Judiciary

To hold hearings to examine certain nominations.

SD-226

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 544, to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, S. 1083, to amend the National Trails System Act

to designate the route of the Smoky Hill Trail, an overland trail across the Great Plains during pioneer days in Kansas and Colorado, for study for potential addition to the National Trails System, S. 1084, to amend the National Trails System Act to designate the routes of the Shawnee Cattle Trail, the oldest of the major Texas Cattle Trails, for study for potential addition to the National Trails System, S. 1303, to authorize the Secretary of the Interior to establish Fort Monroe National Historical Park in the Commonwealth of Virginia, S. 1325, to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, S. 1347, to establish Coltsville National Historical Park in the State of Connecticut, S. 1421, to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, S. 1478, to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and S. 1537, to authorize the Secretary of the Interior to accept from the Board of Directors of the National September 11 Memorial

and Museum at the World Trade Center Foundation, Inc., the donation of title to The National September 11 Memorial and Museum at the World Trade Center.

SD-366

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine the final report of the Commission on Wartime Contracting in Iraq and Afghanistan.

SR-232A

OCTOBER 20

2:15 p.m.

Indian Affairs

To hold hearings to examine S. 134, to authorize the Mescalero Apache Tribe to lease adjudicated water rights, S. 399, to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, S. 1298, to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium, S.

1327, to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation, and S. 1345, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam.

SD-628

2:30 p.m.

Energy and Natural Resources
Water and Power Subcommittee

To hold an oversight hearing to examine shale gas production and water resources in the Eastern United States.

SD-366

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

NOVEMBER 3

9 a.m.

Homeland Security and Governmental Affairs
Investigations Subcommittee

To hold hearings to examine speculation and compliance with the "Dodd-Frank Act".

SD-342

SENATE—Thursday, October 13, 2011

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, hallowed be Your Name. Today, empower our lawmakers to run with patience the race that is set before them, looking to You, the author and finisher of our faith. Keep them from discouragement as You help them to be persistent in their efforts to meet today's challenges with faith and trust in You. Sustain them ever in Your grace and bestow upon them Your abundant Spirit.

Lord, give uncommon wisdom to the Joint Select Committee on Deficit Reduction. As its members strive to forge a deficit reduction plan, grant them wisdom and courage for the living of these days.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 13, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in morning business until noon. The Republicans will control the first 30 minutes and the majority will control the next 30 minutes. At noon, the Senate will be in executive session to consider the Nathan, Hickey, and Forrest nominations. They are all nominated to be U.S. district court judges. We expect two rollcall votes at around 2 p.m. in relation to these nominations.

Additionally, there is a joint meeting of Congress today at 4 p.m. with the President of South Korea. Senators will gather on the floor at 3:40 p.m. to proceed to the House. We will do that together.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

WELCOMING THE PRESIDENT OF SOUTH KOREA

Mr. MCCONNELL. Mr. President, later today, Senators will have the opportunity to hear from South Korean President Lee, and I know we all look forward to it.

South Korea is a stalwart ally that enjoys a flourishing economy. It is a shining example of how embracing democracy and free market principles can transform a society for the good.

Imagine, in 50 years, they went from a civil war to a military dictatorship to an evolving democracy and on the economic side to a thriving capitalist country that has the 13th largest economy in the world—from a country that was a recipient of foreign aid and Peace Corps volunteers to a country with its own foreign aid program and its own peace corps—all of that in 50 years, right on the same peninsula with one of the last Stalinist regimes in the world. It is a great success story that the United States has had an awful lot to do with promoting.

The South Korean Free Trade Agreement we passed overwhelmingly last

night on a bipartisan basis will only make our two economies stronger. Our already strong alliance will be even stronger.

These agreements should serve as an example of the kind of bipartisan legislation Congress should be focused on right now.

Many of us have been amazed to witness, as I indicated earlier, the rapid growth and evolution of South Korea—truly a remarkable accomplishment.

So we welcome this great friend of the United States to our shores. We hope he and his wife have a memorable trip.

As we face together the threat of North Korea and the rapid changes occurring in the strategic balance in Northeast Asia, we look forward to an even stronger alliance with South Korea in the years to come.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WORKING TOGETHER

Mr. REID. Mr. President, I would just say, as my friend leaves—I know he has an appointment—the work that has been done in the last few weeks in the Senate has been very important. We have been able to work on the FEMA bill, we worked through the problems with that; China currency, we worked through that. Even though, as my friend, the distinguished Republican leader, knows, I did not agree with the trade bills—what they did—I think it is a good sign of our working together. In spite of strong feelings on both sides, people put that aside. There were no dilatory efforts made to hold them up, and we moved forward. I think that is commendable. That should be the pattern for the rest of this Congress.

I also want the RECORD to be spread with the fact that as far as congressional action, this legislation would not have happened but for the Republican leader. He has been laser focused for a long time, and there were some things we had to work through to get here, but one of the reasons I did what I did to help move this along is because of his feelings about the importance of this legislation.

JOBS

Mr. REID. Mr. President, we also need to focus on jobs. It is one of the most important things we can do—I believe the most important we can do. I am sorry that this week my Republican colleagues proved once again that

the only jobs they care about are their own. They voted against a plan to create 2 million Americans jobs because they believed it was good Republican politics.

Meanwhile, 14 million unemployed Americans are worried about how they are going to make their rent, put food on the table, and fill their gas tank or how they are going to get another job interview.

These 14 million Americans could care less who proposed the plan or who gets credit to get them back to work. What they care about is that Congress gets to work putting them back to work.

Asked whether they support a plan to ask millionaires to pay their fair share to pay for tax cuts for middle-class families and small businesses, construction of roads and schools, and an extension of unemployment benefits, Americans have overwhelmingly said, yes, they support it.

The reason they do that is because, as we see in the newspaper articles around the country, the news stories: "A quarter of U.S. millionaires pay taxes at a lower rate than some in middle class." It is about a 17-percent average. That is untoward.

Two-thirds of Americans support both the plan the Republicans blocked this week and the way it is paid for. Yet still, Republicans unanimously voted against these tax cuts, infrastructure investments, and jobs for teachers, police officers, and veterans. They voted, I repeat, against 2 million jobs for American workers.

My Republican colleagues pay lip service to the unemployment crisis in the country, but in the end actions speak louder than words.

As Congresswoman Barbara Jordan, the first African-American woman to be elected from the Deep South to Congress, once said:

The citizens of America expect more. They deserve and they want more than a recital of problems.

The American people demand action. They deserve it. I hope my Republican colleagues would have a plan to create jobs, other than the constant talk about let's get rid of regulations, let's lower taxes.

Let's work together to create jobs. If my friends do not like what the President put forward, come forward with something that is constructive in nature. As Barbara Jordan said:

The citizens of America expect more. They deserve and they want more than a recital of problems.

We can all recite the problems. There are lots of them. But let's work together to create some jobs.

I was happy to hear from some of my Republican colleagues that they want to work together to create jobs. I told one of the Senators: Wonderful. Grab any one of the Democrats; they will work with you to help create these

jobs. We need to do something. We do not need to continue to recite the problems. Please get off of this, I say to my Republican friends, about lowering taxes as a way to create jobs. If that, in fact, were the case, the Bush tax cuts would have put this country on an economic machine that could never have been driven so fast. But it did not help.

Eight million jobs were lost during the Bush years with these tax cuts. During the Clinton years, 23 million jobs were created. Let's stop the constant cry: We need to lower taxes. None of us are in favor of raising taxes. But certainly we need a fair tax distribution, and that is why the American people are agreeing with us.

We are willing to work on regulations. There are too many of them. We all agree with that. But let's look specifically at what creates jobs.

One of the big issues we fought about last week was farm dust. OK. Farm dust. EPA does not regulate farm dust. They do not want to regulate farm dust. These are all just, as in the grocery business, loss leaders. It is only a way to confuse the American people. I repeat, EPA does not regulate farm dust. They do not want to regulate farm dust. Let's start talking about that which creates jobs, that which puts people back to work.

We are going to continue to do everything we can not to let the American people down. We will not stop working to pass the proposals contained in the American Jobs Act just because Republicans have used every obstructionist trick in the book to stop it from moving forward. We will continue to ask the richest Americans to share the burden of getting our economy back on track, and we will never give up in the fight to create jobs for the 14 million people in this country who are out of work.

Remember, the American Jobs Act reduces taxes for everybody, except those who make more than \$1 million a year.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 12 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes.

The Senator from Georgia is recognized.

SMALL BUSINESSES

Mr. ISAKSON. Mr. President, I wish to, first of all, kind of tag on to the remarks of the leader for just a second. One of the things I wish we would do in this body is get out of the business of demonizing certain segments of our population. Both sides are guilty of it, from time to time. But I wish to particularly talk about the major employer of the United States—small business—and the leader's reference to the 5.6-percent surtax.

Documents show that 392,000 American small businesses would be impacted by a 5.6-percent surtax in order to pay for the President's jobs bill. Records show that 72 percent of the American people are employed by small business.

We have to ask ourselves this question: If we are interested in creating jobs, why would we target the job creator that creates three-fourths of the jobs in America and put a surtax on them? It does not make any sense. If there were sincerity in that offer, those people would first and foremost be carved out on any punitive surtax and we probably would have more employment.

I wanted to make that point. I will join anytime, anyplace, anywhere with the leader to work on creating jobs because that is job one for the United States of America.

I was a small businessman for 33 years, ran a small business for 22 years. I understand the heart and soul of small business. Today I come to the floor to talk about two small businesses in Georgia and the effect of regulation on those small businesses and the decisions they have made this year that impact employment and the economy.

One is a lovely lady named Susan Kolowich. Susan is a dear friend of my wife's. My wife worked for her for 13 years, has not worked for her in the last 5 or 6 years. She opened a shop in East Cobb County, in Marietta, GA, 23 years ago called C'est Moi—"It is I." She loves France. She would go to France every year and buy, and she would bring back gifts which she sold in her gift shop.

It was a successful small business for 23 years, so successful that her husband Jim, who had been a Subway sandwich shop owner, decided to open a restaurant called Cafe de Paris and join it with her C'est Moi shop so people could come and shop and eat and get a flavor of France. For 10 years he ran the restaurant and for 23 years she ran the store successfully. It was difficult in the last 3 or 4 years because of the economy, but they stayed in business. But finally she threw in the towel and sold the company. She sold her shop, and Jim, her husband, sold his restaurant. They sold them because they were up to here with the oppressive regulation of our government and the

continued threat of things exactly like the surtax on their small business at a time in which sales are very difficult. That is not an abstract story, that is the truth. I am sure it is happening in Mississippi, and I am sure it is happening in Wyoming.

Let me talk about a little bit larger small business, Hennessy Jaguar and Hennessy Land Rover over in Atlanta, GA. One of the principals in it is a guy named Steve Hennessy. Steve is a good friend of mine.

On January 3 of this year, I went to the OK Cafe in Atlanta to join a couple for a meeting about some legislation. It is kind of the watering hole for breakfast in Atlanta. Everybody who is anybody kind of goes there. It is a great place to eat. When I walked in the door and walked past the cash register, where you can see out into the cafe, to see if my guests I was going to meet with were there, Steve spotted me. I was not going to meet with him. He jumped up and said: JOHNNY, I need to talk to you now. He ran across the restaurant. I thought he was going to give me a bear hug, he looked so excited. He got up close, and he put his index finger right on my chin. He said: I just fired a salesman and hired two compliance officers to comply with the credit requirements of Dodd-Frank.

So regulation did create two jobs. It created two compliance officers, but it cost a salesman. Well, if you are punishing the salesman and rewarding the compliance officer, the economy is going to go straight down because you are punishing productivity, you are punishing job creation for the sake of regulatory compliance.

Now, some regulation is good. I believe our job as legislators is to see to it that we mitigate risks for the American people. But this administration appears to think its job is to eliminate risk. Well, if you eliminate risk, you stay in bed—when you wake up in the morning, you stay there until night, you do not do anything because you do not take a risk. Capitalism is about risk. Risk and reward are about our economy.

So when people talk about regulatory oppression, those are two stories in Atlanta, GA, where regulation has actually caused two businesses to be sold and jobs to be lost and another business to hire two people to comply with government regulation and fire someone who was in sales. It is backward at best, and it is wrong.

So I say to the leader, who did make an acknowledgement that he wanted to mitigate regulation, let's sit down and let's find out what we need to do. Let's call a timeout. Let's do what Senator COLLINS from Maine said. Let's take a timeout for a year. Let's try to digest and absorb the regulations we have passed without continuing to put more threatening regulations on top of businesses at a time when we have 9.1 per-

cent unemployment in America, and in my State we have 10.2. It is time for us to be proactive on taking the shackles off American small businesses, not threaten them with surtaxes and not oppress them with regulation. Instead, let's work to empower small businesses to help us come out of this recession.

I think my dear friend Senator BARRASSO, the physician from the great State of Wyoming, wants to address precisely the same subject I am.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. BARRASSO. I am delighted to be joining my colleagues, Senator ISAKSON from Georgia, and Senator WICKER is here also from Mississippi. We think this is very important.

The leader started talking about today and said we need to focus on jobs. That is what we wanted to focus on for all of the time of the Obama administration. But, no, the President ignored jobs—ignored jobs his first year in office, ignored jobs his second year in office. Here we are more than halfway through his third year in office, and finally the President has noticed what has been on the minds of the American people.

This is a President and a majority leader who forced through this body a health care law that is bad for patients; bad for providers, the nurses and doctors who take care of those patients; and bad for taxpayers, ignoring what the American people said they wanted to focus on, which was jobs, the economy, the debt, the spending. We see a majority leader who led this body to adding more to the debt—now \$14 trillion in debt—more debt, more spending, more money that is owed to China.

We need to put Americans to work. We need to get Americans back to work. The majority leader talked about 14 million Americans looking for jobs. There are over 4 million who have not worked for over a year. In that kind of a situation, it is going to be a lot harder for those folks to ever get a job again—ever get a job again.

And the regulations just keep on coming. A month ago, the President came to the Hill, visited, and had a joint session of Congress. He said: I want to get rid of some of these regulations. He said: I can identify regulations—he came out with a list of about \$4 billion worth of regulations—to lower the cost of business over the next 5 years. But in the month of September alone, this administration came out with 230 proposed rules and 338 final rules. And if you go to what this administration says that those rules are going to cost the people of this country, cost the job creators of this country, even the administration, using their own numbers, that cost is going to be \$10 billion.

I heard our colleague from Georgia talk about the paperwork, the compli-

ance officers. Just yesterday, this administration came out, under Dodd-Frank, with new rules and regulations—proposed rules. They took only 11 pages of this massive bill, but only 11 pages, and when you look at the 298 pages of proposed rules that have come out, what do the government regulators, the Obama administration regulators, say it is going to cost the businesses of this country in terms of manhours having to be spent to comply with the paperwork? These aren't my numbers, these aren't Senators ISAKSON's numbers, these aren't Senator WICKER's numbers. Mr. President, 6,283,000 hours of paperwork. That is what the government experts say is going to have to be spent on paperwork to comply with one component of the Dodd-Frank law. How is that going to help? How is that kind of a drag on a society going to help create jobs?

You know, the President says: If the Republicans have ideas, we want to hear them. The majority leader stood here and said: If the Republicans have ideas, we want to hear them. Well, a month ago, a month ago to this day, when the President came to the Hill, earlier that morning a number of colleagues, House and Senate Members, came to talk about a Western Caucus Jobs Frontier bill, a number of bills Republicans have proposed breaking down Washington's barriers to America's red, white, and blue jobs.

The majority leader said we ought to spend more money. The President said we ought to spend more money. The President talked about his so-called stimulus plan, and he said it was going to save or create 3.5 million jobs. We have lost millions of jobs since this President came into office.

The President talked about green jobs. He said his clean-energy policies would create 5 million new jobs. We have just seen the Solyndra situation—1,100 people fired because of bad bets by this administration. This is an administration that should not be betting with the taxpayers' money. It is not the administration's money. It is not the President's money. That is why the American people are so up in arms. They see what all of this spending is doing, and it is not helping jobs.

I see my colleague from Mississippi is here. We can go back and forth and talk about this. I know he has examples and situations in Mississippi. I see them in Wyoming all of the time, people having to deal with the redtape coming out of Washington. The President talks a pretty good game, but when you look at what is happening out there, the American people are very disappointed. The American people deserve better than what they are getting from this administration.

So I would ask my colleague from Mississippi whether there are things he sees happening to his friends and neighbors at home that we need to share with the rest of the country?

Mr. WICKER. Well, there is no question about it. I appreciate my two friends coming down and helping with this colloquy today.

There are two companies I want to talk about in a moment, but let me say at the outset that we all want to create jobs for Americans, there is no question about it. The President came into office wanting to create jobs. The problem is, he has not let history be a guide.

If we go ahead with this second stimulus bill, we will be following the same failed programs that not only have not created jobs for Americans, but, as a matter of fact, the policies have made things worse for Americans and for job creation. The President's proposal and the proposal the majority leader just embraced is a "spend now, pay later" approach. It is one that has been proven not to work. Three years after we tried this at the beginning of the President's term, we have not put more Americans back to work.

This should be a glaring reminder of the failures of the first stimulus package and the probability and likelihood that this second stimulus package would be met with the same result. What we have seen since the first stimulus is that the Federal debt has skyrocketed, there are nearly 2 million fewer jobs, and the economic growth is limping along at a meager 1 percent. So many other countries have a higher GDP growth than that. It is tragic that our country has not kept up. The unemployment rate has hovered at 9 percent for 30 months in a row. If you add in those who have given up looking for work or settled for part-time work, that number skyrockets from around 9 percent unemployment, which is an unspeakable number, to some 16 percent. In fact, some 6 million people have been without a job for more than 6 months.

We know the President's policies are not working. We have seen very slow movement and, frankly, in many instances, that movement has been backward. The big-government approach of spend now and pay later has simply been a wet blanket for America's job creators.

The fact is there are some things on which we can agree. In this time of divided government, we must approach the idea of job creation in a bipartisan manner. The House of Representatives is controlled by Republicans. This body is controlled by Democrats. The executive branch, including the regulatory regime in this country, is strictly controlled by the Democratic Party. So we need to work together in a step-by-step approach.

A comprehensive package of "pass this bill, pass this bill immediately without amendments" has been rejected by both Democrats and Republicans in this city, and we now need to embark on a step-by-step approach,

and we can be quick about it. One example was yesterday. When we finally got around to it, the House of Representatives passed the trade bills, once the President sent them to us. That was done yesterday afternoon. By 7 or 8 last evening, the Senate passed all of these trade agreements on a huge bipartisan basis. So this is a step in the right direction. There are other things we can do. But I wish to commend the President for finally sending the trade bills to the Congress and for getting that done and opening the new markets. So that is a step.

The Senator from Georgia mentioned some companies and some potential job creators in his State. My friend from Wyoming asked me to talk about examples in Mississippi.

Actually, my wife Gail and I had an opportunity to participate in a christening of some boats in Gulfport, MS, just the day before yesterday. This was at the construction area of Trinity Yachts. I know what the initial reaction is: Why should we be concerned with yachts? I tell you why we should be concerned with yachts. Because we employ thousands upon thousands of Americans building those yachts.

I will never own a yacht. I don't aspire to even travel on a yacht. But I am glad there are a bunch of people around the world who want to buy them, because we employ a thousand people at Trinity Yachts, and we want to increase that.

As a matter of fact, what we helped christen the day before yesterday was not a yacht at all, it was two tugboats. Trinity Yacht makes tugboats, and they will be helping bring liquefied natural gas into the port of Pascagoula. So this shipyard built the tugs, Signet Maritime bought the tugs, and they will be creating jobs in Gulfport, and will be creating jobs at the Port of Pascagoula, and they want to create a lot more jobs.

I was told by the management and ownership of Trinity Yachts that business is a little soft in the shipyard. But if the President would simply go back to what we used to have in terms of oil and gas permitting, if we would lift this de facto ban on oil wells in the Gulf of Mexico and get back to the business we had year before last, then business could be great guns at Trinity Yachts.

We are not talking about yachts being constructed by Trinity, we are talking about oil and gas drilling platforms. The quicker permits and drilling projects in the Gulf of Mexico could bring about more than 200,000 new jobs in the next year. That is a job creator proposal that is simple. All we need to do is enforce the law that is currently on the books and get back to permitting so we can get back to producing our own energy.

The oil and natural gas sector is responsible for 9 million jobs, according

to the Congressional Research Service, and we have in America the largest recoverable stores of natural gas, oil, and coal on Earth. So if you want to know another Republican proposal—which is a bipartisan proposal when you get down to it, because our gulf coast delegation consists of Republicans and Democrats—then here is a concrete proposal: Let's get back to producing our own energy resources in the Gulf of Mexico and elsewhere in the United States. Nine million jobs, and it could be more.

Mr. ISAKSON. The Senator from Mississippi jogged my memory, and I want to jog his. He was in the House of Representatives in 1994, if I am not mistaken. I got here in 1999. But I remember the first year of the Clinton administration, when they put a luxury tax on yachts, yacht construction went out of business and thousands of jobs were lost. I don't know if Trinity is a sub S, an LLC, or a sole proprietorship, but it is probably one of those three types of corporations, and I am sure it is a small business. They are going to have a 5.6-percent surtax on their income because of what is in the proposal of the President, which is, allegedly, to pay for a jobs bill. So this is *deja vu* all over again. The administration is imposing more taxes to pay for government jobs that take money out of the pockets of small business that creates the jobs in America.

Trinity Yachts—and I will do some research to find out if that is true, because I don't know the company—I will bet is one of the ones that pays their taxes as if they were an individual, and they would be affected by the tax the President is proposing, just like the yacht industry that was put out of business in 1993 because of the Clinton tax. So the Republicans took over in 1994 and reformed the Tax Code and cut Federal spending.

Mr. WICKER. The point is, they are a bunch of average, hard-working Mississippians, average, hard-working Americans, who are glad to come to work each day, working hard to build these boats, and we ought to encourage them.

I don't know the corporate structure of that particular job creator, but I know the larger point is that many of the job creators do pay taxes at the individual level. We know from research that four out of five of the taxpayers who would pay the higher taxes being proposed by the President are business owners—the very people we are hoping will create jobs, and create them soon for Americans.

Mr. ISAKSON. I thank the Senator from Mississippi for his stories, which are true and to the point. My story was about two small businesses. And I thank the Senator physician from the great State of Wyoming, and I would ask if he has any additional remarks.

Mr. BARRASSO. Well, I know you see this in Georgia and in Mississippi.

We know what doesn't work. We know what doesn't work is more borrowing and more spending and overregulation and the threat of raising taxes on people and the job creators of this country. So there is much to be done, and that is why we actually came out with this Jobs Frontier—the western caucus did—because we want to increase affordable American energy.

The President, when he was running for office, said under his proposals electricity costs would necessarily skyrocket. If you want a productive, vibrant economy, you need low-cost energy, and if you want a secure nation, you need American energy to do that. So when my colleague from the Gulf State of Mississippi talks about energy in the gulf, there is a lot there. I can talk about Wyoming from the standpoint of energy being available on Federal land, which is being blocked by regulations. We ought to be exploring for that energy as well as in Alaska. So there is much we can do to make our country stronger, safer, more secure, better, and more vibrant, but the proposal put forth by the President—and here I agree with my colleague from Mississippi—is another spending bill—just spending—as the first stimulus was. It is a bill that is not going to do what we need to do to get this economy going in a vibrant sense. From my perspective, the No. 1 thing we should do is stop doing what we know doesn't work.

Mr. ISAKSON. Well, I want to conclude, unless the Senator from Mississippi has anything to add.

Mr. WICKER. Well, just to say this, and I will take a minute to say it and then I will thank my friend from Georgia for taking the lead on this colloquy.

We also need to show job creators that we are actually serious about fixing our fiscal house. You know, we have had the Gang of 6, we have had the Simpson-Bowles Commission, we have had Dr. COBURN and Senator LIEBERMAN with a proposal, and we have had Alice Rivlin's proposal—an expert on budgetary matters. We know the solutions that are out there, and they are hard to do politically. They would subject us all to intense political criticism and a firestorm. But if we do it on a bipartisan basis for the good of this country now, for the good of not only job creators today and people out there who are dying to come back to work but also for future generations, then we can do the right thing.

I will simply say this: I call on the President of the United States to give us some leadership on working together on a bipartisan basis to make these tough decisions. If we do it together, as Ronald Reagan and Tip O'Neill did in the 1980s, we can make the case to the American people that sometimes you have to do hard things, but we do things on a bipartisan basis

to create jobs and to make a better future for future generations. It will not be done unless the Chief Executive of the United States of America comes forward and signals a willingness to hold hands with us and do the right thing for the future.

I desperately hope in these final months of 2011 we can get that signal sent to the committee of 12, and that we can work together to make major, significant structural changes that will save our fiscal future.

I thank my colleague.

Mr. ISAKSON. Mr. President, I thank the Senator from Mississippi, and I will close by simply saying you have heard three Republicans this morning talking about differences we might have on regulation and on tax policy, but you have also heard the distinguished Senator from Mississippi, the physician Senator from Wyoming, and myself, from the State of Georgia, say we are ready, we are willing, and we are hopeful that we can sit down together as a Congress—not as a partisan Congress but as a bipartisan Congress—and find solutions to the regulatory problems, find incentives for businesses to invest, and find ways we can create jobs in the private sector, because in the end that is where job creation takes place.

I will end with where Senator REID started in his remarks. Yesterday was a landmark day. Republicans and Democrats came together and passed three free-trade agreements which will create jobs in the United States of America. Our problem is we waited almost a thousand days to do it. Let's start accelerating those decisions that must be made to bring us together. Let's find ways to cut our spending, empower our businesses, and find ways to regulate in a positive way, not in a suppressive and oppressive way on American small businesses.

Senator WICKER, Senator ISAKSON, and Senator BARRASSO are three who stand ready to join in doing that, anytime, anyplace, anywhere.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here to speak about what is cur-

rently an unpopular topic in this town. It has become no longer politically correct in certain circles in Washington to speak about climate change or carbon pollution or how carbon pollution is causing our climate to change.

This is a peculiar condition of Washington. If you go out into, say, our military and intelligence communities, they understand and are planning for the effects of carbon pollution on climate change. They see it as a national security risk. If you go out into our nonpolluting business and financial communities, they see this as a real and important problem. And, of course, it goes without saying our scientific community is all over this concern. But as I said, Washington is a peculiar place, and here it is getting very little traction.

Here in Washington we feel the dark hand of the polluters tapping so many shoulders. And where there is power and money behind that dark hand, therefore, a lot of attention is paid to that little tap on the shoulder. What we overlook is that nature—God's Earth—is also tapping us all on the shoulder, with messages we ignore at our peril. We ignore the messages of nature—of God's Earth—and we ignore the laws of nature—of God's Earth—at our very grave peril.

There is a wave of very justifiable economic frustration that has swept through our Capitol. The problem is that some of the special interests—the polluters—have insinuated themselves into that wave, sort of like parasites that creep into the body of a host animal, and from there they are working terrible mischief. They are propagating two big lies. One is that environmental regulations are a burden to the economy and we need to lift those burdens to spur our economic recovery. The second is the jury is still out on climate changes caused by carbon pollution, so we don't need to worry about it or even take precautions. Both are, frankly, outright false.

Environmental regulation is well established to be good for the economy. It may add costs to you if you are a polluter, but polluters usually exaggerate about that.

For instance, before the 1990 acid rain rules went into effect, Peabody Coal estimated that compliance would cost \$3.9 billion. The Edison Electric Institute chimed in and estimated that compliance would cost \$4 to \$5 billion. Well, in fact, the Energy Information Administration calculated the program actually cost \$836 million, about one-sixth of the Edison Electric Institute estimate.

When polluters were required to phase out the chemicals they were emitting that were literally burning a hole through our Earth's atmosphere, they warned that it would create "severe economic and social disruption" due to "shutdowns of refrigeration

equipment in supermarkets, office buildings, hotels, and hospitals.” Well, in fact, the phaseout happened 4 years to 6 years faster than predicted; it cost 30 percent less than predicted; and the American refrigeration industry innovated and created new export markets for its environmentally friendly products.

Anyway, the real point is we are not just in this Chamber to represent the polluters. We are supposed to be here to represent all Americans, and Americans benefit from environmental regulation big time.

Over the lifetime of the Clean Air Act, for instance, for every \$1 it costs to add pollution controls, Americans have received about \$30 in health and other benefits. By the way, installing those pollution controls created jobs because they went to manufacturers to build the controls and to Americans to install them. But setting that aside, a 30-to-1 benefit ratio to keep our air clean sounds like a mighty wise investment to me. That 30-to-1 ratio doesn't even count the intangible benefits—intangible but very real benefits—of clear air and clean water, the benefits of the heart and the soul, the benefits to a grandfather of taking his granddaughter to the fishing hole and still finding fish there or of the city kid being able to go to a beach and have it clean enough to swim there or the benefit to a mom who is spared the burden of worry, of sitting next to her asthmatic baby on the emergency room albuterol inhaler waiting for his infant lungs to clear.

Well, unfortunately, polluters rule in certain circles in Washington, and they emit propaganda as well as pollution, and they have been emitting too much of both lately.

Their other big lie the jury is still out on is whether human-made carbon pollution causes dangerous climate change and oceanic change. Virtually all of our most prestigious scientific and academic institutions have stated that climate change is happening and that human activities are the driving cause of this change. Many of us in Congress received a letter from those institutions in October 2009. Let me quote from that letter.

Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver. These conclusions are based on multiple independent lines of evidence, and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

Let me repeat that last quote.

Contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

This letter was signed by the heads of the following organizations: the American Association for the Advancement of Science, the American Chemical So-

ciety, the American Geophysical Union, the American Institute of Biological Sciences, the American Meteorological Society, the American Society of Agronomy, the American Society of Plant Biologists, the American Statistical Association, the Association of Ecosystem Research Centers, the Botanical Society of America, the Crop Science Society of America, the Ecological Society of America, the Natural Science Collections Alliance, the Organization of Biological Field Stations, the Society for Industrial and Applied Mathematics, the Society of Systematic Biologists, the Soil Science Society of America, and the University Corporation for Atmospheric Research.

These are highly esteemed scientific organizations. They are the real deal. They don't think the jury is still out. They recognize that, in fact, the verdict is in, and it is time to act.

More than 97 percent of the climate scientists most actively publishing accept that the verdict is actually in on carbon pollution causing climate and oceanic changes—97 percent. Think of that.

Imagine if your child were sick and the doctor said she needed treatment, and out of prudence you went and got a second opinion. Then you went around and you actually got 99 second opinions. When you were done, you found that 97 out of 100 expert doctors agreed your child was sick and needed treatment. Imagine further that of the three who disagreed, some took money from the insurance company that would have to pay for your child's treatment. Imagine further that none of those three could say they were sure your child was OK, just that they weren't sure what her illness was or that she needed treatment, that there was some doubt.

On those facts, name one decent father or mother who wouldn't start treatment for their child. No decent parent would turn away from the considered judgment of 97 percent of 100 doctors just because they weren't all absolutely certain.

How solid is the science behind this? Rock solid. The fact that carbon dioxide in the atmosphere absorbs heat from the Sun was discovered at the time of the Civil War. This is not new stuff. In 1863 the Irish scientist John Tyndall determined that carbon dioxide and water vapor trapped more heat in the atmosphere as their concentrations increased. A 1955 textbook, “Our Astonishing Atmosphere,” notes that nearly a century ago the scientist, John Tyndall, suggested that a fall in the atmospheric carbon dioxide could allow the Earth to cool, whereas a rise in carbon dioxide would make it warmer.

In the early 1900s, a century ago, it became clear that changes in the amount of carbon dioxide in the atmosphere might account for significant in-

creases and decreases in the Earth's average annual temperatures and that carbon dioxide released from manmade sources, anthropogenic sources—primarily by the burning of coal—would contribute to those atmospheric changes. This is not new stuff. These are well-established scientific principles.

Let me look for a moment at the book I talked about, “Our Astonishing Atmosphere,” published in 1955—the year I was born, more than half a century ago—for the “Science for Every Man Series.” Let me read:

Although the carbon dioxide in the atmosphere remains at a concentration of 0.03 percent all over the world, the amount in the air has not always been the same. There have been periods in the world's history when the air became charged with more carbon dioxide than it now carries. There have also been periods when the concentration has fallen unusually low. The effects of these changes have been profound. They are believed to have influenced the climate of the earth by controlling the amount of energy that is lost by the earth into space. Nearly a century ago, the British scientist John Tyndall suggested that a fall in the atmospheric carbon dioxide could allow the earth to cool whereas a rise in the carbon dioxide would make it warmer. With the help of its carbon dioxide, the atmosphere acts like a greenhouse that traps the heat of the sun. Radiations reaching the atmosphere as sunshine can penetrate to the surface of the earth. Here, they are absorbed, providing the world with warmth. But the earth itself radiating energy outwards in the form of long-wave heat rays. If these could penetrate the air as the sunshine does, they could carry off much of the heat provided by the sun. Carbon dioxide in the air helps to stop the escape of heat radiations. It acts like a blanket to keep the world warm. And the more carbon dioxide the air contains, the more efficiently does it smother the escape of the earth's heat. Fluctuation in the carbon dioxide of the air has helped to bring about major climate changes experienced by the world in the past.

This is 1955. This is “Our Astonishing Atmosphere,” out of the “Science for Every Man Series.” This is not something that was just invented.

Let's look at the facts that we actually observe in our changing planet. Over the last 800,000 years—8,000 centuries—until very recently the atmosphere has stayed within a bandwidth of between 170 parts per million and 300 parts per million of carbon dioxide. That is not theory, that is measurement. Scientists measure historic carbon dioxide concentrations by, for example, locating trapped bubbles in the ice of ancient glaciers. So we know, over time—and over long periods of time—what the range has been.

What else do we know? We know since the industrial revolution, we—humankind—have been burning carbon-rich fuels in measurable and ever-increasing amounts. We know we release up to 7 to 8 gigatons of carbon dioxide each year. A gigaton, by the way, is 1 billion metric tons. So if you are going to release 7 to 8 billion metric tons a year into the atmosphere, predictably

that increases carbon concentration in our atmosphere. "Put more in and find more there" is not a complex scientific theory. It is not a difficult proposition. And 7 to 8 billion metric tons a year into the atmosphere is a very big thing in the historical sweep.

So we now measure carbon concentrations climbing in the Earth's atmosphere. Again, this is a measurement, not a theory. The present concentration exceeds 390 parts per million.

So 800,000 years and a bandwidth of 170 to 300 parts per million, and now we are over 390.

This increase has a trajectory. Plotting trajectories is nothing new either. It is something scientists, businesspeople, and our military service people do every day. The trajectory for our carbon pollution predicts that 688 parts per million will be in the atmosphere in the year 2095 and 1,097 parts per million in the year 2195. These are carbon concentrations not outside of the bounds of 800,000 years but outside of the bounds of millions of years. As Tyndall determined at the time of the Civil War, increasing carbon concentrations will absorb more of the Sun's heat and raise global temperatures.

Let me end by reviewing the scale of the peril that we are facing if we fail to act. Over the last 800,000 years, as I said, it has been 170 to 300 parts per million of carbon dioxide. Since the start of the industrial revolution, that concentration is now up to 390 parts per million. If we continue on the trajectory that we find ourselves, our grandchildren will see carbon concentrations in the atmosphere top 700 parts per million by the end of the century, twice the bandwidth top that we have lived in for 8,000 centuries.

To put that in perspective, mankind has engaged in agriculture for about 10,000 years. It is not clear we had yet mastered fire 800,000 years ago. The entire development of human civilization has taken place in that 800,000 years, and within that 170 to 300 parts per million bandwidth. If we go back, we are back into geologic time.

In April of this year, a group of scientific experts came together at the University of Oxford to discuss the current state of our oceans. The workshop report stated:

Human actions have resulted in warming and acidification of the oceans and are now causing increasing hypoxia.

Acidification is obvious—the ocean is becoming more acid; hypoxia means low oxygen levels.

Studies of the Earth's past indicate that these are the three symptoms . . . associated with each of the previous five mass extinctions on Earth.

We experienced two mass ocean extinctions 55 and 251 million years ago. The rates of carbon entering the atmosphere in the lead-up to these

extinctions are estimated to have been 2.2 and 1 to 2 gigatons of carbon per year respectively, over several thousand years. As the group of Oxford scientists noted:

Both these estimates are dwarfed in comparison to today's emissions.

As I said earlier, those are 7 to 8 gigatons per year. The workshop participants concluded with this quote:

Unless action is taken now, the consequences of our activities are at a high risk of causing, through the combined effects of climate change, overexploitation, pollution and habitat loss, the next globally significant extinction event in the ocean.

The laws of physics and the laws of chemistry and the laws of science these are laws of nature. These are laws of God's Earth. We can repeal some laws around here but we can't repeal those. Senators are used to our opinions mattering a lot around here, but these laws are not affected by our opinions. These laws do not care who peddles influence, how many lobbyists you have or how big your corporate bankroll is. Those considerations, so important in this town, do not matter at all to the laws of nature.

As regards these laws of nature, because we can neither repeal nor influence them, we bear a duty, a duty of stewardship to see and respond to the facts that are before our faces according to nature's laws. We bear a duty to shun the siren song of well-paying polluters. We bear a duty to make the right decisions for our children and grandchildren and for our God-given Earth.

Right now I must come before the Chamber and remind this body that we are failing in that duty. The men and women in this Chamber are indeed catastrophically failing in that duty. We are earning the scorn and condemnation of history—not this week, perhaps, and not next week. The spin doctors can see to that. But ultimately and assuredly, the harsh judgment that it is history's power to inflict on wrong will fall upon us. The Supreme Being who gave us this Earth and its abundance created a world not just of abundance but of consequence and that Supreme Being gave us reason to allow us to plan for and foresee the various consequences that those laws of nature impose.

It is magical thinking to imagine that somehow we will be spared the plain and foreseeable consequences of our failure of duty. There is no wizard's hat and wand with which to wish this away. These laws of nature are known; the Earth's message to us is clear; our failure is blameworthy; its consequences are profound; and the costs will be very high.

I thank the Senator from Arkansas for his indulgence for the extra time, and I yield the floor.

Mr. UDALL of New Mexico. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN JOBS ACT

Mr. CARDIN. Mr. President, I take this time to comment on a vote that took place earlier this week that the people of this Nation are having a hard time understanding—why the Republicans are filibustering legislation that will allow us to consider job growth in America. It is a filibuster, and that happens so frequently in this body that it seems to be standard operating procedure for the Republicans. But in this case I think the American public realizes they have gone too far.

We have to create more jobs. We have to create more jobs so our economy can grow. There are millions of Americans who are seeking work and cannot find jobs and they need work in order to support their families. We need more jobs for our economy to grow.

We got into a debate in August about what we were going to do about raising the debt ceiling and we were all concerned about the deficits this country has. Yes, we are concerned that our current deficits are not sustainable, but we will not have a budget that is sustainable unless we have more jobs. You can look at all of the programs to reduce government spending or to try to bring in more revenues, but if we do not create more jobs we are not going to be able to get our budget into a semblance of order.

The reason for that is simple. The more people out of work, the more reliant they are on government services and the less taxes paid in to pay our bills. So for the sake of those who are seeking employment, for the sake of our economy, for the sake of our budget, we have to create more jobs.

We had a vote this week on moving forward on S. 1660, the President's jobs initiative. It was a motion to proceed. It was a motion to bring the bill to the floor so we could get into a debate about the best way to create jobs. Many of us thought we would have amendments that would enhance and improve the President's package. The President's package was a starting point for our debate. But the Republicans said no, we are going to filibuster even the opportunity for us to consider jobs legislation. They wouldn't even allow us to move forward.

We had a majority of the Senate. We had enough votes to pass it or at least proceed if it were a simple majority, which is what most democracies believe is the right standard. But, no, we

had a filibuster that did not even allow us to consider the jobs bill on the floor of the Senate.

I find that most surprising. When you look at the President's proposal, the individual provisions have bipartisan support. This is not a Democratic proposal. Every one of the provisions that the President included in his package had bipartisan support. The Congressional Budget Office said the President's proposal would actually reduce the deficit and would create jobs. It has been validated by the outside experts. Marc Zandi, the chief economist at Moody's—he was also, by the way, the economic adviser to Senator McCain during the 2008 Presidential campaign—said, talking about the President's plan, "The plan would add 2 percentage points to GDP growth next year, add 1.9 million jobs, and cut the unemployment rate by a full percentage point."

There are many others. Macroeconomic Advisers said that the President's package would:

Boost the level of GDP by 1.3 percent by the end of 2012, and by 0.2 percent by the end of 2013—

In other words, we are moving in the right way; and then went on to say:

Raise nonfarm establishment employment by 1.3 million by the end of 2012 and 0.8 million by the end of 2013. . . .

The Economic Policy Institute estimates that the President's job bill would create 2.6 million jobs over 2 years and protect an existing 1.6 million jobs.

Republicans say we cannot even talk about this on the floor, the majority shouldn't at least be able to bring forward this issue so we can have a full debate in the Senate.

The President's proposals included areas in which I think there is strong bipartisan support—to help small businesses. We all know small businesses are the growth engine of America. That is where jobs are created. That is where most innovation will take place. The proposal would help small businesses with new hires on their payroll and expensing of investments so they have an incentive to invest in job growth. That is what was in the President's proposal to help small businesses.

In the President's proposal was help for our veterans. We all talk about our warriors, our soldiers, out there every day protecting our values. They have represented America so brilliantly in international combat. Now they are coming home to America. They are coming home and they cannot find work, cannot find a job. The President is saying let's help them. We all talk about doing what we can to help our warriors. This bill did something tangible about it.

What did the Republicans do? They filibustered an opportunity to even talk about a bill that could help create more jobs.

The proposal also provides for infrastructure. Infrastructure is building. It is rebuilding America. Democrats and Republicans agree on that. We have to rebuild our bridges and our roads. The bridges are falling down. Roads are in desperate need of repair. Roads help provide economic growth for our country. It would help us rebuild America, create jobs through those who construct these new roads and bridges and electric grids, et cetera, but then also make America more competitive.

It would help those who are unemployed in several ways. First, it would provide not just unemployment benefits, which are important because they help families keep their homes and keep their family together and help our economy because that money is spent, it also reforms the unemployment system, so we train those who are out of work for jobs that are available. In many cases, as the Presiding Officer from Ohio knows, those who have lost their jobs are going to have to find employment in a different area. Well, the unemployment system should be reformed so that they could be trained for those types of jobs. That was in the proposal the Republicans would not even allow us to bring up. They filibustered rather than allow the majority to bring forward a bill to help create jobs.

The bill was paid for. As I have indicated before, it didn't increase the deficit. The Congressional Budget Office said it would actually reduce the deficit.

I want to make the point I made earlier and underscore this: The motion to proceed was the starting point for the debate—the starting point. I had three amendments I wanted to bring forward—I am going to talk very briefly about those three amendments—that I think would have improved the President's bill.

One would allow the Small Business Administration surety bond program—this is a program that gives small construction companies the ability to move forward with construction work. It would increase the surety bond program from \$2 million to \$5 million. It was an amendment I offered to the American Recovery and Reinvestment Act. Let me tell you about the success of that program. As a result of increasing the surety bonds from \$2 million to \$5 million, we saw a jump of 36 percent in 1 year, 2010, in construction work for small businesses. That is quite a success story. Guess how much money that cost the taxpayers of this country in direct costs. Zero, no cost to the taxpayer. Well, my amendment would make that extension permanent. And it is bipartisan—Democrats and Republicans support it.

I have another amendment that would expand the infrastructure work to include water projects. Water projects are in desperate need. We have a huge need to deal with the way we

treat wastewater and our safe drinking water. My amendment would add \$30 billion for infrastructure in our water projects. It would provide \$20 billion to the Clean Water State Revolving Fund and \$10 billion to the Safe Drinking Water Act.

I would like to talk about one more amendment, which is the cool roof bill I filed with Senator CRAPO which would change the depreciation schedule for those businesses that put on modern roofs that are energy efficient and would create 40,000 jobs and help our energy policy. This is another amendment I cannot bring forward because the Republicans filibustered the motion to proceed, so we can't bring up the jobs bill.

Well, Americans want us to consider jobs legislation. I hope we find a way to do it. I can tell you that I am going to continue the fight to create more jobs for America because that is America's future. Our economy depends upon it, and we need to continue to focus on how we can create more jobs for the American economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

HONORING OUR ARMED FORCES

MASTER SERGEANT CHRISTIAN RIEGE

Mr. JOHANNES. Mr. President, I rise today to remember a fallen hero, U.S. Army National Guard Master Sergeant Christian Riege. He and two fellow officers were killed when a gunman opened fire at a Carson City International House of Pancakes on September 6, 2011. This was a tragic event. It ultimately took the lives of four people and left hollow hearts from Nevada to Nebraska, where his father and mother and several relatives live.

Master Sergeant Riege enlisted in the U.S. Navy in 1992. As a career non-commissioned officer, Chris spent much of his time in uniform training young soldiers. He entered the Nebraska National Guard after his service in the Navy. Like many National Guard NCOs, he held more than one military occupational specialty. With experience as an infantry soldier and knowledge of mechanics and supply logistics, Chris set the standard high for the soldiers he trained. He excelled in physical fitness, and he was a natural teacher. He served a 22-month deployment in Fort Irwin, California with the task of training units deploying for overseas contingency missions.

Chris most recently served with the 1st of the 221st Cavalry in Afghanistan, earning his combat spurs during this tour. The decorations and badges earned over his distinguished career include the Combat Action Badge, the Meritorious Unit Commendation with oak leaf cluster, the Legion of Merit, the Meritorious Service Medal with oak leaf cluster, the Army Commendation Medal, the Army Achievement

Medal with four oak leaf clusters, the Armed Forces Expeditionary Medal, the Southwest Asia Service Medal, and the Afghanistan Campaign Medal with one campaign star.

Chris is remembered as a soft-spoken warrior with a love for fixing things.

A fellow soldier and friend, Master Sergeant Paul Kinsey, made reference to his demeanor:

You can't just label him with one word or one phrase. Still waters run deep.

The Riege family laid their soldier to rest in Page, Nebraska, on September 17, 2011. Today, I join the family and friends of Master Sergeant Riege in mourning the death of their son, father, fiancé, friend, and fellow soldier. Nebraska is honored to call him one of our own, and I know both Nebraskans and Nevadans will surround his family during this very difficult time. As we honor this hero, may his children—Serrah, Erica, Synde, and Michael—always know the bravery with which their father served and the love he had for them.

May God bless the Riege family and all of our service men and women, both here and abroad.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RACIAL PROFILING

Mr. CARDIN. Mr. President, last week I introduced legislation in the Senate that would prohibit the use of racial profiling by Federal, State, or local law enforcement agencies. The End Racial Profiling Act, S. 1670, had been introduced in previous Congresses by our former colleague, Senator Russ Feingold of Wisconsin, and I am proud to follow his leadership. I thank my colleagues, Senator BLUMENTHAL, Senator DURBIN, Senator GILLIBRAND, Senator KERRY, Senator LAUTENBERG, Senator LEVIN, Senator MENENDEZ, Senator MIKULSKI, and Senator STABENOW, for joining me as original cosponsors of this legislation.

Racial profiling is ineffective. The more resources that are spent investigating individuals solely because of their race or religion, the fewer resources that are being directed at suspects actually demonstrating illegal behavior.

In response to a question about the December 2001 bomb attempt by Richard Reid, Former Department of Homeland Security Secretary Michael Chertoff stated:

The problem is that the profile many people think they have of what a terrorist is

doesn't fit the reality . . . and, in fact, one of the things that the enemy does is to deliberately recruit people who are Western in background or in appearance, so that they can slip by people who might be stereotyping.

Racial profiling diverts scarce resources from real law enforcement. In my own State of Maryland in the 1990s, the ACLU brought a class action suit against the Maryland State Police for illegally targeting African-American motorists for stops and searches along Maryland's highways. The parties ultimately entered into a Federal court consent decree in 2003 in which they made a joint statement that emphasized in part:

The need to treat motorists of all races with respect, dignity, and fairness under law is fundamental to good police work and a just society. The parties agree that racial profiling is unlawful and undermines public safety by alienating communities.

Racial profiling demonizes entire communities and perpetuates negative stereotypes based on an individual's race, ethnicity, or religion.

I agree with Attorney General Holder's remark to the American-Arab Anti-Discrimination Committee where he stated:

In this Nation, security and liberty are—at their best—partners, not enemies, in ensuring safety and opportunity for all . . . In this Nation, the document that sets forth the supreme law of the land—the Constitution—is meant to empower, not exclude . . . Racial profiling is wrong. It can leave a lasting scar on communities and individuals. And it is, quite simply, bad policing—whatever city, whatever state.

Using racial profiling makes it less likely that certain affected communities will voluntarily cooperate with law enforcement and community policing efforts. Minorities living and working in these communities may also feel discouraged from traveling freely, and it corrodes the public trust in government.

I wish to thank the Leadership Conference on Civil and Human Rights for their endorsement of this legislation. I ask unanimous consent that the endorsement letter of September 14, 2011, from over 50 different organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LEADERSHIP CONFERENCE
ON CIVIL AND HUMAN RIGHTS,
Washington, DC, Sept. 14, 2011
COSPONSOR THE END RACIAL PROFILING ACT
OF 2011

DEAR SENATOR: on behalf of The Leadership Conference on Civil and Human Rights, and the undersigned groups, we urge you to be an original cosponsor of the End Racial Profiling Act of 2011 (ERPA). Passage of this bill is needed to put an end to racial profiling by law enforcement officials and to ensure that individuals are not prejudicially stopped, investigated, arrested, or detained based on their race, ethnicity, national origin, or religion. Policies primarily designed to impact certain groups are ineffective and

often result in the destruction of civil liberties for everyone.

ERPA would establish a prohibition on racial profiling, enforceable by declaratory or injunctive relief. The legislation would mandate training for federal law enforcement officials on racial profiling issues. As a condition of receiving federal funding, state, local, and Indian tribal law enforcement agencies would be required to collect data on both routine and spontaneous investigatory activities. The Department of Justice would be authorized to provide grants to state and local law enforcement agencies for the development and implementation of best policing practices, such as early warning systems, technology integration, and other management protocols that discourage profiling. Lastly, this important legislation would require the Attorney General to issue periodic reports to Congress assessing the nature of any ongoing racial profiling.

Racial profiling involves the unwarranted screening of certain groups of people, assumed by the police and other law enforcement agents to be predisposed to criminal behavior. Multiple studies have proven that racial profiling results in the misallocation of law enforcement resources and therefore a failure to identify actual crimes that are planned and committed. By relying on stereotypes rather than proven investigative procedures, the lives of innocent people are needlessly harmed by law enforcement agencies and officials.

Racial profiling results in a loss of trust and confidence in local, state, and federal law enforcement. Although most individuals are taught from an early age that the role of law enforcement is to fairly defend and guard communities from people who want to cause harm to others, this fundamental message is often contradicted when these same defenders are seen as unnecessarily and unjustifiably harassing innocent citizens. Criminal investigations are flawed and hindered because people and communities impacted by these stereotypes are less likely to cooperate with law enforcement agencies they have grown to mistrust. We can begin to reestablish trust in law enforcement if we act now.

Current federal law enforcement guidance and state laws provide incomplete solutions to the pervasive nationwide problem of racial profiling.

Your support for the End Racial Profiling Act of 2011 is critical to its passage. We urge you to become an original co-sponsor of this vital legislation, which will ensure that federal, state, and local law enforcement agencies are prohibited from impermissibly considering race, ethnicity, national origin, or religion in carrying out law enforcement activities. To become an original co-sponsor, please contact Bill Van Horne in Senator Cardin's office at bill.vanhorne@cardin.senate.gov or (202) 224-4524. If you have any questions, please feel free to contact Lexer Quamie at (202) 466-3648 or Nancy Zirklin at (202) 263-2880. Thank you for your valued consideration of this critical legislation.

Sincerely,
Adhikaar; African American Ministers in Action; American-Arab Anti-Discrimination Committee; American Civil Liberties Union; American Humanist Association; Asian American Justice Center, member of Asian American Center for Advancing Justice; Asian Law Caucus; Asian Pacific American Labor Alliance; Bill of Rights Defense Committee; The Brennan Center for Justice; Counselors Helping (South) Asians Inc; Disciples Justice Action Network; Drug Policy Alliance.

DRUM—Desis Rising Up and Moving; Healing Communities Prison Ministry and Re-entry Project Human Rights Watch; Indo-American Center; Institute Justice Team, Sisters of Mercy of the Americas; Japanese American Citizens League; Korean American Resource & Cultural Center; Korean Resource Center; Lawyers' Committee for Civil Rights Under Law; The Leadership Conference on Civil and Human Rights; Lutheran Immigration and Refugee Service; Muslim Advocates; Muslim Public Affairs Council; NAACP; NAACP Legal Defense and Educational Fund, Inc.

National Advocacy Center of the Sisters of the Good Shepherd; National African American Drug Policy Coalition, Inc.—National Alliance of Faith and Justice; National Asian American Pacific Islander Mental Health Association; National Asian Pacific American Bar Association; National Asian Pacific American Women's Forum; National Association of Criminal Defense Lawyers; National Association of Social Workers; National Black Police Association; National Congress of American Indians; National Council of La Raza; National Gay and Lesbian Task Force Action Fund; National Korean American Service & Education Consortium; NETWORK, A National Catholic Social Justice Lobby.

OCA; Pax Christi USA; Rights Working Group; Sahara of South Florida, Inc.—Sentencing Project; Sojourners; Sikh American Legal Defense and Education Fund; Sikh Coalition; Sneha, Inc.; South Asian Americans Leading Together; StopTheDrugWar.org; Union for Reform Judaism; United Methodist Church, General Board of Church and Society; UNITED SIKHS; US Human Rights Network.

Mr. CARDIN. The bill I introduced last week, the End Racial Profiling Act, would build on the Department of Justice's current "Guidance Regarding the Use of Race by Federal Law Enforcement Agencies" issued in 2003. This official Department of Justice guidance certainly was a step forward, but it does not have adequate provisions for data collection and enforcement for State and local agencies. The Department of Justice guidance also does not have the force of law.

The legislation I introduced would prohibit the use of racial profiling by Federal, State, or local law enforcement agencies. This bill clearly defines racial profiling to include race, ethnicity, national origin, or religion as protected classes. It requires training of law enforcement officers to ensure they understand the law and its prohibitions. It creates procedures for receiving, investigating, and resolving complaints about racial profiling. It would apply equally to Federal, State, and local law enforcement, which creates consistent standards at all levels of government.

The vast majority of our law enforcement officers who put their lives on the line every day handle their jobs with professionalism, diligence, and fidelity to the rule of law. However, Congress and the Justice Department can still take steps to prohibit racial profiling and root out its use. I look forward to working with my colleagues to enact this very important legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

THE ECONOMY

Mr. HELLER. Mr. President, I rise today to address the economy as it affects my home State of Nevada.

This recession has hit my home State of Nevada harder than it has hit any other State in the country. My State has the unfortunate distinction of leading the Nation in unemployment, foreclosure, and bankruptcy.

As we discuss yet another stimulus this week, I hear from my friends on the other side of the aisle their claim that their priorities are jobs, jobs, jobs. I have one question about their economic policies: Is this working?

In January 2009 President Obama was inaugurated as President of the United States. Democrats controlled both Houses—both the House and the Senate—and Nevada's unemployment rate at that time was 9.4 percent. The next month the stimulus was passed. Supporters claimed the national unemployment level would not rise above 8 percent if we passed the stimulus bill. Nevada's unemployment at that time then grew from 9.4 percent to 10.1 percent.

In June of 2009 Congress passed the Cash for Clunkers legislation and Nevada's unemployment then grew at that point from 10.1 percent to 12 percent. With the success of Cash for Clunkers, we passed Cash for Clunkers II the following August, and Nevada's unemployment rose from 12 percent to 13.2 percent.

Then in March of 2010, Congress passed the President's health care law. Nevada's unemployment rose again, from 13.2 percent to 13.4 percent.

In July of that year, Congress then passed the Dodd-Frank reform of the financial services industry legislation that effectively limited access to capital, both for individuals and small businesses, and Nevada's unemployment rate went from 13.4 percent to 14.3 percent. In fact, if we go back to May of 2010, Nevada overtook Michigan as the State with the highest unemployment rate at 14 percent. With the passage of Dodd-Frank, it then rose again to 14.3 percent.

Then we passed the State bailout in August of 2010, and then stimulus No. 2, and Nevada's unemployment rate rose again to 14.4 percent. So with the unemployment rate at 14.4 percent and due to the lack of economic activity, some people in Nevada have stopped looking for work or, worse, some Nevadans have actually left the State for employment elsewhere. This has resulted in Nevada's unemployment dipping from 14.4 percent to 13.4 percent.

I guess I raise the question for the second time: Have these economic policies worked?

There is a local paper that had a readers' poll and the question of this readers' poll was: Is Nevada's economy recovering? Of those who responded, 82 percent said no. So regardless of what Washington, DC, is trying to tell them, 82 percent of Nevadans understand that the economic recovery has not yet occurred in the State of Nevada.

One of my constituents recently wrote:

I am writing you today because I am outraged over the stimulus proposal that President Obama is trying to intimidate you into passing. Despite the evidence that the first two stimulus plans have failed, despite the promises that there were shovel ready jobs, despite the other false promises that the first trillion would upgrade our infrastructure and keep unemployment under 8 percent, despite the overwhelming evidence that nearly a TRILLION dollars of taxpayers' dollars were completely wasted in the first stimulus, this President had the audacity to demand that you immediately pass another half a trillion dollars' worth of stimulus. Don't do it!

So it is that the approach of this administration and its supporters have taken for economic recovery has failed miserably. Another stimulus bill is not the solution.

We now have a string of economic policies that are big on talking points, light on solutions. People from all over the country are struggling just to get by and are desperate for real solutions. It is time for new ideas and a new direction, not more of the same. Out-of-control spending, a health care law that no one can afford, and a seemingly endless stream of regulations are crippling employers, stifling economic growth, and killing jobs. The American public and businesses alike are awaiting a plan that can provide the stability and certainty necessary to provide confidence to the American people and bolster economic growth.

I hear some of my friends on the other side of the aisle claim there are no ideas for job creation coming from Republicans. Since coming to the Senate, I have repeatedly filed job-related amendments when given the opportunity but have yet to see an open debate on any of these amendments. So if it is true there are no ideas coming from Republicans, then there is nothing to fear from an honest, real debate on jobs. Instead of symbolic votes and political grandstanding, let's actually do the difficult work and address this problem.

As I suggested to President Obama, Nevada needs a proposal that reforms the Tax Code, stops excessive government spending, and provides the certainty businesses need to hire. Instead, the administration and the Senate majority have recycled the same failed policies, but this time they increase taxes on the same businesses we need to create jobs.

There are a number of actions Congress can take immediately to bolster

our Nation's economy such as opening our country to energy exploration, streamlining the permitting process for responsible development of our domestic resources, and reforming our Tax Code, making it simpler for individuals and businesses alike, and cutting out the special-interest loopholes while reducing the overall tax burden for all Americans. Instead of looking for new ways to tax the American public and our job creators, we should make our Tax Code more competitive and provide businesses the stability they need to grow and create jobs.

As I have stated before, this continual threat of tax increases feeds the uncertainty that serves as an impediment to economic growth. These are all things that both this administration and Congress can do immediately to boost economic recovery.

I came to Washington to make a difference. Let's start doing the hard work we were sent here to do.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOB CREATION

Mr. MORAN. Mr. President, I am here on the floor today to share a few thoughts on a topic that has a daily impact upon the lives of Americans. It is the topic we have had front and center now for a long time—job creation. Whether a mom or dad can find a job directly impacts their ability to put food on their family's table, pay their mortgage, save for their children's education, and prepare for their own retirement.

In August our economy failed to create any jobs. In September our economy created about 100,000 jobs, but that is not fast enough to get us out of our economic slump. The fact is that 14 million Americans are still out of work, and about 42 percent of those unemployed have been looking for a job for more than 6 months. We know those facts.

Over the last few weeks, I have asked Kansans what their thoughts are about this circumstance, and we find many Kansans, as are others in America, discouraged, looking for work, unable to find a job. They want to know why our businesses are not creating those jobs and making them available for them.

I recently had the opportunity to sit down with Kansans who own businesses

in Overland Park—a suburb of Kansas City—and in Hutchinson—a community just outside Wichita—to talk about the economy and their outlook for our economic future.

Throughout our conversations, it became clear the main reason businesses are not hiring is because of economic uncertainty. In fact, a survey conducted by the U.S. Chamber of Commerce indicated more than half of small business executives cited economic uncertainty as the greatest obstacle to hiring more employees.

From a business owner's perspective, I can understand why they are reluctant; if they do not know how much they will have to pay in taxes or to comply with additional regulations a year from now or how much health care costs will be for any new employee, why would they hire a new employee now or invest in their business? Any successful business owner will tell us they have to take risks to get ahead, but they will also tell us they have to balance those risks against their expected costs or they will run their business into the ground.

One chief executive put it this way:

What are the rules of the game going to be in the long term? What our retailers would like to have is consistency and predictability. We can handle decisions we don't agree with, but that's easier than not knowing what the decision is going to be.

Another executive of a small business put it very plainly:

Among the other presidents and CEOs I interact with, the only consensus of opinion is none of us has any idea where things are going. In my observation, the uncertainty we are experiencing is caused almost entirely out of Washington and other governments around the world.

The reality is the private sector has been the engine of job creation in our country throughout history. So we should do everything we can to encourage business to create jobs. In fact, small businesses represent 99.7 percent of all employer firms and employ half of all private sector employees, according to the Small Business Administration. In the last two decades, they have generated 65 percent of the new jobs created in our country.

One of the greatest opportunities we have to improve someone's life is to create an environment where jobs can be created, so employers can feel confident about investing in their companies, and they can put people to work.

Today, I wish to outline a new approach, one that is based on a proven track record of success—the success of the American entrepreneur. Soon I will be introducing legislation called the Startup Act to help jump-start our economy through the creation and growth of new businesses.

The American dream is based on the principle that anyone can achieve success, given the freedom and opportunity to make a better life for themselves and their families. America has

long been known as the land of opportunity, where individuals risk all they have to live out their dreams. Many Fortune 500 companies, such as Ford, Apple, and General Electric, got their start with a handful of folks, an individual, a great idea, and a lot of hard work. Many of our businesses started in garages across our country. So we should continue to encourage this spirit of entrepreneurship in our Nation.

In Kansas City, there is a foundation dedicated to the promotion of entrepreneurship called the Kauffman Foundation. Their research shows that between 1980 and 2005, companies less than 5 years old accounted for nearly all the new job growth in the United States. In fact, new firms create about 3 million jobs each year. For 45 years, the Kauffman Foundation has worked to strengthen opportunities for entrepreneurs in this country, so when a person comes up with a good idea, they can pursue it and turn it into reality.

Many of their good ideas are reflected in the legislation I will soon be introducing and are based upon Kauffman's extensive research and analysis.

The foundation of the Startup Act is based on five progrowth principles: removing barriers to growth, attracting business investment, bringing more research from the laboratory to the marketplace, attracting and retaining entrepreneurial talent, and encouraging progrowth State and local policies.

First, the Startup Act will remove barriers to growth by streamlining Federal regulations. Rather than hiring new employees, businesses are spending money on complying with unreasonable regulations, sometimes regulations not based upon sound science. New businesses face an especially heavy burden in complying with the multitude of local, State, and Federal rules governing their business.

According to the SBA, firms with fewer than 20 employees spend 36 percent more per employee than larger firms to comply with Federal regulations. Very small firms spend 4½ times as much per employee to comply with environmental regulations and 3 times more per employee on tax compliance than the largest corporations.

When I met with those business leaders in Kansas City recently, one of them told me he was required to replace all the light bulbs in his factory because of an EPA regulation. But his factory has skylights and was already well lit. He did not need new lighting, but the government told him he did, and this unnecessary regulation cost him tens of thousands of dollars. This is just one example of how cumbersome and how costly regulations have become. That money could have and should have been, in my view, better spent on helping that business grow.

The Startup Act will overhaul the Federal regulatory process for all regulations that have an impact on the

economy of \$100 million or more. By requiring these rules to undergo a cost-benefit analysis every 10 years, the benefit and burden on businesses and consumers will become much more clear. This will ease the burden on businesses so they can focus on growing their business and hiring more workers.

Second, the Startup Act will help companies attract investment so they can get off the ground and grow more quickly. One of the greatest challenges for startups is having access to the necessary capital to grow their business.

Investors' capital gains are currently taxed at 15 percent. Last year, the Small Business Jobs Act passed by Congress temporarily exempted taxes on capital gains from the sale of certain small business stock held for at least 5 years. The Startup Act will make this exemption permanent so investors have an incentive to partner with entrepreneurs and help provide financial stability for the first few years of that business's beginning.

Third, the Startup Act will make it easier to take research from the laboratory and apply it in the marketplace. Some of our brightest and most creative individuals study at American universities. Each day, faculty members and graduate students make new discoveries and develop new ideas. The possibilities of research are endless. In fact, university research led to groundbreaking discoveries such as the polio vaccine, antibiotics, black-and-white television, barcodes, and, more recently, e-mail and Google.

To help bring more cutting-edge research to the marketplace, my bill creates an incentive for universities to reform their technology policies and practices. The Startup Act requires the top Federal R&D grant-making agencies to give preference to universities that have a proven track record of success in discovering commercial applications for their research.

Fourth, this legislation will enable new businesses to attract and retain highly trained workers, including those who immigrate to our country.

Our country was founded on immigrants who have long contributed to the strength of our economy by starting businesses and creating jobs. In fact, a 2007 study found that more than one-quarter of technology and engineering companies started in our country, from 1995 to 2002, had at least one key founder who was born overseas. These companies produced \$52 billion in sales and employed 450,000 workers in 2005 alone.

Research shows that 53 percent of immigrant founders of U.S.-based technology and engineering companies completed their highest degree at an American, a U.S. university. Unfortunately, many foreign-born immigrants leave the States after they complete

their studies and return to their home countries to start businesses because they have a hard time securing a visa to stay in the United States.

It does not make much sense to make such an investment in these students and then not give them the opportunity to apply what they have learned by starting a company in the United States that will generate jobs for other Americans. We should be doing all we can to attract and retain highly skilled and entrepreneurial folks so they can work in the field where they have studied and contribute to our economy.

The Startup Act will help retain this talent in two ways.

First, it creates a new visa, called a STEM visa, for any immigrant who graduates with a master's or Ph.D. in science, technology, engineering or math. This will give those graduates the opportunity to stay for up to 1 year beyond their graduation date to find a job and put to work the high-tech skills they learned and that our economy so desperately needs.

Second, the bill creates another visa, called an entrepreneur's visa, for immigrants who register a business and employ at least one nonfamily member within 1 year of obtaining that visa. Once they have satisfied those requirements, the entrepreneur would be allowed to remain here for an additional 3 years if they employ additional employees and further grow their business.

The goal of both these visas is to encourage innovation among highly skilled entrepreneurs and to help grow our country.

Finally, the Startup Act would encourage progrowth State and local policies.

While Federal policies certainly impact the formation and growth of new businesses, State and local policies also play an important role in their creation and growth. In order to identify the States which are the most entrepreneur-friendly, this legislation will create the "State Startup Business Report" to analyze State laws and policies. The report will encourage healthy competition and lead to the development and expansion of progrowth policies.

In conclusion, our first priority in Congress should be to create an environment that encourages companies to grow and create jobs. We know our economy cannot continue on the path it is on. In a recent Chamber of Commerce study, 64 percent of small business executives said they do not expect to add to their payroll in the next year, and another 12 percent said they plan to cut jobs.

The Startup Act would encourage American entrepreneurs to do what they do best: dream big and pursue their dreams. The American economy can and will recover when we give American entrepreneurs the tools they need to succeed.

By removing those barriers to growth for new companies, attracting business investment, bringing more research from the laboratory to the marketplace, retaining talented entrepreneurs and skilled employees, and encouraging progrowth policies, we will spur growth in the marketplace and assist in putting people back to work.

The ongoing debate about how to create jobs needs to turn from rhetoric to reality. Nothing in this legislation is designed to be highly partisan. It is designed to make certain Republicans and Democrats can come together with a plan that will make a difference.

It is time for Congress to put policies in place that give job creators more confidence and certainty in the marketplace. If we fail to act as we should, if we continue to ignore the economic problems facing our country, if we let partisanship and bickering get in our way, we will reduce the opportunities the next generation of Americans have to pursue the American dream. It is our greatest responsibility as citizens of our country to make sure the next generation of Americans can live in a country with freedom and liberty and have the opportunity to dream their dreams and see them fulfilled.

I yield back and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

AUTHORIZING APPOINTMENT OF ESCORT COMMITTEE

Mr. LEAHY. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join a like committee on the part of the House of Representatives to escort His Excellency Lee Myung-bak, President of the Republic of Korea, into the House Chamber for the joint meeting at 4 p.m., Thursday, October 13, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF ALISON NATHAN
TO BE UNITED STATES DISTRICT
JUDGE FOR THE SOUTHERN DIS-
TRICT OF NEW YORKNOMINATION OF SUSAN OWENS
HICKEY TO BE UNITED STATES
DISTRICT JUDGE FOR THE WEST-
ERN DISTRICT OF ARKANSASNOMINATION OF KATHERINE B.
FORREST TO BE UNITED STATES
DISTRICT JUDGE FOR THE
SOUTHERN DISTRICT OF NEW
YORK

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations which the clerk will report.

The bill clerk read the nominations of Alison Nathan, of New York, to be United States District Judge for the Southern District of New York; Susan Owens Hickey, of Arkansas, to be United States District Judge for the Western District of Arkansas; and Katherine B. Forrest, of New York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours for debate with respect to those nominations, with the time equally divided in the usual form.

Mr. LEAHY. Mr. President, I ask unanimous consent that—it is now 10 minutes past 12—the 2 hours be deemed as having begun at 12 so the first vote will be at 2 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. With the time equally divided as under the normal agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. And that the time in quorum calls be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. With votes today on 3 of the 30 judicial nominations reported favorably by the Judiciary Committee, the Senate will complete action on the nominations that were part of the unanimous consent agreement reached 3 weeks ago, prior to the last recess.

I want to thank the majority leader for pressing at that time for Senate votes on all 27 of the judicial nominations then on the Executive Calendar. Unfortunately, the Republican leadership would consent to vote on only 10 of those long-stalled nominations. So even after today's vote, we are back where we started with 27 judicial nominations on the calendar awaiting final action by the Senate.

Like the nominations we considered last week and earlier this week, all

three of the district court nominations the Senate considers today were reported favorably by the committee months ago with strong bipartisan support. They have all been fully considered by the Senate Judiciary Committee. They have all been through a thorough vetting process. They were all ready for a final Senate vote well before the August recess, but we are only considering them now, halfway through October.

As I said when the Senate returned from the September recess with votes on six long-pending nominations, I hope that these votes are an end to the unnecessary stalling by Senate Republicans on nominations. I hope that the Senate will build on these votes and make real progress in addressing the crisis in judicial vacancies that has gone on for far too long, to the detriment of our courts and the American people. Votes on four to six judicial nominees a week cannot be the exception if we are going to bring down a judicial vacancy rate that remains above 10 percent, with 92 vacancies on Federal courts across the country. Votes on four to six nominations would be required throughout the year to make a real difference. I hope my friends on the other side of the aisle will join together with us to end their insistence on harmful delay for delay's sake.

We need a return to regular order where the timely consideration of consensus, qualified nominees is not the exception but the rule. With Republican agreement, we could vote today on all 30 of the nominations reported by the Committee. Of the 27 judicial nominations that will remain on the Executive Calendar tomorrow, 24 of them were reported with unanimous support of every single Democrat and every single Republican serving on the Judiciary Committee. All of them have the support of their home State Senators, including 13 who have the support of Republican home State Senators.

I have served in the Senate for years, with both Republican leadership and Democratic leadership, Republican Presidents and Democratic Presidents. Especially for district courts, when nominees were voted out of the committee with a bipartisan majority or voted out unanimously, they were voice-voted within a matter of weeks. That has changed: under President Obama, Republicans are delaying judges who were voted on unanimously by every Republican and Democrat in the Judiciary Committee. I do not think that is right.

The path followed by the Senate in considering the nomination of Judge Jennifer Guerin Zipp's is the path that should be followed with all consensus nominations. Judge Zipp's was nominated to fill the emergency judicial vacancy created by the tragic death of Judge Roll in the Tucson, Arizona

shootings. I was pleased that, with cooperation from Republican Senators, the time from when the Judiciary Committee reported Judge Zipp's nomination to full Senate consideration was less than 1 month, even including a recess period. It should not take a tragedy to spur us to action to fill a judicial emergency vacancy. Indeed, the time it took the Senate to consider Judge Zipp's nomination was in line with the average time it took for the Senate to consider President Bush's unanimously reported judicial nominations—28 days. It is regrettable that her nomination has become the exception for President Obama's consensus nominations. Those nominations which have been reported with the unanimous support of every Republican and Democrat on the Judiciary Committee have waited an average of 76 days on the Executive Calendar before consideration by the Senate.

Senator GRASSLEY and I have worked together to ensure that the Judiciary Committee makes progress on nominations. Earlier today, the committee reported another five judicial nominations, four of which have Republican home state Senators in strong support. Two of those nominations will fill judicial emergency vacancies in Florida and Utah. There is no need for the Senate to wait weeks and months before voting on these nominations. There is no need for the Senate Republican leadership to continue the unnecessary delays in our consideration of judicial nominations that have contributed to the longest period of historically high vacancy rates in the last 35 years. The number of judicial vacancies rose above 90 in August 2009, and it has stayed near or above that level ever since. We must bring an end to these needless delays in the Senate so that we can ease the burden on our Federal courts so that they can better serve the American people.

More than half of all Americans—almost 170 million—live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on those nominations that were reported favorably by Republicans and Democrats on the Judiciary Committee. As many as 25 States are served by Federal courts with vacancies that would be filled by these nominations. Millions of Americans across the country are harmed by delays in overburdened courts. When most people go to court they do not consider themselves Republicans or Democrats; they just know they have a reason to go to court. But they now find many vacant judgeships. They cannot get their cases heard, and justice delayed is, as we know, justice denied.

As I have said, we have 27 judicial nominations remaining on the calendar—24 of them voted for unanimously. I ask the Republican leadership to explain to the American people

why they will not consent to vote on the qualified consensus candidates nominated to fill these extended judicial vacancies.

The delays which have led to the damaging backlog in judicial nominations is compounded by the unprecedented attempt by some on the other side of the aisle to create what I consider misplaced controversies about the records of what should be consensus district court nominees. This approach has threatened to undermine the longstanding deference given to home State Senators who know the nominees and the needs of their states best. I am glad we are finally going to vote today on the nominations of Alison Nathan to the Southern District of New York and Susan Hickey to the Western District of Arkansas, but I hope Senators will not raise the kind of selective and unfair questions about the qualifications of these two fine nominees which were never raised about President Bush's judicial nominees.

Alison Nathan is currently Special Counsel to the Solicitor General of New York, having earned the Louis J. Lefkowitz Memorial Achievement Award for her work there last year. Ms. Nathan previously had a successful career in private practice at a national law firm, as a professor at two New York law schools, and as an Associate White House Counsel. She clerked for Supreme Court Justice John Paul Stevens and Judge Betty Fletcher of the Ninth Circuit Court of Appeals.

Ms. Nathan's nomination has the strong support of both her home State Senators. Senator SCHUMER rightfully praised her intellect and her accomplishments when he introduced her to the Judiciary Committee. Half of the Republicans on the Judiciary Committee joined all of the Democrats in voting to report her nomination favorably. However, some in committee raised concerns about Ms. Nathan's qualifications, citing her rating by a minority of the ABA's Standing Committee on the Federal Judiciary as "not qualified." I note that a majority of the ABA Standing Committee rated her "qualified" to serve. I also note that Ms. Nathan's ABA rating is equal to or better than the rating received by 33 percent of President Bush's confirmed judicial nominees, who were supported by nearly every Republican Senator. Her rating is better than the four of President Bush's nominees who were confirmed despite a "not qualified" rating by the majority of the ABA's Standing Committee, including two nominees to the Eastern District of Kentucky, David L. Bunning and Gregory F. Van Tatenhove, who were supported by the Republican leader. The Senate deferred to the recommendations of the home State Senators in considering President Bush's nominations and confirmed nominees from Alabama, Utah, Arizona and

Oklahoma, among other States, who had received a partial rating of "not qualified."

There is no question that the Senate should confirm Ms. Nathan. As her resume shows, she is an accomplished nominee with significant experience in private practice, academia and government service. Twenty-seven former Supreme Court clerks have written to the Judiciary Committee in support of her qualifications, including clerks who worked for the conservative Justices. They write:

Although we hold a wide range of political and jurisprudential views, all of us believe Ms. Nathan has the ability, character, and temperament to be an excellent Federal district court judge. We recommend her for this position without hesitation and without reservation.

I support Ms. Nathan's nomination without reservation, and hope that Senators from both sides of the aisle will join me in supporting this worthy nominee.

The Senate will also vote today to confirm the nomination of Judge Susan Hickey to the Western District of Arkansas. Judge Hickey has the bipartisan support of her home State Senators, Democratic Senator MARK PRYOR and Republican Senator JOHN BOOZMAN, both of whom have praised her background and qualifications in introducing her to the Committee. A majority of Republicans joined every Democratic Senator on the Judiciary Committee in voting to report her nomination. Yet because she spent a significant part of her career as a law clerk and took a hiatus from law practice while on family leave, some have questioned whether she is qualified to serve on the Federal bench. In my view, and the view of her home State Senators—one Democratic and one Republican—those concerns are misplaced.

Currently a State court judge serving in the Thirteenth Judicial Circuit in Arkansas, Judge Hickey was previously a career law clerk for the Honorable Judge Barnes, whom she is nominated to replace. During her confirmation hearing, Judge Hickey testified about the experience she gained as a career law clerk to Judge Barnes, saying that she "[took] part in all matters that were before the court from the time that the case was filed till the final disposition." She testified about the cases she has managed as a State Court Judge, and her experience litigating bench trials and jury trials. The ABA Standing Committee on the Federal Judiciary unanimously rated Judge Hickey "qualified" to serve on the Federal bench. I hope that she will be confirmed with bipartisan support.

The Senate today will also finally consider the nomination of Katherine Forrest to fill another vacancy on the Southern District of New York. Currently a Deputy Assistant Attorney

General in the Antitrust Division of the Department of Justice, she previously spent over 20 years as a litigator in private practice at the law firm Cravath, Swaine & Moore in New York City, where she was named one of America's Top 50 litigators under the age of 45. The ABA Standing Committee on the Federal Judiciary unanimously rated Ms. Forrest "well qualified" to serve, its highest possible rating. The Judiciary Committee favorably reported Ms. Forrest's nomination without dissent three months ago.

In the weeks ahead, I hope that we continue to consider more of the 27 judicial nominees, nearly all of whom are the kind of consensus nominees we could consider within days. We have an enormous amount of ground to recover. At this point in George W. Bush's presidency, the Senate had confirmed 162 of his nominees for the Federal circuit and district courts, including 100 during the 17 months that I was chairman of the Judiciary Committee during his first term. By this date in President Clinton's first term, the Senate had confirmed 163 of his nominations to circuit and district courts. In stark contrast, after today's vote, the Senate will have confirmed only 108 of President Obama's nominees to Federal circuit and district courts. As a result, vacancies are twice as high as they were at this point in President Bush's first term when the Senate was expeditiously voting on consensus judicial nominations. In the next year, we need to confirm nearly 100 more of President Obama's circuit and district court nominations to bring the vacancies down to match the 205 confirmed during President Bush's first term.

We can and must do better to address the serious judicial vacancies crisis on Federal courts around the country that has persisted for over 2 years. We can and must do better for the nearly 170 million Americans being made to suffer by these unnecessary delays.

Again, I apologize for my voice, I thank the ranking member for his help, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, today we continue in our cooperation with the majority as we vote on three more judicial nominees. With a confirmation earlier this week, and six judicial confirmations last week, I want to note the progress we have made.

After today's votes, we will have confirmed 68 percent of President Obama's judicial nominees submitted during his presidency. We remain ahead of the pace set forth in the 108th Congress. We have already held hearings for over 84 percent of President Obama's judicial nominees this Congress, while at this point in the 108th Congress, only 77 percent of President Bush's judicial nominees had their hearing.

This morning, the Judiciary Committee reported five more nominees to

the Senate floor, totaling over 77 percent of President Obama's judicial nominees receiving favorable votes out of committee. That is compared to only 72 percent of President Bush's judicial nominees receiving favorable outcomes at this point in the 108th Congress. This indicates the bipartisan effort taking place to move consensus nominees forward, despite what we hear from the other side about obstruction and delay.

The advice and consent function of the Senate is a critical step in the process. In the *Federalist Papers* No. 76, Alexander Hamilton wrote:

To what purpose then require the co-operation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity.

In other words, the Senate has a role in preventing the appointment of judges who are simply political favorites of the President, or of those who are not qualified to serve as Federal judges.

Also, let me remind my colleagues of what then-Senator Obama stated about this duty 6 years ago in connection with the attempted filibuster of Janice Rogers Brown. Our President, then Senator, said:

Now, the test for a qualified judicial nominee is not simply whether they are intelligent. Some of us who attended law school or were in business know that there are a lot of real smart people out there whom you would not put in charge of stuff. The test of whether a judge is qualified to be a judge is not their intelligence. It is their judgment.

A few months later, on January 26, 2006, when debating the Alito nomination, then-Senator Obama said:

There are some who believe that the President, having won the election, should have the complete authority to appoint his nominee, and the Senate should only examine whether or not the Justice is intellectually capable and an all-around nice guy. That once you get beyond intellect and personal character, there should be no further question whether the judge should be confirmed. I disagree with this view. I believe firmly that the Constitution calls for the Senate to advise and consent. I believe that it calls for meaningful advice and consent that includes an examination of a judge's philosophy, ideology, and record.

You can see some differences between what Senator Obama said on a couple of different occasions on the Senate floor and also how there is some disagreement with what Alexander Hamilton said in the *Federalist Papers* No. 76.

Our inquiry of the qualifications of nominees must be more than intelligence, a pleasant personality, or a prestigious clerkship. At the beginning of this Congress, I articulated my standards for judicial nominees. I want

to ensure that the men and women who are appointed to a lifetime position in the Federal judiciary are qualified to serve. Factors I consider important include intellectual ability, respect for the Constitution, fidelity to the law, personal integrity, appropriate judicial temperament, and professional competence.

In applying these standards, I have demonstrated good faith in ensuring fair consideration of judicial nominees. I have worked with the majority to confirm consensus nominees. However, as I have stated more than once, the Senate must not place quantity confirmed over quality confirmed. These lifetime appointments are too important to the Federal judiciary and the American people to simply rubber stamp them.

Although we have had a long run of confirming consensus nominees, two of the nominees on which we are about to vote come with some reservations. Ms. Nathan and Judge Hickey both have had limited experience in the courtroom. They have failed to meet even the minimum qualifications that the ABA says it uses in the rating process. The guidelines of the Standing Committee of the ABA provide:

... a prospective nominee to the Federal bench ordinarily should have at least 12 years experience in the practice of law.

They further state:

Substantial courtroom and trial experience as a lawyer or trial judge are important.

I want to emphasize the American Bar Association 12-year standard is not an absolute. However, it is a benchmark that we can use to evaluate the experiences of various nominees. As I have said in the past, being appointed a Federal district judge should be a capstone of an illustrious career. Federal judges should have significant courtroom and trial experience as a litigator or a judge. I would note that last week at our hearing, Justice Scalia expressed concern about the decline in the quality of Federal judges.

With regard to the two non-consensus nominations before us today, I voted to advance them out of the Judiciary Committee so the full Senate could evaluate their qualifications. However, both of these nominees received votes in opposition in our committee. After they were reported, we had our second opportunity to examine their records, and unfortunately I am unable to support them on the floor.

I am, however, pleased to support the nomination of Katherine B. Forrest to be United States District Judge for the Southern District of New York.

In Ms. Nathan's case, she graduated from law school only 11 years ago, and has been admitted to the practice of law for only 8 years. Her questionnaire states she served as associate counsel on approximately six trial court litigation matters. Most of the significant

litigation she lists is from her current position in the New York Solicitor General's Office.

In addition, I am concerned about her views on second amendment rights, on the death penalty, on the use of foreign law, and her remarks regarding the Bush administration's war on terror.

Judge Hickey has served as a State court judge for about 1 year. Her questionnaire indicates she has presided over two criminal bench trials—a speeding-DWI case and a second speeding case. Prior to that, she spent about 7 years as a senior law clerk in the Western District of Arkansas. Early in her career, from 1981 to 1984, she was a staff attorney with Murphy Oil Company. Altogether, I am not sure we can get to 12 years of legal-judicial experience—the minimum the American Bar Association committee says a nominee to the courts should have. Furthermore, Judge Hickey has no litigation experience. She has tried no cases.

I want to be very clear here—I am not denigrating the career choices of these nominees, nor am I arguing that the experience they have is unrelated to service as a Federal judge. What I am saying is they do not have enough experience, and this is not the place for on-the-job training.

Let me say a bit more about the background of the nominees we are considering today.

Two nominees have been nominated to serve as United States District Judge for the Southern District of New York—Katherine B. Forrest and Alison J. Nathan.

Since graduating from New York University School of Law in 1990, Ms. Forrest has spent the vast majority of her legal career as an attorney at Cravath, Swaine, & Moore. She served as an associate at the firm from 1990 to 1997 and a partner from 1998 to 2010. While at Cravath, Swaine, & Moore, Ms. Forrest was a generalist litigator who practiced in the areas of antitrust, intellectual property, contracts, employment law, accounting fraud, and securities litigation.

In addition, Ms. Forrest was involved in the management of the firm, serving on the Partner Review Committee. She also ran the firm's Continuing Legal Education Program from 1998 to 2005.

Ms. Forrest has been a deputy assistant attorney general in the Department of Justice's antitrust division since 2010. She is involved in most major matters the division handles, including litigation planning and execution, appellate litigation, and international cooperation. She has a unanimous rating of "Well Qualified" by the ABA Standing Committee on the Federal Judiciary.

Ms. Nathan graduated with a B.A. from Cornell University in 1994 and with a J.D. from Cornell Law School in 2000. Upon graduation, she clerked for Judge Betty Fletcher of the Ninth Circuit Court of Appeals from 2000 to 2001.

From 2001 to 2002, Ms. Nathan clerked for Justice John Paul Stevens of the Supreme Court of the United States.

Ms. Nathan entered private practice with Wilmer, Cutler, Pickering Hale & Don LLP, serving as an Associate in the Washington, DC, office as well as the New York office. She practiced within the Litigation Group, the Supreme Court and Appellate Litigation Group, and the Regulatory and Government Affairs Group.

From 2006 to 2008, Ms. Nathan worked as a visiting assistant professor of law at Fordham University School of Law. In this role she taught civil and criminal procedure and constitutional law. From 2008 to 2009, Ms. Nathan also served as the Fritz Alexander fellow at New York University School of Law, engaged in legal research.

In 2009, Ms. Nathan secured a position with the White House Counsel's Office. As an associate White House counsel and Special Assistant to the President, Ms. Nathan reviewed legislation, analyzed and advised staff on legal issues, and assisted in the preparation of judicial and executive branch nominees for confirmation hearings.

In July 2010, Ms. Nathan returned to New York and began to work as a Special Assistant to the Solicitor General of New York. A majority of the ABA Standing Committee on the Federal Judiciary rated Ms. Nathan as "Qualified." A minority rated her as "Not Qualified."

And finally, Susan Owens Hickey, who is nominated to be a United States District Judge for the Western District of Arkansas. Ms. Hickey graduated from the University of Arkansas School of Law in 1981. In April of that year, she worked for the law firm of Brown, Compton & Prewett, where she worked on the pretrial preparation and trial of a personal injury case that the firm was defending. From 1981 to 1984, Ms. Hickey worked as a staff attorney for the Murphy Oil Corporation. In that role, she worked primarily on issues involving natural gas, securities and corporate law.

From 1984 to 2003, Ms. Hickey was not employed or actively engaged in the practice of law, with the exception of serving as a temporary law clerk. During the summer of 1997 and during the summer of 1998 Ms. Hickey served as a temporary law clerk for the Honorable Harry F. Barnes, United States District Judge for the Western District of Arkansas.

Ms. Hickey returned to work for that same judge in 2003, serving as a senior career law clerk, and she stayed in that position until 2010.

In September 2010, Ms. Hickey was appointed circuit judge for the Thirteenth Judicial Circuit of Arkansas. Ms. Hickey received a unanimous "Qualified" rating from the ABA Standing Committee on the Federal Judiciary.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORIST PROSECUTION

Mr. DURBIN. Mr. President, my Republican colleagues have frequently come to the Senate floor to criticize President Obama for his handling of terrorism cases. They have argued regularly and consistently that terrorism suspects should never be interrogated by the FBI and should not be prosecuted in America's criminal courts but, instead, they argue, they should only be held in military detention and prosecuted in military commissions.

Today, I have noticed no one on the Republican side has come to the Senate floor to make those arguments. Why not? It may be because yesterday Umar Farouk Abdulmutallab pled guilty in Federal court to trying to explode a bomb in his underwear on a flight to Detroit on Christmas Day 2009. Mr. Abdulmutallab, who will be sentenced in January, is expected to serve a life sentence.

I commend the men and women at the Justice Department and the FBI for their work on this case. America is a safer country today thanks to them.

My colleagues on the other side were very critical of the FBI's decision to give Miranda warnings to Abdulmutallab. Let me quote Senator MCCONNELL, the minority leader. This is what he said on the floor of the Senate:

He was given a 50-minute interrogation.

He was referring to Abdulmutallab.

The Senator went on to say:

Probably Larry King has interrogated people longer and better than that. After which he was assigned a lawyer who told him to shut up.

That is an interesting statement, but here are the facts. Experienced counterterrorism agents from the FBI interrogated Abdulmutallab when he arrived in Detroit. According to the Justice Department, during this initial interrogation, the FBI "obtained intelligence that proved useful in the fight against al Quida." After this initial interrogation, Abdulmutallab refused to cooperate further with the FBI. Only then, after Abdulmutallab stopped talking, did the FBI give him a Miranda warning.

What the FBI did in this case was nothing new. During the Bush administration, the FBI consistently gave Miranda warnings to terrorists detained in the United States.

Here is what Attorney General Holder said:

Across many administrations, both before and after 9/11, the consistent, well-known, lawful, and publicly-stated policy of the FBI has been to provide Miranda warnings prior to any custodial interrogation conducted inside the United States.

In fact, under the Bush administration, they adopted new policies for the FBI that say that "within the United States, Miranda warnings are required to be given prior to custodial interviews."

Let's take one example from the Bush administration: Richard Reid, also known as the Shoe Bomber. Reid tried to detonate an explosive in his shoe on a flight from Paris to Miami in December 2001. This was very similar to the attempted attack by Abdulmutallab, another foreign terrorist who also tried to detonate a bomb on a plane. So how does the Bush administration's handling of the Shoe Bomber compare with the Obama administration's handling of the Underwear Bomber? The Bush administration detained and charged Richard Reid as a criminal. They gave Reid a Miranda warning within 5 minutes of being removed from the airplane, and they reminded him of his Miranda rights four times within the first 48 hours he was detained.

Later, Abdulmutallab began talking again to FBI interrogators and providing valuable intelligence. FBI Director Robert Mueller, for whom I have the highest respect, described it this way:

Over a period of time, we have been successful in obtaining intelligence, not just on day one, but on day two, day three, day four, and day five, down the road.

Now, how did that happen? How did the FBI get even more information from the suspect after they gave the Miranda warning? The Obama administration convinced Abdulmutallab's family to come to the United States, and his family persuaded him to start talking to the FBI. That is a very different approach than we have heard in previous administrations. Sometimes when a detainee refused to talk, in the Bush administration, in some isolated cases, there were extreme techniques used to try to get information from him, such as waterboarding. But real life isn't the TV show "24." On TV, when Jack Bauer tortures somebody, the suspect immediately admits everything he knows. Here is what we learned during the previous administration: In real life, when people are tortured, they lie. They will lie and say anything to make the pain stop. Oftentimes they provide false information, not valuable intelligence.

Richard Clarke was the senior counterterrorism adviser to President Clinton and President George W. Bush. Here is what he said about the Obama administration's approach:

The FBI is good at getting people to talk. They have been much more successful than the previous attempts of torturing people

and trying to convince them to give information that way.

Many of my colleagues on the other side of the aisle argue that Abdulmutallab should have been held in military detention as an enemy combatant, but terrorists arrested in the United States have always been held under our criminal laws.

Here is what Attorney General Holder said:

Since the September 11, 2011 attacks, the practice of the U.S. government, followed by prior and current administrations without a single exception, has been to arrest and detain under Federal criminal law all terrorist suspects who are apprehended inside the United States.

Many of my Republican colleagues also argue that terrorists such as Umar Abdulmutallab should be tried in military commissions because Federal courts are not well-suited to prosecuting terrorists.

That argument is simply wrong. Look at the facts. Since 9/11, more than 200 terrorists have been successfully prosecuted and convicted in our Federal courts. Here are just a few of the terrorists who have been convicted in Federal courts and are serving long prison sentences: Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing; Omar Abdel Rahman, the so-called Blind Sheikh; the 20th 9/11 hijacker, Zacarias Moussaoui; Richard Reid, the Shoe Bomber; Ted Kaczynski, the Unabomber; Terry Nichols, the Oklahoma City coconspirator; and now Abdul Abdulmutallab. Compare this with the track record of military commissions. Since 9/11, only 4 individuals have been convicted by military commissions—more than 200 in the courts, 4 in military commissions—and 2 of those individuals spent less than 1 year in prison, having been found guilty by a military commission, and are now living freely in their home countries of Australia and Yemen.

GEN Colin Powell, the former head of the Joint Chiefs of Staff and Secretary of State under President Bush, supports prosecuting terrorists in Federal courts. Here is what he said about military commissions. This is from General Powell:

The suggestion that somehow a military commission is the way to go isn't borne out by the history of the military commissions.

Many military commissions, when it comes to terrorism cases, are an unproven venue, unlike Federal courts.

Former Bush administration Justice Department officials James Comey and Jack Goldsmith also support prosecuting terrorists in Federal court. Here is what they said:

There is great uncertainty about the commissions' validity. This uncertainty has led to many legal challenges that will continue indefinitely. . . . By contrast, there is no question about the legitimacy of U.S. Federal courts to incapacitate terrorists.

I say to my colleagues, after a steady parade of speeches on this Senate floor

by the Senate Republican leader and others about how we cannot trust our Federal court system to prosecute terrorists, how we should take care to never let the FBI do this important job, the facts speak otherwise.

In Detroit, in the Federal court, we should give credit where it is due. The FBI did its job. Our courts did their job. The Department of Justice prosecutors did their job. Abdulmutallab pled guilty. He pled guilty because the evidence was overwhelmingly against him. He was convicted openly in the courts of America, which is an important message to send to the rest of the world, and he will pay a heavy price—a life sentence—for his terrible attempt to down an aircraft in the United States. That prosecution and that confession were obtained in our court system.

To argue that military commissions are the only way to go and that using the FBI and Department of Justice and our article III courts as a venue for terrorism is wrong is not proven by the facts, the evidence, or the most recent information coming forward. I would hope some of my colleagues who are now holding up the Defense authorization bill on this issue will at least be hesitant to argue their case now that the Abdulmutallab prosecution has been successfully completed. Over 200 terrorists have been successfully prosecuted in America's courts.

My message to them and I think the message of America to every President is, you use the court, you use the agency you think will be most effective in protecting America. Congress should not tie the hands of any President when it comes to this important prosecution. This success that we have seen in Detroit is evidence that if we give to a President—whether it is a Republican or Democratic President—the tools to prosecute those accused of terrorism, the President can use them wisely, sometimes in military commissions but more often in our court system, an open system that says to the world we can bring the suspected terrorist to justice and do it in a fashion consistent with American values.

I hope all of my colleagues, Democrats and Republicans, will join me in commending the Justice Department and FBI for their success in bringing Abdulmutallab to justice, and I sincerely hope this case will cause some Members of the body to reconsider their opposition to handling terrorism in the criminal justice system.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. DURBIN. Mr. President, the events of this week are an indication that much needs to be done in Washington to deal with the state of our economy. With 14 million Americans out of work, it is high time that both political parties find a way to develop a plan to move this country forward and to create jobs.

When the President spoke to Congress a little over 4 years ago, he laid out at least the foundation of a plan and later provided the details. But time and again, President Obama has said to the Republican leadership: I am open to your ideas. Bring them forward. Let's put them in a combined effort to make America a stronger nation and to find our way out of this recession.

Unfortunately, we have not heard suggestions from the other side. We had an important vote Tuesday night. Sadly, the Republican filibuster prevailed. Republicans, because they did not want to move the President's bill to consideration on the floor of the Senate, voted—every single one of them—against President Obama's efforts to put America back to work. I do not think that is going to be a position which is easily defended back home. Whether one agrees or disagrees with President Obama, the American people expect Democrats and Republicans to enter a dialog to help this country. We have to give on the Democratic side, and they should be prepared to give on the Republican side, and let's try to find some common ground. There are too many instances where we fight to a face-off and then leave.

The suggestion that yesterday's efforts to pass three free-trade agreements with South Korea, Panama, and Colombia are going to turn the economy around, I am not sure of being close to accurate. I supported two of those trade agreements, and I think they will help create jobs and business opportunities in America in the longer run but in the near term not likely so.

What we need to do is to work on what has been proven to be successful to move this economy forward. Let's start with the basics. Working families struggle from paycheck to paycheck. Many families do not have enough money to get by. They are using food pantries and other help to survive in this very tough economy. So President Obama said the first thing we need to do is to give a payroll tax cut to working families so they have more money to meet their needs. What it boils down to in Illinois, where the average income is about \$53,000 a year, is the equivalent of about \$1,600 a year in tax cuts for working families. That is about \$130 a month, which many Senators may not notice but people who

are struggling to fill the gas tank and put the kids in school can use \$130 a month.

The President thinks that is an important part of getting America back on its feet and back to work, and I support it. That was one of the elements that was stopped by the Republican filibuster on Tuesday night.

The second proposal of the President is that we give tax breaks to businesses, particularly small businesses, to create an incentive for them to hire the unemployed, starting with our returning veterans. It is an embarrassment to think these men and women went overseas and risked their lives fighting an enemy and now have to come home and fight for a job. We ought to be standing by them, helping them to get to work, and that is one of the elements in the President's bill that was also defeated by the Republican filibuster on Tuesday night.

The President went on to say we ought to be investing our money in America. If we put people to work, let's build something that has long-term value. One of those he suggested was school modernization. I visited some schools around my State, and I am sure in the State of Colorado and other places there are plenty of school districts struggling because the tax base has been eroded by declining real estate values and these districts need a helping hand. When I went to Martin Grove and visited a middle school there, I found great teachers doing the best they could in classrooms where the tiles were falling from the ceiling and where the boiler room should be labeled an antique shop because it was a 50- or 60-year-old operation that was kept together with \$150,000 of repairs each year. We ought to buy new equipment and install it in American schools so they can serve us for many years to come.

The same holds true in investing in our infrastructure, whether it is highways, bridges or airports. Make no mistake, our competitors around the world are building their infrastructure to beat the United States, and those who want us to retreat in this battle are going to be saddened by the consequences if they have their way. President Obama said invest this money in putting Americans to work to build our infrastructure, rebuild our schools, build our neighborhoods in a way that serves us for years to come.

The President is also sensitive to the fact that in many parts of America, including Illinois, there are school districts and towns that have had to lay off teachers and firefighters and policemen. It doesn't make us any safer, and it doesn't make our schools any more effective. Part of the President's jobs package is to make sure, for those teachers as well as policemen and firefighters, at least some of their jobs will be saved. In Illinois, over 14,000 of those

jobs will be saved by the President's bill.

What really brings this bill to a screeching halt in the debate is the fact the President said we should pay for this. Let's come up with the money that is going to pay for the things I just described. And his proposal is a simple one. It says those who make over \$1 million a year will pay a surtax of 5.6 percent—over \$1 million a year in income. That is over \$20,000 a week in income. These folks would pay a 5.6-percent surtax, and that surtax would pay for the jobs bill.

If the jobs bill works, and I believe it will, I guarantee a thriving American economy will be to the benefit of those same wealthy people. So asking them to sacrifice a little in this surtax is not too much to ask.

Unfortunately, although some 59 percent of Republicans support this millionaires' surtax, not one of them serves in the Senate. We need to have a bipartisan effort to make sure this is paid for in a reasonable way. The alternative we have heard from the other side that mounted this filibuster against President Obama's jobs bill is, we ought to return to the old way of doing things: tax cuts for wealthy people—not new burdens but tax cuts for wealthy people.

They argue the people who make over \$1 million a year are the job creators. That is a phrase they use, "job creators." A survey came out yesterday from the Government Accountability Office, and what it said was 1 percent of those making over \$1 million a year actually own small businesses. Most of them are investors. Although there is, I am sure, a worthy calling in being an investor, they are not the job creators they are described to be.

So I say to my friends on the other side of the aisle, this notion of protecting those making over \$1 million a year at the expense of a jobs program to move America forward is backwards. We have to come together, and I hope we can start as early as next week. We have to find provisions in this jobs bill we can agree on.

I hope the Republicans would agree we should modernize our schools and build our infrastructure in this country. I hope they agree we should not shortchange our schools and our communities when they need teachers and policemen and firefighters. I hope they would agree that it is a national priority to put our returning veterans to work. I certainly think that should be a bipartisan issue.

But the filibuster this week that stopped the President's jobs bill has stopped the discussion. The trade bills yesterday will not make up the difference. We have to focus on putting Americans to work with good-paying jobs right here in our Nation, creating new consumer demand for goods and

services which will help businesses at every single level. The President has put his proposal forward and has challenged our friends on the other side of the aisle to step up and put their proposals forward.

My suspicion is that most people in America would be delighted to see a breakthrough in Washington, DC, where Democrats and Republicans actually sat down at the same table and tried to work out a plan to put America back to work. We can do this. In order to do it we have to give on both sides. We have to forget about the election that is going to occur in November 2012 and focus on the state of America's economy right now in October 2011. If we put aside the campaign considerations and focus on the economy, I think we can get a lot done. I trust that there are some on the other side of the aisle who feel the same way. I hope they will break from their leadership on their filibuster and join us in this effort.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I wish to speak for a few moments on the nomination of Alison Nathan to be the United States District Court Judge for the Southern District of New York. This is a highly important position. It is one of the more prestigious courts in the country that handles the Nation's most complex cases. It is my observation, having practiced for over 15 years full time trying cases before Federal judges, that this position is of extreme importance and you need good judgment, good experience, good integrity, proven stability before you give a person a lifetime appointment to such a position. It is an important matter.

I overwhelmingly vote for the nominees of the President. I believe in giving the President deference in those nominations. However, I do believe we need to hold Presidents accountable and to scrutinize the nominations in a fair way and not hesitate to push back and say no if a nominee does not meet those requirements that are necessary to be a good judge.

I believe Ms. Nathan is one of a number of President Obama's nominees who believes that American judges should look to foreign law in deciding cases. She has other indications that suggest she is not committed in a deep and understanding way to the oath Federal judges take. That oath is that you serve under the Constitution and under the laws of the United States. That is

so simple and so basic that it goes almost without saying, but it is a part of the historic oath judges take. I believe that oath and commitment to serving under the U.S. Constitution, under the U.S. laws, is critical to the entire foundation of the American rule of law. It is so magnificent. We have the greatest legal system in the world. By and large our Federal judges are excellent and it is a strength both for liberty and civil rights and economic prosperity that we maintain a judiciary at a high level.

One of the things that causes me concern—there are several, but this one I will mention—is her belief that American judges should look to foreign law in deciding cases. This is not a little bitty matter. It is a matter of real national import. It offends people. Some people, nonlawyers, get offended. They think they should not do that. They are right, but just because people are upset about it and get angry about it doesn't mean it is not a deep, legitimate concern and can be a disqualifying factor as to whether a person should be on the bench. What law do they follow? The U.S. law or foreign law?

In a book chapter published less than 2 years ago, Ms. Nathan suggested that the cases leading up to the Supreme Court case of *Roper v. Simmons*, which was a death penalty case, showed legal progress. In *Roper* the Court held it is unconstitutional to impose a death penalty even for the most heinous crime if the defendant is under the age of 18 years.

As a matter of policy, I am not sure we should be executing people under 18, although a lot of people think that certain crimes are so bad they ought to be executed. We can disagree. That is a political decision. The question is, does the Constitution prohibit that? I suggest it does not. But if it does, it ought to be interpreted in light of its own words and the laws of the United States, its own import of the Constitution of the United States. Ms. Nathan seemed to commend the decision, however, on a different basis in her chapter. She commended it for “elaborating upon relevant international and foreign law sources and defending the relevance of the Court’s consideration of those sources.”

When describing Justice Kennedy’s change of opinion on the issue—he reversed himself—she said it was “a change that can be attributed to the international human rights advocacy and scholarship that had taken place outside the courtroom walls.”

She also praised the *Roper* attorneys for their “strategic and savvy reference to international norms in litigating the case.”

She asserted that the strategy’s “effectiveness holds promise and lessons for future advancement of international law.”

She went further and suggested the reason the Supreme Court does not

look to foreign law more often is because the Justices simply do not understand international law arguments—she has been practicing law about 10 years, or 9 at the time she wrote this, so she knows more about the issues related to international law than the Justices who have been on the bench for decades, many of them constitutional professors—rather than demonstrating a knowledge that the judge must serve under the U.S. Constitution and U.S. law and recognizing that foreign law has no place in deciding what our Constitution means.

She stated:

As these trends [in international law] continue, surely the Court will increase its understanding and ‘internationalization’ of international human rights law arguments.

She then concluded:

The presence of the Chinese judicial delegation at the Supreme Court on the day of the *Roper* arguments wonderfully symbolized the rich dialogue between international and constitutional norms.

So what she is calling for there is a dialog, presumably between international law and constitutional norms—pretty plain in her writing—not just an off-the-cuff comment but in a serious book expressing her philosophy and approach to law.

I am troubled by that. I believe judges have to be bound by the law and the Constitution. They are not free to impose their view. Justice Scalia and others have criticized—devastated—this international law argument. In my view, the debate that has gone forward in circles including the academy and law schools has clearly been a victory for the people who understand it is our Constitution that governs. We didn’t adopt the laws of China, if they were ever enforced, which they are not except by the government when it suits them. We didn’t adopt laws in France. We didn’t adopt laws in Italy or Brazil or Yugoslavia. That is not what binds us. That is not what judges serve under. They serve under our law.

I think it is a dangerous philosophy. It strikes at the heart of what the Anglo-American rule of law is all about—that law is adopted by the people of the United States and that is the law judges must enforce—laws passed by the people of the United States.

Reliance on foreign law, I believe, has been shown to be nothing more than a tool that activist judges who seek to reach outcomes they desire utilize. It is a way to get out from under the meaning of U.S. law. Why else would one cite it? If they cannot find a basis for their decisions in American law and legal tradition, they look to the laws and norms of foreign countries to justify their decisions. As Justice Scalia aptly described it—and he has hammered this theory—courts employing foreign law, including his own court—the U.S. Supreme Court—are merely “look[ing] over the heads of the crowd and pick[ing] out its friends.”

What did he mean by that? He means the law, the foundation principles of deciding cases. If they don’t like what they find in the United States, they look out over their heads and they find somebody in Italy or Spain or China or wherever, and they say: We need to interpret our law in light of what they do in Germany. How bogus is that as an intellectual legal argument?

Judges who engage in this type of activism violate their judicial oath, I believe. The oath is to serve under our Constitution, our laws. It requires judges to evaluate cases in that fashion—not the laws of other countries. Other countries don’t have the same legal heritage we have. They don’t value the same liberties and the same fundamental freedoms that are enshrined in our Constitution. The decisions of foreign courts have absolutely no bearing on a decision of a judge in a U.S. court, and nominees who disagree with that fundamentally can disqualify themselves from the bench.

It is very hard for me to believe I should vote to confirm a nominee who is not committed to following our law, who believes they have a right to scrutinize the world, find some law in some other country and bring it home and use that law so they can achieve a result they wanted in the case.

There are a number of other concerns I have with Ms. Nathan’s record, not the least of which are her views on an individual’s right to bear arms. We have a constitutional amendment on the right to keep and bear arms. The right to keep and bear arms should not be abridged. That is an odd thing, compared to France or Germany or Red China. But it is our law and we expect judges to follow it whether they like it or not. That is what our Constitution says.

Suffice it to say, I believe her record evidences an activist viewpoint. Perhaps if she had more legal experience, she would have a better understanding of the role of a judge. She only just became a lawyer in 2000—11 years ago—and has had limited time in a courtroom.

Evidently, the American Bar Association recognizes this. The ABA gives ratings to judges, and a minority of the members of that committee—not the majority but a minority—rate her “not qualified.” Frankly, they are a pretty liberal group, so I don’t know if it is so much her views on some of these issues, but probably an actual evaluation of the kind of experience and background she brings and whether she would be qualified to sit on an important Federal district court—the Southern District of New York, one of the premier trial benches in the world, and even in America—and I think it is a matter we should consider.

This is a very serious shortcoming for a number of reasons. Litigating in court is valuable experience. It provides insights to someone who would be

a judge. It helps make them a better judge if they have had that experience. It gives them a strong understanding that words have meaning and consequences. When we see people get prosecuted for perjury or we see million-dollar contracts decided this way or that way based on the plain meaning of words, we learn to respect words.

Some of these people out of law schools, with their activist philosophy, seem to think a judge has a right to allow their empathy and their feelings to intervene and decide cases based on something other than the words of the contract or the words of the Constitution. It is a threat to American law. Indeed, it is what President Obama has said a number of times. He believes judges should allow their empathy to help them decide cases.

What is empathy? It is their personal views. Whom do we have empathy for? It depends on whom one likes before they come on the bench. So they are deciding cases based on factors other than the objective facts of the case. I believe the practice of law is a real legal testing ground, in which people can prove their judgment integrity over time. It also provides a maturing experience, where a person learns the import of decisions in how cases turn out and how it impacts their clients.

Let me just say that seasoned lawyers develop reputations. When we have seen them in court many times and they have had experience there, people know if they have good judgment. People know if they are solid. We know they are men and women of integrity. They have that opportunity to establish a reputation. Both the short period of time that Ms. Nathan has spent actually practicing law and some of the troubling positions she has taken over the years justifiably raise serious questions about her understanding of the role of a judge in our system.

Finally, I would note that Concerned Women For America, the Family Research Council, and the Judicial Action Group oppose this nomination. In a letter sent to all Senators today, Concerned Women For America noted that Ms. Nathan's:

... biases are so ingrained and so much the main thrust of her career that it is not rational to believe that she will suddenly change once confirmed as a judge. Rather it is reasonable to conclude she would use her position to implement her own political ideology.

I have reached the view that the facts as I have noted—her open defense of the idea that judges can use sources other than our law to decide cases and her lack of experience and proven record of good judgment and legal skill, the fact that a minority of the ABA Standing Committee on the Federal Judiciary found her not qualified to serve on the bench, justifies a vote in opposition to this nomination. I will

not block the nomination. We will have an up-or-down vote. But I do think in my best judgment—and that is all I have, my best judgment—after reviewing her resume, looking at how thin her experience is, and her positions on a number of issues, indicates to me that she has the real potential to be an activist judge, not faithful to the law. For that reason, I will vote no.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I agree with the Senator from Alabama. In Arkansas, it is so important that we get good judges nominated and confirmed, and that is why I rise in support of Susan Hickey's nomination as U.S. district judge for the Western District of Arkansas.

Judge Hickey's distinguished career interests reflect her pursuit to serve the interests of justice. As an attorney and now as a circuit judge in my home State of Arkansas, she has earned the respect of the Arkansas legal community and proven she is devoted to fulfilling this important role in our judicial system.

I am confident Judge Hickey's extensive experience with the legal system will serve her well on the Federal bench. Her confirmation will fill the seat of retired Judge Harry Barnes, whom she clerked for before her appointment as circuit judge in the Thirteenth Judicial District. She also worked in a private law firm following her graduation from the University of Arkansas School of Law and also served as an in-house counsel for Murphy Oil.

Judge Hickey has strong bipartisan support for good reason: She has established herself as a dedicated public servant who possesses a strong work ethic and commitment to a fair and impartial legal system. Her experience and impartial demeanor and reputation amongst her peers give me faith that Judge Hickey will do a great job as the U.S. district judge for the Western District of Arkansas. When she was nominated for this position, Arkansans from all across the State expressed their support for her confirmation.

I am honored to recommend that the Senate confirm Judge Susan Hickey as a U.S. district judge for the Western District of Arkansas. I am confident her experience and judicial temperament make her the right person to serve Arkansas as a district judge.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I wish to thank my colleague for being here today and expressing his support for Susan Hickey to be a new Federal district court judge in the Western District of Arkansas. She has a strong record in our State. She is exactly what we need in a Federal judge. The

fact that we have both home State Senators, one Democrat and one Republican, supportive of the nomination begins to speak volumes about the kind of person and the kind of reputation Susan Hickey has.

She has been in both the public sector and private sector. She has worked inhouse with an oil company, as Senator BOOZMAN said. But she has also law-clerked for a very solid and well-respected Federal judge.

She is now a State court judge in Arkansas at the State trial court level. She has handled 313 felony criminal cases since she has been on the bench. She brings a lot of experience, and she is exactly the kind of person we need to be on the Federal bench.

When I look at a judge candidate, a judge nominee, I always have three sets of criteria: One, are they qualified? Certainly, she is. She brings very strong qualifications and experience to this position.

Second, can she be fair and impartial? I think that is something that comes up with Susan Hickey over and over and over. From her local bar down in south Arkansas, from the people in the community, the folks who have dealt with her, they all say she is an extremely fair person, and they have no doubt she will be impartial as she puts on that Federal district court robe.

Then, my third criterion, does she have the proper judicial temperament? That, obviously, is subjective because that comes down to their personality and their style. But we want a Federal judge who has great demeanor, who is very good with the law, but also very good with lawyers because, obviously, in a trial court they have a lot of type A personalities in the court, and they have to give the proper appearance to the jury. That is critically important for a district court judge. So I would say, absolutely, yes, she has the right judicial temperament.

So I would strongly encourage all of my colleagues to vote favorably for Susan Hickey. Like I said, she has handled 1,690 total matters in the Federal courts since she has been a law clerk there.

Mr. President, 313 total felony cases have been disposed of in her trial court in south Arkansas down in El Dorado. She has a lot of very solid legal experience. The bottom line is, she is just a good person, and people like her and respect her and they trust her.

I think when our Founding Fathers put together the Federal judiciary, this was the kind of person they wanted. She reflects the values and the attitudes of that part of the State. She is smart. She is hard working. She is going to be fair. Really, we could not ask a whole lot more for any Federal judge in any district, and, certainly, she is going to do a great job down there.

So I am proud to be joined by my friend and colleague from Arkansas to support this nomination. If we support her, and if we confirm her today, we will be joining thousands and thousands of people in south Arkansas who have supported her. We have had hundreds, I know, express support for her in my office. I am certain Senator BOOZMAN has had many support her in his office as well.

I encourage my colleagues to give her very strong consideration. She has been rated unanimously "qualified" by the American Bar Association.

There, again, in that both home State Senators support her, the American Bar Association supports her, the Arkansas bar—not the association because they do not do those types of endorsements—but every lawyer I have talked to who knows Susan Hickey thinks she will do an outstanding job, I would like to ask my colleagues to vote for her nomination and I appreciate their consideration.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise to speak today in support of two excellent nominees for the bench from the Southern District of New York. These two women, Alison Nathan and Katherine Forrest, have different backgrounds, but each in her own way represents the best the New York bar has to offer.

Katherine Forrest is a young lawyer but an extraordinarily accomplished lawyer whose practice has been particularly well suited to the needs of litigants in the Southern District. She was born in New York City, received her BA from Wesleyan University, and her law degree from NYU Law School, one of the best in the country. She has spent the majority of her career in private practice at the prestigious, top-line firm of Cravath, Swaine & Moore, where she was on the National A List of Practitioners. She was named one of the American Lawyer's "Top 50 Litigators Under 45." She currently serves as a Deputy Assistant Attorney General in the Antitrust Division of the Department of Justice, where I know she is very well regarded and has served with great distinction. I look forward to Ms. Forrest's transition from position of service to our country to the other.

I also rise in support of Alison Nathan. I would like to counter some of the arguments that have been made against her on the floor here today.

First, Alison Nathan has tremendous legal experience, albeit that she is young. She is a gifted young lawyer whom New Yorkers would be fortunate to have on the bench, hopefully for a long time. Although she is a native of Philadelphia, she has called New York City her home for some time. She graduated at the top of her class from both Cornell University and Cornell Law School, where she was editor-in-chief of the Cornell Law Review. She worked as a litigator for 4 years at the pre-eminent firm of WilmerHale and has also served in two of the three branches of government. Ms. Nathan clerked for Ninth Circuit Court of Appeals Judge Betty Fletcher and then for Supreme Court Justice John Paul Stevens. Recently, she served with distinction as a Special Assistant to President Obama and an Associate White House Counsel. She is currently special counsel to the solicitor general of New York. Now, that is a world of experience. It is hard to find better experience from somebody being nominated to the bench.

Some of my colleagues have said: Well, her rating from the ABA was not as good and that was based on experience. That is what the ABA does. They claim, these colleagues, that Ms. Nathan lacks the experience to be confirmed as a judge because only a majority of the ABA rated her qualified, while a minority rated her not qualified.

However, Ms. Nathan has the same qualification ratings as Bush administration judges whom this body confirmed. Specifically, the Senate confirmed 33 of President Bush's nominees with ratings equal to Ms. Nathan, including Mark Fuller and Keith Watkins of Alabama, Virginia Hopkins of the Northern District of Alabama, Paul Cassell of Utah, Frederick Martone of Arizona, and David Bury of Arizona. Are we going to have a different standard for Ali Nathan than for other judges? I sure hope not.

Then some have brought up only recently—actually, very recently—the thought that Ms. Nathan would apply foreign law to our own laws. It is patently false to say that Ms. Nathan has suggested or that she believes it is appropriate for U.S. judges to rely on foreign law or that she herself would ever consider doing so. To the contrary. In response to written questions from Senator GRASSLEY, she said explicitly:

If I were confirmed as a United States District Court Judge, foreign law would have no relevance to my interpretation of the U.S. Constitution.

Let's go through that quote again. This is in reference to a question from Senator GRASSLEY:

If I were confirmed as a United States District Court Judge, foreign law would have no relevance—

"No relevance," my emphasis—to my interpretation of the U.S. Constitution.

My colleagues are also wrong in their suggestion that Ms. Nathan has in the past either relied on foreign law herself or suggested that courts should do so. In the Baze vs. Rees case, she merely described the fact that others, including a law school clinic and Human Rights Watch, had argued in their own briefs that international law could be considered when dealing with questions of pain and suffering. Similarly, in her analysis of the Roper case, Ms. Nathan made an observation about what the Supreme Court had done—specifically, that the Supreme Court had cited foreign law as nondispositive support for their conclusion about the national consensus in the United States about the death penalty. That my colleagues jumped from these two instances in which Ms. Nathan described other peoples' opinions to conclusions about Ms. Nathan's own belief leads me to ask, are judicial candidates not allowed to describe the arguments that others have made? That would be rather absurd. I cannot imagine it is the outcome my colleagues would want, but it is the one to which their arguments naturally lead.

Finally, on national security, where again some from the outside who have criticized Ms. Nathan have brought up national security, here is what she has said:

I think it is important for a Federal district judge to follow the Supreme Court. It is important to our national security for there to be judges who follow the law in this area—

National security—to the extent questions come before them and that Congress acts as it has in this area.

That is good reason that she is supported by all of the law clerks she served with, including those of Justices Thomas, Scalia, Kennedy, and O'Connor. And obviously those Justices are not Justices who agree with some of the other Justices on the Court, but their law clerks uniformly supported Ali Nathan.

So I would urge my colleagues to support Ali Nathan. She will be an outstanding addition to the bench in the Southern District of New York, as well as Katherine Forrest, who will also be an outstanding addition.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS.) The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of

Alison J. Nathan, of New York, to be United States District Judge for the Southern District of New York?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Carolina (Mrs. HAGAN), the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Indiana (Mr. LUGAR), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 44, as follows:

[Rollcall Vote No. 164 Ex.]

YEAS—48

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	McCaskill	Udall (NM)
Conrad	Menendez	Warner
Coons	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murray	Wyden

NAYS—44

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Blunt	Hatch	Paul
Boozman	Heller	Portman
Brown (MA)	Hoeben	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Cochran	Johanns	Shelby
Collins	Johnson (WI)	Snowe
Corker	Kirk	Thune
Cornyn	Kyl	Toomey
Crapo	Lee	Wicker
DeMint	McCain	

NOT VOTING—8

Coburn	Lieberman	Stabenow
Hagan	Lugar	Vitter
Harkin	Manchin	

The nomination was confirmed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Susan Owens Hickey, of Arkansas, to be United States District Judge for the Western District of Arkansas?

The Senator from Vermont.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mrs. HAGAN), the Senator from Iowa (Mr.

HARKIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Indiana (Mr. LUGAR), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 83, nays 8, as follows:

[Rollcall Vote No. 165 Ex.]

YEAS—83

Akaka	Feinstein	Murkowski
Alexander	Franken	Murray
Ayotte	Gillibrand	Nelson (NE)
Barrasso	Graham	Nelson (FL)
Baucus	Hatch	Portman
Begich	Heller	Pryor
Bennet	Hoeben	Reed
Bingaman	Hutchison	Reid
Blumenthal	Inhofe	Risch
Blunt	Inouye	Roberts
Boozman	Isakson	Rockefeller
Brown (MA)	Johanns	Rubio
Brown (OH)	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Schumer
Cardin	Kerry	Sessions
Carper	Kirk	Shaheen
Casey	Klobuchar	Snowe
Chambliss	Kohl	Tester
Coats	Landrieu	Thune
Cochran	Lautenberg	Toomey
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	McCaskill	Warner
Corker	McConnell	Webb
Cornyn	Menendez	Whitehouse
Crapo	Merkley	Wicker
Durbin	Mikulski	Wyden
Enzi	Moran	

NAYS—8

Burr	Kyl	Paul
DeMint	Lee	Shelby
Grassley	McCain	

NOT VOTING—9

Boxer	Harkin	Manchin
Coburn	Lieberman	Stabenow
Hagan	Lugar	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Katherine B. Forrest, of New York, to be United States District Judge for the Southern District of New York?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with

Senators allowed to speak for up to 10 minutes each during that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

IRAN SANCTIONS

Mr. KIRK. With regard to our policy toward Iran and the recent revelation of a potential attack involving not just foreign embassies and ambassadors but Americans, potentially Senators, being killed by a plot hatched by the Iranian Revolutionary Guard and Quds Force, there should be consequences, not just concerns expressed from the administration. We have witnessed a growing aggressiveness by the Iranian regime toward the United States and toward their own people.

For example, recently, an Iranian actress who appeared uncovered in an Australian film was then sentenced to 90 lashes for her so-called crime. With regard to the 330,000 Baha'is, a religious minority in Iran, first they were excluded from all public contracting, then they were told all their children had to leave Iranian universities, and then all their home addresses were registered in secret by the Iranian Interior Ministry.

I would suggest we have seen this movie before in a different decade wearing different uniforms. But this is the bureaucracy necessary to carry out a Kristallnacht in Farsi.

We have seen, for example, the Persian world's first blogger, Hossein Ronaghi, who was thrown into jail simply for expressing tolerance toward other peoples and other religions. Probably most emblematic, we saw the jailing of Nasrin Sotoudeh, a young mother and a lawyer, whose sole crime was to represent Shirin Ebadi, a Noble Prize winner, in the courts of Iran.

We hear and have watched unclassified reports of an acceleration of uranium enrichment in Iran. We even have the irony, according to the International Monetary Fund, that despite comprehensive U.N. and U.S. sanctions—according to the IMF—Iran had greater economic growth last year than the United States and the Iranian indebtedness is only a fraction of U.S. indebtedness. According to the IMF, the United States owes about 70 percent of its GDP in debt held by the public. For Iran, it is only 5.5 percent.

Now the United States has enacted a new round of sanctions against Iran. President Obama signed it into law last year. There were 410 votes in the House, and it was unanimous in the Senate. I worked for many years on a predecessor to that legislation when I was a Member of the House. The record of the administration, and especially our very able Under Secretary of the Treasury David Cohen, has been very good at implementing that bill. He has been very successful in reducing formal

banking contacts between American, European and Asian banks and Iran. It is very important, when we look at the situation of how to deal with Iran, that we not see it from Washington's view, looking toward Iran, in which we see an awful lot of banks and an awful lot of transactions shut down, but look at it from Tehran's view, looking back from the United States, and we will see a quickly growing Iranian economy, a growing record of brazen oppression, actresses sentenced to 90 lashes, Noble Prize-winning attorneys thrown in jail, an accelerating nuclear program, and then a decision by the head of the Iranian Revolutionary Guard Corps, Quds Force, to attack the United States.

Long ago, I thought it was a mistake to have the Drug Enforcement Agency left outside of the U.S. intelligence community. Luckily, we reversed that decision and we brought DEA back into the intelligence community. It was a lucky strike that the person who was contacted by the Quds Force to carry out an attack on the United States actually contacted a confidential informant working for the DEA. It was on that lucky break that we had the ability to break this plot. But if we read Attorney General Holder's complaint against the defendant involved, we will see—I believe it is on page 12—a rendition of how, if they could not kill the Ambassador outside the restaurant, it was perfectly OK with the Quds Force operator that a bomb go off involving dozens—if not over 100—of Americans killed. The bonus, he thought, maybe a large number of Senators would be involved. If that was necessary to kill this Ambassador, all the better.

The Treasury Department has designated, finally, the head of the Quds Force under our law. But it is ironic that when we look at the comprehensive record of designations, the Europeans, who actually are not known for their strong-willed backbone on many international questions, have a more far-reaching effect on calling it the way they see it in Iran. Both Europe and America now have a regime to bring forward sanctions and designations against Iranians who are "comprehensive abusers of human rights."

Currently, our government has only designated 11 Iranians, where the European Union has designated over 60. One of the people missed by our administration is the President of Iran, Mahmud Ahmadinejad, who often talks about ending the state of Israel. Probably the only head of state of a member of the United Nations who regularly talks about erasing another member of the United Nations from the planet. We also have not designated President Ahmadinejad's chief of staff. We have not designated dozens of people that even the European Union has designated as comprehensive abusers of human rights.

So what should we do when we have uncovered a plot to attack the United

States in which the highest levels of the Iranian Revolutionary Guard Quds Force was involved? Thank goodness for the DEA and the rest of the law enforcement and intelligence community of the United States, the plot was foiled, and so no attack was carried out. In my mind, we should take the toughest action possible, short of military action. Is there consensus in the Congress behind what that action should be? I would argue yes.

Senator SCHUMER and I, this summer, put forward what we feel is one of the real, most crippling sanctions the United States could deliver against Iran; that is, to ensure that any financial institution that has any contact with the Central Bank of Iran be excluded from the U.S. market. Because the United States is the largest economy on Earth, we believe nearly every financial institution on the planet will cut its ties to the Central Bank of Iran. That, most likely, would cripple Iran's currency and cause chaos within their economy. You know what. Iran might actually suffer a recession, which it currently is not in, and I think that would be an appropriate price to pay.

When Senator SCHUMER and I reached out to the Senate to ask for support, I was very surprised at the answer because all but eight Senators signed our letter. There were 92 Republicans and Democrats who signed the letter stating it should be the policy of the United States to collapse the Central Bank of Iran, to cripple its currency. After what we learned this week of a plot to kill Americans and to carry out terrorist attacks on the Capital City of the United States, I think that represents appropriate consequences, not just concerns.

We heard from the administration this morning—and while I was encouraged by the diligent work, especially of the Treasury Department, I was concerned about another thing. There are press reports that the administration learned about this plot in June and only revealed it to us the day before yesterday. So the administration has had months to understand what this plot meant and plan for the consequences. Yet except for minor actions against a small airline in Iran called Mahan Air, except for actually finally designating the head of the Iranian Revolutionary Guards' Quds Force, we have no comprehensive action by the United States.

My recommendation to this House and to the administration is we should take yes for an answer. With 92 Republicans and Democrats all standing behind an effort to collapse the Central Bank of Iran, this is the appropriate sanction. On top of that, we have the Menendez bipartisan legislation to close loopholes in the sanctions already cosponsored by 76 Senators. This is a tough time of partisanship in Washington. We don't get bipartisan

issues such as this that often. I am surprised, it having known about this plot since June, the administration has not already put forward action, but I would urge them to do so. This was not a multilateral attack by a collection of countries on the United States; therefore, I don't think we should wait for multilateral approval before the United States acts against the Iranian Revolutionary Guard Corps and the highest levels of the Iranian Government. We should designate the full list of comprehensive abusers of human rights the way the EU has done. We should exclude any financial institution from the United States that does business with the Central Bank of Iran. We should make sure that in the case of high-level Iranian officials who have plotted an attack, potentially involving dozens of American deaths right here in the Capital City of the United States, there should be severe consequences, they should be fairly swift, and our inaction should not be mistaken for weakness in the face of what is one of the most brazen international acts we have seen in recent times.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized for up to 20 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Let me make one comment to the Senator from Illinois. I am glad he said what he did. It is very significant. People don't look at Iran as seriously as they should. It is not even classified that Iran is going to have the capability of a weapon of mass destruction and a nuclear warhead and a delivery system by 2015. That was the very reason they were going to have a ground-based interceptor in Poland, so we can defend against something coming from that direction, since all our ground-based interceptors are on the west coast in Alaska and southern California.

When we see things such as this, and the fact that they are coming out and doing things they haven't done before, that just tells me our expectations of their nuclear capability are very true and it is very serious.

JOBS BILL

That is not what I want to talk about. In the wake of the defeat of President Obama's jobs bill, I wished to give a couple thoughts here and then talk about something we better look out for in the future. That jobs bill failed by a large margin, and we heard the President say: Pass the bill, pass the bill, pass the bill. We didn't pass the bill. I can see why the President wants to consider passing some kind of jobs bill right away, when we stop and remember what he did with the last one. The last stimulus bill was \$825 billion. This package was rammed

through the Congress shortly after he entered office. The Recovery Act, as it was called, had only \$27 billion out of \$825 billion for roads and highways. The occupier of the chair is very well aware of my concern over infrastructure in America.

I remember when that bill was on the floor and Senator BOXER, from California, and I had an amendment to increase that amount. It was only 3 percent of the total of \$825 billion that would go to roads, highways, maintenance, bridges, and this type of thing—only 3 percent. We were trying to raise that to 30 percent. If that had happened, then look where we would be today. We would have the jobs, we would have all the shovel-ready jobs throughout America.

In my State of Oklahoma, our portion of that would have been well spent just distributed in the way that we had the formula after the 2005 highway reauthorization bill. Anyway, that actually was only 3 percent. It was only \$27 billion out of \$825 billion. The one we just defeated was a \$447 billion stimulus bill. It only had \$27 billion in roads, highways, construction, maintenance—the things that provide jobs and the things this country needs.

I have been ranked as the most conservative Member of the Senate seven different times in the past. Yet I readily say I am a big spender in two areas: One is national defense and the other is infrastructure. I think that is what we are supposed to be doing here. We are in a desperate situation with our infrastructure around the country.

So one might say, well, the President had the \$825 billion stimulus package and only \$27.5 billion went to roads and highways. What happened to the rest of it? Well, the rest of it, in spite of what he said—I am going to read what he said—right after the passage of the bill, when he was signing the bill, the \$825 billion stimulus bill, he said:

What I'm signing, then, is a balanced plan with a mix of tax cuts and investments. It's a plan that has been put together without earmarks or the usual pork barrel spending. It's a plan that will be implemented with an unprecedented level of transparency and accountability.

Well, stop and remember as I tell my colleagues what this actually went for. It is clear the most recent example was this loan guarantee with Solyndra. Everyone here is aware of what happened with Solyndra. We know it was a firm that was producing supposedly green energy. We know the people who were behind this loan guarantee of \$535 million were big contributors to the administration, and they went ahead and were able to get bailed out—not bailed out, but get their loan guarantee—costing the taxpayers $\frac{1}{2}$ billion, and that is part of what was in this bill. That is where the money was. The genesis of that was the \$825 billion stimulus bill.

I am reminiscing a little bit about what happened back in the middle 1990s, back when Bill Clinton was President of the United States, when we had a very similar thing happen at that time. There is a company called the Loral Corporation. The Loral Corporation is headed up by Bernard Schwartz. Bernard Schwartz was one of the biggest contributors to the Democratic national party and to Bill Clinton. Bernard Schwartz, the company, the Loral Corporation, built a guidance system for a missile so that missile could be more accurate. Even though China wanted to have that system so they would be able to guide their missiles more accurately, for obvious reasons we didn't want them to have it. So it took a waiver signed by the President of the United States. President Bill Clinton did it. He signed the waiver and they got the money. I see similarities in here. I think, again, everyone is familiar with that.

How did they get the money? Where did it come from? The \$825 billion in the stimulus bill.

Let's look. Since the President gave that statement, which I will read again—he said:

What I'm signing, then, is a balanced plan with a mix of tax cuts and investments. It's a plan that has been put together without earmarks or the usual pork barrel spending.

What do we call the Solyndra thing? It is porkbarrel spending.

What about the earmarks? This is a confusing thing for most people because my well-meaning conservative friends in the House of Representatives a couple of years ago put a 1-year moratorium on earmarks, and earmarks would be defined, of course, as appropriations or authorizations. By doing that, it totally contradicts what the Constitution, article I, section 9, says we are supposed to be doing here. It says we are supposed to be doing the appropriations and the authorizations. That is specifically precluded from the President in the article of the Constitution. So it is one that was very obvious. We find out later that the person who was behind that was none other than President Obama.

There is a reason for this. Because most people don't understand there are two different kinds of earmarks. One is congressional earmarks. That is when a Congressman, a lot of times in the dark of night, will try to put something down that maybe is not in the best interests of the United States but helps his district. That occasionally happens. It shouldn't happen. Under our system, it won't happen if we require all appropriations to be authorized. But the other kind, in addition to the congressional earmarks, are bureaucratic earmarks. That is what the President can do.

I will give an example. I am on the Armed Services Committee. The President's budget comes out. He says what

we should spend money on to defend America. A couple of years ago, before this moratorium the Republicans put on in the House, one of the lines he had in his budget was \$330 million for a launch system called a bucket of rockets. It was a good system, and I would like to have that system for defending America. But we thought in our committee that the same \$330 million would be better spent on buying six new FA-18E/F model strike fighters for our Air Force. Well, we could do that, except that would be called an earmark. When we destroy an earmark, we don't save any money, we just say, Mr. President, we are not going to do it, so you go ahead and you do it. Consequently, we were able to take the \$330 million and put it in the FA-18s, but after that would pass, that would be called an earmark, and so the President would have all the power.

If we look back at the \$825 billion stimulus bill, we can look at some of the things that were in there. He said he wasn't going to have any earmarks. These are Presidential earmarks: \$219,000 to study the hookup behavior of female college co-eds in New York; \$1.1 million to pay for the beautification of Los Angeles' Sunset Boulevard; \$10,000 to study whether mice become disoriented when they consume alcohol in Florida; \$712,000 to develop machine-generated humor in Illinois; \$259,000 for foreign bus wheel polishers in California. It goes on and on.

There is \$150,000 for a Massachusetts middle school to build a solar array system on its roof; \$1 million to do research on fossils in Argentina. Here is a good one. I will not attribute this to my two good friends who are Senators from Wyoming, but \$1.2 million to build an underpass for deer in Wyoming.

That is what the President put in. Those are all earmarks. Consequently, I think what we are trying to get to here is if he had been successful in the \$447 billion stimulus bill earlier this week, then we could anticipate the same type of thing happening.

I want the conservatives of America to wake up to the fact that the problems we have, when they talk about earmarks, are not congressional earmarks, they are bureaucratic earmarks.

It wasn't long ago that Sean Hannity on his show had a feature, I think it took him several nights to do it. It was the 102 most egregious earmarks. He named all of these earmarks, one after another, and went on and on and on. I came down to the Senate floor the morning after that and I read that same list. There were 102 earmarks, very similar to what I read. The interesting thing about it—and I said this on the Senate floor at that time—what did these 102 earmarks have in common? Not one was a congressional earmark. They were all bureaucratic earmarks.

We are going to be attempting to do something about this, because it is something that almost everyone would agree needs to be done. What we are going to introduce and the bill I am working on now, and I am gathering some cosponsors, is legislation that will bring real transparency and accountability to this process. It would do this by involving Congress in the grant-making process.

Right now, agencies are required to disclose a lot of information about grant awards, but not until after they are already awarded. We don't know about them. Even we here in this Chamber don't know about them until some unelected bureaucrat actually makes these what I would refer to as bureaucratic earmarks. So it is setting up a system very similar to the Congressional Review Act.

The Congressional Review Act lets us look at the regulations and have a process by which we can stop the bureaucrats from passing regulations that we may think as elected Members, elected by the people, are not good. This will do essentially the same thing the CRA does for regulations, it would do for these earmarks. So it is something we will be active in. I think back now, if we had not defeated that \$447 billion stimulus bill the first part of this week, we would be looking at right now, and I am sure they would be putting together, their list of earmarks.

I think we have an opportunity now to do two things. No. 1, when the President—and I say when, and not if—when the President comes up with another jobs bill, let's look at it very carefully to make sure we have everything specifically in there if it is going to be deserving of our votes. I say that to each individual, Democrat and Republican, in this Chamber.

The second thing is make sure we don't open the door for him to be able to come up with another several hundred billion dollars of earmarks as we did in the \$825 billion stimulus bill 2 years ago.

With that, Madam President, I yield the floor and suggest the absence of a quorum.

THE PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

THE PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, since there is no one seeking time right now, even though I have used my time, I ask unanimous consent to be recognized again for up to 10 minutes.

THE PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. INHOFE. Madam President, I heard a report today from Senator MURKOWSKI. Apparently, the Energy Committee had a hearing on the 90-day shale gas report. I think this is very significant. I am sure she will come down and talk about it in detail. I didn't even know about it until noon today when she gave her report and I happened to be there, but it is something that is very significant.

In this country we talk about energy and the fact that we have enough energy we can produce domestically in the United States of America to run this country for 100 years in terms of gas, with present consumption, and 50 years as far as oil is concerned, and we are dependent upon oil, gas, and coal to run this country, and those are something—a lot of people are saying we have to do away with fossil fuels. Every time I hear people say that, it is kind of laughable, when they say we have to do something about our dependence on foreign oil by doing away with our own production in this country.

Our problem is not that we do not have the amount of coal, oil, and gas that we need to be totally independent from anybody. We do. But, politically, we have obstacles. There is not one other country in the world where the politicians will not let that country develop its own resources except for the United States of America.

It is kind of interesting. It was not too long ago when President Obama, who is very much in line with some of the far-left environmentalists who want to do away with fossil fuels, was realizing people were catching on, and people knew that with all the shale deposits that are out there—and every week that goes by, we find another great big opportunity for shale; this is both oil and gas—and the President said gas is plentiful, and we need to use more gas, and all that. But at the end of his speech, he said: We have to do something about that procedure called hydraulic fracturing.

Anyone who understands energy knows that to get at all of these deposits—these shale deposits of gas or oil—you have to use a procedure called hydraulic fracturing. It happens we know something about it in my State of Oklahoma because in 1948 the first well was cracked, and we have not had one documented case in 60 years of ground water contamination as a result of hydraulic fracturing. So it is something that does work.

But those individuals who want to make people think they are wanting us to develop our own resources then turn around and say we are going to stop or have the Federal Government regulate hydraulic fracturing. It is totally inconsistent, and I think it is a direct effort to misinform the people.

So in this meeting today, Senator MURKOWSKI did a handout, and I am

going to read a couple of the quotes from some of the people who had previously testified before the committee. Keep in mind, this is after a 90-day shale gas report. They talked about hydraulic fracturing and all of that.

One quote is from Dr. Daniel Yergin, who is chairman of IHS Cambridge Energy Research Associates, and he is a bestselling author. He said:

There's a gap in perception—this idea that oil and gas is not regulated. We were all impressed by the quality and the focus, the long experience of the states in regulating oil and gas. . . . There's a strong backbone to it and that is not as well recognized in some circles. So I think there is a very strong fabric here.

Here is a quote. This is from Kathleen McGinty. I remember her from when she was an aide to Al Gore. She was chair of the Council on Environmental Quality during the Clinton administration. She said:

We didn't come up with any conclusion—

This is the 90-day shale report—

that the deck chairs need to be shuffled around. . . . There was nothing in the testimony that we heard or in the substance that we focused on or in the "what" needed to be done that led to a glaring conclusion that there was an actor missing from the scene.

Well, this is someone who comes from, completely, the other side. So I think it is very important. The more times you look at this thing, the more there is an awareness of the people—that is heightened almost on a daily basis—that we have all this opportunity, and we are not doing it just because of the political obstacles.

Dr. Stephen Holditch is the petroleum engineering department head, Samuel Roberts Noble chair, and professor of petroleum engineering at Texas A&M University. He said:

Local control, local understanding of best practices is really the best way to go. . . . There's nothing broken with the system now.

My State of Oklahoma is an oil State. A lot of our stuff is pretty shallow. On the other hand, in the Anadarko Basin, we have some of the more deep things. But if you look, for 60 years the States have regulated hydraulic fracturing, and it has worked very well. It is not one of these one-size-fits-all because in some States—when you get in New York and Pennsylvania, now, and the Marcellus Shale, the stuff is pretty deep, but it is abundant. Well, the regulation there would be different than it would be in my State of Oklahoma or in Louisiana or in New Mexico or any of the other oil States.

I was really glad to see this come out, and I am glad Senator MURKOWSKI is now letting people become aware of it because we have enough oil, gas, and coal to be totally independent, if we can just get the obstacles out of the way. One of the techniques used in being able to recover this, of course, is hydraulic fracturing. So that is why a

lot of the people who are trying to shut down fossil fuels are trying to shut down that process.

I had an experience—I wish I could remember the name of the company, but it was in Broken Arrow, OK—during the recess, where I was calling on different people, and there was a young man who started a company. He had been with a larger one. He is making platforms for hydraulic fracturing. Now, a platform is about one-fourth of the size of this Chamber I am speaking in right now. It is a very large thing. On the platform, so they can hydraulically fracture these wells, they have a very large diesel engine. A regulation came through—I was not even aware of this until I sat down with him; this is less than 1 month ago—he said the regulation was that you can no longer build platforms and use them for hydraulic fracturing unless you have a tier 4 engine.

Well, we went to check, and he was right. There is no tier 4 engine. It is on the drawing boards, but it is not available commercially now. So that is just another way through regulation they are trying to do away with hydraulic fracturing.

So we have to be on our toes, and we have to have a wake-up call for the American people. If we want to have good, clean, abundant, cheap energy, we have it right here in the United States of America, and we need to knock down the political obstacles and develop our own resources like everybody else does.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. KERRY. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 287; that the nomination be confirmed, the motion to reconsider be made and laid upon the table, with no intervening action or debate, and that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Sung Y. Kim, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. KERRY. Madam President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 78; that there be 4 hours for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar No. 78; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. There being no objection, the Senate, at 3:43 p.m., recessed subject to the call of the Chair.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE HONORABLE LEE MYUNG-BAK, PRESIDENT OF SOUTH KOREA

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, Martina Bradford, the Secretary of the Senate, Nancy Erickson, and the Vice President of the United States, JOSEPH R. BIDEN, proceeded to the Hall of the House of Representatives to hear an

address to be delivered by the Honorable Lee Myung-Bak, President of South Korea.

(For the address delivered by the President of South Korea, see today's proceedings of the House of Representatives.)

Whereupon, at 5:03 p.m., the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. FRANKEN).

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak up to 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE MEASURES

Mr. BROWN of Ohio. Mr. President, this Chamber considered trade measures this week for the first time in about 4 years. First, and most important, the bipartisan currency measure passed by an overwhelming majority, 63 to 35. This action on China's currency is long overdue. This is legislation of which I was the prime sponsor. We had major cosponsors in both political parties: LINDSEY GRAHAM of South Carolina, a Republican; CHUCK SCHUMER of New York, a Democrat; DEBBIE STABENOW from Michigan, a Democrat; JEFF SESSIONS from Alabama, a Republican; SUSAN COLLINS, a Republican from Maine; KAY HAGAN, a Democrat from North Carolina; BOB CASEY, Democrat from Pennsylvania. This was a strong bipartisan bill. My junior Senator, ROB PORTMAN from Ohio, former Trade Representative under President Bush, supported the legislation.

Basically it works this way. We know the kinds of job losses in places such as Duluth, MN or Toledo, OH, because China cheats. Pure and simple, they cheat. They depreciate or overappreciate their currency, making a weaker renminbi. That is the name of their currency term. When a company in Dayton, OH, or Youngstown, OH, sells a product into the Chinese market that the people of Xian or Wuan might consider buying, this company is faced with a 25- to 30- to 35-percent currency tax, currency tariff, making the product more expensive, making it much harder for the U.S. company to sell the product to China. At the same time going back the other way, the company in China, or the government in some cases, selling into the U.S. market gets

a 25-, 30-, 35-percent subsidy, making it so much easier to sell.

I will give one perfect example, a regrettable example. There is a company about 20 miles from where I live in Brunswick, OH, owned by the Bennett Brothers whom I met fairly recently in Cleveland, 25 miles outside of Cleveland, called Automation Tool and Die. The Bennett Brothers had a million dollar sale that they thought they were about to fill and at the last minute a Chinese company came in and underpriced them by 20 percent. That was the currency subsidy that Chinese company had. What is fair about that?

I learned today a paper company in Hamilton, OH, right smack in the middle of the home county and home district of the Speaker of the House, announced its closing. One of the main factors was low-cost imports from China.

When it comes to paper, here is what the Chinese do. They buy their pulp in Brazil, they ship it from Brazil to Chinese paper mills—in some sense across two oceans. They mill it, they ship it back to the United States, and yet they underprice us. Even though labor is 10 percent of the cost of paper production, they underprice us because apparently they subsidize water and energy and land and capital, plus they get this 25-percent currency subsidy.

Our trade deficit with China, which has more than tripled in the last decade after China was let into the World Trade Organization, pledging to follow the rule of law but breaking that pledge every day of the year—our trade deficit with China, now \$275 billion for the year, has risen through the economic food chain all the way through advanced technology products. What used to be made in China 10 years ago was similar—the Presiding Officer remembers growing up in Minnesota in the 1950s and 1960s when “Made in Japan” always used to mean something was cheap and sort of badly made. “Made in China” 10 years ago usually meant the cheapest products, the tchotchke kind of products. Today, with “Made in China,” they have worked their way up the technology chain so they compete with our wind turbine component production and they compete on all kinds of high-level kinds of goods.

In addition to paper, steel, aluminum, glass, and cement, all the things that have created the middle class in my State for decades, we are competing with China for jobs in solar and wind and clean energy component manufacturing and in the auto supply chain. We can compete on productivity. We have skilled workers. We have world-class infrastructure—although God knows it needs renovation and modernization. But how do you compete against an automatic across-the-board 25- to 30-percent subsidy?

I thank my colleagues this week for voting for that legislation—63, includ-

ing the Presiding Officer’s support—including the support to manufacturing. We need to pass that bill in the House of Representatives. The Speaker of the House has so far said he is not inclined to bring it up. I think the White House has so far not supported this legislation, but we know the kind of broad bipartisan support it has and how important it is so we can begin to reenergize manufacturing in this country.

At the same time we took a step back this week, after the China trade currency bill, which was very progressive, important legislation for our manufacturing—we took a step back by passing trade deals with Colombia, South Korea, and Panama that will do more harm than good.

It is kind of amazing. Probably the too often used quote from Einstein where he said the definition of insanity is doing the same thing over and over and expecting a different result is exactly what has happened in trade agreements. Go back 20 years—18 years, in 1993, President Clinton—mimicking President Bush, who had negotiated the agreement—said the North American Free Trade Agreement would create 200,000 jobs in our country quickly. We have lost 600,000 net jobs because of NAFTA. That same model of NAFTA with investor-state relations—with investor-state provisions and other things, gave rise to the Central America Trade Agreement and other agreements that cost us jobs. Every time the administration—either party, it doesn’t matter—promises these trade agreements will create jobs, they never do. This body, again—Colombia, North Korea, Panama—a strong majority of Senators again bought that line, “Hey, this is going to create jobs,” and it never does.

The same promises, businesses promise jobs will increase exports. They only talk about half of it. They say NAFTA, CAFTA, the Korea Free Trade Agreement, the Panama Free Trade Agreement, Colombia Free Trade Agreement, are going to mean more exports. Talking only about exports is like telling a baseball score and only reporting half of the score. Yesterday, the season obviously mercifully ended for the home team of the Presiding Officer, but it is like saying yesterday the Twins scored eight runs. Good for them, but the Indians scored 12. But they only told you about the Twins’ runs. You don’t report baseball scores that way. You report scores like the Twins got 12, the Indians only got 8, and it was 12 to 8 or the Tigers won 3 to 2.

With trade, the people who support these trade agreements are the same ones who say it lets us increase the exports. Maybe it is, but imports are increasing much more dramatically.

President Bush once said \$1 billion in trade surplus or trade deficit translated into 13,000 jobs. If you have a \$1

billion trade deficit, if you are selling more than you are buying, that creates 13,000 jobs. If you are buying more than you are selling, if you have a \$1 billion trade deficit, you lose 13,000 jobs. You know our deficit is in the range of \$600 billion. Do the math. Each time we pass one of these trade agreements—and it will probably happen with Korea and Colombia and Panama—each time we do it, the trade deficit rises. Our trade deficit with China has more than tripled. Before NAFTA we had a trade surplus with Mexico and small trade deficit with Canada. After NAFTA, which was a trade agreement among the United States, Canada, and Mexico, the trade deficit with Canada exploded. The trade surplus with Mexico went from a surplus to a deficit. We know this does not work.

We have a serious jobs crisis on our hands, 14 million people out of work. We hear Senators talking about that all the time—another 15 million underemployed or stopped searching for work. The economy must have 150,000 new jobs each month simply to keep up with population growth. So what do we do? We add a Korea agreement, a Colombia agreement, a Panama agreement, none of which will create jobs. They never do. They promise them, but they never do. That is because these trade agreements do not tell the whole story about how a trade agenda can actually create jobs.

I want trade, I want more trade. I think the American people want more trade, but the American people know these trade agreements don’t serve us as a nation. It is impossible. I know you hear this in Duluth, you hear it in Rochester, you hear it in Minneapolis. I hear it in Cincinnati, I hear it in Columbus, I hear it in Zanesville. When unemployment is far too high, our constituents demand that Washington do its job and help folks get back to work.

We tried to do that this week on another issue and that was the President’s jobs bill. When I heard Senator MCCONNELL, the Republican leader, say—it is almost a direct quote—my No. 1 goal in 2011 and 2012 is to make sure Barack Obama doesn’t get re-elected—I never heard a leader in the U.S. Senate to my knowledge in history ever say that was his No. 1 goal. Of course, the Presiding Officer and I will support Barack Obama. That is what happens in politics—you hear the leader of one political party say my No. 1 goal is to defeat the sitting President of the United States. And he rounds up his troops to vote no against any job creation bill that President Obama offers. In fact, he didn’t just vote against this bill and led every Republican to do that, he led his Republican troops to say: No, we are not going to let it come to the floor to be debated.

Senator CARDIN was speaking earlier, and I was presiding. He was incredulous

in many ways—that the leader of one party would say on the jobs bill, of all things, we are not even going to allow it to come to the floor to debate and offer amendments. Senator CARDIN had several amendments I thought sounded like a good idea. A lot of us have amendments to the jobs bill, and we wanted a chance to offer them. Yet Republicans—because of this dysfunctional rule that we have to have 60 votes to even put up a bill for debate—the Republicans say: No, we are not even going to debate it.

Let me take one part of that bill that is particularly important. The average U.S. public school building is 40 years old. Many are older; some are newer. The average public school building is 40 years old. I know what I preach to my kids. I know what my neighbors preach. I know what we preach as politicians. I know what almost everybody says in this country. We say to our children and the pages—people who are 15, 16, 17 years old—education is the most important goal to pursue, the most important in our country.

What do we do? We send them to crumbling old school buildings that are not easy places in which to learn. It is pretty clear that when the average school building is 40 years old, it is going to cost real money to fix them. Conservative estimates suggest it would cost \$270 billion to maintain and repair them.

With the slowly recovering economy, we know that too many school districts have been forced to cut budgets and lay off teachers, let alone make improvements to our schools. I introduced Fix America Schools Today, the FAST Act, that would help localities make critical repairs to schools. It will support more than 12,000 jobs in Ohio.

I introduced the bill a few weeks ago. Soon after, the President was at Fort Hayes Public School in Columbus, OH, in the central part of my State. The President talked about the FAST Act, about how we should do school renovation as part of his jobs bill.

I would plead with my colleagues on the Republican side of the aisle—the same colleagues who worked with me on a bipartisan basis to pass the biggest bipartisan jobs bill, the China currency bill of this session—to work on this bill. At least, if they will not let us debate the jobs bill as a whole, let us pass the Fix America's Schools Today, the FAST Act, it will make the kinds of repairs—it will create jobs because workers will rebuild these schools and renovate them. It will create jobs in manufacturing as companies all over my State that make steel, plastic, cement, and brick will go to work to create and make these products, and it will lay the groundwork for prosperity.

We know in the 1950s, 1960s, 1970s, and 1980s, the United States of America built infrastructure the likes of which

the world had never seen. That is why we had that kind of prosperity in this country. When the Presiding Officer and I were in high school and college and were young adults, we had that kind of prosperity brought about because we had the best infrastructure in the world. We have to rebuild and modernize the infrastructure to create opportunities for young people. We need to pass the FAST Act. It will make such a difference for our country in the years ahead.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

RECOGNIZING MARTIN'S POINT HEALTH CARE

Ms. COLLINS. Madam President, I rise today to commend Martin's Point Health Care in Portland, ME, for its outstanding accomplishment of scoring two five-star ratings from the Centers for Medicare & Medicaid Services, CMS, for its Medicare Advantage health plans.

This is truly an accomplishment as a five-star designation is quite a rarity. With fewer than ten plans nationwide receiving this top rating, Martin's Point Medicare Advantage plans are among a very select group. They are also the only Maine health care organization to receive this distinction for 2012.

The CMS five-star rating system was developed to help demonstrate the value of Medicare plans and to help ensure that they meet specific quality standards. It provides the nation's nearly 48 million Medicare beneficiaries with a tool to compare the quality of care and customer service that Medicare health and drug plans offer. The rating system considers several quality measures, such as success in providing preventive services like screenings and vaccines; chronic illness management; and ratings of plan responsiveness, care, and customer service.

Martin's Point is a not-for-profit health care organization committed to providing the best possible health care experience to its patients and members. The organization is comprised of a multispecialty medical group with nine primary care health centers in Maine and New Hampshire. Martin's Point also administers three health plans: a Medicare Advantage plan in Maine, the U.S. Family Health Plan for military families and retirees throughout New England, and a new innovative

program called MaineSense for small to medium employers in Maine. Its Medicare Advantage plans cover more than 12,500 Medicare beneficiaries across the State of Maine.

Martin's Point began in the early 1960s in the Camden/Rockport, ME, area when Dr. Niles Perkins obtained federal funding under the Great Society Act of Congress to provide health care services to uninsured or underinsured indigent individuals. These individuals, many of them fisherman and employees of a local fish processing plant, didn't qualify for Medicare, but also couldn't afford health insurance on their own. With the Federal funding obtained, Dr. Niles formed Penobscot Bay Medical Association.

Meanwhile in 1982, Dr. Johann Brower, a colleague of Dr. Perkins at Penobscot Bay Medical Associates, wrote a proposal to purchase some of the land and facilities at Martin's Point from the U.S. Government. Despite the fact that several other organizations, including Mercy, applied for the grant, Dr. Brower's application was the only one submitted on time and was accepted. The purchase price was \$1.00, under the conditions that Penobscot Bay Medical Associates would operate the facility as a not-for-profit for 30 years.

Penobscot Bay Medical Associates, doing business as Martin's Point, became a designated uniform service treatment facility. Maine military retirees were able to come from all over the State to the facility and have their care paid for by CHAMPUS. Access to primary care—family medicine, internal medicine and pediatrics—along with on-site laboratory, dental, optometry, pharmacy and radiology was made available to all patients utilizing the facility.

In 1996, under the U.S. Family Health Plan, Martin's Point was authorized as a TRICARE prime provider and awarded their first multimillion-dollar, multiyear contract with the Department of Defense. This all happened under the direction of Dr. David Howes, who became the president and CEO of Martin's Point in 1996.

In the 2000s, Martin's Point expanded their USHFP membership—they now have over 35,000 members in Maine, New Hampshire, Vermont, New York, and the northern tier of Pennsylvania.

Then, in 2006, they launched their Generations Advantage plans. These are Medicare Advantage options for seniors and persons with disabilities in six Maine counties. They have since expanded so that in 2010, their Medicare Advantage plans are offered in all 16 counties in Maine. They serve over 12,500 members.

In 2008, Martin's Point became one of the first 40 organizations to become a prototyping organization in the Institute for Healthcare Improvements Triple Aim initiative. In 2009, they affiliated with Bowdoin Medical Group, a

large group of physicians with five health centers in southern and coastal Maine communities. This acquisition essentially doubled Martin's Point provider base and patient count—bringing their total number of health centers up to 9.

In November 2010, Martin's Point opened the doors of their new, state-of-the-art primary care facility on the Veranda St. peninsula at Martin's Point. This flagship facility, designed with input from providers, patients and other clinical employees, is a fitting tribute to the patient-focused philosophy of Martin's Point and helps them to realize their unending commitment to providing a better health care experience for their patients.

Today, Martin's Point's Medicare Advantage plans are in the top 3 percent nationally based on quality. I am delighted to recognize Martin's Point for this accomplishment, and I wish them all the best in the coming years.

NATIONAL TRADEMARK EXPO

Mr. WARNER. Madam President, I would like to recognize and express my support of the U.S. Patent and Trademark Office's, USPTO, National Trademark Expo.

Trademarks are characteristics of a good or service such as a name, symbol, or sound that identify and distinguish one party's goods and services from those of others and help many of us distinguish between authentic and counterfeit merchandise. On any given day, an individual may be exposed to as many as 1,500 trademarks.

Trademarks are useful tools against counterfeit goods, which cost the United States billions of dollars and many jobs each year, as well as undermine consumer confidence in brand integrity when purchasers encounter imitation goods of lesser quality. Through the USPTO's efficient approval process and registration of trademarks, the agency assists businesses in protecting their investments, promoting goods and services, and safeguarding consumers against confusion and deception in the marketplace.

This year's National Trademark Expo will be held on Friday, October 14, from 10 a.m. to 6 p.m., and Saturday, October 15, from 10 a.m. to 4 p.m., at the USPTO headquarters in Alexandria, VA. The Expo will feature educational seminars, children's workshops, story time, guided tours and presentations from some of America's leading large corporations, small businesses, governmental agencies and non-profit corporations.

I hope my colleagues will join me in recognizing the USPTO for its continued efforts to educate the public on the important role of trademarks, as well as the benefits of the National Trademark Expo.

ADDITIONAL STATEMENTS

TRIBUTE TO MAJOR GENERAL ALFRED FLOWERS

• Mr. COCHRAN. Madam President, I take this opportunity to congratulate MG Alfred K. Flowers, U.S. Air Force, for his dedicated service to our country. General Flowers has the distinct honor of being the longest serving member in the history of the U.S. Air Force, and he is the longest serving active duty member in the Department of Defense.

In his present assignment, General Flowers serves as the Deputy Assistant Secretary for Budget and is responsible for planning and directing the Air Force's budget. Over the last 2 years in this role, he led a team of over 160 military, civilian and contractor professionals charged on behalf of the Secretary and Chief of Staff of the Air Force to present to the Congress the funding of all Air Force programs. It is his responsibility to organize and present to the Congress annual appropriations submissions as well as various overseas contingency operations requests. His leadership and his keen understanding of the Congress has served the Air Force and the security interests of our country very well during appearances of the senior leadership of the Air Force before committees of the House and Senate. General Flowers' vision, inspirational leadership, and unselfish devotion to duty have resulted in important improvements in the resourcing of and strategic direction of Air Force's missions.

General Flowers began his career as an enlisted supply warehouseman in August 1965 at Grand Forks Air Force Base. He then served as an air transportation specialist for 4 years beginning in September 1967. In 1971, General Flowers became an accounting specialist for the Air Force and served 7 years in that role. After his selection to the grade of master sergeant, General Flowers was commissioned, following graduation from Officer Training School as a distinguished graduate in December 1978. In his first three assignments as a budget officer, he served at the squadron, major command and air staff levels. In 1990, he was assigned as Chief of the Budget Operations Division for Air Combat Command, where he later served as the chief of budget.

The general has served on the Joint Staff as a defense resource manager, and in 1999 was the director of budget programs for the Department of the Air Force. General Flowers also served as the Air Education and Training Command comptroller. His other assignments include director, Center for Force Structure, Requirements, Resources and Strategic Assessments at Headquarters U.S. Special Operations Command, and commander, Air Force

Officer Accession and Training Schools. Prior to his current assignment, the general was commander, 2nd Air Force, at Keesler Air Force Base, MS.

Of distinct importance and significance, as the comptroller for Headquarters Air Education and Training Command, he budgeted and managed funding of the largest flying hour program in the Air Force, involving 542,000 hours annually and 38 percent of the Air Force's total flying hour program and spanning 21 major weapons systems. As director, Center for Force Structure, Requirements and Strategic Assessments, U.S. Special Operations Command, he spearheaded the largest increase in resources and force structure for Special Operations Forces in the history of U.S. Special Operations Command. His insightful vision and tireless dedication were instrumental in garnering 13,000 additional personnel and \$11 billion in additional funding to enhance and expand Special Operations Forces to successfully execute the Global War on Terrorism.

As the 2nd Air Force Commander, General Flowers led the largest transformation of basic military training in 50 years, expanding training from 6.5 to 8.5 weeks. This modernization was vital to providing realistic expeditionary combat skills training to prepare enlisted airmen for their deployments. His support of combatant commanders included providing over 14,000 joint expeditionary tasking airmen to the area of responsibility and reshaped the role of the Air Force in Operations Iraqi Freedom and Enduring Freedom.

Following these assignments, General Flowers was well prepared to assume his current position as the director of the Air Force budget. Under his direction, this organization developed, established, and cultivated professional relationships within the air staff, the Office of the Secretary of Defense, the Joint Staff, the Army, the Navy, the Marine Corps, and with Members and staff of the U.S. Congress, significantly improving the record of approval of resources necessary to support key warfighter programs. He provided critical oversight and direction for over 30 Air Force appropriations to accurately deliver a nearly \$800 billion Future Years' Defense Program budget to the Office of the Secretary of Defense on time and on target. He has successfully completed annual budget submissions of close to \$170 billion for fiscal years 2011, 2012, and 2013 and justified them to the Secretary of Defense, the Office of Management and Budget, the Congressional Defense Appropriations and Authorization Subcommittees and the Congressional Budget Office. General Flowers' leadership, sound judgment, and wise counsel will be sorely missed by all.

I am pleased to commend General Flowers for his historic and outstanding service to our country, which

is a great example of distinguished military service. On the occasion of his upcoming retirement, I wish General Flowers and his family all the very best in the years to come.●

100TH ANNIVERSARY OF WASHINGTON HIGH SCHOOL

● Mr. KOHL. Madam President, today I recognize and congratulate Washington High School on the occasion of its 100th anniversary. As a proud alumnus, I take these moments to reflect on the purple and gold's story, success and accomplishments that have endured these past 100 years.

Located in the Sherman Park Neighborhood of Milwaukee, WI, Washington High School, with its never-ending commitment to excellence, has welcomed students through its doors and ushered them out to embrace bright futures for ten decades. Throughout its evolution and changes, Washington High School has always provided its students with a first class education, instilling values and providing skills that help students pursue employment, higher education and individual dreams.

Well-known for its focus on technology, the innovative high school created the first Career Specialty Program in 1976 focusing on computers and earning the school its reputation as "the computer school." It has been nationally recognized for its curriculum which builds knowledge and critical thinking skills through the use of technology.

The school proudly acclaims each graduating class including notable alumni who achieved excellence in business, attained the office of Governor of Wisconsin, served at the highest level of our military, became Commissioner of Baseball, reached stardom on Broadway and in Hollywood, joined the ranks of professional athletes, and even one who got elected U.S. Senator; each and every graduate a remarkable person who graduated from a remarkable place, Washington High School.

Wisconsin's strong tradition of excellence in education has been shaped by Washington High School's rich, long history filled with a century of proud, hopeful students, and extremely dedicated faculty and staff. As alumni from varied graduating classes and walks of life, we gather as one body to celebrate collectively the spirit of our high school years, and the achievements, made individually and collectively by a century of alumni.

As all Washington High School alumni have done before, we cheer for the purple and gold, the Purgolders and everything this fine institution represents.

With a warm welcome to all who cherish and gather to remember, I proudly congratulate Washington High School, my alma mater, on its 100th

anniversary, and my sincere best wishes for 100 more exceptional years.●

MESSAGES FROM THE HOUSE

At 12:30 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2433. An act to amend title 38, United States Code, to make certain improvements in the laws relating to the employment and training of veterans, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2944) to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

ENROLLED BILLS SIGNED

At 1:38 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2832. An act to extend the Generalized System of Preferences, and for other purposes.

H.R. 2944. An act to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

H.R. 3078. An act to implement the United States-Colombia Trade Promotion Agreement.

H.R. 3079. An act to implement the United States-Panama Trade Promotion Agreement.

H.R. 3080. An act to implement the United States-Korea Free Trade Agreement.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2433. An act to amend title 38, United States Code, to make certain improvements in the laws relating to the employment and training of veterans, and for other purposes; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-63. A concurrent resolution adopted by the Legislature of the State of Utah expressing support for an amendment to the United States Constitution to balance the federal budget and restrict tax increases; to the Committee on the Judiciary.

CONCURRENT RESOLUTION NO. 201

Whereas, the Legislature of the state of Utah acknowledges that the United States of America is facing a crippling debt crisis because of unrestrained spending and irresponsible fiscal policies;

Whereas, a majority of sitting United States Senators—including all 47 Repub-

licans, 10 Democrats, and one Independent—have specifically expressed support for a requirement to balance the federal budget; and

Whereas, the 112th Congress is currently considering the following Constitutional Amendment, Senate Joint Resolution 10, which was introduced on March 31, 2011, by United States Senators Orrin Hatch and Mike Lee, both from Utah:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

Article—

Section 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless two-thirds of the duly chosen and sworn Members of each House of Congress shall provide by law for a specific excess of outlays over receipts by a roll call vote.

Section 2. Total outlays for any fiscal year shall not exceed 18 percent of the gross domestic product of the United States for the calendar year ending before the beginning of such fiscal year, unless two-thirds of the duly chosen and sworn Members of each House of Congress shall provide by law for a specific amount in excess of such 18 percent by a roll call vote.

Section 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which—

(1) total outlays do not exceed total receipts; and

(2) total outlays do not exceed 18 percent of the gross domestic product of the United States for the calendar year ending before the beginning of such fiscal year.

Section 4. Any bill that imposes a new tax or increases the statutory rate of any tax or the aggregate amount of revenue may pass only by a two-thirds majority of the duly chosen and sworn Members of each House of Congress by a roll call vote. For the purpose of determining any increase in revenue under this section, there shall be excluded any increase resulting from the lowering of the statutory rate of any tax.

Section 5. The limit on the debt of the United States shall not be increased, unless three-fifths of the duly chosen and sworn Members of each House of Congress shall provide for such an increase by a roll call vote.

Section 6. The Congress may waive the provisions of sections 1, 2, 3, and 5 of this article for any fiscal year in which a declaration of war against a nation-state is in effect and in which a majority of the duly chosen and sworn Members of each House of Congress shall provide for a specific excess by a roll call vote.

Section 7. The Congress may waive the provisions of sections 1, 2, 3, and 5 of this article in any fiscal year in which the United States is engaged in a military conflict that causes an imminent and serious military threat to national security and is so declared by three-fifths of the duly chosen and sworn Members of each House of Congress by a roll call vote. Such suspension must identify and be limited to the specific excess of outlays for that fiscal year made necessary by the identified military conflict.

Section 8. No court of the United States or of any State shall order any increase in revenue to enforce this article.

Section 9. Total receipts shall include all receipts of the United States Government except those derived from borrowing or from penalties or fines. Total outlays shall include all outlays of the United States Government except those for repayment of debt principal.

Section 10. The Congress shall have power to enforce and implement this article by appropriate legislation, which may rely on estimates of outlays, receipts, and gross domestic product.

Section 11. This article shall take effect beginning with the fifth fiscal year beginning after its ratification.": Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, pursuant to Article V of the United States Constitution, would hereby support a Balanced Budget Amendment to the Constitution of the United States proposed by resolution of the 112th Congress of the United States in Washington, D.C., described herein, on March 31, 2011. Be it further

Resolved, That a copy of this resolution be sent to the legislatures of all 49 other states, all members of Utah's congressional delegation, the majority and minority leaders in the United States Senate and House of Representatives, the Vice President of the United States, and the Speaker of the United States House of Representatives, with a request that it be printed in the Congressional Record.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1301. A bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Adalberto Jose Jordan, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

John M. Gerrard, of Nebraska, to be United States District Judge for the District of Nebraska.

Mary Elizabeth Phillips, of Missouri, to be United States District Judge for the Western District of Missouri.

Thomas Owen Rice, of Washington, to be United States District Judge for the Eastern District of Washington.

David Nuffer, of Utah, to be United States District Judge for the District of Utah.

Steven R. Frank, of Pennsylvania, to be United States Marshal for the Western District of Pennsylvania for the term of four years.

Martin J. Pane, of Pennsylvania, to be United States Marshal for the Middle District of Pennsylvania for the term of four years.

David Blake Webb, of Pennsylvania, to be United States Marshal for the Eastern District of Pennsylvania for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself, Mr. BURR, and Mr. BENNET):

S. 1700. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to device review determinations and conflicts of interest, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. NELSON of Florida, Mr. BEGICH, Mr. ROCKEFELLER, Mr. WHITEHOUSE, Mrs. GILLIBRAND, and Mr. CARDIN):

S. 1701. A bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MORAN (for himself and Mr. ROBERTS):

S. 1702. A bill to provide that the rules of the Environmental Protection Agency entitled "National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines" have no force or effect with respect to existing stationary compression and spark ignition reciprocating internal combustion engines operated by certain persons and entities for the purpose of generating electricity or operating a water pump; to the Committee on Environment and Public Works.

By Mr. PRYOR (for himself, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. BEGICH, Mr. COONS, Mr. BURR, and Mr. TESTER):

S. 1703. A bill to amend the Department of Energy Organization Act to require a Quadrennial Energy Review, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. AYOTTE (for herself and Mr. REED):

S. 1704. A bill to amend title 10, United States Code, to modify certain authorities relating to the strategic airlift aircraft force structure of the Air Force; to the Committee on Armed Services.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 1705. A bill to designate the Department of Veterans Affairs Medical Center in Spokane, Washington, as the "Mann-Grandstaff Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG (for himself, Mr. DURBIN, Mr. BLUMENTHAL, and Mr. HARKIN):

S. 1706. A bill to amend the Internal Revenue Code of 1986 to reduce tobacco smuggling, and for other purposes; to the Committee on Finance.

By Mr. BURR (for himself, Mr. WEBB, Mr. MORAN, Mr. BOOZMAN, Mr. WICKER, Ms. MURKOWSKI, Mr. BEGICH, Mr. COBURN, Mr. ENZI, Mr. THUNE, Mr. COCHRAN, and Mr. RISCH):

S. 1707. A bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes; to the Committee on Veterans' Affairs.

By Mr. REED (for himself, Mr. BROWN of Massachusetts, Mr. KERRY, and Mr. WHITEHOUSE):

S. 1708. A bill to establish the John H. Chafee Blackstone River Valley National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASEY:

S. 1709. A bill to temporarily reduce interest rates for certain small business disaster loans, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 1710. A bill to designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse; to the Committee on Environment and Public Works.

By Mr. BROWN of Ohio:

S. 1711. A bill to enhance reciprocal market access for United States domestic producers in the negotiating process of bilateral, regional, and multilateral trade agreements; to the Committee on Finance.

By Mr. BROWN of Massachusetts (for himself, Mr. TESTER, Mr. BARRASSO, and Ms. COLLINS):

S. 1712. A bill to increase transparency in the payment of judgments and settlements by agencies, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1713. A bill to establish a timely and expeditious process for voting on the statutory debt limit; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for himself, Ms. STABENOW, Mr. BROWN of Ohio, Mr. CASEY, and Mr. KERRY):

S. Res. 293. A resolution celebrating the 10-year commemoration of the Underground Railroad Memorial, comprised of the Gateway to Freedom Monument in Detroit, Michigan, and the Tower of Freedom Monument in Windsor, Ontario, Canada; considered and agreed to.

By Mr. WICKER:

S. Con. Res. 30. A concurrent resolution supporting the goals and ideals of Spina Bifida Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ISAKSON:

S. Con. Res. 31. A concurrent resolution directing the Secretary of the Senate to make a correction in the enrollment of S. 1280; considered and agreed to.

ADDITIONAL COSPONSORS

S. 35

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 35, a bill to establish background check procedures for gun shows.

S. 84

At the request of Mr. VITTER, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 84, a bill to amend the Internal Revenue Code of 1986 to allow refunds of

Federal motor fuel excise taxes on fuels used in mobile mammography vehicles.

S. 306

At the request of Mr. WEBB, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 434

At the request of Mr. COCHRAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 471

At the request of Ms. STABENOW, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 471, a bill to require the Secretary of the Army to study the feasibility of the hydrological separation of the Great Lakes and Mississippi River Basins.

S. 481

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 481, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 545

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 545, a bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to strengthen the quality control measures in place for part B lung disease claims and part E processes with independent reviews.

S. 595

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 596

At the request of Mr. WYDEN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a co-

sponsor of S. 596, a bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

S. 707

At the request of Mr. DURBIN, the names of the Senator from Colorado (Mr. BENNET), the Senator from Massachusetts (Mr. KERRY), the Senator from Oregon (Mr. WYDEN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 797

At the request of Ms. MIKULSKI, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 797, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 877

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 877, a bill to prevent taxpayer-funded elective abortions by applying the longstanding policy of the Hyde amendment to the new health care law.

S. 1107

At the request of Mr. MENENDEZ, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1107, a bill to authorize and support psoriasis and psoriatic arthritis data collection, to express the sense of the Congress to encourage and leverage public and private investment in psoriasis research with a particular focus on interdisciplinary collaborative research on the relationship between psoriasis and its comorbid conditions, and for other purposes.

S. 1241

At the request of Mr. RUBIO, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1241, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 1301

At the request of Mr. LEAHY, the names of the Senator from Florida (Mr. NELSON), the Senator from Michigan (Ms. STABENOW) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1487

At the request of Mr. JOHNSON of Wisconsin, his name was withdrawn as a cosponsor of S. 1487, a bill to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue

Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

S. 1494

At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1494, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1514

At the request of Mr. TESTER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1541

At the request of Mr. BENNET, the names of the Senator from California (Mrs. BOXER) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1675

At the request of Mr. MERKLEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1675, a bill to improve student academic achievement in science, technology, engineering, and mathematics subjects.

S. 1676

At the request of Mr. THUNE, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Georgia (Mr. ISAKSON) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 1676, a bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1694

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1694, a bill to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs.

S. RES. 291

At the request of Mr. MENENDEZ, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Ohio (Mr. BROWN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 291, a resolution recognizing the religious and historical significance of the festival of Diwali.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Mr. NELSON of Florida, Mr. BEGICH, Mr. ROCKEFELLER, Mr. WHITEHOUSE, Mrs. GILLIBRAND, and Mr. CARDIN).

S. 1701. A bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011. This bill would enhance the research programs established in the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998 and reauthorized in 2004, which have greatly enhanced our ability to predict outbreaks of harmful algal blooms, HABs, and the extent of hypoxic zones. But knowing when outbreaks will occur is only half the battle. This bill addresses not only the mitigation and prevention of HABs and hypoxia, but also prioritizes the effective transition of research products into implementable actions that state and local governments can take to minimize adverse impacts.

I am proud to continue my leadership on this important issue and I particularly want to thank my counterpart on this key piece of legislation, Senator BILL NELSON. I also want to thank the bill's additional co-sponsors, Senators BEGICH, ROCKEFELLER, WHITEHOUSE, GILLIBRAND and CARDIN for their support.

In New England blooms of Alexandrium algae, more commonly known as "red tide" can cause shellfish to accumulate toxins that when consumed by humans lead to paralytic shellfish poisoning, PSP, a potentially fatal neurological disorder. Therefore, when levels of Alexandrium reach dangerous levels, our fishery managers are forced to close shellfish beds that provide hundreds of jobs and add millions of dollars to our regional economy. Red tide outbreaks—which occur in various forms not just in the northeast, but

along thousands of miles of U.S. coastline—have increased dramatically in the Gulf of Maine in the last 20 years, with major blooms occurring almost every year.

In 2009, Maine's shellfish industry experienced a severe economic crisis as result of extensive rainfall and subsequent outbreak of red tide. The resulting closure of 97 percent of the State's shellfish beds and 100 percent of the offshore beds in federal waters for several months during the peak harvesting season was even more damaging to the shellfish industry and coastal economy than previous outbreaks in 2005 and 2008. In December 2010, Department of Commerce Secretary Locke found that the 2009 red tide bloom had caused a commercial fishery failure. Despite the recognition of their losses, fishermen have never received any economic assistance or compensation for the 2009 fishery disaster.

The HABs and hypoxia programs are critical to Maine's \$50 million shellfish industry and the 3000 jobs that depend on it. Luckily, we have not experienced strong blooms in 2010 and 2011, and recent years have seen an increase in testing capabilities that allow for finer scale monitoring so that localized areas may remain open during an event. These critical procedures are a direct result of programs established by the Harmful Algal Blooms and Hypoxia Research and Control Acts of 1998 and 2004.

While we have made great strides in bloom prediction and monitoring, it is clear that these problems are continuing to increase in magnitude and demand our ongoing commitment and attention. Harmful algal blooms remain prevalent nationwide, and areas of hypoxia, also known as "dead zones" are now occurring with increasing frequency. Within a dead zone, oxygen levels plummet to the point at which they can no longer sustain life, driving out animals that can move, and killing those that cannot. The most infamous dead zone occurs annually in the Gulf of Mexico, off the shores of Louisiana. This area, averaging 6700 square miles in size over the last 5 years, is exacerbating the already difficult recovery of the Gulf region from last year's devastating oil spill. Dead zones are also occurring in more areas than ever before, including off the coasts of Oregon and Texas, and in the Chesapeake Bay.

The amendments contained in this legislation would enhance the Nation's ability to predict, monitor, and ultimately control harmful algal blooms and hypoxia. Understanding when these blooms will occur is vital, but the time has come to take this program to the next level—to determine not just when an outbreak will occur, but how to reduce its intensity or prevent its occurrence all together. This bill would build on NOAA's successes in research and forecasting by creating a

program to mitigate and control HAB outbreaks.

This bill also recognizes the need to enhance coordination among state and local resource managers—those on the front lines who must make the decisions to close beaches or shellfish beds. Their decisions are critical to protecting human health, but can also impose significant economic impacts. The bill would require development of Regional Research and Action Plans to identify baseline research, possible State and local government actions to prepare for and mitigate the impacts of HABs, and establish outreach strategies to ensure the public is informed of the dangers these events can present. A regional focus on these issues will ensure a more effective and efficient response to future events. Finally, this bill would provide for research, response and mitigation of harmful algal blooms annypoxia in fresh water systems.

If enacted, this critical reauthorization would greatly enhance our Nation's ability to predict, monitor, mitigate, and control outbreaks of HABs and hypoxia. Over half the U.S. population resides in coastal regions, and we must do all in our power to safeguard not only their health and the health of the marine environment, but we must also protect the jobs that depend on it. The existing Harmful Algal Bloom and Hypoxia Program has achieved a great deal already, and this authorization will allow it to continue providing such a vital service to the nation. I thank Senator BILL NELSON, and all of my cosponsors again for their efforts in developing this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011".

SEC. 2. AMENDMENT OF HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note).

SEC. 3. FINDINGS.

Section 602 is amended to read as follows:

“§ 602. Findings

“Congress finds the following:

“(1) Harmful algal blooms and hypoxia—

“(A) are increasing in frequency and intensity in the Nation's coastal waters and Great Lakes;

“(B) pose a threat to the health of coastal and Great Lakes ecosystems;

“(C) are costly to coastal economies; and

“(D) threaten the safety of seafood and human health.

“(2) Excessive nutrients in coastal waters have been linked to the increased intensity and frequency of hypoxia and some harmful algal blooms. There is a need to identify more workable and effective actions to reduce the negative impacts of harmful algal blooms and hypoxia on coastal waters.

“(3) The National Oceanic and Atmospheric Administration, through its ongoing research, monitoring, observing, education, grant, and coastal resource management programs and in collaboration with the other Federal agencies on the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia, along with States, Indian tribes, and local governments, possesses the capabilities necessary to support a near and long-term comprehensive effort to prevent, reduce, and control the human and environmental costs of harmful algal blooms and hypoxia.

“(4) Increases in nutrient loading from point and nonpoint sources can trigger and exacerbate harmful algal blooms and hypoxia. Since much of the increases originate in upland areas and are delivered to marine and freshwater bodies via river discharge, integrated and landscape-level research and control strategies are required.

“(5) Harmful algal blooms and hypoxia affect many sectors of the coastal economy, including tourism, public health, and recreational and commercial fisheries. According to a recent report produced by the National Oceanic and Atmospheric Administration, the United States seafood, restaurant, and tourism industries suffer estimated annual losses of at least \$82,000,000 due to the economic impacts of harmful algal blooms.

“(6) The proliferation of harmful and nuisance algae can occur in all United States waters, including coastal areas (such as estuaries), the Great Lakes, and inland waterways, crossing political boundaries and necessitating regional coordination for research, monitoring, mitigation, response, and prevention efforts.

“(7) Federally funded and other research has led to several technological advances, including remote sensing, molecular and optical tools, satellite imagery, and coastal and ocean observing systems, that—

“(A) provide data for forecast models;

“(B) improve the monitoring and prediction of these events; and

“(C) provide essential decision making tools for managers and stakeholders.”.

SEC. 4. PURPOSES.

The Act is amended by inserting after section 602 the following:

“§ 602A. Purposes

“The purposes of this title are—

“(1) to provide for the development and coordination of a comprehensive and integrated national program to address harmful algal blooms and hypoxia through baseline research, monitoring, prevention, mitigation, and control;

“(2) to provide for the assessment of environmental, socioeconomic, and human health impacts of harmful algal blooms and hypoxia on a regional and national scale, and to integrate this assessment into marine and freshwater resource decisions; and

“(3) to facilitate regional, State, tribal, and local efforts to develop and implement appropriate harmful algal bloom and hypoxia response plans, strategies, and tools, including outreach programs and information dissemination mechanisms.”.

SEC. 5. INTER-AGENCY TASK FORCE ON HARMFUL ALGAL BLOOMS AND HYPOXIA.

Section 603(a) is amended—

(1) by striking “the following representatives from” and inserting “a representative from”;

(2) in paragraph (11), by striking “and”;

(3) by redesignating paragraph (12) as paragraph (13);

(4) by inserting after paragraph (11) the following:

“(12) The Centers for Disease Control; and”;

(5) in paragraph (13), as redesignated, by striking “such”.

SEC. 6. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

The Act is amended by inserting after section 603 the following:

“§ 603A. National harmful algal bloom and hypoxia program

“(a) ESTABLISHMENT.—Except as provided in subsection (d), the Under Secretary, acting through the Task Force established under section 603, shall establish and maintain a national harmful algal bloom and hypoxia program.

“(b) ACTION STRATEGY.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011, the Task Force shall develop a national harmful algal blooms and hypoxia action strategy that—

“(A) is consistent with the purposes under section 602A;

“(B) includes a statement of goals and objectives; and

“(C) includes an implementation plan.

“(2) PUBLICATION.—Not later than 30 days after the date that the action strategy is developed, the Task Force shall—

“(A) submit the action strategy to Congress; and

“(B) publish the action strategy in the Federal Register.

“(3) PERIODIC REVISION.—The Task Force shall periodically review and revise the action strategy, as necessary.

“(c) TASK FORCE FUNCTIONS.—The Task Force shall—

“(1) coordinate interagency review of plans and policies of the Program;

“(2) assess interagency work and spending plans for implementing the activities of the Program;

“(3) review the Program’s distribution of Federal grants and funding to address research priorities;

“(4) support the implementation of the actions and strategies identified in the regional research and action plans under section 603B;

“(5) support the development of institutional mechanisms and financial instruments to further the goals of the Program;

“(6) coordinate and integrate the research of all Federal programs, including ocean and Great Lakes science and management programs and centers, that address the chemical, biological, and physical components of marine and freshwater harmful algal blooms and hypoxia;

“(7) expedite the interagency review process by ensuring timely review and dispersal of required reports and assessments under this title;

“(8) promote the development of new technologies for predicting, monitoring, and mitigating harmful algal blooms and hypoxia conditions; and

“(9) establish such interagency working groups as it considers necessary.

“(d) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration

shall have primary responsibility for administering the Program.

“(e) PROGRAM DUTIES.—In administering the Program, the Under Secretary shall—

“(1) develop and promote a national strategy to understand, detect, predict, control, mitigate, and respond to marine and freshwater harmful algal bloom and hypoxia events;

“(2) prepare work and spending plans for implementing the activities of the Program and developing and implementing the regional research and action plans;

“(3) administer merit-based, competitive grant funding—

“(A) to support the projects maintained and established by the Program; and

“(B) to address the research and management needs and priorities identified in the regional research and action plans;

“(4) coordinate and work cooperatively with regional, State, tribal, and local government agencies and programs that address marine and freshwater harmful algal blooms and hypoxia;

“(5) coordinate with the Secretary of State to support international efforts on marine and freshwater harmful algal bloom and hypoxia information sharing, research, mitigation, control, and response activities;

“(6) identify additional research, development, and demonstration needs and priorities relating to monitoring, prevention, control, mitigation, and response to marine and freshwater harmful algal blooms and hypoxia, including methods and technologies to protect the ecosystems affected by marine and freshwater harmful algal blooms and hypoxia;

“(7) integrate, coordinate, and augment existing education programs to improve public understanding and awareness of the causes, impacts, and mitigation efforts for marine and freshwater harmful algal blooms and hypoxia;

“(8) facilitate and provide resources to train State and local coastal and water resource managers in the methods and technologies for monitoring, controlling, and mitigating marine and freshwater harmful algal blooms and hypoxia;

“(9) support regional efforts to control and mitigate outbreaks through—

“(A) communication of the contents of the regional research and action plans and maintenance of online data portals for other information about harmful algal blooms and hypoxia to State and local stakeholders within the region for which each plan is developed; and

“(B) overseeing the development, review, and periodic updating of regional research and action plans;

“(10) convene at least 1 meeting of the Task Force each year; and

“(11) perform such other tasks as may be delegated by the Task Force.

“(f) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACTIVITIES.—The Under Secretary shall—

“(1) maintain and enhance the existing competitive programs at the National Oceanic and Atmospheric Administration relating to marine and freshwater algal blooms and hypoxia;

“(2) carry out marine and Great Lakes harmful algal bloom and hypoxia events response activities;

“(3) establish new programs and infrastructure, as necessary, to develop and enhance the critical observations, monitoring, modeling, data management, information dissemination, and operational forecasts required to meet the purposes under section 602A;

“(4) enhance communication and coordination among Federal agencies carrying out marine and freshwater harmful algal bloom and hypoxia activities; and

“(5) increase the availability to appropriate public and private entities of—

“(A) analytical facilities and technologies;

“(B) operational forecasts; and

“(C) reference and research materials.

“(g) COOPERATIVE EFFORTS.—The Under Secretary shall work cooperatively and avoid duplication of effort with other offices, centers, and programs within the National Oceanic and Atmospheric Administration, other agencies on the Task Force, and States, tribes, and nongovernmental organizations concerned with marine and freshwater issues to coordinate harmful algal blooms and hypoxia (and related) activities and research.

“(h) FRESHWATER PROGRAM.—With respect to the freshwater aspects of the Program, except for those aspects occurring in the Great Lakes, the Administrator of the Environmental Protection Agency, in consultation with the Under Secretary, through the Task Force, shall—

“(1) carry out the duties assigned to the Under Secretary under this section and section 603B, including the activities under subsection (g);

“(2) research the ecology of freshwater harmful algal blooms;

“(3) monitor and respond to freshwater harmful algal blooms events in lakes (except for the Great Lakes), rivers, and reservoirs;

“(4) mitigate and control freshwater harmful algal blooms; and

“(5) recommend the amount of funding required to carry out subsection (g) for inclusion in the President's annual budget request to Congress.

“(i) INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM.—The collection of monitoring and observation data under this title shall comply with all data standards and protocols developed pursuant to the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.). Such data shall be made available through the system established under that Act.”

SEC. 7. REGIONAL RESEARCH AND ACTION PLANS.

The Act, as amended by section 6 of this Act, is further amended by inserting after section 603A the following:

“§ 603B. Regional research and action plans

“(a) IN GENERAL.—In administering the Program, the Under Secretary shall—

“(1) identify appropriate regions and subregions to be addressed by each regional research and action plan; and

“(2) oversee the development and implementation of the regional research and action plans.

“(b) PLAN DEVELOPMENT.—The Under Secretary shall—

“(1) develop and submit to the Task Force for approval a regional research and action plan for each region, that builds upon any existing State or regional plans the Under Secretary considers appropriate; and

“(2) identify appropriate elements for each region, including—

“(A) baseline ecological, social, and economic research needed to understand the biological, physical, and chemical conditions that cause, exacerbate, and result from harmful algal blooms and hypoxia;

“(B) regional priorities for ecological and socio-economic research on issues related to and impacts of harmful algal blooms and hypoxia;

“(C) research, development, and demonstration activities needed to develop and advance technologies and techniques—

“(i) for minimizing the occurrence of harmful algal blooms and hypoxia; and

“(ii) for improving capabilities to predict, monitor, prevent, control, and mitigate harmful algal blooms and hypoxia;

“(D) State, tribal, and local government actions that may be implemented—

“(i) to support long-term monitoring efforts and emergency monitoring as needed;

“(ii) to minimize the occurrence of harmful algal blooms and hypoxia;

“(iii) to reduce the duration and intensity of harmful algal blooms and hypoxia in times of emergency;

“(iv) to address human health dimensions of harmful algal blooms and hypoxia; and

“(v) to identify and protect vulnerable ecosystems that could be, or have been, affected by harmful algal blooms and hypoxia;

“(E) mechanisms by which data, information, and products are transferred between the Program and State, tribal, and local governments and research entities;

“(F) communication, outreach and information dissemination efforts that State, tribal, and local governments and stakeholder organizations can take to educate and inform the public about harmful algal blooms and hypoxia and alternative coastal resource-utilization opportunities that are available; and

“(G) the roles that Federal agencies can play to facilitate implementation of the regional research and action plan for that region.

“(c) CONSULTATION.—In developing a regional research and action plan under this section, the Under Secretary shall—

“(1) coordinate with State coastal management and planning officials;

“(2) coordinate with tribal resource management officials;

“(3) coordinate with water management and watershed officials from coastal States and noncoastal States with water sources that drain into water bodies affected by harmful algal blooms and hypoxia;

“(4) coordinate with the Administrator and other Federal agencies as the Under Secretary considers appropriate; and

“(5) consult with—

“(A) public health officials;

“(B) emergency management officials;

“(C) science and technology development institutions;

“(D) economists;

“(E) industries and businesses affected by marine and freshwater harmful algal blooms and hypoxia;

“(F) scientists, with expertise concerning harmful algal blooms or hypoxia, from academic or research institutions; and

“(G) other stakeholders.

“(d) BUILDING ON AVAILABLE STUDIES AND INFORMATION.—In developing a regional research and action plan under this section, the Under Secretary shall—

“(1) utilize and build on existing research, assessments, reports, including those carried out under existing law, and other relevant sources; and

“(2) consider the impacts, research, and existing program activities of all United States coastlines and fresh and inland waters, including the Great Lakes, the Chesapeake Bay, estuaries, and tributaries.

“(e) SCHEDULE.—The Under Secretary shall—

“(1) begin developing the regional research and action plans for at least a third of the regions not later than 9 months after the

date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011;

“(2) begin developing the regional research and action plans for at least another third of the regions not later than 21 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011;

“(3) begin developing the regional research and action plans for the remaining regions not later than 33 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011; and

“(4) ensure that each regional research and action plan developed under this section is—

“(A) completed and approved by the Task Force not later than 12 months after the date that development of the regional research and action plan begins; and

“(B) updated not less than once every 5 years after the completion of the regional research and action plan.

“(f) FUNDING.—

“(1) IN GENERAL.—Subject to available appropriations, the Under Secretary shall make funding available to eligible organizations to implement the research, monitoring, forecasting, modeling, and response actions included under each approved regional research and action plan. The Program shall select recipients through a merit-based, competitive process and seek to fund research proposals that most effectively align with the research priorities identified in the relevant regional research and action plan.

“(2) APPLICATION; ASSURANCES.—An organization seeking funding under this subsection shall submit an application to the Program at such time, in such form and manner, and containing such information and assurances as the Program may require. The Program shall require each eligible organization receiving funds under this subsection to utilize the mechanisms under subsection (b)(2)(E) to ensure the transfer of data and products developed under the regional research and action plan.

“(3) ELIGIBLE ORGANIZATION.—In this subsection, the term “‘eligible organization’” means—

“(A) an institution of higher education, other non-profit organization, State, tribal, or local government, commercial organization, or Federal agency that meets the requirements of this section and such other requirements as may be established by the Under Secretary; and

“(B) with respect to nongovernmental organizations, an organization that is subject to regulations promulgated or guidelines issued to carry out this section, including United States audit requirements that are applicable to nongovernmental organizations.”

SEC. 8. REPORTING.

Section 603 is amended by adding at the end the following:

“(j) REPORT.—Not later than 2 years after the submission of the action strategy under section 603A, the Under Secretary shall submit a report to the appropriate congressional committees that describes—

“(1) the proceedings of the annual Task Force meetings;

“(2) the activities carried out under the Program and the regional research and action plans, and the budget related to the activities;

“(3) the progress made on implementing the action strategy; and

“(4) any need to revise or terminate activities or projects under the Program.

“(k) PROGRAM REPORT.—Not later than 5 years after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011, the Task Force shall submit a report on harmful algal blooms and hypoxia in marine and freshwater systems to Congress that—

“(1) evaluates the state of scientific knowledge of harmful algal blooms and hypoxia in marine and freshwater systems, including their causes and ecological consequences;

“(2) evaluates the social and economic impacts of harmful algal blooms and hypoxia, including their impacts on coastal communities, and reviews those communities’ efforts and associated economic costs related to event forecasting, planning, mitigation, response, public outreach, and education;

“(3) examines and evaluates the human health impacts of harmful algal blooms and hypoxia, including any gaps in existing research;

“(4) describes advances in capabilities for monitoring, forecasting, modeling, control, mitigation, and prevention of harmful algal blooms and hypoxia, including techniques for integrating landscape- and watershed-level water quality information into marine and freshwater harmful algal bloom and hypoxia prevention and mitigation strategies at Federal and regional levels;

“(5) evaluates progress made by, and the needs of, Federal, regional, State, tribal, and local policies and strategies for forecasting, planning, mitigating, preventing, and responding to harmful algal blooms and hypoxia, including the economic costs and benefits of the policies and strategies;

“(6) includes recommendations for integrating, improving, and funding future Federal, regional, State, tribal, and local policies and strategies for preventing and mitigating the occurrence and impacts of harmful algal blooms and hypoxia;

“(7) describes communication, outreach, and education efforts to raise public awareness of harmful algal blooms and hypoxia, their impacts, and the methods for mitigation and prevention;

“(8) describes extramural research activities carried out under section 605(b); and

“(9) specifies how resources were allocated between intramural and extramural research and management activities, including a justification for each allocation.”.

SEC. 9. NORTHERN GULF OF MEXICO HYPOXIA.

Section 604 is amended to read as follows:

“SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.

“(a) TASK FORCE INITIAL PROGRESS REPORTS.—Beginning not later than 12 months after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011, and every 2 years thereafter, the Administrator, through the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force, shall submit a progress report to the appropriate congressional committees and the President that describes the progress made by Task Force-directed activities carried out or funded by the Environmental Protection Agency and other State and Federal partners toward attainment of the goals of the Gulf Hypoxia Action Plan 2008.

“(b) CONTENTS.—Each report required under this section shall—

“(1) assess the progress made toward nutrient load reductions, the response of the hypoxic zone and water quality throughout the Mississippi/Atchafalaya River Basin, and the economic and social effects;

“(2) evaluate lessons learned; and

“(3) recommend appropriate actions to continue to implement or, if necessary, re-

vise the strategy set forth in the Gulf Hypoxia Action Plan 2008.”.

SEC. 10. INTERAGENCY FINANCING.

The Act, as amended by section 9 of this Act, is further amended by inserting after section 604 the following:

“SEC. 604A. INTERAGENCY FINANCING.

“The departments and agencies represented on the Task Force may participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Task Force for the purposes of carrying out any administrative or programmatic project or activity under this title, including support for the Program, a common infrastructure, information sharing, and system integration for harmful algal bloom and hypoxia research, monitoring, forecasting, prevention, and control. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Task Force member and the costs of the goods, services, and space. The amount of funds transferrable under this section for any fiscal year may not exceed 5 percent of the account from which such transfer was made.”.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 605 is amended to read as follows:

“§ 605. Authorization of appropriations

“(a) IN GENERAL.—There are authorized to be appropriated, for each of the fiscal years 2011 through 2015 to the Under Secretary to carry out sections 603A and 603B, \$30,000,000, of which—

“(1) \$2,000,000 may be used for the development of regional research and action plans and the reports required under section 603B;

“(2) \$3,000,000 may be used for the research and assessment activities related to marine and freshwater harmful algal blooms at the National Oceanic and Atmospheric Administration research laboratories;

“(3) \$7,000,000 may be used to carry out the Ecology and Oceanography of Harmful Algal Blooms Program (ECOHAB);

“(4) \$4,500,000 may be used to carry out the Monitoring and Event Response for Harmful Algal Blooms Program (MERHAB);

“(5) \$1,500,000 may be used to carry out the Northern Gulf of Mexico Ecosystems and Hypoxia Assessment Program (NGOMEX);

“(6) \$4,000,000 may be used to carry out the Coastal Hypoxia Research Program (CHRP);

“(7) \$4,000,000 may be used to carry out the Prevention, Control, and Mitigation of Harmful Algal Blooms Program (PCM);

“(8) \$1,000,000 may be used to carry out the Event Response Program; and

“(9) \$3,000,000 may be used to carry out the Infrastructure Program.

“(b) EXTRAMURAL RESEARCH ACTIVITIES.—The Under Secretary shall ensure that a substantial portion of funds appropriated pursuant to subsection (a) that are used for research purposes are allocated to extramural research activities.”.

SEC. 12. DEFINITIONS; CONFORMING AMENDMENT.

(a) IN GENERAL.—The Act is amended by inserting after section 605 the following:

“§ 605A. Definitions

“In this title:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the National Oceanic and Atmospheric Administration.

“(2) HARMFUL ALGAL BLOOM.—The term ‘harmful algal bloom’ means marine and freshwater phytoplankton that proliferate to high concentrations, resulting in nuisance

conditions or harmful impacts on marine and aquatic ecosystems, coastal communities, and human health through the production of toxic compounds or other biological, chemical, and physical impacts of the algae outbreak.

“(3) HYPOXIA.—The term ‘hypoxia’ means a condition where low dissolved oxygen in aquatic systems causes stress or death to resident organisms.

“(4) PROGRAM.—The term ‘Program’ means the National Harmful Algal Bloom and Hypoxia Program established under section 603A.

“(5) REGIONAL RESEARCH AND ACTION PLAN.—The term ‘regional research and action plan’ means a plan established under section 603B.

“(6) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

“(7) TASK FORCE.—The term ‘Task Force’ means the Inter-Agency Task Force established by section 603(a).

“(8) UNDER SECRETARY.—The term ‘Under Secretary’ means the Under Secretary of Commerce for Oceans and Atmosphere.”.

“(9) UNITED STATES COASTAL WATERS.—The term ‘United States coastal waters’ includes the Great Lakes.”.

(b) CONFORMING AMENDMENT.—Section 603(a) is amended by striking “(hereinafter referred to as the ‘Task Force’)”.

SEC. 13. APPLICATION WITH OTHER LAWS.

The Act is amended by adding after section 606 the following:

“SEC. 607. EFFECT ON OTHER FEDERAL AUTHORITY.

“Nothing in this title supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.”.

By Mr. PRYOR (for himself, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. BEGICH, Mr. COONS, Mr. BURR, and Mr. TESTER):

S. 1703. A bill to amend the Department of Energy Organization Act to require a Quadrennial Energy Review, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. PRYOR. Mr. President, I rise today along with Senators BINGAMAN, MURKOWSKI, BEGICH, COONS, TESTER and BURR to introduce the Quadrennial Energy Review Act of 2011.

One of the big gaps in federal energy policy is the lack of an overarching vision and coordination among federal agencies to define how the United States produces and uses energy. Every president since Richard Nixon has called for America’s independence from oil. We also need to make sure that our nation has a 21st century electric grid that matches supply with demand. If we want to create a more secure energy future for America then we need to develop a national energy plan that coordinates and integrates the energy policies of the various federal agencies. The development of such a policy would enhance our energy security,

create jobs and mitigate environmental harm.

In the fall of 2009, Secretary of Energy Steven Chu asked the President's Council of Advisors on Science and Technology, PCAST, to review the energy technology innovation system to identify and recommend ways to accelerate the large scale transformation of energy production, delivery, and use to a low carbon energy system. In response, PCAST formed a working group and in 2010 issued its "Report to the President on Accelerating the Pace of Change in Energy Technologies through an Integrated Federal Energy Policy". PCAST's most important recommendation is that the Administration establish a new process that can forge a more coordinated and robust Federal energy policy, a major piece of which is advancing energy innovation. The report recommends—

The President should establish a Quadrennial Energy Review, QER, process that will provide a multiyear roadmap that lays out an integrated view of short-, intermediate-, and long-term energy objectives; outlines legislative proposals to Congress; puts forward anticipated Executive actions coordinated across multiple agencies; and identifies resource requirements for the development and implementation of energy technologies.

Last month, the American Energy Innovation Council (AEIC) released a report, *Catalyzing American Ingenuity* (<http://www.americanenergyinnovation.org/2011-report/>), which noted:

The nation needs a robust National Energy Plan to serve as a strategic technology and policy roadmap . . . [to] "provide a clear, integrated road map with short-, intermediate-, and long-term objectives for federal energy policies and technology programs, along with a structured, time-bound plan to get there. We support DOE's Quadrennial Technology Review, QTR, which we see as an important and meaningful first step toward developing a national energy strategy. The federal government should build on the QTR and move quickly toward a government-wide QER.

AEIC is a group of prominent business leaders who came together last year to call for a more vigorous public and private sector commitment to energy technology innovation. AEIC members include: Norm Augustine, former chairman and chief executive officer of Lockheed Martin; Ursula Burns, chairman and chief executive officer of Xerox; John Doerr, partner at Kleiner Perkins Caufield & Byers; Bill Gates, chairman and former chief executive officer of Microsoft; Charles O. Holliday, chairman of Bank of America and former chairman and chief executive officer of DuPont; Jeff Immelt, chairman and chief executive officer of GE; and Tim Solso, chairman and chief executive officer of Cummins Inc.

A Quadrennial Energy Review could establish government-wide energy goals, coordinate actions across agencies, and lead to the development of a national energy policy.

As the lead agency in support of energy science and technology innovation, the Department of Energy has taken the first step to developing a national energy plan by conducting a Quadrennial Technology Review of the energy technology policies and programs of the Department. The QTR serves as the basis for DOE's coordination with other agencies and on other programs for which the Department has a key role.

The next step is to build upon DOE's report and perform a Quadrennial Energy Review that would establish government-wide energy objectives, coordinate actions across Federal agencies, and provide a strong analytical base for Federal energy policy decisions.

Our bill, the Quadrennial Energy Review Act of 2011, would authorize the President to establish an Interagency Working Group to submit a Quadrennial Energy Review to Congress by February 1, 2014, and every 4 years thereafter. The Group would be co-chaired by the Secretary of Energy and the Director of the Office of Science and Technology Policy, OSTP, and consist of level I or II Executive Schedule members representing the Departments of Commerce, Defense, State, Interior, Agriculture, Treasury, and Transportation, Office of Management and Budget, National Science Foundation, Environmental Protection Agency, and other Federal organizations, departments and agencies that the President considers to be appropriate.

The bill lists what information, at a minimum, shall be reported in the Quadrennial Energy Review and requires the Secretary of Energy to provide the Executive Secretariat and for agency heads to cooperate with the Secretary.

We live in a global world with global demands on energy. The country that best manages its energy resources will lead the 21st century and provide its people a secure energy future. The U.S. needs to win the energy race and this bill will help the United States remain that country.

By Ms. AYOTTE (for herself and Mr. REED);

S. 1704. A bill to amend title 10, United States Code, to modify certain authorities relating to the strategic airlift aircraft force structure of the Air Force; to the Committee on Armed Services.

Ms. AYOTTE. Mr. President, I am pleased to introduce today, along with my colleague Senator REED, the Strategic Airlift Force Structure Reform Act of 2011.

Current Federal law U.S. Code Title 10, 8062(g)(1) sets the Air Force's minimum number of strategic airlift aircraft at 316. However, based on the Mobility Capabilities and Requirements Study-2016, Department of Defense and

Air Force officials have testified approximately 300 aircraft can meet our nation's strategic airlift capacity requirements.

During a July 13, 2011, Senate Armed Services Subcommittee hearing, Christine Fox, Director of Cost Assessment and Program Evaluation, CAPE, in the Office of Secretary of Defense; General Duncan McNabb, Commander of U.S. Transportation Command, TRANSCOM; and General Raymond Johns, Commander of Air Mobility Command, AMC, testified that reducing the number to around 300 aircraft would allow the Air Force to meet airlift requirements while saving over \$1.2 billion and not increasing operational risk. In fact, General Johns testified that strategic airlift aircraft in excess of 301 were "over capacity" that forces "extra workload on our airmen to keep that capability when we don't need to utilize it."

Based on this testimony, the Strategic Airlift Force Structure Act of 2011 would reduce the strategic airlift aircraft floor from 316 to 301.

In this time of fiscal austerity, Congress needs to stop forcing the Pentagon to spend defense dollars maintaining aircraft that our warfighters say they don't need. Every defense dollar wasted deprives our warfighters of the resources they have actually requested. Reducing the aircraft floor is a commonsense step that would save taxpayers millions of dollars while ensuring that our military continues to meet strategic airlift requirements.

I encourage my colleagues to carefully review our legislation and I welcome their comments.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strategic Airlift Force Structure Reform Act of 2011".

SEC. 2. STRATEGIC AIRLIFT AIRCRAFT FORCE STRUCTURE OF THE AIR FORCE.

Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking "Effective October 1, 2009, the Secretary" and inserting "The Secretary"; and

(2) by striking "316 aircraft" and inserting "301 aircraft".

By Mrs. MURRAY (for herself and Ms. CANTWELL);

S. 1705. A bill to designate the Department of Veterans Affairs Medical Center in Spokane, Washington, as the "Mann-Grandstaff Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, today I am proud to introduce legislation to

name the Department of Veterans Affairs Medical Center in Spokane, WA, after two Medal of Honor recipients, Private First Class Joe E. Mann and Platoon Sergeant Bruce A. Grandstaff. My colleague Senator CANTWELL is joining me to introduce this bill in the Senate. This proposal has received widespread support from the Washington state chapters of several key national veterans service organizations, including the Veterans of Foreign Wars, American Legion, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Vietnam Veterans of America.

I would like to share something about these two heroes. Private Mann was born in Reardan, Washington, and served in the 101st Airborne Division during World War II. While attempting to seize the bridge across the Wilhelmina Canal, his platoon was isolated, surrounded, and outnumbered by enemy forces. Despite heavy enemy fire, he bravely advanced to within rocket-launching range of the enemy as the lead scout. Private Mann was wounded four separate times while destroying an enemy artillery position near Best, Holland. Despite his wounds, he volunteered to stay on sentry duty that night with both his arms bandaged to his body. The following day when the final assault came, an enemy grenade was thrown in his vicinity. Unable to throw it to safety due to his wounds and bandages, Private Mann threw himself on the grenade, sacrificing his life to save the lives of his fellow soldiers.

Sergeant Grandstaff was born in Spokane, Washington, and served in the 4th Infantry Division. While leading a reconnaissance mission near the Cambodian border, Sergeant Grandstaff's platoon was ambushed by heavy automatic weapons and small arms fire from three directions. He ran through enemy fire to rescue his wounded men, but was only able to save one. Twice he crawled outside the safety of his unit's position to mark their location with smoke grenades for aerial fire support, and twice he was wounded. His second marker successfully notified the helicopter gunships of his location, but drew even more enemy fire. Seeing the enemy assault about to overrun his position, Sergeant Grandstaff inspired his remaining men to continue the fight against enemy forces. He called in an artillery barrage on himself to thwart the enemy forces, and continued to fight until he was finally and mortally wounded by an enemy rocket. Although every man in his unit was a casualty, survivors testified that his spirit and courage inspired the unit to inflict heavy casualties on the assaulting enemy even though the odds were stacked against them.

I am especially proud to introduce this bill. Its purpose is to honor not just one American hero, but two native

sons of Washington who gave their lives fighting on behalf of our nation. Also, both of these men now rest in peace approximately 10 minutes away from the Spokane VA Medical Center, which serves veterans of all generations, from World War II to Vietnam to our newest generation of American heroes.

Above all else, this bill is intended to honor both Private Mann and Sergeant Grandstaff for their "conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty." By renaming the Spokane VA Medical Center as the Mann-Grandstaff VA Medical Center, we will honor the service and ultimate sacrifice provided by these two local heroes. I urge my colleagues to support this legislation and thank them for their continued support of our dedicated men and women in uniform.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF MANN-GRANDSTAFF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) DESIGNATION.—The Department of Veterans Affairs Medical Center in Spokane, Washington, shall after the date of the enactment of this Act be known and designated as the "Mann-Grandstaff Department of Veterans Affairs Medical Center".

(b) REFERENCES.—Any reference to in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Mann-Grandstaff Department of Veterans Affairs Medical Center.

By Mr. REED (for himself, Mr. BROWN of Massachusetts, Mr. KERRY, and Mr. WHITEHOUSE):

S. 1708. A bill to establish the John H. Chafee Blackstone River Valley National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REED. Mr. President, today I am introducing legislation for the creation of the John H. Chafee Blackstone River Valley National Historical Park, along with my colleagues from Rhode Island and Massachusetts, Senators WHITEHOUSE, KERRY, and SCOTT BROWN. Our legislation seeks to preserve the industrial heritage and natural and cultural resources of the Blackstone Valley, help provide economic development opportunities for the local economies, and build upon the solid foundation of the John H. Chafee Blackstone River Valley National Heritage Corridor.

Samuel Slater built his mill in 1793 and started the American Industrial Revolution in Rhode Island along the Blackstone River. Today, the John H.

Chafee Blackstone River Valley National Heritage Corridor contains an exceptional concentration of surviving mills and villages that illustrate this chapter of American history.

The Blackstone Valley is a national treasure, which also includes thousands of acres of beautiful, undeveloped land and waterways that are home to diverse wildlife.

The extensive work of the National Park Service and the tireless efforts of Federal, State—both Rhode Island and Massachusetts—and local officials, developers, and volunteers have resulted in the recovery of dozens of historic villages, riverways, and rural landscapes throughout the Corridor. These types of economic redevelopment and environmental restoration efforts reflect the ongoing story of the Blackstone River and the valley.

The Ashton Mill in Cumberland is one such example of local redevelopment. With the designation of the National Heritage Corridor, the cleanup of the Blackstone River, the creation of the Blackstone River State Park in Lincoln, Rhode Island, and the construction of the Blackstone River Bikeway, the property was restored for adaptive reuse as rental apartments. Once again the mill and its village are a vital part of the greater Blackstone Valley community.

Great progress has also been made in restoring the environmental resources of the river valley. As a result, people are once again enjoying the river, whether in kayaks or canoes, or through other means. I have been pleased over the years to help support the preservation and renewed development of the Blackstone River Valley.

In 2005, I cosponsored legislation introduced by my then-colleague Senator Lincoln Chafee to conduct a Special Resource Study of the Corridor to determine which areas within the Corridor were nationally significant and whether they were suitable to become part of the National Park Service. When it was released this July, the study recommended the creation of a new national historic park whose boundaries would encompass both Rhode Island and Massachusetts, including the Blackstone River and its tributaries; the Blackstone Canal; the historic districts of Old Slater Mill in Pawtucket; the villages of Slatersville and Ashton in Rhode Island; and the villages of Whitinsville and Hopedale in Massachusetts.

The partnership park described in the Special Resource Study clearly stated the importance of the rural and urban areas, the landscape, and the river in telling the story of the Blackstone River Valley.

It will build upon the solid foundation of the John H. Chafee Blackstone River Valley National Heritage Corridor and the workers and volunteers in all the surrounding communities, in restoring the Corridor.

Designating these areas as a national historical park has important economic, environmental, historical, and educational benefits for the region. This is a two state initiative, and truly a national initiative, that will embrace both Rhode Island and Massachusetts, and ensure the preservation of the industrial and natural heritage of the Blackstone River Valley for future generations to enjoy.

Establishing a national park will provide opportunities for work, opportunities for recreation, and opportunities to boost economic development, while memorializing the history of this place and its role in the American Industrial Revolution.

The partnerships between the federal, state, local, and private organizations have a proven track record of success with the Corridor, and I expect that the communities in Rhode Island and Massachusetts that have been engaged on this endeavor for many years will continue to partner with the National Park Service going forward.

Creating a national historic park sets a clear path to preserve our cultural heritage, improve the use and enjoyment of these resources, including offering outdoor education for young people, and increase the level of protection for our most important and nationally significant cultural and natural resources.

I have been proud to introduce this bipartisan legislation in honor of my late-colleague John H. Chafee, who years ago had a great vision, shared with many others in Rhode Island and Massachusetts, to preserve and protect the Blackstone Valley.

I look forward to working with all of my colleagues to create the John H. Chafee Blackstone River Valley National Historical Park.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “John H. Chafee Blackstone River Valley National Historical Park Establishment Act”.

SEC. 2. PURPOSE.

The purpose of this Act is to establish the John H. Chafee Blackstone River Valley National Historical Park—

(1) to help preserve, protect, and interpret the nationally significant resources in the Blackstone River Valley that exemplify the industrial heritage of the John H. Chafee Blackstone River Valley National Heritage Corridor for the benefit and inspiration of future generations;

(2) to support the preservation, protection, and interpretation of the urban, rural, and agricultural landscape features (including the Blackstone River and Canal) of the region that provide an overarching context for

the industrial heritage of the National Heritage Corridor;

(3) to educate the public about—

(A) the industrial history of the National Heritage Corridor; and

(B) the significance of the National Heritage Corridor to the past and present; and

(4) to support and enhance the network of partners who will continue to engage in the protection, improvement, management, and operation of key resources and facilities throughout the National Heritage Corridor.

SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term “map” means the map entitled “John H. Chafee Blackstone River Valley National Historical Park”, numbered NEFA962/111015, and dated October 2011.

(2) NATIONAL HERITAGE CORRIDOR.—The term “National Heritage Corridor” means the John H. Chafee Blackstone River Valley National Heritage Corridor.

(3) PARK.—The term “Park” means the John H. Chafee Blackstone River Valley National Historical Park established under section 4.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(5) STATE.—The term “State” means each of the States of Massachusetts and Rhode Island.

SEC. 4. ESTABLISHMENT OF JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established in the States a unit of the National Park System, to be known as the “John H. Chafee Blackstone River Valley National Historical Park”.

(b) BOUNDARIES.—The Park shall be comprised of the following sites and districts, as generally depicted on the map:

- (1) Old Slater Mill National Historic Landmark District.
- (2) Slatersville Historic District.
- (3) Ashton Historic District.
- (4) Whitinsville Historic District.
- (5) Hopedale Village Historic District.
- (6) Blackstone River and the tributaries of Blackstone River.
- (7) Blackstone Canal.

(c) AVAILABILITY OF MAP.—The map shall be available for public inspection in the appropriate offices of the National Park Service.

(d) ACQUISITION OF LAND.—The Secretary may acquire land or interests in land within the boundaries of the Park by—

- (1) donation;
- (2) purchase with donated or appropriated funds; or
- (3) exchange.

(e) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Park in accordance with—

- (A) this Act;
- (B) the laws generally applicable to units of the National Park System, including—
 - (i) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and
 - (ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and

(C) any cooperative agreements entered into under subsection (f).

(2) GENERAL MANAGEMENT PLAN.—

- (A) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall prepare a general management plan for the Park—
 - (i) in consultation with the States; and
 - (ii) in accordance with—

(I) any cooperative agreements entered into under subsection (f); and

(II) section 12(b) of the National Park System General Authorities Act (16 U.S.C. 1a-7(b)).

(B) REQUIREMENTS.—To the maximum extent practicable, the plan prepared under subparagraph (A) shall consider ways to use preexisting or planned visitor facilities and recreational opportunities developed in the National Heritage Corridor, including—

- (i) the Blackstone Valley Visitor Center in Pawtucket, Rhode Island;
- (ii) the Captain Wilbur Kelly House at Blackstone River State Park in Lincoln, Rhode Island;
- (iii) the Museum of Work and Culture in Woonsocket, Rhode Island;
- (iv) the River Bend Farm/Blackstone River and Canal Heritage State Park in Uxbridge, Massachusetts; and
- (v) the Worcester Blackstone Visitor Center, located at the former Washburn & Moen wire mill facility in Worcester, Massachusetts.

(f) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the States, political subdivisions of the States, nonprofit organizations (including the Blackstone River Valley National Heritage Corridor, Inc.), and private property owners to provide technical assistance and interpretation in the Park and the National Heritage Corridor.

(g) FINANCIAL ASSISTANCE.—Subject to the availability of appropriations, the Secretary may provide financial assistance, on a matching basis, for the conduct of resource protection activities in the National Heritage Corridor.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 1710. A bill to designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse; to the Committee on Environment and Public Works.

Mr. BEGICH. Mr. President, I come to the floor today to introduce a piece of legislation honoring a great Alaskan. James Martin Fitzgerald was a giant of my State's judicial community for 5 decades—almost as long as Alaska has been a State. This legislation, naming the Anchorage federal courthouse facility in Judge Fitzgerald's honor, is a fitting tribute to his legacy.

James Fitzgerald first came to Alaska in the 1950s. He was a decorated World War II Marine veteran, an accomplished lawyer, an Assistant U.S. Attorney, and became Alaska's first Commissioner of Public Safety. From November 1959 until his retirement until 2006, he served with distinction as a State and Federal judge unanimously praised for his fairness, brilliance and humility.

Judge Fitzgerald served as a judge on the Alaska Superior Court, Third District, from 1959 through 1972. He was the presiding judge on that court from

1969 through 1972. At that time, he became an Alaska Supreme Court Justice, where he would serve until 1975.

President Gerald Ford nominated Judge Fitzgerald to be a Judge of the United States District Court for the District of Alaska in December of 1974. He was quickly confirmed by the U.S. Senate and received his commission to the Federal bench. Judge Fitzgerald served on this Federal court until his retirement in 2006 and also spent 5 years as the chief judge of the court.

In addition to his impressive record of accomplishments and his years of public service, Judge Fitzgerald was also known for his integrity and character. His colleagues on the bench, the lawyers who testified in his courtroom and his friends and neighbors all knew him to be a humble, kind, thoughtful and generous man. For decades he was praised for his legal brilliance and his respect for all those who sought justice in his court. His contributions to the State of Alaska will not be forgotten.

Naming the Anchorage federal courthouse in Judge Fitzgerald's honor is broadly supported by Alaskans. In fact, I assembled a small committee of outstanding Alaska leaders to review this proposal and they strongly endorsed extending this honor to Judge Fitzgerald. I would like to thank the committee members for their public service: Anchorage attorney Lloyd Miller, Judge John D. Roberts, Juneau Mayor Bruce Botelho, and Liz Medicine Crow of the First Alaskans Institute.

For all these reasons, today I am proud to introduce this legislation to designate the United States Courthouse in Anchorage as the James M. Fitzgerald United States Courthouse. He was a great man and this is a fine way to remember all he did for my State.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JAMES M. FITZGERALD UNITED STATES COURTHOUSE.

(a) **DESIGNATION.**—The United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, shall be known and designated as the “James M. Fitzgerald United States Courthouse”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the “James M. Fitzgerald United States Courthouse”.

By Mr. BROWN of Ohio:

S. 1711. A bill to enhance reciprocal market access for United States domestic producers in the negotiating process of bilateral, regional, and mul-

tilateral trade agreements; to the Committee on Finance.

Mr. BROWN of Ohio. Mr. President I rise to talk about our Nation's flawed approach to trade and its damaging effects on economic growth and job creation. Yesterday, this body approved three trade agreements that will do far too little to create manufacturing jobs here in the United States. In fact, it is clear these more-of-the-same agreements will cost manufacturing jobs in Ohio and across the nation.

In towns and cities across Ohio, workers have the proud tradition of manufacturing products that matter to America.

From steel tubes made in Lorain that equip our energy markets, to car parts made in Moraine that move our auto industry forward, Ohio manufacturers represent the heart of our nation's economy.

Ohio manufacturers and workers are some of the most industrious and innovative in the United States.

Our companies and the people who fill our factories can compete across the world—but only if your government implements trade policies that create a level playing field.

However, Republican and Democratic administrations alike, along with Congress, have signed and passed trade agreements premised on hollow promises.

Supporters of free market policies promised that past trade pacts like NAFTA would stimulate growth and create jobs.

Some companies and constituents in Ohio would argue these assertions—and the assurances that accompany current trade agreements—could not be further from the truth.

Once successful companies in my state are now collapsing under the weight of misguided trade policies.

Working families in West Chester, Pickerington, Lima, and Akron are holding on for dear life in the face of our government failing to negotiate and enforce trade deals.

A rational trade agreement should open new markets, include standards on labor and safety that are at least as strong as the commercial provisions, and help U.S. companies expand their consumer base around the world.

However, recent trade pacts have slashed tariffs for foreign competitors while doing little to address the tariff and nontariff barriers that U.S. businesses face with our trading partners. Nothing in these newly approved agreements will change this pattern.

All too often, U.S. trade negotiators have been willing to open our markets to a flood of imports while failing to win the concessions required to make trade work for America.

A quick glance at our Nation's trade statistics makes it clear that we need a new gameplan when it comes to trade.

The U.S. merchandise trade deficit has surged 46 percent over the last dec-

ade, reaching an astronomical \$634 billion in 2010.

Since the implementation of NAFTA in 1994, the U.S. has lost more than three million manufacturing jobs.

Behind these numbers are the faces of middle-class Americans who have lost their job because of ill-advised trade agreements.

Whether it is the worker getting laid off at a manufacturer providing energy appliances, or the person losing their job at a steel plant, the loss of a job due to trade can be a devastating experience for families across America.

Two examples of our nation giving too much, for too little in return can be seen with the U.S.-Korea free trade agreement.

South Korea has the lowest level of import penetration for auto sales—at just 4.4 percent—of any developed country.

In 2009, the U.S. exported fewer than 6,000 cars to Korea. In the same year, Korea exported 476,000 cars to the U.S.

While a marginal improvement, the U.S.-Korea free trade agreement would allow each American-based automaker to export 25,000 cars to South Korea free of burdensome regulations.

However, it is clear that this “concession” does not do enough to shift the imbalanced trade in the auto sector in our direction.

In addition—much like China—South Korea would still be able to manipulate its currency—thwarting the ability of American companies to compete and hire workers.

Instead, South Korea will be able to exploit this trade agreement and make the limited market access we would have meaningless.

It is time that our free trade agreements increase market access to U.S. goods so that we're exporting goods—not jobs.

The American people are demanding a plan to make trade work.

It is time for Congress to meet the demands of the American people and take action to ensure a level playing field for our businesses and workers.

That is why I'm introducing the Reciprocal Market Access Act.

The Reciprocal Market Access Act would require the reduction or elimination of U.S. duties to be reciprocated by the nation with which we are entering into a trade pact.

In the event that a trading partner does not adhere to this requirement, the U.S. Trade Representative would be authorized to withdraw tariff concessions if a trading partner has failed to eliminate relevant tariff and non-tariff barriers.

This requirement will make sure that any type of barrier doesn't put American products at a disadvantage before we open our doors to American goods.

The U.S. should no longer acquiesce to demands to further open our market—already the most open market in

the global economy—without gaining meaningful market access for American manufacturers in exchange.

In addition, this bill would instruct the International Trade Commission to assess the impact of a potential trade agreement on opportunities and barriers for U.S. products that will be affected by the trade agreement.

If Congress is committed to creating jobs and reducing the trade deficit, we've got to make sure we have the policies that put us on a level playing field with our trading partners.

If we are serious about standing up for workers, small business and manufacturers who continue to play be the rules, we need to pass this legislation.

It is time to take action to help rebuild the economic foundation of the middle class.

It is time we negotiate trade agreements that put American workers and American businesses first.

It is time to pass this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reciprocal Market Access Act of 2011".

SEC. 2. PURPOSE.

The purpose of this Act is to require that United States trade negotiations achieve measurable results for United States businesses by ensuring that trade agreements result in expanded market access for United States exports and not solely the elimination of tariffs on goods imported into the United States.

SEC. 3. LIMITATION ON AUTHORITY TO REDUCE OR ELIMINATE RATES OF DUTY PURSUANT TO CERTAIN TRADE AGREEMENTS.

(a) LIMITATION.—Notwithstanding any other provision of law, on or after the date of the enactment of this Act, the President may not agree to a modification of an existing duty that would reduce or eliminate the bound or applied rate of such duty on any product in order to carry out a trade agreement entered into between the United States and a foreign country until the President transmits to Congress a certification described in subsection (b).

(b) CERTIFICATION.—A certification referred to in subsection (a) is a certification by the President that—

(1) the United States has obtained the reduction or elimination of tariff and nontariff barriers and policies and practices of the government of a foreign country described in subsection (a) with respect to United States exports of any product identified by United States domestic producers as having the same physical characteristics and uses as the product for which a modification of an existing duty is sought by the President as described in subsection (a); and

(2) a violation of any provision of the trade agreement described in subsection (a) relating to the matters described in paragraph (1) is immediately enforceable in accordance with the provisions of section 4.

SEC. 4. ENFORCEMENT PROVISIONS.

(a) WITHDRAWAL OF TARIFF CONCESSIONS.—If the President does agree to a modification described in section 3(a), and the United States Trade Representative determines pursuant to subsection (c) that—

(1) a tariff or nontariff barrier or policy or practice of the government of a foreign country described in section 3(a) has not been reduced or eliminated, or

(2) a tariff or nontariff barrier or policy or practice of such government has been imposed or discovered,

the modification shall be withdrawn until such time as the United States Trade Representative submits to Congress a certification described in section 3(b)(1).

(b) INVESTIGATION.—

(1) IN GENERAL.—The United States Trade Representative shall initiate an investigation if an interested party files a petition with the United States Trade Representative which alleges the elements necessary for the withdrawal of the modification of an existing duty under subsection (a), and which is accompanied by information reasonably available to the petitioner supporting such allegations.

(2) INTERESTED PARTY DEFINED.—For purposes of paragraph (1), the term "interested party" means—

(A) a manufacturer, producer, or wholesaler in the United States of a domestic product that has the same physical characteristics and uses as the product for which a modification of an existing duty is sought;

(B) a certified union or recognized union or group of workers engaged in the manufacture, production, or wholesale in the United States of a domestic product that has the same physical characteristics and uses as the product for which a modification of an existing duty is sought;

(C) a trade or business association a majority of whose members manufacture, produce, or wholesale in the United States a domestic product that has the same physical characteristics and uses as the product for which a modification of an existing duty is sought; and

(D) a member of the Committee on Ways and Means of the House of Representatives or a member of the Committee on Finance of the Senate.

(c) DETERMINATION BY USTR.—Not later than 45 days after the date on which a petition is filed under subsection (b), the United States Trade Representative shall—

(1) determine whether the petition alleges the elements necessary for the withdrawal of the modification of an existing duty under subsection (a); and

(2) notify the petitioner of the determination under paragraph (1) and the reasons for the determination.

SEC. 5. MARKET ACCESS ASSESSMENT BY INTERNATIONAL TRADE COMMISSION.

(a) IN GENERAL.—The International Trade Commission shall conduct an assessment of the impact of each proposed trade agreement between the United States and a foreign country on tariff and nontariff barriers and policies and practices of the government of the foreign country with respect to United States exports of any product identified by United States domestic producers as having the same physical characteristics and uses as the product for which a modification of an existing duty is sought by the President as described in section 4(a).

(b) IDENTIFICATION.—In conducting the assessment under subsection (a), the International Trade Commission shall identify the tariff and nontariff barriers and policies

and practices for such products that exist in the foreign country and the expected opportunities for exports from the United States to the foreign country if existing tariff and nontariff barriers and policies and practices are eliminated.

(c) CONSULTATION.—In conducting the assessment under subsection (a), the International Trade Commission shall, as appropriate, consult with and seek to obtain relevant documentation from United States domestic producers of products having the same physical characteristics and uses as the product for which a modification of an existing duty is sought by the President as described in section 4(a).

(d) REPORT.—Not later than 45 days before the date on which negotiations for a proposed trade agreement described in subsection (a) are initiated, the International Trade Commission shall submit to the United States Trade Representative, the Secretary of Commerce, and Congress a report on the proposed trade agreement that contains the assessment under subsection (a) conducted with respect to such proposed trade agreement. The report shall be submitted in unclassified form, but may contain a classified annex if necessary.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 293—CELEBRATING THE 10-YEAR COMMEMORATION OF THE UNDERGROUND RAILROAD MEMORIAL, COMPRISED OF THE GATEWAY TO FREEDOM MONUMENT IN DETROIT, MICHIGAN AND THE TOWER OF FREEDOM MONUMENT IN WINDSOR, ONTARIO, CANADA

Mr. LEVIN (for himself, Ms. STABENOW, Mr. BROWN of Ohio, Mr. CASEY, and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 293

Whereas millions of Africans and their descendants were enslaved in the United States and the American colonies from 1619 through 1865;

Whereas Africans forced into slavery were unspeakably debased, humiliated, dehumanized, brutally torn from their families and loved ones, and subjected to the indignity of being stripped of their names and heritage;

Whereas tens of thousands of people of African descent silently escaped their chains to follow the perilous Underground Railroad northward towards freedom in Canada;

Whereas the Detroit River played a central role for these passengers of the Underground Railroad on their way to freedom;

Whereas, in October 2001, the City of Detroit, Michigan joined with Windsor and Essex County in Ontario, Canada to memorialize the courage of these freedom seekers with an international memorial to the Underground Railroad, comprising the Tower of Freedom Monument in Windsor and the Gateway to Freedom Monument in Detroit;

Whereas the deep roots that slaves, refugees, and immigrants who reached Canada from the United States created in Canadian society remain as tributes to the determination of their descendants to safeguard the history of the struggles and endurance of their forebears;

Whereas the observance of the 10-year commemoration of the Underground Railroad

Memorial will be celebrated from October 19 through October 22, 2011;

Whereas the International Underground Railroad Monument Tenth Anniversary Planning Committee is pursuing the designation of an International Freedom Corridor and the nomination of the historic Detroit River as an International World Heritage Site;

Whereas the International Underground Railroad Monument Tenth Anniversary Planning Committee recognizes that a National Park Service special resources study may establish the national significance, suitability, and feasibility of an International Freedom Corridor;

Whereas the designation of an International Freedom Corridor would include the States of Michigan, Illinois, Ohio, Wisconsin, Missouri, Indiana, and Kentucky, the Detroit, Mississippi, and Ohio Rivers, which traverse portions of these States, and any other sites associated within this International Freedom Corridor;

Whereas a cooperative international partnership project is dedicated to education and research with the goal of promoting cross-border understanding as well as economic development and cultural heritage tourism;

Whereas, over the course of history, the United States has become a symbol of democracy and freedom around the world; and

Whereas the legacy of African Americans is interwoven with the fabric of democracy and freedom in the United States: Now, therefore, be it

Resolved, That the Senate celebrates the 10-year commemoration of the Underground Railroad Memorial, comprised of the Gateway to Freedom Monument in Detroit, Michigan and the Tower of Freedom Monument in Windsor, Ontario, Canada.

SENATE CONCURRENT RESOLUTION 30—SUPPORTING THE GOALS AND IDEALS OF SPINA BIFIDA AWARENESS MONTH

Mr. WICKER submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 30

Whereas according to the Centers for Disease Control and Prevention, there are approximately 166,000 individuals living in the United States with a form of spina bifida, the United States most common permanent birth defect;

Whereas the risk of spina bifida can be reduced by up to 70 percent if women consume 400 micrograms of folic acid daily, before and during pregnancy;

Whereas there are 65,000,000 women of childbearing age in the United States, all of whom are potentially at risk of having a child with spina bifida;

Whereas 1,500 children are born each year with spina bifida;

Whereas, according to the Spina Bifida Association, spina bifida is a complicated condition, adversely impacting virtually every organ system and requiring multiple clinical specialists to provide lifelong comprehensive, quality medical and psychosocial care;

Whereas the National Spina Bifida Program, administered by the Centers for Disease Control and Prevention, exists to improve the health, well-being, and quality of life for the individuals and families affected by spina bifida through numerous programmatic components, including the Na-

tional Spina Bifida Patient Registry and critical quality of life research in spina bifida.

Whereas the National Spina Bifida Patient Registry helps to improve the quality of care, reduce morbidity and mortality from spina bifida, and increase the efficiency and decrease the cost of care by supporting the collection of longitudinal-treatment data, developing quality measures and treatment standards of care and best practices, identifying "centers of excellence" in spina bifida, evaluating both the clinical and cost-effectiveness of treatment of spina bifida, and exchanging evidence-based information among health-care providers across the United States;

Whereas the Spina Bifida Association is the only national voluntary health agency working for people with spina bifida and their families through education, advocacy, research, and service; and

Whereas October is designated as National Spina Bifida Awareness Month to help increase awareness and the prevention of spina bifida, as well as enhancing the quality of life of persons living with spina bifida: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Spina Bifida Awareness Month;

(2) recognizes the importance of highlighting the occurrence of spina bifida, bringing to light the struggles and successes of those who live with spina bifida, and advancing efforts to decrease the incidence of spina bifida;

(3) supports the ongoing development of the National Spina Bifida Patient Registry to improve lives through research and to improve treatments for both children and adults;

(4) recognizes that there is a continued need for a commitment of resources for efforts to reduce and prevent disabling birth defects like spina bifida; and

(5) commends the excellent work of the Spina Bifida Association to educate, support, and provide hope for people with spina bifida and their families.

SENATE CONCURRENT RESOLUTION 31—DIRECTING THE SECRETARY OF THE SENATE TO MAKE A CORRECTION IN THE ENROLLMENT OF S. 1280

Mr. ISAKSON submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1280) to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes, the Secretary of the Senate shall make the following corrections:

Amend section 8C of the Peace Corps Act, in the quoted material in section 2 of the bill, by adding at the end the following new subsection:

“(e) SUNSET.—This section shall cease to be effective on October 1, 2018.”.

Amend section 8D of the Peace Corps Act, in the quoted material in section 2 of the bill, by adding at the end the following new subsection:

“(g) SUNSET.—This section shall cease to be effective on October 1, 2018.”.

Amend section 8E of the Peace Corps Act, in the quoted material in section 2 of the bill—

(1) in subsection (c), by striking “The President shall annually conduct” and inserting “Annually through September 30, 2018, the President shall conduct”;

(2) in subsection (d)—

(A) in subparagraph (A), by striking “a biennial report” and inserting “a report, not later than one year after the date of the enactment of this section, and biennially through September 30, 2018.”; and

(B) in subparagraph (B), by striking “not later than two years after the date of the enactment of this section and every three years thereafter” and inserting “not later than two years and five years after the date of the enactment of this section”; and

(3) by adding at the end the following new subsection:

“(e) PORTFOLIO REVIEWS.—

“(1) IN GENERAL.—The President shall, at least once every 3 years, perform a review to evaluate the allocation and delivery of resources across the countries the Peace Corps serves or is considering for service. Such portfolio reviews shall at a minimum include the following with respect to each such country:

“(A) An evaluation of the country's commitment to the Peace Corps program.

“(B) An analysis of the safety and security of volunteers.

“(C) An evaluation of the country's need for assistance.

“(D) An analysis of country program costs.

“(E) An evaluation of the effectiveness of management of each post within a country.

“(F) An evaluation of the country's congruence with the Peace Corp's mission and strategic priorities.

“(2) BRIEFING.—Upon request of the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall brief such committees on each portfolio review required under paragraph (1). If requested, each such briefing shall discuss performance measures and sources of data used (such as project status reports, volunteer surveys, impact studies, reports of Inspector General of the Peace Corps, and any relevant external sources) in making the findings and conclusions in such review.”.

Amend section 8I(a) of the Peace Corps Act, in the quoted material in section 2, by inserting “through September 30, 2018,” after “annually”.

Strike section 8.

Redesignate sections 9 and 10 as sections 8 and 9, respectively.

Strike section 11.

AMENDMENTS SUBMITTED AND PROPOSED

SA 738. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 738. Mr. INOUE submitted an amendment intended to be proposed by

him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike out all after the enacting clause and insert the following:

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, \$4,798,000: *Provided*, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

OFFICE OF TRIBAL RELATIONS

For necessary expenses of the Office of Tribal Relations, \$473,000, to support communication and consultation activities with Federally Recognized Tribes, as well as other requirements established by law.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, \$11,408,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, \$13,514,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, \$8,946,000.

OFFICE OF HOMELAND SECURITY AND EMERGENCY COORDINATION

For necessary expenses of the Office of Homeland Security and Emergency Coordination, \$1,421,000.

OFFICE OF ADVOCACY AND OUTREACH

For necessary expenses of the Office of Advocacy and Outreach, \$1,351,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$36,031,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, \$5,935,000: *Provided*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A-76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, \$848,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$21,558,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, \$764,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, \$230,416,000, to remain available until expended, of which \$164,470,000 shall be available for payments to the General Services Administration for rent; of which \$13,800,000 for payment to the Department of Homeland Security for building security activities; and of which \$52,146,000 for buildings operations and maintenance expenses: *Provided*, That the Secretary may use unobligated prior year balances of an agency or office that are no longer available for new obligation to cover shortfalls incurred in prior year rental payments for such agency or office: *Provided further*, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), \$3,792,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$28,165,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by

this Act, including programs involving inter-governmental affairs and liaison within the executive branch, \$3,676,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, \$8,105,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, \$84,121,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$39,345,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education and Economics, \$848,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, \$77,723,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, \$152,616,000, of which up to \$41,639,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,094,647,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for greenhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or

\$375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$709,825,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a-i), \$236,334,000; for grants for cooperative forestry research (16 U.S.C. 582a through a-7), \$32,934,000; for payments to eligible institutions (7 U.S.C. 3222), \$50,898,000, provided that each institution receives no less than \$1,000,000; for special grants (7 U.S.C. 450i(c)), \$4,181,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), \$15,830,000; for competitive grants (7 U.S.C. 450i(b)), \$265,987,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), \$2,944,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$833,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), \$1,081,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103-382 (7 U.S.C. 301 note), \$1,801,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), \$961,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$3,774,000, to remain available until expended (7 U.S.C. 2209b); for a program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), \$4,790,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$5,530,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$1,239,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), \$9,219,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, \$3,194,000; for a secondary agriculture education program and 2-year post-secondary education, (7 U.S.C. 3152(j)), \$981,000; for aquaculture grants (7 U.S.C. 3322), \$3,920,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$14,471,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, \$19,336,000, to remain available until expended (7 U.S.C. 2209b); for capacity building grants for non-land-grant colleges of agriculture (7 U.S.C. 3319i), \$5,000,000, to remain available until expended; for competitive grants for policy research (7 U.S.C. 3155), \$4,000,000, which shall

be obligated within 120 days of the enactment of this Act; for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103-382, \$3,335,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), \$898,000; for distance education grants for insular areas under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362), \$749,000; for a new era rural technology program pursuant to section 1473E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319e), \$856,000; for a competitive grants program for farm business management and benchmarking (7 U.S.C. 5925f), \$1,497,000; for a competitive grants program regarding biobased energy (7 U.S.C. 8114), \$2,246,000; and for necessary expenses of Research and Education Activities, \$1,006,000, of which \$2,645,000 for the Research, Education, and Economics Information System and \$2,089,000 for the Electronic Grants Information System, are to remain available until expended.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103-382 (7 U.S.C. 301 note), \$11,880,000, to remain available until expended.

HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES ENDOWMENT FUND

For the Hispanic-Serving Agricultural Colleges and Universities Endowment Fund under section 1456 (7 U.S.C. 3243) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, \$10,000,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, \$478,179,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents, \$295,800,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$4,312,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$67,934,000; payments for the pest management program under section 3(d) of the Act, \$9,918,000; payments for the farm safety program under section 3(d) of the Act, \$4,610,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, \$1,660,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, \$19,730,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, \$7,975,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$461,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), \$3,929,000; payments for the federally recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, \$3,039,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$4,696,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92-419 (7 U.S.C. 2662(i)),

\$1,735,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), \$42,592,000, provided that each institution receives no less than \$1,000,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, \$1,000,000; payments to carry out section 1672(e)(49) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925), as amended, \$400,000; and for necessary expenses of Extension Activities, \$8,388,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$25,948,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), \$17,964,000, including \$8,982,000 for the water quality program, \$2,994,000 for regional pest management centers, \$1,996,000 for the methyl bromide transition program, and \$3,992,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, \$998,000; \$998,000 for the regional rural development centers program; and \$5,988,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, to remain available until September 30, 2013.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, \$848,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to \$30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), \$820,110,000, of which \$1,000,000, to be available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds ("contingency fund") to the extent necessary to meet emergency conditions; of which \$17,848,000, to remain available until expended, shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which \$7,000,000, to remain available until expended, shall be for Animal Disease Traceability; of which \$891,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which \$48,733,000, to remain available until expended, shall be used to support avian health; of which \$4,474,000, to remain available until expended, shall be for information technology infrastructure; of which \$153,950,000, to remain available until expended, shall be for specialty crop pests; of which \$9,068,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which \$58,962,000, to remain available until expended, shall be for tree and wood pests; of which \$3,568,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to \$1,500,000, to remain available until expended, shall be for the scrapie program for

indemnities; of which \$1,000,000, to remain available until expended, shall be for wildlife services methods development; of which \$1,500,000, to remain available until expended, shall be for the wildlife services damage management program for aviation safety; and of which \$5,000,000, to remain available until expended, shall be for the screwworm program: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2012, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$3,176,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, \$82,211,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$62,101,000 (from fees collected) shall be obligated during the current

fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$20,056,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,198,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, \$38,248,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$50,000,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, \$770,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$1,006,503,000; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: *Provided further*, That no fewer than 148 full-time equivalent positions shall be employed during fiscal year 2012 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: *Provided further*, That the Food Safety and Inspection Service shall

continue implementation of section 11016 of Public Law 110-246: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, \$848,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, \$1,181,781,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That funds made available to county committees shall remain available until expended.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101-5106), \$3,759,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out well-head or groundwater protection activities under section 12400 of the Food Security Act of 1985 (16 U.S.C. 3839bb-2), \$3,817,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387, 114 Stat. 1549A-12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$1,975,000,000, of which \$1,500,000,000 shall be for unsubsidized guaranteed loans and \$475,000,000 shall be for direct loans; operating loans, \$2,519,982,000, of which \$1,500,000,000 shall be for unsubsidized guaranteed loans, and \$1,019,982,000 shall be for direct loans; Indian tribe land acquisition loans, \$2,000,000; guaranteed conservation loans, \$150,000,000; Indian highly fractionated land loans, \$10,000,000; and for boll weevil eradication program loans, \$100,000,000: *Provided*, That the Secretary shall deem the

pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: direct farm ownership loans, \$22,800,000; operating loans, \$83,525,000, of which \$26,100,000 shall be for unsubsidized guaranteed loans, and \$57,425,000 shall be for direct loans; and Indian highly fractionated land loans, \$193,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$297,237,000, of which \$289,728,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Fund Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, \$74,900,000: *Provided*, That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: *Provided further*, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES (INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and main-

tenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, \$848,000.

NATURAL RESOURCES CONSERVATION SERVICE CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$828,159,000, to remain available until September 30, 2013: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, \$848,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$182,023,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than \$5,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business—Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$24,900,000,000 for loans to section 502 borrowers, of which \$900,000,000 shall be for direct loans, and of which \$24,000,000,000 shall be for unsubsidized guaranteed loans; \$10,000,000 for section 504 housing repair loans; \$64,478,000 for section 515 rental housing; \$130,000,000 for section 538 guaranteed multi-family housing loans; \$10,000,000 for credit sales of single family housing acquired property; and \$5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$42,570,000 shall be for direct loans; section 504 housing repair loans, \$1,421,000; and repair, rehabilitation, and new construction of section 515 rental housing, \$22,000,000: *Provided*, That hereafter, the Secretary may charge a guarantee fee of up to 4 percent on section 502 guaranteed loans: *Provided further*, That to support the loan program level for section 538 guaranteed loans made available under this heading the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), and the interest on such loans may not be subsidized: *Provided further*, That of the total amount appropriated in this paragraph, the amount equal to the amount of Rural Housing Insurance Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That any balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109-97, Public Law 110-5, and Public Law 111-80 shall be transferred to and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account".

In addition, for the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$16,000,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts: *Provided*, That any balances available for the Farm Labor Program Account shall be transferred and merged with this account.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$430,800,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$904,653,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2)

of the Act: *Provided*, That of this amount not less than \$2,000,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than \$2,000,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a 1-year period: *Provided further*, That any unexpended balances remaining at the end of such 1-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2012 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multifamily housing project financed under section 514 or 516 of the Act.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, \$13,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading, \$11,000,000, shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: *Provided further*, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, \$2,000,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including

reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further*, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further*, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That in addition to any other available funds, the Secretary may expend not more than \$1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$30,000,000, to remain available until expended: *Provided*, That of the total amount appropriated under this heading, the amount equal to the amount of Mutual and Self-Help Housing Grants allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS (INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$34,271,000, to remain available until expended: *Provided*, That of the total amount appropriated under this heading, the amount equal to the amount of Rural Housing Assistance Grants allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108-447 and Public Law 109-97 shall be transferred to and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account".

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct loans as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$1,300,000,000.

For the cost of grants for rural community facilities programs as authorized by section

306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$26,274,000, to remain available until expended: *Provided*, That \$4,242,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That \$5,938,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106-387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That \$3,369,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further*, That of the amount appropriated under this heading, the amount equal to the amount of Rural Community Facilities Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, \$79,665,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, not to exceed \$475,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and \$2,900,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and

Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further*, That \$4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including \$250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated under this heading, the amount equal to the amount of Rural Business Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural business and cooperative development programs described in section 381E(d)(3) of the Consolidated Farm and Rural Development Act: *Provided further*, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL DEVELOPMENT LOAN FUND PROGRAM
ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$20,661,000. For the cost of direct loans, \$7,000,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$1,000,000 shall be available through June 30, 2012, for Federally Recognized Native American Tribes and of which \$2,000,000 shall be available through June 30, 2012, for Mississippi Delta Region counties (as determined in accordance with Public Law 100-460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated under this heading, the amount equal to the amount of Rural Development Loan Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$4,684,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS
PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, \$155,000,000 shall not be obligated and \$155,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$27,915,000, of which \$2,250,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed \$2,938,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which \$16,005,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees and grants, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), \$4,500,000: *Provided*, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM
ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, \$509,295,000, to remain available until expended, of which not to exceed \$422,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$844,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided*, That \$67,200,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act, Federally recognized Native American Tribes authorized by 306C(a)(1), and the Department of Hawaiian Home Lands (of the State of Hawaii): *Provided further*, That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105-83: *Provided further*, That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105-83 for training and technical assistance programs: *Provided further*, That not to exceed \$19,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which \$5,750,000 shall be made available for a grant to a qualified non-profit multi-state regional technical assistance or-

ganization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than \$800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further*, That not to exceed \$15,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the amount appropriated under this heading, the amount equal to the amount of Rural Water and Waste Disposal Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act: *Provided further*, That \$10,000,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Costs Grants Account: *Provided further*, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of such Act be transferred to and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936) shall be made as follows: 5 percent rural electrification loans, \$100,000,000; loans made pursuant to section 306 of that Act, rural electric, \$6,500,000,000; guaranteed underwriting loans pursuant to section 313A, \$424,286,000; 5 percent rural telecommunications loans, \$145,000,000; cost of money rural telecommunications loans, \$250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$295,000,000.

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: \$594,000 for guaranteed underwriting loans authorized by section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c-1).

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$36,382,000, which shall

be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, \$282,686,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$28,570,000, to remain available until expended: *Provided*, That \$3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: *Provided further*, That \$3,000,000 shall be made available to those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, \$8,000,000, to remain available until expended: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, \$10,372,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, \$770,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$18,151,176,000, to remain available through September 30, 2013, of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: *Provided*, That the total amount available, \$1,000,000 shall be available to implement section 23 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq): *Provided further*, That section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by adding at the end before the period, "except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21".

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$6,582,497,000, to remain available through September 30, 2013: *Provided*, That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42

U.S.C. 1786(h)(10)), of the amounts made available under this heading, not less than \$60,000,000 shall be used for breast-feeding peer counselors and other related activities: *Provided further*, That funds made available for the purposes specified in section 17(h)(10)(B) shall only be made available upon a determination by the Secretary that funds are available to meet caseload requirements: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), \$80,402,722,000, of which \$3,000,000,000, to remain available through September 30, 2013, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That of the funds made available under this heading, \$1,000,000 may be used to provide nutrition education services to state agencies and Federally recognized tribes participating in the Food Distribution Program on Indian Reservations: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, notwithstanding section 16(h)(1) of the Food and Nutrition Act of 2008: *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$242,336,000, to remain available through September 30, 2013: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2011 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2013: *Provided further*, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, \$140,130,000: *Provided*, That \$2,000,000 shall be used for the purposes of section 4404 of Public Law 107-171, as amended by section 4401 of Public Law 110-246.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$176,347,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That funds made available for middle-income country training programs and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83-480) and the Food for Progress Act of 1985, \$2,666,000, shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses": *Provided*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83-480, as amended), for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,562,000,000, to remain available until expended.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), \$188,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT GUARANTEE PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export

guarantee program, GSM 102 and GSM 103, \$6,465,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$6,129,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$336,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$3,859,402,000: *Provided*, That of the amount provided under this heading, \$702,172,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2013 but collected in fiscal year 2012; \$57,605,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$21,768,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$5,706,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379f, and shall be credited to this account and shall remain available until expended; \$477,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s and shall be credited to this account and remain available until expended; \$12,364,000 shall be derived from food and feed recall fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act (Public Law 75-717), as amended by the Food Safety Modernization Act (Public Law 111-353), and shall be credited to this account and remain available until expended; \$14,700,000 shall be derived from food reinspection fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act (Public Law 75-717), as amended by the Food Safety Modernization Act (Public Law 111-353), and shall be credited to this account and remain available until expended; and \$71,066,000 shall be derived from voluntary qualified importer program fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act (Public Law 75-717), as amended by the Food Safety Modernization Act (Public Law 111-353), and shall be credited to this account and remain available until expended: *Provided further*, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees that exceed the fiscal year 2012 limitation are appropriated

and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, animal drug, animal generic drug, and tobacco product assessments for fiscal year 2012 received during fiscal year 2012, including any such fees assessed prior to fiscal year 2012 but credited for fiscal year 2012, shall be subject to the fiscal year 2012 limitations: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) \$944,979,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$978,205,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than \$52,947,000 shall be available for the Office of Generic Drugs; (3) \$328,886,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$166,365,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$356,659,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$60,039,000 shall be for the National Center for Toxicological Research; (7) \$454,751,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed \$133,879,000 shall be for Rent and Related activities, of which \$43,981,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed \$209,392,000 shall be for payments to the General Services Administration for rent; and (10) \$226,247,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Foods, the Office of Medical and Tobacco Products, the Office of Global and Regulatory Policy, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: *Provided further*, That not to exceed \$25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further*, That funds be may transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, and priority review user fees authorized by 21 U.S.C. 360n may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$8,982,000, to remain available until expended.

INDEPENDENT AGENCY

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$62,000,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not

apply to expenses associated with receiver-ships.

TITLE VII GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 204 passenger motor vehicles, of which 170 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 711 of this Act: *Provided further*, That of annual income amounts in the Working Capital Fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement and implementation of a financial management plan, information technology, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: *Provided further*, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the limitation on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose

of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 706. Hereafter, none of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 707. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over \$25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 708. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 and section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 709. Hereafter, notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 710. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SEC. 711. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of the fiscal year from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, 2013, for information technology expenses.

SEC. 712. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum amount of liquid infant formula specified in 7 C.F.R. 246.10 when issuing liquid infant formula to participants.

SEC. 713. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 714. In the case of each program established or amended by the Food, Conservation, and Energy Act of 2008 (Public Law 110-246), other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 715. Funds provided by this Act may be used notwithstanding the requirements of 7 U.S.C. 1736f(e)(1).

SEC. 716. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery: *Provided*, That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies in writing the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.

SEC. 717. Appropriations to the Department of Agriculture made available in fiscal years 2005, 2006, and 2007 to carry out section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) for the cost of direct loans shall remain available until expended to disburse valid obligations.

SEC. 718. None of the funds made available in fiscal year 2012 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of \$20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 719. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 720. Notwithstanding any other provision of law, school food authorities which received a grant for equipment assistance under the grant program carried out pursuant to the heading "Food and Nutrition Service Child Nutrition Programs" in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) shall be eligible to receive a grant under section 749 (j) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80).

SEC. 721. There is hereby appropriated \$1,996,000 to carry out section 1621 of Public Law 110-246.

SEC. 722. There is hereby appropriated \$600,000 to the Farm Service Agency to carry out a pilot program to demonstrate the use of new technologies that increase the rate of growth of re-forested hardwood trees on private non-industrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.

SEC. 723. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds, or in the case of the Department of Agriculture, through use of the authority provided by section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89-106 (7 U.S.C. 2263), that—

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes offices, programs, or activities; or
- (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Secretary of Agriculture or the Secretary of Health and Human Services (as the case may be) notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming or use of the authorities referred to in subsection (a) involving funds in excess of \$500,000 or 10 percent, whichever is less, that:

- (1) augments existing programs, projects, or activities;
- (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or
- (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Secretary of Agriculture or the Secretary of Health and Human Services (as the case may

be) notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(c) The Secretary of Agriculture or the Secretary of Health and Human Services shall notify in writing the Committees on Appropriations of both Houses of Congress before implementing any program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

(d) As described in this section, no funds may be used for any activities unless the Secretary of Agriculture or the Secretary of Health and Human Services receives in writing from the Committee on Appropriations of both Houses of Congress confirmation of receipt of the notification required in this section.

SEC. 724. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2013 appropriations Act.

SEC. 725. The Secretary may reserve, through April 1, 2012, up to 5 percent of the funding available for the following items for projects in areas that are engaged in strategic regional development planning as defined by the Secretary: business and industry guaranteed loans; rural development loan fund; rural business enterprise grants; rural business opportunity grants; rural economic development program; rural microenterprise program; biorefinery assistance program; rural energy for America program; value-added producer grants; broadband program; water and waste program; and rural community facilities program.

SEC. 726. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the following:

(1) The Conservation Stewardship Program authorized by sections 1238D–1238G of the Food Security Act of 1985 (16 U.S.C. 3838d–3838g) in excess of \$809,000,000;

(2) The Watershed Rehabilitation program authorized by section 14(h) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h));

(3) The Environmental Quality Incentives Program as authorized by sections 1240–1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–3839aa-8) in excess of \$1,400,000,000: *Provided*, That up to \$20,000,000 of the funds made available for the Environmental Quality Incentives Program as authorized by sections 1240–1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–3839aa(8)) may be transferred to a program as authorized by 16 U.S.C. 1301–1311 to enroll agricultural lands that experienced significant flooding, as determined by the Secretary, in calendar year 2011: *Provided further*, That no more than

\$10,000,000 may be used for agreements entered into with owners or operators in any one State;

(4) The Farmland Protection Program as authorized by section 1238I of the Food Security Act of 1985 (16 U.S.C. 3838i) in excess of \$150,000,000;

(5) The Grassland Reserve Program as authorized by sections 1238O–1238Q of the Food Security Act of 1985 (16 U.S.C. 3838o–3838q) in excess of 140,907 acres in fiscal year 2012;

(6) The Wetlands Reserve Program authorized by sections 1237–1237F of the Food Security Act of 1985 (16 U.S.C. 3837–3837f) to enroll in excess of 185,800 acres in fiscal year 2012;

(7) The Wildlife Habitat Incentives Act authorized by section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1)) in excess of \$50,000,000;

(8) The Voluntary Public Access and Habitat Incentives Program authorized by section 1240R of the Food Security Act of 1985 (16 U.S.C. 3839bb-5);

(9) The Bioenergy Program for Advanced Biofuels authorized by section 9005 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105) in excess of \$75,000,000;

(10) The Rural Energy for America Program authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107) in excess of \$34,000,000;

(11) Section 508(d)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(3)) to provide a performance-based premium discount in the crop insurance program;

(12) Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act, as amended (7 U.S.C. 1524) in excess of \$2,500,000 for the Natural Resources Conservation Service; and

(13) A program under subsection (b)(2)(A)(iv) of section 14222 of Public Law 110–246 in excess of \$948,000,000, as follows: Child Nutrition Programs Entitlement Commodity—\$465,000,000; State Option Contracts—\$5,000,000; Removal of Defective Commodities—\$2,500,000: *Provided*, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 in excess of \$20,000,000, including the transfer of funds under subsection (c) of section 14222 of Public Law 110–246, until October 1, 2012: *Provided further*, That \$133,000,000 made available on October 1, 2012, to carry out section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 shall be excluded from the limitation described in subsection (b)(2)(A)(v) of section 14222 of Public Law 110–246: *Provided further*, That none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture or officer of the Commodity Credit Corporation to carry out clause 3 of section 32 of the Agricultural Adjustment Act of 1935 (Public Law 74–320, 7 U.S.C. 612c, as amended), or for any surplus removal activities or price support activities under section 5 of the Commodity Credit Corporation Charter Act: *Provided further*, That of the available unobligated balances under (b)(2)(A)(iv) of section 14222 of Public Law 110–246, \$150,000,000 are hereby rescinded.

SEC. 727. Hereafter, notwithstanding section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the Secretary may assess a one-time fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent

of the guaranteed principal portion of the loan.

SEC. 728. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 729. (a) Clause (ii) of section 524(b)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)) is amended—

(1) in the heading, by striking “fiscal years 2008 through 2012” and inserting “certain fiscal years”; and

(2) in the text, by striking “2012” and inserting “2014”.

(b) Section 1238E(a) of the Food Security Act of 1985 (16 U.S.C. 3838e(a)) is amended by striking “2012” and inserting “2014”.

(c) Section 1240B(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa-2(a)) is amended by striking “2012” and inserting “2014”.

(d) Section 1241(a)(6)(E) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(6)(E)) is amended by striking “fiscal year 2012” and inserting “each of fiscal years 2012 through 2014”.

(e) Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “2012,” and inserting “2012 (and fiscal year 2014 in the case of the programs specified in paragraphs (3)(B), (4), (6), and (7)).”; and

(2) in paragraph (4)(E), by striking “fiscal year 2012” and inserting “each of fiscal years 2012 through 2014”.

(f) Section 1241(a)(7)(D) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(7)(D)) is amended by striking “2012” and inserting “2014”.

SEC. 730. Any unobligated funds included under Treasury symbol codes 12X3336, 12X2268, 12X0132, 12X2271, 12X2277, 12X1404, 12X1501, and 12X1336 are hereby rescinded.

SEC. 731. Of the unobligated balances provided pursuant to section 16(h)(1)(A) of the Food and Nutrition Act of 2008, \$11,000,000 are hereby rescinded.

SEC. 732. There is hereby appropriated for the “Emergency Conservation Program”, for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$78,000,000, to remain available until expended: *Provided*, That this amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended: *Provided further*, That there is hereby appropriated for the “Emergency Forest Restoration Program”, for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$49,000,000, to remain available until expended: *Provided further*, That this amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended: *Provided further*, That there is hereby appropriated for the “Emergency Watershed Protection Program”, for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$139,000,000, to remain available until expended: *Provided*

further, That this amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

SEC. 733. Unobligated balances not to exceed \$31,000,000 for the "Emergency Watershed Protection Program" provided in Public Law 108-199, Public Law 109-234, and Public Law 110-28 shall be available for the purposes of such program for disasters occurring in 2011, and shall remain available until expended: *Provided*, That the amounts made available by this section are designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012".

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$245,250 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$441,104,000, to remain available until September 30, 2013, of which \$9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: *Provided further*, That up to \$2,500,000 from amounts provided herein may

be available for necessary expenses of the Commercial Law Development Program, including those authorized under section 636(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(a)).

BUREAU OF INDUSTRY AND SECURITY OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$11,250 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$98,138,000, to remain available until expended, of which \$31,279,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 603 of the America COMPETES Reauthorization Act of 2010 (Public Law 111-358), \$220,000,000, to remain available until expended.

For an additional amount for "Economic Development Assistance Programs" for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$135,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$37,166,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976,

title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$29,732,000.

ECONOMIC AND STATISTICAL ANALYSIS SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$95,119,000.

BUREAU OF THE CENSUS SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$253,336,000: *Provided*, That from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, \$690,000,000, to remain available until September 30, 2013: *Provided*, That from amounts provided herein, funds may be used for additional promotion, outreach, and marketing activities: *Provided further*, That within the amounts appropriated, \$1,000,000 shall be transferred to the Office of the Inspector General for activities associated with carrying out investigations and audits related to the Bureau of the Census.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$45,568,000, to remain available until September 30, 2013: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are hereafter available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office

(USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, \$2,706,313,000 to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2012, so as to result in a fiscal year 2012 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2012, should the total amount of offsetting fee collections and the surcharge provided herein be less than \$2,706,313,000 this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of \$2,706,313,000 in fiscal year 2012 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: *Provided further*, That the Director of the Patent and Trademark Office shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That from amounts provided herein, not to exceed \$750 shall be made available in fiscal year 2012 for official reception and representation expenses: *Provided further*, That in fiscal year 2012 from the amounts made available for "Salaries and Expenses" for the USPTO, the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for PTO's specific use shall be recognized as an imputed cost on PTO's financial statements, where applicable: *Provided further*, That sections 801, 802, and 803 of division B, Public Law 108-447 shall remain in effect during fiscal year 2012: *Provided further*, That the Director may, this year, reduce by regulation fees payable for documents in patent and trademark matters, in connection with the filing of documents filed electronically in a form prescribed by the Director: *Provided further*, That there shall be a surcharge of 15 percent, as provided for by section 11(i) of the Leahy-Smith America Invents Act: *Provided further*, That hereafter the Director shall reduce fees for providing prioritized examination of utility and plant patent applications by 50 percent for small entities that qualify for reduced fees under 35 U.S.C.

41(h)(1), so long as the fees of the prioritized examination program are set to recover the estimated cost of the program: *Provided further*, That the receipts collected as a result of these surcharges shall be available within the amounts provided herein to the United States Patent and Trademark Office without fiscal year limitation, for all authorized activities and operations of the Office: *Provided further*, That within the amounts appropriated, \$1,000,000 shall be transferred to the Office of Inspector General for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY
SCIENTIFIC AND TECHNICAL RESEARCH AND
SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$500,000,000, to remain available until expended, of which not to exceed \$9,000,000 may be transferred to the "Working Capital Fund": *Provided*, That not to exceed \$5,000 shall be for official reception and representation expenses.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Industrial Technology Services, \$120,000,000 to remain available until expended: *Provided*, That of the amounts appropriated herein, \$120,000,000 shall be for the Hollings Manufacturing Extension Partnership.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$60,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$3,134,327,000, to remain available until September 30, 2013, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2014: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, \$109,098,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That of the \$3,250,425,000 provided for in direct obligations under this heading \$3,134,327,000 is appropriated from the general fund, and \$109,098,000 is provided by transfer and \$7,000,000 is derived from recoveries of prior year obligations: *Provided further*, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed \$41,105,000: *Provided further*, That the total amount available for the National Oceanic and Atmospheric Administration corporate services

administrative support costs shall not exceed \$219,291,000: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration (NOAA), \$1,833,594,000, to remain available until September 30, 2014, except funds provided for construction of facilities which shall remain available until expended: *Provided*, That of the \$1,841,594,000 provided for in direct obligations under this heading, \$1,833,594,000 is appropriated from the general fund and \$8,000,000 is provided from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each NOAA Procurement, Acquisition or Construction project having a total of more than \$5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

PACIFIC COASTAL SALMON RECOVERY FUND

For necessary expenses associated with the restoration of Pacific salmon populations, \$65,000,000, to remain available until September 30, 2013: *Provided*, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and Federally recognized tribes of the Columbia River and Pacific Coast (including Alaska) for projects necessary for conservation of salmon and steelhead populations, for restoration of populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind

contributions of at least 33 percent of the Federal funds.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$350,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2012, obligations of direct loans may not exceed \$24,000,000 for Individual Fishing Quota loans and not to exceed \$59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: *Provided*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$5,000 for official reception and representation, \$56,726,000.

RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of Department of Commerce facilities, \$5,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended), \$26,946,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating

funds for the Department of Commerce: *Provided further*, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. The requirements set forth by section 112 of division B of Public Law 110-161 are hereby adopted by reference.

SEC. 106. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to \$200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 107. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 108. The administration of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 109. All balances in the Coastal Zone Management Fund, whether unobligated or unavailable, are hereby permanently cancelled, and notwithstanding section 308(b) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456a), any future payments to the Fund made pursuant to sections 307 (16 U.S.C. 1456) and 308 (16 U.S.C.

1456a) of the Coastal Zone Management Act of 1972, as amended, shall, in this fiscal year and any future fiscal years, be treated in accordance with the Federal Credit Reform Act of 1990, as amended.

SEC. 110. There is established in the Treasury a non-interest bearing fund to be known as the "Fisheries Enforcement Asset Forfeiture Fund", which shall consist of all sums received as fines, penalties, and forfeitures of property for violations of any provisions of 16 U.S.C. chapter 38 or of any other marine resource law enforced by the Secretary of Commerce, including the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) and with the exception of collections pursuant to 16 U.S.C. 1437, which are currently deposited in the Operations, Research, and Facilities account: *Provided*, That all unobligated balances that have been collected pursuant to 16 U.S.C. 1861 or any other marine resource law enforced by the Secretary of Commerce with the exception of 16 U.S.C. 1437 shall be transferred from the Operations, Research, and Facilities account into the Fisheries Enforcement Asset Forfeiture Fund and shall remain available until expended.

SEC. 111. There is established in the Treasury a non-interest bearing fund to be known as the "Sanctuaries Enforcement Asset Forfeiture Fund", which shall consist of all sums received as fines, penalties, and forfeitures of property for violations of any provisions of 16 U.S.C. chapter 38, which are currently deposited in the Operations, Research, and Facilities account: *Provided*, That all unobligated balances that have been collected pursuant to 16 U.S.C. 1437 shall be transferred from the Operations, Research, and Facilities account into the Sanctuaries Enforcement Asset Forfeiture Fund and shall remain available until expended.

SEC. 112. Notwithstanding any other provision of law, the National Oceanic and Atmospheric Administration is authorized to receive and expend funds made available by any Federal agency, State or subdivision thereof, public or private organization, or individual to carry out any statute administered by the National Oceanic and Atmospheric Administration: *Provided*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 113. (a) The Secretary of State shall ensure participation in the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean ("Commission") and its subsidiary bodies by American Samoa, Guam, and the Northern Mariana Islands (collectively, the U.S. Participating Territories) to the same extent provided to the territories of other nations.

(b) The U.S. Participating Territories are each authorized to use, assign, allocate, and manage catch limits of highly migratory fish stocks, or fishing effort limits, agreed to by the Commission for the participating territories of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, through arrangements with U.S. vessels with permits issued under the Pelagics Fishery Management Plan of the Western Pacific Region. Vessels under such arrangements are integral to the domestic fisheries of the U.S. Participating Territories provided that such arrangements shall impose no requirements regarding where

such vessels must fish or land their catch and shall be funded by deposits to the Western Pacific Sustainable Fisheries Fund in support of fisheries development projects identified in a Territory's Marine Conservation Plan and adopted pursuant to section 204 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1824). The Secretary of Commerce shall attribute catches made by vessels operating under such arrangements to the U.S. Participating Territories for the purposes of annual reporting to the Commission.

(c) The Western Pacific Regional Fisheries Management Council—

(1) is authorized to accept and deposit into the Western Pacific Sustainable Fisheries Fund funding for arrangements pursuant to subsection (b);

(2) shall use amounts deposited under paragraph (1) that are attributable to a particular U.S. Participating Territory only for implementation of that Territory's Marine Conservation Plan adopted pursuant to section 204 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1824); and

(3) shall recommend an amendment to the Pelagics Fishery Management Plan for the Western Pacific Region, and associated regulations, to implement this section.

(d) Subsection (b) shall remain in effect until such time as—

(1) the Western Pacific Regional Fishery Management Council recommends an amendment to the Pelagics Fishery Management Plan for the Western Pacific Region, and implementing regulations, to the Secretary of Commerce that authorize use, assignment, allocation, and management of catch limits of highly migratory fish stocks, or fishing effort limits, established by the Commission and applicable to U.S. Participating Territories;

(2) the Secretary of Commerce approves the amendment as recommended; and

(3) such implementing regulations become effective.

This title may be cited as the "Department of Commerce Appropriations Act, 2012".

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$115,886,000, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: *Provided*, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: *Provided further*, That \$18,903,000 is for Department Leadership; \$8,311,000 is for Intergovernmental Relations/External Affairs; \$12,925,000 is for Executive Support/Professional Responsibility; and \$75,747,000 is for the Justice Management Division: *Provided further*, That any change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: *Provided further*, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

NATIONAL DRUG INTELLIGENCE CENTER

For necessary expenses of the National Drug Intelligence Center, including reimbursement of Air Force personnel for the National Drug Intelligence Center to support the Department of Defense's counter-drug in-

telligence responsibilities, \$20,000,000: *Provided*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counterterrorism, and national security investigations and operations.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, \$47,000,000, to remain available until expended.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nationwide Integrated Wireless Network supporting Federal law enforcement communications, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, \$87,000,000, to remain available until expended: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, \$294,082,000, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, \$1,563,453,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That not to exceed \$20,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$84,199,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, \$12,577,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$846,099,000, of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed \$7,500 shall be available to INTERPOL Washington for official

reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): *Provided further*, That of the amounts provided under this heading for the election monitoring program \$3,390,000, shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$159,587,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be \$108,000,000 in fiscal year 2012), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at \$51,587,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, \$1,891,532,000: *Provided*, That of the total amount appropriated, not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$25,000,000 shall remain available until expended: *Provided further*, That of the amount provided under this heading, not less than \$43,184,000 shall be used for salaries and expenses for assistant U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) concerning the prosecution of offenses relating to the sexual exploitation of children.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, \$234,115,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That,

notwithstanding any other provision of law, \$234,115,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the Fund estimated at \$0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, \$2,071,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$270,000,000, to remain available until expended: *Provided*, That not to exceed \$10,000,000 may be made available for construction of buildings for protected witness safehouses: *Provided further*, That not to exceed \$3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: *Provided further*, That not to exceed \$11,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$11,227,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), \$20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,101,041,000; of which not to exceed \$6,000 shall be available for official reception and representation expenses; and of which not to exceed \$20,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$12,000,000, to remain available until expended; of which not less than \$9,696,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling.

NATIONAL SECURITY DIVISION SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, \$86,007,000; of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$516,962,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, \$7,785,000,000, of which not to exceed \$150,000,000 shall remain available until expended: *Provided*, That not to exceed \$153,750 shall be available for official reception and representation expenses.

CONSTRUCTION

For all necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of Federally owned buildings; and preliminary planning and design of projects; \$75,000,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, \$1,900,084,000; of which not to exceed \$75,000,000 shall remain available until expended; and of which not to exceed \$75,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information

technology requirements, related to construction or acquisition of buildings; and operation and maintenance of secure work environment facilities and secure networking capabilities; \$10,000,000, to remain available until expended.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed \$30,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,090,292,000, of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which not to exceed \$20,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of "Curios or relics" in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2012: *Provided further*, That, beginning in fiscal year 2012 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall

not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 835, of which 808 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$6,589,781,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed \$4,500 shall be available for official reception and representation expenses: *Provided further*, That not to

exceed \$50,000,000 shall remain available for necessary operations until September 30, 2013: *Provided further*, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$90,000,000, to remain available until expended, of which not less than \$66,965,000 shall be available only for modernization, maintenance and repair, and of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That none of the funds provided under this heading in this or any prior Act shall be available for the acquisition of any facility that is to be used wholly or in part for the incarceration or detention of any individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other

property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) ("the 2000 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); and for related victims services, \$417,663,000, to remain available until expended: *Provided*, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided—

(1) \$194,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act, of which, notwithstanding such part T, \$10,000,000 shall be available for programs relating to children exposed to violence;

(2) \$25,000,000 is for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act;

(3) \$3,000,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(4) \$10,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: *Provided*, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303 and 41305 of the 1994 Act shall be available for this program: *Provided further*, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act;

(5) \$45,913,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which \$5,000,000 is for a homicide initiative;

(6) \$25,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) \$34,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) \$9,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) \$45,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) \$4,000,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(11) \$11,250,000 is for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(12) \$5,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) \$4,000,000 is for the court training and improvements program, as authorized by section 41002 of the 1994 Act, of which \$1,000,000 is to be used for a family court initiative;

(14) \$1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(15) \$1,000,000 is for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act; and

(16) \$500,000 is for the Office on Violence Against Women to establish a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office on Violence Against Women, \$20,580,000.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION, AND STATISTICS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Juvenile Justice and Delinquency Prevention Act of 1974 (“the 1974 Act”); the Missing Children’s Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Justice for All Act of 2004 (Public Law 108-405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) (“the 2005 Act”); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Second Chance Act of 2007 (Public Law 110-199); the Victims of Crime Act of 1984 (Public Law 98-473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) (“the Adam Walsh Act”); the PROTECT Our Children Act of 2008 (Public Law 110-401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) (“the 2002 Act”); and other programs; \$121,000,000, to remain available until expended, of which—

(1) \$45,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which \$36,000,000 is for the administration and redesign of the National Crime Victimization Survey;

(2) \$40,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act: *Provided*, That of the amounts provided under this heading, \$5,000,000 is transferred directly to the National Institute of Standards and Technology’s Office of Law Enforcement Standards from the National Institute of Justice for research, testing and evaluation programs;

(3) \$1,000,000 is for an evaluation clearinghouse program; and

(4) \$35,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) (“the 1994 Act”); the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Justice for All Act of 2004 (Public Law 108-405); the Victims of Child Abuse Act of 1990 (Public Law 101-647) (“the 1990 Act”); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) (“the 2005 Act”); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) (“the Adam Walsh Act”); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) (“the 2002 Act”); the Second Chance Act of 2007 (Public Law 110-199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110-403); the Victims of Crime Act of 1984 (Public Law 98-473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416); and other programs; \$1,063,498,000, to remain available until expended as follows—

(1) \$395,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of title I of the 1968 Act shall not apply for purposes of this Act); and, notwithstanding such subpart 1, to support innovative, place-based, evidence-based approaches to fighting crime and improving public safety, of which \$3,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, \$4,000,000 is for a State and local assistance help desk and diagnostic center program, \$5,000,000 is for a program to improve State, local and tribal probation supervision efforts and strategies, and \$3,000,000 is for a Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative (VALOR): *Provided*, That funds made available under this heading may be used at the discretion of the Assistant Attorney General for the Office of Justice Programs to train Federal law enforcement under the VALOR Officer Safety Training Initiative;

(2) \$273,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) \$20,000,000 for the Northern and Southwest Border Prosecutor Initiatives to reimburse State, county, parish, tribal or municipal governments for costs associated with

the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) \$21,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

(5) \$10,500,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386 and for programs authorized under Public Law 109-164: *Provided*, That no less than \$4,690,000 shall be for victim services grants for foreign national victims of trafficking;

(6) \$35,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(7) \$9,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416);

(8) \$10,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(9) \$4,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108-405;

(10) \$10,000,000 for economic, high technology and Internet crime prevention grants, as authorized by section 401 of Public Law 110-403;

(11) \$5,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110-315;

(12) \$23,000,000 for activities, including sex offender management assistance, authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103-322);

(13) \$10,000,000 for an initiative relating to children exposed to violence;

(14) \$20,000,000 for an Edward Byrne Memorial criminal justice innovation program;

(15) \$24,850,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That \$1,500,000 is transferred directly to the National Institute of Standards and Technology’s Office of Law Enforcement Standards for research, testing and evaluation programs;

(16) \$1,000,000 for the National Sex Offender Public Web site;

(17) \$10,000,000 for competitive and evidence-based programs to reduce gun crime and gang violence;

(18) \$10,000,000 for grants to assist State and tribal governments as authorized by the NICS Improvement Amendments Act of 2007 (Public Law 110-180);

(19) \$8,000,000 for the National Criminal History Improvement Program for grants to upgrade criminal records;

(20) \$15,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(21) \$131,000,000 for DNA-related and forensic programs and activities, of which—

(A) \$123,000,000 is for the purposes of DNA analysis and DNA capacity enhancement as defined in the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program), of which not less than \$85,500,000 is to be used for grants to crime laboratories for purposes under 42 U.S.C. 14135, section (a); not less than \$11,000,000 is to be used for the purposes of the Solving Cold Cases with DNA Grant Program; not less than \$11,000,000 is to be used to audit and report on the extent of the

backlog; and the remainder of funds appropriated under this paragraph may be used to support training programs specific to the needs of DNA laboratory personnel, and for programs outlined in sections 303, 304, 305 and 308 of Public Law 108-405;

(B) \$4,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108-405, section 412); and

(C) \$4,000,000 is for Sexual Assault Forensic Exam Program Grants as authorized by section 304 of Public Law 108-405.

(22) \$2,500,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(23) \$1,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(24) \$3,000,000 for grants and technical assistance in support of the National Forum on Youth Violence Prevention:

Provided, That if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110-401); and other juvenile justice programs, \$251,000,000, to remain available until expended as follows—

(1) \$45,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(2) \$55,000,000 for youth mentoring grants;

(3) \$33,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) \$15,000,000 shall be for the Tribal Youth Program;

(B) \$8,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities; and

(C) \$10,000,000 shall be for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(4) \$20,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(5) \$30,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State;

(6) \$8,000,000 for community-based violence prevention initiatives; and

(7) \$60,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act: *Provided*, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office of Justice Programs, \$118,572,000.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs, which amounts shall be paid to the "Salaries and Expenses" account), to remain available until expended; and \$16,300,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to "Public Safety Officer Benefits" from available appropriations for the current fiscal year for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"), \$231,500,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided:

(1) \$1,500,000 is for research, testing, and evaluation programs regarding law enforcement technologies and interoperable communications, and related law enforcement and public safety equipment, which shall be transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office;

(2) \$10,000,000 is for anti-methamphetamine-related activities, which shall be transferred to the Drug Enforcement Administration upon enactment of this Act;

(3) \$20,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities; and

(4) \$200,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C.

3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: *Provided*, That notwithstanding subsection (g) of the 1968 Act (42 U.S.C. 3796dd), the Federal share of the costs of a project funded by such grants may not exceed 75 percent unless the Director of the Office of Community Oriented Policing Services waives, wholly or in part, the requirement of a non-Federal contribution to the costs of a project: *Provided further*, That notwithstanding 42 U.S.C. 3796dd-3(c), funding for hiring or rehiring a career law enforcement officer may not exceed \$125,000, unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: *Provided further*, That within the amounts appropriated, \$28,000,000 shall be used for the hiring and rehiring of tribal law enforcement officers: *Provided further*, That within the amounts appropriated, \$10,000,000 is for community policing development activities.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Community Oriented Policing Services Office, \$24,500,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. The Attorney General is authorized to extend through September 30, 2013, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107-296 (28 U.S.C. 599B) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102-395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 214. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this Act under the headings for "Research Evaluation and Statistics", "State and Local Law Enforcement Assistance", and "Juvenile Justice Programs"—

(1) Up to 3 percent of funds made available for grant or reimbursement programs may be used to provide training and technical assistance;

(2) Up to 3 percent of funds made available for grant or reimbursement programs under

such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation or statistical purposes, without regard to the authorizations for such grant or reimbursement programs, and of such amounts, \$1,300,000 shall be transferred to the Bureau of Prisons for Federal inmate research and evaluation purposes; and

(3) 7 percent of funds made available for grant or reimbursement programs:

(A) under the heading "State and Local Law Enforcement Assistance"; or

(B) under the headings "Research, Evaluation and Statistics" and "Juvenile Justice Programs", to be transferred to and merged with funds made available under the heading "State and Local Law Enforcement Assistance", shall be available for tribal criminal justice assistance without regard to the authorizations for such grant or reimbursement programs.

SEC. 215. Notwithstanding any other provision of law, section 20109(a), in subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)), shall not apply to amounts made available by this title.

SEC. 216. Section 530A of title 28, United States Code, is hereby amended by replacing "appropriated" with "used from appropriations", and by inserting "(2)," before "(3)".

SEC. 217. (a) Within 30 days of enactment of this Act, the Attorney General shall report to the Committees on Appropriations of the House of Representatives and the Senate a cost and schedule estimate for the final operating capability of the Federal Bureau of Investigation's Sentinel program, including the costs of Bureau employees engaged in development work, the costs of operating and maintaining Sentinel for 2 years after achievement of the final operating capability, and a detailed list of the functionalities included in the final operating capability compared to the functionalities included in the previous program baseline.

(b) The report described in subsection (a) shall be submitted concurrently to the Department of Justice Office of Inspector General (OIG) and, within 60 days of receiving such report, the OIG shall provide an assessment of such report to the Committees on Appropriations of the House of Representatives and the Senate.

This title may be cited as the "Department of Justice Appropriations Act, 2012".

TITLE III SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601-6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,100 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$6,000,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities,

including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$5,100,000,000, to remain available until September 30, 2013, of which up to \$10,000,000 shall be available for a reimbursable agreement with the Department of Energy for the purpose of re-establishing facilities to produce fuel required for radio-isotope thermoelectric generators to enable future missions: *Provided*, That the development cost (as defined under 51 U.S.C. 30104) for the James Webb Space Telescope shall not exceed \$8,000,000,000: *Provided further*, That should the individual identified under subparagraph (c)(2)(E) of section 30104 of title 51 as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104 of title 51.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$501,000,000, to remain available until September 30, 2013.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space research and technology development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$637,000,000, to remain available until September 30, 2013.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,775,000,000, to remain available until September 30, 2013: *Provided*, That not

less than \$1,200,000,000 shall be for the Orion multipurpose crew vehicle, not less than \$1,800,000,000 shall be for the heavy lift launch vehicle system which shall have a lift capacity not less than 130 tons and which shall have an upper stage and other core elements developed simultaneously, \$500,000,000 shall be for commercial spaceflight activities, and \$275,000,000 shall be for exploration research and development: *Provided further*, That \$192,600,000 of the funds provided for commercial spaceflight activities shall only be available after the NASA Administrator certifies to the Committees on Appropriations, in writing, that NASA has published the required notifications of NASA contract actions implementing the acquisition strategy for the heavy lift launch vehicle system identified in section 302 of Public Law 111-267 and has begun to execute relevant contract actions in support of development of the heavy lift launch vehicle system: *Provided further*, That funds made available under this heading within this Act may be transferred to "Construction and Environmental Compliance and Restoration" for construction activities related to the Orion multipurpose crew vehicle and the heavy lift launch vehicle system: *Provided further*, That funds so transferred shall be subject to the 5 percent but shall not be subject to the 10 percent transfer limitation described under the Administrative Provisions in this Act for the National Aeronautics and Space Administration, shall be available until September 30, 2017, and shall be treated as a reprogramming under section 505 of this Act.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$4,285,000,000, to remain available until September 30, 2013: *Provided*, That of the amounts provided under this heading, not more than \$650,900,000 shall be for Space Shuttle operations, production, research, development, and support, not more than \$2,803,500,000 shall be for International Space Station operations, production, research, development, and support, not more than \$168,000,000 shall be for the 21st Century Launch Complex, and not more than \$662,600,000 shall be for Space and Flight Support: *Provided further*, That funds made available under this heading for 21st Century Launch Complex may be transferred to "Construction and Environmental Compliance and Restoration" for construction activities only at NASA-owned facilities: *Provided further*, That funds so transferred shall not be subject to the transfer limitations described in the Administrative Provisions in this Act for the National Aeronautics and Space Administration, shall be available until September 30, 2017, and shall be treated as a reprogramming under section 505 of this Act.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and develop-

ment activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$138,400,000, to remain available until September 30, 2013.

CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$52,500 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,043,073,000: *Provided*, That not less than \$39,100,000 shall be available for independent verification and validation activities: *Provided further*, That contracts may be entered into under this heading in fiscal year 2012 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, \$422,000,000, to remain available until September 30, 2017: *Provided*, That hereafter, notwithstanding section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j), all proceeds from leases entered into under that section shall be deposited into this account and shall be available for a period of 5 years, to the extent provided in annual appropriations Acts: *Provided further*, That such proceeds shall be available for obligation for fiscal year 2012 in an amount not to exceed \$3,960,000: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$37,300,000.

ADMINISTRATIVE PROVISIONS

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with

and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The unexpired balances of previous accounts, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

Section 40902 of title 51, United States Code, is amended by adding at the end the following:

"(d) AVAILABILITY OF FUNDS.—The interest accruing from the National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund principal shall be available in fiscal year 2012 for the purpose of the Endeavor Science Teacher Certificate Program."

Section 20145(b)(1) of title 51 is amended by inserting "(A)" before "A person" and adding at the end thereof the following new subparagraph (B) as follows:

"(B) Notwithstanding subparagraph (A), the Administrator may accept in-kind consideration for leases entered into for the purpose of developing renewable energy production facilities."

The spending plan required by section 540 of this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$5,443,000,000, to remain available until September 30, 2013, of which not to exceed \$550,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That not less than \$146,830,000 shall be available for activities authorized by section 7002(c)(2)(A)(iv) of Public Law 110-69: *Provided further*, That up to \$100,000,000 of funds made available under this heading within this Act may be transferred to "Major Research Equipment and Facilities Construction": *Provided further*, That funds so transferred shall not be subject to the transfer limitations described in the Administrative Provisions in this Act for the National

Science Foundation, and shall be available until expended only after notification of such transfer to the Committees on Appropriations.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including authorized travel, \$117,055,000, to remain available until expended: *Provided*, That none of the funds may be used to reimburse the Judgment Fund.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, \$829,000,000, to remain available until September 30, 2013: *Provided*, That not less than \$54,890,000 shall be available until expended for activities authorized by section 7030 of Public Law 110-69.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$6,900 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$290,400,000: *Provided*, That contracts may be entered into under this heading in fiscal year 2012 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86-209 (42 U.S.C. 1880 et seq.), \$4,440,000: *Provided*, That not to exceed \$2,100 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$14,200,000.

ADMINISTRATIVE PROVISION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

This title may be cited as the "Science Appropriations Act, 2012".

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,193,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by 42 U.S.C. 1975a: *Provided further*, That there shall be an Inspector General at the Commission on Civil Rights who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: *Provided further*, That an individual appointed to the position of Inspector General of the Equal Employment Opportunity Commission (EEOC) shall, by virtue of such appointment, also hold the position of Inspector General of the Commission on Civil Rights: *Provided further*, That the Inspector General of the Commission on Civil Rights shall utilize personnel of the Office of Inspector General of EEOC in performing the duties of the Inspector General of the Commission on Civil Rights, and shall not appoint any individuals to positions within the Commission on Civil Rights: *Provided further*, That of the amounts made available in this paragraph, \$800,000 shall be transferred directly to the Office of Inspector General of EEOC upon enactment of this Act for salaries and expenses necessary to carry out the duties of the Inspector General of the Commission on Civil Rights.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110-233), the ADA Amendments Act of 2008 (Public Law 110-325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111-2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and nonmonetary awards to private citizens, \$329,837,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$1,875 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For payments to State and local enforcement agencies for authorized services to the Commission, \$29,400,000.

INTERNATIONAL TRADE COMMISSION SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$1,875 for official reception and representation expenses, \$80,062,000, to remain available until expended.

LEGAL SERVICES CORPORATION PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$396,106,000, of which \$370,506,000 is for basic field programs and required independent audits; \$4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2011 and 2012, respectively.

Section 504 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104-134) is amended:

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after ")" the following: "that uses Federal funds (or funds from any source with regard to paragraphs (14) and (15) in a manner";

(2) by striking subsection (d); and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

MARINE MAMMAL COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, \$3,025,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$46,775,000, of which \$1,000,000 shall remain available until

expended: *Provided*, That not to exceed \$93,000 shall be available for official reception and representation expenses.

STATE JUSTICE INSTITUTE
SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) \$5,019,000, of which \$500,000 shall remain available until September 30, 2013: *Provided*, That not to exceed \$1,875 shall be available for official reception and representation expenses.

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT
SALARIES AND EXPENSES

For necessary expenses to carry out the activities of the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent, as authorized by section 541 of this Act, \$1,700,000 shall be available until expended.

TITLE V
GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that—

(1) creates or initiates a new program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(5) reorganizes or renames offices, programs or activities, unless the House and

Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(8) augments funds for existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds; or

(9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds in provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act result-

ing from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of \$705,000,000 shall not be available for obligation until the following fiscal year.

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces

for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may

be used to issue patents on claims directed to or encompassing a human organism.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding \$500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR

section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than \$75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under

the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

(RESCISSIONS)

SEC. 529. (a) Of the unobligated balances available to the Department of Commerce, the following funds are hereby rescinded, not later than September 30, 2012, from the following account in the specified amount:

(1) “National Telecommunications and Information Administration, Information Infrastructure Grants”, \$2,000,000; and

(2) “National Oceanic and Atmospheric Administration, Foreign Fishing Observer Fund”, \$350,000.

(b) Of the amounts made available under section 3010 of the Deficit Reduction Act of 2005 (47 U.S.C. 309 note), \$4,300,000 in unobligated balances are hereby rescinded.

(c) Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are hereby rescinded, not later than September 30, 2012, from the following accounts in the specified amounts—

(1) “Working Capital Fund”, \$40,000,000;

(2) “Legal Activities, Assets Forfeiture Fund”, \$620,000,000;

(3) “United States Marshals Service, Salaries and Expenses”, \$7,200,000;

(4) “Drug Enforcement Administration, Salaries and Expenses”, \$30,000,000;

(5) “Federal Prison System, Buildings and Facilities”, \$35,000,000;

(6) “Office of Justice Programs”, \$42,600,000;

(7) “Community Oriented Policing Services”, \$10,200,000; and

(8) “Office on Violence Against Women”, \$5,000,000.

(d) Within 30 days of enactment of this Act, the Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

(e) The rescissions contained in this section shall not apply to funds provided in this Act.

SEC. 530. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contraven-

tion of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 531. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

SEC. 532. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 533. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 534. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 535. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are “Energy Star” qualified or have the “Federal Energy Management Program” designation.

SEC. 536. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States Government receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 537. None of the funds made available in this Act may be used to relocate the Bureau of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

SEC. 538. (a) The head of any department, agency, board or commission funded by this Act shall submit quarterly reports to the Inspector General, or the senior ethics official for any entity without an inspector general, of the appropriate department, agency, board or commission regarding the costs and contracting procedures relating to each conference held by the department, agency, board or commission during fiscal year 2012 for which the cost to the Government was more than \$20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the department, agency, board or commission in evaluating potential contractors for that conference.

SEC. 539. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 540. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation are directed to submit spending plans, signed by the respective department or agency head, to the House and Senate Committees on Appropriations within 30 days of enactment of this Act.

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT

SEC. 541. (a) FINDINGS.—Based on a preliminary study published in December 1982 by the Commission on Wartime Relocation and Internment of Civilians, Congress finds the following:

(1) During World War II, the United States—

(A) expanded its internment program and national security investigations to conduct the program and investigations in Latin America; and

(B) financed relocation to the United States, and internment, of approximately 2,300 Latin Americans of Japanese descent, for the purpose of exchanging the Latin Americans of Japanese descent for United States citizens held by Axis countries.

(2) Approximately 2,300 men, women, and children of Japanese descent from 13 Latin American countries were held in the custody

of the Department of State in internment camps operated by the Immigration and Naturalization Service from 1941 through 1948.

(3) Those men, women, and children either—

(A) were arrested without a warrant, hearing, or indictment by local police, and sent to the United States for internment; or

(B) in some cases involving women and children, voluntarily entered internment camps to remain with their arrested husbands, fathers, and other male relatives.

(4) Passports held by individuals who were Latin Americans of Japanese descent were routinely confiscated before the individuals arrived in the United States, and the Department of State ordered United States consuls in Latin American countries to refuse to issue visas to the individuals prior to departure.

(5) Despite their involuntary arrival, Latin American internees of Japanese descent were considered to be and treated as illegal entrants by the Immigration and Naturalization Service. Thus, the internees became illegal aliens in United States custody who were subject to deportation proceedings for immediate removal from the United States. In some cases, Latin American internees of Japanese descent were deported to Axis countries to enable the United States to conduct prisoner exchanges.

(6) Approximately 2,300 men, women, and children of Japanese descent were relocated from their homes in Latin America, detained in internment camps in the United States, and in some cases, deported to Axis countries to enable the United States to conduct prisoner exchanges.

(7) The Commission on Wartime Relocation and Internment of Civilians studied Federal actions conducted pursuant to Executive Order 9066 (relating to authorizing the Secretary of War to prescribe military areas). Although the United States program of interning Latin Americans of Japanese descent was not conducted pursuant to Executive Order 9066, an examination of that extraordinary program is necessary to establish a complete account of Federal actions to detain and intern civilians of enemy or foreign nationality, particularly of Japanese descent. Although historical documents relating to the program exist in distant archives, the Commission on Wartime Relocation and Internment of Civilians did not research those documents.

(8) Latin American internees of Japanese descent were a group not covered by the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.), which formally apologized and provided compensation payments to former Japanese Americans interned pursuant to Executive Order 9066.

(b) PURPOSE.—The purpose of this section is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(c) ESTABLISHMENT OF THE COMMISSION.—

(1) IN GENERAL.—There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this section as the “Commission”).

(2) COMPOSITION.—The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this section, of whom—

(A) 3 members shall be appointed by the President;

(B) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(C) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4) MEETINGS.—

(A) FIRST MEETING.—The President shall call the first meeting of the Commission not later than the later of—

(i) 60 days after the date of enactment of this section; or

(ii) 30 days after the date of enactment of legislation making appropriations to carry out this section.

(B) SUBSEQUENT MEETINGS.—Except as provided in subparagraph (A), the Commission shall meet at the call of the Chairperson.

(5) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(6) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

(d) DUTIES OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall—

(A) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(i) to investigate and determine facts and circumstances surrounding the United States’ relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(ii) in investigating those facts and circumstances, to review directives of the United States Armed Forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(B) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(2) REPORT.—Not later than 1 year after the date of the first meeting of the Commission pursuant to subsection (c)(4)(A), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under paragraph (1)(A) and recommendations described in paragraph (1)(B).

(e) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this section—

(A) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the

Commission or such subcommittee or member considers advisable; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(2) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(A) ISSUANCE.—Subpoenas issued under paragraph (1) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(B) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(3) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(4) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) PERSONNEL AND ADMINISTRATIVE PROVISIONS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United

States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(6) **OTHER ADMINISTRATIVE MATTERS.**—The Commission may—

(A) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(B) enter into contracts to procure supplies, services, and property; and

(C) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

(g) **TERMINATION.**—The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under subsection (d)(2).

(h) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(2) **AVAILABILITY.**—Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.

This Act may be cited as the “Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012”.

DIVISION C—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$102,202,000, of which not to exceed \$2,618,000 shall be available for the immediate Office of the Secretary; not to exceed \$981,000 shall be available for the Immediate Office of the Deputy Secretary; not to exceed \$19,515,000 shall be available for the Office of the General Counsel; not to exceed \$11,004,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$10,538,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,544,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$25,469,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,046,000 shall be available for the Office of Public Affairs; not to exceed \$1,649,000 shall

be available for the Office of the Executive Secretariat; not to exceed \$1,492,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$10,578,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$13,768,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, \$550,000,000, to remain available through September 30, 2013: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: *Provided further*, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: *Provided further*, That the Secretary may use up to 35 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: *Provided further*, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: *Provided further*, That a grant funded under this heading shall be not less than \$10,000,000 and not greater than \$200,000,000: *Provided further*, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: *Provided further*, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: *Provided further*, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: *Provided further*, That not less than \$120,000,000 of the funds provided under this heading shall be for projects located in rural areas: *Provided further*, That for projects lo-

cated in rural areas, the minimum grant size shall be \$1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: *Provided further*, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further*, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: *Provided further*, That the Secretary may retain up to \$25,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants and credit assistance made under this heading.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, \$4,990,000, to remain available through September 30, 2013.

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, implementation of enhanced security controls on network devices, and enhancement of cyber security workforce training tools, \$10,000,000, to remain available through September 30, 2013.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,648,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$9,000,000.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$147,596,000 shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, \$351,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available

to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$570,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,068,000, to remain available until September 30, 2013: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, \$143,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That no funds made available under section 41742 of title 49, United States Code, and no funds made available in this Act or any other Act in any fiscal year, shall be available to carry out the essential air service program under sections 41731 through 41742 of such title 49 in communities in the 48 contiguous States unless the community received subsidized essential air service or received a 90-day notice of intent to terminate service and the Secretary required the air carrier to continue to provide service to the community at any time between September 30, 2010, and September 30, 2011, inclusive: *Provided further*, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under subsection 41732(b)(3) of title 49, United States Code: *Provided further*, That if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 103. The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

(RESCISSION)

SEC. 104. Of the amounts made available by section 185 of Public Law 109-115, all unobli-

gated balances as of the date of enactment of this Act are hereby rescinded.

SEC. 105. Notwithstanding section 3324 of title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109-59: *Provided*, That the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high-quality performance under the contract.

SEC. 106. The Secretary shall post on the Web site of the Department of Transportation a schedule of all meetings of the Credit Council, including the agenda for each meeting, and require the Credit Council to record the minutes of each meeting.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108-176, \$9,635,710,000, of which \$5,000,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$7,560,815,000 shall be available for air traffic organization activities; not to exceed \$1,253,381,000 shall be available for aviation safety activities; not to exceed \$15,005,000 shall be available for commercial space transportation activities; not to exceed \$112,459,000 shall be available for financial services activities; not to exceed \$98,858,000 shall be available for human resources program activities; not to exceed \$337,944,000 shall be available for region and center operations and regional coordination activities; not to exceed \$207,065,000 shall be available for staff offices; and not to exceed \$50,183,000 shall be available for information services: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That not later than May 31, 2012, the Administrator shall submit to the House and Senate Committees on Appropriations a comprehensive report that describes all of the findings and conclusions reached during the Federal Aviation Administration's efforts to develop an objective, data-driven method for placing air traffic controllers after the successful completion of their training at the Federal Aviation Administration Academy, lists all available options for establishing such method, and discusses the benefits and challenges of each option: *Provided further*, That not later than March 31 of each fiscal year here-

after, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108-176: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year, and a benchmark for assessing the amount of time aviation inspectors spend directly observing industry field operations: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after March 31 that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a non-profit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than \$9,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$2,630,731,000, of which \$474,000,000 shall remain available until September 30, 2012, and

of which \$2,156,731,000 shall remain available until September 30, 2014: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: *Provided further*, That upon initial submission to the Congress of the fiscal year 2013 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2013 through 2017, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$157,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2014: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(AIRPORT AND AIRWAY TRUST FUND)
(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$4,691,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,515,000,000 in fiscal year 2012, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$101,000,000 shall be obligated for administration, not less than \$15,000,000 shall be available for the airport cooperative research program, not less than \$29,250,000 shall be for Airport Technology Research and \$6,000,000, to remain available until ex-

pendent, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program.

ADMINISTRATIVE PROVISIONS—FEDERAL
AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2012.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2012, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a nonrevenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 115. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 116. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 117. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 118. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Deputy Assistant Secretary for Administration of the Department of Transportation.

SEC. 119. Subparagraph (D) of section 47124(b)(3) of title 49, United States Code, is amended by striking "benefit." and inserting "benefit, with the maximum allowable local cost share capped at 20 percent."

SEC. 119A. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number from any display of the Federal Aviation Administration's Aircraft Situational Display to Industry data that is made available to the public, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 119B. (a) COMPENSATION FOR FEDERAL EMPLOYEES.—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Airport and Airway Trust Fund after 11:59 p.m. on July 22, 2011, through August 5, 2011, may be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) RATIFICATION OF ESSENTIAL ACTIONS.—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Airport and Airway Trust Fund after 11:59 p.m. on July 22, 2011, through August 5, 2011, are hereby ratified and approved, if otherwise in accord with the provisions of the Airport and Airway Extension Act of 2011, part IV (Public Law 112-27).

(c) TRUST FUND CODE.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (26 U.S.C. 9502(d)(1)) is amended by inserting "or the Department of Transportation Appropriations Act, 2012" before the semicolon at the end of subparagraph (A).

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Not to exceed \$415,533,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed \$3,220,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

LIMITATION ON OBLIGATIONS

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$41,107,000,000 for Federal-aid

highways and highway safety construction programs for fiscal year 2012: *Provided*, That within the \$41,107,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109-59) for fiscal year 2012: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

LIQUIDATION OF CONTRACT AUTHORIZATION
(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$41,846,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

EMERGENCY RELIEF

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, \$1,900,000,000, to remain available until expended, for expenses resulting from a major disaster designated pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)): *Provided*, That notwithstanding section 125(d)(1) of title 23, United States Code, for an event resulting from a disaster eligible under section 125 of title 23, United States Code, in a State occurring in fiscal years 2011 or 2012, the Secretary of Transportation may obligate under the Emergency Relief Program more than \$100,000,000 for eligible expenses: *Provided further*, That notwithstanding section 120 of title 23, United States Code, for expenses resulting from a disaster eligible under section 125 of title 23, United States Code, occurring in fiscal years 2011 or 2012, the Secretary shall extend the time period in 120(e) in consideration of any delay in the State's ability to access damaged facilities to evaluate damage and estimate the cost of repair: *Provided further*, That notwithstanding sections 120(a) and 120(b) of title 23, United States Code, the Federal share for permanent repairs resulting from a disaster eligible under section 125 of title 23, United States Code, occurring in fiscal years 2011 or 2012 may be up to 100 percent at the Secretary's discretion if the eligible expenses incurred by a State due to such a disaster exceeds twice the State's annual apportionment under the Federal-aid Highway program for the year in which the disaster occurred: *Provided further*, That the amount provided under this head-

ing is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

RESCISSION

Of unobligated balances of funds made available for obligation from the general fund of the Treasury for programs administered by the Federal Highway Administration in Public Laws 91-605, 93-87, 93-643, 94-280, 96-131, 97-424, 98-8, 98-473, 99-190, 100-17, 100-202, 100-457, 101-164, 101-516, 102-143, 102-240, 103-122, 103-331, 106-346, 107-87, 108-7 and 108-199, excluding any unobligated balance of funds provided for the Appalachian Development Highway System, \$73,000,000 are permanently rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL
HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2012, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute \$2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs

that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations:

(1) under section 125 of title 23, United States Code;

(2) under section 147 of the Surface Transportation Assistance Act of 1978;

(3) under section 9 of the Federal-Aid Highway Act of 1981;

(4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982;

(5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;

(7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century;

(8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years;

(9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used;

(10) under section 105 of title 23, United States Code, but only in an amount equal to \$639,000,000 for each of fiscal years 2005 through 2010; and

(11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year, and redistribute sufficient amounts to those States

able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) **APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.**—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) **REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) **RATIO.**—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) **AVAILABILITY.**—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) **SPECIAL LIMITATION CHARACTERISTICS.**—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid Highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid Highways and highway safety construction programs.

SEC. 122. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the House and Senate Com-

mittees on Appropriations on any waivers granted under the Buy America requirements.

SEC. 123. (a) **IN GENERAL.**—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) **EXCEPTIONS.**—

(1) **NUMBER OF TOLL LANES.**—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of nontoll lanes as were in existence prior to that date.

(2) **HIGH-OCCUPANCY VEHICLE LANES.**—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a nontoll lane for purposes of determining whether a highway will have fewer nontoll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 124. Of the funds made available in fiscal year 2012 for the Surface Transportation Research, Development, and Deployment Program, the Secretary of Transportation shall transfer \$5,000,000 to the Bureau of Transportation Statistics to carry out section 111 of title 49, United States Code: *Provided*, That an equivalent amount of fiscal year 2012 obligation limitation associated with the funds to be transferred shall also be transferred.

SEC. 125. Section 109 of title 23, United States Code, is amended by adding at the end—

“(r) **GUARDRAILS.**—The Secretary shall not approve any project that includes beam rail elements and terminal sections that are not galvanized in accordance with AASHTO M-180, Class A, Type II, except that the rail shall be galvanized after fabrication to include forming, cutting, shearing, punching, drilling, bending, welding, and riveting.”.

SEC. 126. Section 127(a)(11) of title 23, United States Code, is amended to read as follows:

“(11)(A) With respect to all portions of the Interstate Highway System in the State of Maine, laws (including regulations) of that State concerning vehicle weight limitations applicable to other State highways shall be applicable in lieu of the requirements under this subsection.

“(B) With respect to all portions of the Interstate Highway System in the State of Vermont, laws (including regulations) of that State concerning vehicle weight limita-

tions applicable to other State highways shall be applicable in lieu of the requirements under this subsection.”.

SEC. 127. Section 112 of the Surface and Air Transportation Programs Extension Act of 2011 is amended by striking “\$196,427,625” and inserting “an amount equal to one-half the sum authorized for such purpose for fiscal year 2011 by section 412(a)(2) of the Surface Transportation Extension Act of 2010”.

SEC. 128. Any road, highway, or bridge that is in operation for less than 30 years or under construction, damaged by an emergency declared by the Governor of the State and concurred in by the Secretary, or declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), may be reconstructed in the same location with the same capacity, dimensions, and design as before the emergency and shall be exempt from any environmental reviews, approvals, licensing, and permit requirements under—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(4) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(5) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(6) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(7) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(8) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetlands); and

(9) any Federal law (including regulations) requiring no net loss of wetlands.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION) (LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109-59, \$250,023,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of \$250,023,000, for “Motor Carrier Safety Operations and Programs” of which \$8,543,000, to remain available for obligation until September 30, 2014, is for the research and technology program and \$1,000,000 shall be available for commercial motor vehicle operator’s grants to carry out section 4134 of Public Law 109-59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: *Provided further*, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 30, 2012, and September 30, 2012, on the agency’s

ability to meet its requirement to conduct compliance reviews on high-risk carriers.

MOTOR CARRIER SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)
(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109-59, \$307,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$307,000,000, for “Motor Carrier Safety Grants”; of which \$212,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; \$30,000,000 shall be available for the commercial driver’s license improvements program to carry out section 31313 of title 49, United States Code; \$32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; \$5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; \$25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109-59; and \$3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109-59: *Provided further*, That of the funds made available for the motor carrier safety assistance program, \$32,000,000 shall be available for audits of new entrant motor carriers: *Provided further*, That of the prior year unobligated balances for the commercial vehicle information systems and networks deployment program, \$1,000,000 is permanently rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR
CARRIER SAFETY ADMINISTRATION

SEC. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107-87 and section 6901 of Public Law 110-28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 131. Notwithstanding any other provision of law, States receiving funds for core or expanded deployment activities under the Commercial Vehicle Information Systems and Networks program pursuant to sections 4101(c)(4) and 4126 of Public Law 109-59 that did not meet award eligibility requirements set forth in section 4126; received grant amounts in excess of the maximum amounts specified in sections 4126(c)(2) or 4126(d)(3); or were awarded grants either prior to or after the expiration of the period of performance specified in a grant agreement need not repay such funds.

SEC. 132. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided

in this Act for any grantee if a State is in noncompliance with this provision.

NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109-59 and chapter 301 and part C of subtitle VI of title 49, United States Code, \$140,146,000, of which \$20,000,000 shall remain available through September 30, 2013.

OPERATIONS AND RESEARCH
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code, \$109,500,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2012, are in excess of \$109,500,000 for programs authorized under 23 U.S.C. 403 and chapter 303 of title 49, United States Code: *Provided further*, That within the \$109,500,000 obligation limitation for operations and research, \$20,000,000 shall remain available until September 30, 2013 and shall be in addition to the amount of any limitation imposed on obligations for future years.

HIGHWAY TRAFFIC SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, to remain available until expended, \$550,328,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2012, are in excess of \$550,328,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, of which \$235,000,000 shall be for “Highway Safety Programs” under 23 U.S.C. 402; \$25,000,000 shall be for “Occupant Protection Incentive Grants” under 23 U.S.C. 405; \$48,500,000 shall be for “Safety Belt Performance Grants” under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2013 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years, of which up to \$10,000,000 may be made available by the Secretary as grants to States that enact and enforce laws to prevent distracted driving; \$34,500,000 shall be for “State Traffic Safety Information System Improvements” under 23 U.S.C. 408; \$139,000,000 shall be for “Alcohol-Impaired Driving Countermeasures Incentive Grant Program” under 23 U.S.C. 410; \$25,328,000 shall be for “Administrative Expenses” under section 2001(a)(11) of Public Law 109-59; \$29,000,000 shall be for “High Visibility Enforcement Program” under section 2009 of Public Law 109-59; \$7,000,000 shall be for “Motorcyclist Safety” under section 2010 of Public Law 109-59; and \$7,000,000 shall be

for “Child Safety and Child Booster Seat Safety Incentive Grants” under section 2011 of Public Law 109-59: *Provided further*, That of the funds made available for grants to States that enact and enforce laws to prevent distracted driving, up to \$5,000,000 may be available for the development, production, and use of broadcast and print media advertising for distracted driving prevention: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed \$500,000 of the funds made available for section 410 “Alcohol-Impaired Driving Countermeasures Grants” shall be available for technical assistance to the States: *Provided further*, That not to exceed \$750,000 of the funds made available for the “High Visibility Enforcement Program” shall be available for the evaluation required under section 2009(f) of Public Law 109-59: *Provided further*, That of the amounts made available under this heading for “Safety Belt Performance Grants”, \$25,000,000 shall be available until expended for the modernization of the National Automotive Sampling System (NASS), and \$5,000,000 shall be available for the development of the Driver Alcohol Detection System for Safety (DADSS), and \$8,500,000 shall be available for “State Traffic Safety Information System Improvements” under 23 U.S.C. 408.

ADMINISTRATIVE PROVISIONS—NATIONAL
HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

FEDERAL RAILROAD ADMINISTRATION
SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$176,596,000, of which \$12,300,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$30,000,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT
FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any

such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2012.

OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$544,000,000, to remain available until expended: *Provided*, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-Year Financial Plan for fiscal year 2012 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: *Provided further*, That the budget, business plan, and the 5-Year Financial Plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall include a description of work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by these plans: *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall include annual information on the maintenance, refurbishment, replacement, and expansion for all Amtrak rolling stock consistent with the comprehensive fleet plan: *Provided further*, That the Corporation shall provide semi-annual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole-source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole-source basis: *Provided further*, That the Corporation's budget, business plan, 5-Year Financial Plan, semiannual reports, and all subsequent supplemental plans shall be displayed on the Corporation's Web site within a reasonable timeframe following their submission to the appropriate entities: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: *Provided further*, That the Corporation shall submit to the House and Senate Com-

mittees on Appropriations a budget request for fiscal year 2013 in similar format and substance to those submitted by executive agencies of the Federal Government.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) and 219(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$936,778,000, to remain available until expended, of which not to exceed \$271,000,000 shall be for debt service obligations as authorized by section 102 of such Act: *Provided*, That after an initial distribution of up to \$200,000,000, which shall be used by the Corporation as a working capital account, all remaining funds shall be provided to the Corporation only on a reimbursable basis: *Provided further*, That the Secretary may retain up to one-fourth of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110-432: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2012 business plan.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make grants for high-speed rail projects as authorized under section 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, \$100,000,000, to remain available until expended: *Provided*, That the Administrator of the Federal Railroad Administration may retain up to 2 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants and cooperative agreements for intercity and high-speed rail: *Provided further*, That funds provided under this paragraph are available to the Administrator for the purposes of conducting research and demonstrating technologies supporting the development of high-speed rail in the United States, including the demonstration of next-generation rolling stock fleet technology and the implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: *Provided further*, That funds provided under this paragraph may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator or a State rail plan consistent with chapter 227 of title 49, United States Code: *Provided further*, That funds made available for planning activities under

the previous proviso may be used to facilitate the preparation of a service development plan and related environmental impact statement for high-speed corridors located in multiple States: *Provided further*, That the Federal share payable of the costs for which a grant or cooperative agreements is made under this heading shall not exceed 80 percent: *Provided further*, That in addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this heading, subsections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this heading: *Provided further*, That a project need not be in a State rail plan developed under chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: *Provided further*, That recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word "services" shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 151. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Railroad Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 152. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$98,713,000: *Provided*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That upon submission to the Congress of the fiscal year 2013 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on New Starts, including proposed allocations of funds for fiscal year 2013.

FORMULA AND BUS GRANTS
(LIQUIDATION OF CONTRACT AUTHORITY)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, \$9,400,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, shall not exceed total obligations of \$8,360,565,000 in fiscal year 2012.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312-5315, 5322, and 5506, \$40,000,000, to remain available until expended: *Provided*, That \$9,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, \$4,100,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and \$6,500,000 is available for university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That \$25,400,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS
(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For necessary expenses to carry out section 5309 of title 49, United States Code, \$1,955,000,000, to remain available until expended, of which \$38,000,000 shall be available to carry out section 5309(e) of such title: *Provided*, That not less than \$510,000,000 shall be available for preliminary engineering, final design, and construction of projects expected to receive a Full Funding Grant Agreements during calendar year 2012: *Provided further*, That the funds awarded for preliminary engineering and final design under such a grant shall be made available to cover those costs immediately upon grant award: *Provided further*, That of the funds appropriated under this heading in Public Law 111-8, \$27,000,000 are hereby rescinded.

GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE GAS REDUCTIONS

For grants to public transit agencies for capital investments that will reduce the energy consumption or greenhouse gas emissions of their public transportation systems, \$25,000,000, to remain available through September 30, 2014: *Provided*, That priority shall be given to projects that use innovative and potentially replicable approaches to reducing energy consumption or greenhouse gas emissions.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110-432, \$150,000,000, to remain available until expended: *Provided*, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*, That prior to approving such grants, the Secretary shall determine that the Washington

Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the Federal Transit Administration's discretionary program appropriations headings for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2014, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2011, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. In addition to the amounts made available under section 5327(c)(1) of title 49, United States Code, the Secretary may use, for program management activities described in section 5327(c)(2), 1 percent of the amount made available to carry out section 5316 of title 49, United States Code: *Provided*, That funds made available for program management oversight shall be used to oversee the compliance of a recipient or subrecipient of Federal transit assistance consistent with activities identified under section 5327(c)(2) and for purposes of enforcement.

SEC. 165. (a) Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 166. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(6)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities.

SEC. 167. Hereafter, the Secretary may not enforce regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency who during fiscal year 2008 was both initially granted a 60-day period to come into compliance with part 604, and then was subsequently granted an exception from said part.

SEC. 168. Hereafter, for purposes of applying the project justification and local financial commitment criteria of 49 U.S.C. 5309(d) to a New Starts project, the Secretary may consider the costs and ridership of any connected project in an instance in which private parties are making significant financial contributions to the construction of the con-

nected project; additionally, the Secretary may consider the significant financial contributions of private parties to the connected project in calculating the non-Federal share of net capital project costs for the New Starts project.

SEC. 169. Hereafter, all bus new fixed guideway capital projects recommended in the President's fiscal year 2012 budget request for funds appropriated under the Capital Investment Grants heading in this Act or any other Act shall be funded instead from amounts allocated under 49 U.S.C. 5309(m)(2)(C): *Provided*, That all such projects shall remain subject to the appropriate requirements of 49 U.S.C. 5309(d) and (e).

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the St. Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, \$34,000,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

(INCLUDING RESCISSION)

For necessary expenses of operations and training activities authorized by law, \$154,886,000, of which \$11,100,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which \$2,400,000 shall remain available through September 30, 2013 for Student Incentive Program payments at State Maritime Academies, and of which \$22,485,000 shall remain available until expended for facilities maintenance and repair, equipment, and capital improvements at the United States Merchant Marine Academy: *Provided*, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget and Programs: *Provided further*, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United States Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of the Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: *Provided further*, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administrator,

completes a plan detailing by program or activity how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations: *Provided further*, That of the prior year unobligated balances under this heading for information technology requirements of Public Law 111-207, \$1,000,000 are permanently rescinded.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$10,000,000, to remain available until expended.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3508 of Public Law 110-417 or section 54101 of title 46, United States Code, \$10,000,000, to remain available until expended: *Provided*, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: *Provided further*, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For the necessary administrative expenses of the maritime guaranteed loan program, \$4,000,000 shall be paid to the appropriation for "Operations and Training", Maritime Administration: *Provided*, That of the unobligated balance of funds made available for obligation under Public Law 110-329 and Public Law 111-118, \$35,000,000 are permanently rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 171. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall hereafter be used to make a determination of the nonavailability of qualified United States flag capacity for purposes of 46 U.S.C. 501(b) for the transportation of crude oil distributed from the Strategic Petroleum Reserve unless as part of that determination the Secretary of Transportation, after consultation with representatives from the United States flag maritime industry, provides to the Secretary of Homeland Security a list of United States flag vessels with single or collective capacity that may be capable of providing the requested transportation services and a written justification for not using such United States flag vessels.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION OPERATIONAL EXPENSES (PIPELINE SAFETY FUND) (INCLUDING TRANSFER OF FUNDS)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, \$22,158,000, of which \$639,000 shall be derived from the Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be transferred to "Pipeline Safety" in order to fund "Pipeline Safety Information Grants to Communities" as authorized under section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$39,020,000, of which \$1,716,000 shall remain available until September 30, 2014: *Provided*, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY (PIPELINE SAFETY FUND) (OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$118,364,000, of which \$21,510,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2014; of which \$93,854,000 shall be derived from the Pipeline Safety Fund, of which \$54,265,000 shall remain available until September 30, 2014; of which \$3,000,000, to remain available until expended, shall be derived from the Pipeline Safety Design Review Fund, as established by this Act.

EMERGENCY PREPAREDNESS GRANTS (EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), \$188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2013: *Provided*, That not more than \$28,318,000 shall be made available for obligation in fiscal year 2012 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)-(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee: *Provided further*, That unobligated balances of funds provided under this paragraph not needed for fiscal year 2012 from the sum made available herein shall remain available until expended to invest in the data management and information technology modernization efforts, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure.

ADMINISTRATIVE PROVISION—PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

COST RECOVERY FOR DESIGN REVIEWS

SEC. 180. Section 60117(n) of title 49, United States Code, is amended to read as follows:

"(n) COST RECOVERY FOR DESIGN REVIEWS.—

"(1) IN GENERAL.—If the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a gas or hazardous liquid pipeline or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person or entity proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this section, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this section. This authority is in addition to the authority provided in section 60301 of this title.

"(2) NOTIFICATION.—For any new pipeline construction project in which the Secretary will conduct design reviews, the person or entity proposing the project shall notify the Secretary and provide design specifications, construction plans and procedures, and related materials at least 120 days prior to the commencement of construction.

"(3) DEPOSIT AND USE.—The Secretary shall deposit funds paid under this subsection into the Pipeline Safety Design Review Fund. Funds deposited under this section are authorized to be appropriated for the purposes set forth in this chapter. Fees authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations acts."

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, \$15,981,000, of which \$9,007,000 shall remain available until September 30, 2014: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$82,409,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code:

(1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and

(2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$29,310,000: *Provided*, That notwithstanding any other provision of

law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2012, to result in a final appropriation from the general fund estimated at no more than \$28,060,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 190. During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 191. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 192. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 193. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 194. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive a discretionary grant award, any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from:

(1) any discretionary grant program of the Federal Highway Administration including the emergency relief program;

(2) the airport improvement program of the Federal Aviation Administration;

(3) any program of the Federal Railroad Administration;

(4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs; or

(5) any funding provided under the headings "National Infrastructure Investments" and "Assistance to Small Shipyards" in this Act: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: *Provided further*, That no no-

tification shall involve funds that are not available for obligation.

SEC. 195. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 196. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 197. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 198. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate or practice complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

This title may be cited as the Department of Transportation Appropriations Act, 2012.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION ADMINISTRATION, OPERATIONS, AND MANAGEMENT

For necessary salaries and expenses for administration, management and operations of the Department of Housing and Urban Del-

opment, \$549,499,000, of which not to exceed \$4,610,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed \$1,700,000 shall be available for the Office of Hearings and Appeals; not to exceed \$741,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$47,984,000 shall be available for the Office of the Chief Financial Officer; not to exceed \$94,380,000 shall be available for the Office of the General Counsel; not to exceed \$2,695,000 shall be available to the Office of Congressional and Intergovernmental Relations; not to exceed \$3,988,000 shall be available for the Office of Public Affairs; not to exceed \$546,000 shall be available to the Office of the Chief Operating Officer; not to exceed \$256,744,000 shall be available for the Office of the Chief Human Capital Officer; not to exceed \$10,476,000 shall be available for the Office of Departmental Operations and Coordination; not to exceed \$47,543,000 shall be available for the Office of Field Policy and Management; not to exceed \$14,654,000 shall be available for the Office of the Chief Procurement Officer; not to exceed \$3,708,000 shall be available for the Office of Departmental Equal Employment Opportunity; not to exceed \$1,448,000 shall be available for the Center for Faith-Based and Community Initiatives; not to exceed \$2,627,000 shall be available for the Office of Sustainable Housing and Communities; not to exceed \$5,605,000 shall be available for the Office of Strategic Planning and Management; not to exceed \$7,415,000 shall be available for the Office of the Chief Disaster and Emergency Management Officer; and not to exceed \$42,635,000 shall be available for the Office of the Chief Information Officer: *Provided further*, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide all signed reports required by Congress electronically: *Provided further*, That not to exceed \$25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

PROGRAM OFFICE SALARIES AND EXPENSES PUBLIC AND INDIAN HOUSING

For necessary salaries and expenses of the Office of Public and Indian Housing, \$201,233,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary salaries and expenses of the Office of Community Planning and Development mission area, \$101,076,000.

HOUSING

For necessary salaries and expenses of the Office of Housing, \$392,796,000, of which \$8,200,000 shall be for the Office of Risk and Regulatory Affairs.

POLICY DEVELOPMENT AND RESEARCH

For necessary salaries and expenses of the Office of Policy Development and Research, \$23,016,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary salaries and expenses of the Office of Fair Housing and Equal Opportunity, \$74,766,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For necessary salaries and expenses of the Office of Healthy Homes and Lead Hazard Control, \$7,502,000.

RENTAL ASSISTANCE DEMONSTRATION

To conduct a demonstration designed to preserve and improve public housing through

the voluntary conversion of properties with assistance under section 9 of the U.S. Housing Act of 1937, (hereinafter, "the Act"), to properties with assistance under a project-based subsidy contract under section 8 of the Act, which shall be eligible for renewal under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997, or assistance under section 8(o)(13) of the Act, the Secretary may transfer amounts provided under the headings "Public Housing Capital Fund" and "Public Housing Operating Fund" to the headings "Tenant-Based Rental Assistance" or "Project-Based Rental Assistance": *Provided*, That project applications may be received under this demonstration until September 30, 2015: *Provided further*, That any increase in cost for "Tenant-Based Rental Assistance" or "Project-Based Rental Assistance" associated with such conversion shall be equal to amounts transferred from "Public Housing Capital Fund" and "Public Housing Operating Fund": *Provided further*, That not more than 60,000 units shall be converted under the authority provided under this heading: *Provided further*, That tenants of such converted properties shall, at a minimum, maintain the same rights under such conversion as those provided under section 9 of the Act: *Provided further*, That the Secretary shall select properties from applications for conversion as part of this demonstration through a competitive process: *Provided further*, That in establishing criteria for such competition, the Secretary shall seek to demonstrate the feasibility of this conversion model to recapitalize and operate public housing properties (1) in different markets and geographic areas, (2) within portfolios managed by public housing agencies of varying sizes, and (3) by leveraging other sources of funding to recapitalize properties: *Provided further*, That the Secretary shall provide an opportunity for public comment on draft eligibility and selection criteria and procedures that will apply to the selection of properties that will participate in the demonstration: *Provided further*, That the Secretary shall provide an opportunity for comment from residents of properties to be proposed for participation in the demonstration to the owners or public housing agencies responsible for such properties: *Provided further*, That the Secretary may waive or specify alternative requirements for (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment) any provision of section 8(o)(13) or any provision that governs the use of assistance from which a property is converted under the demonstration or funds made available under the headings of "Public Housing Capital Fund", "Public Housing Operating Fund", and "Project-Based Rental Assistance", under this Act or any prior Act or any Act enacted during the period of conversion of assistance under the demonstration for properties with assistance converted under the demonstration, upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective conversion of assistance under the demonstration: *Provided further*, That the Secretary shall publish by notice in the Federal Register any waivers or alternative requirements pursuant to the previous proviso no later than 10 days before the effective date of such notice: *Provided further*, That the demonstration may proceed after the Secretary publishes notice of its terms in the Federal Register: *Provided further*, That notwithstanding sections 3 and 16 of the Act, the conversion of assistance under the demonstration shall not be the

basis for re-screening or termination of assistance or eviction of any tenant family in a property participating in the demonstration, and such a family shall not be considered a new admission for any purpose, including compliance with income targeting requirements: *Provided further*, That in the case of a property with assistance converted under the demonstration from assistance under section 9 of the Act, section 18 of the Act shall not apply to a property converting assistance under the demonstration for all or substantially all of its units, the Secretary shall require ownership or control of assisted units by a public or nonprofit entity except as determined by the Secretary to be necessary pursuant to foreclosure, bankruptcy, or termination and transfer of assistance for material violations or substantial default, shall require long-term renewable use and affordability restrictions for assisted units, and may allow ownership to be transferred to a for-profit entity to facilitate the use of tax credits only if the public housing agency preserves its interest in the property in a manner approved by the Secretary: *Provided further*, That the Secretary may permit transfer of assistance at or after conversion under the demonstration to replacement units subject to the requirements in the previous proviso: *Provided further*, That the Secretary may establish the requirements for converted assistance under the demonstration through contracts, use agreements, regulations, or other means: *Provided further*, That the Secretary shall assess and publish findings regarding the impact of the conversion of assistance under the demonstration on the preservation and improvement of public housing, the amount of private sector leveraging as a result of such conversion, and the effect of such conversion on tenants.

PUBLIC AND INDIAN HOUSING
TENANT-BASED RENTAL ASSISTANCE
(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, \$14,872,357,000, to remain available until expended, shall be available on October 1, 2011 (in addition to the \$4,000,000,000 previously appropriated under this heading that will become available on October 1, 2011), and \$4,000,000,000, to remain available until expended, shall be available on October 1, 2012: *Provided*, That of the amounts made available under this heading are provided as follows:

(1) Not less than \$17,143,905,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2012 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection and HOPE VI vouchers: *Provided further*, That

none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work (MTW) demonstration, which are instead governed by the terms and conditions of their MTW agreements: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: *Provided further*, That the Secretary may extend the 60-day notification period with the prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That up to \$103,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for adjustments for costs associated with HUD-Veterans Affairs Supportive Housing (HUD-VASH) vouchers; and (4) for incremental tenant-based assistance for eligible families currently assisted under the Disaster Voucher Program as authorized by Public Law 109-148 under this heading and the Disaster Housing Assistance Program for Hurricanes Ike and Gustav on the condition that such vouchers will not be re-issued when families leave the program: *Provided further*, That of the amounts made available under this paragraph, up to \$15,000,000 may be transferred to and merged with the appropriation for "Transformation Initiative";

(2) \$75,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended, or under the authority as provided under this Act: *Provided*,

That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: *Provided further*, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds: *Provided further*, That of the amounts made available under this paragraph, \$10,000,000 shall be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low-vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of (1) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (2) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (3) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: *Provided further*, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)): *Provided further*, That the Secretary shall issue guidance to implement the previous provisos, including, but not limited to, requirements for defining eligible at-risk households within 120 days of the enactment of this Act;

(3) \$1,400,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: *Provided*, That no less than \$1,350,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2012 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) \$60,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act;

(5) \$113,452,000 for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administrative expenses;

(6) \$75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over;

(7) \$5,000,000 for payments to public housing authorities to be competitively awarded in order to demonstrate the effectiveness of leveraging mainstream resources to address the needs of families and individuals who are homeless or at risk of homelessness, as defined by the Secretary of Housing and Urban Development, to be administered by the Secretary in conjunction with the Department of Health and Human Services and the Department of Education: *Provided*, That funds provided under this paragraph shall be awarded to public housing authorities that (1) partner with eligible State and local entities responsible for distributing Temporary Assistance for Needy Families (TANF) and other health and human services, as designated by the Secretary of the Department of Health and Human Services, and (2) partner with school homelessness liaisons funded through the Department of Education's Education for Homeless Children and Youth Program: *Provided further*, That the funds may also be available to public housing authorities that partner with eligible State Medicaid agencies and State behavioral health entities, as designated by the Secretary of the Department of Health and Human Services, to provide housing in conjunction with Medicaid case management, substance abuse treatment, and mental health services; and

(8) The Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND (RESCISSION)

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of

Housing and Urban Development under this heading, \$200,000,000 are rescinded, to be effected by the Secretary of Housing and Urban Development no later than September 30, 2012: *Provided*, That if insufficient funds exist under these headings, the remaining balance may be derived from any other unobligated balances available under any heading under this title funded in fiscal year 2011 and prior years: *Provided further*, That the Secretary shall notify the Committees on Appropriations of the unobligated balances used to meet this rescission 30 days in advance of such rescission: *Provided further*, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: *Provided further*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") \$1,875,000,000, to remain available until September 30, 2015: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2012 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to \$10,000,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That of the total amount provided under this heading, not to exceed \$20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2012: *Provided further*, That of the total amount provided under this heading \$50,000,000 shall be for supportive services, service coordinator and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z-6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount provided under this heading, up to \$5,000,000 is to support the costs of administrative and judicial receiverships: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2012 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2012 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42

U.S.C. 1437g(e)), \$3,961,850,000, of which \$20,000,000 shall be available until September 30, 2013: *Provided*, That in determining public housing agencies', including Moving to Work agencies', calendar year 2012 funding allocations under this heading, the Secretary shall take into account public housing agencies' excess operating fund reserves, as determined by the Secretary: *Provided further*, That Moving to Work agencies shall receive a pro-rata reduction consistent with their peer groups: *Provided further*, That no public housing agency shall be left with less than \$100,000 in operating reserves: *Provided further*, That the Secretary shall not offset excess reserves by more than \$750,000,000: *Provided further*, That in implementing such allocation reductions, the Secretary shall establish a process by which public housing agencies can appeal the initial allocation amounts and the Secretary shall consider adjustments based on such factors, including prior funding reservations, commitments related to mixed finance developments, or reporting errors: *Provided further*, That the Secretary shall notify public housing agencies of such process and what documentation may be required as part of such appeal: *Provided further*, That following the appeals process established under the previous two provisos, the Secretary shall make final allocations: *Provided further*, That of the amount provided under this heading up to \$20,000,000 may be set aside to provide assistance to any public housing authority who encounters financial hardship as a direct result of an excess reserve offset applied to an allocation of funding under this heading: *Provided further*, That the Secretary shall provide flexibility to public housing agencies to use excess operating reserves for capital improvements.

CHOICE NEIGHBORHOODS

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v)), unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, schools, public assets, transportation and access to jobs, \$120,000,000, to remain available until September 30, 2014: *Provided*, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: *Provided further*, That grantees shall undertake comprehensive local planning with input from residents and the community, and that grantees shall provide a match in State, local, other Federal or private funds: *Provided further*, That grantees may include local governments, tribal entities, public housing authorities, and nonprofits: *Provided further*, That for-profit developers may apply jointly with a public entity: *Provided further*, That of the amount provided, not less than \$80,000,000 shall be awarded to public housing authorities: *Provided further*, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies, and resident organizations: *Provided further*, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: *Provided further*, That no more than

\$5,000,000 of funds made available under this heading may be provided to assist communities in developing comprehensive strategies for implementing this program or implementing other revitalization efforts in conjunction with community notice and input: *Provided further*, That the Secretary shall develop and publish guidelines for the use of such competitive funds, including but not limited to eligible activities, program requirements, and performance metrics.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$650,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, \$3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and \$4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to \$300,000 for related travel: *Provided further*, That of the amount provided under this heading, \$2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$20,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$13,000,000, to remain available until expended: *Provided*, That of this amount, \$300,000 shall be for training and technical assistance activities, including up to \$100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), \$7,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to \$428,000,000: *Provided further*, That up to \$750,000 shall be for

administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z) and for such costs for loans used for refinancing, \$386,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$41,504,000.

COMMUNITY PLANNING AND DEVELOPMENT HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$330,000,000, to remain available until September 30, 2013, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2014: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$3,001,027,000, to remain available until September 30, 2013, unless otherwise specified: *Provided*, That of the total amount provided, \$2,851,027,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That \$60,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to \$3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amounts made available under this heading, \$90,000,000 shall be made available for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning: *Provided*, That \$63,000,000 shall be for Regional Integrated Planning Grants to support the linking of transportation and land use planning: *Provided further*, That not less than \$15,750,000 of the funding made available for Regional Integrated Planning Grants shall be awarded to metropolitan areas of less than 500,000: *Provided further*, That \$27,000,000 shall be for Community Challenge Planning Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: *Provided further*, That the Secretary will consult with the Secretary of

Transportation in evaluating grant proposals.

COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER FUNDING

For an additional amount for the “Community Development Fund”, for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) in 2011, \$400,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): *Provided*, That the amount provided under this heading is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended: *Provided further*, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: *Provided further*, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

COMMUNITY DEVELOPMENT LOAN GUARANTEES
PROGRAM ACCOUNT

For the cost of guaranteed loans, \$4,960,000, to remain available until September 30, 2012, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which

is to be guaranteed, not to exceed \$200,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,000,000,000, to remain available until September 30, 2013: *Provided*, That notwithstanding the amount made available under this heading, the threshold reduction requirements in sections 216(10) and 217(b)(4) of such Act shall not apply to allocation of such amount: *Provided further*, That funds made available under this heading used for projects not completed within 4 years of the commitment date, as determined by a signature of each party to the agreement shall be repaid: *Provided further*, That the Secretary may extend the deadline for 1 year if the Secretary determines that the failure to complete the project is beyond the control of the participating jurisdiction: *Provided further*, That no funds provided under this heading may be committed to any project included as part of a participating jurisdiction's plan under section 105(b), unless each participating jurisdiction certifies that it has conducted an underwriting review, assessed developer capacity and fiscal soundness, and examined neighborhood market conditions to ensure adequate need for each project: *Provided further*, That any homeownership units funded under this heading which cannot be sold to an eligible homeowner within 6 months of project completion shall be rented to an eligible tenant: *Provided further*, That no funds provided under this heading may be awarded for development activities to a community housing development organization that cannot demonstrate that it is has staff with demonstrated development experience: *Provided further*, That funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

SELF-HELP AND ASSISTED HOMEOWNERSHIP
OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, \$57,000,000, to remain available until September 30, 2013: *Provided*, That of the total amount provided under this heading, \$17,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That \$35,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$5,000,000 may be made available for rural capacity-building activities: *Provided further*, That \$5,000,000 shall be made available for capacity-building activities for a national organization with expertise in rural housing, including experience working with rural housing organizations, local governments, and Indian tribes.

HOMELESS ASSISTANCE GRANTS
(INCLUDING TRANSFER OF FUNDS)

For the emergency solutions grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the continuum of care program as authorized under subtitle C of title IV of such Act; and the rural housing stability assistance program as authorized under subtitle D of title IV of such Act, \$1,901,190,000, of which \$1,896,190,000 shall remain available until September 30, 2014, and of which \$5,000,000 shall remain available until expended for project-based rental assistance with rehabilitation projects with 10-year grant terms and any rental assistance amounts that are recaptured under such continuum of care program shall remain available until expended: *Provided*, That not less than \$286,000,000 of the funds appropriated under this heading shall be available for such emergency solutions grants program: *Provided further*, That not less than \$1,602,190,000 of the funds appropriated under this heading shall be available for such continuum of care and rural housing stability assistance programs: *Provided further*, That up to \$8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the continuum of care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for continuum of care renewals in fiscal year 2012.

HOUSING PROGRAMS
PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the Act”), not otherwise provided for, \$9,018,672,000, to remain available until expended, shall be available on October 1, 2011 (in addition to the \$400,000,000 previously appropriated under this heading that will become available October 1, 2012), and \$400,000,000, to remain available until expended, shall be available on October 1, 2012: *Provided*, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation

contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: *Provided further*, That of the total amounts provided under this heading, not to exceed \$289,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided further*, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667): *Provided further*, That amounts recaptured under this heading may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for senior preservation rental assistance contracts, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000, as amended, and for supportive services associated with the housing, \$369,627,000 to remain available until September 30, 2015: *Provided*, That of the amount provided under this heading, up to \$91,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to \$20,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living, service-enriched housing, or related use for substantial and emergency repairs as determined by the Secretary: *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and condi-

tions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) and for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, \$150,000,000 to remain available until September 30, 2015: *Provided*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects: *Provided further*, That the Secretary shall conduct a demonstration program to make available funds provided under this heading for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(b)(3)).

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, \$60,000,000, including up to \$2,500,000 for administrative contract services, to remain available until September 30, 2012: *Provided*, That grants made available from amounts provided under this heading shall be awarded within 120 days of enactment of this Act: *Provided further*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to or extensions for up to 1 year of contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) in State-aided, noninsured rental housing projects, \$1,300,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z-1) \$231,600,000 are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Bal-

anced Budget and Emergency Deficit Control Act of 1985, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to \$9,000,000, to remain available until expended, of which \$4,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2011 so as to result in a final fiscal year 2011 appropriation from the general fund estimated at not more than \$5,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2011 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed \$400,000,000,000, to remain available until September 30, 2013: *Provided*, That during fiscal year 2012, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$50,000,000: *Provided further*, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, \$206,586,000, to remain available until September 30, 2013, of which up to \$70,652,000 may be transferred to and merged with the Working Capital Fund: *Provided further*, That to the extent guaranteed loan commitments exceed \$200,000,000,000 on or before April 1, 2012, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

During fiscal year 2012, commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and

1735c), shall not exceed \$25,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$500,000,000,000, to remain available until September 30, 2013: *Provided*, That \$20,000,000 shall be available for personnel compensation and benefits, and other administrative expenses of the Government National Mortgage Association: *Provided further*, That to the extent that guaranteed loan commitments will and do exceed \$300,000,000,000, an additional \$100 for personnel compensation and benefits, and administrative expenses shall be available until expended for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000): *Provided further*, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act, as amended, shall be credited as offsetting collections to this account.

POLICY DEVELOPMENT AND RESEARCH RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$45,825,000, to remain available until September 30, 2013: *Provided*, That with respect to amounts made available under this heading, notwithstanding section 204 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, or State or local governments and their agencies for research projects: *Provided further*, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at least a 50 percent match toward the cost of the project: *Provided further*, That for non-competitive agreements entered into in accordance with the previous two provisos, the Secretary of Housing and Urban Development shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) with respect to documentation of award decisions.

FAIR HOUSING AND EQUAL OPPORTUNITY FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$64,287,000, to remain available until September 30, 2013, of which

\$35,940,000 shall be to carry out activities pursuant to such section 561: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: *Provided further*, That of the funds made available under this heading, \$300,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$120,000,000, to remain available until September 30, 2013, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That of the total amount made available under this heading, \$45,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: *Provided further*, That each recipient of funds provided under the second proviso shall make a matching contribution in an amount not less than 25 percent: *Provided further*, That the Secretary may waive the matching requirement cited in the preceding proviso on a case by case basis if the Secretary determines that such a waiver is necessary to advance the purposes of this program: *Provided further*, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: *Provided further*, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related

maintenance activities, \$199,035,000, to remain available until September 30, 2013: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology the purposes for which such amounts were appropriated: *Provided further*, That not more than 25 percent of the funds made available under this heading for Development, Modernization and Enhancement, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that—(A) identifies for each modernization project: (i) the functional and performance capabilities to be delivered and the mission benefits to be realized, (ii) the estimated life-cycle cost, and (iii) key milestones to be met; (B) demonstrates that each modernization project is: (i) compliant with the department's enterprise architecture, (ii) being managed in accordance with applicable life-cycle management policies and guidance, (iii) subject to the department's capital planning and investment control requirements, and (iv) supported by an adequately staffed project office; and (C) has been reviewed by the Government Accountability Office.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$124,750,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE (INCLUDING TRANSFER OF FUNDS)

Of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 0.5 percent from each such account, and such transferred amounts shall be available until September 30, 2014, for: (1) research, evaluation, and program metrics; (2) program demonstrations; and (3) technical assistance and capacity building: "Choice Neighborhoods Initiative", "Housing Opportunities for Persons With AIDS", "Community Development Fund", "HOME Investment Partnerships Program", "Self-Help and Assisted Homeownership Opportunity Program", "Homeless Assistance Grants", "Housing for the Elderly", "Housing for Persons With Disabilities", "Housing Counseling Assistance", "Payment to Manufactured Housing Fees Trust Fund", "Mutual Mortgage Insurance Program Account", "Lead Hazard Reduction", "Rental Housing Assistance", and "Fair Housing Activities": *Provided*, That of the amounts made available under this paragraph, not less than \$45,000,000 shall be available for technical assistance and capacity building: *Provided further*, That technical assistance activities shall include, technical assistance for HUD programs, including HOME, Community Development Block Grant, homeless programs, HOPWA, HOPE VI, Public Housing, the Housing Choice Voucher Program, Fair Housing Initiative Program, Housing Counseling, Healthy Homes, Sustainable Communities, and other technical assistance as determined by the Secretary: *Provided further*, That the Secretary shall submit a plan to the House and

Senate Committees on Appropriations for approval detailing how the funding provided under this heading will be allocated to each of the four categories identified under this heading and for what projects or activities funding will be used: *Provided further*, That following the initial approval of this plan, the Secretary may amend the plan with the approval of the House and Senate Committees on Appropriations: *Provided further*, That with respect to amounts made available under this heading for research, evaluation, program metrics, and program demonstrations, notwithstanding section 204 of this title, the Secretary may make grants or enter into cooperative agreements that include a substantial match contribution.

GENERAL PROVISIONS—DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2012 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2012 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2012 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2011 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2012, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012

under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the city of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter “metropolitan division”) of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by:

(1) allocating to the city of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high-incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and

(2) allocating to the city of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3-year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority

available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2012 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the city of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter “metropolitan division”), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the city of Raleigh, North Carolina, on behalf of the Raleigh-Cary North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2012 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to

the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 210 The President's formal budget request for fiscal year 2013, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of public housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2012 and 2013, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under section (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: the number of low-income and very low-income units and the configuration (i.e. bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: the Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based section 8 budget authority.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(d) For purposes of this section—

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term "project-based assistance" means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance pay-

ments under section 236(f)(2) of the National Housing Act;

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959; and

(F) assistance payments made under section 811(d)(2) of the Housing Act of 1959;

(4) the term "receiving project or projects" means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 213. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 214. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 215. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 216. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-g), the Secretary of Housing and Urban Development may, until September 30, 2012, insure and enter into commitments to insure mortgages under section 255(g) of the National Housing Act (12 U.S.C. 1715z-20).

SEC. 217. Notwithstanding any other provision of law, in fiscal year 2011, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental

assistance payments under section 8 of the United States Housing Act of 1937 or other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 ("MAHRAA") and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 218. During fiscal year 2012, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 219. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole-source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole-source contract.

SEC. 220. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 221. (a) The amounts provided under the subheading "Program Account" under the heading "Community Development Loan Guarantees" may be used to guarantee, or

make commitments to guarantee, notes, or other obligations issued by any State on behalf of nonentitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974 in fiscal year 2012 and subsequent years: *Provided*, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in nonentitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 222. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking "fiscal year" and all that follows through the period at the end and inserting "fiscal year 2012."; and

(2) in subsection (o), by striking "September" and all that follows through the period at the end and inserting "September 30, 2012.".

SEC. 223. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 224. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 225. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the heading "Administration, Operations, and Management" as well as each account receiving appropriations for "Program Office Salaries and Expenses" within the Department of Housing and Urban Development.

SEC. 226. The Secretary of Housing and Urban Development shall report quarterly to the House and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Mar-

ket program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 227. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 228. The Secretary of the Department of Housing and Urban Development shall for fiscal year 2012 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2012 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate Government Web site or through other electronic media, as determined by the Secretary.

SEC. 229. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: *Provided*, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: *Provided further*, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fund-raising ability or commitments for in-kind donations of goods and services: *Provided further*, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: *Provided further*, That, this section shall apply

to properties in fiscal years 2011 and 2012 made available as surplus Federal property for use to assist the homeless.

SEC. 230. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent or \$5,000,000, whichever is less, of the funds made available for salaries and expenses under any account or any set-aside within any account under this title under the general heading "Program Office Salaries and Expenses", and under the account heading "Administration, Operations and Management", to any other such account or any other such set-aside within any such account: *Provided*, That no appropriation for salaries and expenses in any such account or set-aside shall be increased or decreased by more than 5 percent or \$5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations.

SEC. 231. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a "program of the Department of Housing and Urban Development" under section 904 of the McKinney Act for the purpose of income verifications and matching.

SEC. 232. Of the amounts made available for salaries and expenses under all accounts under this title (except for the Office of Inspector General account), a total of up to \$10,000,000 may be transferred to and merged with amounts made available in the "Working Capital Fund" account under this title.

SEC. 233. Title II of division I of Public Law 108-447 and title III of Public Law 109-115 are each amended by striking the item related to "Flexible Subsidy Fund".

SEC. 234. The Secretary of Housing and Urban Development may increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321) by adding to the program up to three Public Housing Agencies that are High Performing Agencies under the Public Housing Assessment System (PHAS) or the Section Eight Management Assessment Program (SEMAP). No PHA shall be granted this designation through this section that administers in excess of 10,000 aggregate housing vouchers and public housing units. No PHA granted this designation through this section shall receive more funding under sections 8 or 9 of the United States Housing Act of 1937 than they otherwise would have received absent this designation. In addition to other reporting requirements, all Moving-to-Work agencies shall report financial data to the Department of Housing and Urban Development as specified by the Secretary, so that the effect of Moving-to-Work policy changes can be measured.

SEC. 235. Of the unobligated balances remaining from funds appropriated under the heading "Tenant-Based Rental Assistance" under the "Full-Year Continuing Appropriations Act, 2011", \$750,000,000 are rescinded from the \$4,000,000,000 which are available on October 1, 2011: *Provided*, That such amounts may be derived from reductions to public housing agencies' calendar year 2012 allocations based on the excess amounts of public housing agencies' net restricted assets accounts, including the net restricted assets of MTW agencies (in accordance with VMS data in calendar year 2011 that is verifiable and complete), as determined by the Secretary: *Provided further*, That in making such adjust-

ments, the Secretary shall preserve public housing authority reserves at no less than one month, to the extent practicable.

SEC. 236. The United States Housing Act of 1937 (42 U.S.C. 1437) is amended—

(1) in section 3(a)(1) by inserting before the period at the end of the second sentence the following: "except in the case of any family with a fixed income, as defined by the Secretary, after the initial review of the family's income, the public housing agency or owner shall not be required to conduct a review of the family's income for any year for which such family certifies, in accordance with such requirements as the Secretary shall establish, that 90 percent or more of the income of the family consists of fixed income, and that the sources of such income have not changed since the previous year, except that the public housing agency or owner shall conduct a review of each such family's income not less than once every 3 years";

(2) in section 3(b)(2) by inserting after the second sentence the following new sentence: "The term 'extremely low-income families' means very low-income families whose incomes do not exceed the higher of (A) the poverty guidelines updated periodically by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), applicable to a family of the size involved; or (B) 30 percent of the median family income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes, and except that clause (A) of this sentence shall not apply in the case of public housing agencies located in Puerto Rico or any other territory or possession of the United States.";

(3) in paragraph (2) of section 3(b) by adding at the end the following new sentence: "The Secretary shall periodically, but not less than annually, determine or establish area median incomes and income ceilings and limits in accordance with this paragraph";

(4) in section 3(b)(5)(A)—

(A) in clause (i) by striking "\$400" and inserting in lieu thereof "\$675"; and

(B) in clause (ii), in the matter preceding subclause (I), by striking "3 percent" and inserting in lieu thereof "10 percent";

(5) in paragraph (1) of section 8(c)—

(A) by inserting "(A)" after the paragraph designation;

(B) by striking the fourth, fifth, seventh, eighth, ninth, and tenth sentences; and

(C) by adding at the end the following:

"(B) Fair market rentals for an area shall be published not less than annually by the Secretary on the Department's Web site and in any other manner specified by the Secretary. The Secretary shall publish notice of the publication of such fair market rentals in the Federal Register, and such fair market rentals shall become effective no earlier than 30 days after the date of such publication. The Secretary shall establish a procedure for public housing agencies and other interested parties to comment on such fair market rentals and to request, within a time specified by the Secretary, reevaluation of the fair market rental in a jurisdiction. The Secretary shall publish for comment in the Federal Register notices of proposed material changes in the methodology for estimating fair market rentals and notices

specifying the final decisions regarding such proposed substantial methodological changes and responses to public comments.";

(6) in subparagraph (B) of section 8(o)(1) by inserting before the period at the end the following: "except that no public housing agency shall be required as a result of a reduction in the fair market rental to reduce the payment standard applied to a family continuing to reside in a unit for which the family was receiving assistance under this section at the time the fair market rental was reduced. The Secretary shall allow public housing agencies to request exception payment standards within fair market rental areas subject to criteria and procedures established by the Secretary";

(7) in subparagraph (D) of section 8(o)(1) by inserting before the period at the end the following: "except that a public housing agency may establish a payment standard of not more than 120 percent of the fair market rent, where necessary, as a reasonable accommodation for a person with a disability, without approval of the Secretary. A public housing agency may seek approval of the Secretary to use a payment standard greater than 120 percent of the fair market rent as a reasonable accommodation for a disabled family or other family with a person with a disability. In connection with the use of any increased payment standard established or approved pursuant to either of the preceding two sentences as a reasonable accommodation for a person with a disability, the Secretary may not establish additional requirements regarding the amount of adjusted income paid by such person for rent";

(8) in section 16(a)(2)(A) by striking "families whose incomes" and all that follows through "low family incomes" and inserting in lieu thereof "extremely low-income families";

(9) in section 16(b)(1) by striking "families whose incomes" and all that follows through "low family incomes" and inserting in lieu thereof "extremely low-income families"; and

(10) in section 16(c)(3) by striking "families whose incomes" and all that follows through "low family incomes" and inserting in lieu thereof "extremely low-income families".

SEC. 236. Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f) is amended by striking "October 1, 2011" each place it appears and inserting in lieu thereof "October 1, 2015".

TITLE III RELATED AGENCIES

ACCESS BOARD SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$7,400,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901-5902, \$24,100,000.

NATIONAL RAILROAD PASSENGER CORPORATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, \$19,311,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: *Provided further*, That concurrent with the President's budget request for fiscal year 2013, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2013 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD
SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), \$99,275,000, of which not to exceed \$2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION
PAYMENT TO THE NEIGHBORHOOD
REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$135,000,000, of which \$5,000,000 shall be for a multi-family rental housing program: *Provided*, That in addition, \$65,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation ("NRC") shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to

States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to \$3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their

partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

UNITED STATES INTERAGENCY COUNCIL ON
HOMELESSNESS
OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$3,640,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2012 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates a new program;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;
- (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;
- (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less;

(6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include:

(A) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(B) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and

(C) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2012 from appropriations made available for salaries and expenses for fiscal year 2012 in this Act, shall remain available through September 30, 2013, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole-source contracts by no later than July 30, 2012. Such report shall include the contractor, the amount of the contract and the rationale for using a sole-source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301-10.122 and 301-10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available in this Act may be used to purchase a light bulb for an office building unless the light bulb has, to the extent practicable, an Energy Star or Federal Energy Management Program designation.

SEC. 416. None of the funds made available in this Act may be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for

veterans in supportive housing for the elderly that:

(1) is provided assistance by the Department of Housing and Urban Development; and

(2) is or would be located on property of the Department of Veterans Affairs; or

(3) is subject to an enhanced use lease with the Department of Veterans Affairs.

SEC. 417. None of the funds made available under this Act or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 418. Concurrent with the issuance of any notice of funding availability or any other notice designed to solicit applications for a program through which grants or credit assistance are awarded through a competitive process, the Secretary of Transportation and the Secretary of Housing and Urban Development shall post on their Web sites information about such program, including, but not limited to, the goals of the program, the criteria that will be used in awarding grants or credit assistance, and the process by which applications will be selected for the award of a grant or credit assistance: *Provided*, That concurrent with the public announcement of grants or credit assistance to be awarded through such competitive program, the Secretary of Transportation and the Secretary of Housing and Urban Development shall post on their Web sites information on each applicant to be awarded a grant or credit assistance, including, but not limited to, the name and address of the applicant, the amount of the grant or credit assistance to be awarded, the amount of financing expected from other sources, and an explanation of how such award is consistent with program goals.

This Act may be cited as the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on October 13, 2011, at 10 a.m. to conduct a hearing entitled "Addressing Potential Threats From Iran: Administration Perspectives on Implementing New Economic Sanctions One Year Later."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on October 13, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Judiciary be authorized to meet during the session of the Senate, on October 13, 2011, at 10 a.m., in SD-

226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Judiciary be authorized to meet during the session of the Senate, on October 13, 2011, at 2 p.m., in SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Arbitration: Is It Fair When Forced?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate, on October 13, 2011, at 2:30 p.m. hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GREEN JOBS AND THE NEW ECONOMY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Green Jobs and the New Economy of the Committee on Environment and Public Works be authorized to meet during the session of the Senate, on October 13, 2011, at 10 a.m., in Dirksen 406 to conduct a hearing entitled, "Innovative Practices to Create Jobs and Reduce Pollution."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Nathan Engle, a fellow in my office, be granted floor privileges for the duration of the consideration of H.R. 2112, the agriculture appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2112

Mr. REID. Madam President, I ask unanimous consent that at 4 p.m., Monday, October 17, the Senate proceed to the consideration of Calendar No. 155, H.R. 2112—that is the Agriculture Appropriations Act for fiscal year 2012—that the committee amendment be withdrawn and that the chairman of the Appropriations Committee or his designee be recognized to offer amendment No. 738, which consists of the text of the withdrawn amendment as Division A, the text of S. 1572, Calendar No. 170, as Division B, and the text of S. 1596, Calendar No. 177, as Division C; provided further, that H.R. 2596, as reported by the House Appropriations Committee, and Division C of amendment No. 738 be deemed House-

passed text in H.R. 2112 for purposes of rule XVI; finally, that amendment No. 738 for the purposes of paragraph 1 of rule XVI be considered a committee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I am going to give the Chair a written test on what I just read in a few minutes. OK.

The PRESIDING OFFICER. I will pass with flying colors.

MAKING A CORRECTION IN THE ENROLLMENT OF S. 1280

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 31.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 31) directing the Secretary of the Senate to make a correction in the enrollment of S. 1280.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 31) was agreed to, as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1280) to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes, the Secretary of the Senate shall make the following corrections:

Amend section 8C of the Peace Corps Act, in the quoted material in section 2 of the bill, by adding at the end the following new subsection:

"(e) SUNSET.—This section shall cease to be effective on October 1, 2018."

Amend section 8D of the Peace Corps Act, in the quoted material in section 2 of the bill, by adding at the end the following new subsection:

"(g) SUNSET.—This section shall cease to be effective on October 1, 2018."

Amend section 8E of the Peace Corps Act, in the quoted material in section 2 of the bill—

(1) in subsection (c), by striking "The President shall annually conduct" and inserting "Annually through September 30, 2018, the President shall conduct";

(2) in subsection (d)—

(A) in subparagraph (A), by striking "a biennial report" and inserting "a report, not later than one year after the date of the enactment of this section, and biennially through September 30, 2018,"; and

(B) in subparagraph (B), by striking "not later than two years after the date of the enactment of this section and every three

years thereafter" and inserting "not later than two years and five years after the date of the enactment of this section"; and

(3) by adding at the end the following new subsection:

"(e) PORTFOLIO REVIEWS.—

"(1) IN GENERAL.—The President shall, at least once every 3 years, perform a review to evaluate the allocation and delivery of resources across the countries the Peace Corps serves or is considering for service. Such portfolio reviews shall at a minimum include the following with respect to each such country:

"(A) An evaluation of the country's commitment to the Peace Corps program.

"(B) An analysis of the safety and security of volunteers.

"(C) An evaluation of the country's need for assistance.

"(D) An analysis of country program costs.

"(E) An evaluation of the effectiveness of management of each post within a country.

"(F) An evaluation of the country's congruence with the Peace Corp's mission and strategic priorities.

"(2) BRIEFING.—Upon request of the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall brief such committees on each portfolio review required under paragraph (1). If requested, each such briefing shall discuss performance measures and sources of data used (such as project status reports, volunteer surveys, impact studies, reports of Inspector General of the Peace Corps, and any relevant external sources) in making the findings and conclusions in such review."

Amend section 8I(a) of the Peace Corps Act, in the quoted material in section 2, by inserting "through September 30, 2018," after "annually".

Strike section 8.

Redesignate sections 9 and 10 as sections 8 and 9, respectively.

Strike section 11.

CELEBRATING THE 10-YEAR COMMEMORATION OF THE UNDERGROUND RAILROAD MEMORIAL

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 293.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 293) celebrating the 10-year commemoration of the Underground Railroad Memorial, comprised of the Gateway to Freedom Monument in Detroit, Michigan, and the Tower of Freedom Monument in Windsor, Ontario, Canada.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements on this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 293) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 293

Whereas millions of Africans and their descendants were enslaved in the United States and the American colonies from 1619 through 1865;

Whereas Africans forced into slavery were unspeakably debased, humiliated, dehumanized, brutally torn from their families and loved ones, and subjected to the indignity of being stripped of their names and heritage;

Whereas tens of thousands of people of African descent silently escaped their chains to follow the perilous Underground Railroad northward towards freedom in Canada;

Whereas the Detroit River played a central role for these passengers of the Underground Railroad on their way to freedom;

Whereas, in October 2001, the City of Detroit, Michigan joined with Windsor and Essex County in Ontario, Canada to memorialize the courage of these freedom seekers with an international memorial to the Underground Railroad, comprising the Tower of Freedom Monument in Windsor and the Gateway to Freedom Monument in Detroit;

Whereas the deep roots that slaves, refugees, and immigrants who reached Canada from the United States created in Canadian society remain as tributes to the determination of their descendants to safeguard the history of the struggles and endurance of their forebears;

Whereas the observance of the 10-year commemoration of the Underground Railroad Memorial will be celebrated from October 19 through October 22, 2011;

Whereas the International Underground Railroad Monument Tenth Anniversary Planning Committee is pursuing the designation of an International Freedom Corridor and the nomination of the historic Detroit River as an International World Heritage Site;

Whereas the International Underground Railroad Monument Tenth Anniversary Planning Committee recognizes that a National Park Service special resources study may establish the national significance, suitability, and feasibility of an International Freedom Corridor;

Whereas the designation of an International Freedom Corridor would include the States of Michigan, Illinois, Ohio, Wisconsin, Missouri, Indiana, and Kentucky, the Detroit, Mississippi, and Ohio Rivers, which traverse portions of these States, and any other sites associated within this International Freedom Corridor;

Whereas a cooperative international partnership project is dedicated to education and research with the goal of promoting cross-

border understanding as well as economic development and cultural heritage tourism;

Whereas, over the course of history, the United States has become a symbol of democracy and freedom around the world; and

Whereas the legacy of African Americans is interwoven with the fabric of democracy and freedom in the United States: Now, therefore, be it

Resolved, That the Senate celebrates the 10-year commemoration of the Underground Railroad Memorial, comprised of the Gateway to Freedom Monument in Detroit, Michigan and the Tower of Freedom Monument in Windsor, Ontario, Canada.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that on Monday, October 17, at 5:15 p.m., the Senate proceed to executive session to consider Calendar No. 271; that there be 15 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote with no intervening action or debate on Calendar No. 271; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, OCTOBER 17, 2011

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, October 17; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be

deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 4 p.m., with Senators permitted to speak therein for 10 minutes each; that at 4 p.m. the Senate proceed to H.R. 2112, the vehicle for the Agriculture, CJS, and Transportation appropriations bills, as provided under the previous order; further, that at 5:15 p.m., the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, I appreciate the courtesy of the Presiding Officer, the patience of the Chair and all the staff for working through this afternoon to get where we are. It will make next week go smoother.

The next rollcall vote will be at 5:30 on the confirmation of the Bissoon nomination.

ADJOURNMENT UNTIL MONDAY, OCTOBER 17, 2011, AT 2 P.M.

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

Thereupon, the Senate, at 6:24 p.m., adjourned until Monday, October 17, 2011, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 13, 2011:

THE JUDICIARY

ALISON J. NATHAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

SUSAN OWENS HICKEY, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS.

KATHERINE B. FORREST, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

DEPARTMENT OF STATE

SUNG Y. KIM, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.

HOUSE OF REPRESENTATIVES—Thursday, October 13, 2011

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. PALAZZO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 13, 2011.

I hereby appoint the Honorable STEVEN M. PALAZZO to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:20 a.m.

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, I'm back on the floor again to talk about bringing our troops home from Afghanistan.

I had the privilege and the honor to be at Walter Reed in Bethesda on Tuesday, and I talked to so many of our young men and women who have lost legs and other parts of their body and just continue to wonder why in the world the leadership of the House does not join together and call on Mr. Obama to bring our troops home before 2014–2015.

Mr. Speaker, I'm holding up right now from The Wall Street Journal a rather lengthy article that says, "Afghan Opium Output Surges." That is real encouraging; our young men and women walking the roads of Afghanistan, getting their legs blown off, and yet the drugs in Afghanistan are surging. That's great news, I guess, for the dealers.

Mr. Speaker, in addition to that, on October 5 in a poll, it says one in three vets see Iraq-Afghanistan wars as a

waste. And I read: "A new opinion survey says one in three U.S. veterans of the post-9/11 military believe the wars in Iraq and Afghanistan are not worth fighting. Most of the vets polled by the Pew Research Center also think that after 10 years of combat, America should be focusing less on foreign affairs and more on its own problems."

I'm pleased to see Ms. WOOLSEY from California on the floor because she has joined many of us in the Republican Party and her Democratic Party in continuing to grow the opposition to staying in Afghanistan until 2014–2015.

Well, you might say, You keep saying 2014–2015. So I want to make reference to testimony of former Defense Secretary Gates. This was on February 16, 2011, and it reads: "By the end of this calendar year, we expect there to be less than 100,000 troops to be deployed in both of the major post-9/11 combat theatres, virtually all of those forces in Afghanistan."

"That is why we believe that beginning in fiscal year 2015"—Mr. Speaker, I'm going to read that one more time: "That is why we believe that beginning in fiscal year 2015, the United States can, with minimal risk, begin reducing Army active-duty end strength by 27,000 and the Marine Corps by somewhere between 15,000 and 20,000. These projections assume that the number of troops in Afghanistan will be significantly reduced by the end of 2014, in accordance with the President's strategy. If our assumptions prove incorrect, there's plenty of time to adjust the time and schedule of this change."

Mr. Speaker, what that means is the end of 2014 becomes 2015; 2015 becomes 2016.

I have a poster here that ran in the Greensboro paper in a Sunday edition. They had put in their paper a letter from JIM MCGOVERN and me calling on the President to bring our troops home before 2014. The title says, Mr. Speaker, "Get Out." And the soldiers are bringing a flag-draped coffin off a plane.

I don't know how much longer we have to continue to spend \$10 billion a month to prop up a crook named Karzai. I just made reference to a Wall Street Journal article that opium surges. It's a corrupt country. It's never going to change. We might as well just face the fact that we won, bin Laden is dead, al Qaeda has been dispersed all over the world, and it's time to bring them home.

Mr. Speaker, with that, I'm going to be handing out to anyone that comes

to my office a picture of marines carrying a flag-draped coffin, and I say call on the leadership all the way to the White House, to the House, to the Senate, and ask them to bring our people home.

With that, Mr. Speaker, I will ask God to please bless our men and woman in uniform. God, please bless the families of our men and women in uniform. God, in Your loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq.

And I will close by asking God to please bless the House and Senate. I will ask God to give wisdom, strength, and courage to the President. And three times I will ask, God please, God please, God please bless America.

[From the Associated Press, Oct. 5, 2011]

POLL: 1 IN 3 VETS SEES IRAQ, AFGHAN WARS AS WASTES

WASHINGTON.—A new opinion survey says one in three U.S. veterans of the post-9/11 military believes the wars in Iraq and Afghanistan are not worth fighting. Most of the vets polled by the Pew Research Center also think that after 10 years of combat America should be focusing less on foreign affairs and more on its own problems.

SYSTEMATIC TORTURE IN AFGHAN PRISONS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. "One interrogator kept banging my head against the wall.

"After 2 days, he tied my hands behind my back and started beating me with an electric wire. The interrogation and beating lasted for 3 to 4 hours into the night.

"For the next 2 days, I was tied up from both wrists to the bars of an iron door. From morning until lunchtime they put a hood on my head and hung me by my wrists."

Mr. Speaker, these are the direct quotes from detainees apprehended in Afghanistan and subjected to torture at the hands of Afghan intelligence officials and police forces. It's all documented in a report issued by the United Nations this week. What they found was systematic abuse that followed a pattern—not random or isolated incidents—a pattern at several different facilities, involving at least 300 prisoners.

There's more. Kicks to the head; beatings with electric cables, rubber hoses, and wooden sticks; electric shocks to the thumbs; threats of sexual abuse, some of them against children.

And there are some even more graphic, gruesome details that I know we've read about that I'll spare my colleagues for now.

No Americans have been directly implicated in this. But as long as we're continuing a military occupation of Afghanistan and as long as we've taken on the task of training Afghan security forces, I don't see how we avoid the responsibility for these shameful acts of abuse and ritual humiliation. At the very, very least, Mr. Speaker, we're guilty of shoddy oversight and failure to instruct Afghan officials in humane interrogation techniques.

Of course, this kind of brutality is a gross violation of international human rights standards. But it's also well-documented that torture doesn't work. Torture, at the very most for a normal human being, will force that human being to confess to anything under such duress, and it's a complete failure as an intelligence-gathering strategy.

The war in Afghanistan has been going on for 10 years now. It's costing American taxpayers \$10 billion a month. How can we justify spending all this money, money that we need to invest in job creation right here at home, on a policy and a mission that is leading to such barbaric acts. How can we continue to sacrifice blood and treasure on this war, a war that is being waged in such gross violation of our very American values?

I have never been more convinced it's time to bring our troops home.

□ 0940

IRANIAN CONNECTION WITH ZETAS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, in the last 2 days, we have been learning some disturbing information about the Nation of Iran and its dictator, Ahmadinejad. It seems as though, with the consultation with Iran and the drug cartels in Mexico, it was the idea that the Iranian Government, through one of its operatives, would commit a crime against the United States. We're learning more and more about this, but it's my opinion that the Iranian Government was in the middle of this attempted assault on American soil.

The idea that the Embassy down the street that belongs to the Saudi Arabians would be attacked, that the Saudi Arabian Ambassador would be murdered somewhere in a restaurant in Washington, DC, with a possible attack on the Israeli Ambassador, with a possible attack on the Israeli Ambassador and the Saudi Arabian Ambassador in Argentina, was being plotted by the Iranian Government against us is something that we should be aware of and conscious of and be very concerned about.

Thanks to good law enforcement, this terror plot was thwarted. But what if it had occurred? What if the will of this terrorist would-be to go to Mexico and meet with what he thought was a Zeta cartel member to smuggle explosives into the United States from Mexico that would be used in an attack in Washington, DC, what if that had actually occurred? Certainly, if the Iranian Government was involved in it, we would consider that an act of aggression against the United States.

And it's interesting to me that the Iranian Government was so bold that they thought they could do something like this and get away with it. Did they believe that the United States would not do anything about it? Did they perceive us to be so weak that we would not have shown them consequences for this action against this Nation? We don't know. But the truth is we should show the Iranian Government that there are consequences for an attempted attack such as this by the Iranian Government.

There are a couple of things that I think are important for us to realize. One, we should hold the Iranian Government accountable for this attempted attack on American soil, to show them that you must leave us alone no matter what your political philosophy is. But just as equally disturbing is the fact that this operative—that I believe was dispatched by the Iranian Government—had the wherewithal to go to Mexico, our neighbors, and try to work with the drug cartels down there, and working in unison to come into the United States to commit a crime. Now, granted, the person that he was working with was not a Zeta cartel member. It was one of our own law enforcement officers. But the person thought he was working with the drug cartels. And the reason he was working with the drug cartels is because they, too, are at war with the United States, and they have easy access into the United States.

On a daily basis, the Zeta drug cartel—which I think is the worst of the worst in Mexico—comes into the United States and brings drugs and people, traffics humans, anything for money. And on a daily basis, they go back to Mexico and they take that money and they take weapons because they have access to our porous borders. If you want to get into the United States, hook up with one of the drug cartels and they'll get you in the U.S. And that's obvious what this Iranian operative was trying to do was to hook up with them. The drug cartels, for little money, will do anything, including commit murder in the United States.

So that should tell us that the border is still porous, Mr. Speaker. We hear that it's not, it's safe. It is porous, Mr. Speaker. There are portions that are safe, but the portions that are not safe are where the drug cartels go back and forth.

So, two lessons we should be learning are that the Iranian Government has it in for the United States—at least some people do in their government; two, that the border is porous, and we need to protect the national security of the United States' southern border.

So what are we going to do about it? We've heard that, well, we're going to impose some more sanctions to try to isolate Iran. Historically, sanctions have never worked any time countries have tried to use them. It is true that we could actually have some sanctions that would do some good, such as keeping Iran from having refined gasoline going back into the country, and maybe keeping crude oil from going out of Iran, but that doesn't solve the problem long term.

The long-term solution in Iran is a regime change. And let me make it clear, that regime change should be by the people of Iran who live in Iran and people who support the freedom fighters in Iran.

It's time that the regime of Iran be removed by the good folks who live in Iran. And the United States' policy publicly should be that we support those dissidents to get rid of the rogue regime of Ahmadinejad.

And that's just the way it is.

IN OPPOSITION TO THE PROTECT LIFE ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Wisconsin (Ms. MOORE) for 5 minutes.

Ms. MOORE. Mr. Speaker, I rise today to state my strident opposition to H.R. 358, proposed by our colleague, Representative PITTS, which we will be considering later on today.

H.R. 358 includes several truly unprecedented restrictions on abortion coverages—coverages which, by the way, our Supreme Court has determined are rights of women. And it would limit access to abortion services for all women, regardless of their health status, economic circumstances, age, or any other considerations.

This bill would also impose sweeping refusal provisions that not only undermine women's health care and women's rights, but actually endanger women's lives. It's not hyperbole to say that the provisions of the Pitts bill represent an extreme and callous attack on women's health.

First, H.R. 358 would effectively end abortion coverage for women in State insurance exchanges, both for those who receive subsidies to buy coverage and for those who use their own private money to buy coverage. This would mean that millions of women—contrary to what we have promised them through the Affordable Care Act, that they would be able to keep coverage they currently have—would actually lose the coverage that they currently

have. The Pitts bill represents an unparalleled restriction on the use of private funds and an insurmountable impediment for women who simply want to be able to choose a health plan that will cover all of their potential health needs.

Second, H.R. 358 would codify and expand the vast refusal clause currently in law, the Weldon amendment, granting people with only a tangential connection to abortion services—such as receptionists who make appointments or claims adjusters at insurance companies—the right to refuse services to women who seek abortions. Not only that, but the Pitts bill would make it possible for States to pass a whole new slate of refusal laws that could allow insurers to opt out of covering not just abortion care, but birth control, screening, counseling for sexually transmitted diseases, mammograms, and much more.

But the most shocking expansion of our refusal laws is the provision in H.R. 358 that would exempt hospitals from treating or referring women, in case of emergency abortion care, even if women will die without it. Hospitals would no longer be forbidden from abandoning patients on the doorstep of emergency rooms and providing treatment to at least stabilize the medical condition of such patients. This provision heartlessly puts the preferences of hospitals above the lives of women.

And finally, Mr. Speaker, H.R. 358 even establishes restrictions on people's ability to get information about their coverage options. The Pitts bill would prevent the Federal Government, States, or any other entity implementing the Affordable Care Act from requiring access to abortion services. This means, for example, that people may not get impartial or even accurate information from the patient navigators who are designated to help them choose coverage.

The advocates of Planned Parenthood in Wisconsin sent me a story that truly encapsulates the emotion, the real-life consequences of what we're talking about today. This is Judy's story, not a woman who wanted an abortion so that her bikini line would not be ruined, but a woman whose mother had died when she was 4 years old. She and her husband agonized about their decision, but her health was in jeopardy, and they knew that preserving her health and her life was the best choice for her family.

□ 0950

And she painfully, painfully, agonizingly decided to terminate her pregnancy to save her life and to preserve the quality of the life of the one child that she has so that she could rear him.

To protect the right to safe, legal abortion care takes a serious commitment to Wisconsin's health, and it takes courage, Mr. Speaker. Politicians

who want to end private health insurance coverage of abortion have neither of these qualities.

FOCUS ON JOB CREATION IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Nevada (Ms. BERKLEY) for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I rise today on behalf of Nevada's unemployed workers who got a glimpse this week of exactly what is wrong with Washington. Too many politicians in Washington have their priorities upside down.

My State is struggling with record unemployment rates. We should be focused every day here in Washington like a laser on job creation. And yet, this week, Washington voted repeatedly to send more jobs overseas.

Just yesterday, the House voted to kill legislation that would have stopped China from cheating Nevada workers out of thousands of jobs. These unfair currency manipulation tactics by China have already cost the Silver State nearly 15,000 jobs; and ironically, at the same time that Washington Republicans rejected efforts to stand up to China, three job-killing trade agreements sailed through the House and the Senate. These trade agreements could cost our Nation another 200,000 jobs.

Mr. Speaker, we need jobs here in America, not in foreign countries. Unemployed workers in Nevada and across our Nation are counting on us to get our priorities straight. Washington must stop protecting China and start fighting to create jobs for American workers right here on American soil.

BIG GOVERNMENT CONSERVATISM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of Tennessee. Mr. Speaker, in the current issue of the American Spectator Magazine, Robert Merry, the former CEO of the Congressional Quarterly, has a great article that I wish everyone would read. It is an article about the Presidency of Andrew Jackson, but it applies lessons of history to modern-day issues and problems better than almost anything I have ever read.

Mr. Merry says the Republican Party should not follow the big government conservatism of David Brooks, William Kristol, or Presidents like Theodore Roosevelt or George W. Bush, who he says "expanded the size and scope of the Federal Government and pursued the global goal of remaking other cultures in far-flung regions."

Mr. Merry asks, "Who among past Presidents should Republicans turn to for lessons and guidance?"

"The answer," he says, "is Andrew Jackson, who would have slapped down

the notion of American greatness conservatism," i.e., big government conservatism, "with utter contempt because he believed," that is, Jackson believed, "the country's greatness emanated from its people, not from its government."

"Jackson was the great conservative populist of American history, and his story bears study at a time when the country seems receptive to a well-crafted brand of conservative populism."

"Indeed," Mr. Merry continues, "conservative populism is the essence of the Tea Party—opposed to big, intrusive government; angry about the corporate bailouts of the late Bush and early Obama administrations; fearful of the consequences of fiscal incontinence; suspicious of governmental favoritism; wary of excessive global ambition."

"These concerns and fears were Jackson's concerns and fears 180 years ago when he became President, and his greatest legacy is his constant warning that governmental encroachments would lead to precisely the kinds of problems that are today besieging the country. That legacy deserves attention."

Mr. Merry also admires Thomas Jefferson. He wrote:

"Jackson was of course a Democrat, but the Democratic Party of that era was almost the polar opposite of today's version."

"The 19th-century party emerged from the politics of Thomas Jefferson, who despised the governing Federalists of the early Republic for their elitist tendencies and push for concentrated Federal power."

"Jefferson brought forth new political catchphrases: small government, strict construction of the Constitution, States' rights, reduced taxes, less intrusion into the lives of citizens."

"His administration, historian Joyce Appleby wrote, would speak for 'the rational, self-improving, independent man who could be counted on to take care of himself and his family if only intrusive institutions were removed.'"

Then Mr. Merry goes on and says about Jackson: "Jackson knew that big government could always be manipulated to benefit the few at the top, especially those who worked or formerly worked for the government and big government contractors."

Merry wrote: "Jackson's most penetrating political insight was that concentrated governmental power always leads to corruption and abuse. The way to prevent this, he believed, was to maintain a diffusion of power and keep it as close to the people as possible."

"It wasn't that ordinary folks were less likely to abuse power; human nature applied to all. But if power were spread out through the polity, it couldn't be directed toward special favors and privileges for those who always managed to get their hands on

power when it was available in sufficient increments. The playing field would be level.”

Of course the thing Jackson is most remembered for as President is his veto of a federally run national bank.

“The President wasted no time in vetoing legislation, daring his political opponents to make the most of it. Few documents in the American political literature capture conservative populism with the verve and power of Jackson’s veto message. In it he portrayed the bank as a government-sponsored monopoly that employed the money of taxpayers to enhance the power, the privileges and wealth of a very few Americans and foreigners—‘chiefly the richest class’—who owned stock in the bank and worked for it.

“If government is to grant such gratuities, he said, ‘Let them not be bestowed on the subjects of a foreign government nor upon a designated and favored class of men in our own country.’

“Rather, he added, such favors should be granted in such way as to ‘let each American in turn enjoy the opportunity to profit by our bounty.’”

Finally, Merry applies the Jackson philosophy the Dodd-Frank bill and similar legislation, which, he says, Jackson would have opposed, and says Jackson “would expel Wall Street henchmen from the government, particularly if they came from Goldman Sachs.”

He also wrote that “Jackson would be aghast that Fannie Mae and Freddie Mac still exist. Kill ‘em, he would demand.

“The whole story of these government-sponsored enterprises would scandalize him—government guarantees that amount to government subsidies that are then used to lobby the government for ever more economic leverage.”

He has very accurately described the big government, big business duopoly that runs this country today. I urge all of my colleagues and others to read the Robert Merry article about Andrew Jackson in the October issue of the *American Spectator* Magazine.

CONGRESSIONAL OUT OF POVERTY CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. Mr. Speaker, I rise as the founder and the co-chair of the Congressional Out of Poverty Caucus to continue to sound the alarm every week that there are millions of Americans in need all across America. They need our help and they need our support.

Imagine for a moment if the entire population of 24 States in America were living in poverty. How would our Nation respond? We would respond as we do in any emergency, mobilizing to

provide these people and families with adequate food, clothing and shelter. We would come together as a Nation and work to solve the crisis of poverty.

We know that nearly 47 million people live in poverty in America now, today. That’s essentially the entire population of 24 States of this country. The emergency is real, and the crisis is happening each and every day in every city and every town across America.

But we are not mobilizing to solve this crisis of poverty. We are not directing Federal, State and local resources to help these men, women and children.

Mr. Speaker, we are really failing those living in and facing poverty. If you are facing or living in poverty, something as basic as eating is not a guarantee, and millions go to bed hungry every night.

This Sunday, October 16, is recognized as World Food Day. On Sunday, of course, we all should take a moment and be grateful that many are food secure, but we need to think about the nearly 15 percent of households and over 16 million children in America who are food insecure.

In fact, beyond Sunday, I hope that every Member of Congress joins me and other members of the Congressional Out of Poverty Caucus later this month in the 2011 Food Stamp Challenge. Once again, as several of us did a couple of years ago, I challenge my colleagues to live for a week on what a person on food stamps lives on; that is, \$4.50 a day, and that’s \$1.50 a meal. So I hope you join us in that effort, my colleagues.

Experience is often the best teacher, and I bet that even a few days on living on what a person on food stamps survives on day in and day out might just bring us together to work to address the crisis of poverty.

□ 1000

We know what we need to do, really. The pathway to addressing the crisis of poverty, to boosting our stagnating economy and reducing long-term deficits is the same one: create stable living-wage jobs.

The most effective antipoverty program is an effective jobs program. When a family in poverty gains a living-wage job with good benefits, the family stops relying on government services, and that family begins to pay into the tax base instead of drawing from it. When jobs are created, it boosts demand, which helps to create even more jobs, which is what tax cuts for the wealthy, quite frankly, have always failed to accomplish. So we must come together and pass the President’s American Jobs Act and support those initiatives that create stable living-wage jobs.

But while we work to create new jobs, we cannot forget that there are millions of Americans who are our

most vulnerable. There are millions who face hunger, millions who have been looking for a job for more than 99 weeks, and millions of Americans who are losing their homes and struggling to keep their version of the American Dream alive. We must protect the vital safety net programs that support these people in these very hard times from draconian and shortsighted budget cuts by the so-called supercommittee. We cannot balance the budget on the backs of our most vulnerable.

Poverty is real. It’s rural and it’s urban. People of all backgrounds, all ethnic backgrounds, are poor in our country. And so I hope we can finally, at least on this issue, end the extreme partisanship and really stand united in a bipartisan way and as a nation to create jobs and to address the crisis of poverty ravaging our Nation.

HONORING ARMY SPECIALIST GARRETT FANT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, 40 years from now, a beloved high school history teacher at Tahoe High School named Garrett Fant should be celebrating his retirement surrounded by generations of his students and his children and grandchildren. They would have all told affectionate stories about how Mr. Fant inspired them or helped them and wished him a happy and well-deserved retirement.

Unfortunately, history has willed a different story. Army Specialist Garrett Fant instead returned to Lake Tahoe last week as a fallen hero at the age of 21. This young man sacrificed all those years, all those memories, all those pleasures—and all that life—in the service of his country.

He loved the Army, and he had a plan for his life—he’d serve his country as a soldier for 20 years, and then he would come and serve his community as a high school history teacher. From everything I’ve learned about Garrett Fant, he would have made a great history teacher. His mother told a reporter, “His thought was that high school was the last stop for kids, and he wanted to influence people.”

He’d have made a great family man. His older brother remembers looking up to Garrett as if Garrett were the older brother. Knowing full well the dangers that surrounded him in Afghanistan, his foremost attention went to reassuring his family that he was safe and secure. His mother said, “He always tried to protect me from the dangers of being over there. He was just someone that, if you were his family or his friends—or his country—he gave you his all and loved you with everything.”

Above all, Garrett Fant wanted to be a soldier. His brother tried to get him

to enlist with him in the Navy, but Garrett would have none of that. He was all Army and had known from the time he was a little boy that's what he most wanted to do. On Facebook, he listed his occupation as "grunt," telling his friends, "You can't spell Infantry without 'Fant.'" He was the top marksman in his class of 1,000.

I wish I'd known him. I wish my grandchildren might one day have been his high school history students. Instead, Army Specialist Garrett Fant takes his place in history, among nine generations of American heroes who sacrificed all those precious years to protect those who couldn't protect themselves, to stand up to the bullies of the world, "to proclaim liberty throughout all the land and unto all the inhabitants thereof."

In his farewell address at West Point, General Douglas MacArthur turned his attention to fallen heroes like Army Specialist Garrett Fant, and with searing insight he observed, "Their story is known to all of you. It is the story of the American man at arms. My estimate of him was formed on the battlefields many, many years ago and has never changed. I regarded him then as I regard him now, as one of the world's noblest figures; not only as one of the finest military characters, but also as one of the most stainless."

"His name and fame are the birthright of every American citizen. In his youth and strength, his love and loyalty, he gave all that mortality can give. He needs no eulogy from me, or any other man."

And MacArthur goes on to say, "But when I think of his patience under adversity, of his courage under fire, and his modesty in victory, I am filled with an emotion of admiration I cannot put into words."

"He belongs to history as furnishing one of the greatest examples of successful patriotism. He belongs to posterity as the instructor of future generations in the principles of liberty and freedom."

And so Garrett Fant became a teacher after all. As Shakespeare said, "this story shall the good man teach his son." Succeeding generations of students at South Lake Tahoe High School and also at Valley Oak High School in American Canyon, which Garrett also attended, will know his story. Every Memorial Day in his hometown, his name will be read with a special pride that his friends and neighbors will share. Strangers will pass by his honored grave, adorned with flags and flowers, and they'll note the few years he had and the sacrifice he made and be humbled by it and perhaps inspired by it to become better citizens. No history teacher can do more than that.

To his grieving family, on behalf of a grateful Nation, I can only say that you do not mourn alone. Your pride in

Garrett is shared by your community, by your country, and by many, many history teachers who will tell his story to the latest American generation.

CELEBRATING WORLD FOOD DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. BUTTERFIELD) for 5 minutes.

Mr. BUTTERFIELD. Let me thank the Speaker for yielding time to me this morning.

As I begin my remarks, Mr. Speaker, I just want to make a brief remark about one of the preceding speakers, Congresswoman BARBARA LEE from Oakland, California, who has been an advocate for poverty, food insecurity, human rights, and all of the global issues that we have talked about over the years. And I want to thank her for her leadership on this very important issue. Congresswoman LEE is the founder of the Out of Poverty Caucus here in the House of Representatives, and I am honored to serve as one of her cochairs.

But the Congresswoman is absolutely correct; on this Sunday, October 16, we will celebrate World Food Day, a day to increase awareness, understanding, and informed, year-round action to alleviate hunger across the globe and in our neighborhoods.

The statistical evidence of pervasive and persistent hunger is absolutely staggering, notwithstanding the human stories of working families in my communities of eastern North Carolina or families in eastern Africa who cannot get enough food to eat on a daily basis.

And so I want to take this opportunity to remind all the Members of this body that millions of Americans, millions of people suffer from hunger; and unless we commit to eliminating this scourge, these human beings will suffer persistent poverty, reduced rights, and even death. We must come together, Mr. Speaker, to make hunger and nutrition issues, these issues, a priority. It is a priority in my hometown of Wilson, North Carolina. We have a food bank in my community. It is administered by the Wilson OIC, the Wilson Opportunity Industrialization Center.

□ 1010

On at least four occasions, on each occasion each year, this center is responsible for passing out food to those suffering from food insecurity. I have here to my right simply a picture of the last food program in which citizens of our community lined up all night long to receive food in this community. You will see this building. It is a former school. Actually, I went to elementary school there many years ago. This was my first-grade classroom, Congresswoman LEE. This is a former

elementary school. It is now the Wilson OIC, and citizens lined up all night long in order to receive food from this program.

What a shame.

But thank you, OIC, for your effort.

Nine hundred twenty-five million people suffer from chronic hunger worldwide—one in seven people. That is an atrocious statistic. Shockingly, in 2011, there is still severe starvation. The worst drought in 60 years caused widespread hunger and starvation across the Horn of Africa, and we need to pay attention to the Horn of Africa. Globally, 12 million people are in danger of starving to death, and children are especially vulnerable.

In the United States—the richest country in the world, the richest country that we've ever known—in our beloved country, 48 million people live in food insecure households, and these are yet examples of that. That is one in six people in our country who suffer from food insecurity. The recession that we talk about on this floor every day has exacerbated the plight of many, but the problems with food insecurity began well before 2007. Since the year 2000, the number of people classified by USDA as having very low food security has doubled. My district has been recently classified as the second most insecure district in the country.

The Federal Government certainly needs to find ways to cut costs and reduce spending, but that burden should not fall heaviest on the people with the greatest needs. We need to continue our investments in agriculture research to empower scientists to develop more efficient and sustainable methods of production. We should maintain and improve our commitments to foreign aid programs through USAID, improving them to provide greater access to needed resources.

Finally, Mr. Speaker, my predecessor in this office, former Congresswoman Eva Clayton, was a strong, clear voice on behalf of the hungry of the country and those abroad. During her 10 years in Congress, she was staunchly committed to improving access and the quality of food stamps, WIC, and other programs. Following her retirement, she was appointed the assistant director of the U.N. Food and Agriculture Organization.

In this astounding legacy, we will be introducing legislation, probably tomorrow, to honor the work of Eva Clayton: The Eva Clayton Fellows Program Act of 2011. This is a wonderful program. I urge my colleagues to pay attention to the introduction of this bill. It will be significant.

THE SPIRIT OF COMPETITION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SCHILLING) for 5 minutes.

Mr. SCHILLING. Mr. Speaker, I rise today, in the spirit of competition, in

support of American workers and as an advocate for a government that seeks to provide economic certainty for the businesses that create jobs in this country.

Last night, the House voted on bipartisan trade agreements with Colombia, Panama, and South Korea. These agreements represent an opportunity to compete, grow jobs, and promote American exports.

Here is what we know: Ninety-five percent of the world's customers live outside this great country. Here is another thing: If America gives itself the opportunity to compete with other countries, like these three agreements will, American manufacturers and farmers will deliver, and we will all win. Job creation is red, white, and blue. It's definitely a red, white, and blue issue, and that is why you saw both Democrats and Republicans coming together yesterday to provide this opportunity for American exports to compete.

In the 17th District of Illinois, which I represent, I recently visited a company that makes the big mining trucks, and 80 percent of those trucks ship outside of the United States of America. This company employs 3,000 workers, which is equal to supplying jobs to 2,400 of those. These jobs are dependent upon exports. The same company also manufactures bulldozers. Eight out of 10 of those are sold to buyers from overseas. Yet again, this is an example of jobs being created because of the demand for American products by customers in a global economy.

These trade agreements will reduce tariffs on goods and will remove barriers that are currently in place. By leveling the playing field for our manufacturers and farmers, we can further promote these cornerstones of the American economy. We need to enact these policies that strengthen our manufacturing base, which is why I am cosponsoring legislation offered by my colleague and friend DAN LIPINSKI that will pave the way for our national manufacturing strategy.

Three million manufacturing jobs and almost 4 million ag jobs are dependent upon U.S. exports. The independent U.S. International Trade Commission estimates that these agreements will increase American-made exports by \$13 billion and inject \$10 billion into our GDP. President Obama estimates that these jobs could create a quarter of a million jobs. According to the Congressional Research Service, the last time the United States signed a trade agreement was back in 2006 with Peru.

These three trade agreements the House passed last night could have been sent to Congress back in 2009. Every day we delay is a day we deny American workers job opportunities to compete. These trade agreements aren't about rhetoric. They are about

results. We cannot afford to sit on the sidelines anymore while other countries enter into trade agreements with Colombia, Panama, and South Korea, causing us to lose more of the market share. Again, I support these free trade agreements. If as a country we are allowed to compete, I know we will deliver.

RECOGNIZING MARCIA JO ZERIVITZ

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for 5 minutes.

Ms. WASSERMAN SCHULTZ. I rise today to honor the achievements of Marcia Jo Zerivitz, the founding executive director and chief curator of the Jewish Museum of Florida.

Marcia has been a leader in the organized Florida Jewish community for more than 40 years. Originally from West Virginia, she has been a leader in Jewish organizations since her work with Hillel during her college years. Since the 1970s, Marcia has held various leadership roles within organizations such as Israel Bonds, AIPAC, ORT, and Hadassah.

Throughout her lifetime, Marcia has broken the glass ceiling as the first woman in many positions, including as president of the Greater Orlando Jewish Federation. She is one of the first women nationally to hold this office. She was also the first woman to chair the Florida Association of Jewish Federations Conference in 1979. In 1993, Marcia guided the restoration of an abandoned 1936 art deco building on Miami Beach, which served as an Orthodox synagogue for 50 years, and she opened the Jewish Museum of Florida in 1995.

She led the effort to get the museum accredited and has presented more than 50 exhibits in 15 years. The museum, which is on the National Register of Historic Places, has collected, preserved, and interpreted the Jewish experience in Florida since at least 1763, when Jews were first allowed to live in the State.

In 2003, she initiated State legislation for a Florida Jewish History Month, which is now recognized each January. Then in 2005, Marcia and members of Miami's Jewish community approached me with the idea to designate a month to honor the contributions that American Jews have made to our Nation. As a result, I was the proud sponsor of the Jewish American Heritage Month resolution, which the House and Senate unanimously passed in 2006 and which has been proclaimed by President Bush and President Obama annually since then.

Marcia Zerivitz should take great pride in knowing that Jewish American Heritage Month, which is now celebrated across our Nation each May,

began with her work at the Jewish Museum of Florida.

I am honored to recognize Marcia Jo Zerivitz for the positive impact that she has made, not just on Florida's Jewish community but on communities across our Nation. I wish her well on her retirement, and I thank her for enriching the lives of countless others in the Jewish community and around the country.

□ 1020

YUCCA MOUNTAIN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I come to the floor a second time, as I promised a couple of weeks ago, to talk about high-level nuclear waste in the Yucca Mountain repository.

Two weeks ago I highlighted Hanford, Washington, a DOE site that has 53 million gallons of nuclear waste—53 million gallons of nuclear waste that's stored 10 feet underground in tanks that are leaking. The waste is 250 feet above the water table and the waste is 1 mile from the Columbia River, versus Federal law which said in 1982 that Yucca Mountain should be our national repository.

Now let's look at Yucca Mountain. Right now there's no nuclear waste on site. The waste would be stored a thousand feet underground. The waste is a thousand feet above the water table, and the waste would be 100 miles from the Colorado River; 100 miles versus 1 mile, high-level nuclear waste, especially with Hanford where you have nuclear waste that actually is leaking outside the tanks.

So then my response was: What are the Senators in these two States doing and what's their position? The reason why we're not moving to Yucca Mountain is because of one U.S. Senator, the majority leader of the Senate, HARRY REID, who has blocked the movement of Yucca Mountain.

Obviously, these Senators have an interest because of the Columbia River, and I was trying to encourage them, through the use of the bully pulpit, that this was a time to move to get this resolution resolved, especially after Fukushima Daiichi, everybody following the tragedy in Japan, and part of that was high-level nuclear waste in storage ponds right on site.

Since then, I have been able to get a few quotes from these Senators, or researched them. Senator CANTWELL said: "The National Academy of Sciences has concluded that the best approach is to bury nuclear waste deep underground. Since that conclusion, Yucca Mountain in Nevada has been chosen as the national repository."

Senator MURRAY said this: "I believe that it is irresponsible for the Department of Energy to discontinue the

Yucca program altogether, its funding, licensing and design."

Senator WYDEN has said: "I don't see that (Yucca Mountain will reopen). I think that there'll be an effort to look at new technologies and on-site storage and a whole host of approaches, but I don't think that's going to happen."

So Senator WYDEN is accepting this in Hanford, a mile from the Columbia River.

Senator MERKLEY has been quiet, as far as we could find from the Google search pairing his name and any Yucca Mountain comments.

Now, lest people think I'm picking on the Northwest, let me go to my home State of Illinois. So one facility, Zion Nuclear Power Station, it's a decommissioned plant but there's still 65 casks containing 1,135 metric tons of nuclear waste, versus Yucca Mountain, which has zero.

The waste at Zion is stored above the ground; the waste at Yucca Mountain would be a thousand feet below the surface. The waste at Zion is 5 feet above the water table; the waste at Yucca Mountain would be a thousand feet. The waste at Yucca Mountain is 100 miles from the Colorado River; the waste from Zion is 1,300 feet from Lake Michigan.

I mean, it doesn't take a rocket scientist to understand that Yucca Mountain is safer than storing high-level nuclear waste next to Lake Michigan.

So what have our Senators said?

Well, let's start with Senator DURBIN. He's quoted as saying: "There are a lot of options out there. But I have supported Yucca in the past, and I am not walking away from that. I just think we need to consider other options as well."

I want him to obviously continue to consider Yucca Mountain.

Senator KIRK has said: "I think in the end Congress needs to fight and win the battle to build the Yucca Mountain facility so that we can store nuclear waste 1,000 feet below the surface."

I agree.

Senator KOHL is quoted as saying: "This site, on the Nevada nuclear test site"—that's what people don't know is that Yucca Mountain is also the Nevada nuclear test site. That's where we tested the nuclear bombs during the nuclear arms race and the nuclear age. So Senator KOHL is correct in saying: "This site, on the Nevada nuclear test site, is certainly safer than leaving the waste at 132 sites nationwide, sites scattered around the country that were never designed to be a permanent solution."

Senator JOHNSON is silent.

CURRENCY MANIPULATORS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. DONNELLY) for 5 minutes.

Mr. DONNELLY of Indiana. Mr. Speaker, I rise today to applaud the bi-

partisan majority in the Senate for passing legislation to take on currency manipulators, and to urge our House of Representatives and our House Republican leadership to do the same—to allow a stand-alone, up-or-down vote on currency manipulation legislation—here in the House of Representatives. In a period of congressional gridlock, we must seize every bipartisan opportunity available to us not only to create jobs, but also to protect the good-paying jobs we already have.

As the Senate demonstrated this week by passing the Currency Exchange Rate Oversight Reform Act, the time is now to take advantage of bipartisan cooperation. Sixteen Republican Senators joined 47 Democratic Senators in voting for this legislation to counter an unfair trade practice that is hampering our economic recovery.

In February, Congressman SANDER LEVIN, TIM RYAN, and TIM MURPHY introduced the Currency Reform for Fair Trade Act. H.R. 639 has garnered 225 bipartisan cosponsors, more than enough to secure House passage. This would allow the Department of Commerce to counter imports made cheaper by currency manipulation with a corresponding tariff. A nearly identical bill passed the House of Representatives last year by a strong, overwhelming bipartisan vote of 348-79, both Republicans and Democrats.

When countries are allowed to keep the value of their currencies artificially low and, in turn, the prices of their exports into the United States, American companies and American workers face an unfair disadvantage. Forced to compete on an unlevel playing field where competitors are able to maintain a permanent 30 to 40 percent-off sale on their products, American jobs are lost and our trade deficit grows with countries like China.

The Economic Policy Institute recently released the study, and it showed that in the last 10 years the U.S. lost 2.8 million jobs, including nearly 62,000 jobs in my home State of Indiana as a result directly of the expanding trade deficit with China. Many experts agree: Countries like China that manipulate their currencies are damaging the U.S. economy.

Fed Chairman Ben Bernanke recently expressed concern "that the Chinese currency policy is blocking what might be a more normal recovery process in the global economy," and he stated that "it is to some extent hurting the recovery."

Chairman Bernanke is tasked directly with the responsibilities of serving and protecting America's economic interests. He recognizes the impact that Chinese currency manipulation is having on our economy. It is long past time for this House of Representatives to do the same.

□ 1030

After the Senate expressed interest in considering S. 1619, China imme-

diately went on the offensive, issuing threats and saying such legislation could spark a trade war. Though China's comments are disappointing, they are not unexpected, and Congress should not shy away from doing what is in America's best interests. That is our job. China's unfair currency policies have cost millions of Americans their jobs, and I believe inaction on this issue is dangerous to our economic recovery and continues to put at risk hundreds of thousands of additional American jobs.

When I travel around my district, I hear from small businesses and manufacturers on this issue. And they never ask for Congress to guarantee their success. All they want is a fair fight, for the rules to be the same. And I believe given a level playing field, American businesses will win every single time.

Once again, to our House leadership, please allow bipartisan legislation addressing currency manipulation to come before the full House of Representatives for a standalone, up-or-down vote. Who are you going to stand with, the Chinese government or American businesses and American workers? The American people want a vote now and deserve a vote now.

REPUBLICAN ANTI-CHOICE LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. CROWLEY) for 5 minutes.

Mr. CROWLEY. Mr. Speaker, we are now more than 275 days into this 112th Congress, and the GOP leadership has put forward zero American jobs bills and outright rejected consideration of President Obama's jobs proposal. So if jobs aren't at the heart of the Republican Tea Party's agenda, what is?

Passage of anti-labor legislation to weaken the rights of middle class workers and encourage the shipping of jobs overseas. Check.

Passage of anti-middle class legislation to raise taxes on hardworking families. Check.

Passage of anti-environment legislation to roll back clean air standards. Check.

Passage of anti-education legislation to slash Pell Grants for middle-income students to afford college. Check.

And later today, passage of its seventh anti-women's health measure. Today's bill will put the government in the middle of American's health choices and allow hospitals to refuse life-saving treatment to women.

Every day it feels more and more like the movie "Groundhog Day." I wake up hoping it will be something different, but it's the same scene played over and over and over. The Republican Tea Party agenda stuck on repeat might satisfy the extreme right wing, but it neither satisfies nor helps hardworking Americans.

It is time for the GOP leadership to learn a lesson from “Groundhog Day”—the only way out of it is to do better.

The American people don’t want token legislation, extreme partisanship, or sideshow politics. They want real solutions, real jobs, and a real vision. They want a vision for America. A vision for America. And like the movie, they are desperate for a new day.

HISTORIC PRESERVATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. HIGGINS) for 5 minutes.

Mr. HIGGINS. Mr. Speaker, I rise today to celebrate the National Trust for Historic Preservation’s 65th National Preservation Conference, which will be held in my community of western New York next week.

Over 2,000 people from across the country and around the world will converge in Buffalo to be immersed in our considerable and remarkable architecture. What makes this conference unique is that our community’s historic preservation assets are the very reason the conference is being held there.

The centerpiece will be the numerous buildings, homes, parks, and neighborhoods that were remarkable upon their construction and will help grow us in the future. This conference will provide international validation to what many in western New York have long known and understood: that our ability to thrive lies in recapturing the potential of what we have built in the past. And we are doing just that.

Buffalo is home to the Nation’s first park and parkway system, designed in the 19th century by the famed landscape architect Frederick Law Olmsted. The 1,200-acre parklands are some of the very best in the world. The Buffalo Olmsted Parks Conservancy is leading a multimillion dollar effort to restore the parks so western New Yorkers can visit and appreciate and enjoy them for decades to come.

Meanwhile, we are meticulously restoring buildings integral to our architectural legacy. These include the Darwin Martin House and Graycliff Estate by Frank Lloyd Wright; the Guaranty Building by Louis Sullivan; the Buffalo Psychiatric Center by Henry Hobson Richardson; and the Hotel Lafayette by one of America’s first female architects, Louise Blanchard Bethune.

These efforts are not just examples of historic preservation. They represent a new confidence that we can take charge of our own future by reclaiming our past.

Mr. Speaker, historic preservation efforts in Buffalo and western New York also demonstrate the importance of partnerships between the Federal Government and the private sector. With-

out these partnerships, many preservation projects would never get off the ground.

Federal tools like the historic preservation tax credit and the new markets tax credit bring builders, investors, and development professionals together, and they have the capacity to turn around entire communities.

In Buffalo, \$64 million of new market tax credit investments have occurred since 2005. This investment has leveraged projects totaling over \$141 million in our community. The new markets program has encouraged the redevelopment of the Oak School Lofts, Ellicott Commons, the Electric Tower, the Webb Lofts, Ashbury Hall, AM&A’s Warehouse Lofts, 567 Exchange Street, the Larkin at Exchange complex, the Erie Lackawanna Train Station in Jamestown, and the Innovation Center at the Buffalo Niagara Medical Campus. All of these projects involved either a restoration of a historic, vacant building, or new construction in an economically distressed area.

I support legislation that would extend the new markets program and authorize it at \$5 billion or more a year. And I support extending the historic preservation tax credit because I have seen in Buffalo how cost effective and successful these programs can be.

Older industrial areas like Buffalo will be able to compete and succeed in a globalized economy if their leaders develop a culture of innovation and create new economic opportunities while taking advantage of the unique aspects of the past. Buffalo and western New York are ready to meet that challenge.

I congratulate those who have led the effort to host this important conference, especially Bob Skerker and Catherine Schweitzer, and the hundreds of western New Yorkers who will make this conference a success.

To the conference attendees and visitors from all around the world, I would say our community is honored to host you and proud to show off our unique architecture and historic assets. I promise you will not be disappointed.

INVESTING IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, thank you very much for yielding to me this morning.

I wanted to share with my colleagues an important challenge that we have. And I think some would say how obvious with 9 percent unemployment, which I think we should be honest with ourselves and realize that it has been an accident that has been long in coming. Almost as if one slowed down on a rainy day and looked as if one was following the prudent rules of the road and decided to, in a moment’s notice,

not only speed but speed through a stop sign, an accident waiting to happen. We have of course, had spending without accountability in two wars, Iraq and Afghanistan, preceding this administration; and, of course, tax cuts for the top 1 percent of the population, many of whom acknowledge that where there is opportunity and benefit, there must be sacrifice and contribution.

And if we were to engage them in a reasoned discussion, we would find out, of course, that they would be willing to invest in America. I don’t call it taxation. None of us enjoy getting that bill that deals with taxes, but we do understand the value of investing in America.

□ 1040

Yesterday, we debated three trade bills. All of them are my friends. I have had the opportunity to engage with the communities represented by South Korea, Panama, and Colombia. Let me say in particular on Panama, my grandfather worked on the Panama Canal. The evidence is not his words to me, since he died before I was born, but it is the evidence of his name being printed in the annals of the Panamanian history of the canal right there at the canal site that I have visited on many occasions. What an emotional moment to see his name arise as one who helped construct and build in the 1900s amongst all the devastation, the mosquitoes, and disease. He survived and helped build the Panama Canal. So we have a longstanding relationship with them. We have a longstanding relationship with the canal.

But the trade bills, for me, should answer one question—and I respect those who voted for it: Will it have an infusion of opportunity for those who have lost their jobs? Unlike some comments by Presidential candidates running for this job, I don’t believe if you’re unemployed and if you are not rich, it is your fault. There are college graduates who are unemployed today. There are skilled artisans and those who are in the trades who are unemployed today. There are returning veterans—young men and women—who led almost multinational companies in terms of the jobs that they had in the military in Iraq and Afghanistan. How do I know? Because I have visited them and seen them in operation. If you are over the logistics of moving equipment and moving men and women, and you’re 25 years old, I can assure you that you know how to work in a large corporation.

There’s no evidence that these bills being passed at this time will in fact bring down the unemployment. I believe our chief responsibility is to find work for the American people.

One of the challenges of the language of the trade bill is the question of protecting our intellectual property. Intellectual property creates jobs. It protects the genius of America. Of course,

all of us through our history books have known about the origins of the telephone and we know the origins of the lightbulb and some of the geniuses that we've known in our early history. Many of us have heard of George Washington Carver, who did a lot with the peanut.

America knows how to invent. We know how to do research. I have the privilege of having in my jurisdiction and surrounding areas the Texas Medical Center, where some of the most outstanding research is being done on cancer, which seems to be an epidemic in this country.

So I argue we did not have sufficient protections for intellectual property. But here is the key. In addition to not having a direct correlation and an oversight on the passage of these bills which passed in the Senate last night and the creation of jobs that our population, our citizens, those that we are here to protect, those who we're here to create a pathway of economic opportunity for—a nexus of jobs, that's what you need to prove to me. And so I believe that we are missing a manufacturing strategy. It is interesting that we consider that old stuff and how proud we were of the Model T.

I believe that we cannot go forward on trade bills, Mr. Speaker, until we focus on manufacturing in America, make it in America, and putting people back to work at all levels of education. That's going to be my cause for now and forever and ever. I want America back to work. It's a great Nation. It's the greatest country in the world. Let us focus on our folks getting jobs and getting our folks back to manufacturing, making things, selling things, and America continues to serve this world as the greatest democracy and the greatest country in the world.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 11:30 a.m. today.

Accordingly (at 10 o'clock and 44 minutes a.m.), the House stood in recess until 11:30 a.m.

□ 1130

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 11:30 a.m.

PRAYER

Reverend Jesse Reyes, San Jose Catholic Church, Saipan, Northern Mariana Islands, offered the following prayer:

Gracious and loving Father, we thank You for this beautiful day.

We ask You to send Your Holy Spirit of good counsel and fortitude to all

who make the law; enlighten their minds and their hearts to be moved with compassion and to be conducted in righteousness and be eminently useful to Your people over whom they represent.

May they have the courage to promote peace and harmony, and bring us the blessings of liberty and equality.

We make this prayer through Christ our Lord.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Ms. HOCHUL) come forward and lead the House in the Pledge of Allegiance.

Ms. HOCHUL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND JESSE REYES

The SPEAKER pro tempore. Without objection, the gentleman from the Northern Mariana Islands (Mr. SABLÁN) is recognized for 1 minute.

There was no objection.

Mr. SABLÁN. Today, I welcome Father Jesse T. Reyes, from the Diocese of Chalan Kanoa in the Northern Mariana Islands, as our guest chaplain.

Father Reyes, or "Pale Jesse" as we say in the Marianas, was ordained in 2007. Since then, he has devoted himself to serving our people as the parochial vicar for the parish of San Jose in the village of Oleai.

Pale Jesse's ministry also includes serving as chaplain at the adult correctional facility, as vocation director for the diocese, and as the spiritual director for the Christian Mothers and the Divine Mercy prayer group.

I am very grateful that Pale Jesse was able to set aside that work for a few days to accept the invitation to be here. This marks the first time that a member of the clergy of the Northern Mariana Islands has offered the opening prayer for the U.S. House of Representatives; and it is, indeed, a great honor for the people of our islands—people of all creeds and denominations.

Welcome, Pale Jesse, and thank you for your blessings.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following commu-

nication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 13, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 13, 2011 at 9:20 a.m.:

That the Senate passed without amendment H.R. 3080.

That the Senate passed without amendment H.R. 3079.

That the Senate passed without amendment H.R. 3078.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

EXPRESSING FRUSTRATION WITH WASHINGTON POLITICIANS

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. Madam Speaker, last week we witnessed shocking, shocking hypocrisy from President Obama. His Justice Department filed a lawsuit, a frivolous lawsuit, to block the State of Alabama from enforcing a law that would keep illegal immigrants from taking American jobs.

In the lawsuit, Mr. Obama's lawyers claimed that the law would expose those whom authorities suspect might be here illegally from "new difficulties in routine dealings." Now, keep in mind that this is the same Obama administration that is strangling small businesses with job-killing regulations, and because of Barack Obama, virtually every small business in America is now facing "new difficulties in routine dealings."

The people I represent are beyond frustrated with Washington politicians, who are slow to protect America's businesses, yet who are quick to sue over a law that would help American citizens get jobs. Americans have given up on their leadership, so here is a message for President Obama:

Stop targeting small businesses, and let these job creators get back to doing what they do best—creating jobs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to refrain from engaging in personalities toward the President.

CHINESE CURRENCY BILL

(Ms. HOCHUL asked and was given permission to address the House for 1 minute.)

Ms. HOCHUL. I rise in support of bipartisan, job-creating legislation to crack down on the unfair manipulation of Chinese currency.

Businesses in my district, like Pyrotek and I Squared R Element, are ready to lead the resurgence of American manufacturing, but these businesses are competing on an unlevel playing field.

For far too long, China has gotten away with manipulating its currency to make Chinese exports to America cheaper and American exports to China more expensive. There is overwhelming bipartisan support to hold China accountable. Level the playing field, and I would put my team up against any team in this world—second to none. The Currency Reform for Fair Trade Act would enhance our economic security; it would enhance our national security; and it would help create over 1 million jobs here in America.

I call on the leadership of this House to bring this legislation to a vote, and I call on all of my colleagues to support it.

JOHN 3:16 MINISTRIES

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Madam Speaker, I rise today to speak on the important role that John 3:16 Ministries plays in the lives of recovering addicts in the First District of Arkansas, which I am privileged to represent.

John 3:16 Ministries is a nonprofit, faith-based recovery center, located in Cord, Arkansas, which offers men an opportunity to overcome their addictions through faith and service to others. This organization was founded by Bryan and Beverly Tuggle, who were inspired to open a spiritual boot camp for addicts after Bryan sought help for his own addictions years earlier at the New Beginnings Ministry.

John 3:16 Ministries took its first resident on May 5, 2003, and it has been helping men who struggle with addiction ever since. Residents receive lodging, are taught skills to help them become more productive citizens in their communities, and are encouraged to enroll in classes offered through the local community college. Most importantly, residents of John 3:16 Ministries are given an opportunity to heal physically and spiritually.

Unlike most recovery centers, John 3:16 Ministries offers these services free of charge and is funded by donations only from local churches, businesses, and individuals. When asked about the cost of the services that John 3:16 Ministries provides, Bryan always has the same response: Jesus Christ has paid the cost in full.

Mr. and Mrs. Tuggle provide an incredible service, and I am honored to serve such selfless constituents in the First District of Arkansas.

GREAT LAKES RESTORATION

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, the Great Lakes are one of America's most overlooked and underappreciated resources. They are the largest source of surface freshwater in the world, providing more than 30 million people with drinking water and supporting a multibillion dollar boating, shipping, fishing, and recreation economy. The Great Lakes fishery alone generates \$7 billion in economic activity and directly supports 75,000 jobs.

Yet the lakes are threatened by toxic algal blooms that are fueled by agriculture runoff, sewer overflows, and other pollution. Lake Erie, in particular, as the shallowest of the lakes, is exceptionally vulnerable to excess nutrients and phosphorus.

According to a recent report by the National Wildlife Federation, this summer, Lake Erie saw the most severe algal blooms since the 1960s. Madam Speaker, the Brookings Institution reports that every dollar invested in Great Lakes restoration results in a \$2 return in the form of increased fishing, tourism, and home values.

This program is cost-effective, and I urge Congress to reject cuts to Great Lakes restoration.

□ 1140

TRIBUTE TO RAY REID

(Mr. WOMACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOMACK. Madam Speaker, I rise today to honor the life and legacy of Arkansas' "fifth Congressman," Colonel (Retired) Raymond T. Reid, who passed away last weekend at the age of 90.

Ray Reid had an amazing love for his country. At the outbreak of World War II, he left school to join the Army and over the ensuing 31 years, faithfully served his Nation in uniform. His record of service placed him among our Nation's most unique: a veteran of World War II, Korea, and Vietnam.

And, Madam Speaker, as if his distinguished military service was not enough, Ray Reid came to Capitol Hill and served a quarter-century on the staffs of John Paul Hammerschmidt, Tim Hutchinson, and Asa Hutchinson, where, upon his retirement, he earned the nickname of Arkansas' "fifth Congressman."

Ray Reid was an institution. He enjoyed a long and adventurous life. Mar-

ried to his sweetheart, Jean, for 51 years, he was the father of four, grandfather of six, and great-grandfather of two.

I am honored to acknowledge the dedicated service of this great American hero.

OPPOSITION TO THE KOREA, COLOMBIA, AND PANAMA TRADE AGREEMENTS

(Ms. FUDGE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FUDGE. Madam Speaker, I rise today to address the need to keep good-paying jobs in America. I voted "no" on the trade agreements passed in this House last night, but in that same vote I voted "yes" for American jobs, I voted "yes" for jobs on American soil, I voted "yes" for human rights and "yes" for labor protections.

The trade agreements will cost us jobs at a time when we should be investing in America, and they will lead to further decline of the middle class. These agreements are toxic for Ohioans who work in manufacturing and other sectors.

The U.S.-Korea trade agreement alone will cost almost 160,000 jobs in this country in the first 7 years. Stand with me for the middle class and against shipping jobs overseas.

MESSAGE FOR FEDERAL GOVERNMENT: BACK OFF

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, when I meet with businesses across southeast Texas, their message for the Federal Government is clear. Back off.

Over 14 million Americans are unemployed because companies are not hiring. Companies are not hiring because of the uncertainty in the economy.

The Federal Government redtape, high taxes, and unnecessary regulations are crippling job creators and adding to the uncertainty. America has become an unfriendly place to do business, so businesses are either not hiring or they move out of the country.

The Judiciary Committee will soon vote on the REINS Act. I support this bill because it says that Congress must approve every major rule proposed by the executive branch before it could be imposed on the American people and the American companies.

So the EPA's dust regulation, among several, would be no more. It is the responsibility of Congress to rein in the administration's runaway regulators. That is how we get America back to work.

The Federal Government cannot create jobs, but its self-inflicted overregulation is destroying jobs. It's time to

end the out-of-control Federal regulation terror on American businesses.

And that's just the way it is.

URGING ACTION ON JOBS LEGISLATION

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Madam Speaker, 2 days ago the United States Senate, the Republicans in the United States Senate, unanimously decided to not bring for consideration the jobs bill. I don't understand the workings of the United States Senate, and I don't understand the logic behind that decision, but I do understand why on a good day the approval ratings of the United States Congress are 12 percent.

Maybe the bill wasn't perfect. The only justification for not bringing the jobs bill today is because you've got a better bill.

So I ask the Senate and I ask the leadership of this House, there are 14 million Americans who today need a job; so if the bill's not perfect, that's fine; let's make it good. But let's do it today.

The American people cannot wait on the politics of this institution. Let's bring a jobs bill to the floor today.

AGAINST THE PRESIDENT'S JOBS BILL

(Ms. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HAYWORTH. Madam Speaker, on September 14, 2011, this year, Mark Prosachik from Hopewell Junction, New York, sent the following letter to me, and I quote:

"Dear Congresswoman Hayworth, I have been unemployed for over 18 months and my unemployment insurance ran out, reducing my eligibility for extended benefits. You would think I would be fuming mad . . . and demanding the government make companies hire me. But, no. Instead I'm against President Obama's jobs bill. It is guaranteed to add to the country's bloated debt. It will require taxes to be raised. It will waste money training people when there are many with the skills who are unemployed."

Mr. Prosachik, I think you're absolutely right. Spending more of your hard-earned dollars or anybody's else's on projects like Solyndra or other efforts that unfortunately have not grown our economy will not work. I commend the Senate for rejecting a jobs bill that was a job-killing bill.

We in the House majority have passed bills throughout this year, joined often by our Democratic colleagues, that will grow jobs, that will revive our economy. I urge all of our

colleagues in the Senate to pass that agenda immediately.

HISPANIC HERITAGE MONTH

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Madam Speaker, as Hispanic Heritage Month comes to a close, let us all take a moment to celebrate the Hispanic community and their contributions throughout the United States.

The story of Hispanic Americans is truly the story of America and all its groups. Their dream is the American Dream.

In America, if you work hard and play by the rules, dream big, there is absolutely no limit to what you can achieve. Hispanics have succeeded in every walk of life, and the success of their community strengthens the very fabric of our Nation.

Let us all recommit ourselves to working on issues that are important to the Hispanic community, which, after all, are the same issues important to all Americans: creating good jobs, expanding access to higher education, and mending our broken immigration system. When we reflect upon America's history, we are a Nation of immigrants from the past and present.

Let us work together today as Democrats and Republicans so that every citizen in America can achieve the American Dream.

MORTGAGE FRAUD

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Madam Speaker, in my district and across America, mortgage fraud is a serious crime that's hurt homeowners, businesses, and the economy.

The exact amount of losses attributed to mortgage fraud is unknown, but some estimates state that \$10 billion of loans were originated with fraudulent applications in 2010. Major contributors to mortgage fraud are carried out by nonresident aliens and illegal immigrants.

HUD's Office of Inspector General noted that one loan officer gave fraudulent documents to undocumented immigrants in order to obtain FHA-insured mortgages. HUD then realized \$3.2 million in losses.

To correct this problem, I've introduced H.R. 695. The purpose of my bill is to cut down on such waste. It does so by requiring E-Verify checks with mortgage applications where the mortgage is guaranteed by an agency of the Federal Government. This will help stop the fraud in our mortgage system.

Please join with me in ending this mortgage fraud and help me support H.R. 695.

TIME TO END THE WAR IN AFGHANISTAN

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Madam Speaker, over the weekend I visited Arlington West on the beach in Santa Monica, a beautiful memorial to the men and women in uniform who have lost their lives in the 10 years of war.

As I walked through hundreds of crosses in the sand marking the lives of thousands of young people who've given everything they had to give, on the weekend that marked the 10th anniversary of the start of the war in Afghanistan, I held these heroes and their families in my thoughts and my prayers.

I want this war to end, and I want to speed up the timetable so our President brings our troops home. We are simply losing too many lives and spending too many resources abroad. We cannot afford to spend \$190 million a day on this war when we have crumbling schools and infrastructure here at home that needs fixing.

Just think what we could build with \$190 million a day in this country. Think of the jobs we could create with projects rebuilding America.

And when our heroes come home, we should do everything we can to help them reenter their families and their workforce.

Let's put people to work building an American future worthy of the sacrifices of our brave young people in uniform.

□ 1150

CALLING FOR A BALANCED AMENDMENT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, if our Nation's debt crisis has taught us anything, it's that we need a permanent spending solution to keep America the permanent land of the free. There's only one way to bind Congress to such a commitment, and that is through a balanced budget amendment to the Constitution.

House Republicans have already changed the debate from how much to spend to how much to cut, yet our extraordinary crisis still demands extraordinary action.

Washington Democrats went on a record spending binge and left America in an economic hangover. New taxes, as the President proposes, would only punish the Nation and reward the spenders with more money to waste.

We need to stop spending money we don't have and begin living within our means like every American family and business is expected to do. We need a permanent constitutional amendment.

For the sake of tomorrow's generations, let's get it done today.

CURRENCY REFORM FOR FAIR TRADE ACT

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. PRICE of North Carolina. Madam Speaker, China's policy of undervaluing its currency is undercutting American manufacturing and American jobs by giving China an artificial and unfair advantage. In this time of economic uncertainty and high employment, we need to take direct, commonsense action to protect the American worker from unfair Chinese trade practices.

The Senate has passed a bill to investigate currency cheating by China and other countries and to impose tariffs if they are found guilty. Yesterday, Democrats attempted to offer a similar bill, which has 61 Republican cosponsors, but 235 Republicans voted against it. Moreover, House Republican leaders have indicated the Senate bill will never see the light of day if they have their way. Speaker BOEHNER says the fair trade bill with China is "dangerous."

The American people don't think there is anything dangerous about protecting American workers from schemes that burden our exports, subsidize their imports, and kill jobs. Republican leadership should bring the China currency and fair trade bill to the floor so the House can give it the bipartisan vote it deserves.

HOCKEY FIGHTS CANCER DAY ON THE HILL

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Madam Speaker, I rise in celebration of National Hockey League's Hockey Fights Cancer Day on the Hill.

Anyone who has played the great sport of hockey or who has watched a game has probably seen a fight or two on the ice. It's no secret that hockey players are a tough group. But off the ice, there are bigger fights being waged each and every day by people even tougher than your average hockey player, even players like former Blackhawk Reid Simpson.

Those living with and fighting against cancer are tougher than the toughest odds and incredibly brave in spite of daunting treatment and an uncertain future. With nearly 12 million patients in America today, most of us know someone fighting cancer, be it a family member, friend, or neighbor.

The NHL's Hockey Fights Cancer initiative is an extraordinary opportunity for members of the hockey family to stand up for our loved ones and to sup-

port the organizations that provide cutting-edge research, therapy, and vital support services that make their lives better.

This is one fight I'm proud to be a part of, and I encourage other hockey fans out there to join me as Hockey Fights Cancer.

CURRENCY REFORM FOR FAIR TRADE ACT

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, I rise in strong support of American families whose jobs and livelihoods are being undermined by China and other countries which purposely undervalue their currency.

For the past several years, the best economic research has shown that China manipulates the value of its currency by at least 25 to 30 percent against the dollar.

This blatantly unfair trading practice has contributed to our trade deficit with China, growing it from \$68 billion to \$273 billion in just 11 years. Worst of all, the American people have become the ultimate victims. Last month, the Economic Policy Institute found that 2.8 million U.S. jobs have been eliminated or displaced since 2001 due to the growing U.S.-China trade deficit.

Last year, the Currency Reform for Fair Trade Act passed this Chamber with strong bipartisan support. Yesterday, unfortunately, the new House majority voted nearly identical legislation down. The Currency Reform for Fair Trade Act has been supported by Members on both sides of the aisle and would give this and any administration the authority to take countervailing measures against currency manipulators, like China, in support of hard-working Americans.

We need to change that, Madam Speaker.

AMERICAN JOBS ACT

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Madam Speaker, the best way to reduce the debt that this country has is to put people back to work. When they are back to work, they are paying their taxes and they are not getting unemployment. We need to get everybody in this country working, and the President proposed a bill called the American Jobs Act that does just that. It focuses on innovation, American innovation and ingenuity. It focuses on education and our community colleges and our K-12, and it focuses on rebuilding this country's infrastructure: our roads, our bridges, and our energy system.

But you know what happened over in the Senate yesterday; every single Republican voted against this. That bill has Republican ideas and Democratic ideas, but every single Republican voted against it.

We need to put the people in this country back to work. We don't need to be playing politics about the White House 13 months out from the election. That American Jobs Act needs to be passed, and it needs to be passed right now.

VOTER SUPPRESSION

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Madam Speaker, this year a number of States are taking steps to make it more difficult for citizens to register to vote, to limit early voting, and to require photo IDs at the polls. The proponents of these new laws argue that they are designed to combat voter fraud. Clearly, we don't want people voting illegally, but these new laws are a solution to a problem that does not exist, and these steps will create serious problems.

A recent report by the Brennan Center at NYU shows that these new laws would affect more than 5 million eligible voters and would disproportionately disenfranchise young, low-income, and minority citizens.

In the past, literacy tests and poll taxes were used selectively to allow certain citizens to vote and disenfranchise others. They were and are illegal, and they should remain so. So we must oppose 21st century poll taxes which seek to suppress the vote of eligible voters and deny them their constitutional rights and weaken our democracy.

PROTECT LIFE ACT

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAVIS of California. Madam Speaker, there is a strange thing that is going to be happening on this floor in just a little while. We should be focusing like a laser on jobs and strengthening the middle class. But instead, the majority is bringing forth a measure, the Protect Life Act. It's a measure coming before this body which, quite honestly, Members have had a chance to express themselves on numerous times. This does not create jobs. And what's ironic about it is this Protect Life Act is actually putting the lives of women at risk.

I really don't think that the American people feel that right now, today, that this is the highest priority for our country. Our highest priority is finding jobs for people in our country, not taking away lifesaving care from women.

PROTECT LIFE ACT

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today to voice my opposition to H.R. 358. When I speak with women in my district, they are concerned about finding a job, keeping their home from foreclosure, or putting food on the table. What they do not ask for is their constitutional rights to be threatened or their health to be endangered. Yet this bill does just that.

Rather than focus on continuing to rebuild our Nation's economy, the Republican majority is focusing their time on, once again, seeking to limit women's access to reproductive care.

I am particularly troubled that this bill, the Protect Life Act, actually does just the opposite. This bill would override core patient protections and allow hospitals to legally refuse lifesaving treatment to women, thus allowing them to die in a hospital despite their treatable condition. This extreme legislation is dangerous to women's health and does nothing to address the jobs crisis facing American families.

I urge my colleagues, if they truly want to protect life, to vote against this bill.

□ 1200

SOCIAL SECURITY, MEDICARE, AND MEDICAID: KEEPING FAITH WITH AMERICA'S SENIORS, THE DISABLED, AND THE NEEDY

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Madam Speaker, I rise today to issue a warning to America's seniors and working families: Top Republicans are still trying to privatize Social Security. The GOP Budget Chairman PAUL RYAN, author of the budget that ends Medicare and increased health costs for seniors, admitted he views Social Security as a Ponzi scheme. And Congressman PETE SESSIONS, who serves in House leadership for the GOP, introduced legislation labeled "Savings Account For Every American Act" that would have people opt out of Social Security by sending their contributions to a private account.

According to Stephen Goss, Social Security's chief actuary, this change will "severely compromise" the ability to pay for current seniors and those near retirement. "So Social Security, the ability to pay benefits to people who are currently receiving, or are now approaching the time of receiving benefits, would be severely compromised. Our year of trust fund exhaustion would certainly come to be much sooner than 2036." In other words, the plan

of the Republicans to privatize Social Security would put that program that has never missed a check to Americans in danger. We need to oppose those efforts.

PROVIDING FOR CONSIDERATION OF H.R. 358, PROTECT LIFE ACT

Ms. FOXX. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 430 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 430

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 358) to amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act. All points of order against consideration of the bill are waived. The amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as adopted and that the bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit with or without instructions.

POINT OF ORDER

Ms. MOORE. Madam Speaker, I raise a point of order that the rule, H. Res. 430, violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentlewoman from Wisconsin makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentlewoman has met the threshold under the rule, and the gentlewoman from Wisconsin and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Thank you, Madam Speaker.

I raise this point of order that H.R. 358 contains several potential unfunded mandates that would burden the States, burden private insurance companies, and burden women. I am also raising this point of order because it is a powerful vehicle to register my concern that this bill is a misguided ideological distraction from what should be our top priority—getting people back to work and protecting working fami-

lies who have been hit hard by economic circumstances.

It is so clear to me that in spite of what our colleagues may say across the aisle, this bill is not about public funding for abortion. It's really crystal clear, Madam Speaker, that the Affordable Care Act already explicitly prohibits Federal funding for abortion. It reaffirms the Hyde amendment. It even includes the Nelson amendment to ensure that there's no commingling of funds. H.R. 358 would bring back the infamous world of Stupak-Pitts. But this time it adds even more restrictive language to the proposal.

This bill would essentially ban insurance coverage of abortion in health care exchanges, not just for women who are being publicly funded or subsidized in the exchanges, but even for women paying with their own private dollars, Madam Speaker. In addition, H.R. 358 would create a system that plays Russian roulette with pregnant women's lives when they enter a hospital. This would mean that any hospital could refuse to perform an emergency abortion—even if a woman would die without it—without violating the Federal law designed to prevent people from being denied emergency medical care.

It goes even further by paving the way to allow State refusal laws that are not limited to the provision of abortion services, but to anything that would be considered controversial—treatment for STIs, birth control services, screening services, and counseling.

With that, I would yield time to my good colleague from California, Representative SPEIER.

Ms. SPEIER. I thank the gentlelady from Wisconsin.

Madam Speaker, I think this bill goes to the farthest extreme in trying to take women down not just a peg but take them in shackles to some cave somewhere. Twenty-five years ago, this body passed EMTALA, a bill that basically said anyone that shows up at an emergency room would access health care, no questions asked. Now, my colleagues on the other side of the aisle want to amend that law and basically say, Oh, except for a woman who is in need of an abortion, or except for a woman who's bleeding to death who happens to be pregnant, or except for a woman who is miscarrying.

Basically, what this bill would do is say that any hospital could decline to provide services to one class of people in this country. And that one class of people is pregnant women.

Let me tell you something. My story is pretty well known now. I was pregnant. I was miscarrying. I was bleeding. If I had to go from one hospital to the next trying to find one emergency room that would take me in, who knows if I would even be here today.

What my colleagues on the other side of the aisle are attempting to do is misogynist. It is absolutely misogynist.

The time has come for us to stop taking up this issue over and over again this year and do something that the American people really care about. They want jobs. They want to be able to hold on to their homes. They want some mortgage relief. And what do we do? We stand here on the floor and create yet another opportunity for women to be cast in shackles.

Ms. MOORE. Thank you for that compelling story.

How much time do I have, Madam Speaker?

The SPEAKER pro tempore. The gentlewoman from Wisconsin has 5½ minutes remaining.

Ms. MOORE. I would like to yield 3 minutes to my colleague from Illinois, Representative JAN SCHAKOWSKY.

Ms. SCHAKOWSKY. I thank my friend, the gentlewoman, for yielding to me. I rise in support of her point of order.

The American people are begging us to work together to create jobs to bolster the economy. Instead, we're here once again to consider legislation that endangers and attacks the right of women and is far out of the mainstream of American priorities.

H.R. 358 is extreme legislation. It is another attempt to unravel the health care law while at the same time expanding anti-choice laws that will harm women's health. It would take away a woman's right to make her own decisions about her reproductive health—even with her own money. It would allow public hospitals, as you heard, to deny emergency abortion care to women in life-threatening situations. It would expand the existing conscience objection to allow providers to avoid providing contraception. We're talking now about birth control.

This legislation revives a debate that has already been settled. There is no Federal funding for an abortion in the health care reform law. Legal experts have said it, independent fact-check organizations have said it. Yet Republicans continue to insist that the possibility of funding remains.

□ 1210

Federal funds are already prohibited from being used for abortions under the Hyde amendment—at the expense, I should add, of poor women, Federal employees, women of the District of Columbia, and women in the military. But this bill goes way beyond that law. The attention Republicans are focusing on the private lives of women—what American families do with their own money—makes it clear that their real goal is to ban all abortions and end access to birth control and contraceptives.

Republicans don't want government to protect the water we drink—oh, no—

or the air we breathe or the food we eat, but they do want to intrude in a woman's right to choose.

We are now at 280 days into this Congress without passing a jobs plan, yet the Republican majority has consistently managed to pass extreme and divisive legislation targeted at women's health. The administration strongly opposes H.R. 358, and this bill has no chance of becoming law. Now is the time to work on the issues that are most important to Americans—creating jobs and improving the economy—rather than restricting reproductive choice and access to family planning.

American women will suffer if this bill becomes law, but we're just wasting time here because it will not. And it just shows how mean spirited and extreme this legislation is. It's a way to roll back women's health and rights. It's too extreme for women, too extreme for America, and we should reject it right now.

Ms. MOORE. I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I claim time in opposition to the point of order and in favor of consideration of the resolution.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 10 minutes.

Ms. FOXX. The question before the House is: Should the House now consider H. Res. 430? While the resolution waives all points of order against consideration of the bill, the committee is not aware of any points of order. The waiver is prophylactic in nature.

The Congressional Budget Office has stated that H.R. 358 contains no intergovernmental or private sector mandates, as defined in the Unfunded Mandates Reform Act, and would impose no cost on State, local, or tribal governments. Again, Madam Speaker, this waiver is prophylactic, and the motion of the gentlewoman is dilatory.

I would like to now yield 3 minutes to my distinguished colleague from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Madam Speaker, I thank the gentlewoman from North Carolina for yielding me this time.

I have listened very carefully to the arguments that have been advanced by the speakers on the other side—my friend and neighbor, the gentlewoman from Wisconsin (Ms. MOORE), the gentlewoman from California (Ms. SPEIER), and the gentlewoman from Illinois (Ms. SCHAKOWSKY). None of them address the question before the House. The question before the House is whether or not to consider this bill. It's not about jobs—although they're important. It's not about the merits of the bill—which we will debate later should the House vote to consider this bill. It's about whether there are unfunded mandates in the bill.

The gentlewoman from North Carolina (Ms. FOXX) read the CBO statement of February 28, 2011: "H.R. 358 contains no intergovernmental or private sector mandates, as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments." That's what the CBO said, and that has not been rebutted either by the proposer of the point of order, my colleague from Wisconsin (Ms. MOORE), or those who have spoken on behalf of this.

Now, if we're to follow the rules and say, okay, if there's an unfunded mandate, we ought to waive it—which the resolution does—then we've all got to vote "yes" on consideration, because there are no unfunded mandates and nobody has claimed that there are any unfunded mandates. That's why the gentlewoman from North Carolina (Ms. FOXX) is correct in saying that the point of order is dilatory.

If you want to debate the bill, let's debate the bill. If you want to object to consideration of the bill, then all you want to do, those who decide to vote "no" on this motion to consider ought to have a debate on whether there should be public funding of abortion.

Now, when the taxpayers are asked to fund abortions, that's a whole different issue than whether there should be a right to abortion. This question is whether there should be taxpayer funding of abortion. There are no unfunded mandates. And the honest vote is "yes" on the motion to consider.

Ms. MOORE. I would reserve my right to close.

The SPEAKER pro tempore. The gentlewoman from North Carolina would have the right to close.

Ms. MOORE. Does the gentlewoman have more speakers?

The SPEAKER pro tempore. Does the gentlewoman from North Carolina have other speakers?

Ms. FOXX. Madam Speaker, parliamentary inquiry. I believe that we have the right to close; is that correct?

The SPEAKER pro tempore. That is correct. The gentlewoman from North Carolina has the right to close.

Ms. FOXX. Then I will reserve my time.

Ms. MOORE. Madam Speaker, can you tell me how much time I have?

The SPEAKER pro tempore. The gentlewoman from Wisconsin has 2½ minutes remaining.

Ms. MOORE. Thank you, Madam Speaker.

I would yield 1 minute to my colleague from California (Ms. SPEIER).

Ms. SPEIER. I thank the gentlelady for yielding.

I find it actually somewhat humorous to think that the argument on the other side of the aisle is that this is dilatory when, in fact, the entire bill is dilatory when you look at what is really facing this country right now.

This bill makes it very clear that any hospital that does not want to provide

emergency room services to a woman who is miscarrying and needs an abortion would no longer have to do it. Let's make that very clear.

Let me read one little example from the American Journal of Public Health:

A woman with a condition that prevented her blood from clotting was in the process of miscarrying at a Catholic-owned hospital. According to her doctor, she was dying before his eyes. In fact, her eyes were filling with blood. But even though her life was in danger and the fetus had no chance of survival, the hospital wouldn't let the doctor treat her by terminating the pregnancy until the fetal heartbeat ceased.

Ms. MOORE. Madam Speaker, I can tell you this bill does waive the health and lives of women if the point of order is not found to be in order.

To sum it up, H.R. 358 is incredibly divisive. It takes away comprehensive health coverage from women in not only eliminating the protections they currently have right now, but going even further than current law and completely undermining women's health.

At a time when the majority should be using its tremendous power to create jobs and turn the economy around, the majority is using its power to turn on women.

With that, I yield back the balance of my time.

Ms. FOXX. I yield myself the balance of my time.

Madam Speaker, I find it unbelievable that our colleagues across the aisle could make the comments that they are making today. H.R. 358 takes away no protections from women in this country. It takes away no rights of women. It is not extreme.

Seventy-seven percent of the people in this country are opposed to taxpayer funding for abortions. What H.R. 358 does is to say we are going to make it absolutely certain that we are not going to use taxpayer funding to pay for abortions, even under what has become known as ObamaCare. This bill does not go beyond the pale, as our colleagues have said. It is not outside the mainstream. It is our colleagues across the aisle who are outside the mainstream. They represent 23 percent of the people in this country who do want to see taxpayer funding for abortions. They are outside the mainstream.

And talk about dilatory, this whole point of order is dilatory. It is an effort on their part to simply bring up issues that are irrelevant. And in many cases, the points made are not true. They are the ones who are wasting time. They say we should be dealing with the jobs bill.

Well, Madam Speaker, let me point out to our colleagues across the aisle that not one of them who spoke today, not one of them who gave 1-minute on the jobs bill have cared to be cosponsors of the jobs bill. The jobs bill,

which President Obama has been asking the Congress to pass, was defeated in the Senate.

□ 1220

It was introduced in the House by one Member, and he put on the bill, "by request." That means it was a courtesy to the President. No other Member across the aisle has chosen to cosponsor that bill. If they are so eager to get that bill passed, you would think that they would become cosponsors of the bill.

We are doing a lot on our side of the aisle to create jobs. We are doing our best to reduce spending and to reduce rules and regulations, and that will create jobs in this country.

Additional spending by the Federal Government doesn't create jobs. We know that from the stimulus bill that was passed in 2009.

And for my colleagues across the aisle who say that this is a misogynist bill, nobody has ever fought more for the rights of women than I have. But 50 percent of the unborn babies that are being aborted are females. So the misogyny comes from those who promote the killing of unborn babies. That's where the misogyny comes in, Madam Speaker. It doesn't come in from our trying to protect taxpayers' money from being spent on killing unborn children.

Madam Speaker, in order to allow the House to continue its scheduled business for the day, I urge Members to vote "yes" on the question of consideration of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 1 hour.

Ms. FOXX. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. FOXX. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Madam Speaker, House Resolution 430 provides for a closed rule providing for consideration of H.R. 358, the Protect Life Act.

I would now like to yield 2 minutes to my colleague from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding.

Madam Speaker, the Protect Life Act offered by Chairman JOE PITTS and DAN LIPINSKI ensures that all the elements of the Hyde amendment apply to all the programs that are authorized and appropriated in ObamaCare.

By now I trust that all Members fully understand that because programs in ObamaCare are both authorized and appropriated in the law on a parallel track but not subject to appropriations under HHS, the actual Hyde amendment therefore has no legal effect whatsoever. Hyde only affects Labor-HHS programs including Medicaid, not the massive expansion of government-funded health care. Thus, ObamaCare, when phased in fully in 2014, will open up the floodgates of public funding for abortion in a myriad of programs, including and especially in the "exchanges", resulting in more dead babies and wounded mothers than would otherwise have been the case.

Because abortion methods dismember, decapitate, crush, poison, or starve to death or induce premature labor, pro-life Members of Congress and, according to every reputable poll, majorities of Americans want no complicity whatsoever in the destruction of human life. ObamaCare forces us to be complicit.

Despite breathtaking advances in recent years, and respecting and treating unborn children as patients in need of diagnosis and care and treatment for any number of diseases just like any other patient, far too many people dismiss the baby in the womb as *persona non grata*.

I respectfully submit: How can violence against children by abortion be construed as benign or compassionate or caring?

The dangerous myth of "safe abortion" must be exposed—and absolutely not subsidized by taxpayers. So-called safe abortion is the ultimate oxymoron, an Orwellian manipulation of language designed to convey bogus respectability to a lethal act. Abortion is, by any reasonable definition, child mortality. Its sole purpose is to kill a baby.

I would also suggest that presumptuous talk that brands any child as "unwanted" or an "unwanted child" reduces that child to a mere object bereft of inherent dignity or value.

We should not be paying for abortion. I support the Protect Life Act.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Madam Speaker, the Protect Life Act amends the Patient Protection and Affordable Care Act to prohibit Federal funds from being used to pay for abortion services or any health plan that includes such service. It also imposes new restrictions on health insurance coverage for termination care and expands conscience protection laws,

while limiting access to reproductive health services.

At a time when our Nation is facing great economic uncertainty and millions of Americans are in need of jobs, please, somebody tell me why we are here considering a bill that is a direct attack on a woman's constitutionally protected right to choose and that does not create one single job.

Let's be serious here. Republicans have yet to pass a jobs bill. Instead of getting down to the business of creating jobs, they're bringing to the House floor a deeply flawed and deeply divisive bill that will not pass the Senate and would be vetoed if it reached the President's desk. They know that. I know that. Everybody knows that.

The Protect Life Act is both unnecessary and clearly politically motivated. Republicans are resorting to their old bag of tricks and pulling the abortion card in order to distract from their clear lack of leadership. In April they rammed through H.R. 3, the No Taxpayer Funding for Abortion Act, instead of focusing on efforts to pass a clean continuing resolution that would prevent a government shutdown.

As the deadline approaches for the Joint Select Committee on Deficit Reduction in Congress to approve a deficit reduction plan in excess of \$1.5 trillion, Republicans have deemed it necessary to rehash the health care reform debate and roll back women's rights.

And I want to clear up one thing. You keep saying "ObamaCare." I've said repeatedly that there are those of us, and I am among them, that advocated for health care, including a public option and universal health care long before we even knew Barack Obama's name. So perhaps it should be called "Hastings-ObamaCare."

This time, however, they take it to a new harmful extreme. The Protect Life Act is not about the regulation of Federal funds with regard to abortion services. The Hyde amendment already does that. This act is about restricting access to care and intimidating women and their families in the use of their own money.

Since 1976, the Hyde amendment has prohibited the use of taxpayer money for funding abortions, unless the abortion is performed in the case of rape, incest, or a threat to the life of the mother. The Affordable Care Act is no exception.

Regardless of the facts, however, House Republicans continue their assault on a woman's right to choose. Contrary to popular belief, the Protect Life Act is not the Stupak-Pitts amendment of the 2009-2010 health care reform debate. It goes far beyond Stupak-Pitts to impose unprecedented limitations on abortion coverage and restricts access to abortion services for all women.

The Protect Life Act would have an adverse effect on women's access to re-

productive services, especially for low-income minority women who are very likely to be underinsured or uninsured and use partial subsidies to purchase insurance.

□ 1230

It not only ends abortion coverage for women in the exchange who use their own private funds to pay for their insurance, but also essentially shuts down the private insurance market for abortion coverage. This act imposes crippling administrative burdens on insurance companies that choose to cover abortion care and bans abortion coverage from all multi-State plans, interfering with private insurance companies' decisions about what benefits to offer.

Simply put, the Protect Life Act is a misnomer. It poses a direct threat to the health and lives of women by restricting access to termination services, including factually accurate information such as the availability and coverage of abortion care by insurance plans. Even more troubling is the fact that this act creates an exception to the obligation of hospitals to comply with the Emergency Medical Treatment and Labor Act, which requires appropriate treatment and referral for emergency patients. If enacted, hospitals could refuse to provide abortion services to pregnant women whose lives are in critical danger. This is beyond irresponsible. It is, indeed, reprehensible.

Finally, the Protect Life Act vastly broadens already expansive federal conscience laws without regard for patient protection or anti-discrimination protection for providers of abortion services. It safeguards from federal preemption State conscience laws beyond abortion, which could allow providers to drop their coverage of other reproductive health services like contraception and possibly even reproductive care such as mental health services and HIV counseling.

All I hear from my colleagues on the other side of the aisle, especially those within segments of their party, is that they want the government to butt out. Why, then, are we considering legislation on the House floor that effectively overturns the privacy rights enumerated by the United States Supreme Court as well as increases burdensome government regulations on insurance companies? Congress should not be making personal health care decisions for women, and Congressmen really shouldn't be even involved in making personal health care decisions for women. That should be between a woman, her family, and her doctor.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the distinguished chairwoman of the Foreign Affairs Committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank my good friend for yielding me the time.

I stand in strong support of the Protect Life Act.

I thank my good friend, my colleague, Congressman PITTS, for introducing this important legislation because this bill will help ensure that no funds authorized or appropriated by the President's health care law will be used to pay for abortion except in the cases of rape, incest, or to save the life of the mother.

This is not something new. This is not something radical. This simply applies the bipartisan principles of the Hyde amendment, which has helped guide this Chamber's legislative deliberations for over three decades. It extends the same standards applied to Medicaid, the Federal Employee Health Benefits Program, and other federal programs.

The American people, Madam Speaker, have made it quite clear that they do not want their taxpayer dollars used to fund abortions. And the Stupak-Pitts amendment, as we know, was gutted in the Senate. The President's Executive order stating that the Hyde amendment would apply is not enough. Why? It is flawed because Executive orders can disappear as quickly as they are issued. But the Protect Life Act will create a solid framework that will safeguard taxpayer dollars.

We must protect the sanctity of an innocent human life, we must stand behind the rights of the unborn, and we must prevent taxpayer dollars from being used to fund abortions. That's why I'm proud to support the Protect Life Act and the rule for it.

Mr. HASTINGS of Florida. Madam Speaker, would you be so kind as to tell me how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Florida has 23 minutes remaining. The gentlewoman from North Carolina has 26½ minutes remaining.

Mr. HASTINGS of Florida. Madam Speaker, with your permission, at this time, I am going to yield to a number of Members for unanimous consent, the first of whom is the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, I ask unanimous consent to revise and extend my remarks in opposition to this bill because it is an assault on a woman's health and her right to make her own life decisions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HASTINGS of Florida. I yield for a unanimous consent request to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Madam Speaker, I ask unanimous consent to revise and extend my remarks in opposition to this bill because this extreme legislation is dangerous to women's health

and does nothing to address the main issue affecting American families: the lack of jobs.

PARLIAMENTARY INQUIRIES

Ms. FOXX. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman from North Carolina will state it.

Ms. FOXX. Is it appropriate for our colleagues across the aisle to make comments about the bill when they're asking unanimous consent?

The SPEAKER pro tempore. The Chair would advise Members to confine their unanimous consent requests to a simple declarative statement of the Member's attitude toward the measure, either "aye" or "no." Further embellishments will result in deductions of time from the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HASTINGS of Florida. That declarative statement that you speak to, am I correct, Madam Speaker, that it could include a sentence?

The SPEAKER pro tempore. A simple declarative statement is acceptable. "Because tada-tada-tada" would be an embellishment.

Mr. HASTINGS of Florida. At this time, I yield for a non-embellishment, unanimous consent request to the distinguished lady from California (Ms. HAHN).

Ms. HAHN. I ask unanimous consent to revise and extend my remarks in opposition to this bill because Americans need us to focus on jobs right now, not this extreme bill that endangers the lives of women.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. The Chair will begin deducting time.

Mr. HASTINGS of Florida. I yield for a unanimous consent request to the distinguished lady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Speaker, I ask unanimous consent to revise and extend my remarks in opposition to this bill that is extreme, dangerous legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, I yield to the distinguished lady from California, a former member of the Rules Committee, Ms. MATSUI, for unanimous consent.

Ms. MATSUI. Madam Speaker, I ask unanimous consent to revise and extend my remarks in opposition to this bill because it's extreme legislation that is dangerous to women's health and does nothing to address the jobs crisis facing America today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman will be charged.

Mr. HASTINGS of Florida. Madam Speaker, at this time, I am very pleased to yield to the distinguished gentleman from Washington (Mr. McDERMOTT) for a unanimous consent request.

Mr. McDERMOTT. Madam Speaker, I ask unanimous consent to revise and extend my remarks in opposition to this bill because it is an attack on women, and it does nothing to deal with the job crisis of this country.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. The gentleman will be charged.

Mr. HASTINGS of Florida. I yield to the distinguished lady from Wisconsin (Ms. MOORE) for a unanimous consent request.

Ms. MOORE. Madam Speaker, I ask unanimous consent to revise and extend my remarks in strident, strident opposition to this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Mr. HASTINGS of Florida. I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, as a cosponsor and the proud parent of two young boys—adopted young boys—whose family exists only because two women in two difficult situations in two different States chose life and gave us a family, I am proud to rise in strong support of the rule to allow the House to consider the Protect Life Act, led by my friend and colleague, Congressman JOE PITTS.

Over a year ago, President Obama's health care plan was signed into law—despite a strenuous outcry by the American people—without significant and substantial prohibitions on federal funding for abortion. This funding of abortion through insurance plans, community health centers, and other programs created by the new health care law could have been avoided. But such language was intentionally left out. There have been restrictions on abortions and subsidies for over 30 years, beginning with the Hyde amendment in 1976, and I'm proud that today we are acting in that spirit.

Regardless of whether you are pro-choice or, like me, strongly pro-life, Americans have always agreed we will not use federal tax dollars to subsidize or incentivize abortion. And you don't have to take my word for it.

□ 1240

In poll after poll, more than 60 percent of Americans oppose using Federal funding for abortions. More recently, two-thirds of Americans said we shouldn't subsidize health insurance that includes abortions.

The President's health care plan fails to provide real conscience protection for health care providers who decline to participate in abortions by mandating that they not be discriminated against because of their religious faiths.

The bottom line is that this bill we take up today strikes an important balance. It makes sure your Federal tax dollars are not used to subsidize abortions in the President's plan, and we make sure that people and institutions are able to care for their patients and are not forced to violate their moral principles.

I strongly urge my colleagues to respect America's conscientious objections to abortion by voting for the rule and by voting for the Protect Life Act.

Mr. HASTINGS of Florida. Madam Speaker, I yield 1 minute to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, earlier this year, we learned what opponents of choice really think of women when they attempted to redefine rape in H.R. 3, when they claimed to be fiscal watchdogs and then voted to repeal funding for family planning services and Planned Parenthood, which saves the public \$4 for every \$1 invested.

Now they are pushing H.R. 358, the falsely named Protect Life Act, which, rather than protecting life, would actually allow hospitals to refuse lifesaving treatment to women on religious or moral grounds. This bill would also effectively ban comprehensive insurance coverage, which includes abortion care—even if a woman pays with her own private dollars.

H.R. 358, like every extremist, antichoice measure before it reveals what choice opponents really think of women. Here is what I think of women: I think they should be able to make their own life choices about their own bodies.

I think we should vote down this bill and every other destructive measure being pushed by those who think so little of our mothers, sisters, wives, and daughters.

Ms. FOXX. I yield 1 minute to the distinguished gentleman from Kansas (Mr. POMPEO).

Mr. POMPEO. I thank the gentlelady for yielding.

I rise today in strong support of H.R. 358, the Protect Life Act, and I want to thank Congressman PITTS for his hard work on this legislation.

Kansas has long been on the front lines of defending life, and I join most other Kansans in acknowledging that life begins at conception. Nearly all

Kansans understand that Federal taxpayer dollars should never be used for abortions.

I know the history here. For a very long time, there was bipartisan support for the Hyde amendment and for legislation that said that taxpayer money should not go for abortions; but today, the left has moved so far that they object to this simple, commonsense measure which will protect taxpayers from their money going to a procedure which they find abhorrent.

Simply put, we must end what ObamaCare did, and we must stop subsidizing abortions with Federal taxpayer dollars. I urge my colleagues to support both this rule and H.R. 358 and to protect the life of the unborn.

Mr. HASTINGS of Florida. Madam Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank my friend for yielding.

Madam Speaker, I rise in strong opposition to the so-called Protect Life Act. Our first priorities here now must be to help to foster job creation and support middle class families.

We are 280 days into this Congress without even having a jobs plan from the majority. Instead, the Republicans have chosen to continue their radical assault on women's health and health care in the guise of preventing the use of Federal funds to pay for abortion procedures.

This bill is as unnecessary as it is offensive and inhumane. The bill would penalize private insurers that offer comprehensive plans; would allow hospitals to refuse lifesaving care to women; and would prevent access to birth control, including providing emergency contraception to sexual assault survivors.

Instead of debating how to put Americans back to work, the majority party is spending our time on socially divisive bills that are going nowhere.

Ms. FOXX. I yield 2 minutes to my distinguished colleague from New Jersey (Mr. GARRETT).

Mr. GARRETT. I thank the gentlelady for yielding.

I rise in support of H.R. 358, the Protect Life Act.

Doesn't that name really say it all, the "Protect Life Act"?

Historically, the Federal funding of abortion has been restricted. Time and time and time again, an overwhelming majority of Americans has indicated that they oppose the Federal funding of abortion. Go all the way back to 1976. Congress has repeatedly passed the Hyde amendment.

What does it do?

It ensures that no Federal Government dollars are used to pay for elective abortion or insurance plans that provide elective abortion under Medicaid. Unfortunately, the insurance plan that was forced through Congress

this last session would now allow Federal funds to subsidize, to basically support and pay for, abortions on demand in America for the very first time since 1976. So the Hyde amendment, as it stands today, only extends to HHS.

The Obama health care plan, what does it do?

It exploits that loophole. As the law now stands, the government can literally force that federally funded and private health care providers cover abortion under the guise of family planning or pregnant women services or countless other euphemisms.

My friends on the other side of the aisle will say, Well, that's incorrect because President Obama signed an Executive order to bar abortion funding.

No. Members on both sides of the aisle know that pointing to an Executive order is disingenuous at best. We all know, as we come to this floor, that this Executive order, the same one that the Planned Parenthood Federation of America calls a "symbolic gesture," can be completely undone by a future administration.

The only way to ensure that taxpayer dollars are not spent on abortion is—how?—through legislative action.

President Obama's insurance plan passed Congress. It did so over the objection of the majority of the American public. So it is time now that we come to the floor to respect that majority of Americans and to ensure that they do not fund abortions simply by paying their taxes every April 15. Therefore, I urge all of my colleagues to support this bill, as I said at the very beginning, the Protect Life Act—the bill that says it all.

Mr. HASTINGS of Florida. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Madam Speaker, recently, I got an email from a constituent from my hometown of Lowell, Massachusetts, that read, "I think Republicans are focusing on the wrong thing. We need jobs."

Our constituents are pleading with us to focus on jobs; yet here we are again, debating an ideologically driven bill that does nothing for the economy as it endangers women's health. For women to receive the best possible health care, they need—we need—access to all legal and appropriate medical procedures. Decisions about these procedures should be made by a woman in consultation with her doctor and her family.

I believe a woman's right to choose is fundamental to a woman's freedom, but this bill puts the government in the middle of that decision. This bill discriminates against women, and it goes so far as to prevent those who want to buy health plans that cover abortion services with their own money from making that choice. This

bill also permits hospitals and hospital workers to choose to deny women care that could save their lives, putting ideology above women's health.

Let's focus on the right thing and vote down this bill.

Ms. FOXX. I yield 2 minutes to my distinguished colleague from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Madam Speaker, I rise in support of both the rule and the bill.

In 1973, the Supreme Court decided that a right to an abortion was a constitutional right, but they did not decide that there was a constitutional right to have the taxpayers pay for it.

The Hyde amendment has been passed every year since 1976 with my support and with the support of an overwhelming bipartisan majority. However, when the President's health care bill was rammed through this House in March of last year, the Hyde amendment didn't apply. So, if you try to get a Medicaid abortion, the Hyde amendment applies, and the taxpayers don't finance it; but if you try to get an abortion under the Obama plan or under the exchanges that have been set up under the Obama plan, then there will be taxpayer money that will be used to pay for it. This bill closes that loophole. It is in response to the overwhelming sentiment of the American public, including the sentiment of many of those who do support legalized abortion.

Secondly, this bill also reaffirms Federal and State conscience protection laws. The Supreme Court, when it decided *Roe v. Wade*, did not force people to choose between their faiths and their jobs if they had religious objections to abortion. This protection is not afforded in the Obama health care bill. This legislation closes that loophole.

□ 1250

We've heard a lot about jobs from people on the other side of the aisle that don't want to talk about the fact that this legislation shuts the door to the two loopholes that I have just described.

Maybe there will be more unemployment if someone who has a license to practice medicine or is in the healthcare profession is told that they have to violate the tenets of their religion in order to keep their job.

Now, we have a choice. We have a choice of freedom and liberty by closing the loopholes and passing the bill or not.

I urge support of the bill.

Mr. HASTINGS of Florida. Madam Speaker, I yield to the distinguished gentlelady from New York (Mrs. MALONEY) for the purpose of offering a unanimous consent.

Mrs. MALONEY. I ask unanimous consent to place in the RECORD my opposition to this attack on women's access to reproductive health services

and our fundamental right to lifesaving medical care.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY. Madam Speaker, I rise in strong opposition to H.R. 358.

There is no question and there can be no debating the fact that this bill endangers women's health and puts their lives at risk and intrudes on their constitutionally protected liberties.

This bill extends the reach of government more cynically and in a more profoundly disturbing way than any piece of legislation in modern times.

This bill carries with it the clear implication that under some circumstances—a woman just doesn't have a right to live.

The Republican majority has consistently said its priority is jobs and job creation, but here we are debating a bill that even their Members admit is the wrong bill at the wrong time.

Instead of creating jobs, they remain focused on creating obstacles for women to access safe, legal, and badly needed health care.

H.R. 358 is an attack on women's access to reproductive health services and our fundamental right to life saving medical care.

It is stunning in its scope, appalling in its indifference and outrageous in its arrogance.

This bill is deliberately divisive and cynical in its intent.

Madam Speaker, Americans want Congress to create jobs, strengthen middle class families, and find bipartisan consensus.

It's time to end this attack on women and get to work on our top priority: Creating Jobs.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, this bill threatens the health and basic rights of American women.

The majority is once again trying to embed their extreme and divisive ideological preferences into law. They are trying to impose their backward view of a woman's role on everyone else, forcing women back into traditional roles with limited opportunities.

They need to trust and respect American women. The bill goes beyond prior legislation. It bans working women access to a legal medical procedure. It denies all but the wealthiest women their choice in health services. It puts the government between a woman and her doctor. It allows hospitals to deny lifesaving care to women. We should be standing up today for the middle class by working to create jobs, not trying to prevent women access to lifesaving health services.

This bill is an affront to women's health. I urge all of my colleagues to oppose it.

Ms. FOXX. I yield myself such time as I may consume.

Madam Speaker, I am a little appalled at some of the comments that I

have heard across the aisle, especially those that say talking about jobs is more important than talking about saving lives.

I don't believe there are many Americans who would agree with our colleagues who say that we in this country pride ourselves on saving lives at every opportunity, both humans, animals, any form of life, and I believe this is a worthy debate for us to be having today.

But, Madam Speaker, the Republican-led House has also been working hard to rein in out-of-control government spending and represent the majority of the American people who elected us, and we know that by reining in spending we could do something to help create jobs. So we are not a one-note party. We understand we can do both of those things.

The bill before us today is a continuing effort to steward the taxpayer money wisely, represent the majority of Americans who believe taxpayer money should not be used to pay for elective abortions, and, thereby, protect innocent life.

Last year, as others have said, the liberal Democrats rammed through their overall health care legislation and refused to include standard pro-life protections that have had broad bipartisan support in the past.

The rule before us today provides for consideration of H.R. 358, the Protect Life Act, which prohibits taxpayer funding for elective abortions under ObamaCare and also prohibits the Federal Government from forcing private insurance companies to offer plans that cover elective abortions. It does not take away any rights of women.

In addition, the underlying bill ensures that taxpayer subsidies for purchasing health insurance plans on the ObamaCare exchanges are not used to pay for plans that cover elective abortions, and does not allow the Federal Government to administer health plans that cover elective abortions. This is consistent with the history in our country of not using taxpayer funding for elective abortions.

Finally, the bill provides for conscience protections for pro-life health providers and entities to ensure they are not discriminated against for their pro-life beliefs and practices.

This bill has gone through regular committee consideration and passed the House Energy and Commerce Committee on February 15 with bipartisan support. The need for this legislation is critical, as the Institute of Medicine recommended in July that what has come to be called ObamaCare should cover emergency contraception with no copay or deductible. Many pro-life conservatives are concerned that their recommendation is a slippery slope to, again, what has been known as ObamaCare mandating and covering elective abortions, because the law

does not contain specific longstanding pro-life protections.

A Zogby poll last year found that 77 percent of Americans believe Federal taxpayer funds should never pay for abortion or should pay only to save the life of the mother, and it is unacceptable that the liberal Democrats ignored the will of the people last year in ramming through their government takeover of health care.

As you can see, Madam Speaker, the vast majority of Americans don't want their tax dollars paying for or promoting abortion.

This isn't part of a radical agenda, as some of our friends on the left like to say. This is part of a longstanding and growing social consensus. Americans do not want their tax dollars supporting the abortion industry or promoting this terrible practice.

In May this House passed H.R. 3, the No Taxpayer Funding for Abortion Act. This legislation would codify many longstanding pro-life provisions and ensure that taxpayer money is not being used to perform abortions. H.R. 3 is now awaiting consideration in the Senate.

As a proud cosponsor of H.R. 3 and H.R. 358, I will not cease to fight to protect the lives of the unborn at every turn. Since 1973, approximately 52 million children's lives have been tragically aborted in the United States. Until we have a permanent prohibition on taxpayer funding of abortion and protection for health care providers who cherish life, I will continue to offer and support efforts to protect taxpayers' families and children from the scourge of abortion.

The unborn are the most innocent and vulnerable members of our society, and their right to life must be protected.

Yesterday in the Rules Committee our friends across the aisle who spoke against this rule and bill said we're bringing up "hot-button social issues as diversions from the important topic of jobs."

I have two responses to them on that comment. The issue of life is not a hot-button social issue; it's at the very core of our values as a country. We go to extraordinary lengths to save not only human beings, but even animals, because we value life so much. However, there are many who do not hold the unborn in the same esteem, and that is tragic for more than 1 billion unborn babies every year.

Therefore, Madam Speaker, I urge my colleagues to support this rule in favor of the underlying bill.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, would you tell us again how much time remains?

The SPEAKER pro tempore. The gentleman from Florida has 18 minutes remaining, and the gentlewoman from North Carolina has 13½ minutes remaining.

Mr. HASTINGS of Florida. Thank you very much.

I am pleased at this time to yield 1 minute to the distinguished minority leader, the gentlewoman from California (Ms. PELOSI).

□ 1300

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding and for giving me this opportunity.

As a mother of five children, when I brought my baby, my youngest baby, number five home from the hospital, that week my oldest baby was turning 6 years old. The birth of a baby is such a jubilant occasion, and women's health is essential to the health of families and raising our children in a way that has respect for all of them.

It's very interesting that we're taking this bill up now when the American people are calling out for jobs. Their number one priority is the creation of jobs, and once again we come to the floor of the House with a major distraction that "ain't going nowhere" in order to cater to an extreme agenda of the Republican majority.

The American people want us to take up jobs. They want us to take up the American Jobs Act, which three-quarters of the American people say they want us to consider. It would create nearly 2 million jobs. Or we could vote on the China currency legislation which would save 1 million jobs and has the support of the majority of the Members, including 61 cosponsors from the Republican side of the aisle. But again, instead, we are pursuing the Republicans' ideological agenda, forcing us to relitigate a very divisive issue.

Every woman in America should be very concerned about this assault on women's health. Let us begin the debate with a very clear understanding of the facts. The Federal funding of abortion is already, and has been for a long time, prohibited under the Hyde amendment, except in cases of rape, incest, or to save the life of the mother.

Furthermore, the Affordable Care Act prohibits the use of U.S. taxpayer dollars to fund abortions. That is why the Catholic Health Association said: "We are confident that health care reform does not allow Federal funding of abortion and that it keeps in place important conscience protections for caregivers and institutions alike." I repeat, the Catholic Health Association said: "We are confident that health care reform does not allow Federal funding of abortion and that it keeps in place important conscience protections for caregivers and institutions alike."

This bill is a radical departure from existing law. It represents an unprecedented and radical assault on a woman's access to the full range of health care services. For the first time, this bill places restrictions on how a woman with private insurance can spend her own private dollars in purchasing

health insurance. As a result of this bill, millions of women using health insurance exchanges are likely to no longer have access to insurance policies that cover all reproductive services.

Furthermore, supporters of this bill falsely claim that this bill is simply a restatement of the Stupak amendment considered by the House in 2009. It is not. This bill is very different from the Stupak amendment. It appears that health care providers could withhold care for women with life-threatening conditions. In other words, a woman could be dying on the floor of the hospital and, when you vote for this bill, you will be saying that caregivers would not allow medical professionals to treat that woman and keep her from dying.

The Obama administration has come out strongly against this legislation, rightly saying it intrudes on women's reproductive freedom and access to health care and unnecessarily restricts the private insurance choices that women and their families have today.

So just a few points again:

Public funding of abortion is prohibited under the Hyde amendment except in cases of rape, incest, and life of the mother;

The Catholic Health Association says: We are confident the Affordable Care Act "does not allow Federal funding of abortion and that it keeps in place important conscience protections for caregivers and institutions alike"; and

Third, it is not the Stupak amendment.

This legislation is bad public policy. It's the wrong priority for Congress. It's an assault on women's health, and women should know that. It prevents them from using their own dollars to buy their own private insurance should they be part of an exchange.

I urge my colleagues to vote "no" and implore the Republican majority to turn their attention to what this country needs, and that is jobs, jobs, jobs, and more jobs.

Ms. FOXX. Madam Speaker, I want to remind my colleagues across the aisle that they are entitled to form their own opinions, but they are not entitled to form their own facts which are in opposition to what is true.

Our colleagues across the aisle know that the Hyde amendment applies only to discretionary spending, has to be introduced every year into the appropriations bill, and has never applied to mandatory spending.

The Affordable Care Act is mandatory spending, and if the protection for life were in the Affordable Care Act, then why did President Obama issue his Executive order saying that he was clarifying the issue?

Ms. DEGETTE. Will the gentlelady yield?

Ms. FOXX. I will not yield.

I think it is very important that we get the facts out here again. Several of my colleagues have pointed those out.

The gentlewoman has time on her side and she will be able to make her points.

I now would like to yield 3 minutes to my colleague from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. I thank the gentlelady from North Carolina for yielding.

Madam Speaker, I rise in support of H.R. 358, the Protect Life Act, which would prohibit Federal funding for abortions and would end abortion coverage under President Obama's health care law.

As a member of the Mississippi State Senate, I introduced similar legislation that would have prevented hard-earned tax dollars of Mississippians for paying for abortions under ObamaCare. That legislation specifically allowed Mississippi to opt out of using the State tax money to pay for abortions in the State health care exchange. And I'm proud to say that in May of 2010, our Governor, Haley Barbour, signed that legislation into law and Mississippi became the third State in the Nation to approve the abortion subsidy opt-out.

For 16 years, it was my privilege to stand up for life on the floor of the Mississippi Senate. And I'm proud to say that as a result of that effort, Mississippi is now one of the safest States in the Nation for unborn children and one of the strongest pro-life States in the Nation. Today, I'm proud to take that voice to the floor of the House of Representatives in our Nation's Capitol.

ObamaCare should not have served as a vehicle for abandoning or weakening Federal policies on abortion funding. Health care is about saving and nurturing, not about taking human life. Even though President Obama signed an Executive order to address abortion funding concerns in the health care bill, an Executive order is not law. The Protect Life Act would strengthen long-standing Federal policies on abortions; and, more importantly, would codify the principles of the President's Executive order.

As I stand here today, I have the privilege of serving the First District of Mississippi in the United States House of Representatives, and I will continue to fight to protect the lives of the innocent and to serve as a voice for those who cannot speak for themselves. Americans recognize the value of life.

As a cosponsor of this legislation, I urge my colleagues in the House of Representatives to support this bill as we work to defend the morals of our taxpayers and give the needed protections to the unborn.

Mr. HASTINGS of Florida. Madam Speaker, I yield to the gentleman from California (Mr. THOMPSON) for a unanimous consent request.

Mr. THOMPSON of California. Madam Speaker, I ask unanimous consent to place my statement in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, at this time I am very pleased to yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

□ 1310

Mrs. DAVIS of California. Since my colleague on the other side of the aisle did not yield to my colleague from Colorado, I want to yield to her.

Ms. DEGETTE. I thank the gentlelady for yielding.

I just wanted to point out that while the gentlelady on the other side is correct that the Hyde amendment is in the annual appropriations bills, if she would look at section 1303(b) of the Affordable Health Care Act, the provisions that say no Federal funding shall be used to pay for abortion are extended to that Act and to the exchanges. So in fact, the Democratic leader is correct. Under the Affordable Health Care Act there are no Federal funds used under that Act to pay for abortions, period, end of story.

I thank the gentlelady for yielding.

Mrs. DAVIS of California. I thank my colleague for clarifying that.

Madam Speaker, we have had this discussion many times on the floor. That's why my colleagues and I want to get back to the issues at hand today, which is jobs and enhancing and supporting the middle class in this country.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HASTINGS of Florida. I yield the gentlelady an additional 15 seconds.

Mrs. DAVIS of California. But I want remind us all that what we were talking about here is denying millions of women from purchasing comprehensive coverage with their own private funds. This would upend the promise of health care reform for many, many women across this country. We need to put a stop to these attacks on women's health. I urge my colleagues to join me as well in strong opposition.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. How much time is remaining again, Madam Speaker?

The SPEAKER pro tempore. The gentleman from Florida has 15¾ minutes remaining, and the gentlewoman from North Carolina has 10 minutes remaining.

Mr. HASTINGS of Florida. At this time I am very pleased to yield 1 minute to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Speaker, when you ask Americans what Con-

gress' focus should be, guess what they don't say? They don't say, Forget about jobs. What this country really needs is a divisive assault on women's privacy and primary care.

This bill tells women, Madam Speaker, that if they use their own money, using their own money they can't purchase insurance that includes abortion coverage. Isn't it the majority party that is constantly saying that they trust people with their own money? I guess that applies if you're a CEO but not if you're a woman making a wrenching decision about your reproductive health.

This bill has no chance of becoming law. It is a dog-and-pony show designed to please the far-right fringe. I say: Do it on your own time, Republicans, and not on the American people's time.

I ask us to vote "no" now and get to the job at hand, which is to put America back to work.

Ms. FOXX. I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield 1 minute to the distinguished gentleman, my good friend from Florida (Mr. DEUTCH).

Mr. DEUTCH. Madam Speaker, it's not news that the majority refuses to address our jobs crisis. But passing time by attacking women's health is appalling.

Despite Americans' overwhelming support for the American Jobs Act, today we have before us H.R. 358, a cruel attack on women's health. We could help jobless workers feed their families today. Instead, this bill grants hospitals the right to deny abortions even in life-and-death cases. We could cut taxes for small businesses today. Instead, this bill forbids Americans from using their own dollars to buy private health insurance that includes abortion coverage. We could put teachers back to work today. Instead, this bill denies abortion even for the thousands of women each year who develop breast cancer while pregnant and need an abortion to start chemotherapy to save their lives and retain the hope of childbirth.

Americans don't want a war on women. They want a war on joblessness. They want us to work so that they can work. They want us, Madam Speaker, to take up the American Jobs Act. Oppose this rule so that we can get to work on their behalf.

Ms. FOXX. I yield myself 1 minute.

Madam Speaker, our colleague across the aisle I think was not here earlier when we talked about the fact that the jobs bill, which he says has overwhelming support by the American people, was introduced by request and has not a single cosponsor. I'm curious as to why he is not a cosponsor if he thinks we should be bringing up that bill.

I would also like to point out again that this bill, this rule, is not a war on

women. And if this is such a cruel act, I want to point out that this is a bipartisan bill, and that the support for not giving taxpayer funding for abortions has always been nonpartisan or bipartisan in this House.

This is not purely a Republican issue. I thank God every day for our colleagues on the other side of the aisle who are pro-life.

Mr. DEUTCH. Will the gentlelady yield?

Ms. FOXX. I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield to the distinguished woman from Maryland (Ms. EDWARDS) for a unanimous consent request.

Ms. EDWARDS. I ask unanimous consent to revise and extend my remarks in opposition to this bill that doesn't create jobs but strips women of appropriate reproductive health care services.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. EDWARDS. Madam Speaker, with 21 legislative days remaining on the calendar, I urge my colleagues in the Majority to finally bring to the floor a jobs bill that puts Americans back to work rather than work to restrict a woman's right to receive affordable and comprehensive care. Bills like the falsely named Protect Life Act only serve as cover for the Republicans' unwillingness to bring forth a real jobs plan and restore the economy.

This Republican package is wrapped in a label that says, "I care", but contains nothing more than an empty promise. Let me be clear—this bill jeopardizes the health and wellness of women throughout this country and is a clear assault on women's choice. I have heard from women throughout Maryland and across the 4th Congressional District who value access to and information on abortion services. I have heard from women who have had planned and wanted pregnancies, but suffered unexpected and costly complications. I have heard from women like Mary who, after undergoing years of fertility treatment, had finally been pregnant with her son David, but found out that due to atrophy of his lungs and kidneys there was virtually no chance of his survival beyond a few hours. I have heard from women who are faced with difficult, personal, and emotional choices about their health and that of their children.

These are the women who need access to health care when they face unexpected health complications. H.R. 358 would allow hospitals to deny care to patients whose lives are in peril, while also denying many Americans, not just women, access to safe, affordable, and comprehensive care when they need it most.

It is simply unfair, unwise, and irresponsible for this Chamber to decide what health care options women and families are able to explore. I urge my colleagues to oppose both this unfair rule that does not allow any amendments and the underlying, mean-spirited legislation.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1

minute to the distinguished lady from California (Ms. CHU).

Ms. CHU. H.R. 358 would stop abortion coverage for millions of women. It allows doctors and hospitals to refuse treatment even if women will die without their help. This bill is so extreme that it prohibits a pregnant woman with cancer from getting an abortion so radiation can save her life. For those women, every day and every week of treatment could be the difference between life and death.

If this bill passes, we will see thousands more women abandoned by their doctors—women like Stephanie, who was pregnant at 19 weeks. She came to the hospital with a 108-degree fever. The whites of her eyes were filled with blood. She was dying before her doctor's eyes. But the hospital considered the life of the fetus more important than the life of the mother and refused treatment until the fetus died. Because they delayed, Stephanie almost lost her life.

This bill should really be called the "Don't Protect the Life of the Mother Act."

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HARRIS).

Mr. HARRIS. Much has been said on the floor about perhaps taking time out from a jobs agenda to pass the bill. The fact of the matter is this bill corrects a problem with the bill that shouldn't have been discussed by the last Congress; they should have spent time dealing with the jobs issue instead of leaving it to this Congress. So we do need to make a correction.

Madam Speaker, this one very important correction is the conscience protection in this bill. And I know as someone who's worked in a hospital where abortions are done—but they never forced me to do it because we have conscience protections in the State of Maryland. We need those conscience protections for everyone in the country, so that if you don't believe in abortion, you don't have to participate in it. That's a basic freedom, a basic religious freedom, we should protect for every single American health care provider.

Madam Speaker, I would like to introduce into the RECORD four letters from obstetricians who work in facilities who point out that the conscience clause is not going to harm anyone's health in this bill. There's no evidence that it will.

Madam Speaker, in conclusion, the conscience protection clause is needed. It's a correction for the work of the last Congress. We should pass this bill.

VIRGINIA COMMONWEALTH
UNIVERSITY HEALTH SYSTEM,
Richmond, VA, October 12, 2011.

Hon. JOE PITTS,
Hon. DAN LIPINSKI,
Hon. ERIC CANTOR.

DEAR REPRESENTATIVES PITTS, LIPINSKI,
AND CANTOR: I understand that the House of

Representatives may soon consider H.R. 358, the Protect Life Act. As a physician I am especially interested in this bill's section reaffirming federal protection for health care providers' conscience rights on abortion. I have heard there may be an effort in the House to insert an exception into this law, so governmental bodies can discriminate against providers who decline to provide abortions in "emergency" cases.

As a physician who has worked in emergency rooms for over 30 years, I am well versed in the federal Emergency Medical Treatment and Active Labor Act (EMTALA) and similar policies. I continue to practice emergency medicine, and to teach it at Virginia Commonwealth University. Based on then decades of experience, I see absolutely no merit in the claim that conscience laws on abortion pose any risk of allowing pregnant women to die in emergency rooms. Current federal laws as well as a Virginia state law respect conscientious objection to abortion in all circumstances and I have never seen or heard of a case in which these laws created any conflict with women's safety or with legal obligations to stabilize patients' conditions in emergencies.

Your provision on conscience protection is warranted and I do not think it should be weakened in any way.

Sincerely,

EDWARD J. READ JR., MD, FACEP.

UNIVERSITY OF NORTH CAROLINA
SCHOOL OF MEDICINE,
Chapel Hill, NC, October 12, 2011.

Representatives JOE PITTS and DAN LIPINSKI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES PITTS AND LIPINSKI: I am a board certified specialist in Obstetrics and Gynecology with a sub-specialty certification in Maternal-Fetal Medicine. I have over twenty-seven years of experience in practice, teaching and research at a major academic health center. During my career I have cared for numerous women and babies with complications that increase the risk of maternal death. In some of these situations, both a mother and her baby have lost their lives. I care deeply about the effects that public policy and legislation can have on both those of us who provide perinatal care and on our patients.

My personal conscience directs me to provide the best of care to pregnant women and their unborn children and I am able to do so without performing abortions, as are several of my colleagues and a proportion of the residents we train each year. I have not seen a situation where an emergent or even urgent abortion was needed to prevent a maternal death. I am aware of, and have read, sections 2(a)(6) and 2(a)(7) of H.R. 358 and I am writing to provide my opinion that I support the formalization of these protections. No woman at UNC hospitals has ever been denied care due to her conscience or beliefs; nor does any physician ever feel obliged to direct or change the standard of care for any woman due to race, ethnicity, religion, or conscience. I see no need for any exceptions or amendments to the law as written.

I am available for question or comment or for further discussion on this matter. You may reach me at thorp@med.unc.edu or by calling my office (919) 843-7851.

Sincerely,

JOHN THORP, MD.

ROBERT C. BYRD HEALTH SCIENCES
CENTER OF WEST VIRGINIA UNIVERSITY,

Charleston, WV, October 12, 2011.

Representatives JOE PITTS and DAN LIPINSKI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES PITTS AND LIPINSKI: I am writing in support of Sections 2(a)(6) and 2(a)(7) of H.R. 358 that provide federal legal protection of conscience regarding abortion for those who care for pregnant women. My experience includes 20 plus years of clinical care, research, and instruction as a Board certified Obstetrician & Gynecologist and Maternal-Fetal medicine. I daily provide care for women and babies who have medically complicated, life-threatening, and uncommon pregnancy complications. Further, as the originator of "perinatal hospice", I have cared for (and still do) dozens of women with babies who have terminal prenatal diagnoses who will die shortly after birth.

No one in my entire 20 plus years of clinical experience has ever been denied appropriate care because of the exercise of rights of conscience in the provision of abortion. Women and babies may die in spite of our best efforts, but this is not related to abortion availability or provision.

In my understanding of this new federal statute, conscience will now be formally and legally protected. There is no need for additional exceptions or amendments to this law as it is written.

I am more than happy to discuss this issue with either of you or with one of your colleagues. I may be contacted by email at byron.calhoun@camc.org or directly on my cell phone at (304) 741-4031.

Sincerely,

BYRON G. CALHOUN, M.D., FACOG.

UNIVERSITY OF MINNESOTA,
Minneapolis, MN, October 13, 2011.

Representatives JOE PITTS and DAN LIPINSKI,
House of Representatives,
Washington DC.

DEAR REPRESENTATIVES PITTS AND LIPINSKI: I am a board certified specialist in Obstetrics/Gynecology and Maternal/Fetal Medicine with 31 years of experience in practice, teaching and research. During that time I have cared for hundreds of women and babies with life-threatening, complicated, and rare pregnancy conditions. In some of those situations mothers and babies have lost their lives despite undergoing the best available treatment including induced delivery at the margins of viability. I care deeply about the effects that public policy and legislation can have on the care of mothers and babies.

During my years of practice I have worked under informal and formal conscience rights protections that permit me to provide the best pregnancy care without being forced to perform abortions. I have read Sections 2(a)(6) and 2(a)(7) of H.R. 358 and I agree with the federal formalization of these protections. In my years of practice I have never seen a woman denied appropriate care because of the exercise of rights of conscience in this regard. There is no need for additional exceptions or amendments to this law as it is written.

I am happy to discuss this with either of you or with one of your colleagues. I can be reached by email at calvis@umn.edu or on my cell phone at 612-868-9199

Sincerely,

STEVE CALVIN, MD.

Mr. HASTINGS of Florida. I am very pleased to yield 1 minute to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Madam Speaker, this bill seeks to undo women's constitutional rights under the guise of being about government funding for abortion. The law, unfortunately, already forbids Federal funds from paying for abortions except in the case of rape, incest, or where the woman's life is in danger. This bill goes well beyond that. It would make it virtually impossible for any of the health plans offered through the health exchanges set up as part of the Affordable Care Act to cover abortions.

As the authors plainly intend, it would make it virtually impossible for most women to buy insurance coverage for abortions with their own money. The bill would also allow a doctor or hospital to refuse to provide an abortion to a woman whose life is in imminent peril. They could let that woman die right there in the emergency room, and the government would be powerless to do anything.

□ 1320

Madam Speaker, I remember a time not that long ago when women had no options for legal abortions and had to resort to illegal back alley abortionists. Women were butchered, many died, others became sterile, all because the medical care they desperately sought and the compassion they desperately needed was denied to them. No woman should be treated with this contempt.

The real purpose of this bill—which denies women the right to purchase insurance coverage for legal abortions, even with their own money—is to make it impossible for women to exercise their constitutional right to choose for themselves.

This bill is an abomination. I urge my colleagues to vote “no.”

Ms. FOXX. Madam Speaker, I would like to point out to my colleague across the aisle that if we have a constitutional right for taxpayer funding of abortions, then we should have a right to taxpayer funding of guns. The Second Amendment allows us to keep and bear arms.

I now would like to yield 3 minutes to our distinguished colleague from Louisiana, Dr. CASSIDY.

Mr. CASSIDY. Madam Speaker, if anyone is concerned about our jobs program, go to gop.gov/jobs. That's all the bills we've introduced so far that we have passed—most of the time you have not participated, but indeed it directly addresses the need for more jobs.

Secondly, I think we may have some common ground, it just may be that we have not read the same bill. For example, folks keep saying that this will not allow women to purchase coverage even with their own money. May I di-

rect folks to page 6, line 8: Premiums for such coverage or plan—it goes on to say—may be used as long as it's not government money. It can be the individual's own money.

Third, there is this kind of myth that this will prevent women from having abortions. Medicaid currently does not pay for abortions; there are many Medicaid women who get abortions. The Federal Employees Health Benefits Program does not cover abortion. I suspect—although I don't know—that there are many women covered by the Federal Employees Health Benefits Program who indeed get abortions. Empirically, we know what's being asserted is not true.

Then there is the question of whether or not they're going to be denied lifesaving health care. If you go to page 4, line 20: This does not apply in the case where a pregnant woman suffers from physical disorder, physical injury, or physical illness that would, as certified by a physician, place the female in danger of death unless an abortion is performed.

So I think we have common ground.

The leader on the other side's next point said that this is a dramatic departure from current law, but that's kind of a curious term or phrase, because we know that current law is the President's health care plan. It is current law that has turned upside down the equilibrium that had been reached between freedom of faith for the provider to practice versus the dicta of State as to what to provide. So she is right; it dramatically overturns current law—that's the point—because the Affordable Care Act dramatically overturned that delicate balance.

Lastly, I want to point out something else. I'm a physician. I work in a hospital for the uninsured, and I teach medical students. I was there last Monday teaching medical students. You know, over 50 percent of the residents, probably 60 percent of the residents doing OB/GYN are women, and many of them are concerned about issues like this.

As we speak about women, let's not also forget the woman's right to practice her faith. And if she chooses to practice her faith in a way which preserves life, she should not be coerced by the dictates of an overreaching State.

Mr. HASTINGS of Florida. Madam Speaker, I yield 1 minute to the distinguished lady from California (Ms. LEE).

Ms. LEE of California. I thank the gentleman for yielding.

Madam Speaker, I rise in strong opposition to this rule and this bill. Instead of focusing on jobs, Republicans are continuing to wage their war on women with this dangerous legislation today.

This bill forces comprehensive coverage for women to be dropped from the State exchanges, cutting off mil-

lions of women from affordable, comprehensive health care. And you know that Federal funds have not been allowed for abortion since 1976—to my dismay—and nothing has changed.

This bill makes it virtually impossible for any health care plan to offer abortion coverage and allows hospitals to refuse—mind you, refuse—to provide lifesaving care to a woman who needs an abortion to protect her own life. This is unprecedented and should be rejected.

We cannot and must not allow the Republicans to turn the clock back on women, on choice, and on our access to health care. I remember the days of back alley abortions—women died, women were injured for life. Let's not go back there.

I urge my colleagues to reject this unnecessary and harmful legislation. Health care decisions should be made by women and their health care providers, not Republicans and the House of Representatives who want to impose their own ideological agenda on women. We should be creating jobs, not interfering with women's reproductive rights.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. At this time, I am very pleased to yield 1 minute to the distinguished gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Madam Speaker, I rise today in strong opposition to this so-called Protect Life Act. This bill is another egregious, over-the-top assault on America's women, their health and their autonomy over their bodies. Instead of doing what we've been sent here to do, focus on jobs, once again we are talking about this extreme Republican right-wing agenda against women.

What we're essentially talking about is going back to the dark ages here. We started this Congress by talking about ending Federal support for birth control, a debate that women in my district thought ended a generation ago. And now we're going so far as to say that women can't even have access to information about the full extent of choices with respect to their health care.

This is a war on women. This is a distraction from job creation. We should reject this bill; we should end this assault on women's health care; and we should get back to the work that we were sent here to do, to fix this economy for everyone in this country, women and men, together.

Ms. FOXX. I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentleman.

Madam Speaker, I rise in opposition. I'm not surprised by this bill. In March, they tried to close down the

Federal Government over a woman's right to go to Planned Parenthood for health care, and today they are trying to close down a woman's right to lifesaving treatment in our hospitals.

They call this "protecting life." It is the opposite of protecting life, Madam Speaker. This allows hospitals to deny lifesaving treatment to women. It limits essential health care services to women. It denies preventive health care to women. It even hurts the victims of rape and sexual assault who have been hurt enough.

Madam Speaker, the American people want a Republican majority that will help create a climate for small businesses to create jobs, not create a climate of war against women's health care. They want a war on unemployment; they do not want a war on women. They want more jobs and less extremism. This bill is about extremism, and it ought to be defeated.

Ms. FOXX. I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I thank my friend.

Madam Speaker, how much floor time do we have to spend on redundant legislation that will surely die in the Senate and has already been threatened with a veto?

We've had this debate. We know what the final result will be. Federal funding of abortion is already illegal except in cases of incest, rape, and life-threatening situations. We accept that. But while millions of Americans are losing their jobs and seeing their life savings evaporate, the Republican majority insists on wasting our time on publicly demagoguing a deeply personal issue.

This bill also contains a refusal clause that would allow emergency room health professionals to deny lifesaving care to a pregnant woman because of their personal beliefs. Evidence shows that barriers to abortion services increase the risk of maternal injury and death, and that the best way to reduce the number of abortions is with accurate sexual education and the widespread availability of contraception. Yet the same people who oppose abortions also oppose appropriate sex education and family planning services.

The Supreme Court has ruled abortion is legal. Federal funds don't pay for abortion. Those policies are in place. Let's move on with help for the millions of unemployed individuals who need a good job and leave the women of America alone to control their own body and their own lives.

Ms. FOXX. I yield 1½ minutes to my distinguished colleague from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Madam Speaker, health care is a necessary element to a good and orderly and compas-

sionate society. We all support health, but abortion is not health care.

□ 1330

The vast majority of Americans do not support using their dollars in support of the abortion industry, and Americans should not be forced by the strong arm of the government to subsidize the abortion industry.

Here's the problem. The health care law passed in 2010 contains some serious flaws in this regard. Namely, now the Federal Government will subsidize insurance policies that cover abortion on demand.

The health care law also forces enrollees in health care plans that cover abortion to pay for abortions obtained by others. The health care law also gives license to Federal agencies to mandate abortion coverage.

We have just seen that the Secretary of Health and Human Services, Kathleen Sebelius, under the guise of preventative care, has now promulgated rules that will force everyone to pay for abortifacient drugs and not to mention sterilization. And this also tramples on the conscience rights of health care entities that do not perform or promote abortion.

Madam Speaker, I believe this: The Protect Life Act is in the interest of the right type of health care for America.

Mr. HASTINGS of Florida. Madam Speaker, I yield 1 minute to the distinguished gentleman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. It's unfortunate that we have to come to the floor of the House to discuss the personal decisions that a woman has to make. And I can assure you that the question of choice, the question of abortion, the question of what a woman does to her body is not one that a woman takes lightly. On many occasions, there is the necessity for a doctor and his female patient to make decisions to save the life or health of the mother.

Just as the federal courts have ruled unconstitutional and rejected the Texas law that requires a doctor to talk first to a woman seeking an abortion and to allow or force them both to listen to sounds that might discourage this needed action, this is going to be held unconstitutional. This is not a law that can pass. You can not tell a woman her insurance company can not provide her all the benefits of that coverage. It goes way beyond the pale.

I would ask my colleagues to vote against this rule and protect the right of a woman to choose and the dignity of all people in this Nation to make their own decisions over their lives, through consultation with her family, faith leader and doctor. I am saddened that we're here today discussing such an issue. Please vote no on this rule and for a woman's right to choose.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. We all know that the ObamaCare bill allows for both the implicit and explicit taxpayer funding of abortion, and we all know that the Executive order signed by the President is not worth the paper that it was written on. It repeats the accounting gimmick that allows for Federal subsidies to go to insurance plans that cover abortion. And that's why we need to pass the Protect Life Act, which would apply the principles of the Hyde amendment to every component of ObamaCare. The Protect Life Act eliminates that accounting gimmick and ensures that Americans are not forced to pay an abortion surcharge, if you will, in order to get a health care plan. It ensures State laws are not preempted by Federal law.

This is the right move, the right bill. Americans deserve to have this assurance.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Madam Speaker, this is nothing more or less than an attack on poor women.

I stood beside the bed of a couple of women in the Buffalo General Hospital in 1963 and watched them die because of back alley abortions.

I was in the State legislature in 1970 when we, in the State of Washington, granted, by referendum, a vote of all the people, the right of women to have an abortion. Now the question is how to get it paid for.

Well, when I came to Seattle, if you wanted an abortion, what you did was you went down and bought a ticket to Japan; you flew to Japan, had an abortion, had a day of shopping in Tokyo while you made sure that you were okay medically; and then you came home. Rich women never had any problem, but the women that I stood next to as they died and left 12 kids without mothers were poor. And that's what this is really all about. It is an attack by the right wing who consider that they wrap themselves in theological raiment and then attack poor women. Christ wouldn't have done that.

Mr. HASTINGS of Florida. Madam Speaker, I have no further speakers, and I would ask the gentlelady if she is prepared to close.

Ms. FOXX. I am.

Mr. HASTINGS of Florida. Thank you very much.

Madam Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Florida has 5½ minutes remaining, and the gentlewoman from North Carolina has 2 minutes remaining.

Mr. HASTINGS of Florida. I won't take all of that time, Madam Speaker,

but I do wish to assert into this debate, it's been said often on the other side, and my distinguished friend from the Rules Committee made the point, that people came here and said that jobs were more important than life. I didn't hear anybody say that, and I don't believe anybody believes that.

But what I do believe that most of us understand is that this is not going to become the law and, therefore, what we are doing, in the final analysis, is a waste of time, and we could have been trying to do as we have not done in this session of Congress, address the subject of jobs.

Madam Speaker, what we have before us is an extremely flawed bill; and, contrary to their self-professed commitment to an open process, this particular provision being considered is under a closed rule.

Furthermore, I would also like to call into question how it's possible for us to consider this bill on the House floor when its sponsor, Mr. PRTTS of Pennsylvania, failed to provide a statement citing Congress's constitutional authority to enact it. Mr. PRTTS's statement of constitutional authority for the Protect Life Act cites no provision of the Constitution or any amendment to the Constitution.

Therefore, I would like to request of him or Members on the other side to share with us the basis for this bill which violates the fundamental right to privacy upheld by the Supreme Court. It restricts women's access to health care and imposes further regulations on health insurance coverage. It's clear that the Protect Life Act lacks both constitutional and moral integrity.

Let me insert additionally some feelings that have been expressed in public, and I take the prerogative of using them here on the floor.

H.R. 358 comes on top of votes by the Republican-led House to eliminate all Federal funding for title X, the National Family Planning Program, to eliminate funding for all other reproductive health programs offering breast and cervical cancer exams or well-woman and primary health care and family planning to prevent unintended pregnancies and to reduce the need for abortion.

They've led measures that eliminate requirements in health care reform covering maternal health care, mammograms, breastfeeding support, and other essential health services.

In addition, they've made it impossible for women to speak to their doctors about abortion using Internet-based telemedicine.

□ 1340

Now, these are just a few examples. The Republicans are full of fuzzy facts. I start my day almost every day, Madam Speaker, by reading the cartoon, after other parts of the news-

paper, "Get Fuzzy." And the cat in that particular cartoon constantly comes up with fuzzy facts. If you put all the fuzzy facts together and all the things that the Republican majority has done, they include Tea Party-led efforts to gut Environmental Protection Agency rules that keep the air we breathe, the water we drink, and the environment in which we live safe. They have done efforts to virtually eliminate child nutrition. And I can't believe that 20 years I'm here, and I hear Republicans talk about cutting out the Head Start program, the one documented program that has benefited American society over and above what was thought.

They have done things to eliminate programs to help the unemployed to survive, to slash Medicaid and Medicare, to effectively abrogate any social contract and tear to shreds any social safety net.

I have to ask, exactly whose lives are we protecting here?

I yield back the balance of my time. Ms. FOXX. I yield myself the balance of my time.

Madam Speaker, our position on taxpayer funding for elective abortion is bipartisan, bicameral, and supported by the majority of the American people. We all know that.

I'd like to point out to my colleagues across the aisle when they keep saying we need to be talking about jobs, when the Democrats took control of the Congress in 2007, the unemployment rate was 4.6 percent. Between then and the time that Republicans regained control of the House this January, the unemployment rate rose to over 9 percent—6.9 million more Americans became unemployed during that period of time. I'd also like to point out to my colleague that the constitutional authority for H.R. 358 is in the CONGRESSIONAL RECORD. He knows it's required when the bill is introduced.

Madam Speaker, the American people are probably a little confused by listening to this debate because they hear two very conflicting stories. I would like to urge them to go to thomas.gov. H.R. 358 is only nine pages long. It's very simple to read. It's not like what they call the Affordable Care Act, which we had to get passed before we would know what was in it.

There is nothing more important, Madam Speaker, than protecting voiceless, unborn children and their families from the travesty of abortion. Therefore, I urge my colleagues to put aside all this rhetoric that has been spoken of in this debate today and vote for life by voting in favor of this rule and the underlying bill.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 248, nays 173, not voting 12, as follows:

[Roll No. 786]

YEAS—248

Adams	Gibson	Myrick
Aderholt	Gingrey (GA)	Neugebauer
Akin	Gohmert	Noem
Alexander	Goodlatte	Nugent
Altmire	Gosar	Nunes
Amash	Gowdy	Nunnelee
Amodei	Granger	Olson
Austria	Graves (GA)	Palazzo
Bachus	Graves (MO)	Paulsen
Barletta	Griffith (AR)	Pearce
Bartlett	Griffith (VA)	Pence
Barton (TX)	Grimm	Peterson
Bass (NH)	Guinta	Petri
Benishek	Guthrie	Pitts
Berg	Hall	Platts
Bigert	Hanna	Poe (TX)
Billbray	Harper	Pompeo
Billirakis	Harris	Posey
Bishop (UT)	Hartzler	Price (GA)
Black	Hastings (WA)	Quayle
Blackburn	Hayworth	Rahall
Bonner	Heck	Reed
Bono Mack	Hensarling	Rehberg
Boren	Herger	Reichert
Boustany	Huelskamp	Renacci
Brady (TX)	Huizenga (MI)	Ribble
Brooks	Hultgren	Rigell
Buchanan	Hunter	Rivera
Bucshon	Hurt	Roby
Buerkle	Issa	Roe (TN)
Burgess	Jenkins	Rogers (AL)
Burton (IN)	Johnson (IL)	Rogers (KY)
Calvert	Johnson (OH)	Rogers (MI)
Camp	Johnson, Sam	Rohrabacher
Campbell	Jones	Rokita
Canseco	Jordan	Rooney
Cantor	Kelly	Ros-Lehtinen
Capito	King (IA)	Roskam
Carter	King (NY)	Ross (AR)
Cassidy	Kingston	Ross (FL)
Chabot	Kinzinger (IL)	Royce
Chaffetz	Klaine	Runyan
Coble	Labrador	Ryan (WI)
Coffman (CO)	Lamborn	Scalise
Cole	Lance	Schilling
Conaway	Landry	Schmidt
Costello	Lankford	Schock
Cravaack	Latham	Schweikert
Crawford	LaTourette	Scott (SC)
Crenshaw	Latta	Scott, Austin
Culberson	Lewis (CA)	Sensenbrenner
Davis (KY)	Lipinski	Sessions
Denham	LoBiondo	Shimkus
Dent	Long	Shuler
DesJarlais	Lucas	Shuster
Diaz-Balart	Luetkemeyer	Simpson
Dold	Lummis	Smith (NE)
Donnelly (IN)	Lungren, Daniel	Smith (NJ)
Dreier	E.	Smith (TX)
Duffy	Mack	Southerland
Duncan (SC)	Manzullo	Stearns
Duncan (TN)	Marchant	Stivers
Ellmers	Marino	Stutzman
Emerson	Matheson	Sullivan
Farenthold	McCarthy (CA)	Terry
Fincher	McCaull	Thompson (PA)
Fitzpatrick	McClintock	Thornberry
Flake	McCotter	Tiberi
Fleischmann	McHenry	Tipton
Fleming	McIntyre	Turner (NY)
Flores	McKeon	Turner (OH)
Forbes	McKinley	Upton
Fortenberry	McMorris	Walberg
Fox	Rodgers	Walden
Franks (AZ)	Meehan	Walsh (IL)
Frelinghuysen	Mica	Webster
Gallegly	Miller (FL)	West
Gardner	Miller (MI)	Westmoreland
Garrett	Miller, Gary	Whitfield
Gerlach	Mulvaney	Wilson (SC)
Gibbs	Murphy (PA)	Wittman

Wolf
Womack
Woodall

Yoder
Young (AK)
Young (FL)

Young (IN)

NAYS—173

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)

NOT VOTING—12

Bachmann
Broun (GA)
Cardoza
Giffords

Herrera Beutler
Hoyer
Langevin
Lewis (GA)

Neal
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

□ 1407

Ms. ESHOO and Mr. DICKS changed their vote from “yea” to “nay.”

Messrs. FRANKS of Arizona, FLEMING, STIVERS, Mrs. BIGGERT, and Mr. CAMP changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HERRERA BEUTLER. Mr. Speaker, on rollcall No. 786 I was unavoidably detained. Had I been present, I would have voted “Yes.”

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2832. An act to extend the Generalized System of Preferences, and for other purposes.

EPA REGULATORY RELIEF ACT OF 2011

The SPEAKER pro tempore (Mr. FORTENBERRY). Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2250.

□ 1407

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, with Mrs. EMERSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, October 12, 2011, a request for a recorded vote on amendment No. 22 printed in the CONGRESSIONAL RECORD by the gentleman from Tennessee (Mr. COHEN) had been postponed.

AMENDMENT NO. 22 OFFERED BY MR. COHEN

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. COHEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 250, not voting 9, as follows:

[Roll No. 787]

AYES—174

Ackerman
Andrews
Baca
Bachus
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)

Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan

Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver

Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Inslee

Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebback
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)

NOES—250

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggart
Billray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble

Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger

Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford

Latham	Owens	Schweikert
LaTourette	Palazzo	Scott (SC)
Latta	Paulsen	Scott, Austin
Lewis (CA)	Pearce	Sensenbrenner
LoBiondo	Pence	Sessions
Long	Peterson	Shimkus
Lucas	Petri	Shuster
Luetkemeyer	Pitts	Simpson
Lummis	Platts	Smith (NE)
Lungren, Daniel	Poe (TX)	Smith (NJ)
E.	Pompeo	Smith (TX)
Mack	Posey	Southerland
Manzullo	Price (GA)	Stearns
Marchant	Quayle	Stivers
Marino	Rahall	Stutzman
Matheson	Reed	Sullivan
McCarthy (CA)	Rehberg	Terry
McCaul	Renacci	Thompson (PA)
McClintock	Ribble	Thornberry
McCotter	Rigell	Tiberi
McHenry	Rivera	Tipton
McKeon	Roby	Turner (NY)
McKinley	Roe (TN)	Turner (OH)
McMorris	Rogers (AL)	Upton
Rodgers	Rogers (KY)	Walberg
Meehan	Rogers (MI)	Walden
Mica	Rohrabacher	Walsh (IL)
Michaud	Rokita	Webster
Miller (FL)	Rooney	West
Miller (MI)	Ros-Lehtinen	Westmoreland
Miller, Gary	Roskam	Whitfield
Mulvaney	Ross (AR)	Wilson (SC)
Murphy (PA)	Ross (FL)	Wittman
Myrick	Royce	Wolf
Neugebauer	Runyan	Womack
Noem	Ryan (WI)	Woodall
Nugent	Scalise	Yoder
Nunes	Schilling	Young (AK)
Nunnelee	Schmidt	Young (FL)
Olson	Schock	Young (IN)

NOT VOTING—9

Bachmann	Giffords	Polis
Cardoza	Hoyer	Slaughter
DeGette	Paul	Wilson (FL)

□ 1425

Mr. STUTZMAN changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mrs. EMERSON, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, and, pursuant to House Resolution 419, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 2250 is postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet in joint meeting to hear an address by His Excellency Lee Myung-bak, President of the Republic of Korea, only the doors immediately opposite the Speaker and those immediately to his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, October 11, 2011, the House stands in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1550

JOINT MEETING TO HEAR AN ADDRESS BY HIS EXCELLENCY LEE MYUNG-BAK, PRESIDENT OF THE REPUBLIC OF KOREA

During the recess, the House was called to order by the Speaker at 3 o'clock and 50 minutes p.m.

The Deputy Sergeant at Arms, Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The joint meeting will come to order.

The Chair appoints as members of the committee on the part of the House to escort His Excellency Lee Myung-bak, President of the Republic of Korea, into the Chamber:

The gentleman from Virginia (Mr. CANTOR);

The gentleman from California (Mr. MCCARTHY);

The gentleman from Texas (Mr. HENSARLING);

The gentleman from California (Mr. DREIER);

The gentlewoman from Florida (Ms. ROS-LEHTINEN);

The gentleman from Michigan (Mr. CAMP);

The gentleman from California (Mr. MCKEON);

The gentleman from Illinois (Mr. MANZULLO);

The gentleman from California (Mr. ROYCE);

The gentleman from Texas (Mr. BRADY);

The gentlewoman from Texas (Ms. GRANGER);

The gentleman from Washington (Mr. REICHERT);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from California (Mr. BECERRA);

The gentleman from Maryland (Mr. VAN HOLLEN);

The gentleman from New York (Mr. RANGEL);

The gentleman from Michigan (Mr. CONYERS);

The gentleman from New York (Mr. ACKERMAN);

The gentlewoman from California (Ms. LORETTA SANCHEZ);

The gentlewoman from Pennsylvania (Ms. SCHWARTZ);

The gentleman from Michigan (Mr. LEVIN); and

The gentlewoman from California (Ms. MATSUI).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Lee Myung-bak, President of the Republic of Korea, into the House Chamber:

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Tennessee (Mr. ALEXANDER);

The Senator from Wyoming (Mr. BARRASSO);

The Senator from South Dakota (Mr. THUNE);

The Senator from Texas (Mr. CORNYN);

The Senator from Indiana (Mr. LUGAR);

The Senator from Ohio (Mr. PORTMAN);

The Senator from Nevada (Mr. REID);

The Senator from Alaska (Mr. BEGICH);

The Senator from Massachusetts (Mr. KERRY);

The Senator from Virginia (Mr. WEBB).

The Deputy Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, Her Excellency Chan Heng Chee, Ambassador of the Republic of Singapore.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for her.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 4 o'clock and 5 minutes p.m., the Deputy Sergeant at Arms announced His Excellency Lee Myung-bak, President of the Republic of Korea.

The President of the Republic of Korea, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of Congress, I have the high privilege and the distinct honor of presenting to you His Excellency Lee Myung-bak, President of the Republic of Korea.

(Applause, the Members rising.)

President LEE. Will you please allow me to speak in Korean.

[In Korean]

Mr. Speaker, Mr. Vice President, distinguished Members of Congress, ladies and gentlemen, it is a great privilege to speak to you from this podium, in this great institution representing democracy and freedom. And I am particularly grateful to the leadership of both parties and to all the esteemed Members of Congress for their support in ratifying the Korea-U.S. trade agreement last night in a swift manner, in a swift manner which, I am told, was quite unprecedented.

I flew halfway around the world to be here today among friends, thinking about and deeply grateful for the friendship between our two countries.

For Korea, America is not a distant land. America is our neighbor and our friend. America is our ally and our partner.

There is a Korean expression that describes our 60-year partnership: "katchi kapshida." In English, it means "We go together." Indeed, we have been going together for 60 years.

For the last 60 years, remarkable changes took place in both of our countries. For the United States, it has been a journey to new frontiers—on this planet and beyond. It has been a journey of achieving fantastic breakthroughs in science and technology which led to the advent of the information age. It was a journey of developing new cures and making advances in machinery. And throughout this journey, you served as the greatest inspiration for peace and prosperity the world has ever known.

For the Republic of Korea, the last 60 years has been an incredible time of transformation and renewal. It was an epic journey from poverty to prosperity; from dictatorship to a thriving democracy; from a hermit nation to a global Korea. Korea's story is your story, too. And that fact is clear in our capital city of Seoul.

During the Korean War, Seoul was almost completely destroyed. Today, however, Seoul is reborn. Where there was once rubble now stands the Seoul Tower, looking out over a thriving modern metropolis. In the streets where women and children searched the wreckage for fuel, soon vehicles powered by magnetic strips will roam the streets. Seoul is also the most wired city on the planet.

Seoul is also one of the most dynamic and cosmopolitan cities in the world. Last year, Seoul was host to the G20 Summit and next March it will host the second Nuclear Security Summit, which will be attended by more than 50 heads of state and government.

To mark the 60th anniversary of the Korean War, we invited American veterans back to see the land they helped liberate. And when they visited Korea, they found very few landmarks that they recognized from the war. Instead, they saw in Korea what you see here and experience in the United States today. The pace and the pulse of modern life. A creative entrepreneurial spirit that knows no bounds. A sense of self-confidence, optimism, and pride. And an unshakable faith in freedom, in free elections, a free press, and free markets. Oh, and yes, personally, our love for fried chicken.

Yes, ladies and gentlemen, these are the values that we share.

Your great President and statesman, Thomas Jefferson, said that the only safe place to locate "the ultimate powers of the society" is in the hands of the people themselves. These same values can be found in Korea, too.

One of Korea's greatest kings, King Sejong, said approximately 600 years ago that "The people are heaven. The will of the people is the will of heaven. Revere the people as you would heaven."

Here, an ocean away, in the people's House, these ancient words of our ancestors that call us to revere our people still ring true.

We also share a belief that political freedom and economic freedom must go hand in hand. During the 1960s, Koreans demanded democracy and freedom. As one of the student leaders who organized protests calling for democracy, I was caught and imprisoned, but this only strengthened my conviction that universal rights such as democracy, dignity of man, and human rights must never be compromised.

At the same time, the Korean people yearned for another kind of freedom—freedom from poverty. Back then, Ko-

rea's per capita GDP was less than \$80. University graduates roamed the streets, unable to find a job. Opportunities were scarce. It was difficult for people to have hope for the future.

This is when I realized that even if we had political freedom and democracy, we would not be truly free without economic freedom. So, after I was released from prison for my political activities, I joined a small local company. This company, which had less than 100 employees at the time, later evolved into a global conglomerate with over 160,000 employees. And as one of its youngest-ever CEOs, I was privileged to be part of Korea's remarkable economic rise as Korea's economy grew into being near the global top 10. Along the way, I was able to escape poverty myself, but being able to contribute to my country's growth will always remain as one of my proudest moments.

As you can see, we have won the fight to win two very important freedoms—our political freedom and our economic freedom. Very few countries were successful in their quest to win freedom from poverty and freedom from oppression. And Koreans are proud of this.

And they also know that your friendship—and our alliance—has been indispensable throughout this remarkable journey of hope. And this is why all of you here should be proud of what Korea and the Korean people have achieved.

Nevertheless, I still get asked by many foreign leaders, how did a country with no natural resources, no technology, no capital, and no experience manage to achieve so much in just one generation?

My answer to them is very simple: the power of education.

The Korean War, as I've said, completely destroyed my country. The people had nothing to eat and nothing to wear. For years, we relied on foreign aid. But the Korean people believed in one thing, and that was education. Even if parents had to work day and night and drink nothing but water to chase away their hunger, they spared nothing when it came to their children's education. My parents were the same. They were determined to give their children hope by giving them a chance to learn.

And I was determined to learn. I used to be a street vendor selling anything and everything during the day and attending night school. After night school, however, going on to college was but a dream. Yet I managed to get in through the help of many others around me. Although I had to wake up every day at 4 a.m. to haul garbage to pay my way through college, I knew that learning was the key. My parents, all Korean parents, believed that education was the best way to break that vicious cycle of poverty.

These children later became the lead actors in this great drama. Their sweat and their tears is what transformed

Korea from being one of the poorest countries in the world to one of the most dynamic today.

Our desire for learning continues. Currently, there are more than 100,000 Korean students studying in your schools. These young students will become the leaders of tomorrow. They will become scientists, doctors, bankers, engineers, teachers, and artists. They will continue to contribute to making both of our countries stronger. And they will bring our two countries closer together.

Distinguished Members, today the United States and Korea have one of the closest, most important economic relationships in the world. For both countries it has brought untold benefits and opportunities. Our trade in goods, services, and mutual investments has grown dramatically. We invest in you and you invest in us because we are interdependent. When we trade together, we grow together. When we build together, we rise together. And when we work together, we win together.

We see this in the towns and cities and States this Congress represents. We see it in West Point, Georgia, where a new Kia automotive plant is expected to create 1,400 new businesses and more than 20,000 new jobs nearby. We see it in Midland, Michigan, as well, where Dow Chemical, a distinctly American company, and Kokam Engineering, a distinctly Korean company, have joined together to make some of the world's most advanced batteries—the building blocks for a new era of electric vehicles. I understand that Vice President BIDEN has been to the opening ceremony of this plant. And we have more than 10,000 Korean companies, including global conglomerates such as Samsung and LG, doing business and investing all across America.

And, of course, we see such cooperation in Korea as well. Just west of Seoul, a GM-Korea joint venture is manufacturing and selling Chevrolets to Korean consumers. Sales are up 27 percent in just the first 6 months since the brand was launched, and 55 percent of Koreans say they would consider buying one. And our cooperation is not just limited to automobiles. Many others, from microchips to biotech, provide similar examples of such cooperation. Our mutual investment is yet another good example.

Mr. Speaker, Mr. Vice President, distinguished Members of Congress, thanks to all of you in this Chamber, our economic ties are becoming even stronger. The Korea-U.S. free trade agreement was ratified by this Congress here last night. Here, where the Mutual Defense Treaty was signed by Korea and the United States in 1953, a new chapter in our relationship has opened. Our relationship has become stronger. This agreement is a major step toward future growth and job creation. It is a win for our corporations.

The Korea-U.S. free trade agreement will be able to ensure continued growth and also create jobs. And this is a win for our corporations, it is a win for our workers, a win for small businesses, and a win for all the innovators on both sides the Pacific.

Perhaps you have heard what the experts have said: America's economic output will grow more due to the Korea-U.S. free trade agreement than from America's last nine trade agreements combined, and that the tariff reductions and many of the fair labor provisions, rigorous environmental standards, and strong protections for intellectual property rights will be beneficial for all of us. These provisions will improve our business environments. These provisions will allow for us to widely share the benefits of trade more than ever. In this century much has changed, but not this basic truth: Open markets build strong economies. And in this 21st century I firmly believe economies must be green to grow.

Unfortunately, this was not always our way. For far too long in my country, growth came at a cost. Rapid economic growth cast a dark shadow in our environment, in the air that we breathed, and the water that we drank. This is why when I was mayor of Seoul, I considered it my calling to restore Seoul's Cheonggyecheon Stream, which was neglected for decades. The restored stream revitalized the surrounding landscape, it revived commercial activity, and enriched the lives of the people in countless ways.

As President, I announced a new national vision—one of low-carbon green growth. And it is our goal to become the world's seventh-largest green economy by 2020. The benefits of green growth are real. This is why we are investing heavily in the research and development of next-generation power technologies such as the smart grids. This is why we are trying to become the leader in renewable energy sources. This is why we've required our biggest carbon-emitting companies to set greenhouse gas targets this year. And they will, of course, work to deliver on this promise.

I am aware that the U.S. is also taking measures to ensure a sustainable future. Some of those steps we are taking together. For example, in 2009, our governments signed a statement of intention to work together on renewable energy, energy efficiency, and power technologies. The Chicago Smart Building Initiative is a good example of our cooperation between our two countries.

And during my visit this time, our two governments signed a statement of intent on the Joint Research Project on Clean Energy. Joint investments and cooperation will only increase. Our work will lead to tangible results that will benefit mankind. As our countries

move down this path, we will be moving even closer together, and we will move forward together.

Distinguished Members, ladies and gentlemen, the strength of a country is not measured in dollars alone. Our mutual defense keeps us strong and it keeps us safe. Ours is an alliance forged in blood. That is how we Koreans describe our Mutual Defense Treaty.

Fifty-eight years ago today in October 1953, here in Washington, D.C., the Republic of Korea and the United States signed the Mutual Defense Treaty. In the words of that treaty, we pledged our common determination to defend ourselves against external armed attack so that no potential aggressor could be under the illusion that either of us stands alone in the Pacific area. But we know that defending freedom is never easy; it is never free of cost or free of risk. For this, I want to thank you. I thank you on behalf of the Korean people for standing by us.

We also want to thank the 28,500 American men and women in uniform who serve today in Korea. We want to thank each and every one of you for keeping faith with the generation of your parents and grandparents, defending freedom on the Korean Peninsula. We thank you for your service.

Today, I would also like to thank the Korean War veterans who are here with us today. They are Representatives JOHN CONYERS, CHARLES RANGEL, SAM JOHNSON, and HOWARD COBLE. We thank these gentlemen for their service. To these gentlemen and to millions of others, the Korean War or the peninsula are not abstract concepts, and they're not concepts for me either. My older sister and younger brother, both just children, were killed in that war. I will never forget them. I will never forget how my mother tried so hard to keep them alive. With the war raging all around us, there were no doctors, and we couldn't afford to buy medicine. All my mother could do was stay up all night and pray to God. Many Koreans still live with such pain.

I recognize the reality that Korea has been split in two, but I will never accept it as a permanent condition. The two Koreas share the same language, history, and customs. We are one people. In both Koreas, there are families who have never spoken to their loved ones for more than half a century. And my hope is that these people and all 70 million Koreans will enjoy real happiness and real peace. And for this, we must first lay the foundation for peace on the Korean Peninsula. And upon this foundation, we must strengthen cooperation between the two Koreas. We must seek the path that will lead us towards mutual prosperity. And we must achieve peaceful unification.

A unified Korea will be a friend to all and a threat to none. A unified Korea will contribute to peace and prosperity, not only in northeast Asia, but far beyond. We therefore must achieve the

denuclearization of the Korean Peninsula, and North Korea must give up their nuclear ambitions.

Korea and the United States stand united. We are in full agreement that the Six Party Talks is an effective way to achieve tangible progress. We are in full agreement that we must also pursue dialogue with North Korea. However, we must also maintain our principled approach. A North Korea policy that is firmly rooted upon such principles is the key that will allow us to ultimately and fundamentally resolve this issue.

North Korea's development is in our collective interest, and this is what we want. However, this depends on its willingness to end all provocations and make genuine peace. We will work with you and the international community so that North Korea makes the right choice.

Our Mutual Defense Treaty has ensured stability and prosperity to flourish not only on the Korean Peninsula, but across northeast Asia. Northeast Asia today is a more dynamic region than ever. And economic change in this region brings geopolitical change, and it brings shifts in the balance of power that has long prevailed.

The United States, as a key player of the Asia-Pacific region and as a global leader, has vital interests in northeast Asia. For northeast Asia to play a more constructive role in global affairs, there must be peace and stability in the region.

And your leadership that has ensured peace and stability of northeast Asia and beyond in the 20th century must remain supreme in the 21st century. The ideals that you represent and the leadership that allows for such ideals to become true must continue.

There remain many challenges in the world today, and your leadership is vital. Terrorism, proliferation of WMD, climate change, energy, poverty, and disease; these are just a few of the challenges that require your leadership.

Our free trade agreement has significance because it will be a force for stability, because lasting stability, again, depends on economic opportunity being open and robust. Our relationship can be the catalyst that generates growth and stability all along the Pacific Rim. And, in doing so, it will make clear how fully our fates are connected.

More than ever, Korea is looking beyond the horizon. It will willingly embrace its international responsibilities. It will work to resolve global challenges.

Since becoming President of Korea, my vision for Korea in the coming decades is for a global Korea.

Global Korea has joined United Nations peacekeeping operations in East Timor, Lebanon, and Haiti. Korea was the third-largest contributor of troops to the coalition forces in Iraq. We have

sent reconstruction teams to rebuild Afghanistan. Our naval vessels support the United States and EU in fighting against piracy off the coast of Somalia.

We will take part in the international effort in bringing democracy to Libya and rebuilding its shattered economy. And we have pledged to double our overseas development assistance by 2015. And next month the High Level Forum on Aid Effectiveness will be held in Busan, Korea's second-largest city.

In these and countless other ways, Korea will carry out its duties as a responsible member of the international community. As we face the many global challenges that lie ahead, we will promote universal values.

In 2009, when President Obama and I signed the Joint Vision for the Future of the Alliance, we agreed to work closely together in resolving regional and international issues, based on shared values and mutual trust. And during our summit today we renewed this commitment. We also reaffirmed our commitment to face the challenges of today for the generation of tomorrow.

Our alliance will grow, and it will continue to evolve. And it will prevail.

Mr. Speaker, Mr. Vice President, distinguished Members of Congress, before I part, I want to thank you again for the honor of addressing this Congress. I would also like to thank President Obama and Mrs. Obama for their invitation.

I also take this opportunity to pay tribute to the 1.5 million Korean-Americans who have been contributing to this great country. As President of Korea, I am proud that they are giving back to the country that gave them so much. I am also deeply grateful to you and the American people for giving them the chance to make their dreams come true.

Your ideals and aspirations have been ours, as they have been for much of the world.

Half a century ago, young Americans served in the Korean War "for duty beyond the seas." And today, our peoples hear the same call. It may not always be active combat, not always to brave the rugged mountains or bitter winters, but it is an important duty nonetheless, a charge to help create a more peaceful, more prosperous world.

In the 21st century, duty and destiny calls us once again. As before, let us rise to meet these challenges. Let us go together. Together and forward.

Thank you.

[Applause, the Members rising.]

At 4 o'clock and 48 minutes p.m., His Excellency Lee Myung-bak, President of the Republic of Korea, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 4 o'clock and 54 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will continue in recess subject to the call of the Chair.

□ 1719

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. ROBY) at 5 o'clock and 19 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. PITTS. Madam Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROTECT LIFE ACT

Mr. PITTS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 358 and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PITTS. Madam Speaker, pursuant to House Resolution 430, I call up the bill (H.R. 358) to amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 430, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce printed in the bill is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protect Life Act”.

SEC. 2. MODIFYING SPECIAL RULES RELATING TO COVERAGE OF ABORTION SERVICES UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT TO CONFORM TO LONG-STANDING FEDERAL POLICY.

(a) IN GENERAL.—Section 1303 of the Patient Protection and Affordable Care Act (Public Law 111–148), as amended by section 10104(c) of such Act, is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively;

(2) by redesignating paragraph (4) of subsection (b) as subsection (d) and transferring such subsection (d) after the subsection (c) inserted by paragraph (4) of this subsection with appropriate indentation (and conforming the style of the heading to a subsection heading);

(3) by amending subsection (b) to read as follows:

“(b) SPECIAL RULES RELATING TO TRAINING IN AND COVERAGE OF ABORTION SERVICES.—Nothing in this Act (or any amendment made by this Act) shall be construed to require any health plan to provide coverage of or access to abortion services or to allow the Secretary or any other Federal or non-Federal person or entity in implementing this Act (or amendment) to require coverage of, access to, or training in abortion services.”;

(4) by inserting after subsection (b) the following new subsection:

“(c) LIMITATION ON ABORTION FUNDING.—

“(1) IN GENERAL.—No funds authorized or appropriated by this Act (or an amendment made by this Act), including credits applied toward qualified health plans under section 36B of the Internal Revenue Code of 1986 or cost-sharing reductions under section 1402 of this Act, may be used to pay for any abortion or to cover any part of the costs of any health plan that includes coverage of abortion, except—

“(A) if the pregnancy is the result of an act of rape or incest; or

“(B) in the case where a pregnant female suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the female in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself.

“(2) OPTION TO PURCHASE SEPARATE COVERAGE OR PLAN.—Nothing in this subsection shall be construed as prohibiting any non-Federal entity (including an individual or a State or local government) from purchasing separate coverage for abortions for which funding is prohibited under this subsection, or a qualified health plan that includes such abortions, so long as—

“(A) such coverage or plan is paid for entirely using only funds not authorized or appropriated by this Act; and

“(B) such coverage or plan is not purchased using—

“(i) individual premium payments required for a qualified health plan offered through an Exchange towards which a credit is applied under section 36B of the Internal Revenue Code of 1986; or

“(ii) other non-Federal funds required to receive a Federal payment, including a State’s or locality’s contribution of Medicaid matching funds.

“(3) OPTION TO OFFER COVERAGE OR PLAN.—Nothing in this subsection or section 1311(d)(2)(B)(i) shall restrict any non-Federal health insurance issuer offering a qualified health plan from offering separate coverage for abortions for which funding is prohibited under this subsection, or a qualified health plan that includes such abortions, so long as—

“(A) premiums for such separate coverage or plan are paid for entirely with funds not authorized or appropriated by this Act;

“(B) administrative costs and all services offered through such coverage or plan are paid for using only premiums collected for such coverage or plan; and

“(C) any such non-Federal health insurance issuer that offers a qualified health plan through an Exchange that includes coverage for abortions for which funding is prohibited under this subsection also offers a qualified health plan through the Exchange that is identical in every respect except that it does not cover abortions for which funding is prohibited under this subsection.”;

(5) in subsection (e), as redesignated by paragraph (1)—

(A) in the heading, by striking “REGARDING ABORTION”;

(B) in the heading of each of paragraphs (1) and (2), by striking each place it appears “REGARDING ABORTION”;

(C) in paragraph (1), by striking “regarding the prohibition of (or requirement of) coverage, funding, or” and inserting “protecting conscience rights, restricting or prohibiting abortion or coverage or funding of abortion, or establishing”;

(D) in paragraph (2)(A), by striking “Nothing” and inserting “Subject to subsection (g), nothing”;

(6) in subsection (f), as redesignated by paragraph (1), by striking “Nothing” and inserting “Subject to subsection (g), nothing”;

(7) by adding at the end the following new subsection:

“(g) NONDISCRIMINATION ON ABORTION.—

“(1) NONDISCRIMINATION.—A Federal agency or program, and any State or local government that receives Federal financial assistance under this Act (or an amendment made by this Act), may not subject any institutional or individual health care entity to discrimination, or require any health plan created or regulated under this Act (or an amendment made by this Act) to subject any institutional or individual health care entity to discrimination, on the basis that the health care entity refuses to—

“(A) undergo training in the performance of induced abortions;

“(B) require or provide such training;

“(C) perform, participate in, provide coverage of, or pay for induced abortions; or

“(D) provide referrals for such training or such abortions.

“(2) DEFINITION.—In this subsection, the term ‘health care entity’ includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

“(3) REMEDIES.—

“(A) IN GENERAL.—The courts of the United States shall have jurisdiction to prevent and redress actual or threatened violations of this section by issuing any form of legal or equitable relief, including—

“(i) injunctions prohibiting conduct that violates this subsection; and

“(ii) orders preventing the disbursement of all or a portion of Federal financial assistance to a State or local government, or to a specific offending agency or program of a State or local government, until such time as the conduct prohibited by this subsection has ceased.

“(B) COMMENCEMENT OF ACTION.—An action under this subsection may be instituted by—

“(i) any health care entity that has standing to complain of an actual or threatened violation of this subsection; or

“(ii) the Attorney General of the United States.

“(4) ADMINISTRATION.—The Secretary shall designate the Director of the Office for Civil Rights of the Department of Health and Human Services—

“(A) to receive complaints alleging a violation of this subsection; and

“(B) to pursue investigation of such complaints in coordination with the Attorney General.”.

(b) CONFORMING AMENDMENT.—Section 1334(a)(6) of such Act is amended to read as follows:

“(6) COVERAGE CONSISTENT WITH FEDERAL POLICY.—In entering into contracts under this subsection, the Director shall ensure that no multi-State qualified health plan offered in an Exchange provides coverage for abortions for which funding is prohibited under section 1303(c) of this Act.”.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. PITTS) and the gentleman from New Jersey (Mr. PALLONE) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PITTS. I yield myself such time as I may consume.

Madam Speaker, I am humbled to stand in this Chamber and engage in debate over such a critical matter as this. Like the civil rights movement, the pro-life cause has always been about one of securing rights for those who cannot speak for themselves and who cannot on their own obtain them. The fight goes all the way back to our Nation’s beginning.

What more could our Founding Fathers have envisioned when they drafted the Declaration of Independence, proclaiming to all that America would “hold these truths would be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness?” There it is.

The first unalienable right designated by the Declaration of Independence is our right to life. Our Founding Fathers must have deemed this an indispensable right, for its placement signifies it was not an afterthought.

From the start of our great Nation until now, countless men and women have fought and even sacrificed their own lives to protect that right for others. Yet, in 1973, the U.S. Supreme Court issued a decision that has changed the course of history in this country. A right that had been protected for nearly 200 years was tossed aside by a court decision to legalize abortion. Up until that point, an unwanted pregnancy was likely to lead to an adoption, a process that placed an unwanted child in a caring home.

The legacy of the late Steve Jobs reminds us of the impact an adoption can have on the entire world. Fortunately for us, Jobs was born 18 years before Roe v. Wade. Shortly after his birth to a single mother, Jobs was adopted by a married couple in central California. He would go on to be the founder of a tech company that has literally changed the world. His was the route of many unexpected children before 1973.

Maya Angelou, Babe Ruth, and Eleanor Roosevelt are just a few of the

many adoptees that have transformed the world we live in today.

Unfortunately, since *Roe v. Wade*, more and more women are being persuaded that abortion is nothing more than a simple medical procedure that will help them move on with their lives. This could not be further from the truth.

A study of Medi-Cal patients in California revealed that women who had had an abortion were 160 percent more likely to be admitted for psychiatric treatment than those who had carried the child to term and delivery. These women who chose to terminate their pregnancies then had to deal with the psychological devastation that is often associated with such a decision. Adding harm upon harm, abortion is a procedure that brings mental trauma to the mother and irreparable damage to the unborn.

Because of this, the policy of the Federal Government for the last 35 years has been to ban funding for such a procedure. Studies have shown that when the government subsidizes abortion, their number increases. The President, a supporter of abortion rights, has stated his commitment to reducing the amount of abortions in this country. Restoring the policy of prohibiting Federal funds for abortion would be a good first step. The American people, to a large degree, agree with this policy. In fact, as recently as last year, a survey revealed that 67 percent of Americans support a ban on abortion funding. But the Patient Protection and Affordable Care Act failed to include this prohibition, and that is why we are here today.

President Obama indicated his support for upholding the ban on Federal funding for abortion in health reform, and that is exactly what the Protect Life Act does. The issue of prohibiting taxpayer funds for abortion is important to the American people. And so it should be important to Congress as well. Protecting the unalienable right to life is important to the American people. It should be to the Congress as well.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Hon. FRED UPTON,
Chairman, House Committee on Energy & Commerce, Washington, DC.

DEAR CHAIRMAN UPTON, as you know, I requested a referral on H.R. 358, the "Protect Life Act," because it has provisions that fall within the Rule X jurisdiction of the Judiciary Committee. We are able to agree to waive seeking a formal referral of the bill in order that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 358 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we

may address any issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

LAMAR SMITH,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,

Washington, DC, October 12, 2011.

Hon. LAMAR SMITH,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SMITH, thank you for your letter regarding H.R. 358, the "Protect Life Act." As you noted, there are provisions of the bill that fall within the Rule X jurisdiction of the Committee on the Judiciary.

I appreciate your willingness to forgo action on H.R. 358. I agree that your decision should not prejudice the Committee on the Judiciary with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 358 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 14, 2011.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON, I am writing concerning H.R. 358, the "Protect Life Act," which was favorably reported out of your Committee on February 15, 2011.

As you know, the Committee on Ways and Means has jurisdiction over revenue measures generally, including federal tax laws and the Internal Revenue Code of 1986, as amended (IRC). Section 2(a)(4) of H.R. 358 amends section 1303 of the Patient Protection and Affordable Care Act (P.L. 111-148), as amended by section 10104(c) of such Act, by limiting the purposes for which taxpayers may claim tax credits under section 36B of the IRC. I wanted to notify you the Committee will forgo action on H.R. 358. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 358, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 15, 2011.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN CAMP, thank you for your letter regarding H.R. 358, the "Protect Life Act." As you noted, there are provisions of the bill that fall within the Rule X jurisdiction of the Committee on Ways and Means.

I appreciate your willingness to forgo action on H.R. 358. I agree that your decision should not prejudice the Committee on Ways and Means with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 358 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

I rise in strong opposition to H.R. 358, legislation that infringes upon a woman's right to choose. This bill is unnecessary, divisive, and extreme. And it saddens me that the Republican leadership has chosen to bring this bill to the House floor when Americans are struggling.

The American people want us to work together to address their top priority: creating jobs. As such, we should be focusing on putting Americans back to work, not dividing Congress on ideological issues. And we certainly shouldn't be considering legislation that rolls back women's reproductive rights 38 years.

Supporters of this bill claim it is amending the Affordable Care Act to ensure U.S. tax dollars are not used to fund abortions. However, the Affordable Care Act already prohibits the use of Federal dollars to fund abortions. Instead, H.R. 358 will eliminate access to abortion care for many women by banning insurance plans regulated by the Affordable Care Act from offering abortion-inclusive coverage if they take even one federally subsidized customer. So if a plan takes one subsidized customer, then they can't provide abortion coverage insurance to anyone else in the plan.

What's even more concerning is that this legislation could place many women who need reproductive health care in dangerous, potentially life-threatening situations by expanding a lopsided policy that allows health workers and hospitals the ability to refuse to provide and refer for abortion care and even deny emergency abortion care.

So that's why I was so appalled, truly appalled yesterday by comments that were made at the Rules Committee, and I want to set the record straight. This bill is not simply the Stupak-Pitts amendment that was debated and supported during the health reform consideration. During the Rules Committee, I heard that over and over

again from the Republican side—this is just the Stupak bill all over again. That is simply not true.

Madam Speaker, H.R. 358 goes significantly beyond the Stupak amendment. The Stupak amendment limited its reach only to qualified health plans and had no effect on completely private plans. But H.R. 358 affects any health plan.

The Stupak amendment limited its reach only to Federal funding and insurance coverage of abortion. H.R. 358 includes access to abortion services, a much broader term with far-reaching effects.

And the Stupak amendment limited its reach only to State conscience protection laws that deal with abortion. But H.R. 358 expands that protection to those covering health and medical services outside of abortion.

The Stupak amendment did not create any exception to the obligation of hospitals to comply with EMTALA. Instead, it left that obligation intact.

So, as my colleagues will see, no one should be fooled by the argument that this is simply Stupak because it's simply not. I want to emphasize, the effect of this amendment would mean that, effectively, women would not be able to get any kind of health insurance for abortion coverage either because they wouldn't be able to get a comprehensive plan on the exchange or because they would be forced to try to buy one outside the exchange just for abortion services, which isn't going to be available.

So, practically speaking, what the Pitts amendment does is make it impossible for a woman to exercise her right under the Constitution if she chooses to have an abortion because she won't be able to get insurance coverage for it at all.

Madam Speaker, H.R. 358 is a massive overreach of women's health. It extensively restricts women's access to reproductive health services and life-saving care. It is a step towards eliminating a choice that our Supreme Court has deemed legal and remains legal to this day.

Now, if you want to overturn *Roe v. Wade*, and I know that there are Members on the other side of the aisle who feel that way, then they can try to do that. But don't do it in a sneaky way by denying women insurance and effectively saying that they can't exercise what the Supreme Court says is their right under the Constitution.

□ 1730

Women need and are entitled to safe, affordable health care options. This bill only serves to create health and financial challenges that I think are going to be impossible to overcome. It's dangerous to women's health.

I urge my colleagues to vote "nay" on the legislation.

I reserve the balance of my time.

Mr. PITTS. Madam Speaker, I yield 1 minute to the distinguished gentleman from Louisiana, Dr. JOHN FLEMING.

Mr. FLEMING. I thank the gentleman from Pennsylvania for his work on this bill and his lifelong career in protecting life.

Madam Speaker, the bill before us today, H.R. 358, the Protect Life Act, would accomplish two important things: It would remove funding for abortion and abortion coverage under the Patient Protection and Affordable Care Act, and it would extend the conscience protections to pro-life doctors, nurses, hospitals, and other health care facilities who object to destroying the lives of unborn children.

Madam Speaker, I've been a doctor for 36 years, father of four, grandfather of two, and I can tell you that the taking of innocent life is not health care. It is not health care. Having said that, this country is still divided on whether or not a woman should have the right to take an unborn infant. However, the country is not divided on the issue for who should pay for it—and that issue is taxpayers. Two to one, Americans say taxpayers should not be footing the bill. And that's what this is about, as well as the conscience clause.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PITTS. I yield the gentleman an additional 30 seconds.

Mr. FLEMING. This protection is critical for pro-life and religious health care providers and entities. EMTALA, which is part of the discussion here, requires that health care providers such as myself must take care of women and must take care of their infants, unborn or otherwise.

And so I say to you, Madam Speaker, today, this bill protects life and it does not require taxpayers to foot the bill for those who choose to take innocent life.

Mr. PALLONE. Madam Speaker, I yield 3 minutes to our distinguished Democratic whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman from New Jersey for yielding, and I thank him for his leadership.

I rise in opposition to this bill, the so-called Protect Life Act.

First of all, over and over again we repeat the premise that somehow we're using government funds through the Affordable Care Act for abortion. We are not. No matter how many times you say it, the fact is that we specifically precluded that from happening.

What this bill does goes much further. It threatens to make it harder for women across the country to receive health care that they need. I understand the doctor who just said that the termination of a pregnancy is not health care. I understand his premise. But I also understand that we in America have adopted the premise that if a woman comes to the hospital and has

at great risk to her life a pregnancy which is causing her health to be at great risk and her life as well, what this bill does is say you don't have to intervene under those circumstances. I don't think that's protecting life, I say to my friend. In fact, I think it is ignoring the protection of life.

Moreover, it does nothing to create jobs, which is what Congress should be focusing on during this time when so many Americans are out of work. Very frankly, you have criticized the President of the United States for submitting a jobs bill to this Congress that doesn't have a chance of passage. I have heard that over and over again. All of you know this has no chance of passage. It may pass this House—I hope not; I urge its defeat—but it won't pass. It won't become law.

So while millions of Americans' quality of life is put at risk because of the lack of jobs and opportunity that they have, we consider what I believe is simply legislation to speak to a particular interest group in our parties. I understand that.

Republicans come to this floor and speak all the time about keeping government out of people's lives, but this bill does exactly the opposite. What it says is that women won't be able to spend their own money on comprehensive reform for reproductive coverage under a new health exchange. You don't want us to tell people they have to have insurance, but you want to tell them what they can't have in an insurance—with their own money. I'm not sure I get the distinction there. Maybe you can come up with a distinction, but it certainly is a very nuanced one, if it exists at all.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PALLONE. I yield the gentleman 1 additional minute.

Mr. HOYER. Even more unbelievably, the bill will allow a hospital to refuse women emergency care of this kind even when necessary to save their lives. I don't think that's what you intend. I certainly hope it's not. But it is the interpretation that many of us have put on the language of your bill.

So, ladies and gentlemen of this House, this issue has been debated over and over again. We adopted a Hyde amendment. The premise of the Hyde amendment was that we shouldn't take taxpayers' money and spend it on abortion.

Very frankly, I represent 60,000 Federal employees. We precluded them from using the salary that they receive to buy insurance that has abortion coverage. It's their money. I hear that all the time: It's their money. But you don't allow them to use their money for that purpose. Now you are saying to the private sector women: You can't use your money.

You can't have it both ways. Either it's their money for services they constitutionally can receive or it's not.

Defeat this bill. This is a difficult issue. Let us let women, doctors, and their faith deal with it.

Mr. PITTS. Madam Speaker, before I yield to the next speaker, I have a copy here of the PPACA law. On page 65, I'll just read one title of a paragraph: Abortions for which public funding is allowed.

At this time I yield 1 minute to the gentleman from Louisiana, STEVE SCALISE.

Mr. SCALISE. I want to thank the gentleman from Pennsylvania for yielding and especially for his leadership in bringing the Protect Life Act to the floor of the House of Representatives.

When we look at a time right now when our country is going broke, it's offensive to most Americans that taxpayer money can still be used to subsidize abortion in this country. We had this debate during the President's health care law. We've tried to put real language that would protect that from happening. Unfortunately, we weren't able to get that protection. For those of us that want to repeal the President's health care law completely, we've already passed that bill and sent it to the Senate and they've taken no action.

But we're here today to address specifically this problem and say there should be no taxpayer money that is allowed to be used to subsidize abortion. And if you look in the bill, there are employers out there who are providing good health care to their employees today; yet under the law that the President passed and signed into law, Federal officials can tell those private employers that they have to provide abortion services in their policy, and so they'll just drop the policy. This prevents that from happening as well. It gives conscience protections so that if there's a medical professional that doesn't want to participate in abortion, they don't have to.

These are all commonsense proposals that should pass and have bipartisan support, and they should also pass the Senate.

Mr. PALLONE. Madam Speaker, I yield 3 minutes to our ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Speaker and Members of the Congress of the United States, this bill is an absolute disgrace. With all the problems we have in this country—economic crisis, poverty levels at the highest we've seen in a generation, urgent needs for our schools, Americans still too dependent on foreign oil and imported energy—what does the Republican leadership bring up for us to debate? Yet another bill to limit women's access to reproductive health services.

□ 1740

Now, I say another bill because the House has already adopted H.R. 3, and

that bill codified into law that no Federal dollars would be used to pay for abortion services, whether it's under Medicaid, the traditional Hyde amendment, or the D.C. appropriations, or for Federal employees, or women who serve in the military, or those who get subsidies under the Affordable Care Act.

What this bill seeks to do, pure and simple, is to destroy one of the most hard-fought but delicately balanced sections of the Affordable Care Act, and that was on abortion. This section came about as a result of a lot of hard work by many Members in the House and the Senate—particularly Senator NELSON, whose pro-life record speaks for itself, clearly and unequivocally.

The law prohibits the use of Federal funds for abortion. It keeps State and Federal abortion-related laws in place. It ensures that those whose conscience dictates against abortion are protected and not discriminated against. And it went further. The language in the Affordable Care Act said you cannot use any subsidies to pay for your abortion insurance coverage; you had to use only private personal dollars. Well, this bill would restrict insurance plans' flexibility regarding abortion coverage, and I think it will result in a virtual shutdown of private coverage for this service for everyone.

This legislation also takes away the Affordable Care Act's limited anti-discrimination protection for those providers whose conscience dictates that women should have access to abortion. It's a legal and, in many cases, an appropriate medical service.

Among the most disturbing features of the Pitts bill is it would say that health care providers would no longer be required to provide emergency services as required under the Emergency Medical Treatment and Active Labor Act, commonly known as EMTALA.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PALLONE. I yield the gentleman 1 additional minute.

Mr. WAXMAN. In other words, a woman who may die from her pregnancy, if she is in for emergency services, the doctor can refuse to give her emergency services if his conscience would prohibit performing an abortion.

Taken as a whole, this bill is a full-throttled assault on women's health and a woman's right to choose. It's not what the American people voted for last November. We should be focusing our attention on jobs, economic growth, and the numerous pressing and important challenges we face as a Nation.

This is a shameless, just a shameless bill. I urge a "no" vote on H.R. 358.

Mr. PITTS. I yield 1 minute to the distinguished vice chairman of the Health Subcommittee, the gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I thank the chairman. I won't take the full minute. I

just simply wanted to respond to what we just heard here on the floor of the House.

H.R. 358 does not change current law or any standard related to section 1867 of the Social Security Act, commonly referred to as EMTALA. The section states that a hospital must provide such treatment to stabilize the medical condition. Paragraph (e) of section 1867 defines an emergency medical condition as a medical condition of sufficient severity such that the absence of immediate medical attention could be reasonably expected to place the life and health of a pregnant woman or her unborn child in serious jeopardy.

EMTALA currently recognizes both lives. Therefore, the Protect Life Act provides conscience protection that is consistent with the emergency treatment requirements of current law under EMTALA.

Mr. PALLONE. I yield 2 minutes to a member of the Health Subcommittee, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Madam Speaker, I rise today in strong opposition—and I must say honest bafflement—to this so-called "Protect Life Act." I'm baffled because it truly stretches the limits of the rational mind to imagine why the Republican majority—a group of people who supposedly say they make it their mission to limit government involvement in every way possible—why they continue to insert themselves—and the government—into the personal health care decisions of Americans across the country.

What's even more baffling is that for 30 years Federal law has prohibited funding of abortions. It's one thing to say the government won't pay for abortions, but quite another, as we're doing here, to say that women can't use their own dollars to pay for abortion coverage.

Here we are with this absurd song and dance that has no basis in reality, is entirely about scoring political points with the Republican base once again while, as my colleagues have said, doing nothing to help employment and create jobs in this country. If this bill stopped at being absurd, it would be one thing. But more than absurd, this cruel legislation would actually allow hospitals to refuse to provide a woman abortion care even if she would die without it.

Now, my colleagues who claim they want smaller government and say they want to get the government out of people's lives, this is a hell of a way to do it or to prove it.

I urge my colleagues to fight for common sense, to protect women from this harsh attack, and to vote "no" on H.R. 358.

The gentleman before was talking about public funding being used for abortions. What is that—using taxpayers' money for incest, or to save the

life of a woman, or for rape? Would we deny women the right to have an abortion if they were raped or if it would save their lives? I think not. I think the American people can see through this one. This is nothing more than playing to the base. It's bad policy for this country.

Let's get the government out of people's lives. Vote "no" on this bill.

Mr. PITTS. Madam Speaker, I yield 1 minute to another distinguished member of the Health Subcommittee, the gentleman from Georgia, Dr. PHIL GINGREY.

Mr. GINGREY of Georgia. I thank the gentleman from Pennsylvania for yielding, and I commend him for his great work on this bill.

As a practicing OB/GYN for nearly 30 years, I believe that all life is sacred. Having delivered more than 5,000 babies into this world, I have a deep appreciation for how wonderful life is.

The issue of abortion is a very personal matter for me, as it is for many in this country and on both sides of the aisle of this issue. However, the decades-old debate on the issue of abortion in this country, that's not why we're on the floor today. We're here today to answer one question: Should taxpayer dollars be used to fund abortions? And when an elective procedure—a choice—can decide between life and death, I would suggest that it is an important question to answer. The Protect Life Act is a piece of legislation that seeks to answer that question and set right what the Congress got wrong.

Speaking as a grandfather, a father, a son, and an OB/GYN physician, I will be voting to ensure that our government does not put taxpayer dollars behind any person who seeks an elective abortion.

Mr. PALLONE. Madam Speaker, may I ask how much time remains on both sides of the aisle?

The SPEAKER pro tempore. The gentleman from New Jersey has 16 minutes. The gentleman from Pennsylvania has 20¾ minutes.

Mr. PALLONE. I reserve the balance of my time.

Mr. PITTS. Madam Speaker, at this time I yield 1 minute to the gentlelady from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. I thank my dear colleague here for yielding.

Madam Speaker, I rise in support of the Protect Life Act, which will ensure that taxpayer dollars are not used to pay for abortions through last year's health care bill. It is right and proper that we should do so.

Every life deserves to be born and is worthy of life. Every life has a purpose and a plan. King David reminds us of the value of life in our Creator's eyes when he penned the following: "For You created my inmost being; You knit me together in my mother's womb. I praise You because I am fearfully and wonderfully made; Your works are

wonderful, I know that full well. My frame was not hidden from You when I was made in the secret place. When I was woven together in the depths of the Earth, Your eyes saw my unformed body. All the days ordained for me were written in Your Book before one of them came to be."

I'm thankful that our Declaration of Independence recognizes that we are endowed by our Creator with inalienable rights, including the right to life.

□ 1750

Our Founding Fathers laid out the principle of life, and today we have an opportunity to affirm and carry on that mantle by passing the Protect Life Act.

Mr. PALLONE. I yield 1½ minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Madam Speaker, I rise in strong opposition to this dangerous legislation, the so-called Protect Life Act, which will, in fact, endanger the lives of women.

With only 23 legislative days remaining in this session before the end of the year, I'm stunned by the decision to waste precious time debating this bill, this unprecedented attack on women's health and the right of women to access reproductive health care.

We should, instead, be spending this time debating ways to grow our economy, ways to help small businesses create jobs, and ways to rebuild our roads and schools so that we can put people back to work and improve our competitiveness in the global marketplace.

But instead of talking about how we create jobs, we're debating merits of a bill intended to continue the war on women being waged by my Republican colleagues. This bill would effectively limit, for the first time, how women can spend their own private dollars to purchase health insurance. This is outrageous.

I am certain Members of this body would never dare to enact legislation limiting the ability of men to access health care.

I urge my colleagues to vote "no" on this bill, to end the attack on women's rights and women's health, and to focus, instead, on job creation.

Mr. PITTS. Madam Speaker, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACK).

Mrs. BLACK. I thank the gentleman from Pennsylvania for yielding.

For over 30 years, the Hyde amendment, in conjunction with a patchwork of other policies, has regulated the Federal funding of abortions under programs such as Medicaid; and together, these various policies ensure the American taxpayer is not involved in funding the destruction of innocent human life.

And despite the assurances from President Obama, the Patient Protection and Affordability Care Act will

allow Federal funds to subsidize abortions for the first time since 1976 through State high-risk pools and community health centers.

While the President's Executive order was an attempt to reassure Congress after the Stupak amendment did not make it into the bill's final version, the fact of the matter is that the Executive order is not law and it can change all too easily.

This bill will prohibit funding for abortions and abortion coverage under the Patient Protection and Affordability Act. This legislation also protects the conscience rights for health care workers such as myself by providing that Federal agencies and State and local governments funding by PPACA may not discriminate against health care entities that refuse to be involved in abortion.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PITTS. I yield the gentlelady an additional 15 seconds.

Mrs. BLACK. Madam Speaker, this bill is not about a mother's right to choose, as the President and the congressional Democrats would lead us to believe. Rather, this is about ensuring that the proper restrictions are in place in order to assure that taxpayer funds are not used to fund abortion or abortion coverage under the Patient Protection and Affordable Care Act.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding.

Madam Speaker, I rise in strong opposition to this bill. A new poll today suggests that the 9-9-9 campaign theme of the new Republican Presidential front-runner is starting to gain traction. And it appears that the majority has taken a page from the Cain playbook with their 10-10-10 program, because this is the 10th month without a jobs bill on the floor, the 10th time we've put polarizing social issues and attacks on women's health before job creation and economic security, and the 10th attempt at repealing parts or all of the Affordable Care Act.

This bill creates no jobs, it doesn't help the economy, and it inserts the government smack in the middle of people's health care decisions.

I urge a "no" vote on this bill and urge the majority to get to work helping the economy and creating jobs.

Mr. PITTS. Madam Speaker, I am pleased to yield 1 minute to another leader on the life issue, the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Pennsylvania for his leadership on this issue, and I'm privileged to be on the floor with a lot of pro-life activists.

I rise in support of the Protect Life Act, and I think we should talk about what is really going on behind those

dollars that would go into abortion clinics.

It's been called cruel legislation. Think about how cruel it is to take a pair of forceps and pull a baby apart piece by piece in dilation and extraction, or D&E. Fourteen to 24 weeks, a fully formed, perfect, perfectly formed and perfectly innocent baby pulled apart piece by piece, put into a pan and added up to see if all the pieces are there. It is ghastly, it's gruesome, it's ghoulish, and it's grotesque, and we should never compel taxpayers to pay for something that we couldn't bear the sight of. And you'll never see a video of it for that reason.

It is a process that degrades our entire culture. And to argue that women can't spend their own dollars to get an abortion just simply isn't true. There is a side piece in this that still prevails, and there's always that cash right up to the Planned Parenthood.

So, Madam Speaker, I urge support for the Protect Life Act, and I congratulate the people that have stood for innocent, unborn human life so many times on the floor of the House of Representatives.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. I thank the gentleman for yielding.

At a time when the American people are crying out for action on jobs, we are debating legislation that will instead trample on a woman's fundamental reproductive rights. The fact of the matter is that the Affordable Care Act prohibits any taxpayers' dollars from paying for abortions. That's the law of the land.

The legislation before the House goes far beyond that, restricting, for the first time, how women with private insurance can spend their own private dollars in purchasing insurance. For women, this bill constitutes nothing less than a full-fledged assault on their right to choose.

Madam Speaker, with 8 million people unemployed in this country, with wages going down, poverty is on the rise, and this is all that the Republicans have to offer. This is why people are literally in the streets demanding solutions to the job crisis, seeking greater opportunity and an end to economic inequality.

The American people do not want ideological posturing. They want real solutions that create real jobs. Vote down this legislation.

Mr. PITTS. Madam Speaker, I am pleased to yield 1 minute to another eloquent voice for the unborn, the chair of the Pro-Life Women's Caucus, the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. I'm actually one of the folks that read the bill before we passed it, and there are passages in the bill that do allow for Federal funding

of abortion. What this bill does is it seeks to correct that language.

The Hyde amendment clearly states that no Federal tax dollars can be used for abortion. At the time that the Hyde amendment was created, we really only had Medicaid to worry about; but with the vast changes in our lifestyles, other avenues have come forward for Federal funding of abortion to occur if we are not careful in the way we construct laws in this awesome body.

Time and time again, the American public has said we're conflicted on the issue of abortion, but we're not conflicted about not using Federal funds to pay for it. Just in April of this year, 61 percent of respondents on a CNN poll said no Federal funding of abortion.

What this bill does is what we should have done in March of 2010—not allow any Federal funds to be used to pay for abortion any time, any place in this health care bill.

I urge my colleagues to pass this and correct the language that should have been done a year ago.

Mr. PALLONE. Madam Speaker, I reserve the balance of my time.

Mr. PITTS. Madam Speaker, at this time I yield 1 minute to another outstanding voice for the unborn, the gentleman from Indiana (Mr. PENCE).

□ 1800

Mr. PENCE. Madam Speaker, I rise in support of the Protect Life Act with a grateful heart for Chairman JOE PITTS and Congressman DAN LIPINSKI for their bipartisan leadership in bringing this legislation to the floor. I believe that ending an innocent human life is morally wrong. But I also believe that it's morally wrong to take the taxpayer dollars of millions of pro-life Americans and use them to subsidize abortion or abortion coverage in this country. As it stands today, ObamaCare requires millions of pro-life taxpayers to pay for abortions and subsidize health care plans that cover abortions. This legislation will correct that profound flaw.

Now, I know President Obama issued an Executive order during the heat of the legislative battle over ObamaCare, but we all know Executive orders do not carry the force of law. They can be overturned by the courts and are superseded by statutes.

ObamaCare should be repealed. But in the meantime, let's take this moment to say "yes" to life, to say "yes" to respecting the values of tens of millions of Americans and make right that which was wrong in ObamaCare itself. Let's pass the Protect Life Act, and let's protect taxpayers of pro-life values all across this country and do it now.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from Wisconsin, who is also a member of the Health Subcommittee, Ms. BALDWIN.

Ms. BALDWIN. Notably absent from the Republican agenda this year are the issues that the American people really care about—creating jobs and growing our economy. Just when we should be pulling together to work on these issues, instead, Republicans have put forth divisive and extreme legislation that takes away women's ability to make their own important life decisions about their reproductive health.

This extremist legislation is an unprecedented display of lack of respect for American women and our safety. The effect of this bill would be to cut off millions of women from the private care they already have and limit the ability of a woman to get the care she needs, even if the result is a serious permanent health condition that could shorten her life.

So we now know the Republicans' real agenda: to roll back women's health and rights. They have shown their true colors by trying to weaken the rape and incest exceptions for abortions. It's hard to believe, but a majority of the Republican House Members cosponsored legislation to give insurance companies new authority to decide if a woman had been raped and to deny care to incest victims. Thanks to the American women who spoke out, this dangerous provision was dropped. But I think it raises an important question: If Republicans are willing to redefine what constitutes rape and incest, what are they going to try next?

Enough is enough. It is time for the Republican majority to respect women's important life decisions, and it is time that they start to stand and start to refocus on the priorities of this country right now—jobs and growing the economy. I urge my colleagues to oppose this extreme and intrusive legislation.

Mr. PITTS. Madam Speaker, before I yield to the next gentleman, in response to the gentlelady, the House has passed 12 different jobs bills already. I believe the gentlelady has voted against every one. They're sitting in the Senate waiting for action.

I would like to yield 1 minute to the gentleman from Arizona, another leader in the pro-life movement, Mr. FRANKS.

Mr. FRANKS of Arizona. I certainly thank the gentleman.

Madam Speaker, when ObamaCare was being unceremoniously rammed through this Congress against the will of the American people, Democrats tried to assure everyone that it was all about compassion.

But, Madam Speaker, nothing so completely destroys the notion that ObamaCare was ever about compassion more than the tragic determination on the part of the Democratic leadership to include the killing of little children by abortion in its provisions.

Now, Madam Speaker, as we face a debt that grows by \$4 billion under the

strain of Mr. Obama's record-setting spending every day, maybe we should all ask ourselves a question, and that is, is setting aside millions of taxpayer dollars to pay for the killing of innocent unborn children really one of our financial priorities?

And if it is, we should ask another question, and that is, what in God's name has become of all of us?

Mr. PALLONE. Madam Speaker, may I ask about the time again?

The SPEAKER pro tempore. The gentleman from New Jersey has 11 minutes remaining. The gentleman from Pennsylvania has 14¼ minutes remaining.

Mr. PALLONE. I reserve the balance of my time.

Mr. PITTS. Madam Speaker, at this time I yield 1 minute to the gentleman from Ohio (Mr. AUSTRIA).

Mr. AUSTRIA. I thank the gentleman from Pennsylvania for his hard work on this bill. As a member of the Congressional Pro-Life Caucus and original cosponsor of this bill, I strongly support the Protect Life Act.

We heard during the health care reform debate that tax dollars would not be used to fund abortions. However, this important language was stripped from the final bill and replaced with accounting gimmicks and an Executive order that can be reversed at any time by this President or future administrations.

This opens the door for federally funded abortions in the future and goes against the majority of Americans who believe that the government should not be in the business of paying for abortions. Congress must act now to protect the lives of our unborn children and to fully ensure that no tax dollars from ObamaCare are used to fund abortions.

The Protect Life Act also ensures that medical providers and workers are not discriminated against for refusing to perform abortions. These protections are crucial for health care providers around the Nation whose core values include a deeply held belief that we must protect all human life. I urge my colleagues to vote for the Protect Life Act.

Mr. PALLONE. I yield 1 minute to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Madam Speaker, the Republican majority is at it again. With no real jobs plan, we've seen this majority attempt to thrust on the American people bills that strip them of their rights instead of putting them back to work. Make no mistake: Those proposing this know this extreme bill will not pass the Senate and it will not be signed into law by the President.

This bill, at its core, is an attack on women, especially poor women. Its extreme provisions will jeopardize a woman's access to lifesaving care. It is outrageous that this Republican major-

ity continues to focus on protecting subsidies for Big Oil, tax cuts for billionaires, and targeting women and their access to health care.

Instead of working to help create jobs and empower women to improve their lives, the Republican majority is, instead, trying to pass this bill to allow hospitals to refuse to provide critical, lifesaving care. That means women in rural areas who may only have access to one hospital could be left to die.

This isn't the time to be putting America's women at risk. This is the time to be putting them and all Americans back to work. I encourage my colleagues to vote "no" on this extreme bill.

Mr. PITTS. Madam Speaker, I yield 1 minute to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I rise in support of H.R. 358, the Protect Life Act, of which I'm a cosponsor. It's been the practice of this House for decades to ensure that federal funds are not used for abortion except in rare cases of rape, incest, or to save the life of the mother. This is typically done by attaching language to appropriation bills that go through this House. Unfortunately, we don't always have regular order.

Appropriation bills this year are likely to see a minibus or an omnibus or a vehicle that might not lend itself to attachment of this language. So I think it is prudent what the House is doing today to ensure that this language goes into legislation to make sure that federal funds are not used for abortion services and to carry on the will of this body. For that, I urge support of the bill.

Mr. PALLONE. I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), who is a member of the Health Subcommittee.

Mrs. CAPPS. Madam Speaker, I rise in opposition to this misguided legislation.

While the House leadership claims that this week's agenda is all about jobs, the discussion of this bill on the House floor shows their true colors. Just like when they almost shut down the government over Planned Parenthood, today we, once again, witness how ideological campaign promises trump needed actions on jobs and the economy.

It's been said before, and I'll say it again, H.R. 358 does not create a single job—not one. Instead, it's an unprecedented assault on the rights of women and families everywhere to make important life decisions.

□ 1810

This bill does a lot. It limits the choices of women and families to purchase health insurance with their own dollars; it removes vital protections to

ensure that a pregnant woman with a life-threatening condition can get lifesaving care; and it circumvents State laws that ensure that women have access to preventive services, like screenings and birth control.

But what this bill doesn't do is trust our Nation's women and families to make their own health care choices.

This is unacceptable.

Some have claimed that the Affordable Care Act has led to taxpayer-funded abortions. That is false. Others have claimed that this bill is nothing but the Stupak language that divided our Chamber last year. I was involved in every debate over the Stupak amendment in the House. Madam Speaker, I can tell you this is way beyond that misguided amendment.

So I urge my colleagues to abandon this divisive effort, to put the brakes on this extreme legislation, and to let us turn our focus to the issue of job creation to help the American people.

Mr. PITTS. Madam Speaker, just to correct the gentlelady, there were three Stupak-Pitts amendments. Two were adopted in committee and one on the floor, which got the most publicity. When they went to the Senate, they were all taken out. We're going back to the original Stupak-Pitts amendments.

With that, I yield 1 minute to the gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. I appreciate the leadership of my friend from Pennsylvania, who has been stalwart on this issue.

Really, what we're seeing, folks, is a sleight of hand. They want to talk about jobs, and they want to talk about Big Oil because they don't want to talk about the preciousness of life and how this procedure takes the life of an innocent. It has been labeled an "extreme" bill when, actually, this is a reasonable step that codifies what this President says is his own position.

I have a brother-in-law who is a doctor down in Cincinnati. A little earlier today, I called him to talk to him about what he went through in his training and what he had to deal with as to this particular issue.

When I described to him what we were trying to do about allowing him and any other med student and any other person who is going through that to conscientiously object from putting forward a procedure that they don't agree with, he said, Of course, that makes sense.

When I started talking to him about some of the rhetoric and about some of the demagoguery that's surrounding this, he sarcastically said, Boy, that doesn't sound political, does it?

That's exactly what it is.

The American people who are watching this right now need to understand that this is about life and protecting that life and making sure that our health care providers have the ability

to say “no” to a procedure that they don’t want to do.

Mr. PALLONE. I yield 30 seconds to the gentlewoman from Texas, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Madam Speaker, let me be very clear. The only “no” that is being said is “no” to the vulnerable women who are traveling in emergency ambulances to the hospital, desiring emergency treatment, dying, and not being able to be treated, needing to correct a problem that has, in fact, damaged their health and not being able to be treated.

Not only is this bill unconstitutional, but the Affordable Care Act does not promote abortion. Frankly, Federal funds are not being utilized for abortion as it will complicate the insurance process for all women in America.

All you can hear is the siren going around and around and around—that woman lying on a gurney—and that hospital being able to say “no” and “yes.” The only “no” is that she will not live because this bill is passed.

I ask my colleagues to vote against this bill. Vote for life. Vote against this bill.

Madam Speaker, I rise today in strong opposition to H.R. 358, The Protect Life Act. This bill will have a detrimental impact on women’s health, and moreover, attacks a woman’s constitutionally protected right to choose. It will restrict Access to health care services. It would effectively shut down the private insurance market for allowing women to get complete health care coverage. Once again instead of focusing on JOBS we are again focusing on issues that will not help to feed American families.

As a strong advocate for women’s health, I cannot stand by and watch as those who do not support the rights of women to determine their health care options find different and often insidious ways to take away their ability to have full health care coverage.

We are asking women to give up their right to privacy. These decisions need to be between a woman and her doctor. She has the right to determine who, if anyone else she would like to inform of her health care choices. In addition to rendering it nearly impossible for women to get insurance coverage for abortion care in the new state health exchanges, H.R. 358 allows public hospitals to refuse to provide emergency abortion care, even in situations when the procedure is necessary to save a woman’s life.

This has been a long and hard fight. Thirty-eight years ago, the American people learned of the Supreme Court’s momentous ruling in *Roe versus Wade*—the case which established constitutional restrictions on the State’s ability to regulate or restrict a woman’s decision to have an abortion. In the year 1973, the Supreme Court asserted that the 14th amendment protects a woman’s right to choose for herself whether to have an abortion.

Many women in 1973 must have viewed the Supreme Court’s ruling in *Roe versus Wade* as an encouraging turning point in the way our courts recognize the rights of women under the Constitution. The *Roe versus Wade* deci-

sion at last offered a choice to many women who had been victims of rape or incest, but had been denied abortion as a legal option. *Roe versus Wade* offered a choice to many women whose lives would have been threatened by going through childbirth, but had been denied abortion as a legal option. And *Roe versus Wade* offered a choice to women who, for a variety of personal reasons, would prefer not to carry a pregnancy to term, but had earlier been denied abortion as a legal option.

Indeed, it is my hope that the Supreme Court will continue to protect women against any State erosion of a woman’s individual rights. Let us not undermine the breakthrough made for women by the Supreme Court in 1973. Let us not jeopardize the right of a woman to choose whether she will bear children. Let us not place a woman’s right to personal privacy at risk. Instead, let us reaffirm those rights and give consistent support not only to those who choose to have children, but also to those who do not.

Since *Roe v. Wade*, a woman’s right to choose has been systematically eroded by anti-choice legislators. In fact, more than 450 anti-choice measures have been enacted in the states since 1995, essentially rolling back this fundamental right for many women. Women in 19 states could face sweeping bans on abortion if the Supreme Court reverses *Roe* and allows states to re-criminalize abortion, menacing doctors and their patients with the threat of criminal investigation, prosecution, and even imprisonment.

The argument has been over and over that tax payer dollars should not be used to fund abortions. This argument is an extreme overreach. The Affordable Care Act already includes a provision that prohibits any U.S. taxpayer dollars from funding abortions. As this is the case the purpose of this bill seems to only be to rattle people’s cages by attacking women and failing to address the job crisis in this country. We should focus on creating jobs. This bill seems to be a red herring. Instead of focusing on jobs, the economy, rebuilding America, we are instead focusing on an issue that everyone knows is divisive.

Women would no longer be able to have full health care coverage without disclosing very personal information. They must predict in advance whether or not they are going to use a service that is legal in this country. It is the law, and the law should be upheld. Women would be required to buy separate coverage specifically for abortions. There is no such policy for any health procedure that a man may be required to undergo. This is an issue of privacy, this is an issue of fairness, and this is an issue of gender equality. A woman like a man has the right to make private, personal choices about her health. She should not be punished by not having access to adequate health care. This is about a constitutional right!

Mr. PITTS. Madam Speaker, I yield 1 minute to another outstanding voice for the unborn, one of our freshmen from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. We are a Nation that values all life.

When a bridge is under construction and a migratory bird’s nest with eggs is discovered, the Fish and Wildlife Migratory Bird Treaty Act forces the

delay of construction until the birds have hatched and flown away.

Why? Because life is important to us. When a baby is born prematurely, we spend hundreds of thousands of dollars to save that child because each life is important to us. We have one glaring and obvious exception to this passion for life: abortion.

For some reason, we see the life of a duck and its egg as more valuable than an infant in the womb. For some reason, we think that a baby born 5 weeks early is worthy of hundreds of thousands of dollars of medical technology to save; but if that same mother wanted to hire a doctor to reach in the womb and kill that child with scissors 5 weeks before delivery, some would demand her choice must be protected.

What our Founding Fathers considered a self-evident truth is that we have been endowed by our Creator with certain rights, beginning with “life,” which is now a topic open for discussion in our modern day ethic.

I still believe in the value of the instructions given to leaders thousands of years ago in Proverbs 31: “Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly.”

Mr. PALLONE. Madam Speaker, I believe there is still more time on the other side; so I would reserve at this time.

Mr. PITTS. At this time I yield 1 minute to the distinguished gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. I thank the gentleman for yielding, and I thank him for his tireless work for the unborn.

I think it’s a little interesting. I came down here tonight to talk about life, and my colleagues across the aisle are talking about the jobs bill that their President introduced. Unfortunately, the last time I checked, zero Democrats had cosigned that bill.

Really, what I want to talk about tonight, Madam Speaker, are the rights of the unborn.

We were told when we did this health care bill, Don’t worry about it. We’ll do the Executive order because we’re going to take the Stupak-Pitts amendment out.

The truth of the matter is, if we were going to do the Executive order, why didn’t we go ahead and pass the Stupak-Pitts amendment? The reason is that we know, inside that bill, in several paragraphs and in several areas, is the ability for taxpayer money to be used for abortion.

In fact, according to Douglas Johnson, the Federal legislative director of the National Right to Life Committee, “ObamaCare contains multiple provisions that provide authorizations for subsidies for abortion, both implicit and explicit, and also multiple provisions which may be used as bases for abortion-expanding administrative actions.”

Let's vote for life.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

We are running out of legislative days before the end of the year, and instead of focusing on jobs or the economy, the House leadership has decided once again to consider legislation that endangers and attacks the rights of women.

H.R. 358 is extreme legislation that puts the lives of women in danger. This legislation undermines the guarantee of emergency care under the Emergency Medical Treatment and Active Labor Act, EMTALA.

H.R. 358 strips EMTALA of its power to ensure that women receive abortion care in emergency situations at hospitals by making their right to health care secondary to a hospital's ability to refuse to provide abortion care.

Abortion care is necessary in some circumstances to save a woman's life. During the hearing on H.R. 358 in the Energy and Commerce Committee, some witnesses wrongly claimed that this was not the case. In response to those claims, Dr. Cassing Hammond, director of Northwestern University's Center for Family Planning and Contraception wrote a letter, based on his 20 years of experience in obstetric and complex abortion care, to the committee to set the record straight.

In his letter, Dr. Hammond states:

"Most patients are healthy women having healthy babies, but I am frequently asked to provide abortions for women confronting severely troubled pregnancies or their own life-endangering health issues. Physicians who provide health care to women cannot choose to ignore the more tragic consequences of human pregnancy—and neither should Congress."

This legislation is an extreme and mean-spirited way to roll back women's health and rights. It is too extreme for women, too extreme for America, and we must reject it.

Mr. PITTS. Madam Speaker, I am pleased to yield 2 minutes to one of the outstanding pro-life leaders in this House, a pro-life Democrat, my cosponsor of the Protect Life Act, the gentleman from Illinois, DAN LIPINSKI.

□ 1820

Mr. LIPINSKI. I thank the gentleman for yielding and for his leadership on this issue.

Madam Speaker, I rise today in strong support of the Protect Life Act, a bill which will apply the decades-old Hyde amendment policy prohibiting taxpayer funding of elective abortion to the Affordable Care Act.

While the discussion in our Nation continues concerning laws governing abortions, there has been a general consensus to prohibit the use of tax-

payer money to pay for elective abortion or insurance coverage of abortion. This has long been embodied in the Hyde amendment that annually has been included in an appropriations bill which most of us on both sides of the aisle have voted for.

The Protect Life Act simply applies the Hyde amendment to the Affordable Care Act, just as the House did in 2009 with the Stupak-Pitts amendment during our initial consideration of the Affordable Care Act. At that time, 63 of my Democratic colleagues joined me in voting for that amendment. However, the final bill that became law did not include that language, and the President's Executive order does not implement the Hyde amendment.

The order does not include Hyde prohibitions on taxpayer funding for insurance coverage of abortion, and it can be struck down by courts or overturned by any administration at any time. In addition, what happened last year with State high-risk health plans covering abortion demonstrates the vulnerability that the Executive order has and the need for clarity.

Madam Speaker, today we have the opportunity to provide that clarity and do what a large majority of Americans want and what Congress has done for more than three decades; that is, prohibit the use of taxpayer dollars for abortion. So today I urge my colleagues to support the Protect Life Act.

Mr. PALLONE. Madam Speaker, let me just ask about the time again. I have two more speakers.

The SPEAKER pro tempore. The gentleman from New Jersey has 6 minutes remaining, and the gentleman from Pennsylvania has 7 minutes remaining.

Mr. PALLONE. I continue to reserve the balance of my time.

Mr. PITTS. Madam Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman from Pennsylvania.

In the United States, if you destroy an eagle egg you are subject to 5 years in jail and a \$250,000 fine. If you destroy a human egg, it's not only legal, but it's taxpayer funded. That's what we're here to talk about.

You would hear our friends say that we've taken too much time today, that we can't give 2 hours out of the endless lunches, out of the fundraisers, out of the rubbing elbows with the powerful to talk for the unborn and the innocents.

I would tell you that even in economic times we cannot suspend our voices against injustice. We cannot suspend our voices for the weak, the powerless. It is our sacred duty to be a voice in the Republic for those who have no standing. The unborn have no standing and no voice.

Let us allow our voices to be heard for these 2 hours.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

What I'm hearing from the people in my area, I think most Members are hearing this, is the American people want the divisiveness to stop and the jobs to start.

This bill tonight does the opposite. It's the most divisive issue we could really put before this House and this country.

There was a carefully balanced compromise that's been the law of the land—and is the law of the land—for a very long time that says that taxpayer money should not pay for abortion, but that a woman who chooses to have an abortion with her own money has that right.

This bill upsets that balance but, more importantly than that, I think this bill ignores the opportunity for us to come together and stop the divisiveness and start working on the problem the country wants us to work on, which is the creation of jobs.

Tomorrow will be yet another Friday without a paycheck for millions of Americans. It might be the day that a small businessman or businesswoman closes their shop for the last time. It might be the day that the mortgage foreclosure is executed and someone loses their home.

This country is in crisis. There is an emergency around this country that needs to be dealt with right now.

People feel very, very deeply about the issue of abortion on both sides. I respect both sides. The law respects both sides with the compromise that we have.

What we ought to collectively respect is the urgent demands of the American public to come together and get to work to put the country back to work. That should be the agenda of the Congress, not this bill. Let us work our will, and whatever it is tonight, I'll be voting "no." But can't we work our will on a plan to work together and put the country back to work?

Mr. PITTS. I yield 1 minute to the distinguished gentleman from Louisiana (Mr. LANDRY).

Mr. LANDRY. Madam Speaker, this is not a divisive issue; this is a bipartisan issue. The language in H.R. 358 was in the Stupak-Pitts amendment passed in the Democrat-led House last Congress.

If they supported it then, why would they not support it now? Because of Executive order? Absolutely not.

ObamaCare created a fund specifically reserved for abortion coverage. So what in the world makes one think this money will not support abortion coverage? We all remember, "We have to pass this bill before we find out what's in it."

Unfortunately, they passed the bill, and we found no language to ensure

taxpayers won't have to pay for something the majority of Americans don't support.

Madam Speaker, if my colleagues on the other side of the aisle insisted the health care law prohibits taxpayer funding for abortion, then they should support the bipartisan H.R. 358 to ensure that it is, indeed, the case.

Mr. PALLONE. I have one speaker left; so I reserve the balance of my time.

Mr. PITTS. Madam Speaker, at this time I yield 1 minute to the gentleman from Kansas (Mr. HUELSKAMP).

Mr. HUELSKAMP. Madam Speaker, I rise today, as the father of four adopted children, to offer my strong support for the Protect Life Act.

Opponents of this bill allege it is unconstitutional, and that is simply not true. While the Supreme Court has wrongfully decided abortion is a constitutional right, they have also clearly upheld the constitutionality of the Hyde amendment and the language in this bill.

Madam Speaker, this is not revolutionary, earth-shaking legislation we are considering. I would like to see Congress go much further in protecting life.

We should not be funding the abortions in the District. We should be protecting conscience rights for health care providers. We should stop giving money to organizations like Planned Parenthood. We should be ending the practice of abortion in America.

This bill is an important step, but more certainly needs to be done. I urge my colleagues to protect life and support this bill in honor of all adopted children, their birth families, and their adoptive families.

Mr. PALLONE. I continue to reserve the balance of my time.

Mr. PITTS. Madam Speaker, I yield 1 minute to the distinguished chairman of the Pro-Life Caucus, the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, abortion not only dismembers and chemically poisons unborn children to death, and my friend from New Jersey (Mr. PALLONE) used to know that. He used to be very pro-life, as some other Members who have reversed themselves.

But it also hurts women's health and puts future children subsequently born to women who aborted at significant risk. At least 102 studies show significant psychological harm, major depression, and elevated suicide risk in women who abort.

Published just last month in the British Journal of Psychiatry, a meta-analysis comprised of 22 studies and over 887,000 participants, the largest quantitative estimate of mental health risk associated with abortion in world literature ever, revealed that women who have undergone an abortion experience an 81 percent increased risk of

mental health problems. You never hear that from the abortion side.

The Times of London has also found the clear link that women had twice the level of psychological problems and three times the level of depression, and subsequent risk to children born to women who have had a previous abortion.

This is all about no taxpayer funding for abortion.

Nothing less than a comprehensive prohibition on public funding, promotion and facilitation of elective abortion in any federal health program, satisfies the demands of social justice.

The Protect Life Act, authored by Chairman JOE PITTS and DAN LIPINSKI, ensures that all the elements of the Hyde amendment applies to all the programs that are both authorized and appropriated in Obamacare.

By now, I trust that all members fully understand that because programs in Obamacare are both authorized and appropriated in the law, the actual Hyde Amendment has no legal affect whatsoever. Hyde only affects Labor HHS programs not this massive expansion of government funded health care.

Thus Obamacare when phased in fully in 2014 will open up the floodgates of public funding for abortion in a myriad of programs resulting in more dead babies and wounded moms than would otherwise have been the case.

Because abortion methods dismember, decapitate, crush, poison, starve to death and induce premature labor, pro-life Members of Congress, and according to every reputable poll, significant majorities of Americans want no complicity whatsoever in this evil. Obamacare forces us to be complicit.

Despite breathtaking advances in recent years in respecting and treating the unborn child as a patient—in need of diagnosis and treatment for any number of diseases or conditions, just like any other patient—far too many people dismiss the baby in the womb as *persona non grata*.

I respectfully but firmly asked how violence against children by abortion—dismemberment, chemical poisoning, lethal pills euphemistically marketed as medical abortion—can be construed as benign or compassionate or caring.

The dangerous myth of “safe abortion” must be exposed.

So-called “safe abortion” is the ultimate oxymoron, an Orwellian manipulation of language, designed to convey bogus respectability to a lethal act. Abortion is never safe for the child and is antithetical to UN Development Goal 4—which rallies the world to reduce child mortality. Abortion is, by any reasonable definition, child mortality. Its sole purpose is to kill a baby.

Arrogant and presumptuous talk that brands any child as an “unwanted child” reduces that child to a mere object, bereft of inherent dignity or value.

Abortion, not only dismembers and chemically poisons unborn children to death, but hurts women's health and puts future children subsequently born to women who, aborted at significant risk. At least 102 studies show significant psychological harm, major depression and elevated suicide risk in women who abort.

Published last month in the British Journal of Psychiatry, a meta analysis, comprised of 22 studies and 887,181 participants, the largest quantitative estimate of mental health risks associated with abortion in world literature revealed “women who had undergone an abortion experienced an 81% increased risk of mental health problems.”

Recently, the Times of London reported “that women who have had abortions have twice the level of psychological problems and three times the level of depression as women who have given birth or who have never been pregnant . . .”

Similarly, the risk of subsequent children being born with low birth weight increases by 35 percent after one and 72 percent after two or more abortions. Another study shows the risk increases 9 times after a woman has had three abortions.

What does this mean for her children? Preterm birth is the leading cause of infant mortality in the industrialized world after congenital anomalies. Preterm infants have a greater risk of suffering from chronic lung disease, sensory deficits, cerebral palsy, cognitive impairments and behavior problems. Low birth weight is similarly associated with neonatal mortality and morbidity.

Obamacare authorizes health care plans and policies funded with tax credits to pay for abortion, so long as the issuer of the federally subsidized plan collects a new congressionally mandated fee from every enrollee in that plan to pay for other peoples abortions. Requiring the segregation of funds into allocation accounts—a mere bookkeeping exercise touted by some as an improvement to the new pro-abortion funding scheme—does absolutely nothing to protect any victims—baby or mother—from publically funded abortion.

Also billions for new Community Health Centers are outside the scope of the Hyde amendment as well.

Obamacare also contains a little known provision that creates a devastating loophole for conscience rights. Section 1303(d) allows any state or federal law involving emergency services to override any conscience protections added to PPACA. Contrary to the claims of H.R. 358 opponents, Section 1303(d) is NOT uniquely about the 1986 Emergency Medical Treatment and Active Labor Act (EMTALA). The section references EMTALA but the operative language is much broader, giving authority to override conscience laws to any federal or state law that employs the term emergency services.

The “Nondiscrimination on Abortion” (new subsection 1303 (g)) portion of H.R. 358, the Protect Life Act applies to Obamacare the language of the Hyde/Weldon amendment, which has been in the annual Labor/HHS appropriations bills every year since 2004 without any effort to change or remove it. This subsection is needed because Obamacare creates many new funding streams that bypass the Labor/HHS appropriations act, and therefore bypass the protections of the Hyde/Weldon amendment in that act.

Also, Obamacare creates a huge new program administered by OPM that would manage two or more new multi-state or national health plans. The new law stipulates that at least one plan not pay for abortion. Which only

begs to question: what about the other new multi-state plans administered by OPM? Why can those federally administered plans include funding abortion on demand? This represents a radical departure from current policy.

Additionally, other appropriated funds under Obamacare that have no Hyde-type protections include billions for a temporary high risk health insurance pools and billions in grants and loans for health care co-ops.

In testimony before the Energy and Commerce Committee on February, 9, 2011, Douglas Johnson, Federal Legislative Director for the National Right to Life Committee said:

The first major component of the PPACA to be implemented, the Pre-Existing Condition Insurance Plan (PCIP) program, a 100% federally funded program, provided a graphic demonstration of the problem: The Department of Health and Human Services approved plans from multiple states that would have covered elective abortions. NRLC documented this and blew the whistle in July, 2010, which produced a public outcry, after which DHHS announced a discretionary decision that the PCIP plans would not cover elective abortions. Commentators on all sides of the issue were in agreement about one thing: Coverage of elective abortions within this new, 100% federally funded program was not impeded by any provision of the PPACA, and was not even addressed in Executive Order 13535.

On the same day that DHHS issued its decision to exclude abortion from this program—July 29, 2010—the head of the White House Office of Health Reform, Nancy-Ann DeParle, issued a statement on the White House blog explaining that the discretionary decision to exclude abortion from the PCIP “is not a precedent for other programs or policies [under the PPACA] given the unique, temporary nature of the program . . .” Laura Murphy, director of the Washington Legislative Office of the American Civil Liberties Union, said, “The White House has decided to voluntarily impose the ban for all women in the newly-created high risk insurance pools. . . . What is disappointing is that there is nothing in the law that requires the Obama Administration to impose this broad and highly restrictive abortion ban.” (“ACLU steps into healthcare reform fray over abortion,” *The Hill*, July 17, 2010.)

Then there's the Mikulski Amendment, Sec. 2713, which empowers the HHS Secretary with broad new authority to force private health care plans in America to cover “preventable” services. When Senator BEN NELSON suggested that abortion not be included in the so-called preventative services mandate, Ms. MIKULSKI said no—raising a serious red flag that abortion is being postured as “preventable abortion service in the future”—after all, abortion prevents a live birth, by exterminating the child.

Killing unborn children and calling it preventative health care isn't new.

And as far back as 1976, Dr. Willard Cates, Jr. and Dr. David Grimes then with CDC presented a paper to a Planned Parenthood meeting, entitled: Abortion as a Treatment for Unintended Pregnancy: The Number Two Sexually Transmitted “Disease”. To designate pregnancy a sexually transmitted disease; and call abortion a treatment or a means of prevention for this “disease” is barbaric.

Abortion isn't health care—preventative or otherwise.

Madam Speaker, we live in an age of ultrasound imaging—the ultimate window to the womb and it's occupant. We are in the midst of a fetal health care revolution, an explosion of benign innovative interventions designed to diagnose, treat and cure disease or illness any unborn child may be suffering.

Unborn children are society's youngest and most vulnerable patients. Obamacare should do them no harm. Tragically, it does the worst harm of all. It kills them.

□ 1830

Mr. PALLONE. Madam Speaker, is the gentleman prepared to close?

Mr. PITTS. We have two additional speakers.

Mr. PALLONE. I continue to reserve the balance of my time.

Mr. PITTS. At this time I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Madam Speaker, I rise in strong support of this legislation, the Protect Life Act. I do want to thank the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from Illinois (Mr. LIPINSKI) for this bipartisan legislation.

As we have heard during this debate, the health care legislation that was signed into law back in 2010 simply did not protect the unborn. It in no way included clear or direct provisions that would prohibit Federal funding of abortion, and the President's Executive order on this issue is totally inadequate. Executive orders can simply be rescinded at any time and cannot be relied upon to clarify such an issue at any time.

There are some people who have said the legislation that's before us today will stop women from buying health insurance coverage that includes abortion, even if they want to from their own money. According to the bill that's before us, the bill sets out and articulates that an individual may purchase plans that cover abortion with their own money. On top of that, the bill also allows a supplemental abortion policy for those who use a government subsidy to buy insurance.

So I wanted to point that out to my colleagues here this evening, and I would ask for support for this legislation.

Mr. PALLONE. Madam Speaker, I yield the balance of my time to the gentlewoman from Colorado (Ms. DEGETTE), who is really the most knowledgeable on this issue.

The SPEAKER pro tempore. The gentlewoman from Colorado is recognized for 4 minutes.

Ms. DEGETTE. Thank you, Madam Speaker.

Madam Speaker, there are some days in this Congress I feel like I'm in Alice in Wonderland where logic is turned on its head and all of us have fallen down the rabbit hole. Today is certainly one of those days.

Here we stand on the 282nd day of this Congress, and the House majority

has not yet passed a jobs plan. Instead, we have spent all day long once again attacking women's health with a bill that will never become law. A similar bill already passed the House and died in the Senate, and the President has issued a veto threat on this bill even if it did somehow become law.

With only 20 legislative days left this year, the leadership of this body has somehow decided that we should spend the day advancing legislation which would severely compromise women's health.

Madam Speaker, despite the claims from my colleagues across the aisle, this bill does not simply say that there won't be any public funds for abortion. It goes far, far beyond. In fact, the Hyde amendment, which is the law of the land, says that there will be no Federal funds for abortions except in cases of rape, incest, or the life of the woman, period.

Let me say that again. There is no Federal funding of abortion anywhere in Federal law.

Let me say that again. The Federal law, not the Federal employees health care plan, not Medicaid, not the military, not the Affordable Health Care Act, nowhere in the law is there Federal funding for abortion, period. In the Affordable Health Care Act, in section 1303, it specifically says there will be no Federal funding for abortion.

Now, this bill, contrary to the claims of its proponents, goes far beyond current law, and here's how. It says women who purchase health care insurance in the exchanges cannot use their own money to buy private insurance plans that have a full range of reproductive coverage. Under current law, women can use their own money to buy insurance that covers that full range of reproductive health care. And, Madam Speaker, that is not changed by the Affordable Health Care Act. But under this law, what would happen would be women purchasing private insurance plans in the exchanges with their own private money would not be able to purchase a plan that had a full range of reproductive care. That would take away the rights of women to exercise their own constitutional rights to have a full range of health care.

In addition, Madam Speaker, this bill also includes such broad refusal language it could override core patient protections contained in the Emergency Medical Treatment and Active Labor Act, allowing hospitals to refuse lifesaving treatment to women on religious or moral grounds, thus causing their death inside the hospital despite their treatable condition.

Now listen, when I listen to this debate, it's really clear to me that the proponents of this bill, their main concern is not Federal funding of abortion. Their main concern is they want abortion to be illegal, and so here's my view. Having debated this now for 15

years in this body, here's my view. If the majority wants to pass a bill banning abortion, pass a bill banning abortion and we'll fight it out in the courts. Don't make claims that there is somehow Federal funding for abortion when in fact there is none to confuse the issues and to try to confuse the American public because I'm going to tell you something. The public will not be confused. They know what this bill does. They know they want jobs, and they know that's our agenda.

Vote "no" on this ill-conceived piece of legislation.

Mr. PITTS. Madam Speaker, I yield the balance of my time to the gentleman from Texas, Dr. BURGESS.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 2 minutes.

Mr. BURGESS. I thank the gentleman for the recognition.

Let's be clear about the Affordable Care Act. The EMTALA provision of the underlying law, the Affordable Care Act, is not actually the EMTALA provision because it puts in a great big loophole. The loophole is in the language of the law, and it said providing emergency services as required by State or Federal law, which may be changed; and therein is the problem.

Most of us remember the night before the Affordable Care Act passed. We remember the drama of Bart Stupak going down to the White House. We remember the drama of the Executive order. So what Mr. PITTS is providing us today is the ability to put the language of the Executive order into legislative language and make it law so that it may not be arbitrarily changed by this President or some other President at a future time.

Now, I want to take just a few moments and read into the RECORD from doctors who have written to our committee, doctors who provide emergency services, obstetric services, who tell us over and over again that they have never been required to do something that was against their conscience and put someone's life in danger.

A doctor from the University of Minnesota writes in: During my years of practice, I have worked under informal and formal conscience rights protections that permit me to provide the best pregnancy care without being forced to perform abortions. In my years of practice, I have never seen a woman denied appropriate care because of the exercise of the rights of conscience in this regard.

Another letter, from a Virginia hospital: As a physician who has worked in emergency rooms for over 30 years, I am well-versed in the Federal Emergency Medical Treatment and Active Labor Act and similar policies. I continue to practice emergency medicine. I teach it. Based on three decades of experience, I see absolutely no merit in the claim that conscience laws on abor-

tion pose any risk of allowing pregnant women to die in emergency rooms.

Another letter, from the University of North Carolina: My personal conscience directs me to provide the best of care to pregnant women and their unborn children, and I am able to do so without performing abortions, as are several of my colleagues, and a proportion of the residents we train each year. I have not seen a situation where an emergent event or urgent abortion was needed. No one in my entire 20 years of clinical practice has ever been denied appropriate care because of the exercise of my rights of conscience.

Our committee receives these letters all of the time. I submit them for the RECORD, and I urge an "aye" vote on the Pitts bill.

ROBERT C. BYRD HEALTH SCIENCES
CENTER OF WEST VIRGINIA UNIVERSITY,
Charleston, WV, October 12, 2011.

Representatives JOE PITTS and DAN LIPINSKI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES PITTS AND LIPINSKI: I am writing in support of Sections 2(a)(6) and 2(a)(7) of H.R. 358 that provide federal legal protection of conscience regarding abortion for those who care for pregnant women. My experience includes 20 plus years of clinical care, research, and instruction as a Board certified Obstetrician & Gynecologist and Maternal-Fetal medicine. I daily provide care for women and babies who have medically complicated, life-threatening, and uncommon pregnancy complications. Further, as the originator of "perinatal hospice", I have cared for (and still do) dozens of women with babies who have terminal prenatal diagnoses who will die shortly after birth.

No one in my entire 20 plus years of clinical experience has ever been denied appropriate care because of the exercise of rights of conscience in the provision of abortion. Women and babies may die in spite of our best efforts, but this is not related to abortion availability or provision.

In my understanding of this new federal statute, conscience will now be formally and legally protected. There is no need for additional exceptions or amendments to this law as it is written.

I am more than happy to discuss this issue with either of you or with one of your colleagues. I may be contacted by email at byron.calhoun@camc.org or directly on my cell phone at (304) 741-4031.

Sincerely,

BYRON C. CALHOUN, M.D.,
FACOG,
Professor and Vice
Chairman of Maternal-Fetal Medicine,
Department of Obstetrics and Gynecology, West Virginia University
School of Medicine,
Charleston Division,
Charleston, WV.

UNIVERSITY OF NORTH CAROLINA
SCHOOL OF MEDICINE,
Chapel Hill, NC, October 12, 2011.

Representatives JOE PITTS and DAN LIPINSKI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES PITTS AND LIPINSKI: I am board certified specialist in Obstet-

rics and Gynecology with a sub-specialty certification in Maternal-Fetal Medicine. I have over twenty-seven years of experience in practice, teaching and research at a major academic health center. During my career I have cared for numerous women and babies with complications that increase the risk of maternal death. In some of these situations, both a mother and her baby have lost their lives. I care deeply about the effects that public policy and legislation can have on both those of us who provide perinatal care and on our patients.

My personal conscience directs me to provide the best of care to pregnant women and their unborn children and I am able to do so without performing abortions, as are several of my colleagues and a proportion of the residents we train each year. I have not seen a situation where an emergent or even urgent abortion was needed to prevent a maternal death. I am aware of, and have read, sections 2(a)(6) and 2(a)(7) of H.R. 358 and I am writing to provide my opinion that I support the formalization of these protections. No woman at UNC hospitals has ever been denied care due to her conscience or beliefs; nor does any physician ever feel obliged to direct or change the standard of care for any woman due to race, ethnicity, religion, or conscience. I see no need for any exceptions or amendments to the law as written.

I am available for question or comment or for further discussion on this matter. You may reach me at thorp@med.unc.edu or by calling my office (919) 843-7851.

Sincerely,

JOHN THORP, MD

Hugh McAllister Distinguished Professor of Obstetrics and Gynecology, Professor, Maternal & Child Health, School of Public Health, Director, Women's Primary Healthcare.

VIRGINIA COMMONWEALTH
UNIVERSITY HEALTH SYSTEM,
Richmond, VA, October 12, 2011.

Hon. JOE PITTS,
Hon. DAN LIPINSKI,
Hon. ERIC CANTOR.

DEAR REPS. PITTS, LIPINSKI AND CANTOR: I understand that the House of Representatives may soon consider HR 358, the Protect Life Act. As a physician I am especially interested in this bill's section reaffirming federal protection for health care providers' conscience rights on abortion. I have heard there may be an effort in the House to insert an exception into this law, so governmental bodies can discriminate against providers who decline to provide abortions in "emergency" cases.

As a physician who has worked in emergency rooms for over 30 years, I am well versed in the federal Emergency Medical Treatment and Active Labor Act (EMTALA) and similar policies. I continue to practice emergency medicine, and to teach it at Virginia Commonwealth University. Based on these decades of experience, I see absolutely no merit in the claim that conscience laws on abortion pose any risk of allowing pregnant women to die in emergency rooms. Current federal laws as well as Virginia state law respect conscientious objection to abortion in all circumstances; and I have never seen or heard of a case in which these laws created any conflict with women's safety or with legal obligations to stabilize patients' conditions in emergencies.

Your provision on conscience protection is warranted and I do not think it should be weakened in any way.

Sincerely,

EDWARD J. READ, JR., MD,
FACEP,
*Attending Physician,
Emergency Medicine, Hunter Holmes
McGuire VA Medical Center Assistant
Professor, Department of Emergency
Medicine, Virginia Commonwealth Uni-
versity, Richmond, Virginia.*

UNIVERSITY OF MINNESOTA,
SCHOOL OF PUBLIC HEALTH,
Minneapolis, MN, October 13, 2011.

Representatives JOE PITTS and DAN LIPINSKI,
*House of Representatives,
Washington DC.*

DEAR REPRESENTATIVES PITTS AND LIPINSKI: I am a board certified specialist in Obstetrics/Gynecology and Maternal/Fetal Medicine with 31 years of experience in practice, teaching and research. During that time I have cared for hundreds of women and babies with life-threatening, complicated, and rare pregnancy conditions. In some of those situations mothers and babies have lost their lives despite undergoing the best available treatment including induced delivery at the margins of viability. I care deeply about the effects that public policy and legislation can have on the care of mothers and babies.

During my years of practice I have worked under informal and formal conscience rights protections that permit me to provide the best pregnancy care without being forced to perform abortions. I have read Sections 2 (a)(6) and 2 (a)(7) or H.R. 358 and I agree with the federal formalization of these protections. In my years of practice I have never seen a woman denied appropriate care because of the exercise of rights of conscience in this regard. There is no need for additional exceptions or amendments to this law as it is written.

I am happy to discuss this with either of you or with one of your colleagues. I can be reached by email at calvis@umn.edu or on my cell phone at 612-868-9199.

Sincerely,

STEVE CALVIN, MD,
*Clinical Associate Pro-
fessor of Obstetrics/
Gynecology and
Women's Health, Co-
chair Program in
Human Rights and
Health, University of
Minnesota, Min-
neapolis, MN.*

Ms. HIRONO. Madam Speaker, I rise today in opposition to H.R. 358, a bill restricting women's access to reproductive health services.

It's odd to me that we are choosing to take up this bill now, when just last week, we saw that our country only created 103,000 jobs.

This is not what people in Hawaii or our nation want us working on.

Debating divisive social issues isn't going to create one single job.

Instead, this bill puts a fundamental freedom—our right to choose—under direct attack.

Those supporting this bill say it's necessary to prevent federal funding for abortion. They're wrong.

Longstanding federal policy prohibits federal funding of abortion, a provision preserved in The Affordable Care Act. President Obama even issued an executive order reaffirming this prohibition in March 2010.

So what's the real reason behind this bill?

The real reason is to make abortion as unavailable as possible because making abortion illegal is still not possible under *Roe v. Wade*. This is yet another bill taking a shot at restricting women's access to reproductive health services.

It starts with restricting how women purchase private health insurance with their own money.

The practical result of this bill would be to restrict, for the first time, how women with private insurance can spend their own private dollars in purchasing health insurance.

It says that women who receive a federal subsidy to make coverage affordable in the health insurance exchanges would be unable to purchase a comprehensive health plan.

These women could not even use their own money to pay for the portion of the plan providing abortion coverage. These aren't federal dollars going to purchase that coverage—these are the women's own dollars.

So what happens? It's the ripple effect.

Since many women would be prevented from purchasing insurance with abortion coverage in the exchange, the insurers will probably stop offering it.

Then, no woman will be able to buy health insurance in the exchange with abortion coverage.

And their access to a legal medical procedure just got a lot smaller.

Let's be clear: The goal of this bill is not to maintain the status quo.

Rather, its true goal is to make abortion as unavailable as possible.

For these reasons, it should be rejected.

Ms. MCCOLLUM. Madam Speaker, I rise today in strong opposition to H.R. 358 and the on-going Republican war against women's health in America. This bill continues Congressional Republicans' extreme social agenda that jeopardizes women's health care.

This Congress has already debated similar legislation to prevent women from accessing their legal health care. H.R. 358 does nothing to create jobs, reduce our federal deficits, or make America safer. Instead, this legislation furthers a divisive agenda to impose unprecedented restrictions on a woman's ability to access and purchase health care for a legal medical procedure.

Contrary to what my colleagues have said today, H.R. 358 is not needed to ensure federal funding does not pay for abortions. Current federal law, including provisions included in the Affordable Care Act, already prohibits federal money from being used to pay for abortion services, except in the cases of rape, incest, or to save the life of the mother. Instead this bill is another attempt by the Republican majority to legislatively intimidate women with respect to their constitutional right to abortion services.

The unprecedented restrictions included in this bill would effectively end coverage of abortion-related services. Beginning in 2014, women and their families receiving federal subsidies would be prohibited from purchasing

a health plan that includes abortion coverage within the Health Exchanges. This provision would leave millions of women without affordable health care options that meet all their health care needs.

Even more concerning is that this bill could jeopardize a woman's ability to receive emergency medical care as required under Emergency Medicare Treatment and Active Labor Act (EMTALA; P.L. 99-272). This bill could allow a hospital to deny a woman abortion-care even when this legal medical procedure would save her life. H.R. 358 does not protect life; rather it endangers the lives of American women.

Instead of this radical agenda, we should be focusing on policies that will improve the lives of women and girls, put Americans back to work, and advance our nation's economy. I encourage my colleagues to vote against this bill and keep safe, comprehensive reproductive care accessible to all Americans.

Ms. MATSUI. Madam Speaker, I rise today to voice my strong opposition to the bill before us today.

This bill would impose crippling restrictions on a woman's ability to seek abortion services—services that are legal in this country and upheld by the Supreme Court.

The so-called "Protect Life Act" would effectively ban private insurance companies from offering abortion services.

I was shocked to learn that under this bill, a woman's life could be in danger in the event she needs emergency care—even if the emergency circumstances require an abortion—and that procedure is recommended by a doctor. This change in the current law would amount to an extreme and regressive policy.

Unfortunately, the bill before us is part of a larger attack on women's health, specifically on programs like Title X and organizations like Planned Parenthood.

Madam Speaker, let me tell you why it is so important that we maintain women's access to the full range of legal health care options.

Recently, I heard from Cathy, who has been a health educator for the past 13 years.

Cathy explained to me how the House Republican attacks on women's health would, "Cut millions of American women off from birth control, cancer screenings, HIV tests, and other lifesaving care;" that without the information and preventative services that these programs provide we are, "Bound to accrue more expenses in reactive versus pro-active measures."

These outrageous attacks would have a devastating impact on the women, men, and teens in our community.

At a time when we, as Members of Congress, should be debating and passing job legislation, we are instead debating whether or not to roll-back a woman's access to legal health services.

I urge my colleagues to reject this harmful bill.

Ms. BORDALLO. Madam Speaker, I rise today in support of H.R. 358, a resolution which seeks to enhance current law to modify special rules relating to abortion services and provides protections for those who object to abortion. As a staunch supporter of pro-life principles, I strongly urge this House to pass H.R. 358 the Protect Life Act.

It is important for Congress to remember that our work in pursuing healthcare reform is to move our society toward accessible medical coverage across the nation, especially for the poor and marginalized. H.R. 358 builds off these tenets and enhances the compromise language that was developed by former Congressman Bart Stupak of Michigan, and other pro-life members of Congress, to restrict federal funds from being used for abortion coverage under the health reform Act passed in the last Congress. Although the Stupak language upheld the key tenets of the Hyde Amendment, H.R. 358 provides further clarification on that matter. The Protect Life Act provides clearer conscience protection for institutions and individual health care providers.

I commend the gentlemen from Pennsylvania, Mr. JOE PITTS, for his work on this bill and for his persistence in seeing this through our legislative process. I urge members of the House of Representatives to vote yes on H.R. 358 and to continue to work toward a society that upholds the total respect of the human person and the commitment to the right to life.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong opposition to H.R. 358, the misleadingly titled the "Protect Life Act".

Let me be clear. The Affordable Care Act already prohibits the use of federal funds to pay for abortions, except in cases of rape, incest, or where the woman's life is endangered. We included extensive mechanisms to ensure that no federal subsidies in the health insurance exchanges would go to pay for abortions.

The bill on the Floor today takes the unprecedented step of preventing a woman from using her own private funds to purchase a full, comprehensive health care plan through the exchanges established in the Affordable Care Act. That is simply another way of denying a woman the right to choose.

I urge House Republicans to stop playing ideological games and to pursue an agenda to help create jobs, strengthen the economy, and move our country forward.

Ms. SCHAKOWSKY. Madam Speaker, I rise in opposition to H.R. 358, the Protect Life Act.

The American people want us to work together to create jobs to bolster the economy. Instead, we are here, once again, to consider legislation that endangers and attacks the right of women and is far out of the mainstream of American priorities.

H.R. 358 is extreme legislation. It is another attempt to unravel the health care law while at the same time expanding anti-choice laws that will harm women's health.

This legislation revives a debate that has already been settled—there is no federal funding for abortion in the health care reform law. Legal experts have said it. Independent fact check organizations have said it. Yet, Republicans continue to insist that the possibility of funding remains.

Federal funds are already prohibited from being used for abortions under the Hyde Amendment—at the expense of poor women, federal employees, women in the District of Columbia and women in the military. But this bill goes way beyond that law.

It would take away a woman's right to make her own decisions about her reproductive health—even with her own money.

It could expand the existing conscience objection to avoid providing contraception.

And, it would allow public hospitals to deny emergency abortion care to women in life-threatening situations.

H.R. 358 undermines the guarantee of emergency care under the Emergency Medical Treatment and Active Labor Act (EMTALA). EMTALA creates a legal safety net that guarantees that anyone in need of emergency health care, including those unable to pay for health care, cannot be denied such care at hospitals.

H.R. 358 would strip EMTALA of its power to ensure that women receive abortion care in emergency situations at hospitals by making their right to health care secondary to the hospital's ability to refuse to provide abortion care.

Abortion care is necessary in some circumstances to save a woman's life. During the hearing on H.R. 358 in the Energy and Commerce Committee, some witnesses wrongly claimed that this was not the case.

In response to those claims, Dr. Cassing Hammond, Director of Northwestern University's Center for Family Planning and Contraception as well as its academic Section of Family Planning, wrote a letter to the Committee to set the record straight. Dr. Hammond has twenty years of experience in obstetric and complex abortion care.

In his letter, Dr. Hammond states:

Most patients are healthy women having healthy babies, but I am frequently asked to provide abortions for women confronting severely troubled pregnancies or their own life endangering health issues. Physicians who provide health care to women cannot choose to ignore the more tragic consequences of human pregnancy—and neither should Congress.

Dr. Hammond then proceeds to give several examples from his own experience of women who required abortion care in life-saving circumstances. The following examples illustrate just a few of those instances:

One of my own obstetric patients carrying a desired pregnancy recently experienced rupture of the amniotic sac at 20 weeks gestation. The patient had a complete placenta previa, a condition where the afterbirth covers the opening of the uterus. Although the patient hoped the pregnancy might continue, she began contracting and suddenly hemorrhaged, losing nearly a liter of blood into her bed in a single gush. Had we not quickly intervened to terminate the pregnancy, she would have bled to death, just as women do in countries with limited access to obstetric services.

My service often receives consults regarding patients with serious medical issues complicating pregnancy. We recently had a 44-year-old patient whose pregnancy had been complicated by a variety of non-specific symptoms. A CT scan obtained at 23 weeks gestation revealed that the patient had lung cancer that had metastasized to her brain, liver, and other organs. Her family confronted the difficult choice of terminating a desired pregnancy or continuing the pregnancy knowing that the physiological burden of pregnancy and cancer might worsen her already poor prognosis. The family chose to proceed with the pregnancy termination.

My service frequently sees patients with early pre-eclampsia, often referred to by the term "toxemia." Pre-eclampsia usually complicates later gestation, but occasionally complicates pregnancy as early as 18 to 20 weeks, well before the fetus is viable. The

only treatment for severe pre-eclampsia is delivery. Otherwise, the condition will worsen, exposing the mother to kidney failure, liver failure, stroke and death. One Christmas morning I had to leave my own family so that I could provide a pregnancy termination for a remarkably sick, pre-eclamptic teenager.

These are women suffering from the most serious of health conditions. If H.R. 358 were in place, they could be denied the emergency care they need.

The attention Republicans are focusing on the private lives of women—what American family do with their own money—makes it clear that their real goal is to ban all abortions and end access to birth control and contraceptives.

Republicans don't want government to protect the water we drink, the air we breathe, or the food we eat—but they do want to intrude in a women's right to choose.

We are now at 280 days in this Congress without passing a jobs plan—yet the Republican majority has consistently managed to pass extreme and divisive legislation targeted at women's health.

The Administration strongly opposes H.R. 358, and this bill has no chance of becoming law.

We are running out of legislative days left before the end of the year. When is the Republican majority going to focus on jobs and the economy?

Now is the time to work on the issues that are most important to Americans—creating jobs and improving the economy—rather than restricting reproductive choice and access to family planning.

This legislation is an extreme and mean-spirited way to roll back women's health and rights. It is too extreme for women, too extreme for America, and we must reject it.

Mr. BACHUS. Madam Speaker, never in my life will I forget the Sunday afternoon when this House, under the previous majority, passed a health care law that permitted taxpayer funding of abortions.

It remains as inconceivable to me now, as it was then, that the very first act by our government on an innocent and defenseless life could be to end it. We all remember the assurances we heard that the bill would respect the Hyde Amendment, which has enjoyed bipartisan support in this House for decades. Many of us knew better.

The ink had barely dried on the legislation before instances came up of taxpayer money potentially being used, in one form or another, for abortion services. This House needs to state without equivocation that the Hyde Amendment fully applies to the new health care law, for however long the act may continue to be in effect. There should be no possible wiggle room for abortion providers like Planned Parenthood.

The law also put health care providers and hospitals in the unconscionable dilemma of having to perform abortions against their own beliefs and principles. The government should not have the power to do that. This bill protects the exercise of individual conscience.

In my view, the health care law—Obamacare, as many of us call it—is so flawed that the best approach is to repeal it altogether, but we will not get that with this

President. Until that day, we must stand in support of life and innocent babies and we can do that by passing The Protect Life Act.

Ms. ZOE LOFGREN of California. The American people want us to work together to address their top priority: creating jobs. We're now 280 days into this Congress, and we haven't passed a jobs plan.

With only 22 legislative days left this Congress, instead of addressing jobs, Republicans are continuing to propose legislation targeting women's health.

This bill disregards the compromise on abortion reached during last year's debate on the Affordable Care Act (ACA). The ACA is consistent with long-standing federal law by prohibiting the use of federal funds to pay for abortions (except in cases of rape or incest, or when the life of the woman would be endangered). The Act requires two separate premium payments for women and families receiving federal subsidies that choose health plans that include abortion coverage. The language is clear—no portion of federal subsidies may be used to pay for the portion of coverage that is purchased in state exchanges that relates to abortions. While I don't agree with the ban on federal funding, Members decided last year to call a truce and preserve the status quo. This bill would go further.

This bill restricts how women with private insurance can spend their own private dollars in purchasing health insurance. The Protect Life Act would prohibit all individuals who receive federal subsidies from purchasing a plan that includes abortion coverage (even if they are using their own private dollars to purchase the portion of coverage relating to abortions), and would also prohibit insurance plans from offering abortion services if they accept even one individual who receives a subsidy. Health care plans will likely be deterred from covering abortion, and since most insurance plans currently cover abortion, the Protect Life Act would result in millions of women losing the coverage they currently have.

I urge my colleagues to oppose the Republican assault on women's health and to oppose the Protect Life Act.

Mr. FARR. Madam Speaker, I rise in strong opposition to H.R. 358, the Protect Life Act. This legislation intrudes on women's reproductive freedom and access to health care and unnecessarily restricts the private insurance choices that women and their families have today. Proponents say that it would simply ban federal funding of abortion. However, as we all know, current law prohibits federal funding of abortion.

The American people want us to work together to address their top priority: creating jobs. We are now at 280 days in this Congress without passing a jobs plan. Yet the Republican Majority continues to bring legislation to the floor that restricts women's reproductive health care.

H.R. 358 is another attempt by the Majority to pass an anti-abortion policy that already failed during the health care reform debate.

Current law allows policy holders to buy abortion coverage by making separate payments, but H.R. 358 would prohibit any insurance plan from offering abortion coverage if they have even one enrollee that receives federal subsidies. Thus, it effectively forces plans

to choose between not offering abortion care to the entire population of a state and offering a plan to only a small number of enrollees—which choice makes more economic sense? What do you think insurance companies will choose?

H.R. 358 also supersedes current law by expanding the current definition of health care providers to include any employee of a health care entity that provides abortion services, whether they actually provide patient care or not. Make no mistake: these newly designated health care entities can refuse to provide or refer a woman for abortion care, even when a woman's life is in critical danger.

Madam Speaker, H.R. 358 makes it clear to the American people that the Republican Majority is much more interested in dismantling health reform and playing politics with divisive social issues than creating jobs and fixing our broken economy.

Ms. ESHOO. Madam Speaker, I rise in opposition to H.R. 358, the Protect Life Act.

We've worked so hard over the last few decades to advance women's health and the Protect Life Act just steamrolls right over that progress.

This bill would bar anyone getting federal health subsidies from purchasing private insurance policies that include abortion coverage. This makes it unlikely that ANY health plan would cover abortion, alienating all American women from truly comprehensive health plans.

It allows hospitals to refuse to provide life-saving abortions to women who face imminent threat of death.

And it gives states the ability to attack coverage of non-abortion related services, such as contraception.

I support a woman's legal right to opt for, or against, an abortion. The decision is private. It's a matter of faith and it's a matter of conscience, and our Constitution recognizes this.

The Protect Life Act is a shameful attempt to impose a radical political agenda on women. It strips away their individual liberties and puts their health at serious risk. This bill is wrong, this bill is dangerous, and this House should reject it.

Mrs. CHRISTENSEN. Madam Speaker, today I rise in strong opposition to H.R. 358: a bill that is completely unnecessary; a bill that denies women the freedom of choice; a bill that re-opens an abortion debate that was settled in 2010; and a bill that will have a detrimental impact on the health and health care of women across the United States and in the U.S. Territories.

Contrary to the very false claims of my colleagues on the other side of the aisle, not only is the Hyde Amendment fully in effect and fully enforced, but the Affordable Care Act includes several strong provisions that explicitly prohibit the use of U.S. taxpayer dollars to fund abortions. In fact, those provisions were endorsed by the Catholic Health Association. Additionally, there have been numerous audits—including by the Government Accounting Office and the Inspector General—as well as congressional hearings, they all concluded that the law is being followed.

The sad irony here is that this bill is named the "Protect Life Act." However, despite its name, this bill does very little to protect and improve the lives of women. What this bill

would do, however, is to restrict—for the first time in history—how millions of women with private health insurance can spend their own private health insurance dollars. It also will undermine the success we achieved in expanding access to affordable, quality health care for women because it will force health plans participating in the health insurance Exchanges—which will begin in 2014 and which are expected to lift tens of millions of Americans out of the ranks of the uninsured—to drop comprehensive coverage. And, if those aspects of this bill are not bad enough, consider this: H.R. 358 also eliminates the existing protections for women who seek abortion care in emergency circumstances and in situations that would literally save the woman's life. How, I must ask, does such a provision protect a woman's life?

Today, millions of Americans are suffering the consequences of very real hardships—so many of which sometimes seem insurmountable. In times like these, we should be working together to create jobs by passing the American Jobs Act and we should be working together to move this nation forward building upon—and not trying to dismantle—the many successes we achieved with the historical health reform law. The problems we are facing today are very serious and require serious people to develop serious solutions instead of pursuing an ideological agenda that divides the nation. As a physician, I fully support legislation that would actually protect and improve lives, not only in title, but in reality. This bill, however, is not such a bill. I, therefore, strongly oppose H.R. 358 and urge my colleagues to do the same.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, today I rise in strong opposition to H.R. 358, the Protect Life Act. Instead of focusing on creating jobs, the House majority has decided instead to continue their relentless assault on women's rights and limit access to fair and adequate health care.

Despite its name, this bill is not about protecting life. In fact, it is far from it. One provision in this bill would put women's lives in danger by allowing hospitals to refuse to provide life-saving abortion care even when a woman's life is in critical danger.

This bill would also allow states to ostensibly deny critical non-abortion services to women. The Protect Life Act has the potential to undermine laws guaranteeing health care services well beyond those in the reproductive-health area. This could result in the denial of mental health care, HIV counseling, and other vital services.

Current law is clear: Federal funding of abortion is forbidden except under very limited circumstances. This bill would impose unprecedented limitations on abortion coverage and restrict access to abortion services and contraceptives for all women. I urge my colleagues to reject this dangerous assault on women and I urge the majority to work on legislation that will put Americans back to work.

Mr. TOWNS. Madam Speaker, I rise in strong opposition to the underlying bill. At a time when Americans' top priority is job creation—when Americans are desperately calling on us to work together to turn our economy around—some are instead launching the most comprehensive and radical assault on

women's health in our lifetime. This shameful attack on women's ability to obtain complete health information and services does a disservice to women, families, and all Americans.

To begin with, according to the stated purpose of the bill, which is to prevent federal funds from being used to cover abortion services, the bill is already gratuitous. Recent legal challenges to the Affordable Care Act have revealed that it contains "strict safeguards at multiple levels to prevent federal funds from being used to pay for abortion services beyond those in the case of rape or incest or where the life of the woman is endangered," rendering this legislation unnecessary. This type of extreme and redundant legislation will prove insightful to jobless Americans wondering why they have yet to see meaningful economic turnaround.

H.R. 358 would effectively prevent women from obtaining private insurance coverage for abortion services. By banning coverage of abortion in health exchanges, the bill will ensure that no one will be able to purchase abortion coverage—including women who do not receive federal assistance. The book-keeping burden that would be required for insurers to offer separate policies, with and without abortion coverage, is simply too high. Insurance providers are surely not interested in providing both, when most women cannot afford to pay for the abortion coverage option out-of-pocket anyway. Proponents of the legislation suggest that insurance companies could simply offer an "abortion rider." Women would have to plan for an unplanned pregnancy by purchasing supplemental insurance. This is unlikely, considering that most cannot afford to purchase even a single insurance policy. Furthermore, history has shown that insurers are reluctant to offer "riders" even when given the option to do so. As health exchanges grow as they are expected to, these restrictions will only affect more and more women looking for affordable and adequate health insurance.

Furthermore, the bill seeks to dramatically expand dangerous refusal provisions which contradict prevailing standards of care. Such expansion ignores the basic tenant of ethical health care, which requires that patients be presented with all of their medical options when making health care decisions. This bill would allow professionals with only a tangential connection to abortion services, such as a hospital receptionists or claims adjusters at insurance companies, to obstruct the medical process due to their beliefs. This would effectively tip the balance against patients seeking effective and comprehensive health care.

The 'non-discrimination' provision in fact discriminates against abortion providers, as it provides no protection for their beliefs. A one-sided non-discrimination provision is not non-discriminatory at all. We cannot allow this expansion, which would create a culture of refusal where anyone could obstruct access to abortion services for any reason.

Most disturbingly, a late addition to the Pitts bill would allow the expansive refusal provision to trump important patient protections guaranteed by the Emergency Medical Treatment and Active Labor Act, as well as similar protections in state laws requiring emergency care providers to save a woman's life. This would be an unprecedented expansion of the

right to refusal. We simply cannot allow for the possibility that a pregnant woman suffering from a medical emergency would see her right to medical care overridden by health professionals' moral views, which do not always place her health and safety first. Unfortunately, we have already seen what happens when professionals place their views over the health of the patient. In one case several months ago, a woman almost died over an unviable fetus as medical professionals exercised their right of refusal and waited for the fetus to die, delaying treatment for the mother. We cannot allow women to unwittingly seek emergency treatment at medical facilities that do not value their safety first. We cannot override existing EMTALA patient protections.

Finally, language in the Pitts bill extends far beyond abortion, and could allow insurers to refuse to provide other vital health services that are part of the minimum standards for health coverage set by the Affordable Care Act. This bill would open the door to refusal of effective reproductive services concerning contraception and infertility, for example. As we look to preventative services to avoid more expensive future treatments, this bill could prevent access to screening for sexually transmitted diseases and cervical cancer. At a time when many Americans are struggling to make ends meet, put food on the table, and pay their mortgages, it is unfathomable that we could consider restricting access to these essential, safe, and effective health services.

To reiterate, the Affordable Care Act contains ample protection against federal funding for abortion. The Pitts bill, in addition to being discriminatory, would create undue hardship on women and families as they attempt to make private health care decisions. It is dangerous to the health of pregnant women, and all women. At a time of staggering unemployment and economic hardship, this bill, unnecessary and unfair as it is, is not the kind of leadership Americans are looking for from Congress. To vote Yes on this bill is to roll back the strides we have been making toward equitable and effective health care for all Americans, and that is unacceptable.

I urge my colleagues on both sides of the aisle to vote No on this Bill.

Mr. TERRY. Madam Speaker, today, I rise in support of H.R. 358, The Protect Life Act. This bill would amend the Patient Protection and Affordable Care Act (PPACA) to prevent federal funding for abortion or abortion coverage through any program authorized by the health care law.

Nebraskans feel strongly—federal dollars should never be used to pay for abortion coverage. Unfortunately, last year's misguided health care law contains loopholes and ambiguities, which opens the door to allow taxpayer subsidies for coverage that includes abortion. This bill also protects the right of conscience for health care professionals by ensuring private insurance companies are not mandated to cover abortion. This bill does allow for some exemptions, including if the pregnancy is the result of rape or incest, or if the life of the mother is endangered.

This bill specifically targets the abortion funding scheme created in PPACA. I have always been an ardent supporter of the unborn, and today's vote is a step towards protecting those that cannot protect themselves.

Mr. KILDEE. Madam Speaker, I rise today in opposition to H.R. 358. As a staunch pro-life member of Congress, I have always supported the Hyde Amendment. During the health care reform debate, I made it very clear on the House floor and reassured my pro-life colleagues that the Hyde Amendment was included in the Affordable Care Act. It has been the law since 1976 and it is still the law now. Not only is the Hyde Amendment included in the Affordable Care Act, but the President signed an executive order reinforcing that federal funding cannot be used for abortions. We cannot let people imply or infer that the Hyde Amendment is not already part of the Affordable Care Act. A vote in support of H.R. 358 would be an admission that the Hyde Amendment was not included in the Affordable Care Act.

Mr. BLUMENAUER. Madam Speaker, today I voted against the badly flawed H.R. 358, a Republican bill brought to the floor today that will have a profoundly negative impact on a woman's ability to make personal healthcare decisions. I am deeply troubled by any congressional action that restricts a woman's right to choose. I oppose this legislation and reiterate my support for a woman's right to make her own decision about her healthcare decisions and obtain access to emergency care.

Instead of advancing policies to put Americans back to work, Republicans instead have decided to debate legislation restricting the health care choices available to women and their families. If enacted, H.R. 358 would limit the choices individuals and families have regarding their health insurance coverage, even forcing individuals to drop coverage they have already selected. It gives hospital workers the right to refuse treatment to women in need, even in the case of rape, incest or life-threatening complications. To force insurance companies and healthcare providers to deny a woman access to a legal procedure would be a very disturbing step backwards.

Already federal law prohibits federal funds from being used for abortions, except in cases of rape or incest, or when the life of the woman would be endangered. This legislation further restricts the ability of individuals and families to make personal decisions about their health care.

At a time when my colleagues are saying that they want to make government smaller, it is hypocritical and dangerous to pretend that a small government gets to make personal health care decisions for women and families. There is no room for government involvement in the personal and difficult decisions around women's reproductive choices. I strongly oppose this legislation.

Mr. GENE GREEN of Texas. Madam Speaker, I rise in strong opposition to H.R. 358, the Protect Life Act.

At a time when the current unemployment rate is 9.1 percent, we need to focus on creating jobs and spurring economic growth.

Instead, the Majority has chosen to focus on unnecessary legislation aimed at endangering the health of women across this country.

The Majority has spent weeks and months in the House trying to repeal the Patient Protection and Affordable Care act. After those attempts failed they began attacking individual provisions in the health reform law.

The Protect Life Act is another attack on health reform. Beyond that, the legislation is unnecessary.

We already established that no federal funds will be used to perform abortion under health reform because these protections are already included in the underlying law of the land known as the Hyde amendment, which simply states that no federal funds from being used to perform abortions.

Supporters of the Protect Life Act assert that they are ensuring no federal funds being used for abortions, but this argument ignores the overreaching nature of the bill and the dangerous consequences for women associated with this legislation.

Under this legislation, health care entities could refuse to "participate in" abortions. This could mean that a hospital employee could refuse to process bills, handle medical records, or set up an examination room.

The bill also endangers women's health and lives by creating a dangerous loophole in long-standing state and federal laws that require hospitals to provide appropriate emergency care to pregnant women and would eliminate existing protections for women seeking care in emergency circumstances—allowing a hospital to deny abortion care to a woman, even if it would save her life.

The Protect Life Act also allows states to enact sweeping "conscience" laws that would allow health plans to refuse to cover women's preventive services, including birth control, without cost-sharing—potentially undoing a new protection that 66 percent of Americans support.

This legislation goes far beyond any legislation passed by the House with regard to abortion. Quite simply, it endangers the health and lives of women.

Beyond that, we are wasting valuable time on a bill that cannot pass the Senate and will be vetoed by President Obama instead of debating and voting on the American Jobs Act.

Our constituents both Republicans and Democrats want us to work on creating jobs and reducing our deficit. I fail to see how this legislation accomplishes either of those goals.

I strongly urge my colleagues to oppose this legislation.

Ms. SLAUGHTER. Madam Speaker, in the last year, while 14 million Americans struggle to find work, Congressional Republicans have whipped themselves into a hysteria—not about job creation, but about further restricting a woman's freedom to access safe and legal reproductive healthcare.

Their legislative proposals are devastating policies that threaten to take away freedoms of all American women. The bill proposed today, H.R. 358, is the most brazen attempt by Congressional Republicans to destroy women's ability to receive private access to abortion services. Let us be clear. The bill today is one of the biggest invasions into the private lives of Americans that our nation has ever seen. With this bill, the Majority is reaching far beyond today's current laws and inserting itself into the most private and often heart-rending decisions that women must sometimes make.

Contrary to the Rules of the House, today's bill cites no provision of the Constitution, nor any amendment to the Constitution. None at

all. Throughout the hearing process, including hearings within the Rules Committee upon which I sit, the bill's sponsor and supporters have failed to effectively answer the Constitutional authority under which we are considering this bill.

One aspect of the bill is particularly illustrative of the extreme government intrusion this bill authorizes within its text. Under the Emergency Medical Treatment and Active Labor Act, any hospital that participates in Medicare must fulfill three basic obligations designed to save lives. There is absolutely no exception to these basic rules.

H.R. 358 would carve out a single exception to EMTALA. Under this legislation, a hospital would be able to invoke a "conscience clause" to turn away any pregnant woman who came to an emergency room seeking medical assistance. If this draconian provision were to become law, a woman could bleed to death in a hospital without being treated.

This provision is not only a direct attack on women, it is immoral in its intent. Indeed, religious organizations such as the Catholic Health Association has explicitly told Congress that the current version of the law, strengthened under the Affordable Care Act, is perfectly fine, and that they oppose this provision of the bill.

I stand in firm opposition to H.R. 358 and the continued assault from Congressional Republicans on women's freedoms. May the annals of history accurately reflect the misguided priorities and immoral agenda of the Majority, and may history accurately judge the failed leadership that has been provided by the Majority during the 112th Congress.

Ms. RICHARDSON. Madam Speaker, I rise today in strong opposition of H.R. 358, the misnamed "Protect Life Act". At a time when the American people's top priority is job creation, Republicans continue to waste valuable time advancing legislation that has no chance of being signed into law. The real aim of the Protect Life Act is to restrict, if not eliminate all together, reproductive health options for American women. H.R. 358 is a callous piece of legislation that disrespects the judgment of American women.

The Protect Life Act imposes an unprecedented limitation on abortion coverage and takes extreme measures to prevent women from accessing safe and legal abortion services. This legislation even prevents women from using their own money to purchase private insurance coverage for abortion, worse; the bill would relieve hospitals of their obligation to treat women who need an emergency abortion to save their life.

The Affordable Care Act already contains strict safeguards at multiple levels to prevent federal funds from being used to pay for abortion services beyond those in cases of rape, incest or where the life of woman would be in grave and eminent danger. But the Protect Life Act goes further, much further. It is reckless and endangers women's lives.

The Protect Life Act makes it virtually impossible for insurance companies in state health-insurance exchanges to offer abortion coverage, including those paying for coverage entirely with private dollars. The bill also prohibits all individuals who receive federal subsidies from purchasing a plan that includes

abortion coverage, as well as barring insurance plans from covering abortion if they include even one individual who receives a subsidy.

Today, nearly 87 percent of private employer-sponsored insurance offer plans which include abortion coverage. This bill would deter insurance companies from offering plans with such options and would likely force millions of women to drop the coverage they currently have.

Currently, all hospitals in America that receive Medicare or Medicaid funding are bound by the 1986 law known as the Emergency Medical Treatment and Active Labor Act (EMTALA), to provide emergency care to all patients, regardless of the circumstance. Under EMTALA, if a woman required an emergency abortion to save her life and she was a patient at an anti-abortion hospital or being treated by a health care provider against abortion on religious or moral grounds, the hospital would be required to either perform the abortion or transfer the patient.

The Affordable Care Act leaves laws that protect medical providers who have religious or moral objections to abortion services intact. But the Protect Life Act goes even further by removing the obligation for medical providers who are not willing to terminate a pregnancy to facilitate a transfer to a hospital that is willing to save the woman's life.

Madam Speaker, in short, this irresponsible and dangerous legislation would allow a hospital to let a pregnant woman die rather than perform a life-saving procedure. Saving a woman's life should be every hospital's first priority, especially hospitals that receive federal funding.

The Protect Life Act amends the historic Affordable Care Act, which was passed by the Democratic 111th Congress, so that it does not ensure access to abortion services. This broad language could prevent states and state-based health insurance exchanges from ensuring that women get information about the health care coverage options available to them. It should be an ethical healthcare provision that patients be presented with accurate and complete information about their medical options in order to make the best decisions regarding their health care. This bill denies women that fundamental right.

In addition, another provision of the Protect Life Act could allow insurers to refuse to offer important services that are part of the minimum standards for health coverage such as services and supplies related to contraception, infertility and sexually transmitted diseases.

Our friends across the aisle are fond of saying they are against government intrusion into the market place, excessive regulation, and limits on personal freedom. But here they are again trying to deny women the right to choose what is best for themselves and their families. Eliminating access to legal abortions denies women the right to make their own health decisions in accordance with their religious and moral beliefs and as a result, infringes on their equal rights. When it comes to attacking women's freedom and privacy, this legislation knows no bounds. It is an extreme attack against women's reproductive rights and undermines women's access to quality healthcare.

Madam Speaker, for these reasons I am proud to stand in strong opposition of H.R. 358, the so-called Protect Life Act and urge my colleagues to join me. This bill is not only unconstitutional, but it is dangerous. A more accurate name for this bill is the "Endanger Women's Lives Act of 2011." In a time of such tough economic hardship, we should be concentrated on created jobs and stabilizing the economy, not advancing extreme legislation that is nothing less than the most comprehensive and radical assault of women's health in our lifetime.

Mr. HOLT. Madam Speaker, I rise today in strong opposition to H.R. 358, the Protect Life Act.

Our first priorities in the House of Representatives must be helping to foster job creation and supporting middle class families. We are now 280 days in this Congress without passing a jobs plan.

Instead, the Republicans have chosen to continue their radical assault on reproductive health care in the guise of preventing the use of federal funds to pay for abortion procedures. These bills and amendments are as unnecessary as they are offensive. Federal law already prohibits the use of federal funds to pay for abortion services except when a woman's life is endangered or she is a victim of rape or incest.

H.R. 358 would impose unprecedented limitations on comprehensive reproductive health services that go far beyond current law.

The bill would force health plans to drop comprehensive coverage in state health insurance exchanges. The bill would allow hospitals to refuse to provide life-saving care to women—even if they are facing an imminent threat of death. Further, the provisions in this bill are so broad that it would allow states to prohibit access to birth control, including providing emergency contraception to sexual-assault survivors.

This bill claims that it would protect life. But the bill could end the lives of women who are in need of life-saving emergency care. Sadly, we have all heard of the stories of women who are faced with the heart-wrecking decision to terminate their pregnancies when they are told that their baby will not survive to term. This bill will prevent women in that difficult situation from receiving needed health care services even if they are facing a life-threatening situation themselves.

This bill goes farther than ever in an extreme attempt to limit health coverage for American women, and make a legal, constitutionally protected medical procedure inaccessible to women.

Instead of debating how to put Americans back to work, we are again spending our time debating a bill that would result in substandard health care for millions of Americans.

I strongly oppose H.R. 358 and urge my colleagues to vote "no" on this dangerous piece of legislation.

Ms. FOXX. Madam Speaker, I find it unbelievable that our colleagues across the aisle could make the comments that they are making about the Protect Life Act. H.R. 358 takes away no protections from women in this country. It does not take away any rights from women. It is not extreme.

In fact, 77 percent of the people in this country are opposed to taxpayer funding for

abortion. H.R. 358 makes it absolutely certain that we are not going to use taxpayer money to pay for abortions, even under what has become known as ObamaCare. This bill is not outside the mainstream. As the poll I referenced indicates, it is well within the mainstream. It is our colleagues across the aisle who have fallen outside the mainstream. They represent 23 percent of the people in this country who want to see taxpayer funding for abortions. That is by definition outside the mainstream.

And talk about dilatory—the whole point of order is dilatory. It is an effort on their part to simply bring up issues that are irrelevant. And in many cases, the points made are not true.

Our friends across the aisle say we should be dealing with the jobs bill. Well, Madam Speaker, let me point out to our colleagues that not one of them who spoke, not one of them who gave 1-minute on the jobs bill, have cared to be cosponsors of the jobs bill. The jobs bill, which President Obama has been asking the Congress to pass, was defeated in the Senate.

It was introduced in the House by one Member, and he even placed a caveat on the bill indicating that it was introduced "by request." That means as a courtesy to the President. No other Member across the aisle chose to cosponsor that bill. If they were so eager to get that bill passed, Madam Speaker, you would think that they would become cosponsors of the bill.

We are doing a lot on our side of the aisle to create jobs. We are doing our best to reduce spending and to reduce rules and regulations: that will create jobs in this country.

New spending by the Federal Government won't create jobs. We know that from the stimulus bill that was passed in 2009.

And for my colleagues across the aisle who say that this is a misogynist bill, nobody has ever fought more for the rights of women than I have. However, 50 percent of the unborn babies that are being aborted are females. So the misogyny comes from those who promote the killing of unborn babies. That's where the misogyny comes in, Madam Speaker. It doesn't come in from our trying to protect taxpayers' money from being spent on killing unborn children.

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 430, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1840

MOTION TO RECOMMIT

Mrs. CAPPS. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. CAPPS. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Capps moves to recommit the bill H.R. 358 to the Committee on Energy and

Commerce with instructions to report the same to the House forthwith with the following amendment:

In section 2(a)(7), in the amendment instruction adding the new subsection (g), strike "subsection" and insert "subsections".

Insert after the subsection (g) of section 1303 of the Patient Protection and Affordable Care Act, as proposed to be added by section 2(a)(7), the following:

"(h) PROTECTING THE LIFE OF THE MOTHER IN A MEDICAL EMERGENCY.—Nothing in this Act shall be construed to exempt any hospital or health care provider from Federal or State laws that require such hospital or provider to provide medical examination, treatment, referral, or transfer to prevent the death of a pregnant woman with an emergency medical condition."

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. Madam Speaker, as the debate today has shown, this Chamber is deeply divided over this bill. But we should all be able to agree that when a pregnant woman is in a medical emergency, we must do all we can to save her, and that is what this final amendment affirms.

I want to be clear: The passage of this amendment will not prevent the passage of the underlying bill. If it's adopted, my amendment will be incorporated into the bill and the bill will immediately be voted upon.

Madam Speaker, the underlying bill creates a loophole which would allow hospitals to circumvent the Emergency Medical Treatment and Active Labor Act, a law that has saved many lives. The law, called EMTALA for short, was established to ensure that when a patient arrives at a hospital in critical condition, particularly women in labor, the patient will at least be stabilized. It is truly the embodiment of the Hippocratic Oath to "apply, for the benefit of the sick, all measures that are required."

EMTALA has been law for over 25 years—and it works. However, the bill before us today could lead to a radical and uncalled for loophole to this law. It would allow providers to refuse emergency care for women even if their lives are endangered by their pregnancy. The hospitals could even refuse to give a referral.

I'm a nurse who's worked long shifts in the hospital setting, and I find it immoral to deny care to a woman with a life-threatening condition just because she's pregnant. This loophole is wrong, it's extreme, and it's cruel.

Unfortunately, there are some tragic complications that can occur during pregnancy for which a therapeutic abortion is necessary to save the life of a pregnant woman. I'm speaking about conditions like severe preeclampsia, where a pregnant woman's rapid rise in blood pressure can lead to seizure, stroke, multiple organ failure, and her death; or pulmonary hypertension, a condition that the American College of

Cardiology guidelines explicitly states necessitates the termination of a pregnancy to avoid maternal death.

If you've never heard of these conditions, it might be easy to think they're not significant. But to the women whose lives are saved by these emergency abortion services—oftentimes mothers who very much want this pregnancy to be successful—this issue is more than politics. It's literally life or death. What if your wife or your daughter was rushed to the hospital, pregnant, with severe bleeding. You don't research or compare the policies of your local hospitals. You go to the one that's closest—the one you trust will save your loved one. But when the diagnosis is made and an emergency abortion is necessary to save her life, what would you do if that hospital refused to perform it to stabilize her or even provide a referral for her care elsewhere? Thanks to the protections provided by EMTALA, this cannot happen today. But if this bill before us becomes law without my amendment, it very well could.

Madam Speaker, my amendment is not just a debate between two sides of the abortion issue. It is about saving women's lives in the middle of very traumatic times for them and their families.

I would like to bring to your attention a letter sent to Chairman PITTS from the Catholic Health Association. CHA is clear in its religious affiliation and its opposition to abortion. So perhaps because of this perspective, CHA says this best. "CHA member hospitals have been providing compassionate, quality care under both EMTALA and the Weldon amendment without conflict since the enactment of these provisions. Accordingly, the Catholic Health Association does not believe that there's a need for the provider nondiscrimination section to apply to EMTALA."

CHA's statement is clear: EMTALA's treatment requirement and the current provider conscience laws work together hand in hand. There is no need for an unprecedented carveout or exception that would endanger women's lives.

As a nurse, I respect the conscience clause language a great deal. But I cannot ever imagine a situation where morally, ethically, and legally a medical professional could be allowed to stand by and let someone needlessly die. No pregnant woman or her family should be afraid that she would be denied the care she needs when she goes to a hospital in an emergency. We need to make sure that doesn't happen.

Today we have the opportunity to fix a problem created with this legislation before tragedy strikes. So I urge you to protect women's lives and support this final amendment to this bill.

CATHOLIC HEALTH ASSOCIATION
OF THE UNITED STATES,
Washington, DC, February 9, 2011.

Hon. JOSEPH R. PITTS,
Chairman, House Energy and Commerce Subcommittee on Health, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Catholic Health Association of the United States (CHA) would like to express our continued support for the intent of your legislation, H.R. 358, the Protect Life Act, to further ensure protection of the unborn and of providers' conscience rights.

We have had the opportunity to review your revised version of H.R. 358 and would like to share our concern regarding one specific modification to your legislation. Section 1303(f) regarding emergency services laws, including Emergency Medical Treatment and Active Labor Act (EMTALA), now includes a reference to a new provision regarding provider nondiscrimination (Section 1303(g)). Your provider nondiscrimination language is similar to the conscience protections of the Weldon Amendment. CHA member hospitals have been providing compassionate, quality care under both EMTALA and the "Weldon Amendment," without conflict since the enactment of these provisions. Accordingly, CHA does not believe that there is a need for the provider nondiscrimination section to apply to EMTALA.

As the national leadership organization of more than 2,000 Catholic health care systems, hospitals, long-term care facilities, sponsors, and related organizations, the Catholic health ministry provides care throughout the nation to patients of all ages, races and religious beliefs. Catholic hospitals provide a higher percentage of public health and specialty services than other health care providers including state and local government, other not-for-profit, or investor-owned (for-profit) hospitals. These services include neonatal ICU, obstetrics, breast cancer screening and mammograms, children's wellness, child and adolescent psychiatric services, community outreach, dental services, crisis prevention, palliative care, pain management programs, nutrition programs, hospice, HIV/AIDS services, geriatric services, alcohol and drug abuse treatment, and trauma care. Many of these services are critical to our communities and we continue to provide them even though many of these services are not self-sustaining and must be subsidized by other hospital revenue.

Building upon our country's tradition of pluralism and the freedom to exercise our beliefs, CHA has long supported language within appropriations legislation to prohibit federal funding of abortions (Hyde amendment) and language to protect hospitals and other institutional and individual health care providers should they decline to provide, pay for, or refer for abortions (Weldon Amendment).

Again, while we continue to believe the current provisions of the Affordable Care Act (ACA) prevent federal funding of abortion, we support your efforts to further ensure permanent protection of the unborn and of provider's conscience rights and look forward to working with you.

Sincerely,

SR. CAROL KEEHAN, DC,
President and CEO.

I yield back the balance of my time.
Mr. PITTS. Madam Speaker, I claim time in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PITTS. Madam Speaker, a vast majority of Americans, regardless of whether they support or oppose abortion being legal, believe that the Federal Government should not be subsidizing abortions. Some on the other side are bringing up a red herring in an attempt to continue to allow Federal funding of abortion.

To dispel the myths being disseminated by opponents of H.R. 358, every Member should understand that this bill would not change the Hyde amendment, the EMTALA statute, or the standard of care required of providers under the EMTALA law. Section 1867(e) of the Social Security Act, commonly known as EMTALA, calls on emergency personnel to respond to distress on the part of a pregnant woman or her unborn child by stabilizing the condition of both mother and the unborn child.

It is ironic that opponents of H.R. 358 claim it will establish an objectionable standard of care when that balanced standard has long been recognized under EMTALA.

My colleagues, the question before us today is simple: If you favor federally funded abortion coverage, then you should support the motion to recommit and oppose the bill. If you believe, like a majority of Americans, that the Federal Government should not be subsidizing abortion, then you should oppose the motion to recommit and support H.R. 358.

Vote "no" on the motion to recommit. Vote "yes" on this critical legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mrs. CAPPS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 173, nays 249, not voting 11, as follows:

[Roll No. 788]

YEAS—173

Ackerman	Brady (PA)	Cicilline
Andrews	Braley (IA)	Clarke (MI)
Baca	Brown (FL)	Clarke (NY)
Baldwin	Butterfield	Clay
Barrow	Capps	Cleaver
Bass (CA)	Capuano	Clyburn
Becerra	Cardoza	Cohen
Berkley	Carnahan	Connolly (VA)
Berman	Carney	Conyers
Bishop (GA)	Carson (IN)	Cooper
Bishop (NY)	Castor (FL)	Costa
Blumenauer	Chandler	Courtney
Boswell	Chu	Crowley

Cummings	Keating	Quigley	Lungren, Daniel	Platts	Sessions	Cuellar	Jordan	Rehberg
Davis (CA)	Kildee	Rangel	E.	Poe (TX)	Shimkus	Culberson	Kelly	Reichert
Davis (IL)	Kind	Richardson	Mack	Pompeo	Shuler	Davis (KY)	King (IA)	Renacci
DeFazio	Kissell	Richmond	Manzullo	Posey	Shuster	Denham	King (NY)	Ribble
DeGette	Kucinich	Rothman (NJ)	McCarthy (CA)	Price (GA)	Simpson	Dent	Kingston	Rigell
DeLauro	Langevin	Roybal-Allard	Marino	Quayle	Smith (NE)	DesJarlais	Kinzinger (IL)	Rivera
Deutch	Larsen (WA)	Ruppersberger	McCarthy (CA)	Rahall	Smith (NJ)	Diaz-Balart	Kline	Roby
Dicks	Larson (CT)	Rush	McCauley	Reed	Smith (TX)	Dold	Labrador	Roe (TN)
Dingell	Lee (CA)	McClintock	McClintock	Rehberg	Southerland	Donnelly (IN)	Lamborn	Rogers (AL)
Doggett	Levin	McCotter	McCotter	Reichert	Stearns	Dreier	Lance	Rogers (KY)
Donnelly (IN)	Lewis (GA)	McHenry	McHenry	Renacci	Stivers	Duffy	Landry	Rogers (MI)
Doyle	Loeb	McIntyre	McIntyre	Ribble	Stutzman	Duncan (SC)	Lankford	Rohrabacher
Edwards	Lofgren, Zoe	McKeon	McKeon	Rigell	Sullivan	Duncan (TN)	Latham	Rokita
Ellison	Lowey	McKinley	McKinley	Rivera	Terry	Ellmers	LaTourette	Rooney
Engel	Lujan	McMorris	McMorris	Roby	Thompson (PA)	Emerson	Latta	Ros-Lehtinen
Eshoo	Lynch	Rodgers	Rodgers	Roe (TN)	Thornberry	Farenthold	Lewis (CA)	Roskam
Farr	Maloney	Meehan	Meehan	Rogers (AL)	Tiberi	Fincher	Lipinski	Ross (AR)
Fattah	Markey	Mica	Mica	Rogers (KY)	Tipton	Fitzpatrick	LoBiondo	Ross (FL)
Filner	Matheson	Miller (FL)	Miller (FL)	Rogers (MI)	Turner (NY)	Flake	Long	Royce
Fudge	Matsui	Miller (MI)	Miller (MI)	Rohrabacher	Turner (OH)	Fleischmann	Lucas	Runyan
Garamendi	McCarthy (NY)	Miller, Gary	Miller, Gary	Rokita	Upton	Fleming	Luetkemeyer	Ryan (WI)
Green, Al	McCollum	Mulvaney	Mulvaney	Rooney	Walberg	Flores	Lummis	Scalise
Green, Gene	McDermott	Murphy (PA)	Murphy (PA)	Ros-Lehtinen	Walden	Forbes	Lungren, Daniel	Schilling
Grijalva	McGovern	Myrick	Myrick	Roskam	Walsh (IL)	Fortenberry	E.	Schmidt
Gutierrez	McNerney	Neugebauer	Neugebauer	Ross (AR)	Webster	Fox	Mack	Schock
Hahn	Meeks	Noem	Noem	Ross (FL)	West	Franks (AZ)	Manzullo	Schweikert
Hanabusa	Michaud	Nugent	Nugent	Royce	Westmoreland	Frelinghuysen	Marchant	Scott (SC)
Hastings (FL)	Miller (NC)	Nunes	Nunes	Runyan	Whitfield	Gallely	Marino	Scott, Austin
Heinrich	Miller, George	Nunnelee	Nunnelee	Ryan (WI)	Wilson (SC)	Gardner	Matheson	Sensenbrenner
Higgins	Moore	Olson	Olson	Scalise	Wittman	Garrett	McCarthy (CA)	Sessions
Himes	Moran	Palazzo	Palazzo	Schilling	Wolf	Gerlach	McCauley	Shimkus
Hinche	Murphy (CT)	Paulsen	Paulsen	Schmidt	Womack	Gibbs	McClintock	Shuler
Hinojosa	Nadler	Pearce	Pearce	Schock	Woodall	Gibson	McCotter	Simpson
Hirono	Napolitano	Pence	Pence	Schweikert	Yoder	Gingrey (GA)	McHenry	Smith (NE)
Hochul	Neal	Peterson	Peterson	Scott (SC)	Young (AK)	Gohmert	McIntyre	Smith (NJ)
Holt	Oliver	Petri	Petri	Scott, Austin	Young (FL)	Goodlatte	McKeon	Smith (TX)
Honda	Owens	Pitts	Pitts	Sensenbrenner	Young (IN)	Gosar	McKinley	Southerland
Hoyer	Pallone					Gowdy	McMorris	Stearns
Inslee	Pascrell					Granger	Rodgers	Stivers
Israel	Pastor (AZ)	Schultz	Bachmann	Giffords	Reyes	Graves (GA)	Meehan	Stutzman
Jackson (IL)	Payne	Waters	Camp	Gonzalez	Slaughter	Graves (MO)	Miller (FL)	Sullivan
Jackson Lee	Pelosi	Watt	Carter	Paul	Wilson (FL)	Griffin (AR)	Miller (MI)	Terry
(TX)	Perlmutter	Waxman	Frank (MA)	Polis		Griffith (VA)	Miller, Gary	Thompson (PA)
Johnson (GA)	Peters	Welch				Grimm	Murphy (PA)	Thornberry
Johnson, E. B.	Pingree (ME)	Woolsey				Guinta	Mulvaney	Tiberi
Kaptur	Price (NC)	Yarmuth				Guthrie	Murphy (PA)	Tipton
						Hall	Myrick	Turner (NY)
						Harper	Neugebauer	Turner (OH)
						Harris	Noem	Upton
						Hartzler	Nugent	Walberg
						Hastings (WA)	Nunes	Walden
						Hayworth	Nunnelee	Walsh (IL)
						Heck	Olson	Webster
						Hensarling	Palazzo	West
						Herger	Paulsen	Westmoreland
						Herrera Beutler	Pearce	Whitfield
						Holden	Pence	Wilson (SC)
						Huelskamp	Peterson	Wittman
						Huizenga (MI)	Petri	Wolf
						Hultgren	Pitts	Womack
						Hunter	Platts	Woodall
						Hurt	Poe (TX)	Yoder
						Issa	Pompeo	Young (AK)
						Jenkins	Posey	Young (FL)
						Johnson (IL)	Price (GA)	Young (IN)
						Johnson (OH)	Quayle	
						Johnson, Sam	Rahall	
						Jones	Reed	

NOT VOTING—11

□ 1913

Messrs. PETERSON and CASSIDY changed their vote from “yea” to “nay.”

Mr. TOWNS changed his vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 251, noes 172, not voting 10, as follows:

[Roll No. 789]

AYES—251

Adams	Crawford	Guthrie	Adams	Bishop (GA)	Campbell
Aderholt	Crenshaw	Hall	Aderholt	Bishop (UT)	Canseco
Akin	Critz	Hanna	Akin	Black	Cantor
Alexander	Cuellar	Harper	Alexander	Blackburn	Capito
Altmire	Culberson	Harris	Altmire	Bonner	Carter
Amash	Davis (KY)	Hartzler	Amash	Bono Mack	Cassidy
Amodei	Denham	Hastings (WA)	Amodei	Boren	Chabot
Austria	Dent	Hayworth	Austria	Boustany	Chaffetz
Bachus	DesJarlais	Heck	Bachus	Brady (TX)	Coble
Barletta	Diaz-Balart	Hensarling	Barletta	Brooks	Coffman (CO)
Bartlett	Dold	Herger	Bartlett	Broun (GA)	Cole
Barton (TX)	Dreier	Herrera Beutler	Barton (TX)	Buchanan	Conaway
Bass (NH)	Duffy	Holden	Bass (NH)	Bucshon	Costello
Benishke	Duncan (SC)	Huelskamp	Benishke	Buerkle	Cravaack
Berg	Duncan (TN)	Huizenga (MI)	Berg	Burgess	Crawford
Biggert	Ellmers	Hultgren	Bilbray	Burton (IN)	Crenshaw
Bilbray	Emerson	Hunter	Bilbray	Calvert	Critz
Bilirakis	Farenthold	Hurt	Bilirakis		
Bishop (UT)	Fincher	Issa			
Black	Fitzpatrick	Jenkins			
Blackburn	Flake	Johnson (IL)			
Bonner	Fleischmann	Johnson (OH)			
Bono Mack	Fleming	Johnson, Sam			
Boren	Flores	Jones			
Boustany	Forbes	Jordan			
Brady (TX)	Fortenberry	Kelly			
Brooks	Fox	King (IA)			
Broun (GA)	Franks (AZ)	King (NY)			
Buchanan	Frelinghuysen	Kingston			
Bucshon	Gallely	Kinzing (IL)			
Buerkle	Gardner	Kline			
Burgess	Garrett	Labrador			
Burton (IN)	Gerlach	Lamborn			
Calvert	Gibbs	Lance			
Campbell	Gibson	Landry			
Canseco	Gingrey (GA)	Lankford			
Cantor	Gohmert	Latham			
Capito	Goodlatte	Latta			
Cassidy	Gosar	LaTourette			
Chabot	Gowdy	Latta			
Chaffetz	Granger	Lewis (CA)			
Coble	Graves (GA)	Lipinski			
Coffman (CO)	Graves (MO)	LoBiondo			
Cole	Griffin (AR)	Long			
Conaway	Griffith (VA)	Lucas			
Costello	Grimm	Luetkemeyer			
Cravaack	Guinta	Lummis			

NOES—172

Ackerman	Cicilline	Ellison
Andrews	Clarke (MI)	Engel
Baca	Clarke (NY)	Eshoo
Baldwin	Clay	Farr
Barrow	Cleaver	Fattah
Bass (CA)	Clyburn	Filner
Becerra	Cohen	Frank (MA)
Berkley	Connolly (VA)	Fudge
Berman	Conyers	Garamendi
Biggert	Cooper	Green, Al
Bishop (NY)	Costa	Green, Gene
Blumenauer	Courtney	Grijalva
Boswell	Crowley	Gutierrez
Brady (PA)	Cummings	Hahn
Braley (IA)	Davis (CA)	Hanabusa
Butterfield	Davis (IL)	Hanna
Capps	DeFazio	Hastings (FL)
Capuano	DeGette	Heinrich
Cardoza	DeLauro	Higgins
Carnahan	Deutch	Himes
Carney	Dicks	Hinche
Carson (IN)	Dingell	Hinojosa
Castor (FL)	Doggett	Hirono
Chandler	Doyle	Hochul
Chu	Edwards	Holt

Honda	Meeks	Schakowsky
Hoyer	Michaud	Schiff
Inslie	Miller (NC)	Schrader
Israel	Miller, George	Schwartz
Jackson (IL)	Moore	Scott (VA)
Jackson Lee	Moran	Scott, David
(TX)	Murphy (CT)	Serrano
Johnson (GA)	Nadler	Sewell
Johnson, E. B.	Napolitano	Sherman
Kaptur	Neal	Sires
Keating	Olver	Smith (WA)
Kildee	Owens	Speier
Kind	Pallone	Stark
Kissell	Pascarell	Sutton
Kucinich	Pastor (AZ)	Thompson (CA)
Langevin	Payne	Thompson (MS)
Larsen (WA)	Pelosi	Tierney
Larson (CT)	Perlmutter	Peters
Lee (CA)	Peters	Tonko
Levin	Pingree (ME)	Townes
Lewis (GA)	Price (NC)	Tsongas
Loebbeck	Quigley	Van Hollen
Lofgren, Zoe	Rangel	Velázquez
Lowey	Richardson	Visclosky
Luján	Richmond	Walz (MN)
Lynch	Rothman (NJ)	Wasserman
Maloney	Roybal-Allard	Schultz
Markey	Ruppersberger	Waters
Matsui	Rush	Watt
McCarthy (NY)	Ryan (OH)	Waxman
McCollum	Sánchez, Linda	Welch
McDermott	T.	Woolsey
McGovern	Sanchez, Loretta	Yarmuth
McNerney	Sarbanes	

NOT VOTING—10

Bachmann	Gonzalez	Slaughter
Brown (FL)	Paul	Wilson (FL)
Camp	Polis	
Giffords	Reyes	

□ 1920

Mr. LANDRY changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EPA REGULATORY RELIEF ACT OF 2011

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, will now resume.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Ms. CASTOR of Florida. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. CASTOR of Florida. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Castor of Florida moves to recommit the bill H.R. 2250 to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with the following amendment:

At the end of the bill, add the following sections:

SEC. 6. PROTECTION OF SENIORS FROM LIFE-THREATENING AIR POLLUTION.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rule identified in section 2(b)(3) of this Act to reduce air pollution from waste incinerators, as defined pursuant to this Act, where such waste incinerators are within 5 miles of any nursing home, assisted living facility, or hospital.

SEC. 7. NOTIFICATION TO COMMUNITIES.

With respect to each requirement for a major source facility to implement an air pollution control or emissions reduction that is eliminated by this Act, such facility shall provide notice of such elimination to affected communities not later than 90 days after the date of enactment of this Act.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 5 minutes.

Ms. CASTOR of Florida. Madam Speaker, the debate on the GOP pollution bills has been very heated at times. The debate has exposed very divergent views between the parties here in Congress on the importance of clean air and on the value of good health for all Americans.

Despite our differences on how we treat air pollution, my amendment offers us an opportunity to come together on a bipartisan basis, specifically to protect the health of our older neighbors—America's seniors.

The passage of my amendment will not prevent the passage of the underlying bill. If the amendment is adopted, it will be incorporated into the bill, and the bill will proceed to a vote. The amendment I offer today will ensure that we respect the health of our older neighbors, our parents, and our grandparents by protecting the quality of the air that they breathe.

Seniors are more susceptible than others to the harmful impacts of dirty air and pollution, and our neighbors need to understand what is in the air that they breathe, so my amendment proposes to do two things:

One, require waste incinerators located within 5 miles of a nursing home, an assisted living facility, or a hospital to simply use the most effective pollution control methods available. Two, require polluting boilers to notify surrounding communities of toxic emissions.

Without my amendment, the GOP bill will cause a dramatic increase in the emissions of mercury, dioxins, acid gases, and sulfur dioxide near populations that are particularly vulnerable to pollution.

Madam Speaker, the Clean Air Act protects us all from some of the most carcinogenic and dangerous pollutants. Mercury damages the developing brain and reduces IQ and the ability to learn. Sulfur dioxide is known to interfere with breathing, and as a result, is especially harmful to seniors.

Some seniors are so sensitive to dirty air and pollution they require oxygen tanks to aid their breathing, and a variety of health conditions afflicting

seniors is aggravated by poor air quality. Any increase in hazardous air pollution will disproportionately harm our older neighbors at a time in their lives when they are the most vulnerable. We can save lives, and we can save money by requiring that these waste incinerators that are located near our older neighbors use the most effective pollution control methods available.

When it comes to the health and health care costs for older Americans, my colleagues, we've got to be smarter. It is not wise to aggravate the respiratory ailments of our older neighbors who likely are on Medicare, just as it is not wise for the GOP to advocate for ending Medicare as we know it. It doesn't save any money.

The nonpartisan CBO explained that the GOP plan to dismantle Medicare would simply shift costs to seniors without addressing the underlying issues. Actually, the GOP pollution bills here can be viewed as handing our parents, our grandparents, and our older neighbors higher medical bills tied to dirtier air.

So let's be smart. Let's ensure that waste incinerators located in areas where our seniors live use the most effective pollution controls. Other industries have done it, and this small industrial subset should not receive a special interest "carve-out."

Madam Speaker, while our older neighbors would be disproportionately affected by this GOP bill in its current form, they're not the only ones. Young people and pregnant women are also extremely vulnerable to an increase in the toxic emissions that this GOP bill promotes. This Congress has a duty to prevent such harm from happening when the evidence is so clear.

One sure way that we can help our families take adequate steps to protect themselves and their children is to ensure they're fully aware of the dangers that they face from specific pollution sources. So this amendment also requires large boilers to notify their local communities of emissions that are likely to increase because of this GOP bill. That way, families can take adequate steps to protect their children from mercury, dioxins, particulates, and sulfur dioxide. This information will also enable our local communities to make determinations on where to locate playgrounds and schools.

We must ensure that our families and communities have all the information they need to make the best decisions for the health of their children, and that they have a complete understanding of the location and scale of the threat posed by air pollution.

Madam Speaker, the GOP bill blocks critical health protections against air pollution. The EPA estimates that the GOP's anti-clean air bills together mean over 30,000 more premature

deaths, over 19,000 additional heart attacks, and over 200,000 asthma attacks that otherwise would have been prevented.

We shouldn't let it happen.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. CASTOR of Florida. Thank you, Madam Speaker.

I will close by asking, in the spirit of the original bipartisan adoption of the Clean Air Act 40 years ago, that we come together on a bipartisan basis to adopt this important amendment to protect the health of our seniors and children all across America.

Mr. WHITFIELD. Madam Speaker, I claim time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Back in 2004, the D.C. Federal Court of Appeals, in a court decision, invalidated the 2004 Boiler MACT rules promulgated by EPA. In that court decision, EPA came to the court and said, We need additional time to come out with new Boiler MACT rules. So, in that court decision, EPA made the argument that they needed additional time to come forth with a more balanced approach on a Boiler MACT rule.

Our legislation, H.R. 2250, does nothing that EPA did not ask the court to do as far as extending time. Our legislation is a balanced approach. Particularly at this time of a weakened economy and when our job unemployment rate is at 9.1 percent and when our economy continues to struggle, it is imperative that we have a balanced regulation that considers jobs—yes—but that also considers health care and the benefits of the regulation and the impact that that has on health care.

□ 1930

We've had extensive hearings on this legislation. We've had representatives from hospitals. We've had representatives from universities, representatives from manufacturers, industrial users and others, and all of them almost universally have asked that we pass H.R. 2250 to provide a more balanced approach in these regulations.

Testimony has shown that over 230,000 jobs are at risk if EPA moves forward with these regulations. So what we're proposing in our legislation is we give EPA 15 months to come forth with a new regulation. We then say that they need at least a minimum, that the industries and hospitals and schools need a minimum of 5 years to comply with those regulations. I will never forget the University of Notre Dame came and indicated that they had spent \$20 million trying to comply with the old regulations, and now they're going to have to come forth with additional funds to comply with these new regulations.

So all we're doing is we're protecting jobs. We're protecting the health care of the American people. We give the EPA 15 months to come forth with new rules, 5 years at a minimum to comply. For that reason, I think it's imperative that we adopt our legislation, and I would urge every Member to oppose this motion to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. CASTOR of Florida. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 170, noes 246, not voting 17, as follows:

[Roll No. 790]

AYES—170

Ackerman	Eshoo	McCarthy (NY)	Thompson (MS)	Velázquez	Watt
Andrews	Farr	McCollum	Tierney	Visclosky	Waxman
Baca	Fattah	McDermott	Tonko	Walz (MN)	Welch
Baldwin	Filner	McGovern	Towns	Wasserman	Woolsey
Bass (CA)	Frank (MA)	McIntyre	Tsongas	Schultz	Yarmuth
Becerra	Fudge	McNerney	Van Hollen		
Berkley	Garamendi	Meeks			
Berman	Green, Al	Miller (NC)			
Bishop (GA)	Green, Gene	Miller, George			
Bishop (NY)	Grijalva	Moore			
Blumenauer	Gutierrez	Moran			
Boswell	Hahn	Murphy (CT)			
Brady (PA)	Hanabusa	Nadler			
Braley (IA)	Hastings (FL)	Napolitano			
Brown (FL)	Heinrich	Neal			
Capps	Higgins	Olver			
Capuano	Himes	Pallone			
Cardoza	Hinchey	Pascarella			
Carnahan	Hinojosa	Pastor (AZ)			
Carney	Hirono	Payne			
Carson (IN)	Hochul	Perlmutter			
Castor (FL)	Holden	Peters			
Chandler	Holt	Pingree (ME)			
Chu	Honda	Price (NC)			
Cicilline	Hoyer	Quigley			
Clarke (MI)	Inslee	Rahall			
Clarke (NY)	Israel	Rangel			
Clay	Jackson (IL)	Richardson			
Cleaver	Jackson Lee	Richmond			
Clyburn	(TX)	Rothman (NJ)			
Connolly (VA)	Johnson (GA)	Roybal-Allard			
Conyers	Johnson, E. B.	Ruppersberger			
Cooper	Jones	Rush			
Costa	Kaptur	Ryan (OH)			
Costello	Keating	Sánchez, Linda			
Courtney	Kildee	T.			
Crowley	Kissell	Sanchez, Loretta			
Cuellar	Kucinich	Sarbanes			
Cummings	Langevin	Schakowsky			
Davis (CA)	Larsen (WA)	Schiff			
Davis (IL)	Larson (CT)	Schwartz			
DeFazio	Lee (CA)	Scott (VA)			
DeGette	Levin	Scott, David			
DeLauro	Lewis (GA)	Serrano			
Deutch	Lipinski	Sewell			
Dicks	Loebsock	Sherman			
Dingell	Lofgren, Zoe	Shuler			
Doggett	Lowe	Smith (WA)			
Doyle	Luján	Speier			
Edwards	Lynch	Stark			
Ellison	Maloney	Sutton			
Engel	Matsui	Thompson (CA)			
			Adams	Gibson	Nunes
			Aderholt	Gingrey (GA)	Nunnelee
			Akin	Gohmert	Olson
			Alexander	Goodlatte	Owens
			Altmire	Gosar	Palazzo
			Amash	Gowdy	Paulsen
			Amodel	Graves (GA)	Pearce
			Austria	Graves (MO)	Peterson
			Bachus	Griffin (AR)	Petri
			Barletta	Griffith (VA)	Pitts
			Barrow	Grimm	Platts
			Bartlett	Guinta	Poe (TX)
			Barton (TX)	Guthrie	Pompeo
			Bass (NH)	Hall	Posey
			Benishek	Hanna	Price (GA)
			Berg	Harper	Quayle
			Biggart	Harris	Reed
			Bilbray	Hartzler	Rehberg
			Bilirakis	Hastings (WA)	Reichert
			Bishop (UT)	Hayworth	Renacci
			Black	Heck	Ribble
			Blackburn	Hensarling	Rigell
			Bonner	Herger	Rivera
			Bono Mack	Herrera Beutler	Roby
			Boren	Huelskamp	Roe (TN)
			Boustany	Huizenga (MI)	Rogers (AL)
			Brady (TX)	Hultgren	Rogers (KY)
			Brooks	Hunter	Rogers (MI)
			Broun (GA)	Hurt	Rohrabacher
			Buchanan	Issa	Rokita
			Buchon	Jenkins	Rooney
			Buerkle	Johnson (IL)	Ros-Lehtinen
			Burgess	Johnson (OH)	Roskam
			Burton (IN)	Johnson, Sam	Ross (AR)
			Butterfield	Jordan	Ross (FL)
			Calvert	Kelly	Royce
			Campbell	Kind	Runyan
			Canseco	King (IA)	Ryan (WI)
			Cantor	King (NY)	Scalise
			Capito	Kingston	Schilling
			Carter	Kinzinger (IL)	Schmidt
			Cassidy	Kline	Schock
			Chabot	Labrador	Schrader
			Chaffetz	Lamborn	Schweikert
			Coble	Lance	Scott (SC)
			Coffman (CO)	Lankford	Scott, Austin
			Cole	Latham	Sensenbrenner
			Conaway	LaTourette	Sessions
			Cravaack	Latta	Shimkus
			Crawford	Lewis (CA)	Shuster
			Crenshaw	LoBiondo	Simpson
			Critz	Long	Smith (NE)
			Culberson	Lucas	Smith (NJ)
			Davis (KY)	Luetkemeyer	Smith (TX)
			Denham	Lummis	Southerland
			Dent	Lungren, Daniel	Stearns
			DesJarlais	E.	Stivers
			Diaz-Balart	Mack	Stutzman
			Dold	Manzullo	Sullivan
			Donnelly (IN)	Marchant	Terry
			Dreier	Marino	Thompson (PA)
			Duffy	Matheson	Thornberry
			Duncan (SC)	McCarthy (CA)	Tiberti
			Duncan (TN)	McCaul	Tipton
			Ellmers	McClintock	Turner (NY)
			Emerson	McCotter	Turner (OH)
			Farenthold	McHenry	Upton
			Fincher	McKeon	Walberg
			Fitzpatrick	McKinley	Walden
			Flake	McMorris	Walsh (IL)
			Fleischmann	Rodgers	Webster
			Fleming	Meehan	West
			Flores	Mica	Westmoreland
			Forbes	Michaud	Whitfield
			Fortenberry	Miller (FL)	Wilson (SC)
			Fox	Miller (MI)	Wittman
			Franks (AZ)	Miller, Gary	Wolf
			Frelinghuysen	Mulvaney	Womack
			Gallely	Murphy (PA)	Woodall
			Gardner	Myrick	Yoder
			Garrett	Neugebauer	Young (AK)
			Gerlach	Noem	Young (IN)
			Gibbs	Nugent	
			Bachmann	Cohen	Gonzalez
			Camp	Giffords	Granger

NOT VOTING—17

Landry
Markey
Paul
Pelosi

Pence
Polis
Reyes
Sires

Slaughter
Wilson (FL)
Young (FL)

Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)

Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland

Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

□ 1956

So the bill was passed.
The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

□ 1949

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WELCH. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 275, noes 142, not voting 16, as follows:

[Roll No. 791]

AYES—275

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buertke
Burgess
Burton (IN)
Butterfield
Calvert
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravack
Crawford
Crenshaw
Critz
Cuellar
Culberson

Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hinojosa
Holden
Huelskamp
Huizenga (MI)
Hultgren

Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourrette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Capps
Capuano
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al

NOES—142

Grijalva
Gutierrez
Hahn
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Kaptur
Keating
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebbeck
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markley
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano

Neal
Olver
Pallone
Pascarella
Pastor (AZ)
Payne
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sherman
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOT VOTING—16

Amodei
Bachmann
Camp
Cannahan
Giffords
Gonzalez

Granger
Paul
Pelosi
Pence
Polis
Reyes

Sires
Slaughter
Wilson (FL)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote numbers 786, 787, 788, 789, and 791. Had I been present I would have voted "aye" on rollcall vote numbers 787, 788, and 790. I would have voted "no" on rollcall vote numbers 786, 789, and 791.

Bill, question, rollcall vote number, vote:
H. Res. 430, Final Passage, 786, no;
H.R. 2250, Cohen Amendment No. 22, 787, aye;
H.R. 358, Motion to Recommit, 788, aye;
H.R. 358, Final Passage, 789, no;
H.R. 2250, Motion to Recommit, 790, aye;
H.R. 2250, Final Passage, 791, no.

HONORING MAJOR THOMAS E. CLARK

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. The motto inscribed on the Prisoners of War/Missing in Action flag reads, "You are not forgotten."

I rise today to Honor Major Thomas E. Clark, a U.S. soldier who served in Vietnam, an airman who gave his life defending this country.

Originally from Emporium, Pennsylvania, Major Clark studied at Penn State before being accepted into the Air Force Academy and graduating in 1963. In 1969, while flying an F-100 in a mission over Laos, Major Clark's aircraft was hit by enemy fire. The plane went crashing into the jungle canopy. The wreckage was not found and Major Clark went missing in action for 4 years when, in 1973, the Air Force determined Clark was "killed in action; body not recovered." In 1991, some of the wreckage of the F-100 was found. Finally, in 2009, an investigation found the remains of Major Clark.

Next week, the Air Force will bring home Major Clark to Emporium, Pennsylvania, to have him properly laid to rest in his family's plot. I'm truly proud and honored to recognize his bravery and thank him for making the ultimate sacrifice for this country. He will not be forgotten.

Major Clark, may you rest in peace.

HONORING MILKEN AWARD WINNER SETH BROWN

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise today to congratulate Wayzata West

Middle School math teacher Seth Brown on winning the 2011 Milken Educator Award. Seth was honored by the Milken Family Foundation for his efforts to close the achievement gap and use creative technology in the classroom, particularly in using iPods as math aids.

This award is known as the “Oscars of Teaching.” The Milken Family Foundation gives these outstanding teachers a \$25,000 award, with no strings attached. Seth plans to use this money to help pay his graduate school bills as well as donating some of the money to the local PTA, which was a strong supporter of his use of technology in the classroom.

Mr. Speaker, I want to congratulate Seth Brown on his achievement and for also being an outstanding teacher. And to Seth and all the other teachers out there, I want to thank you for doing what you do in educating and inspiring the next generation of American leaders.

□ 2000

THE PROGRESSIVE MESSAGE

The SPEAKER pro tempore (Mr. GOWDY). Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the minority leader.

Mr. ELLISON. Mr. Speaker, thank you very much.

I'm Congressman KEITH ELLISON. We're claiming this hour on behalf of the Progressive Caucus, which tonight is going to feature a number of critical issues, all focusing on the importance of the rights of women and the assault they have been under in this Congress.

To lead off our hour and to get started, I first want to introduce a good colleague from the great State of California—Oakland, California, who's going to lead off our hour.

Congresswoman BARBARA LEE has been a champion of the rights of all people. She has been a champion for peace and justice around the world. And she has been an unswerving champion for civil and human rights not only for women, but for all people around the world.

So let me first recognize, on behalf of this Special Order hour, Congresswoman BARBARA LEE.

Congresswoman LEE, I yield the floor to you.

Ms. LEE of California. Thank you very much. I want to thank our chair of the Congressional Progressive Caucus for yielding and for your amazing leadership on so many tough issues that we're dealing with.

Tonight we're joining with the Congressional Pro-Choice Caucus, of which I'm also a member. And so I'm very pleased to be down here with my colleagues to discuss this critical issue, a

very sad day, quite frankly, for women in this country, and especially for poor women, for African American women, for women of color.

This bill which was passed today is really just the newest attack in what I have been calling from day one the Republican “war on women.” Today, instead of focusing on ways to find jobs for Americans, the Republicans are focusing on eliminating family planning programs, undercutting women's right to choose, and returning our country, unfortunately, to the days of back-alley abortions, which I remember very well.

H.R. 358, the Protect Life Act—can you believe that, “Protect Life Act”—forces coverage for women to be dropped from State exchanges, which will cut off millions of women from affordable, comprehensive health care. In fact, this bill makes it virtually impossible for any health care plan to offer abortion coverage and allows hospitals to refuse to provide lifesaving care to a woman who needs an abortion to protect her own life. This is unprecedented, and it should have been rejected on this floor.

This legislation really though is part of a coordinated, nationwide war on women. Just last week, the Republican-controlled House Foreign Affairs Committee voted to defund the United Nations Population Fund, an organization that supports lifesaving activities for women and families in post-conflict and disaster situations. And before that, the very same committee voted to reinstate the Global Gag Rule, which prevents health care providers from even discussing or offering comprehensive health services to women and girls. This affects women and girls in sub-Saharan Africa who bear the brunt of the global AIDS pandemic. And of course, as usual, the Republicans have targeted Planned Parenthood, putting increased requirements on how this nonprofit, which provides affordable health care to low-income women, black women, women of color, Latino women, Asian-Pacific American women—if Planned Parenthood wants to receive Federal funding, they have to stop, mind you, providing women reproductive health choices, which really is only a tiny percentage of what Planned Parenthood offers to women.

Sadly, it does not end there. It's nothing less than shocking that after holding the fiscal year 2011 budget hostage over their controversial policy proposals, the anti-choice leaders in the House seem eager to pick up some of the very same fights once again this year.

The Republican appropriations bill continued this attack on women's reproductive health by eliminating title X, the Nation's family planning program, defunding Planned Parenthood, cutting funding for science-based teenage pregnancy prevention initiatives—

prevention, mind you—and redirecting those funds into failed abstinence-only programs. And the list goes on.

So let's just return to the battle, though, that took place today. In putting forward this very divisive bill, Republicans made the false claim that the Affordable Care Act needs to be amended to ensure that United States taxpayer dollars are not used to fund abortions. The fact of the matter is that it's very disingenuous, and it's just wrong. And it's really amazing that that argument could even be put out there because the fact is the Hyde amendment has been in effect for decades, since 1976, and the Affordable Care Act continues the Hyde amendment policy, despite my personal view that it should be overturned.

The Republicans continue to invent new ways to try and erode and deny women their constitutionally guaranteed rights purely on religious beliefs and on ideology. This is a democracy; this is not a theocracy. The religious views of some—and I am a woman of faith, but I have to tell you, the religious views, the personal religious views of some should not dictate public policy for all.

I'm also aware of the fact that sometimes we as a Nation really don't give young women and girls the right tools to prevent unintended pregnancies in the first place. But the fact of the matter is this Republican war on women and this bill will put more lives at risk, isolate us from women who have no money, who are poor—especially women of color, who have become really central targets of these efforts. Evidence of this is seen all over the country, and very recently in the form of very offensive billboards that denigrated African American women in my own district in Oakland, California—which we fought against and which were quickly taken down. Now, by using a combination or at least trying to use a combination of law and guilt, these efforts undermine really the basic health care rights of women, African American women, low-income women, women of color.

As SisterSong Women of Color Reproductive Justice Collective states, “Black women make decisions every day about whether to parent or not, not just whether to give birth. Those who think they should dictate our choices won't be there when the child is born to help us fight for better education, increase childcare, keep our kids out of jail, send our children to college, or get affordable health care.”

This war on women must stop. We cannot and we must not allow the Republicans to turn back the clock on women, on choice, and on our access to health care. So I urge my colleagues to fight this war, fight against these unnecessary and these harmful initiatives that keep coming forward that continue to do damage to women and that

continue to try to erode our basic health care and basic human rights. We need to create jobs rather than continue to deny health care to women.

Thank you, Mr. ELLISON, our cochair of the Progressive Caucus, for your leadership. Once again, I want to thank you for your leadership on our jobs initiative, on each and every effort that the Congressional Black Caucus has mounted. And thank you for joining with the Congressional Pro-Choice Caucus in our efforts to protect women and protect our basic rights.

Mr. ELLISON. Let me thank the gentlelady from California, BARBARA LEE, a fearless, unrelenting struggler for the rights of all people.

Tonight we're here with the Progressive Caucus. We're talking about the harm that H.R. 358 would do to women's rights. It would hurt the rights of women in three important ways. It would deprive women of comprehensive health insurance coverage, eliminate emergency lifesaving protections, and undermine health care benefits in the Affordable Care Act. For the first time, private health care insurance coverage for women will be restricted.

And so to carry the discussion further, and from a very important perspective, my good friend from New York—also a tireless fighter for the rights of all people, a leader in the area of choice and women's rights—let me yield the floor to CAROLYN MALONEY.

Mrs. MALONEY. Thank you, Congressman ELLISON, who is the chair of the Progressive Caucus. Thank you for your leadership on this and in so many other areas. And thank you for having this Special Order on this disturbing vote that took place today in the Congress.

There is no question and there can be no debating the fact that the bill that the Republicans put forward endangers women's health, puts their lives at risk, and intrudes on their constitutionally protected liberties.

The bill extends the reach of government more cynically and in a very profoundly disturbing way. And that is why President Obama put out a veto threat on Wednesday that he would veto any bill that would restrict insurers from paying for abortions, saying, in the President's words, "it goes too far." And I'd like to quote from the President's statement on this.

"Longstanding Federal policy prohibits Federal funds from being used for abortions, except in cases of rape or incest, or when the life of the woman would be endangered."

□ 2010

The Affordable Care Act preserved this prohibition and included policies to ensure that Federal funding is segregated from any private dollars used to fund abortions for which Federal funding is prohibited. So that's very, very clear, and I don't understand why

the Republicans forced a vote on this, like the other anti-women, anti-choice, anti-respect of a woman's right to choose and her judgment have failed so far in the Senate.

So I feel that instead of looking at creating jobs, which is the priority, and the Republican majority has consistently said that jobs and job creation is their priority, but then they spend their time on debating a bill that even their own Members admit the President will veto and it is going nowhere in the Senate. So instead of creating jobs, they remain focused, Mr. ELLISON, on creating obstacles for women to access safe, legal, and badly needed health care.

This bill, H.R. 358, is an attack on women's access to reproductive health services and our fundamental right to lifesaving medical care. It is stunning in its scope, appalling in its indifference, and outrageous in its arrogance.

Americans want Congress to create jobs, strengthen the middle class, and find bipartisan consensus. So it's time to end this attack on women and get to work on our top priority, or what should be our top priority, creating jobs.

This bill is just another attempt to keep women down and back and not to protect their constitutional rights and access to the health care that they feel they deserve.

I thank the gentleman for organizing this and for yielding to me.

Mr. ELLISON. Congresswoman MALONEY, I wonder if you would yield for a question.

Mrs. MALONEY. Absolutely.

Mr. ELLISON. The American College of Obstetricians and Gynecologists wrote, in order for women to receive the best health care and disease prevention, they must have access to all medically appropriate, legal medical procedures, regardless of the ability to pay. The American College of Gynecologists and Obstetricians opposes legislative proposals to limit women's access to any needed medical care. These proposals can jeopardize the health and safety of our patients and put government between a physician and a patient.

My question to you is: This bill, H.R. 358, the very deceptively titled Protect Life Act, does this bill have scientific and medical backing behind it as the opposition to this bill has? In other words, do they have trained medical professionals operating on the basis of science supporting their position?

I yield to the gentlelady.

Mrs. MALONEY. No, they do not. In fact, the scientists and the medical professions all support access to all medically appropriate legal medical procedures. There are some times when the fetus is not—could not live or has died and is in jeopardy of causing, literally, the destruction of organs or even death of the woman. So this is, I

would say, a life-taking bill from the health and welfare. And this bill also allows hospitals to deny lifesaving care. This is a big change in our values and our procedures in this country.

And I want to point out very importantly, Mr. Chairman, that at the same time they are restricting reproductive choices, Republicans are limiting access to family planning and primary care by their efforts to defund Planned Parenthood, which is a primary care provider to most women for their basic health in this country. And these actions I would label just plain too extreme.

Mr. ELLISON. The gentlelady has been very eloquent about the assault on women's health. If you don't mind, given that you are a member of the Joint Economic Committee, which is a bicameral committee, bipartisan committee, I think, in the Congress, I wonder if you don't mind talking with me just a little while about the assault on women's economic prospects.

In your opinion, Congresswoman MALONEY, how will assaults and cuts to Medicare and Medicaid and Social Security impact women, given that women statistically live longer than men and have a greater representation for use of those important programs? Are we seeing not just the health but also the economic viability of women under threat, as well as seeing important programs that women rely on disproportionately cut into?

I yield to the gentlelady.

Mrs. MALONEY. It is true that women disproportionately rely on government programs and, regrettably, women are the largest segment, older women are the largest segment of people living in poverty. So the discrimination that has existed in pay, there is still, for over 30 years, an unexplained gap between men and women, the pay gap, well over 20 percent; and this then translates into your Social Security—less Social Security, less pension—and the need for Social Security, Medicaid, and Medicare to help women.

And also, a lot of women that are around the age of 55, when their spouses die and they've been stay-at-home-mothers and wives, they lose the coverage that their husbands have, and there is a gap that's not there until they reach Medicare age of 65. So they rely disproportionately on these safety net programs.

So any cuts—and I hear from my constituents, I know that you do, too, that say: I can't absorb another cut to my Medicare; I can't absorb a cut to my Social Security. And I believe that's one reason why Democrats have fought so hard to keep that safety net in place for working men and women in our country.

Mr. ELLISON. I appreciate the gentlelady shedding some light on this issue because the fact is that today we were looking at a bill that would restrict women's health care access.

But you know that we have been trying to fend off assaults on the viability of women's economic situation. We still know that women earn about 80 cents for every dollar men make. This is unexplained, or it is explained. It's explained by gender discrimination.

And I think it's important for even men to take account of this important fact, that if your wife or partner is being discriminated against in the workplace because she's a woman, then your total family income is being hurt because of sex discrimination in the workplace. It's important that men and women come together to fight these attacks on women's rights because, even though the direct victims of this kind of discrimination are women, this invariably hurts the entire family, and so this is everybody's business to stand up for the rights of all people.

I tell you, one of the things that really concerns me is this gap in pay between men and women. The median weekly—women earn about 81.2 percent of what men earn. In addition to that, they have assaults on their access to health care. When you add these things up, what does this mean in terms of the majority's commitment to women's rights? What does it all add up to?

I wonder if the gentlelady might offer her views on this subject.

I yield to the gentlelady.

Mrs. MALONEY. I think all of those efforts, whether it's the Pitts bill that passed today, I think it's a very dangerous bill that threatens women's ability to even purchase private health insurance that includes abortion coverage with their own money, and codifies broad and troubling conscience provisions. And it's another attempt to unravel the health care law while at the same time expanding anti-choice laws that will harm women's health.

□ 2020

That's an anti-woman agenda that just passed this great body. And when you talk about the assaults on programs that women disproportionately rely on, it is another step that will keep women down and back. And I'm proud of the Democrats for standing up for women, children, and families. You rightfully pointed out that when you discriminate against a woman, you discriminate against her husband and her children. And you and I know that it takes two working parents sometimes two jobs by each parent to pay the bills and keep the food on the table. So these are very serious concerns and ways that we need to fight back and stand up for the women of America.

Mr. ELLISON. Now, Congresswoman MALONEY, I know you might have to run, but I appreciate your standing here with me tonight because I think that the people of America, Mr. Speaker, need to hear from a person like yourself, Congresswoman MALONEY,

who has been laboring in the vineyards of economic and civil rights, both, for a few years now. You know what you're talking about, you've been doing this work, you've served the community for many years, and I just want to see if I can get your views on another issue, and that is that one of the things that Republicans have been doing is having this program to cut, cut, cut government services, which, of course, has led to reductions in public employees.

So, for example, while the private sector has added about 1.7 million jobs over the last 12 months—of course, during the Bush administration we were losing jobs—the public sector has lost about 400,000 jobs. When you consider the fact that women are disproportionately likely to work for the public sector, their employment decline has been particularly hit when public sector employees get laid off.

So I want to keep connecting the dots tonight, if I may. We started out the conversation with the cuts to women's health in this deceptively entitled bill, the so-called—I don't even want to repeat it because it is so wrong, but the Protect Life Act, actually it's a "not to protect women's life" act.

Mrs. MALONEY. That's a better name.

Mr. ELLISON. But then we move on to cuts to important programs that older women are disproportionately relying on, we move to the wage gap, and now we're seeing that these cuts to public employees are falling more heavily on the shoulders of women.

You mentioned an agenda. Are we really talking about an agenda here, not just a single program but a whole agenda?

I yield to the gentlelady.

Mrs. MALONEY. Well, the gentleman is correct to connect the dots, and you are absolutely correct that when you cut education and health care, these are the two areas that women are employed in predominately. In many cases they have achieved leadership positions in these two fields. Yet these are the two areas that have been cut the most in the municipal areas across the country that have hurt our States and our cities.

And the gentleman is very correct to point out that you cannot cut your way to prosperity. Many economists have come out in support of President Obama's jobs bill, including two Nobel laureates. And one economist that I like to read because he is employed by the private sector, which means if he's wrong he's going to get fired, and he was a Republican economist in that he was the chief analyst for Senator MCCAIN when MCCAIN ran for President, and this is Mr. Zandi. And Mr. Zandi said that President Obama's economic plan, the jobs bill that he's put out, would create next year 1.9 million new jobs, add 2 percentage points to the GDP, and also cut the unemploy-

ment rate by at least 1 percent. I use his numbers since he was Senator MCCAIN's adviser and economist.

But there is a drumbeat of economists across the country that are saying you cannot cut your way out of a recession and that we are getting dangerously close to a double-dip when you combine all these massive cuts with what's happening in Europe and the instability with the countries' finances and certain of our allies, and this is an extreme challenge here at home. And economists have universally said that we need to invest and continue to work to get the economy moving by investing in job-creating areas such as the infrastructure bank and such as rebuilding our bridges and making sure they're safe.

One part that I particularly like as a former teacher is the plan to rehab schools and make them ready for the 21st century. That will employ people across this country and invest in making our schools appropriate. I know that even in the great State of New York, some of our schools are not properly wired for computers. Mr. ELLISON, when you and I were in school, all you needed was a pencil. But, today, our young people need computers. They are competing not with the people in the class but with people around the world. And they need to have high-tech access, and our schools have to be wired for the 21st century.

And the investment in creating good jobs by building high-speed rail to move us into the 21st century and repairing our infrastructure with our roads and our trains in so many ways, and also making sure that our teachers, our police and our fire are not laid off during this recession when we need to invest in helping America.

Every economist will tell us the best investment we can make for the future of our country is to invest in education. We can't afford to not be competitive with modern schools and not competitive with the proper number of teachers so that our classrooms are not so overcrowded. So that is a particular area that I like in this particular jobs program.

Mr. ELLISON. I like the jobs bill as well. It's too bad that the American Jobs Act was not even able to be debated in the Senate yesterday. You would think that we could debate the bill at least. If Republicans have different ideas about job creation than we do as Democrats, I'm okay with that. Let's debate it, and let's get it out on the floor. But they don't even want to have the debate. You mentioned the public sector getting support.

Mrs. MALONEY. I would like to applaud what you just said. I truly do believe that there is no idea that is so frightening or threatening that it can't be debated in the United States Congress. And so I agree with you. Let's have a debate. The President has put

forward his program. Let's see what the Republican program is. Let's bring it down, have it debated, and let's have the economists across the country and across the world weigh in on which program is going to get the economy moving and move us with greater strength in the growth of our economy.

Mr. ELLISON. Congresswoman MALONEY, as you know, the President challenged them, the Republicans, to do this. He said, look, I'm putting my bill up here, you bring yours up here, and we'll see which one creates more jobs. And folks like Mark Zandi, an economist who has advised both Republicans and Democrats, took an evaluation. He said the Republican plan is not likely to create any jobs next year. Well, people are employed this year and next year. And what are they doing about it? Well, they're just cutting basic services in local government, they're getting rid of health regulations in the EPA, they're doing things like creating cultural fights, like the one they did today, trying to sort of divide Americans based on people's deeply held views about the issue of abortion when we need to be getting people back to work, which is, in my view, trying to take our eye off the ball.

But I just wanted to throw out a couple of facts that I think may contribute to the dialogue. Here's one: In September, 2011, a month that just passed, the public sector lost 34,000 jobs. Eighty-two percent of those jobs were women's jobs. This is an important fact. This is according to the National Women's Law Center. And then also, the damage in the public sector was driven largely by cuts to local governments' education. I'll say that again. And, Congresswoman MALONEY, you're a former teacher, so I know this is close to your heart. The damage in the public sector was largely by cuts to the local governments' education.

In this field, one that is nearly three-quarters women, 24,400 jobs were lost from August to September. Since the recovery began in 2009, this field has lost more than 250,000 jobs. What does it mean when we, as a society, disinvest in public education?

□ 2030

One thing it means is that women workers will be hit harder because that's who three-quarters of our teachers are. It also means that our young people will be deprived.

As a person who has been in the classroom, Congresswoman MALONEY, what does that mean when a classroom goes from 20 kids to 35 kids? What does it mean to the kids who might not be catching on to the lesson or who may have a learning disability? I mean, is it even possible for a competent, caring teacher to teach all the kids given that some may need extra help?

Mrs. MALONEY. There is scientific data that, as schools are overcrowded,

the quality of the teaching goes down. That's very troubling when you talk about the hemorrhaging of so many jobs.

According to the Bureau of Labor Statistics, there are 14 million people out of work, and there are 3 million jobs that are out there now. So, if we could miraculously fill those 3 million jobs overnight, there would still be 11 million Americans out of work and looking for jobs. For every job opening, there are five people, at least, standing in line for that job.

What I find particularly troubling is that many of these people are young people who have invested in their education and who are burdened with huge student loans, but they can't find employment. They are facing a terrible situation. Studies show that, if you can't find employment in the early years of your career, it affects your earnings and your self-confidence and your productivity for the rest of your life. For no fault of theirs, they are confronting, really, the worst employment situation in my lifetime and, really, in decades.

So we need to work together. If there were one area in which the Republicans and Democrats should work together, it's in creating jobs and moving our economy forward. Regretfully, some people don't want to do anything until the 2012 election, but the people who are out of work can't afford to wait until 2012. It is really incumbent on us to act now to help them.

Mr. ELLISON. Congresswoman MALONEY, you just mentioned a moment ago this idea of reinvesting in our schools. Today, I had a visit from a number of superintendents in my State of Minnesota. They were not all from the Fifth Congressional District, which I'm honored to represent, but they were from a cross-section around the State.

They told me that there were literally nearly 100 different school districts going to the voters for a referendum so that they could pay their basic expenses because the State government is backing off its commitment to education because the Federal Government is backing off its commitment.

The fact of the matter is we have a disturbing trend here.

They said, Look, if we could just get the part of the American Jobs Act passed that would help us with these old and outdated and rupturing boilers, these old, beat-up pipes, this poor ventilation, these windows that are not opening and closing properly—if we could get some help with our capital budget—that would free up money for us to hire teachers and to do some real instruction.

What do you think of that part of the American Jobs Act which goes to this issue of investing in our schools and in keeping our teachers out there and pre-

venting 280,000 teachers from being laid off? What do you think about this idea of, really, just making sure that the infrastructure of our schools is sound for our kids and for the people working in the schools?

Mrs. MALONEY. You focused, really, on one of the critical parts of the President's jobs proposal—modernizing our schools.

Not only would it help you through this period by creating good-paying jobs to modernize the schools and to keep the teachers working—and, I would say, the police and fire—but it also invests in better education, a better environment for our young people to learn and grow, and to modernize the schools to the extent that they are wired appropriately for the 21st century. These are important areas that we need to look at and think about.

I also want to point out the unemployed. The jobs aren't out there, so when you don't continue the unemployment insurance, there is no hope for these people. It's better for them to continue looking for a job and to continue trying and not to give up hope so that they continue working towards that end.

I just want to tell you how much I enjoyed sharing with you information on the jobs program for the President and, really, of the opposition's agenda—our friends on the other side of the aisle—to keep women down and back, of disproportionately cutting programs that aid women, of disproportionately going after, literally, their constitutional rights to make the choices that are legal in our country which provide the best health care for them.

The Progressive Caucus has always stood up for women, children, and families, and I want to thank you and the caucus in a programmatic way for standing up for women, children, and families and also for organizing this Special Order.

Mr. ELLISON. Congresswoman MALONEY, I know that you have to take care of other important responsibilities, so I want to just thank you.

I just think it's important, Mr. Speaker, for people to know that Congresswoman MALONEY is the author of the Credit Cardholders' Bill of Rights Act. It's when you go and use your credit card and don't get back a bunch of fees and stuff you didn't even bargain for—terms being changed without any notice to you. When you used that credit card and were late on that card, sometimes they used to jack you up on the card you weren't even late on because you were late on some other card. They can't do that anymore.

When people benefit from credit card justice, you have to thank CAROLYN MALONEY. You cannot just use that card and say, Wow, things are better than they used to be with this card. They're better because CAROLYN MALONEY fought tirelessly.

This was an uphill climb for you. It wasn't easy. You had to work on editorial boards; you had to work on Republicans; you had to work on Democrats; you had to work on the Senate. You had to just pound the pavement night and day; yet you got that done, and this country cannot pay you back for the good work you did.

Congresswoman MALONEY, I wish you many, many, many years here in this Congress; but no matter how long you stay here, I just want you to know that that accomplishment is a towering achievement which will stand the test of time and is historic. So I don't want to hold you up, because I know you've got to go do some important things, but I just didn't want you to leave without my mentioning how important that service that you gave was, not to mention the work that you do every single day, including the work you do on the Joint Economic Committee, on the rights of all people as well as on women's rights.

Mrs. MALONEY. I just want to thank the gentleman for his statement.

The Credit Cardholders' Bill of Rights, according to the Pew Foundation, saved consumers over \$10 billion in the last year by cutting out unfair, abusive, deceptive practices—and I'm using the terms from the Federal Reserve. I am proud that it helps Americans better manage their credit.

No longer can people raise rates any time, for any reason retroactively on their balances, trapping them, really, in a never-ending cycle of debt. I had many constituents who had purchased items, and they had paid so much in interest over that time that they could have paid for the car or the washing machine; yet they still had not paid it off. This is wrong and unfair.

Central to this bill, it gives consumers the opportunity and the right to make a decision. If they're going to raise their rates, they must notify them, and the consumers have the choice of whether they opt in to a higher rate or pay off their cards and go to another provider that may have a lower rate. So it puts more competition in the system. It has lowered the interest rates, the fees, and has really helped consumers.

I want to say that we were cochairs of the Consumer Justice Caucus. We started that, really, to build support for the bill, and you were a strong part of helping me pass it.

Mr. ELLISON. That's right.

Mrs. MALONEY. It was difficult, but I'm proud that the President signed it into law and that it is now benefiting Americans and allowing more of an ability for them to control their own businesses, their own assets, their own credit. I must say, when it did pass the House, there was strong Republican support for it in both the House and the Senate.

Mr. ELLISON. Yes, there was.

Mrs. MALONEY. I am pleased that Americans have this added benefit in their lives.

Thank you so much for your leadership. It has been a pleasure to join you tonight.

□ 2040

Mr. ELLISON. Let me thank you again, Congresswoman MALONEY. You have a wonderful evening and, again, thank you for all of the great work you have done and thank you for your help tonight. I am just going to remain a few more minutes to help the American people understand what is in the American Jobs Act.

The American Jobs Act is an excellent piece of legislation. We have been talking a lot tonight here at this Progressive Caucus Special Order about women's rights, but we've also been talking about jobs and, of course, these subjects go right together.

But it's important, as we talk about this subject tonight, that the American people know what's in the American Jobs Act. The American Jobs Act will put Americans to work when jobs are needed, which is now, not later, not next year, not some other time, now.

The emphasis of the American Jobs Act is immediacy. It will preserve and create jobs now. It will put money in the pockets of working Americans now. It will give businesses job-creating tax breaks now. And it will provide a boost to the economy right now.

So this is what we're aiming for in the American Jobs Act. Republican colleagues have failed to produce any kinds of a jobs bill. The only time they ever talk about jobs is when they're not talking about jobs. They say that cutting important health regulations will create jobs. They won't.

They say that cutting taxes for people at the very top of the American income scale, corporations, will create jobs. It won't. Corporations already are awash in corporate profits. They're not using the money to create jobs, and they won't use the money even if we give them more money because what they don't have is customers. Why don't they have customers? Because people aren't working.

Americans need to be put back to work, and when businesses find that they have customers and orders they will hire people to fill those orders. When they have excess capacity, they are not going to just hire people. They're going to hire people when they need to hire people because they've got sales that they need to make.

Of course, this is a basic and fundamental difference of opinion that we have with our Republican colleagues about the way the economy works. But I do believe that after years and years of trying, trickle-down economics must be discarded, must be dismissed, must be thrown away as a discredited economic theory.

Trickle-down economics, which is the Republican mantra—they believe in trickle down. They believe if you give rich people enough money maybe the money will trickle down to the rest of us.

This has been a failed economic policy. They are wrong. They have been proven to be wrong, and yet they never stop coming here saying, if we just gave the rich people another tax cut, if we just gave the rich corporations, who don't pay any taxes now, more money. If we just gave them more money, all those profits that they have they might maybe hire somebody. They're wrong, and history has proven them to be wrong. I don't know why they cling to this outmoded, discredited, discarded theory of economics, but they cling to it.

The American Jobs Act would do something different. It would put people back to work, and with people working again, this will boost aggregate demand, aggregate meaning added up, cumulative demand. And with that, more customers, more people with money to buy and spend, this economy will take off and the store will hire people because they will have a reason to. So the American Jobs Act goes right to the problem.

But here's the other thing. The American Jobs Act calls it a Jobs Act, and it is. But there's something also very important that the American Jobs Act does that I wish got more play. It invests in our Nation's basic infrastructure, and it invests in our Nation's human capital.

It puts targeted tax breaks—not just giving money to rich people and corporations who have plenty of money and who won't use it to hire people—but it gives targeted tax breaks and puts money in the pockets of American workers and American employers so that they will add and grow jobs. And it puts the money into job training, which does skill upgrades for our people so that they are more productive and better at what they do. The job saving and job-producing actions will put paychecks into the economy, will provide vital economic needs and invest in economic growth.

I just want to quote Mark Zandi for a moment, this economist who works for both Republicans and Democrats. He is unbiased, and here's what he had to say. He says, President Obama's job proposal would help stabilize confidence and help keep the U.S. from sliding back into recession, add 2 percentage points to GDP, and add 1.9 million jobs and cut the unemployment rate by a percentage point.

Now, that's a big deal. Wouldn't the people watching this show, Mr. Speaker, like to be able to see America go from 9.1 percent unemployment to 8.1 percent unemployment? I think this would be great, and here's the best thing about the American Jobs Act. It's paid for.

Unlike the two wars that the Republicans got us into in the last decade, unlike the big PhRMA Medicare part D, unlike the tax breaks under George Bush and the Republican majority, these, the American Jobs Act, is paid for.

President Obama has offered pay-fors in this which cover the cost of the bill. This is something the Republicans are not used to, which is why they may not quite understand the American Jobs Act. They like to spend money that we don't have. That's what they did with the two wars, Iraq and Afghanistan. That's what they did with the Bush tax cuts. And that's, of course, what they did with the Big Pharma giveaway.

But this bill is paid for. The American Jobs Act is paid for, which may be why they don't support it, because they don't understand things that are paid for. They just understand spending and adding to the deficit.

But the Republicans have not only failed to produce or support any jobs bill of their own, other than just absurdly claiming that getting rid of important health regulations is going to create jobs, they're refusing to even act on the American Jobs Act. In fact, Majority Leader ERIC CANTOR has already said the Jobs Act was dead, his words.

The Republicans not only failed to produce or support any jobs bill, they are refusing to act on this bill, and I think ERIC CANTOR has also said it was "unacceptable," another word that he used. Now, that's, again, fine with me.

If the majority leader could say, look, I don't like this part, but I can maybe go for that part, let's get the bill up here, all four amendments, debate this thing. But by all means let's start talking about jobs around here. The Republicans are more invested in protecting millionaires from paying their fair share than helping their middle class to work.

By a 16-point margin, Mr. Speaker, the Americans support President Obama's proposal to create jobs, 52 percent to 36 percent. Fifty-two percent of Americans want it, 36 percent of Americans don't. By a 16-point margin Americans support President Obama's proposal to create jobs.

By a 15-point margin, more Americans trust President Obama to do a better job creating jobs than congressional Republicans, 49 percent to 34 percent. Sixty-two percent of all Americans, Mr. Speaker, and at least 62 percent of the people surveyed support a balanced approach. That means cutting spending and raising revenue to reduce the deficit.

And, Mr. Speaker, three out of four Americans support raising taxes on Americans with incomes of \$1 million or more. These are the so-called job creators Republicans like to talk about. The only problem is they haven't been creating any jobs.

But what will create jobs is businesses and small businesses that have orders and have consumers and have people working and have people who have money to spend at their businesses. That's what will create jobs.

I think it's important, Mr. Speaker, to point out to the American people that the three components of the American Jobs Act are designed to win. One, the American Jobs Act and reinvesting in America, preventing up to 280,000 teacher layoffs and keeping first responders, firefighters, and police officers on the job. Two, modernizing at least 35,000 public schools across the country.

Mr. Speaker, myself and Congresswoman MALONEY were talking about this. She's a former teacher. We were talking about supporting new science labs, Internet-ready classrooms, school innovations, both rural and urban. But as I talked about earlier today, the superintendents and the schools that I represent, some of them have boilers that are about to go out, windows that aren't fixed up right, roofs that need repair, basic stuff.

This would put thousands of Americans back to work as we give our young people a good decent place and a modern place to go learn in.

□ 2050

Of course, another part of the American Jobs Act, all under this important category of investing in America, is making immediate investments in infrastructure, modernizing our roads, our railways, our airports, and putting hundreds of thousands of Americans back to work; Project Rebuild, a great effort, an effort to put people back to work, rehabilitating homes and businesses and stabilizing communities, leveraging private capital and scaling up successful models of public-private collaboration; and, of course, expanding wireless Internet, expanding wireless Internet to 98 percent of Americans by freeing up the Nation's spectrum.

The second element of this important American Jobs Act which Republicans should support and Democrats do support is tax cuts for employers and employees. This is not just some giveaway. This is targeted tax cuts that are designed to succeed.

Some of my friends on the Republican side of the aisle like to say Democrats don't like tax cuts. This is not true. We are for tax cuts when they are targeted and designed to help the average working American, not just some giveaway to rich people. And, of course, I have nothing against rich people. I like rich people. In fact, one day when I leave Congress and go back to the private sector, maybe I can be one of them. But the fact is right now, right now the fact of the matter is we need tax cuts that are targeted and designed to spur the economy, not just

giveaways, hoping and praying that the money will trickle down.

Specifically what I'm referring to is cutting payroll taxes in half for 160 million workers next year. The President's plan will expand the payroll tax cut passed last year to cut workers' payroll taxes in half in 2012, providing \$1,500, a tax cut to the typical American family, without negatively impacting the Social Security trust fund.

This is important because things are tough around the house. Things are tough around the kitchen table, and Americans could really use this, particularly now. It will help maintain aggregate demand, and it would be very helpful.

Also, allowing more Americans to refinance their mortgages at today's near 4 percent interest rate, which can put more than \$2,000 a year in a family's pocket.

Also, cutting the payroll tax in half for 98 percent of businesses. The President's plan will cut in half taxes paid by businesses on their first \$5 million in payroll.

Mr. Speaker, another important element of the American Jobs Act that has to do with this tax issue is a complete payroll tax holiday for added workers or increased wages. The President's plan will completely eliminate payroll taxes for firms that increase payroll by adding new workers or increasing wages. That's a targeted tax cut. That's a tax cut that's going to get people to hire somebody, not just some give money to rich people and hope they hire somebody. This is a targeted tax cut that will actually be of value.

The next one, Mr. Speaker, encouraging businesses to make investments by extending 100 percent business expensing into 2012. This extension would put an additional \$85 billion in the hands of businesses next year.

The third thing that I think is important to mention is helping the unemployed with pathways back to work. Some people like to refer to our social safety net. I think it is much more effective to refer to it as our social safety trampoline. That is when you fall down, America, caring, compassionate Nation that we are, provides a way for people to bounce back. And that is what the third element of this American Jobs Act does. Returning heroes, offering tax cuts to encourage businesses to hire unemployed veterans.

Now, I know there are some Republicans who would vote for this provision. There's got to be. Businesses that hire veterans who have been unemployed for 6 months or longer would receive a tax credit up to \$5,600, and that credit rises to \$9,600 for veterans who have a service-connected disability. Now, I have just got to believe that there are a few Republicans who would give a green vote to a good piece of legislation like that.

In the same vein of helping our unemployed, the most innovative reform

to the unemployment insurance program in 40 years, as part of the extension of the unemployment insurance, to prevent 5 million Americans looking for work from losing their benefits, the President's plan includes innovative work-based reforms to prevent layoffs and give States greater flexibility to use unemployment insurance funds to best support job seekers and connect them to work, including in this innovative program things like work sharing, unemployment insurance for workers whose employers choose work sharing over layoffs.

Second, improve reemployment services for long-term unemployed through counseling eligibility assessments.

Three, new bridge to work program. This plan builds on and improves innovative State programs where those displaced take temporary, voluntary, or pursue on-the-job training.

I'm about at the end of my time tonight. This has been the Congressional Progressive Caucus, and we are here with the progressive message, which we like to come to as often as we can. What we're talking about tonight is standing up for the rights of women. More than 50 percent of Americans are female. My daughter is one of them. I just want to argue that for this country to rise to its full measure of greatness, we have to have full and equal rights for everybody, especially women.

Today, there was an attack on women's constitutional rights today. There also have been assaults to programs which women disproportionately rely on like Social Security, Medicare, and Medicaid, and also employment sectors that women are employed in such as the public sector. This is too bad, and we need to stand up against it. But also jobs. Instead of dealing with divisive social issues where Americans of honestly held conscience disagree very severely on this issue of pro-choice/pro-life, instead of dealing with these old issues, things that we have been fighting over for years and will probably never be solved, why don't we talk about jobs.

And so we did go into the American Jobs Act tonight where we talked about the key parts of this important bill by President Obama. First, investing in our infrastructure and in our people skills; second, targeted tax breaks designed to put people back to work, not just giveaways for the rich; and, third, help for the unemployed. These are three very important features which I believe will really help America.

All we want is a chance to debate these issues on the House floor. We can bring amendments, debate them, vote some up, vote some down, but it's just wrong to deny the American people a chance to get a good jobs bill. So tonight, I just want to wrap up by saying that it's always a pleasure to come be-

fore the House and discuss critical issues facing the American people.

With that, I yield back the balance of my time.

CURRENT EVENTS

The SPEAKER pro tempore (Mr. FARENTHOLD). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Thank you, Mr. Speaker.

I do appreciate the opinions of our friends across the aisle and those who have spoken here tonight, and I know we both have similar goals—get people back to work. But when I hear my colleague across the aisle say Republicans keep proposing plans that have proved failures, the truth is the failures that the Republicans have supported were the things that our Democratic friends were in favor of.

I sure like President George W. Bush, but in January of 2008, he took a page right out of the Democrats' playbook—proposed a \$160 billion stimulus, \$40 billion of which went as rebates to people that didn't pay any income tax. So you had people getting rebates that didn't put any "bate" in. That money really didn't do any good.

And then we come around and end up in late September or early October of 2008, having unfortunately the Treasury Secretary appointed by a Republican, pull a page out of the Democratic playbook and help the folks on Wall Street that contribute and vote 4-1 for Democrats over Republicans. Bailed them out.

□ 2100

Some of us made clear you don't abandon free market principles to try to save the free market. If you have to abandon free market principles to save the free market, it's not worth saving. The trouble is we've gotten away from free market principles and that's why we were in trouble.

We had friends across the aisle that were demanding that loans be made to people that couldn't afford the loans. We had friends across the aisle that were verifying here in this room and in other hearing rooms that, by golly, Fannie Mae, Freddie Mac, they were healthy, there were no problems, when it turned out they were rotting from the inside.

So, apparently, as smart as my dear friends are across the aisle, they have not been taught history very well. The things that have failed are the very things that are being proposed again. The \$700 billion wasn't enough. Actually, President Bush's Treasury Secretary, the second worst Treasury Secretary in the history of our country, exceeded only now recently by Secretary Geithner in just how poor a job

has been done, but they spent maybe \$300 billion, \$250 billion of the \$700 billion. So the Obama administration got about \$400 billion, \$450 billion of that \$700 billion. President Bush unfortunately listened to "Chicken Little" Paulson as he ran around saying that the financial sky was falling. That ended up all going to President Obama and Secretary Geithner for them to squander, which they have, and basically used it as a slush fund, in fact.

Then we're told we have got to build bridges. We have got to do infrastructure. How could anybody disagree with infrastructure? Well, most of us didn't disagree with doing infrastructure as long as it was governmental functions. The trouble is the President had \$400 billion, \$450 billion from TARP still left over, and asked for \$800 billion on top of that. And then it turned out that \$800 billion may have been close to a trillion by the time they got around to having what was available under the bill. Of course, forty-two cents out of every dollar of that was borrowed, much of it from our friends and neighbors across the world in China.

But here again these governmental giveaways, the governmental rebates to people that didn't put any "bate" in, the giving more and more money to entities that were not creating jobs, the fiascos like Solyndra. And I understand even after Solyndra, Leader REID down the hall was able to procure another \$700 million for a similar company in Nevada. This is insane.

My friends, were just saying in the last hour that Republicans keep proposing plans that have proved failures. The failures of Republicans are when we adopt the Democratic strategies on these things. It's time to get back to the principles on which our government was founded. It's very basic, very simple. You give equal opportunities to people to excel, you stop paying people to fail, and we can get this country going again.

We also had a bill today that was finally going to allow people to exercise their First Amendment rights. There's not supposed to be, under the Constitution, under the Bill of Rights, the First Amendment, the government's forcing people to practice religion that is entirely opposite from the religion they believe. So we passed a bill here in the House that would allow health care providers who believe with all their heart, soul, and mind—most of them, it's a religious conviction—that to conduct an abortion and to take and kill a baby in utero, remove it and kill the baby in utero, out of utero, that it is wrong.

Having had my wife's and my first child come 8 to 10 weeks prematurely and sitting by her isolette for 8 hours—it was supposed to be only 2, but I couldn't leave, and they didn't make me until I had been there for 8 hours—with that little child, her hand clutching to the end of my finger. She was

hanging on to life. The doctor pointed out, Look at the monitors. They've stabilized since she's been holding on to you. She's drawing strength. She's drawing life from you. That tiny preemie, my daughter, trying to cling to life, and my friends across the aisle condemning people like me or health care providers who think it's wrong to take that life when they just want to cling to life. Give them a chance.

I was a bit surprised but embarrassed for Minority Leader PELOSI when she said here on Capitol Hill about that bill that would allow people to practice their religious beliefs and not kill babies, the quote from our former Speaker PELOSI, was: "Under this bill, when Republicans vote for this bill today, they will be voting to say that women can die on the floor and health care providers do not have to intervene." Well, there's good news for former Speaker PELOSI. We didn't vote to allow women to die on the floor and health care providers do not have to intervene. That did not happen. Yet the bill passed.

Good news. Apparently, the Speaker did not read the bill. She didn't know that what this allows is a health care provider not to have to kill a baby if it's against their religious beliefs. And also, no women will be allowed to die on the floor. If they do, there will be severe and dire consequences for any health care provider that allows that to happen.

There is nobody, despite the former Speaker's contentions here on Capitol Hill, there is nobody that voted for that bill today that would in their wildest nightmares want a woman to die on the floor without a health care provider intervening. And the bill doesn't do that. So whatever nightmarish bill the Speaker was referring to when she thought she was talking about the bill we passed today, good news for her. She didn't know what she was talking about. It does not allow women to die on the floor. It just allows people who believe with all their heart, mind, and soul, and their religious beliefs, that killing a baby is wrong, that when that baby wants to cling to life, as my little girl was clinging to my finger and her heart rate stabilized and her breathing stabilized, they can live. They don't have to be killed in utero.

It's good news. It's a great thing. I hope that the Senate will pass it and not be dissuaded by those who misread the bill. Maybe they were reading some disaster book or something, because obviously they were not reading the bill that we passed.

There is also a real easy fix to establish cuts in the Federal budget. And it would be so great if our colleagues down the aisle in the Senate, our colleagues across the aisle, the Democrats, would take the fact that this

House agreed to cut our own budgets in this legislative session by 5 percent and say, Hey, rest of the Federal Government, look what we have done.

□ 2110

We've not talked about it. We did it, but we haven't really talked about it. And the truth is, by Congress, by the House at least cutting our legislative budgets by 5 percent this year, and as I understand it we're going to cut 6 percent next year, it gives us the moral authority to say to every Federal department in this government, Congress has cut—or at least the House has cut—our own budgets by 5 percent this year, and you're going to, every one of you, cut your budgets by 5 percent next year. We have the moral authority to do it because we've done it. Now, maybe the Senate doesn't want to do that, but it's the morally responsible thing to do.

And then, if it comes through and we do cut our legislative budget here 6 percent in the House, we have the moral authority to say, hey, Federal Government, every department, every agency, we cut our own budgets 5 percent last year, 6 percent next year, so you're going to cut 5 percent next year and 6 percent the year after that. That's an 11 percent cut. Now we're on the right track. And if you don't want to cut some invaluable program, there's good news: cut it off some program that's a waste.

My friend, DANIEL WEBSTER from Florida, has been looking into the different transportation agencies that provide rides to people to get to their place of appointments, whether it's with the VA, whether it's with a doctor, whether it's with the Federal Government, different agencies. Eighty-five different groups provide rides. How could that be? Well, the rules, the way they were set up in 1974 by a Democratic Congress—that also set up the screwy CBO rules that do not allow a good score for things that really do help the country—that same time they were also busy sticking different agencies that do the same thing in different committees so that we have massive duplications of those type things. Well, all we've got to do is start cutting those things out.

And I hope and pray that before I leave Congress, this body and the one down the hall will have the courage to step up and say, you know what, I know I've been on my committee for a number of years and I've got seniority, and I know this committee is critical and this committee is critical, but it's time to reform the committee process. And the only way that we'll ever be able to completely eliminate or come close to eliminating all the massive duplication, replication of the same programs—spending massive amounts of money to do the same thing and yet we could combine those and save trillions

of dollars over the next 10 years—we need to have a welfare committee. We take the food stamps out of the ag budget. People hear how big the agriculture budget is and they just can't believe it—there aren't that many farmers. They don't know that between 70 and 80 percent of the ag budget goes for food stamps. Let's put that in a welfare committee.

Robert Rector over at the Heritage Foundation has done fantastic work. He was telling me it takes him 2 years to find all the hidden welfare provided from all the different subcommittees, all the different agency budgets, it takes 2 full years to do that. It's time to change things here. And I realize that with a Democratic-controlled Senate it's not going to happen this session. But I hope and pray that the next session of the Senate that begins in January of 2013 will have people in the House and the Senate, regardless of their party, that will finally reform the government here in Washington, and to use the President's words, fundamentally change the way we do business so that we don't set ourselves up to provide massive amounts of waste, fraud, and abuse.

Now, it helps to reform government if the people here in Washington who vote on the bills and down Pennsylvania Avenue who sign bills or veto bills actually read them. Wow, what a concept. It would help if the President himself, before he had gone out on the road condemning Congress for not passing his American Jobs Act, had actually had an American Jobs Act written. But after he spoke here on this floor, Mr. Speaker, he went around the country spending millions and millions of dollars—some say it was campaigning. Whatever he was doing, he was condemning Congress for not passing a bill that didn't exist. He did so that weekend, did so on Monday. Monday evening they finally had a bill, and I got it printed out. But it turns out nobody was filing it. And yet that didn't stop the President from running around saying we were refusing to pass a bill, pass his bill, right away, right now. Nobody bothered to file it. In fact, if he had taken 10 minutes out of his schedule running around the country, spending millions of dollars condemning us for not passing his bill, to have picked up the phone and called one of his Democratic friends here in the House and said, hey, I'm running around the country condemning Republicans for not passing my bill, I'm embarrassed that nobody filed the bill. I forgot to ask anybody over there to file the bill so that you could pass it. So how about filing my bill? Didn't bother to do that. Just kept running around the country condemning us for not passing his bill.

By Wednesday, that's when I realized if the President of the United States, who obviously had not read his bill, which I did, the entire bill—clearly,

from the things he said about the bill, he hadn't read it at all—I decided, you know what? If he's going to condemn us for not passing the American Jobs Act, there ought to be one, so I filed one. And I was flexible. I said here on the floor I'd be willing to negotiate. And it would create jobs because it deals with an insidious tariff of 35 percent that we put on every American-made company's goods here, which keeps them from being able to compete globally because nobody else in the world slaps that kind of tariff on their own goods produced in their country. We're doing it to ourselves.

And then the insidious part is that the American public has been convinced by people here in Washington, hey, hey, it's a corporate tax, so you don't have to pay it. Of course they pay it. The corporations are nothing but a collection agent. And the way that crony capitalism has been working around this town, the only way you get out of paying corporate taxes or the massive tariffs so you can compete globally is if you've got a friend down at the other end of Pennsylvania Avenue, or in the Senate, perhaps. Because friends of those here in the House are not fairing so well—they're having to pay taxes. But if you are an entity like General Electric and you're close friends with the President, you really enjoy each other's company, top executives and the President, good news: You're probably going to get out of paying any taxes no matter how many billions you make.

So why not level the playing field, which would bring back manufacturing jobs—and I'm surprised the unions are not all for this—it would bring union manufacturing jobs in massive numbers back to this country. And I know there's a lot of environmentalists in the United States who really don't want the manufacturing jobs back. Even though they provide good union jobs, folks that would probably vote Democrat, they don't want them back because they think somehow—and it's really unbelievable that they think this, but they think somehow by driving those manufacturing jobs out of the United States and into countries that pollute 4 to 10 times more, producing the same products, as there was added to the atmosphere here, that somehow they've helped the environment, not realizing that that pollution goes up in the air, and the way the world turns we get an awful lot of that Chinese pollution right here in our own country, even though we don't have the jobs, we don't have the tax revenue from those, and we suffer the consequences of having run those companies out. So we get all of the disadvantages of running them out and none of the advantages.

□ 2120

We hurt our economy and we hurt our ability to prepare for any type of

defense that may be necessary to those who want to destroy us, because anybody that knows history knows a country that is looked to as the securer and protector of freedom must be able to provide all of the things that it would need in a battle within its own country. And if it can't do that, it's not going to last very long as the protector of freedom, which means freedom won't last very much longer.

Now, the President talked about his bill so much, and it would be easy to be very cynical since the President went on the road and went for 6 days before there was ever an American Jobs Act filed, which was my bill. It might be easy to become cynical and say, "It doesn't sound like the President had any intention of ever getting a bill voted on; all he wanted to do was run around the country and condemn Republicans," when this was some kind of political game. He had no intention of that bill being pushed, even being filed.

There is a dramatically important piece of evidence that would seem to establish irrefutably that Leader HARRY REID and the President were not serious at all about his bill passing. What would that piece of evidence be?

Well, it would start with article I, section 7 of the United States Constitution, which says all bills for raising revenue shall originate in the House of Representatives. But the Senate may propose or concur with amendments, as on other bills. The critical part was all bills for raising revenue shall originate in the House of Representatives.

Well, it's not hard to find, from the President's bill, that he's raising revenue, he's raising taxes. So, clearly, under the Constitution, no question about it, the President's bill has to originate in the House. No question about it. It raises revenue. Everybody knows that. Leader REID knows that.

So, when I heard that finally the President's bill was passed in the Senate, or not passed but filed in the Senate, then I knew, because I know something about the Constitution, well, that has to be a House bill. The President is popping people with extra tax. It raises revenue. So, obviously, it has to originate in the House.

Now, normally, unless there were games played in this town, that would mean the bill starts here, and we would take up the President's bill, and if it passed, then the Senate would take it up. But over the years, both parties, apparently, have played a political game where, if the Senate wants to start a bill that raises revenue, they will take a House bill that has already passed, strip out of it every word, and substitute for all that language of the House bill the Senate bill. And then, under the gamesmanship up here in Congress, that's been considered to satisfy the requirements of the Constitution because, technically, the bill started in the House. It has a House

bill number on it, and so it did start in the House. They just took out every word and then put in the Senate bill.

From a practical standpoint, it originated in the Senate, but from a technical standpoint, since it has a House number on it, then obviously they slide by, under the gamesmanship here, by saying it's a House bill.

In fact, that's exactly what happened with ObamaCare. The House had not passed a bill that the Senate would take up on health care back 2 years ago. So what the Senate did was take a House bill, H.R. 3590, and this is the actual name of the ObamaCare health bill. I've got the first volume of the two volumes that make up the 2,400 or 2,500 pages of the President's health care so-called bill, H.R. 3590, entitled, "An act to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes." ObamaCare is H.R. 3590, and it was a bill the House of Representatives passed mainly to help our veterans, to help our armed services, our members who have pledged their lives, their fortunes, their sacred honor to serve in our military—that is mainly who it was for—and give them a tax credit for the first-time purchase of a home.

It just seems so coldhearted to have taken a bill that started out to help veterans and our armed services members and, beginning with line 1, page 1, strip out every single word of the bill to help our veterans and substitute therein ObamaCare, 2,400, 2,500 pages. But that's what they did because that was the game. Because they knew in the Senate, if they were going to pass a bill that raised revenue, under Article I, section 7 of the Constitution, they had to take a House bill so they could play the game of saying, Well, it did originate in the House, has a House number on it, House title on it. We just stripped all that language out and put our bill in.

That's the only way that the President's so-called jobs bill could originate in the Senate, practically, is to take a House bill, strip out every word, keep the House bill number, keep the House bill title, and put the President's so-called jobs bill in there. That's the only way that bill could ever have a chance of becoming law. And Leader REID knows that. He's a smart man.

And from what I understand, the President at one time was a local instructor in a law school, and surely he had to have read the Constitution and understand that. So he would know, as would Leader REID, that for the President's jobs bill to meet the constitutional requirement of Article I, section 7, then Leader REID would have to strip out a House bill.

So when I heard that Leader REID had filed the President's so-called jobs

bill, I directed my staff to find out what House bill number and what House bill title that Leader REID had stripped every word out of and substituted therein the President's so-called jobs bill. And I found the answer. He didn't do that. Leader REID filed the President's bill with no cosponsors.

A little trivia. The American Jobs Act, my bill, I think it's got five cosponsors. The President's so-called jobs bill, zero cosponsors. Mr. REID filed it. Mr. Speaker, it is S. 1549. That's a Senate number, S. 1549. That's a Senate bill.

□ 2130

Leader REID did not bother to do what would be required, even under the gamesmanship of Capitol Hill, to strip out a House bill. And there's only one reason he wouldn't do that. There's only one reason the President wouldn't request that he do that, and that is because they had no intention of that bill—this bill—ever passing. Now I've only got the first few pages because the President's bill is actually 155 pages. But that came before. I got a copy of that before it was ever filed by anybody.

So then I heard that Leader REID actually filed an amendment to the President's so-called jobs bill, and I thought, ah, now he's no longer going to play this ridiculous charade of acting like he wants a bill to pass that he knows could never become law because it originated in the Senate and doesn't have a House bill number. So, okay, he's filed an amendment, the new bill, it has surely got to be some House bill that was stripped of every word, but it turns out that was Senate bill 1660. It's still a Senate number, it is still originating in the Senate, there's not even a charade, facade being shown here, which makes very, very clear Senator REID and President Obama never ever intended for the so-called jobs bill of the President to pass. Never intended for it to pass. They never did.

A smokescreen is all this has been for weeks now, millions and millions and millions of dollars running around the country demanding we pass a bill that neither Leader REID nor the President had any intention of ever having passed because they knew the way the procedure works here when a bill like this that raises revenue originates in the Senate and the Senate were to actually pass it, then the Senate Clerk would send it to the House, it would go to our Clerk, and they would review it, and they would find that it raises revenue, as the President and Leader REID know and acknowledge, and they would do what's called blue slipping it. They put a blue slip on it in essence saying that the House cannot take up the Senate bill because it raises revenue. And that means under article I, section 7, it must originate in the House, and, therefore, it's being sent back to the

Senate without any action whatsoever because obviously people at the other end of the hall were playing some kind of game, knowing that a bill to raise revenue that originated in the Senate and did not have a House number, did not have a House title, would never become law. It was all a game. All a game.

Apparently, the goal of this political game played by the President, and Leader REID has as a goal the President winning the game, the political game, and getting reelected and the American people losing because there was no bill that was ever seriously intended to pass by the President or Leader REID. That is tragic, simply tragic.

The American people suffer, people are losing their jobs, and the only reason that the unemployment rate did not rise one more time again, that it stayed at 9.1 percent, that disastrous rate, was because so many employees who had been out on strike came back on to work. If they had not done that, then the unemployment rate would have reflected the truth.

This country is still in big trouble, all while the President travels around making speeches about passing a bill that neither he nor Leader REID ever had any intention of passing and becoming law as the American people suffer.

Now, I heard my friends across the aisle here tonight say they wish, in essence, that the Republicans would bring their jobs bill. Well, there's great news. Apparently, while my friends hadn't noticed, we have passed about a dozen bills out of this body and sent them down to Leader REID that will create jobs across the country, will bring down the price of gasoline, will bring down the price of energy, all kinds of bills we've sent down there, and they're sitting in the Senate.

So for all of those people who have said the President is flat wrong when he says that we have a do-nothing Congress and as he is traveling around this week saying there's a do-nothing Congress, I'm going to defend the President here. For those that say the President is completely wrong when he says it's a do-nothing Congress, well, I'm going to defend the President. And I stand up for him because the President, when he says there's a do-nothing Congress, is one-half right, and he ought to be acknowledged for being one-half right when he says there's a do-nothing Congress because there is a do-nothing Senate.

They're sitting on bills that would create jobs, bring down energy prices and would bring jobs back to America easing the burdens that have sent companies fleeing from this country to South America, to China, to India and to other countries. We bear them no ill will, but we want our jobs back here in America. And how wonderful to have the President's big job czar as a guy

who has sent thousands and thousands of jobs from his own company overseas.

Well, he apparently knows what he's doing because since he's been our jobs czar for President Obama, we've had thousands and thousands and thousands and thousands more jobs continue to flee and go across to other countries. He knows what he's doing. He did it with his own company, and now we're continuing to have that happen with other companies.

Well, obviously, since the President, based on the things he said about his so-called jobs bill, has not read the bill, clearly, that's how we know he's not misrepresenting things, he just doesn't know what his bill says. And, in fairness, he could not possibly know what his bill says because he was on the road for 4 or 5 days, the whole time the bill was being written, demanding we pass a bill that hadn't even been written.

I'll just flip through some of the provisions here. We're told, once again, just like we were in January of 2009, that we must pass the President's bill, just like in 2009, because it's going to provide bridges and infrastructure. I'm surprised that in 2½ short years the President was thinking people would have already forgotten that he used that sales pitch to sell a nearly trillion-dollar bill that didn't do anything he said it would. And then I found out today—my friend, MICK MULVANEY, pointed out this morning that when adjusted for inflation to the current level today, every interstate highway in this country had \$425 billion spent in total to construct all the interstate highways we have in the country. Yet the President, in January of 2009, talked about creating all these new roads, infrastructure and bridges, and yet there was only a tiny fraction of all that money that was used at all on such infrastructure, and if he had taken half of that money and used it on infrastructure, we could have had an entirely new interstate highway system to mirror the one that we already have.

It is amazing the kind of money that was squandered with nothing to show for it. That's the embarrassing part. If we had more people employed today than ever before, then even though it was an abandonment of free market principles, I would have to be grateful that there were new jobs and people were employed. You want to help people? Let them get a job that was not a giveaway from some government agency. Let them earn their own keep.

□ 2140

For those of us who believe the Bible—I won't try to shove my religious beliefs on anybody else, but for those of us who do believe the Bible, you can look. Before there was a fall from grace, before such a thing as some people call "sin" was ever introduced into the world by improper choices, God gave Adam and Eve—not Adam and Steve, but Adam and Eve—a job.

He said, "Tend the garden." They were in a perfect paradise where there were no thorns, no sweat—a perfect paradise. People had a job. "Tend the garden."

A job is a good thing. It builds self-esteem, and it allows people to give of themselves to help others, not to come to Washington and use and abuse the taxing authority to take people's money to give to our favorite charity. It's for individuals to be blessed because they earned money at their own jobs and then helped people.

I believe the Creator knew how much good that did our hearts, minds and souls to earn something and then help ourselves and others who need it.

That's not what you find in the President's so-called "jobs bill." Just when we thought, surely, Washington had learned a big, big lesson about the disaster when the Federal Government starts getting into the business of financing things, we have the President proposing what he calls the American Infrastructure Financing Authority, page 40. It's another massive bureaucracy.

Who would control it?

Oh. Well, it's a financing authority, so maybe it's not run by the government. Fannie and Freddie had government fingerprints all over them, all over some of the worst problems. Maybe the President learned a lesson from the damage done to this country by Fannie and Freddie being improperly managed.

Then you can turn the page to page 41 and see, oh, the board of directors of the American Infrastructure Financing Authority consists of seven voting members appointed by the President. How about that. How about that. I guess the President didn't learn his lesson. He thinks the government is still the way to go about, not only funding housing for 100,000, 200,000, 300,000 or so, but now we'll fund billions of dollars in infrastructure financing. He'll stand good for that.

Ironically, just as in the President's so-called "stimulus bill" in January of 2009, where the President promised all this great infrastructure and it turned out it was just a tiny bit of infrastructure compared to the overall amount, we find he has done the same thing in this new so-called "jobs bill." There's a little bit of money for infrastructure, but compared to \$450 billion, it is a tiny drop in the bucket. There's a little revenue generated here by auctioning off some broadband spectrum. Oh, I see there are provisions here where the public will relinquish some of its licenses and where other people will relinquish different things.

I always hate to see that word when the government makes people relinquish things, but the language is there.

Then what we get by selling off a little bit of broadband spectrum is found at page 75 of the President's bill, called

the Public Safety Broadband Network. If individuals in this country were disappointed that the Federal Communications Commission, the FCC, did not totally control the airwaves the way they wanted them to—maybe they wish there'd been a Fairness Doctrine reinstated or maybe they wanted the Federal Government to just exercise with an iron fist its authority, which I think would be unconstitutional, but to limit speech—well then, people would have to be encouraged by this new entity, the Public Safety Broadband Network, because it will take over the broadband for us.

But not to worry. We'll call it a "corporation," so it won't be government, right? Wrong.

If you look at page 76, even though it says it will be established as a private, nonprofit corporation, it turns out the members of the board will be the Secretary of Commerce, the Secretary of Homeland Security, the Attorney General of the United States, the Director of the Office of Management and Budget, and they will go about appointing 11 more individuals to serve as non-Federal members of the board.

Well, happy days, happy days.

More and more government.

It's interesting. There's a little money for a reemployment program. How many reemployment programs are we going to throw money away on to train people for jobs that don't exist? How about allowing the public sector to have that money?—which is not available to borrow when the Federal Government is sucking that money out of use by the private sector. It's not there to be borrowed and used to build up companies, to build up jobs, to create jobs. Oh, no. The Federal Government is taking it to build more government—more training programs for jobs that don't exist.

Then there's a new program here at page 106 that most people have never heard about, and I really doubt that the President knows it's here. It's a new program, entitled Short-Term Compensation Program. It does say that it's initially voluntary, but it also says if an employer reduces the number of hours worked by employees in lieu of layoffs—and I've had people tell me they were doing this, where, for example, they didn't want to lose their valuable employees, but business was terrible, so they all agreed among themselves they would take a reduction in hours/a reduction in pay so that they could save the company, weather the storm, maybe get to January 2013 when the economy would rebound because we'd have new free market principles put in place and things would take off. Then everybody could go back to making an even a better living.

Under this provision, if you're part of the President's new program and if you reduce by at least 10 percent the hours of your employees, then according to

subsection 3, those employees would be eligible for unemployment compensation. That means the unemployment tax rate for that employer would go up. I've heard from employers who've said, If you raise my unemployment tax rate, I'm going to have to lay off a whole lot of employees instead of being able to save the company, save their jobs and weather this storm.

It does say on down the page, under subsection 7, that if an employer provides health benefits and retirement benefits under a defined benefit plan, then the State agency is required to certify that such benefits will continue to be provided, which means, for the employers I talked to who are struggling and just trying to hold on, they're not going to be able to hold on. They're going to have to keep providing benefits at the same level. They're trying to weather the storm, which is what companies normally do just to survive. That's what individual mom and pop operations do—they cut their budgets. Not here in Washington.

One of the best things I've heard all year is when Chairman RYAN said the vision he has for our budget includes finally adopting a zero baseline budget. I am so grateful to Chairman RYAN. He sees the same thing I do. We need to have a zero baseline—in other words, no automatic increases. It started in 1974. It's time it quit because a mom and pop operation—a mom operation, a pop operation, any operation, any business. When times are tough, they have to cut. Not here in Washington. Under the rules set up in 1974, there is a formula so that we have automatic increases every year. It's time to stop it.

□ 2150

If an agency is going to get additional money, they need to prove that they should get it. But as I started off this hour, Mr. Speaker, saying this House has adopted a budget that cut our legislative budgets by 5 percent across the board, it's time we exercise our moral authority and say everybody else in the Federal Government is going to have to have the same kind of 5 percent cut across the board. And when we do that 6 percent to our budget next year, it's time to demand, after we do it in the House, everybody else in the Federal Government has to do it too.

There's so many other provisions that have nothing to do with creating jobs, and you can look at page 134 and see that the President, who's talked about all these millionaires and billionaires need to pay their fair share, even though we're now approaching 50 percent of the country that will not pay income tax.

If the President believes what he says, Mr. Speaker, it is time to call the bluff and say, all right, then let's have a flat tax, everybody pays the same amount, it doesn't matter if you're an

ultra zillionaire, billionaire, if you're one of the poorer workers, everybody is going to have an investment, as the President likes to say in this government, and that way they'll have more interest in what happens. They'll have more interest in seeing we don't waste so much money up here, and we can do that.

This is why I'm sure, also, the President never read the bill that he demands we pass, that I explained earlier, why we know now neither the President nor Leader REID had any intention of this bill passing, so they didn't bother to meet the constitutional requirements.

At page 135, the President's bill defines what he's been calling a billionaire and a millionaire as a taxpayer whose adjusted gross income is above, C, \$125,000 in the case of married filing separately; 250,000 in the case of a joint return. But if you're a gay couple living together, then you can be grateful to the President because you can claim \$200,000 or \$225,000 as your exemption amount.

But even at that rate, I'm from East Texas, and the public schools I went to were awfully good, but they taught me that when a number has six figures in it, it isn't a million and it isn't a billion. So when the President's bill says \$125,000 if you're married, that's the exemption you've got before they start slapping you with extra tax, and I haven't heard anybody else but me talk about this, but down in subsection C on page 135, not only does the President not do away with the alternative minimum tax, as the title says there's an additional AMT amount in the President's bill.

Now there's a jobs bill. People you're calling millionaires and billionaires and define it as somebody that makes \$125,000, you slap them with extra alternative minimum tax, you take away deductions.

I'm telling you, Mr. Speaker, it is time that we had a flat tax across the board. Everybody would pay their fair share. And the more money you make on a flat tax, the more money you're going to pay in.

I agree with Art Laffer, who was telling me, there is a strong justification for two deductions only, the mortgage

interest deduction and charitable contribution deduction. All the others go away. Now that would be a fair tax. Everybody would pay their fair share. And since the President's not aware of how oil companies work, and since they've spent more and more and more money than ever in the Interior Department budget to consider permits to drill for oil or gas, we've gone from 140-something permits that cost a whole lot less to process to now processing double-digit permits, we're losing jobs.

I hear from people in the Gulf affected by the Deepwater Horizon explosion by the President's good friends at British Petroleum, who were all set to endorse the President's cap-and-trade bill before the blowout, and then they had to postpone that. But when you eliminate deductions that only keep independent oil companies alive, then it affects the majors in only one way, and that is you drive out all the independent producers, the majors will be able to charge more than ever, they'll make more profit than ever.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Texas has 3 minutes remaining.

Mr. GOHMERT. Thank you, Mr. Speaker.

In the few minutes I have left, with so many wanting to destroy our way of life, with so many out of work, such a troubled time here, I want to finish my time on the floor tonight by reading the words of a man named Abraham Lincoln. In 1851 he wrote to his stepbrother encouraging him about the last illness of their father.

Lincoln said: "I sincerely hope father may recover his health; but at all events tell him to remember to call upon and confide in our great and good and merciful Maker, who will not turn away from him in any extremity. He notes the fall of a sparrow and numbers the hairs of our head, and He will not forget the dying man who puts his trust in Him."

In 1858, Abraham Lincoln said: "Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prized liberty as the heritage of all men, in all lands everywhere. Destroy this spirit and you have

planted the seeds of despotism at your own doors. Familiarize yourselves with the chains of bondage and you prepare your own limbs to wear them. Accustomed to trample on the rights of others, you have lost the genius of your own independence and become the fit subjects of the first cunning tyrant who rises among you."

And then finally this from his speech in 1861, as he left Springfield, Illinois, to head for Washington, and I close with this, Mr. Speaker:

"I now leave, not knowing when or whether ever I may return, with a task before me greater than that which rested upon Washington. Without the assistance of that Divine Being who ever attended him, I cannot succeed. With that assistance I cannot fail. Trusting in Him who can go with me, and remain with you, and be everywhere for good, let us confidently hope that all will yet be well."

It is with that faith in that same Divine Being that I have hope for the future, and with that, Mr. Speaker, I yield back the balance of my time.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2944. An act to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

H.R. 3078. An act to implement the United States-Columbia Trade Promotion Agreement.

H.R. 3079. An act to implement the United States-Panama Trade Promotion Agreement.

H.R. 3080. An act to implement the United States-Korea Free Trade Agreement.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Friday, October 14, 2011, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the third quarter of 2011 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Shane Wolfe	9/9	9/13	United Kingdom		2,072.00		1,385.80				3,457.80
Per Diem Returned					(397.56)						(397.56)
Jonathan Duecker	9/8	9/13	United Kingdom		2,590.00		1,385.80				3,975.80

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Per Diem Returned					(400.00)						(400.00)
Committee total					3,864.44		2,771.60				6,636.04

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. PETER T. KING, Chairman, Sept. 18, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LAMAR SMITH, Chairman, Oct. 4, 2011.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3465. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final rule — Intergovernmental Review received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3466. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Award Fee Reduction or Denial for Health or Safety Issues (DFARS Case 2011-D033) (RIN: 0750-AH37) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3467. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Annual Representations and Certifications (DFARS Case 2009-D011) (RIN: 0750-AG39) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3468. A letter from the Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Federal Government Participation in the Automated Clearing House (RIN: 1510-AB24) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3469. A letter from the Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Indorsement and Payment of Checks Drawn on the United States Treasury (RIN: 1510-AB25) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3470. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Rate Increase Disclosure and Review: Definitions of "Individual Market" and "Small

Group Market" [CMS-9999-F] (RIN: 0938-AR26) received September 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3471. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Advisory Committee; Change of Name and Function; Technical Amendment [Docket No.: FDA-2011-N-0002] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3472. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a determination to waive restrictions of Section 1003 of Public Law 100-204; to the Committee on Foreign Affairs.

3473. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-099, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3474. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-101, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3475. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-097, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3476. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-156, "Saving D.C. Homes from Foreclosure Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3477. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-155, "Unemployment Compensation Funds Appropriation Authorization Temporary Act of 2011"; to the Committee on Oversight and Government Reform.

3478. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting;

Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands [Docket No.: FWS-R9-MB-2011-0014] (RIN: 1018-AX34) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3479. A letter from the Deputy Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Reorganization of Title 30 [Docket ID: BOEM-2011-0070] (RIN: 1010-AD79) received October 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3480. A letter from the management and Program Analyst, Department of Homeland Security, transmitting the Department's final rule — Commonwealth of the Northern Mariana Islands Transitional Worker Classification [CIS No.: 2459-08; DHS Docket No.: USCIS-2008-0038] (RIN: 1615-AB76) received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3481. A letter from the Office Chief, Department of Homeland Security, transmitting the Department's final rule — Quarterly Listings; Safety Zones, Security Zones, Special Local Regulations, Drawbridge Operation Regulations and Regulated Navigation Areas [USCG-2011-0874] received September 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3482. A letter from the Program Analyst, Department of Homeland Security, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109A and A109AI Helicopters [Docket No.: FAA-2011-0861; Directorate Identifier 2010-SW-092-AD; Amendment 39-16778; AD 2011-17-14] (RIN: 2120-AA64) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3483. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River from the border between Montana and North Dakota [Docket No.: USCG-2011-0511] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3484. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Parts and Accessories Necessary for Safe Operation; Saddle-Mount Braking Requirements [Docket No.: FMCSA-2010-0271] (RIN: 2126-AB30) received September 23, 2011; to the Committee on Transportation and Infrastructure.

3485. A letter from the Attorney — Advisor, Department of Transportation, transmitting the Department's final rule — Safety Zone; Thunder on Niagara, Niagara River, North Tonawanda, NY [Docket No.: USCG-2011-0718] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3486. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-45 Series and CF6-50 Series Turbofan Engines [Docket No.: FAA-2010-0998; Directorate Identifier 2010-NE-29-AD; Amendment 39-16783; AD 2011-18-01] (RIN: 2120-AA64) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3487. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Copperhill, TN [Docket No.: FAA-2010-0402; Airspace Docket No. 11-ASO-18] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3488. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (ECF) Model EC120B Helicopters [Docket No.: FAA-2011-0859; Directorate Identifier 2010-SW-052-AD; Amendment 39-16777; AD 2011-17-13] (RIN: 2120-AA64) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3489. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Clemson, SC [Docket No.: FAA-2011-0394; Airspace Docket No. 11-ASO-17] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3490. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109A, A109A II, A109C, and A109K2 Helicopters [Docket No.: FAA-2011-0823; Directorate Identifier 2011-SW-018-AD; Amendment 39-16765; AD 2011-17-01] (RIN: 2120-AA64) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3491. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Hawaiian Islands, HI [Docket No.: FAA-2010-0754; Airspace Docket No. 11-AWP-12] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3492. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation Route Q-37; Texas [Docket No.: FAA-2009-0867; Airspace Docket No. 09-ASW-16] (RIN: 2120-AA66) received Sep-

tember 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3493. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Forest, VA [Docket No.: FAA-2011-0378; Airspace Docket No. 11-AEA-11] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3494. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2007-27747; Directorate Identifier 2007-CE-030-AD; Amendment 39-16782; AD 2009-10-09 R2] (RIN: 2120-AA64) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GARRETT (for himself, Mr. PAUL, Mr. LAMBORN, Mr. JONES, Mr. WESTMORELAND, Mrs. MYRICK, Mr. WALSH of Illinois, Mr. FLORES, Mr. PITTS, Mr. HUELSKAMP, Mr. RIBBLE, Mr. SOUTHERLAND, Mr. FRANKS of Arizona, Mrs. BLACKBURN, Mrs. LUMMIS, Mr. PEARCE, Mr. KINGSTON, and Mr. ROSS of Florida):

H.R. 3176. A bill to allow a State to opt out of K-12 education grant programs and the requirements of those programs, to amend the Internal Revenue Code of 1986 to provide a credit to taxpayers in such a State, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself and Mrs. EMERSON):

H.R. 3177. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the transportation of food for charitable purposes; to the Committee on Ways and Means.

By Ms. WOOLSEY (for herself, Mr. ANDREWS, and Mr. GEORGE MILLER of California):

H.R. 3178. A bill to amend the Fair Labor Standards Act of 1938 to require persons to keep records of non-employees who perform labor or services for remuneration and to provide a special penalty for persons who misclassify employees as non-employees, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOMACK (for himself, Ms. SPEIER, Mr. POE of Texas, Mr. DIAZ-BALART, Mr. ROSS of Florida, Mrs. MALONEY, Mr. WELCH, Ms. MCCOLLUM, Mr. DUNCAN of Tennessee, and Mr. MILLER of North Carolina):

H.R. 3179. A bill to improve the States' rights to enforce the collection of State sales and use tax laws, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania (for himself, Mr. HOLDEN, Ms. SCHWARTZ,

Mr. FITZPATRICK, Mr. SHUSTER, Mr. GERLACH, Mr. THOMPSON of Pennsylvania, Mr. ALTMIRE, Mr. MARINO, Mr. DENT, Mr. DOYLE, Mr. PLATTS, Mr. MEEHAN, Mr. FATTAH, and Mr. CRITZ):

H.R. 3180. A bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the U.S.S. Cruiser Olympia; to the Committee on Financial Services.

By Mr. YOUNG of Alaska:

H.R. 3181. A bill to establish a moratorium on regulatory rulemaking actions and to repeal all rules that became effective after October 1, 1991, and are in effect as of the date of the enactment of this Act, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 3182. A bill to designate the United States courthouse located at 222 West 7th Avenue in Anchorage, Alaska, as the "James M. Fitzgerald United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. YARMUTH:

H.R. 3183. A bill to amend title XXVII of the Public Health Service Act to exempt licensed independent insurance producer remuneration from the medical loss ratio; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Georgia (for himself, Ms. BROWN of Florida, Mr. FILLNER, Mr. RUSH, Ms. JACKSON LEE of Texas, Mrs. MALONEY, Mr. QUIGLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. TOWNS, Ms. KAPTUR, Mr. AL GREEN of Texas, Ms. NORTON, and Mr. CONYERS):

H.R. 3184. A bill to amend the Small Business Act to ensure fairness and transparency in contracting with small business concerns; to the Committee on Small Business, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATTA (for himself, Mr. ROSS of Florida, Mr. WILSON of South Carolina, and Mr. KLINE):

H.R. 3185. A bill to provide that the rules of the Environmental Protection Agency entitled "National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines" have no force or effect with respect to existing stationary compression and spark ignition reciprocating internal combustion engines operated by certain persons and entities for the purpose of generating electricity or operating a water pump; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. BLUMENAUER, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. ELLISON, Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HIMES, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. LIPINSKI, Mr. LOEBACK, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MORAN, Ms. NORTON, Mr. OLIVER, Ms. RICHARDSON, Ms. LINDA T. SANCHEZ of

California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Mr. THOMPSON of California, Mr. TONKO, Ms. TSONGAS, and Mr. WAXMAN):

H.R. 3186. A bill to amend the Internal Revenue Code of 1986 to reduce tobacco smuggling, and for other purposes; to the Committee on Ways and Means.

By Mr. DOLD (for himself, Mrs. LOWEY, Mr. BASS of New Hampshire, Mrs. BIGGERT, Mr. DENT, Mr. WELCH, Mr. KINGSTON, Mr. SHIMKUS, Mr. MCKINLEY, Mr. GARY G. MILLER of California, Mr. LOBIONDO, Mr. KELLY, Mr. LANDRY, Mr. TIBERI, Mr. FRELINGHUYSEN, Mr. LATOURETTE, Mr. JOHNSON of Illinois, Mrs. ELLMERS, Mr. MCCAUL, and Mr. MCGOVERN):

H.R. 3187. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation; to the Committee on Financial Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOLD:

H.R. 3188. A bill to maintain American leadership in multilateral development banks in order to support United States economic and national security by authorizing general capital increases for the International Bank for Reconstruction and Development, the Inter-American Development Bank, the African Development Bank, and the European Bank for Reconstruction and Development, and for other purposes; to the Committee on Financial Services.

By Mrs. CAPPS (for herself, Ms. MATSUI, Ms. WOOLSEY, Mr. LEWIS of Georgia, Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. HINCHEY, Mr. RANGEL, and Mr. TOWNS):

H.R. 3189. A bill to direct the Secretary of Education to establish a program to provide grants for cardiopulmonary resuscitation and automated external defibrillator training in public elementary and secondary schools; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CICILLINE:

H.R. 3190. A bill to amend the Federal Deposit Insurance Act to prohibit insured depository institutions from charging consumers fees for the use of debit cards; to the Committee on Financial Services.

By Mr. CICILLINE (for himself, Mr. LANGEVIN, Mr. MCGOVERN, and Mr. NEAL):

H.R. 3191. A bill to establish the John H. Chafee Blackstone River Valley National Historical Park, and for other purposes; to the Committee on Natural Resources.

By Mr. COSTA (for himself, Mr. CARDOZA, Mr. COURTNEY, Ms. BALDWIN, Ms. BORDALLO, Mr. PETRI, Mr. KIND, and Mr. HONDA):

H.R. 3192. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to inter in national cemeteries individuals who supported the United States in Laos during the Vietnam War era; to the Committee on Veterans' Affairs.

By Mr. FINCHER:

H.R. 3193. A bill to amend title IV of the Social Security Act to require States to im-

plement a drug testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program; to the Committee on Ways and Means.

By Mr. GRIFFIN of Arkansas:

H.R. 3194. A bill to provide for a moratorium on certain regulations, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself and Mr. SENSENBRENNER):

H.R. 3195. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Ways and Means.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. FRANKS of Arizona):

H.R. 3196. A bill to amend title 28, United States Code, to provide for reassignment of certain Federal cases upon request of a party; to the Committee on the Judiciary.

By Mrs. McMORRIS RODGERS:

H.R. 3197. A bill to name the Department of Veterans Affairs medical center in Spokane, Washington, as the "Mann-Grandstaff Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. NEAL:

H.R. 3198. A bill to amend title XVIII of the Social Security Act and title XXVII of the Public Health Service Act to improve coverage for colorectal screening tests under Medicare and private health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself and Mr. BENISHEK):

H.R. 3199. A bill to provide a comprehensive assessment of the scientific and technical research on the implications of the use of mid-level ethanol blends, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. CARNAHAN (for himself, Ms. BERKLEY, Mr. BERMAN, Mr. BOSWELL, Mr. BRADY of Texas, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. CAPUANO, Mr. CHANDLER, Ms. CHU, Mr. CONNOLLY of Virginia, Mr. CUMMINGS, Mr. DIAZ-BALART, Mr. DOYLE, Mr. ENGEL, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GRIJALVA, Ms. HIRONO, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KING of New York, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCINTYRE, Ms. MOORE, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. PETERS, Mr. QUIGLEY, Mr. RAHALL, Mr. RANGEL, Ms. RICHARDSON, Ms. LINDA T. SANCHEZ of California, Mr. DAVID SCOTT of Georgia, Mr. SHULER, Mr. SIREN, Ms. SUTTON, Mr. BISHOP of New York, Mr. CLAY, Mr. COHEN, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr.

ELLISON, Ms. FUDGE, Mr. GARAMENDI, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. PALLONE, Mr. PERLMUTTER, Mr. TOWNS, Ms. TSONGAS, Mrs. MILLER of Michigan, Mrs. BIGGERT, Mr. TIBERI, Mr. LOBIONDO, Ms. BALDWIN, Mr. MORAN, Ms. WATERS, Mr. ACKERMAN, Mr. ALTMIRE, Mr. BARROW, Mr. BLUMENAUER, Mr. CARSON of Indiana, Mr. COSTELLO, Mr. DEUTCH, Mr. GUTIERREZ, Ms. MATSUI, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. PASCRELL, Mr. BRALEY of Iowa, Ms. JACKSON LEE of Texas, Ms. SEWELL, Mr. CLEAVER, Mr. CARTER, Ms. BORDALLO, Mr. KILDEE, Mrs. CAPPS, Mr. TONKO, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLARKE of Michigan, Mr. LYNCH, Mr. PAYNE, Mr. CICILLINE, Mr. DINGELL, Mr. SERRANO, Mr. KEATING, Mr. WAXMAN, Mr. CROWLEY, Mr. KUCINICH, Mr. HOLDEN, Ms. EDWARDS, Mr. DEFazio, Mr. MICHAUD, Mr. GENE GREEN of Texas, Ms. LEE of California, and Mr. WALZ of Minnesota):

H.R. 3200. A bill to provide flexibility of certain transit functions to local entities; to the Committee on Transportation and Infrastructure.

By Ms. WATERS (for herself, Ms. LEE of California, Mr. COHEN, Mr. CONYERS, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. KUCINICH, Mr. JACKSON of Illinois, Mr. CLAY, Ms. WOOLSEY, Mr. RANGEL, Ms. CLARKE of New York, Mr. CLEAVER, Ms. BROWN of Florida, Mrs. CHRISTENSEN, Mr. THOMPSON of Mississippi, and Mr. ELLISON):

H.R. 3201. A bill to amend the Budget Control Act of 2011 to eliminate the Joint Select Committee on Deficit Reduction; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself and Mr. CLARKE of Michigan):

H. Res. 434. A resolution celebrating the 10-year commemoration of the Underground Railroad Memorial, comprised of the Gateway to Freedom Monument in Detroit, Michigan and the Tower of Freedom Monument in Windsor, Ontario, Canada; to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H. Res. 435. A resolution condemning the persecution of political opposition leader Yulia Tymoshenko as well as other political prisoners, among them former internal affairs minister Yuri Lutsenko; to the Committee on Foreign Affairs.

By Mr. MURPHY of Connecticut:

H. Res. 436. A resolution supporting the goals and ideals of October, 2011, as "National Youth Justice Awareness Month"; to the Committee on Oversight and Government Reform.

By Mr. PEARCE:

H. Res. 437. A resolution recognizing the security challenges of convening government officials in one specific place and directing the House of Representatives to take appropriate steps so that the House of Representatives can meet in a virtual setting; to the Committee on the Judiciary, and in addition to the Committees on Rules, and House Administration, for a period to be subsequently

determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GARRETT:

H.R. 3176.

Congress has the power to enact this legislation pursuant to the following:

Tenth Amendment to the Constitution: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

By Mr. MCGOVERN:

H.R. 3177.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I Section 8 of the United States Constitution, Clause 3, which says, "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes," and Clause 18, which says, "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof."

By Ms. WOOLSEY:

H.R. 3178.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced under the powers granted to Congress under Article I of the Constitution.

By Mr. WOMACK:

H.R. 3179.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause of the U.S. Constitution, Article I, Section 8, Clause 3.

By Mr. BRADY of Pennsylvania:

H.R. 3180.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 5 and 6.

By Mr. YOUNG of Alaska:

H.R. 3181.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

Article I, Section 8, Clause 18

By Mr. YOUNG of Alaska:

H.R. 3182.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2

By Mr. YARMUTH:

H.R. 3183.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution.

By Mr. JOHNSON of Georgia:

H.R. 3184.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the U.S. Constitution

By Mr. LATTA:

H.R. 3185.

Congress has the power to enact this legislation pursuant to the following:

This resolution is enacted pursuant to Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. DOGGETT:

H.R. 3186.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States.

By Mr. DOLD:

H.R. 3187.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 5 which states "The Congress shall have the power . . . To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standards of Weights and Measures."

By Mr. DOLD:

H.R. 3188.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 3, which provides Congress the power to "regulate commerce with foreign Nations and among the several States." This legislation authorizes general capital increases for multi-lateral development banks.

By Mrs. CAPPS:

H.R. 3189.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. CICILLINE:

H.R. 3190.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. CICILLINE:

H.R. 3191.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. COSTA:

H.R. 3192.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution

By Mr. FINCHER:

H.R. 3193.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. GRIFFIN of Arkansas:

H.R. 3194.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. LEWIS of Georgia:

H.R. 3195.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article I of the United States Constitution and its subsequent amendments, and as further clarified and interpreted by the Supreme Court of the United States.

By Mr. DANIEL E. LUNGREN of California:

H.R. 3196.

Congress has the power to enact this legislation pursuant to the following:

The Peremptory Challenge Act of 2011 is authorized by Article 1 Section 8 under the Commerce Clause and the authority to constitute Tribunals inferior to the Supreme Court

By Mrs. McMORRIS RODGERS:

H.R. 3197.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under Article I, Section 8.

By Mr. NEAL:

H.R. 3198.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to clauses 3 and 18 of article I of the Constitution.

By Mr. SENSENBRENNER:

H.R. 3199.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Mr. CARNAHAN:

H.R. 3200.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. WATERS:

H.R. 3201.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 5, Clause 2

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Article I, Section 8, Clause 18

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Ms. PELOSI and Mr. HOYER.

H.R. 23: Ms. HERRERA BEUTLER and Mr. HIMES.

H.R. 114: Mr. AUSTIN SCOTT of Georgia.

H.R. 152: Mr. SCHWEIKERT.

H.R. 181: Mr. BISHOP of New York.

H.R. 210: Mr. TONKO.

H.R. 459: Mrs. NOEM, Mr. BARROW, and Mr. SCALISE.

H.R. 593: Mr. LANKFORD, Mrs. SCHMIDT, Mr. HUIZENGA of Michigan, and Mr. AUSTRIA.

H.R. 615: Mr. SHIMKUS, Mr. WALDEN, and Mr. POMPEO.

H.R. 674: Mr. RYAN of Wisconsin.

H.R. 718: Mr. FRELINGHUYSEN and Ms. ESHOO.

H.R. 719: Mr. ROGERS of Kentucky, Mr. HULTGREN, Mr. SAM JOHNSON of Texas, and Mr. PASTOR of Arizona.

H.R. 733: Mr. BISHOP of Georgia and Mr. KIND.

H.R. 750: Mr. YODER and Mr. MARINO.

H.R. 791: Mr. SARBANES.

H.R. 812: Mr. MORAN, Mr. MURPHY of Pennsylvania, Ms. CHU, and Ms. SLAUGHTER.

H.R. 822: Mr. CALVERT.

H.R. 835: Ms. PINGREE of Maine.

H.R. 860: Mr. HINOJOSA, Mr. COLE, Mr. GRIMM, Mr. TONKO, Mr. PAULSEN, Mr. DIAZ-BALART, and Mr. KILDEE.

H.R. 886: Mr. PASTOR of Arizona, Mr. GUTIERREZ, Mr. SIRE, Mr. GONZALEZ, Mr. REYES, Mr. BACA, Mr. COSTA, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Mr. HINOJOSA, Mr. PIERLUISI, Mr. BECERRA, Ms. LEE of California, Mrs. BIGGERT, and Mr. PALAZZO.

H.R. 943: Ms. KAPTUR.

H.R. 948: Ms. HIRONO.
 H.R. 1005: Mr. NUNES.
 H.R. 1041: Mr. YARMUTH.
 H.R. 1063: Mr. GINGREY of Georgia, Mr. JACKSON of Illinois, Mr. ROTHMAN of New Jersey, Mr. LATOURETTE, and Mr. HIMES.
 H.R. 1085: Ms. CASTOR of Florida.
 H.R. 1173: Mr. WALSH of Illinois.
 H.R. 1179: Mr. KING of New York, Mr. LATHAM, and Mr. MCINTYRE.
 H.R. 1195: Mr. TOWNS and Ms. HOCHUL.
 H.R. 1199: Ms. KAPTUR.
 H.R. 1206: Mrs. BIGGERT.
 H.R. 1219: Mr. TOWNS and Mr. JOHNSON of Illinois.
 H.R. 1235: Mr. FLAKE.
 H.R. 1342: Mr. GOSAR, Mr. KINZINGER of Illinois, and Mr. JACKSON of Illinois.
 H.R. 1418: Mr. JACKSON of Illinois.
 H.R. 1513: Mr. MCGOVERN and Mr. KUCINICH.
 H.R. 1558: Mr. GRAVES of Missouri.
 H.R. 1639: Mr. GOODLATTE, Mr. CHANDLER, and Mr. GARY G. MILLER of California.
 H.R. 1653: Mr. SIRES, Mr. BROUN of Georgia, and Mr. CALVERT.
 H.R. 1704: Mr. HONDA.
 H.R. 1724: Ms. HAHN and Ms. SCHAKOWSKY.
 H.R. 1744: Mr. ROYCE, Mr. SHIMKUS, and Ms. HAYWORTH.
 H.R. 1780: Mr. COHEN.
 H.R. 1781: Ms. LINDA T. SÁNCHEZ of California, Mr. PRICE of North Carolina, and Mr. CLAY.
 H.R. 1802: Mr. JACKSON of Illinois and Mr. JOHNSON of Georgia.
 H.R. 1834: Mr. CANSECO.
 H.R. 1878: Mr. CARNAHAN.
 H.R. 1904: Mr. SESSIONS.
 H.R. 1957: Mr. MICHAUD.
 H.R. 1983: Mr. MORAN, Mr. INSLEE, Mr. OLVER, and Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 2014: Mr. PAUL.
 H.R. 2032: Mr. CASSIDY and Mr. ROSS of Florida.
 H.R. 2033: Mr. PRICE of North Carolina.
 H.R. 2054: Mrs. SCHMIDT.
 H.R. 2059: Mr. SCHWEIKERT, Mr. MCCAUL, Mr. SHIMKUS, Mr. DUNCAN of Tennessee, Mrs. ADAMS, and Mr. SAM JOHNSON of Texas.
 H.R. 2088: Ms. SCHAKOWSKY, Mr. HIMES, and Mr. COHEN.
 H.R. 2180: Mr. COHEN.
 H.R. 2182: Mr. KEATING.
 H.R. 2200: Mrs. MALONEY, Ms. WATERS, Mr. SMITH of Texas, Mr. FILNER, Mr. HINCHEY, Mr. GALLEGLY, and Ms. KAPTUR.
 H.R. 2245: Mr. WOMACK and Mr. WEST.
 H.R. 2248: Ms. BASS of California, Mr. FARR, Mr. CLAY, Mr. BISHOP of New York, Ms. NORTON, Mr. JACKSON of Illinois, Mr. FRANK of Massachusetts, Ms. MOORE, and Ms. CASTOR of Florida.
 H.R. 2267: Mr. HEINRICH, Mr. LOBIONDO, Mr. CRITZ, Mr. WITTMAN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. DUFFY.

H.R. 2287: Mr. KILDEE.
 H.R. 2299: Mr. BROUN of Georgia and Mr. WALSH of Illinois.
 H.R. 2310: Mr. HIMES.
 H.R. 2357: Mr. PASTOR of Arizona.
 H.R. 2446: Mr. HINOJOSA, Mr. ROSS of Arkansas, Mr. COHEN, Mrs. CAPITO, and Ms. SEWELL.
 H.R. 2447: Mr. POLIS, Mr. WAXMAN, Mr. BECERRA, Mr. NEAL, Mr. HOLT, Mr. KUCINICH, Ms. SUTTON, Mr. DOYLE, Mr. DOGGETT, Mr. GONZALEZ, Mr. ACKERMAN, Ms. VELÁZQUEZ, Mr. ENGEL, Mr. OWENS, Mrs. MCCARTHY of New York, Mr. CROWLEY, Mr. CUELLAR, Mr. SCHOCK, Mr. DEFazio, Mr. DIAZ-BALART, Mr. DUNCAN of Tennessee, Mrs. CAPITO, Mr. NEUGEBAUER, Mr. GARRETT, Mr. MARKEY, Mr. KIND, Mr. BOUSTANY, Mr. LANCE, Mr. BILBRAY, Mr. DREIER, Mr. SOUTHERLAND, Mr. MACK, Mr. ROONEY, Mr. KINGSTON, Mr. PRICE of Georgia, Mr. STUTZMAN, Mr. WHITFIELD, Mr. ALEXANDER, Mr. UPTON, Mr. REHBERG, Mr. BASS of New Hampshire, Mr. MCHENRY, Mr. DUNCAN of South Carolina, Mr. MULVANEY, Mr. BARTON of Texas, Mr. CULBERSON, Mr. CARTER, Mr. FORBES, Mr. BROOKS, Mr. ROYCE, Mr. ROHRBACHER, Mr. KELLY, Mr. LANKFORD, Mr. ROGERS of Alabama, Mr. ADERHOLT, Mr. TERRY, Mr. BERMAN, Mr. NUNES, Mr. OLSON, Mr. RENACCI, Ms. JENKINS, Mr. GARY G. MILLER of California, Mr. MANZULLO, Mr. BUCHANAN, Mrs. MILLER of Michigan, and Mr. SCHILLING.
 H.R. 2471: Mr. SMITH of Washington.
 H.R. 2514: Mr. YODER.
 H.R. 2541: Mrs. LUMMIS.
 H.R. 2563: Mr. PLATTS, Mr. GRIFFIN of Arkansas, and Mr. PALAZZO.
 H.R. 2569: Mr. BOUSTANY, Mr. CAMPBELL, and Mr. FLAKE.
 H.R. 2597: Mr. MCCOTTER.
 H.R. 2662: Mr. ROSS of Florida, Mrs. SCHMIDT, Ms. GRANGER, Mr. HUIZENGA of Michigan, Mr. FRANKS of Arizona, Mr. FORBES, Mr. KINGSTON, and Mr. WALSH of Illinois.
 H.R. 2672: Mr. PAULSEN.
 H.R. 2789: Mr. POSEY, Mr. BROOKS, Mrs. MYRICK, Mr. PITTS, Mr. COLE, Ms. JENKINS, and Mr. FARENTHOLD.
 H.R. 2815: Mr. LIPINSKI.
 H.R. 2874: Mr. BOREN and Mr. HUELSKAMP.
 H.R. 2899: Mr. SMITH of New Jersey and Mr. MCCOTTER.
 H.R. 2900: Mrs. HARTZLER and Mr. COLE.
 H.R. 2945: Mr. CANSECO.
 H.R. 2948: Ms. MOORE and Mr. BISHOP of Georgia.
 H.R. 2953: Ms. BASS of California.
 H.R. 2959: Mrs. MCMORRIS RODGERS.
 H.R. 2964: Mr. HARRIS, Ms. JENKINS, Mr. WESTMORELAND, Mr. MILLER of Florida, and Mr. CANSECO.
 H.R. 2966: Mr. PRICE of North Carolina.

H.R. 2997: Mr. GRIFFIN of Arkansas, Mr. MCCOTTER, Mr. YOUNG of Alaska, Mr. HANNA, Mr. COBLE, Mr. DUNCAN of South Carolina, Mr. SOUTHERLAND, Mr. MARINO, Mr. BILBRAY, Mr. HECK, Mr. KINGSTON, Mr. MILLER of Florida, Mr. NUGENT, Mr. MULVANEY, Mr. FLEISCHMANN, Mr. WEST, Mr. LANDRY, Mr. ROKITA, Mr. SCHILLING, Mr. WALBERG, Mr. NUNNELEE, Mr. PRICE of Georgia, Mr. YOUNG of Florida, Mr. HULTGREN, Mr. SHUSTER, Mr. COLE, Mr. MEEHAN, Mr. SENSENBRENNER, Mr. DANIEL E. LUNGREN of California, Mr. CANSECO, Mr. HERGER, Mr. DIAZ-BALART, Mr. BARLETTA, Mr. BENISHEK, Mr. AUSTIN SCOTT of Georgia, Mr. JOHNSON of Ohio, Mr. GARDNER, Mr. KLINE, Mr. HALL, Mr. FARENTHOLD, Mr. MCCAUL, Mr. FLORES, Mr. ROHRBACHER, Mrs. MILLER of Michigan, Mrs. BLACK, Ms. BUEKLE, Mr. FINCHER, Mr. PALAZZO, Mr. WOMACK, Mr. DUNCAN of Tennessee, Mr. KING of Iowa, Mr. BURTON of Indiana, Mr. DENHAM, Mr. KINZINGER of Illinois, Mr. AMODEI, Mr. ROSS of Arkansas, Mr. LATHAM, and Mr. BERG.
 H.R. 3000: Mr. THOMPSON of Pennsylvania.
 H.R. 3032: Mr. BISHOP of Utah.
 H.R. 3035: Mr. MULVANEY.
 H.R. 3046: Mr. PLATTS and Mr. FILNER.
 H.R. 3058: Mr. KLINE.
 H.R. 3059: Mr. FILNER and Ms. DEGETTE.
 H.R. 3074: Mr. COLE.
 H.R. 3076: Ms. FUDGE and Mr. CONYERS.
 H.R. 3077: Ms. SLAUGHTER, Mr. PRICE of North Carolina, Mr. JACKSON of Illinois, Ms. WOOLSEY, and Mr. DEFazio.
 H.R. 3087: Mr. KINZINGER of Illinois.
 H.R. 3104: Mr. DUNCAN of South Carolina, Mr. POSEY, Mr. GOHMERT, Mr. ROSS of Florida, and Mr. HUIZENGA of Michigan.
 H.R. 3126: Mr. HOLT and Mr. LOEBSACK.
 H.R. 3135: Mr. SCOTT of South Carolina, Mr. HUIZENGA of Michigan, and Mr. LATTA.
 H.R. 3138: Mr. HEINRICH and Ms. PINGREE of Maine.
 H.R. 3154: Mr. PLATTS, Mr. LANGEVIN, and Ms. CHU.
 H. Con. Res. 63: Mr. DICKS and Mr. PAYNE.
 H. Con. Res. 72: Mr. HANABUSA.
 H. Res. 16: Mrs. DAVIS of California.
 H. Res. 20: Mr. MCGOVERN.
 H. Res. 98: Mr. WESTMORELAND, Mr. HULTGREN, Mr. POE of Texas, and Mr. CRENSHAW.
 H. Res. 364: Mr. KIND, Mr. GARAMENDI, Mr. SCOTT of South Carolina, and Mrs. HARTZLER.
 H. Res. 397: Mr. TOWNS.
 H. Res. 401: Mr. ELLISON.
 H. Res. 402: Mr. HARRIS.
 H. Res. 403: Mr. COFFMAN of Colorado and Mr. FRANKS of Arizona.
 H. Res. 429: Mr. HIGGINS.

EXTENSIONS OF REMARKS

A TRIBUTE TO MARY "MITZI" PERDUE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Mary "Mitzi" Perdue for her tremendous generosity to personal charities and organizations.

Ms. Perdue was born into a life of privilege, being the daughter of Sheraton Hotel founder Ernest Henderson. With her privileged life, she decided to dedicate herself to public service and philanthropic causes. At a young age her parents instilled a sense of giving that carried with her throughout her life. One of her life mottos is, "It's the givers of the world who are the happiest".

Ms. Perdue pursued an education at Harvard. Upon graduation she began a career in communications writing a syndicated column on the environment, first for Capitol News in California and then for Scripps Howard, nationally. At its peak, "The Environment and You" went to 420 newspapers, and the total number of columns was more than 1100. The articles focused mainly on how individuals could protect the environment, but they also encouraged students to study science, so they could play a role in saving the planet.

Ms. Perdue also wrote more than 250 columns on charities for my local paper and occasionally for national magazines. The columns and articles provided recognition to the charities and let readers know about each charity's needs and services. Many of the charities couldn't afford a professional writer, and yet they needed to communicate with their supporters.

Ms. Perdue understands the importance of her philanthropic activities that if philanthropies don't develop strong bonds with their donors and volunteers, their supporters may, over time, drift away. To this extent she donates the location, the food, the beverages, the decorations, and the wait staff for parties of between 10–110 guests. In the last four years, Ms. Perdue has entertained close to 4500 people at her home. Ninety-five percent of these events have been charity-related, but some have also been book parties, since, as a (soon-to-be-former) Commissioner of the National Commission on Libraries and Information Science, she loves the idea of encouraging authors.

Another charitable interest of hers is supporting veterans. In the past, Perdue Farms won the nation-wide Pro Patria Award largely because her and her husband wrote personalized monthly letters to overseas Reservists.

In her life, Ms. Perdue lives by one quote by Aristotle, "the only true success in life is to find yourself in service to the community". Mr. Speaker, I would like to recognize Ms. Mary

"Mitzi" Perdue for her dedicated public service and charitable giving.

A TRIBUTE TO RITA COSBY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Ms. Rita Cosby, a charismatic New Yorker who's energy and passion for her work is an inspiration to us all.

Prior to joining network news, Rita was an anchor/reporter for CBS affiliates in Bakersfield, California and Charlotte, North Carolina. During her tenure there, she broke numerous stories, reporting that Susan Smith drowned her young sons and that the father of NBA superstar Michael Jordan was murdered. Her investigative report inside a Tijuana, Mexico prison exposed government corruption and allowed an American, who was held unlawfully, to be freed.

Honors for the three-time Emmy® winner include the Matrix Award, Headliner Award and Jack Anderson Award for journalism excellence. She was also selected by Cosmopolitan Magazine as a "Fun and Fearless Female." A recipient of the Ellis Island Medal of Honor and the Lech Walesa Freedom Award, she hosts the National Memorial Day Parade broadcast to all US military installations around the world.

A highly sought-after keynote speaker, Rita has talked to major groups all over America, including heads of state in Washington, D.C., ambassadors and foreign ministers at the United Nations, as well as for countless celebrity, charity and especially military/veterans events from coast to coast.

Her first book, *Blonde Ambition*, was a New York Times bestseller and called "The most talked about book in America" by Extra. Her second book, *Quiet Hero: Secrets From My Father's Past*, is the most personal and important story of her life, as she uncovered an amazing history of heroism and courage involving her own father and shares the incredible journey in this highly acclaimed and poignant memoir. As a result, her father Richard Cosby, was awarded a special recognition by the Medal of Honor Society for his bravery. The book has raised money for the USO to help wounded soldiers and their families.

She has headlined veterans' events with Admiral Mike Mullen, The Chairman of the Joint Chiefs of Staff, as well as with performers such as Tony Orlando and Charlie Daniels. Because of Rita's "extraordinary journalism and exemplary service on behalf of her community," October 11th, 2010 was officially named "Rita Cosby Day" in the State of New York.

Rita earned her bachelors' degrees from the University of South Carolina, graduating with

honors. She grew up in Greenwich, Connecticut and currently resides in the New York area.

Mr. Speaker, I would like to recognize Rita Cosby for her outstanding contribution to the fields of literature and journalism.

HONORING KAYE FLANAGAN,
LYNN KRAEMER GOLDFARB,
GAIL KELLY AND DONNA M.
LORING

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize Kaye Flanagan, Lynn Kraemer Goldfarb, Gail Kelly and Donna M. Loring on being awarded the 50th Annual Deborah Morton Award by The University of New England.

The Deborah Morton Award, first presented in 1961, was the first annual award in Maine to honor women who have achieved high distinction in their careers or whose leadership in civic, cultural or social causes has been exceptional. The award was named in memory of Deborah Morton of Round Pond, valedictorian of the 1879 class of the Westbrook Seminary. Morton was a teacher, dean, linguist, historian and prominent Portland civic leader whose service to the State of Maine spanned more than 60 years.

Kaye, Lynn, Gail and Donna all display the exceptional commitment to public service that Deborah Morton did. Their tireless efforts have improved the lives of thousands of Mainers from all walks of life. While their backgrounds and careers are diverse, their selfless devotion to their communities is a shining example to all of us. Their efforts are a testament to the legacy of Deborah Morton, and I wish them all continued success in the years to come.

Mr. Speaker, please join me again in recognizing Kaye Flanagan, Lynn Kraemer Goldfarb, Gail Kelly and Donna M. Loring for their outstanding commitment to the state of Maine and for the impressive example they set for Maine's young women.

IN SUPPORT OF THE FREE TRADE
AGREEMENTS, H.R. 3078, H.R. 3079,
H.R. 3080

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. ACKERMAN. Mr. Speaker, I rise in support of the Korea, Colombia and Panama Free Trade Agreements.

Mr. Speaker, global leadership is not attained with mere rhetoric; it is achieved, preserved and strengthened by demonstrating a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

commitment to action. Today, as the U.S. economy struggles through a prolonged period of slow-growth, our economic competitors are proactively engaged in eliminating or reducing barriers to their exports in foreign markets around the globe, especially in Asia and Latin America. If America intends to remain a global leader we cannot disengage from our critical strategic partnerships with Korea, Colombia and Panama.

Mr. Speaker, decades ago the U.S.-Korean partnership was forged on the battlefield. Soldiers from both of our nations fought and died together defending the freedom of the Korean people. Over the years, our relationship has flourished and Korea is now one of America's most trusted allies in the world. A vote for this trade agreement is a representation of America's ironclad commitment to Korea's future and a clear demonstration of our enduring friendship with the Korean people.

Colombia and Panama are two of the United States' most critical allies in Latin America. With our help, and aided by their own determination, these two countries have made remarkable progress. Mr. Speaker, these two trade deals will build upon the investments that we have already made in these two countries. Colombia has demonstrated—with concrete actions—a genuine commitment to protecting its own people from violence. The rapidly expanding Panama remains a critical strategic partner and a literal gateway to maritime commerce in the Pacific. These new trade deals demonstrate America's long-term commitment to Colombia and Panama.

Mr. Speaker, I urge all my colleagues to support these Free Trade Agreements.

A TRIBUTE TO LORRAINE CANCRO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Lorraine C. Cancro for her outstanding work with Veterans in my Brooklyn District.

Ms. Cancro has been working with returning veterans for most of her professional career—gaining a specialization as a clinician in treatment of returning veterans suffering from Traumatic Brain Injury, TBI, and Post-Traumatic Stress Disorder, PTSD. In this capacity Ms. Cancro has served many in her community that deal with this very serious disorder.

When Ms. Cancro is not dealing with individuals directly she contributes as a mental health editor for Exceptional Parent Magazine, writing articles on topics that include returning veterans who suffer from TBI and PTSD, and chronic pain among other disorders. These articles furthered her efforts to spread awareness of psychiatric disorders which impact the general population as well.

Ms. Cancro also serves as Director of the Global Stress Initiative, GSI, an affiliate of the International Committee against Mental Illness, ICAMI. Together with Emmy Awarding winning Anchor Rita Cosby, they have launched the American Heroes Tour, which is a fundraising arm of the GSI. The Tour will visit Major

League Ballparks throughout the country and offer veterans, first responders, and their families' acknowledgement for their heroic efforts to preserve our freedom.

In response to those who suffer from PTSD, Ms. Cancro along with her colleagues spearheaded cutting edge research and treatment for TBI and PTSD. The tour culminated at the 11th Annual World Congress on Disabilities in Atlantic City, New Jersey, September 23rd and 24th, 2011. At last year's event in Dallas, Rita Cosby emceed the event and Admiral Mike Mullen, Chairman of the Joint Chiefs of Staff, was the keynote speaker.

Ms. Cancro has a specialty in Journalistic advocacy and development of mental health programs for research and treatment. She is a member of the International Committee Against Mental Illness (ICAMI)—Association for Stress Disorders, The David Lynch Foundation's Operation Warrior Wellness, Autism Speaks and Fountain House, Mental Health Advocacy.

Mr. Speaker, I would like to recognize Ms. Lorraine Cancro for her contribution to the education and awareness of veterans suffering from the various disorders service can create.

PRESIDENT & CEO OF JEMNI, INC.,
MARK ELLSON, OF WOODBURY, MN

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mrs. BACHMANN. Mr. Speaker, this month, veteran business owners from across the nation are receiving special training through the National Center for the Veteran Institute for Procurement (VIP). Upon completion of this training, these veteran employers are equipped with the knowledge and skills to compete in the federal government contract process. Today it's my honor to recognize one of those veterans, President and CEO of JEMNI Inc., Mark Ellson, of Woodbury, Minnesota upon his graduation from VIP.

As a small-business owner, Mark brings more than 20 years of experience to providing services and products for his customers. Mark was a perfect candidate for the VIP certification because of his distinction as an Army combat and service disabled veteran and his dedication to hiring other disabled veterans. VIP invests in veteran-owned businesses because they know owners, like Mark, will strongly consider hiring and mentoring a veteran for future business growth. This VIP certification strengthens Mark's ability to secure federal government contracts that will grow his business, and in turn, increase job opportunities for veterans.

Mr. Speaker, Mark's dedication to veterans is admirable in every way and it is my sincere wish that the VIP certification will continue to create jobs for these heroes in Minnesota's Sixth Congressional District and beyond. Please join me in congratulating Mark Ellson of JEMNI, Inc. on his graduation from the National Center for the Veteran Institute for Procurement.

A TRIBUTE TO DR. DOUGLAS
LAZZARO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Mr. Douglas Lazzaro for his exceptional service to Brooklyn and the Greater New York area in the field of corneal transplantation and other complex corneal surgeries.

Dr. Lazzaro, the Richard C. Troutman M.D. Distinguished Chair in Ophthalmology and Ophthalmic Microsurgery, serves as Professor and Chairman of the Department of Ophthalmology at SUNY Downstate. Dr. Lazzaro received his MD degree and his residency training in ophthalmology at SUNY Downstate and then completed a cornea and refractive surgery fellowship at the Manhattan Eye, Ear, and Throat Hospital and Cornell Medical Center.

Dr. Lazzaro has been involved in residency training since 1994 and has served in a variety of roles since then. He was director of surgical training at the Kings County Hospital Center for a decade and has been its Chief of Ophthalmology from 2001 to the present time. This eye service is the largest in the NYC Health and Hospitals Corporation and currently sees over 27,000 outpatients regularly. In addition to being responsible for the design of the clinic, Dr. Lazzaro has been serving as President of the Medical Board at Kings county since 2010.

The ophthalmology residency that Dr. Lazzaro directs is one of the largest in the United States and is recognized as one of the top training programs in the NYC area. Dr. Lazzaro serves on the board of the Eye Bank for Sight Restoration and the NY Society for Clinical Ophthalmology, and was recently elected to the NY Ophthalmic Laser Society.

Dr. Lazzaro has also been the recipient of many other awards including: Attending of the Year in Ophthalmology at Kings County Hospital Center in 2002 and 2007, and Attending of the Year in Ophthalmology at SUNY Downstate Medical Center in 2003 and was the recipient of the Community Service Award for Visions/Services for the Blind and Visually Impaired in 2007, he has been elected to New York Super Doctors in 2008, 2009, and 2010 and was elected a lifetime member of Swathmore's Who's Who. Dr. Lazzaro also received the Outstanding Faculty Award from the Daniel Hale Williams Society at SUNY Downstate Medical Center in 2010.

Mr. Speaker, I would like to recognize Dr. Douglass Lazzaro for his contribution to the health of Brooklyn residents.

PERSONAL EXPLANATION

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Ms. WILSON of Florida. Mr. Speaker, on Rollcall No. 781 on passage of H.R. 3078. To

implement the United States-Columbia Trade Promotion Agreement; Rollcall No. 782 on passage of H.R. 3079, To implement the United States-Panama Trade Promotion Agreement; Rollcall No. 783 on passage H.R. 3080, To implement the United States-Korea Trade Agreement; and Rollcall No. 784 on the motion to concur in the Senate amendment to H.R. 2832, To extend the Generalized System of Preferences, and for other purposes, I am not recorded because of an absence due to illness. Had I been present, I would have voted "nay," "nay," "nay," and "yea," respectively.

TRIBUTE TO HONOR FLIGHT OF
EASTERN OREGON

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. WALDEN. Mr. Speaker, I rise to recognize the 27 World War II veterans from Oregon who will be visiting their memorial this Friday in Washington, D.C. through Honor Flight of Eastern Oregon. On behalf of a grateful State and country, we welcome these heroes to the Nation's capital.

The veterans on this flight from Oregon are: Raymond Kurshner, U.S. Air Force; Lelus Jack Baucum, U.S. Army; Frank M. Chuk, U.S. Army; Audrey J. Johnson, U.S. Army; Albert J. Phillips, U.S. Army, and Harold M. Tucker, U.S. Army; Duane Gilchrist, U.S. Army Air Corps; Truman D. Logan, U.S. Army Air Corps, and Victor E. Mattila, U.S. Army Air Corps; Rex E. Esch, U.S. Coast Guard; Hattie H. Kelley, U.S. Marines; Floyd E. Kirby, U.S. Marines, and Dwight Patit Riggs, Jr., U.S. Marines; Lawrence Bird, U.S. Navy; Phoebe Helen DeGree, U.S. Navy; Anthony Galluzzo, U.S. Navy; Robert P. Maley, U.S. Navy; Lorene F. Mattila, U.S. Navy; Richard J. Nelson, U.S. Navy; Robert Leo Olson, U.S. Navy; Paul R. Scandlyn, U.S. Navy, and George N. Fogg, U.S. Navy/Air Force.

These 22 heroes join more than 63,000 veterans from across the country who, since 2005, have journeyed from their home States to Washington, D.C. to reflect at the memorials built in honor of our Nation's veterans.

Mr. Speaker, each of us is humbled by the courage of these soldiers, sailors, airmen and Marines who put themselves in harm's way for our country and way of life. As a Nation, we can never fully repay the debt of gratitude owed to them for their honor, commitment, and sacrifice in defense of the freedoms we have today.

My colleagues, please join me in thanking these veterans and the volunteers of Honor Flight of Eastern Oregon for their exemplary dedication and service to this great country.

A TRIBUTE TO SAMUEL DUNSTON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Samuel L. Dunston

for his financial business that serves the greater Brooklyn community.

Mr. Dunston has been working to improve worker benefits for the better of 40 years, and has lead an outstanding minority operated and owned businesses in New York. Mr. Dunston takes pride in knowing that he offers a highly regarded service to the residents of Brooklyn and has gained the esteemed support of many organizations in his career. Groups such as the Boys Scouts Council, numerous church councils & the Kiwanis Club are as eager for this counsel as are the boards of directors of the Brooklyn Chamber of Commerce, for which he is chairman of the Women & Minority Business Development Committee, the Brooklyn District Attorney's Office, the Central Brooklyn Coordinating Council, the Brooklyn Hospital Community Advisory Board and New York City Technical College Small Business Advisory Council.

Mr. Dunston works equally as comfortably with the neighborhood as he does with Corporate Leaders. He puts as much energy into protecting the family of a client who can only afford \$4.00 a week for a Life Insurance policy as he does for an impressive list of companies on his clients' roster. Several companies he represents are Amalgamated Union, Bethel Baptist Church, and Social Concern Community Development Corp.

In addition to his advocacy through his organization, Mr. Dunston sits on the boards of the Greater New York Chapter of the 100 Community Advisory Board; the CABS Nursing Home, the Brooklyn Sports Foundation, Brooklyn Hospital and the United States-New Independent States Chamber of Commerce. Mr. Dunston cherishes his family which consists of his own children, grandchildren and great grandchildren. Mr. Dunston and his wife, Pastor Patricia Dunston, are long time residents of Freeport, New York.

Mr. Speaker, I would like to recognize Mr. Samuel Dunston for his financial services expertise and community partnerships he has built with Brooklyn and its residents.

RECOGNIZING THE UNIVERSITY OF
MISSOURI FOR CELEBRATING
ITS 100TH ANNIVERSARY OF
HOMECOMING

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to recognize the University of Missouri for celebrating its 100th anniversary of Homecoming.

In 1891, Missouri and Kansas began what is believed to be the oldest college football rivalry west of the Mississippi River. After 20 years of playing at neutral sites, the National Collegiate Athletic Association (NCAA) passed legislation to move collegiate games to campus football fields. This was the birth of a vision for the first Homecoming celebration at Mizzou.

That vision began with two words from athletic director and head football coach Chester Brewer in 1911. Determined to add excitement

to the rivalry with the Jayhawks, Coach Brewer called on graduates to 'come home.'

And come home they did—with a spirit rally, parade and, of course, a football game. And so the Homecoming tradition at Mizzou began.

Mizzou still has its annual parade and rally and holds the world record for the largest peacetime blood drive on a college campus, which occurs during Homecoming. Also part of the celebration are community service projects, a talent competition and the Homecoming Hall of Fame.

In closing, I ask all my colleagues to join me in offering the University of Missouri congratulations on the 100th anniversary of Homecoming.

Go Mizzou!

PERSONAL EXPLANATION

HON. LOUISE MCINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed Rollcall vote numbers 780, 781, 782, 783, 784, 785. Had I been present, I would have voted "aye" on Rollcall vote numbers 780, 784, and 785. I would have voted "no" on Rollcall vote numbers 781, 782, 783.

H.R. 3078, Motion to Recommit, No. 780, "aye."

H.R. 3078, Final Passage, No. 781, "no."

H.R. 3079, Final Passage, No. 782, "no."

H.R. 3089, Final Passage, No. 783, "no."

H.R. 2832, Motion to Concur, No. 784, "aye."

H.R. 2433, Motion to Suspend Rules, Pass, No. 785, "aye."

A TRIBUTE TO REV. ROBERT
WATERMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Rev. Robert Waterman for his leadership as a pastor, doctor, proprietor, and activist in Brooklyn and the greater New York State.

Rev. Waterman is the fifth Pastor of Antioch Baptist Church located in Brooklyn, New York. Reverend Waterman has brought many gifts to Antioch—the three most notable being his exuberance, a willingness to get the job done and spirituality. Rev. Waterman tries to impress on people that God desires our praise and worship, and has been labeled "The Preacher of Thunder" by the late Dr. William A. Jones. He encourages his congregation to know God so that hearts, and thereby lives, can be changed.

Being born in Brooklyn, New York and raised in Hemingway, South Carolina, Rev. Waterman is a very ambitious businessman in his spare time when not actively operating the church. He fully embodies the notion that he truly can do all things through Christ. In his

ninth year, Rev. Waterman's focus is on moving the church toward building God's Kingdom by restoring people, both spiritually and physically. Antioch is concerned about the health and spirituality of the community. Building the Church, Building the People, and Building the Community. Antioch continues on its path, uniting for fellowship and following Christ.

Rev. Waterman is a premier example of an activist. He is a lifetime member of the NAACP and serves on Community Board # 3 as the Chairperson of the Transportation Committee. Rev. Waterman is a part of the Black Brooklyn Empowerment Convention as the Chair of Securing Our Institutions Cluster. He serves as the Ecumenical Chair in Brooklyn for BLCA, Black Leadership Commission on Aids and is the President of the A.A.C.E.O., African American Clergy and Elected Officials Organization of Brooklyn.

Mr. Speaker, I would like to recognize Rev. Robert Waterman for his excellent leadership of faith based initiatives in Brooklyn and commitment to service.

CONDEMNING THE IRANIAN PLOT TO CARRY OUT BOMB ATTACKS IN WASHINGTON, DC

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. CROWLEY. Mr. Speaker, I rise today to condemn the Iranian plot to carry out bomb attacks in our Nation's Capital and to praise our law enforcement officials who have once again stepped in to thwart terror and preserve our safety.

Two days ago, law enforcement officials revealed Iranian participation in a plan to assassinate a foreign ambassador on U.S. soil by blowing up a busy D.C. restaurant. They also cited plans to attack Israeli embassies in Washington, DC and Argentina. Without the efforts of our law enforcement agencies, these attacks could have killed possibly hundreds of innocent bystanders right here in our Nation's Capital and elsewhere.

This plot goes beyond a handful of individuals; it once again displays the Iranian regime's cruel disregard for innocent human life.

Iran continues to sow violence and instability in the Middle East, to traffic weapons, to pursue the acquisition of nuclear capabilities and to brutally suppress its own people. This is the country whose leader threatened to "wipe Israel off the map." This latest attempt to murder diplomats and citizens in D.C. and abroad is proof positive that Iran remains a serious danger.

Last year, I helped lead the effort to pass sanctions on the Iranian regime—to end its ability to finance repression and terrorism. This attempted attack on our homeland demonstrates the world must do more. China and Russia, in particular, can do a lot more—for too long they have avoided applying tough pressure on the Iranian regime. But we too can do more. Iran remains a threat to U.S. national security and to global peace and stability, and it is time to increase U.S. and multi-lateral pressure even further.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,868,218,296,426.05.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,229,792,550,132.25 since then. This debt and its interest payments we are passing to our children and all future Americans.

A TRIBUTE TO ROBERT CANCRO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Dr. Robert Cancro, a charismatic Brooklynite who carries the energy to inspire and motivate others.

Dr. Robert Cancro received his M.D. degree in 1955 from the State University at Brooklyn. In 1962, he obtained his Med. D.Sc. Degree from the same institution. Following a straight medical internship, he completed his residency training at Kings County Hospital.

From 1959–1966, he was on faculty of the State University of New York and developed and ran the first alcohol rehabilitation unit in New York City. In 1966, he went to Menninger Foundation, where he was director of research training. He spent a sabbatical year in 1969, at the University of Illinois at their Center for Advanced Study, and as a Professor of Computer Science.

He returned to the East in 1970, as Professor of Psychiatry at the University of Connecticut, and joined the faculty at NYU, as Professor and Chairman in 1976. In 1982, he added the directorship of the Nathan Kline Institute for Psychiatric Research, NCI, to his other responsibilities. Dr. Cancro retired as a Chairman of the Psychiatry Department and as Director of NCI in 2005. He continues as a Professor of Psychiatry at NYU.

Dr. Cancro's major academic interest has been in the psychoses and, in particular schizophrenia. He has worked on a number of different aspects of schizophrenic psychoses, but focusing on the interface between the nervous system and behavior. He has over two hundred publications including a dozen books.

In addition to his academic record, he has been active in the World Psychiatric Association, chairing their Section on Psychiatric Rehabilitation, and has served as consultant to the World Health Organization for a number of years. At the national level, he has served as a consultant for the U.S. Secret Service, the Department of Justice, and the New York Yankees.

Mr. Speaker, I would like to recognize Dr. Robert Cancro for his contribution to the field of medicine and his service to the Brooklyn community.

HONORING THE COLD SPRING FIRE DEPARTMENT ON THEIR 100TH ANNIVERSARY

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mrs. BACHMANN. Mr. Speaker, I rise today to congratulate the Cold Spring Fire Department on their 100th anniversary this year. It is my honor to join with the Cold Spring community in celebrating this milestone marking a century of service.

Since ancient Rome, communities have depended on fire departments to control and prevent fires to homes, businesses and public buildings. Today's community fire department continues the work of fire management and prevention, but has added the responsibility of first responders for medical and other rescue situations as well. When so much is depending on individuals to volunteer for this dangerous work, we owe them our deepest gratitude. As the city of Cold Spring gathers to show their thanks to the firefighters who have trained, worked and lived in their community, let me add my gratefulness for the support they have shown these everyday heroes this last century.

October is also National Fire Prevention Month, so I also thank the Cold Spring Fire Department for their efforts to educate and train the public in fire prevention at home and in the outdoors. Mister Speaker, please join with me in thanking all of America's firefighters for their prevention efforts and then in congratulating the Cold Spring Fire Department on their 100th Anniversary.

HONORING THE CHESHIRE HOME 30TH ANNIVERSARY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Cheshire Home located in Florham Park, Morris County, New Jersey, as it celebrates its 30th Anniversary this year.

Established in 1981, the Cheshire Home has served the area's physically disabled adults with a time-honored philosophy first carried out by Lord Leonard Cheshire, a World War II Royal Air Force Pilot, who established the international organization to serve disabled veterans. Since 1948, hundreds of Cheshire Homes have opened up worldwide, each acting independently, but all being guided by the same set of values.

The unique setting of the Cheshire Home provides a stimulating living experience where residents not only receive professional medical care, but also have the opportunity to contribute to their community and live an independent lifestyle. As only one of twenty-four licensed specialized care facilities in the state of New Jersey, the Cheshire Home is the only facility that specializes in the 18–55 age range, making it a truly unique facility. The residents at Cheshire Home are offered a myriad of services including, medical, educational,

recreation and counseling programs and services.

In 1986, Cheshire Home began its first expansion when two community-based homes were added. The residences were built for individuals with the ability to live with an increased measure of independence. In 1988, the Cheshire Home established its onsite Community Resource Center. The Center is a place where an array of programs and services are conducted, including vocational training and education.

Cheshire Home and its residents have also reached out to the community through multiple programs. Members of the surrounding community are invited to take part in computer classes where Cheshire residents frequently act as mentors. A second program, the Awareness by Learning Experience (A.B.L.E.) program, was created to raise awareness in children, teens and adults of the challenges and capacities of disabled persons. Activities such as a "wheelchair obstacle course" give participants a glimpse at the challenges faced by disabled persons. The residents of Cheshire Home have presented this program to hundreds of communities and schools throughout New Jersey.

Cheshire Home is a place dedicated to serving disabled adults by providing a specialized environment that fosters the growth of a personal measure of independence in each resident. They have also proved over and over to be a good neighbor to the community. But above all, Cheshire Home provides young, disabled adults with the most important thing: a home.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Cheshire Home, their board of trustees, staff and volunteers as they celebrate their 30th Anniversary.

A TRIBUTE TO KIM GODWIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Ms. Kim Godwin, an exceptional former Brooklynite who demonstrates ambition and a passion for her work to inspire us all.

Kim Godwin joined CBS News as Senior Producer in April 2007. In her current role on the CBS Evening News with Scott Pelley, she is exclusively in charge of planning future CBS News editorial coverage of day to day and major news events, both domestically and internationally, including most recently, the launch of the final Shuttle mission from Kennedy Space Center. In her previous role on the CBS Evening News with Katie Couric, Godwin was in charge of Domestic News, overseeing editorial coverage and story production for all CBS bureaus in The United States, excluding Washington, D.C.

Most recently Godwin received a 2010 Emmy Award for "Outstanding Business and Economic Reporting in a Regularly Scheduled Newscast" for her groundbreaking series "Financial Family Tree." The unique series provided viewers with an in-depth, analytical look

at the immediate and long-term ripple effects of the recession.

She also recently won two New York Association of Black Journalists Awards for producing "Conquering Cancer" and "The Changing Face of AIDS." She also received an Emmy nomination for "Conquering Cancer." In her prestigious career, she has won numerous awards for excellence in journalism, including a Los Angeles area Emmy for Investigative Journalism for the report "One Gun," in which one handgun was linked to multiple violent and deadly crimes. She is affiliated with numerous organizations, including the Association for Education in Journalism and Mass Communications, the National Association of Black Journalists, and the National Association of Female Executives. She is also the Chair of the Board of Managers at the North Brooklyn YMCA in New York City.

Godwin was born in Panama City, Florida but grew up in Queens, New York and is a graduate of Bayside High School. She graduated from Florida A&M University with a Bachelor of Science degree in broadcast journalism. Godwin currently resides in Pocono, Pennsylvania with her two children Kimberly and Kirsten.

Mr. Speaker, I would like to recognize Ms. Kim Godwin for her outstanding contribution to the field of journalism.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE ESTABLISHMENT OF FLORIDA ATLANTIC UNIVERSITY LOCATED IN BOCA RATON, FLORIDA

HON. ALLEN B. WEST

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. WEST. Mr. Speaker, I rise today to recognize Florida Atlantic University (FAU) as it marks the 50th Anniversary of its establishment in 1961. FAU is Florida's fifth largest public university.

Through the last five decades, FAU has pursued a mission of delivering top-quality higher education, research, creative activities and civic engagement. Today FAU provides a national model of excellence in serving students across a very large geographical region through a well-developed distributed campus system.

From its humble beginning on an abandoned World War II-era United States Army airfield in Boca Raton, FAU has expanded to include campuses and sites in Davie, Fort Lauderdale, Dania Beach, Jupiter, Port St. Lucie and Fort Pierce.

The university is currently serving a record-high student body of more than 29,000 individuals including the founding class of the Charles E. Schmidt College of Medicine, America's newest medical school.

FAU takes special pride in the fact that its student body ranks as the most racially, ethnically and culturally diverse among the 11 institutions in Florida's State University System. Forty-six percent of students classified as minority or international.

In the last 50 years the university has awarded degrees to more than 120,000 alum-

ni. The University and the alumni is a strong engine of economic growth and FAU generates an estimated \$2 billion annually in its six-city service region.

FAU's 10 distinguished colleges offer students the opportunity to pursue more than 170 degree programs on the undergraduate and graduate levels. The students are taught by a faculty of 1,500 skilled and dedicated men and women who possess expertise in their fields and a true passion for passing on their knowledge to the next generation of leaders. Areas in which FAU has earned national recognition include ocean engineering, marine science, business, accounting and public administration.

Long recognized as an outstanding teaching institution, FAU is now claiming a place among America's great research universities. FAU researchers are at work in a host of essential areas, ranging from discoveries in the life sciences to new engineering technologies.

In 2010, the United States Department of Energy awarded FAU's Center of Excellence in Ocean Technology the broader designation of the Southeast National Marine Renewable Energy Center. Researchers at this interdisciplinary center are working to address our nation's energy needs through the development of technology to generate energy from Florida's strong offshore currents. FAU is ranked as a "High Research Activity" university by the Carnegie Foundation for the Advancement of Teaching.

While FAU excels in the sciences, FAU is also a vibrant center of the arts showcasing faculty and student presentations of many kinds, including lectures, plays, concerts and exhibitions. The university also recognizes its role in the community by offering South Florida's retired citizens the opportunity to take a wide variety of interesting classes through the FAU Lifelong Learning Society which happens to be the largest and most successful program of its kind in the nation.

FAU's students, alumni, faculty, administrators and staff can take pride in all that their university has accomplished during its first 50 years as they look forward to even greater achievements in the next decades to follow. This institution is an asset of great value to all Americans and to all Floridians deserving recognition and commendation during their Semicentennial.

HONORING THOMAS MORAN, THE HUDSON RIVER SCHOOL OF PAINTING

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to join my colleagues from New York, Representative ENGEL and Representative HINCHEY, in honoring America's first and most prestigious school of painting. Known as the Hudson River School of Painting, this 19th century school popularized the American landscape.

I, too, have a connection to the Hudson River School. One of the school's most popular and prolific artists, Thomas Moran, grew

up in my district in Philadelphia. He later worked at a local engraving firm, which sparked his interest in painting. Moran soon garnered attention for his paintings and was hired to paint scenes of the wilderness of the American West. These paintings, for which Moran is best known, are primarily from the area that is today Yellowstone National Park.

Moran's massive landscapes, and works by other Hudson River School painters, inspired Congress to dedicate Yellowstone, as well as Yosemite and Acadia National Parks. Eventually, these paintings were used by environmental conservationists to encourage Congress to form the National Park Service in 1916.

Another result of the School was the creation of the Metropolitan Museum of Art in New York City in 1870. Many painters from the Hudson River School helped guide the Met's formation, meeting with the President, donating funds, and serving as a trustee or member of the executive committee. Fittingly, today, many works by the School's painters can be found there.

Mr. Speaker, I encourage my distinguished colleagues to join me in my appreciation for the works of painter Thomas Moran, and for the lasting legacy of the first indigenous American school of painting, the Hudson River School.

A TRIBUTE TO IAN LIFSHUTZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Ian R. Lifshutz for his extensive work representing physicians and other health care providers in New York.

Mr. Lifshutz is a graduate of St. Johns School of Law admitted to practice law in New York, New Jersey, Florida and Connecticut. He has experience in Health Care Law, representing physicians and other health care providers and institutions in all matters of health care transactions.

Mr. Lifshutz is responsible for assisting providers in matters relating to Fraud and Abuse and Medicaid/Medicare compliance plans and audits, the purchase and sale of health care practices, HIPAA and state based patient privacy, management, MSO, and billing companies, shareholder agreements, formation, dissolution and operation of corporations and other professional partnerships, asset protection as a means to limit physicians' exposure to malpractice claims and other civil liability, and leases and real estate transactions for healthcare facilities and medical practices. Among the many issues he handles, Mr. Lifshutz is most versed in Anti-Kickback and "STARK", state and federal prohibition against self-referral law as well as professional misconduct and "Fee Splitting" issues, and Medicare and Medicaid insurance policy.

Mr. Lifshutz has structured many health care facilities in New York, New Jersey and Florida, including proper pension structuring in order to maximize pension benefits. He has negotiated complex transactions for surgery

centers and Article 28 facilities, and structured complex Asset Protection for physicians and others in the field of health care.

He has lectured at the Bronx County Medical Society and N.Y. Chiropractic College, as well as hospitals, regarding HIPAA compliance, asset protection, risk management and professional misconduct, fraud and abuse and regulatory issues surrounding health care professionals.

Mr. Speaker, I would like to recognize Mr. Ian Lifshutz for his contributions to the Brooklyn legal and healthcare communities.

JO-ANN YANNUZZI

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. BARLETTA. Mr. Speaker, I rise to honor Jo-Ann Yannuzzi for a career filled with professionalism and passion. Mrs. Yannuzzi has displayed a spectacular work ethic in both business and the community. Throughout her career, she has been known as a proprietor, entrepreneur, and philanthropist. For those reasons, and for her service to the community, she is being recognized as the Humanitarian of the Year by the Mountain City Lions Club in Hazleton, Pennsylvania.

A Hazleton native, Mrs. Yannuzzi was one of the first four women inducted into the Hazleton Rotary Club in 1992. She also spent many years with the YWCA, serving as its president as well as on its Board of Directors. In 1999, she received the YWCA Pearl Award for Business and Industry. In 1994, Mrs. Yannuzzi received the Athena Award from the Greater Hazleton Chamber of Commerce for her outstanding professional achievement as an area businesswoman.

Mrs. Yannuzzi knows what it takes to run a successful business. With her husband, she has owned and operated Job Johnny, and she was an associate in Yannuzzi Inc. and Amity Oil. From 1991 to 1995, she was the sole proprietor of Hazleton Floral Design, where her responsibilities included making financial transactions and decisions.

She served in various directorships in organizations such as the Committee to Help Handicapped Infants Parents Succeed (CHHIPS) and the FunFest Committee. But Mrs. Yannuzzi is likely best known for her work at the American Cancer Society. She joined the American Cancer Society in 1997, and four years later became the Community Income Development representative for Greater Hazleton. She has coordinated numerous events for the society in Mount Pocono, Wilkes-Barre, and Nanticoke. Since 1985, she has co-chaired Daffodil Days and other fundraisers for the national level of the society in an attempt to create a world with less cancer and more birthdays.

Mr. Speaker, I commend Jo-Ann Yannuzzi for her many years of dedicated service. She has shown great purpose in her career and in her passions, and I hope she continues to make the world a better place.

HONORING SAGUARO NATIONAL PARK FOR THEIR PARTICIPATION WITH THE 2011 BIOBLITZ

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. GRIJALVA. Mr. Speaker, I rise today to honor Saguaro National Park for their participation in the 2011 BioBlitz, sponsored by the National Geographic Society and the National Park Service. Starting in 2007 and leading up to the National Park Service's Centennial in 2016, only one national park from among the park service's 395 units is selected each year to host the nationally recognized event. This year, Saguaro National Park and the community of Tucson have been chosen for this honor. The 2011 Saguaro BioBlitz is the fifth of 10 events, with Tucson joining the communities of Washington DC, Los Angeles, Chicago and Miami as a host.

The 2011 BioBlitz, to be held this October, is an exciting 24-hour race to find, identify and count as many plants and animal species as possible inside Saguaro National Park. Teams of students and the general public will be partnered with scientists and experts in fields of biology, ecology and botany to scour the park and work together to do the counting. For two days surrounding the event, Saguaro National Park will simultaneously host a Biodiversity Festival, where the public can interact with scientists as they come in from the field to identify and catalog species. One thing is clear; the BioBlitz will introduce many to some of the most ecologically valuable lands in the Sonoran Desert: Unique topography, rare desert flora; scenic and recreation opportunities; and prime habitat for a host of desert creatures.

Saguaro National Park is a shining example of the Sonoran Desert's magnificent beauty and biodiversity. First established as a National Monument in 1933 for the purpose of protecting the giant Saguaro Cactus and then designated a National Park by President Bill Clinton in 1994, Saguaro National Park has been part of the Tucson community for over 75 years. Today, the National Park Service works to preserve desert, mountain and riparian habitats in the Tucson and Rincon Mountains. Saguaro National Park covers 91,327 acres and, of that acreage, 78 percent is designated wilderness. This land was not just preserved for its scenic views but also for its ecological wonders that must continue to be explored by the young and old, alike.

As the 2016 Centennial approaches, there is a consensus that this milestone must be viewed as an opportunity to recommit ourselves to protecting and preserving our National Park System. It is events such as this that will create new generations of stewards to safeguard our National Parks for the next 100 years. In direct alignment with the White House's America's Great Outdoors initiative and the National Park Service's Call to Action, the BioBlitz gets kids outside, connecting communities with our public lands.

Saguaro National Park, its staff, and the volunteers are vital players in the protection of America's public lands. As Ranking Member of

the House Subcommittee on National Parks, Forests and Public Lands and having seen our community grow to over a million people during my lifetime, I know the importance of protecting our beloved desert. Saguaro National Park is a vital part of not only my community's history, but this Nation's history. I know that the BioBlitz will help teach our youth about the importance of protecting these special places, fostering greater appreciation, enjoyment, and stewardship for the future.

I congratulate Saguaro National Park and its staff for being part of the BioBlitz experience.

RECOGNIZING WILLIAM T. LOCKE
ON HIS RETIREMENT FROM THE
LORAIN COUNTY COMMUNITY ACTION AGENCY

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Ms. SUTTON. Mr. Speaker, I rise today to acknowledge an individual whose contributions have changed the lives of people in my district and throughout Ohio.

William T. Locke served as the President and CEO of the Lorain County Community Action Agency in Lorain, Ohio for two terms; from 1986 to 1999 and again in 2007 to 2011. Throughout his tenure, William has led the Agency with temperance and humility, and always placed the needs families and seniors first.

William has had an extensive career working in Community Action Agencies, which work to make our country a better place to live. In 1974, William began his career of community service as the Executive Director of the Portage County Community Action Council where he helped people achieve economic security. He was later appointed to lead the Office of Community Services within the Ohio Department of Development by Governor Richard Celeste in 1983. William left the State of Ohio to become the Deputy Executive Director for the Cincinnati-Hamilton County Community Action Agency before continuing on to the Lorain County Community Action Agency. In addition, William served in the U.S. Army during the Vietnam War and received an Honorable Discharge.

William Locke has made a difference in our community, and it is an honor to have worked with him to give children, families, and our seniors a better way of life.

Mr. Speaker, I ask my colleagues to join me in recognizing the accomplishments and dedicated service of Mr. William T. Locke as he retires from the Lorain County Community Action Agency.

RECOGNIZING NORTH COLLIN
COUNTY HABITAT FOR HUMANITY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my privilege to recognize before the

United States House of Representatives an outstanding charitable organization—North Collin County Habitat for Humanity, (NCC-Habitat)—on the occasion of the Grand Opening of its new facility in McKinney, Texas.

Incorporated in 1992, NCC-Habitat's mission is to "work in partnership with God and His people to develop communities by enabling families to achieve the dream of homeownership with dignity." Over its nearly twenty years of service to the communities of northern Collin County, this organization has built 64 homes for families in need.

Many of the resources required to complete these projects are donated to or funded by the McKinney ReStore. Habitat for Humanity operates over 900 ReStores throughout the United States and Canada. These facilities are retail outlets, open to the public, which sell new and gently used building materials, furniture, and other home decor items.

The McKinney ReStore operated by NCC-Habitat has been so successful that it needed to expand. Today marks the first day of business at the ReStore's new 40,000 square foot facility. The building also houses NCC-Habitat's office space.

On behalf of the people of the Third Congressional District of Texas, I want to thank the great folks of NCC-Habitat for helping to build our community.

Congratulations on your new facility. God bless you, and I salute you!

HONORING OAKHURST
PRESBYTERIAN CHURCH

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, Oakhurst Presbyterian Church has been and continues to be a beacon of light to our county for the past ninety years; and

Whereas, Pastors Gibson "Nibs" Stroupe and Pastor Caroline Leach and the members of the Oakhurst Presbyterian Church family today continues to uplift and inspire those in our county; and

Whereas, the Oakhurst Presbyterian Church family has been and continues to be a place where citizens are touched spiritually, mentally and physically through outreach ministries and community partnership to aid in building up our District; and

Whereas, this remarkable and tenacious Church of God has given hope to the hopeless, fed the needy and empowered our community for the ninety (90) years by preaching the gospel and living the gospel; and

Whereas, Oakhurst has produced many spiritual warriors, people of compassion, people of great courage, fearless leaders and servants to all, but most of all visionaries who have shared not only with their Church, but with DeKalb County and the world their passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Oakhurst

Presbyterian Church family on their 90th Anniversary and for their leadership and service to our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim September 25, 2011 as Oakhurst Presbyterian Church Day in the 4th Congressional District.

Proclaimed, this 25th day of September, 2011.

HONORING THE SISTERS OF
CHARITY OF ST. HYACINTHE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the Sisters of Charity of St. Hyacinthe on over a century of committed service to the city of Lewiston.

From the moment of their arrival in 1878, the Sisters of Charity of St. Hyacinthe made themselves an integral part of the Lewiston community. Immediately looking for ways to give back to the town, they established a school for the community's French speaking children within their first year. A decade later, they established the first Catholic hospital in Maine. As the years progressed, the Sisters would go on to establish an orphanage for the children of mill workers, as well as long-term care facilities for the elderly.

The tremendous impact that the Sisters have had on Lewiston continues to be felt by the city's residents today. Perhaps the most important example of this is the work of St. Mary's Regional Medical Center. St. Mary's embodies the remarkable caring of the Sisters, providing preventive, restorative and supportive services with compassion and respect for thousands of Lewiston area residents. Although the Sister's involvement in the management of the hospital has receded in recent years, their legacy lives on in members of the staff who continue to treat to some of Maine's most needy.

There is no way to quantify the immense good that the Sisters of Charity of St. Hyacinthe have brought to the city of Lewiston and to the state of Maine. The impact of their service to the community is a shining example of the power of love and faith. I join the city of Lewiston in expressing an unending gratitude for their kindness and their devotion to helping the less fortunate.

Mr. Speaker, please join me in honoring the Sisters of Charity of St. Hyacinthe for their numerous contributions to the Lewiston community and the state of Maine.

50TH ANNIVERSARY OF LA
POSADA HOTEL

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. CUELLAR. Mr. Speaker, I rise today to commemorate the 50th Anniversary of La Posada Hotel, a historical treasure and cultural icon of the community of Laredo, Texas.

La Posada Hotel stands on the banks of the Rio Grande and in the heart of Laredo's Historic Business District, a quiet but proud tribute to the Spanish, Mexican and Texan architectural influences that many Texas cities are proud to call their own. The hotel's classic entrance, its windows wrapped in decorative wrought-iron, and Spanish-tile decked veranda draped with the Seven Flags of Texas all face the historic San Agustin Plaza.

The building was established in 1916 and was first the home of old Laredo High School until 1961, when Tom Herring opened the hotel centered on the school building. La Posada is comprised of three additional historic 19th-century buildings: the Tack Room, formerly the Bruni House, the Republic of the Rio Grande Museum and the San Agustin ballroom, formerly a convent. Renowned for its world-class accommodations and high-quality customer service, La Posada is also home to two award-winning restaurants, Zaragoza Grill and The Tack Room. It has undergone a \$17-million renovation that has enabled it to become a premier hotel in Laredo and to continue its role as a contributor to the community's economy.

La Posada has also become the elegant setting of some of Laredo's most acclaimed events, including the George Washington's Birthday Celebration, and host to illustrious figures including U.S. Senators, U.S. Congressmen, and international public officials and diplomats.

Mr. Speaker, I am honored to have the time to commemorate the 50th Anniversary of La Posada Hotel and its historical, cultural and economic significance to the community of Laredo, Texas. I thank you for this time.

SECOND U.S. POW DELEGATION TO
JAPAN, OCTOBER 15-23, 2011

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. HONDA. Mr. Speaker, I rise today to honor veterans from America's greatest generation and thank the Government of Japan for recognizing the sacrifices of these men. On Saturday, October 15, seven former members of the U.S. Army and Army Air Corps, who fought in the Battle for the Philippines at the start of World War II, from December 1941 to May 1942, will travel to Tokyo as guests of the Japanese government. These brave soldiers and airmen were all prisoners of war of Imperial Japan.

The conditions in which they were held are unimaginable. Their first trip to Japan was on aging freighters called "Hellships," where the men were loaded into suffocating holds with little space, water, food, or sanitation. At the POW camps in the Philippines, Japan and China, they suffered unmerciful abuse aggravated by the lack of food, medical care, clothing, and appropriate housing. Each POW also became a slave laborer at the mines, factories, smelters, and docks of Japan's largest companies, including Mitsui, Nippon Steel, Showa Denko, Mitsubishi, and Japan Metals & Chemicals Company. In the end, nearly 40%

of the American POWs of Japan perished; compared to the two percent of those in Nazi Germany's POW camps.

The men traveling to Japan this weekend include five residents of California, one from Arizona and one from Missouri. There are two survivors of the infamous Bataan Death March and four who were captured during the surrender of Corregidor. Furthermore, two of the veterans believe that they were subject to medical experimentation.

In September 2010, the Japanese government delivered to the first American POW delegation an official apology for the damage and suffering these men endured. Although the Japanese government had hosted POWs from U.S. wartime Allies, this was the first trip to Japan for American POWs. It was also the first official apology to any prisoners of war held by Japan.

I know that the American POWs fought hard for this recognition. I appreciate the courage of the Japanese government for their historic and meaningful apology. I thank the POWs for their persistent pursuit of justice, and commend the U.S. State Department for helping them. Now, it is time for the many Japanese companies that used POWs for slave labor during World War II to follow the example of their government by offering an apology and supporting programs for lasting remembrance and reconciliation. Furthermore, I invite my colleagues on both sides of the aisle to join me in a making a small, but significant, gesture to show these men that Congress has not forgotten their experience and sacrifice by cosponsoring House Resolution 333, which I introduced earlier this year.

I wish these men a fulfilling trip to Japan, and I hope that their trip contributes to securing the historic peace between the U.S. and our important ally Japan.

SECOND U.S. POW DELEGATION TO JAPAN, OCTOBER 15-23, 2011

Harold A. Bergbower, 91, lives in Peoria, Arizona. He joined the U.S. Army Air Corps in 1939 and was part of V Bomber Command, 19th Bomb Group, 28th Bombardment Squadron, Far East Air Force. He was at Clarke Field when Japan attacked on December 8, 1941. He was knocked out in the bombardment and when he awoke he found himself in the morgue at Fort Stotsenburg. Bergbower crawled out and went back to his squadron to fight in the Battle of Bataan. By escaping to Mindanao after surrender, he avoided the Bataan Death March and was captured in May. On the Philippines, he was imprisoned at Malaybalay on Mindanao and the Davao Penal Colony. In August 1944, he survived the sinking of several Hellships only to end up on Mitsubishi's Noto Maru; a trip he has completely blocked out. He was a slave laborer scooping iron ore into an open hearth furnace at the Nagoya-6B-Nomachi (Takaoka) camp for the Hokkai Denka Company which was involved in ferro-alloy smelting. Today, the site remains in ferro-alloy business as Takaoka Works. It is, as was Hokkai Denka, still part of Japan Metals & Chemicals Co., Ltd (JMC, Nihon Jukagaku Kogyo). Bergbower stayed in the U.S. Air Force and returned to Japan (1954-1957) to train Japan's Air Self-Defense Force. He and his family lived near air bases in Hamamatsu, Shizuoka Prefecture and in

Fukuoka (Itazuke), Fukuoka Prefecture. After retiring in 1969, he became a golf pro for Dell Webb's Sun City, Arizona. He is a past Commander of the American Defenders (2005-6) and helped to establish its Descendant's Group. POW#89

James C. Collier, 88, lives in Salinas, California. He enlisted in the U.S. Army in 1940 at the age of 16. As a member of U.S. Army 59th Coast Artillery, Battery D "Cheney" he was captured on Corregidor. Before being shipped from the Philippines to Japan on Mitsubishi's Noto Maru in August 1944, he was held in Cabanatuan and Clark Field. Collier was a slave laborer feeding iron ore into the open hearth furnace at the Nagoya-6B-Nomachi (Takaoka) camp for the Hokkai Denka Company, which was involved in ferro-alloy smelting. Today, the site remains in ferroalloy business as Takaoka Works. It is, as was Hokkai Denka, still part of Japan Metals & Chemicals Co., Ltd (JMC, Nihon Jukagaku Kogyo). After WWII, he earned two master's degrees: one in the Teaching of English from San Jose State and another in School Counseling from the University of Oregon, Eugene. He taught English and Psychology and worked as a guidance counselor in a high school and community college for 31 years. POW#130

Harry Corre, 88, lives in Los Angeles, California. He joined the U.S. Army in 1941 and was sent to the Philippines as part of the 59th Coast Artillery Regiment, Battery C "Wheeler." He was captured by the Japanese with the surrender of Bataan on April 9, 1942 and began the infamous Bataan Death March. He escaped by swimming, with the assistance of a hastily improvised floatation device, the three-and-a-half miles to Corregidor, where he rejoined his unit. Corre was surrendered on Corregidor and imprisoned at Cabanatuan #1 and #3. He was shipped to Japan in July 1943 on Mitsubishi's Clyde Maru to mine coal at Omuta Fukuoka #17 Branch POW Camp for Mitsui Mining (now Mitsui's Nippon Coke & Engineering Company Co., Ltd.). After the war he worked odd jobs for several years and then moved to California to work in the aerospace industry. He returned to school in 1971 and graduated from Western Electronic Institute in Los Angeles as an electronics engineer. He worked in the aerospace industry for 40 years with his last position at TRW. Corre presently works at the Los Angeles, California Veterans Administration Hospital as a Patient Advocate and as a Veterans Service Officer for the American Ex-Prisoners of War as well as a POW Coordinator for the Veterans Administration Hospital & West Los Angeles Veterans Administration Regional Office. POW# 283

Roy Edward Friese, 88, lives in Calimesa, California. He joined the U.S. Army in 1941 and became a member of the 60th Coast Artillery Regiment Battery E "Erie." He arrived in the Philippines in April 1941 for basic training. He was assigned to a searchlight battery on the tip of Bataan and then evacuated to Corregidor when Bataan fell April 9, 1942. He was imprisoned on the Philippines in Bilbid and Cabanatuan. Friese was shipped to Japan in July 1943 on Mitsubishi's Clyde Maru to mine coal at Omuta Fukuoka #17 Branch POW Camp for Mitsui Mining (now Mitsui's Nippon Coke & Engineering Company). After WWII, he reenlisted in the U.S. Army and in 1947

transferred to the U.S. Air Force. He retired after 20 years of service. In civilian life he was employed doing various types of electronics work. In 1975, Friese established his own company installing & repairing micrographic equipment. In retirement he pursues hobbies of travel, photography, woodworking, and collecting antique clocks. POW#173

Ralph E. Griffith, 88, lives in Hannibal, Missouri. He enlisted in the army in 1941 at the age of 17 and received his basic training on Corregidor, the Philippines. He was captured on Corregidor in May 1942 with his unit, the U.S. Army 60th Coast Artillery Regiment Battery F "Flint." On the Philippines he was a POW in Bilibid and Cabanatuan. He was shipped to Mukden, China (today's Shenyang) in October 1942 on Mitsubishi's Tottori Maru via Korea to Manchuria. Griffith was a slave laborer at MKK (Manshu Kosaku Kikai, which some researchers believe was owned by Mitsubishi and known as Manchuria Mitsubishi Machine Tool Company, Ltd.) factory working as a planer operator. He believes that the multiple shots and blood tests that he received while at Mukden were part of human medical experiments conducted by the Imperial Army's 731st Biological Warfare Unit. At liberation, he walked out the main gate of the POW camp and was immediately taken by the hand by a little Chinese girl. She brought him to her home where her family had prepared a meal for him. This family fed and cared for him until he was repatriated. Ever since, whenever he sees a Chinese family dining at a restaurant he quietly pays their bill. After the war, he went to work for railways both in Missouri and Alaska. Not liking the cold weather, he went to work for the Elgin, Joliet & Eastern Railway in northern Indiana. After 37 years, he retired from the Railway and returned to his hometown of Hannibal, Missouri where he was born and raised. POW#552

Oscar L. Leonard, 92, lives in Paradise, California. He joined the Idaho National Guard 116th Cavalry in 1939 and the U.S. Army Air Corps in 1940. He was sent to the Philippines to be an airplane mechanic with 28th Heavy Bomb Squadron at Clark Field. He was surrendered on Mindanao in May 1942 and held as a POW in Malaybalay and Bilibid. Leonard was then shipped to Japan on Mitsubishi's Tottori Maru in October 1942. In Japan, he was held in a prison in Kawasaki and at Tokyo-2B-Kawasaki POW Camp (Mitsui Wharf Co., Ltd. known as "Mitsui Madhouse") to be used as stevedore and steel mill slave labor for the Mitsui Corporation as well as mixing chemicals for ammunition for Showa Denko. He was then held at Tokyo-5D-Kawasaki POW Camp where he was forced to work at a steel mill for Nihon Kokan (Japan Steel Pipe, now part of JFE Holdings). He was sent finally to Tokyo-7B-Hitachi POW Camp to refine copper ore for Nippon Mining (today, JX Holdings Ltd., Inc.). He weighed only 85 pounds at liberation. After World War II, Leonard felt he was too old to return to medical school and decided to become a pharmacist. He attended Marin College and graduated from Idaho State College School of Pharmacy Pocatello in 1954. He still works relief at local pharmacies, sometimes helps his youngest daughter plant trees on her ten acres of land, cuts and chops his own firewood, and enjoys world travel. POW#247

Robert J. Vogler, Jr., 90, lives in Rancho Bernardo, San Diego, California. He joined the U.S. Army Air Corps in January 1940 at the age of 19. Stationed in Manila as part of the 24th Pursuit Group 17th Pursuit Squadron, he completed aircraft instrument training and attended the University of Philippines to study engineering. He serviced aircraft and then fought as an infantry soldier during the Battle of Bataan. As a POW, he survived the Bataan Death March, Camp O'Donnell, and Cabanatuan in the Philippines. He was shipped to Mukden, China (today's Shenyang) in October 1942 on Mitsubishi's Tottori Maru via Korea to Manchuria. Vogler was a slave laborer at MKK factory (Manshu Kosaku Kikai, which some researchers believe was owned by Mitsubishi and known as Manchuria Mitsubishi Machine Tool Company, Ltd.), working as a grinding specialist. He believes that the multiple shots and rectal probes that he received while at Mukden were human medical experiments conducted by the Imperial Army's 731st Biological Warfare Unit. In May 1944, he and 150 American POWs were transferred to Nagoya-1B-Kamioka, Japan as punishment for bad behavior to be slave laborers for Mitsui Mining (now Kamioka Kogyo, a 100% subsidiary of Mitsui Mining & Smelting Co., Ltd.) mining lead and zinc. Mitsui now operates a recycling center at the former POW camp site. The mine was also the source of one of Japan's four major cases of mass industrial poisoning in the 1960s. After the war, he remained in the U.S. Air Force, retiring in 1960. He was then employed by General Dynamics as a manufacturing and development engineer, but was forced to retire in 1976 due to health issues caused by his POW experience. In 2000, Mr. Volger and his wife returned to Kamioka to a warm welcome from mine representatives, town officials, citizens, and school children. He said that the visit brought him to tears and helped rest the many demons that haunted him from his maltreatment in Japan's POW camps. POW#138 and #0336.

STATEMENT TO THE WIRELESS SAFETY SUMMIT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. KUCINICH. Mr. Speaker, I submit the following.

Good morning and thank you for the opportunity to talk with you about wireless technology. It is an honor to be in a room with people who are so ahead of their time when it comes to thinking about the effects of widespread wireless technology. This is an issue of great interest to me. Many of you know I held a hearing on the topic—the first in at least a decade if not the first ever—on the effects of cell phones on human health. My hearing was followed by a hearing in the Senate which also generated some interest.

I walked away from that hearing thinking the evidence that cell phones could cause brain cancer was fairly compelling. It was far from being authoritative but it was compelling. At a minimum, the current lack of research in the US is not at all justified, especially since some estimates are that half

of the world population uses a cell phone. One of the most important areas we discussed at my hearing was the mechanism.

The wireless industry likes to claim that the only way a cell phone could cause harm to a human being is by heating tissue directly—the so called thermal mechanism. This is the way a microwave oven works. But we heard some evidence that a non-thermal mechanism is at work. It is certainly feasible since there are many existing therapies using electromagnetic radiation to induce some effect in the body using non-thermal mechanisms.

It is an important conversation to have because this belief—that there is no non-thermal mechanism—is preventing some influential agencies from being open to the possibility that cell phones and other wireless technologies are a real public health problem. I'm talking about the National Cancer Institute mainly, who is in turn influencing the Federal Communications Commission and the Food and Drug Administration.

These agencies are using this conversation about thermal and non-thermal mechanisms as a red herring, effectively claiming that we can't move forward with any kind of precautionary action until we know the mechanism. Let me explain.

When trying to link any given environmental exposure to a health problem, scientists like to know exactly how it is happening at the 10,000 foot level and at the micrometer level. In other words, they like to be able to look over vast numbers of people and compare who was exposed and who was not exposed and show that there is a link there. But before they conclude the link is rock solid, they also like to know what, exactly, is happening at the cellular level—how are the molecules changing in cells to make this happen? That is called the mechanism. Scientists are hesitant to say with certainty there is a link until that mechanism is nailed down. And the mechanism is usually the last thing to be discovered—usually years if not decades after epidemiology first uncovers the problem.

That's fine for scientists. But The NCI, the FCC, the FDA, and Members of Congress are not scientists. We are policy makers. And we have to look at things the scientists don't. For example, we have to consider that we knew tobacco was killing people in the 30s. The Surgeon General didn't even weigh in until the 60s. And there was no substantive action on cigarette bans until the mid 90s. In fact there are many places in the US where you can still smoke in public places even though it is well established that people die from exposure to it. It is not an accident that almost 70 years have passed and we're still fighting to protect public health from tobacco. That was the result of a sophisticated campaign to manufacture doubt in the mind of the public about the link between cigarettes and health. What we have to consider as policy makers, not scientists is this: How many people died between the time we knew tobacco caused cancer and dozens of other major lethal health problems and the time policy makers took real action to protect the public and educate them?

According to the Centers for Disease Control and Prevention, "Each year, an estimated 443,000 people die prematurely from smoking or exposure to secondhand smoke, and another 8.6 million live with a serious illness caused by smoking."

So, yes, let's talk about what the non-thermal mechanisms are. But let's not let that discussion get in the way when millions of lives are at stake. If we see a danger or even

a potential danger to human health, we must act to protect health before acting to protect profits.

I announced that I would be introducing a bill that would do three things. It would re-establish a research program in the US to look at the health effects of cell phones. Almost all meaningful research in the field is now done overseas, save for a few selected pockets at places like the University of Washington and Cleveland Clinic.

Second, the bill would call for a real measure of exposure to replace the inaccurate, misleading, and downright false numbers used now to depict exposure levels. You know this measurement as the Specific Absorption Rate, or SAR, and it is mostly only accessible in places that are invisible to the consumer as they shop for phones. The SAR has multiple problems; among them is that they are designed for adults, not children; they ignore the fields created by phones that use increasing amounts of power, which smart phones do; and the science has developed significantly since the standards were set, mostly by engineers, not by people with medical training.

The third thing the bill would do is call for a label on cell phones, using the new measure of exposure that is created under this bill. Until we can say with greater certainty whether this is a link between electromagnetic radiation and various health problems, the consumer should be able to decide what they want. But markets are not truly free when the consumer has inadequate information. As it stands, the consumer cannot practically know what a particular phone or smart meter would expose them to. First the SAR is obsolete, as I mentioned. Second, even if it were useful, the SAR can't be readily accessed when buying a phone. We need labels.

The bill has already accumulated cosponsors and I am awaiting the right moment to introduce it. It will not be easy to make legislative progress because of the enormous financial resources the industry has at its disposal. They have already tried a few tricks to get us to pony up information about the bill's contents, timing and strategy. But I am convinced we can make legislative progress anyway. We just have to be very strategic about it.

I am also keeping a close eye on the other uses for wireless technology. Certainly there are a lot of questions about the dangers posed by towers. Increasingly, we're seeing popular resistance to smart meters as well because of the additional exposure they cause. And the wireless spectrum is being sold off to make room for more wireless gadgets like keyboards.

The use of the radiofrequency spectrum is one of three emerging technologies that are proof for the maxim that we are developing technology faster than our ability to manage it. Another textbook case is nanotechnology, which is proliferating by leaps and bounds while research on the effects on the environment and health is slowly lumbering along. What little research we have seen to date is deeply concerning. The third case, of course, is genetically engineered food; another topic which I have held hearings on.

In each of these cases, any progress that has been made has only come as a result of the efforts of a thoughtful, dedicated few who have raised the hard questions for industry and for policy makers. It is a privilege to join you in your efforts to put public health over private profit. Thank you again for the invitation to be with you today.

CONGRATULATORY REMARKS FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Adam John Avellan for achieving the rank of Eagle Scout.

Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Adam has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

CATHERINE FOX TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor Ms. Catherine Fox, a science teacher at Mancos High School in Mancos, Colorado. Ms. Fox was chosen to participate in the National Oceanic and Atmospheric Administration's Teachers at Sea Program for 2011.

Ms. Fox was accepted into the program along with 32 other teachers out of a pool of over 250 applicants. The Teachers At Sea Program was established in 1990 and since then has given over 500 teachers from across the country the opportunity to gain hands-on experience with science at sea. Ms. Fox spent 18 days at sea aboard the NOAA Ship *Oscar Dyson* in the Gulf of Alaska where she aided scientists in the conducting of walleye pollock surveys.

Through this program, Ms. Fox was able to bring home experience and knowledge that she could pass along to her science students. Ms. Fox was quoted in an associated press release saying, "Students in Mancos are far from the ocean, but this experience has allowed me to bring the ocean to them."

The Teachers at Sea Program has allowed educators like Ms. Catherine Fox to grow their curricula and provide more hands-on knowledge for their students.

Mr. Speaker, it is my sincerest pleasure to recognize Ms. Catherine Fox. Her dedication to her profession has helped improve our educational system and ensure that our students are receiving the best education available to them. I rise today to thank Ms. Fox for her commitment to learning and congratulate her on her acceptance into the 2011 Teachers at Sea Program.

ENCOURAGING OBSERVANCE OF NATIONAL FIRE PREVENTION AWARENESS WEEK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. RANGEL. Mr. Speaker, during National Fire Prevention Awareness week, I would like to encourage that we as a community make preparations to protect our families and neighbors from the tragedy and destruction caused by fires. This is a great opportunity to thank our community's fire fighters who are the first to respond and put themselves at risk for our safety.

Our Manhattan Congressional District is fortunate to have many brave first responders, including those from the Uniformed Fire Association of Greater New York, FDNY Engine 69, Ladder 28, Battalion 16 'Harlem Hilton,' FDNY Engine 53, Ladder 43 'El Barrio's Bravest' and FDNY Rescue 3 'Big Blue,' and the Vulcan Society, Inc. We must continue to show our cooperation and appreciation towards our fire-fighters, first responders and those who continuously ensure our neighborhoods are safe.

Simple precautions such as installing and maintaining smoke detectors in every apartment unit and on every floor of our homes and buildings, having an escape plan, and following fire codes can save countless lives. I would hope that people in my District and all across our great nation would take proper measures to prevent fires and potential harm in our communities."

LEROUX RANCH TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor the Leroux Ranch of Radium, Colorado. Leroux Ranch was settled in 1905 by cowboy and miner Owen F. Leroux at the suggestion of John Winslow, Owen's future father-in-law.

Owen married Ida Winslow, settled down, and started a family. The Leroux estate thrived for many years and after Owen's death, his family began purchasing land from homesteaders and the farm operated as Leroux Cattle Company. In 1973, part of the farm was sold off, but the original homestead remained.

In 2008, the final interest in the farm was purchased by descendants of Owen and Ida Leroux and today raises Angus and Hereford cattle. The Division of Wildlife has placed a conservation easement on the property in an attempt to establish a habitat for big game.

The Leroux Farm is another fine example of the rich agricultural heritage of the State of Colorado. The Centennial Farms Program is honoring the Leroux Farm for its longevity and long-time cultural value. It is truly a pleasure to represent a district of a state with such a fantastic display of entrepreneurial spirit.

Mr. Speaker, it is an honor to recognize Leroux Farm today on the floor of the House. The farm is truly a valuable historic and cultural asset of the State of Colorado.

75TH ANNIVERSARY OF THE
PATUXENT RESEARCH REFUGE

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. SARBANES. Mr. Speaker, I rise before you today to commend the Patuxent Research Refuge on the occasion of their 75th Anniversary. Sited on almost 13,000 acres of green space, Patuxent is the largest contiguous block of forest land in the Baltimore-Washington Corridor. Some have referred to it as the "green lungs" of the region.

Established in 1936 by President Franklin D. Roosevelt, Patuxent is the Nation's only national wildlife refuge created to support wildlife research. Patuxent includes the National Wildlife Visitor's Center which is one of the largest science and environmental education centers operated by the Department of Interior. Many of my constituents appreciate and value the Visitor Center's interactive exhibits which focus on global environmental issues, migratory bird studies, habitats and endangered species. Many visitors also can enjoy the hiking trails, tram tours, seasonal fishing programs, wildlife management demonstration areas and the outdoor education sites for local schools.

In addition to the Visitor's Center, Patuxent is home to the Wildlife Research Center which conducts research on a diverse range of wildlife and conservation issues. The exemplary research by the Patuxent Wildlife Research Center has helped develop important management techniques for conserving and protecting our Nation's wildlife and habitat. Research at the Center has led to efforts to restore the whooping crane population from near extinction to providing the scientific research that ultimately led the ban of the pesticide DDT in 1972. Currently, the Center has over 100 scientific research projects ranging from the impact of rising sea levels to Chesapeake Bay black duck populations to nocturnal bird migrations through the Central Appalachians.

Patuxent continues to be at the forefront of conserving our precious natural resources and maintaining an ecosystem that will continue to be robust and vibrant for generations to come. It provides a place for hikers, fisherman and hunters to enjoy green space in the Baltimore-Washington Corridor. I am proud that the 3rd Congressional District is home to the Patuxent Research Refuge, and hope they can continue to serve as an archetype for future environmental research facilities. I hope my fellow Members will join me in congratulating them on their 75th anniversary.

HONORING TAIWAN ON ITS 100TH
ANNIVERSARY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. CONYERS. Mr. Speaker, I would like to congratulate Taiwan, which celebrated its 100th anniversary earlier this month. The

events of October 10, 1911, marked the beginning of the Wuchang Uprising, which ultimately resulted in the collapse of the Qing Dynasty in China and the creation of Taiwan.

Under the leadership of Taiwan's President Ma Ying-jeou, relations between China and Taiwan have greatly improved. Both China and Taiwan have been able to benefit from this new era of cooperation. Chinese tourists have been flooding into Taiwan, bolstering the local economy and creating good will between the neighbors. Last year, both governments signed the Economic Cooperation Framework Agreement, ECFA. The agreement streamlines business between China and Taiwan. As a result of Taiwan's leadership, daily flights between the two countries continue to grow considerably.

We are grateful for President Ma's efforts to create peaceful relations with its neighbors and congratulate Taiwan again on its 100th anniversary.

McLAIN RANCH TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor the McLain Ranch of Parlin, Colorado. McLain Ranch was settled by John Jay McLain and his wife Olive Colter in 1908. John Jay settled in Cripple Creek in the late 1800's. A teamster at the time, John mined and conserved his money with the ultimate aspiration to become a rancher.

In the early 1900s, John and his wife moved to Ohio City where he was Superintendent of the Raymond mine. In his free time and as part of his money-saving practices, John panned gold out of the nearby creek.

Finally, in 1908, John had saved enough money to purchase his ranch in Gunnison County. He and his wife saw many years of healthy crops, raising oats, potatoes, horses, chickens, hogs, sheep, and cattle. The couple also raised five children, one of which, Jack, would take over the farm with his wife Louise in 1952. In 1988, Jack and Louise's son David purchased the farm and ever since, he and his wife Ladonna have continued to raise cattle as well as grass pasture and hay.

The McLain Ranch is one of several farms in Colorado that have contributed greatly to our agricultural success over the past century. The Centennial Farms Program is honoring the McLain Ranch, along with seventeen other farms, for its great role in making the State of Colorado the agricultural powerhouse it is today.

Mr. Speaker, it is an honor to recognize the McLain Ranch today on the floor of the House. The ranch is a symbol of the entrepreneurial spirit our Nation has so long enjoyed and exemplified.

ROFEH INTERNATIONAL—NEW
ENGLAND CHASSIDIC CENTER
HONORS THOSE WHO HAVE CON-
TRIBUTED GREATLY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, for some years now I have had the privilege of sharing with our colleagues information about a very important event that is held annually in Massachusetts by an organization that does great work in making health benefits available to people who need them, in the best possible setting.

ROFEH International was founded by the Boston Rebbe, Grand Rabbi Levi Horowitz, and is now led by his son, Grand Rabbi Naftali Horowitz. Rabbi Levi Horowitz was widely respected for his expertise in the field of medical ethics, and Project ROFEH, founded by him at the New England Chassidic Center, does extraordinary work in making the great healthcare available in the Greater Boston area accessible to people in other places. On November 20th, at their annual dinner, Project ROFEH—New England Chassidic Center will, as it has in the past, honor people who have performed extraordinary service for others.

The ROFEH International Award will go to Dr. Joseph Upton. The Grand Rabbi Levi Horowitz Legacy Award goes to Professor Neil Hecht. And in a special award, the 50th Jubilee of Congregation Bais Pinchas, the Jubilee Award is being given to the Blechner family, the descendants of Sidney and Toby Blechner, who did so much to make this organization the great success it is today.

Mr. Speaker, I ask that the biographies of Dr. Joseph Upton and Professor Neil Hecht and Sidney and Toby Blechner be printed here, along with the explanation from Grand Rabbi Horowitz of the Jubilee Award to the Blechner family.

DR. JOSEPH UPTON

With a broad background in surgical training Dr. Upton was originally recruited by Joseph Murray to be the first designated hand and microsurgeon in the Longwood teaching hospitals. During the past 34 years his practice has been focused on clinical surgery, education and clinical research. His large practice draws patients from well beyond all regions of the United States and he is known nationally and internationally as a reconstructive surgeon with expertise in upper limb surgery and microsurgery and excels in the evaluation, planning and technical expertise of difficult problems.

Dr. Upton was one of the original plastic surgeons who ushered in the advent of free tissue transfers and limb reattachment surgery in the 1980's. He is known for taking a difficult problem and finding a better, easier solution. Many of the first transfers in this region of the country, in fact, the world were performed by Dr. Upton in the 1980's.

During his few decades on staff he was an active participant in the gross anatomy course at the Harvard Medical School. Dr. Upton continues to perform many flesh dissections and teaches yearly flap dissection courses. He has always been eager to take new and some old technologies directly to patient care. In the operating room he is

known for his innovative approaches, which incorporate old and new ideas with new technologies.

As an educator he has functioned at many levels in his daily routines and usually has a medical student, resident and clinical fellow in attendance. All participate as he can teach at all levels. His microvascular/hand fellowship program is based at BIDMC within the Department of Orthopedics and the Division of Plastic Surgery. He has given lectures, keynote addresses, instructional courses and completed many visiting professorships nationally and internationally. Original papers in peer-reviewed journals are evidence of his scholarship. More detailed descriptions of many of these procedures are found in the textbooks or invited discussions in peer-reviewed publications.

Dr. Upton's research has been almost entirely clinical and he rarely describes a new procedure without medium or long-term outcomes. At the Boston Children's Hospital and Shriners Burns Hospital he has accumulated the largest experience with congenital problems in the world. His collection of hand models of congenital malformations is unique. He has had an exhibit in the Boston Museum of Science for 30 years. He was an active participant in the Joseph Vacanti Tissue Engineering lab for 13 years and worked on cartilage and skeletal constructs and prior to this worked in the Folkman Laboratory at The Children's Hospital.

PROFESSOR NEIL S. HECHT

Neil Hecht is professor of law and Founding Director of the Institute of Jewish Law at Boston University School of Law, where he has taught for almost 50 years. He received Rabbinical Ordination from Yeshiva University, a Juris Doctor from Yale Law School and a research doctorate from Columbia University School of Law.

In 1980 Professor Hecht fulfilled his lifelong dream of introducing Jewish law into the curriculum of a major American law school. Through his efforts, Jewish law is now taught in over thirty law schools, and he was instrumental in creating a permanent Jewish Law Section in the Association of American Law Schools. Moreover, its successful reception at BU Law School led to his founding of The Institute of Jewish Law in 1983, which was established for the purpose of publishing treatises, monographs, and teaching materials. Under its auspices, he has written or edited 36 volumes to date. Among these works are Jewish Jurisprudence (a two-volume commentary on Choshen Mishpat, Jewish Civil Law, which contains the only preface ever written by Rabbi Joseph Soloveitchik, zt'l), The Jewish Law Annual, and Controversy and Dialogue in Halachik Sources (a four-volume work in Hebrew and English exploring the nature of controversy and authority, machloket, in Jewish law).

From 1985 to 1986, Professor Hecht served as the Visiting Gruss Professor of Talmudic Civil Law at New York University School of Law. In the 1990s, he also served as co-director of the Joint Project in Jewish Legal Bioethics, a collaborative initiative of the Institute of Jewish Law and Boston University's Schools of Medicine and Public Health. His many professional and public service activities include serving as a founding director on the Board of Directors of the International Association of Jewish Lawyers and Jurists, chairing the Jewish Law Section of the Association of American Law Schools, and becoming an elected member of the American Law Institute.

Among other honors, he was recognized by the Ashmolean Museum of Oxford Univer-

sity, by Boston University School of Law where he received the Silver Shingle Award for distinguished service and the Melton Award for Teaching Excellence, and by Yeshiva University which awarded him the Bernard Revel Memorial Award for his contributions in the field of Jewish legal scholarship.

The relationship between the Hechts and the Rebbe's family dates back to the early part of the 20th Century. Professor Hecht's great-grandfather was a close friend and strong supporter of the Rebbe's grandfather, Grand Rabbi Pinchas Dovid Horowitz, zt'l, when the latter lived in Brooklyn.

SIDNEY AND TOBY (THURM) BLECHNER A'H
EPITOMIZED WHAT GIVING OF SELF TO COMMUNITY MEANS

"V'kol mi she'oskim b'tzarchei tzibur
be'emunah"

Toby, daughter of Menachem Mendel Thurm, founder of World Cheese Company, the first kosher cheese company in the USA, came to America from Germany. Sidney, fortunately and with the hashgacha pratis of God, survived six years in concentration camps and arrived in New York in 1947 where he met his beloved partner to be of 59 years. They married on Lag B'omer 1948, and soon settled in the Roxbury section of Boston.

Though having gone through the fires of Europe, this "ood mootzal may'aish" together with his eishet chayil decided to look only forward and rebuild what their families and communities lost in Europe. They started to build a family and Sidney became successful in the lighting industry. His honesty and integrity were admired by all he came into contact with, Jew and non-Jew alike. Toby, meanwhile, worked tirelessly with the fledgling Roxbury community to build up religious Jewish institutions. Both became active in the Young Israel of Greater Boston, Congregation Beth Pinchas of Roxbury, Maimonides School, and New England Lubavitch Yeshiva. When the Jewish community migrated to Brookline, Sidney made himself and his resources available to help with lighting up the makom Tefilah or makom Limud Torah of many institutions that moved to Brookline.

At the same time, the Blechner family became very close to the Bostoner Rebbe Z'L and Rebbetzin A'H while sharing their philanthropic efforts among CJP, Young Israel of Brookline, Daughters of Israel, Religious Zionists of America, Yeshiva University, Talner Congregation, B'nai Brith, Israel Bonds, and many "matan b'seser" recipients. But it was the special charisma and charm of the Bostoner Rebbe Z'L and his Rebbetzin A'H that attracted Sidney and Toby to daven at the Rebbe's shul. Toby had a special seat next to the Rebbetzin and Sidney especially enjoyed the Rebbe's nusach and warmth on the Yamim Noara'im. They became active supporters of ROFEH as well as the New England Chassidic Center where Sidney was honored as "Man of the Year". Instead of plaques on his office wall, Sidney preferred simple thank you letters as appreciation for the tzedakah and chessed that he and Toby were able to provide to others.

It takes a lot of hakarat hatov for people in today's generation to think back to those who built up a minuscule Torah community of Boston in the 50's to what is has become today for all newcomers to benefit from.

Sidney and Toby Blechner were the patriarch and matriarch of a beautiful family of 4 children, 18 grandchildren who are Roshei yeshiva dedicated to teaching Torah in their communities, professionals in finance, law, education, computers, graphic design and who serve in the Israeli army.

It is therefore most fitting to bestow the "Congregation Bais Pinchas Jubilee Award" in their memory.

THIS YEAR WE CELEBRATE THE 50TH JUBILEE OF CONGREGATION BAIS PINCHAS IN BROOKLINE, MASSACHUSETTS

Receiving the Jubilee Award on behalf of their parents, the Blechner family

It is important for people in today's generation to recognizing and appreciate the good done by those who built up a community of Boston in the 50's to what is has become today for all newcomers to benefit from. Mr. and Mrs. Blechner were dedicated their time and efforts in seeing to it that the Boston community should be successful and thrive. Sidney and Toby Blechner were the patriarch and matriarch who helped to build and beautify the Boston community, of a beautiful family of 4 children, 18 grandchildren who are to teaching in their communities, professionals in finance, law, education, computers, graphic design and who serve in the Israeli army.

It is therefore most fitting to bestow the "Congregation Bais Pinchas Jubilee Award" in their memory.

Sincerely,
GRAND RABBI NAFTALI Y. HOROWITZ,
Bostoner Rebbe.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. CROWLEY. Mr. Speaker, on October 11, 2011 I voted "no" on House resolution 425, I intended to vote "yes."

VALENTINE RANCH TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor the Valentine Ranch of Aguilar, Colorado. The ranch was founded in 1908 by Italian immigrant Giovanni Leopoldo Valentini. Valentini was born in Austria in 1869 and immigrated to the United States in 1887, acquiring work at the Engleville Mine in Colorado. Soon thereafter, he changed his name to John Lee Valentine. He married Rachale Conter and the couple had six children.

Over the years, John worked many unique jobs, including being a baker and a saloon keeper. In 1907, he purchased a ranch in Los Animas County. John and his wife lived happily the rest of their lives at the ranch. After John's passing in 1947 and Rachale's in 1950, Gus and June Valentine inherited the ranch and also raised children of their own.

Gus passed away in 1987, but June still resides at the ranch with her son Dan and his wife Sandi. The family continues to enjoy sustained success with their crops and cattle. The Centennial Farms Program has chosen the Valentine Ranch as one of this year's honorees.

Mr. Speaker, it is an honor to recognize the Valentine Ranch today on the floor of the

House. The ranch is a symbol of the entrepreneurial spirit our Nation has so long enjoyed and exemplified.

RECOGNIZING THE McDONALD
FAMILY AS THE 2011 WALTON
COUNTY OUTSTANDING FARM
FAMILY OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. MILLER of Florida. Mr. Speaker, it is a great pleasure for me to rise today to recognize the McDonald family for being selected as the 2011 Walton County, Florida Outstanding Farm Family of the Year.

For over 45 years, this multigenerational farm family has epitomized the true meaning of a strong work ethic and is blessed with good soil and a devoted family. Kyle McDonald along with his father, Ingram McDonald, owns 190 acres of land. He and his wife, Kim, their children, Garrett and Karley, and their canine companion, Patch, work together night and day to tend to their cattle and horses as well as their hay field.

Kyle and Kim have raised Garrett and Karley to be active members of their community and to be good stewards of the land. The McDonalds are members of the Florida Panhandle Cattlemen's Association and the Walton County Farm Bureau. Aside from their help on the farm, Garrett and Karley are both accomplished riders. Karley ropes and barrel races, and her brother ropes, calf ropes and team ropes. Garrett has won 16 saddles and numerous cash prizes over the years including placing fifth in the Nation for his age group in the all-around event this past July.

Mr. Speaker, our great Nation was built by farmers and their families. The Walton County Outstanding Farm Family of the Year award is a reflection of the McDonald family's tireless work and dedication to family, faith and trade. On behalf of the United States Congress, I would like to offer my congratulations to the McDonald family for this great accomplishment. My wife Vicki and I wish them the best for continued success.

THE PASSING OF MR. ROLLIN
POST

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to the life of a dear friend, consummate professional, and proud San Franciscan: Rollin Post.

Rollin Post was a portrait of persistence, honesty, passion, and strength in his life, in his work as a reporter and commentator, in his love of politics and family.

For more than four decades, working behind the scenes for L.A.-area news radio and reporting on-air in San Francisco, Rollie set the standard for excellence in political journalism;

in asking tough questions and always seeking the truth, he did our city, state, and nation a great service.

It was a true privilege to get to know Rollie on a personal level over the years; indeed, I was honored to call him a friend. He was a fixture from my earliest days in public life in San Francisco and in California. Later, we worked together to put on the annual 'The Party's NOT Over' event, a bipartisan gathering of Democrats, Republicans, and the press to raise money for minority journalism scholarships. He was held in high esteem and respect by our entire family.

Rollie brought the news to the public; he translated current events into terms all viewers and listeners could understand and appreciate; in the spirit of the best in journalism, he never failed to keep the Bay Area informed about politics and government. He was original and widely beloved, and his voice will be sorely missed.

I hope it is a comfort to his wife, Diane, his children and grandchildren, his family and friends that so many share in their grief at this time.

WALKER FAMILY RANCH TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor the Walker Family Ranch of Westcliffe, Colorado. George Walker purchased a 240-acre piece of property in Custer Country and along with his wife and daughter, began a ranching company.

George's daughter Hazel soon married Willard Walker and in 1939, George passed the farm property onto his daughter and son-in-law. The couple continued the Walker ranching practice and expanded the property to 882 acres. The ranch functioned year-round as a cattle ranch.

After Willard Walker's passing in 1968, Hazel and her family maintained the ranch and in 1971, formed the W.A.W. Cattle Ranch, Inc. Today, the W.A.W. is an active cattle ranch in the Wet Mountain Valley area.

The Walker Family Ranch has been chosen by the Centennial Farms Program as one of its eighteen 2011 honorees. The program honors farms that have long contributed to the agricultural success and foundation of the State of Colorado.

Mr. Speaker, it is an honor to recognize the Walker Family Ranch. The ranch is a valuable cultural and historic asset to Colorado and our state is truly blessed to have such a vibrant presence of American entrepreneurial spirit.

A TRIBUTE TO JERRY O'MALLEY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. CONYERS. Mr. Speaker, I rise in honor of a former employee of my district office and

friend of mine, Jerry O'Malley, who recently passed at the age of 82.

Born to Jerome and Florence O'Malley on July 1, 1929, Mr. O'Malley was raised in Southeast Michigan. He attended and graduated from Detroit Catholic Central. He went on to earn his Bachelors in Business Administration from the University of Detroit. Upon graduation, he began his professional life in Florida where he worked his way up through Ford Motor Company. Starting on the assembly line, Mr. O'Malley retired from Ford's business development division.

After retiring from Ford, Mr. O'Malley returned to Michigan to pursue his passion for public service. Working for County Executive Ed McNamara as the Director of the county's Equipment Division, Mr. O'Malley embarked on decades of political activism and community service. Residing in Dearborn, Mr. O'Malley was active in the campaigns of virtually every Democratic candidate on the ticket in recent history.

He leaves behind three daughters, Catherine, Theresa Ann, and Diana. He was grandfather of Thomas, Kyle, Michael, Nathan, Joshua, Aaron, Tom, and Tabatha. He was the great grandfather of Nathan and Nolan. Mr. O'Malley was predeceased by his wife Catherine, his brother Harry and granddaughter Isabel.

We will miss Jerry. Detroit and the surrounding area have lost a true jewel of our community.

HONORING TWYLA LYCETTE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to congratulate Twyla Lycette, the 2011 recipient of the prestigious Town Clerk of the Year Award, given by the Maine Town and City Clerks Association.

Every year, the Maine Town and City Clerks Association chooses from among their best and brightest to award their Town Clerk of the Year Award. Without a doubt, they chose well this year. For a quarter century, the town of Lisbon has been extremely fortunate to have Twyla as their town clerk. Throughout that time, she has shown a deep commitment to her profession and to the citizens of Lisbon.

Twyla is recognized by all as an energetic lifelong learner who has been instrumental in the preservation of town records dating back into the 1800s. In addition to her position as a Certified Maine Clerk, she is an International Certified Clerk, Lifetime Certified Clerk and one of two International Master Municipal Clerks in all of Maine.

Twyla is beloved by her colleagues and the people of Lisbon. Not only does her hard work and dedication keep the town running, it also inspires all of us to strive to be the very best at what we do. She exemplifies the very best of the values Maine represents.

Mr. Speaker, please join me in honoring Twyla Lycette on being named the 2011 Clerk of the Year.

ELLIOTT FARMS TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor the Elliott Farms, LLC of Monte Vista, Colorado. In 1907, the Sanderson family of Hamilton, Missouri moved west and settled in Monte Vista. In 1908, the family acquired a 160-acre farm.

The property was passed down through the generations that followed and grew in size. The farm saw many years of fruitful potato crops that brought the family and the valley a great deal of prosperity. Today, the farm is operated in four sections and still makes use of the 1916 house and 1930s garage and barn.

Elliott Farms, LLC was recognized by the Colorado Historical Society at the 139th Colorado State Fair. Elliott Farms, LLC is one of eighteen farms honored by the Centennial Farms Program for its rich history, tradition, and contributions to the State of Colorado over the past century.

Mr. Speaker, it is an honor to recognize Elliott Farms LLC. Its agricultural contributions to the State of Colorado, as well as its valuable historical and cultural traditions, have helped make Colorado a leader in agricultural production.

RECOGNIZING CHIEF NICHOLAS
SENSLEY**HON. TOM MCCLINTOCK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. MCCLINTOCK. Mr. Speaker, I rise today in recognition of Police Chief Nicholas Sensley of Truckee, California.

Chief Sensley began his public service in law enforcement in 1987 as a police and fire dispatcher with the UCLA Police Department. Nicholas was promoted to Police Officer in 1988 after graduating from the Los Angeles County Sheriff's Academy STARS Center, where he would begin serving as a Recruit Training Officer in 1990—one of the earliest returning instructors in the Academy's history. In May of 1991 he joined the Santa Rosa Police Department where he served in numerous assignments until ultimately departing in November 2008 as Patrol Lieutenant. In December of that year, Nicholas was appointed Chief of Police in Truckee, where he has served to this day.

Nicholas's service to the communities in which he has lived undoubtedly deserves the thanks and appreciation of his many constituents, but it is impossible to measure his contribution as a public servant if we limit the examination to California alone. Throughout his career, Chief Sensley has developed an expertise in mitigating the terrible plight of human trafficking that affects millions each year. He has worked as a consultant and developer in the United States, Europe, Asia, Africa, and the South Caribbean since 1998, playing an instrumental role in facilitating train-

ing, education and effective counter-human-trafficking initiatives globally. He has also been acknowledged as an international expert on significant community problem-solving by the US Department of Justice, the US Department of State, the Organization for Security and Cooperation in Europe (OSCE), the International Centre for Migration Policy Development, and by other international governments and organizations for his contributions.

Mr. Speaker, it is with a grateful heart that I rise today to thank Chief Nicholas Sensley for his many years of public service to the people of California. I wish him well as he retires from police work to accept a position to continue advancing human freedom with Humanity United in Washington, DC.

IMMACOLATA MANOR 30TH
ANNIVERSARY**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. GRAVES of Missouri. Mr. Speaker, please join me in congratulating the outstanding achievement of Immacolata Manor in Liberty, Missouri, for celebrating 30 years of providing habilitation services to persons with developmental and intellectual disabilities.

Immacolata Manor's mission is to focus on the values and principles of community membership, self-determination, human rights, and basic needs, so that each individual will be supported and empowered to achieve their highest potential and to live their lives with dignity and respect.

The beautiful property on which Immacolata Manor is located is a former country estate, centering around a handsome colonial house that stands on 40 acres. Immacolata Manor opened in 1981 by several women who all had daughters with developmental disabilities. In recent years, they have been successful in raising funds to build five fully-accessible homes. They currently provide residential services to 31 adults.

Some of the residents are employed in local businesses. Those who are not employed are able to participate in the great My Day Program, conducted on the Manor campus. This community integration program includes individualized recreational and life skills activities designed to meet the needs of each participant.

Mr. Speaker, I ask that you join me in applauding Immacolata Manor for their exceptional dedication to providing residential and habilitation services to persons with developmental disabilities. Immacolata Manor is a true community partner and Liberty landmark. I wish the agency 30 more years of greatness to come.

HONORING THE SOLO CUP
COMPANY**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, seventy-five (75) years ago Leo J. Hulseman established the Paper Container Manufacturing Company in Chicago, Illinois and by the 1940s began manufacturing a paper cone cup known as the "Solo Cup" which provides unparalleled hygiene and convenience to consumers; and

Whereas, the "Solo Cup" was such an inspiration that the company itself was renamed Solo in the 1940s and become a brand that would become ubiquitous across America and the world; and

Whereas, Solo Cup, has grown to be a \$1.6 billion company and has demonstrated its concern for the environment by introducing many product lines relying on compostable and renewable sources; and

Whereas, Solo Cup is a recognized industry leader in the areas of sustainability and beautification receiving the 2010 Keep America Beautiful Corporate Leadership Award; and

Whereas, The Solo plant in Conyers, Georgia is a place where 400 of our citizens are employed and is an enthusiastic participant in Georgia's Work Ready Program and;

Whereas, The Solo Company has proven to be a great corporate citizen supporting community outreach and educational initiatives by working closely with public officials, the Conyers-Rockdale Economic Development Council and the Rockdale Chamber of Commerce and;

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Solo Company, its management and employees for leadership and service to our district;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim September 13, 2011 as Solo Cup Company Day in the 4th Congressional District of Georgia.

Proclaimed, this 13th day of September, 2011.

ANNOUNCEMENTS OF HOMELESS
VETERANS OUTREACH CAM-
PAIGN KICK-OFF BY THE DE-
PARTMENT OF VETERANS AF-
FAIRS**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. KUCINICH. Mr. Speaker, it is my pleasure to be here today to join the local Department of Veterans Affairs (VA) as they announce the launching of their Homeless Veterans Outreach Campaign.

According to the National Coalition for the Homeless, there are between 130,000–200,000 homeless veterans on any given night. That means that homeless veterans constitute nearly one-fourth to one-fifth of the

total homeless population. There is an increasing number of female homeless veterans. Studies have demonstrated that women who served in the military are more likely than their non-serving counterparts to experience homelessness in their lifetime. It is clear that we must do more to prevent and address homelessness in the veteran's community.

Current members of our armed services have been asked to endure multiple tours in Iraq and Afghanistan, increasing the likelihood that they will experience significant levels of stress and Post-Traumatic Stress Disorder. The stresses of deployment and low-levels of social support when they return home are just some of the factors that can lead to homelessness. With high levels of unemployment, foreclosures, and continued economic hardship across the country and in the State of Ohio, it is harder than ever for returning veterans to reintegrate post-service.

That is why the outreach campaign by the VA to increase awareness of services available to veterans who are homeless or are at risk of becoming homeless is so important. Veterans need to know that they have the support they need when they return from a tour abroad.

Homelessness can be ended. It can be ended by ensuring that there are decent jobs that provide a living wage, access to health care and affordable housing and adequate support for those who can no longer work.

I am committed to ensuring that the VA has the resources it needs to provide returning veterans with the care they need and to expand their services to eradicate homelessness among veterans.

HONORING ANDREW VERNON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Andrew Vernon of Versailles, Missouri, on his 80th birthday.

Andrew is a proud veteran of the United States Air Force, entering the service in 1952 and retiring as a Master Sergeant in 1973. During that time, Andrew served in Germany and in Vietnam, where he was awarded the Bronze Star for his meritorious service, along with other decorations. After his service, Andrew returned to Missouri with his wife of 61 years, Inis, and two daughters, where he worked as a real estate agent and continued in service to his community and peers.

Mr. Speaker, I proudly ask you to join me in wishing Andrew Vernon a happy 80th birthday and in thanking him for his service to our country.

HONORING THE BETHEL AFRICAN METHODIST EPISCOPAL CHURCH

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Bethel African Methodist

Episcopal Church, located in the Town of Morristown, Morris County, New Jersey as they celebrate their 168th Anniversary.

Bethel African American Episcopal Church was the first African American Church in Morris County. Originally a blacksmith shop, Bethel was built and founded in 1849. The Church has thrived throughout its many decades of service to the community and will continue to thrive for many years to come.

Bethel prides itself on enriching the Morris County community by offering spiritual and social development for all people, regardless of race. Led by Pastor Sidney Williams, the Church not only offers regular religious services but also offers, through numerous different programs, help to the needy and impoverished within the community. As part of their anniversary celebration, Bethel will officially introduce their Spring Street Community Development Corporation whose primary purpose is to help those in need. This program, according to the Church, "is chartered to improve the quality of life for Morris County residents by addressing economic, educational, and social needs while preserving the cultural and ethnic diversity of the Morris area."

The Bethel African American Episcopal Church is truly a place where anyone is welcome to find God and find a community of caring, friendly faces. We are proud to have them here in Morris County.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Bethel African Episcopal Church as they celebrate their 168th Anniversary.

HONORING SALEM LUTHERAN CHURCH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Salem Lutheran Church of Salisbury, Missouri, as they celebrate their sesquicentennial anniversary.

Salem Lutheran has maintained a strong presence in their community since the church was founded in 1861 by German and Scandinavian immigrants. Organized as a typical country church, Salem Lutheran has stood the test of time from the Civil War and Reconstruction, through the 20th Century and now into modern times, continuing to minister and remain a pillar of the region.

Mr. Speaker, I proudly ask you to join me in congratulating Salem Lutheran Church of Salisbury, Missouri for their 150 years of service to the Salisbury community.

HONORING THE 375TH ANNIVERSARY OF THE TOWN OF SCITUATE

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. KEATING. Mr. Speaker, I rise today to recognize the three hundred and seventy-fifth

anniversary of the Town of Scituate in Plymouth County, Massachusetts.

In 1627, courageous settlers from Plymouth Colony moved up the shoreline of Cape Cod Bay, establishing a village whose main thoroughfare, Kent Street, still survives today. Increases in population allowed for the village to incorporate in 1636, and the founders chose a name derived from the indigenous Wampanoag tribe's word for cold brook, *satuitt*, to reflect the brook that ran to the inner harbor of the village. That brook and the town of Scituate continue to thrive 375 years later.

Like most towns along Massachusetts' cultural South Shore, Scituate's rich history is intimately tied to the sea. Fishing and sea mossaing have long provided an economic backbone for the town, which is also home to the famed Old Scituate Light. It is there that the American Army of Two, the young sisters Abigail and Rebecca Bates, deterred an approaching British ship during the War of 1812, thus saving the town from being ransacked by the enemy soldiers.

The Bates sisters are not Scituate's only famous residents. It is also home to William Cushing, one of the original six justices on the United States Supreme Court and Jim Lonborg, a Boston Red Sox pitcher distinguished with the Cy Young Award, among others. From its founding days, the residents of Scituate have always distinguished themselves as determined and inventive.

Today, the town is known as much for its maritime industry as it is for its majestic beaches and beautiful seascapes. It also remains a birthplace of innovation with new clean energy projects such as Solarize Scituate and the Oceans Campus Center. Over the past 375 years, Scituate has celebrated its unique history while continuing to evolve and progress. I am certain that the town will continue to do this for centuries to come. Happy 375th Birthday, Scituate.

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. VISCLOSKY. Mr. Speaker, on October 11, 2011, I was absent from the House and missed rollcall votes 771 through 779.

Had I been present for rollcall 771, agreeing to H. Res. 425, Providing for the consideration of the Senate amendment to H.R. 2832, to extend the Generalized System of Preferences; H.R. 3078, the United States-Colombia Trade Promotion Agreement; H.R. 3079, the United States-Panama Trade Promotion Agreement; H.R. 3080, the United States-Korea Free Trade Agreement, I would have voted "No."

Had I been present for rollcall 772, agreeing to the Waxman of California Amendment No. 11 to H.R. 2250, the EPA Regulatory Relief Act of 2011, I would have voted "Aye."

Had I been present for rollcall 773, agreeing to the Connolly of Virginia Amendment No. 18 to H.R. 2250, the EPA Regulatory Relief Act of 2011, I would have voted "Aye."

Had I been present for rollcall 774, agreeing to the Markey of Massachusetts Amendment

No. 7 to H.R. 2250, the EPA Regulatory Relief Act of 2011, I would have voted "Aye."

Had I been present for rollcall 775, agreeing to the Edwards of Maryland Amendment No. 2 to H.R. 2250, the EPA Regulatory Relief Act of 2011, I would have voted "Aye."

Had I been present for rollcall 776, agreeing to the Schakowsky of Illinois Amendment No. 1 to H.R. 2250, the EPA Regulatory Relief Act of 2011, I would have voted "Aye."

Had I been present for rollcall 777, agreeing to the Ellison of Minnesota Amendment No. 12 to H.R. 2250, the EPA Regulatory Relief Act of 2011, I would have voted "Aye."

Had I been present for rollcall 778, agreeing to the Welch of Vermont Amendment No. 19 to H.R. 2250, the EPA Regulatory Relief Act of 2011, I would have voted "Aye."

Had I been present for rollcall 779, agreeing to the Jackson Lee of Texas Amendment No. 3 to H.R. 2250, the EPA Regulatory Relief Act of 2011, I would have voted "Aye."

10 YEARS OF WAR IN
AFGHANISTAN: AT WHAT COST?

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. RUSH. Mr. Speaker, no one will forget the fateful day of 9/11 or those who lost their lives in those shocking, cold-blooded attacks. The bombing of Afghanistan and the subsequent invasion was our response, intended to catch those who hid, armed, and helped plan the attacks on U.S. soil. And, due to the diligence and tireless efforts of the members of our Armed Forces and Intelligence community, we have eliminated nearly all the people involved in the 9/11 attacks, including Osama Bin Laden, and overthrown the Taliban regime that supported them. If there was justice to be had surely, we have found it.

Afghanistan has been embroiled in conflict since 1979 and there is no sign of an end to this conflict. The future stability of Afghanistan is, of course, an ideal we all wish for but with Americans deployed so far away from their homes and families, with our troop presence at an all-time high, and with the insurgency still on-going, we need to reassess why, 10 years later, we are still fighting a costly war with no victory or stability in sight.

We have spent approximately half a trillion dollars in our war in Afghanistan. It is, therefore, past time that we remember what we've learned in the past: that fighting a war against a nationalistic guerilla organization takes more than technological superiority and force of numbers. Imagine what this resource could do on our homeland.

Imagine how many schools, roads, and hospitals half a trillion dollars could build in our own country. Imagine how many hungry kids we could feed or how many of our sick we could treat. Half a trillion dollars could stamp out poverty in places like Philadelphia, Detroit, Memphis, and my hometown of Chicago.

It is perplexing to me, then, why some people would rather spend half a trillion dollars on an unwinnable war abroad rather than on solutions to problems here at home.

I sincerely hope that the Afghan people get to enjoy the benefits of living in a free and prosperous society. They should be free to pursue the education or livelihood of their choosing. I have great respect for our foreign policy and the fact that we care so deeply about the freedoms of those abroad but now is the time we need to be ensuring the economic freedoms of our citizens here at home.

Now is the time that we must refocus on our own country and reinvest in our people and their future. Not tomorrow, not next year, but now! Our rates of unemployment and poverty, if left neglected, will only further divide a nation whose principles serve to inspire the world.

The battles we should be fighting are America's war on poverty and our still-to-be-seen war against unemployment. There is terror here at home, the terror that families face when faced with the question of how they are going to pay their bills or feed their children—the terror and anxieties our citizens feel because they believe their government will simply abandon them. Once again, Mr. Speaker, that is the war we should be fighting and the one that, if we come together, I believe we can win.

IN HONOR OF REV. RICHARD
NANCE, JR.

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. FARR. Mr. Speaker, I rise today to honor the life and legacy of Rev. Richard Nance, Jr., whose leadership and social activism over the past 60 years provided inspiration for friends and colleagues alike. Rev. Nance served as the interim pastor of Antioch Baptist Church of San Jose and the First Baptist Church of Pacific Grove.

Richard was the fifth of eight children and was born and raised in South Carolina. Richard had long been involved with the ministries and at the age of twelve joined the White Plains Baptist Church in Laurens, South Carolina. He reported to Ft. Bragg in 1943 to serve in active duty in the army as a telephone and telegraph lineman with the 448th Signal Heavy Construction Battalion.

After serving in the army, Richard was licensed to preach in 1945. He was ordained in 1949 and pastored three rural churches in Laurens and Spartanburg Counties in South Carolina. He attended Benedict College in Columbia, South Carolina and received his BA in May 1950 followed by a BA of Divinity in 1953. Richard then attended Berkeley Baptist Divinity School and earned a Masters there in 1956. In June 1956, Rev. Nance willingly accepted the call to serve as pastor of the First Baptist Church of Pacific Grove and continued to serve passionately there until 1992.

Throughout his career, Rev. Nance made significant contributions to countless organizations. He served as the President of the Monterey Branch of the NAACP where his leadership allowed the branch to address housing restrictions and business and school hiring practices. Rev. Nance contributed to the ef-

forts of both the Pacific Grove and Monterey Peninsula Ministers Associations as their President and was a member of Alpha Phi Alpha.

In addition, Rev. Nance was an active director on many boards including those of the Managers of American Baptist Churches of the West, the Pacific Grove Kiwanis, Monterey County Children's Home Society, the Alliance on Aging, The Pacific Grove Library, and the Pacific Grove Police Review Board.

Mr. Speaker, I know that I speak for the entire House in recognizing the tremendous accomplishments and contributions that Rev. Richard Nance, Jr. made throughout his bright lifetime. We honor the family that he loved and cherished: his wife Esther Collins Nance, who pre-deceased him, their sons Christopher and Marcus, and daughter Karen Small. On behalf of the United States Congress, I would like to applaud these significant efforts and honor his memory and to thank God for sharing such a wonderful leader with this community.

HONORING THE SERVICE OF HIS
EXCELLENCE YASHAR ALIYEV,
AMBASSADOR EXTRAORDINARY
AND PLENIPOTENTIARY OF THE
REPUBLIC OF AZERBAIJAN TO
THE UNITED STATES OF AMERICA

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. BOREN. Mr. Speaker, as the co-chairman of the Congressional Azerbaijan Caucus, I rise today to honor the distinguished service of His Excellency Yashar Aliyev, the Ambassador of Azerbaijan to the United States.

Soon, Ambassador Aliyev will return to Azerbaijan after the conclusion of a successful tour in Washington. His leadership has been critical to strengthening the friendship between the United States and Azerbaijan, and I want to recognize and thank him for his service.

Before being named Ambassador Extraordinary and Plenipotentiary of the Republic of Azerbaijan to the United States of America by President Ilham Aliyev in October 2006, Ambassador Aliyev served four years as Azerbaijan's Permanent Representative to the United Nations. During this time, he was chairman of the Fourth Committee of Special Political and Decolonization of the 60th U.N. General Assembly, vice president of the 59th General Assembly, vice president of the Economic and Social Council, and vice president of the U.N. Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

As Ambassador to the United States, he has worked with great skill and dedication to enhance the bond between the United States and Azerbaijan. To this important end, he has been tremendously successful on several fronts.

Ambassador Aliyev has solidified the strategic partnership between our nations. In recent years, Azerbaijan has participated in initiatives to curb nuclear proliferation, fight international terrorism, and maintain regional security in southwestern Asia. Moreover, it has provided multi-faceted support to U.S. operations in Afghanistan and Iraq.

Also during his tenure, Ambassador Aliyev has deepened economic ties between the United States and Azerbaijan. Azerbaijan supplies oil and gas to the United States and other Western countries, thereby providing vital energy to the global economy. Moreover, American energy companies are participants in a collaborative effort to further develop Azerbaijan's oil and gas reserves in the Caspian Sea.

Of great importance to me, the relationship between my home state of Oklahoma and Azerbaijan has continued to grow under the leadership of Ambassador Aliyev. In recent years, the Ministry of Defense of Azerbaijan and the Oklahoma National Guard have engaged in joint training exercises and operations through the National Guard State Partnership Program.

Ambassador Aliyev has broadened collaboration between his country and Oklahoma beyond military cooperation. Earlier this year, he visited Oklahoma and met with various elected officials and business leaders. I am confident his visit laid the groundwork for expanding opportunities for Azerbaijan to cooperate with Oklahoma's business community and universities.

It has been an honor to work with Ambassador Aliyev. I hope he will reflect on his time served in Washington with a sense of pride. As a result of his work, the relationship between the United States and Azerbaijan has never been stronger.

In closing, it has been a pleasure to work with Ambassador Aliyev. I thank him for his dedicated service. He will forever be a trusted friend of the United States. I wish him well in all his future endeavors.

HONORING THE UNITED STATES NAVY

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to honor the United States Navy and the extraordinary service of all of its members. Today marks the 236th year of the Navy's existence. Since its birth in 1775, our sailors have bravely served our Nation here at home and in all corners of the globe. Whether it is protecting Americans and our allies, to keeping the seas open for commerce or assisting other nations after global disasters, the United States Navy has truly been a global force for good.

My own state of Connecticut has a proud naval tradition. We are fortunate enough to be home to the Naval Submarine Base New London, which is known as the "First and Finest Submarine Base". Originally commissioned as a navy yard on April 11th, 1868, our base now boasts 15 home ported submarines and employs over 7,500 service members and civilians. As a result, the base is one of the largest employers in southeastern Connecticut. Over the years, and with the establishment of naval schools and training facilities, the base has become a symbol of strength and pride for Connecticut, and for the entire Navy. Not

only was the first diesel powered submarine commissioned in Groton, but our New London base was the first in the history of the Navy.

Mr. Speaker, I believe that we can all agree the Navy deserves recognition for their continued and constant service to our country. From skirmishes with the Royal Navy in 1776 to today's operations in the Middle East, the Navy has remained an organization that all Americans can be proud of. I ask my colleagues to join me, and the people of Connecticut, in applauding the current and former sailors around the world for their service in the U.S. Navy.

SCREEN ACT FOR 112TH CONGRESS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. NEAL. Mr. Speaker, I rise today to introduce the Supporting Colorectal Examination and Education Now (SCREEN) Act. This legislation will remove barriers to one of the most effective preventive health screenings available, saving lives and reducing health care costs in the process. I urge all of my colleagues to support this important legislation.

The statistics surrounding colon cancer are startling. Colon cancer is the number two cancer killer in the United States for both men and women. (CDC Colorectal Cancer Vital Signs; July 2011)

Over 50,000 people will die this year from this disease according to the American Cancer Society (2010 Fact & Figures).

These deaths become more tragic when one considers that colorectal cancer is highly preventable with appropriate screening. According to the American Cancer Society (2010 Facts & Figures), the 5 year survival rate is 90% for those diagnosed at an early stage; however, less than 40% of the cases are diagnosed at that stage.

During colorectal cancer screening by colonoscopy, pre-cancerous polyps are removed during the same encounter, thus preventing cancer from developing, as opposed to other cancer screenings where early detection is the goal. That is one reason why the U.S. Preventive Services Task Force provides an "A" rating for CRC screenings.

The CDC "colorectal cancer control program" screening target rate is 80%. The American Cancer Society and other patient advocacy groups have a target rate of 75%. Unfortunately, only half of the Medicare population is being screened, despite the availability of a Medicare colon cancer screening benefit. According to CMS and American Cancer Society (March 2011), Medicare claims indicate that only 52–58% of beneficiaries have had any colorectal cancer test and there is "clearly an opportunity to improve colorectal cancer screening rates in the Medicare population."

The latest findings by the American Cancer Society confirm that screening rates among the Medicare population continue to be in this 50th percentile range, with screening rates among minority populations that are especially low among Medicare-aged beneficiaries.

The CDC concludes that 1,000 additional colorectal cancer deaths will be prevented

each year if screening rates reached 70.5%. (CDC Colorectal Cancer Vital Signs; July 2011).

In addition to saving lives, colorectal cancer screening has been demonstrated to save Medicare long-term costs as noted by the New England Journal of Medicine in a recent article (Feb. 2008).

The direct costs of treating colorectal cancer in 2010 reached \$4 billion. (CDC Colorectal Cancer Vital Signs; July 2011)

I am pleased that Congress took steps to improve access to life-saving colon cancer screening when it passed the Patient Protection and Affordable Care Act (PPACA) in March 2010.

While Congress has made tremendous strides in increasing colorectal cancer utilization rates in PPACA, this bill will further make live saving screenings more accessible to Medicare beneficiaries.

Currently, Medicare waives cost-sharing for any colorectal cancer screening recommended by the U.S. Preventive Services Task Force. However, should the beneficiary have a precancerous polyp removed, the procedure is no longer considered a "screening" for Medicare coding purposes.

The unintended consequence of this is that the beneficiary is obligated to pay the Medicare coinsurance because the procedure is no longer a "screening." However, the purpose of the screening is to find and remove precancerous polyps.

The SCREEN Act waives all Medicare beneficiary cost-sharing for colorectal cancer screenings that become "therapeutic" or diagnostic procedures.

The legislation also resolves this unintended consequence for beneficiaries participating in health insurance exchanges beginning in 2014.

The SCREEN Act also provides incentives for Medicare providers to participate in nationally recognized quality improvement registries so that our Medicare beneficiaries are in fact receiving the quality screening they deserve.

Lastly, the SCREEN Act removes barriers to screening rates by allowing a Medicare beneficiary to sit down and discuss the importance of the procedure before seeing the provider for the first time right before procedure. The federal government and colorectal cancer patient advocacy groups have concluded that the "fear of the procedure" is a major impediment to increasing colorectal cancer screening rates.

Promoting access to colorectal cancer screening is good policy. It will save lives and reduce costs to families and the health care system. Please join with me in the fight against colorectal cancer by cosponsoring this legislation.

HONORING THE SOMERSET HILLS
YMCA**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Somerset Hills YMCA located in Bernards Township, Somerset County, New Jersey, which is celebrating its 60th anniversary.

From its modest beginning, first operating at the Dobb's Realty Building in Bernardsville and later at the Mill Street Firehouse, the Somerset Hills YMCA has been of great importance to its surrounding community. Within the first ten years of operation, the Somerset Hills YMCA already had 500 members and acquired a seventeen acre site to accommodate its growing membership.

In the 1980s, the facility on Mt. Airy Road in the Basking Ridge section of Bernards Township was expanded to provide its members with a state of the art facility. It offers three pools, a large gym, a dance studio, a café and much more. The YMCA provides more than 200 programs annually, including wellness, fitness, programs for those with special needs, day care, active older adults programs, sports, dance, adventure-based activities for teens and corporations, specialized family activities and a variety of community service programs including Career Forum, Special Olympics and Saturdays in Motion. In 2010, it partnered with the National Inclusion Project to insure that even people with disabilities could engage in these many programs. The YMCA is truly a place where all members of the community, regardless of age or ability, can participate, work out and enjoy themselves.

Since its opening, the Somerset Hills YMCA has had what they call, "a deep commitment to youth development, social responsibility, and health and well-being for all." Not only does this YMCA offer its programs to 22,000 people in the surrounding community, it also offers financial assistance to those who cannot afford membership.

The Somerset Hills YMCA is dedicated to its motto, "Strengthening the Foundations of the Community," and is committed to serving its neighbors. Most recently, in the wake of the devastation caused by Hurricane Irene, the Somerset Hills YMCA graciously opened its doors to those who lacked electricity and running water in the area, regardless if they were members or not. Its unwavering dedication to go above and beyond their mission is what makes this organization great. I am honored to have the Somerset Hills YMCA in my district as it is truly a place of public service.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Somerset Hills YMCA as they celebrate 60 years of community service.

COMMENDING KEVIN M. BERKEN,
FOR BEING SELECTED RICE
FARMER OF THE YEAR FOR THE
2011 INTERNATIONAL RICE FESTIVAL IN CROWLEY, LA

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. BOUSTANY. Mr. Speaker, I rise today to extend congratulations to Kevin M. Berken for being selected Rice Farmer of the Year for the 2011 International Rice Festival in Crowley, Louisiana.

For 15 years, Kevin has been farming rice and soybean crops, contributing to the active agricultural base in Louisiana. Growing up on a farm, he has long been familiar with the intricacies of agricultural production. Since 1996, his operation has steadily increased to over 1,300 acres of rice, 500 acres of soybean, and 200 acres of wheat.

Actively involved in the agricultural community, Kevin is chairman and co-founder of the Louisiana Rice Political Action Committee, and chairman of the Louisiana Rice Promotion Board. His community involvement extends to several other farming and rice related organizations including the Louisiana Farm Bureau.

Before continuing the family tradition of farming, Kevin moved to San Diego, California to begin a real estate career. It was there he met his wife, Shirley, and in 1997, they had a son named Adam. After years of success in the real estate arena, the Berkens moved back to Louisiana to continue his real estate ventures. However, learning his father had been diagnosed with cancer; Kevin decided to forgo acquiring a Louisiana real estate license and instead turned toward farming.

Kevin graduated from St. Maria Goretti Catholic School in Lake Arthur in 1979, and in 2003, went on to earn his Bachelor of Science from McNeese State University. While attending McNeese, he belonged to Delta Tau Alpha Agricultural Honor Society.

I would like to offer my sincerest thanks to Kevin M. Berken for his dedication to the continued agricultural excellence of Louisiana and congratulate him on being named 2011 Rice Farmer of the Year. I am honored to be his representative in Congress.

RECOGNIZING BREAST CANCER
AWARENESS MONTH**HON. KEVIN YODER**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. YODER. Mr. Speaker, I rise before you today to recognize October as Breast Cancer Awareness Month. While I'm sure I am not the only member to come before you and recognize the importance of breast cancer research, I feel it is necessary for me to discuss the benefits that come from continued funding for a disease that affects 300,000 women every year.

Aside from recognizing the important work done by the many Breast Cancer Organiza-

tions around the country, I would like to take this opportunity to highlight the Breast Cancer Survivorship Center that is part of the University of Kansas Cancer Center. While the KU Cancer Center does important research into early detection and treatment of breast cancer, the Survivorship Center is an important facility for women who have been diagnosed and have gone through or are currently being treated for breast cancer. Specifically, this facility helps women cope with various treatments, assists them with complications, helps them to manage side effects. I applaud the KU Cancer Center for the tremendous progress they have made and the thousands of lives they have saved.

One of the most reassuring aspects of discussing breast cancer is when we can talk about survivors. The continued decrease in the mortality rate of women diagnosed with breast cancer is due in large part to remaining focused on the need to find a cure. The progress that has been made in finding a cure for breast cancer has been made possible through very generous donations by the American public, but also through funding for National Institutes of Health (NIH).

As a member of the House Appropriations Committee, I am pleased that Appropriations Committee Chairman HAL ROGERS and Subcommittee Chairman DENNIS REHBERG recognized the value of the work being performed by the NIH. I am particularly pleased that the House version of the FY 2012 Labor, Health and Human Services, Education, and Related Agencies Appropriations bill provides robust funding for NIH, and its efforts to fight cancer. I look forward to working with my colleagues on the Appropriations Committee as the House and Senate negotiate the FY 2012 Appropriations bills.

HONORING STEVE JOBS

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. LATTA. Mr. Speaker, I rise today to recognize the life or "dots" as Steve Jobs, co-founder, chairman, and chief executive officer of Apple, would say. Jobs was a visionary and creative genius, who believed that everything in life is interconnected, bringing us products that bring our whole worlds into our pockets.

Jobs' dedication and tireless devotion to creating the perfect user experience spurred and redefined the digital age, leading to a cultural transformation in the way the world communicates. This is ever so true here in our Congressional hallways, where Apple has provided most Members a communications face-lift. Jobs' leadership at Apple has changed the way we do business here in Washington, but also in the news, music and telecommunications industries.

Jobs' childhood dream of putting "a ding in the universe" has become true and for this, Mr. Speaker, I ask my colleagues to join me in remembering the "dots" of Steve Jobs' legacy.

HONORING THE 100TH ANNIVERSARY OF THE CONSECRATION OF ST. PETER'S EPISCOPAL CHURCH OF MORRISTOWN, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor St. Peter's Episcopal Church located in the Town of Morristown, Morris County, New Jersey, as it celebrates the 100th Anniversary of its consecration.

On January 1, 1827, 38 men and women gathered at the Morristown Baptist Church to incorporate St. Peter's Episcopal Church. After naming the church's first permanent rector, ground for the new church was broken in May of 1828, making it the first stone building in Morristown. By 1881, the original building was becoming inadequate for the growing congregation, and under the supervision of a member of the congregation, plans were made for a new church building. On April 11, 1887, ground broke for the new St. Peter's Episcopal Church and the cornerstone was laid on All Saints' Day that same year.

To finance construction, the new church was built in four stages. The first two steps, completed in 1892, included the sanctuary, chapel, choir crossings, vestries and nave. The tower was completed in 1908 and the parish hall in 1911. On November 2, 1911 the new St. Peter's Episcopal Church building was officially consecrated.

St. Peter's is a place of welcome and comfort to those in need. Outreach and ministries are cornerstones of the church that reach into the community. St. Peter's has either been a founder or founding member of vital organizations such as the Community Soup Kitchen of Morristown, Hospitality Link, the Interfaith Food Pantry and Morris County Career Network.

St. Peter's Episcopal Church is a vital part of the local community as it provides an intimate place where people with common beliefs and values can join together in prayer and worship. It is a place where people can become involved in their community and give back to others.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the members of St. Peter's Episcopal Church as they celebrate the 100th Anniversary of the church's consecration.

INTRODUCTION OF THE WELFARE INTEGRITY ACT OF 2011

HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. FINCHER. Mr. Speaker, I rise today to discuss the gross misuse of taxpayer money by continuing to provide benefits under the Temporary Assistance for Needy Families (TANF) program to recipients who test positive for illegal drug use or are convicted of drug related crimes.

At a time when Congress is focused on trimming budgets, it is imperative we focus on eliminating irresponsible funding. That is why I am introducing the Welfare Integrity Act of 2011. This legislation is a step toward eliminating abuse of taxpayer money by requiring all state receiving funds from the TANF program to certify they are testing applicants and current recipients for illegal drug use.

Americans are generous in providing assistance to those in need, but they also expect their tax dollars to be used in a responsible manner. Welfare assistance is meant to help those going through hard financial times to buy food and basic living expenses for their families. It's not too much to ask folks to keep clean in order to receive federal assistance.

Mr. Speaker, I urge my colleagues in the House to support me in passing the Welfare Integrity Act of 2011 to eliminate abuse and take a step toward commonsense.

RECOGNIZING DR. MICHAEL LEMOLE

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to recognize Dr. Michael Lemole, who is being honored this year by the National Library of Medicine and Friends of the National Library of Medicine for his lifetime of achievement in medicine and neurosurgery.

Dr. Lemole is one of the exemplary medical professionals who cared for our colleague, Congresswoman GABRIELLE GIFFORDS, following the January 8th shooting in Tucson, Arizona.

The National Library of Medicine and the Friends of the National Library of Medicine are organizations dedicated to improving health and health care through the dissemination of accurate and quality medical information to medical practitioners and researchers.

They have chosen to recognize Dr. Lemole this year for his outstanding commitment to these values, his exemplary career in the field of neurosurgery, and his skillful actions that helped to save the life of Congresswoman GIFFORDS on January 8, 2011.

Dr. Lemole's career reflects a physician at the pinnacle of his profession.

He pursued specialty training as a Cushing Clinical Fellow, a distinction awarded by the Congress of Neurological Surgeons.

He has published more than 30 peer-reviewed articles and book chapters, and is a member of the American Association of Neurological Surgeons, the Congress of Neurological Surgeons, and the North American Skull Base Society.

He was honored as a Top Doctor by US News and World Report in 2011, was named the 2011 Doctor of the Year by the Pima County Medical Society, and, in 2009, was named a Top Surgeon by the Consumer Research Council for America.

Additionally, Dr. Lemole has served his country as a flight surgeon with the United States Air Force Reserve in the 944th ASTS at Luke Air Force Base in Arizona. He was re-

cently named the honorary commander of the 355th Medical Group, based at Davis Monahan Air Force Base in Tucson, Arizona.

Dr. Lemole's assiduous commitment to his work, his vocation, his community, and his country led him to the top of the medical world. It also leads him to save lives, both with his hands and his contributions to the field of neurosurgery.

We thank him for his efforts to save the life of our friend and colleague, Congresswoman GIFFORDS, and for a career dedicated to the healing of people.

Congratulations to Dr. Lemole for a deserved recognition.

NATIONAL SCHOOL LUNCH WEEK

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. BACA. Mr. Speaker, I rise today during National School Lunch Week to express my appreciation to the thousands of people in the great state of California who work tirelessly to ensure that children are fed nutritious meals in school.

During times of limited resources, these professionals are working to provide high quality meals to all students.

I applaud Secretary of Agriculture Vilsack for the USDA's efforts to improve child nutrition programs.

Yet I also wish to express my concerns regarding the recently proposed regulations for school meal standards.

I fear the proposed regulations will increase costs to hard-pressed school districts beyond what can reasonably be managed.

The result may be that schools will reduce access to nutritious meals because they simply can't afford to provide them.

Of equal concern is the great number of unknowns about the impacts of the proposal—including how it will impact school meal costs, participation, and access.

I urge the Secretary to take this into consideration and allow flexibility during this regulatory process.

We must all closely monitor the progress made by schools, and the effectiveness of the new rules on the health and well-being of America's children moving forward.

HONORING THE 75TH ANNIVERSARY OF THE DENVILLE FIRE DEPARTMENT LADIES AUXILIARY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Denville Fire Department Ladies Auxiliary located in Morris County, New Jersey as they celebrate their 75th Anniversary.

In 1936, in response to the ever-growing Denville Fire Department, the Ladies Auxiliary

was established to provide support. Over the years, they have proven to be an indispensable adjunct to the department.

In the early years, the women of the Auxiliary would go to the scene of fires to provide refreshments to the firefighters. In addition, they also dedicated much time and energy to raising funds for the fledgling fire department. Many parties, raffles and door-to-door canvassing, among other things, were undertaken by the women to help pay for equipment.

An especially notable incident was in the 1980s. Several dozen motorists became trapped on a major highway due to a major snowstorm. After rescue, the stranded motorists were housed at one of the department's fire houses and were fed and cared for by the ladies auxiliary for over a two-day period. Recently, members of the Auxiliary and Fire Department responded to the needs of the victims of Hurricane Irene and its aftermath.

Oftentimes, less visible organizations can go unnoticed. While the Denville Fire Department

no doubt provides an invaluable resource to its community and its members sacrifice much of their time to protect others, the behind-the-scenes support of the Ladies Auxiliary helps make everything the department does possible. Their time and efforts are most appreciated.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Denville Fire Department Ladies Auxiliary as they celebrate 75 years of unwavering dedication.

HOUSE OF REPRESENTATIVES—Friday, October 14, 2011

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Almighty God of the universe, we give You thanks for giving us another day.

We pray for the gift of wisdom to all with great responsibility in this House for the leadership of our Nation.

May all the Members have the vision of a world where respect and understanding are the marks of civility, and where honor and integrity are the marks of one's character.

As Members take time in the coming week for constituency visits, give them the ability to hear the voices of all in their districts so that when they return they are focused on the important work to be done.

Bless this day and every day. And may all that is done within these hallowed halls be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Tennessee (Mr. FLEISCHMANN) come forward and lead the House in the Pledge of Allegiance.

Mr. FLEISCHMANN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side.

PRESTONWOOD PREGNANCY CENTER

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to honor the

Prestonwood Pregnancy Center in Dallas, Texas, for being an outstanding and vital resource in its community.

Our Nation was founded upon the belief that all men, regardless of status, are entitled to the most precious of rights: the right to life. The Prestonwood Center has worked to protect the lives of the unborn for the last 20 years, acting as a resource for more than 48,000 clients, many of whom have chosen life simply because they had someone to talk to who cared.

The center provides guidance, education, and medical services to women and families in north Texas and maintains a highly trained and knowledgeable staff dedicated to protecting the sanctity of human life. I applaud the Prestonwood Center's commitment to life and to serving its community.

God bless you. God bless America. I salute you.

POLICE OFFICER DEREK KOTECKI

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, on Wednesday, October 12, tragedy struck my home town of Lower Burrell, Pennsylvania. That night, Police Officer Derek Kotecki was shot during an armed confrontation with a wanted criminal. He is believed to be the first Lower Burrell police officer ever to be killed in the line of duty.

Patrolman Kotecki was a 1989 graduate of Burrell High School and had been a local police officer for 18 years. At the time of his death, Patrolman Kotecki was Lower Burrell's K-9 officer and a regular and respected face at community events throughout the year.

I ask my colleagues to join me in praying for the family he left behind. We hope that his wife, two sons, and his parents know that Lower Burrell will always remember Derek's bravery and valor. He died serving the community he loved, and for that we are forever grateful.

LEVI ZACHARY ALEXANDER

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, during the hot summer days of August, with daily consistent temperatures over 100 degrees, a record drought over the State and hundreds of wildfires burning the plains and prairies of

Texas, a miracle from the Lord occurred: The birth of a new child. Levi Zachary Alexander joined the world on August 13, 2011 in Waco, Texas.

Every time a child of innocence is born, it is a happy event. The first cry brings joyful tears to the eyes of parents, grandparents, and neighbors. It is a happy occasion because we see hope in the freshness of birth—hope for a better world and hope for a better tomorrow.

Levi has the fortune of being born in the most marvelous and free country in history—America. His parents, Kara and Shane, have the most important and hardest job of all jobs. Along with training energetic sister Elizabeth and brother Peyton, raising this new son of America to be of good character, love liberty, and walk in the favor of God and man is the most important responsibility of parents. So, Mr. Speaker, my desire for Levi as his grandfather is that he matures to be strong and courageous, love America, and play football for the University of Texas—and not Oklahoma.

And that's just the way it is.

SUDDEN CARDIAC ARREST

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today to bring attention to an issue of great concern to the health and welfare of students across our country. Just 2 weeks ago, we lost Angela, a 16-year-old cheerleader in California who collapsed at a football game from sudden cardiac arrest.

Sudden cardiac arrest is the leading cause of death in the United States, and sadly that trend is only increasing, especially among students. But there are ways to prevent these tragic events, like the remarkable story of Kylee, a seventh-grade student from Texas, who collapsed at school last week. Her life was saved when two trained teachers used CPR and an automatic external defibrillator to kick-start her heart. If it had not been for this heroic intervention, doctors estimate that someone in Kylee's situation would only have a 3 percent chance of survival.

These stories underscore how vital CPR and AED training are to saving lives. That's why I'm introducing the Teaching Children to Save Lives Act. My legislation will provide students with the lifesaving skills of CPR and

AED training, knowledge they will carry into adulthood so that one day they might save the life of a classmate, a friend, a family member, or even a complete stranger.

Mr. Speaker, I ask my colleagues to join me in supporting the Teaching Children to Save Lives Act.

CONGRATULATING STS. PETER AND PAUL CHURCH

(Mr. FLEISCHMANN asked and was given permission to address the House for 1 minute.)

Mr. FLEISCHMANN. Mr. Speaker, I rise today to honor the elevation of the Sts. Peter and Paul Church in Chattanooga, Tennessee, to the status of Minor Basilica on October 22.

This church sits in my hometown, and it's where I attend services. Sts. Peter and Paul Parish was founded in 1852, when Father Henry V. Brown became the first pastor. Upon his appointment to pastor in 1887, Father William Walsh immediately began plans for a new church. Ground was broken on February 1, 1888, and on June 29, 1890, Sts. Peter and Paul Church was dedicated.

Due to the inspired leadership of Bishop Richard F. Stika and Monsignor George Schmidt, the church of Sts. Peter and Paul is the first church in Tennessee to be honored as a Minor Basilica by His Holiness Pope Benedict XVI.

Monsignor Schmidt, the rector, will continue to lead the faithful in worship at the basilica and will celebrate Mass along with Father Bertin Glennon. I look forward to continuing to attend services, and I congratulate the church on this great honor.

GETTING TOUGH ON CHINA

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Mr. Speaker, there's a lot of finger-pointing in Washington these days about who is blocking our economic recovery, but there's plenty of blame to go around on both sides of the aisle.

China is literally robbing us of our factories and our manufacturing jobs, and we haven't done a thing about it. The House must consider the Senate currency bill immediately, and the President must finally deliver on his campaign promise and crack down on China administratively.

Getting tough on China's currency manipulation would create, conservatively, 1 million jobs without costing the American people a penny. It's time to stop the excuses and end the partisan bickering. It's time for the President and the House leadership to go beyond rhetoric and get the tough job of China currency manipulation taken care of.

□ 0910

CONGRESSIONAL PRAYER CAUCUS

(Mr. FORBES asked and was given permission to address the House for 1 minute.)

Mr. FORBES. Mr. Speaker, I rise today on behalf of the Congressional Prayer Caucus to note the importance of prayer and faith in our Nation's history. In October of 1863, President Abraham Lincoln discussed his deep reliance on God during his Presidency.

In addressing the Baltimore Presbyterian Synod, Lincoln said, in part, "I saw, upon taking my position here, that I was going to have an administration, if an administration at all, of extraordinary difficulty. It was, without exception, a time of the greatest difficulty that this country ever saw. I was early brought to a living reflection that nothing in my power whatever, in others to rely upon, would succeed without direct assistance of the Almighty, but all must fail. I have often wished that I was a more devout man than I am. Nevertheless, amid the greatest difficulties of my administration, when I could not see any other resort, I would place my whole reliance in God, knowing that all would go well, and that He would decide for the right."

FEDERAL RECOVERY COORDINATION PROGRAM

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Mr. Speaker, I rise to ask my colleagues to join me in strengthening the Federal Recovery Coordination Program. Federal Recovery Coordinators were originally envisioned by the Dole-Shalala Commission as a way to help wounded warriors navigate the incredibly complex bureaucracy of the VA and Defense Department health systems.

Despite the initial successes of the program, administrative problems have prevented the program from reaching its full potential. That's why I've introduced legislation to address these problems.

My legislation codifies the Federal Recovery Coordination Program and places it under the joint jurisdiction of the Secretaries of Veterans Affairs and Defense. It will ensure that Recovery Coordinators have the authority to act on behalf of a veteran when they identify a need, and it ensures they have access to all stages of the recovery process, especially during the initial transition from active duty.

These reforms will help to strengthen this program and help us better serve the needs of our wounded veterans. I ask for my colleagues to join me in support of this legislation.

ILLINOIS FOURTEENTH DISTRICT VOTERS SAY REGULATIONS HURT JOBS

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, I recently asked my constituents to take a quick email survey regarding regulations and the impact that it has on jobs and our economy. The response from the 14th Congressional District of Illinois was overwhelming: 68 percent said that businesses currently operate in a hostile business environment when it comes to regulation; 70 percent said that the regulators and bureaucrats should be required to consider the impact regulations have on jobs and businesses before they're imposed.

To my constituents, I say, we are listening. We're working hard to ensure that small businesses and job creators have a stable and certain regulatory environment. We're working hard to get Washington off their backs; and we're working hard to ensure that they feel confident expanding and hiring, putting Americans back to work and getting our economy moving again. That's why all this fall we have been tackling and cutting red tape from the EPA and other bureaucracies.

Without our action, EPA threatens to impose new rules that would devastate American jobs, raise the cost of electricity for homeowners and businesses, and drive American businesses out of existence and overseas. That's unacceptable.

DEDICATION OF THE MARTIN LUTHER KING, JR., MEMORIAL

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, Thomas Jefferson originally penned the Declaration of Independence that all men were created equal. But it was Dr. Martin Luther King and civil rights workers that made those words ring true. It took almost 200 years for that to happen.

On Sunday, in this Nation's Capital, Dr. King will be honored with the dedication of a monument to him on the Mall, and it's a monument to a great man who deserves recognition. But it should be considered a monument to all the civil rights workers, the sit-ins, the Freedom Riders, the students that went to Mississippi, that marched from Selma to Montgomery, the JOHN LEWIS, the Julian Bonds, the Joseph Lowerys, the Harry Belafontes, the Vasco Smiths, Maxine Smiths, Russell Sugarmans, and all the great civil rights leaders who made this country's promise be fulfilled.

All men now are created equal, but we have a long way to go. I thank the civil rights workers. They are veterans fighting who had to fight their own

country to secure the rights that we now enjoy.

COAL RESIDUALS REUSE AND MANAGEMENT ACT

Mr. SCOTT of South Carolina. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 431 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 431

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2273) to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FORTENBERRY). The gentleman from South Carolina is recognized for 1 hour.

Mr. SCOTT of South Carolina. Thank you, sir.

For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr.

McGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SCOTT of South Carolina. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SCOTT of South Carolina. House Resolution 431 provides for a structured rule for consideration of H.R. 2273, the Coal Residuals Reuse and Management Act, and makes in order six amendments.

Mr. Speaker, I rise today in support of this rule and the underlying bill. The underlying bill would provide for a consistent, safe management of coal combustion residuals, or coal ash, in a way that protects jobs, while encouraging recycling and beneficial use of these materials.

This legislation, simply put, is one of the best job creation bills we can bring before the House of Representatives. By allowing States the opportunity to take control over their individual disposal needs, instead of being forced to follow an intrusive and overreaching EPA rule, we will save as many as 316,000 American jobs.

The EPA proposed regulation will increase the electricity cost and the construction costs around the Nation, while costing electric utilities and business owners up to \$110 billion. While we all agree we must be responsible in protecting our environment, I am struggling to understand why on Earth the EPA continues to propose rules in a vacuum, as opposed to considering the overall impact on our country.

Coal ash has never been proven to be toxic. But what it has been proven to be is extremely useful in strengthening everyday products from concrete to sheet rock to bowling balls.

□ 0920

In my district, South Carolina's First, the American Gypsum Wallboard Plant in Georgetown County uses coal ash from Santee Cooper, our local electric utility, to produce environmentally friendly wallboard. American Gypsum has invested \$150 million in this facility and created more than 100 jobs while redeveloping an old steel mill for their facility. The EPA's proposal to regulate coal ash as a hazardous waste threatens industry's ability to recycle this material in beneficial use. This, along with the increased regulatory, electric, and construction costs, is jeopardizing jobs all across America.

This legislation puts in place appropriate controls—and let me emphasize

“appropriate”—for the safe management and disposal of coal ash, while still encouraging investment in recycling and beneficial use.

Once again, Mr. Speaker, I rise in support of this rule and the underlying legislation. This is the way Federal regulations should be implemented, and it is the way we will protect American jobs while protecting the environment at the same time.

I encourage my colleagues to vote “yes” on the rule and “yes” on the underlying bill.

I reserve the balance of my time.

Mr. McGOVERN. I want to thank my friend from South Carolina for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to this structured rule and the underlying legislation. I should point out to my colleagues that Democrats yesterday introduced an amendment in the Rules Committee to make this an open rule, but, unfortunately, every single Republican on the Rules Committee voted against making this an open process. So much for Speaker BOEHNER's pledge for an open House of Representatives.

This rule makes in order six amendments; six out of 16 submitted, less than half that were offered to the Rules Committee. Included in those amendments was an amendment by Mr. KISSELL which would have required, essentially, that all the components of the infrastructure that would create these holding facilities for steel ash would have to be made with American products, so that it wouldn't be made with Chinese steel, it would be made with American steel, American concrete, and American rebar. I have no idea why that was controversial. The American people are worried about jobs, and there was an opportunity to make an amendment in order that would have protected and ensured American jobs, and they wanted no part of it.

Mr. Speaker, once again, the Republicans are jamming a rule through the House that shuts down the debate and cherry-picks a handful of amendments.

I should also point out that this bill that we're debating here today didn't even have a hearing—no hearings. I thought we were going to adhere to regular order, and that means that the committees of jurisdiction hold a hearing on the legislation—not a general hearing on the topic, but on the legislation. No hearings were held on this.

Discussion on this bill the other night in the Rules Committee was, I thought, kind of comical. The chairman of the Rules Committee, someone who's served in this institution a very long time, said he would have preferred an open rule but said that the schedule forced him to vote against my amendment to make this an open rule. The

schedule? The same House schedule where we go into recess every 2 weeks?

Mr. Speaker, the American people want us to address the challenges that are facing our economy. They want us to be focused on the issue of jobs. And we're not legislating under this schedule that the Republicans have put into place. Since there were no hearings on this bill and since there were a lot of amendments that were offered, we should have had an open process. And if it took us a couple of days to debate and vote on this bill, so be it. That's the way this place is supposed to work.

Yesterday on the floor, we wasted time debating an abortion bill that is going absolutely nowhere, a bill that is designed to inflame and divide our country. I would suggest to my friends on the other side of the aisle, instead of bringing up hot-button social issues designed to fire up the right-wing base, maybe they should think about bringing a jobs bill to the floor of the House of Representatives.

In reality, Mr. Speaker, we should be debating the President's jobs bill, and yet the Republican leadership has refused to allow us even to have a vote on the bill. If my friends on the Republican side don't want to vote for a jobs bill, then they can vote against it, but we ought to be able to have a vote on the President's jobs bill.

The fact is that it's been 281 days that we've been in session—281 days without a jobs bill, 281 days that the Republicans have stood on the sidelines while Americans struggle to make ends meet, struggle to put food on the table, struggle to make house payments, struggle to find a job to pay their bills. We need a real jobs plan, not another bumper sticker bill demonizing the EPA, which is what today's bill is all about.

The American people don't want us wasting time on these trivial bills, bills that are going to go nowhere. What they want us to do is to pass a jobs bill. They want, Mr. Speaker, us to pass the President's jobs bill. Don't take my word for it. The NBC/Wall Street Journal poll that was released this week shows that nearly two-thirds of Americans want the President's jobs bill. The poll finds that 63 percent of Americans support the President's bill and that only 32 percent oppose it. It's not even close. The American people want action on jobs. They want to go back to work. They want us to do something meaningful, and they want us to do it now.

Mr. Speaker, if there's one thing that the new House majority has been consistent on this year, it's their almost religious crusade against the EPA. H.R. 2273 fits right in with their political agenda to undermine the agency at any cost and, in the process, threaten the health and safety of the American people, all under the guise of job creation. I'm appalled that that is their idea of a jobs bill.

Mr. Speaker, coal combustion waste is enormously toxic. It contains an array of the most harmful chemicals out there—mercury, lead, cadmium, hexavalent chromium, and arsenic—that are especially devastating to the development of children. Over the years, billions of tons of coal ash have been dumped in poorly designed waste pits and containment sites in communities across the country.

I want to remind my colleagues on the other side of the aisle of the catastrophic coal ash spill in Kingston, Tennessee, in 2008 where 1.1 billion gallons of liquid coal waste seeped out of a contaminated pool and contaminated local drinking water. I would also remind my Republican colleagues that it cost the taxpayers more than \$1 billion to clean up that disaster, and that residents in the Kingston area are still dealing with its continuing effects.

H.R. 2273 is a bad piece of legislation, and it flies in the face of commonsense safety precautions when disposing of hazardous materials. By leaving the establishment of coal ash safety standards solely to the discretion of States, this bill simply encourages a "race to the bottom" where the State willing to have the least protections will become the dumping ground for the entire country. And H.R. 2273 leaves taxpayers on the hook for paying for another cataclysmic disaster like the one in Tennessee.

Mr. Speaker, I don't think any of my colleagues would want their families, their wives or husbands or children, living anywhere near the vicinity of a coal ash dumping site.

H.R. 2273 is another Republican bill that undermines commonsense health and safety protections from toxic chemicals and ultimately lowers the quality of living for millions of American families.

I urge my colleagues to reject this rule and instead send it back to the Rules Committee. Let's have an open rule. Given the fact, again, the bill didn't have a hearing, we should have an open rule here. I would urge my Republican colleagues to finally get to work on putting the American people back to work.

With that, I reserve the balance of my time.

Mr. SCOTT of South Carolina. I yield myself such time as I may consume.

I'm confused. It doesn't take a lot to confuse me, but I'm confused today. The gentleman from Massachusetts consistently talks about the fact that there's been 281 days without a jobs bill. I want to know the definition of a jobs bill, because if you create jobs, my assumption is that we're talking about jobs bills. There is no question that the current legislation that we're talking about saves up to 316,000 jobs. I'm going to call that a jobs bill.

There's no question that the free trade agreements create about one-

quarter of a million jobs. Those are jobs bills. The Boiler MACT saves jobs, and Cement MACT saves jobs. So what we've done in this Congress, in this House, is talk consistently about how to rein in the regulatory environment to not only create jobs but to retain jobs.

□ 0930

So my perspective is simple: When you have legislation that comes before the House that actually creates jobs, those are jobs bills. It is not an ultimatum. The President's jobs bill is simply an ultimatum, do it all or nothing at all. There is no question about it that even the Senate cannot find cosponsors of the President's legislation and pass the bill.

Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia, Mr. DAVID MCKINLEY.

Mr. MCKINLEY. I rise in support of the rule.

As we stand here 30 years into this discussion on coal ash, H.R. 2273 has essentially two parts:

The first part codifies the previous EPA studies that concluded that coal fly ash is nonhazardous and can be recycled for beneficial use. This was the essence of H.R. 1391, but in H.R. 1391, we heard from the constituents about the concern for disposal.

The second part was then incorporated into the new bill, which provides for all new and existing landfills and surface impoundments to be State-run with EPA assistance, approval, and oversight. We are trying to finally resolve the issue.

The issue of disposal is taken on firsthand in H.R. 2273 by allowing requirements for composite liners, fugitive dust controls, groundwater monitoring, financial assurance, and structural stability. H.R. 2273 is strongly endorsed by State environmental officials, including the Environmental Council of States and the Association of State and Territorial Solid Waste Officials, as well as various labor unions.

Now let's get back to the byproduct, itself.

Coal ash is an unavoidable byproduct of burning coal, just like putting logs in a fireplace. Every day, coal ash is produced in nearly 700 coal-fired generating plants in 48 of the 50 States in America. Approximately 140 million tons are produced annually with 40 percent of that fly ash being beneficially recycled.

Over the years, scientists and entrepreneurs have developed uses for that coal ash through a variety of recycling options. Businesses were emboldened to recycle the material after two studies by the EPA in 1993 and 2000. Both concluded that coal ash was not a hazardous material and could be used by the public. The findings of the 2000 study specifically stated that no documented cases of damage to human

health or the environment have been identified because of fly ash.

As a result, industries have sprung up all across America. Hundreds of thousands of jobs have been created by recycling fly ash into the concrete of our bridges, our roads, and our buildings. It's used in masonry block and brick, and is in our houses by virtue of its use in drywall panels and roof shingles.

Even the Tennessee Valley Authority, with the cooperation of the Department of Health and Human Services, comprehensively examined the health effects from the Kingston dam accident in 2009. Their conclusion was that there were no significant human health impacts from the Tennessee coal ash spill.

Those companies across America using the byproduct are caught up in the uncertainty swirling about this issue of the recycling of the material, and may be forced to switch to more expensive alternatives. According to the Veritas report, repealing this section of the bill and allowing the EPA to designate coal ash as a hazardous material would cost the consumers as much as \$110 billion and cost 316,000 jobs.

Let's be frank. The opponents of this bill and this rule clearly have an anti-coal agenda. Even interagency reviews of the EPA's plan to designate coal ash as a hazardous material show that the idea is opposed by the Department of Energy, the Department of Transportation, the U.S. Department of Agriculture, the Tennessee Valley Authority, the Council of Environmental Quality, and the Army Corps of Engineers. They want the continued use of recycled fly ash and want to reject its possibility of being treated as a hazardous material.

This is not a time for people who dislike fossil fuels to be pushing their personal agendas and ideologies. To those who lack compassion and understanding about the real world, these are real jobs at stake here. It's really that simple. Therefore, anyone who opposes this rule and this legislation embraces the loss of 316,000 jobs and higher utility bills.

Mr. MCGOVERN. I yield myself such time as I may consume.

To the gentleman who just spoke, I would remind him that we're debating the rule here. We could have this debate about whether or not there are health concerns here or not. I happen to believe there are, and I think most scientists believe that there are health concerns that we should take into consideration here.

But what's wrong with an open rule? What was so wrong with bringing an amendment to the floor that would have required that the components to build these containers, if you will, be made of materials made in the United States? What's wrong with U.S. steel or U.S. concrete? Why is that a controversy?

So I would say to my colleagues on the other side who like to say that they're open, let this be an open rule, especially since there were no hearings on this particular bill.

My colleague from South Carolina got up and he said he was confused. I'm sorry he's confused. Let me try to unconfuse him about one thing, which is, if you want to create jobs, bring the President's jobs bill to the floor. Economists predict that the American Jobs Act could create up to 1.9 million jobs next year and boost economic growth by about 2 percentage points. You've got a twofer here. Not only do you put people back to work, but you help to reduce our deficit when you put more people to work. If we could lower the unemployment rate in this country by a few percentage points, we could lower our deficit. Why is that so controversial?

Rather than focusing on partisan bills that don't mean much for the economy, it's time for the Republicans to take up the American Jobs Act, which is fully paid for, includes bipartisan ideas, will create jobs, and grow our economy now. What we should be doing every single day on this House floor is focusing on jobs, on putting people back to work. Instead, today is another bill attacking the EPA, and yesterday we did an abortion bill. I mean, we're talking about everything but how to put people back to work, so I would urge my colleagues to get their priorities straight.

With that, I reserve the balance of my time.

Mr. SCOTT of South Carolina. I thank the gentleman from Massachusetts so much for taking the time to clarify that which is not clear as it relates to the President's objectives of creating a one-size-fits-all, take-it-or-leave-it jobs bill that doesn't create jobs but that does create another \$500 billion hole for the taxpayers to take care of.

What we're talking about, however, sir, is a bipartisan approach to legislation in the House. In the Energy and Commerce Committee, with a vote of 35-12, 6 of the 23 Democrats supported this bill; of the Boiler MACT, 41 Democrats supported that bill; of the Cement MACT, 25 Democrats supported that bill. What we've done here is to create an atmosphere that is conducive to a bipartisan approach to solving the environmental concerns and challenges of our Nation.

Mr. Speaker, I yield 2 minutes to the gentlelady from North Carolina, Dr. FOXX.

Ms. FOXX. When I heard my colleague from Massachusetts talk about the President's jobs bill, I couldn't resist responding to it.

As my colleague from Massachusetts very well knows, the President's jobs bill was defeated in the Senate. It was introduced in the House by request.

Only the person who introduced it has sponsored it, and there are no cosponsors. The Democrats are simply not serious about the President's jobs bill. They are using this as a political ploy. If the Democrats were really serious about it, they would all be signed on to the bill, but they are not.

□ 0940

Republicans are offering real alternatives to the situation that the Democrats have presented to us. We're signing on to our bills. We're voting for our bills.

The Senate is controlled by the Democrats. They can't pass the President's jobs bill over there. It failed. It failed on a bipartisan vote.

And let me point out to my colleague from Massachusetts that when the Democrats took control of the Congress in 2007, the unemployment rate was 4.6 percent. When Republicans gained control of the House again in January of this year, the unemployment rate had increased to 9 percent.

What they want us to do is go back to the failed policies that existed in the 4 years that they were in control of the Congress and the 2 years that they controlled the Congress and the White House.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would remind my colleague on the Rules Committee, the gentlelady from North Carolina, that over half the Senate—over half the Senate—voted to bring up the President's jobs bill. Over half the Senate supports the President's jobs bill. But under the arcane rules in the United States Senate, you need 60 votes to have lunch, never mind pass a bill.

So it wasn't defeated. A majority actually support the President's jobs bill. It is the Republicans who are obstructing this legislation, who are using procedural tricks to keep this bill from coming up before the United States Senate for a clean up-or-down vote. It is Republicans in the House of Representatives who are saying that none of us will have an opportunity to vote on the President's bill.

I mean, here's a good idea. You bring up what you want to bring up; you let us bring up what we want to bring up. The President's bill, as I said, is very popular. The legislation, I would remind my friend from South Carolina, is paid for, is paid for.

The legislation's specifics as well as the idea of taxing the very, very, very wealthy to pay for it are popular with the American public, and that's according to an NBC News/Wall Street Journal poll.

So, I mean, what are you afraid of? If you don't want to vote for legislation to help put people back to work, then you don't have to vote for it. You go home and explain to your constituents why you're against the bill.

What we should be doing here in this U.S. House of Representatives is, every day, debating and legislating on ways to be able to put this country back to work. You want to reduce the deficit? Put people back to work. If you want to improve the economy, put people back to work. It's simple. And we're doing everything in this place but debating legislation to put people back to work.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentlelady from West Virginia, Mrs. SHELLEY MOORE CAPITO.

Mrs. CAPITO. I thank my colleague on the Rules Committee from South Carolina.

I would like to ask the gentleman from Massachusetts who's been talking a lot about the jobs bill and the President's jobs bill, and my question to him is: If it's such a great jobs bill, why does it only have three cosponsors on the bill? I don't think that says much for the emphasis on your side of the aisle or in this whole House behind the President's jobs bill.

But today I want to rise in support of the rule of H.R. 2273, and I want to congratulate my colleague from West Virginia (Mr. MCKINLEY) for his very dutiful work in this area. To me, this legislation is in response to the EPA's ideological war on Appalachian jobs.

The EPA is intent on regulating coal as a hazardous material. It is a wrong-headed move, given that the material has been used in household construction for years.

This bill simply allows States to regulate coal fly ash under their long existing solid waste disposal programs. This bill is environmentally and economically responsible because it allows the EPA to set enforceable minimum standards but leaves ultimate regulations and enforcement to the States, where it belongs.

If the EPA is permitted to regulate coal ash as a hazardous material, it could have a devastating effect on my State's economy. We generate 97 percent, maybe up to 99 sometimes, of our electricity from coal naturally, because we're a very large coal producer.

Regulating this as a hazardous waste would result in less coal use and would throw thousands of coal miners out of their jobs. Electricity prices would skyrocket, which would hurt manufacturers and households.

I just think that we're talking about jobs. Let's talk about creating jobs, but let's not destroy 316,000 jobs in the process of this regulatory regime that we've seen over the last several years. We know from the EPA's own statements that they don't really consider job loss or economic loss when they put forward these onerous provisions, so we cannot afford to let the EPA put more Americans out of work.

I support the rule and the underlying legislation.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would say to the gentlelady from West Virginia, I don't know how many cosponsors there are on the bill, but I want to vote for the bill. I'm willing to propose a unanimous consent request that we amend this rule and we bring up H.R. 12 today. If the gentleman on the other side of the aisle is willing, let's bring it up and have that debate right now.

I am happy to yield to the gentleman if he wants to agree to that unanimous consent.

Well, the silence, Mr. Speaker, is deafening.

The fact of the of the of the matter is that we are going to finish up today at 2 o'clock or 3 o'clock or whatever and then go on another week recess when the American people are struggling, when there are millions of people who are out of work, when there are millions of families struggling to try to pay their mortgages, when there are millions of families who are trying to figure out how they're going to have the resources to send their kids to school. This is the best we can do? Come on, we can do a lot better than this, Mr. Speaker.

I would again urge my colleagues to get serious and, if you don't like the President's jobs bill, then vote against it. It's that simple. But let us bring a bill to the floor that by every measure, by every public opinion poll that is out there, is popular. The American people want it. You always like to invoke polls. Well, the polls overwhelmingly show the American people support this. So let's bring that bill to the floor.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of South Carolina. I would just say to my good friend from Massachusetts that the President's jobs perspective seems to be, since February of 2009, a loss, a net loss of 2.2 million jobs. So let's just absorb that for a moment.

We ought to get serious about not using the American people as a pawn for partisan politics and get serious about working in a bipartisan fashion, as we have on the Boiler MACT, the Cement MACT, and now on this current bill. If we work for Americans' future, we will find more jobs created and saved in America.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana, Dr. LARRY BUCSHON.

Mr. BUCSHON. Mr. Speaker, I rise today in support of the rule and the underlying bill.

I guess yesterday there was some confusion at the White House about the Republican plan for job creation, and I would like to just point out that in early June we released that, and it can be found on jobs.gop.gov if the President is interested.

The Coal Residuals Reuse and Management Act stops the administration

from another attempt to enforce unachievable standards that don't provide the health or environmental benefits that are claimed. And in exchange for no benefits, we're going to give up more jobs in States and industries than cannot afford more setbacks. In my State of Indiana, 95 percent of our electrical energy depends on coal. It would be devastating.

An independent study released earlier this year found that as many as 316,000 jobs will be taken away if this rule is enacted by the EPA. At a time when the President is touring the country promoting his jobs bill, I think it's hypocritical of his own EPA to promulgate a rule like the coal ash rule that's been shown by outside organizations to kill jobs.

So this is my question: Why is the EPA focusing on regulating coal ash when they, themselves, say the materials do not—I repeat, do not—exhibit any of the four characteristics of hazardous waste? Their own extensive studies reported to Congress show that coal ash does not exhibit corrosivity, reactivity, ignitability, or toxicity. Why then are we forcing through a regulation that goes against EPA's own findings?

The reason is because of an ideological, anti-coal agenda from the administration. That's why.

□ 0950

But the concern on most Americans' minds is job creation, and this here is a jobs bill. To let the EPA regulate coal ash rather than leaving it to the States' hands would only create jobs at the EPA. We need more jobs in Indiana's Eighth Congressional District. For that reason, I support the rule and I support the underlying bill.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

My colleague on the Rules Committee from South Carolina said we should all work in a bipartisan way, and I agree. And that's what the President attempted to do. His jobs bill represents a series of initiatives that were all bipartisan, that were all bipartisan until he announced he wanted to move on it, and then all of a sudden it became a partisan deal. Everything in the President's jobs package has been sponsored in a bipartisan way. So I don't understand why now. If you want to call it the Republican idea, I don't care what you want to call it, but bring it to the floor and allow us to be able to debate these bipartisan initiatives that will put people back to work.

Again, I would say about the rule, where's the openness here? I mean, the majority of amendments that were offered were not made in order, including an amendment that would require that the building materials for these holding tanks be made in America. Why is that so controversial? Why is making things in America a radical idea to my

Republican friends? Why is it somehow a bad thing to insist that the steel used to build these plants be made in the United States of America and not China? I mean, we all should be on the side of American workers here, and that means standing up and making sure those jobs are here in the United States. So let's open this rule up so we have an opportunity to protect American jobs.

With that, I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Illinois, Mr. JOHN SHIMKUS.

Mr. SHIMKUS. I'm just here to speak in support of the rule.

First of all, on April 14, 2011, the Subcommittee on the Environment and the Economy, which I chair, held a legislative hearing on the coal ash bill, H.R. 1391. Based on this hearing and working with Democrats in the subcommittee, we modified the bill. We changed the bill, and then we had a voice vote out of subcommittee. Then we went to the full committee, and we had a bipartisan vote in the full committee. I think at least six Democrat votes, and two more that would have had they been there for the process. So we are working together with Democrats to bring a sensible bill to the floor.

If we don't do this, it's projected in the coal ash recycling industry of this country we will lose 38,000 to 119,000 jobs. So we trust the State regulators. They do it for municipal solid waste. We're just making coal ash recyclable, the same as we do for municipal solid waste. It has bipartisan support. Thank you, Rules Committee, for making the amendments in order. I think five of the six amendments are Democrat amendments. So it's not perfect, but it allows us to move forward.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Again, I appreciate the words of my colleague from Illinois, but H.R. 1391 is not H.R. 2273. There was no legislative hearing on H.R. 2273.

Mr. SHIMKUS. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from Illinois.

Mr. SHIMKUS. It's not because of the input we got from Democrats to change that original bill. So that's why. I mean, it was bipartisan.

Mr. MCGOVERN. I reclaim my time.

So the new definition of openness under the Republican majority is you don't have to have a legislative hearing on a bill that you bring to the floor, but you can say it doesn't matter or that you did, or whatever. This is not the way this place is supposed to work. This process is not what my friends on the other side of the aisle promised.

Again, I have yet to hear a good reason why this is not an open rule. Given the fact that there was no hearing on

this specific bill, given the fact that there were a number of germane amendments that were not made in order, given the fact that during the debate there may be Members on both sides of the aisle who may have ideas they may want to bring to the floor and amend this bill, and also given the fact that one of the amendments that was not made in order was an amendment that would have required that the materials that are used to make these coal ash containers be made in the United States of America, why is that such a heavy lift for my friends on the other side of the aisle?

With that, Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I thank my friend from Massachusetts.

I don't understand. This is a very, very important issue. This is an issue about dealing with fly ash and how we're going to contain it and process it and protect the citizens. It's also an opportunity for us to deal with one of the fundamental economic problems we have in the United States, which is the loss of manufacturing. There's going to be a lot of different kinds of equipment, material, steel, cement, other kinds of materials that are going to be part of the process that this bill calls for, that is, adequately dealing with fly ash. Why wouldn't you want to put into this piece of legislation that those materials, those pieces of equipment, be manufactured in the United States?

We need to rebuild our manufacturing base in this Nation. We've lost more than 50 percent of it over the last 25 years. We need to once again make it in America. And I tell you, you put this amendment into this bill and we'll see one more piece of American manufacturing coming back into place. It actually works.

In the Recovery Act, which you like to call the stimulus bill, there was a paragraph put in that says if you're going to use the transportation funds in this bill, then you must buy equipment made in America. In Sacramento, California, Siemens has built and is continuing to expand a manufacturing plant because of that provision. Hundreds of people in California are employed because Congress wrote into the bill money spent on trains and buses and light rail will have to be spent on equipment manufactured in America. So Siemens is doing it.

Write into this piece of legislation, and there will be new manufacturing plants in America making the equipment to deal with the fly ash. It is eminently sensible, so why be unsensible? Why block this amendment?

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina, Mr. JEFF DUNCAN.

Mr. DUNCAN of South Carolina. Mr. Speaker, I rise today in support of H.R.

2273, the Coal Residuals Reuse and Management Act.

As I see it, the three main problems facing the American economy today are the uncertainties coming from taxation, regulation, and litigation. This tone-deaf administration continues to propose new forms of taxation on American job creators to the detriment of our workers and our economy. The administration continues the threat of litigation in the form of the unprecedented and unconstitutional attacks by the National Labor Relations Board against my home State of South Carolina. And we see the EPA creating costly regulations that are forcing businesses not to make decisions on an annual or quarterly basis, but having to make decisions to comply day to day.

Fortunately, the House has worked to turn back some of these actions, but there is much work left to be done. The House recently passed two bills, H.R. 2681 and H.R. 2250. These bills seek to prevent a pair of excessive regulations from going into effect that would put hundreds of thousands of Americans out of work. One EPA regulation, the Boiler MACT rule, is expected to cost businesses and consumers around \$14 billion, resulting in a loss of over 220,000 American jobs.

□ 1000

Today we begin discussing the administration's EPA regulation of coal ash that will drive up electricity costs for millions of Americans, as well as construction costs for roads and homes all around the country.

From 1999 to 2009, American industries successfully recycled 519 tons of coal ash, some 38 percent of the 1.35 billion tons of coal ash produced. Recycling coal ash keeps electricity costs low, provides for low-cost durable construction materials, and reduces the amount of waste going into the landfills. In other words, continuing to recycle coal ash is good for our economy and it's good for the environment.

Yet the administration continues this headlong rush to destroy American jobs and wreck the American engineering sector. The EPA is considering treating coal ash as a hazardous waste. This is simply the latest bureaucratic overreach from this administration on behalf of their friends from the left-wing fringe and environmental movement. The impact of this government overreach would be nothing short of disastrous, with an estimated impact of \$110 billion over the next 20 years and around 300,000 jobs lost. The bill we are debating today would end that nonsense before it can start.

Keep in mind, America, it allows that coal ash to be regulated not by the left-wing zealots at the EPA, but by the States. Our Founding Fathers included the 10th Amendment in the Constitution so that these issues could be handled by the States, not a burdensome

Federal agency with a political agenda and an axe to grind.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of South Carolina. I yield the gentleman an additional 30 seconds.

Mr. DUNCAN of South Carolina. Yesterday the President revealed that he had raised \$70 million for his campaign. If our President spent as much effort freeing job creators from excessive regulations as he spent raising campaign donations from environmental extremists, far more Americans would be able to find work today.

Mr. MCGOVERN. I yield myself such time as I may consume.

Mr. Speaker, a new study from Tufts University shows that we can create tens of thousands of new jobs by requiring safe disposal of coal ash. Ensuring that coal ash disposal sites protect human health and the environment will take work. It will take construction workers, equipment operators, and engineers. And this isn't a "make work" effort. These jobs will provide tremendous benefit to the communities in which they take place. But these jobs will not happen if we pass this bill. This bill basically preserves the status quo. So if we want to create jobs, I think we need to vote this bill down.

Again, Mr. Speaker, we're still trying to get an understanding on this side of the aisle as to why we don't have an open rule and why an amendment that would require that job stability infrastructure for all of this, that all the materials be made in America. If we want to protect American jobs and create American jobs, we have to stand up and fight for American jobs and fight for American workers.

With that, I reserve the balance of my time.

Mr. SCOTT of South Carolina. We are prepared to close; so we reserve our time until then.

Mr. MCGOVERN. Mr. Speaker, let me close by, again, first of all, saying that this rule should be an open rule and that, at a very minimum, the amendment that would require that the materials that would be used to construct any of these containers be made in the United States of America. It's important that we stand up for American jobs. It's important that we make it in America. And so this rule deserves to be defeated based on that alone.

This process is also bad and flawed because there was no hearing on this particular piece of legislation, and the ranking member of the full Energy and Commerce Committee did not think, based on what he said, that this was a particularly bipartisan, open process. In fact, there are some Members who supported this bill in committee who will not support it on the floor because of promises that were supposedly made that were not kept. So, for a whole bunch of reasons on process, we should defeat this rule.

Secondly, Mr. Speaker, on the underlying bill, I would remind my colleagues that part of our job here is to protect the safety and well-being of the people we represent. Coal ash contains arsenic, lead, and many other toxic materials that can escape into the air or water if the material isn't properly contained. We should be concerned about the safety implications here. We should be concerned about any consequences that may result in poor regulation and poor oversight. And to basically, again, take this time on the floor to again take another slap at the EPA because that's the favorite punching bag of my friends on the Republican side of the aisle, I think, is not a credit to this institution and is not doing what we were elected to do, and that is to make sure that we are upholding the safety and protecting the people of this country.

My colleagues on the other side of the aisle say that the problem is all regulation, only EPA regulation. There was an interesting opinion piece that appeared in *The New York Times* by a fellow named Bruce Bartlett—he had held senior policy roles in the Reagan and George H.W. Bush administrations, served on the staff of Jack Kemp—who did a piece for *The New York Times* entitled, "Misrepresentations, Regulations and Jobs."

I'll read a couple of the lines from his piece. He says:

"Republicans have a problem"—and he's Republican himself. "Republicans have a problem. People are increasingly concerned about unemployment, but Republicans have nothing to offer them."

He further says: "No hard evidence is offered for this claim" that all the uncertainty within business is tied to regulation." He says that notwithstanding the lack of evidence, the Republicans repeated this assertion "endlessly throughout the conservative echo chamber."

He also says: "While concerns about regulation have risen during the Obama administration, they are about the same now as they were during Ronald Reagan's administration, according to an analysis of the federation's data by the Economic Policy Institute."

He ends by saying this: "In my opinion, regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment."

I bring that up not to say that regulation isn't a problem and that we should not deal in a constructive way with needless regulation—the President said that in his speech to the House when he introduced his jobs bill—but it is not the only problem out

there. And to suggest that bringing bills like this to the floor are going to somehow create jobs is just patently false.

If we want to create jobs in this country, we should bring the President's jobs bill to the floor. Again, the American people overwhelmingly support what the President outlined in his speech before the Congress; and all the things that he articulated, I say to my friend from South Carolina, were bipartisan ideas. Republicans and Democrats all cosponsored legislation on various pieces of his proposal. Why now they have become controversial is beyond me.

I'll just close with this: At some point I hope my friends on the other side of the aisle will get serious about the issue of jobs; at some point I hope they will bring something meaningful to this House floor that, if passed, will actually put people back to work, because up to this point the Republican leadership has failed miserably. And I think people all across this country—and you see this reflected in the public opinion polls—have had it. They're tired of this constant agenda of hot-button issues and of trivial matters that we debate passionately and important ones not at all.

Mr. Speaker, I would urge my colleagues to defeat the previous question. If we defeat the previous question, I will offer an amendment to the rule to make in order an amendment by Mr. GARAMENDI of California which was submitted to the Rules Committee. They didn't make it in order even though it is germane and fully paid for and meets every requirement of the rules of the House. The amendment would make sure that construction materials used to build holding facilities for coal ash are made in America.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Again, Mr. Speaker, let me repeat, the amendment we want to make in order would make sure that construction materials used to build holding facilities for coal ash are made in America. Why that should be controversial is beyond me. Why anybody on either side should oppose that is beyond me.

Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question. I urge a "no" vote on the rule, and I yield back the balance of my time.

[From the *New York Times*, Oct. 4, 2011]

MISREPRESENTATIONS, REGULATIONS AND JOBS
(By Bruce Bartlett)

Bruce Bartlett held senior policy roles in the Reagan and George H.W. Bush administrations and served on the staffs of Representatives Jack Kemp and Ron Paul.

Republicans have a problem. People are increasingly concerned about unemployment, but Republicans have nothing to offer them. The G.O.P. opposes additional government spending for jobs programs and, in fact, favors big cuts in spending that would be likely to lead to further layoffs at all levels of government.

TODAY'S ECONOMIST PERSPECTIVES FROM
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Republicans favor tax cuts for the wealthy and corporations, but these had no stimulative effect during the George W. Bush administration and there is no reason to believe that more of them will have any today. And the Republicans' oft-stated concern for the deficit makes tax cuts a hard sell.

These constraints have led Republicans to embrace the idea that government regulation is the principal factor holding back employment. They assert that Barack Obama has unleashed a tidal wave of new regulations, which has created uncertainty among businesses and prevents them from investing and hiring.

No hard evidence is offered for this claim; it is simply asserted as self-evident and repeated endlessly throughout the conservative echo chamber.

On Aug. 29, the House majority leader, Eric Cantor of Virginia, sent a memorandum to members of the House Republican Conference, telling them to make the repeal of job-destroying regulations the key point in the Republican jobs agenda.

"By pursuing a steady repeal of job-destroying regulations, we can help lift the cloud of uncertainty hanging over small and large employers alike, empowering them to hire more workers," Mr. Cantor said.

Evidence supporting Mr. Cantor's contention that deregulation would increase unemployment is very weak. For some years, the Bureau of Labor Statistics has had a program that tracks mass layoffs. In 2007, the program was expanded, and businesses were asked their reasons for laying off workers. Among the reasons offered was "government regulations/intervention." There is only partial data for 2007, but we have data since then through the second quarter of this year.

The table below presents the bureau's data. As one can see, the number of layoffs nationwide caused by government regulation is minuscule and shows no evidence of getting worse during the Obama administration. Lack of demand for business products and services is vastly more important.

BUREAU OF LABOR STATISTICS

These results are supported by surveys. During June and July, Small Business Majority asked 1,257 small-business owners to name the two biggest problems they face. Only 13 percent listed government regulation as one of them. Almost half said their biggest problem was uncertainty about the future course of the economy—another way of saying a lack of customers and sales.

The Wall Street Journal's July survey of business economists found, "The main reason U.S. companies are reluctant to step up hiring is scant demand, rather than uncertainty over government policies, according to a majority of economists."

In August, McClatchy Newspapers canvassed small businesses, asking them if regulation was a big problem. It could find no evidence that this was the case.

"None of the business owners complained about regulation in their particular industries, and most seemed to welcome it," McClatchy reported. "Some pointed to the lack of regulation in mortgage lending as a

principal cause of the financial crisis that brought about the Great Recession of 2007-9 and its grim aftermath."

The latest monthly survey of its members by the National Federation of Independent Business shows that poor sales are far and away their biggest problem. While concerns about regulation have risen during the Obama administration, they are about the same now as they were during Ronald Reagan's administration, according to an analysis of the federation's data by the Economic Policy Institute.

Academic research has also failed to find evidence that regulation is a significant factor in unemployment. In a blog post on Sept. 5, Jay Livingston, a sociologist at Montclair State University, hypothesized that if regulation were a major problem it would show up in the unemployment rates of industries where regulation has been increasing: the financial sector, medical care and mining/fuel extraction. He found that unemployment rates in these sectors were actually well below the national average. Unemployment is much higher in those industries that one would expect to suffer most from a lack of aggregate demand: construction, leisure and hospitality, business services, wholesale and retail trade, and durable goods.

Gary Burtless, an economist at the Brookings Institution, asserts that if businesses were really concerned about rising regulations, they would be investing now to avoid them. But there is no indication that this is the case. "The real reason for anemic investment and hiring is that businesses are not confident there will be enough potential customers to justify expansion or even routine capital replacement right now," he says.

In my opinion, regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment.

□ 1010

Mr. SCOTT of South Carolina. Mr. Speaker, history is a measure of progress. And when it comes to the two topics that I keep hearing from Mr. MCGOVERN, my good friend to the left, it's openness and job creation. So let's examine history.

In the 111th Congress, I would like to ask the gentleman from Massachusetts, can the gentleman tell me how many open rules he brought to the floor in the last Congress as the vice chairman of the Rules Committee? The answer is none; no, not one. Under Speaker BOEHNER, our record of openness in this Congress is one we can be proud of. All of the general appropriations bills have been debated under completely open rules—all of the general appropriations bills, open rules. We've brought several authorizing bills to the floor under modified open rules, only requiring preprinting of amendments.

Mr. MCGOVERN. Will the gentleman yield?

Mr. SCOTT of South Carolina. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. I would just remind my friend that you have already brought up 30 measures under a closed

rule since you took over. Again, I'm just trying to keep you to your promise that you made about all this new openness, which we haven't seen. And today is an example of that.

Mr. SCOTT of South Carolina. The good news is the gentleman from Massachusetts has once again highlighted the fact that while he looks in one direction, he refuses to look in the mirror and answer the question that simply, no, not one, not one in the 111th Congress, one open rule did he bring to the floor of the House. But I would say that the Democrats in the last Congress simply gave up on openness. They just gave up on openness and allowing the American people to see real debate on the floor of the House.

On the issue of job creation, since February of 2009, the current administration lost 2.2 million jobs. Two million Americans now out of work since February 2009, and my good friends from the left continue to talk about demagoguing and demonizing an issue when they simply have nothing to prove and nothing to show for what they've done.

I would say this, though: that this week alone in the House of Representatives we have had the opportunity to empower the job creators of America to create over 500,000 jobs in just this week. We compare our record every day to the current administration.

Mr. Speaker, in recent weeks, the House has passed multiple bills which would stop burdensome government regulations from destroying jobs all across America. I ask that we do so today.

Enough is simply enough. We cannot allow the EPA—or any other government agency for that matter—to unnecessarily kill hundreds of thousands of jobs when our national unemployment is as high as it has been in the last 25 years. This is a responsible, forward-thinking bill which everyone in the Chamber should support.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H.R. RES. 431 OFFERED BY
MR. MCGOVERN OF MASSACHUSETTS

At the end of the resolution, add the following:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Garamendi of California or a designee. That amendment shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

SEC. 3. The amendment referred to in section 2 is as follows:

Page 8, after line 5, insert the following subparagraph:

"(H)(i) Except as provided in clause (ii), the coal combustion residuals permit program shall require new structures, and changes and additions to existing structures, to be constructed and maintained with materials manufactured in the United States.

"(ii) The Administrator may waive the requirement of clause (i) if the Administrator determines that—

“(I) applying such requirement will be inconsistent with the public interest;

“(II) materials used to construct and maintain structures are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

“(III) such requirement will increase the cost of the construction of, or the change or addition to, the structure by more than 25 percent.

“(iii) If the Administrator determines that it is necessary to waive the requirement of clause (i) based on a determination under clause (ii), the Administrator shall publish in the Federal Register a detailed written justification as to why the requirement is being waived.

“(iv) This subparagraph shall be applied in a manner consistent with—

“(I) United States obligations under international agreements; and

“(II) applicable labor agreements.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Republican majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated,

control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 237, nays 166, not voting 30, as follows:

[Roll No. 792]

YEAS—237

Adams	Canseco	Forbes
Aderholt	Cantor	Fortenberry
Akin	Capito	Foxx
Alexander	Carter	Franks (AZ)
Amash	Cassidy	Frelinghuysen
Amodei	Chabot	Galleghy
Austria	Chaffetz	Gardner
Bachus	Coble	Garrett
Barletta	Coffman (CO)	Gerlach
Bartlett	Cole	Gibbs
Bass (NH)	Conaway	Gibson
Berg	Cravaack	Gingrey (GA)
Biggert	Crawford	Gohmert
Bilbray	Crenshaw	Goodlatte
Bilirakis	Culberson	Gosar
Bishop (UT)	Davis (KY)	Gowdy
Black	Denham	Granger
Blackburn	Dent	Graves (GA)
Bonner	DesJarlais	Graves (MO)
Bono Mack	Diaz-Balart	Griffin (AR)
Boren	Dold	Griffith (VA)
Boustany	Dreier	Grimm
Brady (TX)	Duffy	Guinta
Brooks	Duncan (SC)	Guthrie
Broun (GA)	Duncan (TN)	Gutierrez
Buchanan	Ellmers	Hall
Bucshon	Farenthold	Hanna
Buerkle	Fincher	Harper
Burgess	Fitzpatrick	Harris
Burton (IN)	Flake	Hartzler
Calvert	Fleischmann	Hastings (WA)
Camp	Fleming	Hayworth
Campbell	Flores	Heck

Hensarling	McKinley	Royce
Herger	McMorris	Runyan
Herrera Beutler	Rodgers	Ryan (WI)
Huelskamp	Meehan	Scalise
Huizenga (MI)	Mica	Schilling
Hultgren	Miller (FL)	Schmidt
Hunter	Miller (MI)	Schock
Hurt	Miller, Gary	Schweikert
Issa	Mulvaney	Scott (SC)
Jenkins	Murphy (PA)	Scott, Austin
Johnson (IL)	Myrick	Sensenbrenner
Johnson (OH)	Neugebauer	Sessions
Johnson, Sam	Noem	Shimkus
Jones	Nugent	Shuler
Kelly	Nunes	Shuster
Kind	Nunnelee	Simpson
King (IA)	Olson	Smith (NE)
King (NY)	Palazzo	Smith (NJ)
Kingston	Paulsen	Smith (TX)
Kinzinger (IL)	Pearce	Southerland
Kline	Pence	Stearns
Labrador	Peterson	Stivers
Lamborn	Petri	Sullivan
Lance	Pitts	Terry
Landry	Platts	Thompson (PA)
Lankford	Poe (TX)	Thornberry
Latham	Pompeo	Tiberi
LaTourette	Posey	Tipton
Latta	Price (GA)	Turner (NY)
Lewis (CA)	Quayle	Turner (OH)
LoBiondo	Reed	Upton
Long	Rehberg	Walberg
Lucas	Reichert	Walden
Luetkemeyer	Renacci	Walsh (IL)
Lummis	Ribble	Webster
Lungren, Daniel E.	Rigell	West
Mack	Rivera	Westmoreland
Manzullo	Roby	Whitfield
Marino	Roe (TN)	Wilson (SC)
Matheson	Rogers (AL)	Wittman
McCarthy (CA)	Rogers (KY)	Wolf
McCaul	Rogers (MI)	Womack
McClintock	Rohrabacher	Woodall
McCotter	Ros-Lehtinen	Yoder
McHenry	Roskam	Young (FL)
McKeon	Ross (AR)	Young (IN)
	Ross (FL)	

NAYS—166

Ackerman	Dingell	Lipinski
Altmire	Doggett	Loebach
Andrews	Donnelly (IN)	Loggren, Zoe
Baca	Doyle	Lowey
Baldwin	Edwards	Lujan
Barrow	Ellison	Lynch
Berkley	Eshoo	Maloney
Berman	Farr	Markley
Bishop (GA)	Filner	Matsui
Bishop (NY)	Frank (MA)	McCarthy (NY)
Blumenauer	Fudge	McCormack
Boswell	Garamendi	McDermott
Brady (PA)	Green, Al	McGovern
Braley (IA)	Green, Gene	McNerney
Brown (FL)	Grijalva	Michaud
Butterfield	Hahn	Miller (NC)
Capps	Hanabusa	Miller, George
Capuano	Hastings (FL)	Moore
Cardoza	Heinrich	Moran
Carnahan	Higgins	Murphy (CT)
Carney	Himes	Nadler
Carson (IN)	Hinchey	Napolitano
Castor (FL)	Hinojosa	Neal
Chandler	Hirono	Owens
Chu	Hochul	Pallone
Cicilline	Holden	Pascarell
Clarke (MI)	Holt	Pastor (AZ)
Clarke (NY)	Honda	Payne
Cleaver	Hoyer	Peters
Clyburn	Inslee	Pingree (ME)
Cohen	Israel	Price (NC)
Connelly (VA)	Jackson (IL)	Quigley
Conyers	Jackson Lee	Rahall
Cooper	(TX)	Rangel
Costa	Johnson (GA)	Reyes
Courtney	Johnson, E. B.	Richardson
Critz	Kaptur	Richmond
Crowley	Keating	Rothman (NJ)
Cuellar	Kissell	Roybal-Allard
Davis (CA)	Kucinich	Ruppersberger
Davis (IL)	Langevin	Rush
DeFazio	Larsen (WA)	Ryan (OH)
DeGette	Larson (CT)	Sanchez, Linda T.
DeLauro	Lee (CA)	Sanchez, Loretta
Deutch	Levin	Sarbanes
Dicks	Lewis (GA)	

Schakowsky	Stark	Walz (MN)
Schiff	Sutton	Wasserman
Schwartz	Thompson (CA)	Schultz
Scott (VA)	Thompson (MS)	Waters
Scott, David	Tierney	Watt
Serrano	Tonko	Waxman
Sewell	Towns	Welch
Sherman	Tsongas	Woolsey
Sires	Van Hollen	Yarmuth
Smith (WA)	Velázquez	
Speier	Visclosky	

NOT VOTING—30

Bachmann	Fattah	Pelosi
Barton (TX)	Giffords	Perlmutter
Bass (CA)	Gonzalez	Polis
Becerra	Jordan	Rokita
Benishek	Kildee	Rooney
Clay	Marchant	Schrader
Costello	McIntyre	Slaughter
Cummings	Meeks	Stutzman
Emerson	Oliver	Wilson (FL)
Engel	Paul	Young (AK)

□ 1038

Mr. CRITZ changed his vote from “yea” to “nay.”

Messrs. SHUSTER and CULBERSON changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. ROONEY. Mr. Speaker, on rollcall No. 792, I was unavoidably detained. Had I been present I would have voted “yea.”

Mr. ROKITA. Mr. Speaker, on rollcall 792, I was unavoidably detained. Had I been present I would have voted “yea.”

(By unanimous consent, Mr. YARMUTH was allowed to speak out of order.)

ROLL CALL RYDER CUP

Mr. YARMUTH. Mr. Speaker, on October 3, eight Democrats and eight Republicans met in an epic competition here at Columbia Country Club in Washington to contest, for the 10th time, the battle for the Roll Call Ryder Cup. This is a competition which is intense but with great sportsmanship, and, of course, the ultimate beneficiary is The First Tee of Washington for whom this competition has now raised more than \$1 million over the last 10 years.

Despite an average age of 58.6 years, which means that all but one of our players was eligible for the seniors tour, we were able to parlay our experience and caginess into a great victory—our sixth conservative victory on the Democratic side. I want to congratulate our team of BACA, CLYBURN, COURTNEY, SIREs, COOPER, DOYLE, RICHMOND and myself. We look forward to an even tougher competition next year.

But I do want to say that the principles that The First Tee espouses, things like honesty, integrity, sportsmanship and responsibility, were all on great display during this competition, even to the extent that TREY GOWDY and MICK MULVANEY called a penalty on themselves during one of the team matches. So, I think the competition lived up to the principles of The First Tee, and we look forward to next year's match.

With that, I yield to the gentleman from Florida, the captain of the Republican side.

Mr. CRENSHAW. I thank the gentleman for yielding.

On behalf of the Republican participants, I want to congratulate Captain YARMUTH and his team for their outstanding play and for their narrow victory, and I want to thank all the members of the Republican team for participating and for showing up.

I think the big winner is The First Tee.

I want to thank all the sponsors because, over the years, they've raised over \$1.5 million for this organization that is involved in all 50 States and that touches the lives of about 5 million young people in order to teach them through the game of golf about honesty, integrity, character, and about sportsmanship.

So, again, I thank everyone for being involved.

I just remember the words of those people who watched the University of Florida football team, which are: Wait until next year.

Mr. YARMUTH. I thank the gentleman.

It was an incredible competition. As TREY GOWDY said just this morning, if you were there during this event and during the event preceding, the night before, you could not have told who was a Republican and who was a Democrat, because the comradery was so nice.

Once again, congratulations to The First Tee.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. YODER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Without objection, this will be a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—ayes 244, noes 163, not voting 26, as follows:

[Roll No. 793]

AYES—244

Adams	Black	Canseco
Aderholt	Blackburn	Cantor
Akin	Bonner	Capito
Alexander	Bono Mack	Carter
Amash	Boren	Cassidy
Amodei	Boustany	Chabot
Austria	Brady (TX)	Chaffetz
Bachus	Brooks	Coble
Barletta	Broun (GA)	Coffman (CO)
Bartlett	Buchanan	Cole
Barton (TX)	Bucshon	Conaway
Bass (NH)	Buerkle	Cravaack
Berg	Burgess	Crawford
Biggert	Burton (IN)	Crenshaw
Bilbray	Calvert	Culberson
Bilirakis	Camp	Davis (KY)
Bishop (UT)	Campbell	DeGette

Denham	Kelly	Reed
Dent	Kind	Rehberg
DesJarlais	King (IA)	Reichert
Diaz-Balart	King (NY)	Renacci
Dold	Kingston	Ribble
Donnelly (IN)	Kinzinger (IL)	Rigell
Dreier	Kissell	Roby
Duffy	Kline	Roe (TN)
Duncan (SC)	Labrador	Rogers (AL)
Duncan (TN)	Lamborn	Rogers (KY)
Ellmers	Lance	Rogers (MI)
Farenthold	Landry	Rohrabacher
Fincher	Lankford	Rokita
Fitzpatrick	Latham	Rooney
Flake	LaTourette	Ros-Lehtinen
Fleischmann	Latta	Roskam
Fleming	Lewis (CA)	Ross (AR)
Flores	LoBiondo	Ross (FL)
Forbes	Long	Royce
Fortenberry	Lucas	Runyan
Fox	Luetkemeyer	Ryan (WI)
Franks (AZ)	Lummis	Scalise
Frelinghuysen	Lungren, Daniel E.	Schilling
Gallegly	Mack	Schmidt
Gardner	Manzullo	Schock
Garrett	Marino	Schweikert
Gerlach	Matheson	Scott (SC)
Gibbs	McCarthy (CA)	Scott, Austin
Gibson	McCaul	Scott, David
Gingrey (GA)	McClintock	Sensenbrenner
Gohmert	McCotter	Sessions
Goodlatte	McHenry	Shimkus
Gosar	McKeon	Shuler
Gowdy	McKinley	Shuster
Granger	McMorris	Simpson
Graves (GA)	Rodgers	Smith (NE)
Graves (MO)	Meehan	Smith (NJ)
Green, Gene	Mica	Smith (TX)
Griffin (AR)	Miller (FL)	Southerland
Griffith (VA)	Miller (MI)	Stearns
Grimm	Miller, Gary	Stivers
Guinta	Mulvaney	Sullivan
Guthrie	Murphy (PA)	Terry
Hall	Myrick	Thompson (PA)
Hanna	Neugebauer	Thornberry
Harper	Noem	Tiberi
Harris	Nugent	Tipton
Hartzler	Nunes	Turner (NY)
Hastings (WA)	Nunnelee	Turner (OH)
Hayworth	Olson	Upton
Heck	Palazzo	Walberg
Hensarling	Paulsen	Walden
Herger	Pearce	Walsh (IL)
Herrera Beutler	Pence	Webster
Huelskamp	Peterson	West
Huizenga (MI)	Petri	Westmoreland
Hultgren	Pitts	Whitfield
Hunter	Platts	Wilson (SC)
Hurt	Poe (TX)	Wittman
Issa	Pompeo	Wolf
Jenkins	Posey	Womack
Johnson (IL)	Price (GA)	Woodall
Johnson (OH)	Quayle	Yoder
Johnson, Sam	Rahall	Young (FL)
Jones		Young (IN)

NOES—163

Ackerman	Cleaver	Fudge
Altmire	Clyburn	Garamendi
Andrews	Cohen	Green, Al
Baca	Connolly (VA)	Grijalva
Baldwin	Conyers	Gutierrez
Barrow	Cooper	Hahn
Berkley	Costa	Hanabusa
Berman	Courtney	Hastings (FL)
Bishop (GA)	Critz	Heinrich
Bishop (NY)	Crowley	Higgins
Blumenauer	Cuellar	Himes
Boswell	Cummings	Hinchey
Brady (PA)	Davis (CA)	Hinojosa
Braley (IA)	Davis (IL)	Hirono
Brown (FL)	DeFazio	Hochul
Butterfield	DeLauro	Holden
Capps	Deutch	Holt
Capuano	Dicks	Honda
Cardoza	Dingell	Hoyer
Carnahan	Doggett	Inslie
Carney	Doyle	Israel
Carson (IN)	Edwards	Jackson (IL)
Castor (FL)	Ellison	Jackson Lee
Chandler	Eshoo	(TX)
Chu	Farr	Johnson, E. B.
Cicilline	Fattah	Kaptur
Clarke (MI)	Filner	Keating
Clarke (NY)	Frank (MA)	Kucinich

Langevin	Napolitano	Scott (VA)
Larsen (WA)	Neal	Serrano
Larson (CT)	Oliver	Sewell
Lee (CA)	Owens	Sherman
Levin	Pallone	Sires
Lewis (GA)	Pascarell	Smith (WA)
Lipinski	Pastor (AZ)	Speier
Loeb sack	Payne	Stark
Lofgren, Zoe	Perlmutter	Sutton
Lowey	Peters	Thompson (CA)
Lujan	Pingree (ME)	Thompson (MS)
Lynch	Price (NC)	Tierney
Maloney	Quigley	Tonko
Markey	Rangel	Towns
Matsui	Reyes	Tsongas
McCarthy (NY)	Richardson	Van Hollen
McCollum	Richmond	Velázquez
McDermott	Rothman (NJ)	Visclosky
McGovern	Roybal-Allard	Walz (MN)
McNerney	Ruppersberger	Wasserman
Michaud	Rush	Schultz
Miller (NC)	Ryan (OH)	Waters
Miller, George	Sanchez, Loretta	Watt
Moore	Sarbanes	Waxman
Moran	Schakowsky	Welch
Murphy (CT)	Schiff	Woolsey
Nadler	Schwartz	Yarmuth

NOT VOTING—26

Bachmann	Gonzalez	Polis
Bass (CA)	Johnson (GA)	Rivera
Becerra	Jordan	Sánchez, Linda
Benishkek	Kildee	T.
Clay	Marchant	Schrader
Costello	McIntyre	Slaughter
Emerson	Meeks	Stutzman
Engel	Paul	Wilson (FL)
Giffords	Pelosi	Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1048

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RIVERA. Mr. Speaker, on rollcall No. 793 I was unavoidably delayed. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2273 and to insert extraneous material.

The SPEAKER pro tempore (Mr. DENHAM). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 431 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2273.

□ 1049

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2273) to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels, with Mr. YODER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Illinois (Mr. SHIMKUS) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

□ 1050

Mr. SHIMKUS. I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2273, the Coal Residuals Reuse and Management Act.

Fifty percent of our Nation's electricity generation comes from coal. This means that we need to do something to address the long-term disposal issues presented by these wastes. This bill is a measured, appropriate, protective response to the issue of coal waste generated to safely, responsibly, and affordably provide heat to communities across the country.

The trash we throw out daily contains everything from milk cartons to household cleaning items and pesticides, all mixed and destined for the same destination. The chemical characteristics of coal ash put it somewhere in between these two extremes. For years, States have been successfully managing these nonhazardous wastes through their municipal solid waste programs.

Yet even though EPA has confirmed on multiple occasions that coal ash does not trigger its own toxicity test to be labeled as hazardous, regulation was proposed by the EPA in June 2010 that would do just that. EPA's regulation would have prevented coal ash from being governed under the municipal solid waste programs despite its nonhazardous nature and EPA saying in its proposed rule that it preferred the municipal solid waste option.

The results of EPA's regulations would have been devastating effects on jobs, higher utility rates at home, and crippling of a very successful emerging byproducts industry.

H.R. 2273 strikes the right balance to provide certainty to producers and recyclers of coal combustion byproducts at a time when recyclers do not have time to wait. It also facilitates a safe and appropriate disposal and monitoring of coal combustion byproducts.

The bill establishes, for the first time ever, comprehensive Federal standards specific to coal ash disposal. These new standards for the management and disposal of coal combustion residuals are based on existing Federal regulations issued by EPA to protect human health and the environment.

H.R. 2273 provides a benchmark for States to regulate under their existing municipal solid waste programs, which are already required to meet this Federal baseline of protection. These standards will include groundwater

protection and detection and monitoring, liners at landfills, corrective action when environmental damage occurs, structural stability criteria, financial assurance, and recordkeeping.

EPA will continue to have an oversight role to ensure States are meeting their obligations. EPA will review the contents of a State permit program and determine whether it meets the minimum specifications set in H.R. 2273. They will also review State implementation of permit programs to make sure States are implementing a permit program meeting the minimum specifications.

However, discretion will remain with the States to regulate coal ash even more stringently than the Federal standards set in H.R. 2273. And should a State fail to meet these baseline standards or decline to regulate coal ash, EPA has the authority under the bill to come into a State and operate a program.

H.R. 2273 received strong 3-1 bipartisan support when it was favorably passed out of the Energy and Commerce Committee. We have continued to work hard since then with colleagues on both sides of the aisle to clarify and address additional concerns reflected in the manager's amendment. This has resulted in a bipartisan product that empowers States, saves jobs, controls public and private costs, and protects people and the environment.

H.R. 2273 has endorsements by a diverse stakeholder community as well from the Environmental Council of the States, State environmental officials, the beneficial use community, labor unions, and a coalition of regulated stakeholders.

Mr. Chairman, some of our colleagues are going to oppose this bill based upon this information or misguided policy. That is unfortunate. We will hear plenty about that in this debate. I urge Members to pay attention to the debate as many of our Nation's environmental laws already apply to the concerns being raised. More laws requiring the same thing to be done that is required in other laws do not improve the environment nor the law. We need to be serious about that point.

Most importantly, our economy continues to struggle and businesses are trying to figure out how to get out from underneath the weight of overly burdensome regulations. H.R. 2273 is a jobs bill that gives us yet another chance in the House to regulatory certainty and unemployment relief with passage of H.R. 2273.

This bill protects the working men and women of this country. It encourages jobs in road building and construction industries and encourages an affordable and more secure standard of living in this country for all Americans and their families. This bill is worthy of all my colleagues' support.

I urge my colleagues to vote for H.R. 2273, and I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Today the assault on the environment in this body continues. Two weeks ago the House voted to repeal the health standards in the Clean Air Act and block the Environmental Protection Agency from regulating toxic emissions from power plants. Earlier this week, we voted to block EPA from regulating toxic emissions from cement plants. And yesterday we voted to block the EPA from regulating toxic emissions from incinerators. Today we'll vote on whether to stop EPA from regulating toxic coal ash.

On December 22, 2008, a coal ash impoundment in Kingston, Tennessee, burst, releasing 5.4 million cubic yards of toxic sludge, blanketing the Emory River and the surrounding land and creating a Superfund site that could cost up to \$1.2 billion to clean up.

Last year, EPA proposed regulations to ensure stronger oversight of coal ash impoundments in order to prevent disasters like the one in Kingston and to prevent groundwater and drinking water from the threat of contamination. Today we are voting to stop EPA from acting.

The agency had proposed two alternatives for regulating coal combustion residuals: One proposal was to regulate these wastes under subtitle C of the Resource Conservation and Recovery Act, or RCRA, as a hazardous waste. The other proposal was to regulate under subtitle D of RCRA as a nonhazardous solid waste.

Under both proposals, there would be a minimum Federal standard developed to protect human health and the environment. Those standards would address wet impoundments, like in Kingston, and would also ensure that basic controls like the use of liners, groundwater monitoring, and dust control meet a minimum level of effectiveness.

But the legislation that is being brought to the floor today blocks both of these EPA proposals. It replaces those proposals with an ineffective program that won't ensure the safe disposal of coal ash.

At hearings in the Energy and Commerce Committee, we heard testimony about the devastating impacts contamination from coal combustion waste can cause. We learned of contaminated drinking water supplies, of ruined property values. We've learned about improper disposal of coal ash presenting catastrophic risks from ruptures of containment structures and causing cancer and other illnesses from long-term exposure to leaking chemicals.

But this legislation does not reflect what we learned about the dangers of improper disposal of coal ash. Under each of our environmental laws—until

the Republicans repeal them—Congress has established a legal standard when delegating programs to the States. That was done, by the way, on bipartisan votes.

These standards are the yardstick by which it is determined whether a State's efforts measure up. They ensure a minimum level of effort and protection throughout the Nation. This approach has worked well because it prevents a race to the bottom by the States.

But this legislation does not include any legal standard at all to establish a minimum level of safety. As a result, the public can have little confidence that this legislation, if enacted, will result in increased safety. And to the extent new safety requirements are established, nearly all of them can be waived at a State's discretion.

This legislation appears to create a new program for the safe disposal of coal ash. But the decisions of whether or not to provide a safe disposal or whether or not to protect groundwater or whether or not to protect against toxic dust blowing off disposal sites will remain State decisions. There will be no minimum Federal health standard.

□ 1100

The result will inevitably be uneven and inconsistent rules by the States. Some States will do a good job, others will do a poor job. And when they do a poor job, the public will pay the price—just as they do today.

If this legislation is adopted, no one should be fooled. This bill will not protect communities living near these waste disposal sites. It won't make high-risk impoundments of coal ash safe. It won't stop contamination of drinking water. And it won't create jobs. In fact, it won't do much of anything.

Like the cement and incinerator bills that the House has debated, this bill also violates the discretionary CutGo. CBO found the legislation will cost EPA \$2 million over the next 5 years. This cost is not offset in the legislation. So once again, for the third time in 2 weeks, the Republicans are abandoning their discretionary CutGo rule.

This legislation is deficient in both process and substance, and I urge all Members to oppose it.

I reserve the balance of my time.

Mr. SHIMKUS. Madam Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. LATTA), a primary mover on this bill.

Mr. LATTA. I rise today in support of H.R. 2273. Designating coal ash as a hazardous waste, as the EPA proposed in June 2010, would raise energy prices for families and businesses and destroy a large coal ash recycling industry and all jobs associated with it. H.R. 2273 creates a unique regulatory infrastructure at the State level that provides

strong environmental protection without all of the economic consequences of a hazardous waste designation. I have an email from the Ohio Environmental Protection Agency asking me to support this legislation and allow them to do their jobs in Ohio.

If this legislation is not passed and signed into law, the EPA will overturn 30 years of precedent and designate coal ash a hazardous waste, despite findings from the Department of Energy, the Federal Highway Administration, State regulatory authorities, and the EPA itself that the toxicity levels in coal ash are well below the criteria that requires a hazardous waste designation. In fact, in the EPA's May 2000 regulatory determination, they concluded that coal ash does not warrant regulation as a hazardous waste, and that doing so would be environmentally counterproductive.

It is estimated that meeting the regulatory disposal requirements under the EPA's proposal would cost between \$250 to \$450 per ton, as opposed to about \$100 per ton under the current system. In 2008, 136 million tons of coal ash was generated. That means not passing this bill could put an additional \$20 billion to \$47 billion burden on electricity generators that use coal.

Energy costs aside, about 45 percent of the coal ash generated is recycled, being used as an additive in cement, concrete, wallboard, roofing materials, road-based fill materials, and snow and ice control. While all of this is completely safe, designating coal ash as a hazardous waste would halt these beneficial uses, which the EPA estimates will lead to \$16.7 billion in increased costs per year, further damaging our economy. This legislation keeps those products on the market and avoids job losses in those industries.

For those reasons, I support the legislation.

Mr. WAXMAN. Madam Chair, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GENE GREEN of Texas. I thank our ranking member for allowing me time to speak.

I rise to express my support for H.R. 2273, the Coal Residuals Reuse and Management Act. As a Member of Congress from basically an oil and gas and refinery and chemical plant area, for the last 8 months I have learned more about coal ash than I think I have ever wanted to.

We know that coal combustion waste can be responsibly recycled and beneficially used. Wisconsin recycles 97 percent of their coal ash. Encouraging beneficial reuse of coal ash ensures less of it in landfills, which is good for our environment and good for the economy. The great debate with coal combustion waste is how do we ensure we have enough environmental protections for coal ash disposal without discouraging beneficial use.

As ranking member of the Environment and Economy Subcommittee of Energy and Commerce, I believe the legislation before us today is a vastly improved version of the legislation considered by our subcommittee for markup, which would simply ban EPA from deeming coal ash as a hazardous material. This legislation would further be improved by the adoption of the Shimkus amendment, the manager's amendment, later.

Currently, there is a patchwork of State programs to regulate the disposal of coal combustion waste. H.R. 2273 for the first time establishes comprehensive, minimum Federal standards for coal ash management and disposal. Contrary to statements made, H.R. 2273 does include groundwater monitoring provisions. The legislation applies existing requirements for groundwater monitoring and corrective action measures to coal combustion residuals. Facilities would be required to monitor and respond to any releases. In addition, States have the authority to require facilities that don't meet the standards to close.

Additionally, this legislation includes a provision championed by my good friend, Congressman DOYLE from Pennsylvania, which would ensure adequate closure standards for surface impoundments, including closure plans and drainage standards. I know some Members have concerns about the legislation, but we worked diligently with the majority and stakeholders to make improvements to the bill. There has been an assertion by some of my colleagues that the legislation does nothing to protect the environment. EPA has no current authority, and this bill for the first time sets those standards.

The assertions by some of my colleagues that this legislation does nothing to protect the environment are misleading at best. EPA has no authority now and this bill for the first time sets national standards.

No, this bill is not perfect. But part of legislating is moving the ball forward and we cannot continue to spend months working on legislation that is simply sent to the Senate to die.

I believe my colleagues on the Majority made significant improvements since their first draft of the bill and a good faith effort to address many of the concerns raised by the minority.

Mr. SHIMKUS. Madam Chairman, I yield 1 minute to a member of the subcommittee, the gentleman from Mississippi (Mr. HARPER).

Mr. HARPER. I rise today in support of H.R. 2273, the Coal Residuals Reuse and Management Act. H.R. 2273 is on the House floor as part of the Republican regulatory relief agenda to reduce job-killing government regulation on businesses. I view the apparent intention of the Environmental Protection Agency to regulate coal ash as a hazardous material as another decision by the agency to regulate business

without the use of facts, science, or common sense. Everybody wants a clean environment. We all want clean air and clean water, but decisions on how to keep our environment clean should be based on science and not political rhetoric.

My State relies on coal and coal ash for jobs and electricity. I have heard from utilities in my district about the negative impact that regulating coal ash as a hazardous material would have on ratepayers and on employees. I am happy to support H.R. 2273 today to rein in an out-of-control EPA and to protect the interests of my constituents.

Mr. GENE GREEN of Texas. I yield 3 minutes to our colleague and committee member, Ms. CASTOR from Florida.

Ms. CASTOR of Florida. I thank my colleague from the Energy and Commerce Committee for yielding me time.

In December of 2008, the communities surrounding the Tennessee Valley Authority's coal-fired plant in Kingston, Tennessee, suffered one of the worst environmental disasters in the Nation's history—5.4 million cubic yards, or over 1 billion gallons, of coal ash sludge covered the neighborhood after a dam break. This was along the Emory River. It damaged 42 homes. That disaster raised a lot of questions and concerns about how coal ash is stored all across the country. In that case, the TVA had used an above-ground, unlined storage pond that broke loose after a heavy rain.

Some States have appropriate storage standards, like my home State of Florida. They're appropriate. But the problem is some States do not have the appropriate standard, so I believe EPA was right to begin an appropriate national review of guidelines for proper coal ash disposal.

The problem here is the GOP bill stops that effort in its tracks. The GOP bill is too liberal and too permissive. I have relayed to EPA that many actors in the field recycle coal ash material. In my hometown of Tampa, we send a lot of coal ash for the building of the new Panama Canal expansion. And it's used in wallboard. This needs to be encouraged. We want to see the beneficial reuse industry flourish. Recycled fly ash should not be labeled as hazardous, and I think it shouldn't even be labeled as special waste, and I encourage the EPA to take this approach. In fact, I proposed an amendment to support this approach after discussion with industry leaders, but the Republicans ruled it out of order.

□ 1110

Without it, the GOP bill goes too far. They're abdicating their responsibility to protect communities from disasters like Kingston. The bottom line is that we all have a responsibility to ensure that coal ash is disposed of in ways

that protect communities across the country and protect human health. The GOP bill does not take that approach and does not take its responsibility seriously. It could allow a disaster like TVA's Kingston catastrophe to happen again.

Therefore, I urge my colleagues to oppose the bill.

Mr. SHIMKUS. Madam Chairman, I yield myself such time as I may consume.

I will just tell my friend from Florida, H.R. 2273 includes structural integrity inspection requirements on impoundments that do not exist today. They allow only those facilities that are structurally sound and operating in a protective manner to continue to operate.

In this Kingston debate, what is never mentioned is that in the cleanup of the Kingston spill, all that waste went into nonhazardous landfills because they were not hazards. This is really a debate about hazardous and nonhazardous. EPA has numerous times ruled that coal combustion residual is not hazardous. That's why there's confusion.

I yield 2 minutes to my colleague, also a member of the committee, the gentleman from Texas (Mr. OLSON).

Mr. OLSON. I thank the chair of the subcommittee.

Madam Chair, I rise in support of H.R. 2273, the Coal Ash Residuals Reuse and Management Act. By supporting H.R. 2273, I'm also rising in support of American jobs and environmental protection, a concept that may be lost on a few of my distinguished colleagues from the other side of the aisle.

This piece of legislation will, for the first time, establish minimum Federal requirements for the management and disposal of coal ash. Not only will H.R. 2273 provide certainty for State regulators as well as manufacturers that rely on coal ash as building material, it will keep coal ash out of our landfills and prevent unnecessary hikes in electricity rates.

EPA has delayed rulemaking because they're weighing two options: One, continue to regulate coal ash as nonhazardous; or, two, ignoring science to classify it as a hazardous waste.

EPA has already determined on numerous occasions that coal ash should not be classified as hazardous waste. They came to that conclusion most recently in 2000, over a decade ago, under the Clinton administration. In fact, EPA's finding went even further, arguing that "Regulating coal ash as a hazardous waste would be environmentally counterproductive because it would unnecessarily stigmatize coal ash and impede its beneficial use." Meanwhile, due to the uncertainty created by EPA's inaction on this rule, the coal ash industry is crashing.

Regulating coal ash as a hazardous waste flies in the face of years of scientific research and EPA's own findings. Coal ash as a hazardous waste

would force unworkable requirements on our electric utilities, resulting in serious economic consequences for American job creators and American families.

I urge my colleagues to vote for American jobs and a clean environment. Vote for H.R. 2273.

Mr. GENE GREEN of Texas. Madam Chair, I yield 3 minutes to my colleague and a member of the committee, the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Coal ash is a serious issue for this country and especially for Pennsylvania. Nearly all of my constituents get their power from coal, and with that power generation comes its byproduct—coal ash. It's an unavoidable part of our power generation in southwestern Pennsylvania.

And though the Commonwealth of Pennsylvania has some of the toughest coal ash disposal standards in the country, I have been convinced that coal ash needs to be federally regulated under the Resource Conservation and Recovery Act, known as RCRA.

Now, we've had the opportunity to vote on the coal ash issue several times this year. We've seen policy riders on appropriation bills and legislation that tied the hands of the Federal Government to regulate coal ash. I haven't supported a single one.

So let's be clear: I have no record of hamstringing EPA or limiting environmental protections. But there's been a lot of half-truths flying around about this bill, and I think we should clear things up. For the first time, coal ash disposal will be federally regulated under RCRA through programs run by the States. Though implemented by the States, the permit programs will be developed according to Federal standards from section 4010(c) of RCRA, the section that must serve as the baseline for these State permit programs that require criteria necessary to protect human health and the environment.

We've also heard this bill will create a "race to the bottom" whereby utilities will ship their coal ash to States with the least stringent regulations. That's just not realistic. If this were a real concern, utilities in Pennsylvania would already be doing this, as we have very strict regulation of coal ash. But utilities in Pennsylvania don't ship their coal ash out of State because it's just not economically feasible to do so.

I'm pleased to hear good, informed debate this morning with important points being made by both sides. We've made significant improvements to this bill, and there is still more that can be done. But we need the chance to move legislation that will for the first time allow us to federally regulate coal ash. I believe this bill was the necessary vehicle to move that goal forward, and I encourage my colleagues to support it.

I yield to my colleague from Texas.

Mr. GENE GREEN of Texas. I thank my colleague.

I think what Congressman DOYLE was saying was, we're doing something here we don't do very often in this House: We actually have a bill that came out of committee that has bipartisan support. It moved the bill to where EPA does not have the authority under current law unless they label it toxic coal ash so the EPA has oversight. We're giving them oversight over what our States have been doing—in most cases, very good.

That's why this bill is something we haven't done on this floor very often in the last 10 months. We actually compromise and come up with good legislation. And we hope the Senate will pass it.

Mr. SHIMKUS. I yield 2 minutes to the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. Madam Chair, I rise in strong support of H.R. 2273, the Coal Residuals Reuse and Management Act of 2011.

Unfortunately, this legislation is necessary because last June the Obama administration proposed two new rules in its ongoing war on coal that could cost tens of thousands of jobs and tens of billions of dollars to our GDP. The two new rules are a departure from decades of accepted practice of allowing States to regulate coal ash.

Furthermore, EPA's current actions fly in the face of two previous EPA studies—one study from the Clinton administration—which found that coal ash shouldn't be regulated by the EPA as a hazardous material.

Now, keep in mind these new rules will not only negatively effect the coal and the utility industries but also will lead to job losses and increased cost for the infrastructure and construction industries. Furthermore, coal residuals are a key component of many of the materials used by these trades. If the EPA is successful in classifying coal residuals as a hazardous material, the cost of the raw goods in these vital industries would skyrocket.

This bipartisan legislation not only stops the onerous proposed rule from going forward, but also allows States to regulate coal residuals by using an existing and successful Federal regulatory program. This compromise bill sets realistic and enforceable standards while leaving the regulation enforcement to the States. In fact, State environmental officials, including my home State of Ohio, see this type of regulation as a model for the future because it provides strong health and environmental protection with minimal Federal EPA involvement.

At a time when the President and the other side of the aisle are stumping for their so-called jobs proposal, Madam Chair, I find it confusing and ironic that this administration would propose rules that will cost tens of thousands of job losses and will lead to the loss of billions of dollars from America's GDP.

This legislation will save the administration from themselves by saving jobs while still protecting human health and the environment.

I strongly urge my colleagues to support the legislation.

Mr. WAXMAN. Madam Chair, I just want to say to my good friends who feel that we've got to move the bill forward and we've got to get a better bill, I understand that, and this bill is going to move forward. But for those who really want a good bill, we're not getting one out of this House. It's better to vote "no" to show that you want a better bill than to vote "yes" for the small changes that the Republicans have given to some of our Democrats that may improve the bill on the margins, but the bill is not good enough for an "aye" vote.

I still urge Members to vote "no."

At this time I yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY).

□ 1120

Mr. CONNOLLY of Virginia. I thank my friend.

Madam Chairman, the House majority has bought yet another anti-EPA bill to the House floor. Last week, the House passed legislation to increase mercury and particulate pollution from cement factories, poisoning fetuses and increasing the incidence of diseases such as lung cancer and emphysema. This week, the House passed legislation to increase mercury and particulate pollution from industrial boilers. These follow some 125 other virulently anti-environmental bills, riders, and amendments that the majority has already tried to pass this year.

H.R. 2273, the legislation on the floor today, is but the latest assault on the environment and public health. This bill would block the EPA from issuing science-based standards to manage the disposal of coal ash. Unfortunately, the majority rejected language, which had the support of a number of utilities, which would have protected EPA's authority to issue health-based standards under the Clean Water Act. If the majority had protected rather than curtailed this authority to issue regulations based on science, not politics, then I could support the legislation before us today.

Mr. WAXMAN is offering an amendment which would protect the EPA's Clean Water Act authority. If that amendment passes, then perhaps most of us could vote for final passage of the bill.

Such standards clearly are necessary, or impoundments such as the one in Kingston, Tennessee, would not be failing. When that impoundment failed in Tennessee, it released a billion gallons of toxic sludge into the Clinch River. Fortunately, that impoundment was located downstream of most of the bio-diverse portions of the Clinch, which

contained unparalleled populations of freshwater mussels and other aquatic species. In fact, the Clinch has more species of freshwater mussels than the entire continent of Europe.

According to the Nature Conservancy, “The Clinch, Powell, and Holston Rivers run nearly parallel courses to the remote mountains and valleys of southwestern Virginia and northeastern Tennessee. These last free-flowing tributaries of the Tennessee River harbor the Nation’s highest concentrations of globally rare and imperiled fish and freshwater mussels.” These watersheds are the most biodiverse regions east of the Mississippi River, and among the top biodiverse places in all of the United States. H.R. 2273 would increase the risk of coal ash spills in the upper Clinch, Holston, and Powell Rivers, potentially causing many species to go extinct.

Human health is also at risk as a result of poorly regulated coal mining in Appalachia. Scientists from West Virginia University have conducted extensive research on the human health impacts of coal mining and local populations. They found that residents of coal mining regions have significantly higher rates of chronic heart, respiratory, and kidney illnesses. Coal mining regions of Appalachia have higher rates of cancer and premature mortality.

The Acting CHAIR (Mrs. BIGGERT). The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional 30 seconds.

Mr. CONNOLLY of Virginia. Imagine if Teddy Roosevelt had allowed a few gold miners in the Grand Canyon to block protection of that great American landmark. Imagine if loggers and shepherders had blocked designation of Yosemite as a National Park. Today, we confront a similar challenge—to protect one of America’s great places, Appalachia, in the face of special interest assault.

I urge my colleagues to vote “no” on H.R. 2273.

Mr. SHIMKUS. Before I yield time to my colleague from Tennessee, let me ask the time remaining.

The Acting CHAIR. The gentleman from Illinois has 17 minutes remaining, and the gentleman from California has 13 minutes remaining.

Mr. SHIMKUS. Thank you, Madam Chairman.

I yield myself such time as I may consume.

Just to my friend from Virginia, I hope he will look at the manager’s amendment, because in the manager’s amendment it beefs up the list of constituents for groundwater detection and assessment monitoring specific to coal combustion residuals. This is something we received from your side of the aisle that they wanted more clarity. That’s what the manager’s amendment does on runoff aspects of the Clean Water Act.

The other thing is, if the toxic sludge, as you had defined it, was so toxic, why did it go into municipal landfills and not into toxic landfills?

The reality is the cleanup materials did not go into toxic landfills. So we just want to clear up some false statements here.

I would now like to yield 2 minutes to the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Madam Chair, I rise today in support of H.R. 2273. This bipartisan bill will protect the beneficial use of coal ash while also providing for consistent State regulatory authority to store and regulate coal ash under the Solid Waste Disposal Act.

My home State of Tennessee has seen the problems coal ash can cause. In December of 2008, TVA’s coal-fired plant in Kingston, Tennessee, had the largest coal-related spill in U.S. history. This terrible disaster resulted in some 1.1 billion gallons of ash flooding parts of the Tennessee Valley. So there’s no question we must have proper oversight. And, Madam Chair, I visited that site previously.

With that being said, the reality is coal ash is abundant and can be economical and versatile. The use of coal ash keeps electric costs low for the consumer and provides low-cost, yet durable, construction materials. From 1999 to 2009, 519 million tons of coal ash were recycled—38 percent of all ash produced. Reusing ash decreases greenhouse emissions and also helps prevent spills that can result from its storage.

The bill we’re considering today ensures the safe management and disposal of coal ash by ensuring existing regulatory standards are enforced without interfering with State regulations and storage standards. This will help prevent future disasters like the one in Kingston because it encourages investment in recycling and reuse of ash in a way that benefits contractors, consumers, and American job creators.

The Coal Residuals Reuse and Management Act is a bipartisan solution to the challenges that arise from coal ash. It safeguards the consumer and the environment without hurting the economy. It is imperative that we pass this bill, because if we do not, the administration’s proposed regulations under the Resource Conservation and Recovery Act will move forward to classify coal ash as hazardous, increasing costs for the coal-fired plants, which would put thousands of jobs in jeopardy and drive up electricity costs.

American job creators cannot afford another regulatory burden. I urge my colleagues to support this bill.

Mr. WAXMAN. I yield myself such time as I may consume.

Madam Chair, I just wanted to make a correction for the record.

Some people have suggested that it’s going to be considered a hazardous

waste site if they dispose of this waste, and we don’t believe that’s true. We don’t want to treat it as if it were household garbage without the guarantees to protect the public health and the environment. It can be something in between. It doesn’t have to be considered hazardous waste. And that is exactly the kind of proposal that we ought to be looking at. And to say that we’re considering it hazardous waste is an incorrect statement.

May I inquire how much time each side has?

The Acting CHAIR. The gentleman from California has 12½ minutes remaining, and the gentleman from Illinois has 14½ minutes remaining.

Mr. WAXMAN. Madam Chair, at this point I yield 3 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I’d like to thank the ranking member of the Energy and Commerce Committee and the chair.

We’re seeing a trend here in the House of Representatives, Madam Chair, attacking the EPA and not working on jobs. This bill does nothing to regulate coal ash in a way that protects the environment or public health. This bill wants to give regulatory power to States, but there is no national minimum standard for State permitting programs in this bill.

The municipal solid waste standards used by this dangerous piece of legislation are inadequate to protect our communities from dangerous toxins. Many of the toxins found in coal residuals are simply dangerous to public health and are known cancer-causing agents. Just a few of the toxins found in coal ash include arsenic, chromium, lead, mercury, nickel, and a bunch of other stuff that’s hard to pronounce.

This bill will allow these toxins to enter our drinking water in dozens of communities across the country. On top of releasing toxins into our drinking water, H.R. 2273 does nothing to promote recycling of coal ash. Instead, it promotes the indefinite storage of coal ash, which furthers the leaching of dangerous carcinogens and neurotoxins into our drinking water. Additionally, this bill denies the EPA from instituting a deadline or meaningful clean-up standard for disposal sites that have already contaminated groundwater.

It has been 40 weeks the Republican majority in the House has been in the majority, and we haven’t voted on a single jobs bill, Madam Chair. This train of bills dealing with cement emissions, dealing with the TRAIN Act, dealing with Boiler MACT rules—and now, today, coal ash—suggests that the Republican majority believes that the problem to creating jobs in America is that Americans want to breathe clean air and drink clean water, and it’s just too expensive to do.

□ 1130

This is a false statement, this is not true, and I hope that we reject this bill today.

Mr. SHIMKUS. Madam Chairman, I yield myself such time as I may consume.

Just to my friend from Minnesota, I would quote the United Mine Workers letter that says: According to a June study, there's an estimate of the 183,000 to 363,000 possible job losses if we do not pass this bill. So for those who really want to effect, there will be—I mean, this claim that this hurts the recycling when, then, you define coal combustion residuals as “toxic” is nonsensical. It really makes no sense.

If you really want to encourage recycling, this bill protects the recycling industry. It protects coal, fly ash from going into concrete. If you label this “toxic,” which is what EPA's trying to do, that's very misleading. And I think even my friends on the other side are having a hard time grappling with what the EPA's trying to do because that's the direction we want to do, they want to move it to.

With that, I would like to yield 2 minutes to my colleague from Illinois (Mr. HULTGREN).

Mr. HULTGREN. I rise in support of this commonsense bill that is good for jobs and the economy. I thank my good friend Congressman SHIMKUS for his very important work on this bill.

What we're confronting here today is another classic example of EPA's regulatory overreach threatening jobs and livelihoods across the country. This is also an issue that concerns my constituents, as thousands of jobs are in industries using coal combustion residuals. But the jobs impact of this legislation is not limited to my district. It's nationwide.

I urge my colleagues on both sides of the aisle to support this pro-growth, pro-jobs bill.

Mr. WAXMAN. Madam Chair, the supporters of this bill claim that this legislation will save jobs. Their main evidence is a report by the Electric Power Research Institute that claims that regulating coal ash as hazardous waste would lead to the loss of 300,000 jobs, but this claim is wrong.

For example, the EPRI study estimates job loss by assuming that there would be 100 percent reduction in recycling and beneficial reuse. This assumption is based on no analysis whatsoever, and it's at odds with a survey done by the National Precast Concrete Association, which shows that 84 percent of their members would continue to use fly ash even if the waste were to be regulated as hazardous.

In fact, EPA has formally requested that EPRI issue a statement that corrects the misstatement and misrepresentations that were made in this report and which have been repeated here today. The EPRI study is flawed, should not be relied on.

We need to reject these arguments that in order to have jobs we need to allow contamination of our ground-

water and allow human health to be jeopardized by coal ash impoundments.

I would now like to yield 2 minutes to the gentlelady from the State of Maryland (Ms. EDWARDS).

Ms. EDWARDS. Madam Chairwoman, it seems that hardly a day goes by in this Chamber when the Republican majority fails to create jobs, endangers public health, and deep sixes the environment, and today is no different.

Coal plants are usually accompanied by coal ash ponds and dry coal ash landfills, and they're disproportionately located in impoverished areas. Two-thirds of all of the ash ponds in the United States are located where household income is below the national median, according to Earthjustice. What that means is that poor people don't have a voice in what the majority is trying to do; and we can't rely on a voluntary patchwork of State regulations, which is what this bill would have us do.

Now, in my own home State of Maryland, we have a decent record of environmental regulations, but I can't say that about our neighboring States. We need a national way to look at how we're contaminating or not our environments. The contamination of groundwater at the Gambrills coal ash plant in Maryland resulted in the single largest fine ever imposed by our State's Department of the Environment, and a \$57 million settlement for the affected homeowners and businesses.

The problem is that money can pay for medical treatment and compensate for the loss of property value in the right way, but it can't bring back health. It can't reverse the developmental disabilities or preserve the sense of home for people who are displaced.

Now, I said some of the affected homeowners in that settlement, because even in this case we see discrimination. The neighboring population of Odenton, Maryland, is a rural African American community, and it's still battling contamination from the Turner Pit site belonging to the same power plant. Their drinking water aquifers and creeks feeding into the Patuxent River, which is an important source of potable water for the entire metropolitan Washington region, remains polluted.

They've seen no cleanup. They've yet to receive any compensation for lost health and property values. What they got instead is a steady supply of free bottled water, courtesy of the polluting power plant—I mean, it's absurd—and an extension of a shopping mall to cover the contamination site; not to cover the contamination, but to cover the contamination site.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. WAXMAN. I yield the gentlelady an additional 30 seconds.

Ms. EDWARDS. Thank you.

What I'd like to say is that, given that we know that in poor minority populations they have the worst health outcomes by any measure and coal ash impoundments are disproportionately located in low-income communities that are less likely to have medical access to insurance and care, we have to be concerned. This body needs to be concerned. And if we pass this bill, we will unfairly expose these vulnerable communities to higher levels of threatening health and property risk than the rest of the population.

I think, Madam Chair, we can do a lot better; and in this Congress, we should be looking out for people, not failing to create jobs, contaminating their water, and poisoning their air.

Mr. SHIMKUS. Madam Chairman, I yield myself such time as I may consume.

I just want to remind my colleagues that they will be interested to know the EPA noted in its June 2010 proposed regulation for coal combustion residuals that municipal solid waste rules provide an appropriate, comprehensive framework for regulating coal combustion residuals. That's from the EPA, the same EPA people say we're trying to gut.

And I will continue to hold up the Veritas study that says, because of the recycling aspect of coal ash that goes into concrete, if you claim it to be toxic, you can no longer use coal ash in concrete for roads and for bridges and for buildings. That's the debate. And then when you tear down those structures, they would have to go in the toxic landfills. I also remind my colleagues that, from the spill, none of the spill cleanup went to toxic landfills.

With that, I yield 5 minutes to my colleague from West Virginia (Mr. MCKINLEY), the author of the legislation.

Mr. MCKINLEY. Madam Chairman, I rise today in support of this bipartisan, pro-job, pro-environment, pro-health legislation. After 30 years of debate, of charges and countercharges, we can finally get this done.

Just as an example of the disparity and misrepresentation here, we talked about mercury. That was discussed earlier. Fluorescent light bulbs in our homes contain mercury in a higher concentration than coal ash, but yet our fluorescent light bulbs are disposed of in a way that we're going to take care of now under this bill.

In fact, there are two parts of this bill. The first part removes the stigma of the EPA classifying fly ash as a hazardous material. Several studies by the EPA have concluded time and time again that the chemical characteristics within coal ash are nonhazardous.

We've already heard the advantages of the recycling.

But I just want to remind the gentleman from California that during the

subcommittee markup, he supported the Baldwin amendment that prohibited the EPA from regulating coal ash as a hazardous material, yet he continues to refer to coal ash as toxic. This is simply unacceptable. One cannot have his cake and eat it, too.

The second part of the bill, which deals with disposal, was worked on with Democrats, State agencies, and a cross section of stakeholders during subcommittee, full committee, and before this bill came to the House floor.

□ 1140

Ultimately, should this legislation become law and new scientifically based factors arise, this legislation will allow for the flexibility of the States and the EPA to work together to adjust the coal ash program accordingly. If a State has no program, fly ash impoundments will not be permitted by the EPA until they do. If a State opts not to have a fly ash program, the EPA will have primacy. If the government should lower the drinking water standard at any time because of changes in chemical characteristics such as those found in coal ash, then the States will have to comply with those new standards.

But should a State, such as proposed in California, decide to lower their standards below the federal level, then they have the option to do that under the 10th Amendment.

H.R. 2273 simply allows for a flexible system, a working relationship with the State and Federal Governments to carry out a long overdue coal ash program at the State level with stringent requirements for liners, groundwater monitoring, financial assurance, dam safety and integrity, and most of all, protection of health and the environment. All of this will be achieved with assistance, approval, and oversight by the EPA.

I ask all of my colleagues to support this bipartisan, pro-job legislation.

Mr. WAXMAN. Madam Chair, may I inquire how much time we have remaining?

The Acting CHAIR. The gentleman from California has 7 minutes remaining. The gentleman from Illinois has 8 minutes remaining.

Mr. WAXMAN. The gentleman from West Virginia, who just spoke, said that I was inconsistent because I voted for the Baldwin amendment in my committee, so I can't have my cake and eat it too. Well, I want to assure you that I don't want a cake made out of coal ash. Coal ash has a lot of chemicals in it that I think most people would understand raise a problem of toxicity—arsenic, antimony, barium, beryllium, cadmium, lead, mercury, hexavalent chromium, nickel, selenium, and thallium. These metals are toxic and pose both acute and chronic threats to human health and the environment. So don't give me a cake to eat made out of coal ash.

It seems to me that what we're hearing, for example, from the gentleman from Illinois, that the waste in Kingston was not disposed of in a hazardous waste landfill, and he offered this as proof that these materials are not hazardous. Well, these materials contain these toxic constituents, and if they're not disposed of properly, they will harm human health and the environment. Proper disposal does not mean disposal in a hazardous waste landfill. It means disposal in dry landfills that have the necessary safeguards.

Those safeguards are not in this bill. We've offered to work with the Republican majority to clarify this issue and to find a middle ground that I think in substance could solve those concerns. But they, again, are not interested in working with us, and so they're moving forward with a bill that does not live up to its billing.

At this point I would like to yield 4 minutes to the gentleman from Virginia (Mr. MORAN), who is the chairman of the Appropriations Subcommittee that deals with these very issues.

Mr. MORAN. I thank the very distinguished leader from California (Mr. WAXMAN).

Over 30 years ago, Congress accepted the legal responsibility to protect human health, conserve our natural resources, reduce waste, and ensure that waste is managed in an environmentally sound manner. That's the underpinning of what this argument is about.

Now, every year, America generates about 61 million metric tons of coal ash and slag and about 17 million metric tons of coal sludge from utility and industrial boilers. Now, Mr. WAXMAN mentioned what's in this sludge and slag, and that's why we're raising this argument, because it contains all the chemicals Mr. WAXMAN referred to—arsenic, chromium, cobalt, lead, and mercury. In fact, it includes radioactive elements including uranium, thorium, and radium.

This material is very toxic. But we also know that coal ash, slag, and sludge have a number of beneficial reuses in concrete, roads, and roofing. And EPA is not trying to ban the beneficial reuse of coal ash. In fact, EPA proposed two separate possible regulations so that you could have a robust dialogue on the most effective means of coal ash disposal. EPA wants to ensure that the ultimate decision is based upon the best available science and technical data, and is taken with the fullest public input. EPA had extensive public involvement—thousands of public comments and eight public hearings around the country.

Now, this legislation would deprive EPA of the ability to use the best available science in its decisions, and it would negate those thousands of public comments that have been re-

ceived since the rule's proposal. It would block the current progress on federal safeguards before the regulations have been finalized.

Now, what's the problem with the approach that has been made by the other side? Well, it would create a patchwork of compliance with up to 50 different State-by-State regulations, and it would block federal enforcement of what is clearly a national problem.

It's a national problem because States with lax coal ash disposal requirements—and there will probably be economic competition to reduce the requirements as much as possible—those States would be allowed to pollute the streams and rivers of downstream States, and the Federal Government would be powerless to do anything about it. That's why these interstate impacts are the very reason federal regulation is appropriate, necessary and, in fact, is our legal responsibility.

We understand that many people are concerned about this. Granted. And a number of claims have been made that it would ban the ability to develop concrete and road material and so on. But this rule has not been finalized. EPA has received so many comments and suggestions that it would seem that we are in a situation where we can structure a rule that not only takes care of the concerns but protects the public health.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional 30 seconds.

Mr. MORAN. I would have to say, as important as it is to protect jobs, it's important to protect lives. We have a responsibility to protect lives. You heard what's in this material. You can see why it's a national responsibility. So let's fulfill that national responsibility. Rely on EPA to use scientific findings. Let's protect the public health and do the right thing and defeat this legislation.

Mr. SHIMKUS. Madam Chairman, I yield myself such time as I may consume.

To my friend from Virginia, he is correct that some States have laxer standards. In fact, your Governor sent us a letter in which I quote, "H.R. 2273 is a realistic approach to dealing with CCR, although it would require effort to implement in Virginia."

So our point is this is going to help those States that are weak to implement higher standards. That's just your Governor, but that's what he says in a letter to us in support of this legislation.

If you label something "toxic," it's not going to be reused, I can guarantee you, just because of the threat to the coal combustion residual community. The recyclers have no market. Who wants to build a school with concrete when the EPA may, 6 months or a year from now, say, That concrete is all

toxic? So it's already had a negative impact in that job sector, and we've quoted studies both back and forth.

□ 1150

The manager's amendment requires an assessment for all of these constituents that you identified. I would just highlight the fact that just because it's a constituent doesn't mean it's hazardous.

This blue line is the hazardous level. The green is the amount.

You could make the claim that there is hazardous material in Honey Nut Cheerios. The question is: What's the amount? And that's what this gets to is the amount.

EPA has consistently said this doesn't raise to the standard of toxic. Even under the Clinton administration, when I served here, their EPA said it doesn't rise to the standard. The fear of EPA involvement is what's causing a problem in the recycling sector. Where is all this waste going to go? It's going to fill up the landfills. In 2 years, all the landfills will be filled up unless we continue to recycle this coal fly ash.

Mr. MORAN. Will the gentleman yield?

Mr. SHIMKUS. I yield to the gentleman from Virginia.

Mr. MORAN. As we know, airstreams and rivers and other bodies of water don't stop at a State's border. If that is the case, how is it fair for one State to let that pollution go into a downstream State's water? That's our concern.

Mr. SHIMKUS. Reclaiming my time, the manager's amendment that will be debated will talk about, for the first time, an analysis on run-on and runoff, which was the recommendation from the folks on your side of the aisle for us to consider, which we have now included. We'll take that up in the manager's amendment debate when we get to the amendment.

Mr. WAXMAN. Will the gentleman yield?

Mr. SHIMKUS. You have a lot of time, but I would be happy to yield. But I do want to have time to close.

Mr. WAXMAN. Thank you very much.

You've made the claim that we're trying to define this and label it as hazardous, which is a stigma. I understand that and I agree with that point, but I don't think we ought to deny that there are in coal ash relatively high concentrations that are hazardous and that, if they're improperly managed, they could leach out and pose a substantial present or potential hazard.

Mr. SHIMKUS. Reclaiming my time, that's why this new standard under the municipal and solid waste act will have liners for the first time. Right now, there are no liners. That's a better argument from past years, but this is a fix. This is a fix to that issue of leaching out. This is a fix to the possibility

of the damage because we're going to be able to look at that in working in conjunction with the EPA, and of course, the people closest to the citizens are the State and local levels.

Mr. WAXMAN. If the gentleman will continue to yield, your point is not accurate for existing impoundments; it would apply to future impoundments. And we think for existing impoundments they ought to have the lining and all the other protections as well.

Mr. SHIMKUS. I thank the gentleman.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from California has 1 minute remaining, and the gentleman from Illinois has 4 minutes remaining.

Mr. WAXMAN. I yield myself the balance of my time.

I just want to point out that neither of us wants the stigma of the coal ash being called hazardous because, in many ways and places, it can be re-used, and it would be very important to do that. But we want to make sure that all of these sites have the adequate protections.

I want to read a quote from EPA because people said EPA wants to label it as hazardous. They wrote:

Many of these metals are contained in coal ash at relatively high concentrations such that, if coal ash were improperly managed, they could leach out and pose a substantial present or potential hazard to human health or the environment. The risk assessment that was conducted confirms this finding, as do the many damage cases that have been documented.

I seek to put into the RECORD a statement of administrative policy. The administration opposes this bill because it is insufficient to address the risks associated with coal ash disposal and management, and it undermines the Federal Government's ability to ensure that requirements for the management and the disposal of coal combustion residuals are protective of human health and the environment.

I yield back the balance of my time and urge a "no" vote on the bill.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, October 12, 2011.

STATEMENT OF ADMINISTRATION POLICY
H. R. 2273—COAL RESIDUALS REUSE AND MANAGEMENT ACT

(Rep. McKinley, R-WV, and 32 cosponsors)

The Administration opposes H.R. 2273, as reported by Committee, which is insufficient to address the risks associated with coal ash disposal and management, and undermines the Federal government's ability to ensure that requirements for management and disposal of coal combustion residuals are protective of human health and the environment.

The 2008 failure of a coal ash impoundment in Kingston, Tennessee, which spilled more than five million cubic yards of coal ash and will require approximately \$1.2 billion for

clean-up, is a stark reminder of the need for safe disposal and management of coal ash to protect public health and the environment. The Administration has assessed structural stability at active coal ash impoundments and has identified 49 units in 12 states as having a "high hazard potential" rating should they fail.

The Administration supports the development, implementation, and enforcement of appropriate standards for facilities managing coal ash, while encouraging the beneficial use of this economically important material. Any approach to managing coal ash would need to include: (1) clear requirements that address the risks associated with the coal ash disposal and management; (2) consideration of the best science and data available; (3) adequate evaluation of structural integrity; (4) protective solutions for existing as well as new facilities; and (5) appropriate public information and comment.

Because H.R. 2273 is deficient in these areas and would replace existing authorities with inadequate and inappropriate minimum requirements, the Administration opposes the bill.

Mr. SHIMKUS. Madam Chairman, I yield myself the balance of my time.

This has been a good discussion and a good debate. With regard to the State border issue in our opening statements and comments, what we highlighted was the fact that current Federal law applies to hazardous material. CERCLA still applies, and EPA air quality standards still apply. Those laws are still in effect across States. If they are having an impact, EPA has authority under CERCLA and under RCRA, with imminent and substantial endangerment, to take action to force a remedy and cleanup.

So our debate has always been that that's covered. Let's try to address the impoundment issue, the leaching issue, some standards. The Municipal Solid Waste laws are very, very successful. I would argue, if you want to talk about toxicity, there are probably many more chemicals in a municipal solid waste landfill than the 7 to 12 that you mentioned in coal combustion residual; and out of the 80 tests, the standards are much lower than the toxic standard under this test.

So this is a focus on jobs. This is a focus on recycling. That sector is being ravaged just by the threat. This is an important bill, and I am glad my colleague from West Virginia has brought this to this Chamber. It has been a great debate, and I look forward to the amendment discussion.

Madam Chairman, I yield back the balance of my time.

Ms. DEGETTE. Madam Chair, legitimate conversation and good-faith negotiations surrounding whether or not we can find a way to allow states to continue regulating coal ash seemed to bear fruit in the Energy and Commerce Committee for the first time in a while around here. So when we voted in July to send the Coal Residual Reuse and Management Act to the floor, I voted "yes." I'm proud to say my colleagues on both sides of the aisle and I have continued trying to find a workable solution on this issue.

The concept behind this bill is good—in the face of uncertainty surrounding coal ash disposal and management, we could cut through the red tape and craft a bill that would require—for the first time—that all units receiving coal combustions residuals (CCRs) obtain a state-issued permit that meets enforceable minimum federal requirements.

At the mark-up I, along with other minority members, requested a Committee hearing before floor consideration so that we could examine more fully the potential impacts of the most recent changes to the bill. My goal was to reach an agreement on specific bill language that would clearly require all units to obtain a permit, and if the EPA found this permit to be deficient, to allow the EPA to work with states to bring their permit programs up to a standard that ensured protection of human health and environment.

In the intervening time, negotiations continued, as you see with the Manager's Amendment introduced by my colleague Mr. SHIMKUS. I was encouraged by my conversations with friends on both sides of the aisle which reinforced that we share the same goals. In conversations with the Colorado Department of Public Health and Environment, the state body in Colorado responsible for managing CCRs, I learned that they supported H.R. 2273 because they believed it would allow them to continue with their strong program, and would raise standards in states with deficiencies. Yet the outstanding question, of whether any future EPA Administrator would have the authority to enforce the requirements we all seemed to agree should be in place, remains unanswered.

We need more time to negotiate this bill, especially if anyone reasonably expects it to be passed in the Senate and signed into law by President Obama. I remained committed to the bipartisan process that brought this bill to this point, but cannot vote to approve of the bill's language for the following reasons.

First, even with the changes in the Manager's Amendment, I cannot safely say that this bill would uphold a legal standard to protect human health and environment. This legal standard should be stated explicitly in the bill under the permit program specifications. Currently, under the Manager's Amendment, protection of public health and the environment is mentioned in reference to the revised criteria in the bill that originally applied to municipal solid waste. But a state permit program is not required to incorporate these revised criteria, and, furthermore, it is unclear whether the revised criteria would protect public health and the environment when applied to CCRs instead of municipal solid waste.

Second, I believe this legislation should clearly describe when and how EPA can get involved if a state permit program does not uphold human health and environmental protections. As currently drafted, it is unclear whether the EPA could provide written notice and an opportunity to remedy deficiencies if a permit program does not meet specifications described under the revised criteria. In one subsection, the language implies the EPA could provide notice; yet in another section, the EPA is limited to evaluating the sufficiency of only the minimum requirements. Further, if a state chooses not to implement a permit

program, the EPA can only design a program that enforces the minimum requirements, but not any of the revised criteria.

Because this bill directly creates new regulation without expert guidance from the Administration, Congress must hold this language to an even stricter standard. I believe Colorado could operate a permit program under this proposed language that would protect human health and the environment, and I want to thank them for their good work and assistance on this issue. Unfortunately, I do not believe every state's permit program could be required to meet this basic requirement. I believe this is a bipartisan issue and that I can work through these differences with my friends across the aisle, but in this form I cannot support H.R. 2273, the Coal Combustion Residuals Reuse and Management Act.

Mr. BILIRAKIS. Madam Chair, I rise today in support of H.R. 2273, the Coal Residuals Reuse and Management Act, a bill which would prevent the EPA's burdensome regulations from drastically raising the price of electricity in my state of Florida. H.R. 2273 protects public health and the environment through the auspices of state run programs which safely regulate coal combustion residuals. As we have heard during the course of this debate, if the EPA is successful in classifying coal ash as a hazardous waste there is not only the potential of hundreds of thousands of jobs being lost, but also the likelihood that the cost of electricity will skyrocket. I know my constituents can't afford more hard times during this unprecedented economic downturn.

I'm proud to report that in the Tampa Bay area a responsible partner is helping to preserve jobs, enhance public health and protect the environment—the Tampa Electric Company recycles nearly 98 percent of all coal combustion residuals—which is one of the highest recycling rates in the nation among large power generators. These CCRs are recycled into concrete, roof shingles, asphalt, wallboard and a number of other useful items. Rather than clogging up landfills, the CCRs provide a variety of benefits and jobs.

I commend Tampa Electric for its good stewardship. Their recycling program has offset electricity costs over the past 19 years to the tune of \$55 million. Let's pass H.R. 2273 to allow Tampa Electric and other companies nationwide to continue employing Americans, keeping energy costs low and protecting the environment by allowing CCRs to be managed as nonhazardous.

Mr. SENSENBRENNER. Madam Chair, I rise today in support of H.R. 2273, the Coal Residuals Reuse and Management Act.

Once again, the Environmental Protection Agency, EPA, is on a path to destroy jobs, and increase costs on every American household. It is puzzling to see the EPA attempt to regulate coal combustion residuals, CCRs, as a hazardous waste, when the EPA, the Department of Energy, the Federal Highway Administration, the Department of Agriculture, the Electric Power Research Institute, state agencies, members of academia, and many others who have studied CCRs for nearly three decades concluded that coal ash does not warrant regulation as a hazardous waste.

Under the Clinton Administration, the EPA determined that coal ash rarely, if ever, exhib-

its a hazardous waste characteristic. They ultimately concluded that states can safely manage coal ash under federal non-hazardous rules. Additionally, the EPA stated in its 2000 regulatory determination that regulating coal ash as a hazardous waste would be environmentally counterproductive because it would unnecessarily stigmatize coal ash and impede its beneficial use for reducing greenhouse gases. If the EPA under the Clinton Administration concluded that moving forward with regulating CCRs as a hazardous waste would increase greenhouse gas emissions, then why are so many of my colleagues on the other side of the aisle supportive of the current Administration's actions? If I recall, we spent a good amount of time debating legislation in 2009 to reduce greenhouse gas emissions.

In my home state of Wisconsin, this rule will have a significant impact on many different sectors. The concrete paving industry in Wisconsin uses coal ash on almost 100 percent of its projects. The use of coal ash enhances the performance and durability of concrete, which ultimately increases its lifespan. Additionally, given Wisconsin's cold winters, the use of coal ash in its concrete is even more important due to the reduction of the permeability of the concrete by 50–75 percent, allowing the concrete to better resist the freeze-thaw environment.

This regulation will also significantly affect the electric utility industry. Instead of recycling the coal ash produced as a byproduct from coal-fired power plants, the industry will be forced to dispose of the ash in landfills, costing billions. This could potentially lead to the closing of a number of coal plants, creating serious reliability and cost concerns. Additionally, the increased costs to the utility sector will ultimately be passed along to the American consumer.

The legislation before us is a commonsense approach to addressing coal ash. States are best able to determine the approach to regulating CCRs. While this legislation will set a federal baseline standard, states will be allowed to exceed these standards if they so choose. Additionally, this legislation assesses the structural integrity of land disposal sites, addressing the concerns that some may have with preventing another spill like that which occurred in 2008. I strongly support passage of H.R. 2273, and urge my colleagues to support this bill.

Mr. VAN HOLLEN. Madam Chair, coal-based power plants account for roughly one half of all electricity generation in the United States and produce about 135 million tons of coal combustion waste annually. This enormous waste stream contains toxins like arsenic, lead and mercury that can contaminate drinking water and threaten public health—which is why the EPA is in the process of developing regulations to ensure that it is either responsibly recycled or disposed of properly.

Rather than letting EPA complete its work, H.R. 2273 directs each state to create its own coal waste management permitting program, without any legal standard to ensure a minimum level of public safety. Moreover, if a state decides not to enforce the standards it puts in its own permitting program, there is little EPA can do about it.

Madam Chair, as the 2008 Kingston disaster demonstrated, coal ash is dangerous, inadequately regulated, and dispersed throughout the country. In order to protect the public health and avoid a regulatory race to the bottom, we as a nation must establish and enforce a minimum federal level of safety and protection for all of our citizens.

This regulation takes us in precisely the opposite direction. Accordingly, I urge a "no" vote.

Mr. DEFAZIO. Madam Chair, in December 2008 an impoundment holding disposed ash waste generated by the Tennessee Valley Authority broke open, creating a massive spill in Kingston, TN. The spill covered the surrounding land and Clinch River with one billion gallons of coal fly ash, displaced residents, and resulted in \$1.2 billion in cleanup costs.

The accident underscored the need for rules to ensure structural stability and safety of coal ash impoundments.

In response, the Environmental Protection Agency proposed the first-ever regulations to ensure the safe disposal and management of coal ash from coal-fired power plants under the nation's primary law for regulating solid waste, the Resource Conservation and Recovery Act, RCRA.

In June 2010, the EPA presented two regulatory options: regulating coal ash as hazardous waste under Subtitle C or regulating coal ash as a non-hazardous waste under Subtitle D. The EPA has not established a deadline for the final rule.

I have serious concerns that designating fly ash as a hazardous material, the result of regulating coal ash under Subtitle C, could have major impacts on the recycling and reuse of fly ash to manufacture wallboard, roofing materials and bricks, and especially concrete.

In 2008 alone, the concrete industry used 15.8 million tons of fly ash in the manufacturing of ready mixed concrete making it the most widely used supplemental cementing material. When combined with cement, fly ash improves the durability, strength, constructability, and economy of concrete.

It also has huge environmental benefits. Using coal ash—and industrial byproduct—in concrete results in longer lasting structures and reduction in the amount of waste materials sent to landfills, raw materials extracted, energy required for production, and air emissions, including carbon dioxide.

A "hazardous" designation of fly ash could put these benefits in jeopardy. It could make fly ash storage and transportation more expensive, and create a legal environment that would deter cement manufacturers from recycling fly ash in cement production.

The result would not only be devastating for the cement manufacturing industry and American jobs, it could also divert millions of tons of coal fly ash from beneficial uses to surface impoundments like the one that broke open in Kingston, Tennessee.

For these reasons, my preference is for EPA to regulate fly ash under Subtitle D of the Resources Conservation and Recovery Act. This would ensure we have strong regulations for surface impoundments of coal ash needed to protect public health and the environment without inhibiting the recycling and reuse of coal fly ash.

It is also for these reasons that I am supporting H.R. 2273. The Coal Residuals Reuse and Management Act is not a perfect bill. In fact, this bill could have been much simpler and likely noncontroversial if my Republican colleagues had just legislated Subtitle D of RCRA. It is my hope that the U.S. Senate will take this more targeted approach.

Nonetheless, H.R. 2273 does clarify that coal fly ash should not be regulated as a hazardous waste and establishes minimum state disposal requirements. In my state, this would mean the Oregon Department of Environmental Quality would develop appropriate rules for the handling of coal fly ash for the only coal plant in the state—PGE's Boardman Power Plant—and for the many Ready Mix Producers throughout Oregon that use coal fly ash as a necessary ingredient in the manufacturing of concrete.

I support strong regulations for the disposal and storage of coal ash. But, these regulations can and should be completed without jeopardizing the recycling and reuse of fly ash. By voting for H.R. 2273, I am voting in favor of moving forward with regulation and providing the EPA with needed direction.

Mr. QUIGLEY. Madam Chair, it is absolutely untenable that there are currently no federally enforceable regulations specific to coal ash.

This lack of federally enforceable safeguards is what led to the disaster in Tennessee, where a dam holding more than 1 billion gallons of toxic coal ash failed.

This spill destroyed 300 acres, dozens of homes, killed fish and other wildlife, and poisoned the Emory and Clinch Rivers.

Living near an unlined coal ash waste pond and drinking water contaminated with arsenic can be more dangerous than smoking a pack of cigarettes a day, according to a risk assessment done by the EPA.

People living near unlined coal ash ponds where water is contaminated by arsenic and ash is mixed with coal refuse have an extremely high risk of cancer, up to 1 in 50.

This is 2000 times greater than EPA's acceptable cancer risk.

So, we can burn coal, creating sodium, thallium, mercury, boron, aluminum and arsenic which is pumped out of the factory and into the air.

Or, we can stop stripping our land, polluting our air and waters and do what's right.

The first step is to establish comprehensive, federally enforceable safeguards that protect human health, wildlife, and the environment.

The measure we consider today fails to establish a national legal standard for coal ash.

The bill also places significant limits on the ability of the EPA to conduct an independent review of state programs.

When it comes to matters of public health there are no such things as good compromises.

As Randy Ellis, a Republican and County Commissioner for Roane County, Tennessee, the county where the TVA spill happened, said earlier this week—the environment is truly a non-partisan issue.

I stand here in opposition to this bill as neither a Democrat nor a politician, but someone who believes that this bill neither protects our public health, nor does it make our country better.

I urge my colleagues to do what's right and oppose H.R. 2273.

Mr. COHEN. Madam Chair, I rise today to state my opposition to H.R. 2273, the Coal Residuals Reuse and Management Act. On October 14, 2011, I inadvertently cast a vote in support of final passage of this measure. However, I am adamantly opposed to this legislation and want the CONGRESSIONAL RECORD to reflect my true sentiments.

The EPA's proposed coal ash rule is a much needed response to an incident that occurred in 2008 in my home state of Tennessee. On December 22, 2008, a coal ash pond at the Tennessee Valley Authority's (TVA) Kingston power plant breached, spilling 1.2 billion gallons of coal ash and its contaminants—including arsenic, selenium, and mercury—into two rivers. The disaster moved homes off of their foundations, and the ongoing cleanup, which has only removed half of the coal ash that was spilled to date—is expected to cost about \$1.2 billion.

The EPA coal ash rule would set standards in place to ensure that a horrific tragedy such as the Kingston spill never occurs again. However, H.R. 2273 would undercut the coal ash rule and create a dangerous plan consisting of nothing but "guidelines" for regulating coal ash—guidelines that do nothing to protect citizens throughout America from another Kingston spill. Despite the Kingston disaster and EPA's acknowledgement that wet ponds can pose as high as a 1-in-50 risk of cancer to nearby residents, this bill fails to take the obvious and necessary step of phasing out surface impoundments. Meaning if this legislation were adopted, it would do nothing to avert tragedies such as Kingston from occurring in the future.

Another reason I oppose the Coal Residuals Reuse and Management Act is because it interrupts an EPA rulemaking process that has been ongoing for nearly three years and silences the concerns of the American people. Over the last three years, the EPA has held eight public hearings and received more than 455,000 public comments on its proposed coal ash rule—a precedential response to an EPA rulemaking. Congress should not be interfering and obstructing this critical public process.

In an effort to prevent the passage of H.R. 2273, I circulated a Dear Colleague letter that informed my colleagues of the legislation's immense shortcomings and failures to protect the American people. I also offered an amendment, which unfortunately was not made in order, but would have required the EPA Administrator to revise the disposal criteria upon which the bill relies to ensure that human health and the environment are protected from the risks posed by coal combustion residuals.

In some parts of the country people justify the status quo because they have not seen the full dangers of unregulated coal ash. In Tennessee we cannot ignore these consequences and cannot tolerate legislation that would usurp a beneficial rulemaking and replace it with legislation that fails to protect the American people. For these reasons, I oppose H.R. 2273 and would like the RECORD to reflect my strong opposition.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in

the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coal Residuals Reuse and Management Act".

SEC. 2. AMENDMENT TO SUBTITLE D OF THE SOLID WASTE DISPOSAL ACT.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"SEC. 4011. MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS.

"(a) STATE PERMIT PROGRAMS FOR COAL COMBUSTION RESIDUALS.—Each State may adopt and implement a coal combustion residuals permit program.

"(b) STATE ACTIONS.—

"(1) NOTIFICATION.—Not later than 6 months after the date of enactment of this section (except as provided by the deadline identified under subsection (d)(2)(B)), the Governor of each State shall notify the Administrator, in writing, whether such State will adopt and implement a coal combustion residuals permit program.

"(2) CERTIFICATION.—

"(A) IN GENERAL.—Not later than 36 months after the date of enactment of this section (except as provided in subsections (f)(1)(A) and (f)(1)(C)), in the case of a State that has notified the Administrator that it will implement a coal combustion residuals permit program, the head of the lead State agency responsible for implementing the coal combustion residuals permit program shall submit to the Administrator a certification that such coal combustion residuals permit program meets the specifications described in subsection (c)(1).

"(B) CONTENTS.—A certification submitted under this paragraph shall include—

"(i) a letter identifying the lead State agency responsible for implementing the coal combustion residuals permit program, signed by the head of such agency;

"(ii) identification of any other State agencies involved with the implementation of the coal combustion residuals permit program;

"(iii) a narrative description that provides an explanation of how the State will ensure that the coal combustion residuals permit program meets the requirements of this section;

"(iv) a legal certification that the State has, at the time of certification, fully effective statutes, regulations, or guidance necessary to implement a coal combustion residuals permit program that meets the specifications described in subsection (c)(1); and

"(v) copies of State statutes, regulations, and guidance described in clause (iv).

"(3) MAINTENANCE OF 4005(c) OR 3006 PROGRAM.—In order to adopt or implement a coal combustion residuals permit program under this section (including pursuant to subsection (f)), the State agency responsible for implementing a coal combustion residuals permit program in a State shall maintain an approved program under section 4005(c) or an authorized program under section 3006.

"(c) PERMIT PROGRAM SPECIFICATIONS.—

"(1) MINIMUM REQUIREMENTS.—The specifications described in this subsection for a coal combustion residuals permit program are as follows:

"(A) The revised criteria described in paragraph (2) shall apply to a coal combustion re-

siduals permit program, except as provided in paragraph (3).

"(B) Each structure shall be, in accordance with generally accepted engineering standards for the structural integrity of such structures, designed, constructed, and maintained to provide for containment of the maximum volumes of coal combustion residuals appropriate for the structure. If a structure is determined by the head of the agency responsible for implementing the coal combustion residuals permit program to be deficient, the head of such agency has authority to require action to correct the deficiency. If the identified deficiency is not corrected, the head of such agency has authority to require that the structure close in accordance with subsection (h).

"(C) The coal combustion residuals permit program shall apply the revised criteria promulgated pursuant to section 4010(c) for location, design, groundwater monitoring, corrective action, financial assurance, closure and post-closure described in paragraph (2) and the specifications described in this paragraph to surface impoundments.

"(D) Constituents for detection monitoring shall include boron, chloride, conductivity, fluoride, pH, sulphate, sulfide, and total dissolved solids.

"(E) If a structure that is classified as posing a high hazard potential pursuant to the guidelines published by the Federal Emergency Management Agency entitled 'Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams' (FEMA Publication Number 333) is determined by the head of the agency responsible for implementing the coal combustion residuals permit program to be deficient with respect to the structural integrity requirement in subparagraph (B), the head of such agency has authority to require action to correct the deficiency. If the identified deficiency is not corrected, the head of such agency has authority to require that the structure close in accordance with subsection (h).

"(F) New structures that first receive coal combustion residuals after the date of enactment of this section shall be constructed with a base located a minimum of two feet above the upper limit of the natural water table.

"(G) In the case of a coal combustion residuals permit program implemented by a State, the State has the authority to inspect structures and implement and enforce such permit program.

"(2) REVISED CRITERIA.—The revised criteria described in this paragraph are—

"(A) the revised criteria for design, groundwater monitoring, corrective action, closure, and post-closure, for structures, including—

"(i) for new structures, and lateral expansions of existing structures, that first receive coal combustion residuals after the date of enactment of this section, the revised criteria regarding design requirements described in section 258.40 of title 40, Code of Federal Regulations; and

"(ii) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria regarding groundwater monitoring requirements described in subpart E of part 258 of title 40, Code of Federal Regulations;

"(B) the revised criteria for location restrictions described in—

"(i) for new structures, and lateral expansions of existing structures, that first receive coal combustion residuals after the date of enactment of this section, sections 258.11 through 258.15 of title 40, Code of Federal Regulations; and

"(ii) for existing structures that receive coal combustion residuals after the date of enactment of this section, sections 258.11 and 258.15 of title 40, Code of Federal Regulations;

"(C) for all structures that receive coal combustion residuals after the date of enactment of

this section, the revised criteria for air quality described in section 258.24 of title 40, Code of Federal Regulations; and

"(D) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for financial assurance described in subpart G of part 258 of title 40, Code of Federal Regulations.

"(3) APPLICABILITY OF CERTAIN REQUIREMENTS.—A State may determine that one or more of the requirements of the revised criteria described in paragraph (2) is not needed for the management of coal combustion residuals in that State, and may decline to apply such requirement as part of its coal combustion residuals permit program. If a State declines to apply a requirement under this paragraph, the State shall include in the certification under subsection (b)(2) a description of such requirement and the reasons such requirement is not needed in the State. If the Administrator determines that a State determination under this paragraph does not accurately reflect the needs for the management of coal combustion residuals in the State, the Administrator may treat such State determination as a deficiency under subsection (d).

"(d) WRITTEN NOTICE AND OPPORTUNITY TO REMEDY.—

"(1) IN GENERAL.—The Administrator shall provide to a State written notice and an opportunity to remedy deficiencies in accordance with paragraph (2) if at any time the State—

"(A) does not satisfy the notification requirement under subsection (b)(1);

"(B) has not submitted a certification under subsection (b)(2);

"(C) does not satisfy the maintenance requirement under subsection (b)(3); or

"(D) is not implementing a coal combustion residuals permit program that meets the specifications described in subsection (c)(1).

"(2) CONTENTS OF NOTICE; DEADLINE FOR RESPONSE.—A notice provided under this subsection shall—

"(A) include findings of the Administrator detailing any applicable deficiencies in—

"(i) compliance by the State with the notification requirement under subsection (b)(1);

"(ii) compliance by the State with the certification requirement under subsection (b)(2);

"(iii) compliance by the State with the maintenance requirement under subsection (b)(3); and

"(iv) the State coal combustion residuals permit program in meeting the specifications described in subsection (c)(1); and

"(B) identify, in collaboration with the State, a reasonable deadline, which shall be not sooner than 6 months after the State receives the notice, by which the State shall remedy the deficiencies detailed under subparagraph (A).

"(e) IMPLEMENTATION BY ADMINISTRATOR.—

"(1) IN GENERAL.—The Administrator shall implement a coal combustion residuals permit program for a State only in the following circumstances:

"(A) If the Governor of such State notifies the Administrator under subsection (b)(1) that such State will not adopt and implement such a permit program.

"(B) If such State has received a notice under subsection (d) and, after any review brought by the State under section 7006, fails, by the deadline identified in such notice under subsection (d)(2)(B), to remedy the deficiencies detailed in such notice under subsection (d)(2)(A).

"(C) If such State informs the Administrator, in writing, that such State will no longer implement such a permit program.

"(2) REQUIREMENTS.—If the Administrator implements a coal combustion residuals permit program for a State under paragraph (1), such permit program shall consist of the specifications described in subsection (c)(1).

“(3) ENFORCEMENT.—If the Administrator implements a coal combustion residuals permit program for a State under paragraph (1), the authorities referred to in section 4005(c)(2)(A) shall apply with respect to coal combustion residuals and structures and the Administrator may use such authorities to inspect, gather information, and enforce the requirements of this section in the State.

“(f) STATE CONTROL AFTER IMPLEMENTATION BY ADMINISTRATOR.—

“(1) STATE CONTROL.—

“(A) NEW ADOPTION AND IMPLEMENTATION BY STATE.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(A), the State may adopt and implement such a permit program by—

“(i) notifying the Administrator that the State will adopt and implement such a permit program;

“(ii) not later than 6 months after the date of such notification, submitting to the Administrator a certification under subsection (b)(2); and

“(iii) receiving from the Administrator—

“(I) a determination that the State coal combustion residuals permit program meets the specifications described in subsection (c)(1); and

“(II) a timeline for transition of control of the coal combustion residuals permit program.

“(B) REMEDYING DEFICIENT PERMIT PROGRAM.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(B), the State may adopt and implement such a permit program by—

“(i) remedying the deficiencies detailed in the notice provided under subsection (d)(2)(A); and

“(ii) receiving from the Administrator—

“(I) a determination that the deficiencies detailed in such notice have been remedied; and

“(II) a timeline for transition of control of the coal combustion residuals permit program.

“(C) RESUMPTION OF IMPLEMENTATION BY STATE.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(C), the State may adopt and implement such a permit program by—

“(i) notifying the Administrator that the State will adopt and implement such a permit program;

“(ii) not later than 6 months after the date of such notification, submitting to the Administrator a certification under subsection (b)(2); and

“(iii) receiving from the Administrator—

“(I) a determination that the State coal combustion residuals permit program meets the specifications described in subsection (c)(1); and

“(II) a timeline for transition of control of the coal combustion residuals permit program.

“(2) REVIEW OF DETERMINATION.—

“(A) DETERMINATION REQUIRED.—The Administrator shall make a determination under paragraph (1) not later than 90 days after the date on which the State submits a certification under paragraph (1)(A)(ii) or (1)(C)(ii), or notifies the Administrator that the deficiencies have been remedied pursuant to paragraph (1)(B)(i), as applicable.

“(B) REVIEW.—A State may obtain a review of a determination by the Administrator under paragraph (1) as if such determination was a final regulation for purposes of section 7006.

“(3) IMPLEMENTATION DURING TRANSITION.—

“(A) EFFECT ON ACTIONS AND ORDERS.—Actions taken or orders issued pursuant to a coal combustion residuals permit program shall remain in effect if—

“(i) a State takes control of its coal combustion residuals permit program from the Administrator under paragraph (1); or

“(ii) the Administrator takes control of a coal combustion residuals permit program from a State under subsection (e).

“(B) CHANGE IN REQUIREMENTS.—Subparagraph (A) shall apply to such actions and orders until such time as the Administrator or the head of the lead State agency responsible for implementing the coal combustion residuals permit program, as applicable—

“(i) implements changes to the requirements of the coal combustion residuals permit program with respect to the basis for the action or order; or

“(ii) certifies the completion of a corrective action that is the subject of the action or order.

“(4) SINGLE PERMIT PROGRAM.—If a State adopts and implements a coal combustion residuals permit program under this subsection, the Administrator shall cease to implement the permit program implemented under subsection (e) for such State.

“(g) EFFECT ON DETERMINATION UNDER 4005(C) OR 3006.—The Administrator shall not consider the implementation of a coal combustion residuals permit program by the Administrator under subsection (e) in making a determination of approval for a permit program or other system of prior approval and conditions under section 4005(c) or of authorization for a program under section 3006.

“(h) CLOSURE.—If it is determined, pursuant to a coal combustion residuals permit program, that a structure should close, the time period and method for the closure of such structure shall be set forth, in a schedule, in a closure plan that takes into account the nature and the site-specific characteristics of the structure to be closed. In the case of a surface impoundment, the closure plan shall require, at a minimum, the removal of liquid and the stabilization of remaining waste, as necessary to support the final cover.

“(i) AUTHORITY.—

“(1) STATE AUTHORITY.—Nothing in this section shall preclude or deny any right of any State to adopt or enforce any regulation or requirement respecting coal combustion residuals that is more stringent or broader in scope than a regulation or requirement under this section.

“(2) AUTHORITY OF THE ADMINISTRATOR.—

“(A) IN GENERAL.—Except as provided in subsection (e) of this section and section 6005 of this title, the Administrator shall, with respect to the regulation of coal combustion residuals, defer to the States pursuant to this section.

“(B) IMMINENT HAZARD.—Nothing in this section shall be construed to affect the authority of the Administrator under section 7003 with respect to coal combustion residuals.

“(j) MINE RECLAMATION ACTIVITIES.—A coal combustion residuals permit program implemented under subsection (e) by the Administrator shall not apply to the utilization, placement, and storage of coal combustion residuals at surface mining and reclamation operations.

“(k) DEFINITIONS.—In this section:

“(1) COAL COMBUSTION RESIDUALS.—The term ‘coal combustion residuals’ means—

“(A) the solid wastes listed in section 3001(b)(3)(A)(i), including recoverable materials from such wastes;

“(B) coal combustion wastes that are co-managed with wastes produced in conjunction with the combustion of coal, provided that such wastes are not segregated and disposed of separately from the coal combustion wastes and comprise a relatively small proportion of the total wastes being disposed in the structure;

“(C) fluidized bed combustion wastes;

“(D) wastes from the co-burning of coal with non-hazardous secondary materials provided that coal makes up at least 50 percent of the total fuel burned; and

“(E) wastes from the co-burning of coal with materials described in subparagraph (A) that are recovered from monofills.

“(2) COAL COMBUSTION RESIDUALS PERMIT PROGRAM.—The term ‘coal combustion residuals permit program’ means a permit program or other system of prior approval and conditions that is adopted by or for a State for the management and disposal of coal combustion residuals to the extent such activities occur in structures in such State.

“(3) STRUCTURE.—The term ‘structure’ means a landfill, surface impoundment, or other land-based unit which may receive coal combustion residuals.

“(4) REVISED CRITERIA.—The term ‘revised criteria’ means the criteria promulgated for municipal solid waste landfill units under section 4004(a) and under section 1008(a)(3), as revised under section 4010(c).”

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1001 of the Solid Waste Disposal Act is amended by inserting after the item relating to section 4010 the following:

“Sec. 4011. Management and disposal of coal combustion residuals.”

SEC. 3. 2000 REGULATORY DETERMINATION.

Nothing in this Act, or the amendments made by this Act, shall be construed to alter in any manner the Environmental Protection Agency's regulatory determination entitled “Notice of Regulatory Determination on Wastes from the Combustion of Fossil Fuels”, published at 65 Fed. Reg. 32214 (May 22, 2000), that the fossil fuel combustion wastes addressed in that determination do not warrant regulation under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.).

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 112-244. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SHIMKUS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-244.

Mr. SHIMKUS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 2, strike the semicolon and insert the following: “, including a description of the State’s—

“(I) process to inspect or otherwise determine compliance with such permit program;

“(II) process to enforce the requirements of such permit program; and

“(III) public participation process for the promulgation, amendment, or repeal of regulations for, and the issuance of permits under, such permit program;

Page 5, line 5, strike “, regulations, or guidance” and insert “or regulations”.

Page 5, beginning on line 9, strike “, regulations, and guidance” and insert “and regulations”.

Page 6, line 13, insert “according to a schedule determined by such agency” after “correct the deficiency”.

Page 6, line 14, insert “according to such schedule” after “is not corrected”.

Page 6, line 21, insert a comma after “assurance, closure”.

Beginning on page 7, line 1, strike subparagraph (D) and redesignate subparagraphs (E) through (G) as subparagraphs (D) through (F), respectively.

Page 7, line 17, insert “according to a schedule determined by such agency” before the period.

Page 7, line 18, insert “according to such schedule” before the comma.

Page 8, after line 5, insert the following new subparagraph:

“(G) In the case of a coal combustion residuals permit program implemented by a State, the State has the authority to address wind dispersal of dust from coal combustion residuals by requiring dust control measures, as determined appropriate by the head of the lead State agency responsible for implementing the coal combustion residuals permit program.

Page 8, line 21, insert “and corrective action” after “groundwater monitoring”.

Page 8, line 23, strike the semicolon and insert the following: “, except that, for the purposes of this paragraph, such revised criteria shall also include—

“(I) for the purposes of detection monitoring, the constituents boron, chloride, conductivity, fluoride, mercury, pH, sulfate, sulfide, and total dissolved solids; and

“(II) for the purposes of assessment monitoring, the constituents aluminum, boron, chloride, fluoride, iron, manganese, molybdenum, pH, sulfate, and total dissolved solids;

Page 9, line 16, strike “; and” and insert a semicolon.

Page 9, line 21, strike the period and insert a semicolon.

Page 9, after line 21, insert the following:

“(E) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for surface water described in section 258.27 of title 40, Code of Federal Regulations;

“(F) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for recordkeeping described in section 258.29 of title 40, Code of Federal Regulations;

“(G) for landfills and other land-based units, other than surface impoundments, that receive coal combustion residuals after the date of enactment of this section, the revised criteria for run-on and run-off control systems described in section 258.26 of title 40, Code of Federal Regulations; and

“(H) for surface impoundments that receive coal combustion residuals after the date of enactment of this section, the revised criteria for run-off control systems described in section 258.26(a)(2) of title 40, Code of Federal Regulations.

Page 17, line 23, strike “, in a schedule.”.

Page 17, line 24, insert “that establishes a deadline for completion and” before “that takes into account”.

Page 18, after line 20, insert the following:

“(C) TECHNICAL AND ENFORCEMENT ASSISTANCE ONLY UPON REQUEST.—Upon request from the head of a lead State agency that is implementing a coal combustion residuals permit program, the Administrator may provide to such State agency only the technical or enforcement assistance requested.

“(3) CITIZEN SUITS.—Nothing in this section shall be construed to affect the authority of a person to commence a civil action in accordance with section 7002.

Page 20, line 11, insert “in accordance with the requirement of such section that the criteria protect human health and the environment” after “4010(c)”.

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from Illinois (Mr. SHIMKUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SHIMKUS. Madam Chairman, for the purpose of a colloquy, I would like to yield to the gentleman from West Virginia.

Mr. MCKINLEY. I thank the gentleman for yielding.

Before I agree to support the gentleman's amendment, I would like some clarification on one of the provisions it contains. It would amend the definition of “revised criteria” in the bill to read: “The criteria promulgated for municipal solid waste landfill units . . . as revised under section 4010(c) in accordance with the requirement of such section that the criteria protect human health and the environment.”

Does the gentleman's amendment open the door, even a sliver, to EPA promulgating coal ash regulations not otherwise authorized in this bill under the guise of protecting human health and the environment; or for EPA to use the language as an arbitrary yardstick by which to judge State programs?

Mr. SHIMKUS. To my friend from West Virginia, my response is that it does not.

My amendment keeps that door to EPA alternative regulation closed and locked. The language the gentleman cites merely references law that is already on the books, as you heard in the general debate. Section 4010(c) of RCRA was enacted years ago to protect human health and the environment. My amendment merely clarifies that your bill does not change that.

Mr. MCKINLEY. Madam Chairman, the 4010(c) of RCRA also gives EPA authority to take into account the practicable capabilities of such facilities.

Does the gentleman's amendment alter that authority in any way?

Mr. SHIMKUS. Again to my colleague and friend from West Virginia, my amendment in no way reduces the administrator's authority to take into account facility capabilities. That authority is unchanged by both my amendment and your underlying bill.

Mr. MCKINLEY. With those clarifications, I will support the gentleman's amendment.

Mr. SHIMKUS. Madam Chairman, I reserve the balance of my time.

□ 1200

Mr. WAXMAN. Madam Chair, I claim time in opposition.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I yield myself such time as I may consume.

To be fair, this amendment does make a few positive changes to the legislation. It adds some requirements to

recordkeeping, groundwater monitoring, and runoff controls. But as with the underlying bill, this amendment makes a lot of promises and it just doesn't deliver.

Some of my colleagues believe they may have reached a major concession because this amendment adds a groundwater monitoring provision. And I'd agree, adequate detection and assessment monitoring is critically important to ensuring that when coal ash is disposed of we have the opportunity to protect groundwater from toxic contamination.

But Members should be aware that this amendment moves all of the groundwater monitoring provisions from paragraph (c)(1) to paragraph (c)(2). The effect of this change is to allow any State to waive the groundwater monitoring requirements at their discretion.

Fugitive dust has been talked about. This dust can pose a health risk because it is particulate matter that can lodge deep in the lungs and also because it can contain the toxic constituents of coal ash. The Republicans refused to include a provision to address this issue in committee. So some of my colleagues may be pleased that this amendment includes a provision that mentions fugitive dust from coal ash disposal.

But this provision is almost a tautology. The provision merely states that the States have the authority to require dust control measures if the State determines it to be appropriate. The amendment does not require State permit programs to include dust controls. It does not provide authority for EPA to require dust controls when it is the implementing agency. If a State determines that nothing is appropriate, then nothing is required within that State.

Like the underlying legislation, this amendment is long on appearances but short on substance. Most importantly, this amendment fails to make improvements where improvements are most necessary.

First, the amendment fails to establish a legal standard that the coal ash permit program has to meet.

Second, the manager's amendment fails to ensure the structural integrity of wet impoundments. The amendment makes clear that wet impoundments can be used to hold storm water by exempting them from run-on control requirements, but it falls short of requiring that they be designed to safely hold that storm water. EPA has concluded that this legislation excludes several key design requirements that relate to long-term structural stability of the surface impoundment.

Third, the manager's amendment fails to ensure appropriate criteria for the disposal of coal ash. Rather than addressing the concerns raised by EPA about the agency's ability to revise and

tailor disposal criteria to address the risks posed by coal combustion residuals, the amendment further limits EPA's potential role in helping the State by preventing EPA from offering technical assistance to States without a request from the head of a lead State agency.

And, lastly, the amendment does nothing to authorize meaningful review of State programs. EPA has raised extensive concerns about their ability to review State programs under this legislation to ensure protection of human health and the environment, and this amendment does not address those concerns.

The administration has announced its opposition to the legislation, stating that this bill is "insufficient to address the risks associated with coal ash disposal and management, and undermines the Federal Government's ability to ensure that requirements for management and disposal of coal combustion residuals are protective of human health and the environment."

Nothing in this amendment fixes those concerns. Madam Chair, I'm willing to accept this amendment. It doesn't address the problems with this bill, but it doesn't make the bill appreciably worse. So I wouldn't oppose the amendment, but I don't want people to think that this amendment lives up to the billing that it really makes this bill good enough.

So I will not oppose it, and I reserve the balance of my time.

Mr. SHIMKUS. I appreciate the ranking member's accepting the amendment. We do think it improves the bill.

I would like to yield 1 minute to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. I thank the ranking member on our subcommittee for accepting the amendment.

This amendment does make the bill better, but if we're looking for the perfect, you're in the wrong place. A legislative process is not where you get perfection. We come together. We compromise.

This floor amendment by the ranking member actually makes the bill better than it was when it came out of committee, and I voted for it out of committee. So I'm glad he made it better with this amendment. But we'll never get perfection, whether it be the House, and I can guarantee, almost, not in the Senate.

But this bill is better by this amendment, and that's why I encourage its adoption.

Mr. SHIMKUS. I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE) to speak in support of the bill.

Mr. PEARCE. Madam Chair, I rise in support of the underlying bill, H.R. 2273.

Basically, we hear a lot about the President asking: Where are the Republican plans for jobs?

I could refer the President to the Western Caucus Jobs Frontier Report that was put out the same day as his speech on the floor that's got 40 pieces of legislation that would create exact jobs. But half the time we're in this body talking about jobs, we have to play defense; we have to keep the President from killing jobs, and that's basically what this bill does.

The EPA is going to implement regulations which, for instance, will have an effect in the Four Corners plant near Grants, New Mexico. It's going to be forced to comply with regulations, not to noticeably improve the quality of our air, but simply new regulations. And the coal ash from that plant is shipped around the country. It's shipped to cement factories in New Mexico and California.

As we shut off the ability to use this coal ash, then we're going to raise costs. We're going to create job-killing regulations that, in fact, are taking place across the country right now. If we look and break down the intent, really, there are several regulations that intend to kill coal mining in total. And so why don't we talk about the real intent of different regulations.

We're shutting down electric generation right now. Last year we saw rolling blackouts. We saw the power outages in New Mexico, and yet one of our plants that generates electricity is having to shut down 60 percent of its capacity.

So these are the things that are killing jobs; the President is doing this bill. The underlying bill, H.R. 2273, simply pushes back on those regulations.

The Acting CHAIR. The gentleman from Illinois has 15 seconds remaining.

Mr. SHIMKUS. I want to again thank the ranking member for accepting this, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SHIMKUS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. WAXMAN

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-244.

Mr. WAXMAN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, after line 5, insert the following new subparagraph:

"(H) The coal combustion residuals permit program contains criteria necessary to protect human health and the environment.

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

□ 1210

Mr. WAXMAN. Thank you, Madam Chair.

The Resource Conservation and Recovery Act, or RCRA, was passed to protect the public health and the environment from unsafe disposal of solid waste. It created duties reserved to the EPA and programs that could be delegated to the States. Like other environmental statutes, RCRA sets a legal standard of protectiveness for State-delegated programs. These standards are the yardstick by which it is determined whether a State's effort measures up, and they ensure our consistent level of effort and protection throughout the Nation.

This approach has worked well because it prevents a race to the bottom among the States in which a State willing to have the laxest protections becomes the dumping ground for the Nation. Congress has taken this approach for 40 years. We create a Federal floor of protection and allow States to go further as necessary. H.R. 2273 turns this approach on its head by saying that each State must have a program but that program can offer as little protection as the State chooses. Well, that's essentially the status quo.

The authors of this bill are attempting to model coal ash disposal on disposal of municipal solid waste. That's what they claim. In the case of municipal solid waste, however, the legal standard is that the program must protect human health and the environment from the risks associated with municipal solid waste. But under this bill, this standard does not apply to coal combustion residuals.

If we want to hold State coal ash permit programs to that standard, the same standard to which State municipal solid waste permit programs are held, my amendment is the way to do it. Without this amendment, nothing in the bill ensures that permit programs, whether administered by the States or the EPA, will protect human health and the environment. They will not even have that as a goal.

Under the existing language, a State could put in place an insufficient program, one that threatens human health, and so long as they follow the required certification, they will meet their legal requirements. There would be no way for the public, for affected communities, or for the EPA to intervene to ensure the necessary safeguards. If we adopt this amendment, State plans will have to protect human health and the environment from the risks of unsafe coal ash disposal.

These are serious risks that this legislation should address. For example, groundwater has been contaminated from coal ash disposal in Virginia, South Carolina, Michigan, New York, Massachusetts, Indiana, North Dakota, and the list goes on. Fugitive dust from coal ash disposal has impacted neighboring communities; for instance, toxic

dust has blown through people's homes in Gambrills, Maryland, harming the respiratory health of the public, and risks from the catastrophic failure of wet impoundments as serious as we saw in Kingston, Tennessee.

When EPA issued its proposed rules in June 2010, they cited more than two dozen proven cases of damage from coal ash disposal. Three of those sites are now on the national priority list for cleanup under Superfund, and the number of these incidents may be much higher. These risks are real and they are significant. If this legislation is going to address them, it needs to include a legal standard of protectiveness.

If my amendment is adopted, State programs will be required to protect human health and the environment. And if a State refuses to do so, when EPA steps in, the agency will have to implement a program that protects public health and the environment. It's a simple amendment, but it's the difference between trying to protect health and the environment and trying to protect the status quo.

I heard from my colleague and good friend from Texas saying the bill was better and the legislative process is not always to get to the perfect but to get a better bill. Well, it depends on what you consider good enough. This bill is not good enough. With this amendment, it will definitely be improved.

But it's not good enough to vote for a bill because it's better than it was when it wasn't good enough then. It's better to vote "no" and say "no" to a bill that's not good enough so you can get a better bill. And I think in the other body we'll get a better bill if we are willing to vote against this bill, say "no" until we get not the perfect bill, but a much better bill than what the proponents of this bill are saying is good enough, because I don't accept that conclusion.

I urge support for this amendment.

I yield back the balance of my time.

Mr. SHIMKUS. Madam Chair, I seek time in opposition.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Thank you, Madam Chairman.

I appreciate the comments of my colleague from California because obviously there is a recognition that we have been talking, we have been trying to get some bipartisan support. As tough as that may seem in this Chamber and in this Congress, there is a recognition that we're trying. I think the ranking member gave us an "atta boy" just by allowing that voice vote on the manager's amendment, and I appreciate that.

Part of this debate is that if States are allowing any type of waste to affect their constituents, don't you think that the States are going to get in-

involved? If you use the Maryland example, Maryland has aggressively changed its own permitting processes based upon those experiences. So they've done it. Again, States are closer to their people. I can imagine the calls State reps and State senators got when that occurred. The basic bill says coal combustion residual which doesn't rise to the level of toxicity should be treated as that in liners and the like. That's really the debate we have.

The EPA's technical assistance which was placed on the ranking member's committee's Web site mentions that this requirement could be implicitly inferred based upon the drafting of the bill. And I would just say on page 10, line 8, if the administrator determines that a State determination under this paragraph does not accurately reflect the needs for the management of coal combustion residuals in the State, the administrator may treat such State determination as a deficiency. And if it's a deficiency, then the EPA can then be involved.

So we think that the issue that my colleague from California has raised has been addressed, and we look forward to debate of the further amendments.

I yield back the balance of my time.

Mr. JOHNSON of Illinois. Madam Chair, the amendment addressed issues of public health which are critical, but the amendment was too vague and likely redundant. Accordingly, and unusually, a "present" vote would be appropriate. At the time of the vote, I was dealing with two constituents, and their problems with Social Security and Post Office closure, and inadvertently missed the vote.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WAXMAN. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-244.

Mr. MARKEY. Madam Chair, I rise as the designee to offer amendment No. 3, the Carney amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, after line 5, insert the following new subparagraph:

"(H)(i) The coal combustion residuals permit program shall require that—

"(I) each surface impoundment meet the requirements applicable to existing and new structures under this section by a deadline of the date that is 5 years after the date of enactment of this section; and

"(II) each surface impoundment that does not meet all such requirements by such

deadline close in accordance with the requirements of subsection (h).

"(ii) The head of the agency responsible for implementing the coal combustion residuals permit program may extend the deadline under clause (i) with respect to a surface impoundment in 1-year increments upon a showing of good cause, but in no case may the deadline be extended beyond the date that is 10 years after the date of enactment of this section.

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. I thank you.

Just 3 days before Christmas in 2008, the coal ash impoundment—and "impoundment" is just another word for giant swimming pool—burst in Kingston, Tennessee, releasing 1.1 billion gallons of toxic sludge that blanketed the nearby Emory River. That toxic stew that flowed out, a billion gallons into the river, destroyed homes and 300 acres of surrounding land, creating a Superfund site that could cost up to \$1.2 billion to remediate. Since this incident, the EPA has identified 49 other giant pools of coal ash across the country that are designated as high hazard.

□ 1220

This means that if these impoundments were to fail, then it's not just the land that would be damaged, but human life would likely be lost.

This Republican bill purports to be a solution to what happened in Tennessee. It claims to create standards for these giant pools that would ensure a TVA catastrophe won't happen again. But in fact it excludes safety requirements such as just accounting for earthquakes or surface erosion. And even worse, the very minimal requirements that are included in this bill only apply to new impoundments there are built starting 3 years after this bill is enacted. That's right. Nothing even starts for 3 years. And it's got to be brand new.

So more than 430 impoundments that we know of and are in use today are not even going to be covered by this bill. And they have been built by old standards, not by the new standards. That's like finding a fatal flaw in a car that's on the road, but only requiring car companies to fix the ones that have not yet been built and won't even come on the road for 3 years. Or, like finding E. coli in chicken on grocery store shelves. But rather than issuing a recall today for the stuff that's on the shelves, they say there are rules that are going to go in place 3 years from now so just let the contaminated poultry continue to be sold.

This amendment is a simple fix to this problem. It would require all impoundments to meet minimal safety criteria in this Republican bill. Those

facilities that cannot meet basic requirements such as installing a liner so that this toxic coal sludge doesn't seep into the soil and the groundwater will have 10 years to close their doors.

Unless this amendment is passed, disposal of coal ash in unlined, unsafe pits will be allowed to continue. In Missouri, there is an unlined impoundment that has been leaking more than 50,000 gallons of toxic liquid a day since 1992. It would not have to be fixed. Let me repeat that. Fifty-thousand gallons of toxic liquid a day since 1992 has been leaking out of that toxic facility, and it wouldn't have to be fixed under that bill. What are you saying to the people in Missouri?

In Princeton, Indiana, a wet coal ash impoundment built in an earthquake fault area discharged dangerous slurry when an earthquake struck nearby last year. The spill contaminated a national wildlife refuge with selenium. A wetland that is home to an endangered bird species had to be drained and 50 tons of fish had to be buried. This Republican bill would allow that impoundment to continue receiving coal ash as well.

After the Kingston accident in 2008, the Tennessee Valley Authority approved a plan to voluntarily phase out all of their coal ash ponds in 10 years and to eliminate high-risk storage facilities that pose a danger to people and property if they were to fail. If they can do it, shouldn't the other companies be able to do it as well?

We shouldn't have to wait for another catastrophe like Kingston to happen before we require these basic safety measures to be employed at all coal ash ponds.

I encourage my colleagues to vote "yes" on this amendment.

I yield back the balance of my time.

Mr. SHIMKUS. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Thank you.

My friend from Massachusetts has great rhetorical skills, and I have finally made it to the big time where I can do it as managing a bill and addressing amendments.

He wasn't on the floor when we talked about the letter from the Governor of Virginia, who admits that this bill is going to force the State of Virginia to do more. It's because of this bill, he says,—and I quoted it before—that will require effort to implement in Virginia, such as regulatory amendments for conformance, and notifying and seeking EPA approval.

So here is the Governor saying, We support this bill, and we know we're going to have to do more.

I think that's positive.

We're talking about how H.R. 2273 already includes structural integrity requirements that would allow only

those facilities that are operating in a protective manner to continue to operate. Moreover, EPA has just completed a nationwide evaluation—I'm sure you're going to be happy to hear this, Mr. MARKEY—and in this evaluation they said that they have found none, zero, zip of these impoundments to be unsafe.

Now, that's our own EPA. And we're glad that they're out. They're now checking these impoundment areas. I think a lot of this is a result of moving this bill and having now at least a standard for liners. I think from our testimony in subcommittee, liners are important. Liners are what we do in municipal solid waste. Liners are what we should do with coal combustion residuals. Well, this bill ensures that we have liners in the coal combustion residual ponds and facilities.

So I think it's a very exciting time. It protects jobs. It helps for, obviously, the recycling of this in the industry sector. It helps save jobs. I think the amendment only hurts the passage and movement of this bill.

I urge my colleagues to vote "no" on the Markey amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-244.

Mr. MARKEY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 23, insert " , after providing notice and opportunity to comment to the public and the Administrator," after "may".

The CHAIR. Pursuant to House Resolution 431, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Thank you, Madam Chair.

Two weeks ago, scientists at a massive facility in Europe announced that they may have discovered a particle that travels faster than the speed of light—a discovery that would turn Einstein's theory of special relativity upside down, a discovery that, if true, would revolutionize the way we see the world. The news spurred a massive

amount of interest. Headlines read: "Back to the Future," and media stories even speculated on how this discovery could be exploited to enable real-life time travel.

However, it seems Republicans have already figured out how to get around Einstein's theory, because today the House will vote on a piece of legislation that will blast us right back in time to the start of the Industrial Revolution. This bill says no matter what EPA learns about the sludge that comes out of coal-fired plants, no matter how high the concentrations of poisonous arsenic, mercury, or chromium, and no matter what EPA learns about how these materials find their way into our drinking water, EPA is forbidden to classify or regulate it as hazardous waste. EPA is forbidden to require that this toxic material be disposed of carefully.

This bill turns a blind eye to evidence of known hazards and takes us back to the Dark Ages, to a time before science was valued and before advanced knowledge transformed society. It takes us back to an era when mercury and arsenic, major components of coal ash, were used to cure toothaches and clear up your complexion. It takes us back to an era where children were sent deep into the bowels of the Earth to rip coal from the mines and to die early deaths.

The problem with continuing to push a 19th century technology like coal is that you then continue 19th century attitudes about public health and the environment. Instead of time travel through Einstein's theory of special relativity, Republicans are pushing to travel backwards in time to advance the coal industry's special interests.

□ 1230

While Republican efforts on time travel are unlikely to help us understand black holes, they will take us back to the era of black lung disease. Instead of allowing the coal industry and Republicans to transport our country's environmental and public health standards back to the era of Charles Dickens, we should hold these industries to great-er expectations.

In December of 2008, hundreds of acres of land were buried in toxic sludge after a Tennessee Valley Authority coal ash containment pond collapsed in Tennessee, releasing 1.1 billion gallons of coal ash slurry, covering more than 300 acres of land in a gray poisonous muck, damaging homes and properties and tainting nearby rivers. The event was, quite literally, a poisonous lump of coal dumped on the nearby community just 3 days before Christmas.

This Republican bill purports to be a solution to what happened in Tennessee. It claims to create standards for coal ash containment ponds that would ensure structural integrity, but

in fact it explicitly exempts those same coal ash ponds from key design requirements relating to their long-term stability.

This bill claims that States have to set up a rigorous drinking water monitoring regime and dust controls, but in fact the bill has no legal or enforceable standard for these State programs. And even more, any State at any time can waive any of these minimal permitting requirements and they don't have to tell anyone. That's right. When it comes to constructing a gigantic containment pond in your backyard, a State can choose to opt out of the requirements of this bill and no one—not the public or the EPA—would ever even know. This is just plain wrong.

We should not delegate this authority to the States and then turn around and let States hide behind a cloak of secrecy when making decisions about waste sites that may be hundreds of acres in size, receive millions of tons of waste, and which may be in operation for decades.

My amendment is very simple. It says that before a State can waive even the minimal criteria that this bill requires, that the State must first notify the public and the EPA and offer the opportunity for public comment. That is the least that we have as a responsibility to the public.

I urge an "aye" on the Markey amendment.

I yield back the balance of my time.

Mr. SHIMKUS. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Thank you, Madam Chairman.

A couple of things. The gentleman's well-meaning amendment requires public notice and comment, including from the administrator of the EPA, before the State submits its certification paperwork to the administrator of the EPA.

There's confusion as to what this bill does. For the first time, States have to conform to the EPA standards. I read this before in another part of the debate on page 10. If the administrator determines—this is the administrator of the EPA. If the administrator determines that a State determination under this paragraph does not accurately reflect the need for the management of coal combustion residuals in the State, the administrator may treat such determination as deficient.

So there's really no purpose for my colleague's amendment. The EPA has the ability to say good State program, bad State program. The Governor of Virginia says we're already going to have to do more than we do now because of this bill. And section 7004(b) of RCRA requires public participation.

So part of our debate is: Why do we have to continue to put more laws on

the books when those provisions are already covered under RCRA? Requires public participation in any enforcement of any regulation guideline, information, or program under this act, including at the Federal and State level. This requirement is not waived, it's not amended, it's not altered or affected under this piece of legislation. Those requirements under RCRA apply to H.R. 2273.

The gentleman's amendment is unnecessary, it's duplicative, and I ask my colleagues to reject it.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. RUSH

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-244.

Mr. RUSH. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 18, after line 20, insert the following new subparagraph:

"(C) ENFORCEMENT.—Notwithstanding subparagraph (A), if the Administrator determines that a structure is in violation of a State coal combustion residuals permit program under this section, and the State has not taken appropriate action to enforce such permit program with respect to such structure, the Administrator may inspect such structure and enforce the requirements of such permit program with respect to such structure.

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RUSH. Madam Chair, my amendment simply provides Federal enforcement authority so that if the EPA administrator determines that a structure is in violation of a State coal combustion residuals permit program and the State has not taken appropriate action to enforce such permit program with respect to such structure, the administrator may inspect such structure and enforce the requirements of such permit program.

Madam Chair, as currently drafted, H.R. 2273 fails to require States to enforce their own permit requirements. The manager's amendment only requires States to describe their "process to enforce," but there is no hint, no re-

quirement, not a syllable to actually enforce regulations. This built-in loophole in H.R. 2273 does not require adequate State inspection of coal ash ponds and landfills, and it allows States to set up voluntary regulatory programs, which will clearly not ensure the safe design, the safe operation, and the cleanup of the Nation's many toxic coal ash disposal sites.

Madam Chair, due to a well-noted case in my district of Crestwood, Illinois, where contaminated drinking water was piped into the homes of my constituents for over 20 years, between 1986 and 2007, without any intervention from either the State or Federal EPA agencies, I, for one, am very sensitive to this issue.

Since the beginning of this current Congress, the Republican majority has been on a never-ending, nonstop, forever-and-ever crusade against the EPA and our Nation's environmental protection laws on behalf of a few industries and to the detriment of the public good. However, for many of my constituents, there is no greater role for Congress to play than to protect their lives, their livelihoods, the livelihoods of their children, and the lives of their children by ensuring that all American citizens have access to clean air and clean water.

Madam Chair, I believe that it is a false choice to try to frame these tremendously important policy decisions under the paradigm of either clean air and water or jobs and employment. As leaders, it is our job, it is our responsibility to find the right balance when crafting legislation so that our constituents are not faced with these types of lose-lose situations and decisions.

I believe that my amendment will go a long way in trying to make this legislation far more balanced so that, at the very least, we allow the Federal Government, our government, to serve as the last backstop for the American people against companies that will seek to skirt the law without regard for the families and communities these companies would do harm to.

□ 1240

Madam Chair, many of my constituents, they don't have the money. They don't have the influence that industry has. So they're counting on us, this Congress, their Congressional representatives, to protect their interests, to fight for them just as those who are fighting for the interest of a few corporations in this body are doing.

In fact, Madam Chair, I want to end with a quote from a letter dated July 11 that my office received from a number of ordinary American families who live by coal ash dumps all across this country.

The Acting CHAIR. The time of the gentleman has expired.

Mr. RUSH. I urge all my colleagues to support this amendment.

Hon. FRED UPTON,
Chairman, House Energy and Commerce Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Tomorrow, we understand that your committee will vote on a bill that would leave oversight of coal ash dumps to the states, and prevent EPA from taking action against polluters who threaten our groundwater. We know Congress has already heard from industry lobbyists, big contributors, and bureaucrats. But please hear our voices, since we live near these dumps, and put up with their pollution year after year.

We know what it is like to suffer through the daily onslaught of blowing ash, drink water from faucets contaminated with ash leachate, and see our wetlands and creeks poisoned with toxic metals like arsenic. We have complained again and again about the endless noise, dust and pollution from trucks dumping coal ash near us while we become more stressed out or sick and the value of our property plummets, with no real response from our states. Two years ago, we were promised that the US Environmental Protection Agency would finally set national standards to clean up these sites, and close the most dangerous ones.

Now we face legislation that would stop EPA in its tracks, and replace real standards with state "plans" that polluters could ignore without fear of enforcement by EPA. After what is already known about the danger from storing millions of tons of coal ash in unlined ponds, why would you tie the government's hands from ever stopping this practice?

Do our lives matter to you?

Is protecting coal ash "recycling" more important than our health or the quality of our water? Even those who believe that cannot seriously argue that shielding leaking dumps from EPA enforcement somehow makes recycling easier. And ash mixed with other wastes in leaking ponds—now a common practice—cannot be recycled at all.

What will you accomplish by requiring federal and state bureaucrats to review, and then approve, disapprove, and reapprove state plans that can never actually be enforced by EPA against polluters? If your own family's drinking water was being contaminated, would you think haggling over "plans" the right response?

States have had decades to clean up these dumpsites, and have done nothing—or next to nothing—as contamination has spread, even after the TVA spill put the issue on the national news. We know good, hard-working people in our state agencies, but budget cuts, political pressure, the power of local polluters, and the lack of any serious oversight or enforcement from EPA make their job impossible.

Put yourself in our place. Have you lived near a power plant's landfill or ash pond like we or our neighbors do, and found out that the water you and your children drink may be unsafe to drink? How long would you want to wait for your state agency to do something about the problem? Three years? Five years? Ten? We have waited that long, and are waiting still.

As the Americans who live next to our nation's ash dumps, our opinions should matter. These dumps should have permits that we can comment on. We need the right to comment on a solid waste plan. We should be able to object to any permit or plan that threatens our lives and property, and the government should be given a deadline to respond. Dumps that contaminate groundwater should be closed, and the groundwater

cleaned up. And EPA should be able to crack down on polluters—without having to wade through endless "planning"—or the bill you pass will mean nothing.

As you consider this legislation, please don't forget about us. We are not 'against the coal industry.' We simply want the laws that are supposed to protect people to be enforced. We appreciate your time and consideration.

Sincerely,

Joe and Teresa Trotter, 117 South County Road 400 West, Sullivan, IN 47882.

George Adey, 4082 W Dunes Hwy, Michigan City, IN 46360.

Terry Miller and Barbara Handley-Miller, 4649 David Court, Bay City, MI 48706.

Patrick Race, 1004 N. Sheridan, Bay City, MI 48708.

Saleh and Hanadi Abu-Hussein, 8424 State Road 64, Princeton, IN 47670.

George Bink, 6125 E. County Line Rd., Racine, WI 53402.

Vicki Kuzio and Shirley Stribling, 3888 W. Dunes Hwy, Michigan City, IN 46360.

Ron and Patricia Riley, 8329 W 175 N, Princeton, IN 47670.

Daniel Brand, 5228 County Road A, Sheboygan Falls, WI 53085.

Mike and Rachel Slunder, 8245 W 175 N, Princeton, IN 47670.

Mary Tinsley, 325 Division St., Mount Carmel, IL 62863.

Vicki Hodgson, 15466 N 2250 Boulevard, Allendale, IL 62410.

Amy Bonsall, Labadie Environmental Organization, 4467 Boles Road, Labadie, MO 63055.

Cathy Schnur, 5337 Heatherfield Ct., Sheboygan, WI 53083.

Norm and Jill Buchmann, 6508 Running Horse Road, Racine, WI 53402.

Raymond and Yelissa Pfeiffer, 806 S Arbor St, Bay City, MI 48706.

Barbara Hugier, 8741 Foley Road, Racine, WI 53402, Oak Creek/Caledonia coal run power plant (WE).

Michael and Martha Blann, 4919 W County Rd 25 N, Sullivan IN 47882.

George Bink, 6125 County Line Rd, Racine, WI 53402.

Tammy Krapek, 1252 Williams Port Dr. #I, Westmont, IL 60559.

Kent and Loukia Verhage, 41 E 8th St, Chicago, IL 60605, We own a place in The Pines, 1709 Birch St, Michigan City, IN 46360.

Sharon and Richard Fineman, 145 Doberman Road, Chester, WV 26034.

Carrie and Keith Bodnar, 658 Johnsonville Road, Chester, WV 26034.

Helen M. Bowen, 174 Red Dog Road, Georgetown, PA 15043.

Gary and Kim Kuklish, 896 Narrows Road, LaBelle, PA 15450.

Yma and Rudy Smith, 826 First Street, LaBelle, PA 15450.

George and Colleen Markish, First Street, LaBelle, PA 15450.

Carmen Smith, 725 Maxwell Avenue, LaBelle, PA 15450.

Helen Byrd, Second Street, LaBelle, PA 15450.

Roberta Evans, 823 First Street, LaBelle, PA 15450.

Gary Craig, 174 Route 168, Midland, PA 15059.

Jarrett F. Jamison, 1085 Fort Martin Road, Maidsville, WV 26541.

Tracey Heinlein, 824 Old Mill Creek Road, Hookstown, PA 15050.

Tom and Marcia Hughes, 956 State Route 168, Hookstown, PA 15050.

Emuel and Mary Lou Byard, 727 Johnsonville Road, Chester, WV 26034.

Rosella Diaz, 174 Johnsonville Road, Chester, WV 26034.

Monica Burkher, 6625 Kenmore Ave., Louisville, KY 40216, Cane Run Plant, Louisville.

James and Teresa Taylor, 2591 N 950W Owensville, IN 47665.

Barb and John Reed, Sr., 611 Georgetown Road, Georgetown, PA 15043.

John Reed, Jr., 4699 Route 30, Georgetown, PA 15043.

Tom and Norma Wilkinson, 242 Cullen Drive, Georgetown, PA 15043.

Terry Stout, 240 Cullen Drive, Georgetown, PA 15043.

Michael and Maryann Steffee, 325 South Main Street, Homer City, PA 15748.

James McGrath, P.O. Box 62, Eggleston, VA 24086.

Debbie and Curt Havens, 1134 Pyramus Road, Chester, WV 26034.

Marcy Carpenter, 268 Cullen Drive, Georgetown, PA 15043.

Tyra Collins, 264 Cullen Drive, Georgetown, PA 15043.

Kim and Larry Squires, 3204 US Route 30, Georgetown, PA 15043.

Frank and Loretta Reed, 339 Temple Road, Georgetown, PA 15043.

Fred and Glenna Bleigh, 430 Pole Cat Hollow Road, Hookstown, PA 15050.

Ray and Pam Reed, 444 Temple Road, Hookstown, PA 15050.

Keith and Jolene Shoenberger, 214 Washington Street, P.O. Box 6, Georgetown, PA 150.

Robert and Betsy Springer, 3750 W Co. Rd., 100 S Sullivan, IN 47882.

Stephen and Karen Fox, Formerly of: 1317 Murrey Dr., Chesapeake VA 23369, Current address: 3421 Cappahosic Rd., Gloucester, VA 23061.

Rhonda Kampmeyer, 145 Francis Drive, Georgetown, PA 15043.

Cathy Titlinger, 29970 Co. Rd. 14, Lamar, CO 81052.

Kathy Nelson, 661 Hill Road, Georgetown, PA 15043.

Petra and Bryan Haynes Family, St. Albans, MO 63069.

Dave and Gail Greeley Family, 674 Lewis and Clark Drive, Labadie, MO 63055.

Charlene Ward, Labadie, MO 63055.

Don Meyer, 1510 Osage Lane, Labadie, MO 63055.

Jeanette Andrews, 1928 Land of Promise Road, Chesapeake, VA 23322.

Jasmine Flinn, 1928 Land of Promise Road, Chesapeake, VA 23322.

Mr. MCKINLEY. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MCKINLEY. Thank you.

To my colleague from Illinois, as the sponsor of this particular legislation and one of just two engineers in Congress that are licensed or capable of designing these structures, I wanted to make certain that in the bill there is the language that you're concerned about; that we do have the ability—under page 6, if you've not read the bill yet. But it talks about how that's to be designed, constructed, and maintained under this language.

So we have to make sure this bill, if we pass it, is going to be maintained and the State's going to look at it. If there's a violation of that, then the EPA can step in. Because please understand that we've got numbers of protections written into this bill. The

EPA enforcement inspection authority is already there.

Under page 18, if you've read the rest of the bill, it talks about imminent hazard. They can step in at any time under imminent hazard and take control over this if they have a problem with it. There's also the provision for law enforcement.

But, more importantly, if the EPA determines that a particular State coal combustion residual program is deficient—if it's deficient because of a lack of proper implementation, there are options available in the bill for the EPA to step in, administer, and enforce the program in that State.

My colleague, this amendment, although well intended, is unnecessary. It's not about giving the EPA authority it does not have and will not have. It's another vote of no confidence in the State, while, at the same time, encouraging the EPA to meddle in State matters.

Mr. RUSH. Will the gentleman yield?

Mr. MCKINLEY. I yield to the gentleman from Illinois.

Mr. RUSH. I want to thank the gentleman.

I have read the bill. And under this bill, if a State fails to do an adequate job of enforcing this program there is only one remedy: EPA has to take over the entire program. And we all know that having EPA take over a State's program is unlikely and highly undesirable.

My amendment creates an additional remedy for inadequate State enforcement that is more measured than taking over a State's program. It allows the EPA to enforce State requirements if a structure is in violation and the State isn't doing anything about it. Without this amendment, a State could fail to implement their program for coal ash disposal in a way that puts human health and the environment at risk, and there would be no discrete way for the EPA to intervene to provide the necessary safeguards.

Mr. MCKINLEY. Let me reclaim my time, if I could.

Again, with all due respect, I think there are at least three components there that you're overlooking in your amendment. One is that these dams are designed by professional engineers that are stamping and maintaining and seen by contractors. They have to see that those dams are maintained, those structures. So there's not a threat.

Second, you have the issue of imminent hazard under page 18. Please read the bill, and you'll see that they can step in at any time if they feel that there's a threat. They can step in and take care of that.

And then there are other provisions in there that allow other people to file class actions or individual actions against this if they feel it's being violated. So we've got three protections already built into this bill to take care

of the issue, which I agree you can be concerned about. But it's one thing we made sure was in this bill when it was drafted.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. RUSH. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-244.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new section:

SEC. 4. STUDY.

(a) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Administrator of the Environmental Protection Agency shall submit to Congress a report containing the results of a study to determine the long-term impacts of State coal combustion residuals permit programs on human health and the environment.

(b) DEFINITION.—For the purposes of this section, the term "State coal combustion residuals permit program" means a coal combustion residuals permit program implemented by a State under section 4011 of the Solid Waste Disposal Act (as added by this Act).

The Acting CHAIR. Pursuant to House Resolution 431, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I thank the Chairwoman, and I thank the committee for its courtesies and the Rules Committee for their courtesies.

It would seem unusual to have a poster that says "Make It in America" on this discussion. But I think I'll lay the groundwork that we have no angst against the assets and natural resources that are in this particular country generating opportunities for work. But what my friends, in putting forward this legislation on the other side of the aisle, are asking us to do is to take a, if you will, word action and simply quash the EPA; take a sledge hammer and sledge-hammer the EPA.

And what we're saying is that there is a place for State regulations, and there is a place for the involvement of the Federal response.

Let me give you the most potent example. In 2008, failure of a coal ash im-

poundment in Kingston, Tennessee, spilled more than 5 million cubic yards of coal ash and will require approximately \$1.2 billion for cleanup. It is a stark reminder that we must have mutual involvement of the State and the Federal Government.

Now, many of you may have seen the news clips on that story. I remember seeing a couple come out and look in utter amazement at the loss of their beautiful property and their home, wondering how they were going to recoup. We call that a natural disaster.

But the point in this legislation, even as I believe that we have the opportunity to grow economies with knowing how to do things in the right way, is that there is a failure to recognize the importance of the health and the safety of the American people.

My amendment is simply requiring the EPA to study the impact of these permits on our environment and health. This is a reasonable request, considering our use of coal generates 130 million tons of waste a year.

The bad part about it is that the Federal Government, the President of the United States, who has introduced a jobs bill which cannot get an iota of attention here, is indicating that this bill will be vetoed because, in fact, what it wants to do is to leave everything to the State without cooperation.

What I'm suggesting is, let's cooperate. And so my amendment says that the EPA will have a broad report containing the results of a study to determine a long-term impact of State coal combustion residuals permit programs on human health and the environment. It has nothing to do with shutdown, but it does have to do with saying that the EPA must have a role in the protection of the quality of life of all Americans.

So, for example, they have a responsibility, as the States do, to take care of Tennesseans or Illinoisans or Texans who happen to be in Texas. But remember, folks, we live in America. Most of us don't want to secede from the Union, if you will, or the Nation, and we want the protection of the Federal Government.

□ 1250

That \$1.2 billion involves the Federal Government in helping to clean up what was a disaster. My only point is that we are champions of Make It In America. We are champions. And on this poster, you will see a number of individuals—a hard hat, a teacher, and someone who is dealing with the health and safety of Americans. We are champions of this. That's why many of us want to vote on the American Jobs Act to create jobs for our teachers, our firefighters, and our law enforcement.

But I would share with you that these are also Americans whose quality of life we have to protect. And while we're Making It In America, while

we're manufacturing, while we have the assets that this bill attempts to address, can we also respect the quality of life of our children and our seniors and those who suffer from respiratory ailments and individuals that are pregnant and newborns and toddlers who may be impacted by this particular issue? Kingston, Tennessee, is a Superfund location, as we speak, because of that terrible disaster.

So I would ask my colleagues to support a simple amendment of cooperation. That cooperation is for the EPA study to assess the impact on not only those in a State, but on Americans. I believe that we're all in this together. We live in a great country, and we're all patriots.

I might conclude my remarks by saying for those who are on the front lines fighting for us, they would like us to recognize that it is important to keep America great. America is great as we build, keep the quality of life that allows our citizens to thrive and prosper, protect our seniors, protect our children, protect those families and protect businesses as they continue to try and do what is right for the American people. Make It In America the right way. That means the EPA must be able to do its job as well.

With that, I ask my colleagues to support the amendment.

Madam Chair, I rise today in support of my amendment #4 to H.R. 2273, "Coal Residuals Reuse and Management Act," as it requires the Environmental Protection Agency to conduct a study to determine the long-term impacts of State Coal Combustion Residuals Permit programs on human health and the environment.

As the Representative of the 18th Congressional District, located in Houston, Texas, I understand the role that the coal industry plays in our economy and will continue to play in the future. As Houston is the Nation's energy capital. Our Nation needs a concrete and viable strategy for gaining independence from foreign energy sources.

My amendment is simply requiring the EPA to study the impact of these permits on our environment and health. This is a reasonable request considering our use of coal generates 130 million tons of waste. Most of this waste consists of coal ash which is filled with many life-threatening substances. The manner in which this coal ash is stored can have an extreme impact on the environment, public health and public safety. If this bill prevents the EPA from issuing regulations on this ash, then the EPA should at least be allowed to review the effectiveness of state level programs.

I am well versed in the importance of addressing energy industry concerns. Houston is the fourth most populous city in the United States, and is home to nearly 3,500 energy companies and related firms. There is no denying the importance the energy industry has in creating jobs in Houston and across our Nation.

We must not forget that the coal industry in the United States is responsible for producing nearly half of our Nation's electricity. At the

same time we must balance environmental and public health concerns. I understand the need to put the hard-working people back to work, and I believe it can be done in compromise with the Environmental Protection Agency.

Every industry has its share of risks. Industries that have a significant impact on the environment, health and safety of people living in the United States must meet high standards to ensure that public health and the environment are protected. The waste produced by the coal industry should not receive special treatment.

Coal ash is the second largest industrial waste stream in the United States. Every year, over 130 million tons of coal ash is produced. This ash contains a significant list of cancer causing and neurotoxin chemicals including arsenic, lead, chromium, cadmium and mercury. Remember mercury has possible ties to causing birth defects in pregnant women.

This ash is stored in ponds and landfills around our Nation. Today, this bill is enabling states to attain permits in order to deal with this ash. It is important to remember that these byproducts can seep into our water and fly about our air. This cancer causing ash and we need to ensure that it is properly regulated.

As it stands most states do not have regulations in place to keep coal ash, or as I would like to call it toxic ash, safely away from our air and our drinking water. When this ash is stored in dry, lined impoundments it is perfectly safe; however when this ash finds its way into the nearly 500 wet ponds across our Nation, there are serious risks poised to those living near those locations.

I remember the *Exxon Valdez* oil spill and the BP oil spills. I was among the first voices calling for additional scrutiny and stiffening of safety measures. Well, in Kingston, Tennessee, the residents found up to a billion gallons of coal ash coating their community.

The Kingston, Tennessee, coal ash spill was 100 times larger than the *Exxon Valdez* oil spill and 5 times larger than the BP Deepwater Horizon oil spill of 2010. In its volume it is the largest environmental disaster in the United States. It will require approximately \$1.2 billion for clean-up. We all pay when these sites fail. This legislation does not include any language to increase new safety standards. These decisions are all going to be done at the state level. When you think about this, remember the residents of Kingston, Tennessee.

The Kingston disaster should cause each of us to take a look at how this coal ash is stored and managed. At least every three years since 2002 there have been major breaks in coal ash ponds, this has resulted in millions of pounds of toxic sludge entering our waterways and thereby our drinking water sources.

My amendment would require the EPA to study the long-term effects of these ponds and landfills on public health and the environment. It also requires that the EPA reports their findings to Congress.

We must take the steps necessary to address this potentially dangerous hazard. I understand that coal ash can be stored safely, I just want to ensure that it is stored properly.

Mr. SHIMKUS. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Thank you, Madam Chairman.

Let me thank my colleague for offering an amendment to the bill.

A couple of things have been discussed during the debate. Obviously, she mentioned Kingston, Tennessee. What she has to remember is that was TVA. That was a government entity. That wasn't a natural disaster. That was a manmade disaster by a Federal Government, in essence, an agency.

I've stated numerous times what this bill does. It sets a standard that the States have to comply with to get certified by the EPA. Of course, in that process, under Federal law currently and locally, there is an opportunity for comment.

In addition, EPA, within the last week, announced that soon it will be seeking comments under the Notice of Data Availability, or what is referred to as NODA, on the adequacy of State programs—this would fall directly in this; that's why this amendment is duplicative—as well as the State's comments on EPA's proposed rule for coal ash.

This NODA was not required by law and certainly was not the result of a statute. This is something that the agency is doing. While the study is found to be innocuous, it does have a cost to taxpayers and the agency, and so in that aspect.

My colleague also is following this a little bit. The debate is coal ash, or fly ash, which is in impounded areas that we are now going to have some standards and liners, is used in recycling. It's used in road construction. It's used in building schools. The whole reason why we're here today is to ensure that the recycling sector can still do that if the EPA continues to label it as "toxic," which does not meet the standard of a toxicity based upon an analysis.

I love this, "toxic sludge." You can pick up dirt, and there's toxic elements in the dirt. The question is: To what standard does it rise? And if it doesn't rise to the level of toxicity, then it's not considered. And that's what this debate is all about, allowing the recycling of this. And if we don't do this, all our landfills will be filled with coal ash, and then we'll have to build more landfills for municipal solid waste.

So that's why I appreciate my colleague from West Virginia in this great piece of legislation. The administration has not issued a veto threat for this, and I expect it to be well received in the other Chamber once it moves over.

With that, again, I ask my colleagues to reject the Jackson amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Ms. JACKSON LEE of Texas. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-244 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. WAXMAN of California.

Amendment No. 3 by Mr. MARKEY of Massachusetts.

Amendment No. 4 by Mr. MARKEY of Massachusetts.

Amendment No. 5 by Mr. RUSH of Illinois.

Amendment No. 6 by Ms. JACKSON LEE of Texas.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. WAXMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 236, not voting 26, as follows:

[Roll No. 794]

AYES—171

Ackerman	Cooper	Hastings (FL)
Andrews	Costa	Heinrich
Baca	Courtney	Higgins
Baldwin	Crowley	Himes
Barrow	Cuellar	Hinchee
Becerra	Cummings	Hinojosa
Berkley	Davis (CA)	Hirono
Berman	Davis (IL)	Hochul
Bishop (NY)	DeFazio	Holt
Blumenauer	DeGette	Honda
Boswell	DeLauro	Hoyer
Brady (PA)	Deutch	Inslee
Brown (FL)	Dicks	Israel
Butterfield	Dingell	Jackson (IL)
Capps	Doggett	Jackson Lee
Capuano	Donnelly (IN)	(TX)
Cardoza	Doyle	Johnson (GA)
Carnahan	Edwards	Johnson, E. B.
Carney	Engel	Kaptur
Carson (IN)	Eshoo	Keating
Castor (FL)	Farr	Kissell
Chandler	Fattah	Kucinich
Chu	Filner	Lance
Cicilline	Frank (MA)	Langevin
Clarke (MI)	Fudge	Larsen (WA)
Clarke (NY)	Gibson	Larson (CT)
Clay	Green, Al	Lee (CA)
Cleaver	Green, Gene	Levin
Clyburn	Grijalva	Lewis (GA)
Cohen	Gutierrez	Lipinski
Connolly (VA)	Hahn	LoBiondo
Conyers	Hanabusa	Loebsack

Lofgren, Zoe	Perlmutter	Sherman
Lowey	Peters	Shuler
Lujan	Pingree (ME)	Sires
Lynch	Price (NC)	Smith (NJ)
Maloney	Quigley	Smith (WA)
Markey	Rahall	Speier
Matsui	Rangel	Stark
McCarthy (NY)	Richardson	Sutton
McCollum	Richmond	Thompson (CA)
McDermott	Rothman (NJ)	Thompson (MS)
McGovern	Roybal-Allard	Tierney
McNerney	Ruppersberger	Tonko
Michaud	Rush	Towns
Miller (NC)	Ryan (OH)	Tsongas
Miller, George	Sánchez, Linda	Van Hollen
Moore	T.	Velázquez
Moran	Sanchez, Loretta	Visclosky
Murphy (CT)	Sarbanes	Walz (MN)
Nadler	Schakowsky	Wasserman
Napolitano	Schiff	Schultz
Neal	Schrader	Waters
Oliver	Schwartz	Watt
Pallone	Scott (VA)	Waxman
Pascarell	Scott, David	Welch
Pastor (AZ)	Serrano	Woolsey
Payne	Sewell	Yarmuth

NOES—236

Adams	Flake	Marchant
Aderholt	Fleischmann	Marino
Akin	Fleming	Matheson
Alexander	Forbes	McCarthy (CA)
Altmire	Fortenberry	McCaul
Amash	Foxo	McClintock
Amodei	Franks (AZ)	McCotter
Austria	Frelinghuysen	McHenry
Bachus	Gardner	McKeon
Barletta	Garrett	McKinley
Bartlett	Gerlach	McMorris
Barton (TX)	Gibbs	Rodgers
Bass (NH)	Gingrey (GA)	Meehan
Benishak	Gohmert	Mica
Berg	Goodlatte	Miller (FL)
Biggert	Gowdy	Miller (MI)
Bilbray	Granger	Miller, Gary
Bilirakis	Graves (GA)	Mulvaney
Bishop (GA)	Graves (MO)	Murphy (PA)
Bishop (UT)	Griffin (AR)	Myrick
Black	Griffith (VA)	Neugebauer
Blackburn	Grimm	Noem
Bonner	Guinta	Nugent
Bono Mack	Guthrie	Nunes
Boren	Hall	Nunnelee
Boustany	Hanna	Olson
Brady (TX)	Harper	Owens
Brooks	Harris	Palazzo
Broun (GA)	Hartzler	Paulsen
Buchanan	Hastings (WA)	Pearce
Bucshon	Hayworth	Pence
Buerkle	Heck	Peterson
Burgess	Hensarling	Petri
Burton (IN)	Herger	Pitts
Calvert	Herrera Beutler	Platts
Camp	Holden	Poe (TX)
Campbell	Huelskamp	Pompeo
Canseco	Huizenga (MI)	Posey
Cantor	Hultgren	Price (GA)
Capito	Hunter	Quayle
Carter	Hurt	Reed
Cassidy	Issa	Rehberg
Chabot	Jenkins	Reichert
Chaffetz	Johnson (OH)	Renacci
Coffman (CO)	Johnson, Sam	Ribble
Cole	Jones	Rigell
Conaway	Kelly	Rivera
Crawaack	Kind	Roby
Crawford	King (IA)	Roe (TN)
Crenshaw	King (NY)	Rogers (AL)
Critz	Kingston	Rogers (KY)
Culberson	Kinzinger (IL)	Rogers (MI)
Davis (KY)	Kline	Rohrabacher
Denham	Labrador	Rokita
Dent	Lamborn	Rooney
DesJarlais	Landry	Ros-Lehtinen
Diaz-Balart	Lankford	Roskam
Dold	Latham	Ross (AR)
Dreier	LaTourette	Ross (FL)
Duffy	Latta	Royce
Duncan (SC)	Long	Runyan
Duncan (TN)	Lucas	Ryan (WI)
Ellmers	Luetkemeyer	Scalise
Emerson	Lungren, Daniel	Schilling
Earnhardt	E.	Schmidt
Fincher	Mack	Schock
Fitzpatrick	Manzullo	Schweikert

Scott (SC)	Terry	Westmoreland
Scott, Austin	Thompson (PA)	Whitfield
Sensenbrenner	Thornberry	Wilson (SC)
Sessions	Tiberi	Wittman
Shimkus	Timpani	Wolf
Shuster	Turner (NY)	Womack
Simpson	Turner (OH)	Woodall
Smith (NE)	Upton	Yoder
Smith (TX)	Walberg	Young (AK)
Southerland	Walden	Young (FL)
Stearns	Walsh (IL)	Young (IN)
Stivers	Webster	
Stutzman	West	

NOT VOTING—26

Bachmann	Giffords	Meeks
Bass (CA)	Gonzalez	Paul
Braley (IA)	Gosar	Pelosi
Coble	Johnson (IL)	Polis
Costello	Jordan	Reyes
Ellison	Kildee	Slaughter
Flores	Lewis (CA)	Sullivan
Gallegly	Lummis	Wilson (FL)
Garamendi	McIntyre	

□ 1322

Messrs. GRIFFITH of Virginia, POMPEO, HERGER, GRAVES of Georgia, DENHAM and FORTENBERRY changed their vote from “aye” to “no.”

Mr. BARROW changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Chair, on roll-call No. 794, had I been present, I would have voted “present.”

AMENDMENT NO. 3 OFFERED BY MR. MARKEY

The Acting CHAIR (Mr. SCHOCK). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 231, not voting 29, as follows:

[Roll No. 795]

AYES—173

Ackerman	Cicilline	Dent
Andrews	Clarke (MI)	Deutch
Baca	Clarke (NY)	Dicks
Baldwin	Clay	Dingell
Becerra	Cleaver	Doggett
Berkley	Clyburn	Doyle
Berman	Cohen	Edwards
Bishop (GA)	Connolly (VA)	Engel
Bishop (NY)	Conyers	Eshoo
Blumenauer	Cooper	Farr
Boswell	Costa	Fattah
Brady (PA)	Courtney	Filner
Brown (FL)	Critz	Fitzpatrick
Butterfield	Crowley	Fortenberry
Capps	Cuellar	Frank (MA)
Capuano	Cummings	Fudge
Carnahan	Davis (CA)	Garamendi
Carney	Davis (IL)	Green, Al
Carson (IN)	DeFazio	Green, Gene
Castor (FL)	DeGette	Grijalva
Chu	DeLauro	Gutierrez

Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lujan

NOES—231

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham

Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)

Bachmann
Bass (CA)
Braley (IA)
Coble
Costello
Ellison
Flores
Foxy
Gallegly
Giffords

Royce
Ryunan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Terry
Thompson (PA)

NOT VOTING—29

Gingrey (GA)
Gonzalez
Gosar
Johnson, Sam
Jordan
Kildee
King (IA)
Lance
Lewis (CA)
McIntyre

Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Meeks
Paul
Pelosi
Peterson
Polis
Shuster
Slaughter
Sullivan
Wilson (FL)

Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCormack
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)

NOES—223

Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Forbes
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren

Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wolf
Woolsey
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1327

So the amendment was rejected.
The result of the vote was announced
as above recorded.

AMENDMENT NO 4. OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Massachusetts (Mr.
MARKEY) on which further proceedings
were postponed and on which the noes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 185, noes 223,
not voting 25, as follows:

[Roll No. 796]

AYES—185

Ackerman
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (FL)
Buchanan
Butterfield
Capps
Capuano
Cardoza

Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Ciocilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley

Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Engel
Eshoo
Farr
Fattah

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Critz

Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Latham
LaTourette
Long
Lucas
Luetkemeyer
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer

Noem	Rogers (MI)	Stearns	Garamendi	Lofgren, Zoe	Ruppersberger	Nugent	Rohrabacher	Stearns
Nugent	Rohrabacher	Stivers	Green, Al	Lowey	Rush	Nunes	Rokita	Stivers
Nunes	Rokita	Stutzman	Lujan	Lujián	Ryan (OH)	Nunnelee	Rooney	Stutzman
Nunnelee	Rooney	Terry	Grijalva	Lynch	Sánchez, Linda	Olson	Ros-Lehtinen	Terry
Olson	Ros-Lehtinen	Thompson (PA)	Gutierrez	Maloney	T.	Palazzo	Roskam	Thompson (PA)
Palazzo	Roskam	Thornberry	Hahn	Markley	Sanchez, Loretta	Paulsen	Ross (AR)	Thornberry
Paulsen	Ross (AR)	Tiberi	Hanabusa	Matsui	Sarbanes	Pearce	Ross (FL)	Tiberi
Pearce	Ross (FL)	Tipton	Hanna	McCarthy (NY)	Schiff	Pence	Royce	Tipton
Pence	Royce	Turner (NY)	Hastings (FL)	McCollum	Schrader	Petri	Runyan	Turner (NY)
Petri	Runyan	Turner (OH)	Heinrich	McDermott	Schwartz	Pitts	Ryan (WI)	Turner (OH)
Pitts	Ryan (WI)	Upton	Higgins	McGovern	Scott (VA)	Platts	Scalise	Upton
Platts	Scalise	Walberg	Himes	McNerney	Scott, David	Pompeo	Schakowsky	Visclosky
Pompeo	Schilling	Walden	Hinchey	Michaud	Serrano	Posey	Schilling	Walberg
Posey	Schmidt	Walsh (IL)	Hinojosa	Miller (NC)	Sewell	Price (GA)	Schmidt	Walden
Price (GA)	Schock	Webster	Hirono	Miller, George	Sherman	Quayle	Schock	Walsh (IL)
Quayle	Schweikert	West	Hochul	Moore	Shuler	Rahall	Schweikert	Webster
Reed	Scott (SC)	Westmoreland	Holden	Moran	Sires	Reed	Scott (SC)	West
Rehberg	Scott, Austin	Whitfield	Holt	Murphy (CT)	Smith (WA)	Rehberg	Scott, Austin	Westmoreland
Renacci	Sensenbrenner	Wilson (SC)	Honda	Nadler	Speier	Renacci	Sensenbrenner	Wilson (SC)
Ribble	Sessions	Wittman	Hoyer	Napolitano	Stark	Ribble	Sessions	Wittman
Rigell	Shimkus	Womack	Inslee	Neal	Sutton	Rigell	Shimkus	Womack
Rivera	Shuster	Woodall	Israel	Olver	Thompson (CA)	Rivera	Shuster	Woodall
Roby	Simpson	Yoder	Jackson (IL)	Owens	Thompson (MS)	Roby	Simpson	Yoder
Roe (TN)	Smith (NE)	Young (AK)	Jackson Lee	Pallone	Tierney	Roe (TN)	Smith (NE)	Young (AK)
Rogers (AL)	Smith (TX)	Young (FL)	(TX)	Pascarell	Tonko	Rogers (AL)	Smith (NJ)	Young (FL)
Rogers (KY)	Southerland	Young (IN)	Johnson (GA)	Pastor (AZ)	Towns	Rogers (KY)	Smith (TX)	Young (IN)

NOT VOTING—25

Bachmann	Gonzalez	Pelosi
Bass (CA)	Gosar	Peterson
Braley (IA)	Jordan	Poe (TX)
Coble	Kildee	Polis
Costello	Lewis (CA)	Slaughter
Ellison	Lummis	Sullivan
Flores	McIntyre	Wilson (FL)
Gallegly	Meeks	
Giffords	Paul	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There are 30 seconds remaining.

□ 1330

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. RUSH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. RUSH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 241, not voting 28, as follows:

[Roll No. 797]

AYES—164

Ackerman	Carson (IN)	Davis (IL)
Andrews	Castor (FL)	DeFazio
Baca	Chu	DeGette
Baldwin	Cicilline	DeLauro
Barrow	Clarke (MI)	Deutch
Becerra	Clarke (NY)	Dicks
Berkley	Clay	Dingell
Berman	Cleaver	Doggett
Bishop (NY)	Clyburn	Doyle
Blumenauer	Cohen	Edwards
Brady (PA)	Connolly (VA)	Ellison
Brown (FL)	Conyers	Engel
Butterfield	Courtney	Eshoo
Capps	Crowley	Farr
Capuano	Cuellar	Finer
Carnahan	Cummings	Frank (MA)
Carney	Davis (CA)	Fudge

NOES—241

Adams	Davis (KY)
Aderholt	Denham
Akin	Dent
Alexander	DesJarlais
Altmire	Diaz-Balart
Amash	Dold
Amodei	Donnelly (IN)
Austria	Dreier
Bachus	Duffy
Barletta	Duncan (SC)
Bartlett	Duncan (TN)
Barton (TX)	Ellmers
Bass (NH)	Emerson
Benishek	Farenthold
Berg	Fincher
Biggart	Fitzpatrick
Bilbray	Flake
Bilirakis	Fleischmann
Bishop (GA)	Fleming
Bishop (UT)	Forbes
Black	Fortenberry
Blackburn	Fox
Bonner	Franks (AZ)
Bono Mack	Frelinghuysen
Boren	Gardner
Boswell	Garrett
Boustany	Gerlach
Brady (TX)	Gibbs
Brooks	Gibson
Broun (GA)	Gingrey (GA)
Buchanan	Gohmert
Bucshon	Goodlatte
Buerkle	Gowdy
Burgess	Granger
Burton (IN)	Graves (GA)
Calvert	Graves (MO)
Camp	Griffin (AR)
Campbell	Griffith (VA)
Canseco	Grimm
Capito	Guinta
Carter	Guthrie
Cassidy	Hall
Chabot	Harper
Chaffetz	Harris
Chandler	Hartzler
Coffman (CO)	Hastings (WA)
Cole	Hayworth
Conaway	Heck
Costa	Hensarling
Cravaack	Herger
Crawford	Herrera Beutler
Crenshaw	Huelskamp
Critz	Huizenga (MI)
Culberson	Hultgren

Hunter	Johnson (IL)
Hurt	Johnson (OH)
Issa	Johnson, Sam
Jenkins	Jones
Johnson (IL)	Kelly
Johnson (OH)	Kind
Johnson, Sam	King (IA)
Jones	King (NY)
Kelly	Kingston
Kind	Kinzing (IL)
King (IA)	Kline
King (NY)	Labrador
Kingston	Lamborn
Kinzing (IL)	Lance
Kline	Landry
Labrador	Lankford
Lamborn	Latham
Lance	LaTourette
Landry	Latta
Lankford	LoBiondo
Latham	Long
LaTourette	Lucas
Latta	Luetkemeyer
LoBiondo	Lummis
Long	Lungren, Daniel
Lucas	E.
Luetkemeyer	Mack
Lummis	Manzullo
Lungren, Daniel	Marchant
E.	Marino
Mack	Matheson
Manzullo	McCarthy (CA)
Marchant	McCauley
Marino	McClintock
Matheson	McCotter
McCarthy (CA)	McHenry
McCauley	McKeon
McClintock	McKinley
McCotter	McMorris
McHenry	Rodgers
McKeon	Meehan
McKinley	Mica
McMorris	Miller (FL)
Rodgers	Miller (MI)
Meehan	Miller, Gary
Mica	Mulvaney
Miller (FL)	Murphy (PA)
Miller (MI)	Myrick
Miller, Gary	Neugebauer
Mulvaney	Noem
Murphy (PA)	
Myrick	
Neugebauer	
Noem	

NOT VOTING—28

Bachmann	Gallegly	Pelosi
Bass (CA)	Giffords	Peterson
Braley (IA)	Gonzalez	Poe (TX)
Cantor	Gosar	Polis
Cardoza	Jordan	Slaughter
Coble	Kildee	Sullivan
Cooper	Lewis (CA)	Whitfield
Costello	McIntyre	Wilson (FL)
Fattah	Meeks	
Flores	Paul	

□ 1334

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. SCHAKOWSKY. Mr. Chair, during roll-call vote No. 797 on H.R. 2273, I mistakenly recorded my vote as “no” when I should have voted “aye.”

AMENDMENT NO. 6 OFFERED BY MS. JACKSON
LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 235, not voting 24, as follows:

[Roll No. 798]

AYES—174

Ackerman	Brady (PA)	Clarke (NY)
Andrews	Brown (FL)	Clay
Baca	Butterfield	Cleaver
Baldwin	Capps	Clyburn
Barrow	Capuano	Cohen
Becerra	Carnahan	Connolly (VA)
Berkley	Carney	Conyers
Berman	Carson (IN)	Cooper
Bishop (GA)	Castor (FL)	Courtney
Bishop (NY)	Chu	Crowley
Blumenauer	Cicilline	Cuellar
Boswell	Clarke (MI)	Cummings

Davis (CA) Johnson (GA)
 Davis (IL) Johnson (IL)
 DeFazio Johnson, E. B.
 DeGette Kaptur
 DeLauro Keating
 Deutch Kissell
 Dicks Kucinich
 Dingell Lance
 Doggett Langevin
 Donnelly (IN) Larsen (WA)
 Doyle Larson (CT)
 Edwards Lee (CA)
 Ellison Levin
 Engel Lewis (GA)
 Eshoo Lipinski
 Farr LoBiondo
 Fattah Loebsock
 Filner Lofgren, Zoe
 Fitzpatrick Lowey
 Fortenberry Lujan
 Frank (MA) Lynch
 Fudge Maloney
 Garamendi Markey
 Gerlach Matsui
 Gibson McCarthy (NY)
 Green, Al McCollum
 Green, Gene McDermott
 Grijalva McGovern
 Gutierrez McNerney
 Hahn Michaud
 Hanabusa Miller (NC)
 Hanna Miller, George
 Hastings (FL) Moore
 Heinrich Moran
 Higgins Murphy (CT)
 Himes Nadler
 Hinchey Napolitano
 Hinojosa Neal
 Hirono Olver
 Hochul Pallone
 Holt Pascarell
 Honda Pastor (AZ)
 Hoyer Payne
 Inslee Perlmutter
 Israel Peters
 Jackson (IL) Pingree (ME)
 Jackson Lee Price (NC)
 (TX) Quigley

NOES—235

Adams Cole
 Aderholt Conaway
 Akin Costa
 Alexander Cravaack
 Altmire Crawford
 Amash Crenshaw
 Amodei Critz
 Austria Culberson
 Bachus Davis (KY)
 Barletta Denham
 Bartlett Dent
 Barton (TX) DesJarlais
 Bass (NH) Diaz-Balart
 Benishkek Dold
 Berg Dreier
 Biggert Duffy
 Bilbray Duncan (SC)
 Billirakis Duncan (TN)
 Bishop (UT) Ellmers
 Black Emerson
 Blackburn Farenthold
 Bonner Fincher
 Bono Mack Flake
 Boren Fleischmann
 Boustany Fleming
 Brady (TX) Forbes
 Brooks Foxx
 Broun (GA) Franks (AZ)
 Buchanan Frelinghuysen
 Bucshon Gardner
 Buerkle Garrett
 Burgess Gibbs
 Burton (IN) Gingrey (GA)
 Calvert Gohmert
 Camp Goodlatte
 Campbell Gowdy
 Canseco Granger
 Cantor Graves (GA)
 Capito Graves (MO)
 Cardoza Griffin (AR)
 Carter Griffith (VA)
 Cassidy Grimm
 Chabot Guinta
 Chaffetz Guthrie
 Chandler Hall

Rangel
 Reyes
 Richardson
 Richmond
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schiff
 Schrader
 Schwartz
 Scott (VA)
 Scott, David
 Serrano
 Sewell
 Sherman
 Sires
 Smith (NJ)
 Smith (WA)
 Speier
 Stark
 Sutton
 Thompson (CA)
 Thompson (MS)
 Tierney
 Tonko
 Towns
 Tsongas
 Van Hollen
 Velázquez
 Walz (MN)
 Wasserman
 Schultz
 Waters
 Watt
 Waxman
 Welch
 Woolsey
 Yarmuth

McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McKeon
 McKinley
 McMorris
 Rodgers
 Meehan
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Mulvaney
 Murphy (PA)
 Myrick
 Neugebauer
 Noem
 Nugent
 Nunes
 Nunnelee
 Olson
 Owens
 Palazzo
 Paulsen
 Pearce
 Pence
 Petri
 Pitts
 Platts
 Pompeo
 Posey
 Price (GA)

Quayle
 Rahall
 Reed
 Rehberg
 Reichert
 Renacci
 Ribble
 Rigell
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (AR)
 Ross (FL)
 Royce
 Runyan
 Ryan (WI)
 Scalise
 Schilling
 Schmidt
 Schock
 Schweikert
 Scott (SC)
 Scott, Austin
 Sensenbrenner
 Sessions
 Shimkus

Shuler
 Shuster
 Simpson
 Smith (NE)
 Smith (TX)
 Southerland
 Stearns
 Stivers
 Stutzman
 Terry
 Thompson (PA)
 Thornberry
 Tiberi
 Tipton
 Turner (NY)
 Turner (OH)
 Upton
 Visclosky
 Walberg
 Walden
 Walsh (IL)
 Webster
 West
 Westmoreland
 Whitfield
 Wilson (SC)
 Wittman
 Wolf
 Womack
 Woodall
 Yoder
 Young (AK)
 Young (FL)
 Young (IN)

NOT VOTING—24

Bachmann
 Bass (CA)
 Braley (IA)
 Coble
 Coffman (CO)
 Costello
 Flores
 Gallegly
 Giffords
 Gonzalez
 Gosar
 Jordan
 Kildee
 Lewis (CA)
 McIntyre
 Meeks
 Paul
 Pelosi
 Peterson
 Poe (TX)
 Polis
 Slaughter
 Sullivan
 Wilson (FL)

□ 1338

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHAFETZ) having assumed the chair, Mr. SCHOCK, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2273) to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels, and, pursuant to House Resolution 431, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CICILLINE. I have a motion to recommit at the desk, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CICILLINE. Yes, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Cicilline moves to recommit the bill H.R. 2273 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following section:

SEC. 4. LIFE SAVING WARNING SYSTEM FOR CATASTROPHIC IMPOUNDMENT FAILURE.

(a) IN GENERAL.—Notwithstanding any other provision of this Act (including the amendments made by this Act), the Administrator of the Environmental Protection Agency shall require any person who owns or operates a surface impoundment described in subsection (b) to equip such surface impoundment with a sufficient system to monitor for, and notify persons of, a potentially hazardous condition that could lead to failure of the surface impoundment. In the event a potentially hazardous condition develops that could lead to such a failure, the person owning or operating such surface impoundment shall immediately—

(1) take action to eliminate the potentially hazardous condition;

(2) notify State and local first responders; and

(3) notify, prepare to evacuate, and evacuate, if necessary, local residents, personnel from the owner or operator's property, and any other persons who may be affected by the hazardous condition.

(b) SURFACE IMPOUNDMENTS DESCRIBED.—A surface impoundment described in this subsection is a surface impoundment—

(1) that is subject to a coal combustion residuals permit program (as such term is defined in section 4011 of the Solid Waste Disposal Act, as added by this Act); and

(2) the failure or misoperation of which will probably cause loss of human life.

Mr. CICILLINE (during the reading). I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The SPEAKER pro tempore. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. CICILLINE. Mr. Speaker, this is the final amendment to this bill. It will obviously not result in any delay. Once this amendment is acted upon, we will immediately consider the bill.

Mr. Speaker, the people of the First Congressional District in Rhode Island, much like the men and women from districts and States across this country, sent me to Congress to focus on our most important priority as a Nation. That priority is getting people back to work and putting our economy

back on track. And yet here we are again, spending the time and energy of this Congress not focusing on creating jobs or reviving our economy, but instead we're spending the time and energy of this body with another piece of legislation that threatens our environment and fails to protect the health of our communities.

If we're going to be forced by the Republican leadership to spend time in Congress considering legislation with the potential to devastate our environment and damage public health, then at the very least we should allow some semblance of common sense to prevail. At the very least, those of us in this Congress with a sense of responsibility for protecting the health and safety of our communities must impress upon others the inherent dangers in the legislation before us today, a bill that fails to set sufficient baseline standards for coal ash storage and disposal, which is why I'm offering a simple, straightforward amendment that could avert future tragedies, both human and environmental.

While the underlying premise of this bill threatens the public safety and health of communities, and while the provisions in this legislation set insufficient standards to ensure the adequate protection of our environment and public health, I, like many of my colleagues, am a pragmatist. I fully understand that, despite my opposition to this bill, H.R. 2273, it's going to pass the House today. But as a former mayor, I take the public safety of my community and monitoring and preparing for and managing disasters very seriously.

The key to this work, the element that saves lives and property, is early warning. Local communities cannot absorb all of this responsibility themselves. Operators and owners must do their part. And while I oppose this bill, it's indefensible to let this legislation proceed without including commonsense emergency preparedness provisions, which is exactly what this amendment will do.

The 2008 coal ash impoundment failure in Kingston, Tennessee, spilled more than 5 million cubic yards of coal ash, and you can see it depicted in these photographs. Over 1 billion pounds of coal ash sludge swamped houses, filled rivers, and covered 300 acres of land. Three hundred acres of land covered in coal ash, a substance found to contain significant quantities of arsenic and other toxins.

Nearly 4 years ago, a coal waste impoundment on Buffalo Creek in West Virginia burst, unleashing a wave of floods more than 15 feet high, traveling at a rate of about 7 feet per second. The wave struck the community living below the impoundment without warning. Within just a few hours, 125 people were dead—including 30 infants and young children—more than 1,000 in-

jured, and 4,000 people were left homeless. Mining officials had been monitoring the rising water levels in the impoundment for 4 days before it burst and yet never informed the men, women, and children in harm's way. This amendment will help ensure these human tragedies and catastrophic environmental disasters never happen again.

This amendment requires owners and operators of surface impoundments to equip their facilities with systems to monitor for potentially hazardous conditions that could lead to a failure of the impoundment. Further, should a potentially hazardous condition develop at surface impoundments, this straightforward, commonsense amendment will require owners and operators to take action to eliminate the hazardous condition, to notify first responders and take appropriate steps to notify and/or evacuate residents, personnel, and others who may be in harm's way.

In the United States right now, there are 49 toxic waste ponds at risk of catastrophic failure, just like the one that devastated Kingston, Tennessee. Each year, the United States generates 130 million tons of coal ash. We need to be prepared.

As the former mayor of Providence, which was the first municipality in the Nation to receive accreditation from the Emergency Management Accreditation Program, I understand the importance of preparedness and the responsibility that comes with it. Monitoring and early warning of potentially hazardous conditions save lives.

We need to make certain that if this legislation passes, it includes these commonsense safeguards that will avert another tragedy and devastation. It's the responsibility of this body to protect the health and safety of the communities we serve and those affected by the legislation we pass.

I urge my colleagues to support this commonsense amendment and do all that we can to avoid this kind of disaster again.

I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Thank you, Mr. Speaker, and I do rise in opposition to the motion to recommit.

On this bill there are two camps in this body: There are Members who want to stop using coal for energy production as soon as possible and switch to other alternative energy forms; and then there is the group that recognizes that coal supplies half of our Nation's electricity and that, whether we like it or not, it will continue to do so for a fairly long time, so we need to manage as best we can the residuals left over after that coal is burned.

It's amazing what clever uses we have found for the coal ash that our power plants produce. Yes, it's used to strengthen concrete. In fact, the road builders report that road and bridge building costs will increase by \$100 billion over the next 20 years if we stop using coal ash in concrete. In fact, the standard, believe it or not, for the California highway authority is concrete strengthened with coal ash. The best wallboard, roofing shingles, even bowling balls contain coal ash.

But not all coal ash is beneficially used. That's why we need to make sure that what is disposed of will stay managed responsibly. Today States have a variety of standards for managing disposal of coal ash. The gentlelady from Wisconsin (Ms. BALDWIN) on our committee told us that her State finds uses for all of its coal ash. Other States have to deal with disposing of half or more of their coal ash.

Mr. MCKINLEY, the sponsor of this legislation, when he first joined our committee, he explained to us how the administration's proposals to regulate coal combustion residuals as though they are hazardous, were threatening the recycling industry. He asked us to support the bill to simply set those proposals aside.

We held a hearing on the bill and we heard from a variety of witnesses—from recyclers, from power plant operators, environmental groups, and others. But among the most important witnesses was a lady who spoke for the officials in every one of our 50 States who run the State solid waste management programs. She had a better idea. Explaining that States govern solid waste under stringent Federal guidelines, she asked: Why not do the same with coal ash? We States, she said, all run our solid waste programs just fine and are careful to meet the Federal standards for two reasons: First, we want to protect human health and the environment; and, second, we don't want the EPA running our programs for us.

So we rolled up our sleeves and drafted such a program—bipartisan, by the way. We started with the Federal municipal solid waste rules themselves and saw that most of those would apply very well to coal ash. Even the EPA said municipal solid waste laws are a good model for safe management of coal ash. After all, these laws protect us from everyday household trash that includes battery acid, mercury, paints, electronic parts, and who knows what else. But then we looked again and saw that there are different issues with coal ash, so we added some provisions to take those differences into account and make this bill even more protective.

The result was the bill before us today that is endorsed by one of the broadest, most interesting coalitions that we've seen. The Environmental

Council of the States, the 50 heads of the State environmental departments from Maine to California, strongly endorses the bill. So do the recyclers. And every Member, I'll bet, has heard from at least one of them. So do the power plant operators, the coal producers, the manufacturers, the cement industry, the private sector labor unions, and, yes, certainly the folks who pay their electricity bill.

So who's left out? Well, the opponents have really just one thing in common. They regret that coal is a big energy source, and they think that the sooner we can get off it, the better. They understand that to get there, you've got to stop the recycling first and then start regulating it as though it's hazardous. It's not.

□ 1350

Even Carol Browner said it's not. She said that in 1993, and she said that again in 2000.

This bill is a new approach. It's Congress setting the standards and the States making sure that they are met, as the States know best how to do.

I ask you to vote "no" on the motion to recommit and vote "yes" on final passage.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CICILLINE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 172, nays 238, not voting 23, as follows:

[Roll No. 799]

YEAS—172

Ackerman	Chu	Dingell
Altmire	Cicilline	Doggett
Andrews	Clarke (MI)	Donnelly (IN)
Baca	Clarke (NY)	Doyle
Baldwin	Clay	Edwards
Barrow	Cleaver	Ellison
Becerra	Clyburn	Engel
Berkley	Cohen	Eshoo
Berman	Connolly (VA)	Farr
Bishop (GA)	Conyers	Fattah
Bishop (NY)	Cooper	Filner
Blumenauer	Costa	Frank (MA)
Boswell	Courtney	Fudge
Brady (PA)	Critz	Garamendi
Brown (FL)	Crowley	Green, Al
Butterfield	Cuellar	Grijalva
Capps	Cummings	Gutierrez
Capuano	Davis (CA)	Hahn
Cardoza	Davis (IL)	Hanabusa
Carnahan	DeFazio	Hastings (FL)
Carney	DeGette	Heinrich
Carson (IN)	DeLauro	Higgins
Castor (FL)	Deutch	Himes
Chandler	Dicks	Hinchey

Hinojosa	McCollum	Sanchez, Loretta
Hirono	McDermott	Sarbanes
Hochul	McGovern	Schakowsky
Holden	McNerney	Schiff
Holt	Michaud	Schrader
Honda	Miller (NC)	Schwartz
Hoyer	Miller, George	Scott (VA)
Inslee	Moore	Scott, David
Israel	Moran	Serrano
Jackson (IL)	Murphy (CT)	Sherman
Jackson Lee	Nadler	Shuler
(TX)	Napolitano	Smith (WA)
Johnson (GA)	Neal	Speier
Johnson, E. B.	Oliver	Stark
Keating	Pallone	Sutton
Kind	Pascarell	Thompson (CA)
Kissell	Pastor (AZ)	Thompson (MS)
Kucinich	Payne	Tierney
Langevin	Perlmutter	Tonko
Larsen (WA)	Peters	Towns
Larson (CT)	Pingree (ME)	Tsongas
Lee (CA)	Price (NC)	Van Hollen
Levin	Quigley	Velázquez
Lewis (GA)	Rahall	Visclosky
Lipinski	Rangel	Walz (MN)
Loebach	Reyes	Wasserman
Lofgren, Zoe	Richardson	Schultz
Lowey	Richmond	Waters
Lujan	Rothman (NJ)	Watt
Lynch	Roybal-Allard	Waxman
Maloney	Ruppersberger	Welch
Markley	Rush	Woolsey
Matsui	Ryan (OH)	Yarmuth
McCarthy (NY)	Sánchez, Linda T.	

NAYS—238

Adams	Duncan (TN)	Kingston
Aderholt	Ellmers	Kinzing (IL)
Akin	Emerson	Kline
Alexander	Farenthold	Labrador
Amash	Fincher	Lamborn
Amodei	Fitzpatrick	Lance
Austria	Flake	Landry
Bachus	Fleischmann	Lankford
Barletta	Fleming	Latham
Bartlett	Forbes	LaTourette
Barton (TX)	Fortenberry	Latta
Bass (NH)	Fox	LoBiondo
Benish	Franks (AZ)	Long
Berg	Frelinghuysen	Lucas
Biggart	Gardner	Luetkemeyer
Bilbray	Garrett	Lummis
Bilirakis	Gerlach	Lungren, Daniel E.
Bishop (UT)	Gibbs	Mack
Black	Gibson	Manzullo
Blackburn	Gingrey (GA)	Marchant
Bonner	Gohmert	Marino
Bono Mack	Goodlatte	Matheson
Boren	Gosar	McCarthy (CA)
Boustany	Gowdy	McCauley
Brady (TX)	Granger	McClintock
Brooks	Graves (GA)	McCotter
Broun (GA)	Graves (MO)	McHenry
Buchanan	Green, Gene	McKeon
Bucshon	Griffin (AR)	McKinley
Buerkle	Griffith (VA)	McMorris
Burgess	Grimm	Rodgers
Burton (IN)	Guinta	Meehan
Calvert	Guthrie	Mica
Camp	Hall	Miller (FL)
Campbell	Hanna	Miller (MI)
Cansco	Harper	Miller, Gary
Cantor	Harris	Mulvaney
Capito	Hartzler	Murphy (PA)
Carter	Hastings (WA)	Myrick
Cassidy	Hayworth	Neugebauer
Chabot	Heck	Noem
Chaffetz	Hensarling	Nugent
Coffman (CO)	Herger	Nunes
Cole	Herrera Beutler	Nunnelee
Conaway	Huelskamp	Olson
Cravaack	Huizenga (MI)	Owens
Crawford	Hultgren	Palazzo
Crenshaw	Hunter	Paulsen
Culberson	Hurt	Pearce
Davis (KY)	Issa	Pence
Denham	Jenkins	Petri
Dent	Johnson (IL)	Pitts
DesJarlais	Johnson (OH)	Platts
Diaz-Balart	Johnson, Sam	Poe (TX)
Dold	Jones	Pompeo
Dreier	Kelly	Posey
Duffy	King (IA)	Price (GA)
Duncan (SC)	King (NY)	

Quayle	Ryan (WI)	Thornberry
Reed	Scalise	Tiberi
Rehberg	Schilling	Tipton
Reichert	Schmidt	Turner (NY)
Renacci	Schock	Turner (OH)
Ribble	Schweikert	Upton
Rigell	Scott (SC)	Walberg
Rivera	Scott, Austin	Walden
Roby	Sensenbrenner	Walsh (IL)
Roe (TN)	Sessions	Webster
Rogers (AL)	Shimkus	West
Rogers (KY)	Shuster	Westmoreland
Rogers (MI)	Simpson	Whitfield
Rohrabacher	Smith (NE)	Wilson (SC)
Rokita	Smith (NJ)	Wittman
Rooney	Smith (TX)	Wolf
Ros-Lehtinen	Southerland	Womack
Roskam	Stearns	Woodall
Ross (AR)	Stivers	Yoder
Ross (FL)	Stutzman	Young (AK)
Royce	Terry	Young (FL)
Runyan	Thompson (PA)	Young (IN)

NOT VOTING—23

Bachmann	Gonzalez	Peterson
Bass (CA)	Jordan	Polis
Braley (IA)	Kildee	Sewell
Coble	Lewis (CA)	Sires
Costello	McIntyre	Slaughter
Flores	Meeks	Sullivan
Gallegly	Paul	Wilson (FL)
Giffords	Pelosi	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1407

Mr. BROOKS changed his vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WAXMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 267, noes 144, not voting 22, as follows:

[Roll No. 800]

AYES—267

Adams	Boren	Cole
Aderholt	Boswell	Conaway
Akin	Boustany	Costa
Alexander	Brady (TX)	Cravaack
Amash	Brooks	Crawford
Amodei	Broun (GA)	Crenshaw
Austria	Buchanan	Critz
Baca	Bucshon	Cuellar
Bachus	Buerkle	Culberson
Baldwin	Burgess	Davis (KY)
Barletta	Burton (IN)	DeFazio
Barrow	Calvert	Denham
Bartlett	Camp	Dent
Barton (TX)	Campbell	DesJarlais
Bass (NH)	Cansco	Diaz-Balart
Benish	Cantor	Dold
Berg	Capito	Donnelly (IN)
Biggart	Cardoza	Doyle
Bilbray	Carter	Dreier
Bilirakis	Cassidy	Duffy
Bishop (GA)	Chabot	Duncan (SC)
Bishop (UT)	Chaffetz	Duncan (TN)
Black	Chandler	Ellmers
Blackburn	Clyburn	Emerson
Bonner	Coffman (CO)	Farenthold
Bono Mack	Cohen	Fincher

Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Fudge
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Kaptur
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance

Landry
Lankford
Latham
LaTourette
Latta
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pastor (AZ)
Paulsen
Pearce
Pence
Perlmutter
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera

NOES—144

Ackerman
Altmire
Andrews
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings

Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Garamendi
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono

Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schradler
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Pallone
Pascrell
Payne
Peters
Pingree (ME)
Price (NC)

Bachmann
Bass (CA)
Braley (IA)
Coble
Costello
Flores
Gallegly
Giffords

Quigley
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sewell
Sherman
Shuler

NOT VOTING—22

Gonzalez
Jordan
Kildee
Lewis (CA)
McIntyre
Meeks
Paul
Pelosi

Smith (NJ)
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wolf
Woolsey
Yarmuth

Peterson
Polis
Sires
Slaughter
Sullivan
Wilson (FL)

□ 1414

Ms. BROWN of Florida changed her vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 792, 793, 794, 795, 796, 797, 798, 799, and 800. Had I been present, I would have voted “aye” on rollcall vote Nos. 794, 795, 796, 797, 798, 799. I would have voted “no” on rollcall vote numbers 792, 793, 800.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. CHABOT. Mr. Speaker, I ask unanimous consent to remove myself as a cosponsor of H.R. 1380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION TO FILE REPORT ON H.R. 822, NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT OF 2011

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until 5 p.m. on Thursday, October 20, 2011, to file a report to accompany H.R. 822.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ADJOURNMENT TO TUESDAY, OCTOBER 18, 2011

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to

meet at 11 a.m. on Tuesday, October 18, 2011; that when the House adjourns on that day, it adjourn to meet at 10 a.m. on Friday, October 21, 2011; and when the House adjourns on that day, it adjourn to meet at 2 p.m. on Monday, October 24, 2011.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

IN MEMORY OF REVEREND FRED SHUTTLESWORTH

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. On October 5, civil rights legend Reverend Fred Shuttlesworth passed away while residing in Birmingham, Alabama. From 1961 to 2007, Reverend Shuttlesworth lived in Cincinnati, and when I first came here in '95, I had the distinct pleasure of representing him here in Congress.

Reverend Fred Shuttlesworth defied death numerous times while fighting against violent segregationists, even surviving the blast from 16 sticks of dynamite that were planted by unknown assassins. So devoted to this cause was he that he pledged to “kill segregation or be killed by it.” From freedom rides and sit-ins to pastor and founder of the Southern Christian Leadership Conference, Reverend Shuttlesworth was a tireless and fearless civil rights hero, who not only talked the “talk” but who walked the “walk” in places where few others were willing to go.

The enormity of Reverend Shuttlesworth's achievements and contributions to American history cannot be overstated. Even Reverend Martin Luther King, Jr. once referred to him as “the most courageous civil rights fighter in the South.” Let us forever remember this great man of faith and the legacy he leaves for America.

God bless you, Reverend Shuttlesworth, and may God bless the Shuttlesworth family.

100TH ANNIVERSARY OF UNIVERSITY OF MISSOURI'S HOMECOMING CELEBRATION

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. This weekend marks the 100th anniversary of the University of Missouri's homecoming celebration.

In 1911, University of Missouri Athletics Director Chester Brewer invited Missouri alumni to come home to campus for the football game against the University of Kansas. The game was capped by a parade and spirit rally to celebrate the “coming home” of so

many alumni. Thus started the tradition of "homecoming" at the University of Missouri, an event that has served as a model for homecoming celebrations across the country.

Each year, thousands of students and alumni come home to celebrate one of the university's greatest traditions. Homecoming at Mizzou has gone beyond school pride and football. Through this event, Mizzou has broken the world record for the largest peacetime blood drive on a college campus, and has organized other large community service events. Moreover, the University of Missouri's homecoming celebration was recently named the best homecoming in the Nation.

My wife, Debra, and I and three generations of my family are fortunate to be alumni of the University of Missouri. As a proud alum, I would like to congratulate the University of Missouri and generations of alumni on this historic milestone of 100 years of coming home to Mizzou.

IN MEMORY OF SYDNIE MAE DURAND

(Mr. LANDRY asked and was given permission to address the House for 1 minute.)

Mr. LANDRY. Mr. Speaker, it is with great sadness that I rise today in memory of one of Louisiana's great public servants, Ms. Sydnie Mae Durand.

As the parish in which I grew up lays her to rest today, it is notable to recognize that she grew up at a time when a woman's place in the South was culturally in the home. She pioneered her way into a male-dominated oil and gas industry. She constructed and then walked proudly through the door that many women of south Louisiana would soon follow.

During the 37 years she devoted to the oil and gas industry, she found time to serve her community—again, leading women into politics locally by becoming the first woman to preside over the St. Martin Parish Council and then by becoming the first woman to be elected to serve as the District 46 State House representative, where she served for 16 years. Her passion involved health care, where she chaired the House Health and Welfare Committee and served on many other national and State boards that dealt with the health care needs of children.

While she will be missed by all, her work and legacy will continue to have a positive impact on the great State she leaves behind.

CHINESE CURRENCY

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. We need to follow the Senate's lead in passing legislation that will pressure

China to stop their unfair monetary policy. China's manipulation of their currency has cost us jobs in Connecticut and around the country. Our workers and businesses deserve a level playing field, and this bill will help ensure that.

Since China joined the WTO, our trade deficit from China has risen from \$84 billion to \$270 billion. In that same period of time, Connecticut, my home State, has lost 31,000 jobs, and our country has lost 2.8 million jobs, 1.9 million of them in manufacturing.

Companies throughout Connecticut, like HABCO, Incorporated, are demanding that we finally do something about these unfair practices that subsidize Chinese exports. Everyone from the manufacturers that I have surveyed to the people I run into at grocery stores understands that China is cheating on their currency.

With more than 160,000 people in Connecticut out of work, it is long past time for the leadership of this House to allow a vote on this floor on legislation to take China to task for their unfair practices and to strengthen American workers and businesses.

Let's pass this jobs-creating legislation now.

□ 1420

LIEUTENANT COLONEL ROBERT BARRACLOUGH

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today I rise to honor Lieutenant Colonel Robert Barracough.

Retired from the United States Air Force in 1968, Colonel Barracough's record of service is impressive. During World War II, Barracough was a bomber pilot flying missions over German-occupied territory. These dangerous bombing missions had high casualty rates.

Between mechanical problems, lack of fuel, enemy fighters and enemy ground fire, nearly 26,000 airmen lost their lives in the "Mighty 8th" Air Force during the war. However, after switching out of the B-24 Liberators and into the B-17 Flying Fortresses, Barracough flew 32 missions in the 490th Bomb Group in the 8th Air Force and was made group commander.

Perhaps one of his greatest accomplishments was that his leadership resulted in the lowest casualty rates of all the squadrons and groups in the 8th Air Force during the entire war. Keeping his group's pilots rotated and rested, flying in tight formations to concentrate firepower, German observation planes could not find an easy plan of assault on the formation.

Today I honor Lieutenant Colonel Barracough, and I thank him again for his dedicated service to our country.

DETROIT

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. Mr. Speaker, I am very honored to say that I was born and raised in the city of Detroit, and I currently represent the great city of Detroit and its suburbs as a representative in Congress.

I also represent the Detroit Tigers. This "D" stands for the Detroit Tigers, and, you know, they may have had all the odds against them, but they kept on fighting. You know, they represent our city's spirit.

I'll tell you also what this "D" represents. It represents democracy, as in the arsenal that Detroit built in World War II that saved this country, and it saved this world from fascism.

You know, our city is going through some tough times right now, but we're not going to give up. We can actually create jobs again for this country. We just ask this Congress, allow this city to keep its Federal tax revenue, place it in a protected trust fund, invest it in the city for 5 years.

We can create jobs not only for Detroiters but for millions of Americans. If you want to create jobs in this country, invest in Detroit.

HISPANIC HERITAGE MONTH

(Mr. RIVERA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERA. Mr. Speaker, this week, in commemoration of Hispanic Heritage Month, over 100 distinguished Hispanic American civic, business, and community leaders from south Florida traveled to Washington, D.C., to receive Congressional Distinguished Service Awards from myself, Senator MARCO RUBIO, Congresswoman ILEANA ROS-LEHTINEN, and Congressman MARIO DIAZ-BALART.

These hardworking and patriotic Americans of Hispanic descent represent the positive contributions the Hispanic community has made to this great Nation. Whether serving in the military, creating jobs with small businesses, or simply pursuing the American Dream, Hispanic Americans like my constituents are deserving of recognition for their accomplishments.

Two of those honorees who came to the Capitol this week, Ms. Nelis Morales and Mr. Gustavo Garagorry, prepared statements for the occasion. I would like to submit their statements for publication in the CONGRESSIONAL RECORD.

PRESIDIO POLITICO CUBANO

I am grateful for this recognition that us an honor and fills me with pride.

As a Cuban political prisoner, I represent the International Coordinator of Cuban political prisoners, through the years I have

had the opportunity to help both prisoners and ex-prisoners as well as their families, both inside and outside of Cuba, and also to plead for liberty and democracy for the Cuban people.

The Cuban political prisoner organizations, without exception, support the project to readjust the Cuban Adjustment Act that has been presented to the U.S. Congress by our congressmen for the state of Florida, David Rivera, Mario Diaz-Balart, and Ileana Ros-Lehtinen.

As a Cuban ex-political prisoner and as a woman, I beg, in front of you who represent the most powerful country in the world in terms of human rights, freedom, and democracy, your help for the poor Cuban nation for whom I will never tire using my voice to support.

No more economic help to the Castro-Communist tyranny. No to the cultural interchange.

No more aggressions against the Cuban heroines such as Sara Martha Fonseca who represents the Cuban prisoners house in Havana, and Laura Pollan from the heroic "Damas de Blanco" or "Ladies in White".

No to the aggressions against the internal opposition.

I beg your help in order to put an end to the slavery of the Cuban people, because after 53 years. . . . for Cuba . . . the time has come!

NELIS ROJAS MORALES.

Thanks USA, I am very proud to be here with all of you, of living in this wonderful country where the people main reason is to live in democracy and freedom. Specially thanks to our Florida senators and congressmen for granting me this great honor and all the friends that this land has given me. God bless America. Viva la Libertad.

GUSTAVO GARAGORRY.

DR. EDWARD B. MCLEAN

The SPEAKER pro tempore (Mr. FINCHER). Under the Speaker's announced policy of January 5, 2011, the gentleman from Indiana (Mr. ROKITA) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROKITA. Thank you, Mr. Speaker.

I rise today to recognize and salute an exceptional Hoosier, Dr. Edward B. McLean. Sadly, we lost Dr. McLean on September 12. I wish to express my condolences, thoughts and prayers to his family.

He was an inspiration on my path to serving the people of Indiana, and his teachings have become my primary motivation for seeking to reduce the size and scope of government here in Washington. He was my college professor, my counselor, and my friend. More importantly, Mr. Speaker, he was exactly the same person to countless men who associate with Wabash College in Crawfordsville, Indiana.

As a man of faith, I believe we were put on this Earth to love one another and to make the best of the gifts our Lord has provided. We are all blessed to live in a country that allows us to experience liberty, the opportunity to learn, and the chance to succeed. Not every nation, Mr. Speaker, can say that.

As a professor of political science since 1968, Dr. McLean challenged Wabash College students, faculty, and alumni to think critically and encouraged all to be lifelong learners. He gave us that chance to succeed.

Moreover, he taught me the critical role of the individual in a free republic if, indeed, the republic is to remain free, and how such a system is philosophically and practically superior to the elitist and collectivist systems that have been tried throughout history but which, of course, as we all should know, have failed. They collapsed, ultimately, under the weight of their own tyranny, a point Dr. McLean repeatedly made.

And at every turn, he taught young Wabash men that our rights are derived from our Creator—not Democrats, not Republicans, not any President or any Congressman, but they came from God himself. And as a result, our rights are inalienable, as our Declaration reminds us and as men like Cicero and St. Augustine discovered for us. In a secular sense, our rights are part of natural law, as McLean always taught.

Perhaps most importantly, he taught Wabash men, professors, and others all over the world about the worthy ideal of a society of free and responsible individuals and how it might practically be achieved.

Mr. Speaker, for the CONGRESSIONAL RECORD, I would submit the following facts:

A masterful scholar, teacher, and lawyer, McLean demonstrate his rigor for teaching and pursuing his own level of education by earning his juris doctorate from Indiana University in 1975. He managed to be an effective teacher, attorney, and deputy prosecuting attorney in Montgomery County. In 1972, he received the McLain—no relation—McTurnan-Arnold Excellence in Teaching Award. Since 1980, Dr. McLean was most closely associated in administering the Goodrich lecture series. He was active in local and State politics. He demanded that students think critically in his constitutional law and political philosophy classes.

Dr. McLean was both loved and feared as a man who challenged students to hone their critical thinking skills. He used the Socratic method to assist students in recognizing and correcting flaws in their arguments, and somewhere along the line, he earned the nickname "Fast Eddie."

Dr. McLean was elected to the board of directors of Liberty Fund, an Indiana institution that has a global outreach. He served there until his death. Founded by Pierre Goodrich, the son of one of Indiana's great Governors, the Liberty Fund is a private educational foundation with the mission of encouraging a deeper understanding of the requisites of restoring and preserving a society of free and responsible individuals.

Just this morning, Mr. Speaker, I pulled up a series of emails that Ed and I exchanged once. They spanned the time in which I was running for the seat I now hold until shortly after the election to this seat. You see, I was asking in the emails if there has "ever been a nation or civilization that reversed its slide into collectivism or socialism, thereby rescuing itself from the ultimate loss of economic and political liberty?"

Sadly, and months later, he replied, as he was in and out of hospitals at the time, that he could not identify historically the type of reversal that I had described and went on to remind me, perhaps obviously, that the "desire for more power motivates agents of the state."

□ 1430

Many men today are responsible for individuals thriving in a free society because of Dr. Edward McLean. Unfortunately, it is now society that is stepping away from liberty due to the irresponsibility of the individual, aided by a nanny state willing to do things for the individual which are rightly his alone to do, and the endless quest, as he said, for expanded power by government and its agents.

So I use today not only to give this tribute to a great Hoosier, but also to, as part of that tribute, profess my continued and renewed commitment to reverse the current and hopefully temporary course of this great Nation, as it really is the last, best hope on Earth for man. For once, I want to prove Ed McLean wrong. We can reverse this course, and by so doing, show the world yet again how exceptional America is. We can and must halt the march of statism for our children and grandchildren and for the idea of liberty in the world. In this case, Ed himself would hope to be proved otherwise.

Everything Ed McLean did, he did for the men of Wabash College, his community, and his country. I would like to thank his wife, Marie, and son, Ian, for sharing Dr. McLean with us. For all he provided this world, he will be truly missed.

Mr. Speaker, I yield back the balance of my time.

GREEN JOBS AND CRONY CAPITALISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for the remainder of the hour as the designee of the majority leader.

Mr. GOHMERT. Thank you, Mr. Speaker.

There's so much going on today, this week. We've been, for one thing, trying to take up trade agreements that should end up creating new jobs in America. I know there have been concerns by some—gee, don't we give away

sovereignty each time we enter a free trade agreement. Well, I read these free trade agreements. I wasn't here when NAFTA passed. I'm not sure that I would have voted for it because it seems like we did give away too much of the autonomous nature of this country. But with regard to the Colombia free trade agreement, the free trade agreements with South Korea, and Panama, it doesn't appear from my reading that we are giving away any autonomy, we are giving away any of our powers to govern ourselves.

In fact, the U.N. is far more of a threat with the concessions, particularly this administration is giving to the U.N., as far as us controlling our own destiny. Since the U.N. has become so incredibly anti-Israel, I think it's time to look seriously about getting out. We should not be accessories to the kind of anti-Semitism and the anti-Israeli feelings, the hostility from those members of the U.N. that have so much more control, it appears, than we do, who encourage, basically, the wiping out of Israel and of the Jewish population.

In the meantime, on the homefront, we have people still claiming that the President's tried and failed methods of helping the economy should be tried yet again. There's the old story about a guy beating his head with a hammer, and somebody came up and asked, "Why do you keep hitting yourself in the head with a hammer?"

He said, "Because it feels so good when I stop."

For heaven's sake, it is time to stop hitting ourselves and hurting our own country, hurting our own economy with the crony capitalism that has come to bear here in this country. And it does not serve as a defense that Paulson started it under George W. Bush. That's not a defense. It was wrong for Paulson, and it's wrong now, and especially, the longer this country struggles to get back on its economic feet. And any time you engage in crony capitalism where those closest to an administration reap the biggest benefits, you hurt the economy. So when you have a company like General Electric that is so close to this administration, the head of GE certainly has the President's ear as the trusted adviser, and that adviser has caused thousands and thousands of jobs to be sent overseas, then you can anticipate that with him advising the President, we're going to have more and more jobs sent overseas.

And then we keep being told yes, the true answer is in green jobs. Green jobs are our future. How long is it going to take for us to stop hurting this country in the name of green jobs? We have sent thousands and thousands of great union jobs overseas in the name of greenery. And yet it shouldn't take anybody past an elementary education to realize when you send manufac-

turing jobs from this country to China, South America, Latin America, where they pollute so many more times doing the same job than what the output was here, that the world would be better off with those jobs here. Pure and simple.

And then, of course, we've been treated to the fiasco which is Solyndra. And as a former judge who saw cases where people acted against the interests that they were hired and sworn to protect, we call that fraud. And so it sure sounds like we're having the beginning of a fraud case emerge, potentially against people in our own government, because we know that the law said that these loans could be given to these so-called green companies, but there could not be another lender that had priority over the Federal Government in lending that money.

Well, that means that if someone within this administration, which appears to be what's coming out, actually advocated and actually made sure it happened that the United States taxpayers, the United States Government, that they were hired to protect, subverted the position as first lender to Solyndra to the detriment of hundreds of millions of dollars, somebody ought to be going to prison. I mean, I had people come before my court having committed felonies, pull a gun, rob somebody, maybe they didn't get \$100, and they went to prison. How about somebody that causes the theft of hundreds of millions of dollars? Well, we sure have to look at it.

And just when people thought it couldn't get any worse, then we get word this week about a new entity called SunPower, another one of these wonderful green companies that were going to set the world ablaze with power and light with their clean green energy. This article from biggovernment.com by Mike Flynn, says, The Department of Energy bragged about giving a \$1.2 billion loan guarantee to SunPower, a politically connected solar energy company to create "10-15 permanent jobs," raising critical questions as to whether California SunPower is the next Solyndra in the ongoing Cronygate scandal.

□ 1440

Unlike Solyndra, which went bankrupt receiving the loan from the government, leaving taxpayers on the hook, SunPower's deal is more complicated. Many questions are being raised about how the company was able to obtain the loan and what they did after they got the money. Questions include: How could the Department of Energy give a loan to a company that was under a shareholder suit alleging securities fraud and misrepresentations?

This says that the son of Representative GEORGE MILLER from California was paid \$178,000 to lobby on behalf of the company representing SunPower as

a lobbyist. Why did Representative GEORGE MILLER tour the SunPower facility, which is outside his congressional district? And what other official action did Representative MILLER take on behalf of the company that is represented by his lobbyist son? Did the company's hefty political contributions to the Obama campaign and the DCCC play a role in the deal? Did U.S. taxpayers help pay for the company to open a facility in Mexico after the announcement of the loan? Was the U.S. Government aware that company executives were in the process of selling a portion of the company to a French company, an action that was undertaken 2 weeks after the loan was awarded? Did the loan allow insiders to cash out, leaving other investors holding onto the stock that has dropped by more than 60 percent since the loan was awarded?

In 2009, a year before the DOE awarded the loan, investors in SunPower filed a class action lawsuit against the company alleging SunPower and certain of the company's executive officers were in violation of Federal securities laws. The lawsuit alleged the company knew or recklessly disregarded and failed to disclose or indicate the following:

One, that the company made unsubstantiated accounting entries during the class period;

Two, that, as a result, the company's financial results were overstated during the class period;

Three, that the company's financial results were not prepared in accordance with the generally accepted accounting principles;

Four, that the company lacked adequate internal and financial controls;

Five, as a result of the above, the company's financial statements were materially false and misleading at all relevant times.

Despite the questions about potential violations of Federal securities law, the Department of Energy approved the loan guarantee in 2010, all to create 10 to 15 permanent jobs. That's not only some silly estimate, it's what the Department itself thought would result from the billion-dollar loan. Our Department of Energy intentionally invested over \$1 billion in order to create 10 to 15 jobs. At best, that's around \$80 million from our government to create one job.

Now, there are a lot of folks in government that have never been in business, but I'm betting just about anybody in this body could do a better job of creating good-paying jobs if they were given \$80 million to create each job. I bet if we auctioned that off, we might even get as low as \$50 million to create one job.

For those in Washington I've found that don't understand sarcasm, I am prone to sarcasm.

Very tragic. At a time when this country can ill afford to be squandering vast amounts of money, that's

what we're doing. It's also no comfort that in the President's so-called jobs bill there are numerous references to wanting to get more money to these green companies to help out our country.

And when you see that the President's so-called jobs bill is not about jobs at all—there's only a tiny fraction that goes for infrastructure, so forget about all your bridges being fixed. It's not about that at all. It's about more government control. In fact, as we have seen since this President took office, especially the first 2 years under the control of Speaker PELOSI and Leader REID, it seemed like most everything we took up was all about the GRE. The GRE, the Government Running Everything. And you look at the President's so-called jobs bill and you find in there the American Infrastructure Financing Authority.

So, again, when are we going to stop beating ourselves death with the same tried-and-failed policies. So, Fannie and Freddie wasn't bad enough. Now we're getting into investing and guaranteeing billions of dollars for each financed operation instead of a hundred thousand dollars or so for homes. Yes, we've done such a great job with Fannie and Freddie nearly bringing us to the brink of ruin financially, wouldn't you next suspect that we should get into financing all the infrastructure needs of the country as a Federal Government?

But those who are suspicious and think, gee, maybe this is more about the government running everything than it actually is financing infrastructure, there would be evidence to support that idea, because the board of the American Infrastructure Financing Authority is appointed by the President. And since the current President has an affinity for people who have never been in business, never made a payroll—he actually put people on the auto task force that didn't own cars. Most of them never had anything to do with the auto industry. So we can anticipate that if he stays true to form, we'll have people on the American Infrastructure Financing Authority that will be spending billions and billions of dollars, just like they have on Solyndra, on SunPower, and who knows how many other companies like that, they'll be doing it for infrastructure. Crony capitalism to the max.

And I have struggled as we've seen these groups like Occupy Wall Street. There's a little group down the road here on Pennsylvania. Most of them are very young. I'm guessing perhaps many of them still rely on their parents for a living, making expenses. I know some of them have indicated that. It reminded me of the female comedian on television that said, Gee, there's a study out that says our generation may be the first generation that doesn't live as well as our parents.

She said, That makes no sense, it can't be, because we're all still living with our parents. So that doesn't make sense.

Well, apparently it's given some people time on their hands, since they're not working, to go create public nuisances in New York City, here, and other places. And it really is intriguing to find out they don't really have a centralized, firm position on anything. They're just out there to protest. But as a history major trying to think through history, certainly I can never recall a time in this country's history when a President of the United States ever told people to take off their bedroom slippers, put on their marching shoes, let's get out there and then encourage them. Yes, it's wonderful. They're getting out there. They're standing up. These are great rank-and-file grassroots folks. Encouraging protesters.

I can't find another time in this country's history—so the President can be proud of this—when the President of the United States encouraged protesting the country he was leading. Most Presidents would never have had the nerve to do that because they knew they were in charge. And to encourage people to go out and protest meant you're encouraging protesting the country that you're in charge of and you're leading. So if things aren't good, it must mean you're doing a rotten job of leading. So why in the world would you encourage people to go out and protest?

For those who say the President had a great jobs bill, and Congress ought to do something, you find out when you look at the real facts that this President and Leader REID never had any intention of passing the President's jobs bill. Never.

□ 1450

The President never anticipated this Congress would pass his jobs bill. He didn't anticipate it. He didn't help it happen. He has still not helped it happen. It's why it went for so many days before anybody bothered to file that bill.

And when HARRY REID filed it in the Senate, he knew the rules. He knew that under the Constitution, any revenue-raising bill—as the President's bill raises taxes—any revenue-raising bill must originate in the House. It's part of the Constitution. He knows that because in order to get ObamaCare through, when it didn't originate in the House, he took a House bill, designed and passed here in the House to give veterans a tax credit when they bought their first home, stripped out every word and put in ObamaCare. He knew the constitutional requirement, and yet he didn't do that.

I was shocked when I told my staff, after I heard he had filed, I said, go find

out what House bill he stripped out because he's playing that game again like they did on ObamaCare. And yes, I know Republicans have done it. It doesn't make it right. It doesn't matter who does it. It isn't right. That was never what was intended, but it's the game that's been played.

And Leader REID, even when he filed his amended President's jobs bill that he himself amended, he didn't bother to strip out a House bill and go through the facade, the game that has to be played for a bill like that that raises revenue to become law. He didn't even bother. He just filed it as it was. I told my staff, no, he has to—he knows. He's done this before. He has to strip out a House bill, delete every word beginning at line one, page 1, deleting every word thereafter, substituting, therefore, the whole bill. He has to have done that. If he really wants it to pass, then that's what he's got to do. Well, since he didn't do that, we know that the President and Leader REID never intended for the President's so-called jobs bill to pass.

Well, then, for what reason would the President have gone on the road after condemning us in here for not passing a bill that didn't exist, going on the road and demanding we pass a bill that didn't exist, and then when it did exist, not even bother to pick up the phone for days and ask somebody to actually file the bill? That's why I filed the American Jobs Act. You can go online at the Clerk's office, Mr. Speaker, and find out the American Jobs Act. It's mine. And it would create hundreds of thousands of jobs if mine were passed.

And as I've said here on the floor, I'm open to negotiation. I'm not married to zero as the corporate tax rate. I think it would be best. I think it would create more jobs. And then of course there are those left-wingers that enjoy seeing billions of dollars go to companies like Solyndra and SunPower, enjoy seeing their friends being enriched and engorged with taxpayer dollars and Chinese dollars we'll have to pay back with interest. They enjoy that.

They've also said, well, gee, I must be in the pocket of corporations. No, I'm in the pocket of the American people, and I want to see jobs. And I have seen the devastation from people from all walks of life, from the manual laborers to the airline pilots to the engineers who have said, This is killing me. I never dreamed of losing my job and not being able to find one. And all this administration is doing, it puts forward a disingenuous bill. It isn't going to create more jobs.

And when you see the Public Safety Broadband Corporation, what job does that create? The board is going to be appointed mainly by the President, and then the board that he appoints will appoint some others. That's not a job creator, but it is about the government running everything, the GRE. The Public Safety Broadband Corporation will

be able to protect every American citizen from what they may want to look up or see through broadband because we'll then have the President's own Public Safety Broadband Corporation that this President is pushing in his bill. That's not a jobs bill.

And he says on the one hand he wants to go after excessive profits of major oil, and then you look at page 151 through 154 of his bill and you find out this doesn't hurt major oil. The things in there will devastate and drive out of business the independent oil and gas producers. Those are the people that don't have their own company sections that go in and do everything necessary to drill a well. They go out and hire people to help with the mud that goes in the well, to help with the wireline stuff, the people that will do all the—even feeding the people that work there. They hire independent contractors all over the place. Many of those people stay in hotels. They eat at restaurants. They drive the economy. And yet this President, as we've heard from people from the Gulf of Mexico area, this President's moratorium did more to cause people to lose jobs than the horrific Deepwater Horizon explosion. That was so tragic. It was so needless.

Why in the world would this administration have allowed British Petroleum to continue to operate in the Gulf of Mexico, putting this Nation at risk, when we find out after the fact, though, Exxon was found to have, I believe it was, one willful, egregious safety violation; Sunoco had two violations, willful and egregious. The President's friends at British Petroleum had 760 willful, egregious safety violations, when others had one and two, and the administration looked the other way.

We've had hearings on that, and I've brought it up to the Director of MMS before our Natural Resources Committee: What safeguards did you have to make sure that investigators were doing the proper job, the inspectors, the offshore rig inspectors? Because, see, to me, if you're an offshore rig inspector, you're a bit like the military. You stand between us here in the continental U.S. and devastation.

So I was surprised to find out that they didn't have any problem with having unionized offshore rig inspectors. Well, if you're comfortable having offshore rig inspectors being unionized, then next you'd be comfortable with the military unionizing. Why not? They're standing between this Nation and disaster. If the offshore rig inspectors can be unionized and negotiate their hours, or whatever is all in their union contract, then why wouldn't the military be next? The trouble is there are some professions that are so important to national security you can't have contracts that limit hours. A soldier can't have an agreement that he won't work more than 8 or 12 hours and

get time and a half. It doesn't work that way. They stand between us and disaster. And they, God bless them, they serve as they're required to serve to protect this country.

I was quite concerned about our United States military in the 4 years I was in the Army after Vietnam. There were times I would see what some of our troops were doing—couldn't read, couldn't write effectively, smoking lots of dope—and I would think, if the Russkies ever attack, we're in big trouble. But I get around the fine men and women of our armed services now, they're the best that's ever existed in the history of the world. But we can't allow them to unionize. Well, the Interior Department has no problem.

And the Director of MMS replied, Well, we do have a means of making sure that our offshore rig inspectors are doing their job. We send them out in pairs, so they watch each other. And if one of the rig inspectors didn't properly do their job, we know the other would report them. Because there have been stories, rumors, things alleged about some rig operators providing benefits of all kinds and services of all kinds to rig inspectors to have them look the other way.

So I was curious, What do you do to safeguard that that doesn't happen? And the one answer, the only answer the Director had was, We send them out in pairs, and that ensures they're doing their job. She apparently was not aware that I knew that the last pair of inspectors that were sent out to the Deepwater Horizon rig to inspect it were a father and son unionized team. Some have wondered, why in the world wouldn't the administration immediately move to force BP to close that thing up?

□ 1500

And we find out later that, actually, leaders of British Petroleum were meeting with key leaders of Congress at the Senate, figuring out when they would come out and have the great day over which the President and the Democratic leaders in the Senate would rejoice in which they announced that they're a major oil company and they were supporting President's cap-and-trade bill.

Well, of course, after it was realized just how serious Deepwater Horizon was, eventually, the White House and the Senate Democratic leaders had to finally accept the fact it wouldn't be very good for PR to have BP be the one major oil company that came in and embraced the cap-and-trade bill that was attempted to be shoved down America's throats, like ObamaCare.

And then we heard the President say there are more people protecting our southern border than ever before. This story, from Yahoo news, brand new story—well, it's Wednesday, October 12: Drug smugglers are endlessly creative

when it comes to inventing ways to move marijuana, cocaine, and other contraband from Mexico into the United States.

In the latest innovation uncovered by law enforcement, smugglers in the border town of Nogales, Arizona, were bringing drugs into the United States for the cost of a quarter. The parking meters on International Street, which hugs the border fence in Nogales, cost 25 cents. Smugglers in Mexico tunneled under the fence and under the metered parking spaces and then carefully cut neat rectangles out of the pavement.

Their confederates on the U.S. side would park false bottom vehicles in the spaces above the holes, feed the meters, and then wait while the underground smugglers stuffed their cars full of drugs from below. When the exchange was finished the smugglers would use jacks to put the pavement plugs back into place. The car would drive away, and only those observers who were looking closely would notice the seams in the street.

In all, U.S. Border Patrol Agents found 16 tunnels leading to the 18 metered parking spaces on International Street. The pavement is now riddled with neat symmetrical patches.

It's unbelievable, Nogales Mayor Arturo Garino told Tucson, Arizona, ABC affiliate KGUN. Those are the strides these people take to get the drugs across the border.

Past methods of smuggling have included catapults that launched bales of drugs across the border fence. The smugglers have tried everything, said Garino, and this is one of the most ingenious methods of them all.

The city, advised by Homeland Security, has agreed to remove the parking meters. Nogales stands to lose \$8,500 annually in parking revenue, plus the cost of citations.

Well, the President, I know he wouldn't have said it if he didn't believe it was true. But it isn't the best people we've ever had on our southern border, not at all. In fact, you can find this at Wikipedia, regarding General Pershing, and there are other far more detailed accounts.

In January 1914, Pershing was assigned to command the Army 8th Brigade, United States, at Fort Bliss, Texas, responsible for security along the U.S.-Mexico border. In March, 1916, under the command of General Frederick Funston, Pershing led the 8th brigade on a failed 1916-17 punitive expedition into Mexico in search of the revolutionary leader, Pancho Villa. He had met him in 1913 when he invited him to Fort Bliss.

And that's about all it says, but if you do more digging you find out, actually, after Pancho Villa and his cutthroats had come into the United States proper and killed some Americans, Woodrow Wilson ordered American troops, led by Pershing, to go into

Mexico to pursue these murderers and end their killing spree, and make it clear that there would be dire consequences for coming into the United States illegally.

One report I read said there may have been as many as 100,000 or more National Guard troops put on the U.S. southern border. Pershing went in, depending on the account you believe, 10,000, 14,000 troops into Mexico pursuing Pancho Villa, killed many of his lieutenants. Never got Pancho Villa. But it ended, for a long time, anybody coming in illegally to the United States to commit a crime on U.S. soil.

Woodrow Wilson was not really considered a warmonger, as a university president. But he understood, when the Nation is under attack, whether it's from Pancho Villa or drug smugglers today, we took an oath we must follow, and supporting and defending the Constitution means providing for the common defense. And if people are bent on the destruction of this country, we must take such steps as are necessary to defend ourselves.

Mexico is in deep trouble. We can help Mexico, we can help ourselves, simply by defending ourselves and re-establishing the rule of law along our southern border. It's critical.

In the time I have left today—this is the last day of this week, at least for about 10 more days when we come back into session, I want to take up an issue. My late mother thought I should have been either a doctor or a college professor. I do enjoy history. I love teaching. I enjoy math.

So, despite my parents' disappointment, I did go to law school. And anyway, as I told my dad, who said, you know, there are just so many lawyers that are hurting the country, it really caused me to do some soul searching. And I explained, Dad, I've thought about it, prayed about it, wrestled with it. The fact is the law is a tool, like a hammer. You can use it to build up or you can use it to tear down. It's all in whose hands the hammer is hitting.

The law is a powerful tool, but as so many of our Founders laid out, unless we serve and govern a moral nation, this form of government is entirely inadequate to protect us.

And I know our fine President has said we're not a Christian nation, and I will not debate that issue. There's plenty of evidence on both sides of that issue currently. I don't think we are anymore. But for those that continue to persist and say we were never a Christian nation, who refuse to note that a third of the signers of the Declaration, over a third, weren't just Christians, they were ordained Christian ministers.

People like Peter Muhlenberg—ended up with a statue down the hall. He was a minister who Washington made a colonel, unbeknownst to his flock and his church. His statue depicts him tak-

ing off his ministerial robe to reveal a uniform underneath, even with a saber on. He was preaching from Ecclesiastes: There's a time for every purpose under heaven. When he got to verse 8, that there's a time for war and a time for peace, he took off his robe and said, now is the time for war. He recruited men from the church to join him. They recruited men from the town to support them. And he became a general by the end of the war, all of that while a Christian minister.

But I think it's helpful to go back and look at some of those who were intimately familiar with our founding and, of course, I've read so often from Washington here on the floor, from John Adams, I thought I would read from John Quincy Adams to start off with. John Quincy Adams, our youngest diplomat. Washington appointed him to serve briefly as a diplomat at 11 years of age. Smart guy.

At the age of 77, in 1844, John Quincy Adams was not only a U.S. Congressman, but he was also the chairman of the American Bible Society.

□ 1510

These are John Quincy Adams' words:

"I deem myself fortunate in having the opportunity, at this stage of a long life drawing rapidly to its close, to bear at this place, the Capital of our national union, in the Hall of Representatives of the North American people, in the chair of the presiding officer of the assembly representing the whole people, the personification of the great and mighty Nation, to bear my solemn testimonial of reverence and gratitude to that book of books, the Holy Bible. The Bible carries with it the history of the creation, the fall and redemption of man, and discloses to him, in the infant born at Bethlehem, the legislator and Savior of the world."

On the occasion of his 80th birthday, John Quincy Adams' words were these:

"I enter upon my 80th year with Thanksgiving to God for all the blessings and mercies which His Providence has bestowed upon me throughout a life extended now to the longest term allotted to the life of man, with supplication for the continuance of those blessings and mercies to me and mine as long as it shall suit the dispensations of His wise Providence, and for resignation to His will when my appointed time shall come." John Quincy Adams.

One of the most powerful closing arguments of any case was given by John Quincy Adams in the Amistad case just downstairs in the old Supreme Court Chamber. And toward the end of his argument he was so concerned that he might be losing, and that if he lost the argument, he lost the case in which he was representing the Africans who had been captured and had chains put on them. They were able to get loose and

take over the ship and ultimately ended up in the U.S. So the lawsuit was over. Were they free people who could go where they wanted? Or were they to remain slaves? He ended up in his closing arguments by asking about where were all the Justices? He now called every one of the Justices that had ever been on the Supreme Court by name and asked where they were. Where are they? Where was the Solicitor General that argued against me last when I was here? That was back in the early 1820s. And during the course of the arguments, about 3 days in the Amistad case, one of the judges died one night. That kind of throws a crimp in your closing argument. But when they resumed the case, he was asking, "Where are the judges?" Even the judge that started the case with him wasn't in there.

In essence, he concluded by asking, "Where have they gone? They've gone to meet their Judge." And the big question about their life, he quoted from Scripture when he said, "Did they hear these words, 'Well done, good and faithful servant?'" The message was clear. You are all going to die, and when you die, do you want to go meet your Maker after having a decision that allows these free Africans to be drug out of here in chains and bondage?

He won the case. The Africans, as they should have been, were free. And they should have been. And it is an embarrassment that slavery was ever allowed in this country. But if you look at the founding, they were led by Christian Founders. If you look at the greatest developments in civil rights, Abraham Lincoln felt called by God to run for office and bring an end to slavery. John Quincy Adams was a mentor to him during the 2 brief years he was in the House of Representatives. Adams had a massive stroke during that term, but young Abraham Lincoln, despite their difference in ages, was one of the honorary pallbearers. Adams thought a lot of Lincoln.

After Lincoln was President, he said that the most memorable thing that occurred during his time in the House of Representatives, just down the Hall here, was John Quincy Adams' powerful sermons on the evils of slavery. John Quincy Adams, as a Christian, believed he was being called. After losing the election for a second term, he believed he was being called to come into Congress, as William Wilberforce had done. Adams had corresponded with Wilberforce in England and had come into Congress as Wilberforce had come into Parliament, to fight to end slavery. And each time he was recognized on one of his bills, he preached a hellfire and brimstone sermon about, in essence, how can we expect God to keep blessing America when we treat our brothers and sisters by putting them in chains and bondage? He thought God had called him to end slavery.

He served in the United States House. He was the only person to have ever done this: After being President, he lowered himself to run for Congress and serve in the House. Of course, he told some folks he was more proud of being elected representative after being President than he was being elected President. And that seems like such a strange thing until you realize what it meant was that after he was President, his neighbors still liked him. And that is not often the case.

We know that some of the greatest debates that occurred in the House of Representatives and in the Senate were participated in by Henry Clay. He and Daniel Webster had some powerful debates. Henry Clay said this in 1829. He said, "1,800 years have rolled away since the Son of God, our Blessed Redeemer, offered Himself on Mount Calvary for the salvation of our species, and more than half of mankind still continue to deny His divine mission and the truth of His sacred Word. When we shall, as soon as we must, be translated from this into another form of existence, is the hope presumptuous that we shall behold the common Father of the whites and blacks, the great Ruler of the Universe, cast His all-seeing eye upon civilized and regenerated Africa, its cultivated fields, its coasts studded with numerous cities, adorned with towering temples dedicated to the pure religion of His redeeming Son?"

I want to make clear that the reason that we have more religious freedom in this country than any other country in the world is because we were founded on Christian principles that Jesus taught. Any nation that is based on sharia law and follows true sharia law will not have freedom of religion. So this is the freest country that any Muslim can ever worship in. You don't have to believe exactly as the radicals do about the Koran's teaching, because you have that freedom here in this country.

And we just read this week that after we have spent hundreds of billions of dollars and lost over 1,700 precious American lives to rid Afghanistan of the Taliban and, unfortunately, try to create a central government that won't work, we now find this week that there is no longer in Afghanistan a Christian church. Not one. We also find out this week there is a report that there is only one Jew left in Afghanistan. After 10 years of battle, hundreds of billions of dollars and precious American lives, we see what we've done come to this. There is not one Christian church, war declared upon Christians, Christians killed and imprisoned, and a jihad against Christians there in a country that we saved.

We're losing some of our freedoms here because some say we should have more law that follows sharia law. The only way sharia law will be completely and freely followed and worshiped, not

by some radical Islamist view of it, but by all Muslims who freely can have different interpretations, unless they're in a radical Islamic society, they can only have that here, where we were founded on Christian principles. And thank God we were.

I was a history major. I didn't read this until after I was out of school. Christopher Columbus wrote this in his own words: "It was the Lord who put into my mind, I could feel His hand upon me, the fact that it would be possible to sail from here to the Indies. All who heard of my project rejected it with laughter, ridiculing me. There is no question that the inspiration was from the Holy Spirit, because He comforted me with rays of marvelous illuminations from the Holy Scriptures, a strong and clear testimony from the 44 books of the Old Testament, from the four Gospels, and from the 23 epistles of the blessed Apostles, encouraging me continually to press forward. And without ceasing for a moment, they now encourage me to make haste."

□ 1520

Columbus said: "Our Lord Jesus desired to perform a very obvious miracle in the voyage to the Indies, to comfort me and the whole people of God."

That's evidence that God can use somebody to create a miracle, and the person being used doesn't even know what he did. Of course, there are those who say Columbus is the perfect example that you can be a huge success for all of time even if you don't know where you're going, don't know where you are when you get there, and don't know how you got there so long as you can get the government to pay for it. Unfortunately, there are too many in government today who believe that's the key to all success—to get the government to pay for it.

Francis Scott Key, he was there on the ship in the Chesapeake Bay on September 14, 1814, in part of the War of 1812, which was when the British unmercifully bombed that small Fort McHenry. In the morning light, he saw our flag. The fourth verse of what is now our national anthem is:

"Oh! thus be it ever when freemen shall stand between their loved home and the war's desolation!

"Blest with victory and peace, may the heaven rescued land praise the Power that hath made and preserved us a Nation.

"Then conquer we must when our cause it is just, and this be our motto: 'In God is our trust.'

"And the star-spangled banner in triumph shall wave o'er the land of the free and the home of the brave!"

I want to conclude with one other historic reference from the Supreme Court, itself, back when the Supreme Court did not believe that the Constitution was a living, breathing document that would be subject to the

whims of people appointed who brought their own biases to the Supreme Court and twisted it and turned it into whatever document pleased them.

I am also thankful to God that we have had some incredible Justices on the Supreme Court who believe the document called the "Constitution" was exactly as the Founders intended. It is not a living, breathing document that can be molded like silly-putty around somebody's fingers and whims.

In 1892, the Supreme Court said this in *The Church of the Holy Trinity vs. The United States*:

"No purpose of action against religion can be imputed to any legislation, State or national, because this is a religious people." This is historically true. "From the discovery of this continent to the present hour, there is a single voice making this affirmation. The commission to Christopher Columbus recited that it 'is hoped that by God's assistance some of the continents and islands in the ocean will be discovered.'"

It goes on to read:

"The First Charter of Virginia, granted by King James, I in 1606, commenced the grant in these words:

'In propagating of Christian religion to such people as yet live in darkness, language of similar import may be found in the subsequent charters of that colony in 1609 and 1611'; and the same is true of the various charters granted to the other colonies.

"In language more or less empathetic to the establishment of the Christian religion, declared to be one of the purposes of the grant, the celebrated compact made by the pilgrims on the *Mayflower*, in 1620, recites:

'Having undertaken for the glory of God and advancement of the Christian faith a voyage to plant the first colony in the northern parts of Virginia the fundamental orders of Connecticut under which a provisional government was instituted in 1638 and 1639 commenced with this declaration:

'And well knowing where a people are gathered together the Word of God requires that to maintain the peace and union there should be an orderly and decent government established according to God to maintain and preserve the liberty and purity of the gospel of Our Lord Jesus, which now profess of the said gospel which is now practiced amongst us.'"

The Supreme Court went on and concluded that these, and many other matters that might be noticed, add a volume of unofficial declarations to the mass of organic utterances that this is a Christian Nation.

It may not be now, but it started that way.

Mr. Speaker, just as Martin Luther King felt a calling as a Christian minister and just as Lincoln did in ending slavery, we owe so much to the religion of Christianity that everyone can worship or not as they wish.

With that, I yield back the balance of my time.

APPOINTMENT OF MEMBER TO CONGRESSIONAL-EXECUTIVE COMMISSION ON PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 6913 and the order of the House of January 5, 2011, of the following Member of the House to the Congressional-Executive Commission on the People's Republic of China:

Mr. WALZ, Minnesota.

APPOINTMENT OF MEMBER TO DWIGHT D. EISENHOWER MEMORIAL COMMISSION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 16 U.S.C. 431 note and the order of the House of January 5, 2011, of the following Member of the House to the Dwight D. Eisenhower Memorial Commission:

Mr. BISHOP, Georgia.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 14, 2011.

Hon. JOHN BOEHNER,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to Section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (P.L. 107-306) as amended by section 701(a) (3) of the Intelligence Authorization Act for Fiscal Year 2010, I am pleased to appoint the following individuals to the National Commission for the Review of the Research and Development Programs of the U.S. Intelligence Community.

The Honorable Rush D. Holt of New Jersey
Ms. Samantha Ravich of Clark, New Jersey
Ms. Ravich is appointed at the recommendation of Speaker John Boehner to ensure there is an appropriate ratio of Republican and Democratic appointees serving on the commission.

Thank you for your consideration of these recommendations.

Sincerely,

NANCY PELOSI,
House Democratic Leader.

THE FEDERAL RESERVE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Massachusetts (Mr. FRANK) is recognized for 60 minutes as the designee of the minority leader.

Mr. FRANK of Massachusetts. Thank you, Mr. Speaker.

I intend to talk about the Federal Reserve, but preliminarily, having listened to my colleague from Texas, I did want to note a little bit of a dissent.

He cited Queen Isabella of Spain and King James of England for having decided what kind of country we should be. Now, the question of the religious nature or not is obviously a legitimate one to debate, but I was a little surprised to be told that I was to be in any way bound by what Queen Isabella or what King James said hundreds of years ago. I thought one of the purposes of the American Revolution was to tell European monarchs that we would here in America make our own choices.

But I want to talk today about the Federal Reserve and particularly, frankly, about my disappointment in a debate, I guess, I've been having—it's been kind of one-sided because he's never spoken to me—with Mr. George Will.

I know it's common advice to Members of Congress and to other political leaders not to get into an argument with the people in the media. I think that's a great mistake. I think that respect for openness and democracy should make this a two-way street and that the notion that responding to criticism in the media that's inaccurate is somehow inappropriate or hypersensitive is a great mistake. What I would have looked forward to was a debate, with probably Mr. Will and others, about the Federal Reserve.

I did file legislation last April to change the structure of the Federal Reserve's Open Market Committee, which votes to set interest rates to the extent that we can, and it now consists of the seven appointees to the Federal Reserve Board of Governors who are appointed by the President and confirmed by the Senate—people selected in that democratic way but with 14-year terms to guarantee some independence. They are Presidentially appointed and confirmed by the Senate, but they serve for 14 years so that there is not, presumably, the chance for one President to get everybody. There are built in some staggered terms there.

□ 1530

But there are also five votes that are cast by regional presidents at the Federal Reserve Bank. These five people—it's on a rotating basis. The New York president always gets it. Four others out of the remaining ones go on periodically. These are people helping setting the most important public policy in America: monetary policy, interest rates.

But they come with nothing remotely resembling public participation in the process. They are selected by the Federal Reserve boards of directors, which they in turn have largely selected; and those boards, not surprisingly it's the Federal Reserve regional

system, are marginally people, more than anyone else, in the financial community.

Now it's very important for people in the financial community to be represented, and I am very glad that the regional presidents come to the meetings and should be allowed to speak, be encouraged to speak. But having people who are appointed by bankers, who then appoint new bankers to appoint new people, be 5 of the 12 votes in setting monetary policy I believe violates democratic norms.

I think it also gives a bias against the mandate the Congress has given the Federal Reserve—it's not been changed—to worry equally about inflation and unemployment, because, and the record shows this, the regional bank presidents tend to be concerned more, on the whole, about inflation than an appointment. They don't regard the two as equal. That's not surprising given whom they represent. That's a legitimate argument for debate. And I filed legislation last April to leave the regional presidents in the position of speaking but not voting.

Mr. Will differed with that, and I look forward to a debate. Mr. Will does not agree with Mr. Bernanke's policy of trying to respond to our economic troubles by increasing the availability of money, the quantitative easing. Mr. Will is apparently on the side of people who have been proven to be quite wrong factually that this is going to lead to inflation.

Mr. Bernanke's policies have, in fact, I think helped alleviate the crisis—although not doing as much as we would like, because there are limits to what monetary policy could do. Contrary to predictions, they are not costing the Federal Government money; they haven't led to inflation. I would be glad to debate that with Mr. Will. But instead he engages in a kind of snarkiness that I found unbecoming. I had thought Mr. Will to be someone who was committed to intellectual debate, but that simply wasn't there in his approach.

Let me say, and I will document this, that his response in his column, and then in a follow-up column, basically seemed to me to be a sad combination of blatant factual inaccuracy, of logical confusion, and, sadly, I must say, of intellectual dishonesty, and, finally, great inconsistency.

Let me begin with the factual inaccuracies.

Mr. Will's thesis in this column is that I filed that bill largely because I did not agree with a vote last summer of the Federal Reserve open market committee, 7-3, in favor of Mr. Bernanke's policy. And it's true, I differed with those three. I agreed with the policy of the seven of the three, and I differed with the three. And here's what he says:

"Frank says he has 'long been troubled' from a 'theoretical democratic

standpoint' by the 'anomaly' of important decisions affecting national economic policy being made by persons 'selected with absolutely no public scrutiny or confirmation.'"

That's absolutely right. I do think there is a shocking lack of respect for democracy when we are talking about fundamental powers given to people who are neither elected nor appointed and confirmed by other elected officials but are selected by a small, self-perpetuating group of people who want particular economic segments. I'm ready to debate that.

But here's what Mr. Will suggests, basically, that I was not really bothered by that. I notice that he is sort of denigrating my formulation here because what he says is, "It was not, however, until August that this affront to Frank's democratic sensibilities became so intolerable that he proposed a legislative remedy." Such snarkiness about democratic sensibilities that seem to be unbecoming to Mr. Will. But here's his fundamental point: That while I said I was troubled because we shouldn't be giving a self-selected group of private citizens of a particular economic interest governmental power, that that was sort of a cover, he's suggesting, because they didn't do anything about it until August when the vote had taken place.

There's one problem with that, Mr. Speaker. I did it in April, not August. The bill had been filed in April and I publicized it in April. It is true that in August I put out a statement noting that this 7-3 vote was an indication of what I thought was a result of having this undemocratic element. But Mr. Will's fundamental refutation of my position was that I wasn't really concerned about democracy and public participation or having a kind of guild socialism that I would have thought he would have been opposed to, of having the guild of bankers be the ones who set public policy for the banks. He said it wasn't until August that I did this, but I did it in April, and he was flatly wrong.

Now, he didn't know that I did it in April instead of August because he didn't talk to me. He didn't think it was necessary, given his lofty philosophical position, to do any fact checking, and he was simply wrong. And he was not just wrong about it being April instead of August, which is not a minor error. It's fundamental.

By the way, I said "intellectual dishonesty." Let me explain what I meant by that.

I wrote a letter to The Washington Post pointing out that while April and August both start with "A," they are, in fact, several months apart, and it was kind of hard to argue that I did something in April because I knew what was going to be happening the following August. So he was simply wrong, and that was central to his argument.

Here was his acknowledgment of error. It's a correction note to a recent column, and he says, "In a recent column, I suggested that Representative BARNEY FRANK's legislation to reform the Federal Open Market Committee was introduced in August, when in fact it was introduced in April." He suggested it. Here's how he apparently suggests things.

Quote, It was not until August that he proposed a legislative remedy.

It's doesn't sound like he said I suggested. He said I said it. But even more important, the fact that it was April and not August was a central flaw in his argument. He doesn't acknowledge that in his, I think, intellectually dishonest correction. He says, oh, I suggested August when it was really April, as if that was kind of almost an incidental error. But it wasn't an incidental error. It was fundamental to his misreading of my motives.

What was also an inaccuracy was his beginning the column by saying, "Fond of diversity in everything but thought, a certain kind of liberal favors mandatory harmony (e.g., campus speech codes)."

In other words, he began, that's when he led to saying I did this in August because I was so upset about this vote, that that's the only reason I did it, not because of any concern about democratic input. He, here, is saying that this was an indication of me as one of those liberals who is opposed to free debate, and I'm for campus speech codes.

Well, in fact, you couldn't be more wrong on that one either. I've have been one of the Members of this House, I'm proud to say, most supportive of free speech. I have specifically opposed campus speech codes.

Again, this looks clearly as if this is just an example of the kind of mentality that leads meetings for campus speech codes. I have spoken against them. I have said that I do not think that the concept of hate speech is a reasonable one as far as the law is concerned. People can call it anything they want, hate speech, but, no, there shouldn't be any restrictions on it. There shouldn't be any laws against it.

I am very proud, along with my colleague from Texas Mr. PAUL and our departed colleague Mr. Wu, we voted against legislation that would have prevented one of the great ranting homophobes of our time, the Reverend Fred Phelps, from holding up vicious and obnoxious signs at the cemeteries of men and women killed in war as long as he did them so that he wasn't right in the cemetery grounds. We thought there was a free speech problem with this, and the Supreme Court agreed with us.

So Mr. Will is just again factually inaccurate and accusing me of being one of those people who is for stopping dissent. Once again, if he'd asked me about it, I would have told him, no, I

have a record of opposing campus speech codes and that had nothing to do, disagreement with dissent had nothing to do with my position here.

And that leads me to his logical confusion. Those are his two great factual errors: his misdescription of me as being someone who is for campus speech codes and for curtailing speech, and his deciding that I did it in August when I did it in April, which invalidates his central thesis about my motive.

But even more shocking for me was this fundamental, logical confusion from Mr. Will, who, I had frankly expected better of in this context.

□ 1540

He conflates two very separate points. He says this is an example of my not supporting diversity of speech. I am totally for diversity of speech. This is not a case of free speech or diverse expression of opinions. This is a case of exercising government power.

I did not say that Federal regional presidents shouldn't be allowed to talk about Federal Reserve monetary policy or anything else. There was no restriction on their speech. The bill says that they shouldn't be given a vote on public policy.

I am frankly very surprised, as I said, that Mr. Will confuses the two and tries to denigrate my move to keep them from voting to make public policy as an example of being opposed to free speech. This is really quite surprising and an example, I think, of his just deciding he was going to use any argument that he could against it.

As a matter of fact, the Federal Reserve presidents are all invited to the meetings and can speak, even those who don't vote. And I'm all for that. And so this notion that this is somehow an example of liberal opposition of free speech, when I am someone who has a very good record on free speech, and when I am not in any way impinging on their right to speak, is a further disappointment.

Mr. Will clearly disagrees with the policies that Ben Bernanke is following. In the column, he suggests that my concern for protecting both sides of the Federal Reserve's mandate, unemployment and inflation, is misguided. He doesn't say that exactly, but he says, "The actual language of the mandate speaks of promoting 'maximum employment,' which is problematic: 'Maximum' means 'the highest attainable,' and this might depend on ignoring the other half of the mandate."

So he's sort of justifying people ignoring the employment mandate by saying the only way you can support it is to ignore the other half. That's not true. That's not supported by the record. That's not supported by logical analysis.

I'm prepared to debate with Mr. Will whether or not we should do what I

think he really wants to do, which is go to a single mandate on inflation. A number of my conservative colleagues want to do that here and amend what we call the Humphrey-Hawkins Act, and do away with the Fed's concern about unemployment. I think that would be a great mistake.

I admire Mr. Bernanke because he has preached to us about the dangers of unemployment. He has pointed out that a decision to cut the budget very quickly right now rather than defer that for a later time in a 10-year period exacerbates the unemployment. He has called it a headwind for the economy. I welcome the fact that Mr. Bernanke, a George Bush appointee originally, has been so diligent in worrying both about inflation and about unemployment. And as Mr. Bernanke has pointed out, we have in fact been more successful in holding down inflation than in combating unemployment, and that I think is an appropriate thing. Again, I would be willing to debate that with Mr. Will.

But the tactics he uses of trying to denigrate my motives and falsely imputing to me an opposition of free speech, as I said is, I think, disappointing. I would have preferred to talk about this on the merits.

Mr. Will also is sneering in his reference to "cheap money." He talks about Mr. Bernanke's policy about "cheap money." That's, of course, one of these pejorative ways of talking about something that you disagree with. In fact, cheap money suggests that you are devaluing the currency. That hasn't been the case. I am prepared to debate, as I said, whether or not what Mr. Bernanke has done in quantitative easing has been good or bad. I think it has been good, and those who have been critical of it have been proven wrong factually. It hasn't cost the government money, and it hasn't led to inflation. But Mr. Will won't do that. It is, again, falsely setting up this notion in which I am an opponent of free speech, and that's why in August I decided to do this. I have been a great supporter of free speech. I did it in April and not August, and this isn't about free speech; this is about public policy.

And as I read the column in which Mr. Will wholly inadequately acknowledged his mistake by treating it as if it were almost a clerical error that he said August instead of April, I reread the column, and it struck me what a terrible inconsistency it is. This is a column in which he is attacking Elizabeth Warren. And he criticizes Ms. Warren on no basis factually once again, and I don't think he has had much to do with her as I read this caricature of her, but he says in here: Many members of the liberal intelligentsia agree that other Americans comprise a malleable, hence vulnerable, herd. Therefore, the herd needs kindly, paternal supervision by a co-

hort of protective herders. And he says because such tutelary government must presume the public's incompetence, it owes minimal deference to people's preferences. This convenient theory licenses the enlightened vanguard, the political class, to exercise maximum discretion in wielding the powers of the regulatory state.

Mr. Speaker, he has just described the practice whereby bankers get to pick Federal Reserve presidents to vote on the open market committee. I don't know many people who believe that. That's Mr. Will's defense, in effect, and the point is this: he writes one column criticizing me, sneering in a way, at my objection to there being banker-selected votes on the open market committee on the grounds, among others, that this is, in my judgment, a violation of democratic norms. That's clearly not my real reason, and it's almost as if he understands why anyone would think that. In fact, here's Mr. Will, who on the one hand says these preferences are not really theirs. This convenient theory licenses the enlightened vanguard, the political class, to exercise maximum discretion. And it says that the public should not be able to do this.

So here's Mr. Will denigrating and attributing to liberals this notion that an enlightened vanguard ought to make the decisions as opposed to the public. That's what he says we think.

Here is Mr. Will in defense of the system by which it happens that I'm trying to change: Heavy representation of the economy's financial sector in the governance of the Central Bank does not seem bizarre. Oh, yeah, I think it is in the governance. In the discussion and the input of policy. So Mr. Will is critical of me because I did not think that the banks ought to be picking the people who vote on policy that is so central to the banks. That's his position when it comes to the Federal Reserve. But when he gets a chance to attack Elizabeth Warren unfairly, he takes exactly the opposite position. On the one hand, he is defending a kind of corporatist—I said the socialist, but it is kind of a corporatist position that, as he says, means "heavy representation of the economy's financial sector in the governance of the Central Bank"—he's for that, as opposed to my view that nobody should be voting on monetary policy who hasn't either been elected or appointed by people who are elected, preferably as I propose, not those directly elected, but with 14-year terms so you get the independents.

So I'm for a system in which, if you're going to vote on monetary policy, and if you're going to regulate the banking system, you have this ultimate democratic input. He says no, let's have heavy representation of the economy's financial sector in the governance of the Central Bank. But then

when it comes to, I don't know, consumer protection, he is accusing liberals of being the ones who are against the preferences of the public. He says, we, the liberals, believe that we owe minimal deference to people's preferences and instead governance should be from an enlightened vanguard. Well, the enlightened vanguard, in the case of the Federal Reserve, are the bankers.

So to make his particular substantive conservative point, Mr. Will is very flexible in his argument. I wish he would have simply said this: that he does not think—because I think this is what he believes, it sort of comes out here—that he doesn't think we should have the Federal Reserve equally concerned with employment and inflation. A number of conservatives think that. I think that's wrong. I think Ben Bernanke has been very helpful in doing both. I think that's been shown. The argument is that if you worry about employment, you'll sacrifice anti-inflation. In fact, it's the other way around. It's not a sacrifice, but we've been more successful in fighting inflation than with regard to employment. But that's a debatable issue.

Whether or not, given even in monetary policy you should have quantitative easing, whether in a time of severe economic slowdown the monetary policy ought to be eased, Mr. Will thinks that's "cheap money," and he sides with the three Federal Reserve presidents, apparently, who inaccurately predicted it would be inflationary. Again, those are legitimate policy decisions, but that's not what Mr. Will has done.

He has, just to summarize, inaccurately described my position as that of a liberal who is against free speech. I'm not. I have a record of which I am proud in defending free speech.

□ 1550

Free speech means, by the way, you defend the right of obnoxious people to say hateful things. Because if you're not an obnoxious person and say hateful things in this country, you don't try to shut them up. I do believe that free speech means that people should be able to do that. People should be able to say offensive things. And I've got a record of supporting it.

But he claims that it's because I don't like dissent in the sense of free speech that in August, after a certain number of votes on the Federal Open Market Committee, I introduced my bill. So he's wrong about my views on free speech. He's wrong. I did it in April instead of August. And he was forced to acknowledge that—it was such a blatant factual error—not by saying, oh, I made a mistake by making this assumption of his motives because I thought he did it in August, but simply throwing it off as if it was kind of a clerical error.

Then, in the whole article he confuses free speech with government policymaking power. I am very much in favor of free speech. Everyone has a right in this country to unrestrained speech. Everyone does not have a right to exercise governmental power. To me, governmental power should be rooted in the democratic system.

Mr. Will disagrees with that with regard to the Federal Reserve because he wants bankers—he thinks it's fine for bankers to have that great role in government; but when he comes to attacking the liberalism in general, he suddenly reverts to the opposite position and he denigrates those who aren't ready to respect the people's preferences and is critical of those who want an enlightened vanguard to go forward.

I should add that he's not the only defender there who, sadly, to me, won't stand with legitimate arguments. There is a former Federal Reserve Governor Frederic Mishkin, who was very critical of my position that the regional president of the Federal Reserve ought to be able to speak on policy but not vote on it. What he says is, among other things, that this will cause a loss of prestige for the Federal Reserve system and you won't get good people to be there.

I am shocked at Mr. Mishkin's denigration of people in the Federal Reserve. He describes being the president of a regional Federal Reserve bank is a very important job with significant regulatory power, none of which I would diminish.

Then he says because they couldn't vote every couple of years on the Open Market Committee, it wouldn't have enough prestige for him to serve. He cheapens them, it seems to me. He also claims that I'm trying to undermine independence and subject them to short-term considerations.

I want to stress again, the people in whose hands I would leave monetary policy are appointed by a President, confirmed by the Senate—hardly an easy process, as we know, these days—and then appointed for a 14-year term. So these are not people who are subject to short-term whims. Of course, a 14-year term goes over three Presidential terms.

We then have Mr. Fisher, one of the regional presidents, who in a particularly arrogant way, here's what he has to say. We are being attacked—we, the Federal Reserve—from the right and from the left, and I don't see much difference between a certain Congressman from Texas named RON PAUL and a certain Congressman from Massachusetts named BARNEY FRANK.

Well, the whole language, he doesn't see any difference between myself and RON PAUL.

Mr. PAUL and I worked together on a number of things. We both think we are way overextended militarily, that

we should be bringing the troops home from Afghanistan and Iraq. We both opposed restrictions on free speech and we think that people ought to be gambling with their own money on the Internet. But we disagree fundamentally on economic policy. We disagree on the Federal Reserve. I have been in favor of quantitative easing. Mr. PAUL has been against it. Those are legitimate issues for debate.

But you get this smearing, a certain Congressman here and a certain Congressman there, and he doesn't see any difference. If this man really can't see any difference between the positions of myself and RON PAUL on economic matters, then he's hardly competent to be doing anything, much less voting on Open Market Committee policy.

Once again, what we get is a refusal to debate the merits. And there are debates to be had. Should we have an equal concern at the Federal Reserve with unemployment and with inflation? I think we should. Has the policy of Mr. Bernanke, supported by many others from appointees of both Presidents and some Federal Reserve regional presidents, to increase the money supply in the face of this terrible slowdown that we've been dealing with, has that been a good thing or a bad thing? I think it's been a good thing. That's debatable. But they won't debate it.

Instead, we get this collection of illogic, of inconsistency, and of factual error rallying around the notion of the Federal Reserve system as being unsailable. Well, too many people made that mistake when Mr. Greenspan was in charge, and we should not be making it again.

Mr. Speaker, I will continue to press forward. And I hope on the part of those on the other side we can now debate whether or not it's appropriate in a democracy for us to do as Mr. Will proposes and to give the financial community such an important role in the governance of their own industry or whether we should go for a more appropriately democratic one; whether Mr. Bernanke's policy has been good for the economy in terms of quantitative easing; and whether or not we should abolish the mandate of the Federal Reserve to care equally about unemployment and inflation. I look forward to debate those, but I hope in better terms.

THE SELECTION OF VOTING MEMBERS TO SERVE ON THE FEDERAL OPEN MARKET COMMITTEE

CONGRESSMAN BARNEY FRANK, SEPTEMBER 12, 2011

I have long been troubled by the anomaly of having officials—selected with absolutely no public scrutiny or confirmation—voting on some of the most important decisions the federal government makes. Therefore, I introduced H.R. 1512, which eliminates the role of the Federal Reserve's regional presidents as voting members of the Federal Open Market Committee. The Federal Reserve (Fed) regional presidents, 5 of whom vote at all times

on the Federal Open Market Committee, are neither elected nor appointed by officials who are themselves elected. Instead, they are part of a self-perpetuating group of private citizens who select each other and who are treated as equals in setting federal monetary policy with officials appointed by the President and confirmed by the Senate.

For some time this has troubled me from a theoretical democratic standpoint. But several years ago it became clear that their voting presence on the FOMC was not simply an imperfection in our model of government based on public accountability, but was almost certainly a factor, influencing in a systematic way the decisions of the Federal Reserve. In particular, it seems highly likely to me that their voting presence on the Committee has the effect of skewing policy to one side of the Fed's dual mandate—specifically that they were a factor moving the Fed to pay more attention to combating inflation than to the equally important, and required by law, policy of promoting employment.

In 2009, I asked staff of the Financial Services Committee to prepare an analysis of FOMC voting patterns. It confirmed two points. First, the great majority of dissents, 90 percent—from FOMC policy before 2010—came from the regional presidents. Second, the overwhelming majority of those dissents were in the direction of higher interest rates. In fact, vote data confirmed that 97 percent of hawkish dissents came from the regional bank presidents and 80 percent of all dissenting votes in the FOMC over the past decade were from a hawkish stance.

When I raised my objection to the inclusion of the regional presidents as voting members, I was given two responses by defenders of the current system. Alan Greenspan argued that it was important to have first-rate people agree to be regional bank presidents and that giving them votes on the FOMC was an important inducement to getting them to accept that position. Secondly, others argued that it would be wrong to have only Federal Reserve governors based in Washington voting on these things and that there needed to be a diversity of views from other parts of the country.

The first of these does not seem to me to have much weight. Being the regional bank president is an important and prestigious job, and I simply do not believe that we could not find people willing and able to carry out its responsibilities if they were not rewarded with a vote on a central matter of economic policy. As to the second argument, for diversity, it needs to be analyzed further.

It is true that having the regional presidents' vote provides geographic diversity but it provides far less diversity in every other way than presidential appointments. In particular, the notion—which I did hear in opposition to my legislation—that the Federal Reserve Bank presidents are representative of various segments of our economy is flatly wrong. The presidents are, of course, selected by the board members of the regional banks, a majority of whom are selected by member banks, making this a wholly self-perpetuating operation.

So the important question then is "Who are the directors of the regional banks?" Do they ensure a degree of diversity in the decision

making of the FOMC? The answer is “No.” Not surprisingly, given all the factors involved, the members of the board of directors are overwhelmingly representative of business, and particularly financial industry representatives. That is, not only are the regional presidents appointed and reappointed by people, a majority of whom are elected by the member banks of each regional bank, they are not in any way representative of the American economy. They in fact, represent the very particular segment that elected them. Of the 5 regional presidents who are currently voting members of the FOMC, all of them were selected by boards where representatives of private and financial institutions account for the majority of board members.

Until recently, the tenor of Federal Reserve deliberations was one that promoted consensus. And while it is clear from the voting patterns that the regional bank presidents exercise some influence in the direction of focusing concern more on inflation than unemployment, it is very unlikely that was a significant factor until recently. But things have changed. In particular, the Federal Reserve has been affected by the disdain for consensus and the contentiousness that has affected our politics in general. It is also the case that the Federal Reserve has been, for a variety of reasons, thrust more centrally into policy making than it had been previously. First with the events of 2008 and thereafter in dealing with the financial crisis, and since then in being forced to bear the lion's share of federal economic policy making in the light of stalemate on the fiscal side.

What all this means is that the voting presence of the regional presidents on the FOMC has now become a significant constraint on national economic policy making. The 7–3 vote of the FOMC in August in favor of keeping interest rates low is stark evidence of how much of a constraint this is. Obviously it is not a matter of pulling a switch and achieving a guaranteed physical result. How people in the financial community react to the decisions has a major effect, and a 7–3 decision is clearly less effective in influencing other's decisions—which is the way in which the decisions are executed—than a 10–0 vote.

Those who are critical of the Federal Reserve for not doing more—and I have been one of them—should take this into account and make sure that their criticisms are not of Ben Bernanke, who in my view has been trying hard to deal with the situation responsibly, but rather of a structure over which he presides and where he confronts people appointed by business interests who do not share the commitment to equal consideration of the full employment section of the Federal Reserve's dual mandate.

It is not at all surprising that those appointed by Presidents—Republican or Democratic—are more supportive of taking action to focus equally on both mandates, than are those who come from the collection of business interests who appoint the regional presidents. And the proof of that is that the record of greater disents coming from the regional presidents than from governors is equally the case whether the governors were appointed by Democratic or Republican presidents.

Finally, one other factor of our current degraded political atmosphere exacerbates this.

That is the refusal of the Republicans in the Senate to do their constitutional duty and treat the confirmation process as it is supposed to be treated—namely by looking at the merits of each individual nominee. The influence of the regional bank presidents is obviously great when there are seven governors and five presidents voting on the FOMC. In the current situation, we have an equal vote between the presidents and the governors and that greatly adds not simply to the influence that presidents have, but to their ability to effectively constrain or veto items such as further use of unconventional tools to promote growth.

I have finally taken into account the argument that some diversity from a geographic standpoint would be a good thing, as would diversity from an occupational or institutional point of view. Just as I think it is helpful that Members of Congress commute between Washington where we talk mostly to each other and our districts where we talk to everybody else, I believe following the British model of having voting members of the Committee setting interest rates from outside the capital is a good idea. Soon I will be submitting a new version of the bill in which the President will be required to appoint seven governors subject to Senate confirmation as today, but also to appoint four representatives from regions outside of Washington to come to Washington for FOMC meetings and vote, also subject to Senate confirmation, but not otherwise employed by the Federal Reserve system. This will ensure important policy makers are either elected or appointed by elected officials, and give geographic and occupational diversity to the views that shape the decisions that are made.

THE BARRIO BOYS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. REYES) is recognized for 30 minutes.

Mr. REYES. I would like to pay tribute to a group of young men that won the 1949 baseball championship in Texas and overcame many, many obstacles and overcame the odds that at the time existed. When I read their story, you will appreciate their accomplishment.

This is from a story written by Alexander Wolff from Sports Illustrated that appeared in the June 27, 2011, edition. It's entitled, “The Barrio Boys.”

In 1949, El Paso's Bowie Bears, a team of poor Hispanic players who were too unworldly to be intimidated by their more affluent Anglo opponents, came from nowhere to win Texas' first high school baseball championship.

You'd saw off a broomstick for a bat. For a ball, you'd beg spools of thread from the textile plant, enough wrap to create a wad that you could seal with carpenter's tape. You'd go back to the factory for cloth remnants to sew together for a glove, which you'd stuff with cotton you picked at the ranch on the fringe of the barrio. That's what

you did as a kid of Mexican blood in El Paso during the 1940s to play the game that, more than anything else, the traditional American game which would make you an American—baseball.

But to become a champion at that game, to beat all Anglo comers in a world that belonged to them, how could you possibly do that?

Borders are shape-shifting things—sometimes barriers, sometimes membranes, sometimes overlooks from which one people take the measure of another. If you were to transport yourself to the El Paso of 1949 and take up a position as far south as possible by the north shore of the Rio Grande, in a nether land not wholly of the U.S. but not of Mexico either, you'd be a cutoff throw from Bowie High School, the only public secondary school in the U.S. then dedicated to educating Mexican Americans.

The people of south and east El Paso dealt every day with two kinds of borders. The geographical one at their backs reminded them of their Mesoamerican heritage. The aspirational border just to the north, which was an east-west highway through downtown, was a tantalizing gateway to their country of choice.

Andy Morales, a member of the 1949 Bowie High School baseball team, used to walk the eight blocks from his home up to Alameda Avenue, which was the local stretch of U.S. Highway 80, the artery that ran from San Diego, California, to the Georgia coast. Beyond the avenue lay the Anglos' turf, where a Mexican American would think twice before entering that space. Instead, they focused on the road. My friends and I, we'd compete counting out-of-State license plates on Alameda Avenue. Morales, says: I set the record one Saturday, counting 39 in a 2-hour period. Plate-spotting gave Morales and his buddies a chance to glimpse the energy of a country ready to burst after the end of World War II, a place where they gradually came to believe they belonged.

They would owe the awakening in large part to the game they loved. Bowie High School didn't field a baseball team until 1946, when a wiry, energetic man of not quite 5 feet, 6 inches tall arrived from San Antonio. He started the first team. Three years later, the Bowie team included: Morales, the wisecracking second baseman who never took a book home from school because there simply wasn't enough light to read in his home; Javier “Lefty” Holguin, the pitcher with a knuckleball that was so crazy that nobody would play catch with him; Jose “Rocky” Galarza, the smoky-eyed third baseman to whom Bowie coeds dedicated yearbook pages; and Ramon Camarillo, the catcher whose hunches came to him in his dreams.

□ 1600

Despite the poverty that made them scrounge for equipment and wonder if they'd ever have enough food to eat, and despite discrimination that subjected them to stinging slurs and other indignities from Anglos, these boys and the other 11 players on the 1949 Bowie Bears would win the first Texas high school baseball tournament ever staged.

Bowie High sat in El Paso's Second Ward, or Segundo Barrio, which was home to the city's leach field and sewage treatment plant. A smelting operation, stockyards, and a meatpacking company further fouled the air. Nowhere in the U.S. did more babies die of diarrhea. The barrio had no paved streets, much less sidewalks, streetlights, or parks, and 50,000 people packed themselves into less than 1 square mile in this part of El Paso. This is about twice the population density of New York City.

Those not living in adobe hovels were warehoused in presidios like the ones in which Camarillo and Bowie first baseman Tony Lara grew up in, where as many as 175 families—at least 700 people—were shoehorned into a single block of two-story tenement buildings with one communal cold-water commode serving each row of two-room apartments. Compared with Anglo El Paso, the Second Ward was, as Camarillo would say, "like another country."

One might have expected Bowie's '49ers to be cowed by their more affluent, better equipped Anglo opponents, but, Lara says, "We were so dumb, we didn't know how to be intimidated." This obliviousness was carefully calculated. Bowie's baseball coach made sure his players didn't wallow in want and ethnic victimization, diverting them instead with such requirements as daily classroom attendance, executing the hit-and-run, and mastering the nuances of English by speaking nothing else around him.

"With Nemo, there were no heroes," says Gus Sambrano, a shortstop on the 1949 team. "He was the leader. His message was, 'You have leadership; follow.' We were the followers."

William Carson "Nemo" Herrera was a *fronterizo*, a child of the borderland like his players, and he probably knew them better than their parents did. He was born in Brownsville, Texas, in 1900. His father, Rodolfo, had immigrated after losing his landholdings in the political unrest that would lead to the Mexican Revolution. And his mother, Carolina, had roots in the Canary Islands. The family moved to San Antonio when Nemo was 7, and by the age of 13, he had become the bat boy of the San Antonio Broncos of the Texas league. He steeped himself in the game. His speed and tenacity served him well in basketball as well as baseball while he attended Brackenridge High School.

He would excel at both sports at Southwestern University in Georgetown and play semipro baseball during summers.

After graduating, he became the head basketball coach and assistant football coach at Beaumont, Texas High School. For a year, he worked as the coach before joining Gulf Oil's subsidiary in Tampico, Mexico. There, he progressed from pipeline work to payroll department while playing second base on the company team.

In July of 1927, during his fourth year in Tampico, Herrera was spiked during an industrial league game and wound up in the town's American hospital. Within a month, he had married the head nurse on the floor, Mary Leona Hatch, an Anglo who had been orphaned as a girl near Opelousas, Louisiana. A year later, Herrera took a job as baseball and basketball coach at Lannier High School in San Antonio's west side barrio, where he would spend 18 years, including all of the Depression.

His basketball teams rarely had much size, so much so that he introduced what later generations would recognize as a full-court press. "Only we called it a man-to-man, all-over-the-court defense," one player would say later.

Herrera would say five times his teams reached the State final four, winning titles in 1943 and 1945. He acquired enough of a reputation for Texas A&M to offer him its basketball coaching job. However, he turned it down for the stability of public school work. And in 1946, Bowie High School came calling, offering a better salary and the benefits of a desert climate, which Mary Leona, who suffered from hay fever, and Bill, one of their two sons who also had asthma, benefited from.

Herrera's new high school belied the squalor of the Segundo barrio. When the city expanded the school in 1941 onto what had once been a slag heap, a complex of athletic fields girdled by cottonwoods and elms bloomed in the floodplain of the Rio Grande. Signs throughout the school warned students to speak only English, and special pronunciation classes walked them through phonemes and diphthongs. "I once asked the girl sitting in front of me for a piece of paper in Spanish," Sabrano recalls. "I got suspended, and my mom and dad said that was the first and last time that you will be guilty of speaking Spanish."

La Bowie, as it was called, was a temple of assimilation. When President Franklin D. Roosevelt federalized the all-Hispanic Company E of the Texas National Guard's 141st Infantry Regiment late in 1940, half of the soldiers had been Bowie Bears. Forty former Bowie students gave their lives during World War II, most of them as members of Company E, whose ranks were steadily thinned through the Italian campaign, from Salerno to San Pietro to the slaughter at the Rapido River,

where over 2 days in January of 1944 German soldiers killed, wounded, or captured virtually every GI not swept to his death by the current.

At the outset of the 1948-1949 school year, Bowie dedicated a memorial to its fallen 40 and an ROTC color guard concluded each day with a retreat ceremony, lowering the flag that flew above the school.

Herrera worked to make baseball one of Bowie's tools of Americanization. He set up a summer league in the barrio and placed kids on American Legion and commercially sponsored teams. Then he bird-dogged the games, nudging prospects he liked to go out for the Bowie varsity the following spring. A decade later, after *Brown v. Board of Education* forced El Paso to close all-black Douglas High School, Herrera enticed a bilingual African American kid from the south side to enroll at Bowie. This was the future NCAA-champion basketball coach Nolan Richardson, who would also be a star for Nemo in hoops as well as in baseball.

El Paso was a military town, much as it is today, and eventually Nemo took his guys to play teams at Fort Bliss and Biggs Field, where they often outperformed their older, bigger, and stronger hosts. "We went out there on the field against those base teams not knowing any better," says Morales, attributing many of Bowie's boys' victories to Herrera's enforced obliviousness. Always the Bears ate at the mess. And Morales remembers fondly, "Those were the only days we'd get three square meals."

The school newspaper, *The Growler*, could have taken its name from the sound in a Bowie student's stomach. Mary Leona Herrera would send her husband off to work each day with extra sandwiches and burritos, which he left in plain sight so they could be "stolen" by his famished boys. As their stomachs filled up, so did their heads. Molding his baseball team in the image of basketball squads, Herrera played small ball before it, too, had a name. "We used to work on some plays for hours and hours," says Morales. "We won games on details, not because we hit the ball out of the park."

Herrera spent Saturday mornings chasing down truants. He'd say to me, "I'm gonna kick their butts if they're not back in school on Monday," remembers Bill Herrera, who today is 77, and who would accompany his dad on those rounds. But back at Bowie, Nemo would just as doggedly plead the cases of those same kids to Principal Frank Pollitt.

The coach treated his baseball diamond like a drawing room carpet, picking stray pebbles off the infield. And he encouraged teasing for its democratizing effect. One day, first baseman Lorenzo Martinez showed up at practice with a new glove which he had bought across the river in Juarez. "It

smelled like a dead salmon," Morales recalls. "Nemo said, 'You paid for that?' The madder Martinez got, the more Nemo encouraged us to razz him because that made him a better player."

□ 1610

"Nemo had a wide nose with huge nostrils, and when he got mad, he looked liked a raging bull. We used to joke that we should all get toreador capes." One day, as a few of the Bowie Bears nursed beers in a Juarez cantina, Herrera walked in. They literally, and figuratively reached for their capes. Nemo, in typical fashion, said, "I'll tell you the truth boys; I'd rather see you guys drink beer than soda pop. Soda pop will ruin your health."

If a Bear took only one thing from his coach it was a credo that became an incantation, and it read, "It's not who you are or where you come from," Nemo would say, "it's who you become." The last of those words synched with the striving of the postwar generation, with the American Dream, with all those cars whizzing east and west on Highway 80.

By the spring of 1949, the new coach's spadework had begun to pay off. A San Antonio sportswriter noted "the wonderful spirit" of the Bowie baseball team, "the way the pitchers bear down, the sharp fielding and baserunning reminiscent of the old St. Louis Gas-house Gang."

The Aztec, which was the Bowie yearbook, had already gone to press by the time the Bowie Bears edged El Paso High, which was the Anglo school on the North Side. There they won the district title. So beneath a team photo the editors of the Aztec had written, "Good luck to you, team, and when these Aztecs reach you, may you have lived up to those early-season forecasts."

When the Bears reached Lamesa, Texas, for the best-of-three bi-district playoffs against Lamesa High School, their appearance on the sidewalks caused gawkers to pour out of storefronts. "You'd think that the circus had come to town," Sambrano recalls. Some people made cracks like, "Why don't you speak English?" And "Remember the Alamo," while others called the players "hot tamales" and "greasy Mexicans."

Herrera found a restaurant that would serve the team, but not in its largely empty dining room. Tables and chairs were hastily set up in the kitchen. The Bears' coach rarely brought up the discrimination that his boys faced, for fear they might be tempted to use it as an excuse. Herrera regarded prejudice as the problem of the prejudiced, Sambrano says, best met with an even temper and devotion to the task at hand.

Bowie's Ruben Porras three-hit Lamesa to win the series opener 9-1.

The next day, Trini Guillen scattered five hits in an 8-0 shutout that clinched the bi-district title. "Those guys were big," Sambrano remembers, "but we had what they didn't: speed." Against the Golden Tornados, the El Paso Herald-Post reported the Bears "made a race track out of the diamond." In the first inning of each game, Bowie scored a run on a lone hit and either an error or a walk. By sweeping Lamesa, Bowie earned a trip to Austin for the single elimination quarterfinals of the state tournament. "If memory serves me right," Lara recalls today, "there were eight teams and we were rated 10th to win it all." Large odds by anybody's calculation.

Racial segregation still prevailed in Texas during the 1940s, but Mexican Americans confounded the easy dichotomies of black and white. In Lubbock, where the team made a rest stop on the way to Austin, a sign in one window read No Dogs or Mexicans. "I remember seeing two drinking fountains, one marked Colored and the other marked White," Morales says. "Me being brown, I didn't know which was for me. So I asked a husky Anglo guy which one I was supposed to use." Morales took the man's reply ("I don't give a s—") as permission to use the white one.

In Austin, while most of the other visiting teams stayed in hotels, the Bowie Bears had to sleep on Army cots that were set up beneath the stands of Memorial Stadium, the football field on the Texas campus, and they had to make the long slog across the field to the Longhorns' field house to use the bathroom. But to Herrera's naive boys, the unusual accommodations only heightened their adventure. They lined the cots up like hurdles and ran races. When Hispanic businesses and social organizations back home sent telegrams of support, the Bears delighted in seeing the spectacle of a Western Union messenger driving his motorcycle up the stadium ramp for deliveries.

One day, four players ventured downtown to see a movie, and they were bewildered when they were told, "Mexican have to sit upstairs." So what did they do? They waited for the usher to turn the corner, and then they scrambled into the seats of the orchestra in the dark. They recalled that they watched *The Streets of Laredo* with William Holden.

Facing Stephenville High in the quarterfinals, Bowie made another display of first-inning resourcefulness, scoring three runs on two hits. The press had expected Herrera to start his ace, Guillen, who was 7-0 for the season. One reporter wondered why the Bowie coach, instead, gambled with his number two pitcher.

In typical Herrera fashion, he said, "Number one, number two, who can tell?" leaving unsaid that Guillen had

just spent 4 days in the hospital with strep throat. Porras, "the dark-skinned right hander," as the American-Statesman described him, struck out six, while limiting Stephenville to two hits in the 5-1 victory.

The wisdom of using his ace sparingly became clear the next day in the semifinals against Waco High School. The game lasted three hours. Guillen held up until the fourth, when Waco touched him for two runs. And that's when Herrera brought in Porras as relief.

With the score tied at two in the sixth, Rodriguez stole third, then sprinted home on a long fly ball. "I would have scored easily tagging up and that would have won us the game," Rodriguez remembers. "But me, like a dummy, forgot that there was only one out. The ball was caught and I got doubled up. Nemo almost strangled me, he was so mad." He always reminded us, "Keep your head in the game. Pay attention to details."

The score remained tied at two until the 10th, when Waco loaded the bases with nobody out. Suddenly, Herrera yelled in Spanish, "Watch the guy on third. He's gonna steal." Camarillo called for a pitchout, and they picked the runner off. It was the only time that any '49er of the Bowie Bears can remember Herrera addressing his players in Spanish. Camarillo then cut down another runner trying to advance to third, and during the rundown, the next batter was caught trying to steal second.

In the following inning, Bowie center fielder Fernie Gomez, his back to home plate, preserved the tie by running down a long drive with a catch that his teammates would recognize later as Willie Mays' famous World Series play 5 years later.

But in the top of the 12th, Waco took a 3-2 lead on a double and Morales' two-base error. That might have doomed the Bowie Bears had Morales not delivered a reversal of fortune in the bottom of that inning. With Bears on second and third, Morales hit a grounder that eluded the Waco second baseman to tie the game. Then the fates squared accounts with Rodriguez, too: His quailing single dropped into short center field to send Gomez home for the game-winner.

Neither of El Paso's daily newspapers sent a reporter to the tournament, so people back home followed Bowie's progress through the collect calls that Herrera placed to the local radio station, KTSM. His boys, Herrera said in his call after the Waco game, "just don't know when to quit. They're eating well and hitting that ball, and that wins ball games." Surely it's one of the few times that a coach has ever credited a victory to eating well.

In the final, Austin's Stephen F. Austin, had the tournament's number one seed. They enjoyed more than a home

field advantage. The Maroons, as they were called, hadn't lost to a single high school all season, even beating the Longhorns' freshman team. They had swept Robstown in their bi-district series by a combined score of 36-1, and in the semifinals eliminated Denison 12-0. The Boston Braves would soon sign the Maroons' ace, right hander Jack Brinkley, to a \$65,000 bonus. Brinkley had allowed only one hit in his quarter-final start, a 2-0 win over Lubbock.

In the final, Herrera intended to counter Brinkley by pitching Guillen, but before game time he asked his catcher, Camarillo, for his thoughts. Camarillo nominated Lefty Holguin, arguing that the knuckleballer would keep the Maroons off balance. Camarillo later confessed that he volunteered Holguin because he had dreamed that the Bears could win the title with him on the mound.

□ 1620

Herrera agreed—Guillen could still barely speak—and Porras had pitched 15 innings in 2 days—with the proviso that Holguin would get the hook if he became wild. "When you've got just one left," Herrera would say later, "that's who you pitch."

During Austin's half of the first inning, each Maroons hitter returned to the dugout with the same verdict: Holguin was "just a good batting-practice pitcher," as one told his coach, according to the Austin American-Statesmen. They always said, "we'll get him next inning."

The next inning came, and the next, and the next, yet Austin couldn't muster a hit off Holguin. Meanwhile, Bowie seized a 1-0 lead in the usual fashion, jumping on a couple of first-inning errors. But after Holguin walked two Maroons in the fourth, Herrera was true to his word, lifting Lefty for Guillen. In the sixth inning, Bears right fielder Ernesto Guzman tripled, and two infield errors on a grounder by Lara allowed both Bears to cross, putting Bowie up 3-0.

In the last inning, Austin finally kindled to life. Brinkley, the pitcher, led off with a single hit and advanced to second on a walk. Guillen struck out the next man, but Brinkley scored after Galarza misplayed a slow roller, leaving runners on second and third. The next Austin hitter sent a single to right to knock in a second run, and as the Maroons' third base coach waved the tying run home, the favorites looked like they were going to seize their chance.

That's when all of Bowie's preparation—the harping on details, the numbing repetition, the many games against the military-base teams around El Paso—paid its biggest dividend. From right, Guzman sent the ball on a line. Morales, the cutoff man, let it go through to Camarillo, who fixed a tag on the Maroons' base runner for the second out.

On the play at the plate, another Maroon, also representing the tying run, made his way to second base. An infield hit edged him to third, whereupon the next Austin hitter slapped a sharp ground ball.

At least some of the 2,700 fans there that night must have wondered what the Bowie shortstop was thinking, dropping to one knee. He simply explained, "I was ready to block it, just in case," Rodriguez says. "I said, 'This damn ball's not going through me.'" He caught the ball cleanly, stood up and whipped it across the diamond. Cradled safely in Lara's borrowed glove, the ball made the urchins of El Paso lords of all of Texas.

True to form, there was no celebration when it was over, Morales recalls. "We took it as part of how Nemo raised us. We just picked up our belongings and walked out of there."

The Bowie players don't recall ever shaking hands with their opponents. Their opponents simply walked away from them. And though the Bears received a trophy—"I mean, it must be about 3 feet high," Herrera marveled in his collect call that night—there was no formal presentation or other official act recognizing Bowie for having won Texas' inaugural baseball championship. The Bears had scratched out nothing but unearned runs to win the final, and to a typical Texan of that time, it must have seemed that an alien team had seized the title by alien means. The Austin American-Statesman reacted as if Pancho Villa had just led a raid over the border: "Amigo, the Bowie Bears have come and gone. And they have taken with them the State baseball championship. They took it Wednesday night through a weird assortment of hits, errors, jinxes and other sundry items which ultimately meant Bowie 3, Austin 2."

After the Bears had packed up for the ride home, much to their surprise, a few rocks hit their bus. "There were two cops there who didn't do anything," Rodriguez recalls. When a restaurant near Fort Stockton, which was 240 miles away from home, wouldn't serve the Bowie party, Herrera ferried food from the restaurant to the bus.

Around noon the following day, as the team rumbled along Highway 80 over the El Paso County line, a sheriff's deputy on a motorcycle flashed his lights to pull the bus over. One player wondered if they'd hit somebody. When the officer stepped aboard, it was to inform the driver and the students that Bowie students were affixing a State champ's banner to the side of the bus and that he'd be providing a police escort to the terminal. "As the bus approached downtown, there were people lining both sides of the street," Latta recalls. Remarkably, "a lot of Anglos were cheering for us as well."

Later, the minor league team El Paso Texans threw a Bowie Night that week-

end, and the Bears were feted with several banquets the following week. "We can't give them anything," one city official told the local paper, "but we can sure feed them."

Still, the Bears sensed that even in their hometown, they were given a second-class celebration. Instead of the mayor meeting them at the bus station, as had been announced, an alderman did the honors. "At the depot, some guy came up to Nemo and gave him a box with a shirt in it," Morales remembers. "When El Paso's Austin High won the district in football, their coach got a brand new car."

None of the players stopped by the terminal's baggage room to claim luggage. "We all carried paper bags with our stuff off the bus," Morales says. "I walked a mile, hopped the streetcar, then walked the eight blocks home."

The night before the team had left for Austin, students in a Bowie home economics class stayed up late preparing hard-boiled eggs for the players to eat on the trip. The Bears had won, one of those coeds would say at a Bowie reunion years later, "porque jugaron con huevos." Because they played with eggs—that is, with balls.

Sixty years would pass before another team from El Paso County claimed a state baseball title. In 2009, Socorro High, a school with a Hispanic enrollment of more than 95 percent, ventured to the Austin suburb of Round Rock to beat Austin Westlake and Lufkin for the Class 5A crown. Early in the semifinal a knot of Westlake supporters unfurled a Confederate flag, chanted "We speak English!" and waved their ID's. "If we can have something like that in our day and age," says Jesus Chavez, Bowie's current principal and a former Socorro administrator, "I can't even imagine what they went through in 1949."

A month after their victory the Socorro players visited Bowie to present championship rings—not awarded in 1949—to the eight surviving Bears. A new Bowie High sits on an old melon field that in '49 was part of Mexico but in 1963 passed into the U.S. as part of the Chamizal Settlement between the two countries.

If the borderland remains its protean self, in one respect it's as hard as a barrier can be: While Juárez becomes an ever more Hobbesian hell of drug violence, in which more than 8,000 people have been murdered over the past three years, El Paso remains virtually immune. Bowie nonetheless serves the second-poorest zip code in the U.S. The annual median income in the Segundo Barrio languishes below \$20,000, and 68.8 percent of the children in Bowie's catchment area are considered at risk. Chavez says, "This school is about facing adversity, moving forward and beating the odds."

The 1949 Bears and their young counterparts from Socorro gathered near the commemorative display in Bowie's Fine Arts Building, where a visitor can punch up audio of Nemo Herrera's collect calls back to KTSM Radio. The 400 people on hand included Peter Contreras, assistant athletic director of the state's University Interscholastic League, the high school sanctioning body that hadn't seen fit to properly lodge or honor the Bears

60 years earlier. That Contreras is Hispanic is only one of uncountable examples of how times have changed. As for the old slights, the '49ers were "always very restrained how they responded," says Reyes Mata, the South Side native who helped organize the event. "They always maintained their dignity."

What did they become, Nemo Herrera's barrio boys from El Paso and San Antonio? Judges and produce barons and big-city postmasters. Mechanics and firefighters and civil servants. Opticians and claims adjusters and veterans, many of them decorated. An out-sized number chose Nemoesque professions: teaching, educational administration, coaching.

Rocky Galarza, the old third baseman, put an open-air boxing ring behind his South Side tavern. He plucked kids off the streets, and if the streets pulled them back, as they briefly did eventual WBF lightweight champ Juan (Ernie) Lazcano, Galarza would simply wait until they returned, wiser, to the sanctuary of his ring. The best ones ultimately made their way to L.A. or Dallas or Houston, where someone else cashed in on them; Galarza, in cowboy boots and jeans, his black hair flowing as he worked a guy out, simply turned to the next kid to save. One night in 1997 one of Galarza's barmaids shot and killed him in his sleep. Seven years later, on the eve of a title fight in Las Vegas, Lazcano told Bill Knight of the *El Paso Times*, "Sometimes, when I'm asleep, I still see him, still hear him. He's telling me, 'Come on, Champ, don't give up. Feint. Don't just stand there. Move your feet.' It's nice to know, isn't it, that if you do something special for people the way Rocky did, that you live on through them?"

Andy Morales, the license-plate-spotting second baseman, also "went Nemo," as the old Bears put it. After winning a football scholarship to New Mexico and serving in Korea with the Navy, he became baseball coach at El Paso's Austin High. There, in the early '70s, he taught the game to an Anglo kid named Chris Forbes, who grew up to coach Socorro to that 2009 state title. Morales followed the Bulldogs as they made a familiar way east through the draw, to Midland and greater Austin, as excited as he had been as a Bowie Bear. He was amazed that a dozen spirit buses would make the trip from El Paso for the final.

As for Herrera himself, he remained at Bowie until 1960. "The [Bowie] boys knew little of fundamentals," he said upon leaving, "and I was told I couldn't teach them. But I did." He took a post at another barrio high school, Edgewood of San Antonio. After one year Herrera—by now known as *el viejo*, the old man—returned to El Paso to coach baseball at Coronado High, a new, largely Anglo school on the outskirts of town. "I couldn't get those guys to do a damn thing," he would say. "They had a car in the parking lot and a gal on their arm."

Upon reaching the mandatory retirement age of 70, he returned one last time to San Antonio, working as director of civilian recreation at Kelly Air Force Base for 10 years before retiring again. He died in 1984. Herrera remains the only Texas high school coach to have won state titles in two sports, and his name can be found throughout the barrios of the two cities: on a scholarship fund, an ele-

mentary school and a baseball field in El Paso; and on a scholarship fund, a basketball court and the Kelly Air Force Base civilian rec center in San Antonio. "It's almost a competition between the two cities to see who can honor Nemo the most," says his son Charles, 75.

Of the eight members of the 1949 Bowie Bears still living, the five in El Paso gather for breakfast every few months at a Mexican restaurant on the East Side. Listen in, and you'll hear the sounds of baseball: chatter, needling, kibitzing, stories that reach across the years and often involve their old coach. Not that it matters particularly, but the banter is much more likely to be in English than in Spanish. And just so you know, Morales says, "For 60 years we've never lost a conversation."

I know my time is up, Mr. Speaker.

I wanted to read the story of the 1949 Bowie Bears into the RECORD to celebrate Hispanic Heritage Month. This is the end of Hispanic Heritage Month, and I thought that would be an appropriate way to end the month.

I thank you for your indulgence.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KILDEE (at the request of Ms. PELOSI) for today on account of his wife's surgery.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reports that on October 13, 2011 she presented to the President of the United States, for his approval, the following bills.

H.R. 2944. To provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

H.R. 3078. To implement the United States-Colombia Trade Promotion Agreement.

H.R. 3079. To implement the United States-Panama Trade Promotion Agreement.

H.R. 3080. To implement the United States-Korea Free Trade Agreement.

H.R. 2832. To extend the Generalized System of Preferences, and for other purposes.

ADJOURNMENT

Mr. REYES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 26 minutes p.m.), under its previous order, the House adjourned until Tuesday, October 18, 2011, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3495. A letter from the Director, Program Development & Regulatory Analysis, Department of Agriculture, transmitting the De-

partment's final rule — Expansion of 911 Access; Telecommunications Loan Program (RIN: 0572-AC24) received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3496. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Gypsy Moth Generally Infested Areas; Additions in Indiana, Maine, Ohio, Virginia, West Virginia, and Wisconsin [Docket No.: APHIS-2010-0075] received October 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3497. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Golden Nematode; Removal of Regulated Areas [Docket No.: APHIS-2011-0036] received October 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3498. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Phytosanitary Treatments; Location of and Process for Updating Treatment Schedules; Technical Amendment [Docket No.: APHIS-2008-0022] (RIN: 0579-AC94) received October 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3499. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3500. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8199] received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3501. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Electronic Stability Control Systems [Docket No.: NHTSA-2011-0140] (RIN: 2127-AL02) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3502. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards, Child Restraint Systems [Docket No.: NHTSA-2011-0139] (RIN: 2127-AJ44) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3503. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule Fees (RIN: 3084-AA98) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3504. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Alternative to Minimum Days Off Requirements [NRC-2011-0058] (RIN: 3150-AI94) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3505. A communication from the President of the United States, transmitting Notification That Approximately 100 U.S. Military Personnel Have Been Deployed To Central Africa To Act As Advisors To Partner Forces

Against The Lord's Resistance Army And Its Leader; (H. Doc. No. 112-64); to the Committee on Foreign Affairs and ordered to be printed.

3506. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's "Major" final rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2011-12 Late Season [Docket No.: FWS-R9-MB-2011-0014] (RIN: 1018-AX34) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3507. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's "Major" final rule — Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds [Docket No.: FWS-R9-MB-2011-0014] (RIN: 1018-AX34) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3508. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's "Major" final rule — Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations [Docket No.: FWS-R9-MB-2011-0014] (RIN: 1018-AX34) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3509. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule — Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program; Postponement of Effective Date (RIN: 1205-AB61) received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3510. A letter from the Acting Director, Office of Government Ethics, transmitting the Office's final rule — Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations (RIN: 3209-AA14) received October 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 258. A bill to require the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes; with an amendment (Rept. 112-245, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1904. A bill to facilitate the effective extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes; with an amendment (Rept. 112-246). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 818. A bill to direct the Secretary of the Interior to allow

for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District (Rept. 112-247). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2011. A bill to require the Secretary of the Interior to conduct an assessment of the capability of the Nation to meet our current and future demands for the minerals critical to United States manufacturing competitiveness and economic and national security in a time of expanding resource nationalism, and for other purposes; with amendments (Rept. 112-248). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2150. A bill to amend the Naval Petroleum Reserves Production Act of 1976 to direct the Secretary of the Interior to conduct an expeditious program of competitive leasing to oil and gas in the National Petroleum Reserve in Alaska, including at least one lease sale in the Reserve each year in the period 2011 through 2021, and for other purposes (Rept. 112-249). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2170. A bill streamlining Federal review to facilitate renewable energy projects; with an amendment (Rept. 112-250). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2171. A bill to promote timely exploration for geothermal resources under existing geothermal leases, and for other purposes; with an amendment (Rept. 112-251). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2173. A bill to facilitate the development of offshore wind energy resources; with an amendment (Rept. 112-252). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 258 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CUMMINGS (for himself, Mr. LANDRY, Mr. THOMPSON of Mississippi, Mr. KING of New York, Mrs. MILLER of Michigan, Mr. LOBIONDO, Ms. BROWN of Florida, Ms. HIRONO, Mr. RAHALL, and Mr. LARSEN of Washington):

H.R. 3202. A bill to amend title 46, United States Code, to require the Maritime Administrator, in making determinations regarding the non-availability of qualified United States flag capacity to meet national defense requirements, to identify any actions that could be taken to enable such capacity to meet some or all of those requirements, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently deter-

mined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself, Mrs. BLACKBURN, Mr. LANCE, Mr. BURGESS, Mr. PAULSEN, Mrs. CAPPS, Mr. GUTHRIE, Mr. HUNTER, Mr. DENT, Mr. STEARNS, Mr. LATTA, and Mr. SHIMKUS):

H.R. 3203. A bill to amend section 513 of the Federal Food, Drug, and Cosmetic Act to expedite the process for requesting de novo classification of a device; to the Committee on Energy and Commerce.

By Mr. GUTHRIE (for himself, Mr. SHIMKUS, Mr. ROGERS of Michigan, Mrs. BLACKBURN, Mr. PAULSEN, and Mr. LATTA):

H.R. 3204. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure public participation in the drafting and issuance of Level 1 guidance documents, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAULSEN (for himself, Mr. ALTMIRE, Mr. KINZINGER of Illinois, Mr. GUTHRIE, Mr. CASSIDY, Mr. SHIMKUS, Mrs. McMORRIS RODGERS, Mrs. BLACKBURN, Mr. LATTA, Mr. KLINE, Mrs. BACHMANN, Mr. CRAVACK, Mrs. BONO MACK, and Mr. BILBRAY):

H.R. 3205. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to persons who, with respect to devices, are accredited to perform certain reviews or inspections; to the Committee on Energy and Commerce.

By Mr. BURGESS (for himself, Mr. CASSIDY, Mr. BILBRAY, Mr. GINGREY of Georgia, Mr. PAULSEN, Mr. GUTHRIE, Mrs. BLACKBURN, Mr. SHIMKUS, and Mr. LATTA):

H.R. 3206. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to appointments to advisory committees and conflicts of interest; to the Committee on Energy and Commerce.

By Mr. BURGESS (for himself, Mr. PAULSEN, Mr. LATTA, and Mrs. BLACKBURN):

H.R. 3207. A bill to amend the Public Health Service Act to create a pathway for premarket notification and review of laboratory-developed tests, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHIMKUS (for himself, Mr. GINGREY of Georgia, Mr. GUTHRIE, Mr. LANCE, Mrs. BLACKBURN, Mr. ROGERS of Michigan, Mr. BILBRAY, Mr. BURGESS, Mr. BARTON of Texas, Mr. PAULSEN, Mr. CASSIDY, and Mr. LATTA):

H.R. 3208. A bill to reaffirm the Safe Medical Devices Act of 1990 by requiring that the Secretary of Health and Human Services establish a schedule and issue regulations as required under section 515(i) of the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHIMKUS (for himself, Mr. GINGREY of Georgia, Mr. GUTHRIE, Mr. ALTMIRE, Mr. LANCE, Mrs. BLACKBURN, Mr. ROGERS of Michigan, Mr. BILBRAY, Mr. BURGESS, Mr. BARTON of Texas, Mr. PAULSEN, Mr. CASSIDY, and Mr. LATTA):

H.R. 3209. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide predictability, consistency, and transparency to the premarket review process; to the Committee on Energy and Commerce.

By Mr. COOPER (for himself, Mrs. BONO MACK, and Mrs. BLACKBURN):

H.R. 3210. A bill to amend the Lacey Act Amendments of 1981 to limit the application of that Act with respect to plants and plant products that were imported before the effective date of amendments to that Act enacted in 2008, and for other purposes; to the Committee on Natural Resources.

By Mr. BASS of New Hampshire (for himself, Mr. ROGERS of Michigan, Mr. LANCE, Mrs. BLACKBURN, Mr. GUTHRIE, Mr. PAULSEN, Mr. LATTI, and Mr. SHIMKUS):

H.R. 3211. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve humanitarian device regulation; to the Committee on Energy and Commerce.

By Mr. THORNBERRY (for himself, Mr. DONNELLY of Indiana, and Mr. ROSS of Arkansas):

H.R. 3212. A bill to amend title XVIII of the Social Security Act to restore State authority to waive for certain facilities the 35-mile rule for designating critical access hospitals under the Medicare program; to the Committee on Ways and Means.

By Mr. FINCHER (for himself, Mr. GARRETT, Mr. GRIMM, Mr. HENSARLING, Mr. DOLD, Mr. HUIZENGA of Michigan, Mr. QUAYLE, Mr. WESTMORELAND, Mr. NEUGEBAUER, Mr. STIVERS, Mr. RIGELL, Mr. DESJARLAIS, Mr. MCHENRY, and Mr. LUETKEMEYER):

H.R. 3213. A bill to amend the Sarbanes-Oxley Act of 2002 to provide additional exemptions from the internal control auditing requirements for smaller and newer public companies; to the Committee on Financial Services.

By Mr. ROGERS of Michigan (for himself, Mrs. MYRICK, Mrs. BLACKBURN, Mrs. McMORRIS RODGERS, Mr. GUTHRIE, Mr. SHIMKUS, Mrs. BONO MACK, Mr. LATTI, and Mr. PAULSEN):

H.R. 3214. A bill to amend the Food and Drug Administration's mission; to the Committee on Energy and Commerce.

By Ms. CASTOR of Florida (for herself and Mr. NUGENT):

H.R. 3215. A bill to prevent identity theft and tax fraud; to the Committee on Ways and Means.

By Mr. BENISHEK (for himself and Mr. BILIRAKIS):

H.R. 3216. A bill to amend title 38, United States Code, to establish an ophthalmologic service and Director of Ophthalmologic Services in the Veterans Health Administration of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. BROWN of Florida:

H.R. 3217. A bill to improve and provide increased access to the Railroad Rehabilitation and Improvement Financing program; to the Committee on Transportation and Infrastructure.

By Mr. BUCSHON (for himself and Mr. HUELSKAMP):

H.R. 3218. A bill to amend section 1343 of the Patient Protection and Affordable Care Act to ensure the privacy of individually identifiable health information in connection with risk adjustment; to the Committee on Energy and Commerce.

By Mr. CHABOT:

H.R. 3219. A bill to amend the Small Business Investment Act of 1958 with respect to small business investment companies, and for other purposes; to the Committee on Small Business.

By Mr. CRAVAACK (for himself, Mr. KLINE, Mr. PAULSEN, Mrs. BACHMANN, Mr. PETERSON, Mr. WALZ of Minnesota, Ms. MCCOLLUM, and Mr. ELLISON):

H.R. 3220. A bill to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the "Master Sergeant Daniel L. Fedder Post Office"; to the Committee on Oversight and Government Reform.

By Ms. DELAURO (for herself, Mr. CARNAHAN, Ms. WOOLSEY, Mr. COURTNEY, Ms. SCHAKOWSKY, Mr. OLVER, Mr. GRIJALVA, Mr. CONYERS, and Mr. WELCH):

H.R. 3221. A bill to authorize the Secretary of Energy to provide loan guarantees for energy efficiency upgrades to existing buildings; to the Committee on Energy and Commerce.

By Mr. DICKS:

H.R. 3222. A bill to designate certain National Park System land in Olympic National Park as wilderness or potential wilderness, and for other purposes; to the Committee on Natural Resources.

By Ms. FOX:

H.R. 3223. A bill to direct the Army Corps of Engineers to allow certain entities to use a portion of collected recreational user fees for administrative expenses and for the operations, maintenance, development of recreational facilities or management of natural resources; to the Committee on Transportation and Infrastructure.

By Mr. HIGGINS:

H.R. 3224. A bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes; to the Committee on Ways and Means.

By Ms. KAPTUR (for herself, Mr. RYAN of Ohio, Ms. MOORE, Ms. NORTON, Ms. RICHARDSON, Ms. JACKSON LEE of Texas, and Mr. JACKSON of Illinois):

H.R. 3225. A bill to promote and enhance community agricultural production and technology in nontraditional communities through the establishment of a new office in the Department of Agriculture to ensure that Department authorities are coordinated more effectively to encourage local agricultural production and increase the availability of fresh food in nontraditional communities, particularly underserved communities experiencing hunger, poor nutrition, obesity, and food insecurity, and for other purposes; to the Committee on Agriculture.

By Ms. LEE of California:

H.R. 3226. A bill to restore the TANF Emergency Contingency Fund to further support our Nation's jobless workers; to the Committee on Ways and Means.

By Mr. LOBIONDO (for himself, Mr. SMITH of New Jersey, Mr. LANCE, and Mr. FRELINGHUYSEN):

H.R. 3227. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on portions of the Outer Continental Shelf located off the coast of New Jersey; to the Committee on Natural Resources.

By Mr. LYNCH:

H.R. 3228. A bill to require Federal law enforcement agencies to report to Congress serious crimes, authorized as well as unauthorized, committed by their confidential informants, to amend title 28, United States Code, with respect to certain tort claims arising out of the criminal misconduct of confidential informants, and for other purposes; to the Committee on the Judiciary.

By Mr. MARKEY (for himself and Mr. HOLT):

H.R. 3229. A bill to amend the Outer Continental Shelf Lands Act and the Mineral Leasing Act to require the Secretary of the Interior to issue regulations to prevent or minimize the venting and flaring of gas in oil and gas production operations in the United

States, and for other purposes; to the Committee on Natural Resources.

By Mrs. McMORRIS RODGERS (for herself, Mr. LANCE, Mr. GUTHRIE, Mrs. BLACKBURN, Mr. PAULSEN, Mr. BASS of New Hampshire, Mr. LATTI, and Mr. SHIMKUS):

H.R. 3230. A bill to direct the Food and Drug Administration, with respect to devices, to enter into agreements with certain countries regarding methods and approaches to harmonizing certain regulatory requirements; to the Committee on Energy and Commerce.

By Mr. MEEHAN (for himself, Mr. CONNOLLY of Virginia, Mr. CARNEY, and Mr. STIVERS):

H.R. 3231. A bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures; to the Committee on Ways and Means.

By Mr. OWENS (for himself, Mr. WELCH, Ms. HOCHUL, and Mr. HANNA):

H.R. 3232. A bill to improve the H-2A agricultural worker program for use by dairy workers, sheepherders, and goat herders, and for other purposes; to the Committee on the Judiciary.

By Mr. PETERS (for himself, Mr. MCGOVERN, Mr. ISRAEL, Mr. KILDEE, Mr. DINGELL, Mr. ELLISON, Ms. TSONGAS, Mr. STARK, Ms. LEE of California, Mr. OLVER, Mr. ANDREWS, Mr. CONYERS, Mr. LEVIN, Mr. MORAN, Mr. CARSON of Indiana, Mr. DEUTCH, Mr. JACKSON of Illinois, Ms. KAPTUR, Ms. SCHAKOWSKY, Mr. WATT, Mr. VAN HOLLEN, Mr. ACKERMAN, Mr. BOSWELL, Mr. CONNOLLY of Virginia, Ms. DELAURO, Ms. EDWARDS, Mr. HOLT, Mr. BLUMENAUER, Mr. TONKO, Ms. PINGREE of Maine, Ms. RICHARDSON, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. COURTNEY, Mr. WELCH, Ms. WOOLSEY, Mr. COHEN, Mr. PERLMUTTER, Mr. CARNAHAN, and Mr. LUJÁN):

H.R. 3233. A bill to amend the Food and Nutrition Act of 2008 to exclude the value of vehicles used for household transportation, or to obtain or continue employment, from the resource limitation applicable to determine eligibility to receive supplemental nutrition assistance; to the Committee on Agriculture.

By Mr. PLATTS (for himself and Mr. LYNCH):

H.R. 3234. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from pension plans for unemployed individuals who have exhausted their rights to unemployment compensation; to the Committee on Ways and Means.

By Mr. TIPTON:

H.R. 3235. A bill to amend the Mineral Leasing Act to require that a portion of amounts deposited into the general fund of the Treasury from sales, bonuses, royalties, and rentals from new mineral and geothermal lease authority be paid to States for use for the education of students in kindergarten through grade 12 and at institutions of higher education, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALZ of Minnesota (for himself and Mr. FORTENBERRY):

H.R. 3236. A bill to expand and improve opportunities for beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, and in addition to the

Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AMASH (for himself, Mr. BUCSHON, Mr. CAMPBELL, Mr. DUNCAN of South Carolina, Mr. GARDNER, Mr. GOSAR, Mr. LIPINSKI, Mr. MULVANEY, Mr. POLIS, Mr. WOODALL, Mr. LABRADOR, Mr. WALBERG, Mr. GOWDY, Mr. WALSH of Illinois, Mr. POMPEO, Mr. GRAVES of Georgia, Mr. QUIGLEY, Mr. LOEBSACK, Mr. SHULER, Mr. RIBBLE, Mr. MICHAUD, Mr. HUELSKAMP, Mr. SCHRADER, Mr. SOUTHERLAND, Mr. ROKITA, Mr. YODER, Mr. STUTZMAN, Mr. NUGENT, Mr. BURTON of Indiana, Mr. CULBERSON, and Mr. MORAN):

H.J. Res. 81. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DEUTCH:

H.J. Res. 82. A joint resolution proposing an amendment to the Constitution of the United States authorizing regulation of any expenditure in connection with an election; to the Committee on the Judiciary.

By Mr. BROUN of Georgia:

H. Res. 438. A resolution recognizing the importance of the property rights granted by the United States Constitution; affirming the duty of each Member of this body to support and defend such rights; and asserting that no public body should unlawfully obtain the property of any citizen of the United States for the benefit of another private citizen or corporation; to the Committee on the Judiciary.

By Mr. CROWLEY:

H. Res. 439. A resolution recognizing the religious and historical significance of the festival of Diwali; to the Committee on Foreign Affairs.

By Mr. ENGEL (for himself and Mr. RIVERA):

H. Res. 440. A resolution congratulating H.H. Dorje Chang Buddha III and the Honorable Ben Gilman on being awarded the 2010 World Peace Prize; to the Committee on Foreign Affairs.

By Mr. FORBES (for himself, Mr. THORNBERRY, Mr. AKIN, Mr. WILSON of South Carolina, Mr. TURNER of Ohio, Mr. WITTMAN, Mr. WEST, Mrs. HARTZLER, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. WALBERG, Mr. BISHOP of Utah, Mrs. MYRICK, Mr. BROUN of Georgia, Mr. SCHILLING, Mr. CRAVAACK, Mr. MILLER of Florida, Mr. PALAZZO, Mr. PLATTS, Mr. JONES, Mr. CONAWAY, Mr. THOMPSON of Pennsylvania, Mr. GOHMERT, Mr. GERLACH, Mr. HECK, Mr. SHUSTER, Mr. HUNTER, Mrs. ROBY, Mr. KLINE, Mr. LOBIONDO, Mr. FLEMING, Mr. ROONEY, Mr. RIGELL, Mr. GRIFFIN of Arkansas, and Mr. ROGERS of Alabama):

H. Res. 441. A resolution expressing the sense of the House of Representatives that further reductions to core national security funding will cause significant harm to United States interests; to the Committee on Armed Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California:

H. Res. 442. A resolution recognizing the necessity and urgency of job creation, extending unemployment assistance, expand-

ing education and job training programs, and investing in improving and modifying the Nation's infrastructure; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CUMMINGS:

H.R. 3202.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8:

The Congress shall have Power To . . . provide for the common Defence and general Welfare of the United States.

The Congress shall have Power To . . . regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. BILBRAY:

H.R. 3203.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution which states that Congress has the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. GUTHRIE:

H.R. 3204.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

To regulate Commerce with foreign Nations and among the several States, and with the Indian Tribes

By Mr. PAULSEN:

H.R. 3205.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. BURGESS:

H.R. 3206.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 3 which states that Congress has the authority "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;"

By Mr. BURGESS:

H.R. 3207.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 3 which states that Congress has the authority "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;"

By Mr. SHIMKUS:

H.R. 3208.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. SHIMKUS:

H.R. 3209.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. COOPER:

H.R. 3210.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States.

By Mr. BASS of New Hampshire:

H.R. 3211.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Mr. THORNBERRY:

H.R. 3212.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. FINCHER:

H.R. 3213.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. ROGERS of Michigan:

H.R. 3214.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes"

By Ms. CASTOR of Florida:

H.R. 3215.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Section 8 of Article 1.

By Mr. BENISHEK:

H.R. 3216.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The Congress shall have Power to . . . provide for common Defence

By Ms. BROWN of Florida:

H.R. 3217.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. BUCSHON:

H.R. 3218.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. CHABOT:

H.R. 3219.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 clause 3 "To regulate commerce with foreign nations, and among the several states and with the Indian tribes;"

By Mr. CRAVAACK:

H.R. 3220.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

Bt Ms. DELAURO.

H.R. 3221.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 18 of the United States Constitution.

By Mr. DICKS:

H.R. 3222.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3.

By Ms. FOXX:

H.R. 3223.

Congress has the power to enact this legislation pursuant to the following:

Clause 14 of Section 8 of Article 1 of the Constitution "To make rules for the government and regulation of the land and naval forces."

By Mr. HIGGINS:

H.R. 3224.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of this legislation lies in the power of congress to lay and collect taxes, duties, imposts and excises as described in Article 1, Section 8, Clause 1. With further support from the Sixteenth Amendment, which provides Congress the power to lay and collect taxes on incomes, from whatever sources derived.

By Ms. KAPTUR:

H.R. 3225.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I
Clause 3 of Section 8 of Article I
Clause 18 of Section 8 of Article I
Clause 7 of Section 9 of Article I

By Ms. LEE of California:

H.R. 3226.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LOBIONDO:

H.R. 3227.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. LYNCH:

H.R. 3228.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I and clause 3 of Section 8 of Article I.

By Mr. MARKEY:

H.R. 3229.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mrs. McMORRIS RODGERS:

H.R. 3230.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under Article I, Section 8, clause 3 to regulate Commerce with foreign nations and among the several States.

By Mr. MEEHAN:

H.R. 3231.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 1 of the Constitution of the United States.

By Mr. OWENS:

H.R. 3232.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, of the United States Constitution.

By Mr. PETERS:

H.R. 3233.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 1.

By Mr. PLATTS:

H.R. 3234.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1.

By Mr. TIPTON:

H.R. 3235.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1 of the United States Constitution.

By Mr. WALZ of Minnesota:

H.R. 3236.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. AMASH:

H.J. Res. 81.

Congress has the power to enact this legislation pursuant to the following:

Article V, which provides that "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution . . . which shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States . . ."

By Mr. DEUTCH:

H.J. Res. 82.

Congress has the power to enact this legislation pursuant to the following:

Article V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. CRENSHAW, Mr. COLE, Mr. KELLY, and Mr. RIGELL.

H.R. 57: Mr. PALAZZO.

H.R. 58: Mr. SHIMKUS.

H.R. 111: Mr. SARBANES.

H.R. 205: Mr. DENHAM and Mr. HONDA.

H.R. 219: Mr. BENISHEK.

H.R. 265: Mr. STARK.

H.R. 266: Mr. STARK.

H.R. 267: Mr. STARK.

H.R. 279: Mr. HUELSKAMP.

H.R. 303: Mr. RENACCI.

H.R. 361: Mr. RYAN of Wisconsin.

H.R. 382: Mr. JACKSON of Illinois.

H.R. 420: Mr. STIVERS, Mr. MCHENRY, Mr. CHABOT, Mrs. ELLMERS, and Mr. BUCHON.

H.R. 469: Mr. ROTHMAN of New Jersey.

H.R. 583: Ms. SLAUGHTER and Mr. BISHOP of Georgia.

H.R. 605: Mr. GIBSON.

H.R. 645: Mr. SHIMKUS.

H.R. 735: Mr. BASS of New Hampshire and Mr. MCCAUL.

H.R. 745: Mr. AUSTRIA.

H.R. 835: Mr. SERRANO.

H.R. 886: Mr. TIBERI, Ms. MCCOLLUM, Mr. LEWIS of California, Mr. WHITFIELD, Mr. LANKFORD, Mr. CAMPBELL, Mr. OLSON, Mr. YOUNG of Florida, Ms. SPEIER, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mr. HALL, Mr. COHEN, Ms. HERRERA BEUTLER, Mr. BISHOP of Georgia, and Mr. BROWN of Georgia.

H.R. 912: Mr. GARAMENDI.

H.R. 1048: Mr. SMITH of Washington.

H.R. 1057: Mr. YARMUTH and Mr. THOMPSON of California.

H.R. 1063: Mr. BROWN of Georgia.

H.R. 1085: Mr. SMITH of Washington.

H.R. 1093: Mr. SHIMKUS, Mr. ADERHOLT, Mr. SCHWEIKERT, Mr. NEUGEBAUER, Mr. WALDEN, Mr. GOSAR, Mr. SCOTT of South Carolina, and Mr. DUNCAN of South Carolina.

H.R. 1117: Ms. PINGREE of Maine.

H.R. 1167: Mr. YODER.

H.R. 1236: Mr. KILDEE and Mr. BRADY of Pennsylvania.

H.R. 1265: Mr. GRIMM, Mr. HOLDEN, and Mr. GUTHRIE.

H.R. 1300: Mr. JOHNSON of Illinois.

H.R. 1327: Mrs. EMERSON.

H.R. 1370: Mr. GIBSON.

H.R. 1388: Mr. MARCHANT.

H.R. 1418: Mr. COHEN and Mr. PLATTS.

H.R. 1449: Mr. PAYNE.

H.R. 1451: Mr. MCGOVERN.

H.R. 1456: Ms. HIRONO and Mr. COHEN.

H.R. 1477: Ms. DELAURO.

H.R. 1489: Mr. LEWIS of Georgia.

H.R. 1505: Mr. POE of Texas.

H.R. 1515: Mr. ROTHMAN of New Jersey.

H.R. 1546: Mr. MCKINLEY and Mr. ALEXANDER.

H.R. 1558: Mr. MARCHANT and Mr. SCHILLING.

H.R. 1585: Mr. GRAVES of Georgia.

H.R. 1591: Mr. AL GREEN of Texas.

H.R. 1623: Ms. WOOLSEY.

H.R. 1633: Mr. MCCAUL, Mr. FARENTHOLD, Mr. CASSIDY, and Mr. ROKITA.

H.R. 1639: Mr. WILSON of South Carolina, Mr. GUINTA, and Mr. SHUSTER.

H.R. 1656: Mr. KINZINGER of Illinois.

H.R. 1734: Mr. FINCHER.

H.R. 1738: Mr. HONDA.

H.R. 1746: Ms. ESHOO and Mr. KEATING.

H.R. 1749: Mr. TIERNEY.

H.R. 1754: Mr. BACA, Mr. MCKEON, Mr. HOLT, and Mr. CAPUANO.

H.R. 1755: Mr. ANDREWS and Mr. BERG.

H.R. 1831: Mr. SCHRADER.

H.R. 1834: Mr. RIBBLE.

H.R. 1855: Mr. CONNOLLY of Virginia.

H.R. 1897: Ms. TSONGAS, Mr. MCGOVERN, and Mr. JACKSON of Illinois.

H.R. 1904: Mr. LANDRY, Mr. BROOKS, Mr. CARTER, Mr. FLORES, Mr. REED, Mr. WALDEN, Mrs. McMORRIS RODGERS, Mr. YOUNG of Alaska, Mr. KELLY, Mr. HECK, Mr. AMODEI, Mr. SOUTHERLAND, Mr. THOMPSON of Pennsylvania, Mr. STUTZMAN, Mr. LANKFORD, and Mr. SIMPSON.

H.R. 1905: Mr. BROWN of Georgia, Mr. QUAYLE, and Mr. PEARCE.

H.R. 1957: Mr. PASTOR of Arizona.

H.R. 1971: Mr. TERRY.

H.R. 1979: Mr. FILNER.

H.R. 2016: Ms. WOOLSEY, Mr. KILDEE, Mrs. LOWEY, and Ms. BALDWIN.

H.R. 2020: Mr. COBLE.

H.R. 2028: Ms. ZOE LOFGREN of California.

H.R. 2040: Mr. WESTMORELAND, Mr. YODER, Mr. BROUN of Georgia, Mrs. MYRICK, Mr. PRICE of Georgia, and Mr. SULLIVAN.

H.R. 2047: Mr. PIERLUISI, Mr. GRIMM, and Ms. WILSON of Florida.

H.R. 2059: Mr. CHABOT, Mr. FLORES, Mr. MACK, Mr. RIGELL, Mr. GRIFFIN of Arkansas, and Mr. GRAVES of Georgia.

H.R. 2121: Mr. JOHNSON of Ohio.

H.R. 2123: Mr. MCCOTTER and Mr. COBLE.

H.R. 2131: Mrs. DAVIS of California, Mr. PIERLUISI, and Mr. BROOKS.

H.R. 2139: Mr. GRIJALVA.

H.R. 2145: Mr. CANSECO.

H.R. 2146: Ms. JENKINS and Mr. PETERSON.

H.R. 2239: Mr. JACKSON of Illinois.

H.R. 2245: Mr. DIAZ-BALART and Mr. CARNEY.

H.R. 2248: Ms. SLAUGHTER.

H.R. 2334: Mr. OWENS, Mr. WITTMAN, Mr. FRANK of Massachusetts, and Mr. CAMPBELL.

H.R. 2346: Mr. CARSON of Indiana, Mr. COHEN, Mr. CUMMINGS, Mr. GONZALEZ, Mr. JOHNSON of Georgia, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mr. BISHOP of New York, Mr. CICILLINE, Mr. CLAY, Mr. CLEAVER, Ms. HAHN, Mr. NADLER, Mr. PASTOR of Arizona, Mr. GUTIERREZ, Ms. RICHARDSON, Ms. VELÁZQUEZ, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2369: Mr. BENISHEK, Mr. BUCSHON, Mrs. HARTZLER, Mr. HULTGREN, Mr. RIBBLE, Mr. RIGELL, Mr. STIVERS, Mr. YOUNG of Indiana, and Mr. BROOKS.

H.R. 2371: Mr. ROE of Tennessee.

H.R. 2376: Mr. SARBANES, Mr. MORAN, Mr. JACKSON of Illinois, and Mr. HOLT.

H.R. 2429: Mr. GOSAR.

H.R. 2437: Mr. SCHOCK.

H.R. 2447: Mr. SIMPSON, Mr. GERLACH, Mr. GIBBS, Mr. LUCAS, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, and Mr. LUETKEMEYER.

H.R. 2459: Mr. SESSIONS.

H.R. 2471: Mr. LARSEN of Washington.

H.R. 2501: Mr. AL GREEN of Texas.

H.R. 2505: Ms. MCCOLLUM, Mr. CONNOLLY of Virginia, and Mrs. EMERSON.

H.R. 2528: Mr. PAULSEN, and Ms. JENKINS.

H.R. 2541: Mrs. ELLMERS and Mr. CRAVAACK.

H.R. 2557: Mr. HINCHEY.

H.R. 2571: Mr. PLATTS.

H.R. 2600: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. AL GREEN of Texas, Mr. STIVERS, Mr. BISHOP of Georgia, Mr. JONES, Mr. MCIN-

TYRE, Mr. MCCOTTER, Mr. BILBRAY, Mr. FITZPATRICK, and Mr. GUINTA.

H.R. 2607: Mr. GRIJALVA and Mr. FILNER.

H.R. 2643: Ms. BASS of California.

H.R. 2655: Mr. BACA, Mr. ALEXANDER, Mr. RYAN of Ohio, Mrs. SCHMIDT, Mr. ELLISON, Mr. CHANDLER, and Mr. BISHOP of Georgia.

H.R. 2679: Mr. STARK.

H.R. 2680: Mrs. LUMMIS, Mr. POSEY, and Mr. BILBRAY.

H.R. 2706: Ms. ROS-LEHTINEN.

H.R. 2770: Ms. MCCOLLUM.

H.R. 2778: Mr. PLATTS.

H.R. 2829: Mr. CRAVAACK, Mr. ROYCE, Mr. YOUNG of Alaska, Mr. TIBERI, Mr. GOHMERT, Mrs. BLACK, Mr. AUSTRIA, and Mr. FLORES.

H.R. 2830: Ms. SCHAKOWSKY.

H.R. 2840: Mr. CRAVAACK.

H.R. 2866: Mr. TONKO.

H.R. 2878: Mr. POLIS.

H.R. 2888: Mr. JACKSON of Illinois.

H.R. 2910: Mr. CANSECO, Mr. JOHNSON of Ohio, and Mr. SCHOCK.

H.R. 2925: Mr. DOLD and Mr. ROSKAM.

H.R. 2938: Mr. BOREN.

H.R. 2966: Mr. SCHILLING and Mr. BERMAN.

H.R. 2969: Mr. CLARKE of Michigan, Ms. ZOE LOFGREN of California, and Mrs. MCCARTHY of New York.

H.R. 2977: Mr. TONKO.

H.R. 2995: Mr. FILNER.

H.R. 2997: Mr. GOHMERT, Mr. GUTHRIE, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. KELLY, Mr. ROGERS of Kentucky, and Mr. WESTMORELAND.

H.R. 2998: Mr. WITTMAN.

H.R. 3016: Mr. MICHAUD.

H.R. 3020: Mr. JONES, Mr. RANGEL, Mr. SABLAN, and Mr. TOWNS.

H.R. 3039: Mr. RUPPERSBERGER and Mr. GOSAR.

H.R. 3046: Mr. RUSH.

H.R. 3059: Mr. DOYLE and Mr. TIBERI.

H.R. 3086: Mr. THOMPSON of Pennsylvania.

H.R. 3090: Mr. WALSH of Illinois and Mr. BROUN of Georgia.

H.R. 3094: Mr. NUNNELEE, Mr. SCHOCK, and Mr. HECK.

H.R. 3099: Mr. SMITH of Texas and Mr. LUETKEMEYER.

H.R. 3101: Mr. AUSTIN SCOTT of Georgia, Mr. ADERHOLT, Mr. LAMBORN, and Mrs. MYRICK.

H.R. 3102: Ms. WOOLSEY and Ms. BASS of California.

H.R. 3104: Mr. JONES.

H.R. 3112: Mr. WOLF.

H.R. 3127: Mrs. HARTZLER.

H.R. 3130: Mr. PETERSON, Mr. COLE, Mr. CANSECO, Mr. TIBERI, Mr. RIBBLE, Mr. ALEXANDER, and Mr. ROSS of Florida.

H.R. 3134: Mr. STARK, Mr. RANGEL, and Mr. HIMES.

H.R. 3145: Mr. COSTELLO and Ms. HIRONO.

H.R. 3151: Mr. GRIJALVA and Mr. PAYNE.

H.R. 3162: Mr. CARTER and Mr. LANDRY.

H.R. 3167: Mr. FILNER.

H.R. 3184: Mr. GRIJALVA.

H.R. 3200: Ms. ZOE LOFGREN of California, Mr. HOLT, and Ms. WASSERMAN SCHULTZ.

H.J. Res. 69: Mr. CHANDLER.

H. Con. Res. 72: Ms. DELAULO.

H. Res. 98: Mr. BOREN.

H. Res. 111: Mr. COFFMAN of Colorado, Mr. BONNER, and Mr. HARRIS.

H. Res. 137: Mr. HALL.

H. Res. 220: Mr. SMITH of New Jersey.

H. Res. 253: Mr. AKIN, Mr. RAHALL, and Mr. KLINE.

H. Res. 356: Mr. CARTER, Mrs. MYRICK, and Mr. CRAVAACK.

H. Res. 397: Ms. WOOLSEY.

H. Res. 416: Mr. WILSON of South Carolina.

H. Res. 429: Mr. KING of New York, Mr. McCAUL, Mr. MEEHAN, Mrs. MYRICK, Mr. SESSIONS, and Ms. HOCHUL.

H. Res. 435: Mr. CONYERS and Mr. AUSTIN SCOTT of Georgia.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1380: Mr. CHABOT.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. CRITZ on House Resolution 310: Dan Boren, John Barrow.

Petition 2 by Mr. GOHMERT on the bill (H.R. 1297): Stephen Lee Fincher.

EXTENSIONS OF REMARKS

75TH ANNIVERSARY OF THE PATUXENT RESEARCH REFUGE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. HOYER. Mr. Speaker, I rise today to mark the 75th anniversary of the Patuxent Research Refuge—established in 1936 by President Franklin D. Roosevelt and the nation's only National Wildlife Refuge created to support wildlife research.

Over the past 75 years, the Patuxent Research Refuge has been the site of countless advances in wildlife and applied environmental research. Scientists working on the refuge have been international leaders in natural resource conservation and their work has improved the health of animals and humans alike. Pioneering work in the field of environmental contaminants undertaken at Patuxent served as the backbone of Rachel Carson's Silent Spring and research efforts at the refuge ultimately led to the banning of DDT.

Patuxent's research community has also made important contributions in the areas of migratory birds, wildlife population analysis, waterfowl harvest, habitat management, wetlands, coastal zone and flood plain management, endangered species recovery, urban wildlife, ecosystem management, and management of national parks and national wildlife refuges.

For those of us who live in this region, the Patuxent Research Refuge is more than a center for the advancement of science. It is an oasis in between two major cities—a site that gives all visitors the opportunity to immerse themselves in nature and reflect on the importance of preserving our environment. Indeed, among my proudest achievements in the Congress is helping to enable increased public access to Patuxent through the expansion of the facility from its original 2,670 acres to its present 12,841 acres.

I want to thank the staff and scientists of U.S. Fish and Wildlife Service and the U.S. Geological Survey for their continued efforts to preserve this marvelous asset and advance our understanding of our environment. And I urge my colleagues to join with me in congratulating all of those gathered at Patuxent this weekend to celebrate this important milestone.

IN RECOGNITION OF THE 175TH ANNIVERSARY OF METROHEALTH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 175th anniversary of the

MetroHealth System, one of the largest, most comprehensive health care providers in Northeast Ohio.

Founded in 1837 as City Hospital, MetroHealth has been providing care to the residents of Cuyahoga County as a not-for-profit, county operated, safety net health care provider. MetroHealth is committed to "responding to community needs, improving the health status of our region, and controlling health care costs." MetroHealth has also been affiliated with Case Western Reserve University for nearly 100 years.

MetroHealth is one of the three largest health care providers in Northeast Ohio and has the only Level I Trauma and Burn Center for Adults in the area. Additionally, in 1982, MetroHealth established its Metro Life Flight air ambulance service. Metro has more than 400 primary care and specialty care physicians that practice at its 14 medical facilities throughout Northeast Ohio. MetroHealth Medical Center provides care to more than 28,000 inpatients, delivers 2,900 babies, has more than 790,000 visits to its outpatient centers and 99,600 patients to the emergency department annually.

MetroHealth has been one of only 32 hospitals in the country to receive a 2010 Triple Gold Achievement Award from the American Heart Association's Get with the Guidelines Program for its treatment of coronary disease, stroke and heart failure. It has also been in the top one percent of hospitals in the Nation recognized with the Premier Award for Quality. MetroHealth has also been honored by Thomson Reuters as a Top 100 Hospital.

Mr. Speaker and colleagues, please join me in recognizing all those who have made the 175th anniversary of MetroHealth System possible.

TRIBUTE TO HOT GRILL

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention to the achievements of an outstanding small business, the Hot Grill in New Jersey upon reaching their 50th Anniversary.

It is only fitting that they be honored in this, the permanent record of the greatest democracy ever known. Hot Grill has been a true asset and a part of the community in the City of Clifton for 50 years.

Under the ownership of Domenick Sportelli, an Italian immigrant, and Carmen LaMendola, the Hot Grill has become a community favorite that has drastically grown since its inception in October of 1961.

The Hot Grill started as a small establishment, with one long counter and roughly 20

seats. Thanks to the owners' dedication to quality and commitment to their community, the Hot Grill has undergone several expansions and has attained the ability to accommodate up to 160 customers on its premises.

One of the Hot Grill's accomplishments is its pioneering of the Texas Weiner, which many believe had its beginnings in Paterson, New Jersey. Texas Weiners, hot dogs with chili, have been served for over 40 years at the Hot Grill.

In 1996, Hot Grill celebrated their 35th anniversary and sold 60,000 hot dogs in just three days. Just five years earlier, it took four days to sell the same amount—proof of the business' growth and popularity.

Though it gained fame for its hot dogs, the Hot Grill is also noted for its homemade soups and chilis. Their chili, in fact, travels the world to countries as far as England and Italy.

The owners of this business consider the fact that they have now been serving three generations of the community's residents as one of their greatest achievements. The Hot Grill has been ranked as the "Number 1" Hot Dog in the Record Readers' Top 5 Survey, along with other enthusiastic reviews. Furthermore, it has been frequented by a number of celebrity personalities over the years, including the late President Richard Nixon.

The entrepreneurial spirit present at the Hot Grill is an example of the American Dream. Through hard work, they have demonstrated that businesses in our communities can thrive for generations.

Though the job of a United States Congressman involves much that is rewarding, few experiences compare to having the honor of recognizing the impressive accomplishments of local small businesses such as the Hot Grill in the City of Clifton.

Mr. Speaker, I ask that you join our colleagues, the City of Clifton, the Hot Grill, and its faithful customers in celebrating the great achievement of this outstanding small business upon reaching their 50th Anniversary.

VIOLENCE AGAINST EGYPTIAN PROTESTERS

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. PETERS. Mr. Speaker, I rise today to express my outrage at the military government in Egypt which committed a horrendous act of violence against its own citizens last Sunday night, and at the state run media in Egypt which helped incite that violence.

Coptic Christians have lived peacefully in Egypt for millennia, but sadly in recent months Coptic churches and protestors have been targeted for violence by sectarian extremists. Sadly, it now appears that the government is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

playing a role in fostering this unrest, and attacking its own people.

Last Sunday more than 1,000 Copts gathered to protest a recent attack by Islamist radicals on a Coptic church in the country's south. While it's not clear why this protest turned violent, what we do know from video shot at the scene is that 26 protesters died after the military drove armored vehicles into the crowds.

Perhaps even more disturbing, state run media sources called upon other Egyptians to take to the streets to protect the military from the protesters. The actions of the media served only to heighten tension and create the increased likelihood that a peaceful protest would turn violent.

I applaud Egyptian Deputy Prime Minister Hazem El-Beblawi who submitted his resignation on Tuesday in protest over the government's actions. I am disappointed that Egypt's military government has refused to allow him to resign.

The end of the reign of Hosni Mubarak creates an enormous opportunity for Egypt to create a democratic society that respects the rights of minorities. In order to maintain international legitimacy and the support of the United States government, the Egyptian military must demonstrate a commitment to protecting Christians and others who have been targeted for violence.

TRIBUTE TO ADDIE CAMILLA
BUTLER RUSH

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a remarkable constituent and entrepreneur on the occasion of her 100th birthday. Mrs. Addie Camilla Butler Rush is a dear family friend and like a second mother to my brothers and me. Having lost my own mother at the age of 55, it gives me great joy to celebrate this special centenarian's birthday.

Addie Camilla Butler Rush was born on October 22, 1911. She was the 13th child of 15 children born to the late Richard and Adelaide Butler. She is one of two surviving siblings; her baby sister, Richmond Danny, is currently 94 years old. As a child, she was reared in the Tindal area of Sumter, South Carolina.

In 1937, Mrs. Rush began her study of Cosmetology in Roanoke, Virginia, and later completed her studies at Breland School of Cosmetology in Orangeburg, SC. She established Ambritt's Beauty Shop, better known as Rush's Beauty Shop on the south side Sumter in 1938. She was also trained in cake decorating, floristry, and millinery arts. She later opened businesses for all of her many trades. She is a true entrepreneur and had businesses in Pinewood, Camden (Mather Academy), Bishopville, Sumter, Manning and Timmonsville. Rush's Florist and Rush's Beauty Shop are still in operation today in Sumter.

Mrs. Rush briefly served as a State Cosmetology Inspector, but resigned to care for her young child. The beauty culture field included hair and makeup, and she was renowned for

her skill in doing makeup for legs, which was a popular alternative to hosiery during the 1940s. She is a charter member of the Sumter Beautician's Club and is a current member emeritus.

Over the years, she earned numerous recognitions including: 1st Place winner in styling at the Bronner Brothers Hair Show (1960); Service Awards for SC State and National Beauty Culture League (1981, 1984, 1994, 1999); Super Achiever Award in Business and Community Service from Jehovah Baptist Church (1988); Women in Business Award, National Association of the Advancement of Colored People (1992); and honored as Grand Marshall for the Festival on the Avenue Parade (2010).

Mrs. Rush has always been very grounded in her faith. She has been a member of Jehovah Missionary Baptist Church for eighty-nine years. She served on the Gospel Choir, Wide Awake Ministry, Missionaries, Church School, the Friendly Gospel Singers, and she is a founding member of the Golden Stars. She still faithfully attends the 7:45 a.m. Sunday service.

Mrs. Rush was blessed with one child, Dorothy Dean Rush Palmer. She has four grandchildren; Edmond L. Palmer, Yvette A. Palmer-Montsho, Floyd B. Palmer-McLeod, and Wygelia E. Palmer; five great-grandchildren; Latoya, Addavia, Jamela, Quinton, and Jabari; and two great-great grandchildren, Javeon and Jada. She also has a significant number of god-children.

Mr. Speaker, I ask you and our colleagues to join me in sending best wishes to Mrs. Addie Rush on her 100th birthday. She is an extraordinary woman with a generous spirit, a mind for business, and a heart filled with love and faith. I am proud to call her a dear friend and a member of my extended family.

WELCOMING AND HONORING THE
EASTERN IOWA HONOR FLIGHT
AND IOWA'S WWII VETERANS

HON. DAVID LOEBACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. LOEBACK. Mr. Speaker, next week, 90 Iowa veterans of the Greatest Generation will travel to our nation's capital. Accompanied by volunteer guardians, these veterans will travel to Washington, DC, to visit the monument that was built in their honor.

For many of these veterans, next Tuesday, October 18th, will be the first time they will see the National World War II Memorial. I am deeply honored to have been invited to welcome them back to Iowa at the end of their journey, and I am very much looking forward to the opportunity to hear about their experience seeing their memorial for the first time and to having the opportunity to personally thank these heroes.

Sadly, however, 17 of Iowa's heroes who were planning to travel with their fellow veterans to Washington, DC, passed away before they were able to embark on their trip. My wife Terry and I join all Iowans in mourning their loss and in extending our deepest sympathies to their families.

I am proud to have a piece of marble from the quarry that supplied the marble that built the World War II Memorial in my office. Like the memorial that it built, that piece of marble reminds me of the sacrifices of a generation of Americans. When our country was threatened, they rose to defend not just our nation, but the freedoms, democracy, and values that make our country the greatest nation on earth. They did so as one people and one country. Their sacrifices and determination in the face of great threats to our way of life are both humbling and inspiring.

The sheer magnitude of what the Greatest Generation accomplished, not just in war but in the peace that followed, continues to inspire us today. They did not seek to be tested both abroad by a war that fundamentally challenged our way of life and at home by the Great Depression and the rebuilding of our economy that followed. But, when called upon to do so, they defended and then rebuilt our nation to make it even stronger. Their patriotism, service, and great sacrifice not only defined their generation—they stand as a testament to the fortitude of our nation and the American people.

I am tremendously proud to provide an early welcome to the Eastern Iowa Honor Flight and Iowa's veterans of the Second World War to our nation's capital next week. On behalf of every Iowan I represent, I thank them for their service to our country.

THE LEGACY OF STEVE JOBS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today on behalf of the Members of the California Congressional Delegation to honor the legacy of Steve Jobs, one of the world's greatest innovators and entrepreneurs and a committed family man. Steve unfortunately passed away last Wednesday, October 5, 2011, leaving behind his beloved wife, Laurene Powell Jobs, and four children. He embodied the American entrepreneurial spirit and was a true pioneer of California's technology sector, inspiring millions with creations at Apple that continue to sustain Silicon Valley today. His passion, ingenuity and hard work have changed the way we live and work forever.

Steve was a native of California and a product of its public education system. He hailed from San Francisco, and was adopted by Paul and Clara Jobs, who moved to Mountain View, California when he was a child. Steve attended Cupertino Junior High and Homestead High School in Cupertino, California. After briefly spending time in college in Portland, he returned to his home state to pursue his interest in computers.

In 1976, Steve founded Apple Computer in Cupertino, with Steve Wozniak and Ronald Wayne. Almost 40 years later, Jobs has been listed as either primary inventor or co-inventor of more than 340 U.S. patents and patent applications for a wide range of technologies. His insatiable desire to innovate made Apple into

one of the world's most profitable and recognizable brands.

His diagnosis of pancreatic cancer in 2004 shocked and saddened us all. However, as was often the case with Steve, he continued in sickness to lead by example. During the time between his diagnosis and death, Apple introduced the iPhone and the iPad, which have set new standards for mobile devices.

Jobs announced his resignation as Apple's CEO on August 24, 2011, and in a letter to Apple's Board of Directors, he said, "I believe Apple's brightest and most innovative days are ahead of it." We believe that the next great innovators are in California classrooms right now, learning about Steve Jobs and being inspired by his legacy.

The following are the names of the 53 Members of the California Congressional Delegation: MIKE THOMPSON, WALLY HERGER, DANIEL LUNGREN, TOM MCCLINTOCK, DORIS MATSUI, LYNN WOOLSEY, GEORGE MILLER, NANCY PELOSI, BARBARA LEE, JOHN GARAMENDI, JERRY MCNERNEY, JACKIE SPEIER, PETE STARK, ANNA G. ESHOO, MIKE HONDA, ZOE LOFGREN, SAM FARR, DENNIS CARDOZA, JEFF DENHAM, JIM COSTA, DEVIN NUNES, KEVIN MCCARTHY, LOIS CAPPS, ELTON GALLEGLY, HOWARD "BUCK" MCKEON, DAVID DREIER, BRAD SHERMAN, HOWARD BERMAN, ADAM SCHIFF, HENRY WAXMAN, XAVIER BECERRA, JUDY CHU, KAREN BASS, LUCILLE ROYBAL-ALLARD, MAXINE WATERS, JANICE HAHN, LAURA RICHARDSON, GRACE NAPOLITANO, LINDA SÁNCHEZ, EDWARD ROYCE, JERRY LEWIS, GARY MILLER, JOE BACA, KEN CALVERT, MARY BONO MACK, DANA ROHRBACHER, LORETTA SANCHEZ, JOHN CAMPBELL, DARRELL ISSA, BRIAN BILBRAY, BOB FILNER, DUNCAN HUNTER and SUSAN DAVIS.

BRONZE STAR MEDAL FOR
PRIVATE FLOYD RAGSDALE

HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. SCHILLING. Mr. Speaker, I rise today to honor a brave warfighter, Mr. Floyd D. Ragsdale. Mr. Ragsdale was born on September 9, 1925, in Waterloo, Iowa. He was drafted into the Army in December 1943 and went through basic training and advanced unit training at Camp Shelby, Mississippi. In October of 1944, Mr. Ragsdale was sent to Europe and assigned to the 424th Regiment of the 106th Infantry Division—a division that was known as the "Golden Lions." Mr. Ragsdale participated in combat operations in Northern France, the Rhineland Campaign, and the Ardennes.

For his bravery and diligence, Mr. Ragsdale received the National Service Defense Medal, the European Theater of Operations ribbon with three bronze stars, the Combat Infantryman's Badge, the World War II Victory Medal, and the Good Conduct Medal.

Mr. Ragsdale has earned yet another medal. After 66 years it is my honor to present the Bronze Star for meritorious service in Belgium during World War II to Mr. Ragsdale. This is the fourth-highest combat award the

U.S. Armed Forces has and is given to an individual for bravery, acts of merit, or meritorious service.

I am also privileged to see Mr. Ragsdale receive the Belgian Fourragere for his service during the Battle of the Bulge in defense of liberty. The Belgian Fourragere is a military award given by the Belgium government and is a braided cord. It is considered one of the top awards.

We are very lucky to have had dedicated warfighters like Mr. Ragsdale in our Army. Our country owes him and those like him a great debt of gratitude for the sacrifices he and others made for us.

IN TRIBUTE TO PEGGY JANE
SADLER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to my very good friend, Peggy Jane Sadler, who will be inducted into the Ventura County Republican Hall of Fame next week.

It is a well-deserved and long overdue honor.

I met Peggy more than 30 years ago when I first ran for City Council. She subsequently served on my mayoral committee and is among those who are largely responsible for my run for Congress.

But Peggy is more than a political confidant. She is a close personal friend to my wife, Janice, and me.

I am not alone in benefiting from Peggy's political passion. Peggy's handprints can be found on the success of a number of elected officials, both directly and indirectly. She served on the campaigns of Rep. Barry Goldwater, Jr., California Governors Pete Wilson and George Deukmejian, California Senator Lou Cusanovich, California Assemblyman Bob Cline, and Ventura County District Attorneys Michael Bradbury and Greg Totten.

She has been a member of Simi Valley Republican Women since 1964 and served as President in 1976, 1977 and 2009; served as president of Ventura County Republican Women, Federated, from 1979 to 1983; and is a past member of the Board of Directors, CFRW Southern Division; a past member of the California Federation of Republican Women Board; a voting member of the California Republican Party since 1977; an elected member of the Ventura County Republican Party from 1979–2011; Ventura County Co-Chairman for: Reagan for President 1980; a member of the Ventura County Steering Committee: Reagan/Bush 1984; Alternate Delegate for the 1984 GOP National Convention; City Co-Chairman for Bush/Quayle 1988; Delegate to the 1992 GOP National Convention; Alternate Delegate to the 1996 GOP National Convention; Alternate Delegate to the 2004 GOP National Convention; a member of the Bush Team—2000 and 2004; and a member of the Ventura County Lincoln Club Board of Directors.

That's enough to keep anyone busy. But Peggy's community involvement goes beyond

politics. She believes politics is an avenue to make her community, state, and nation a better place to live, work, and raise a family—but it is not the only avenue.

Peggy's other activities include founding member and Past President of the Simi Valley Cultural Arts Center Foundation Board of Directors, docent for the Ronald Reagan Presidential Library since 1991, Past President of the Simi Valley High School Music Boosters, and past member of the School Attendance Review Board.

After 27 years, Peggy retired as administrative assistant at Simi Valley Presbyterian Church. A former music major at University of California, Santa Barbara, she is currently serving as Director of the Handbell Choir. She also was a member of the Los Robles Master Chorale for 28 years.

Peggy and her husband, David, have been married 54 years. They have two children and five grandchildren.

Mr. Speaker, as a previous inductee into the Ventura County Republican Hall of Fame, I welcome my friend. I know my colleagues join Janice and me in congratulating Peggy Jane Sadler for this recognition and in thanking her for decades of commitment to her community and nation.

HONORING MARIN COUNTY
SUPERVISOR HAL BROWN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Ms. WOOLSEY. Mr. Speaker, I rise today to honor a colleague, Hal Brown, on the occasion of his retirement after 29 years of service to Marin County. Since he was first appointed to the Board of Supervisors to represent the Second District, Hal demonstrated a caring, thoughtful and committed approach to addressing the issues facing the residents of Marin.

Hal's priorities have been clear from the start. He focuses on families, education, environment, responsible government and economic vitality. His own vitality and dedication led him to serve on more than 25 boards and organizations, from the Marin Conservation League to the Rape Crisis Center, from the Golden Gate Bridge Highway and Transportation District to the Disabled Students Advisory Board.

This work has resulted in a long list of notable accomplishments—for example, preserving more than 1,500 acres of open space, founding FireSafe Marin, supporting the Marin Energy Authority and Safe Routes to Schools, and authoring Marin's Family Medical Leave law. I remain one of his most appreciative fans for his early and ongoing leadership on important women's issues.

After the New Year's Eve flood of 2005, Hal moved to make his district safer by establishing the first regional flood warning system in the Ross Valley. He continued to work for a watershed-wide approach that would combine flood control with environmental restoration and water quality.

Hal prided himself on his accessibility, and his door was always open to the many who

appreciated working with a man of his integrity and drive. The fact that he continued to serve the last year despite battling serious illness speaks volumes about his commitment to his constituents. His thoughtful study of issues, while listening to all sides, has earned him the respect and admiration of colleagues throughout the North Bay.

A San Anselmo resident for almost 40 years, Hal coached various youth sports while raising his two sons, Mike and Chris.

Mr. Speaker, for nearly three decades, Hal Brown has served Marin County with enormous intelligence and dedication. Hal's hard work is one of the reasons that Marin remains such a beautiful, vibrant, well-governed community. It has been a privilege to work with him, and I ask you to join me in wishing him good health and a well-deserved retirement.

IN RECOGNITION OF FATHER
KENNETH R. MURPHY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. PALLONE. Mr. Speaker, I rise today to recognize Father Kenneth Murphy, an exceptional individual who continues to provide outstanding spiritual guidance for the members of the Middlesex County community. His exceptional service is highly deserving of this body's recognition.

Born in New York City, Father Murphy is a graduate of Saint Joseph's High School in Metuchen, New Jersey and is a proud alumnus of Newark College of Engineering. He earned a Bachelors of Science in Chemical Engineering from Newark College of Engineering. His educational foundation launched his tenure as a faculty member of the Union Catholic Regional High School in Scotch Plains, New Jersey. Father Murphy entered and completed his seminary formation in Ss. Cyril and Methodius Seminary in Orchard Lake, Michigan. He earned his Master of Divinity Degree in May 1986 and received his Master of Fine Arts in Theology from the University of Detroit the same year. On May 31, 1986, Father Murphy was ordained to the priesthood by Bishop Theodore E. McCarrick at St. Francis of Assisi Cathedral in Metuchen, New Jersey.

An outstanding spiritual leader and mentor, Father Murphy's various assignments have circulated him throughout central New Jersey. He has served in many positions throughout the 6th Congressional District, including Associate Pastor at Our Lady of Victories and Administrator and Pastor at St. Stanislaus. Father Murphy is currently Sayreville PBA Chaplain, Chaplain for Our Lady of Victories Columbiettes Council 2061 and Chaplain of Our Lady of Victories Assembly #0670 Fourth Degree Knights of Columbus. St. Peter's Parish in New Brunswick, New Jersey remains Father Murphy's home of worship.

Mr. Speaker, once again, please join me in thanking Father Kenneth Murphy for his continued spiritual guidance. His extraordinary leadership continues to guide Middlesex County community, my district, and the State of New Jersey.

RECOGNIZING THE NATIONAL
OPINION RESEARCH CENTER, AT
THE UNIVERSITY OF CHICAGO
ON ITS 70TH ANNIVERSARY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. DAVIS of Illinois. Mr. Speaker, I wish to recognize the National Opinion Research Center on the occasion of its 70th anniversary. Known by its acronym, NORC, is one of the nation's oldest, not-for-profit, independent research organizations. It is headquartered in downtown Chicago with additional offices on the University of Chicago's campus and in the D.C. Metro area.

NORC is a national leader in social science research. Numerous data collection and analytical tools that now set the industry standard were pioneered at NORC. The organization's capabilities in the areas of study design and survey methodology, statistical design and analysis, survey data collection (including biomarker and environmental data collection), evaluation and performance measurement, policy analysis and recommendations, dissemination and knowledge management, and technical assistance set it apart as an authority in the field of social science research. Further, its research expertise is enhanced by its interdisciplinary approach, innovative study designs and research methods, commitment to the highest standards of research excellence and scientific rigor, and strong collaborative relationships with prominent experts, senior government officials, and leading scholars.

Given its expertise in social science research, NORC plays a leadership role in numerous wide-reaching studies and surveys that provide vital insight and information to today's most pressing issues. For example, NORC manages the National Immunization Survey sponsored by the Centers for Disease Control and Prevention, which produces national- and area-level data on vaccination rates for children and teens. It conducts the General Social Survey, which is regarded as the best source of data on societal trends and is routinely used by policymakers. NORC also advances health care innovation and effectiveness through its evaluation of four projects for the Office of the National Coordinator of Health Information Technology. These projects are critical to understanding adoption of health IT and what resources are needed to achieve measurable gains in health care quality and efficiency. Other NORC projects of note include the National Longitudinal Survey of Youth, the National Children's Study, and a series of international impact evaluations for the Millennium Challenge Corporation.

As a policymaker, I am especially impressed by NORC's unique ability to conduct high-caliber social science research and analysis designed to inform policy decisions on complex issues. Research to inform policy must be intentional as well as carefully designed and executed; I am grateful to NORC for its commitment to applying social science research to social policy, be it in the areas of health, education, economics, crime, justice, energy, security or environment. True to its mission to

perform high-quality social science research in the public interest, NORC has proven a tremendous resource to my office over the years. Indeed, I have sought their expertise on multiple occasions, including recently with regard to the National Children's Study and the National Longitudinal Survey of Youth. I greatly appreciated their insight into these studies so that I could advocate for policies to improve the well-being of children and youth.

It is rare to find an organization that is skilled at both research and application of its findings. NORC has enriched public policy debate and decision making by gathering and distilling critical information. NORC's work and expertise have spanned seven decades, and I am confident the organization and its outstanding researchers will continue to have a positive effect on our nation's knowledge base and policymaking processes well into the future. This year, I celebrated my 70th birthday as well. As I look back on my own life, I can personally attest to the fortitude that it takes to have gotten this far and to have remained relevant. I commend NORC on its commitment to high quality social science research that informs so many aspects of our society. I am proud to have NORC in my congressional district, and I wish NORC and its employees in Illinois and throughout the nation all the best on the occasion of the organization's 70th anniversary. I look forward to your continued success and excellence in the years to come.

HONORING JOHN "JACK" E.
FRANK, PH.D., ON THE OCCASION
OF HIS 80TH BIRTHDAY

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. CRITZ. Mr. Speaker, I rise today to recognize a faithful patriot, skilled counselor and educator, devoted public servant and good friend of mine for reaching a notable life milestone. On October 17, John "Jack" E. Frank, a valued member of my Congressional staff, will turn 80 years old. Having known Jack for many years, I can attest that he is a man of the highest character. He has spent nearly his entire life serving causes greater than himself.

After serving his country admirably in the Navy in the 1950s, Jack earned a Bachelor's degree from Indiana University of Pennsylvania, a Master's degree from Westminster College and a Ph.D. from Case Western Reserve University. He has used his education to foster the development of countless young men and women in Pennsylvania and to serve the interests of the citizens of Pennsylvania's twelfth Congressional District.

Jack began his teaching career at Sharpsville Junior High School while working toward his Master's degree. Following this experience, he took a job as a counselor at Yorktown High School. It was there that he met his beloved wife Jeannette, with whom he has two children, Jeffrey and Janelle, and four grandchildren, Effie, Vivian, Sophia and Elsie.

Jack spent the majority of his teaching career at his alma mater, Indiana University of Pennsylvania, serving as the Assistant Dean

of Men and a veterans/career counselor. Between his work at IUP and his active participation in the local Veterans of Foreign Wars, VFW, Jack became a staunch advocate and friend of our nation's proud military veterans. In recognition of his 25 years of devoted service to IUP, he received the Indiana University of Pennsylvania Distinguished Alumni Award in 2006.

Following his distinguished career in education, Jack embarked on an equally distinguished career in public service. He capably served the late Congressman John Murtha for ten years before coming to work for me following my election in 2010. I hired Jack for his inimitable wisdom, kindness and experience. No one could be a more passionate and skilled liaison to the people of Pennsylvania's twelfth Congressional District than Jack.

Mr. Speaker, Jack is a great man. While he could easily be "retired" and enjoying the fruits of his distinguished career, Jack instead continues to serve the public and the greater good. I strive every day to emulate the selflessness and devotion to the wellbeing of others that are the hallmarks of his character.

Happy 80th birthday Jack, and thank you for your service.

IN MEMORY OF CHARLES REED
RUCKER

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. ADERHOLT. Mr. Speaker, on a farm in Crabapple, Georgia, Charles Reed Rucker was born August 14, 1921. His parents were Jeff Lafayette (Jepp) and Nancy Emily Reed Rucker. He grew up on a farm in Crabapple which is now considered a suburb of Atlanta. Charles graduated from high school in 1938. He sold magazine subscriptions and worked for McQuary Engineering stringing power lines in South Carolina after high school and during the "Great Depression" as everyone was doing whatever they could do to sustain life.

On a hot July 3, 1940, as a young man Charles enlisted in the Navy—riding a train to Norfolk, Virginia, where he received his boot training. He was shipped aboard the U.S.S. *Prairie*. The *Prairie* caught fire perhaps from a torpedo, and Charles along with the crew went aboard the U.S.S. *Dennabola* and was sent to submarine squadron 3 in the Panama Canal Zone where patrol off the coast of Panama and Eastern South America. A palm log pierced the bottom of the patrol plane which was equipped with 4 depth charges set to automatically arm at 25 feet of water. The crew had to abandon the plane and swim to shore but before they reached the shore the U.S. Army Corps from France Field came to their rescue and returned the crew to the station in Panama.

From there Charles went to officer's training school at Mercer University at Macon, Georgia, after which he was assigned to Whiting Field in Pensacola, Florida, then to Cony Field. While serving at Cony Field he was promoted to Leading Chief of his squadron. After 2 years he was sent back to Panama Canal

Zone to form another squadron. The second day after the bombing of Pearl Harbor, his squadron was ordered to Pearl Harbor to assist in clean-up.

After this operation Charles returned to the states with the Navy Transport Squadron VR673. Next they were ordered to the European Theater on a diplomatic mission, crossing the North Atlantic into Ireland. From Shannon, Ireland they flew in to France, England and Germany.

From there the crew went to Holland and from Holland to Brussels, Belgium, the back again to England, then back to the U.S. Charles was transferred from the 15th Naval District to the 5th Naval District in Charleston, South Carolina, and ultimately returned to NAS Atlanta as a member of VR673 active reserve as Leading Chief Petty Officer. From NAS Atlanta Charles flew support missions during the Korean Crisis and the Vietnam War. He remained stationed at NAS Atlanta in the reserve until he retired on his birthday, August 14, 1981.

Charles started to work for Delta Airlines in Atlanta in 1954 in the maintenance department, then progressed to the Engineering Department where he edited a technical publication that aided maintenance personnel. He remained in that position until retirement in 1983. After retirement he and his wife, Claudia, moved from their home in Doraville, Georgia, to Lake Lanier. This was a wonderful transition for Charles and Claudia. After Claudia's retirement they purchased her home place in Winston County, Alabama, and relocated there where they resided until Charles' death on August 10, 2011.

Charles was the father of one daughter, Patricia Rucker Goss, and two sons Gregory Anthony (Tony) and David Christopher (Chris) Rucker and was grandfather to 5 grandchildren: Beth Goss Scarborough, Melissa Goss, Leanne Rucker Waldrep, Noah Rucker and Caleb Rucker.

He will be missed by these and many others but the one that will miss him more is his beloved wife of 42 years, Claudia.

Charles was a wonderful individual who had countless friends. He was a much loved husband, father and grandfather and a great American and patriot.

THE PASSAGE OF THE COLOMBIA,
PANAMA AND SOUTH KOREA
FREE TRADE AGREEMENTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. BURTON of Indiana. Mr. Speaker, I rise in favor of all three free trade agreements that we passed this week. I have been a strong supporter of these agreements for as long as we have been waiting for them to be submitted to Congress. This is a real jobs bill that will certainly help our economy and help people get back to work without spending a dime of the taxpayer's money.

As the Administration has sat on these agreements, the United States has been left in the wake of our international partners who

have been able to finalize and benefit from agreements that didn't include us. If the United States does not lead in the Global Economy, it will be forced to follow and the FTAs represent our most definitive step towards leveling the playing field for our workers, farmers, and consumers. To continue to thrive as the greatest economy in the world, we have to put ourselves into a position to compete.

These agreements will enable the private sector to create thousands of jobs both in my home state of Indiana and in the United States at large. In Indiana, Hoosiers should particularly benefit, given that we have seen a 138 percent increase in exports over the past thirteen years. These free trade agreements will cause this number to skyrocket as tariffs and penalties are removed for U.S. companies making capital available to create more jobs. This is further demonstrated by the fact that 42 percent of all U.S. jobs are connected to international trade and 15,752 jobs in my home district are directly supported by exports. By increasing the market share for U.S. companies and eliminating barriers and high tariffs, these companies will increase their profits and use that money to hire new employees. Every \$1 billion in increased exports generates an estimated 25,000 new jobs in all sectors of the economy. It is no longer enough for us to simply buy American, to compete in this harsh environment globally we are going to have to sell American as well.

These free trade agreements are an obvious solution to the problem of slow economic growth. This is a package that will actually stimulate, unlike others that have been passed before. I commend the passage of these agreements. Let's continue to enable America to get back to work.

E-VERIFY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. CALVERT. Mr. Speaker, I rise today to talk about the E-Verify Program and legislation pending in the House. Last weekend California Governor Jerry Brown signed into law AB 1236, making it illegal for the state and California municipalities to voluntarily use the E-verify system. This is an outrage.

Right now, across America, various states and local governments are enacting mandatory E-Verify. Meanwhile, California is going the other way by enacting a ban on voluntary E-Verify, and in fact the Governor is signing laws to preempt the use of E-verify.

The illegal population looking for work will now head to states that are ignoring the problem and away from states like Arizona and Alabama which have taken a proactive role to fill the vacuum the federal government has left with regard to immigration policy. People will understandably go where they can find work. However, in a state with 12.1% unemployment, we cannot afford the burden on our schools and social services the influx brings. This is why we need a uniform system that ensures ALL workers in America are legal and paying into the system that they are using.

That is why I support and am a sponsor of H.R. 2885, the Legal Workforce Act.

Before I came to Congress, I owned and operated several restaurant businesses. I was required by law to hire a legal workforce but there was no tool available to determine if the identifying documentation presented at the time of employment was fraudulent. When I first created employment verification in 1996, I wanted to build a system that would utilize existing information and processes that was reliable, fair and simple to use.

At that time, and still today, every employer is required to file an I-9 form based on paper identification documents. My solution was simple: provide employers a way to check that a given name and Social Security number match government records. Today, the E-Verify program has over 268,000 employers representing 900,000 hiring sites. In fiscal year 2011, there have been more than 10.9 million queries run through the system. The Legal Workforce Act would essentially make E-Verify mandatory by requiring the Secretary of Homeland Security to implement a verification process for mandatory employment verification.

Of the millions of queries run through the computer based E-Verify system, 98.3 percent of employees are instantly verified. Individuals who are given a tentative non-confirmation are given eight business days to contact SSA or DHS regarding their case. Currently one percent of all queried employees choose to contest an E-Verify result and only half of them—point five percent—are successful in contesting that the government's information was incorrect. E-Verify is doing the job it was intended: denying employment to people in the United States not authorized to work.

E-Verify is ready for mandatory use. The Legal Workforce Act would phase in the mandatory requirement over 24 months for most employers with the exception for agricultural labor which will have 36 months to comply. As a member from an agriculture state, I think it is important to ensure our agriculture community has the labor they need. I support parallel legislation to provide a workable guest worker program that includes the necessary safeguards to ensure that guest workers leave on time. This should be easier to do because with mandatory employment verification guest workers will not be able to secure a legal job in the U.S. after their seasonal work visa expires.

The Legal Workforce Act also implements worker protections for mismatched Social Security numbers and use of multiple Social Security numbers. The bill also provides good faith exemptions for employers who use the program while increasing the penalties for employers who knowingly hire illegal immigrants.

The Legal Workforce Act is a thoughtful and comprehensive approach to mandatory employment verification and E-Verify is ready to fulfill the obligation. America is ready for mandatory employment verification: employers are required by law to hire a legal workforce, and mandatory E-Verify will ensure that they are complying with the law.

While the legal name of the current program is "Basic Pilot Program," the effective brand name is E-Verify. Many businesses have incorporated the term "E-Verify" into their busi-

ness and marketing plans. I would strongly suggest that we enshrine the name in law to provide clarity and continuity for businesses currently using E-Verify.

E-Verify is an extremely effective program and as we've seen from recent actions all over the country, from Arizona to Rhode Island, mandatory employment verification is quickly becoming a reality. As Members of Congress responsible for controlling our borders and enforcing legal employment, let's build upon what works and give the American people what they want: a federal law mandating employment verification.

HONORING SAINT VINCENT'S DAY HOME

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Ms. LEE of California. Mr. Speaker, I rise today to honor Saint Vincent's Day Home (SVDH) as it celebrates the amazing milestone of its Centennial. Over the last 100 years, in the same Victorian house in which it was founded, the Sisters of the Holy Family and SVDH's Board of Directors, staff and supporters have provided Oakland's low-income children and their families with countless opportunities to grow and thrive. On this truly momentous occasion, we recognize the steadfast commitment of SVDH to provide a safe, welcoming and hopeful space that nourishes the bodies, hearts and minds of West Oakland's children.

In 1911, The Archbishop of San Francisco, Most Reverend Patrick Riordan, asked Sister Joseph and Sister Agnes of the Sisters of the Holy Family to select a site in Oakland for the establishment of a new convent and day home. An 1863, 14-room Queen Anne Victorian house was purchased for a bargain price, and after a dedication ceremony on October 2, 1911 and a grand opening on the 16th, Saint Vincent's Day Home was officially in service. Located on the second floor of the residence, the Day Home was already serving 32 children in its first month. In the 1920s, the Day Home expanded operations as the convent moved to Piedmont and the organization received additional funding through what is now called the United Way. By the following decade, 180 children were enrolled in SVDH and the Day Home was growing to include increased support and programming. Today, SVDH serves over 230 children, ages two through six, and counting.

Over the last 40 years, SVDH has struck a vital balance between the introduction of modern revitalization efforts and the maintenance of its core values of service. For these reasons and more, it has become a national model of care for toddlers, preschoolers, kindergarteners and youth. From its first major expansion in 1976, to the launch of its Children's Fund a decade later and its first computer lab in 1991, SVDH has utilized a collaborative leadership process that includes founding parties, parents and lay Board members in its ongoing and successful operation.

More than 32,000 children have benefitted from SVDH's culturally competent education

and literacy programs, as well as its referrals to comprehensive services that help keep families afloat. It's dedicated community, government and private partners, including United Way of the Bay Area, the California Department of Education, Chevron Corporation, Scott's Seafood Restaurant, S.H. Cowell Foundation and the Sisters of the Holy Family (just to name a few), are helping SVDH to champion family literacy and jump-start child development for decades to come.

Therefore, on behalf of the residents of California's 9th Congressional District, I would like to salute Saint Vincent's Day Home, and all of those who have contributed to its century of service. Thank you for your inestimable contributions to our community. Once again, congratulations, and I wish you the very best as you strive for another 100 years of excellence.

TRIBUTE TO DR. NANCY GRACE ROMAN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise today to honor the extraordinary achievements of my constituent, Nancy Grace Roman. One of the world's most significant women in the history of science, Dr. Roman has dedicated her life to the exploration of the universe. Often called the "Mother of Hubble" thanks to her efforts to make the Hubble Space Telescope a reality, Dr. Roman was critical to establishing the new era of space-based astronomical instrumentation. Recently, she was honored by NASA with a fellowship in her name, the Nancy Grace Roman Technology Fellowship in Astrophysics, which will help young researchers achieve scientific breakthroughs in the development of innovative technologies, just as Dr. Roman did decades ago. Only the fourth person recognized by NASA with a fellowship, she joins the ranks of Albert Einstein, Edwin Hubble and Carl Sagan in being so honored.

Dr. Roman's fascination with outer space began at a young age. Her passion for the universe was fueled in large part by her parents. Her father, a geophysicist, answered her scientific questions, while her mother, a teacher, exposed Nancy to nature and spent nights observing the sky with her daughter and pointing out such astronomical phenomena as constellations and the aurora. Dr. Roman knew from her early childhood that she wanted to devote her life to astronomy, even organizing an astronomy club to observe the constellations with her friends when she was just eleven years old.

Dr. Roman's dream of a life in science came true, as she devoted her career to understanding the nature of stars. Dr. Roman received a B.A. in astronomy from Swarthmore College in 1946 and a doctorate in astronomy from the University of Chicago in 1949. She then began working as a research associate in the radio astronomy branch of the U.S. Naval Research Laboratory. In 1959, NASA recruited Dr. Roman to set up a program in space astronomy. As NASA's first chief of astronomy, Dr. Roman traveled across the United States,

seeking to identify the needs of astronomers nationwide. She then established a committee of astronomers and NASA engineers to determine the kinds of satellites that were necessary and that could feasibly be engineered. Dr. Roman once described looking at the universe through the atmosphere as "somewhat like looking through a piece of old, stained glass." Her deep passion and determination for finding newer, more efficient methods of astronomical exploration that would solve this problem inspired her to help facilitate the development of the most powerful and versatile instrument of its time—the Hubble Space Telescope. Her role in the creation of this extraordinary piece of technology led Dr. Roman to be affectionately known as the "Mother of Hubble." Following her work with the Hubble Space Telescope, Dr. Roman served as Chief of NASA's Astronomy and Relativity Programs, the first woman ever to hold an executive position at NASA. There, she was involved with, among other things, planning numerous satellite and rocket exploration programs.

In addition to having made numerous professional contributions to science, Dr. Roman is an inspiration to women of all ages and backgrounds. She grew up knowing what she wanted to do with her life but, as a woman of that era, she was forced to deal with a constant stream of disparaging comments from people around her. When Dr. Roman opted to take an additional year of high school mathematics instead of Latin, she was ridiculed by the school guidance counselor, who rejected the prospect of a girl choosing to pursue such a field. Her friends also tried to discourage her from science and mathematics, insisting that it was not the correct path for a woman of her generation to follow. Women of Dr. Roman's generation were often discouraged from pursuing any professional career, much less one in the sciences. Despite this, Dr. Roman followed her passion. She defied generational stereotypes, persevering to become one of the most eminent and influential women of her generation. Today, Dr. Roman remains an active member of the American Association of University Women and the River Road Unitarian Universalist Congregation in Bethesda, Maryland. Since retiring from NASA in 1979, she spends much of her time consulting, teaching, and lecturing around the country and continues to be a passionate advocate for science.

Our many astronomical and astrophysical advances would not have been possible without the efforts of Dr. Roman. By establishing a fellowship in Dr. Roman's name, NASA honors her and her achievements, and ensures that her contributions to the scientific community will never be forgotten.

I ask my colleagues to join me in saluting Dr. Nancy Grace Roman and in thanking her for all that she has done to advance scientific knowledge and our understanding of our world.

IN RECOGNITION OF SHILOH BAPTIST CHURCH'S 155TH ANNIVERSARY AND REV. ANTHONY R. SADLER

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Ms. MATSUI. Mr. Speaker, I rise today in recognition of Shiloh Baptist Church and the installation of Reverend Anthony R. Sadler as its 30th Pastor. Shiloh Baptist Church was established in 1856 and is also celebrating its 155th anniversary this year. As church members gather to celebrate Shiloh's 155th anniversary and the installation of Reverend Sadler, I ask all my colleagues to join me in honoring Shiloh's important role in the Sacramento community.

For 155 years, Shiloh Baptist Church has been a fixture in Sacramento. From their beginning, the church has always been able to form strong relationships with other churches and organizations. There is no better example of this than when Shiloh first started. They did not have a place to hold services and the Chinese Chapel at 6th and H Streets graciously invited them to use their facilities.

Over the last century and a half, Shiloh has provided many services to our community, much under the guidance of Pastor Emeritus Willie P. Cook. Church programs include Elderly Appreciation Day, the Shiloh Community Services Foundation, an annual Dr. Martin Luther King, Jr. Celebration and an annual outing for seniors to Apple Hill. Shiloh has also partnered with a number of community organizations to serve those in need, including the Sacramento County Child Abuse Prevention Council, Sacramento County Children's Coalition, Sacramento Children Summer Food Program, Sacramento County's Gifts from the Heart Program, a local prison ministry and a number of scholarship programs.

This weekend, Shiloh Baptist Church will welcome Reverend Anthony R. Sadler as its 30th pastor. Reverend Sadler grew up attending the church and is the son of Mr. and Mrs. Albert Sadler. Reverend Sadler, a life-long resident of Sacramento County, became a minister on March 9, 2003, and previously served at the church as a Pastoral Assistant. It is clear that Shiloh will greatly benefit by having Reverend Sadler's vast knowledge of its congregation and our community.

Mr. Speaker, I am honored to pay tribute to Shiloh Baptist Church on its 155th anniversary and recognize Reverend Anthony R. Sadler as its 30th pastor. I am confident that Shiloh will continue its deep connections to the Sacramento community under his leadership. I ask all my colleagues to join me in honoring Shiloh Baptist Church's outstanding work in providing the community with much needed services.

RECOGNIZING NATIONAL BUSINESS WOMEN'S WEEK, BUSINESS AND PROFESSIONAL WOMEN, NORTH TO THE FUTURE, AND YWCA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. YOUNG of Alaska. Mr. Speaker, today I rise in recognition of National Business Women's Week, Business and Professional Women, North to the Future, and YWCA.

Working women constitute 72 million, or almost half of the nation's workforce and strive to serve their communities, their states, and their nation in professional, civic and cultural capacities. Women-owned businesses constitute 30 percent of all U.S. business generating in \$1.9 trillion in sales and employing 9.2 million people.

Working women should be applauded for their contributions to the workplace and the financial stability of their families especially during the economic downturn when more women have become their family's breadwinner. Since 1928, National Business Week has honored the contributions of working women and employers who support working women and their families.

North to the Future is a professional local organization with more than thirty five years of active community service within Anchorage. BPW NTFF remains committed to reducing Alaska's staggering statistics on sexual assault and domestic violence and has organized activities programs and events to educate and uplift women.

For these reasons, I rise in support, recognition and congratulations during National Business Women's Week.

TRIBUTE TO GAIL CHATFIELD OF ST. LOUIS, MISSOURI (1919-2005)

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. CARNAHAN. Mr. Speaker, I rise today to pay tribute to the life of valued public servant, one of Missouri's finest first responders, Gail Chatfield.

As our nation recently commemorated the tenth anniversary of 9/11, we honored those first responders who risked their lives to save others.

Gail's life was one of unselfish public service. He served our nation during the Korean War, served as a firefighter for 22 years, as a state legislator in the Missouri General Assembly, and as Missouri's state Fire Marshall, appointed by my father Governor Mel Carnahan.

Gail was a leader who led quietly by example. He was competent, determined, and accomplished many great things, and did so with a sense of duty, purpose and humility.

In addition to his tireless public service, Gail was a loving husband, and a dedicated father, grandfather, and great-grandfather.

He is survived by his wife Lois; their four children Keith, Kathy, Greg, Pamela; four grandchildren, and two great-grand children.

He will be missed by his family and the community at large.

Today, I ask my colleagues to stand with me and honor his life, his accomplishments, and his family.

IN HONOR OF REVEREND DR. E.
THEOPHILUS CAVINESS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Reverend Dr. E. Theophilus Caviness, the pastor of Greater Abyssinia Baptist Church for 50 years. Rev. Dr. Caviness is being honored by the City of Cleveland as it dedicates Tacoma Avenue from East 105th Street to Parkwood Drive as "Rev. Dr. E. Theophilus Caviness Way."

Born and raised in Marshall, Texas, Rev. Dr. Caviness became aware and involved in the fight against discrimination of the African American population at an early age. He attended Bishop College in Dallas, Texas and Eden Theological Seminary in Webster Groves, Missouri. Before coming to the City of Cleveland, Rev. Dr. Caviness served as the pastor of St. Mark's Baptist Church in Picton, Texas, Mount Nebo Baptist Church in Madison, Illinois and St. Paul Baptist Church in East St. Louis, Missouri. He used his position as a minister and lifetime member of the National Association for the Advancement of Colored People (NAACP) to bring people together to create change during the Civil Rights movement.

In 1961, Rev. Dr. Caviness moved to Cleveland and became the pastor of Greater Abyssinia Baptist Church. He immediately became involved in Cleveland's Civil Rights movement. In conjunction with his pastoral duties, Rev. Dr. Caviness has served on Cleveland's Zoning Board of Appeals, Planning Board of the Glenville Area Council and Sewer Board of Cleveland. Additionally, he served as a Councilman in Cleveland City Council from 1974 to 1980, worked as the executive assistant to former Mayor George Voinovich and served two terms as chair of the Ohio Civil Rights Commission. Rev. Dr. Caviness continues his advocacy work as President of the Southern Christian Leadership Conference Cleveland Chapter, board chair of Community Covenant Oversight Team for the "Closing the Gap" Initiative, and is currently working with Rev. Al Sharpton and the National Action Network.

Because of his dedication and longtime service to the fight against racism, Rev. Dr. Caviness has received an honorary doctorate of divinity degree from Lynchburg Virginia Seminary and an honorary doctorate of law degree from Central State University. He will also be inducted into the International Civil Rights Walk of Fame on January 6, 2012.

Mr. Speaker and colleagues, please join me in honoring Rev. Dr. E. Theophilus Caviness as the City of Cleveland celebrates his tireless work in the Greater Cleveland community and as a leader in the continuing Civil Rights movement.

HONORING THE LIFE OF REV-
EREND FRED SHUTTLESWORTH

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. COHEN. Mr. Speaker, I rise today to honor the life of Reverend Fred Shuttlesworth, one of the great, unsung leaders of the Civil Rights movement, and a major figure in the historic fight for justice and equality. Fred Shuttlesworth was born Fred Robinson on March 18, 1922 in Mount Meigs, Alabama. He was raised in Birmingham, Alabama by his mother, Alberta Robinson who married William Nathan Shuttlesworth at which point Fred Robinson took the last name Shuttlesworth.

Fred Shuttlesworth was the eldest of eight siblings. His family survived by sharecropping and making moonshine liquor. In the early 1940s, Fred Shuttlesworth became a truck driver before joining the Baptist Church in 1944. He then studied ministry at Selma University and began preaching at Selma's First Baptist Church. He graduated from Selma in 1951. In 1953, Shuttlesworth became pastor of Bethel Baptist Church in Birmingham. His life as a social activist peaked that following year, when his attention was captured by a newspaper headline announcing that the U.S. Supreme Court had outlawed school segregation in Brown vs. Board of Education. "I felt like I was a man, that I had rights," Shuttlesworth said, recalling his reaction.

In 1955, he supported the Montgomery bus boycott, led by Rev. Martin Luther King Jr. Shuttlesworth became a Birmingham activist, joining the National Association for the Advancement of Colored People (NAACP) in their voter registration efforts. When the state of Alabama essentially outlawed the NAACP in 1956, Shuttlesworth found and led the Alabama Christian Movement for Human Rights to take direct action to end racial segregation.

Reverend Shuttlesworth was no stranger to adverse racial situations and always emerged strong and undefeated. On Christmas night in 1956, Shuttlesworth survived a bomb blast that blew out the walls and floor of his home, destroying his residence. In response to being told by an officer that he should leave town, he replied, "Officer, you're not me. You go back and tell your Klan brethren if God could keep me through this, then I'm here for the duration." The next day he led 200 people onto Birmingham's buses.

In 1957, he undertook integrating Birmingham's schools by attempting to enroll his daughters in an all-white high school. Outraged by his act, Klansmen attacked him with brass knuckles and chains. He miraculously survived without a concussion and said to the doctor, "Doctor, the Lord knew I lived in a hard town, so he gave me a hard head." Dr. Martin Luther Jr. described Shuttlesworth as "the most courageous civil rights fighter in the South."

Later that year, Shuttlesworth joined Dr. King, Ralph Abernathy and Bayard Rustin to launch the Southern Christian Leadership Conference, which became the leading force of the civil rights movement. Shuttlesworth served as the organization's first secretary

from 1958 to 1970. He later served briefly as its president in 2004.

During the early 1960s, Shuttlesworth participated in numerous sit-in protests, mobilized marches, helped Congress on Racial Equality organize its Freedom Rides and had already been arrested more than 30 times in his fight for equality. In 1963, this collaboration culminated in colossal demonstrations in Birmingham to pressure downtown department stores to desegregate. A few days after being hospitalized due to being slammed against a wall by water from a fire hose, the local leaders of Birmingham announced that fitting rooms and lunchroom counters would be desegregated, signs on restrooms and drinking fountains would be removed and that there would be further steps to advance African-American employment. When President Kennedy introduced to Congress legislation that would later become the Civil Rights Act of 1964, he told Shuttlesworth and King, "But for Birmingham, we would not be here today."

In 1966, Rev. Shuttlesworth became pastor of the Greater New Light Baptist Church. In 1988, he founded and served as director of the Shuttlesworth Housing Foundation, an organization that helped low-income families buy their homes. In 2001, President Bill Clinton awarded Rev. Shuttlesworth a Presidential Citizens Medal—the nation's second-highest civilian award—for helping found the SCLC and for his "leadership in the "non-violent" civil rights movement of the 1950s and 60s, leading efforts to integrate Birmingham, Alabama's schools, buses and recreational facilities."

Reverend Fred Shuttlesworth passed away on Wednesday, October 5, 2011 in Birmingham, Alabama at 89 years of age. Reverend Shuttlesworth is survived by his wife, Sephira Bailey Shuttlesworth, four daughters, Patricia Massengill, Ruby "Ricky" Bester, Carolyn Shuttlesworth and Maria Murdock; a son, Fred Jr.; a stepdaughter, Audrey Wilson; five sisters, Betty Williams, Truzella Brazil, Ernestine Grimes, Iwilder Reid and Eula Mitchell; 14 grandchildren; 20 great-grandchildren; and one great-great-grandchild. He will be remembered for his leadership and commitment to the Civil Rights Movement. His was a life well-lived.

COMMEMORATING THE FIRST AN-
NIVERSARY OF THE KENYAN
CONSTITUTION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Ms. LEE of California. Mr. Speaker, last August we witnessed a flowering of freedom in Eastern Africa. On August 5, 2010, Kenya endorsed a brand new constitution, which guaranteed all Kenyan citizens the rights to security, housing, food, life, freedom from discrimination and the freedom of expression, among others. I rise today to recognize the recent anniversary of this constitution's adoption, and to congratulate the Republic of Kenya on this remarkable step forward.

Despite being home to the first African woman to win the Nobel Peace Prize—

Wangari Maathi, who sadly passed away last month—Kenya had long treated women as second-class citizens. In the past, female candidates for office have had to carry knives and wear extra garments to fend off the possibility of politically-motivated rape.

But the new constitution has dramatically altered the status of women in Kenya. Among the over 40 new reforms is a non-discrimination clause outlawing bias on the basis of sex, pregnancy or marital status. Additionally, women can own and inherit land, and matrimonial property is protected during and after the termination of marriage. Unconstitutional customary laws carried on by tradition are now void.

Women's right have been elevated in the new Kenyan Constitution. But as anyone who lives in a democracy knows, constitutional mechanisms must be matched by meaningful enforcement and constant vigilance to actually achieve their goals.

Kenya is facing many trials at the moment. The drought in the Horn of Africa is threatening the lives of over 13 million people. Food insecurity is affecting 3.75 million people in Kenya, and 4.3 million men, women, and children are in desperate need of humanitarian assistance.

These numbers do not include the influx of refugees from Somalia and neighboring lands. At its peak, Kenya and Ethiopia saw nearly 1,000 people a day arrive at refugee camps to escape the famine in Somalia. Sexual violence against women in these already overcrowded refugee camps is on the rise.

There are no easy solutions to this crisis, and we in the United States must step up and do our part to help our fellow people in need. Nonetheless, in face of these adversities, it is heartening to see Kenya's men and women move forward together, as equals and as partners. By empowering Kenyan women and rejecting gender-based discrimination, the new Kenyan constitution has paved the way for a brighter future for the Kenyan people.

ACKNOWLEDGING CAROLINE
DEGNAN FOR HER COMMUNITY
SERVICE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. HIGGINS. Mr. Speaker, it is with great admiration that I recognize Caroline Degnan for outstanding service to her community.

Throughout her years at the South Buffalo Food Pantry, Mrs. Degnan personified caring and compassion as she selflessly placed the needs of others before her own.

Mrs. Degnan spent more than twenty years as a volunteer for the South Buffalo Food Pantry as well as overseeing the Lovejoy Food Pantry for several years. In March of 2006, she was nominated by the local branch of Catholic Charities for the organization's national Volunteer of the Year Award.

Despite great personal loss and physical setbacks due to multiple illnesses, Caroline continues to persevere with spirit and faith. In recognition of that perseverance and to give

thanks for her countless hours of providing food and friendship to those in need, her family and friends gathered together to honor this special woman on October 15th at St. Agatha's McGuire Hall in South Buffalo, New York.

Mr. Speaker, it is with great pleasure and pride that I acknowledge the example set by Caroline Degnan and join with a grateful community to extend our deepest appreciation for her exceptional service and generous heart that fuels the betterment of the lives she has touched.

HONORING DR. MARILYN HEINE
FOR BEING NAMED THE 162D
PRESIDENT OF THE PENNSYLVANIA
MEDICAL SOCIETY

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor Dr. Marilyn Heine, of Dresher, PA who has been named the 162d President of the Pennsylvania Medical Society. Dr. Heine has been a member of the Pennsylvania Medical Society for 22 years, and will now lead this organization as it aims to shape health care delivery to assure that the evolving system provides quality and value to patients and the community.

An active member of the medical community in Pennsylvania, Dr. Heine has served as a delegate to the PA Medical Society's House of Delegates and has played an important role in the Pennsylvania Medical Society's Foundation.

Dr. Heine has also served as president of the Medical Society in my home of Bucks County and was recognized by the YWCA of Bucks County as a Woman Who Makes a Difference. She has dedicated her professional career to the advancement of medicine in her community, and the Pennsylvania Medical Society is fortunate to have her as its incoming president.

Dr. Marilyn Heine has made it her life's work not only to serve her patients in her practice, but also to improve the healthcare industry here in Pennsylvania. Her dedication serves as an example for her fellow healthcare professionals and I congratulate her on her new position.

RECOGNIZING HISPANIC HERITAGE
MONTH

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. McNERNEY. Mr. Speaker, today I ask my colleagues to join me in recognizing Hispanic Heritage Month.

The United States of America's history, culture and vast array of achievements have been shaped by peoples from across the world. Hispanic Heritage Month is an important opportunity to recognize the contributions

of our nation's Latino community. California has been uniquely shaped by the contributions of its Hispanic heritage, from the founding of the Missions with their unique art and architecture to the rich cultural diversity of our cuisine, music and art.

One of many important achievements of Hispanic Americans is that of civil rights that affect us all. Civil rights activist, labor leader, and farm worker César Chávez fought for fair treatment, equality, and dignity without the use of violence. César's leadership, faith, and persistence paved the way for many Latinos and non-Latinos who carry on his legacy.

Today, Latino men and women are an integral part of the fabric that keeps our communities and our families strong. Latinos are tireless teachers in schools and brave soldiers who fight to defend our freedom. In the face of adversity, Latinos have risen to the highest levels of success in business, the arts, public service, athletics, and the armed forces.

As we celebrate the contributions of Hispanic Americans, let us all work together to meet the challenges facing our communities so that we can build upon the American Dream for future generations. It is for these reasons I ask my colleagues to join me in recognizing Hispanic Heritage Month.

IN RECOGNITION OF COLDWELL
ELEMENTARY SCHOOL RECEIVING
THE 2011 NATIONAL BLUE
RIBBON AWARD

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. REYES. Mr. Speaker, I rise today in recognition of the achievements of Coldwell Elementary School. Coldwell was recently honored with the 2011 National Blue Ribbon award from the United States Department of Education for excellence in education.

The National Blue Ribbon School award honors both public and private elementary, middle and high schools where students achieve at high levels and also schools where the achievement gap is narrowing. Since 1982, more than 6,500 of America's schools have received this coveted award.

I want to personally congratulate the teachers, administrators, and staff of Coldwell Elementary for their commitment and dedication to our young students in El Paso. This year only 304 schools nationwide received the award, and they will be honored at a ceremony in Washington, D.C. The Blue Ribbon validates the efforts of these schools in creating a positive and effective learning environment. These schools and their communities have achieved a degree of excellence of which they can justifiably be proud.

Coldwell Elementary School is a fine example of what can be accomplished when parents, teachers and administrators collaborate to prepare our students for a prosperous future. By emphasizing the importance of subjects like math, science and language arts, Coldwell is enabling a new generation of community leaders.

In times of economic uncertainty, we cannot lose sight of the paramount importance of our

children's education, and I am honored to represent Coldwell Elementary School.

**CELEBRATING THE ACHIEVEMENT
OF PRESIDENT ELLEN SIRLEAF
JOHNSON**

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. WILSON of South Carolina. Mr. Speaker, I would like to congratulate the President of Liberia, Ellen Sirleaf Johnson, for recently being awarded the Noble Peace Prize for 2011. She was given the award in conjunction with peace activist Leymah Gbowee and pro-democracy campaigner Tawakkol Karman. The trio was recognized for their nonviolent role in promoting peace, democracy, and gender equality.

In typical fashion, President Sirleaf gave credit to the Liberian people, "For we are now going into our ninth year of peace and every Liberian has contributed to it. We particularly give this credit to Liberian women, who have consistently led the struggle for peace, even under conditions of neglect."

South Carolina has a special relationship with Liberia many founders of the Republic of Liberia having a South Carolina heritage. I know firsthand the mutual affection of the people of our two countries in that I was present for the re-opening of the AME University in Monrovia where my constituent African Methodist Episcopal Bishop David Daniels of West Columbia, presided with Pastor Ronnie Brailsford of Bethel AIVIE, Columbia, SC. Appropriately Bishop Daniels is the Bishop of the Diocese of South Carolina and Liberia.

Her leadership has proven instrumental in restoring democracy and lasting peace in Liberia which had been devastated by Civil War. President George W. Bush was effective in demanding abdication by the murderous dictator Charles Taylor.

**TO HONOR ERIC STRANSKY FOR
HIS SERVICE TO THE SOCIAL SE-
CURITY ADMINISTRATION AND
HIS MILITARY SERVICE**

HON. STEVEN C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. LATOURETTE. Mr. Speaker, I rise to honor Eric Stransky, who recently retired after 35 years with the Social Security Administration, with 28 of those years in management.

Stransky has been a tenacious advocate for my constituents in need of help from the Painesville, OH, Social Security office, and has been a trusted and reliable source who has worked closely with my caseworkers to get problems resolved. He is a model employee and his departure will leave Social Security with very big shoes to fill.

A graduate of John Carroll University, Stransky has been lauded for his work at the SSA, and received a Regional Commissioner

Citation for leading a workgroup that resolved over 5,000 overpayments in six weeks. He's been a Supervisor at many SSA locations in Ohio—Marietta, Athens, Painesville, Cleveland East and University Circle Area. In 1998, Stransky served as the Area System Coordinator ensuring a smooth transition for all employees in Northern Ohio to individual desktop system access.

Stransky managed the local Euclid office for two years, Warrensville Heights for three years, and spent eight years working just a few blocks from my district office in Painesville while juggling a two-year stint in the U.S. Army as a Senior Joint Doctrine Developer at the Joint and Allied Doctrine Division, Army Capabilities Integration Center in Ft. Monroe, VA.

Retired Lt. Col. Eric Stransky served in the US Army Reserve for more than 29 years. He attended the following Military Schools: Armor Officer Basic; Junior Officer Preventive Maintenance Course; Armor Officer Professional Development Course; OPSEC Course; Special Warfare Center and School, PSYOP Officer Course; Armor Officer Advance Course; United States Army Command & General Staff College; United Kingdom PSYOP Officer Course; Physical Security Course; Individual Terrorism Awareness; Logistics Managers Course; Joint PSYOP Course; Joint Planning Orientation Course; Joint PSYOP Staff Planning Course; Faculty Development Phase 1 Course and Commanders Safety Course. In June 1995, then a Major, he was Chief of Psychological Operations at a United Nations Mission in Haiti.

Stransky commissioned in the Army Reserve as a Second Lt. in July 1978 and continued to move up through the ranks, ultimately promoted to Lt. Col. in April 2000. He retired in August 2006, but remains actively involved with the American Legion, Veterans of Foreign Wars, and Catholic War Veterans.

Stransky has received the following Military honors: Legion of Merit; Army Meritorious Service Medal (3); Army Commendation Medal (2); Joint Service Achievement Medal; Army Achievement Medal; Army Reserve Achievement Medal (7); National Defense Service Medal w/star; Global War on Terrorism Service Medal; Armed Forces Service Medal; Military Outstanding Volunteer Service Medal; Armed Forces Reserve Medal (with silver hour glass and M(2) device); Reserve Component ODT Ribbon (6) and United Nations Mission in Haiti Medal.

Stransky has a great wit and a tremendous work ethic, and clearly can juggle many tasks at once with little effort. His military service has provided him with tremendous discipline and his attention to detail and process has catapulted the various Social Security offices he's managed into well-oiled, highly efficient, responsive and successful offices where both the employees and constituents are well served. He's a motivator who gets results.

With his remarkable career and his decades of service to our country, you might suspect that Eric Stransky is an Eagle Scout as well. And alas, he is.

It's been an honor and a privilege for me and my staff to work with a man whose goal in life is to help others, and it's a tough task to show him an appropriate level of gratitude.

I'm sorry to see him go because he was one of a kind. He's served our nation and those in need with heart and purpose, and I wish him and his loving family all the best. Please enjoy your well-deserved retirement.

**INTRODUCTION OF RAILROAD RE-
HABILITATION & IMPROVEMENT
FINANCING (RIFF) LEGISLATION**

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Ms. BROWN of Florida. Mr. Speaker, I am pleased today to introduce legislation that makes significant improvements to the Railroad Rehabilitation & Improvement Financing Program (RRIF). The RRIF program can help railroads, shippers, and states meet their rail infrastructure investment needs. But we are not taking full advantage of the program.

I meet with railroads and others that tell me—time and again—how difficult the application process is to navigate; how time consuming it is; how expensive and cumbersome it is, how they can't use studies from other DOT agencies; and, in the end, many of them tell me: It's just not worth it! Well we need to do better.

The draft Surface Transportation Authorization Act of 2009 made significant changes to the RRIF program, which I proposed. The bill authorized the Secretary to: (1) reduce the interest to be paid on direct loans provided to railroads, State and local governments, and eligible entities for the sole purpose of installing positive train control (PTC) systems; (2) allow applicants to use private insurance, including bond insurance, in lieu of a credit risk premium; and (3) allow applicants to pay the credit risk premium over the life of the loan. The draft bill also authorized appropriations to assist the Secretary in reducing the interest rates for loans used for installing PTC.

**IN RECOGNITION OF TRAVIS CRED-
IT UNION ON THE OCCASION OF
ITS 60TH ANNIVERSARY**

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. GARAMENDI. Mr. Speaker, Representatives GEORGE MILLER and I rise today in honor of Travis Credit Union, which has served Solano County and its surrounding communities for 60 years. Originally opening as the Travis Air Force Base Federal Credit Union in the autumn of 1951, Travis Credit Union has grown to be the 13th largest credit union in California, and with \$1.8 billion in assets, among the top 100 in the country.

To the charter members of Travis Air Force Base Federal Credit Union, the cost of living in 1951 was likely a major reason they decided to create their own financial alternative to banks that made it easier for them to borrow and save money. When the credit union first opened, it was in a makeshift base office

and served only military and civilian personnel at the base.

In December of 1951, Travis Air Force Base Federal Credit Union had 68 members and \$2,015 in deposits. In 1954, the credit union made its first house trailer loan and then moved into the Passenger Terminal Building in April of 1955. At the end of 1961 TAFB FCU had 5,0432 members and \$1.39 million in deposits. Membership was expanded to include military and U.S.-sponsored civilian personnel stationed overseas in 1964 and in 1965 the Executive Committee was created establishing a president, vice president, treasurer and secretary.

The Travis Air Force Base Federal Credit Union changed its name to Travis Federal Credit Union in 1974 and in 1977 construction of the first off-base branch in Fairfield was completed. Today, the credit union has 22 branches located throughout the region in the cities of Fairfield, Vacaville, Dixon, Suisun City, Benicia, Vallejo, Davis, Woodland, Napa, Concord, Antioch, Clayton, Merced and Atwater; and is known as Travis Credit Union after a board approved switch to a state-chartered credit union took place in 2000.

Travis Credit Union serves 180,000 members in the communities of northern California and has \$1,020,037,614 in loans to these communities. Travis Credit Union provides a critical service to our community by offering higher rates on deposits, lower rates on loans, lower fees on services, convenient access and friendly service, and all while working to ensure their long-term viability as a not-for-profit banking alternative.

Mr. Speaker, we are truly honored to pay tribute this important community institution as it celebrates 60 years of service. We ask our colleagues to join with us in thanking Travis Credit Union for its long and dedicated service to the citizens of Solano County and northern California, and in offering our best wishes for its continued success in the years ahead.

SMALL COMPANY JOB GROWTH AND REGULATORY RELIEF ACT OF 2011

HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. FINCHER. Mr. Speaker, I rise today to discuss job creation and a solution that can create thousands of new jobs that will cost the American taxpayer nothing. Unemployed Americans are crying out for more jobs and urging Congress to review those rules and regulations which stifle innovation and job creation.

Today, I am proud to introduce the Small Company Job Growth and Regulatory Relief Act of 2011. This legislation will amend Section 404(b) of the Sarbanes-Oxley Act of 2002, which requires a duplicative audit of companies with a public float of \$75 million or more. I am introducing this bill for one reason: to increase job creation on Main Street.

Mr. Speaker, current law basically requires an "audit of an audit" that costs small companies more than \$1 million each year. These

burdensome costs are also discouraging companies from going public, which deprives firms of the capital needed to expand their business, create jobs, and hire more American workers. My bill will simply raise the current \$75 million threshold exemption in Section 404(b) to \$350 million, to exclude more companies from the "audit of an audit."

We must do all that we can to turn our economy around and get back on the path of creating jobs. It's these types of laws and regulations that are impeding economic growth. If we get Washington out of the way and allow companies to expand and create jobs, we will bring back opportunity to the United States and get folks back to work.

HONORING EDRIE MAURICE TALLEY PARRISH

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. BRADY of Texas. Mr. Speaker, I stand today to say that Our Lord has a new angel. Edrie Maurice Talley Parrish went to be with Our Lord on October 4, 2011. A beloved mother, grandmother, and great-grandmother, Edrie will be missed tremendously by all who were fortunate enough to have met this amazing woman.

Edrie was born to Robert and Mai Belle Talley on July 20, 1921, on the family's farm in Collin County, Texas, near the town of Frisco. When she was just 3 years old, she lost her father to pneumonia but continued to honor him through many great achievements in her long, rich life.

Edrie graduated from Hamilton High School in Hamilton, Texas, and soon after moved with her mother to Denton where she began attending North Texas State Teachers College, now known as University of North Texas. While in Denton, she met and married Herbert C. Parrish. Not long after their August 12, 1941, nuptials, the young couple packed their bags and moved across country to Columbus, Ohio, so Herbert could earn his Doctorate in mathematics. While in Columbus, Edrie finished her Bachelor of Arts in Institutional Management at Ohio State University. Shortly after the completion of both of their studies, Edrie and Herbert moved back to Denton in 1949 where Herbert accepted a job as a professor in the department of mathematics at North Texas State College and Edrie threw her boundless energy into raising a family of three.

She led a very active role in all of her children's activities, including being a Cub Scout leader and working with the Girl Scouts, and 4-H Club. She was well loved at Grace Temple Baptist Church in Denton where she was an active member of the congregation for half a century.

Her contributions to her church family include volunteering in the community and mission of her church, teaching Sunday school, committee service, visiting the sick and homebound, and helping out in numerous community service projects.

Edrie was preceded in death by her husband Herbert C. Parrish; and her sister Cloe

Rita Talley Peck. She is survived by her three children: Byron Parrish of Brookline, Massachusetts; Norman Parrish of The Woodlands, Texas; and Roberta Parrish Starbird of Austin, Texas; seven grandchildren, and three great-grandchildren.

ENCOURAGING OBSERVANCE OF NATIONAL FIRE PREVENTION AWARENESS WEEK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. RANGEL. Mr. Speaker, during National Fire Prevention Awareness week, I would like to encourage that we as a community make preparations to protect our families and neighbors from the tragedy and destruction caused by fires. This is a great opportunity to thank our community's firefighters who are the first to respond and put themselves at risk for our safety.

Our Manhattan Congressional District is fortunate to have many brave first responders, including those from the Uniformed Fire Association of Greater New York, FDNY Engine 69, Ladder 28, Battalion 16 "Harlem Hilton," FDNY Engine 53, Ladder 43 "El Barrio's Bravest" and FDNY Rescue 3 "Big Blue," and the Vulcan Society, Inc. We must continue to show our cooperation and appreciation towards our firefighters, first responders and those who continuously ensure our neighborhoods are safe.

Simple precautions such as installing and maintaining smoke detectors in every apartment unit and on every floor of our homes and buildings, having an escape plan, and following fire codes can save countless lives. I would hope that people in my District and all across our great nation would take proper measures to prevent fires and potential harm in our communities.

OPPOSITION TO THE FREE TRADE AGREEMENTS, H.R. 3078, H.R. 3079, AND H.R. 3080

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. LANGEVIN. Mr. Speaker, I rise in opposition to H.R. 3078, the United States-Colombia Trade Promotion Agreement Implementation Act, H.R. 3079, the United States-Panama Trade Promotion Agreement Implementation Act, and H.R. 3080, the United States-Korea Free Trade Agreement Implementation Act.

Trade opportunities are an important component of our nation's economic growth, but it is critical that our free trade agreements are fair and environmentally sound to ensure that American workers and companies can compete on a level playing field with our foreign trading partners. While I favor expanding global trade, I oppose trade agreements that lack key labor and environmental safeguards, thus allowing our trading partners to exploit regulations in their own countries that are far weaker than those in America.

These three trade agreements were negotiated under the Bush Administration, and I have long been skeptical of their potential impact on our workers, our environment and our domestic businesses. I am also concerned that grave and ongoing human rights violations against labor leaders and human rights workers in Colombia are not fully addressed in this legislation. While the current administration and my Ways and Means colleagues continued negotiations to revise these trade agreements by incorporating international labor standards and environmental agreement compliance, I remain unconvinced that these provisions will be meaningfully enforced. Unfortunately, I do not believe these trade agreements meet the minimum requirements necessary to protect our workers from increased job losses, safeguard our environment, or convince me this is the right step for our nation, and for these reasons, I voted against the three trade agreements.

I was pleased to vote for H.R. 2832, the Trade Adjustment Assistance and Generalized System of Preferences extension bill, which will extend the Trade Adjustment Assistance (TAA) program to assist workers laid off as a result of international trade by helping them retrain and acquire skills needed to compete in the global marketplace. TAA is a valuable program that provides unemployment benefits and training programs for unemployed workers, as well as technical and financial assistance for employers.

I will continue to support trade agreements that include labor, human rights and environmental safeguards and that benefit all Rhode Islanders—businesses, workers and consumers.

RECOGNIZING TEXAS WESLEYAN UNIVERSITY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. BURGESS. Mr. Speaker, today I rise to congratulate the students, faculty, and staff at Texas Wesleyan University in Fort Worth, Texas. In 2010, US News and World Report ranked Texas Wesleyan University number 71 out of all tier one regional comprehensive universities in the western region of the United States. More recently, the university was recognized in the top 50 among all tier one regional comprehensive institutions, jumping 23 spots up to number 48. They should truly be proud of this wonderful accomplishment.

Texas Wesleyan University was established in 1890 as a private institution with a focus on empowering and developing students to their full potential through the personal attention that each student receives from the faculty. The small class sizes are designed to foster learning and success amongst the students, and ensure that the faculty and staff are able to best serve and inspire the students. Their ranking in the past two years as a top university demonstrates that they continue to go above and beyond for their students.

Texas Wesleyan University has all of the tools to continue to grow and enrich the sur-

rounding Fort Worth community. I am truly proud of all of the students, faculty, staff, and administration of Texas Wesleyan University for achieving this prestigious accomplishment, and it is an honor to represent them in the United States Congress.

CHIEF JACK HOUSE TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor Chief Jack House. Chief House was the last hereditary chief of the Ute Mountain Ute Tribe (Weeminuche Band), and the first to lead through the transition from life in the mountains and plains to life on the reservation.

Chief House was born in Mancos Canyon in 1889 on the reservation designated as home for the Ute Mountain Ute Tribe. He had the traditional long braids, carried himself tall, and photographs of him captured the proud, determined attitude that was evidenced in his lifelong struggles for the cause of his people. He was instrumental in the establishment of the tribal council, the formation of the Ute Mountain Tribal Office and the blueprints for the tribal constitution.

In his fight for the rights of his people, Chief Jack House brought suit against the U.S. Government over the San Juan Mining District, for which the Indians had been paid 13 cents per acre in 1873. Fearing the killing of livestock and the fencing of the reservation, he fought the building of roads through the reservation as well as advocated for water and hunting rights.

He travelled many times to Washington, D.C. and in his more than 30 years of leadership, Chief Jack House worked to secure essential water rights, lobbied for the tribe's causes, and fought for the right of self-determination for his people. When Chief Jack House died in 1971, nearly a thousand people, both whites and Indians, paid their respects and homage to his inspired leadership.

After his death, the Ute Mountain Ute Tribe completed both the Dolores Water Project and Animas La Plata Water Project which accomplished his dream that his community would someday see running water in their homes.

Mr. Speaker, it is an honor to recognize Chief Jack House. In the words of the recent passed tribal leader and grandson of Chief Jack House, Ernest House, Sr., "He laid the foundation for the tribe and created the path followed today."

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. PENCE. Mr. Speaker, I was absent from the House floor on rollcall votes 790 and 791. Had I been present, I would have voted "no" on rollcall 790, and "yea" on rollcall 791.

USDA PROPOSED RULE FOR SCHOOL MEALS

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Ms. FUDGE. Mr. Speaker, I'd like to highlight and submit for the RECORD my concerns regarding new costs for schools who serve primarily low-income children in a proposed rule, issued on January 13, 2011, to establish revised meal pattern and nutritional requirements for the National School Breakfast & Lunch Program. I commend the commitment to improving the nutritional profile of school meals. However, the proposed rule could have a significant effect on local schools that serve a high percentage of low-income children.

The preamble to the proposed rule indicates that it would increase the cost of serving school meals by \$6.8 billion over the next five years—an increase of 14 cents per lunch and 50 cents per breakfast. With less than half of the increased cost for lunches and none of the increased cost for breakfast to be offset by increased federal reimbursements, the economic consequences of such large cost increases is a matter of great concern. Many of our local schools do not have resources that may be diverted to meet such large cost increases. Especially, considering the fact that the majority of the dollars that are supposed to be diverted for this cost increase would come from paid meals. Schools that serve a high percentage of low-income kids have little or no kids actually purchasing meals. Most children fed in these schools receive free or reduced priced meals.

School nutrition programs play a vital role in the healthy development of America's children. For many low-income children, the best, if not all, of their nutrition comes from the school breakfast and lunch programs. I sent a letter to Secretary Vilsack on October 12 2011, with 14 of my colleagues, to request that the final rule not adversely affect the budgets of local schools feeding the highest percentages of low-income children. The letter also urges the Secretary to prioritize the accessibility of school nutrition program improvements to all children.

RECOGNIZING OCTOBER AS NATIONAL WORK AND FAMILY MONTH

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. PLATTS. Mr. Speaker, I rise today in recognition of the month of October as National Work and Family Month (NWFM). NWFM was established in 2003 and is the centerpiece of a national education campaign to raise awareness among employers about the value of work-life integration. NWFM encourages all workplaces to pause once a year to communicate and celebrate the progress already made on the journey to creating healthier and more flexible work environments,

and then raise the bar to accomplish even more over the coming year.

We know that high quality work-family policies—including those related to workplace flexibility, military family flexibility, dependent care, health and wellness, and paid and unpaid time off—are highly effective in attracting, motivating, and retaining a talented workforce. Congress has acknowledged the importance of these policies in 2009 and 2010 when both chambers of Congress passed bipartisan resolutions recognizing NWFM. This year, I encourage all of my colleagues, as well as my fellow Americans, to take time this month to acknowledge the importance of a healthy balance between work and family life.

HONORING THE MORRIS COUNTY ORGANIZATION OF HISPANIC AFFAIRS

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Morris County Organization of Hispanic Affairs, MCOHA, located in Dover, Morris County, New Jersey as it celebrates its 35th Anniversary.

MCOHA is a private, nonprofit organization that was founded in 1976 by 7 community members. Its mission is to advance bi-cultural exchange in the Morris County Community through programs providing information, education and practical assistance.

Though established primarily as a Hispanic organization, it provides services to all residents of Morris County regardless of their race, ethnicity, religion or sexual orientation and is a partner agency of the United Way. It offers programs to people, such as transportation, immigration immersion, translation and health services, among many others.

In cooperation with federal and state agencies, MCOHA administers several programs, including the Low Income Home Energy Assistance Program, LIHEAP, Universal Service Fund, USF and New Jersey Shares, among others. Another offered program is the Weatherization Assistance Program, WX, which aims to educate low income families on the importance of increasing energy efficiency in their home and helping to install such measures. Additional programs serve as educational resources such as Computer Training classes, health seminars, and English as a second language.

Every year, MCOHA helps numerous families and individuals. Last year alone, the WX program serviced 300 homes and the Computer Training Program graduated 250 students; in addition, MCOHA provided health screenings for over 700 people and provided over 16,500 rides to seniors, preschool children and clients with social services/medical needs.

Throughout the year, MCOHA dedicates itself to providing educational forums and support to the citizens of Morris County. Its unwavering support of those in need and those new to our country is commendable.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Morris County

Organization of Hispanic Affairs as they celebrate 35 years of dedication to the people of Morris County.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,868,218,296,426.05.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,229,792,550,132.25 since then. This debt and its interest payments we are passing to our children and all future Americans.

HONORING HISPANIC MILITARY LEADERS

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. REYES. Mr. Speaker, as our nation celebrates Hispanic Heritage Month, I rise to honor the men and women of our Armed Forces, particularly Hispanic service members.

Hispanics have served in the United States military since its establishment and have fought in every conflict since the Revolutionary War. Forty-four Hispanic Americans have been awarded the military's highest honor for bravery. In addition to these Medal of Honor recipients, thousands of Hispanics have died in combat defending our freedom.

Beyond the military, Hispanics continue to play an important role in every aspect of our society, and their influence is growing. According to the 2010 Census, the U.S. Hispanic population surged 43 percent, rising to over 50 million up from 35 million in 2000. Latinos now constitute 16 percent of the nation's total population of 308 million. Hispanic population growth accounted for more than half of the nation's growth over the past decade.

The Hispanic population in the military has also grown, but Hispanics continue to be under represented in our nation's military forces. Despite making up over 17 percent of the population between the ages of 18 and 40, only 11 percent of the United States Army and the Air Force are Hispanic. Hispanics make up 12 percent of the Marine Corps and 14 percent of the Navy. While these figures are lower than the percentage of Hispanics in the general population, they represent a significant increase from 1994 when the number of Hispanics entering the Army was just 6.6 percent of new recruits.

Despite recruitment levels lower than the overall population, Hispanics are retained in the force and promoted at the same or higher rates than other groups. Today, I want to highlight a few outstanding Hispanic Americans who have risen to the highest ranks and are

serving in high profile and critical positions for the defense of our nation.

General David Rodriguez leads the United States Army's Forces Command. As the 19th leader of this critical organization, General Rodriguez oversees one of the Army's most important functions, preparing forces for deployment to combat.

Lieutenant General Rhett Hernandez recently stood up the Army's Cyber Command, which brings the Army's cyber resources under a single command. Under the leadership of General Hernandez, Cyber Command is developing and protecting the critical network that links warfighters in every battle space.

Major General Angela Salinas began her military service as an enlisted Marine in 1974 and now serves as the Director of the United States Marine Corps' Manpower Management Division. In this position, she ensures that the Marine Corps has the right mix of forces to respond to any contingency worldwide.

Rear Admiral Samuel Perez serves as the Commander of Carrier Strike Group One. Carrier Strike Group One is based in the Pacific and has a 100 million square-mile area of operations. As a fellow native of Canutillo, Texas, I am especially proud of Admiral Perez's leadership of this important United States Navy combat formation.

At every level of our nation's military, Hispanic Americans are serving in critical leadership positions. They have demonstrated exceptional dedication to their country and their fellow service members. They have risked their lives fighting to defend our nation and our freedom, and we owe them an immeasurable debt of gratitude for their sacrifice.

IN RECOGNITION OF LGBT HISTORY MONTH

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Ms. RICHARDSON. Mr. Speaker, October is LGBT History Month, and I rise to pay tribute to the remarkable achievements of numerous members of this vibrant community and to recognize some of the men and women whose contributions and service have made America better and greater.

I am proud to have supported the repeal of "Don't Ask, Don't Tell," which was formally abolished by the military on September 20th, 2011 after an orderly transition program prepared troops for the change without affecting force readiness or morale. Our nation is now stronger and our people are safer thanks to the sacrifices made by these brave Americans, who no longer need to choose between service and silence.

There have been other changes for the better this year. In July, President Obama and his administration concluded that a critical section of the Defense of Marriage Act is no longer constitutionally defensible. And, on June 24th, the State of New York passed a law with bipartisan extending the right to marry to gay and lesbian couples.

Just last week, history was made here in the House when our colleague, Congressman

POLIS of Colorado, celebrated the birth of a baby boy with his partner, and became the first openly gay parent to serve in Congress.

This chamber has been enriched by his service, as it has by that of Congressman BARNEY FRANK, the first openly gay Member to serve in the House of Representatives, and one of this body's ablest legislators. Congresswoman TAMMY BALDWIN of Wisconsin was the first openly gay non-incumbent to be elected to Congress. Congressman DAVID CICILLINE of Rhode Island was the first openly gay mayor of a major city before his election to Congress.

Mr. Speaker, it is a great honor to serve with these great Americans and wonderful colleagues who overcame many obstacles and barriers to realize the dream of serving their communities and representing their friends and neighbors in the Congress of the United States.

History, and progress, is also being made at the local level. According to the 2010 U.S. Census, one of the largest LGBT communities in the nation is located in the Los Angeles-Long Beach metropolitan area, which I am privileged to represent. This dynamic community is culturally diverse and economically and artistically vibrant. I would like to take this opportunity to recognize two LGBT leaders who helped to make this possible.

Jean Harris was a lifelong human rights activist who employed her uncanny talent for community organizing to electing open-minded city officials and defeating discriminatory legislation. A true force in California's LGBT community, she served as chair of the California Democratic Party's Lesbian/Gay Caucus, president of San Francisco's Harvey Milk Lesbian/Gay Democratic Club, and vice president of the Long Beach Lambda Democratic Club. Indeed, many local leaders and public servants across California owe their careers to her tireless advocacy. Jean Harris passed away on June 15, 2011, and my deepest sympathies go out to her family and friends.

In August, I rose to pay tribute to the late Paul Duncan, the Director of Outreach for the Long Beach Community Business Network, who spent the last ten years of his life working tirelessly to connect local Long Beach employers to business organizations from Hawaii to Washington, DC. An advocate for economic empowerment of LGBT business owners and entrepreneurs, Mr. Duncan was known around the nation and beloved by the Long Beach community. He died suddenly of an aneurism at a national conference where he was one of 70 affiliate leaders working for job creation and expanded economic opportunity for LGBT owned businesses.

Mr. Speaker, progress is made through the efforts of courageous leaders like Jean and Paul; people who actively engage their communities and face adversity to ensure that the rights of all are clearly defined and protected.

People like the legendary Bayard Rustin, a leading strategist of the Civil Rights Movement and trusted advisor to Martin Luther King, Jr. An early proponent of nonviolent resistance, Rustin organized the 1947 Journey of Reconciliation which inspired the Freedom Rides of the 1960s and helped Dr. King organize the Southern Christian Leadership Conference which became the nerve center of the American Civil Rights Movement.

Bayard Rustin was a driving force behind the iconic 1963 March on Washington for Jobs and Freedom which brought national attention to the civil rights struggle and spurred the passage of the 1964 Civil Rights Act and the 1965 Voting Rights Act. He arranged the transportation, trained the marshals and oversaw all of the logistical details involved in putting on one of the most effective political demonstrations in world history and setting the stage for Dr. King's timeless "I Have a Dream" speech.

Later, Bayard Rustin worked to integrate all-white unions and became heavily involved in international humanitarian development and peacemaking. Openly gay, he became a public advocate for LGBT causes in the 1970s and passed away on a mission to Haiti in 1987.

Many great writers of the Harlem Renaissance, such as Countée Cullen and Bruce Nugent, were homosexual, and the contributions they made to literature are forever ingrained in the cultural fabric of America. Langston Hughes was probably the most well known, though he was an intensely private man and never spoke openly on the subject.

Billy Strayhorn was a musician and gifted composer whose 30 year collaboration with Duke Ellington resulted in some of the most indispensable music of the jazz age. Openly gay, Strayhorn participated in many civil rights causes and arranged a musical score for his friend, Dr. Martin Luther King, Jr., in 1963.

James Baldwin is one of the great literary figures of the 20th century. The writings of this African-American explored issues of race and class and gender. He rose to prominence with the civil rights movement and worked to bridge the gap between the competing approaches of Dr. Martin Luther King, Jr. and Malcolm X, both of whom were his personal friends. His work and life had a profound impact on countless equality activists and writers.

Mr. Speaker, I am proud to acknowledge the achievements of just a few of the countless number of Americans who defied the odds and overcame prejudice and discrimination, and intolerance and worked to make everyone including America be a more welcoming place succeeding generations of LGBT community members.

65TH ANNUAL NATIONAL PRESERVATION CONFERENCE

HON. KATHLEEN C. HOCHUL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Ms. HOCHUL. Mr. Speaker, I would like to take a moment to recognize a significant event that is occurring in Western New York next week.

Our nation's rich culture, history, art, and architecture are national treasures and help remind us everyday who we are and where we came from.

This year, the National Trust for Historic Preservation is holding its 65th annual National Preservation Conference in Buffalo, NY and will feature historic and cultural sites throughout the Buffalo Niagara region.

Hundreds of Western New Yorkers have worked for the past four years to plan this conference, researching sites from Medina to Chautauqua and everywhere in between, planning events, and creating art exhibitions.

These sites include such regional attractions as the Guaranty Building, Darwin D. Martin House Complex, Roycroft Campus, and the Erie Canal locks in Lockport, among many others. I am proud to show off Western New York's historical icons to the rest of the country.

This is a wonderful opportunity to showcase our vibrant culture and history and I commend all of those who are putting in time and effort to make this happen.

HONORING THE 50TH ANNIVERSARY OF DICK'S 5 & 10 OF BRANSON, MISSOURI

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. LONG. Mr. Speaker, I rise today to honor one of the 7th District of Missouri's most valuable landmarks, Dick's 5 & 10, located in Branson, Missouri.

This summer they celebrated their 50th year of business, or as they say, of fun.

Ever since Dick Hartley started the store fifty years ago, Dick's 5 & 10 has been an important part of the Branson community. And for those who are not from the Ozarks, Dick's 5 & 10 is a must see for all visitors to Branson—I know it is for my family every time we're in the area.

Whether it's toys, games, gifts, souvenirs, novelties, or nostalgia; whether customers are 5 years old or 105 years old; whether customers know what they want or are just looking; at Dick's 5 & 10 there is something for everyone.

But more than the items on their shelves, the friendly smiles of the staff and the outstanding service is what keeps customers coming back for more.

The family that runs Dick's, the Hartley family, has been active in the Branson Community since Dick's first opened its doors in 1961. The Hartleys have been involved in many organizations, including the Downtown Branson Mainstreet Association, the Kiwanis Club, other civic organizations, and are very active in Branson politics.

Son Steve and daughter Melissa, along with Melissa's husband Dave Montgomery, continue the family tradition of helping guide the Downtown Merchants Association, as well as making sure that all of the customers at Dick's have that special experience of a true American tradition.

Dick's 5 & 10 is an important part of the Branson community and I know we can look forward to 50 more years of success, fun, and the community involvement that Dick's 5 & 10 is known for.

IN CELEBRATION OF THE 7TH ANNUAL MAYOR'S DINNER & CHARITY AUCTION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. GALLEGLY. Mr. Speaker, I rise in celebration of Simi Valley, California's 7th Annual Mayor's Dinner & Charity Auction, hosted by my good friend Mayor Robert O. "Bob" Huber and the Simi Valley Community Foundation.

The dinner will benefit the Alliance for Human Services and Humanitarian Awards will be bestowed upon Fred Bauermeister, Jill Haney, Ann Lindeen and Sue Martinez.

Bob was elected mayor last November, during a time when economic troubles facing the city required strong leadership. He has managed to navigate the City Council through tough and sometimes contentious decisions to keep the city's finances stable and the community safe and functioning well. As a former mayor of Simi Valley who was also elected at a turning point in the city's history, I greatly emphasize with the challenges he faces.

It is fitting that Bob host a gathering of such celebrated community leaders. Throughout the years, Bob has served on a number of governmental and community boards and commissions in the city, beginning at age 27, when he served his first term as president of the Simi Valley Chamber of Commerce.

Honoree Fred Bauermeister is also a longtime friend. A professional photographer, Fred is best known for his 40-year advocacy of the Free Clinic of Simi Valley. Fred has been a part of the clinic since it opened its doors in 1971 and Fred was still a college student. He was named executive director that year and has guided the clinic through many challenging times. Last year, Fred was elected to the board of directors of the National Association of Free Clinics.

Jill Haney serves on the board of directors of the United Way, is past president of the Simi Valley Chamber of Commerce, treasurer for the Simi Valley Education Foundation and is immediate past president of the Rotary Club of Simi Sunset. Under her management and leadership, Santa Barbara Bank & Trust was named Business of the Year in 2007. If there is a charitable event in Simi Valley, no doubt you will find Jill volunteering at it.

Ann Lindeen served as secretary of the Simi Valley Chamber of Commerce before the city incorporated. Her many community activities include volunteering at local schools and serving as PTA president; serving in leadership positions for the Santa Susana and Tapo 4-H Clubs for about 20 years; serving on the Ventura County Grand Jury in 1987-1988; hosting people from around the world as part of the Greater Los Angeles Chapter of People to People International, which she also served as treasurer, secretary and president; and contributing more than 5,000 hours of service in several capacities at the Ronald Reagan Presidential Library.

Sue Martinez found her niche in community involvement through her children. She is a founding member of Santa Susana High School's Santa Susana Performing Arts Boost-

ers and the Performing Arts Center Team, for which she is also the president. With the dream of building a performing arts theater at the school for use by generations of students, Sue was a driving force behind the C-4 Bond and walked the precincts to see that it passed. The theater opened in March. She has worked at Simi Valley Hospital for 19 years and is committee chair for the Leadership Class of 2012.

Mr. Speaker, I know my colleagues join Mayor Bob Huber and me in congratulating this year's honorees and in thanking Fred Bauermeister, Jill Haney, Ann Lindeen, and Sue Martinez for making our community a better place for all to live and thrive.

IN RECOGNITION OF THE 80TH ANNIVERSARY OF THE NATIONAL LIBRARY SERVICE AND IN HONOR OF THE CALIFORNIA STATE BRAILLE AND TALKING BOOK LIBRARY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Ms. MATSUI. Mr. Speaker, I rise today in recognition of The National Library Service, as they celebrate their 80th anniversary, and in honor of the California State Braille and Talking Book Library. As staff, patrons and supporters gather to celebrate this milestone, I ask all my colleagues to join me in honoring their leadership and dedication to the blind and physically handicapped.

When the National Library Service was formed in 1931, the "Blind Books" program found a welcome home at the California State Braille and Talking Book Library. To this day, the National Library Service and the California State Braille and Talking Library continue to provide books in Braille, audio books, digital talking book machines and digital talking books to over 12,000 individual patrons and 542 institutions across Northern California.

This year has been proclaimed as "Talking Book Awareness Year" as new digital talking book machines and digital talking books hit the market. The services that the National Library Service and the California State Braille and Talking Book Library provide are vital to those who are not able to read by conventional methods. The book collection at the library contains thousands of fiction and nonfiction titles, as well as a collection of books by California authors and about California's history on cassette.

Mr. Speaker, I am honored to pay tribute to the National Library Service, and the California State Braille and Talking Book Library. The past 80 years have been tremendously successful and I am confident that they will continue to enjoy success in the future. While the National Library Service and California State Braille and Talking Book Library staff, volunteers, patrons and supporters gather together to celebrate the 80th anniversary, I ask all my colleagues to join me in honoring their outstanding work in providing the community with necessary services for the blind and the physically handicapped.

IN HONOR OF MARY FAWKES

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. FITZPATRICK. Mr. Speaker, I rise to commemorate the many life achievements and dedication to community service of a constituent of mine, Mrs. Mary Fawkes, of Croydon, Pennsylvania.

Mary has had a major impact in the lives of many people throughout Bucks County. She has three children, five grandchildren, and five great grandchildren. She has been happily married for sixty-four years with the love of her life, Mr. Harry Fawkes. Mary's work was also instrumental in the success of her husband's refuse business.

She has been active in the local political community for fifty-two years and is known by some as the First Lady of Bucks County. Mary has served on the board of trustees for the Bucks County Community College and is currently a director emeritus of this important institution of learning in Bucks County. She is also lifetime member of the Bucks County Rescue Squad which provides high quality care and emergency transportation. She was also active with the Lower Bucks Hospital Auxiliary. Mrs. Fawkes has consistently given back to the community supporting many organizations throughout the County; she always makes time to serve those in need.

A Bristol High School alumnus, Mary was, among other things, active as an actress in school plays, a Girl Scout patrol leader, and captain of the cheerleaders. Her close friends describe her as being intelligent, a great listener, excellent at providing advice and being supportive in times of need. In her free time, Mary enjoys reading, crochet, and going to lunch with friends.

Serving her community of Bucks County, Pennsylvania has been most notably felt through her dedication, patience and appreciation for the work of her husband Chairman Harry Fawkes in his unprecedented, skillful, benevolent and successful leadership of the Bucks County Republican Committee. The soft, silent but strong presence that Mary has gifted to Harry's leadership and the time she has permitted him to selflessly serve his community and his country is a lasting legacy to the community and county where she has lived life, raised family and served others.

Mrs. Fawkes' work has positively impacted the lives of many of the residents of our great community. She provides an excellent example on how to balance work, friends, family, and service. I am honored to call her a neighbor and a friend. I congratulate her for a life of many achievements.

APPLAUDING THE EFFORTS OF
THE FLORIDA HOSPITAL FOR
CHILDREN TO ADDRESS CHILD-
HOOD OBESITY

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. WEBSTER. Mr. Speaker, childhood obesity is on the rise. In 2010, 17% of children and adolescents, ages 2 to 19, were obese, and 32% were overweight. Not only has obesity been linked to an increased risk of developing diabetes, asthma, and heart disease, it may also cause our children to lead shorter lives. Apart from the serious individual health concerns associated with obesity, there are long-term consequences that affect society as a whole, including increased medical and disability costs and decreased work-force participation.

To address these concerns, children's hospitals around the nation are working to educate families about nutrition and fitness. In Orlando, Florida, the Florida Hospital for Children has implemented a program called "Healthy 100 Kids" at the Walt Disney Pavilion. This program seeks to help children live to a healthy 100 years old by providing families with medical care, nutrition, and fitness education. There are currently 300 families in the program, many of whom are underprivileged. In the first year of the program, 60 percent of patients reduced their body mass index and lowered their cholesterol by eating more fruits and vegetables and lowering their sugar intake. I commend the efforts of the Florida Hospital for Children and children's hospitals across the nation, and the investment they are making in the health and wellbeing of our children, who are the future of America.

RECOGNIZING THE 55TH PASTORAL
ANNIVERSARY OF DR. REV-
EREND JAMES L. NETTERS, SR.

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. COHEN. Mr. Speaker, I rise today to recognize and celebrate Dr. Reverend James L. Netters, Sr., Senior Pastor of Mount Vernon Baptist Church-Westwood in Memphis, for his upcoming 55th pastoral anniversary. Reverend Netters has served his congregation at Mount Vernon Baptist Church and the larger community of Memphis with honor and grace and is a distinguished representative of his parishioners and our great city.

Reverend Netters continues to be a guiding figure for good with Memphis-area pastors and their congregations and outreach programs. His leadership demonstrates what is possible when congregations plant seeds of hope in their surrounding communities. Programs involving prison outreach and projects for the reformation of blighted areas show a commitment to lifting up those who have fallen behind and helping them back to the fold. From working with young adults and raising money for

college scholarships to comforting and sharing the wisdom of the elderly members of his congregation, Reverend Netters and his church are actively engaged in building a better Memphis.

The Mount Vernon Baptist Church-Westwood was founded in 1902, and Reverend Netters has been their pastor for the past 55 years, earning the distinction of being the longest serving pastor of a single church in Memphis. I wish Dr. Reverend James L. Netters, Sr. many more prosperous years with Mount Vernon Baptist Church, so that he can continue working tirelessly to lift up his congregation and our great city of Memphis.

OPPOSITION TO H.R. 3078, H.R. 3079,
AND H.R. 3080

HON. PETER J. VISCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. VISCLOSKEY. Mr. Speaker, I rise in opposition to all three trade agreements under consideration in the House this week. I believe these agreements will only exacerbate our unemployment crisis, undermine America's manufacturing sector, and allow the continued hemorrhage of our jobs to foreign countries.

I am a proponent of trade, but any agreement that reduces barriers and removes avenues to redress unfair practices should preserve American jobs, ensure a level playing field, respect the rights of worker's and our environment, and provide significant economic benefits. These proposed agreements, individually and collectively, do not live up to those standards.

Since 1977, the real median hourly wage has decreased \$.53 for workers in this country. In manufacturing, it has decreased \$1.40. In the same timeframe, the U.S. has lost approximately 7 million manufacturing jobs, over 250,000 in the state of Indiana alone. These are middle class jobs, and each lost job means lost wages, lost health care, and lost retirement benefits for a family. It is getting harder and harder for America's working class to make it, and that is a shame. With the unemployment rate at 9.1%, we must do everything possible to create new jobs, and protect every single American job that exists. Congress should have a singular focus of promoting American workers and creating American jobs.

Instead, Congress is going to pass three trade agreements that will cause a loss of jobs; necessitating the passage of a TAA package to train those whose jobs are being outsourced. What a terrible and wrongheaded policy. Further, the TAA package that Congress is considering would pare back the eligibility requirements and funding levels for displaced workers that were established in 2009. Are American workers less vulnerable to trade than in 2009? I find it ludicrous that we would choose to reduce this assistance when long term unemployment continues to plague millions of American families.

All three of these agreements are similar to NAFTA, and we know, all too well, the effects of NAFTA. In 1993, before the enactment of

NAFTA, we had a small trade surplus of about \$1.6 billion with Mexico. NAFTA was enacted in 1994 and by 1995 that surplus had turned into a deficit of almost \$16 billion. By 2007, this deficit had grown to a staggering \$75 billion. These policies have displaced millions of jobs, and we cannot afford to aggravate the problem with more misguided trade agreements. Further, the jobs that aren't displaced are diminished through depressed wages and benefits.

According to the Economic Policy Institute, the South Korea agreement will expand the U.S. trade deficit by \$13.5 billion and eliminate 159,000 jobs within seven years. Proponents of this deal will cite estimates by the International Trade Commission indicating a small positive impact on our trade deficit and negligible domestic employment gains. However, I would point out that the ITC projected a \$1 billion increase in the trade deficit and a negligible effect on employment before China's ascension to the World Trade Organization. The results turned out to be dramatically different. Between 2001 and 2008 our trade deficit with China increased by \$185 billion and we have lost approximately 2.4 million jobs.

The manufacturing supported by the United States' automobile supply chain is the backbone of our economy. The provisions of this agreement allow duty free imports of vehicles with up to sixty-five percent of the content coming from outside South Korea. I fear that countries that have circumvented our trade laws in the past will use this as a new opportunity to increase the presence of unfairly subsidized products in U.S. markets by going through South Korea. The resulting job losses are as inevitable as they are unacceptable.

Finally, South Korea has a history of currency manipulation and erecting significant non-tariff import barriers. Are we foolish enough to believe they won't continue to aggressively protect their domestic industries at the expense of manufacturing jobs here in the U.S.?

Specific to the Colombia agreement, the Economic Policy Institute estimates that this deal would eliminate 55,000 American jobs within seven years, while growing our trade deficit by \$3.3 billion. Additionally, Colombia has a disturbing history of violence against labor unions. Nearly 2,680 unionists have been murdered there and only six percent of these crimes have been prosecuted. That is an appalling fact. The administration's Action Plan is a positive step, but it does not guarantee the basic rights of workers, nor their protection from retaliation. Further, the Action Plan is not part of the FTA, and is therefore subject to the discretion of the Executive Branch. I will not be satisfied until I see sustained long term progress for workers' rights in Colombia.

These trade agreements will come at the expense of the middle class at the worst possible time. They will do away with at least 214,000 American jobs and undermine key industries throughout our economy.

Trade can have positive benefits for the U.S. economy, but it has to be done right, and it has to be done fairly. These agreements do not reflect the lessons we have learned. Again and again, we have seen countries acting aggressively to support and promote their domestic job creating industries while protecting

them from competition. Even when our companies have legal recourse, it is almost always too little too late, the damage has been done, and the jobs are gone. That is why I am concerned about the failure of these agreements to have robust mechanisms to ensure that the provisions are enforced.

We should be using our time to pass legislation to rebuild America's economic infrastructure using American workers and goods and products made in the United States. I encourage my colleagues to oppose all three agreements.

NATIONAL SCHOOL LUNCH WEEK

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. SCHRADER. Mr. Speaker, I rise today during National School Lunch Week and National Farm to School Month in support of our National School Lunch Programs and to express my concern regarding some of the U.S. Department of Agriculture's proposed rule changes to the program. As the representative of the fifth district of Oregon, I am committed to improving the contribution of the school meal program to the nutritional needs of school children.

A recent Gallup poll found that 19 percent of American families are food insecure. According to a study by the USDA, nearly 17 million American children struggle with hunger. This same study concluded that 13.7 percent of households in my home state of Oregon suffered from food "insecurity" meaning they lacked consistent access to adequate amounts of nutritious food. That is over 500,000 Oregonians. One of our most important programs that is essential in helping hold the line on hunger and food insecurity is the Supplemental Nutrition Assistance Program or SNAP. As of August 2011, over 780,000 people in Oregon depended on SNAP to help piece together their food budgets.

Over one-half of our students in Oregon, over 280,000, are eligible for free or reduced priced lunch. A decade ago that percentage was only one-third. For these students, the availability of the National School Lunch, School Breakfast, and Afterschool Meal programs shield them from hunger and increase their family's food security. School meals are important to ensure all low-income students receive proper nutrition. Not only do school meals help reduce hunger, but they also increase the health of children and their ability to learn.

With this increased demand for free or reduced priced meals at school, we need to recognize the added burden this puts on already strained budgets. Changes to the school meal plans must consider the constraints faced by school lunch providers. School lunch providers need to offer nutritious affordable options that children will eat and that will encourage continued high rates of participation. For many children, the school meals are their prime source of nutrition for the day. Changes that discourage participation will reduce the overall health and wellness of American children.

While 2010 Dietary Guidelines recommends higher consumption of fruits and vegetables, the proposal would eliminate some of the most popular and economical vegetables available to schools. Contrary to recommendations made in the Guidelines, USDA would limit servings of vegetables children actually like, including corn, green peas, potatoes and lima beans, to one cup per child per week, without providing any compelling reason for doing so. Vegetables in this subgroup provide excellent nutritional value. This limit would not improve nutrition intake, but would have an adverse effect on the affordability, participation rates and nutrition quality of school meals. In this time of economic uncertainty, we cannot overlook the unintended consequences of these new and conflicting standards.

The 2010 Guidelines list four "nutrients of concern"—potassium, dietary fiber, calcium, and vitamin D—adding that intake of these nutrients is "low enough to be of public health concern" in both children and adults. Potatoes, for example, have more potassium than bananas, a food commonly associated with this nutrient. Lima beans contain 21 percent of the DV of fiber and 12 percent of the DV for potassium. Green peas are rich in iron and vitamins A, B6, and C. By limiting the serving of these vegetables, USDA's proposal runs contrary to the Guidelines.

Furthermore, this rule would have a negative impact on the businesses all across the country, including the many food producers that I represent in the 5th District of Oregon. For example, NORPAC Foods, Inc., headquartered in Stayton, Oregon, is a 240 farmer-member cooperative, farming 45,000 acres and, with its associate farmers and processors, producing over 600,000,000 pounds annually. Providing schools with nutrient rich vegetables, including lima beans and green peas, is an important part of NORPAC's business. At this time of economic downturn, USDA should not impose rules that close markets for American farmers without strong nutritional justification.

In conclusion, as we recognize National School Lunch Week and the positive impact this program has on the children in our nation, I would encourage the USDA to revisit its proposal and write a rule that does not put limitations on school nutritionists' choices in how to best feed hungry children or put further economic pressures on schools or the food companies that supply our schools.

TRIBUTE TO ELIZABETH COARDS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a remarkable constituent.

Ms. Elizabeth Coards is an extraordinary centenarian who resides in the Villas at Horizon Village, and serves as matriarch to a wonderful neighborhood in North Charleston, South Carolina, which was created through the Hope VI program.

Ms. Coards was born in Summerville, South Carolina, on August 17, 1909. Her parents

were Benjamin Bracey, a brick maker, and Mattie Jones, a domestic worker. She attended Alston High School in Summerville, South Carolina.

Following school, she went to work for a cigar factory in Charleston, South Carolina. Ms. Coards remembers that she was at the factory stripping tobacco when she heard about President Roosevelt signing Social Security into law in 1935. Soon after, she went looking for better opportunities in New York City. There she found work as a laundress and later as a nanny, staying with one family for 27 years. In 1980, Ms. Coards moved to Staunton, Virginia. She returned South Carolina and settled into North Charleston at the age of 101.

Ms. Coards' first love is baseball. One of her fondest memories is taking the 5-cents subway ride to Brooklyn, where she saw Jackie Robinson hit his first home run for the Dodgers in 1947. Ms. Coards had a brief marriage in 1929, and had a son Harvey, who passed away in 1975. She is currently a member of Faith Temple Church in Harleyville, SC, and a beloved resident of her new home at the Villas at Horizon Village.

Mr. Speaker, I ask you and my colleagues to join me in celebrating the contributions of Ms. Elizabeth Coards to the rich fabric of our country. She serves as an example of the wonderful centenarians that worked hard all their lives, raised families and participated in their communities. America is a remarkable country because of the contributions of productive citizens like Ms. Coards. It was my honor to meet her at the recent dedication of the Villas at Horizon Village, and I wish her much happiness and continued good health.

RECOGNIZING MR. WALTER COWART OF SPRINGFIELD, MISSOURI

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. LONG. Mr. Speaker, I rise today to recognize and honor one of the 7th District of Missouri's most distinguished individuals, Walter Cowart.

Walter, a resident of Springfield, Missouri, retired this summer after working in the United States Small Business Administration, SBA, for over 35 years.

Walter got off to a great start in college. There, he majored in economics at Sewanee, the University of the South, in Sewanee, Tennessee, as part of the class of 1964.

Cowart's career with SBA started in Lubbock, TX in 1976. In 1979, he moved to the Kansas City, Missouri office as the Chief of Portfolio Management. He then transferred to Springfield, Missouri when the Branch Office opened there in 1981. He was recognized as the Region VII Regional Employee of the Year in 1997 and was presented his award by former Congressman ROY BLUNT at the Springfield Branch Office. He was appointed Branch Manager in 2008.

As Branch Manager, Walter was an advocate for small business in the 28 counties

served by the Springfield Branch of the Kansas City District. He oversaw efforts to expand and develop the small business community in southwest Missouri with the help of SBA lending partners.

Walter was also a member of the Springfield Planning and Zoning Commission from March 1984 until January 1991 and was a member of the Board of the Springfield Public Building Corporation from May 1991 until January 2002.

Walter has been married to his wife Laura for over 38 years. They both retired at the end of August; Walter from the SBA and Laura from the United States Department of Agriculture's Natural Resources Conservation Service.

Walter and Laura like to spend their free time with their family. They are blessed with three children and two grandchildren. Walter and Laura are spending their retirement with their family, friends, and are currently cruising across the rivers of Europe.

Although I am sad to see him go, I wish Walter a happy retirement. The SBA was fortunate to call him an employee, those of us who live in Springfield are proud to call him a neighbor, but most importantly, I am lucky to call him a friend. I hope Walter and Laura enjoy their retirement and wish them and their family the best in the future.

PERSONAL EXPLANATION

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Ms. RICHARDSON. Mr. Speaker, on Tuesday, October 11th I was unavoidably detained and therefore was not present to be recorded on rollcall vote No. 771. Had I been present I would have voted as follows:

On rollcall No. 771, I would have voted "nay" (October 11)

H. Res. 425—Rule providing for consideration of H.R. 3078—United States-Colombia Trade Promotion Agreement Implementation Act, H.R. 3079—United States-Panama Trade Promotion Agreement Implementation Act, H.R. 3080—United States-Korea Free Trade Agreement Implementation Act, and the Motion to Concur in the Senate Amendments to H.R. 2832—To extend the Generalized System of Preferences, and for other purposes (Trade Adjustment Assistance Extension)

RECOGNIZING 20 YEARS OF WATER CONSERVATION IN EL PASO

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. REYES. Mr. Speaker, I rise today to mark the 20th anniversary of Water Conservation Day in El Paso. I also want to honor the truly remarkable turnaround El Paso has achieved in reducing water use and preventing the depletion of the Hueco Bolson aquifer.

In 1991, with one of El Paso's main water sources predicted to run dry within 36 years,

the goal was to reduce the 200 gallons used by each person everyday by 20 percent. Today, average usage stands at 133 gallons per person, and, despite a population increase of 200,000 people since 1991, El Paso uses 1.6 percent less than 20 years ago.

El Paso's Water Conservation Ordinance has provided guidelines and schedules for water usage for two decades, and resulted in over 231 billion gallons of water saved from waste and has also halted the over-drafting of fresh water from the Hueco Bolson aquifer, the main water source for the city.

El Paso's initiative succeeded for several reasons. The Water Conservation Department offered incentives to lower daily water usage by offering high-efficiency toilets and implementing a progressive seasonal rate structure. Rebates were offered for water-efficient washing machines and central refrigeration systems. In addition, 185,000 efficient shower heads, 9,000 evaporative cooler bleed-off line clamps, and 170 waterless urinals were provided at no cost to improve efficiency. Thousands of residents also eliminated their grass lawns through the Turf Rebate Programs, saving El Paso 894 million gallons annually of water. These efforts combine to conserve over 3.6 billion gallons of water annually.

In addition to these measures, El Pasoans use 2.1 billion of reclaimed water annually, a water source that is unaffected by drought, and awareness campaigns have encouraged El Pasoans to conserve water. In two decades, El Paso was able to coordinate a series of programs to achieve its goal of averting a water shortage, while dramatically reducing consumer demand and saving \$460 million in the process by deferring the expansion of water facilities. The El Paso Water Utilities desalination plant has helped provide water especially in the most recent drought we are experiencing, and has become a main source of water for the city. It treats 27 million gallons of water daily, making it the largest inland plant in the world.

El Paso is serious about water conservation, and I am proud to represent a community that works together to protect and conserve our precious resources.

TRIBUTE TO MRS. DOROTHY LEAVELL AS SHE CELEBRATES HER 50TH YEAR ANNIVERSARY WITH THE CHICAGO, ILLINOIS AND GARY, INDIANA CRUSADER NEWSPAPERS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. DAVIS of Illinois. Mr. Speaker, Dorothy Leavell migrated to Chicago, Illinois from Pine Bluff, Arkansas and began her newspaper career as an office clerk with the Crusader Newspapers in 1961. She took over as publisher in 1968 after the death of her first husband, Balm Leavell, who was one of the two founders of the Crusader.

In the ensuing years Mrs. Leavell distinguished herself as a militant minded muckraking journalist, community activist and busi-

ness person. She joined the National Newspaper Publishers Association and for more than 40 years she has been a dedicated and active member and leader of the organization. She has been its Chairperson, Chairwoman of various committee and task forces. As well, she also led a controversial 20 member group to Nigeria to investigate its political crisis.

As a media advocate she also was a staunch and critical supporter for the confirmation of Alexis Herman to become the U.S. Secretary of Labor. As publisher of the Crusader, Ms. Leavell has been a strong supporter of affirmative action, parity in advertising and civil rights pursuits. Dorothy Leavell has been an outstanding journalist and a brave publisher and a great humanitarian; therefore, I am pleased to commend her and wish for her fifty more years of productive service.

In addition to her journalist work, Ms. Leavell is the wife of Mr. John Smith, her second husband, the mother of two children, three grandchildren and has also raised a niece and a nephew. She is actively involved in her church, Holy Name of Mary in the Morgan Park Community of Chicago.

Under Ms. Leavell's tutelage the Crusader has become the City of Chicago's largest locally Black owned paid circulation newspaper. May it long live and may the legacy of Ms. Dorothy Leavell last forever.

IN MEMORY OF ZONA ANN STRATHEARN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. GALLEGLY. Mr. Speaker, I rise in memory of my good friend, Zona Ann Strathearn, who passed away last month and whose life will be celebrated next week.

Zona epitomized life, even during her nearly 10-year battle with cancer. She was the consummate volunteer, philanthropist, world traveler, card shark, outdoor enthusiast, and tennis player. But most importantly, she was a tireless partner to her husband, Bruce, with whom she recently celebrated their 36th wedding anniversary, and a devoted mother and grandmother.

Among her volunteer activities, Zona was a member of the Flight Bags, a community-oriented group of pilot wives during her first marriage, and a candy stripper at Simi Valley Hospital for 12 years and a hospice volunteer with Livingston Memorial for three years.

Zona also assisted Bruce's work on various committees and served as a Rotarian wife for 12 years. Additionally, she contributed to the Women's Legacy Fund, Heritage Fund, Destino Latino 2000 Fund, the Strathearn Family Fund to support the Chamber's Foundation for Simi Valley, and the Bruce and Zona Strathearn Fund for future Ventura County Charities.

She was a shark at several card games including Gin, Gin Rummy, Cribbage and Bridge, and she relished in her marathon bridge sessions with locals throughout Ventura County. Zona was an exceptional singles and

doubles tennis player, and she played both competitively at Sunset Hills Country Club. After experiencing an exotic hiking excursion to Provence, France, in 1999, Zona became involved with a local hike and bike club and enjoyed several hiking trips across Southern California in the following years.

In addition to several trips to Europe, Zona also toured South Africa, Vietnam, China, Australia and New Zealand. Her travels included many annual trips to Northeastern Oregon and the Sierras, where she consistently caught the most and largest fish on each trip. For her many excursions, Zona earned the nickname "Zoomer."

In addition to Bruce, Zona is survived by her daughters, Allison Strathearn-Forrest and Allison's husband, Roger, Kim Strathearn, and Kimberly Gustafson and Kimberly's husband, Kurt; and her son, David Strathearn and his wife, Alisa; granddaughter, Khysa Gustafson; and grandsons, Kaden Gustafson and Preston Lloyd Strathearn.

Mr. Speaker, I know my colleagues join me in celebrating Zona's exceptional energy and passion, and in sending our sincere condolences to Bruce and their family.

AWARD FOR PRIVATE ERNEST
WEDELL

HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 2011

Mr. SCHILLING. Mr. Speaker, I rise today to honor one of our brave warfighters, Mr. Ernest Wedell. Mr. Wedell entered the United States Army in July 1952 in Galesburg, Illinois. After he finished his training he was sent to Korea, where he was assigned to the 17th Infantry Regiment, nicknamed "the Buffalos," of the 7th Infantry Division. They were nicknamed the Buffalos after one of the Regiment's Commanding Officers in the Korean War, Colonel William W. "Buffalo Bill" Quinn. This incredible regiment was an important part of the Korean War and continues to fight for our country to this day.

In April 1953, elements of the 7th Infantry Division were ordered to take and hold what would later become the famous battle for Pork Chop Hill. On April 20, during the first battle of Pork Chop Hill, Private Wedell was wounded in combat. During this battle the United States experienced 243 casualties and an additional 916 were wounded. Less than three weeks after the second battle, the Armistice was signed thereby ending hostilities.

On May 7, 1953, while recovering in a military hospital in Japan, Private Wedell was awarded the Military Order of the Purple Heart because of the wounds he sustained during this battle. In addition, Private Wedell was awarded the National Defense Service Medal, the Korean Service Medal, and the United Nations Service Medal for his exemplary service in the United States Army.

However, another award that every infantryman cherishes is the award that Private Wedell earns today. The Combat Infantryman's Badge, commonly called the CIB, is awarded to soldiers, both enlisted and officers holding the rank of colonel or below. Those who receive this award were personally present and under hostile fire while serving in assigned primary infantry or Special Forces duty in a unit actively engaging the enemy in ground combat.

On the 17th day of October, 2011, after fifty-eight years of waiting, it is my humble privilege and honor to present to Ernest Wedell on behalf of a grateful nation and the citizens of Illinois, the Combat Infantryman's Badge. We are very lucky to have had dedicated warfighters like Mr. Wedell in our Army. Our country owes him and those like him a great debt of gratitude for the sacrifices they have made for us.

SENATE—Monday, October 17, 2011

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, hope of compassion and love, all that is within us praise and magnify Your holy name. Today, incline the ears of our Senators to hear Your voice as You fill them with Your power. Bless all who work on Capitol Hill, inspiring them with Your spirit and encouraging them with Your presence. May Your grace give them each day a dignified sense of renewal.

Lord, make us all sensitive to understand our mutual needs and the importance of working in harmony and respect one for the other.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 17, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in

morning business until 4 p.m. today. Following morning business, the Senate will begin consideration of H.R. 2112, which is the vehicle for the Agriculture, Commerce-State-Justice, and Transportation appropriations bills. At 5:15 the Senate will be in executive session to consider the nomination of Cathy Bisson to be United States District Judge for the Western District of Pennsylvania. At 5:30 there will be a vote on confirmation of that nomination. At 4 o'clock, as indicated here, we are going to move to the appropriations bills. I understand there are a number of amendments on both sides that are available to be offered. I hope Senators will come and offer them as quickly as possible. We will try to work out time agreements. I am anxious to set up some votes before the weekly party caucuses tomorrow.

EDUCATION

Mr. REID. Mr. President, Bart Giamatti was a well-rounded man. He was the president of the Yale University and also Commissioner of Major League Baseball. He once called education the "heart of a civil society." But he also said the heart of education is the act of teaching.

The commitment to educate the children of this Nation is our greatest investment in our collective future. It is the key to keeping the American dream alive and crucial to staying competitive in a global economy. Teachers are the stewards of that investment. But the terrible recession that has rocked our national economy has threatened their ability to give our children the education they deserve.

Since 2008, State and local budget cuts have cost this country 300,000 education jobs. Nearly 200,000 of those jobs were lost in the last year alone. Schools are feeling the pinch of a larger class size, especially at the elementary and middle school levels. The number of children in an elementary school classroom has a direct correlation to student achievement and even college graduation rates.

Districts also shortened schooldays, school years, and eliminated summer school programs that help underprivileged children to compete in the world. They have cut art and music classes and afterschool activities that keep students engaged and prevent everything from high school dropouts, delinquency, to even teen pregnancy.

While all of these cuts have been difficult, things could be much worse. The Recovery Act and the Education Jobs Fund provided money to keep 422,000

teachers in the classroom for a year. School districts across the country used that Federal funding to keep class sizes small and ensure students are given the world-class education they deserve. They used this funding to ensure America's children are trained for the jobs of today and prepared for the challenges of tomorrow.

Still, as the economy continues to struggle, so do State and local budgets. That means schools that are already doing more with less will continue to be at risk. Although Democrats have saved hundreds of thousands of teacher jobs already, schools have still lost 300,000 educators since this recession began.

And the brain drain could even get worse. State and local budgets could cost as many as 280,000 teacher jobs next year unless we do more. That is why President Obama proposed we invest \$30 billion as part of the American Jobs Act to keep our schools well staffed and to ensure our children are well educated. This is not deficit spending. This is money that will be paid for. Republicans blocked that job-creating legislation which would have put 2 million people to work in classrooms and at construction sites across the country. But Democrats have not given up on keeping our schools fully staffed. Nearly 300,000 teacher jobs—I repeat—are at risk, and so is the quality of our education system.

Unless school districts get a helping hand, many will be forced to make more difficult choices between laying off educators and going without schoolbooks, paper, and other supplies.

Democrats will pursue the President's plan to keep nearly 400,000 teacher and support staff where they belong, in the classroom—a \$30 billion investment, fully paid for, which will help school districts not only avoid layoffs but also rehire tens of thousands of teachers who have already lost their jobs because of budget cuts.

It will also commit \$5 billion to retaining the police, firefighters, and first responders who work so hard to keep our communities safe, and to rehiring those who have already been laid off in these tough economic times. Our economy cannot afford to lose more jobs. Our communities cannot afford to lose the men and women who keep us safe and secure. Our Nation cannot afford to lose the competitive edge a world-class education system gives us in a constantly changing world. Democrats are committed to protecting the heart of education. Bart Giamatti spoke of, the talented teachers who will shape our civil society.

Mr. President, will the Chair announce the business of the day?

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOBS THROUGH GROWTH ACT

Mr. MCCAIN. Mr. President, I come to the floor today to discuss the Jobs Through Growth Act that was recently introduced by most of my Republican colleagues on this side of the aisle. I wish to highlight the hard work done by my colleagues Senators PAUL and PORTMAN in putting this bill together.

This bill is a commonsense alternative to the plan being championed by President Obama and Majority Leader REID. The differences between our plan and theirs are that we want to create jobs through growth and they want to create jobs through government spending. We believe business creates jobs in America.

It is clear from the President's stimulus 2 that he believes government creates jobs, so there is a fundamental difference between our proposal and theirs. What they have proposed is another stimulus. We tried that. We saw the movie before. It did not work. It added to our debt and deficit. We lost jobs.

My colleagues and I are putting forth a plan to create jobs through sound policies. Most economists will tell you that economic growth is a fundamental part of long-term sustainable job creation, and that is what the plan does. It contains key components—spending reforms, including a balanced budget amendment to the Constitution, to give job creators the certainty that Washington will not continue to grow unchecked.

Almost all of us understand from experience over the years that unless the United States of America, our government, is required—as every State and

every town and every county and every city in America is required—to have a balanced budget, we will continue the mass deficits that mortgage our children and our grandchildren's futures.

Republican and Democratic Presidents alike over the years have asked for enhanced rescission authority—what we used to call the line-item veto—that would give the President of the United States the ability to eliminate unnecessary, wasteful, earmarked, porkbarrel spending provisions without having to veto the entire bill.

We believe these two measures can bring about a fiscal discipline in this Congress and in this Nation that has been sadly lacking for a long time and has given us the massive debts and deficits—a deficit of nearly \$50,000 for every man, woman, and child in America today.

We need tax reform. Is there anyone in America who doesn't believe that the Tax Code, which is this high, doesn't need to be reformed? Our proposal is simple: Cut the corporate tax rate from 35 to 25; create 3 categories of tax rates in America, and close the loopholes, eliminate the subsidies, and let's give Americans a Tax Code they can trust and believe in—even understand.

Let's bring home the \$1.4 trillion in foreign earnings that are trapped overseas in countries where U.S.-based multinational companies do business. Why won't they bring the money home? It is because they have to tax it at 35 percent. It is not that complicated.

Last week, Senator HAGAN and I introduced a bill that would provide incentives for that money to come home on the proviso that they create jobs in America and invest in America. According to a recent study done by the chamber of commerce, the repatriation of this \$1.4 trillion in corporate earnings currently trapped overseas can result in increasing the gross domestic product by roughly \$360 billion and would create as many as 2.9 million new U.S. jobs.

I must say, recently from the other side there was a study that showed this money would have no effect. How in the world could you possibly believe that if you brought \$1.4 trillion back home to America it would have no effect? I think it probably shows you can have a study that shows there was indeed a landing of aliens in a city in New Mexico a long time ago.

Reforming the regulatory process costs taxpayers nothing, but it does more for creating jobs than any stimulus program possibly could. There is nothing more constraining to job growth than the adversarial relationship between business and government. Talk to any businessperson, small or large, and they will tell you why they are sitting on large sums of money and not creating jobs and not investing. It is because they don't know which regu-

lation is coming down next that they are going to have to comply with.

Please, I ask my colleagues and my friends, go ask the business people and they will tell you that. They will tell you that the fear and specter of additional regulations has an incredibly negative affect on their desire to invest and hire. Lifting the prohibitions on offshore energy exploration will immediately create jobs, drive investment, and reduce our Nation's dependence on foreign sources of oil.

According to the American Energy Alliance, which is a pro-exploratory group, admittedly, permanently lifting the offshore moratoria would result in 1.2 million new U.S. jobs.

Of course, we need to give the President the fast track authority to negotiate trade agreements. I point out that the President is now on his "listening tour," at taxpayers' expense. He was taking credit for the passage of these three free-trade agreements for Panama, Colombia, and South Korea. It only took nearly 3 years.

As far as our bill is concerned, we have a statement from the U.S. Chamber of Commerce:

Yesterday, a group of Senators, including John McCain, Rob Portman and Rand Paul, introduced the "Jobs Through Growth Act." This legislation marks a departure from a "government knows best" approach and instead empowers the private sector to rescue our economy. As the Chamber outlined in its Six-Point Jobs Plan, alleviating regulatory burdens, tax uncertainty, and restoring confidence to invest and grow jobs is the best way to get the country back on track. This bill is a step in the right direction and includes a number of the same broad ideas for creation as the Chamber's plan.

It goes on to say that "comprehensive tax reform is critical to job creation." They believe that reforming the regulatory process is necessary for businesses to begin hiring again, and they also argue for the expanded drilling offshore.

You will hear from various liberal think tanks that we don't create jobs, that this is not a good thing to do, et cetera. But the fact is the chamber of commerce, which I think well knows about job creation, should be paid attention to.

A piece was written in the National Review Online by Douglas Holtz-Eakin, a noted economist and former head of the OMB. In the interest of full disclosure, he was an adviser of mine. He wrote the following:

Senate Republicans have just introduced the "Real Jobs Plan." As I've long argued, an effective jobs "plan" is a commitment to a sustained environment for long-term growth. The President's failed proposals have repeatedly proven that "temporary and targeted" stimulus is insufficient. Moreover, his latest effort displays more interest in politics than growth.

Senators McCain, Paul, and Portman have proposed a plan that effectively targets job creation at a time when we desperately need it by incentivizing growth and repealing the

job-killing Affordable Care Act and Dodd-Frank law. There is a lot here to like.

Still, inevitably, there will be a war of numbers in which progressives trot out numbers from Keynesian business cycle models to argue that the strategy won't work. To anticipate the debate, here are some highlights of the Real Jobs Plan and some estimates of the jobs impact:

1. Lower the corporate rate tax to 25 percent, resulting in an additional 581,000 jobs per year, on average.

2. Reduce the tax on foreign earnings brought back to the U.S., resulting in 2.9 million jobs.

3. Repeal Dodd-Frank, estimated to cost the U.S. 4.6 million jobs by 2015.

On the so-called Dodd-Frank act, the whole purpose of the Dodd-Frank act was to make sure that no institution in America would ever be too big to fail. My friends, tell me that these institutions aren't too big to fail. We know they have gotten bigger, and we know they are too big to fail. If we went through a similar crisis, we know, because of their size, we would again be forced to use taxpayer dollars to bail them out. The fact is that the Dodd-Frank bill has been a complete failure, as many of us predicted. One of the reasons is because it didn't address the phasing out of Fannie Mae and Freddie Mac. It was the housing crisis that started this collapse, and until the day the housing market stabilizes, we will not begin to emerge from this horrible economic situation America finds itself in today.

4. Repeal the ACA, estimated to cost the U.S. economy at least 800,000 jobs.

5. Lift the offshore drilling moratoria, resulting in 1.2 million U.S. jobs.

6. Prohibit the EPA from regulating greenhouse gases, estimated to cost the economy 1.4 million jobs by 2014.

And, of course, giving the President trade preference authority.

Finally, I will point this out in the Wall Street Journal Political Diary, October 14, 2011: Finally, a GOP Growth Plan.

Senators John McCain and Rand Paul [and Rob Portman] have drafted an economic growth blueprint that they hope to be the rallying cry of all congressional Republicans.

The White House and congressional Democrats hope to use the Senate rejection of Obama jobs plan this week as a campaign issue against "do nothing Republicans." Senate Democrats have crowed that "Republicans have no jobs plan of their own," but that's not true any longer. Senators John McCain of Arizona and Rand Paul of Kentucky [and Rob Portman] have drafted a comprehensive economic growth blueprint that they hope will be the rallying cry of all congressional Republicans in the weeks ahead. We obtained a copy of the draft document which includes tax cuts, a balanced budget amendment, ObamaCare repeal, and a regulatory freeze. . . .

The plan, which would cut corporate tax rates to 25 from 35 is partially paid for by offering a reduced 5 percent tax on repatriated capital. . . .

The plan won't get close to the 60 votes necessary in the Senate. But it does establish a polar star for Republicans to head to-

ward. Republicans got a nice lift for the plan when a Chamber of Commerce poll asked 1,300 business owners across the country whether they support the GOP plan of "permanent tax cuts and less regulation," or the Democratic plan of temporary payroll tax cuts and public work spending. More than eight of 10 said they favor the Republican approach.

As they say, let the games begin. Today, the President of the United States, in his visit to areas of the country that have a lot to do, in the view of many, with the upcoming electoral calendar, attacked our plan and attacked it rather vociferously. In fact, I was somewhat taken aback, since the President and his spokesperson had billed his trip as a taxpayer-paid visit. In his remarks, the President was very strongly condemning of the plan that we have put forward. In fact, remember, my colleagues and friends, the President made these remarks on a taxpayer paid-for, riding-in-a-Canadian-bus visit for the next 3 days. This is what, on his listening tour, the President said:

Now it turns out that the Republicans have a plan, too. I want to be fair. They call—they put forward this plan last week. They called it the real American Jobs Act, the real one. That's what they called it, just in case you were wondering. So let's take a look at what the Republican American Jobs Act looks like. Turns out that the Republican plan boils down to a few basic ideas. They want to gut regulations. They want to let Wall Street do whatever it wants. They want to drill more, and they want to repeal health care reform. That's their jobs plan.

Et cetera, et cetera. So on the taxpayer-paid dime, the President is now traveling and attacking the Republican plan—obviously, I think, unfairly.

By the way, there is an article dated October 16 by Richard Wolfe in USA Today:

President Obama will kick off a three-day bus trip through small towns in politically competitive North Carolina and Virginia Monday. But White House officials insist the trip is about jobs, not votes. So much so, in fact, they convened a conference call to reiterate that point several times, pointing out that the trip is fully on the taxpayers' dime, not the Republicans reelection campaign.

So the President has taken to the road, and he spent a number of minutes attacking our plan. I understand that. I think he has, certainly in a political venue, the right and privilege to do that. I think the question might be, though, is that appropriate on the taxpayers' dime, since it is clearly campaigning. I must say again, I have never seen an uglier bus than the Canadian one. He is traveling around on a Canadian bus touting American jobs.

One of the reasons Americans and I and my colleagues are a bit skeptical is because we have seen this movie before. We saw this movie before, and it feels a bit like something we have heard before. In fact, let me read a few quotes. We all know the failure of the last stimulus bill. We all know the

President and his economic advisers said, if we passed the last stimulus bill, unemployment would be at a maximum of 8 percent, and it is obviously, we all know, now stuck at over 9. They said it would create millions of jobs, but we all know it didn't. They said it would stimulate our economy, and we know it hasn't. So let me read a couple quotes. This one was February 10, 2009, from President Obama:

It's a plan that will save or create up to four million jobs over the next two years . . . and the jobs of firefighters, teachers, nurses, and police officers that would otherwise be eliminated if we don't provide states with some relief.

This is from President Obama during the middle of 2009:

We've created and saved, as you said, Joe, at least 150,000 jobs.

This is a quote from Vice President BIDEN, where he said in "18 months" stimulus will "create 3.5 million jobs . . . literally drop-kicks us out of this recession."

This is a monumental project, but I think it's doable. But I just think we got to stay on top (inaudible) and we got to stay on top of that on a weekly basis. Because this is about getting this out and spent in 18 months to create 3.5 million jobs and do—to set—tee this up so the rest of the good work that's being done here literally drop-kicks us out of this recession and we begin to grow again and begin to employ people again.

Those were the remarks of the Vice President at a Recover Plan Implementation Meeting held on February 25, 2009.

My alltime favorite quote is from August 24, 2009, from Vice President BIDEN:

In my wildest dreams, I never thought it would work this well.

Let me repeat that:

In my wildest dreams, I never thought it would work this well.

In my wildest dreams, I hope the American people will understand what we are doing with the President's plan and that we will be voting on pieces that probably even a simple majority of the Senate wouldn't have voted for. It is the same thing they tried in 2009 and 2010 and was steadfastly rejected by the American people in the overwhelming vote that took place last November.

What I hope is that once the President gets off the campaign trail, we will sit down and come to an agreement in some areas. All of us agree that simplification of the Tax Code is something the American people want and deserve. All of us know we should try to do what we can to bring home that \$1.4 trillion which is now parked overseas. All of us agree that offshore drilling is something we need to accelerate as quickly as possible and do it safely. All of us should agree that middle-income and lower income Americans are the ones who need help the most.

While I am here, I would like to point out that one of the key elements we spent a lot of time on last year—many hours I spent on the floor of this Senate—was trying to combat the program that is now known as ObamaCare or health reform. We find out now that one of the key elements of this health care reform—which I will politely call health care reform—was a program called the CLASS Act.

The CLASS Act was to provide long-term care for senior Americans, which is certainly a worthwhile goal. Thanks to a Member of the Senate, who is no longer here, Senator Gregg, a provision was put in that said the reality of the CLASS Act programs had to match the promises as a matter of law. In other words, Health and Human Services had to provide an actuarial analysis of insurer solvency throughout the 75-year cost of the program. In other words, the Health and Human Services Department was bound by the amendment put through on the floor by Senator Gregg—the former Senator from New Hampshire. So after flailing around for 19 months, the Secretary of Health and Human Services announced it would shutter a voluntary long-term care insurance program that was included in the health care law and throw the issue back to Congress.

It is unfortunate we did not have that same provision in the rest of the bill; otherwise, the whole thing probably would have been junked by now. But because of that amendment, the administration has been forced to junk the CLASS Act. Let me quote from the *Wall Street Journal*, which reads:

At a minimum the GOP could begin by repealing the Class program altogether, since its legal authority is still intact. “One should never leave a partly loaded gun on the table even if most of the chambers are empty or just has blanks,” writes the American Enterprise Institute’s Tom Miller. He also suggests attaching a few of the more destructive provisions and forcing Democrats to defend them, such as Mr. Orszag’s Independent Payment Advisory Board of 15 political appointees who have brought unaccountable powers to control health care markets and health care.

Our suggestion is for a Gregg-like amendment that applies to the entire health law and not simply Class. If reality can’t match the rhetoric that accompanied the bill—about fiscal responsibility, bending the cost curve, keeping your health care if you like your health care and all the other false promises—then, legally, it should be repealed like Class. Call it a truth-in-advertising clause. ObamaCare would collapse in a heartbeat.

I hope we will begin to debate whether the CLASS Act—which now the Health and Human Services Secretary has announced is undoable—should be repealed from the law itself and whether there are other provisions such as that which Senator Gregg, in his foresight, was able to force into the bill at the time of its passage.

By the way, a little more on the CLASS Act. One of the major reasons

why it was included was to distort the numbers as to how much money would or would not be saved in the passage of health care reform. Because, clearly, for the first early years—since people would be contributing rather than taking out funds because of retirement age—it would appear to have a significant cost savings impact. Now we will be talking about the real cost impact of the health care reform bill.

I hope in the weeks ahead we can engage in vigorous debate on how we can move this country forward. There are clearly philosophical differences between the two sides, but I hope there are areas where we can find common ground.

The housing crisis is still with us in America. I noticed an article over the weekend in the *New York Times* that Fannie Mae saw fit to send a huge number of people to some convention in Chicago on the taxpayers’ dime. Fannie and Freddie are still responsible for about 90 percent of the mortgages in America—a corrupt institution. Yet Americans, including those in my State of Arizona, are still badly hurting.

I hope we can address the issues that affect this Nation. I hope we can sit down together and work out at least some agreements—such as reform of the Tax Code and others—but, at the same time, we need to, at some point, address the housing issue in America. Until we do—until we get housing costs stabilized in America—I greatly fear—and I see my colleague from Florida whose State has also been very badly hurt by this housing crisis—until we fix the fundamental problems, I fear we will continue to experience very difficult economic times for our citizens.

I note the presence of my colleague—the great astronaut and fine Senator—so I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I could spend my whole time talking about the housing crisis—as the Senator from Arizona has so appropriately commented—that has hit his State and mine and many others. I happen to agree it is going to be hard for us to recover economically until we can start to work off this huge inventory of houses out there and the dire economic straits it has put the owners of those houses in.

It is a truth in America that so often our family assets are in our home. When that home goes away—because you can’t sell it or its value has plummeted and the bank is coming after you and you can’t get loans for your small business—then people are going to be hurt. That is what is happening to our people right now.

Mr. McCAIN. Will the Senator yield for a question? I know he has another subject he wants to address, but would he yield for a question?

Mr. NELSON of Florida. Of course.

Mr. McCAIN. Isn’t one of the fundamental problems in the housing crisis, in the Senator’s State and my State and particularly California, Nevada, and others that were the crest of the wave, that we should have made—and still should be making—an effort to give people a mortgage they can afford to make the payments on rather than throwing them out of their home or have the home empty?

Maricopa County, AZ, has the largest number of vacant homes of any county in America. I will bet in that top 10 list are counties in the State of Florida.

Mr. NELSON of Florida. Indeed, one of the areas hardest hit in the entire country is southwest Florida, in and around Fort Myers. I note the Senator’s comments are very accurate. We need to find a way for people to stay in their homes, afford their payments, and see what that does not only for the individual homeowner but what it does for the neighborhood. It keeps people in the homes. The weeds don’t start growing. The values of the rest of the homes in the neighborhood don’t plummet because the house is now vacant and perhaps ransacked. There is kind of a spiral downward when people are forced out.

So we need a program that would come in and make the mortgage as affordable as the homeowner can work out. Yet we find, in many cases, the banks don’t want to do that or there is not a governmental incentive for the banks or the homeowner to do that. We have missed out on that.

Several years ago, when this crisis started, I implored the Secretary of the Treasury to look at exactly what was happening, and they came up with a program whereby they were going to give some cushion of 5 percent of a mortgage that was underwater.

In the Senator’s State and my State, if a home is just 5 percent underwater, you are rather fortunate because a home today 20, 25, and 30 percent underneath the value of the first mortgage is not uncommon. That is the problem we have not addressed.

There have been some other good things. There are now programs coming out on small business, in trying to get money into small business. Even though some of the banks did not want to take the Federal money, even though it went to their capital, we are starting to see some signs of life there. We are starting to see some signs of life, I am told by the Florida Association of Realtors, that sales are occurring all over the State, not just certain parts of the State, such as Miami. There is a huge influx of Brazilian investors coming in and absorbing the condo market. But it is not just Miami, it is the entire State that sales are occurring.

They are, of course, sales at rock-bottom prices, but they are beginning

to occur. We need to accelerate and give assistance to this rejuvenation of the real estate market. Until the housing market recovers, we are not going to have an economic recovery out of this recession.

Mr. MCCAIN. I thank the Senator.

LAURA POLLAN, DAMAS DE BLANCO

Mr. NELSON of Florida. Mr. President, I came to the Senate floor because over the weekend a very noble lady in Cuba passed away of a heart attack, and I want to tell you about her.

Her name is Laura Pollan. She founded the group Ladies in White, Damas de Blanco. She did so to protest the brutal Castro regime in Cuba, and her protest was specifically the jailing of 75 people in a crackdown on dissidents in 2003, one of which was her husband. Many of those who were imprisoned were married to the ones who became known as the Ladies in White, including Senora Pollan's own husband, Hector Maseda.

Since 2003, Laura had gathered the group on most weekends in central Havana after church. Everybody would wear white and they would hold gladiolas, a flower that is typical in warm climates. They would stage their marches, and they would demand the release of their loved ones, since 2003 when their husbands were jailed.

Damas de Blanco defied this brutal dictatorship, the Castro regime. For its human rights work, the European Parliament awarded the group the 2005 Sakharov Prize for Freedom of Thought. Just this year, the U.S. Government gave Damas de Blanco the Human Rights Defender Award for "exceptional valor in protecting human rights in the face of government repression."

Damas de Blanco succeeded earlier this year—succeeded. In the face of this brutal dictatorship, it succeeded when the last of the 75 imprisoned were finally released, including Laura's husband. She and her husband only had 8 months together before she died of a heart attack last week.

Despite this group's achievement, Laura Pollan lamented earlier this year that:

As long as the government is around, there will be prisoners . . . while they've let some go, they've put others in jail. It is a never-ending story.

Mr. President, it is a never-ending story, and isn't it typical; here is a regime that still holds an American citizen there now for 2 years, Alan Gross. Alan Gross is in ill health. His daughter here in the States has cancer. Is this regime showing any kind of compassion? Of course not. Did it show any kind of compassion to those Ladies in White and their husbands when they swept in, in the middle of the night, scooped them up and put them in prison because they dared to speak out their free thoughts?

It reminds us of another regime, one on the other side of the globe, Iran, which still imprisons an American, Bob Levinson, a former FBI agent. They still deny they have him, and yet there is plenty of evidence they do have him. And yet we wait. In Bob Levinson's case, a wife and seven children wait, and have waited for years and years.

So we say, like Damas de Blanco—just like they said they will continue to challenge the regime until the day all the Cuban people are able to enjoy the blessings of freedom—that is all they want. It is so sad that because of the ties between America and Cuba, with so many families having been split, with it being only 90 miles away from Key West, there is a brutal dictatorial regime that still imprisons its people. But there is one thing they can't imprison: they can't imprison their minds and their yearning for freedom.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I be allowed to speak in morning business for as much time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CLASS ACT

Mr. THUNE. Mr. President, late last week the American taxpayer got some very good news, and that was that the administration announced they were not going to move forward with implementing the CLASS Act. It was a stunning end for something many of us have believed is a fiscal timebomb for our country. They acknowledged it is simply not workable. In fact, HHS Secretary Katherine Sebelius said, "Despite our best analytical efforts, I do not see a viable path forward for CLASS implementation at this time."

The Washington Post went on to say that "the Obama administration cut a major planned benefit from the 2010 law on Friday, announcing that a program to offer Americans insurance for long-term care was simply unworkable."

The Hill reported that "HHS officials acknowledged that CLASS fell apart simply because it was too flawed to salvage."

From Politico: ". . . a stunning end to a financially troubled long-term care insurance program and a major setback to the health care reform law."

Even the New York Times editorialized that "it was too costly and would not work."

This is good news for the American taxpayer. This is something many of us

argued was the conclusion that inevitably people would come to, when this was discussed and debated as part of the health care reform bill over a year ago. In fact, on December 4, 2009, I offered an amendment to repeal the CLASS Act.

It was then offered as one of the pay-fors for the President's health care reform bill. At that time, it was said it would generate somewhere on the order of \$70 billion in additional revenue that could be used to pay for the health care bill. More recent estimates of that number are somewhere in the order of \$86 billion that would be generated in the first 10 years. One of the reasons for that was, of course, people would begin to pay premiums even though they would not start demanding benefits until later. Even at that time, there was tremendous concern that this would run up deficits, blow up deficits in the outyears when you got outside of that 10-year window; that after people were through paying their premiums and started demanding benefits, this would get into sort of a downward death spiral and would never pay for itself. That was a conclusion many people were drawing already, at the time, that there was such a rush to pass health care reform through here and to come up with ways to pay for it, that this ill-fated program was included. It was interesting because that amendment I offered back in December 2009 actually had pretty broad bipartisan support. At that time, every Republican voted for the amendment and 12 Democrats as well. We had a majority of Senators—51 Senators said in December 2009 that we ought to repeal the CLASS Act from the underlying health care bill simply because it was not workable and it was going to run up deficits in the outyears and everybody knew it. Instead, we proceeded and plowed forward, and the health care bill was going to be passed irrespective of concerns that had been raised by many of us but, more importantly, also by people who really study these things, people in the Congressional Budget Office, the Actuary at the Health and Human Services Department. There were a lot of warnings going forward about this program and what a bad idea it really was.

It is time that we be honest with the American people about this particular budget gimmick. I can't help but think that if we had come to this conclusion a long time ago, we would have saved some money when looking at whether this could be implemented, whether it could actually work. The inevitable conclusion is that it would not.

I want to read for my colleagues something that was stated by the Actuary at the Health and Human Services Department way back in 2009. In fact, this goes back to July 2009, well before the final vote occurred on the health care reform bill, particularly

the vote on the amendment that would have stripped this provision from the health care reform bill. The Actuary at the Health and Human Services Department, Mr. Richard Foster, said:

I'm sorry to report that I remain very doubtful that this proposal is sustainable at the specified premium and benefit amounts . . . 36 years of actuarial experience lead me to believe that this program would collapse in short order and require significant federal subsidies to continue.

That was from the Actuary at the Health and Human Services Department.

Later that year, in the August-September timeframe, he said:

As you know, I continue to be convinced that the CLASS proposal is not actuarially sound.

I believe these are statements by somebody who had looked closely at this program and had come to the right conclusion way back then—that it flat was not going to work. Yet, because of the mad rush to pass health care reform and to argue to the American people that somehow it was going to be paid for, this particular program was included. It clearly was a colossal mistake. Fortunately, it looks as though the administration has concluded the same. Hopefully we can get this killed once and for all so that it doesn't become a drain on our children and grandchildren, which it, of course, would when the bills started to pile up in those outyears and the deficits started to mount.

If you think about the fact that every American today owns about \$48,000 of the Federal debt—I mean, for most Americans the Federal debt is like having a second mortgage or, for that matter, a first mortgage on their homes. They have an enormous amount of debt for which they are responsible. Instead of looking at ways to reduce that debt, reduce the size of government, and get spending under control, Washington, DC, continues to look for ways to expand government and to add to the amount of debt we are passing on to our children and grandchildren.

Last week, when the announcement was made by the administration that this program is simply not workable and they are not going to implement it, it was a huge victory for the American taxpayer and a huge victory for our children and grandchildren—future generations of Americans who would end up having to pay for this. If you think about the fact that we already have somewhere along the lines of \$60 trillion in unfunded liabilities in other entitlement programs, piling on yet another one seems to be digging the hole ever deeper than it already is. What you do not want to do when you are in a deep hole is keep digging, and this plan, the CLASS plan, would have kept digging that hole even deeper for our children and grandchildren.

Interestingly enough, this was the analysis that was done by Health and

Human Services when they came to the conclusion that it should not be implemented. Now, as you can see, this is a volume that is several inches thick, so obviously they looked very carefully at this. Unfortunately, they came to that conclusion 19 months later than they should have. But this is what they came up with in terms of concluding that the CLASS program would not work. So, having done that analysis, one would think the next logical conclusion would be, let's repeal this piece of legislation. Let's get this off the books. Yet the administration is still talking about and still somehow wedded to the idea that somehow this might work, so they are saying they don't want to see it repealed.

Well, Senator MCCAIN, my colleague from Arizona, was down here earlier today talking about this program and this report, and he is a cosponsor, as I am, of a piece of legislation we put forward to repeal the CLASS Act. We will work as quickly as we can to put together legislation, now that we have this report from HHS, that will actually move forward with the intention to repeal this. But it strikes me that this is something most of my colleagues, given what we know now, should be willing to support, and especially given the fact that there were 12 Democrats who voted with the Republicans back in December 2009, to constitute a majority here in the Senate. There were 51 Senators who voted to repeal the CLASS Act from the health care bill back in December 2009 before all of this analysis came out. So now that we have this analysis in front of us, it seems to me that the logical thing we should do is to move forward with repealing this piece of legislation.

It is interesting; when we were debating in the Senate back in December 2009, many of my colleagues in the Senate said things about the CLASS Act that were very supportive; that they actually, I guess, believed this was going to work. I will not mention names to protect the guilty, but they called it a breakthrough. Some referred to it as a "win-win." Others referred to it as "critical." One of my colleagues said: So we get a lot of bangs for the buck, as one might say, with the CLASS Act that we have in this bill. Another one of my colleagues said: One of the critical pieces of the bill is the Community Living Assistance Services and Supports Act, or the CLASS Act. Another one said: The CLASS plan is a win-win. One went so far as to suggest that certain colleagues on our side of the aisle who argued that the CLASS plan would lead to a financially unstable entitlement program that would rapidly increase the deficit—he went on to say that was simply not accurate.

There are many of my colleagues on the other side of the aisle who at the time believed wrongly this was going

to work. I hope, now that we have this voluminous copy of the analysis done by the Department of Health and Human Services, they will join with us in repealing this really bad piece of legislation and get it off the books once and for all. We have 32 cosponsors on a bill that would do that. I hope that we, at the very first opportunity—and perhaps that will be even sometime this week—in the legislation we are considering now, could have an amendment that would repeal the CLASS Act so we can put this issue to bed once and for all for the American people.

It seems to me, with the kinds of year-over-year deficits we are running—\$1.3 trillion, \$1.4 trillion deficits—the very least we can do is take something we know is not going to work and focus on those things that actually will work. We ought to be talking right now about that which will reduce government spending, make the Federal Government smaller, expand the private economy, and look at what we can do to create jobs.

I am not suggesting for a minute that the issue of long-term care is not important; it is. There are right ways and wrong ways to deal with that. The CLASS Act represented the very worst way to deal with that; that is, to come up with a program that has been described as a downward death spiral and actually add to the debt we are going to pass on to our children and grandchildren, knowing full well this program would not pay for itself. It is a farce. It was never going to reduce the deficit. We now have that demonstrated in this analysis that has been done. So I hope my colleagues here in the Senate on both sides of the aisle will come together and recognize that and repeal once and for all this very bad piece of legislation.

It was good news when the administration recognized they couldn't implement it, it was not workable. It would be better news for the American taxpayers and for future generations of Americans if the Congress would repeal this legislation and do it soon.

I yield the floor.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Tennessee, I be recognized in morning business. What I am going to do is try to clear up some of the misunderstanding about the troops who have gone into Uganda and other areas on the LRA, Lord's Resistance Army.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Tennessee.

EDUCATION

Mr. ALEXANDER. Mr. President, last month several Republican Senators came to the floor and offered legislation to fix No Child Left Behind,

the legislation that was passed nearly 10 years ago to try to address our Nation's 100,000 public schools. In that legislation, we sought to fix problems with the legislation, not just to create another big reauthorization bill. The ideas we had were not all our ideas. They included many ideas from President Obama and his excellent Education Secretary, Secretary Duncan, as well as Democratic and Republican Members of Congress. They included having more realistic goals for No Child Left Behind. The original goal set in 2001 would, according to Secretary Duncan, create an unworkable situation where 80,000 of the 100,000 schools might be identified as failing in the next few years.

A second goal of our legislation was to move decisions about deciding whether schools and teachers were succeeding or failing out of Washington, DC, and back to State and local governments. A lot has happened in the last 10 years in the States—really the last 20 or 25 but especially in the last 10 years. We have better reporting requirements from No Child Left Behind. We have new State common standards, higher academic standards. We have new State tests that have been created—not here but by the States to do that. And now States are working together to create accountability systems. So there is a much better chance that States and local school districts can create an environment where students learn what they need to know and be able to do.

Our legislation encourages States to create what I think is the holy grail of public education; that is, principal-teacher evaluation related to student achievement. I know from experience that is hard to do. In 1983 and 1984, when I was Governor of Tennessee, we became the first State to pay teachers more for teaching well. It took us a year and a half and a huge battle with the National Education Association in order to put it in place, but 10,000 teachers became master teachers. It was a good first step. Tennessee is already doing it again.

Here is my local newspaper: Evaluation of teachers contentious. There is nothing more contentious, and the last thing we need is Washington sticking its nose into that, other than to create an environment where State and local governments can use Federal money to pay for their own State and local programs. We propose consolidating programs, making it easier for school districts to transfer Federal money and expand choices and expand charter schools.

Now, today, the chairman and ranking member of the Senate education committee—the HELP Committee, as we call it—have introduced another draft piece of legislation to fix No Child Left Behind. I intend to vote to move this bill out of committee, al-

though it is not yet the kind of legislation that I would be willing to vote to send to the President, but it is a good place to start.

There is a good deal of agreement in terms of what we want to do in our legislation from a few weeks ago and the Harkin-Enzi bill. Among the agreements is moving decisions about whether schools are succeeding or failing out of Washington. Another is to encourage principal-teacher evaluation without mandating, defining, and regulating it from Washington, DC. Another good provision is to encourage but not define and mandate and regulate using measures of growth of students—not just whether they achieved something but whether they are making rapid progress toward a goal. The idea is to make that in terms of whether schools and students are succeeding.

There are many provisions in the Harkin-Enzi bill that have been suggested by both Democrats and Republicans, but there are a number of provisions—not in our legislation—that I don't support, and I am going to seek to amend them. I have indicated to Senators that I intend to offer seven amendments which, in my view, would take out of the legislation provisions that tend to create a national school board. One is the so-called achievement gap. One is the so-called highly qualified teachers provision. These are all provisions that substitute the judgment of people in Washington for that of mayors, local school boards, governors, and legislators. So I don't think we need a national school board, and neither do most Americans.

Some will say: Well, then, why would you support a bill that you don't entirely agree with? The reason is we have a process in Congress. This isn't like the health care bill a few years ago when we had 40 Republican Senators and Speaker PELOSI was in charge of the House of Representatives. We now have 47 Republican Senators, we have a Republican House of Representatives, and we need to get started fixing this problem. We need to do something a little different around here. Instead of just beating our chests, we need to find a way to put our heads together, head toward a reasonable result, come up with a solution, and offer it to the President and to the American people.

There is no reason in the world why we can't, with the amount of agreement we already have, send to the President by Christmas legislation fixing No Child Left Behind. We should do it because if we don't, Congress's inaction will mean we will transform the U.S. Education Secretary into a waiver-granting czar for 80,000 schools in this country which, according to this law, will be identified as failing.

Well, if we were to have an education czar, or if we were to have a chairman of a national education school board, Secretary Arne Duncan would be a

good one. But I don't think we want one in the United States of America. So I think we should act before Christmas in order to avoid creating a waiver education czar, and we should act before Christmas in a way that does not create a national school board.

There is one other suggestion I would make to the authors of this bill. In our earlier meetings with the President, Congressman GEORGE MILLER of California, who was a key leader in developing No Child Left Behind, said this bill to fix No Child Left Behind ought to be a lean bill. I agree with Congressman MILLER. The legislation Republicans introduced a few weeks ago totaled 221 pages in its five bills. The comparable section of the Harkin-Enzi draft is 517 pages. I urge us to follow Congressman MILLER's advice in the final result and be much more succinct than that.

So despite these concerns, I will vote on Wednesday or Thursday, whenever we finish, in favor of bringing this base bill out of the HELP Committee and on to the Senate floor where we can have full amendments. I am going to do my best to improve it in committee and on the Senate floor to make it more like the legislation we introduced a month ago. I am going to continue to do that in the conference we have with the House of Representatives. I think it is time we recognize the American people expect us to step up to major issues, to put our best ideas together, and come up with a result. We are part way there. There is a good place to start.

I thank Senator HARKIN and Senator ENZI for the work they have done, as well as Representative KLINE and Representative MILLER, and I thank the President and Secretary Duncan for their attitude. I look forward to working with them to come to a conclusion.

One last thing: We talk a lot about jobs around here. Every American knows better schools mean better jobs, and they all know schools are a lot like jobs. We can't create them from Washington, but we can create an environment in which people in their own communities, and families and States can create better schools and better jobs. This is a good place to start.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter of support which also outlines my objections to the legislation that was introduced today, and a copy of an article from the Maryville Alcoa Daily Times today which reminds us of how difficult it is to evaluate teachers fairly and how wise we would be if we satisfied ourselves with creating an environment in which that could happen but did not mandate it, define it, and regulate it from Washington, DC.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 16, 2011.

Hon. TOM HARKIN,
*Chairman, Committee on Health, Education,
 Labor & Pensions, U.S. Senate, Wash-
 ington, DC.*

Hon. MIKE ENZI,
*Ranking Member, Committee on Health, Edu-
 cation, Labor & Pensions, U.S. Senate,
 Washington, DC.*

DEAR TOM AND MIKE: Thank you for the op-
 portunity to participate in discussions about
 fixing the problems with No Child Left Be-
 hind.

I support your base bill (the Elementary
 and Secondary Education Reauthorization
 Act of 2011) as a first step in the right direc-
 tion that will enable our Health, Education,
 Labor and Pensions (HELP) Committee to
 start working now to fix the problems with
 No Child Left Behind. I will vote to move it
 out of committee, although it is not yet leg-
 islation that I could vote in favor of sending
 to the President.

I have attached a summary of 7 amend-
 ments I will offer. Most of these are intended
 to stop the legislation from creating a na-
 tional school board that would substitute its
 judgment for that of governors, state legisla-
 tures, mayors, local school board members,
 parents, principals and teachers. Hopefully,
 substitute language including these amend-
 ments will be the final product of our legis-
 lative work.

Despite these misgivings, I believe the
 HELP Committee should start now with this
 base bill and try to move an improved bill to
 the Senate floor where there needs to be a
 full and complete amendment process to fur-
 ther improve it and send it to a conference
 with the House of Representatives.

There is no reason why Congress should
 not be able to send legislation fixing No
 Child Left Behind to the President by Christ-
 mas. If Congress does not act now, our inac-
 tion will transform the U.S. Secretary of
 Education into a waiver-granting czar over
 an unworkable law that has identified what
 he says may be as many as 80,000 "failing"
 public schools, a development even worse
 than provisions in this draft that would
 make him a chairman of a national school
 board. If we were to have such a czar or
 chairman, Arne Duncan would be a good one,
 but I do not believe that we should have one
 in our country.

The strengths of the base bill are that it
 moves most decisions about whether schools
 are succeeding or failing out of Washington
 and back to states and communities. It
 keeps the valuable reporting requirements of
 No Child Left Behind. It should help to
 produce an environment in which states and
 school districts are more likely to create
 principal teacher evaluation systems related
 to student achievement. It will encourage
 schools to recognize growth in student aca-
 demic achievement as well as grade-level
 performance. The base bill further includes
 many good provisions suggested by Sec-
 retary Duncan and congressional Repub-
 licans, as well as Democrats.

The base bill's main weakness is that it
 contains provisions that would transform
 the U.S. Secretary of Education into chair-
 man of a national school board. Chief among
 these problems are federal mandates, defini-
 tions and regulations for identifying
 "achievement gap" schools and the "contin-
 uous improvement" of all 100,000 public
 schools. Although the draft eliminates the
 concept of "Adequate Yearly Progress" for
 95% of schools, these provisions attempt to
 reinstate it through the back door. In addi-
 tion, the bill retains in Washington, DC deci-

sions about whether our 3.2 million teachers
 are "highly qualified" or not. It does not suf-
 ficiently consolidate programs and actually
 creates several new ones that have no real
 chance of ever being funded. And it does lit-
 tle to make it easier for local school dis-
 tricts to transfer and use federal funds more
 efficiently or to simplify the burdensome
 Peer Review process for state plans that
 must be submitted to the U.S. Department of
 Education.

There is one other important flaw: the bill
 is wordy. It is at least 860 pages. When sev-
 eral of us met with President Obama to dis-
 cuss fixing No Child Left Behind, we agreed
 to take Congressman George Miller's advice
 to produce "a lean bill." The five bills of-
 fered last month by Senators Isakson, Burr,
 Kirk and I, along with several other Repub-
 lican Senators, totaled 221 pages. The com-
 parable sections of your draft total 517 pages.
 We can be more succinct than that.

Despite these concerns, I will vote in favor
 of this base bill being reported out of the
 HELP Committee and look forward to work-
 ing with you and our colleagues in the Sen-
 ate and House to improve the bill so that the
 President can sign it into law this year.

Sincerely,

LAMAR ALEXANDER.

[From the Daily Times (Maryville, TN), Oct.
 17, 2011]

GROWING PAINS: BLOUNT SCHOOLS STRUGLE WITH TEACHER EVALUATION

(By Matthew Stewart)

Blount County Schools have experienced
 some difficulties in implementing the state's
 teacher evaluation model, and educators
 want state lawmakers to give them a voice
 in the process.

"We don't mind accountability, but it has
 to be fair," said Grady Caskey, who serves as
 the Blount County Education Association's
 president. "The system has to be based on
 achievable expectations and goals."

Blount County Schools is using the Ten-
 nessee Educator Acceleration Model
 (TEAM), which was developed by the state
 Department of Education. Alcoa City
 Schools and Maryville City Schools are using
 the Teacher Instructional Growth for Effec-
 tiveness and Results (TIGER) model, which
 was developed by the Association of Inde-
 pendent and Municipal Schools.

Both Alcoa and Maryville field-tested eval-
 uation models. However, Blount County
 didn't field-test a model.

Many county educators have become frus-
 trated with TEAM's implementation, Caskey
 said. "People are throwing up their hands
 and saying, 'I'm done.' Teachers are asking
 more and more about early retirement re-
 quirements. We have two seasoned teachers
 who are retiring mid-year. Several more are
 considering it. We're losing our best, most
 experienced teachers."

BCEA has learned about many implemen-
 tation problems, he said.

Blount County's principals haven't set uni-
 form requirements, Caskey said. "Some are
 requiring lesson plans for the entire school
 year. Others are only requiring observation
 plans, which is what the law actually re-
 quires. I recently received an email from a
 teacher who puts his kids to bed at 8 p.m.
 then writes lesson plans until midnight or 1
 a.m."

Educators also don't have a template for
 their lesson plans, he said. "They've got sev-
 eral different versions floating around. It's
 causing a lot of busy work. I thought the
 governor said this was going to be less paper-
 work. We're drowning in it."

Educators need to start talking with law-
 makers about the evaluation process, Caskey
 said. "TEAM is counterproductive. I know
 we can identify better ways to improve
 teachers. Legislators are going to have to
 change it. Politics got us into this mess, and
 politics will get us out. Education isn't a
 business. We're not an assembly line. We're
 not turning out widgets but humans."

STUDENTS IN LIMBO

Many educators are also worried about the
 evaluation model.

"TEAM has some good points," said Re-
 becca Dickenson, who is Eagleton Element-
 ary School's librarian. "However, it was im-
 plemented in a huge hurry without enough
 explanation for teachers and principals."

"It's left teachers in limbo with their
 kids," said Mark Williamson, who teaches
 social studies at William Blount High
 School. "Principals are trying their best, but
 things are constantly changing."

Williamson, a former BCEA president who
 currently serves on the executive board,
 thinks the evaluation model has affected his
 students academically. "I spent 15 hours
 working on a lesson plan for my first evalua-
 tion. At the end of the day, it took 15 hours
 away from my kids. I couldn't plan ahead,
 find updated information or seek out current
 events such as the Arab Spring, I was trying
 to do what I needed to do according to the
 lesson plan."

Teacher morale has been impacted as well,
 he said.

"I haven't seen my principal as much,"
 said Dickenson, who also serves as BCEA's
 vice president. "I'm used to her walking
 through the library and getting the oppor-
 tunity to see what I'm doing in class. How-
 ever, she's been inundated with evaluations
 this year."

Lawmakers need to lessen the workload for
 observers, she said.

RESOLVING PROBLEMS

School officials are working to address
 teacher concerns, said Director of Schools
 Rob Britt. "It hasn't been implemented con-
 sistently across the state. So, you're going
 to see these things in every system. We're
 personally experiencing a lot of growing
 pains."

Britt and Dr. Jane Morton, supervisor of
 instruction for grades 6-12, organized two fo-
 rums with teachers before fall break. They
 gathered input and created a list of nearly 35
 concerns.

School officials are seeking answers from
 the state Department of Education, Britt
 said. "I know teachers are concerned about
 TEAM, and I am as well. We're making ef-
 forts to try to get answers for teachers and
 get more direction for principals. We're very
 sensitive to teacher concerns. It's high
 stakes, and we're performing our due dili-
 gence for them."

School officials are also working to create
 supports for teachers, he said. "We want to
 keep our teachers. We want to support them
 and help them grow. We're committed as ad-
 ministrators to making it as palatable as
 possible."

The school district's observers will require
 more training, Britt said. "Most are imple-
 menting the way that they were trained. The
 state didn't provide exhaustive training. It
 was more surface-level, which was a good be-
 ginning. However, it wasn't thorough. We
 need more follow-up in a timely manner."

FUTURE PLANS

The state Department of Education is cur-
 rently evaluating TEAM.

State officials are committed to gathering
 feedback that will help determine where the

evaluation model needs revision, and stakeholders are providing input through several channels.

The Tennessee Consortium on Research, Evaluation and Development (TN CRED) is launching a statewide survey in spring 2012 and conducting focus groups throughout the year. State officials are also traveling across the state to meet with stakeholders.

The state Department of Education's Advisory Group will bring revision recommendations to Education Commissioner Kevin Huffman. Based on the proposed revisions, the recommendations might need to be brought before the State Board of Education.

I thank the President, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I asked for unanimous consent to be recognized following the remarks by the Senator from Tennessee. It has been called to my attention that the Senator from Virginia would like to have the floor at this time, so I renew my unanimous consent request that I be recognized at the conclusion of the remarks of the Senator from Virginia.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Virginia.

NATIONAL CRIMINAL JUSTICE COMMISSION ACT

Mr. WEBB. Mr. President, I wish to thank my colleague from Oklahoma for giving me the courtesy of speaking, and I thank him again for the work he has done on the Foreign Relations Committee, Subcommittee on East Asian Affairs, where he is the ranking Republican, and the other work he has done on the Armed Services Committee.

Today I rise to speak about the National Criminal Justice Commission legislation which I introduced more than 2 years ago and which the leader and the managers of this bill are now going to offer as an amendment to the pending legislation. First of all, I thank the leader and the managers of the bill for calling up this legislation. I also thank my principal Republican cosponsor, Senator LINDSEY GRAHAM, for all the work he has done.

There are good national commissions and bad national commissions and redundant national commissions and sometimes there are national commissions which are not only needed but vital to the resolution of issues we face.

I am thinking, as I speak, of the first Commission on Wartime Contracting which Senator CLAIRE MCCASKILL and I introduced 4 years ago and which resulted in a finding of approximately \$30 billion in fraud, waste, and abuse in contracts that had gone to Iraq and Afghanistan and which provided a model for the way we should be approaching such contracts in the future. I would

put this particular national commission in that category. It was put together after much thought and many hearings. It is paid for, it is sunsetted at 18 months, and it is dedicated to helping us resolve an issue of very serious national purpose.

I began on this issue before I came to the Senate—the issue of the imbalance in our criminal justice system and the need to bring a comprehensive resolution in terms of how we handle crime and reentry in this country. We have had more than 2½ years of hearings since I came to the Senate. After I introduced this legislation, we met—at staff levels, since I am not on the Judiciary Committee—with representatives from more than 100 different organizations across the country and across the philosophical spectrum.

This chart is an indication of the type of support we have received for this commission. I will not read the names, and I don't expect anyone viewing the TV screen to be able to read all the names, but this is an unusual circumstance. We have organizations as philosophically diverse as the ACLU, the NAACP, the Sentencing Project, the National Organization for Victim Assistance, the ABA Criminal Justice Section, the National Center for Victims of Crime, along with the Fraternal Order of Police, the National Sheriffs Association, and the International Association of Chiefs of Police, which all agree we need to step forward and examine our criminal justice system in a comprehensive way, from point of apprehension to point of return, so that we make better use of our assets and make better use of our own people, quite frankly.

Today we incarcerate more people than any other country in the Western world or in any known country in the world. We have 2.3 million people in our prisons and jails and another 5 million people on probation or in some way under postcorrectional management. Hundreds of thousands of people are being released from jails and prisons every year and reentering society, and at this point we are without a comprehensive structure that will allow those who wish to become productive citizens again the opportunity to have the right kind of transition.

At the same time, we have 7 million people under some form of correctional supervision or in prisons and we don't feel any safer. This is the other beam our analysis has ridden as we looked at this. Even today, if we ask Americans, two-thirds of the people in this country believe crime is more prevalent today than it was a year ago.

So we were tasked—we tasked ourselves—with looking at this problem to try to figure out how we can do a better job of addressing the issue of criminal justice, spending less money. We are now in a situation where State and local budgets have been stretched to

the breaking point. Professor Western of Harvard estimates that annual correctional spending right now is about \$70 billion, with State spending on corrections increasing 40 percent over the past 20 years.

We are witnessing a war on our border with respect to gang warfare. Since President Calderon launched an offensive against drug gangs and cartels in 2006, tens of thousands of people have died in drug trafficking violence along the border. It is estimated that these cartels are now operating in more than 230 cities and towns in the United States. These entities need to be examined in the context of transnational gang activity as they relate to our criminal justice system.

We are also largely housing our Nation's mentally ill in our prison system. The number of mentally ill in prison right now is nearly five times the number of mentally ill in inpatient mental hospitals. Noted experts have cited jails and prisons as the No. 1 holding facility for the mentally ill.

So the conclusion we reached, after listening to dozens of representatives from different organizations across the philosophical spectrum, was that we need to have a long-overdue, top-to-bottom, beginning-to-end examination of how the criminal justice system works in the United States from point of apprehension to the decision of whether to arrest. And, if arrested, what sort of port does a person go into? How long should that person be in prison? What should prison administration look like, and how could that be better adapted? What models do we have out there that can be applied? What should reentry programs look like, and how do we deal with the ever-increasing problems of transnational gangs? We need to examine all of those pieces together.

The last review of this nature that was undertaken was done in 1965 by President Lyndon Johnson. So I introduced the National Criminal Justice Act, the goal of which is to create a blue ribbon national commission, time sunsetted—18 months—to get the finest minds in the country together to examine these different pieces and to come back to the Congress with specific recommendations for reforming our national criminal justice system.

Just last week, in a meeting of the Senate law Enforcement Caucus, Philadelphia Police Chief Charles Ramsey noted the tremendous influence of this last commission's report, which was reported in 1967—44 years ago—and voiced strong support for the creation of a new commission. We are long overdue to look at what works and what doesn't in our criminal justice system.

This bill has, quite frankly, struck a nerve across the country. I have heard from citizens across all 50 States in support of this initiative. I mentioned the list of supporting organizations, including judges, lawyers, police, public

health officials, educators, academics, prisoners, civil rights organizations, and people who are simply concerned about making our criminal justice system better, more fair, and more adaptable to solving the issues of the true criminal population in the United States.

So, again, I express my appreciation to Majority Leader REID for working with the managers of this bill and bringing this amendment to the pending legislation, and I trust that it will be a noncontroversial, \$5 million, paid-for study that will, in the end, help us resolve the many fallacies that now pervade our criminal justice system.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

LORD'S RESISTANCE ARMY

Mr. INHOFE. Mr. President, I am here today to clear up a lot of misunderstandings that are floating around the country concerning the decision to have some of our troops—not combat, but some of our troops—go into sections of Eastern and Central Africa to cooperate with about five countries that have been trying, for 25 years, to eradicate the Lord's Resistance Army and their leader whose name is Joseph Kony.

It has disturbed me quite a bit over the years that not many people care about Africa. I can remember back when President Clinton was in office that at that time I objected to sending troops into Bosnia and Kosovo because he was using as a reason to do that ethnic cleansing, and I said at that time, here at this desk on the floor: Why is he concerned about ethnic cleansing in Bosnia when on any one given day in any one country in Africa—at that time it was mostly in west Africa, and I used Sierra Leone as an example—in any one day there are 100 people more who are being ethnically cleansed in Africa than there are being ethnically cleansed in the same day in Bosnia or in Kosovo. But nobody cared.

Fortunately, that changed when 9/11 came and people realized there was a serious problem. When our country was attacked, it became evident that we needed to take action against terrorists in the Middle East. As the Middle East was squeezed many of the extremists would move south through Djibouti, through the Horn of Africa. So, wisely, we decided—and it was mostly the decision by the Senate Armed Services Committee, on which I serve—we would assist Africa in developing five African brigades located north, south, east, west, and central. That has been undertaken, not as rapidly as I wish it were, but, nonetheless, that is happening. The recognition there is, as terrorism goes down through Africa, if they are prepared—

and I am talking about the Africans—to handle that terrorism and to stop that terrorism as it comes in, then we will not have to send our troops in.

That is essentially what happened last week when the President decided to send these troops into the north central part of Africa to address the problem with the Lord's Resistance Army, or the LRA, and Joseph Kony.

The past few days have been kind of interesting, Rush Limbaugh yesterday talked about this issue, and somebody brought it to my attention. Even though I disagreed, I do not disagree with him as often as some on the other side do. But he made a statement. I am quoting now:

Now, up until today, most Americans have never heard of the Lord's Resistance Army. And here we are at war with them.

Well, it is not true.

Have you ever heard of [them]?

He talked about it with three people who are always in his studio: Dawn and Brian and Snedley.

Have you ever heard of [the] Lord's Resistance Army, Dawn?

"No."

How about you, Brian?

"No."

Snedley, have you?

"No."

You never heard of [the] Lord's Resistance Army? Well, that proves my contention, most Americans have never heard of it, and here we are at war with them.

Let me clarify, and in a minute I will talk about what their mission is there. We are not at war with them. In fact, we are specifically precluding our troops from any kind of combat in that area. But I wish to put it in proper context as to the significance of this.

I have had an opportunity to spend a lot of time in Africa—more than any other Member of this U.S. Senate, or any other Member of any other Senate even before this. I have had many conversations over the last 15 years with President Museveni of Uganda and his First Lady Janet about the problem.

It all started in northern Uganda. In the 1980s Alice Lakwena had a dream in which she was told to overthrow the government of Uganda. Alice founded the Ugandan "Holy Spirit Movement" and led a group of rebels against the government. Eventually, Alice was exiled and, her cousin, Joseph Kony took over her group. What happened was, Joseph Kony, who fancies himself a spiritual leader, has gone in and started building—you can call them a number of different things: a children's army or the "invisible" children—but to go in and build this massive army of young people—I am talking about kids from the age of 12, 13, 14 years old; young kids—he goes out and abducts them from villages. Then they come in, and they teach them how to operate AK-47s, how to join this army he has put together. If they do not do it, or if

they fail in their training, then they are mutilated.

I will show you a chart in the Chamber with a series of pictures. These are young kids. These pictures give you an idea of how young they are: 11, 12, 13 years old, with AK-47s. That is what their army looks like. See that little kid there, he is 11 years old. This one in this other picture is 12 years old. They are carrying heavy weapons.

For the ones who do not do what he tells them to do, they mutilate them. Here is another chart with more pictures. As you can see, they do it by cutting off their nose, cutting off their ears, cutting off their lips—that is a big thing they do—cutting off their hands.

You see this picture right here. His name, by the way, is John Ochola. He is one we have seen before. They have taken his ears off, his nose off, cut off both of his hands.

Here is another picture up here, and one down here. This is a young child. His lip is cut off, his nose is cut off, and his ear is cut off. You can see that. That had just happened. They banded him up.

Once they are in this army, to go back to their villages and murder their siblings, and murder their parents. If they do not do it, this is the price they pay.

Anyway, we have made the decision to go and help them—and we also have a program that is called train and equip, which I will talk about in a minute—but to go in and actually be of assistance to these countries; in this case, taking out this particular maniac who has been there for 25 years.

It is not just in Uganda. I went up to Gulu. Gulu is in the northern part of Uganda. Senator MIKE ENZI was with me at this time. We went up and we saw a lot of these kids who came back who had been mutilated. We went down and talked to President Kagame, the President of Rwanda. You might remember, Rwanda, in 1994, is where the greatest, the most devastating murder by genocide in recorded history in Africa took place, killing 800,000 people, using machetes, torturing them to death. They had the same problem down there.

Then, if you go over to the DRC, Democratic Republic of the Congo, that is Joe Kabila. Joe Kabila is one who is very much concerned. Of course, Kinshasa, the capital of the DRC, is way over on the western side, and it is several time zones over to the eastern side where Joseph Kony was killing these kids at that time. In fact, the major city over there is Goma. We were in Goma shortly before Kony escaped and went north to the Central African Republic, and then back up to South Sudan.

I had occasion to be in South Sudan last week. That is a new country. It was an exciting thing to go into a new

country and sit down with their members of Parliament. We talked for a good 2 hours. We had 25 members of the Parliament of the brand new country, South Sudan, and they told me one of their major concerns right now is getting this guy Joseph Kony. He has now been making runs up into South Sudan and getting these people. So this is a major thing that many of these countries have joined in to try to do something about Joseph Kony.

Well, anyway, last year, I got a little bit concerned that nothing was happening. One of the reasons—I have to say this, Mr. President—nothing much was happening is because if you take these countries—like President Museveni and President Kagame, these Presidents came out of the bush. I think when they feel they are not able to get one renegade group such as this, they feel it is kind of a blow to their ego. Finally, I was able to get the three of them together—that was Joe Kabila, President Paul Kagame of Rwanda, and President Museveni of Uganda—and we were able to get them all to agree to do something to eradicate this monster. So they are now in a position to do that.

That is another reason why our forces serve in a non-combat role. For the U.S. to capture or kill Kony would be a slap in the face to our allies. I respect them too much to do so. In 2009, I led a bipartisan group of Senators to pass into law S. 1067. It was called the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009. We had 64 cosponsors. This is the largest number of cosponsors on any kind of bill affecting Africa in history. We had these Senators cosponsoring the bill, and they all were very excited about it.

Let me tell you what the law says. It directs the administration to develop a regional strategy to "apprehend or remove" Joseph Kony, his top LRA commanders, disarm and demobilize the LRA fighters through political, economic, military, and intelligence assistance, and protect civilians from further attacks.

The law is kind of interesting because it specifically precludes us from entering into any kind of battle. I think that is the most important thing to talk about today because almost everyone who is reporting on this, including my good friend Rush Limbaugh, is talking about that our guys and gals are going to go into combat. No, they are not going to. They are specifically precluded from doing that. So it is not as it is in Libya. It has nothing to do with the War Powers Act because these are troops that are precluded from attacking except in self defense.

The Senate Armed Services Committee reported out the FY12 Defense Authorization Act, and we specifically—I know this because this is my language that we put in—prohibit the

U.S. military forces from participating in combat operations to "apprehend or remove" Kony and the LRA. This is my language I put in the bill. So not only are they not going to be in combat, but they are precluded from being in combat. That is what we have right now, and it is before us today.

By the way, some people have mistakenly said this guy Kony is a Christian, and I want to make sure everyone knows he officially was disavowed by the Catholic Church in Uganda. I will read what a Catholic sister of the Comboni Catholic group said, who spent 15 years in Gulu—that is a place where I was some 15 years ago—in northern Uganda. I quote. This is a Catholic sister. She said:

I was in Gulu, North Uganda, when Joseph Kony took the leadership of this group that became famous for its atrocities. I saw people whose lips, mouth, ears, nose, were mercilessly cut without provocation. I still remember the 6 men who came to our premises in Gulu crying, asking for help as 3 of them had their right hand cut off—

As we saw a minute ago, and the other three the right foot [cut off by machetes].

It was all done by the LRA. I am going on, still quoting this Catholic nun:

... people cut into pieces with the machete, burnt alive after smearing their bodies with palm oil, small children locked in the hut and set fire on it [burned alive], babies pounded in the container used to pound the maize. Let us not forget women and girls raped, killed or abducted as sex slaves. . . . a Congolese lady on Christmas Day 2008 lost 17 members of her family who had gone to church for prayer, all killed with the machete.

This is brutality we have never seen anything like before.

I think the other thing that is important to understand is we have several programs that affect Africa and other places around the world. One is called train and equip authorized by sections 1206, 1207, or 1208. What we do with train and equip is send people in to teach them how to train people, in this case Africa. We have over a thousand U.S. forces right now doing essentially what these 100 who the President sent over are there to do. Our military-to-military programs include counterterrorism, border security, maritime surveillance, and all this, but not combat.

As I say, No. 1, the thing to remember is, we are already doing this. What we are doing with the 100 people who are sent over to Africa—we have a thousand there already doing this.

Then, secondly, it is something that is very significant in our fight against terrorism in that area. We are not going to have any of our troops in combat. But this type of thing you see in these pictures right here—to see this guy here with his nose cut off, his ears cut off, his hands cut off—all of this—this is going on today, right now, at this moment, as we are speaking.

I stand behind the President in his decision. I do not very often stand behind this President, but I do in this case because we passed it without a dissenting vote. Every Member in here—there is not one who voted against it. So let's keep that in mind, that is the truth about what is happening now with the LRA. Joseph Kony and the LRA are responsible for one of the longest, most violent, and costly conflicts ever on the continent of Africa.

With that, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. COONS). Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of H.R. 2112, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 750 TO AMENDMENT NO. 738
(Purpose: To establish the National Criminal Justice Commission)

Mr. REID. Mr. President, Senator KOHL will be here momentarily. But until the managers of the bill are ready to proceed, I would, on behalf of Senator WEBB, call up his amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. WEBB, proposes an amendment numbered 750 to amendment No. 738.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 738

Mr. REID. Mr. President, notwithstanding the previous action just taken, I ask unanimous consent that the substitute be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. INOUE, proposes an amendment numbered 738.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of October 13, 2011, under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I am pleased today to support the 2012 Agriculture appropriations bill. This is a very austere measure. Almost every category of funding is lower than last year and much lower than the year before. Setting aside disaster and security items that we dealt with in debt limit negotiations, discretionary spending in this bill is \$200 million below 2011. Compared to 2010, it is \$3.2 billion lower. That is equal to a 15-percent reduction compared to 2010.

In total, discretionary spending is \$20.046 billion. That figure includes nearly \$300 million in disaster for hurricanes, tornados, floods, droughts, and other natural disasters. All together, discretionary spending is nearly \$2 billion below the President's request and is consistent with our 302(b) allocation.

To achieve savings and develop a balanced bill, Senator BLUNT and I had to set priorities. Among them was a goal to protect public health and safety, including food safety. We made sure these activities are protected. We provided more than \$1 billion for the Food Safety and Inspection Service so they can maintain current levels of inspection for meat and poultry. The bill includes almost \$2.2 billion for the FDA, which is an increase of \$50 million. Most of this increase is for food safety, and FDA is the only agency or office funded by this bill at a higher level than last year.

An equally high priority is protecting the most vulnerable Americans from hunger. The WIC Program, which historically accounts for more than one-third of all discretionary spending in this bill, is funded at almost \$6.6 billion. According to USDA, this level will support current participation levels. We also protected other domestic feeding programs, including the Commodity Supplemental Food Program, which is a lifeline for many elderly Americans. We believe it is especially important during these tough times to maintain nutrition program participation, and we have done so in this bill.

Another priority worthy of protection is agricultural research. Without continued investment, food production in this country and around the globe will not be able to keep up with challenges posed by growing populations, climate change, invasive pests, and

other threats. According to the Economic Research Service, global demand for food will grow 70 to 100 percent by 2050. To meet that demand, our production capacity will have to increase, and these increases will not happen without sustained emphasis on agricultural research.

Senator BLUNT and I have worked hard to protect these investments often at the expense of other USDA programs. One of the most important discussions in Congress today revolves around job creation. This bill includes more than \$2 billion for rural development loans and grants. These programs help launch and grow small businesses. They help rural communities build water and sewer lines which, of course, are essential to economic development. They help improve small town fire stations and health care clinics. They support rural housing. These projects are important, and Senator BLUNT and I have provided funding to help protect and create jobs in rural America.

Two of our programs, PL-480 and the McGovern-Dole Food for Education Program, fall within the security category of discretionary spending and play a very important role in fighting world hunger. Right now, the Horn of Africa is under a state of declared famine, and the lives of millions of men, women, and children are at grave risk. Food aid is all that stands between life and death for these people, and I am glad to report that we are able to provide a slight increase in PL-480 above last year. However, we must closely monitor events in Africa and elsewhere since the funding levels for these programs in this bill remain below the 2010 levels.

This bill funds the priorities I have described above as well as conservation, marketing, trade, and many others important to the American people. In spite of the challenges we face, I believe Senator BLUNT and I have provided the proper balance for the programs in this bill.

I thank him for his help and his guidance. This is his first year as the ranking member of this subcommittee, and he has been very helpful.

As I said at the outset, this bill is very austere. The choices we made were difficult, but I strongly believe they were the correct ones. I urge every Senator to support this bill. I hope we can conclude floor action in a timely manner so we can proceed to conference with the House and send the bill to the President. USDA and FDA are now operating on a continuing resolution. We need to provide them with final spending levels for this fiscal year as soon as we can.

Procedurally, we will be considering two appropriations bills in addition to Agriculture: the Commerce-Justice-Science and the Transportation-HUD bills. Any Senator who has amendments to these bills should work with

us to assure that the appropriate chairman and ranking member can be on the floor to respond to amendments that fall under their jurisdiction.

The discretionary programs and activities of USDA and FDA that are supported by this bill include high priority responsibilities entrusted to the Federal Government and its partners to protect human health and safety, contribute to economic recovery, and achieve policy objectives strongly supported by the American people. The ability to provide for these measures is made difficult by growing pressure on available levels of discretionary spending as a consequence of the overall public debate on Federal spending, revenues, and size of the Federal debt. While clearly a part of this overall discussion, the committee notes that discretionary spending has not in recent years been a significant cause to the rising debt of the nation. In fact, since 2001, when the U.S. government had a budget surplus of \$128 billion, the increase in non security domestic spending, when adjusted for inflation and population growth, has been zero.

Too often, the USDA programs funded by this bill are confused with farm subsidies and other mandatory spending more properly associated with multi-year farm bills. In contrast, this bill provides annual funding for programs familiar to all Americans such as protecting food safety through the Food Safety and Inspection Service and the Food and Drug Administration, which also plays a vital role in maintaining the safety of the Nation's blood supply and availability of safe and effective medical drugs, biologics, and other components of our health system. This bill also provides funding to fight against the introduction and spread of noxious or infectious and often invasive pests and disease that threaten our plant and animal health environments, as well as funding for many other missions of dire importance to the American people.

As our economy witnesses increasing shifts of manufacturing capacity, and associated jobs, to foreign shores, we must never lose sight that the one area of production which must be protected as inherently domestic is that of our food supply. That does not mean that certain foods need not appropriately rely on import and export markets, but it does mean that we must never surrender our ability to adequately and safely feed our own people. Without adequate levels of research, development, and regulatory resources, that threat of surrender will be ever present and our natural resource base will remain always at risk. Accordingly and in the context of overall pressures on spending and the competing priorities that the Committee faces, this bill as reported provides the proper amount of

emphasis on agricultural, rural development, and other programs and activities funded by the bill. It is consistent with the subcommittee's allocation for fiscal year 2012.

The bill provides appropriations to support personnel levels for every agency of the Department of Agriculture except for the Forest Service. The jurisdiction of USDA programs touches on subjects as far ranging as molecular science relating to an exotic plant disease to providing housing and nutrition assistance to elderly citizens. The men and women who carry out these programs are dedicated and play an important role in providing many of the most vital of services to the American people. In general, the funding for the salaries and expenses of these agencies has been reduced by 5 percent below last fiscal year. These reductions will require the Department to seek greater efficiencies in operations and to manage resources in a manner that will result in the mildest impact on program delivery and the personnel of USDA.

In spite of an abundance of rhetoric denouncing the presence of government in our lives, it goes without saying that government plays a vital role in assuring the American people a strong sense of security which comes in many forms. One of the most important areas of security is the inherent ability to provide sufficient supplies of food and fiber. These supplies rely on continuing advances in science and, quite frankly, the importance of research in the areas of agricultural science will become a growing priority for us, and the world, in the decades immediately before us.

As mentioned above, a recent report of USDA's Economic Research Service outlined the importance of sound investments in agricultural research and the grim prospects in the near future if we ignore the warning signs of combined population growth and declining production capacity. Highlights of that report state the following:

By 2050, global agricultural demand is projected to grow by 70–100 percent due to population growth, energy demands, and higher incomes in developing countries. Meeting this demand from existing agricultural resources will require raising global agricultural total factor productivity, TFP, by a similar level. Maintaining the U.S. contribution to global food supply would also require a similar rise in U.S. agricultural TFP.

Total factor productivity, TFP, the broadest measure of productivity. It compares the total output of a sector to the total land, labor, capital, and material inputs used to produce that output. Increases in TFP imply more output is forthcoming from a given level of inputs, or, equivalently, fewer inputs are required to produce the same output. Growth in TFP is considered to be an indicator of the rate of technical change in a sector.

TFP growth in U.S. agriculture is predicated on long-term investments in public agricultural research and development, R&D. Productivity growth also springs from agricultural extension, farmer education, rural infrastructure, private agricultural R&D, and technology transfers, but the force of these factors is compounded by public agricultural research.

The rate of TFP growth, and therefore output growth, of U.S. agriculture has averaged about 1.5 percent annually over the past 50 years. Stagnant, inflation-adjusted, funding for public agricultural research since the 1980s may be causing agricultural growth to slow down, although statistical analyses of productivity growth trends are inconclusive.

ERS simulations indicate that if U.S. public agricultural R&D spending remains constant, in nominal terms, until 2050, the annual rate of agricultural TFP growth will fall to under 0.75 percent and U.S. agricultural output will increase by only 40 percent by 2050. Under this scenario, raising output beyond this level would require bringing more land, labor, capital, materials, and other resources into production.

Additional public agricultural R&D spending would raise U.S. agricultural productivity and output growth. Raising R&D spending by 3.73 percent annually, offsetting the historical rate of inflation in research costs, would increase U.S. agricultural output by 73 percent by 2050. Raising R&D spending by 4.73 percent per year, 1-percent annual growth in inflation-adjusted spending, would increase output by 83 percent by 2050.

For these reasons, Senator BLUNT and I determined that funding for agricultural research remains a priority and we simply cannot take the risk of jeopardizing our agricultural production capacity. Today, we see visions of famine in the Horn of Africa. As hard as it is for us today to imagine famine ever touching this country, the sudden emergence of exotic plant or animal diseases coupled with dramatic shifts in weather patterns could disrupt our food production capacity in ways we would otherwise not imagine with repercussions that would sound throughout our economy.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I am pleased to join Senator KOHL in supporting this bill, the fiscal year 2012 appropriations bill for Agriculture, Rural Development, Food and Drug Administration, and related agencies. I am glad we are considering appropriations bills on the Senate floor in a manner that will allow us to fully debate amendments.

In addition to funding the Department of Agriculture and the Food and Drug Administration, the bill we bring to the floor today also includes the fis-

cal year 2012 bills introduced by other committees, as Senator KOHL has already specified; by the Subcommittees on Commerce, Justice, Science and Transportation and Housing and Urban Development. For now, I will limit my comments just to the agriculture provisions and, of course, defer to my colleagues, Senator HUTCHISON and Senator COLLINS, on the provisions that relate to the other two bills.

Activities funded by the Agriculture bill touch the lives of every American every day. These activities include agricultural research, conservation activities, housing and business loan programs for rural communities, domestic and international nutrition programs, and food and drug safety.

Funding for each of these deserves thorough and thoughtful consideration. Senator KOHL and I have made some difficult decisions in drafting this bill. Aside from disaster recovery efforts, the bill is \$138 million below last year and represents a responsible approach to funding agricultural priorities as we tighten our belts and live more within our means.

While most programs are reduced by 5 percent, we prioritized those programs that protect the public health and help maintain the strength of our Nation's agricultural economy. Agriculture is one of the few sectors of our economy that enjoys a trade surplus, and the overall state of the farm economy is currently strong. With the Nation's unemployment rate continuing to hover around 9 percent, expanding agricultural exports is even more vital, as every billion dollars in exports supports an estimated 8,000 American jobs.

That is one reason I was pleased we were able to pass the free-trade agreements with South Korea, Panama, and Colombia last week. Expanding access to these markets will create an estimated 20,000 agricultural-related jobs alone. However, expanding access to new markets is only one piece of the puzzle that maintains our agricultural economy.

Our agricultural products are the best in the world. Our producers are the best in the world at producing products that are desirable in the global market. This is in part the result of smart investment in America's agricultural research infrastructure. That is why I am pleased this bill places significant emphasis on maintaining research programs and our land grant university system and funding competitive research programs such as the agriculture and food research initiative. These programs are critical to helping our farmers increase production and will expand our Nation's economic growth.

Not only does every dollar spent on agricultural research result in a \$20 return to the U.S. economy, research investments also result in a food supply that is safe, abundant, and affordable. I

am also glad that the agriculture bill includes funding to help farmers in communities recover from natural disasters. Missouri has seen unprecedented devastation from both tornados and flooding this year. Funding included in this bill for the Emergency Watershed Protection Program and the Emergency Conservation Program is necessary to help those areas recover and resume their way of life. It is important that we support our farmers as they clear debris, regrade, and rehabilitate their land for the next growing season.

I thank Senator KOHL for the bipartisan working relationship we have on the agriculture subcommittee. This is my first bill as the ranking member of the subcommittee, and the chairman has given me every opportunity to provide input into the bill. He has done a good job of balancing the priorities of the agriculture subcommittee this year. I hope my colleagues join me in supporting the bill that the chairman and I present together today.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 755 TO AMENDMENT NO. 738

Mr. KOHL. I send an amendment to the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendments? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 755 to amendment No. 738.

Mr. KOHL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on plans to implement reductions to certain salaries and expenses accounts)

At the end of title VII of division A, add the following:

SEC. 7 _____. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report describing plans to implement reductions to salaries and expenses accounts included in this Act.

Mr. KOHL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, first of all, I congratulate the chairman and ranking member of the Agriculture appropriations subcommittee for the ex-

cellent work they have done and for bringing a bipartisan bill before the Senate.

Shortly, Senator PATTY MURRAY and I will do our opening statements on the fiscal year 2012 Transportation, Housing and Urban Development appropriations bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I am pleased the Senate is now considering the fiscal year 2012 Transportation, Housing and Urban Development appropriations bill.

This bill has been supported by broad bipartisan majorities. The Transportation, Housing and Urban Development Appropriations subcommittee has 19 members. That is almost a fifth of the Senate. It is one of the largest subcommittees in the Senate.

Despite the diversity of views on our very large subcommittee, back on September 20, we voted unanimously to report the bill to the full Appropriations Committee. The next day members of our committee voted 28 to 2 to report the bill to the Senate.

This bill has strong bipartisan support because it addresses pragmatically the very real housing and transportation needs of families across all regions of our Nation.

We all realize that middle-class families face many challenges in these troubling economic times. Businesses across the country continue to struggle in the aftershocks of the financial and economic crisis that has rocked communities everywhere. Too many workers are struggling to get back on the job and far too many families are still fighting to stay in their homes. Yet, at the same time, our Federal Government's debt continues to grow.

Sensitive to these realities, we put together legislation that funds critical pieces of our Federal Government, while cutting spending in a responsible way. I believe this bill achieves these goals while continuing to ensure that we are investing in our future and protecting the most vulnerable among us.

It was not an easy task. The allocation for housing and transportation programs is 19 percent lower—almost \$13 billion less—than the level Congress appropriated in fiscal year 2010. Believe me, the demands for the activities that are funded in this bill have not diminished. If anything, the needs have increased.

With unemployment still painfully high, poverty rates are now at their highest level in almost 20 years. This

bill funds a critical piece of the safety net—housing assistance and homeless shelters—for millions of families who are one step from the street.

This bill is also a principal underwriter of the Nation's transportation network. The investments we included make it possible for people to get to work and get products to market.

Investing in our aging transportation system—our highways, aviation, and mass transit—is a key factor in making sure America can compete and win in the 21st century economy.

There are undoubtedly elements in the bill that many will not like. That was unavoidable. But Senator COLLINS and I had some very clear priorities, however, that guided our decision-making.

We wanted to invest in our transportation system, ensure that it remains safe, and protect the poor and disabled who depend on the programs in this bill to keep a roof over their heads, so the bill before the Senate includes funding to preserve the highway program at the current level of \$43.7 billion. This funding will allow communities to continue improving our transportation network, while providing critical jobs.

It also includes \$550 million for the highly competitive TIGER Grants Program for surface transportation projects that make a significant difference in our communities across the country.

This program has already helped finance projects in many States across this country, including in Seattle and Spokane in my home State of Washington.

This bill also provides funding to support FAA's efforts to develop its next-generation air transportation system to accommodate growth in air travel in future years. It continues Federal support for Amtrak, providing the same level of funding as in fiscal year 2011 to maintain this key element of the transportation grid.

We are also investing in transit, providing almost \$2 billion to meet our commitments to communities that are improving their transit systems. These systems, as we all know, help reduce congestion and provide a critical service to those who rely on them every day to get to their jobs and home to their families.

Importantly, we continue the Federal oversight that makes travel on our Nation's air, road, and rail transportation systems the safest in the world.

The bill also provides funding to preserve rental assistance and affordable housing for the Nation's low income, including \$18.9 billion for the section 8 program, which over 2 million elderly, disabled, and low-income families rely on to ensure they have a safe place to live.

For those who are homeless or at risk of homelessness, we have provided \$1.9 billion for homeless assistance

grants. As part of this, we have included \$285 million for the Emergency Solutions Grant Program, which is critical to helping the growing number of homeless or at-risk families avoid or quickly escape homelessness.

I am also very proud that we worked to include \$75 million to fund over 11,000 new HUD-VA supportive housing, or HUD-VASH, vouchers.

Providing permanent housing for homeless veterans and their families, including veterans returning from the wars in Iraq and Afghanistan, will help us achieve the goal of ending homelessness among our Nation's veterans.

The bill includes efforts to preserve and revitalize public housing, including \$120 million for the Choice Neighborhoods Initiative, as well as the Rental Assistance Demonstration. These programs support innovation and collaboration, including leveraging private sector resources. In this difficult fiscal environment, these are tools we need to help protect irreplaceable public housing, which is so desperately needed throughout our country.

Finally, the bill includes \$1.8 billion to provide disaster relief to communities where highways, public facilities, and other infrastructure have been damaged by flooding and other disasters.

Achieving all these goals required very difficult choices. The bill provides significantly reduced funding for high speed and intercity passenger rail grants. It also makes deep cuts to the Community Development Block Grant HOME Investment Partnership, and other programs I have long supported and I continue to believe in. It wasn't easy to make these decisions, but the real sacrifices will be felt in communities across our country.

The programs funded in our bill support important investments back home. Our constituents will be the ones to see firsthand the impact of these cuts. Unfortunately, these types of painful sacrifices were necessary within the allocation we were provided.

In summary, this bill provides assistance to those who need it most, and it directs resources in a responsible and fiscally prudent way. It is a good bill. It will help commuters, homeowners, the most vulnerable in our society, and it helps our economy.

This bill has broad bipartisan support because it takes a practical approach to addressing the real needs we find in the transportation and housing sectors. I urge all of my colleagues to support the bill and help us move it rapidly toward passage.

Before I yield, I will take a moment to specifically thank Senator SUSAN COLLINS for her hard work and partnership. This was a very difficult bill to put together. It benefited from her input and from the hard work of her and all of her staff. I thank her for that.

With that, I yield for my friend and partner, Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, first, I thank Chairman MURRAY for her exceptional leadership on this bill. It has been a real partnership, a bipartisan partnership, to deal with some very difficult issues. You see that with the chairman and ranking member of the Agriculture Committee, as well, and with the third bill that is before us today, where Senators MIKULSKI and HUTCHISON also worked together in a bipartisan manner. I think this is a template for how the Senate ought to operate, which we need to do more of.

I am also very pleased that we are bringing the appropriations bills before the Senate. I am hopeful we can avoid having some huge omnibus bill where no one is too sure of what's in it, who negotiated it, and how different provisions made their way into the bill. That is not a good way to legislate. Instead, bringing these bills before the Senate so the Senate can work its will on these important funding bills is the appropriate way to proceed.

I am very pleased to join my colleagues—particularly the subcommittee chairman, Senator MURRAY—as we begin floor consideration of these three bills. I am very pleased to serve as the ranking member of the Transportation, Housing, Urban Development, and Related Agencies Subcommittee.

Investment in economic development and infrastructure not only creates jobs now, when they are needed most, but also establishes the foundations for future growth. Just as important to our economic future, however, is reining in Federal spending. Getting our national debt under control must be made a priority governmentwide.

In setting priorities for the coming year, this appropriations bill strikes the right balance between thoughtful investment in critical projects in infrastructure and housing programs and fiscal restraint, thereby setting the stage for future economic growth.

Our bill makes critical infrastructure and development investments and meets our responsibility to vulnerable populations, such as our homeless veterans. At the same time, this bill delivers on the promise of a responsible budget and recognizes the fiscal reality of an unsustainable \$14.3 trillion debt.

I can assure everyone that in this bill we are doing our part to establish more sustainable spending levels as quickly as possible. The proposed non-emergency funding levels for fiscal year 2012 are nearly \$13 billion below fiscal year 2010. That is a reduction of nearly one-fifth in just 2 years. The significant savings represent an unmistakable movement in the direction of fiscal sustainability. Nevertheless, we have done our best to provide the nec-

essary resources that are needed to support ongoing infrastructure investment and important safety oversight in the programs administered by the Department of Transportation.

For example, we provided funding for the TIGER Grant Program of \$550 million. This will help to build infrastructure projects across this country that otherwise would not be constructed, and those infrastructure projects translate into real jobs and needed assets for communities across the country. We all know the link between essential infrastructure and jobs in economic development. After all, if businesses can't ship their goods or get their needed raw materials in an efficient, effective manner, then they are not going to be able to create and preserve jobs. That is why I see this bill, in many ways, as being a jobs bill.

In addition, the Federal Aviation Administration is provided adequate funding to improve the management of the air traffic control operations. There have been troubling recent reports of numerous operational errors by controllers which call into question the safety of our skies over some of our Nation's busiest airports. In response, our bill directs the FAA to implement data-driven performance standards to make certain that air traffic towers nationwide are properly staffed. By setting and enforcing these standards, the FAA can be more confident that air traffic controllers have the skills and discipline necessary to fulfill their critical duties.

In addition to improved safety oversight, this bill targets funds to the Nation's most critical infrastructure projects. I mentioned the TIGER Grant Program. In addition, through the Competitive National Infrastructure Investments Program, funding is provided to support projects nationwide that otherwise would not be built. In hopes of making this funding go even further, we have also increased the percentage of funding available to support credit assistance through the TIFIA loan program. On average, a TIFIA loan allows every \$1 provided in Federal appropriations to leverage approximately \$30 in additional transportation infrastructure investment. That is the kind of innovation in infrastructure finance we need to produce a greater return on our taxpayers' investment.

In addition to transportation oversight and infrastructure, our bill also provides critical economic development and housing investments through the Department of Housing and Urban Development. As with the Department of Transportation title, balancing key investment priorities with fiscal responsibility required significant and sometimes very difficult reductions in programs that are worthwhile but which we simply cannot afford to fund at the level we would like.

Addressing the ongoing challenge of homelessness remains a core priority for our subcommittee. Chairman MURRAY and I share a commitment to combating homelessness, particularly for our Nation's veterans. I am very troubled by a statistic I want to share with my colleagues. In 1 year's time, there are more homeless veterans than there are individual military members who were killed during the Vietnam war. That is a disgrace. That is something we must change. This bill provides \$75 million for HUD's Veterans Affairs Supportive Housing Program—the so-called HUD-VASH Program—to provide housing assistance for an additional 11,000 homeless veterans.

I have seen the result of this program in the State of Maine in a wonderful apartment complex that has been built specifically to meet the needs of our homeless veterans. It is in Saco, ME, and it is making such a difference in the lives of those who have served our country and yet now find themselves homeless.

I also strongly believe in the importance of the Community Development Block Grant Program. This is such a popular program in communities throughout our country. It supports economic growth strategies of communities and enables key investments in their long-term economic growth. It is programs such as the CDBG Program that lay the foundation for future prosperity. We were not able to provide as much funding, frankly, for this program as I would have liked and as Senator MURRAY would have liked. I hope we can continue to work on it once we get to conference.

As we head into fiscal year 2012, our economy continues to struggle with high rates of unemployment, with stagnant incomes, and with prices that, in some areas, are starting to rise. Unfortunately, this makes it very difficult for us to fund these programs that are meeting an ever-growing need. For this reason, it has been all that much more challenging to achieve lowered budget targets. To address this challenge, therefore, our bill includes several measures that are designed to improve the efficiency and effectiveness of programs at HUD.

This year, we took very seriously the alarming reports on oversight deficiencies under the HOME program. For example, in an effort to ensure that funding for the HOME program efficiently achieves its goal of delivering affordable housing to those who most need it, we worked with the HUD Office of Inspector General to improve the program's regulations to better monitor and assess risks. The bill also directs HUD to work with the Office of Inspector General to identify strategies that the Department can implement to address problems at certain troubled public housing authorities and to hold them accountable for mismanagement

of taxpayer funds. With so many important programs under pressure to absorb reductions, it is more important than ever to ensure that HUD's programs are free from mismanagement, waste, fraud, and abuse.

I appreciate the opportunity to join with Senator MURRAY in presenting this legislation to the Chamber. If there is one theme that runs throughout our bill, it is practicality. We have tried to take a nonpartisan practical approach that asks tough questions but makes sure we are setting priorities for those programs that are most essential to the most vulnerable individuals and families in our Nation. At the same time, we worked very hard to make sure we were funding those programs that were absolutely essential in meeting economic and job-creation priorities. It is my hope our colleagues will support our bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I am pleased to present to the Senate the fiscal year 2012 bill to fund CJS appropriations; that is, the Department of Commerce, Justice, Science, and related agencies. I wish to thank Leader REID and Minority Leader MCCONNELL for bringing the CJS bill to the floor so we Senators have an opportunity to discuss and vote on this important legislation.

The CJS bill is the product of bipartisan cooperation. I stand here today with my ranking member, my colleague, my partner on this bill, Senator KAY BAILEY HUTCHISON. At the outset, I wish to thank her and her excellent staff for working hand in hand to advance the cause and the goals we believe in—creating jobs, making sure our streets and our neighborhoods are safe, and, at the same time, funding innovation and technology so America continues to be an exceptional Nation. We have worked together, and I thank her for her support and her cooperation.

This fiscal year CJS totals \$52.8 billion in discretionary spending. It is consistent with the subcommittee's allocation. That allocation is \$491 billion below 2011. So everybody should hear this. We are almost \$½ billion below where we were in 2011, and we are \$5 billion below what the President wanted in 2012. When the President said he wanted to outbuild, outeducate, and outinnovate, he had a different budget than what we have today because of the substantial cuts that were made in other legislative initiatives.

These agencies promote jobs. They also promote security and they promote, as I said, American innovation. Let's talk about some of the agencies that promote jobs. Let's start with the Department of Commerce.

I am very proud of the Department of Commerce and its funding for the

International Trade Administration which enforces our trade laws and promotes small businesses overseas and also our Economic Development Administration, creating economic growth in our communities and in our small towns. The National Institutes of Standards works with the private sector to set the standards for those new products and those new technologies. In the Patent and Trademark Office, we have done a lot in innovation. We believe if one invents it, they should be able to keep it. Then, of course, we have our Census Bureau, which makes sure every American counts and every American should be counted—or every person who lives in the United States.

We have the National Oceanic and Atmospheric Administration, which predicts our weather and also protects our marine resources.

Then this committee funds the Department of Justice, keeping us safe from violent crime and terrorism, prosecuting criminals, and also funding State and local police departments, the National Science Foundation and NASA, which, again, promote our innovation. This agency also funds the Commission on Civil Rights, upholding citizens' rights, along with the Equal Opportunity Commission, ensuring fairness particularly in the workplace, and the Legal Services Corporation, which represents the poor. This agency has broad scope, but, again, it is America's job to promote jobs, security, and innovation.

Within our ever-shrinking funding levels, the CJS bill has priorities to save lives, promote jobs, and protect the safety of our citizens.

We face two very pressing funding challenges that are critical to life and safety. One is the next generation of weather satellites. It is our weather satellites that not only say whether we are going to have stormy weather, but our weather operations also give us early predictions for everything from tornadoes to hurricanes. Also, we have a growing and explosive prison population. Together, looking at just those two, the issue related to an exploding population in prisons, meaning more prisoners, more density in prisons—they require \$350 million more in our budget, and we needed almost \$400 million for our weather satellites. Meeting their obligations caused us to set other priorities, but we did meet our priorities. We provided \$2.3 billion to support our police officers, to keep them safe with bulletproof vests, and to make sure they had funds for the latest crime analysis and forensic tools. We also funded the Byrne formula grants, which are the important tools for State and local police operations, at \$395 million. Regrettably, it is \$35 million below last year. We also funded our COPS hiring grants but, again, at a reduced level.

Then there is Federal law enforcement. Aren't we proud of our FBI?

Look at what they have done in the last 2 weeks with the take-down of the plot to assassinate the Saudi Ambassador. But the FBI is on the job every day in every way, going after organized terrorists, organized crime, and even predatory lenders and mortgage fraud. They are on the job looking out for us. And look how they work hand in hand with DEA, our Drug Enforcement Agency.

We have the Marshals Service, which, in effect, guards our judges and so on at our courthouses, but they are also the guys who go after sexual predators. Under the law we have, they are enforced with any runaway or rogue sexual predators.

This means we did what we could, but unfortunately we had to cut these agencies by 2 percent. It was with enormous regret that I had to do that, but we are where we are. Cuts do have consequences. I say to my colleagues, cuts do have consequences.

Then there is the area of innovation. We have worked hand in glove with the authorizers on the America COMPETES Act. Senator HUTCHISON is a member of that committee and one of the promoters of that. The America COMPETES Act recommends that we increase funding for NSF and other science agencies by 7 percent every year. Well, we would settle for 3 percent every year. This is to come up with the new ideas for the new jobs, for the new products. But what did we have to do? We didn't raise it by 7 percent; we didn't raise it by the amount we want; in fact, we had to reduce it by 3 percent.

All those who would like to pound their chests and go "hoo-ha hoo-ha" on American exceptionalism have to realize that cuts have consequences. But we did work to ensure the fact that we have funded the national space agency at \$17.9 billion. It is \$1.5 billion below the authorized level, which, again, Senator HUTCHISON is one of the lead authorizers. We did preserve a balanced space program, human space flight, space science, also aeronautics, and the development of a reliable space transportation system. This means, though, that NASA will be asked once again to do more.

We did fund the James Webb Space Telescope, which is the successor to Hubble. By funding the James Webb Space Telescope, we will ensure America's lead in astronomy and in physics for the next 50 years.

I am very proud of the fact that a Marylander at Johns Hopkins and the Space Telescope Institute, on the Hopkins campus, just won the 2011 Nobel Prize for physics—Dr. Adam Riess. When he accepted the Nobel Prize, do you know what he said. He said: I could not have done my Nobel Prize without the Hubble telescope. All my research is based on the Hubble. Then he said: I want to thank the American people for

supporting the political leadership that funded the Hubble and kept Hubble in space during very dark times. We won that Nobel Prize. It is going to reveal secrets of the universe and secrets of physics that are going to help us again invent new kinds of things.

So our bill does focus on jobs, safety, and innovation. We would have liked to have done more, but regrettably we could not. So, Mr. President, we bring this bill before you.

I want to close by saying this. There are many who like to wring their hands about China, and China is surging ahead. We can't stop China, but we can stop ourselves. And the question is do we want to stop ourselves in what we need to do? We need to promote commerce, trade, patents to protect our intellectual property, make sure we have a standard-setting agency, so if you invent it, you create the standard, so you can sell it around the world. We need to be able to save lives so we can save them not only at NIH in finding cures but also throughout Maryland, the Plains of the United States or in my own community. You know when a hurricane is coming, you know when a tornado is coming. But right now the Chinese are taking what is our National Science Foundation and they are replicating it, and we are, unfortunately, forced to keep it at a very modest funding level.

So if you want America to continue to be great and you want America to continue to be exceptional and you want to create jobs, support the passage of the CJS bill.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise as the ranking member of the Commerce-Justice Subcommittee, and I am very pleased that the bill we are presenting is a bill Chairman MIKULSKI and I worked on together. We came together in compromise, but we didn't compromise on the top level of spending, and I commend Chairman MIKULSKI for her leadership in this very important effort. We have a top line that is \$491 million below the fiscal year 2011 continuing resolution and \$4.9 billion below the President's request. So we set a very strict top line, but within that I believe we worked a good compromise on the competing priorities of law enforcement, terrorism prevention, research, and competitiveness through investing in science.

I will just say that I relate so much to what the chairman said about the Webb telescope and the importance of that, and that the Nobel Prize winner whom we are so proud to have from America—in astronomy—mentioned that was how he was able to do his research makes me so proud that we have made that kind of investment. You will see that in other areas where our finest scientists have been supported, and it

is the kind of research that is not going to be done in the private sector. So this is how we will be able to create something that will provide jobs of the future. America is ahead in the world. Our economy is vibrant not because we manufacture better but because we have the ideas for the manufactured products that have kept our economy going for hundreds of years.

The chairman has gone over the major funding levels, so I won't go into that, but I do want to point out a few of those that I think are important.

First, in law enforcement, we have worked hard to ensure that law enforcement receives the priority funding needed to protect our Nation, our communities, our children, and victims of crime.

One thing I would like to add is that we have ensured that the FBI has the resources needed to continue the significant increase in their contribution to counterterrorism and working with the CIA and counterintelligence worldwide. This added responsibility commenced after 9/11, and Director Mueller has overseen this, really the largest transition in this agency probably in modern times from really traditional crime fighting to these added missions. I anticipate we will add even more in conference with the House, and I will support that. I think they have become a major contributor to our national security and the global security we are all seeking.

The language is included also to encourage the Department of Justice to maintain its fiscal year 2011 current level of funding focusing on the southwest border. It is \$1.9 billion. This is so important as violence continues to spread across our border and the drug cartels become increasingly emboldened and, unfortunately, sophisticated. So this was something the chairman and I agreed we must keep at the level funding, and we have done so.

The El Paso Intelligence Center is another important program that is one of our first safeguards along the border. This is a national tactical intelligence center that supports law enforcement in the United States, in Mexico, and the whole Western Hemisphere. It is the Drug Enforcement Administration's most important intelligence-sharing entity focusing on all that is related to the border.

Another important program I will point out is the State Criminal Alien Assistance Program. We call it SCAAP. SCAAP provides Federal assistance to States and localities that are incurring the costs of incarcerating undocumented criminal aliens who have been accused or convicted of State and local offenses. This is a Federal responsibility, and county jails and the State prisons should not be holding these prisoners without help from the Federal Government because they are illegal aliens.

Lastly, this bill provides significant support for NASA. The diverse set of programs that are aimed at the exploration of space and understanding Earth are so important for our country's future. Senator MIKULSKI and I have crafted a bill that balances the needs of science while also encouraging the vehicles that will take our astronauts to the space station for research and making use of that very important scientific station.

Our part is part of a national lab, and it was designated as such, and then, in the future beyond, it will include the supporting of emerging commercial space companies to bring cargo and astronauts to the space station, supporting our investment, taking advantage of the opportunities for discovery on the space station, and ensuring that NASA will provide for human exploration beyond low Earth orbit.

So many of us watched the last shuttle return. Knowing we had no vehicle that would take Americans into space under American control for at least the foreseeable future was not well regarded in our country, and we need to make this commitment. We have made the commitment today with appropriations to ensure that we are going to continue our preeminence in space, that we are going to go through low Earth orbit and we are going to see what is beyond the Moon in an asteroid or Mars, see if there is life there and what we can learn from life that might be enhanced on Earth. So it is important that now we have the heavy lift launch vehicle design NASA released last month. It will carry our astronauts in the Orion Multi-Purpose Crew Vehicle to the Moon, the asteroids, and beyond.

Now that this decision has finally been made, we can focus on the future, and I think Americans expect that from us. NASA has announced its commitment to the path Congress has authorized, and now we can provide the funds to accomplish the development of that rocket.

So in addition to what the chairman has already mentioned, I am certainly a supporter of America COMPETES. I would like to do much more in the science area, the hard science, because I think that is our future. It is how we create jobs and keep our economy vibrant, having the new products and the new ways to secure more jobs and more economic vitality in the technical sector in our country.

I am very pleased. I thank the Senator from Maryland and her staff so much for helping and working with us. They have been great partners. I could not ask for any better. I think we have done a job that was hard to do with the lower levels of spending that we all expect and accept, but I think we have been able to cover the priorities well.

I wish to end on a lighter note and say my friend, the Senator from Mis-

souri, is sitting here. I want to point out this will be the last time in the next 10 days that he and I are going to be on the same side because, of course, the mighty Texas Rangers are going to meet the St. Louis Cardinals in the World Series very shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I rise to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. TESTER are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I ask unanimous consent to address the Senate regarding judicial nominees from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EXECUTIVE CALENDAR

Mr. TOOMEY. Mr. President, I rise to offer my full support for the nomination of Judge Cathy Bissoon to serve as a U.S. district judge for the Western District of Pennsylvania. But before I begin, I would like to quickly express my appreciation to my colleague, Senator CASEY, whom I see across the Chamber at this moment, to thank him for his collaboration in our joint efforts to fill the vacancies on the Federal bench from Pennsylvania.

As I think many of our colleagues would agree, the confirmation of Federal judges is one of the most important constitutional functions of any Member of the Senate. Since I was sworn in, Senator CASEY and I have worked together on a bipartisan basis to identify and advance qualified candidates for the Federal bench. As part of this effort, I have supported President Obama's three district court nominees for Pennsylvania, even though they were first appointed before I was sworn in to the Senate. I am pleased this spirit of cooperation has led to today's confirmation vote for Judge Bissoon. I remain hopeful we will have a number of confirmation votes in the very near future as Senator CASEY and I continue to work together to recommend qualified individuals to serve on the Federal bench.

A quick couple words about Judge Bissoon. She was nominated last year following the recommendations of Senators CASEY and Specter and was re-nominated by the administration in January. Judge Cathy Bissoon has had a distinguished career in the law. She was born and raised in New York City, where she attended Alfred University and graduated summa cum laude with a degree in political science. She earned her law degree from Harvard University before moving to Pittsburgh

to join Reed Smith, an international law firm, where she has practiced labor and employment law in particular. She went on to clerk for Chief U.S. District Judge Gary Lancaster and later returned to Reed Smith to be a partner in 2001. Judge Bissoon left private practice in 2008 to assume her current position as magistrate judge for the Western District of Pennsylvania. Her strong work ethic, discipline and, in particular, her experience in labor and employment law make her well qualified to preside over cases in the Western District of Pennsylvania, a district with a heavy employment caseload.

Earlier this year, I had the opportunity to sit down with Judge Bissoon and learn more about her legal philosophy. She stressed to me in that conversation that she understands very well a judge's role is to enforce the law as written, regardless of the judge's personal beliefs about that law. Chief Justice Roberts came up with a metaphor for this which has become rather famous, in which he described the role of a judge as an official on the playing field but not one of the players. Judge Bissoon confirmed that is exactly her view of the role of a judge, that it is the role of a legislator, branched together with the executive, to pass the law and the role of the judge to enforce the law impartially. I am confident she understands that role, has internalized that and would bring that, as well as a great degree of experience and judicial acumen, to this very important role. That is why I am supporting her nomination.

Following a hearing before the Senate Judiciary Committee, Judge Bissoon was unanimously approved by the committee back in July. I have strong confidence in Judge Bissoon's ability, and I encourage my Senate colleagues to join me in confirming her as a Federal district judge for the Western District in a vote that will be occurring later this evening.

In addition to Judge Bissoon's nomination, I would like to briefly express my support for two other Pennsylvania nominees who were also unanimously approved by the Judiciary Committee back in July. I hope they will each receive floor consideration very soon.

Mark Hornak, a nominee for the Western District of Pennsylvania, graduated from the University of Pittsburgh, where he was recognized as a National Merit Scholar. He went on to graduate summa cum laude from the University of Pittsburgh School of Law, where he served as editor-in-chief of the Law Review and was awarded the Order of the Coif.

Following graduation, he served as a law clerk to the Honorable James Sprouse, U.S. circuit judge for the Fourth Circuit. Since 1982, he has practiced labor and employment law at Buchanan Ingersoll & Rooney. Throughout Mr. Hornak's career, he

has been a careful student of the law and has demonstrated an intellectual curiosity and commitment to integrity, which I know will serve him well if he is confirmed to the bench.

Finally, Robert Mariani is a nominee for the Middle District of Pennsylvania. He graduated cum laude from Villanova University, received his J.D. from Syracuse University College of Law. Following graduation, he established the law firm of Mariani & Greco, where he began a career as a civil litigator in the Scranton area and has done that for about three decades.

He is a respected member of the Scranton community. He was nominated for a State superior court seat in 1993 by then-Gov. Robert Casey, Sr. He served as a mediator or arbitrator for a variety of legal matters and currently is sole shareholder of Robert D. Mariani, P.C., with a focus on employment and labor law. Mr. Mariani's diligence, professionalism, and knowledge of the law would be an asset to the bench.

Earlier this year, I had the opportunity to meet separately with both Mr. Hornak and Mr. Mariani and I am very confident of their intellect, their experience, their integrity, temperament, commitment to public service, and to their understanding of the proper role of the judge. I believe these character traits and this range of experience will enable them to serve the people of Pennsylvania. I am, therefore, pleased to rise to speak on their behalf and to urge all my colleagues to support their confirmation.

Mr. LEAHY. If the Senator will yield on that point, he is absolutely right. They were reported unanimously from the Senate Judiciary Committee on July 21. They were cleared that day on the Democratic side. We were perfectly willing to bring them up and voice vote them that day or the next day or the day after. We were perfectly willing to have a vote in August before we went out. We were perfectly willing to have them voted on in September. We were perfectly willing to have them voted on early, in early October because of the Senator's support and Senator CASEY's support. For some reason, that was not cleared on the Senator's side of the aisle. I will be happy to work with my friend from Pennsylvania—after all, we each have the same first name—and we will try to clear them. What the Senator said about them is absolutely true. These are the kind of judges—whether we have a Republican or Democratic President, they would be proud to have them on the bench, and I pledge to work with both Senators from Pennsylvania to get them through.

Mr. TOOMEY. I thank the chairman.

It is my understanding we are going to vote this evening on Judge Bissoon, and I would certainly enjoy the opportunity to work closely with the chair-

man to ensure that we could have votes as soon as possible on the other nominees.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF CATHY BISsoon TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Cathy Bissoon, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. LEAHY. Mr. President, today the Senate will vote on the nomination of Cathy Bissoon to the Western District of Pennsylvania, one of 27 judicial nominations reported favorably by the Judiciary Committee and on the Senate's Executive Calendar awaiting a vote. Like 24 of those 27 nominations, the nomination of Judge Bissoon was reported unanimously by the Judiciary Committee, with every Republican and every Democrat voting in support. Judge Bissoon is supported by both of her home State Senators, Senator CASEY, a Democrat, and Senator TOOMEY, a Republican. I am glad we are finally able to vote on this nomination nearly 3 months after it was reported. I have heard no reason or explanation from the Republican leadership for this delayed action.

There is no good reason or explanation for the Republican leadership's refusal to vote on the other two dozen consensus nominees stalled before the Senate, while a judicial vacancies crisis continues to affect the Federal courts and hurt the American people. These are all nominations that have gone through an extensive process. They were considered by the White House and vetted before the President nominated them. The White House has worked with the home State Senators, Republicans and Democrats, and each is supported by both home State Senators. The FBI has conducted a thorough background review. The ABA's Standing Committee on the Federal Judiciary has conducted a peer review of their professional qualifications. The Judiciary Committee has held a hearing on each nominee, and each has responded to extensive questioning. When they are then reported unanimously by the Judiciary Committee,

there is no reason for months and months of further delay before they can start serving the American people.

With Republican agreement, we could vote not just on one district court nomination, but on all 27 of the nominations reported by the Committee. I trust that the Senate will be allowed to confirm additional judicial nominations this week, before the upcoming recess, so that we can begin to build on the agreement by the Senate leadership in September to finally have votes on long stalled judicial nominees. Votes on 4 to 6 nominations are what is required every week throughout the rest of this year if we are to bring down a judicial vacancy rate that remains at nearly 11 percent, with 90 vacancies on Federal courts around the country.

Senator GRASSLEY and I have worked together to ensure that each of the 27 nominations on the Senate calendar was fully considered by the Judiciary Committee after a thorough but fair process. We have worked hard to ensure that the Committee continues to makes progress on nominations. Our cooperation and work on the Committee makes the continuing extensive and unexplained delays in the Senate's consideration of judicial nominations even harder to understand.

These delays are damaging to the Federal courts and the American people who depend on them. A recent report by the nonpartisan Congressional Research Service found that we are in the longest period of historically high vacancy rates in the last 35 years. The number of judicial vacancies has been at or above 90 for well over 2 years. We must bring an end to these needless delays in the Senate so that our Federal courts can better serve the American people.

More than half of all Americans—almost 170 million—live in districts or circuits that have a judicial vacancy that could be filled today if the Senate Republicans just agreed to vote on the nominations now pending on the Senate calendar. As many as 25 States are served by Federal courts with vacancies that would be filled by these nominations. Millions of Americans across the country are harmed by delays in overburdened courts. The Republican leadership should apologize to the American people or at least explain why they will not consent to vote on the qualified, consensus candidates nominated to fill these extended judicial vacancies.

In recent letters to the Senate Majority Leader and Republican leader, ABA President Bill Robinson highlighted the problems created by these excessive vacancies on the Federal courts, writing:

Filling existing vacancies on the federal bench has become a matter of increasing urgency. Across the nation, federal courts with high caseloads and longstanding or multiple vacancies have no choice but to delay or

temporarily suspend their civil dockets due to Speedy Trial Act requirements. This deprives our federal courts of the capacity to deliver timely justice in civil matters and has real consequences for the financial well-being of businesses and for individual litigants whose lives are put on hold pending resolution of their disputes.

Nothing less than a sustained, concerted, and cooperative effort will be sufficient to make discernible progress in reducing the longstanding and dangerously high vacancy rate on the federal courts. And, as important, nothing less will assure litigants—businesses and aggrieved individuals alike—that our federal courts have sufficient judges to hear their cases in a timely and thorough fashion.

I ask unanimous consent that copies of Mr. Robinson's October 13 letters to the Senate leaders be included at the RECORD at the conclusion of my remarks.

The Presiding OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Those of us serving on the Senate Judiciary Committee are making this kind of "sustained, concerted, and cooperative effort." Regrettably, that effort is not duplicated by the Senate, because the Senate Republican leadership continues to object, stall and delay consideration of these much-needed judges.

This is not a partisan issue. Two weeks ago in a hearing before the Judiciary Committee, Justice Scalia agreed that the extensive delays in the confirmation process are already having a chilling effect on the ability to attract talented nominees to the Federal bench. Chief Justice Roberts has also described the "persistent problem of judicial vacancies in critically overworked districts." Hardworking Americans are denied justice when their cases are delayed by overburdened courts. While people appearing in court are waiting years before a judge rules on their case, they feel they are being forced to live the old adage "justice delayed is justice denied."

I have heard Republican Senators come to the floor purporting to justify their delays by selectively pointing to past instances in which Democratic Senators opposed a handful of President Bush's most ideological nominations. Their misguided attempt to go "tit for tat" and settle a political score on nominations ignores the realities of the crisis in judicial vacancies created by their delays. They ignore the fact that President Obama's current nominees are not divisive, ideological picks, but consensus, qualified nominees who are being blocked across the board for no good reason.

Senate Republicans also ignore the actual record on nominations established by Senate Democrats in considering President Bush's nominations. In the 17 months I chaired the Judiciary Committee during President Bush's first 2 years in office, the Senate proceeded to confirm 100 of his judicial

nominees. In stark contrast, it has taken us twice as long—34 months—to confirm just over 100 of President Obama's judicial nominations. In President Bush's first term we confirmed a total of 205 Federal circuit and district court judges. As of today, we have almost 100 confirmations of President Obama's circuit and district court nominations to go in order to match that total during the next 12 months. Given the obstruction and delays during these first 3 years of President Obama's administration, we have a lot of ground to make up and need to get started if the Senate is to be as productive as we were during President Bush's first term.

Democrats did not go "tit for tat" on nominations during President Bush's first years in office. Even though Senate Republicans pocket filibustered more than 60 of President Clinton's judicial nominations and refused to proceed on them while judicial vacancies skyrocketed to more than 110, we proceeded. As I have noted, we confirmed 100 in 17 months during President Bush's first 2 years. Now, however, Senate Republicans have not built on that progress and bipartisan cooperation but have returned, instead, to their practices of obstruction in order to hold judicial vacancies open, rather than confirm the nominations of a Democratic President. And as a result, judicial vacancies have skyrocketed, again. At this point in President Bush's first term we had confirmed 162 Federal circuit and district court judges, and the vacancy rate was down to 5 percent, with 46 vacancies. Vacancies are now twice as high with a vacancy rate of nearly 11 percent and vacancies again at 90, where they have been for well over 2 years.

This is not the way to make real progress. In the past, we were able to confirm consensus nominees more promptly, often within days of being reported to the full Senate. They were not forced to languish for months. The American people should not have to wait weeks and months for the Senate to fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

There is no good reason for the Republican refusal to consent to votes on three circuit court nominations which were favorably reported by the Judiciary Committee many months ago. We should be able to have a debate and vote on the nomination of Caitlin Halligan, the superbly qualified nominee to the ninth seat on the D.C. Circuit reported by the Judiciary Committee over seven months ago. She is a highly-respected appellate litigator who has excelled in private practice and public service, including 6 years as Solicitor General of the State of New York, and her nomination has the strong support of law enforcement and

a number of prominent conservative lawyers. With a new vacancy on that court, it is now more than one-quarter vacant. Four of President Bush's D.C. Circuit nominees were confirmed to that Court, twice filling the tenth seat and once filling the eleventh seat. There is no reason we cannot now confirm President Obama's first D.C. Circuit nominee to fill the ninth seat.

There is also no reason for the Senate to have been required by Republican objection to have skipped the nominations of Stephen Higginson of Louisiana to the Fifth Circuit and Christopher Droney of Connecticut to the Second Circuit. Each has been nominated to fill a judicial emergency vacancy and each was reported unanimously by the Committee three months ago and before the nomination being considered today. In fact the Senate has only been allowed to consider 5 circuit court nominations this entire Congress. This stands in sharp contrast to the 17 circuit court nominations in 17 months that we confirmed when I chaired the Judiciary Committee in 2001 and 2002 and President Bush was in the White House.

The delays which have led to the damaging backlog in judicial nominations are compounded by attempts by Senate Republicans to use invented controversies to damage qualified nominees. The decision by the entire Republican caucus to vote against the nomination of Alison Nathan to the Southern District of New York last week reminded me of the shameful party line vote which defeated President Clinton's nominee of Justice Ronnie White of Missouri in 1999. Even though Alison Nathan's nomination had been reported in July with the support of half of the Republican members of the Committee, last week those Senators flipped their votes and all Republican Senators voted as a bloc against confirming her to the Federal bench. That was extraordinary. Fortunately, they did not prevail and Judge Nathan, an accomplished, impressive nominee, was confirmed. She deserved better treatment by Senate Republicans, not their party line opposition.

Today the Senate finally considers the nomination of Cathy Bissoon. She will make a superb addition to the Federal bench. She is already well-known on the court to which she is nominated, having served as a Magistrate Judge for the Western District of Pennsylvania since 2008, when she became the first Hispanic woman appointed to that role. She also clerked for Judge Lancaster of the Western District following law school. Judge Bissoon worked in private practice for 14 years at Cohen & Grigsby and Reed Smith in Pittsburgh, Pennsylvania. Both of Pennsylvania's Senators support her nomination. Senator CASEY, in particular, has worked very hard to help us get to this day. The Judiciary Committee favorably reported Judge

Bissoon's nomination without dissent in July. When confirmed, she will be the first Hispanic woman to serve the Western District of Pennsylvania as a Federal judge.

I hope we can consider additional judicial nominations this week to address the serious judicial vacancies crisis on Federal courts around the country that has persisted for over 2 years. We can and must do better for the nearly 170 million Americans being made to suffer by these unnecessary Senate delays.

EXHIBIT 1

AMERICAN BAR ASSOCIATION,
Chicago, IL, October 13, 2011.

Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate,
Washington, DC.

DEAR REPUBLICAN LEADER MCCONNELL: I am writing on behalf of the American Bar Association to commend you on the confirmation of ten judges during the past two weeks. Your agreement with Senator McConnell allowed a higher number of judges to be confirmed than in any prior month this Congress. Moreover, your scheduling of the first six nomination votes on the same day was a welcome departure from the general pattern observed this Congress of considering only one or two nominees at a time. We strongly encourage you to continue to schedule same-day votes on multiple nominees throughout the rest of the session. Nothing less than a sustained, concerted, and cooperative effort will be sufficient to make discernible progress in reducing the longstanding and dangerously high vacancy rate on the federal courts. And, as important, nothing less will assure litigants—businesses and aggrieved individuals alike—that our federal courts have sufficient judges to hear their cases in a timely and thorough fashion.

Filling existing vacancies on the federal bench has become a matter of increasing urgency. Across the nation, federal courts with high caseloads and longstanding or multiple vacancies have no choice but to delay or temporarily suspend their civil dockets due to Speedy Trial Act requirements. This deprives our federal courts of the capacity to deliver timely justice in civil matters and has real consequences for the financial well-being of businesses and for individual litigants whose lives are put on hold pending resolution of their disputes.

The effect of the recent confirmations on the overall vacancy rate amply attests to the need for continued bipartisan action to achieve progress. On September 7, the day after the Senate's first confirmation vote since its return from the August recess, there were 91 vacancies on the federal bench. Despite the recent confirmation of ten judges, there are 92 vacancies on the bench today because of recent retirements and a death. Regrettably, this outcome is not an aberration or product of selective statistical reporting; even though the Senate has confirmed from one to seven judges every month this Congress, the vacancy rate continues to hover around 10 percent—right where it has been for the past 24 months.

However, if the Senate were to confirm by the end of this month the 29 nominees currently pending on the floor who were reported from the Judiciary Committee by bipartisan voice vote, the vacancy rate would drop to approximately seven percent, absent unanticipated events. That would be a real accomplishment.

We urge you to build on your recent success by continuing to reach agreements to schedule multiple nominees for votes on the same day at regular intervals throughout the remainder of this session. Given the long-term backlogs, it is important that confirmations outpace attrition and that the Senate has the opportunity to achieve significant success in reducing the vacancy rate and providing the federal judiciary with the judges it needs to evaluate each case on its merits and dispense timely justice to all.

Sincerely,

WM. T. (BILL) ROBINSON III,
President.

Mr. GRASSLEY. Mr. President, today the Senate will vote on the nomination of Cathy Bissoon to be U.S. District Judge for the Western District of Pennsylvania. Today's vote marks the 49th judicial confirmation this year and the 11th in just 2 weeks.

In committee we continue to achieve great progress as well. Eighty-four percent of the judicial nominees submitted this Congress have been afforded hearings. We have reported 77 percent of the judicial nominees. We have another hearing scheduled for later this week, our 16th nomination hearing of this year. In total, the committee has taken positive action on 85 of the 98 nominees submitted this Congress, or 87 percent.

Let me say just a few words about the nominee we are considering today.

Judge Bissoon graduated summa laude from Alfred University with a bachelor of arts in 1990. In 1993, she earned her juris doctorate from Harvard Law School. Judge Bissoon began her career at Reed Smith in Pittsburgh, PA, and then clerked for Judge Gary Lancaster of the U.S. District Court for the Western District of Pennsylvania.

Following her clerkship, Judge Bissoon returned to private practice at Reed Smith where she worked primarily with employment and labor litigation. Judge Bissoon also served as the Firmwide director of diversity and as the firmwide practice group leader of Reed Smith's employment practice group. From 2007 to 2008, Judge Bissoon continued to practice employment and labor law as the Director and Department head of the labor group at Cohen & Grigsby.

In August 2008, the U.S. District Court for the Western District of Pennsylvania appointed Judge Bissoon as a U.S. magistrate judge.

Judge Bissoon received a unanimous "Qualified" rating from the ABA Committee on the Federal Judiciary.

I support this nomination and congratulate her on her professional accomplishments.

Mr. LEAHY. I see the senior Senator from Pennsylvania wishes to speak. I will yield to him in a moment.

First, I ask consent that I speak briefly about the Transportation and Highway appropriation bill the Senate is going to next be debating.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I want to thank the subcommittee chair, Senator MURRAY, and the ranking member, Senator COLLINS, for all the assistance they provided to me on several issues that are important to Vermont, especially in the wake of Hurricane Irene's massive devastation a few weeks ago. I have talked on the floor many times about what happened in Vermont with Hurricane Irene.

I was born in Vermont. I have never seen anything like this. It reminds me of the story my grandparents told me of a flood in the early 20th century. We have seen roads, bridges, businesses, homes, farms all over the State wiped out, with repair estimates topping nearly \$900 million.

My wife and I have gone all over the State. I have gone with the Governor, adjutant general, and others, seeing things that literally brought me to tears in our beautiful State. Getting hit like that, it is very clear, as I have talked to the people working, that everybody has pitched in. Whether they are from the town that got hit or the next town over that might not have been hit, everybody has pitched in.

It is clear in our little State of 660,000 people we are stretched to the limit. If we don't have adequate Federal disaster recovery aid, Vermont will not have the resources needed to rebuild the lifelines destroyed—the homes, roads, and businesses represented in the daily lives of so many Vermonters and their communities.

Several Federal disaster programs are woefully underfunded. The highway administration emergency relief fund has less than \$140 million in reserves. It has a backlog of more than \$2 billion to repair projects from previous disasters, including \$700 million from Vermont. HUD had no funding available to provide Community Development Block Grant funding to help our State rebuild. So I pushed hard for the \$1.9 billion in emergency highway funding and for the vital State waivers that allow States to access the crucial repair work they need without overly restrictive cost sharing. I talked to the Governor, Senator SANDERS, Congressman WELCH, other State and municipal officials about Vermont's rebuilding needs.

The Governor was down here last week. We sat in my office to talk about the rebuilding needs. These waivers are always at the top of the priority list or our State is going to be devastated.

There are also in this bill provisions that will permanently shift trucks from overburdened State secondary roads, some of which are now dirt roads because of the flooding. They wind through many downtowns across our State's interstate highways. This will especially help Vermont businesses and communities that are struggling most from the large number of State and local roads heavily damaged by Irene. I

was glad to work with Senator COLLINS to include the Vermont provision and any similar provision for Maine. Again, bipartisan cooperation has succeeded.

We included \$400 million in emergency CDBG funding. It is a critical downpayment to address housing needs of those hurt by Irene and the flooding this past spring. We have to do this right away. It will be snowing in Vermont in a matter of weeks. Today is a beautiful day. I have been there long enough to know, if you don't like the weather, wait a minute, it will change. We have to get people back in their homes. Vermonters are working hard to make the necessary funding, but we need this. We need this help.

As a Vermonter said to me: Senator, it appears we can spend unlimited amounts of money to rebuild roads and bridges in Iraq and Afghanistan, and they just blow them up. Can't we find even a small portion of that money to rebuild roads and bridges and homes in America by Americans for Americans? And Americans will protect them.

I thank the distinguished senior Senator from Pennsylvania, and I yield to him.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise to speak in favor of the nomination of Judge Cathy Bissoon, and I ask unanimous consent to speak for no more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I first of all want to thank Senator LEAHY, the chairman of the Judiciary Committee, for working with both parties to move these nominations along. I also want to thank Senator TOOMEY, my colleague from Pennsylvania, for his work and cooperation in moving our Pennsylvania judicial nominees forward. I am grateful for his help and cooperation.

I rise to speak about Judge Cathy Bissoon, who is a daughter of Brooklyn, NY. She was born there and became a Pennsylvanian after law school. Cathy Bissoon is of Hispanic origin. Her mother was from the West Indies and her dad was from Puerto Rico.

When she was 4 years old and living in the Williamsburg section of Brooklyn, her father was stabbed to death in a park blocks from her home. Her mother remarried and her family moved to Queens. As I mentioned before, she moved to Pittsburgh after law school. This is a remarkable American story. It is an American story of economic achievement, of overcoming obstacles, and of striving for excellence.

Her educational background is stellar as well. She received her jurist doctorate degree in 1993 from Harvard Law School, after receiving her degree in political science *summa cum laude* in 1990 from Alfred University in Alfred, NY.

A quick summary of her career is as follows:

Her service as a U.S. magistrate judge for the Western District of Pennsylvania, a position that she held in the Court's Pittsburgh division since the year 2008.

From 2007 until her appointment to the bench, Judge Bissoon was in private practice in Pittsburgh as a director of the law firm of Cohen & Grigsby, where she served as the head of the labor and employment group.

Previously she was a partner in the law firm of Reed Smith from 2001 to 2007 and an associate in that same firm beginning in 1993.

So she has a long record of service as a lawyer and advocate and someone whose career has been marked by distinction in the law as well as a judge.

She also served as the Reed Smith law firm director of diversity. It was a diversity initiative she developed to recruit, retain, and promote minority lawyers.

From 1994 to 1995 she was a law clerk for the Honorable Gary L. Lancaster of the U.S. District Court for the Western District of Pennsylvania.

This is a nomination that has not only received bipartisan support, but it is a nomination I think we can all be proud to advance and vote on today.

I urge all my colleagues to give an affirmative vote to Judge Bissoon.

I know we are limited to time. As my colleague, Senator TOOMEY, mentioned a couple of moments ago, we will be moving, we hope, soon to the consideration of two other nominees, and I want to make some comments for the RECORD for both of those.

Mark Hornak was born in Homestead, PA. He received his law degree *summa cum laude* in 1981 from the University of Pittsburgh School of Law and graduated second in his class and was editor-in-chief of the University of Pittsburgh Law Review.

He received his undergraduate degree *cum laude* in 1978 from the University of Pittsburgh and was a member of Omicron Delta Kappa Honorary Society, a National Merit Scholar, and on the dean's list.

He has been a partner in the law firm of Buchanan Ingersoll & Rooney since 1982 where he specialized in media, defense, governmental representation, and is a member of the firm's executive committee.

As I said before, I will include other references to his career as a lawyer and advocate. I have known Mark for a long time. I know him to be a person of integrity and someone who would serve our State with distinction in the Western District of Pennsylvania.

Finally, someone I have known for over 20 years, Robert David Mariani. Bob has been in practice as a civil litigator in my hometown of Scranton for some 34 years. His educational background is equally as distinguished as our other nominees. He received his law degree *cum laude* in 1976 from Syr-

acuse University College of Law and his undergraduate degree in 1972 from Vilanova University, also *cum laude*.

Since 2001, he has been the sole shareholder in the law firm of Robert D. Mariani P.C. He has been an instructor for 5 years in the Union Leadership Academy Program sponsored by Penn State University, and was sole proprietor in his own law firm from 1993 to 2001. Of course, he was a partner in the same firm, or a similar firm by the name of Mariani & Greco from 1993.

When my father served as Governor of Pennsylvania, he nominated Bob to fill a vacancy on the Pennsylvania Superior Court. It was a great honor. I know how high his standards were. Bob Mariani comes to this appointment with great distinction, a long and distinguished career in the law, and I know he will be a great judge in the Middle District of Pennsylvania.

I will conclude by saying I could say more about Judge Bissoon, Mark Hornak, and Bob Mariani, but their record will be amplified by written commentary of their achievements, and I ask unanimous consent to have printed in the RECORD a more thorough summary of their qualifications at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CATHY BISSOON

Birthplace: Brooklyn, New York.
Hispanic, mother from the West Indies, father was Puerto Rican.

When she was 4 years old and living in Williamsburg, Brooklyn, her father was stabbed to death in a park blocks from her home.

Her mother remarried and her family moved to Queens.

Moved to Pittsburgh after law school.
Education: Received her J.D. in 1993 from Harvard Law School, and her B.A. Political Science (*summa cum laude*) in 1990 from Alfred University in Alfred, New York.

Career:
Serves as United States Magistrate Judge for the Western District of Pennsylvania, a position she has held in the Court's Pittsburgh Division since 2008.

From 2007 until her appointment to the bench, she was in private practice in Pittsburgh as a director of the law firm of Cohen & Grigsby, where she served as the head of the Labor & Employment Group.

Previously was a partner in the law firm of Reed Smith from 2001 to 2007 and an associate at the same firm beginning in 1993.

Served as Reed Smith's Director of Diversity for six years, a diversity initiative she developed to recruit, retain and promote more minorities.

From 1994 to 1995, she was a law clerk to the Honorable Gary L. Lancaster of the U.S. District Court for the Western District of Pennsylvania.

Honors and Awards:
Recipient of the Thurgood Marshall Multicultural Prism Award from Minorities in Business Magazine for individual contributions to diversity in the legal profession (2006).

Was Named Fellow of the Litigation Council of America (formerly the American Academy of Trial Counsel) (2007-2008).

Listed multiple years in the Best Lawyers in America.

Named a "Pennsylvania Super Lawyer" by Philadelphia Magazine.

Named by Chambers USA as one of the top employment lawyers in Pennsylvania (2004–2008).

Was recognized as one of the top 50 lawyers in Pennsylvania under the age of 40 by Pennsylvania Law Weekly.

Was honored by Pittsburgh Professional Women as one of their 2010 Women of Integrity for her leadership, ethics and community service.

MARK RAYMOND HORNAK

Birthplace: Homestead, Pennsylvania

Education:

Received his J.D. summa cum laude in 1981 from the University of Pittsburgh School of Law, graduated second in his class and was Editor-in-Chief of the University of Pittsburgh Law Review.

Received his B.A. cum laude in 1978 from the University of Pittsburgh, was a member of Omicron Delta Kappa Honorary Society, a National Merit Scholar and on the Dean's List.

Career:

Has been a partner at the law firm of Buchanan Ingersoll & Rooney PC since 1982, where he specializes in civil litigation, labor and employment law, media defense and governmental representation and is a member of the firm's Executive Committee.

Is the solicitor of the Sports & Exhibition Authority of Pittsburgh and Allegheny County, which owns PNC Park, Heinz Field, the David L. Lawrence Convention Center and Consol Energy Center and represents the authority in litigation and transactional matters.

Also represent national television, radio and publishing clients in media litigation, including defamation, First Amendment and access issues, and in transactional matters.

Prior to joining Buchanan Ingersoll & Rooney PC in 1982, Honak served as a law clerk to the Honorable James M. Sprouse of the U.S. Court of Appeals for the Fourth Circuit.

Honors and Awards:

Was selected by his peers for inclusion in the 2003–2010 editions of Chambers Guide to America's Leading Business Lawyers.

From 2004 to 2010 was selected as a "Top 50 Lawyer in Pittsburgh".

Has also been repeatedly selected to the Pennsylvania Super Lawyers® list and selected by his peers for inclusion in The Best Lawyers in America, 2006–2010.

ROBERT DAVID MARIANI:

Birthplace: Scranton, Pennsylvania.

Education: Received his J.D. cum laude in 1976 from Syracuse University College of Law and his A.B. cum laude in 1972 from Villanova University.

Career:

Has spent the past 34 years as a civil litigator in Scranton, Pennsylvania, where he specializes in labor and employment law.

Since 2001, he has been sole shareholder in the law firm of Robert D. Mariani, P.C.

Has been an instructor for 5 years in the Union Leadership Academy Program sponsored by the Pennsylvania State University.

Was sole proprietor in the Law Office of Robert D. Mariani from 1993 to 2001 and was a partner in the law firm of Mariani & Greco from 1979 to 1993.

Honors and Awards:

Nominated by Governor Robert P. Casey February 1993 to fill an interim vacancy on the Pennsylvania Superior Court.

Named Contributing Editor of The Developing Labor Law, Third Edition, published by the ABA and the Bureau of National Af-

fairs, Inc., and the 1990–1992, 1994, 1996, 1997 and 1998 Supplements thereto, and Fourth Edition and 2002 Supplement thereto.

Listed in the Martindale-Hubbell 1997 through 2010 Bar Register of Preeminent Lawyers in the category of Labor and Employment Law with a rating of "AV." 'A' rating is the highest legal ability rating, while the 'V' signifies very high adherence to professional standards of conduct, ethics, reliability and diligence."

Listed in the "Super Lawyers" Edition of Philadelphia Magazine in Labor and Employment Law in years 2005 through 2009.

Mr. CASEY. Mr. President, I am grateful that these candidates have put themselves forward for public service on our Federal bench, and we are looking forward today to a strong vote for Judge Bissoon when we get to her vote this afternoon.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk will call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has expired.

The question is, Will the Senate advise and consent to the nomination of Cathy Bissoon, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania?

The yeas and nays were previously ordered.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Missouri (Mrs. MCCASKILL), the Senator from New Mexico (Mr. UDALL), the Senator from Virginia (Mr. WEBB), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. ISAKSON), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. RUBIO), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea" and the Senator from Georgia (Mr. ISAKSON) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 3, as follows:

[Rollcall Vote No. 166 Ex.]

YEAS—82

Akaka	Feinstein	Mikulski
Alexander	Franken	Moran
Ayotte	Gillibrand	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hoeven	Portman
Bingaman	Hutchison	Pryor
Blumenthal	Inouye	Reed
Boozman	Johanns	Reid
Boxer	Johnson (SD)	Roberts
Brown (MA)	Johnson (WI)	Rockefeller
Brown (OH)	Kerry	Sanders
Cardin	Kirk	Schumer
Carper	Kohl	Sessions
Casey	Kyl	Shaheen
Chambliss	Landrieu	Shelby
Coats	Lautenberg	Snowe
Coburn	Leahy	Stabenow
Cochran	Lee	Tester
Collins	Levin	Thune
Conrad	Lieberman	Lugar
Coons	Manchin	Toomey
Corker	McCain	Udall (CO)
Cornyn	McConnell	Vitter
Crapo	Menendez	Warner
Durbin	Merkley	Whitehouse
Enzi		

NAYS—3

Blunt	Inhofe	Paul
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NOT VOTING—15

Burr	Heller	Rubio
Cantwell	Isakson	Udall (NM)
DeMint	Klobuchar	Webb
Graham	McCaskill	Wicker
Hatch	Risch	Wyden

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

The Presiding OFFICER. The Senator from Maine.

Ms. COLLINS. I thank the Chair. Shortly, along with the Senator from Colorado, I am going to discuss an amendment to the Agriculture appropriations bill we have offered. But, first, I am going to yield to the Senator from Texas for the purpose of his offering an amendment.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 775 TO AMENDMENT NO. 738

Mr. CORNYN. I thank the Senator from Maine. I have an amendment at the desk. I ask that it be called up and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 775 to amendment No. 738.

Mr. CORNYN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funding for Operation Fast and Furious or similar "gun walking" programs)

After section 217 of title II of division B, insert the following:

SEC. 218. No funds made available under this Act shall be used to allow the transfer of firearms to agents of drug cartels where law enforcement personnel of the United States do not continuously monitor and control such firearms at all times.

Mr. CORNYN. I will be back to talk to the substance of my amendment.

I yield the floor, and I thank the Senator from Maine.

Ms. COLLINS. Mr. President, I rise this evening to discuss an amendment numbered 757 that I have offered with my colleague from Colorado, Senator MARK UDALL, that would protect the flexibility of schools to serve healthy vegetables in the National School Lunch and School Breakfast Programs. This is a bipartisan amendment that we are offering. It is cosponsored by Senators CRAPO, RISCH, SNOWE, AYOTTE, WYDEN, JOHANNES, NELSON of Nebraska, MIKULSKI, and HOEVEN.

Earlier this year, the U.S. Department of Agriculture proposed a rule that would limit servings of a certain category of vegetables that includes white potatoes, corn, peas, and lima beans. It would limit them to a total of one cup per week in the National School Lunch Program.

The proposed rule would also ban this category of vegetables altogether from the School Breakfast Program. Our bipartisan amendment would prevent the Department of Agriculture from moving forward with this arbitrary limitation. I am concerned the proposed rule would impose significant cuts on schools and would limit the flexibility they need to serve nutritious, affordable meals to their students.

For those who are less familiar with this issue, let me give my colleagues some background. Current law already requires the School Lunch and School Breakfast Programs to follow the most recent dietary guidelines for Americans. Last year, the USDA released the newest dietary guidelines that call for all Americans of all ages to eat more vegetables.

The 2010 dietary guidelines list four nutrients of concern. They are potassium, dietary fiber, calcium, and vitamin D. The guidelines state that dietary intake of these four nutrients are low enough to be of public health concern for both adults and children.

Since USDA is concerned about a lack of these nutrients in the American diet, it would make sense for the Department to promote good sources of these critical nutrients. Yet the USDA's proposed rule would actually

limit vegetables that are good sources of these nutrients. USDA should not limit their availability but instead should encourage their healthy preparation.

For example, here are some nutritional facts about potatoes that are often overlooked. Potatoes have more potassium than bananas, a food commonly associated with this nutrient. Potatoes are cholesterol free, low in fat and sodium, and can be served in countless healthy ways. In fact, a medium baked potato contains 15 percent of the daily recommended value of fiber—that is one of those nutrients of concern—27 percent of the daily recommended value for vitamin B6, 28 percent of the daily recommended amount of vitamin C. This is a great nutritional bargain at about a nickel per serving.

I am going to go on and discuss the rest of the problems with this rule and the solution, but I know my colleague from Colorado is under a time constraint. So at this point I am going to yield to him, my partner in this endeavor, for his statement. Then I will reclaim the floor and continue with my discussion.

The PRESIDING OFFICER (Mr. MANCHIN.) The Senator from Colorado.

Mr. UDALL of Colorado. I thank the Senator from Maine for her graciousness and for her leadership on this important amendment that she and I brought to the floor. Clearly, the 2012 Agriculture appropriations bill that will direct the USDA to provide adequate flexibility to schools to deliver students nutritious school meals while effectively managing costs is very important. But we have to do it in the right way. I want to share my thinking on what the right way is.

In January of this year the USDA issued a proposed rule for nutritional standards in the National School Lunch and School Breakfast Programs that would limit total servings of certain vegetables—most notably potatoes, corn, green peas, and lima beans—to one cup per week and eliminate potatoes from school breakfasts.

I have heard from school lunch providers in Colorado that this restriction will result in significant challenges for food service operations through increased costs, reduced flexibility, and decreased school meal participation. This is especially concerning for them in my State, and I think as the Senator from Maine has pointed out, all over our country because school districts are facing increasingly tight budgets.

Many children from Colorado and across the Nation depend on school meal programs to keep them nourished and ready to learn. That is why it is important for school meals to include healthy food options while also allowing sufficient flexibility to school meal providers to help build a foundation for healthy eating going forward.

In order to achieve this goal, a very worthy goal, it is important that we implement the bipartisan child nutrition reauthorization the Congress passed last year. In order to ensure that implementation is successful for both kids and schools, it is important the USDA takes into consideration the insights and the experiences of those who are in the school cafeterias every day across America serving meals to our children. These are well-trained and qualified individuals who see our children, our students, on a daily basis. They know their parents, and they very well may be parents of students themselves.

Here is what they are saying. I will read to you from a letter the Colorado School Nutrition Association sent me recently regarding this proposed rule:

We believe it is a realistic and attainable goal to create meal plans that meet the current dietary guidelines for Americans while allowing schools the flexibility to manage cost and maintain student participation. Improved nutrition is a vital aspect of our nation's health, one which we heartily support, and we believe it can be accomplished without significant damage to the programs we are trying to improve and without additional strain on local schools.

That is what the Collins-Udall amendment intends to do. It would direct the USDA to not set maximum limits on the frequency that schools can serve any one fruit or vegetable while allowing schools to continue to moderate portion size appropriately. Our amendment will also ensure that schools have the flexibility to serve healthy fruits and vegetables in a manner consistent with guidelines established jointly by the USDA and the Department of Health and Human Services, called the Dietary Guidelines for Americans.

Some wonder why Senator COLLINS and I have taken such issue with this proposed rule. Yes, we both do come from potato-producing States. We both believe potatoes have gotten a bad rap. The truth is, when prepared properly, the potato can provide critical nutrients to students that will help them lead healthy lives and be ready to learn in the classrooms.

In some areas, increased flexibility to serve this nutritious and available vegetable can actually help schools manage costs so they can afford to purchase other more expensive vegetables. Where I believe school meal providers, potato producers, and health advocates can agree is that this issue is less about any one vegetable and more about the preparation of the vegetable. Anything can be fried or drowned in any number of fats available to us as consumers. Let's be honest.

Even Agriculture Secretary Vilsack agreed in testimony before the Senate Agriculture Appropriations Committee that it is not the potato, it is the way in which potatoes are being prepared and provided. We should be encouraging schools to prepare potatoes and

other fruits and vegetables appropriately, not limiting their flexibility and potentially increasing their cost unnecessarily.

I have spent a good portion of my time in Congress working to promote physical activity, getting children and families into the great outdoors and reducing the amount of time children spend in front of the TV and video games. Through my Healthy Kids From Day One Act and the National Kids to Parks Initiative I have focused on getting kids to eat healthier and become more active.

Another way we promote healthy lifestyles is making sure kids have access to needed nutrients and balanced meals. That is why Congress directed the USDA to ensure that all fruits and vegetables are part of Federal food nutrition programs, particularly the school meal programs.

I believe, and I know Senator COLLINS believes, there is a balance we can find, a balance that preserves needed flexibility for our cash-strapped schools but also preserves guidelines that will ensure our kids are getting the best nutrients possible in their school meals, including from the potato.

So instead of pointing fingers, we need to provide commonsense solutions that help school kids and their parents make wise choices that in turn will make a healthier America.

A healthy country is a strong country. I believe this amendment is an important tool to ensure that our schools can be an active and effective participant in ensuring our children are healthy, well cared for, and ready to become the next leaders in our goal of winning the global economic race.

I thank the Senator from Maine for yielding time to me. I look forward to working with her, to reaching a successful conclusion, and to our amendment being agreed to.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Colorado for his excellent remarks. Both of us share the goal that all Americans share for our children—making sure they get a healthy diet. For many children, it is so critical that the School Lunch and School Breakfast Programs provide that diet.

Unfortunately, in many ways USDA's rule does not comply with the dietary guidelines which recognize that Americans of all ages tend to be short on two particular nutrients, potassium and fiber, and potatoes are abundant in providing those.

When we think of potassium, most of us think of bananas. In fact, as this chart shows, a potato actually has far more potassium than a banana. Indeed, ironically, the Dietary Guidelines for all Americans includes an appendix exclusively listing foods that are rich in

potassium. A baked potato is the first vegetable listed because it is such an excellent source of potassium.

Potatoes can also serve as vehicles for other vegetables. I recently discussed this issue with the director of school nutrition for two communities in Maine, York and Kittery. Her name is Doris Demers. She told me the kids in her school system rave about the baked potato bar, where they can load baked potatoes with broccoli, shaved carrots, chives, salsa, vegetarian chili, beans, and many other healthful items. Doris also pointed out to me that this is a particularly popular option for students who are vegetarians, and they are seeing an increasing number of students who are vegetarians in their school system.

Yet if this rule were to go into effect, a school serving a medium baked potato on Monday would be prevented from serving a full portion of potatoes or corn at any other lunch during that week. Think how absurd that result is. These two vegetables—corn and potatoes—are central to a variety of dishes, such as soups, stews, chowders, and Shepherd's pie.

One food service director told me of her school's attempt to get children to eat fresh whole foods rather than heavily processed foods. Thus, she developed a farm to school program in cooperation with a local farmer.

The students went out into the field, picked the corn, husked it themselves, and were served the corn for lunch, enjoying the experience of consuming wholesome, locally grown food. Yet, as she pointed out to me, the USDA's proposed rule would prevent her from serving an ear of fresh corn one day of the week and a baked potato another day of the same week. That is an utterly absurd result. That is why people get so frustrated with some of the regulations that come out of Washington.

I am also very concerned about the impact on the School Breakfast Program. It is a voluntary program, unlike the School Lunch Program. Some school districts could be forced to drop out of the School Breakfast Program as a direct result of this rule because it could increase costs by up to 50 cents per breakfast. If we start multiplying that across all the breakfasts served by these school systems, we are soon talking about real money. This would be a disaster if schools chose to terminate their participation in the School Breakfast Program for those students who rely on this program. Only Washington could impose a rule that purports to improve school nutrition but actually causes schools to drop out of the very program that is supposed to provide that nutrition.

In fact, many of our colleagues in the Congressional Black Caucus in the House have written to Secretary Vilsack expressing "concerns regarding the new costs the proposed rule would

impose on schools educating the highest percentage of low-income students." The letter goes on to note:

For many low-income children, the best, if not all, of their nutrition comes from programs (the USDA) administrators.

The letter points out that many schools simply "do not have the resources that may be diverted to meet such large cost increases."

Research has shown us time and again that eating a healthy breakfast is critical to academic success. Eating breakfast also provides significant health benefits, as we all know. Not eating breakfast is associated with excess body weight, especially among children and adolescents, and consuming breakfast has been associated with weight loss and improved nutrition.

I hope USDA will listen to the concerns voiced by the professionals who manage these programs. The School Nutrition Association opposes this restriction and "believes that consumption of an array of fruits and vegetables should be encouraged," not limited.

The following organizations are opposing the USDA's proposed rule because it would increase costs and limit their flexibility: the American Association of School Administrators, the National School Boards Association, the Council of Great City Schools, and the National Association of Elementary School Principals.

In my State, the Maine Department of Education, the Maine PTA, the Maine School Management Association, and the Maine Principals Association have all expressed their support for our amendment and their opposition to the USDA's ill-conceived rule. These groups represent school administrators, superintendents, school boards, and principals. They know; they oversee the school food service programs, and they understand the difficulties and costs this rule would cause. The American Association of School Administrators, for example, wrote to express support for our amendment saying:

The overly prescriptive nature of the requirements for providing fruits and vegetables increases the cost of meals so drastically that school districts implementing the changes, even receiving the higher reimbursement rate, would still be covered for less than half of the incurred expenses.

The fact is, the proposed rule would impose significant and needless costs on our Nation's school districts at a time when they can least afford it.

Listen to what the cost of this rule is estimated to be by the Department of Agriculture: The USDA estimates that this rule could cost as much as \$6.8 billion over the next 5 years. The lion's share of that cost is going to fall on State and local agencies.

The costs associated with the proposed rule would also affect working

families who rely on the school meal programs. As the National Association of Elementary School Principals wrote me:

USDA's proposed nutritional guidelines will force schools to raise paid meal prices.

I ask unanimous consent that a list of organizations in support be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Ms. COLLINS. Mr. President, I hope our colleagues will take a closer look at this bipartisan amendment that Senator UDALL and I are offering, with the support of many colleagues. We need to ensure that our schools can maintain the flexibility they need to serve healthy meals at an affordable cost.

EXHIBIT 1

LETTERS OF SUPPORT

NATIONAL SCHOOL GROUPS

American Association of School Administrators (AASA): Represents approximately 13,000 educational leaders including superintendents, as well as school chief executive officers and other senior level Administrators and cabinet members.

National School Boards Association (NSBA): Represent public school boards and related school boards associations.

Council of the Great City Schools (CGCS): Represents the needs of urban schools and inner-city students. Membership includes school districts located in cities with populations over 250,000 or student enrollment over 35,000. Therefore, CGCS indirectly represents 6.8 million children, 65 percent of which are eligible for free/reduced price lunch.

National Association of Elementary School Principals (NAESP): Represents approximately 23,000 elementary and middle school principals. NAESP indirectly represents approximately 33 million children in grades pre-kindergarten through grade eight.

National Rural Education Association (NREA)/National Rural Education Advocacy Coalition (NREAC): These umbrella groups represent the rural voice of America's educators. Members are comprised of state and national organizations, as well as individuals, who are concerned about rural education.

Association of Educational Service Agencies (AESA): Represents approximately 550 regional service agencies (public multi-service agency that provides support services and programs for schools). They work with schools that represent 80 percent of all public school students in the nation, and are authorized by state statute (none in Maine).

MAINE SCHOOL GROUPS

Maine Parent Teacher Association (Maine PTA): Represents approximately 100 local PTA units and 3,500 members in Maine; membership is comprised of parents, educators, students and school advocates.

Maine School Management Association (MSMA): This umbrella organization represents the school boards (MSBA) and superintendents (MSSA) in Maine. Maine Principals Association (MPA): Represents approximately 900 members in Maine, including elementary and secondary principals, assistant principals, and other school administrators.

State of Maine Department of Education
Maine School Nutrition Association

FARM/FOOD GROUPS

National Potato Council
Maine Potato Board
American Frozen Foods Institute

OTHER GROUPS

Letter from several Members of the Congressional Black Caucus

Ms. SNOWE. Mr. President, I rise today with my colleagues Senator COLLINS and Senator UDALL to raise the concern of nutrition guidelines in our schools. This amendment aims to clarify school nutrition standards to ensure that they appropriately reflect the USDA's Dietary Guidelines for Americans.

As you may know, on January 31, 2011, U.S. Department of Agriculture Secretary Tom Vilsack and Secretary of the Department of Health and Human Services Kathleen Sebelius announced the release of the 2010 Dietary Guidelines for Americans, the Federal Government's evidence-based nutritional guidance to promote health, reduce the risk of chronic diseases, and reduce the prevalence of obesity through improved nutrition and physical activity. However, just 2 weeks prior, on January 13, 2011, USDA released a proposed rule to improve nutrition requirements for the National School Lunch Program and the School Breakfast Program to align them with the 2005 "Dietary Guidelines for Americans."

This was bureaucratic confusion exemplified. Why not delay the proposed rule for our Federal meal programs by 2 weeks and instead release it to reflect the most recent nutrition guidelines that were issued on January 31? While I understand and agree with the necessity and desire to update the nutrition standards in schools, wouldn't it be more effective to utilize the most recent, science-based guidelines to reflect those recommendations?

In my home State of Maine, like most in the Nation, we find ourselves struggling with an obesity epidemic. According to the Centers for Disease Control, today in the United States, 64 percent of adults and 28 percent of high school students are either overweight or obese. Equally, if not more disturbing, are the statistics revealing that only 23 percent of adults and 21 percent of high school students eat at least five servings of fruits and vegetables daily.

With more than 31 million children currently participating in the National School Lunch Program and more than 11 million participating in the National School Breakfast Program, I believe that good nutrition within our Nation's schools is more important than ever. And that is all the more pressing, given that many children consume at least half of their daily calories at school, and for many students participating in these programs, the food served at

school may be the only food they regularly eat.

For that, and many other reasons, I stand here today in support of Senate amendment No. 757. Specifically, the amendment would ensure that Federal school meal programs will be permitted to provide fruits and vegetables consistent with the most recent dietary guidelines.

Specifically, the recently proposed rule to improve nutrition requirements for the National School Lunch Program and the School Breakfast Program would limit the total servings of starchy vegetables, including the white potato, to one cup per week and completely eliminate those vegetables from school breakfasts. I am particularly disturbed by this recommendation because they actually contradict the recently published 2010 Dietary Guidelines for Americans, as well as the 2005 Dietary Guidelines they are supposed to reflect.

Our most recent national Dietary Guidelines—those released this past January—simply state that "intake by Americans of some nutrients is low enough to be of public health concern. They are potassium, dietary fiber, calcium, and vitamin D." As you may know, there are few fruits or vegetables that contain the levels of potassium in potatoes. In fact, a medium potato—5.3 oz with the skin—is not only a good source of potassium, but also contains significantly more potassium—200 mg more—than its nearest rival, the banana.

Additionally, one serving of potato has as much fiber as broccoli and provides 13 percent of the daily recommended value. In an attempt to combat these deficiencies the 2010 Dietary Guidelines recommend that all Americans, including school age children, consume 5 cups of starchy vegetables a week. This is an increase in recommended consumption from the recommendations of the 2005 Dietary Guidelines for 3 cups of starchy vegetables per week. And yet the proposed rule would limit the total number of servings of starchy vegetables to one cup per week in our school lunch program, which is entirely inconsistent with the 2005 and 2010 Dietary Guideline recommendations.

I believe that it is clear that potatoes are a nutrient powerhouse, and the fact that the white potato offers 13 percent of a child's daily potassium requirements for less than 5 cents per serving provides further support for keeping potatoes in school meals, especially during challenging budgetary times. The Federal Government should allow our struggling schools to make fiscally responsible choices that offer the most nutritional return on investment. In fact, USDA has estimated that the proposed meal plan will increase school lunch costs by \$6.8 billion over 5 years, and it cannot be denied that a significant part of this increase is due to the

limit on potatoes. Limiting starchy vegetables to 1 cup per week will increase costs by approximately 5.6 percent with possible adverse affects on nutritional quality.

It has been well documented that, currently, nine out of ten Americans are not achieving vegetable and fruit consumption recommendations. I am disappointed that during such a time, that the USDA would propose rules denying our nation's youth access to nutrient-rich foods as part of the National School Lunch and School Breakfast programs.

And let me just say before the issue is raised that no one is arguing in favor of a diet based on french fries. The truth is—to combat the wave of obesity and promote more healthy food choices we must promote food items that present a diverse set of vitamins and minerals. No matter how they are prepared, potatoes are currently included in healthy school meal plans to meet national dietary guidelines. Yet many Americans seem to believe all potatoes served in schools are in the form of deep fried french fries.

This may have been the case at one time, but today, according to our own school food service administrators, most potatoes served in schools are baked, not fried. Like 80 percent of schools nationwide, the deep fryers in York and Kittery, ME schools, for example, were removed years ago. As the school nutrition director of those schools, Ms. Doris Demers informed me recently that, in her 18 years working in school nutrition, she has never seen fryers in a Maine school nutrition program. When prepared properly, the potato is packed with nutrition and is a cost-effective option for the school lunch and breakfast programs.

While I will continue to endeavor with my colleagues to support improved nutritional standards for all

Americans, I am concerned that many throughout our nation cannot help but get confused about which guideline they should try to follow. For these reasons, I respectfully request that my colleagues join me in encouraging USDA to be consistent on their nutritional advice to the American public—of all ages.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 772 TO AMENDMENT NO. 738

Mr. DURBIN. Mr. President, on behalf of Senator MURRAY, I ask unanimous consent to set aside the pending amendment and call up amendment No. 772.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mrs. MURRAY, proposes an amendment numbered 772 to amendment No. 738.

The amendment is as follows:

(Purpose: To strike a section providing for certain exemptions from environmental requirements for the reconstruction of highway facilities damaged by natural disasters or emergencies)

Strike section 128 of division C.

The PRESIDING OFFICER. The Senator from New York.

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I thank my colleague from Illinois for letting me take care of this matter, which I hope will be disposed of quickly.

I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SSI EXTENSION FOR ELDERLY AND DISABLED REFUGEES ACT OF 2011

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1721, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1721) to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to extend the eligibility period for supplemental security income benefits for refugees, asylees, and certain other humanitarian immigrants, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the bill be read the third time, that a budgetary pay-go statement be printed, and that the Senate proceed to a vote on passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. CONRAD. Mr. President, this is the Statement of Budgetary Effects of PAYGO Legislation for S. 1721.

Total Budgetary Effects of S. 1721 for the 5-year Statutory PAYGO Scorecard: net decrease in the deficit of \$24 million.

Total Budgetary Effects of S. 1721 for the 10-year Statutory PAYGO Scorecard: net decrease in the deficit of \$24 million.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this act.

The information follows.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR THE SSI EXTENSION FOR ELDERLY AND DISABLED REFUGEES ACT OF 2011 (GA11269)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2012–2016	2012–2021
NET INCREASE OF DECREASE (–) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact	36	–60	0	0	0	0	0	0	0	0	–24	–24
Memorandum:												
Changes in Outlays	36	0	0	0	0	0	0	0	0	0	36	36
Changes in Revenues	0	60	0	0	0	0	0	0	0	0	60	60

Note: The SSI Extension for Elderly and Disabled Refugees Act would extend refugees' and certain other aliens' eligibility for Supplemental Security Income (SSI) from seven years to nine years (and while a naturalization application is pending) during fiscal year 2012. The bill also would levy a \$30 fee on any petition for a Diversity Visa that is filed before October 1, 2013. CBO expects that the legislation would not be implemented in time to affect the October 2011 registration period for the Diversity Visa Program, so only petitions filed during the October 2012 registration period would be subject to the \$30 fee.

Source: Congressional Budget Office.

The PRESIDING OFFICER. The question is on passage of the bill.

The bill was passed, as follows:

S. 1721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “SSI Extension for Elderly and Disabled Refugees Act of 2011”.

SEC. 2. EXTENSION OF ELIGIBILITY PERIOD FOR SSI BENEFITS FOR CERTAIN RECIPIENTS.

(a) IN GENERAL.—Section 402(a)(2)(M) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(M)) is amended—

(1) in clause (i)(I), by striking “fiscal years 2009 through 2011” and inserting “fiscal years 2009 through 2012”; and

(2) in clause (ii), by striking “fiscal years 2009 through 2011” and inserting “fiscal years 2009 through 2012”.

(b) CONFORMING AMENDMENT.—Section 402(a)(2)(M) of such Act is amended, in the

subparagraph heading, by striking “THROUGH FISCAL YEAR 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

SEC. 3. DIVERSITY IMMIGRANT VISA PETITION FEE.

(a) REQUIREMENT FOR FEE.—Section 204(a)(1)(I) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)) is amended by adding at the end the following:

“(iv) Each petition filed under this subparagraph shall include a petition fee in the amount of \$30.”.

(b) DEPOSIT OF FEE.—All fees collected pursuant to clause (iv) of section 204(a)(1)(I) of

the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)), as added by subsection (a), shall not be available for obligation and shall be deposited, in their entirety, in the general fund of the Treasury.

(c) SUNSET OF FEES.—The fees collected pursuant to clause (iv) of section 204(a)(1)(I) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)), as added by subsection (a), shall apply only to petitions filed before October 1, 2013.

SEC. 4. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I will speak for a minute on the bill we have just passed. This is a bill that I introduced a couple weeks ago along with Senators LEAHY, GILLIBRAND, MENENDEZ, FRANKEN, and KLOBUCHAR. I thank them. It is called the SSI Extension for Elderly and Disabled Refugees Act of 2011.

The Senate just passed this bill. I believe that is because it is a truly worthy piece of legislation. It accomplishes three incredibly important objectives at the same time. First, the bill ensures that approximately 5,600 disabled refugees will not lose their life-sustaining benefits that are their only safety net protecting them from homelessness, illness, and other effects of extreme poverty.

Many of these disabled refugees are people who have aided American troops overseas in Iraq and Afghanistan and risked their lives for the American cause. Others are victims of torture and human trafficking.

The bill continues the Bush administration policy of making sure this vulnerable group does not lose its only lifeline to stay afloat. But unlike past legislation, the second fact about the bill is it is fully paid for. It is paid for by imposing a \$30 fee on individuals applying for the diversity visa lottery program. Each year, hundreds of thousands of people apply to be one of the 50,000 selected to enter the United States. This program has had great success enriching the American economy with immigrant businesses from countries that are not traditionally represented in our immigrant pool. The one problem with the program is that applying for a lottery ticket is free, and consequently the program has recently been compromised by third parties fraudulently filing applications for monetary gain. The State Department

has told me by charging a \$30 fee to apply, we will completely eliminate this misconduct.

Finally, the third positive aspect of this bill is by setting the fee at \$30, the Congressional Budget Office—our non-partisan budget scorekeeper—projects we will actually reduce the deficit by \$24 million.

In short, this bill hits the trifecta. It helps a very small and targeted group of the most vulnerable and needy disabled individuals we traditionally have helped, including many who helped us—helped our troops—in both Afghanistan and Iraq and have come here on the refugee program. Second, it eliminates the misconduct in the diversity visa program, because once the \$30 fee is imposed, the gamesmanship of those who are gaming the system to make money will disappear. And finally, it reduces the Federal deficit by \$24 million.

Because this bill is a win, win, win for all sides, I ask my colleagues in the House take up and pass the bill immediately. The benefit for the folks we are talking about expired on October 1. If the House does not act soon, we will not be able to undo the irreparable harm that will soon be done to these most vulnerable of individuals when they begin missing checks.

Again I want to thank my cosponsors, and particularly Senators LEAHY and GRASSLEY, chairman and ranking member of the relevant Judiciary Committee, as well as Senators BAUCUS and HATCH of the Finance Committee, and Senators CORNYN and SESSIONS of the Budget Committee, and Senator CORNYN, who is my ranking member on the Immigration Subcommittee, for allowing this bill to pass.

I also thank Senator COBURN for working with me to improve this bill. And, last but not least, I thank Senator PAUL, who worked with me over the last 2 weeks to address his concerns in a manner we both think will allow us to get more information to make the refugee program safer and more efficient.

We will soon be doing something very good by passing this bill, by getting it signed into law, and I hope the House will move quickly and decisively to see that happens as quickly as possible.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

COMBATING PRESCRIPTION DRUG ABUSE EPIDEMIC

Mr. BROWN of Ohio. Mr. President, I rise to speak about the prescription drug abuse epidemic sweeping my State and the Nation. The rampant abuse and trafficking of prescription drugs represents a major threat to public health and to law enforcement. In recent years, more Ohioans have died

from prescription drug overdoses than car accidents—legal prescription drug overdoses, obtained illegally in many cases.

In 2008, statistics show oxycodone and other prescription drugs—namely morphine-based drugs, such as Oxycontin and Percocet—caused more overdoses in Ohio that year than heroin and cocaine combined. Simply put, prescription drug abuse is one of the fastest growing drug problems in the Nation, resulting in ever increasing rates of robberies and other attendant crimes.

Yesterday, I was in the Cleveland suburb of Fairview Park at Ohliger Drugs. That store has been a target in the last couple of years. I spoke with Tom Ohliger, the fourth generation owner of this drugstore, and he described being held up at gunpoint on more than one occasion.

There is a new report showing drug users and addicts are now targeting seniors for help getting pain killers to feed their addiction. There is also a rise in the outright theft and stealing of these drugs. We are seeing over and over on newscasts and in newspapers across the State stories of addicts and criminals targeting pharmacies to obtain pain killers and prescription drugs.

Last month, in Parma—another Cleveland suburb—a man claiming to have a weapon made off with more than \$14,000 worth of prescription pain killers before he was apprehended by the police.

That is why I worked with Senator SCHUMER and others on the Strengthening and Focusing Enforcement to Deter Organized Stealing and Enhance Safety—SAFE DOSES—Act. The bill would use Federal antiracketeering laws to arm law enforcement with the tools to stop and prosecute pharmaceutical theft and robberies.

Last year, as we toughened penalties for theft, we also cracked down on the fraud and trafficking of prescription drugs. It also, of course, dealt with the human side of counseling, in education, to help people break that addiction.

Also last year, I convened a first-of-its-kind roundtable in southern Ohio, where the problem has been most acute in my State, with Federal and local law enforcement, community activists, elected officials, and members of the medical community. They raised a concern with criminal manipulation of Ohio's Medicaid Program, which spends upward of \$800 million on prescription medicines.

While most prescription pain medicines are used as prescribed—after surgery, after some kind of accident, often in the case of people with intense pain from some kind of acute illness—criminals too often have defrauded the Medicaid system and fleeced Ohioans and America's taxpayers by acquiring multiple prescriptions and filling them at

multiple pharmacies. That is why I introduced legislation to require all States to establish Medicaid "lock-in" programs to crack down on the use of Medicaid cards to obtain and illegally sell these prescription drugs.

This bill would prevent drug abusers from acquiring excess legal prescription drugs, though they are not doing it legally—which they may abuse or illegally resell—by barring them from visiting multiple doctors and pharmacies.

It means high-risk prescription drug users would be placed in the program and they would only get Medicaid assistance when they are limited to one physician and one pharmacy. States would also identify prescription drugs that are dispensed under Medicaid and represent a high risk of overutilization. Nearly 20 States have adopted similar programs.

South Carolina's Medicaid lock-in program targeted high-use beneficiaries and resulted in a 43-percent decrease in the total number of prescribed prescription pain medications.

Consider Scioto County, on the Ohio River. In this Ohio river town, prescription drugs cause 9 of every 10 fatal drug overdoses. In nearly two-thirds of those cases, the individuals involved did not have prescriptions, indicating they obtained the drugs illegally.

Recently, the Government Accountability Office audited the Medicaid Program in the 5 largest States and found 65,000 cases in which Medicaid beneficiaries visited 6 or more doctors and up to 46 different pharmacies to acquire prescriptions. This same report found some 1,800 prescriptions written for dead patients and 1,200 prescriptions "written" by dead physicians. The numbers are staggering.

In southeast Ohio it has been particularly tragic. Old factory towns and rural communities have become havens for prescription drug abuse. Across the country, communities are struggling to find ways to respond and develop strategies to reduce the diversion and abuse of prescription drugs.

Out of the often sad stories, there are successes. Last month, I was in Portsmouth, in Scioto County, which I mentioned earlier, at the Second Chance Counseling Center. It has received critical Federal resources—not a lot of dollars but critical dollars—for a job retraining program for those recovering from abuse. The center is about second chances, combating the epidemic with the focus on recovery and rehabilitation—helping Ohioans with the resources they need to be the productive citizens they want to be.

This past July I was at the Amethyst Family Treatment Residence in Columbus, with the Director of the Office of National Drug Control Policy, Gil Kerlikowske. We talked about the administration's comprehensive prescription drug strategy and ways FDA can

crack down on the abuse. The staff at the residence—such as health professionals, law enforcement officials, and community activists—described the stories of victims and families they represent. I met with many of those people who were going through these programs and are getting their lives back in order.

Prescription drug abuse and crime is nonpartisan. It is an issue of life and death in too many parts of our Nation, and especially in my State. I wish to share three brief letters describing how this is a human tragedy above all else. It is a law enforcement issue, it is a counseling of substance abuse issue, and it is an education issue, but fundamentally it is a human tragedy, with the addiction people have experienced coupled with the crime that is often committed and compounded with the defrauding of taxpayers.

Let me read three stories from letters that were sent to me from my State. The first is from a rural county, one from sort of a medium-sized county, and one from a large urban county.

David from Union County writes:

Our son David was a college graduate, 42 years old, a father, and a husband for 18 years. He abused prescription drugs because of a motorcycle accident 10 years earlier. He was a 3 year clean drug addict because of all the support he was given by so many caring individuals. He was pursuing his master's degree with a 4.0 average, but in spite of all of this, he passed away last May due to an accidental overdose of oxycotin. We need to protect family members from the heartbreak [and] pain that we are suffering because our son made a bad mistake.

Amy, from Stark County, the Canton area, writes:

In our extended family, we have a close family member who has become addicted to prescription drugs. The problem has become so bad for our individual family member that she has sought illegally obtained prescription drugs from dealers from two counties away. I always believed that drug abuse was something committed by rebellious, high-risk teenagers and young adults. But prescription drug abuse is something that can happen with much older adults who would "know better."

And then Tara from Lucas County—the Toledo area.

Through my previous job as the director of an anti-drug coalition, I personally witnessed many families fall apart because of prescription drug abuse. I will never forget the day I visited my dear friend at the hospital because her 16 year old son had overdosed on oxycontin. The average citizen needs to be educated about proper disposal of their drugs, and parents need to be made aware of this issue. Better policing and controls around the transportation and distribution of prescription drugs is definitely a key step; however, we can all raise the importance over educating ourselves, our schools, and our children about how to keep this issue from persisting.

As I said, it is about law enforcement, it is about drug treatment, and it is about education. It is about all these things to end these human trage-

dies that cost taxpayer dollars, that inflict criminal activity on innocent pharmacists and others, and that create so much tragedy for so many of my State's families and so many American families.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

DOMESTIC VIOLENCE AWARENESS MONTH

Mr. MORAN. Mr. President, in large and small communities across our country, way too many Americans find themselves placed in danger by the very people who are supposed to love and protect them—their families. Each year, more than 2 million women are victims of domestic violence across our country. In Kansas, an estimated 1 in 10 adult women will suffer from domestic abuse this year.

I am here this evening to try to give a voice to the hopeless—to those who have often been too afraid to speak for themselves. Domestic violence is not just a problem for women; children and men are all too often its victims as well. Throughout October, during Domestic Violence Awareness Month, we are especially mindful of these victims and the urgent need to put an end to the cycle of violence.

I imagine many Americans may assume that domestic violence does not occur in their neighborhoods or among their friends, with those with whom they are acquainted. Unfortunately, this is not the case. Domestic violence does not discriminate by race, gender, age group, education, or social status. Three years ago, citizens in my hometown of Hays, KS, learned of the tragic death of a young woman from domestic violence.

Today, I wish to share with you the story of Jana Lynne Mackey. I shared Jana's story with my colleagues when I served in the House of Representatives, but it bears repeating because it is a solemn reminder of the urgent need to put an end to this so-called silent crime that plagues hundreds of thousands of homes across our country.

Jana was born in 1982 in Harper, KS, and spent her childhood in Hays. She was an active member of 4-H, an athlete, and a talented musician. Upon graduation from high school, Jana completed a bachelor's degree, where she discovered her passion—advocating on the behalf of others.

She went on to pursue a law degree from the University of Kansas and fought for equality and social justice through her work with countless organizations, including volunteer work in Lawrence, KS, at the GaDuGi SafeCenter, a shelter that aids victims of sexual assault and domestic violence. But 3 years ago, on July 3, 2008, at the young age of 25, Jana's own life was taken by domestic violence.

More than 1,100 people gathered at Jana's memorial service to celebrate her life. In her death, Jana's parents, Curt and Christie Brungardt, started the Eleven Hundred Torches Campaign to encourage 1,100 people to carry on Jana's torch. Since its creation, the campaign has attracted more than 1,100 volunteers who now make a difference in lives across the country through civic engagement and voluntarism. Yet there is so much more that must be done.

Throughout our country, an estimated one in four women still suffers abuse during their lifetime. Domestic violence brings fear and hopelessness and depression into the lives of every victim. But we must not only work to end this silent crime; also, we must care for those who are the victims. By volunteering at a local shelter, speaking out when you become aware of domestic violence or making a donation to a local organization, every citizen can find a way to get involved and make a difference.

This October, and throughout the year, let us be mindful of the victims of domestic violence and do our part to help break the cycle and bring hope to those who suffer. Let each of us be a torch to see that we bring about an end to domestic or family violence.

The tragedy of Jana's death is a rallying cry, calling each of us to make a difference in the lives of others.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE NOMINATION

Mr. REID. Mr. President, we were hopeful today that we could clear the nomination of John Edgar Bryson to be Secretary of Commerce. This has been outstanding for a long time. We have been told by our Republican friends that as soon as we got the trade bills done we would work this out. The trade bills are done. So I hope we can move forward. It is very unfortunate that one of the President's very important Cabinet positions; that is, Secretary of Commerce, which is directly related to the jobs we are trying to create, is not filled at this time. Hopefully we can get the minority to work with us in processing this nomination. I hope I do not have to file cloture on it.

COLOMBIA FREE TRADE AGREEMENT

Mr. HARKIN. Mr. President, I have said on a number of occasions that trade is an incredibly important part of

our economy, especially in my home State of Iowa. For this reason, I am a longtime supporter of policies designed to open foreign markets to our Nation's exports through new trade agreements. I have fought to break down the barriers that many other countries have erected to block our exports, and I have sought to reduce the practices by which many of them seek to compete unfairly in world markets.

However, trade is more than just the shipment of goods and services across borders. Trade policy and the impacts of trade also have wide ranging consequences for workers and the environment inside the trading countries. Properly designed, our trade policy can expand opportunities and promote the welfare of workers in both the United States and abroad. Ill-designed trade policy can have the opposite effect as well.

For this reason, I have to express my strong opposition to the free trade agreement with Colombia. Simply put, Colombia is one of the most dangerous countries in the world to be a trade unionist. According to Colombia's National Labor School, ENS, in the last 25 years, over 2,800 Colombian trade unionists have been killed. According to the AFL-CIO, 23 trade unionists have been assassinated this year alone in Colombia, including 16 since the conclusion of the labor action plan, which I will speak more about later. The ENS also reports that over the last 10 years, Colombian trade unionists have faced almost 4,000 death threats.

While some improvements have been made in recent years, the Colombian government has not sought to hold those responsible for these brutal crimes. According to the International Labor Organization's, ILO, High-level Tripartite Mission to Colombia, "the majority of trade unionist killings have not yet been investigated nor have the perpetrators, including the intellectual authors of these crimes, been brought to justice." ENS data indicates that since 1986, only 6 percent of the cases brought to trial have resulted in any convictions.

The current Colombian government led by President Santos has made some progress. I believe that the Colombian action plan related to labor rights that the Obama administration negotiated with the Santos administration is a step in the right direction. If the changes that the Santos administration have begun making are continued, and the labor action plan is fully implemented and enforced, Colombia will have made significant progress to addressing many of my concerns.

But given all that I have described earlier, it would be irresponsible of us to rush into a free trade agreement before we see the results of this endeavor. Unfortunately, while the labor action plan requires the Colombian government to issue new laws, regulations,

and reports, there is no mechanism to ensure that these policies will be effective at improving the living and working conditions of Colombians. The only follow-up mechanism included in the labor action plan is a series of meetings to take place in 2012 and 2013. After 2013, those meetings may cease to occur.

Even more, should Colombia not meet its obligations under the labor action plan or take future action that is contrary to the labor action plan, only some portions may be subject to the binding dispute settlement procedures in the text of the agreement. The limited enforceability of the action plan further cautions against moving forward too hastily, as we will not have enough leverage to ensure that fundamental labor rights are respected once the agreement is implemented. As my colleagues may remember, the side agreement to the North American Free Trade Agreement is ultimately meaningless and unenforceable.

One of the goals of our trade policy must be to further the internationally recognized right of workers to organize. Supporting the rights of workers to organize freely, bargain collectively, and live safely is not just good for workers abroad, but it helps workers in the United States as well.

The United States simply cannot compete in a global race to the bottom when it comes to labor standards. Our workers are some of the most highly skilled and productive workers in the world. But they simply cannot compete against countries that make things more cheaply because they don't respect the rights of their workers, have safe workplaces, or pay their workers a living wage. Unfortunately, this agreement will not help us further that goal.

I would like to raise a second significant concern I have about the Colombia Free Trade Agreement. As many of my colleagues know, I have been working on reducing abusive and exploitative child labor around the world for nearly two decades. I first introduced a bill on this issue in 1992. According to the best estimates by the International Labor Organization, ILO, there are 215 million child laborers between the ages of 5 and 17 who are engaged in today's global economy.

Of these 215 million child laborers, 115 million are engaged in hazardous work. These 115 million powerless children are working in mines, in fishing operations and on coffee plantations. It is appalling that this is still occurring in the 21st century. These children are robbed of their childhoods. Many are denied an education and any hope for a brighter future. They will grow up illiterate and exploited, creating a wellspring of future social conflict and strife.

We have made some progress over the years by funding programs for the remediation of child laborers through our

contribution to the ILO's International Program for the Elimination of Child Labor, IPEC. In 2000, I successfully amended the Trade and Development Act with a provision directing that no trade benefits under the Generalized System of Preferences, GSP, be granted to any country that does not live up to its commitments to eliminate the worst forms of child labor. I required that the President submit a yearly report to Congress on the steps being taken by each GSP beneficiary country to carry out its commitments to end abusive and exploitative child labor.

I want to explain clearly to my colleagues what I mean when I refer to abusive and exploitative child labor. It is not children who work part-time after school or on weekends. There is nothing wrong with that. That is not the issue. What I am referring to is the definition set out by ILO Convention 182 on the Worst Forms of Child Labor. This is not just a Western, or a developed-world, standard. It is a global standard that has been ratified by 174 countries. It has been ratified by Colombia. The United States was the third country in the world to ratify this convention.

Unfortunately, the Department of Labor's Findings on the Worst Forms of Child Labor that was released this month, states up front that Colombia, "has not provided adequate resources to the National Strategy to Eradicate the Worst Forms of Child Labor. Children continue to work in agriculture, including forced coca cultivation, and in mining." The report further finds that children are forced to work in domestic service, are sexually exploited, transport illegal drugs, and even are used by armed militants as child soldiers.

In addition to these shocking practices, eight Colombian products appear in the 2011 List of Goods Produced by Child Labor or Forced Labor, also released by DOL this month. These products include coffee, sugarcane, and gold.

Unfortunately, the implementing legislation now before the Senate for free trade with Colombia actually would take us, and the world, a step backward when it comes to protecting children. That is right. This free trade agreement with Colombia, which replaces GSP provisions in governing trade between our two countries, will take us backward with respect to abusive and exploitative child labor.

Under GSP, the President now must report to Congress annually regarding Colombia's child labor practices, and if Colombia is not meeting the obligations that it undertook as a signatory to the ILO Convention, if Colombia is not acting to eliminate the worst forms of child labor, then trade sanctions are available to us to require enforcement of internationally recognized standards. That is so that our

companies, and our workers, are not subjected to the unfair competition that abusive labor practices allow. Under this new implementing legislation for free trade with Colombia, on the other hand, if it is enacted, neither of those things I just mentioned will be true.

Our trade negotiators should not be weakening protections that we in Congress put in place to ensure that free trade can be consistent with respect for international child labor standards. Supporting abusive and exploitative child labor abroad does not help create jobs in America. Just the opposite, it hurts that effort. Our workers and our local businesses should not be competing with the worst forms of child labor abroad.

As a result, I strongly believe that we need to put the break on this flawed trade agreement. It is time for us to begin passing fair trade agreements that promote good quality jobs both here and abroad and work to end the worst forms of child labor. This agreement does not meet that test.

PRESIDENTIAL COIN PROGRAM

Mr. GRASSLEY. Mr. President, I ask unanimous consent to have printed in the RECORD my letter dated October 17, 2011, to the minority leader regarding S. 1385.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, October 17, 2011.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER MCCONNELL: I respectfully request that the Senate not enter into any unanimous consent agreement pertaining to S. 1385, a bill to terminate the \$1 presidential coin program. I have concerns about the impact of this bill, including whether taxpayers will benefit from ending the \$1 presidential coin program.

Thank you.

Sincerely,

CHARLES E. GRASSLEY,
United States Senator.

REMEMBERING ELOUISE COBELL

Mr. TESTER. Mr. President, I rise today to honor this weekend's passing of my friend Elouise Cobell—an extraordinary Montanan, American and American Indian. I am proud to have nominated her for the Congressional Gold Medal. As a role model for every American child, she deserves that highest honor.

Elouise Pepion Cobell was a star—truly a guiding light that will always lead the way for all Americans who fight for justice and fairness. Elouise's tireless leadership set this Nation on a new course, and what she accomplished reminds us that any person in any part of this country has the power to stand up and right a wrong, no matter how difficult it may be.

Sharla's and my thoughts and prayers are with Elouise's husband Alvin, her son Turk, and her entire family. We join the Blackfeet Nation and all Montanans in mourning, honoring and celebrating the life of an extraordinary Montanan. Future generations will learn about Elouise Cobell's legacy and they will be inspired to follow her lead. She will always be remembered as an American hero.

I have many memories of Elouise. I first met her when I was a State Senator. I knew what she was working on but I never imagined she would ever get as far as she did. Not many people in this world have the determination in them that Elouise had. From those early days, until just a few weeks ago, I talked to her numerous times. She had been fighting the Federal Government in court for a decade, and wouldn't take "no" for an answer. She knew what she wanted, and wanted it yesterday.

After I finally convinced her I wanted to help, our relationship changed. We became friends working together on a common goal; a settlement that was fair and balanced. And believe me, as my friend, she was not afraid to call me and tell me what she thought and how to get things done.

But I will never forget talking to her on the afternoon of November 19, 2010. The Senate had just approved the Cobell Settlement. Our bill paved the way to send her settlement to President Obama for his signature. She knew it would mark the end of her historic battle. I called to make sure she knew the good news. That tougher-than-nails woman was sitting inside her home in Browning, while fierce Montana winds dropped the temperature to 17 degrees below zero. Thirty years of determination flowed through the tears in her eyes. She was happy. She was relieved. She was thankful.

It was in 1996 that she took a deep breath, gritted her teeth, and filed an historic lawsuit seeking justice on behalf of herself and 500,000 individual American Indians. At that time, all she wanted was an accounting for what they were owed. Her decision changed her life and the lives of every American Indian for generations to come. Her 15-year court battle resulted in the largest settlement with the government in American history.

Throughout the years, through painful criticism and generous support, she relentlessly led the charge against government mismanagement. She was unyielding in her pursuit of justice for one of this Nation's most vulnerable populations. After battling the Federal Government for nearly 30 years, President Obama signed into law the \$3.4 billion settlement of the lawsuit that Congress approved earlier that year. At the signing ceremony, President Obama said, "It's finally time to make things right."

After all, the government had mismanaged the lands in question for 123 years.

Above everything else, history will remember Elouise Cobell for bringing justice to her community. She demonstrated perhaps the greatest strength—and asset—in Indian Country: kinship. As the years wore on, she fought harder for her family community.

When Montana elected me to the U.S. Senate, Elouise wasn't far behind me in Washington. She told me that many of the members she represented were elderly. The longer this case drags on, fewer of them will see the justice they deserve.

That is why I was disappointed earlier this month when a Washington court allowed several appeals of the case to move forward.

For many reasons over the years, Elouise Cobell earned recognition as a respected leader and role model. She walked in two worlds. Born on the Blackfeet Reservation on November 5, 1945, she was one of eight children. She was a great granddaughter of Mountain Chief, one of the legendary leaders of the Blackfeet Nation.

She and her husband operated a cattle ranch, and she founded the first Land Trust in Indian Country. For 13 years, she served as co-chair of the Native American Bank and as a trustee for the National Museum of the American Indian. She served as trustee for the Nature Conservancy of Montana.

She was executive director of the Native American Community Development Corporation. In 2004, the National Center for American Indian Enterprise Development bestowed upon her the Jay Silverheels Achievement Award.

Elouise remained true to her local community and to her cultural identity. But she also achieved success at the highest levels of non-Indian society. Elouise graduated from Great Falls Business College and attended Montana State University, where she received an honorary doctorate. In 2011, Dartmouth College awarded her an honorary degree of Doctor of Humane Letters. The President of Dartmouth told her: "You fought a David and Goliath battle and won."

Her story of courage is an inspiration to Native people and indeed to all Americans. She demonstrated that our legal system is strong enough to protect even the most vulnerable, and this nation, the most powerful on earth, keeps the promises we make.

She was a remarkable woman. Montanans and I will miss her dearly.

COMMENDING SENATOR BOB DOLE

Mr. ROBERTS. Mr. President, I had the distinct privilege to participate in a ceremony recently in Topeka, KS, to honor our dear friend and longest serving Republican leader here in this

Chamber, Senator Bob Dole. Kansas Governor Sam Brownback conceived of the Kansas Walk of Honor, located right outside the Kansas Capitol, to commemorate and honor important Kansans. It is only fitting that the plaque that bears Bob Dole's name is the first to christen the Walk of Honor. Senator Dole's contributions and history is interwoven in the hallowed halls of the Senate. With that rich history, I ask unanimous consent to have printed in the RECORD his comments, along with mine, from the Walk of Honor event.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR PAT ROBERTS KANSAS WALK OF HONOR (Sept. 30, 2011)

I am honored and privileged to be here with you today to celebrate the Kansas Walk of Honor and to commemorate my good friend, Kansas Native Son, and WWII hero, Bob Dole. Bob Dole is a living legacy. As a member of the Greatest Generation, his incredible history is well known to fellow Americans nationwide. It is only fitting that he is the first honoree of the Kansas Walk of Honor.

As a statesman, Bob Dole's reach is far and wide. His legislative achievements are legion and in many cases, unknown and unheralded. On Bob's list of accomplishments are some big ticket items such as, the 1983 Social Security Reforms, the Americans with Disability Act, the Voting Rights Act, just to name a few. He also worked across the aisle with the likes of liberal George McGovern, as seen by their bipartisan work on nutrition programs.

Bob set the bar high as the longest serving Republican Senate Majority Leader. He was known as a pragmatic Midwesterner who was respected on both sides of the aisle and a master consensus builder. He led by example, encouraging fellow members to express their convictions without hostility and allow for disagreement without declaring war on the floor of the Senate.

But his work didn't stop there. After his service in public office, Bob served our nation in a different capacity; honoring our nation's veterans. Simply put, the World War II Memorial would not exist were it not for Senator Bob Dole. I was proud to be a part of the ceremony to recognize Bob's tireless support of America's veterans and the World War II Memorial. It is largely through his efforts, advocacy, and fundraising that the World War II Memorial stands proudly on the National Mall.

The man was and is amazing; his record of public service, this memorial, the Honor Flights and Wounded Warriors programs. The World War II Memorial has become wonderfully unique; a Mecca not really expected or predicted—where veterans whose heroic efforts and sacrifice preserved our freedoms—now come by the thousands.

Bob, your record is unmatched. We thank you.

But, hold on, I've got another job to do and that is to move this ceremony along at a fast clip. As we all know, the now Governor Brownback's previous job was riding shotgun with me in the Senate. Sam followed in the footsteps of today's honoree to continue the level of commitment and service to our great state.

Sam, I remember the first campaign rally we attended together. The featured guest speaker, Senator Phil Gramm of Texas introduced me as one who made significant changes in the House of Representatives and then introduced Sam as: "One who not only wants to change things but to make the right changes."

That remains true as you've taken the reins back here in the heartland. And now it is my pleasure to turn over this lectern to the indomitable Kansas Governor, Sam Brownback.

REMARKS OF SENATOR BOB DOLE KANSAS WALK OF HONOR, KANSAS STATE CAPITOL, TOPEKA, KANSAS (Sept. 30, 2011)

Over the years I've had all sorts of recognitions but nothing that means as much as this one. Hollywood may have its Walk of Fame, but in Kansas we have a Walk of Honor. That tells you a lot about this place and its values. Fame is fleeting, unsubstantial, first cousin to celebrity. Fame gives you five minutes on the Today Show or maybe—if you're sufficiently mobile—a shot at Dancing with the Stars. I'm still waiting for my invitation. In the mean time I've been telling Elizabeth to work on her Fox Trot.

Fame comes like a prairie squall, and lasts as long. Honor, on the other hand, is the work of a lifetime—more, it's the seed of character planted in one generation and bearing fruit for as long as there are people who practice the old virtues of decency and self-denial, love of country and the neighbor's concern for those in distress. Sixty years have passed since I first entered this building the greenest of lawmakers—a somewhat banged up 2nd Lieutenant studying law at Washburn and hoping that my hero Dwight Eisenhower could be persuaded to run for president.

Now there's a definition of honor. In fact, honor is a quality that often goes unrecognized. It exists outside the headlines. It thrives quietly in our classrooms and church pews, on our playing fields, and, yes, in these halls where our democracy plays out—wherever Kansans put service before self, keeping faith with all those who have made this the greatest state in the greatest nation on earth.

My debt to those Kansans can never be repaid. But it can be honored—every time I try, in some small way, to emulate the compassion and generosity of my friends and neighbors in Russell, multiplied over the years by countless acts of kindness, and culminating today in this ceremony. A long time ago, long before anyone could remotely imagine Bob Dole in a Walk of Honor, I took inspiration from a song called "You'll Never Walk Alone." My whole life, up to and including today, has been a validation of that song. And the greatest honor of my life has been to share that walk with my fellow Kansans—the most honorable people I know.

TRIBUTE TO BRUCE AKERS

Mr. PORTMAN. Mr. President, I rise today to recognize Bruce H. Akers, mayor of Pepper Pike, OH, for many years of outstanding leadership and service to the Greater Cleveland community. Mayor Akers has done remarkable work during his distinguished career as a leader in the business and civic community to improve the quality of life for his fellow citizens. On

Thursday, October 20, 2011 the Cuyahoga County Mayors and Managers Association will honor Mayor Akers with the George V. Voinovich Public Service Award.

Mayor Akers' work as a civic leader started more than 50 years ago when he began his career in banking with National City Bank. Although Mayor Akers retired in 2000 as senior vice president for civic affairs at KeyBank, he has continued his vigorous efforts to serve his community as a civic volunteer and local elected officeholder. Throughout the years, Mayor Akers has held leadership positions in organizations such as City Year of Cleveland, Park Works, the Chagrin Valley Inter-Governmental Council, The Salvation Army of Greater Cleveland, and United Way Services. He was also one of the founders of Business Volunteers Unlimited. In June of 2000 he completed 30 years as a member of the National Board of Big Brothers/Big Sisters of America and is currently a member of its National Advisory Council.

Mayor Akers has had a distinguished political career, beginning with his work as a precinct committeeman in 1960. Since that time, he has served on the staff of Cleveland mayor Ralph J. Perk, as a Pepper Pike councilman, and as president of the Cuyahoga County Mayors of Managers Association. He was appointed in 2008 to serve on the nine-member Commission on Cuyahoga County Government Reform and has been integral in recent years to the reform and transformation of the new charter form of government in Cuyahoga County. This year, Bruce Akers will retire from elected office after serving five terms as Mayor of Pepper Pike, OH.

For his commitment to public service and the many contributions he has made to Pepper Pike and the Greater Cleveland community, I would like to recognize and thank Mayor Bruce H. Akers for his years of service and wish him well as he continues his many civic endeavors.

ADDITIONAL STATEMENTS

REMEMBERING ROLLIN POST

• Mrs. BOXER. Mr. President, I take this opportunity to honor the life of Rollin Post, an award-winning Bay Area journalist, who passed away on October 3, 2011, following complications from Alzheimer's disease. Throughout his career, Rollin made extraordinary contributions to journalism, public affairs, and the Bay Area community he so passionately served. I extend my deepest sympathy to his wife Diane Post and their three children and five grandchildren.

Born in New York City in May 1930, Mr. Post was the son of New York State Assemblyman Langdon Post and

Janet Kirby Post; and grandson to Pulitzer Prize-winning editorial cartoonist Rollin Kirby. After a childhood in New York, Tucson, and southern California, Rollin briefly attended San Francisco State College before enlisting in the U.S. Army. He later enrolled at the University of California, Berkeley, where he graduated in 1952 with a bachelor of arts in political science. Following graduation, Rollin returned to southern California to work at CBS radio and then as a writer at the local CBS television affiliate.

Rollin Post's passion for broadcast journalism brought him back to the Bay Area, where he took a job at KPIX in 1961. Over the course of nearly 40 years, he remained a staple on local news broadcasts, focusing exclusively on matters relating to politics and public affairs and establishing himself as a highly respected and engaging reporter, commentator, and interviewer. Together with his long-time colleague and cohost, Belva Davis, Mr. Post developed several enduring television programs such as "A Closer Look" and "California This Week."

During his storied career, Rollin Post covered nine Presidential elections and interviewed many important figures in local, State, and national politics. He was so well known as a journalist that Robert Redford cast him to play himself in the 1972 film "The Candidate." He also received many well-deserved honors and awards for his work, including recognitions from the Society of Professional Journalists and the National Academy of Television Arts & Sciences.

Outside of his work in journalism, Rollin served as a volunteer for several organizations, including Common Cause and the Institute of Governmental Studies at his alma mater, UC Berkeley. He was also a lifelong baseball fan and an avid outdoorsman, relishing opportunities to take his family camping and hiking.

I extend my heartfelt condolences to Rollin's family, friends, and former colleagues. He will be sorely missed.●

RECOGNIZING THE JEWISH FEDERATION'S NEW HOME

• Mrs. BOXER. Mr. President, today I ask my colleagues to join me in congratulating the Jewish Federation of the Desert as the organization prepares to move into its new home in Rancho Mirage, CA.

The Jewish Federation of the Desert embraces the core Jewish values of compassion, charity, generosity, and responsibility to care for those in need including the elderly, the homeless, the undereducated, and victims of abuse and violence. In addition, the federation is dedicated to supporting child and youth education, with afterschool activities, day schools, and childhood centers.

On November 1, the Jewish Federation of the Desert will open its doors in Rancho Mirage. This new home will allow the federation to dedicate more of its resources to helping people in the Coachella Valley and create a vibrant new center for Jewish community life.

I congratulate the Jewish Federation of the Desert and wish its staff, volunteers, and supporters continued success in carrying out its noble mission.●

NORTHAMPTON COMMUNITY COLLEGE

• Mr. CASEY. Mr. President, today I commend Northampton Community College on the groundbreaking of its new \$72 million Monroe County Campus. This undertaking will expand and improve educational opportunities for countless students for generations to come. It is a notable achievement that has been made possible through the persistence, dedication, and cooperation of a committed group of faculty, staff, and administrators at Northampton Community College.

Northampton's newest campus, which impressively spans over 200,000 square feet, includes a workforce development training center, an enrollment center building, and a student life building. Given our country's current economic climate and staggering unemployment rate, what Northampton Community College has managed to accomplish today is nothing short of remarkable.

Northampton Community College is a public, comprehensive community college that serves more than 36,000 students per year with its main campus in Bethlehem, PA. Currently, there are more than 16,000 students enrolled in their credit programs and an additional 21,000 who are involved in workforce training, adult literacy, or youth classes.

This new campus in Monroe County highlights Northampton's dedication to Pennsylvania and higher education in America. Northampton's strong commitment to preparing its students for the demands of today's economy is reflected in the new campus. Their new workforce training center is forecasted to train 1,000 new, incumbent, and displaced workers in the first 5 years of its existence. Northampton also offers many degree programs specifically designed to meet the needs of industries in the region. In 2012 it is estimated to create 541 new jobs, \$15.9 million in new economic revenue activity, and \$2.8 million in tax revenue.

Northampton continues to lead the pack in higher education and has proven to be a model for community colleges across the country. The faculty, staff, and administration, under the leadership of President Art Scott, put students first. This new campus is evidence of this institution's steadfast commitment to preparing students for

the 21st century economy. I could not be more pleased and honored to recognize such an exceptional educational accomplishment and ask that you would join me today in celebrating along with Northampton Community College.●

TRIBUTE TO NOBEL PEACE PRIZE WINNERS

● Mr. KERRY. Mr. President, on Friday, October 7, the Nobel Peace Prize for 2011 was awarded to three distinguished women for their courageous efforts to promote peace and democracy. President Ellen Johnson Sirleaf of Liberia, her compatriot and peace activist Leymah Gbowee, and prodemocracy campaigner Tawakkol Karman of Yemen join the ranks of the chosen few whose dedication to peace is acknowledged by the international community.

President Johnson Sirleaf, Africa's first democratically elected female head of state, has helped Liberia recover from 14 brutal years of civil war. Taking office in 2006 after a lengthy exile, she led her nation to greater peace and security, while transforming Liberia in the eyes of the world.

Ms. Gbowee, a founding member of the Women in Peacebuilding Network, mobilized over 3,000 Muslim and Christian women to hold nonviolent protests that helped bring an end to Liberia's civil war. Her efforts demonstrate that the desire for peace and the power to effect change transcend ethnic, religious, and gender divides.

Ms. Karman has for years been a vocal champion of human rights in Yemen. In 2005, she founded a group called Women Journalists Without Chains. Since then, she has braved physical threats and harassment to advance the cause of freedom in her country. And this year, she has emerged as one of the leaders of Yemen's nonviolent democratic uprising. As the first Arab woman to receive a Nobel prize, her selection honors all of the mothers, daughters, and sisters across the Middle East who have been standing for their rights alongside their fathers, sons and brothers.

In the history of the Nobel Peace Prize, very few women have received this high honor. The choice of the selection committee this year is more than a recognition of the strength and courage of these women; it is a clear and resounding testament to the idea that women's rights are important, that it is smart policy to promote gender equality, and that societies are better off when all of their members—women included—can safely exercise their fundamental rights and become drivers of economic security and political opportunity.

Let's take this moment to remember another Nobel Peace Prize winner, Dr. Wangari Maathai, who passed away just days before this year's announce-

ment. Dr. Maathai led the Green Belt Movement with tenacity and vision, transforming Kenya's landscape and women's lives. She and the women who are honored this year leave an indelible mark on our social consciousness. I want to congratulate President Johnson Sirleaf, Ms. Gbowee, and Ms. Karman on their selection and to thank them for their service to their communities and commitment to uphold global standards of human rights.●

TRIBUTE TO WARRANT OFFICER JAY T. LANE

● Mr. LEE. Mr. President, today we honor WO Jay T. Lane as a hero for an act of incredible bravery and courage. He has earned the Silver Star and I am humbled and honored to submit these words of deep gratitude and appreciation.

In 1971, Jay was the pilot of a lift helicopter that was struck by two rocket-propelled grenades, the incredibly deadly weapon of choice for our enemies in Vietnam. It is a miracle that wasn't the end of Jay right then and there.

Known as an extraordinarily skillful and talented pilot by his peers, Jay somehow safely landed what was left of the helicopter. Relatively speaking, Jay was OK, but one of the infantrymen on the vehicle was badly wounded.

After removing his fellow soldier from the wreckage, Jay then went back into a burning helicopter under intense fire from the enemy to retrieve the first aid kit and began to care for his wounded friend.

Knowing he needed to get to a safer area, Jay carried the wounded soldier on his back through the jungle and waited until help arrived.

After the episode, Jay's superior officer wrote, "His gallant actions and devotion to duty were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, and the United States Military."

I couldn't agree more. Jay's bravery stands as a fine example of the character of our men and women who have fought for and defended this country. Those who wear the uniform today still display that same courage in far away places, just as Jay did that day in Vietnam.

Without their sense of duty to our country, we would not enjoy the freedoms we have today. It is of the highest calling to provide for the common defense, as the preamble of our Constitution makes clear. I am awed by their sacrifice.

Today, I am honored to congratulate Jay T. Lane for earning the Silver Star. It is well deserved.●

REMEMBERING MAYOR JERRY WASHBURN

● Mr. LEE. Mr. President, the city of Orem recently lost a great leader and public servant—Mayor Jerry C. Washburn.

Mayor Washburn called Orem his home for over 50 years and acted as the longest-serving mayor in the city's history. He was known as a natural leader who took the time to listen to all opinions, and created an environment that encouraged an open exchange of ideas.

As mayor he focused on enriching the quality of life in Orem, and dedicated his time to projects that will benefit generations to come. Citywide streetlights, the swimming pools at SCERA Park, Lakeside Sports Park, and Nielsen's Grove Park are just a few that residents today and in the future will enjoy.

Mayor Washburn also served as chairman of the Utah County Transportation Planning Organization, chairman of the Utah County Board of Health, and was a founding board member of the Utah Lake Commission. His life was truly devoted to serving his community, his church, and his family. He will be greatly missed by all who knew him.●

TRIBUTE TO NICHOLAS CORVINO

● Mr. RUBIO. Mr. President, today I recognize Nicholas Corvino, a summer intern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Nicholas is a rising senior pursuing a major in political science and a minor in history at the University of Central Florida. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Nicholas for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO TIMOTHY COSTA

● Mr. RUBIO. Mr. President, today I recognize Timothy Costa, a summer intern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Timothy is a rising senior pursuing a major in philosophy and a minor in political science at Temple University. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Timothy for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO ADRIAN DOMINGUEZ

• Mr. RUBIO. Mr. President, today I recognize Adrian Dominguez, a summer intern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Adrian is a rising senior pursuing a major in business and economics with a minor in Spanish at Virginia Military Institute. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Adrian for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO BRENDAN FLANAGAN

• Mr. RUBIO. Mr. President, today I recognize Brendan Flanagan, a summer law extern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Brendan is a graduate of Florida State University in Tallahassee, FL, where he majored in political science. Currently, he is entering his second year at John Marshall Law School. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Brendan for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO ANDREW GREEN

• Mr. RUBIO. Mr. President, today I recognize Andrew Green, a summer intern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Andrew is a rising senior pursuing a major in political science at the University of Central Florida. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Andrew for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO EITAN HEERING

• Mr. RUBIO. Mr. President, today I recognize Eitan Heering, a summer intern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Eitan is a graduate of Weinbaum Yeshiva High School in Boca Raton, FL. Currently, he is a rising junior pursuing a major in government and poli-

tics at the University of Maryland. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Eitan for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO ANDREW NEAL JUNEAU

• Mr. RUBIO. Mr. President, today I recognize Andrew Neal Juneau, a summer intern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Andrew is a graduate of Auburn University, where he majored in public administration and minored in business. Currently, he is pursuing his master's degree in public administration at Auburn University. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Andrew for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO PARKER MANTELL

• Mr. RUBIO. Mr. President, today I recognize Parker Mantell, a summer intern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Parker is a rising sophomore pursuing a major in political science at Indiana University. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Parker for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO MAGGIE MARTINEZ

• Mr. RUBIO. Mr. President, today I recognize Maggie Martinez, a summer intern in my Washington, DC office for all of the hard work she has done for me, my staff, and the people of the State of Florida.

Maggie is a graduate of Lake Highland Preparatory School in Orlando, FL. Currently, she is a rising senior double majoring in art history and English at Vanderbilt University. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Maggie for all the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO CALEB MCCREA

• Mr. RUBIO. Mr. President, today I recognize Caleb McCrea, a summer intern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Caleb is a rising senior pursuing a major in political science at the University of Texas. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Caleb for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO ASHLEY WAHL

• Mr. RUBIO. Mr. President, today I recognize Ashley Wahl, a summer intern in my Washington, DC office for all of the hard work she has done for me, my staff, and the people of the State of Florida.

Ashley is a graduate of La Salle High School in Coconut Grove, FL. Currently, she is a rising junior pursuing a major in political science and a minor in psychology at Florida International University. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Ashley for all the fine work she has done and wish her continued success in the years to come.●

REMEMBERING JOE SIMON SANDO

• Mr. UDALL of New Mexico. Mr. President, today, I honor the life and legacy of the great Pueblo Indian Historian, Joe Simon Sando. Joe was one of New Mexico's leading historians and the preeminent expert on Pueblo History. He passed away at the age of 88 on September 13, 2011, after a lifetime of dedication to education, history, and cultural preservation.

Joe Sando taught, published and lectured throughout the world about the history and culture of the Pueblo People. His numerous publications and educational efforts brought to life the vibrant history of the Pueblo People while also acknowledging the ever changing and current culture of the pueblos.

Joe's own story started in Jemez Pueblo in northern New Mexico where he grew up speaking Towa. He later learned English, the language of his extensive publications, when he attended the Santa Fe Indian School. When World War II raged into the lives of Americans, Joe Sando bravely harkened to the call for service, joined the Navy, and served out the war on the decks of aircraft carriers.

After his military service, Joe obtained an education degree from Eastern New Mexico University and taught at the Albuquerque Indian School. He later went on to attend graduate school at Vanderbilt University in Tennessee and become an instructor at the University of New Mexico. Teaching Pueblo history at UNM, and ethnohistory at the Institute of American Indian Arts in Santa Fe, Joe Sando quickly became the dominant expert in pueblo history and culture. In 1986, he helped create the Institute for Pueblo Indian Studies at the Indian Pueblo Cultural Center and did not retire until 2003 at the age of 80.

Joe Sando said, "As a Pueblo man of Jemez, I feel that the Indian people have a duty and a challenge to write their own history." Sando aggressively took up this challenge writing and contributing to numerous books about his culture and history from the distinct and not often published perspective of a tribal member. Joe felt that "the traditional Pueblo history should be revealed, as the Pueblo Indians themselves know it," and that is exactly how he wrote it, from the pueblo perspective.

Joe Sando's contribution to society was not limited to his extensive educational efforts. He was also a generous and dedicated public servant. He was the first chairman of the All Indian Pueblo Housing Authority and the first chairman of the State Judicial Council. He also served on the Statuary Hall Commission and on the board of Americans for Indian Opportunity.

Joe was also widely honored. He was the 2005 recipient of the Southwestern Association for Indian Arts Lifetime Achievement Award. In 2007 he received an honorary Doctor of Letters from the University of New Mexico, and the Lifetime Achievement Award from the All Indian Pueblo Council. For his writing, he received the Bravo Award for Literary Excellence, Outstanding Alumnae of Eastern New Mexico University, State Heritage Preservation Award, Excellence in the Humanities Award, Lifetime Achievement Award of Indian Librarians and Indian History Teachers, and the Eugene Crawford Memorial Peace Pipe Award.

Mr. Sando was a friend to every pueblo, and had an extensive knowledge of genealogies and individuals from each pueblo. He could form a personal connection with anyone as he also determined a familial connection, using his impressive memory of families and clans.

But perhaps Joe Sando's story is better told through the history he taught and loved. The history of the Pueblo People is a vibrant part of our nation's story.

For centuries immemorial, the Pueblo People occupied the Southwest. The ancestors of the Pueblo People were guided by deity from place to place and

finally they were brought to a land where they would be safe from the catastrophes of nature. This vast area of the Southwest, much of which is still occupied by the 20 remaining pueblos, was given to the ancestors of the Pueblo People at the beginning of time.

In their vast open lands of mesas, mountains, and plains, pueblo society developed around the systematic raising of food, especially corn, making hominy, succotash, cornbread, cornmeal mush, tortillas, and tamales. Also cultivated were chile, squash, pumpkins, beans, and a myriad of other products. Various dances were held according to the seasons, prayer dances and thanksgiving dances, and the ancient people were warned to respect and obey the laws of nature and the orders of their leaders who would guide them spiritually and socially. Guidelines for well-ordered living were established and lead to centuries of cultural development and continued community success.

Through the centuries, several individual pueblos emerged and three distinct language groups developed, Zuni, Keresan, and Tanoan with dialects of Tiwa, Tewa, and Towa. These languages continue to be spoken in the remaining 21 pueblo tribes.

In 1539 Europeans entered the Pueblo World and by the end of the century the Spanish were planning a permanent settlement in the pueblo region. The tentative interactions and exchange of knowledge and goods quickly turned to anger and distrust as taxes were leveled on the Pueblo People and the expressions of the pueblo culture were oppressed.

In 1598 the All Indian Pueblo Council was organized to coordinate interactions between the pueblos and the Spanish Governor, Juan de Oñate. This council of pueblo leaders continues today as a functional symbol of tribal sovereignty, pueblo unity, and government-to-government relations.

But despite the council's formation and efforts, tensions escalated between the Spanish and Pueblo People. One distinctive event in 1680 lead to the first American Revolution. Religious and political pueblo leaders were accused of "sorcery", and were imprisoned, publicly humiliated, whipped, and some even hung. Po'pay, from the Pueblo of Ohkay Owingeh, was one of these leaders taken from his village, humiliated, and lashed. And as tradition has it, Po'pay rose from this oppression to unite the pueblos to drive the Spanish from Pueblo lands in 1680. We honor Po'pay's fight for justice and his mark on history today in our capitol, where a statue of Po'pay stands as one of the honored leaders in the National Statuary Hall Collection.

In a matter of years after the Pueblo Revolution some pueblos welcomed the Spanish back, while others continued to wage conflict. Finally, in 1706, an al-

liance between the Pueblo People and the Spanish was established to help protect against raids from the outside. Since then, a culture of mutual respect and interdependence has emerged and continues today.

More than a century after this alliance was established, the treaty of Guadalupe Hidalgo ended the Mexican American war and moved the US border south of the pueblos. Later, President Lincoln formally recognized the authority of the pueblo governors under the United States Government, and today pueblo leadership continues to conduct government-to-government interaction with the United States. In New Mexico we continue to learn about and appreciate the culture and history of the Pueblo People, and celebrate as new leaders, like Joe Sando, continue to emerge.

Joe Sando recognized his call to share the history of the Pueblo People. He said that, "Every now and then some readers tell me that I was mandated to tell the world about the Pueblo Indians. That may be true." Today we record Joe Sando's story in the United States CONGRESSIONAL RECORD to honor him for taking up the call to tell the world about the Pueblo People, a story integral to our national history and ever-changing culture.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 358. An act to amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act.

H.R. 2250. An act to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

H.R. 2273. An act to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels.

The message also announced that pursuant to 22 U.S.C. 6913 and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Mr. WALZ of Minnesota.

The message further that pursuant to 16 U.S.C. 431 note and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the Dwight D. Eisenhower Memorial Commission: Mr. BISHOP of Georgia.

The message also announced that pursuant to section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306) as amended by section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010, the Minority Leader appoints the following individuals to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Honorable RUSH D. HOLT of New Jersey and Ms. Samantha Ravich of Clark, New Jersey.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 358. An act to amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act; to the Committee on Finance.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2250. An act to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

H.R. 2273. An act to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels.

S. 1720. A bill to provide American jobs through economic growth.

S. 1723. A bill to provide for teacher and first responder stabilization.

S. 1726. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 368. A bill to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

H.R. 394. A bill to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 2633. A bill to amend title 28, United States Code, to clarify the time limits for appeals in civil cases to which United States officers or employees are parties.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 473. A bill to extend the chemical facility security program of the Department of Homeland Security, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 1014. A bill to provide for additional Federal district judgeships.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1636. A bill to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.

S. 1637. A bill to clarify appeal time limits in civil actions to which United States officers or employees are parties.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. GILLIBRAND:

S. 1714. A bill to extend the milk income loss contract program, to require the Secretary of Agriculture to conduct hearings to assess the implications of transitioning Federal milk marketing orders from end-product pricing to a competitive pay pricing system, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND:

S. 1715. A bill to replace current dairy product price support and milk income loss contract programs with a program to protect dairy producer income when the difference between milk prices and feed costs is less than a specified amount, to establish a dairy market stabilization program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SANDERS:

S. 1716. A bill to amend the Elementary and Secondary Education Act of 1965 to improve teacher quality and increase access to effective teachers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 1717. A bill to prevent the escapement of genetically altered salmon in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself, Mr. PORTMAN, Mr. NELSON of Nebraska, and Mr. BURR):

S. 1718. A bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1719. A bill to clarify that schools and local educational agencies participating in the school lunch program under the Richard B. Russell National School Lunch Act are authorized to donate excess food to local food banks or charitable organizations; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCAIN (for himself, Mr. PAUL, Mr. PORTMAN, Mr. MCCONNELL, Mr. CHAMBLISS, Mr. COATS, Mr. COCHRAN, Mr. CRAPO, Mr. DEMINT, Mr. GRASSLEY, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. LEE, Mr. LUGAR, Mr. ROBERTS, Mr. RUBIO, Mr. TOOMEY, Mr. WICKER, Mr. SHELBY, Mr. THUNE, Mr. GRAHAM, Mr. VITTER, Mr. ENZI, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, and Mr. SESSIONS):

S. 1720. A bill to provide American jobs through economic growth; read the first time.

By Mr. SCHUMER (for himself, Mr. LEAHY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. 1721. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to extend the eligibility period for supplemental security income benefits for refugees, asylees, and certain other humanitarian immigrants, and for other purposes; considered and passed.

By Mrs. BOXER:

S. 1722. A bill to improve early education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Ms. STABENOW, Mr. CASEY, Mr. REID, and Mr. HARKIN):

S. 1723. A bill to provide for teacher and first responder stabilization; read the first time.

By Ms. MURKOWSKI:

S. 1724. A bill to amend the Elementary and Secondary Education Act of 1965 regarding highly qualified teachers, growth models, adequate yearly progress, Native American language programs, and parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI:

S. 1725. A bill to amend the Elementary and Secondary Education Act of 1965 regarding the accountability system for elementary and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL:

S. 1726. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COONS (for himself, Mr. CARPER, Ms. MIKULSKI, and Mr. CARDIN):

S. Res. 294. A resolution commemorating the 182nd anniversary of the opening of the Chesapeake and Delaware Canal; considered and agreed to.

By Mr. HOEVEN (for himself, Mr. CONRAD, Mr. ROBERTS, Mr. SESSIONS, Mr. ISAKSON, Mr. BLUNT, and Mr. BOOZMAN):

S. Res. 295. A resolution designating October 26, 2011, as "Day of the Deployed"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 165

At the request of Mr. VITTER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 165, a bill to amend the Public Health Services Act to prohibit certain abortion-related discrimination in governmental activities.

S. 230

At the request of Mr. BEGICH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 230, a bill to amend the Federal Food, Drug, and Cosmetic Act to prevent the approval of genetically-engineered fish.

S. 306

At the request of Mr. WEBB, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 504

At the request of Mr. DEMINT, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 556

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 556, a bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

S. 678

At the request of Mr. KOHL, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 678, a bill to increase the penalties for economic espionage.

S. 738

At the request of Ms. STABENOW, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 968

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 968, a bill to prevent online

threats to economic creativity and theft of intellectual property, and for other purposes.

S. 1002

At the request of Mr. KYL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1131

At the request of Mrs. HAGAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1131, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 1154

At the request of Mr. BAUCUS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1154, a bill to require transparency for Executive departments in meeting the Government-wide goals for contracting with small business concerns owned and controlled by service-disabled veterans, and for other purposes.

S. 1265

At the request of Mr. BINGAMAN, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from North Carolina (Mr. BURR) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1301

At the request of Mr. LEAHY, the names of the Senator from Ohio (Mr. PORTMAN), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

S. 1316

At the request of Mr. ENZI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1316, a bill to prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending.

S. 1335

At the request of Mr. INHOFE, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Tennessee (Mr. CORKER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY), the Senator from Illinois (Mr. KIRK) and the Senator from Alabama (Mr.

SHELBY) were added as cosponsors of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1451

At the request of Mr. VITTER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1451, a bill to prohibit the sale of billfish.

S. 1467

At the request of Mr. BLUNT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1493

At the request of Ms. MIKULSKI, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1493, a bill to provide compensation to relatives of Foreign Service members killed in the line of duty and the relatives of United States citizens who were killed as a result of the bombing of the United States Embassy in Kenya on August 7, 1998, and for other purposes.

S. 1507

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1507, a bill to provide protections from workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1523

At the request of Mr. GRAHAM, the names of the Senator from Texas (Mr. CORNYN), the Senator from Nevada (Mr. HELLER), the Senator from Alabama (Mr. SESSIONS) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 1523, a bill to prohibit the National Labor Relations Board from ordering any employers to close, relocate, or transfer employment under any circumstance.

S. 1541

At the request of Mr. BENNET, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1651

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1679

At the request of Mr. THUNE, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1679, a bill to ensure effective control over the Congressional budget process.

S. 1690

At the request of Mr. MCCAIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1690, a bill to preserve the multiple use land management policy in the State of Arizona, and for other purposes.

S. 1707

At the request of Mr. BURR, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1707, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. PORTMAN, Mr. NELSON of Nebraska, and Mr. BURR):

S. 1718. A bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today to advocate for increasing Medicare efficiency and effectiveness by introducing the Strengthening Medicare and Repaying Taxpayers, SMART, Act of 2011 with my colleagues, Senators PORTMAN, BEN NELSON, and BURR.

The SMART Act initiates common sense changes to the Medicare Secondary Payer, MSP, system, as a means of achieving that efficiency and effectiveness. This system kicks in whenever a Medicare beneficiary is injured and another party accepts responsibility to pay for the costs associated with that injury, making Medicare the "secondary payer." For example, if a Medicare beneficiary is injured when she slips in a store the store reimburses her for the costs of the injury. In this scenario the store becomes the party responsible for paying the costs associated with the injury, and if Medicare pays any of the costs associated with the injury, it has to be reimbursed. The purpose of this system is to ensure that Medicare does not pay claims that a third party is liable for. Although seemingly obvious, the system currently on the books is set up in manner that is unnecessarily burdensome to all parties involved in these claims.

At the heart of the problem is the lack of financial disclosure by the Cen-

ter for Medicare and Medicaid Services, CMS. Under the current MSP system, CMS does not calculate the MSP amount owed to the Trust Fund until after a claim has settled, making it impossible for the parties to factor that amount into the settlement process. Even after the claim has been settled and reported to Medicare, it can take months for the parties to find out how much money is actually owed in reimbursement.

Does this make any sense at all? Of course not. The beneficiary has no idea what portion of the settlement will be left after the payment is made to Medicare, the third party responsible for the bill has no way of knowing whether or not the amount settled upon will be sufficient to fully reimburse Medicare, and the Medicare Trust Fund is denied much needed funds because of the uncertain settlement process.

It is clear that the repercussions of our inefficient MSP system are widespread. Individual beneficiaries and businesses large and small are left in the dark. On top of that, State and local governments that settle personal injury and worker compensation claims also fall victim to these long, drawn out settlements which costs a significant amount of money at a time when budgets are especially tight.

The legislation my colleagues and I are introducing today provides a straightforward and commonsense solution. The SMART Act would create a more effective and efficient MSP process for all parties involved, while speeding the return of Medicare Trust Fund dollars. This legislation will improve the flow of information so that beneficiaries and companies may determine how much money is owed to the Trust Fund before they settle a claim. This change will enable parties to calculate the MSP amount they owe and reimburse Medicare directly, and it will provide CMS with tools to ensure that Medicare is fully reimbursed.

Medicare beneficiaries and businesses will no longer be forced to play this real life version of "Price is Right," where Medicare plays the Bob Barker/Drew Carey role and the other parties are forced to guess at how much is owed.

The SMART Act will also preserve taxpayer resources by ensuring that Medicare does not spend more money pursuing these cases than the claim is actually worth. There have been reports of MSP demands as low as \$2—CMS should not be spending more money on postage than the Medicare Trust Fund will receive in reimbursement. Surely we can create a sensible threshold that will protect Medicare's interest and prevent parties from gaming the system without wasting government money chasing down elderly beneficiaries to collect a handful of quarters.

In addition to streamlining the MSP system the SMART Act will protect

consumers by eliminating the requirement for businesses to collect Social Security Numbers or Medicare numbers during the claims process. This is in line with a recently launched Medicare campaign which encourages beneficiaries not to give out these numbers as an important tool in fighting health care fraud and identity theft. We should not be sending seniors mixed messages or punishing businesses that are unable to obtain this information, despite their best efforts, from understandably reticent seniors.

The SMART Act will provide much needed clarity to the MSP system and will relieve the burden that is currently placed on all parties involved in the process.

I urge my colleagues to join us in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Strengthening Medicare And Repaying Taxpayers Act of 2011".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Expediting Secretarial determination of reimbursement amount to improve program efficiency.
- Sec. 3. Fiscal efficiency and revenue neutrality.
- Sec. 4. Reporting requirement safe harbors.
- Sec. 5. Use of social security numbers and other identifying information in reporting.
- Sec. 6. Statute of limitations.

SEC. 2. EXPEDITING SECRETARIAL DETERMINATION OF REIMBURSEMENT AMOUNT TO IMPROVE PROGRAM EFFICIENCY.

Section 1862(b)(2)(B) of the Social Security Act (42 U.S.C. 1395y(b)(2)(B)) is amended by adding at the end the following new clause:

"(vii) TIMELY NOTICE OF CONDITIONAL PAYMENT REIMBURSEMENT.—

"(I) REQUEST FOR CONDITIONAL PAYMENT STATEMENT.—In the case of a payment made by the Secretary pursuant to clause (i) for items and services provided to the claimant, the claimant or applicable plan (as defined in paragraph (8)(F)) may at any time beginning 120 days before the reasonably expected date of a settlement, judgment, award, or other payment, notify the Secretary that a payment is reasonably expected, and request from the Secretary, in accordance with regulations, a statement of the conditional payment reimbursement amount (in this clause referred to as a 'statement of reimbursement amount') for any payments subject to reimbursement required under clause (ii). A claimant or applicable plan may request a statement under this subclause only once with respect to such settlement, judgment, award, or other payment.

"(II) SECRETARIAL RESPONSE.—

"(aa) IN GENERAL.—Not later than 65 days after the date of receipt of a request under subclause (I), the Secretary shall respond to

such request with a statement of reimbursement amount, which shall constitute the conditional payment subject to recovery under clause (ii) related to such settlement, judgment, award or other payment.

“(bb) CASE OF SECRETARIAL FAILURE.—Subject to subclause (III), if the Secretary fails to provide such a statement of reimbursement amount for items or services subject to reimbursement required under clause (ii) in accordance with this subclause, the claimant, applicable plan, or an entity that receives payment from an applicable plan shall provide an additional notice to the Secretary of such failure. If the Secretary fails to provide a statement of reimbursement amount within 30 days of the date of such additional notice, the claimant, applicable plan, and an entity that receives payment from an applicable plan shall not be liable for and shall not be obligated to make payment subject to this section for any item or service related to the request unless the Secretary demonstrates (in accordance with regulations) that the failure was justified due to exceptional circumstances (as defined in such regulations). Such regulations shall define exceptional circumstances in a manner so that not more than 1 percent of the repayment obligations under this subclause would qualify as exceptional circumstances.

“(III) NOTICE TO SECRETARY.—In the event that a settlement, judgment, award, or other payment does not occur (or is no longer reasonably expected to occur) within 120 days of the date of an original request under subclause (I) with respect to a settlement, judgment, award, or other payment, the claimant or the applicable plan shall timely notify the Secretary, and the Secretary shall be exempt from any obligation under subclause (II) with respect to a statement of reimbursement amount relating to such settlement, judgment, award, or other payment related to the notice.

“(IV) EFFECTIVE DATE.—The Secretary shall promulgate final regulations to carry out this clause not later than 9 months after the date of the enactment of this clause. Such regulations shall require the disclosure from a claimant or applicable plan of no more than the minimum amount of information necessary for the Secretary to determine the amount of conditional payment subject to recovery under clause (ii) related to such settlement, judgment, award, or other payment, and may require partial disclosure (but may not require full disclosure) of social security numbers or health identification claim numbers.

“(viii) RIGHT OF APPEAL.—The Secretary shall promulgate regulations establishing a right of appeal and appeals process, with respect to any determination under this subsection for a payment made under this title for an item or service under a primary plan, under which the applicable plan involved, or an attorney, agent, or third party administrator on behalf of such applicable plan, may appeal such determination. Such right of appeal shall—

“(I) include review through an administrative law judge and administrative review board, and access to judicial review in the district court of the United States for the judicial district in which the appellant is located (or, in the case of an action brought jointly by more than one applicant, the judicial district in which the greatest number of applicants are located) or in the District Court for the District of Columbia; and

“(II) be carried out in a manner similar to the appeals procedure under regulations for hearing procedures respecting notices of de-

terminations of nonconformance of group health plans under this subsection.”.

SEC. 3. FISCAL EFFICIENCY AND REVENUE NEUTRALITY.

(a) IN GENERAL.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended—

(1) in paragraph (2)(B)(ii), by striking “A primary plan” and inserting “Subject to paragraph (9), a primary plan”; and

(2) by adding at the end the following new paragraph:

“(9) EXCEPTION.—

“(A) IN GENERAL.—Clause (ii) of paragraph (2)(B) and any reporting required by paragraph (8) shall not apply with respect to any settlement, judgment, award, or other payment by an applicable plan constituting a total payment obligation to a claimant of not more than the single threshold amount calculated by the Chief Actuary of the Centers for Medicare & Medicaid Services under subparagraph (B) for the year involved.

“(B) ANNUAL COMPUTATION OF THRESHOLDS.—Not later than November 15 before each year, the Chief Actuary of the Centers for Medicare & Medicaid Services shall calculate and publish a single threshold amount for settlements, judgments, awards or other payments for conditional payment obligations arising from each of liability insurance (including self-insurance), workers’ compensation laws or plans, and no fault insurance subject to this section for that year. Each such annual single threshold amount for a year shall be set such that the expected average amount to be credited to the Medicare trust funds of collections of conditional payments from such settlements, judgments, awards, or other payments for each of liability insurance (including self-insurance), workers’ compensation laws or plans, and no fault insurance subject to this section shall equal the expected average cost of collection incurred by the United States (including payments made to contractors) for a conditional payment from each of liability insurance (including self-insurance), workers’ compensation laws or plans, and no fault insurance subject to this section for the year. The Chief Actuary shall include, as part of such publication for a year—

“(i) the expected average cost of collection incurred by the United States (including payments made to contractors) for a conditional payment arising from each of liability insurance (including self-insurance), no fault insurance, and workers’ compensation laws or plans; and

“(ii) a summary of the methodology and data used by such Chief Actuary in computing the threshold amount and such average cost of collection.

“(C) TREATMENT OF ONGOING EXPENSES.—For purposes of this paragraph and with respect to a settlement, judgment, award, or other payment not otherwise addressed in clause (ii) of paragraph (2)(B) involving the ongoing responsibility for medical payments, such payment shall include only the cumulative value of the medical payments made and the purchase price of any annuity or similar instrument.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to years beginning more than 4½ months after the date of the enactment of this Act.

SEC. 4. REPORTING REQUIREMENT SAFE HARBORS.

Section 1862(b)(8) of the Social Security Act (42 U.S.C. 1395y(b)(8)) is amended—

(1) in the first sentence of subparagraph (E)(i), by striking “shall be subject” and all that follows through the end of the sentence

and inserting the following: “may be subject to a civil money penalty of up to \$1,000 for each day of noncompliance. The severity of each such penalty shall be based on the knowing, willful, and repeated nature of the violation.”; and

(2) by adding at the end the following new subparagraph:

“(I) ESTABLISHMENT OF SAFE HARBORS.—Not later than 60 days after the date of the enactment of this subparagraph, the Secretary shall publish a notice in the Federal Register soliciting proposals, which will be accepted during a 60-day period, for the specification of practices for which sanctions will not be imposed under subparagraph (E), including for good faith efforts to identify a beneficiary pursuant to this paragraph under an applicable entity responsible for reporting information, under which this paragraph will be deemed to have complied with the reporting requirements under this paragraph and will not be subject to such sanctions. After considering the proposals so submitted, the Secretary, in consultation with the Attorney General, shall publish in the Federal Register, including a 60-day period for comment, proposed specified practices for which such sanctions will not be imposed. After considering any public comments received during such period, the Secretary shall issue final rules specifying such practices.”.

SEC. 5. USE OF SOCIAL SECURITY NUMBERS AND OTHER IDENTIFYING INFORMATION IN REPORTING.

Section 1862(b)(8)(B) of the Social Security Act (42 U.S.C. 1395y(b)(8)(B)) is amended by adding at the end (after and below clause (ii)) the following: “Not later than 1 year after the date of enactment of this sentence, the Secretary shall modify the reporting requirements under this paragraph so that an applicable plan in complying with such requirements is permitted but not required to access or report to the Secretary beneficiary social security account numbers or health identification claim numbers.”.

SEC. 6. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended—

(1) in paragraph (2)(B)(iii), by adding at the end the following new sentence: “An action may not be brought by the United States under this clause with respect to payment owed unless the complaint is filed not later than 3 years after the date of the receipt of notice of a settlement, judgment, award, or other payment made pursuant to paragraph (8) relating to such payment owed.”; and

(2) in paragraph (8)(E)(i), by adding at the end the following new sentence: “A civil money penalty may not be imposed under this clause with respect to failure to submit required information unless service of notice of intention to impose the penalty is provided not later than 3 years after the date by which the information was required to be submitted.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to actions brought and penalties sought on or after 6 months after the date of the enactment of this Act.

Mr. PORTMAN. Mr. President, I am pleased to introduce the Strengthening Medicare and Repaying Taxpayers, SMART, Act with Senators WYDEN, BURR and BEN NELSON. This bi-partisan effort will help strengthen and protect Medicare by ensuring greater reliability and efficiency of Medicare reimbursements. The SMART Act proposes

common-sense solutions to problems in the current Medicare Secondary Payer, MSP, system, at no cost to the American taxpayer. With Washington's sky high debt and deficit, we need to do everything we can to ensure that vital entitlement programs, such as Medicare, are cost effective and working for the very people they were designed to help.

Under the MSP program, if a Medicare beneficiary is injured by a third party and a settlement is pursued as a result of that injury, the third party is responsible for paying for the individual's medical expenses. If Medicare, now the "secondary payer," pays any of the costs associated with the injury, it is entitled to reimbursement.

Numerous problems exist with the current MSP system; each of these are addressed by the SMART Act.

Under current law, Medicare does not have a pathway to disclose their MSP amount until after a case has been settled or adjusted—which creates an uncertainty that impedes beneficiaries and third parties from reaching a legal settlement. This legislation creates a process that allows the Centers for Medicare and Medicaid Services, CMS, to disclose this information before settlement, so it can be factored into the settlement.

Second, Medicare often spends more money pursuing an MSP payment than they actually receive in payment. This bill requires that Medicare no longer pursue MSP claims that do not cover their own expenses.

Additionally, the MSP system requires complex and extensive reporting requirements from those who settle a claim involving Medicare. If all required information is not 100 percent accurate and on-time, the company is fined \$1,000 per claim, per day. The SMART Act provides CMS with leeway to issue smaller fines and provides safe harbor to protect companies that make good faith efforts to comply fully and on-time.

Furthermore, under these requirements, claim beneficiaries must submit their Social Security numbers or Health Insurance Claim Numbers, Medicare Numbers, to the settlement company so they can be reported to CMS, generating serious privacy concerns. This legislation directs Medicare to establish an alternative method of identifying individuals, to mitigate concerns about identity theft and Medicare fraud.

Finally, there is currently no clear statute of limitations on MSP claims. This bill sets a 3-year statute of limitations for most claims.

The SMART Act is a common-sense bi-partisan bill that will make the MSP system work more efficiently, reduce unnecessary burdens and waste, and speed the repayment of amounts owed to the Medicare Trust Fund.

By Mrs. FEINSTEIN:

S. 1719. A bill to clarify that schools and local educational agencies participating in the school lunch program under the Richard B. Russell National School Lunch Act are authorized to donate excess food to local food banks or charitable organizations; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. FEINSTEIN. Mr. President. I rise to introduce legislation which would provide clarification to schools and school districts that wish to donate excess food to food banks and charitable organizations.

In 1996, Congress passed the Bill Emerson Good Samaritan Food Donation Act to encourage the donation of food and grocery products to nonprofit organizations such as homeless shelters, soup kitchens and churches for distribution to needy individuals. The law limits the liability of donors to instances of gross negligence or intentional misconduct. However, because the law does not explicitly include schools as having limited liability, many schools and school districts have been hesitant to donate excess food.

This legislation would amend the Richard B. Russell National School Lunch Act to clarify that schools and local education agencies participating in the school lunch program under the act are authorized to donate excess food to local food banks or charitable organizations. It would clarify that schools and local education agencies making donations would be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Act.

Schools interested in donating excess food would be encouraged and better informed with the passage of this legislation. The Secretary of Education would provide schools with guidance to assist schools with food donations.

Given the current economy and high unemployment rate, more and more individuals are becoming dependent on food banks and charities. This legislation would help to address the needs of those living in poverty by increasing support for food donations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "School Food Recovery Act".

SEC. 2. FOOD DONATION PROGRAM.

Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following:

"(1) FOOD DONATION PROGRAM.—

"(1) IN GENERAL.—Each school and local educational agency participating in the school lunch program under this Act may do-

nate any food not consumed under such program to eligible local food banks or charitable organizations.

"(2) GUIDANCE.—

"(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall develop and publish guidance to schools and local educational agencies participating in the school lunch program under this Act to assist such schools and local educational agencies in donating food under this subsection.

"(B) UPDATES.—The Secretary shall update such guidance as necessary.

"(3) LIABILITY.—Any school or local educational agency making donations pursuant to this subsection shall be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

"(4) DEFINITION.—In this subsection, the term 'eligible local food banks or charitable organizations' means any food bank or charitable organization which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3))."

By Mrs. BOXER:

S. 1722. A bill to improve early education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I rise to introduce the Early Language Proficiency Act, legislation critical to preparing young children across our country to be successful in school.

Studies have shown that children who participate in pre-kindergarten programs are less likely to be held back a grade, show greater learning retention and initiative, have better social skills, are more enthusiastic about school, and are more likely to have good attendance records.

Experts agree that an early education experience is one of the most effective strategies for improving later school performance. The National Research Council reported that pre-kindergarten educational opportunities are critical in developing early language and literacy skills and preventing reading difficulties in young children.

This bill is a step forward in making a national commitment to giving all children access to high quality pre-kindergarten programs that have been proven to have a solid impact on a child's success later in school and in life.

The Early Language Proficiency Act, would authorize pre-kindergarten English language instruction as an allowable use of Federal funding. With over 5 million English language learning students nationwide, 1.5 million of who reside in my home State of in California, allowing school districts to use Federal funds to prepare young English learners for grade school is critical.

In addition, this legislation will help local school districts use federal funds to provide prekindergarten services to all young children they serve. Although school districts may already use Federal funds from Title I of the

Elementary and Secondary Education Act for early education, many school districts are either unaware of or are uncertain of how to use this authority. The Early Language Proficiency Act would ensure that states provide proper guidance to local schools about how to use Title I funds to educate pre-kindergarteners.

The future of our Nation's economy depends on the next generation of workers, and high-quality early childhood education is key to preparing them for their careers. In the long run, pre-kindergarten programs pay for themselves. Decades of research have proven that early education programs yield between \$7 to \$16 for every dollar invested.

Ensuring that all students start school ready to learn is essential to ensuring that we meet our goal of having the best-educated workforce and the highest proportion of college graduates in the world by 2020. I urge my colleagues to support this legislation.

By Mr. McCONNELL:

S. 1726. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; read the first time.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Withholding Tax Relief Act of 2011".

SEC. 2. REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

SEC. 3. RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, \$30,000,000,000 in appropriated discretionary funds are hereby permanently rescinded.

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(c) EXCEPTION.—This section shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 294—COMMEMORATING THE 182ND ANNIVERSARY OF THE OPENING OF THE CHESAPEAKE AND DELAWARE CANAL

Mr. COONS (for himself, Mr. CARPER, Ms. MIKULSKI, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 294

Whereas on October 17, 1829, the Chesapeake and Delaware Canal became operational with the joint support of the Federal Government and the States of Delaware, Maryland, and Pennsylvania;

Whereas the Chesapeake and Delaware Canal has served the economy of the Chesapeake and Mid-Atlantic regions for 182 years, first as a lock-system canal and in the 20th century, as a free-flowing waterway;

Whereas the Chesapeake and Delaware Canal Museum recognizes and celebrates the history of the Canal and the role of the Canal in the economic development of the United States from the early 19th century through the date of approval of this resolution;

Whereas the Chesapeake and Delaware Canal is 1 of only 2 commercially viable sea level canals in the United States and is vital to the Ports of Wilmington, Baltimore, and Philadelphia, as well as the broader United States economy;

Whereas the Chesapeake and Delaware Canal is 1 of the busiest working waterways in the world, with more than 25,000 vessels passing through the Canal each year;

Whereas the Philadelphia District of the Corps of Engineers has responsibly managed the Chesapeake and Delaware Canal since 1933, including regularly dredging the Canal, maintaining existing bridges and roadways, and managing maritime traffic;

Whereas in 2005 and 2006, public workshops were held to solicit ideas and comments from local residents regarding potential recreational uses along the Chesapeake and Delaware Canal;

Whereas in March 2006, the Chesapeake and Delaware Canal trail concept plan was completed by the working group recommending the creation of a recreational trail along both banks of the Chesapeake and Delaware Canal to be used by walkers, joggers, cyclists, and equestrians;

Whereas the Federal Government and the State of Delaware have worked together to provide funding to build the first phase of the recreational trail along the banks of the Chesapeake and Delaware Canal, with construction set to begin in the spring of 2012;

Whereas the Chesapeake and Delaware Canal is surrounded by more than 7,500 acres of public land, creating a unique and safe environment for recreationists, families, students, anglers, hunters, nature enthusiasts, and others to participate in outdoor activities;

Whereas the recreational trail along the Chesapeake and Delaware Canal has the potential to provide a common link to communities across the States of Delaware and Maryland from Chesapeake City to Delaware City;

Whereas plans for Phase I of the recreational trail call for 9 miles of improved trail along the Chesapeake and Delaware Canal from Delaware City to Summit Marina, Delaware, including the construction of parking areas and comfort stations;

Whereas public participation has been an integral part of the development of the recreational trail along the Chesapeake and Delaware Canal and the plan enjoys broad support from local communities, stakeholder groups, and Federal and State officials; and

Whereas construction of the trail will create jobs and bring economic activity to communities along the Chesapeake and Delaware Canal while encouraging health and wellness through outdoor engagement: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 182nd anniversary of the opening of the Chesapeake and Delaware Canal;

(2) celebrates the history of the Chesapeake and Delaware Canal as a facilitator of trade and economic development in the Chesapeake and Mid-Atlantic regions;

(3) honors the ongoing role that the Chesapeake and Delaware Canal plays in supporting commerce by linking the Delaware River and Chesapeake Bay to ports around the world; and

(4) recognizes the potential for recreation on federally owned land along the banks of the Chesapeake and Delaware Canal to encourage job creation, outdoor engagement, wellness, and fitness.

SENATE RESOLUTION 295—DESIGNATING OCTOBER 26, 2011, AS "DAY OF THE DEPLOYED"

Mr. HOEVEN (for himself, Mr. CONRAD, Mr. ROBERTS, Mr. SESSIONS, Mr. ISAKSON, Mr. BLUNT, and Mr. BOOZMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 295

Whereas more than 2,270,000 people serve as members of the United States Armed Forces;

Whereas several hundred thousand members of the Armed Forces rotate each year through deployments to 150 countries in every region of the world;

Whereas more than 2,300,000 members of the Armed Forces have deployed to the area of operations of the United States Central Command since the September 11, 2001, terrorist attacks;

Whereas the United States is kept strong and free by the loyal military personnel who protect our precious heritage through their positive declaration and actions;

Whereas members of the Armed Forces serving at home and abroad have courageously answered the call to duty to defend the ideals of the United States and to preserve peace and freedom around the world;

Whereas members of the Armed Forces personify the virtues of patriotism, service, duty, courage, and sacrifice;

Whereas the families of members of the Armed Forces make important and significant sacrifices for the United States;

Whereas North Dakota began honoring the members of the Armed Forces and their families by designating October 26 as "Day of the Deployed" in 2006; and

Whereas 40 States designated October 26, 2010, as "Day of the Deployed": Now, therefore, be it

Resolved, That the Senate—

(1) honors the members of the United States Armed Forces who are deployed;

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces, wherever they serve, past, present, and future;

(3) designates October 26, 2011, as "Day of the Deployed"; and

(4) encourages the people of the United States to observe "Day of the Deployed" with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 739. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 740. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 741. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 742. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 743. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 744. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 745. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 746. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 747. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 748. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 749. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 750. Mr. REID (for Mr. WEBB) proposed an amendment to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra.

SA 751. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 752. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 753. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 754. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 755. Mr. KOHL proposed an amendment to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra.

SA 756. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 757. Ms. COLLINS (for herself, Mr. UDALL of Colorado, Mr. CRAPO, Mr. RISCH,

Ms. SNOWE, Mr. WYDEN, Ms. AYOTTE, Mr. JOHANNES, Mr. NELSON of Nebraska, Mr. JOHNSON of Wisconsin, Mr. HOEVEN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 758. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 759. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 760. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 761. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 762. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 763. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 764. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 765. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 766. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 767. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 768. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 769. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 770. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 771. Mr. BINGAMAN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 772. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra.

SA 773. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 774. Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 775. Mr. CORNYN proposed an amendment to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra.

SA 776. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 777. Mr. PAUL (for himself and Mr. DEMINT) submitted an amendment intended

to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 778. Mr. PAUL (for himself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 779. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 780. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 781. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 782. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 783. Mr. REID (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 275, to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

SA 784. Mr. REID (for Mr. PAUL) proposed an amendment to the bill S. 275, supra.

TEXT OF AMENDMENTS

SA 739. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division C, insert the following:

SEC. _____. None of the amounts made available under this division may be used for—

- (1) scenic or historic highway programs, including tourist and welcome centers;
- (2) landscaping or scenic beautification;
- (3) historic preservation;
- (4) rehabilitation or operation of historic transportation buildings, structures, or facilities;
- (5) control or removal of outdoor advertising;
- (6) archaeological planning or research; or
- (7) the establishment of transportation museums.

SA 740. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading "ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS" under the heading "ECONOMIC DEVELOPMENT ADMINISTRATION" in title I of division B, strike "for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of

1980 (15 U.S.C. 3701 et seq.), as added by section 603 of the America COMPETES Reauthorization Act of 2010 (Public Law 111-358), \$220,000,000" and insert "and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 603 of the America COMPETES Reauthorization Act of 2010 (Public Law 111-358), \$204,200,000".

SA 741. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. _____. None of the funds made available by this Act shall be used to construct, fund, install, or operate an ethanol blender pump or an ethanol storage facility, including—

(1) funds in any trust fund to which funds are made available by Federal law; and

(2) any funds made available under the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107).

SA 742. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 319, lines 9 through 14, strike "That of the total amount provided under this heading, \$17,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further,*".

SA 743. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217, insert the following:

SEC. 218. Notwithstanding any other provision of this title, no funds appropriated or otherwise made available by this title may be used for an Edward Byrne Memorial criminal justice innovation program and the total amount appropriated under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE (INCLUDING TRANSFER OF FUNDS)" under the heading "OFFICE OF JUSTICE PROGRAMS" under this title shall be reduced by \$20,000,000.

SA 744. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30,

2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, line 17, strike "Nevada,".

SA 745. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the amounts made available under this Act may be used to provide payments to the Brazil Cotton Institute or to pay the salaries or other expenses of personnel to process such payments.

SA 746. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title VII of division A, strike section 729.

SA 747. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title VII of division A, strike section 722.

SA 748. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading "SALARIES AND EXPENSES" under the heading "ANIMAL AND PLANT HEALTH INSPECTION SERVICE" of title I of division A, strike "of which \$891,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831);".

SA 749. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division A, add the following:

SEC. 7 _____. None of the funds made available by this Act may be used to carry out section 11016 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122

Stat. 2130), including the amendments made by that section.

SA 750. Mr. REID (for Mr. WEBB) proposed an amendment to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) SHORT TITLE.—This section may be cited as the "National Criminal Justice Commission Act of 2011".

(b) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the "National Criminal Justice Commission" (referred to in this section as the "Commission").

(c) PURPOSE OF THE COMMISSION.—The Commission shall undertake a comprehensive review of the criminal justice system, encompassing current Federal, State, local, and tribal criminal justice policies and practices, and make reform recommendations for the President, Congress, State, local, and tribal governments.

(d) REVIEW AND RECOMMENDATIONS.—

(1) GENERAL REVIEW.—The Commission shall undertake a comprehensive review of all areas of the criminal justice system, including Federal, State, local, and tribal governments' criminal justice costs, practices, and policies.

(2) FINDINGS AND RECOMMENDATIONS.—After conducting a review of the United States criminal justice system as required by paragraph (1), the Commission shall make findings regarding such review and recommendations for changes in oversight, policies, practices, and laws designed to prevent, deter, and reduce crime and violence, reduce recidivism, improve cost-effectiveness, and ensure the interests of justice at every step of the criminal justice system.

(3) PRIOR COMMISSIONS.—The Commission shall take into consideration the work of prior relevant commissions in conducting its review.

(4) STATE AND LOCAL GOVERNMENT.—In making its recommendations, the Commission should consider the financial and human resources of State and local governments. Recommendations shall not infringe on the legitimate rights of the States to determine their own criminal laws or the enforcement of such laws.

(5) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(6) CONSULTATION WITH GOVERNMENT AND NONGOVERNMENT REPRESENTATIVES.—

(A) IN GENERAL.—The Commission shall—

(i) closely consult with Federal, State, local, and tribal government and nongovernmental leaders, including State, local, and tribal law enforcement officials, legislators, public health officials, judges, court administrators, prosecutors, defense counsel, victims' rights organizations, probation and parole officials, criminal justice planners, criminologists, civil rights and liberties organizations, formerly incarcerated individuals, professional organizations, and corrections officials; and

(ii) include in the final report required by paragraph (7) summaries of the input and recommendations of these leaders.

(B) UNITED STATES SENTENCING COMMISSION.—To the extent the review and recommendations required by this subsection

relate to sentencing policies and practices for the Federal criminal justice system, the Commission shall conduct such review and make such recommendations in consultation with the United States Sentencing Commission.

(7) REPORT.—

(A) REPORT.—Not later than 18 months after the first meeting of the Commission, the Commission shall prepare and submit a final report that contains a detailed statement of findings, conclusions, and recommendations of the Commission to Congress, the President, State, local, and tribal governments.

(B) GOAL OF UNANIMITY.—It is the sense of the Congress that, given the national importance of the matters before the Commission, the Commission should work toward unanimously supported findings and recommendations.

(C) PUBLIC AVAILABILITY.—The report submitted under this paragraph shall be made available to the public.

(D) VOTES ON RECOMMENDATIONS IN REPORT.—Consistent with subparagraph (B), the Commission shall state the vote total for each recommendation contained in its report to Congress.

(e) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 14 members, as follows:

(A) One member shall be appointed by the President, who shall serve as co-chairman of the Commission.

(B) One member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Republican Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party, who shall serve as co-chairman of the Commission.

(C) Two members shall be appointed by the senior member of the Senate leadership of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(D) Two members shall be appointed by the senior member of the Senate leadership of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(E) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(F) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(G) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with leader of the Senate (majority or minority leader, as the case may be) of the Republican Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party.

(H) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party.

(2) MEMBERSHIP.—

(A) QUALIFICATIONS.—The individuals appointed from private life as members of the Commission shall be individuals with distinguished reputations for integrity and non-

partisanship who are nationally recognized for expertise, knowledge, or experience in such relevant areas as—

- (i) law enforcement;
- (ii) criminal justice;
- (iii) national security;
- (iv) prison and jail administration;
- (v) prisoner reentry;
- (vi) public health, including physical and sexual victimization, drug addiction and mental health;
- (vii) victims' rights;
- (viii) civil liberties;
- (ix) court administration;
- (x) social services; and
- (xi) State, local, and tribal government.

(B) DISQUALIFICATION.—An individual shall not be appointed as a member of the Commission if such individual possesses any personal financial interest in the discharge of any of the duties of the Commission.

(C) TERMS.—Members shall be appointed for the life of the Commission.

(3) APPOINTMENT; FIRST MEETING.—

(A) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this section.

(B) FIRST MEETING.—The Commission shall hold its first meeting on the date that is 60 days after the date of enactment of this section, or not later than 30 days after the date on which funds are made available for the Commission, whichever is later.

(C) ETHICS.—At the first meeting of the Commission, the Commission shall draft appropriate ethics guidelines for commissioners and staff, including guidelines relating to conflict of interest and financial disclosure. The Commission shall consult with the Senate and House Committees on the Judiciary as a part of drafting the guidelines and furnish the Committees with a copy of the completed guidelines.

(4) MEETINGS; QUORUM; VACANCIES.—

(A) MEETINGS.—The Commission shall meet at the call of the co-chairs or a majority of its members.

(B) QUORUM.—Eight members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(C) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. If vacancies in the Commission occur on any day after 45 days after the date of the enactment of this section, a quorum shall consist of a majority of the members of the Commission as of such day, so long as at least 1 Commission member chosen by a member of each party, Republican and Democratic, is present.

(5) ACTIONS OF COMMISSION.—

(A) IN GENERAL.—The Commission—

- (i) shall act by resolution agreed to by a majority of the members of the Commission voting and present; and
- (ii) may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this section—

(I) which shall be subject to the review and control of the Commission; and

(II) any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(B) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this section.

(f) ADMINISTRATION.—

(1) STAFF.—

(A) EXECUTIVE DIRECTOR.—The Commission shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate established for the Certified Plan pay level for the Senior Executive Service under section 5382 of title 5, United States Code.

(B) APPOINTMENT AND COMPENSATION.—The co-chairs of the Commission shall designate and fix the compensation of the Executive Director and, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(C) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(D) THE COMPENSATION OF COMMISSIONERS.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States, State, or local government shall serve without compensation in addition to that received for their services as officers or employees.

(E) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(4) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information such Commission determines to be necessary to carry out its duties from the Library of Congress, the Department of Justice, the Office of National Drug Control Policy, the Department of State, and other

agencies of the executive and legislative branches of the Federal Government. The co-chairs of the Commission shall make requests for such access in writing when necessary.

(5) **VOLUNTEER SERVICES.**—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission is authorized to accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in performance of those services for the purposes of chapter 81 of title 5 of the United States Code, relating to compensation for work-related injuries, chapter 171 of title 28 of the United States Code, relating to tort claims, and chapter 11 of title 18 of the United States Code, relating to conflicts of interest.

(6) **OBTAINING OFFICIAL DATA.**—The Commission may secure directly from any agency of the United States information necessary to enable it to carry out this section. Upon the request of the co-chairs of the Commission, the head of that department or agency shall furnish that information to the Commission. The Commission shall not have access to sensitive information regarding ongoing investigations.

(7) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(8) **ADMINISTRATIVE REPORTING.**—The Commission shall issue biannual status reports to Congress regarding the use of resources, salaries, and all expenditures of appropriated funds.

(9) **CONTRACTS.**—The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities. A contract, lease or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

(10) **GIFTS.**—Subject to existing law, the Commission may accept, use, and dispose of gifts or donations of services or property.

(11) **ADMINISTRATIVE ASSISTANCE.**—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section. These administrative services may include human resource management, budget, leasing, accounting, and payroll services.

(12) **NONAPPLICABILITY OF FACIA AND PUBLIC ACCESS TO MEETINGS AND MINUTES.**—

(A) **IN GENERAL.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(B) **MEETINGS AND MINUTES.**—

(i) **MEETINGS.**—

(I) **ADMINISTRATION.**—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(II) **NOTICE.**—All open meetings of the Commission shall be preceded by timely pub-

lic notice in the Federal Register of the time, place, and subject of the meeting.

(ii) **MINUTES AND PUBLIC AVAILABILITY.**—Minutes of each open meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. The minutes and records of all open meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(13) **ARCHIVING.**—Not later than the date of termination of the Commission, all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

(g) **APPROPRIATION.**—Of amounts provided in this Act for salary and expenses for the Office of Justice Programs, \$5,000,000 shall be for the establishment of the commission, until such funds are expended.

(h) **SUNSET.**—The Commission shall terminate 60 days after it submits its report to Congress.

SA 751. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII in division A, add the following:

SEC. ____ None of the funds made available by this Act to the Food and Drug Administration may be used to approve any application submitted under section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b) for approval of genetically engineered fish.

SA 752. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. None of the funds made available by this Act may be used for coastal and marine spatial planning, as defined by Executive Order 13547 (33 U.S.C. 857-19 note; relating to stewardship of the ocean, coasts, and Great Lakes).

SA 753. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. (a) **PROHIBITION ON USE OF FUNDS FOR PROSECUTION OF ENEMY COMBATANTS IN ARTICLE III COURTS.**—None of the funds appropriated or otherwise made available for

the Department of Justice by this Act may be obligated or expended to commence the prosecution in an Article III court of the United States of an individual determined to be—

(1) a member of, or part of, al-Qaeda or an affiliated entity; and

(2) a participant in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(b) **DEFINITIONS.**—In this section:

(1) The term “Article III court of the United States” means a court of the United States established under Article III of the Constitution of the United States.

(2) The term “individual” does not include a citizen of the United States.

SA 754. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 248, line 18, insert “*Provided further*, That none of the funds made available under this heading may be used to finalize, enforce, or implement the hours-of-service regulations proposed by the Federal Motor Carrier Safety Administration on December 29, 2010:” after “transfer:”.

SA 755. Mr. KOHL proposed an amendment to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

At the end of title VII of division A, add the following:

SEC. 7 ____ Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report describing plans to implement reductions to salaries and expenses accounts included in this Act.

SA 756. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, line 21, strike “\$509,295,000” and insert “\$499,295,000”.

On page 48, beginning on line 1, strike “\$10,000,000” and all that follows through “Account” on line 10 and insert “none of the funds made available under this Act may be used to make high energy cost grants under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a)”.

SA 757. Ms. COLLINS (for herself, Mr. UDALL of Colorado, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Mr. WYDEN, Ms. AYOTTE, Mr. JOHANNIS, Mr. NELSON of

Nebraska, Mr. JOHNSON of Wisconsin, Mr. HOEVEN, and Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division A, add the following:

SEC. _____. None of the funds made available by this Act may be used to implement an interim final or final rule that—

(1) sets maximum limits on the frequency of serving fruits and vegetables in school meal programs established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

(2) limits the options of local school districts in providing fruits and vegetables consistent with the most recent Dietary Guidelines for Americans.

SA 758. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. None of the funds made available under this Act may be used for the development or implementation of coastal and marine spatial planning (as defined in section 3 of Executive Order 13547 (33 U.S.C. 857-19 note; relating to stewardship of the ocean, our coasts, and the Great Lakes)).

SA 759. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. None of the funds made available under this Act may be used for the development or implementation of the planning described in section 3(b) of Executive Order 13547 (33 U.S.C. 857-19 note; relating to stewardship of the ocean, our coasts, and the Great Lakes).

SA 760. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, after line 7 add the following:

SEC. 237. The Federal Housing Administration may not use any funds made available under the heading "FEDERAL HOUSING ADMINISTRATION" under the heading "DEPART-

MENT OF HOUSING AND URBAN DEVELOPMENT" under this title unless, not later than 60 days after the date of enactment of this Act, the Director of the Federal Housing Administration takes all necessary steps to ensure that the Mutual Mortgage Insurance Fund established under section 205 of the National Housing Act (12 U.S.C. 1711) attains a capital ratio of 2 percent before the end of fiscal year 2012.

SA 761. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, after line 24, add the following:

SEC. 218. None of the amounts made available in this title under the heading "COMMUNITY ORIENTED POLICING SERVICES" may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

SA 762. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NATIONAL RIGHT TO WORK.

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking "except to" and all that follows through "authorized in section 8(a)(3)".

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking "Provided, That" and all that follows through "retaining membership";

(B) in subsection (b)—

(i) in paragraph (2), by striking "or to discriminate" and all that follows through "retaining membership"; and

(ii) in paragraph (5), by striking "covered by an agreement authorized under subsection (a)(3) of this section"; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SA 763. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement the final rule entitled "Use of Ozone-Depleting Substances; Removal of Essential-Use Designation (Epinephrine)" (73 Fed. Reg. 69532 (November 19, 2008)).

SA 764. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 7 _____. Section 101(a)(2) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 120; 124 Stat. 2394; 124 Stat. 3265) is amended by striking "after October 31, 2013" and inserting "on the date of enactment of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012".

SA 765. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this title shall be used to pay the salaries and expenses of personnel to enforce the provisions of section 3(a)(2) of the Lacey Act Amendments of 1981 (16 U.S.C. 3372(a)(2)) with respect to a plant taken, possessed, transported, or sold in violation of a foreign law unless the applicable foreign government has initiated proceedings against the company or individual under the foreign law.

SA 766. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIGHTING ENERGY EFFICIENCY.

(a) IN GENERAL.—Subtitle B of title III of the Energy Independence and Security Act of 2007 (Public Law 110-140) is repealed.

(b) APPLICATION.—The Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) shall be applied and administered as if subtitle B of title III of the Energy Independence and Security Act of 2007 (and the amendments made by that subtitle) had not been enacted.

SA 767. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30,

2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 388, after line 17, add the following:

DIVISION D—LOAN GUARANTEES

SEC. 101. LOAN GUARANTEES.

Notwithstanding any other provision of this Act, none of the funds made available by this Act (including divisions A, B, and C) or an amendment made by this Act may be used to make a loan guarantee.

SA 768. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act may be used for mifepristone, commonly known as RU-486.

SA 769. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. _____. None of the funds made available in this Act for the Food and Drug Administration shall be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act.

SA 770. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 17, insert “or hereafter” after “herein”.

On page 121, line 23, insert “or hereafter” after “herein”.

On page 122, line 11, insert “, hereafter,” after “That”.

On page 124, line 13, insert “, hereafter,” after “That”.

On page 124, line 17, insert “, hereafter,” after “That”.

On page 124, line 21, insert “, hereafter,” after “That”.

On page 179, line 13, strike “None of” and insert “Hereafter, none of”.

On page 181, line 3, strike “The Bureau” and insert “For fiscal year 2012 and thereafter, the Bureau”.

On page 184, line 14, insert “hereafter,” after “treaty.”

On page 186, line 19, insert “hereafter,” after “law.”

SA 771. Mr. BINGAMAN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, between lines 2 and 3, insert the following:

SEC. 542. (a) The matter under the heading “SALARIES AND EXPENSES” under the heading “OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE” in title IV of this division is amended by striking “\$46,775,000” and inserting “\$51,251,000”.

(b) Section 529(c)(2) of this title is amended by striking “\$620,000,000” and inserting “\$624,476,000”.

SA 772. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

Strike section 128 of division C.

SA 773. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203) is repealed, and the provisions of law amended by such Act are revived or restored as if such Act had not been enacted.

SA 774. Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. OPPOSITION TO FUNDING BY THE INTERNATIONAL MONETARY FUND FOR THE EUROPEAN FINANCIAL STABILITY FACILITY.

The United States Executive Director of the International Monetary Fund shall use the voice and vote of the United States to oppose—

(1) the use of any funds that include any contributions from the United States to the Fund for the European Financial Stability Facility;

(2) any additional funding provided by the Fund for any program related to the Facility; and

(3) any increase in the authority of the Fund that may be used to provide support for the Facility or any such program.

SA 775. Mr. CORNYN proposed an amendment to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. No funds made available under this Act shall be used to allow the transfer of firearms to agents of drug cartels where law enforcement personnel of the United States do not continuously monitor and control such firearms at all times.

SA 776. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. _____. Not later than 3 days after the date of enactment of this Act, the Commissioner of Food and Drugs shall provide a response to the Independent Turtle Farmers of Louisiana regarding the submission to the Food and Drug Administration by such Independent Turtle Farmers of Louisiana dated March 31, 2011, relating to the regulation that bans the sale of small turtles.

SA 777. Mr. PAUL (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement the FDA Food Safety Modernization Act (Public Law 111-353) (or any amendment made by such Act).

SA 778. Mr. PAUL (for himself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. _____. None of the funds made available by this Act to the Food and Drug Administration may be used for the purchase of

weapons or ammunition to be used in enforcement activities, including raids.

SA 779. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 287, line 8, strike "\$549,499,000" and insert "\$542,939,000".

On page 333, line 9, strike "\$35,940,000" and insert "\$42,500,000".

SA 780. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 289, line 8, strike "\$101,076,000" and insert "\$97,076,000".

On page 289, line 11, strike "\$392,796,000" and insert "\$382,296,000".

On page 326, line 18, strike "\$60,000,000" and insert "\$87,500,000".

On page 336, line 1, strike "\$199,035,000" and insert "\$184,035,000".

SA 781. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. 7 _____. Section 363 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006e) is amended in the first sentence by striking "any loan" and inserting "any farmer program loan".

SA 782. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, line 21, insert ", of which \$1,000,000 shall be used for capitalization or recapitalization, as applicable, of revolving loan funds to support innovative, utility-administered energy efficiency lending to small businesses" before the period at the end.

SA 783. Mr. REID (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 275, to amend title 49, United

States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; as follows:

On page 64, after line 18, add the following:

SEC. 30. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 784. Mr. REID (for Mr. PAUL) proposed an amendment to the bill S. 275, to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; as follows:

Beginning on page 56, strike line 12 and all that follows through page 64, line 18, and insert the following:

(1) 9 employees shall be added in fiscal year 2012;

(2) 10 employees shall be added in fiscal year 2013;

(3) 10 employees shall be added in fiscal year 2014; and

(4) 10 employees shall be added in fiscal year 2015.

(b) FUNCTIONS.—In increasing the number of employees under subsection (a), the Secretary shall focus on hiring employees—

(1) to conduct data collection, analysis, and reporting;

(2) to develop, implement, and update information technology;

(3) to conduct inspections of pipeline facilities to determine compliance with applicable regulations and standards;

(4) to provide administrative, legal, and other support for pipeline enforcement activities; and

(5) to support the overall pipeline safety mission of the Pipeline and Hazardous Materials Safety Administration, including training of pipeline enforcement personnel.

SEC. 26. MAINTENANCE OF EFFORT.

Section 60107(b) is amended to read as follows:

"(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program and that the total State amount spent for a safety program (excluding grants of the United States Government) will at least equal the average amount spent for gas and hazardous liquid safety programs for fiscal years 2004 through 2006, except when the Secretary waives the requirements of this subsection. The Secretary shall grant such a waiver if a State can demonstrate an inability to maintain or increase the required funding share of its pipeline safety program at or above the level required by this subsection due to economic hardship in that State."

SEC. 27. MAXIMUM ALLOWABLE OPERATING PRESSURE.

(a) ESTABLISHMENT OF RECORDS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall require pipeline operators to conduct a verification of records for all interstate and intrastate gas transmission lines in class 3 and class 4 locations and class 1 and class 2 high consequence areas that accurately reflect the pipeline's physical and operational characteristics and confirm the established maximum allowable operating pressure of those pipelines.

(2) ELEMENTS.—Verification of each record under paragraph (1) shall include such elements as the Secretary considers appropriate.

(b) REPORTING.—

(1) DOCUMENTATION OF CERTAIN PIPELINES.—Not later than 18 months after the date of enactment of this Act, pipeline operators shall submit to the Secretary documentation of all interstate and intrastate gas transmission pipelines in class 3 and class 4 locations and class 1 and class 2 high consequence areas where the records required under subsection (a) are not sufficient to confirm the established maximum allowable operating pressure of those pipeline segments.

(2) EXCEEDANCES OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—All pipeline operators shall report any exceedance of the maximum allowable operating pressure for gas transmission pipelines that exceed the build-up allowed for operation of pressure-limiting or control devices to the Secretary not later than 5 working days after the exceedance occurs. Notice of exceedance by gas transmission pipelines shall be provided concurrently to appropriate State authorities.

(c) DETERMINATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

(1) IN GENERAL.—For any transmission line reported in subsection (b), the Secretary shall require the operator of the transmission line to reconfirm a maximum allowable operational pressure as expeditiously as economically feasible.

(2) INTERIM ACTIONS.—For cases described in paragraph (1), the Secretary will determine what actions are appropriate for a pipeline operator to take to maintain safety until a maximum allowable operating pressure is confirmed. In determining what actions an operator should take, the Secretary shall take into account consequences to public safety and the environment, impacts on pipeline system reliability and deliverability, and other factors, as appropriate.

(d) TESTING REGULATIONS.—The Secretary shall, not later than 18 months after the date of the enactment of this Act, prescribe regulations for conducting tests to confirm the material strength of previously untested natural gas transmission pipelines located in areas identified pursuant to section 60109(a) of title 49, United States Code, and operating at a pressure greater than 30 percent of specified minimum yield strength. The Secretary shall consider safety testing methodologies including, at a minimum, pressure testing or other alternative methods, including in-line inspections, determined by the Secretary to be of equal or greater effectiveness. The Secretary, in consultation with the Chairman of the Federal Energy Regulatory Commission and State regulators, as appropriate, shall establish timeframes for the completion of such testing that take into account consequences to public safety and the environment and that minimize costs and service disruptions.

SEC. 28. ADMINISTRATIVE ENFORCEMENT PROCESS.

(a) ISSUANCE OF REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall prescribe regulations—

(A) requiring hearings under sections 60112, 60117, 60118, and 60122 to be convened before a presiding official;

(B) providing the opportunity for any person requesting a hearing under sections 60112, 60117, 60118, and 60122 to arrange for a transcript of that hearing, at the expense of the requesting person; and

(C) ensuring expedited review of any order issued pursuant to section 60112(e).

(2) PRESIDING OFFICIAL.—The regulations prescribed under this subsection shall—

(A) define the term “presiding official” to mean the person who conducts any hearing relating to civil penalty assessments, compliance orders, safety orders, or corrective action orders; and

(B) require that the presiding official must be an attorney on the staff of the Deputy Chief Counsel that is not engaged in investigative or prosecutorial functions, including the preparation of notices of probable violations, orders relating to civil penalty assessments, compliance orders, or corrective action orders.

(b) STANDARDS OF JUDICIAL REVIEW.—Section 60119(a) is amended by adding at the end the following new paragraph:

“(3) All judicial review of agency action under this section shall apply the standards of review established in section 706 of title 5.”.

SEC. 29. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—

(1) Section 60125(a)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:

“(A) for fiscal year 2012, \$92,206,000, of which \$9,200,000 is for carrying out such section 12 and \$36,958,000 is for making grants;

“(B) for fiscal year 2013, \$96,144,000, of which \$9,600,000 for carrying out such section 12 and \$39,611,000 is for making grants;

“(C) for fiscal year 2014, \$99,876,000, of which \$9,900,000 is for carrying out such section 12 and \$41,148,000 is for making grants; and

“(D) for fiscal year 2015, \$102,807,000, of which \$10,200,000 is for carrying out such section 12 and \$42,356,000 is for making grants.”.

(2) Section 60125(a)(2) is amended by striking subparagraphs (A) through (D) and inserting the following:

“(A) for fiscal year 2012, \$18,905,000, of which \$7,562,000 is for carrying out such section 12 and \$7,864,000 is for making grants;

“(B) for fiscal year 2013, \$19,661,000, of which \$7,864,000 is for carrying out such section 12 and \$7,864,000 is for making grants;

“(C) for fiscal year 2014, \$20,000,000, of which \$8,000,000 is for carrying out such section 12 and \$8,000,000 is for making grants; and

“(D) for fiscal year 2015, \$20,000,000, of which \$8,000,000 is for carrying out such section 12 and \$8,000,000 is for making grants.”.

(b) EMERGENCY RESPONSE GRANTS.—Section 60125(b)(2) is amended by striking “2007 through 2010” and inserting “2012 through 2015”.

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 is amended—

(1) by striking “2007 through 2010.” in subsection (a) and inserting “2012 through 2015.”;

(2) by striking “2007 through 2010.” in subsection (b) and inserting “2012 through 2015.”; and

(3) by striking subsection (c).

(d) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134 is amended by adding at the end the following:

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to provide grants under this section \$2,000,000 for each of fiscal years 2012 through 2015. The funds shall remain available until expended.”.

(e) COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.—Section 60130 is amended—

(1) by striking “\$50,000” in subsection (a)(1) and inserting “\$100,000”; and

(2) by striking “2003 through 2010.” in subsection (d) and inserting “2012 through 2015.”.

(f) PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—

(1) by adding at the end of subsection (d) the following:

“(3) ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program each year that funds are appropriated for carrying out the plan.”; and

(2) by striking “2003 through 2006.” in subsection (f) and inserting “2012 through 2015.”.

NOTICE OF INTENT TO OBJECT

I, Senator CHARLES GRASSLEY, intend to object to proceeding to S. 1385, a bill to terminate the \$1 presidential coin program, dated October 17, 2011.

PRIVILEGES OF THE FLOOR

Mr. KOHL. Mr. President, I ask unanimous consent that the following staff be granted the privileges of the floor during consideration of H.R. 2112: Galen Fountain, Jessica Frederick, Dianne Nellor, Stacy McBride, Phil Karsting, Chad Metzler, Michael Lavender, Aliza Fishbein, Brian Diffell, Zach Kinne, Kristina Weger; as well as Bob Ross and Mary Koskinen, detailees from the Department of Agriculture to the Committee on Appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, on behalf of Senator MURRAY and myself, I ask unanimous consent that the following staff have unlimited floor privileges during the consideration of H.R. 2112: Heideh Shahmoradi, Brooke Stringer, Carl Barrick, Alex Keenan, Meaghan McCarthy, Dabney Hegg, Molly O'Rourke, Terri Curtain, Elizabeth McDonnell, Kenneth Altman, Jessica James Morgan Cashwell, Lorinda Harris, Cyrus Cheslak, and Mark LeDuc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I also ask unanimous consent that Michael Clarke, a detailee from the Department of Transportation to the Committee on

Appropriations, be granted unlimited floor privileges during the consideration of H.R. 2112.

The PRESIDING OFFICER. Without objection, it is so ordered.

PIPELINE TRANSPORTATION SAFETY IMPROVEMENT ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 96.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 275) to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Pipeline Transportation Safety Improvement Act of 2011”.

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of title 49, United States Code; table of contents.

Sec. 2. Civil penalties.

Sec. 3. Pipeline damage prevention.

Sec. 4. Offshore gathering pipelines.

Sec. 5. Automatic and remote-controlled shut-off valves.

Sec. 6. Excess flow valves.

Sec. 7. Integrity management.

Sec. 8. Public education and awareness.

Sec. 9. Cast iron gas pipelines.

Sec. 10. Leak detection.

Sec. 11. Incident notification.

Sec. 12. Transportation-related onshore facility response plan compliance.

Sec. 13. Pipeline infrastructure data collection.

Sec. 14. International cooperation and consultation.

Sec. 15. Gas and hazardous liquid gathering lines.

Sec. 16. Transportation-related oil flow lines.

Sec. 17. Alaska project coordination.

Sec. 18. Cost recovery for design reviews.

Sec. 19. Special permits.

Sec. 20. Biofuel pipelines.

Sec. 21. Carbon dioxide pipelines.

Sec. 22. Study of the transportation of tar sands crude oil.

Sec. 23. Study of non-petroleum hazardous liquids transported by pipeline.

Sec. 24. Clarifications.

Sec. 25. Additional resources.

Sec. 26. Maintenance of effort.

Sec. 27. Maximum allowable operating pressure.

Sec. 28. Administrative enforcement process.

Sec. 29. Authorization of appropriations.

SEC. 2. CIVIL PENALTIES.

(a) **PENALTY CONSIDERATIONS; MAJOR CONSEQUENCE VIOLATIONS.**—Section 60122 is amended—

(1) by striking “the ability to pay,” in subsection (b)(1)(B);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(3) by inserting after subsection (b) the following:

“(c) **PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.**—

“(1) **IN GENERAL.**—A person that the Secretary of Transportation decides, after written notice and an opportunity for a hearing, has committed a major consequence violation of section 60114(b), 60114(d), or 60118(a) of this title or a regulation prescribed or order issued under this chapter is liable to the United States Government for a civil penalty of not more than \$250,000 for each violation. A separate violation occurs for each day the violation continues. The maximum civil penalty under this paragraph for a related series of major consequence violations is \$2,500,000.

“(2) **PENALTY CONSIDERATIONS.**—In determining the amount of a civil penalty for a major consequence violation under this subsection, the Secretary shall consider the factors prescribed in subsection (b).

“(3) **MAJOR CONSEQUENCE VIOLATION DEFINED.**—In this subsection, the term ‘major consequence violation’ means a violation that contributed to an incident resulting in—

“(A) 1 or more deaths;

“(B) 1 or more injuries or illnesses requiring in-patient hospitalization; or

“(C) environmental harm exceeding \$250,000 in estimated damage to the environment including property loss other than the value of natural gas or hazardous liquid lost, or damage to pipeline equipment.”.

(b) **PENALTY FOR OBSTRUCTION OF INSPECTIONS AND INVESTIGATIONS.**—Section 60118(e) is amended by adding at the end the following: “The Secretary may impose a civil penalty under section 60122 of this title on a person who obstructs or prevents the Secretary from carrying out inspections or investigations under this chapter.”.

(c) **ADMINISTRATIVE PENALTY CAPS INAPPLICABLE.**—Section 60120(a)(1) is amended by adding at the end the following: “The maximum amount of civil penalties for administrative enforcement actions under section 60122 of this title shall not apply to enforcement actions under this section.”.

(d) **JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.**—Section 60119(a) is amended—

(1) by striking the subsection caption and inserting “(a) **REVIEW OF REGULATIONS, ORDERS, AND OTHER FINAL AGENCY ACTIONS.**—”; and

(2) by striking “about an application for a waiver under section 60118(c) or (d) of” and inserting “under”.

SEC. 3. PIPELINE DAMAGE PREVENTION.

(a) **MINIMUM STANDARDS FOR STATE ONE-CALL NOTIFICATION PROGRAMS.**—Section 6103(a) is amended to read as follows:

“(a) **MINIMUM STANDARDS.**—

“(1) **IN GENERAL.**—In order to qualify for a grant under section 6106, a State one-call notification program shall, at a minimum, provide for—

“(A) appropriate participation by all underground facility operators, including all government operators;

“(B) appropriate participation by all excavators, including all government and contract excavators; and

“(C) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

“(2) **EXEMPTIONS PROHIBITED.**—A State one-call notification program may not exempt municipalities, State agencies, or their contractors from its one-call notification system requirements.”.

(b) **STATE DAMAGE PREVENTION PROGRAMS.**—Section 60134(a) is amended—

(1) by striking “and” after the semicolon in paragraph (1);

(2) by striking “(b).” in paragraph (2) and inserting “(b); and”; and

(3) by adding at the end the following:

“(3) does not provide any exemptions to municipalities, State agencies, or their contractors from its one-call notification system requirements.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 4. OFFSHORE GATHERING PIPELINES.

Section 60102(k)(1) is amended by striking the last sentence and inserting “Not later than 1 year after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall issue regulations, after notice and an opportunity for a hearing, subjecting offshore hazardous liquid gathering pipelines and hazardous liquid gathering pipelines located within the inlets of the Gulf of Mexico to the same standards and regulations as other hazardous liquid gathering pipelines. The regulations issued under this paragraph shall not apply to low-stress distribution pipelines.”.

SEC. 5. AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.

Section 60102 is amended by adding at the end the following:

“(n) **AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.**—Not later than 2 years after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall by regulation, after notice and an opportunity for a hearing, require the use of automatic or remote-controlled shut-off valves, or equivalent technology, where economically, technically, and operationally feasible on transmission pipelines constructed or entirely replaced after the date on which the Secretary issues a final rule.”.

SEC. 6. EXCESS FLOW VALVES.

Section 60109(e)(3) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

“(B) **DISTRIBUTION BRANCH SERVICES, MULTI-FAMILY FACILITIES, AND SMALL COMMERCIAL FACILITIES.**—Not later than 2 years after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall prescribe regulations, after notice and an opportunity for a hearing, to require the use of excess flow valves, where economically and technically feasible, on new or entirely replaced distribution branch services, multi-family facilities, and small commercial facilities.”.

SEC. 7. INTEGRITY MANAGEMENT.

(a) **EVALUATION.**—Within 1 year after the date of enactment of this Act, the Secretary of Transportation shall evaluate—

(1) whether integrity management system requirements, or elements thereof, should be expanded beyond high consequence areas (as defined under section 60109(a) of title 49, United States Code);

(2) with respect to gas pipeline facilities, whether applying the integrity management program requirements to additional areas would mitigate the need for class location requirements, with an emphasis on class 3 and 4 facilities; and

(3) whether data collected outside high consequence areas as part of gas transmission pipe-

line integrity management programs should be included as part of the records required to be maintained by operators.

(b) **STANDARDS.**—Not later than 1 year after completion of the evaluation, the Secretary shall prescribe such regulations, as appropriate, after notice and an opportunity for a hearing.

(c) **DATA REPORTING.**—The Secretary shall collect any relevant data necessary to complete the evaluation required by subsection (a) and may collect such additional data pursuant to regulations promulgated under subsection (b) as may be necessary.

(d) **SEISMICITY.**—In identifying high consequence areas under section 60109, the Secretary shall consider the seismicity of the area.

SEC. 8. PUBLIC EDUCATION AND AWARENESS.

(a) **IN GENERAL.**—Chapter 601 is amended by adding at the end the following:

“§60138. Public education and awareness

“(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall—

“(1) maintain a monthly updated summary of all completed and final natural gas and hazardous liquid pipeline inspections conducted by or reported to the Pipeline and Hazardous Materials Safety Administration that includes—

“(A) identification of the operator inspected;

“(B) the type of inspection;

“(C) the results of the inspection, including any deficiencies identified; and

“(D) any corrective actions required to be taken by the operator to remediate such deficiencies;

“(2) maintain—

“(A) a status indication of the review and approval of each gas emergency response plan pursuant to section 60102(d)(5) of this title and of each hazardous liquid pipeline operator’s response plan pursuant to part 194 of title 49, Code of Federal Regulations;

“(B) a comprehensive description of the requirements for such plans; and

“(C) a detailed summary of each approved plan written by the operator that includes the key elements of the plan, but which may exclude—

“(i) proprietary information;

“(ii) security-sensitive information, including as referenced in section 1520.5(a) of title 49, code of Federal Regulations;

“(iii) specific response resources and tactical resource deployment plans; and

“(iv) the specific amount and location of worst-case discharges, including the process by which an operator determines the worst discharge.

“(3) excluding any proprietary or security-sensitive information, as part of the National Pipeline Mapping System maintain a map of all currently designated high consequence areas in which pipelines are required to meet integrity management safety regulations and update the map annually; and

“(4) maintain a copy or, at a minimum, a detailed summary of any industry-developed or professional organization pipeline safety standards that have been incorporated by reference into regulations, to the extent consistent with fair use.

“(b) **PUBLIC AVAILABILITY.**—The requirements of subsection (a) shall be considered to have been met if the information required to be made public is made available on the Pipeline and Hazardous Materials Safety Administration’s public Web site.

“(c) **RELATIONSHIP TO FOIA.**—Nothing in this section shall be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.”.

(b) **CLERICAL AMENDMENT.**—The table of contents for chapter 601 is amended by inserting

after the item relating to section 60137 the following new item:

“60138. Public education and awareness”.

SEC. 9. CAST IRON GAS PIPELINES.

(a) **SURVEY UPDATE.**—Not later than one year after the enactment of this Act, the Secretary of Transportation shall conduct a follow-on survey to the survey conducted under section 60108(d) to determine—

(1) the extent to which each operator has adopted a plan for the safe management and replacement of cast iron pipelines;

(2) the elements of the plan, including the anticipated rate of replacement; and

(3) the progress that has been made.

(b) **SURVEY FREQUENCY.**—Section 60108(d) is amended by adding at the end the following new paragraph:

“(4) The secretary shall conduct a follow-up survey to measure progress of plan implementation biannually.”.

SEC. 10. LEAK DETECTION.

(a) **LEAK DETECTION STUDY UPDATE.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and on Energy and Commerce of the House of Representatives an updated report on leak detection systems utilized by operators of hazardous liquid pipelines and transportation-related flow lines. The report shall include an analysis of the technical limitations of current leak detection systems, including the systems' ability to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies.

(b) **LEAK DETECTION STANDARDS.**—Not later than 1 year after completion of the report, the Secretary shall, as appropriate, based on the study in subsection (a), prescribe regulations, after notice and an opportunity for a hearing, requiring an operator of a hazardous liquid pipeline to use leak detection technologies, particularly in high consequence areas.

SEC. 11. INCIDENT NOTIFICATION.

Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall—

(1) prescribe regulations, after notice and an opportunity for a hearing, that establish time limits for accident and incident telephonic or electronic notification by pipeline operators to State and local government officials and emergency responders when a spill or rupture occurs; and

(2) review procedures for pipeline operators and the National Response Center to provide thorough and coordinated notification to all relevant emergency response officials and revise such procedures as appropriate.

SEC. 12. TRANSPORTATION-RELATED ONSHORE FACILITY RESPONSE PLAN COMPLIANCE.

(a) **IN GENERAL.**—Subparagraphs (A) and (B) of section 311(m)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(m)(2)) are each amended by striking “Administrator or” and inserting “Administrator, the Secretary of Transportation, or”.

(b) **CONFORMING AMENDMENT.**—Section 311(b)(6)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)(6)(A)) is amended by striking “operating or” and inserting “operating, the Secretary of Transportation, or”.

SEC. 13. PIPELINE INFRASTRUCTURE DATA COLLECTION.

(a) **IN GENERAL.**—Section 60132(a) is amended—

(1) by striking “and gathering lines”; and

(2) by adding at the end the following:

“(4) Any other geospatial, technical, or other related pipeline data, including design and material specifications, that the Secretary determines is necessary to carry out the purposes of this section. The Secretary shall give reasonable notice to operators that the data are being requested.”.

(b) **DISCLOSURE LIMITED TO FOIA REQUIREMENTS.**—Section 60132 is amended by adding at the end the following:

“(d) **PUBLIC DISCLOSURE LIMITED.**—The Secretary may not disclose information collected pursuant to subsection (a) except to the extent permitted by section 552 of title 5.”.

SEC. 14. INTERNATIONAL COOPERATION AND CONSULTATION.

Section 60117 is amended by adding at the end the following:

“(o) **INTERNATIONAL COOPERATION AND CONSULTATION.**—

“(1) **INFORMATION EXCHANGE AND TECHNICAL ASSISTANCE.**—If the Secretary determines that it would benefit the United States, subject to guidance from the Secretary of State, the Secretary may engage in activities supporting cooperative international efforts to share information about the risks to the public and the environment from pipelines and means of protecting against those risks. Such cooperation may include the exchange of information with domestic and appropriate international organizations to facilitate efforts to develop and improve safety standards and requirements for pipeline transportation in or affecting interstate or foreign commerce.

“(2) **CONSULTATION.**—To the extent practicable, subject to guidance from the Secretary of State, the Secretary may consult with interested authorities in Canada, Mexico, and other interested authorities, as needed, to ensure that the respective pipeline safety standards and requirements prescribed by the Secretary and those prescribed by such authorities are consistent with the safe and reliable operation of cross-border pipelines.

“(3) **DIFFERENCES IN INTERNATIONAL STANDARDS AND REQUIREMENTS.**—Nothing in this section requires that a standard or requirement prescribed by the Secretary under this chapter be identical to a standard or requirement adopted by an international authority.”.

SEC. 15. GAS AND HAZARDOUS LIQUID GATHERING LINES.

Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall complete a review of all exemptions for gas and hazardous liquid gathering lines. Based on this review the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and on Energy and Commerce of the House of Representatives containing the Secretary's recommendations with respect to the modification or revocation of existing exemptions.

SEC. 16. TRANSPORTATION-RELATED OIL FLOW LINES.

Section 60102, as amended by section 5, is further amended by adding at the end the following:

“(o) **TRANSPORTATION-RELATED OIL FLOW LINES.**—

“(1) **DATA COLLECTION.**—The Secretary may collect geospatial, technical, or other pipeline data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

“(2) **TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.**—In this subsection, the term ‘transportation-related oil flow line’ means a pipeline transporting oil off of the grounds of the well where it originated across areas not owned by the producer regardless of the extent to which the oil has been processed, if at all.

“(3) **LIMITATION.**—Nothing in this subsection authorizes the Secretary to prescribe standards

for the movement of oil through production, refining, or manufacturing facilities, or through oil production flow lines located on the grounds of wells.”.

SEC. 17. ALASKA PROJECT COORDINATION.

(a) **IN GENERAL.**—Chapter 601, as amended by section 8 of this Act, is further amended by adding at the end the following:

“§ 60139. Alaska project coordination

“The Secretary may provide technical assistance to the State of Alaska for the purpose of achieving coordinated and effective oversight of the construction, expansion, or operation of pipeline systems in Alaska. The assistance may include—

“(1) conducting coordinated inspections of pipeline systems subject to the respective authorities of the Department of Transportation and the State of Alaska;

“(2) consulting on the development and implementation of programs designed to manage the integrity risks associated with operating pipeline systems in the unique conditions of Alaska;

“(3) training inspection and enforcement personnel and consulting on the development and implementation of inspection protocols and training programs; and

“(4) entering into cooperative agreements, grants, or other transactions with the State of Alaska, the Joint Pipeline Office, other Federal agencies, and other public and private agencies to carry out the objectives of this section.”.

(b) **CLERICAL AMENDMENT.**—The table of contents for chapter 601, as amended by section 8 of this Act, is further amended by inserting after the item relating to section 60138 the following new item:

“60139. Alaska project coordination”.

SEC. 18. COST RECOVERY FOR DESIGN REVIEWS.

Section 60117(n) is amended to read as follows:

“(n) **COST RECOVERY FOR DESIGN REVIEWS.**—

“(1) **IN GENERAL.**—

“(A) **REVIEW COSTS.**—For any project described in subparagraph (B), if the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a new gas or hazardous liquid pipeline or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person or entity proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this section, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this section. This authority is in addition to the authority provided in section 60301 of this title, but the Secretary may not collect fees under this section and section 60301 for the same design safety review.

“(B) **PROJECTS TO WHICH APPLICABLE.**—Subparagraph (A) applies to any project that—

“(i) has design and construction costs totaling at least \$3,400,000; or

“(ii) uses new or novel technologies or designs.

“(2) **NOTIFICATION.**—For any new pipeline construction project in which the Secretary will conduct design reviews, the person or entity proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials at least 120 days prior to the commencement of construction.

“(3) **DEPOSIT AND USE.**—There is established a Pipeline Safety Design Review Fund in the Treasury of the United States. The Secretary shall deposit funds paid under this subsection into the Fund. Funds deposited under this section are authorized to be appropriated for the purposes set forth in this chapter. Fees authorized under this section shall be collected and

available for obligation only to the extent and in the amount provided in advance in appropriations Acts.

“(4) NO ADDITIONAL PERMITTING AUTHORITY.—Nothing in this subsection shall be construed as authorizing the Secretary to require a person to obtain a permit before beginning design and construction in connection with a project described in paragraph (1)(B).”

SEC. 19. SPECIAL PERMITS.

Section 60118(c)(1) is amended to read as follows:

“(1) ISSUANCE OF WAIVERS.—

“(A) IN GENERAL.—On application of an owner or operator of a pipeline facility, the Secretary by order may waive compliance with any part of an applicable standard prescribed under this chapter with respect to the facility on terms the Secretary considers appropriate, if the Secretary determines that the waiver is not inconsistent with pipeline safety.

“(B) CONSIDERATIONS.—In determining whether to grant a waiver, the Secretary shall consider—

“(i) the fitness of the applicant to conduct the activity authorized by the waiver in a manner that is consistent with pipeline safety;

“(ii) the applicant’s compliance history;

“(iii) the applicant’s accident history; and

“(iv) any other information or data the Secretary considers relevant to making the determination.

“(C) EFFECTIVE PERIOD.—A waiver of one or more pipeline operating requirements shall be reviewed by the Secretary 5 years after its effective date. In reviewing a waiver, the Secretary shall consider any change in ownership or control of the pipeline, any change in the conditions around the pipeline, and other factors as appropriate. The Secretary may modify, suspend, or revoke a waiver after such review under subparagraph (E).

“(D) PUBLIC NOTICE AND HEARING.—The Secretary may act on a waiver under this section only after public notice and an opportunity for a hearing, which may consist of publication of notice in the Federal Register that an application for a waiver has been filed and providing the public with the opportunity to review and comment on the application. If a waiver is granted, the Secretary shall state in the order and associated analysis the reasons for granting it.

“(E) NONCOMPLIANCE AND MODIFICATION, SUSPENSION, OR REVOCATION.—After notice to a holder of a waiver and opportunity to show cause, the Secretary may modify, suspend, or revoke a waiver issued under this section for failure to comply with its terms or conditions, intervening changes in Federal law, a material change in circumstances affecting safety, including erroneous information in the application, or any other reason. If necessary to avoid a significant risk of harm to persons, property, or the environment, the Secretary may waive the show cause procedure and make the action immediately effective.”

SEC. 20. BIOFUEL PIPELINES.

Section 60101(a)(4) is amended—

(1) by striking “and” after the semicolon in subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) non-petroleum fuels, including biofuels that are flammable, toxic, or corrosive or would be harmful to the environment if released in significant quantities; and”

SEC. 21. CARBON DIOXIDE PIPELINES.

Section 60102(i) is amended to read as follows:

“(i) PIPELINES TRANSPORTING CARBON DIOXIDE.—The Secretary shall prescribe minimum safety standards for the transportation of car-

bon dioxide by pipeline in either a liquid or gaseous state.”

SEC. 22. STUDY OF THE TRANSPORTATION OF TAR SANDS CRUDE OIL.

Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall complete a comprehensive review of hazardous liquid pipeline regulations to determine whether these regulations are sufficient to regulate pipelines used for the transportation of tar sands crude oil. In conducting this review, the Secretary shall conduct an analysis of whether any increase in risk of release exists for pipelines transporting tar sands crude oil. The Secretary shall report the results of this review to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and on Energy and Commerce of the House of Representatives.

SEC. 23. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.

The Secretary of Transportation may conduct an analysis of the transportation of non-petroleum hazardous liquids by pipeline for the purpose of identifying the extent to which pipelines are currently being used to transport non-petroleum hazardous liquids, such as chlorine, from chemical production facilities across land areas not owned by the producer that are accessible to the public. The analysis should identify the extent to which the safety of the lines is unregulated by the States and evaluate whether the transportation of such chemicals by pipeline across areas accessible to the public would present significant risks to public safety, property, or the environment in the absence of regulation. The results of the analysis shall be made available to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and on Energy and Commerce of the House of Representatives.

SEC. 24. CLARIFICATIONS.

(a) AMENDMENT OF PROCEDURES CLARIFICATION.—Section 60108(a)(1) is amended by striking “an intrastate” and inserting “a”.

(b) OWNER AND OPERATOR CLARIFICATION.—Section 60102(a)(2)(A) is amended by striking “owners and operators” and inserting “any or all of the owners or operators”.

(c) ONE-CALL ENFORCEMENT CLARIFICATION.—Section 60114(f) is amended by adding at the end the following: “This subsection does not apply to proceedings against persons who are pipeline operators.”

SEC. 25. ADDITIONAL RESOURCES.

(a) IN GENERAL.—To the extent funds are appropriated, the Secretary of Transportation shall increase the personnel of the Pipeline and Hazardous Materials Safety Administration by a total of 39 full-time employees to carry out the pipeline safety program and the administration of that program, of which at least—

(1) 9 employees shall be added in fiscal year 2011;

(2) 10 employees shall be added in fiscal year 2012;

(3) 10 employees shall be added in fiscal year 2013; and

(4) 10 employees shall be added in fiscal year 2014.

(b) FUNCTIONS.—In increasing the number of employees under subsection (a), the Secretary shall focus on hiring employees—

(1) to conduct data collection, analysis, and reporting;

(2) to develop, implement, and update information technology;

(3) to conduct inspections of pipeline facilities to determine compliance with applicable regulations and standards;

(4) to provide administrative, legal, and other support for pipeline enforcement activities; and

(5) to support the overall pipeline safety mission of the Pipeline and Hazardous Materials Safety Administration, including training of pipeline enforcement personnel.

SEC. 26. MAINTENANCE OF EFFORT.

Section 60107(b) is amended to read as follows:

“(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program and that the total State amount spent for a safety program (excluding grants of the United States Government) will at least equal the average amount spent for gas and hazardous liquid safety programs for fiscal years 2004 through 2006, except when the Secretary waives the requirements of this subsection. The Secretary shall grant such a waiver if a State can demonstrate an inability to maintain or increase the required funding share of its pipeline safety program at or above the level required by this subsection due to economic hardship in that State.”

SEC. 27. MAXIMUM ALLOWABLE OPERATING PRESSURE.

(a) ESTABLISHMENT OF RECORDS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall require pipeline operators to conduct a verification of records for all interstate and intrastate gas transmission lines in class 3 and class 4 locations and class 1 and class 2 high consequence areas that accurately reflect the pipeline’s physical and operational characteristics and confirm the established maximum allowable operating pressure of those pipelines.

(2) ELEMENTS.—Verification of each record under paragraph (1) shall include such elements as the Secretary considers appropriate.

(b) REPORTING.—

(1) DOCUMENTATION OF CERTAIN PIPELINES.—Not later than 18 months after the date of enactment of this Act, pipeline operators shall submit to the Secretary documentation of all interstate and intrastate gas transmission pipelines in class 3 and class 4 locations and class 1 and class 2 high consequence areas where the records required under subsection (a) are not sufficient to confirm the established maximum allowable operating pressure of those pipeline segments.

(2) EXCEEDANCES OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—All pipeline operators shall report any exceedance of the maximum allowable operating pressure for gas transmission pipelines that exceed the build-up allowed for operation of pressure-limiting or control devices to the Secretary not later than 5 working days after the exceedance occurs. Notice of exceedance by gas transmission pipelines shall be provided concurrently to appropriate State authorities.

(c) DETERMINATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

(1) IN GENERAL.—For any transmission line reported in subsection (b), the Secretary shall require the operator of the transmission line to reconfirm a maximum allowable operational pressure as expeditiously as economically feasible.

(2) INTERIM ACTIONS.—For cases described in paragraph (1), the Secretary will determine what actions are appropriate for a pipeline operator to take to maintain safety until a maximum allowable operating pressure is confirmed. In determining what actions an operator should take, the Secretary shall take into account consequences to public safety and the environment, impacts on pipeline system reliability and deliverability, and other factors, as appropriate.

SEC. 28. ADMINISTRATIVE ENFORCEMENT PROCEEDINGS.

(a) **ISSUANCE OF REGULATIONS.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this Act, the Secretary shall prescribe regulations—

(A) requiring hearings under sections 60112, 60117, 60118, and 60122 to be convened before a presiding official;

(B) providing the opportunity for any person requesting a hearing under sections 60112, 60117, 60118, and 60122 to arrange for a transcript of that hearing, at the expense of the requesting person; and

(C) ensuring expedited review of any order issued pursuant to section 60112(e).

(2) **PRESIDING OFFICIAL.**—The regulations prescribed under this subsection shall—

(A) define the term “presiding official” to mean the person who conducts any hearing relating to civil penalty assessments, compliance orders, safety orders, or corrective action orders; and

(B) require that the presiding official must be an attorney on the staff of the Deputy Chief Counsel that is not engaged in investigative or prosecutorial functions, including the preparation of notices of probable violations, orders relating to civil penalty assessments, compliance orders, or corrective action orders.

(b) **STANDARDS OF JUDICIAL REVIEW.**—Section 60119(a) is amended by adding at the end the following new paragraph:

“(3) All judicial review of agency action under this section shall apply the standards of review established in section 706 of title 5.”.

SEC. 29. AUTHORIZATION OF APPROPRIATIONS.

(a) **GAS AND HAZARDOUS LIQUID.**—

(1) Section 60125(a)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:

“(A) for fiscal year 2011, \$92,206,000, of which \$9,200,000 is for carrying out such section 12 and \$36,958,000 is for making grants;

“(B) for fiscal year 2012, \$96,144,000, of which \$9,600,000 for carrying out such section 12 and \$39,611,000 is for making grants;

“(C) for fiscal year 2013, \$99,876,000, of which \$9,900,000 is for carrying out such section 12 and \$41,148,000 is for making grants; and

“(D) for fiscal year 2014, \$102,807,000, of which \$10,200,000 is for carrying out such section 12 and \$42,356,000 is for making grants.”.

(2) Section 60125(a)(2) is amended by striking subparagraphs (A) through (D) and inserting the following:

“(A) for fiscal year 2011, \$18,905,000, of which \$7,562,000 is for carrying out such section 12 and \$7,864,000 is for making grants;

“(B) for fiscal year 2012, \$19,661,000, of which \$7,864,000 is for carrying out such section 12 and \$7,864,000 is for making grants;

“(C) for fiscal year 2013, \$20,000,000, of which \$8,000,000 is for carrying out such section 12 and \$8,000,000 is for making grants; and

“(D) for fiscal year 2014, \$20,000,000, of which \$8,000,000 is for carrying out such section 12 and \$8,000,000 is for making grants.”.

(b) **EMERGENCY RESPONSE GRANTS.**—Section 60125(b)(2) is amended by striking “2007 through 2010” and inserting “2011 through 2014”.

(c) **ONE-CALL NOTIFICATION PROGRAMS.**—Section 6107 is amended—

(1) by striking “2007 through 2010.” in subsection (a) and inserting “2011 through 2014.”;

(2) by striking “2007 through 2010.” in subsection (b) and inserting “2011 through 2014.”; and

(3) by striking subsection (c).

(d) **STATE DAMAGE PREVENTION PROGRAMS.**—Section 60134 is amended by adding at the end the following:

“(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the

Secretary to provide grants under this section \$2,000,000 for each of fiscal years 2011 through 2014. The funds shall remain available until expended.”.

(e) **COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.**—Section 60130 is amended—

(1) by striking “\$50,000” in subsection (a)(1) and inserting “\$100,000”; and

(2) by striking “2003 through 2010.” in subsection (d) and inserting “2011 through 2014.”.

(f) **PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.**—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—

(1) by adding at the end of subsection (d) the following:

“(3) **ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.**—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program each year that funds are appropriated for carrying out the plan.”; and

(2) by striking “2003 through 2006.” in subsection (f) and inserting “2011 through 2014.”.

Mr. REID. Mr. President, I ask unanimous consent the committee-reported substitute be considered, the Rockefeller and Paul amendments at the desk be agreed to, the substitute amendment be agreed to, and the bill as amended be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 783) was agreed to, as follows:

(Purpose: To include the statutorily required PAYGO language)

On page 64, after line 18, add the following:

SEC. 30. PAYGO COMPLIANCE.

The budgetary effects of this Act for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The amendment (No. 784) was agreed to.

(The text of the amendment is printed in today's RECORD under “Text of Amendments.”)

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 275), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Pipeline Transportation Safety Improvement Act of 2011”.

(b) **AMENDMENT OF TITLE 49, UNITED STATES CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
- Sec. 2. Civil penalties.
- Sec. 3. Pipeline damage prevention.
- Sec. 4. Offshore gathering pipelines.
- Sec. 5. Automatic and remote-controlled shut-off valves.
- Sec. 6. Excess flow valves.
- Sec. 7. Integrity management.
- Sec. 8. Public education and awareness.
- Sec. 9. Cast iron gas pipelines.
- Sec. 10. Leak detection.
- Sec. 11. Incident notification.
- Sec. 12. Transportation-related onshore facility response plan compliance.
- Sec. 13. Pipeline infrastructure data collection.
- Sec. 14. International cooperation and consultation.
- Sec. 15. Gas and hazardous liquid gathering lines.
- Sec. 16. Transportation-related oil flow lines.
- Sec. 17. Alaska project coordination.
- Sec. 18. Cost recovery for design reviews.
- Sec. 19. Special permits.
- Sec. 20. Biofuel pipelines.
- Sec. 21. Carbon dioxide pipelines.
- Sec. 22. Study of the transportation of tar sands crude oil.
- Sec. 23. Study of non-petroleum hazardous liquids transported by pipeline.
- Sec. 24. Clarifications.
- Sec. 25. Additional resources.
- Sec. 26. Maintenance of effort.
- Sec. 27. Maximum allowable operating pressure.
- Sec. 28. Administrative enforcement process.
- Sec. 29. Authorization of appropriations.
- Sec. 30. PAYGO compliance.

SEC. 2. CIVIL PENALTIES.

(a) **PENALTY CONSIDERATIONS; MAJOR CONSEQUENCE VIOLATIONS.**—Section 60122 is amended—

(1) by striking “the ability to pay,” in subsection (b)(1)(B);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(3) by inserting after subsection (b) the following:

“(c) **PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.**—

“(1) **IN GENERAL.**—A person that the Secretary of Transportation decides, after written notice and an opportunity for a hearing, has committed a major consequence violation of section 60114(b), 60114(d), or 60118(a) of this title or a regulation prescribed or order issued under this chapter is liable to the United States Government for a civil penalty of not more than \$250,000 for each violation. A separate violation occurs for each day the violation continues. The maximum civil penalty under this paragraph for a related series of major consequence violations is \$2,500,000.

“(2) **PENALTY CONSIDERATIONS.**—In determining the amount of a civil penalty for a major consequence violation under this subsection, the Secretary shall consider the factors prescribed in subsection (b).

“(3) MAJOR CONSEQUENCE VIOLATION DEFINED.—In this subsection, the term ‘major consequence violation’ means a violation that contributed to an incident resulting in—

“(A) 1 or more deaths;

“(B) 1 or more injuries or illnesses requiring in-patient hospitalization; or

“(C) environmental harm exceeding \$250,000 in estimated damage to the environment including property loss other than the value of natural gas or hazardous liquid lost, or damage to pipeline equipment.”.

(b) PENALTY FOR OBSTRUCTION OF INSPECTIONS AND INVESTIGATIONS.—Section 60118(e) is amended by adding at the end the following: “The Secretary may impose a civil penalty under section 60122 of this title on a person who obstructs or prevents the Secretary from carrying out inspections or investigations under this chapter.”.

(c) ADMINISTRATIVE PENALTY CAPS INAPPLICABLE.—Section 60120(a)(1) is amended by adding at the end the following: “The maximum amount of civil penalties for administrative enforcement actions under section 60122 of this title shall not apply to enforcement actions under this section.”.

(d) JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.—Section 60119(a) is amended—

(1) by striking the subsection caption and inserting “(a) REVIEW OF REGULATIONS, ORDERS, AND OTHER FINAL AGENCY ACTIONS.—”; and

(2) by striking “about an application for a waiver under section 60118(c) or (d) of” and inserting “under”.

SEC. 3. PIPELINE DAMAGE PREVENTION.

(a) MINIMUM STANDARDS FOR STATE ONE-CALL NOTIFICATION PROGRAMS.—Section 60103(a) is amended to read as follows:

“(a) MINIMUM STANDARDS.—

“(1) IN GENERAL.—In order to qualify for a grant under section 6106, a State one-call notification program shall, at a minimum, provide for—

“(A) appropriate participation by all underground facility operators, including all government operators;

“(B) appropriate participation by all excavators, including all government and contract excavators; and

“(C) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

“(2) EXEMPTIONS PROHIBITED.—A State one-call notification program may not exempt municipalities, State agencies, or their contractors from its one-call notification system requirements.”.

(b) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134(a) is amended—

(1) by striking “and” after the semicolon in paragraph (1);

(2) by striking “(b).” in paragraph (2) and inserting “(b); and”; and

(3) by adding at the end the following:

“(3) does not provide any exemptions to municipalities, State agencies, or their contractors from its one-call notification system requirements.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 4. OFFSHORE GATHERING PIPELINES.

Section 60102(k)(1) is amended by striking the last sentence and inserting “Not later than 1 year after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall issue regulations, after notice and an opportunity for a hearing, subjecting offshore hazardous

liquid gathering pipelines and hazardous liquid gathering pipelines located within the inlets of the Gulf of Mexico to the same standards and regulations as other hazardous liquid gathering pipelines. The regulations issued under this paragraph shall not apply to low-stress distribution pipelines.”.

SEC. 5. AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.

Section 60102 is amended by adding at the end the following:

“(n) AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.—Not later than 2 years after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall by regulation, after notice and an opportunity for a hearing, require the use of automatic or remote-controlled shut-off valves, or equivalent technology, where economically, technically, and operationally feasible on transmission pipelines constructed or entirely replaced after the date on which the Secretary issues a final rule.”.

SEC. 6. EXCESS FLOW VALVES.

Section 60109(e)(3) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

“(B) DISTRIBUTION BRANCH SERVICES, MULTI-FAMILY FACILITIES, AND SMALL COMMERCIAL FACILITIES.—Not later than 2 years after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall prescribe regulations, after notice and an opportunity for hearing, to require the use of excess flow valves, where economically and technically feasible, on new or entirely replaced distribution branch services, multi-family facilities, and small commercial facilities.”.

SEC. 7. INTEGRITY MANAGEMENT.

(a) EVALUATION.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation shall evaluate—

(1) whether integrity management system requirements, or elements thereof, should be expanded beyond high consequence areas (as defined under section 60109(a) of title 49, United States Code);

(2) with respect to gas pipeline facilities, whether applying the integrity management program requirements to additional areas would mitigate the need for class location requirements, with an emphasis on class 3 and 4 facilities; and

(3) whether data collected outside high consequence areas as part of gas transmission pipeline integrity management programs should be included as part of the records required to be maintained by operators.

(b) STANDARDS.—Not later than 1 year after completion of the evaluation, the Secretary shall prescribe such regulations, as appropriate, after notice and an opportunity for a hearing.

(c) DATA REPORTING.—The Secretary shall collect any relevant data necessary to complete the evaluation required by subsection (a) and may collect such additional data pursuant to regulations promulgated under subsection (b) as may be necessary.

(d) SEISMICITY.—In identifying high consequence areas under section 60109, the Secretary shall consider the seismicity of the area.

SEC. 8. PUBLIC EDUCATION AND AWARENESS.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

“§ 60138. Public education and awareness

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Pipeline

Transportation Safety Improvement Act of 2011, the Secretary shall—

“(1) maintain a monthly updated summary of all completed and final natural gas and hazardous liquid pipeline inspections conducted by or reported to the Pipeline and Hazardous Materials Safety Administration that includes—

“(A) identification of the operator inspected;

“(B) the type of inspection;

“(C) the results of the inspection, including any deficiencies identified; and

“(D) any corrective actions required to be taken by the operator to remediate such deficiencies;

“(2) maintain—

“(A) a status indication of the review and approval of each gas emergency response plan pursuant to section 60102(d)(5) of this title and of each hazardous liquid pipeline operator's response plan pursuant to part 194 of title 49, Code of Federal Regulations;

“(B) a comprehensive description of the requirements for such plans; and

“(C) a detailed summary of each approved plan written by the operator that includes the key elements of the plan, but which may exclude—

“(i) proprietary information;

“(ii) security-sensitive information, including as referenced in section 1520.5(a) of title 49, code of Federal Regulations;

“(iii) specific response resources and tactical resource deployment plans; and

“(iv) the specific amount and location of worst-case discharges, including the process by which an operator determines the worst discharge.

“(3) excluding any proprietary or security-sensitive information, as part of the National Pipeline Mapping System maintain a map of all currently designated high consequence areas in which pipelines are required to meet integrity management safety regulations and update the map annually; and

“(4) maintain a copy or, at a minimum, a detailed summary of any industry-developed or professional organization pipeline safety standards that have been incorporated by reference into regulations, to the extent consistent with fair use.

“(b) PUBLIC AVAILABILITY.—The requirements of subsection (a) shall be considered to have been met if the information required to be made public is made available on the Pipeline and Hazardous Materials Safety Administration's public Web site.

“(c) RELATIONSHIP TO FOIA.—Nothing in this section shall be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.”.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 601 is amended by inserting after the item relating to section 60137 the following new item:

“60138. Public education and awareness”.

SEC. 9. CAST IRON GAS PIPELINES.

(a) SURVEY UPDATE.—Not later than one year after the enactment of this Act, the Secretary of Transportation shall conduct a follow-on survey to the survey conducted under section 60108(d) to determine—

(1) the extent to which each operator has adopted a plan for the safe management and replacement of cast iron pipelines;

(2) the elements of the plan, including the anticipated rate of replacement; and

(3) the progress that has been made.

(b) SURVEY FREQUENCY.—Section 60108(d) is amended by adding at the end the following new paragraph:

“(4) The secretary shall conduct a follow-up survey to measure progress of plan implementation biannually.”.

SEC. 10. LEAK DETECTION.

(a) **LEAK DETECTION STUDY UPDATE.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and on Energy and Commerce of the House of Representatives an updated report on leak detection systems utilized by operators of hazardous liquid pipelines and transportation-related flow lines. The report shall include an analysis of the technical limitations of current leak detection systems, including the systems' ability to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies.

(b) **LEAK DETECTION STANDARDS.**—Not later than 1 year after completion of the report, the Secretary shall, as appropriate, based on the study in subsection (a), prescribe regulations, after notice and an opportunity for a hearing, requiring an operator of a hazardous liquid pipeline to use leak detection technologies, particularly in high consequence areas.

SEC. 11. INCIDENT NOTIFICATION.

Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall—

(1) prescribe regulations, after notice and an opportunity for a hearing, that establish time limits for accident and incident telephonic or electronic notification by pipeline operators to State and local government officials and emergency responders when a spill or rupture occurs; and

(2) review procedures for pipeline operators and the National Response Center to provide thorough and coordinated notification to all relevant emergency response officials and revise such procedures as appropriate.

SEC. 12. TRANSPORTATION-RELATED ONSHORE FACILITY RESPONSE PLAN COMPLIANCE.

(a) **IN GENERAL.**—Subparagraphs (A) and (B) of section 311(m)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(m)(2)) are each amended by striking “Administrator or” and inserting “Administrator, the Secretary of Transportation, or”.

(b) **CONFORMING AMENDMENT.**—Section 311(b)(6)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)(6)(A)) is amended by striking “operating or” and inserting “operating, the Secretary of Transportation, or”.

SEC. 13. PIPELINE INFRASTRUCTURE DATA COLLECTION.

(a) **IN GENERAL.**—Section 60132(a) is amended—

- (1) by striking “and gathering lines”; and
- (2) by adding at the end the following:

“(4) Any other geospatial, technical, or other related pipeline data, including design and material specifications, that the Secretary determines is necessary to carry out the purposes of this section. The Secretary shall give reasonable notice to operators that the data are being requested.”.

(b) **DISCLOSURE LIMITED TO FOIA REQUIREMENTS.**—Section 60132 is amended by adding at the end the following:

“(d) **PUBLIC DISCLOSURE LIMITED.**—The Secretary may not disclose information collected pursuant to subsection (a) except to the extent permitted by section 552 of title 5.”.

SEC. 14. INTERNATIONAL COOPERATION AND CONSULTATION.

Section 60117 is amended by adding at the end the following:

“(o) **INTERNATIONAL COOPERATION AND CONSULTATION.**—

“(1) **INFORMATION EXCHANGE AND TECHNICAL ASSISTANCE.**—If the Secretary determines that it would benefit the United States, subject to guidance from the Secretary of State, the Secretary may engage in activities supporting cooperative international efforts to share information about the risks to the public and the environment from pipelines and means of protecting against those risks. Such cooperation may include the exchange of information with domestic and appropriate international organizations to facilitate efforts to develop and improve safety standards and requirements for pipeline transportation in or affecting interstate or foreign commerce.

“(2) **CONSULTATION.**—To the extent practicable, subject to guidance from the Secretary of State, the Secretary may consult with interested authorities in Canada, Mexico, and other interested authorities, as needed, to ensure that the respective pipeline safety standards and requirements prescribed by the Secretary and those prescribed by such authorities are consistent with the safe and reliable operation of cross-border pipelines.

“(3) **DIFFERENCES IN INTERNATIONAL STANDARDS AND REQUIREMENTS.**—Nothing in this section requires that a standard or requirement prescribed by the Secretary under this chapter be identical to a standard or requirement adopted by an international authority.”.

SEC. 15. GAS AND HAZARDOUS LIQUID GATHERING LINES.

Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall complete a review of all exemptions for gas and hazardous liquid gathering lines. Based on this review the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and on Energy and Commerce of the House of Representatives containing the Secretary's recommendations with respect to the modification or revocation of existing exemptions.

SEC. 16. TRANSPORTATION-RELATED OIL FLOW LINES.

Section 60102, as amended by section 5, is further amended by adding at the end the following:

“(o) **TRANSPORTATION-RELATED OIL FLOW LINES.**—

“(1) **DATA COLLECTION.**—The Secretary may collect geospatial, technical, or other pipeline data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

“(2) **TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.**—In this subsection, the term ‘transportation-related oil flow line’ means a pipeline transporting oil off of the grounds of the well where it originated across areas not owned by the producer regardless of the extent to which the oil has been processed, if at all.

“(3) **LIMITATION.**—Nothing in this subsection authorizes the Secretary to prescribe standards for the movement of oil through production, refining, or manufacturing facilities, or through oil production flow lines located on the grounds of wells.”.

SEC. 17. ALASKA PROJECT COORDINATION.

(a) **IN GENERAL.**—Chapter 601, as amended by section 8 of this Act, is further amended by adding at the end the following:

“§ 60139. Alaska project coordination

“The Secretary may provide technical assistance to the State of Alaska for the purpose of achieving coordinated and effective oversight of the construction, expansion, or operation of pipeline systems in Alaska. The assistance may include—

“(1) conducting coordinated inspections of pipeline systems subject to the respective authorities of the Department of Transportation and the State of Alaska;

“(2) consulting on the development and implementation of programs designed to manage the integrity risks associated with operating pipeline systems in the unique conditions of Alaska;

“(3) training inspection and enforcement personnel and consulting on the development and implementation of inspection protocols and training programs; and

“(4) entering into cooperative agreements, grants, or other transactions with the State of Alaska, the Joint Pipeline Office, other Federal agencies, and other public and private agencies to carry out the objectives of this section.”.

(b) **CLERICAL AMENDMENT.**—The table of contents for chapter 601, as amended by section 8 of this Act, is further amended by inserting after the item relating to section 60138 the following new item:

“60139. Alaska project coordination”.

SEC. 18. COST RECOVERY FOR DESIGN REVIEWS.

Section 60117(n) is amended to read as follows:

“(n) **COST RECOVERY FOR DESIGN REVIEWS.**—

“(1) **IN GENERAL.**—

“(A) **REVIEW COSTS.**—For any project described in subparagraph (B), if the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a new gas or hazardous liquid pipeline or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person or entity proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this section, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this section. This authority is in addition to the authority provided in section 60301 of this title, but the Secretary may not collect fees under this section and section 60301 for the same design safety review.

“(B) **PROJECTS TO WHICH APPLICABLE.**—Subparagraph (A) applies to any project that—

“(i) has design and construction costs totaling at least \$3,400,000,000; or

“(ii) uses new or novel technologies or designs.

“(2) **NOTIFICATION.**—For any new pipeline construction project in which the Secretary will conduct design reviews, the person or entity proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials at least 120 days prior to the commencement of construction.

“(3) **DEPOSIT AND USE.**—There is established a Pipeline Safety Design Review Fund in the Treasury of the United States. The Secretary shall deposit funds paid under this subsection into the Fund. Funds deposited under this section are authorized to be appropriated for the purposes set forth in this chapter. Fees authorized under this section

shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts.

“(4) NO ADDITIONAL PERMITTING AUTHORITY.—Nothing in this subsection shall be construed as authorizing the Secretary to require a person to obtain a permit before beginning design and construction in connection with a project described in paragraph (1)(B).”.

SEC. 19. SPECIAL PERMITS.

Section 60118(c)(1) is amended to read as follows:

“(1) ISSUANCE OF WAIVERS.—

“(A) IN GENERAL.—On application of an owner or operator of a pipeline facility, the Secretary by order may waive compliance with any part of an applicable standard prescribed under this chapter with respect to the facility on terms the Secretary considers appropriate, if the Secretary determines that the waiver is not inconsistent with pipeline safety.

“(B) CONSIDERATIONS.—In determining whether to grant a waiver, the Secretary shall consider—

“(i) the fitness of the applicant to conduct the activity authorized by the waiver in a manner that is consistent with pipeline safety;

“(ii) the applicant’s compliance history;

“(iii) the applicant’s accident history; and

“(iv) any other information or data the Secretary considers relevant to making the determination.

“(C) EFFECTIVE PERIOD.—A waiver of one or more pipeline operating requirements shall be reviewed by the Secretary 5 years after its effective date. In reviewing a waiver, the Secretary shall consider any change in ownership or control of the pipeline, any change in the conditions around the pipeline, and other factors as appropriate. The Secretary may modify, suspend, or revoke a waiver after such review under subparagraph (E).

“(D) PUBLIC NOTICE AND HEARING.—The Secretary may act on a waiver under this section only after public notice and an opportunity for a hearing, which may consist of publication of notice in the Federal Register that an application for a waiver has been filed and providing the public with the opportunity to review and comment on the application. If a waiver is granted, the Secretary shall state in the order and associated analysis the reasons for granting it.

“(E) NONCOMPLIANCE AND MODIFICATION, SUSPENSION, OR REVOCATION.—After notice to a holder of a waiver and opportunity to show cause, the Secretary may modify, suspend, or revoke a waiver issued under this section for failure to comply with its terms or conditions, intervening changes in Federal law, a material change in circumstances affecting safety, including erroneous information in the application, or any other reason. If necessary to avoid a significant risk of harm to persons, property, or the environment, the Secretary may waive the show cause procedure and make the action immediately effective.”.

SEC. 20. BIOFUEL PIPELINES.

Section 60101(a)(4) is amended—

(1) by striking “and” after the semicolon in subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) non-petroleum fuels, including biofuels that are flammable, toxic, or corrosive or would be harmful to the environment if released in significant quantities; and”.

SEC. 21. CARBON DIOXIDE PIPELINES.

Section 60102(i) is amended to read as follows:

“(i) PIPELINES TRANSPORTING CARBON DIOXIDE.—The Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in either a liquid or gaseous state.”.

SEC. 22. STUDY OF THE TRANSPORTATION OF TAR SANDS CRUDE OIL.

Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall complete a comprehensive review of hazardous liquid pipeline regulations to determine whether these regulations are sufficient to regulate pipelines used for the transportation of tar sands crude oil. In conducting this review, the Secretary shall conduct an analysis of whether any increase in risk of release exists for pipelines transporting tar sands crude oil. The Secretary shall report the results of this review to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and on Energy and Commerce of the House of Representatives.

SEC. 23. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.

The Secretary of Transportation may conduct an analysis of the transportation of non-petroleum hazardous liquids by pipeline for the purpose of identifying the extent to which pipelines are currently being used to transport non-petroleum hazardous liquids, such as chlorine, from chemical production facilities across land areas not owned by the producer that are accessible to the public. The analysis should identify the extent to which the safety of the lines is unregulated by the States and evaluate whether the transportation of such chemicals by pipeline across areas accessible to the public would present significant risks to public safety, property, or the environment in the absence of regulation. The results of the analysis shall be made available to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and on Energy and Commerce of the House of Representatives.

SEC. 24. CLARIFICATIONS.

(a) AMENDMENT OF PROCEDURES CLARIFICATION.—Section 60108(a)(1) is amended by striking “an intrastate” and inserting “a”.

(b) OWNER AND OPERATOR CLARIFICATION.—Section 60102(a)(2)(A) is amended by striking “owners and operators” and inserting “any or all of the owners or operators”.

(c) ONE-CALL ENFORCEMENT CLARIFICATION.—Section 60114(f) is amended by adding at the end the following: “This subsection does not apply to proceedings against persons who are pipeline operators.”.

SEC. 25. ADDITIONAL RESOURCES.

(a) IN GENERAL.—To the extent funds are appropriated, the Secretary of Transportation shall increase the personnel of the Pipeline and Hazardous Materials Safety Administration by a total of 39 full-time employees to carry out the pipeline safety program and the administration of that program, of which at least—

(1) 9 employees shall be added in fiscal year 2012;

(2) 10 employees shall be added in fiscal year 2013;

(3) 10 employees shall be added in fiscal year 2014; and

(4) 10 employees shall be added in fiscal year 2015.

(b) FUNCTIONS.—In increasing the number of employees under subsection (a), the Secretary shall focus on hiring employees—

(1) to conduct data collection, analysis, and reporting;

(2) to develop, implement, and update information technology;

(3) to conduct inspections of pipeline facilities to determine compliance with applicable regulations and standards;

(4) to provide administrative, legal, and other support for pipeline enforcement activities; and

(5) to support the overall pipeline safety mission of the Pipeline and Hazardous Materials Safety Administration, including training of pipeline enforcement personnel.

SEC. 26. MAINTENANCE OF EFFORT.

Section 60107(b) is amended to read as follows:

“(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program and that the total State amount spent for a safety program (excluding grants of the United States Government) will at least equal the average amount spent for gas and hazardous liquid safety programs for fiscal years 2004 through 2006, except when the Secretary waives the requirements of this subsection. The Secretary shall grant such a waiver if a State can demonstrate an inability to maintain or increase the required funding share of its pipeline safety program at or above the level required by this subsection due to economic hardship in that State.”.

SEC. 27. MAXIMUM ALLOWABLE OPERATING PRESSURE.

(a) ESTABLISHMENT OF RECORDS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall require pipeline operators to conduct a verification of records for all interstate and intrastate gas transmission lines in class 3 and class 4 locations and class 1 and class 2 high consequence areas that accurately reflect the pipeline’s physical and operational characteristics and confirm the established maximum allowable operating pressure of those pipelines.

(2) ELEMENTS.—Verification of each record under paragraph (1) shall include such elements as the Secretary considers appropriate.

(b) REPORTING.—

(1) DOCUMENTATION OF CERTAIN PIPELINES.—Not later than 18 months after the date of enactment of this Act, pipeline operators shall submit to the Secretary documentation of all interstate and intrastate gas transmission pipelines in class 3 and class 4 locations and class 1 and class 2 high consequence areas where the records required under subsection (a) are not sufficient to confirm the established maximum allowable operating pressure of those pipeline segments.

(2) EXCEEDANCES OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—All pipeline operators shall report any exceedance of the maximum allowable operating pressure for gas transmission pipelines that exceed the build-up allowed for operation of pressure-limiting or control devices to the Secretary not later than 5 working days after the exceedance occurs. Notice of exceedance by gas transmission pipelines shall be provided concurrently to appropriate State authorities.

(c) DETERMINATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

(1) IN GENERAL.—For any transmission line reported in subsection (b), the Secretary shall require the operator of the transmission line to reconfirm a maximum allowable operational pressure as expeditiously as economically feasible.

(2) INTERIM ACTIONS.—For cases described in paragraph (1), the Secretary will determine what actions are appropriate for a pipeline operator to take to maintain safety until a maximum allowable operating pressure is confirmed. In determining what actions an operator should take, the Secretary shall take into account consequences to public safety and the environment, impacts on pipeline system reliability and deliverability, and other factors, as appropriate.

(d) TESTING REGULATIONS.—The Secretary shall, not later than 18 months after the date of the enactment of this Act, prescribe regulations for conducting tests to confirm the material strength of previously untested natural gas transmission pipelines located in areas identified pursuant to section 60109(a) of title 49, United States Code, and operating at a pressure greater than 30 percent of specified minimum yield strength. The Secretary shall consider safety testing methodologies including, at a minimum, pressure testing or other alternative methods, including in-line inspections, determined by the Secretary to be of equal or greater effectiveness. The Secretary, in consultation with the Chairman of the Federal Energy Regulatory Commission and State regulators, as appropriate, shall establish timeframes for the completion of such testing that take into account consequences to public safety and the environment and that minimize costs and service disruptions.

SEC. 28. ADMINISTRATIVE ENFORCEMENT PROCESS.

(a) ISSUANCE OF REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall prescribe regulations—

(A) requiring hearings under sections 60112, 60117, 60118, and 60122 to be convened before a presiding official;

(B) providing the opportunity for any person requesting a hearing under sections 60112, 60117, 60118, and 60122 to arrange for a transcript of that hearing, at the expense of the requesting person; and

(C) ensuring expedited review of any order issued pursuant to section 60112(e).

(2) PRESIDING OFFICIAL.—The regulations prescribed under this subsection shall—

(A) define the term “presiding official” to mean the person who conducts any hearing relating to civil penalty assessments, compliance orders, safety orders, or corrective action orders; and

(B) require that the presiding official must be an attorney on the staff of the Deputy Chief Counsel that is not engaged in investigative or prosecutorial functions, including the preparation of notices of probable violations, orders relating to civil penalty assessments, compliance orders, or corrective action orders.

(b) STANDARDS OF JUDICIAL REVIEW.—Section 60119(a) is amended by adding at the end the following new paragraph:

“(3) All judicial review of agency action under this section shall apply the standards of review established in section 706 of title 5.”.

SEC. 29. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—

(1) Section 60125(a)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:

“(A) for fiscal year 2012, \$92,206,000, of which \$9,200,000 is for carrying out such section 12 and \$36,958,000 is for making grants;

“(B) for fiscal year 2013, \$96,144,000, of which \$9,600,000 for carrying out such section 12 and \$39,611,000 is for making grants;

“(C) for fiscal year 2014, \$99,876,000, of which \$9,900,000 is for carrying out such section 12 and \$41,148,000 is for making grants; and

“(D) for fiscal year 2015, \$102,807,000, of which \$10,200,000 is for carrying out such section 12 and \$42,356,000 is for making grants.”.

(2) Section 60125(a)(2) is amended by striking subparagraphs (A) through (D) and inserting the following:

“(A) for fiscal year 2012, \$18,905,000, of which \$7,562,000 is for carrying out such section 12 and \$7,864,000 is for making grants;

“(B) for fiscal year 2013, \$19,661,000, of which \$7,864,000 is for carrying out such section 12 and \$7,864,000 is for making grants;

“(C) for fiscal year 2014, \$20,000,000, of which \$8,000,000 is for carrying out such section 12 and \$8,000,000 is for making grants; and

“(D) for fiscal year 2015, \$20,000,000, of which \$8,000,000 is for carrying out such section 12 and \$8,000,000 is for making grants.”.

(b) EMERGENCY RESPONSE GRANTS.—Section 60125(b)(2) is amended by striking “2007 through 2010” and inserting “2012 through 2015”.

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 is amended—

(1) by striking “2007 through 2010.” in subsection (a) and inserting “2012 through 2015.”;

(2) by striking “2007 through 2010.” in subsection (b) and inserting “2012 through 2015.”; and

(3) by striking subsection (c).

(d) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134 is amended by adding at the end the following:

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to provide grants under this section \$2,000,000 for each of fiscal years 2012 through 2015. The funds shall remain available until expended.”.

(e) COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.—Section 60130 is amended—

(1) by striking “\$50,000” in subsection (a)(1) and inserting “\$100,000”; and

(2) by striking “2003 through 2010.” in subsection (d) and inserting “2012 through 2015.”.

(f) PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—

(1) by adding at the end of subsection (d) the following:

“(3) ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program each year that funds are appropriated for carrying out the plan.”; and

(2) by striking “2003 through 2006.” in subsection (f) and inserting “2012 through 2015.”.

SEC. 30. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in

the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

COMMEMORATING THE OPENING OF THE CHESAPEAKE AND DELAWARE CANAL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 294, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 294) commemorating the 182nd anniversary of the opening of the Chesapeake and Delaware Canal.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 294) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 294

Whereas on October 17, 1829, the Chesapeake and Delaware Canal became operational with the joint support of the Federal Government and the States of Delaware, Maryland, and Pennsylvania;

Whereas the Chesapeake and Delaware Canal has served the economy of the Chesapeake and Mid-Atlantic regions for 182 years, first as a lock-system canal and in the 20th century, as a free-flowing waterway;

Whereas the Chesapeake and Delaware Canal Museum recognizes and celebrates the history of the Canal and the role of the Canal in the economic development of the United States from the early 19th century through the date of approval of this resolution;

Whereas the Chesapeake and Delaware Canal is 1 of only 2 commercially viable sea level canals in the United States and is vital to the Ports of Wilmington, Baltimore, and Philadelphia, as well as the broader United States economy;

Whereas the Chesapeake and Delaware Canal is 1 of the busiest working waterways in the world, with more than 25,000 vessels passing through the Canal each year;

Whereas the Philadelphia District of the Corps of Engineers has responsibly managed the Chesapeake and Delaware Canal since 1933, including regularly dredging the Canal, maintaining existing bridges and roadways, and managing maritime traffic;

Whereas in 2005 and 2006, public workshops were held to solicit ideas and comments from local residents regarding potential recreational uses along the Chesapeake and Delaware Canal;

Whereas in March 2006, the Chesapeake and Delaware Canal trail concept plan was completed by the working group recommending

the creation of a recreational trail along both banks of the Chesapeake and Delaware Canal to be used by walkers, joggers, cyclists, and equestrians;

Whereas the Federal Government and the State of Delaware have worked together to provide funding to build the first phase of the recreational trail along the banks of the Chesapeake and Delaware Canal, with construction set to begin in the spring of 2012;

Whereas the Chesapeake and Delaware Canal is surrounded by more than 7,500 acres of public land, creating a unique and safe environment for recreationists, families, students, anglers, hunters, nature enthusiasts, and others to participate in outdoor activities;

Whereas the recreational trail along the Chesapeake and Delaware Canal has the potential to provide a common link to communities across the States of Delaware and Maryland from Chesapeake City to Delaware City;

Whereas plans for Phase I of the recreational trail call for 9 miles of improved trail along the Chesapeake and Delaware Canal from Delaware City to Summit Marina, Delaware, including the construction of parking areas and comfort stations;

Whereas public participation has been an integral part of the development of the recreational trail along the Chesapeake and Delaware Canal and the plan enjoys broad support from local communities, stakeholder groups, and Federal and State officials; and

Whereas construction of the trail will create jobs and bring economic activity to communities along the Chesapeake and Delaware Canal while encouraging health and wellness through outdoor engagement: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 182nd anniversary of the opening of the Chesapeake and Delaware Canal;

(2) celebrates the history of the Chesapeake and Delaware Canal as a facilitator of trade and economic development in the Chesapeake and Mid-Atlantic regions;

(3) honors the ongoing role that the Chesapeake and Delaware Canal plays in supporting commerce by linking the Delaware River and Chesapeake Bay to ports around the world; and

(4) recognizes the potential for recreation on federally owned land along the banks of the Chesapeake and Delaware Canal to encourage job creation, outdoor engagement, wellness, and fitness.

DESIGNATING OCTOBER 26, 2011, AS “DAY OF THE DEPLOYED”

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 295.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 295) designating October 26, 2011, as “Day of the Deployed.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 295) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 295

Whereas more than 2,270,000 people serve as members of the United States Armed Forces;

Whereas several hundred thousand members of the Armed Forces rotate each year through deployments to 150 countries in every region of the world;

Whereas more than 2,300,000 members of the Armed Forces have deployed to the area of operations of the United States Central Command since the September 11, 2001, terrorist attacks;

Whereas the United States is kept strong and free by the loyal military personnel who protect our precious heritage through their positive declaration and actions;

Whereas members of the Armed Forces serving at home and abroad have courageously answered the call to duty to defend the ideals of the United States and to preserve peace and freedom around the world;

Whereas members of the Armed Forces personify the virtues of patriotism, service, duty, courage, and sacrifice;

Whereas the families of members of the Armed Forces make important and significant sacrifices for the United States;

Whereas North Dakota began honoring the members of the Armed Forces and their families by designating October 26 as “Day of the Deployed” in 2006; and

Whereas 40 States designated October 26, 2010, as “Day of the Deployed”: Now, therefore, be it

Resolved, That the Senate—

(1) honors the members of the United States Armed Forces who are deployed;

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces, wherever they serve, past, present, and future;

(3) designates October 26, 2011, as “Day of the Deployed”; and

(4) encourages the people of the United States to observe “Day of the Deployed” with appropriate ceremonies and activities.

MEASURES READ THE FIRST TIME—H.R. 2250, H.R. 2273, S. 1720, AND S. 1723

Mr. REID. Mr. President, I am told there are four bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title en bloc.

The assistant legislative clerk read as follows:

A bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

A bill (H.R. 2273) to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels.

A bill (S. 1720) to provide American jobs through economic growth.

A bill (S. 1723) to provide for teacher and first responder stabilization.

Mr. REID. Mr. President, I ask for a second reading of these four matters en

bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read a second time on the next legislative day.

ORDERS FOR TUESDAY, OCTOBER 18, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, October 18; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and that following morning business, the Senate resume consideration of H.R. 2112; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 1726

Mr. REID. Mr. President, before the Chair rules on my consent request, I am told we missed one bill due for its first reading. I ask the clerk to report that bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1726) to repeal the imposition of withholding on certain payments made to vendors by government entities.

Mr. REID. Mr. President, I ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

Mr. REID. Mr. President, I made a request, and it is my understanding the Chair has approved that. Is that true?

The PRESIDING OFFICER. The leader is correct.

PROGRAM

Mr. REID. Mr. President, we will work on an agreement with respect to amendments that are pending. There are four or five of them pending now to H.R. 2112. We will notify Senators when votes are scheduled. We would hope we could get some of them out of the way tomorrow morning. There would be no reason we could not do that.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the

Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:22 p.m., adjourned until Tuesday, October 18, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

SHARON ENGLISH WOODS VILLAROSA, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

NATIONAL COUNCIL ON DISABILITY

KAMILAH ONI MARTIN-PROCTOR, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL

ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2014, VICE MARYLYN ANDREA HOWE, TERM EXPIRED.

THE JUDICIARY

PAUL J. WATFORD, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE PAMELA ANN RYMER, DECEASED.

COMMUNITY RELATIONS SERVICE

GRANDE LUM, OF CALIFORNIA, TO BE DIRECTOR, COMMUNITY RELATIONS SERVICE, FOR A TERM OF FOUR YEARS, VICE ONDRAY T. HARRIS, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate October 17, 2011:

THE JUDICIARY

CATHY BISSEON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 18, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 19

9:30 a.m.

Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee

To hold hearings to examine market microstructure, focusing on an examination of Exchange-Traded Funds (ETFs).

SD-538

10 a.m.

Environment and Public Works
Superfund, Toxics and Environmental Health Subcommittee

To hold a joint oversight hearing to examine the Brownfields Program, focusing on cleaning up and rebuilding communities.

SD-406

Health, Education, Labor, and Pensions

Business meeting to consider an original bill entitled, "Elementary and Secondary Education Act", and any pending nominations.

SD-106

Homeland Security and Governmental Affairs

Business meeting to consider S. 1268, to increase the efficiency and effectiveness of the Government by providing for greater interagency experience among national security and homeland security personnel through the development of a national security and homeland security human capital strategy and interagency rotational service by employees, S. 1409, to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending, S. 743, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohib-

ited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, S. 237, to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, S. 1379, to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service, S. 1487, to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, H.R. 1059, to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, S. 384, to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research, H.R. 2062, to designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the "Matthew A. Pucino Post Office", H.R. 2149, to designate the facility of the United States Postal Service located at 4354 Pahoa Avenue in Honolulu, Hawaii, as the "Cecil L. Heftel Post Office Building", H.R. 1975, to designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the "First Lieutenant Oliver Goodall Post Office Building", S. 1412, to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn Massachusetts, as the "Officer John Maguire Post Office", H.R. 1843, to designate the facility of the United States Postal Service located at 489 Army Drive in Barrigada, Guam, as the "John Pangelinan Gerber Post Office Building", and the nominations of Ronald David McCray, of Texas, to be a Member of the Federal Retirement Thrift Investment Board, Corinne Ann Beckwith, and Catharine Friend Easterly, both to be an Associate Judge of the District of Columbia Court of Appeals, and Ernest Mitchell, Jr., of California, to be Administrator of the United States Fire Administration, Federal Emergency Management Agency, Department of Homeland Security.

SD-342

Judiciary

To hold an oversight hearing to examine the Department of Homeland Security.

SD-226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine concussions and the marketing of sports equipment.

SR-253

Judiciary

To hold hearings to examine the nominations of Michael E. Horowitz, of Maryland, to be Inspector General, Department of Justice, and Susie Morgan, to be United States District Judge for the Eastern District of Louisiana.

SD-226

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 544, to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, S. 1083, to amend the National Trails System Act to designate the route of the Smoky Hill Trail, an overland trail across the Great Plains during pioneer days in Kansas and Colorado, for study for potential addition to the National Trails System, S. 1084, to amend the National Trails System Act to designate the routes of the Shawnee Cattle Trail, the oldest of the major Texas Cattle Trails, for study for potential addition to the National Trails System, S. 1303, to authorize the Secretary of the Interior to establish Fort Monroe National Historical Park in the Commonwealth of Virginia, S. 1325, to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, S. 1347, to establish Coltsville National Historical Park in the State of Connecticut, S. 1421, to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, S. 1478, to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and S. 1537, to authorize the Secretary of the Interior to accept from the Board of Directors of the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc., the donation of title to The National September 11 Memorial and Museum at the World Trade Center.

SD-366

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine the final report of the Commission on Wartime Contracting in Iraq and Afghanistan.

SR-232A

United States Senate Caucus on International Narcotics Control

To hold hearings to examine United States-Andean security cooperation.

SD-562

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

OCTOBER 20

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine housing finance reform, focusing on continuation of the 30-year fixed-rate mortgage.

SD-538

Foreign Relations

To receive a closed briefing on United States military deployment to Central Africa.

SVC-217

Judiciary

Business meeting to consider S. 75, to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act, and the nominations of Stephanie Dawn Thacker, of West Virginia, to be United States Circuit Judge for the Fourth Circuit, Michael Walter Fitzgerald, to be United States District Judge for the Central District of California, Ronnie Abrams, to be United States District Judge for the Southern District of New York, Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia, and Miranda Du, to be United States District Judge for the District of Nevada.

SD-226

10:30 a.m.

Homeland Security and Governmental Affairs

Disaster Recovery and Intergovernmental Affairs Subcommittee

To hold hearings to examine accountability at the Federal Emergency Management Agency (FEMA).

SD-342

2 p.m.

Banking, Housing, and Urban Affairs

Security and International Trade and Finance Subcommittee

To hold hearings to examine the Group of Twenty (G20) and global economic and financial risks.

SD-538

2:15 p.m.

Indian Affairs

Business meeting to consider S. 1262, to improve Indian education; to be immediately followed by a hearing to examine S. 134, to authorize the Mescalero Apache Tribe to lease adjudicated water rights, S. 399, to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, S. 1298, to provide for the conveyance of certain property located in Anchorage, Alaska, from the United

States to the Alaska Native Tribal Health Consortium, S. 1327, to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation, and S. 1345, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydro-power by the Grand Coulee Dam.

SD-628

2:30 p.m.

Energy and Natural Resources
Water and Power Subcommittee

To hold an oversight hearing to examine shale gas production and water resources in the Eastern United States.

SD-366

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

NOVEMBER 3

9 a.m.

Homeland Security and Governmental Affairs
Investigations Subcommittee

To hold hearings to examine speculation and compliance with the "Dodd-Frank Act".

SD-342

HOUSE OF REPRESENTATIVES—Tuesday, October 18, 2011

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. HARRIS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 18, 2011.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Andrea Martin, St. Patrick's Episcopal Church, Washington, D.C., offered the following prayer:

God, our Governor, bless the leaders of our land that we may be a people at peace among ourselves and a blessing to other nations.

To the President, to Governors, mayors, and to all in administrative authority, grant wisdom and grace in the exercise of their duties.

To Senators and Representatives and those who make our laws, give courage, wisdom and foresight to provide for the needs of all our people and to fulfill our obligations in the community of nations.

To the judges and officers of our courts, give understanding and integrity that human rights may be safeguarded and justice and honor served.

And finally, teach our people to rely on Your strength and to accept their responsibilities to their fellow citizens that they may make wise decisions for the well-being of our society, serve You faithfully in our generation and honor Your holy Name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 17, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 17, 2011 at 12:26 p.m.:

That the Senate agreed to S. Con. Res. 31.
With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10 a.m. on Friday next.

There was no objection.

Accordingly (at 11 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Friday, October 21, 2011, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3511. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid, polymer with ethenylbenzene and (1-methylethenyl) benzene, sodium salt; Tolerance exemption [EPA-HQ-OPP-2011-0430; FRL-8888-5] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3512. A letter from the Director, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 ("CISADA") Reporting Requirements Under Section 104(e) (RIN: 1506-AB12) received October 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3513. A letter from the Associate Director, PP&I, Department of Treasury, transmitting the Department's final rule — Sudanese

Sanctions Regulations; Iranian Transactions Regulations received October 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3514. A letter from the Associate Director, Department of the Treasury, transmitting the Department's final rule — Sudanese Sanctions Regulations; Iranian Transactions Regulations received October 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3515. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Travel Regulation (FTR); Terms and Definitions for "Dependent", "Domestic Partner", "Domestic Partnership", and "Immediate Family" [FTR Amendment 2011-04; FTR Case 2010-303; Docket Number 2011-0019, Sequence 1] (RIN: 3090-AJ06) received October 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3516. A letter from the Acting Director, Office of Government Ethics, transmitting the Office's final rule — Technical Updating Amendments to Executive Branch Financial Disclosure and Standards of Ethical Conduct Regulations (RINs: 3209-AA00 and 3209-AA04) received October 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3517. A letter from the Special Master, September 11th Victim Compensation Fund, Department of Justice, transmitting the Department's final rule — James Zadroga 9/11 Health and Compensation Act of 2010 [Docket No.: CIV 151] (RIN: 1105-AB39) received September 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3518. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patuxent River, Patuxent River, MD [Docket No.: USCG-2011-0426] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3519. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; 2011 Seattle Seafair Fleet Week Moving Vessels, Puget Sound, Washington; correction [Docket No.: USCG-2011-0505] received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3520. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; TriMet Bridge Project, Willamette River; Portland, OR [Docket No.: USCG-2011-0279] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3521. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; ISAF Nations Cup Grand Final Fireworks Display, Sheboygan, Wisconsin [Docket No.: USCG-2011-0755] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

3522. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coast Guard Exercise, Detroit River, Ambassador Bridge to the western tip of Belle Isle [Docket No.: USCG-2011-0754] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3523. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Eleventh Coast Guard District Annual Fireworks Events [Docket No.: USCG-2009-0559] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3524. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bonfouca Bayou, Slidell, LA [Docket No.: USCG-2009-0863] (RIN: 1625-AA09) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3525. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cleveland National Air Show, Lake Erie, Cleveland, OH [Docket No.: USCG-2011-0795] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3526. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Labor Day Fireworks, Ancarrow's Landing Park, James River, Richmond, VA [Docket No.: USCG-2011-0546] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3527. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Suttons Bay Labor Day Fireworks, Suttons Bay, Grand Traverse Bay, MI [Docket No.: USCG-2011-0719] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3528. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Labor Day at the Landing Santa Rosa Sound, Fort Walton Beach, FL [Docket No.: USCG-2011-0709] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3529. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port Huron Float Down, St. Clair River, Port Huron, MI [Docket No.: USCG-2011-0752] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3530. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2011 Rohto Ironman 70.3 Miami, Biscayne Bay, Miami, FL [Docket No.: USCG-2011-0195] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3531. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Regulated Navigation Area; Arthur Kill, NY and NJ [Docket No.: USCG-2011-0727] (RIN: 1625-AA11) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3532. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; ESI Ironman 70.3 Augusta Triathlon, Savannah River, Augusta, GA [Docket No.: USCG-2011-0691] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3533. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 180.0 to 179.0 [Docket No.: USCG-2011-0385] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3534. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Patuxent River, Solomons, MD [Docket No.: USCG-2011-0266] (RIN: 1625-AA08) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3535. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Eleventh Coast Guard District Annual Marine Events [Docket No.: USCG-2009-0558] (RIN: 1625-AA08) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3536. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Sabine River, Orange, TX [Docket No.: USCG-2011-0194] (RIN: 1625-AA08) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3537. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Standards; Rotor Overspeed Requirements [Docket No.: FAA-2010-0398; Amendment No. 33-31] (RIN: 2120-AJ62) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3538. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Tonopah, NV [Docket No.: FAA-2011-0490; Airspace Docket No. 11-AWP-5] received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3539. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Modification of Class E Airspace; Grand Junction, CO [Docket No.: FAA-2011-0425; Airspace Docket No. 11-ANM-9] received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3540. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Fringe Benefits Aircraft Valuation Formula (Rev. Rul. 2011-21) received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CAMP: Committee on Ways and Means. H.R. 674. A bill to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities (Rept. 112-253). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 2576. A bill to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs (Rept. 112-254). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1932. A bill to amend the Immigration and Nationality Act to provide for extensions of detention of certain aliens ordered removed, and for other purposes; with an amendment (Rept. 112-255). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2192. A bill to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days (Rept. 112-256). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GOWDY:

H.R. 3237. A bill to amend the SOAR Act by clarifying the scope of coverage of the Act; to the Committee on Oversight and Government Reform.

By Mr. PASCRELL (for himself and Mr. LOBIONDO):

H.R. 3238. A bill to amend the Internal Revenue Code of 1986 to provide for an investment tax credit related to the production of electricity from offshore wind; to the Committee on Ways and Means.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GOWDY:

H.R. 3237.

Congress has the power to enact this legislation pursuant to the following:

Clause 17 of Section 8 of Article I of the Constitution of the United States grants the Congress the power to enact this law. (To exercise exclusive Legislation in all Cases whatsoever, over such District. . .)

By Mr. PASCRELL:

H.R. 3238.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 721: Mr. FORBES.

H.R. 1166: Mrs. ADAMS.

H.R. 1173: Mr. MURPHY of Pennsylvania.

H.R. 1639: Mr. LAMBORN and Mr. MCKINLEY.

H.R. 1744: Mr. FORBES.

H.R. 1905: Mr. RIGELL, Mr. SCHRADER, and Ms. SEWELL.

H.R. 2447: Mr. SMITH of Texas, Mr. FLAKE, Mr. SHUSTER, Mrs. BIGGERT, and Mr. MURPHY of Connecticut.

H.R. 2468: Mr. NUNES.

H.R. 2569: Ms. BROWN of Florida, Ms. BERKLEY, Ms. JENKINS, Mr. PRICE of Georgia, Ms. JACKSON LEE of Texas, and Mr. FORBES.

H.R. 2735: Mr. MATHESON.

H.R. 2815: Ms. GRANGER, Mr. NUGENT, and Mr. HALL.

H.R. 2829: Mr. HUNTER, Mr. MCCLINTOCK, Mr. RIGELL, and Mr. WALDEN.

H.R. 2866: Mr. JOHNSON of Illinois.

H.R. 2885: Mr. MCKINLEY.

H.R. 2909: Mr. BURTON of Indiana.

H.R. 3059: Mr. HANNA.

H.R. 3065: Mr. SCHOCK.

H.R. 3067: Mr. PAYNE, Ms. WOOLSEY, Mr. PASTOR of Arizona, Mr. JACKSON of Illinois, Mr. SCHIFF, Mr. GONZALEZ, and Mr. MICHAUD.

H.R. 3091: Mr. LONG and Mr. HULTGREN.

H.R. 3104: Mr. KINGSTON.

H.R. 3235: Mr. BISHOP of Utah.

H. Res. 282: Ms. PELOSI.

SENATE—Tuesday, October 18, 2011

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, our shelter in the time of storm, You have guided our Nation through many seasons of danger and duress. In these challenging economic times, give our lawmakers the wisdom they need to make a positive difference in the lives of our citizens. Help them to see that without wise and prompt action, multitudes will face a future of privation and uncertainty.

Lord, use our Senators today to make America all You intend for it to be.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 18, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate

will be in a period of morning business for 1 hour. The majority will control the first half, the Republicans the second half. Following morning business, the Senate will resume consideration of H.R. 2112. The Senate will recess from 12:30 until 2:15 today for our weekly caucus meetings. We will work on an agreement with respect to pending amendments to the appropriations bill that is now before the Senate. We will notify Senators when votes are scheduled. I hope we can process some amendments which are now pending. It is my understanding Senator MCCAIN is coming to offer a number of amendments. I look forward to working with Senator MCCONNELL and others to move the process along as quickly as we can.

MEASURES PLACED ON THE CALENDAR—H.R. 2250, H.R. 2273, S. 1720, S. 1723, and S. 1726

Mr. REID. Madam President, I understand there are five bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct. The clerk will read the titles of the bills for a second time.

The legislative clerk read as follows:

A bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

A bill (H.R. 2273) to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal of materials generated by the combustion of coal and other fossil fuels.

A bill (S. 1720) to provide American jobs through economic growth.

A bill (S. 1723) to provide for teacher and first responder stabilization.

A bill (S. 1726) to repeal the imposition of withholding on certain payments made to vendors by government entities.

Mr. REID. Madam President, I would object to any further proceedings with respect to each of those bills.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar under rule XIV.

EDUCATION UNDER SIEGE

Mr. REID. Madam President, America's education system is literally under siege. This terrible recession we are involved in has put millions of families in our country in a desperate economic situation. It has also put our schools at risk.

Since 2008, we have lost 300,000 education jobs, including 200,000 in the last year alone. Without talented, dedicated teachers and support staff, our schools cannot provide the world-class education students need to succeed in today's difficult economic climate. As State and local governments are forced to slash education funding again and again, it jeopardizes the future of millions of children, regardless of where they live or how much money their parents make.

Nevada alone is facing a \$1.2 billion budget shortfall in 2011, practically ensuring further cuts to State and local education. But Nevada can ill afford to lose more teachers, police, and first responders. The State has already slashed State education funding below previous session levels. Any additional cuts will place thousands of Nevada teaching jobs at risk. School districts in Nevada have already made difficult cuts: laying off teachers, eliminating programs, and reducing the number of hours children spend in school.

The State has delayed expansion of all-day kindergarten, eliminated resources for gifted and talented programs, cut a magnet program for students who are deaf or hard of hearing. All around schools have been eliminated.

Further cuts will affect the basic pillars of American education. Already the school board in one county, Lyon County, a rural part of Nevada, has considered moving to a 4-day school week. Students in the United States already spend much less time in school than students in other countries, including those with whom we compete for jobs. Most American people spend a month less in the classrooms than those in South Korea or Japan, whose students are among the highest performing in the world.

At a time when Nevadans are competing for jobs with graduates from countries around the world, as well as those in neighboring States, school districts should not be forced to make decisions such as the one facing Lyon County, NV. The Teachers and First Responders Back to Work Act, filed last night and led by Senator MENENDEZ, will ensure the Lyon County school district will not have to choose between laying off teachers and reducing the school year.

It will protect gains made by school districts such as the one in Washoe County, which increased its graduation rate from 55 percent to nearly 70 percent in a period of less than 2 years. Budget cuts would threaten that progress. The district cannot expect to

improve on these gains if it has to jam more students in every class and lay off literacy and math specialists.

The teachers legislation I introduced last night will stem the loss of education jobs and help districts such as Washoe to continue to improve. This legislation will provide Nevada with an additional \$260 million to keep teachers in the classroom and maintain class sizes. It will support 3,600 education jobs in the State and give the economy a jolt.

It will not increase the deficit by one penny. It asks millionaires and billionaires to contribute a tiny fraction more to help turn our economy around. That is an idea two-thirds of Americans and a majority of even Republicans support. This Nation's schools have already been hit hard by State and local budget cuts. We cannot afford to lose more teachers or lay off more police or first responders.

In Nevada, local governments have already made the difficult choice to cut almost 9,000 jobs. These unprecedented layoffs have extended the recession and slowed the recovery in Nevada. And further budget shortfalls threaten thousands more jobs. Nationwide, State and local budget cuts will cost as many as 280,000 teaching jobs next year unless we do something about that. This teachers and first responders legislation will invest \$30 billion to create or save nearly 400,000 teacher jobs; that is, those who are going to be laid off this year, plus those who have been hurt and laid off in past years. That money will help State and school districts stop more layoffs and rehire tens of thousands of teachers laid off since this severe recession began.

We will also invest \$5 billion to retain and rehire the police, firefighters, and first responders to protect our communities throughout this tough economic time. That is why it is so important that the Senate move to this as quickly as possible. Teachers out of work through no fault of their own and students who desperately need a good education are relying on us to act.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOLVING THE JOBS CRISIS

Mr. MCCONNELL. Madam President, it is no secret that the vast majority of Americans are not happy with Washington right now. They say 13 percent of the public approves of Congress, and I have not met any of those people.

It is also no secret that the President of the United States is trying to use the displeasure of Washington for political gain. I think that is a pretty sad commentary on the state of affairs over at the White House lately. As the only person elected to represent every American, the President should speak for all Americans, especially in times of crisis, not divide them for short-term partisan political gain.

But it is perfectly obvious why the President would find the path of division appealing, because on the No. 1 issue we face, jobs and the economy, the President's policies have not worked as advertised. After nearly 3 years in office, he has failed to make any progress on his promises to turn the jobs crisis around. I think we can pretty much sum up that failure with a single number, 1.5 million. That is how many fewer jobs there are right now in America since the President signed his first stimulus, according to the Obama administration's own Labor Department—1.5 million.

So what is the President trying to do? Well, he is trying to change the topic. He wants to deflect attention from that 1.5 million job loss. He wants to think the problem is not his policies, it is those mean Republicans in Congress who oppose them. But the President leaves a few things out of the reelection script he brought along on his bus tour.

First of all, it was not just the Republicans who defeated his latest stimulus bill last week. The only reason a majority of Democrats voted to debate it is they knew they would not have to vote on it. That is why the majority leader repeatedly moved to block a vote on the measure itself, the actual proposal.

Second, we are now living under economic policies that President Obama himself put in place. This is not something you will hear on the bus tour, but let's be clear. The President got everything he wanted from a Democratic-controlled Congress during the first 2 years of his presidency. He owned the place.

Now we are living with the hard realities that those policies have brought to bear on the American worker. So at this point, anytime the President says "pass this bill," people have a very good reason to be skeptical, because this is not the first time President Obama demanded that Congress pass what he calls a jobs bill. But if this one were to pass and it worked as advertised, then it would be the first one that did.

Again and again, the President's response to America's ongoing jobs crisis

has been to insist that Congress pass some urgent piece of legislation right away or an even worse calamity would result. Those bills were supposed to create jobs and prevent layoffs as well.

But he keeps coming back for more. I guess the President is counting on the American people to forget that part. He is counting on us to forget about the other stimulus legislation he has already signed into law and that has failed to live up to its hype every single time.

Again and again the President has demanded that Congress do something to create jobs, and the only thing we seem to end up with at the end of the day is more debt, more government, and fewer jobs. So let's review the record for a while.

Two and a half years ago, President Obama went down to Florida and said the first stimulus—the nearly \$1 trillion government spending bill he signed shortly after taking office—would save or create millions of jobs, including jobs for firefighters, nurses, police officers, and teachers.

Well, what happened? The States got their bailout, the national unemployment rate didn't budge, and a year and a half later the President was back asking for another one. That is right, a year and a half after the first stimulus, the White House was back last August saying they needed another \$26 billion right away or else 160,000 teachers would get pink slips and police and firefighters across the country would literally be off the job. What happened then? Well, the States got another bailout. The unemployment rate didn't budge. And now the President is riding around on a bus saying that if they don't get another one, teachers, police, and firefighters will lose their jobs again.

Does anybody notice a pattern? We have been doing this for nearly 3 years now—3 years. It doesn't work as advertised. Bailouts don't solve the problem. In fact, they perpetuate it. Yet all we get from the President and Democrats in Congress is do it again, do it again, or else.

We have been mired in a jobs crisis for 3 long years now, and all the Democrats ever want to do is throw more taxpayer money at it. It never works the way they claim it will. Yet they want to keep on doing it—with other people's money. Just throw another bailout together, slap the word "jobs" on the cover page, and dare people to vote against it. That is, apparently, the Democrats' governing philosophy—3 years into this jobs crisis. It would not be irresponsible to oppose an approach such as this; it would be irresponsible to consider it. It didn't work the first time. It didn't work the second time. The third time won't be a charm. That is why Republicans and a growing number of our Democratic friends want a different approach.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

There is a growing bipartisan opposition to trying the same failed policies again.

There is bipartisan opposition to raising taxes, especially at a time when 14 million Americans are out of work. If there is one thing we should agree on now, it is that we should be making it easier for businesses to hire, not harder. So the President should drop his obsession with raising taxes, and if he really wants to create jobs, maybe he should consider doing something different.

We have tried the bailout approach. We have tried more regulations, more debt, and more taxes. Why don't we try a new idea for a change, one that has bipartisan support, one that isn't a two-time proven failure? Let's try something that might actually work because the American people didn't send us here to kick our problems down the road. They certainly didn't send us here to repeat the same mistakes over and over and then stick them and their children with the tab. That might be how you maintain a sense of urgency—by failing to solve the problem the first two times around—but it is not how you solve a jobs crisis. The American people simply deserve better than this. They deserve better than the false promises they have been getting.

The President got everything he wanted from a Democratic Congress for 2 years—everything he wanted: a health care law designed to take over one-sixth of the entire economy; a financial reform bill that punishes businesses that had nothing to do with the financial crisis; out-of-control regulations that are forcing otherwise healthy businesses to shut down, businesses such as Smart Papers in Hamilton, OH, a paper mill that said last week it is shutting down because of onerous new Federal regulations that make it too costly to do business; and a trillion-dollar stimulus that was supposed to solve the jobs crisis 2½ years ago.

For 2 years, when the President said: Pass this bill right away, Democrats did it. Here is what they got, despite all that: trillions in debt and more than 1½ million fewer jobs. And that is after the President got everything he wanted for 2 whole years. We don't need any more of that. We can't afford more of the same.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators per-

mitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from New Jersey.

Mr. MENENDEZ addressed the Chair.

Mr. DURBIN. Will the Senator yield for a unanimous consent request?

Mr. MENENDEZ. Yes.

Mr. DURBIN. Madam President, I ask unanimous consent to speak following the remarks of the Senator from New Jersey.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOBS-TEACHERS/FIRST RESPONDERS BACK TO WORK ACT

Mr. MENENDEZ. Madam President, I rise as the lead sponsor of the Teachers/First Responders Back to Work Act. I rise in favor of jobs, in favor of teachers, in favor of police officers and firefighters, keeping our communities safe, and the promise we made to first responders after September 11.

We have a choice. I listened to the distinguished Republican leader, but it is interesting how history can be viewed through different lenses. What I failed to hear were the challenges this President and this country inherited from 8 years of policies that led us, in 2008, to the verge not of the great recession we had been referring to but on the verge of a new depression, where the Chairman of the Federal Reserve and the former Secretary of the Treasury, under President Bush, came before Members of Congress and said: We have a series of financial institutions on the verge of collapse, and if they collapse, it will create systemic risk to the entire country's economy, and every American will feel the consequences of that.

The result of that 8 years of largely unregulated process created excesses where large entities made decisions that ultimately became the collective responsibility of everybody in this country because a failure to have met those responsibilities would have meant a collapse of this country.

Now, there are those in the Senate who are advocating we go back to those very policies. They talk about stopping each and every regulation. Those regulations ultimately—the lack of it and the lack of enforcement of it is what gave us the excesses we had.

Additionally, we had the two wars abroad, which are totally unpaid for, and fiscal responsibility went out the window there. Tax cuts were totally unpaid for, and fiscal responsibility went out the window there.

The culmination of all of that brought us to January of 2009, when the new President took office and had already inherited millions of jobs that

had been lost prior to then. Around 7.5 percent unemployment was the starting point already. In the first quarter of 2009, before he could even do anything—he took the oath of office in late January, swore in a cabinet in February, and sent a plan up in March—another 2 million jobs were lost.

I find it interesting how we forget all of that, at least as a starting point.

We have had 19 months of private sector growth—a little over 2 million jobs. That is good news. But where we have been shedding many jobs is in the very essence of those in the public sector who teach our children, who prepare for the next generation and the competitive future of America, and who protect our communities—police officers, who protect us from crime, and firefighters, who respond when there is an emergency in our communities.

With the Teachers and First Responders Back to Work Act, we can fulfill our duty to educate our children and keep our communities safe or we can gamble our future on the political games we have seen here that disinvest in the future of our children and the safety of our communities.

Almost 300,000 education jobs are on the chopping block this year in this country. At a time when other countries in the world are increasing their educational workforce, we are in the process of decreasing it. New Jersey, my home State, is facing a \$10.5 billion shortfall in its 2012 budget. That means more cuts in State and local spending for education, and that hurts our children.

The Teachers and First Responders Back to Work Act creates 400,000 education jobs because an investment in our teachers is an investment in our children and in our collective future. We are talking about \$30 billion to States and local communities to retain, to hire, to rehire the teachers who have already been separated, to educate tomorrow's entrepreneurs.

In my State of New Jersey, this bill would provide an additional \$831 million in funds to support an additional 9,300 education jobs that largely have been lost. New Jersey alone has lost over 6,000 teachers since 2008, slowing our economic recovery and creating a huge knowledge gap in our schools. What does that gap translate into in terms of lost knowledge? What does it mean to a promising young scientist who needs some guidance or a struggling student who needs a little extra help?

I know about the power of a teacher. I know it through my own personal life. I have had several great teachers along the way, but one made a huge difference in my life. I remember her name—Gail Harper, my speech teacher in high school.

You know, I know some of my colleagues won't believe this, but I was

among the most introverted persons at that time in my life. I didn't even want to take the speech course, but I was told by my guidance counselors that it was a must. I was a good student, an honor student, but I didn't want to take the speech course because I didn't want to do extemporaneous speaking, read assignments, or get up in front of the class, any of that. I was forced to take it. I would prepare my work, but I would not deliver it.

Finally, Gail Harper, the teacher, said to me—she kept me after class, and she said: Robert, I don't know why you prepare yourself—your preparation is great, but if you don't deliver this year, you will fail. My mother, who had fled a country to come to freedom, was convinced that I would be the first in my family to go to college. She told me that failure is not an option. When I heard Gail Harper talk about failure, I knew that was not an option. She worked with me to nurture my abilities so that I could break out of that self-imposed shell and really transform my life. In some respects, that I am here today speaking on the Senate floor is because of Gail Harper. I fully understand how teachers can make a huge difference in the life of a young person.

We need to reinvest in teachers and education, in New Jersey's kids and in America's future. We need to get those 6,000 New Jersey teachers back in the classrooms and hire thousands more in every school in every State in America.

Then I turn to the police and firefighters, and I remember living in the New Jersey-New York region on September 11 a little over a decade ago. On that fateful day, it was not the Federal Government that responded to the tragedies and the horror of the World Trade Center; it was local police, local firefighters, local emergency management who were the first responders, who risked their lives and gave their lives on that fateful day.

We made a promise to every community that we would keep communities safe in America in a post-September 11 world, that we would give cops and firefighters what they needed to do their jobs.

Every Member of Congress wanted to take a picture with a police officer or a firefighter. We called them heroes. Now, Republicans want to zero out the COPS Program that puts police officers on the beat. They want to break our promises after September 11, and I think it is time to make good on it with the \$5 billion our legislation provides so communities can hire and keep cops and firefighters on the job. They are our first line of defense. We learned that after September 11.

I don't care where one is on the political spectrum or what one believes the role of government is, we can all agree public safety and the security of our communities is government's most fun-

damental responsibility. We don't need police and firefighters just in the big cities—although they face some of the major challenges—we need them in every town and community.

Over 2,700 communities applied for help to fund 9,000 officers in the last round for a total of \$2 billion. But because of the opposition of those on the Republican side to keeping our promise to first responders, only \$243 million was available, enough for only 238 of 2,700 communities that applied. That is 9 percent, and it was capped at 25 officers, no matter how big the city or how great the need.

In New Jersey, more than 150 communities applied for funding to keep cops on the job. Only 12 of those 150 were funded. Those 12 communities were only able to hire approximately 78 cops over the course of the next 3 years. Right now, in New Jersey, there are 705 police officers who lost their jobs and can't find law enforcement work, 705 fewer sworn officers on the street, and there are 4,000 fewer officers in New Jersey than there were on December 31, 2009. Public safety is government's No. 1 responsibility, and it is time to deliver on that promise, after September 11, to our communities and our first responders. This legislation includes \$5 billion to help first responders stay on the job, close the public safety gap, and keep our communities safe.

Let me conclude by saying, according to a CNN poll released just yesterday afternoon, 75 percent of Americans support providing funding to State and local governments to hire teachers and first responders, including 63 percent of Republicans.

We have a choice. With this legislation, we can fulfill our duty to educate our kids and keep our communities safe or we can gamble our future on political games that don't invest in our children, our economy, and the safety of our communities. I think the choice is clear. I choose educating our kids. I choose protecting our communities. I choose investing in our future and we do this all and pay for it at the same time.

This is the beginning of a fight, and we will be back again and again to force our friends on the other side to make the choice again and again about whose side they are on. I think the choices are pretty clear. The American people have spoken. It is time to get our teachers and our first responders back to work.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to thank my colleague from New Jersey for this amendment. It is an amendment that is critically important to New Jersey, to Alaska, and to the State of Illinois because the Menendez-Casey amendment in my State means

that 14,500 teachers, firefighters, and policemen will stay on the job.

If the Menendez amendment—which is part of President Obama's jobs package—does not pass, these people will be out of work. There will be more kids in the classroom, talented teachers will be laid off, there will be fewer cops on the beat in small towns and large, and firefighters will have to cut back in terms of their ranks and we need their protection. We can't let that happen. Senator MENENDEZ has an amendment which deals with this responsibly. It pays for it. It doesn't add to the deficit, and that is where the objection comes in from the Republican side of the aisle because he pays for it by asking those making over \$1 million a year to pay about one-half of 1 percent more in taxes, and the Republicans say: No way. We cannot ask the wealthiest people in America to pay one penny more.

To me, it is hard to explain why we would want to deny our children a quality education, lay off teachers, make our streets a little less safe with fewer police, and run the risk of fewer firefighters because we don't want to ask people making over \$1 million a year to pay one-half of 1 percent more on their taxes. People who are making over \$20,000 a week, we are asking them to pay one-half of 1 percent to save the jobs of teachers, firefighters, and police. It is interesting to me, because when President Bush offered his jobs bill years ago, with payroll tax cuts and cuts for businesses, these same Senators who are criticizing President Obama's version of the bill were voting for it and it wasn't paid for. It was added directly to the deficit. These deficit hawks were willing to vote for this with President Bush's name on it but now oppose it with President Obama's name on it. Is there a message there? I think there is a clear message.

There are two things which drive the Republican caucus when it comes to this debate. First, protect those making over \$1 million a year at any cost. Let America languish in this recession, with 14 million people unemployed, rather than ask the wealthiest, most comfortable people in America, to pay just a little bit more in taxes.

Secondly, they consistently oppose proposals to deal with this jobs crisis if they are offered by the President of the United States. Senator MCCONNELL said it earlier. It has been quoted over and over and over that his highest priority as the Republican leader in the Senate was to make sure President Obama was a one-term President.

If we are driven only by that kind of motive, I assume it will make for good political headlines, but it ties our hands in getting things done. You see, in the Senate, it takes 60 votes to do anything significant and, unfortunately, 53 on this side of the aisle need the help of 7 on the other side and they haven't been forthcoming. Last week,

we offered the President's jobs bill and said to the Republicans: At least let's proceed to the bill and offer amendments. We couldn't get a single Republican Senator to vote with us, not one. We had 51 votes for it—two Democrats did not vote for it—but we had no Republican support, none.

So what is the Republican jobs bill? What would they do to turn this economy around and move us forward? Sadly, they have nothing to offer, nothing. Protect the incomes of the wealthiest people in America and say no to everything President Obama suggests. That is not a recipe for moving America forward.

I like to listen to their arguments about cutting redtape to create jobs. I think to myself, do we have to eliminate the standards in this country for clean air and clean water in order to have a thriving economy? If we went the Republican way of eliminating these protections for America's families and children, would this be a better nation? I think not. Basic protections when it comes to air pollution, for example, mean an awful lot to a lot of Americans.

I make it a point of going to classrooms and asking the kids in the classroom a question: How many of you in this classroom know someone who has asthma? I just asked that question in Mount Sterling, IL, a rural community, one that you wouldn't believe would be dealing with air pollution problems or pulmonary issues. More than half the class raised their hand: Yes, they all knew someone—at least half of them knew someone who was dealing with asthma.

Every year, asthma is responsible for 9 million visits to health care professionals and more than 4,000 deaths in America. It is one of the leading causes of school absenteeism, accounts for 14 million missed school days annually. The average family spends between 5.5 percent and 14 percent of its total income on treating an asthmatic child.

So when the Republicans want to come forward and waive air pollution standards, eliminate the protections we are trying to put in place, they are endangering the health of people and children across America. That is the reality. To argue that the only way to build the American economy is by destroying public health standards to protect families and children is not the right answer. We have to find a balanced approach, one that takes into account the reality of science and the reality of business but certainly protects defenseless Americans from the kinds of changes which some Republicans are suggesting.

Is this what it comes down to? Is this the only way to move the American economy forward, to say we may have to compromise the purity of our drinking water when it comes to mercury and arsenic in order to have the econ-

omy create jobs? What a terrible choice that is, and it is a real choice. Take a look at the amendment offered by a Republican Senator on cement kilns. Cement kilns generate toxic chemicals that end up in air pollution and eventually are deposited on Earth, many times in bodies of water such as the Great Lakes. What do mercury and arsenic do to the aquatic life in the Great Lakes and to the people who live around those Great Lakes? They compromise the safety of those great bodies of water.

There are some who say: It goes into the air; It surely isn't going to hurt you. Yet the statistics show the opposite. Poor air quality in the most polluted U.S. cities can shorten the lives of residents up to 2 years, on average. The American Cancer Society found that the risk of early death is over 15 percent greater in areas with increased smog pollution. Nearly two-thirds of those suffering from asthma live in an area where at least one Federal air quality standard is not being met. We can't ignore this public health reality. We have an obligation to the families who live in these cities, whether it is Chicago or Springfield or any city across America, to make certain we don't compromise basic air quality standards. That, frankly, is the only proposal we hear from the Republicans to create jobs. They want to protect the incomes of the wealthiest people in America and lessen the standards we use to protect innocent families from air pollution and deterioration of water quality.

Before I got up to speak, the Chair showed me a headline from the Wall Street Journal. It is a headline we need to remind the Republicans of when they get into this debate about jobs. Do you remember how many times they mocked the President of the United States because he stepped up and said: I will not allow the American automobile industry to die. I am going to step in, he said, and help General Motors and Chrysler through a very difficult time. Do you recall what we heard from the other side of the aisle? It is the wrong thing to do. Let General Motors go bankrupt, the Republicans said. Even former Governor Romney said the automobile bailout was a bad decision. Here is Governor Romney, from a family who had a lot to do with the automobile industry and ought to have known a little better about it.

The President of the United States said: It wasn't my ambition to step in and intervene and help major automobile companies, but I am going to do it because hundreds of thousands of jobs are at stake. The reality is, the President's decision was the right decision. It was the right decision not just for Michigan—and Illinois, I might add—but for the Nation. General Motors and Chrysler have now restructured. They have a leaner workforce, a

stronger inventory, and better products. The report from the Wall Street Journal, which you showed me, shows that the profitability of automobile companies when you look across the board is now tipping in favor of American companies for American workers.

There was also that story there that said, for the first time in a long time, we are importing jobs from Asia and Mexico in the automobile industry back to the United States of America.

Some Republican Senators can come to the floor and say President Obama got it all wrong. Come on down to the Ford works, south of Chicago, and take a look at those workers filing in every single day to go to work.

Then go over to Belvedere, IL, to the Chrysler facility, and see 1,200 people going to work with good-paying jobs. They are there because this President stepped up and said we are not going to let these jobs go away. Many on the Republican side argued this was heretical and wrong. Explain that to the families who have these good-paying jobs, right here in America, with good benefits.

When I hear my Republican colleagues and friends come to the floor and criticize what President Obama has done in this economy, they had better stop and explain their early position opposing the President's efforts to make sure the automobile industry in America survives and thrives. Two hundred thousand workers today went to work for General Motors in America. If the Republicans had their way, GM would have gone bankrupt. Whether it would have survived bankruptcy no one knows. The President said we cannot run that risk. He kept the company in business, restructured, and now it is profitable again. That is a fact.

I will say this too. When I hear the Republican leader come to the floor and argue that the President should speak for all Americans, I ask the Republican leader to take a look at the response of the American people to the President's jobs package. When the President says we should cut the payroll tax for working families who are struggling paycheck to paycheck so they have money to get by, overwhelmingly the people support it. When the President says we should help small businesses hire the unemployed, particularly veterans, overwhelmingly the American people support it. When the President says we should make sure that teachers and policemen and firefighters do not lose their jobs in this tough economy, overwhelmingly the American people support it. When the President says millionaires should pay a little bit more in their taxes to make sure the American recovery is under-way, overwhelmingly the American people support that, too.

In fact, 56 percent of Republicans, when asked, say that is a reasonable way to pay for a jobs program. Unfortunately, none of those 56 percent serve

with the Republicans in the Senate who happen to believe their No. 1 task and goal is to protect the incomes of the wealthiest people in America.

We can do better. We need to make sure we move forward on a bipartisan basis to create jobs. This President inherited a very weak economy. Under President Bush we had more than doubled the national debt. When President Bush took office, our national debt was \$5 trillion. When he left office, it was over \$10 trillion, two wars he didn't pay for, programs he didn't pay for, and tax cuts for wealthy people in the midst of a war—something no President had ever done. President Obama inherited that, and it has been a tough road, he will tell you, to get this economy back on track. Now he has a plan and the Republicans offer nothing. They vote against the President—whatever he wants they are opposing—and they vote against common sense, which says helping working families, helping small businesses, helping our veterans find jobs, and paying for it so it doesn't add to our deficit is a sensible approach to getting America back on the right track.

I urge my colleagues on the other side of the aisle, put the campaigning aside for a moment. Take a look at what it takes to create jobs and bring your best ideas to the table. Let's sit down and put together a bipartisan bill. We will have the President's proposals as a starting point. Bring your ideas too. Let's do something for this country on a bipartisan basis. I think that is why we were elected.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Arizona.

Mr. MCCAIN. Mr. President, as always I listened with interest to my friend and colleague from Illinois. I did not come to the floor with my colleagues to discuss that particular issue, but it is interesting, the justification for the bailout of General Motors and Chrysler, when the fact is there are thousands of small businesses and companies all over America that had to go into bankruptcy but did not get the bailout that was favorable to the trade unions. Why couldn't General Motors have gone into bankruptcy the way every other company and corporation has had to do in these hard economic times, restructured, and then gone back into business again?

Instead, this administration and my friend from Illinois seemed to favor the trade unions who obviously got very favorable treatment rather than the normal bankruptcy procedures. Unlike the treatment the favored trade unions and automobile corporations were able to get, thousands of small businesses and companies all over America were unable to get the benefit of their largesse.

PRESIDENTIAL BUS TOUR

Mr. MCCAIN. Mr. President, I came to the floor this morning with my colleagues to discuss the National Defense Authorization bill. Before I do, I wish to mention there has been a lot of talk dominating certainly part of the talk radio and television about the bus tour the President is on. A lot of it is centered around the bus. I am not going to discuss that anymore except to say that in 2008 when I ran for President I didn't need a bus to be paid for and billed by the government and the taxpayers of the United States. I understand that now there has been another bus purchased for who ever the Republican nominees are. How do you justify that? The Republican nominee may not want a bus.

The fact is, after having said that, the most important point here is that the President is now, on the taxpayers' money, campaigning for 3 days in North Carolina. It says in today's Washington Post "On N.C. Bus Tour, Obama In Full Campaign Mode." I say I have seen other Presidents, both Republican and Democrat, who have hedged and come right up to the edge, and sometimes crossed over it, charging the taxpayers for what has been clearly campaign activities. But never do I believe any of us have seen the kind of activity the President is engaged in, and all of it being charged to the taxpayers of America. That is wrong. That is the wrong thing to do.

According to recent reports, the President's campaign has raised record amounts of money already. The campaign should be paying for this North Carolina trip of his. I do not begrudge him beating up on us and criticizing us and making all kinds of allegations about not understanding his stimulus 2 package, which we understand very well is more of the same. But at least his campaign should be paying for this kind of campaigning.

Mr. President, I ask unanimous consent to engage in a colloquy with my colleagues from Georgia, Senator CHAMBLISS; from New Hampshire, Senator AYOTTE; and the distinguished Republican leader, Senator MCCONNELL, for purposes of a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mr. MCCAIN. Mr. President, today we come to the floor to talk about the importance of the Defense authorization bill. For 50 years the Congress of the United States has enacted a Defense authorization bill, enacted it into law and had it signed by the President of the United States. There have been times when this legislation has been very contentious—days during the Vietnam war, days during Operation Desert Storm, Operation Iraqi Freedom, Bosnia, Kosovo. All of those

times the Defense authorization bill has been a vehicle for debate and votes on the floor of the Senate concerning transcendent issues of national security.

For 50 years we have cared for the men and women who have served and provided them with the equipment, the pay, the benefits those men and women of this country deserve after hundreds of hours of deliberation, thousands of hours of written testimony and testimony before the committee—the full committee and subcommittees such as that under the chairmanship of the Senator from the State of Georgia.

Because of a part of the legislation, the majority leader has decided that we will not take this bill to the floor of the Senate. That is a betrayal of the men and women who are serving this Nation.

I understand there are differences on the issue of detainee treatment. I understand it is an emotional issue. But should it be a reason for the Senate not to carry out its 50-year tradition to debate and discuss and amend and vote and then come out with a package that provides for the needs, the training, the equipment, the benefits of the men and women who are serving?

I quote from a letter from the distinguished majority leader to Senator LEVIN and to me, "However, as you know, I do not intend to bring this bill to the floor until concerns regarding the bill's detainee provisions are resolved."

Is that the way the Senate works, that we do not bring bills to the floor unless objectionable matters that are disagreed with by one side or the other are not resolved? I always believed the way these issues are resolved is through debates, through amendment, through votes, through allowing the American people also to see and hear our deliberations, our discussions, and our debate.

Obviously the fiscal year has expired so this bill is obviously long overdue. Now we are in a position where apparently the majority leader wants to take up the President's jobs bill in parts, one by one, in complete disregard of the needs and requirements of the men and women who are serving our national security.

Part of that bill also is the portion from the Intelligence Committee. By the way, I note the presence of the Senator from South Carolina, who knows more about detainees than any Member of this body without question. He continuously travels to Iraq and Afghanistan, he has visited the prisons. He understands the issues better than anyone. I would be willing to ask him how he feels about the detainee provisions, after the Senator from Georgia makes a comment about the importance of the intelligence portion of the Defense authorization bill.

Mr. CHAMBLISS. Mr. President, I thank the Senator. This is the ninth

Defense authorization bill I have been involved in since I have been a Member of the Senate. I must say the refusal by the majority leader to bring this Defense authorization bill to the floor is truly disheartening. It is critically important that we address the issues not only of what is going on in Iraq and Afghanistan but the day-to-day operations of our military from the standpoint of pay raises, quality of life, purchase of weapons systems for future use—any number of issues that are included. The refusal of the majority leader to bring this to the floor because of his objection to a very critical aspect of this bill truly is disheartening.

During committee consideration of the bill, the committee considered and adopted, by a vote of 25 to 1, a comprehensive bipartisan provision relating to detainees. We have no detainee policy in this country today. If we had captured bin Laden, what would we have done with him? If we had captured Anwar al-Awlaki, what would we have done with him? Certainly we could have gained actionable intelligence from either one of those individuals, but we have no detainee policy in this country today. We have nowhere to take them, where we can hold these individuals and ensure that they do not get lawyered up quickly and that we are unable to get the type of information we need to get from individuals such as that.

Over the past several years there has been an ongoing debate about the importance of being able to fully and lawfully interrogate suspected terrorists. One thing is clear after all these years: that our Nation still lacks this clear and effective policy. This bipartisan detainee compromise goes a long way toward ensuring we can get timely and actionable intelligence from newly captured detainees connected to al-Qaida and other terrorist organizations. The compromise also provides for a permanent process for transferring Guantanamo detainees to other countries. We are in the midst right now of a review within the Intelligence Committee of the thought process that went into the transferring of detainees by both the Bush administration and the current administration. I will tell you that there are real flaws in that policy. Those flaws have resulted, according to the DNI—General Clapper—of a recidivism rate of Guantanamo detainees of 27 percent. That means 27 percent of the individuals we have released from Guantanamo and sent to other countries that have been willing to take them under various agreements—27 percent of them have returned to the battlefield and are killing or are seeking to kill Americans. The policy not only about detainees but policies with regard to what we do with Guantanamo detainees is extremely important.

There were a number of us who were involved in the amendments that went

into the authorization bill in committee. Senator GRAHAM from South Carolina was. Senator AYOTTE from New Hampshire was integrally involved. Let me turn to Senator AYOTTE and, from the perspective of the people of New Hampshire, ask: Where does the Senator think we are with respect to a detainee policy in this country today?

Ms. AYOTTE. I thank Senator CHAMBLISS. I would say this. The Senator highlighted the importance, No. 1, as did Senator MCCAIN, of passing Defense authorization. I have been to the floor twice on this issue because I think it is so important for our country, the notion that it has been half a century since the last time we failed to pass this authorization. What is at stake for our troops and the message it sends to them? We are in two wars. There are threats that face our country and our military men and women every day. We owe it to them that they know we are going to pass this authorization to address issues such as pay increases and weapons that they need and all of the fundamental day-to-day issues to make sure they know we are behind them.

I would summarize the issue of the detainee policy of this country over the past few months in the Armed Services Committee as military leader after military leader has come before our committee and we have asked them about this issue, about how we treat detainees. I questioned GEN Carter Ham, commander of the Africa command, about what we would do if we captured a member of al-Qaida in Africa. Do you know what he said? He said he would need lawyerly help to answer that one. Is that what we have come to, our commanders need lawyerly help in order to know how to deal with captured terrorists and how to treat them within our system to make sure we have a secure place to gather intelligence from them and to ensure that the American people and our allies are protected?

The majority leader is holding up the entire authorization bill with this detainee compromise, which was an overwhelmingly bipartisan compromise. This provision in the committee was voted 25 to 1 in support of this because there is such a need to address how we treat detainees. As Senator CHAMBLISS already highlighted, we have a 27-percent recidivism rate from those who have been released from Guantanamo. Here are a couple of examples of what those individuals are doing right now against us, our troops, and our allies. For example, the No. 2 in al-Qaida in the Arabian Peninsula was someone we released from Guantanamo.

Another top commander of the Taliban in the Quetta Shura who is out planning attacks against us is someone we released from Guantanamo. That is why this issue cries out for a detention policy for our country. This is a very important issue to be brought to the

floor along with the entire authorization.

I see my colleague from South Carolina here, Senator GRAHAM, who I know has worked very closely on these detention issues as a JAG attorney and is someone who visited Afghanistan in August.

First, I would ask, during his time in the Senate, has he seen the Senate act like this with the Defense authorization? Second, how important does the Senator think it is we address this detainee issue?

Mr. MCCAIN. I thank the Senator from New Hampshire for the enormous contribution she has made in putting together this legislation. I wish both her and my friend from South Carolina to address this.

In the letter sent to Senator LEVIN and me to address this issue, Senator REID, the majority leader, as the rationale for not bringing the bill to the floor, says: I do not intend to bring this bill to the floor until concerns regarding the bill's detainee provisions are resolved.

It goes on and on and then he says: As Deputy National Security Adviser John Brennan stated in a recent speech—he said in summary, this approach, talking about the approach that we have taken in the bill—I believe the vote was 25 to 1. He said: This approach would impose unprecedented restrictions on the ability of experienced professionals to combat terrorism, injecting legal and operational uncertainty into what is already enormously complicated work.

I wonder, does Mr. Brennan understand what is in the legislation?

Mr. GRAHAM. I thank the Senator from Arizona and all of my colleagues working on what is a very difficult subject matter. When 25 to 1 is the outcome, that is pretty good. I like Senator REID. This goes back to the White House. This is President Obama's team. This is not HARRY REID. This is not the Senate holding up this bill, it is the White House holding up this bill. They have an irrational view of what we need to be doing with detainees. They have lost the argument—and I tried to help—to close Guantanamo Bay. It is not going to close. We are not going to move those prisoners inside the United States. The Congress has said no. The American people have said no.

The reason they lost that argument is after working with the White House for about a year and a half to try to find a national security centric detainee policy that would assure the American people we are not going to let these people roam around the world and treat them as common criminals, they could never pull the trigger on the hard stuff. We are here because the White House cannot tell the ACLU no. There are 48 people at Guantanamo Bay being held under the law of war, who will never see a courtroom, military or civilian courtroom, and that is

part of military law. You don't have to let an enemy prisoner go. Most enemy prisoners are never prosecuted. They are held at Guantanamo Bay under the law of war. An Executive order issued by the Obama administration gives them an annual review. We have been trying to work with the Obama administration to deal with every class of detainee we may run into in this war that will go well beyond my lifetime. The reason Mr. Brennan objects is because there was a decision made by the Congress to say if a detainee is captured and interrogated by the high-value interrogation team—which I like, which is an interagency combination of the CIA, FBI, military, and other law enforcement agencies to make sure we get the best intelligence possible, that we create a presumption for military custody.

The reason we are doing that is because the Obama administration has been hell bent on criminalizing this war. Khalid Shaikh Mohammed, the mastermind of 9/11, had charges against him in military commissions during the Bush administration, and he was ready to go to trial, literally ready to plead guilty. The Obama administration withdrew those charges and was going to put him in New York City, giving Khalid Shaikh Mohammed the same constitutional rights as an American citizen, then take that show on the road from Guantanamo Bay and have a trial in the heart of New York City that would cost \$300 million alone in security. That blew up in their face. They don't get it. Most Americans don't see these people as some guy who stole a car or robbed a liquor store. Most Americans see detainees who were captured on the battlefield as a genuine threat to this country.

I applaud the Obama administration for taking the fight to the terrorists and going after bin Laden, for using Predator drones on the battlefield throughout Pakistan and Afghanistan. What I have fought with them over is we have no way of capturing someone and acquiring good intelligence because you have locked down the system. This detainee legislation we have before the Senate will allow a way to go forward.

What happens if you capture someone tomorrow? Where do we put them? What jail do we have, as a nation, to put a captured terrorist in? We don't have a jail because they will not use Guantanamo Bay. They captured a terrorist and put him on a ship for 60 days. The Navy is not in the detention business. We don't build ships to make them jails. We build ships to fight wars. This aversion to using Guantanamo Bay is going to bite us as a nation.

This legislation allows us to move forward. If you capture someone, you can gather good intelligence. There is a presumption that they will be held as

an enemy combatant, but there is a waiver provision. What I don't want to do is read rights to everybody we capture in the United States as part of a terrorist organization's plot. We are not fighting a crime, we are fighting a war. Under the rules of war, you can hold an enemy combatant and interrogate them as long as necessary to find out what the enemy is up to. That is what this legislation does.

To my colleagues, you have written a very balanced approach. This idea of never using Guantanamo Bay again is dangerous. The idea that the CIA cannot interrogate enemy prisoners as a policy is dangerous. By Executive order the President of the United States, President Obama, within a week of taking office, took off the table an enhanced interrogation technique under the Detainee Treatment Act that was classified, that was not waterboarding within our values, but techniques available to our intelligence community, which Senator CHAMBLISS oversees, that would allow them over time to acquire good intelligence.

One of the reasons we killed bin Laden is because of the intelligence picture we acquired over 10 years. This President, within a week, said by Executive order the only interrogation tool available to the United States of America is the Army Field Manual, which is online. You can read it yourself.

Mr. MCCAIN. Can I ask my colleague—it is a fact, as the Senator from New Hampshire pointed out, that 27 percent of the detainees who have been released from Guantanamo Bay have returned to the fight. Not only have they returned to the fight, the fact that they were in Guantanamo gives them an automatic kind of charisma and aura and leadership in al-Qaida and other terrorist organizations. Does the Senator think the American people find that acceptable, that one out of every four we have released from Guantanamo Bay has reentered the fight and clearly is responsible for the deaths of at least some of the brave young Americans and may be responsible for the deaths of Americans in the future?

Mr. GRAHAM. Not only are most Americans upset about that but they worry about what comes down the road. That is what I am worried about. The Senate legislation is trying to create a pathway forward for the future. What do you do with these people we have in Guantanamo Bay who may never go on trial? What do you do with these people at Guantanamo Bay who come from countries where, if you return them to that country, they would be back in the fight by the end of the day?

Mr. MCCAIN. As has happened in Yemen.

Mr. GRAHAM. We have a bipartisan proposal that will allow us as a nation to make rational decisions about de-

tention, and the White House is holding it up. There are provisions in this bill that affect the day-to-day lives of the men and women in our military. The White House is saying detainee policy driven by the ACLU is more important to them than a bill that would allow the CIA the authorization they need to fight this war that would provide wounded warriors assistance at a time when wounded warriors need it the most. You talk about a perverse view of things, you talk about having it wrong in terms of what is most important, allowing the detainee issue to deny the CIA the authorization they need to protect us all is dangerous. To put the needs of the men and women in uniform in terms of their health care, their pay, their ability to take care of their families secondary to detainee policies that make no sense and is driven by the far left of this country is what this debate is about.

To the White House, we are not going to change this bill.

Mr. MCCONNELL. Would the Senator yield for a question?

Mr. GRAHAM. Yes.

Mr. MCCONNELL. Am I correct, I would say to my friends from South Carolina and New Hampshire and Arizona, that because of the administration's opposition to a detainee treatment provision that was, I gather, approved overwhelmingly in the Armed Services Committee, we will for the first time deny everybody in the Senate an opportunity to offer any amendments on any subject with the DOD authorization bill and, in fact, will not consider it on the floor of the Senate for the first time in four decades?

Mr. GRAHAM. The minority leader is absolutely right. I would add to my good friend from Kentucky, it is even more. It is not just about us. What we are denying General Petraeus, the new CIA Director, is new authorization language that he needs to fight the war. What we are denying men and women in uniform is pay raises, health care benefits they desperately need because of the detention policy driven by, I think, the most liberal people in this country, and 25 out of 26 Senators blessed this package.

Senator MCCONNELL is absolutely right. Not only does the Senate not have a say on what would be the way forward for our detainees, the men and women in uniform, the CIA operatives taking the fight to the enemy do not have the tools they need because of one area of this legislation. It would be a national tragedy if we could not pass this bill, which is sound to its core in all areas, because the ACLU doesn't like what we have done on detention.

Mr. CHAMBLISS. If the minority leader would yield for a question, as the Senator well knows, the intelligence community depends upon the Defense authorization bill for the authorization to operate in the intelligence community. Whether it is the

budget or policy, all of that is compromised in the majority leader's refusal to bring this bill to the floor. Without the authorities in the respective intelligence bills that are passed by the House and the Senate, then our Intelligence Committee is handicapped and hamstrung in policies that are needed as we move forward in this ever-changing war on terrorism.

I would ask the Senator from Kentucky if he has ever, in his long experience in the Senate, seen any bill of this nature held up and not allowed to come to the floor because of any single Senator's refusal to accept the provisions that are in the bill by an overwhelming vote such as this?

Mr. McCONNELL. Mr. President, I am not sure who has the floor, but I would say, in response to my friend from Georgia—

Mr. MCCAIN. Mr. President, I say to the Senator, we have unanimous consent for a colloquy.

Mr. McCONNELL. There may have been examples, but I am hard pressed to think of one recently. The tradition of passing the Defense authorization bill is there for a good reason. The national defense of the United States is the most important thing the Federal Government does. The committee upon which the Senator from Georgia and the Senator from Arizona and the Senator from New Hampshire serve is expert on this matter, and I find this truly astonishing.

It is consistent, however, I must say with the pattern around here in recent times: no amendments, fill up the tree, deny the majority and the minority—in this case, both the majority and the minority—the opportunity to have any input on a piece of legislation that determines what we do on the Federal Government's most important responsibility.

I think this is another example of the way the Senate has deteriorated into operating like the House, and it is an extremely bad direction for this institution and for the American people.

Ms. AYOTTE. I wish to add as well, this detainee compromise, as Senator MCCAIN and I have talked about before, is actually for—the group of individuals we are talking about here—having military custody for members of al-Qaida or affiliated groups who are planning an attack against the United States or its coalition partners. You think about that category of individuals. The most dangerous category of individuals we have to address is why we came to the compromise in committee, that the default would be military custody for those individuals, and it is inconsistent with the administration's position.

If you think about it, they are, rightly so—and I agree with them—undertaking taking out members of al-Qaida around the world who fall under that category, who are out there killing

Americans and plotting against Americans and our allies. Yet they are objecting to a provision, a detainee provision, that would give guidance to our military and intelligence leaders that those individuals should be treated, in the first instance, with military custody. It seems to me to be very inconsistent with what they have been doing in other contexts, and, obviously, this is a category of individuals who, on a bipartisan basis, we agreed in committee was the most dangerous category of individuals, who should be held in the first instance in military custody.

I want to add that Mr. Brennan, whom the majority leader has cited on behalf of the administration as objecting to this provision, does not seem to—in his speech at Harvard that he gave recently—appreciate who this provision applies to and that there is actually a national security waiver in the provision. So I would ask the administration and Mr. Brennan, again, to read the provisions that were passed on a bipartisan basis by the committee because this is such a key issue to move forward to give guidance to our military. But I am concerned that the administration's objections to this are misguided and they have not read the actual legislation on which we are working.

It is my hope, as our leader, the minority leader, has said, that we will move forward with passing the critical pieces for our troops because our troops deserve nothing less than for us to bring this forward to the floor because of the pay raises, the weapons systems they deserve to have, everything that is in that bill. But, also, I would ask the administration to revisit its position because it seems inconsistent with its own policies, and they do not seem to have actually read the compromise that was overwhelmingly passed out of the Armed Services Committee.

Mr. MCCAIN. Mr. President, I thank the Senator from New Hampshire.

I know we have addressed this issue in some depth, but I would remind my colleagues, this is the Defense authorization bill. This is the product of thousands of hours of work, of staff work, hundreds of hours of testimony and hearings, a week-long markup of the full committee putting this package together. The thoughts, the ideas, the recommendations of the administration, and people in and out of the administration, the knowledge and expertise of thousands of individuals go into this most important piece of legislation.

For 50 years it has been taken up, debated, amended, passed, and signed into law by the President of the United States. Now, because of one small provision of this bill, the majority leader of the Senate, at the behest of the White House, has decided we will not

take up the Defense authorization bill for the first time in 50 years.

I think the distinguished Republican leader and I, who have been around here for quite a while, have seen this process now deteriorate to the point where we now cannot debate, amend, and pass legislation that is so vital to our Nation's security and the men and women who take part in preserving it. This is kind of a sad day for this Member.

Mr. McCONNELL. Finally, I would ask both the Senator from Arizona, who has been our leader on national defense issues, and the Senator from New Hampshire: Is the basis of this that the administration wants to establish the precedent that they can capture enemy noncombatants anywhere in the world and send them straight into the United States into an article 3 court? Is that the crux of this, I would ask my friends?

Ms. AYOTTE. I would say to our distinguished Republican leader, I think that is what is at the heart of this, that they want to treat these individuals in the context of our civilian court system; otherwise, why would you object to a provision on military custody for those who are members of al-Qaida who are planning an attack against the United States or have attacked the United States? Also, I would point out, there is a national security waiver in this provision. So the only thing I can take from it is that they do want to treat this war as people who are at war with us as civilians as opposed to who they are—enemies of our country.

Mr. McCONNELL. Could I ask the Senator from New Hampshire, a former attorney general, a further question?

Does this not lead, inevitably, in the further direction of a mindset that would say, on the battlefield, if you capture an enemy combatant—and that enemy combatant is, inevitably, on the way to an article 3 court—could it lead to the feeling that that enemy combatant should be read his Miranda rights on the battlefield, if he is viewed as an individual who is on the way to a U.S. court under U.S. law? Where does it end, I ask my friend from New Hampshire?

Ms. AYOTTE. I would say that is an absolute concern here because this would be the first war in the history of our country where we would be giving those we capture on the battlefield the rights to our civilian court system. Where do we draw the line? It would be outrageous to require members of our military and intelligence officials to immediately ask: Do I have to give Miranda rights? Do I have to worry about some of the speedy trial and presentment issues that come from a civilian court system?

That is why, in the guidance of the committee, on a bipartisan basis, for this category of individuals, the presumption should be military custody

because these are individuals who are enemy combatants with whom we are at war. That is fundamentally what is at issue. It does seem inconsistent—with what the administration is doing in terms of rightly going after these individuals around the world, and killing them in certain instances—that we would not provide them with military custody in the first instance.

Mr. MCCAIN. Could I also point out to my friends and my colleagues that, as is the case quite often, even though the vote was 25 to 1 on this provision in the Senate Armed Services Committee, we did provide, at the request of the administration, a waiver for national security. So we included a waiver that says:

The Secretary of Defense may, in consultation with the Secretary of State and the Director of National Intelligence, waive the requirement of paragraph (1)—

That is the detainee issue—

if the Secretary submits to Congress a certification in writing that such a waiver is in the national security interests of the United States.

So there is a national security waiver. We have given the President of the United States a way that he could waive every provision of this legislation—something I was not particularly happy about, but in the spirit of compromise, we gave a waiver.

Could I say, also, I am sure—I see the majority leader on the floor—yes, there have been contentious times. There was contention last year about the don't ask, don't tell act. The year before, there was contention about the fact that they added the hate crimes bill, which had nothing to do with national security, onto the bill. But at least we ought to go ahead and take up and debate and amend and have the Senate act, as the American people expect us to; that is, consideration, voting, and the President, if it is that objectionable, obviously, could veto the bill.

But to say, because of these few pages—these pages right here of the bill—that, therefore, we will not even take up the bill, for the first time in 50 years, in my view, is a great disservice to the men and women who are serving.

I thank my friends, the Senator from New Hampshire and the minority leader.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The majority leader is recognized.

OBSTRUCTION

Mr. REID. Mr. President, I have had several very good conversations with Senator MCCAIN and Senator LEVIN about the provisions they have spent a lot of time on this morning. Discussions have been very positive. And, hopefully, these concerns can be resolved. Of course, if they cannot be, the

only way to resolve them would be here on the Senate floor. I hope in the next several days we can work something out on this somewhat difficult provision that is in the bill reported out of the committee.

First of all, let me say to my friends who came and spoke on the floor today, I understand their concern about the defense of this country. Anytime JOHN MCCAIN comes to the floor or comes anywhere in the world and talks about anything dealing with the security of this country, everyone should listen. He is a man we all know, we respect, and hold in the highest regard, not only because of his legislative skills—he has been a Presidential nominee—but the fact is, he is a certified American military hero. So I want everyone to understand that I have no problem at all with Senator MCCAIN coming to the floor talking about something he knows a lot about.

But I do want to remind everyone that we are now in the 10th month of this Congress and we have been blocked, obstructed, prevented, and held up from moving legislation for 10 months. We have wasted months and months because of obstructionism, threats to shut down the government.

Think back a little while on trying to get the government funded until the 1st of October. I do not know at this stage how many votes we had but at least a half dozen extending the government for a week, a few days, with the threat of the government shutting down with every one of those extensions of the continuing resolution.

Then we moved to a new stage in the history of our great country; that is, extending the debt ceiling. Times in the past it has been done routinely—hundreds of times—18 times during the Reagan administration. But, no, we took months to do it for President Obama. And that has prevented us from doing a lot of the routine work we need to do here, including the Defense authorization bill. These items used to be routine under Democratic and Republican Presidents. But in this Congress, Republicans have turned even routine matters into crises.

Since the beginning of the year, they have blocked jobs bills using obstructionist tactics. They have filibustered everything by amendment. Remember the small business innovation bill—a bill I like to talk about because it has been one of the best things that has happened to this country. Small business entrepreneurs, people who had ideas on how to improve the economy did good things with these small grants they got. My favorite, of course, is the electric toothbrush, but there were other things that have been done. But that bill traditionally has been handled with minimal controversy—in fact, no controversy—always passes unanimously with help from both sides. Republicans amended this little piece of

legislation—so good for our country in creating jobs—to death. The process took nearly 2 months. There was the Economic Development Revitalization Act, something that started during the time Richard Nixon was President. We did this routinely, most every time by unanimous consent. A bill that creates lots and lots of jobs, employment for our country—the Republican Senators blocked this bill, dragging out the process for months. Their obstructionism has cost this country millions of jobs, including 2 million that would have been created by the American Jobs Act.

Suddenly they are calling for a return to regular order. Well, after 10 months of dragging out the most routine matters, preventing the normal order of business here in the Senate, suddenly they are calling for us to move quickly on the Defense authorization bill, something that should have been done some time ago. They are threatening to shut down the government if they do not get their way. We have coming up, in less than a month, another threat by the Republicans to shut down the government. That seems to be the mantra: If we do not get what we want, we will close the government.

The continuing resolution expires on November 18, right before Thanksgiving. My colleagues are right about the Defense Authorization Act—absolutely right. We need to do this. We have always done it, and we are going to do it this year. As I said to Senator MCCAIN on a number of occasions, and Senator LEVIN, I am eager to find a path to get this done.

My colleagues have said several times that they believe these provisions ought to be considered in regular order and that the Senate ought to proceed to debate them. As I indicated a few minutes ago, if that is the only avenue we have, then that is what we will do.

The Defense authorization bill is going to get done this year. But we have been held up for 10 months in doing the ordinary process this government is required to do.

Mr. DURBIN. Would the Senator yield for a question?

Mr. REID. I would be happy to yield to the Senator from Illinois.

Mr. DURBIN. I say to the majority leader, since I have listened to the colloquy by my Republican colleagues just a few minutes ago, and it related to the detainee policy, which is one of the controversial issues in the Defense authorization bill, I am sure he is aware of the fact that last week in Detroit, in an article III Federal court, an accused terrorist—the so-called Underwear Bomber—pled guilty to terrorism, having gone through the regular criminal process in article III courts, having been interrogated by the FBI, and even after Miranda warnings, surrendering

very valuable information and intelligence to protect the United States.

Is it not true that when we look at the record about detainees or those accused of terrorism being tried, we find that since 9/11, over 200 of them have been successfully tried in article III courts under President Bush and President Obama and that under military commissions, exactly 4, 4 terrorists have been tried; and that the argument on the other side, which is that the article III courts are incapable of protecting the United States and successfully prosecuting terrorists, absolutely flies in the face of the facts: 200 terrorists convicted in article III courts, 4 by military tribunals. You would think it was exactly the opposite, from the arguments made on the floor by my friend from Arizona and others.

I would ask the Senator from Nevada, our majority leader, are we not trying to give to any President—this President and any President—the tools and the decisionmaking necessary to protect our Nation, to pick the best place to investigate and to prosecute those who are accused of terrorism?

Mr. REID. In response to my friend's question, he is absolutely right. Remember, this is not an Obama-driven program. It started during the George Bush era. Why? Because George Bush was President of the United States on 9/11, and he recognized the importance of doing this in a fashion that would maintain the civility of our criminal justice system.

I say to my friend, I want to make sure—I will repeat what I said earlier. No one is saying we are not going to do the Defense authorization bill. We are going to do that. But we are really, because of being jammed, as I have tried to outline here to the entire country, and being unable to get our work done here these last 10 months, we are trying to find time to do lots of things. That is why we have come up with this unique way of moving appropriations bills. We are doing them together—three at a time rather than one at a time—in an effort to do what I have been asked to do by the Speaker of the House: Do what you can to get these appropriations bills done. Senator MCCONNELL suggested something. We are doing our very best, but we have been held up from doing the ordinary business. I gave two examples that were about as good as you could give of our trying to do things to create jobs in America today. We have been stymied from doing that.

So I say to everyone here that I am really somewhat at a loss for words, for an organization here—the Republican caucus has done everything they can these past 10 months to stop us from moving forward. Remember, the No. 1 goal of my friend the Republican leader—and I admire his honesty—he said his No. 1 goal was and has been to defeat President Obama. As a result of

that, we have not been able to do the government's business, because everything they can do to slow down government is something they believe will help them a year from now.

Mr. DURBIN. Would the Senator yield for one more question?

Mr. REID. I would be happy to.

Mr. DURBIN. Is it not true that the majority leader came to the floor on the pending legislation, the appropriations bills, and invited Members on both sides to bring their amendments to the floor, call their amendments for a vote, that some 10 or 11 or more amendments have been filed, and we are still waiting for that? Is it not true that we are giving this opportunity to our colleagues to offer their amendments and to call their amendments, and that is a way for those who are looking for their opportunity on the floor to express their point of view and get a vote?

Mr. REID. I appreciate very much the Senator from Illinois reminding me what took place at the beginning of this Congress.

Mr. MCCAIN. Would the Senator yield for a comment?

Mr. REID. As soon as I answer my friend's question.

I am reminded of what took place at the beginning of this year. We had a number of new Senators—relatively new Senators—who joined with some of the more experienced Senators who wanted to change the way the saw our having done business in the last Congress.

I joined with my friend the Republican leader and said: Let's back off a little bit.

The Republican leader said: We are going to be very discrete in what we do with the motions to proceed, to allow us to get on legislation.

I said: Fine. If that is the case, we will make sure we have the opportunity to offer amendments.

That has broken down big time, I say to my friend, because it is a rare day here that we have been able to move to a piece of legislation without having to go through the process of filing cloture on just the ability to get on a bill. And we have had open amendments, as we did on the small business innovation bill. Guess what happened. It was amended to death. So after 2 months—after 2 months—we gave up. We could not do that bill as had been done routinely in the past.

So I say to my friend, we are going to try it again. We have these appropriations bills. We are going to try to get it done. We are waiting for people to offer amendments, and we are going to try to move through this and get it done. We are going to do the appropriations bills this week. We have other things we need to do. It is an important time in the history of our country to show the American people we can work together. I hope that, in fact, is

the case because based on my experience from the beginning of this Congress, where there was supposed to be a good-faith effort to return to regular order, it has not happened.

I would be happy to yield to my friend for a question.

Mr. MCCAIN. I want to say to the majority leader, whom I have known and been friends with for many years, I thank him for his kind remarks. I am very appreciative of his commitment to bringing the Defense authorization bill to the floor. I thank the majority leader.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2112, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

Pending:

Reid (for Inouye) amendment No. 738, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012.

Reid (for Webb) amendment No. 750 (to amendment No. 738), to establish the National Criminal Justice Commission.

Kohl amendment No. 755 (to amendment No. 738), to require a report on plans to implement reductions to certain salaries and expenses accounts.

Cornyn amendment No. 775 (to amendment No. 738), to prohibit funding for Operation Fast and Furious or similar "gun walking" programs.

Durbin (for Murray) amendment No. 772 (to amendment No. 738), to strike a section providing for certain exemptions from environmental requirements for the reconstruction of highway facilities damaged by natural disasters or emergencies.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENTS NOS. 739, 740, AND 741 TO AMENDMENT NO. 738

Mr. MCCAIN. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment for the purposes of calling up amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I call up three amendments numbered 739, 740, and 741 and ask unanimous consent that they be reported by number.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes amendments en bloc numbered 739, 740, 741 to amendment number 738.

The amendments are as follows:

AMENDMENT NO. 739

(Purpose: To ensure that the critical surface transportation needs of the United States are made a priority by prohibiting funds from being used on lower-priority projects, such as transportation museums and landscaping)

At the appropriate place in division C, insert the following:

SEC. _____. None of the amounts made available under this division may be used for—

- (1) scenic or historic highway programs, including tourist and welcome centers;
- (2) landscaping or scenic beautification;
- (3) historic preservation;
- (4) rehabilitation or operation of historic transportation buildings, structures, or facilities;
- (5) control or removal of outdoor advertising;
- (6) archaeological planning or research; or
- (7) the establishment of transportation museums.

AMENDMENT NO. 740

(Purpose: To eliminate funding for the trade adjustment assistance for firms program)

In the matter under the heading "ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS" under the heading "ECONOMIC DEVELOPMENT ADMINISTRATION" in title I of division B, strike " , for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 603 of the America COMPETES Reauthorization Act of 2010 (Public Law 111-358), \$220,000,000" and insert "and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 603 of the America COMPETES Reauthorization Act of 2010 (Public Law 111-358), \$204,200,000".

AMENDMENT NO. 741

(Purpose: To prohibit the use of appropriated funds to construct, fund, install, or operate certain ethanol blender pumps and ethanol storage facilities)

On page 83, between lines 20 and 21, insert the following:

SEC. _____. None of the funds made available by this Act shall be used to construct, fund, install, or operate an ethanol blender pump or an ethanol storage facility, including—

- (1) funds in any trust fund to which funds are made available by Federal law; and
- (2) any funds made available under the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107).

Mr. McCAIN. I yield the floor.

Mr. KOHL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 775

Mr. CORNYN. Yesterday, I introduced my amendment to the pending

Commerce-Justice appropriations bill, and I would like to briefly explain this amendment for my colleagues.

This amendment is designed to basically cut off any future funds that might be made available under this appropriations bill to fund the Department of Justice's program now notoriously known as Fast and Furious. This would prohibit the taxpayer funding of operations where Federal law enforcement personnel knowingly cause the transfer of firearms to drug cartel agents and intentionally fail to monitor those weapons.

On December 14, 2010, U.S. Border Patrol Agent Brian Terry was gunned down on the southern border while attempting to apprehend members of a predatory criminal gang that operated in Arizona's Peck Canyon. A congressional investigation and several news reports have confirmed that some of the guns used in that attack actually came from gun dealers in the United States, and the guns were actually put in the hands of the agents of the cartels and allowed to cross the border with the full knowledge of officials associated with the U.S. Government, most notably the Bureau of Alcohol, Tobacco, and Firearms, and the U.S. Attorney's Office in Arizona, although it is unknown at this point how far up in the chain of command knowledge of this program went. But that is another story for another time.

The American people and their representatives in Congress have begun asking, after the death of Brian Terry, what happened under this Fast and Furious Program and who will be held accountable. Answers to those questions have been very slow in coming, and some have been contradictory. But the more questions that were raised, the more questions came up.

One question is, of course, who authorized Fast and Furious and why? According to congressional investigations led on this side of the Capitol by Senator GRASSLEY and on the other side of the Capitol by Congressman DARRELL ISSA, this Fast and Furious Program began in 2009 in the Phoenix field office of the Bureau of Alcohol, Tobacco, and Firearms, under the direct supervision of the U.S. attorney for the District of Arizona, and instructed Phoenix-area firearms dealers to go through with sales of nearly 2,000 weapons to persons suspected of working as straw purchasers on behalf of Mexican drug cartels. The logical question is, Why in the world would such a misguided program be initiated and who would be held accountable?

Another question is, Who objected to Fast and Furious, and why were those objections not taken seriously? Congressional investigations have found that many firearms dealers actually contacted the ATF and expressed their concerns about who was buying these guns and in whose hands they might

end up. Multiple ATF agents have testified that they openly protested their orders to actually let these guns walk across the border into the hands of the cartels when they were told to break off surveillance of those illegally purchased weapons, because they suspected what eventually did happen: that no good would come of Fast and Furious.

Brian Terry lost his life as a result of this misguided program.

Weapons from the Fast and Furious Program have shown up at about 11 different crime scenes in the United States. So the questions I have relate to why weren't the voices of the people in the field who first raised objections or concerns about this program heard?

Another question my constituents in Texas have been asking is: Have similar gun-walking practices occurred in our State?

According to published reports, Houston-based firearms dealer Carter's Country revealed that its store clerks had been ordered to go through with a sale of weapons to suspicious persons who may have been working as "straw purchasers" from Mexican drug cartels. Some of the weapons purchased from Carter's Country have been recovered at the scene of violent crimes in Mexico.

Senator GRASSLEY's investigations have also revealed a possible Texas connection to the February murder of U.S. Immigration and Customs Enforcement officer Jaime Zapata in Mexico. One of the weapons used to murder Officer Zapata was purchased in Texas in October 2010 and subsequently trafficked to Mexico through Laredo, TX. While the suspected weapons traffickers have been arrested, there are reports that ATF was aware of these activities and allowed them to continue for far too long.

Another question is being asked by our friends across the border, the Government of Mexico, those who are fighting these cartels and many of whom over the years have lost their lives. Our friends in Mexico are asking: Why is the administration allowing guns to come into Mexico as part of U.S. Government policy? Why is the U.S. Government arming drug cartels?

According to a report in the Los Angeles Times, one of the victims of Fast and Furious was a brother of Patricia Gonzalez, who at the time was a top State prosecutor in Chihuahua.

The Los Angeles Times also reports that Mexico's Attorney General, Marisela Morales, who has been a good partner to the United States, first learned about Fast and Furious from news reports. As of last month, she said U.S. officials have not briefed her on the operation, nor had there been any apologies for this misguided program.

Questions are being asked on both sides of the border, and they deserve answers. Back in August, I wrote to Attorney General Holder and asked him

to promptly disclose the details of any past or present Texas-based gun-walking programs similar to operation Fast and Furious.

Much to my disappointment, I have not received any official response from the Department of Justice, nor Attorney General Holder. While disappointing, this administration's stonewalling is not surprising, considering the difficulty Senator GRASSLEY and Representative ISSA have had in their investigation of the Operation Fast and Furious scandal.

In May of 2011, Attorney General Holder told the House Committee on Oversight and Government Reform that he had only learned of Operation Fast and Furious "in the past few weeks."

The evidence now shows that Attorney General Holder had received multiple briefing memos regarding the operation that date back to as early as July 2010—much earlier than the few weeks ago he claimed in May of 2011.

It is time for Attorney General Holder to tell Congress precisely what he knew, when he knew it, and to be honest with Congress and the American people about how this happened and who will be held accountable for it. So far, I think the Attorney General's earnest hope is that this will all go away. But it will not go away.

My amendment would help ensure that we no longer have to worry about Operation Fast and Furious or similar ill-advised gun-walking operations.

This amendment will mandate that no taxpayer money will be spent on programs where law enforcement personnel knowingly cause the transfer of weapons to suspected drug cartel associates with the intent that those law enforcement officials break off the surveillance of those weapons prior to interdicting them.

In other words, this amendment is narrowly tailored to prevent future programs such as Operation Fast and Furious, while allowing law enforcement the freedom to operate gun-trafficking investigations, where they are in continuous surveillance of the weapons.

This will also allow law enforcement officials to use weapons transfers to low-level straw purchasers as a tool to investigate the chain of command in a gun-trafficking ring, while simultaneously requiring them to keep their eyes on the weapons at all times so they can step in and prevent unnecessary and tragic violence.

Just over 10 months ago, U.S. Border Patrol Agent Brian Terry was murdered by criminal gang members with weapons "walked" into their hands by ATF and the Department of Justice.

It is my hope this body has learned from this tragedy and that we will affirmatively act to ensure that nothing such as this happens again.

My amendment does just that, and I hope my colleagues will join me in supporting it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I rise to comment on the amendment of the Senator from Texas.

I am chair of the Subcommittee on Commerce, Justice, and Science, and we fund the Bureau of Alcohol, Tobacco, and Firearms. I will comment on the amendment.

Before I comment on the amendment explicitly, I compliment the Senator from Texas for raising the issue on the floor and, second, for his fierce defense of the southwest border and his devotion to Federal law enforcement and for always being concerned when we send them into harm's way, and where we, in any way, could have contributed to either their injury or their death. I compliment the Senator on that.

My ranking member, KAY BAILEY HUTCHISON, also from Texas, has spoken eloquently, diligently, and unflinchingly about the need we have to be serious about what is happening on the southwest border. I say this to the Senator and those of us concerned about our country: We support the effort to control our border and stop the growing violence that is occurring there.

I believe America is in four wars—Iraq, which is winding down; Afghanistan, which ultimately will; the southwest border; and the cyber war. We have now two enduring wars.

I say to the Senator from Texas, I wish to work with him. When I look at what happened with Operation Fast and Furious, I was fast to be furious about the bungled, botched occurrences that happened.

For those who might not be familiar with it, this was when Federal law enforcement, trying to combat illegal gun trafficking, allowed guns to knowingly "walk" into Mexico so we could track what was happening. It was poorly planned, poorly executed, had flawed leadership, and it was definitely of questionable strategy and value.

I wish to work with the Senator from Texas on some slight modifications to the bill—some tweaking and more precise definitions—over the next hour or so, if we can look at it. I would like to be able to accept his amendment. He is on to something. I would like to work with the Senator's colleague from Texas also and those others from the Southwest to get the answers they want from the Attorney General. They are all entitled to them.

People at the local level who put local cops on the ground should at least have answers from their own government about what they are doing. Operation Fast and Furious was one of many strategies along the U.S./Mexico border, in Arizona, targeting illegal gun and drug smuggling—the offshoot of Project Gunrunner. There were teams of ATF agents and investigators

who increased our coverage, disrupting firearm traffic in corridors. That Project Gunrunner has been operating since 2006.

Fast and Furious went too far. It went beyond the normal Project Gunrunner strategy and allowed assault weapons to be sold to suspected straw buyers who transported them to Mexico and then the ATF lost track of the weapons, which was the point of what they were trying to do.

Fast and Furious was brought to an end but with terrible problems. There is no doubt ATF has done good work. They have seized tens of thousands of guns. There is the issue of allowing the selling of guns across the area. But hundreds of Mexican citizens have died, our own law enforcement people have died, and we have to do something about it.

I understand from the Attorney General that when he heard about it, he did take decisive steps to clean it up. He immediately asked the DOJ inspector general to conduct an investigation and examine the facts of what happened. He made it clear to all Federal prosecutors and law enforcement that they should never knowingly allow guns to cross the border—long time Justice Department policy. He changed the leadership at ATF and the U.S. Attorney's Office in Arizona and has complied—he tells me—with congressional requests for thousands of documents.

If the Senator feels he is not getting answers, I will join with him. He deserves the answers. We need to make sure we are giving law enforcement the tools they need—hopefully, we have it in the bill—to fight those drug cartels and gun crimes, which are violent, grim, and ghoulish.

We have listened to the concerns of our colleagues who have spoken. The Senators from Texas and our two colleagues from Arizona, Senators KYL and MCCAIN, are well known in their advocacy.

We have made a major investment in 2009 and another close to \$2 billion in this bill—it is \$1.9 billion—to safeguard our southwest border. We are putting resources in it.

Fast and Furious has ended. We need better leadership, a better strategy. I wish to work with the Senator on his amendment.

If we could, I think it would be great if we could just accept it. We all have to be in this together. The southwest border is America's border. I don't live in the Southwest; I live in the Northeast. But anything that happens at your border affects us. That is the way we need to think about ourselves. We are all Americans. We need to look out for one another. We need to be able to protect our borders, those defending the border, make sure we get it right and that we don't contribute to the problem. I would sure like to work with the Senator on this.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I thank the Senator from Maryland for her offer. I will take her up on that. Our staffs are exchanging modest provisions that maintain the general thrust of the amendment and make clear that the Senate will not approve of any funding used for the sort of misguided program such as Fast and Furious.

I ask for the Senator's help and take her up on her offer to try to get conclusive and comprehensive answers from the Department of Justice. Senator GRASSLEY, Representative ISSA, and I feel as well that the Attorney General and the Department could be more forthcoming. It boils down to a matter of accountability.

One of the things that drives people crazy about Washington and Congress these days is that they feel as if things are happening that should not be happening and nobody is held accountable. That is what needs to happen in this program. So I will take her up on her offer. I appreciate that. We will work with the Senator and her staff to see if we can come up with acceptable language.

As a matter of the record and from the standpoint of accountability and clearness, I would like to have a roll-call vote on my amendment at the appropriate time. We will work with the Senator and come up with acceptable language.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I wish to update my colleagues on an amendment that Senator UDALL of Colorado and I, along with several of our colleagues, filed at the end of debate last night. This is the amendment that would prevent the U.S. Department of Agriculture from imposing needless costly restrictions on the school lunch and school breakfast programs.

We debated this amendment at length last night, so I will not do so again now. I did wish to report on some progress we are making in achieving a consensus amendment.

First, I thank the chairman of the subcommittee, Senator KOHL, and his staff, who have been very helpful to us. I also thank the ranking member of the subcommittee, Senator BLUNT, and his staff, who have also worked with us. We have worked with the USDA. So this morning I am filing another amendment with Senator UDALL of Colorado that makes a few changes in the amendment. It is very consistent with the intent of the amendment that we debated last night, but it does strike the words "and fruits." Since the intent of our amendment was not to change the requirements on fruit servings, I was happy to accept that suggestion from USDA.

So I have filed a new amendment. I understand it is going through the

clearance process on our side of the aisle, and I hope this is an amendment we can clear and accept very shortly. But I just wanted to bring my colleagues up to date and to thank the two leaders of the subcommittee and to let my colleagues know we are making great progress.

This amendment is going to make a real difference to school districts across the country without, in any way, impairing the nutritious meals we want all our school children to receive.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I appreciate the amendment offered by Senator COLLINS. I understand her concerns about how proposed changes in nutrition standards may affect producers in her State. This issue does relate to child health, so we need to be careful what we do. I have been working with the Senator on this issue, and I think we have made good progress. I hope we will be able soon to have language where we can come to an agreement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Mr. President, I wish to join Senator KOHL in saying how much I appreciate Senator COLLINS working on this amendment and the purpose of the amendment and I think it is a good addition to the bill.

I also think we had a good exchange of ideas on the floor yesterday and would note we have received a number of amendments to the bill. I encourage my colleagues to offer amendments they feel would improve the bill that is in front of them. Senator KOHL and I believe this is a good product, but we also believe it will benefit from debate. So we are looking forward to an open amendment process and are glad to have the pending amendments to discuss, plus particularly the one Senator COLLINS has just discussed that we both believe is a good addition to the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 750, AS MODIFIED

Mr. REID. Mr. President, I call for regular order with respect to amendment No. 750 and that the amendment

be modified with the changes that are at the desk.

The PRESIDING OFFICER. The amendment is pending. The amendment will be so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. _____. (a) SHORT TITLE.—This section may be cited as the "National Criminal Justice Commission Act of 2011".

(b) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the "National Criminal Justice Commission" (referred to in this section as the "Commission").

(c) PURPOSE OF THE COMMISSION.—The Commission shall undertake a comprehensive review of the criminal justice system, encompassing current Federal, State, local, and tribal criminal justice policies and practices, and make reform recommendations for the President, Congress, State, local, and tribal governments.

(d) REVIEW AND RECOMMENDATIONS.—

(1) GENERAL REVIEW.—The Commission shall undertake a comprehensive review of all areas of the criminal justice system, including Federal, State, local, and tribal governments' criminal justice costs, practices, and policies.

(2) FINDINGS AND RECOMMENDATIONS.—After conducting a review of the United States criminal justice system as required by paragraph (1), the Commission shall make findings regarding such review and recommendations for changes in oversight, policies, practices, and laws designed to prevent, deter, and reduce crime and violence, reduce recidivism, improve cost-effectiveness, and ensure the interests of justice at every step of the criminal justice system.

(3) PRIOR COMMISSIONS.—The Commission shall take into consideration the work of prior relevant commissions in conducting its review.

(4) STATE AND LOCAL GOVERNMENT.—In making its recommendations, the Commission should consider the financial and human resources of State and local governments. Recommendations shall not infringe on the legitimate rights of the States to determine their own criminal laws or the enforcement of such laws.

(5) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(6) CONSULTATION WITH GOVERNMENT AND NONGOVERNMENT REPRESENTATIVES.—

(A) IN GENERAL.—The Commission shall—

(i) closely consult with Federal, State, local, and tribal government and nongovernmental leaders, including State, local, and tribal law enforcement officials, legislators, public health officials, judges, court administrators, prosecutors, defense counsel, victims' rights organizations, probation and parole officials, criminal justice planners, criminologists, civil rights and liberties organizations, formerly incarcerated individuals, professional organizations, and corrections officials; and

(ii) include in the final report required by paragraph (7) summaries of the input and recommendations of these leaders.

(B) UNITED STATES SENTENCING COMMISSION.—To the extent the review and recommendations required by this subsection relate to sentencing policies and practices for the Federal criminal justice system, the Commission shall conduct such review and make such recommendations in consultation

with the United States Sentencing Commission.

(7) REPORT.—

(A) REPORT.—Not later than 18 months after the first meeting of the Commission, the Commission shall prepare and submit a final report that contains a detailed statement of findings, conclusions, and recommendations of the Commission to Congress, the President, State, local, and tribal governments.

(B) PUBLIC AVAILABILITY.—The report submitted under this paragraph shall be made available to the public.

(C) VOTES ON RECOMMENDATIONS IN REPORT.—Consistent with subparagraph (B), the Commission shall state the vote total for each recommendation contained in its report to Congress.

(e) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 14 members, as follows:

(A) One member shall be appointed by the President, who shall serve as co-chairman of the Commission.

(B) One member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Republican Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party, who shall serve as co-chairman of the Commission.

(C) Two members shall be appointed by the senior member of the Senate leadership of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(D) Two members shall be appointed by the senior member of the Senate leadership of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(E) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(F) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(G) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with leader of the Senate (majority or minority leader, as the case may be) of the Republican Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party.

(H) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party.

(2) MEMBERSHIP.—

(A) QUALIFICATIONS.—The individuals appointed from private life as members of the Commission shall be individuals with distinguished reputations for integrity and non-partisanship who are nationally recognized for expertise, knowledge, or experience in such relevant areas as—

- (i) law enforcement;
- (ii) criminal justice;
- (iii) national security;
- (iv) prison and jail administration;
- (v) prisoner reentry;
- (vi) public health, including physical and sexual victimization, drug addiction and mental health;

- (vii) victims' rights;
- (viii) civil liberties;
- (ix) court administration;
- (x) social services; and
- (xi) State, local, and tribal government.

(B) DISQUALIFICATION.—An individual shall not be appointed as a member of the Commission if such individual possesses any personal financial interest in the discharge of any of the duties of the Commission.

(C) TERMS.—Members shall be appointed for the life of the Commission.

(3) APPOINTMENT; FIRST MEETING.—

(A) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this section.

(B) FIRST MEETING.—The Commission shall hold its first meeting on the date that is 60 days after the date of enactment of this section, or not later than 30 days after the date on which funds are made available for the Commission, whichever is later.

(C) ETHICS.—At the first meeting of the Commission, the Commission shall draft appropriate ethics guidelines for commissioners and staff, including guidelines relating to conflict of interest and financial disclosure. The Commission shall consult with the Senate and House Committees on the Judiciary as a part of drafting the guidelines and furnish the Committees with a copy of the completed guidelines.

(4) MEETINGS; QUORUM; VACANCIES.—

(A) MEETINGS.—The Commission shall meet at the call of the co-chairs or a majority of its members.

(B) QUORUM.—Eight members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(C) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. If vacancies in the Commission occur on any day after 45 days after the date of the enactment of this section, a quorum shall consist of a majority of the members of the Commission as of such day, so long as at least 1 Commission member chosen by a member of each party, Republican and Democratic, is present.

(5) ACTIONS OF COMMISSION.—

(A) IN GENERAL.—The Commission—

(i) shall act by resolution agreed to by a majority of the members of the Commission voting and present; and

(ii) may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this section—

(I) which shall be subject to the review and control of the Commission; and

(II) any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(B) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this section.

(f) ADMINISTRATION.—

(1) STAFF.—

(A) EXECUTIVE DIRECTOR.—The Commission shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate established for the Certified Plan pay level for the Senior Executive Service under section 5382 of title 5, United States Code.

(B) APPOINTMENT AND COMPENSATION.—The co-chairs of the Commission shall designate

and fix the compensation of the Executive Director and, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(C) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(D) THE COMPENSATION OF COMMISSIONERS.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States, State, or local government shall serve without compensation in addition to that received for their services as officers or employees.

(E) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(4) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information such Commission determines to be necessary to carry out its duties from the Library of Congress, the Department of Justice, the Office of National Drug Control Policy, the Department of State, and other agencies of the executive and legislative branches of the Federal Government. The co-chairs of the Commission shall make requests for such access in writing when necessary.

(5) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission is authorized to accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and

for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in performance of those services for the purposes of chapter 81 of title 5 of the United States Code, relating to compensation for work-related injuries, chapter 171 of title 28 of the United States Code, relating to tort claims, and chapter 11 of title 18 of the United States Code, relating to conflicts of interest.

(6) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any agency of the United States information necessary to enable it to carry out this section. Upon the request of the co-chairs of the Commission, the head of that department or agency shall furnish that information to the Commission. The Commission shall not have access to sensitive information regarding ongoing investigations.

(7) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(8) ADMINISTRATIVE REPORTING.—The Commission shall issue biannual status reports to Congress regarding the use of resources, salaries, and all expenditures of appropriated funds.

(9) CONTRACTS.—The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities. A contract, lease or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

(10) GIFTS.—Subject to existing law, the Commission may accept, use, and dispose of gifts or donations of services or property.

(11) ADMINISTRATIVE ASSISTANCE.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section. These administrative services may include human resource management, budget, leasing, accounting, and payroll services.

(12) NONAPPLICABILITY OF FACIA AND PUBLIC ACCESS TO MEETINGS AND MINUTES.—

(A) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(B) MEETINGS AND MINUTES.—

(i) MEETINGS.—

(I) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(II) NOTICE.—All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(ii) MINUTES AND PUBLIC AVAILABILITY.—Minutes of each open meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. The minutes and records of all open meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and

copying at a single location in the offices of the Commission.

(13) ARCHIVING.—Not later than the date of termination of the Commission, all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

(g) APPROPRIATION.—Of amounts provided in this Act for salary and expenses for the Office of Justice Programs, \$5,000,000 shall be for the establishment of the commission, until such funds are expended.

(h) SUNSET.—The Commission shall terminate 60 days after it submits its report to Congress.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 775

Mr. REID. Mr. President, I ask unanimous consent that the Senate return to amendment No. 775.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Montana.

ELOUISE COBELL

Mr. BAUCUS. Mr. President, a Native American expression on the circle of life offers insight into a life well-lived:

If you were born, you cried and the world rejoiced. Live your life so that, when you die, the world cries and you rejoice.

On Sunday, the world cried when Elouise Cobell left the Earth. Elouise was a brave member of the Blackfeet Nation from my home State of Montana. She fought tirelessly for what was right.

On Sunday, the world lost a great hero. Native American people everywhere lost a champion. Her husband Alvin and son Turk, along with her entire extended family, lost an admired and irreplaceable loved one. And I can say with deep gratitude, having worked with her for many years, that I lost a dear friend.

Through her persistence and determination, she drew attention to the Federal Government's mismanagement of Indian trust lands. She deserves the highest recognition and thanks for helping close a chapter on a bitter history of broken promises.

For more than 100 years, the Federal Government did not fairly compensate Native Americans in Montana and across the Nation for revenue generated from their land. The Federal Government squandered and wasted billions of dollars in not paying Native

Americans revenues they were due. It was Elouise who took up the cause. Others wouldn't; she did. She knew it was wrong. She knew it, and she had a mission. She worked tirelessly through the courts until the judicial system finally recognized what she had uncovered. The judge in the case decried the Federal Government's action as "fiscal and government irresponsibility in its purest form."

I was proud and humbled to work with her on the legislative plan to help settle the longstanding Indian trust lawsuit. Last year, we passed bipartisan legislation to provide a long-overdue conclusion for hundreds of thousands of folks in Indian Country.

Recently, I joined my colleague, the present occupant of the chair, Senator TESTER, who introduced legislation to award Elouise with the Congressional Medal of Honor, the highest honor possible from Congress.

Elouise Cobell fought for many who could not fight for themselves and brought a voice to many who died before being able to see justice served. May we never forget Elouise's long battle to right this wrong. May Elouise's memory continue to inspire everyone who believes justice is worth the fight. And may the Creator welcome Elouise home with joy and tenderness as we offer our thoughts and prayers to her loved ones. Our hearts are heavy as we mourn Elouise. Because she lived a life worth living, she lived a life worth rejoicing.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 740

Mr. BAUCUS. Mr. President, I would like to speak against the amendment offered by the Senator from Arizona, Mr. MCCAIN, amendment No. 740.

This Chamber approved three free-trade agreements last week and did so with overwhelming support. But for many, that support hinged on passage of a robust trade adjustment assistance program, otherwise known as TAA.

Last month, the Senate approved trade adjustment assistance, and during floor consideration an amendment similar to the one offered by Senator MCCAIN was rejected. Why was it rejected? I will tell you why. Because a majority of Senators in this Chamber want to help small businesses. We want to help small businesses improve their competitiveness, and we want to help small businesses take advantage of the opportunities trade provides.

But this amendment would end the Trade Adjustment Assistance for Firms Program. It would end the only program specifically designed to help small manufacturers hurt by import competition. It would end the program that helps companies adjust, retool, and stay competitive in an increasingly global economy.

In 2010, trade adjustment assistance for firms enabled 330 companies to devise strategies that got them back on track. It helped them identify new markets. It helped them improve inefficiencies. It helped them restructure their debt, and it helped them find new financing.

The results proved that the Trade Adjustment Assistance for Firms Program works. Ninety-eight percent of the companies that participated in the program are still in business after 5 years. Without trade adjustment assistance for firms, many of these companies would be out of business and their workers out of jobs.

The program has helped create or retain more than 50,000 good-paying manufacturing jobs since 2006. I would think that with unemployment at such high rates—over 9 percent—and with the large vote in this body on the currency amendment with respect to the Chinese manipulation of currency, it makes eminent sense to help American workers who lost jobs, not prevent help to American workers who have lost jobs on account of trade. And that is what the Trade Adjustment Assistance for Firms Program does—it helps American workers who have lost jobs on account of trade.

Senator MCCAIN's amendment will put those jobs at risk. I don't think that is what this body wants to do. We should be creating jobs, not destroying them. For these reasons, I urge my colleagues to vote no on the amendment.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wisconsin.

RECESS

Mr. KOHL. Mr. President, I ask unanimous consent that the Senate now recess until 2:15 p.m., as provided for under the previous order.

There being no objection, the Senate, at 12:27 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. TESTER).

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 740

Mr. CASEY. Mr. President, I have a short presentation to make regarding trade adjustment assistance, which of course is legislation that was passed through the Senate not too long ago. There was a long debate, an important debate about trade adjustment assistance, which is basically a program we have had in place for decades. That program recognizes that sometimes workers and companies are caught in a position, because of the unfair trade and unfair competition, where they are left not only without a job but sometimes without the prospect of retaining their position in a particular trade or work they have done for many years. So trade adjustment assistance allows us to provide some help to that worker or that company so we can retrain folks for the jobs of the future and so that worker can be retrained and adjust to the changes in the economy.

In particular, today I rise in opposition to amendment No. 740, which would eliminate funding for trade adjustment assistance for firms. We provide it for workers but there is also a part of the act that provides help to firms. U.S. trade policy should, I believe, work in the best interests of the American people, especially American workers and American companies. Of course, as a Senator from Pennsylvania, I want that policy to work for our workers and our companies. Unfortunately, that is not always the case. Past trade deals have sent jobs overseas. Several administrations have not done enough to crack down on China's unfair trade policies. Our workers and our companies need safeguards against employment disruptions caused by our trade policies or sometimes caused by our lack of a trade policy. That is one of the reasons why trade adjustment assistance is so important, that we extend it as we have to help workers and the companies they work for deal with the repercussions of bad trade deals and unfair competition, unfair trade that impacts our workers.

There is an effort by this amendment to somehow change the dynamic as it relates to firms. I know in Pennsylvania, in calendar 2010, 51 companies in our State were accepted into the program. Fifty-one individual companies were accepted into the trade adjustment assistance program to help those companies rebound, to recover from the ravages of international trade.

Supporting these firms as they work to better compete against foreign imports will help protect the jobs of the workers in those firms. I have worked to ensure that the TAA program is re-extended, including this help we provide for individual firms. The legisla-

tion that was recently passed maintains trade adjustment assistance for firms but returns funding authorization to its pre-2009 levels. I think this is a critically important point to make.

Maybe the best evidence, though, of what has happened is evidence from individual States but more particularly individual companies. I ask unanimous consent that a news article that is dated Tuesday, June 21, 2011, from the Bethlehem Express-Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From lehighvalleylive.com, June 21, 2011]

SEN. BOB CASEY VISITS BETHLEHEM CHEMICAL MANUFACTURING PLANT, URGES NEED TO RENEW ASSISTANCE FUNDING

(By Andrew George)

Over the last five years, Bethlehem chemical manufacturing company Puritan Products has tripled its sales and created 15 new jobs.

According to company President Lou DiRenzo, much of that success is owed to a federal grant for \$75,000 awarded to the company as part of the Trade Adjustment Assistance program.

U.S. Sen. Bob Casey, D-Pa., visited the Bethlehem facility Monday to meet with workers and discuss the impact Trade Adjustment Assistance has had on the company.

Casey, who is chairman of the Senate Joint Economic Committee, urged the need to renew federal funding for the TAA after touring the facility, citing the success Puritan Products has had with the program. "It's a remarkable story over here at Puritan Products because you're not only seeing all of the job growth results over the last couple years . . . (but) adding jobs and innovating and adapting to new environments in a very complicated part of our economy," said Casey.

According to the U.S. Economic Development Administration, TAA aims to provide technical and financial assistance to manufacturers or producers who have lost employment, production or sales due to increased imports and foreign competition. It also provides aid to workers who have lost their jobs due to foreign trade agreements.

Some Senate Republicans have expressed reluctance about renewing TAA, which cost about \$2 billion last year, according to a Bloomberg report. They say the program benefits only a small segment of the unemployed and want it dismantled, according to the report.

The press secretary for U.S. Sen. Pat Toomey, R-Pa., did not return a phone message this evening.

Casey said the benefits of the program are extensive.

"In a very tough economy, businesses need help," said Casey. "They need help with the results of unfair foreign competition. We have to compete every day of the week with countries that frankly cheat and make it much more difficult for us to have a level-playing field for folks that are trying to manufacture a product in this difficult environment."

Casey is urging Congress to renew federal funding for the TAA through 2016 at the stimulus rate adopted back in 2009, which includes coverage to service firms and workers. This enhanced version has recently expired and funding has receded back to pre-stimulus amounts.

According to Casey's press secretary, while there is no official estimate yet for just how much an extension would cost, Casey has pledged to find an offset for the cost so that it will not increase the deficit.

In a recent letter to President Barack Obama, Casey asked the president to consider delaying the consideration of upcoming free trade agreements with South Korea, Panama, and Colombia in order to focus on the American manufacturing industry.

Casey has recently been visiting manufacturing plants across Pennsylvania attempting to rally support to renew funding in the upcoming federal budget for both the TAA and the Manufacturing Extension Partnership.

The MEP is a nationwide network, which works with small to mid-sized manufacturers to help create and sustain jobs, increase profits and provide innovation strategies.

According to the MEP, for every dollar of federally invested money into the partnership, \$32 of new sales growth is generated. They also claim that for every \$1,570 of federal investment, the MEP is able to create or retain one manufacturing job.

Alongside Casey and DiRenzo was Jack Pfunder of the Bethlehem-based Manufacturers Resource Center.

Jack Pfunder said that with the technical and financial assistance provided by TAA, the manufacturing industry is able to innovate and better prepare itself for a successful future.

"People ask me, 'What is the future of manufacturing in the United States?'" Pfunder said. "To me it's pretty simple, manufacturing is the future of the United States and it rests with the researchers of innovation like what we're seeing here today at Puritan Products."

Puritan Products senior vice president Thomas Starner believes it's "absolutely" important for a manufacturing company of Puritan Products' size to receive government funding in this economic climate.

"We don't have the funds internally to do some of these things so getting some government support certainly helps our cause," Starner said.

Mr. CASEY. This article talks about a visit I made to a chemical manufacturing plant. The pertinent part of this article speaks volumes about why trade adjustment assistance is so important for firms. I am quoting from a statement made by a gentleman who heads the Manufacturing Resource Center in Bethlehem, PA, Jack Pfunder. Here is a summary of what he said. The article says:

Pfunder said that with technical and financial assistance provided by TAA, the manufacturing industry is able to innovate and better prepare itself for a successful future.

That is someone who is on the ground every day, working on manufacturing issues in Bethlehem, PA. He knows what he is talking about when it comes to the impact of trade adjustment assistance for a firm and in particular for this firm.

Another part of the article talks about one of the vice-presidents at the company I visited, Puritan Products:

Senior vice president Thomas Starnes believes it is 'absolutely' important for a manufacturing company of Puritan Products' size to receive government funding in this economic climate.

I am quoting here from the last line of the article:

We don't have the funds internally to do some of these things so getting some government support certainly helps our cause.

That is one company and the leadership of one company telling us in a very concise way why trade adjustment assistance for firms is vitally needed. I know we are going to have debate about this issue that will be ongoing even after passage of the legislation, but I rise in opposition to the amendment of Senator MCCAIN, amendment No. 740, and urge all Members of the Senate to continue to support not just trade adjustment assistance for workers but trade adjustment assistance for firms as well, especially in this very difficult economy.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUING RESOLUTIONS

Mr. BINGAMAN. Mr. President, on November 18, exactly a month from now, the current law that permits funding of the government will expire. Something will have to be enacted in its place since it is clear to all of us, I believe, that we will not have passed and sent to the President all of the appropriations bills by that time.

The normal procedure for enacting funding bills is for them to originate in the House of Representatives and be passed there, and then they come to the Senate for consideration and get passed here.

I come to the floor today to urge that before the expiration of the current continuing resolution; that is, before November 18, the House enact and send to the Senate a funding bill which extends funding to the end of the current fiscal year, which is September 30, 2012. My simple point is that, in my view, it is irresponsible for us to continue funding the government just a few weeks at a time.

Already this year, we experienced a near shutdown of the Federal Government in April, a near default on the country's debt in August, a partial shutdown of the Federal Aviation Administration in August, and another near shutdown of the Federal Government 3 weeks ago because of a dispute over disaster funding. These repeated "Perils of Pauline" scenarios have understandably shaken the confidence of Americans about their government

and, more particularly, about this Congress.

This government-generated uncertainty also has real economic consequences. Federal Reserve Chairman Ben Bernanke said:

The negotiations that took place over the summer disrupted financial markets and probably the economy as well, and similar events in the future could, over time, seriously jeopardize the willingness of investors around the world to hold U.S. financial assets or to make direct investments in job-creating U.S. businesses.

So these are self-inflicted wounds that the economy can ill afford, and reducing the risk of them occurring in the future would provide a modicum of certainty to businesses in this country and throughout the world.

Congress can readily eliminate the risk of a government shutdown during this fiscal year simply by enacting a full-year continuing resolution. The sad reality is that in recent years the Congress has more and more relied on short-term funding bills or so-called continuing resolutions to keep the government functioning while we try to reach agreement on appropriations levels.

So some would ask, why are the circumstances different this year? They are different for the simple reason that we have already settled on the level of funding for the government. The Budget Control Act of 2011 that was enacted in August set the spending levels for the Federal Government for this year and for each of the next 9 years. These spending levels were passed with large bipartisan majorities in both Chambers. Here in the Senate, the vote was 74 to 26. Therefore, enacting a full-year continuing resolution that sets Federal spending at that level should not be controversial.

We should not have to rehash the debate on spending levels every few months. Adopting a full-year continuing resolution would free up valuable time in Congress to work on other legislation intended to create jobs and to help the economy.

A full-year continuing resolution also allows the government to operate more efficiently than it can under a series of short-term continuing resolutions. Short-term continuing resolutions make it difficult for Federal agencies to enter into construction contracts, such as to build or repair roads, or to enter into long-term supply contracts that are often less expensive than short-term supply contracts. In other words, short-term continuing resolutions delay critical projects and increase the overall cost to taxpayers. Adopting a full-year continuing resolution would address both of these problems.

It is clear that passing a long-term continuing resolution does nothing to preclude Congress from going ahead and passing individual appropriations bills as they are agreed upon. Stan

Collender, a respected budget expert, has written about this issue. I will quote from an article he wrote. He said:

If the tried and true procedure is used, the CR will simply stop applying to the departments and agencies when the separate appropriation is signed. In appropriations-speak, those covered by the individual spending bill will “disengage” from the CR.

The only argument I have heard against passing a continuing resolution for the rest of the year is the argument that doing so will take away the pressure on the appropriations committees and the Congress to pass the remaining appropriations bills. That is essentially an argument to force those of us in Congress to do what we ought to do; that is, to pass appropriations bills. In order to do our basic job, do we need to subject the rest of the government and the country to a series of threatened shutdowns? And especially, do we need to do that at a time when we have already agreed on spending levels?

I question this argument. It seems to me that both parties—Democrats and Republicans—and particularly the appropriators both in the House and the Senate have substantial incentive to reach agreement and pass appropriations bills whether a yearlong continuing resolution has been adopted or not. And if it were true that passing a yearlong continuing resolution would lessen the incentive to complete action on appropriations bills, then so be it. To my mind, the benefit from eliminating the threat of a series of government shutdowns far outweighs any disadvantage that might result from failure to pass full appropriations bills.

So, to me, the conclusions are clear. First, we have already as a Congress agreed on spending levels for the current fiscal year. Second, we should make every effort to pass all the appropriations bills reflecting those spending levels as soon as possible. Third, while we are making that effort to pass the appropriations bills, the responsible course is to pass a continuing resolution that extends to the end of the fiscal year. Here is a chance for us to provide at least a modest degree of predictability for the remaining 11 months of this current fiscal year. I believe we owe it to the American people to do just that.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, Americans have a right to know how their government is spending their money. If Congress were more open and honest

about where their tax dollars were going, I think they would be shocked by what they would see. It is even worse than people think.

My commitment as ranking member of the Budget Committee is to fight for honest budget practices. I have joined with Senator OLYMPIA SNOWE to introduce the Honest Budget Act, stripping away some of the most outrageous gimmicks that are being used in Congress to advance spending beyond our limits. In fact, I will be filing an amendment today to stop the use of a gimmick called ChiMPs in one of the very bills that is before us this week. We will explain how that leads to improper increases in spending as we go forward.

President Obama is taking his bus tour around the country, riding in his taxpayer-funded, million-dollar campaign bus, telling people we must raise taxes to prevent dramatic cuts in Federal spending. What the President does not say is how much spending has increased in just the past few years, including through a number of gimmicks, and how much of that money is being improperly spent and wasted.

Indeed, since the President has taken office the first 2 years, we saw a 24-percent increase in nondefense, nonwar discretionary spending—not Social Security, not Medicare, but discretionary spending went up 24 percent at a time when this country has never faced larger deficits.

According to the Congressional Budget Office this fiscal year, Washington set record high spending levels this year despite our debt—\$3.6 trillion went out the door and \$1.3 trillion of that was borrowed. We spent not less but more than last year, a 4.2-percent increase, but we do not have the money.

My challenge to the President is this: During his next speech, before he calls for higher taxes on American people, would he be able to look them in the eye and tell them he has cleaned up spending here, that Washington is not wasting their money. Would he be able to look them in the eye and tell them their money is being spent wisely and effectively with strict oversight. Would he be able to look them in the eye and tell them he is reducing spending, not increasing it.

I fear the answer is no. I fear any increase in tax rates will amount to nothing more than a bailout for the big spenders here and an incentive to continue business as usual, an excuse to avoid the hard choices that are being made by families all over America when their incomes are down, by cities and counties and States all over this country making the kind of tough choices that eventually will help them be a more productive institution for the taxpayers.

Let's consider the situation in the Congress. The Senate Democratic ma-

jority has not had a budget plan for over 900 days. Indeed, Sunday was the 900th day this Congress has gone without a budget. The Republican House has produced a historic, effective budget that would change the debt trajectory of our country in a positive way. It would not do everything that needs to be done, but it is a significant, positive historic step. The Senate? Nothing.

Hard to remove waste from a budget when we do not even put together a budget plan. We should bring these spending appropriations bills that we have on the floor now through the regular order one at a time, not three at a time, trying to find savings in each and every one of them every place we can. We owe it to the people who send us their tax money that we disburse up here. Cramming three bills through in one is no way to run this government.

We, I suppose, are supposed to thank Majority Leader REID for allowing us to have some amendments on this bill because we have only three appropriations bill in one, rather than all of them in a superomnibus, as we have been having. There is time to move these bills through the Congress. Our leadership would tell us there is not. We have not done much at all this year. We could have passed a budget. We could have been moving appropriations bills long before now, one at a time, brought forth under a full amendment process, under strict scrutiny, with every possible effort to see what we can do to fulfill our responsibilities without running up the debt.

I would ask, how can my friends on the other side of the aisle ask anyone to pay more in taxes when they are not even willing to comply with the Congressional Budget Act and produce a budget plan in the regular order? Washington asking for more tax revenue is akin to an alcoholic asking for more cash before a trip to the liquor store. Even if the alcoholic asks a millionaire for the cash, it does not change the fact that the money is not being wisely used. For example, just a few weeks ago, we learned that lawyers at the Department of Justice went to a conference where they were billed \$16 apiece for muffins. We all know about the \$½ billion loan guarantee to the now bankrupt Solyndra—yet another big business ally of the White House.

President Obama has coined the term the “Buffet Rule” in his push to raise taxes. The rule relies on a little sleight of hand, since Buffett pays mostly a capital gains tax. The upper brackets, as we all know, pay the highest income tax rates. That is how our system works. But this debate about taxes is a little premature.

That is why I would like to suggest something called the “Solyndra Rule.” Under this rule, before any proposals are offered to raise any taxes, we first put an end to wasteful and inappropriate spending in Washington. Until

we do, raising tax rates only funds Washington's continuing abuse of all American taxpayers.

But the waste is not limited to headline-grabbing controversies. It is pervasive throughout, I am afraid, virtually every aspect of our government. The Food Stamp Program, now called the Supplemental Nutrition Assistance Program, is the largest item in the agricultural budget.

In the appropriations bill before us this week, the Democratic majority would propose to increase this by 9 billion, a 14-percent increase for fiscal year 2012. This \$9 billion increase in funding over last year's level would amount to a quadrupling since 2001. In fact, food stamp appropriations have nearly doubled since President Obama took office.

Eleven million more Americans are on food stamps now than when the President took office. The size of the benefit has increased 31 percent since 2008. When the Food Stamp Program was expanded nationally in the 1970s, food stamps were used by 2 percent of the population. At the beginning of the last decade, they were used by 6 percent of the population. Today, that figure has risen to 13 percent—one in eight Americans. This sevenfold increase in food stamp usage demands honest examination. It is time to look under the hood of this program. What is going on?

A recent article in the Milwaukee Journal Sentinel reported that Wisconsin food stamp recipients routinely sell their benefit cards on Facebook. The investigation also found that "prosecutors have simply stopped prosecuting the vast majority of [food stamp] fraud cases in virtually all counties, including the one with the most recipients, Milwaukee."

In Michigan, a \$2 million lottery winner continued to receive food stamps because his winnings were counted as an asset and not income. I kid you not. Apparently, he asked about it and they said it is not income, it is an asset, and you don't count assets. But you are supposed to.

Eligibility standards have been loosened across the board. People are getting food stamps that don't fit the program's requirements. We have always had a problem with this program. As a Federal prosecutor, an assistant U.S. attorney for almost 15 years, I personally prosecuted fraud in the Food Stamp Program. They were used as currency among drug dealers in many areas of our country. There are all kinds of problems. We have done little or nothing about it—nothing about it. One glaring example is something called categorical eligibility. This basically means that even if your level of wealth would ordinarily make a person ineligible for the benefit, those assets are not examined and they will still get food stamps simply because they have used another government program. So if they use another program, they can qualify for it.

In one State, they have included information for a pregnancy hotline—in

other words, if a person uses a pregnancy hotline, apparently, their assets are overlooked and they can qualify for food stamps. They automatically become eligible for it. In many States, all that is needed to become food stamp eligible is to be mailed a brochure by the government—again, regardless of the assets the individual might have.

The amendment I am filing today would eliminate categorical eligibility. Only those people eligible under food stamp requirements would be eligible to receive the benefit.

It is too much to ask of an applicant for benefits who is worth thousands of dollars to file an application, under oath, that assures that the person is truly in need and truly qualifies under the law to receive a benefit paid for by the taxpayers of this country. Is that too much to ask?

The second amendment I will be offering today would set next year's food stamp funding at the same level the House of Representatives passed. Eliminating the proposed \$9 billion increase would amount to nearly \$100 billion in savings over the next 10 years in the Food Stamp Program assuming no further increases in the program.

By the way, I just met an Alabamian who is familiar with the Alabama harbors and the waterway system. That program totally, nationally, comes in at less than \$½ billion. We have had three ships run aground in recent months because we didn't have the money to do the dredging—a few million dollars. This is talking about saving \$9 billion a year; \$1 billion is \$9,000 million—when just a few hundred million dollars would fix our waterways and harbors all over the country. One-half billion dollars would double the current waterway bill in the entire United States of America.

So surely Members on both sides of the aisle can agree we need to be focused on making the program more effective before we increase it beyond the 100-percent growth it has experienced already.

The greatest danger our economy faces, in my opinion—and I believe that from experts from whom we have had testimony in the Budget Committee—is that the cloud the debt places over our economy is endangering it, costing economic growth, and costing jobs this very minute. The first thing we need to do is see if we can't reduce that debt without raising more taxes on a weakened economy. That is the first responsibility, I believe.

Under the President's leadership, the deficits have increased dramatically each year. No one can deny that. Meanwhile, the President's stimulus plans have resulted in not less but more unemployment, actually.

To restore prosperity, we need an honest, concrete budget plan that restores confidence, ends waste, and creates private sector growth. Such a plan

must reduce the deficit, the experts tell us, by at least \$4 trillion over the next 10 years.

If our committee of 12 reaches the agreement they have been asked to reach, they would, in effect, reduce the projected deficit increase by \$2.4 trillion. But the experts tell us we need to reduce it by \$4 trillion. It is bipartisan. Erskine Bowles, who was appointed by President Obama to head his debt commission, said \$4 trillion. Mr. Zandi, who has been advising the Democratic majority and who testified in the Budget Committee a couple weeks ago, said you have to have \$4 trillion in reduced spending and reduced deficit.

We are not getting there. We are not doing the things necessary. I truly believe that we are still in denial in this Congress. We have not realized how serious the threat is and some of the things we are going to have to do. Business as usual cannot continue.

I hope that, as we go forward with this legislation, we will get some votes that can actually begin to reduce spending in a number of areas. I hope that, during the course of this debate, the people of the United States will begin to focus on what is happening in their Congress and hold us all accountable, make sure we are managing their money effectively. If we do that, we might surprise ourselves—indeed, we would surprise ourselves on how much could be accomplished in one decade of sustained, smart effort to eliminate waste, fraud, and abuse, to focus on our spending that can be contained.

The defense budget has to tighten its budget, no doubt about it. But you cannot balance the budget all on the Defense Department. Their budget makes up less than half the deficits this year. Our deficit this year will be about \$1.3 trillion. The defense budget is about \$529 billion. It is way less than half of it. We have to do it across the board in programs not being run well, that are surging out of control, such as food stamps. They need to be brought into control.

We may not have enough money for the highway bill. It is about \$40 billion. We are now spending twice that on food stamps, having quadrupled it in one decade.

I say to my colleagues, we need to get serious about spending. I believe we can do better and we can surprise ourselves if we make a firm determination to do better. I look forward to offering amendments that will help us get there.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEACHERS AND FIRST RESPONDERS BACK TO WORK ACT

Mr. BLUMENTHAL. Mr. President, I agree with my colleague from Alabama that the Senate can no longer deal with serious issues relating to economic and national security as if we were doing business as usual.

I have slightly different views—in some instances, radically different views—but I hope, on the issue I will discuss, we can come together on a bipartisan basis in support of the Teachers and First Responders Back to Work Act, which I am cosponsoring. I hope for a bipartisan support because this bill should be about as far from a partisan issue as can be.

I hope we can all agree that what America needs, at this moment in our history, is policies that put America back to work and help to protect and create jobs. We need to put Connecticut back to work and every State in our Union, with policies that favor not just our national security and make us safer and more secure but also invest in our workforce for the future. There is no better place to start than with teachers and first responders.

Funding these professional areas is much more than an immediate need; it is a commonsense solution and a national priority in promoting safe and secure communities and a highly educated workforce.

We all know the numbers. Tens of thousands of jobs—300,000 jobs, to be more precise, in our schools have been lost due to budget cuts in the last few years. In Connecticut alone, 3,600 jobs have been lost in our schools.

Those numbers are not just abstract, speculative statistics; each of them attests to an individual whose potential creativity in the classroom and possible contribution to our young people has been lost. It attests to the loss of individualized attention to students at a critical point in their lives, when they need that kind of care. Every one of them means that an educator—probably another educator—is stretched further, burdened more in the capacity to provide a positive learning environment for our kids.

The teachers that would be supported by this bill are not numbers, not statistics; they are vital to our most precious resource, our children. This bill is not about only their fate, it is about our children. It is about the quality of their learning, and it is about the quality of our future workforce in this Nation.

When manufacturers tell us, as we go home, they need people with the skills to match jobs that exist now or will be created in the future, this measure will help to provide them with the workforce they need and deserve to make things in America and to make sure America is competitive in the world economy. This measure meets our most urgent priorities—our children, our

competitiveness in the world, and our security and safety in our communities.

We all know that fiscal challenges have forced our towns and cities to make cuts to the bone, cuts to programs that are fundamental and essential to our schools and also to our first responders. This bill is, in a sense, an emergency response—a first response—to those needs, because if we fail to meet this challenge, the lives of our children will be changed forever. The lives of children in Connecticut, affected by those 3,600 laid-off teachers, will be diminished and degraded forever by the loss of classes and tutoring that will be ended.

Our first responders need this bill as much as our teachers, and not just our first responders, but the people they serve. Every day we urge our children to follow their example, their integrity, their commitment, their service. Yet as budgets have been cut, we have been all too willing to cut the first responders, who should be the last to be subject to budget cuts. This approach not only weakens our economy, it weakens the safety of our neighborhoods and our communities. This bill is just common sense. It is about putting first responders back on their routes, back in their emergency vehicles, and back in their jobs where they belong.

The numbers are not sufficient to tell the whole story, but those numbers are staggering. This bill will invest \$30 billion to support State and local jobs which otherwise would be lost. These efforts to retrain, rehire, and recruit good people for these jobs in Connecticut and around the country are absolutely essential. Connecticut had a budget shortfall of \$2.9 billion as a result of this fiscal crisis. We have been forced to slash funding for programs, and the 3,600 teaching jobs lost in Connecticut will take their toll in the form of a slowed recovery and an extended downturn.

The Teachers and First Responders Back to Work Act will provide Connecticut with an additional \$336 million to support 3,800 positions that are essential to our children and the safety of our communities. This money will give a boost to the State's economy and improve education. And we know—it is undeniable—that we need these positions in Connecticut and we need them in the country. America needs to get back to work, and we know that teachers and first responders are the right place to begin.

Let me close by saying, as I go around my State, what people tell me—and they are not politicians; some of them could be not less interested in politics—they are concerned that classes are canceled, that teams are uncoached, that music and arts programs are ending, and that their students are untutored. They want action. They want decisions from this body.

We have an obligation to meet those needs and to provide this response for teachers and first responders, and I urge that we do so on a bipartisan basis in an effort that is fully funded.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANNING TOBACCO PRODUCTS

Mr. DURBIN. Mr. President, tomorrow night we expect 15 million Americans—including a lot of children—to tune in to watch the first game of the World Series. It is a big deal for a lot of people and a lot of families. We watch our heroes in the championship of that great American sport of baseball. There are many fans on both sides, of course, with Texas and St. Louis facing off. I know where Senator BLUNT will be—rooting for his Cardinals—and I will be joining him in that effort. It will be a great contest and we look forward to it.

But I want to raise another issue related to baseball, which several of my colleagues joined in today, in a letter we sent to Major League Baseball and to the players association. Senators LAUTENBERG, HARKIN, BLUMENTHAL, and I today called on the Major League Baseball Players Association to ban the use of all tobacco products, including smokeless tobacco, on the field, in the dugout, and in the locker rooms at all Major League Baseball venues.

You see, unfortunately, among those 15 million fans are a lot of children who watch every move their heroes on the diamond make. And as they watch them, they undoubtedly note that little puff in the lip, the can in the pocket, and they think that is part of being a great baseball player. They decide they too want to be great baseball players, and so they imitate the conduct of those Major League Baseball players.

The 2009 National Youth Risk Behavior Survey found the use of smokeless tobacco products has increased by 36 percent among high school boys since 2003, and the proportion of high school boys using smokeless tobacco is now an alarming 15 percent of all high school boys in America.

It is no wonder tobacco companies spend millions on advertisements tailored to attract young people to use tobacco products. The industry more than doubled its marketing for smokeless products between 2005 and 2008 to a

record \$547.9 million. The letter we sent points out that Major League Baseball players who use smokeless tobacco at games are providing celebrity endorsements for those tobacco products which encourage many young people to take up smokeless tobacco. It is a dangerous product. We know every year tobacco kills 443,000 Americans, most of whom started their tobacco addiction as teenagers. The Surgeon General, the Centers for Disease Control and Prevention, and the National Cancer Institute have concluded that smokeless tobacco causes cancers of the stomach, larynx, and esophagus; oral cancers—which can result in disfiguring surgery—and pancreatic cancer, one of the deadliest forms of cancer. The use of smokeless tobacco is linked to cardiovascular disease, gum disease, tooth decay, and mouth lesions.

This is a battle I have been engaged in for a long time. I started battling the tobacco companies over smoking on airplanes over 25 years ago. I won that battle. I didn't know at the time, but that victory, fought with my colleague Senator LAUTENBERG, was a tipping point in America. From that point forward, people started asking questions. If it is not safe to smoke tobacco in an airplane, why is it safe on a train, a bus, in an office, in school, or in a hospital? One by one those opportunities to smoke in those places started to close up.

People today find it incredible—in fact, many young people still can't believe it—that we allowed people to smoke on an airplane, but many of us remember it well. America has changed. But when it comes to smokeless tobacco, I am calling on Major League Baseball and the players association to be part of a positive change on behalf of their young fans. Let them set an example in their negotiations with Major League Baseball owners to eliminate tobacco from the baseball field, the dugout, and all aspects of the game of baseball. That would be a great message. It would not only show responsible conduct on the part of the baseball players, but it would show their fans how much they love them that they are willing to make an extra sacrifice to protect them from the dangers of smokeless tobacco.

It is not a new battle. I have been involved in this before, and I have called on Major League Baseball before. I can tell you that Bud Selig is strongly in favor of what I am asking for. I talked to him on the phone just a few weeks ago. But it really comes down to this negotiation—the contract between the players and the owners—and usually it becomes a bargaining chip at the table.

Let's not let the health and safety of young baseball fans across America be a bargaining chip between the Major League players and the owners. Let's win one for the kids across America. I

hope the Major League Baseball players will show the leadership, which I know they can show, and eliminate smokeless tobacco from the game of baseball and really give our kids across America—the greatest baseball fans in the world—the help they need to avoid this deadly habit.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 740

Ms. MIKULSKI. Mr. President, I rise to oppose a pending amendment, the amendment offered by the Senator from Arizona, Mr. MCCAIN, and that is amendment No. 740.

This amendment would eliminate any funding under the Economic Development Administration for trade adjustment assistance. Trade adjustment assistance, under the Economic Development Administration, is \$15.8 million. This amendment would stop EDA from implementing the TAA for something called the firms program, which was just reauthorized last week by the Senate.

The Trade Adjustment Assistance for Firms Program is the only program specifically designed to help small manufacturers hurt by import competition. Let me emphasize. It is the little guys. It is the machine tool shop. It is the small to medium-sized business that we go “hoorah, hoorah” for in the Senate all of the time. But when it comes to helping them when they have been hurt by trade imports or their intellectual property has been stolen, we are not going to give them help.

I oppose this amendment.

The Economic Development Administration is in the Commerce-Justice-Science Subcommittee. It was reauthorized by the Senate. Under the bill that was passed, it would have provided technical assistance and matching Federal funds to help develop and implement a plan to help them get back on their feet. It is a competitive grant program, and the largest grant is \$75,000.

The trade adjustment assistance for something called the firms program was created back in 1974, under Gerald Ford, to help small businesses and small manufacturers adjust to increased imports and increased international competition. The 2011 trade adjustment assistance bill passed last week authorized this program at \$16 million and said the EDA should manage it. The CJS follows the authorizing direction, as we should.

The Trade Adjustment Assistance for Firms Program, for small businesses, helps them adjust, retool, and stay competitive in an increasingly global economy. In 2010, this program enabled 330 firms to devise strategies to help get back on track. What did it help them do? It helped them identify new markets, improve efficiencies in their operation, and also helped them iden-

tify additional financing. Ninety-eight percent of the companies that participated are still in business after 5 years. Without the TAA for Firms Program, many of these companies would be out of business.

Since 2006, it is estimated that over 50,000 manufacturing jobs were saved because of this. Manufacturing is the backbone of America. One of the reasons we are in the economic turmoil we are in now is that we have lost so much manufacturing. We give all kinds of tax breaks to send jobs overseas. We also do bailouts to help the really big boys, such as the automobile industry. And we had to help them. I understand that. But these small to medium-sized businesses, some of which I have visited in my own State, need this kind of help when they are whacked by often subsidized imports. Many Maryland companies know how to compete with other companies, but they often feel they are competing with other countries. They know what to do, and we need to be able to help them do it. Trade adjustment assistance is important. If we don't invest in helping our manufacturers stay in the global game, we are going to lose out. So we would hope that we would defeat the McCain amendment.

During the Senate consideration of the trade adjustment bill, our colleague, the other Senator from Arizona, offered an amendment to strike the program then. It failed 43 to 54. I hope this amendment fails again. Let's use some of the Federal help to help those who are creating jobs. If we really want to talk about creating jobs and creating jobs in manufacturing, let's leave this program—modest, small. For \$15 million, we could really help small businesses and medium-sized businesses learn how to get back on their feet after they have been whacked often by unfair and anticompetitive trade practices.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 739

Mr. MCCAIN. If it is agreeable to the managers, I will discuss two of my amendments—one, the amendment to prohibit the use of transportation enhancement grants to fund certain projects, and the other, No. 740, to eliminate funding for trade adjustment assistance for firms.

Is that agreeable?

I thank the Senator from Maryland.

First, I would like to talk about the amendment that would remedy the misplaced priorities of Congress by focusing valuable transportation dollars on improving our Nation's crumbling infrastructure.

Under current law, 10 percent of funding provided from the Surface Transportation Program must be used for transportation enhancement activities. Let me make it clear. When you

pay your tax on a gallon of gasoline and send it to Washington, 10 percent—10 cents out of every one of those dollars—has to be used for transportation enhancement activities. If the State's priority is to rebuild a bridge, 10 percent of it has to go to transportation enhancement, but if the State's priority is to build a new freeway, then too bad—10 cents out of every dollar still must be spent on "transportation enhancement activities," such as transportation museums like the Corvette Museum in Kentucky, the White Squirrel Sanctuary in Tennessee, landscaping along Las Vegas highways, walkways, and bike paths, and other activities. Many of these programs may be valuable, and they could be valuable, but rather than a mandated 10 percent be used for those purposes, shouldn't the States and the local authorities be the ones to make those decisions if they think the money could be better spent on other priorities rather than we here in Congress mandating that 10 percent should be used for transportation enhancement activities?

Everybody knows and the President has spoken eloquently about our Nation's highways, roads, and bridges that are crumbling and in need of repair. So it doesn't make sense to mandate any Federal dollars to something other than those, especially since the priorities of the State and local governments may be very different.

The amendment would prohibit funding in the bill for 7 of the 12 transportation enhancement activities. Specifically, funding would be prohibited for scenic or historic highway programs, including tourist and welcome centers, landscaping and scenic beautification, historic preservation, rehabilitation, and operation of historic transportation building structures or facilities, control and removal of outdoor advertising, archeological planning and research, and establishment of transportation museums. I will be the first to say some of those are good programs. Some of those may be necessary. But none of them need to be mandated.

This amendment does not prohibit funding for pedestrian and bicycle facilities, pedestrian and bicycle safety and education activities, conversion of abandoned railway corridors to trails, environmental mitigation of highway runoff pollution, reducing vehicle-caused wildlife mortality, maintaining habitat connectivity, and acquisition of scenic easements and scenic or historic sites. Frankly, I would like to see it all eliminated, but I can understand an argument for the five that are not included in this amendment.

We are talking about real money. According to the Department of Transportation, almost \$1 billion was slated for transportation enhancement funds in 2011. Since 1992, more than \$12 billion has gone to these programs. My

colleagues can argue that these are important. I argue that it makes more sense to stop forcing States to spend this money on flowers and museums and allow them to spend it on 146,633 deficient bridges in this country. My home State of Arizona alone has 903 deficient bridges. If the State of Arizona should want that money spent to repair bridges, it seems to me they should be allowed their priorities rather than 10 percent of it being mandated for any purpose, much less those seven that are outlined in the amendment.

We know what the debt is—\$14.8 trillion. We have to spend our money in a fiscally responsible manner and not on special interest projects. For example, the State of Tennessee has more than 3,800 deficient bridges. Because of this Federal mandate, however, States are forced to spend valuable and limited transportation dollars on transportation enhancement projects such as the White Squirrel Sanctuary in Kenton, TN. Kenton, the home of the white squirrel, has spent \$269,404 on the sanctuary. The funding for the White Squirrel Sanctuary was used for construction of walking trails, including brick crosswalks, a foot bridge, and trailhead parking within Kenton to provide for the safe observation of white squirrels.

The Lincoln Highway, a 200-mile roadside museum in Pennsylvania, received \$300,000 in enhancement funding to commemorate the historical roadway with several items along the 200-mile route. These funds were used for items such as signs, "colorful vintage gas pumps painted by local artists," and this refurbished coffee pot pictured on this poster board. Meanwhile, Pennsylvania ranks first out of all States for deficient bridges. Yet it seems to be more important to refurbish large roadside coffee pots.

Instead of spending money on fixing California's 7,091 deficient bridges, federally mandated tax dollars were spent on antique bike collections, a dragon gateway, and a sculpture for a parking lot in Laguna Beach. Specifically, the University of California received \$440,000 to purchase and display 60 antique bikes for its bicycle museum collection. Los Angeles spent \$250,000 to aid in the construction of the Twin Dragons Gateway entrance to the Chinatown area.

The National Corvette Museum in Kentucky received \$198,000 to build a national Corvette museum simulator theater, while over 1,300 bridges in Kentucky are deficient and 3,000 are functionally obsolete, meaning they do not meet current design standards.

I must say, in the interest of full disclosure, I have a special feeling for the Corvette. My first means of transportation on graduation from the Naval Academy was a modest model of the Corvette, and I almost wanted to take this out. But since a national Corvette museum simulator theater has very lit-

tle to do with transportation enhancement, I felt compelled to add this.

Nevada spent millions of Federal transportation dollars to make Vegas's highways beautiful. In 2008, Nevada received \$2.6 billion in transportation grants. Instead of spending money on road upgrades or repairing 804 deficient bridges, the money was used for landscaping projects, for instance \$498,750 went for "decorative rocks, native plants, some pavement graphics, a few walls and some great big granite boulders" to beautify an interchange to Las Vegas's 215 Beltway.

I think it is a very beautiful boulder. Nevada also spent \$319,000 on more landscaping projects that included more rocks and more plants on a highway beautification project only a few miles down the road.

Let me say again, I think highway beautification projects are very important. When local and State officials wanted to have that kind of beautification along many of the freeways in my State, we planted cactus and bougainvillea and others. I think that is wonderful. But the fact is, when we have bridges that are actually dangerous for our constituents to use, then obviously we have to make some prioritization. As I mentioned, local officials who discussed the projects were quoted as saying—I am talking about the Nevada graphics and big, giant boulders and rocks—"We applied for the Federal enhancement dollars and those can only be used for landscaping and pedestrian-type improvements." In other words, local officials in Nevada said they had no choice as to what to spend the money on.

In addition, the N-DOT Nevada transportation deputy director for southern Nevada was quoted as saying: "It's really getting out of hand to where these pots of money have those constraints associated with them and you can't spend money where you want to."

Florida spent \$3.4 million of stimulus transportation enhancement funding for a wildlife ecopassage. The wildlife crosswalk will be used by turtles and other animals that live in Lake Jackson, FL. The turtle tunnel will consist of a series of fences that will direct all the animal traffic to a 13-foot tunnel that will go under the road. Even though Florida has received millions in stimulus funds for the tunnel, the permanent ecopassage is only in the design stage and is not fully funded. It needs \$6 million more, and it is unclear how long it will take to get the project built. Meanwhile, Florida has over 1,800 bridges in need of repair or improvements.

Other examples of wasteful and unnecessary mandated transportation enhancement projects include: \$400,000 for a Pennsylvania trolley museum; \$23 million for a Tennessee bicentennial history memorial; \$234,000 for an Art Walk in Vermont; \$160,000 for a Roman

bathroom renovation in West Virginia; \$500,000 for the renovation of the Toledo Harbor Lighthouse in Ohio; \$150,000 for a salamander crossing in Vermont; \$1 million for the North Carolina Transportation Museum; \$78,000 for a railroad caboose relocation and renovation; \$210,790 for the Merchant and Drovers Tavern Museum in New Jersey; \$40,000 spent on a new town sign in Iowa; \$216,000 for fencing around oil wells in Oklahoma; \$500,000 for a Santa Ana train station mural; \$120,000 to restore Crandall Farm in Rhode Island; \$44,500 on welcome signs in South Carolina; \$150,000 to print and produce brochures on landscaping and replace a brochure display case in Kansas; \$3 million on landscaping and a pedestrian walkway at the Indiana State Fairgrounds.

So here we are with \$1 billion spent just last year, more than \$12 billion gone since 1992, and the numbers go up. I hope my colleagues will vote to find it necessary that these kinds of funding would be prohibited for the programs such as I have outlined.

I have to be honest with my colleagues. If I had my way, about 80 cents out of every \$1 in gas taxes would stay in my home State of Arizona and in every State of America where it is collected and then we would let the Governors and city councils and mayors and county authorities make the decisions as to what that money should be spent on.

I remind my colleagues that we enacted the gas tax during the Eisenhower administration in order to build a national highway system. Long ago, the National Highway System was completed. Yet the money still goes from our citizens directly to the Federal Government, when it should be going to the States to make the decisions which they can make best. I doubt if many State authorities would have made the decisions such as I have just described there. I also believe a lot of the authorities and officials in various States would agree with the deputy director of the Nevada Department of Transportation, director for southern Nevada, who was quoted as saying:

It is really getting out of hand to where these pots of money have these constraints associated with them and you can't spend money where you want to.

I hope my colleagues will vote in favor of that amendment.

AMENDMENT NO. 740

Madam President, according to a previous agreement, I will discuss amendment No. 740, which is to eliminate funding for trade adjustment assistance for firms—I emphasize for firms. Again, in the interests of full disclosure, I believe trade adjustment assistance is a compromise that was made back under President Clinton's administration, when certain free-trade agreements, specifically as I recall NAFTA, was agreed to. The Trade Ad-

justment Assistance Program was set up for individuals who would be adversely affected as a result of the enactment of free-trade agreements.

We would not have enacted the free-trade agreements if we did not believe that the overwhelming effect of free-trade agreements would be beneficial to business in the United States and would result in hiring and jobs and a better economy. But I also understand there may be individuals in specific cases where these free-trade agreements hurt the businesses in certain places in the country.

I must say I opposed the increase in the trade adjustment assistance which was part of the deal made in order to ensure passage of the three free-trade agreements that were just concluded in this body a short time ago—the free-trade agreements with South Korea, Colombia, and Panama. But I do believe there are some aspects of this program we should examine more carefully.

The TAA for Firms Program provides matching grants of up to \$75,000 to firms that have been impacted by trade so the firms can hire private sector consultants to help them become competitive. The program is administered through a network of regional non-profit trade adjustment assistance centers that are chosen noncompetitively. It is my experience that wherever the Federal Government abandons competition, the American taxpayer usually loses. These TAACs have been known to charge exorbitant overhead rates of 60 percent of grant funding, and the Government Accountability Office has questioned the program's effectiveness and administrative costs. According to the President, this President, this administration sent over a termination list with its fiscal year 2012 budget. According to the President's own proposal in his own fiscal year 2012 budget: "The Administration proposes to eliminate the Economic Development Administration Trade Adjustment Assistance for Firms program."

That is not the proposal of the Senator from Arizona, although it is in this amendment. It is the proposal of the President of the United States. I think it would be hard for my colleagues on the other side of the aisle to argue he is insensitive to the plight of firms and individuals and companies that are affected by free-trade agreements.

According to the President's termination list, a message he sent over to Congress, the justification goes on to say: "The Administration believes that it would be more effective to concentrate EDA's resources on public investments in infrastructure and institutions that promote innovation and entrepreneurship."

The inclusion of this program in the President's termination list is strong

evidence we should no longer be funding the program. It also begs the question: Why are we choosing to spend almost \$16 million on a program we don't need and has consistently had its effectiveness questioned? This is money we don't have and don't need to spend.

As I said before, I have always been skeptical of trade adjustment assistance and similar programs such as this one for firms. I believe these programs are potential vehicles for government waste, where market interference unfairly puts the government in the position of choosing winners and losers. I believe the evidence stating that trade adjustment assistance and similar programs achieve their goals is suspect as well.

That fight is over, at least for the time being. But I might add there are still many questions about the TAA Program. We need to analyze whether the TAA Program is doing what it was intended to do. The following are some of the questions and concerns we should consider.

Does the TAA Program provide overly generous benefits to a narrow population? According to analysis from the Heritage Foundation, based on statistics from the Bureau of Labor Statistics, in the third quarter of fiscal year 2009, only 1 percent of mass layoffs were a result of import competition of overseas relocation.

Another question: Is there evidence that trade adjustment assistance benefits and training helped increase participants earnings? An analysis by Professor Kara M. Reynolds of American University found "little evidence that it (TAA) helps displaced workers find new, well-paying employment opportunities." In fact, TAA participants experienced a wage loss of 10 percent.

The same study found that in 2007 the Federal Government appropriated \$855.1 million to TAA programs. Of this amount, funding for training programs accounted for only 25 percent.

In 2007, the Office of Management and Budget rated the TAA Program as "ineffective." The OMB found that the TAA Program fails to use tax dollars effectively because, among other reasons, the program has failed to demonstrate the cost-effectiveness of achieving its goals. The American people are hurting. Unemployment remains at unacceptable levels and is estimated to continue to grow. We need to cut unnecessary spending, such as this program, at a time when our national debt has reached this unsustainable level. The American people face painful choices about how to cut our Federal budget.

I wish to conclude again by saying I don't believe the trade adjustment is a viable program. I also understand what was decided by both sides of the House, with the support of some of my Republican colleagues, that trade adjustment was the price for passage of the three

trade agreements that have been signed by the President of the United States. I think, in this case on this particular program, where the President of the United States has asked for its termination because of its ineffectiveness and its—and I believe it would be more effective to concentrate these resources on public investment in infrastructure and institutions that promote innovation and entrepreneurship—I hope we would abide by the recommendation of the President of the United States with whom, as my colleagues know, I am not always in total agreement.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. CASEY. I wished to respond to my colleague from Arizona on a couple points. I rise in opposition to his amendment. I think there is a lot we agree on, based on the remarks he gave about making sure the program works and is efficient and delivers results for taxpayers. I don't agree with eliminating the program in this case.

I appreciate the words he said about trade adjustment assistance and his recognition that workers are going through a tough time right now. This amendment is a disagreement about what we do about firms. In this case, it is pretty simple. We have trade adjustment assistance that helps individual workers, and I think there is a lot of agreement on that. This particular program is about individual companies. Basically, what we are talking about is 265 firms in the country. The average quantum of assistance is a little more than \$62,000 per firm. Part of that is as simple as having an expert come into a company—because of foreign competition and I would say unfair foreign competition—and helping them with their process, being able to produce a product in a more efficient way, changing an assembly line or giving advice in a way that a company is not able to figure out on its own. It provides that technical assistance.

The other part about this is, it is an effort to make sure these firms can better compete in a very tough environment, frankly, that has often been undermined by trade agreements. That is my perspective. I know some don't share that.

The other number I would point to, in terms of the effectiveness of the program, is that 90 percent of the companies that received this trade adjustment assistance help for their technical assistance or otherwise are in business more than 5 years later. So I would debate the question about the effectiveness. It is the same spirit or the same belief that underlies trade adjustment itself. When a worker is thrown out of a job because of unfair foreign competition or the ravages of a tough economy, we say to that worker we are going to retrain them to get them back

into the workforce and that is the purpose of the worker part of this.

The same is true of a company. Sometimes a company gets its legs knocked out from under it in a bad economy, and we say we will have a program to allow an expert to come in and help them get through this period. It is not unlimited. There is a limited amount of money available nationally for those 265 firms. I think there is a lot of agreement about a basic disagreement about the need for a particular Trade Adjustment Assistance Program for the companies.

I would respectfully rise in opposition to the amendment of my friend from Arizona.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. I thank the Senator from Pennsylvania, and I will be very brief.

The President of the United States weighed in heavily in favor of renewal and even expansion of the Trade Adjustment Assistance Program. This amendment only applies to portions of the Trade Adjustment Assistance Program that the President and the administration specifically pointed out as being ineffective and sent over as a program for which they recommended termination. I hope my colleagues are not confused that this is an attack on an amendment which would destroy TAA. It would not. It only focuses very narrowly on the trade portion of the Trade Adjustment Assistance Program that the President and the administration pointed to as being ineffective and a program they requested be terminated. Frankly, I don't think it would have a dramatic effect on the entire Trade Adjustment Assistance Program. I am sorry to say.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

ALASKA DAY

Mr. BEGICH. I first wish to say I know my colleague from Alaska was on the floor talking. Today is Alaska Day. It was a great day for our country when the final transfer from Russia to the United States resulted in the great State of Alaska, which has incredible resources from which this country has benefited. I want to wish all the people back home a great Alaska Day.

AMENDMENT NO. 739

I came down to the floor because I know my friend from Arizona, Senator MCCAIN, has offered an amendment on elimination of transportation enhancements. Let me speak about two parts.

One, as a former mayor who dealt with this issue over and over but also as someone whose family has been in the business industry and understands the power of a great community and what it can do for the long-term economic health of the community when the infrastructure is designed and built

right and also someone who was in the real estate industry.

First, as a former mayor, we debated these issues a great deal on transportation enhancements. I know there will be issues at times, and it doesn't matter if it is this program or the Defense Department or Interior Department, I can name any department over the years that has had issues that have come up that have not had the most appropriate expenditure of the dollar. When we look at transportation enhancements, they are an incredible asset. I will tell you, from the aspect of Alaska and having served as the mayor of Anchorage for 5½ years, we built more roads than the last three mayors combined. In 5 years, we built a ton of roads to enhance our communities. But the roads of the 1950s and 1960s are no longer the viable roads of the future.

In the old days, they built them, paved them, maybe put a curb on, maybe a sidewalk, and that would be considered the road, the transportation network. Things have changed quite a bit. The roads we built in Anchorage not only had the curb, the sidewalk, the transportation enhancements, the landscaping that goes along with it—because when we put all of that into play, the net result is we get a better transportation network. One can utilize it, as we have done with a couple roads in our neighborhoods, to slow down traffic so they will not be a danger to the children within the zone. In the case of some, where we built pedestrian multi-use trails—which I can point to several within our own area when I was mayor in Anchorage—where these trails became huge enhancements for the neighborhood but also to our visitors.

When the visitors came and spent money on our economy, maybe they went to a place to visit or they went out fishing, but maybe they came back and went out after dinner to take a walk. These trails that were well designed and landscaped properly would be another experience they would see and feel and take back to their home and hometown.

This amendment Senator MCCAIN has brought forward is opposed by not only the U.S. Conference of Mayors but the National Tour Association, the U.S. Travel Association, the Southeastern Tourism Society, and many others are growing on the list because they see not only the value for improving the road infrastructure, but they see the value of attracting quality of life that makes the property values better around these enhancements, the tourism that comes along with it, and the value of economic development. I think there is just a lack of understanding by some Members because they like to pick one or two—and I would agree we have to constantly review these programs to make sure they are used for the right purposes. In this case, I will

tell you—and I can show you project after project in Alaska where we saw a great value. It could be the Water Street improvements in Ketchikan, which during my time in the Senate in the last 2½ years, I have seen that development change the Front Street of their community; the Kenai River Trail improvements—which many people know the great Kenai River has incredible fishing for salmon—to ensure that the trails are safe.

Why do we want the trails improved? If people are crawling over the banks, they deteriorate the banks, they create erosion and they destroy the habitat and destroy the great Salmon Creek. In Anchorage, where we improved Ship Creek with the same kinds of enhancements, why did we do that? Again, to make it safer for the pedestrians who viewed it and also to ensure that the \$600 million fishery that was and is in Anchorage would thrive because we are not damaging the habitat.

I can go on and on about project after project, where we saw great improvement of the road projects. I know some will believe the road projects are asphalt and maybe a little drain and that is it. I can tell you, from putting my hat on from the real estate industry—I spent many years in the real estate industry—what people looked for is the quality of the environment around them. If you were on a strip-paved road or barely a paved road with a little drain or curb, it had a certain value. If you were on a road that had a nice pedestrian pathway, nice curb and gutter and landscaping, I guarantee you those property values were stronger and better. The local community benefited from that because it now had stronger property taxes because of the higher property value. The homeowner benefited because they had an investment that would maintain its value because of the quality of the infrastructure. The roads, water, sewer system, in this case, the enhancements were of high quality.

Those who brush it off as wasteful expenditures, I can show you again project after project where we took substandard roads, enhanced them with transportation enhancement resources, dollars, and the net result was we had economic development occur around it. We had quality of life improve. We had better values in our properties that are owned by the private sector, whether it be commercial or residential.

Again, I would strongly recommend to my friend from Arizona that I know it is easy—because the staff who run around here always want to give the worst-case scenario of everything. We can always do that. That is easy to do. We can always find one project somewhere about something. But that is not what this is about. It is about the 90-plus percent or the 98-percent of projects that are incredible enhancements to the community. As a mayor

and someone who was in the real estate industry, I have seen the value of these.

As I mentioned also, the organizations that don't support these, the tourism industry folks I mentioned who don't support these because they understand that when one is traveling to a community, it is not just about the one item. They go in there—and let's use Alaska as an example—for king salmon fishing or maybe in the wintertime skiing, whatever it might be, there are these other pieces people experience.

In Alaska, we have some great trail systems that people rave about and they talk about. Whenever I go around the country and I run into someone who visited Alaska, they will tell me the name of the community they were visiting or talk about this trail or that trail. Ship Creek Trail is a beautiful trail that at lunchtime tons of people utilize. It is a huge benefit for producing the quality of life for downtown.

I would encourage—and I recognize there are things I agree with, with Senator MCCAIN, multiple things that I worked on with the Defense authorization, but this one I beg to differ on his rationale of getting rid of this resource. It is important for local communities. I wish to emphasize, the best part of this is these are not congressional earmarks. It is money set aside that the local communities, through their metropolitan planning efforts or in the State, through their efforts, decide on how to spend this money. It is the best way to allow local communities less Federal control to do the right thing based on some framework and guidelines here.

If we want less Federal Government, this is one of those programs that allows flexibility on the local end to do the right thing and do what they think will enhance our road improvements and communities, be it small neighborhoods or major highways.

As I have always done, I invite Senator MCCAIN to Alaska. I will take him on the bypass where we can drive, see some incredible beluga whales, go down to Girdwood and see an incredible rain forest at the same time. I will take him to four or five of these projects. He will want to pull over and take photos. Those will be federally funded projects that made it possible for him to do that.

Why is that important? Because if you drive the new Seward Highway from Anchorage to Girdwood, it is not the safest highway. These pullouts, these waysides, these enhancements have made it a safer place. You can pull over and see Dall sheep walking on the side of the mountains right there. Instead of stopping on the road and pulling off on the side there a little bit, you actually pull off into a wayside. It is safer, better for tourism. It does the

right thing, ensuring that the project is a better project.

Again, I would challenge my friend from Arizona that I will gladly take him on many of these projects and show him the value of what we have done with them, the economic opportunity that goes along with them, the jobs that are created with them, the long-term benefit to the values of the properties that is associated with these improvements that are in the private sector.

Madam President, I thank you for allowing me a few minutes. I again wish my friends and all my constituents back home a great Alaska Day. But I also wanted to talk about an important amendment that I think would be the wrong direction if we vote for it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. KOHL. Madam President, I ask unanimous consent that at 4:35 p.m., the Senate proceed to votes in relation to the following amendments: Cornyn No. 775, as modified with the changes that are at the desk; and McCain No. 740; that the time until 4:35 p.m. be equally divided between the two leaders or their designees; that no amendments or points of order be in order prior to the votes other than budget points of order; and that there be 2 minutes equally divided between the two votes; further, after the votes in relation to those amendments, the following Senators be recognized to offer the amendments listed: Vitter No. 769, Collins No. 804, Sanders No. 816, and Landrieu No. 781.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendment (No. 775), as modified, is as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. No funds made available under this Act shall be used to allow the knowing transfer of firearms to agents of drug cartels where law enforcement personnel of the United States do not continuously monitor or control such firearms at all times.

Mr. LEAHY. Mr. President, it is not a good idea to legislate law enforcement tactics on an appropriations bill. To the extent the amendment by the Senator from Texas that has been modified with the help of the subcommittee chair restates Department of Justice policy, it is unneeded. To the extent it seeks to create a well-intentioned implementation of that policy, it does so in a way that may adversely affect FBI operations and other law enforcement efforts, including joint task forces among Federal, State, and local law enforcement, without really adding to what the Attorney General has already said and done to ensure that certain tactics from Operation Fast and Furious not be used again.

The Department of Justice's Inspector General's Office has not yet completed its independent investigation of

Operation Fast and Furious, which was a Bureau of Alcohol, Tobacco, Firearms and Explosives operation in Phoenix that apparently followed on the practices used in Tucson during the Bush administration in Operation Wide Receiver. I expect to examine the inspector general's report through briefings, and possibly a hearing, when that investigation is concluded. It is important to remember that there are ongoing and highly sensitive criminal investigations involved here, and I do not think anyone wants to unduly hamper the efforts of law enforcement agents to stem the fight against violent drug cartels in Mexico.

I appreciate that the Senator from Texas, like all of us, is deeply concerned. When he wrote to me asking for a hearing about the southern border, I asked Senator DURBIN, who then chaired the Crime Subcommittee, to work with him and accommodate his request. I certainly hope that congressional attention did not add to the pressure felt by law enforcement officers and agents to utilize aggressive and risky methods with inadequate resources.

Of course, we all mourn the loss of all of the agents who have died in the line of duty, including members of our Customs and Border Patrol and Immigration and Customs Enforcement. I have spoken previously about the loss of Jaime Zapata. This year we also mourn Hector Clark and Eduardo Rojas. Last year we lost five Department of Homeland Security, DHS, agents: Vincent Gallagher, John Zykas, Mark Van Doren, Floyd Collins, and, of course, Brian Terry. The year before that we lost another four agents: Nathaniel Afolayan, Cruz McGuire, Robert Rosas, Jr., and Trena McLaughlin.

Senator CORNYN has offered an amendment he describes as prohibiting funding for intentional "gun walking" programs. The Department of Justice already has a longstanding policy against the knowing transfer of firearms to criminals without proper monitoring or controls. I appreciate that the Senator from Texas, like all of us, is deeply concerned about law enforcement operations that could allow firearms to fall into the hands of violent criminals in Mexico.

I was concerned that the original text of his amendment would actually make it more difficult to investigate and prosecute gun traffickers. I am glad to see that Senator CORNYN has worked with Senator MIKULSKI to address some of my operational concerns with his amendment concerns that were also voiced by the Department of Justice. I am not sure that in the short time available to us that we have been able to rectify all of the unintended, collateral consequences this language might occasion, however. For example, I know the FBI has voiced serious operational concerns about the impact this

amendment could have on their system of background checks through the National Instant Criminal Background Check System, NICS. I hope Senator CORNYN and others will continue to work with the Department of Justice, the FBI, and other law enforcement agencies to ensure that whatever final language may be included in law does not unduly hamper the ability of law enforcement, including efforts against violent drug cartels in Mexico.

The Attorney General recently reiterated that longstanding Department of Justice policy already prohibits the transfer of firearms to known criminals without the proper monitoring or controls by law enforcement. Indeed, when Attorney General Holder testified about Operation Fast and Furious before the Senate Appropriations Subcommittee for Commerce, Justice, and Science in March, he stated that he had made it clear to the Department of Justice, including the U.S. Attorney's Offices and ATF agents nationwide, that "letting guns walk is not something that is acceptable." I also understand that earlier this year, this policy was expressly reiterated to prosecutors and agents in the field through guidance issued by the Deputy Attorney General. Accordingly, this amendment attempts to legislate a policy that is already in effect.

I am also concerned that Senator CORNYN has offered this amendment without the benefit of all of the facts. As I have noted, there is an independent investigation by the Department of Justice inspector general that is ongoing. Moreover, there is an ongoing criminal investigation and prosecution related to the tragic murder of Agent Brian Terry. I am sure Senator CORNYN would agree that we should all ensure that the FBI and the prosecutors assigned to the case can continue that criminal investigation without any interference or impediment. Contrary to Senator CORNYN's statement, there has been no conclusive evidence indicating that either of these guns connected to Operation Fast and Furious were "used" to murder Agent Terry.

Although the revised text of Senator CORNYN's amendment has addressed some of my operational concerns, I remain concerned with language that purports to require U.S. law enforcement personnel to continuously monitor and control any firearms that may be transferred during an operation. I cannot believe that is what is really intended. Many law enforcement operations are joint operations through joint task forces with State and local law enforcement. I do not believe the Senator from Texas means to construct a rigid protocol of tactics for such operations. Given the potential for operational problems that might arise from a overly literal application of the language, I am left to wonder whether this

language is intended to apply to joint operations at all, since it would not make sense on the ground.

Again, I appreciate the intent of Senator CORNYN's amendment, and as I have demonstrated, I share his concern with the violence, drugs, and illegal gun trafficking along our borders. The strategy and tactics being used to fight these problems need to be both smart and effective. At the same time, I am confident the Senator from Texas would agree with me that we must also continue to support and honor the efforts of the thousands of Federal, State, and local law enforcement officers who are working tirelessly to keep our border safe.

Mr. KOHL. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be divided equally between both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. KOHL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. KOHL. Madam President, I ask for the yeas and nays on the Cornyn amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 775, as modified.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—99

Akaka	Cochran	Isakson
Alexander	Collins	Johanns
Ayotte	Coons	Johnson (SD)
Barrasso	Corker	Johnson (WI)
Baucus	Cornyn	Kerry
Begich	Crapo	Kirk
Bennet	DeMint	Klobuchar
Bingaman	Durbin	Kohl
Blumenthal	Enzi	Kyl
Blunt	Feinstein	Landrieu
Boozman	Franken	Lautenberg
Boxer	Gillibrand	Leahy
Brown (MA)	Graham	Lee
Brown (OH)	Grassley	Levin
Burr	Hagan	Lieberman
Cantwell	Harkin	Lugar
Cardin	Hatch	Manchin
Carper	Heller	McCain
Casey	Hoeven	McCaskill
Chambliss	Hutchison	McConnell
Coats	Inhofe	Menendez
Coburn	Inouye	Merkley

Mikulski	Risch	Tester
Moran	Roberts	Thune
Murkowski	Rockefeller	Toomey
Murray	Rubio	Udall (CO)
Nelson (NE)	Sanders	Udall (NM)
Nelson (FL)	Schumer	Vitter
Paul	Sessions	Warner
Portman	Shaheen	Webb
Pryor	Shelby	Whitehouse
Reed	Snowe	Wicker
Reid	Stabenow	Wyden

NOT VOTING—1

Conrad

The amendment (No. 775), as modified, was agreed to.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, we have been making progress on this bill. We are going to have one more vote now. We have already set up a vote in the morning. We have an agreement to do so. There will be a little debate prior to that vote.

We hope to be able to work our way through some other amendments. If people have amendments they want to offer, they should do it, because time is wasting. We need to move through this appropriations bill and finish it this week.

AMENDMENT NO. 740

The ACTING PRESIDENT pro tempore. There will now be 2 minutes of debate on the McCain amendment.

The Senator from Arizona.

Mr. MCCAIN. Madam President, as usual, I am offering an amendment that is in compliance with the request of the President of the United States. The administration proposes to eliminate the Economic Development Administration Trade Adjustment Assistance Programs for firms, the TAAF Program. That is the President's message on termination. I remind my colleagues that this provides matching grants so that firms can hire private sector consultants. On behalf of the President and my colleagues, I ask for an "aye" vote.

The Senator from Texas wishes to speak. Where is she? She deserted me. On Senator HUTCHISON's behalf, she supports the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I oppose the McCain amendment and OMB's recommendation. Trade adjustment assistance is an effective and modest program, and it is only \$15.8 million. The average grant is \$75,000. From 2006 to 2010, it has helped over 830 firms and created about 50,000 jobs.

I urge defeat of the McCain amendment.

The ACTING PRESIDENT pro tempore. Is there further debate?

If not, the question is on agreeing to the amendment.

Mr. MCCAIN. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays having been ordered.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) is necessarily absent.

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—44

Alexander	Grassley	McConnell
Ayotte	Hatch	Moran
Barrasso	Heller	Murkowski
Blunt	Hoeven	Paul
Boozman	Hutchison	Portman
Burr	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Rubio
Coburn	Johnson (WI)	Sessions
Cochran	Kirk	Shelby
Corker	Kyl	Thune
Cornyn	Lee	Toomey
Crapo	Lugar	Vitter
DeMint	McCain	Wicker
Enzi	McCaskill	

NAYS—55

Akaka	Graham	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson (SD)	Rockefeller
Blumenthal	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown (MA)	Kohl	Shaheen
Brown (OH)	Landrieu	Snowe
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Collins	Manchin	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	
Gillibrand	Nelson (NE)	

NOT VOTING—1

Conrad

The amendment (No. 740) was rejected.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I ask unanimous consent that the four amendments listed in the previous order and the following amendments from Senator COBURN, No. 791 and No. 792, be the only amendments in order to be offered this evening.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maine.

AMENDMENT NO. 804 TO AMENDMENT NO. 738

Ms. COLLINS. Mr. President, I ask unanimous consent to set aside the pending amendment, and I call up my amendment, No. 804.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. UDALL of Colorado, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Ms. AYOTTE, Mr. JOHANNIS, Mr. NELSON of Nebraska, Mr. HOEVEN, Ms. MURKOWSKI, Mr. JOHNSON of Wisconsin, and Mr. KOHL, proposes an amendment numbered 804 to amendment No. 738.

Ms. COLLINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to implement a rule that sets maximum limits on the serving of vegetables in school meal programs or is inconsistent with the recommendations of the most recent Dietary Guidelines for Americans for vegetables)

At the end of title VII of division A, add the following:

SEC. __. None of the funds made available by this Act may be used to implement an interim final or final rule that—

(1) sets any maximum limits on the serving of vegetables in school meal programs established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

(2) is inconsistent with the recommendations of the most recent Dietary Guidelines for Americans for vegetables.

Ms. COLLINS. Mr. President, I understand this amendment has been cleared on both sides, and I ask for its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 804) was agreed to.

Ms. COLLINS. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of this version of the amendment: Senators UDALL, CRAPO, RISCH, SNOWE, AYOTTE, JOHANNIS, NELSON of Nebraska, HOEVEN, MURKOWSKI, and JOHNSON of Wisconsin.

The PRESIDING OFFICER. Is it Senator UDALL of Colorado?

Ms. COLLINS. Thank you, it is Senator UDALL of Colorado.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I thank again the managers of the bill and the two Senators from Idaho for their help in this matter.

I also ask unanimous consent that the Senator from Wisconsin, Senator KOHL, be added as a very prominent cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, my thanks to the managers of the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 816 TO AMENDMENT NO. 738

Mr. SANDERS. Mr. President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 816.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 816 to amendment No. 738.

Mr. SANDERS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide amounts to support innovative, utility-administered energy efficiency programs for small businesses)

On page 87, line 21, insert “, of which \$1,000,000 shall be for economic adjustment assistance grants under section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to support innovative, utility-administered energy efficiency programs for small businesses” before the period at the end.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 781 TO AMENDMENT NO. 738

Ms. LANDRIEU. Mr. President, pursuant to the previous order, I now ask unanimous consent to set aside the pending amendments so that I may call up amendment No. 781.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 781 to amendment No. 738.

Ms. LANDRIEU. I ask unanimous consent to dispense with the reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Purpose: To prohibit the approval of certain farmer program loans)

On page 83, between lines 20 and 21, insert the following:

SEC. 7 ____ . Section 363 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006e) is amended in the first sentence by striking “any loan” and inserting “any farmer program loan.”

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 769 TO AMENDMENT NO. 738

Mr. VITTER. Mr. President, pursuant to the unanimous consent agreement, I call up Vitter amendment No. 769.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 769 to amendment No. 738.

Mr. VITTER. I ask unanimous consent to waive the reading of the whole.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the Food and Drug Administration from preventing an individual not in the business of importing a prescription drug from importing an FDA-approved prescription drug from Canada)

On page 83, between lines 20 and 21, insert the following:

SEC. ____ . None of the funds made available in this Act for the Food and Drug Administration shall be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act.

Mr. VITTER. Mr. President, let me briefly explain what this amendment is about, and I will be very brief. It will allow for personal use drug reimportation from Canada only. In doing so, this amendment is nearly identical to an amendment I proposed previously on the Senate floor last Congress which passed in a very strong bipartisan vote.

Americans spend hundreds of billions of dollars a year on prescription drugs. Prescription drug prices are skyrocketing, and they continue to skyrocket, and that causes real hurt and angst among many American families, particularly American seniors. They shouldn't have to choose between life-saving medicine and other basic needs of life, such as food and electricity, and yet often the reality is that they do have to make that choice.

My amendment would help ease a little bit of this pain by giving Americans more options. But in doing so, it is very narrow, it is very cautious, it is very specific. It applies to only individual consumers—not wholesalers—bringing in for their personal use FDA-approved prescription drugs, and only from one country; namely, Canada.

As I said, in doing so the language is nearly identical to the Vitter amendment to the DHS appropriations bill that passed the Senate last Congress with a strong bipartisan majority, 55 to 36, with 9 members not voting.

This would provide real relief to millions of Americans, including seniors. It would allow reimportation from Canada—a very safe source country—including through mail order and over the Internet. The language, again, was restricted to personal use reimportation. Wholesalers cannot participate. It only applies to a consumer who gets a valid prescription from a doctor. So this amendment would specifically prohibit funding to the FDA to the extent that they would crack down and prohibit and police against this narrow activity.

Back home and in Washington, Members of Congress on both sides of the aisle often talk about doing something about skyrocketing prescription drug costs. This is a very specific, narrowly tailored, cautious but effective means where we can do something, where we can have an impact, where we can help tens of millions of Americans, including many vulnerable seniors.

I hope Democrats and Republicans will come together again, as we did last Congress, and give a strong, healthy bipartisan majority to this idea. It is the right thing to do. It would help Americans, it would help seniors, and it is a very careful, cautious approach: personal use only, not wholesalers, Canada only.

Again, I urge that we adopt this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 781

Ms. LANDRIEU. Mr. President, I know there may be other Senators who want to call up their amendments. I only want to speak for 2 minutes on the amendment I just proposed and explain to the Senate why this amendment is necessary. And I look forward to working with the chairwoman of the Agriculture Committee, Senator STABENOW from Michigan, and others, to work through the details.

It seems as though there is an inconsistency in the law between the 404 process that the Corps of Engineers uses when anyone, public or private, wants to build anything in a wetlands. Of course, you have got to get a permit. We are getting used to that. It is not an easy process, but it works, for the most part. You have got to mitigate; in other words, there is a no-net-loss rule, and we are all supporting that. However, there is a discrepancy in the Farm and Rural Development Act that actually prohibits some very worthy nonprofit entities that are building community projects—this is not for profit—to even apply for a permit, even if they could mitigate, and that is what my amendment seeks to correct.

The chairperson on the Agriculture Committee and others who have jurisdiction have committed to work with me to tailor this amendment so that it provides the help some of these loans need through the Rural Development Agency, but it doesn't open a whole new area of policy. I thank the Chair.

That is basically a very short but concise and complete description of what I am trying to do. It is about as simple as that. I look forward to when the Senator from Wisconsin allows us to get in line for a vote on this committee. I thank Senator KOHL for allowing us to offer this amendment at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 791 TO AMENDMENT NO. 738

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 791 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 791 to amendment No. 738.

Mr. COBURN. I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to provide direct payments to persons or legal entities with an average adjusted gross income in excess of \$1,000,000)

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Secretary of Agriculture to provide direct payments under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to any person or legal entity that has an average adjusted gross income (as defined in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a)) in excess of \$1,000,000.

Mr. COBURN. This is a straightforward amendment. We have had a lot of talk about millionaires in the country, but what most people don't realize is that there are a lot of farmers in this country whose adjusted gross income is well in excess of \$1 million whom we are making direct payments to.

What I would put forward is if you are making over \$1 million, I don't think you need a lot of help from the Federal Government to be profitable. So what this amendment will do is it will put a limit of \$1 million or greater from receiving direct payments from the Department of Agriculture. You could say somebody making \$980,000, but we have chosen this. Right now it is supposedly \$2.5 million adjusted gross income.

What we have done is, of all the people who make more than \$2.5 million, 75 percent of their income outside of the farming income comes from some other areas. In other words, this is not their main business. Their main business isn't farming. So if they make \$2.5 million farming, and they make 75 percent more than that in other areas, again, I would say we should have trouble justifying to the American people that we are sending their tax dollars—actually, borrowed money that is going to be charged to their kids and grandkids—to those individuals.

Of the 1.8 million people who received farm payments from 2003 to 2006, 2,702 of them exceeded the income limits that were established at that time, greater than \$2.5 million. GAO reported that the USDA does not have management controls in place to verify that payments are not made to individuals who exceed the program's income eligibility limit. So we have a limit of \$2.5 million, but they are not enforcing it. They don't know whether they are enforcing it.

What this amendment will do is, first, we are going to cut it back to \$1 million and say put it in action so you

know who you are paying and how much they are making. GAO found that participants in the program in 2006 were three times as likely to have an adjusted gross income in excess of \$500,000 as individuals who did not participate at all in the direct payment program. In other words, 21 of every 1,000 farm program participants reported in excess adjusted gross income of \$500,000 or more, compared with 7 of every 1,000 tax filers in the general public. Instead of taking more of what wealthy individuals have earned, Congress would be wise to first end unsolicited subsidies in the farm program to those individuals.

Studies show that direct payments went to wealthy individuals who live in urban areas but own or have partial interest in their farms. In other words, they are absentee landlords who live in U.S. cities with populations 100,000 or more, but they were paid \$394 million in farm payments in terms of the direct payment in 2010 alone. So that is \$½ billion.

The top 10 percent of direct payments in 2010 received 59 percent of the money under the program. In other words, the top 10 percent got 59 percent of the direct payment money. These 88,000 people got an average of \$30,000. But if you look at those with adjusted gross income, they got far in excess of that. Some examples include 23 Members of Congress in the 112th Congress; 109 individuals living inside Washington, DC; 203 individuals in Miami; 179 individuals inside the city limits of San Francisco received over \$1 million in payments; 290 New York City residents received \$800,000 on average in payments.

President Obama's fiscal 2012 budget proposes to reduce the per-person cap on direct payments to wealthy farmers by 25 percent or more and reduce the adjusted gross income eligibility limit by \$250,000 over 3 years. Well, what this amendment does is in the spirit of what the administration wants to do, but it goes further. It says if you are making over \$1 million in adjusted gross income, you should not be eligible for direct payments through the farm program. It is straightforward. It is a way for us to change what we are doing. It is a way for us to save a significant amount of money, almost \$½ billion.

I dare say that if you poll the average American and you said we are paying out hundreds of millions of dollars every year to people making more than \$1 million who are farming, they would say, We don't agree with that. That can't be the original intent of that program.

That program is designed to help those people who are truly undercapitalized, who truly are having a difficult time even when we have great markets. And I am not opposed to the payment program. But the fact is, to have a significant percentage of that

go to individuals who are making far in excess—33 times what the average individual in this country makes—I think is something we ought to end, and we ought to end right now.

AMENDMENT NO. 792 TO AMENDMENT NO. 738

Mr. President, I ask that the pending amendment be set aside and amendment No. 792 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 792 to amendment No. 738.

Mr. COBURN. I ask unanimous consent that the amendment be considered as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To end payments to landlords who are endangering the lives of children and needy families)

At the appropriate place, insert the following:

SEC. _____. The Secretary of Housing and Urban Development may not make a payment to any person or entity with respect to a property assisted or insured under a program of the Department of Housing and Urban Development that—

(a) on the date of enactment of this Act, is designated as “troubled” on the Online Property Integrated Information System for “life threatening deficiencies” or “poor” physical condition; and

(b) has been designated as “troubled” on the Online Property Integrated Information System at least once during the 5-year period ending on the date of enactment of this Act.

Mr. COBURN. This is another fairly straightforward amendment. We have significant housing for people who have a need in our country. But inside that program, in HUD, there are payments being made for housing complexes with life-threatening conditions or in absolute poor physical condition. Yet people are trapped there. We keep sending the money. The money doesn't go to improve the housing; it goes into the pockets of those who own the housing through this subsidized housing.

Thousands of needy families have turned to the government for stable housing. They have been placed in properties with health and safety deficiencies, including some that are life-threatening. There are 3,847 properties with life-threatening deficiencies as determined by HUD—life-threatening—that are currently or previously designated as “troubled” by HUD during the past 5 years. Of those, 2,297 are in poor physical condition and were designated as “troubled” by HUD. Some of these are for the same properties that appear year after year on HUD's registration list of troubled properties. These numbers will not reflect all the deficient housing provided by HUD and other Federal departments and agencies. This is just a taste of a portion of what is out there.

What this amendment would do is cut off aid to the greedy slumlords, while protecting needy families by prohibiting HUD from making any payment to any person or entity with respect to a property assisted or insured by HUD, currently designated as “troubled” on the Online Property Integrated Information Suite for “life-threatening deficiencies” or “poor” physical condition and that has been on the Online Property Integrated Information Suite’s troubled property list at least one time during the past 5 years.

What we are saying is, if someone has been taking advantage of this program as the owner of the property and not making it a safe property, not making it inhabitable, yet people have no choice but to live there, what we are saying is HUD should not be giving them any money. HUD should not be giving them any money.

Over the past several years, there have been far too many examples of slumlords receiving hundreds of millions of Federal tax dollars. In many cases, those without stable housing sought help but were put at health and safety risk by those entrusted to care for them with taxpayer funds. A recent ABC News “Nightline” reported that the Federal Government’s low-income housing programs are plagued by theft, mismanagement, and corruption at local levels, including millions spent on housing for sex offenders and dead people, and all too often fail the 3 million families who rely on them for a clean, safe place to live.

Specifically, the report found the Philadelphia Housing Authority spent housing funds on lavish gifts for its executives, \$500,000 to settle sexual harassment claims, \$17,000 of housing funds to throw an extravagant party for the executives. The same month at a belly-dancer party, a 12-year-old girl living in Federally subsidized housing suffered a near-fatal asthma attack that left her unable to speak or walk, secondary to dangerous mold in that apartment complex because it was not taken care of with the dollars that were paid by American taxpayers to help those who are dependent on us.

The New York Daily News recently found some of the city’s landlords received \$81 million in Federal housing funds, even though their buildings were riddled with housing code violations. The report stated millions of dollars have been doled out to buildings where tenants have repeatedly complained about rats, roaches, nonworking elevators, lack of heat and flaky lead paint. The Federal Government provided \$350 million to more than 60 housing authorities that have been repeatedly faulted by auditors for mishandling government aid. In Indiana, investigators found the poor forced to live in substandard housing that local authorities knew was unsafe, yet did

not fix. In Indianapolis alone, more than \$5.2 million a year has been spent on housing residents in unsafe conditions, according to the Fort Wayne Journal Gazette.

About \$2.2 million of the Federal funds intended to support low-income housing on the Navajo Nation Indian lands in New Mexico was spent on gambling, furs, jewelry, racehorse training, according to the Las Vegas Sun. There is no oversight at HUD to make sure the landlords will meet the eligibility requirements for receiving these funds. What we are actually doing is we are saying, if they do not meet the criteria, they should not get the money. That is hardly a novel idea. Yet we continue to spend hundreds of millions of dollars supposedly to help those who are neediest among us. Yet it does not help them at all because the money is misdirected and not reinvested in the housing.

HUD continues to subsidize repeat offenders with a history of placing families in unsafe living conditions. There were 6,100 properties designated as “troubled” during the past 5 years. Some of these properties appear year after year on the same list. There is no change. They are still getting the money. These include properties in my own State of Oklahoma. Needy families should not be put in dangerous conditions as a result of neglect by the slumlords but, more importantly, as a result of neglect in our oversight of HUD.

What we would propose to do is to ensure the Federal housing benefits for the needy, rather than the greedy, and to prevent slumlords from abusing taxpayers and the disadvantaged and the aged. This amendment would bar HUD from paying landlords whose properties are in poor physical condition or have life-threatening deficiencies, according to their own analysis.

In other words, they already know it, but they are still paying it. What this amendment would say is: They are on the list; they do not qualify. It will send a great signal. Not only will we not pay as much money to properties and put people in better properties, but we will change the expectation of the people who are making all the money off the HUD moneys for the properties. We will make a big difference.

There may not be many who actually lose the money, but there will be many people who are depending on it, living in far better conditions, far safer conditions, if we pass this amendment.

I wish to take just a moment, if my colleague does not mind, to talk about where we are. I have a total of 12 amendments. I was allowed to bring up two. I understand they do not want to get in a hurry, but the fact is, these are all good-government amendments, every amendment I brought up. They may not pass, but that is our fault. But the fact is, we should not be limiting

amendments. Let’s get them out there. Let’s do them. There are money savings, there are quality savings, there are ways to make the agencies work better, and we should not be afraid of that.

We stand right now as a nation in the worst shape we have ever been. The risks to our country are great. We need to quit thinking about partisanship. We need to quit thinking about advantage in the political arena and start doing what is necessary to fix our country. We passed a budget bill that allowed a debt increase that the average American does not realize actually did not save any money. Over the next 10 years, we are actually going to spend \$800-some-odd billion more than what we spent last year on discretionary programs. It is time we start being honest with the American public. These 12 amendments are simple and straightforward. One of them copies the amendment of Senator MIKULSKI for CJS, that ties down and makes more responsible the agencies on their conference spending.

Conference spending is out of control. The Department of Agriculture is absolutely out of control on the money it spends. So we ought to be about moving things through that make a real difference so we can start rebuilding the confidence. Fifteen percent of the people have confidence in us, and I understand why. It is because we spend most of our time around here in quorum calls. I was prepared tonight to put up all these amendments, see which ones could be taken, not necessarily have a vote on every one, but we are not going to allow that to happen. We are not going to allow that to happen not for any good reason; we are not going to allow it to happen for political reasons, and that is killing our country. Whether Republicans do it or Democrats, none of it is any good. The country is on to us.

Eighty-five percent think we are doing a lousy job. I wonder why it is that low. I cannot find anybody in the State of Oklahoma who thinks we are doing a good job. I can’t find anybody around the country who thinks we are doing a good job. But I say to my colleagues, let’s start moving stuff through that actually changes things, that is actually going to make a difference. One does not have to agree. Vote it down. None of these are trick amendments. None of these are meant to be political amendments. They are just straightforward, good-government amendments we ought to consider. If one disagrees, disagree. Fine. But let’s not not vote on them and let’s not quit making attempts to try to fix what is wrong in our government.

HUD’s oversight of housing is a disaster. When we have this many properties year after year on this list, why would we not want to fix that? It is not that we don’t want to fix it. It is we do

not want to give somebody an opportunity to put out the real reason our country is in trouble. The real reason is us. We have not done our jobs. We have not done the oversight. We have not cleaned up things. We can have great arguments and great discussions and great debates but to not have the debate at all means we deserve every bit of that 85-percent lack of confidence in what we are doing.

Tomorrow, I hope I will be able to offer the rest of these amendments. I will work. I have talked with almost every one of the managers on the amendments. None of them are controversial. Some they may disagree with and want votes on, others can be accepted. But to not move forward and then say it is taking too long to get the bill, when we are here ready to work, is not an excuse the American people are going to buy anymore.

Ms. SNOWE. Mr. President, I am pleased to support the permanent change to interstate weight limits for Maine and Vermont, an issue I have worked on for more than 10 years. I could not be more pleased with the inclusion of this commonsense legislation that puts large trucks back where they belong—on the highway.

Regrettably, the current treatment of truck weights on interstate highways is a glaring example of a provision of law that creates both safety hazards on secondary roads and tangible barriers to job growth at a time when the Nation's unemployment rate remains above 9 percent and Maine's mill towns are struggling to thrive, and I hope this bill is a step towards a solution to this glaring disparity. The Senate's consideration of this remedy is long overdue. The patchwork exemption policy that currently exists has penalized Maine and created a serious inequity that has burdened our commerce with needlessly onerous and costly regulation.

The language included in this appropriations bill mirrors legislation that Senator COLLINS and I have introduced together since 2001. Indeed, this simple change has taken more than a decade to implement. It is my hope that this Congress, and this bill will finally resolve a longstanding inequity that has granted other States the same privilege that Maine requests—the ability to shift truck traffic to conflict-free highways where commercial traffic can efficiently travel without increasing the danger to pedestrians and drivers at crosswalks and intersections.

Maine Department of Transportation engineers have certified on a number of occasions that Maine's interstate bridges are safe to carry 100,000-pound, six-axle trucks. The bridges along the interstate are in good condition, and the impact of fatigue caused by these trucks is likely near zero. The State estimates that a permanent change to weight limits would reduce pavement

costs by more than \$1 million per year. It would also reduce bridge rehabilitation costs by more than \$300,000 per year.

In addition, the pilot program implemented in 2009 demonstrated significant safety improvements when these large trucks returned to the highway. There were 14 fewer crashes—a 10 percent improvement—involving six-axle vehicles, even with increased traffic volume on Maine's interstate system. In fact, there were no fatal crashes on the interstate during the pilot program, and five fewer injuries on secondary roads.

Maine's Department of Transportation collects fatal accident data regarding large trucks, and more than 96 percent are on secondary roads, not the interstate, including the portion of I-95 that has a permanent exemption. Crash rates for Maine trucks on secondary roads are 7 to 10 times higher than on interstate highways.

Trucks belong on the highway, but interstate weight limits are inconsistent across State lines, and shippers are forced to use secondary roads to move goods through States still restricted by weight limits established in the 1950s. For example, in the 122 miles between Hampden and Houlton, ME, a common route for shippers, these legal 100,000-pound trucks are forced to pass by 9 schools, 270 intersections, and more than 3,000 driveways.

Maine's highways are particularly suited for six-axle truck traffic, as most of the interstate system was designed to carry freight—including munitions and heavy equipment—to and from the former Loring Air Force Base. Time and time again, the Maine Department of Transportation has stated that it endorses an increased weight limit, and Maine's roads can safely manage heavier trucks with six axles. If a State's chief highway engineer can certify the safety of a route, and the condition of a road, a State should have the flexibility to change its weight limit on interstate highways.

The significance of this permanent change cannot be overstated. Maine's secondary roads will be significantly safer when trucks are returned to the highway with stop lights and pedestrian interactions. I thank my colleagues for their continued support of this measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

MORNING BUSINESS

Mr. KOHL. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JOBS ACT

Mr. MERKLEY. Mr. President, my colleague from Oklahoma was addressing the frustration that exists on the part of the American public with this Chamber for not doing its job. I must say, on that point, we are in complete agreement. I hear in every townhall, in every conversation with constituents, the question of why is it that when what we need most in this Nation are jobs, this Chamber, the Senate, is unable to hold a debate over a jobs bill? Just last week we had a debate not over a jobs bill but whether to proceed to the jobs bill. Unfortunately, it was defeated, not because the majority did not want to get to the bill but because the minority opposed it and invoked a 60-vote hurdle, a hurdle that was never routinely used in this Chamber in the past.

The fear of debating a jobs bill in this Chamber by my colleagues is irrational. The American people want us to wrestle with creating jobs. Have people not gone out and talked to their constituents? Do they not know the unemployment rate in this Nation? Do they not hear from fathers and mothers who are worried about keeping shelter over their family or worried about their mortgage, their rent, their utilities?

I do not understand how anyone could say: Let's not have a debate about jobs on the floor of the Senate. Yet it was a unanimous "no" vote from across the aisle when we proposed having the debate over the jobs bill. I think it is so important that all of us in this Chamber who actually receive a paycheck understand the challenge and the plight of American citizens who either are working part time in multiple jobs trying to make ends meet or who have lost their job and are completely unemployed.

Over the past 10 years, we have lost 5 million manufacturing jobs in this country. Over the last 10 years, we have lost 50,000 factories in this country. Working families are in a tremendous crunch. I thought I would simply share some stories from back home because there does not seem to be many people listening to folks back home and their concern that this Chamber debate and produce a jobs bill and get it to the President.

Jerry from Linn County says:

I was laid off in April, 2009. It took me 2 years and 2 months to find a contracting job. I appreciate having a job, however I have no benefits, no holiday pay, no vacation pay, no medical or dental coverage. My wife recently suffered a badly broken leg. We have no insurance. Her injury required surgery and a hospital stay. Now we are in danger of losing the house that I bought in 1993.

I am told that my contract has been renewed for another year. That will bring us to May of 2012. Then I have to leave for three months before I can return. I am given no promise of being able to return to work there.

That is Jerry's story that he sent in to share.

Virginia from Hillsboro writes:

In February 2010, my department at my company was advised we would be laid off after transitioning our job duties to a replacement staff in India. It felt like quite a blow.

Prior to the layoff, the company had not given us raises for 3–4 years, even though they were reporting profits. Half of our department was laid off within a few months.

I filed a TAA petition to attempt to attain additional funds or schooling for the people at our department, but it was denied.

The year before I was laid off, my daughter, who lives with us with her son, changed jobs and then was laid off from the new job. Four months after my layoff, my husband was advised the rest of his department is being laid off after their job duties were transitioned to an off-shore site; hopefully, he will have work until March.

My daughter, myself, and my husband are all looking for work.

We moved my mother up with us three years ago, so now we have four generations living in our home. I have no idea what will happen if none of us can find work. My husband served his time in the Army and he and I have always worked full-time, steady jobs. It feels like we're being punished for spending our lives working to take care of our family and to keep a roof over our heads.

I read in the papers this morning that things are improving in Oregon, but, honestly, I don't see it. Americans are hurting.

Americans need jobs! We want to work and need to work! We are not lazy—we are innovators and always have been! We need to regain our pride in our country, help each other and quit focusing on greed.

That was Virginia from Hillsboro. And if you didn't catch the beginning, her letter started by saying that she and her team were laid off after training replacements in India to take over their jobs. This terrible economy is resulting in multiple generations of her family without work.

Julio from southwest Portland says:

I am 31 years old with my first baby on the way and I can honestly tell you I am nowhere where I thought I would be at this point in my life. Upon graduating high school, I joined the Navy. I did a 6-year enlistment. My mother was a housekeeper and my father was an ordained minister and they were unable to help me with the expenses of higher education, so I took full advantage of the GI bill once I was honorably discharged in 2004.

I completed my degree in three years and nine months and graduated with a bachelor's in business management and a minor in economics. I strongly felt that as a 6-year veteran of the Navy, with a degree in business, and being bilingual, that I would have no problem finding employment.

Unfortunately, I had the misfortune of graduating just as the financial world collapsed in 2008. Three years later, I work two jobs and still make less than \$30,000 a year. I have interviewed for several great jobs, but due to the same amount of people applying for the same position I have lost out to individuals with a great amount of experience.

I know I can do well, but in our current environment I feel as though I don't even have a chance. Anything you can do to create better paying jobs in Oregon would be greatly appreciated.

That was Julio from southwest Portland.

These stories that are coming from our single parents, coming from our husbands, our wives, are coming from folks who are taking care of their parents. They are coming from folks who are trying to take care of their children, and you can feel the sense of frustration. You can feel the sense of panic in this economy.

Last week this Chamber debated whether to have a debate about creating jobs. My colleagues across the aisle said, no, we will not let the jobs bill come to the floor. I must say I am extraordinarily frustrated that at this time in this economy, with so many Americans hurting, my colleagues are unable to summon the connection to the challenge of the American family so that we can have a full debate on this floor on a jobs bill.

These families that are writing, as you can tell from the letters, served their country. Several of them were in the service. They played by the rules. They worked hard. But they have been let down again and again by a political system that has protected tax breaks for the wealthy over creating jobs and opportunities for working families.

I hope we will have another chance to decide whether to debate a jobs bill, and I hope every Member of this Chamber will say yes to taking and shutting down tax breaks, \$20 billion a year for oil companies that are stashing that money in the bank and not creating a single job with it, and instead take that \$20 billion and put it to work on energy retrofits, which is, according to every economist, the best bang for the buck we could possibly have in creating jobs. You cannot outsource a single bit of the labor, and virtually all of the products are made right here in our economy, from the pink cotton candy insulation to the double-paned windows to the caulk. That is just one example of the kind of conversation we should be having.

We should be having a conversation about whether we should be helping our school districts hire teachers. Some will agree, some will not, but let's have the debate. If someone wants to propose an amendment and say we don't want to help our school districts, we can do something better to create jobs, let's have that debate. Let's not sit on our hands when American families are suffering. Let's get to work and create jobs that the families across America need.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Tennessee.

Mr. ALEXANDER. Are we in morning business?

The PRESIDING OFFICER. Yes.

EDUCATION REFORM

Mr. ALEXANDER. Mr. President, I am delighted the Senator from Colorado is in the chair when I speak. I

want to speak on a subject where he is the foremost expert on the day-to-day operation of school systems. He will appreciate and understand what I am about to say in ways that many people will not.

Yesterday I had a telephone conversation with a member of an editorial board of a prominent newspaper in this country who asked me this question. She said: Senator ALEXANDER, how can you and the National Education Association possibly be together on the teacher evaluation question? How can you justify that? Then she said: When has the NEA ever done anything to encourage the evaluation of school teachers? That is a good question. Both questions are good questions. What she was referring to, of course, was the draft announced yesterday by Senator HARKIN and Senator ENZI, who are the ranking members of the Senate committee that handles education.

It included a provision on evaluation of teachers and principals. At my suggestion, and that of others, but contrary to the suggestion of a number of people, it does not include an order from Washington that all 15,000 school districts have a teacher and principal evaluation system. It does not include a definition of what it should be, and it doesn't include the opportunity for the Education Secretary, whoever it may be, to then issue a number of regulations defining what a teacher and principal evaluation system would be in Denver or in Maryville or in Nashville. What it does include is the following: For the first time it specifically allows a State to spend its title II money that is the \$2.5 billion of Federal funds that goes to States. It allows that money to be spent to design and implement a principal-teacher evaluation system that is related to student achievement.

In my view, that is the holy grail of public education. If we could ever figure out how to do that and to get everybody to do it, I think it would do more than any other single thing we could do to help our children learn what they need to know and be able to do, except some law that would make everybody better parents, and I don't know how to pass such a law. So that is the first thing the Harkin-Enzi draft includes about teacher and principal evaluation.

In Tennessee, for example, that would mean there would be about \$41 million this year that could be spent for that purpose. There are about 63,000 teachers in Tennessee, so that is about \$660 per teacher per year of Federal funds that could be used to design and implement a teacher and principal evaluation system related to student achievement. This is the first time that has been specifically allowed.

Secondly, there is something in the draft legislation called the Teacher Incentive Fund. Many school superintendents, such as the distinguished

Senator from Colorado, know that program very well. We know in Tennessee because of the work in Memphis. Basically it is a grant that was included as a result of language in No Child Left Behind. Secretary Spellings then beefed up the program, got the money appropriated, and it recognizes the difficulty of figuring out how to reward and evaluate teachers in a fair way, especially if you are going to base compensation on that. It says, if you want to do it, we will give you some money to help you try to do it. So you can do it one way in Knoxville, another way in Denver, another way in Los Angeles. Hopefully what will happen over time is we will find lots of fair ways to reward outstanding teaching and determine outstanding teaching, and smaller school districts and other school districts can borrow ideas from one another. That has been a big success. Secretary Duncan supports it. It has support all the way around. President Obama has supported it.

The third thing that is available for helping develop teacher evaluation systems is a program called Race To The Top. There is \$700 million in Federal money for fiscal year 2011. That is a lot of money. States had to compete based upon, among other things, their ability to develop teacher and principal evaluation systems. I can brag about this because I had nothing to do with it, at least recently. My State of Tennessee won that competition. It won \$500 million, which has been spent to develop and implement an evaluation program for all the teachers in Tennessee.

Then there is another item in this draft which fits in here. I would call it the Secretary's report card. All previous Education Secretaries—and I am one of them—have tried to use the bully pulpit. So have Presidents. When I was Governor of Tennessee and we were working on a master teacher program, President Reagan came to Tennessee to say it was a good idea. That was very helpful to me at that time. He didn't say this is how you should do it. He said, I recognize what you are doing and I applaud it and encourage it.

Bill Bennett, when he was the Secretary of Education for President Reagan, went to Chicago and said they had the worst schools in the country. That made a lot of news.

But when a Secretary uses that bully pulpit, he can make a difference. We have a very good Education Secretary right now, Arne Duncan. What he now has at his disposal no one else has had before. He has 8 or 9 years of reporting requirements of schools all across the country, and there are about 100,000 public schools for which he has this information. He can go around the country and say: This is good. This is bad. I will put the spotlight here. I will brag on this. Let's do more of this. He can do that in a way that nobody ever could before.

So this is what is in the draft we are talking about that would for the first time get the Federal Government significantly involved in creating an environment for teacher-principal evaluations related to student achievement. One is \$2.5 billion of Federal dollars in title II. All of it can be used for this purpose if States want to. No. 2, there is the Teachers Incentive Fund. That was \$399 million this year. Race to the Top was nearly \$700 million. Then there is the Secretary's Report Card.

I responded to my editor, who called me, and said: Look, I know something about this. In 1983 and 1984, when I was Governor of Tennessee, we became the first State in the country to create a statewide system for rewarding outstanding teaching and paying those teachers based upon that.

At that time, in Tennessee—or anywhere in the country—not one teacher made one penny more for being a good teacher. Not one teacher made one penny more for being a good teacher. So that is what we did in 1983 and 1984.

She said: How hard could that be? Everybody knows some teachers are better than others. We all know that when we put our children into school. Everybody knows that. Why can't we evaluate teachers? How hard could that be?

Well, I was a little bit amused by that because those were exactly the same kinds of questions I was asking in frustration 30 years ago. I would say it to every college of education in the country. I could not find a single one that would help me in any significant way evaluate outstanding teaching.

Now, that may sound like an overstatement. But it is not much of an overstatement.

I had dean after dean, education professor after education professor say: You cannot do that. You cannot determine that one teacher is better than another one, especially if you plan to reward them, compensate them based upon that.

I found that patently ridiculous—patently ridiculous.

Just like the editor was trying to tell me every parent knows that. My mother put me in one first grade instead of another first grade in Maryville, TN, because she thought one teacher was better than the other. She had an opinion about that. She was a teacher herself, so perhaps she knew.

We all have those judgments to make. IBM hires a lot of education people. They have teachers and they know some are better than others and they pay them correspondingly. Colleges and universities hire a lot of teachers. They pay teachers all the way up the ladder, from lower amounts to very high amounts for distinguished professors. They can find a way to make a distinction, but somehow we got into this rut 30 years ago that said: We cannot make any distinction among teach-

ers based upon their ability to teach, especially related to student achievement, and then we especially cannot take the next step and pay some more than others.

The reason I thought that was such an urgent problem 30 years ago was because we cannot trap women in our schools anymore to teach. Women are in the marketplace now. That is what we did for many years. So if we want to attract and keep the very best men and women teaching in our classrooms, we need to be able to recognize excellence when we find it, to encourage it, and to reward it with compensation.

I can remember sitting around with a group of Governors in 1980 when the late Bill Clement, Governor of Texas, said to mostly a group of Democratic Governors: When is one of you—and he used another word—so-and-sos going to get the courage to take on the NEA? What he meant was, every single one of us knew that the National Education Association had its foot on everyone who tried to pay some teachers more than others.

Well, I was young and maybe did not know better, so in my second term I created a bipartisan commission with the Democratic leaders of the legislature, and we set out to figure out a number of things about education, including a master teacher program. The long and the short of it was, we did that. It took a year and a half of my time as Governor. I must have spent 40 or 50 percent of my time every day engaged in an ongoing brawl, mainly with the National Education Association, as to whether we could do this.

They defeated my proposals in the first year. I came back in the second year and won by one vote, and we put in place a voluntary program that before long up to 10,000 Tennessee teachers voluntarily went into a career ladder program, became master teachers, and many got 10-month and 11-month and 12-month contracts. It raised their pay. It improved their retirement. It gave them distinction. I have teacher after teacher come to see me today to thank me for that, including the current leadership of the Tennessee Education Association, whose organization killed the program after I left office.

So it is appropriate to ask: Senator ALEXANDER, why are you and the National Education Association in cahoots on any sort of teacher evaluation proposal?

Well, I want to say briefly why. A lot has happened since 1983, 1984. Governor Hunt, Democratic Governor of North Carolina, and others have worked to create the National Board for Professional Teaching Standards. The NEA and the American Federation of Teachers both participated in that. That was a step forward in recognizing and certifying outstanding teachers.

AFT, the American Federation of Teachers, has always been open to this

proposal. I remember the late Albert Shanker telling me: Well, if we have master plumbers, we can have master teachers, especially if you are going to pay them more. He invited me to come out to his national convention in Los Angeles to talk about it.

President Bush and Secretary Spellings, with the Teacher Incentive Fund, and President Obama and Secretary Duncan, who have taken a lead on this, despite the fact that it is not popular with many of the constituents of their party, have stuck their necks out on this, and I applaud them for that.

The Gates Foundation has put money behind it. Bill Gates has told me personally this is one of the two things he wants to do in education with the time and the money he has.

So there is a consensus. Everybody might not say, as I do, it is the "Holy Grail" of K-12, but there is a consensus that finding fair ways to reward outstanding teaching through teacher and principal evaluation related to student achievement is urgently important.

So it is very tempting just to pass a law in Washington to say: Let's order it. Let's just do it. Well, that is not the way things work in the United States of America. We did that with professional development. The law now says, with all that \$2.5 billion: Do it. Have professional development programs.

I do not know what the Senator from Colorado thinks, but my view—and I do not think Secretary Duncan would mind my repeating his comments often—that is the biggest waste of money we have in the Federal education program. It is not well used. We say: Do it, and so they have all these programs. Teachers know it is a waste of time, and everybody knows it is a waste of time. We are not spending that money wisely.

So why are we to think, if we just say, create a teacher evaluation system all across the country in 15,000 school districts, people will just say, OK, they have to do it to get the money, and they will just do it? I think it would be the kiss of death for the whole movement. Although it is tempting to do it that way.

Then, yesterday, on my way up here, in my little hometown of Maryville, TN, I picked up the newspaper and it reminded me of why I so strongly believe it is a good idea to create an environment in which school districts and States can create teacher and principal evaluation systems and it is a bad idea to order it, define it, and regulate it from Washington.

Here is the headline. I mentioned this yesterday in my remarks on the floor: "Evaluation of Teachers Contentious."

Now, here is the State of Tennessee—Mr. President, could I ask unanimous consent for 3 more minutes?

Mr. MORAN. Mr. President, I certainly have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I thank the Senator from Kansas, and I will kind of speed up my comments a little bit. But I might take 4 minutes, unless that is a problem.

Mr. MORAN. I certainly have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I thank the Senator from Kansas because I would like to make my point, if I may.

Remember, the State of Tennessee won Race to the Top. It has been working on teacher evaluation for 25 years. It developed the Sanders Model, which was the first real way that we related student achievement to teacher performance. May sound easy. It is pretty hard. Nobody else would do it.

This professor at the University of Tennessee's Agriculture Department, a statistician, said: I think I can do it. He did it, and it is being used all around the country in many places—but not everywhere. Some do not have confidence in it.

So Tennessee wins \$500 million in Race to the Top—to do what? Have a teacher and principal evaluation program. Here they are doing it. Twenty-five years of experience, and it is the front page news: "Evaluation of Teachers Contentious"—all the struggles with that program.

Then we get here into what is involved. It says:

Under the new system—

This is the Tennessee system of evaluation—

tenured teachers will be evaluated at least four times each year. Nontenured teachers will be evaluated at least six times each year. . . .

Teacher effectiveness ratings are calculated using a formula that is 50 percent qualitative and 50 percent quantitative. The quantitative portion combines student growth (35 percent) and student achievement (15 percent).

Now, they are having a tough time down in Maryville, TN, and Nashville, TN, about implementing their own proposal. It says:

State officials are also traveling across the state to meet with stakeholders.

The state Department of Education's Advisory Group will bring revision recommendations to [the] Education Commissioner. . . .

That's Kevin Huffman, one of the best in the country.

Based on the proposed revisions, the recommendations might need to be brought before the State Board of Education.

Do we really want them to come to Washington after they get through with that and say: OK, now we have it figured out. We are having a really hard time doing it. You tell us what to do. You define what we ought to do. And may we please have your permission to do things this way instead of that way? I think not. I think that

would be the kiss of death for any movement for teacher-principal evaluation.

So my plea is that we show some restraint, that we recognize that just a little movement here makes a big difference there when we are dealing with 3.2 million teachers, when we are dealing with 100,000 schools, and 15,000 school districts.

Secretary Duncan, whom I greatly admire, says:

A comprehensive evaluation system based on multiple measures, including student achievement, is essential for education reform to move forward. We cannot retreat from reform.

He is exactly right. But that does not mean we need a national school board. That is what a Governor, a legislator, a school district, local people ought to be doing, working with teachers.

So the NEA and I may have the same position today on whether to have a mandate definition and regulation from Washington on teacher evaluation. We may agree. I cannot speak for them. But I will be watching—as I did 30 years ago, as I did 15 years ago, as I did 20 years ago as Education Secretary—to see what they are doing in Tennessee.

Are they making it easier for Kevin Huffman and the Governor and the legislature to implement this award-winning teacher evaluation program or are they making it harder?

So I hope we will have a good, full debate as we move to the markup in the next few days. I respect the enthusiasm of all those who want to begin a process for teacher and principal evaluation. I would like to believe that no one wants it to move more than I do. I have watched it for 30 years. I have fought everyone who is against it for 30 years, and I strongly believe the right way to do it is to recognize that education is like jobs. Both are national concerns, both are of interest to the Federal Government, but we cannot create them from here. We have to create an environment in which local people, State people, can create better schools and create better jobs, and, in this case, a mandate definition and regulation from Washington, a national school board, would be a terrible error.

I thank the Presiding Officer, and I thank the Senator from Kansas for his courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I commend the Senator from Tennessee for his remarks. I believe that while what happens in Washington is important, we really do change the world one person at a time, and it happens at home in classrooms across America each and every day, and there is no more noble profession, other than parenthood, than that of a teacher. They make a tremendous difference in the lives of

Americans each and every day, and I commend them for that. I also commend the Senator from Tennessee for his passion for education.

RECOGNIZING THE ARTHUR D. SIMONS CENTER

Mr. MORAN. Mr. President, I want to talk about education that is occurring at Fort Leavenworth, KS. I want to call my colleagues' attention to the important work that is being done in our Nation's heartland to educate the next generation of military leadership at the Command & General Staff College. The CGSC is the intellectual center of the U.S. Army and has trained many of our Nation's legendary leaders: Generals Marshall, MacArthur, Patton, Eisenhower, Arnold, and Bradley. Today, the college continues to prepare a new generation of leaders who are tasked with protecting our country from threats here at home and abroad, around the world.

The 21st-century national security challenges we face are often complex and require the cooperation of several Federal agencies. It is not uncommon for officials from the Department of State to be working alongside the Department of Homeland Security or Department of Defense on the same project. From the provincial reconstruction teams in Afghanistan to responding to hurricanes or manmade disasters, the capability of agencies to work together is vital to the success of this mission. By working together and learning from previous mistakes, our government will become better prepared to keep our country safe and secure.

To improve coordination within agencies tasked with our national security, the Command and General Staff College Foundation, under the leadership of retired COL Bob Ulin, established the Arthur D. Simons Center for the Study of Interagency Cooperation at Fort Leavenworth in Kansas. Thanks to a very generous financial gift from Ross Perot, the center was created last April and named after Mr. Perot's good friend, retired COL Arthur "Bull" Simons, who led a rescue mission of U.S. Special Forces to free American prisoners in Vietnam in 1970. The Simons Center focuses on generating solutions to challenges often encountered when government agencies must work together. By drawing on real-world experience, the Simons Center works to facilitate broader and more effective cooperation within our government at the operational and tactical levels through research, analysis, publications, and outreach.

The center is also actively engaged in working with Members of Congress. Most recently, the center has been working with the Senate Homeland Security and Governmental Affairs Committee, of which I am a member, and

on legislation to help facilitate better communication and coordination among personnel in the national security and homeland security fields.

The Interagency Personnel Rotation Act is scheduled to be considered in committee tomorrow and would give security professionals the opportunity to work alongside one another in a different agency for a period of time. The bill reminds me of the old saying "Before you judge a man, walk a mile in his shoes." By giving staff the opportunity to work within another agency—to walk within his shoes—I imagine perspective will change and cooperation will increase. If the legislation is approved by Congress, the Simons Center will play a role in implementing these policies.

In addition to offering policy recommendations, the center also partners with several organizations to host conferences focused on how to improve interagency coordination. For example, the center recently cohosted a symposium on interagency transitions in Iraq, Afghanistan, and beyond with the Combined Arms Center and the U.S. Institute of Peace. Conferences such as these help provide senior government officials a helpful forum to further analyze ongoing challenges and develop practical solutions.

I wish to thank the center's executive director, Ted Strickler, who joined the center after a 30-year career in the State Department, for his hard work over the past year to get the center up and running. I also wish to recognize retired COL Bob Ulin of the Command and General Staff College Foundation for his ongoing dedication to this important initiative. Under the colonel's leadership, the foundation has successfully supported our country's oldest and largest military staff college in its mission to educate the next generation of our military leaders.

Finally, I urge my colleagues to take a closer look at the valuable work taking place at the Simons Center. We all recognize the importance of improving our government's ability to harness the strength of its various agencies. By promoting interagency cooperation, the Simons Center is helping to strengthen our national security capabilities so that our country and its citizens are better prepared for their future.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2112

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, October 19, when the Senate resumes consideration of H.R. 2112, the vehicle for the Agriculture, CJS, and Transportation-HUD appropriations bills, the time until noon be equally divided between Senators MCCAIN and BOXER or their designees for debate on the McCain amendment No. 739; that at noon, the Senate proceed to vote in relation to the McCain amendment No. 739; and that there be no amendments or points of order in order to that amendment prior to the vote other than budget points of order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

TRIBUTE TO JUDGE DAVID A. TAPP

Mr. MCCONNELL. Mr. President, today I wish to recognize the Honorable Judge David A. Tapp, an exemplary Kentuckian and recent recipient of the National Association of Drug Court Professionals, NADCP, prestigious "All Rise Leadership Award." Judge Tapp currently serves as a circuit court judge for Lincoln, Pulaski, and Rockcastle Counties in my home State of Kentucky.

Judge Tapp was honored at the NADCP Annual Training Conference that was held in July in Washington, DC. The annual conference is considered the world's largest on substance abuse and the criminal justice system. Chris Deutsch, director of communications for the NADCP, praised Judge Tapp for being an outstanding ambassador for drug courts both in Kentucky and around the world saying, "It is an honor for the NADCP to present Judge Tapp with this award." Judge Tapp was recognized alongside actors Martin Sheen, Matthew Perry, and Harry Lennix during the closing ceremony of the event.

Let me add here that I had the pleasure of seeing Judge Tapp here in Washington this past July when he attended the NADCP conference. I was honored to be presented with the NADCP's "All Rise Leadership Award," and one of those presenters was Judge Tapp himself. I am a longtime supporter of Kentucky's drug courts and was pleased to meet with Judge Tapp and his fellow Kentucky drug court judges on this important issue. He is truly an impressive fellow.

In addition to his regular duties as a circuit judge, Judge Tapp volunteers his time in presiding over the drug court for the three counties and has been doing so since 2005. The drug court is similar to some 2,700 others nationwide and serves seriously drug-addicted individuals through intense treatment and supervision, says Judge Tapp.

"I do drug court for the small moments," said Tapp. "At some point during the process you look at them and you see a new confidence. You see a gleam in their eye that wasn't there before, and you know that they get it. I take great pride in these efforts and applaud the hard work and dedication of all drug court staff members. These people volunteer their time and effort to do good deeds for thousands of people within the Commonwealth annually and they get almost no recognition for these efforts. They deserve a great amount of credit."

I would ask all of my Senate colleagues to join me in congratulating the Honorable Judge David A. Tapp in receiving such a distinguished award for his efforts in rehabilitating drug offenders. Judge Tapp's work in drug court is commendable and he has served as a model for others in Kentucky and around the country. The Pulaski County Commonwealth Journal published an article in September highlighting Judge Tapp's accomplishments. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Pulaski County Commonwealth Journal, Sept. 30, 2011]

TAPP WINS PRESTIGIOUS JUDICIAL AWARD

A local judge received a prestigious award earlier this summer for his efforts as part of a national program that aims to rehabilitate drug offenders.

Pulaski County Circuit Court Judge David A. Tapp was awarded with the National Association of Drug Court Professionals "All Rise" award during a star-studded conference in Washington, DC.

"Judge Tapp is an outstanding ambassador for Drug Courts both in Kentucky and around the world," said National Association of Drug Court Professionals Director of Communications Chris Deutsch in a press release. "His work in Drug Court has affected countless lives and his interview with Congressman Rogers will be critical to helping Drug Courts maintain funding in the coming budget cycle."

"It is an honor for NADCP to present Judge Tapp with this award," Deutsch continued.

The NADCP Annual Training Conference is considered the world's largest on substance abuse and the criminal justice system, according to a press release provided by the NADCP. This year's event took place from July 17 to July 20 and brought nearly 4,000 state and federal justice leaders, celebrities, judges, prosecutors, defense attorneys, clinicians, police and probation officers, military veterans, business owners, Drug Court graduates and their family members to the nation's capital. Tapp was recognized along with actors Martin Sheen, Matthew Perry and Harry Lennix during the closing ceremony of the conference on July 20.

Tapp was honored for his role in securing and conducting an interview with Congressman Hal Rogers (R-KY), Chairman of Appropriations in the U.S. House of Representatives, last December for NADCP's All Rise Magazine.

"The interview was so successful that it was featured as the cover story of the quarterly," stated the press release.

During the interview, Tapp asked Rogers if he felt it was important to further expand Drug Courts to reach more individuals.

According to the press release, Rogers responded, "Yes, I'd like to see Drug Courts available everywhere. I've seen how effective they are. We did not have Drug Courts in my district and now that we have them, I've seen the difference that they can bring."

Tapp's remarks "brought nearly 3,700 attendees to their feet," stated the press release.

"I do Drug Court for the small moments," said Tapp upon receiving the award. "When you look at an offender who has struggled . . . and at some point during the process that small moment comes where you look at them and you see a new confidence."

"You see a gleam in their eye that wasn't there before, and you know that they get it. That's why I do Drug Court."

Tapp, who serves Pulaski, Lincoln and Rockcastle counties, has presided over Drug Court since 2005. Circuit Court Judge Jeffrey T. Burdette also serves as a Drug Court judge for Pulaski, Lincoln and Rockcastle counties.

The judges volunteer their time to preside over Drug Court.

"This Drug Court, like the nearly 2,700 in existence nationwide, serve seriously drug-addicted individuals through intense treatment and supervision," the press release stated.

Nationally, Drug Courts have been proven to significantly reduce drug abuse crime and recidivism while saving money, according to the press release.

"Drug Courts are one example of successful efforts made by criminal justice professionals to rehabilitate high-risk offenders," Tapp stated through the press release. "I take great pride in these efforts and applaud the hard work and dedication of all Drug Court staff members."

"These people volunteer their time and effort to do good deeds for thousands of people within the commonwealth annually, and they get almost no recognition for these efforts," Tapp continued. "They deserve a great amount of credit."

TRIBUTE TO LOUISVILLE PLATE GLASS

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a native Louisville business that is celebrating its 100th anniversary this year, Louisville Plate Glass, and the company's owner, my good friend, Bill Stone. Louisville Plate Glass specializes in custom glass products such as laminated and insulated glass and was founded in 1911. The company is among an elite group of Louisville firms that have survived 100 years of business success.

Louisville Plate Glass has been hit hard by the struggling economy and faltering housing market that we are all familiar with, due to its close attachment to the real estate industry. Owner Bill Stone, 75, reclaimed ownership of the business in 2009 in order to ensure the business stays afloat. At the time, Bill was a partner in parent company United Glass Corp. when it announced its plans to sell Louisville

Plate Glass to consolidate the company's business into other holdings outside the State.

Bill's pride took control however, and he decided to trade in a portion of his shares in United Glass Corp. to independently reacquire Louisville Plate Glass. "It's not about money," Bill said. "It's about pride now. It's about making it a success again." Bill says he is taking a "survive-and-advance" strategy with the business until the real estate market picks up again, and he rarely takes a salary from the company to further help company profits.

Louisville Plate Glass has recently had major projects at William Paterson University in Wayne, N.J., and also an outlet mall in New Hampshire, and Bill is optimistic that the real-estate industry will pick up soon and the business will grow. The company is also responsible for work on other notable projects in my hometown of Louisville, including Churchill Downs, the Humana Building, Louisville Slugger Field, Preston Pointe, and the University of Louisville Medical Faculty Building.

Bill is currently flirting with the idea of adding a tempering plant to grow the business. He says there is a "50-50" chance that he will invest in the new plant, which would add 20 employees and would bring in-house the production of safety and architectural glass work that is currently outsourced. The new plant would require several million dollars in investment, and Bill says his decision will be based upon whether he can secure State or local funding for the project.

"I take a great deal of pride in this business," says Bill, as he is determined to protect the 30 employees currently working at the company's headquarters on West Broadway. For anyone who is concerned with surviving the current down economy in similar fashion, Bill has three suggestions: always keep a strong balance sheet with cash reserves even when times are good, build the best product and provide the best service and the money will follow, and finally, answer every client phone call and customers will take notice.

Mr. President, I would ask all of my Senate colleagues to join me in congratulating Louisville Plate Glass as it celebrates its 100th anniversary. Owner Bill Stone's wisdom and effective business practices will, I hope, provide the company with great opportunities for success moving forward. Louisville Plate Glass is an inspiration to the businesses of Louisville and the people of Kentucky, and it is my hope the company will continue to prosper in the years to come. The Louisville publication, Business First, recently published an article recognizing the company's accomplishments over the past 100 years. I ask unanimous consent

that the full article appear in the RECORD as follows.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Business First, Aug. 26, 2011]

LOUISVILLE PLATE GLASS STRIVES TO SURVIVE AS IT MARKS ITS 100TH ANNIVERSARY
(By Ed Green)

Louisville Plate Glass Co. owner Bill Stone admits that he should be celebrating a major milestone.

His business, which traces its roots to 1911, is among an elite group of Louisville firms to last 100 years.

Stone, a longtime Louisville businessman, recognizes the achievement and said he is proud the firm has lasted this long. But he's not exactly jumping for joy. Louisville Plate Glass produces custom glass products, designing and assembling products such as insulated and laminated glass.

Its business is closely attached to the commercial real estate industry, so the company has seen declining business in recent years as real-estate development and construction practically halted, he said.

BACK IN BUSINESS

That's one reason Stone, 75, took back ownership of the business in 2009 from Louisville-based United Glass Corp., a partnership in which he was involved.

Now, he said, he is working to get the business back on its feet and protect the about 30 jobs remaining at the company's headquarters and plant on West Broadway.

"In our 100th year, we're taking a licking but keep on ticking," Stone said.

He declined to say whether the business remains profitable but said sales are in the "mid-seven figures" range and about 40 percent of the record levels set in 2007.

Employment has dropped from its peak of about 50, but none of the job cuts has come from layoffs.

Stone, who has been taking a salary from the business only rarely, said he doesn't want to sound like the situation is dire. But the last few years have been tough, he said.

"I feel a great deal of pride in the business," he said, adding that he could have retired with the money he earned from the business and other investments.

Instead, in 2009, he traded in a portion of his shares in United Glass, a company he helped found that owned several glass businesses, to re-acquire Louisville Plate. He declined to disclose the value of the sale, which was a cashless transaction, he said.

Stone's decision, he said, came after his partners said they were considering closing Louisville Plate Glass and consolidating its business into other holdings outside the state.

The partners sold the other United Glass assets earlier this year to Florida-based private-equity firm Sun Capital Partners Inc. for an undisclosed amount, and Stone now is involved only in Louisville Plate Glass, he said.

Officials with United Glass could not be reached for comment.

Stone said he is taking a "survive-and-advance" strategy with his business until commercial real estate picks up.

"It's not about money," he said. "It's about pride now. It's about making it a success again."

BUSINESS STARTING TO PICK UP AGAIN

Stone said that although there is no clear end in sight to the recession's impact on the real estate industry, he is optimistic that business will return.

The company recently had major projects at William Paterson University in Wayne, N.J., and at an outlet mall in New Hampshire.

Stone said much of the work in the past couple of years has come from the public sector, but he is starting to see more plans coming together for private commercial real estate projects.

There also is a lot of interest in improving the efficiency of windows, which is one of the company's niches.

And Louisville Plate Glass has started selling fire-rated glass that acts as a barrier to heat and is required in many large buildings, such as schools, hospitals and public institutions.

OPPORTUNITY FOR GROWTH

Stone has not decided whether he will invest in growth but said the chances are about "50-50" that he will add a tempering plant to his Louisville operation.

The project would require an investment of several million dollars and would add about 15 to 20 employees.

The plant would bring in-house the work, which creates safety and architectural glass through heat treatments. The company currently outsources the tempering work.

Stone said his decision likely will be based on whether he can secure state or local incentives for the project. He added that he has not yet sought help.

"I just haven't decided if, at this point in my career, I want to make that kind of investment."

NOTABLE PROJECTS

The following local structures have used Louisville Plate Glass Co.'s products:

Churchill Downs
Fleur de Lis condominiums
The Green Building
The Humana Building
Louisville Slugger Field
Preston Pointe
University of Louisville Medical Faculty Building

THREE TIPS TO HELP MAKE IT THROUGH THE TOUGH TIMES

Bill Stone offered these suggestions for how small companies can survive when business is off and profits are down.

1. Don't take all the profit out of a business when times are good. Make sure the business keeps a strong balance sheet with cash reserves. "Almost every mistake can be traced to instant-gratification desires," Stone said.

2. "It sounds trite, but build the best product and provide the best service, and the money will follow," he said, adding that young businesses often are too focused on the bottom line.

3. Answer all phone calls, letters and other forms of communication promptly, and clients will take note. "Do not screen calls," he said, adding that staff at his office never asks callers who they are. Instead, he said, he takes all calls if he is available.

VOTE EXPLANATION

Ms. CANTWELL. Mr. President, due to the funeral of former Washington State Governor Rossellini, I was unable to attend yesterday's session to vote on the nomination of Cathy Bissoon to be a U.S. district judge for the Western District of Pennsylvania. Had I not been in Washington State, I would have supported the nomination.

ADDITIONAL STATEMENTS

AMERICAN RUSSIAN CULTURAL COOPERATION FOUNDATION EXHIBIT

● Mrs. McCASKILL. Mr. President, I wish to congratulate and commend the Honorable James W. Symington and the American Russian Cultural Cooperation Foundation on the success of their exhibit "The Czar and the President, Alexander II and Abraham Lincoln." Housed in the magnificent Palace of Catherine the Great in St. Petersburg, Russia, and the State Archives of the Russian Federation in Moscow, the display included an impressive collection of documents, art, and personal artifacts of Czar Alexander II and President Lincoln.

The exhibit debuted in St. Petersburg with great fanfare on April 26, 2011, with representatives from the American Russian Cultural Cooperation Foundation, ARCCF, and Russian government officials in attendance. Russian Minister of Culture, Mr. Alexander Avedyev, and ARCCF chairman James W. Symington, presided over the ribbon cutting, while the Kremlin's Presidential Band provided entertainment. The exhibit was widely covered by the Russian media, and featured in the Washington Post and the New York Times.

Timed to correspond with the 150th anniversary of the emancipation of the serfs and the beginning of the Civil War, the exhibit explored the commonality of Czar Alexander II and President Lincoln as liberators who ultimately met a tragic end. Although they never met personally, they exchanged warm correspondence, and shared a somewhat unexpected friendship. Through a study of these two leaders, visitors became acquainted with the often unexplored history of mutual respect and friendship during the Civil War era.

"The Czar and the President" closed on July 31 after receiving rave reviews. Reviews of the exhibit can be read below. I hope my colleagues will join me in congratulating Mr. Symington and the ARCCF, and thank them for their continued dedication in preserving the cultural and historical ties between the United States and Russia.

Mr. President, I ask to have printed in the RECORD a copy of the text of the guest book.

The material follows.

THE GUEST BOOK FROM THE EXHIBITION, THE CZAR AND THE PRESIDENT, ALEXANDER II AND ABRAHAM LINCOLN, THE LIBERATOR AND THE EMANCIPATOR

FOREWORD

Years ago I came across an obscure amount of US-Russia relations during our Civil War. Tsar Alexander II's favorable disposition toward our Union and his friendly correspondence with President Lincoln were pages missing from my school and college

textbooks. Even the goodwill visits Russian fleets in 1863 to New York and San Francisco during our time of trial had been erased from memory to say nothing of the eloquent dispatch sent in 1861 by Russia's Chancellor, Prince Gorchakov to his Minister in Washington, Gustav Stoekl which reads in part:

"For the more than eighty years that it has existed the American Union owes its independence, its towering rise, and its progress, to the concord of its members, consecrated under the auspices of its illustrious founder, by institutions which have been able to reconcile order with liberty . . . In our view, this Union is not only a substantial element of the world political equilibrium, but additionally, it represents the nation towards which our Sovereign and Russia as a whole, display the friendliest interest. . .

In all cases the American Union may count on the most heartfelt sympathy on the part of the Sovereign in the course of the serious crisis which the Union is currently going through . . ."

These sentiments*, made manifest by the good will visits of Russian fleets to New York and San Francisco in 1863, had to be reassuring to a President rightly concerned over the possibility of foreign intervention inimical to his cause.

It was the purpose of our Tsar and President exhibit to acquaint Russian citizenry and officialdom with this vivid history of accord and mutual respect. I trust the attached citizen reaction warrants the claim, "mission accomplished".

James W. Symington
Chairman
American Russian Cultural Cooperation Foundation

*Translated from Russian by Dr. Jay Strickland Ryfa, Counselor to the American Russian Cultural Cooperation Foundation

A wonderful exhibition from an educational point of view and as a general idea. The parallel between the Czar and the President is quite unexpected. It was very interesting with a lot of wonderful exhibition items. Thank you from the press.

Editorial staff of Rossiyskie Vesti
Editorial staff of Min Novostey

A wonderful and a very interesting exhibition! Thank you very much for a subtle approach toward these two individuals! Many thanks to the organizers of the exhibition.

S.M. Yemelyanova, the Museum of the Moscow Kremlin

A remarkable idea of the exhibition and its realization.

With gratitude, the Kokoshkin family
Very Educational!
Thank you!

A very good exhibition, especially for our time, when anti-Americanism is on the rise.

The exhibition is informative and well organized! It helped us to compare what seemed to be different historical events and filled the gaps in our knowledge of history. Thank you.

The Kryuchkov family

Thank you to the organizers of the exhibition. The best gift one can think of in honor of the February 23 holiday is not only to men but also to women, the Muscovites and the guests of our capital city. To all of us who love history.

February 23, the Timoshevsky family

Thank you to the organizers if the exhibition and congratulations on the day of De-

fenders of the Fatherland. Everything was organized splendidly. I saw many new documents, exhibits, and copies. Pity that the genius like that of Alexander II and Abraham Lincoln is rare these days; while a socio-political mechanism capable of removing tyrants like Saddam Hussein and Muammar Gaddafi has not been invented. Picturesque canvasses, sculptures, and photographs are works of art. Thank you very much!

Sincerely,

S.I. Manuylov, engineer. February 23, 2011

Thank you very much for this very interesting and informative exhibition. The organizers succeeded in arranging the exhibits in a very logical manner. Thank you for the idea of comparing these two remarkable individuals.

Yulia and Tatiana. February 23, 2011

Thank you so much for an interesting and unusual exhibit!

Bulat and Marina Guzairov

A very informative exhibition.

Sincerely, Anna and Victor Shakhmatov

A splendid exhibition. Very informative. Thank you!

Retired

A unique exhibition. It is very informative and tastefully executed. Thank you very much.

A Candidate of Technical Sciences

Very informative and interesting exhibition. Thank you very much. 02.24.2011

Thank you for the informative exhibition! I hope that the links between Russia and the United States will continue to grow, and historical parallels will be justified! 02.24.2011

Thank you very much for the exhibition. I felt as if I had visited another dimension, a different world. I felt proud for once great Russia. Will we be able to bring it back one day?

Svetlana, a homemaker, 02.24.2011

Thank you to the organizers of the exhibition for a huge work. The exhibition is very enriching and instructive.

Staff of the Museum of History of the Moscow State University, 02.25.2011

It was interesting to see personal belongings of Abraham Lincoln.

A student of the Sholokhov Moscow State Humanitarian University

A splendid exhibition!!! Thank you!

Students of the 10th Grade, School No.: 875

Thank you very much from a colleague, a graduate student at the Department of History of the Moscow State University. February 25, 2011

Instructive, informative, professional! Deep gratitude to the colleagues from the State Archives of the Russian Federation and the museums participating in this project. The exhibition is interesting, enriching, and timely. 02.25.2011

I enjoyed the exhibition immensely. Once again I came in close touch with Russian history. Thank you very much and further successes! 02.25.2011

A wonderful project and very timely for contemporary Russia. 02.25.2011

The exhibition is unique and emotional. It makes one think about history of both countries, which one should know and should not forget. Thank you to the State Archive and the Museum of History.

Tiutchev Museum in Moscow, February 27, 2011

It would be nice if our stately rulers paid a visit to the exhibition. Perhaps they might learn lessons from history and hopefully understand it. 02.26.2011

I completely agree with your statement.

A wonderful exhibition! Excellent staff. They deserve bonuses.

It is interesting to note that ever since then until today the Americans and the Russians never fought each other with guns. Let it be like this in the future! 02.27.2011

I learnt many new things. I was impressed with the exhibited items. The exhibition is interesting and expert. Thank you.

Thank you for expertly executed exhibition, rich, and instructive. We examined the exhibition with great pleasure. Thank you very much!

I.P. Dobysh, G.

Yu. Geatsintova

02.27.2011 Thank you very much to the organizers of the exhibition.

Dear organizers of the exhibition! I would like to thank you wholeheartedly for great pleasure to get in touch with history. I feel privileged to write these lines into the book created by true historians.

Sincerely yours, F. Melentyev

02.27.2011 To the organizers of the exhibition. It is very interesting and informative.

March 2, 2011. Thank you for the exhibition. Did they show it in the United States?

March 2, 2011. An interesting exhibition. I learnt a lot of new things. What complicated lives! High professionalism of the organizers of the exhibition. Thank you. It is strange that the exhibition is free of charge—the Archive could have used the money.

Sincerely, Zvonareva

March 2. The exhibition is interesting and informative. What a pity that our contemporary czars in contrast to the former do not treat Americans well, as well as their own people.

A. Kolokoltsev

Thank you very much to the organizers of the exhibition. It is a splendid idea to compare the lives of two remarkable men and to demonstrate the role of an individual in history.

A student of the Lomonosov Moscow State University

03.02. Thank you very much for this exhibition. Many genuine historical items. I liked it very much.

Natalya

03.02.11. While looking at this exhibition, one cannot help feeling a special sympathy toward the world history of humanity. This sentiment is caused by this wonderful exhibition.

03.02.2011. Thank you very much to the staff of the State Archives of the Russian Federation and their American colleagues for a wonderful and informative exhibition. Let the relations between our countries be always friendly as they were in the nineteenth century, thanks to the efforts of the Emperor Alexander II and President Lincoln.

Thank you for an interesting exhibition and the guided tour by Tatyana Fedorovna.
—Students

A bow to all who care about history and glory of the Fatherland. Thank you! 03.05.11.

The exhibition is quite modest. Too many accents were made by Mme. Zakharova on the so-called "liberalism" and "liberal idea." Down with them! A slave's collar is a pinnacle of the exhibition. A replica for multi-million guest workers. Hail to Russia! Carthage will be destroyed!

Thank you very much! A very interesting, rich, and informative exhibition. 03.05.2011

The exhibition is well prepared and rich in content. I have seen many items for the first time. The texts were very helpful. Pity that the exhibition booklets were not available. I wish the exhibition was covered by the central TV and by the press so that more people would learn about it. 03.05.2011.

Thank you very much! A very interesting exhibition. Especially the display of items of the Russian Emperor Alexander II.
03.06.2011 Smirnov

An interesting and well-presented historical exhibition. Something to remember. 03.06.2011.

Thank you very much for a wonderful exhibition. It is very well arranged. The exhibition turned out to be rich and memorable. Sincerely, Ylya and Irma 2011.03.05

The exhibition is "super"! I loved absolutely everything. And very important, it was free. Thank you very much. =)

The exhibition was so-so, but I liked it even though I hadn't read anything. I like the best the saber, the cartridge, and the rifle. 10 years. 03.03.2011

"You are a young fool! Study more and get smarter!"

A good exhibition. It would be nice to exhibit the entire correspondence between Lincoln and Alexander II. 03.06.2011.

The fate of both A. Lincoln and Alexander II was tragic. Russia and the United States do not have friendship that the President and the Czar Liberator were dreaming of.

Unfortunately, state people of this scale do not exist. And the liberated people are engulfed in wars, hypocrisy, avarice and godlessness. Help them Lord, to wake up and be worthy of the life on Earth!

March 6, 2011

In his speech in St. Petersburg in 1865, the Ambassador of the United States to Russia, Cassius Clay, said remarkable words: "I want peace for the whole world and peace between Russia and the United States for the longest time."

It would be nice for leaders and the government of the United States to remember this

"precept of the ancestors" and adhere to it in today's policy. They should not interfere in the internal affairs of other countries on other continents and not impose their will to bring their "democracy" on the bayonets. The bombardment of Yugoslavia was a war crime. In Iraq peaceful people are dying even today, and thousands and thousands are victims thanks to US interference. Now they are bringing their ships to the shores of Africa. Lincoln would have been ashamed of America today.

The exhibition is wonderful, deep gratitude to its organizers
79 years old. March 6, 2011

Deep gratitude and admiration to the authors of the project and the organizers of the exhibition.

Members of the Union of Friends of Bulgaria. 03.09.2011

03.10.2011. A surprising exhibition about our history. I wish it taught something to our ruling elite. We lost so much, poor Russia! Thank you very much to all who had worked on it.
G.V. Guseva

03.10.2011. Thank you very much for an interesting exhibition to dear staff of the State Archives of the Old Acts (and the State Archive of the Russian Federation). I was especially impressed by the Emperor's signature, "So Be It," the nautical maps of the depths of New York Bay, and the "sand box" of Lincoln's secretary.
Thank you!

A splendid exhibition! I cannot find words to express my enthusiasm. Marvelous! Many thanks to all organizers of the exhibition! All items are simply wonderful. We would not have been able to see it anywhere else! So much knew and previously unknown was revealed in these rooms. A deep bow to all staff of the State Archives. I wish everyone good health and happiness so that you would always bring us joy with such exhibitions.
Frequent visitor L.V. 03.10.2011

One recommendation: the descriptions of the items are printed in a very small font. Please, take these small flaws into account for future exhibitions.

03.11.2011.

The staff of the Russian State Archive of the Photo Document expresses deep gratitude to the organizers of the exhibition and a wonderful guided tour.

Sincerely,
The Archive Deputy

03.11.2011. Thank you for the exhibition, for knowledge, and for your efforts to pass it to the visitors.
State Archive

Thank you to the organizers for the idea of the exhibition and its implementation. Many interesting things, but the historians love dates. The first stands lack the dates of birth and death of Alexander II and Abraham Lincoln.

Thank you, Kilmov

Thank you for a wonderful exhibition, for your high professionalism, and love toward history and great people. A lot of interesting documents. I learnt a lot of new things.
Thank you. Sincerely. . .

Thank you very much to American and Russian organizers of the exhibition for the

opportunity to familiarize myself with priceless relics of the dramatic period in history of the United States and Russia, when the relations between two great nations were so friendly.

Sincerely,
I.S. Kuryanova

March 13, 2011. Thank you very much for the exhibition! Very interesting and informative.

O.V. Lipina
L.I. Borzova

Thank you very much for an informative and well-organized exhibition!
A. Ignatov

The originals! I am very happy to see them here. I received aesthetic pleasure. Thank you! 03.13.11.

Many thanks for such a remarkable exhibition.
Elena, Dmitry.
March 13, 2011
The Anniversary of the death of Alexander III

"Yes, there used to be people in our time. . ."
Retired. Moscow. 03.13.11.

We are grateful to the Exhibition Hall of the Federal Archives for the opportunity to get acquainted with the history of Russian and American relations. A remarkable exhibition, very informative.
O.I. Likhomanova
M.V. Klochkov

03.13.2011. One of the best exhibitions held by the Archives. Thank you very much.
Philatova, retired.

Thank you for a well prepared exhibition and the opportunity to refresh in our memory the great history of Russia.
Oleg and Olga Mikhaylov

I would like to express big gratitude to the organizers of the exhibition. The very idea of the exhibition is brilliant, and its implementation opens for the visitors a plethora of interesting facts from history of two great nations.

E.M. Spirina

Let the foundations of cooperation and friendship built by these two great leaders of our countries live and strengthen despite all. Thank you to the State Archives and the American side for the contribution to this noble affair.

Yu. F. Blochkarev,
retired in 1967–70
USA Department of the Ministry of Foreign Trade

The exhibition once again confirms the Universal Mission of Russia and the inevitable retribution for the sin of regicide.

With gratitude and respect to the organizers, E.A. Rusanov, 03.16.11

Thank you for a very good exhibition.
03.16.2011, Atlanta, GA, USA

A very interesting exhibition. Thank you very much! 03.17.2011.

I am a frequent visitor of your exhibitions. I leave this exhibition with a feeling of deep gratitude to the organizers of this exhibition. It is splendid and arranged with great taste. Carry on!

I.K. March 17, 2011

I liked everything. It was very interesting! Thank you for an interesting exhibition! Students of the Lomonosov Moscow State University express their gratitude to the organizers of the exhibition for the opportunity to get familiar with the heritage of two key figures in the history of the United States and Russia.
03.19.11

A wonderful exhibition! The US Club at the Moscow State University, 03.19.11

I learnt a lot. Thank you! Student from Kazakhstan, Moscow State University

Thank you very much for the exhibition. It was interesting to learn about such outstanding state figures. I am looking forward to future exhibitions!
Svetlana Abashina

Thank you very much for such an interesting and well-organized exhibition, for your contribution.
Sincerely . . .

I am grateful to the staff of the Archives, and the organizers of such monumental historical tours into the history of our country, including world history. "The Revolution always devours its children. New progressive ideas and the practical steps toward new life meet the resistance of reactionaries with the personal imperative of a master. A Russian person is always looking for a master. . . ." A.M. Gorsky "Master"

A very remarkable exhibition! Unique items from American Museums that rarely come to Russia. Interesting parallels between two statesmen. Thank you to the organizers for pleasure!
03.11.11.

Interesting! 03.20.2011

A staggering exhibition! I am used to good exhibitions at the State Archives, but this one is above all praise. One should bring here all schoolchildren. It is an exhibition like this that one should teach civil pride and not at phony classes at schools that teach patriotism. Having seen the exhibit, I understand that the United States and Russia have nothing to fight over; we are destined to peace and friendship by the historic destiny. If only everyone understood this! I will use the catalog of this exhibition in my classes. Thank you very much!
03.20.2011

Thank you very much for an interesting and informative exhibition. Pity that the catalog is too expensive. I wish there was one less expensive. Good luck and have more visitors!
03.20.2011

Thank you. As always, everything is very interesting and lucid. I wish there was an exhibition dedicated to Russian Empresses, beginning with Catherine the Great and ending with Alexandra Fedorovna and the Great Duchess Elizaveta Fedorovna, the wife of Great Duke Sergei Alexandrovich assassinated by a terrorist.

They were all from the European royal families, German, Danish.

Where does this tradition come from? Why? In the end, it did not bring prosperity to the Russian royal family, or the country.

Retired

Many interesting unknown data that slightly changed my opinions about the Northern States for the better. Thank you.

P.S. I would like to visit the Federal Archives to see more documents about it.

V.V. Smirnov

Thank you very much for the exhibition! As soon as I heard about it, I wanted to come and see it at once. I was not disappointed. I learnt a lot of new things. And I not only learnt but also felt of these two heroes as human beings. I felt that they lived not a long time ago, next to us. It turns out that even czars thought of people. I was surprised to find out that the Manifesto was being prepared by a whole team. It was not just a gesture. Thank you for bringing history alive.

03.24.2011, M.V. Zvereva

We need more exhibitions like this one!!!
03.24.2011

No words how tastefully and tactfully this exhibition is presented. Brilliant. Thank you very much.

R.D., 03.24.2011

Thank you very much for a wonderful exhibition! 03.24.2011

We express our sincere gratitude for this small, but bright and informative exhibition. We saw and learnt something new that we had not known before.

Chritina, 03.24.2011

Thank you very much for this exhibition! Students of the Department of History of the Sholokhov Moscow State Humanitarian University

We express our gratitude for the interesting and informative exhibition!

Students of the Moscow Institute of International Relations, 03.24.2011

Accept my gratitude for a wonderful exhibition. 03.24.2011

Thank you very much for the exhibition and a guided tour.

V.A. Deyneka, Chief Curator of the Exhibition Hall of the Moscow Archives, 03.24.2011

I pass my gratitude to staff member Larisa (that is how she introduced herself) who knew the material well and gracefully presented it. Special thanks to the organizers for their skillful arrangement of exhibits and documents, for the elegant design, not to mention the precise choice of the material for the exhibition.

Sincerely, Alekhina, the Moscow State Archive

The students of School No. 169 express gratitude for the guided tour and the wonderful exhibition!

The staff of RGANMD thank the tour guide Anna Sidorova for an informative and warm guided tour of this very interesting exhibition. 03.25.2011

I have already seen it three times. Well done! Great pleasure. Thank you very much.
03.25.2011, V.N. Akinin

A wonderful and noble idea, a timely exhibition. Maybe it will plant seeds of reason in our souls. Thank you.

Pokrovskaya

I attended the ceremonial opening of this remarkable exhibition in February, but resolved to return to visit it again to be able to spend as much time as possible examining the priceless exhibits and documents that have been collected here in one place. My sincere congratulations to the Russian and American organizers and curators, whose cooperation in this is a contemporary illustration of the spirit of common cause that the relationship between Lincoln and Aleksander exemplified. All of this is an inspiration to me in my daily work to forge a more constructive and productive relationship between our two great nations.

John Beyrle, U.S. Ambassador to Russia
12 March 2011

RECOGNIZING PALMYRA STATE BANK

● Mr. KOHL. Mr. President, I wish to recognize the 100th anniversary of Palmyra State Bank. I am honored to have the opportunity to celebrate this extraordinary milestone.

The Bank of Palmyra, founded in 1893, was the first lending institution to be established in the town of Palmyra, followed soon after by the chartering of the Farmers State Bank in 1911. In 1931, following the turmoil of the Great Depression, the town's two banks merged to form the Palmyra State Bank.

For over a century, Palmyra State Bank has dedicated itself to providing its customers with the highest quality banking services. As a locally owned institution, Palmyra State Bank has been a tremendous asset in helping promote economic growth throughout the community and the region. Even in the face of today's difficult economic times, Palmyra State Bank continues to flourish and has achieved a well-earned reputation for providing their customers with financial security and highly personalized service.

As you know, I have long held both personal and professional admiration for independent banks that are focused on strengthening communities in both the best and worst economic times. For more than 100 years, Palmyra State Bank has done just that and embodied the importance of building strong local connections.

It is for this commitment to providing every customer with the highest quality banking services, and for this bank's crucial role in community development, that I am proud to recognize 100 years of service that Palmyra State Bank has provided to the people of the State of Wisconsin.●

REMEMBERING GOVERNOR ALBERT D. ROSELLINI

● Mrs. MURRAY. Mr. President, I would like to pay tribute to a great American Governor, dedicated public servant, and community leader from the State of Washington, Governor Albert D. Rosellini.

Governor Rosellini has the kind of classic American story that so many of us can tell about our parents and grandparents. The son of Italian immigrants, he was born Jan. 21, 1910, in Tacoma, WA. His father, Giovanni, opened a saloon but was forced to close it during Prohibition. The family then moved to Seattle's Rainier Valley.

Rosellini was a graduate of the University of Washington law school in the early 1930s and was hired by King County prosecutor Warren G. Magnuson. He was elected to the State senate in 1938 and served for 18 years, during which time he championed the creation of the medical and dental schools at the University of Washington.

Rosellini was elected Governor of Washington in 1956 and reelected in 1960. His first term has been praised as one of the most effective and progressive in our State's history. In particular, he was credited with improving conditions in State prisons, mental hospitals, and juvenile homes. Rosellini fought for more modern facilities, training of staff members, jobs for inmates, and forestry camps for low-risk offenders. He also helped push for the creation of the SR 520 floating bridge across Lake Washington, from Seattle to Medina, WA, that bears his name today.

Governor Rosellini passed away on October 10, 2011, in Seattle at the age of 101. Rosellini's wife of 64 years, the former Ethel McNeil, passed away in 2002. Survivors include five children and 15 grandchildren. He will be missed dearly.

In addition to his many years serving the people of Washington State, Governor Rosellini also used his time and energy to mentor a new generation that wanted to get involved in government. He was one of the first supporters in my corner when I got into politics, and I know there are countless others across our State who benefitted from his advice and support over the years.

While the legacy Governor Rosellini leaves will be forever engrained in the State he loved so much, it will also be preserved through the men and women he boosted and supported who will continue building on his great work for Washington State families and communities.

I would like to ask my colleagues to join me in paying homage to Governor Albert D. Rosellini. He lived a long and full life and the people of Washington State will always be indebted to him for his role in shaping the future of our State. Our thoughts are with his loved ones at this time of great loss.●

RECOGNIZING NORTHAMPTON COMMUNITY COLLEGE

● Mr. TOOMEY. Mr. President, I am proud to recognize the growth of Northampton Community College as

they break ground on a new 200,000-square-foot campus in Monroe County. In the past 40 years, Northampton Community College has grown into a public, comprehensive community college, matriculating 36,000 students through their credit programs, workforce training, adult literacy, and youth classes.

The new campus will nearly double the capacity of its current Monroe County campus and enable Northampton to continue offering degree programs specifically targeted to meet the needs of the local community. For example, the new campus will house the Workforce Development and Training Center, which is projected to train more than 1,000 new, incumbent and displaced workers within five years of completion. Additionally, the expanded campus will serve the needs of the community by providing greater public meeting spaces and athletic fields for youth sports.

Furthermore, this project will assist in helping the community weather tough economic times by spurring economic growth, creating hundreds of new jobs for Pennsylvanians and generating millions in economic revenue activity.

I would like to congratulate Northampton Community College on reaching a great milestone and look forward to hearing of future achievements.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1720. A bill to provide American jobs through economic growth.

S. 1723. A bill to provide for teacher and first responder stabilization.

S. 1726. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

H.R. 2250. An act to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

H.R. 2273. An act to amend subtitle D of the Solid Waste Disposal Act to facilitate re-

covery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3589. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Tomatoes With Stems From the Republic of Korea Into the United States" ((RIN0579-AD33) (Docket No. APHIS-2010-0020)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3590. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3591. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Plastic Parts and Business Machines Coatings" (FRL No. 9479-6) received in the Office of the President of the Senate on October 11, 2011; to the Committee on Environment and Public Works.

EC-3592. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Drum and Pail Coatings" (FRL No. 9479-4) received in the Office of the President of the Senate on October 11, 2011; to the Committee on Environment and Public Works.

EC-3593. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Transportation Conformity Rule: MOVES Regional" (FRL No. 9478-1) received in the Office of the President of the Senate on October 11, 2011; to the Committee on Environment and Public Works.

EC-3594. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Miscellaneous Metal Plastic Parts Surface Coating Rules" (FRL No. 9478-4) received in the Office of the President of the Senate on October 11, 2011; to the Committee on Environment and Public Works.

EC-3595. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio and Indiana; Redesignation of the Ohio and Indiana

Portions Cincinnati-Hamilton Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter” (FRL No. 9480-6) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2011; to the Committee on Environment and Public Works.

EC-3596. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adhesives and Sealants Rule” (FRL No. 9480-5) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2011; to the Committee on Environment and Public Works.

EC-3597. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Virginia; Transportation Conformity Regulations” (FRL No. 9480-8) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2011; to the Committee on Environment and Public Works.

EC-3598. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Special Rules Governing Certain Information Obtained Under the Clean Air Act: Technical Correction” (FRL No. 9479-8) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2011; to the Committee on Environment and Public Works.

EC-3599. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Update to Materials Incorporated by Reference; Correction” (FRL No. 9480-3) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2011; to the Committee on Environment and Public Works.

EC-3600. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Keller v. Commissioner, T.C. Memo 2006-131” (AOD-2011-44) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Finance.

EC-3601. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “2011 Prevailing State Assumed Interest Rates” (Rev. Rul. 2011-23) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Finance.

EC-3602. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-155 “Unemployment Compensation Funds Appropriation Authorization Temporary Act of 2011”; to the Committee on Homeland Security and Governmental Affairs.

EC-3603. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-156 “Saving D.C. Homes from Foreclosure Temporary Amendment Act of

2011”; to the Committee on Homeland Security and Governmental Affairs.

EC-3604. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services to Belgium, France, Germany, Spain, Turkey and the United Kingdom for A400M Aircraft Oxygen Systems in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3605. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Halibut Fisheries; CDQ Program; Bering Sea and Aleutian Islands King and Tanner Crab Fisheries; Recordkeeping and Reporting” (RIN0648-AX97) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3606. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Head of the Cuyahoga, Cuyahoga River, Cleveland, OH” ((RIN1625-AA00) (Docket No. USCG-2011-0825)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3607. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; TriRock Triathlon, San Diego Bay, San Diego, CA” ((RIN1625-AA00) (Docket No. USCG-2011-0789)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3608. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Giannangeli Wedding Fireworks, Lake St. Clair, Harrison Township, MI” ((RIN1625-AA00) (Docket No. USCG-2011-0721)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3609. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Corporate Party on Hornblower Yacht, San Francisco, CA” ((RIN1625-AA00) (Docket No. USCG-2011-0690)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3610. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zones; August and September Fireworks and Swimming Events in Captain of the Port Boston Zone” ((RIN1625-AA00) (Docket No. USCG-2011-0671)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3611. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled

“Safety Zone; Myrtle Beach Triathlon, Atlantic Intracoastal Waterway, Myrtle Beach, SC” ((RIN1625-AA00) (Docket No. USCG-2011-0001)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3612. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Revolution 3 Triathlon, Sandusky Bay, Lake Erie, Cedar Point, OH” ((RIN1625-AA00) (Docket No. USCG-2011-0775)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3613. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zones; Fireworks Displays and Surfing Events in Captain of the Port Long Island Sound Zone” ((RIN1625-AA00) (Docket No. USCG-2011-0786)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3614. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Ryder Cup Captain’s Duel Golf Shot, Chicago River, Chicago, IL” ((RIN1625-AA00) (Docket No. USCG-2011-0847)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3615. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; M/V DAVY CROCKETT, Columbia River” ((RIN1625-AA00) (Docket No. USCG-2010-0939)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3616. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; East Coast Drag Boat Bucksport Blowout Boat Race, Waccamaw River, Bucksport, SC” ((RIN1625-AA00) (Docket No. USCG-2011-0672)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3617. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Thunder on the Gulf, Gulf of Mexico, Orange Beach, AL” ((RIN1625-AA00) (Docket No. USCG-2011-0734)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3618. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District, John H. Kerr Reservoir, Clarksville, VA” ((RIN1625-AA08) (Docket No. USCG-2011-0545)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3619. A communication from the Attorney-Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Chesapeake Bay Workboat Race; Back River, Messick Point, Poquoson, Virginia" ((RIN1625-AA08) (Docket No. USCG-2011-0741)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3620. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District; Wrightsville Channel; Wrightsville Beach, NC" ((RIN1625-AA08) (Docket No. USCG-2011-0629)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3621. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0917)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3622. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1310)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3623. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0471)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3624. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 190 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0216)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3625. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model MD-90-30 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0218)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3626. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Ap-

proach Procedures (31); Amdt. No. 3445" ((RIN2120-AA65) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3627. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (75); Amdt. No. 3444" ((RIN2120-AA65) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3628. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 767 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0957)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3629. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lycoming Engines Model IO-720-A1B Reciprocating Engines" ((RIN2120-AA64) (Docket No. FAA-2011-0604)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3630. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; WYTOWNIA SPRZETU KOMUNIKACYJNEGO (WSK) "PZL-RZESZOW"-SPOLKA AKCYJNA (SA) PZL-10W Turboshaft Engines" ((RIN2120-AA64) (Docket No. FAA-2011-0760)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3631. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Restrictions on Operators Employing Former Flight Standards Service Aviation Safety Inspectors; Correction" ((RIN2120-AJ36) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELLER (for himself, Mr. BOOZMAN, Mr. BLUNT, and Mrs. MCCASKILL):

S. 1727. A bill to direct the Secretary of the Army and the Secretary of the Navy to conduct a review of military service records of Jewish American veterans of World War I, including those previously awarded a military decoration, to determine whether any of the veterans should be posthumously awarded the Medal of Honor, and for other purposes; to the Committee on Armed Services.

By Mr. BROWN of Massachusetts:

S. 1728. A bill to amend title 18, United States Code, to establish a criminal offense

relating to fraudulent claims about military service; to the Committee on the Judiciary.

By Mr. BLUNT (for himself, Mr. CRAPO, Mr. MORAN, Mr. ISAKSON, Mr. LUGAR, Mr. CHAMBLISS, and Mr. RISCH):

S. 1729. A bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to clarify that manure is not considered a hazardous substance, pollutant, or contaminant under that Act; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 1730. A bill to permit Mexican nationals who legally enter the United States with a valid border Crossing Card through specific ports of entry in New Mexico to remain in southern New Mexico for up to 30 days; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mrs. FEINSTEIN):

S. 1731. A bill to improve the prohibitions on money laundering, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 1732. A bill to amend section 552a of title 5, United States Code, (commonly referred to as the Privacy Act), the E-Government Act of 2002 (Public Law 107-347), and chapters 35 and 36 of title 44, United States Code, and other provisions of law to modernize and improve Federal privacy laws; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TESTER (for himself and Mrs. HUTCHISON):

S. 1733. A bill to establish the Commission on the Review of the Overseas Military Facility Structure of the United States; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mr. CARPER):

S. Res. 296. A resolution commemorating the 50th anniversary of the Combined Federal Campaign; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ (for himself and Mr. PORTMAN):

S. Res. 297. A resolution congratulating the Corporation for Supportive Housing on the 20th anniversary of its founding; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Mr. ROBERTS, Mr. SANDERS, Mr. LEVIN, Mr. AKAKA, and Mr. BROWN of Ohio):

S. Res. 298. A resolution expressing support for the designation of October 20, 2011, as the "National Day on Writing"; considered and agreed to.

By Mr. BINGAMAN:

S. Con. Res. 32. A concurrent resolution to authorize the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 470, an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes; considered and agreed to.

ADDITIONAL COSPONSORS

S. 25

At the request of Mrs. SHAHEEN, the name of the Senator from Ohio (Mr.

PORTMAN) was added as a cosponsor of S. 25, a bill to phase out the Federal sugar program, and for other purposes.

S. 164

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 296

At the request of Ms. KLOBUCHAR, the names of the Senator from Nevada (Mr. REID) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 390

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 390, a bill to ensure that the right of an individual to display the Service Flag on residential property not be abridged.

S. 424

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 424, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 504

At the request of Mr. DEMINT, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 506

At the request of Mr. CASEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 652

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 652, a bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of an American Infrastructure Financing Authority, to provide for an extension of the exemption from the alternative minimum tax treatment for certain tax-exempt bonds, and for other purposes.

S. 939

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 939, a bill to amend the

Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 1133

At the request of Mr. WYDEN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1133, a bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes.

S. 1203

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1203, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 1212

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1212, a bill to amend title 18, United States Code, to specify the circumstances in which a person may acquire geolocation information and for other purposes.

S. 1217

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1217, a bill to amend title XVIII of the Social Security Act to provide coverage for custom fabricated breast prostheses following a mastectomy.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

S. 1350

At the request of Mr. COONS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of

S. 1350, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 1385

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1385, a bill to terminate the \$1 presidential coin program.

S. 1392

At the request of Ms. COLLINS, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1407

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1407, a bill to amend title XVIII of the Social Security Act to establish accreditation requirements for suppliers and providers of air ambulance services, and for other purposes.

S. 1427

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1427, a bill to amend the Food, Conservation, and Energy Act of 2008 to authorize producers on a farm to produce fruits and vegetables for processing on the base acres of the farm.

S. 1440

At the request of Mr. ALEXANDER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1539

At the request of Mr. CORNYN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1539, a bill to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

S. 1568

At the request of Mr. ALEXANDER, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. 1568, a bill to amend section 9401 of the Elementary and Secondary Education Act of 1965 with regard to waivers of statutory and regulatory requirements.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1593

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1593, a bill to amend the Food and Nutrition Act of 2008 to require State electronic benefit transfer contracts to treat wireless program retail food stores in the same manner as wired program retail food stores.

S. 1615

At the request of Mr. THUNE, his name was added as a cosponsor of S. 1615, a bill to require enhanced economic analysis and justification of regulations proposed by certain Federal banking, housing, securities, and commodity regulators, and for other purposes.

S. 1616

At the request of Mr. MENENDEZ, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1666

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1666, a bill to prohibit the implementation of certain rules of the National Labor Relations Board relating to the posting of notices on unionization.

S. 1676

At the request of Mr. THUNE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1676, a bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1707

At the request of Mr. BURR, the name of the Senator from Louisiana (Mr.

VITTER) was added as a cosponsor of S. 1707, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 1720

At the request of Mr. MCCAIN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 1720, a bill to provide American jobs through economic growth.

S. 1723

At the request of Mr. MENENDEZ, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1723, a bill to provide for teacher and first responder stabilization.

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 1723, *supra*.

S.J. RES. 28

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S.J. Res. 28, a joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Bahrain.

S. RES. 291

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 291, a resolution recognizing the religious and historical significance of the festival of Diwali.

AMENDMENT NO. 749

At the request of Mr. MCCAIN, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Massachusetts (Mr. KERRY), the Senator from Idaho (Mr. CRAPO), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of amendment No. 749 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 757

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was withdrawn as a cosponsor of amendment No. 757 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

At the request of Ms. COLLINS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 757 intended to be proposed to H.R. 2112, *supra*.

AMENDMENT NO. 758

At the request of Mr. VITTER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 758 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 759

At the request of Mr. VITTER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 759 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 774

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 774 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 1730. A bill to permit Mexican nationals who legally enter the United States with a valid border Crossing Card through specific ports of entry in New Mexico to remain in southern New Mexico for up to 30 days, to the Committee on the Judiciary.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation, along with Senator TOM UDALL, aimed at increasing economic activity in New Mexico communities situated along the U.S.-Mexico border.

Currently, Mexican nationals holding biometric Border Crossing Cards, also known as Laser Visas, may travel up to 25 miles into the United States for a period of up to 30 days. The purpose of this initiative is to promote border commerce by allowing frequent, low-risk visitors to travel to U.S. border communities to conduct business, visit family, and shop.

Unfortunately, New Mexico has not benefited under this program to the extent that other border states have. The three largest cities along the New Mexico border—Las Cruces, Lordsburg, and Deming—are all outside of the current 25-mile geographical limit, and Mexican nationals with BCCs must acquire additional permits to visit these cities.

In order to address a similar situation, an exception was made for Arizona in 1999 to allow BCC holders to

travel to Tucson. This change resulted in increased economic activity without in any way jeopardizing security. Tailoring the program to maximize its impact in the respective border states is the right approach, and I fail to see why a similar modification should not be made for New Mexico.

The legislation we are introducing today, the Southern New Mexico Economic Development Act, would expand the geographic limit from 25 miles to 75 miles to permit visitors coming to New Mexico to reach the larger cities in the southern part of the state. This change would facilitate economic activity at a crucial time as border communities are looking to increase tourism and create growth.

Changing this regulation wouldn't cost taxpayer money, it will increase economic activity in communities that have been hit hard by the economic downturn, and will do so in a manner consistent with our border security efforts.

I look forward to working with my colleagues to pass this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern New Mexico Economic Development Act".

SEC. 2. TEMPORARY ADMITTANCE OF MEXICAN NATIONALS WITH BORDER CROSSING CARDS.

The Secretary of Homeland Security shall permit a national of Mexico, who enters the United States with a valid Border Crossing Card (as described in section 212.1(c)(1)(i) of title 8, Code of Federal Regulations, as in effect on the date of the enactment of this Act), and who is admitted to the United States at the Columbus, Santa Teresa, or Antelope Wells port of entry in New Mexico, to remain in New Mexico (within 75 miles of the international border between the United States and Mexico) for a period not to exceed 30 days.

Mr. UDALL of New Mexico. Mr. President, I rise today to join Senator BINGAMAN in introducing the Southern New Mexico Economic Development Act, legislation that will bring additional business from Mexico to cities and towns in southern New Mexico.

Our bill would increase economic opportunities for southern New Mexico businesses by extending the distance that Mexicans who are issued Border Crossing Cards, BCC, by the U.S. State Department can travel in New Mexico without the need to obtain a Form I-94 and pay an additional fee.

The BCC is a credit card-style document with many security features and 10-year validity. BCCs are only issued to applicants who are citizens and residents of Mexico. Applicants must meet

the eligibility standards for B1/B2 visas and undergo fingerprinting and an interview at the U.S. Consulate and they must demonstrate that they have ties to Mexico that would compel them to return after a temporary stay in the United States.

Currently, BCC holders who are authorized to enter into the United States can remain up to 30 days and travel no more than 25 miles beyond the border, except in Arizona where they can travel up to 75 miles. Those who wish to travel farther or remain longer must request an I-94 form, arrival/departure record, at the port of entry and pay a small fee. Our bill would extend the distance BCC holders who enter the United States from New Mexico ports of entry can travel within the State from 25 miles to 75 miles.

Arizona provides a precedent for making this change. In 1999, the border zone in Arizona was extended from 25 miles to 75 miles because there were no large Arizona cities within 25 miles of the border. This was done through the Federal rulemaking process. The extension was designed to specifically include Tucson within the zone so that it could get the economic benefit of BCC holders entering Arizona. Tucson conducted a study indicating that, after implementation of this rule, the commercial gain from Mexican visitors was estimated to reach \$56.3 million a year.

However, in Texas, New Mexico, and California, the border zone limit remains 25 miles. This doesn't hurt Texas and California since El Paso, San Diego, and many smaller towns in those states are within the 25 mile zone. However, like Arizona, New Mexico does not have a city within 25 miles of the border. This means BCC holders cannot travel to southern New Mexico cities like Las Cruces, Deming, and Lordsburg without additional paperwork and paying a fee. Because of this, many visitors face the inconvenience of having to drive all the way to Juarez and enter the U.S. at an El Paso port of entry, despite living closer to a port of entry in New Mexico.

Extending the zone can be done through rulemaking, as it was with Arizona, and I am happy to work with Secretary Napolitano and CBP Commissioner Bersin to make that happen. However, if we are unable to resolve this issue through rulemaking, I believe it will be necessary to push for passage of the legislation we are introducing today.

There is strong support from elected officials and the business community in southern New Mexico for extending the border zone to 75 miles. Just recently, Luna County Commissioner Jay Spivey worked with State Senator John Arthur Smith and Representative Dona Irwin to introduce a Joint Memorial calling on DHS to extend the border zone to 75 miles. The Memorial unanimously passed both houses of the

New Mexico state legislature in September.

This is fundamentally an issue of fairness—New Mexico should have the same opportunities the other three Border States enjoy because of the economic benefits of BCC holders visiting their cities.

By Mr. AKAKA:

S. 1732. A bill to amend section 552a of title 5, United States Code (commonly referred to as the Privacy Act), the E-Government Act of 2002 (Public Law 107-347), and chapters 35 and 36 of title 44, United States Code, and other provisions of law to modernize and improve Federal privacy laws; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I am introducing the Privacy Act Modernization for the Information Age Act of 2011.

In 1974, Congress enacted the Privacy Act to protect Americans' personal information from improper disclosure by the Federal government. Broadly, the Privacy Act requires that government agencies allow individuals to see any records an agency keeps on him or her, with some exceptions for security and law enforcement, limits the extent to which the government may share data with and agencies and third parties, allows individuals to access and correct their records, requires agencies to provide notice of what data is collected and how it is used and to keep records of disclosures, and provides individuals the ability to enforce their rights under the act.

With the expansion of technology and the proliferation of personally identifiable information in the hands of government agencies, the risk of losing, abusing, or misusing information has grown exponentially. In particular, over the last 10 years security needs have created pressure on agencies to use existing personal information in new ways, not contemplated when the information was collected. The growth in the business of buying and selling individuals' information also raises new questions about the extent to which the Privacy Act applies to these sources of data on individuals used by the government. Meanwhile, there have been few updates to the Privacy Act, leaving it better suited to file cabinets and clunky 30 year old databases than the modern information technology systems in use at agencies today.

In 2008, the Government Accountability Office, GAO, released a report that I requested entitled, "Privacy: Alternatives Exist for Enhancing Protection of Personally Identifiable Information", GAO-08-536. GAO later testified about its findings at a Homeland Security and Governmental Affairs Committee hearing where it identified issues in three main areas that could

be enhanced: applying privacy protections consistently to all Federal collection and use of personal information; ensuring that collection and use of personally identifiable information is limited to a stated purpose; and establishing effective mechanisms for informing the public about privacy protections.

After examining these recommendations and consulting with outside privacy experts, working groups, and privacy and civil liberties advocates, I am introducing the Privacy Act Modernization for the Information Age Act of 2011. This bill addresses the issues raised by GAO, adds stronger privacy leadership at the Office of Management and Budget to ensure effective execution of the Privacy Act, and extends authority for privacy officers to investigate possible violations of privacy laws.

This bill updates the Privacy Act in several ways. It simplifies some of the definitions to apply them to modern information technology management ideas that were in their infancy in 1974. It also tightens requirements for agency controls and maintenance of records to ensure their use is authorized, and that personally identifiable information is not misused.

Agencies would also be more accountable to the public in protecting information. Notifications of systems with personally identifiable information would be more relevant, transparent, and accessible, allowing Americans to know which agencies may have what information about them and in what systems. Importantly, the bill would create a centralized privacy website containing System of Records Notices and other related privacy information.

If civil or criminal violations of the Privacy Act do occur, the penalties have been updated to reflect similar penalties in other laws. The bill would also clarify Congress's intent in the statutory damages provision in the Privacy Act by overturning *Doe v. Chao*, in which the Supreme Court, I believe wrongly, held that an individual has to show actual damages resulted from an intentional or willful improper disclosure of personal information in order to receive an award.

My bill also builds on important new privacy protections introduced in the E-Government Act of 2002, which established a requirement for a Privacy Impact Assessment on certain new systems developed at agencies that contain personally identifiable information. It also codifies the term "personally identifiable information," which has been defined by the Office of Management and Budget, OMB, for years in conjunction with the Privacy Act. This will let us focus on protecting personally identifiable information rather than defining it.

The Privacy Act Modernization for the Information Age Act of 2011 would

expand a successful tool given to the Department of Homeland Security, DHS, Chief Privacy Officer, CPO, to other major agency CPOs. In 2008, I championed the POWER Act, which gave the DHS CPO the authority to investigate possible violations of privacy laws if an Inspector General declines to investigate. I am pleased to say this authority has not been abused, and in fact has been used only once at DHS where its Inspector General inadvertently experienced a minor data breach, and the CPO investigated the issue. This is a useful tool that I believe other privacy offices overseeing massive amounts of personally identifiable information could benefit from.

Finally, my bill would create a strong Federal Chief Privacy Officer, FCPO, at OMB as well as a government-wide Chief Privacy Officers Council, to fill the wide gaps in government-wide privacy leadership and ensure consistent development of policies and guidance on the Privacy Act across agencies. The FCPO position existed under President Clinton, but it has not been replicated by subsequent administrations. I have been impressed with DHS's leadership on privacy issues, thanks to tools we have put into law and the resources we have provided. It is equally important to enhance government-wide leadership through the FCPO and the Chief Privacy Officers Council, which will create a better environment to share ideas across agencies.

This bill would be an important step forward in modernizing how government agencies execute their obligations to protect the personal information provided to them by all Americans. With the proliferation of data about every one of us online, and possibly creeping into government databases, we need more transparency so the average person has a place to go to learn about what information the government is keeping and how they can access that information. I urge my colleagues to support this effort and to continue to work with me and the Homeland Security and Governmental Affairs Committee to produce legislation to improve Federal privacy before this Congress adjourns.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Privacy Act Modernization for the Information Age Act of 2011".

SEC. 2. AMENDMENTS TO THE PRIVACY ACT.

(a) DEFINITIONS.—Section 552a (a) of title 5, United States Code, (commonly referred to as the Privacy Act), is amended—

(1) in paragraph (4), by striking "that is maintained by an agency, including, but not limited to, his" and inserting "including";

(2) by striking paragraph (5) and inserting the following:

"(5) the term 'system of records' means a group of any records maintained by, or otherwise under the control of any agency that is used for any authorized purpose by or on behalf of the agency;"

(3) by striking paragraph (7) and inserting the following:

"(7) the term 'routine use' means, with respect to the disclosure of a record, the use of such record for a purpose which, as determined by the agency, is compatible with the purpose for which it was collected and is appropriate and reasonably necessary for the efficient and effective conduct of Government;"

(4) in paragraph (8)(A)(i)—

(A) by striking "two or more automated systems of records or a system of records with non-Federal records" and inserting "data from a system of records";

(B) in subclause (I), by inserting "or State" after "Federal"; and

(C) in subclause (II), by inserting "or State" after "Federal".

(b) CONDITIONS OF DISCLOSURE.—Section 552a(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting "that is consistent with, and related to, any purpose described under subsection (e)(2)(D) of this section" before the semicolon;

(2) in paragraph (3), by striking "(e)(4)(D)" and inserting "(e)(2)(D)(iv) or subsection (v)";

(3) in paragraph (6), by inserting "or for records management inspections authorized by statute" before the semicolon;

(4) in paragraph (7), by inserting "notwithstanding any requirements of a routine use as defined under subsection (a)(7)," before "to another agency";

(5) in paragraph 8, by striking "upon such disclosure notification is transmitted to the last known address of such individual" and inserting "a reasonable attempt to notify the individual is made promptly after the disclosure"; and

(6) by striking paragraph (9) and inserting the following:

"(9)(A) to either House of Congress;

"(B) to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee; or

"(C) to the office of a Member of Congress when that office is requesting records about a specific individual on behalf of that individual in response to a written request for assistance by that individual;"

(c) ACCOUNTING OF CERTAIN DISCLOSURES.—Section 552a(c) of title 5, United States Code, is amended by inserting "whether in an electronic or other format" after "system of records under its control".

(d) AGENCY REQUIREMENTS.—Section 552a of title 5, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) AGENCY REQUIREMENTS.—

"(1) AUTHORIZED PURPOSE.—No agency shall use a record except for an authorized purpose and as maintained in a system of records under this section.

"(2) REQUIREMENTS.—Each agency shall—

"(A) maintain in its records only such information about an individual as is relevant and necessary to accomplish any specified purpose of the agency required to be accomplished by statute or by executive order of

the President, and only retain such information as long as is necessary to fulfill that purpose or as otherwise required by law;

“(B) collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual’s rights, benefits, and privileges;

“(C) inform each individual whom it asks to supply information creating a record, at the time the information is requested—

“(i) the authority (whether granted by statute or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is voluntary or required to receive a right, benefit, or privilege;

“(ii) the principal purpose or purposes for which the information is intended to be used;

“(iii) the routine uses which may be made of the information, as published under subparagraph (D)(iv);

“(iv) any effects on that individual of not providing all or any part of the requested information;

“(v) the procedures and contact information for accessing or correcting such information; and

“(vi) a reference to learning how such information will be used or disclosed, including the simplest access to the current system of records notice;

“(D) subject to the provisions of subparagraph (K), publish in the Federal Register, make broadly accessible to the public through a centralized website maintained by the Office of Management and Budget, and link to such centralized website from each agency’s website, upon establishment or revision a notice of the existence and character of the system of records, which notice shall include—

“(i) the name and location of the system;

“(ii) the categories of individuals on whom records are maintained in the system;

“(iii) the categories of records maintained in the system;

“(iv) any purpose for which the information is intended to be used, including each routine use;

“(v) the legal authority for any purpose for which the information is utilized granted by statute, executive order, or other authorization;

“(vi) the policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

“(vii) the title and business address of the agency official who is responsible for the system of records;

“(viii) the agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him, how he can gain access to such a record, or contest its content; and

“(ix) the sources of records in the system;

“(E) to the greatest extent practicable, ensure that all records, including records from a third party source, which are used by the agency in making any determination about an individual are of such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination, and upon request of the individual, provide documentation of the same;

“(F) prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b)(2) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;

“(G) maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to, and within the scope of, an authorized law enforcement activity;

“(H) make reasonable efforts to notify an individual as promptly as practicable after the agency receives compulsory legal process for any record on the individual, unless that notification is prohibited by law or court order;

“(I) establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;

“(J) establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained;

“(K) in regards to the establishment or revision of a system of records under subparagraph (D)—

“(i) at least 30 days prior to creation or modification of a system of records, publish the entire text of the proposed system of records notice in the Federal Register and on the centralized website established under subparagraph (D);

“(ii) provide an opportunity for interested persons to submit written or electronic data, views, or arguments to the agency regarding the proposed system of records notice;

“(iii) within 180 days after publication of a proposed system of records notice, publish on the centralized website established under subparagraph (D), a response to the comments received, along with notice of whether the system of records notice as published has taken effect; and

“(iv) provide a link to the centralized website from the website of the agency, unless the Director of the Office of Management and Budget, through the Federal Chief Privacy Officer grants an exception, and that exception is published promptly in the Federal Register and on the centralized website established under subparagraph (D), including a link from the agency’s website;

“(L) if such agency is a recipient agency or a source agency in a matching program with a non-Federal agency, with respect to any establishment or revision of a matching program, at least 30 days prior to conducting such program, publish in the Federal Register notice of such establishment or revision;

“(M) shall—

“(i) maintain an inventory on the number and scope of the systems of records of that agency in a manner that clearly and fairly describes activities of the agency to individuals; and

“(ii) ensure that the inventory—

“(I) is annually updated and published in the Federal Register, on the website established under subparagraph (D), and on the agency’s website; and

“(II) does not contain any information that would be exempted from disclosure under this section or section 522 of this title; and

“(N) make reasonable efforts to limit disclosure from a system of records to min-

imum information necessary to accomplish the purpose of the disclosure.”.

(e) AGENCY RULES.—Section 552a(f) of title 5, United States Code, is amended in the last sentence—

(1) by striking “biennially” and inserting “annually”;

(2) by striking “subsection (e)(4)” and inserting “subsection (e)(2)(D)(iv)”;

(3) by striking “at low cost” and inserting “electronically, or at low cost physically”.

(f) CIVIL REMEDIES.—Section 552a(g)(4) is amended—

(1) by inserting “and in which the complainant has substantially prevailed” after “the agency acted in a manner which was intentional or willful”; and

(2) in subparagraph (A), by striking “, but in no case shall a person entitled to recovery receive less than the sum of \$1,000” and inserting “or the sum of \$1,000, whichever is greater, except that in a class action the minimum for each individual shall be reduced as necessary to ensure that the total recovery in any class action or series of class actions arising out of the same refusal or failure to comply by the same agency shall not be greater than \$10,000,000”.

(g) CRIMINAL PENALTIES.—Section 552a(i) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “(A)” before “Any officer or employee”; and

(B) by adding at the end the following:

“(B) A person who commits the offense described under subparagraph (A) with the intent to sell, transfer, or use an agency record for commercial advantage, personal gain, or malicious harm shall be fined not more than \$250,000, imprisoned for not more than 10 years, or both.”; and

(2) in paragraph (3), by striking “misdemeanor and fined not more than \$5,000” and inserting “felony and fined not more than \$100,000, imprisoned for not more than 5 years, or both”.

(h) GENERAL EXEMPTIONS.—Section 552a(j) of title 5, United States Code, is amended by striking “The head of any agency” and inserting “Notwithstanding any requirements of a routine use as defined under subsection (a)(7), the head of any agency”.

(i) SPECIFIC EXEMPTIONS.—Section 552a(k) of title 5, United States Code, is amended by striking “The head of any agency” and inserting “Notwithstanding any requirements of a routine use as defined under subsection (a)(7), the head of any agency”.

(j) ARCHIVAL RECORDS.—Section 552a(l) of title 5, United States Code, is amended in paragraphs (2) and (3) by striking “National Archives of the United States” each place that term appears and inserting “National Archives and Records Administration”.

(k) GOVERNMENT CONTRACTORS.—Section 552(m)(1) of title 5, United States Code, is amended by striking “for the operation by or on behalf of the agency of a system of records to accomplish an agency function” and inserting “or other agreement, including with another agency, for the maintenance of a system of records to accomplish an agency function on behalf of the agency”.

(l) OFFICE OF MANAGEMENT AND BUDGET RESPONSIBILITIES.—Section 552a(v) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “and” after the semicolon;

(2) in paragraph (2), by striking the period and inserting “; and”;

(3) by adding at the end the following:

“(3) establish and update a list of recommended standard routine uses.”.

SEC. 3. AMENDMENTS TO THE E-GOVERNMENT ACT OF 2002.

Section 208 of the E-Government Act of 2002 (44 U.S.C. 3501 note; Public Law 107-347) is amended—

(1) in subsection (b)—
(A) in paragraph (1)(A)—
(i) by striking clause (i) and inserting the following:

“(i) developing, procuring, or otherwise making use of information technology that collects, maintains, or disseminates personally identifiable information; or”;

(ii) in clause (ii)(II)—

(I) by striking “information in an identifiable form” and inserting “personally identifiable information”; and

(II) by striking “, other than agencies, instrumentalities, or employees of the Federal Government.” and inserting “; and”;

(iii) by adding at the end the following:

“(iii) using personally identifiable information purchased, or subscribed to for a fee, from a commercial data source.”; and

(B) in paragraph (2)(B)—

(i) in clause (i), by striking “information that is in an identifiable form” and inserting “personally identifiable information”; and

(ii) in clause (ii)—

(I) in subclause (VI), by striking “and” at the end;

(II) in subclause (VII), by striking the period and inserting “; and”;

(III) by adding at the end the following:

“(VIII) to what extent risks to privacy protection are created by the use of the information and what steps have been taken to mitigate such risks.”; and

(2) by striking subsection (d) and inserting the following:

“(d) DEFINITION.—In this section, the term ‘personally identifiable information’ means any information about an individual maintained by an agency, including—

“(1) any information that can be used to distinguish or trace an individual’s identity, such as name, social security number, date and place of birth, mother’s maiden name, or biometric records; or

“(2) any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.”.

SEC. 4. AMENDMENTS TO CHAPTERS 35 AND 36 OF TITLE 44, UNITED STATES CODE.

(a) OFFICE OF MANAGEMENT AND BUDGET.—Section 3504 of title 44, United States Code, is amended—

(1) in subsection (a)(1)(A)—

(A) in clause (iv), by inserting “and” after the semicolon;

(B) by striking clause (v); and

(C) by redesignating clause (vi) as clause (v);

(2) by striking subsection (g); and

(3) by redesignating subsection (h) as subsection (g).

(b) FEDERAL INFORMATION PRIVACY POLICY.—

(1) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following:

“SUBCHAPTER IV—FEDERAL INFORMATION PRIVACY POLICY

“§ 3561. Purposes

“The purposes of this subchapter are to—

“(1) ensure the consistent application of privacy protections to personally identifiable information collected, maintained, and used by all agencies;

“(2) strengthen the responsibility and accountability of the Office of Management and Budget for overseeing privacy protection in agencies;

“(3) improve agency responses to privacy breaches to better inform and protect the public from the misuse of personally identifiable information;

“(4) strengthen the responsibility and accountability of agency officials for ensuring effective implementation of privacy protection requirements; and

“(5) ensure that agency use of commercial sources of information and information system services provides adequate information security and privacy protections.

“§ 3562. Definitions

“(a) IN GENERAL.—Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

“(b) ADDITIONAL DEFINITIONS.—In this subchapter—

“(1) the term ‘Council’ means the Chief Privacy Officers Council established under section 3567;

“(2) the term ‘personally identifiable information’ means any information about an individual maintained by an agency, including—

“(A) any information that can be used to distinguish or trace an individual’s identity, such as name, social security number, date and place of birth, mother’s maiden name, or biometric records; and

“(B) any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information; and

“(3) the term ‘data broker’ means a person or entity that for a fee regularly engages in the practice of collecting, transmitting, or providing access to personally identifiable information concerning more than 5,000 individuals who are not the customers or employees of that person or entity (or an affiliated entity) primarily for the purposes of providing such information to non-affiliated third parties on an interstate basis.

“§ 3563. Authority and functions of the Director

“(a) In fulfilling the responsibility to administer the functions assigned under subchapter I, the Director of the Office of Management and Budget shall comply with this subchapter with respect to the specific matters covered by this subchapter.

“(b) The Director shall oversee agency privacy protection policies and practices, including by—

“(1) developing and overseeing the implementation of policies, principles, standards, and guidelines on privacy protection;

“(2) providing direction and overseeing privacy, confidentiality, security, disclosure, and sharing of information;

“(3) overseeing agency compliance with laws relating to privacy protection, including the requirements of this subchapter, section 552a of title 5 (commonly referred to as the Privacy Act), and section 208 of the E-Government Act of 2002;

“(4) coordinating privacy protection policies and procedures with related information resources management policies and procedures, including through ensuring that privacy protection considerations are taken into account in managing the collection of information and the control of paperwork as provided under subchapter I; and

“(5) appointing a Federal Chief Privacy Officer under section 3564.

“§ 3564. Specific responsibilities of the Federal Chief Privacy Officer

“(a) FEDERAL CHIEF PRIVACY OFFICER.—

“(1) DEFINITIONS.—In this section—

“(A) the term ‘Senior Executive Service position’ has the meaning given under section 3132(a)(2) of title 5; and

“(B) the term ‘noncareer appointee’ has the meaning given under section 3132(a)(7) of title 5;

“(2) ESTABLISHMENT.—There is established the position of the Federal Chief Privacy Officer within the Office of Management and Budget. The position shall be a Senior Executive Service position. The Director shall appoint a noncareer appointee to the position. The primary responsibilities of the position shall be the responsibilities under subsection (b).

“(3) QUALIFICATIONS.—The individual appointed to be the Federal Chief Privacy Officer shall possess demonstrated expertise in privacy protection policy and Government information.

“(b) RESPONSIBILITIES.—The Federal Chief Privacy Officer shall—

“(1) carry out the responsibilities of the Director under this subchapter;

“(2) provide overall direction, consistent with the Office of Management and Budget guidance, section 552a of title 5 (commonly referred to as the Privacy Act), and section 208 of the E-Government Act of 2002, of privacy policy governing the Federal Government’s collection, use, sharing, disclosure, transfer, storage, security, and disposition of personally identifiable information;

“(3) to the extent that the Federal Chief Privacy Officer considers appropriate, establish procedures to review and approve privacy documentation before public dissemination;

“(4) serve as the principal advisor for Federal privacy policy matters to the Executive Office of the President, including the President, the Director, the National Security Council, the Homeland Security Council, and the Office of Science and Technology Policy;

“(5) coordinate with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note); and

“(6) every 2 years submit a report to Congress on the protection of privacy by the United States Government, including the status of implementation of requirements under this subchapter and other privacy related laws and policies.

“§ 3565. Privacy breach requirements

“The Director shall establish and oversee policies and procedures for agencies to follow in the event of a breach of information security involving the disclosure of personally identifiable information and for which harm to an individual could reasonably be expected to result, including—

“(1) a requirement for timely notice to be provided to those individuals whose personally identifiable information could be compromised as a result of such breach, except no notice shall be required if the breach does not create a reasonable risk of identity theft, fraud, or other unlawful conduct regarding such individual;

“(2) guidance on determining how timely notice is to be provided;

“(3) guidance regarding whether additional actions are necessary and appropriate, including data breach analysis, fraud resolution services, identity theft insurance, and credit protection or monitoring services; and

“(4) requirements for timely reporting by the agencies of such breaches to the director and the Federal information security incident center referred to in section 3546.

“§ 3566. Agency responsibilities

“(a) IN GENERAL.—In addition to requirements under section 1062 of the National Security Intelligence Reform Act of 2004, and

in fulfilling the responsibilities under section 3506(g), the head of each agency shall ensure compliance with laws relating to privacy protection, including the requirements of this subchapter, section 552a of title 5 (commonly referred to as the Privacy Act), and section 208 of the E-Government Act of 2002.

“(b) CHIEF PRIVACY OFFICERS.—In the case of an agency that has not designated a Chief Privacy Officer under section 522 of the Transportation, Treasury, Independent Agencies and General Government Appropriations Act, 2005 (42 U.S.C. 2000ee-2), the head of each agency shall—

“(1) designate a senior official to be the chief privacy officer of that agency; and

“(2) provide to the chief privacy officer such information as the officer considers necessary.

“(c) RESPONSIBILITIES OF AGENCY CHIEF PRIVACY OFFICER.—Each chief privacy officer shall have primary responsibility for assuring the adequacy of privacy protections for personally identifiable information collected, used, or disclosed by the agency, including—

“(1) ensuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information, including through the conduct of privacy impact assessments as provided by section 208 of the E-Government Act of 2002;

“(2) ensuring that personal information is handled in full compliance with fair information practices under section 552a of title 5 (commonly referred to as the Privacy Act) and other applicable laws and policies;

“(3) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personally identifiable information;

“(4) coordinating with the chief information officer to ensure that privacy is adequately addressed in the agency information security program, established under section 3544;

“(5) coordinating with other senior officials to ensure programs, policies, and procedures involving civil rights, civil liberties, and privacy considerations addressed in an integrated and comprehensive manner; and

“(6) reporting periodically to the head of the agency on agency privacy protection activities.

“§ 3567. Chief Privacy Officers Council

“(a) ESTABLISHMENT.—There is established in the executive branch a Chief Privacy Officers Council.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The members of the Council shall be as follows:

“(A) The Federal Chief Privacy Officer, who shall serve as chairperson of the Council.

“(B) Chief Privacy Officers established under section 522 of division H of the Consolidated Appropriations Act, 2005 (42 U.S.C. 2000 ee-2; Public Law 108-447).

“(C) The chairperson of the Privacy and Civil Liberties Oversight Board.

“(D) As designated by the chairperson of the Council, any senior agency official designated to be a chief privacy officer under section 3566.

“(E) The Administrator of the Office of Electronic Government, as an ex-officio member.

“(F) The Administrator of the Office of Information and Regulatory Affairs, as an ex-officio member.

“(G) Any other officer or employee of the United States designated by the chairperson.

“(2) EX-OFFICIO MEMBERS.—An ex-officio member may not vote in Council proceedings.

“(c) ADMINISTRATIVE SUPPORT.—The Administrator of the General Services shall provide administrative and other support for the Council.

“(d) FUNCTIONS.—The Council shall—

“(1) be an interagency forum for establishing best practices for agency privacy policy;

“(2) share, and promote the development of, best practices to assure that the use of technologies sustains, and does not erode, privacy protections relating to the use, collection, and disclosure of personal information; assure that personal information contained in systems of records are handled in full compliance with fair information practices; and evaluate legislative and regulatory proposals involving collection, use, and disclosure of personal information by the Federal Government; and

“(3) submit proposed improvements to privacy practices to the Director.”

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

“SUBCHAPTER IV—FEDERAL INFORMATION PRIVACY POLICY

“Sec.

“3561. Purposes.

“3562. Definitions.

“3563. Authority and functions of the Director.

“3564. Specific responsibilities of the Chief Privacy Officer.

“3565. Privacy breach requirements.

“3566. Agency responsibilities.

“3567. Chief Privacy Officers Council.”

(c) ELECTRONIC GOVERNMENT.—Section 3602(d) of title 44, United States Code, is amended by inserting “and the Federal Chief Privacy Officer” after “Information and Regulatory Affairs”.

SEC. 5. AMENDMENTS TO SECTION 1062 OF THE NATIONAL INTELLIGENCE REFORM ACT OF 2004.

Section 1062 of the National Intelligence Reform Act of 2004 (42 U.S.C. 2000ee-1) is amended—

(1) by redesignating subsection (d) through (h) as subsections (e) through (i); and

(2) by striking subsection (c) and inserting the following:

“(c) AUTHORITY TO INVESTIGATE.—

“(1) IN GENERAL.—Each privacy officer or civil liberties officer described under subsection (a) or (b) may—

“(A) have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department, agency, or element of the executive branch that relate to programs and operations with respect to the responsibilities of the senior official under this section;

“(B) make such investigations and reports relating to the administration of the programs and operations of the Department, agency, or element of the executive branch as are, in the senior official’s judgment, necessary or desirable;

“(C) subject to the approval of the Secretary or head of the agency or element of the executive branch, require by subpoena the production, by any person other than a Federal agency, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the responsibilities of the senior official under this section; and

“(D) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the responsibilities of the senior official under this section.

“(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under paragraph (1)(C) shall, in the case of contumacy or refusal to obey, be enforceable by order of any appropriate United States district court.

“(3) EFFECT OF OATHS.—Any oath, affirmation, or affidavit administered or taken under paragraph (1)(D) by or before an employee of the Privacy Office designated for that purpose by the senior official appointed under subsection (a) shall have the same force and effect as if administered or taken by or before an officer having a seal of office.

“(d) SUPERVISION AND COORDINATION.—

“(1) IN GENERAL.—Each privacy officer or civil liberties officer described under subsection (a) or (b) shall—

“(A) report to, and be under the general supervision of, the Secretary; and

“(B) coordinate activities with the Inspector General of the Department in order to avoid duplication of effort.

“(2) COORDINATION WITH THE INSPECTOR GENERAL.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the senior official appointed under subsection (a) may investigate any matter relating to possible violations or abuse concerning the administration of any program or operation of the Department, agency, or element of the executive branch relevant to the purposes under this section.

“(B) COORDINATION.—

“(i) REFERRAL.—Before initiating any investigation described under subparagraph (A), the senior official shall refer the matter and all related complaints, allegations, and information to the Inspector General of the Department, agency, or element of the executive branch.

“(ii) DETERMINATIONS AND NOTIFICATIONS BY THE INSPECTOR GENERAL.—Not later than 30 days after the receipt of a matter referred under clause (i), the Inspector General shall—

“(I) make a determination regarding whether the Inspector General intends to initiate an audit or investigation of the matter referred under clause (i); and

“(II) notify the senior official of that determination.”

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 296—COMMEMORATING THE 50TH ANNIVERSARY OF THE COMBINED FEDERAL CAMPAIGN

Mr. AKAKA (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mr. CARPER) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 296

Whereas the Combined Federal Campaign was established pursuant to Executive Order 10927 (26 Fed. Reg. 2383) signed by President John F. Kennedy on March 18, 1961;

Whereas the Combined Federal Campaign is the only authorized charitable fundraising campaign for Federal employees, employees of the United States Postal Service, and members of the armed forces;

Whereas the Combined Federal Campaign operates in more than 119 localities throughout the United States, Puerto Rico, the

United States Virgin Islands, and overseas military installations;

Whereas more than 20,000 nonprofit charitable organizations participate annually in the Combined Federal Campaign;

Whereas the men and women of the Federal Government, the United States Postal Service, and the Armed Forces have contributed approximately \$7,000,000,000 to local, national, and international charities over the past 50 years, making the Combined Federal Campaign the largest and most successful workplace charitable drive in the world; and

Whereas commemorating the 50th anniversary of the Combined Federal Campaign will thank public servants whose generous contributions over the years have helped to feed hungry children, cure disease, comfort the sick and dying, protect the environment and natural resources of the United States, and offered hope to people and communities across the United States and worldwide: Now, therefore, be it

Resolved, That the Senate:

(1) commemorates the 50th anniversary of the Combined Federal Campaign;

(2) commends public servants of the United States for their unyielding dedication, generosity, and spirit of charitable giving;

(3) calls upon the new generation of Federal employees, employees of the United States Postal Service, and members of the Armed Forces to participate annually in the Combined Federal Campaign;

(4) encourages all Federal employees, employees of the United States Postal Service, and members of the Armed Forces to continue their philanthropic efforts for the betterment of the less fortunate; and

(5) urges the people of the United States to observe the 50th anniversary of the Combined Federal Campaign with appropriate ceremonies and activities.

Mr. AKAKA. Mr. President, I rise today to commemorate the 50th anniversary of the Combined Federal Campaign, CFC. In 1961, President John F. Kennedy established the CFC, which has grown over the last 50 years to become the world's largest and most successful workplace charity campaign. Pledging to donate through the CFC gives charities steady streams of revenue throughout the next year, lowers overhead costs so more money goes directly to the charity's work, and is a convenient way for Federal employees to donate to their charities of choice.

Federal employees have dedicated their lives to serving and protecting the American people, and that call to service extends far beyond their professional lives. Each year, Federal employees together give millions of dollars through the CFC to help support the work of over 20,000 non-profit, charitable organizations in the United States and around the world. Since 1961, Federal civilian, military, and Postal employees have donated nearly \$7 billion through the CFC, including \$282 million in 2010.

In today's economy, contributions through the CFC are essential to many organizations that receive them. A great number of these organizations have seen an increase in the need for the important services they provide, while fewer Americans are able to give the financial support on which these

organizations rely. I applaud the generosity of our Federal community and encourage each of you to consider what you can pledge to give in the upcoming year. Our combined efforts can ensure that Americans and others across the globe have access to the important support and services that these charities provide. The 50th anniversary CFC campaign season has already begun and runs until December 15.

I thank my colleagues Senators LIEBERMAN, LEVIN and CARPER for cosponsoring this legislation and I encourage my colleagues to join me in celebrating the 50th anniversary of the CFC and highlighting the support these contributions bring to non-profit, charitable organizations throughout the world.

SENATE RESOLUTION 297—CONGRATULATING THE CORPORATION FOR SUPPORTIVE HOUSING ON THE 20TH ANNIVERSARY OF ITS FOUNDING

Mr. MENENDEZ (for himself and Mr. PORTMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 297

Whereas the Corporation for Supportive Housing was founded in 1991 with a mission of ending homelessness through the creation of permanent housing connected to quality supportive services;

Whereas the Corporation for Supportive Housing has been an industry leader in advancing the supportive housing model;

Whereas supportive housing is a proven solution for ending homelessness among various populations including individuals, families, veterans, youth aging out of foster care, Native Americans, those re-entering communities following incarceration, and the chronically homeless;

Whereas targeting supportive housing to frequent users of publicly funded emergency systems is a highly cost-effective use of public funds;

Whereas the Corporation for Supportive Housing is a Community Development Financial Institution approved by the Treasury Department;

Whereas the Corporation for Supportive Housing has committed more than \$300,000,000 in grants and low-interest loans to support the development of supportive housing;

Whereas the Ohio office of Corporation for Supportive Housing has invested more than \$11,000,000 to further the development of approximately 1,500 units of supportive housing in the State of Ohio and the New Jersey office of Corporation for Supportive Housing has invested more than \$40,000,000 to further the development of approximately 3,800 units of supportive housing in the State of New Jersey;

Whereas the Corporation for Supportive Housing has engaged in lending, grant making, and project-specific assistance resulting in approximately 50,000 new units of supportive housing for the homeless that have either been developed since the founding of the Corporation for Supportive Housing, or are in development;

Whereas approximately 32,727 formerly homeless adults and children live in sup-

portive housing units directly supported by the Corporation for Supportive Housing; and

Whereas the Corporation for Supportive Housing has staff located in 14 States and has worked in every State in the United States to help further the creation of supportive housing to prevent and end homelessness: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Corporation for Supportive Housing on the 20th anniversary of its founding;

(2) supports the Corporation for Supportive Housing's mission of preventing and ending homelessness in the United States; and

(3) encourages the staff of the Corporation for Supportive Housing to continue their tireless efforts on behalf of the people in the United States without a home.

SENATE RESOLUTION 298—EXPRESSING SUPPORT FOR THE DESIGNATION OF OCTOBER 20, 2011, AS THE "NATIONAL DAY ON WRITING"

Mr. CASEY (for himself, Mr. ROBERTS, Mr. SANDERS, Mr. LEVIN, Mr. AKAKA, and Mr. BROWN of Ohio) submitted the following resolution; which was considered and agreed to:

S. RES. 298

Whereas people in the 21st century are writing more than ever before for personal, professional, and civic purposes;

Whereas the social nature of writing invites people of every age, profession, and walk of life to create meaning through composing;

Whereas more and more people in every occupation deem writing as essential and influential in their work;

Whereas writers continue to learn how to write for different purposes, audiences, and occasions throughout their lifetimes;

Whereas developing digital technologies expand the possibilities for composing in multiple media at a faster pace than ever before;

Whereas young people are leading the way in developing new forms of composing by using different forms of digital media;

Whereas effective communication contributes to building a global economy and a global community;

Whereas the National Council of Teachers of English, in conjunction with its many national and local partners, honors and celebrates the importance of writing through the National Day on Writing;

Whereas the National Day on Writing celebrates the foundational place of writing in the personal, professional, and civic lives of the people of the United States;

Whereas the National Day on Writing provides an opportunity for individuals across the United States to share and exhibit their written works through the National Gallery of Writing;

Whereas the National Day on Writing highlights the importance of writing instruction and practice at every educational level and in every subject area;

Whereas the National Day on Writing emphasizes the lifelong process of learning to write and compose for different audiences, purposes, and occasions;

Whereas the National Day on Writing honors the use of the full range of media for composing, from traditional tools like print, audio, and video, to Web 2.0 tools like blogs, wikis, and podcasts; and

Whereas the National Day on Writing encourages all people of the United States to write, as well as to enjoy and learn from the writing of others: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of October 20, 2011, as the “National Day on Writing”;

(2) strongly affirms the purposes of the National Day on Writing;

(3) encourages participation in the National Gallery of Writing, which serves as an exemplary living archive of the centrality of writing in the lives of the people of the United States; and

(4) encourages educational institutions, businesses, community and civic associations, and other organizations to promote awareness of the National Day on Writing and celebrate the writing of the members those organizations through individual submissions to the National Gallery of Writing.

SENATE CONCURRENT RESOLUTION 32—TO AUTHORIZE THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE TECHNICAL CORRECTIONS IN THE ENROLLMENT OF H.R. 470, AN ACT TO FURTHER ALLOCATE AND EXPAND THE AVAILABILITY OF HYDROELECTRIC POWER GENERATED AT HOOVER DAM, AND FOR OTHER PURPOSES

Mr. BINGAMAN submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 32

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 470) an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In the second sentence of section 105(a)(2)(B) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619(a)) (as added by section 2(d)), strike “General” and insert “Conformed General”.

(2) In section 2(e), strike “as redesignated as” and insert “as redesignated by”.

(3) In section 2(f), strike “as redesignated as” and insert “as redesignated by”.

(4) In section 2(g), strike “as redesignated as” and insert “as redesignated by”.

AMENDMENTS SUBMITTED AND PROPOSED

SA 785. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 786. Mr. BEGICH (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 787. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 750 proposed by Mr. REID (for Mr. WEBB) to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 788. Mr. GRASSLEY submitted an amendment intended to be proposed by him

to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 789. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 790. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 791. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra.

SA 792. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra.

SA 793. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 794. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 795. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 796. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 797. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 798. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 799. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 800. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 801. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 802. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 803. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 804. Ms. COLLINS (for herself, Mr. UDALL of Colorado, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Ms. AYOTTE, Mr. JOHANNIS, Mr. NELSON of Nebraska, Mr. HOEVEN, Ms. MURKOWSKI, Mr. JOHNSON of Wisconsin, and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra.

SA 805. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 806. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 807. Mr. ROBERTS (for himself, Mr. JOHANNIS, Mr. BOOZMAN, Mr. LUGAR, Mr. CHAMBLISS, Mr. INHOFE, Mr. THUNE, Mr. MORAN, Mr. BARRASSO, Mr. CRAPO, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 738 proposed

by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 808. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 809. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 810. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 811. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 812. Mr. SESSIONS (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 813. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 814. Mr. CRAPO (for himself, Mr. JOHANNIS, Mr. SHELBY, Mr. TOOMEY, Mr. MORAN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 815. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 816. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra.

SA 817. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 818. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 819. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 820. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 821. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 822. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 823. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 824. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 825. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 826. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 827. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 828. Mr. UDALL of Colorado submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 829. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 830. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 831. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 832. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 833. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 834. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 835. Mr. PAUL (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 836. Mr. LAUTENBERG (for himself, Mr. SANDERS, Mr. MENENDEZ, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 837. Mr. SCHUMER (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 838. Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 839. Mr. CONRAD (for himself, Mr. LEAHY, Mr. SANDERS, Mrs. GILLIBRAND, Mr. HOEVEN, Mr. MENENDEZ, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 840. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 841. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 842. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 843. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 844. Mr. HATCH (for himself, Mr. MORAN, Mr. INHOPE, Mr. ISAKSON, Mr. CHAMBLISS, Ms. AYOTTE, Mr. HOEVEN, Mr. SHELBY, Mr. NELSON of Nebraska, and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 845. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 846. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 847. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 848. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 849. Mr. RUBIO (for himself, Mr. WICKER, Mr. NELSON of Florida, Ms. LANDRIEU, and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 850. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 851. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 852. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 853. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 854. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 855. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 856. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 857. Mr. MENENDEZ (for himself, Mr. ISAKSON, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him

to the bill H.R. 2112, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 785. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. ____ . FOOD DONATION PROGRAM.

Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following:

“(1) FOOD DONATION PROGRAM.—

“(1) IN GENERAL.—Each school and local educational agency participating in the school lunch program under this Act may donate any food not consumed under such program to eligible local food banks or charitable organizations.

“(2) GUIDANCE.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall develop and publish guidance to schools and local educational agencies participating in the school lunch program under this Act to assist such schools and local educational agencies in donating food under this subsection.

“(B) UPDATES.—The Secretary shall update such guidance as necessary.

“(3) LIABILITY.—Any school or local educational agency making donations pursuant to this subsection shall be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

“(4) DEFINITION.—In this subsection, the term ‘eligible local food banks or charitable organizations’ means any food bank or charitable organization which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).”.

SA 786. Mr. BEGICH (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. ____ . AUTHORITY TO CONDUCT INTER-STATE FIREARMS TRANSACTIONS.

(a) FIREARMS DISPOSITIONS.—Section 922(b)(3)(A) of title 18, United States Code, is amended—

(1) by striking “rifle or shotgun” and inserting “firearm”;

(2) by striking “located” and inserting “located or temporarily located”; and

(3) by striking “both such States” and inserting “the State in which the transfer is conducted and the State of residence of the transferee”.

(b) DEALER LOCATION.—Section 923 of such title is amended—

(1) in subsection (j)—

(A) in the first sentence, by striking “, and such location is in the State which is specified on the license”; and

(B) in the last sentence—
 (i) by inserting “transfer,” after “sell,”;
 and

(ii) by striking all that follows “Act” and inserting a period; and

(2) by adding at the end the following:

“(m) Nothing in this chapter shall be construed to prohibit the sale, transfer, delivery, or other disposition of a firearm or ammunition—

“(1) by a person licensed under this chapter to another person so licensed, at any location in any State; or

“(2) by a licensed importer, licensed manufacturer, or licensed dealer to a person not licensed under this chapter, at a temporary location described in subsection (j) in any State.”.

(c) RESIDENCE OF UNITED STATES OFFICERS.—Section 921 of such title is amended by striking subsection (b) and inserting the following:

“(b) For purposes of this chapter:

“(1) A member of the Armed Forces on active duty is a resident of—

“(A) the State in which the member maintains legal residence;

“(B) the State in which the permanent duty station of the member is located; and

“(C) the State in which the member maintains a place of abode from which the member commutes each day to the permanent duty station.

“(2) An officer or employee of the United States (other than a member of the Armed Forces) stationed outside the United States for a period exceeding one year is a resident of the State in which the member maintains legal residence.”.

SA 787. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 750 proposed by Mr. REID (for Mr. WEBB) to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

(i) ADDITIONAL REVIEW.—The review required by subsection (c) shall include an examination of all grant programs administered by the Department of Justice, Department of Homeland Security, Department of Health and Human Services, Department of Labor, and the Department of Education that are related to criminal justice, corrections, drug prevention, rehabilitation, and treatment to—

(1) examine the extent to which the grant programs administered by these agencies could be consolidated to ensure that taxpayer dollars are not wasted administering similar programs among different Federal agencies; and

(2) analyze the potential benefits of consolidating programs administered by these agencies.

(j) TERRORISM EXPENSES.—The Commission shall have no authority to recommend a reduction, modification, or other adjustment to the sentence of any Federal or state prisoner serving a criminal sentence for a terrorism offense.

SA 788. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2112, making ap-

propriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. The Office of Professional Responsibility at the Department of Justice and the Office of Professional Responsibility at the Federal Bureau of Investigation (referred to in this section as the “Office”) shall issue a report to Congress, annually, that includes the following:

(1) A factual summary of each individual action taken by the Office against an employee.

(2) A summary of the allegations of wrongdoing, and the findings of the Office.

(3) Any action taken against an employee, including punishments, terminations, demotions, letters of reprimand, or any dismissal of a complaint of allegation of wrongdoing.

(4) Any appeal of an action and whether the finding of the Office was upheld on appeal or overturned.

(5) A summary of the reason any appeal is upheld or overturned.

(6) A breakdown of the costs associated with investigating and adjudicating complaints.

SA 789. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. (a) OVERSIGHT OF DEPARTMENT OF JUSTICE PROGRAMS.—All grants awarded by the Attorney General using funds made available under this Act shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2012, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct an audit of not fewer than 10 percent of all recipients of grants using funds made available under this Act to prevent waste, fraud, and abuse of funds by grantees.

(2) MANDATORY EXCLUSION.—A recipient of a grant awarded by the Attorney General using funds made available under this Act that is found to have an unresolved audit finding shall not be eligible to receive any grant funds under a grant program administered by the Attorney General during the 2 fiscal years beginning after the 6-month period described in paragraph (5).

(3) PRIORITY.—In awarding grants using funds made available under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

(4) REIMBURSEMENT.—If an entity is awarded grant funds by the Attorney General using funds made available under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the

grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(5) DEFINED TERM.—In this subsection, the term “unresolved audit finding” means an audit report finding, statement, or recommendation that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 6-month period beginning on the date of an initial notification of the finding or recommendation.

(6) MATCHING REQUIREMENT.—

(A) IN GENERAL.—Unless otherwise explicitly provided in authorizing legislation, no funds may be expended for grants to non-Federal entities until a 25 percent non-Federal match has been secured by the grantee to carry out this subsection.

(B) CASH REQUIREMENT.—Not less than 60 percent of the matching requirement described in subparagraph (A) shall be in cash.

(C) IN-KIND CONTRIBUTIONS.—No more than 40 percent of the matching requirement described in subparagraph (A) may be in-kind contributions. In this subparagraph, the term “in-kind contributions” means legal or other related professional services and office space that directly relate to the purpose for which the grant was awarded.

(7) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this section and the grant programs described in this Act, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General may not award a grant using funds made available under this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant using funds made available under this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(8) ADMINISTRATIVE EXPENSES.—Unless otherwise explicitly provided in authorizing legislation, not more than 8 percent of the amounts appropriated under this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.

(9) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts appropriated to the Department of Justice under title II of division B of this Act may be used by the Attorney General, or by any individual or organization awarded funds under this Act, to host or support any expenditure for conferences, unless the Deputy Attorney General or the appropriate Assistant Attorney General provides prior written authorization that the funds may be expended to host a conference.

(B) **WRITTEN APPROVAL.**—Written approval under subparagraph (A) may not be delegated and shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) **REPORT.**—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved and denied.

(10) **PROHIBITION ON LOBBYING ACTIVITY.**—

(A) **IN GENERAL.**—Amounts appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of the Federal Government or a State, local, or tribal government regarding the award of grant funding.

(B) **PENALTY.**—If the Attorney General determines that any recipient of a grant under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

(11) **ANNUAL CERTIFICATION.**—Beginning in the first fiscal year beginning after the date of the enactment of this Act, the Assistant Attorney General for the Office of Justice Programs, the Director of the Office on Violence Against Women, and the Director of the Office of Community Oriented Policing Services shall submit, to Committee on the Judiciary of the Senate, the Committee on Appropriations of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Appropriations of the House of Representatives, an annual certification that—

(A) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the Assistant Attorney General for the Office of Justice Programs;

(B) all mandatory exclusions required under paragraph (2) have been issued;

(C) all reimbursements required under paragraph (4) have been made; and

(D) includes a list of any grant recipients excluded under paragraph (2) from the previous year.

(b) **LIMITATION ON USE OF FUNDS; TRANSFER OF FUNDS.**—Notwithstanding any other provision of this Act—

(1) none of the funds made available under title II of division B of this Act may be used for the Office of Legal Policy;

(2) of the amount appropriated—

(A) under the heading “SALARIES AND EXPENSES” under the heading “GENERAL ADMINISTRATION” under title II of division B of this Act, \$5,000,000 shall be transferred to the Office of the Inspector General; and

(B) under the heading “RESEARCH, EVALUATION, AND STATISTICS” under the heading “OFFICE OF JUSTICE PROGRAMS” under title II of division B of this Act, \$5,000,000 shall be transferred to the Office of the Inspector General; and

(3) amounts transferred to the Office of the Inspector General under paragraph (2) shall be used to conduct the audits described in subsection (a).

SA 790. Mr. GRASSLEY submitted an amendment intended to be proposed by

him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. (a) **CAP ON DEPARTMENT OF JUSTICE CONFERENCE SPENDING.**—Of the amounts made available to the Department of Justice under this Act, not more than \$45,000,000 may be used by the Department of Justice for the purpose of hosting, funding, or otherwise facilitating any conference held by the Department of Justice or any other entity.

(b) **LIMITATION.**—None of the funds made available to the Department of Justice under this Act may be used by the Attorney General, or by any individual or organization awarded funds made available under this Act, to host or support any expenditure for a conference, unless the Deputy Attorney General or the appropriate Assistant Attorney General provides prior written authorization that such funds may be expended to host the conference.

(c) **WRITTEN AUTHORIZATION.**—

(1) **AUTHORITY.**—The authority to provide a written authorization described in subsection may not be delegated.

(2) **CONTENTS.**—A written authorization described in subsection (b) shall include a written estimate of all costs associated with the conference being approved, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(d) **ANNUAL REPORT.**—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures that are approved and denied during the fiscal year covered by the report.

SA 791. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . None of the funds made available by this Act may be used by the Secretary of Agriculture to provide direct payments under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to any person or legal entity that has an average adjusted gross income (as defined in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a)) in excess of \$1,000,000.

SA 792. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . The Secretary of Housing and Urban Development may not make a payment to any person or entity with respect to a property assisted or insured under a program of the Department of Housing and Urban Development that—

(a) on the date of enactment of this Act, is designated as “troubled” on the Online Property Integrated Information System for “life threatening deficiencies” or “poor” physical condition; and

(b) has been designated as “troubled” on the Online Property Integrated Information System at least once during the 5-year period ending on the date of enactment of this Act.

SA 793. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, after line 2 insert the following:

SEC. . The provisions of sections 517(c), 531, and 538 shall apply to all agencies and departments funded by divisions A, B, and C.

SA 794. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . (a) Each fiscal year, for purposes of the report required by subsection (b), the head of each agency shall—

(1) identify and describe every program administered by the agency;

(2) for each such program—

(A) determine the total administrative expenses of the program;

(B) determine the expenditures for services for the program;

(C) estimate the number of clients served by the program and beneficiaries who received assistance under the program (if applicable); and

(D) estimate—

(i) the number of full-time employees who administer the program; and

(ii) the number of full-time equivalents (whose salary is paid in part or full by the Federal Government through a grant, contract, subaward of a grant or contract, cooperative agreement, or other form of financial award or assistance) who assist in administering the program; and

(3) identify programs within the Federal Government (whether inside or outside the agency) with duplicative or overlapping missions, services, and allowable uses of funds.

(b) With respect to the requirements of subsections (a)(1) and (a)(2)(B), the head of an agency may use the same information provided in the catalog of domestic and international assistance programs in the case of any program that is a domestic or international assistance program.

(c) Not later than February 1 of each fiscal year, the head of each agency shall publish on the official public website of the agency a report containing the following:

(1) The information required under subsection (a) with respect to the preceding fiscal year.

(2) The latest performance reviews (including the program performance reports required under section 1116 of title 31, United States Code) of each program of the agency identified under subsection (a)(1), including performance indicators, performance goals, output measures, and other specific metrics used to review the program and how the program performed on each.

(3) For each program that makes payments, the latest improper payment rate of the program and the total estimated amount of improper payments, including fraudulent payments and overpayments.

(4) The total amount of unspent and unobligated program funds held by the agency and grant recipients (not including individuals) stated as an amount—

(A) held as of the beginning of the fiscal year in which the report is submitted; and

(B) held for five fiscal years or more.

(5) Such recommendations as the head of the agency considers appropriate—

(A) to consolidate programs that are duplicate or overlapping;

(B) to eliminate waste and inefficiency; and

(C) to terminate lower priority, outdated, and unnecessary programs and initiatives.

(d) In this section:

(1) The term “administrative costs” has the meaning as determined by the Director of the Office of Management and Budget under section 504(b)(2) of Public Law 111–85 (31 U.S.C. 1105 note), except the term shall also include, for purposes of that section and this section, with respect to an agency—

(A) costs incurred by the agency as well as costs incurred by grantees, subgrantees, and other recipients of funds from a grant program or other program administered by the agency; and

(B) expenses related to personnel salaries and benefits, property management, travel, program management, promotion, reviews and audits, case management, and communication about, promotion of, and outreach for programs and program activities administered by the agency.

(2) The term “services” has the meaning provided by the Director of the Office of Management and Budget and shall be limited to only activities, assistance, and aid that provide a direct benefit to a recipient, such as the provision of medical care, assistance for housing or tuition, or financial support (including grants and loans).

(3) The term “agency” has the same meaning given that term in section 551(1) of title 5, United States Code, except that the term also includes offices in the legislative branch other than the Government Accountability Office.

(4) The terms “performance indicator”, “performance goal”, “output measure”, and “program activity” have the meanings provided by section 1115 of title 31, United States Code.

(5) The term “program” has the meaning provided by the Director of the Office of Management and Budget and shall include, with respect to an agency, any organized set of activities directed toward a common purpose or goal undertaken by the agency that includes services, projects, processes, or financial or other forms of assistance, including grants, contracts, cooperative agreements, compacts loans, leases, technical support, consultation, or other guidance.

(e)(1)(A) Section 6101 of title 31, United States Code, is amended by adding at the end the following:

“(7) The term ‘international assistance’ has the meaning provided by the Director of the Office of Management and Budget and shall include, with respect to an agency, assistance including grants, contracts, compacts, loans, leases, and other financial and technical support to—

“(A) foreign nations;

“(B) international organizations;

“(C) services provided by programs administered by any agency outside of the territory of the United States; and

“(D) services funded by any agency provided in foreign nations or outside of the territory of the United States by non-governmental organizations and entities.

“(8) The term ‘assistance program’ means each of the following:

“(A) A domestic assistance program.

“(B) An international assistance program.”.

(B)(i) Section 6102 of title 31, United States Code, is amended—

(I) in subsection (a), in the matter preceding paragraph (1), by striking “domestic” both places it appears; and

(II) in the section heading, by inserting “and international” after “domestic”.

(ii) Section 6104 of title 31, United States Code, is amended—

(I) in subsections (a) and (b), by inserting “and international assistance” after “domestic assistance” each place it appears; and

(II) in the section heading, by inserting “and international” after “domestic”.

(f) Section 6104(b) of title 31, United States Code, is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(4) the information required in paragraphs (1) through (4) of section 419(a) of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012;

“(5) the budget function or functions applicable to each assistance program contained in the catalog;

“(6) with respect to each assistance program in the catalog, an electronic link to the annual report required under section 419(b) of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012, by the agency that carries out the assistance program; and

“(7) the authorization and appropriation amount provided by law for each assistance program in the catalog in the current fiscal year, and a notation if the program is not authorized in the current year, has not been authorized in law, or does not receive a specific line item appropriation.”.

(g) Section 6104 of title 31, United States Code, is further amended by adding at the end the following new subsection:

“(e) COMPLIANCE.—On the website of the catalog of Federal domestic and international assistance information, the Administrator shall provide the following:

“(1) CONTACT INFORMATION.—The title and contact information for the person in each agency responsible for the implementation, compliance, and quality of the data in the catalog.

“(2) REPORT.—An annual report compiled by the Administrator of domestic assistance programs, international assistance programs, and agencies with respect to which the requirements of this chapter are not met.”.

(h) Section 6103 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(d) BULK DOWNLOADS.—The information in the catalog of domestic and international assistance under section 6104 of this title shall be available on a regular basis through bulk downloads from the website of the catalog.”.

(i) Section 6101(2) of title 31, United States Code, is amended by inserting before the period at the end the following: “except such term also includes offices in the legislative branch other than the Government Accountability Office”.

(j)(1) Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations to implement this section.

(2) This section shall be implemented beginning with the first full fiscal year occurring after the date of the enactment of this Act.

SA 795. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ The Secretary of Housing and Urban Development—

(1) shall cancel any funding obligated for a construction or renovation project for which the Department of Housing and Urban Development committed to provide \$50,000 or more that—

(A) commenced before the date that is 5 years before the date of enactment of this Act;

(B) is not complete;

(C) did not draw funds against a Department of Housing and Urban Development account during the 18-month period ending on the date of enactment of this Act;

(D) on the date of enactment of this Act, is vacant and has not been sold or leased; or

(E) has not drawn funds against a Department of Housing and Urban Development account, if, on the date of enactment of this Act, funds have been obligated for the project for more than 1 year;

(2) may not provide any funding on or after the date of enactment of this Act for a project described in paragraph (1); and

(3) shall transfer any funds deobligated under paragraph (1) or made available to carry out a project described in paragraph (1) to the general fund of the Treasury and are hereby rescinded.

SA 796. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ A person or entity that receives a Federal loan using amounts made available under division A, division B, or division C of this Act may not repay the loan using a Federal grant or other award funded with

amounts made available under division A, division B, or division C of this Act; *Provided further*, a grant or other award funded with amounts made available under division A, division B, or division C of this Act may not be used to repay a Federal loan.

SA 797. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Except as provided in subsection (b), none of the funds made available by this Act or an amendment made by this Act may be used to pay for renovation projects that have not commenced as of the date of enactment of this Act (including renovation projects for which plans have been created, but for which physical renovation has not begun) to any Federal building or office space in existence on the date of enactment of this Act, or for the purchase, execution of a leasing agreement, or construction of any Federal building or office space that has not commenced as of the date of enactment of this Act (including construction or purchase or lease agreements for which plans have been established, but for which physical construction has not begun or an agreement has not been executed).

(b) Subsection (a) shall not apply to the renovation of, purchase of, leasing agreement for, or construction of (including renovation, construction, or purchase or leasing agreements for which plans have been established, but for which physical renovation or construction has not begun or an agreement has not been executed) any Federal building or office space needed to address a safety or national security issue.

SA 798. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding section 701, none of the funds made available by this Act may be used to purchase new passenger motor vehicles.

SA 799. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. _____. None of the funds made available under this Act may be used to carry out the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107); *Provided further*, any funds ap-

propriated by this Act for this purpose are hereby rescinded.

SA 800. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, the total amount of funds made available under this title to the Rural Development Agency are reduced by \$1,000,000,000, to be applied proportionally to each budget activity, activity group, and subactivity group and each program, project, and activity of the Rural Development Agency carried out under this title.

SA 801. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 226, strikes lines 1 through 5, and insert "and not less than \$29,250,000 shall be for Airport Technology Research: *Provided further*, no funds made available under this Act may be used to carry out the Small Community Air Service Development Program."

SA 802. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. _____. RESCISSION OF UNOBLIGATED BALANCES.

(a) IN GENERAL.—

(1) RESCISSION.—Any unobligated balances of discretionary appropriations made prior to fiscal year 2010 for accounts in divisions A, B, or C are rescinded effective October 1, 2012 and shall be used to reduce the deficit.

(2) EXCEPTION.—Paragraph (1) shall not apply to appropriation accounts or subgroup accounts that are designated as emergencies.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall determine which appropriation accounts the rescission under subsection (a) shall apply to and the amount that each such account shall be reduced by pursuant to such rescission.

(2) REPORT.—Not later than 60 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress listing the accounts reduced by the rescission in subsection (a) and the amounts rescinded from each such account.

SA 803. Mr. HELLER submitted an amendment intended to be proposed by

him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE _____.—NO BUDGET, NO PAY ACT

SEC. 01. SHORT TITLE.

This title may be cited as the "No Budget, No Pay Act".

SEC. 02. DEFINITION.

In this title, the term "Member of Congress"—

(1) has the meaning given under section 2106 of title 5, United States Code; and

(2) does not include the Vice President.

SEC. 03. TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET.

If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year.

SEC. 04. NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairperson of the Committee on the Budget of the Senate or the Chairperson of the Committee on the Budget of the House of Representatives under section 05.

(b) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairperson of the Committee on the Budget of the Senate or the Chairperson of the Committee on the Budget of the House of Representatives under section 05, at any time after the end of that period.

SEC. 05. DETERMINATIONS.

(a) SENATE.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairperson of the Committee on the Budget of the Senate for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the Senate shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Secretary of the Senate.

(b) HOUSE OF REPRESENTATIVES.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairperson of the Committee on the Budget of the House of Representatives for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the House of Representatives shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraph (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

SEC. 06. EFFECTIVE DATE.

This title shall take effect on February 1, 2013.

SA 804. Ms. COLLINS (for herself, Mr. UDALL of Colorado, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Ms. AYOTTE, Mr. JOHANNIS, Mr. NELSON of Nebraska, Mr. HOEVEN, Ms. MURKOWSKI, Mr. JOHNSON of Wisconsin, and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

At the end of title VII of division A, add the following:

SEC. ____ None of the funds made available by this Act may be used to implement an interim final or final rule that—

(1) sets any maximum limits on the serving of vegetables in school meal programs established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

(2) is inconsistent with the recommendations of the most recent Dietary Guidelines for Americans for vegetables.

SA 805. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 15, before the period at the end insert “: *Provided*, That up to \$2,000,000,000 shall be used for the construction, acquisition, or improvement of fossil-fueled electric generating plants (whether new or existing) that utilize carbon sequestration systems”.

SA 806. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 365, line 8, strike “10,000” and insert “20,000”.

SA 807. Mr. ROBERTS (for himself, Mr. JOHANNIS, Mr. BOOZMAN, Mr. LUGAR, Mr. CHAMBLISS, Mr. INHOFE, Mr. THUNE,

Mr. MORAN, Mr. BARRASSO, Mr. CRAPO, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. 7 ____ (a) USE OF AUTHORIZED PESTICIDES.—Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

“(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under that Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of the pesticide.”.

(b) DISCHARGES OF PESTICIDES.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) DISCHARGES OF PESTICIDES.—

“(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), or the residue of such a pesticide, resulting from the application of the pesticide.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

“(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

“(i) the discharge would not have occurred but for the violation; or

“(ii) the quantity of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

“(B) Stormwater discharges subject to regulation under subsection (p).

“(C) The following discharges subject to regulation under this section:

“(i) Manufacturing or industrial effluent.

“(ii) Treatment works effluent.

“(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.”.

SA 808. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 8, strike “\$28,165,000” and insert “\$20,165,000”.

On page 7, line 14, strike “\$8,105,000” and insert “\$7,105,000”.

On page 7, line 18, strike “\$84,121,000” and insert “\$83,121,000”.

On page 76, line strike lines 13 through 15 and insert the following:

(2) The Watershed Rehabilitation program authorized by section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), in excess of \$10,000,000;

SA 809. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 251, strike line 8 and insert “agreement, shall not be required to repay grant amounts received in error under such sections and, in addition, shall be reimbursed for core or expanded deployment expenditures such States made before the date of the enactment of this Act in reliance on a grant awarded in error under such sections.”.

SA 810. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division A, add the following:

SEC. ____ None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) in any manner that permits a household or individual to qualify for benefits under that program without qualifying under the specific eligibility standards (including income and assets requirements) of the program, regardless of the participation of the household or individual in any other Federal or State program.

SA 811. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations to Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. ____ NO CHANGES IN MANDATORY PROGRAMS IN APPROPRIATION BILLS.

Section 302(f)(2) of the Congressional Budget Act of 1974 is amended to read as follows:

“(2) IN THE SENATE.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill or joint resolution, amendment, motion, or conference report that—

“(A)(i) in the case of any committee except the Committee on Appropriations, would cause the applicable allocation of new budget authority or outlays under subsection (a) for the first fiscal year or the total of fiscal years to be exceeded; or

“(ii) in the case of the Committee on Appropriations, would cause the applicable sub-allocation of new budget authority or outlays under subsection (b) to be exceeded; or

“(B) includes one or more provisions that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were they included in legislation other than appropriations legislation, if such provision does not result in net outlay savings over the total of the period of the current year, the budget year, and all fiscal years covered under the most recently adopted concurrent resolution on the budget.”.

SA 812. Mr. SESSIONS (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. No funds appropriated, or otherwise made available, under this Act may be used by the Director of the United States Patent and Trademark Office to carry out section 37 of the Leahy-Smith America Invents Act (35 U.S.C. 156 note), including the flush sentence added to section 156(d)(1) of title 35, United States Code, by such section 37.

SA 813. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, line 7, strike the period at the end and insert “: *Provided further*, That no jurisdiction shall receive compensation from the amount made available by this paragraph if the jurisdiction has a custom, practice, policy, legislative provision, or ordinance that results in the jurisdiction failing or refusing to comply with immigration detainers issued by U.S. Immigration and Customs Enforcement.”.

SA 814. Mr. CRAPO (for himself, Mr. JOHANNIS, Mr. SHELBY, Mr. TOOMEY, Mr. MORAN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Commodity Futures Trading Commission—

(1) to promulgate any final rules under the Dodd-Frank Wall Street Reform and Con-

sumer Protection Act (Public Law 111-203; 124 Stat. 1376) (including under any law amended by that Act) or the Commodity Exchange Act (7 U.S.C. 1 et seq.), until the Commodity Futures Trading Commission, jointly with the Securities and Exchange Commission and the prudential regulators (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a))—

(A) has, pursuant to the notice and comment provisions of section 553 of title 5, United States Code, adopted an implementation schedule for title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8301 et seq.) (including amendments made by that title) (referred to this section as “the title”) that sets forth a schedule for the publication of final rules required by the title that—

(i) begins with the publication of the rules required under section 712(d)(1) of that Act (15 U.S.C. 8302); and

(ii) includes provisions that require a rule-making and provisions that do not require a rulemaking; and

(B) has completed and submitted to Congress an analysis that includes—

(i) a quantitative analysis of the effects of the title on United States economic growth and job creation;

(ii) an assessment of the implications of the title for cross-border activity by, and international competitiveness of, United States financial institutions, companies, and investors;

(iii) an assessment of whether and how the definitional, clearing, trading, reporting, recordkeeping, real-time reporting, registration, capital, margin, business conduct, position limits, and other requirements of the title work together, and how those requirements affect market depth and liquidity;

(iv) an assessment of the implications of any lack of harmonization by the Securities and Exchange Commission, the Commodity Futures Trading Commission, and the prudential regulators with respect to the timing and the substance of the rules of those entities; and

(v) an analysis of the progress of members of the Group of 20 and other countries toward implementing derivatives regulatory reform, including material differences in the schedule for implementation (as well as material differences in definitions, clearing, trading, reporting, registration, capital, margin, business conduct, and position limits) and the possible and likely effects on United States competitiveness, market liquidity, and financial stability; or

(2) to further define the terms—

(A) “swap” and “security-based swap” to include—

(i) for purposes of section 4s(e) of the Commodity Exchange Act (7 U.S.C. 6s(e)) and section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-10(e)), an agreement, contract, or transaction that would otherwise be a swap or security-based swap, in which 1 of the counterparties is not—

(I) a swap dealer or major swap participant;

(II) an investment fund that—

(aa) has issued securities (other than debt securities) to more than 5 unaffiliated persons;

(bb) would be an investment company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3)) but for paragraph (1) or (7) of subsection (c) of that section; and

(cc) is not primarily invested in physical assets (including commercial real estate) directly or through an interest in an affiliate that owns the physical assets;

(III) a regulated entity, as defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502); or

(IV) a commodity pool that is predominantly invested in any combination of commodities, commodity swaps, commodity options, or commodity futures;

(ii) an agreement, contract, or transaction that would otherwise be a swap or security-based swap, and that is entered into by a party that is controlling, controlled by, or under common control with its counterparty; or

(iii) except with respect to any law (including rules and regulations) prohibiting fraud or manipulation, an agreement, contract, or transaction that would otherwise be a swap or security-based swap and—

(I) is entered into outside of the United States between counterparties established under the laws of any jurisdiction outside of the United States (including a non-United States branch of a United States entity licensed and recognized under local law outside of the United States);

(II) has a valid business purpose;

(III) is not structured with the sole purpose of evading the requirements of the title; and

(IV) is not reasonably expected to have a serious adverse effect on the stability of the United States financial system; and

(B) “major swap participant” and “major security-based swap participant” in a manner that does not distinguish between—

(i) net and gross exposures; and

(ii) collateralized and uncollateralized positions.

SA 815. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 17, insert “: *Provided further*, That \$8,000,000 of the amount made available by this heading shall be transferred to carry out the program authorized under section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012)” before the period at the end.

SA 816. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, line 21, insert “, of which \$1,000,000 shall be for economic adjustment assistance grants under section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to support innovative, utility-administered energy efficiency programs for small businesses” before the period at the end.

SA 817. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr.

INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 319, line 8, strike “\$57,000,000” and insert “\$62,398,750”.

On page 319, line 14, strike “\$35,000,000” and insert “\$40,398,750”.

On page 336, line 1, strike “\$199,035,000” and insert “\$193,636,250”.

SA 818. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 307, line 12, after “including” insert the following: “long-term accrued leave.”.

SA 819. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 8 of the amendment, insert “or Mexico” after “Canada”.

SA 820. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike line 8 through line 10 and insert the following: “381(g)) from importing a prescription drug from Canada, or from a permitted country designated by the Secretary of Health and Human Services, that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That the Secretary shall designate a permitted country as a country from which an individual may import a prescription drug in accordance with this section if the Secretary determines that (1) the country has statutory or regulatory standards that are equivalent to the standards in the United States and Canada with respect to the training of pharmacists, the practice of pharmacy, and the protection of the privacy of personal medical information, and (2) the importation of drugs to individuals in the United States from the country will not adversely affect public health: *Provided further*, That the term ‘permitted country’ means—

“(1) Australia;

“(2) a member country of the European Union, but does not include a member country with respect to which—

“(A) the country’s Annex to the Treaty of Accession to the European Union 2003 includes a transitional measure for the regulation of human pharmaceutical products that has not expired; or

“(B) the Secretary determines that the requirements described in subparagraphs (A) and (B) of paragraph (6) will not be met by the date on which such transitional measure for the regulation of human pharmaceutical products expires;

“(3) Japan;

“(4) New Zealand;

“(5) Switzerland; and

“(6) a country in which the Secretary determines the following requirements are met:

“(A) The country has statutory or regulatory requirements—

“(i) that require the review of drugs for safety and effectiveness by an entity of the government of the country;

“(ii) that authorize the approval of only those drugs that have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs;

“(iii) that require the methods used in, and the facilities and controls used for the manufacture, processing, and packing of drugs in the country to be adequate to preserve their identity, quality, purity, and strength;

“(iv) for the reporting of adverse reactions to drugs and procedures to withdraw approval and remove drugs found not to be safe or effective; and

“(v) that require the labeling and promotion of drugs to be in accordance with the approval of the drug.

“(B) The valid marketing authorization system in the country is equivalent to the systems in the countries described in paragraphs (1) through (5).

“(C) The importation of drugs to the United States from the country will not adversely affect public health.”.

SA 821. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, line 13, insert “: *Provided further*, That notwithstanding section 133(d)(2) of title 23, United States Code, none of the funds made available under this heading may be used to implement or execute transportation enhancement activities: *Provided further*, That at least 10 percent of the funds made available under this heading shall be made available for the highway bridge program authorized under section 144 of title 23, United States Code” before the period at the end.

SA 822. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr.

INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, lines 13 through 16, strike “\$41,107,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2012: *Provided*, That within the \$41,107,000,000” and insert “\$27,000,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2012: *Provided*, That within the \$27,000,000,000”.

SA 823. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 84, strike line 8 and all that follows through page 108, line 24.

SA 824. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follow:

At the appropriate place, insert the following:

DIVISION —CORPS OF ENGINEERS REFORM

SECTION 1. SHORT TITLE.

This division may be cited as the “Corps of Engineers Reform Act of 2011”.

TITLE I—HARBOR MAINTENANCE REFORM

SEC. 101. PURPOSE.

The purpose of this title is to establish a harbor maintenance block grant program to provide the maximum flexibility to each State to carry out harbor maintenance and deepening projects in the State.

SEC. 102. DEFINITIONS.

Except as otherwise specifically provided, in this title:

(1) **HARBOR MAINTENANCE.**—The term “harbor maintenance” means any project directly related to the operations and maintenance of a harbor, including additional development of a harbor.

(2) **LEAD AGENCY.**—The term “lead agency” means the agency designated under section 106(a).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

(4) **STATE.**—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 103. FUNDING.

The harbor maintenance block grant program established under section 104 shall be funded from the State Harbor Maintenance Block Grant Account established under section 9505 of the Internal Revenue Code of 1986.

SEC. 104. ESTABLISHMENT OF HARBOR MAINTENANCE BLOCK GRANT PROGRAM.

The Secretary shall establish a program to make grants to States in accordance with this title to carry out harbor maintenance and deepening projects located in participating States in accordance with the priorities determined by each participating State, including operations and maintenance, investigations, site infrastructure improvements, and new construction projects at harbors.

SEC. 105. REPORTS.

(a) **IN GENERAL.**—To be eligible to receive and expend amounts for a fiscal year under this title, a State shall prepare and submit to the Secretary a report describing the activities that the State intends to carry out using amounts received under this title, including information on the types of activities to be carried out.

(b) **AVAILABILITY AND COMMENT.**—A report under subsection (a) shall be made public within the State in such a manner as to facilitate comment by any person (including any Federal or other public agency) during the development of the report and after the completion of the report.

(c) REVISION.

(1) **IN GENERAL.**—The report shall be revised throughout the year as may be necessary to reflect substantial changes in the activities assisted using amounts provided under this title.

(2) **AVAILABILITY AND COMMENT.**—Any revision in the report shall be subject to subsection (b).

(d) **NO ADDITIONAL REPORTS.**—The Secretary may not impose any reporting requirements on States to carry out this title that are in addition to the reports specifically required under this title.

SEC. 106. LEAD AGENCY.

(a) **DESIGNATION.**—The chief executive officer of a State that seeks to receive a grant under this title shall designate, in an application submitted to the Secretary under section 107, an appropriate State agency that complies with subsection (b) to act as the lead agency for the State.

(b) DUTIES.

(1) **IN GENERAL.**—The lead agency shall—

(A) administer, directly or through other State agencies, the financial assistance received under this title by the State;

(B) develop the State plan to be submitted to the Secretary under section 107(a)(2);

(C) in conjunction with the development of the State plan, hold at least 1 hearing in the State to provide to the public an opportunity to comment on the State plan; and

(D) coordinate the implementation of harbor maintenance projects under this title with applicable Federal, State, and local agencies.

(2) **DEVELOPMENT OF PLAN.**—In the development of the State plan described in paragraph (1)(B), the lead agency shall consult with appropriate representatives of units of general purpose local government on issues relating to the State plan.

SEC. 107. APPLICATION AND PLAN.

(a) **APPLICATION.**—To be eligible to receive assistance under this title, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall by rule require, including—

(1) an assurance that the State will comply with the requirements of this title; and

(2) a State plan that meets the requirements of subsection (b).

(b) REQUIREMENTS OF A PLAN.

(1) **LEAD AGENCY.**—The State plan shall identify the lead agency.

(2) **USE OF BLOCK GRANT FUNDS.**—The State plan shall provide that the State shall use the amounts provided to the State for each fiscal year under this title to carry out harbor maintenance and deepening projects.

(c) **APPROVAL OF APPLICATION.**—The Secretary shall approve an application that satisfies the requirements of this section.

SEC. 108. EFFECT ON ENVIRONMENTAL LAWS.

Nothing in this title affects, alters, or modifies any provisions of applicable Federal environmental laws (including regulations).

SEC. 109. ADMINISTRATION AND ENFORCEMENT.

(a) **ADMINISTRATION.**—The Secretary shall—

(1) coordinate all activities of the Department of Defense relating to harbor maintenance activities, and, to the maximum extent practicable, coordinate the activities with similar activities of other Federal entities; and

(2) provide technical assistance to assist States in carrying out this title, including assistance on a reimbursable basis.

(b) ENFORCEMENT.

(1) **REVIEW OF COMPLIANCE WITH STATE PLAN.**—The Secretary shall—

(A) review and monitor State compliance with—

(i) this title; and

(ii) the plan approved under section 107(c) for the State; and

(B) have the power to terminate payments to the State in accordance with paragraph (2).

(2) NONCOMPLIANCE.**(A) IN GENERAL.**

(i) **APPLICATION.**—This subparagraph applies if the Secretary, after reasonable notice to a State and opportunity for a hearing, finds that—

(I) there has been a failure by the State to comply substantially with any provision or requirement set forth in the plan approved under section 107(c) for the State in a manner that constitutes fraud or abuse; or

(II) in the operation of any program or activity for which assistance is provided under this title, there is a failure by the State to comply substantially with any provision of this title in a manner that constitutes fraud or abuse.

(ii) **NOTICE.**—If the Secretary makes the finding described in subclause (I) or (II) of clause (i), the Secretary shall notify the State of the finding and that no further payments will be made to the State under this title (or, in the case of noncompliance in the operation of a program or activity, that no further payments to the State will be made with respect to the program or activity) until the Secretary is satisfied that there is no longer any such failure to comply or that the noncompliance will be promptly corrected.

(B) **ADDITIONAL SANCTIONS.**—In the case of a finding of noncompliance made pursuant to subparagraph (A), the Secretary may, in addition to imposing the sanctions described in subparagraph (A), impose other appropriate sanctions, including recoupment of funds improperly expended for purposes prohibited or not authorized by this title, and disqualification from the receipt of financial assistance under this title.

(C) **NOTICE.**—The notice required under subparagraph (A) shall include specific identification of any additional sanction being imposed under subparagraph (B).

(3) **PROCEDURES.**—The Secretary shall establish by regulation procedures for—

(A) receiving, processing, and determining the validity of complaints concerning any failure of a State to comply with the State plan or any requirement of this title; and

(B) imposing sanctions under this section.

SEC. 110. PAYMENTS.**(a) IN GENERAL.**

(1) **PAYMENTS.**—A State that has an application approved by the Secretary under section 107(c) shall be entitled to a payment under this section for each fiscal year in an amount that is equal to the allotment of the State under section 113 for the fiscal year.

(2) **STATE ENTITLEMENT.**—Subject to the availability of funds under section 103, this title—

(A) constitutes budget authority in advance of appropriations Acts; and

(B) represents the obligation of the Federal Government to provide for the payment to States of the amount described in paragraph (1).

(b) METHOD OF PAYMENT.

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary may make payments to a State in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(2) **LIMITATION.**—The Secretary may not make the payments in a manner that prevents the State from complying with section 107.

SEC. 111. AUDITS.

(a) **REQUIREMENT.**—After the close of each program period covered by an application approved under section 107(c), a State shall audit—

(1) the expenditures of the State during the program period from amounts received under this title; and

(2) the maintenance by the State of unexpended amounts received by the State under this title.

(b) **INDEPENDENT AUDITOR.**—An audit under this section shall be conducted—

(1) by an entity that is independent of any agency administering activities that receive assistance under this title; and

(2) in accordance with generally accepted auditing principles.

(c) **SUBMISSION.**—Not later than 30 days after the completion of an audit under this section, the State shall submit a copy of the audit to the legislature of the State and to the Secretary.

(d) REPAYMENT OF AMOUNTS.

(1) **IN GENERAL.**—Except as provided in paragraph (2), each State shall repay to the United States any amounts made available to the State under this title and determined through an audit under this section—

(A) to have been expended in a manner that constitutes fraud or abuse; or

(B) to remain unexpended as a result of fraud or abuse.

(2) **OFFSET TO AMOUNTS.**—As an alternative to requiring repayment of amounts under paragraph (1), the Secretary may offset the amounts required to be repaid against any other amounts to which the State is or may be entitled under this title.

SEC. 112. REPORT BY SECRETARY.

Not later than 60 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate committees of Congress a report that contains—

(1) a summary and analysis of the data and information provided to the Secretary in the State audits submitted under section 111; and

(2) an assessment, and if appropriate, recommendations for Congress concerning efforts that should be undertaken to improve harbor maintenance in the United States.

SEC. 113. ALLOTMENTS.

(a) **IN GENERAL.**—For each fiscal year, the Secretary shall allot to each participating

State an amount that is equal to the proportion that—

(1) the amounts collected in the State for deposit in the State Harbor Maintenance Block Grant Account for that fiscal year in accordance with section 9505 of the Internal Revenue Code of 1986; bears to

(2) the total amount of funds in the State Harbor Maintenance Block Grant Account in that fiscal year.

(b) **INSUFFICIENT FUNDS.**—If the Secretary finds that the total amount of allotments to which States would otherwise be entitled for a fiscal year under subsection (a) will exceed the amount of funds available to provide the allotments for the fiscal year, the Secretary shall reduce the allotments made to States under this subsection, on a pro rata basis, to the extent necessary to allot under this subsection a total amount that is equal to the funds that will be made available.

SEC. 114. AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.

(a) **IN GENERAL.**—Subsection (c) of section 9505 of the Internal Revenue Code of 1986 is amended by striking “Amounts” and inserting “Except as provided in subsection (d), amounts”.

(b) **STATE BLOCK GRANTS.**—Section 9505 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(d) **ESTABLISHMENT OF STATE BLOCK GRANT ACCOUNT.**—

“(1) **CREATION OF ACCOUNT.**—There is established in the Harbor Maintenance Trust Fund a separate account to be known as the ‘State Harbor Maintenance Block Grant Account’ consisting of such amounts as may be transferred or credited to the State Harbor Maintenance Block Grant Account as provided in this section or section 9602(b).

“(2) **TRANSFERS TO STATE HARBOR MAINTENANCE BLOCK GRANT ACCOUNT.**—The Secretary shall transfer to the State Harbor Maintenance Block Grant Account the electing State amount of the amounts appropriated to the Harbor Maintenance Trust Fund under subsection (b).

“(3) **EXPENDITURES FROM ACCOUNT.**—Except as provided in paragraph (4), amounts in the State Harbor Maintenance Block Grant Account shall be available for making expenditures to fund the harbor maintenance block grant program authorized by the Corps of Engineers Reform Act of 2011. The Secretary shall, from time to time, transfer such amounts to such accounts as are identified by the Secretary of the Army, acting through the Chief of Engineers, for the purpose of making such expenditures.

“(4) **LIMITATIONS.**—

“(A) **NON-ELECTING STATES.**—Amounts in the State Harbor Maintenance Block Grant Account shall not be used for making any payment to a State, or for making expenditures within a State, unless such State is an electing State.

“(B) **RESERVATION OF ADMINISTRATIVE COSTS.**—

“(i) **IN GENERAL.**—The expenditures under subsection (c)(3) shall be borne by the State Harbor Maintenance Block Grant Account and the General Account in proportion to the respective amounts of the revenues transferred under this section to the State Harbor Maintenance Block Grant Account and the General Account (after the application of paragraph (2)).

“(ii) **RESERVATION.**—The amounts required to bear the State Harbor Maintenance Block Grant Account’s share of the expenditures under clause (i) shall be reserved for such purpose and shall not be used to make any other expenditures.

“(iii) **GENERAL ACCOUNT.**—For purposes of this subparagraph, the term ‘General Account’ means the portion of the Harbor Maintenance Trust Fund which is not the State Harbor Maintenance Block Grant Account.

“(5) **DEFINITIONS.**—For purposes of this subsection—

“(A) **ELECTING STATE AMOUNT.**—The term ‘electing State amount’ means the portion of the amounts appropriated to the Harbor Maintenance Trust Fund under subsection (b) which is equivalent to the taxes received in the Treasury under section 4461 which are collected from ports in electing States.

“(B) **ELECTING STATE.**—The term ‘electing State’ means a State that has elected (by submission of the application required under section 107 of the Corps of Engineers Reform Act of 2011) to participate in the harbor maintenance block grant program authorized by the Corps of Engineers Reform Act of 2011.

“(6) **COORDINATION WITH TRUST FUND EXPENDITURES.**—Expenditures under paragraphs (1) and (2) of subsection (c) shall not be made to, or for projects located within, any State which is an electing State.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts appropriated or transferred to the Harbor Maintenance Trust Fund under section 9505 of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

TITLE II—WATER RESOURCES DEVELOPMENT

SEC. 201. DEFINITIONS.

In this title:

(1) **COMMISSION.**—The term “Commission” means the Water Resources Commission established by section 203.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

SEC. 202. CORPS TRANSPARENCY.

(a) **ANNUAL PUBLICATION OF AUTHORIZED PROJECTS.**—

(1) **IN GENERAL.**—The Secretary shall publish annually a list describing each authorized water resources project of the Corps of Engineers in the Federal Register and on a publically available website.

(2) **CONTENTS.**—For each authorized water resources project, the list described in paragraph (1) shall include—

(A) the date on which the water resources project was authorized; and

(B) the amount of Federal funds, if any, provided to the water resources project during the 5 years immediately preceding the date on which the list described in paragraph (1) is published.

(3) **REPORT TO CONGRESS.**—The Secretary shall submit the list described in paragraph (1) to—

(A) the Committees on Environment and Public Works and Appropriations of the Senate; and

(B) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

(b) **PUBLICATION OF DEAUTHORIZED PROJECTS.**—

(1) **IN GENERAL.**—Not later than 90 days after date of the enactment of this Act, the Secretary shall publish a list describing each water resources study or project of the Corps of Engineers that is no longer authorized.

(2) **CONTENTS.**—For each water resources study or project described in paragraph (1), the list described in paragraph (1) shall include—

(A) the date on which the water resources study or project was authorized; and

(B) the amount of Federal funds, if any, provided to the water resources study or project for the 5 years immediately following the date on which that study or project was authorized.

(3) **REPORT TO CONGRESS.**—The Secretary shall submit the list described in paragraph (1) to—

(A) the Committees on Environment and Public Works and Appropriations of the Senate; and

(B) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

SEC. 203. WATER RESOURCES COMMISSION.

(a) **ESTABLISHMENT OF COMMISSION.**—

(1) **ESTABLISHMENT.**—There is established a commission, to be known as the “Water Resources Commission”, to prioritize water resources projects in the United States.

(2) **MEMBERSHIP.**—

(A) **COMPOSITION.**—

(i) **IN GENERAL.**—The Commission shall be composed of 11 members, of whom—

(I) 1 member shall be appointed by the President;

(II) 1 member shall be appointed by the Speaker of the House of Representatives;

(III) 1 member shall be appointed by the majority leader of the Senate; and

(IV) 8 members shall be appointed in accordance with clause (ii) by the Speaker of the House of Representatives and the majority leader of the Senate, in consultation with the minority leader of the House of Representatives and the minority leader of the Senate.

(ii) **RESTRICTIONS.**—

(I) **IN GENERAL.**—Subject to subclause (II), each of the 8 members appointed under clause (i)(IV) shall represent 1 of the following Corps of Engineers geographical divisions:

(aa) Great Lakes & Ohio River Division.

(bb) Mississippi Valley Division.

(cc) North Atlantic Division.

(dd) Northwestern Division.

(ee) Pacific Ocean Division.

(ff) South Atlantic Division.

(gg) South Pacific Division.

(hh) Southwestern Division.

(II) **GEOGRAPHICAL REPRESENTATION.**—Not more than 2 of the members appointed under clause (i)(IV) shall represent the same Corps of Engineers geographical division described in subclause (I).

(B) **QUALIFICATIONS.**—

(i) **IN GENERAL.**—Subject to clause (ii), members shall be appointed to the Commission from among individuals who—

(I)(aa) are knowledgeable in the fields of navigation, water infrastructure, or natural resources; or

(bb) are recognized as having expertise in project management or cost-benefit analysis; and

(II) while serving on the Commission, do not hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(ii) **REQUIREMENT.**—At least 1 of the members under subparagraph (A) shall have knowledge of safety issues relating to water resources projects carried out by the Corps of Engineers.

(C) **DATE OF APPOINTMENTS.**—The members of the Commission shall be appointed under subparagraph (A) not later than 90 days after the date of enactment of this Act.

(3) **TERM; VACANCIES.**—

(A) **TERM.**—A member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled not later than 30 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(5) MEETINGS.—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) the majority of the members of the Commission.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(b) DUTIES OF COMMISSION.—

(1) PRIORITIZATION OF WATER RESOURCES PROJECTS.—

(A) IN GENERAL.—In accordance with this section, the Commission shall make recommendations for the means by which to prioritize water resources projects of the Corps of Engineers and prioritize water resources projects of the Corps of Engineers that are not being carried out under a continuing authorities program.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to Congress a report containing the recommendations and prioritization method required under this paragraph.

(C) RECOMMENDATIONS.—The report shall include recommendations for—

(i) a process of regularized prioritization assessments that ensures continuity in project prioritization rankings and the inclusion of newly authorized projects;

(ii) a process to prioritize water resources projects across project type; and

(iii) a method of analysis, with respect to the prioritization process, of recreation and other ancillary benefits resulting from the construction of Corps of Engineers projects.

(D) PROJECT INCLUSIONS.—The report shall include, at a minimum, each water resources project authorized for study or construction on or before the date of enactment of this Act.

(E) PRIORITIZATION REQUIREMENTS.—

(i) IN GENERAL.—Each project described in the report shall be categorized by project type and be classified into a tier system of descending priority, to be established by the Commission, in a manner that reflects the extent to which the project achieves project prioritization criteria established under subparagraph (F).

(ii) MULTIPURPOSE PROJECTS.—Each multipurpose project described in the report shall be classified—

(I) by the project type that best represents the primary project purpose, as determined by the Commission; and

(II) into the tier system described in clause (i) within that project type.

(iii) TIER SYSTEM REQUIREMENTS.—In establishing a tier system under clause (i), the Commission shall ensure that each tier—

(I) is limited to total authorized project costs of \$5,000,000,000; and

(II) includes not more than 100 projects.

(iv) BALANCE.—The Commission shall seek, to the maximum extent practicable, a bal-

ance between the water resource needs of all States, regardless of the size or population of a State.

(F) PROJECT PRIORITIZATION CRITERIA.—In preparing the report, the Commission shall prioritize each water resources project of the Corps of Engineers based on the extent to which the project meets at least the following criteria and such additional criteria as the Commission may fully explain in the report:

(i) For flood damage reduction projects, the extent to which such a project—

(I) addresses critical flood damage reduction needs of the United States, including by reducing the risk of loss of life;

(II) avoids increasing risks to human life or damages to property in the case of large flood events; and

(III) avoids adverse environmental impacts or produces environmental benefits.

(ii) For navigation projects, the extent to which such a project—

(I) addresses priority navigation needs of the United States, including by having a high probability of producing the economic benefits projected with respect to the project and reflecting regional planning needs, as applicable; and

(II) avoids adverse environmental impacts.

(iii) For environmental restoration projects, the extent to which such a project addresses priority environmental restoration needs of the United States, including by restoring the natural hydrologic processes and spatial extent of an aquatic habitat, while being, to the maximum extent practicable, self-sustaining.

(2) AVAILABILITY.—The report prepared under this subsection shall be—

(A) published in the Federal Register; and

(B) submitted to—

(i) the Committees on Environment and Public Works and Appropriations of the Senate; and

(ii) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

(c) POWERS OF COMMISSION.—

(1) HEARINGS.—The Commission shall hold such hearings, meet and act at such times and places, take such testimony, administer such oaths, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the Federal agency shall provide the information to the Commission.

(3) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission shall serve without pay, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil

service laws, including regulations, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(C) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—In no event shall any employee of the Commission (other than the executive director) receive as compensation an amount in excess of the maximum rate of pay for Executive Level IV under section 5315 of title 5, United States Code.

(3) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of a Federal employee shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Secretary, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and staff of the Commission as are necessary for the Commission to carry out the duties of the Commission under this section.

(e) TERMINATION.—The Commission shall terminate on the date that is 90 days after the date on which the final report of the Commission is submitted under subsection (b).

SEC. 204. FUNDING.

(a) FUNDING.—

(1) IN GENERAL.—In carrying out this title, the Commission shall use funds made available for the general operating expenses of the Corps of Engineers.

(2) PRIORITY WATER RESOURCES PROJECTS.—In carrying out the water resources projects prioritized by the Commission under section 203(b), the Secretary shall use funds made available to the Corps of Engineers.

(b) USE OF COMMISSION REPORT BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall use the priority recommendations described in the report under section 203(b) as a means of allocating amounts appropriated under subsection (a)(2).

(2) EXCEPTION.—The Secretary may deviate from the priority recommendations in the report under section 203(b) by advancing the priority of a project only if the Secretary determines that—

(A) the project is vital to the national interest of the United States; and

(B) failure to complete the project would cause significant harm and expense to the United States.

(c) REPORTS.—

(1) IN GENERAL.—For each fiscal year, the Secretary shall submit to the committees described in paragraph (2), and make available to the public on the Internet, a report that lists, for the year covered by the report—

(A) the water resources projects that receive funding and are carried out in accordance with section 203(b); and

(B) the water resources projects that receive funding and are carried out on a project-by-project basis through line items contained in appropriations Acts.

(2) COMMITTEES.—The committees referred to in paragraph (1) are—

(A) the Committees on Environment and Public Works and Appropriations of the Senate; and

(B) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

SA 825. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, between lines 2 and 3, insert the following:

SEC. 542. All reports, written requests, and other communications required to be submitted to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives under this Act shall be simultaneously posted in a prominent place on the website of the submitting agency.

SA 826. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. None of the funds made available by this Act may be used for coastal and marine spatial planning (as defined by Executive Order 13547 (33 U.S.C. 857-19 note; relating to stewardship of the ocean, coasts, and Great Lakes)) for a State unless the Governor of the State provides written consent for such planning.

SA 827. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. 7. ASIAN CARP.

(a) DEFINITIONS.—In this section:

(1) CAWS.—The term “CAWS” means the Chicago Area Water System.

(2) DIRECTOR.—The term “Director” means the Director of the United States Geological Survey.

(3) HYDROLOGICAL SEPARATION.—The term “hydrological separation” means a physical separation on the CAWS that—

(A) would disconnect the Mississippi River from Lake Michigan; and

(B) shall be designed to be adequate in scope to prevent the transfer of aquatic species between each of those bodies of water.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

(5) STUDY.—The term “study” means the feasibility study described in subsection (b)(1).

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary, pursuant to section 206 of the Flood Control Act of 1958 (Public Law 85-500; 72 Stat. 317), shall initiate a study of the watersheds of the following rivers (including the tributaries of the rivers) that drain directly into Lake Michigan:

(A) The Illinois River, at and in the vicinity of Chicago, Illinois.

(B) The Chicago River in the State of Illinois.

(C) The Calumet River in the States of Illinois and Indiana.

(2) PURPOSE OF STUDY.—The purpose of the study shall be to determine the feasibility and best means of implementing the hydrological separation of the Great Lakes and Mississippi River Basins to prevent the introduction or establishment of populations of aquatic nuisance species between the Great Lakes and Mississippi River Basins through the CAWS and other aquatic pathways.

(3) REQUIREMENTS OF STUDY.—

(A) OPTIONS.—The study shall include options to address—

(i) flooding;

(ii) Chicago wastewater and stormwater infrastructure;

(iii) waterway safety operations; and

(iv) barge and recreational vessel traffic alternatives, which shall include—

(I) examining other modes of transportation for cargo and CAWS users; and

(II) creating engineering designs to move canal traffic from 1 body of water to another body of water without transferring aquatic species.

(B) COST-BENEFIT ANALYSIS.—The study shall contain a detailed analysis of the environmental benefits and costs of each option described in subparagraph (A).

(C) ASSOCIATION WITH OTHER STUDY.—The study shall be conducted in association with the study required under section 3061(d) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1121).

(D) CONSULTATION.—In conducting the study, the Secretary shall consult with any relevant expert or stakeholder knowledgeable on the issues of hydrological separation and aquatic nuisance species.

(4) DEADLINE.—The Secretary shall complete the study by not later than the date that is 18 months after the date of enactment of this Act.

(c) REPORT.—

(1) IN GENERAL.—The Secretary shall prepare a report on the waterways described in subsection (b)(1) in accordance with—

(A) the purpose described in subsection (b)(2); and

(B) each requirement described in subsection (b)(3).

(2) DEADLINES.—The Secretary shall submit to Congress and the President—

(A) not later than 180 days after the date of enactment of this Act, an initial report under this subsection;

(B) not later than 1 year after the date of enactment of this Act, an interim report under this subsection; and

(C) not later than 18 months after the date of enactment of this Act, a final report under this subsection.

(d) FEDERAL EXPENSE REQUIREMENT.—The Secretary shall carry out this section at full Federal expense.

(e) PRESIDENTIAL OVERSIGHT.—The President, or the Council on Environmental Quality, acting as a designee of the President, shall oversee the study to ensure the thoroughness and timely completion of the study.

(f) RESPONSE TO ADDITIONAL THREATS.—

(1) MONITORING CONNECTING WATERS.—To identify additional threats that could allow Asian Carp to enter the Great Lakes Basin, the Director, in cooperation with the Director of the United States Fish and Wildlife Service, shall monitor and survey all waters that connect to the Great Lakes Basin or could connect to the Great Lakes Basin due to—

(A) flooding;

(B) underground hydrological connection; or

(C) human-made diversion.

(2) RESPONSE TO ADDITIONAL THREATS.—As soon as practicable after the date of identification of a threat under paragraph (1), the Director, in cooperation with the Director of the United States Fish and Wildlife Service, shall—

(A) prioritize each threat; and

(B) help identify means to impede the passage of Asian Carp to the Great Lakes Basin.

(3) CONSULTATION WITH OTHER ACTORS.—In carrying out paragraphs (1) and (2), the Director, in cooperation with the Director of the United States Fish and Wildlife Service, shall consult with each relevant—

(A) Federal agency;

(B) State; and

(C) stakeholder.

SA 828. Mr. UDALL of Colorado submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 19, strike “\$265,987,000” and insert “\$261,987,000”.

On page 15, line 12, strike “\$25,948,000” and insert “\$29,948,000”.

On page 15, line 25, strike “\$5,988,000” and insert “\$9,988,000”.

SA 829. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, after line 7 add the following:

SEC. 237. (a) Notwithstanding the amount made available under the heading “NATIVE AMERICAN HOUSING BLOCK GRANTS” under the heading “PUBLIC AND INDIAN HOUSING” under the heading DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT under this division, there shall be available for the Native American Housing Block Grants program, as

authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996, \$705,300,000, to remain available until expended.

(b) Notwithstanding any other provision of this Act, the amount made available or authorized to be appropriated for fiscal year 2012 for each program, project, or activity authorized under this division and the amendments made by this division (except the program described in subsection (a)) shall be reduced on a pro rata basis by a total of \$55,300,000.

SA 830. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, after line 7 add the following:
SEC. 237. (a) Notwithstanding the amount made available under the heading "NATIVE AMERICAN HOUSING BLOCK GRANTS" under the heading "PUBLIC AND INDIAN HOUSING" under the heading "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT" under this division, there shall be available for the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996, \$705,300,000, to remain available until expended.

(b) Notwithstanding any other provision of this Act, the amount made available or authorized to be appropriated for fiscal year 2012 for each program, project, or activity authorized under this division and the amendments made by this division (except the program described in subsection (a)) shall be reduced on a pro rata basis by a total of \$55,300,000.

SA 831. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike line 10 and insert the following: "Act: *Provided*, That notwithstanding other any provision of law, the practices and policies of the Food and Drug Administration and Bureau of Customs and Border Protection, in effect on January 1, 2004, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use, shall remain in effect."

SA 832. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 53, strike line 9 and all that follows through page 54, line 8, and insert the following:

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), \$71,173,308,000, of which \$3,000,000,000, to remain available through September 30, 2013, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, notwithstanding section 16(h)(1) of the Food and Nutrition Act of 2008: *Provided further*, That of the funds made available under this heading, \$1,000,000 may be used to provide nutrition education services to state agencies and Federally recognized tribes participating in the Food Distribution Program on Indian Reservations: *Provided further*, That funds made available under this heading may be available to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

SA 833. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . None of the funds made available by this Act may be used by the Secretary of Agriculture to provide direct payments under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

SA 834. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . None of the funds made available under this Act may be used to take any action (including any administrative, civil, criminal, or other action) that would prohibit, interfere with, regulate, or otherwise restrict the interstate traffic of milk, or a milk product, that is unpasteurized and packaged for direct human consumption, if the restriction is based on the determination that, solely because the milk or milk product is unpasteurized, the milk or milk product is adulterated, misbranded, or otherwise in violation of Federal law.

SA 835. Mr. PAUL (for himself and Mr. VITTER) submitted an amendment

intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of law, no funds appropriated under any division of this Act shall be used to implement or enforce Executive Order 13502 (issued February 6, 2009).

SA 836. Mr. LAUTENBERG (for himself, Mr. SANDERS, Mr. MENENDEZ, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, between lines 8 and 9, insert the following:

For an additional amount for "Economic Development Assistance Programs" for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$365,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

SA 837. Mr. SCHUMER (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. . ASSISTANCE FOR DISASTER-AFFECTED PRODUCERS.

(a) **DEFINITIONS.**—In this section:

(1) **DISASTER COUNTY.**—The term "disaster county" means—

(A) a county included in the geographical area covered by a qualifying natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(2) **DISASTER-AFFECTED PRODUCER.**—The term "disaster-affected producer" means an eligible producer on a farm (as defined in section 531(a) of the Federal Crop Insurance Act (7 U.S.C. 1531(a))) that suffered losses in a disaster county in an insurable commodity or noninsurable commodity during the 2011 crop year due to damaging weather or other conditions relating to a natural disaster.

(3) **QUALIFYING NATURAL DISASTER DECLARATION.**—The term "qualifying natural disaster declaration" means a major disaster or emergency designated by the President in 2011 due to damaging weather or other conditions under the Robert T. Stafford Disaster

Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) **SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE PROGRAM.**—In the case of a disaster-affected producer that does not meet the requirements of paragraph (1) of section 531(g) of the Federal Crop Insurance Act (7 U.S.C. 1531(g)), the Secretary of Agriculture shall waive that paragraph if the disaster-affected producer—

(1) pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under that paragraph for the 2011 crop year to the Secretary not later than 90 days after the date of enactment of this Act; and

(2)(A) in the case of each insurable commodity of the disaster-affected producer, excluding grazing land, agree to obtain a policy or plan of insurance under subtitle A of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (excluding a crop insurance pilot program under that subtitle) for the next insurance year for which crop insurance is available to the eligible producers on the farm; and

(B) in the case of each noninsurable commodity of the disaster-affected producer, agree to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the next year for which a policy is available.

(c) **EMERGENCY SPENDING.**—

(1) **DISASTER RELIEF.**—The amount made available under this section for major disaster counties (within the meaning of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)) is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)).

(2) **EMERGENCY REQUIREMENT.**—Amounts made available under this section for emergency presidential declarations (within the meaning of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)) or contiguous counties are designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(d) **EFFECTIVE DATE.**—This section takes effect on the date of enactment of this Act.

SA 838. Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, line 10, strike “\$78,000,000” and insert “\$155,700,000”.

On page 83, line 11, strike “\$31,000,000” and insert “\$188,200,000”.

SA 839. Mr. CONRAD (for himself, Mr. LEAHY, Mr. SANDERS, Mrs. GILLIBRAND, Mr. HOEVEN, Mr. MENENDEZ, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making ap-

propriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 316, after line 23 add the following: For an additional amount for the “Community Development Fund”, for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) in 2011, \$600,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): *Provided*, That the amount provided under this heading is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended: *Provided further*, That such additional amount shall be subject to the same terms and conditions as any other amounts provided under this heading.

SA 840. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike line 10 and insert the following: “Act: *Provided*, That notwithstanding any other provision of law, the practices and policies of the Food and Drug Administration and Bureau of Customs and Border Protection, in effect on January 1, 2004, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use, shall remain in effect with respect to such importation by individuals from countries other than Canada.”

SA 841. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 25, insert “in excess of \$5,000,000” before the semicolon at the end.

On page 83, between lines 20 and 21, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, each amount provided by this Act to administration accounts of the Department of Agriculture is reduced by the pro rata percentage required to reduce the total amount provided to those accounts by \$5,000,000.

SA 842. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2112, making ap-

propriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to provide to a person or legal entity (as defined in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)) any benefit described in section 1001D(b)(1)(C) of that Act (7 U.S.C. 1308-3a(b)(1)(C)) during a crop, fiscal, or program year, as appropriate, if—

- (1) the person is deceased; or
- (2) the average adjusted gross income (as defined in section 1001D(a)(1) of that Act) of the person or legal entity exceeds \$250,000.

SA 843. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. None of the funds made available by this Act may be used to require a person licensed under section 923 of title 18, United States Code, to report information to the Department of Justice regarding the sale of multiple rifles or shotguns to the same person.

SA 844. Mr. HATCH (for himself, Mr. MORAN, Mr. INHOFE, Mr. ISAKSON, Mr. CHAMBLISS, Ms. AYOTTE, Mr. HOEVEN, Mr. SHELBY, Mr. NELSON of Nebraska, and Mr. HELLER) submitted an amendment to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 17, insert “or hereafter” after “herein”.

On page 121, line 23, insert “or hereafter” after “herein”.

On page 122, line 11, insert “, hereafter,” after “That”.

On page 124, line 13, insert “, hereafter,” after “That”.

On page 124, line 17, insert “, hereafter,” after “That”.

On page 124, line 21, insert “, hereafter,” after “That”.

On page 179, line 13, strike “None of” and insert “Hereafter, none of”.

On page 181, line 3, strike “The Bureau” and insert “For fiscal year 2012 and thereafter, the Bureau”.

On page 184, line 14, insert “hereafter,” after “treaty.”

On page 186, line 19, insert “hereafter,” after “law.”

SA 845. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr.

INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, strike “: *Provided*,” on line 16 and all that follows through line 23 and insert a period.

SA 846. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 150, strike line 23 and all that follows through page 151, line 4.

SA 847. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 176, strike lines 5 through 9.

SA 848. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, strike “: *Provided*,” on line 16 and all that follows through line 23 and insert a period.

On page 150, strike line 23 and all that follows through page 151, line 4.

On page 176, strike lines 5 through 9.

SA 849. Mr. RUBIO (for himself, Mr. WICKER, Mr. NELSON of Florida, Ms. LANDRIEU, and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, after line 24, add the following:

SEC. 218. EVALUATION OF GULF COAST CLAIMS FACILITY.

The Attorney General shall identify an independent auditor to evaluate the claims determination methodologies of the Gulf Coast Claims Facility.

SA 850. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making ap-

propriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ____. Not later than 1 year after the date of enactment of this Act, the Government Accountability Office shall conduct an assessment, and submit to Congress a report on the results of such assessment, of the effectiveness and utility of the adverse event reporting system since 2007, including—

(1) the actions being taken, if any, by the Food and Drug Administration to ensure that dietary supplement manufacturers are reporting adverse events;

(2) how the adverse event reporting system informs the public of the efforts of the Food and Drug Administration to protect consumers; and

(3) to what extent the Food and Drug Administration has implemented the recommendations made by the Government Accountability Office in its 2009 report on dietary supplements.

SA 851. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 264, between lines 9 and 10, insert the following:

SEC. 153. BUYING GOODS PRODUCED IN THE UNITED STATES.

(a) **COMPLIANCE.**—None of the funds made available for freight rail transportation projects under this title may be expended by any entity unless the entity agrees that such expenditures will comply with the requirements under this section.

(b) **PREFERENCE.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of Transportation may not obligate any funds appropriated for a freight rail transportation project under this title or provide direct loans or loan guarantees under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) unless all the steel, iron, and manufactured products used in the project are produced in the United States.

(2) **WAIVER.**—The Secretary of Transportation may waive the application of paragraph (1) in circumstances in which the Secretary determines that—

(A) such application would be inconsistent with the public interest;

(B) such materials and products produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or

(C) inclusion of domestic material would increase the cost of the overall project by more than 25 percent.

(c) **LABOR COSTS.**—For purposes of this subsection (b)(2)(C), labor costs involved in final assembly shall not be included in calculating the cost of components.

(d) **MANUFACTURING PLAN.**—The Secretary of Transportation shall prepare, in conjunction the Secretary of Commerce, a manufacturing plan that—

(1) promotes the production of products in the United States that are the subject of waivers granted under subsection (b)(2)(B);

(2) addresses how such products may be produced in a sufficient and reasonably available amount, and in a satisfactory quality, in the United States; and

(3) addresses the creation of a public database for the waivers granted under subsection (b)(2)(B).

(e) **WAIVER NOTICE AND COMMENT.**—If the Secretary of Transportation determines that a waiver of subsection (b)(1) is warranted, the Secretary, before the date on which such determination takes effect, shall—

(1) post the waiver request and a detailed written justification of the need for such waiver on the Department of Transportation's public website;

(2) publish a detailed written justification of the need for such waiver in the Federal Register; and

(3) provide notice of such determination and an opportunity for public comment for a reasonable period of time not to exceed 15 days.

(f) **STATE REQUIREMENTS.**—The Secretary of Transportation may not impose any limitation on amounts made available for freight rail transportation projects under this title that—

(1) restricts a State from imposing requirements that are more stringent than the requirements under this section on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries, in projects carried out with such assistance; or

(2) prohibits any recipient of such amounts from complying with State requirements authorized under paragraph (1).

(g) **CERTIFICATION.**—The Secretary of Transportation may authorize a manufacturer or supplier of steel, iron, or manufactured goods to correct, after bid opening, any certification of noncompliance or failure to properly complete the certification (except for failure to sign the certification) under this section if such manufacturer or supplier attests, under penalty of perjury, and establishes, by a preponderance of the evidence, that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error.

(h) **REVIEW.**—Any entity adversely affected by an action by the Department of Transportation under this section is entitled to seek judicial review of such action in accordance with section 702 of title 5, United States Code.

(i) **MINIMUM COST.**—The requirements under this section shall only apply to contracts for which the costs exceed \$100,000.

(j) **INTERNATIONAL AGREEMENTS.**—This section shall be applied in a manner consistent with United States obligations under international agreements.

(k) **FRAUDULENT USE OF “MADE IN AMERICA” LABEL.**—An entity is ineligible to receive a contract or subcontract made with amounts appropriated for freight rail transportation projects under this title or under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) if a court or department, agency, or instrumentality of the Government determines that the person intentionally—

(1) affixed a “Made in America” label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this section applies, but were not produced in the United States; or

(2) represented that goods described in paragraph (1) were produced in the United States.

SA 852. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. None of the funds made available by this Act may be used for coastal and marine spatial planning (as defined by Executive Order 13547 (33 U.S.C. 857-19 note; relating to stewardship of the ocean, coasts, and Great Lakes)) for an ocean area adjacent to a State that does not have an approved coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

SA 853. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. AMERICA'S CUP.

(a) **SHORT TITLE.**—This section may be cited as the “America’s Cup Act of 2011”.

(b) **IN GENERAL.**—Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America’s Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

(c) **DEFINITIONS.**—In this section:

(1) **34TH AMERICA’S CUP.**—The term “34th America’s Cup”—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America’s Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America’s Cup, includes additional sailing competitions conducted by America’s Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) **AMERICA’S CUP RACE MANAGEMENT.**—The term “America’s Cup Race Management” means the entity established to provide for independent, professional, and neutral race management of the America’s Cup sailing competitions.

(3) **ELIGIBILITY CERTIFICATION.**—The term “Eligibility Certification” means a certification issued under subsection (d).

(4) **ELIGIBLE VESSEL.**—The term “eligible vessel” means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America’s Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America’s Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b) of title 46, United States Code;

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) **SUPPORTING VESSEL.**—The term “supporting vessel” means a vessel that is operating in support of the 34th America’s Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

(d) **CERTIFICATION.**—

(1) **REQUIREMENT.**—A vessel may not operate under subsection (b) unless the vessel has received an Eligibility Certification.

(2) **ISSUANCE.**—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in subsection (c)(4).

(e) **ENFORCEMENT.**—Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America’s Cup as a competing vessel or a supporting vessel.

(f) **PENALTY.**—Any vessel participating in the 34th America’s Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.

SA 854. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. _____. Prior to obligating or expending \$118,178,100 of the funds made available under the heading “SALARIES AND EXPENSES” under the heading “FARM SERVICE AGENCY” in title I, the Secretary of Agriculture shall certify to Congress that the Farm Service Agency has enforced section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) by—

(1) reviewing information and documentation regarding the average adjusted gross income of the person or legal entity collected through procedures established by the Secretary under subsection (d)(1)(B) of that section, in cooperation with the Internal Revenue Service, in order to identify all payment recipients potentially in violation of income limitations established in that section;

(2) requiring a certification by a certified public accountant or another third party that is acceptable to the Secretary that the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income of the person or legal entity potentially in violation of income limitations does not exceed the applicable limitation;

(3) reclaiming any payments made in the 2009 or 2010 crop, fiscal, or program year, as appropriate, if the Secretary determines that a person or legal entity has failed to comply with that section and should have been denied the issuance of applicable payments and benefits under subsection (d)(2) of that section;

(4) establishing statistically valid procedures under which the Secretary shall conduct targeted audits of such persons or legal entities as the Secretary determines are most likely to exceed the limitations under that section in order to verify the accuracy of the certifications of compliance with average adjusted gross income limitations in that section; and

(5) in cases in which the Secretary believes that fraudulent or false claims have led to payments in violation of that section, referring cases to the Department of Justice for prosecution under section 1001 of title 18, United States Code.

SA 855. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. _____. Prior to obligating or expending \$118,178,100 of the funds made available under the heading “SALARIES AND EXPENSES” under the heading “FARM SERVICE AGENCY” in title I, the Secretary of Agriculture shall certify to Congress that the Farm Service Agency has enforced section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) by reviewing information and documentation collected under subsection (d)(1)(B) of that section and conducting audits of farm payment recipients as required under subsection (d)(3) of that section.

SA 856. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. 734. Notwithstanding section 1619(b)(2) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8791(b)(2)), none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator to prohibit the disclosure, on request, of the information described in that section to any State agency or any political subdivision of

a State charged with implementing an agriculture or conservation program under Federal or State law.

SA 857. Mr. MENENDEZ (for himself, Mr. ISAKSON, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . HOUSING LOAN LIMIT EXTENSIONS.

(a) FEDERAL HOUSING ADMINISTRATION.—Notwithstanding any other provision of law, for mortgages for which a Federal Housing Administration case number has been assigned during the period beginning on the date of enactment of this Act and ending on December 31, 2013, the dollar amount limitation on the principal obligation for purposes of section 203 of the National Housing Act (12 U.S.C. 1709) shall be considered to be, except for purposes of section 255(g) of such Act (12 U.S.C. 1715z-20(g)), the greater of—

(1) the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)); or

(2) the dollar amount limitation that was prescribed for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620).

(b) FANNIE MAE AND FREDDIE MAC LOAN LIMIT EXTENSION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for mortgage loans originated during the period beginning on the date of enactment of this Act and ending on December 31, 2013, the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation shall be the greater of—

(A) the limitation in effect at the time of the purchase of the mortgage loan, as determined pursuant to section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), respectively; or

(B) the limitation that was prescribed for loans originated during the period beginning on July 1, 2007 and ending on December 31, 2008, pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110-185, 122 Stat. 619).

(2) PREMIUM LOAN FEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Federal Housing Finance Agency shall, by rule or order, impose a premium loan fee to be charged by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation with respect to mortgage loans made eligible for purchase by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation by a higher limitation provided under paragraph (1)(B), annually during the life of the loan, of 15 basis points of the unpaid principal balance of the mortgage, to achieve an estimated \$300,000,000 from the revenue raised from such fees.

(B) PREMIUM LOAN FEE STRUCTURE.—The premium loan fee is independent of any guar-

antee fees, upfront or ongoing, charged to the borrower, and the premium loan fee shall not be affected by changes in guarantee fees.

(3) USE OF FEES.—

(A) IN GENERAL.—The fees imposed under paragraph (2) by the Federal Housing Finance Agency shall be deposited in the fund established under subparagraph (C), and shall be used to pay for costs associated with maintaining loan limits established under this section.

(B) SUBJECT TO APPROPRIATIONS.—Amounts in the fund established under subparagraph (C) shall be available only to the extent provided in a subsequent appropriations Act.

(C) FUND.—There is established in the United States Treasury a fund, for the deposit of fees imposed under paragraph (2), to be used to pay for costs associated with maintaining loan limits established under this section.

(4) FHFA REPORT ON FEES.—The Federal Housing Finance Agency shall include in each annual report required by section 1601 of the Housing and Economic Recovery Act of 2008 related to the period described in paragraph (2)(B) a section that provides the basis for and an analysis of the premium loan fee charged in each year covered by the report.

(c) DEPARTMENT OF VETERANS AFFAIRS LOAN LIMIT EXTENSION.—Section 501 of the Veterans' Benefits Improvement Act of 2008 (Public Law 110-389; 122 Stat. 4175; 38 U.S.C. 3703 note) is amended, in the matter before paragraph (1), by striking "December 31, 2011" and inserting "December 31, 2013".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on October 18, 2011, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on October 18, 2011, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, "A Review of the 2011 Floods and the Condition of the Nation's Flood Control Systems."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 18, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Tax Reform Options: Incentives for Charitable Giving."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "The Recession and Older Americans: Where Do We Go from Here" on October 18, 2011, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 18, 2011, at 10 a.m. to conduct a hearing entitled "Ten Years After 9/11 and the Anthrax Attacks: Protecting Against Biological Threats."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on October 17, 2011, at 10 a.m. to conduct a hearing entitled "The Small Business Jobs Act of 2010, One Year Later."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 18, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science and Transportation be authorized to meet during the session of the Senate on October 18, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, "Pipeline Safety since San Bruno and Other Recent Incidents."

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 429,

430, 431, 432, 433, 434, 435; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Dan W. Mozena, of Iowa, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Robert A. Mandell, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

Thomas Charles Krajewski, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Bahrain.

Susan Denise Page, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Sudan.

Adrienne S. O'Neal, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cape Verde.

Mary Beth Leonard, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Mark Francis Brzezinski, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Energy Subcommittee be discharged from further consideration of S. 925 and the Senate proceed to the immediate consideration of the following bills en bloc: Calendar No. 129, S. 270; Calendar No. 132, S. 292; Calendar No. 133, S. 333; Calendar No. 134, S. 334; Calendar No. 136, S. 404; Calendar No. 184, H.R. 489; Calendar No. 185, H.R. 470; Calendar No. 186, H.R. 765; and S. 925.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendments, where applicable, be

agreed to, the bills, as amended, if amended, be read a third time and passed, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bills en bloc, as follows:

LA PINE LAND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 270) to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

(Insert the part printed in italic)

S. 270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "La Pine Land Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the City of La Pine, Oregon.

(2) COUNTY.—The term "County" means the County of Deschutes, Oregon.

(3) MAP.—The term "map" means the map entitled "La Pine, Oregon Land Transfer" and dated December 11, 2009.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 3. CONVEYANCES OF LAND.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights and the provisions of this Act, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the City or County, without consideration, all right, title, and interest of the United States in and to each parcel of land described in subsection (b) for which the City or County has submitted to the Secretary a request for conveyance by the date that is not later than 1 year after the date of enactment of this Act.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) consist of—

(1) the approximately 150 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as "parcel A", to be conveyed to the County, which is subject to a right-of-way retained by the Bureau of Land Management for a power substation and transmission line;

(2) the approximately 750 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as "parcel B", to be conveyed to the County; and

(3) the approximately 10 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as "parcel C", to be conveyed to the City.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LAND.—

(1) IN GENERAL.—Consistent with the Act of June 14, 1926 (commonly known as the

"Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.), the land conveyed under subsection (a) shall be used for the following public purposes and associated uses:

(A) The parcel described in subsection (b)(1) shall be used for outdoor recreation, open space, or public parks, including a rodeo ground.

(B) The parcel described in subsection (b)(2) shall be used for a public sewer system.

(C) The parcel described in subsection (b)(3) shall be used for a public library, public park, or open space.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions for the conveyances under subsection (a) as the Secretary determines to be appropriate to protect the interests of the United States.

(e) ADMINISTRATIVE COSTS.—The Secretary shall require the County to pay all survey costs and other administrative costs associated with the conveyances to the County under this Act.

(f) REVERSION.—If the land conveyed under subsection (a) ceases to be used for the public purpose for which the land was conveyed, the land shall, at the discretion of the Secretary, revert to the United States.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BERING STRAITS SETTLEMENT ACT

The Senate proceeded to consider the bill (S. 292) to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

[Omit the part in bold faced brackets and insert the part printed in italic]

S. 292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Salmon Lake Land Selection Resolution Act".

SEC. 2. PURPOSE.

The purpose of this Act is to ratify the Salmon Lake Area Land Ownership Consolidation Agreement entered into by the United States, the State of Alaska, and the Bering Straits Native Corporation.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the document between the United States, the State, and the Bering Straits Native Corporation that—

(A) is entitled the "Salmon Lake Area Land Ownership Consolidation Agreement";

(B) had an initial effective date of July 18, 2007, which was extended until January 1, 2011, by agreement of the parties to the Agreement effective January 1, 2009; and

2007; and

(C) is on file with Department of the Interior, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives.

(2) **BERING STRAITS NATIVE CORPORATION.**—The term “Bering Straits Native Corporation” means an Alaskan Native Regional Corporation formed under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for the Bering Straits region of the State.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **STATE.**—The term “State” means the State of Alaska.

SEC. 4. RATIFICATION AND IMPLEMENTATION OF AGREEMENT.

(a) **IN GENERAL.**—Subject to the provisions of this Act, Congress ratifies the Agreement.

(b) **EASEMENTS.**—The conveyance of land to the Bering Straits Native Corporation, as specified in the Agreement, shall include the reservation of the easements that—

(1) are identified in Appendix E to the Agreement; and

(2) were developed by the parties to the Agreement in accordance with section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b)).

(c) **CORRECTIONS.**—Beginning on the date of enactment of this Act, the Secretary, with the consent of the other parties to the Agreement, may only make typographical or clerical corrections to the Agreement and any exhibits to the Agreement.

(d) **AUTHORIZATION.**—The Secretary shall carry out all actions required by the Agreement.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

LITTLE WOOD RIVER RANCH HYDROELECTRIC PROJECT ACT

The bill (S. 333) to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Little Wood River Ranch, which had been reported from the Committee on Energy and Natural Resources, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING LITTLE WOOD RIVER RANCH.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12063, the Federal Energy Regulatory Commission shall, at the request of the licensee for the project, and after reasonable notice and in accordance with the procedures of the Commission under that section—

(1) extend the time period during which the licensee is required to commence the construction of project works to the end of the 3-year period beginning on the date of enactment of this Act; or

(2) if the license for Project No. 12063 has been terminated, reinstate the license and

extend the time period during which the licensee is required to commence the construction of project works to the end of the 3-year period beginning on the date of enactment of this Act.

AMERICAN FALLS RESERVOIR HYDROELECTRIC PROJECT ACT

The bill (S. 334) to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING AMERICAN FALLS RESERVOIR.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12423, the Federal Energy Regulatory Commission shall, at the request of the licensee for the project, and after reasonable notice and in accordance with the procedures of the Commission under that section, reinstate the license and extend the time period during which the licensee is required to commence the construction of project works to September 25, 2013.

LAND GRANT PATENT MODIFICATION ACT

The bill (S. 404) to modify a land grant patent issued by the Secretary of the Interior, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows.

S. 404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) pursuant to section 5505 of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-516), the Secretary of the Interior, acting through the Bureau of Land Management, issued to the Great Lakes Shipwreck Historical Society located in Chippewa County of the State of Michigan United States Patent Number 61-98-0040 on September 23, 1998;

(2) United States Patent Number 61-98-0040 was recorded in the Office of the Register of Deeds of Chippewa County of the State of Michigan, on January 22, 1999, at Liber 757, on pages 115 through 118;

(3) in order to correct an error in United States Patent Number 61-98-0040, the Secretary issued a corrected patent, United States Patent Number 61-2000-0007, on March 10, 2000;

(4) after issuance of the corrected United States Patent Number 61-2000-0007, the original United States Patent Number 61-98-0040 was cancelled on the records of the Bureau of Land Management; and

(5) corrected United States Patent Number 61-2000-0007 should be modified in accordance with this Act—

(A) to effectuate—

(i) the Human Use/Natural Resource Plan for Whitefish Point, dated December 2002; and

(ii) the settlement agreement dated July 16, 2001, filed in Docket Number 2:00-CV-206 in the United States District Court for the Western District of Michigan; and

(B) to ensure a clear chain of title, recorded in the Office of the Register of Deeds of Chippewa County of the State of Michigan.

SEC. 2. MODIFICATION OF LAND GRANT PATENT ISSUED BY SECRETARY OF THE INTERIOR.

(a) **IN GENERAL.**—The Secretary of the Interior shall modify the matter under the heading “Subject Also to the Following Conditions” of paragraph 6 of United States Patent Number 61-2000-0007 by striking “Whitefish Point Comprehensive Plan of October 1992 or for a gift shop” and inserting “Human Use/Natural Resource Plan for Whitefish Point, dated December 2002”.

(b) **EFFECT.**—Each other term of the conveyance relating to the property that is the subject of United States Patent Number 61-2000-0007, including each obligation to maintain the property in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.) and any other appropriate law (including regulations), and the obligation to use the property in a manner that does not impair or interfere with the conservation values of the property, shall remain in effect.

SEC. 3. EFFECTIVE DATE.

(a) **IN GENERAL.**—The modification of United States Patent Number 61-2000-0007 in accordance with section 2 shall become effective on the date of the recording of the modification in the Office of the Register of Deeds of Chippewa County of the State of Michigan.

(b) **ENDORSEMENT.**—The Office of the Register of Deeds of Chippewa County of the State of Michigan is requested to endorse on the recorded copy of United States Patent Number 61-2000-0007 the fact that the Patent Number has been modified in accordance with this Act.

C.C. CRAGIN DAM AND RESERVOIR JURISDICTION ACT

The bill (H. R. 489) to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes, was ordered to a third reading, was read the third time, and passed.

HOOVER POWER ALLOCATION ACT OF 2011

The bill (H. R. 470) to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes, was ordered to a third reading, was read the third time, and passed.

SKI AREA RECREATIONAL OPPORTUNITY ENHANCEMENT ACT OF 2011

The bill (H. R. 765) to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to

ski area permits, and for other purposes, was ordered to a third reading, was read the third time, and passed.

MT. ANDREA LAWRENCE DESIGNATION ACT OF 2011

The bill (S. 925) to designate Mt. Andrea Lawrence was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Mt. Andrea Lawrence Designation Act of 2011”.

SEC. 2. FINDINGS.

Congress finds that Andrea Mead Lawrence—

(1) was born in Rutland County, Vermont, on April 19, 1932, where she developed a lifelong love of winter sports and appreciation for the environment;

(2) competed in the 1948 Winter Olympics in St. Moritz, Switzerland, and the 1956 Winter Olympics in Cortina d’Ampezzo, Italy, and was the torch lighter at the 1960 Winter Olympics in Squaw Valley, California;

(3) won 2 Gold Medals in the Olympic special and giant slalom races at the 1952 Winter Olympics in Oslo, Norway, and remains the only United States double-gold medalist in alpine skiing;

(4) was inducted into the U.S. National Ski Hall of Fame in 1958 at the age of 25;

(5) moved in 1968 to Mammoth Lakes in the spectacularly beautiful Eastern Sierra of California, a place that she fought to protect for the rest of her life;

(6) founded the Friends of Mammoth to maintain the beauty and serenity of Mammoth Lakes and the Eastern Sierra;

(7) served for 16 years on the Mono County Board of Supervisors, where she worked tirelessly to protect and restore Mono Lake, Bodie State Historic Park, and other important natural and cultural landscapes of the Eastern Sierra;

(8) worked, as a member of the Great Basin Air Pollution Control District, to reduce air pollution that had been caused by the dewatering of Owens Lake;

(9) founded the Andrea Lawrence Institute for Mountains and Rivers in 2003 to work for environmental protection and economic vitality in the region she loved so much;

(10) testified in 2008 before the Mono County Board of Supervisors in favor of the Eastern Sierra and Northern San Gabriel Wild Heritage Act, a bill that was enacted the day before she died;

(11) passed away on March 31, 2009, at 76 years of age, leaving 5 children, Cortlandt, Matthew, Deirdre, Leslie, and Quentin, and 4 grandchildren; and

(12) leaves a rich legacy that will continue to benefit present and future generations.

SEC. 3. DESIGNATION OF MT. ANDREA LAWRENCE.

(a) IN GENERAL.—Peak 12,240 (which is located 0.6 miles northeast of Donahue Peak on the northern border of the Ansel Adams Wilderness and Yosemite National Park (UTM coordinates Zone 11, 304428 E, 4183631 N)) shall be known and designated as “Mt. Andrea Lawrence”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, record, or other paper of the United States to the peak described in subsection (a) shall be considered to be a reference to “Mt. Andrea Lawrence”.

AUTHORIZING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE TECHNICAL CORREC- TIONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res 32.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 32) to authorize the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 470, an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 32) was agreed to, as follows:

S. CON. RES. 32

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 470) an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In the second sentence of section 105(a)(2)(B) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619(a)) (as added by section 2(d)), strike “General” and insert “Conformed General”.

(2) In section 2(e), strike “as redesignated as” and insert “as redesignated by”.

(3) In section 2(f), strike “as redesignated as” and insert “as redesignated by”.

(4) In section 2(g), strike “as redesignated as” and insert “as redesignated by”.

NATIONAL DAY ON WRITING

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 298.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 298) expressing support for the designation of October 20, 2011, as the “National Day on Writing.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agree to, the preamble be agreed to, and the motion to reconsider be laid upon the table, that there be no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 298) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 298

Whereas people in the 21st century are writing more than ever before for personal, professional, and civic purposes;

Whereas the social nature of writing invites people of every age, profession, and walk of life to create meaning through composing;

Whereas more and more people in every occupation deem writing as essential and influential in their work;

Whereas writers continue to learn how to write for different purposes, audiences, and occasions throughout their lifetimes;

Whereas developing digital technologies expand the possibilities for composing in multiple media at a faster pace than ever before;

Whereas young people are leading the way in developing new forms of composing by using different forms of digital media;

Whereas effective communication contributes to building a global economy and a global community;

Whereas the National Council of Teachers of English, in conjunction with its many national and local partners, honors and celebrates the importance of writing through the National Day on Writing;

Whereas the National Day on Writing celebrates the foundational place of writing in the personal, professional, and civic lives of the people of the United States;

Whereas the National Day on Writing provides an opportunity for individuals across the United States to share and exhibit their written works through the National Gallery of Writing;

Whereas the National Day on Writing highlights the importance of writing instruction and practice at every educational level and in every subject area;

Whereas the National Day on Writing emphasizes the lifelong process of learning to write and compose for different audiences, purposes, and occasions;

Whereas the National Day on Writing honors the use of the full range of media for composing, from traditional tools like print, audio, and video, to Web 2.0 tools like blogs, wikis, and podcasts; and

Whereas the National Day on Writing encourages all people of the United States to write, as well as to enjoy and learn from the writing of others: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of October 20, 2011, as the “National Day on Writing”;

(2) strongly affirms the purposes of the National Day on Writing;

(3) encourages participation in the National Gallery of Writing, which serves as an exemplary living archive of the centrality of writing in the lives of the people of the United States; and

(4) encourages educational institutions, businesses, community and civic associations, and other organizations to promote awareness of the National Day on Writing and celebrate the writing of the members those organizations through individual submissions to the National Gallery of Writing.

ORDERS FOR WEDNESDAY,
OCTOBER 19, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate

completes its business today, it adjourn until 9:30 a.m., Wednesday, October 19; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half; that following morning business, the Senate resume consideration of H.R. 2112, the Agriculture, CJS, and Transportation appropriations bill, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the first rollcall vote will occur at about noon tomorrow in relation to amendment No. 739.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of Senator MURKOWSKI of Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I ask to speak for up to 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALASKA DAY

Ms. MURKOWSKI. Today, there is a celebration in Alaska. Tonight is the 144th anniversary of Alaska Day. This is the day that commemorates the first raising of the Stars and Stripes over Lord Baranof's castle in Sitka, AK. At the time, Sitka was called New Archangel. Until that moment, it was the capital of Russian America.

We celebrate Alaska's statehood today, October 18, and we also celebrate our 52-year-old compact with the United States and its promise to grant Alaskans the opportunity to participate equally with the other States of the Union. Together with Hawaii, statehood for Alaska marked the last chapter in America's great westward expansion. Of course, that expansion began well before Alaska's statehood, well before the purchase from Russia. It goes back to Thomas Jefferson's Northwest Ordinance, which promised

an equal footing for a State government to stand on its own and to make that leap out of territorial status. This resulted in States such as Ohio and Indiana forming as sovereign governments with the Federal Government, relinquishing almost all control over the lands within those borders. So people came to live, to build their lives in these new States; and with their new lives came the infrastructure—the roads, bridges, factories, and the industry.

That set things in motion for expansion into the Far West frontier States such as Wyoming, Nevada, Utah, and Montana. And then gold in California and Colorado brought an urgency to the expansion. We saw the railroads that helped accelerate and accommodate it.

In times past, the terms began to change. Precedents were increasingly set for vast Federal land withdrawals in the form of national forests, monuments, parks, and preserves. The promise and definition of "equal footing" changed during these times. Ultimately, more States had more of an equal footing than others, as we saw the newest western States would soon have to contend with Federal land managers.

None of this, though, took away from the hope that Alaskans felt when Secretary of State William Seward negotiated the purchase of Alaska from Tsar Nicholas, and he negotiated this purchase for \$7.2 million. We are talking a lot about money nowadays, and usually we are talking in billions rather than millions. Think about it. The purchase of Alaska came at the price of \$7.2 million. That is about 2 cents an acre, which is clearly a deal under anybody's terms.

Back in Sitka today, this day is always commemorated by the town's biggest parade of the year as a time of celebration, when many Alaskans remember the hope they felt for a brighter future when we became the 49th State in the Union back in 1959. In 1959, I was only a year old, and so when President Eisenhower signed that statehood act into law, it didn't have much of an impression at that point in time. But I have felt—and I still feel—I have grown up with Alaska, that we have both matured over the years. Those who know me know I can go on and on extolling the virtues of my State—something as simple as potatoes. I will brag that while we might not have the biggest potatoes in the country, ours are germ free. We are bigger, better, and we have more sun, more darkness, and it is colder, and it is warmer. We are a land of extremes. We are an incredible place.

Alaska is unparalleled in its beauty and its potential. There has always been something that is very classically American about Alaska. It is truly our Nation's last frontier—a place where it

is still possible for adventurous men and women to live the greatest version of the American dream. I think that is what draws so many people to our State. They still believe there is a place where you can live on the edge of a lot of possibility, and that continues to make us a remarkable place to be.

Statehood itself was a dream for many years among our pioneers and native people. It didn't come quickly and certainly not easily. Prior to statehood, we only had territorial status in the United States. That left us without any votes here in the Congress. We weren't entitled to receive funding for many programs, including highways. We were at the mercy of the generosity of the Federal Government. We were at the mercy of those out-of-State interests, which had locked in a foothold over many of our resources.

I was born and raised in southeastern Alaska. My grandparents raised their families there. I can remember the stories about the push for statehood, stemming from the desire to control our fisheries—the salmon wars that went on at that time.

Ultimately, statehood came about after 92 long years and only after heroic efforts from a great many individuals—too many to do justice this evening. But for purposes of my statement tonight, I want to invoke three names that some in this town and some in this Chamber may still remember.

The first is our former Governor and Senator Ernest Gruening, whose seat in this Chamber I am humbled to hold. Senator Gruening was an intellectual titan, the consummate public servant. He was an alumnus of Harvard Medical School, a prolific journalist who served as editor to both the New York Tribune and the magazine *The Nation*. He also contributed to the *Atlantic Monthly*.

In the epic novel "Alaska," written by James Michener, he credited Senator Gruening with publicizing the cause for Alaskan statehood at the national level. He called him "perceptive and gifted." As a testament to his legacy, Ernest Gruening's statue now stands just a few steps away from here in the Capitol Visitor Center.

Another individual, a man who truly built our State, was Wally Hickel, a former Governor. He was the man with whom President Nixon was so impressed that he named him as his Secretary of the Interior.

Wally was a former boxer from Kansas. He arrived in Alaska with—the legend goes—about 37 cents in his pocket. He rose to prominence in both business and politics. He was at the forefront of negotiating statehood. He understood the critical balance between the Federal interests and the State interests, between the corporate interests and the public interests.

Governor Hickel is important to this conversation because Alaska is where he saw and realized the American

dream, all the while with a clear eye and vision toward the future of our State. We lost Wally Hickel last spring, but his writings and his vision clearly continue to guide our State.

A third name I want to bring up this evening is a man I was privileged to work for and to serve with, and that is the late Senator Ted Stevens.

I hold Senator Stevens—or Uncle Ted, as many in the State referred to him—in great personal and professional regard. He was a World War II pilot, a Harvard lawyer, who served as prosecutor in the territorial days. He was a congressional liaison to President Eisenhower. He was an attorney for the Interior Department. Much of the leg work that is associated with statehood was Ted's, and much of what Alaska has become is directly attributable to his work here in this Chamber.

Ted's work and his influence carried so much farther beyond Alaska. His work in matters of national defense, telecom, and fisheries shaped national and global politics. He was truly larger than life. He made Alaska matter in a way that nobody could have imagined. Without him, it is indisputable that we would not have the opportunities we have now.

The reason I invoke these names is to remind my colleagues about the consequential nature, the gravitas of great men and women who made sure that Alaska became our 49th State. These were exceptional Americans with an exceptional vision. They qualified as the founding fathers of my home State. They knew what Thomas Jefferson knew at the time of the Northwest Ordinance—that the new State of Alaska didn't have the population at the time and wasn't likely to get the population; that they didn't have the infrastructure to support an economy, and that it would not succeed without open access to this huge natural resource base. This is why they negotiated 104 million acres of pure State land and a 90-percent share of revenues from resource development on Federal lands, compared to the 50 percent that is enjoyed by the rest of the States.

There was no clear path to Alaska's self-sufficiency without these terms. As a matter of fact, there still isn't. In 1958, the U.S. Senate's official committee report on the Alaska Statehood Act promised Alaska that it would be given great latitude to develop its resources. It read:

Some of the additional costs connected with statehood will be met by granting the State a reasonable return from Federal exploitation of resources within the new State. In the past, the United States has controlled the lion's share of resources and, in some instances, retained the lion's share of the proceeds. This situation, though, has not proved conducive to development of the Alaskan economy. The committee deems it only fair that when the State relieves the United States of most of its expense burden, the State should receive a realistic portion of

the proceeds from resources within its borders.

There is more to this. Secretary of Interior Fred Seaton, while in Alaska in the summer of 1958, said that the statehood compact "reaffirms Alaska's preferential treatment in receiving 90 percent of all revenues from oil, gas, and coal leasing on public domain." In Fairbanks, he went further, promising "since early this year, the territory has received 90 percent of all these oil lease revenues, and the State of Alaska will continue to do so."

These statements are remarkably clear. Alaska would be allowed to develop these resources and receive most of the revenues from that development. I truly wish I could stand here tonight, all these years later, and say these promises have been upheld. I wish I could go to sleep tonight or any night knowing the Federal Government had kept its promises to the people of Alaska and that my children and their children will surely see our State continue to prosper and come into its own.

But the reality is that Alaska's relationship with the Federal Government has become strained. The Federal Government has always had a significant presence in the last frontier, from the first Alaska Day to this one. But today, at a time when Alaskans need the Federal Government to act as our partner, it has become an obstacle. Its default position is no longer to enable prosperity for Alaskans. More often than not, the Federal Government now delays or denies those opportunities.

That leaves me concerned about the future of my State, not because of the global economy, not because of high unemployment levels, but because of the treatment we receive at the hands of our own Federal Government.

I am here today to say that this treatment cannot go on like this. I want to ensure that my colleagues in the Senate understand why.

I have asked for a large block of time tonight, and I don't usually take a lot of floor time, particularly to go back into history. But this is important to not only my State's past but my State's future.

I wish to explain some of what we are dealing with. Some of this may not be easy for some to see. Some believe that Alaska—and the rest of the country, for that matter—is past the point where we need to develop our resources. Many of our newer Members may not understand the promises that were made to Alaska upon statehood. Therefore, they don't understand what has been happening since then.

Adding to the complication is that our resource options have been greatly restricted over the course of decades, not individual months or even years. So to understand what has changed, we can't look back to the start of this administration.

I will not single out the President and the administration and say you are

not letting us do something. The fact is that we have to go back many administrations. We have to go all the way back to the late 1970s, a time when much of Alaska had already been withdrawn into Federal wilderness status. President Carter and his Interior Secretary had decided that, well, that wasn't enough. They designated over 56 million more acres of new national monuments, 40 million more acres of wildlife refuges, and 11 million more acres of restricted national forest. Now that in and of itself would have been unprecedented, unprecedented in terms of the amount of land for the Federal Government to unilaterally withdraw if it were nationwide, but this land was all in Alaska. Every acre of it was in Alaska. So, not surprisingly, this came over the State's objection.

Congress reacted to this tremendous Federal overreach so that Alaska's Senators and lone Congressman, together with a few sympathetic colleagues, could at least try to control that impact. That negotiated truce was the Alaska National Interest Lands Conservation Act. We call it ANILCA for short. In no uncertain terms, ANILCA was a compromise. It was clearly a compromise.

For his part, when he signed ANILCA into law, President Carter stated:

100 percent of the offshore areas and 95 percent of the potentially productive oil and mineral areas will be available for exploration or for drilling.

Again, that is President Carter saying that 100 percent of offshore areas and 95 percent of potentially productive oil and mineral areas will be available for exploration or for drilling—a pretty strong statement, and it seemed pretty clear and very reassuring at the time of this compromise. But today it stands as probably the worst broken promise the Federal Government has ever made to the State of Alaska. As the Department of the Interior reported just this past spring, less than 1 percent—less than 1 percent—of Federal lands in Alaska is currently producing oil or natural gas. I would suggest that is an indictment. A significant portion of our lands have been placed off limits, and then where development is allowed, it is often stalled by Federal redtape. That is wrong. It is wrong, it is unacceptable, and it is to the detriment of both Alaska and our Nation as a whole.

Alaska is nearly 4,000 miles from where we are here in Washington, DC. I know because I log that trip on Alaska Airlines quite frequently. I know that what makes news back home doesn't always make news here. So I would like to use part of my time tonight to provide the Senate with some of the many examples of how resource development in my home State is being held back. Let's start with mining.

Back in 2009, the EPA attempted to halt the Kensington Gold Mine from

proceeding in southeast Alaska, and this happened after two decades—two decades—of agency review and legal challenges. It happened even though the Supreme Court had ruled that a crucial permit for the mine was indeed valid. But the EPA was so unhappy with this decision, it jumped back in. It sought to nullify the plan that had just held up to the scrutiny of the Supreme Court. This was not the Alaska Supreme Court, this was the U.S. Supreme Court. This was not an effort to protect the environment by the EPA. The EPA proposal was demonstrably worse for the environment. This was an effort to stop the mine at all costs, regardless of the consequences for the local economy or the hundreds of Alaskans who were depending on jobs from this particular mine.

More recently, we have seen Senators within this body from other States challenge a mine that could one day be located in southwest Alaska. Those Senators have asked the EPA to consider a preemptive veto of the mine. This is even before a plan has been proposed. I have said that a preemptive veto makes no more sense than a preemptive approval and that we should provide a robust environmental review when and if a permit application is going to be submitted.

I will remind everyone here that we don't have a habit of hastily approving mines in this country. In fact, we rank dead last—dead last—among all the countries in the world in the amount of time it takes to review permits. This mine will have to secure at least 67 different permits, approvals, and authorizations from Federal, State, and local governments. That represents about 67 chances for the mine to be delayed, modified, or halted. But some apparently believe that process is still not sufficient.

Now let's talk about timber and the wholesale destruction of the timber industry in southeast Alaska. At this point, I feel once again as though I need to put my Alaska bona fides out there and remind everybody how big Alaska is. We are more than twice the size of Texas. People forget that. We have a lot of room up there. We could produce a tremendous portion of our Nation's timber and pulp if we were only allowed to do so. We could do that while leaving the vast majority of our lands untouched. But that hasn't been possible. Southeast Alaska is nearly all Federal lands, so our ability to conduct logging there is very heavily dependent on the Federal Government's willingness to grant access.

When ANILCA passed, the timber industry, in return for accepting the creation of more than 5 million acres of new national monuments closed to timber harvesting, was assured that the Forest Service would make 450 million board feet of timber available in the future—half of what was being pro-

duced prior to the bill's passage. We accepted that as a compromise. ANILCA also guaranteed \$40 million worth of funding each year for road building, for precommercial thinning to allow the existing industry to survive on a smaller land base.

So you might ask the question, what happened? Alaska's timber industry has not thrived. It struggles. Go down to the southeast and talk to people in Ketchikan or out in Thorne Bay, and it is worse than struggling. They are on life support. They are struggling to survive as outside forces repeatedly attempt to shut it down. At the urging of the Washington, DC, environmental community, the funding within ANILCA was repealed and the allowable harvest level was cut in half again over the following decade. But even that reduced amount of logging seems expansive today because the Forest Service has made far less than 50 million board feet available for timber harvest within the past 3 years. So far this year, the Forest Service has amazingly sold just 2 million board feet of new timber offerings. This is a dramatic decline for an industry that once provided thousands of well-paying jobs for residents in southeast Alaska, as well as the revenue that came in and, by the way, some really world-class quality wood and pulp resources for the rest of our country.

Given these restrictions, it probably comes as no surprise that employment in the industry has plummeted from about 6,000 total jobs in 1980 to where we are today, which is about 450, and that includes all of the support structure as well. So for those of us who grew up in the Tonkas—I was born in Ketchikan and raised in places such as Juneau and Wrangell—to see an economy be truly just cut off to the point that it is no longer existent because of Federal policies is very difficult to deal with.

Then, of course, we can take a look at Alaska's oil and gas industry, which currently provides nearly 90 percent of the revenues for Alaska's State budget and historically as much as 20 percent of our Nation's petroleum supply. We are pretty proud of this. We feel as though we have done a pretty good job. Here more than anywhere else we see the scope and the consequences of Federal decisions to restrict resource development.

Just to put things in context so that people know what I am talking about—and I don't have the rest of the country on here, Mr. President, because that chart is coming later—in understanding where Alaska's resources lie, I think it helps to understand the management and the division within our State in terms of our lands. I don't expect most can see this map, but it is kind of a jumble of colors. What I will direct your attention to—and those who are looking at this—is all of the

green areas, which are Forest Service, and the orange and tan areas are our BLM parklands. The areas that are in blue are the State lands. The small areas where you have red are areas held in private lands, whether it is Native lands or whether it is held in private lands.

Up here, in the National Petroleum Reserve at the top of the State, is an area that Congress explicitly designated—they have singled out and explicitly designated—for producing oil. But Federal regulators will not allow a simple bridge to be built over a remote river, and without this bridge, it is not possible or it is exceptionally difficult to begin commercial production. So you have production within a National Petroleum Reserve that is remaining off limits at this moment.

I have asked the question—and it is not a rhetorical question but one clearly worth repeating—if we can't get petroleum from the National Petroleum Reserve, from where can we get it? This is an area that was specifically designated by the Congress. Yet we are being held up from accessing this because we cannot get approval to place a bridge over the Colville River. So we continue to work this because it is extraordinary that we would be held up these many years.

Offshore, in the Beaufort and the Chukchi, are areas estimated to contain more than 20 billion barrels of oil. Production in these areas could help us refill our pipeline, which is running dangerously low, and create many thousands of good-paying jobs. But Federal regulators have held this up over really, of all things, air permits needed for exploratory operations to begin miles offshore in the Arctic Ocean. We have seen some steps in the right direction, and that is good. But the fact is, drilling has been canceled each of the last four seasons, and next year is still uncertain.

I had an opportunity to quiz Director Bromwich today. He is trying to give me the assurance that this might be on track for next season. But it has been almost 5 years and cost almost \$4 billion, all in an effort to get to the point where we can proceed to begin exploration. Alaska has already lost hundreds of jobs and millions in revenues because of these federally imposed delays.

Of course, I cannot not talk about Alaska's oil and gas resources without discussing Alaska's coastal plain, which is this area right over here adjoining Canada. We have an area up north that is estimated to hold 10.4 billion barrels of oil. This is the mean estimate, so it is quite possibly much more than that. I have sponsored legislation to allow responsible development in the nonwilderness portion—not in the wilderness portion—of ANWR. We are not going to touch the

wilderness portion, just the nonwilderness portion of ANWR. I have offered this for several Congresses now.

But even limiting that development to 0.1 percent of the refuge has proven unacceptable to many Members of this Chamber. We repeatedly hear from others that this area is too sensitive, despite Alaska's very strong record of environmental stewardship in nearby Prudhoe Bay. We repeatedly hear it is just going to take too long for this oil to come to market. They will say it is going to take 10 years to get ANWR oil. That is too long.

The "10 years away" argument has been made for over 20 years now. So instead of continuing to delay, let's figure out how we make this happen. But instead of any promotion in Congress and from the Fish and Wildlife Service, we face efforts to put all the Coastal Plain into permanent wilderness restriction.

To anyone who thinks the nonwilderness portion of ANWR was never meant for energy development, I would point you to President Eisenhower's original designation creating not a refuge but the Arctic Range. I would also remind you that President Eisenhower had both an assistant to the Secretary of the Interior Department and a congressional liaison, and that individual was named Ted Stevens. Ted was in the room with Interior Secretary Seaton, drafting the Executive order for the Arctic Range Conservation Program. If you think he would have considered locking up Alaska's resources, I don't think you know him as I did.

The order clearly provided that oil and gas development would be permitted so long as there were reasonable protections in place for the flora and the fauna. I would encourage any of my colleagues, look up this Executive order of December 6, 1960, if you have any further questions.

For all of its broken promises, ANILCA is still law, and it contains two very important provisions that were negotiated by Senator Stevens. The first is for an oil and gas exploratory program to occur in the 1002 Area. This is this small portion of the Coastal Plain that I have sought to open. But I wish to repeat this. Existing law provides for oil and gas exploration, and exploratory drilling has already occurred in ANWR. In fact, in the two winters in 1984 and 1985, seismic exploration was conducted along 1,400 miles of survey lines in ANWR. There were several companies that were also permitted to conduct other geologic studies, such as surface rock sampling and mapping and some geochemical testing. This resulted in a report from the Interior Department based on what it learned about the resource and the ability to develop it responsibly, recommending that Congress take the next step and authorize oil and gas leasing for the entire 1002 Area.

We have to ask the question: Why is this relevant? To begin with, it is worth noting that the current law already provides for exploratory drilling in ANWR. All that is prohibited is development leading to production. I doubt many people realize we have actually already authorized drilling in ANWR, and Congress's real decision is to decide whether we leave the oil in there or whether we let it come to market.

The second major provision in ANILCA is probably better known. It is called the "no more" clause, and we talk about it a lot in Alaska. It is an express prohibition on any more wilderness withdrawals in Alaska. Included is a congressional finding that Alaska has unequivocally contributed enough of its lands to conservation purposes. I am going to quote directly from this law. It has been upheld in court, it remains in place today, and it provides as follows:

This act provides sufficient protection for the national interests in the scenic, natural, cultural, and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people. Accordingly, the designation and disposition of the public lands in Alaska pursuant to this Act are found to represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition. And, thus, Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas has been obviated thereby.

I don't think it could be any more clear than that. It troubles me a great deal when people in Washington then take it upon themselves to look for more wilderness in Alaska.

In 2004, the General Services Administration reported that more than 60 percent of Alaska was owned by the Federal Government—about 250 million acres in total. Again, if we look at the map, outside of the blue areas, pretty much all that we are seeing the green, the kind of tan, the orange, these are all Federal areas. So about 250 million acres are owned by the Federal Government. Compare that with some of the other States.

I don't mean to pick on the smaller States, but Connecticut, 0.4 percent of Connecticut, about 14,000 Federal acres. New York is 0.8 percent, about 230,000 acres. Illinois is 1.8 percent. They have about 640,000 Federal acres. But, again, according to that report, the State of Alaska has about 250 million acres of land under Federal control.

So we would say: Where are their private lands? Less than 1 percent of Alaska's lands are privately held. People have a tough time with that because they think: They have so much land. They have so much acreage. It is so huge. Surely, they must have some of that in private land.

It is less than 1 percent. It begs the question, when we are looking to add more wilderness, how fair is it to look to Alaska for more wilderness, when we have some 250 million acres in Federal control already, more wilderness in Alaska, in one State, than in the rest of the Nation combined? It is an important question to be asked.

We would at least suppose that the vast areas where Alaska cannot develop our resources would give us a silver lining of more recreational access. I know the Chair enjoys the great outdoors, as do I, and we like to get out and hike and be part of what we have with the land. But with Alaska's land management, even access to our lands makes it complicated, and that promise too has been broken.

Under ANILCA, Alaska's outdoor recreational enthusiasts were promised access to the 120 million acres of new parks, refuges, and wilderness areas. Again, whether it is our Forest Service lands, our Park Service lands, our refuge lands, it was all promised that, OK, it is there. It is for all to enjoy. But as we feared, soon after the bill was passed, after ANILCA passed, Federal agencies closed access. They closed access by snow machines, they closed access by road, and they closed access by plane to some of the lands. In other words, we can enjoy access, we can enjoy this if we can walk there. That is good for those of us who are still able-bodied, and we are much stronger when we are going up those mountains. But the fact is, it is limited if we can't access it by any other means other than walking there.

The access further went when Glacier Bay was shut off to commercial fishing entirely. It especially hurt where Alaskans, whose property then became in-holdings within these new conservation areas, they faced regulations just 5 years after this law was passed that made permission for access into their lands much more difficult, clearly, much more expensive, and sometimes shutting them out altogether. To this day, I deal with constituents who are out here in the McCarthy area, a great park area, but there are in-holdings, private in-holdings. But in order to gain access to their property that is rightly theirs—and the Federal Government recognizes it—they say: They can be there, but we are going to make it extraordinarily difficult for them to gain access to their own property.

So the promise that we as Alaskans would be able to enjoy this incredible land we have, even that has been hindered.

I have chosen to speak about these broken promises today because I wish to make clear that both history and the law point squarely to Alaska's right to the use and enjoyment of its lands. While the law should be well enough, we can't forget why good public policy weighs in favor as well.

The decisions to block Alaskan development have come to a head at the worst possible time. We have high unemployment. We have record Federal debt. We have global financial distress. Alaska could help on all these fronts. We stand ready to create tens of thousands of jobs. We can create hundreds of billions of dollars in new Federal revenues. We can help relieve the staggering costs our Nation pays for foreign oil, but we need permission from the Federal Government.

At times it seems that many in this Chamber have forgotten why we need to produce our natural resources in the first place. The answer is pretty simple: It leads to economic growth, it leads to prosperity, and it helps us compete in a rapidly changing world. But because we have slowed down resource production, because we have locked down so much of our lands, our Nation is increasingly—and I believe needlessly—facing scarcity issues and dependency, dependent on foreign sources, for so many of the resources we depend upon. In terms of many of these crucial resources, whether it be energy, timber, minerals, Alaska is not just the last frontier; it is truly the best option.

I am not overstating the case to say that much of our Nation's competitiveness rests on our ability to access our resources. Right now, though, we are constantly blocked. Production is happening all around us. Just look at what is going on. We had a hearing today in the Energy Committee discussing what is happening offshore of Cuba. It is not just happening offshore of Cuba. It is offshore in Russia. It is offshore in Canada. It is down in Mexico. It is in Cuba. We can look to China for our rare earth elements, but why would we do that when we have the prospects in this country in Alaska? Alaska has these resources.

The positive benefits that would result if we reversed the current dynamic are not up for debate. Countless studies clearly show that development in Alaska, because of its grand scale and high resource values, will create jobs and economic benefits for literally every single State—for the Chair's State of Colorado, for all our States. This does not require clear-cutting the State or drilling every inch of our State or every acre or every region—not even close. We are asking to pursue development on a very small amount of land, especially when we consider Alaska's prolific standards.

To put it into context of the whole, and I hope everyone can see the outline of the lower 48 States here and Alaska is superimposed. I didn't put Alaska in the middle there because it looks better in the middle. What I am trying to show is, this is a proportionate picture of how Alaska, if it were superimposed over the lower 48—where we extend to: all the way in southeastern Ketchikan

over here, which sits in Florida, to fully the furthest part of the west coast, which is the Aleutian Islands, all the way down here, going all the way up to the North and into the South.

The reality is, Alaska is a State the size of which can't easily be measured or even understood. As I mentioned, its most distant points stretch from Florida to California. Lay it across the continental United States like this, and people say we must be making it up.

Mr. President, you have had the opportunity to travel to my State. You appreciate that when you are flying in an airplane for hours and still looking down and realizing, I am still flying over the same State—you can appreciate the size and scope of what we are dealing with. Within this area lies a tremendous natural resource base, conventional and nonconventional, renewable and nonrenewable.

When you see Alaska on a map, you never see it represented in proportionate size. You never realize just how unbelievably large it is. Unfortunately, for years when I was in school, Alaska was always in a little box down off of California or off of Mexico, that little piece down there. Our kids did not know where the exact spot on the map was. They did not know the size. We are continuing to educate and educate in an important way because it does make a difference.

Before I go off this chart, I want to again put in context the management issues we deal with. Look at this green area. This would be about 64 percent of Alaska under Federal management. State management is about 24.5 percent, about 90 million acres; 10 percent is Native held; and then less than 1 percent, about 1 million acres, is in private hands. That gives you an appreciation of what it is we are dealing with.

Mr. President, you and I have had an opportunity to talk about some of the truly magical places you have enjoyed in Alaska. I appreciate your perspective and the special places you have been. There is no argument—you will not find argument from this Alaskan—that major portions of Alaska are truly worth protecting and should not be developed. Those are some pretty spectacular areas. You may see them advertised. Oftentimes you will have environmental groups that will advertise them. The photographs may or may not always reflect the actual proposed sites, but they are beautiful. We will not ever dispute that they are beautiful.

The current Deputy Secretary of the Interior has said we are not going to drill in our pristine wilderness any more than we are going to build a dam in the Grand Canyon. We are not proposing that, not by any legal or commonsense definition.

We have in our State five major oil-bearing regions that remain nonpro-

ducing. We have a pipeline that is dwindling at one-third of its capacity. This pipeline literally bisects the State of Alaska. It is the spinal cord of our State's economy. It is a critical artery for America's energy security. Right now, that pipeline is running low, it is running slow, and we are being prevented from accessing the resources to build it up. We have negotiated, pleaded, and begged for access to our resources for more than a generation. We have even been willing to sacrifice some of the revenues Alaska is clearly entitled to by law, and it has fallen on positively deaf ears here in Washington, even at a time when those dollars would mean quite a lot in terms of avoiding painful tax hikes or program cuts. When you look back on the past 50 years, it is more than a little astonishing that opposition to development continues to be so just dug in.

I think what has been borne out from Alaska's resource development is a very strong record of environmental stewardship. We have produced our natural resources for generations. For my entire life there, we have been producing our resources, whether it is our timber, whether it is our fisheries, whether it is mining and now oil. We have produced them for generations, and we have preserved our pristine qualities and the natural beauty perfectly. We are a world-class vacation destination for everyone who wants to come up on the big cruise ships, to those who want to do the ecotourism. We are a genuine paradise for the trophy fisherman, for the hunters who want to come to Alaska. We have a fish and game management program that is the most productive, the most sustainable model for the entire world.

I have people tell me: The one thing I want to do before I die is go to Alaska and see it. So if we have been producing all of our resources for all these years, for all these generations—if we really had been doing that terrible of a job, why does everybody want to see this incredibly beautiful land we have? I suggest it is because we have been doing a pretty good job of resource development as we have gone along the course.

Resource production has yielded substantial social and economic benefits to the State. More than 16 billion barrels of oil have been sent to the lower 48, with minimal environmental impact. Our oil also supplies refineries near Fairbanks and Anchorage. It allows us to serve as an international cargo hub. Our refineries produce the fuel for fighter jets and other military needs at our four bases. The strategic value of Alaska's geographical position—we sit literally at the top of the world there—for military purposes alone is sufficient to justify access to the resource, even if we were to ignore the jobs, ignore the revenue and the energy security benefits that come along

with it. Yet, as I stand here today, virtually every extractive industry in Alaska has been disrupted by the Federal Government. Mining, timber, oil and gas—all these productions are well below or well behind the levels that would best serve Alaska and our country. No matter the project, it seems we have to fight the Federal Government for access and permission every single step of the way.

Federal agencies are attempting to subvert Supreme Court decisions. Senators from other States are attempting to halt mines that have not even been proposed. Permits are delayed, they are withheld, and they are outright refused. Drilling cannot take place in places Congress has explicitly designated for drilling, including our National Petroleum Reserve.

At the root of these troubles really is Alaska's treatment by the Federal Government. Because we have so much land and because we do depend on the development of these lands to thrive as a State, Alaska's future truly rests in the Federal Government's hands. But at the very moment—at the time when we most need the Federal Government to be acting as our partner, it has become an obstacle to progress and to our prosperity. The promises that were made at statehood and under ANILCA seem to be remembered only by Alaskans.

So it is apparent to me that the system of Federal land management and land use that used to work has now turned against us. Instead of facilitating new development and working to ensure it is carried out responsibly, the Federal Government now routinely denies our opportunities and locks up Alaska's lands. No matter where we look, we face this gauntlet of land use and environmental statutes that have been twisted into permitting delays, project denials, endless litigation. Put at risk is the sound economy we have worked very hard to build, the livelihoods of hundreds of thousands of Alaskans, and our ability to live up to our obligation at statehood to remain financially solvent as a State. We are in this position for, I believe, one reason, and that is because the promises that were made to Alaska by the Federal Government have been broken. We have asked nicely—perhaps too nicely—for a long time for those promises to be honored.

So, before I close, I would like to draw one more quotation from Senator Gruening, of whom I spoke earlier. This is a rather lengthy quote, but it is one worth hearing. Senator Gruening states:

We Alaskans believe passionately that American citizenship is the most precious possession in the world. Hence we want it in full measure; full citizenship instead of half-

citizenship; first class instead of second class citizenship. We demand equality with all other Americans and the liberties long denied us that go with it. To adapt Daniel Webster's famous phrase uttered as a peroration against impending separatism, we Alaskans want "liberty and union, one and inseparable, now and forever."

But the keepers of Alaska's colonial status should be reminded that the 18th century colonials for long years sought merely to obtain relief from abuses, for which they—like us—vainly pleaded, before finally resolving that only independence would secure for them the "life, liberty and pursuit of happiness," which they felt was their natural right.

We trust that the United States will not, by similar blindness to our rights and deafness to our pleas, drive Alaskans from patient hope to desperation.

That is pretty lofty language, I grant you, but I think it is suited. I think it is suited to this conversation this evening. Just as Ernest Gruening had to have this same fight from this same Chamber over 50 years ago, I am compelled to remind this body that the greatness of this Nation, the ultimate and true greatness of the experiment, depends on the greatness of the individual States which comprise it. As we look at our States and what they are capable of achieving, I would bet Alaska's potential against any other.

Today, on the 144th anniversary of Alaska Day, I ask the Senate to just think, to consider the promises that were made to the State of Alaska, to realize that those promises have not been kept but broken to the detriment of both Alaska and our Nation as a whole. This must be changed with the realization that partnership, not abject denial, is truly the best path forward. If the Federal Government keeps its promises, Alaska will realize its potential, grow as a State, and secure its future.

We would not be doing this just for Alaska alone. The rest of the Nation will benefit greatly as well. That is something we need. It is something we should all agree to work for. There is probably no better time to start than today as we recognize Alaska Day.

I thank the Chair for the attention of the Presiding Officer and for the opportunity to share a little bit of Alaska's history and our frustration with the present.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:37 p.m., adjourned until Wednesday, October 19, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

WENDY M. SPENCER, OF FLORIDA, TO BE CHIEF EXECUTIVE OFFICER OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE PATRICK ALFRED CORVINGTON, RESIGNED.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

ALFREDO J. BALSER, OF FLORIDA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2014, VICE ELIZABETH F. BAGLEY, TERM EXPIRED.

DEPARTMENT OF STATE

GINA K. ABERCROMBIE-WINSTANLEY, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

JULISSA REYNOSO, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

ROBERT E. WHITEHEAD, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE TOGOLESE REPUBLIC.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL J. BASLA

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

DAVID S. CHOI
MUHANNAD KASSAWAT

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RUSSEL E. PERRY

CONFIRMATIONS

Executive nominations confirmed by the Senate October 18, 2011:

DEPARTMENT OF STATE

DAN W. MOZENA, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

ROBERT A. MANDELL, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LUXEMBOURG.

THOMAS CHARLES KRAJESKI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF BAHRAIN.

SUSAN DENISE PAGE, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH SUDAN.

ADRIENNE S. O'NEAL, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

MARY BETH LEONARD, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

MARK FRANCIS BRZEZINSKI, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWEDEN.

EXTENSIONS OF REMARKS

HOSPICE OF HARNETT COUNTY
RECOGNIZED FOR 25 YEARS OF
SERVICE

HON. RENEE L. ELLMERS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2011

Mrs. ELLMERS. Mr. Speaker, I rise today to recognize 25 years of service by Hospice of Harnett County (North Carolina). They offer the highest quality non-profit hospice services and support to Harnett County patients and family caregivers facing serious and life-limiting illness regardless of their income or ability to pay.

Hospice of Harnett County providers take the time to ask what's important to those they are caring for—and listen to what their patients and families say.

For 25 years, Hospice of Harnett County's skilled and compassionate hospice and palliative care professionals—including physicians, nurses, social workers, therapists, counselors, health aides, and clergy—provide comprehensive care focused on the wishes of each individual patient.

Through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, Hospice of Harnett County helps patients to live fully up until the final moments, surrounded and supported by the faces of loved ones, friends, and committed caregivers.

The provision of quality hospice and palliative care reaffirms our belief in the essential dignity of every person, regardless of age, health, or social status, and that every stage of human life deserves to be treated with the utmost respect and care.

Since 1986, more than 1,700 persons in Harnett County living with life-limiting illness, and their families, received care from Hospice of Harnett County.

Hospice of Harnett County encourages all people to learn more about options of care and to share their wishes with family, loved ones, and their healthcare professionals through community events, educational activities, and public awareness.

I would like to proclaim November 2011 the 25th Anniversary of Hospice of Harnett County by encouraging citizens to increase their understanding and awareness of care at the end of life and to celebrate Hospice of Harnett County's 25 years of service to the citizens of Harnett County.

RECOGNIZING SILVA HEALTH
MAGNET HIGH SCHOOL'S BLUE
RIBBON AWARD FOR EXCEL-
LENCE IN EDUCATION

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2011

Mr. REYES. Mr. Speaker, I rise today in recognition of the achievements of Silva Health Magnet High School. Silva Health was recently honored with the 2011 National Blue Ribbon award from the United States Department of Education for excellence in education.

The National Blue Ribbon School award honors both public and private elementary, middle and high schools where students achieve at high levels and also schools where the achievement gap is narrowing. Since 1982, approximately 6,500 American schools have received this coveted award.

I want to personally congratulate the teachers, administrators, and staff of Silva Health Magnet High School for their commitment and dedication to our young students in El Paso. This year only 304 schools nationwide received the award, and they will be honored at a ceremony in Washington, DC. The Blue Ribbon validates the efforts of these schools in creating a positive and effective learning environment. These schools and their communities have achieved a degree of excellence of which they can justifiably be proud.

Silva Health Magnet is a fitting example of the type of educational curriculum and environment that encourages students to become interested in the fields of science, technology, engineering and mathematics (STEM). Our nation must provide more opportunities, like those at this outstanding school, to encourage our children and youth to focus on STEM fields and to help our nation remain competitive in the global economy.

In times of economic uncertainty, we cannot lose sight of the paramount importance of our children's education, and I am honored to represent Silva Health Magnet High School.

USDA PROPOSED RULE FOR SCHOOL MEALS

HON. RENEE L. ELLMERS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2011

Mrs. ELLMERS. Mr. Speaker, I rise today during National School Lunch Week to express my concern about the U.S. Department of Agriculture's proposed rule change to the National School Lunch Program. As a mother and a nurse and a representative of the medical community, families, and farmers in the second district of North Carolina, I fully sup-

port improving nutrition for our nation's school children, and I believe that we must do everything we can to protect against childhood obesity.

But in this time of economic uncertainty, we cannot overlook the unintended consequences of these new and conflicting standards. A recent Gallup poll found that 19 percent of American families are food insecure. According to a study by the USDA, nearly 17 million American children struggle with hunger. For many of these children, school is their most reliable source of a well balanced meal.

In my state more than half of the school food programs in the state are operating in the red, losing a total of \$28 million in 2008. Their financial problems are mounting at a time when parents, child health advocates and legislators are looking to school food programs to improve students' nutrition at a sensible and affordable price. In 2006, the state legislature required schools to serve more fruits, vegetables and whole-grain food, and fewer dishes with lots of fat and sugar. However, it did not kick in extra money for the higher costs of the more nutritious foods. Collectively, school food programs in North Carolina spent \$683 million during the last school year. Almost half, 47 percent, went to salaries and benefits. The rest went to food purchases (44 percent) and other expenses (9 percent).

According to USDA estimates, this new school meals rule will cost taxpayers \$6.8 billion over the next ten years. How are we going to afford that?

At a time when so many are hungry and the National School Lunch Program is serving more children than ever, I have strong reservations with USDA's proposal to place serious limitations on school nutritionists' options in building nutritious meal plans for the nation's school children and increase the price of school meals. In many cases, the proposal would eliminate foods that are both nutritious and popular with children. The school lunch program is intended to feed hungry kids, not pick "good foods" and "bad foods". The new guidelines would limit starchy vegetables—corn, peas and lima beans, in addition to potatoes—to two servings a week. That's about one cup. As a parent, I would like to see more of these vegetables consumed, not less. School nutritionists should be applauded for the work they do in constructing meals that kids love and give them the energy they need to succeed in the classroom.

This rule will cost taxpayers \$6.8 billion over the next ten years. In this current fiscal crisis, our school children and taxpayers cannot afford to adapt to inconsistent, costly and unproven regulations. USDA should revisit its proposal and write a rule that does not put limitations on school nutritionists' choices in how to best feed hungry children or put further economic pressures on food companies that supply schools and the American taxpayer.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING THE SERVICE OF GLEN
KERSLAKE

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2011

Mr. SMITH of Washington. Mr. Speaker, today I honor Mr. Glen Kerslake of Tucson, Arizona, for a lifetime of service to country and community. Mr. Kerslake, who I had the pleasure of meeting in Tucson, is known to me for his close work with our colleague, Congresswoman GABRIELLE GIFFORDS, to support southern Arizona's military members, veterans, and military and veterans' families.

Glen joined the Tucson community in 1994 and quickly developed a record of deep and devoted service to southern Arizona—serving on the boards of the Tucson Arizona Boys Chorus and National Apartment Association, as a member of the Southern Arizona Leadership Council, and as President of the Arizona Conservation Land Stewards, among other community contributions.

Glen made one of his greatest civic impacts serving Tucson's military community and the proud men and women who make it up. He has served as a member, president, and board-member of the Davis-Monthan 50, a committed group of Tucson civic and business leaders dedicated to strengthening the relationship between Davis-Monthan Air Force Base and the civilian population of the region. As a DM-50 member and then president of the organization, Glen helped thousands of airmen through the child car safety seat program, which supplies car seats to young military families, and the development of the important Bachelor of Applied Science in Meteorology program at the University of Arizona. He also made critical contributions to Tucson's Military Community Relations Committee, a local organization dedicated to resolution of key issues between Davis-Monthan Air Force Base and the community.

Recently, Glen was most passionate about his role as the Honorary Commander of the 612th Air and Space Operations Center. Glen took great pride in the critical nature of the 612th AOC's mission and its heritage springing from the famous Doolittle Raiders of World War II. The Raiders took great risk performing a tactical mission, executed in a joint manner, at a crucial juncture for our nation, ultimately demonstrating the strategic reach of American airpower. The 612th AOC was dedicated to the Gen. James H. Doolittle Center in honor of the leader of the Doolittle raid, who was also the first commanding general of 12th Air Force.

It was this heritage and the 612th AOC's unit motto, "Leading the Fight—Ever Vigilant, Omnis Vigilantia," along with an abiding commitment to Davis-Monthan's airmen and women, that inspired Glen's efforts to ensure the unit would remain at Davis-Monthan when its continued existence in Arizona was threatened. Glen sprung into action and worked closely with Congresswoman GIFFORDS' office to lead a diverse group of community and governmental stakeholders to stop the effort to move the 612th AOC's operations.

The Congress and this country owe Glen, his family, and countless community leaders in

Glen's mold a debt of gratitude for their selfless and inspired service. Please join Congresswoman GIFFORDS and me today in honoring Mr. Glen Kerslake of Tucson, Arizona.

REMEMBERING THE 55TH ANNI-
VERSARY OF THE HUNGARIAN
REVOLUTION

HON. ANDY HARRIS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2011

Mr. HARRIS. Mr. Speaker, the Hungarian Revolution of 1956 was not only a culmination of Hungary's struggle for freedom, democracy and independence, but also presaged the collapse of the Soviet Empire. Indeed, the 1956 Hungarian Revolution and Fight for Freedom was the first tear in the Iron Curtain. Hungarians from all walks of life rose up against insurmountable odds to fight the brutal Soviet-installed Hungarian communist government. Many died fighting, others were tortured and executed, while 200,000 were forced to flee. 2011 marks the 55th anniversary of that historical chain of events.

The American Hungarian Federation, founded over 100 years ago and the oldest and largest umbrella Hungarian American organization in the United States, honors those whose enormous sacrifice seemed futile 55 years ago but that today is universally recognized as having contributed to the ultimate demise of Soviet domination of central and eastern Europe and the restoration of freedom and independence in Hungary and the region.

We must never forget the heroes of 1956—the students, the intellectuals, the workers, the farmers and the cross-section of the entire Hungarian nation—who knew exactly what they wanted 55 years ago and were prepared to realize their dreams at great personal sacrifice. They fought and died for freedom, a multi-party democracy and independence from the Soviet Union.

Two of our great presidents, among many others who cherish freedom and the courage to struggle for it, remembered the Hungarian Revolution as follows:

"October 23, 1956, is a day that will live forever in the annals of free men and nations. It was a day of courage, conscience and triumph. No other day since history began has shown more clearly the eternal unquenchability of man's desire to be free, whatever the odds against success, whatever the sacrifice required."—John F. Kennedy, on the first anniversary of the Hungarian Revolution.

"The Hungarian Revolution of 1956 was a true revolution of, by and for the people. Its motivations were humanity's universal longings to live, worship, and work in peace and to determine one's own destiny. The Hungarian Revolution forever gave the lie to communism's claim to represent the people, and told the world that brave hearts still exist to challenge injustice."—Excerpt from Ronald Reagan's Presidential Proclamation issued on October 20, 1986.

We also recall the impact the massive Soviet invasion had on the Hungarian commu-

nities in states neighboring Hungary. One consequence was the solidly Stalinist Romanian government's virtual liquidation of the Hungarian-language Bolyai University in Romania, which was implemented by the secretary of the Central Committee, Nicolae Ceausescu. Five years ago Nobel Laureates and Wolf Prize Laureates, including Elie Wiesel and George Olah, and 69 other internationally acclaimed scholars called upon Romania to take "immediate steps" to "re-establish the public Bolyai University in Cluj-Napoca/Kolozsvár." The university has yet to be restored.

Another victim of communism was Janos Esterhazy, who despite being the only member of Slovakia's parliament to vote against the deportation of Jews in 1942, nevertheless died in a Czechoslovak prison in 1957. While Russia has done so, Slovakia has yet to exonerate him.

Righting wrongs against Hungarian minorities (e.g., the Esterhazy case and the Bolyai University matter) that extend back to the Cold War period and respecting the rights of such minorities would be a fitting commemoration of 1956 and a tribute to the memory of thousands of unsung heroes who did not compromise but sacrificed their lives for the cause of liberty fifty-five years ago. Moreover, in order to strengthen democracy and safeguard freedoms throughout the region, today's generation—the beneficiary of the restored freedoms following the demise of communism—must be vigilant and guard against the curtailment of democracy and infringement of fundamental human rights and Western standards relating to minority rights.

Consistent with its practice of fifty-five years, the American Hungarian Federation is committed to keep the memory of the heroes of 1956 alive. As we contemplate the promise of Hungary 1956, we are reminded that that promise must never be forgotten or abandoned, as the heroes of 1956 deserve nothing less.

SUPPORT FOR H.R. 639, THE CUR-
RENCY REFORM FAIR TRADE
ACT

HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2011

Mr. MEEHAN. Mr. Speaker, I rise to express my continued support for H.R. 639, the Currency Reform for Fair Trade Act. This legislation will provide the United States an important tool to address unfair currency manipulation practices, and I hope that it can receive a debate and a clean, up-or-down vote in the House.

I voted against the Motion to Recommit to H.R. 3078, the U.S. Colombia Trade Promotion Agreement Act because it was a poison pill motion that would have derailed this important, carefully negotiated trade agreement that enjoyed the support of President Barack Obama as well as 262 bipartisan members of the House. Were one word to change in the U.S.-Colombia agreement, this agreement, that has taken years to reach, would have lost its legislative protections in

the Senate under the Trade Promotion Authority Act. Doing so would have killed this agreement and further delayed action to level the playing field for U.S. workers and create jobs here at home.

HONORING THE 30TH ANNIVERSARY OF COMUNIDADES LATINAS UNIDAS EN SERVICIO (CLUES)

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2011

Ms. McCOLLUM. Mr. Speaker, I rise today to congratulate Comunidades Latinas Unidas En Servicio (CLUES) on its 30th anniversary celebration. For three decades, this vibrant non-profit community organization has been a life-line support for the Latino community in Minnesota.

Since its inception in 1981, CLUES has been charged with a noble mission to promote equality for all, seek to improve the health of individuals and families, and to transform the lives of all families in Minnesota, this organization has made a positive impact on the lives of so many individuals and families. The support services provided by CLUES that help individuals and families recover from chemical dependency, help people become self-sufficient through employment and educational opportunity, and offer a comfort zone for senior citizens to maintain their well-being are commendable.

As the representative in Congress for Saint Paul, Minnesota and the east metropolitan area, I have had the opportunity to work with CLUES executive director, Jesse Bethke Gomez and the staff and board to address the needs and challenges facing Latinos and our entire community in Minnesota. CLUES would not be successful without the caring and dedicated staff, volunteers and supporters who serve the public each day. They deserve congratulations for reaching this milestone, and gratitude for all that they do to make our community and our state a caring place that helps families and individuals realize their dreams for the future. I wish them the very best, and I look forward to celebrating their continued success.

HONORING THE REPUBLIC OF AZERBAIJAN ON THE 20TH ANNIVERSARY OF THE RESTORATION OF AZERBAIJAN'S INDEPENDENCE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2011

Mr. SHUSTER. Mr. Speaker, as the Co-Chairman of the Congressional Azerbaijan Caucus, I would like to take this opportunity to honor the Republic of Azerbaijan as it celebrates the 20th anniversary of the restoration of Azerbaijan's independence.

Located in a geopolitically dynamic region between Europe and Asia and sandwiched be-

tween Russia and Iran, Azerbaijan is a secular country with a predominantly Muslim population that has also been home for more than a millennia for vibrant Christian and Jewish communities.

Azerbaijan and the United States enjoy a strong partnership founded on shared interests in global and regional security, energy and economic development, democratic reforms, and respect for human rights. President Obama has called Azerbaijan a "young democracy" during his meeting with Azerbaijan President Ilham Aliyev in September 2010, and Secretary of State Hillary Clinton stressed during her July 2010 trip to Azerbaijan that "the bonds between the United States and Azerbaijan are deep, important, and durable."

The past 20 years have seen Azerbaijan make great leaps in consolidating its sovereignty and political independence, and they are on the path towards building strong democratic institutions and a diversified economy that will further contribute to the welfare of the people of Azerbaijan. As I frequently remind my colleagues, the United States has more than 230 years of experience developing into the modern democracy we are today. It is critical that the United States provide our support and friendship to our partners in Azerbaijan as they continue to develop.

Azerbaijan has opened Caspian energy resources to development by U.S. companies and has emerged as a key player for global energy security. The Baku-Tbilisi-Ceyhan pipeline project is the most successful project contributing to the development of the South Caucasus region and has become the main artery delivering Caspian Sea hydrocarbons to the U.S. and our partners in Europe. Notably, in 2009 Azerbaijan provided nearly one quarter of all crude oil supplies to Israel and is considered a leading potential natural gas provider for the U.S.-supported Nabucco pipeline. It is important for the United States to continue to provide support for the development of the Southern Corridor that will further strengthen energy security.

On the security front, immediately after 9/11 Azerbaijan was among the first to offer strong support and assistance to the United States. Azerbaijan participated in operations in Kosovo and Iraq and is actively engaged in Afghanistan, having recently doubled its military presence there. Azerbaijan has extended important over-flight clearances for U.S. and NATO flights to support ISAF and has regularly provided landing and refueling operations at its airports for U.S. and NATO forces. Also, Azerbaijan, as highlighted by Secretary of Defense Robert Gates, plays an important role in the Northern Distribution Network, a supply route to Afghanistan by making available its ground and Caspian naval transportation facilities. Moreover, Azerbaijan provides vital support for U.S. nonproliferation efforts.

Again, as the Co-Chairman of the Congressional Azerbaijan Caucus, it is my distinct pleasure to congratulate the people of Azerbaijan and President Ilham Aliyev on the occasion of this important anniversary. I ask my colleagues to join me in honoring this important milestone in the history of Azerbaijan also encourage my colleagues who are interested in supporting Azerbaijan to join me as a member of Congressional Azerbaijan Caucus, a bi-

partisan group of nearly 40 Members of Congress working to help foster the growing partnership between the United States and Azerbaijan and to advance U.S. interests in this pivotal region.

HONORING THE LIFE OF LANCE CORPORAL TRAVIS M. NELSON, USMC

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2011

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is with great respect and honor that I rise today to recognize the life of Northwest Florida's beloved Lance Corporal Travis M. Nelson.

Lance Corporal Nelson succumbed to wounds sustained in combat operations in Helmand Province, Afghanistan on August 18, 2011. At the time, he was assigned as a rifleman with 1st Battalion, 6th Marine Regiment, 2d Marine Division, based at Camp Lejeune, North Carolina.

Born in Orlando, Florida on August 5, 1992, Lance Corporal Nelson was a true American patriot. Drawn to military service at an early age, with the support of his family, he joined the Young Marines of Pensacola at 14. He later participated in the Naval Junior Reserve Officer Training Corps program at Pace High School, where he graduated from in 2010. He then enlisted in the United States Marine Corps, and upon completion of basic training in January 2011, Lance Corporal Nelson chose to serve in the infantry. He knew of the challenging role; however, he felt that the job should not be left for someone else. His decision to join the Marine Corps is a true testament to his character's strength and selflessness.

Lance Corporal Nelson was a beloved member of his community, remembered as an athlete, an avid fisherman, and a friend by those who knew him. He is survived by his parents, Scott and Beckie; his sisters, Anna and Jenna; his brother, Daniel; and his fiancée, Madeline Cates.

Mr. Speaker, on behalf of the United States Congress, I am privileged to honor the life of Lance Corporal Travis Nelson for his selfless service and sacrifice in defense of our nation. My wife Vicki and I offer our prayers for his entire family. He will be truly missed by all.

RECOGNIZING ESCONTRIAS ELEMENTARY SCHOOL'S BLUE RIBBON AWARD FOR EXCELLENCE IN EDUCATION

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2011

Mr. REYES. Mr. Speaker, I rise today in recognition of the achievements of Escontrias Elementary School. Escontrias was recently honored with the 2011 National Blue Ribbon award from the United States Department of Education for excellence in education.

The National Blue Ribbon School award honors both public and private elementary, middle and high schools where students achieve at high levels and also schools where the achievement gap is narrowing. Since 1982, approximately 6,500 American schools have received this coveted award.

I want to personally congratulate the teachers, administrators, and staff of Escontrias Elementary. This year only 304 schools nation-

wide received the award, and they will be honored at a ceremony in Washington, D.C. The Blue Ribbon validates the efforts of these schools to create a positive and effective learning environment.

Escontrias principal Marivel Macias noted that the award "has solidified the notion that all things are possible". This national award exemplifies the dedication, persistence, and commitment that the Escontrias faculty, staff

and community has for their students, and by closing the achievement gap, they will acquire the tools necessary to compete at a global academic level and become future world leaders.

In times of economic uncertainty, we cannot lose sight of the paramount importance of our children's education, and I am honored to represent Escontrias Elementary School.

SENATE—Wednesday, October 19, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible, God only wise, You are surrounded by inaccessible light. Today, help our lawmakers make substantive progress in their efforts to keep America strong. Remind them to trust You for today's challenges and difficulties, knowing that You hold all our tomorrows in Your hands. May this perspective of trusting the future to Your powerful and loving providence infuse them with a spirit of optimism to believe that they will reap a bountiful harvest if they persevere in doing what is right. Lord, give them the serenity to accept what they cannot change, to change what they should, and the wisdom to know the difference.

We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 19, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

RAISING TAXES

Mr. MCCONNELL. Madam President, I want to make a couple of observations this morning about what is going on in Washington at the moment and what is not. What is going on is that Democrats are obsessed for some reason with raising taxes. That is the only possible way to explain their latest idea to impose a permanent tax hike on about 300,000 U.S. business owners and then use the money to bail out cities and States that cannot pay their bills. That is the proposal we will be voting on apparently tomorrow.

I do not know if our friends on the other side have noticed, but Washington cannot pay its own bills right now. Think about it. The Federal Government spent \$3.6 trillion last fiscal year, a new all-time record. And in the wake of the single largest spending year in history, Democrats want to put together another bailout.

Add up the projected deficits of all 50 States this year and you get \$103 billion. That is all 50 States' deficits added up. Well, what about us? What about us here in Washington? We are expected to run a deficit of \$1.3 trillion. Washington needs to prove it can get its own house in order before it starts demanding more money from job creators and throwing together another bailout.

This is the third time in 3 years the President has asked us to bail out the States. How many more times? And how many more billions before someone realizes this is a very bad idea? More bailouts. More bailouts are not going to solve the problem. They will just enable it.

But the bottom line is this: Everyone knows the last thing you want to do in a jobs crisis is raise taxes. It is common sense. The President himself has said as much. But for some reason he is determined to keep trying anyway. And Republicans are not about to go along with it. So Democratic leaders in Congress have decided to do nothing instead. If they do not get their tax hike, then they do not want to do anything at all. That is why rather than working with us on legislation that would get the government out of the way so the private sector can create jobs, including legislation that is in the President's own bill, they have choreographed a political sideshow this very week.

Here is how it works: The President proposes a stimulus bill and calls it a jobs bill. Congress rejects it in a bipartisan way for very sensible and straightforward reasons. The President then goes on a bus tour to criticize Re-

publicans for voting against the so-called jobs bill. Democratic leaders consult with the White House on breaking the same bill into smaller pieces. And how do they break it up? By identifying parts they know Republicans will oppose, then add the tax hike just to make sure. Then another bus tour or a press conference with the President complaining about Republicans again. Repeat for 13 months in the hopes that Americans will forget they are all now living under the economic policies that were enacted during the first 2 years of the Obama administration, and hope for success. That is the game plan. In other words, they are actually designing legislation on the other side to fail so they will have someone else to blame for the economy 13 months from now. That is what is going on in the Senate this week.

So what is not going on? What is not going on is the kind of bipartisan cooperation Americans want. My friend the majority leader is out there telling people the Republicans are rooting for the economy to fail. Nothing could be further from the truth. Look, if Republicans wanted the economy to fail, we would all line up behind the President's economic policies rather than opposing them, because they have not solved this jobs crisis we have been in. We have done that.

The President got everything he wanted the first 2 years he was in office. So I think it is time Democrats realize they were elected to lead, not to choreograph political theater. It is completely preposterous. At a time when 14 million Americans are looking for a job in this country, for the President to be riding around on a bus saying we should raise taxes, it is completely preposterous for the President to be riding around on a bus saying we should be raising taxes on the very folks who create jobs.

Think about that. We have 14 million people out of work and two self-identified conservatives for every liberal in this country, and the President is out there doing his best Howard Dean impersonation. He is completely out of touch. Let's forget about the tax hikes.

Let's drop the talking points about millionaires and billionaires and let's work together on bipartisan jobs legislation that is designed to pass, not designed to fail.

Republican leadership in the House and Republican leadership here in the Senate has been crystal clear. We are ready to work with the White House on legislation on which we can all agree. The two parties did it last week on

trade bills. There are other areas where we can do the same.

The House voted on three bills this year, one as recently as last week, to roll back excessive regulations by bureaucrats in Washington who are destroying jobs and threatening to put even more Americans out of work. All three of those House bills got solid bipartisan support. Why do we not have those votes in the Senate and show that we can work together to help businesses create jobs? Let's park the campaign bus, put away the talking points, and do something to address the jobs crisis.

The American people want action. The election is 13 months away. Why do we not do what we were elected to do?

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following leader remarks, the Senate will be in a period of morning business for 1 hour, with the Republicans controlling the first half and the majority controlling the final half. Following morning business, the Senate will resume consideration of H.R. 2112, which is the Agriculture, Commerce, State, Justice, and Transportation appropriations bill.

At noon there will be a rollcall vote in relation to the McCain amendment regarding surface transportation. Additional rollcall votes are expected during today's session. We hope to lock in an agreement on three district court judges as well as the nomination of John Bryson to be Commerce Secretary.

JOB CREATION

Mr. REID. Madam President, my friend the Republican leader—and I will talk in more detail in a few minutes—is complaining about a tax of one-half of 1 percent—one-half of 1 percent on people who make more than \$1 million a year to pay for a program that would stop teachers from being laid off and rehire some of the teachers who have been laid off.

The massive layoffs we have had in America today of course are rooted in the last administration. It is very clear that private sector jobs have been doing fine. It is the public sector jobs where we have lost huge numbers. That is what this legislation is all about. It is unfortunate my friend the Republican leader is complaining about that.

I would also note that my friend said the House passed another bill. Well, they pass lots of bills, but they rarely

go anyplace. A report led by HENRY WAXMAN of California, long-time Member of the House, indicated last week that the House has voted 168 times to roll back regulations on clean air, clean water. These safeguards are important to have a healthier America. But the Republican response has been cutting back environmental and health safeguards, I guess hoping that a sicker, more polluted country is a better place to create jobs. It is not.

I am going to talk a little bit today about the legislation that I moved to on Monday dealing with, as I have indicated, maintaining jobs for teachers, firefighters, and police officers. Seventy-five percent of Americans support this legislation. This is not a poll that some Democratic pollster did, it is a CNN-Gallup poll.

This week, my Republican colleagues have rallied against teachers and first responders. That is our latest proposal, to create hundreds of thousands of American jobs and save other jobs. Republicans point to a similar program with a proven track record keeping 422,000 teachers in the classroom. That is important. They are using this as evidence that our programs are a failure.

I know the American Recovery Act saved Nevada from going into bankruptcy. The money we got there, hundreds of millions of dollars, allowed the Governor, a Republican Governor, to save Medicaid. Money is fungible. It saved teachers. It saved a lot of programs in Nevada.

So I say again, they call Democratic legislation—my Republican colleagues, my friend the Republican leader—legislation that created hundreds of thousands of jobs a failure. That is because they are using a different benchmark for success than we are.

Democrats' No. 1 priority is to create jobs. There are 14 million Americans out of work today. So to us, putting hundreds of thousands of people back to work teaching children, having more police patrolling our streets, firefighters fighting our fires, doing the rescue work they do so well, is our priority.

It seems that the No. 1 priority of my Republican colleagues is to defeat President Obama. Their strategy is to keep the economy weak as long as possible, so they oppose legislation with a solid record of creating jobs. Never mind that Republicans have yet to propose a single idea on their own—a single idea—to get 14 million people working again. Never mind that in the past they have supported every one of the job-creating measures we have proposed. We have a bill that was defeated, so we have taken pieces of that legislation, and virtually every piece of that legislation Republicans, in the past, have supported.

It appears that Republicans suit up every day and come to work with the

sole purpose of defeating President Obama instead of suiting up with the sole purpose of creating jobs. And they oppose the policies that will turn our economy around for one reason and one reason only: politics and defeating President Obama.

The famous author Gore Vidal once said: "It is not enough to succeed. Others must fail." It seems this is the Republican motto this Congress. To me and to most Americans, putting politics ahead of this country's economic future is so far outside of the mainstream, it is barely on the map. That is where the Republicans have headed.

Republicans have been candid about their goal this Congress. My friend the minority leader said:

The single most important thing we want to achieve is for President Obama to be a one-term President.

Defeating job-creating legislation, defeating the economy, and defeating the President—that is how Senate Republicans measure success. But it is not how Republicans in the rest of the country measure success. The rest of America doesn't share those out-of-touch values. Like Democrats, the rest of the country believes there are some things more important than politics, even in an election year. Creating jobs is that most important thing.

To Democrats and the vast majority of Americans, there is no goal more important than getting our economy humming once again. That is why Americans overwhelmingly support our plan to retain or rehire more than 400,000 teachers and put more cops and firefighters back doing the things they do to keep our communities safe.

In Nevada, this legislation will provide an additional \$260 million to keep teachers in the classroom and maintain class size. It will support 3,600 jobs in my State and pump much needed money back into the economy.

Seventy-five percent of Americans believe we should help State and local governments put teachers, police, and firefighters back to work, and 76 percent of Americans agree that the wealthiest people in this country should help get our economy back on track. I repeat, three out of four Americans—actually, it is a little more than that: 76 percent—including two-thirds of Republicans, support the Democrats' Teachers and First Responders Back to Work Act.

Republicans in Congress aren't just out of touch with America, they are out of touch with other Republicans. Fifty-four percent of Republicans support the Democrats' plan to create jobs building roads, bridges and schools. Fifty-eight percent of Republicans support our plan to extend the payroll tax for American workers and businesses. Sixty-three percent of Republicans support our plan to put teachers in the classroom and police officers on the beat. Fifty-six percent of Republicans

even support our proposal to ask millionaires and billionaires to contribute their fair share—one-half of 1 percent—to pull our Nation out of this terrible recession.

The trend is clear: Americans overwhelmingly support the Democrats' plan to create jobs, even with Republicans supporting our ideas by a wide margin. Yet my friend the Republican leader said this yesterday on the Senate floor:

There's a growing bipartisan opposition to trying the same failed policies again. And there's bipartisan opposition to raising taxes, especially at a time when 14 million Americans are out of work.

Well, I say to my friend the Republican leader, you are entitled to your own opinion but not to your own facts. There is not bipartisan opposition to legislation that will create and save jobs for teachers and first responders. On the contrary, there is bipartisan support for the legislation. I have just gone over those numbers. Republicans, like the rest of Americans, do not oppose our proposal to ask millionaires to contribute their fair share. On the contrary, they support that proposal—a one-half of 1 percent surtax on people making more than \$1 million a year. It is only in Congress that Republicans oppose job-creating legislation and fair tax policy for the sake of politics.

In the rest of the country, Republicans, like other Americans, are focused on where their next paycheck will come from and how they will make their mortgage payment. Like Democrats, they are tired of Republicans in Congress rooting for the economy to fail instead of working with us to secure our economic future.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE NOMINATIONS

Mr. REID. Madam President, I ask unanimous consent that notwithstanding the previous order, at 12 noon the Senate proceed to executive session to consider the following nominations: Calendar Nos. 272, 273, and 274; that there be 10 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, Calendar No. 272 and Calendar No. 274 be confirmed and the Senate proceed to vote without intervening action or debate on Calendar No. 273; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session, with 2 minutes of debate equally divided between Senators MCCAIN and BOXER or their designees prior to the vote in relation to McCain amendment No. 739, with all other provisions of the previous order remaining in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. PRYOR. Madam President, I ask that the quorum call be rescinded and that I be allowed to speak in morning business, although I believe we are in the Republican time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEMA

Mr. PRYOR. Madam President, in some ways, I hate to come to the floor and talk about this because I very seldom do, but I am announcing to all my colleagues and to the administration that I am putting a hold on all Treasury Department nominations until I get something resolved.

Let me back up and tell the story. Some of my colleagues are familiar with this story because this has come up a few times before and I have already spoken on the floor a couple times about this and certainly in the Homeland Security Committee I have spoken about this.

A few years ago, in Arkansas, we had some floods. In this one particular area around Mountain View, AR, some people's houses were flooded. FEMA came in. In one particular case—in the

Guglielmanas case, which is a family there—they talked to this couple. They are on Social Security. They talked to this couple about how they are entitled to some FEMA recovery money to repair their home. FEMA was actually in the home, took pictures, helped them fill out the paperwork, walked them through the entire process, and they ended up getting \$27,000 in FEMA money for disaster recovery. The Guglielmanas did everything absolutely by the book. They followed all of FEMA's directions. They did it picture perfect, exactly the way we would think all citizens should conduct their business.

Then, 3 years later, they got a notice in the mail and FEMA said: Oh, we messed up. We shouldn't have given you that money because of some technical reason and because of that we now want all that money back.

They worked a great hardship on this family. This is supposed to be government of the people, by the people, and for the people. That is not what has happened in this case. This has worked a great hardship on this family.

There are lots of community efforts around these floods: local civic clubs, churches, the community at large rolled out to help people. The Guglielmanas said they didn't need that because they had FEMA's help. So they have foregone a lot of local assistance, a lot of charity assistance, general help from their friends and neighbors because of FEMA. Now FEMA has come back and said they owe them the entire \$27,000. This could ruin them financially.

I have met with FEMA Director Fugate. He and I have had what I would think of as productive conversations, although this matter hasn't been resolved. One of the things we talked about is to get an amendment to the existing statute. We are working on that. We are working that bill through the system right now in the Senate. I have worked with colleagues on the Homeland Security Committee and also the Appropriations Committee. I am not saying we would have unanimous agreement on my approach, but certainly I have been trying to work with anybody in the Senate to make this bill better.

Unfortunately, what has happened in the last few days is FEMA has now taken the additional step of turning this matter over to the Department of Treasury for debt collection. To add insult to injury and to rub salt in the wounds, this \$27,000 debt, now with fines and penalties and interest, has gone to \$37,000—\$37,000 in debt after these folks were assured by the government they were completely entitled to because this was flood recovery; and the only reason they are not entitled to it is because of some technical issues that FEMA should have recognized from day one. They should have

never offered to help these people, but what they have done is, they have now caused them great injury.

This is a matter of equity and fairness. Enough is enough. We have been talking to FEMA for months about this. Now Treasury is involved. Enough is enough. We need to get this resolved for this family and maybe a few others.

It is not just localized in Arkansas. We are going to see this happen over and over around the country because FEMA has a backlog of these cases—it is a long story—that got tied up in litigation for a few years and I can almost guarantee that virtually every Senator in this Chamber at some point is going to have to deal with this.

I hope all will listen to what I am saying and, hopefully, help me get this resolved. But that is why I am putting a hold on all the Treasury nominees. We need to get this resolved, and we are going to do whatever it takes to get it resolved. We want to resolve this situation fairly for this family in Arkansas. Again, they are just the first of many whom we are going to see who have this same type problem.

FEMA has done them harm. Our government has done them harm and put them at a disadvantage. There is a principle in law called detrimental reliance. These people clearly relied on the government and relied on FEMA to their detriment and they are paying the price and the penalty for that now. When the IRS and Treasury gets involved, there are penalties and interest. American citizens should not be treated this way, especially those who are playing by the rules and don't have any other recourse.

That is all I wanted to say in my morning business—I see we have several in the Chamber to talk on other matters—that I am putting Treasury on notice that I am going to hold all their nominees until we sit down and work through this and, hopefully, get a good and fair result for this one family in Arkansas.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

COMMONSENSE SOLUTIONS

Mr. JOHANNIS. Madam President, there has been a lot of talk about how we go about rebuilding the infrastructure after recent disasters and how we assist struggling States to accomplish that goal.

Many in this body do not believe the Federal Government should borrow money in an attempt to bail out States. We have our own financial mess right here at the Federal level that citizens across this country are saying, rightfully so, we have to get solved. But we can all agree that one of the best things the Federal Government can do is get out of the way and cut through the redtape. We must remove

Federal hurdles and barriers, so much cumbersome process that constitutes the largest barrier to rebuilding our infrastructure.

In fact, I am very pleased to rise this morning and report there is language in the appropriations bill that I believe should get unanimous support in this body. It is part of the transportation section.

It simply says States may rebuild their roads and their bridges that have been damaged in disasters without having to repeat environmental study after study.

Gosh, what a commonsense solution. Keep in mind, we are talking only about replacing roads and bridges that have already been through process, that are already there, that were carrying traffic before the disaster. What we are saying is the most practical we could possibly say; that is, there is no need to repeat the expense of the time-consuming studies. Let's get out there and help the States get the work done. In other words, it saves States time and money by cutting through redtape and allowing them to, very simply, rebuild their roads and bridges.

I commend the senior Senator from the State of Nebraska, Mr. NELSON, for authoring this language. It is a commonsense approach, something we are used to in the Midwest, and it doesn't add one dime or one dollar to the Federal deficit.

This language should receive unanimous bipartisan support, especially from every Senator whose home State has been hit by disaster. Literally, as I speak, our State is trying to figure out how to recover.

Notwithstanding the fact that I think most people would agree this is so common sense, my colleague from Washington State, Senator MURRAY, has an amendment that would strike this language. I can't imagine why this body would stand in the way of States trying to rebuild their roads and bridges. In fact, in addition to States, Senator NELSON's language would help counties and communities that are so cash strapped, with so limited tax base, saying we will help them too.

For local authorities, the cost of repeating environmental studies is crushing. Even President Obama has called on his administration to drop unnecessary regulations and to look for redtape to cut through. Senator MURRAY's amendment, in all due respect, would do exactly the opposite. Her amendment would dig our bureaucratic heels into the sand, and it would say to States and communities and counties we know they have been struggling, we know they have been hit hard by disaster, but we are going to keep our expensive hurdles squarely in place. We are going to force them to jump over each and every one of them.

The language authored by my colleague, Senator NELSON, is a common-

sense way to remove these Federal hurdles. I received assurance just this morning from the department of roads in my home State that this language would clear the way for several rebuilding projects in Nebraska. But we are not alone. I am guessing road departments across this country would say the same. There is little doubt in my mind that it would do the same for other States that have been faced with disasters, from the Midwest to the Northeast. We should rally behind Senator NELSON's language and make sure his efforts to clear a pathway for recovery are not blocked by the Murray amendment.

I encourage my colleagues to vote against the Murray amendment, to stand with me on the side of cutting redtape preventing States from rebuilding roads and bridges.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

CLASS ACT

Mr. THUNE. Madam President, I rise to speak to an issue that I think has been on the minds of a lot of people here and hopefully people across this country too; that is, this failed CLASS Act Program, which last week we finally got some—I would characterize it as good news because I think this is a program that was destined to fail.

On Friday last week, Secretary of Health and Human Services Kathleen Sebelius came out and said: Despite our best analytical efforts, I do not see a path forward for CLASS implementation at this time.

Essentially, what came with that and what accompanied that was a big volume of analysis that had been done that essentially supports the conclusion that it doesn't add up. We can't make the math work. I think that is something that hopefully my colleagues, as what we know now, will recognize; that we ought to eliminate and we ought to repeal this CLASS Act once and for all. That is something I tried to do as we were debating the health care bill almost 2 years ago. I offered an amendment in December of 2009 that would repeal the CLASS Act, believing at the time it wasn't going to work. We had, at that time, plenty of evidence to that effect. Unfortunately, it was included as a part of the health care reform bill to help pay for it. At that time, it was estimated it would generate about \$70 billion in revenue to be used to offset the cost of the health care bill or at least to put it in balance and to claim there was some deficit reduction associated with it.

I think the more recent estimate of what it would generate in terms of revenues in the early years is on the order of about \$86 billion. But we—those of us who have been skeptics about this program—suggested at the very beginning that this was not, in fact, the

case, that it was a budgetary gimmick, and that it was going to saddle the Nation with additional debts. That was what the Congressional Budget Office concluded. There would be revenue in the early years, but as you got into the outyears, as the premiums came in there would be some revenues, but in the outyears, when the demands on the program started to come in, it just didn't add up and would add significantly to the Federal deficit. I think that is a conclusion now that has been drawn even by those who supported the program.

So my thinking at this time is that we, as a Senate—and hopefully the House of Representatives—ought to move to repeal the CLASS Act once and for all. We should not leave this on the books and allow it to become an opportunity at some point in the future for someone to say we ought to try to reactivate this or implement this, knowing full well it does not work.

There were a lot of warning signals along the way that were ignored. There were repeated warnings by the Actuary and the administration that this was not going to work that were ignored by the Obama administration in their push to pass health care reform.

We did a report not that long ago. There was a working group that examined this. The report was called "CLASS's Untold Story." It was myself and some of my colleagues in the Senate and some of my House colleagues who requested it and delved into a lot of the e-mail traffic that occurred prior to its inclusion in the health care reform bill. We came across a number of warnings that were issued by the HHS Actuary.

The Chief Actuary predicted at the time that this would result in an "insurance death spiral." He said:

This could be a terminal problem for this program. The program is intended to be actuarially sound, but at first glance this goal may be impossible. The resulting premium increases required to prevent fund exhaustion would likely reduce the number of participants, and a classic assessment spiral or insurance death spiral would ensue.

That was in May 2009. In May 2009, that warning was coming from the Actuary at HHS.

Some time passed. This continued to be part of the discussion with regard to the health care bill. Come August or July of 2009—and this was again after additional analysis, review, and examination of this particular proposal—the Actuary went on to say:

Thirty-six years of actuarial experience lead me to believe that this program would collapse in short order and require significant Federal subsidies to continue.

It would collapse in short order. That is what was said by the HHS Actuary in July of 2009.

So they continued to plow forward, thinking that somehow they were going to be able to salvage this pro-

gram, figure out a way to make it work.

In the August and September timeframe of 2009, the Actuary again says:

As you know, I continue to be convinced that the CLASS proposal is not actuarially sound.

That was the expert advice that was given to the administration about this proposal way back in 2009. Yet they plowed ahead and in December 2009 added it to the health care bill, assuming it would help offset the cost of that health care legislation.

At the time, many of my colleagues here on the floor talked about what a great program it was and how it all was going to pay off and was all going to balance out. We had people say it was a critical program, it was a breakthrough program, it was a win-win. We had Democrats come over here and talk about the virtues of this program—I believe knowing full well there were questions about it.

Having said that, there was a big push on at the time to pass health care reform. As a consequence, this piece of that reform was included notwithstanding our efforts to repeal it or to strike it at the time. So we went forward. Here we are now 18, 19 months later, and there is full recognition of the fact that this does not pencil out, it does not add up, the math flat does not work.

Where do we go from here? In my view, what we ought to be doing is repealing this bill, which is why it seems mystifying to me that the administration is now suggesting that if Congress were to repeal the CLASS Act, he would veto the repeal bill. You have all this actuarial data; you have all these statements; you now have all this analysis that has been done that demonstrates the very point we were making at the initial consideration of this; that is, it was just not going to work.

So I hope and invite my colleagues here on both sides of the aisle to join me in the effort to repeal this legislation. I introduced a bill, along with Senator GRAHAM, back in April of this year that would repeal the CLASS Act. It has 32 cosponsors. I hope we get enough cosponsors here in the Senate to where we can put an end to this once and for all.

We are going to be looking for opportunities to do that in the weeks and the months ahead because, as I said, this is something that clearly does not work. It now not only has all the arguments that were being made at the time prior to its passage, but subsequent to its passage all the analysis that has been done comes to the same conclusion; that is, the numbers just do not add up.

What does that mean for the future of long-term care? I submit there are other things we should do. I don't think this is an issue which is going to go away. We have more people who are

living longer in this country. Long-term care is a very serious issue. But going about it and trying to fix it in a way that would burden future generations with more and more mountains of debt piled on their backs—the cost of this over time—is the wrong way to go about it, and that is precisely what this particular approach would do.

We have had many discussions about various remedies for the long-term care issue. We will continue to put our ideas forward in hopes we can address it as part of some bill that would take a look and examine these issues but do it in a way that is fiscally responsible, fiscally sound, that is actuarially sound, and that does not create the massive amount of borrowing, the massive amount of debt, and that does not put in place a flawed program that we knew at its inception was not going to work.

I hope we will put an end to this, that we can get colleagues on both sides together to agree to that, and that we will be able to add cosponsors to that piece of legislation and look for the first opportunity to repeal this legislation and make sure we end it once and for all, knowing full well this was ill-conceived and ultimately would be a failed program.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. MORAN. I ask unanimous consent to address the Senate for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GIPSA

Mr. MORAN. I am here today, as we debate H.R. 2112, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, to address a particular provision that, in my view, needs to be addressed. I also hope to have the opportunity later today to offer an amendment regarding the Watershed Rehabilitation Program and to allocate some additional funds for that program, and I hope to have the chance to speak during the debate on this bill on the proposed school lunch regulations the Senator from Maine has so appropriately addressed previously.

At this time, I would like to turn my attention to a problem with the pending legislation; that is, its failure to address the proposed rule titled "Implementation of Regulations Required Under Title XI of the Food, Conservation, and Energy Act of 2008; Conduct in Violation of the Act," commonly known as the GIPSA rule. This proposed rule has the potential to adversely affect livestock producers in my State and around the country, as well as consumers of meat products.

The House included a funding limitation on implementation of this rule in

its appropriations bill. That is not included in the Senate version of the bill. I am a member of the agricultural appropriations subcommittee and believe that, in this case, the House is correct.

Initially, this rule that the Department of Agriculture is proposing grew out of the 2008 farm bill. As a Member of the House of Representatives back then, I was a member of the conference committee that developed that farm bill. It directed the Department of Agriculture to issue regulations in five very discrete areas.

In June 2010, the Department of Agriculture responded with the issuance of its proposed GIPSA regulations that clearly went way beyond the mandate of that 2008 farm bill and way beyond the Department of Agriculture's authority under the Packers and Stockyards Act. The GIPSA rule as written is exactly the type of burdensome regulation that was the focus of our President's January 18 Executive order.

In addition to the Executive order, the President promised to have a very transparent and open administration in regard to the development of rules. Unfortunately, the process surrounding the GIPSA rule has been far from transparent. This rule was proposed with zero economic analysis from the Department despite the major impacts it could have on the agricultural economy.

For months, USDA denied that this would be an economically significant rule, until multiple private sector studies and overwhelming comments from agricultural producers and others, such as those in my home State of Kansas, finally convinced the USDA this rule would indeed have a significant economic impact. Private analysis at that time indicated that these GIPSA regulations, if finalized as proposed, would cost the U.S. meat and poultry industry nearly \$1 billion.

Under this pressure, the Department of Agriculture is now conducting an economic analysis. While I certainly welcome that economic analysis, I am very concerned about whether this analysis will be made public before a final rule is announced and whether the public will be able to analyze and comment on the data and methodology used by USDA to complete the study.

In fact, I asked the Secretary of Agriculture, during an agriculture appropriations subcommittee hearing, if he would release that economic analysis before the comment period concluded or open a comment period after the analysis is complete so people can make comments based upon what the economic analysis demonstrates. Certainly, in my view, the Secretary failed on a number of occasions to answer my question and give me that commitment that the process would be open and transparent and that a comment period would occur.

I sincerely believe it is incumbent upon this Congress to exercise its over-

sight discretion and direct the necessary transparency and thoughtful analysis that USDA to date has not publicly provided. We need time to study and comment on the methodology, and we need to make sure we get these rules right if they are going to be implemented. It would be irresponsible to not adjust the rules to mitigate a negative economic impact determined by the Department's own economic analysis.

As I mentioned, the House included a provision barring funding for the current proposed GIPSA regulations, and USDA should be delayed from going forward until it can limit itself to the five areas set forth in the farm bill—its congressional authority—and until public comments can occur regarding that economic analysis. We ought not have a final rule without the benefit of the economic analysis. The Department of Agriculture should not just be going through the motions because there was insistence that an economic analysis occur. We need to be able to mitigate any negative impacts that we learn from that economic analysis.

Madam President, I appreciate the opportunity at this point in the day to address an issue that is appropriate as we discuss the agricultural appropriations bill throughout today. I look forward to being back on the floor later today to offer an amendment to that bill regarding watershed rehabilitation and also at that time to speak in regard to what I view as some crazy ideas that are proposed School Lunch Program regulations.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

ANTHRAX ATTACKS

Mr. CARDIN. Madam President, I rise to remember the 10th anniversary of the anthrax attacks on our country.

During the weeks following the terrorist attacks of September 11, 2001, our Nation was exposed to chemical warfare for the first time.

Two anthrax attacks were delivered through our country's postal system. The first set of letters was mailed to media outlets, including ABC, CBS, NBC, the National Enquirer, and the New York Post in September.

Three weeks later, two other anthrax letters were mailed to U.S. Senators—Senator Daschle and Senator PATRICK LEAHY. The letter to Senator LEAHY never made it to Capitol Hill. The envelope addressed to Senator Daschle, however, was opened on October 15 in the Hart Senate Office Building in the mailroom of the office I use today. Emergency responders rushed to join Capitol Police to evaluate the situation and determine the extent of contamination.

It was 10 years ago this week on October 17, 2001, the Capitol was evacuated. At that time I was a Member of

the House of Representatives. I remember the fear and trepidation all Americans felt in the days and weeks following September 11.

I take this time to honor the courage of our Nation's Federal employees. Two made the ultimate sacrifice, dying from the exposure of the deadly anthrax toxin at the postal facility that handled all the mail that came to the Senate and House offices. U.S. postal workers Thomas L. Morris, Jr. and Joseph P. Curseen, Jr. gave the ultimate sacrifice after being exposed to the infected Senate mail while they worked in the Brentwood post office facility here in Washington, DC.

Mr. Morris and Mr. Curseen were Maryland residents. Like so many other Federal employees, they went to work every day, serving the American people and trying to earn a living for themselves and their families. Less than a week after being exposed to the deadly anthrax at the mail facility, both men died of their exposures.

The Brentwood postal facility, which was shuttered for months while the building was disinfected, now proudly bears their names, honoring two Federal employees who died doing their jobs.

Literally thousands of other Federal employees bravely went back to work, making sure our government continued to function in the most uncertain of times. While most Federal workers crammed together in small makeshift office space, other brave Federal employees put themselves in harm's way trying to contain the spread of the weaponized spores and to clean up the deadly bacteria.

It has been fashionable of late to criticize the Environmental Protection Agency, but I remind everyone that members of the EPA's region 3 led the emergency response efforts following the anthrax attacks. They were joined by a small army of other EPA emergency responders from around the country who responded to the call for extra personnel to manage the massive decontamination efforts.

The EPA's headquarter staffers were fully engaged as well. The EPA national pesticide program worked quickly to develop new methods necessary to wipe out the anthrax. Scientists worked primarily out of EPA's pesticide lab, which is located 20 miles away in Fort Meade, MD.

It was not just EPA employees who answered the call to duty. Capitol police were the first ones to respond, and they continued to provide protection to legislative branch employees as well as the emergency responders and the public.

The Department of Defense lent its expertise. As the cleanup progressed, thousands of tests were taken and then sent to Fort Detrick in Maryland where chemical weapons specialists analyzed samples and reported results

to the emergency command center. Defense Department personnel were also engaged in the decontamination efforts, working side by side with EPA emergency responders.

The photos I brought to the floor today show some of the emergency responders wearing specialized protective gear, working on the decontamination of Senator Daschle's office. Each desk, chair, filing cabinet, and piece of paper in the office was removed. The last item to be removed from room 509 at the Hart Building was an American flag that hung in Senator Daschle's front office. Emergency responders are seen here folding the flag that was placed in a special sealed bag and sent off to be decontaminated. Countless employees at the Sergeant at Arms, the Architect of the Capitol, and Senate and House staffers continued the business of running our government and the legislature. It was critical that Congress continue to function, demonstrating to the Nation and the world that terrorist attacks could not cripple the institution of democracy.

Other Federal employees put themselves in harm's way during and after the anthrax attacks. These Federal employees worked hard to do what many thought impossible, putting public buildings back into use after a chemical attack. At great risk to themselves, they bravely met the challenges to ensure our government continued to function.

Today I honor the memory of Thomas L. Morris, Jr. and Joseph P. Curseen, Jr. who gave their lives while engaged in public service. Today I salute those Federal employees who risked their own lives so that the legislative branch of the greatest government on Earth could continue, and those who continued to work every day in the face of grave danger and uncertainty. Today I simply want to give a heartfelt thank you to all of America's Federal employees. You recognize that public service is an honorable calling and you work every day to keep this Nation the great Nation it is.

With that, let me once again thank our Federal workforce and what they do for our country.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SKI AREA RECREATIONAL OPPORTUNITY ENHANCEMENT ACT

Mr. UDALL of Colorado. Madam President, I have come to the floor this

morning to talk about the most important issue facing our country and our people; that is, jobs and job creation. In a bit of good news last night, overcoming 18 months of obstacles in the Senate, the Senate passed my Ski Area Recreational Opportunity Enhancement Act that will help expand economic opportunities in many of our mountain resort towns in Colorado. It will also help create jobs throughout the rest of the country in States such as the Presiding Officer's, New York, which has a robust ski industry, as our State does.

I wish to acknowledge Senators BARASSO of Wyoming and RISCH of Idaho. They have been tremendous partners in this effort, both in this Congress and in the last one. I thank them upfront for their leadership in pushing for passage of this important piece of bipartisan legislation.

Even though our economy is showing some signs of recovery, there is still a long way to go. This is especially true in rural communities that are dotted all over my State of Colorado. I know this question of job creation is on the forefront of the minds of all my colleagues. It is on the minds of Coloradans wherever I am in the Centennial State. So the action we took last night not only represents a major step forward in our efforts to create jobs, it is a reminder to the American people that we can work together on common-sense, job-creating legislation.

Let me speak a little bit about the bill we passed last night. It is narrowly tailored, it is pragmatic, it is bipartisan, it doesn't cost one dime to the American taxpayers, and it reduces government regulation while allowing businesses to create more jobs. That is the direction we need to head. It gives greater flexibility to businesses to productively use public lands. It facilitates outdoor recreation, and it endorses responsible use of our natural resources.

Often, ski areas are located on National Forest lands through the use of permits issued by the Federal Government that spell out what activities are allowed. But under the existing law—although we are going to change the law given what we did last night—the National Forest Service limits ski area permits primarily to “Nordic and Alpine skiing.” This is the phrase used in Federal regulation. But the classification I mentioned doesn't reflect the full spectrum of snow sports or the use of ski areas for nonwinter activities. For example, the word “snowboarding” is not used in the law, even though we know snowboarding now exists in every single ski area across the country. So the problem with that regulation is it has created uncertainty for both the foresters and the skiers as to whether now other activities, particularly those in the summer, can occur in permitted areas. In effect, ski areas on National

Forest lands are restricted to winter recreation as opposed to year-round recreation. One only has to imagine what will happen when we open ski areas to year-round recreation. We will create opportunities for businesses to expand and openings for new businesses to explore previously restricted ventures. Colorado ski resorts have told me they will be able to create more jobs this year when they are given more flexibility, and Colorado's ski towns have said the same to me, so it is just plain common sense.

The Ski Area Recreational Opportunity Enhancement Act clarifies how ski area permits can be used. It ensures that ski area permits can be used for additional snow sports such as snowboarding, as well as specifically authorizing the Forest Service to allow additional recreational opportunities, such as summertime activities, in these permitted areas.

Let me note that the authority—this expanded authority—is limited. It doesn't give ski areas carte blanche use of public lands. The primary activity in the permit area must remain skiing or other snow sports.

We want to preserve the unique characteristics of our world-renowned mountain communities. Therefore, certain types of development—water parks, amusement parks, and other activities that require new and intrusive structures—are prohibited. Rather, we envision opening opportunities for zip lines, mountain bike terrain parks, Frisbee golf courses, ropes courses and activities that are similar. As I mentioned, not only will they increase economic activity and create new jobs, the ski areas tell me it will actually help them recruit more Americans for jobs that currently go to foreign visa holders.

Many Coloradans would love to work year-round in and around our mountain communities, but they are forced to take other jobs that can ensure them year-round employment. Subsequently, our ski areas often recruit visa holders to run the lifts, work in the resorts, and cover the winter months because they oftentimes can't recruit locals for such short-term employment. In effect, this bill we passed last night will help create year-round demand in our mountain communities and provide the year-round employment that Coloradans need. This is a win-win situation.

For those who earn a job because of this bill, it will be very welcome news from a Congress they see as increasingly ineffective and disengaged.

As I have implied and said already, I represent a State where the use and the enjoyment of the outdoors is just who we are. It is why we live in Colorado. One could say it is in our blood, but it is also in our wallets. Tourism and outdoor recreation is the No. 1 economic driver for our State. Activities

such as hiking, skiing, shooting, and angling contribute over \$10 billion a year to our economy, supporting over 100,000 jobs and generating \$500 million in State tax revenue.

This is not limited to Colorado. The Outdoor Industry Foundation found that outdoor recreation activities add over \$730 billion to the national economy every year. In fact, during this time of economic uncertainty, outdoor recreation and tourism are two very bright spots in our economy. Perhaps most important, this is an area of our economy that continues to grow. It has grown by more than 6 percent in just 2011, and it has outpaced U.S. economic growth more generally.

More Americans are spending time outside, enjoying nature and getting exercise. I have long felt it is in the National interest to encourage Americans to engage in outdoor activities that can contribute to our health and wellbeing. But as Americans enjoy recreating outdoors, they are also supporting a large and growing industry of supply stores, manufacturers, guides, hotels, and other important businesses that are the backbone of many rural communities.

Ski resorts are a major component of this economic sector in Colorado, many western states, and, indeed, many places throughout the country. This bill is a huge priority for them and its passage—while long overdue—is truly a remarkable move that will help job creation all across the country.

Michael Berry, president of the National Ski Areas Association, said it best when he noted:

Ski areas serve as a portal to the country's national forests. Bringing summer and year-round recreation to rural communities is the No. 1 priority in Washington for ski areas today. We are anxiously awaiting to plan and implement year-round operations at ski areas, create year-round jobs and encourage more kids and families to enjoy the great outdoors. All of this will of course benefit the rural communities in which ski areas are located.

The ski areas have been great partners in this effort, and I cannot wait for President Obama to sign this important legislation into law so they can begin immediately creating the important and well-paying jobs Americans are desperately waiting for.

At a time when it seems as though Congress is too wrapped up in partisan wrangling to find commonsense ways to create jobs, this is a remarkable achievement. It signals to job seekers everywhere that not only are we capable of finding creative ways to create jobs, but that when we put our minds to it, we can set aside our differences and work together.

I hope this bipartisan action will catch on and that we can continue to chip away at both our unemployment numbers and our record of partisan dysfunction.

Here is what is most important to note: The outdoor recreation industry

is a part of our economy across our country and there is very significant growth occurring. So this is an important achievement because we have been tied up in partisan knots. We showed last night we can actually do something on behalf of the American people that will help create jobs.

I wish to particularly acknowledge the staff who worked so hard on this piece of legislation. Scott Miller, a longtime staffer on the Energy and Natural Resources Committee, worked tirelessly, as did a former staff member of mine, Doug Young, who now works for the Governor of Colorado, John Hickenlooper. We began this work in the House of Representatives, where the Presiding Officer and I both served. I wish to thank also, in special fashion, Wendy Adams and Stan Sloss, who persevered time and time again as we fought through a series of procedural holds and other setbacks. While economic challenges still face our country, this is a positive step forward.

I wish to thank all my colleagues for supporting me in this effort.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2112, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Programs for the fiscal year ending September 30, 2012, and for other purposes.

Pending:

Reid (for Inouye) amendment No. 738, in the nature of a substitute.

Reid (for Webb) modified amendment No. 750 (to amendment No. 738), to establish the National Criminal Justice Commission.

Kohl amendment No. 755 (to amendment No. 738), to require a report on plans to implement reductions to certain salaries and expenses accounts.

Durbin (for Murray) amendment No. 772 (to amendment No. 738), to strike a section providing for certain exemptions from environmental requirements for the reconstruction of highway facilities damaged by natural disasters or emergencies.

McCain amendment No. 739 (to amendment No. 738), to ensure that the critical surface transportation needs of the United States are made a priority by prohibiting funds from being used on lower priority projects, such as transportation museums and landscaping.

McCain amendment No. 741 (to amendment No. 738), to prohibit the use of appropriated

funds to construct, fund, install or operate certain ethanol blender pumps and ethanol storage facilities.

Sanders amendment No. 816 (to amendment No. 738), to provide amounts to support innovative, utility-administered energy efficiency programs for small businesses.

Landrieu amendment No. 781 (to amendment No. 738), to prohibit the approval of certain farmer program loans.

Vitter amendment No. 769 (to amendment No. 738), to prohibit the Food and Drug Administration from preventing an individual not in the business of importing a prescription drug from importing an FDA-approved prescription drug from Canada.

Coburn amendment No. 791 (to amendment No. 738), to prohibit the use of funds to provide direct payments to persons or legal entities with an average adjusted gross income in excess of \$1 million.

Coburn amendment No. 792 (to amendment No. 738), to end payments to landlords who are endangering the lives of children and needy families.

AMENDMENT NO. 739

The ACTING PRESIDENT pro tempore. Under the previous order, the time until noon will be equally divided between the Senator from Arizona, Mr. MCCAIN, and the Senator from California, Mrs. BOXER, or their designees. The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent that the final 10 minutes of debate prior to noon on the McCain amendment No. 739 be equally divided between Senator MCCAIN and myself or our designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. To lead us off on this very important amendment and to explain why it is important to not support the McCain amendment is a senior member of the Environment and Public Works Committee and a great member of that committee and a great supporter of the environment and transportation, Senator CARDIN of Maryland. I yield him 6 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Madam President, I thank Senator BOXER for her extraordinary leadership as chair of the Environment and Public Works Committee. She has stood for legislation that will allow us to rebuild our roads, our bridges, our infrastructure in this country, to create jobs, and make America competitive.

I rise to oppose the McCain amendment, and I will give three reasons why: First, jobs; secondly, the transportation enhancement programs help our traveling public. It is what they want, what they need; third, there is a safety issue.

First, on jobs. Let me point out that the Transportation Enhancements Program represents 1.5 percent of the annual Federal surface transportation funds—1.5 percent—a relatively small amount of money of the total pie. But it is interesting that the projects funded by the Transportation Enhancements Program actually yield more

jobs per dollar spent than the funds that are used for the traditional transportation programs. So on a jobs basis, we actually get more jobs from a lot of the projects that are in the Transportation Enhancements Program.

Secondly, let me talk about the type of programs involved. We are talking about bicycle paths. We are talking about when people travel on a road and there is a pulloff where one can safely view the scenery. These types of projects we are talking about could be jeopardized by the McCain amendment.

I know my colleague from Alaska talked yesterday about the safety issue, but let me underscore it. Today, more accidents are caused from our pedestrians and our bicyclists. They are on the rise. There are actually an increased number of fatalities related to cyclists and pedestrians. Fourteen percent of roadway fatalities involve cyclists or pedestrians and two-thirds of these accidents occur on Federal highways. Accidents involving pedestrians and cyclists result in far more serious injuries. While motorist fatalities are on the decline, pedestrian and cyclist fatalities are on the rise.

When we have a pulloff on a highway where someone can pull their car safely off in order to look at the vista, that is the way it should be. In my own State of Maryland, we are constructing the Harriet Tubman scenic byway so people can visit the Eastern Shore of Maryland and see firsthand where Harriet Tubman operated the Underground Railroad. These roads are county roads. These are roads which are narrow and on which we have a lot of commercial traffic as well as people who just want to look at the scenes. The State of Maryland should have the flexibility of using these transportation enhancement funds in order to do what the traveling public wants them to do; that is, to provide a safe experience for the motorists to be able to enjoy our transportation highways. That is what the Transportation Enhancements Program allows our States to be able to do. The McCain amendment would jeopardize those funds.

So the Transportation Enhancements Program offers flexibility to our States to be able to provide the whole array of transportation options. It is a very small part of the overall transportation budget. It provides those enhancements that the traveling public wants and needs. It creates jobs, and it allows for greater public safety.

So for all those reasons, I urge my colleagues to reject the McCain amendment.

With that, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Madam President, I ask unanimous consent that during this debate, all time that elapses during quorum calls be equally charged to both sides of the debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Madam President, the Transportation Enhancements Program that the McCain amendment would essentially cripple was established in 1991 in a bipartisan transportation bill signed by President George H.W. Bush, and it has been continued in subsequent bipartisan transportation bills which passed in 1998 and 2005.

This program benefits all Americans by making significant investments in safety, helping to reduce congestion, expanding transportation choices, and it strengthens local economies, provides jobs, protects the environment.

This amendment eliminates seven of the activities eligible under the Transportation Enhancements Program, and it prevents any funds from being spent on those activities.

Here is the thing about the TE Program, the Transportation Enhancements Program: There are things in it we need to reform. Senator INHOFE and I, along with Senator VITTER and Senator BAUCUS, are working very hard, and we have a bill, a bipartisan bill. The Acting President pro tempore is a proud member of our committee. We are going to mark up that bill very soon. Yes, it needs reform. But this amendment takes a meat ax to a very important program, and it would have far-reaching and unintended consequences.

By prohibiting any funds to be used on these activities that Senator MCCAIN has singled out, this amendment actually eliminates the flexibility of our States and prevents them from spending funds on activities which are necessary to construct and maintain our highway system.

So even setting aside the loss of jobs that would incur as a result of the McCain amendment, let me tell you the other unintended consequences. But maybe Senator MCCAIN intended

that there would be fewer jobs. But I am assuming he did not intend, for example, this kind of a situation.

In the case of historic bridges, a bridge could be deficient, but under this amendment we could not fund a rehabilitation project because the bridge is historic. Because he says we cannot spend any money on historic sites, a regular fix to a bridge that happens to be historic would not take place.

I just happened to have finished a book I strongly recommend: "The Great Bridge: The Epic Story of the Building of the Brooklyn Bridge." What a story David McCullough tells. That bridge was built in the 1800s. It is historic. Under the McCain amendment, they could no longer get funds. That is the unintended consequence because it is historic. So even though it is probably one of the heaviest traveled bridges—and the Acting President pro tempore could attest to that—in our Nation, imagine this amendment which would not allow bridges such as this to get funded. It is a poorly drafted amendment. I do not know, maybe this was intended. I cannot imagine it was intended, but this is the truth. This is what would happen.

We also have in this amendment a prohibition on the use of funds for landscaping, which is necessary to complete any Federal aid highway project in order to prevent erosion along a highway. So I happen to be a person who believes, when we do a project, it ought to look good, it ought to make people feel good. Landscaping is important and it creates jobs and it cleans the air. OK. But setting all that aside, it is a safety question because a lot of times those plants will hold the soil in place and stop erosion when we have strong and heavy rains.

Yesterday, our friend from Alaska, Senator BEGICH, mentioned the Seward Highway outside Anchorage and how scenic overlooks were added to provide a safe place for tourists to pull over. Under the McCain amendment, as I understand it, we could not spend money on scenic outlooks. But let me tell you, in the case of this particular scenic outlook, it was necessary for safety because people were so inspired, before the scenic outlook, they would just pull over in a dangerous way, have no place to go, and it was not good for safety.

I wish to talk about the Transportation Enhancements Program in Senator MCCAIN's State of Arizona. The demand is so strong from Arizona for these funds that Arizona submitted three times what they were actually able to get under the Transportation Enhancements Program. For example, in 2006, 72 applications requested \$31 million in local project TE funding, but only \$11 million was awarded to 24 projects.

In Safford, AZ, TE funds are being used to improve five intersections and

the surrounding streetscapes along Main Street to provide safer means of travel for pedestrians. According to the city of Safford, in Arizona, this project provides a viable transportation component dedicated to pedestrian safety within the increased vehicle traffic on Main Street. This downtown project to improve safety, mobility, and commerce was supported by the town of Thatcher, the Safford Downtown Association, and the Graham County Chamber of Commerce.

Again, we have a situation where I believe this amendment has very adverse consequences to our local people, to our States.

Right now, the way TE is in our bill—the old bill—it is up to the States whether they want to do this. No one can force them to spend the money on this. They have the flexibility.

So now seven ways of using these funds would be taken away from the States. Let's be clear on it. This is a State decision how they spend this money. They do not have to take this money. They make the decision themselves. This amendment would take away that ability.

There is also a prohibition on controlling outdoor advertising in the McCain amendment. That means if a State wanted to remove outdoor advertising, they could not use any Federal funds to do it, and they could not effectively control their advertising, which is required under current law. Again, they are supposed to control outdoor advertising, but the funds would not get to them to do that. I think if we ask the average person, they want their local people to have control over these things. So we need to defeat the McCain amendment or table the McCain amendment.

My friend from Arizona also is telling us that 10 percent of surface transportation funding goes to transportation enhancements. That is not correct. The Transportation Enhancements Program represents a tiny fraction of the Federal highway program—about 2 percent—not 10 percent, as my colleague JOHN MCCAIN said. Furthermore, the seven activities prohibited by the amendment have represented less than 1 percent of the entire Federal highway program.

This amendment is making a dramatic and sweeping policy change in what should otherwise be a clean appropriations bill. It represents an issue we have been discussing at the EPW Committee for quite some time in the context of a multiyear surface transportation reauthorization bill, which, as I said at the outset, is the proper vehicle for such a policy change.

I thought we had decided as a Senate—Republicans and Democrats—we should not legislate on these bills. Senator MCCAIN does not like seven things in the Transportation Enhancements Program. Maybe I do not like two

things or Senator GILLIBRAND may not like four things. It is not up to one colleague to stand here and decide, without any hearings or any discussion, what they do not like in a particular bill.

I do not think that is the way we should legislate, especially since the TE Program is run by the States. We make the funds available. They decide whether they want the funds for those activities. They do not have to do it. They do not have to take the funds. They do not have to do any of the eligible projects. So it, at the moment, has a lot of flexibility built in. As we reform in the next bill, we will look at some of the areas where we think we can make this a better program.

Believe me when I tell you that Senator INHOFE and I have been working very closely on this, along with Senator VITTER and Senator BAUCUS. So we think we are going to have a very good reformed TE Program. This is not the place to change a program that our States like. They like it because it is flexible. They like it because it has a number of ways they can use the funding.

So we are going to have a bill. It is called MAP-21, which stands for Moving Ahead for Progress in the 21st Century. It is going to have a lot of reforms in it. It is going to consolidate a lot of programs. It is going to be a bill most of us can embrace and be happy with. It is going to have a reform TE Program, and that is the way to do this. There will be significant reform. But it is not right, in my view—and we will see how the vote goes—for one Senator to say: I do not like seven things that are in this potpourri of things we can use TE for, so I am saying we cannot do it. We cannot use the funds.

It is just not right, and I pointed out how this is worded in such a fashion that bridges such as the Brooklyn Bridge and other historic bridges could lose all their funding as a result of the way this is drafted.

So let's turn away from this McCain amendment. We know what works around here. What works around here is bipartisan cooperation, coordination. I see the Senator from Texas, Mrs. HUTCHISON, in the Chamber. She works so closely with Senator ROCKEFELLER, and I will tell you what that means. It means we have wonderful progress in the Commerce Committee, which we would never have. Senator INHOFE and I work very closely in the EPW Committee. Everyone kind of smiles about it because they know on the environment side we do not work closely. That is true. We know that. He thinks global warming is the biggest hoax ever perpetrated on the American people. I think it is happening. It is real. So we know we do not see eye to eye on that, and we have decided that is just a fact. So we do not engage in long arguments

about it. We pursue our agendas, and we try to get the votes. But on infrastructure, he is one of the most conservative, I am one of the most liberal Members here. The fact is, there is no daylight between us on infrastructure because he believes that is one of the major functions of our government and I do, too, and it makes a lot of sense.

I want to note the McCain amendment is opposed by the National Association of Counties, the American Association of State Highway Transportation Officials, the National League of Cities, the National Trust for Historic Preservation, and the U.S. Travel Association. America does not support this amendment.

This is a group of bipartisan organizations. When you look at the National Association of Counties, I started as a county supervisor. You have Republicans, Democrats, Independents, everything in between.

Highway Transportation Officials is completely nonpartisan. National League of Cities, we have Republicans and Democratic mayors and councils; National Trust for Historic Preservation, again a mixture of different views. And the U.S. Travel Association. I mean, I do not know how that breaks down, but it certainly is a bipartisan group.

Please, I hope people will turn away from the McCain amendment. It is not good for jobs. It is going to hurt jobs. It is going to have the unintended consequences of not allowing us to fix some of our most deficient bridges. It goes against the people we are supposed to represent here, the people out there on the ground: our county officials, our State highway transportation officials, our city officials, and those who work so hard to preserve the history of this greatest Nation in the world.

We cannot turn our backs on historic preservation. Otherwise we do not know what our past was. I cannot tell you how many mistakes were made in California where in the early years we did not realize what we were losing. What people would give back to get back some of those old courthouses that were torn down—I cannot tell you—from the 1800s. And they could have been fixed up. But people did not have the foresight. This McCain amendment would do real damage.

The U.S. Travel Association, you know, we are talking here about small businesses. We are talking about people who work in recreation, in airline travel. They do not want to see this happen, this McCain amendment. So I am assuming Senator MCCAIN will be here. We have reserved the last 10 minutes before noon.

At this point I think I have said all I can say to persuade my colleagues, who I hope are listening in their offices, that they should turn away from the McCain amendment.

I yield the floor and I would suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. Madam President, I wish to speak for a moment in regard to amendment No. 739, which is Senator MCCAIN's amendment. Senator MCCAIN has been very careful with this amendment, to make sure, in terms of enhancements, that he excluded those things that were most important to a lot of people in this country in terms of alternate transportation.

This amendment, which limits the expenditures, mandatory expenditures on enhancements of the Highway Trust Fund money, does not include—in other words, it would not prohibit funding for bicycle paths, or pedestrian and bicycle facilities, pedestrian and bicycle safety, and education activities, the conversion of abandoned railway corridors to trails, for either trails or bicycle paths. It would not prohibit funding for environmental mitigation of highway runoff pollution, reduce vehicle-caused wildlife mortality, maintain habitat connectivity, and it would not prevent funding for the acquisition of scenic easements and scenic or historic sites. I think Senator CARDIN might have related something other than that. I wanted to clarify that for my colleague who cannot be here.

What a lot of Americans do not realize is that we have several hundred thousand bridges in our country that are substandard, in disrepair, or are at great risk for those who travel over them. And by mandating that 10 percent of highway funds have to be spent on nonhighway needs, at a time when our country is running massive deficits, has almost \$15 trillion worth of debt—as a matter of fact, we are in excess of \$15 trillion worth of debt right now, that we should make sure we only apply those enhancements to the things that are most specifically needed.

We do have a commitment from Senator BOXER and Senator INHOFE that we will have some flexibility with enhancements in the future on the next highway bill. What Senator MCCAIN is trying to do here will legitimize that and certainly does not harm the purpose of that.

Basically what Senator MCCAIN's amendment would do, funding this bill for 7 of the 12 transportation enhancement activities, is it would prohibit funding for scenic and historic highway programs, including tourist and welcome centers. We should not be building a welcome center when there is one

bridge in any State that is a danger for the American people who are going across it.

Landscape and scenic beautification are nice things. But you know, when you are down making hard choices about the things that are most important, that is not one of them. Historic preservation we cannot have as a priority now. Rehabilitation and operation of historic transportation building structures or facilities; we should not, in fact, spend that money on archaeological planning and research when, in fact, we have dangerous bridges that people are coming across every day.

Finally, although transportation museums are great, that cannot be a priority today when we are borrowing \$13 trillion every year to keep the transportation trust fund at a level that will not allow us to increase the level at which we resolve these difficult bridges. We cannot continue to borrow that \$13 trillion. So this is a common-sense amendment. It is a modification of what I have offered in the past. It is a smarter amendment. It is a better amendment. It still allows the bicycle community and the enhancements associated with that to continue.

I would remind my colleagues, the Federal Highway Administration obligated \$3.7 billion in enhancement funds for 10,857 projects between 2004 and 2008.

That included \$1 billion for signing, beautification, and landscaping. That billion dollars could have fixed well over 5,000 bridges that are dangerous today.

There was \$224 million on projects to rehabilitate and operate historic transportation buildings. Another 2,500 bridges could have been fixed for that. And \$28 million to establish 55 separate transportation museums.

It is not about not wanting the money to get out there, about targeting the bicycle community—it is absolutely protected in this—but it is about ordering our priorities. If there is anything we have not done a good job of in Congress over the last 10 or 15 years, it is making hard choices about what is a priority and what isn't. I think the vast majority of Americans would think the safety of the bridges they drive across is more important than any of these things Senator MCCAIN is saying we are going to limit in this bill.

Of the 604,000 bridges in the United States in 2010, 24 percent of them are deficient. This includes 69,000 that are structurally deficient. In other words, they have significant deterioration, and they have had to have load reduction carrying capacity limitations placed upon them. And 77,410 bridges are functionally obsolete; they don't meet the criteria of design standards.

These figures expose a nationwide problem of deficient bridges as well as

the misplaced priorities of Congress. We need to fix this, and I am in support of the McCain amendment.

I yield the floor at this time and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, this amendment is about white squirrel sanctuaries, museums, roadside landscaping, Lincoln highway, roadside museums, antique bike collections—my favorite is the National Corvette Museum Simulator Theater. I will try to go to that one, since my first purchase as a young naval officer was a wonderful Corvette, which I remember with great affection. I would like to go back into their simulator theater.

Then, of course, there are wildlife echo passages. We have some great pictures here of some of the things. I think the squirrel sanctuary is good. But one of my favorites is, of course, the roadside museum featuring a giant coffee pot. I am a coffee drinker, so I think a coffee pot is pretty nice.

You know, we have some fun stuff here. Here we have 60 antique bikes for a bicycle museum. They paid \$440,000 for 60 antique bikes for that museum. Again, I think bicycle museums are nice. But it is also a fact that more people travel over deficient bridges every day—that is 210 million people—than go to McDonald's. So we have these projects here—and, obviously, full disclosure, we picked some of the more interesting and exciting ones to get our colleagues' attention. But the fact is that we have deficient bridges and we have highways that need to be repaired.

What I am saying here is let the States decide their priorities. Do not force the States to set aside 10 percent of their funding for these so-called transportation enhancement activities. If they want to have enhancement activities—and we do—I am so pleased, when driving through Phoenix and Tucson, to see the bougainvillea, the cactus, and other things that have been built there and put in, which have been very helpful. But those decisions on those State highways were made by the State of Arizona and the cities and the counties.

Instead, we have forced every State in America to use 10 percent of their taxpayer dollars, which are in the form of gasoline taxes, which were originally put in to build the national highway system in America under the Eisenhower administration, which they pay—they pay that. At the same time, we have a situation, such as the deputy

director in southern Nevada of the Nevada Department of Transportation, saying:

It is really getting out of hand to where these pots of money have those constraints associated with them and you can't spend money where you want to.

That is what this is all about. This is a fundamental philosophical difference that we have about where taxpayer dollars should go and who decides. That is what this amendment is about. I want the mayor of Phoenix to decide where the money goes. I want the Department of Transportation in Arizona to decide where the money is best spent. We should not be forcing people to spend money on things that are not necessary anymore.

I think a white squirrel sanctuary is probably an important thing and squirrel lovers all over America are overjoyed. But who loves this boulder? Really, \$498,750 to beautify an interchange with decorative rocks?

It is not as if this money is spent in a vacuum. It is that we have to set priorities. I want the States to set those priorities, rather than them be mandated by some provision enacted in the Senate, which does not have a good handle on what those States' priorities are.

I note the presence of the Senator from Washington, who wishes to use a few minutes in opposition to the amendment. I look forward to hearing her eloquent opposition. Maybe she will change my mind.

I yield to the Senator from Washington.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, I would very much like to thank the Senator for yielding me time and will take just a couple minutes in rising to speak in opposition to the McCain amendment No. 739.

I believe the intent of my colleague is to prohibit the use of funds communities across the Nation use for streetscaping and bike and pedestrian paths and transportation improvements that help separate motor vehicles from local wildlife.

I believe communities should determine for themselves, as they have done for decades, how to use those funds. And the proper place for updating these laws would be in the reauthorization process. So I oppose the amendment on those grounds alone.

However, the amendment goes much further than that. It actually prohibits the use of funds in the entire division C; that is, the Transportation, and Housing and Urban Development Appropriations Act, for any landscaping or historic preservation. So this impacts not just the Department of Transportation but also HUD. In particular, it would prohibit cities and towns from using their CDBG dollars for eligible activities, such as historic

preservation or basic landscaping or streetscaping activities.

It actually prohibits the use of funds for the rehabilitation or operation of historic transportation buildings, structures, and facilities. That would cripple Amtrak. There are over 126 stations that Amtrak services in 41 States that are on the National Register of Historic Places. Under this amendment, Amtrak would not be able to operate or rehabilitate any of them. Amtrak could not make any improvements to stations to comply with access requirements for persons with disabilities under the Americans with Disabilities Act. Amtrak could not even operate in Union Station.

The amendment would also prohibit the structural preservation and rehabilitation of historic bridges, such as the Brooklyn Bridge, or other covered bridges in the Northeast.

This amendment goes too far, and it is not appropriate for the Transportation-HUD appropriations bill we are currently considering. So I urge my colleagues to oppose the McCain amendment.

Again, I thank my colleague for yielding time to me.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I believe I heard the Senator from Washington say that it would prohibit activities by Amtrak. I know of nothing in this page-and-a-quarter amendment that would in any way affect Amtrak or the Brooklyn Bridge. In fact, I would like for the money to be used to repair bridges because there are so many thousands of bridges in the country. There are 146,633 deficient bridges in this country. I would hope the Senator from Washington would agree with me that deficient bridges are a threat and a danger. I believe it was in the State of Washington where one collapsed, as I recall.

So you can distort this amendment if you want to. You can say it would be the end of Western civilization as we know it. You can say this will cause irreparable harm and damage. It doesn't, my friends. It doesn't. It just says that none of the amounts would be for scenic or historic programs or tourist and welcome centers. And we are not prohibiting these things from being built. If the States want to build them, if the counties want to build them, if the cities want to build them, let them do it. But right now we are mandating that 10 percent of the money they get go to certain purposes, which results in this outcome.

So I say, with respect to my colleagues who are opposing this amendment, if my colleagues would like to amend the amendment so that it doesn't have the Draconian effects that are predicted here, I would be more than happy to amend the amendment to make sure that doesn't happen.

What I am trying to say and what this amendment clearly says in its 10 lines on the front and 4 lines on the back is that we think these things are unnecessary in light of the fact that we have so much infrastructure in need of repair.

So, again, I had no contemplation that civilization would be affected so terribly by such an amendment which would try to give the director of transportation in southern Nevada the ability to be able to say: It is really getting out of hand to where these pots of money have these constraints associated with them, and you can't spend money where you want to. That is what this amendment is all about, my friends.

I have been engaged in many debates on the floor of the Senate on various amendments, but to construe this very short amendment as somehow inhibiting or harmful to the work that needs to be done is obviously, in my view, fairly transparent and certainly not applicable to this amendment.

Madam President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Three minutes 22 seconds.

Mr. MCCAIN. If Senator INHOFE would like to use that time, I would be happy to yield to him.

Mr. INHOFE. I have a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. It is my understanding that the last 10 minutes would be equally divided, but perhaps the Senator from Arizona has already used maybe 2 of those minutes. Is that correct? I just want to be recognized for, say, 6 minutes in opposition.

The ACTING PRESIDENT pro tempore. Is this in addition to the 5 minutes that the Senator was allocated, so a total of 11 minutes of debate?

Mr. INHOFE. Well, let me clarify. It doesn't make any difference to the Senator from Arizona or to me how much time I have. I need to have about 5 minutes to clarify a couple of things.

Mrs. BOXER. Madam President, I am happy to yield my 5 minutes to Senator INHOFE at the appropriate point.

Mr. INHOFE. I think the appropriate time is here.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. First of all, I disagree with the Senator from Washington for a different reason than the Senator from Arizona disagrees with her. I think his amendment goes too far—not just far enough but too far—and I think it is very important that people understand.

Let me talk to the conservatives, let me talk to the Republicans, because this is certainly misunderstood. It wasn't drafted that way to carry out the intent of the Senator from Arizona, I am quite sure. This amendment

doesn't eliminate the mandate that States have to spend 10 percent of their surface transportation funds on transportation enhancements.

Now, for clarification purposes, the 10 percent really is not represented properly. It really should be 2 percent. It is 2 percent of the State's total highway program. That happens to equal 10 percent of the Surface Transportation Program. But let's go ahead and use the 10 percent.

There are currently written into the law 11 eligible transportation enhancement activities. There is not room to put them all up, but we will put up this chart. What the Senator from Arizona is saying is that you still have to spend 10 percent of your surface transportation money on transportation enhancements, but he is saying the States have to use it on his transportation enhancements. Those are the bike and pedestrian facilities, the bike and pedestrian safety, rails to trails. The bikers are going to be very happy with this. They are the only ones coming out ahead should this be passed.

Now, environmental mitigation in our law is restricted specifically to wildlife, bridges and tunnels, and to stormwater runoff enhancements. Now, stormwater runoff is taken care of anyway; these are the enhancements.

So what this amendment is saying is that we are going to have to spend this 10 percent on bicycles and on various types of wildlife, bridges, and tunnels so that the turtles can get under the highways and not get run over, and that is not what I know the Senator from Arizona wants.

In other words, we are taking the flexibility away from the cities, away from the States, and saying to them: You have to spend your 10 percent, and you have to spend it on these four things. I would just suggest to you that in my State of Oklahoma, these are not the four things on which we would want to spend it. I come down here all the time, and there is this mentality that we have in Washington: No idea is a good idea unless it comes from Washington. Well, in my State of Oklahoma, we have a great highway program. I want them to have the latitude to decide what is really best.

Now, the chairman of the Environment and Public Works Committee, Senator BOXER, and I have disagreed on environmental issues tooth and nail. We have fought with each other more than any two people on the floor of the Senate. She knows I have done everything within my power to do away with all transportation enhancement requirements. I have done this.

If this amendment had eliminated the mandate that States spend 10 percent of their Surface Transportation Program funds on all transportation enhancements, I philosophically would have supported it. If the McCain amendment had said that we want to

do away with all transportation enhancements, I would have philosophically supported it. The problem with that is we would not be able to get a highway bill done.

I often say that I have been actually ranked as the most conservative member of the Senate probably more than anyone else, but I have also said I am a big spender in two areas: No. 1 is national defense and No. 2 is infrastructure. That is what I think we are supposed to be doing here—roads and bridges.

I am sure my colleagues will recall that during the debate on the extension of the highway bill last month, Senators BOXER, COBURN, REID, and I worked out an agreement that reforms the Transportation Enhancement Program which would be included in the next highway bill that the EPW Committee will be marking up next month. I hope we will be marking this up next month. These reforms would allow the States to make a determination as to how they want to spend their funds.

To go back to this 10 percent, the idea behind this is this would increase what we are able to do and let the States have the discretion, so they can totally eliminate all enhancements. The States can do that. But they also would be allowed to use the 10 percent of the surface transportation funding on the various programs that are out there having to do with endangered species and the burying beetle and all that. That is where the problems really are.

So I don't think we should mistakenly vote for the McCain amendment and say to the people in this country: You have to spend 10 percent of your surface transportation funds on these four things. And again, the bikers would love the bike trails and all that, but I don't believe that is what we should be doing here.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Arizona has 2 minutes 55 seconds.

Mr. MCCAIN. Madam President, again, the question is, What do we do with the money? And obviously, when taxpayers are told that, with 146,633 deficient bridges in this country, that we don't need to be spending it on the examples I have provided—I hope it is well understood that if those projects are felt needed by the States and the counties and the elected officials in the States, then they should be able to go ahead with them, but if they don't choose to, they should also have the right not to. It is time some of this kind of stuff stopped.

I hope my colleagues will vote in favor of the amendment.

I yield the remainder of my time.

Mr. INHOFE. I would ask the Chair how much time I have remaining.

The ACTING PRESIDENT pro tempore. No time is remaining.

Mr. INHOFE. I ask unanimous consent that I have 30 seconds remaining.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. I only want to say that I agree with everything the Senator from Arizona is saying in terms of the bridges. I have fought for the bridges and highways.

I have tried my best to get rid of all the enhancements—all of them. But to have an amendment that says to my State of Oklahoma: You still have to spend 10 percent of your surface transportation funds, but you have to spend it on bike trails and turtle bridges, I think that is wrong.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF MARK RAYMOND HORNAK TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NOMINATION OF ROBERT DAVID MARIANI TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NOMINATION OF ROBERT N. SCOLA, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

The ACTING PRESIDENT pro tempore. Under previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The bill clerk read the nominations of Mark Raymond Hornak, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania, Robert David Mariani, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania, and Robert N. Scola, Jr., of Florida, to be United States District Judge for the Southern District of Florida.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 10 minutes of debate, equally divided in the usual form.

Who yields time?

The Senator from Pennsylvania.

Mr. CASEY. Madam President, I rise to speak on both nominees. I will start with Bob Mariani. And I refer to him that way because I have known him a long time, but his full name is Robert David Mariani. Bob Mariani is someone I know to be a person of not just high intellect and ability but also someone with great integrity.

Bob Mariani was born in Scranton, PA—the same city in which I was born.

I still live there and so does he. He received his law degree cum laude in 1976 from the Syracuse University School of Law and also received his college education cum laude from Villanova University, graduating within the top 10 percent of his class. He was ranked second within his major field of study as an undergraduate.

Bob Mariani is a well-respected lawyer and advocate in northeastern Pennsylvania. He has received the highest rating—well qualified—from the American Bar Association. He spent 34 years as a civil litigator in Scranton, PA, where he specializes in labor and employment law. Since 2001, he has been the sole shareholder in the law firm that bears his name. He was also the sole proprietor of a similar law office that bears his name from 1993 to the year 2001, and a partner as well in an earlier iteration of that law firm, Mariani & Greco, from 1979 to 1993. Bob has taught labor law at Penn State University and been an instructor at Penn State's Union Leadership Academy Program, where he taught labor law and collective bargaining.

Bob has received a whole series of commendations and awards that I won't list due to the time we have today, but probably the most important thing I could say about Bob—and I know I might be a little biased because I know him and have great respect for him—is that he is a person who will apply the law; who understands when someone comes before him, they should be accorded basic fairness no matter who they are, no matter what point of view, and no matter where they come from.

I know integrity and commitment to public service—not just of the law but the public service a judge can provide—are the values that will guide Bob Mariani as a judge, and so I am very happy we will be voting on his nomination.

Also today, we will be voting on the confirmation of Mark Raymond Hornak. I have not known Mark as long as I have known Bob Mariani, but I have known him for more than 15 years now. Mark is a native of Homestead, PA—southwestern Pennsylvania.

By way of a quick summary of his educational background, he got his law degree summa cum laude—the highest honors—in 1981 from the University of Pittsburgh Law School, graduating second in his class. He was editor-in-chief of the University of Pittsburgh Law Review. He got his college degree from the University of Pittsburgh as well, and was a dean's list student and member of the honor society there.

His career has been varied and significant as a lawyer and advocate. He has been a partner in the law firm of Buchanan Ingersoll & Rooney since 1982. He has specialized in civil litigation, labor and employment law, media defense and governmental representa-

tion, and is a member of the firm's executive committee.

He is the solicitor of the Sports & Exhibition Authority of Pittsburgh and Allegheny County, and also has been very active in his community in Pittsburgh.

He also represents national television, radio, and publishing clients in media litigation, including defamation, first amendment and access issues, and in transactional matters.

Prior to joining the Buchanan Ingersoll & Rooney firm, Mark served as law clerk to the Honorable James M. Sprouse of the United States Court of Appeals for the Fourth Circuit.

Mark also has a long list of honors and achievements that I won't list today, but, again, he is someone who has great integrity and ability and who understands serving on the bench on a Federal district court—whether it is in the Middle District of Pennsylvania, as in Bob Mariani's case, or the Western District of Pennsylvania, as in Mark Hornak's case—is public service, and with it comes the responsibilities and obligations of being a public servant. Both of these candidates understand that—both Bob Mariani and Mark Hornak—and so I am honored to be able to speak today regarding their nominations.

I would urge a "yes" vote on both nominations.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, we have a judge who will be in front of the Senate, and it is my understanding it has been worked out that there will be a voice vote. I want to thank the leadership of the appropriate committee, the Judiciary Committee, for handling this with dispatch. In a big-growth State such as Florida, where there is such a caseload in the Federal judiciary, when we have a vacancy it needs to be attended to right away.

Fortunately, the two Senators from Florida have tried to take the politics out of the selection of judges by letting the interviewing process, the selection process be done by a panel of prominent citizens called a judicial nominating commission, and they recommended these three to the two Senators. The Senators then interviewed them and let the White House know, and the White House agreed—much to the credit of this White House—that they would select from among those we submitted. Those we submitted are the ones who came out of the judicial nominating commission. Thus was the selection of Judge Robert Scola, whom we will confirm today, and who was nominated in May of this year.

Judge Scola received his bachelor's from Brown University, went to Boston College for law school, and graduated cum laude. He practiced law as a crimi-

nal defense attorney representing individuals and corporations in both State and Federal courts and then he spent 6 years working as a prosecutor in the Miami-Dade County State Attorney's office. He was then appointed back in 1995 by the Governor to the Eleventh Judicial Circuit Court bench, where he has sat as a State court judge all the way up until today. He received his well-qualified rating from the American Bar Association.

Certainly Senator RUBIO and I told the White House when we submitted the names from the judicial nominating commission that we agreed with all of these nominees. So with this strong tradition of bipartisan support for our judicial nominees, I bring to the Senate's attention for confirmation Judge Robert Scola.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise for literally 30 seconds, because I failed, when talking about both the Mariani and Hornak nominations, to thank Senator TOOMEY, my colleague from Pennsylvania. We worked together on both these nominees to arrive at a consensus position, and so I am grateful for Senator TOOMEY's help, and grateful for the work of his staff as well.

I yield the floor.

Mr. LEAHY. Mr. President, the Senate will vote today on 3 of the 26 judicial nominations reported favorably by the Judiciary Committee and still awaiting a Senate vote. All three of these nominations, two to Federal district courts in Pennsylvania and one to the Southern District of Florida, were reported unanimously by the Judiciary Committee before the August recess. All three have the support of both Democratic and Republican home State Senators. Two of them are to fill judicial emergency vacancies. Senate Democrats were prepared to have votes on all three nominations 3 months ago when they were first reported to the Senate. I have heard no reason or explanation for why the Republican leadership refused until now to consent to votes on these nominations.

There is also no good reason or explanation for the Republican leadership's continued refusal to vote on the more than two dozen nominations stalled before the Senate. With Republican agreement, we could vote on all of them. Like the three nominations the Senate considers today, 21 of the other judicial nominations pending on the calendar and still being delayed were reported unanimously by the Judiciary Committee. At a time when vacancies on Federal courts throughout the country remain near 90, with over 10 percent Federal judgeships vacant, the delays in considering and confirming these consensus judicial nominees is inexcusable.

The American people need functioning Federal courts with judges, not

vacancies. In his recent letters to the Senate majority leader and Republican leader, Bill Robinson, the president of the American Bar Association, highlighted the serious problems created by these excessive vacancies, writing:

Across the nation, federal courts with high caseloads and longstanding or multiple vacancies have no choice but to delay or temporarily suspend their civil dockets due to Speedy Trial Act requirements. This deprives our federal courts of the capacity to deliver timely justice in civil matters and has real consequences for the financial well-being of businesses and for individual litigants whose lives are put on hold pending resolution of their disputes.

Mr. Robinson is not alone. We recently heard from Justice Scalia, who testified before the Senate Judiciary Committee that the extensive delays in the confirmation process are already having a chilling effect on the ability to attract talented nominees to the Federal bench. Chief Justice Roberts has also described the “persistent problem of judicial vacancies in critically overworked districts.” Justice Kennedy has spoken about the threat to the quality of American justice. This is not a partisan issue, but an issue affecting hardworking Americans who are denied justice when their cases are delayed by overburdened courts.

Though it is within the Senate’s power to take significant steps to address this problem, refusal by Senate Republicans to consent to voting even on consensus judicial nominations has kept judicial vacancies high for years. The number of judicial vacancies has been near or above 90 for well over 2 years. A recent report by the non-partisan Congressional Research Service found that we are in the longest period of historically high vacancy rates in the last 35 years. These needless delays do nothing to help solve this serious problem and are damaging to the Federal courts and the American people who depend on them.

More than half of all Americans—almost 170 million—live in districts or circuits that have a judicial vacancy that could be filled today if the Senate Republicans just agreed to vote on the nominations now pending on the Senate calendar. As many as 25 States are served by Federal courts with vacancies that would be filled by these nominations. Millions of Americans across the country are harmed by delays in overburdened courts. The Republican leadership should explain why they will not consent to vote on the qualified consensus candidates nominated to fill these extended judicial vacancies.

Senator GRASSLEY and I have worked together to ensure that each of the 26 nominations on the Senate calendar was fully considered by the Judiciary Committee after a thorough but fair process, including completing our extensive questionnaire and questioning at a hearing. In fact, all the nominations reported by the committee have

not only gone through vetting by the committee, but were vetted by the administration. The White House has worked with the home State Senators, Republicans and Democrats, and each of the judicial nominees being delayed from a Senate vote is supported by both home State Senators. The FBI has conducted a thorough background review of each nominee. The ABA’s Standing Committee on the Federal Judiciary has conducted a peer review of their professional qualifications. When the nominations are then reported unanimously by the Judiciary Committee, there is no reason for months and months of further delay before they can start serving the American people.

Despite the damaging high vacancies that have persisted throughout President Obama’s term, some Republican Senators have tried to excuse their delay in taking up nominations by suggesting that the Senate is doing better than we did during the first 3 years of President Bush’s administration. It is true that President Obama is doing better in that he has worked more closely with home State Senators of both parties. As I have noted, all of the judicial nominees pending and being stalled on the Senate Executive Calendar have the support of both home State Senators in every case. That was not true of President Bush and led to many problems.

I have continued the practices I followed as chairman when President Bush was in office. In fact, when the Kansas Senators reversed themselves and opposed a judicial nominee that they had once approved, I honored their change of position and did not proceed to a vote in committee on that nominee.

But it is wrong to suggest that the Senate has achieved better results than we did in 2001 through 2003. As I have pointed out, in the 17 months I chaired the Judiciary Committee in 2001 and 2002, the Senate confirmed 100 of President Bush’s Federal circuit and district court nominees. By contrast, after the first 2 years of President Obama’s administration, the Senate was only allowed to proceed to confirm 60 of his Federal circuit and district court nominees. Indeed, as 2010 was drawing to a close, Senate Republicans refused to proceed on 19 judicial nominees that had been considered and reported by the Judiciary Committee and forced them to be returned to the President. It has taken the Senate nearly twice as long to confirm the 100th Federal circuit and district court judge nominated by President Obama as we had when President Bush was in the White House.

During the third year of President Bush’s administration, the Senate confirmed 68 of his Federal circuit and district court nominees. Indeed, by mid-October 2003, 63 judges had been con-

firmed. In contrast, this year the Senate has yet to confirm 50 of President Obama’s judicial nominees—despite the fact that 26 have been ready for final consideration and approval and remain stalled from confirmation by the Senate.

For those who contend percentages are significant, I note that the Washington Post reported this week that a lower percentage of President Obama’s nominees have been confirmed than President Bush’s, with only 68 percent of President Obama’s Federal circuit and district court nominees confirmed compared to 81 percent of President Bush’s.

I think confirmations and vacancy numbers better reflect the reality in our Federal courts and for the American people. It is hard to see how the Senate is supposed to be doing better when it remains so far behind the pace we set in those years. During President Bush’s first 4 years, the Senate confirmed a total of 205 Federal circuit and district court judges. As of today, we have almost 100 confirmations of President Obama’s circuit and district court nominations to go in order to match that total during the next 12 months. At this juncture in President Bush’s administration the Senate had confirmed 163 Federal circuit and district court judges, and the vacancy rate was down to 5 percent, with 46 vacancies. By contrast confirmations of President Obama’s Federal circuit and district court nominees total only 109, and judicial vacancies are now nearly twice as high with a vacancy rate of over 10 percent.

This is not the way to make real progress. No resort to percentages of nominees “processed” or “positive action” by the committee can excuse the lack of real progress by the Senate. In the past, we were able to confirm consensus nominees more promptly, often within days of being reported to the full Senate. They were not forced to languish for months. The American people should not have to wait weeks and months for the Senate to fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

All three of the nominations the Senate will vote on today were reported unanimously by the committee in July. President Obama first nominated Robert Mariani in December 2010 to fill a judicial emergency vacancy in the Middle District of Pennsylvania. Mr. Mariani has been a litigator in private practice for 35 years. For almost 20 years, he has managed his own law firm as a solo practitioner. Mr. Mariani has the bipartisan support of his home State Senators, a Democrat and a Republican. The ABA’s Standing Committee on the Federal Judiciary unanimously rated him “well qualified” to serve, its highest possible rating.

Mark Hornak is nominated to fill a vacancy in the U.S. District Court for the Western District of Pennsylvania. As with Mr. Mariani, both of Pennsylvania's Senators support Mr. Hornak's nomination, which received the highest possible rating from the ABA's Standing Committee on the Federal Judiciary, unanimously "well qualified." Mr. Hornak has worked in private practice for 30 years in the Pittsburgh office of Buchanan, Ingersoll & Rooney, where he is a member of the firm's executive committee. He has served as a court-approved mediator and special master in the Western District of Pennsylvania, the district to which he is nominated. Following his law school graduation, he served as a law clerk to Judge James Sprouse of the U.S. Court of Appeals for the Fourth Circuit.

We will also vote on the nomination of Judge Robert Scola to fill a judicial emergency vacancy in the Southern District of Florida. For the past 16 years, Judge Scola has served as a State judge in the Eleventh Judicial Circuit of Florida. He has been re-elected to that position three times. Judge Scola previously spent 9 years in private practice as a criminal defense attorney, and 6 years as a State prosecutor in Miami-Dade County. The ABA's Standing Committee on the Federal Judiciary unanimously rated Judge Scola "well qualified" to serve, its highest rating. Judge Scola has the bipartisan support of his home State Senators, a Democrat and a Republican. The Chief Judge for the Southern District of Florida, Judge Federico Moreno, a President George H.W. Bush appointee, wrote months ago to the Senate to urge the speedy confirmation of Judge Scola to address his court's overburdened schedule. I am glad we are finally able to consider his nomination today.

I hope that in the weeks ahead we can build on today's progress by considering more of the nearly two dozen well-qualified nominees still awaiting a Senate vote. This is an area where the Senate must come together to address the serious judicial vacancies crisis on Federal courts around the country that has persisted for well over 2 years. We can and must do better for the nearly 170 million Americans being made to suffer by these unnecessary Senate delays.

Mr. GRASSLEY. Mr. President, today the Senate will vote on three more judicial nominations. With these votes, we will have confirmed 14 nominees this month and 52 nominees this year. We continue to achieve great progress in committee as well. Eighty-four percent of the judicial nominees submitted this Congress have been afforded hearings. Only 78 percent of President Bush's nominees had hearings for the comparable time period during his Presidency. We have re-

ported 76 percent of the judicial nominees, compared to only 71 percent of President Bush's nominees. In total, the committee has taken positive action on 83 of the 99 nominees submitted this Congress, or 84 percent. Overall, we have confirmed over 70 percent of President Obama's judicial nominees since he took office.

I will support the confirmation of each of the nominees today. I have a few words to say about each nominee.

Mark Raymond Hornak is nominated to be U.S. district judge for the Western District of Pennsylvania. Mr. Hornak graduated with a B.A. from the University of Pittsburgh in 1978, and with a J.D. from the University of Pittsburgh School of Law in 1981. He began his legal career as a clerk for Judge Sprouse on the Fourth Circuit. Since his clerkship, the nominee has spent his entire career at Buchanan Ingersoll & Rooney where he practices labor and employment law, representing primarily employers and public agencies.

Mr. Hornak received a unanimous "well qualified" rating from the American Bar Association Standing Committee on the Federal Judiciary.

Robert David Mariani is nominated to be U.S. district judge for the Middle District of Pennsylvania, a seat deemed to be a judicial emergency. He received his A.B., cum laude, from Villanova University in 1972, and his J.D. from Syracuse University College of Law in 1976. Mr. Mariani began his legal career by practicing labor, employment, commercial, real estate, civil, and criminal law. During this time, Mr. Mariani also served as the Solicitor to the Scranton-Dumore Sewer Authority.

Beginning in 1980, Mr. Mariani dedicated himself to the exclusive practice of labor and employment law. His expertise includes collective bargaining, labor arbitration, and employee pension and benefits law under ERISA and the Internal Revenue Code. Mr. Mariani has practiced before Federal and State courts, the NLRB, the EEOC, and the Pennsylvania Human Rights Campaign. He also serves as counsel to the Northeast Pennsylvania School District Health Trust and the Berks County School District Health Trust. In addition to his practice, Mr. Mariani also serves as an arbitrator, where he resolves complex labor disputes through negotiation.

Mr. Mariani received a unanimous "well qualified" rating from the American Bar Association Standing Committee on the Federal Judiciary.

I had some initial concerns regarding Mr. Mariani's nomination. Mr. Mariani has expressed labor policy preferences against at-will employment and in favor of card check for union employees. I asked him about these statements at his hearing and in followup questions. Based on his responses, I am

willing to give him the benefit of the doubt that he will be able to be fair and impartial as a judge.

Robert N. Scola is nominated to be U.S. district judge for the Southern District of Florida, another seat deemed to be a judicial emergency. Judge Scola earned his B.A. in 1973 from Stanford University and his J.D. from Boston College of Law in 1980. From 1980 to 1986, Judge Scola served as a prosecutor in State court. He began with misdemeanor cases and finished with prosecuting first degree murder and death penalty cases.

From 1986 to 1995, Judge Scola served as a criminal defense attorney. He practiced solo for most of this time. From 1992 to 1993, he joined two other attorneys in criminal defense. Judge Scola specialized in criminal defense in both State and Federal court.

Governor Lawton Chiles appointed Judge Scola to his current position as a circuit judge for the Eleventh Judicial Circuit of Florida in and for Miami-Dade County in 1995. Since then, the circuit has elected and reelected him without opposition in 1996, 2002, and 2008. He has served in the family division, civil division, and has also served as an appellate judge for county court and administrative law cases.

Judge Scola received a unanimous "well qualified" rating from the American Bar Association Standing Committee on the Federal Judiciary.

The PRESIDING OFFICER. Under the previous order, the Hornak and Scola nominations are confirmed.

The question is, Will the Senate advise and consent to the nomination of Robert David Mariani, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania?

Mr. CASEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 17, as follows:

[Rollcall Vote No. 169 Ex.]

YEAS—82

Akaka	Carper	Franken
Alexander	Casey	Gillibrand
Ayotte	Chambliss	Graham
Baucus	Coats	Grassley
Begich	Cochran	Hagan
Bennet	Collins	Harkin
Bingaman	Conrad	Hatch
Blumenthal	Coons	Heller
Boxer	Corker	Hoeben
Brown (MA)	Cornyn	Inouye
Brown (OH)	Crapo	Isakson
Cantwell	Durbin	Johanns
Cardin	Feinstein	Johnson (SD)

Kerry	Mikulski	Shaheen
Kirk	Moran	Snowe
Klobuchar	Murkowski	Stabenow
Kyl	Murray	Tester
Landrieu	Nelson (NE)	Thune
Lautenberg	Nelson (FL)	Toomey
Leahy	Portman	Udall (CO)
Levin	Pryor	Udall (NM)
Lieberman	Reed	Warner
Lugar	Reid	Webb
Manchin	Rockefeller	Whitehouse
McCain	Rubio	Wicker
McCaskill	Sanders	Wyden
Menendez	Schumer	
Merkley	Sessions	

NAYS—17

Barrasso	Enzi	Paul
Blunt	Hutchison	Risch
Boozman	Inhofe	Roberts
Burr	Johnson (WI)	Shelby
Coburn	Lee	Vitter
DeMint	McConnell	

NOT VOTING—1

Kohl

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

AMENDMENT NO. 739

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided between the Senator from Arizona, Mr. MCCAIN, and the Senator from California, Mrs. BOXER, or their designees.

Mrs. BOXER. Mr. President, could we have order?

The PRESIDING OFFICER. I ask for order.

Mrs. BOXER. The reason I asked for order is because this amendment affects each and every one of you and your constituents. The McCain amendment says to the States that they cannot use a certain section of the transportation bill for several things, including scenic or historic highway programs, including tourist centers, landscaping, or scenic beautification, historic preservation, and it goes on.

The point I want to make is this amendment is opposed by the National Association of Counties, the American Association of State Highway Transportation Officials, the National League of Cities, the National Trust for Historic Preservation, and the U.S. Travel Association. That is a non-partisan list, and let me tell you why. The way this amendment is drafted, historic bridges could never even be repaired. The Brooklyn Bridge or other

historic bridges could not be repaired and we could not control erosion. We would have major problems.

I move to table the McCain amendment.

The PRESIDING OFFICER. That motion is not in order while time is remaining.

The Senator from Arizona has 1 minute.

Mr. MCCAIN. Mr. President, I have made the argument that these projects are unnecessary. We have tens of thousands of bridges that are deficient. We need to spend the money where it should be spent, and I hope my colleagues will understand that this might have been appropriate some time ago, but in this day and age, with our crumbling infrastructure, we need to put the money in the right place.

I yield the remainder of my time.

Mrs. BOXER. Mr. President, I move to table McCain amendment No. 739, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

Further, if present and voting, the Senator from Georgia (Mr. ISAKSON) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—59

Akaka	Durbin	Mikulski
Alexander	Feinstein	Murkowski
Baucus	Franken	Murray
Begich	Gillibrand	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bingaman	Harkin	Pryor
Blumenthal	Hoeven	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown (OH)	Kerry	Schumer
Cantwell	Kirk	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Udall (NM)
Coats	Leahy	Warner
Cochran	Levin	Webb
Collins	Lieberman	Whitehouse
Conrad	Menendez	Wyden
Coons	Merkley	

NAYS—39

Ayotte	Graham	McCain
Barrasso	Grassley	McCaskill
Brown (MA)	Hatch	McConnell
Burr	Heller	Moran
Chambliss	Hutchison	Paul
Coburn	Johanns	Portman
Corker	Johnson (WI)	Risch
Cornyn	Kyl	Roberts
Crapo	Lee	Rubio
DeMint	Lugar	Sessions
Enzi	Manchin	Shelby

Snowe	Toomey	Vitter
Thune	Udall (CO)	Wicker

NOT VOTING—2

Isakson	Kohl
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The motion was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

UNANIMOUS CONSENT REQUEST—AUTHORITY FOR COMMITTEE TO MEET

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, October 19, 2011, in Dirksen Room 106, for the consideration of a bill to reauthorize the Elementary and Secondary Education Act.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object, I find it a tragedy that in the Senate we are operating in a way that allows an 868-page bill to be offered with only 48 hours to read it and approximately 1,000 pages' worth of amendments to this bill with virtually no time to even think about the amendments. I think it is precisely what is wrong with this body, that we would try to rush things through.

I have been here since January, and there have been no hearings on No Child Left Behind. I have had no hearings that involve teachers, no hearings that involve superintendents, no hearings that involve principals. I think this is an affront to the process.

As I go around my State and I talk to teachers, I have yet to meet one teacher who is in favor of No Child Left Behind. They abhor it. They hate all the stuff we are telling them to do from Washington. They want more local control.

I am one of the old-fashioned conservatives who believes that schools are and should be under local and State control. There is no provision in the Constitution for the Federal Government to be involved, period. This was part of the Republican platform for nearly 30 years, that we didn't believe in Federal control; we wanted to have local control.

I met with six teachers recently from Marion County. Some of them are special ed teachers. They like what they do. They like teaching kids who have difficulty learning and have to be taught in a different fashion in order to get through to these kids. But they showed me a cute little boy of 15 years old who has a three-word vocabulary. He was tested in world geography and then the teacher was told she is a bad teacher because the child, who has a three-word vocabulary, did poorly on testing.

This is insane, and it needs to be discussed in a rational fashion. We need to have teachers involved in the process, for goodness' sakes, principals, superintendents.

I have a letter here from the American Association of School Administrators, the National Association of Elementary School Principals, the National Education Association, the National School Boards Association, and the National Association of Secondary School Principals, and they said:

We . . . hope that the important work of getting policy right will not be pushed to the side in a race against the clock. . . .

I feel pushed aside—an 868-page bill and 48 hours to read it. It is wrong. All I am asking for is a hearing to listen to teachers—should we not listen to the teachers—a hearing to listen to the superintendents, a hearing to listen to the principals. Let them read the bill and find out what is in the bill.

I am not going to accept what NANCY PELOSI said: You can read about it after the fact. That is the process that is going on here. Mr. President, 868 pages—when are we going to read it? After they pass it. Who has been involved in crafting this legislation? I am on the committee. Nobody asked me. Nobody consulted with me. And I think that is the same with most of the people on the committee.

The letter from this group also says: . . . we note that the proposed law . . . is still heavily reliant on the idea of testing every child, every year through one single high-stakes summative assessment. . . .

There are many problems. I would be in favor of getting rid of No Child Left Behind. No teachers are for it. I would like to see a survey of teachers. I would like to have the teachers do a survey of their population to ask who is in favor of No Child Left Behind before we act. I would like teachers to propose amendments to my office to fix No Child Left Behind if we are not going to scrap it. I would like to hear from the superintendents: What do you think of this 868-page bill we got yesterday or on Monday? What do you think of this bill, and how could we make it better?

We will not have time to hear from them because we are struggling to get through the 868 pages and another thousand pages of amendments. This process is rotten from the top to the bottom.

What I would ask for is that we have a hearing. Let's invite teachers to Washington, let's invite superintendents, let's invite principals to Washington. Let's find out what they think of No Child Left Behind before we rush through an 868-page bill that no one has had time to read. This is what is wrong with Washington. This is the type of arrogance about the way Washington works that is really making us unpopular in the public's eyes.

I say fix No Child Left Behind. I say repeal it or fix it, but at least give us time to read the bill.

I object to this unanimous consent request.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Objection is heard.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I am sorry the Senator from Kentucky is objecting to our meeting.

I say to my friend from Kentucky, the one thing I believe both Senator ENZI and I did and other members of our committee on both sides of the aisle did to get this bill to where it is was to put aside ideology—to put aside ideology—to do what is best for our kids.

I believe the HELP Committee—on both sides of the aisle, Senator ENZI and I on both sides—has done everything possible to move the bill in a considerate, logical legislative manner. We started on this last year. I say to my friend from Kentucky, we had 10 hearings last year—10 good, long hearings. We had superintendents. We had teachers. We had principals. We had broad input from across America as to what they wanted in a reauthorization bill. I am sorry the Senator was not here last year, but the Senate is a continuing body. Does that mean every 2 years we have to start all over from scratch every time? So we had all our hearings last year. And that was cleared again with Senator ENZI and me. We talked about: Well, let's get the hearings out of the road, and this year we could focus on putting the bill together. So we had our hearings. I say to my friend, we brought in teachers, principals, superintendents from all over America.

Then, starting in January, we began a time-honored process whereby the chair and ranking member started working on putting the bill together with our professional staff. That is why we have professional staff. Senator ALEXANDER was involved in that. Other Senators were brought in—Senator BENNET, Senator FRANKEN. Others on the Republican side were brought in on that.

I would say this: The Senator from Kentucky had every day since he was sworn in in January to come to me or go to Senator ENZI and say: I am on the committee. Here is what I would like in the bill. And that would have been considered. Other Senators did that. I see two of them sitting here right now who came and said: Here is what I would like to have in the bill.

Well, I sat down with Senator ENZI. We discussed it. Some yes, some no, some modifications—we would work it out through the process as we went through. I do not know if the Senator from Kentucky went to see Senator ENZI about what he wanted in the bill. I know he did not come see me. Our

doors are open. There was no secret that we were meeting about this. We started in January. Everybody on our committee, the staffs, all knew that.

That is the legislative process. When it was all done, we wanted to put together a bipartisan bill. That is what we did. I say to my friend from Kentucky, it was not filed 48 hours ago; it was filed a week ago yesterday, Tuesday. That bill was filed. It was put online. I put that bill online. So we had a whole week to look at it, and, quite frankly, what happened is we got feedback. I say to my friend, we put the bill online. We got feedback from a lot of people—the community out there—and as a result of that, we made some final changes. That is the legislative process. Senator ENZI and I worked together on a managers' amendment to incorporate some of the objections that came in during the week to make the bill even more bipartisan. We filed that managers' amendment on Monday morning at 10 o'clock. But that was not the whole bill. I put the whole bill online a week ago Tuesday. It was just the managers' amendment that was, again, a fine-tuning of it before we met in markup.

So I say the Senator from Kentucky had every opportunity to let us know what he wanted in that bill, and I never saw him. I never saw him. He never came to me. I am on the floor all the time. My door is open. My staff is available. My professional staff is available. If the Senator from Kentucky had something he wanted in the bill and it was not included, he has the right to offer an amendment.

I wanted this committee to operate in an open manner—in a manner in which we have operated in the past legislatively. If the Senator did not have something in the bill that he wanted in, he has the right to offer an amendment and to debate it and to get a vote on it in our committee.

The Senator has filed 74 amendments. We had 144 amendments filed. Under our rules, they had to be filed 48 hours before. The Senator from Kentucky filed 74 amendments. Well, now the Senator from Kentucky is objecting to our even meeting to consider his own amendments. Please, someone, explain the logic of that to the Senator from Iowa. He has the amendments. The process is open. He can offer amendments, get them debated, get them voted on. But the Senator from Kentucky is objecting to us meeting in order to even consider his amendments.

Secondly, I heard the Senator again on the floor today—and earlier, when we met earlier this morning in committee to start our process of marking up the bill—he said he wanted to do away with No Child Left Behind. That is exactly what this bill does. It gets rid of No Child Left Behind and some of the narrow proscriptions and prescriptions in the bill and does, in fact, return a lot to local control. And we

build a partnership with the Federal Government and State and local governments—a better partnership than what we have had in the past. I think that is why we have a good, bipartisan bill.

Again, the Senator from Kentucky and I probably have different views on this. I understand that. That is why we have the Senate. That is why we have debates. That is why we have committee meetings and markups. If I were writing the bill, I would write a completely different bill than the Senator from Kentucky would write. He would write one completely different from mine. That is why we meet in committees. That is why we hammer these things out over a long process. You do not just shut the door and say: It is my way or no way.

I am the chairman. I am willing to listen to his amendments and have him offer them. But how can I hear his amendments, how can we consider his amendments if the Senator will not even allow us to meet under the rules of the Senate? I have no logical explanation for that.

Well, there is a lot more I could say, Mr. President, but this is just illogical. That is all I can say: It is just illogical.

I see the Senator from Colorado on his feet. I yield to the Senator from Colorado for any questions he might have.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BENNET. Mr. President, I have never done this in the 2½ years I have been in the Senate. I have not been here a long time, and I have spent a lot of time complaining about the way this place works. But I had to come to the floor to implore the Senator from Kentucky to reconsider his objection. I do it not because I have a perspective on this as a Senator; I do it because I had the honor of serving as the superintendent of the public schools in Denver for 4 years of my life and have dedicated years of my life but, more importantly, seen the dedication of the people who are working in our schools.

The Senator speaks of the tragedy of this process. I will tell you what a tragedy is. A tragedy is that only 9 of 100 children living in poverty in this country, in 2011, can expect to get a college degree—that is a tragedy; the fact that when I became superintendent in the Denver public schools, on the 10th grade math test, there were 33 African-American students proficient on that test and 61 Latinos proficient on that test—the test that, if we are honest with ourselves, which we are not, measures a junior high school standard of mathematical proficiency in Europe. That is a tragedy. It is a tragedy that there are people working in our schools right now, at 11:15 a.m. in Colorado, doing the best they can to serve our kids, and we think a 2-hour meeting is too long. That is a tragedy.

I would not have drafted the bill exactly the way it has been drafted. The chairman knows that. He and I even have disagreements about some of the things in this bill. But finally, after 2½ years, there is a bipartisan piece of legislation in front of the committee that is having the benefit of the work of the Senators who are there, and we are told that meeting for 2 hours is too long.

The Senator has every right to make his objection under the Senate rules, which the Presiding Officer has observed may need some updating. But I think if you ask yourself, why is it that we have a 12-percent approval rating, which is going down, it is because of this kind of thing.

I actually look forward to hearing the amendments of the Senator from Kentucky. I wanted to know what they were. As the chairman mentioned, there are 146 amendments that have been filed. I have some I have filed—only three or four. The Senator from Kentucky has 74 of the 140 amendments.

In the 2 hours we met today, we considered three amendments or voted on three. We were debating a Republican amendment, and I was very interested in what Senator ISAKSON had to say when our meeting came to an end. If we are going to do this in 2-hour increments, my math—I am proficient in math, thank goodness—is that it would take 60 days to do this in 2-hour increments.

Do you know why people are fed up with this place? It is because they do not think the debate we are having is about them. They think the debate we are having is about us. And do you know what. They are right about that.

The teachers all across my State, all across the district I worked in, want us to lift this burden from them—in my view, the biggest Federal overreach ever in domestic policy. That is what the bill does, not for ideological reasons but to help respond to the voices of our teachers, respond to the voices of our superintendents, respond to the voices of our parents who are sick and tired of the almost comical but to them painful measures of annual, yearly progress—the idea that we are going to label all our schools “failing” by 2014 because we have a completely made-up accountability standard in Washington, DC.

This bill does away with that. It does not do it in exactly the way I would want to do it, left to my own devices, but it does it in a way that can get bipartisan support in the Senate. I mean this broadly. I am not saying it in this case. When people see the political games that are being played, when they see people who are unwilling to work together, and they are killing themselves to deliver for our kids, I am not sure there is anything more backhanded we could do.

So I would beg the Senator from Kentucky to let us have the hearing, the committee meeting. Let us consider his amendments. I and all the rest—today's conversation was one of the first—I regret saying this—one of the first substantive conversations I have had in a committee hearing since I have been here.

I thank the chairman and I thank the ranking member for creating a context where that can happen. Let's have the conversation. I would be happy to meet 24 hours a day to talk about this subject with the Senator from Kentucky—24 hours a day, every day. Because if we care about the widening gap between rich and poor in this country, we cannot sustain anything remotely approaching our—

Mr. PAUL. Will the Senator yield?

Mr. BENNET. I will in 1 second—anything remotely approaching our claim to be a land of opportunity when 9 out of 100 children born in poverty can graduate with a college degree, when 91 out of 100 children who are unfortunate enough to be born poor are constrained to the margin of our democracy, the margin of our economy. I will stop here.

But to be clear about it, there are 100 seats in the Senate. When I walk into this room, I think about what if the 100 people who were here were children living in poverty in the United States. Here is how many would have a college degree. That chair. That chair. That chair. These four chairs and this one. That is it. The rest of this Chamber would be occupied by people who did not have the benefit of a college degree.

Mr. PAUL. Will the Senator yield for a question?

Mr. BENNET. Yes.

Mr. HARKIN. I believe I have the floor.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. Again, I want—I recognize the Senator wants to speak. Let's do this in a logical, orderly manner. If people want to be here to speak, I think the Senator from Colorado made some good points. I was yielding to him for a question. I would yield if the Senator from Minnesota has a question. Then, obviously, the Senator from Kentucky will have every right to speak.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Parliamentary inquiry: Under the current structure, how long before a Member on this side can be recognized?

The PRESIDING OFFICER. A Senator cannot be recognized until the floor is relinquished.

Mr. BURR. I thank the Chair.

Mr. HARKIN. I yield to the Senator from Minnesota for a question.

Mr. FRANKEN. I thank the chairman for allowing me to ask a question. I want to know because I have only been

here 2-plus years. But it seems to me that actually, from my perspective—this is my perspective—this committee has worked in a pretty functional way. It took a long time. We started having hearing on this however long ago was it, about a year and a half?

Mr. HARKIN. It started at least a year and a half ago, maybe a year and three-quarters.

Mr. FRANKEN. During this whole period, I talked with the Senator. I have asked to see the ranking member and meet with him in his office to tell him what I wanted to see in this bill. I agree with the Senator from Kentucky, who has talked about there is just one test at the end of the year and the kids do not—the teachers do not get to see the results until the kids are out the door. I think that is terrible. I am offering an amendment that the ranking member referred to today.

I have gone all around my State since I have been a committee member and talked to teachers about what they want to see to fix this or to get rid of No Child Left Behind and replace it with something that makes sense. That is exactly what we are doing. Is this not the normal order of things?

That is my question.

I went to Senator ALEXANDER and met with him in his office to explain what I wanted. My staff has been meeting every other Member—not every other Member's staff but every other Member's staff who seems to be engaged in this on both sides of the aisle, with Senator HARKIN's staff, with the committee staff, with staff from Senator ENZI's office. I keep hearing whose staff they are talking to about this piece of this amendment or that amendment or this piece is going to be in the managers' bill. I think I have spent more time on this bill than on any other bill in my time here, and nothing has stopped me from being engaged in it. I do not think there is anything that has stopped anyone in our committee from going back over the transcripts of the many hearings we had. I do that often.

So my question is: Am I wrong or has this not been conducted in a way that is actually, as these things go, pretty functional for any Member who wants to be engaged in the process? I think there is a responsibility on the behalf of committee members, and is there not a responsibility on the behalf of committee members to be active in the committee, to come to hearings, to be engaged in the process, to approach the chair, to approach the ranking member? Is that not part of our responsibility?

Mr. HARKIN. I say to my friend from Minnesota, I think that is right. If the Senator wants to be engaged in the process of legislation, then, as I say, the Senator from Minnesota has talked to me many times about what he wants in the bill. The Senator from Colorado

and even Members on the Republican side have talked to me about what should be in the bill, what should not be in the bill. That is the process.

I would say to my friend from Minnesota, I have been chairman twice before, not of this committee but of the Agriculture Committee when we did major agricultural bills. One was in 2001 and the other one was in 2007, and both times I worked with the ranking members, basically, the same kind of process. We got bipartisan bills through that were signed by President Bush both times, 2001 and in 2007. This was the process we used.

We let amendments be offered. We opened it up. No one on the committee ever raised an objection to our meeting during the Senate session. We got our jobs done. That is the way we have always done it. That is just the legislative—as I said, considerate, logical legislative process. That is the way we have always conducted it. What it does is it allows Members—Senators who are interested, as the Senator from Minnesota has been so keenly interested in this Education bill, to give them time to go to the ranking member, to go to me, to go to other Members, to see what they can get in the bill.

I say to my friend from Minnesota, I am sure we did not put in everything the Senator wanted in the bill.

Mr. FRANKEN. Absolutely not.

Mr. HARKIN. But I think the Senator has the right to offer the amendments in committee.

Mr. FRANKEN. I wish to thank the ranking member. We talk on the phone about this. We have talked over dinner about this bill. I wish to thank Senator ALEXANDER, whom I asked to come to his office. We spent a very substantive session talking exactly about how I saw this—what was wrong with No Child Left Behind and how we could essentially get rid of it and solve what it is that every teacher hates about it and what principals hate about it and what superintendents hate about it.

Senator ALEXANDER and I had some disagreements on things. But, man, I think we agreed on 80 percent of this. I think I had an 80-percent agreement—I mean, that is Senator ENZI's rule. He has this 80-percent rule, which is that we agree on 80 percent and we focus on the 20 percent. I have a 64-percent rule which is that 80 percent of the time we agree on 80 percent. We see that Senator BENNET laughed because he is proficient at math.

Mr. HARKIN. I did not know if the Senator from Kentucky wanted me to yield to him for a question to get involved in the colloquy or the Senator from North Carolina.

Mr. BURR. I would like my own time.

Mr. PAUL. I do have a question. Several Senators on the committee have said they would be happy to have meet-

ings 24 hours a day. Why do we not have a hearing on the bill? Why do we not invite teachers, superintendents, and principals? There has been no hearing since the last election. There is no reason why we cannot.

The other question we have and we need to answer is: What do we say to the American Association of School Administrators, the National Association of Elementary School Principals, the National Education Association, the National School Boards Association, and the National Association of Secondary School Principals that say: Let's do not get pushed aside in this race against the clock.

I am not opposed to much of what is going to happen with the bill. I think No Child Left Behind has many errors and we can fix some of them. What I am opposed to is the process of giving us an 868-page bill yesterday and saying take it or leave it. We need more time to read the bill. We need these organizations that are very interested in education—it is their livelihood—to come in and make comments on this bill. That would be an open-hearing process. Anything else to me is disingenuous.

Mr. HARKIN. I will yield the floor very soon. I say to my friend from Kentucky, I will say again: We put this bill online 1 week ago Tuesday. Some of the mail the Senator is talking about, the letters came in after that because they read the bill. I think the primary objections on all those letters had to do with teacher evaluations and what we were going to do in the bill on teacher evaluations.

That is what we fixed in the managers' amendment that we laid down Monday morning. I am told—I have not seen it—but I am told the National Education Association, for example, has withdrawn from that letter because of the fix we made. That is why we put the bill online.

I said that earlier. We put it online. A lot of objections came in. We modified it in the managers' amendment to move forward on that bill. That is exactly how we do it. I say to my friend from Kentucky that we have had a whole week.

Again, my friend filed 74 amendments to the bill. How can you file 74 amendments if you haven't read the bill? It seems to me that if you file 74 amendments, you must have read the bill. I assume that last week the Senator must have read the bill and then filed 74 amendments. You cannot have it both ways—say I haven't read the bill, but here are 74 amendments. That doesn't hold together logically.

Again, I will close on this note. The Senator from Colorado is absolutely right. We are here talking about process and who is up, who is down, all of this kind of stuff. These teachers out in America who are grappling with kids who are under this burden of No Child

Left Behind and these AYPs, knowing that no matter how much they progress their kids in 1 year, they are still failing—this bill relieves them of that, takes that yoke off them.

Every one of us has heard from teachers, parents, and administrators that this No Child Left Behind is not good, that it has to be fixed, and that is what our bill does. How are we going to change it and fix it if we are not even allowed to meet?

Again, I hope the Senator from Kentucky will allow us to move forward in this process and allow us to have our amendment process. I say to my friend he has another shot at this bill on the floor. We will have committee, and we will come to the floor, and amendments will be offered on the floor. That is the legislative process. No one person gets to dictate what is in this bill—not me, not Senator ENZI, not the Senator from Kentucky. But all working together collaboratively in a bipartisan fashion, I think we can move this bill forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I say to my colleagues that there were a lot of blanket statements about one's level of participation. I have negotiated with the chairman of this committee for 9 months on the reauthorization of our emergency preparedness and biodefense in this country. I know what negotiations are. I know what compromise is. I know what commitment of time is. I got this bill last Friday. I will find out where it went online, or which copy went online. My staff got this bill last Friday. Yes, we have read it. We have eight amendments, which is not as voluminous as Senator RAND PAUL; but he gets that ability, as he gets the ability to be heard.

The minority's only leverage in this institution is to have an opportunity to offer amendments and to debate them. I hear what the Senator is saying, but based upon the timeframe you set—you don't get the privilege of doing that when you have to deal with the minority.

I know the chairman, for whom I have deep respect, has been here a long time, and he knows it. This could have been something very easily worked out with communications on both sides of the aisle. The fact is that, as I prepared for this markup, I was told there was an agreement, and that agreement meant the chairman and ranking member were going to hold this bill intact. There were going to be no exceptions to it. They were going to vote to make sure this bill didn't change.

That doesn't give one a lot of comfort, knowing what the outcome of amendments will be regardless of the merit of the amendments. When we started this morning, the chairman was very gracious and let me say my

due for about 5 minutes. I am appreciative of that. I made it very clear to Members at that time, the only thing I asked them to do was weigh it on the merits of the amendment—my first amendment out of the chute, and it was my best shot. I will say right here on the floor, it was a damn good amendment. You know what. Lockstep we went down the line, and they proved to me that there is a deal.

You know, the next amendment was offered by Senator FRANKEN. I was the first one who stood up and said I disagree with the base text—it was offered by both of them—but I will support it. I am in year 17. Senator FRANKEN said he spent more time on this bill than any bill ever. Boy, if that is the case, that is a sad statement about how much time we spend on legislation, because you could not have had it more than since last Tuesday, according to the chairman himself.

Mr. FRANKEN. Will the Senator yield for a question?

Mr. BURR. I will take questions at some point, but I patiently sat here waiting for my own time. I will use it, and then I will allow the Senator to stand and ask a question.

In the same statement, there was criticism of the participation. Apparently, I or Senator PAUL had not spent the time or hadn't devoted the time to this particular piece of legislation. I have been working on this for years. I think the chairman knows I am passionate when I get involved. It is not from a standpoint of a lack of knowledge, it is from a standpoint of trying to achieve the right end.

The chairman said very clearly that we are not going to make this perfect out of committee; we are going to have another shot at it on the Senate floor.

Let me remind my colleagues that 55 times in this Congress the majority has chosen to fill the amendment tree, meaning that no minority Member has had an opportunity to amend the legislation. How could I feel good about a truncated markup process that happens 4 days after I physically got an 868-page bill, when the caveat that I am given is: Oh, but you will have another opportunity to do it on the floor? Maybe, maybe not. I don't think the chairman can make an assurance to me that we are going to have an open rule on the Senate floor that allows unlimited amendments. If he can, I will yield to him for that consent. It is above his pay grade. It is above mine, too. That decision won't be made by the chairman or ranking member, and it won't be made because somebody is trying to perfect the bill.

I learned a long time ago that coming to the Senate floor and screaming doesn't do any good. It wakes people up in the gallery, and people at home think this must be important. This is about our kids. This is about whether K-12 education works. There is one

takeaway we can all make: No Child Left Behind was well-intended legislation, and it was implemented poorly, embraced by very few. North Carolina happened to be a State that received a tremendous amount of waivers. We got a waiver from Average Yearly Progress because our State had a yardstick that was actually better, and the Secretary of Education recognized that. It didn't, through those waivers, change any of the Federal intrusion into K-12.

Let me explain what I mean. We have right now about 93 education programs that are authorized; not all of them are funded. If your system determines that you can use one of those programs, you can access that money. But if there is not a program for what your problem is, you don't get a shot at the money. I suggested through legislation that we take all of those programs and throw them into two pots and give States full flexibility to decide how they use the money.

This bill—they talk about flexibility. Well, it does eliminate the title of 40 programs, and it throws them into 6 new major mega-education programs—still with the strings. You have to spend it the way we design it in Washington, not the way you interpret it at home. And for a superintendent, that should not settle real well—flexibility versus prescription. One way is Federal intrusion into local education. The other is a partnership for education success.

Having gone with this one-size-fits-all called No Child Left Behind, I would think the natural swing would be, gee, if we want to fix education, why don't we enlist educators, superintendents, and principals in this bill? The 868 pages that we are going to debate—it will happen; minority rules can only last so long, and we will be marking this bill up and, hopefully, it will come to the floor and we will get an opportunity to amend it.

But incorporated into this bill is 20 pages that define reading. I want you to think about that. When the claims are made that this is not Federal intrusion, a one-size-fits-all, this bill spends 20 pages defining for every local school system what reading is. This is insane.

I have a simple challenge for my colleagues. What happened about the accountability of parents, teachers, principals, elected school boards, and community leaders? Healthy communities today have a relatively successful K-12 education system. In most cases, it is because employers recognize the fact that that is potentially their future workforce, and their educational success is that community's success for survival and for advancement.

But what this bill does is say we are going to determine what "highly gifted" is for teachers, and we will determine what success or failure is. We are going to take the place of the parent,

teacher, superintendent, elected officials, and the business community; we are going to take that all over.

From the standpoint of the amount of money, we are still participating at about the same level—about 10 percent of the overall cost of K-12. But if you don't play by our rules, you don't get our programs or our money. I daresay there is not one of us who recognizes the fact that every community has a unique problem—where one is a school building, the next one is available highly gifted teachers; and where one might be the ability to have a second language taught, the other might be the passion of Teach for America teachers that infiltrate their system.

I cannot come up—no matter how many pages I write—with a K-12 education bill that I can honestly say trumps any community's that I represent that they could come up with on their own. If anything, I know I would be woefully short of what they could do.

The answer, to me, is let's get them more in charge, empower them more, and let's give them greater flexibility. Let's be what we are best at—a financial partner in the success of education. As a matter of fact, we will take up an amendment at some point that triggers the flexibility in the 868 pages. But it is only triggered if a school system accepts one of six things. One of those things is actually federally mandated firing of the principal or X amount of teachers of a failing school.

How in the world could we put in Federal legislation that you get the full flexibility if you are willing to go out and fire the principal or 20 teachers at a school that has been determined by Washington to be a failure?

This is almost surreal to me. In many ways, it goes way past where No Child Left Behind tried to get to, which was creating a measurement tool that could be seen by all and judgments made based upon that, though it wasn't perfect.

What my colleague Senator PAUL has asked for, quite honestly, is very reasonable. Take the bill—the one that we are considering, not the one that went up last Tuesday—I got this e-mail while I am standing here, which says:

The original ESE bill was put up on line one week ago. The managers' amendment on Monday. The document explaining the changes was online yesterday.

So everybody is right. The only problem is what Senator PAUL described, which was the bill that we are considering right now went up on Monday.

The explanations for the changes went up yesterday. I am sure if Senator PAUL came up with 74 amendments, his staff has been a little busier than mine because they only came up with 7 or 8. But what Senator PAUL has asked for is very reasonable.

Take this bill—not a hypothetical bill—and let's have a hearing on it—

not a markup, a hearing—at whatever speed the chairman can put it together, where we bring in actual educators, we bring in superintendents or we bring in school board members, maybe we bring in a parent. That would be novel.

I can still remember, when I started 17 years ago, and reading about the Washington, DC, schools, my first teacher-parent mentor meeting. I remember the expectations I had of a parent who didn't care about a fifth grader's future. If they did, why would this child be so challenged to read? What I was met with, as I walked in and met with that parent, was the parent of a fifth grader who said: Congressman, you are my son's only hope. I want him to have so much more than I do.

I wasn't there because of a government program. I was there because I think every child ought to have the opportunity to succeed, and we can't write that in a bill. We can't describe for every community how they get to success. If we could, No Child Left Behind would have been perfect because everybody believed it would have that big a change. So you see, this is about not just changing a system, it is about creating passion—a passion for success.

I will tell you, passion for success is not taking the Federal Government's HR Department—which is pitiful—and saying: Well, let's export this to every school in America. That is not the answer. The answer is for us to get out of the way and for us to empower those local officials to make the changes they need to and for the judgment to be of those community leaders and those parents.

We will have a debate soon on what is highly qualified, and it is very prescriptive as to what a highly qualified teacher needs to be. But in my definition, highly qualified is a pharmacist who has decided they don't want to work in a store anymore and would like to teach chemistry in a high school. Unfortunately, under all the Federal standards today, that person can't do that because they don't have a certificate to do so. We will codify that into law, in 868 pages, and all the talented folks we have around the country—who could walk into a classroom and not only have the educational foundation to be able to teach our students but the passion to want to be there and to say it in a way that isn't taught out of a textbook but is learned through their occupation—will be gone. It will be gone. Even though that pharmacist may not want to compound drugs anymore, if their choice is that or retirement, they will retire because we have cut out something that would allow them to contribute.

I didn't mean to go this long, but I will be honest, in my patience to get the opportunity to speak, I heard some outlandish comments that, quite honestly, I could take to be very personal.

To suggest any Member had sufficient time to review this legislation—the only person who could make that comment would be one who got the bill before I did, and I think I am entitled to have it at the same time every other member of the committee gets it.

To have an agreement that says we are not going to take amendments—that says one can offer them, but we are not going to take them—I think that is a black eye on the entire institution, if we would adopt a policy such as that. But I have seen it up close and personal already.

I would love to take the chairman at his word that we will have an opportunity on the floor to fix this bill, but—based upon how the floor has been run up to this time—I can't believe there will be even one opportunity for me to offer an amendment. So I have to roll my dice on the markup process in committee, and I have to do it in a way that accommodates every member. If Senator PAUL believes he needs more time, I have to be there to try to defend his time.

If that is inconvenient for people, it is going to be inconvenient. The truth is, our children's future is way more important than our convenience. Our children's future is way too important to rush a bill. Our children's future is way more important than a deal between a ranking member and a chairman as to how to make this easy out of committee so we can fix it on the floor.

I have been here 17 years. Perfection is not possible in Congress, but perfection should be our goal every day. When we look at what we have debated, we understand why less than 15 percent of the American people think highly of us. I think what we are getting ready to do will have a significant impact on how that number is reduced, not how it is increased.

I thank my colleagues for their patience. They certainly don't have to request time from me. I will yield back and gladly allow them whatever of their own time they would like to take.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. I would like to say to the Senator from North Carolina, before he leaves the floor, that I am well aware of his longstanding commitment to education issues and to the kids in this country. I have no doubt of that, and I hope he didn't take anything I said to suggest that. I actually think the two of us probably share a lot of agreement on what we ought to be doing.

My issue is simply—and as I said about the Senator from Kentucky, he has every right to do this—that, as my colleague and other members of the committee, I want to engage in a debate on the bill. I want to consider the amendments of my colleagues and to offer my own.

I am painfully aware, having been in a school system, that Congress was supposed to reauthorize this bill in 2007. It is now 4 years later, and because of our own fecklessness, our own inability to get anything done, every single year teachers and parents and principals keep having to put up with what is the crudest accountability system I could imagine. The only thing cruder than the accountability system was the response of big school districts, such as the one I used to work in, to that accountability as people tried to comply with well-intentioned but incredibly poorly thought-through laws and regulations from Washington, DC. I don't want these schools to have to endure 1 more year of this meaningless accountability, where we are comparing this year's fourth graders to last year's fourth graders and telling ourselves that actually makes a difference.

There is a lot of good work being done in our States right now around standards—elevating them—so we quit fooling ourselves about whether we are meeting international norms when it comes to our kids. There is a lot of great work being done in Colorado and other States that have come along creating a growth model that we—not we but moms and dads and teachers and principals—can actually track how this group of fifth graders did compared to how they did as fourth graders and how they did as third graders and then compare them to similarly situated kids across the country. That makes all the sense in the world compared to what we currently have.

I sat out there in absolute despair wondering why this town was so mean to our teachers and to our kids. Isn't it a bare minimum that the Congress could reauthorize the legislation when they were supposed to—in 2007? Yet now we find ourselves here.

I thought the Senator from North Carolina was very eloquent this morning and today on the floor as well and I appreciated the points he made. My objection is a narrow one, which is the idea that the right way to approach reauthorizing No Child Left Behind, the right way to approach trying to fix this situation is to create a bunch of procedural barriers that don't allow us to have a substantive discussion about it.

I agree completely with what the Senator from North Carolina said 1 minute ago. There is a reason we have not a 15-percent approval rating but a 12-percent approval rating. There is a reason. I think we should come together in a bipartisan way and reauthorize this bill, get rid of AYP, and do some of the important things in this legislation. Then I hope the Senator would look at one of my amendments, because one of my amendments has his pharmacist in mind, if only we could get to a discussion of the merits of this bill.

I see the Senator from Kentucky has left the floor, but I would just say that my only objective in coming down here today was simply to implore him to withdraw that objection. Knowing it is his right to object, I can't think of why he would do it if he wanted to change the trajectory of the work from the Federal level.

I thank the Senator from North Carolina and the Senator from Minnesota and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I also respect my good friend from North Carolina, and I want to thank him for his vote on my amendment. I think he is going to like some of my other amendments too.

I wish to take issue too with one thing he said. I think he said it in a moment where, if he thought about what he said, he might reconsider it. I had commented that I have spent more time probably on this bill than on any other, and I have spent a lot of time on the Affordable Care Act. The Senator from North Carolina then said, if I had spent more time on this bill than any other, that is a pathetic commentary or a sad commentary because we just got this bill the other day. The fact is—and I think the Senator would acknowledge this—work on any piece of legislation doesn't start when the bill is introduced. My work on this bill started very soon after I arrived in the Senate.

My work started with a bill I coauthored with ORRIN HATCH, which is going to be an amendment. It is an amendment to recruit and train principals for high-needs schools. We have had schools I have seen turned around by principals because principals can create the ethos of the school. They have so much to do with selecting the teachers and transforming a school. This amendment would create a program where we recruit people who want to be principals in high-needs schools and have them monitored—if they haven't been a principal before—by a principal who has successfully turned around a high-needs school. That work started immediately upon my getting to the Senate.

I have been going back to and traveling around the State of Minnesota talking to teachers and superintendents and principals. The Senator from North Carolina talked about the need to have superintendents and principals and teachers here. We had 10 hearings. I believe it was the other side at one point that said, please, stop the hearings.

My colleague talked about the transformation models, which I do have problems with. What do we do with a school that has failed? What do we do now with a school in the bottom 5 percent? If the Senator from North Carolina was there, we had a super-

intendent—Joel Klein, superintendent of schools or chancellor of the schools in New York—who spoke exactly to the transformation models. Again, what works in New York certainly doesn't work in Pine City, MN, or parts of North Carolina, but there are plenty of teachers available and plenty of principals available in New York City. So I think we need more flexibility in transformation models than in this bill—than Joel Klein suggests—and maybe that is in the managers' bill now. Joel Klein is a superintendent, and he spoke to the transformation models. He said the transformation models gave him the ability to fix schools that were failing, schools that were dropout factories.

So the very thing we have been asked for here: Let's have testimony from superintendents; aren't these transformation models surreal? We have had these hearings.

I would suggest to the Senator from Kentucky who has just come in, my office will print out the transcripts of all the hearings we have had and you can read what teachers and principals and superintendents have said.

I have to say that the work you do on these bills doesn't start when the bill hits the desk. In my case, it started 2 years before. And I don't think the Senator actually meant—

Mr. BURR. Would the Senator yield for 1 second?

Mr. FRANKEN. For a question. Sure.

Mr. BURR. If the Senator interpreted my comments to be personally targeted to him, then I do apologize. The Senator said—and I wrote it down: I spent more time on this bill than any other bill ever.

My criticism about the statement was, I said: If the Senator got the bill when I did, then there is not a whole lot of time between Friday when I got the bill and Wednesday when it was marked up.

I don't question for a minute the Senator from Minnesota or the staff has spent a tremendous amount of hours on education. But in defense of Senator PAUL and what he has sought is there has not been a hearing on this legislation. There are some things in this 868-page bill our committee has not had a hearing on that it would be great to have the opportunity to ask someone who is an education professional. In the absence of the ability to do that, you, I, the Senator from Kentucky, our staffs, all have to rely on what committee staff tells us. And that is not always the most accurate thing, regardless of which side of the aisle you are seeking that information.

I appreciate what the Senator from Minnesota has said. I think that education should be a passionate debate, and we have seen some passion here this afternoon. I would hope the Senator from Minnesota would suggest to Senator HARKIN, maybe there is a pathway where we can get predictability in

the number of amendments, predictability in the time it takes to mark this up, with some accommodation to the sensitivities that Senator PAUL and others have raised, because I hope the Senator from Minnesota will agree with me, there is not an urgency to do it this week, and if we could, when we come back from the end of October, have a hearing, I think we could have a pathway to mark up and completion.

Having said that, it probably will be a product that I couldn't support, I will aggressively try to amend, and I would be anxious and hopeful that I would have the opportunity again on the floor to try to affect its content.

But if the Senator will be an advocate for that, I think there is a pathway that doesn't in any way, shape, or form delay our ability in this institution to conference with the House or to present the President a bill. I would be more concerned with whether we produced the right product, and I think we can achieve that better.

I thank the Senator for yielding to me.

Mr. FRANKEN. Certainly. And obviously I believe in the markup we will have a healthy discussion of every part of this bill and of every amendment. I think the Senator from North Carolina is going to be so thrilled with my amendments, that at the end of the day he is going to not just cast an aye vote on the bill but an enthusiastic one.

I accept your apology. I don't think you said exactly what you said you said. What you said was if the Senator spent—it is not worth going into.

The point is that your work on a bill doesn't start when a piece of legislation is written. Most of the work comes before. And I want everyone to understand that who is listening.

This bill has been a tremendous passion of mine. You mentioned passion for success. I want the growth model. Senator BENNET was superintendent of the Denver schools, and very successful. When I did my principal bill, I went to a school in St. Paul, MN, Dayton's Bluff, which had been a failed school and was turned around by a successful principal. So I had a roundtable there. This was very early in my tenure here. One of the principals said, You know those No Child Left Behind tests, we call them autopsies. What he meant was you take them at the end of the year, you take them in late April, and you don't get the results until the kids are out of school, and then the results are abrogated.

We have something in Minnesota that the teachers, superintendents, and principals agree on, something called the NWEA tests. What are those? They are computer-adaptive tests. What does that mean? In Minnesota, very often they take these three times a year. They are computer tests so that teachers get the results right away. The principal called the No Child Left

Behind test autopsies because the kids are out of school and the teacher can't use it to inform instruction. If you do a computer test and you get it right away, the teachers can use the tests to inform their instruction. I think that is what most parents thought we were doing in the first place when President Bush first suggested this law.

Secondly, they are adaptive. What does that mean? Well, that means if a kid gets a question right and keeps getting questions right, the questions get harder; but if they start getting questions wrong, they get easier. It is much more diagnostic and you can see exactly where a child is. Right now, the No Child Left Behind test forbids these assessments from going outside grade level.

Arne Duncan, Secretary of Education, said something profound. He said that a sixth grade teacher who takes a kid from a third grade level of reading to a fifth grade level is a success, is a great teacher; but under No Child Left Behind, the way it is now, that teacher is a failure. That makes no sense whatsoever. We have to measure growth. That is what the Senator from Colorado was talking about. We need to measure growth. And that is no mystery.

I go around to schools, and I remember being in a school in St. Cloud, MN. I was introduced by the principal to the teacher who won Teacher of the Year, a math teacher. I met the math teacher, and the math teacher said, "Growth."

This is not a mystery, and we have had hearings on this and we know this. We need to be measuring how much kids grow, and that will help kids who are from poor schools, because they are starting at a lower level. But if the school is good and they are increasing their growth, they will be rewarded.

My daughter graduated from college. I am looking at the pages now who are juniors in high school. My daughter, immediately out of college, became a teacher at a school in the Bronx, 97 percent free and reduced price lunches, a third-grade teacher. That is the first year they do No Child Left Behind testing. She had to take her kids from here to here, to this arbitrary level of proficiency in order to be considered a success, where 15 miles to the north a teacher in Westchester had to take her kids from here to here. That doesn't make any sense.

In Minnesota, I have learned from my teachers I have talked to that there is something called "the race to the middle." What is that? Under No Child Left Behind, the way it works now is that there is an arbitrary bar of proficiency a teacher is judged on, on what percentage of their kids in these different subgroups meet or exceed that bar of proficiency.

Well, the smartest kid in the class is going to pass, no matter what. There is

nothing you can do to that kid that won't make that kid exceed the bar of proficiency. So guess what. The teacher ignores that kid.

The kid at the bottom, the most challenged kid, well, no way that kid is going to make it, so let's ignore that kid.

A race to the middle. The kid right below and right above proficiency, those are the kids who are drilled—drilled and killed, as they call it in Minnesota.

We know what is wrong with No Child Left Behind. We have been discussing it for 1½ years in hearings. We have been talking about it. I have been talking to the ranking member. He mentioned today these computer-adaptive tests in the markup. These things aren't mysteries. Members were welcomed to the hearing, and some didn't come.

But the work on a bill doesn't start the day the bill hits the table. The work of a Senator, if the Senator is a hard-working Senator, is every day. It is going back to your State and finding out what teachers and principals and superintendents need. It is going to the hearings. It is talking to the other Members, to the chairman, to the ranking member, and to your staff. And your staff is getting information from other staffers—not just the committee staff but from other staffers. I don't want to leave people with the impression that we work once the bill hits the table.

Mr. President, I yield the floor, and I would suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I would like to speak about two amendments, if I could. One is about basic civil rights and fair housing organizations and the other is about counseling and I would like to speak on both of them.

Our Nation's fair housing organizations help enforce basic civil rights, something that has been important in this country for many years. They investigate housing discrimination and they educate tenants and homeowners of their rights. They fight the pernicious discrimination that targets and redlines low-income Americans in communities of color. Housing discrimination not only violates our laws, it is a barrier to economic mobility. That is why the Department of Housing and Human Development invests in the Fair Housing Initiative Program which supports fair housing groups across the country.

They investigate mortgage lending fraud and predatory lending. They investigate foreclosure cases that force

homeowners out of their homes—an endemic problem in the Presiding Officer's State of Maryland, my State of Ohio, and across the country—before facts and underlying rights are observed. Simply put, FHIP helps the very organizations that educate the public and enforce the laws that protect people from housing discrimination.

The program is cost-effective, saving HUD money as it streamlines government resources to move more effectively and efficiently and investigate complaints. The fair housing organizations investigated 65 percent of the Nation's complaints of housing discrimination, nearly twice as many as all agencies combined. Fair housing advocates in Cincinnati, Dayton, Toledo, Cleveland, Akron, Columbus, and in towns across Appalachian Ohio fight predatory lenders.

For millions of Americans, the barrier to opportunity and security is the latent discrimination of ruthless landlords and unscrupulous lenders. Without FHIP, our country and our economy are subject to the very discrimination that not only hurts individual renters and homeowners but holds too many communities back. That is why I am offering this amendment to restore full funding to FHIP in line with the House level. State and Federal fair housing enforcement is already stretched thin. In my home State, the State Civil Rights Commission has four investigators devoted to housing complaints. It would be devastating to cut private fair housing programs any further.

This amendment is supported by the Leadership Conference on Civil and Human Rights, the NAACP, the National Council of La Raza, and the National Fair Housing Alliance. It is also supported by Miami Valley Fair Housing Center, Neighborhood Housing Services of Greater Cleveland, the Coalition on Homelessness and Housing in Ohio, the Ohio CDC Association, the Toledo Fair Housing Association, and the Homeownership Center of Greater Dayton.

On Sunday, the Martin Luther King, Jr., Memorial was dedicated on our National Mall. It is a reminder of the era that blatant Jim Crow laws, brutal beatings and segregation may be over, but our fight to remove stains and strains of discrimination continues.

It continues through thousands of fair housing organizations that serve millions of our fellow Americans. It continues with this body investing in these organizations.

I ask unanimous consent to have printed in the RECORD a letter of endorsement of many organizations. This is a letter from those civil rights organizations supportive of our legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 18, 2011.

Hon. DANIEL INOUE, Chairman, U.S. Senate Committee on Appropriations, Washington, DC.

Hon. THAD COCHRAN, Ranking Member, U.S. Senate Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN INOUE AND RANKING MEMBER COCHRAN: The, undersigned civil rights organizations, urge you to support level funding for the Fair Housing Initiatives Program (FHIP) by accepting the House number of \$42.5 million in your upcoming negotiations. FHIP funding is crucial to protecting all families and individuals seeking fair housing choices across the United States.

As you know, the Senate Appropriations Committee's Transportation-HUD bill includes only \$35.9 million for FHIP, \$7 million less than the figure approved by the House Subcommittee. Such a decrease in FHIP funding would greatly limit the abilities of local organizations to educate the community and the industry about fair housing, and limit the establishment of fair housing organizations in areas where pervasive housing discrimination occurs unchecked.

FHIP provides unique and vital services to the public and the housing industry. Private non-profit fair housing organizations are the only private organizations in the country that educate the community and the housing industry and enforce the laws intended to protect all of us against housing discrimination.

FHIP saves money for the federal government, and for state and local governments. According to a recent HUD-funded study, "FHIP grantee organizations weed out cases that are not covered by civil rights statutes" or that do not have merit, thereby avoiding costly lawsuits and mediations. The vetting of complaints by fair housing organizations "saves resources for HUD and state agencies that do not have to investigate these complaints."

"FHIP funding is a critical component of the U.S. civil rights enforcement infrastructure," according to HUD. 71% of the cases in which a FHIP organization is a complainant result in conciliation or a cause versus 37% of nonFHIP referred cases.

Cuts to FHIP and FHAP will leave entire states and many communities without a place to protect their rights or to report housing discrimination. Over the past ten years, more than 25 fair housing organizations have already had to close their doors or drastically limit their staff due to insufficient funding levels. By cutting FHIP, many more states and communities will be at risk of losing any fair housing resources.

Fair housing organizations operate efficiently and effectively on shoestring budgets. In 2010, there were 28,851 complaints of housing discrimination filed. This number of complaints still represents less than one percent of the annual incidence of discrimination, which is estimated to exceed four million. Private fair housing organizations investigated 65% of the nation's complaints, i.e. almost twice as many as all government agencies combined.

We cannot afford to leave states and communities without a place to protect their rights or report housing discrimination. With the cuts HUD currently faces, the role of fair housing organizations will only become increasingly important.

We thank you for your past support for the Fair Housing Initiatives Program, and we ask that you support level funding of \$42.5 million as the budget process moves forward. In this economy and devastated housing

market, everyone deserves a fair shake at purchasing and renting the home of their choice, regardless of their identity characteristics. We as a nation cannot afford to limit the housing activities of any single family or individual.

Sincerely,

Bazelon Center for Mental Health Law, Lawyers' Committee for Civil Rights Under Law, Leadership Conference on Civil and Human Rights, NAACP, National Association of Neighborhoods, National Community Reinvestment Coalition, National Council of La Raza, National Fair Housing Alliance, National Gay & Lesbian Task Force Action Fund, Poverty & Race Research Action Council.

Mr. BROWN of Ohio. Mr. President, I would like to speak on a second amendment. Since a peak in 2006, housing prices, as we know in this country, have fallen by nearly one-third. Total homeowner equity slashed in half with the loss of more than \$7 trillion. Some 6 million people have lost homes since the height of the financial crisis. Yet just yesterday we heard a leading Republican Presidential candidate tell an editorial board in Nevada that his solution to the Nation's housing crisis is to speed up the rate of foreclosures. This despite clear evidence that basic legal requirements have often gone ignored in foreclosure proceedings; this despite clear evidence that some banks have specifically targeted certain communities in specific neighborhoods for foreclosure; this despite the fact that persistent foreclosures are dragging down property values across the Nation.

I remember some years ago in Cleveland, in Cuyahoga County in my State, we had more foreclosures—except for the moratorium year last year—every year than the year before for the last 14 years. I remember neighborhoods in Cleveland where there might be only a couple of foreclosures on a street, but we knew what happened when those homes were foreclosed on—well, what obviously happened was vandalism and stripping off the aluminum siding and stealing the pipes, and the property would be degraded and the property would be ignored—and what happened to other homes in the neighborhood and what happened to the prices and the values of those homes even though people were paying their mortgages and staying in their homes.

So this—this statement to the Nevada newspaper—this despite the clear message from my distinguished colleagues, Senator MCCAIN of Arizona and Senator NELSON of Florida, representing States such as Ohio that have been devastated by high rates of foreclosures.

Earlier this week, my colleagues stated on this floor—some colleagues said we need to do more to get people mortgages they can afford, to make payments on them, rather than throwing them out of their homes. I couldn't agree more. If we are going to

strengthen our economy, we must find a stronger response to the foreclosure crisis, not rushing the process but better managing it.

Right now, the provision of homeowner counseling is one of the most effective ways we have to deal with this crisis. I remember talking to fair housing coalitions and organizations in Toledo and Dayton and all over my State, telling how they were able, one family at a time, to avert foreclosure. We know what that means not just for that family but to that community because they were able to do foreclosure counseling. I have seen firsthand in my State how these programs help better manage the mortgage payment process that helps to keep homeowners in their homes.

Organizations such as the Neighborhood Services of Greater Cleveland, the Columbus Housing Partnership, and the Coalition of Homelessness and Housing in Ohio are leaders in foreclosure counseling. The Department of Housing and Urban Affairs invests in the Housing Counseling Assistance Program that supports these Ohio programs and hundreds like them across the country. Housing counselors provide guidance and assistance and advice to help families meet the responsibilities of tenancy and home ownership.

Foreclosure counseling is particularly valuable to those obviously in danger of losing their home. According to a study by the Urban Institute, homeowners who are assisted by mortgage counselors have a 60-percent better chance of saving their home. If a family has counseling with a professional counselor, somebody to advocate for them and assist them, they have a 60-percent better chance of saving their home than if they don't have that assistance.

HUD has requested \$88 million for housing counseling for each of the last 2 fiscal years. Yet, last year, Congress provided no money for this important program—a program that keeps people in their home, helps their neighbors because this house might not be foreclosed on, helps those people build equity and savings that are essential for stable houses, stable families, stable homes, stable neighborhoods, stable communities.

Given this lack of funding, I am particularly grateful for the work done by the subcommittee chair and ranking member in restoring funding for this program. Special thanks to Senator MURRAY and Senator COLLINS. The subcommittee has worked hard to find \$60 million to fund the program. I applaud them for their efforts. Senator SANDERS has also been a great champion in this effort. Even with this level of funding, the demand for housing counseling exceeds the level of services that would be supported.

It is imperative that we provide these investments. They are necessary to

meet the needs of the record number of homeowners facing foreclosure, they are necessary to help advise borrowers preparing to purchase new homes, and they are necessary and vital to our housing and economic recovery.

Historically, we know that to pull ourselves out of recession in this country, we need a vibrant manufacturing sector, especially driven by auto, and we need housing, more home construction, more home renovation, and appreciation of housing prices. We are doing OK with auto manufacturing, but we are not doing nearly well enough with housing.

I applaud my colleagues for their work. I appreciate their support for this program, and I look forward to their continued support and to their supporting the Senate number in conference.

Thank you, Mr. President. I yield the floor.

Ms. MIKULSKI. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. CARDIN. Mr. President, I know the Senator from Missouri is here, and I am going to make a unanimous consent request that I anticipate he will object to on behalf of other Senators. So let me do that formally and then make my comments.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 112; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Missouri.

Mr. BLUNT. Mr. President, I object on behalf of Senator HATCH and Senator ISAKSON.

The PRESIDING OFFICER. Objection is heard.

Mr. CARDIN. Mr. President, I certainly understand that my friend from Missouri is doing this on behalf of other Senators. I want to express my disappointment that these Senators are objecting to the confirmation of William J. Boarman, an individual who is eminently qualified to be our Na-

tion's 26th Public Printer and head of the Government Printing Office.

President Obama nominated Bill Boarman 18 months ago. The Senate Committee on Rules and Administration reported the nomination favorably in July of 2010. The nomination languished because of Republican objections so President Obama made a recess appointment on January 3, 2011, and renominated Mr. Boarman on January 27, 2011. Again, the Senate Rules Committee reported the nomination favorably by voice vote this past May.

The Public Printer is not a controversial position. Previous Printers have been confirmed without controversy or delay. This obstruction is unprecedented.

Bill's career in the printing industry spans 40 years. He started as a practical printer, trained under the apprenticeship program of the International Typographical Union and served his apprenticeship at McArdle Printing Company in Washington, DC.

In 1974, he accepted an appointment as a journeyman printer at the GPO. Mr. Boarman was elected president of his home Local 101-12 when he was 30 years of age. He later served as a national officer with the ITU, where he was a key architect of the merger between the ITU and the Communications Workers of America. He was elected ITU president shortly before the merger and has been reelected to seven successive terms since.

He has served as an unpaid consultant to several Public Printers and has testified before various congressional committees regarding GPO programs and policies. He is an expert in this field. He is eminently qualified. I think the Members of this body know that.

Mr. Boarman served as chairman of the \$1 billion CWA/ITU Negotiated Pension Plan and the \$125 million Canadian Negotiated Pension Plan. He has experience in management. He was among the union leaders who spearheaded the creation of the AFL-CIO Capital Stewardship Program and the Center for Working Capital in the Federation.

Because of his experience in the field of pension administration, he was chosen to represent CWA on the Council of Institutional Investors, serving 12 years as a member of the CII Executive Board and three terms as its cochairman. He has also served on the Maryland Commission on Judicial Disabilities and as cochair of the Taft-Hartley Northern American Study Group educational investment conference.

He has served as president of the Union Printers Home, a 122-bed skilled nursing facility in Colorado Springs, CO. I mention his extensive background to underscore the point that Bill Boarman is, perhaps, uniquely qualified to serve as the Nation's Public Printer, and there is absolutely no good reason to hold up his confirmation.

All we are asking is, let's bring this nomination forward for a vote—a person who has eminent qualifications. There is no substantive objection to his confirmation. I hope my colleagues who have raised the objection will allow us to move forward.

The Public Printer serves as the chief executive officer of the GPO, the agency charged with keeping the American people informed about the work of the Federal Government.

GPO is one of the world's largest printing plants and digital factories and is one of the biggest print buyers in the world. GPO disseminates the CONGRESSIONAL RECORD and the Federal Register and a number of other products and services in both print and digital form.

The agency has been tasked to build its digital capability into a state of the art operation to improve transparency and citizen access to government documents and reports.

We hear all the time about making this system more transparent. Mr. Boorman knows how to do that. Let's give him a confirmed position so we can help bring the public more into what we do here in Congress.

Bill Boorman faces the challenges of maintaining the traditional printing skills of an aging workforce while helping a 150-year-old organization adapt to a world in which most documents are "born digital."

As Bill has said:

Few Federal agencies can count as their heritage the scope of the work GPO has performed, ranging from the first printing of the Emancipation Proclamation to providing digital access to the Government's publications today. The men and women of GPO are responsible for that heritage.

It is past time that Bill Boorman—a man with over 40 years of experience in the printing industry—be considered and confirmed as the Nation's 26th Public Printer.

I urge my colleagues on the Republican side of the aisle: Let the Senate do what it is legally responsible to do: advise and consent on these nominations. Let us vote so we can confirm this position that was first brought forward over a year and a half ago.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I want to associate myself with the remarks of my colleague from Maryland regarding the nomination of Mr. Boorman. My colleague from Maryland has offered a spirited and comprehensive description of why Mr. Boorman should be confirmed as our Public Printer. I wish to, one, validate everything he said; and, second, Mr. Boorman, we need to know, is a reformer. He has the heart of a reformer. He has the spirit of a reformer. He has the know-how of a reformer.

As we look at the position he is being asked to serve in, we need someone who has technical competence in the field, experience in managing a large organization, and also one who has dealt with the challenges related to both delivering a product but also those related to the workforce.

I think we are doing a national disservice by not putting this man in office so he can take charge and maintain something that is a nonpartisan job—the Government Printing Office. It is not as though he is going to be in some back room reprinting little pamphlets from the 1930s Bread March. He is here to be our Public Printer.

We know we are into a new age, a digital age. He has a lot of reform to do. We know there is workforce reform that needs to be done but done with sensitivity. Again, he is somebody who himself is from the rank and file.

I think this: Once again, we are playing politics with a job that certainly is not political. We have an esteemed, qualified individual who wants to be a reformer, to get the job done, and who knows we are in a more frugal atmosphere.

I think we are wasting time, we are wasting money, and we are wasting the talent of an exceptional individual.

I am going to say this: The more we continue to delay and be deleterious on these appointments, why would anybody want to come forth to serve in the public domain? They often have to give up jobs or put their jobs on hold while they are waiting for these confirmation processes. We put more sand in the gears of government, and then we blame government for grinding to a halt.

Let's have an orderly way of dealing with nominations and at least give the man a vote up or down, yes or no.

Mr. President, I yield the floor.

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, the American people are watching this and saying: What are they doing? Well, actually we are doing a lot. Senator BLUNT and I are managing the bill. You might say: But there is nothing going on. Well, there is a lot going on because we are reviewing amendments of Senators. That is what all this discussion is, to see what we can take or there might even be bipartisan agreement. And then we are lining up how we will proceed on the next four to six amendments, again alternating both sides of the aisle.

So if people are watching this and saying: What are they doing, just what

are they doing, well, we are doing a lot. We hope to, by the close of business tomorrow, finish the Agriculture, Commerce-Justice, and Transportation-Housing bill appropriations. We are going to have some robust debate on some amendments. Some are quite controversial. But right now, we are trying to see what we agree on and, what we don't agree on, how could there be a regular, civilized, orderly process for having a debate and then voting.

We anticipate that somewhere around 5:30 or 6:00, we will have a cluster of votes. So that is kind of the game plan so far.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the next first-degree amendments in order to be called up and made pending to H.R. 2112 and the substitute amendment No. 738 be the following: Ayotte, No. 753; Crapo, No. 814; Moran, No. 815; Coburn, No. 793; Coburn, No. 798; DeMint, No. 763; DeMint, No. 764; Grassley, No. 860; Sessions, No. 810; Lautenberg, No. 836; Brown of Ohio, No. 874; Merkley, No. 879; Bingaman, No. 771; Gillibrand, No. 869; Feinstein, No. 855; and Menendez, No. 857; further, that a motion to recommit from Senator LEE be in order; that, if offered, the motion be set aside and the Senate return to the consideration of the pending amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, this means this is now the order in which we will proceed. These are the amendments that both sides have agreed should be offered in this tranche or cluster.

We are saying to the Senators who now have these amendments, get ready to come to the floor. As I understand it, KELLY AYOTTE will be here to offer her amendment, which will be important, and then what we would like to do is alternate on both sides of the aisle. The Senator from New Hampshire will offer her amendment. We hope then that there would be a Democrat, and we will go back and forth. If a Senator is not here, we will move on to the people who are here.

We have 16 amendments. We would like to finish these amendments this evening. The more that can come and be ready to offer their amendments and debate—and Senators will be able to present their amendments and debate them, but we would like to do that.

That is the way we are going to proceed. These are the amendments. We

will alternate on both sides of the aisle. We encourage Senators who have these amendments to come over and we will call them up.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I join my good friend in suggesting we would like to see our colleagues come over here. These three appropriations bills are being handled on the floor and they are open to amendment. We haven't had appropriations bills on the floor of the Senate in this way in quite a while. We would like to get these bills done. Hopefully, we can get these bills done maybe even this week and send them on over to the House to talk about these bills and their bills—3 bills, 16 amendments, and those aren't all the amendments we expect to be offered. But we hope these amendments are offered today—a significant number—and as the Senator from Maryland said earlier, we expect votes on some of these amendments around 6 o'clock. Between now and then, we look forward to a vigorous debate on as many of these as the sponsors can come and debate. But the Agriculture bill that I am the ranking member of; the Transportation, Housing and Urban Development bill, which the Senator represents so well; and the Commerce-State-Justice bill are all bills that are moving forward in as close to a regular process as we have had in a while.

We look forward to seeing these amendments debated this afternoon and some of them—as many of them as possible—voted on this afternoon and this evening.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, the Senator from Missouri is right. We haven't had a regular order for some time. Leadership on both sides of the aisle has created this fantastic opportunity. We are actually following a regular order on our appropriations. We are actually following a regular order. This is our opportunity to show we can have a regular order, that we can move our annual appropriations together in a well-measured, well-paced, well-debated, and well-scrutinized way.

I hope our colleagues who have amendments will come over. We know Senators have lots of opinions, and opinions sometimes get translated into amendments. But we ask our colleagues now to show we can govern. Come down, come to the floor and offer these amendments and show we can move three very important bills. The one affecting transportation and housing is important to our economy. This is a jobs bill, putting people to work building highways, roads, and housing. Agriculture is an important part of our economy, and also Commerce, Justice, and Science is the innovation committee, the trade committee, and the advocacy for justice committee. We

look forward to these amendments and debating them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, in a few minutes, I want an opportunity to, for clarification, talk about the LRA, troops who have gone over to northern Uganda, including Rwanda and south Sudan. I will wait now because a lot will want to speak subject to these amendments.

I wish to mention something I think is significant because nobody is talking about it. People have heard me talking over the years about the overregulation being pursued by this administration in every area and what it is costing in terms of jobs.

I know I talk about this quite often, but this time I am talking about a different area of overregulation. Most of the time I am talking about what the EPA is doing to destroy businesses in this country. I do that because I am the ranking member on the Environment and Public Works Committee, which has jurisdiction over the environmental regulations and the EPA.

When we see what they are doing, it is something that is more serious—or at least as serious as all the deficits that are coming out of this administration because it is chasing jobs overseas. We will talk about that. This is a different area altogether.

We talk about the overregulation that comes from the EPA in the EPW Committee, where we have jurisdiction. Today, I want to mention what is going on in the USDA. In the 2008 farm bill, the USDA was instructed to revisit and update the marketing regulations authorized to the Packers and Stockyards Act of 1921. That particular act is governed by the Grain Inspection, Packers, and Stockyards Administration, or GIPSA, as it is referred to. That is all within the USDA.

The agency is supposed to regulate and deal with the marketing practices within the livestock industry. I am from Oklahoma, and it is a huge industry in Oklahoma. This provision of the farm bill was heavily debated and amended when it was considered and, ultimately, the USDA was instructed to provide regulations for a few explicit objectives. Among them were broader contract cancellation rights for livestock growers; the disclosure of foreseeable future necessary capital investment required for contract growers within their growing contracts; and criteria for GIPSA to determine whether producers are treated with unreasonable preference or advantage. The

House already considered this. In fact, they have done their Agriculture appropriations bill.

Several months after the farm bill was enacted—the one I referred to—GIPSA released its preliminary rule, and the rule they published went far beyond the requirements that were explicitly stated in the law.

One of the biggest problems with the rule is that it would allow GIPSA and the USDA to punish livestock producers and buyers for engaging in practices it considers unfair or unjust, even when there is no proof that their practices are actually harming competition within the industry. They want to do this in the name of leveling the playing field, which we hear a lot about around here, and that playing field would be between the packers and livestock producers, but what they are doing is regulating this industry in a way that would prohibit any real innovation or differentiation among companies in the industry. It forces a one-size-fits-all approach to running the livestock industry.

For one, the new rule would require packers and stockyards to keep written documentation justifying any differentiation in price that one pays to different livestock producers. Can you believe this? The USDA wants stockyards to justify every pricing decision they make. If that isn't big government, I don't know what is. The USDA wouldn't require this if they didn't intend to review these documents to determine whether the stockyards provided this justification. When doing this, the USDA bureaucrats will have the power to punish and fine stockyards that it believes are behaving unfairly. This is government determining whether they are behaving unfairly.

My question is this: In what other industry would this be considered acceptable or even appropriate? Can we imagine Walmart being forced to send the Federal Government justification for every price it negotiates with its suppliers? No. That would be ridiculous, and we all understand that.

The livestock industry is no different. This is American business, capitalism, and the individuals participating are doing so voluntarily. No one is forcing anyone to be in the livestock business. Negotiating prices—where some folks get higher and some folks get lower prices—is part of the deal. Some get advantages and some disadvantages, but it isn't government making that determination. That is the way it should be.

Another problem with this rule is that it would ban packer-to-packer sale of livestock. I don't know why the USDA wants to do this. Who cares if one stockyard sells or buys from another? It is none of their business. It seems perfectly American to me. But this will have a particularly negative impact in Oklahoma.

Right now, we only have one pork packing plant of any size in my State of Oklahoma, and the next closest plants are in Iowa, Missouri or probably Nebraska—I am not sure—maybe hundreds of miles away. If packers or entities owned by packers are no longer allowed to sell hogs to other packers, it will force Oklahoma producers to ship hogs out of the State to get them to market. This would increase operating costs, it would be prohibitive, and it would take them out of the market. Even if Oklahoma pork producers chose to ship hogs out of State, the prohibition of packers to sell animals to other packers would force producers to incorporate a middleman to eliminate the direct sale between packers. All this would do is increase the cost of production. That would make us in Oklahoma less competitive.

Let's keep in mind that the Oklahoma pork industry only took off after the construction of a pork processing plant. In 1987, before this plant was constructed, the annual cash receipts for pork producers were \$33 million. That was it. The pork processing plant was constructed in the mid-1990s, provided necessary infrastructure to our State to do this. However, since then, the pork industry's annual cash receipts have risen more than tenfold to \$555 million in 2007. So making this processing plant less capable of serving the needs of Oklahomans and our pork producers will undoubtedly hurt our industry and our consumers.

Unfortunately, these are only a few examples of the bad provisions of the new GIPSA rule I have heard about extensively from my livestock producers, and I am sure everyone else from agricultural States has heard about the concerns their States have. They believe that if this rule is finalized, it will force them to completely change the way they conduct business, and no government rule should force private businesses to do this, especially when the industry practices they have developed have been very effective at safely bringing meat products to the market.

Another problem with this rule is that the USDA has not publicly released the study it did to determine its economic impact. And we know why they haven't. It is very expensive. Several private studies have been done, and one of them estimated that the rule would reduce U.S. economic activity by \$14 billion and would result in the loss of over 100,000 jobs. The USDA needs to release the economic impact analysis it did. There is no justification for their not doing this. So we have made that request, and we are waiting for that to happen.

There is a nominee for Secretary of Commerce—a very nice person, a fine person named John Bryson—whom I oppose. The reason I oppose John Bryson is he has been very active in this whole movement on cap and trade.

We all know what that is. We have talked about it for 10 years. We had the Kyoto Convention that we did not become a part of, and there have been several efforts to have bills on the floor to have cap and trade, supposedly to stop catastrophic greenhouse or global warming. Now people know the science has been debunked. It is not real. Yet they are going ahead and doing it. But if the President is able to pass these regulations, it will cost the American people between \$300 billion and \$400 billion a year.

Now, I would say this. There are a lot of people out there saying: Well, it doesn't hurt to pass a tax increase of \$300 billion if it is going to do something about global warming. Even President Obama's EPA nominee and choice, Lisa Jackson—now confirmed—has gone on record. In response to the question, if we were to pass any of these bills, whether it would be the McCain-Lieberman bill or the Waxman-Markey bill, any of these cap-and-trade bills that would be passing on a \$300 billion to \$400 billion tax increase, if that happened, would that reduce emissions, her answer was no.

Just logically look at that. If we do that in the United States, it will not change the emissions because this isn't where the problem is. The problem is in China and India and in Mexico.

So the cost of these regulations is unbearable for our economy, and here we are with over 9 percent unemployment. We are very fortunate in my State of Oklahoma because we have diversified, and our unemployment rate is down to 5½ percent. But nationally it is a disaster. So regulations are a very important part of this.

I want to make sure we make it very clear that it is not just the regulations that come from the Environmental Protection Agency because these regulations we are talking about are going to be from the USDA.

With that, Mr. President, I yield the floor, unless there is no one waiting.

Ms. MIKULSKI. Mr. President, I would advise the Senator that we are waiting for one of the Senators to come and offer an amendment, if he wishes to speak on another subject.

Mr. INHOFE. I would like to, and I would be happy to yield the floor to anyone else who comes to offer an amendment, if the Senator would alert me to that.

Ms. MIKULSKI. Why don't you proceed.

Mr. INHOFE. All right, I will.

U.S. TROOPS IN NORTHERN UGANDA

Mr. INHOFE. Mr. President, I know there is a lot of confusion, and a lot of people are blaming President Obama for sending 100 troops into northern Uganda.

First, I want to make sure everyone knows I am not a fan of President Obama. He is responsible for all these regulations that are driving out Amer-

ican businesses. He is responsible for the deficit. Actually, his three budgets have had deficits each year of \$1½ trillion, and he is up to almost \$5 trillion in deficits. It is coming not from the Democrats, not the Republicans, not the House or the Senate, it is coming from President Obama. And I disagreed with his position with Libya, sending our troops in there the way he did.

I am on the Armed Services Committee, the second ranking member, and I am very much concerned about what is happening right now and what this President has done to our military in reducing our capability to the extent he has. But having said that, let me say that the criticism he has received for sending 100 American troops into northern Uganda is not justified, and let me explain what I am talking about.

This picture here is of a guy whose name is Joseph Kony. Joseph Kony is a monster. For 25 years, he has been in northern Uganda, but he has been in other countries too—Rwanda, now the new country of South Sudan, the Central African Republic, and the Congo. Those five countries are where he has been.

This is what he does. Many people don't know about him. In fact, 3 or 4 days ago Rush Limbaugh was commenting that nobody knows what the LRA is; that is, the Lord's Resistance Army, and so I am here to tell you and tell you why these troops were sent over. It was not President Obama; it was I who did this. We passed a law requiring that to be done. Let me explain why.

I have been active in Africa for many years. Fifteen years ago, I was in northern Uganda, in an area called Gulu, and I found out there is a guy up there by the name of Joseph Kony.

This is Joseph Kony. He is a spiritual leader. What he does is he goes into the villages and he abducts hundreds and thousands of young kids, usually between the ages of 11 and 14, and then he takes the girls and sends them into prostitution, but he trains the boys to be soldiers. We are talking about kids 11 to 14 years old. So he teaches them how to use AK-47s, and when they graduate, these kids have to go back to the villages from where they were abducted and kill their siblings and kill their parents. If they do not do it, they come back—and this is significant—and they are then mutilated.

These are all kids. See, they are holding their AK-47s and all that.

This next chart shows what happens if one of these kids comes back and he doesn't kill his parents or do as Joseph Kony says. He mutilates the kids, and the way he does it is he cuts off their ears, cuts off their noses, their lips, or cuts off their hands. This guy here, John Ochola, his hands were cut off and his nose and ears were cut off. This one just went through it, and he is still bleeding.

These are kids. These are kids, 12 and 14 years old. This is what he has been doing to thousands of kids for 25 years now. So having sympathy for that, I came back and talked to some of my colleagues here, and I said: We have to do something about this. At that time, we were not allowed to send troops in. This has nothing to do with sending combat troops into an area. Certainly this has nothing to do with what the President did in Libya. But we passed a law that said that we are sending assistance into northern Uganda and the other four countries, but they are specifically precluded from entering into combat. In other words, the 100 troops who went in cannot even carry a weapon. They cannot be involved by law. I put that in the law. Those words are there. So what we are doing is we are able to go in and assist them in intelligence, maybe loan them a helicopter or whatever they need to take this guy out or to bring him to the international court. That would probably be better.

But this is what this guy has been doing for 25 years, and you have to go see it to really appreciate it—these mutilated little kids.

Well, anyway, I will say this. Those who are critical of me for supporting sending our troops over are ill-founded in their criticism for two reasons. First of all, we already have troops all over the world in places such as Africa. In the continent of Africa, we have several thousand American troops in a program called Train and Equip. It is specifically called 1206 and 1208 funding. That means we go into these countries and we help train the African nations to prepare for when the squeeze takes place in the Middle East and the terrorists come down through Djibouti and the Horn of Africa and spread out through the African Continent. We are building five African brigades. We are training them so that when something happens, as it did happen in the countries where we are currently in battle, we don't have to send our troops in because we are training them so they can take care of their own problems. That is essentially what is happening.

I was in this brandnew country the other day, South Sudan. We have all heard about Sudan and Khartoum and heard and been told about all the atrocities that are committed there, and it just makes you cry when you see what is happening. Well, they now have split off, so South Sudan has a separate country. I was there last week. I was the first one there in terms of Members of the Senate just to cheer them on.

I had 25 members of the Parliament of this new country called South Sudan with me for a period of 2 hours. Do you know what they said, Mr. President. They said: If you really want to do something about terrorism, get this growing force that Joseph Kony has and help us take him out.

This question was asked of me today on a talk radio show: Why is it we can't get Uganda or Congo or Rwanda to do this?

I would suggest that the Presidents of these three countries came from the bush. President Museveni was a warrior in the bush, and he doesn't like to admit he can't take care of one monster named Joseph Kony by himself. The same is true with Paul Kagame, who is President of Rwanda. Remember 1994 when they had the genocide? And he came from the bush. He is a tough warrior, but he doesn't want to admit he would have to have help to take care of that. Joe Kabila, from the Congo, the same thing.

Well, I was able to get the three of them together, and they agreed they would work together with each other, and they asked if they could have some support from the United States in the way of intelligence and maybe a helicopter or two, and I said yes. So we passed the law. This law we passed was right here in the Senate. There was not one Senator who voted against it. I had 64 cosponsors—the largest number of cosponsors on any bill addressing a problem in Africa in the history of this Senate. So we are all in accord.

A lot of Members are not courageous enough to tell the truth about this. A lot join in saying: Oh, we are not going to send more troops over. Let me assure you, these troops are going to go over and save lives. And they could very well be saving American lives because if this terrorist movement is allowed to continue, then we will have another terrorist movement in that part of the world that should be getting a lot of our attention.

So with that, just to repeat two things, first of all, we already have troops over there in Training and Equip. These same troops will be doing that while there. Secondly, there won't be one American troop in harm's way in northern Uganda, the Central African Republic, South Sudan, Rwanda, or any of the other places where Joseph Kony might be leading his reign of terror.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. AYOTTE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 753 TO AMENDMENT NO. 738

Ms. AYOTTE. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment, and I call up my amendment No. 753.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Ms. AYOTTE] proposes an amendment numbered 753 to Amendment No. 738.

Ms. AYOTTE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for the prosecution of enemy combatants in Article III courts of the United States)

After section 217 of title II of division B, insert the following:

SEC. 218. (a) PROHIBITION ON USE OF FUNDS FOR PROSECUTION OF ENEMY COMBATANTS IN ARTICLE III COURTS.—None of the funds appropriated or otherwise made available for the Department of Justice by this Act may be obligated or expended to commence the prosecution in an Article III court of the United States of an individual determined to be—

(1) a member of, or part of, al-Qaeda or an affiliated entity; and

(2) a participant in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(b) DEFINITIONS.—In this section:

(1) The term “Article III court of the United States” means a court of the United States established under Article III of the Constitution of the United States.

(2) The term “individual” does not include a citizen of the United States.

Ms. AYOTTE. Mr. President, I filed amendment No. 753 to H.R. 2012, the appropriations minibuss. My amendment would prohibit the use of funds for fiscal year 2012 for the prosecution of enemy combatants in our article III courts. This prohibition would apply to individuals who are members of al-Qaida or affiliated terrorist groups and who have participated in the course of planning or carrying out attacks against our country, the United States of America, or our coalition partners.

In no other conflict have we treated our enemies as criminals and tried them in our civilian court system. I believe we need to stop criminalizing this war, and that is why I have brought forward this amendment. These individuals should be treated with military custody and tried in military commissions, and that is why I have brought forward this amendment at this time.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. I am here to speak in favor of the entire appropriations legislation that is before us, but particularly the Commerce, Justice, and Science appropriations bill. I thank

Senator MIKULSKI for her leadership, and all of the members of that subcommittee who have worked on this portion of the appropriations legislation before us.

Given the current financial constraints we are facing, I know this has been an especially difficult time to be trying to address the needs in the critical areas of our Federal budget, particularly with respect to Commerce, Science, and Justice, but I am here to speak to the section of the bill that deals with the Federal Bureau of Prisons.

I am here on behalf of New Hampshire, because we have a particular interest in this section of the legislation because it directs the Bureau of Prisons to activate three Federal prisons which are currently built but are not yet opened. One of those prisons is in Berlin, NH, in the northernmost part of our State.

I came to the floor last spring when we were debating the 2011 continuing resolution to talk about this issue of opening the Berlin prison because it was completed and not yet opened. The prison is a medium-security prison. It was completed last November at a cost of \$276 million. Since November, when the project was completed, it has been costing us \$4 million to maintain security at the prison to make sure that damage is not done to this new facility. We have had a warden on board since about that time, but she has not been able to hire any of the staff she needs to activate this prison.

Since that time, when I last came to the floor, our Federal prison system has gotten even more overcrowded. Last spring, I talked about the fact that our prison system was 35 percent overcrowded, and that for medium-security facilities it was 39 percent overcrowded. Since that time, we have had a net increase of 7,541 Federal prisoners in our system, so now our entire prison system is 39 percent overcrowded and medium-security prisons are 51 percent over capacity. If we are going to ensure safety, we need to begin to open some of these new facilities, and I am very pleased that we have language in the Commerce, Justice, and Science bill that would address opening these new facilities, including the Berlin prison.

This is a project that has bipartisan support. The new prison in Berlin was started under President Bush. It was continued under President Obama. The congressional delegation in New Hampshire supports the facility. It will create about 340 jobs in a region of the State that is very much in need of new jobs because it has lost a lot of its manufacturing base because the paper industry has moved offshore. It would have an impact of about \$40 million to the region of the State where it is located which is, again, very important for a region that economically is in need of jobs and economic activity.

The community of Berlin has already spent \$3 million for water and sewer upgrades. Since 2008, the residents of Berlin, local businesses, and State workforce development officers have been preparing for the prison to open. The community and local government officials have partnered with the business community to coordinate their resources. They have been waiting for these jobs.

When the New Hampshire Department of Employment Security first began reaching out to people in the North Country about the opportunities in the prison, the workshops were full of job seekers. We have been talking a lot about job creation here in this Congress, and now we have an opportunity to act on this bill to get people back to work in northern New Hampshire.

Families in New Hampshire and across the country are struggling. We need the jobs this legislation is going to create. At a time when we should be focused on reining in wasteful spending, we can't continue to spend millions of taxpayer dollars to maintain an empty building. So this funding is good economic policy, it is good fiscal policy, and I certainly intend to support this piece of the appropriations legislation before us, and I hope all of my colleagues will do the same.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Maryland.

Ms. MIKULSKI. Does the Senator from Idaho wish to offer an amendment?

Mr. VITTER. And if I could address the Senator through the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. I have a modification to my amendment which will take about 1½ minutes.

Ms. MIKULSKI. Madam President, what I wish to suggest as a way of proceeding, with the concurrence of the other side, is the Senator modify his amendment, because that is quick. Then we will go to the Senator from Idaho. Then I have some rebuttals to some of the amendments offered.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 769, AS MODIFIED

Mr. VITTER. Madam President, I call for regular order with respect to amendment No. 769 and that the amendment be modified with the changes that are at the desk.

The PRESIDING OFFICER. The amendment is pending. The amendment will be so modified.

The amendment, as modified, is as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. _____. None of the funds made available in this Act for the Food and Drug Administration shall be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))) from importing

a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That the prescription drug may not be (1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or (2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262). None of the funds made available in this Act for the Food and Drug Administration shall be used to change the practices and policies of the Food and Drug Administration, in effect on October 1, 2011, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use, with respect to such importation by individuals from countries other than Canada.

Mr. VITTER. Madam President, I ask unanimous consent that Senators STABENOW and BINGAMAN be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. In closing, let me state that this again very tightly narrows the amendment to a very specific purpose, to allow safe FDA-approved prescription drugs to be reimported for individual consumer use from Canada, and Canada only.

In doing so, this makes it a nearly identical amendment to that which was approved in the last Senate on a strong bipartisan vote. I urge and look forward to that same strong support for this Vitter amendment No. 769.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 814 TO AMENDMENT NO. 738

Mr. CRAPO. Madam President, I ask unanimous consent to set aside the pending amendment, and I call up my amendment No. 814.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. CRAPO], for himself, Mr. JOHANNES, Mr. SHELBY, Mr. TOOMEY, Mr. MORAN, and Mr. VITTER, proposes an amendment numbered 814 to amendment No. 738.

Mr. CRAPO. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the orderly implementation of the provisions of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, and for other purposes)

On page 83, between lines 20 and 21, insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Commodity Futures Trading Commission—

(1) to promulgate any final rules under the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203; 124 Stat. 1376) (including under any law amended by that Act) or the Commodity Exchange Act (7 U.S.C. 1 et seq.), until the Commodity Futures Trading Commission, jointly with the Securities and Exchange

Commission and the prudential regulators (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a))—

(A) has, pursuant to the notice and comment provisions of section 553 of title 5, United States Code, adopted an implementation schedule for title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8301 et seq.) (including amendments made by that title) (referred to in this section as “the title”) that sets forth a schedule for the publication of final rules required by the title that—

(i) begins with the publication of the rules required under section 712(d)(1) of that Act (15 U.S.C. 8302); and

(ii) includes provisions that require a rulemaking and provisions that do not require a rulemaking; and

(B) has completed and submitted to Congress an analysis that includes—

(i) a quantitative analysis of the effects of the title on United States economic growth and job creation;

(ii) an assessment of the implications of the title for cross-border activity by, and international competitiveness of, United States financial institutions, companies, and investors;

(iii) an assessment of whether and how the definitional, clearing, trading, reporting, recordkeeping, real-time reporting, registration, capital, margin, business conduct, position limits, and other requirements of the title work together, and how those requirements affect market depth and liquidity;

(iv) an assessment of the implications of any lack of harmonization by the Securities and Exchange Commission, the Commodity Futures Trading Commission, and the prudential regulators with respect to the timing and the substance of the rules of those entities; and

(v) an analysis of the progress of members of the Group of 20 and other countries toward implementing derivatives regulatory reform, including material differences in the schedule for implementation (as well as material differences in definitions, clearing, trading, reporting, registration, capital, margin, business conduct, and position limits) and the possible and likely effects on United States competitiveness, market liquidity, and financial stability; or

(2) to further define the terms—

(A) “swap” and “security-based swap” to include—

(i) for purposes of section 4s(e) of the Commodity Exchange Act (7 U.S.C. 6s(e)) and section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-10(e)), an agreement, contract, or transaction that would otherwise be a swap or security-based swap, in which 1 of the counterparties is not—

(I) a swap dealer or major swap participant;

(II) an investment fund that—

(aa) has issued securities (other than debt securities) to more than 5 unaffiliated persons;

(bb) would be an investment company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3)) but for paragraph (1) or (7) of subsection (c) of that section; and

(cc) is not primarily invested in physical assets (including commercial real estate) directly or through an interest in an affiliate that owns the physical assets;

(III) a regulated entity, as defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502); or

(IV) a commodity pool that is predominantly invested in any combination of com-

modities, commodity swaps, commodity options, or commodity futures;

(ii) an agreement, contract, or transaction that would otherwise be a swap or security-based swap, and that is entered into by a party that is controlling, controlled by, or under common control with its counterparty; or

(iii) except with respect to any law (including rules and regulations) prohibiting fraud or manipulation, an agreement, contract, or transaction that would otherwise be a swap or security-based swap and—

(I) is entered into outside of the United States between counterparties established under the laws of any jurisdiction outside of the United States (including a non-United States branch of a United States entity licensed and recognized under local law outside of the United States);

(II) has a valid business purpose;

(III) is not structured with the sole purpose of evading the requirements of the title; and

(IV) is not reasonably expected to have a serious adverse effect on the stability of the United States financial system; and

(B) “major swap participant” and “major security-based swap participant” in a manner that does not distinguish between—

(i) net and gross exposures; and

(ii) collateralized and uncollateralized positions.

Mr. CRAPO. I wish to note that as cosponsors of the amendment, Senators JOHANNES, SHELBY, TOOMEY, MORAN, VITTER, and KIRK are also supportive.

The unprecedented scope and pace of agency rulemaking in the United States today is posing incredible uncertainty and threat to our economy. Americans today know that jobs are the No. 1 issue we face, and consistently across the country Americans are also recognizing that the explosion of government regulatory action is one of the huge impediments to our job creation efforts in America.

Unfortunately, under the Dodd-Frank Act, we are seeing one of the most significant rulemaking levels of activity in every part of our economy. Many of the proposed rules do not give sufficient consideration to how they will affect Main Street or our economy as a whole, how they will interact with one another or, frankly, how they will impact our global competitiveness.

Through this amendment, I focus on the CFTC to send a strong message to all regulators involved in the rulemaking process that we cannot afford regulations that unnecessarily burden our businesses, our economy, and our competitive position in the global marketplace.

This amendment does three basic things:

It prohibits funds from being used by the CFTC to promulgate any final rules until the agency substantiates that those rules are economically beneficial; secondly, it adheres to congressional intent to provide end users with a clear exemption from margin requirements; and, third, it sets clear bounds on the overseas applications of the derivatives requirements.

With regard to the process portion of the amendment, in February, when

many members of the banking committee wrote to our financial regulators, we strongly urged them to employ fundamental principles of good regulation in their statutory mandate and not to sacrifice quality and fairness in exchange for speed. We had two main concerns: that the regulators are not allowing adequate time for meaningful public comment on their proposed rules; and that the regulators are not conducting rigorous quantitative analysis of the costs and benefits of their rules and the effects those rules can have on our economy and our competitive position in a global marketplace.

On April 15, 2011, the Office of Inspector General for the CFTC issued a report of an investigation entitled “An Investigation Regarding the Cost Benefit Analyses Performed by the Commodity Futures Trading Commission in Connection with Rulemakings Undertaken Pursuant to the Dodd-Frank Act.” Unfortunately, the IG report demonstrated that the CFTC is not using rigorous economic analysis to shape its rulemaking.

In April, Harvard Law Prof. Hal Scott testified on urgently needed fixes in the Dodd-Frank rulemaking process. We also began hearing from CFTC Commissioners Scott O’Malia and Jill Sommers about problems with the rulemaking process, specifically with economic analysis.

In August, CFTC Commissioner Scott O’Malia stated that the current process of enacting rules under the Dodd-Frank Wall Street Reform Act is inadequate, and excoriated the regulatory body for not putting together a clear rulemaking order and implementation schedule for public comment.

Again, in August, CFTC Commissioner Jill Sommers stated:

I believe it is a mistake for us to begin the process without a plan to logically sequence our consideration of final rules along with a transparent implementation plan.

In July, the SEC’s proxy access rule became the first Dodd-Frank rule to be successfully challenged in court for failing to adequately analyze its economic costs and benefits. In the unanimous decision to vacate the rule, U.S. Circuit Court Judge Douglas Ginsburg wrote:

The Commission inconsistently and opportunistically framed the costs and benefits of the rule; failed adequately to quantify the certain costs or to explain why those costs could not be quantified; neglected to support its predictive judgments, contradicted itself; and failed to respond to the substantial problems raised by commenters.

In this amendment, we require the CFTC to fix its rulemaking process by prohibiting funding for any final CFTC rules until the Commission, jointly with the SEC and other prudential regulators, publishes a schedule outlining the order in which the agencies will consider and implement the final rules. Affected market participants will be

able to weigh in and be heard about how rules should be adopted and implemented. Agencies will have to work together to come up with coordinated schedules for proceeding with rule-making and implementation. The agencies will have to take into consideration economic impacts, international competitiveness, the interaction of their rules one with another, and the implications of inconsistencies in the approaches taken by different regulators.

It is more important that the CFTC and other agencies allow for meaningful public comment and economic analysis than it is to rush through these rules and risk undermining the integrity of the process and diminishing the utility of this important market.

Secondly, we protect end users from the burdensome margin requirements of the statute. When the Dodd-Frank conference was reopened to deal with the scoring issue, Senators Dodd and Lincoln acknowledged that the language for end users was not perfect, and tried to clarify the intent of the language with a joint letter, stating:

The legislation does not authorize the regulators to impose margins on end users, those exempt entities that use swaps to hedge or mitigate commercial risk.

However, regulators have interpreted the actual Dodd-Frank legislative language as providing authority to require end users to post margin. This amendment provides certainty for Main Street businesses that played no role in the financial crisis by establishing a clear exemption from excessive margin requirements.

End users have emphasized the critical importance of addressing this problem. In its letter, the Coalition for Derivatives End-Users highlighted the stakes of getting this issue right. They said:

While the Dodd-Frank Act and implementing regulations do much to increase transparency and reduce systemic risk in the derivatives market, they include provisions that, if implemented as proposed or otherwise expected, would impose unnecessary burdens on end-user companies. While we believe it is important to reduce risk within our financial markets, transactions with end users have not been found to pose systemic risk. Our companies and our economy cannot afford to unnecessarily tie up capital that would otherwise be used to promote growth and create jobs.

MillerCoors echoed these sentiments when it said:

This amendment protects our ability to efficiently buy malting barley, hops and other ingredients used to brew our beers.

FMC and the National Association of Corporate Treasurers noted:

This legislation addresses concerns that are of critical importance to end-users—companies using derivatives to reduce business and financial risk and not to speculate. FMC and the other members of the NACT support legislation enabling end-users to continue their cost-effective use of derivatives to manage the commercial risks that they face

when they make investments to expand plant and equipment, conduct research and development, build inventories to support higher sales, and to sustain and ultimately grow jobs.

The third thing the amendment does is to limit the extraterritorial reach of Dodd-Frank—of the CFTC rulemaking to streamline regulation and protect American competitiveness. Chairman JOHNSON and Congressman FRANK recently sent a letter to the regulators that brought up the concern that the extraterritorial imposition of margin requirements raises questions about the consistency with Congressional intent regarding title VII.

They pointed out that Congress generally limited the territorial scope of title VII activities to within the United States. Extraterritorial application of one nation's laws to another nation's markets and firms is especially problematic in a global market such as derivatives, where it is common for counterparties based in different parts of the world to engage in transactions with each other.

The historical practice of U.S. regulators is to recognize and defer to foreign regulators when registered entities engaged in activities outside the United States are subject to comparable foreign regulation.

Given recent statements and actions by U.S. regulatory agencies, there is concern that proposals could create uncertainty as to how additional regulations could apply across borders and alter regulatory precedent. While there is bipartisan support from Members of Congress to encourage our regulators to work with their international counterparts to seek broad harmonization, there is a growing list of noteworthy and critical items that we are seeing related to the lack of progress on international harmonization.

The CFTC and the SEC are taking divergent approaches on some derivatives rules, raising questions about whether we can harmonize even within our own borders, let alone with foreign regulators. Foreign jurisdictions in Europe, not to mention Asia and Latin America, have outright rejected many reforms—such as the section 716 swap pushout provisions. It remains unclear as to what foreign jurisdictions will impose a margin requirement such as proposed by our prudential regulators. Simply put, the rest of the world is not following us in a number of critical areas.

Third parties, including market analysts and economists and academics, have also indicated that these rules will negatively impact U.S. competitiveness and growth. Our Fed Chairman Bernanke recently warned that the extraterritorial application of margin rules could create a significant competitive disadvantage for U.S. companies. We can't force Europe or Asia or Latin America to follow, and if our

rules are finalized in the United States before other jurisdictions' rules, we risk substantially harming U.S. competitiveness, growth, and financial stability. That is why this amendment sets clear bounds on the overseas applications of the derivatives requirements, while allowing regulators to stop systemically dangerous transactions intended to evade U.S. requirements.

In conclusion, there can be no doubt about our resolve to address the root causes of the financial crisis. But equally, there can be no doubt about our resolve to ensure that we do this with great care. Failing to do so will threaten our businesses, our economy, and our competitiveness globally. I urge my colleagues to support this amendment as an important step to ensuring that while working together for the former, we do not neglect the latter.

I yield the floor.

AMENDMENT NO. 879 TO AMENDMENT NO. 738

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, as provided under the previous unanimous consent order, I ask the pending amendment be set aside so I may call up my amendment No. 879.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. MERKLEY] proposes an amendment numbered 879 to amendment No. 738.

Mr. MERKLEY. I ask unanimous consent further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit amounts appropriated under this Act to carry out parts A and B of subtitle V of title 49, United States Code, from being expended unless all the steel, iron, and manufactured products used in the project are produced in the United States)

On page 264, between lines 9 and 10, insert the following:

SEC. 153. BUYING GOODS PRODUCED IN THE UNITED STATES.

(a) COMPLIANCE.—None of the funds made available under this title to carry out parts A and B of subtitle V of title 49, United States Code, may be expended by any entity unless the entity agrees that such expenditures will comply with the requirements under this section.

(b) PREFERENCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation may not obligate any funds appropriated under this title to carry out parts A and B of subtitle V of title 49, United States Code, unless all the steel, iron, and manufactured products used in the project are produced in the United States.

(2) WAIVER.—The Secretary of Transportation may waive the application of paragraph (1) in circumstances in which the Secretary determines that—

(A) such application would be inconsistent with the public interest;

(B) such materials and products produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or

(C) inclusion of domestic material would increase the cost of the overall project by more than 25 percent.

(c) **LABOR COSTS.**—For purposes of this subsection (b)(2)(C), labor costs involved in final assembly shall not be included in calculating the cost of components.

(d) **MANUFACTURING PLAN.**—The Secretary of Transportation shall prepare, in conjunction with the Secretary of Commerce, a manufacturing plan that—

(1) promotes the production of products in the United States that are the subject of waivers granted under subsection (b)(2)(B);

(2) addresses how such products may be produced in a sufficient and reasonably available amount, and in a satisfactory quality, in the United States; and

(3) addresses the creation of a public database for the waivers granted under subsection (b)(2)(B).

(e) **WAIVER NOTICE AND COMMENT.**—If the Secretary of Transportation determines that a waiver of subsection (b)(1) is warranted, the Secretary, before the date on which such determination takes effect, shall—

(1) post the waiver request and a detailed written justification of the need for such waiver on the Department of Transportation's public website;

(2) publish a detailed written justification of the need for such waiver in the Federal Register; and

(3) provide notice of such determination and an opportunity for public comment for a reasonable period of time not to exceed 15 days.

(f) **STATE REQUIREMENTS.**—The Secretary of Transportation may not impose any limitation on amounts made available under this title to carry out parts A and B of subtitle V of title 49, United States Code, which—

(1) restricts a State from imposing requirements that are more stringent than the requirements under this section on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries, in projects carried out with such assistance; or

(2) prohibits any recipient of such amounts from complying with State requirements authorized under paragraph (1).

(g) **CERTIFICATION.**—The Secretary of Transportation may authorize a manufacturer or supplier of steel, iron, or manufactured goods to correct, after bid opening, any certification of noncompliance or failure to properly complete the certification (except for failure to sign the certification) under this section if such manufacturer or supplier attests, under penalty of perjury, and establishes, by a preponderance of the evidence, that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error.

(h) **REVIEW.**—Any entity adversely affected by an action by the Department of Transportation under this section is entitled to seek judicial review of such action in accordance with section 702 of title 5, United States Code.

(i) **MINIMUM COST.**—The requirements under this section shall only apply to contracts for which the costs exceed \$100,000.

(j) **INTERNATIONAL AGREEMENTS.**—This section shall be applied in a manner consistent with United States obligations under international agreements.

(k) **FRAUDULENT USE OF "MADE IN AMERICA" LABEL.**—An entity is ineligible to re-

ceive a contract or subcontract made with amounts appropriated under this title to carry out parts A and B of subtitle V of title 49, United States Code, if a court or department, agency, or instrumentality of the Government determines that the person intentionally—

(1) affixed a "Made in America" label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this section applies, but were not produced in the United States; or

(2) represented that goods described in paragraph (1) were produced in the United States.

Mr. MERKLEY. Madam President, I rise to offer this amendment for the consideration of this body because it is important to boosting American jobs and manufacturing and ensuring that more of our American dollars are spent here at home. When the Federal Government spends tax dollars, it should be looking to American companies to provide goods and services. Recently, an issue came to light that gave me substantial concern.

A few months ago, a bid was awarded to a Chinese company to provide steel for a freight rail bridge in Alaska, the Tanana Bridge. There was strong American competition. However, the award went to the Chinese company.

If there were a level playing field, that would be one thing. But, in fact, China is employing a three-tiered strategy that provides enormous subsidies to its own manufacturing, tilting the playing field considerably. The first part of that strategy is to peg its currency so its products have a 25- to 40-percent subsidy—equivalent to that subsidy—because of the pegging of the currency.

The second piece is it provides all kinds of subsidies that are not actually permitted under WTO, but China is doing it anyway. These go directly to the heart of manufacturing competition. Recently, a bipartisan amendment was put forward. I applaud my colleagues from Wyoming, Senator ENZI and Senator BARRASSO. We said China is required under the WTO to post its subsidies, to notify the parties of its subsidies. It has done so only once since 2006. It is in violation. Also, under the WTO, the American Trade Representative is authorized to counternotify if China fails to do so—and we had not done so. So we called upon our Trade Representative to counternotify. Very interestingly, the next week we get this list of 200 subsidies that China is utilizing outside the framework of WTO to subsidize its manufacturers and compete unfairly against the United States.

The third part of the strategy is that China is using its central bank as the only authorized bank to control the interest rate on deposits and thereby also being able to control the interest rates on loans in a fashion that provides enormous subsidies to our competitors in China. Until recently, America had

stood on the sidelines and not confronted any of these three Chinese strategies other than to say in some cases that are relevant to our national defense and our national transportation system there needs to be a provision to buy products inside America.

But this particular project fell between the cracks. Although the funds came from the Defense Department, it was not a straight Defense Department program, and although it was a rail program, it was not a passenger rail program. This amendment closes this loophole.

At a time when Americans everywhere are searching for jobs, we should be supporting American companies that employ and hire Americans, especially to make sure American companies are not disadvantaged by this three-tier Chinese strategy that tilts the playing field against our companies and thereby destroys jobs in America. Under this amendment, freight rail transportation contracts exceeding \$100,000, funded in the appropriations bill, would use steel, iron, and manufactured products produced in America.

There is flexibility provided to the Secretary of Transportation to waive this requirement under one of three scenarios—if the application is inconsistent with the public interest, if the materials and products are not available in sufficient quantity or quality or that the inclusion of domestic material would increase the price by more than 25 percent.

I am not sure 25 percent is high enough, given that just pegging its currency creates a 25- to 40-percent subsidy for Chinese products, so this may not go far enough. This may only go a small portion of the way to leveling the playing field. I lay it down as a marker that we should create fairness so American manufacturers can compete. This amendment may not go as far as it should, but it is certainly a stride in the right direction. For that reason, I urge my colleagues to support it. If we do not make things in America, we will not have a middle class in America.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 815 TO AMENDMENT NO. 738

Mr. MORAN. Madam President, I ask unanimous consent the pending amendment be set aside and the Moran amendment No. 815 be made the order of the day in the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. MORAN] proposes an amendment numbered 815 to amendment No. 738.

Mr. MORAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, line 17, insert “: *Provided further*, That \$8,000,000 of the amount made available by this heading shall be transferred to carry out the program authorized under section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012)” before the period at the end.

Mr. MORAN. Madam President, the amendment I am offering today was one I discussed in the agricultural appropriations subcommittee. I am a Member of that subcommittee and am very interested in the topic of the appropriations for the Department of Agriculture. This amendment would transfer \$8 million from the Department's administrative account to the Watershed Rehabilitation Program. The Watershed Rehabilitation Program is a bit broader than this, but basically what we are talking about are PL-566 watershed structures. Across our country, more than 1,000 structures have been built over a long period of time. Many of them are up to 50 years old. These structures are built for purposes of flood control, for nutrient management, for conservation, wildlife habitat, for recreation. Clearly, these structures have been an important component of the economy and well-being of communities and people across America for a long time.

In fact, according to the Natural Resources Conservation Service of the Department of Agriculture, these PL-566 structures provide agricultural benefits at their estimate of \$404 million. These benefits are things such as erosion control, animal waste management, water conservation, water quality improvement, irrigation efficiency, changes in land use—things such as that.

There are also nonagricultural benefits which the NRCS estimates at \$877 million in benefits. These are associated with recreation, fish and wildlife, rural water supply, water quality, municipal and industrial water supply, incidental recreation uses. Then, of course, what is particularly important as we look at what has happened in our country during this season, during this year: flood control. Agricultural flood control by NRCS estimates is a value of \$320 million; nonagricultural flood protection, \$425 million. We are talking about flood control structures that have benefited, for a number of reasons, about \$2 billion. This amendment does not create the opportunity to construct more of those structures. The problem this amendment addresses is that those structures are aging. As I said earlier, many of them are nearly 50 years old.

In my view, it is very much like the analogy we have with bridges. We focused some attention over the last several years on deteriorating bridges and infrastructure in our highway system. We know if we don't provide the maintenance, the deterioration occurs, and ultimately we could have a catas-

trophe. That is what I am trying to address here, is my fear that in the absence of paying attention to the maintenance of these flood control structures, we run the potential of having a disaster. Not only do the benefits accrue to agriculture and to communities and water supply and recreation, but the real thing here is about the loss of property values and, more importantly, the loss of life. In the absence of maintaining these structures, we run the risk that the investment we have made over decades begins to disappear. Not only do we lose the value of the asset, we potentially lose life by those who would be harmed by the flooding that will occur in the absence of these flood control measures.

Therefore, a watershed rehabilitation program was created years ago. The problem in the funding we have today in the appropriation bill before us is there is no money, zero money in the bill, to maintain these structures. So ours is a very modest proposal to keep the program ongoing of transferring \$8 million into that rehabilitation program to maintain those structures and prevent bad things from happening. This is probably woefully inadequate in regard to the amount of resources that should be devoted to this. Looking at the bill and looking at the structure of the bill and how we tried try to find the right priorities and the balance within the agriculture appropriations subcommittee and at the full Appropriations Committee, we concluded that we had the opportunity to at least put \$8 million into the program.

The watershed rehabilitation program is administered by the Natural Resource and Conservation Service, and here is what it is described to do. It assists project sponsors with rehabilitation of aging project dams. Only dams installed under PL-566 and a couple of other programs are eligible. The purpose of this program is to extend the service life of dams and meet applicable safety and performance standards. Priority is given by NRCS to those structures that pose the highest risk to life and property. Projects are eligible when hazard to life and property increases due to downstream development and where there is a need for rehabilitation to extend the planned life of the structure.

What that is saying is in many of these instances where the structure has been built, almost 50 years ago, communities have been built downstream and the dam becomes even more important to protect property and life for that development. So we are here trying make certain there is a level of funding for repairing and replacing deteriorated components, repairing damage from catastrophic events, such as the floods we have experienced this year, and upgrading the structures to meet new dam safety laws or to even decommission a structure.

I would guess we are not going to fund new structures here in this Congress in this fiscal environment. We ought to at least take the responsibility of providing money to maintain the structures that are there. In my view, it is important that we do so. Unlike in past years, we can be assured that the money we put into this bill will go to the highest priority projects, the dams that are in the most need of repair and maintenance. There is no opportunity for Members of Congress, under our rules here in the Senate, to earmark these dollars, and so the USDA, the Department of Agriculture, through the Natural Resource and Conservation Service, will make those decisions.

We are not one of the States that has the most dam structures, although it is an important aspect of maintaining water in its proper place and to provide wildlife habitat and conservation practices and improve the agricultural environment. Those structures are important to us, and we see this each and every day.

In fact, for most of the time I have been in Congress, we do an annual what I call conservation tour. We look at the role of the Department of Agriculture, the private sector, wildlife and habitat organizations, and how they partner and come together to make good things happen to improve our environment. This year we focused on water quality and water quantity. Clearly this program of PL-566 structures is critical.

When I talk about that partnership, it would be important for Members of the Senate to know that this program requires a 35-percent local match. There is local money. The sponsors of these projects, these dams across our country, will have to find local resources in order to make that match.

I would ask the Senate to approve the amendment I am offering today. Again, it is something I raised in our subcommittee and raised in our full committee with the hopes we would be able to find a satisfactory offset, and from my view, the priority we place on this program is one that is deserving of Senate support.

I offer the amendment as I described. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

AMENDMENT NO. 771, AS MODIFIED, TO
AMENDMENT NO. 738

Mr. BINGAMAN. Madam President, I call up amendment No. 771, and ask that it be modified with the changes that are already at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment, as modified.

The Senator from New Mexico [Mr. BINGAMAN], for himself and Ms. STABENOW, proposes an amendment No. 771, as modified, to amendment No. 738.

Mr. BINGAMAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 771), as modified, is as follows:

(Purpose: To provide an additional \$4,476,000, with an offset, for the Office of the United States Trade Representative to investigate trade violations committed by other countries and to enforce the trade laws of the United States and international trade agreements, which will fund the Office at the level requested in the President's budget and in H.R. 2596, as reported by the Committee on Appropriations of the House of Representatives)

On page 209, between lines 2 and 3, insert the following:

SEC. 542. (a) The matter under the heading "SALARIES AND EXPENSES" under the heading "OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE" in title IV of this division is amended by striking "\$46,775,000" and inserting "\$51,251,000".

(b) Of the unobligated balance of amounts made available to the Department of Justice for a fiscal year before fiscal year 2012 for the "Legal Activities, Assets Forfeiture Fund" account, there are permanently rescinded \$8,000,000, in addition to the amount rescinded pursuant to section 529(c)(2).

Mr. BINGAMAN. Madam President, this is an amendment to increase funding for the U.S. Trade Representative so that the Trade Representative can conduct trade enforcement activities.

The amendment is cosponsored by Senator STABENOW, and I ask unanimous consent to add Senator COONS and Senator BROWN from Ohio as cosponsors as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. This amendment would provide an additional \$4,476,000 to the Trade Representative's Office above the level that is provided for in the bill. That amount is fully offset. It would fund the USTR at \$51,251,000 this year. That is the same level of funding that the President has in his budget request, and also the same level of funding that has been arrived at in the House Appropriations Committee in their legislation. Clearly, there is bipartisan support for this level of funding for the Trade Representative's office.

Last week, as all of us will remember, we sent to the President three new free-trade agreements. I supported those free-trade agreements because they promised to open new markets for American businesses so we can sell more goods that are produced here in the United States. However, if American businesses and workers are to benefit from trade agreements, the United States needs to do more to ensure our trading partners are competing fairly. This means we have to enforce the trade agreements and the U.S. trade laws. Right now, in my view, we are not providing enough resources to the Trade Representative's Office for enforcement activities.

The USTR's general counsel's office has 30 attorneys. Of that 30, 22 are staff attorneys actually involved in day-to-day litigation. These two dozen or so people are responsible for preparing and prosecuting trade dispute cases at the World Trade Organization or under the dispute resolution mechanisms in our free-trade agreements. They are also responsible for defending the United States when other countries file complaints against us. In my view, this is not enough staff to respond in a timely manner to the numerous allegations about unfair trade practices that are being committed by our trading partners.

For example, the U.S. Trade Representative's investigation into China's export restraints on rare earth minerals has been underway for more than 2 years. There are many other concerns about China's trade practices. In fact, many have been discussed here on the Senate floor today. Does China provide subsidies to its companies that are inconsistent with the World Trade Organization? Is China unfairly closing its markets to U.S. goods or unfairly requiring U.S. companies to transfer technology and intellectual property to Chinese companies as a condition of doing business in China? These are serious questions that American businesses have raised informally. In fact, the United Steel Workers formally raised these issues in a section 301 petition last year. Many of these allegations are not fully investigated because we simply have not committed the resources in the U.S. Trade Representative's Office to do the investigations.

Only two attorneys in the U.S. Trade Representative's general counsel's office work on the rare earths and raw materials cases. USTR needs the resources to act quickly to combat unfair trade practices before U.S. industries are irreparably harmed.

The Senate also recently demonstrated bipartisan support for trade enforcement when it passed the Currency Exchange Rate Oversight Reform Act. That was on October 11. The vote there was 63 to 35. I voted for that bill as well. This amendment I am offering today would help provide the U.S. Trade Representative with additional resources to enforce the provisions in that bill as well. I urge my colleagues to support the amendment.

Let me say a few words about the offset. The amendment would propose to rescind \$8 million from the Department of Justice asset forfeiture fund. This fund contains the funds that DOJ obtains from seizing and selling assets, for example, speedboats that are seized from drug dealers. The Department of Justice uses some of these funds for law enforcement, but most of the funds are not used. The fund had a balance of more than \$841 million at the end of fiscal year 2009; \$974 million at the end of 2010; \$701 million at the end of fiscal

year 2011. The Department of Justice projects it will collect more than \$1.7 billion from seized assets this year.

Because of the excess funds in this fund, this asset forfeiture fund, the President's budget suggested that we rescind 620 million of those dollars. The proposal I am making in this as an offset is that we add an additional \$8 million so that the total amount rescinded from that fund would be \$628 million rather than \$620 million. This would leave in the fund \$474 million, which I believe is an adequate amount to ensure that the Department of Justice has the resources it needs for its law enforcement activities.

I believe this is a very meritorious amendment. I think it improves the very good legislation that has been brought to the Senate floor by the Appropriations Committee, but I hope that this amendment can be approved and added to the legislation when the issue is raised for a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I want to thank the Senator from New Mexico for his comments regarding the U.S. Trade Representative and the work of the U.S. Trade Representative's Office.

We do have to fight unfair and even predatory trade practices. In his cogent comments, he spoke about steel. We have been trying to look out for steel in my State for some time against these unfair practices. Sometimes we win, most of the time we lose ground. The amendment that is offered by the Senator from New Mexico would, as he said, increase the funding by \$4.5 million for a new total of \$51 billion. That is identical to what the House has. The amendment does rescind money from the forfeiture fund which has been used for law enforcement task forces, including drugs, human trafficking, and other things. I am inclined to support the amendment. I certainly support the philosophical thrust of the amendment. We have some questions about the offset. We have to get the concurrence of CBO to make sure it is budget neutral, and we are consulting with my ranking member to get her thoughts and views on it.

Again, I wish to say to the Senator from New Mexico that I support the thrust of the amendment, and I need to consult. We are waiting for a comment from our ranking member who is tied up on other legislative matters and we expect to hear from her shortly. When we do, we will be able to talk about how we will dispose of this amendment. I thank the Senator from New Mexico for his advocacy.

AMENDMENT NO. 753

I wish to speak on another matter, which is an amendment that was

raised, amendment No. 753, on terrorists and prosecutions, which was offered by the Senator from New Hampshire earlier. In order to expedite proceedings, I withheld my rebuttal, and now I choose to take this time to rebut the amendment of the Senator from New Hampshire.

I rise in opposition to her amendment. Although well intentioned, there are serious objections to it. Her amendment would prohibit the Department of Justice from trying anyone charged with terrorism-related concerns in an article III court in the United States.

I oppose the amendment for three reasons. First, the amendment is unnecessary. The Department of Justice has a strong track record of successfully prosecuting terrorists in criminal courts.

Second, it goes beyond the law that already prohibits certain terrorist suspects from even coming into the United States, even for prosecution. This was language included in the 2011 continuing resolution, and our fiscal year 2012 CJS bill does carry that same language. For example, we have already dealt with someone such as Khalid Shaikh Mohammed. This amendment also would reach beyond that and it wouldn't allow prosecutions on any new non-U.S. citizen on terrorism-related charges.

Third, this amendment is opposed by the Departments of Justice and Defense. I don't mean just the Departments. Attorney General Eric Holder and Secretary of Defense Leon Panetta object to this amendment. They feel they have a working agreement on how best to try terrorists.

I say to my colleagues, I hope they would reject the amendment of the Senator from New Hampshire when it comes up.

The Department of Justice has a strong record of successfully convicting terrorists in their criminal courts. One can look at the 1993 bombing of the World Trade Center, the attack on the U.S. Embassies in East Africa, and the trial and conviction of the Blind Sheik. Over 400 terrorists have been tried and convicted since 2001. Just last week, another success, the so-called underwear bomber, Umar Farouk Abdulmutallab, pled guilty in Federal court in Michigan. There were and are major cases resulting in criminal convictions of terrorists. So I would suggest the Senator from New Hampshire's concern that the Department of Justice is not equipped to try terrorist suspects does not have traction because the record shows otherwise.

I think we have to be careful because this amendment goes beyond current law. In 2011, we passed the Defense Authorization Act and then the 2011 continuing resolution, both of which prohibit the administration from bringing Guantanamo Bay detainees into the

United States even for prosecution. Congress will have to change restrictions in law before Gitmo detainees are transferred to the United States for prosecution or detention. Senator AYOTTE's amendment would go beyond these restrictions to say that anyone indicted on a terrorism-related charge who isn't a U.S. citizen couldn't be prosecuted in Federal courts, unnecessarily court-stripping.

I have no sympathy for terrorists, and I am going to make sure we honor international law but that we prosecute to the fullest extent possible. What we want to be able to show is that the Department of Justice has successfully prosecuted them, and this amendment would prohibit—this amendment would not be about prosecuting terrorists, it would be about choking the Department of Justice.

Let me go to my third reason, which is the opposition by Secretary Leon Panetta and Attorney General Holder. Defense and Justice share responsibility for prosecuting terrorists. Justice prosecutes in criminal courts and the Defense Department prosecutes in military commissions. Defense and Justice have a joint protocol where they work together to evaluate terrorist cases to decide where best, where most effectively to prosecute them. In light of the restrictions Congress has already made on these trials, the Defense Department decided earlier this year to resume new charges in the military commissions. But Congress shouldn't restrict the ability of the executive branch to decide where best to prosecute terrorists—understanding some of the dynamics of international law, criminal codes, codes of military conduct, to decide where best to prosecute terrorists.

We don't want to set a dangerous precedent, if Defense or Justice are restricted from using every tool available to bring the terrorists to justice.

I hope, when we vote on this amendment, we defeat it, recognizing that the Senator from New Hampshire wants to be sure justice is served, and we want it too. The best way to serve justice is to let the Defense Department and Justice Department decide what court or tribunal is the best way to proceed—to ensure the fairness of a trial but to make sure we have the best, most effective, most efficient way to do it. I must say, when one looks at the record of the Justice Department in prosecuting these terrorists in civilian courts, prosecutions were achieved, convictions were obtained, and as the world watched it, justice was served. I am pretty proud of that.

I hope we will defeat the amendment of the Senator from New Hampshire but that we be united as a Congress and the Senate in making sure we prosecute those who engage in any predatory activity directed to the United States of America and its citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 860 TO AMENDMENT NO. 738

Mr. BLUNT. Madam President, I ask unanimous consent to temporarily set aside the pending amendment to offer the Grassley amendment No. 860.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BLUNT], for Mr. GRASSLEY, proposes an amendment numbered 860 to amendment No. 738.

Mr. BLUNT. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure accountability in Federal grant programs administered by the Department of Justice)

After section 217 of title II of division B, insert the following:

SEC. 218. (a) OVERSIGHT OF DEPARTMENT OF JUSTICE PROGRAMS.—All grants awarded by the Attorney General using funds made available under this Act shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2012, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct an audit of not fewer than 10 percent of all recipients of grants using funds made available under this Act to prevent waste, fraud, and abuse of funds by grantees.

(2) MANDATORY EXCLUSION.—A recipient of a grant awarded by the Attorney General using funds made available under this Act that is found to have an unresolved audit finding shall not be eligible to receive any grant funds under a grant program administered by the Attorney General during the 2 fiscal years beginning after the 6-month period described in paragraph (5).

(3) PRIORITY.—In awarding grants using funds made available under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

(4) REIMBURSEMENT.—If an entity is awarded grant funds by the Attorney General using funds made available under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(5) DEFINED TERM.—In this subsection, the term “unresolved audit finding” means an audit report finding, statement, or recommendation that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 6-month period beginning on the date of an initial notification of the finding or recommendation.

(6) MATCHING REQUIREMENT.—

(A) IN GENERAL.—Unless otherwise explicitly provided in authorizing legislation, no

funds may be expended for grants to non-federal entities until a 25 percent non-Federal match has been secured by the grantee to carry out this subsection.

(B) CASH REQUIREMENT.—Not less than 60 percent of the matching requirement described in subparagraph (A) shall be in cash.

(C) IN-KIND CONTRIBUTIONS.—No more than 40 percent of the matching requirement described in subparagraph (A) may be in-kind contributions. In this subparagraph, the term “in-kind contributions” means legal or other related professional services and office space that directly relate to the purpose for which the grant was awarded.

(7) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this section and the grant programs described in this Act, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General may not award a grant using funds made available under this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant using funds made available under this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(8) ADMINISTRATIVE EXPENSES.—Unless otherwise explicitly provided in authorizing legislation, not more than 8 percent of the amounts appropriated under this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.

(9) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts appropriated to the Department of Justice under title II of division B of this Act may be used by the Attorney General, or by any individual or organization awarded funds under this Act, to host or support any expenditure for conferences, unless the Deputy Attorney General or the appropriate Assistant Attorney General provides prior written authorization that the funds may be expended to host a conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) may not be delegated and shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved and denied.

(10) PROHIBITION ON LOBBYING ACTIVITY.—

(A) IN GENERAL.—Amounts appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of the Federal Government or a State, local, or tribal government regarding the award of grant funding.

(B) PENALTY.—If the Attorney General determines that any recipient of a grant under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

(11) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, the Assistant Attorney General for the Office of Justice Programs, the Director of the Office on Violence Against Women, and the Director of the Office of Community Oriented Policing Services shall submit, to Committee on the Judiciary of the Senate, the Committee on Appropriations of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Appropriations of the House of Representatives, an annual certification that—

(A) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the Assistant Attorney General for the Office of Justice Programs;

(B) all mandatory exclusions required under paragraph (2) have been issued;

(C) all reimbursements required under paragraph (4) have been made; and

(D) includes a list of any grant recipients excluded under paragraph (2) from the previous year.

(b) USE OF FUNDS.—The Office of the Inspector General shall conduct the audits described in subsection (a) using the funds appropriated to the Office of the Inspector General under this Act.

Mr. BLUNT. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 753

Mr. DURBIN. Madam President, I wish to stand and second the remarks made by the Senator from Maryland, Ms. MIKULSKI, related to the Ayotte amendment. I think it is important for us to reflect on recent history.

It was last week that Umar Farouk Abdulmutallab pled guilty in Federal court to trying to explode a bomb in his underwear on a flight to Detroit, MI, on Christmas Day, 2009. Mr. Abdulmutallab, who will be sentenced in January, is expected to serve a life sentence. I wish to commend the fine men and women at the Justice Department and the Federal Bureau of Investigation for their extraordinary work on this case. America is safer because the Obama administration chose the right investigative agency, the Federal Bureau of Investigation, as well as our article III court system, to try Mr. Abdulmutallab.

One would never know this from the speeches on the floor and from the amendment which has been offered by the Senator from New Hampshire because the suggestion is, it was a big mistake—a mistake for us to consider

trying a terrorist in our criminal courts. She suggests, and others have joined her in this suggestion, that all these cases should be tried before military tribunals, military commissions.

I wish to put on the RECORD, in support of what Senator MIKULSKI said earlier, the facts in this case. I can recall when Senator MCCONNELL, the minority leader, came to the floor and spoke in reference to Abdulmutallab:

He was given a 50 minute interrogation, probably Larry King has interrogated people longer and better than that. After which he was assigned a lawyer who told him to shut up.

That was from Senator MCCONNELL.

Unfortunately, as colorful as that depiction of the facts might have been, it just wasn't accurate. It turns out that experienced counterterrorism agencies from the FBI interrogated Abdulmutallab when he arrived in Detroit. According to the Justice Department, during the initial interrogation, the FBI “obtained intelligence that proved useful in the fight against al-Qaida.”

I say to my colleagues, watch this Ayotte amendment carefully, because it says that if there is a reference to a terrorist associated with al-Qaida, we can't turn him over to the FBI or to the court system. He has to go to military tribunals.

After this initial interrogation, Abdulmutallab refused to cooperate further with the FBI. Only then, after he stopped talking, did the FBI give him his Miranda warnings, which are required, of course, under criminal law in the United States. What the FBI did in this case was absolutely nothing new. During the Bush administration, the previous Republican President's administration, the FBI also gave Miranda warnings to terrorists when they were detained in the United States. Here is what Attorney General Holder said:

Across many Administrations, both before and after 9/11, the consistent, well-known, lawful, and publicly-stated policy of the FBI has been to provide Miranda warnings prior to any custodial interrogation conducted inside the United States.

In fact, the Bush administration adopted new policies for the FBI that say: “Within the United States, Miranda warnings are required to be given prior to custodial interviews.”

Let's take one example from the Bush administration: Richard Reid, the so-called shoe bomber. Reid tried to detonate an explosive in his shoe on a flight from Paris to Miami in December of 2001, very similar to what Abdulmutallab tried on that flight to Detroit. So how does the Bush administration's handling of the shoe bomber compare with the Obama administration's handling of the underwear bomber? The Bush administration detained and charged Richard Reid as a criminal. They gave Reid a Miranda warning

within 5 minutes of being removed from the airplane and they reminded him of his Miranda rights four times within the first 48 hours he was detained.

If we listen to the Republican Senators who come to the floor, they would suggest to us that giving Miranda warnings is the end of the interrogation. Once a potential criminal defendant is advised that they have the right to remain silent, the Republican Senators who support this amendment would argue: That is it. We just gave it away. They are going to lawyer up and shut up, and we won't learn anything.

Listen to what happened in the Abdulmutallab case: He was stopped. He was interrogated by the FBI. He spoke to them for awhile. He stopped talking. He was given his Miranda warnings. Let me tell my colleagues what happened next. He began talking again to FBI interrogators and provided valuable intelligence. There was no torture, coercion or waterboarding involved.

FBI Director Robert Mueller described it this way:

Over a period of time, we have been successful in obtaining intelligence, not just on day one, but on day two, day three, day four, day five, down the road.

Let me remind my colleagues: Mr. Abdulmutallab is associated with al-Qaida, the very type of terrorist that would be precluded from an FBI investigation and an article III court prosecution by the Ayotte amendment.

How did this happen? Do you know how it happened? Instead of using coercive techniques, the Obama administration convinced Abdulmutallab's family to come to the United States, and his family sat down with him and told him: Why don't you cooperate with the FBI? And he did. That is a very different approach from what we saw in a previous administration when coercive techniques were used.

But real life is not like the TV Show "24," when old Jack Bauer tortures somebody and they cannot wait to spill the beans. Here is what we learned during the Bush administration: In real life, when people are tortured, they will say anything to make the pain stop. They will lie and fabricate and go on and babble as long as necessary to stop the pain of the torture. They often provide false information instead of valuable intelligence.

Richard Clarke was the senior counterterrorism advisor to President Clinton and President George W. Bush. Here is what he said about the Obama administration's approach:

The FBI is good at getting people to talk . . . they have been much more successful than the previous attempts of torturing people and trying to convince them to give information that way.

So what is the record here? The record is worth recounting. I will tell you, I am not sure of the exact number,

but I have been told that anywhere from 200 to 300 accused terrorists have been successfully prosecuted in the article III criminal courts of America. The Ayotte amendment would stop the President of the United States from using that option—an option that has been used repeatedly over the last 10 years to stop terrorists in their tracks, prosecute them, incarcerate them, and make them pay a heavy punishment for what they tried to do to the United States.

This Ayotte amendment would tie the hands of this President and future Presidents where they could no longer make a decision about whether a case should be tried in the article III criminal courts or in a military commission or tribunal.

Look at the facts. Since 9/11, more than 200 terrorists have been successfully prosecuted, among them, Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing; Omar Abdel Rahman, the so-called Blind Sheikh; the twentieth 9/11 hijacker Zacarias Moussaoui; Richard Reid, the "Shoe bomber;" Ted Kaczynski, the Unabomber; Terry Nichols, the Oklahoma City coconspirator; and now Abdulmutallab.

The Ayotte amendment would stop the President of the United States and the Attorney General and the Secretary of Defense from picking the right place to investigate, to gather information, and to prosecute an individual who is suspected of terrorism in the United States.

During that same period of time, how many individuals have been successfully tried by the military commissions, which Senator AYOTTE believes should be the exclusive place to try a would-be terrorist? Three. So the record is, if you are keeping score, over 200 in the criminal courts; 3 in military commissions. Senator AYOTTE says: Convincing evidence for me. It is pretty clear to me, everybody should go to a military commission. Really? And of the three who were prosecuted in military commissions, two of them spent less than a year in prison and are now living freely in their home countries of Australia and Yemen.

Let's go to GEN Colin Powell, a known member of a former Republican administration and former Secretary of State and former head of the Joint Chiefs of Staff. You would think this man, with his special life experience and responsibilities to fight terrorism, would be a good place to turn. What does GEN Colin Powell think about the notion behind the Ayotte amendment, that we should not try people in criminal courts, only in military commissions? Well, GEN Colin Powell is quite a military man. Here is what he said:

The suggestion that somehow a military commission is the way to go isn't borne out by the history of the military commissions.

It is a very honest statement. It should be honest enough and direct

enough to guide Members of the Senate to defeat the Ayotte amendment. Whether it is a Democratic President or a Republican President, they should have every tool at their disposal to keep America safe. They should pick the forum they believe they can most effectively use to gather information and prosecute terrorists. Time and time and time again, under Republican President Bush and Democratic President Obama, they have turned to our court system, and they have successfully prosecuted terrorists.

One point made by Senator MIKULSKI that I think is worth repeating: What we are saying to the world is, come to America's court system, the same court system where we prosecute people accused of crimes and misconduct in America, and the would-be terrorists are going to be held to the same standards of trial. It will not be a military commission. It will be a court setting which can be followed by the public, not only in the United States but across the world. It says to them that our system of justice is fair and open, and whether a person is a citizen of this country or a suspected terrorist, they can be subjected to the same standards of justice.

I urge my colleagues, do not tie the hands of this President or any President in protecting America against terrorists. Leave to those Presidents the tools they need to effectively protect the United States of America.

Defeat the Ayotte amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from New Jersey.

AMENDMENT NO. 857 TO AMENDMENT NO. 738

Mr. MENENDEZ. Mr. President, I believe we have cleared with the two distinguished Senators who are managing the bill this unanimous consent request, which is to set aside the pending amendment to call up my amendment No. 857.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself, Mr. ISAKSON, and Mrs. FEINSTEIN, proposes an amendment numbered 857 to amendment No. 738.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend loan limits for programs of the government-sponsored enterprises, the Federal Housing Administration, and the Veterans Affairs Administration, and for other purposes)

At the appropriate place, insert the following:

SEC. . HOUSING LOAN LIMIT EXTENSIONS.

(a) FEDERAL HOUSING ADMINISTRATION.—Notwithstanding any other provision of law,

for mortgages for which a Federal Housing Administration case number has been assigned during the period beginning on the date of enactment of this Act and ending on December 31, 2013, the dollar amount limitation on the principal obligation for purposes of section 203 of the National Housing Act (12 U.S.C. 1709) shall be considered to be, except for purposes of section 255(g) of such Act (12 U.S.C. 1715z-20(g)), the greater of—

(1) the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)); or

(2) the dollar amount limitation that was prescribed for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620).

(b) FANNIE MAE AND FREDDIE MAC LOAN LIMIT EXTENSION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for mortgage loans originated during the period beginning on the date of enactment of this Act and ending on December 31, 2013, the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation shall be the greater of—

(A) the limitation in effect at the time of the purchase of the mortgage loan, as determined pursuant to section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), respectively; or

(B) the limitation that was prescribed for loans originated during the period beginning on July 1, 2007 and ending on December 31, 2008, pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110-185, 122 Stat. 619).

(2) PREMIUM LOAN FEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Federal Housing Finance Agency shall, by rule or order, impose a premium loan fee to be charged by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation with respect to mortgage loans made eligible for purchase by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation by a higher limitation provided under paragraph (1)(B), annually during the life of the loan, of 15 basis points of the unpaid principal balance of the mortgage, to achieve an estimated \$300,000,000 from the revenue raised from such fees.

(B) PREMIUM LOAN FEE STRUCTURE.—The premium loan fee is independent of any guarantee fees, upfront or ongoing, charged to the borrower, and the premium loan fee shall not be affected by changes in guarantee fees.

(3) USE OF FEES.—

(A) IN GENERAL.—The fees imposed under paragraph (2) by the Federal Housing Finance Agency shall be deposited in the fund established under subparagraph (C), and shall be used to pay for costs associated with maintaining loan limits established under this section.

(B) SUBJECT TO APPROPRIATIONS.—Amounts in the fund established under subparagraph (C) shall be available only to the extent provided in a subsequent appropriations Act.

(C) FUND.—There is established in the United States Treasury a fund, for the deposit of fees imposed under paragraph (2), to be used to pay for costs associated with maintaining loan limits established under this section.

(4) FHFA REPORT ON FEES.—The Federal Housing Finance Agency shall include in each annual report required by section 1601 of the Housing and Economic Recovery Act of 2008 related to the period described in paragraph (2)(B) a section that provides the basis for and an analysis of the premium loan fee charged in each year covered by the report.

(c) DEPARTMENT OF VETERANS AFFAIRS LOAN LIMIT EXTENSION.—Section 501 of the Veterans' Benefits Improvement Act of 2008 (Public Law 110-389; 122 Stat. 4175; 38 U.S.C. 3703 note) is amended, in the matter before paragraph (1), by striking "December 31, 2011" and inserting "December 31, 2013".

Mr. MENENDEZ. Mr. President, let me speak to this amendment. I offer this amendment along with my distinguished colleague from Georgia, Senator ISAKSON, to temporarily restore the conforming loan limits that expired—the loan limits we had under the law that created the opportunity to loan at these levels—on September 30 of this year. In past years, extending these loan limits has usually occurred on the THUD appropriations bills.

As the chair of the Subcommittee on Housing, I can tell you that getting our housing market moving again is one of the most important tasks facing our country today because if we do not get that weak housing market moving again, we will not get the kind of robust economic recovery that the American people deserve. Historically, whenever we have been in the midst of an economic challenge or a recession, housing has been part of what has led us out of that recession.

Congress could be doing a great deal to get the housing market moving again. But perhaps the first rule we should follow is: Do no harm. Do no harm. But at this point, Congress, in my view, is doing harm to the housing market and to our economic recovery by allowing the higher loan limits to expire. With this bipartisan amendment, we could easily correct this problem.

The lower loan limits of the Federal Housing Administration, government-sponsored enterprises, and Veterans Administration have already resulted in a reduction of consumer credit in 669 counties across 42 States in our country. The expiration is making a weak housing market even weaker. It also makes it harder for middle-class home buyers to get mortgages when credit is already tight. And every day that passes is another day in which credit-worthy borrowers are not getting loans or are having to pay much higher rates that could price them out of the market, and those loans are not going to come back.

I recently chaired a Housing Subcommittee hearing on a different topic, where the witnesses were not chosen for their views on a particular issue. They represented an entire cross section of all of the interested stakeholders in the housing field, including those who were submitted to us by our

Republican colleagues to consider as witnesses. And there were several. Eight of the nine bipartisan witnesses who testified in the hearing agreed that the conforming loan limits should be temporarily extended to boost the housing market, and that now is not the right time to let them expire.

One of the witnesses, Dr. Mark Zandi, chief economist of Moody's Analytics, urged that the limits be extended for "at least" another year. That is a reversal of Dr. Zandi's position from earlier this year, when he had supported the expiration. He said at the hearing that the markets remain too fragile and that allowing the limits to expire would be "an error."

A recent report by the nonpartisan Congressional Research Service found that "virtually no"—no—"jumbo mortgages are being securitized" today. In other words, in an ideal world, the private sector would fill this gap in home mortgages, but the reality is that economic conditions right now are not allowing for that. It certainly has not taken place.

And in terms of cost, our amendment will actually save \$11 million over the next 10 years, and \$2 million in fiscal year 2012 according to CBO. It is more than fully paid for in a fair way by creating a "premium loan fee" of 15 basis points per year that would apply only—to the affected loans. This makes sense because the people benefiting from the loans would be directly responsible for paying the costs of those loans so taxpayers are made whole and no other home buyers would pay. And, as I say, it saves \$11 million over the next 10 years.

Additionally, the amendment will likely help increase returns to taxpayers because FHA audits for the past decade have stated that the larger loans actually perform better and default at significantly lower rates than smaller loans, so allowing the larger loans could actually improve returns to taxpayers.

Finally, I thank the cosponsors of a very similar bipartisan bill—similar to the very essence of what we are trying to do in this amendment—that Senator ISAKSON and I have introduced, the Homeownership Affordability Act: Senators AKAKA, BEGICH, BLUMENTHAL, BOXER, SCOTT BROWN, CARDIN, CHAMBLISS, COONS, FEINSTEIN, INOUE, LAUTENBERG, LIEBERMAN, MERKLEY, MIKULSKI, BILL NELSON, and SCHUMER. I wish to thank the National Association of Realtors, the National Association of Homebuilders, the Mortgage Bankers Association, and all the other groups that have advocated support for this effort. This is an important tool that we can use to boost our housing market and economic recovery at no cost to the taxpayers.

I see my distinguished colleague Senator ISAKSON on the floor, and I certainly would invite him, as a cosponsor

of this amendment—someone who has a long history in the private sector, before he came to the Congress, on the whole question of real estate—I would be happy to yield to him at this time.

Mr. ISAKSON. I thank the distinguished Senator from New Jersey, Mr. MENENDEZ, for his leadership on this issue.

I ask to be recognized.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Thank you, Mr. President.

Let me try to dispel what concern there may be and the concern I heard right before we adjourned in August as to why not to extend the loan limits. People were afraid—and I understand the fear—that it might cause some additional liability in cost to the government and the taxpayers.

Let me make something crystal clear: We are going through a terrible foreclosure problem right now in this country, not because of loan limits but because of underwriting. Underwriting today, because of the ramifications of the real estate collapse, is the most pristine underwriting I have ever seen.

I was in the business for 33 years—since 1966. I have seen a lot of housing recessions go by. I have seen a lot of difficulties. This one is the worst I have ever seen, but it was not caused by the amount of loans made. It was caused by underwriting.

As Senator MENENDEZ has said, this will pay the government back because of the fee associated with the loan, in the first place. In the second place, it will answer the big objective we need to start applying in this country, and that is doing no more harm. A lot of the problems that have been manifested in the real estate industry have been manifested by our doing the harm, either in what we imposed on Freddie and Fannie or what we did not allow to have happen.

The restrictions now on mortgage underwriting under Dodd-Frank and the requirements that are now true in all of our underwriting agencies are so strict that the underwriting of loans is so pristine that only the best of the best is being made. The unintended consequence of not extending these increases in August caused a number of real estate transactions that were made to never close. Because the limit went down, therefore, the loan went down.

No one in this body should confuse the amount of a loan with its ability to be repaid. They need to understand, it is the underwriting of the loan that ensures the repayment.

This, as the Senator said, will add an income to the U.S. Government. It will not add additional pressure on the U.S. taxpayers. It will at least give us breathing room in a housing industry that is still struggling terribly.

So I would ask any of our Members who were objecting back in August to

these loan limits being restored, please come see me. I do not know a lot about many things. I know a whole lot about this because I made my living in this all of my life. I have no interest anymore, so there is no self-interest, except to know we are in deep trouble in our economy.

You are never going to get 9 percent unemployment down until you bring construction back. You are never going to get the American consumer to have more confidence until they feel as though the value of their homes is secured. Those things are not going to happen if a reluctant Congress continues to pass suppressing legislation or keep these loan limits down rather than doing things that will do no harm and help the housing market.

So I lend my full support to Senator MENENDEZ and what he has done. I ask for favorable consideration by our colleagues in the Senate.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I would like to compliment the Senator from New Jersey for this amendment. I think it is common sense. I think it accomplishes so many objectives. No. 1, it helps people with real problems be able to get back on their feet, maintain home ownership, and get our economy going and put people to work.

I know the Senator from New Jersey and others here support an infrastructure bank. Yes, we want to build roads and bridges. I would like to take broadband to every part of America. But we also need to look at home building, and Maryland's has come to a screeching halt, even in a robust State such as Maryland. Everybody I talk to in the Maryland business community says: Unless you crack the housing situation, you cannot crack the economic situation.

By having access to the American dream, which has now become an American nightmare, this American dream created jobs, whether it was people who built them, the real estate developers who developed them, or the people like Senator ISAKSON who made a career of selling them. This was about building a home, and in many instances it was about building community.

I think that where we are, if we agree to the Menendez amendment, that will go a long way in being able to help people. We have to really deal with this. Quite frankly, I have been disappointed. Just about every darn thing we have done to “help with the housing mortgage situation” has been a bust. It has been an absolute bust. We spent millions and so on. We had this program. We had catchy little titles. But nothing catches on to solve the mortgage crisis.

I believe the Menendez amendment, supported by someone who really understands business and housing and

community—I think this amendment is a winner. I am happy to put my name on it. I will look forward to voting for it when the time comes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, just very briefly, I thank my colleague from Maryland and the bill manager. I hope we will get to a point where we can cast a vote on this. I appreciate Senator ISAKSON joining me and others in this effort, and particularly his expertise. If we listen to voices of reason as well as experience here, then Senator ISAKSON's arguments should be a winner. I look forward to hopefully having a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

MOTION TO RECOMMIT

Mr. LEE. Mr. President, I have a motion to recommit with instructions with respect to H.R. 2112.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. LEE] moves to recommit the bill H.R. 2112 to the Committee on Appropriations with instructions to report the same back to the Senate with reductions in spending in each division required to bring the overall spending for the division to fiscal year 2011 levels which shall not exceed \$130,559,669,000 for division A (Ag), \$58,786,478,000 for division B (CJS), and \$55,368,096,000 for division C (THUD).

Mr. LEE. Mr. President, I stand to speak on behalf of this motion to recommit. What we are looking at here with H.R. 2112 is a measure that actually spends more in each of those areas than what we spent in fiscal year 2011. We are in dire economic circumstances in this country. We are currently spending at a rate of roughly \$1.5 trillion annually in excess of what we are bringing in.

We have gone to great lengths through a number of accounting mechanisms to demonstrate to the American people that we are doing our best to spend less. In many circumstances, the message that has been sent has been a message of austerity. It becomes increasingly difficult to manage and to maintain that necessary message of austerity, one that is accompanied by hundreds of millions of Americans making sacrifices every day in response to this economic downturn.

It becomes absolutely essential that we actually make cuts. To make actual cuts, I think that means necessarily that we have to spend less in fiscal year 2012 than we spent in fiscal year 2011. We will continue, I fear, to lack credibility if we persist in using whatever techniques we use, accounting-wise or otherwise, to claim we are reducing spending when, in fact, this appropriations package—this minibuss spending package, as we sometimes refer to it—actually spends more money than was spent in 2011.

This is why I have submitted this motion. I hope my colleagues will share this concern I have expressed, which has caused me to submit this motion. The idea of the motion is that we bring our spending levels back down in each of these areas to what we spent in fiscal year 2011.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the motion to recommit is set aside.

The Senator from Maryland is recognized.

Ms. MIKULSKI. We have set aside the motion to recommit offered by the Senator from Utah; however, I wish to rise in opposition to his motion. This is all about budget-speak. It is really hard to follow between budget authority and expenditures, et cetera. But let me just say this in plain English.

This bill is \$500 million less than we spent in 2011—\$500 million less than we spent in 2011. Now, this is not the chairperson of the CJS bill kind of making up numbers. This is confirmed by the Congressional Budget Office. It has been certified by the chairman of the Budget Committee. The CJS bill is nearly \$500 million less than last year.

Now, am I doing fuzzy math? No. I do not do fuzzy math. The CJS bill is consistent with something called the Budget Control Act. The Budget Control Act requires appropriations to cut \$7 billion for our fiscal year 2012. When we got our allocation, the CJS subcommittee allocation was \$500 million below 2011. I am going to say it again—\$500 million below what we spent in 2011.

This allocation required the CJS subcommittee to take stern and even drastic measures. I eliminated 30 programs. Yes, Senator BARBARA MIKULSKI, a Democratic, a liberal, I cut and eliminated 30 programs: 4 in Commerce—I think you objected to 1; 20 in Justice; 1 in Space; 4 in the National Science Foundation. I could not believe it, but that is what we had to do.

We cut the Deep Underground Science and Engineering Lab by \$1 billion. That was a \$1 billion project the National Science Foundation wanted. We said we would like it too but not in these austere times. There were other programs that we were able to do. And we were not happy about it. We absolutely were not happy about it. We cut the Baldrige Program. We cut the public telecommunications facility planning and communications. I mean, we did what we had to do.

So while the Senator looks at I am not sure what, I can tell you we are \$500 million below 2011. The Congressional Budget Office says it. The numbers were reviewed by the Budget Committee itself. The chairman signed off that we were \$500 million below, to help the overall Appropriations Committee reduce its expenditures by \$7 billion.

So that is for 2011. Now let's look at 2012. I mean, the President came to Congress and gave a dynamic State of the Union speech. It touched America deeply when he said: I want to outbuild, outeducate, outinnovate anyone in the world. And he proposed his budget.

When you look at what we are doing here, my appropriations, my Commerce-Justice appropriations, is \$5 billion—that is “b” as in “Barb”—not \$5 million, like “m” in “Mikulski.” We are \$5 billion below what the President said he needed in Commerce-Justice-Science, technology, the innovation subcommittee, to help outeducate and out-innovate anybody else in the world. So I am \$5 billion less than what the President of the United States said he needed to have to accomplish national goals.

Now, we talk a lot about that we want America to be exceptional. Well, you have to spend money to be exceptional, and when you put your money in science, technology, and education, we can come up with new ideas, new products that we can make and sell around the world, and our children know they have a future in this new global economy.

I do not want to be nickel-and-dimed here. I have already been nickel-and-dimed to be able to comply with this bill. You know, I am back to where Obama was in January, that cold day, and now here we are. So when we talk about cutting, we have cut. We have absolutely cut. We cut discretionary spending at an incredible level. And do you think it is has helped create one job? Do you think the market is going “hoorah, hoorah, look at what they are doing”? No. Do you know why? Because the private sector knows that if we are going to be a 21st-century nation, if we are going to be America the exceptional, we must educate.

We also must invest in scientific research so that the private sector can take that basic research we do, value add to it, and with the genius that is America, the ability—that intellectual property you can own and be protected, that you are going to develop a product, and you have the National Institute of Standards to come and help you develop the standards so that you will be able to sell it in America in every State and sell it around the world in every nation.

So come on. If we want to be America the exceptional, stop nickel-and-diming. One of the ways you deal with debt is a growing economy, restoring consumer confidence, restoring citizen confidence, No. 1, that we can govern ourselves and that we can govern ourselves in a smart fashion. Yes, we do need to be frugal, but we sure do not need to be stupid.

I am going to oppose this amendment, and I sure hope the people pass my bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 815

Mr. PRYOR. I see that I have other colleagues on the floor. I will only be a couple of minutes.

Today I rise to oppose an amendment offered by Senator MORAN, amendment No. 815. I really do appreciate the intent of Senator MORAN's amendment. I actually support the intent of what he is trying to do because he is trying to support the Watershed Rehabilitation Program.

While I am not opposed to that program, and I recognize that difficult decisions had to be made in order to meet our statutory spending caps outlined in the Budget Control Act, I regret to say I cannot support the Senator's amendment as it is written because its offset comes from departmental administration which provides numerous essential services to the USDA.

These cuts would force USDA to reduce their number of employees, which would have a detrimental effect on the Department and its operation. In fact, Secretary Vilsack reached out to the Agriculture Appropriations subcommittee staff to relay his serious concerns.

These USDA employees provide essential services to some of the most rural areas in the country, so I cannot support the amendment that would, in effect, reduce services to rural America.

On top of that, it is important for my colleagues to understand that the level for departmental administration is already over \$13 million below the fiscal year 2010 level and \$7 million below the President's request.

Although I definitely support the watershed rehabilitation program, I certainly hope Senator KOHL and Senator MORAN can find a good offset that is agreeable to the majority of us. Still, I must oppose this amendment and urge other Senators to oppose it as well.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I see my colleague from Colorado. I was going to call up an amendment and make some remarks. Is there a procedural matter or something the Senator would be interested in doing before that? If not, I will go forward. I thought maybe the Senator wanted to comment on Senator PRYOR's comments.

Mr. UDALL of Colorado. I have another set of comments I want to make on a pending amendment. I don't know where we are in the order here.

Ms. MIKULSKI. Does the Senator wish to offer an amendment?

Mr. UDALL of Colorado. I will rise in opposition to an amendment already offered.

Mr. SESSIONS. Then I guess I have the floor, Mr. President.

Ms. MIKULSKI. I am seeking clarification.

Mr. SESSIONS. I yield to the Senator for that purpose.

Ms. MIKULSKI. Does the Senator wish to comment on the Moran amendment?

Mr. UDALL of Colorado. Amendment No. 753 offered by the junior Senator from New Hampshire.

Ms. MIKULSKI. We are alternating back and forth, so we will go to Senator SESSIONS and then Senator UDALL.

Mr. UDALL of Colorado. Thank you. I look forward to hearing from the Senator from Alabama.

Ms. MIKULSKI. Then we will go to the Senator from Colorado for his comments.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senator from Colorado be recognized after I complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 810 TO AMENDMENT NO. 738

Mr. SESSIONS. Mr. President, pursuant to the unanimous consent agreement, I call up Sessions amendment No. 810.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 810 to amendment No. 738.

Mr. SESSIONS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to allow categorical eligibility for the supplemental nutrition assistance program)

At the end of title VII of division A, add the following:

SEC. ____ None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) in any manner that permits a household or individual to qualify for benefits under that program without qualifying under the specific eligibility standards (including income and assets requirements) of the program, regardless of the participation of the household or individual in any other Federal or State program.

Mr. SESSIONS. Mr. President, the purpose of amendment No. 810 is to eliminate the categorical eligibility for the Supplemental Nutrition Assistance Program, called SNAP, or the Food Stamp Program. A categorical eligibility standard has been imposed, and it has been causing a substantial increase in unjustified expenditures in the Food Stamp Program.

Let me share briefly the history over the last decade of the Food Stamp Pro-

gram. Of course, we in America strongly believe that persons ought not to go to bed hungry, if we have the food and the ability to take care of them. We have had a very generous Food Stamp Program for a number of years. But in the last decade, it has shown incredible, amazing increases in spending. As a matter of fact, I think it has increased faster than probably any other significant item in the entire Federal budget. It is probably increasing more even than the interest on the debt, which is one of the most surging expenditures this Nation has.

In 2001, we expended \$20 billion on the Food Stamp Program. This year, we are projected, under this bill, to spend \$80 billion. In 10 years, spending on food stamps would have quadrupled. This year's proposal calls for an increase of 14 percent over last year. This is a stunning amount of money.

This country is headed to financial crisis. Erskine Bowles and Alan Simpson, who headed President Obama's debt task force, told us in the Budget Committee that the country has never faced a more serious financial crisis than the debt crisis we are now in. One of the reasons is that we have had these incredible surges of expenditures in programs over a period of years. We have not watched them or contained them and, indeed, we have done things to make them less accountable and efficient and more subject to fraud, abuse, and waste.

Again, this year proposes another 14-percent increase in the Food Stamp Program. That is \$80 billion. The House proposed only a \$1 billion increase; theirs comes in at roughly \$71 billion for food stamps. So theirs is more level. But it still has an increase. Certainly, it is far less than this.

To give some perspective on what we are talking about when we say \$80 billion, let me share a few facts. The Federal prison system costs \$7 billion. The Department of Justice—the entire Department of Justice, which Senator WHITEHOUSE and I served in—and were proud to do so—gets \$31 billion. Federal highway funding for the entire year is \$40 billion. Food stamps is twice that of the Federal highway bill. Customs and Border Patrol get \$12 billion. The Federal Education Department is \$30 billion. \$80 billion dwarfs the budgets of, I think, most any State in the country, except for maybe New York or California. Alabama's general fund budget and education budget is less than \$10 billion. This is \$80 billion and is increased \$9 billion this year under this bill.

We have to get real. We don't have the money. We are borrowing 40 cents of every dollar we spend. No wonder Congress is in such disrepute. How can we defend ourselves against the charge of irresponsibility to good and decent American citizens when we are spending at this rate and continuing to show

increased spending at this rate? I am still amazed at the budget the President submitted to us earlier this year, calling for a 10-percent increase in the Education Department, 10 percent for the Energy Department, and 10 percent for the State Department, at a time we are borrowing money at a rate we never borrowed before, when we have never, ever systemically faced such a substantial threat to our country's financial welfare—as every expert has so told.

I know we want to help poor people. I don't want to see people hungry. But do we need to be spending four times as much on food stamps as we were in 2001? Can we not look at this program and think we can make it better and more efficient? We need to get focused on what we are doing here and try to bring this matter under control. We can do better.

Federal regulations allow States to make households “categorically eligible” under the Food Stamp Program. By the way, States administer the program. They don't get money to enforce it and supervise it. They pay that out of their own budgets. But the food stamps benefit is a 100-percent Federally funded program. So there is a little bit of a conflict of interest. States are benefitting when more food stamps come into their State, right? They are receiving more Federal dollars. They are not paying any money into it. Why spend their money to catch fraud, waste, and abuse and crack down on problems? Why not utilize every possible action that would bring more food stamps to the State? That is what is happening.

I know a little bit about that because, unless the Presiding Officer is one, I am probably the only person in this body who actually prosecuted food stamp fraud. They were using it as currency in drug dealing. A lot of fraud is going on, and we need to do better about it. The States aren't stepping up because they don't have an incentive to do so.

Again, Federal regulations now allow States to make households “categorically eligible” for SNAP—the Food Stamp Program—simply because the household also receives certain other benefits or assistance from Federal programs. “Categorical eligibility” is a fancy way of saying “automatically qualified.” For example, if you qualify for one, you qualify for the other. Households that receive Temporary Assistance for Needy Families, TANF, or Supplemental Social Security income benefits or assistance are automatically eligible for SNAP benefits in some states.

These other programs, however, have looser eligibility standards than the Food Stamp Program. To be eligible for SNAP benefits, a household must meet specific income and asset tests.

Households with income above a certain threshold, or savings above a certain amount, cannot qualify for food stamps. If you have a substantial savings, even if you don't have any income, you are not entitled for somebody else to pay for your food. I don't know what the number is, but if you have a savings amount, and if you are above that, you don't get food stamps. Is that irrational?

But in 42 States there is no limit on the amount of assets certain households may have to qualify for TANF. As a result, households with substantial assets but low income would be deemed eligible for SNAP benefits even if they have substantial assets.

Astonishingly, households can be categorically eligible for SNAP even if they receive no TANF-funded service other than a toll-free telephone number or informational brochure. I kid you not. Receiving the information about TANF or other applicable information can qualify a household to be categorically eligible for SNAP benefits.

A 2010 GAO report revealed that one State included information about a pregnancy prevention hotline on the SNAP application, and that was used as a basis to grant categorical eligibility. Other States reported providing household brochures with information about marriage classes in order to confer categorical eligibility for food stamps.

According to officials with the Food and Nutrition Service, increased use of "categorical eligibility" by States has increased approval of SNAP benefits to households that would not otherwise be eligible for the program due to SNAP income or asset limits. The Food and Nutrition Service, which supervises this, acknowledged that more people are eligible if you use this "categorical eligibility" rather than requiring them to comply with explicit requirements of the Food Stamp Program.

So my amendment would eliminate categorical eligibility for SNAP benefits, meaning that only those who meet the income and asset requirements under the program would be eligible for benefits. They would have to apply just like anyone else.

Is it too much to ask someone who is going to receive thousands of dollars in food benefits from the Federal Government to fill out a form and to honestly state whether they are in need, to the degree they qualify for the program? Automatic eligibility through other income support programs would end under my amendment.

Last Friday, the Treasury Department closed the books on fiscal year 2011 and declared the Federal Government ended the year with \$1.23 trillion in additional debt. That makes our gross debt now \$15 trillion. Our appropriations for the SNAP program have gone from \$20 billion in 2001 to \$71 bil-

lion in 2011 and are projected now to go to \$80 billion. From 2001 through 2011, there is a huge increase in funding for the program.

The percentage of people using food stamps has increased sevenfold since the program's national expansion in the 1970s, with nearly one in seven Americans now receiving the benefit. Meanwhile, food stamp funds have been mishandled and misused, and there are many examples of this. I have seen it in my personal practice as a Federal prosecutor. One recent notorious case was a defendant in Operation Fast and Furious. One of the people who came in, bought a whole host of illegal weapons in Arizona to take back across into Mexico, was a food stamp recipient. According to the report, he spent thousands of dollars on these guns, maybe tens of thousands of dollars on these expensive weapons. He bought 300 high-powered assault rifles. He had money for that. Yet we are buying his food for him.

In another case, a Michigan man was able to continue receiving food stamps after winning \$2 million in the lottery—\$2 million. He even asked about it. He said: Can I continue to receive food stamps? Guess what they told him. Yes. The lottery winnings are an asset, and we are not checking assets now. It is not income, it is an asset. So he got to keep having food stamps while American working people were paying for it.

Categorical eligibility—that flawed practice—allows SNAP recipients to avoid the asset test required to determine need. This is a policy we cannot afford at a time this country is having a huge debt crisis.

President Obama has coined a somewhat disingenuous term called the Buffet rule in his push to raise taxes on millions of Americans who have zero in common with Mr. Buffet. Of course, he is one of the President's big allies. I would like to suggest something called the Solyndra rule. Under this rule, before any proposals are offered to raise any taxes, we first put an end to the wasteful, inappropriate spending in Washington.

Shouldn't we first clean up our act before we demand the American people send more money up here? Until we do that, raising tax rates will only be funding the continued abuse of the American taxpayer. Raising taxes to bail out Congress is akin to giving money to an alcoholic on the way to the liquor store. It doesn't help matters if the money comes from a wealthy person, if the money is going to be used for an unwise or unhealthy result. It is time for the President and this Senate to get their spending habits under control. These bills before us, I am afraid—and the ones we will be seeing in the future—don't reduce spending but increase spending, and I thank the Chair for the opportunity to express my concerns about it.

Finally, I would just say we are told: We can't do anything about it. We are told we can't fix the food stamps. Food stamps don't count like other appropriations. One might say: Why is that? They say it is an entitlement. What is an entitlement? An entitlement is when there is a law that says if a person's income is a certain level, they go in to the government and they have to give them money whether the government has any money or not; whether it has been appropriated or not. It is an entitlement program.

This makes it very hard for those of us in Congress to be able to make the kind of proposals that are appropriate to fix this program, one of which simply would be, in my opinion, to reduce spending back to the level of the House, which is showing a modest increase this year, after surging the spending level for the SNAP program over the last decade. All of us have to grasp something. I don't think the American people are happy hearing excuses. I don't think they are happy hearing us say: We would like to have done something about food stamps, but this is not germane. This somehow, technically, is an entitlement program, it is part of a legislative act and, therefore, we can't do anything about it on an appropriations bill, which we are here to debate. We can't change it. There have been some changes in the food stamp program, so we believe this amendment is clearly germane.

But I wish to say, as we wrestle with how to bring spending in America under control—as the person who is now the ranking Republican on the Budget Committee—I wish to say we have to quit using excuses. Every program has to be rigorously analyzed, and if there is waste, fraud, and abuse, we need to crack down on it. We don't have the money. We don't have the money. We can't do what we would like to do. We can't increase spending on program after program. This one is perhaps one of the most dramatic examples in the government, and it can be improved upon if we focus on it.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado has the floor.

Mr. UDALL of Colorado. Mr. President, I welcome this spirited debate we have been having in the Senate on these important appropriations bills. Before I begin my remarks, I wish to yield to the chair of the Agriculture Committee who has some comments to make in response to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my colleague and, if I might, take a moment to respond.

Ms. MIKULSKI. We have an order that has been established. I can understand the Senator from Michigan wanting to rebut. How long does the Senator from Michigan wish to talk?

Ms. STABENOW. Just 2 minutes to respond to the previous Senator.

Ms. MIKULSKI. OK.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. No objection.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. I appreciate the courtesy very much. I wanted to take a brief moment to indicate to my friend from Alabama I couldn't agree more that we need to make sure the food assistance programs—every farm program and every program in the Federal Government—have rigorous review and that we are holding taxpayer dollars accountable. We have held accountability hearings in the Senate, in the Agriculture Committee. The good news is, there is only a 4-percent error rate in the entire SNAP program through the supplemental nutrition program being talked about, but there is more we can do.

The case of the lottery winner in Michigan the Senator talked about was outrageous, and it has been fixed. They can't do that anymore. We are going to fix it in the next farm bill as well. I could not agree more. We are going to go through and fix those things that don't make sense.

But I would also say that what the Senator is suggesting is, first of all, policy that needs to be done in the context of the farm bill negotiations. We have an extraordinary agreement we have reached between myself and our ranking member in the Senate and the chair and ranking member of the House Agriculture Committee, and we are putting together language to give to the supercommittee that will address nutrition as well as other areas. I would ask my colleagues to support our effort that we will be putting forward. We will have that language by November 1 that will address those egregious areas which, by the way, are very small, but we do need to address them and we need to do it in a way that also recognizes more people than ever before need food help.

I have people in Michigan who have never needed help in their entire life. They have paid taxes all their lives, and they are mortified they can't keep food on the table for their children throughout the month. So they are getting temporary help, and that is what is it designed for—people who need temporary help. Because of that, we want every single dollar to go where it ought to go, and we are going to do everything possible to see that happens. We are going to be putting forward policies that I am sure the Senate will support that will guarantee there is not \$1 that is going to somebody who

doesn't deserve it or to someone who is cheating or where there is fraud or abuse. We are going to make sure that happens. But this debate needs to be done in the context, as it always has been, of our farm bill policy on food and nutrition.

I ask my colleagues to oppose this amendment and to work with us as we put forward policies that will be coming very soon. I thank the Senator from Colorado for his graciousness.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 753

Mr. UDALL of Colorado. Mr. President, I appreciate the patience of the Senator from Maryland. This is a spirited debate about an important set of amendments being offered, and I wish to rise in opposition to amendment No. 753, which has been offered by the Senator from New Hampshire, Ms. AYOTTE.

While I enjoy working with Senator AYOTTE on the Armed Services Committee, and I appreciate her contributions to the committee, I have to say I strongly disagree with her amendment. Senator AYOTTE's amendment would prohibit the United States from trying enemy combatants in article III civilian courts. These courts refer to article III of our U.S. Constitution.

Our article III courts, as the Presiding Officer knows, are the envy of the world. While there is a role for military tribunals, they are certainly not the only solution. Frankly, by prohibiting the use of article III courts, we may actually hinder our efforts to bring terrorists to justice.

The Ayotte amendment would put the military smack in the middle of our domestic law enforcement efforts in our fight against extremists and terrorists. My friend from New Hampshire argues this is a war that should be prosecuted by our military. But the reality is, in many cases, the best course of action is for our domestic law enforcement, the FBI, and others, to take the lead. This amendment would prevent the Department of Justice from questioning or prosecuting terrorists caught on U.S. soil engaged in the criminal act of terrorism, and it would prevent Federal prosecutors from bringing these terrorists to justice in so-called article III courts. Federal prosecutors have tried, convicted, and imprisoned hundreds of terrorists in article III courts. The Department of Defense has obtained only six convictions in military tribunals.

DOD's job is to track down, kill or capture those who would harm America or our citizens. They do an incredible job of that. We all stand in awe of the work they do to keep us safe. But it is not the job of the Department of Defense to try each and every one of those individuals. It is a mission they do not want, and they would have to radically change their entire system to accommodate prisoners who are already handled by civilian courts.

Article III courts have kept Americans safe for over 200 years. I have to say I don't believe it is prudent to build a new judicial system from scratch in order to meet objectives that are already being met. For example, Umar Farouk Abdulmutallab, also known as the Underwear Bomber, was arrested in Detroit after trying to set off an explosive on an airplane. He was read his rights, questioned, prosecuted, and he recently pled guilty. Under this amendment, the FBI would have had to call in the military to detain Abdulmutallab without any resolution in his case. In fact—and I think this is an extremely important point—under this amendment, Abdulmutallab would have been given complete immunity from criminal Federal prosecution.

Further, if this amendment passes, our allies may well refuse to extradite terror suspects to the United States. If military commissions are determined as someday not having jurisdiction over these terrorists or invalidated by the Supreme Court—which, by the way, has happened in other settings in the Supreme Court—there would be no way ever to prosecute these high-value foreign terrorism suspects because of this amendment. What would that mean? It would mean no conviction of the Blind Sheikh, who planned the first World Trade Center attack; no conviction of Moussaoui, the 20th hijacker on 9/11, and no conviction of the east Africa Embassy bombers, all of whom were convicted in article III courts.

Again, the Ayotte amendment, however well intended, would provide 100 percent immunity from Federal prosecution to suspected terrorists and eviscerate a very effective tool in our counterterrorism portfolio. That doesn't strike me as being as tough as we possibly could be on terrorists.

The fact is, the prosecutors at the Department of Justice have numerous Federal criminal laws at their disposal with which to charge suspected terrorists. The Federal courts have more than 200 years of precedent to guide them, while tribunals have almost none. As I have said, our Federal prosecutors have had great success so far.

In summary, I urge my colleagues to vote against amendment 753. It is simply not necessary, and I believe it will do more harm than good, while subverting the finest justice system in the world in the process.

As I yield, let me be clear that I wholeheartedly support the underlying bill, as it has been very ably authored by Senator MIKULSKI and others, but I have to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I rise in response to the comments by my esteemed colleague from Colorado about my amendment No. 753. And I would say this first. My amendment does not

provide immunity to terrorists. What my amendment does is treat terrorists as they should be treated.

We are at war, and under the laws of war, traditionally we have tried enemy combatants in military commissions. And those individuals my colleague from Colorado cited, including Umar Farouk Abdulmutallab, could be held accountable in a military commission because our priority has to be, when we are at war, to gather intelligence, to protect our country, and not whether we should prosecute in our article III courts, in which I have great confidence. I served as attorney general of our State and believe very much in our article III court system. But our article III court system is not where terrorists with whom we are at war should be tried.

In light of the recent comments here on the floor, I feel compelled to point out some of the facts that I think are important for the American people to know about some of the cases that have been cited in support of saying terrorists should be tried in article III courts.

On October 12, Umar Farouk Abdulmutallab pleaded guilty in the U.S. district court in Detroit. That case has been cited not only by the Senator from Colorado but by the Senator from Maryland and the Senator from Illinois, and our Attorney General has cited it as well as the ultimate and final vindication of the use of our civilian courts for the trial of enemy combatants. The senior Senator from Illinois and the Obama administration were so confident that the so-called Underwear Bomber, as he has been named, guilty plea would settle the dispute once and for all, that on October 13, the Senator from Illinois came to the floor and essentially declared the controversy over. We have heard those same arguments today.

I think we need to review who exactly Abdulmutallab is. He is no common criminal. We are not talking about people who have robbed liquor stores or who are Americans who have committed criminal acts in this country. He is the Nigerian man who tried to detonate plastic explosives hidden in his underwear while onboard Northwest Airline's flight 253 to Detroit on December 25, 2009. Al-Qaida in the Arabian Peninsula claimed to have organized the attack with the Underwear Bomber claiming that AQAP supplied him with the bomb and trained him.

He was subsequently charged in Federal court with eight counts, including the attempted use of a weapon of mass destruction and attempted murder of 290 Americans. The Underwear Bomber pleaded guilty at trial, telling a surprised courtroom on the second day of his trial that the failed attack was in retaliation for the killing of Muslims worldwide.

This case has been cited as the final vindication for civilian trials, and I

think it is important to mention three points about this case.

First of all, the presumption seems to be that the civilian court system should have the primary responsibility for questioning, trying, and ultimately detaining foreign enemy combatants with whom the United States is in a declared war. That has not been the rule in prior conflicts. We are treating this conflict differently than we have treated other conflicts, where enemy combatants have been tried in military commissions.

Secondly, in my view, the administration's eagerness to appease the ACLU by trying enemy combatants in civilian courts misses the whole point about detention in a time of war. When we are at war, we detain and interrogate enemy combatants according to the laws of war to glean valuable intelligence that will help prevent future attacks, save American lives, and help us capture other enemy combatants.

Al-Qaida was at war with the United States long before our country recognized or strongly reacted to this threat. We remain at war with al-Qaida. When we put enemy combatants in our civilian court system, we are focusing on prosecution, and we potentially miss important opportunities to gather information to prevent future attacks by doing so.

In Abdulmutallab's case, the administration read him his Miranda rights after 50 minutes of questioning. In my view, this jeopardized valuable intelligence. And I know my colleagues on the other side of the aisle have said: Well, eventually he spoke, and he gave us lots of information. But why would we put information in jeopardy? Why would we read terrorists Miranda rights? I, as a prosecutor, have never heard a law enforcement official tell me that Miranda rights are a helpful information-gathering tool, but that seems to be the position I am hearing today.

Jeopardizing this intelligence was clearly unnecessary. And in this case, the fact that we didn't have to rely on a confession—this was a case where we caught the Underwear Bomber redhanded. So even if we were to have tried him in a military commission and had not given him Miranda rights, had gathered intelligence for as long as we could have, we still would have had him redhanded because the passengers on that flight saw him. He was caught with the explosives on his body. This was never a case about a guilty plea and whether we got some information about him. The essential question is whether we got the most information possible from a terrorist who was trying to attack Americans and our allies, to prevent future attacks, not whether we gave him Miranda rights.

With a case that was as open and shut as Abdulmutallab's, without any need to use confessional evidence or

classified information, it doesn't prove the civilian court system is superior to military commissions. His conviction was never realistically in doubt.

Defenders of bringing our enemy combatants to the U.S. civilian trial often cite a number of cases and convictions related to military commissions. Again, I want to reiterate, I am a strong believer in our civilian court system, but I want to point out some of the downsides to using our civilian court system for enemy combatants: the costs of security; the cause of civic disruption in the area; the risk of compromising classified information; and the risk of eventual release of these combatants not to some other country but into American society, regardless of whether they are convicted in civilian court. And these concerns aren't academic.

I have heard some of my colleagues cite the case of Zacarias Moussaoui, who was a member of al-Qaida who was involved in the 9/11 attacks. The civilian proceedings spanned nearly a decade, and his case was finally resolved only last year. These proceedings cost millions of dollars and caused substantial civic disruption. For example, the Federal courthouse in Alexandria, VA, was described as "an armed camp, with the courthouse complex and surrounding neighborhood becoming a virtual encampment, with heavily armed guards, rooftop snipers, bomb-sniffing dogs, blocked streets and identification checks." If we had tried him at Guantanamo Bay, in the military commission there, these security concerns would have been accounted for, and we wouldn't have had to disrupt Virginia to do that. It is not a problem we would confront in our military commission system.

In addition, in the civilian trial of 9/11 terrorist Zacarias Moussaoui, sensitive material was inadvertently leaked because our civilian court system, as wonderful as it is, is not set up as well to deal with cases involving sensitive information during a time of war.

Moussaoui also mocked 9/11 victims and used the civilian trial as a platform to spew terrorist propaganda.

All of these negative side effects of trying a terrorist in a civilian court would have been eliminated or significantly mitigated if he had been detained in military custody and tried before a military commission.

In the case of Omar Abdel Rahman, commonly known as the Blind Sheikh, which has also been cited here today, the civilian trial provided intelligence to Osama bin Laden. So when I hear that case cited as a success, the first thing that comes to my mind is, if intelligence was provided to Osama bin Laden, how is that a success when our No. 1 focus should be on protecting the American people? And that has to be the distinction between trying enemy

combatants in a time of war and the very important purpose of our civilian court system.

In the case of the Blind Sheikh, according to Michael Mukasey, the former Attorney General, “in the course of prosecuting Omar Abdel Rahman, the government was compelled—as it is in all cases that charge a coconspiracy charge—to turn over a list of unindicted coconspirators to the defendants. Within 10 days, a copy of that list of unindicted coconspirators reached bin Laden in Khartoum.”

The notion that a list—because you had to do it, according to our civilian court system where notice requirements are very important, where generally our court systems are open—would be provided to Osama bin Laden, in my view, is unacceptable, a risk we could have avoided if we treated the Blind Sheikh as he should have been treated, which is as an enemy combatant and tried in a military commission.

Civilian trials of enemy combatants have provided a treasure trove of information to terrorists, and I think those risks have been very discounted by my esteemed colleagues who have come to the floor to oppose my amendment.

According to open source reporting, the cost of disclosing information unwisely became clear after the New York trials of bin Laden associates for the 1998 bombings of U.S. Embassies in Africa. Some of the evidence indicated that the National Security Agency, the U.S. foreign eavesdrop organization, had intercepted cell phone conversations. Shortly thereafter, bin Laden’s organization stopped using cell phones to discuss sensitive operational details.

It is also important to note that the record of trying enemy combatants in civilian courts is not as good as it has been made out to be. Opponents of my amendment don’t often speak about Ahmed Ghailani.

Ghailani is a Tanzanian who was charged with a total of 284 counts, including 200-plus counts of murder and 1 count of conspiracy in the 1998 bombings of the U.S. Embassies in Tanzania and Kenya. The bombings killed 224 people, including 12 Americans. He also spent time as Osama bin Laden’s bodyguard.

He was tried in the U.S. District Court for the Southern District of New York. The Department of Justice directed the U.S. attorney not to seek the death penalty. At trial, the presiding justice excluded from evidence the testimony of a key witness—a Tanzanian, who may have issued statements implicating him in the bombings. And on November 17, 2010, a jury, after this evidence was excluded, found Ghailani only guilty of 1 count of a conspiracy and acquitted him of all 284 other charges, including the murder charges. He murdered 284 people—12 Americans—and he was acquitted of murder charges. I think that is a case

that shows our civilian court system is not always the best way to deal with enemy combatants and is very contrary to what I have heard on the cases cited from my opponents of this amendment.

Proponents of civilian trial, such as Attorney General Holder, want to criminalize the war, but they fail to cite these cases where the civilian court system leaked classified information to terrorists or, because of excluded evidence, where terrorists are not held fully accountable.

Military detention for enemy combatants has always been the rule, not the exception. Why are we treating this war any differently? Civilian courts rightly focus on prosecution, but in detaining enemy combatants when at war, they miss the most important goal we have to have; that is, gathering intelligence and protecting the American people against future attacks.

Civilian trials for enemy combatants incur tremendous costs and cause civic disruption. That is why the administration itself has reversed its position on trying Khalid Shaikh Mohammed in New York City. They wanted to try the mastermind behind 9/11 in the middle of New York City, but the American people were so outraged by trying someone who is the mastermind of 9/11 in the middle of New York City and the millions of dollars it would have cost to protect the citizens of New York from this horrible individual, giving him a forum in the middle of New York City.

Again, the costs associated with protecting the American people in these civilian trials alone is enough to treat them as they should be—in military commissions.

We risk compromising classified information, and we risk the eventual release of these combatants into American society.

For these reasons, consistent with a longstanding precedent, we should not be bringing enemy combatants to the United States for civilian trials. If the Obama administration is willing to kill enemy combatants without due process, and I applaud them for doing so, why is the administration so against placing these same enemy combatants in military custody and detaining them under the law of war, and when appropriate trying them in military commissions?

I think the answer is clear. Unfortunately, I am concerned that it is a political decision rather than putting intelligence gathering first in order to protect the American people and treat these enemy combatants as what they are—enemies of our country. I urge my colleagues to support my amendment. In my view, beyond the policy reasons for not trying enemy combatants in civilian courts, we should ask ourselves why should we bring foreign terrorists to the United States and give them the

legal protections reserved for U.S. citizens and secured by those Americans who have fought and died for those rights? Why do these people deserve access to our American court system? They are our enemies. In the civilian court systems there are rights guaranteed, such as Miranda rights and speedy presentment, that should not be extended to enemy combatants. We need to prioritize protecting our country. I think the American people will agree with me when I say that no terrorist should ever hear the words “you have the right to remain silent.”

I urge my colleagues to support my amendment No. 753.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 792, AS MODIFIED

Mr. COBURN. Mr. President, I ask the pending amendment be set aside and my previous pending amendment No. 792 be brought up.

I have a modification to that amendment that I sent to the desk. I thank the Senator from California for giving me this privilege.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ____ The Secretary of Housing and Urban Development may not make a payment to any person or entity with respect to a property assisted or insured under a program of the Department of Housing and Urban Development that—

(a) on the date of enactment of this Act, is designated as “troubled” on the Online Property Integrated Information System for “life threatening deficiencies” or “poor” physical condition; and

(b) has been designated as “troubled” for “life threatening conditions” or “poor” physical condition on the Online Property Integrated Information System at least once during the 5-year period ending on the date of enactment of this Act.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 753

Mrs. FEINSTEIN. Mr. President, I rise as chairman of the Intelligence Committee to speak against amendment 753 to this appropriations bill. In sum, this amendment will require members of al-Qaida to be prosecuted only by military commissions. It will cripple executive authority and flexibility to go after terrorists. Of all things in this area where we should be agreed and the President should have maximum flexibility, it is with the disposition of people who commit acts of terror in this country. I feel very strongly about this.

The military commission system has been in effect since 2006. It has had six convictions. By comparison, terrorists have been tried by previous administrations, including the Bush administration, in article III courts, and more

than 400 of them have been convicted and are serving time in Federal prisons.

One case may be brought up where somebody disagrees with a verdict. You can disagree with a Federal jury, but you cannot disagree with the record of conviction and the strong sentences imposed. I will go into this in a little more detail in a few minutes.

Just to say again, I have never seen a time when Congress has tried so much to constrain the power of the president and our professionals in law enforcement in their efforts to defeat terrorism.

As has been the policy of Republican and Democratic Presidents, the decision about how to prosecute a suspected terrorist should be based on the facts and the circumstances of each case and our national security interests, not politics.

Some of the most well-known terrorists of the past decade—"Shoe Bomber" Richard Reid, "Blind Sheik" Omar Abdel Rahman and the "20th Hijacker" Zacarias Moussaoui—are serving life sentences after being tried in Article III criminal courts.

Prosecuting terrorists in military commissions makes sense in some cases, but requiring it for all Al-Qaeda terrorists in each and every case is not in the national security of the U.S.

In fact, that would severely limit our ability to handle some of the biggest threats.

To understand why this proposed amendment would be such bad policy, consider the two recent cases where al-Qaeda tried to use operatives to attack our Homeland, but we captured and arrested the terrorists instead.

First, Najibullah Zazi, a legal permanent resident of the U.S., was arrested in September 2009 as part of an al-Qaeda conspiracy to carry out suicide bombings on the New York City subway system.

Then on Christmas 2009, Umar Farouk Abdulmutallab attempted to detonate plastic explosives hidden in his underwear while on board Northwest Airlines Flight 253 before it landed in Detroit, Michigan. Al-Qaeda in the Arabian Peninsula—AQAP—claimed responsibility for the attempted attack and said that Abdulmutallab had trained with and been tasked to carry out the plot for AQAP.

In both cases, the FBI arrested each Al Qaeda operative in the midst of the unfolding terrorist plot, and was able to obtain useful intelligence through interrogation.

Most recently the DEA and the FBI, through shared intelligence, were able to interrupt an Iranian plot to kill the Saudi Ambassador right here in Washington, DC. That man will be tried in Federal court. That man was successfully interrogated by the FBI. That man spilled his guts to the FBI, as they say in the vernacular.

Umar Farouk Abdulmutallab pleaded guilty last week to all counts of an eight-count criminal indictment charging him for his role in the attempted Christmas Day 2009 bombing of Northwest Airlines flight 253. He cooperated, provided intelligence, and will probably spend the rest of his life behind bars when he is sentenced in January.

By comparison, two of six of the individuals convicted in military commissions are already out of prison living freely in their home countries of Yemen and Australia. Consider all of the following relatively light sentences handed down by military commissions since 9/11:

Bin Laden's driver, Salim Hamdan—acquitted of conspiracy and only convicted of material support for terrorism—received a five-month sentence and was sent back to his home in Yemen to serve the time before being released in January 2009.

Australian David Hicks—the first person convicted in a military commission when he entered into a plea agreement on material support for terrorism charges in March 2007—was given a 9-month sentence, which he mostly served back at home in Australia.

Omar Khadr pleaded guilty in a military commission in exchange for an 8-year sentence, but he will likely be transferred to a Canadian prison after 1 year.

Ibrahim Ahmed Mahmoud al-Qosi pleaded guilty to conspiracy and material support to terrorism in July 2010. In August 2010, a jury delivered a 14-year sentence, but the final sentence handed down in February 2011 was 2 years pursuant to his plea agreement.

Noor Uthman Muhammed pleaded guilty to conspiracy and material support to terrorism in February 2011. A jury delivered a 14-year sentence, but the final sentence will be less than 3 years pursuant to his plea agreement. These are military commission trials.

Ali Hamza al-Bahlul received a life sentence after he boycotted the entire military commission process and was convicted of soliciting murder and material support for terrorism without mounting a defense.

In the Zazi case, what the Senator from New Hampshire was suggesting would actually require the government to split up co-defendants even where they would otherwise be prosecuted as part of the same conspiracy.

For example, Zazi's alleged co-conspirators Zarein Ahmedzay and Adis Medunjanin would be prosecuted on terrorist charges in criminal court, but Zazi himself would have to be transferred to a military commission.

Splitting up co-conspirators into two different detention and prosecution systems might prevent prosecutors from achieving the guilty pleas and likely long prison sentences that will be secured in the Zazi conspiracy case. Prosecutors have already obtained con-

victions against six individuals, including Zazi and Ahmedzay, who face life in Federal prison without parole.

Importantly, we have heard from intelligence officials and others that a mandatory military commission policy will reduce our allies' willingness to extradite terror suspects to the United States for interrogation or prosecution, or even provide evidence about suspected terrorists if they will be shipped off to military commissions in all cases.

You might say why would our allies do that? I will tell you why: Because our allies—who know about the past five years and know about the opposition to military commissions in their countries—are very reluctant to give evidence to a judicial process that does not adhere to the rule of law as much as our tried and tested Federal court system does.

Take the 9/11 commission report, which recommends the following on page 380:

[t]he United States should engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists.

If Congress rejects the views of our allies and mandates military commission prosecutions for al-Qaeda terrorists, it will also be a rejection of a recommendation from the 9/11 commission. Moreover, we will be undermining international law enforcement cooperation and dangerous terrorists could be set free as a result.

Every single suspected terrorist captured on American soil, before and after September 11, has been taken into custody by law enforcement—not the U.S. military. This should never change. If somebody commits an act on our soil, they should be prosecuted in an article III court. This doesn't mean that we are soft on terrorism in any way, but it does mean that terrorists should be brought to justice, forced to stand trial and given a very serious sentence.

As John Brennan, the Assistant to the President for Homeland Security and Counterterrorism, stated in a March speech:

Terrorists arrested inside the United States will, as always, be processed exclusively through our criminal justice system. As they should be. The alternative would be inconsistent with our values and our adherence to the rule of law. Our military does not patrol our streets or enforce our law in this country. Nor should it.

I could not agree more.

In summary, amendment No. 753, authored by the Senator from New Hampshire, will severely and seriously undermine our ability to incapacitate dangerous individuals and protect the American people. I believe this is something we cannot afford and I hope this body will do everything it can to protect the executive branch's flexibility.

I ask unanimous consent to have printed in the RECORD a letter from the

Department of Justice, dated March of 2010 which describes the more than 400 terrorist convictions in article III courts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, March 26, 2010.

Hon. DIANNE FEINSTEIN,
Chairman, Select Committee on Intelligence,
U.S. Senate, Washington, DC.
Hon. CHRISTOPHER S. BOND,
Vice Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR CHAIRMAN FEINSTEIN AND VICE CHAIRMAN BOND: I am writing in response to requests by a number of Members of the Committee for information about statistics maintained by the Department of Justice relating to prosecution of terrorism and terrorism-related crimes, as well as the incarceration of terrorists by the Bureau of Prisons.

The Counterterrorism Section of the National Security Division (NSD) (and its predecessor section in the Criminal Division) has maintained a chart of international terrorism and terrorism-related prosecutions since September 11, 2001. A copy of that chart, which currently includes just over 400 defendants, and a brief introduction describing its contents, is enclosed with this letter. This chart was initially developed and has since been maintained and regularly updated on a rolling basis by career federal prosecutors. The bulk of the data included in the chart was generated, and relates to prosecutions that occurred, during the prior Administration. In fact, the data was cited publicly by the prior Administration on repeated occasions, including:

In a book entitled "Preserving Life & Liberty: The Record of the U.S. Department of Justice 2001-2005," released in February 2005, the Department said, "Altogether, the Department has brought charges against 375 individuals in terrorism-related investigations, and has convicted 195 to date."

In its February 2008 budget request for Fiscal Year 2009, the Department of Justice said, "Since 2001, the Department has increased its capacity to investigate terrorism and has identified, disrupted, and dismantled terrorist cells operating in the United States. These efforts have resulted in the securing of 319 convictions or guilty pleas in terrorism or terrorism-related cases arising from investigations conducted primarily after September 11, 2001, and zero terrorist attacks on American soil by foreign nationals from 2003 through 2007."

Please note that the chart includes only convictions from September 11, 2001 to March 18, 2010. It does not include defendants whose convictions remain under seal, nor does it include defendants who have been charged with a terrorism or terrorism-related offense but have not been convicted either at trial or by guilty plea. Finally, it does not include convictions related solely to domestic terrorism.

The NSD chart includes the defendant's name, district, charging date, charges brought, classification category, conviction date, and conviction charges, as well as the sentence and the date it was imposed, if the defendant has been sentenced. As the introduction to the NSD chart explains, the data includes convictions resulting from investigations of terrorist acts planned or committed outside the territorial jurisdiction of

the United States over which Federal criminal jurisdiction exists and those within the United States involving international terrorists and terrorist groups. NSD further divides these cases into two categories. The first includes violations of federal statutes that are directly related to international terrorism and that are utilized regularly in international terrorism matters, such as terrorist acts abroad against U.S. nationals and providing material support to a foreign terrorist organization. There have been more than 150 defendants classified in this category since September 11, 2001. The second category includes a variety of other statutes (like fraud, firearms offenses, false statements, or obstruction of justice) where the investigation involved an identified link to international terrorism. There have been more than 240 individuals charged in such cases since September 11, 2001. Examples of the international terrorism nexus identified in some of these cases have also been provided for your review.

Prosecuting terrorism-related targets using these latter offenses is often an effective method—and sometimes the only available method—of deterring and disrupting potential terrorist planning and support activities. Indeed, one of the great strengths of the criminal justice system is the broad range of offenses that are available to arrest and convict individuals believed to be linked to terrorism, even if a terrorism offense cannot be established. Of course, an aggressive and wide-ranging terrorism investigation will net individuals with varying degrees of culpability and involvement in terrorist activity, as the NSD chart reflects. Arresting and convicting both major and minor operatives, supporters, and facilitators can have crippling effects on terrorists' ability to carry out their plans.

You will also note that the sentences obtained in these cases range from a few months to life. Life sentences have been imposed by our courts in 12 international terrorism or terrorism-related cases since 9/11, and sentences of more than 10 years have been imposed in an additional 59 cases, including 25 cases in which the sentence exceeded 20 years. We believe the long sentences often imposed by our courts in these cases reflect the gravity of the threat posed by these individuals to our nation. However, it is important to note that while a long sentence is an important measure of success in a terrorism-related prosecution, it is not the only measure. Convicting an individual of an available offense and incarcerating him even for a relatively short period of time may be an effective way to disrupt ongoing terrorist activity, deter future activity, collect important intelligence, secure valuable cooperation, or facilitate rapid deportation of an individual.

This vital work continues. In the past year, thanks to the hard work of dedicated career professionals—FBI agents, other federal and state law enforcement officials, and career federal prosecutors—we have been able to disrupt terrorist plots, convict and imprison terrorists and their supporters, and collect intelligence we need to protect the country. We detected and disrupted a plot to attack the subway system in Manhattan with explosive bombs that could have killed many Americans. We conducted successful undercover operations to arrest individuals who separately attempted to blow up buildings in Dallas, Texas, and Springfield, Illinois. And we arrested individuals in Chicago who assisted in the deadly November 2008 terror attacks in Mumbai and were plotting other attacks.

Finally, the Bureau of Prisons (BOP) maintains a separate chart that identifies inmates in BOP custody who have a history of or nexus to international or domestic terrorism. There are currently more than 300 individuals on this chart, which is used to identify those inmates who may warrant increased supervision and monitoring of their communications, among other things. BOP's designation of these inmates may be based upon information from a variety of sources, including sensitive law enforcement or intelligence information that is not publicly available, regarding the inmate's past behavior and associations. BOP does not publicly disclose which inmates have been designated in this fashion. The disclosure of this information could interfere with BOP's monitoring and law enforcement investigative efforts. Moreover, disclosure of the identities of these inmates could pose risks to the security of the inmates and prison staff.

Should you or your staff wish to review the BOP chart, BOP is prepared to provide the Committee with access to the chart under conditions designed to protect security and operational equities.

Sincerely,

RONALD WEICH,
Assistant Attorney General.

Enclosure.

INTRODUCTION TO NATIONAL SECURITY DIVISION STATISTICS ON UNSEALED INTERNATIONAL TERRORISM AND TERRORISM-RELATED CONVICTIONS

The National Security Division's International Terrorism and Terrorism-Related Statistics Chart tracks convictions resulting from international terrorism investigations conducted since September 11, 2001, including investigations of terrorist acts planned or committed outside the territorial jurisdiction of the United States over which Federal criminal jurisdiction exists and those within the United States involving international terrorists and terrorist groups. Convictions listed on the chart involve the use of a variety of Federal criminal statutes available to prevent, disrupt, and punish international terrorism and related criminal activity. The convictions are the product of the Department's aggressive, consistent, and coordinated national enforcement effort with respect to international terrorism that was undertaken after the September 11, 2001 terrorist attacks.

Criminal cases arising from international terrorism investigations are divided into two categories, according to the requisite level of coordination and monitoring required by the Counterterrorism Section of the National Security Division (or its predecessor section in the Criminal Division). This coordination and monitoring exists in response to the expanded Federal criminal jurisdiction over and importance of international terrorism matters and the need to ensure coherent, consistent, and effective Federal prosecutions related to such matters. Typically, multiple defendants in a case are classified in the same category.

Category I cases involve violations of federal statutes that are directly related to international terrorism and that are utilized regularly in international terrorism matters. These statutes prohibit, for example, terrorist acts abroad against United States nationals, the use of weapons of mass destruction, conspiracy to murder persons overseas, providing material support to terrorists or foreign terrorist organizations, receiving military style training from foreign terrorist organizations, and bombings of public places or government facilities. A complete list of Category I offenses is found in Appendix A.

Category II cases include defendants charged with violating a variety of other statutes where the investigation involved an identified link to international terrorism. These Category II cases include offenses such as those involving fraud, immigration, firearms, drugs, false statements, perjury, and obstruction of justice, as well as general conspiracy charges under 18 U.S.C. §371. Prosecuting terror-related targets using Category II offenses and others is often an effective method—and sometimes the only available method—of deterring and disrupting potential terrorist planning and support activities. This approach underscores the wide variety of tools available in the U.S. criminal justice system for disrupting terror activity. Examples of Category II offenses are listed in Appendix B, and examples of Category II cases are described in Appendix C to illustrate the kinds of connections to international terrorism that are not apparent from the nature of the offenses of conviction themselves.

The chart includes the defendant's name, district, charging date, charges brought, classification category, conviction date and conviction charges. If a convicted defendant has been sentenced, the relevant date and sentence imposed is included. The chart is constantly being updated with new convictions, but currently includes only unsealed convictions from September 11, 2001 to March 18, 2010. The chart does not include defendants whose convictions remain under seal, nor does it include defendants who have been charged with a terrorism or terrorism-related offense but have not been convicted either at trial or by guilty plea. This chart does not include convictions related solely to domestic terrorism. Note that the chart maintained by the National Security Division is distinct from statistics maintained by the Bureau of Prisons to track inmates with terrorist connections. The chart lists more than 150 defendants classified in Category I and more than 240 defendants classified in Category II.

The chart is organized by conviction date, with the most recent convictions first. The earliest defendants included on the chart were identified and detained in the course of the nationwide investigation conducted after September 11, 2001, and were subsequently charged with a criminal offense. Since then, additional defendants have been added who, at the time of charging, appeared to have a connection to international terrorism, even if they were not charged with a terrorism offense. The decision to add defendants to the chart is made on a case-by-case basis by career prosecutors in the National Security Division's Counterterrorism Section, whose primary responsibility is investigating and prosecuting international and domestic terrorism cases to prevent and disrupt acts of terrorism anywhere in the world that impact on significant United States interests and persons.

APPENDIX A

Category I Offenses

Aircraft Sabotage (18 U.S.C. §32)
 Animal Enterprise Terrorism (18 U.S.C. §43)
 Crimes Against Internationally Protected Persons (18 U.S.C. §§112, 878, 1116, 1201(a)(4))
 Use of Biological, Nuclear, Chemical or Other Weapons of Mass Destruction (18 U.S.C. §§175, 175b, 229, 831, 2332a)
 Production, Transfer, or Possession of Variola Virus (Smallpox) (18 U.S.C. §175c)
 Participation in Nuclear and WMD Threats to the United States (18 U.S.C. §832)

Conspiracy Within the United States to Murder, Kidnap, or Maim Persons or to Damage Certain Property Overseas (18 U.S.C. §956)
 Hostage Taking (18 U.S.C. §1203)
 Terrorist Attacks Against Mass Transportation Systems (18 U.S.C. §1993)
 Terrorist Acts Abroad Against United States Nationals (18 U.S.C. §2332)
 Terrorism Transcending National Boundaries (18 U.S.C. §2332b)
 Bombings of places of public use, Government facilities, public transportation systems and infrastructure facilities (18 U.S.C. §2332f)
 Missile Systems designed to Destroy Aircraft (18 U.S.C. §2332g)
 Production, Transfer, or Possession of Radiological Dispersal Devices (18 U.S.C. §2332h)
 Harboring Terrorists (18 U.S.C. §2339)
 Providing Material Support to Terrorists (18 U.S.C. §2339A)
 Providing Material Support to Designated Terrorist Organizations (18 U.S.C. §2339B)
 Prohibition Against Financing of Terrorism (18 U.S.C. §2339C)
 Receiving Military-Type Training from an FTO (18 U.S.C. §2339D)
 Narco-Terrorism (21 U.S.C. §1010A)
 Sabotage of Nuclear Facilities or Fuel (42 U.S.C. §2284)
 Aircraft Piracy (49 U.S.C. §46502)
 Violations of IEEPA (50 U.S.C. §1705(b)) involving E.O. 12947 (Terrorists Who Threaten to Disrupt the Middle East Peace Process); E.O. 13224 (Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism or Global Terrorism List); and E.O. 13129 (Blocking Property and Prohibiting Transactions With the Taliban)

APPENDIX B

Examples of Category II Offenses

Crimes Committed Within the Special Maritime and Territorial Jurisdiction of the United States (18 U.S.C. §§7, 113, 114, 115, 1111, 1112, 1201, 2111)
 Violence at International Airports (18 U.S.C. §37)
 Arsons and Bombings (18 U.S.C. §§842(m), 842(n), 844(f), 844(l))
 Killings in the Course of Attack on a Federal Facility (18 U.S.C. §930(c))
 False Statements (18 U.S.C. §1001)
 Protection of Computers (18 U.S.C. §1030)
 False Information and Hoaxes (18 U.S.C. §1038)
 Genocide (18 U.S.C. §1091)
 Destruction of Communication Lines (18 U.S.C. §1362)
 Sea Piracy (18 U.S.C. §1651)
 Unlicensed Money Remitter Charges (18 U.S.C. §1960)
 Wrecking Trains (18 U.S.C. §1992)
 Destruction of National Defense Materials, Premises, or Utilities (18 U.S.C. §2155)
 Violence against Maritime Navigation and Maritime Fixed Platforms (18 U.S.C. §§2280, 2281)
 Torture (18 U.S.C. §2340A)
 War Crimes (18 U.S.C. §2441)
 International Traffic in Arms Regulations (22 U.S.C. §2778, and the rules and regulations promulgated thereunder, 22 C.F.R. §§121–130)
 Crimes in the Special Aircraft Jurisdiction other than Aircraft Piracy (49 U.S.C. §§46503–46507)
 Destruction of Interstate Gas or Hazardous Liquid Pipeline Facilities (49 U.S.C. §60123(b))

APPENDIX C

Examples of Category II Terrorism-Related Convictions

Fort Dix Plot (conspiracy to murder members of the U.S. military). In 2008, following a jury trial in the United States District Court for the District of New Jersey, Ibrahim Shnewer, Dritan Duka, Shain Duka, Eljvir Duka and Serdar Tatar were convicted of violating 18 U.S.C. §1117, in connection with a plot to kill members of the U.S. military in an armed attack on the military base at Fort Dix, New Jersey. The defendants were also convicted of various weapons charges. The government's evidence revealed that one member of the group conducted surveillance at Fort Dix and Fort Monmouth in New Jersey, Dover Air Force Base in Delaware, and the U.S. Coast Guard in Philadelphia. The group obtained a detailed map of Fort Dix, where they hoped to use assault rifles to kill as many soldiers as possible. During the trial, the jury viewed secretly recorded videotapes of the defendants performing small-arms training at a shooting range in the Poconos Mountains in Pennsylvania and of the defendants watching training videos that included depictions of American soldiers being killed and of known Islamic radicals urging jihad against the United States.

Fawaz Damrah (citizenship fraud). In 2004, following a jury trial in the United States District Court for the Northern District of Ohio, Fawaz Damrah was convicted of violating 18 U.S.C. §1425 for concealing material facts in his citizenship application. The government's evidence showed that in his citizenship application, Damrah concealed from the U.S. government his membership in or affiliation with the Palestinian Islamic Jihad (PIJ), a.k.a. the Islamic Jihad Movement in Palestine; the Afghan Refugees Services, Inc., a.k.a. Al-Kifah Refugee Center; and the Islamic Committee for Palestine. Damrah further concealed the fact that he had, prior to his application for U.S. citizenship, "incited, assisted, or otherwise participated in the persecution" of Jews and others by advocating violent terrorist attacks against Jews and others. During the trial, the government's evidence included footage of a 1991 speech in which Damrah called Jews "the sons of monkeys and pigs," and a 1989 speech in which he declared that "terrorism and terrorism alone is the path to liberation."

Soliman Biheiri (false statements and passport fraud). In 2003 and 2004, following two jury trials in the United States District Court for the Eastern District of Virginia, Soliman Biheiri was convicted of violating 18 U.S.C. §§1425 and 1546 for fraudulently procuring a passport, as well as 18 U.S.C. §§1001 and 1015 for making false statements to federal agents. Biheiri was the president of BMI, Inc., a New Jersey-based investment firm. The government's evidence showed that Biheiri had deliberately deceived federal agents during a June 2003 interview in which he denied having business or personal ties to Mousa Abu Marzook, a Specially Designated Global Terrorist and a leader of Hamas. In fact, the government's evidence showed that Biheiri had managed funds for Marzook both before and after Marzook was designated as a terrorist by the U.S. government in 1995. Specifically, the government presented files seized from Biheiri's computer showing that Marzook had invested \$1 million in U.S. business ventures managed by Biheiri and his investment firm.

Mohammad Salman Farooq Qureshi (false statements). In 2005, following the entry of a

guilty plea in the United States District Court for the Western District of Louisiana, Qureshi was convicted of violating 18 U.S.C. §1001 for making false statements to the FBI regarding the nature and extent of his involvement with al-Qaeda member Wadih El Hage, and the non-governmental organization Help Africa People. Qureshi was interviewed by the FBI in 1997, 1998, 2000, and 2004 in relation to terrorism crimes and during those interviews lied about his knowledge of El Hage, Help Africa People, and other al Qaeda members. The proffer filed in support of the plea agreement established Qureshi's connections to and contacts with El Hage, his contact with a subject under investigation in Oregon, and his activities and financial support of Help Africa People, a non-governmental organization believed to have been used by El Hage and others to provide cover identities and funds in connection with the 1998 attacks on the United States Embassies in Kenya and Tanzania. By Qureshi's admissions, at least \$30,000 in Qureshi's funds were given to El Hage in Nairobi, Kenya. El Hage is serving a life sentence for his role in the East Africa Embassy bombings.

Sabri Benkahla (perjury, obstruction, false statements). In 2007, following a jury trial in the United States District Court for the Eastern District of Virginia, Sabri Benkahla was convicted on two counts of violating 18 U.S.C. §1623, for perjury, one count of violating 18 U.S.C. §1503 for obstructing justice, and one count of violating 18 U.S.C. §1001 for making false statements to the FBI. These false statements included denial of his involvement with an overseas jihad training camp in 1999, as well as his asserted lack of knowledge about individuals with whom he was in contact. The government's evidence revealed that the grand jury and FBI in 2004 sought to question Benkahla about his contacts with Ibrahim Buisir of Ireland, and Manaf Kasmuri of Malaysia, both of whom are Specially Designated Global Terrorists, as well as those with Ahmed Abu Ali, his friend and fellow student at the University of Medina, until both were arrested by Saudi authorities in June 2003. Further, the government's evidence revealed that the grand jury and FBI sought to question Benkahla about his contacts with an individual suspected of being Malik al-Tunisi, a facilitator for the al-Zarqawi terrorist network in Iraq.

Akram Musa Abdallah (false statements). In 2009, following the entry of a guilty plea in the United States District Court for the District of Arizona, Akram Musa Abdallah was convicted of violating 18 U.S.C. §1001 for making false statements to the FBI. In January 2007, Abdallah knowingly made a false material statement to special agents of the FBI during an interview in connection with the federal investigation and prosecution of the Holy Land Foundation for Relief & Development (HLF) and its officers. At the time of the interviews, Abdallah knew the HLF was a Specially Designated Global Terrorist organization. Abdallah also knew that when he was interviewed, the HLF and its officers were pending trial in the United States District Court for the Northern District of Texas, for crimes including providing material support to a foreign terrorist organization. During the interviews, Abdallah told FBI agents he was not involved in fundraising activities for the HLF, when, in fact, between approximately 1994 and 1997, Abdallah was involved in numerous fundraising activities, including collecting donations, organizing, facilitating and coordinating fund raising events on behalf of the HLF in the Phoenix metropolitan area. In

July 2004, the HLF and seven of its principals were indicted on a variety of charges stemming from its financial support of Hamas, and in November 2008, after a two-month trial, those defendants were convicted on all charges.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 769

Mr. ROBERTS. Mr. President, I rise to raise significant concerns with the pending modified amendment offered by my good friend and colleague, Senator DAVID VITTER. His amendment allows for the importation of prescription drugs from Canada. I am going to reiterate some of the same concerns that are voiced every time we discuss drug importation.

Let me also say that I think we all want more inexpensive drugs for our constituents. We all want broader access to drugs and therapies. That is a given. I know that is precisely the intent of my colleague. However, we want to ensure our constituents are safe when they are taking these drugs no matter what the expense—not only that, but Americans expect to be kept safe.

I must raise concerns that nothing in the Vitter amendment ensures the safety of drugs that would be imported from Canada. That is the lone country that is involved in regard to his pending amendment. Some say only the FDA-approved drugs would be imported and only safe drugs will be imported. But the reality is that the last four Secretaries of Health and Human Services—from Shalala, to Thompson, to Leavitt, and now Sebelius—have been unable to guarantee that these imported drugs are safe, not from Canada and not from any other country.

While my friend from Louisiana claims he has narrowed the scope of his amendment, the modified Vitter amendment remains so broad in scope that it could potentially tie the hands of the FDA in limiting counterfeit drugs reaching the United States, which is something we desperately do not want. The FDA has found on several occasions that drugs promoted and sold as Canadian actually come from many other countries with very little oversight on safety and efficacy.

Finally, a New York Times investigation found that counterfeit drugs were sold through Canadian Internet pharmacies. It is easy to conclude that because these drugs were sourced from many other countries, it would be impossible to guarantee their safety.

The bottom line is the FDA cannot—not a little, not a lot; absolutely cannot—ensure that any drug coming from outside the United States is safe or effective. Until we can ensure that the drugs our constituents are taking are effective and, most importantly, safe, I must oppose the Vitter amendment today or whenever it is brought up and

would encourage my colleagues to join me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENTS NOS. 814 AND 815

Ms. MIKULSKI. Mr. President, this is a very interesting bill on the floor. It is really three bills. It is the Agriculture appropriations, Commerce-Justice-Science, and the Transportation-Housing bill.

Our colleague, Senator HERB KOHL of Wisconsin, spent a good part of yesterday managing the bill. He chairs the agriculture subcommittee. I am doing it today. Senator KOHL is tied up on other matters.

He is adamant in his opposition to the Moran amendment providing \$8 million for the Watershed Rehabilitation Program. While he is not opposed to the Watershed Rehabilitation Program, he wanted to make it clear that we had to make very difficult decisions. He does not support Senator MORAN's amendment as it would offset funding in the departmental administration providing numerous essential services to USDA. These cuts would force USDA to impose a reduction in force and would have a detrimental effect on the Department and its operation.

USDA has initiated buyouts to several thousand employees across many agricultural agencies. The level for the Department administration is over \$13 million and \$7 million below the request. Secretary Vilsack has reached out to the agricultural subcommittee and has concerns with overall staff reductions at the Department. Senator KOHL echoes Secretary Vilsack's concern.

Senator KOHL opposes this amendment, and on his behalf, I urge other Senators to oppose it as well.

He also opposed the Crapo amendment because, in a nutshell, says that dictating that funds cannot be used unless the rulemaking agenda and implementation schedule meet with congressional approval or constraining the regulatory process of defining terms just goes too far and is a veiled attempt to roll back critical Dodd-Frank reforms, particularly in the derivative area.

Again, on behalf of Senator KOHL, he urges all Senators to reject Crapo amendment No. 814.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 791

Ms. STABENOW. Mr. President, I rise to speak in opposition to the

Coburn amendment No. 791, and I am pleased to be joined on the floor by my good friend and colleague and ranking member, Senator ROBERTS.

Let me start by saying that in the context of addressing a very large deficit we know needs to be addressed and in the context of the work being done by colleagues in what has been called the supercommittee, I am very proud of the fact that Senator ROBERTS and I and our colleagues, the chair and ranking member of the House Agriculture Committee, have come together and worked very hard, for different regions of the country, on different issues that we bring to the table. We have agreed on an overall reduction number that we have recommended as agriculture's portion of the deficit reduction.

We have already done deficit reduction, I have to say. We have already seen cuts in crop insurance, we have already seen cuts in the current year's budget that were substantial. But we know we need to do our part, and we are doing that. We are recommending \$23 billion in deficit reduction.

Part of that, though, the critical part of that is we have asked the committee to allow us, as the leadership in the House and Senate, to propose the policy that goes with the cuts. We are working with all of those who are affected, from production agriculture, to conservation groups, the nutrition community, rural development, everyone who is involved and impacted by the 16 million jobs in agriculture. There are 16 million jobs. That is one out of four jobs in Michigan. This is incredibly important to our economy.

We are taking very seriously the need for us to come together and create changes, reforms in agricultural policy that streamline the system and the bureaucracy, do a better job with dollars, accountability, and reform what we are doing as it relates to the agricultural payment structure. It is in the context of that that I rise to oppose Senator COBURN's amendment. I appreciate his well-intended amendment, but I would say two things.

First of all, I understand he is proposing caps of \$1 million on direct payments. We are in the process of changing that and recommending positive reforms in that whole system.

So we would ask that the Senate, our colleagues, to support us and the recommendations that we have been asked to put together by November 1, which is extremely fast-tracked, but we are working diligently, and our staffs are working diligently. There is not a lot of sleep right now so we can get this all done and put forward this new policy. So it is the wrong time and place to be suggesting this change, first of all, on an appropriations bill and, secondly in the context of this bipartisan, bicameral, good-faith effort to put forward changes in our system, which we are committed to doing, which will,

frankly, usurp what this amendment is really all about.

Let me also say that it is important to talk about the fact that we have made changes in the last two farm bills. In 2002, there was a cap put on payments of \$2.5 million, and we then lowered that in the 2008 farm bill to \$500,000 for nonfarm income and \$750,000 for farm income. We made a number of changes and a number of reforms in the last farm bill that moved us in the right direction, listening to the criticisms and concerns of the public and of colleagues. I think there were some very important steps that were made and positive changes in the last farm bill.

Understanding the world we are in now and the dynamics around deficit reduction and the economy and all of the other issues we are involved in, we are taking another major step, and I think it is a step being done in a way that says to colleagues and says to the public that we can work together. These are challenging policies, economic issues.

We have come together and worked very hard on a bipartisan basis with the House and the Senate, and I think this speaks well to the fact that if we sit down together and listen to each other and are willing to compromise, we can come together on something that is good for the country. We are in the process of doing that right now. I would ask our colleagues to allow us and support us in that effort.

We have put forward a proposal for \$23 billion in deficit reduction, which is, frankly, more than would be required under sequestration for agriculture. We have gone above and beyond what the Bowles-Simpson proposal said. We know agriculture will want to do its part. We are asking colleagues to allow us to put together that policy to get there.

We will address the concerns that have been raised. We hear you. We understand. We will be proposing substantial changes that will, in fact, both create new tools for agriculture for our farmers and our ranchers but also address concerns that have been raised. I ask my colleagues, rather than supporting this amendment, to support what is a good-faith effort that is going on right now in the House and Senate Agriculture Committees and allow us the time in the next week to put together the proposals to be able to make a change.

With that, I yield to my friend—and I do mean my friend—we have become good friends as well as colleagues on the Agriculture Committee. I have to say I loved being in Kansas and having the opportunity to be with Senator ROBERTS and experience the high esteem with which he is held there. At the same time, I saw tremendous devastation as a result of what has happened with the droughts. I understand

that when there is bad weather, when there are bad conditions, we need to have support for American agriculture. Food security, national security depends on it. I certainly saw in Kansas what happens when the weather is bad and it has reinforced for me—as well as what happened in Michigan—certainly the importance of having a strong set of tools to manage risk and a safety net that is there when farmers need it.

I yield to my friend, the distinguished ranking member.

Mr. ROBERTS. Mr. President, I thank very much the distinguished chairwoman for yielding. We are talking about amendment No. 791, the pending amendment offered by my friend and colleague from Oklahoma, Senator COBURN.

I must oppose the Coburn amendment which will severely diminish the farm safety net for America's farmers and ranchers. I know that is not the intent of his amendment as he sees it but, unfortunately, that would be the practical effect, as the chairwoman has indicated.

The setting of adjusted gross income caps or what we call AGI caps is a policy issue that should be handled by the authorizing committee, not during the appropriations process. More specifically, this issue is a farm bill issue, if you will, and it is currently being considered in the context of the Joint Debt Committee process—the supercommittee. The chairwoman has described in detail our efforts, both the House principals and the chairwoman and myself, in submitting to the Joint Debt Committee our suggestions on how we can meet our deficit reduction responsibilities.

As people consider this amendment, I think it is important to remember that the 2008 farm bill, as the chairwoman has indicated, included the most comprehensive and far-reaching reform to farm program eligibility requirements in 20 years. That included reform to the AGI caps to which the Coburn amendment refers.

It is also important for my colleagues to understand that the adjusted gross income for a farmer is not pure profit. Personal expenses and the servicing of debt must still be covered. Given the capital-intensive nature of farming and the cost of inputs such as land and machinery, servicing debt alone can cost hundreds of thousands of dollars.

Supporters of these limits also tend to talk about how few farmers would be impacted by these caps. However, the advocates also only tend to look at those farmers who file Schedule F tax forms. This rather simplistic approach fails to reflect the fact that most operations that could be directly impacted by the AGI caps that they are recommending do not file Schedule F tax returns because of how they have chosen to organize their farming operation.

Therefore, most advocates of these caps seriously underestimate the number of producers and the share of acres or production that would be left without a safety net.

To make matters worse, because this limit would be implemented using the appropriations legislation instead of authorizing legislation, it would not repeal the already existing AGI limits of \$750,000 per on-farm income and \$500,000 for off-farm income. In other words, this amendment would simply add another layer—another cap—another layer of bureaucracy to the already existing structure, further complicating USDA's work on this issue at a time when resources are extremely limited and when we are going to be in the process of writing a new farm bill, not to mention meeting our deficit obligations to the supercommittee.

Therefore, I encourage my colleagues to oppose the Coburn amendment and allow the agriculture committees the opportunity to address this issue in the appropriate venue.

I yield the floor.

Careful observation by this Member would indicate that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 741 WITHDRAWN

Mr. BLUNT. Mr. President, I ask unanimous consent to withdraw McCain amendment No. 741.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 763 AND 764 EN BLOC

Mr. BLUNT. Mr. President, on behalf of Senator DEMINT, I ask unanimous consent to set aside the pending amendment and offer amendments Nos. 763 and 764 en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BLUNT], for Mr. DEMINT, offers amendments numbered 763 and 764, en bloc.

The amendments are as follows:

AMENDMENT NO. 763

(Purpose: To prohibit the use of funds to implement regulations regarding the removal of essential-use designation for epinephrine used in oral pressurized metered-dose inhalers)

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement the final rule entitled "Use of Ozone-Depleting Substances; Removal of Essential-Use Designation (Epinephrine)" (73 Fed. Reg. 69532 (November 19, 2008)).

AMENDMENT NO. 764

(Purpose: To eliminate a certain increase in funding)

At the appropriate place, insert the following:

SEC. 7 _____. Section 101(a)(2) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 120; 124 Stat. 2394; 124 Stat. 3265) is amended by striking "after October 31, 2013" and inserting "on the date of enactment of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012".

Mr. BLUNT. With that, it appears that there is not a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 753

Mr. LEAHY. Mr. President, I wish to speak to amendment No. 753 to H.R. 2112 by the distinguished Senator from New Hampshire, Senator AYOTTE. This amendment would tie the hands of our national security and law enforcement officers in their efforts to secure our national security.

I am surprised that this amendment is being offered at this time. Just a week ago, we learned of the foiled assassination attempt in the United States of the Saudi Ambassador to the United States. This case involved the Department of Justice, the FBI, and the DEA in a coordinated effort to prevent an act of terrorism on U.S. soil. I commend the agencies involved in the investigation. I was also pleased to see that, in this instance, members of Congress did not re-engage in armchair quarterbacking over whether the suspect should be transferred to military custody or sent to Guantanamo.

Nearly two years ago, when a terrorist attempted to blow up an airplane on Christmas Day, some politicians used the occasion to criticize the Attorney General after the suspect was arrested. They made all kinds of claims about the risks of trying him in a Federal court, none of which came true. In fact, after obtaining useful intelligence from the suspect, that case proceeded without incident in Federal court where, last Wednesday, the defendant pleaded guilty. He now faces a potential life sentence. That successful prosecution adds to the more than 440 terrorism-related convictions since September 11, 2001.

Over the last two and one half years, the President and his national security team have done a tremendous job protecting America and taking the fight to our enemies. Earlier this year, the President ordered a successful strike against Osama bin Laden and has stayed focused on destroying al Qaeda from his first days in office. Last

month, the administration was also able to locate Anwar al Awlaki, a terrorist operative in Yemen who was recruiting Americans to attack within the United States. During the past two and one half years, the President and his national security team have developed a counterterrorism framework that has protected the American people while taking on al Qaeda and its affiliates. As the President's assistant for Homeland Security and Counterterrorism John Brennan noted last month: "[T]he results . . . under this approach are undeniable." Al Qaeda has been "severely crippled" and the death of Osama bin Laden was a "strategic milestone" in that effort.

We must remain vigilant, but no one can deny the progress that has been made. As Mr. Brennan emphasized, the approach is "a practical, flexible, result-driven approach to counter terrorism that is consistent with our laws, and in line with the very values upon which this nation was founded." He noted: "Where terrorists offer injustice, disorder, and destruction, the United States and its allies stand for freedom, fairness, equality, and hope."

The Judiciary Committee has held several hearings on the issue of how to best handle terrorism suspects. Experts and judges from across the political spectrum have agreed that our courts and our criminal justice system can play a role in this challenge, and indeed has been effectively involved many times already.

As a former prosecutor, I have absolute faith in the abilities of our Federal courts, prosecutors, and law enforcement to bring terrorists to justice. The Executive Branch must have all options available in handling terrorism cases, including the ability to prosecute terrorists in Federal criminal courts.

I find it deeply troubling that the Senate would prohibit the administration from trying terrorists in our Federal courts. While there may be a place for military commissions in our overall approach to dealing with terrorism suspects, they remain mostly an unproven tool. The federal courts have dramatically more experience with handling these types of cases and have a proven track record of success.

There have been only six convictions in military commissions since September 11. Of the six convictions, five resulted from plea bargains. On average, the sentences given to those six defendants convicted in military commissions have been far shorter than the sentences handed down in Federal criminal courts. There have been more than 443 terrorism-related convictions in Federal courts since September 11, 2001, including at least 78 convictions during the Obama administration.

This amendment would deprive Federal law enforcement of a critical tool in bringing terrorists to justice. It

usurps the Attorney General's constitutional responsibilities.

This body does not hold the responsibility of prosecuting any one. We are not the ones who go to court. We are not the ones who bring cases before a jury. The executive branch should make those choices, and it has done a very good job in winning convictions.

It would not be responsible for us to try to second-guess the system and tell a prosecutor what they should do in future cases. We would never do this to a State prosecutor. Why would we do this to our Federal prosecutors who are so well equipped to handle these cases?

We have spent over 200 years developing our criminal justice system, and we have spent over 200 years developing our courts and our Federal prosecution processes. No one should try to pass an amendment that will overturn that. This is not the path forward. I urge all Senators to oppose this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 836 TO AMENDMENT NO. 738

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment and call up my amendment No. 836.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. SANDERS, Mr. MENENDEZ, and Mrs. GILLIBRAND, proposes an amendment numbered 836 to amendment No. 738.

The amendment is as follows:

(Purpose: To provide adequate funding for Economic Development Administration disaster relief grants pursuant to the agreement on disaster relief funding included in the Budget Control Act of 2011)

On page 88, between lines 8 and 9, insert the following:

For an additional amount for "Economic Development Assistance Programs" for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$365,000,000, to remain available until expended: Provided, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

Mr. LAUTENBERG. Mr. President, this amendment would increase funding for disaster relief grants at the Economic Development Administration.

We all know that this has been a record year for natural disasters. Our country has already experienced a record 10 natural disasters that cost more than \$1 billion each time. Hurricane Irene alone caused more than \$7 billion in damages on the East Coast. In my home State of New Jersey, 11 people lost their lives as a result of the hurricane.

While President Obama came to my hometown of Paterson, NJ, to see the damage firsthand, I must point out that we are still, almost across the country, in the wake of huge storms that demand attention and will require substantial funding.

In my hometown of Paterson, NJ, we witnessed unforgettable images. The streets and sidewalks were covered in mud. In some homes, the second floor was also covered with mud.

But New Jersey is not alone. As I said, there have been extremely severe storms across the country, and flooding and tornadoes have devastated the Midwest and the South. As a result, FEMA has declared Federal disasters in all but two States this year. In the wake of these disasters, we have seen the American people pulling together, neighbor helping neighbor to put their lives back together; furniture out on the lawn; memorabilia that was so water soaked that it is valueless in terms of recalling memories.

It is painful to witness. When you see families standing together holding hands, wondering what is going to happen to them, we look to our country and they say help us recover from this disaster. Perhaps we will never quite get over it, but we can use the help desperately.

The Federal Government has to do its part, and I am pleased the Commerce, Justice, and Science bill we are considering includes emergency funding for disaster relief grants at the Economic Development Administration. I thank Senator MIKULSKI for her good work as chairman on this bill, but the needs all across the country are overwhelming and more disaster assistance is needed.

This amendment increases the funding for EDA disaster relief grants by \$365 million to a total of \$500 million of availability. I point out that many of these disasters themselves have \$1 billion worth of damage. My amendment is cosponsored by Senator SANDERS, MENENDEZ, GILLIBRAND, BLUMENTHAL, and LEAHY, and I thank them for their support. Any area that received a Federal disaster declaration this year would be eligible to compete for this disaster relief, including areas in 48 States so far this year. I want to be clear. Natural disasters devastate local economies, causing damages that can linger for years. FEMA reimburses local governments' homeowners for repairs in the immediate aftermath of a storm, but EDA grants are needed to

help communities get back on track for recovery and economic revitalization in the wake of a major disaster. Communities use these disaster relief funds to repair damaged public infrastructure, such as sewer and drinking water systems, and States use the EDA grants to create and coordinate efficient disaster response and recovery plans.

Additionally, local governments and nonprofits can lend EDA disaster relief funds to businesses to help our private sector to rebuild and to grow. Congress has recognized the value of this program in the past. During the past 5 years, we have provided more than \$550 million in EDA emergency disaster relief funds. This includes \$500 million in emergency supplemental funding for EDA in 2008 to respond to the hurricanes that devastated the South and the heavy rains that caused massive flooding throughout the Midwest.

When these areas were in need, Congress came together and extended a helping hand. Unfortunately, we have to do so again now. The funding in my amendment complies with the disaster relief provisions included in the Budget Control Act and is not offset with cuts from other programs in the bill. When disaster strikes, victims don't want us to reach for the budget ax, they want us to help them rebuild and recover.

We all recognize our country faces serious fiscal challenges, but we cannot put a price on human lives. Nothing is more important than protecting our communities, our families, and our economy. Hurricane Irene and many other natural disasters hit our country this year, causing widespread damage that is going to require a massive rebuilding effort. The American people are looking to us, to the Federal Government, to lend a helping hand.

I point again to the picture of what a disaster such as this can do, where water is virtually up to the second floors, and this was repeated across the State of New Jersey and in many other States as a result of hurricane Irene.

With that, I urge my colleagues to support this amendment. Although there are squabbles about funding for various programs, at no time is the help more urgently needed than now—again, right after these storms have hit, leaving terrible devastation and people urging and pleading with us to give them the help. I urge my colleagues to support the amendment.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have worked long and hard this whole week

trying to move forward on the legislation dealing with our appropriations bills. It has been difficult, and one reason it has been difficult is this is kind of a new area we are working in; that is, legislating. I was very impressed to see Senator MIKULSKI talk with great clarity about how nice it was for her to again be legislating.

But we are not there yet. We were hoping to have a number of votes today—tonight—but we haven't been able to do that. We are getting close. Our staffs are working very hard to come up with an agreement we hope we can do tonight, to set up a series of four to six votes in the morning and then, hopefully, a pathway to completing this legislation.

We have other issues. Always we have to do more than one thing at a time. So we will move forward, the Republican leader and I, on filing a couple of cloture motions that we are going to set up for votes either Friday or hopefully we can get them done tomorrow.

Mr. MCCONNELL. If I can make just a couple remarks.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. We do have a number of amendments pending, and we are working our way in the direction of getting back to a normal process. I share the majority leader's hope and his view that we will have a number of votes, hopefully tomorrow, as a result of an agreement we are working on.

TEACHERS AND FIRST RESPONDERS BACK TO WORK ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 204, S. 1723.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 204, S. 1723, a bill to provide for teacher and first responder stabilization.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 204, S. 1723, Teachers and First Responders Back to Work Act.

Harry Reid, Robert Menendez, Daniel Inouye, Herb Kohl, Sheldon Whitehouse, Jack Reed, Jeff Bingaman, Barbara Mikulski, Patty Murray, Debbie Stabenow, Richard Durbin, Sherrod Brown, Richard Blumenthal, Bernard Sanders, Robert Casey, Jr., Jeff Merkley, Patrick Leahy, Tom Harkin.

Mr. REID. I ask unanimous consent that the mandatory quorum call under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I withdraw my motion to proceed to Calendar No. 204.

The PRESIDING OFFICER. The motion is withdrawn.

The minority leader.

WITHHOLDING TAX RELIEF ACT OF 2011—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I ask unanimous consent to proceed to Calendar No. 205, S. 1726, and I send a cloture motion to the desk.

CLOTURE MOTION

The PRESIDING OFFICER. Without objection, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1726, the Withholding Tax Relief Act of 2011.

James Inhofe, David Vitter, Mike Crapo, Kelly Ayotte, Roy Blunt, Johnny Isakson, Jeff Sessions, Mike Lee, Saxby Chambliss, Tom Coburn, Jon Kyl, Susan Collins, Ron Johnson, Pat Roberts, Richard Burr, Lamar Alexander.

Mr. MCCONNELL. I now withdraw my motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

The majority leader.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

Mr. REID. Mr. President, as I indicated earlier, we have tried most all day to have some votes. We were unable to do that. We are not going to have any more votes tonight. I have spoken with the Republican leader. We have done the best we can for today. There will be more business on the floor this evening; hopefully, we will be able to set up some votes tomorrow. So I apologize to everyone for not being able to have some votes or to have some way of moving forward, but we have done, as I indicated, the best we can.

I guess the good news is some people will be able to watch the World Series.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 869

Mrs. GILLIBRAND. As you know, Mr. President, Hurricane Irene and Tropical Storm Lee left a trail of devastation all across New York. I saw firsthand the impact that they left on our communities: complete homes ruined, entire streets 7 feet of water, all people's belongings on their front yard, small businesses basically uncertain as to whether they could rebuild, whether they could rehire employees, crumbling bridges, washed-out roads, heating oil soaking into buildings and into the ground, farms with no feed for livestock, crops and livelihoods vanishing in a single day.

This farm in Middleburgh is just a snapshot of what our farmers are facing. Debris covers the land, most crops washed away. Whatever was left, contaminated. The Van Allers, who own this farm, told me that the worst sound they had ever heard was their cows suffering as the water rose.

This year has been unprecedented disasters striking agricultural regions all across the United States, not just in New York. In order to help these rural agricultural communities rebuild in my State and across the country, I am offering an amendment No. 869 to fund the backlog of State applications for the Emergency Conservation Program and the Emergency Watershed Program.

I call up this amendment now. This funding will help more than half the States in this Nation with the disasters they have experienced so far this year, from the flooding in the Midwest to the droughts in Texas to the devastation that happened all across New York State. This is emergency funding that will help our farmers and our businesses survive. I urge my colleagues to support this amendment to reduce the backlog of eligible projects that are needed desperately right now by these families and these farms to rebuild.

We wish to bring up amendment No. 869.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mrs. GILLIBRAND], for herself and Mr. SCHUMER, proposes an amendment numbered 869.

Mrs. GILLIBRAND. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the emergency conservation program and the emergency watershed protection program)

On page 83, between lines 9 and 10, insert the following:

SEC. ____ (a) Notwithstanding any other provision of this Act—

(1) the amount provided under section 732 for the emergency conservation program for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is increased by \$48,700,000; and

(2) the amount provided under section 732 for the emergency watershed protection program for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is increased by \$61,200,000.

(b) The additional amounts provided under subsection (a)—

(1) are designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D));

(2) are subject to the same terms and conditions as any other amounts provided under section 732 for the same purposes; and

(3) shall remain available until expended.

Mrs. GILLIBRAND. I wish to add Senators LEAHY, CASEY, and SANDERS as cosponsors to this amendment, along with Senator SCHUMER and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I yield the floor.

Mr. CONRAD. Mr. President, I wish to offer for the RECORD the Budget Committee's official scoring of H.R. 2112, the Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for fiscal year 2012, as reported.

The bill, as considered by the Senate, includes the text of two other committee-reported appropriations bills: S. 1572, the Departments of Commerce, Justice, and Science and Related Agencies Appropriations Act for fiscal year 2012; and S. 1596, the Departments of Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for fiscal year 2012.

The bill is divided into three divisions, each representing the reported legislative text from a subcommittee. Each division, therefore, will be considered separately for budget enforcement purposes.

Division A of the bill—Agriculture, Rural Development, Food and Drug Administration, and related agencies appropriations—provides \$1.8 billion in security discretionary budget authority and \$18.3 billion in nonsecurity discretionary budget authority for fiscal year 2012, which will result in new outlays of \$14.7 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for division A will total \$23 billion.

Division A of the bill includes a total of \$266 million in budget authority designated as being for disaster relief for the Emergency Conservation Program, the Emergency Forest Restoration Program, and the Emergency Watershed Protection Program. Pursuant to section 106(d) of the Budget Control

Act, an adjustment to the Appropriations Committee's 302(a) allocation has been made for this amount in budget authority and for the outlays flowing therefrom.

Funding in division A of the bill matches the subcommittee's section 302(b) allocation for security and nonsecurity budget authority and for overall outlays. No budget points of order lie against division A of the bill.

Division B of the bill—Commerce, Justice, Science and related agencies appropriations—provides \$78 million in security discretionary budget authority and \$52.8 billion in nonsecurity discretionary budget authority for fiscal year 2012, which will result in new outlays of \$37.7 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for division B will total \$63.5 billion.

Division B of the bill includes a total of \$135 million in budget authority designated as being for disaster relief for the Economic Development Administration. Pursuant to section 106(d) of the Budget Control Act, an adjustment to the Appropriations Committee's 302(a) allocation has been made for this amount in budget authority and for the outlays flowing therefrom.

Funding in division B of the bill is \$6 million below the subcommittee's section 302(b) allocation for security budget authority but matches the allocation for nonsecurity budget authority and for overall outlays. No budget points of order lie against division B of the bill.

Division C of the bill—Transportation, Housing and Urban Development, and related agencies appropriations—provides \$57.6 billion in nonsecurity discretionary budget authority for fiscal year 2012, which, when combined with transportation obligation limitations in the bill, will result in new outlays of \$46.4 billion. When outlays from prior-year budget authority and transportation obligation limitations are taken into account, discretionary outlays for the division C will total \$122.7 billion.

Division C of the bill includes a total of \$2.3 billion in budget authority designated as being for disaster relief including \$1.9 billion for the Federal Highway Administration's Emergency Relief Program and \$400 million for the Community Development Block Grant Program. Pursuant to section 106(d) of the Budget Control Act, an adjustment to the Appropriations Committee's 302(a) allocation has been made for this amount in budget authority and for the outlays flowing therefrom.

Funding in Division C of the bill matches the subcommittee's section 302(b) allocation for nonsecurity budget authority and is \$196 million below the subcommittee's allocation for overall outlays. No budget points of order lie against division C of the bill.

I ask unanimous consent that the table displaying the Budget Committee

scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2112, 2012—AGRICULTURE, COMMERCE-JUSTICE-SCIENCE, AND TRANSPORTATION-HUD APPROPRIATIONS¹

[Spending comparisons—Senate-Reported Bill (in millions of dollars)]

	Security	Non-Security—	Total
Division A: Department of Agriculture, and Rural Development, Food and Drug Administration, and Related Agencies Act, 2012			
Senate-Reported Bill:			
Budget Authority	1,750	18,296	20,046
Outlays	—	—	23,038
Senate 302(b) Allocation:			
Budget Authority	1,750	18,296	—
Outlays	—	—	23,038
Division A Compared To:			
Senate 302(b) allocation:			
Budget Authority	0	0	—
Outlays	—	—	0
Division B: Departments of Commerce and Justice, and Science and Related Agencies Appropriations Act, 2012			
Senate-Reported Bill:			
Budget Authority	78	52,752	52,830
Outlays	—	—	63,517
Senate 302(b) Allocation:			
Budget Authority	84	52,752	—
Outlays	—	—	63,517
Division B Compared To:			
Senate 302(b) allocation:			
Budget Authority	-6	0	—
Outlays	—	—	0
Division C: Departments of Transportation, Housing and Urban Development and Related Agencies Appropriations Act, 2012			
Senate-Reported Bill:			
Budget Authority	—	57,550	57,550
Outlays	—	—	122,721
Senate 302(b) Allocation:			
Budget Authority	—	57,550	—
Outlays	—	—	122,917
Division C Compared To: Senate 302(b) allocation:			
Budget Authority	—	0	—
Outlays	—	—	-196

¹ Divisions A, B, and C of Senate amendment 738 to H.R. 2122 include the Senate-reported legislative text of the respective Appropriations bills listed above.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 812

Mr. SESSIONS. Mr. President, I would like to speak on amendment number 812, which would prohibit the Patent and Trademark Office from using funds to implement Section 37 of the America Invents Act, more commonly known as the "Medco Fix."

The Medco fix was a bailout for a well-connected law firm—WilmerHale—and its malpractice insurer to the tune of \$214 million, and the essence of special interest legislation that will result in increased costs for the government, hospitals and consumers. I offered an amendment to the America Invents Act to strike this special interest fix and it was narrowly defeated by a vote of 51 to 47.

This saga began in 2001, when WilmerHale apparently missed a routine deadline for submitting to the PTO a patent term extension (PTE) application on behalf of its client Medco. The PTO denied the application, concluding it was not filed in a timely manner. Legal deadlines like this exist for a reason. They provide certainty not only to the litigants in a particular matter but also to the public. Every day in courts across America where a

deadline is missed the result is the same. Claim is dismissed the remedy available to the harmed party is a malpractice claim against the offending attorney.

Yet, in the 10 years since WilmerHale's malpractice, Medco never sued the law firm. Instead, in February 2011, the parties agreed to a settlement whereby the firm would pay Medco \$214 million, of which \$99 million will be paid by the firm's malpractice insurer.

WilmerHale also immediately paid \$18 million up front to cover Medco's litigation and lobbying expenses over the past decade. The settlement was tied to their success in getting either the PTO or Congress to grant an extension of Medco's patent term before June 2015, when the extension period overturning the PTO decision would otherwise expire.

Both the company and its law firm have spent millions of dollars and many years lobbying Congress to change the rules and to politically fix their legal mistake. Unfortunately—in my view—they succeeded.

One of the many reasons I oppose this special interest fix is because I believe it is unnecessary, unwise and dangerous for Congress to interfere with ongoing litigation, which is what happened here. It goes against historical precedent and sound policy for Congress to directly interfere with active judicial proceedings on behalf of one party over another. Here, the U.S. District Court for the Eastern District of Virginia had already ordered the PTO to "consider" Medco's application timely filed and adopt an interpretation of the word "date" in the statute that includes a "next business day" construction rather than "calendar day" as the PTO argued. Although the PTO did not appeal the decision, a generic company, APP Pharmaceuticals, intervened in the case with an appeal to the Federal Circuit Court of Appeals. At the time that Congress was considering the America Invents Act, oral arguments before the appeals court already had been scheduled for just a few weeks later. The court had not even had the chance to hear arguments when some of my colleagues were arguing that the Medco fix merely enshrined in statute the holdings of the courts.

However, it is my understanding that APP—the intervening party—pointed out to the appeals court that even if the Medco fix applied to this appeal, according to the language of the America Invents Act, it would not take effect for one year from the date of enactment. Indeed, the America Invents Act provides that, unless otherwise specified, all provisions are to take effect one year after the date of enactment and no special effective date is provided for the Medco fix. Should we now expect them to come to Congress for a fix for lobbying malpractice?

Given this, the Federal Circuit postponed oral argument, ordered the parties to file briefs regarding the impact of the effective date, and then rescheduled the argument for November 15th. I would point out to my colleagues who so forcefully insisted on this fix that the Federal Circuit's actions demonstrate that this is by no means merely technical. The court is reviewing this very question of law, both for effectiveness and to determine whether Congress has the power to revive a patent once it has expired and entered the public domain.

As I have said many times before, this body should not be intruding on the jurisdiction of the judicial branch. Today, I am offering an amendment to right this wrong and to allow the Federal Circuit, without interruption, to fulfill its constitutional role in deciding a pure question of law.

Mr. President, there is no unanimous consent, I know, to bring up amendment No. 812, which I have submitted. It is a very important amendment. It is something I will insist on through every appropriate power an individual Senator has to get an amendment to be voted on. Hopefully it will be coming up tomorrow or the next day. Let me again summarize it briefly.

Amendment 812 would prohibit the Patent and Trademark Office from using funds to implement section 37 of the America Invents Act, more commonly known as the Medco fix. When the patent bill moved through the Senate and the House—that took a decade—efforts were made to reverse a decision by the Patent and Trademark Office that had declared a major Boston law firm had failed to file a document in time to preserve a patent for their client Medco and, as a result of that, Medco was to lose its patent sooner than otherwise would be the case. Generic manufacturers would be able to manufacture the drug and it was asserted that it would cost \$214 million as a result of this error.

If a doctor makes an error, the doctor gets sued for malpractice. If lawyers make errors, they get sued for malpractice. They have malpractice insurance. Apparently they had some insurance.

At any rate, it appears millions of dollars, or hundreds of millions of dollars, were set aside for lobbying and other efforts to politically reverse the patent office during a time while the matter was litigated in court. When the patent bill came up a few months ago it was contended that this is the only vehicle to fix this problem and we needed to fix it. The House voted not to put it in their bill. Then somehow a new vote was obtained, and by the narrowest of margins the House put it in and it came to the Senate.

I had been objecting for a decade, and I objected and others objected, and we had a vote and by the margin of 51 to

47 it was decided not to amend the patent bill that the House had passed and to pass it just as the House did, although many people told me they agreed with me that this Medco fix intervening in ongoing litigation should not occur, but changing the patent bill would send it back to the House and endanger the passage of the bill.

I was disappointed then. But what we discovered is that the litigation continues. It is now before the U.S. Court of Appeals. The Court of Appeals is taking arguments on a number of issues that relate to this. It is a very real problem. It is a matter that ought to be decided by the courts, not politicians. If some special relief act is to be utilized—and sometimes those can be—it can't be utilized while a party still has litigation ongoing. Only after the litigation is exhausted can someone appeal for a special relief act. In essence, that is what Medco is asking for.

I do not think it is right. I practiced law for a long time. I know how the system works. I know at this fine law firm in Boston, every day the first thing they look at when somebody sues one of their clients is: Did the person file a lawsuit too late? If they did, they will dismiss it. Every judge who sees a motion to dismiss for lack of timely filing objectively looks at it. If it is 1 day, 1 hour, 1 minute late, you are out. That is the rule of law in America. It doesn't make any difference if you are the widow lady or if you are the head of some company or if you are a big drug company or a big law firm. That is justice in America.

I do not think this is a good thing for us to do. Now that we have this legislation before us, it is germane and appropriate, because it has patent language in it, for us to fix this decision we sort of got forced into making and to have a vote on it as part of this bill. What we know is that the language of the patent act that we passed, the America Invents Act, would not take effect for 1 year from the date of enactment. During that time the litigation continues. Congress ought not intervene. Congress ought to let the courts decide. Then if the only remedy in Congress would be to file for a special relief act, Congress could consider it or not based on the circumstances of the case.

I do believe it is a very important issue. I truly believe Congress is unwise, very unwise, to begin to step into ongoing litigation involving highly competent parties with large amounts of money and start taking sides in that litigation. I believe it would be wrong.

I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF HEATHER HIGGINBOTTOM

Mr. SESSIONS. Mr. President, time has been set aside for the Heather Higginbottom nomination. I hadn't intended to speak tonight, but it has been suggested that we might get started on that to provide more time tomorrow for other business in the Senate. So I will share my remarks tonight for the RECORD, and hopefully we can have more of a good discussion tomorrow.

The Constitution makes it very clear that it is the President who nominates. Confirmation does not occur, however, without the consent of the Senate. In Federalist No. 76, Alexander Hamilton wrote:

To what purpose then require the cooperation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity.

In other words, the Senate does have a duty to evaluate the President's nominees.

Unfortunately, the situation we face today with the nomination of Heather Higginbottom to be the Deputy Director for the Office of Management and Budget is one of those cases. I do not know her personally, but let me state from the outset that I have no questions about her character. She has many admirers. Senator KERRY, for whom she worked, is an admirer, and I respect that. The President certainly seeks her appointment and has asked me to try to see that the appointment moves along. I respect his desire to have an up-or-down vote and have agreed that we would have this vote and have so agreed for some time. But my concern is with the nominee's budgetary experience. It is the lack of experience that causes me to voice my opposition.

Let me first mention that the Office of Management and Budget has the primary responsibility to assist the President in overseeing the preparation of the Federal budget. This is a huge responsibility. In helping the President formulate his spending plan, OMB must evaluate the effectiveness of agency programs, policies, and procedures, assess competing funding demands among all of these agencies, and set the priorities and help the President.

OMB is not in charge—the President is—but in reality OMB is the agency that raises the concerns with overspending with the various Federal agencies. They submit their requests, and then the OMB says yea or nay. It is a very serious matter because very important people are asking for money. Sometimes you just have to say no to very prominent Cabinet people. The Cabinet people can appeal to the President, but they don't do it often. They

recognize that OMB is the place where most of these matters have to be decided. OMB speaks on behalf of the President.

Ms. Higginbottom's experience points to someone who has been on the wrong side, however, of fiscal restraint. Instead of crafting policies to decrease spending, she has been focused on new programs to increase spending.

In her Budget Committee questionnaire, she was asked about her qualifications for the job. She cited her legislative and political experience. I believe she worked in a Presidential campaign at one point but cited no direct budgetary knowledge and provided no examples of developing a budget.

In one prehearing question, I asked Ms. Higginbottom:

Your background is in education and public policy. Outside of your legislative and political experience, have you acquired any budget training, including classes or continuing education?

She responded with one sentence:

I have not taken any formal continuing education classes on the budget.

I asked her whether she was the primary budget staffer during her tenure in the Senate. She essentially gave a nonanswer to that. It doesn't appear that she was deeply involved as a general office Senate staffer in budgetary matters, not the primary staffer and not a staffer whose Senator served on the Budget Committee.

In another prehearing question, she was asked whether, as a nation, we needed to focus on deficit reduction rather than new spending. She responded by deferring to the President's fiscal year 2012 budget, stating that it "begins the challenging but essential process of adjusting spending to achieve fiscal sustainability immediately with a 5-year freeze of nonsecurity discretionary spending." Now, this is the same budget that adds to the debt every single year and has substantial deficits every single year.

During her confirmation hearing before the Budget Committee, on which I was the ranking Republican, she continued to use President Obama's incorrect formulations. I use that phrase kindly. She testified that President Obama's fiscal year 2012 budget—the one he submitted in January—would pay down the debt and "puts us on a path to stabilize our debt." But this is the same budget proposal that, by OMB's own estimate, has a deficit of approximately \$800 billion in year 10 of the 10-year budget, and not a single deficit in the 10 years of this budget that was submitted to us falls below \$600 billion. I would just note that, for example, \$600 billion is larger than any deficit President Bush ever had. So in the 10 years, the lowest budget deficit projected by President Obama's own Office of Management and Budget is \$600 billion—the lowest.

Surely a more experienced, skilled, and serious nominee, one who is ac-

quainted with the great debt threat we have in America, would recognize that these deficits are irresponsible, and one can't say we are living within our means or we are on a path to stabilize our debt.

You cannot say that. Even Treasury Secretary Geithner, when he testified before the Budget Committee, said the President's budget would be "unsustainable" if Congress passed it as written.

But the Senate Budget Committee was not the only forum in which Ms. Higginbottom was given an opportunity to highlight her experience. She had a hearing before the Homeland Security and Governmental Affairs Committee. They asked about her qualifications also, which they indicated were lacking.

Senator COLLINS said in her opening statement:

The nominee's background, while impressive in many respects, does not include a great deal of experience in budget process or financial analysis.

Senator SCOTT BROWN used his first question to deal with her experience. He said:

I notice from your resume you have some great political experience and some really good policy experience. I was wondering if you'd share with the committee, you know, what type of accounting and budgetary experience you have.

Well, she first attempted to avoid the question, talking about her general legislative and policy experience. Senator BROWN interrupted her and got to the heart of the matter:

So I guess my original question is, what type of budgetary and accounting experience do you have?

Ms. Higginbottom responded that she was not an accountant and that her goal was to implement the President's policy agenda through the budgetary process. I would note that the President's policy agenda seems to be primarily to continue extraordinary new and expanded "investments"—spending—in many, many areas of our government.

After opportunities to prove she was qualified through prehearing questions and through testimony at two confirmation hearings, she was reported out of the Homeland Security and Governmental Affairs Committee and the Budget Committee on a party-line vote. Our Democratic colleagues in both committees voted her out with the majorities they had. Because of her lack of experience, not one Republican voted for her.

So now a number of my colleagues have argued that the criticism is based not on a lack of experience but on her age, that somehow she is being unfairly treated because of that. She is young—young for this job—but the age allegation is not correct.

After her confirmation hearing in the Budget hearing, I sent her a followup question:

Some of my Democratic colleagues, during your confirmation hearing before the Budget Committee, indicated that when some of us questioned your experience, that we were using “experience” as a code word for age. The experience I am concerned about is actual budget experience. In a prehearing question, I asked you the following:

“Your background is in education and public policy. . . . have you acquired any budget training, including classes or continuing education?”

You responded in this way:

“I have not taken any formal continuing education classes on the budget.”

I asked if these facts had changed, and she basically said no. She said:

“For over a decade, I have worked at the highest levels of policymaking in the United States Senate and the White House. This work has included, but was not limited to, the budgetary implications of those policies.”

Not budget but policy issues and budgetary implications of those policies.

So the answer to the question I asked is no, clearly. She simply does not have the kind of serious budgetary experience to be the Deputy Director at an office that manages a government that is spending \$3,700 billion this year and taking in about \$2.3 trillion—borrowing 40 cents of every \$1 we spend.

This is a most august position, and it requires a person who can have the confidence and judgment to say no to people who always want to spend more.

Arguably, she would be the least qualified Deputy Director in decades. The last two nominees in this position had a combined 21 years of budget and finance experience. For example, Rob Nabors, the most recent nominee before her, served 8 years on the House Appropriations Committee and 6 years at the Office of Management and Budget. Steve McMillin, the nominee before him, served 3 years on the Senate Banking Committee and 4 years at the Office of Management and Budget. You learn something operating out of the Office of Management and Budget. That prepares you to have a leadership role there. Combined, Ms. Higginbottom does not have 1 year of budget or finance experience. Over the last 20 years, nominees for this position have had an average of 6.5 years of experience. Well, in certain circumstances, in certain times, maybe less experience is OK. But at a time when this Nation has never faced a more serious debt threat, we need real, august, serious leadership.

Mr. Erskine Bowles, who cochaired President Obama’s fiscal commission, which issued a most serious report to us, warned that if the United States fails to take significant action on debt reduction, the country would face “the most predictable economic crisis in its history.”

We are borrowing 40 cents of every \$1 we spend. Our Nation’s gross debt is larger than our entire economy. The last thing we need now is someone who

does not have the gravitas to say no to those who always tend to want to spend more. That is just one of the jobs OMB has—to say no.

When the Secretary of the Interior or the Secretary of Energy comes before the department, asking for approval of their budget which calls for more spending, a responsible OMB Director or his Deputy must be able to say no. Looking at President Obama’s fiscal year 2012 budget, I am sorry to say this duty has not been met by Mr. Lew, the Director. And I cannot see he is going to get much strength and support for doing the right thing from this nominee.

I supported Director Lew, but I have been disappointed in his leadership. When the President submitted his budget to Congress, Director Lew came before the Budget Committee and made some of the most indefensible claims I have heard in public life. He did. Director Lew said the President’s budget would allow us to live within our means, begin to pay down our debts, and spend only money we are taking in each year. Not one of those claims was true. Multiple fact-check organizations checked them and found them to be false. Even by OMB’s own reckoning, the deficit would never be smaller than \$600 billion at any point in the 10-year budget window. We would not be paying down our debt. We are not going to be spending only money we are taking in each year under the President’s budget.

What would happen to a CEO of a corporation if they told potential investors: Well, we are living within our means. We will begin to pay down our debt. We are going to only spend money we are taking in each year. Invest in our company. And people invested in the company, and they found out that there was no budget plan in place that showed anything less than huge deficits for the entire next decade and that the company was borrowing 40 cents of every \$1 that it was spending? What would happen then? I am telling you, he would be sued, if not prosecuted for fraud.

So this is the kind of leadership we have. I am not happy with it. The American people should not be happy with it. They came in to spend, not look the American people in the eye and tell them of the grave financial crisis we are facing in America.

Erskine Bowles, heading the commission appointed by President Obama, told us. He told us we are on an unsustainable path. It threatens our economic future; that we are facing the most predictable financial crisis in our history. When asked when that crisis might occur, when might we have economic damage arising from our debt, he said 2 years, maybe a little less, maybe a little more. Alan Simpson, his Cochairman, said: I think it could be less—less than 1 year.

This is not a game we are playing here. We do not need government officials spinning that we are living within our means and paying down our debt. We are running up debt in a fashion never, ever, ever before done in this Nation. It is unsustainable, and it is so dangerous because it is systemic, and it is hard to get off this trend. It is demographics. It is a lot of different reasons. But it is very serious, and we need leaders in OMB who are watching every single dime that is being spent, looking for every effort and place that savings can be effected. That is what we need, and I just do not feel as though this nominee fits that bill. She is a good person. She is, apparently, a good staffer, has a lot of friends. But the position of Deputy Director of OMB is a grave position. It has august responsibilities. It requires a most serious person who is willing to take strong stands and say no to people who, all too often, want to spend more and more.

When asked about our financial situation, in one of her answers she made reference to the first stimulus bill, the Recovery Act, so-called. This is what the nominee said:

Fortunately, Recovery Act spending has been extraordinarily transparent, enabling the public to assess the job impacts of the various programs funded. Overall, the data demonstrate that the Recovery Act has delivered as promised by creating and saving millions of jobs across the country, and has been an essential factor in rescuing the American economy.

Well, I know the nominee is a friend and ally of the President, and I am willing to give her a vote, and I suppose she will be confirmed. But I just want to say that I think that is a bit of a Pollyannaish description of the success of the stimulus bill. It just did not meet those standards, and I do feel as though she has been less than rigorous in her understanding of these difficult financial issues that our Nation faces. So I encourage my colleagues to join me in opposing the nomination.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to a series of votes in relation to the following amendments: Vitter No. 769, as modified; Webb No. 750; Merkley No. 879, as modified with the changes that are at the desk; Brown of Ohio No. 874, as

modified with the changes that are at the desk; Moran No. 815; and Grassley No. 860; that there be no amendments or points of order against any of the amendments prior to the votes other than budget points of order; that there be 2 minutes equally divided in the usual form prior to each vote; that the Vitter, Webb, Merkley, Brown, and Grassley amendments be subject to a 60 affirmative vote threshold; and that all after the first vote be 10 minutes; further, that the following amendments be considered agreed to this evening: Sanders No. 816, Coburn No. 793, and Coburn No. 798, as modified with the changes that are at the desk; finally, that the following first-degree amendments filed by Senator COBURN be in order to be called up and made pending during tomorrow's session: Nos. 794 through 797; 799 through 801; and 833.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 816) was agreed to.

The amendments (No. 793) and (No. 798), as modified, were agreed to, as follows:

AMENDMENT NO. 793

(Purpose: To ensure transparency in federally attended and funded conferences, including the cost to taxpayers for food, drinks, and hotel stays associated with federally funded conferences of more than \$20,000)

On page 209, after line 2 insert the following:

SEC. _____. The provisions of sections 517(c), 531, and 538 shall apply to all agencies and departments funded by divisions A, B, and C.

AMENDMENT NO. 798, AS MODIFIED

At the appropriate place, insert the following:

SEC. _____. Notwithstanding section 701, none of the funds made available by this Act may be used to purchase new passenger motor vehicles, except for national security, law enforcement needs, public transit, safety, and research: Provided further, all agencies and departments funded by divisions A, B, and C of this Act shall send to Congress at the end of the fiscal year a report containing a complete inventory of the total number of vehicles owned, permanently retired, and purchased during fiscal year 2012 as well as the total cost of the vehicle fleet, including maintenance, fuel, storage, purchasing, and leasing.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on amendment No. 738 to H.R. 2112, an Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

Harry Reid, Herb Kohl, Daniel Inouye, Sheldon Whitehouse, Jack Reed, Robert Menendez, Jeff Bingaman, Barbara Mikulski, Patty Murray, Debbie Stabenow, Richard Durbin, Sherrod Brown, Richard Blumenthal, Bernard Sanders, Robert Casey, Jr., Jeff Merkley, Patrick Leahy, Tom Harkin.

CLOTURE MOTION

Mr. REID. Mr. President, I have another cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 2112, an Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

Harry Reid, Herb Kohl, Daniel Inouye, Sheldon Whitehouse, Jack Reed, Robert Menendez, Jeff Bingaman, Barbara Mikulski, Patty Murray, Debbie Stabenow, Richard Durbin, Sherrod Brown, Richard Blumenthal, Bernard Sanders, Robert Casey, Jr., Jeff Merkley, Patrick Leahy, Tom Harkin.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived with regard to both cloture motions.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

TRIBUTE TO DR. JULIA LINK ROBERTS

Mr. McCONNELL. Mr. President, I rise today to recognize a fine Kentuckian and an outstanding educator, my friend Dr. Julia Link Roberts. Dr. Roberts is the Mahurin Professor of Gifted Studies at Western Kentucky University and the executive director of the Center for Gifted Studies, a leading Kentucky institution devoted to providing opportunities to gifted students for over 30 years.

Dr. Roberts's stature in her field was recognized recently when she was presented with the Acorn Award by the Kentucky Council on Postsecondary Education. She is the only professor this year from a 4-year institution to be so honored.

Dr. Roberts has been recognized for her excellence before. In 2001, she received the very first David W. Belin Advocacy Award from the National Association for Gifted Children. She was named as one of the 55 most influential people in the field of gifted education by Profiles of Influence in Gifted Education in 2004.

In addition to her work at WKU and with the Center for Gifted Studies, Dr. Roberts was the driving force behind

the creation of the Carol Martin Gatton Academy of Mathematics and Science in Kentucky, an outstanding school that provides the opportunity for gifted students from across the State to spend their junior and senior years at WKU taking college-level courses. Newsweek magazine recently named the Gatton Academy one of America's top five high schools.

Thousands of Kentucky's brightest, most promising students have come closer to realizing their full potential thanks to the guidance and direction of Dr. Roberts. I have had the pleasure of meeting many of them and can truly say they are among the finest Kentucky has to offer.

I want to offer her my sincerest congratulations on the well-deserved honor of winning the Acorn Award. It is only the most recent affirmation of the great contribution she has made to the Commonwealth, her students, and the field of education. I am sure her husband, Dr. Richard Roberts, and their children and grandchildren and extended family are very proud of her and all she has achieved.

The Bowling Green Daily News recently published an article recognizing Dr. Julia L. Roberts's remarkable career in education and her most recent achievement in winning the Acorn Award. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Bowling Green Daily News, Oct. 8, 2011]

WKU'S ROBERTS HONORED WITH ACORN AWARD

(By Laurel Wilson)

A Western Kentucky University professor recently was one of two Kentucky faculty members to be honored with an Acorn Award this year.

Julia Link Roberts, Mahurin Professor of Gifted Studies at WKU, was recognized as an outstanding professor at a four-year institution in the state.

The Kentucky Council on Postsecondary Education has given out Acorn Awards since 1992, said Sue Patrick, communications director for the CPE. Each year, a faculty member is recognized from a four-year institution and a two-year institution.

In addition to Roberts, David Cooper, a professor of English and African-American history at Jefferson Community and Technical College, was also honored.

Recipients of the Acorn Award are chosen based on faculty and student recommendations, as well as self-written essays about their teaching philosophy, Patrick said.

In his letter of recommendation for Roberts, WKU President Gary Ransdell called her "the model of an outstanding faculty member" and "a true champion for education, from elementary students to professional educators."

Roberts started WKU's Center for Gifted Studies more than 30 years ago, where she is executive director and has helped generations of gifted students and their families, Ransdell said in his letter.

She was also one of the driving forces behind creating the Carol Martin Gatton Academy of Mathematics and Science in Kentucky, a program at WKU that allows high-school students to spend their junior and senior years taking classes at WKU.

The awards were presented during the 23rd annual Governor's Conference on Postsecondary Education Trusteeship, which took place Sept. 23 in Lexington and was sponsored by the CPE and Kentucky's colleges and universities.

"This is always the highlight of our conference," Patrick said.

The conference is a great place to showcase faculty excellence because trustees from all state universities are together in one place, she said.

Roberts and Cooper each received \$5,000 and a plaque, she said.

"Our faculty members are the heart of each of our colleges and universities," CPE President Bob King said in a news release. "Recognizing excellence among so many talented and dedicated teachers and scholars is a difficult, but rewarding task. We are enormously grateful to Professor Cooper and Dr. Roberts for their contributions to so many students across the commonwealth."

Roberts said in an email that she was "both thrilled and humbled" to be recognized for her excellence in teaching, scholarship and service.

"I am proud to have a positive impact on young people who participate in various programs offered by the Center for Gifted Studies," she said. "I am very happy to work with teachers as my graduate students and to write articles and books that encourage educators to remove the learning ceiling for children and young people who are ready to learn at advanced levels."

RULES OF THE JOINT SELECT COMMITTEE ON DEFICIT REDUCTION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Rules of the Joint Committee on Deficit Reduction be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE JOINT COMMITTEE ON DEFICIT REDUCTION

RULE I—IN GENERAL

1. The provisions of the Budget Control Act of 2011 (P.L. 112-25) governing the proceedings of the Joint Select Committee on Deficit Reduction are hereby incorporated by reference and nothing herein shall be construed as superseding any provision of that Act.

2. The rules of the Senate and the House of Representatives, to the extent that they are applicable to committees, including rule XXVI of the Standing Rules of the Senate and clause 2 of rule XI of the Rules of the House of Representatives for the 112th Congress, and do not conflict with the applicable provisions of the Budget Control Act, shall govern the proceedings of the Joint Select Committee.

3. If a measure or matter is publicly available in electronic form on the website maintained by the Joint Select Committee, it shall be considered to have been available to members of the Joint Select Committee for purposes of these rules.

4. In each case where authority is granted to the Co-Chairs of the joint Select Com-

mittee, such authority may only be exercised jointly by the Co-Chairs.

RULE II—MEETINGS AND HEARINGS

MEETINGS

1. The joint Select Committee shall regularly meet for the transaction of business at times and dates determined jointly by the Co-Chairs.

2. (a) The Co-Chairs shall provide an agenda to the Joint Select Committee members not less than 48 hours in advance of any such meeting.

(b) The Co-Chairs shall make the text of any measure or matter described in a meeting agenda available to the members of the joint Select Committee not less than 24 hours in advance of any such meeting, except that no vote on such measure or matter shall occur in violation of section 401(b)(5)(D) of the Budget Control Act of 2011.

HEARINGS

3. (a) Consistent with section 401(b)(5)(1)(ii)(I) of the Budget Control Act of 2011, the Co-Chairs shall make a public announcement of the date, place, time, and subject matter of any hearing not less than seven days in advance of such hearing, unless the Co-Chairs jointly determine that there is good cause to begin such hearing at an earlier date.

(b) Each witness appearing before the Joint Select Committee shall file a written statement of testimony at least two calendar days before the appearance of the witness.

(c) The Co-Chairs shall each control up to 15 minutes each for the opening statements of Members of the Joint Committee at each hearing.

VOTING AND QUORUMS

4. Seven members of the Joint Select Committee shall constitute a quorum for purposes of voting, meeting, and holding hearings.

5. The Co-Chairs shall conduct a record vote on any motion, amendment, measure, or matter upon the request of any member of the Joint Select Committee.

6. The Co-Chairs may jointly agree to set a series of votes on any amendment or agreeing to a measure or matter, or postpone a requested record vote on such amendment, measure or matter, to occur at a time certain. Reasonable notice shall be given to members prior to resuming proceedings on any postponed question.

7. The Joint Committee may not vote on any final report, final recommendations, or a final bill unless the Congressional Budget Office estimates are available for consideration by all members of the Joint Committee at least 48 hours prior to the vote.

8. No proxy voting shall be allowed on behalf of the members of the Joint Select Committee.

RULE III—STAFFING AND RECORDS

STAFF

1. The staff of the Joint Select Committee shall be appointed as provided in sections 401(b)(4)(c)(ii) and 401(c) of the Budget Control Act of 2011.

RECORDS

2. The Joint Select Committee shall maintain a complete record of all committee action, including—

(a) in the case of a hearing or meeting transcript, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(b) the result of each record vote taken by the Joint Select Committee, including a description of the amendment, motion, order, or other proposition, the name of each member voting for and voting against such amendment, motion, order, or other proposition, and the names of the members of the Joint Select Committee present but not voting.

3. Upon the termination of the Joint Select Committee, the records of the Joint Select Committee shall be treated as Senate records under S. Res. 474, 96th Congress as directed by the Secretary of the Senate.

RULE IV—CONTENT OF REPORT

In the report required under section 401(b)(3)(B)(i) of the Budget Control Act of 2011, the Joint Select Committee shall include—

(a) with respect to each record vote on a motion to report the Joint Select Committee's recommendations or accompanying legislative language, and on any amendment offered to the recommendations or language, the total number of votes cast for and against, and the names of members voting for and against;

(b) an estimate by the Congressional Budget Office of the budgetary effects of the legislation (in the same manner as the estimate required by section 401(b)(5)(D)(ii) of the Budget Control Act of 2011); and

(c) a statement on the deficit reduction achieved by the legislation over the period of fiscal years 2012 to 2021 (in the manner as required by section 401(b)(3)(B)(i)(II) of the Budget Control Act of 2011); and

(d) a statement by the Joint Select Committee on the possible effects of the legislation on economic growth, employment, and United States competitiveness, if practicable; and

(e) the text of any statute or part thereof that is proposed to be repealed and a comparative print of any part of the legislative language proposing to amend a statute and of the statute or part thereof proposed to be amended, showing by appropriate typographical devices the omissions and insertions proposed.

RULE V—PUBLIC ACCESS AND TRANSPARENCY

1. (a) The Joint Select Committee shall establish and maintain a publicly available website, and shall make its publications available in electronic form thereon. Such publications will include final Committee transcripts and hearing materials as available.

(b) Not later than 24 hours after the adoption of any amendment to the report or legislative language, the Co-Chairs shall make the text of each such amendment publicly available in electronic form on the Joint Select Committee's website.

(c) Not later than 48 hours after a record vote is completed, the information described in clause 2(b) of rule III shall be made publicly available in electronic form on the Joint Select Committee's website.

2. Each hearing and meeting of the Joint Select Committee shall be open to the public and the media unless the Joint Select Committee, in open session and a quorum being present, determines by majority vote that such hearing or meeting shall be held in closed session. No vote on the recommendations, report or legislative language of the Joint Select Committee, or amendment thereto, may be taken in closed session.

3. To the maximum extent practicable, the Joint Select Committee shall—

(a) provide audio and video coverage of each hearing or meeting for the transaction

of business in a manner that allows the public to easily listen to and view the proceedings; and

(b) maintain the recordings of such coverage in a manner that is easily accessible to the public.

ADDITIONAL STATEMENTS

MAINE WOOD CONCEPTS

• Ms. SNOWE. Mr. President, with nearly 17.7 million acres of forest, my home State of Maine has the key distinction of being the most heavily forested State in this great country. Trees from these plentiful forests are converted into some of the finest hardwood flooring and custom wood products in the world. Today I wish to recognize Maine Wood Concepts, a small business that utilizes Maine's bountiful resources to create quality wooden products and which recently celebrated its 40th anniversary.

Maine Wood Concepts, located in the western Maine town of New Vineyard, specializes in turning, finishing, and manufacturing a variety of custom wood products, all designed to the highest standards. With an outstanding array of products including folding rules, file cleaners, drumsticks, pepper mills, industrial pieces, file handles, and even wooden nickels, this small business certainly lives up to its motto of "turning wood into what you need." As one of the last wood turning companies in the country, the firm's endurance can be attributed to its elite craftsmanship and superior quality products.

Forty years ago Wayne Fletcher and Earl E. Fletcher purchased the previously closed Percy Webber Wood Turning Mill and opened the Maine Wood Turning Mill. Now run by the second generation of the Fletcher family and known as Maine Wood Concepts, this small business has expanded to include Maine Wood Turning, American Pride Company, and the Lutz File and Tool Company. From humble beginnings of producing wooden toy parts and simple wood products, the firm now employs approximately 80 individuals and makes several complex wood products.

Maine Wood Concepts also seeks to ensure that Maine's abundant forest is cared for through responsible production and consumption of forest products. As a certified member of the Forest Stewardship Council, Maine Wood Concepts has met strict standards for promoting forest conservation through its chain of product distribution.

Over the past 40 years, Maine Woods Concepts has continually expanded and created quality jobs for Maine residents. Their ingenuity and growth throughout the years is a tribute to the strong work ethic found in every corner of Maine. I am proud to extend my congratulations to everyone at Maine

Wood Concepts on the occasion of the company's 40th anniversary and offer my best wishes for their continued success.●

TRIBUTE TO OREM MAYOR JERRY C. WASHBURN

• Mr. HATCH. Mr. President, today I wish to speak about the passing last month of Orem Mayor Jerry C. Washburn, one of Utah's finest public servants and a man who was beloved by those who had the pleasure of knowing and serving with him.

Mayor Washburn passed away September 26, 2011, after a long and courageous battle with cancer. Of Utah's many great public servants, it is difficult to find one finer than Jerry. His legacy of compassionate care and service to others will endure forever in the heads and hearts of his family, friends, and many constituents and admirers.

Jerry Washburn lived in his city of Orem for over half a century and served as its mayor for 11 years. He was elected to four terms and was the longest serving mayor in Orem's history. The reason for his political success is the same as it was for his success in all his endeavors. He was unfailingly kind and friendly to everyone he met, and he had a wonderful ability to put people at ease. He listened respectfully to all opinions and appreciated a thoughtful exchange of ideas. Mayor Washburn also was a natural leader, and he was highly respected by national, State, and local officials. He had an excellent relationship with the Orem City Council and city staff.

During his time in office, Mayor Washburn presided over Orem with a steady hand and a gentle touch. He continually worked to build others and to strengthen the community by supporting a diverse array of projects and programs. His focus as mayor was preserving and enhancing the quality of life in Orem. In this endeavor, he helped keep Orem as one of the safest cities in America and ensured that it remained "Family City USA." Mayor Washburn also worked hard to support Orem's many businesses and a strong economic base.

But Jerry Washburn's service and influence were not limited to Orem. He enjoyed his association with other leaders and organizations. He served as chairman of the Utah County Transportation Planning Organization and as chairman of the Utah County Board of Health. The mayor also was a founding board member of the Utah Lake Commission, served as president of the Orem Chamber of Commerce, and was a founding member of the Commission for Economic Development in Orem. He was also a successful businessman, owning a car dealership in Orem and serving on the regional board of a Utah bank and as director of a local credit union. He was accomplished both politically and professionally.

Jerry Washburn's motive for serving was simple. He wanted to help others and the community and State that he so dearly loved. His credo was: "If not me, who? If not now, when?" He never sought rewards or recognition, but his service was so stellar that it did not go unrecognized. In fact, he received the Boy Scouts Silver Beaver Award, the Arthur V. Watkins Outstanding Citizen Award, and the Brigham Young University Emeriti Alumni Award.

Jerry Washburn was also an active member of the Church and Jesus Christ of Latter-day Saints. Demonstrating his faith and commitment to God, he served his fellow church members—without financial remuneration—in a variety of leadership positions. His was a life based on an abiding love of his family, his church, and his fellow man. Perhaps that is why in the political arena—known more for discord than harmony—Jerry Washburn had few, if any, enemies and so many friends. He loved and respected people, and they loved and respected him in return.

In one of his last discussions with trusted colleague and confidant, Orem City Manager Bruce Chesnut, Mayor Washburn said, "No matter what happens, I'm ready." Well, Mr. Mayor, the City of Orem, the State of Utah, and the Nation were not ready to see you go.

Our thoughts and prayers at this time are with his cherished family, including his wife, Betty, his 6 children and 19 grandchildren.

Mayor Jerry Washburn will be greatly missed, but his legacy will live on through his wife, children, grandchildren, beloved community, and in the countless lives he has blessed and touched during his remarkable service.●

TRIBUTE TO SISTERS OF CHARITY

• Ms. COLLINS. Mr. President, in 1737, Marguerite D'Youville, a young widow and mother of three, founded the Sisters of Charity in Quebec, Canada. Despite her own misfortune and poverty, she devoted her life to caring for those less fortunate—the poor, the sick, and the orphaned.

Since that time, the Grey Nuns, as the sisters are known, have expanded their work of compassion throughout Canada, the United States, South America, and the Caribbean with schools, hospitals, and orphanages. St. Marguerite D'Youville, whom Pope John XXIII called the "Mother of Universal Charity," was canonized in 1990, the first native-born Canadian saint.

My home State has been blessed by the works of St. Marguerite and her followers. On November 20, 1878, three Grey Nuns stepped off a train in Lewiston, ME, equipped with little more than caring hearts and determination. Within 2 weeks, they opened the first bilingual school in that largely Franco-

American city, with 200 children arriving for the first day of class. Within 6 months, they opened an orphanage.

The Hospital of the Sisters of Charity they founded was often referred to as the "Sisters' Hospital" or the "French Hospital," but the Grey Nuns welcomed all. It was the first hospital in the twin cities of Lewiston-Auburn and the first Catholic hospital in Maine. Fees for care in the hard-working mill community were low and were often paid in loaves of bread, bolts of cloth, or bushels of apples, which the sisters gladly accepted.

A major expansion of the hospital in 1902 gave Lewiston the two magnificent domes that grace the city's skyline. In 1910, the name was changed to St. Mary's General Hospital. The growth of the hospital was well underway, with the latest medical innovations and a bilingual School of Nursing.

Today, St. Mary's Health System includes a 233-bed acute care facility; a strong physician network, an independent living center, and occupational health services that reach out to businesses throughout the region. St. Mary's D'Youville Pavilion is one of the largest nursing homes in New England and a national model for elder care.

On October 24, St. Mary's General Hospital will honor the Sisters of Charity, past and present, for more than 130 years of healing for the body and the soul. I rise today to join in that tribute. Through the tender care and willing sacrifice of the Grey Nuns, the words of St. Marguerite d'Youville, "We shall continue to love and to serve," still resonate today. ●

FOOD DAY

● Mr. BARRASSO. Mr. President, today I wish to submit for the RECORD an article written by Ann Wittman, executive director of the Wyoming Beef Council and published October 8, 2011, in the Wyoming Livestock Journal. The article's title is "Food Day Includes Gravy."

As Ann correctly points out, Monday, October 24, 2011, is being billed as Food Day with events planned across the Nation. Here in Washington, DC, the National Archives will be hosting a Food Day open house in conjunction with their "What's Cooking, Uncle Sam?" exhibit. Of note, the open house is being supported by the U.S. Department of Agriculture and U.S. Food and Drug Administration along with the primary Food Day sponsor, the Center for Science in the Public Interest.

It is the Center for Science in the Public Interest's agenda Ann calls into question. As she writes, the group's goal is to "encourage people around the country to sponsor or participate in activities that encourage Americans to 'eat real' and support healthy, affordable food grown in a sustainable, humane way."

The question must be asked, who is defining what is or what is not sustainable, healthy, and humane? In the article she points out behind the innocent name of the "Center for Science in the Public Interest" are groups with very extreme positions such as the Humane Society of the United States, People for the Ethical Treatment of Animals, Farm Animal Rights Movement, and FBI-designated terrorist groups, including the Animal Liberation Front. These groups push radical environmental, animal rights, and vegan positions and lifestyles that have very little to do with either science or public interest.

The USDA and FDA should not align themselves with fringe groups who push ideology over science. I commend Ann for her research and wise judgment in exposing special interest masquerading as public interest.

The material follows.

FOOD DAY INCLUDES GRAVY

(By Ann Wittmann, Executive Director, Wyoming Beef Council)

When I started working at the Wyoming Beef Council more than a decade ago, I had fewer gray hairs, fewer wrinkles and enthusiasm that might have been referred to as effervescent. My ideals were grand, my trust was large and I had great faith in the public to seek and gravitate toward the truth. Don't get me wrong, my enthusiasm has not waned, anyone who works with me or in the continental vicinity of me knows that I am passionate about my work, but the direction and means of expressing my enthusiasm has become more focused over the years. It's become less like an exploding soda pop and more like simmering gravy.

Several weeks ago I read with great interest an invitation to work with an organization called Center for Science in the Public Interest (CSPI) to participate in and facilitate "Food Day" activities throughout Wyoming. The invite billed "Food Day" as a national event on Oct. 24, 2011 to "encourage people around the country to sponsor or participate in activities that encourage Americans to 'eat real' and support healthy, affordable food grown in a sustainable, humane way."

Had I received that offer 10 years ago, I would have been shocked to discover the true message and motive behind the effort. After all, the event was created by the Center for Science in the Public Interest, and who among us doesn't believe that science should be in the public interest? My older, wiser simmering brain prevailed, however, and held back enthusiasm pending further investigation.

Research into the event listed partner organizations as Physicians Committee for Responsible Medicine, Farm Animal Rights Movement and the notorious Humane Society of the United States. Similar to the CSPI group, these organizations have feel-good names that serve to mislead the public. Most of us are aware that the Humane Society of the United States (HSUS) is a national non-profit organization with a \$200 million budget raised under the guise of funding pet shelters, but that spends all but one percent of that budget on efforts to eliminate animal agriculture. The other two groups, Physicians Committee for Responsible Medicine (PCRM) and Farm Animals Rights Movement (FARM) may not be as familiar. PCRM,

in spite of its name, has a very small number of physicians as members and has direct ties to PETA, as well as several FBI-designated terrorist groups including Animal Liberation Front (ALF) and Stop Huntingdon Animal Cruelty (SHAC). FARM is a national non-profit organization promoting a vegan lifestyle through public education and grassroots activism to end the use of animals for food.

As cautious as I am about jumping to conclusions, less than 60 seconds into my research I began to think "Food Day" was not a beef-friendly event! Sadly, other organizations that have been, and often continue to be, beef-friendly did not come to the same conclusion. Specifically, the American Dietetic Association, the American Culinary Federation and the National Association of City and County Health Officials signed on as partners to this campaign.

The five central goals of CSPI Food Day are: reduce diet-related disease by promoting safe, healthy foods; support sustainable farms and limit subsidies to big agribusiness; expand access to food and alleviate hunger; protect the environment and animals by reforming factory farms; promote health by curbing junk-food marketing to kids; and support fair conditions for food and farm workers. This campaign recommends a nearly-vegetarian diet to meet these goals.

The fourth goal of protecting the environment and animals by reforming factory farms continues to bring up false claims, such as the fat content of grain-finished beef or the greenhouse gas emissions from cattle. This alone is enough to make a simmering brain steam up and boil over. However, one of the most valuable lessons I have learned in my conversion from carbonation to stove top is to ensure that actions and reactions don't provide unintended publicity to the event or issue. After all, do these folks really need help giving their events more attention? Careful behind-the-scenes work is most often the best way to navigate these waters.

Two Wyoming events were posted on the CSPI Food Day website. The first was a mailing to Women, Infants and Children (WIC) clinics throughout the state. After discussing my concerns with a long-time beef-friendly contact at Wyoming WIC, she and I decided that sending out checkoff-funded information detailing the true story of beef production was in order. This effort is currently underway. Second, the University of Wyoming posted plans to host their own version of Food Days on Oct. 24-26 to include a food drive and resource fair along with a harvest dinner made with locally sourced foods. UW Food Days will wrap up on Oct. 26 with a day of trayless dining and cooking demonstrations showcasing local foods. Wyoming Collegiate CattleWomen and other university contacts have been alerted and asked to ensure the events are balanced and the truth about beef production is also available.

Nationally, proactive checkoff-funded programs such as panel discussions and national town hall conversations about America's food system are taking place, seeding the environment with positive messages about agriculture. Additionally, national beef checkoff staff has been meeting with several of the afore-mentioned beef-friendly organizations and advisory board members to try and educate them about the beef industry and understand why they are supporting this campaign. State beef councils across the country are meeting with state/local chapters of the organizations on the advisory board for Food Day, as well explaining that, while on the

surface Food Day appears to be an initiative to promote healthy foods versus fast-food and junk-food, it is actually a cleverly disguised event by groups opposed to modern food production practices.

Ultimately, I believe the true story of beef production and the opportunity to share the reality of the wholesomeness of our product and production methods are enthusiasm worthy and the checkoff will continue to roll along, working proactively, reactively and frequently behind the scenes, like a savory gravy on the back burner, to tell the positive story about our product.

For more information about the beef checkoff program visit mybeefcheckoff.com, wybeef.com or contact me at ann.wittmann@wyo.gov•

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—PM 29

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2011.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and cause an extreme level of violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property and interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the U.S. market and financial system.

BARACK OBAMA.
THE WHITE HOUSE, October 19, 2011.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3632. A communication from the Associate General Counsel, Office of the General Counsel, Department of Agriculture, transmitting, pursuant to law, (3) three reports relative to vacancies in the Department of Agriculture received in the Office of the President of the Senate on October 17, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3633. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacteriophage of *Clavibacter michiganensis* subspecies *michiganensis*; Exemption from the Requirement of a Tolerance" (FRL No. 8891-3) received in the Office of the President of the Senate on October 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3634. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, the Board's Quarterly Report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects; to the Committee on Armed Services.

EC-3635. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Iran-Related Multilateral Sanction Regime Efforts"; to the Committee on Armed Services.

EC-3636. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, (6) reports relative to vacancies within the Department of the Treasury, received in the Office of the President of the Senate on October 13, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3637. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to blocking the property of certain persons contributing to the conflict in Somalia that was declared in Executive Order 13536 of April 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-3638. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 1843. A bill to designate the facility of the United States Postal Service located at 489 Army Drive in Barrigada, Guam, as the "John Pangelinan Gerber Post Office Building".

H.R. 1975. A bill to designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the "First Lieutenant Oliver Goodall Post Office Building".

H.R. 2062. A bill to designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the "Matthew A. Pucino Post Office".

H.R. 2149. A bill to designate the facility of the United States Postal Service located at 4354 Pahoa Avenue in Honolulu, Hawaii, as the "Cecil L. Heftel Post Office Building".

S. 1412. A bill to designate the facility of the United States Postal Service, located at 462 Washington Street, Woburn, Massachusetts, as the "Officer John Maguire Post Office".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

*Laura A. Cordero, of the District of Columbia, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 15, 2015.

*Claude M. Steele, of New York, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2014.

*Anneila I. Sargent, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2016.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Catharine Friend Easterly, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

*Corinne Ann Beckwith, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

*Ernest Mitchell, Jr., of California, to be Administrator of the United States Fire Administration, Federal Emergency Management Agency, Department of Homeland Security.

*Ronald David McCray, of Texas, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2012.

*Ronald David McCray, of Texas, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2016.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BLUMENTHAL (for himself, Mr. CORKER, Mr. BENNET, Mr. HATCH, Mr. CASEY, Mr. ALEXANDER, and Mr. COONS):

S. 1734. A bill to provide incentives for the development of qualified infectious disease products; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN (for himself and Mr. WICKER):

S. 1735. A bill to approve the transfer of Yellow Creek Port properties in Iuka, Mississippi; to the Committee on Environment and Public Works.

By Mr. BROWN of Massachusetts (for himself, Ms. COLLINS, and Mr. LIEBERMAN):

S. 1736. A bill to achieve cost savings through the reform of Federal acquisition practices and procedures; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BENNET (for himself and Mr. ISAKSON):

S. 1737. A bill to improve the accuracy of mortgage underwriting used by Federal mortgage agencies by ensuring that energy costs are included in the underwriting process, to reduce the amount of energy consumed by homes, to facilitate the creation of energy efficiency retrofit and construction jobs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORNYN (for himself, Mr. CRAPO, Mr. RUBIO, Mrs. HUTCHISON, and Mr. BURR):

S. 1738. A bill to rescind the 3.8 percent tax on the investment income of the American people and to promote job creation and small businesses; to the Committee on Finance.

By Mr. FRANKEN (for himself and Ms. KLOBUCHAR):

S. 1739. A bill to provide for the use and distribution of judgment funds awarded to the Minnesota Chippewa Tribe by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes; to the Committee on Indian Affairs.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. WEBB, Mr. CARPER, and Mr. COONS):

S. 1740. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the reauthorization of the Chesapeake Bay Gateways and Watertrails Network; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MERKLEY (for himself, Mr. CRAPO, Mr. KOHL, and Mr. LAUTENBERG):

S. Res. 299. A resolution designating October 2011 as "National Work and Family Month"; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. WHITEHOUSE, Mr. GRASSLEY, Mr. CRAPO, Mr. CHAMBLISS, Mrs. FEINSTEIN, and Mr. THUNE):

S. Res. 300. A resolution supporting the goals and ideals of Red Ribbon Week, 2011; considered and agreed to.

ADDITIONAL COSPONSORS

S. 229

At the request of Mr. BEGICH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 229, a bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically-engineered fish.

S. 306

At the request of Mr. WEBB, the name of the Senator from Delaware (Mr.

COONS) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 390

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. BROWN) was withdrawn as a cosponsor of S. 390, a bill to ensure that the right of an individual to display the Service Flag on residential property not be abridged.

At the request of Mr. WEBB, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 390, supra.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 431

At the request of Mr. PRYOR, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 720

At the request of Mr. THUNE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 720, a bill to repeal the CLASS program.

S. 968

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 1133

At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1133, a bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes.

S. 1181

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1181, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1385

At the request of Mr. VITTER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1385, a bill to terminate the \$1 presidential coin program.

S. 1467

At the request of Mr. BLUNT, the name of the Senator from Nebraska

(Mr. NELSON) was added as a cosponsor of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1508

At the request of Mr. MENENDEZ, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 1508, a bill to extend loan limits for programs of the Federal Housing Administration, the government-sponsored enterprises, and the Department of Veterans Affairs, and for other purposes.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1610

At the request of Mr. THUNE, his name was added as a cosponsor of S. 1610, a bill to provide additional time for the Administrator of the Environmental Protection Agency to promulgate achievable standards for cement manufacturing facilities, and for other purposes.

S. 1615

At the request of Mr. SHELBY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1615, a bill to require enhanced economic analysis and justification of regulations proposed by certain Federal banking, housing, securities, and commodity regulators, and for other purposes.

S. 1651

At the request of Mr. SESSIONS, the names of the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CORNYN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1653

At the request of Ms. KLOBUCHAR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1653, a bill to make minor modifications to the procedures relating to the issuance of visas.

S. 1676

At the request of Mr. THUNE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1676, a bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt.

S. 1692

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas

(Mr. BOOZMAN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 1692, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes.

S. 1704

At the request of Ms. AYOTTE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1704, a bill to amend title 10, United States Code, to modify certain authorities relating to the strategic airlift aircraft force structure of the Air Force.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1720

At the request of Mr. MCCAIN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1720, a bill to provide American jobs through economic growth.

S. 1723

At the request of Mr. COONS, his name was added as a cosponsor of S. 1723, a bill to provide for teacher and first responder stabilization.

At the request of Mr. MERKLEY, his name was added as a cosponsor of S. 1723, *supra*.

S. RES. 132

At the request of Mr. NELSON of Nebraska, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 132, a resolution recognizing and honoring the zoos and aquariums of the United States.

S. RES. 291

At the request of Mr. MENENDEZ, the names of the Senator from Massachusetts (Mr. BROWN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. Res. 291, a resolution recognizing the religious and historical significance of the festival of Diwali.

AMENDMENT NO. 749

At the request of Mr. MCCAIN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 749 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 750

At the request of Mr. WEBB, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Michigan (Mr. LEVIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Missouri (Mrs. McCASKILL), the Senator from Rhode Island

(Mr. WHITEHOUSE), the Senator from Massachusetts (Mr. KERRY), the Senator from Oregon (Mr. WYDEN), the Senator from Colorado (Mr. UDALL), the Senator from New York (Mrs. GILLIBRAND), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 750 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 769

At the request of Mr. VITTER, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Arizona (Mr. MCCAIN), the Senator from Michigan (Ms. STABENOW), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 769 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 771

At the request of Mr. BINGAMAN, the names of the Senator from Delaware (Mr. COONS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 771 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 781

At the request of Ms. LANDRIEU, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 781 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 812

At the request of Mr. SESSIONS, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of amendment No. 812 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 814

At the request of Mr. CRAPO, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 814 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food

and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 817

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 817 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 827

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 827 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 836

At the request of Mr. LAUTENBERG, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of amendment No. 836 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 844

At the request of Mr. HATCH, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 844 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 854

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 854 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 855

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 855 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year

ending September 30, 2012, and for other purposes.

AMENDMENT NO. 857

At the request of Mr. MENENDEZ, the names of the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Delaware (Mr. COONS), the Senator from Massachusetts (Mr. BROWN), the Senator from Maryland (Mr. CARDIN), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Hawaii (Mr. AKAKA) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 857 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mr. CRAPO, Mr. RUBIO, Mrs. HUTCHISON, and Mr. BURR):

S. 1738. A bill to rescind the 3.8 percent tax on the investment income of the American people and to promote job creation and small businesses; to the Committee on Finance.

Mr. CORNYN. Mr. President, today I am introducing the Economic Growth and Jobs Protection Act of 2011. This legislation would repeal the 3.8 percent surtax on investment income that was included in the Health Care Reconciliation Act of 2010 (P.L. 111-152, signed into law by the President last year. I am pleased that Senators CRAPO, RUBIO, HUTCHISON, and BURR are cosponsors of this legislation.

We know that taxpayers will likely face the largest tax increase in history when the 2001 and 2003 tax relief acts expire at the end of 2013. If Congress does nothing, the highest tax rate for individuals will rise from 35 percent to just under 40 percent; taxpayers in the lowest bracket will see a 50 percent tax increase, from 10 percent to 15 percent; the marriage penalty will increase; the child credit will be cut in half; and taxes on capital gains and dividends will increase. In other words, every taxpayer will pay higher taxes to Washington.

But while taxpayers may be aware of these expiring provisions, many are likely not fully aware of another unpleasant surprise that will arrive on the first day of 2013. The Health Care Reconciliation Act that was jammed through the Senate along partisan lines includes a 3.8 percent surtax on the dividends, rents, and interest earned by certain taxpayers. Enacting this permanent tax hike was a mistake then and is a mistake now.

The Institute for Research on the Economics of Taxation—a nonprofit eco-

nomics policy research and educational organization recently told the Senate Finance Committee that the 3.8 percent surtax would reduce capital formation, which would lower productivity and wages and that a 3.8 percent surtax would lower GDP by about 0.9 percent and would actually result in lower revenue coming into the government's coffers.

Simply put, increasing taxes on investment income is a job killer and increases uncertainty at a time that the national unemployment is more than 9 percent. In fact, the top tax rate on capital gains will eventually be 23.8 percent as the rate bounces back to 20 percent from 15 percent in 2013. And dividends taxes would more than double to more than 43 percent.

We should not pile more taxes on the backs of working families and job creators. This will not help create jobs and will not make the tax code more pro-growth. We know the key to job creation is to grow the economy and allow small businesses to flourish, invest and create jobs.

In fact, according to the Federal Reserve Bank of Boston, we will need several years of very strong growth to reach 5 percent unemployment. For example, to reach 5 percent unemployment by 2015 the economy will need to grow 4.2 percent a year. This is just one reason that during the health care debate I offered a motion that would have directed the Senate Finance Committee to report the bill back without the 3.8 percent tax on the investment income. Although my attempt to strip out this job-killing tax fell short, I want to take this opportunity to note that six of my colleagues on the other side of the aisle supported my motion.

Not only will the Economic Growth and Jobs Protection Act of 2011 protect jobs and the investment security of taxpayers, it will also make sure that Congress restores one of the President's campaign promises. On September 12, 2008, then-candidate Obama promised the American people that, "Everyone in America—everyone—will pay lower taxes than they would under the rates Bill Clinton had in the 1990s." But when combined with the President's budget proposal, this additional tax on investment will raise taxes on many Americans higher than they were under the rates President Clinton had in the 1990s.

I ask that my colleagues support this legislation that will repeal this job-killing tax on small business investment and will protect economic growth, jobs and the retirement savings of taxpayers. Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Growth and Jobs Protection Act of 2011".

SEC. 2. REPEAL OF UNEARNED INCOME MEDICAL CARE CONTRIBUTION.

Subsection (a) of section 1402 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152) and the amendments made by such subsection are repealed.

NATIONAL ASSOCIATION
OF MANUFACTURERS,
OCTOBER 18, 2011.

Hon. JOHN CORNYN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CORNYN: On behalf of the National Association of Manufacturers (NAM)—the nation's largest industrial trade association—thank you for your leadership in introducing "The Economic Growth and Jobs Protection Act of 2011," to repeal the 3.8 percent surtax on "investment income" currently scheduled to go into effect beginning in 2013. The NAM strongly supports the passage of this legislation.

As you know, the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152) imposes a new 3.8 percent surtax on the dividends, rents and interest income earned by certain taxpayers. This new surtax, if implemented, will discourage savings and investment. If not repealed, this surtax will come on top of increases on dividend taxes that are scheduled to accelerate from today's current rate of 15 percent to a top rate of 39.6 percent at the beginning of 2013. Combined with this surtax, dividends taxes could more than double to a total of 43.9 percent.

Manufacturers strongly support the repeal of this burdensome tax that would increase the tax on savings and investment and reduce the amount of capital business owners have available to invest in their companies. Such a tax will ultimately result in the loss of vital funds needed for business operations and job creation.

Thank you for introducing this legislation. At this time while our nation is working to emerge from recent economic challenges, further increasing taxes on investment income is the wrong approach and simply adds to a tax system that is already anti-growth. We look forward to working with you and your staff to advance this important legislation.

Sincerely,
DOROTHY COLEMAN, Vice President,
Tax, Technology & Domestic Policy.

By Mr. FRANKEN (for himself
and Ms. KLOBUCHAR):

S. 1739. A bill to provide for the use and distribution of judgment funds awarded to the Minnesota Chippewa Tribe by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes; to the Committee on Indian Affairs.

Mr. FRANKEN. Mr. President, today I am introducing the Minnesota Chippewa Tribe Judgment Fund Distribution Act with my friend and colleague from Minnesota, Senator KLOBUCHAR. This legislation will finally allow for the distribution of funds owed to the Minnesota Chippewa Tribe. Before I talk about our legislation, I want to

first thank my colleague in the House, Representative PETERSON of Minnesota, for his leadership on this issue and for the tremendous work he put into crafting this bill.

It has been a long road to get to this point. The Minnesota Chippewa Tribe first filed complaints before the Indian Claims Commission in 1948. It took all the way until 1999 before their claims were settled. For over 60 years, members of the Minnesota Chippewa Tribe have been waiting for these funds. It's time to get this done.

In 1999, the United States Court of Federal Claims awarded \$20 million to the Minnesota Chippewa Tribe. This money is to compensate tribal members for the improper taking and sale of land and timber under the Nelson Act of 1889. The Federal Government owes the Minnesota Chippewa Tribe this money. In fact, in 1999, the \$20 million owed to the tribe was transferred to the Department of the Interior and deposited in a trust fund account, where it has been collecting one percent interest. But tribal members in my home State of Minnesota have never received a dime. That is because, before any money can go to the tribe, Congress must pass legislation detailing how to allocate the funds between the 6 bands that make up the Minnesota Chippewa Tribe.

Today, Senator KLOBUCHAR and I are introducing legislation to do just that. Our bill will provide \$300 to every tribal member. While this might not seem like a lot of money, I want to remind my colleagues that Native Americans represent one of the poorest segments of Minnesota's population. On the White Earth reservation, where one in five members live under the poverty line, a check for \$1,200 for a family of four would make a real difference. This is money that the 40,000 enrolled members of the Minnesota Chippewa Tribe could be using right now to put tires on their car or fix a leaking roof or buy new shoes for their children.

Our bill allocates the remaining funds equally to each of the six bands that make up the Minnesota Chippewa Tribe. That is approximately \$15 million or \$2.5 million per band. This funding is desperately needed. It will allow the bands to provide for the basic needs for their people by investing in economic development, health care, housing, and education.

There is one band, the Leech Lake Band of Ojibwe, that does not agree with this distribution plan. I am sympathetic to their concerns, and I sincerely hoped that a consensus agreement could have been reached that would have satisfied all those involved. But, in the end, I believe we must respect the decision of the tribe.

The bill we are introducing today reflects the distribution agreed upon by the Minnesota Chippewa Tribal Executive Committee. This is a democratic

body comprised of two elected officials from each of the six bands. Under the tribal constitution, the Executive Committee is the governing body of the tribe. After years of disagreement, the Tribal Executive Committee has agreed on an allocation formula. I deeply respect tribal sovereignty and therefore believe we must respect their decision.

I also worry that any further delay will only cause hardship for individual tribal members. The thousands of tribal members across Minnesota cannot afford to wait another decade. It is time for Congress to act to allow for the distribution of the funds owed to the Minnesota Chippewa Tribe.

I urge my colleagues to support this legislation and send it to the President's desk to be signed into law as soon as possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minnesota Chippewa Tribe Judgment Fund Distribution Act of 2011".

SEC. 2. FINDINGS.

Congress finds that—

(1) on January 22, 1948, the Minnesota Chippewa Tribe, representing all Chippewa bands in the State of Minnesota except the Red Lake Band, filed a claim before the Indian Claims Commission in Docket No. 19 for an accounting of all amounts received and expended pursuant to the Act of January 14, 1889 (25 Stat. 642, chapter 24) (referred to in this Act as the "Nelson Act");

(2) on August 2, 1951, the Minnesota Chippewa Tribe, representing all Chippewa bands in the State of Minnesota except the Red Lake Band, filed a number of claims before the Indian Claims Commission in Docket No. 188 for an accounting of the obligation of the Federal Government to each member Band of the Minnesota Chippewa Tribe under various statutes and treaties not covered by the Nelson Act;

(3) on May 17, 1999, a joint motion for findings in aid of settlement of the claims in Docket No. 19 and 188 was filed in the Court of Federal Claims;

(4) the terms of the settlement were approved by the Court of Federal Claims and final judgment in the matter was entered on May 26, 1999;

(5) on June 22, 1999, \$20,000,000 was transferred to the Department of the Interior and deposited in a trust fund account established for the beneficiaries of the amounts awarded in Docket No. 19 and 188;

(6) pursuant to the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), Congress must act to authorize the use or distribution of the judgment funds; and

(7) on October 1, 2009, the Minnesota Chippewa Tribal Executive Committee passed Resolution 146-09, approving a plan to distribute the judgment funds and requesting that Congress authorize the distribution of the judgment funds in the manner described by the plan.

SEC. 3. DEFINITIONS.

In this Act:

(1) BANDS.—The term "Bands" means—

- (A) the Bois Forte Band;
- (B) the Fond du Lac Band;
- (C) the Grand Portage Band;
- (D) the Leech Lake Band;
- (E) the Mille Lacs Band; and
- (F) the White Earth Band.

(2) JUDGMENT FUNDS.—The term "judgment funds" means the \$20,000,000 awarded on May 26, 1999, to the Minnesota Chippewa Tribe by the Court of Federal Claims and transferred to the Secretary for deposit in a trust fund account established for the beneficiaries of Docket No. 19 and 188.

(3) MINNESOTA CHIPPEWA TRIBE.—The term "Minnesota Chippewa Tribe" means the Minnesota Chippewa Tribe, composed solely of the Bands.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. LOAN REIMBURSEMENTS TO MINNESOTA CHIPPEWA TRIBE.

(a) IN GENERAL.—The Secretary may reimburse the Minnesota Chippewa Tribe the amount that the Minnesota Chippewa Tribe contributed for attorneys' fees and litigation expenses associated with the litigation of Docket No. 19 and 188 in the Court of Federal Claims and the distribution of judgment funds, plus any interest earned on that amount as of the date of payment under this section to the Minnesota Chippewa Tribe.

(b) PROCEDURE.—

(1) IN GENERAL.—To receive a reimbursement payment under subsection (a), not later than 90 days after the date of enactment of this Act, the Minnesota Chippewa Tribe shall submit to the Secretary a written claim for the reimbursement amount described in that subsection, subject to the condition that the Minnesota Chippewa Tribe certify that the reimbursement expenses claimed have not been reimbursed to the Tribe by any other entity.

(2) PAYMENT.—If the Minnesota Chippewa Tribe submits a claim to the Secretary in accordance with paragraph (1), the Secretary shall, using the judgment funds, pay to the Minnesota Chippewa Tribe the full reimbursement amount claimed, plus interest on that amount, calculated at the rate of 6.0 percent per year, simple interest, beginning on the date on which the amounts were expended by the Tribe and ending on the date on which the amounts are reimbursed to the Tribe.

SEC. 5. DISTRIBUTION OF JUDGMENT FUNDS.

(a) MEMBERSHIP ROLLS.—Not later than 90 days after the date of enactment of this Act, the Minnesota Chippewa Tribe shall submit to the Secretary an updated membership roll for each Band of the Tribe, each of which shall include the names of all enrolled members of that Band living on the date of enactment of this Act.

(b) DISBURSEMENT OF AVAILABLE FUNDS.—

(1) PER CAPITA ACCOUNT.—After the date on which any amounts under section 4 have been disbursed and the Secretary has received the updated membership rolls under subsection (a), the Secretary shall, from the remaining judgment funds, deposit in a per capita account established by the Secretary for each Band, an amount that is equal to \$300 for each member of that Band listed on the updated membership roll.

(2) REMAINING AMOUNTS.—If, after the disbursement described in paragraph (1), any judgment funds remain undisbursed, the Secretary shall deposit in an account established by the Secretary for each Band, which shall be separate from the per capita account

described in paragraph (1), all remaining amounts, divided equally among the Bands.

(c) **USE OF AMOUNTS.**—

(1) **DISBURSEMENT OF PER CAPITA PAYMENTS.**—Any amounts deposited in the per capita account of a Band described in subsection (b)(1) shall be—

(A) made available to the Band for immediate withdrawal; and

(B) used by the Band solely for the purpose of distributing 1 \$300 payment to each individual member of the Band listed on the updated membership roll.

(2) **TREATMENT OF DEPENDENTS.**—For each minor or dependent member of the Band listed on the updated roll, the Band may—

(A) distribute the \$300 payment to a parent or legal guardian of that dependent Band member; or

(B) deposit in a trust account the \$300 payment of that dependent Band member for the benefit of that dependent Band member, to be distributed under the terms of the trust.

(d) **UNCLAIMED PAYMENTS.**—If, on the date that is 1 year after the date on which the amounts described in subsection (b)(1) are made available to a Band, any amounts remain unclaimed, those amounts shall be returned to the Secretary, who shall deposit the remaining amounts in the accounts described in subsection (b)(2) in equal shares for each Band.

(e) **NO LIABILITY.**—The Secretary shall not be liable for the expenditure or investment of any amounts disbursed to a Band from the accounts described in subsection (b) after those amounts are withdrawn by the Band.

SEC. 6. ADMINISTRATION.

Amounts disbursed under this Act—

(1) shall not be liable for the payment of previously contracted obligations of any recipient, as provided in section 2(a) of Public Law 98-64 (25 U.S.C. 117b(a)); and

(2) shall be subject to section 7 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407).

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. WEBB, Mr. CARPER, and Mr. COONS):

S. 1740. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the reauthorization of the Chesapeake Bay Gateways and Watertrails Network; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, authorized under P.L. 105-312 in 1998 and reauthorized by P.L. 107-308 in 2002, the Chesapeake Bay Gateways and Watertrails Network helps several million visitors and residents find, enjoy, and learn about the special places and stories of the Chesapeake and its watershed. Today I am introducing legislation to reauthorize this successful program.

For visitors and residents, the Gateways are the “Chesapeake connection.” The Network members provide an experience of such high quality that their visitors will indeed connect to the Chesapeake emotionally as well as intellectually, and thus to its conservation.

The Chesapeake Bay is a national treasure. The Chesapeake ranks as the largest of America’s 130 estuaries and

one of the Nation’s largest and longest fresh water and estuarine systems. The Atlantic Ocean delivers half the bay’s 18 trillion gallons of water and the other half flows through over 150 major rivers and streams draining 64,000 square miles within 6 States and the District of Columbia. The Chesapeake watershed is among the most significant cultural, natural and historic assets of our Nation.

The Chesapeake is enormous and vastly diverse—how could you possibly experience the whole story in any one place? Better to connect and use the scores of existing public places to collaborate on presenting the many chapters and tales of the bay story. Visitors and residents go to more places for more experiences, all through a coordinated Gateways Network.

Beyond simply coordinating the Network, publishing a map and guides, and providing standard exhibits at all Gateways, the National Park Service has helped Gateways with matching grants and expertise for 200 projects with a total value of more than \$12 million. This is a great deal for the bay—it helps network members tell the Chesapeake story better and inspires people to care for this National Treasure—and it is a good deal for the Park Service. In this legislation, we cap the Gateways authorization at just \$2 million annually. It serves all 150+ Gateways and their 10 million visitors. No other National Park can provide such a dramatic ratio of public dollars spent to number of visitors served.

With the National Park Service’s expertise and support, Gateways have made significant progress in their mission to tell the bay’s stories to their millions of members and visitors, extend access to the bay and its watershed, and develop a conservation awareness and ethic. It is time to reauthorize the Chesapeake Gateways and Watertrails program. It is my hope that the Congress will act quickly to adopt this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Chesapeake Bay Gateways and Watertrails Network Reauthorization Act”.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105-312) is amended by striking “fiscal years” and all that follows through the period at the end and inserting “fiscal years 2012 through 2016.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 299—DESIGNATING OCTOBER 2011 AS “NATIONAL WORK AND FAMILY MONTH”

Mr. MERKLEY (for himself, Mr. CRAPO, Mr. KOHL, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 299

Whereas, according to a report by WorldatWork, a nonprofit professional association with expertise in attracting, motivating, and retaining employees, the quality of workers’ jobs and the supportiveness of the workplace of the workers are key predictors of the job productivity, job satisfaction, and commitment to the employer of those workers, as well as of the ability of the employer to retain those workers;

Whereas “work-life balance” refers to specific organizational practices, policies, and programs that are guided by a philosophy of active support for the efforts of employees to achieve success within and outside the workplace, such as caring for dependents, health and wellness, paid and unpaid time off, financial support, community involvement, and workplace culture;

Whereas numerous studies show that employers that offer effective work-life balance programs are better able to recruit more talented employees, maintain a happier, healthier, and less stressed workforce, and retain experienced employees, which produces a more productive and stable workforce with less voluntary turnover;

Whereas job flexibility often allows parents to be more involved in the lives of their children, and research demonstrates that parental involvement is associated with higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates in children;

Whereas military families have special work-family needs that often require robust policies and programs that provide flexibility to employees in unique circumstances;

Whereas studies report that family rituals, such as sitting down to dinner together and sharing activities on weekends and holidays, positively influence the health and development of children and that children who eat dinner with their families every day consume nearly a full serving more of fruits and vegetables per day than those who never eat dinner with their families or do so only occasionally; and

Whereas the month of October is an appropriate month to designate as National Work and Family Month: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 2011 as “National Work and Family Month”;

(2) recognizes the importance of work schedules that allow employees to spend time with their families to job productivity and healthy families;

(3) urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(4) calls upon the people of the United States to observe National Work and Family Month with appropriate ceremonies and activities.

SENATE RESOLUTION 300—SUPPORTING THE GOALS AND IDEALS OF RED RIBBON WEEK, 2011

Ms. MURKOWSKI (for herself, Mr. WHITEHOUSE, Mr. GRASSLEY, Mr. CRAPO, Mr. CHAMBLISS, Mrs. FEINSTEIN, and Mr. THUNE) submitted the following resolution; which was considered and agreed to:

S. RES. 300

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique “Kiki” Camarena, a special agent of the Drug Enforcement Administration for 11 years who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign was established by the National Family Partnership to preserve the memory of Special Agent Camarena and further the cause for which he gave his life;

Whereas the Red Ribbon Campaign has been nationally recognized since 1988 and is now the oldest and largest drug prevention program in the United States, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, established in 1973, aggressively targets organizations involved in the growing, manufacturing, and distribution of controlled substances and has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and attorneys general of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, PRIDE Youth Programs, the Drug Enforcement Administration, and hundreds of other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the United States faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas, between 1998 and 2008, the percentages of admissions to substance abuse treatment programs as a result of the abuse of marijuana and methamphetamines rose significantly;

Whereas drug dealers specifically target children by marketing illicit drugs that mimic the appearance and names of well-known brand-name candies and foods;

Whereas emerging drug threats and growing epidemics demand attention, with particular focus on the abuse of prescription medications, the second most abused drug by young people in the United States;

Whereas since the majority of teenagers abusing prescription drugs get the prescription drugs from family, friends, and home medicine cabinets, the Drug Enforcement Administration will host a National Take Back Day on October 29, 2011, for the public to safely dispose of unused or expired prescription medications that can lead to accidental poisoning, overdose, and abuse; and

Whereas parents, young people, schools, businesses, law enforcement agencies, reli-

gious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during the week-long celebration of Red Ribbon Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week, 2011;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States—

(A) to promote the creation of drug-free communities; and

(B) to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

AMENDMENTS SUBMITTED AND PROPOSED

SA 858. Mr. BINGAMAN (for himself, Mr. UDALL of New Mexico, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 859. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 860. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra.

SA 861. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 862. Mr. VITTER (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 863. Mr. MERKLEY (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 864. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 865. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 866. Mr. CASEY (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 867. Mr. BINGAMAN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 868. Mr. CARDIN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 869. Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. LEAHY, Mr. CASEY, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra.

SA 870. Mr. KYL (for himself, Mr. MCCAIN, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 871. Mr. BEGICH (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 872. Mrs. GILLIBRAND (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 873. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 874. Mr. BROWN of Ohio (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 875. Mr. HATCH (for himself, Mr. INHOFE, Mr. ISAKSON, Mr. CHAMBLISS, Ms. AYOTTE, Mr. HOEVEN, Mr. SHELBY, Mr. MORAN, Mr. NELSON of Nebraska, Mr. JOHANNES, Mr. WICKER, Mr. MCCONNELL, Mr. RUBIO, Mr. RISCH, Mrs. HUTCHISON, Mr. JOHNSON of Wisconsin, Mr. ROBERTS, Mr. BLUNT, Mr. MCCAIN, Ms. COLLINS, Ms. SNOWE, and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 876. Mr. KIRK submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 877. Mr. KIRK submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 878. Ms. SNOWE (for herself, Mr. BLUMENTHAL, Mr. SCHUMER, Mr. GRASSLEY, Mr. CASEY, Ms. KLOBUCHAR, Ms. COLLINS, Mr. COONS, Mr. KIRK, Mr. WYDEN, Mr. LAUTENBERG, Mr. BROWN of Ohio, Mr. SESSIONS, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 879. Mr. MERKLEY (for himself, Mr. WYDEN, Ms. CANTWELL, and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra.

SA 880. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 881. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 765 submitted by Mr. DEMINT and intended to be proposed to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 882. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 883. Ms. STABENOW (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill

H.R. 2112, supra; which was ordered to lie on the table.

SA 884. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 885. Mr. BEGICH (for himself, Mr. COBURN, Mr. UDALL of Colorado, Mr. BENNET, Mr. ENZI, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 886. Mr. BAUCUS (for himself, Ms. STABENOW, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 887. Mr. MERKLEY (for himself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 888. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 889. Mr. BROWN of Massachusetts (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 890. Mr. BURR (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 891. Mr. BURR (for himself, Ms. KLOBUCHAR, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 892. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 893. Ms. CANTWELL (for herself, Ms. MURKOWSKI, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 894. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 895. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 858. Mr. BINGAMAN (for himself, Mr. UDALL of New Mexico, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, between lines 16 and 17, insert the following:

SEC. 1 _____. Notwithstanding any other provision of law, the States of New Mexico and Maine may use amounts apportioned to the States under section 104(b)(2) of title 23, United States Code, for the congestion mitigation and air quality improvement program

authorized under section 149 of title 23, United States Code, to support the operation of—

(1) with respect to amounts apportioned to the State of New Mexico, commuter rail service between Belen, New Mexico and Santa Fe, New Mexico; and

(2) with respect to amounts apportioned to the State of Maine, passenger rail service between Boston, Massachusetts, and Portland, Maine.

SA 859. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 125 of title I of division C.

SA 860. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. (a) OVERSIGHT OF DEPARTMENT OF JUSTICE PROGRAMS.—All grants awarded by the Attorney General using funds made available under this Act shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2012, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct an audit of not fewer than 10 percent of all recipients of grants using funds made available under this Act to prevent waste, fraud, and abuse of funds by grantees.

(2) MANDATORY EXCLUSION.—A recipient of a grant awarded by the Attorney General using funds made available under this Act that is found to have an unresolved audit finding shall not be eligible to receive any grant funds under a grant program administered by the Attorney General during the 2 fiscal years beginning after the 6-month period described in paragraph (5).

(3) PRIORITY.—In awarding grants using funds made available under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

(4) REIMBURSEMENT.—If an entity is awarded grant funds by the Attorney General using funds made available under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(5) DEFINED TERM.—In this subsection, the term “unresolved audit finding” means an audit report finding, statement, or recommendation that the grantee has utilized

grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 6-month period beginning on the date of an initial notification of the finding or recommendation.

(6) MATCHING REQUIREMENT.—

(A) IN GENERAL.—Unless otherwise explicitly provided in authorizing legislation, no funds may be expended for grants to non-federal entities until a 25 percent non-Federal match has been secured by the grantee to carry out this subsection.

(B) CASH REQUIREMENT.—Not less than 60 percent of the matching requirement described in subparagraph (A) shall be in cash.

(C) IN-KIND CONTRIBUTIONS.—No more than 40 percent of the matching requirement described in subparagraph (A) may be in-kind contributions. In this subparagraph, the term “in-kind contributions” means legal or other related professional services and office space that directly relate to the purpose for which the grant was awarded.

(7) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this section and the grant programs described in this Act, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General may not award a grant using funds made available under this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant using funds made available under this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(8) ADMINISTRATIVE EXPENSES.—Unless otherwise explicitly provided in authorizing legislation, not more than 8 percent of the amounts appropriated under this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.

(9) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts appropriated to the Department of Justice under title II of division B of this Act may be used by the Attorney General, or by any individual or organization awarded funds under this Act, to host or support any expenditure for conferences, unless the Deputy Attorney General or the appropriate Assistant Attorney General provides prior written authorization that the funds may be expended to host a conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) may not be delegated and shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved and denied.

(10) PROHIBITION ON LOBBYING ACTIVITY.—

(A) IN GENERAL.—Amounts appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of the Federal Government or a State, local, or tribal government regarding the award of grant funding.

(B) PENALTY.—If the Attorney General determines that any recipient of a grant under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

(1) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, the Assistant Attorney General for the Office of Justice Programs, the Director of the Office on Violence Against Women, and the Director of the Office of Community Oriented Policing Services shall submit, to Committee on the Judiciary of the Senate, the Committee on Appropriations of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Appropriations of the House of Representatives, an annual certification that—

(A) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the Assistant Attorney General for the Office of Justice Programs;

(B) all mandatory exclusions required under paragraph (2) have been issued;

(C) all reimbursements required under paragraph (4) have been made; and

(D) includes a list of any grant recipients excluded under paragraph (2) from the previous year.

(b) USE OF FUNDS.—The Office of the Inspector General shall conduct the audits described in subsection (a) using the funds appropriated to the Office of the Inspector General under this Act.

SA 861. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 275, between lines 12 and 13, insert the following:

SEC. 172. AMERICA'S CUP.

(a) SHORT TITLE.—This section may be cited as the “America’s Cup Act of 2011”.

(b) IN GENERAL.—Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America’s Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

(c) DEFINITIONS.—In this section:

(1) 34TH AMERICA’S CUP.—The term “34th America’s Cup”—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America’s Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America’s Cup, includes additional sailing competitions conducted by America’s Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) AMERICA’S CUP RACE MANAGEMENT.—The term “America’s Cup Race Management” means the entity established to provide for independent, professional, and neutral race management of the America’s Cup sailing competitions.

(3) ELIGIBILITY CERTIFICATION.—The term “Eligibility Certification” means a certification issued under subsection (d).

(4) ELIGIBLE VESSEL.—The term “eligible vessel” means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America’s Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America’s Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b) of title 46, United States Code);

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) SUPPORTING VESSEL.—The term “supporting vessel” means a vessel that is operating in support of the 34th America’s Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

(d) CERTIFICATION.—

(1) REQUIREMENT.—A vessel may not operate under subsection (b) unless the vessel has received an Eligibility Certification.

(2) ISSUANCE.—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in subsection (c)(4).

(e) ENFORCEMENT.—Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America’s Cup as a competing vessel or a supporting vessel.

(f) PENALTY.—Any vessel participating in the 34th America’s Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applica-

ble penalties provided in chapters 121 and 551 of title 46, United States Code.

SA 862. Mr. VITTER (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION OF FUNDS FOR CERTAIN FORUMS AND DISCLOSURE REQUIREMENTS.

(a) DEFINITIONS.—In this section, the terms “agency” and “record” have the meanings given under section 552(f) (1) and (2) of title 5, United States Code, respectively.

(b) PROHIBITION OF FUNDS FOR FORUMS RELATING TO CLIMATE SCIENCE.—No funds made available under this Act shall be used for any employee of an agency to participate in any electronic forum that relates to climate science, earth temperature records, or weather analysis, unless—

(1) that employee makes a separate, internal record of all actions taken and all communications produced, sent, or received by that employee relating to that forum;

(2) in the case of written records, the separate record is in the form of a duplicate copy;

(3) in the case of an audio or video conference, the separate record is in the form of a transcription or minutes;

(4) all such records described under paragraph (3) are maintained in a fashion that—

(A) identifies the date and forum for which the record was created;

(B) identifies the parties involved; and

(C) fully and accurately summarizes the entire communication; and

(5) all such records are subject to section 552 of title 5, United States Code.

(c) PROHIBITION OF FUNDS FOR CERTAIN FORUMS WITH THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE.—No funds made available under this Act may be used for any employee of an agency to participate in any password-protected electronic forum that involves the participation in a process or production of the Intergovernmental Panel on Climate Change.

(d) RECORDS OF COMMUNICATIONS WITH THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE.—

(1) RECORDS REQUIREMENT.—Any employee of an agency shall make a record of any communication with any employee, chair, author, review editor, Technical Support Unit staff or member of another nation’s delegation to the Intergovernmental Panel on Climate Change, on matters relating to work or proceedings of the Intergovernmental Panel on Climate Change.

(2) FOIA.—Section 552 of title 5, United States Code, shall apply to any record described under paragraph (1).

(e) DISCLOSURE OF RECORDS BY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Notwithstanding any other provision of law, including section 552 of title 5, United States Code, not later than 30 days after the date of enactment of this Act, the National Oceanic and Atmospheric Administration shall disclose all records relating to the National Oceanic and Atmospheric Administration FOIA request numbers: 2007-00342, 2007-00354, 2007-00355, and 2007-00364, and 2010-00199 in an unredacted form.

(f) DISCLOSURE OF RECORDS BY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Notwithstanding any other provision of law, including section 552 of title 5, United States Code, not later than 30 days after the date of enactment of this Act, the National Oceanic and Atmospheric Administration shall disclose and publish on its website under a separate heading and page all records produced on, sent to, or made available to any employee on a password-protected website used for purposes relating to the Intergovernmental Panel on Climate Change.

SA 863. Mr. MERKLEY (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 12, strike “3302:” and insert “3302: *Provided*, That not less than \$12,000,000 shall be for the Office of China Compliance, and not less than \$4,400,000 shall be for the China Countervailing Duty Group.”.

SA 864. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, beginning on line 9, strike “\$441,104,000” and all that follows through “3302:” on line 12, and insert “\$460,106,000, to remain available until September 30, 2013, of which \$9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That not less than \$20,000,000 shall be for the Office of China Compliance, and not less than \$4,400,000 shall be for the China Countervailing Duty Group.”.

On page 191, line 20, strike “\$620,000,000” and insert “\$640,000,000”.

SA 865. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, beginning on line 7, strike “\$46,775,000” and all that follows through the period on line 10, and insert “\$51,251,000, of which \$1,000,000 shall remain available until expended: *Provided*, That not to exceed \$93,000 shall be available for official reception and representation expenses: *Provided further*, That not more than \$4,476,000 shall be available to investigate policies of the Government of the People’s Republic of China that provide subsidies to solar pro-

ducers in China, that impose restrictions on the exportation of certain rare earth metals from China, and that potentially violate international commitments by the Government of China, and to seek the elimination of those harmful policies, including through the dispute settlement procedures of the World Trade Organization.”.

SA 866. Mr. CASEY (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 388, between lines 14 and 15, insert the following:

SEC. 4 _____. (a) DEFINITION OF EARMARK.—In this section, the term “earmark” means—

(1) a congressionally directed spending item, as defined in clause 5(a) of rule XLIV of the rules of the Senate for the 112th Congress; or

(2) a congressional earmark, as defined in clause 9(d) of rule XXI of the rules of the House of Representatives for the 112th Congress.

(b) OBLIGATION OF FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, funds made available from the Highway Trust Fund through an earmark to carry out a highway project under title 23, United States Code, shall be obligated for the earmarked project by not later than 3 years after the date on which the earmarked funds are first made available.

(2) RETURN AND REDISTRIBUTION.—Funds described in paragraph (1) that are not obligated by the deadline specified in that paragraph shall be—

(A) released to the State transportation department of the State with jurisdiction over the original recipient of the earmark; and

(B) redistributed by the State for expeditious use for other federally approved transportation projects in the State.

SA 867. Mr. BINGAMAN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike line 10 and insert the following: “Act and none of the funds made available in this Act for the Food and Drug Administration shall be used to change the practices and policies of the Food and Drug Administration, in effect on October 1, 2011, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use, with respect to such importation by individuals from countries other than Canada.”.

SA 868. Mr. CARDIN (for himself and Mr. GRAHAM) submitted an amendment

intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, between lines 2 and 3, insert the following:

TITLE VI—NATIONAL BLUE ALERT

SEC. 601. SHORT TITLE.

This title may be cited as the “National Blue Alert Act of 2011”.

SEC. 602. DEFINITIONS.

In this title:

(1) COORDINATOR.—The term “Coordinator” means the Blue Alert Coordinator of the Department of Justice designated under section 604(a).

(2) BLUE ALERT.—The term “Blue Alert” means information relating to the serious injury or death of a law enforcement officer in the line of duty sent through the network.

(3) BLUE ALERT PLAN.—The term “Blue Alert plan” means the plan of a State, unit of local government, or Federal agency participating in the network for the dissemination of information received as a Blue Alert.

(4) LAW ENFORCEMENT OFFICER.—The term “law enforcement officer” shall have the same meaning as in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(6)).

(5) NETWORK.—The term “network” means the Blue Alert communications network established by the Attorney General under section 603.

(6) STATE.—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 603. BLUE ALERT COMMUNICATIONS NETWORK.

The Attorney General shall establish a national Blue Alert communications network within the Department of Justice to issue Blue Alerts through the initiation, facilitation, and promotion of Blue Alert plans, in coordination with States, units of local government, law enforcement agencies, and other appropriate entities.

SEC. 604. BLUE ALERT COORDINATOR; GUIDELINES.

(a) COORDINATION WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall assign an existing officer of the Department of Justice to act as the national coordinator of the Blue Alert communications network.

(b) DUTIES OF THE COORDINATOR.—The Coordinator shall—

(1) provide assistance to States and units of local government that are using Blue Alert plans;

(2) establish voluntary guidelines for States and units of local government to use in developing Blue Alert plans that will promote compatible and integrated Blue Alert plans throughout the United States, including—

(A) a list of the resources necessary to establish a Blue Alert plan;

(B) criteria for evaluating whether a situation warrants issuing a Blue Alert;

(C) guidelines to protect the privacy, dignity, independence, and autonomy of any law enforcement officer who may be the subject of a Blue Alert and the family of the law enforcement officer;

(D) guidelines that a Blue Alert should only be issued with respect to a law enforcement officer if—

(i) the law enforcement agency involved—

(I) confirms—

(aa) the death or serious injury of the law enforcement officer; or

(bb) the attack on the law enforcement officer and that there is an indication of the death or serious injury of the officer; or

(II) concludes that the law enforcement officer is missing in the line of duty;

(ii) there is an indication of serious injury to or death of the law enforcement officer;

(iii) the suspect involved has not been apprehended; and

(iv) there is sufficient descriptive information of the suspect involved and any relevant vehicle and tag numbers;

(E) guidelines—

(i) that information relating to a law enforcement officer who is seriously injured or killed in the line of duty should be provided to the National Crime Information Center database operated by the Federal Bureau of Investigation under section 534 of title 28, United States Code, and any relevant crime information repository of the State involved;

(ii) that a Blue Alert should, to the maximum extent practicable (as determined by the Coordinator in consultation with law enforcement agencies of States and units of local governments), be limited to the geographic areas most likely to facilitate the apprehension of the suspect involved or which the suspect could reasonably reach, which should not be limited to State lines;

(iii) for law enforcement agencies of States or units of local government to develop plans to communicate information to neighboring States to provide for seamless communication of a Blue Alert; and

(iv) providing that a Blue Alert should be suspended when the suspect involved is apprehended or when the law enforcement agency involved determines that the Blue Alert is no longer effective; and

(F) guidelines for—

(i) the issuance of Blue Alerts through the network; and

(ii) the extent of the dissemination of alerts issued through the network;

(3) develop protocols for efforts to apprehend suspects that address activities during the period beginning at the time of the initial notification of a law enforcement agency that a suspect has not been apprehended and ending at the time of apprehension of a suspect or when the law enforcement agency involved determines that the Blue Alert is no longer effective, including protocols regulating—

(A) the use of public safety communications;

(B) command center operations; and

(C) incident review, evaluation, debriefing, and public information procedures;

(4) work with States to ensure appropriate regional coordination of various elements of the network;

(5) establish an advisory group to assist States, units of local government, law enforcement agencies, and other entities involved in the network with initiating, facilitating, and promoting Blue Alert plans, which shall include—

(A) to the maximum extent practicable, representation from the various geographic regions of the United States; and

(B) members who are—

(i) representatives of a law enforcement organization representing rank-and-file officers;

(ii) representatives of other law enforcement agencies and public safety communications;

(iii) broadcasters, first responders, dispatchers, and radio station personnel; and

(iv) representatives of any other individuals or organizations that the Coordinator determines are necessary to the success of the network;

(6) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of Blue Alerts through the network; and

(7) determine—

(A) what procedures and practices are in use for notifying law enforcement and the public when a law enforcement officer is killed or seriously injured in the line of duty; and

(B) which of the procedures and practices are effective and that do not require the expenditure of additional resources to implement.

(c) LIMITATIONS.—

(1) VOLUNTARY PARTICIPATION.—The guidelines established under subsection (b)(2), protocols developed under subsection (b)(3), and other programs established under subsection (b), shall not be mandatory.

(2) DISSEMINATION OF INFORMATION.—The guidelines established under subsection (b)(2) shall, to the maximum extent practicable (as determined by the Coordinator in consultation with law enforcement agencies of States and units of local government), provide that appropriate information relating to a Blue Alert is disseminated to the appropriate officials of law enforcement agencies, public health agencies, and other agencies.

(3) PRIVACY AND CIVIL LIBERTIES PROTECTIONS.—The guidelines established under subsection (b) shall—

(A) provide mechanisms that ensure that Blue Alerts comply with all applicable Federal, State, and local privacy laws and regulations; and

(B) include standards that specifically provide for the protection of the civil liberties, including the privacy, of law enforcement officers who are seriously injured or killed in the line of duty and the families of the officers.

(d) COOPERATION WITH OTHER AGENCIES.—The Coordinator shall cooperate with the Secretary of Homeland Security, the Secretary of Transportation, the Chairman of the Federal Communications Commission, and appropriate offices of the Department of Justice in carrying out activities under this title.

(e) RESTRICTIONS ON COORDINATOR.—The Coordinator may not—

(1) perform any official travel for the sole purpose of carrying out the duties of the Coordinator;

(2) lobby any officer of a State regarding the funding or implementation of a Blue Alert plan; or

(3) host a conference focused solely on the Blue Alert program that requires the expenditure of Federal funds.

(f) REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the Blue Alert plans that are in effect or being developed.

SEC. 605. GRANT PROGRAM FOR SUPPORT OF BLUE ALERT PLANS.

Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (16), by striking “and” at the end;

(2) by redesignating paragraph (17) as paragraph (18); and

(3) by inserting after paragraph (16) the following:

“(17) to assist a State in the development or enhancement of programs and activities in support of a Blue Alert plan and the network (as those terms are defined in section 2 of the National Blue Alert Act of 2011), including—

“(A) developing and implementing education and training programs, and associated materials, relating to Blue Alert plans;

“(B) developing and implementing law enforcement programs, and associated equipment, relating to Blue Alert plans; and

“(C) developing and implementing new technologies to improve the communication of Blue Alerts; and.”

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a)(11) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

“(C)(i) Of amounts authorized to be appropriated to carry out part Q in any fiscal year, \$10,000,000 is authorized to be appropriated for grants for the purposes described in section 1701(b)(17).

“(ii) Amounts appropriated pursuant to clause (i) shall remain available until expended.”

SA 869. Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 9 and 10, insert the following:

SEC. ____ (a) Notwithstanding any other provision of this Act—

(1) the amount provided under section 732 for the emergency conservation program for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is increased by \$48,700,000; and

(2) the amount provided under section 732 for the emergency watershed protection program for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is increased by \$61,200,000.

(b) The additional amounts provided under subsection (a)—

(1) are designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D));

(2) are subject to the same terms and conditions as any other amounts provided under section 732 for the same purposes; and

(3) shall remain available until expended.

SA 870. Mr. KYL (for himself, Mr. MCCAIN, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs

for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 117, strike line 13 and all that follows through page 118, line 2, and insert the following:

UNITED STATES MARSHALS SERVICE
SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,121,041,000; of which not to exceed \$20,000,000 shall be available for necessary expenses for increased deputy marshals and staff related to Southwest border enforcement until September 30, 2012; of which not to exceed \$6,000 shall be available for official reception and representation expenses; and of which not to exceed \$20,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied, or utilized by the United States Marshals Service for prisoner holding and related support, \$28,500,000, which shall remain available until expended; of which not less than \$9,696,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling; of which \$15,000,000 shall be available for detention upgrades at Federal courthouses located in the Southwest border region; and of which not less than \$1,500,000 shall be available for the costs of courthouse security equipment, including electronic security devices, telephone systems, and cabling at Federal courthouses located in the Southwest border region.

OFFSET

Notwithstanding any other provision of this Act, the total amount appropriated under this Act (except for the amounts appropriated under title II of this division and title I of division C) shall be reduced on a pro rata basis by \$36,500,000.

SA 871. Mr. BEGICH (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, and Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

PATENT AND TRADEMARK OFFICE FUNDING

SEC. 114. (a) FUNDING.—

(1) IN GENERAL.—Section 42 of title 35, United States Code, is amended—

(A) in subsection (b), by striking “Patent and Trademark Office Appropriation Account” and inserting “United States Patent and Trademark Office Public Enterprise Fund”;

(B) by striking “(c)(1)” and inserting “(c)”;

and

(C) in subsection (c)—

(i) in the first sentence—

(I) by striking “To the extent” and all that follows through “fees” and inserting “Fees”;

and

(II) by striking “shall be collected by and shall, subject to paragraph (3), be available to the Director” and inserting “shall be collected by the Director and shall be available until expended”;

(ii) by inserting after the first sentence the following: “All fees available to the Director

under section 31 of the Trademark Act of 1946 shall be used only for the processing of trademark registrations and for other activities, services, and materials relating to trademarks and to cover a proportionate share of the administrative costs of the Patent and Trademark Office.”; and

(iii) by striking paragraphs (2) and (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the first day of the first fiscal year that begins after the date of enactment of this Act.

(b) USPTO REVOLVING FUND.—

(1) DEFINITIONS.—In this subsection—

(A) the term “Fund” means the United States Patent and Trademark Office Public Enterprise Fund established under paragraph (2);

(B) the term “Director” means the Director of the United States Patent and Trademark Office;

(C) the term “Office” means the United States Patent and Trademark Office; and

(D) the term “Under Secretary” means the Under Secretary of Commerce for Intellectual Property.

(2) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the “United States Patent and Trademark Office Public Enterprise Fund”. Any amounts in the Fund shall be available for use by the Director without fiscal year limitation.

(3) DERIVATION OF RESOURCES.—There shall be deposited into the Fund on or after the effective date of subsection (a)—

(A) any fees collected under sections 41, 42, and 376 of title 35, United States Code, provided that notwithstanding any other provision of law, if such fees are collected by, and payable to, the Director, the Director shall transfer such amounts to the Fund, provided, however, that no funds collected pursuant to section 10(h) of the Leahy-Smith American Invents Act (35 U.S.C. 41 note) or section 1(a)(2) of Public Law 111-45 shall be deposited in the Fund; and

(B) any fees collected under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113).

(4) EXPENSES.—Amounts deposited into the Fund under paragraph (2) shall be available, without fiscal year limitation, to cover—

(A) all expenses to the extent consistent with the limitation on the use of fees set forth in section 42(c) of title 35, United States Code, including all administrative and operating expenses, determined in the discretion of the Under Secretary to be ordinary and reasonable, incurred by the Under Secretary and the Director for the continued operation of all services, programs, activities, and duties of the Office relating to patents and trademarks, as such services, programs, activities, and duties are described under—

(i) title 35, United States Code; and

(ii) the Trademark Act of 1946; and

(B) all expenses incurred pursuant to any obligation, representation, or other commitment of the Office.

(c) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year, the Under Secretary and the Director shall submit a report to Congress which shall—

(1) summarize the operations of the Office for the preceding fiscal year, including financial details and staff levels broken down by each major activity of the Office;

(2) detail the operating plan of the Office, including specific expense and staff needs for the upcoming fiscal year;

(3) describe the long term modernization plans of the Office;

(4) set forth details of any progress towards such modernization plans made in the previous fiscal year; and

(5) include the results of the most recent audit carried out under subsection (e).

(d) ANNUAL SPENDING PLAN.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each fiscal year, the Director shall notify the Committees on Appropriations of both Houses of Congress of the plan for the obligation and expenditure of the total amount of the funds for that fiscal year in accordance with section 605 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2334).

(2) CONTENTS.—Each plan under paragraph (1) shall—

(A) summarize the operations of the Office for the current fiscal year, including financial details and staff levels with respect to major activities; and

(B) detail the operating plan of the Office, including specific expense and staff needs, for the current fiscal year.

(e) AUDIT.—The Under Secretary shall, on an annual basis, provide for an independent audit of the financial statements of the Office. Such audit shall be conducted in accordance with generally acceptable accounting procedures.

(f) BUDGET.—The Director shall prepare and submit each year to the President a business-type budget in a manner, and before a date, as the President prescribes by regulation for the budget program.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—Section 11 of the Leahy-Smith America Invents Act (35 U.S.C. 41 note) is amended—

(1) in subsection (h), by amending paragraph (3) to read as follows:

“(3) DEPOSIT OF FEES.—All fees paid under this subsection shall be credited to the United States Patent and Trademark Office Public Enterprise Fund, established under section 2(b)(2) of the Patent and Trademark Office Revolving Fund Act of 2011, shall remain available until expended, and may be used only for the purposes specified in section 2(b)(4) of such Act.”; and

(2) in subsection (i)—

(A) in the header, by striking “APPROPRIATION ACCOUNT”;

(B) by amending paragraph (1)(B) to read as follows:

“(B) DEPOSIT OF AMOUNTS.—Amounts collected pursuant to the surcharge imposed under subparagraph (A) shall be credited to the United States Patent and Trademark Office Public Enterprise Fund, established under section 2(b)(2) of the Patent and Trademark Office Revolving Fund Act of 2011, shall remain available until expended, and may be used only for the purposes specified in section 2(b)(4) of such Act.”.

SA 872. Mrs. GILLIBRAND (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. . None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out any voluntary dairy market stabilization program.

SA 873. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. Section 302(a)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(B)) is amended—

(1) by inserting “Rhode Island,” after “States of”;

(2) by striking “except North Carolina,” and inserting “except North Carolina and Rhode Island,”;

(3) by striking “21” and inserting “23”; and

(4) by striking “13” and inserting “14”.

SA 874. Mr. BROWN of Ohio (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 333, line 9, strike “\$35,940,000” and insert “\$42,500,000”.

On page 336, line 1, strike “\$199,035,000” and insert “\$192,475,000”.

SA 875. Mr. HATCH (for himself, Mr. INHOPE, Mr. ISAKSON, Mr. CHAMBLISS, Ms. AYOTTE, Mr. HOEVEN, Mr. SHELBY, Mr. MORAN, Mr. NELSON of Nebraska, Mr. JOHANNIS, Mr. WICKER, Mr. MCCONNELL, Mr. RUBIO, Mr. RISCH, Mrs. HUTCHISON, Mr. JOHNSON of Wisconsin, Mr. ROBERTS, Mr. BLUNT, Mr. MCCAIN, Ms. COLLINS, Ms. SNOWE, and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 121 of the amendment, strike line 4 and all that follows through page 186, line 19 and insert the following:

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed \$30,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,090,292,000, of which not to exceed \$1,000,000 shall be available for the payment of attorneys’ fees as provided by section 924(d)(2) of title 18, United States Code; and of which not to exceed \$20,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein or hereafter shall be available for salaries or

administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein or hereafter shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of “Curios or relics” in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That, hereafter, no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2012: *Provided further*, That, beginning in fiscal year 2012 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alco-

hol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: *Provided further*, That, hereafter, no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That, hereafter, no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That, hereafter, no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed \$35, of which \$808 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$6,589,781,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed \$4,500 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2013: *Provided further*, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and

equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$90,000,000, to remain available until expended, of which not less than \$66,965,000 shall be available only for modernization, maintenance and repair, and of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That none of the funds provided under this heading in this or any prior Act shall be available for the acquisition of any facility that is to be used wholly or in part for the incarceration or detention of any individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) ("the 2000 Act"); and the Violence Against Women

and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); and for related victims services, \$417,663,000, to remain available until expended: *Provided*, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided—

(1) \$194,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act, of which, notwithstanding such part T, \$10,000,000 shall be available for programs relating to children exposed to violence;

(2) \$25,000,000 is for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act;

(3) \$3,000,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(4) \$10,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: *Provided*, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303 and 41305 of the 1994 Act shall be available for this program: *Provided further*, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act;

(5) \$45,913,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which \$5,000,000 is for a homicide initiative;

(6) \$25,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) \$34,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) \$9,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) \$45,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) \$4,000,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(11) \$11,250,000 is for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(12) \$5,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) \$4,000,000 is for the court training and improvements program, as authorized by section 41002 of the 1994 Act, of which \$1,000,000 is to be used for a family court initiative;

(14) \$1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(15) \$1,000,000 is for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act; and

(16) \$500,000 is for the Office on Violence Against Women to establish a national clear-

inghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office on Violence Against Women, \$20,580,000.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION, AND STATISTICS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Justice for All Act of 2004 (Public Law 108-405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Second Chance Act of 2007 (Public Law 110-199); the Victims of Crime Act of 1984 (Public Law 98-473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110-401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) ("the 2002 Act"); and other programs; \$121,000,000, to remain available until expended, of which—

(1) \$45,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which \$36,000,000 is for the administration and redesign of the National Crime Victimization Survey;

(2) \$40,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act: *Provided*, That of the amounts provided under this heading, \$5,000,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the National Institute of Justice for research, testing and evaluation programs;

(3) \$1,000,000 is for an evaluation clearinghouse program; and

(4) \$35,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108-405); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); the NICS Improvement Amendments

Act of 2007 (Public Law 110-180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) ("the 2002 Act"); the Second Chance Act of 2007 (Public Law 110-199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110-403); the Victims of Crime Act of 1984 (Public Law 98-473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416); and other programs; \$1,063,498,000, to remain available until expended as follows—

(1) \$395,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of title I of the 1968 Act shall not apply for purposes of this Act); and, notwithstanding such subpart 1, to support innovative, place-based, evidence-based approaches to fighting crime and improving public safety, of which \$3,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, \$4,000,000 is for a State and local assistance help desk and diagnostic center program, \$5,000,000 is for a program to improve State, local and tribal probation supervision efforts and strategies, and \$3,000,000 is for a Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative (VALOR): *Provided*, That funds made available under this heading may be used at the discretion of the Assistant Attorney General for the Office of Justice Programs to train Federal law enforcement under the VALOR Officer Safety Training Initiative;

(2) \$273,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) \$20,000,000 for the Northern and Southwest Border Prosecutor Initiatives to reimburse State, county, parish, tribal or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) \$21,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

(5) \$10,500,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386 and for programs authorized under Public Law 109-164: *Provided*, That not less than \$4,690,000 shall be for victim services grants for foreign national victims of trafficking;

(6) \$35,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(7) \$9,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416);

(8) \$10,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(9) \$4,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108-405;

(10) \$10,000,000 for economic, high technology and Internet crime prevention grants, as authorized by section 401 of Public Law 110-403;

(11) \$5,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110-315;

(12) \$23,000,000 for activities, including sex offender management assistance, authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103-322);

(13) \$10,000,000 for an initiative relating to children exposed to violence;

(14) \$20,000,000 for an Edward Byrne Memorial criminal justice innovation program;

(15) \$24,850,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That \$1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;

(16) \$1,000,000 for the National Sex Offender Public Web site;

(17) \$10,000,000 for competitive and evidence-based programs to reduce gun crime and gang violence;

(18) \$10,000,000 for grants to assist State and tribal governments as authorized by the NICS Improvement Amendments Act of 2007 (Public Law 110-180);

(19) \$8,000,000 for the National Criminal History Improvement Program for grants to upgrade criminal records;

(20) \$15,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(21) \$131,000,000 for DNA-related and forensic programs and activities, of which—

(A) \$123,000,000 is for the purposes of DNA analysis and DNA capacity enhancement as defined in the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program), of which not less than \$85,500,000 is to be used for grants to crime laboratories for purposes under 42 U.S.C. 14135, section (a); not less than \$11,000,000 is to be used for the purposes of the Solving Cold Cases with DNA Grant Program; not less than \$11,000,000 is to be used to audit and report on the extent of the backlog; and the remainder of funds appropriated under this paragraph may be used to support training programs specific to the needs of DNA laboratory personnel, and for programs outlined in sections 303, 304, 305 and 308 of Public Law 108-405;

(B) \$4,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108-405, section 412); and

(C) \$4,000,000 is for Sexual Assault Forensic Exam Program Grants as authorized by section 304 of Public Law 108-405.

(22) \$2,500,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(23) \$1,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(24) \$3,000,000 for grants and technical assistance in support of the National Forum on Youth Violence Prevention:

Provided, That if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the num-

ber of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110-401); and other juvenile justice programs, \$251,000,000, to remain available until expended as follows—

(1) \$45,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(2) \$55,000,000 for youth mentoring grants;

(3) \$33,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) \$15,000,000 shall be for the Tribal Youth Program;

(B) \$8,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities; and

(C) \$10,000,000 shall be for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(4) \$20,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(5) \$30,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State;

(6) \$8,000,000 for community-based violence prevention initiatives; and

(7) \$60,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act: *Provided*, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office of Justice Programs, \$118,572,000.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs, which amounts shall be paid to the "Salaries and Expenses" account), to remain available until expended; and \$16,300,000 for payments authorized by section 1201(b) of such Act and

for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to "Public Safety Officer Benefits" from available appropriations for the current fiscal year for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES
COMMUNITY ORIENTED POLICING SERVICES
PROGRAMS
(INCLUDING TRANSFERS OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"), \$231,500,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided:

(1) \$1,500,000 is for research, testing, and evaluation programs regarding law enforcement technologies and interoperable communications, and related law enforcement and public safety equipment, which shall be transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office;

(2) \$10,000,000 is for anti-methamphetamine-related activities, which shall be transferred to the Drug Enforcement Administration upon enactment of this Act;

(3) \$20,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities; and

(4) \$200,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: *Provided*, That notwithstanding subsection (g) of the 1968 Act (42 U.S.C. 3796dd), the Federal share of the costs of a project funded by such grants may not exceed 75 percent unless the Director of the Office of Community Oriented Policing Services waives, wholly or in part, the requirement of a non-Federal contribution to the costs of a project: *Provided further*, That notwithstanding 42 U.S.C. 3796dd-3(c), funding for hiring or rehiring a career law enforcement officer may not exceed \$125,000, unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: *Provided further*, That within the amounts appropriated, \$28,000,000 shall be used for the hiring and rehiring of tribal law enforcement officers: *Provided further*, That within the amounts appropriated, \$10,000,000 is for community policing development activities.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Com-

munity Oriented Policing Services Office, \$24,500,000.

GENERAL PROVISIONS—DEPARTMENT OF
JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. The Attorney General is authorized to extend through September 30, 2013, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107-296 (28 U.S.C. 599B) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102-395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase

of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 214. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this Act under the headings for "Research Evaluation and Statistics", "State and Local Law Enforcement Assistance", and "Juvenile Justice Programs"—

(1) Up to 3 percent of funds made available for grant or reimbursement programs may be used to provide training and technical assistance;

(2) Up to 3 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation or statistical purposes, without regard to the authorizations for such grant or reimbursement programs, and of such amounts, \$1,300,000 shall be transferred to the Bureau of Prisons for Federal inmate research and evaluation purposes; and

(3) 7 percent of funds made available for grant or reimbursement programs:

(A) under the heading "State and Local Law Enforcement Assistance"; or

(B) under the headings "Research, Evaluation and Statistics" and "Juvenile Justice Programs", to be transferred to and merged with funds made available under the heading "State and Local Law Enforcement Assistance", shall be available for tribal criminal justice assistance without regard to the authorizations for such grant or reimbursement programs.

SEC. 215. Notwithstanding any other provision of law, section 20109(a), in subtitle A of

title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)), shall not apply to amounts made available by this title.

SEC. 216. Section 530A of title 28, United States Code, is hereby amended by replacing “appropriated” with “used from appropriations”, and by inserting “(2),” before “(3)”.

SEC. 217. (a) Within 30 days of enactment of this Act, the Attorney General shall report to the Committees on Appropriations of the House of Representatives and the Senate a cost and schedule estimate for the final operating capability of the Federal Bureau of Investigation’s Sentinel program, including the costs of Bureau employees engaged in development work, the costs of operating and maintaining Sentinel for 2 years after achievement of the final operating capability, and a detailed list of the functionalities included in the final operating capability compared to the functionalities included in the previous program baseline.

(b) The report described in subsection (a) shall be submitted concurrently to the Department of Justice Office of Inspector General (OIG) and, within 60 days of receiving such report, the OIG shall provide an assessment of such report to the Committees on Appropriations of the House of Representatives and the Senate.

This title may be cited as the “Department of Justice Appropriations Act, 2012”.

TITLE III SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,100 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$6,000,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$5,100,000,000, to remain available until September 30, 2013, of which up to \$10,000,000 shall be available for a reimbursable agreement with the Department of Energy for the purpose of re-establishing facilities to produce fuel required for radio-isotope thermoelectric generators to enable future missions: *Provided*, That the development cost (as defined under 51 U.S.C. 30104) for the James Webb Space Telescope shall not exceed \$8,000,000,000: *Provided further*, That should the individual identified under subparagraph (c)(2)(E) of section 30104 of title 51 as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent

threshold described in subsection (f) of section 30104 of title 51.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$501,000,000, to remain available until September 30, 2013.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space research and technology development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$637,000,000, to remain available until September 30, 2013.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,775,000,000, to remain available until September 30, 2013: *Provided*, That not less than \$1,200,000,000 shall be for the Orion multipurpose crew vehicle, not less than \$1,800,000,000 shall be for the heavy lift launch vehicle system which shall have a lift capacity not less than 130 tons and which shall have an upper stage and other core elements developed simultaneously, \$500,000,000 shall be for commercial spaceflight activities, and \$275,000,000 shall be for exploration research and development: *Provided further*, That \$192,600,000 of the funds provided for commercial spaceflight activities shall only be available after the NASA Administrator certifies to the Committees on Appropriations, in writing, that NASA has published the required notifications of NASA contract actions implementing the acquisition strategy for the heavy lift launch vehicle system identified in section 302 of Public Law 111–267 and has begun to execute relevant contract actions in support of development of the heavy lift launch vehicle system: *Provided further*, That funds made available under this heading within this Act may be transferred to “Construction and Environmental Compliance and Restoration” for construction activities related to the Orion multipurpose crew vehicle and the heavy lift launch vehicle system: *Provided further*, That funds so transferred shall be subject to the 5 percent

but shall not be subject to the 10 percent transfer limitation described under the Administrative Provisions in this Act for the National Aeronautics and Space Administration, shall be available until September 30, 2017, and shall be treated as a reprogramming under section 505 of this Act.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$4,285,000,000, to remain available until September 30, 2013: *Provided*, That of the amounts provided under this heading, not more than \$650,900,000 shall be for Space Shuttle operations, production, research, development, and support, not more than \$2,803,500,000 shall be for International Space Station operations, production, research, development, and support, not more than \$168,000,000 shall be for the 21st Century Launch Complex, and not more than \$662,600,000 shall be for Space and Flight Support: *Provided further*, That funds made available under this heading for 21st Century Launch Complex may be transferred to “Construction and Environmental Compliance and Restoration” for construction activities only at NASA-owned facilities: *Provided further*, That funds so transferred shall not be subject to the transfer limitations described in the Administrative Provisions in this Act for the National Aeronautics and Space Administration, shall be available until September 30, 2017, and shall be treated as a reprogramming under section 505 of this Act.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$138,400,000, to remain available until September 30, 2013.

CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$52,500 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,043,073,000: *Provided*, That not less than \$39,100,000 shall be available for independent verification and validation activities: *Provided further*, That contracts may be

entered into under this heading in fiscal year 2012 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, \$422,000,000, to remain available until September 30, 2017: *Provided*, That hereafter, notwithstanding section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j), all proceeds from leases entered into under that section shall be deposited into this account and shall be available for a period of 5 years, to the extent provided in annual appropriations Acts: *Provided further*, That such proceeds shall be available for obligation for fiscal year 2012 in an amount not to exceed \$3,960,000: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$37,300,000.

ADMINISTRATIVE PROVISIONS

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The unexpired balances of previous accounts, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

Section 40902 of title 51, United States Code, is amended by adding at the end the following:

“(d) AVAILABILITY OF FUNDS.—The interest accruing from the National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund principal shall be available in fiscal year 2012 for the purpose of the Endeavor Science Teacher Certificate Program.”

Section 20145(b)(1) of title 51 is amended by inserting “(A)” before “A person” and adding at the end thereof the following new subparagraph (B) as follows:

“(B) Notwithstanding subparagraph (A), the Administrator may accept in-kind con-

sideration for leases entered into for the purpose of developing renewable energy production facilities.”

The spending plan required by section 540 of this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

NATIONAL SCIENCE FOUNDATION RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$543,000,000, to remain available until September 30, 2013, of which not to exceed \$550,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That not less than \$146,830,000 shall be available for activities authorized by section 7002(c)(2)(A)(iv) of Public Law 110–69: *Provided further*, That up to \$100,000,000 of funds made available under this heading within this Act may be transferred to “Major Research Equipment and Facilities Construction”: *Provided further*, That funds so transferred shall not be subject to the transfer limitations described in the Administrative Provisions in this Act for the National Science Foundation, and shall be available until expended only after notification of such transfer to the Committees on Appropriations.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, \$117,055,000, to remain available until expended: *Provided*, That none of the funds may be used to reimburse the Judgment Fund.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, \$829,000,000, to remain available until September 30, 2013: *Provided*, That not less than \$54,890,000 shall be available until expended for activities authorized by section 7030 of Public Law 110–69.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National

Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$6,900 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$290,400,000: *Provided*, That contracts may be entered into under this heading in fiscal year 2012 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), \$4,440,000: *Provided*, That not to exceed \$2,100 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$14,200,000.

ADMINISTRATIVE PROVISION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

This title may be cited as the “Science Appropriations Act, 2012”.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,193,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by 42 U.S.C. 1975a: *Provided further*, That there shall be an Inspector General at the Commission on Civil Rights who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: *Provided further*, That an individual appointed to the position of Inspector General of the Equal Employment Opportunity Commission (EEOC) shall, by virtue of such appointment, also hold the position of Inspector General of

the Commission on Civil Rights: *Provided further*, That the Inspector General of the Commission on Civil Rights shall utilize personnel of the Office of Inspector General of EEOC in performing the duties of the Inspector General of the Commission on Civil Rights, and shall not appoint any individuals to positions within the Commission on Civil Rights: *Provided further*, That of the amounts made available in this paragraph, \$800,000 shall be transferred directly to the Office of Inspector General of EEOC upon enactment of this Act for salaries and expenses necessary to carry out the duties of the Inspector General of the Commission on Civil Rights.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110-233), the ADA Amendments Act of 2008 (Public Law 110-325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111-2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and nonmonetary awards to private citizens, \$329,837,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$1,875 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

STATE AND LOCAL LAW ENFORCEMENT
ASSISTANCE

For payments to State and local enforcement agencies for authorized services to the Commission, \$29,400,000.

INTERNATIONAL TRADE COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$1,875 for official reception and representation expenses, \$80,062,000, to remain available until expended.

LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES
CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$396,106,000, of which \$370,506,000 is for basic field programs and required independent audits; \$4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based em-

ployees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

ADMINISTRATIVE PROVISION—LEGAL SERVICES
CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2011 and 2012, respectively.

Section 504 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104-134) is amended:

- (1) in subsection (a), in the matter preceding paragraph (1), by inserting after “)” the following: “that uses Federal funds (or funds from any source with regard to paragraphs (14) and (15) in a manner”;
- (2) by striking subsection (d); and
- (3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

MARINE MAMMAL COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, \$3,025,000.

OFFICE OF THE UNITED STATES TRADE
REPRESENTATIVE
SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$46,775,000, of which \$1,000,000 shall remain available until expended: *Provided*, That not to exceed \$93,000 shall be available for official reception and representation expenses.

STATE JUSTICE INSTITUTE
SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) \$5,019,000, of which \$500,000 shall remain available until September 30, 2013: *Provided*, That not to exceed \$1,875 shall be available for official reception and representation expenses.

COMMISSION ON WARTIME RELOCATION AND IN-
TERNMENT OF LATIN AMERICANS OF JAPA-
NESE DESCENT

SALARIES AND EXPENSES

For necessary expenses to carry out the activities of the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent, as authorized by section 541 of this Act, \$1,700,000 shall be available until expended.

TITLE V
GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that—

(1) creates or initiates a new program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(5) reorganizes or renames offices, programs or activities, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(8) augments funds for existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds; or

(9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds in provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act

that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. Hereafter, none of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has

been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of \$705,000,000 shall not be available for obligation until the following fiscal year.

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) For fiscal year 2012 and thereafter, the Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an In-

spector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, hereafter, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding \$500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 521. Notwithstanding any other provision of law, hereafter, no department, agency, or instrumentality of the

SA 876. Mr. KIRK submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, line 2, strike “1974.” and insert the following: “1974: *Provided further*, That none of the funds made available by this act shall be used to support a loan or grant for any proposed service territory in which broadband service with a combined speed of 3 Mbps (upstream and downstream) is offered by an incumbent service provider to more than 25 percent of households in such service territory, in the aggregate: *Provided further*, That none of the funds shall be used to support a loan or a grant for any proposed service territory for an upgrade of broadband plant when there is more than 1 incumbent service provider and not less than 1 of the incumbent service providers is offering service with a combined speed of 3 Mbps (upstream and downstream).”.

SA 877. Mr. KIRK submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, line 2, strike “1974.” and insert the following: “1974: *Provided further*, That none of the funds made available by this Act

shall be used to support any loan or grant for any proposed service territory in which not less than 25 percent of the households in the proposed service territory in the aggregate are offered broadband service by not less than 2 incumbent service providers.”.

SA 878. Ms. SNOWE (for herself, Mr. BLUMENTHAL, Mr. SCHUMER, Mr. GRASSLEY, Mr. CASEY, Ms. KLOBUCHAR, Ms. COLLINS, Mr. COONS, Mr. KIRK, Mr. WYDEN, Mr. LAUTENBERG, Mr. BROWN, of Ohio, Mr. SESSIONS, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, after line 24, add the following:

SEC. 218. REPORT ON COMBATING SYNTHETIC DRUGS.

(a) IN GENERAL.—Using amounts made available under this Act, and not later than 90 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy, in coordination with the Attorney General, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report detailing the strategy of the Federal Government for partnering with local law enforcement agencies to target the spread of synthetic drugs, including methylenedioxypyrovalerone and mephedrone.

(b) CONTENTS.—The report submitted under subsection (a) shall include the strategy of the Federal Government for—

(1) conducting public awareness campaigns and partnering with local law enforcement officials, hospitals, and schools to educate parents and young people about the dangers of abusing synthetic drugs;

(2) addressing the rampant abuse and ease of access of synthetic drugs in rural communities, where such problems can multiply quickly while attention is placed on larger population centers;

(3) using the High Intensity Drug Trafficking Areas program to provide additional assistance to law enforcement agencies operating in areas experiencing high levels of synthetic drug trafficking;

(4) improving coordination with U.S. Customs and Border Protection to seize shipments of synthetic drugs;

(5) developing and distributing test kits so that local law enforcement agencies can better identify dangerous individuals under the influence of synthetic drugs in the field; and

(6) using the authority under section 203 of the Controlled Substances Act (21 U.S.C. 813), to pursue law enforcement actions against the distribution of synthetic drugs.

SA 879. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

On page 264, between lines 9 and 10, insert the following:

SEC. 153. BUYING GOODS PRODUCED IN THE UNITED STATES.

(a) COMPLIANCE.—None of the funds made available under this title to carry out parts A and B of subtitle V of title 49, United States Code, may be expended by any entity unless the entity agrees that such expenditures will comply with the requirements under this section.

(b) PREFERENCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation may not obligate any funds appropriated under this title to carry out parts A and B of subtitle V of title 49, United States Code, unless all the steel, iron, and manufactured products used in the project are produced in the United States.

(2) WAIVER.—The Secretary of Transportation may waive the application of paragraph (1) in circumstances in which the Secretary determines that—

(A) such application would be inconsistent with the public interest;

(B) such materials and products produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or

(C) inclusion of domestic material would increase the cost of the overall project by more than 25 percent.

(c) LABOR COSTS.—For purposes of this subsection (b)(2)(C), labor costs involved in final assembly shall not be included in calculating the cost of components.

(d) MANUFACTURING PLAN.—The Secretary of Transportation shall prepare, in conjunction the Secretary of Commerce, a manufacturing plan that—

(1) promotes the production of products in the United States that are the subject of waivers granted under subsection (b)(2)(B);

(2) addresses how such products may be produced in a sufficient and reasonably available amount, and in a satisfactory quality, in the United States; and

(3) addresses the creation of a public database for the waivers granted under subsection (b)(2)(B).

(e) WAIVER NOTICE AND COMMENT.—If the Secretary of Transportation determines that a waiver of subsection (b)(1) is warranted, the Secretary, before the date on which such determination takes effect, shall—

(1) post the waiver request and a detailed written justification of the need for such waiver on the Department of Transportation's public website;

(2) publish a detailed written justification of the need for such waiver in the Federal Register; and

(3) provide notice of such determination and an opportunity for public comment for a reasonable period of time not to exceed 15 days.

(f) STATE REQUIREMENTS.—The Secretary of Transportation may not impose any limitation on amounts made available under this title to carry out parts A and B of subtitle V of title 49, United States Code, which—

(1) restricts a State from imposing requirements that are more stringent than the requirements under this section on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries, in projects carried out with such assistance; or

(2) prohibits any recipient of such amounts from complying with State requirements authorized under paragraph (1).

(g) **CERTIFICATION.**—The Secretary of Transportation may authorize a manufacturer or supplier of steel, iron, or manufactured goods to correct, after bid opening, any certification of noncompliance or failure to properly complete the certification (except for failure to sign the certification) under this section if such manufacturer or supplier attests, under penalty of perjury, and establishes, by a preponderance of the evidence, that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error.

(h) **REVIEW.**—Any entity adversely affected by an action by the Department of Transportation under this section is entitled to seek judicial review of such action in accordance with section 702 of title 5, United States Code.

(i) **MINIMUM COST.**—The requirements under this section shall only apply to contracts for which the costs exceed \$100,000.

(j) **INTERNATIONAL AGREEMENTS.**—This section shall be applied in a manner consistent with United States obligations under international agreements.

(k) **FRAUDULENT USE OF “MADE IN AMERICA” LABEL.**—An entity is ineligible to receive a contract or subcontract made with amounts appropriated under this title to carry out parts A and B of subtitle V of title 49, United States Code, if a court or department, agency, or instrumentality of the Government determines that the person intentionally—

(1) affixed a “Made in America” label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this section applies, but were not produced in the United States; or

(2) represented that goods described in paragraph (1) were produced in the United States.

SA 880. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, between lines 2 and 3, insert the following:

SEC. 542. The amount appropriated to the Office of the United States Trade Representative under the heading “SALARIES AND EXPENSES” under the heading “OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE” in title IV of this division and available for the Office of the Special Textile Negotiator shall instead be available for the Office of the General Counsel.

SA 881. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 765 submitted by Mr. DEMINT and intended to be proposed to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. The amount appropriated to the Office of the United States Trade Represent-

ative under the heading “SALARIES AND EXPENSES” under the heading “OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE” in title IV of division B and available for the Office of the Special Textile Negotiator shall instead be available for the Office of the General Counsel.

SA 882. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. None of the funds appropriated or otherwise made available under this Act may be used to enforce subsection (d)(3) or subsection (g)(3) of section 922 of title 18, United States Code, based on the use of marijuana legally under State law by an individual.

SA 883. Ms. STABENOW (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike line 10 and insert the following: “Act: *Provided*, That the prescription drug may not be (1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or (2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262). None of the funds made available in this Act for the Food and Drug Administration shall be used to change the practices and policies of the Food and Drug Administration, in effect on October 1, 2011, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use, with respect to such importation by individuals from countries other than Canada.”.

SA 884. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. (a) **AUDIT OF DNA AND RAPE KIT BACKLOG GRANTS.**—The Comptroller General of the United States shall conduct a study of any grants awarded for the purpose of preventing or reducing DNA and rape kit backlogs by the Department of Justice using amounts made available under this Act, and any such grants made during the preceding 4 fiscal years, to determine whether the grant funds are being used to the maximum extent to—

(1) reduce and prevent DNA and rape kit backlogs; and

(2) increase the capacity of State and local laboratories in analyzing DNA and rape kits.

(b) **CONTENTS.**—The study required under subsection (a) shall—

(1) include an analysis of what proportion of grant dollars, annually, are provided to—

(A) State and local laboratories;

(B) non-government entities; and

(C) the National Institute of Justice program office;

(2) detail the methodology used to distribute grant dollars, particularly through the discretionary authority of the National Institute of Justice; and

(3) include an analysis of how the National Institute of Justice inventories and compiles grant data and results, including—

(A) a breakdown of the amount of funds provided to non-government DNA laboratories on an annual basis; and

(B) a description of the contribution of the National Institute of Justice towards increasing capacity and reducing backlogs for government DNA laboratories.

SA 885. Mr. BEGICH (for himself, Mr. COBURN, Mr. UDALL of Colorado, Mr. BENNET, Mr. ENZI, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

PATENT AND TRADEMARK OFFICE FUNDING

SEC. 114. (a) **FUNDING.**—

(1) **IN GENERAL.**—Section 42 of title 35, United States Code, is amended—

(A) in subsection (b), by striking “Patent and Trademark Office Appropriation Account” and inserting “United States Patent and Trademark Office Public Enterprise Fund”;

(B) by striking “(c)(1)” and inserting “(c)”;

and

(C) in subsection (c)—

(i) in the first sentence—

(I) by striking “To the extent” and all that follows through “fees” and inserting “Fees”;

and

(II) by striking “shall be collected by and shall, subject to paragraph (3), be available to the Director” and inserting “shall be collected by the Director and shall be available until expended”;

(ii) by inserting after the first sentence the following: “All fees available to the Director under section 31 of the Trademark Act of 1946 shall be used only for the processing of trademark registrations and for other activities, services, and materials relating to trademarks and to cover a proportionate share of the administrative costs of the Patent and Trademark Office.”; and

(iii) by striking paragraphs (2) and (3).

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on the first day of the first fiscal year that begins after the date of enactment of this Act.

(b) **USPTO REVOLVING FUND.**—

(1) **DEFINITIONS.**—In this subsection—

(A) the term “Fund” means the United States Patent and Trademark Office Public Enterprise Fund established under paragraph (2);

(B) the term "Director" means the Director of the United States Patent and Trademark Office;

(C) the term "Office" means the United States Patent and Trademark Office; and

(D) the term "Under Secretary" means the Under Secretary of Commerce for Intellectual Property.

(2) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the "United States Patent and Trademark Office Public Enterprise Fund". Any amounts in the Fund shall be available for use by the Director without fiscal year limitation.

(3) DERIVATION OF RESOURCES.—There shall be deposited into the Fund on or after the effective date of subsection (a)—

(A) any fees collected under sections 41, 42, and 376 of title 35, United States Code, provided that notwithstanding any other provision of law, if such fees are collected by, and payable to, the Director, the Director shall transfer such amounts to the Fund; and

(B) any fees collected under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113).

(4) EXPENSES.—Amounts deposited into the Fund under paragraph (2) shall be available, without fiscal year limitation, to cover—

(A) all expenses to the extent consistent with the limitation on the use of fees set forth in section 42(c) of title 35, United States Code, including all administrative and operating expenses, determined in the discretion of the Under Secretary to be ordinary and reasonable, incurred by the Under Secretary and the Director for the continued operation of all services, programs, activities, and duties of the Office relating to patents and trademarks, as such services, programs, activities, and duties are described under—

(i) title 35, United States Code; and

(ii) the Trademark Act of 1946; and

(B) all expenses incurred pursuant to any obligation, representation, or other commitment of the Office.

(C) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year, the Under Secretary and the Director shall submit a report to Congress which shall—

(1) summarize the operations of the Office for the preceding fiscal year, including financial details and staff levels broken down by each major activity of the Office;

(2) detail the operating plan of the Office, including specific expense and staff needs for the upcoming fiscal year;

(3) describe the long term modernization plans of the Office;

(4) set forth details of any progress towards such modernization plans made in the previous fiscal year; and

(5) include the results of the most recent audit carried out under subsection (e).

(d) ANNUAL SPENDING PLAN.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each fiscal year, the Director shall notify the Committees on Appropriations of both Houses of Congress of the plan for the obligation and expenditure of the total amount of the funds for that fiscal year in accordance with section 605 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2334).

(2) CONTENTS.—Each plan under paragraph (1) shall—

(A) summarize the operations of the Office for the current fiscal year, including financial details and staff levels with respect to major activities; and

(B) detail the operating plan of the Office, including specific expense and staff needs, for the current fiscal year.

(e) AUDIT.—The Under Secretary shall, on an annual basis, provide for an independent audit of the financial statements of the Office. Such audit shall be conducted in accordance with generally acceptable accounting procedures.

(f) BUDGET.—The Director shall prepare and submit each year to the President a business-type budget in a manner, and before a date, as the President prescribes by regulation for the budget program.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—Section 11 of the Leahy-Smith America Invents Act (35 U.S.C. 41 note) is amended—

(1) in subsection (h), by amending paragraph (3) to read as follows:

"(3) DEPOSIT OF FEES.—All fees paid under this subsection shall be credited to the United States Patent and Trademark Office Public Enterprise Fund, established under section 2(b)(2) of the Patent and Trademark Office Revolving Fund Act of 2011, shall remain available until expended, and may be used only for the purposes specified in section 2(b)(4) of such Act."; and

(2) in subsection (i)—

(A) in the header, by striking "APPROPRIATION ACCOUNT"; and

(B) by amending paragraph (1)(B) to read as follows:

"(B) DEPOSIT OF AMOUNTS.—Amounts collected pursuant to the surcharge imposed under subparagraph (A) shall be credited to the United States Patent and Trademark Office Public Enterprise Fund, established under section 2(b)(2) of the Patent and Trademark Office Revolving Fund Act of 2011, shall remain available until expended, and may be used only for the purposes specified in section 2(b)(4) of such Act.".

SA 886. Mr. BAUCUS (for himself, Ms. STABENOW, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, between lines 2 and 3, insert the following:

SEC. 542. (a) The matter under the heading "SALARIES AND EXPENSES" under the heading "OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE" in title IV of this division is amended—

(1) by striking "\$46,775,000" and inserting "\$51,251,000"; and

(2) by striking the period at the end and inserting "": *Provided*, That \$4,476,000 shall be available for, among other activities, developing opportunities for small businesses to access the markets of foreign countries and enforcing trade agreements to which the United States is a party.".

(b) The matter under the heading "SALARIES AND EXPENSES" under the heading "NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION" in title I of this division is amended by striking "\$45,568,000" and inserting "\$41,092,000".

SA 887. Mr. MERKLEY (for himself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agri-

culture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, after line 7, add the following:

SEC. _____. Owners of properties supported by the Secretary other than under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g), for which an event causing the cessation of rental assistance or affordability restrictions has resulted or will result in eligibility for tenant protection vouchers under section 8(o) or enhanced vouchers under section 8(t) of such Act, shall be eligible for, subject to requirements established by the Secretary, including tenant consultation procedures, and in lieu of issuance or continuation of such vouchers, conversion of assistance available for such vouchers to assistance under section 8(o)(13) of such Act, except that, only with respect to such conversions, the Secretary may alter or waive the provisions of subsections 8(o)(13)(B), (C), and (D) and, for enhanced voucher being converted, of subsection 8(o)(13)(H).

SA 888. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. None of the funds made available by this Act may be used for coastal and marine spatial planning (as defined by Executive Order 13547 (33 U.S.C. 857-19 note; relating to stewardship of the ocean, coasts, and Great Lakes)) for a single State region if the Governor of the State within such region provides written objection to such planning.

SA 889. Mr. BROWN of Massachusetts (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, between lines 12 and 13, insert the following:

(b)(1) Fees deposited in the Fisheries Enforcement Asset Forfeiture Fund may be used without further annual appropriation to conduct the audits required by paragraph (2).

(2) For each of the fiscal years 2012, 2013, and 2014, the Secretary or the Secretary of the Treasury shall—

(A) prepare an annual audit plan for the Fisheries Enforcement Asset Forfeiture Fund;

(B) submit each such audit plan to the Inspector General of the Department of Commerce or the Inspector General of the Department of the Treasury, as appropriate;

(C) carry out the audit; and

(D) submit the final audit results to the Inspector General of the Department of Commerce or the Inspector General of the Department of the Treasury, as appropriate, upon completion.

SA 890. Mr. BURR (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 62, line 17, strike the period and insert the following: “: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that discloses, with respect to all drugs, devices, and biological products approved, cleared, or licensed under the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act during calendar year 2011, including such drugs, devices, and biological products so approved, cleared, or licensed using funds made available under this Act: (1) the average number of calendar days that elapsed from the date that drug applications (including any supplements) were submitted to such Secretary under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) until the date that the drugs were approved under such section 505; (2) the average number of calendar days that elapsed from the date that applications for device clearance (including any supplements) under section 510(k) of such Act (21 U.S.C. 360(k)) or for premarket approval (including any supplements) under section 515 of such Act (21 U.S.C. 360e) were submitted to such Secretary until the date that the devices were cleared under such section 510(k) or approved under such section 515; and (3) the average number of calendar days that elapsed from the date that biological license applications (including any supplements) were submitted to such Secretary under section 351 of the Public Health Service Act (42 U.S.C. 262) until the date that the biological products were licensed under such section 351.”.

SA 891. Mr. BURR (for himself, Ms. KLOBUCHAR, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII of division A, insert the following:

SEC. ____ . MANAGEMENT AND INNOVATION REVIEW.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”), acting through the Commissioner of Food and Drugs, shall enter into a contract with an eligible entity to carry out the activities described in subsection (c).

(b) ELIGIBLE ENTITY.—To be eligible to enter into a contract with the Secretary under subsection (a), an entity shall—

(1) be an entity with experience in evaluating the management and operating structure of large organizations; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) ACTIVITIES.—The entity with which the Secretary enters into the contract under subsection (a) shall, pursuant to such contract, conduct an extensive review of the management and regulatory processes at the Center for Devices and Radiological Health of the Food and Drug Administration to ensure any actions carried out by such Center take into consideration the potential impacts on innovation with respect to medical devices and other products regulated by such Center.

(d) REPORT.—Not later than 1 year after the date that the Secretary enters into the contract with the eligible entity under subsection (a), such entity shall submit to Congress and the Secretary a report that describes the findings and recommendations of such entity based on the review conducted under subsection (c).

(e) FUNDING.—To carry out this section, the Secretary shall use funds otherwise made available under this division for the operations of the Office of the Commissioner of Food and Drugs.

SA 892. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 7, insert “or that the closing or relocation would result in cost savings” after “delivery”.

SA 893. Ms. CANTWELL (for herself, Ms. MURKOWSKI, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. (a) SHORT TITLE.—This section may be cited as the “Emergency Response, Research, and Management: Stopping the Spread of the Infectious Salmon Anemia Virus Act”.

(b) FINDINGS.—Congress finds the following:

(1) Salmon are a keystone species, sustaining more than 180 other species in freshwater and marine ecosystems.

(2) Salmon are a central part of the culture, economy, and environment of Western North America.

(3) Economic activities relating to salmon generate billions of dollars of economic activity and provide tens of thousands of jobs.

(4) Infectious salmon anemia poses a risk to wild and hatchery salmon populations and therefore threatens—

(A) commercial, tribal, and recreational salmon fishery jobs;

(B) ecosystems which rely on healthy salmonid populations; and

(C) ecosystem based processes which rely on healthy salmon populations.

(c) RESEARCH.—

(1) RESEARCH COORDINATION.—The National Aquatic Animal Health Task Force shall coordinate research, monitoring, and reporting

efforts of infectious salmon anemia in the waterways of Alaska, Washington, Oregon, California, and Idaho.

(2) RESEARCH OBJECTIVES.—The Task Force shall establish infectious salmon anemia research objectives to assess—

(A) the prevalence of infectious salmon anemia in both wild and aquaculture salmonid populations throughout Alaska, Washington, Oregon, California, and Idaho;

(B) genetic susceptibility by population and species;

(C) susceptibility of populations to infectious salmon anemia from geographic and oceanographic factors;

(D) potential transmission pathways between infectious Canadian sockeye and uninfected salmonid populations in United States waters;

(E) management strategies to rapidly respond to potential infectious salmon anemia outbreaks in both wild and aquaculture populations, including securing the water supplies at conservation hatcheries to protect hatchery fish from exposure to the infectious salmon anemia virus present in incoming surface water;

(F) potential economic impacts of infectious salmon anemia;

(G) any role foreign salmon farms may have in spreading the disease to wild populations;

(H) the identity of any potential Federal, State, tribal, and international research partners; and

(I) other infectious salmon anemia research priorities, as determined by the Task Force.

(3) RESEARCH COLLABORATION.—The Task Force shall—

(A) collaborate with the Government of Canada and Federal, State, and tribal governments to acquire baseline data and to carry out the research objectives described in paragraph (2); and

(B) collaborate for such purposes with the Department of Fish and Wildlife of Washington and the Department of Fish and Game of Alaska.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the National Aquatic Animal Health Task Force shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report of the findings of the research objectives described in subsection (c)(2).

SA 894. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 128 of division C.

SA 895. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

NOTICES OF INTENT TO OBJECT TO PROCEEDING

I, Senator ORRIN HATCH, intend to object to proceeding to the nomination of William J. Boarman to be Public Printer at the Government Printing Office, dated October 19, 2011.

I, Senator JOHNNY ISAKSON, intend to object to proceeding to the nomination of William J. Boarman to be Public Printer at the Government Printing Office, dated October 19, 2011.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XVI for the purpose of proposing and considering amendment No. 773 to H.R. 2112.

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XVI for the purpose of proposing and considering amendment No. 774 to H.R. 2112.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 19, 2011, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, "Concussions and the Marketing of Sports Equipment."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on October 19, 2011, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND THE SUBCOMMITTEE ON SUPERFUND, TOXICS, AND ENVIRONMENTAL HEALTH

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Superfund, Toxics, and Environmental Health be authorized to meet during the session of the Senate on October 19, 2011, at 10 a.m. in Dirksen 406 to conduct a joint hearing entitled, "Oversight Hearing on the Brownfields Program—Cleaning Up and Rebuilding Communities."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 19, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on October 19, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Oversight of the Department of Homeland Security."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on October 19, 2011, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on October 19, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Securities, Insurance, and Investment, be authorized to meet during the session of the Senate on October 19, 2011, at 9:30 a.m. to conduct a hearing entitled "Market Microstructure: Examination of Exchange-Traded Funds (ETFS)."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that Peter Wisner, a detailee from the Treasury Department, be given the privilege of the floor during the consideration of H.R. 2112.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following member of the staff of the Senator from Oregon, Elizabeth Heintzman, during the pendency of the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that a time to be determined by the majority leader in consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 410; that there be 4 hours of debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote, without intervening action or debate, on Calendar No. 410, and that the nomination be subject to a 60-vote threshold; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASING RATES OF VETERANS COMPENSATION

Mr. REID. I ask unanimous consent that the Senate proceed to Calendar No. 125.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The bill (S. 894) to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

There being no objection, the Senate proceeded to the bill.

Mr. REID. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 894) was ordered to be read a third time, was read the third time, and passed, as follows:

S. 894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans’ Compensation Cost-of-Living Adjustment Act of 2011”.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) **RATE ADJUSTMENT.**—Effective on December 1, 2011, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2011, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) **AMOUNTS TO BE INCREASED.**—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) **WARTIME DISABILITY COMPENSATION.**—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) **ADDITIONAL COMPENSATION FOR DEPENDENTS.**—Each of the dollar amounts under section 1115(1) of such title.

(3) **CLOTHING ALLOWANCE.**—The dollar amount under section 1162 of such title.

(4) **DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.**—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) **DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.**—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) **DETERMINATION OF INCREASE.**—

(1) **PERCENTAGE.**—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2011, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) **ROUNDING.**—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) **SPECIAL RULE.**—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

(e) **PUBLICATION OF ADJUSTED RATES.**—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under subsection (a), not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2012.

NATIONAL WORK AND FAMILY MONTH

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 299.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 299) designating October 2011 as “National Work and Family Month.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 299) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 299

Whereas, according to a report by WorldatWork, a nonprofit professional association with expertise in attracting, motivating, and retaining employees, the quality of workers’ jobs and the supportiveness of the workplace of the workers are key predictors of the job productivity, job satisfaction, and commitment to the employer of those workers, as well as of the ability of the employer to retain those workers;

Whereas “work-life balance” refers to specific organizational practices, policies, and programs that are guided by a philosophy of active support for the efforts of employees to achieve success within and outside the workplace, such as caring for dependents, health and wellness, paid and unpaid time off, financial support, community involvement, and workplace culture;

Whereas numerous studies show that employers that offer effective work-life balance programs are better able to recruit more talented employees, maintain a happier, healthier, and less stressed workforce, and retain experienced employees, which produces a more productive and stable workforce with less voluntary turnover;

Whereas job flexibility often allows parents to be more involved in the lives of their children, and research demonstrates that parental involvement is associated with higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates in children;

Whereas military families have special work-family needs that often require robust policies and programs that provide flexibility to employees in unique circumstances;

Whereas studies report that family rituals, such as sitting down to dinner together and sharing activities on weekends and holidays, positively influence the health and development of children and that children who eat dinner with their families every day consume nearly a full serving more of fruits and vegetables per day than those who never eat dinner with their families or do so only occasionally; and

Whereas the month of October is an appropriate month to designate as National Work and Family Month: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 2011 as “National Work and Family Month”;

(2) recognizes the importance of work schedules that allow employees to spend time with their families to job productivity and healthy families;

(3) urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(4) calls upon the people of the United States to observe National Work and Family Month with appropriate ceremonies and activities.

RED RIBBON WEEK

Mr. REID. I ask unanimous consent the Senate proceed to consideration of S. Res. 300.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 300) supporting the goals and ideals of Red Ribbon Week, 2011.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 300) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 300

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique “Kiki” Camarena, a special agent of the Drug Enforcement Administration for 11 years who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign was established by the National Family Partnership to preserve the memory of Special Agent Camarena and further the cause for which he gave his life;

Whereas the Red Ribbon Campaign has been nationally recognized since 1988 and is now the oldest and largest drug prevention program in the United States, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, established in 1973, aggressively targets organizations involved in the growing, manufacturing, and distribution of controlled substances and has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and attorneys general of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, PRIDE Youth Programs, the Drug Enforcement Administration, and hundreds of other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the United States faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas, between 1998 and 2008, the percentages of admissions to substance abuse treatment programs as a result of the abuse of marijuana and methamphetamines rose significantly;

Whereas drug dealers specifically target children by marketing illicit drugs that mimic the appearance and names of well-known brand-name candies and foods;

Whereas emerging drug threats and growing epidemics demand attention, with particular focus on the abuse of prescription medications, the second most abused drug by young people in the United States;

Whereas since the majority of teenagers abusing prescription drugs get the prescription drugs from family, friends, and home medicine cabinets, the Drug Enforcement Administration will host a National Take Back Day on October 29, 2011, for the public to safely dispose of unused or expired prescription medications that can lead to accidental poisoning, overdose, and abuse; and

Whereas parents, young people, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during the week-long celebration of Red Ribbon Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week, 2011;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States—

(A) to promote the creation of drug-free communities; and

(B) to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

ORDERS FOR THURSDAY, OCTOBER 20, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., tomorrow, Thursday, October 20. I would note there is a unique reason we are coming in late tomorrow. I would like to come in very early, but Senator HARKIN and Senator

ENZI are working very hard in the Labor Committee, Labor and Education Committee, to come up with a rewrite of Leave No Child Behind. They have worked very hard.

There are 140 amendments pending. More than 70 of them have been offered by one Senator and that Senator has objected to the committee meeting so it is a little hard when you file all those amendments to have them all considered when they object to the committee meeting. Under the rules of the Senate, you have a right to object if the meeting takes more than 2 hours after the Senate comes into session. Anyway, that is where we are. I think it is absolutely hard to comprehend how anyone could rationally do that, but that is what we have.

I would add, because of that, the committee is meeting very early so they can continue 2 hours after we come in. Anyway, we are coming in at 10 o'clock tomorrow morning.

I ask unanimous consent that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of H.R. 2112, the Agriculture, CJS, and Transportation appropriations bill, until 12 p.m., and that at 12 p.m. the Senate proceed to executive session to consider Calendar No. 78, with 2 minutes of debate equally divided and controlled in the usual form prior to a vote on the confirmation of the nomination, and all other provisions of the previous order remain in effect; further, that when the Senate resumes legislative session, the Senate resume consideration of H.R. 2112, and the Senate proceed to vote in relation to the Vitter amendment No. 769, as modified, and the Webb amendment, No. 750; and that at 2 p.m. the Senate proceed to vote in relation to the Merkley amendment No. 879, as modified; the Brown of Ohio amendment No. 874, as modified; the

Moran amendment No. 815; and the Grassley amendment No. 860; with all other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be three rollcall votes about noon tomorrow, four rollcall votes at approximately 2 p.m. We expect additional rollcall votes tomorrow in relation to the Appropriations bill. We are going to do our utmost to complete that bill tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 9:29 p.m., adjourned until Thursday, October 20, 2011, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 19, 2011:

THE JUDICIARY

MARK RAYMOND HORNAK, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

ROBERT DAVID MARIANI, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA.

ROBERT N. SCOLA, JR., OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily

Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 20, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED
OCTOBER 26

10 a.m.
Deficit Reduction
To hold hearings to examine an overview of discretionary outlays, security and non-security.

SH-216

NOVEMBER 2

9:30 a.m.
Foreign Relations
European Affairs Subcommittee
To hold hearings to examine the European debt crisis, focusing on strategic implications for the transatlantic alliance.

SD-419

NOVEMBER 3

9 a.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine speculation and compliance with the "Dodd-Frank Act".

SD-342

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—Thursday, October 20, 2011

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, your infinite greatness compels us to give You praise. Today we ask that You would help our Senators to reach their full ethical stature by deepening their sense of the stewardship of all that they have and are by the power of Your spirit within them.

Lord, our challenging times demand such ethical and moral fitness so that problems can be solved with the collaborative and courageous spirit. Like streams of flowing water through our common days, You continue to refresh us with Your merciful goodness. Make us worthy of Your generosity as we strive daily to please and honor You.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 20, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

SCHEDULE

Mr. DURBIN. Following leader remarks, the Senate will resume consideration of H.R. 2112, the Agriculture, CJS, and Transportation appropriations bill. At noon there will be three rollcall votes. The first vote will be on the confirmation of Heather Higginbottom to be Deputy Director of OMB. The second vote will be in relation to the Vitter amendment. The third vote will be in relation to the Webb amendment.

The filing deadline for first-degree amendments to the substitute amendment and H.R. 2112 is 1 p.m. today. There will be another series of up to four rollcall votes at approximately 2 p.m. in relation to additional amendments to the bill. Further rollcall votes are expected during today's session in order to complete action on the bill.

We also hope to vote on the confirmation of the nomination of John Bryson to be Commerce Secretary as well today. Additionally, cloture was filed on the motions to proceed to S. 1723 and S. 1726. If no agreement is reached, these cloture votes will occur on Friday.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

JOB CREATION

Mr. MCCONNELL. Mr. President, as we all know, the No. 1 issue on the minds of most Americans is jobs, and I think it is pretty clear both parties are focused on that issue right now.

I also think it is safe to say the two parties have a fundamentally different take on the solution. For Democrats, the solution, apparently, is to increase the number of people who work for the government. My good friend, the majority leader, made this pretty clear yesterday when he said the private sector "is doing just fine" and that the President's latest stimulus is focused on government jobs instead.

Republicans take a different view. We recognize that government has an important role to play. We recognize the need for commonsense regulations to ensure the safety of our citizens and the preservation of our resources. But it has become increasingly clear to many Americans that Democrats in Washington have lost all sense of balance when it comes to both the size

and the scope of the Federal Government in Washington.

Based on the letters I get and the people I meet, there is a growing sense out there that government regulations are simply and completely out of control and that this is one of the main reasons we are in this jobs crisis. There is a growing sense the reason for this is that lawmakers and bureaucrats in Washington have completely lost touch—completely and totally lost touch—with the struggles folks outside the beltway are going through.

I saw yesterday that the Washington, DC, area now has the highest median income in the country. Washington, DC, the Nation's Capital, has the highest median income in the country. I have no doubt many of these people do good work, but the point is they are weathering this economic downturn pretty well. Not only are they making big salaries relative to the private sector, they are also holding on to their jobs. The unemployment rate for the country as a whole is 9.1 percent. For government workers it is about half that—4.7 percent.

With all due respect to my friends on the other side, it is the private sector that has been begging for mercy. It is the private sector that is being crushed by regulators in Washington. I don't think the solution to the crisis is to make the Federal Government even bigger.

When it comes to jobs, the primary role of government is to create an environment in which Americans and American businesses can grow and flourish without the heavy hand of government on their backs. We shouldn't be making it harder for people to do business and to prosper. We should be making it easier. Yet everywhere I go, from Silicon Valley to Kentucky coal mines, I hear the same thing: Get Washington off our backs. They are killing us with all these impossible demands. It is not the commonsense regulations they complain about; it is all the new burdensome, duplicative and, in some cases, impossible to comply with regulations. I have small business owners in Kentucky writing me to say they can barely get by as it is, and the EPA is harassing them with paperwork and threatening them with fines.

I mentioned a paper company the other day in Ohio that is shutting down because the EPA demanded they upgrade their boilers with a technology that doesn't even exist yet.

I know my Democratic colleagues hear these same complaints because they literally cut across party lines. One story I saw this week featured a

Democratic mayor in Massachusetts telling Washington to back off.

Here is a woman who went to the President's inauguration, an Obama supporter, stood in the cold to witness it with her kids. And now she says she is losing her faith in government because the overzealous enforcement of brutal new fishing regulations is destroying jobs and forcing smaller players out of the business altogether.

Democrats hear stories such as this too, and their solution is that we should hire even more people who wake up every morning thinking about yet new ways to regulate private industry until they cry uncle. Our view is that we should actually listen to what people are asking us to do and to help them out, give them a break. It is time for government to help private sector job creators instead of looking for ways to punish them.

What we are doing is we are asking the Democrats to work with us on ways to help the private sector grow, because the fact is we are not going to get this economy going again by growing the government. It is the private sector that is ultimately going to drive this recovery.

Look, if big government were the key to economic growth, then countries such as Greece would be booming right now. If big government were the key to economic growth, Greece would be booming.

What we need to do is to focus on helping the private sector grow. I know the Democratic plan is to focus on their government jobs bill instead, to punish private sector job creators with yet another tax to subsidize even more temporary government jobs at the State level. But what I am saying is, let's put the government stimulus bills aside for a change and do something for the small business men and women in this country who are begging for mercy from their own government, right here in Washington.

There is a lot we can do. As I noted yesterday, the House has already passed three pieces of legislation this year alone, one as recently as last week, that would send an entirely different message to businesses. Every one of these bills to roll back excessive regulations by bureaucrats here in Washington got solid bipartisan support in the House of Representatives.

Last night, Senate Republicans also moved ahead on legislation that private contractors who do work for Federal, State, and local governments have been asking us to enact as a way to protect jobs. At a time when so many businesses are struggling to stay afloat—to literally stay afloat—the government shouldn't burden them even more by taking money out of businesses that they could use to invest and hire.

The best thing about this proposal is not only is it bipartisan, it is also part

of the President's bill. So here is another example of something we could do for job creators that we know will actually be signed into law. And there is no reason I can think of that this legislation shouldn't get 100 votes in the Senate—a proposal supported by the President of the United States, passed with a large bipartisan majority in the House. Why don't we pass it? It is in the President's own bill, for goodness sake.

The White House said yesterday that every part of the President's bill is equally important. If that is true, let's pass this measure. This legislation should get unanimous support. So let's vote on this and the other bipartisan jobs legislation I have mentioned and then send them to the President for an actual signature, making a law instead of making a point.

It is time we showed people who are struggling out there that we are on their side, because right now I know a lot of them are having serious doubts. It is time we do something serious about jobs. The proposal I offered last night, with the support of my Republican colleagues, supported by the President of the United States, passed by a bipartisan majority in the House, would be a good step in the right direction.

LISA WOLSKI

Mr. McCONNELL. Mr. President, the Senate Republican team is losing a key player today as we say goodbye to Lisa Wolski, chief of staff to the Republican whip, Senator KYL.

Lisa has been a greatly valued adviser to me as well and to my entire team. We have always valued her intelligence, good strategic sense, and her sound judgment. She has worked extremely hard to make sure we always knew where the votes were, which is very important in this line of work. And, most of all, we appreciate very much the fact that she has done all this with great team spirit.

I want to thank Lisa for her hard work, for me and for the entire Republican team, and we wish her all the best in her future endeavors.

HONORING OUR ARMED FORCES

SPC BRANDON S. MULLINS

Mr. McCONNELL. Mr. President, it is with sadness that I come to the floor today to commemorate a brave Kentuckian who lost his life in service to his country.

U.S. Army SPC Brandon S. Mullins of Owensboro, KY, was killed on August 25, 2011, in Kandahar Province, Afghanistan, when insurgents attacked his vehicle with an improvised explosive device. He was 21 years old.

For his heroic service, Specialist Mullins received several awards, medals, and decorations, including the Bronze Star Medal, the Purple Heart, the Army Good Conduct Medal, the Na-

tional Defense Service Medal, the Afghanistan Campaign Medal with Bronze Service Star, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal, and the Combat Infantryman Badge.

Brandon Mullins inherited a proud military tradition. He was the third generation in his family to wear the Nation's uniform. His father Thomas was a military police officer, and as a child Brandon and his brother Shaun used to love to play with his dad's old MP mementoes. They also loved to play on a World War II-era tank that was on display in a park near Brandon's childhood home.

As a kid, Brandon loved sports. Hockey was his favorite. He and his family enjoyed going to Nashville Predators games, but Brandon's favorite team was the Detroit Red Wings.

Brandon also played hockey in high school and was the MVP of his league. He thrived under pressure. One time, Brandon's team found itself in a shoot-out situation for victory in a high-stakes playoff game. Brandon asked his coach to put him in as the goalie. He wanted a chance to step up in a clutch moment for his teammates and, sure enough, his team won the game.

Brandon also enjoyed being outdoors. He was a hunter, a fisherman, and a hiker. His family described him as fearless when it came to physical challenges. He started rollerblading at the age of 4. He is remembered as high spirited, generous, and very popular.

Brandon's family was certainly not surprised when Brandon grew up and enlisted in the military. "He wanted the tough job," his mother Catherine said. "He wanted to fight. He was competitive."

Brandon's brother Shaun had enlisted before him, and so in February 2010 Brandon enlisted in the Army. He deployed to Afghanistan in May of 2011 with Company C, 3rd Battalion, 21st Infantry Regiment, 1st Stryker Brigade Combat Team, 25th Infantry Division, based out of Fort Wainwright, AK. Once again, he thrived under pressure, this time in the demanding task of fighting for our country.

"Brandon matured very quickly," his father Thomas said.

From the time he entered basic training . . . you could see a big change in his life. He was headed in the right direction with his life.

Brandon loved being in the Army, and would send letters back home about how cool basic training was. Brandon's fellow soldiers quickly took to the new recruit from Owensboro.

"I can honestly say I've never met anyone like Mullins," said SSG Matthew Mills, Brandon's squad leader.

SPC Deroderick Jackson, another one of Brandon's fellow soldiers, said this:

He was just a big help to me. Every time he saw I had a hard time, he made me smile

and told me to get it together. On a mission with the Afghan National Army, I was real tired and they were going real fast and [Brandon] said, "You've got this, brother!"

Another fellow soldier, COL Todd R. Wood, recalls that Brandon:

... was best described as the epitome of selfless service—he took on details others did not want, he did not complain, he just did it, and usually with a smile. He carried the heaviest loads and helped out everyone he could. He was always concerned about others first.

Brandon's fellow soldiers also recall he had a fun side. "I remember he was really goofy," said Private First Class Adam Baldrige.

One time I remember we got in trouble and we were getting smoked until we almost had a tear rolling down our cheeks. He just turned and looked at me and said, "Just remember, they can't smoke rocks."

We are thinking of Brandon's loved ones today, as I recount his story for my colleagues in the Senate, including his parents Thomas and Catherine Mullins, his brother PFC Shaun Erik Mullins, his sister Bethany Rose Mullins, and many other beloved family members and friends.

This past September 11 was the tenth anniversary of the brutal terrorist attacks that ushered in a new era of military readiness and resolve for America. On that day, the Mullins family held a memorial service for Brandon. More than 800 people came to show their respects.

The funeral procession, led by 576 motorcycles, traveled from Good Shepherd Church to Owensboro Memorial Gardens at a slow, somber place—taking 1 hour to drive 11 miles.

On that day, CPT Sean J. Allred of the 3rd Battalion, 21st Infantry Regiment, wrote Thomas and Catherine Mullins a letter.

I hope that through writing this letter you may know how your son lived as a warrior and will continue to live in our hearts and in our victories.

Know that your son was a brother to all men in his Platoon and all who knew him ... Brandon was a credit to you and how you raised him. I am forever indebted to him and will honor his memory in future actions.

Captain Allred's sentiments are shared by this Senate. Our Nation can never repay the debt owed to Specialist Mullins or the sacrifice he made that weighs so heavily on his family. But we can honor his service and ensure that he will never be forgotten by his country. It is thanks to heroes such as SPC Brandon S. Mullins that America enjoys the freedoms we do today.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2112, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

Pending:

Reid (for Inouye) amendment No. 738, in the nature of a substitute.

Reid (for Webb) modified amendment No. 750 (to amendment No. 738), to establish the National Criminal Justice Commission.

Kohl amendment No. 755 (to amendment No. 738), to require a report on plans to implement reductions to certain salaries and expenses accounts.

Durbin (for Murray) amendment No. 772 (to amendment No. 738), to strike a section providing for certain exemptions from environmental requirements for the reconstruction of highway facilities damaged by natural disasters or emergencies.

Landrieu amendment No. 781 (to amendment No. 738), to prohibit the approval of certain farmer program loans.

Vitter modified amendment No. 769 (to amendment No. 738), to prohibit the Food and Drug Administration from preventing an individual not in the business of importing a prescription drug from importing an FDA-approved prescription drug from Canada.

Coburn amendment No. 791 (to amendment No. 738), to prohibit the use of funds to provide direct payments to persons or legal entities with an average adjusted gross income in excess of \$1,000,000.

Coburn modified amendment No. 792 (to amendment No. 738), to end payments to landlords who are endangering the lives of children and needy families.

Ayotte amendment No. 753 (to amendment No. 738), to prohibit the use of funds for the prosecution of enemy combatants in article III courts of the United States.

Crapo amendment No. 814 (to amendment No. 738), to provide for the orderly implementation of the provisions of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Merkley amendment No. 879 (to amendment No. 738), to prohibit amounts appropriated under this Act to carry out parts A and B of subtitle V of title 49, United States Code, from being expended unless all the steel, iron, and manufactured products used in the project are produced in the United States.

Moran amendment No. 815 (to amendment No. 738), to improve the bill.

Bingaman modified amendment No. 771 (to amendment No. 738), to provide an additional \$4,476,000, with an offset, for the Office of the United States Trade Representative to investigate trade violations committed by other countries and to enforce the trade laws of the United States and international trade agreements, which will fund the Office at the level requested in the President's budget and in H.R. 2596, as reported by the Committee on Appropriations of the House of Representatives.

Blunt (for Grassley) amendment No. 860 (to amendment No. 738), to ensure account-

ability in Federal grant programs administered by the Department of Justice.

Menendez amendment No. 857 (to amendment No. 738), to extend loan limits for programs of the government-sponsored enterprises, the Federal Housing Administration, and the Veterans Affairs Administration.

Lee motion to recommit.

Sessions amendment No. 810 (to amendment No. 738), to prohibit the use of funds to allow categorical eligibility for the supplemental nutrition assistance program.

Blunt (for DeMint) amendment No. 763 (to amendment No. 738), to prohibit the use of funds to implement regulations regarding the removal of essential-use designation for epinephrine used in oral pressurized metered-dose inhalers.

Blunt (for DeMint) amendment No. 764 (to amendment No. 738), to eliminate a certain increase in funding.

Lautenberg amendment No. 836 (to amendment No. 738), to provide adequate funding for Economic Development Administration disaster relief grants pursuant to the agreement on disaster relief funding included in the Budget Control Act of 2011.

Gillibrand amendment No. 869 (to amendment No. 738), to increase funding for the emergency conservation program and the emergency watershed protection program.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BLUNT. I thank my colleagues for bringing amendments to the floor on the Agriculture bill and also on the other two bills we are dealing with, Transportation and Housing and Urban Development, and Commerce-Justice-State.

We have had a vigorous debate over the past few days. We will have further votes today, and I think we will have further amendments today. We look forward to our colleagues continuing to come to the floor to debate these amendments. I hope we can continue working together to produce a bipartisan piece of legislation that becomes the first appropriations bill, as such, that we hopefully will be able to complete with the House.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The Gillibrand amendment is the pending amendment.

Mr. DURBIN. To H.R. 2112?

The ACTING PRESIDENT pro tempore. To H.R. 2112.

Mr. DURBIN. If there are no Members on the floor to offer amendments to speak to those amendments, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WALL STREET REFORM

Mr. DURBIN. Mr. President, our colleagues on the other side of the aisle have an interesting grasp of history. How else can you explain their choice of this week to push for the repeal of the most significant Wall Street reform since the Great Depression? For

those who need a reminder, it was 24 years ago this week, October 19, 1987, that the Dow Jones Industrial Average suffered the largest 1-day percentage drop in history. It was known as Black Monday. The Dow Jones lost 508 points that day, more than 22 percent of its value, \$500 million in wealth destroyed in 1 day. It took the Dow Jones Average 2 years to recover from Black Monday. Financial markets had not experienced such a disastrous decline since the stock market crash of 1929 that set off the Great Depression.

Most of us thought we would never again see such an event. Then came the financial crisis of 2008. In between time, I might mention, there was a savings and loan crisis. But then came the 2008 financial crisis. And 3 years after the near collapse of AIG set off the 2008 financial crisis, big banks and big Wall Street investment firms are once again extremely profitable. Most of the banks reported their earnings this week, and the biggest names made the biggest profits ever.

Wall Street CEOs are still pulling down salaries and bonuses worth tens of millions of dollars a year, hundreds of times more than the average worker's income. Most Americans are still struggling. The financial crisis of 2008 wiped out millions of jobs.

I recall the month President Obama was sworn in as President. I stood there on that cold January day, and as he took his hand from the Bible, I realized we had lost 750,000 jobs the month he took office. And, unfortunately, it preceded him and continued for some time. There are now 24 million Americans unemployed or underemployed. Millions have lost their homes. Millions more are in danger of joining them.

Nearly one in every four mortgages in America is now underwater, which means that the owners owe more on the mortgage than the value of the home. In the last 4 years, many Americans have seen their home values plummet by nearly one-third since 2007, and their retirement savings cut in half. We are paying a heavy price for the perfidy of Wall Street.

Solid, well-run companies across America, many in business for decades, have been shaken to the core and cannot find credit to either continue in business, expand their business, or hire new employees. What do our Republican friends offer as a solution? They want to repeal—repeal—the reforms that Congress passed to reduce the reckless risk taking and deception on Wall Street. They want to repeal Wall Street reform.

They want to repeal the Sarbanes-Oxley reform that was put in place after the debacle of the Enron Corporation. They are offering the same mistaken policies of the last decade. They want us to repeat the same mistakes that led us to a near meltdown of the global economy.

This effort to repeal Wall Street reform is part of a larger Republican campaign to prevent government from passing and enforcing reasonable rules that protect our environment and safeguard America's food supply, pharmaceuticals, and consumer products. Cut taxes on millionaires and billionaires and get rid of government regulation, they argue, and the economy will make a dramatic return. That is what they believe.

But if that were true, the last administration would have been the most prosperous in history. Those were the hallmarks of the George W. Bush administration: wage two wars but do not pay for them, but cut taxes on the wealthy and try to diminish regulation, when it came to oversight on the largest corporations, banks and financial institutions.

Instead, the George W. Bush administration produced "the worst jobs record on record." Those are not my words. This is a quote from the Wall Street Journal. They said: The Bush years produced the worst jobs record on record. And they followed the same playbook that the Republicans now offer as their idea for revitalizing the economy.

During the Bush administration, we saw the largest tax cut in our Nation's history with nearly all the benefits going to those at the top. It was the first time any President in the history of the United States cut taxes in the middle of a war. That is counterintuitive. A war is an added expense to government. Cutting revenue to government at that point invites deficits, which President Bush saw during his term—his 8 years.

The debt of the United States doubled during President George W. Bush's term in office. Regulatory agencies were underfunded, overwhelmed, and they were represented many times by people who had no interest in their mission. In the financial services industry, many Federal agencies turned a blind eye to activities that led to the global financial meltdown.

The Securities and Exchange Commission under the Bush administration allowed America's largest financial institutions to self-regulate, police themselves. The Federal Reserve declined to use its power to regulate subprime mortgages, which led to the terrible housing crisis which we still face today. The Comptroller of the Currency used that power to preempt State consumer laws on subprime mortgages, exactly the opposite of what they should have done.

Under the previous administration, unregulated mortgage brokers sold reckless loans, including infamous liar loans and ninja loans. Those are the no-income, no-asset loans. Major financial institutions packaged the bad loans as securities, which they then sold as investments. Credit agencies

blessed those toxic assets with AAA ratings, while being paid by the very companies that were selling the loans. The fix was on.

Insurance companies such as AIG insured toxic assets against loss, turning junk into gold. Investors all over the world then bought those assets, sowing the seeds for the economic crisis we still suffer from today. It was a daisy chain of deregulation and disaster. And what do we hear from the Republican side of the aisle? Let's go back to those thrilling days of yesteryear. Let's repeal Wall Street reform. Let's let Wall Street, like 10,000 flowers, bloom and we will get back into a strong economy.

America knows better. We have seen this movie. We know how it ended in 2007, and we do not want to see it again. This was not the first time. In the 1980s, savings and loans were deregulated, made reckless investments, and eventually had to be bailed out by taxpayers to the tune of \$130 billion. And \$130 billion is bad enough. It was almost \$800 billion for the TARP bailout of the big banks under the Bush administration.

The Dodd-Frank Wall Street reform bill requires institutions that sell non-standard mortgages to keep at least 5 percent of those mortgages on their books, reducing the risk that they will try to pass toxic assets off as solid investments. Under the new rules, banks have to make sure that borrowers can repay the loans. Lenders are forbidden from steering into expensive loans borrowers who cannot qualify for more affordable mortgages.

A new Consumer Financial Protection Bureau will look out for the interests of consumers and prohibit the sale of abusive mortgages and other risky and destructive financial products. I cannot think of another agency of government, not one, that the Republicans hate more than the Consumer Financial Protection Bureau. I want to tell you, I am proud that I introduced the first bill on this issue, working with Elizabeth Warren, a Harvard law professor. We put together a bill. I credit Senator Dodd and Congressman FRANK for rewriting provisions and including it in Wall Street reform.

I think it is about time we had one agency, just one in our Federal Government, that is designed to look out for and help consumers and families across America, to save them from the tricks and traps that are thrown at them which they could not possibly understand when they look at the fine print of their mortgage agreements and their credit card agreements and things that even lawyers struggle to understand.

This one agency, one single agency, with the limited power given to it and the limited resources given to it, is the target—it is ground zero for the Republican attack. They do not want to have

even one agency of government focusing on protecting America's consumers. The new Wall Street reforms tackle the dangers of too big to fail. We saw what happened there—almost \$800 billion in bailout funds to the biggest banks in America. They, of course, had made some stupid decisions, greedy decisions, selfish decisions. We paid for it. Everybody paid for it, with savings that were lost and pension plans diminished. And then, when they were about to fail, in came the previous administration and said we have to save them or there will be a global meltdown.

I was persuaded. I didn't want to see a global meltdown. We gave some \$800 billion to these big banks. Did they send us a note of "thank you"? Yes. They sent us a note of "thank you" and put it on the back of the most recent bonuses they gave to their officers. They were giving officers bonuses after the bank virtually fails and they have to rely on hard-working taxpayers to bail them out. That was the ultimate irony, but it is the reality of what we faced when we passed Wall Street reform.

When Enron collapsed in 2002, shareholders lost between \$11 billion and \$16 billion, employees lost \$2.1 billion in pension plans, 5,600 jobs were destroyed, and Enron's top executives, whose recklessness and greed destroyed the company, received \$1.4 billion in compensation.

In 2007, after watching its stock value fall from \$300 billion to \$6 billion in 2 years, Citigroup pushed its CEO, Chuck Prince, out the door—and, incidentally, they gave him a \$38 million severance package.

In late 2008, with the financial system on the verge of collapse, 17 troubled banks that had just accepted billions of dollars in taxpayer assistance doled out more than \$2 billion in bonuses and other payments to their highest earners.

Dodd-Frank, the Wall Street reform bill, reduces the incentive for CEOs to place short-term gains above the long-term health of their companies by increasing transparency and giving shareholders a say over executive compensation. It is another way that the new Wall Street reforms can restore stability and integrity to our markets and sustainable growth to our economy.

Economists still debate the causes of Black Monday 4 years ago, but no one who looks honestly at our recent past can seriously debate what happens when you take the financial cops off the beat and let Wall Street and the big banks regulate themselves. Those who are calling for repeal of Wall Street reform are basically saying we are going to give free rein to Wall Street to make their own rules again. If they are successful, I predict—be prepared—it is coming at us again. Wall Street will overdo it, and their greed

and excess will eventually cost average families and taxpayers who have no fault in the process.

We cannot afford to repeat these mistakes—mistakes that almost crashed the global economy. If our Republican colleagues want to join us in creating good, middle-class jobs for Americans, they can help us pass the American Jobs Act.

Let me say a word about that. I know the majority leader will give Republicans a chance to vote on one section of that today. Hopefully, they will join us. It is a section that takes part of the President's jobs act—some \$35 billion—and uses it to hire those who would otherwise be laid off if they are teachers, firefighters, and policemen.

Two-thirds of the school districts in Illinois have been laying off teachers. That is not good for the teachers, obviously, and it is not good for the students either. We are trying to make sure we save these jobs and give our students a good education across America in these difficult times.

When it comes to firefighters, we had a rally over in the Russell Caucus Room. A number of firefighters were there. They are asking, of course, for a helping hand to save their jobs in this tough economy.

I didn't know it at the time of the rally, but Tuesday night in Moline, IL, the city council looked at their tough budget and decided to lay off 12 firefighters who are responsible for ambulance service in Moline, IL. The fire chief, Ron Miller, said that he could not in good conscience continue to be fire chief if they are going to take 12 of his firefighters away, that it was not safe for the people of Moline. He resigned. It was an act of principle. It is an indication of how desperate people have become.

The amendment we will have today as part of the President's jobs package will give us a chance, on a competitive basis, to fill many of these jobs for firefighters, policemen, and teachers. I hope some of my Republican colleagues will join us in this effort.

How do we pay for it, incidentally? There is a tax. Let's put it right on the table. It is a tax of one-half of 1 percent on the incomes of people making over \$1 million a year. So the first million dollars is not subject to it; the next dollar is. It is one-half of 1 percent. The money that is brought in from that will spare hundreds of thousands of teachers, firefighters, and policemen from being laid off. I don't think it is too much to ask for the people who are wealthy and comfortable in America to share in the sacrifice with every other American family who sacrifices every day in this tough economy. We will vote on it, and I hope we get bipartisan support.

In the meantime, let's not repeal Wall Street reform. We learned a bitter lesson 24 years ago and just 4 years ago

as well. Let's not repeat that bad history.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I compliment all Senators in the way they have worked cooperatively and expeditiously in moving these three very important appropriations bills forward. Every Senator who has had an amendment has worked with us constructively either to modify it or to comply with what the leadership wanted to do.

I compliment all the managers for their work in moving the bills forward. I think it shows that we can govern ourselves.

This is the first time in a couple of years that we are actually following the regular order on due deliberations of our appropriations bills. It is very important that we do this to meet our fiscal responsibility of funding annual appropriations; that is, actually putting money in the Federal checkbook.

We have followed the regular order by each subcommittee holding rigorous hearings, doing due diligence in terms of oversight, and being quiet guardians of the purse. If anybody has watched us over the last couple of days, we have moved expeditiously. The debate has had such rigor, civility, we have learned from each other, and we have modified amendments back and forth. I think this is so positive and so constructive.

I hope we can conclude deliberations on these three appropriations bills today. Again, Senators need to have their say. Better they have their say than have their day and we show we can govern in a manner that is civil, that has intellectual rigor and due diligence in terms of oversight but also looking at how we protect vital American interests.

The three bills we have today are agriculture, which is so important to the American economy—this is a jobs bill. It is also a food and drug safety bill. At the same time, there is transportation and housing.

People talk about an infrastructure bank. We don't know what we are going to do or how we are going to pay for it, but right here, today, we have transportation pending that will go to every State on a formula basis, and then to some very important special needs identified by Senators in this process, to really then create jobs and meet the kinds of needs our respective States have, to build and repair highways, bridges, and have mass transit to get people to work.

At the same time, housing is absolutely crucial to our economy. The Federal Government does own and operate housing. It is called public housing. The ranking member on the Transportation-HUD bill speaks eloquently about that. Maine is well known for its compassionate way of dealing with people in need, whether it is the elderly, the handicapped, or the poor. But it is also how we can work with local government in the Community Development Block Grant Program, where local people make local decisions on how best to invest Federal funds to have a multiplier effect in economic and community development. We don't only want to build housing, we want to build community and at the same time build jobs. This is fantastic.

Then there is my own bill, the Commerce-Justice-Science bill, which I have worked on in such a cooperative way with the Senator from Texas, KAY BAILEY HUTCHISON.

We also have the Commerce Committee. The Commerce Committee is supposed to be about American business, and we have put in money for the Trade Representative to make sure we not only import—we want to make sure we just don't export jobs but we export products made in America by Americans, helping the American economy.

We also have the Patent Office. We have just reformed the process. If we want to out-innovate, we have to protect our intellectual property. There are those who would rather steal our ideas than invent their own. We have to have it where if you invent it, you get to keep it and profit from it.

The National Institute of Standards works with the private sector—a Federal agency to create the standards necessary so that products can go beyond the prototype and then be sold in America, but because there are certified standards they can be sold around the world.

Then we have the Justice Department. Aren't we proud of our Federal law enforcement? Sure, BATF had a big spill and cinders with the Fast and Furious Program. But look at the FBI, look at the DEA, and look at how they are intercepting everything from terrorists to organized crime to child molesters. And let's hear it for the Marshals Service, which is often overlooked and undervalued. They are out there every day protecting people who work in the courthouses and also serving the warrants and keeping an eye on sexual predators.

Then our subcommittee is one of the real engines of innovation through its work at the National Space Agency and at the National Science Foundation, doing the kinds of basic research the private sector can't do but will value in order to invest again in those new products that will create new jobs in America.

We like our bills. Again, we have done oversight to deal with how to be more frugal. We want people to work on that as the day moves on. I wanted to give everybody the lay of the land.

For those Senators who want to improve our bill by the regular order of the amendment process, we encourage them to come to the floor now to offer them and speak out. We want them to have their say and to have their day.

AMENDMENT NO. 750

Mr. President, while we are waiting for those Senators to come, I wish to comment on an amendment offered by our colleague from Virginia, Senator WEBB.

Senator WEBB has been a long-standing advocate that our people in this country be well served by the justice system. He has become increasingly concerned about the way the justice system works and feels it needs a comprehensive review. He has recommended the establishment of a national justice commission to do a review of Federal, State, and local Federal criminal justice systems, which will make a final report recommending changes in policy and practices to both prevent, deter, and reduce crime and violence and also to reduce recidivism and do it in a cost-effective way.

I want my colleagues to know I am an enthusiastic supporter of the Webb criminal justice commission. It is just a patchwork now. At times, because we so load up in the bottom end after a crime is committed, we need to look at prevention and intervention and also other things, such as alternative sentencing.

I wish to acknowledge the validity of the issue raised by our colleague from Virginia. We have a very high incarceration rate in this country.

More than 2.3 million Americans are in prison. Another 5 million are on probation or parole. Correction costs continue to grow and we have to tighten our belt. The problem is definitely evident in my bill. For Federal prisons alone, we had to include another \$300 million to safely guard the Nation's growing Federal prison population, and that does not include those in State prisons and local jails. This subcommittee has an obligation to fund Federal prisons, but this increase did consume a significant part of our allocation at the expense of other DOJ agencies.

Why is this happening? Is it partly because of Americans being more violent, there are more criminals, or are we getting better at catching them and prosecuting them? You know what, the answer could be yes, but we don't know. Is it that our mandatory sentencing—a good intention—has now had unintended consequences; that people who are first offenders could be in alternative sentencing and doing something else?

We are spending a lot on prisons, and so I support Senator WEBB's effort to

create a blue-ribbon national commission to do an 18-month, top-to-bottom review, examining costs and practices and policies for prevention, intervention, prosecution, and imprisonment, looking at which programs work and which can be improved. I hope it will end in concrete, wide-ranging reforms.

I support the amendment and look forward to voting for it and then to working on a constructive way to take a look at what his recommendations are. I understand the Senator from Virginia is retiring. Along with his incredible service in terms of the national security of our country, this will be one of his more lasting legacies. I hope we adopt the Webb amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

AMENDMENT NO. 769

Ms. MIKULSKI. Mr. President, I do want to comment on the Vitter amendment and then be able to have the Senator from New Hampshire speak.

But before the leader leaves, I want to express my condolences to the Mullins family for what happened. It is a little hard to get back into talking about amendments and debating issues when you hear such a poignant and wrenching story.

I am glad the Senator from Louisiana is on the floor, because I know we will be debating his amendment.

I want to make a comment about the Vitter amendment No. 769, as modified. I oppose the amendment. I appreciate the intent of the Senator from Louisiana to make lower cost drugs available to the American people, but we have many flashing lights about this and I bring this from knowledge of being both on the Intelligence Committee and also in working with the FBI through our CJS in both the classified and unclassified setting.

The amendment allows individuals to import FDA-approved drugs from Canada. It sounds great. But we don't know if the drug was made in Canada, and we don't know if it is coming from a regulated Canadian Web site.

We are concerned because of organized crime involvement and now counterfeit drugs—lethal, lethal, lethal drugs—could come into our country and have dire and devastating effects.

We could talk about how to have pharmaceutical FDA-approved drugs available to our people at less cost. Ironically, this is coming from a national health system. I am not going to get into ObamaCare and all that, but I do want to speak as someone who knows a lot about international organized crime.

What I want our colleagues to know is where there is compelling, compassionate human need, there is greed. Where there is greed, there are scams, schemes, and in many cases they have lethal consequences. What the Vitter amendment does—first of all, it does

not give the FDA additional resources to combat counterfeit medicine, it just makes an allowable use.

I don't know where we are going to get the money. If our colleague, Senator KOHL, were here, he would speak about the money. I wish to speak about the safety.

There are rogue Canadian pharmacy Web sites, and the consequence of that is we do not know what is coming. One of the things we do know is, we have examples of awful things that have happened. Do many of you remember when Coumadin came into this country? That is a blood thinner. It was illegally produced and did not meet FDA standards and resulted in people dying because they hemorrhaged out because of a counterfeit drug. They bled to death taking something they thought was safe.

There is Tamiflu that came into our country, but it was not Tamiflu; it was talcum powder. A person might want to swallow talcum powder. It might give them indigestion. But I tell you there are other things that can have more dire circumstances—birth control pills made out of rice flour. There is a complete list, and I encourage my colleagues, go to the FDA, find out what they have experienced in this. Go to the FBI, find out what they have done to try to intercept this. Go to our customs and border people. They have heartburn trying to prevent heartache from those things that could come illegally into our country.

We do have to deal with the cost of prescription drugs. We did deal with it in subsequent legislation in which we have closed the doughnut hole. I compliment the Senator from Louisiana for wanting to do that and all who modified it. But do not make a good intention have a horrible, lethal, unintended consequence.

I yield the floor.

THE PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from New Hampshire is recognized.

AMENDMENT NO. 753

Ms. AYOTTE. Mr. President, I rise to discuss my amendment, No. 753. This amendment would prohibit the use of funds for fiscal year 2012 for the prosecution of enemy combatants in article III courts. Specifically, it applies to members of al-Qaida or affiliated entities who are also participants in the course of planning or carrying out attacks against the United States.

I heard yesterday many of my colleagues from the other side of the aisle, for whom I have great respect, come to the floor to oppose my amendment. I would like to address the issues they have raised and start with this. I think their arguments miss the point. We are at war with these terrorist enemy combatants, members of al-Qaida who are planning or who have planned attacks against the United States of America. In what other conflict has the default

or preferred position been to try these individuals in the civilian court systems of the United States?

The primary focus when we capture an enemy combatant needs to be on gathering intelligence to protect the people of this country and our allies. I have great respect for our civilian court system. I have tried many cases. I have both defended criminals in that system, and I have prosecuted criminals in that system. Our civilian court system was not set up to gather intelligence. It was set up to have a fair prosecution of individuals who commit crimes in our country. When people rob a liquor store, the police arrest them, they question them, but the primary purpose is to find out who is accountable for the crime and then within that system to hold them accountable. The primary purpose of that system is not to gather intelligence and to make sure, within that system, we gather as much intelligence as possible of every single connection that individual has, to ensure we are preventing future attacks on our country. That has to be our primary purpose when we are trying to protect the American people.

Those who want to—and this administration wants to—use the civilian court system as the default system, they are undermining, in my view, our ability to obtain valuable intelligence because intelligence does not just come, often, with the brief interview that may happen in a criminal case, sometimes it takes months to gather the type of intelligence we need to protect Americans.

That is why, under the law of war, we allow people to be held in military custody, so we can protect the American people. But also in time, as we develop information, we can go back to those individuals 6 months later and say we just learned from another individual your connection with al-Qaida, your connection with an attack on the United States of America, and gather further information to protect our country. Our civilian court system is not set up to do that because, under this administration, when we treat an enemy of our country, an enemy combatant, under the civilian court system, they are entitled to certain rights, such as the Miranda rights guaranteed under the fifth amendment of our Constitution.

They are, of course, told: You have the right to remain silent; you have a right to have a lawyer. These are rights they would not be read if they were taken into military custody, where they are not required to be read.

That is a fundamental difference that is very important for the American people to think about. When we capture a terrorist, we need to know what else they were planning and what they might attempt to do to our country or our allies. If we capture them and make the decision to treat them in our

civilian court system, once we hold them in custody for a certain period in our civilian court system, under our fifth amendment to the Constitution, we have to tell them they have the right to remain silent. Here we are telling terrorists they have the right to remain silent. It does not fit to have a system where we are treating terrorists that way. It undermines our ability to gather information that will protect our country.

I have heard many of my colleagues, including the distinguished Senator from California yesterday, argue that military commissions are not effective in holding terrorists accountable. I have heard cited time and time again the number of convictions in article III courts compared to the number of convictions in military commissions. This is an argument that, in my view, is very misleading because one of the first steps this administration took when the President came into office was to suspend military commissions. To criticize the low number of military commission convictions when the President suspended military commissions for over two years strikes me as disingenuous—if I were making that argument in law school, I think I would have flunked my classes.

The reality is, to say our military commissions are not sufficient is actually very unfair to the military commission system. I find it astounding that somehow that would be cited as a reason not to treat enemy combatants, who are enemies of our country in the first instance, in military custody so we can gather the maximum amount of information from them, and that may take a period of time to do so, a period of time that is not built into our civilian court system because they are also guaranteed rights such as speedy presentation. That does not fit when we need periods of time to gather information to protect our country.

The distinguished Senator from California also raised the case of Mr. Moussaoui. Our court system is, rightly so, an open system for people to see. In that system, I would give defense counsel all the information I had about a case so they could adequately defend their client. When we are dealing with a case involving the prosecution of enemy combatants, much of the information is very sensitive. It can be sensitive to our national security if it is released. It could be sensitive if the individual being prosecuted gets that information to other people. We saw that, for example, in the Moussaoui case, when he was prosecuted in an article III court where sensitive material was inadvertently leaked.

We also, of course, saw in that case victims of 9/11 having to subject themselves to being mocked by him in our open court system.

Finally, I was astonished yesterday when I heard the argument from the

esteemed Senator from California that if someone commits a terrorist act on our soil, they should be exclusively tried in article III courts. She cited Mr. Brennan, who is one of the President's National Security Advisers, in saying we should be using article III courts as an exclusive way to treat individuals who have actually come to our soil to attack our country. To me, that does not make sense.

If a person is a terrorist, a member of al-Qaida, who actually has planned an attack on our country and actually comes to our country to attack us, they are going to be given greater rights because they will be given their Miranda rights, told they have the right to remain silent, they will be automatically treated in our civilian court system and we will have to give them speedy presentment and many of the rights that, rightly so, are included in our article III court system. So what are we saying to terrorists? We are actually going to give them greater rights if they come and attack us here. In my view, unfortunately, it sends the wrong message. I think it is welcoming people to the United States of America, when the message should be, clearly, we are at war with them, we are going to treat them in our military system because they are an enemy of our country, and we are going to make sure we gather the most information from them and their colleagues to protect Americans and our allies from future attacks.

We need look no further than the case of Osama bin Laden for the proof that the process of obtaining information from terrorists is frequently long and difficult, but I shudder to think what would have happen if the detainees from whom we gleaned information that led us to bin Laden were instead read their Miranda rights, remained silent, we brought them here, we had to give them speedy presentment rights. I do not think it is a stretch to say bin Laden might still be at large.

We have to put the priority on protecting Americans by gathering information. We are at war. We have a fundamental duty to protect the American people from the threat of future terrorist attacks. To me, that is the all-consuming priority, more important than extending constitutional rights to foreign terrorists—not American citizens—who are at war with us. I urge my colleagues to oppose civilian trials for this category of the most dangerous individuals with whom we are at war.

Finally, I wish to address one point which was actually quite surprising to me yesterday as well. The distinguished senior Senator from California said these individuals should not be treated as enemy combatants in military commissions is because, she said, it will reduce our allies' willingness to extradite terror suspects to the United States for interrogation or prosecution

or even provide evidence about suspected terrorists if they will be shipped off to military commissions in all cases. And she cited that, saying: Our allies are very reluctant to give us evidence in a process where they don't feel the rule of law is present.

Well, first of all, military commissions are historically part of our system. They are consistent with the Geneva Convention and the rule of law.

Secondly, the notion that we would allow our allies to dictate where we would try enemies of our country just seems absurd in terms of what policy we are going to take as the United States of America.

It doesn't make sense to me. Here we have a situation where this administration is taking out—and I agree with them on this, and I commend them for this—terrorists around the world, members of al-Qaida, enemy combatants who threaten our country. We are killing them. Yet the same administration is saying this same category of individuals—that we shouldn't detain them in military custody, we shouldn't try them by military commissions, and that seems internally inconsistent.

It also seems inconsistent that while we have our allies participating with us in attacks against enemy combatants around the world, that they would not transfer detained enemy combatants to the U.S. for fear that we will put them in military custody. It just does not make sense.

I would urge my colleagues to support my amendment. We shouldn't further criminalize this war. We remain at war with terrorists who want to kill Americans. I brought forward this amendment because I firmly believe our priority has to be to gather intelligence and not to provide them Miranda rights and not to undermine, in my view, our military commission system but to treat enemy combatants for who they are—enemies of our country—and make sure we protect Americans.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Virginia.

AMENDMENT NO. 750

Mr. WEBB. I would like to spend some time today addressing the amendment I have introduced, which is pending—it will be voted on later this morning or early this afternoon—which would establish a national commission to address the issue of criminal justice in our country.

I would like to begin by thanking the senior Senator from Maryland for her comments earlier this morning and her strong support of this legislation. I also wish to thank the majority leader and, I believe, a majority of our Democratic caucus who cosponsored this legislation in the last session.

This is a bill that was put together over a period of 4½ years. It is not so much politics as it is leadership in

terms of how we address the issue of criminal justice in the United States. We had the support last year, we continue to have the support, I believe, and the cosponsorship on the Republican side of Senator GRAHAM. Last year, Senator HATCH and Senator SNOWE also cosponsored this legislation. It passed the House in the same form we are introducing it today by voice vote, with the cosponsorship of LAMAR SMITH, who is now the chairman of the House Judiciary Committee. It was voted out of the Senate Judiciary Committee last year.

This is a very important moment in terms of how we are going to resolve a lot of the pending issues with respect to law enforcement in this country.

I wish to start off by saying that my motivation in getting involved in this issue stems first from the time I spent as an officer in the U.S. Marine Corps, where one of the strongest leadership principles that was ingrained in every marine was that in order for a system to function, it has to be firm but also fair, and also from my time as a journalist preceding the time I have spent here in the Senate.

It is the product of 4½ years of work, outreach, and listening. We have listened to more than 100 organizations from across the country, across the philosophical spectrum. We have listened to our colleagues on the other side. We have adapted the legislation to ensure that this is balanced politically, so we can set politics aside and get into the complex issue of how we resolve the broken points in our criminal justice system.

Our criminal justice system is broken in many areas. We have some strong work in local areas, with people trying to help fix these problems, but we need a national commission in order to take a look at the criminal justice system from point of apprehension all the way to reentry into society of people who have been incarcerated. We have not had this overarching national look since 1965.

What are the two boundaries that affected my approach to this? I would like to lay them out very quickly.

The first is that we have entered a period from the 1980s forward where we have tended to overincarcerate for a lot of nonviolent crimes. This is a chart that goes from 1925 to today. Beginning in the 1980s, our incarceration system skyrocketed to the point where there are now 2.38 million people in prison in the United States. Seven million people are involved in the criminal justice system on one level or another of supervision from our authorities.

The second is that Americans don't feel any safer for all of this incarceration and for the approach that it has taken. Survey after survey from the last decade indicates that the average American community feels more threatened this year than it did last

year. Two-thirds of Americans believe crime is more prevalent today than it was a year ago.

This is a leadership question. How do we fix it? Whom do we go to in order to find the answers so we can have the kind of advice that is very difficult to obtain in a holistic way so that Congress can move forward and the country can move forward and solve this problem?

This legislation is paid for. It is sunsetted at 18 months—very similar to the legislation Senator MCCASKILL and I put together going after the problems in wartime contracting, which now, after a 2-year sunset period, has reported out very important improvements in looking at a system in Iraq and Afghanistan that resulted in \$30 billion to \$60 billion of fraud, waste, and abuse. We put a commission together, we brought in good minds to help us solve the problem, they came in with recommendations, and we are going to fix that problem as best it can be fixed.

It is balanced philosophically and politically. I would ask my colleagues when the last time was that we had law enforcement lining up with people who were generally believed to be on the other side philosophically—the ACLU, NAACP, et cetera—all coming together and saying the same thing. This needs a national commission. This needs to be fixed.

In terms of law enforcement, we have the strong support of the International Association of Chiefs of Police, the National Sheriffs' Association, the Fraternal Order of Police, the Major Cities Chiefs Association, the National Narcotics Officers' Association, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the National Criminal Justice Association.

There are a few quotes in terms of supporting this legislation that I would ask my colleagues from both sides to consider.

Chief Michael Carroll, president of the International Association of Chiefs of Police, said:

For more than 20 years, the IACP has advocated for the creation of a commission that would follow in the footsteps of the 1965 Presidential Commission on Law Enforcement . . . The IACP believes that it is imperative that the National Criminal Justice Commission Act be approved in a timely fashion. For far too long our Nation's law enforcement and criminal justice system has lacked a strategic plan that will guide and integrate public safety and homeland security.

Chuck Canterbury, the national president for the Fraternal Order of Police:

Law enforcement has changed a great deal in the last few decades. We believe establishing a national commission . . . will only help law enforcement officers do their jobs more effectively, more efficiently, and more safely.

Sheriff B.J. Roberts, president of the National Sheriffs' Association:

. . . make the creation of a national commission all the more necessary to ensure law enforcement . . . has the tools and knowledge necessary to adapt to the continually evolving justice system. The NSA commends . . . this work on this critical issue. We look forward to supporting you to pass this bill.

Criminal justice experts from across the philosophical spectrum:

Chuck Colson, founder of the Prison Fellowship:

I write from the perspective of a conservative who has always been comfortable as a reformer . . . I don't believe this is an ideological issue at all, but one on which people of good will, conservative and liberal alike, could join forces to make prisons more effective, humane and successful.

Brian Walsh, the Heritage Foundation:

Reform experts who are serious about criminal justice reform should . . . reach out to elected officials on both sides of the aisle.

Mark Mauer, executive director of the Sentencing Project:

A new approach to crime prevention is necessary and the time for reform is upon us. The commission created by this legislation would establish an organized and proactive approach to studying and advancing programs and policies that promote public safety, while overhauling those practices that are found to be fundamentally flawed . . . We strongly urge passage of the National Criminal Justice Act.

Professor Charles Ogletree, Harvard Law School:

The comprehensive, timely and important bill . . . will go a long way toward addressing some of the severe inequities in the criminal justice system. This effort should be pursued with great vigor to ensure that we not only hold offenders accountable, but that we implement criminal justice policies that are sensible, fair, increase public safety and make judicious use of our State and Federal resources.

I am grateful that this legislation has been offered as an amendment on this appropriations measure. Again, it is paid for. It is sunsetted. It is balanced philosophically and politically. We listened very carefully to our colleagues from the other side of the aisle to incorporate their suggestions as this legislation moved forward. It passed the House last year, and I earnestly hope people from both sides of the aisle will support this legislation when it comes to a vote later today.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Louisiana.

AMENDMENT NO. 769

Mr. VITTER. Mr. President, I rise in strong support of Vitter amendment No. 769, which we will be voting on a little after noon in the next block of votes. I want to encourage all of my colleagues, Democrats and Republicans, to come together in a strong bipartisan way in favor of this amendment. It is a bipartisan amendment, and I thank Senators SANDERS, MCCAIN, STABENOW, and BINGAMAN for being coauthors of it, along with me.

The amendment is very simple. It would give all Americans another avenue to get safe, cheaper prescription drugs by allowing the reimportation of prescription drugs for personal use from Canada only. Again, it is very modest and very restricted. We are just talking about Canada. We are just talking about, of course, FDA-approved prescription drugs. We are just talking about small quantities for personal use, not big quantities, not wholesalers, not folks in that business. We are specifically excluding biologics. We are specifically excluding things listed on the controlled dangerous substances schedule. So it is a very modest, straightforward, limited amendment, but it would still be real in terms of the relief it would give Americans, particularly seniors, who are so often under the crunch—another opportunity for safe, cheaper prescription drugs.

In its form as I have described, this is nearly identical to a bipartisan Vitter amendment that was passed in the last Senate. It passed on a strong bipartisan vote, and I thank Members who voted for that.

This problem, again, is real. It hits millions of Americans. It hits seniors particularly hard.

Let's just take three very common prescription drugs.

Nexium. In the United States, it is about \$635 for a certain amount. In Canada, that same volume of the drug is \$386. For Lipitor, the price difference on average is \$572 in the United States versus \$378 in Canada; Plavix, \$644 in the United States, \$434 in Canada—huge price differences of 39 and 34 and 33 percent. That cost crunch is what all too often causes seniors to have to make horrible choices between prescription drugs they need for their health or other necessities such as food and utilities. Let's give those Americans real relief, and we can in this simple, straightforward amendment.

Let me say two things in closing. First, there have been safety concerns brought up about the amendment. We have real safety concerns about counterfeit drugs in general, but I do not believe—and I would not offer this amendment if I did believe—this amendment expands those vulnerabilities or concerns at all. As an example, the distinguished Senator from Maryland brought up several cases documented in the press in the last few years, and those are serious cases of counterfeit drugs, but none of them have anything to do with reimportation; none of them have anything to do with Canada; none of them have anything to do with small quantities of drugs for personal use. They are other unrelated safety concerns. This amendment would not expand those vulnerabilities.

Finally, this vote is about the amendment I have described, but I think it is also about the intersection

of money and power and politics in Washington. President Obama often decries that intersection of big money and big power in Washington, and I agree with him. But I think the single biggest example of that sort of money run amok in Washington—buying power and influencing politics in the last few years—has been big Pharma dealing with the White House, specifically visiting the White House over and over during the development of ObamaCare and in the end supporting ObamaCare. And, oh, by the way, in the end the President no longer supports reimportation, which he had consistently up to that point. I decry that sort of intersection of money and politics. If my colleagues do as well, they will support this amendment. If my colleagues disapprove of that sort of action by PhRMA and that interaction of big money and power politics, my colleagues will support this amendment too. I urge strong bipartisan support.

Again, I thank my colleagues from both parties for coauthoring and supporting this amendment.

With that, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Maryland.

AMENDMENT NO. 772 WITHDRAWN

Ms. MIKULSKI. Mr. President, I know my colleague wishes to speak, but I have a matter to dispose of. I ask unanimous consent that the Murray amendment No. 772 be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Ms. MIKULSKI. Thank you very much.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 750

Mrs. HUTCHISON. Mr. President, I rise to speak against the Webb amendment to the bill. Senator WEBB from Virginia spoke earlier about the purpose of this legislation. I believe if we had the time to work on this amendment we could accommodate the Senator's proposed goals for the commission. However, this has not gone through the Judiciary Committee. It is an authorization of a commission—it is called the National Criminal Justice Commission—which is purporting to look at the entire criminal justice system—Federal, State, and local.

This is an overreach of gigantic proportions. It is certainly within the purview of Congress to do a national commission to look at the Federal criminal justice system, but to go into State and local governments and purport to examine the criminal justice systems of our States and local governments is far beyond the reach of Congress, and it is certainly not a priority we should meet in appropriations bills when we are already in a deficit and debt crisis in this country.

I ask unanimous consent that a letter from the National District Attor-

neys Association and a letter from the National Association of Police Organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL DISTRICT
ATTORNEYS ASSOCIATION,
Alexandria, VA.

PLEASE OPPOSE S.A. 750, THE NATIONAL
CRIMINAL JUSTICE COMMISSION ACT OF 2011

I'm writing you today on behalf of the National District Attorneys Association (NDAA), the oldest and largest organization representing over 39,000 of America's state and local prosecutors, to voice our strong opposition towards an amendment to be offered today by Senator Jim Webb (D-VA) to the FY12 Commerce, Justice and Science Appropriations bill which would authorize and fund the National Criminal Justice Commission Act of 2011.

The amendment to be offered is S.A. 750, which was first introduced by Senator Jim Webb during the 111th Congress. The amendment would establish a Federal Commission to undertake a comprehensive examination of all aspects of America's criminal justice system—federal, state and local—and offer those findings to Congress and the Executive Branch.

While NDAA believes that a comprehensive examination of America's criminal justice systems could be useful, we believe that S.A. 750 in its current form is flawed in many different ways:

1. NDAA has major concerns with the formulation and composition of the National Criminal Justice Commission. The 14-member Commission would be selected largely by the current President (5 members), with other members selected by Congressional leadership from both the Majority and Minority parties. NDAA feels that the larger number of Presidential selections would skew the panel to favor one political ideology over another. Additionally, while guidelines on areas of expertise (for example, "law enforcement", "prisoner reentry" and "civil liberties") in order to be considered to serve on the Commission are contained in S. 306, specific representation from criminal justice practitioners such as District Attorneys, State and local prosecutors, Attorneys General, Chiefs of Police, Judges, Drug Court Professionals, Sheriffs, Police Officers or any other law enforcement practitioner to serve on the Commission would not be mandated.

2. Simply put, NDAA feels that an analysis of America's federal, state and local criminal justice systems cannot be completed in an 18-month period. The 18-month timeframe was selected largely based on the President Lyndon Johnson's Commission on Law Enforcement and Administration of Justice in 1965. Over the past 45 years, the size and complexities of America's criminal justice system has grown by leaps and bounds and NDAA feels an 18-month window isn't near enough time to complete such a study.

3. NDAA believes that the federal government should never be in the business of auditing state and local criminal justice systems.

4. During these times of fiscal crisis in America, the Commission would require \$5 million in new spending to complete its work over the next two fiscal years. Senator Webb's amendment would offset this new spending through the Department of Justice's Office of Justice Program's Administrative Account, which has already received close to a 50% reduction in funding since

FY2010. In addition, many state and local criminal justice programs funded by OJP have been gutted or eliminated over the past few fiscal cycles, including NDAA's National Advocacy Center for State and Local Prosecutor Training and the John R. Justice Loan Repayment Program for Prosecutors and Public Defenders—just two of the hundreds of programs which desperately need funding to provide services for America's communities now instead of funding a 14-member Commission to write a study. It would be fiscally irresponsible to fund such a study while current budget cuts are hitting America's communities hard.

It is our hope that you oppose this amendment as it is considered on the Senate floor. If you have any questions or concerns, please feel free to contact me at your earliest convenience.

Thank you for all you do for America's state and local prosecutors.

Sincerely,

SCOTT BURNS,
Executive Director.

NATIONAL ASSOCIATION OF
POLICE ORGANIZATIONS, INC.,
Alexandria, VA, October 18, 2011.

Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee,
Washington, DC.

Hon. CHUCK GRASSLEY,
Ranking Member, Senate Judiciary Committee,
Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: On behalf of the National Association of Police Organizations (NAPO), representing 241,000 rank-and-file officers from across the United States, I write to you to ask you to oppose The National Criminal Justice Commission Act of 2011 (S.A. 750).

During the 111th Congress, NAPO did support the original version of Senator Jim Webb's Crime Commission Bill (S. 714). However, over time the bill morphed into a different piece of legislation which NAPO could no longer support. The current proposal mirrors the later language of the 111th Congress, causing great concern to NAPO's members.

These concerns, which we share with other law enforcement groups such as the NDAA, include concern over the composition and qualifications of the proposed commission; the unrealistic timeframes called for in the legislation, and the appropriation of funds for the commission at the expense of other, proven, Justice Department programs.

Rank-and-file officers are the most visible and immediate providers of government service and protection for Americans. It is in the best interest of our entire nation to ensure they have the support they need to succeed. We strongly oppose the National Criminal Justice Commission being added as an amendment. If you should have any questions or wish to discuss this further, please feel free to contact me, or NAPO's Director of Government Affairs, Rachel Hedge, at (703) 549-0775.

Sincerely,

WILLIAM J. JOHNSON,
Executive Director.

Mrs. HUTCHISON. Mr. President, the letter from the District Attorneys Association looks at an earlier version of the bill which had a \$14 million pricetag and the pricetag on this amendment is \$5 million. So with that caveat I submit the letter, because the points the District Attorneys Association makes are very valid except for that one error of the amount of money.

However, let's talk about the \$5 million. Is it the priority of the Justice Department to have a national commission that purports to go into State and local governments and look at their criminal justice systems at a time such as this? They are taking the \$5 million from the Department of Justice's Office of Justice Programs administrative account. That is the account that administers the following grant programs, all of which I will not read, but they include: the National Center for Missing and Exploited Children, Byrne-JAG grants, the National Sex Offender Registry, the Bulletproof Vest grants, the National Stalker Database, and it goes on and on.

So the Senator from Virginia wants to take \$5 million from the administrators of this account and put it into looking into the criminal justice systems of our 50 States and whatever local governments they would choose to look at. The Senate position is already \$118 million for that account, which is \$64 million below the fiscal year 2011 levels. The House has put \$79 million in this account. We would be taking away \$5 million more for us to go to conference with to do an overreach against States rights in order to fund a commission that is going to look into programs, and take away from the fund grants that are so important to so many of our State and local governments, not to mention the people of our country.

Let's talk about the budgetary decisions of the States; for instance, New York and Vermont or the State of Virginia or Texas or Alabama. How are we going to look at the criminal justice systems with this national commission and say, Oh, we think the priority for New York State and its prison system or its number of district attorneys should meet the Federal standard? Would that be the same standard for the State of Vermont? This is such an overreach, and it is not a priority in these tight budgetary times, in my opinion.

The budgetary decisions of our State and local governments and the criminal justice systems should be done at that level. If there is a massive problem, there will be lawsuits about it. There would be a lawsuit against the Texas prison system. There was one, and it changed the way the Texas prison systems were even built and how much space there was in the cells. If there is a problem, there is a remedy. But we don't need a national commission to come in and tell the State and local governments they have a problem and rearrange the budgetary priorities of those States and local governments.

The GAO looked at this bill as a free-standing bill and they said the definition of "criminal justice system" is way too broad. A report on the Federal criminal justice system could be valuable to Congress, which I submit I

would agree with. Maybe that would be important. But to be effective, the GAO said, such a report should be narrowly targeted on specific features of the Federal criminal justice system such as law enforcement, courts, detention facilities, number of prosecutors, whether there is a victims rights advocate—they can look at a lot of different things, but they should narrow the scope if they are going to be effective. If Congress is to responsibly and wisely use our taxpayer dollars in these economic times, I think it is essential that we narrow the scope.

Let me mention something that is also mentioned in the District Attorneys Association's letter, which is something that caught my eye when I read this amendment. The 14-member commission is on its face 7 members appointed by Republicans and 7 members appointed by Democrats. So we have a 14-member commission. On its face, seven from each party would pass muster for bipartisan. However, it has the President of the United States appointing two of the Republican members. If we want a commission that is seven and seven, wouldn't it be more fair or pass the test of bipartisanship if Republicans appoint the Republicans and the Democrats appoint the Democrats? This commission would essentially be nine to five, not seven and seven.

I don't know that we have partisan issues in criminal justice. In some areas we probably do but, in the prioritizing of the budget, probably not. Probably there are political differences in our priorities for the criminal justice system, so if we are going to have a fair commission that purports to have a seven-seven makeup, let's make it seven-seven.

The reason we have a rule in this Senate that says we can't authorize on appropriations bills is because we have authorization committees that have hearings, that mark up legislation, that make the necessary changes to accommodate the needs of the majority and the minority and assure that something has at least been vetted. This bill has not been authorized. This comprehensive amendment appointing this national commission to study the criminal justice systems of the Federal, State, and local governments needs a lot of work. I wish to reach out to Senator WEBB to work with him to assure that it is a Federal commission looking at the Federal criminal justice system, and perhaps find out what his priorities are for his commission to study, and let's focus on those as the GAO said would be necessary. I would not take the \$5 million from the accounts administering the very important grant programs to our State and local governments and to the people who are affected by missing and exploited children, to assure that the State Criminal Alien Assistance pro-

gram, SCAAP, which helps our border counties in the States that are on the border, accommodate the incarceration of illegal alien criminals. In my State of Texas, the counties on the border don't have the money to incarcerate the prisoners who are illegal aliens and who are Federal responsibility. The administrators of these programs, such as the Mentally Ill Offender Grants, the Cybercrime Economic Program, the Coverdell Forensic Improvement grants, the Adam Walsh Act—we shouldn't be cutting the accounts that administer those programs. That would not be my choice if I had had the ability to work with the Senator from Virginia to accommodate his needs, as an authorization committee would.

This should not be in this bill. If we are going to have a 14-member commission—that is 7 Republicans and 7 Democrats—let's have a fair appointment of those 7 members on each side. To say the President of the United States would appoint two of the Republicans and that is an even distribution, it does not pass the test of what appears to be the fairness in the appointment of the commission.

So I oppose this amendment, and I would like to work with Senator WEBB to have a national criminal justice commission that would focus on the national criminal justice system. We do not need to overreach into State and local governments. We do not need to set the priorities for the budgets of States and local governments. We do not have the capacity to do it. I will guarantee, with 14 members, they are not going to represent 50 States and the needs of the States that are small and the States that have large urban areas and the cities that are dealing with these crimes.

We are into vast overreach with this amendment, and it is not the priority, I believe, right now to take \$5 million from the National Center for Missing and Exploited Children and Byrne grants that are so important to our State and local governments and the border prosecution funding and the SCAAP funding.

It has not been vetted as we require in the Senate. Unfortunately, the agreement that was made between the majority and minority leaders last night said no points of order would be able to be launched against this amendment. I would have raised a point of order because it is authorizing on an appropriations bill. The reason is, it has not been vetted by the Judiciary Committee, which ought to have taken up this bill and corrected the problems in it before it came to be full blown in an appropriations bill.

I will reiterate that I will work with Senator WEBB. I will work on a national commission that studies the national criminal justice system. If we can pinpoint it carefully to the needs he is trying to meet, I will be happy to

work with him on that. I will be happy to work with him on the appointment of the commission. If it is supposed to be seven and seven, let's make it seven and seven, not nine and five.

I hope he will withdraw this amendment. I hope the Senate can defeat it, if he does not. Most certainly, if we go to conference with this amendment on this bill, I will do everything in my power to eliminate it, unless it is changed significantly to meet the needs of our country to assure a fair Federal system. We do not need to get into the State and local government budgetary priorities in this appropriations bill.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, we are where in the legislative process now?

The PRESIDING OFFICER. Legislative session.

HIGGINBOTTOM NOMINATION

Mr. KERRY. Mr. President, I wish to say a few words, if I may, about the nominee whom we are about to vote on.

I strongly support the nomination of Heather Higginbottom to be the Deputy Director of the Office of Management and Budget.

It has been more than 12 years since Heather first came to work for me in the Senate as a senior legislative assistant, and later she became my legislative director and top policy aide. In all those years on the Hill, I want to assure my colleagues who are thinking about this position that she stood out not just for her policy knowledge and her understanding of the budget and the legislative process but for her ability to work across the aisle.

I know a lot of colleagues are anxious to confirm people who come not with partisan intent but with the ability to try to get things done in Washington. Believe me, Heather has that ability.

She worked with me and developed my proposal a number of years ago for a constitutional line-item veto—a proposal which now has many bipartisan supporters in the Senate. I also saw firsthand her instinct to put aside ideology and to go after waste, to push for tough-minded budget reforms, all of which protected the taxpayers' interests. She worked with me through seven budget cycles, and I am pleased to say, as many Members remember, we balanced the budget back in those years. So I think she comes with an experience of understanding what the tough choices are that can help to improve our fiscal situation now.

I came to know somebody who worked diligently and looked at the budget with a critical eye. When Jack Lew announced Heather's nomination, he said she was known for her "dedication to sound public policy that makes a difference in people's lives."

Health care, technology, poverty, education, infrastructure—for every single one of these priorities, she will look at them to determine whether the current policies are working, whether there are ways we could do things more effectively, and whether the American taxpayer is getting what they deserve in return for their investment. For all those efforts, I think Jack Lew could not have chosen a stronger or more competent Deputy.

For all of those efforts, I think Jack Lew could not have chosen a stronger or a more competent deputy. I hope my colleagues will support her nomination.

EXECUTIVE SESSION

NOMINATION OF HEATHER A. HIGGINBOTTOM TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Heather A. Higginbottom, of the District of Columbia, to be Deputy Director of the Office of Management and Budget.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided and controlled in the usual form.

Mr. KERRY. Mr. President, I reserve my time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I reserve the time we have.

Mr. KERRY. It is my understanding that under the order, this is the time for the debate. Is that correct?

The PRESIDING OFFICER. The Senator from Massachusetts is correct.

Mr. KERRY. If the time is not about to be used, it will be tallied?

The PRESIDING OFFICER. That is correct.

Mr. KERRY. I suggest we yield it back mutually or someone speaks.

Ms. COLLINS. Mr. President, Senator SESSIONS is on his way to the floor. He does have reservations about the nominee. I think it would be courteous, since we know he is on his way, to delay just for a couple of moments so he could make his comments.

The PRESIDING OFFICER. Is there objection to Senator COLLINS' request?

Mr. KERRY. I am always in favor of extending courtesies. I think it is im-

portant to do that. But I would just reserve, if I can, therefore, that we might wait until the Senator is here and have those 2 minutes used at that time.

I will suggest the absence of a quorum until the Senator is here, at which time we will have 2 minutes equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KERRY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, we are now considering the nomination of Heather Higginbottom to be Deputy Director of the Office of Management and Budget. We need to confirm this nominee.

The Deputy Director position has been vacant for 19 months. The Senate received Ms. Higginbottom's nomination papers in January, and she was reported favorably out of both the Budget and Government Affairs Committees in the spring.

Ms. Higginbottom is fully qualified for this position. She served as Deputy Assistant to the President and Deputy Director of the Domestic Policy Council at the White House. She also previously served as legislative director for Senator KERRY. So she brings with her a broad knowledge of Federal policy and the operations of the government.

It is important to note that Ms. Higginbottom was personally selected by Director Lew as the individual he wants as his Deputy. His selection of Ms. Higginbottom speaks volumes about her ability and the respect she has attained from her colleagues in the administration. Director Lew needs to have the Deputy Director of his choice working with him at OMB.

I know some have questioned this nominee's qualifications. They are wrong to do so. Ms. Higginbottom is absolutely qualified for this job, and she is as qualified as other individuals who served in this position during Republican administrations.

I hope the Senate joins me in voting to confirm this nominee.

Ms. CANTWELL. Mr. President, as we consider the nomination of Heather Higginbottom to be Deputy Director of OMB, I would like to bring to the attention of my colleagues my concern for how OMB and the Coast Guard have been conducting business.

The Arctic is opening at an alarming rate, which creates new requirements for the U.S. Coast Guard and the Navy. Multiple Presidential directives call

for Arctic presence to meet national security and homeland security needs; to facilitate safe, secure, and reliable navigation; to protect maritime commerce, and to protect the environment as resource development increases.

Polar icebreakers are critical to meet our national needs in the Arctic. According to a recent independent study, the Coast Guard and the Navy need six heavy-duty icebreakers and four medium icebreakers. This is not a political document; it is a study of the national security and commercial viability of the United States. It is not a surprise to this Senator that any third party, any independent judgment maker, or anyone paying attention as the Chinese, and the Russians, oil companies, even pirates actively stake claims in the Arctic, that the United States needs to be prepared to engage to protect its interests there.

In the Coast Guard Reauthorization Act of 2010, we required the Coast Guard to complete a comparative business case analysis to determine how we can revitalize icebreaking fleet while maximizing taxpayer dollars. This study was due on October 15, and today I have come to the floor because the law is being ignored. The Coast Guard and OMB have failed to deliver this report that I remind you was required by law to be delivered to Congress days ago.

Even more distressing to me is that the Coast Guard is moving forward with decommissioning one of only two of our Nation's heavy duty icebreakers. We think this is unwise, and it is exactly why the Congress required a study of such an action. Surely the administration isn't simply choosing to flout the law by moving forward before this cost-benefit analysis has been completed or reviewed by Congress.

So I know Heather Higginbottom is probably keenly interested in the debate going on here today, and I hope that if she is listening and if she is confirmed as the Deputy Director of OMB, she will take this leadership opportunity to transform the way OMB does its business. It is time for OMB to stop holding up congressionally directed reports. I know there are a lot of smart people over at OMB, and they may not always like the people and their representatives questioning their judgment. However, even OMB must follow the law, and in this case they must deliver the business case analysis to Congress immediately. Some of the folks over at OMB may not agree with the Congress that polar icebreaker assets should be a priority. And while everyone is entitled to their opinion, even if it illustrates a complete lack of understanding of our national security needs, in our system of government Congress makes the laws, and at least this Senator expects them to be followed.

Mr. KERRY. With the consent of the other side, all time will be yielded back.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Heather A. Higginbottom, of the District of Columbia, to be Deputy Director of the Office of Management and Budget?

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 64, nays 36, as follows:

[Rollcall Vote No. 171 Ex.]

YEAS—64

Akaka	Hagan	Nelson (NE)
Alexander	Harkin	Nelson (FL)
Baucus	Inouye	Portman
Begich	Johanns	Pryor
Bennet	Johnson (SD)	Reed
Bigman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (OH)	Kyl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Toomey
Conrad	Manchin	Udall (CO)
Coons	McCaskill	Udall (NM)
Corker	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Whitehouse
Franken	Moran	Wyden
Gillibrand	Murkowski	
Graham	Murray	

NAYS—36

Ayotte	DeMint	Lugar
Barrasso	Enzi	McCain
Blunt	Grassley	McConnell
Boozman	Hatch	Paul
Brown (MA)	Heller	Risch
Burr	Hoeven	Roberts
Chambliss	Hutchison	Rubio
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johnson (WI)	Thune
Cornyn	Kirk	Vitter
Crapo	Lee	Wicker

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

AMENDMENT NO. 769

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote in relation to the amendment, as modified, by the Senator from Louisiana, Mr. VITTER.

Who yields time? The Senator from Louisiana.

Mr. VITTER. Mr. President, this amendment is bipartisan. I thank the bipartisan coauthors. The amendment would allow the reimportation of small, personal use quantities of safe FDA-approved prescription drugs from Canada only. It is a very modest amendment. It is for personal use only, not large quantities, no wholesalers, Canada only, no biologics, and no controlled dangerous substances. It is essentially identical to an amendment we passed on a bipartisan basis in the last Senate.

I urge a strong vote in favor of this.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I oppose this amendment. First, it is a budget buster. To enforce this will take enormous amounts of resources. You cannot be sure that that drug coming from Canada is not a counterfeit, lethal death drug. You don't have any enforcement procedures in here, you don't have the money to enforce it, and we have a history of phony drugs coming into rogue Web sites through counterfeit countries.

If you want a drug that has been made in a country that we view as predators toward the United States, when you take your Coumadin, when you want your wife to take her breast cancer drug, when your daughter is going to take that birth control pill, then you want the Vitter amendment. But if you want safety, then defeat the amendment.

Ms. SNOWE. Mr. President, today I wish to support Senator VITTER's amendment regarding drug importation from Canada. Senator VITTER has been a tremendous partner and tireless advocate in supporting the comprehensive drug importation legislation Senator STABENOW and I introduced earlier this year—the Pharmaceutical Market Access and Drug Safety Act—which now has 20 additional cosponsors.

The time for enactment of comprehensive drug importation legislation is certainly long overdue—and the critical necessity for this legislation is actually greater . . . not less, particularly for those struggling in this economic environment. Over the past decade, among working age adults—only those with Medicare coverage saw any improvement in their ability to fill their prescriptions. All others saw a rise in their inability to obtain needed medications. Among the uninsured more than 1 in 3 individuals went without a required prescription—and in those with chronic disease that number doubles.

At the same time, according to AARP, over the last 5 years, the retail prices for the most popular brand-name drugs increased 41.5 percent, while the consumer price index rose 13.3 percent. So despite manufacturer assistance programs—despite the increased use of generics—the high and escalating cost

of brand-name drugs is directly impacting the health of millions. Americans have learned that other countries use the very same medications which we do, made in the very same plants, yet pay considerably less.

I look forward to working with my colleagues, as well as the FDA, on opportunities to advance comprehensive drug importation legislation in the months ahead. Not only does my legislation expand access to imported drugs in countries with comparable levels of regulation and oversight, but it also establishes a higher level of safety than exists today for prescription drugs sold domestically—including employing anticounterfeiting technologies and drug pedigrees to ensure the integrity of medications. In fact, it was the first to provide FDA with the resources to improve its inspection of foreign drug plants, many of which today produce medications marketed here by U.S. firms which consumers assume to be “domestic”. CBO estimates the Federal Government alone would save \$19.4 billion, so the savings from drug importation are undeniable and I hope that the Joint Select Committee on Deficit Reduction strongly considers this option.

Until that time, Senator VITTER’s legislation, which allows for personal use drug importation from Canada, represents a good first step. Without question, the price discrepancies between the United States and Canada are significant. For example, this week the average U.S. price for a 90-day supply of Nexium is \$524.97 compared to \$386.67 in Canada. Another drug, Plavix, costs \$565.97 in the United States versus \$434.65 in Canada for a 90-day supply. Lipitor costs \$463.97 in the United States compared to \$378.23 in Canada for a 90-day supply.

Today our constituents—who pay for research, who subsidize industry advertising, marketing, and investment—deserve access to competition and more affordable prices. Senator VITTER’s amendment has achieved strong bipartisan support in the past, and I urge my colleagues to vote for this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

Mr. VITTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—45

Begich	Cardin	DeMint
Bingaman	Casey	Feinstein
Blumenthal	Coburn	Franken
Boozman	Collins	Grassley
Boxer	Conrad	Heller
Brown (OH)	Corker	Johnson (SD)

Klobuchar
Kohl
Leahy
Lee
Levin
McCain
McCaskill
Merkley
Murkowski

Nelson (NE)
Nelson (FL)
Paul
Pryor
Reed
Rockefeller
Sanders
Sessions
Shaheen

Shelby
Snowe
Stabenow
Tester
Thune
Udall (NM)
Vitter
Whitehouse
Wyden

NAYS—55

Akaka
Alexander
Ayotte
Barrasso
Baucus
Bennet
Blunt
Brown (MA)
Burr
Cantwell
Carper
Chambliss
Coats
Cochran
Cooms
Cornyn
Crapo
Durbin
Enzi

Gillibrand
Graham
Hagan
Harkin
Hatch
Hoeven
Hutchison
Inhofe
Inouye
Isakson
Johanns
Johnson (WI)
Kerry
Kirk
Kyl
Landrieu
Lautenberg
Lieberman
Lugar

Manchin
McConnell
Menendez
Mikulski
Moran
Murray
Portman
Reid
Risch
Roberts
Rubio
Schumer
Toomey
Udall (CO)
Warner
Webb
Wicker

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 55. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 750

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes equally divided prior to a vote in relation to amendment No. 750, as modified, offered by the Senator from Virginia, Mr. WEBB.

Who yields time?

The Senator from Virginia.

Mr. WEBB. Mr. President, this bill is the result of 4½ years of work and outreach and listening to the other side, incorporating recommendations from across the political spectrum. It is paid for. It is sunsetted at 18 months. It is balanced philosophically and politically. Contrary to some of the comments that were made, this does provide for equal participation from both parties.

It has been endorsed by more than 70 national organizations, including almost all of the law enforcement organizations in America: International Association of Chiefs of Police, National Sheriffs Association, Fraternal Order of Police, National Association of Counties, National League of Cities, U.S. Conference of Mayors.

It is time for us to move forward to get the comprehensive advice from the best minds in America in terms of how to fix our broken criminal justice system.

I urge a “yes” vote, and I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have talked with Senator WEBB. Some of what he wants to do is probably fine, but we are absolutely ignoring the U.S. Constitution if we do this. We have no role, unless we are violating human rights or the U.S. Constitution, to involve ourselves in the criminal court

justice system or penal system in my State or any other State.

The Association of District Attorneys is against this. There are a lot of times interest groups are for something, but we have no business deciding from a central committee in Washington whether Oklahoma is meeting the requirements of its constitution rather than the U.S. Constitution.

I would urge a “no” vote against this, and that we honor our Constitution.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Is there time remaining on our side?

The PRESIDING OFFICER. There is 9 seconds.

Mrs. HUTCHISON. Mr. President, this is the most massive encroachment on States rights I have seen in this body. It is \$5 million on a priority we should not have.

I will work with the Senator from Virginia to pare it down so a Federal commission will look at the Federal system.

Mr. WEBB. Mr. President, I ask the time.

The PRESIDING OFFICER. There is 7 seconds.

Mr. WEBB. This is not an encroachment. I wouldn’t support an encroachment. It actually convenes the best minds to give recommendations.

The PRESIDING OFFICER. The Senator’s time has expired.

The question is on agreeing to the amendment, as modified.

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—57

Akaka	Graham	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Cooms	Manchin	Udall (NM)
Durbin	McCaskill	Warner
Feinstein	Menendez	Webb
Franken	Merkley	Whitehouse
Gillibrand	Mikulski	Wyden

NAYS—43

Alexander	Coburn	Grassley
Ayotte	Cochran	Heller
Barrasso	Collins	Hoeven
Blunt	Corker	Hutchison
Boozman	Cornyn	Inhofe
Burr	Crapo	Isakson
Chambliss	DeMint	Johanns
Coats	Enzi	Johnson (WI)

Kirk	Murkowski	Shelby
Kyl	Paul	Thune
Lee	Portman	Toomey
Lugar	Risch	Vitter
McCain	Roberts	Wicker
McConnell	Rubio	
Moran	Sessions	

The PRESIDING OFFICER (Mr. MANCHIN). On this vote, the yeas are 57, the nays are 43. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Arizona.

Mr. KYL. Mr. President, would it be in order for me to speak as in morning business for up to 5 minutes at this point?

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. KYL are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask the Chair to please inform me when I have spoken 10 minutes. For other people who want to speak, I don't think I will speak that long.

The PRESIDING OFFICER. The Chair will do so.

AMENDMENT NO. 860

Mr. GRASSLEY. My amendment No. 860 is a good government amendment for which I hope we can get broad support. There are special interests in Washington making the rounds opposing this amendment. These groups have argued this amendment will unduly burden the Justice Department, take away grant money for worthy causes or erroneously ban grantees from future funds. These special interests are trying to protect their income streams of Federal grants and don't want somebody looking over their shoulder to make sure they are spending taxpayer dollars wisely.

This amendment is a response to the lack of oversight, accountability, and responsibility for how American taxpayer dollars are spent by grant recipients. It is a response to my work in the Judiciary Committee, uncovering fraud, misappropriation of funds, offshore bank accounts by nonprofit organizations.

Can you understand that? Nonprofit organizations in America have offshore bank accounts, and many other shenanigans are occurring in grant programs administered by the Justice Department.

To fix this, my amendment includes an accountability and fraud prevention package for grants administered by the Department of Justice. I am glad to report the National Taxpayers Union, an independent nonpartisan advocate for taxpayers, supports the amendment.

For the last decade the inspector general has continuously labeled grant management at the Department of Justice a top management and performance challenge. That is from the in-

spector general. Despite the large sums of money the Department provides the grantees, the inspector general has repeatedly found inadequate controls on spending, inadequate oversight, and a general failure to ensure that taxpayer dollars are spent by grantees in accordance with the programs.

Each year, the inspector general audits only a small fraction of grants awarded by the Department. In fact, last year the inspector general audited 21 grant recipients. Keep the figure 21 in mind. The inspector general questioned more than one-quarter of all the taxpayer dollars these grantees received. These questioned costs occurred on a random selection of grantees and represent less than 1 percent of the total grant recipients. So we only audit—go over 1 percent, but of that 1 percent, 25 percent of them were found to have a waste of taxpayers' money or not proper accounting.

Perhaps the most concerning part of these audits is that they are randomly selected. If the inspector general's random selection of grantees universally uncovers unauthorized errors, then we can see why we have a much larger problem. If the findings of the audit from 2011 were extrapolated through all the grants, that would mean nearly \$500 million in questionable costs annually.

My amendment requires the inspector general to audit 10 percent of the grants. It also requires the Attorney General to ban grantees for 2 years if they are found to have serious problems that have gone unremedied for longer than 6 months after the inspector general makes a negative finding. By requiring this remedy within 6 months, it ensures there is enough time to fix inadvertent mistakes but also ensures that truly bad actors are taken off the government rolls.

My amendment also requires the AG to reimburse the Federal Treasury from the Justice Department budget if funds are given to an excluded entity and then requires the Department to recoup lost grant money from those grantees. It also includes a limitation on conference spending at the Department. Just a few weeks ago, the inspector general issued an audit on conference spending at the Department.

We all heard about this audit, which revealed \$16 muffins, the \$32 Cracker Jack snacks, \$5 cans of cola, the beef wellington appetizers, and other abuse of the money of the taxpayers by the Justice Department. What we have not heard is how, by this administration, spending at the Justice Department increased from \$47 million in fiscal year 2008 to 1 year later \$73 million and now 2 years later \$91 million. Despite the biggest Federal deficit in history, the Justice Department, under this administration, has doubled spending on conferences in just 2 years. This is unacceptable, and it is why my amendment

requires the Deputy Attorney General to sign off on all conference spending.

My amendment would prohibit the Attorney General from providing any grant to a nonprofit charity that holds money in offshore bank accounts for the purpose of evading Federal taxes. If it is nonprofit, one would think they would be using their money for nonprofit purposes.

This provision was the result of an investigation I conducted into the Boys and Girls Club of America, the national umbrella organization for thousands of local clubs. In response to my inquiry, the Boys and Girls Club of America admitted that, despite closing hundreds of clubs nationwide, it held nearly \$222 million in investment, of which \$54 million was in offshore investments and another \$54 million in partnerships. When asked why this money was held offshore, I was told it was held to "... avoid issues with unrelated Business Income Tax generated by hedge funds that use leverage."

I support the mission of the Boys and Girls Clubs, truly I do. It is true nothing they did was illegal. However, given our current fiscal crisis, I cannot support Federal tax dollars being awarded as grants to those who hold millions of dollars offshore—I should say tens of millions of dollars offshore.

Finally, I will note that my amendment includes a 25-percent matching requirement for grantees, as I heard the special interest lobbyists have been calling and sending panicked messages to many Members in the Senate opposing the matching requirement, arguing it would shut off Federal money to many grantees.

This provision mirrors one recently included at a Judiciary Committee markup supported by all Judiciary Committee Democrats and some Republicans. Matching requirements are often required by grant programs that virtually all members have supported. The Government Accountability Office even reported in a 2006 report on grant management that to strengthen grant management, Congress should "ensure mechanisms are of sufficient value" when implementing grants. This is GAO speak for including a matching requirement so grantees are financially involved, not simply spending Federal taxpayer dollars.

That said, I wanted to modify my amendment and strike this provision. However, I understand people on the other side of the aisle objected to that request so it would be easier to defeat my amendment. Remember, this is an amendment Republicans and Democrats accepted in the Judiciary Committee. This is big money at stake with Federal grants. Talk about special interests, the special interests have spoken. Those who oppose my amendment oppose holding grantees accountable for how they spend taxpayer dollars. Those who oppose my amendment are

supporting giving nonprofit charities with money in offshore bank accounts taxpayer dollars. It will be interesting to see who opposes this provision, especially given the fact that everyone should oppose giving taxpayer dollars to those who hold money offshore.

My amendment is a commonsense way to ensure that taxpayer dollars are protected. It is something we should have done long ago. I encourage all my colleagues to join me and send a signal that waste, fraud, and abuse of taxpayer dollars has no place in a Federal grant programs at the Department of Justice. That would include all of them but particularly to organizations that hold money offshore to avoid taxes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 879, AS MODIFIED

Mr. MERKLEY. Mr. President, when our American government spends money on infrastructure, core infrastructure, we should look first to American companies and American workers. But this doesn't always happen. In fact, recently, there was a bid proposal in Alaska to build a bridge with America's taxpayer money and a Chinese company employing Chinese steel outbid the American company using American steel. This was a big surprise in that normally there is a framework that helps ensure American companies and American workers are able to do the infrastructure projects we are funding with our taxpayer dollars so we are creating jobs here at home.

It turns out there is a loophole; whereas, this basic framework covers highways, it covers commuting rail, it covers passenger rail but doesn't apply to freight rail. This was a freight bridge on tracks that do not also have passenger trains on them. I don't know how many tracks in America only have freight and not passenger, but when everything got sorted out through the appeal process, that is what it came down to.

This afternoon, we will have a simple amendment that makes this piece of the infrastructure more consistent with the rest of the infrastructure world. The industrial might of this Nation was built on American railroads made from American steel. We often say: Wow, there is a loophole you can drive a freight train through. In this case, you actually can drive a freight train through the loophole. That is what we need to fix.

At a time when Americans everywhere are searching for jobs, we should be supporting American companies that employ and hire Americans, use American steel when American taxpayer dollars are employed.

In the framework for infrastructure, there are some exceptions. Those exceptions in this amendment are exactly the same exceptions that are provided

in the rest of the infrastructure picture; that is, the Secretary of Transportation can waive this requirement for U.S.-produced steel, iron, and manufactured products if the application is inconsistent with the public interest. That is a pretty broad ground on which the Secretary can make a determination; more specifically, if the materials and products are not available in sufficient quantity or quality from the American manufacturer or if the inclusion of the domestic material would increase the cost of the project by more than 25 percent. This is a small change that fills in or eliminates a loophole you can drive a freight train through.

The bottom line is this: If we don't build things in America, we will not have a middle class in America. Our taxpayer dollars should go to create good, living-wage jobs for our workers here at home in these core infrastructure projects, not to create jobs in China.

I urge my colleagues to support this amendment.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KIRK. I ask unanimous consent to speak as in morning business for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIBYA

Mr. KIRK. Mr. President, we all saw the news, yet to be confirmed, that General Qadhafi is dead. This is a victory for our men and women in uniform, for the United States, for the administration, but, most importantly, for the people of Libya.

Senators MCCAIN, GRAHAM, RUBIO, and I had the privilege 20 days ago of traveling to Tripoli. I was quite surprised at what I saw. Considering other war zones, Tripoli did not appear to be one of them. The rebels took the capital largely intact. Only the Qadhafi compound was blown away. There was anti-Qadhafi graffiti—obviously spontaneous—everywhere, and some of the most popular people in the city were U.S. citizens.

While many people in Libya do not fully know the position of Senator MCCAIN, they knew he was an American leader. Throughout our visit, they came out to thank him for the aircraft they saw overhead that they felt equalized the battle between them and their government, between the professional army of Muammar Qadhafi, the people of Misrata, the people of Tripoli, and the people of Benghazi.

We have the makings of a very pro-U.S. ally. Millions of Libyans right now are very thankful for the United States. They feel the aircraft overhead that equalized this battle were almost all American. In reality, many of those aircraft were British and French from our NATO allies. But because of that pro-American feeling, the new government there is likely to be overwhelmingly pro-American.

As we look to a now-secure post-Qadhafi environment, we have to make several points.

First, when we were there, leaders were obviously afraid that as long as he lived, Qadhafi could make a comeback. That now no longer looks possible at all.

Second, to head off Islamists who may try to form a party, Prime Minister Jibril wanted to call for early elections. We should help him call early elections because right now the rebel TNC government is overwhelmingly popular and would be elected.

Next, we have to unify military authority with the new rebel government. We were briefed that there are 28 separate militias in Tripoli. We should unify military command under them to make sure any sectarian violence does not break out with the victory that has come at hand.

Libya is a unique country that does not need foreign assistance from the United States. We have seized 34 billion of their dollars and over \$100 billion in a seized account worldwide. They need assistance. They need medical backup, training for their army, support for their elections, but they can pay for it.

One thing they asked of us that we should provide is a hospital ship. USNS *Comfort* should be allowed to go to Libya to care for those who were wounded in this battle. We were told 25,000 citizens of Libya died in this revolution and 60,000 were wounded. The United States should help care for them, and the Libyan Government should reimburse us for that effort.

When we look to the future, we also have a couple of key challenges. We were briefed that Qadhafi's chemical weapons stockpile was secure, and I think it is, but we need to keep it that way. We were also briefed that the arsenals of Libya were looted, including thousands of handheld surface-to-air missiles. It should be a top priority of the United States to buy or gain custody of those missiles again before they become a threat to civil aircraft around the world.

In the end, as I said, this is a victory for the administration, for the men and women of the U.S. military, but especially for the people of Libya. If we take the steps I just outlined—security for the chemical weapons arsenal, recovery of the surface-to-air missiles, support for early elections, and medical care with the provision of a U.S. hospital ship—I think we will lock in

the winning of a new, very pro-U.S. ally in the Middle East.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President. I rise to speak on amendment No. 874, my amendment on housing discrimination. My understanding is, when we assemble for a series of votes at 2 o'clock, this vote will be voice voted, and I particularly appreciate the work of Senator COLLINS, the ranking minority member of the subcommittee, and chairwoman PATTY MURRAY for her work and Senator SANDERS for his support and cosponsorship.

Housing discrimination, as we know, prevents hard-working families from buying homes in the neighborhood of their choosing. Housing discrimination not only violates Federal law, it is a barrier to economic mobility. It is a morally wrong practice with real-world implications.

A study by the Miami Valley Fair Housing Coalition, located in Dayton, OH, found that foreclosed properties in predominately African-American neighborhoods in that city are kept in significantly worse condition than foreclosed properties in White neighborhoods. That is bad for local property values, and it is bad for local governments that rely on property tax revenues because we know what that does for home prices.

That is why the Department of Housing and Urban Development instituted the Fair Housing Initiatives Program, so-called FHIP. FHIP invests in the private fair housing organizations that help enforce antidiscrimination laws.

My amendment would put FHIP funding on equal footing with the House legislation, increasing it to near its fiscal year 2011 level—exactly what the House did.

This is about maintaining level funding so fair housing organizations will not be forced to lay off hundreds of employees across the country.

This amendment is effective. Fair housing organizations investigated 65 percent of the Nation's complaints of housing discrimination—nearly twice as many as all government agencies combined.

This amendment is efficient. It saves money by streamlining the claims investigation process.

My amendment is fully paid for, transferring money from HUD's Working Capital Fund.

Discrimination should never be tolerated. Especially in these challenging economic times, it would be particularly devastating to cut fair housing programs any further.

I again thank Senator MURRAY and Senator COLLINS, the top two members—one in each party—of the Transportation, Housing, and Urban Development Subcommittee. I thank Senator SANDERS for cosponsoring this amendment.

I urge a "yes" vote from my colleagues when this amendment comes forward for a voice vote in a few minutes.

Mr. President, I ask unanimous consent that the 60-affirmative vote requirement under the previous order for the Brown amendment No. 874, as modified, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, on behalf of myself and 32 cosponsors—both Republicans and Democrats—I ask unanimous consent that the current matter be set aside and amendment No. 875 be called up and made pending.

Mr. KOHL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, I understand there is an agreement regarding the disposition of amendments already in place, but I believe this amendment deserves consideration and a vote.

It is a noncontroversial matter, as far as I am concerned. It would simply make permanent 10 separate appropriations riders relating to firearms. The House CJS bill did the same thing, but these changes have been taken out of the Senate substitute amendment.

Each of these riders has been in place for a long time—some more than 30 years. These clarifying provisions have been enacted year after year to preserve the rights of law-abiding gun owners and prevent encroachments on the part of the executive branch.

It does not need to be a yearly exercise. There is widespread support for each of these provisions contained in my amendment. Once again, they have never been the subject of any significant controversy. My amendment would simply make them permanent so we do not have to bring them up all the time.

This amendment would likely pass with more than 60 or 70 votes. I hope the leadership and the managers on the other side of the aisle will not simply accede to the wishes of a minority of Senators who are hostile to second amendment rights by preventing a vote on this amendment.

I ask again for unanimous consent to set aside the pending matter and call up amendment No. 875.

The PRESIDING OFFICER. Is there objection?

Mr. KOHL. Mr. President, I object. We have a good number of amendments already pending, and we have a list of amendments already in order to be made pending. Until we are able to dispense or dispose of some of these pending amendments, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, I hope to be able to work with my colleagues on the other side. This should not be a difficult exercise. It is just a smart thing

to do. Once again, I am certain this amendment would have the support of a broad majority, a bipartisan majority, of my colleagues.

If the other side wants to prevent a vote—keeping in mind that the vast majority of the American people support these provisions—I hope they will be able to explain it to their constituents. I hope there will be a reconsideration of this amendment and that we can get it up and get this matter solved once and for all. I understand the distinguished Senator has to object, and I feel very disappointed in that, but sooner or later we are going to vote on this amendment, one way or the other.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 860

Mr. LEAHY. Mr. President, I rise in my capacity as chair of the Judiciary Committee to say I oppose amendment No. 860. It is a one-size-fits-all approach. It would have catastrophic consequences to the Justice Department and on the important work the Justice Department does in supporting local law enforcement, crime victims, and justice across the country.

I have worked with my good friend from Iowa, Senator GRASSLEY, on many issues. We have been able to, in a bipartisan way, develop accountability measures to ensure that particular grants administered by the Department of Justice operate efficiently and effectively. That is particularly important at a time of budget austerity. We have done it in specific contexts when those measures make a lot of sense.

For example, in the course of our negotiations of a bipartisan version of the Trafficking Victims Protection Reauthorization Act, we worked out specific proposals. Nonetheless, six of the eight Republicans on the Judiciary Committee opposed this bill.

But one size does not fit all. Measures that make sense in one program cannot willy-nilly be applied to others without careful consideration of the consequences to the programs and, to the intended beneficiaries in local law enforcement, and crime victims.

A one-size-fits-all measure actually might harm rather than help important functions at the Department of Justice.

For example, this amendment would prevent grants to the Boys and Girls Clubs of America. I know some have criticized some aspects of the Boys and Girls Clubs, and I would be happy to work with any Senator to work out these issues. But the Boys and Girls Clubs of America do great work.

I remember one police chief in my State, when asked if I could help him get a couple more police officers to help out because of crime problems, said: No. Get me a Boys and Girls Club. Get me a place for young people to go.

I know in Vermont they do a great deal, as they do in most States. If there

are reforms that should be made, let's do them, but not just cut out the funding in a one-size-fits-all way at a time when we are doing everything possible to give young people a different goal than going out into a life where they might do things none of us would agree with.

This amendment would greatly restrict the Department of Justice's ability to spend funds for salaries of its own people. Is that going to lead to huge cuts in prosecutors and agents? Are we going to be imposing a salary cap on top of the one the President has already imposed? Are we going to be losing some of our best people? Are we going to be unable to develop experienced law enforcement officers or prosecutors?

I know, in law enforcement and prosecution, we value experience. We do not want to go for the lowest common denominator. We want people who are experienced.

Again, a willy-nilly amendment does not help.

The amendment includes a grant-matching requirement. But in some programs, grant matching is not a good idea. Let me tell you about one, legislation that former Senator Ben Nighthorse Campbell and I put together. It has worked very well. It is the Leahy Bulletproof Vest Partnership Grant Program for local jurisdictions. We have, in some local jurisdictions, the ability to waive matching provisions.

We have seen a rise in the number of assaults and murders of police officers across this country. Many officers' lives have been saved because they have had bulletproof vests under the Leahy program. They would have died otherwise. But they are in small departments, in small departments in States that could not afford the \$500 or \$600 per bulletproof vest. Yet we expect these police officers to be out at 3 o'clock in the morning, usually with no backup. But if they are in a small, rural park in West Virginia or Vermont or all these other States, they do not have any backup. They are out there alone. We ought to give them the kind of protection they need.

I want our police officers in rural communities who do not have the budgeting of a big city department to have this kind of protection. So if we put a matching requirement by fiat—again, one-size-fits-all—we have a lot of rural police departments that are going to be badly hurt.

What about crime victims? Crime victims have already suffered great loss. Are we going to say: We can help you out, but pony up some money. Pony up a matching requirement, and then we will come in and help you. We are going to spend a fortune on the guy we lock up who committed a crime. We will spend \$30,000, \$35,000 a year on that person. We are not going to ask for any

matching money from the criminal. But we are going to say to the victim: We can help you, but, sorry—I know you lost all this money; I know you have been beaten, you have been bruised, you have been injured—you have to come up with some money before we can help you. The guy who did it, we will take care of him. We will pay for that. But we cannot help you.

No, no, no, no, no, no, no. I was a prosecutor for 8 years. I know how these victims suffer. They are usually the forgotten person in the criminal justice system. The headlines are: So and so was arrested. They are marched off. We are going to prosecute them. That is good. They should be. I prosecuted a lot of those people. But the victim is the one forgotten. Victims and others most in need of assistance are those least likely to be able to provide matching funds. Rural communities, small nonprofit providers, tribes, and States that are facing their own problems should not have another funding mandate put on them from Washington.

The new matching requirement and other requirements in this amendment would impose new burdens on all money going to State and local law enforcement through the COPS Program and many of the Byrne-JAG programs. It would prevent many police departments from hiring and keeping the officers they need. That is why the National District Attorneys Association and the National Association of Police Organizations have expressed their opposition to this amendment.

At one time, I had the honor of serving as vice president of the National District Attorneys Association. They care. They care about law enforcement. They care about prosecutors. They care about victims. We ought to listen to them.

It also would burden grants awarded through the Debbie Smith Act to reduce backlogs in testing rape kits. There are rapists who go free because we do not have the money to test the rape kits. Tell that to a victim. Tell that to the victim: We do not have the money to go get the person who did this. I am not going to vote in a way that I am going to be telling that victim: We cannot help you. We cannot test that rape kit.

The Debbie Smith grant program has received bipartisan support. It helps to ensure that rape victims will not have to continue to live in fear because somebody said: It is going to take a few months to test this because we do not have the money. By the way, lock your door. He might come back.

I am not going to vote for that.

The matching requirement would be devastating to the National Center for Missing and Exploited Children, which works hard every day to keep our children safe from those who would do them harm. It is hard to think of any

work more important than protecting our children from the evils of abuse and exploitation, but this amendment would make that work much harder because the National Center receives Justice Department grants, but it does not have matching funds.

Time is running out. I could tell some stories. I could tell some stories about what happens to these children who are exploited and abused, and it would have everybody in tears. It did me when I saw them as a prosecutor, and it does every day when I read these reports as chairman of the Senate Judiciary Committee.

My God, if we can go and try to protect people around the world, let's protect our children here at home.

I agree with Senator GRASSLEY that we need rigorous accountability measures. Of course, we should. We do this in our hearings every week in the Judiciary Committee. GAO does it. The inspector general does it. But do not do a one-size-fits-all that is going to say to our victims, that is going to say to rape victims, that is going to say to exploited children or that is going to say to our police officers, who are told to go out there without a bulletproof vest but to defend you and me in the middle of the night: Sorry, sorry, sorry. The wealthiest Nation on Earth cannot help you.

No; I oppose this amendment.

I yield the floor.

AMENDMENT NO. 879, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes equally divided prior to a vote in relation to amendment No. 879 offered by the Senator from Oregon, Mr. MERKLEY.

Mr. MERKLEY. Mr. President, I have a modification at the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, is as follows:

On page 264, between lines 9 and 10, insert the following:

SEC. 153. BUYING GOODS PRODUCED IN THE UNITED STATES.

(a) COMPLIANCE.—None of the funds made available under this title to carry out parts A and B of subtitle V of title 49, United States Code, may be expended by any entity unless the entity agrees that such expenditures will comply with the requirements under this section.

(b) PREFERENCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation may not obligate any funds appropriated under this title to carry out parts A and B of subtitle V of title 49, United States Code, unless all the steel, iron, and manufactured products used in the project are produced in the United States.

(2) WAIVER.—The Secretary of Transportation may waive the application of paragraph (1) in circumstances in which the Secretary determines that—

(A) such application would be inconsistent with the public interest;

(B) such materials and products produced in the United States are not produced in a

sufficient and reasonably available amount or are not of a satisfactory quality; or

(C) inclusion of domestic material would increase the cost of the overall project by more than 25 percent.

(c) LABOR COSTS.—For purposes of this subsection (b)(2)(C), labor costs involved in final assembly shall not be included in calculating the cost of components.

(d) MANUFACTURING PLAN.—The Secretary of Transportation shall prepare, in conjunction with the Secretary of Commerce, a manufacturing plan that—

(1) promotes the production of products in the United States that are the subject of waivers granted under subsection (b)(2)(B);

(2) addresses how such products may be produced in a sufficient and reasonably available amount, and in a satisfactory quality, in the United States; and

(3) addresses the creation of a public database for the waivers granted under subsection (b)(2)(B).

(e) WAIVER NOTICE AND COMMENT.—If the Secretary of Transportation determines that a waiver of subsection (b)(1) is warranted, the Secretary, before the date on which such determination takes effect, shall—

(1) post the waiver request and a detailed written justification of the need for such waiver on the Department of Transportation's public website;

(2) publish a detailed written justification of the need for such waiver in the Federal Register; and

(3) provide notice of such determination and an opportunity for public comment for a reasonable period of time not to exceed 15 days.

(f) STATE REQUIREMENTS.—The Secretary of Transportation may not impose any limitation on amounts made available under this title to carry out parts A and B of subtitle V of title 49, United States Code, which—

(1) restricts a State from imposing requirements that are more stringent than the requirements under this section on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries, in projects carried out with such assistance; or

(2) prohibits any recipient of such amounts from complying with State requirements authorized under paragraph (1).

(g) CERTIFICATION.—The Secretary of Transportation may authorize a manufacturer or supplier of steel, iron, or manufactured goods to correct, after bid opening, any certification of noncompliance or failure to properly complete the certification (except for failure to sign the certification) under this section if such manufacturer or supplier attests, under penalty of perjury, and establishes, by a preponderance of the evidence, that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error.

(h) REVIEW.—Any entity adversely affected by an action by the Department of Transportation under this section is entitled to seek judicial review of such action in accordance with section 702 of title 5, United States Code.

(i) MINIMUM COST.—The requirements under this section shall only apply to contracts for which the costs exceed \$100,000.

(j) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.

(k) FRAUDULENT USE OF "MADE IN AMERICA" LABEL.—An entity is ineligible to receive a contract or subcontract made with amounts appropriated under this title to

carry out parts A and B of subtitle V of title 49, United States Code, if a court or department, agency, or instrumentality of the Government determines that the person intentionally—

(1) affixed a "Made in America" label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this section applies, but were not produced in the United States; or

(2) represented that goods described in paragraph (1) were produced in the United States.

Mr. LEAHY. Mr. President, I yield back all time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. SANDERS). Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—55

Akaka	Gillibrand	Nelson (FL)
Baucus	Graham	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Blumenthal	Johnson (SD)	Sanders
Blunt	Kerry	Schumer
Boxer	Klobuchar	Shaheen
Brown (OH)	Kohl	Shelby
Cantwell	Landrieu	Snowe
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Manchin	Udall (CO)
Collins	McCaskill	Udall (NM)
Conrad	Menendez	Webb
Coons	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feinstein	Murray	
Franken	Nelson (NE)	

NAYS—44

Alexander	Grassley	McConnell
Ayotte	Hatch	Moran
Barrasso	Heller	Murkowski
Boozman	Hoeven	Paul
Brown (MA)	Hutchison	Portman
Burr	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Rubio
Coburn	Johnson (WI)	Sessions
Cochran	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lieberman	Warner
DeMint	Lugar	Wicker
Enzi	McCain	

NOT VOTING—1

Lautenberg

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is rejected.

AMENDMENT NO. 874, AS MODIFIED, TO
AMENDMENT NO. 738

The PRESIDING OFFICER. Under the previous order, there is now 2 min-

utes of debate equally divided prior to a vote in relation to amendment No. 874, as modified, offered by the Senator from Ohio.

The Senator from Ohio is recognized. Mr. BROWN of Ohio. Mr. President, I call up amendment No. 874.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio (Mr. BROWN), for himself and Mr. SANDERS, proposes an amendment numbered 874, as modified, to amendment No. 738.

Mr. BROWN of Ohio. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Purpose: To increase amounts made available to carry out section 561 of the Housing and Community Development Act of 1987, and to provide an offset)

On page 333, line 9, strike "\$35,940,000" and insert "\$42,500,000".

On page 336, line 1, strike "\$199,035,000" and insert "\$192,475,000".

On page 333, line 8, strike "\$64,287,000" and insert "\$70,847,000".

Mr. BROWN of Ohio. Mr. President, housing discrimination not only violates our laws, it is a barrier to economic mobility. This amendment would put FHIP funding on equal footing with the House legislation. It is about maintaining level funding so that fair housing organizations won't be forced to lay off hundreds of employees across the country. The amendment is effective. Fair housing organizations investigated 65 percent of the Nation's complaints—nearly twice as many as all other government agencies combined. It is efficient and saves money by streamlining the claims process.

My amendment is paid for by transferring funds from HUD's working capital fund. I thank the chair and ranking member, Senators MURRAY and COLLINS, for supporting this amendment, and Senator SANDERS for cosponsoring it.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. KOHL. I yield back our time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 874) was agreed to.

AMENDMENT NO. 815

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 815, offered by the Senator from Kansas, Mr. MORAN. Who yields time?

Mr. KOHL. Mr. President, we yield back our time.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. MORAN. Mr. President, the pending business before the Senate is an amendment I offered yesterday, Moran

No. 815. There has been agreement that it will be accepted on voice vote, and I appreciate the leadership of Chairman KOHL and Ranking Member BLUNT.

I yield the remaining time, and I yield the floor.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 815) was agreed to.

AMENDMENT NO. 860

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes equally divided prior to a vote in relation to amendment No. 860 offered by the Senator from Iowa, Mr. GRASSLEY.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this is a good-government amendment, and it goes after the Justice Department grant management program because the inspector general has had grant management at the top of his 10 major management challenges. The inspector general says that management of grants at the Justice Department is abominable, so this amendment is trying to take care of what the inspector general has said is needed to be done for a long period of time. Grant recipients would be held to basic principles of accountability. There are only a handful of grants audited each year, but out of that handful 25 percent talk about mismanagement, fraud, and things of that nature.

A vote against my amendment would be a vote to allow fraud, waste, and abuse of taxpayer-funded grant programs. A vote against my amendment would allow nonprofit charities to continue to hold money in offshore bank accounts for tax purposes and still receive Federal grants. I have a letter in my office that justifies \$54 million in offshore accounts.

I hope my colleagues will vote for this good-government amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have worked with my good friend from Iowa on accountability measures and will continue to do so but not for this amendment.

This is a one-size-fits-all. There is a reason the National District Attorneys Association and a reason the National Association of Police Organizations oppose it. This would make it impossible for small, rural communities to get bulletproof vests under the Leahy-Campbell bulletproof vest program. This would make it impossible for some of the small departments to have the money to pay for rape kits, so they would have to tell the rape victim: Sorry, we can't go after the person who raped you, even though they might come back, because we don't have the money. We don't have the money to test this rape kit.

This is a one-size-fits-all that is going to hurt law enforcement. It is

going to hurt victims. We will pay the price of the person we lock up, but we won't do anything to help the victim? I oppose it.

Mr. GRASSLEY. It is supported by the National Taxpayers Union.

Mr. LEAHY. I stand with the prosecutors and the police who oppose it.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the Grassley amendment No. 860.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—46

Alexander	Graham	McConnell
Ayotte	Grassley	Moran
Barrasso	Hatch	Paul
Blunt	Heller	Portman
Boozman	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	Manchin	
Enzi	McCain	

NAYS—54

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (MA)	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	McCaskey	Udall (NM)
Cooms	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Whitehouse
Franken	Murkowski	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 54. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Oklahoma.

AMENDMENTS NOS. 794 THROUGH 797, 799 THROUGH 801, AND 833, TO AMENDMENT NO. 738

Mr. COBURN. Mr. President, I ask unanimous consent to call up the following amendments en bloc, displacing the amendment that is present, but considering each one of them individually: amendments Nos. 794 through 797, amendments Nos. 799 through 801, and amendment No. 833.

The PRESIDING OFFICER. Without objection, the amendments are pending en bloc.

The amendments are as follows:

AMENDMENT NO. 794

(Purpose: To provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, and for other purposes)

At the appropriate place, insert the following:

SEC. _____. (a) Each fiscal year, for purposes of the report required by subsection (b), the head of each agency shall—

(1) identify and describe every program administered by the agency;

(2) for each such program—

(A) determine the total administrative expenses of the program;

(B) determine the expenditures for services for the program;

(C) estimate the number of clients served by the program and beneficiaries who received assistance under the program (if applicable); and

(D) estimate—

(i) the number of full-time employees who administer the program; and

(ii) the number of full-time equivalents (whose salary is paid in part or full by the Federal Government through a grant, contract, subaward of a grant or contract, cooperative agreement, or other form of financial award or assistance) who assist in administering the program; and

(3) identify programs within the Federal Government (whether inside or outside the agency) with duplicative or overlapping missions, services, and allowable uses of funds.

(b) With respect to the requirements of subsections (a)(1) and (a)(2)(B), the head of an agency may use the same information provided in the catalog of domestic and international assistance programs in the case of any program that is a domestic or international assistance program.

(c) Not later than February 1 of each fiscal year, the head of each agency shall publish on the official public website of the agency a report containing the following:

(1) The information required under subsection (a) with respect to the preceding fiscal year.

(2) The latest performance reviews (including the program performance reports required under section 1116 of title 31, United States Code) of each program of the agency identified under subsection (a)(1), including performance indicators, performance goals, output measures, and other specific metrics used to review the program and how the program performed on each.

(3) For each program that makes payments, the latest improper payment rate of the program and the total estimated amount of improper payments, including fraudulent payments and overpayments.

(4) The total amount of unspent and unobligated program funds held by the agency and grant recipients (not including individuals) stated as an amount—

(A) held as of the beginning of the fiscal year in which the report is submitted; and

(B) held for five fiscal years or more.

(5) Such recommendations as the head of the agency considers appropriate—

(A) to consolidate programs that are duplicative or overlapping;

(B) to eliminate waste and inefficiency; and

(C) to terminate lower priority, outdated, and unnecessary programs and initiatives.

(d) In this section:

(1) The term "administrative costs" has the meaning as determined by the Director of the Office of Management and Budget under section 504(b)(2) of Public Law 111-85

(31 U.S.C. 1105 note), except the term shall also include, for purposes of that section and this section, with respect to an agency—

(A) costs incurred by the agency as well as costs incurred by grantees, subgrantees, and other recipients of funds from a grant program or other program administered by the agency; and

(B) expenses related to personnel salaries and benefits, property management, travel, program management, promotion, reviews and audits, case management, and communication about, promotion of, and outreach for programs and program activities administered by the agency.

(2) The term “services” has the meaning provided by the Director of the Office of Management and Budget and shall be limited to only activities, assistance, and aid that provide a direct benefit to a recipient, such as the provision of medical care, assistance for housing or tuition, or financial support (including grants and loans).

(3) The term “agency” has the same meaning given that term in section 551(1) of title 5, United States Code, except that the term also includes offices in the legislative branch other than the Government Accountability Office.

(4) The terms “performance indicator”, “performance goal”, “output measure”, and “program activity” have the meanings provided by section 1115 of title 31, United States Code.

(5) The term “program” has the meaning provided by the Director of the Office of Management and Budget and shall include, with respect to an agency, any organized set of activities directed toward a common purpose or goal undertaken by the agency that includes services, projects, processes, or financial or other forms of assistance, including grants, contracts, cooperative agreements, compacts loans, leases, technical support, consultation, or other guidance.

(e)(1)(A) Section 6101 of title 31, United States Code, is amended by adding at the end the following:

“(7) The term ‘international assistance’ has the meaning provided by the Director of the Office of Management and Budget and shall include, with respect to an agency, assistance including grants, contracts, compacts, loans, leases, and other financial and technical support to—

“(A) foreign nations;

“(B) international organizations;

“(C) services provided by programs administered by any agency outside of the territory of the United States; and

“(D) services funded by any agency provided in foreign nations or outside of the territory of the United States by non-governmental organizations and entities.

“(8) The term ‘assistance program’ means each of the following:

“(A) A domestic assistance program.

“(B) An international assistance program.”.

(B)(i) Section 6102 of title 31, United States Code, is amended—

(I) in subsection (a), in the matter preceding paragraph (1), by striking “domestic” both places it appears; and

(II) in subsection (b), by striking “domestic”.

(ii) Section 6104 of title 31, United States Code, is amended—

(I) in subsections (a) and (b), by inserting “and international assistance” after “domestic assistance” each place it appears; and

(II) in the section heading, by inserting “and international” after “domestic”.

(f) Section 6104(b) of title 31, United States Code, is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(4) the information required in paragraphs (1) through (4) of section 419(a) of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012;

“(5) the budget function or functions applicable to each assistance program contained in the catalog;

“(6) with respect to each assistance program in the catalog, an electronic link to the annual report required under section 419(b) of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012, by the agency that carries out the assistance program; and

“(7) the authorization and appropriation amount provided by law for each assistance program in the catalog in the current fiscal year, and a notation if the program is not authorized in the current year, has not been authorized in law, or does not receive a specific line item appropriation.”.

(g) Section 6104 of title 31, United States Code, is further amended by adding at the end the following new subsection:

“(e) COMPLIANCE.—On the website of the catalog of Federal domestic and international assistance information, the Administrator shall provide the following:

“(1) CONTACT INFORMATION.—The title and contact information for the person in each agency responsible for the implementation, compliance, and quality of the data in the catalog.

“(2) REPORT.—An annual report compiled by the Administrator of domestic assistance programs, international assistance programs, and agencies with respect to which the requirements of this chapter are not met.”.

(h) Section 6103 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(d) BULK DOWNLOADS.—The information in the catalog of domestic and international assistance under section 6104 of this title shall be available on a regular basis through bulk downloads from the website of the catalog.”.

(i) Section 6101(2) of title 31, United States Code, is amended by inserting before the period at the end the following: “except such term also includes offices in the legislative branch other than the Government Accountability Office”.

(j)(1) Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations to implement this section.

(2) This section shall be implemented beginning with the first full fiscal year occurring after the date of the enactment of this Act.

AMENDMENT NO. 795

(Purpose: To collect more than \$500,000,000 from deadbeat developers for failed, botched, and abandoned projects)

At the appropriate place, insert the following:

SEC. ____ The Secretary of Housing and Urban Development—

(1) shall cancel any funding obligated for a construction or renovation project for which the Department of Housing and Urban Development committed to provide \$50,000 or more that—

(A) commenced before the date that is 5 years before the date of enactment of this Act;

(B) is not complete;

(C) did not draw funds against a Department of Housing and Urban Development account during the 18-month period ending on the date of enactment of this Act;

(D) on the date of enactment of this Act, is vacant and has not been sold or leased; or

(E) has not drawn funds against a Department of Housing and Urban Development account, if, on the date of enactment of this Act, funds have been obligated for the project for more than 1 year;

(2) may not provide any funding on or after the date of enactment of this Act for a project described in paragraph (1); and

(3) shall transfer any funds deobligated under paragraph (1) or made available to carry out a project described in paragraph (1) to the general fund of the Treasury and are hereby rescinded.

AMENDMENT NO. 796

(Purpose: To end lending schemes that force taxpayers to repay the loans of delinquent developers and bailout failed or poorly planned local projects)

At the appropriate place, insert the following:

SEC. ____ A person or entity that receives a Federal loan using amounts made available under division A, division B, or division C of this Act may not repay the loan using a Federal grant or other award funded with amounts made available under division A, division B, or division C of this Act; Provided further, a grant or other award funded with amounts made available under division A, division B, or division C of this Act may not be used to repay a Federal loan.

AMENDMENT NO. 797

(Purpose: To delay or cancel new construction, purchasing, leasing, and renovation of Federal buildings and office space)

At the appropriate place, insert the following:

SEC. ____ (a) Except as provided in subsection (b), none of the funds made available by this Act or an amendment made by this Act may be used to pay for renovation projects that have not commenced as of the date of enactment of this Act (including renovation projects for which plans have been created, but for which physical renovation has not begun) to any Federal building or office space in existence on the date of enactment of this Act, or for the purchase, execution of a leasing agreement, or construction of any Federal building or office space that has not commenced as of the date of enactment of this Act (including construction or purchase or lease agreements for which plans have been established, but for which physical construction has not begun or an agreement has not been executed).

(b) Subsection (a) shall not apply to the renovation of, purchase of, leasing agreement for, or construction of (including renovation, construction, or purchase or leasing agreements for which plans have been established, but for which physical renovation or construction has not begun or an agreement has not been executed) any Federal building or office space needed to address a safety or national security issue.

AMENDMENT NO. 799

(Purpose: To prohibit the use of funds to carry out the Rural Energy for America Program)

At the appropriate place insert the following:

SEC. ____ None of the funds made available under this Act may be used to carry out the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (7

U.S.C. 8107): Provided further, any funds appropriated by this Act for this purpose are hereby rescinded.

AMENDMENT NO. 800

(Purpose: To reduce funding for the Rural Development Agency)

At the appropriate place, insert the following:

SEC. __. Notwithstanding any other provision of this Act, the total amount of funds made available under this title to the Rural Development Agency are reduced by \$1,000,000,000, to be applied proportionally to each budget activity, activity group, and subactivity group and each program, project, and activity of the Rural Development Agency carried out under this title.

AMENDMENT NO. 801

(Purpose: To eliminate funding for the Small Community Air Service Development Program)

On page 226, strike lines 1 through 5, and insert "and not less than \$29,250,000 shall be for Airport Technology Research: Provided further, no funds made available under this Act may be used to carry out the Small Community Air Service Development Program."

AMENDMENT NO. 833

(Purpose: To end the outdated direct payment program and to begin restoring the farm safety net as a true risk management tool)

At the appropriate place, insert the following:

SEC. __. None of the funds made available by this Act may be used by the Secretary of Agriculture to provide direct payments under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 753

Mr. LEVIN. Mr. President, I am going to speak now against the pending amendment of Senator AYOTTE, which would prohibit the prosecution of terrorists in Federal courts.

We need all available tools against terrorists, including the possibility of prosecution in Federal courts or before military commissions. While there is no doubt we have made use of military commissions in the course of previous wars, we have never enacted legislation closing the Federal courts to the prosecution of our enemies. We have always left it up to the executive branch to determine which tool best suits an individual case.

Indeed, both the Bush administration and the Obama administration have repeatedly used the Federal courts to bring terrorists to justice. For example, the Bush administration successfully used the Federal courts to prosecute Richard Reid, the so-called shoe bomber, in October of 2002. The Bush administration used the Federal courts to successfully prosecute Ahmed Omar Abu, who was convicted and sentenced to 30 years in 2005. The Bush administration used the Federal courts to prosecute and sentence Zacarias Moussaoui, the so-called twentieth hijacker, convicted in 2006, and sentenced

to life in prison for his role in the 9/11 attacks.

The Obama administration successfully used the Federal courts when they prosecuted Najibulla Zazi in 2009 for his role in the New York subway bombing plot; when they prosecuted Faisal Shahzad in 2010 in connection with the Times Square bombing; and when they prosecuted Umar Farouk Abdulmutallab, the so-called underwear bomber, in 2011 in connection with the attempted Christmas Day bombing in Detroit.

If the Ayotte amendment had been law, these successful court prosecutions would have been thrown into doubt. In fact, prosecution might not have been possible in any forum, because if a court determined that a military commission lacked jurisdiction and if the Ayotte amendment precluded jurisdiction of a Federal court, there couldn't be prosecution in any forum whatsoever.

That could have actually been the outcome in the case of Ahmed Warsame, an accused member of the terrorist group al-Shabaab. He was indicted in Federal court earlier this year on charges of providing material support to al-Shabaab and al-Qaida in the Arabian Peninsula. In the Warsame case, our national security and legal teams determined that the Federal courts provided the best forum in which to prosecute Warsame for his alleged crimes.

This decision was reached for two reasons:

One, Warsame is alleged to have violated a number of Federal statutes, including sections of the criminal code prohibiting trafficking in explosives, use of dangerous weapons, acts of international terrorism, providing material support to foreign terrorist organizations, and receiving military type training from foreign terrorist organizations. Only the Federal courts have jurisdiction to try violations of those sections. Those offenses are not listed as crimes under the Military Commissions Act.

There is a second reason why it was decided that Warsame was best prosecuted in a Federal court, which could not happen under the amendment of Senator AYOTTE. Warsame appears to have engaged in acts of terrorism and material support to terrorism, both of which are crimes under the Military Commissions Act, but—and this is the problem—only if they are committed "in the context of and associated with hostilities" against the United States.

The administration concluded it would have been difficult to prove beyond a reasonable doubt before a military commission that Warsame met those jurisdictional thresholds. As a result, if the Ayotte amendment were law, it might be impossible for the United States to prosecute Warsame in any forum.

Our Federal prosecutors have a proven track record of prosecuting terrorists in Federal courts. Two years ago, the Justice Department informed us that there were 208 inmates in Federal prisons who had been sentenced for crimes relating to international terrorism, and an additional 139 inmates who had been sentenced for crimes related to domestic terrorism. Those were crimes which were prosecuted in Federal courts.

By contrast, only four enemy combatants have been convicted by military commissions since 9/11, two of them, by the way, as a result of plea agreements, sending them to Australia and to Canada.

Critics of the decision to try Warsame in Federal court apparently would prefer that he be tried before a military commission even though he might be less likely to be convicted there due to the jurisdictional issues.

The most appropriate forum for trial should be determined, as it was in Warsame, on the basis of the nature of the offense, the nature of the evidence, and the likelihood of successful prosecution. The executive branch officials who make these determinations are more likely to reach a sound conclusion after weighing those factors than would be the result of a one-size-fits-all legislative restriction that we would impose under the Ayotte amendment.

Yesterday afternoon we received a letter from the Secretary of Defense and the Attorney General expressing their "strong opposition" to the Ayotte amendment. The letter states as follows:

Whether a given case should be tried in an Article III court or before a military commission is a decision that should be based on the facts and circumstances of the case and the overall national security interests of the United States. It is a decision best left in the hands of experienced national security professionals.

The letter continues:

If we are to safeguard the American people, we must be in a position to employ every lawful instrument of national power—including both courts and military commissions—to ensure that terrorists are brought to justice and can no longer threaten American lives. By depriving us of one of our most potent weapons in the fight against terrorism, the amendment would make it more likely that terrorists would escape justice and innocent lives would be put at risk.

I ask unanimous consent that the text of the letter be printed in the CONGRESSIONAL RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. LEVIN. This issue, as the Presiding Officer may recall, came up in the Armed Services Committee during our markup of the Defense Authorization Act. Our bill expressly allows the transfer of detainees for trial by a court or competent tribunal having

lawful jurisdiction. The amendment of Senator AYOTTE to delete that authority was defeated in the Armed Services Committee by a vote of 19 to 7.

The bottom line is that Congress has never before attempted to prevent the prosecution of terrorists in Federal court. We should not do so now. We should continue to use military commissions in cases where they are the best place for prosecution and for trial. We should not foreclose prosecution and trial in Federal courts.

EXHIBIT 1

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER REID AND LEADER MCCONNELL: We write to express our strong opposition to the Ayotte amendment to H.R. 2112, which would severely curtail the ability of the Executive branch to prosecute alleged terrorists in Federal court.

The amendment represents an extreme and unprecedented encroachment on the authority of the Executive Branch to determine when and where to prosecute terrorist suspects. Whether a given case should be tried in an Article III court or before a military commission is a decision that should be based on the facts and circumstances of the case and the overall national security interests of the United States. It is a decision best left in the hands of experienced national security professionals.

If we are to safeguard the American people, we must be in a position to employ every lawful instrument of national power—including both courts and military commissions—to ensure that terrorists are brought to justice and can no longer threaten American lives. By depriving us of one of our most potent weapons in the fight against terrorism, the amendment would make it more likely that terrorists will escape justice and innocent lives will be put at risk.

LEON E. PANETTA,
Secretary of Defense.
ERIC H. HOLDER, JR.,
Attorney General.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Madam President, I rise to speak today as in morning business for about 5 minutes.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

WITHHOLDING TAX RELIEF ACT

Mr. BROWN of Massachusetts. Madam President, I rise to speak in strong support of a bill we will be voting on, I hope, later today, S. 1726, the Withholding Tax Relief Act of 2011, which has over 30 cosponsors. You are one of them, Madam President, and there are many others. It is based on legislation I have introduced on three separate occasions which currently has almost one-third of the entire Senate cosponsoring it. As I said, I brought it up before, and I am glad it will finally be getting a vote.

This is exactly the type of bipartisan jobs bill that the American people are

yearning for and that we should be focusing on, and I am glad we are finally able to bring the repeal of this job-killing tax provision to the floor for a serious vote. This is a jobs bill, plain and simple. I don't know how else you can phrase it.

Section 3402(t) of the Tax Code will require, beginning in January of 2013, Federal, State and local governments to withhold 3 percent of nearly all contract payments made to private companies, as well as Medicare payments, construction payments, and certain loan payments. This is an arbitrary tax that is extremely expensive to implement and punishes the many for the bad acts of the few. What is more, this tax absolutely promises to kill jobs at a time when we absolutely cannot afford to kill any jobs.

The Government Withholding Relief Coalition, a coalition of more than 100 members—I have a sheaf here of 4 pages of groups: American Bankers Association, Americans for Tax Reform, National Association of Manufacturers, wholesalers, National League of Cities, chambers of commerce—4 pages of groups and entities, over 100 members, a cross-section of America. They have estimated that a combined 5-year total cost to the States and the Federal Government in implementing this legislation could be as high as \$75 billion. The Department of Defense alone has estimated this provision could cost the DOD around \$17 billion.

I know Chairman LEVIN, who spoke before me—we are wrestling with trying to reinstate I think \$20 to \$25 billion from what the appropriations folks cut. That is real money.

Here is the catch: It is estimated to bring in only around \$8 billion during that same period. I am not sure about you, Madam President, but you have the cost of approximately \$75 billion, the cost to the States and the Federal Government of implementing the legislation, and then the DOD is \$17 billion, and yet we are only going to get \$8 billion in return? I do not know how else to say it except that only on Capitol Hill does something such as that make sense, where we are spending more than we are actually going to be getting.

Unfortunately, there are many other reasons this provision should be repealed as soon as possible. At a time when the State and local governments are under extreme financial stress, why would we want to force another unfunded, costly mandate on them to recover minimal funds for the Federal Treasury? It makes no sense. As I said before, only in Washington does spending \$2 in order to recoup \$1 make any sense.

I am encouraged by many of the cosponsors. As I said, it is a bipartisan group. At what point do you see Senator FRANKEN and Senator PAUL on the same bill together and everybody in between as well?

I am concerned, as are many others, that businesses that contract with the government will simply pass on the costs of this provision to the government in the form of higher bids on projects. I am also concerned about the effects on small businesses as well. Senator SNOWE, the ranking member of the Small Business Committee, on which I serve, and my fellow cosponsor on my original bill, recognized early on with me that this provision has destructive consequences for small businesses. Everybody here knows it.

At what point do we put politics aside and just agree to pass something that is so simple? This provision makes absolutely no sense. As you know, it will restrict cashflow and discourage small businesses from participating in Federal contracting.

Members of the construction industry are equally worried. As you know, that is an industry which has been devastated. They are equally concerned that it will tax away all their anticipated profit on government projects, thus diminishing competition and further raising costs to the government.

There is a reason it has been delayed over and over since 2005. Everyone knows it can never go into effect because it will place an extraordinary cost burden on the Federal Government and State and local governments as well. We cannot afford to shoulder that burden right now; everyone agrees.

Once again, the 30 cosponsors of the original bill represent a diverse cross-section.

The President proposed its delay in his most recent jobs package.

I said before, why don't we work on that which we can all agree? Why don't we just take up the measures in a bipartisan, bicameral manner and get them out the door? I understand the House is working on this. We are doing it now. It is a small piece, a small step, but let's get it right out the door. There is no reason we should not be able to do it.

Last week, I had an opportunity to speak before the Small Business Committee with Secretary Geithner, who issued the provision's latest delay in May, about the importance of fully repealing this provision.

This repeal is one of those rare opportunities we have around here where everyone can be on the same team. It is very similar to when we passed the Arlington Cemetery bill, with your leadership, Madam President. In the midst of all the problems we had last year, the legislative bodies of both branches came together and passed the Arlington Cemetery bill. I look at this as a similar provision where we can actually do something in a bipartisan, bicameral manner and get it passed.

I urge my colleagues to rise above partisan politics and support this truly bipartisan legislation. As I said before,

we are Americans first. We are Americans first. To me, that means it should not matter whether this is a Republican bill or a Democratic bill. It matters that it is a bill that is going to help small businesses and Americans who are fighting on a daily basis just to make ends meet.

We have a great opportunity today to move forward on a piece of jobs legislation and pass this portion of the bill that is, in fact, supported by the President and scheduled, as I said, to be taken up in the House next week.

I offer my complete support for the bill and appreciate the leader for bringing it to the floor for a vote.

I thank the Chair, and I yield the floor.

THE PRESIDING OFFICER. The Senator from North Dakota.

(The remarks of Mr. HOEVEN pertaining to the introduction of S. 1751 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BLUNT. Madam President, I note the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BLUNT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Madam President, yesterday, around 5:30 or so, we had all kinds of Members who suddenly wanted to come over and talk about their amendments. Now is an opportunity to talk about these three appropriations bills. The floor is open. There are a number of pending amendments. Hopefully, Members will come over and offer amendments or talk about the amendments they have offered. We want to move through this legislation as quickly as we can but, actually, no quicker than we need to. There is plenty of time. If Members want to talk about this bill, if they want to support the bill or oppose the bill or maybe more likely right now come and talk about the significant number of pending amendments, this is a good time to do that.

I suppose the other thing I could and should talk about that I know the Chair would be happy with would be the great Cardinals victory last night. Even the cushions in the back of the Chamber seem to be a little brighter red today than they normally are. So maybe the Texans need to come and talk about their amendments and talk about the Rangers. But I will say that the Cardinals team, from the last week or so of August until right now, has been one of the true miracles of baseball history—going from 10½ games to even qualifying to be the wildcard in the playoffs and almost every game from that moment on having the sense

that this is the intensity of the final game of the season.

All Cardinals fans are proud. There is quite a bit of red on today here on the Senate floor.

There is another Cardinals game tonight, and I wouldn't mind watching some of it. My best chance of doing that is if Members will come over here and talk about their pending amendments now and defend those amendments.

It seems to me as though this week the Senate has been working as the Senate should work—bringing appropriations bills to the floor, debating those bills, letting Members propose amendments—and hopefully we will continue with these bills: the Agriculture, Rural Development, and Food and Drug Administration bill Senator KOHL and I brought to the floor; the Transportation, and Housing and Urban Development bill; the Commerce-State-Justice bill—I think it may be Commerce-Justice now. So we have a lot of topics. We don't want to let this appropriations process go to one huge bill that nobody understands, nobody has time to read, and nobody has time to debate. So hopefully, with all of these pending amendments, we will have some discussion. We have had a number of votes already today, but a number of Members have things they would like to see discussed and voted on, and hopefully we will begin to see more of that happen.

With that, it does appear we don't have a quorum yet or other Members to speak, and I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I wish to echo the comments of my colleague from Missouri. I too invite Senators to come down. We are showing that we can govern. We have our appropriations bills here, and we have already disposed of 8 amendments—actually, I think we have disposed of more than 8 by now—but we have 22 amendments pending. If Members have an amendment, come and speak to it. If a Member has reviewed these 22 and opposes them, have your day, have your say, because that is what the Senate is—due diligence, due deliberation.

What we don't want is everybody—exactly as the Senator from Missouri said, who is the ranking member on Agriculture—coming at 5:30 or 6 or 7 o'clock and wanting to speak. I know the leadership on both sides of the aisle would like to move expeditiously and even, if possible, finish this bill tonight. I think we have agreed we are

willing to work through the evening to dispose of amendments, but Senators have to speak on their amendments.

So, again, on my side of the aisle, I would really encourage Members, if they have an amendment, to come and speak to it. Regardless of the side of the aisle a Member is on, if a person opposes an amendment, come and speak on it as well.

Some of these are quite controversial. Again, we invite this due deliberation.

Everybody has worked hard. We have done a lot in appropriations. We have ended earmarks—a topic I know is of special interest to many of our colleagues. We have made significant cuts this year as a result of the continuing resolution and other agreements. But at the same time, the subcommittees have worked hard to follow the mission of what we are trying to do in this country: have a more frugal government.

I know in my bill we have paid particular attention on how to curb waste, and I will be speak about that shortly. But, again, I invite my colleagues to come to the floor.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Ms. MIKULSKI. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 206 through 210 en bloc, which are all post office-naming bills—in other words, naming post offices, if they remain open, after distinguished Americans.

There being no objection, the Senate proceeded to consider the bills en bloc.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any related statements be printed in the RECORD.

THE PRESIDING OFFICER. Without objection, it is so ordered.

OFFICER JOHN MAGUIRE POST OFFICE

The bill (S. 1412) to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the "Officer John Maguire Post Office," ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFICER JOHN MAGUIRE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, shall be known and designated as the “Officer John Maguire Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Officer John Maguire Post Office”.

JOHN PANGELINAN GERBER POST OFFICE BUILDING

The bill (H.R. 1843) to designate the facility of the United States Postal Service located at 489 Army Drive in Barrigada, Guam, as the “John Pangelinan Gerber Post Office Building,” ordered to a third reading, was read the third time, and passed.

FIRST LIEUTENANT OLIVER GOODALL POST OFFICE BUILDING

The bill (H.R. 1975) to designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the “First Lieutenant Oliver Goodall Post Office Building,” ordered to a third reading, was read the third time, and passed.

MATTHEW A. PUCINO POST OFFICE

The bill (H.R. 2062) to designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the “Matthew A. Pucino Post Office,” which was ordered to a third reading, was read the third time, and passed.

CECIL L. HEFTTEL POST OFFICE BUILDING

The bill (H.R. 2149) to designate the facility of the United States Postal Service located at 4354 Pahoia Avenue in Honolulu, Hawaii, as the “Cecil L. Hefttel Post Office Building,” ordered to a third reading, was read the third time, and passed.

Ms. MIKULSKI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

Mr. THUNE. Madam President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WITHHOLDING TAX RELIEF ACT

Mr. THUNE. Madam President, I rise in support of S. 1726, the Withholding Tax Relief Act of 2011. I know we are currently debating several appropriations bills which we hope to be concluded sometime later today. But in that process, my expectation is that we are going to get an opportunity to vote on a couple of amendments that deal with the real issue I think that is on the minds of most Americans today, that is, jobs and the economy.

The bill I referenced, S. 1726, is identical to the measure that was introduced earlier this year by Senators SCOTT BROWN and OLYMPIA SNOWE and of which I and 28 of my colleagues on both sides of the aisle are cosponsors. Given that we may get a chance to vote on this legislation, perhaps in the form of an amendment to the bill that we are currently on later today, I want to say a few words as to why I believe this represents the right approach to spurring our economy.

I think there is a right approach and there is a wrong approach to getting people back to work in this country and getting the economy growing and expanding again. American businesses need access to capital. They need to be able to deploy their existing capital as efficiently and effectively as possible.

If we do not act, come January 1, 2013, 3 percent of contracts between private businesses and Federal, State, and local governments will be withheld. This means that dollars that could be reinvested by businesses in new equipment or new employees will instead be used essentially to give the IRS an interest-free loan.

The Joint Committee on Taxation estimates that permanently eliminating this burdensome withholding requirement will allow taxpayers to keep an additional \$11.2 billion over the next 10 years. While 3 percent of a contract may not seem like a large amount, consider that for many businesses 3 percent could be their entire profit margin. In effect, the withholding requirement—if we allow it to take effect—will result in a large transfer of funds from local economies all across this country to the Internal Revenue Service.

Imposing this new wealth transfer makes absolutely no sense while our economy remains very fragile. The good news is that there is broad bipartisan support for repealing the 3-percent withholding requirement. The Obama administration’s Office of Man-

agement and Budget last month released the President’s jobs plan entitled “Living Within Our Means and Investing in the Future.” On page 8 of this document it reads: “The President’s plan calls for the Congress to remove burdensome withholding requirements that keep capital out of the hands of job creators.” I could not agree more. Unfortunately, the details of the President’s plan, as introduced by Majority Leader REID only provides a 1-year delay in implementation of the withholding provision.

American businesses need more than a 1-year delay. They need certainty. This is the reason that a long list of businesses and trade job groups support this legislation. In fact, the documents prepared last week by the House Ways and Means Committee lists 170 businesses and groups supporting repeal of the 3-percent withholding requirement. This diverse list includes groups such as the American Farm Bureau, the American Bankers Association, the Associated Builders and Contractors, the American Gas Association, the American Ambulance Association, to name a few.

It should be no surprise that this bill also enjoys broad bipartisan support. The House version of the bill, likely to be voted on next week, has 269 cosponsors, 62 of whom are Democrats. In the Senate bill, there are a number of both Republican and Democratic cosponsors.

The bill is fully offset by rescinding unobligated discretionary funds. This is the same offset we voted on in February when Senator STABENOW proposed it to pay for repeal of the 1099 reporting requirement. That vote passed by 81 to 17, with 34 Democrats voting aye.

To summarize, we have a bill before us we will soon vote on that will allow businesses to keep more of their own funds rather than sending them in advance to the IRS, that has broad bipartisan support, that is fully offset using an offset that is supported by a majority of both Republicans and Democrats in this Chamber. So why would we not want to enact this legislation as soon as possible?

I would note that this approach stands in stark contrast to the ministimulus bill that is being proposed by the majority leader. The Reid bill goes in exactly the opposite direction. It would raise taxes on the private sector to pay for new spending on the public sector. Let’s think about that for a minute. We all agree that the private sector creates the vast majority of jobs in this country. And since the beginning of the recession, there has been a decline of 5.4 percent of private sector jobs, or 6.2 million jobs lost. However, during that period, government jobs at all levels declined by less than 2 percent and Federal Government jobs increased by over 2 percent, or by 63,000 jobs.

So the Federal Government is getting larger at the same time the private economy is shedding jobs.

While we all want to find ways to help public sector employees, let me suggest that we need to do it without imposing new burdens on the private sector at a time when we should be focused on finding ways to promote private sector job creation.

The Withholding Tax Relief Act will do just that. This measure will promote job creation by allowing businesses to keep more of their capital, and it will send a message that Washington understands that promoting the private sector is the key to reviving our economy, not another government bailout.

Only 8 days ago, we voted in favor of the three pending free-trade agreements, votes that garnered broad bipartisan support, which we all agreed will stimulate the economy and grow jobs in this country. During my remarks as part of that debate on those agreements, I noted that we were setting a precedent I hoped would be able to continue in the coming weeks. I noted that instead of considering divisive and controversial measures, such as the President's new surtax on small businesses and job creators, we should be considering legislation that helps our economy and can actually become law because it has strong bipartisan support.

That was true of implementing legislation for the three free-trade agreements that the President will sign into law tomorrow, and it is true in the Withholding Tax Relief Act of 2011.

Let's take this opportunity to demonstrate that when we are willing to work together, we can enact legislation that will help spur economic activity and create jobs in the private sector economy. We can do this without new taxes and without new burdensome regulations. We can accomplish this simply by getting the government out of the way of American entrepreneurs. Let's help Americans in a free and open society do what they do best: take risks, create business opportunities, and grow our economy.

We don't need yet another stimulus bill, heavy with government spending; we need a little common sense. Passing the Withholding Tax Relief Act is a good place to start.

When these votes come up later today, I hope my colleagues on both sides will recognize the importance of stimulating and spurring economic activity in the private sector, giving our entrepreneurs in this country incentives to create jobs by keeping the tax and regulatory burdens low and move away from this notion and idea that the way to get the economy growing again is to spend more government money, come up with yet another stimulus plan, which we know doesn't work. We have seen that picture before. We

know many of these same types of ideas were tried and they have failed.

Unemployment today is still over 9 percent. When the first stimulus bill was passed, the contention at the time was this would keep unemployment under 8 percent. Well, the opposite has happened. More people are unemployed since the stimulus bill passed. There are over 1.5 million more unemployed Americans than when it passed. We should recognize that those are not the correct for our economy. It is to get our entrepreneurs, our small businesses back out there investing their capital, buying new equipment, and creating jobs for American workers.

The way to do that is to make it less costly, cheaper, and easier for them to create jobs rather than harder. What has been happening in Washington lately is making it harder, not easier, because of the uncertainty created by tax policy and regulatory policy. Putting in place another withholding tax, having that to plan for, knowing that will take effect come 2013, and now layered on top of those other things—you have the new health care mandates, and many small businesses are saying they are not going to hire people until they know with greater certainty what the impact of the health care reform bill will be on them and their employees.

This is a clear winner, something that enjoys broad bipartisan support. The way it is paid for enjoys broad bipartisan support. I hope we will pass it and defeat what is the ill-conceived approach proposed by the majority leader, which is to try to put a tax on job creators, the people who are out there and have the capital to put people back to work, and to invest in more government spending, more government programs, all of which have proven that they don't work. Let's do what works and use a little common sense and get the American people working again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, as we continue to debate the three fiscal year 2012 appropriations bills, I want to take a moment to congratulate the managers of these individual measures, and to urge my colleagues to continue in the current bipartisan spirit as we seek to move additional bills in the coming weeks. Building on the progress we have made this week would make it less likely that we will be forced to resort to an omnibus or year-long continuing resolution down the road.

The bills we are considering are both bipartisan and fiscally responsible. Senators KOHL and BLUNT worked together to produce an Agriculture bill that is \$2.2 billion below the President's request and \$141 million below the fiscal year 2011 enacted level. Senator MIKULSKI and Senator HUTCHISON have managed a Commerce-Justice-

Science bill that is \$5 billion below the President's request and \$631 million below the fiscal year 2012 enacted level. Senator MURRAY and Senator COLLINS have crafted a Transportation, Housing bill that is \$677 million below the President's request and \$117 million below last year's level.

As noted by the leadership of the respective subcommittees, all three of these measures were approved by the full committee with overwhelming bipartisan support. These measures reflect the austere fiscal environment we face. They are consistent with the framework established by the Budget Control Act, which establishes a discretionary spending level that is \$7 billion below last year's level.

All of these bills present difficult choices. These bills are focused on a number of basic priorities: job creation, public safety, nutrition, housing, and transportation. Yet, despite the importance of these initiatives to the lives of every American, many worthy programs were either reduced or eliminated to meet our austere limits.

Some have argued that our national debt demands even further cuts in these vital areas. However, every credible nonpartisan analysis has concluded that any real solution to our fiscal problems lies with reforming mandatory programs and raising additional revenues, not cutting investments in roads, bridges, and public safety any further. But to date, the entire focus on deficit reduction has been on discretionary spending. Those who advocate further cuts must look elsewhere, even if it is more politically painful to do so. It is my firm belief that another round of ill-advised cuts to discretionary spending will quite simply put our Nation's security and economic future at risk.

In addition to the managers of these three bills, I thank the leaders on both sides of the aisle for their support in bringing these measures to the floor this week. As the House has not acted on the Commerce-Justice-Science or Transportation appropriations bills, the package we consider today is a creative bipartisan solution that enables all Senators an opportunity to offer amendments.

As always, the closer we get to regular order, the better our final legislative product will be. It is important that the Senate have an opportunity to debate these three measures and to focus on the matters that are germane to the bill.

When we complete action on this bill, there will be seven outstanding committee-reported Senate appropriations bills. It is my hope and my intention to move forward with additional appropriations measures when the Senate returns in November and demonstrate to the American people that Congress is able to complete its work in a responsible manner.

Once again, I commend the chairmen and the ranking members and their staffs for their fine work on this measure.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I want to take a minute to say I am pleased that one of my amendments to eliminate the categorical eligibility for food stamps concept has been called up.

I also look forward to calling up an amendment that's been referred to as the Medco amendment, which has real strong bipartisan support. It was an amendment that many people felt they needed to vote against when the patent bill came forward because they believed the bill would then be required to go back to the House. So, it failed on a 51-to-47 vote.

But I am confident that there is an overwhelming number who would prefer to vote for this amendment now, if we can get it accepted. It would not take a long time for us to consider it. I think it's an issue our members are familiar with. So I want to share my thoughts that it is very important to me, and I think perhaps it might have a majority vote on both sides of the aisle.

Basically, my amendment would say we want to prohibit the PTO from using any funds to implement a provision of the patent reform bill that would have the effect of deciding an ongoing civil litigation that is on appeal now to the court of appeals. The merits of the matter are being argued. I believe it is the kind of matter that clearly should be allowed to stand in the courts. But this law firm that apparently failed to follow the statute of limitations—and the courts ruled in their favor—is seeking to have the Congress overrule or shortcut the appellate process in this matter.

I wanted to say I look forward to debating the question of categorical eligibility for food stamps, where if you are approved for a number of other Federal programs, you don't have to make a formal application to qualify for food stamps. CBO has indicated that it could save as much as \$10 billion over 10 years if that hole in the program is closed.

And I would note that food stamps are the fastest growing major item in the budget by far. There is nothing close to it. It has doubled in the last 3 years. It has gone from \$20 billion to \$80 billion in the last 4 years, a 400-percent increase. One in seven people are now receiving food stamps. Originally,

it was 1 in 50 when the program started. Nobody wants to deny people food, but the program has not been looked at. We have not looked under the hood. I believe in this one reform that says if you want to get thousands of dollars in food benefits from the government, you ought to at least fill out a form and qualify according to the standards the Food and Nutrition Service sets. That is basically all it would do. Some of the programs, if you qualify for them, are now automatically accepting food stamp recipients. They have a lower qualification than food stamps do. For example, one person won the lottery and that was counted as an asset to the person rather than income to the person. He called and said: Do I still get food stamps, since I won a \$2 million lottery? They said: Yes, the money you received is an asset, and we don't count assets under this other mechanism. But they should count assets under the Food Stamp Program.

I thank the Chair, and I thank the Senator from Delaware, who is moving the bill and allowing me to share these thoughts. I do hope we can get agreement and move forward on the Medco amendment, along with the categorical food stamp amendment.

Ms. MIKULSKI. I would say to my colleague from Alabama, I am the Senator from Maryland.

Mr. SESSIONS. Excuse me.

Ms. MIKULSKI. But Delaware is next door, and we share the Chesapeake Bay and a whole lot of chicken farms, so that is OK.

I want to advise the Senator that his amendment 810 is pending, and I believe the leadership is negotiating on which group of amendments will be voted on in the next phase, which we hope we will be able to announce shortly.

The amendment which the Senator has on the Patent Office, is not a pending amendment. Again, that would be subject to leadership on both sides of the aisle determining what would be called up. So I suggest he stay in touch with the Republican leader, Senator MCCONNELL, and his floor staff, as they are talking with Senator REID. But the Senator's amendment 810 is pending and I know he debated it yesterday and I know our colleague from Michigan, Senator STABENOW, chair of the Agriculture Committee, commented on that.

I would just say to the Senator, because I believe him to be a compassionate conservative—a phrase we once used a decade ago—maybe not filing papers is one thing, but we do have 9 percent unemployment. Gosh, in my State, we are seeing people come to food banks who used to donate to the food banks. We are seeing an increase of people who have been laid off who either have no job or have taken now part-time jobs. So one of the reasons the food stamp population is increasing

is because of unemployment. Unemployment is increasing.

I look forward to working with the Senator on a bipartisan jobs bill, but we also want the Senator to be able to speak to his amendment; and, hopefully, because it is pending, it will be included in the voting.

Mr. SESSIONS. I thank the Chair. She is correct. She has allowed the food stamp amendment to be pending, and I am talking with staff on this side and the Senator from Maryland is not objecting at this point to that amendment. So I hope that will happen.

I just wished to emphasize that there are a number of Members who feel very strongly that this is a matter we have an opportunity now to fix; that is, we shouldn't be moving forward to intervene in an ongoing lawsuit. Under our rules, there is a way to get a special relief act, if somehow there is a miscarriage of justice that occurs in our American system—an individual special relief act. But it has certain procedures, and one of the key prerequisites of that is that your litigation must be exhausted. Then, if the courts can't give you relief, we might consider it under certain procedures.

So this litigation is ongoing, and that is why I am hopeful we can fix it.

Ms. MIKULSKI. Are we still talking about food stamps?

Mr. SESSIONS. No, I am talking—
Ms. MIKULSKI. I kind of got lost here.

Mr. SESSIONS. No, the Medco amendment. It was voted on in the House twice, and on the second vote the amendment passed by a narrow margin. Our Members did not want to amend the House bill, even though many opposed that particular amendment. So this would give us an opportunity to vote on it, and it would be germane.

Ms. MIKULSKI. I remember that very well. I remember it was enormously controversial. It was significantly confusing, and there was much to be said on both sides. I believe somebody missed a filing deadline by 24 hours.

Mr. SESSIONS. I think that is basically correct.

Ms. MIKULSKI. You were the Chair of the Judiciary Committee, so you are well versed on the patent issues. Why don't we turn it over to the leadership and see how it turns out.

Mr. SESSIONS. Fair enough. I just wanted, for the record, to indicate I was urging our leadership to make this matter pending.

I thank the Senator.

Ms. MIKULSKI. We will turn it over to that higher power.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, at some point during consideration of the Transportation, Housing and Urban Development, and related agencies appropriations bill, I expect there may be a motion to recommit the bill to the Appropriations Committee. Therefore, I want to take this opportunity, as we are attempting to work out amendments and proceed to some additional votes, to give my colleagues some basic facts about our bill.

First of all, our appropriations bill took one of the largest percentage cuts to spending of any of the appropriations bills for fiscal year 2011. It is important to understand that our bill is nearly \$13 billion below fiscal year 2010 enacted levels. This funding level represents a reduction of nearly one-fifth in just 2 years. When disaster funding is not included, our bill total is \$55 billion. That is \$117 million below fiscal year 2011.

So I want to point out that this bill is a fiscally responsible bill. It is a bill that required a lot of tough choices. It is a bill that does not fund some programs to the level I would have liked to have seen them funded, but it recognizes the reality of a \$14.9 trillion Federal debt that is growing every day. Therefore, we have had to make tough choices. We cannot have the luxury of fully funding every program, even those programs that are very beneficial.

In the other cases, we put tough new restrictions on programs where we felt the taxpayers have not been getting their money's worth, and that includes some programs run by public housing authorities and the HOME Program, about which the Washington Post did an expose'. So we have worked carefully and closely with the inspector general of the Department of Housing and Urban Development to make sure there are new anti-fraud provisions and restrictions.

It is also important to understand that the \$117 million difference from fiscal year 2011 does not take into account the \$3.9 billion in one-time rescissions taken in fiscal year 2011 that were not available in fiscal year 2012. So when you compare the appropriations for programs spending, not including the offsets, our bill's appropriations are actually \$1.1 billion below the fiscal year 2011 enacted levels.

I have just given a great deal of different numbers, but my point is the same; that is, this is a fiscally responsible bill, it is a constrained bill. Our subcommittee's allocation was cut quite severely; thus, it was a real challenge, but it is a challenge we have to meet in these very difficult budget times. We don't have the luxury of

fully funding even very worthwhile programs.

It has been a great pleasure to work with my colleague, Senator MURRAY, to produce a bipartisan bill, and that is what we have done. But, again, our Transportation-HUD bill took one of the largest percentage cuts in spending of any of the appropriations bills that will be brought before this body.

Finally, I am very pleased we are bringing the appropriations bills to the Senate floor. None of us, in my opinion, want to see the problems we have had in the past couple of years where we have ended up at the end of the calendar year with a huge omnibus bill stacked on our desks, no one completely sure of every provision that is in the bill. That is a terrible way to legislate. It is much more responsible to bring the appropriations bills before the full Senate after they have had their careful consideration by the Appropriations Committee. We have extensive hearings and we have markups at both the subcommittee and the full committee level, but then the full Senate should have a chance to work its will on these bills.

I am pleased we have been considering these bills all week. We have had several amendments offered by Members on both side of the aisle, and we have had constructive debate. As my colleague from Maryland has pointed out, it has been a respectful, civil debate, and that is what the people of this country deserve.

I hope this is going to set a precedent where we will bring every single one of the appropriations bills before this body so that Members can work their will. It is the right way to legislate, and it avoids the spectacle of our having a multiple thousands of pages omnibus bill, which does not serve the people of this country well.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Minnesota. Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the quorum call be rescinded, and I ask to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEACHERS AND FIRST RESPONDERS BACK TO WORK ACT

Ms. KLOBUCHAR. Mr. President, I rise today to speak in support of the Teachers and First Responders Back to Work Act.

Rarely is our economy discussed without mention of the more than 14 million Americans who are currently out of work and searching for jobs, but this statistic is really only the beginning of the story.

Two years after the recession officially ended or at least was at a place

of stability, unemployment remains stubbornly high at 9.1 percent. When you factor those who are working part time because they can't find a full-time job and those who have stopped working altogether, that number quickly climbs. In my home State, it is 2 points better, at 6.9 percent, but there are still too many people out of work.

It is my firm belief that the role of Congress is to promote the interests of the American people, and the American people have said loud and clear that we need to focus on initiatives that are about jobs, private sector jobs, jobs that pay people so they can support their families, jobs that strengthen our economy.

At a time when enormous budget shortfalls plague our States, many States have been forced to make tough choices, including cutting the jobs of those individuals on our front lines, law enforcement and educators.

In Minnesota, we have seen more than our fair share of crises in recent years, but we have also seen the value of effective emergency response. We all witnessed the critical work of public safety personnel during the minutes and hours following the 2007 bridge collapse in Minneapolis. That was just a few blocks from my house. During that emergency, the Minnesota first responders reacted swiftly and effectively, and they were aided by a strong local public safety network. What we saw that day was a true show of American heroism, a window into the courage, skill, and selflessness first responders practice day in and day out. They did not run away from this major bridge collapse—an eight-lane highway in the middle of the Mississippi River—they ran toward it. They dove in and out of that water, rescuing people from dozens of cars in that water. Thanks to their selfless efforts, while we lost too many lives, literally hundreds were saved because of that work. These men and women dedicate their lives to protecting our families, supporting our children, and serving the public. They perform critical jobs in our communities, jobs we cannot afford to lose.

I saw it again in Wadena, MN, a smaller town than Minneapolis, up in northern Minnesota. They had a tornado there that literally flattened a mile of their town. I was standing there in complete wreckage, a big high school where the bleachers were a block away, where there was nothing left of a public swimming pool. But not one person died in that town even though this was in a completely residential neighborhood. Do you know why? They got their siren out early. The teenage lifeguard at that pool, which had a dozen kids, got their parents there within 10 or 15 minutes, and she got the remaining kids in the basement across the street.

When I visited that town a few days later, I hugged a man whose entire agricultural business had been flattened.

He saved his employees in a safe. He had always joked that since he didn't have a basement, they could go in the safe. That is what I remember.

What I remember most is the mayor and the sheriff and how people—despite being blocked from their houses, having their houses completely flattened, losing everything they owned in the world, all they could do was hug those public officials and cry because they knew the planning they had put in place and the acts of the sheriff and the police and the emergency system had saved their lives. That is first responders at their best. That is public servants at their best.

That is why we need to pass the Teachers and First Responders Back to Work Act, which would support the hiring, rehiring, and retention of career law enforcement officers and first responders. I know State and local budget cuts have forced thousands of police officers and firefighters off the beat. This bill provides \$5 billion to keep police and firefighters on the job by creating or saving thousands of first responder jobs across the Nation through competitive grants to State and local governments.

The Teachers and First Responders Back to Work Act also saves or creates jobs through critical investments in education. A good education should be the basic right of every child. I know you know that in Maryland, Mr. President, as I know it in Minnesota. It is one of the very best investments we can make in our future as a nation.

My mom taught second grade until she was 70 years old. She had 30 second graders in her public school class. We lost her last summer, but what I will never forget is all of those students, who are now grown up, who came to the visitation, came to the funeral, and told me all those stories.

I always knew my mom had dressed up as a monarch butterfly when they had the unit on metamorphosis. She would wear a butterfly outfit, and she would hold a sign that said "To Mexico or bust." What I did not know was that she would go to that local grocery store, Cub Foods, and shop. When I first heard that story, I thought that was pretty funny and something that she would do. But what I finally realized was why she went to that store. Because I met the parents of this young man who had taken her class in the second grade. He had some pretty difficult disabilities. He went on and graduated from high school, and his job was to bag groceries at that store. She would go back every year to see that kid in her butterfly outfit so that he would remember that class. That is a public servant. That is what teaching is all about. It is something bigger than yourself.

Given the enormous budget shortfalls across the Nation, States and local school districts have been forced to cut

back on education programs and services, often laying off needed teachers and other critical staff or raising additional revenue to cover the shortfall. As a result, two-thirds of States were forced to slash funding for K-12 education programs and services and are now providing less per-student funding than they did in 2008, and 17 States have slashed funding by at least 10 percent since 2008. In my State alone, since 2008 we have lost 1,200 education jobs.

Cuts such as these hurt our children, but they hurt our communities too. We have to compete on an international stage. We are going up against countries that are actually upping their education funding, countries that are making sure their kids are learning incredibly difficult concepts in science and math and technology. We are not going to be able to accomplish that if they don't have schools they can learn in that work, if they don't have teachers with the expertise who can teach them these difficult ideas. That is why we need to pass the Teachers and First Responders Back to Work Act, which would offset projected layoffs, providing for nearly 400,000 education jobs and offering a much needed jolt to State economies.

It would also provide funding to support State and local efforts to retain, hire, and rehire early childhood, elementary, and secondary school teachers. It is a time when we recognize that educating our children is a shared responsibility.

Americans overwhelmingly support funding for teacher and first responder jobs. One poll showed that 75 percent of Americans support providing funds to hire police officers, teachers, and firefighters.

But passing this bill is not right to do just because it is popular. It is right to do because it will have a positive impact on our children. As we know, we pay for this bill, and we pay for this bill in a way that shares the responsibility with those who can afford it the most.

This bill will move our economy forward without adding to the Federal deficit. With our economy struggling and 14 million Americans still out of work, the people in my State want Congress to put the politics aside and come together to move our economy forward and ensure that our communities stay strong and that our children remain safe. That is what they want.

It is time to step up and show some leadership. I believe we need to bring this debt down. I am one who believes we need to bring it down by \$4 trillion in 10 years, and I believe there is a way to do it with a balanced approach that doesn't do it on the backs of these kids in school and that doesn't do it on the backs of our people who need protective services, who need our police, who need our firefighters. What would we

have done when that 35W bridge collapsed if there had not been firefighters and police officers there ready to dive in and save people? What would we have done if there had not been emergency workers ready to take them in after they were injured? What would we have done in Medina if we did not have a proper public siren system in place? Hundreds of people would have been killed. What would we have done for that kid I talked about with disabilities if my mom had not been his teacher and cared about him and went back to visit him again and again?

These are people who devote their lives to public service, and we have to show America that Washington is not broken; that, instead, we are willing to put the politics aside, we are willing to do something smart on the debt and bring it down to the place where we need to bring it, but we are going to do it with a balanced approach.

I urge my colleagues to vote for this important legislation. It is the decent and right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 859

Mr. PORTMAN. Mr. President, I rise in support of amendment No. 859, which is a germane amendment to the underlying bill. It is one I introduced that would restore fairness, encourage competition, and prevent many States around the country from seeing cost increases in the price of guardrails. This amendment specifically addresses the Transportation bill we are talking about and addresses one of the new provisions in the bill this year that is a mandate that I think is not appropriate.

A lot of States have infrastructure challenges right now, and the last thing we should be doing here in the Congress is making it more difficult for States to pay for their infrastructure with the limited transportation dollars they have. With the fiscal crisis we have, we have to make sure now more than ever that States have the flexibility to meet the requirements from the Federal Government.

At a time when unemployment is over 9 percent and we have over 14 million Americans out of work, we should be doing everything we can to protect jobs. This amendment would hurt jobs, and this amendment I am offering would give States more flexibility to help keep some jobs.

There are countless miles of guardrails in our country, and many of those are manufactured in my home State of Ohio. Those manufacturers galvanize the guardrails to prevent corrosion, and they have two options on the process they use to galvanize the metal as well as two options with regard to the thickness of the zinc they use in the galvanization process.

In terms of the galvanization process, the first method is called continuous

galvanization, where a company treats the flat steel with zinc and then fabricates the guardrail afterward. The second method is called batch galvanization, where the company dips the final product in a zinc bath after they have completed the fabrication.

In addition, there are two types of zinc thickness options for the guardrail. Type 1 requires a thinner coat of zinc, and type 2 requires a thicker coat of zinc, which increases the life of the guardrail. A lot of States around the country, including Ohio, require type 2, which is the thicker kind of zinc, for all of their guardrails, and that is due to the harsher conditions that cause metal to erode more quickly. However, Ohio is one of those States that, although they require type 2, allow for continuous galvanization or the batch galvanization process—either one.

It was a great surprise to me to read the legislation before us. The underlying bill says the States are prohibited from using any kind of guardrail unless it is type 2, plus it is produced through this batch galvanization process. So it is a mandate. Again, it has never been in this legislation before. It says it has to be type 2, meaning the thicker type zinc, and has to be applied using a particular process, so it is micromanaging the process.

The life of a guardrail, as you can imagine, is entirely dependent on the thickness of the zinc but also on the environment into which it is placed.

There are 15 States that still approve type 1. These States have less extreme environments where corrosion occurs more slowly, and the extra thickness of zinc is not needed. Without this amendment, they would be forced to buy a more expensive product that they don't want and don't need. By the way, those States are Mississippi, Virginia, Delaware, Oklahoma, Missouri, Kansas, Nebraska, Iowa, New Jersey, Colorado, Utah, Texas, California, Montana, and Wyoming.

The U.S. Department of Transportation has weighed in on this issue. They have said:

Requiring all galvanized steel to meet type 2 could add unnecessary expense for many States where the added thickness of galvanization is not needed. We know that type 1 galvanizing will protect guardrail components in many locations for the typical 20-year life design. The extra cost of type 2 galvanizing may be unwarranted.

That is the U.S. Department of Transportation.

The Ohio Department of Transportation has said that while they only use type 2 materials, "ODOT does not have a preference as to how galvanizing occurs." They do not have a preference for a particular species of guardrail, as both have been found to have very similar properties to one another. They would prefer that their flexibility to use both kinds remains intact. That is the Ohio Department of Transportation. They don't want to be told they

can't use the process many of them use now, which is continuous galvanization.

The primary manufacturer of continuous galvanization guardrails is Gregory Industries, located in Canton, OH. It was founded in 1896. It is a privately owned company currently run by the fourth and fifth generations of the Gregory family. These guardrails make up about 75 percent of the Gregorys' business, and about 99 percent of the guardrails they make are made through this continuous galvanization process that would be prohibited under the legislation. In addition, about 30 percent of their sales come from type 1 guardrails, which would be prohibited under the legislation. So the language as it stands would be devastating for this one company and put 125 jobs in their Canton, OH, facility at risk.

By the way, the guardrails they produce are approved by the American Association of State Highway and Transportation Officials in a document called the M-180 that dictates what is acceptable and what is not.

The type of products the current language would prohibit, by the way, have been in use in all 50 States in the country, and the continuous process for galvanizing guardrails that would be prohibited has been around for 50 years.

The bottom line is that we should not give this Ohio company or any company an advantage. We should allow competition to determine this and let the States determine it. Why come up with a new mandate that micromanages this process at a time when we are all trying to save dollars and use them more efficiently? So this amendment seeks to strike the language that would limit the flexibility of States and place additional costs in cases where it does make sense to use type 1 or it does make sense to use this continuous galvanization.

I urge the Senate take a common-sense approach, and I urge all of my colleagues to support this legislation. I know my colleague may have some thoughts on this, but, in summary, I would ask through this amendment to strike the language that would limit the flexibilities of States and encourage support of amendment No. 859.

Mr. KOHL. I object to amendment No. 859 presented by my colleague from Ohio, the guardrail amendment. However, I wish to inform him that we are trying to work out our differences so we can move forward. For the moment I object to the amendment.

The PRESIDING OFFICER. The Chair is advised that it is not currently pending.

Mr. PORTMAN. I ask unanimous consent that the pending amendment be set aside, and I call up my amendment No. 859.

The PRESIDING OFFICER. Is there objection?

Mr. KOHL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. PORTMAN. I thank my colleague for his comments and look forward to working with him. Again, it is a simple amendment. It is a jobs amendment. It is perfectly germane to the bill. It is exactly the type of amendment that I think should not be blocked through this process.

I thank my colleague from Wisconsin.

I yield the floor.

Mr. KOHL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Republican leader is recognized.

Mr. MCCONNELL. I ask unanimous consent that the junior Senator from New Hampshire and I be allowed to engage in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 753

Mr. MCCONNELL. Mr. President, I thank my good friend from New Hampshire for the issue she has raised with regard to the proper way to treat enemy combatants. Her amendment, which we have been discussing off and on here on the floor today, has prompted predications of doom and gloom from our friends on the other side of the aisle, and a lot of very excited rhetoric.

To be clear, I would ask my friend from New Hampshire: Is it not true that the amendment she has offered does not apply to everyone—absolutely everyone—who might be generally labeled a terrorist?

Ms. AYOTTE. I thank our distinguished Republican leader, the senior Senator from Kentucky, for that question. That is correct. My amendment only applies to members of al-Qaida and associated forces who are engaged in an armed conflict against our troops and coalition forces and who are planning or are carrying out an attack against our country or our coalition partners. It does not apply to everyone who might be termed a terrorist, and it does not apply to U.S. citizens who are members of al-Qaida.

Mr. MCCONNELL. I ask my friend further, has the Congress authorized use of military force against al-Qaida and associated forces?

Ms. AYOTTE. I would answer, yes, it has. My amendment only pertains to enemy combatants against whom Congress has declared we are in an armed conflict. And because we are in an armed conflict with al-Qaida and associated forces, the Congress has authorized the use of military force to combat

them, and that is why it is called the authorization for the use of military force.

Mr. MCCONNELL. I cannot recall a time when Congress has declared we are in an armed conflict, has authorized the use of military force against the enemy in that conflict, and yet the executive branch has a bias against using the military for interrogation and, if need be, a trial of these enemy forces. Can the Senator from New Hampshire recall such an occasion?

Ms. AYOTTE. No, I cannot.

Mr. MCCONNELL. Two days ago the President's top lawyer at the Pentagon defended the administration's decision for use of lethal force against an American citizen who was a member of al-Qaida. In doing so, he noted that using lethal force in such a case is perfectly appropriate because that person was an enemy combatant. Specifically, he said: Those who are part of the congressionally declared enemy do not have immunity if they are U.S. citizens.

Does it not strike my friend from New Hampshire as inconsistent for the administration to authorize lethal force against a member of al-Qaida even if he is a U.S. citizen because he is part of an enemy force as declared by the Congress but, on the other hand, not to trust the military to try by military commission members of the same enemy force who are foreign nationals?

Ms. AYOTTE. It certainly strikes me as very inconsistent. It is especially odd given that the military commissions were enacted by Congress at the suggestion of our Supreme Court. They were passed on a bipartisan basis and were refined by the Obama administration to its liking. Yet the administration refuses to fully use them as they were intended.

Mr. MCCONNELL. The amendment of the Senator from New Hampshire to this appropriations bill makes clear that in the war on terror we remain at war with al-Qaida and associated groups, that these forces remain intent on killing Americans, and that in prosecuting this war, a higher priority should be placed on capturing enemy combatants, interrogating them for additional intelligence value and thereby targeting other terrorists. That is the purpose, as I understand it, of the amendment of the Senator from New Hampshire. In military custody, our national security professionals would have a choice of prosecuting enemy combatants in a military commission, detaining them under the law of war, and periodically questioning them for intelligence as new information is developed without them being all lawyered up.

Ms. AYOTTE. Yes, and yesterday some of our colleagues came to the floor to argue that my amendment would limit the choices available to

our Commander-in-Chief in prosecuting terrorists.

I would ask the Republican leader the following: In January of 2009, did President Obama, when he first came into office, issue Executive orders ending the Central Intelligence Agency's detention program, ending the CIA's option for using enhanced interrogation techniques, ordering the closure of the secure detention facility in Guantanamo Bay, Cuba, prior to any study being done concerning how to dispose of the population of enemy combatants there—we now know that 27 percent of them are back in theater—and suspending military commissions?

Mr. MCCONNELL. Well, of course, the Senator from New Hampshire is entirely correct. President Obama has unilaterally restricted the tools available to him for combating terrorism, including by ordering the closing of Guantanamo Bay prior to having any plan for dealing with the population of the Yemeni detainees who are almost certain to return to the fight if they are released from Guantanamo Bay.

It seems that once the President shut down the ability of the CIA to detain enemy combatants and refused to transfer further detainees from Guantanamo Bay, that many of us were waiting for the obvious test case to come along in which a terrorist was captured outside Iraq or Afghanistan and needed to be interrogated and detained.

I know the Senator from New Hampshire is a member of the Armed Services Committee. Does she recall the case of Mr. Warsame, the Somali terrorist captured at sea?

Ms. AYOTTE. I do, and the Republican leader is correct that this test case shows that in capturing rather than killing terrorists, we can gain valuable intelligence. Instead of sending Warsame to Guantanamo, though, he was held and interrogated at sea for approximately 2 months. Then law enforcement officials were brought in to read Warsame his rights.

I wish to take a minute to address arguments that were made on the floor earlier by Senator LEVIN from Michigan, the chairman of the Armed Services Committee. He claimed that if my amendment were to pass, Mr. Warsame would escape justice because we wouldn't be able to prove that he was, in fact, planning an attack against the United States. I wish to point out that if that were the case, my amendment would not apply because my amendment applies to members of al-Qaida or affiliated groups who are also planning or have carried out an attack against the United States, so he would be able to be held fully accountable in the civilian court system.

I wanted to correct that because I think that leaves a misimpression that Mr. Warsame would not be or could not be held accountable under our law.

The second problem with the analysis of the Senator from Michigan is that it ignores what is going on here. The reason the United States had to take the unusual steps of holding Warsame at sea on a Navy ship and then flying him to the United States over the Fourth of July weekend is because of the administration's refusal to use the top-rate detention facility at Guantanamo Bay, Cuba, that we have there for long-term military detention. Because it refuses to use this valuable asset for new captures, the administration has gone to great lengths to treat these enemy combatants who are captured on an ad hoc basis instead of placing them in a long-term detention facility, which places an artificial time period on when we can interrogate these individuals and how long they will be available to gather information to protect Americans.

As the Republican leader has noted, the President's top lawyer at the Pentagon observed that members of al-Qaida are enemy combatants and that Congress has passed an authorization for the use of military force to treat them as such. We need to do that on a consistent basis and use the military assets we have. We should not have an ad hoc, haphazard approach to treating enemy combatants. We should not Mirandize enemy combatants who are our military captures and then hold them on makeshift prison barges as if we were in the 19th century because the administration refuses to use Guantanamo Bay and then import them into the United States so they can be detained in our civilian court system, tried in our civilian courts, with the possibility that they could be released into the United States if they are acquitted or given a modest sentence, as nearly happened with Ahmed Ghailani.

Now is the time to keep the pressure on al-Qaida, whether in the tribal areas of Pakistan or in Yemen. Our law enforcement officials have done a tremendous job in contributing to the counterterrorism fight. But we cannot, for the first time in the history of this country, take the view of the Attorney General, which is that our civilian court system is the most effective weapon in our conflict with al-Qaida, because that is simply not the case.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I wish to thank the Senator from New Hampshire on behalf of the leader. She has brought to the floor an outstanding amendment that needs to be addressed because this is an issue that is certainly on a lot of people's minds, as to why we would be using our judicial system for enemy combatants. She has articulated it so well, as the former attorney general of New Hampshire, and we appreciate so much that she has

brought this amendment. It is going to get a lot of support from the American people as well as Members of the Senate.

Thank you, Mr. President.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have worked very hard to move through this first tranche of appropriations bills we have. Progress is being made but not nearly enough progress. I am going to move in just a minute to the Bryson nomination. But I want everyone within the sound of my voice to understand this cannot go on forever. People sometimes are unreasonable. We cannot have votes on all these amendments that have been called up. I hope everyone understands there has to be some give-and-take here, and we need to move through this. They need to be cooperative with the staffs, because when this matter regarding the Secretary of Commerce nomination is finished, we are going to have to make a decision as to whether we can continue working on this appropriations bill.

This was a noble experiment. I am part of it. I want it to work very much, but it can't work without the cooperation of all Senators.

I say to everyone listening, this is the way it has always been. I was a member of the Appropriations Committee the first day I came to the Senate, and I managed many appropriations bills on the Senate floor. For every one of them, we had more amendments than we had time to vote on them. That is where we are today. But the only way we can finish them is to work through these amendments. We hope we can do that; otherwise, we will have a cloture vote either tonight or tomorrow to determine whether we want to finish these appropriations bills—all extremely important—Commerce-State-Justice, Agriculture, and, of course, the Transportation bill. It would be good for us to be able to get this done.

I heard Senator COLLINS, the Senator from Maine, speak about this a little earlier today, and she did an extremely good job of explaining why it is important we do this.

EXECUTIVE SESSION

NOMINATION OF JOHN EDGAR BRYSON TO BE SECRETARY OF COMMERCE

Mr. REID. Under the previous order, I move to executive session to call up Calendar No. 410, the nomination of John Bryson, to be Commerce Secretary.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of John Edgar Bryson, of California, to be Secretary of Commerce.

Mr. REID. Mr. President, there are 4 hours under the order previously entered. We are hoping all this time will not have to be used. I ask unanimous consent that 20 minutes remain, equally divided between the two leaders or their designees, regardless of any time consumed in quorum calls throughout the presentations made on this matter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I wish to congratulate my friend, the chairman of the Committee on Commerce, Science, and Transportation, and the Senator from Texas, KAY BAILEY HUTCHISON. They both worked very hard in a fair way to move forward on this. It has been good for the Senate. When we confirm this nomination, it will be good for the country.

I don't think we will use all this time. I hope we can vote on this matter anywhere between 6:30 and 7:30 tonight, hopefully closer to 6:30.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I rise in strong support of John Bryson of California, whom President Obama has nominated to be his Secretary of Commerce.

Mr. Bryson's nomination comes at a very critical time for our country and for our economy. No one disputes the Secretary of Commerce is an important part of the President's economic team. That person is now missing in the Commerce Department. Commerce has to do with jobs. There is nobody there. That dictates that we have a leader with strong, real-world experience. This position has been vacant since Ambassador Locke left for China in late July. It is stunning to think, with what the country is going through, we don't have a Cabinet Secretary who can attend to manufacturing and other kinds of jobs and job-related efforts that he will do. But because of the insistence of the minority—and I had no objection to this—we were unable to move this nomination until the trade agreements were finished. The trade agreements had to come forward and passed, that was done, and then it was OK to proceed to the Bryson nomination.

The Commerce, Science, and Transportation Committee confirmed Mr. Bryson by a voice vote. I recall no objections at all. Mr. Bryson will be an excellent Secretary of Commerce, and America is entitled to have a Secretary of Commerce on the job. Mr. Bryson possesses a rare combination of actual real-life business experience and a very broad intellect. As an executive, he has proven himself to be a talented executive and has shown his dedication to public service. He cares about public service. He has had to wait a long time to get this job, and he has been in and out of public service.

My colleagues should appreciate that Mr. Bryson's confirmation comes at an

important crossroads for the country and for the Commerce Department itself. The challenges obviously are very important: high unemployment, a slow economic recovery. The Secretary of Commerce plays a major role in promoting jobs and our economy. But to do that, he has to be in place and on the job. If confirmed, as I believe he deserves to be, he will have to face these deep challenges and looks forward to so doing.

But I believe Mr. Bryson's experience provides him with the capacity to help restore jobs in manufacturing in America as the Secretary of Commerce. I have long fought for a stronger manufacturing sector in this country. Anybody from West Virginia would be crazy to do otherwise. Manufacturing has been hit hard all over the country during this past decade, losing one-third of its workforce, and the government's response has been piecemeal.

This needs to change. If the next decade is as bad for manufacturing jobs as the previous one, we are going to have very little left to work with of the manufacturing sector if we are trying to save it. This has grave national security implications and could cripple our ability to outinnovate and outcompete other countries. That is already happening.

In the Commerce Committee, we held three hearings on this issue this year; that is manufacturing, and we also included a field hearing, which happened to be in West Virginia—total coincidence—on exporting products made in America.

Mr. Bryson knows that if confirmed, I intend to work with him to make manufacturing a high priority in our job-creation agenda.

A word on NOAA and NIST. Mr. Bryson will also bring his leadership to help NOAA innovate its essential services to help all Americans, from daily weather forecasts to fisheries management, and from coastal restoration to supporting marine commerce, and on and on. NOAA's products and services support economic vitality and affect more than one-third of America's gross domestic product.

Americans in many States across the Nation have suffered record-breaking weather disasters in 2011, and much of the gulf continues to recover from the worst oil spill in our history.

Mr. Bryson's business-minded leadership is valuable now more than ever to help NOAA continue to improve its important services and keep pace with scientific innovation.

The Department of Commerce also houses the National Institute of Standards and Technology, NIST—an extraordinary place. I think we have had a couple of Nobel laureates out of NIST in the last year. NIST is critical to U.S. innovation and economic competitiveness through its measurement science, standards, and technological

development. NIST plays a critical role bringing together industry, government, and universities to advance everything from manufacturing to cybersecurity to forensic science standards. Mr. Bryson's own experience in both the public sector and private sector will serve him well as he and his department tackle such national challenges.

In closing, Mr. Bryson is eminently qualified to be Secretary of Commerce and to lead this important Cabinet Department during a time in which the American people are looking for innovative solutions to improve our economy and create jobs. And we need all the good people we can get.

I urge my colleagues to quickly support Mr. Bryson's confirmation so he can begin his important work toward that end.

Mr. President, I yield to my distinguished friend from the State of Massachusetts, Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I thank the Chair and I thank the chairman of the Commerce Committee, the Senator from West Virginia.

I strongly support the nomination of John Bryson to serve as Secretary of Commerce. I think he is an exceptional choice by the President, and I am absolutely confident, having served with many Commerce Secretaries through the years, that he is going to be one of our best. I think he is the right person at this moment in time to be taking the helm at the Department of Commerce. It is a critical, defining moment in many ways for our economy. The challenges are well known by everybody here in the Senate, and the decisions we make or fail to make on new energy sources, on infrastructure, technology, research—all of the items the Senator from West Virginia mentioned—all of those are going to play a critical part in defining the United States leadership role in the global economy.

The experience of John Bryson in the private sector has won him broad support in the business community.

Mr. President, I ask unanimous consent that a letter from former Secretaries of Commerce serving both Republican and Democratic administrations alike be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate,
Washington, DC.

OCTOBER 20, 2011.

DEAR MAJORITY LEADER REID, REPUBLICAN LEADER MCCONNELL AND MEMBERS OF THE UNITED STATES SENATE: We are writing as former Commerce Secretaries—who have served both Republican and Democratic Ad-

ministrations—to urge you to confirm John Bryson as Secretary of Commerce.

At a time when the nation is focused on strengthening the economic recovery and job creation, American businesses and workers need a Commerce Secretary working for them.

For almost 18 years, as CEO of Edison International, John was a widely respected business leader. He successfully led Edison through crisis; he made tough decisions, and he created jobs. Importantly, John understands the challenges facing U.S. companies and what they need to prosper so that they can create jobs.

John has served on the Board of Directors for a number of U.S. companies—including Boeing and Disney—and has provided counsel to many entrepreneurs in their early stage businesses. This is the type of experience we need in President Obama's cabinet.

We know what it takes to do this job and its importance to the nation's economy. In these challenging economic times, John Bryson has the experience that will help move our country forward and provide an important perspective in the President's Cabinet.

We strongly support him and ask you to support his confirmation.

Sincerely,

CARLOS GUTIERREZ,
Former Commerce Secretary, 2005–2009.

NORMAN MINETA,
Former Commerce Secretary, 2000–2001.

BARBARA HACKMAN FRANKLIN,
Former Commerce Secretary, 1992–1993.

DONALD EVANS,
Former Commerce Secretary, 2001–2005.

MICKEY KANTOR,
Former Commerce Secretary, 1996–1997.

PETER PETERSON,
Former Commerce Secretary, 1972–1973.

Mr. KERRY. I would say to the Presiding Officer, this is a letter written to Senator REID and Senator MCCONNELL from Carlos Gutierrez, Norman Mineta, Barbara Franklin, Don Evans, Mickey Kantor, Pete Peterson, all former Commerce Secretaries, all of whom are strongly supportive of this nomination.

In addition, I ask unanimous consent that a letter to Senator REID from the president and CEO of the U.S. Hispanic Chamber of Commerce be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES HISPANIC
CHAMBER OF COMMERCE,
October 18, 2011.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR REID: On behalf of the United States Hispanic Chamber of Commerce (USHCC), which advocates on behalf of nearly 3 million Hispanic-owned businesses through our network of 200 local chambers throughout the nation, I am writing to register our wholehearted support for President Obama's nomination of John Bryson to serve as our next Secretary of the United States Department of Commerce.

As our next Commerce Secretary, Mr. Bryson will bring a wealth of experience from the private sector. As a former CEO, he understands the challenges that American companies, both large and small, are facing in this economy and he will be a strong business advocate in the Cabinet. As the President and CEO of Edison International for 18 years until he retired in 2008, Mr. Bryson led the company through the electricity crisis of 2000–2001, a period which marked California's most turbulent era in the power sector. His stewardship proved that he is a sound business leader, who can make tough decisions. Edison International endured the crisis and remains a strong company today, largely due to his efforts. During these difficult economic times, we need people who have demonstrated their ability to lead during crisis, those who can find viable solutions to our nation's financial challenges.

As a former CEO and board member for non-profit organizations, as well as Fortune 100 companies such as Disney and Boeing, Mr. Bryson is aware of the challenges facing our businesses and entrepreneurs. With small business as the backbone of our economy, it is important that the new Secretary intimately understand the challenges and opportunities faced by our community. We are confident that Mr. Bryson's background will enable him to approach this post with our priorities in mind. For his proven record as a business and civic leader, the USHCC urges a swift confirmation of Mr. John Bryson as the next Secretary of Commerce.

Sincerely,

JAVIER PALOMAREZ,
President & CEO.

Mr. KERRY. Mr. President, let me say, very quickly, that John Bryson brings to this role the special qualities of somebody who has served as the chairman and CEO of one of the Nation's largest utility companies for almost 20 years, being the chairman and CEO of Edison International. He has been a board member for nonprofit organizations as well as for major corporations in our country: Boeing, Disney, some of the great success stories of our country.

He has extensive experience working on international issues through his work at Edison International and as chair of the Pacific Council on International Policy. I am convinced that if he is confirmed as Secretary of Commerce today, he is going to focus on increasing American exports, and he will be a superb ambassador, helping American companies that are looking to expand across the globe. This is a person who has already proven his ability to be able to deal with people in other countries, with other companies, and I am confident about his ability to perform this task.

His previous experience has exposed him to the importance of innovation and technology at a vital time for the information economy. His Department is now leading the administration in its efforts on issues ranging from privacy to spectrum reform. I am confident he is the right person to help make that process work.

I also know his work on competitiveness means he will be at the forefront

of helping to lead our country to, in fact, invest in the skills of our workers, the infrastructure of the Nation, and retain and bring the brightest people in the world to this task.

Finally, I want to close saying, in my conversations with whom I hope to be Secretary Bryson, we raised an issue that is of critical importance to us in Massachusetts. Because of Federal regulations limiting fishing in our waters, a lot of our fishermen have been put out of business or pushed to the brink, and there is a great frustration that exists between the fishing community in our region and the Federal Government.

When I met with John Bryson, he exhibited an understanding of the importance of that issue and a willingness to come to Massachusetts and help us resolve this current situation. We are, frankly, here waiting for his confirmation, months after those conversations took place, and his talents could have been put to use in so much of the challenge we face in this Nation.

I hope my colleagues will join in an overwhelming vote of support for this outstanding, capable nominee, who I think is the right person for this time.

The PRESIDING OFFICER. The senior Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I yield time to the senior Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank Senator ROCKEFELLER very much.

Mr. President, I believe John Bryson is well suited for this important role, particularly at a time when our economy is fragile and job creation is not occurring fast enough.

He has a lot of experience. Senator KERRY just pointed this out. He has run a multibillion-dollar company, he has been a strong advocate for business, he is ready to advance a jobs agenda—and all of that makes him a perfect fit for Commerce Secretary.

I first got to know John when he served for 18 years as CEO of Edison International, one of the 200 largest corporations in the United States, with more than 20,000 employees. Edison International is the parent company of Southern California Edison, which provides power to 14 million Californians and nearly 300,000 businesses.

As my colleagues may recall, in 2000 and 2001, California was gripped by an energy crisis that resulted in rolling blackouts that left millions of Californians in the dark. The period marked the most turbulent era ever for the California power sector. Price caps, manipulation, rolling blackouts, deregulation, and Enron became the focus of our attention.

During that difficult time, John's company was under siege. I watched closely as he successfully fended off financial disaster, even as other Cali-

fornia utilities were swept into bankruptcy. I met and spoke with John often during that energy crisis and remember well his intelligence and pragmatism, as utilities, State officials, and Washington worked our way through the crisis.

Some say that a crisis serves as the best test of a person's character. If that is so, John Bryson is a man of exceptional character. In my observation, he worked hard to hear from the people of California, his shareholders, and the many businesses that relied on a stable power grid. After emerging from the crisis, from 2003 to 2007, John turned Edison around completely. The firm was No. 1 among investor-owned utility companies for returning value to its shareholders. I believe he will carry this same thoughtful, sensible leadership style with him to the Commerce Department.

In addition to his time at Edison, he has served as director, chairman, or adviser for a wide array of companies, schools, and nonprofit organizations, including many institutions with deep roots in my home State of California, such as the Walt Disney Company, BrightSource Energy, Boeing, and the asset manager KKR; the California Business Roundtable, the Public Policy Institute of California, and the University of Southern California's Keck School of Medicine; the Council on Foreign Relations, Stanford University, the California Institute of Technology, and the California Endowment.

I am also proud to note that John and I share the same alma mater—Stanford—where John earned his undergraduate degree. Later he attended Yale Law School before returning to California.

John Bryson's experience paints a picture of a leader who focuses on the practical and the achievable. I believe, if confirmed, he will support measures that meet those criteria.

At this time in our economic history, our No. 1 priority as a government must be to grow the economy and get people back to work. I know my Senate colleagues agree. In my view, John Bryson's combination of pragmatism, experience in the boardroom, and understanding of the public sector will make him an outstanding Commerce Secretary. I expect he will be a powerful voice inside the administration and a partner with the business community to grow our economy and open international markets for American manufacturers.

I make these remarks on behalf of my colleague Senator BOXER as well. We have a California candidate for Secretary of Commerce. We are the largest State in the Union. We have 12.1 percent. We need job generation. So I trust that John Bryson is going to provide this, and provide it as expeditiously as is humanly possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I listened to the statements made by my colleagues, and I have come to a different conclusion. I think this nominee is actually the wrong person at the worst time. At a time when the unemployment rate is 9.1 percent, when 14 million Americans are looking for work, I would think the President would want to respond appropriately and nominate someone to lead the Commerce Department whose record was consistent with the mission outlined for the Commerce Department. That mission is to promote job creation, to promote economic growth, to promote sustainable development, and improve standards of living for all Americans. So I would think the President would want to nominate someone who has a record of robust job creation.

Instead, the President has nominated someone whose political advocacy is, in my opinion, detached from the financial hardships facing tens of millions of Americans today.

Most Americans recognize that cap and trade—or, as I call it, cap and tax—is job killing. It is a job-killing energy tax. Yet this nominee has repeatedly advocated for cap-and-trade legislation. He even called the Waxman-Markey legislation a moderate but acceptable bill. There are colleagues on the other side of the aisle who support that legislation. I do not. I view it as a tax. The nominee even went so far as to say the legislation was good precisely because it was a good way to hide—to hide—a carbon tax. But is that the role of the Secretary of Commerce: to hide taxes on American businesses, on American families, to make American businesses less competitive, to make it more expensive for them to hire new workers?

Mr. BARRASSO. I want to find ways to make it easier and cheaper for the private sector to create jobs, not for ways to hide taxes and make it more expensive and harder for the private sector to create jobs.

Finally, I wish to point out what happened during the confirmation hearing before the Senate Commerce Committee. The chairman of the committee, who is here on the floor, questioned Mr. Bryson about coal. Coal is important to the chairman's State, and it is very important in my State, a big part of our economy. He asked for straight, direct answers, which the chairman did not receive, to the point that he actually invited the nominee to visit with him privately in his office to discuss the issue.

So I come here today to say, we need a Commerce Secretary who is committed to making American businesses more innovative at home and more competitive abroad—more innovative at home, more competitive abroad. We need someone who will address the

problems of high unemployment, slow economic growth, and rising consumer costs aggressively and dispassionately. In my opinion, John Bryson is not that person. Therefore, I will not support nor will I vote for his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, today, very shortly, we will vote on President Obama's nominee to be the Secretary of the Department of Commerce, Mr. John Bryson. This is the most senior position in the Department, which is tasked with promoting business, creating jobs, and spurring economic growth. While this has always been important, it is very appropriate now, with the unemployment rate at 9.1 percent.

The administration has talked about job creation and the need for regulatory reform. But respectfully, I have not seen regulatory reform yet a priority on the President's agenda. You might not find a pricetag for regulation, but there is no question that businesses know when they are overregulated. It stifles their ability to create jobs. This year alone regulations are projected to cost U.S. taxpayers \$2.8 trillion, and new regulations imposed by the administration in 2011 would cost over \$60 billion. So during the confirmation process, when Mr. Bryson was before our committee, I asked him about his view on overregulation. He stated that he would be a voice in the administration for simplifying regulations and eliminating those where the cost of regulation exceed the benefits.

I believe his business background qualifies him to address that issue. It would give him the experience to be helpful in bringing back the regulations that are stifling the growth of business and therefore the job creation in our country.

I also appreciated that Mr. Bryson said in the confirmation hearing that the National Labor Relations Board was wrong in trying to keep Boeing from choosing where it would manufacture its products. On the corporate tax rate, the United States currently has the second highest corporate tax rate in the world, behind Japan, which has said it will lower its rate, ultimately leaving the United States with the dubious distinction of having the highest corporate tax rate in the world. Lowering the U.S. corporate tax rate should be a substantial part of any tax reform, and although that tax policy is beyond the Commerce Secretary's responsibility, I did ask Mr. Bryson whether he believed our corporate tax rate was too high and would he be a voice for lowering it. He said he would. I thought that was a very important statement for him to make, and important for the Secretary of Commerce to commit to doing.

We have now passed the free-trade agreements that held up consideration

of his nomination. If confirmed, I expect Mr. Bryson to take advantage of the agreements and work to assist our businesses with the efforts to reach out and expand new markets with these new free-trade agreements. Mr. Bryson made statements before the Commerce Committee supporting cap-and-trade legislation because he felt that the electric utility industry—he was the chairman of a major corporation in that industry—needed regulatory certainty. That was his reason for coming out for cap and trade. I disagreed with him on that. I agree with many of my colleagues that that is not the right approach for America. We should not have cap and trade, as some have called it, cap and tax. But Mr. Bryson again said that he had no interest in pursuing that kind of legislation if he is confirmed as Secretary of Commerce.

I would point out that Mr. Bryson has the support of the U.S. Chamber of Commerce, the Hispanic Chamber of Commerce, and the National Association of Manufacturers. They will be major constituents he will represent in trying to build business for our country. He is also supported by six former Secretaries of Commerce, including Secretaries that served in the administrations of George W. Bush, George H. W. Bush, and Richard Nixon.

In summary, I believe the President should be given deference in selecting the members of his Cabinet unless there are serious issues against the nominee. I have voted against a few of the nominees of some of the Presidents while I have been in the Senate, but I do it rarely and very carefully, because I think that elections have consequences. I believe the President has the right to make his decisions.

I do not believe there are issues that rise to that level in the case of John Bryson. He does have a business background. He is well regarded by many colleagues who have called me on his behalf, who have been with him in the business world. I do not see any issue that would cause me not to vote for his nomination. I will support his nomination. I will work alongside him to be a voice for job creation in our country. I hope he is confirmed. I think he will be confirmed. I would hope he would then work with other Members of Congress who want to help him be an effective voice for business and investment in America and create the jobs that will get this unemployment rate back down and get people back to work.

I do not have people on my side yet who are going to speak, but there are two others who wish to speak. I will put us in a quorum call until they get to the floor and then that will probably allow us to yield back. I will ask my colleagues, any who are listening, if they wish to speak on behalf of or against Mr. Bryson to please come to the floor now so we might be able to know that everyone has been satisfied

and we will be able to take this to a vote. I do think Mr. Bryson has waited very patiently for a very long time to have this come to a conclusion. I hope we can do that on as quick a basis as we can, giving everybody the ability to talk if they so choose.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I thank the distinguished chairman and the ranking member of the Commerce Committee for their hard work on this nomination and their continued great work in the Commerce Committee, on which I once had the great honor of serving.

I rise today to support the nomination of Mr. John Bryson to be the 37th Secretary of the Department of Commerce. As I mentioned, during my time in the Senate I had the great honor of serving on the Commerce, Science and Transportation Committee, one of the most important committees in the Senate, in my view. It is a wonderful and broadening experience to be a member of that committee.

I think what we are discussing today is important; that is, whether Mr. Bryson should be confirmed by Members of my side of the aisle, because we may not agree with some of his views and some of his philosophies and statements in the past.

I want to be clear. If I were President of the United States, I would probably not have nominated Mr. Bryson, even though I am confident he is a fine man. We just have different views on issues. I think we all ought to appreciate the fact that elections do have consequences. When a President is elected, we have an important role to play of advice and consent. But we also have a role to play in understanding that the American people have spoken and elected a President of the United States and placed on him the responsibility of the Presidency. The best way he can carry out those responsibilities in the most efficient fashion is to have members of his team around him, people in whom he has trust and confidence. Mr. Bryson clearly has the trust and confidence of the President.

There are times when all of us have opposed a nominee for an office that requires the advice and consent of the Senate. But those occasions should be rare. Those occasions should be when, in the judgment of a Senator, that individual is not fit to serve. That is a big difference between whether you think that individual should serve or not. In other words, the President's

right, in my view, to have a team around him so that he can best serve the country is a very important consideration, without losing or in any way diminishing our responsibility of advice and consent.

Mr. Bryson has held a number of positions in business and in other walks of life that are impressive. He may not have made statements or done things that we particularly agree with, but I don't think you can question Mr. Bryson's credentials and background to fulfill the job of Secretary of Commerce. That should be the criteria, in my view.

Everybody is entitled to their opinions as to their role as a Senator regarding advice and consent. I don't try to tell any other Senator their role. But I think that the Senate, during most of its existence, will find the President has been given the benefit of appointing individuals to positions of authority and responsibility because the President has earned that right. So it has to be an overriding reason to vote to reject a nominee.

By the way, I point out that, in this particular case, because of inaction on the trade agreements, a group of us sent a letter to the majority leader saying we would withhold support for the current nominee until the free-trade agreements were passed. The free-trade agreements were passed.

I urge my colleagues to look at Mr. Bryson's background and not whether you agree with his statements or philosophy, but whether he is truly qualified. I believe he is qualified to serve.

I will also mention to my colleagues on this side of the aisle that some day, sooner or later—and I hope sooner rather than later—we will have a Republican President who will be nominating individuals to serve on his team or her team. Then I hope my colleagues on the other side of the aisle will also observe sort of what has been traditional in the Senate, which is that you give a President certain latitude to pick the members of his team who he thinks will help him serve this Nation through difficult times with the utmost efficiency and loyalty.

I thank both Senator ROCKEFELLER and Senator HUTCHISON for their work on this important and, in my view, all too controversial nomination. I urge my colleagues to vote in support of the nomination of John Bryson to be the 37th Secretary of the Department of Commerce.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the distinguished senior Senator from Arizona. I want to say that he was chairman of the Commerce Committee and did a fine job. I am so appreciative that he put a perspective on the role of advice and consent in the Senate, because there are times when

all of us have said the issues regarding a certain nomination are so great that they would not allow us to vote for confirmation. But that is not the case here. I do think Senator MCCAIN made the eloquent statement that Mr. Bryson might not be his choice, but that is not the question before us. He is qualified for this job. He has the business background we need. We certainly need a Secretary of Commerce to be able to help our businesses grow and create jobs, and elections do have consequences.

I thank the Senator from Arizona for taking the time to come and make that part of the record complete. I am pleased we are having this kind of discourse. I think the record will be complete, and I believe that when our colleagues think about the importance of the President having his nominee for this job, and the qualifications that Mr. Bryson has, even if you disagree on issues—which I certainly do, Senator MCCAIN does, and Senator BARRASSO does, and we are going to disagree on issues; that happens every day. But does it rise to the level of voting against this nomination? That is the question we have to answer. I thought Senator MCCAIN answered it very well.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I am here today to talk on behalf of Commerce Secretary nominee John Bryson. Mr. Bryson testified before our Commerce Committee. I was impressed by his background and by his ability to answer the questions and by his understanding of business. I think everyone knows we are facing difficult economic times in this country and we need someone in that job that understands business.

Mr. Bryson has strong and broad support within the business community, and his nomination has been endorsed by such groups as the U.S. Chamber of Commerce, the Business Roundtable, and the National Association of Manufacturers. Six former Commerce Secretaries, from the George W. Bush, Bill Clinton, George H.W. Bush, and Nixon administrations, have also joined in strongly supporting his confirmation.

Mr. Bryson, as we know, was reported favorably to the entire Senate by the Commerce Committee. But let's look at what some of the groups have said about Mr. Bryson. The Business Roundtable says:

John Bryson is a proven, well-respected executive who will bring his private sector ex-

perience to the Commerce Department's broad portfolio.

The National Association of Manufacturers says Bryson has "a strong business background . . . which gives him the advantage of having exposure to the difficult issues manufacturers face in today's global marketplace."

The President and CEO of the National Association of Manufacturers, Jay Timmons, said:

Mr. Bryson has a strong business background and serves on the board of many manufacturing companies, which gives him the advantage of having exposure to the difficult issues manufacturers face in today's global marketplace.

I believe the way we get out of this downturn is manufacturing, it is making things in America again, it is inventing stuff, and it is exporting to the world. These business groups know that Mr. Bryson understands their issues.

The Chamber of Commerce says Bryson has "extensive knowledge of the private sector and years of experience successfully running a major company."

From Edison International we hear that Bryson was "a visionary leader of Edison International, and we know that he will bring that same leadership to the Department of Commerce."

Boeing says this:

John Bryson's global business experience and strong leadership skills are a great match for the position of Secretary of Commerce.

The Acting President pro tempore serves on the Commerce Committee, as I do. I head the Subcommittee on Competitive Innovation and Export Promotion, and I have seen firsthand the need to make sure the Commerce Committee is thinking every single day—as the Commerce Department should—about how we get more jobs in this country, how we make sure we are working with business as partners, how we make sure we get through the red tape, and that we put forward a competitive agenda for this country. That is why I am supporting Mr. Bryson for Commerce Secretary.

Mr. INOUE. Mr. President, I rise today to support the nomination of Mr. John Bryson to be the Secretary of Commerce. The Secretary of Commerce plays a key role in overseeing a department that is responsible for spurring innovation, supporting small business, and providing our Nation with operational scientific information. In tough economic times we need strong leadership in this key cabinet position in order to ensure that our Nation's needs in these areas are met.

To that end, Mr. Bryson brings with him a strong record of business leadership and a sense of the importance of resource stewardship, a rare combination that I believe will serve him extremely well. Unfortunately, there are those who believe that his past association with certain environmental groups

or his eminently sensible support for a solution to our reliance on fossil fuels, should disqualify him from this post. I would suggest that these naysayers consider that Mr. Bryson has been endorsed by the Business Roundtable, the National Association of Manufacturers, and the U.S. Chamber of Commerce. The support shown by these groups ought to demonstrate the nominee's commitment to growing American business and the American economy. I also suggest we should not fear a nominee who has shown a willingness to explore novel solutions to grappling with our dependence on foreign oil and the larger issue of climate change. Both of these issues are likely to be among the most important and, potentially, the most disrupting problems that we leave to our children and grandchildren. No one in this Chamber will deny that we must reduce our dependence on fossil fuels, which are a finite resource whether found here or abroad, and no one in this Chamber should deny that the climate is changing. To do so is to deny that which is in front of our eyes and history does not look kindly on those who ignore the obvious. We should therefore embrace those such as Mr. Bryson who have shown a willingness to work with the business community in seeking a solution to these issues.

In sum, I believe Mr. Bryson can provide the leadership we need at the Department of Commerce and I ask my colleagues to join me in supporting and confirming Mr. Bryson's nomination.

Mr. UDALL of New Mexico. Mr. President, I rise today in support of the nomination of John Bryson to be Secretary of Commerce.

The Department of Commerce includes a diverse collection of agencies that work on everything from predicting the weather to issuing patents.

But the Department's over-arching mission is to promote job creation and economic growth. Today, that mission is more important than ever.

With the national unemployment rate hovering around 9 percent, we should have a Secretary of Commerce in place who can lead the Department in meeting its important mission.

After considering his nomination in the Senate Commerce Committee, I believe Mr. Bryson is well qualified to be Secretary of Commerce.

Bryson knows something about job creation from his experience as a business leader in the energy sector. He also served on the boards of well-known companies such as Boeing and the Walt Disney Company.

Those experiences will help Bryson meet the challenges of leading the Department of Commerce.

I know firsthand some of the good work that the Department of Commerce has done to help businesses in my home State through the Economic Development Administration, EDA,

manufacturing extension partnership, MEP, and trade adjustment for firms initiatives.

I have visited small businesses that received assistance from these Department of Commerce agencies and know how vital such support can be for entrepreneurs who want to grow their business or maybe export for the first time.

The Department of Commerce already faces enough challenges to meet its vital mission. Delaying Mr. Bryson's nomination any further would only add to those challenges at a time when we can ill afford it.

I urge my Senate colleagues to support his nomination.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mrs. BOXER. Madam President, I rise in support of John Bryson of California, President Obama's nominee to be Secretary of Commerce.

Mr. Bryson will bring a wealth of experience in both the private sector and the public sector to this very important job of Commerce Secretary. Lord knows, we are in a recession and we are fighting hard to get out of it. We need a Commerce Secretary, and we need someone who understands the private sector and the public sector and we have that in John Bryson.

In the 1970s and 1980s, he served as the chairman of the California Water Resources Board and as the chairman of the California Public Utilities Commission. There, he helped California navigate droughts, oil shortages, and other crises during a critical period in my State's history.

For more than 20 years, Mr. Bryson has utilized his talents in the private sector, first as chairman and CEO of Southern California Edison, and later as chairman and CEO of Edison International.

Mr. Bryson has also served on the boards of many companies, both large and small, and he will bring to the job of Commerce Secretary a unique expertise on what it takes for businesses to grow and expand.

Mr. Bryson's top priority is job creation. As Commerce Secretary, he will be working closely with the President to meet the goal of doubling our Nation's exports by 2015 and creating hundreds of thousands of new jobs right here in the United States. He will be working with the private sector to

drive innovation and economic growth, and he will be working to make the United States a leader in the clean energy economy.

At Edison International, Mr. Bryson helped California become a hub for clean energy development and clean energy jobs by making investments in those renewable technologies. He understands new clean energy technologies will create millions of jobs here at home and that the Nation that rises to this challenge will lead the world because the whole world is looking for these kinds of technologies.

I think Mr. Bryson comes to us with varied experiences which will serve us well and will serve President Obama well. Mr. Bryson's nomination has been applauded by all sides of the political spectrum, from environmentalists to business interests.

Tom Donohue of the Chamber of Commerce praised Mr. Bryson's "extensive knowledge of the private sector and years of experience successfully running a major company."

The Business Roundtable called Mr. Bryson "a proven, well-respected executive who will bring his private sector experience to the Commerce Department's broad portfolio that includes technology, trade, intellectual property and exports, which will be crucial to expanding our economy and creating jobs."

The Natural Resources Defense Council, which Mr. Bryson helped found in the 1970s, called him:

... a visionary leader in promoting a clean environment and a strong economy. He has compiled an exemplary record in public service and in business that underscores the strong linkage between economic and environmental progress.

I ask unanimous consent to have printed in the RECORD an editorial from the Los Angeles Times, titled "Commerce Department nominee deserves the job."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From latimes.com, Jun. 21, 2011]

COMMERCE DEPARTMENT NOMINEE DESERVES THE JOB

John Bryson's nomination to be President Obama's next secretary of Commerce has been met with the predictable combination of delusion and obstructionism that characterizes the modern confirmation process. Some Senate Republicans vow to hold him hostage to the passage of several long-sought free-trade agreements; others insist they will reject him based on his presumed politics, which they wish were more like theirs. None has advanced an argument worthy of defeating this nomination, and though sensible people will withhold a final judgment until after Bryson is questioned, his credentials are encouraging, as are the endorsements of those who know him.

Bryson is a familiar figure in Los Angeles. A longtime chairman and chief executive of Southern California Edison and Edison International, he is a pillar of the region's business community, admired by the Chamber of

Commerce and his fellow executives. He also was a founder of the Natural Resources Defense Council, where his work earned him respect and appreciation from California's environmental movement. He's been president of the California Public Utilities Commission and even served as a director of Boeing, dipping his toe into the nation's military-industrial complex. He is thus the rare nominee to present himself to Congress with endorsements from the Chamber, military suppliers and the nation's leading environmental organizations.

Within a rational political universe, that would entitle Bryson to confirmation by acclamation. But zealots are suspicious. His critics question his support for regulation to address climate change and see his NRDC leadership (more than three decades ago) as evidence that he's a "job killer" and an "environmental extremist" rather than a job promoter as the Commerce secretary traditionally is. Never mind that Bryson's record is one of both serious business development and responsible environmental stewardship.

Then there's the issue of the free-trade agreements. Yes, Obama has moved too slowly to forward the South Korea, Colombia and Panama trade pacts that will create jobs and expand the reach of American business. And yes, Obama's labor allies are principally to blame for obstructing those pacts. But those objections are irrelevant to Bryson's nomination and shouldn't be used as an excuse to hold it up.

Many Republicans undoubtedly would prefer a nominee who championed drilling as the answer to America's energy needs or who countenanced their anti-scientific challenge to global warming. They have their chance: Elect Sarah Palin. In the meantime, Obama deserves a Cabinet secretary of impeccable credentials and broad support. Bryson has a chance to prove that he's all of that at the hearings that begin Tuesday. Republicans owe him the opportunity.

Mrs. BOXER. Mr. President, Mr. Bryson's unique background will serve him well as he works with President Obama, the Senate, and the House to create jobs. I applaud our President for choosing such a well-qualified, experienced individual to be Commerce Secretary, and I want to thank Chairman ROCKEFELLER and Ranking Member HUTCHISON for working together so we could get to this vote today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. INHOFE. First, let me thank my good friend, the Senator from California, Mrs. BOXER, for speaking because I asked her to do it. A lot of people are surprised on how well we get along.

The committee she chairs is called the Environment and Public Works Committee and I am the ranking member. When Republicans were in the majority, I was the chairman. I look forward to being chairman again, but that is another conversation for another day.

But the reason I wanted to speak is, because we do. A lot of people are surprised to see this. We get along very well. Right now, we are doing everything we possibly can to get a highway

reauthorization bill. She prides herself on being a very proud liberal and I pride myself on being a very proud conservative. Yet we both know that one of our primary functions here is to do something about infrastructure.

I have often been ranked as the most conservative member of this body, the Senate. I often have said I may be conservative, but I am a big spender in two areas: national defense and infrastructure. That is what we are supposed to be doing.

Right now, we have the most deplorable problem in the condition of our roads and highways and bridges. My State of Oklahoma goes back and forth being dead last or next to the last behind Missouri as having the worst conditions of our bridges.

We had a lady not too long ago in my State of Oklahoma, in Oklahoma City, the mother of two small children, who was driving under one of the big interstate bridges and a block of concrete fell off and it killed her. She was the mother of two small children. We have people dying every day on the highways because of the condition of the highways. For that, I applaud Senator BOXER for joining me to put together this coalition.

I don't want to say anything that would be improper at this time, but it is my expectation—not just hope but expectation—that we are going to be able to come up with a highway reauthorization bill, and it is going to be one that is at least holding the current spending level.

If we are to have to go back to the level of the proceeds of the highway trust fund, that would be about 34 percent less than what we are spending today. I defy any one of my fellow Senators from all the 50 States to tell me one State that isn't having just as serious a problem as my State of Oklahoma is having.

I think that it is important we recognize there are some things the government is supposed to be doing and some things that bring us all together. Again, that is what is going to happen.

I can remember back, the last reauthorization bill we had was 2005. At that time, I was the chairman of the committee. We all worked together. We came up with a \$284.6 billion, 5-year bill. Yet as robust as that was, that did very little more than just maintain what we have today—no new bridges, all these new things we need to have.

I think a lot of the people who are my good friends, and primarily over in the House, who came under the banner of the tea parties and all that, they recognize, yes, they can be a conservative. But when they got home, they said: Wait a minute. We want to not be spending on these big things, but we weren't talking about transportation. So we have to single out transportation for my friends to recognize there is a place we need be spending more money, not less money.

So I look forward to that, and I hope we will have an announcement to make, as one of the most liberal and one of the most conservative members joining and coming up with a highway reauthorization bill. There is not unanimity in what it will look like, other than the spending level should remain where it is today and it should be something that is going to address these problems.

There will be a lot of sacrifices along the way. I know that when we mark up a bill there are going to be a lot of things in it that I don't like and that Senator BOXER doesn't like and we are going to have to give up some of these things.

I have made it very clear that back in the early days, when I was actually serving in the other body, we always had surpluses in the highway trust fund and we were able to take care of these needs. Then, as typical as politicians are this way, they see a pot of money and they want in on it. So we had all these groups, and a lot of them were environmental groups that wanted to have their own agenda attached to it. We are going to have to get serious and make this a highway bill.

By the way, this would also be certainly the biggest jobs bill we have had during this administration, since this administration has done a lousy job of providing jobs.

But having said that—and I said that because I want to draw a contrast. We are about to consider and vote on the President's nominee, John Bryson, to be Secretary of Commerce. He is President Obama's choice, and there is a clear indication he has no indication of backing down on his job-killing war on affordable energy.

But I have to say this. With John Bryson, this isn't Van Jones we are talking about. This is a guy who is a nice guy, and we have a lot of mutual friends. I have been contacted by people who are friends of mine who are friends of his, and clearly he is a person who is well received in terms of being a good person. But he is dead wrong on the issues that will provide jobs for America.

At a time when unemployment is sky high, President Obama chooses the founder—and I will characterize it differently than my friend from California did—of one of the most radical, leftwing, extreme environmentalist groups, the National Resources Defense Council. It is a leftwing organization which, in the name of global warming, seeks to cut off access to our natural resources and increase drastically the price of electricity and gasoline across America.

We know this is true, because we know that if they would merely develop the resources we have today in the United States of America, we wouldn't have to be dependent upon the Middle East for one barrel of oil,

and we wouldn't have to worry about our supply of gas and coal, because as I will explain in just a minute and document, we have the largest recoverable resources in coal gas and oil of any country in the world.

Mr. Bryson once called the Waxman-Markey cap-and-trade bill moderate. This particular cap-and-trade bill was probably the most liberal of all the cap-and-trade bills that were there.

By the way, I have to say this one thing. I understand I am the last speaker tonight. What do all the speakers who are in favor of this have in common? They are all supporting cap and trade, with the exception of Senator HUTCHISON, and she is retiring. But stop and think about it: BOXER, FEINSTEIN, ROCKEFELLER, KERRY, MCCAIN, they are all strong supporters of cap and trade. That is what I am going to talk about tonight because I know where John Bryson is on cap and trade.

He told some students at the University of California Berkeley last year that "cap-and-trade has the advantage politically at sort-of hiding the fact that you have a major tax."

To me, the fact that they are supporting something that is a major tax increase on the American people is bad enough. But when they say one of the good things about cap and trade is you can hide the fact that it is a major tax increase—and we know now what this would cost. Cap and trade is cap and trade. It doesn't make any difference if it was back during the Kyoto days. It doesn't make any difference if it was in any of the bills that were passed. Still, the analysis is that the cost of a cap-and-trade bill would be between \$300 billion and \$400 billion a year.

Again, this is legislation that would cost the taxpayers \$300 billion to \$400 billion a year and destroy hundreds of thousands of jobs and hurt families and workers by raising the price of gasoline and electricity. Yet the nominee for Secretary of Commerce believes that was a moderate bill, the Waxman-Markey bill.

The Secretary of Commerce should have a record of promoting, not stifling, economic growth. John Bryson's career shows he has a clear record of the latter, and it makes no sense to have the Secretary of Commerce who is against commerce.

I am not the only one who thinks so. Let me just share. An editorial in the Wall Street Journal states:

President Obama nominated John Bryson to head the Commerce Department on Tuesday, praising the Californian as a business leader who understands what it takes to innovate, to create jobs, and to persevere through tough times. That's one way of describing someone with a talent of scoring government subsidies.

We keep hearing—and I think they hit the nail on the head there and they answered the question. People say: This man has been very successful for

18 years. He ran one of the major utilities out in California, and one of the interesting things about it is this utility out there is not one that is using coal; it is using renewables. Obviously, as the Wall Street Journal pointed out: If they have the very heavy expenses and they raise the price of energy, it doesn't hurt the utilities. They pass it on. They pass it on to the consumers who ultimately have to pay for it.

Quoting the Washington Examiner:

But there is another side of Bryson, one that fits squarely in the tradition of radical Obama appointees like green jobs czar Van Jones, a self-proclaimed Marxist; Medicare head Donald Berwick, who swoons over Britain's socialized National Health Service; and National Labor Relations Board member Craig Becker, the former labor lawyer who never met a union power grab he couldn't back.

Here is Investors Business Daily:

The nominee for commerce secretary founded an anti-energy group and believes in redistribution of wealth to help poorer nations. At this rate, we will be one of them. If personnel is policy, there can be no better choice to help implement President Obama's anti-growth energy policy and redistribution of wealth plans than his choice to be the next Secretary of Commerce, John Bryson.

Again, that is the Investors Business Daily.

The ACU came out and said: "Putting John Bryson in charge of the Commerce Department is the dictionary definition of putting the fox in charge of the hen house."

That is exactly what it is, and that is one reason I would prefer we not have this vote tonight. I would like to have all of us go back for this 1-week recess and let the people know this is about to be voted on, and I think that is one reason they are going to be doing it tonight.

By the way, I am not critical of the leadership, certainly not the Democratic or Republican leadership. In fact, I went to them and said: As long as you give me a 60-vote threshold, I would waive going through all the loops of filibustering and having cloture votes and all that. So I appreciate that. But my intent was to wait, and I still would ask formally if they would change this UC under which we are operating and allow this vote to take place when we come back from this 1-week recess.

The choice of Bryson is also part of President Obama's green energy jobs push. In fact, the President said he specifically nominated—listen to this—he specifically nominated Bryson because he is a "fierce proponent of alternative energy." But with more than 9 percent unemployment and the complete collapse of the solar company Solyndra, the President's green agenda is clearly not creating jobs. In the end, Solyndra is more than just a bankrupt company, it is a metaphor for the failure of Obama's war on fossil fuel jobs.

I have already called for hearings in the Senate on Solyndra and I hope it will not be long before they occur.

President Obama has received the message loudly and clearly that his global warming green agenda no longer sells, but that doesn't mean he has given up trying to implement it. Bryson is just one figure in Obama's green team. He follows in the footsteps of Carol Browner and Anthony Van Jones, who also supported increasing taxes on America's energy, as well as Energy Secretary Steven Chu. You remember Stephen Chu, the President's Energy Secretary, who said, "[s]omehow we have to figure out how to boost the price of gasoline to the levels of gasoline in Europe." That is about \$8 a gallon.

It is the intention of this administration to raise gas prices, to either force them into some other type of energy or to stop people from having the freedom of driving as we have always had in this country. That was Energy Secretary Steven Chu who said we have to bring our price of gasoline at the pumps up to that of Europe.

Then we have also Alan Krueger. His nomination by President Obama to be the Chairman of the Council of Economic Advisers is yet another example. During his time at the Department of Treasury under President Obama, Mr. Krueger made clear his opposition to the development of traditional domestic energy. He even went so far as to say "the administration believes it is no longer sufficient to address our Nation's energy needs by finding more fossil fuels. . . ."

I am still quoting Alan Krueger. This is when he was in the Treasury Department. He is the nominee now for the Chairman of the Council of Economic Advisers, the advisory council. He even went so far as to say:

The administration's goal is to have resources invested in ways which yield the highest social return.

That is the current nominee to be Chairman of the Council of Economic Advisers for the President. He doesn't need that advice, he is already doing it.

The Congressional Research Service reports America has the largest recoverable resources of oil, gas, and coal in the world. The Obama administration's failure to appreciate this fact is one of the many reasons why they are not making progress in creating jobs and improving our economy.

This is a key here. When this discovery was made, the Congressional Research Service—nobody has denied this. That was less than a year ago when they said America has the largest recoverable resources of oil, gas, and coal in the world. That means we could be totally self-sufficient. All we have to do is develop our own resources.

I defy anyone on this floor to tell me there is any other country that does not develop its own resources. We are the only one. So we have 83 percent of our non-shore public lands off limits. We have these huge reserves out there but we cannot go after them.

Then there is Rebecca Wodder, who President Obama has chosen to be the Assistant Secretary for the Fish and Wildlife Department. That would be for the Department of Interior. As CEO of American Rivers, which works actively to shut down energy production in the United States, she—Rebecca Wodder—is a strong advocate for the Federal regulation of hydraulic fracturing, a process which is efficiently and effectively regulated by States.

This is interesting. It was not long ago that President Obama was lauding the virtues of natural gas, and at the end of his speech he said we have to do something about hydraulic fracturing. Hydraulic fracturing started in my State of Oklahoma in 1948. I can't quantify the hundreds of thousands of wells that have been hydraulically fractured, but it has been in the hundreds of thousands—maybe 1.5 million. I have heard that figure. With the exception of one well back in 1986, where somebody actually went into an aquifer, there has not been one documented case in over a million hydraulic fractured wells where it has contaminated groundwater. Yet they are using that, knowing full well if you kill hydraulic fracturing you kill all the oil and gas in tight formations because you cannot get it without that.

The selection of Ms. Wodder is a clear departure from her predecessor, Tom Strickland, who in testimony before the EPW Committee, our committee, said we should actively and aggressively develop our energy resources. Unfortunately, Ms. Wodder's support for regulation and advancement suggested she would do the opposite, which exposes the reality of President Obama's agenda of increasing energy prices and destroying jobs.

These nominations—of course we are talking tonight about another nomination of a person who is a good guy and all that, but John Bryson, to be in a position to follow all the rest of these who are doing everything they can to kill fossil fuels, and when you kill fossil fuels, we know, and the President admitted, it would cause the price of electricity in America to skyrocket.

These nominations are not surprising when you remember that President Obama said himself that he wants electricity rates to skyrocket. As he told the *San Francisco Chronicle* in 2008, "If somebody wants to build a coal-fired plant they can. It's just that it will bankrupt them. . . ."

That is what the Obama EPA regulations intend to do.

The EPA is moving forward with an unprecedented number of rules for coal-fired plants and industrial boilers that have now become known as the infamous train wreck for the incredible harm they will do to our economy. They are set to destroy hundreds of thousands of jobs and significantly raise energy prices for families, busi-

nesses, and farmers—basically anyone who drives a car or flips a switch.

The President himself has now publicly acknowledged this. When we stopped the Agency from tightening the national ambient air quality standards for ozone, his statement couldn't be more clear: The EPA rules create regulatory burdens and uncertainty.

Just last week, EPA also pulled back on its plan to tighten regulation on farm dust, undoubtedly due to bipartisan concern that it would cause great harm to our farmers.

I have given the speech on the floor, and I am not going to repeat it tonight, about what all the regulations this President is trying to put forth will cost, in terms of his maximum achievable control technology. He has the refinery MACT, he has the boiler MACT, he has the farm dust MACT. These are the things he is trying to do where the technology is not even there.

I found out something the other day in Broken Arrow, OK. I can't recall the name of the company now. They make platforms for hydraulic fracturing. I don't know if the Senator from California has ever seen one of these platforms. I have seen a lot of them. They make a lot of them in Oklahoma. This young man who is the president of this company showed me these platforms. These platforms are about—you could put maybe four of them in this Chamber, that is how big they are.

On these platforms, to do hydraulic fracturing, they have a great big diesel engine. This diesel engine is necessary to do hydraulic fracturing of oil wells. They came out with a regulation the other day I didn't even know about. They said, after a certain date—exactly where it was, in the next couple of months—that you would not be able to use the diesel engine on your platform that does hydraulic fracturing unless it is a tier 4 diesel engine.

Here is the problem. They don't make them. They are on the drawing board. They are making them but they are not on market yet. So they are shutting down the people who are building the platforms to do hydraulic fracturing through regulations.

Every day we run into new regulations. I can remember on the farm dust regulation, I had a news conference in the State of Oklahoma. In Oklahoma we went back—I had people coming out from Washington, DC, who had never been west of the Mississippi. We went down southwest in the town of Altus, OK. I said in my news conference, when the cameras were rolling: This President is trying to do something to regulate farm dust. Let me explain something to you. If you look down here, that brown stuff down there, that is called dirt. If you look at that round green thing down there, that is cotton. Put your finger in the air, that is called wind. Are there any questions?

What I am saying is they all realized there is no technology to regulate farm

dust. Yet they are trying to do it. Right now the major farm organizations such as American Farm Bureau, they are the ones who are saying that is the No. 1 concern right now, what they are trying to do to shut down farms in America. The EPA continues to push regulations to harm the economy, the Cross-Air State Pollution Rule, the so-called utility MACT—rules that are poised to destroy jobs.

Let's not forget the economic ramifications of global warming.

But before we leave the utility MACT, we have right now utilities that are notifying coal producers, saying if this goes through we are not going to be able to honor our contracts to buy coal from you. That is how serious it is. We are talking about hundreds of thousands of employees.

Let's go to the big one now, the economic ramifications of global warming, regulations imposed by Obama which cost American consumers between \$300 and \$400 billion a year. The reason I want to mention this is because there have been attempts since the Kyoto treaty—of course we didn't ratify the Kyoto treaty for a good reason, and that is it would cause extreme economic harm to the United States of America. It would only affect the developed nations such as the United States and some of the European nations, but not the developing nations. It would not have any effect of reducing CO₂ if you wanted to reduce CO₂.

Ever since the 1990s there have been about seven or eight different bills to try, here in the United States, to do away with—impose some kind of cap and trade. But they were not able to do it because the people in this body will not vote for it. In this body, right now you could not get maybe 25, maybe 30 votes. It would take 60 votes to pass it. You could not get more than 30 votes on a cap-and-trade bill.

The President realized this. He realized with all the jobs that would be lost and the cost of this, the fact it would impose a tax of around \$300 to \$400 billion a year on the American people. I remember back in 1993, that was during the Clinton-Gore years, I remember when they came out with their big tax increase. I will never forget it because I was serving at that time in the other body. They were raising marginal rates, raising capital gains taxes, raising all the taxes, retirement—all of it. The cost of that was some \$30 billion a year. I remember coming down to the floor of the House of Representatives, saying: We cannot afford \$30 billion a year.

This tax would be 10 times that, between \$300 billion and \$400 billion a year. That is what they are trying to do.

When the President realized that he was not able to pass this legislatively, he decided through regulations he was going to pass his own cap and trade.

I have to say this. There are people out there who still believe—not very many—somehow we are having catastrophic global warming and it is due to anthropogenic gases or CO₂ emissions.

I remember. I am very fond of Lisa Jackson, who is the EPA Administrator appointed by President Obama, because I asked her this question. I said: If we were to pass any of these cap-and-trade bills, would this reduce worldwide CO₂ emissions?

She said: No, because it would only affect the United States of America. This is not where the problem is. If it is a problem, that problem is in Mexico, in China, in India, in places that do not have any kind of restrictions. So that is what it is. He is trying to impose that tax.

I know people get worn out when they hear talk about billions or \$1 trillion. I am not as smart as most of these guys around here so I do it a little differently. I keep track of the number of families in my State of Oklahoma who file an income tax return. Then I do my math. If we were to pass cap and trade, or if he is able to do it through regulations—which are sponsored, by the way, by John Bryson, the nominee we are talking about—if he were to do it, it would increase the taxes by between \$300 and \$400 billion a year. Now do your math with the number of people who file a tax return in the State of Oklahoma. It would be approximately \$3,000 a family. What do you get for it? You get nothing by their own admission because it would not reduce the worldwide emissions.

What this President fails to realize is that affordable, reliable energy is the lifeblood of a healthy economy and the foundation of our global competitiveness. Instead, he continues to favor the radical environmental agenda ahead of turning around our economy and putting Americans back to work.

On the other hand, in my State of Oklahoma, oil and gas development has led to a tremendous economic boost in the creation of good-paying jobs. Right now in my State of Oklahoma—there is a 9.2-percent unemployment rate nationwide. In my State of Oklahoma, it is 5.5 percent—I am sorry, it is about 5.5 percent or 5.2 percent. That is about half of the national average. It is due by and large to the fact that we have this growth and people are in the energy business.

So we can continue going down the path of President Obama's job-killing agenda or we can start to develop our Nation's vast natural resources, which are the key to the Nation's recovery. That is jobs. That is cheap gas at the pumps. We certainly have plenty of them.

The CRS report I mentioned shows that America's combined recoverable natural gas, oil, and coal endowment is the largest on Earth. In fact, our recov-

erable resources are far greater than those of Saudi Arabia, China, and Canada combined.

We have 163 billion barrels of recoverable oil in the United States of America. That is enough to maintain our current levels of production as the world's third largest producer and replace our imports from the Persian Gulf for more than 50 years. In other words, on oil alone, if we just developed what we have here, it would take care of our needs—what we know is down there—for 50 years.

We could say the same thing for natural gas. At the current consumption, America's future supply of natural gas is 2,000 trillion cubic feet, and at today's rate of use, that is enough to run the United States of America for 90 years. Just imagine that. The only problem is that our politicians will not let us develop our own resources.

Finally, the report I referred to, which is a fairly recent report, also reveals that America is No. 1 in coal reserves, with more than 28 percent of the world's coal. That is a real solution to the energy security and the key to economic prosperity.

John Bryson, if he were to become Secretary and the vote would take place, energy development and economic growth in Oklahoma and across the Nation could be in jeopardy, and that is why I am doing everything I can to tell the truth to the American people.

It has been said to me by Democrats and Republicans alike that their phones have been ringing off the hook by people who serve on boards with John Bryson. And I said from the very beginning that he is a good person, but he is of the philosophy that he is an outspoken proponent of cap-and-trade, and that is what we can't afford.

I know there is a lot of pressure put on Members of this body. I wonder where all of the conservatives are tonight. I appreciate Senator BARRASSO coming here and talking, as I am talking, and telling the truth about the problem we have. Sometime, someplace, we have to draw the line. I named all of these appointments the President has made, the nominations he has made. We have to draw the line, and I think this is a good place to do it.

I recognize there is going to be a lot of pressure on conservatives to kind of sit this one out, but I want them to keep in mind that this is the No. 1 concern of most of the conservative groups right now. I read the editorials that were out there. Everybody knows. Our eyes are open. This is not a vote where later on you say: Oh, I wish I had known that; I would have voted no. This is your chance to do it.

Have I had calls from people on boards? Yes, I have. They have all said: He is a good friend of ours, and I don't want to weigh in.

One of them was kind of interesting. He called up and went through this

whole thing, and then after he told me how great John Bryson was, he said: Have you got that down? I called. You have written that down.

Yes, that is right.

Well, just ignore everything I said.

We know the phone calls come in. These are important people. There are leaders out there, and I love them all. I love John Bryson, but we are going to have to draw the line.

If you want to have an advocate for the largest tax increase in the history of America; that is, a tax increase that is called cap and trade, then this is the nominee for the Secretary of Commerce who is committed to cap and trade in America.

I wish we were not going to take this vote until the end of the recess because I would love to have people go home and try to answer questions from people who are out there in the real world as to why is it that someone is not standing up for us to develop our own natural resources, our own energy, and reduce the price of electricity, reduce the price of gas, and think about us for a change. That is what is going to happen.

I think right now, by rushing this vote before people have time to realize it, that very likely it is going to pass. I don't want anyone to say they were not informed because I am informing you right now.

I thank Senator BARRASSO for joining me.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, every one who has asked for speaking time on my side has spoken, and I yield back the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I yield back all time on our side, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of John Edgar Bryson, of California, to be Secretary of Commerce?

The clerk will call the roll.

The result was announced—yeas 74, nays 26, as follows:

[Rollcall Vote No. 176 Ex.]

YEAS—74

Akaka	Gillibrand	Moran
Alexander	Graham	Murkowski
Ayotte	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Hutchison	Nelson (FL)
Bennet	Inouye	Portman
Bingaman	Isakson	Pryor
Blumenthal	Johanns	Reed
Boxer	Johnson (SD)	Reid
Brown (MA)	Kerry	Rockefeller
Brown (OH)	Kirk	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Shaheen
Carper	Landrieu	Snowe
Casey	Lautenberg	Stabenow
Chambliss	Leahy	Tester
Coats	Levin	Thune
Cochran	Lieberman	Toomey
Collins	Lugar	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCain	Warner
Corker	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NAYS—26

Barrasso	Grassley	Paul
Blunt	Hatch	Risch
Boozman	Heller	Roberts
Burr	Hoeven	Rubio
Coburn	Inhofe	Sessions
Cornyn	Johnson (WI)	Shelby
Crapo	Kyl	Vitter
DeMint	Lee	Wicker
Enzi	McConnell	

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume legislative session.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, we have a consent request we are working on. We hope to have people sign off on that. If they do not, one or many are going to have to object to it. We have spent enough time on this that we need to move forward.

We know we have a number of votes already scheduled. Senator MCCONNELL has something pending. I do too. We know we are going to have to vote on that, but that is the least of our worries. We have to work through this appropriations stuff. So people who have concerns, bring them to David Schiappa or Gary Myrick because otherwise I might come here and offer a consent request. Either we are going to move this bill forward or move off this bill.

Mr. WHITEHOUSE. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, for my colleagues who are here, I wish to explain the reason for an amendment which I have filed, No. 912, along with the cosponsors, my colleagues Senator MCCAIN and Senator CORNYN from Texas, an amendment which seeks to add some money for the U.S. Marshals Service. I wish to explain why we think this is a good idea, but first to say that in speaking with Leader REID, we are trying with our staff and the majority staff to see if we can work out the appropriate pay-fors for this in an appropriate amount of money that would assist the U.S. Marshals Service. Hopefully we can work something out. I am just trying to explain the basis for this at this time.

As you know, we have done a lot of work on the borders to try to secure them, and that has required us to add money for the U.S. Border Patrol and several other accounts in the Department of Homeland Security. We have added money for the Department of Justice. We need new judges, courtrooms, prosecutors, defenders. It has taken a lot of money to secure the border with all of the different aspects that are involved.

The one area we have not kept up with is the U.S. Marshals Service. All of us know the U.S. Marshals Service. It is a great organization. These people do tremendous work. But sometimes we forget them. And what we have learned here is that while we have an increased ability to apprehend illegal immigrants and to try them in court, and even jail space to hold them, the group that does the holding and the transporting and the keeping of the judges and the courtrooms safe during the process, the U.S. Marshals Service, has not had funding to keep up with this. As a result, they are way low in terms of both personnel and also some facilities that need to be upgraded to accept the much larger numbers of illegal immigrants and other prisoners who are in their custody.

To give you one illustration, when prisoners are brought to a courthouse, obviously there are huge security measures that have to be followed to ensure that jurors, judges, the public at large, witnesses, and so on, are not in jeopardy because of the existence of the prisoners. So they are generally brought in vehicles, appropriately accompanied, to secure facilities in the court building and then at the appropriate time brought to the courtroom, and all in the custody of the marshals, and with appropriate security for all.

However, because of these increased numbers, what we found is, by way of

example, they bring the prisoners from the holding facility, the prison, the jail, wherever it might be. They literally have to disembark in a public parking lot where jurors are parking to come up to be involved in cases, where the public at large, where witnesses, where victims and families, judges and lawyers are coming to park to go to the courthouse, and go up the elevators and so on right with these same people. That is not a secure situation.

In most situations the marshals have the ability to take their prisoners directly to a secure port, a place in the courthouse where they can immediately put them into custody in a secure locked-down facility. Construction of some court buildings need to keep up with this demand, and it requires some money, in this case, about \$16 million. I know this is a small matter in the overall budget that we are talking about. But for the Marshals Service to do its job, this is important for them.

They need additional personnel. The cost of that far exceeds \$10 million. But that is what we thought we would try to ask for in this amendment to at least bring the Marshals Service up to a level where they can accommodate the new numbers of prisoners.

In our amendment, \$20 million is provided for additional deputy marshals and security-related support staff to assist in overall Southwest border enforcement. We have narrowed this down to the five judicial districts on the border that have—well, in fact, these districts have about half—49.7 percent, to be exact, of all the prisoners nationwide brought into the custody of the Marshals Service are brought in by way of those five Southwest border judicial districts. And about half of those in the Marshals' custody along the Southwest border are or were held for immigration-related offenses.

So this is the need that we are trying to satisfy with this amendment. The Marshals Service employs only about 80 percent of what they need in terms of Marshals and support staff in these court facilities. A recent Department of Justice hiring freeze has prevented the Marshals Service from reaching even 90 percent of its personnel needs along the Southwest borders. To reach 100 percent of staffing would require \$43 million, to hire an additional 162 deputy marshals and 71 support staff.

We all know the constraints we are all operating under here, so we cut that back to simply try to reach 90 percent of their requirement for hiring needs. And that, as I said, would require just about \$20 million for these hiring purposes.

On the construction side of it, the amendment provides for \$16.5 million for these detention upgrades at the Federal courthouses located in this border region. Of the \$16.5 million, \$1.5

million would specifically be allocated for courthouse security equipment. I have told you a little bit about the problem with the security at the courthouses. Some of this would obviously be used for construction of a port that would allow these vehicles to unload detainees and prisoners right next to cellblock doors and so on. I described that.

But this is the least we can do, both to protect the public and to assist the Marshals Service. There has been some dichotomy of views, shall I say, expressed by the Department of Justice and Department of Homeland Security about whether they have what they need to secure the border. We have heard the Secretary of Homeland Security say, we have all we need. But we also know that the Secretary has said, we have to prioritize our detention policy, for example, because we do not have the facilities and the money we need to detain and deport all of the people who are deportable, so we have to focus on the most serious crimes, the felons primarily, who are now the top target for deportation.

Obviously if you have to prioritize, we would agree with that prioritization. But what that means is that they do not have enough money to do all that they are trying to do. So on the one hand, it is kind of distressing that the Department says we have all we need and, on the other hand, we do not have enough, so we have to prioritize what we do.

What we are trying to do in this appropriations bill is to attack the one part of the problem that we can in this bill, and that is to help the U.S. Marshals. As I said, I do not think there is one of us here that would not be supportive of that. I want to avoid the situation where, God forbid, someone is at a courthouse or entering the courthouse or whatever and innocent people are harmed because we did not have the appropriate security. That is what we are trying to provide in this amendment.

As I said, this is cosponsored by my colleagues Senator MCCAIN and Senator CORNYN. Obviously the three of us are very aware of the problem that we have in our judicial districts on the border. So I reiterate, I appreciate the offer of the majority leader to make majority staff available to see if there is some way that with my staff we can work out some appropriate amount of money, with the appropriate pay-fors. I hope I will be able to announce that a little bit later on. I will not take any more of my colleagues' time right now.

But if anyone has questions about this and wishes to talk to us about it, since I am hoping that we will have something to support a little bit later on this evening, I would appreciate them either contacting me or Senator CORNYN or Senator MCCAIN.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. TESTER. Parliamentary inquiry: Has Pastore time expired?

The ACTING PRESIDENT pro tempore. The Pastore time has expired.

Mr. TESTER. Mr. President, I rise today to speak about the priorities facing Montana and this Nation, creating jobs, responsibly cutting our spending, cutting the deficit, rebuilding our economy. I appreciate the proposal that will be put forth I think later this evening to attempt to create jobs. When that proposal gets to the floor, I will vote to have the debate on S. 1723, because only then will I be able to offer my amendments to that bill, because as it is written, I cannot support that bill.

Having debate will allow us an opportunity to amend it so that it will guarantee jobs in Montana and across America. The perspective I bring to the table is a little different than most. I am someone who lives in, works in, represents a rural State. My responsibility is to make sure every decision I make works for not only Montana but the entire country.

I expect full accountability for every penny of taxpayer dollars we spend. I expect that when you invest in something, you get what you pay for. A lot of folks know I am a farmer, but many do not know I am also a former schoolteacher. I used to teach elementary music at Big Sandy Elementary, in Big Sandy, MT. I fully understand the importance of making sure all of our Nation's teachers have the resources they need to do their job, to lead our most important resource, our children.

As a teacher, I also know that when rural schools are asked to compete with urban schools for Federal funding, rural schools often get left behind. The same goes for emergency responders. Their service sometimes is—even as volunteers, it is very important to rural States such as Montana, whether it is firefighters, police officers, EMTs, they are on the clock whenever they are needed.

In Montana, as everywhere else, firefighters are respected for their courage and their hard work for doing whatever is expected of them to save property and save lives. But when Montana's rural fire departments and rural police departments have to compete for Federal funding, guess who often gets the short end of the stick. That is right, it is the emergency responders in rural States such as Montana, the folks who often do not have the professional grant writers to help them secure the basic equipment that they need to do their jobs safely.

That brings me to my proposal. I want to state again, as 1723 is written, I cannot support it. I am not convinced it will create the jobs it must create. And \$30 billion in this bill is meant to

go to States to boost education, to hire teachers. Yes, investing in education is a powerful short-term and long-term way to create jobs. But as written, this bill fails to give taxpayers any guarantee that their money would actually be used to hire teachers and invest in our schools.

The fact is, this money could be used to supplant funds instead of supplement funds. A State would get loads of money with little guidance that they spend the money on teachers. But we all know what happens. A lot of smart folks who work in State budget offices can find their way around guidance, because money is pretty darn easy to move from one budget account to another. In other words, there is no guarantee that this bill will create the jobs.

Montana is one of two States that has a budget surplus right now. We have been living within our means. There are other States such as Kansas that are considering broad-based tax cuts. That is fine. Kansas can do that if it wants. But I am not convinced that we should be writing checks to States so they can cut taxes. Montanans should not be paying for tax cuts for people in our States, nor should we be giving precious taxpayer money for States to build up their rainy day fund.

I am all for individual States making smart choices with their own money. But giving them Federal money and hoping they will use it for education and teachers, well, that is not good enough. With that kind of money, we need a guarantee. If the motion to proceed is adopted, I plan to offer two amendments to address my concerns. One will address the \$5 billion in this bill meant to provide aid to the Nation's first responders. My amendment is a simple one. It requires that 20 percent of the competitive grant funding goes specifically for rural communities. That is only fair because rural communities make up 20 percent of our Nation.

The other amendment puts sideboards on the remainder of the money in this bill, to guarantee that it will be used in a way that it is supposed to be used, to create jobs in education, to invest in our kids. My amendment will prohibit States from pulling their own State money out of education programs when they take this Federal money. How? By putting the money into Part B of the Individual with Disabilities Education Act, IDEA, otherwise known locally as special education.

When I traveled around Montana after the passage of the Recovery Act in 2009, school administrators told me the money that made it to the ground was very much appreciated, but that special education was their top priority. IDEA funding is still one of the biggest unfunded mandates the Federal Government has on local school districts.

When it was first enacted, the Federal Government promised to pay 40 percent of the cost of this important law. Today, we pay less than half of that promise. This amendment will help bridge that gap somewhat. Special education funding is not only a top priority for the folks in Montana, it also guarantees that the funding gets to the local level.

It also guarantees that its funding gets to the local level. If the money in this bill is supposed to be for teachers, then let's make sure it ends up there. This amendment is a good way to do just that.

I ask unanimous consent that these two amendments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(Purpose: To require a portion of grants be awarded to entities in rural areas)

At the end of section 203, add "The Attorney General and Secretary of Homeland Security shall award not less than 20 percent of the total amount awarded by the Attorney General and the Secretary, respectively, using amounts made available under this section to entities that are located in areas that are not designated by the Bureau of the Census as urbanized areas."

(Purpose: To allot funds for special education and related services)

Strike the title heading for title I and all that follows through the section heading for section 111 and insert the following:

TITLE I—SPECIAL EDUCATION STABILIZATION

SEC. 101. PURPOSE.

The purpose of this title is to provide funds to States for special education and related services for the 2011–2012 school year.

SEC. 102. DEFINITION.

In this title, the term "State" has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

SEC. 103. STATE ALLOTMENT.

(a) ALLOTMENT.—For each fiscal year, the Secretary shall allot to each eligible State an amount bearing the same relationship to the amount of funds appropriated under section 106 for that fiscal year, as the amount that State receives under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for that fiscal year bears to the total amount all such States receive under that part for that fiscal year.

(b) GRANTS.—From the funds allotted under subsection (a), the Secretary shall make a grant to the Governor of each eligible State.

(c) ELIGIBLE STATE.—To be eligible to receive an allotment and grant under this section, a State shall submit and obtain approval of an application under section 104.

SEC. 104. STATE APPLICATION.

The Governor of a State desiring to receive a grant under this title shall submit an application to the Secretary within 30 days after the date of enactment of this Act, in such manner, and containing such information, as the Secretary may reasonably require.

SEC. 105. USE OF FUNDS.

A State that receives a grant under this title shall use the funds made available

under the grant in the same manner, and subject to the same requirements, as funds allotted to the State under part B of the Individuals with Disabilities Education Act.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

Mr. TESTER. I would like to talk about one other thing that is missing from the bill, and that is a reauthorization of the Secure Rural Schools Program and the Payment-in-Lieu of Taxes Program, otherwise known as PILT.

These two programs will do more to ensure that thousands of teachers stay on the job than anything else we can do around here. Here is the kicker: In the middle of this partisan debate, Secure Rural Schools and PILT are bipartisan programs.

Under the leadership of Senators BINGAMAN, MURKOWSKI, BAUCUS, CRAPO, WYDEN, and RISCH, we have a bill that can pass right now—today.

It would keep 4,000 teachers on the job at a cost of \$3.5 billion over the next 5 years. That is small potatoes compared to the \$35 billion in the bill that is before us today.

It is a very reasonable bill. But because it is so reasonable, nobody wants to see it appear in the middle of such a partisan debate. Once again, too many folks in Washington are looking for ways to point fingers.

Quite frankly, I don't have as many fingers as most folks around here, so I would rather use mine to solve some problems. Only after this final bill is amended to guarantee job certainty will it be able to earn my vote.

In order to amend it, I am going to vote for the motion to proceed. My vote is a vote for a debate we ought to have. It is an important one, so we can truly create jobs and focus on rebuilding our economy.

I look forward to that debate.

With that, I yield to my friend from West Virginia.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I thank the Senator from Montana for speaking on behalf of the rural States. It is clear our Nation is facing two grave economic threats: a job crisis and a debt spiral. As much as some people may wish, we cannot ignore one threat over the other. For the sake of our Nation's economic future, we must work together, Democrats and Republicans, and try to find a commonsense solution that protects and creates jobs but does so without adding to our growing deficit and debt.

In a more sensible legislative process, we would be able to sit down and work out compromises that make sense. It is what legislators throughout the Nation's history have done.

Unfortunately, looking at where things stand now, it is clear the legislative process in Washington has gotten so dysfunctional that it doesn't make much sense at all.

I came here to try to fix things, not to make excuses. I sure didn't come here to play the blame game. I have never fixed a thing by blaming someone else. As I have said many times before, it is time for all of us who have been given the great privilege to serve to focus on what is right for the next generation, not worry about the next election.

It is why—as frustrating as this legislative process can be—I will not lose hope that we can make this legislation better.

With respect to the current Teachers and First Responders Back to Work Act, there is no doubt about the fact that our teachers and first responders have a critical role in our Nation. From the classroom where teachers educate our children to the streets where first responders put their lives on the line to keep our communities and Nation safe, these great Americans are so important to the future of this Nation.

They and the American people deserve better than a temporary 1-year legislative proposal that does nothing to fix the long-term fiscal problems that led so many States to lay off thousands of teachers and first responders in the first place.

What will we do next year when States come back again asking for more Federal money? Will we give out more money and go further in debt? Will we borrow more money? What will we do?

As it stands, without any changes, this bill will not solve the fiscal problem that will come once the aid ends. But this bill is not hopeless. It can be made better. I know it.

In my State of West Virginia, we didn't have major layoffs of teachers or first responders during this brutal recession. As difficult as it was, we balanced our budget based on our values and priorities. We made difficult decisions, but we kept our teachers in the classroom and our firefighters protecting our citizens.

Make no mistake, we cut back our spending, but we did so responsibly. We spent where it was needed—on our priorities.

That is the commonsense approach that works in West Virginia because that is how people run their lives. It is how they operate their small businesses, and it is how we should run this country.

We make budget choices based on what is important in our State, to our family, to our business, and to our country.

In West Virginia, this simple, commonsense approach paid off. Every year I was Governor, we ended the fiscal year with a surplus. Every year for the past 3 years, West Virginia has seen its credit rating upgraded.

But now, because of the impact of this recession and the fact that other

States did not make the difficult decisions years ago, the taxpayers of West Virginia are being expected to foot this bill for other States.

I believe there is a better way. I believe there is a better way where we can balance the fiscal constraints that States face with the need to protect these vital jobs.

I believe there is a better way we can balance the need to keep teachers and firefighters working, while not asking West Virginia taxpayers—or any taxpayer in any State—to pay for more than is necessary.

That is why I am offering a commonsense amendment that would transform this \$35 billion in funding to keep teachers and first responders working into a loan program instead of a grant.

The loan program would allow any State to borrow at very low—or no—interest the money they need to keep teachers and firefighters employed and pay it back over time, when this recession basically ends.

I don't know of any State that wouldn't put their teachers and firefighters as one of the highest priorities and budget that first.

So this loan program would ensure that States are making the decisions on how much money they actually need and not the Federal Government's willingness to put us further into debt by giving away more money.

It would also ensure that States make smarter and more responsible decisions about what they can and cannot afford to do.

Such a loan program would help protect these jobs and would protect the fiscal future of States when they get in trouble. In short, it just makes commonsense.

I encourage my Republican and Democratic colleagues to embrace this commonsense amendment. I encourage them to help me make it even better.

I hope they will support this cloture motion, not because they support the bill as it stands but because they believe in what this legislation could be if we all put politics aside and work to make it better.

If we can get past a filibuster, I hope the amendment process will be a testament to the great legislative moments this body has seen in the past.

As I have been assured by my leadership, this bill, if it gets to the floor, will have an open amendment process that will give us all an opportunity to make this legislation better. It is the reason why I will vote for this motion to move on with debate.

To my Republican and Democratic friends who may not support this bill as it stands, I respectfully ask them to seize this opportunity to work together to make this bill better.

Trust me, I share many of their concerns. To be clear, if we cannot and do not adopt this commonsense approach that stops throwing money at the prob-

lems we have in this country, I will join them and vote against it.

This country is looking to us to do what is right. It is not about this vote or this bill. It is about the fact that so many Americans have lost confidence in this great body. They have lost confidence in the process that they see as broken and incapable of working. They have lost confidence in a legislative process that has become so political it doesn't matter what we do, it just seems all we care about is scoring political points to be used in the next election.

It is a fact that some folks in this town are so busy trying to make the other side look bad that they don't realize they are making us all look bad.

I don't believe for one minute that anybody in this Chamber—Democratic or Republican—is rooting for our economy to fail or jobs to be lost. We just all have different ideas. While we should question each other's ideas and policies, we should never question each other's convictions.

Shame on us if the blame game is the best thing we can do. We are better than that. I came here to fix things, not to play politics. It is time for us to stop with the bickering and remember one thing: We may be members of different political parties, but we are all party to this great Nation. We are all Americans.

As difficult as it may seem, America and the future of the American people are more important than politics or an election.

I ask again, let's work together on commonsense, bipartisan ideas to get this country on a responsible financial path that will strengthen the economy and create jobs.

Let's work together on making America's future brighter—not just for us but for the next generation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. TESTER. Mr. President, will the Senator from West Virginia yield for a question?

Mr. MANCHIN. Yes.

Mr. TESTER. Mr. President, I say to Senator MANCHIN that I think everybody in this body wants to have real job creation. They want to see this unemployment rate go down. I think most everybody realizes that if we cannot get the unemployment rate to go down, the chances of paying off our debt and getting the budget under control will be severely diminished. The Senator has offered some potential amendments to S. 1723, as I have—assuming we get cloture on this bill. In a previous life, the Senator from West Virginia was a Governor. When I was in the State legislature, oftentimes, money came to us from the Federal Government, and we very much appreciated it. But we took an administrative cost right off the top, as a natural

procedure—anywhere from 3 to a much higher percentage rate than that. Is that something they did in West Virginia? How would the Senator's amendment impact things such as administrative costs and will you be able to get more of your money to the ground out of these dollars?

Mr. MANCHIN. Mr. President, I say to my friend that the way the system is set up and the bill, we are able to use this money where possible. An example of where money was used prior—we had two rounds of stimulus funding. This is our third. It was for a very worthy cause. For my State and your State, which didn't have the layoff of teachers or have the cutbacks in education, they would short that into their budget proposal, so when the Governor made his proposal, that money would backfill. That is how it was used. We only created 33 new jobs that first round, but that was \$217 million.

The bottom line is—that is why I said we need a loan program. If spending money will fix our problems in America, we have no problems. We have to do it wisely. The Senator's amendments are appreciated, and I hope to support them.

Mr. TESTER. I thank the Chair.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(Purpose: To establish a Federal loan program to carry out the activities provided under the Act)

At the end of the bill, add the following:

TITLE IV—FEDERAL LOAN PROGRAM

SEC. 401. FEDERAL LOAN PROGRAM.

(a) IN GENERAL.—Notwithstanding any provision of title I or title II, the President, acting through the appropriate Secretary, shall ensure that any funds provided under this Act shall be used to award loans to States and localities to carry out the activities described in the appropriate title.

(b) AMOUNT.—The amount of a loan authorized under subsection (a) shall be based—

(1) under title I, on the allocations determined for a State under title I; and

(2) under title II, on the grant programs cited under such title.

(c) REPAYMENT.—A State or locality shall not be eligible for further assistance under this section during any period in which the State or locality is in arrears with respect to a required repayment of a loan under this section.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. BLUNT. Mr. President, I wish to talk about a bill that I believe and hope—

Mr. DURBIN. Mr. President, before my colleague begins, I ask unanimous consent to be recognized after Senator BLUNT.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BLUNT. Mr. President, the bill I hope we get to tonight is part of the

President's jobs package. It would repeal an action taken by the Congress a few years ago that I think has proven to be a harmful decision on the part of the Federal Government.

This would repeal the 3-percent withholding tax, which has a dramatic impact on anybody who does business with the government. That includes local governments and State governments and anyone who contracts with the government—and the government basically pays 97 percent of the bill.

The President, rightly, pointed out that one of the things we can do to get more money in the economy—and in many cases, simply to create profit where profit is not there otherwise—there are government projects for many businesses, and the profit margin is less than 3 percent on big projects. There is only so much work one can do to stay in business. If a person is not making money, they cannot stay in the business of doing what they are doing. So for those large projects that have a huge overall number, often the profit doesn't even equal the 3-percent withholding, and businesses have determined they cannot do that. Obviously, it impacts the bidding process for Federal work.

The tax revenue generated by this mandate is thought to be only around \$200 million a year, and that \$200 million left in the economy, left in the bidding process, left in the granting process could make a real difference. The only thing this job-killing tax increase does is delay recovery and stop us from getting on with the business of making American private sector job creation a reality.

The repeal is strongly supported by dozens of groups, including the Farm Bureau, the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Federation of Independent Business, the National League of Cities, the Corn Growers Association, the Associated General Contractors, the American Trucking Association, Associated Builders and Contractors, and the Federation of American Hospitals.

Think about that group, and the fact that you have the Federation of American Hospitals, the National League of Cities, and the Corn Growers Association. This must be a government policy that has broad impact on lots of different segments of the economy. It is not all that unusual to see the National Manufacturers Association or the Chamber of Commerce or the National Federation of Independent Business on a list supporting a bill. But when they are on the list with the other people I mentioned, plus the truckers and the Associated Builders and Contractors, something must be happening.

And why have all of these groups come together and said let's support this part of that package? Medicare

payments to hospitals and individual physicians will be affected when this goes into effect in January of 2013. Medicare payments to individuals and hospitals will have 3 percent withholding. This causes a lot of cashflow problems for both the physician and for the hospital.

Farm payments. Even loan deficiency payments, beginning January 1, 2013. You get 97 percent of the partial solution to the problem you already have.

Grants for for-profit companies, regardless of whether they are State or Federal, will have 3 percent withheld. Grants, by their definition, are allocated to an entity for a specific purpose, such as research. And if you have a research budget that is grant dependent, what happens if you get 97 percent of the budget? Do you get 97 percent of the solution or does that mean you never get to the full solution? What if the grant is for a facility of some kind or a delivery of a service? What happens when you can only deliver 97 percent of that? And again, back to these big construction projects, where 3 percent withholding may be more than the profit.

This is one of the pieces of the President's jobs bill that I and others wish to see become a reality so that people could look out a year from now and not have to begin to plan on what happens when you only get 97 percent of what you expected it would cost to complete a job or to complete a project.

I believe we are going to be able to vote on this later this evening. I think we are going to have that opportunity, and I urge my colleagues to vote on it. I think it is one of those things, if we actually let it occur in the first of January 2013, people would wonder: Why couldn't they figure out during the interim period of time when this was passed and was going to go into effect that no matter what the intention was this will not work? In a bipartisan way, we should step forward and clarify this problem before it becomes a real problem with real consequences and, in fact, probably already having an impact on bidding, on requesting grants, and on other things. People are probably already beginning to think about what happens if this project is agreed to or approved or our bid is accepted for work that would be done beyond 2012.

I see my friend from Illinois is not here, and until he gets back, seeing no one else on the floor, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, there are two amendments that are likely to be called this evening, and I want to address them briefly because I believe both these amendments should be carefully scrutinized.

One amendment is by Senator AYOTTE of New Hampshire. What she would do in her amendment is restrict the authority of the President of the United States to refer suspected terrorists to our criminal justice system to be investigated, prosecuted, and tried. She would make it mandatory those terrorists—particularly those associated with al-Qaida—would be tried before military commissions and tribunals.

I listened as she and Senator MCCONNELL came to the floor to explain their point of view. It is an interesting point of view, that we are at war with al-Qaida and, therefore, any trials of suspected terrorists associated with them should be before a military tribunal. Unfortunately, the logic of their argument falls flat when you look at reality. Here is the reality.

Since September 11, 10 years ago, President Bush and President Obama have faced time and time again allegations that individuals are suspected terrorists. Each President—Bush and Obama—has had to consult with the Secretary of Defense, the Attorney General, and other leaders in their administration to determine the appropriate place to investigate and try these cases.

Here is the record. Since 9/11, the Department of Justice advises us that on as many as 300 separate occasions—300—these suspected terrorists have been taken to the article III criminal courts of America and successfully tried and prosecuted. In that same period of time, exactly three suspected terrorists have been sent to military commissions and tribunals.

For the Senator from New Hampshire to now argue that all cases have to go to military commissions is to ignore the obvious. The President, as our Commander in Chief, with the premier responsibility to keep America safe, should decide the best place to try those who are accused. This has been a recurring theme on the Republican side—to take the terrorist cases out of our criminal courts. In fact, almost on a weekly basis Senator MCCONNELL has come to the floor making this argument.

The argument goes something like this: Do you mean to tell me we are going to take a suspected terrorist in and read them their Miranda rights; that they have the right to remain silent? You know what is going to happen. They will lawyer up and shut up and we won't get the information we need to keep America safe. That is why, he has argued time and time again, we shouldn't allow the FBI to be involved and we shouldn't refer these cases to article III criminal courts.

And that is why Senator AYOTTE is offering her amendment this evening.

The fact is that argument isn't borne out by the facts. Look what happened 2 weeks ago. Remember the underwear bomber—the somewhat crazed individual—maybe crazed—who got on an airplane and was apprehended over Detroit with the argument that his clothing was on fire, and when they apprehended him and took him in, the FBI asked him questions? He answered questions for some period of time and at that point stopped talking.

The scenario at that point would have ended, according to Senator MCCONNELL. He lawyered up and shut up. But it didn't end.

The FBI continued the investigation. They went overseas and brought this man's mother and father to the United States and they sat down and talked to him. After they talked to him, he said he would cooperate fully with the FBI. He talked for day after day after day, telling them all the information about al-Qaida. Then his case was referred to a criminal court in Detroit, and 2 weeks ago he pled guilty.

If you follow the logic that has been given to us by Senator AYOTTE and Senator MCCONNELL, this never would have happened. The fact is, it did. The FBI did its job, the Department of Justice did its job. The man was prosecuted in our criminal courts; he pled guilty; he is likely to be sentenced in January to life in prison. It is because the President had the authority, as Commander in Chief, to pick the forum to try the individual. He picked the most effective forum, and when he did, we ended up in a situation where this man pled guilty and is going to be sentenced. It isn't an isolated case. In fact, it is the overwhelming likelihood that when a person is suspected of terrorism, they are more likely to be successfully prosecuted in one of our article III courts.

I note today that the chairman of the Armed Services Committee, Senator LEVIN of Michigan, pointed out on the Senate floor that when Senator AYOTTE raised this issue in the Armed Services Committee markup on the Defense authorization bill, her amendment was defeated on a bipartisan rollcall. Six Republicans voted against her, including Senator MCCAIN, the ranking member of the Armed Services Committee, and Senator GRAHAM, the only military lawyer serving in the Senate. But the amendment will still come to the floor.

I urge my colleagues, whatever they think of President Obama—and I respect him very much. Whatever they think of him, do not tie the hands of any President when it comes to picking the proper forum to try a terrorist. If the proper forum is a military commission and tribunal, I will back the President. If the proper forum is an article III criminal court, let's proceed that way as well.

The evidence overwhelmingly tells us that going through our criminal court system, terrorists pay a price—a heavy price—with up to 300 convictions since 9/11 and more than 100 convicted since President Obama took office. Let's respect the President's authority. Let's do the best thing to secure our Nation. Let's not let the Senate presume to know exactly where every suspected terrorist defendant is to be tried.

Mr. President, there is also another amendment that is likely to be considered this evening, and that I wish to speak to. Senator STABENOW of Michigan, as chairman of the Senate Agricultural Committee, has a special responsibility when it comes to nutrition programs and especially the program known as the Supplemental Nutrition Assistance Program, the SNAP program, which is known to most Americans as the Food Stamp Program.

Senator SESSIONS has introduced an amendment that would eliminate the use of what is known as categorical eligibility for people to qualify for the SNAP program. Forty States use it. What they basically say is if you are eligible for some other programs, then we believe, in establishing that eligibility, you are also eligible for the SNAP program. It turns out that only 1 percent of SNAP households have net incomes over 100 percent of the Federal poverty level. The Federal poverty level, incidentally, is \$22,350 per family of four. So when these people are judged to be part of a program, such as Temporary Assistance for Needy Families, TANF, LIHEAP, Low Income Heating and Energy Assistance Program, and the Social Security disability benefit program, they are eligible then for the SNAP program, the Food Stamp Program.

The Senator from Alabama, Senator SESSIONS, would change that. What he would add to it is a new redtape requirement that these people, who are by and large some of the poorest people in America, will now have to go through another bureaucratic process and fill out another application. I don't think that is necessary, and I am urging my colleagues not to support Senator SESSIONS' amendment.

He recently said on the floor something I want to point out. He said: No program in our government has surged out of control more dramatically than food stamps. Then he went on to say: We need people working with jobs, not receiving food stamps.

I will readily concede to the Senator from Alabama that the number of hungry Americans has increased. It is not only evident in the Food Stamp Program; it is evident at the food pantries, at the breakfast and lunch and dinner feeding programs that are available across Illinois and across America. I have been there and I have watched who comes through the door, and I want to tell you it is a heartbreak for

them and for me to watch. Many of these people have never in their lives asked for anything, and now they have no choice. And many, to the surprise, I think, of many Senators, are actually working. But they make so little money that they have to go in and ask for help.

I agree, we need to put Americans back to work in good-paying jobs. The Senator from Alabama and others will have the chance to vote for part of President Obama's jobs program this evening. The fact is, 14 million Americans are currently unemployed, another 10 million underemployed, and these feeding programs are essential for them to keep their families together.

The Senator from Alabama points out one example to give a reason why we need to change the law across America. He talks about a case where someone actually won the lottery and then went on to get food stamps. That case got a lot of media attention, but the fact is it was highly unusual. If the Senator from Alabama wants to ensure that people who win the lottery and a windfall of income are not eligible for SNAP, I will be glad to work with him. Let's get that job done. But this amendment is not that legislation. That single, highly unusual situation doesn't merit kicking people who are out of work or in a low-income job out of a program that feeds their families. To impose that new obligation, new paperwork, new redtape obligation on families who are struggling because one person abused the system I think goes too far.

SNAP, in fact, has one of the lowest error rates of all Federal programs. The U.S. Department of Agriculture data shows us that over 98 percent of those receiving SNAP benefits are eligible, and over 95 percent of payments are accurate. The system has good quality controls, and I will work with the Senator from Alabama and any other Senator to make them even better.

The problem isn't food stamps in America. The problem is hunger in America. Let's address the hunger problem and put people back to work. We will have less demand for food stamps and food pantries.

I think what we face in this country is serious. I know it is in my State. In Senator SESSIONS' home State of Alabama, 17.3 percent of residents live in poverty and the same percent live in households that have food insecurity. Sadly, children are disproportionately impacted with hunger. In Senator SESSIONS' home State, it is over one out of four kids who is in a situation with food deficiencies. And 873,174 people in Alabama rely on food stamps, the SNAP program. Are we going to make their life more difficult because one person who won the lottery abused the system? I think that goes too far.

I hope we can work together to make this a better program. For those who are angry about food stamps or angry about food pantries, direct your anger toward hunger, toward unemployment. That is what is driving up the numbers in this system. We can work together to make it a better system. But the approach being suggested by the Senator from Alabama will just add redtape, paperwork, and unnecessary hardship to a lot of people who are already struggling.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the distinguished assistant majority leader for his comments. And I will disagree, but I think we could agree, because my proposal is not to cut off anybody who ought to receive food stamps. My proposal wouldn't cut off any benefits to anybody who deserves food stamps. My proposal would not cut off anybody who qualifies for food stamps. It would say that just because you complied with the requirement for TANF or you complied with the requirement for LIHEAP or you sought assistance for some family planning issue, that those don't automatically qualify you. I don't think it is too much to ask someone who would be given thousands of dollars over a period of time in food stamps to fill out a form. That form would say what your income is and what your assets are. And if you have substantial assets that are higher than the food stamp law allows, you should not get it.

So I don't believe this proposal does anything but help tighten up the act. I don't believe it is too much to ask that somebody fill out a form to demonstrate they are qualified before they receive free money from the U.S. Government for the purchase of food, and certainly I would emphasize that dramatically.

I don't think the Senator disagrees that any program in the U.S. Government of any real size has surged faster than this program has. It has gone up, since 2010, \$20 billion. In 2009 or so, unemployment hit 9.8 percent. It is now 9.1. It is too high, and people need food stamps and they should get them. And perhaps there are more people out there who qualify even than in 2009, or whenever our unemployment hit almost 10 percent. Maybe there are more people today. I don't know. But I don't think there are huge numbers more. You go from \$59 billion to \$79 billion, that is about a 38- or 40-percent increase in 2 years in this program. One of the reasons is we have made people automatically eligible.

So if you are eligible for any of these programs, you have received any assistance, you may not have even filled out a form that has anything like the same qualifications that the Food

Stamp Act requires, you are automatically, categorically, qualified.

The Congressional Budget Office says if this change in the law that happened recently were to be eliminated, it would save \$10 billion over 10 years. It would not reduce food stamps; it would just reduce a little bit the growth in food stamps. The \$10 billion over 10 years represents \$1 billion a year in the first year. It would be less than that, according to the score we have seen. But let's say in the first year that this program reduced spending by \$1 billion, that is \$1 billion out of the proposed \$79 billion. So we are expecting to spend \$79 billion this year, and we would only spend \$78 billion. But that adds up over time. And food stamps need to be looked at across the board much more carefully, because we don't have that many more people who are in poverty today than we have had. But we have many more people receiving food stamps.

I would stress that this year's increase in food stamps by another 14 percent is not an acceptable figure, because we know that there are problems within the program.

AMENDMENT NO. 753

Mr. President, I wish to say one thing briefly about Senator AYOTTE's proposal on terrorism prosecution. As a Federal prosecutor for almost 15 years, I truly believe she is correct on this issue. It is something we have been debating in Congress for a long time. Congress has made clear its view about it.

I would simply say this. The Presiding Officer is a former Attorney General. But if you make the presumption that an individual who is arrested is to be tried in article III courts, even though they are an enemy combatant against the United States, against the laws of war, an unlawful enemy combatant, those individuals should be treated as warriors and they should be treated as enemies of the country, and they should be arrested and detained, and presumptively in military custody. This is the tradition of the United States from its founding. This is worldwide accepted law. And I do believe we need to understand the reason this is important.

An individual who is arrested attacking the United States and who is going to be tried in a Federal court must be given Miranda warnings before they are interrogated, must be provided a lawyer, must be promptly taken before a U.S. magistrate, must be provided discovery in the government's case, and must have a public hearing. You don't do that for people who are at war with you.

Mr. McCONNELL. Would the Senator yield for a question?

Mr. SESSIONS. I would yield.

Mr. McCONNELL. I have heard it argued on the floor here in connection with this issue that somehow because

the Christmas Day bomber pleaded guilty in an article III court, that was an argument for putting him in the article III court. As a distinguished former prosecutor, I wonder if my friend from Alabama could address the issue of whether because somebody happened to end up in an article III court and happened to plead guilty, how that was an argument for his placement there in the first place.

Mr. SESSIONS. That is a very important question. This individual perhaps looks like he just fell off a turnip truck or something. He was not a very solid person and he decided to plead guilty, and that was good.

Many of these individuals are very tough, very clever, very devious. They have, we know for a fact, used the civil justice system to find discovery against us, how we discover their activities, what kind of surveillance techniques we use, and made the trials dangerous places and have made the trials showcases. So I think that just because one individual decided to plead guilty, it has no bearing on the overall principle that if you arrest people on the battlefield, they are not required to be taken immediately to a judge and given a lawyer.

Mr. McCONNELL. Will my friend further yield for a question?

Mr. SESSIONS. I will be pleased to.

Mr. McCONNELL. I have heard it said on the floor that because a number of terrorists have been tried in article III courts in the past—and I have heard people add up the number of times—that is somehow an argument for continuing to do it.

Is it not the case, I ask my friend from Alabama, that we just set up these military commissions a few years ago at the insistence of the Supreme Court in order to deal with this issue, and only since that time have we had a defined alternative for dealing with these enemy combatants who are also not citizens of the United States?

Mr. SESSIONS. The Senator is so correct. We went through a number of actions. The Supreme Court found the law inadequate, and Congress responded to the Supreme Court's concerns and passed clear laws that are certainly adequate within the Constitution as described by the Supreme Court. We now have an entire system set up to meet the Supreme Court's concerns about the trial of these individuals. It is safe. It is secure. It is consistent with Supreme Court requirements and international law.

Mr. McCONNELL. I ask my friend, is it not also the case that the amendment of Senator AYOTTE has in it a national security waiver? I have heard it said that we have eliminated all the President's options. Is it not the case that even if the amendment of the Senator from New Hampshire were adopted and the President felt strongly, for some reason—it's hard for me to contemplate such a set of circumstances,

but it is possible—he could, in fact, issue a national security waiver and go ahead and do it anyway, could he not?

Mr. SESSIONS. Absolutely correct. I think Senator AYOTTE really reached out to Members of this Senate to make sure they knew there was an option to do it another way, and it does provide the President that option.

With regard to the FBI and their involvement, they are a great investigative agency. If they participate in the arrest of one of these individuals and they were turned over to the military, the FBI can still work with the military to investigate the case. It would just be tried under military commissions according to the lawful system Congress, in a bipartisan way, passed several years ago.

Mr. MCCONNELL. I have also heard it said—I am going to pose another question to my friend—that it is kind of ludicrous to assume this ultimately leads to reading Miranda rights to a foreign terrorist on foreign soil. I think it strikes the Senator from Kentucky that that might be the logical extension of where we are going. If, in fact, we are saying that, routinely, foreigners, enemy combatants are going to be mainstreamed into article III courts, when do these protections, if you will, we afford to American citizens under the Constitution attach?

Mr. SESSIONS. That is a very good question. Under the law of the United States, if you are to interrogate an individual who has been taken into custody, the police have to give them Miranda rights before they interrogate them. As long as that person is in custody, if you are going to try them in a civilian court—and Director Mueller of the FBI, in response to questions I asked him, acknowledged that if you are going to try the person in the civilian courts and you conduct interrogation, you must give them Miranda warnings.

Mr. MCCONNELL. So would it not be the case, then, that all of these issues in terms of the timing of the attachment of these rights would soon be before courts in the United States for interpretation—ultimately, I guess, by the Supreme Court—as to at what point do these rights now afforded a foreign enemy combatant attach?

Mr. SESSIONS. There have been suggestions that somehow the terrorist cases would allow the interrogation to go on a few hours, but I have not seen any real authority that would justify that. The clear Miranda standard for any police officer in America is that if you arrest someone, before you ask them questions, they must have been given their Miranda rights. That is the rule in the trial of any Federal court. I think it would be very dangerous to assume the court is going to give some extraordinary new rights that they have never indicated they would.

Mr. MCCONNELL. I thank the Senator from Alabama.

Mr. SESSIONS. I thank the Senator, the Republican leader, for his good questions.

I would just say I think Senator AYOTTE has worked very hard on this amendment. She herself is a skilled prosecutor. I believe the legislation would be helpful to us.

I will just say that as a matter of policy, you can be absolutely sure it will be more difficult to prosecute a case, more likely to complicate matters significantly, if they are given Miranda warnings, if they are given lawyers, if they are brought publicly before a judge—perhaps revealing to the other coconspirators the fact that you have been arrested before they can be apprehended. It would cause many more difficulties than are necessary.

Of all people we ought not to give extra rights to, it would be terrorists bent on killing and maiming innocent Americans.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Illinois.

Mr. DURBIN. Does the minority leader wish to speak? I will yield to him if he does. No.

Mr. President, I am going to respond very briefly. This argument is so upside-down. If during the last 10 years we had successfully prosecuted terrorists—300 of them—in military commissions and only 3 in our criminal courts, then all of their arguments would make sense because you would have to argue that is the best place to go, that is where you can investigate and prosecute and successfully incarcerate those accused of terrorism. Exactly the opposite is true.

President Bush and President Obama, given the authority to choose a forum to try a suspected terrorist, have overwhelmingly and successfully chosen the article III criminal courts of America. Here is the score. They don't like to hear me say this, but I am going to give them the score again. It is important to know. Since 9/11, we are told by the Department of Justice, as many as 300 suspected terrorists have been successfully prosecuted in our criminal courts and 3 before military commissions—were released within a year to return to their home countries of Australia and Yemen. When you look at where terrorists are in jail in America today, you will find 300 to 1 they were terrorists who were prosecuted in our criminal courts.

In comes the Ayotte amendment and the arguments by Senator MCCONNELL and Senator SESSIONS to argue that clearly this system is upside-down, that we should be going to the military commissions, not to the criminal courts. Their argument is, incidentally, Miranda warnings—when you give an alleged defendant, a suspected criminal defendant, Miranda warnings, end of story, they stop cooperating.

The problem they have is the facts, and the facts are that all 300 prosecuted terrorists in article III courts were given their Miranda warnings, the investigation continued, and the prosecution continued successfully. It did not end the case.

They do not like to talk about the details about this Christmas bomber, the Underwear Bomber. He was read his Miranda rights, and he shut up. Then the FBI brought in his mother and father, who said, “Why don't you cooperate?” According to the head of the FBI, the Director of the FBI, he talked nonstop for days about everything he knew about al-Qaida. He did it after he was read his Miranda rights. Then he was off to court, where he is going to defend himself in this criminal case, and he pled guilty.

I have heard the Senators on the floor dismiss this—well, he pled guilty, so they didn't really prosecute him. They prepared the case—a case he knew he couldn't win. He fully cooperated with the investigation, and he conceded that he was guilty. Now he faces a life sentence in prison.

Is that a good outcome? It is the best outcome, and I will tell you why because they will not acknowledge this fact, and they should. All across the world, when they look at the way we prosecute terrorists in the United States, they have to say: You know, they are following the same rules and laws for alleged terrorists as they are following for anyone accused of crime in their country, and it is public, and he had an opportunity for a lawyer, and he was given the same warnings as any prospective criminal defendant.

You can't argue that this was done behind closed doors or done any differently from any other criminal defendant. There is something to be said for that. It is a bragging right, or at least something we should be proud of, that in the United States we use that system and use it so successfully.

For those who want to pass the Ayotte amendment and make it more difficult for any President to decide the appropriate forum to prosecute terrorists, I just leave them one last reminder: The score is 300 to 3 since 9/11, 300 suspected terrorists successfully prosecuted in our criminal courts, 3 before military commissions.

Give this President, give every President the tools and the authority to make the right decision to keep America safe. Defeat the Ayotte amendment.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I am just going to make one final point on this issue, and then I want to address another amendment we will be voting on at some point.

One thing we have not discussed is what happens if the foreign enemy combatant in the article III court in

the United States is actually acquitted. If he is, he, of course, has to be released. The deportation option is only available if some other country is willing to take him. There is not a whole lot of clamoring for these kinds of folks anywhere else in the world. We have had that experience. The courts then cannot keep them. They are released into the United States as a result of an acquittal in an article III court in the United States, and there is a situation where you cannot deport them because no one will take them.

I think the point is that this is all totally unnecessary. These are foreigners; these are not citizens of the United States. They have no right to be in an article III court. We don't dispute that the President can put them in an article III court, but why would he want to do that? We responded to the decision of the Supreme Court to set up these military commissions for this precise purpose, and it is clear this administration does not want to use them.

I also would like to make some brief comments about a matter we will be voting on later this evening. Everybody here in this body knows the American people want us to do something about the jobs crisis. What Republicans have been saying is that raising taxes on business owners is not the way to do it. So what we have done is we have combed through the President's latest stimulus bill looking for things we can actually support, for things that do not punish the very people we are counting on to create jobs. In other words, since the President never asked if there was anything in this legislation we could support, we have actually done it ourselves.

It turns out there is a very sensible provision in the President's second stimulus bill that would help businesses across the country. In fact, it is absolutely identical to a bill Senator SCOTT BROWN of Massachusetts introduced with 30 cosponsors earlier this year, many of them Democrats, among them Senators FRANKEN, BEGICH, KLOBUCHAR, PRYOR, TESTER, and McCASKILL. They are all cosponsors of Senator SCOTT BROWN's bill.

What this bill does is it repeals an existing requirement that government agencies at the State, local, and Federal level withhold 3 percent of every payment to any contractor with whom they do business. This is money contractors may very well end up getting back from the IRS at some point long after the job is done, but in the meantime the government gets to hold on to it instead of allowing the businesses to invest it in jobs and the economy. This is money these companies could be putting toward hiring workers and growing their businesses, but it is going to the IRS instead, basically as a zero-interest loan to the Federal Government here in Washington.

I know Members on both sides of the aisle are hearing from constituents about how burdensome this regulation is. That is why President Obama himself already embraced delaying its implementation in his first stimulus bill and proposed delaying it again in his latest stimulus bill. That is why Senator SCOTT BROWN got so many Democratic sponsors when he proposed a full repeal.

Like the President's bill, this bill is fully offset, and the offset we are proposing has been supported by our friends across the aisle. In fact, the last time I saw a vote, I think 81 Senators actually voted for it. So the bill we are proposing is bipartisan. The offset we are proposing is bipartisan. There is no reason in the world that our Democratic friends, including the President, certainly, should oppose it. If delaying this legislation was a good idea before, repealing it should be an even better idea now. The bill is supported by hundreds of business groups representing job creators across America. We should come together and act right now and make it easier for them to create jobs for a change, and not harder.

The President asked us to come together and pass pieces of this bill. Here is one that all Senators should be able to agree on. Let's vote on it and prove the skeptics wrong by acting in a bipartisan fashion on something that the job creators in this country actually want.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, the provision my friend talks about is placed in legislation as a result of the study made during the Bush administration—second Bush administration. GAO did a study. They found that 33,000 contractors, in effect, cheated on their taxes, and they owed some \$3 billion. This money, they also determined, went mostly to giving the owners more salary and building them second and third homes.

There is no question that a lot of people, in addition to the 33,000 who cheated, were found to be burdened by this withholding 3 percent of what they had coming to them. What my friend fails to acknowledge is this bill that was amended that my friend has before the Senate has no chance of accomplishing anything. Constitutionally it will be killed in the House in a matter of a millisecond because constitutionally it will be what we call blue slipped here. It is a revenue measure. It cannot start in the Senate.

It costs \$11.6 billion to take this money out—I am sorry—take that 3-percent provision out, and we need to do that. It costs \$11.6 billion. What my friend fails to alert the Senators to is that since this matter has come up in years past and months past, things

have changed. We have burdened the American people—especially the American middle class—with all of these cuts we have made. We did them. It was done by Democrats and Republicans, but they have given enough.

My friend's bill is offset by reducing discretionary spending by \$30 billion. Senator MCCONNELL's bill does nothing to address contractors who cheat on their taxes and still get Federal contracts. Nothing, zero.

Our alternative—and I will offer a unanimous consent request of this at a later time before we get to these two cloture motions we have. It repeals the 3-percent withholding tax, and we acknowledge it should do that. The Democratic alternative also addresses the problem of tax evaders receiving government contracts by expressly prohibiting contractors who are delinquent on their taxes being eligible for Federal contracts. That way all contractors are not punished, only those who are, in effect, cheating.

The Democratic alternative offsets the costs of repealing the withholding requirement by closing the loophole that allows companies to claim excess foreign tax credits and the famous corporate jet preference. It has a 1-year delay in implementing worldwide interest allocation which allows taxpayers to claim greater tax credits for the foreign taxes they pay; fair, reasonable, not a burden on the middle class.

A vote for Senator MCCONNELL's amendment would do nothing to repeal the withholding requirement because the House, I repeat, will blue slip this. The House will send us a repeal bill. They told us, the Republican leadership, soon, and I mean soon rather within a matter of weeks. We will have a real opportunity to repeal the withholding requirement when we get the House bill. We would, of course, put our amendment on that.

Let's be honest about this. This is nothing more than a misdirected stunt by my friend, the Republican leader. This provision will be repealed, but it should be done the right way. We all agree that it is unfortunate that the Bush administration did that. They had a good intent. They were trying to get rid of some people who were cheating, but it was too broad and overreaching and has hurt a lot of people. That GAO report said 33,000 people, civilian contractors, owed more than \$3 billion. I repeat, that 2005 GAO report said \$3 billion in taxes. I didn't make this up. The GAO report also found that these firms, many of them diverted these payroll taxes to increase an owner's salary or building him a new home or two.

So by withholding a small amount of a contractor's payment and sending it to the IRS, the belief was that the contractors would have more motivation to comply with the law. It didn't work well. It was too overreaching and too broad.

I would hope that we would look at the consent I will offer. Procedurally there is no way we can have a second-degree or side by side with what we are doing here. I would hope my friends, Democrats and Republicans, would do something that is real, not something that is only figurative. What we are doing is real. We agree it should be done. It should be done right. It should not be done by burdening the middle class with more domestic discretionary cuts.

I will say this generally. Here it is 9:30 at night. The decision is going to have to be made very quickly as to whether we will be here tomorrow. The two matters that the Republican leader and I have spoken about, we could vote on those right now. I offered to vote on those earlier today, but we were unable to do that. We can come tomorrow. It is getting late here, and I am not sure what we are accomplishing by trying to work through all of this tonight. We are trying to be reasonable. As I indicated, my friend the Republican leader said he needed 10 or 12 votes. We agreed to that a long time ago. I cannot imagine why we cannot move forward.

I repeat, we cannot be stalled so we come back with a very short work period. We have a continuing resolution and many other things to deal with when we come back with the short work period. I wish to do another appropriations bill, but we cannot do another appropriations bill while this one is still floundering here.

This was an experiment that I was happy to engage myself in because I believe we should try to do our work here. But this CR business and holding us up from doing the work we have done for 10 months this year was not our doing. This has been as a result of my friends who are the majority in the House and the minority over here. So we have spent all of these months on two major issues, CRs and raising the debt ceiling. I would hope we can work something out on this appropriations bill and get it done tonight.

Mr. McCONNELL. Mr. President, I would ask my friend, did you propound a consent agreement?

Mr. REID. No. What I said I would do is when we get ready to schedule these votes, I will do it. I will make sure you are here.

Mr. McCONNELL. Fair enough. I want to echo the comments of the majority leader. In my time in the Senate some of our best work has been done on Thursday night. Usually when we are passing bills around here, we are working on Thursdays into the evening and finishing them. It is my hope that we will continue on that path and finish this bill tonight. Frequently coming back on Friday is counterproductive, and I would encourage all of the Members to cooperate to the greatest extent possible. I think we were, the last time I checked, making progress to-

ward getting a lot of amendments in the queue hopefully to be voted on tonight.

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio.

AMENDMENT NO. 771

Mr. BROWN of Ohio. I rise in support of amendment No. 771 sponsored by Senator BINGAMAN. It will strengthen our Nation's competitiveness. As I heard the majority leader and the Republican leader talk about job creation, this will matter, strengthening our Nation's competitiveness by ensuring we enforce trade laws better than we have.

American workers, American farmers can compete with anyone. We can compete on productivity, we can compete on skills. When workers are forced to compete against unfair export subsidy, that is cheating, as we showed on the China currency bill, which passed with 63 votes—a good, strong bipartisan effort. We cannot compete against unfair export subsidies. Our workers cannot compete against that kind of cheating.

Fortunately, we have tools to do something about that. Our trade laws are the last line of defense to retain and create jobs in American industries. Paper, steel, tires—President Obama has actually enforced trade laws in those three industries which directly created jobs in Finley, OH, in Lorain, OH, in Youngstown, OH, including the construction of a new steel mill.

Our trade laws are critical if we are going to compete for advance manufacturing jobs. Jobs in solar, wind, and clean energy component manufacturing in the auto supply chain all rely—or should rely—on an active U.S. Trade Representative who will initiate more cases.

I proposed an amendment to this appropriations bill, No. 865, that would provide the office of the U.S. Trade Representative an additional \$5 million to initiate cases on China's subsidies to solar producers and China's hoarding of rare earth materials, an increasingly important problem that is eroding American manufacturing.

I support Senator BINGAMAN's amendment, which provides funds for general trade enforcement. But here is why I wanted to specify solar and rare earths in my amendment. According to the U.S. International Trade Commission, our solar producers, like those in Toledo—and there are three of them—are facing an expected 240-percent increase in the import of Chinese solar panels this year. Yesterday a number of solar

companies filed a complaint with the Commerce Department and the ITC, asking them to seek duties on Chinese solar panels sold below cost. Understand, the Chinese sell these into our market as they sold coated paper, as they sold tires, as they sold oil country tubular steel. They often undercut our prices because they are subsidizing energy and water and capital and land and, of course, the currency subsidy, which this body spoke about and voted on a couple of weeks ago.

On rare earths, China is artificially using export restraints or quotas to raise the cost of rare earths internationally while keeping them low domestically so producers in Ohio and the Presiding Officer's home State of Delaware simply cannot compete because of how they are subsidizing their production.

Ohio companies such as Electrodyn in Cincinnati saw their costs go up 59 percent in June and 68 percent in July of this year alone on account of these price changes. How can we possibly compete when they are cheating that dramatically and to that degree? These policies have fundamentally turned rare earths into a spot price market. I want to see the USTR litigate on these protectionist policies. This is not American protectionism. This is our serving our own interest as a nation against answering the protectionism they have exhibited.

Every country in the world practices trade according to their national interest. Too often in the United States we practice trade according to a college economics textbook that is 20 years out of print. These two enforcement initiatives, critical to my State and many others of my colleagues here, will absolutely matter. This amendment will ensure that USTR has the resources to investigate and to act on blatant, unfair trade practices. Trade enforcement is critical if we are going to compete for advanced manufacturing jobs and so many other industries that are in our States.

I urge my colleagues to support the amendment. I applaud Senator BINGAMAN for his leadership on amendment No. 771.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader after consultation with the Republican leader, the Senate proceed to a series of votes in relation to the following amendments and motions: Landrieu

No. 781, as modified with the changes that are at the desk; Kohl No. 755; Vitter No. 917 to Menendez No. 857; Menendez No. 857; Gillibrand No. 869; Lautenberg No. 836; Bingaman No. 771, as modified; Sessions No. 810; Coburn No. 791; Coburn No. 792; Coburn No. 796; Coburn No. 800; Paul No. 821; Portman No. 859; McCain No. 892; Cantwell No. 893, as modified with the changes that are at the desk; Cochran No. 805, as modified with the changes that are at the desk; Burr No. 890; DeMint No. 763; Inouye No. 918; Ayotte No. 753; Crapo No. 814; Kyl, as modified with the changes that are at the desk; and Lee motion to recommit; that there be no amendments or points of order in order against any of the amendments prior to the votes other than budget points of order; that there be 2 minutes equally divided in the usual form prior to each vote; that the Vitter, Menendez, Sessions, Paul, Ayotte, Crapo, and the Coburn amendments Nos. 792 and 796 be subject to a 60-affirmative vote threshold; that all after the first vote be 10-minute votes; that upon disposition of these amendments, the remaining pending Coburn amendments be withdrawn with the exception of amendment No. 801; that no other motions or amendments be in order to the bill, the Senate proceed to the cloture vote on the substitute amendment No. 738, as amended; that if cloture is invoked, the substitute amendment, as amended, be agreed to and be considered original text for the purposes of further amendment; that the majority leader then be recognized to raise points of order against any pending nongermane amendments; further, if cloture is invoked, the Senate resume consideration of the bill at 4 p.m., Monday, October 31, and proceed to votes in relation to any remaining germane pending amendments in the order they were offered; further, that upon disposition of any pending germane amendments, the bill, as amended, be read a third time and the Senate proceed to vote on passage of the bill with no intervening action or debate; that when the Senate receives a message from the House with respect to H.R. 2112, the Senate insist on its amendment, request, or agree to, a conference with the House on the disagreeing votes of the two Houses; and the Chair be authorized to appoint the following conferees: KOHL, HARKIN, FEINSTEIN, JOHNSON of South Dakota, NELSON of Nebraska, PRYOR, BROWN of Ohio, INOUE, MURRAY, MIKULSKI, BLUNT, COCHRAN, MCCONNELL, COLLINS, MORAN, HOEVEN, HUTCHISON, and SHELBY; finally, that if cloture is not invoked on the substitute amendment No. 738, as amended, cloture on the underlying bill be vitiated and the bill be returned to the calendar in status quo. I failed, Mr. President, to identify the Kyl amendment. It is No. 912.

The PRESIDING OFFICER. Is there objection to the leader's request?

Without objection, it is so ordered.

Mr. REID. Mr. President, for all of these amendments that are pending, there is no requirement that we have to have rollcall votes. Everyone should understand that.

Mr. President, tonight the Senate will vote on a bill introduced by my friend, the Republican leader.

While I have great respect for my friend, the senior Senator from Kentucky, I believe in this case he is playing political games.

The Republican leader has inserted a poison pill for Democrats into his proposal.

To offset the \$11 billion cost of his legislation, the Republican leader proposes we slash \$30 billion in programs that help the middle class and get our economy back on track.

What is more, this is a backdoor violation of the debt ceiling agreement we reached after months of negotiation this summer.

This is not a serious attempt to repeal the rule requiring the government to withhold 3 percent from all government contractors. It is an attempt to circumvent the rules.

And even if we passed the Republican leader's bill tonight, the House will not act on it. Revenue bills like this one must originate in the House, a prerogative that body guards jealously.

So our action on this bill this evening is nothing more than a misdirected stunt by Republican leadership.

But let me be clear: this provision will be repealed before it takes effect.

The Senate will have a real opportunity to repeal this provision, when the House sends us a bill that repeals the 3-percent withholding the week we return from the in-State work period.

In 2 short weeks, we will have an opportunity to work together on a commonsense way to both repeal the withholding requirement and address the underlying problem it was enacted to address.

It is important to review the history of this proposal to understand why we are in this situation today, and how to move forward.

A 2005 GAO report found that 33,000 civilian contractors owed more than \$3 billion in taxes. The GAO report also found that some of these firms diverted payroll taxes to increasing the owner's salary or build him a new house.

By withholding a small amount from a contractor's payment and sending it along to the IRS, the belief was that contractors would have more motivation to comply with the tax law.

The withholding requirement was enacted with overwhelming Republican support. Only a couple of Democrats supported the legislation.

But this withholding has turned out to be more trouble than it is worth for a number of reasons, and now many on both sides feel it should be repealed.

But Democrats also believe we must address the underlying problem. The Republican leader's bill does nothing to prevent taxpayer dollars from going to contractors who fail to pay their taxes.

Democrats have offered alternative legislation that would address the problem of noncompliant contractors without targeting those who pay their taxes.

The Senate will take action on this worthy alternative in just a couple weeks, after the House sends us its bill.

Voting on this measure today is nothing more than a diversion by my Republican colleagues.

I am confident that Senate Democrats and Republicans will be able to work together next month to repeal this provision.

We should be successful at working together to stop an unfair tax increase that will hit middle-class families.

This month, Republicans blocked our attempt to keep payroll taxes low for families and businesses who are still struggling as our country fights its way out of a serious recession.

I hope they will be as willing to work with Democrats on finding solutions that work for middle-class families as they are on finding solutions for government contractors.

UNANIMOUS CONSENT REQUEST—H.R. 674

Mr. President, I want to get the Republican leader's attention.

I ask unanimous consent that when the Senate receives from the House H.R. 674, the Senate proceed to its consideration; that the Reid substitute amendment, the text of which is at the desk, be agreed to.

This amendment would do the following: It repeals the 3-percent withholding requirement; prohibits contractors who are delinquent on their taxes from being eligible for Federal contracts; offsets by closing a loophole that allows oil and gas companies to claim excess foreign tax credits, eliminating a tax preference for corporate jets, and a 1-year delay in implementing worldwide interest allocation.

I then ask consent that the bill be read a third time and the Senate proceed to a vote on passage of the bill, as amended, with all of the above occurring with no intervening action or debate.

We have both given our statements in this regard, Mr. President, earlier today.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. Mr. President, reserving the right to object, this would implement a tax increase. It also would be subject to the same blue-slip concern the majority leader expressed with regard to the vote we are going to have on the 3-percent withholding. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, I would say there would be no blue-slip problem whatsoever because, as I indicated, this would be an amendment to a revenue bill we have received from the House, and I identified which one that would be.

Mr. President, I ask unanimous consent that the cloture vote with respect to the Reid motion to proceed to Calendar No. 204, S. 1723, occur at 9:55 tonight; further, that if cloture is not invoked on the Reid motion to proceed, the Senate then proceed to a vote on the motion to invoke cloture on the McConnell motion to proceed to Calendar No. 205, S. 1726; finally, that if cloture is invoked on either motion to proceed, that notwithstanding cloture having been invoked, the Senate resume consideration of H.R. 2112, and upon disposition of H.R. 2112, the Senate resume consideration of the motion to proceed, postcloture.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, today I wish to express strong support for the Teachers and First Responders Back to Work Act, a bill that provides funding to hire and prevent the layoff of tens of thousands of teachers, police officers, and firefighters.

Difficult economic times have devastated the ranks of these critical positions. Since 2008, California alone has seen more than 70,000 educators laid off. The resources in this bill will help cities and towns across the country avoid more layoffs and start rebuilding their workforce.

Nationwide, some 300,000 education jobs have been lost in the past 3 years, and State and local budget cuts will endanger as many as 280,000 teacher jobs next year.

The difficult economy has also strained police departments across the country. In the past 18 months, 10,000 police officers have been laid off around the country, while 30,000 vacancies have gone unfilled.

I have heard from many police departments in my home State of California that fear that this understaffing will jeopardize public safety. They are concerned that with fewer officers for patrols, investigations and other critical tasks, crime will increase.

Fire departments face similar problems. Thousands of firefighters were laid off in 2009 and 2010, and another 7,000 face layoffs this year.

This legislation will help communities address staffing shortages in these critical positions.

To help our schools, the bill would provide \$30 billion to States and school districts to protect and create up to 400,000 education jobs nationwide, which would prevent the layoffs of up to 280,000 teachers and hire tens of thousands more.

In my home State of California, this will safeguard more than 37,000 education jobs.

According to the Government Accountability Office, 72 percent of school districts expect to have less funding in the 2011–2012 school year as compared to last year.

In California, public schools are suffering from State budget cuts. I have heard from thousands of teachers in my State who have received pink slips each spring over the last several years warning that their jobs are in danger.

Many teachers wait for months to find out whether they will still be teaching the following year. Many pink slips are rescinded, sparing jobs, but others are not as lucky. Our teachers should not have to deal with such uncertainty, and this bill helps safeguard those jobs.

With so many teachers losing their jobs in California, classrooms are becoming crowded and the school year is becoming shorter. On average, K–3 classrooms in California are up to 25 students, up from 20 students 2 years ago.

Average class sizes for higher grades have risen from 28 students to 31. The more we squeeze students into one classroom, the more difficult it is to provide standards-based instruction, and the harder it is for students to focus on their education.

This bill invests in education to keep educators on the job, continuing to provide students with a supportive learning environment.

In a country that prides itself on providing children with every opportunity, it does not make sense to lay off the very teachers who prepare our children for the future.

Another casualty of budget cuts is the many talented individuals who are being driven away from the teaching profession because of the lack of job stability. I fear that a deteriorating education system means more children will slip through the cracks and be unprepared for college or to compete in the global economy.

The quality of education is a direct reflection of how firmly we support our teachers.

In addition to supporting thousands of teaching jobs, the Teachers and First Responders Back to Work Act also provides \$4 billion for communities to hire police officers. These funds will support more than 17,000 positions over the next 3 years, including about 2,600 in my home State of California.

There is also \$1 billion for firefighters, supporting about 6,300 positions nationwide.

These funds go to support the dedicated first responders we depend upon in emergencies—the firefighters who enter burning buildings to save lives and the police officers who risk everything to keep our streets and homes safe.

In recent years, firefighters and police officers have taken on even more responsibilities as they prepare for—and respond to—terrorist attacks. We are reminded of the importance of these first responders when we remember the brave men and women who worked so heroically to save lives after the 9/11 attacks, including more than 400 firefighters, police, and other emergency personnel who lost their lives that day.

Now is the time to stand with our first responders and give them the support they need. We must make sure our emergency personnel are not risking their lives because too many of their colleagues have been laid off.

While this legislation will strengthen our schools and protect our streets and homes, it will not add a penny to the deficit. This is accomplished by paying for the bill with a half-percent tax on Americans with an adjusted gross income over \$1 million.

I have long said that those people who have benefited from this economy and can help out should do so. Millionaires can afford to help build a smarter, safer, stronger nation.

It is not the wealthiest Americans who have been bearing the brunt of this recession; it is the middle class and the poor who have suffered.

Our Nation continues to face serious economic difficulties. The unemployment rate is over 9 percent, and remains stuck at 12 percent in California. This lack of employment is causing severe financial strain with too many families losing their homes and too many families struggling to make ends meet.

Congress needs to help Americans get back to work and get our economy moving forward. And this bill will help.

With the Teachers and First Responders Back to Work Act, we will strengthen our schools, help our children get the education they deserve and give our first responders the support they need to keep our communities safe.

I urge my colleagues to support this legislation.

TEACHERS AND FIRST RESPONDERS BACK TO WORK ACT OF 2011—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 204, S. 1723, Teachers and First Responders Back to Work Act.

Harry Reid, Robert Menendez, Daniel Inouye, Herb Kohl, Sheldon Whitehouse, Jack Reed, Jeff Bingaman, Barbara Mikulski, Patty Murray, Debbie Stabenow, Richard Durbin, Sherrod Brown, Richard Blumenthal, Bernard Sanders, Robert Casey, Jr., Jeff Merkley, Patrick Leahy, Tom Harkin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1723, a bill to provide for teacher and first responder stabilization, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—50

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson (SD)	Rockefeller
Blumenthal	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown (OH)	Kohl	Shaheen
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Manchin	Warner
Coons	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NAYS—50

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Nelson (NE)
Blunt	Heller	Paul
Boozman	Hoeben	Portman
Brown (MA)	Hutchison	Pryor
Burr	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Rubio
Coburn	Johnson (WI)	Sessions
Cochran	Kirk	Shelby
Collins	Kyl	Snowe
Corker	Lee	Thune
Cornyn	Lieberman	Toomey
Crapo	Lugar	Vitter
DeMint	McCain	Wicker
Enzi	McConnell	

The PRESIDING OFFICER (Mr. BEGICH). On this vote, the yeas are 50, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I ask unanimous consent that all remaining votes tonight be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have 16 more amendments that we must vote on. I hope people will look at those closely. A number of them—in fact, most of them—can be done by voice vote. If they win, it doesn't matter how you win. Let's get done with them as quickly as we can.

WITHHOLDING TAX RELIEF ACT OF 2011—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1726, the Withholding Tax Relief Act of 2011.

James Inhofe, David Vitter, Mike Crapo, Kelly Ayotte, Roy Blunt, Johnny Isakson, Jeff Sessions, Mike Lee, Saxby Chambliss, Tom Coburn, Jon Kyl, Susan Collins, Ron Johnson, Pat Roberts, Richard Burr, Lamar Alexander.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1726, a bill to repeal the imposition of—the Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for a minute on this motion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, we all agree that the contractors who contract with the Federal Government should pay their taxes. I don't think there is any dispute on that. There is also agreement that we should not overburden small businesses which are paying their taxes. The bill before us would repeal the provisions scheduled to go into effect in 2013 to require a withholding of 3 percent of payments from the U.S. Treasury to the government contractors. There are two flaws in this. One, it lets all government contractors off the hook, even those who refuse to pay taxes. Those contractors would not be subject to the mechanism to make sure they pay. Second, this is paid for by rescinding \$30 billion of appropriated funds, which is, frankly, contrary to the agreement reached with the President on the deficit reduction.

I ask colleagues to oppose the cloture motion to proceed to the bill.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, this is a no-brainer. This is where political theater stops and we actually do something the American people want and need. Three percent withholding is good for small businesses. We have viewed this pay-for many other times. It passed one time with 81 votes, another time, I think, 37-plus of my colleagues on the other side of the aisle used the same funding we are using to pay for this, but now all of a sudden it is not appropriate.

We have six cosponsors on the Democratic side. We need a couple more to make it go forward. The people want us to work together in a bipartisan manner, and this is a way to send that message that we have turned the corner.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1726, a bill to repeal the imposition of the withholding of certain payments made to vendors by government entities, shall be brought to a close?

The yeas and nays are mandatory under the rules.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 57, nays 43, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—57

Alexander	Graham	McConnell
Ayotte	Grassley	Menendez
Barrasso	Hagan	Moran
Bennet	Hatch	Murkowski
Blunt	Heller	Nelson (NE)
Boozman	Hoeben	Nelson (FL)
Brown (MA)	Hutchison	Paul
Burr	Inhofe	Portman
Chambliss	Isakson	Risch
Coats	Johanns	Roberts
Coburn	Johnson (WI)	Rubio
Cochran	Kirk	Sessions
Collins	Klobuchar	Shelby
Corker	Kyl	Snowe
Cornyn	Lee	Tester
Crapo	Lugar	Thune
DeMint	Manchin	Toomey
Enzi	McCain	Vitter
Franken	McCaskill	Wicker

NAYS—43

Akaka	Gillibrand	Reid
Baucus	Harkin	Reid
Begich	Inouye	Rockefeller
Bingaman	Johnson (SD)	Sanders
Blumenthal	Kerry	Schumer
Boxer	Kohl	Shaheen
Brown (OH)	Landrieu	Stabenow
Cantwell	Lautenberg	Udall (CO)
Cardin	Leahy	Udall (NM)
Carper	Levin	Warner
Casey	Lieberman	Webb
Conrad	Merkley	Whitehouse
Coons	Mikulski	Wyden
Durbin	Murray	
Feinstein	Pryor	

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

AMENDMENT NO. 781, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes, equally divided, prior to a vote in relation to amendment No. 781, as modified, authored by the Senator from Louisiana.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I will do my best to start the pace around

here. I am going to ask for a voice vote, and I would hope people would give a shout out for a "yea" vote for a narrow exception to a wetlands project for nonprofits with a permit to build. That is what this amendment does. There is no opposition.

I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator wish to modify her amendment?

Ms. LANDRIEU. Yes.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. 7 _____. For fiscal year 2012, section 363 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006e) shall not apply to a project funded under the community facilities programs authorized under such Act.

The PRESIDING OFFICER. All time is yielded back.

The question on agreeing to the amendment, as modified.

The amendment (No. 781), as modified, was agreed to.

AMENDMENT NO. 755

The PRESIDING OFFICER. There will now be 2 minutes, equally divided, on amendment No. 755.

Who yields time?

The Senator from Wisconsin.

Mr. KOHL. I accept a voice vote.

The PRESIDING OFFICER. Is there any further debate?

All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 755) was agreed to.

AMENDMENT NO. 917 TO AMENDMENT NO. 857

The PRESIDING OFFICER. The question is on amendment No. 917, the Vitter second-degree amendment.

Mr. VITTER. Mr. President, I call up the Vitter second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 917 to amendment No. 857.

Mr. VITTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reestablish the maximum aggregate amount permitted to be provided by the taxpayers to Fannie Mae and Freddie Mac)

On page 5, strike line 14 and insert the following:

2011" and inserting "December 31, 2013".

SEC. _____. REESTABLISHMENT OF MAXIMUM AGGREGATE AMOUNT PERMITTED TO BE PROVIDED BY THE TAXPAYERS TO FANNIE MAE AND FREDDIE MAC.

(a) MAXIMUM AGGREGATE AMOUNT OF COMMITMENT.—No funds may be provided by the Department of the Treasury or any other

agency or entity of the Federal Government to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, as part of the Amended and Restated Senior Preferred Stock Purchase Agreement, dated September 26, 2008, amended May 6, 2009, and further amended December 24, 2009 (as such agreement may be further amended), between the Department of the Treasury and the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, as applicable, under any other agreement between the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation and the Department of the Treasury, or otherwise, that exceed a maximum aggregate amount of \$200,000,000,000.

(b) PAYMENTS TO TREASURY.—Any dividend or interest payment made by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation to the Department of the Treasury pursuant to any applicable contract, agreement, or provision of law shall not be included in the calculation of the aggregate amount of a commitment under subsection (a).

(c) ENFORCEMENT.—The Director of the Federal Housing Finance Agency shall take such actions as the Administrator determines are necessary to prevent the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation from requesting or receiving any funds that exceed the limit provided in subsection (a).

(d) DEFINITIONS.—For purposes of this section, the terms "deficiency amount" and "surplus amount" have the meanings provided such terms in the applicable Senior Preferred Stock Purchase Agreement described in subsection (a), as amended through December 24, 2009.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, this is a second-degree amendment to the Menendez amendment. The Menendez amendment would actually expand the already dominant role of Fannie Mae and Freddie Mac in the mortgage marketplace when there is an unlimited taxpayer bailout liability toward that.

My amendment would simply say, particularly if there is going to be this expansion, we should limit taxpayer liability to \$200 billion, and the taxpayer should definitely be paid the dividend they were promised. I think that is a very reasonable taxpayer protection.

I reserve the remainder of my time for the ranking member of Banking.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that I be allowed to speak for 45 seconds on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I urge my colleagues to support the Vitter amendment. The amendment will limit the taxpayers' exposure to the bailout of Fannie and Freddie. No more blank checks. We have already spent \$169 billion in taxpayer dollars; \$200 billion is more than enough. Think about it.

The PRESIDING OFFICER. Who yields time?

The Senator from South Dakota.

Mr. JOHNSON of South Dakota. Mr. President, this amendment would essentially force the wind-down of Fannie Mae and Freddie Mac prematurely without any structure to take their place. The Banking Committee has heard from witnesses, including Dwight Jaffee and Mark Zandi, that taking over Fannie Mae and Freddie Mac were the only options the government would have to avoid a complete market collapse. This amendment could plunge us back into the panic of 2008, when credit was unavailable and the economy was on the verge of collapse. Mortgages would not be finalized, home sales could not go through, and the home owners would be unable to refinance.

The Vitter amendment would eliminate any stability we have achieved in the housing market. The Vitter amendment is an irresponsible response to the housing crisis, and I urge my colleagues to oppose this amendment.

I ask unanimous consent to have printed in the RECORD a letter from the National Association of Realtors, and a letter from the Mortgage Bankers Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MORTGAGE BANKERS ASSOCIATION,

Washington, DC, October 20, 2011.

Hon. HARRY REID,
Majority Leader, US Senate,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, US Senate,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: I am writing to express the Mortgage Bankers Association's strong opposition to an amendment being offered by Senator Vitter to the Menendez/Isakson amendment #857 to the Transportation, Housing and Urban Development Appropriations Bill currently being considered by the Senate. The Vitter amendment would reestablish the cap on the amount of capital Treasury could provide to Fannie Mae and Freddie Mac. If adopted, this amendment would severely undermine investor and market certainty in our nation's housing markets.

Private capital has yet to return to the secondary market at volumes that would sustain a sufficient level of liquidity. Establishing an arbitrary cap on the amount necessary to preserve the GSEs' presence in the market would unnecessarily constrain some of the only sources of liquidity during this volatile period in the nation's economy. MBA urges a no vote on the Vitter second degree amendment to the Menendez amendment.

Sincerely,

DAVID H. STEVENS,
President and Chief Executive Officer,
Mortgage Bankers Association.

NATIONAL ASSOCIATION OF HOME-BUILDERS AND NATIONAL ASSOCIATION OF REALTORS,

October 20, 2011.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: It has come to our attention that Senator Vitter is asking for a second degree amendment to Menendez/Isakson

#857 that will cap the lending authority for Fannie Mae and Freddie Mac from the US Treasury. Please be aware that the National Association of Homebuilders and the National Association of REALTORS adamantly oppose the Vitter Amendment.

Housing markets remain fragile. Despite record low interest rates, existing home sales for September were down and contract failures are more than double last year's rates. The Vitter amendment would devastate any housing recovery. The amendment would shut down Fannie Mae and Freddie Mac at the very time that they are providing valuable support to a struggling housing market.

At their current rate, including the punitive ten percent dividend they are required to pay, they may reach this cap in short order, ending their ability to provide liquidity to mortgage markets. Private entities simply do not have the capacity to fill the void. Passage of this amendment would be catastrophic to housing markets and would most likely cause a relapse recession.

Please vote NO on the Vitter Amendment.

Sincerely,

NATIONAL ASSOCIATION OF
HOMEBUILDERS,
NATIONAL ASSOCIATION OF
REALTORS.

The PRESIDING OFFICER. Who yields time?

Mr. VITTER. Mr. President, I yield back the time, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to Amendment No. 917.

Under the previous order, the Senate amendment requires 60 votes for adoption.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BURR (when his name was called). "Present."

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—41

Alexander	Grassley	Murkowski
Ayotte	Hatch	Paul
Barrasso	Hoeven	Portman
Boozman	Hutchinson	Risch
Coats	Inhofe	Roberts
Coburn	Johanns	Rubio
Cochran	Johnson (WI)	Sessions
Collins	Kirk	Shelby
Corker	Kyl	Snowe
Cornyn	Lee	Thune
Crapo	Lugar	Toomey
DeMint	McCain	Vitter
Enzi	McConnell	Wicker
Graham	Moran	

NAYS—57

Akaka	Boxer	Chambliss
Baucus	Brown (MA)	Conrad
Begich	Brown (OH)	Coons
Bennet	Cantwell	Durbin
Bingaman	Cardin	Feinstein
Blumenthal	Carper	Franken
Blunt	Casey	Gillibrand

Hagan	Levin	Reid
Harkin	Lieberman	Rockefeller
Heller	Manchin	Sanders
Inouye	McCaskill	Schumer
Isakson	Menendez	Shaheen
Johnson (SD)	Merkley	Stabenow
Kerry	Mikulski	Tester
Klobuchar	Murray	Udall (CO)
Kohl	Nelson (NE)	Udall (NM)
Landrieu	Nelson (FL)	Warner
Lautenberg	Pryor	Whitehouse
Leahy	Reed	Wyden

ANSWERED "PRESENT"—1

Burr

NOT VOTING—1

Webb

The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 57. One Senator responded "present."

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 857

The question is on the underlying Menendez amendment. There is 2 minutes, evenly divided. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask the Chair to advise me when 30 seconds has passed by.

The Menendez-Isakson amendment would temporarily restore conforming loan limits to the level that existed under the law as of September 30 but expired. The drop in loan limits has reduced consumer credit in 669 counties across 42 States. The amendment as we have drafted it will save taxpayers \$11 million over 10 years, including \$2 million in fiscal year 2012, according to the CBO, by creating a premium that borrowers have to pay as a result of getting the loan, therefore putting the risk on the borrower, not the taxpayer. If we want to get our economy moving, the housing market has to be part of it.

I yield to my distinguished colleague from Georgia, Senator ISAKSON.

Mr. ISAKSON. Mr. President, how much time remains?

The PRESIDING OFFICER. Ninety seconds.

Mr. ISAKSON. It is going to be tough, but let me say there is a 15-basis point fee on every loan that closes on this that goes into the credit that is issued by Fannie, Freddie or FHA; it makes the taxpayer whole, plus \$11 million. It is right for the housing market. It takes us back to where we were. It doesn't add any additional liability.

The PRESIDING OFFICER. Who yields time? The Senator from Alabama.

Mr. SHELBY. Mr. President, I yield myself 1 minute. I urge my colleagues to vote against the Menendez amendment. If this amendment becomes law, taxpayers will be forced to subsidize individuals who make upward of \$200,000 a year so they may buy homes worth nearly \$1 million. That is what this is about. Increasing the loan limits will only benefit those who do not need Federal subsidies.

This is simply not a good use of scarce taxpayer dollars. Even the ad-

ministration does not support higher loan limits here. It is a bad amendment.

I yield my time.

The PRESIDING OFFICER. Under the previous order, 60 votes are required for the adoption of the amendment.

Mr. MENENDEZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BURR (when his name was called). "Present."

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—60

Akaka	Gillibrand	Mikulski
Baucus	Graham	Murkowski
Begich	Hagan	Murray
Bennet	Harkin	Nelson (NE)
Bingaman	Heller	Nelson (FL)
Blumenthal	Inouye	Pryor
Blunt	Isakson	Reed
Boxer	Johnson (SD)	Reid
Brown (MA)	Kerry	Rockefeller
Brown (OH)	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Snowe
Casey	Leahy	Stabenow
Chambliss	Levin	Tester
Conrad	Lieberman	Udall (CO)
Coons	Manchin	Udall (NM)
Durbin	McCaskill	Warner
Feinstein	Menendez	Whitehouse
Franken	Merkley	Wyden

NAYS—38

Alexander	Grassley	Moran
Ayotte	Hatch	Paul
Barrasso	Hoeven	Portman
Boozman	Hutchinson	Risch
Coats	Inhofe	Roberts
Coburn	Johanns	Rubio
Cochran	Johnson (WI)	Sessions
Collins	Kirk	Shelby
Corker	Kyl	Thune
Cornyn	Lee	Toomey
Crapo	Lugar	Vitter
DeMint	McCain	Wicker
Enzi	McConnell	

ANSWERED "PRESENT"—1

Burr

NOT VOTING—1

Webb

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 38, 1 Senator voting "present."

The amendment is agreed to.

Mr. MENENDEZ. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, this is a point of personal privilege or a parliamentary inquiry. Due to the rate at

which we are voting on amendments that are pending, can the Parliamentarian or the leadership share with us, after, say, 1 hour and 45 minutes on four votes, what it might look like for the rest of the night?

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I know how frustrating it is for everyone. This is not a question for the Parliamentarian. We are doing our best to work through these votes. They are 10-minute votes. We are doing our utmost to maintain that time and will continue to do that. We are sorry that close votes, as everyone knows, sometimes take a little bit longer. So I apologize to my friend from Louisiana and everyone else. We will move through the votes as quickly as we can.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. May I respectfully make one suggestion. Three options: Stick to 10 minutes, we can voice vote, or we can withdraw, all of which would rapidly speed up the process.

Mr. REID. Mr. President, I wish I had thought of saying that.

AMENDMENT NO. 869

The PRESIDING OFFICER. The next amendment is the Gillibrand amendment No. 869.

The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I urge my colleagues to support this amendment because we have all seen how these storms have destroyed crops, farmland. There have been enormous economic losses in State after State.

Texas: 98 percent of the State is experiencing drought.

Mississippi: Farmers waded through acres of murky water; timber, catfish farms inundated.

New York State: Crops destroyed, cows destroyed.

Tennessee: Unprecedented levels of rainfall.

This money is literally the difference between life and death for these farmers.

I urge my colleagues to support this amendment, and I request a voice vote.

Would Senator BLUNT like to address the Chamber?

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the Gillibrand amendment.

All those in favor, say aye.

Mr. SESSIONS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At this moment, there is not a sufficient second.

Mr. SESSIONS. Mr. President, I note the absence of a quorum.

Ms. MIKULSKI. Mr. President, would the clerk please call the roll and see if a quorum is present. I believe a quorum is present.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Point of personal privilege. Could we call the roll faster?

Mr. REID. Mr. President, I ask unanimous consent that the call of the quorum be terminated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays on the Gillibrand amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—58

Akaka	Franken	Nelson (NE)
Alexander	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson (SD)	Rockefeller
Blumenthal	Kerry	Sanders
Blunt	Klobuchar	Schumer
Boxer	Kohl	Shaheen
Brown (MA)	Landrieu	Snowe
Brown (OH)	Lautenberg	Stabenow
Cantwell	Leahy	Tester
Cardin	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Cochran	Manchin	Warner
Collins	McCaskill	Whitehouse
Conrad	Menendez	Wicker
Coons	Merkley	Wyden
Durbin	Mikulski	
Feinstein	Murray	

NAYS—41

Ayotte	Grassley	McConnell
Barrasso	Hatch	Moran
Boozman	Heller	Murkowski
Burr	Hoeven	Paul
Carper	Hutchinson	Portman
Chambliss	Inhofe	Risch
Coats	Isakson	Roberts
Coburn	Johanns	Rubio
Corker	Johnson (WI)	Sessions
Cornyn	Kirk	Shelby
Crapo	Kyl	Thune
DeMint	Lee	Toomey
Enzi	Lugar	Vitter
Graham	McCain	

NOT VOTING—1

Webb

The amendment (No. 869) was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, we would be much more efficient here if we have 10-minute votes. It is very difficult for those who are doing the work for us to determine who is voting which way, to hear us. People are moving around. I think it will be to everyone's advantage if we all sit down and make sure these are really 10-minute votes. It would make it so much easier for the tally clerks and for everyone concerned. So I would ask that we all

be ladies and gentlemen, take our seats. This will move much more efficiently.

AMENDMENT NO. 836

The PRESIDING OFFICER. The question is on the Lautenberg amendment No. 836. There is now 2 minutes of debate evenly divided.

The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, this amendment increases funding for disaster relief grants at the Economic Development Administration. Forty-eight States have received a Federal disaster declaration this year and may be eligible for this relief. EDA funds rebuild sewers and drinking water systems, coordinate response and recovery plans, and help businesses to recover. This year alone, we have experienced a record 10 natural disasters costing more than \$1 billion each. Hurricane Irene caused more than \$7 billion in damage alone.

In 2008, we gave EDA \$500 million to respond to disasters in the South and the Midwest. This amendment would give EDA the same amount this year. The amendment complies with the disaster relief provision in the Budget Control Act and is not offset with cuts from other programs.

Senators SANDERS, MENENDEZ, GILLIBRAND, BLUMENTHAL, and LEAHY are cosponsors, and Chairman MIKULSKI supports it as well.

The PRESIDING OFFICER. The Senator has used 1 minute.

Mr. LAUTENBERG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

If all time is yielded back, the question is on agreeing to the amendment.

The amendment (No. 836) was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 771, AS MODIFIED

Mr. BINGAMAN. Madam President, the next amendment is amendment No. 771; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. Madam President, this amendment will increase funding for the U.S. Trade Representative's Office to the level the President requested, also to the level the House appropriators have proposed. It adds nearly \$4.5 million to the budget for the U.S. Trade Representative's Office. This is funding that is needed to enforce our trade agreements. We just entered into three new free-trade agreements. They need the personnel in order to try to enforce these. We have a great many trade disputes with China—all of us are aware of that—and other major industrial countries as well.

This amendment has the support of the U.S. Chamber of Commerce, the Farm Bureau, and the National Pork Producers Council.

This is good legislation which I hope all Senators will support.

I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

If all time is yielded back, the question is on agreeing to the amendment, as modified.

The amendment (No. 771), as modified, was agreed to.

AMENDMENT NO. 810

The PRESIDING OFFICER. The next amendment is the Sessions amendment No. 810.

The Senator from Alabama.

Mr. SESSIONS. Madam President, the fastest growing large program we have by far is the Food Stamp Program. It has gone from \$20 billion to \$80 billion since 2001, grown four times. It has doubled since 2008. This year proposes another \$10 billion increase—14 percent. One of the big reasons is that we have a growing utilization of categorical eligibility where if one qualifies for LIHEAP, TANF, counseling programs, and any number of other governmental relationships, one also qualifies for food stamps. CBO scores this as costing as much as \$10 billion over 10 years.

This is a good-government amendment. You can get food stamps. Nobody would be eliminated. You simply have to go to the office and fill out the form and show that you meet the food stamp qualifications and not get by having met other qualifications that are less stringent. I really believe it is a good amendment and would help us save some money and make this program more effective.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Ms. STABENOW. Madam President, first of all, I completely agree with Senator SESSIONS. We need to eliminate waste, fraud, and abuse in the supplemental food program, as in every Federal program.

I wish to commend the USDA now for having less than a 4-percent error rate, and we are going to continue to push them to go down even further. Why? Because right now we have people who have paid taxes all their lives, who had never in their wildest dreams thought they would ever need help putting food on their table, and they do. We cannot afford to waste even one dollar.

My colleague mentioned on the floor several times a lottery winner in Michigan who got food assistance. He is right, it was outrageous. The State changed it, and we are changing it in the upcoming farm bill. But the reality is that this amendment, the Sessions amendment, completely changes the structure of the food assistance program, putting up barriers to hard-working, honest men, women, and children who need help, most of them for the first time in their entire lives.

I urge my colleagues to vote no.

Mr. LEAHY. Madam President, I am disappointed that with so many Americans struggling in difficult economic times, we are considering amendments that will greatly reduce the ability of the neediest among us to put food on the table for their families. The amendment numbered 810 filed by Senator SESSIONS would eliminate the ability of States to align the Supplemental Nutrition Assistance Program, SNAP, eligibility rules with the temporary assistance to needy families to reduce administrative costs and simply enrollment.

Since 2008, Vermont has used categorical eligibility to reach more households and more needy individuals by simplifying enrollment. Reducing administrative costs and simplifying paperwork should be a goal we all share for Federal programs. But by adopting this amendment, about 1 million low-income Americans would lose their benefits and many more families that are newly eligible during these difficult economic times would have their benefits delayed because of the increased complexity of the additional processing time for applications.

Low-income working families with children are the majority of those who would be affected by the elimination of categorical eligibility. Additionally, roughly 200,000 children in these families would lose access to free school meals.

Improving the error rate even further in the SNAP program is an issue that the Agriculture Committee is committed to addressing in the upcoming farm bill negotiations, and one that we have already heard to chairwoman of the Senate Agriculture Committee speak about this week. Eliminating State flexibility through categorical eligibility programs does not address error rates in any meaningful way. Supporters of this amendment cite limited examples as proof that categorical eligibility is at the root of erroneous enrollments in SNAP. But allowing millions to go hungry because of a few anecdotal stories is shortsighted at best.

The Senate Agriculture Committee, which I am proud to be a senior member of, will be looking for additional ways to improve SNAP in the coming months, but eliminating categorical eligibility as this amendment does is not the answer. I urge all Senators to oppose this amendment.

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the question is on agreeing to the amendment.

Mr. SESSIONS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—41

Alexander	Grassley	McConnell
Ayotte	Hatch	Moran
Barrasso	Heller	Murkowski
Blunt	Hoeben	Paul
Boozman	Hutchison	Portman
Burr	Inhofe	Risch
Chambliss	Isakson	Roberts
Coburn	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Kyl	Toomey
DeMint	Lee	Vitter
Enzi	McCain	Wicker
Graham	McCaskey	

NAYS—58

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Blumenthal	Johnson (SD)	Rockefeller
Boxer	Kerry	Rubio
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Coats	Lieberman	Udall (CO)
Cochran	Lugar	Udall (NM)
Collins	Manchin	Warner
Conrad	Menendez	Whitehouse
Coons	Merkley	Wyden
Durbin	Mikulski	
Feinstein	Murray	

NOT VOTING—1

Webb

The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 58. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 791

The PRESIDING OFFICER. The next amendment is the Coburn amendment No. 791.

Mr. COBURN. Mr. President, we have 2,705 people in this country who had adjusted gross incomes in excess of \$2.5 million last year who got farm payments—direct farm payments. This is an amendment that will limit adjusted gross incomes above \$1 million from receiving direct payments.

We hear we are going to change that system. We may change that system. But that has not happened yet. All this amendment says, if you make more than \$1 million, you should not be eligible to receive a direct farm payment from this government. Rather than taxing the millionaires, the first thing we ought to do is quit giving them subsidies.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Ms. STABENOW. Mr. President, let me just indicate that the House and

Senate Agriculture Committee leaders have come together in a bipartisan, bicameral basis to recommend reforms in our farm commodity programs that will, frankly, make this amendment a moot point. I would ask my colleagues to vote no and to give us the next 10 days to come forward with the new approach we will be offering.

I will now yield to my friend and colleague on the Agriculture Committee, Senator ROBERTS.

Mr. ROBERTS. I thank the chairwoman for yielding. The Senator from Oklahoma has a good intent, but he is adding in a payment limit on top of two others. It is going to be difficult to implement and administrate from the Department of Agriculture's standpoint. The Senator from Michigan is exactly right. He is limiting programs for which there probably will not be any programs. I suggest we do this during the reauthorization of the farm bill, and then I would encourage the Senator to come at that particular time and figure out what is in the farm bill and what is not, what payment limitation is appropriate and what is not.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 16 seconds remaining.

Mr. COBURN. Mr. President, \$1 million a year and we are giving them money. We have a \$1.3 trillion deficit, and we continue to hear the defense of that. It would be great if we do a new farm program. But the fact is, that is not a given. If we pass this amendment and we do a new farm bill, this amendment has no effect.

The PRESIDING OFFICER. The proponent's time has expired.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 15, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—84

Akaka	Brown (OH)	Conrad
Ayotte	Burr	Coons
Barrasso	Cantwell	Corker
Begich	Cardin	Cornyn
Bennet	Carper	Crapo
Bingaman	Casey	DeMint
Blumenthal	Coats	Durbin
Boxer	Coburn	Enzi
Brown (MA)	Collins	Feinstein

Franken	Lautenberg	Reid
Gillibrand	Lee	Risch
Graham	Levin	Rockefeller
Grassley	Lieberman	Rubio
Hagan	Lugar	Sanders
Harkin	Manchin	Schumer
Hatch	McCain	Sessions
Heller	McCaskill	Shaheen
Hutchison	McConnell	Shelby
Inouye	Menendez	Snowe
Johanns	Merkley	Tester
Johnson (SD)	Mikulski	Thune
Johnson (WI)	Murkowski	Toomey
Kerry	Murray	Udall (CO)
Kirk	Nelson (NE)	Udall (NM)
Klobuchar	Nelson (FL)	Vitter
Kohl	Paul	Warner
Kyl	Portman	Whitehouse
Landrieu	Reed	Wyden

NAYS—15

Alexander	Cochran	Moran
Baucus	Hoeven	Pryor
Blunt	Inhofe	Roberts
Boozman	Isakson	Stabenow
Chambliss	Leahy	Wicker

NOT VOTING—1

Webb

The amendment (No. 791) was agreed to.

AMENDMENT NO. 792

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, on the Coburn amendment No. 792.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, there are 4,000 properties in the United States that get money from HUD for housing to help people whom we want to help. There are 450 owners who are chronically on the list of slumlords, who put the people who live in these houses in danger; they are at high risk for losing their lives in that property.

This amendment only says that if you are going to continue to put these people at risk of losing their lives, then we are not going to pay you anymore. We are not going to send you money if you continue to be in this group of slumlords who are not spending any of their money bringing their properties up to date and you are leaving people at risk of significant harm. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank Senator COBURN for his passion on this issue. He has raised valid concerns about the bad actors who are part of the Federal program.

The problem is, the way this is drafted, it goes too far. This amendment puts the tenants at risk. It will put the tenants out of a place to live.

Earlier, I offered to work with the Senator to address the issue in a way that would make sure we protect residents. We were not able to get to a resolution. I hope we can continue to work on this. This amendment, as drafted, will put the tenants at risk and out. If once in 5 years a HUD property falls under the troubled category, the tenants will be at risk.

I ask my colleagues to reject this amendment. I offer to work with the Senator to address this in a way that gets after the problem he has defined.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, they did offer, but they told us they didn't have the time to work it out.

The fact is, these are life-threatening emergencies. If one person dies because we don't do this, it is on our hands.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. There is a 60-vote threshold on this vote.

The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—59

Alexander	Graham	McConnell
Ayotte	Grassley	Moran
Barrasso	Hagan	Murkowski
Baucus	Hatch	Nelson (NE)
Begich	Heller	Nelson (FL)
Blunt	Hoeven	Paul
Boozman	Hutchison	Portman
Brown (MA)	Inhofe	Risch
Brown (OH)	Isakson	Roberts
Burr	Johanns	Rubio
Casey	Johnson (WI)	Sessions
Chambliss	Kirk	Shelby
Coats	Kohl	Snowe
Coburn	Kyl	Tester
Cochran	Lee	Thune
Corker	Lieberman	Toomey
Cornyn	Lugar	Vitter
Crapo	Manchin	Warner
DeMint	McCain	Wicker
Enzi	McCaskill	

NAYS—40

Akaka	Gillibrand	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Blumenthal	Johnson (SD)	Rockefeller
Boxer	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Stabenow
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NOT VOTING—1

Webb

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 40. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Oklahoma.

AMENDMENT NO. 796

Mr. COBURN. Mr. President, is the next ordered amendment No. 796?

The PRESIDING OFFICER. That is correct.

Mr. COBURN. Might I be recognized?

The PRESIDING OFFICER. The Senator is recognized.

Mr. COBURN. This is an amendment that addresses something that is going

on that I think we should not allow. We have a lot of great programs that help a lot of cities and States out by creating loans that allow the cities and States to do something. What is happening is, when the project we gave the loan for fails, they turn around and take Federal grants to repay the loan.

All this amendment does is to prohibit us from allowing grants to be used to repay Federal loans on local or city or State projects.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I have concerns about the way this amendment is worded. It may have serious consequences on disaster funding. I am prepared to have a voice vote on this issue.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 796.

Under the previous order, the amendment requires 60 votes for adoption.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—73

Alexander	DeMint	McCaskill
Ayotte	Enzi	McConnell
Barrasso	Feinstein	Moran
Begich	Graham	Murkowski
Bennet	Grassley	Nelson (NE)
Bingaman	Hagan	Nelson (FL)
Blumenthal	Harkin	Paul
Blunt	Hatch	Portman
Boozman	Heller	Risch
Boxer	Hoeven	Roberts
Brown (MA)	Hutchison	Rubio
Brown (OH)	Inhofe	Schumer
Burr	Isakson	Sessions
Cardin	Johanns	Shelby
Carper	Johnson (WI)	Snowe
Casey	Kerry	Thune
Chambliss	Kirk	Toomey
Coats	Klobuchar	Udall (CO)
Coburn	Kyl	Udall (NM)
Cochran	Landrieu	Vitter
Collins	Lee	Warner
Coons	Lieberman	Wicker
Corker	Lugar	Wyden
Cornyn	Manchin	
Crapo	McCain	

NAYS—26

Akaka	Kohl	Reid
Baucus	Lautenberg	Reid
Cantwell	Leahy	Rockefeller
Conrad	Levin	Sanders
Durbin	Menendez	Shaheen
Franken	Merkley	Stabenow
Gillibrand	Mikulski	Tester
Inouye	Murray	Whitehouse
Johnson (SD)	Pryor	

NOT VOTING—1

Webb

The PRESIDING OFFICER. On this vote, the yeas are 73 and the nays are 26. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

AMENDMENT NO. 753

Mr. REID. Mr. President, I ask unanimous consent notwithstanding the previous order the Senate now proceed to vote in relation to the Ayotte amendment No. 753, and all other provisions of the previous order remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. REID. Mr. President, the Republican leader and I had a meeting here a few minutes ago. Following this vote we will have more information for the body.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, our country continues to be at war with members of al-Qaida, enemy combatants who want to kill Americans and that is why Congress authorized the use of military force to combat these individuals. My amendment applies to the worst of the worst. It would prohibit the use of funds for fiscal year 2012 for the prosecution of enemy combatants in civilian article III courts. This prohibition would extend to members of al-Qaida or affiliated entities, and who have participated or carried out an attack against our country or our coalition partners. It does not apply to American citizens.

These individuals, enemy combatants, are not common criminals who just robbed a liquor store. When we detain a member of al-Qaida who is planning an attack on our country, the priority has to be on gathering information to protect Americans. I have great respect for our civilian court system, but it was not set up to allow the time to interrogate members of al-Qaida. We should not be trying these individuals in our civilian system but in military commissions. We should not be providing these terrorists Miranda rights and speedy presentment rights that come with our civilian system.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I oppose the amendment. This is a very different amendment from the one we adopted in our Armed Services Committee relative to detention. This amendment was rejected on a strong bipartisan vote in the Armed Services Committee. The reasons are set forth in a letter from the Secretary of Defense, Mr. Panetta, who wrote us:

If we are to safeguard the American people, we must be in a position to employ every lawful instrument of national power—including both courts and military commissions—

to ensure that terrorists are brought to justice and can no longer threaten American lives. By depriving us of one of our most potent weapons in the fight against terrorism, the Ayotte amendment would make it more likely that terrorists would escape justice and innocent lives would be put at risk.

They have been successfully prosecuted. Recently in Detroit a terrorist was successfully prosecuted in an article III court. We should not deny the prosecutors this tool.

I yield the remainder of my time to the Senator from Illinois, Mr. DURBIN.

Mr. DURBIN. Mr. President, there have been over 300 successful prosecutions of accused terrorists since 9/11; 200 under President Bush, 100 under President Obama, all in article III courts; only 3 prosecutions in military commissions. Give the President the power he needs to keep America safe.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The time of the Senator has expired.

The question is on agreeing to the amendment.

Ms. AYOTTE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

This is a 60-vote threshold.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—47

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Blunt	Hatch	Nelson (NE)
Boozman	Heller	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lieberman	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	

NAYS—52

Akaka	Hagan	Nelson (FL)
Baucus	Harkin	Paul
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Kirk	Rockefeller
Boxer	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murray	

NOT VOTING—1

Webb

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 52. Under the previous order requiring 60 votes for the adoption of the amendment, it is rejected.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, as I indicated, the Republican leader and I met prior to the last vote. We understand there has been tremendous progress made. This is something for those of us who have been in the Senate a while that brings back a lot of memories. This is the way we did things in the past. It is difficult, but it moves legislation. It has been inconvenient for everyone.

Before moving to this consent agreement, the most difficult time is for our staffs. They have worked the last two days as hard as people can work, led by Gary Myrick on my side, David Schiappa on the other side. Other staff has worked very hard, but they have been exemplary people to help us move it.

Here is the consent agreement. I hope everyone will agree with this.

I ask consent that the next vote on our sequence be the cloture vote with respect to the substitute amendment No. 738; that if cloture is invoked, the substitute amendment be agreed to and it be considered original text for the purposes of further amendment; that the remaining amendments which were scheduled for votes under the previous order remain in order notwithstanding cloture having been invoked; that when the Senate resumes consideration of H.R. 2112 on Tuesday, November 1, the Senate proceed to votes on the remaining amendments; and that all other provisions of the previous order remain in effect.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. An inquiry. I will not object. Does that mean 60 votes are required under the current order and continue to be required?

Mr. REID. All elements of the previous order are in effect.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on amendment No. 738 to H.R. 2112, an Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

Harry Reid, Herb Kohl, Daniel Inouye, Sheldon Whitehouse, Jack Reed, Robert Menendez, Jeff Bingaman, Barbara Mikulski, Patty Murray, Debbie Stabenow, Richard Durbin, Sherrod Brown, Richard Blumenthal, Bernard Sanders, Robert Casey, Jr., Jeff Merkley, Patrick Leahy, Tom Harkin.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on amendment No. 738 offered by the Senator from Nevada, Mr. REID, to H.R. 2112, an act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the role.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB), is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. PAUL).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 82, nays 16, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—82

Akaka	Gillibrand	Mikulski
Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Hoeven	Nelson (FL)
Bennet	Hutchison	Portman
Bingaman	Inhofe	Pryor
Blumenthal	Inouye	Reed
Blunt	Isakson	Reid
Boozman	Johanns	Roberts
Boxer	Johnson (SD)	Rockefeller
Brown (MA)	Kerry	Sanders
Brown (OH)	Kirk	Schumer
Burr	Klobuchar	Shaheen
Cantwell	Kohl	Shelby
Cardin	Kyl	Snowe
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Coats	Leahy	Thune
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lugar	Warner
Coons	Manchin	Whitehouse
Durbin	McCaskill	Wicker
Enzi	McConnell	Wyden
Feinstein	Menendez	
Franken	Merkley	

NAYS—16

Chambliss	Hatch	Rubio
Coburn	Heller	Sessions
Corker	Johnson (WI)	Toomey
Cornyn	Lee	Vitter
Crapo	McCain	
DeMint	Risch	

NOT VOTING—2

Paul Webb

The PRESIDING OFFICER. On this vote, the yeas are 82, the nays are 16. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the substitute amendment (No. 738) is agreed to.

The Republican leader.

TRIBUTE TO CARL H. LINDNER, JR.

Mr. MCCONNELL. Madam President, I rise to mourn the passing of a great American and a man who did much to benefit the people of Kentucky as well as Ohio. Carl Henry Lindner, Jr., was Greater Cincinnati's most successful entrepreneur and a self-made man. He passed away this October 17. He was 92 years old.

Carl Lindner was born in Dayton, OH, in 1919, the son of a dairyman. He quit high school to help out in his father's dairy. That store grew into United Dairy Farmers, a chain of dairy and convenience stores that many northern Kentuckians frequent to this day to buy their famous ice cream.

Mr. Lindner made much of his living in the banking and insurance business. His name became famous across northern Kentucky and Ohio and nationwide as the owner of the Cincinnati Reds from 1999 to 2005. Carl also ran an amusement park and his hometown newspaper, the Cincinnati Enquirer.

Always the optimist, Carl was famous for carrying cards with him that he would hand out to anyone he met with motivational sayings printed on them. One frequent version of the card would read: "Only in America! Gee, am I lucky!"

Carl spent much of his time working for his community, bringing thousands of high-paying jobs to Cincinnati and northern Kentucky. He has been called a "one-man Chamber of Commerce." He also was renowned for his philanthropic efforts. He gave generously of his time and resources to charities, churches, universities, museums, organizations serving the underprivileged, and even children in Sri Lanka orphaned by the 2005 tsunami.

I had the benefit of knowing Carl for a long time very well. He was an amazing man, and his loss will be deeply felt by many. Elaine and I send our condolences to his wife Edyth; his sons, Carl III, Craig, and Keith; his 12 grandchildren, 5 great grandchildren, and many other beloved family members and friends.

The passing of Carl Lindner is a true loss for the people of northern Kentucky, Ohio, and the Nation. I know my Senate colleagues join me in remembering and honoring Carl for his very American success story, his service to his community, and the example he leaves behind for others of a full life well lived.

Madam President, the Cincinnati Enquirer recently published an obituary of Carl Lindner. I ask unanimous consent that it be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Cincinnati Enquirer, Oct. 18, 2011]

CARL HENRY LINDNER: 1919–2011

BILLIONAIRE INVESTOR, DEAD AT 92, WAS
CINCINNATI'S BIGGEST BENEFACTOR

(By Cliff Peale)

From humble beginnings running his father's dairy store in Norwood, Carl Henry Lindner Jr. grew into a billionaire, a friend of U.S. presidents and Greater Cincinnati's most successful entrepreneur.

For nearly a century until he died late Monday at age 92, the former Reds owner never shed the fierce competitiveness and loyalty that made him a hometown icon.

His influence ran to every corner of Greater Cincinnati. The high-school dropout bought and sold Kings Island, the Reds, Provident Bank and the Enquirer. His name is on buildings from the University of Cincinnati's business school to the tennis center at Lunken Playfield.

But it was the banking and insurance business that made him a billionaire. At his death, his American Financial Group Inc. controlled assets of nearly \$32 billion and he was routinely listed as one of the richest men in America.

Ever the optimist, Lindner often carried an inch-thick stack of cards with motivational sayings—one was "Only in America! Gee, am I lucky!"—that he handed out to anyone he would meet.

He was a teetotaler, physically unimposing yet with a prominent shock of white hair and a penchant for wearing flashy neckties.

Even to his closest friends and colleagues, he was soft-spoken and rarely confrontational. Yet some business partners complained about unfair treatment and he flashed a harsh temper when confronting reporters who wrote what he perceived as unfriendly stories or criticism of his business dealings.

A devout Baptist and a longtime member of Kenwood Baptist Church, Lindner used his wealth and influence behind the scenes to become Greater Cincinnati's largest benefactor and economic development force. At the height of his personal giving he contributed millions of dollars a year to charitable causes, and brought thousands of high-paying jobs to downtown Cincinnati.

His companies brought thousands of employees to the region, and the annual Christmas party that he threw at Music Hall attracted some of the nation's biggest acts, including Bill Cosby and Frank Sinatra.

CONSIDERED HIMSELF OUTSIDER

At the same time, Lindner thought of himself as an outsider, building his business career outside of Cincinnati's old-money elite. He was never a member of many of the most exclusive business and country clubs and his bar-the-doors business style, starting with a hostile takeover of Provident Bank in the mid-1960s, was out of place in always polite Cincinnati.

Perhaps the most public role of his career was his ownership of the Cincinnati Reds from 1999 to 2005. Lindner owned a minority stake both before and after that period but was the Reds' CEO for six seasons, and each of those years the team lost more games than it won.

He approved the trade for Ken Griffey Jr. in 2000, even sending his private jet to bring Griffey to Cincinnati and then personally driving the hometown star back to Cinergy Field from Lunken Airport in his Rolls-Royce.

But as the Reds' losses mounted, Lindner never spoke publicly to fans and privately bristled at talk-radio criticism.

That period ended in late 2005 when Lindner sold a controlling stake in the Reds to a group headed by Bob Castellini.

Shy and scornful of reporters, Lindner nevertheless became a focus of media attention because of his substantial wealth and his far-flung business dealings.

The controversies included millions of dollars in political contributions as his Chiquita Brands International Inc. was waging a trade war with European countries, a bevy of lawsuits and federal charges over business deals that benefited Lindner and his company more than other shareholders, and a high-profile battle with the Enquirer in 1998 over a series of critical stories on Chiquita.

Lindner built a national reputation in the 1980s as a high-risk trader, becoming a business partner of symbols of the decade's excess such as junk-bond king Michael Milken and Cincinnati's own Charles Keating.

He was the classic "value investor," buying properties few other investors wanted and waiting years, or even decades, to reap the benefits.

That gave him a portfolio including the old Penn Central railroad, Circle K convenience stores and New York City landmark Grand Central Station.

But Lindner spent the two decades before his death shedding assets that didn't deal with insurance and transferring others to his three sons. That left American Financial as mostly an insurance and financial services company.

He lost his stake in Chiquita in 2002 when that company emerged from Chapter 11 bankruptcy. In 2004, Lindner, his family and American Financial reaped nearly \$1 billion in stock when they sold Cincinnati's Provident Financial Group Inc. to Cleveland-based National City Corp.

The moves consolidated the business around safer insurance businesses. Lindner also transferred tens of millions of dollars to his three sons and their families, solidifying for generations a wealth that he never enjoyed growing up.

STARTING FROM SCRATCH

Born April 22, 1919, in Dayton, Ohio, Carl Henry Lindner Jr. was the firstborn of a modest dairyman and his wife, Clara.

Lindner quit high school to help in his father's Norwood dairy store. Along with his father, he and his brothers Robert and Richard, and sister Dorothy, built it into United Dairy Farmers, a chain of dairy and convenience stores.

When the family founded what now is UDF on Montgomery Road in Norwood in 1940, the first day's sales amounted to \$8.28.

Lindner often talked about the modest surroundings of his childhood, noting more than once that he picked up dates in an ice-cream truck.

Robert Lindner's family eventually took control of UDF, and Richard Lindner became sole owner of the Thriftway supermarket chain before selling it to Winn-Dixie Stores.

Lindner married the former Ruth Wiggeringloh of Norwood in 1942. They divorced seven years later with no children. He then married the former Edyth Bailey in 1951, and they have three sons who all went into the family business: Carl III, Craig and Keith.

Lindner cautiously entered the savings-and-loan and insurance business, founding his flagship company American Financial Corp. in 1959. In the early 1970s the company gained control of Great American Insurance, which would become its chief operating business.

Throughout the 1970s and 1980s the company bought and sold companies in a variety

of industries. Lindner took the company private in 1981 and released little financial information to the public, but in 1995 the company sold stock to public shareholders under the new umbrella of American Financial Group Inc.

In 2003, Keith Lindner left American Financial to concentrate on the family's charitable pursuits. In 2004 Carl and Craig Lindner were named co-CEOs of the company while Carl Lindner Jr. remained chairman.

Lindner was a conservative icon, lobbying against Robert Mapplethorpe's 1990 exhibit at the Contemporary Arts Center here and funding the Cincinnati Hills Christian Academy.

But he was pragmatic as well, contributing more than \$1 million to Democratic President Bill Clinton during Chiquita Brands' battle over European banana quotas. He was well known as one of the biggest givers in the country to both political parties.

THE GOOD LIFE

Lindner developed a taste for the good life, including a sprawling home in Indian Hill and nearly a dozen Rolls-Royce automobiles—with the trademark "CHL" license plate—that he drove himself well into his 80s.

He also owned a home in the exclusive Ocean Reef community of North Key Largo, Fla. There, he entertained lavishly, including hosting former President George Bush in the early 1990s.

Lindner traveled around the country in his own private jet. He dined often at exclusive restaurants like the Maisonette or the Waterfront—where he was an investor—and also became a regular at Trio in Kenwood.

Lindner received nearly every award Cincinnati has to offer, including induction into Junior Achievement's Greater Cincinnati Business Hall of Fame in 1992 and the Great Living Cincinnati award in 1994.

He was also on the board of directors of Citizens for Decency through Law, an anti-pornography group headed by American Financial co-founder and one-time Executive Vice President Charles Keating.

Among numerous awards and honors throughout his career, Lindner was named Man of the Year of the United Jewish Appeal in 1978 and received the Friars Club Centennial Award in 1985. He was awarded an honorary doctorate by UC in 1985 and by Xavier University in 1991.

SERVICES NOT SCHEDULED YET

Lindner's family has not yet scheduled memorial or funeral services.

American Financial Group, where Lindner was chairman, said Tuesday that the family had requested memorial gifts be made to Kenwood Baptist Church.

Lindner is survived by wife Edyth, sons Carl III, Craig and Keith, 12 grandchildren and five great-grandchildren.

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENTS NOS. 859, 892, 893, AS MODIFIED; 805, AS MODIFIED; 890, 918, AND 912, AS MODIFIED, EN BLOC

Mr. DURBIN. I ask unanimous consent that the following amendments be called up, reported by number, and considered en bloc: Senator PORTMAN, No. 859; Senator MCCAIN, No. 892; Senator CANTWELL, No. 893, as modified, with the changes that are at the desk; Senator COCHRAN, No. 805, as modified, with the changes at the desk; Senator

BURR, No. 890; Senator INOUE, No. 918; and Senator KYL, No. 912, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments by number.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mr. PORTMAN, proposes an amendment numbered 859.

The Senator from Illinois [Mr. DURBIN], for Mr. MCCAIN, proposes an amendment numbered 892.

The Senator from Illinois [Mr. DURBIN], for Ms. CANTWELL, proposes an amendment numbered 893, as modified.

The Senator from Illinois [Mr. DURBIN], for Mr. COCHRAN, proposes an amendment numbered 805, as modified.

The Senator from Illinois [Mr. DURBIN], for Mr. BURR, proposes an amendment numbered 890.

The Senator from Illinois [Mr. DURBIN], for Mr. INOUE, proposes an amendment numbered 918.

The Senator from Illinois [Mr. DURBIN], for Mr. KYL, proposes an amendment numbered 912, as modified.

The amendments are as follows:

AMENDMENT NO. 859

(Purpose: To strike a section relating to the approval of projects that include beam rail elements and terminal sections)

Strike section 125 of title I of division C.

AMENDMENT NO. 892

(Purpose: To provide additional flexibility for the closing or relocation of Rural Development offices)

On page 70, line 7, insert "or that the closing or relocation would result in cost savings" after "delivery".

AMENDMENT NO. 893, AS MODIFIED

(Purpose: To direct the National Aquatic Animal Health Task Force to assess the risk Infectious Salmon Anemia poses to wild Pacific salmon and the coastal economies which rely on them)

On page 108, between lines 22 and 23, insert the following:

SEC. 114. (a) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the National Aquatic Animal Health Task Force shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report of the findings of the research objectives described in subsection (b).

(b) RESEARCH AND SURVEILLANCE.—The National Aquatic Animal Health Task Force shall establish Infectious Salmon Anemia research objectives, in collaboration with the Government of Canada, and Federal, State, and tribal governments, including the Department of Fish and Wildlife of Washington and the Department of Fish and Game of Alaska, to assess—

(1) the prevalence of Infectious Salmon Anemia in both wild and aquaculture salmonid populations throughout Alaska, Washington, Oregon, California, and Idaho;

(2) genetic susceptibility by population and species;

(3) susceptibility of populations to Infectious Salmon Anemia from geographic and oceanographic factors;

(4) potential transmission pathways between infectious Canadian sockeye and uninfected salmonid populations in United States waters;

(5) management strategies to rapidly respond to potential Infectious Salmon Anemia outbreaks in both wild and aquaculture populations, including securing the water supplies at conservation hatcheries to protect hatchery fish from exposure to the Infectious Salmon Anemia virus present in incoming surface water;

(6) potential economic impacts of Infectious Salmon Anemia;

(7) any role foreign salmon farms may have in spreading Infectious Salmon Anemia to wild populations;

(8) the identity of any potential Federal, State, tribal, and international research partners;

(9) available baseline data, including baseline data available from a collaborating entity; and

(10) other Infectious Salmon Anemia research priorities, as determined by the Task Force.

AMENDMENT NO. 805, AS MODIFIED

(Purpose: To set aside certain funding for the construction, acquisition, or improvement of fossil-fueled electric generating plants that utilize carbon sequestration systems)

On page 49, line 15, before the period at the end insert "": *Provided*, That up to \$2,000,000,000 may be used for the construction, acquisition, or improvement of fossil-fueled electric generating plants (whether new or existing) that utilize carbon sequestration systems".

AMENDMENT NO. 890

(Purpose: To improve the transparency and accountability of the FDA in order to encourage regulatory certainty and innovation on behalf of America's patients)

On page 62, line 17, strike the period and insert the following: "": *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that discloses, with respect to all drugs, devices, and biological products approved, cleared, or licensed under the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act during calendar year 2011, including such drugs, devices, and biological products so approved, cleared, or licensed using funds made available under this Act: (1) the average number of calendar days that elapsed from the date that drug applications (including any supplements) were submitted to such Secretary under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) until the date that the drugs were approved under such section 505; (2) the average number of calendar days that elapsed from the date that applications for device clearance (including any supplements) under section 510(k) of such Act (21 U.S.C. 360(k)) or for premarket approval (including any supplements) under section 515 of such Act (21 U.S.C. 360e) were submitted to such Secretary until the date that the devices were cleared under such section 510(k) or approved under such section 515; and (3) the average number of calendar days that elapsed from the date that biological license applications (including any supplements) were submitted to such Secretary under section 351 of the Public Health Service Act (42 U.S.C. 262) until the date that the biological products were licensed under such section 351."

AMENDMENT NO. 918

(Purpose: To strike provisions related to the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent)

Beginning on page 197, strike line 9 and all that follows through page 209, line 2, and insert the following:

SEC. 541. The amount appropriated or otherwise made available by title IV under the heading "COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT" is hereby reduced by \$1,700,000.

AMENDMENT NO. 912, AS MODIFIED

(Purpose: To increase funding for the Southwest border enforcement)

On page 117, line 16, strike "\$1,101,041,000" and insert "\$1,111,041,000; of which not to exceed \$10,000,000 shall be available for necessary expenses for increased deputy marshals and staff related to Southwest border enforcement until September 30, 2012;"

On page 117, line 23, strike "\$12,000,000" and insert "\$20,250,000, of which \$8,250,000 shall be available for detention upgrades at Federal courthouses located in the Southwest border region".

On page 191, line 20, after the semicolon, insert "and an additional \$25,000,000 shall be permanently rescinded;"

Mr. DURBIN. I believe the Senate is ready to act on these amendments.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendments, en bloc.

The amendments were agreed to en bloc.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 893, AS MODIFIED

Ms. CANTWELL. Madam President, in that en bloc group of amendments was an important amendment, amendment No. 893, as modified, that was sponsored by my colleagues from the Northwest—obviously myself, Senator MURRAY, Senator WYDEN, Senator MERKLEY, Senator BOXER, and Senator FEINSTEIN. We thought it was very important that this amendment pass tonight because scientists are calling it a disease emergency; that is, that the Pacific Northwest wild salmon might be threatened by a virus that has already decimated fish farm salmon from around the world.

So we want to see, first of all, important scientific questions answered about the impacts of this virus, and the threat they pose to Pacific Northwest salmon. Second, we want to make sure there is an aggressive management plan and an effective rapid response plan to deal with the threat of this virus. And, third, we want to make sure we are protecting the wild salmon and the important economy that goes with it.

I know many people know the Northwest is known for a healthy salmon population, but this salmon population is also an economy for us. It is tens of thousands of jobs and hundreds of millions of dollars as it relates to our economy. So being able to detect this

virus and make sure we are assessing the potential threat to the wild salmon population is something we want to see happen immediately.

This makes sure the task force, which is a joint task force already in place between NOAA and the USDA, works effectively in a very short time period to make sure we are getting this accurate assessment.

As I mentioned, this virus in the farm fish population around the world—in Chile and other places—has decimated salmon. We cannot risk having this impact the Pacific Northwest wild salmon. So we need answers quickly from the scientific community. We need an action plan immediately. And we need to make sure we are formulating a rapid response as to what to do if we do detect this virus is spreading, with the potential impact we have seen in other areas.

I thank my colleagues for making sure this amendment was adopted tonight. I know Senator MURKOWSKI had planned earlier to talk about this. I want to thank Senator HUTCHISON from Texas for helping us move this along in the process.

I hope now, as we move this legislation, we will also get the cooperation from NOAA and Secretary Lubchenco and others, and those at NMFS, to make sure we are responding very rapidly to this very serious, what people have called the scientific need to get these questions answered as soon as possible.

I thank the Presiding Officer and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 898, 809, AND 806

Mr. REID. Madam President, I ask unanimous consent that the following amendments, which have been cleared by the managers of both sides be agreed to: Rubio, 898; Thune, 809; and Hutchison, 806.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 898, 809, and 806) were agreed to, as follows:

AMENDMENT NO. 898

(Purpose: To require an evaluation of the Gulf Coast Claims Facility)

On page 153, after line 24, add the following:

SEC. 218. EVALUATION OF GULF COAST CLAIMS FACILITY.

The Attorney General shall identify an independent auditor to evaluate the Gulf Coast Claims Facility.

AMENDMENT NO. 809

(Purpose: To authorize States to be reimbursed for expenditures made in reliance of a grant erroneously awarded pursuant to sections 4101(c)(4) and 4126 of Public Law 109-59)

On page 251, strike line 8 and insert “agreement, shall not be required to repay grant amounts received in error under such sections and, in addition, shall be reimbursed for core or expanded deployment expenditures such States made before the date of the enactment of this Act in reliance on a grant awarded in error under such sections.”.

AMENDMENT NO. 806

(Purpose: To amend the requirements for the designation of Moving-To-Work agencies)

On page 365, line 8, strike “10,000” and insert “20,000”.

Mr. WARNER. Mr. President, today I wish to say a few words about the bill that we are currently considering and, in particular, a very worthwhile program funded by this bill that I believe is critical to moving our Nation forward.

One very important agency funded by the fiscal year 2012 Commerce-Justice-Science bill that has not been getting much attention in the debate this week is NASA. Senators NELSON, HUTCHISON, ROCKEFELLER, and others worked incredibly hard to get a balanced reauthorization bill passed last year, and I commend them for their hard work in getting it signed into law. One aspect of that bill that I worked particularly hard on was ensuring that we are doing what we can to advance NASA's mission while also promoting the development of the commercial space sector. In negotiations on that authorization bill, Senator NELSON and I arrived at what I believe is a fair compromise that will allow us to pursue advances in the commercial cargo and commercial crew fields and harness the innovation and cost savings that the private sector can provide. In a recently released study, in fact, NASA estimated that the Falcon 9 launch vehicle being developed by the private sector company SpaceX will cost less than half what it would cost for NASA to develop the launch vehicle itself. In the current fiscal climate, it is imperative that we partner with commercial companies to pursue the cost-effective innovation that can only be achieved through the competition that exists in the private sector. Supporting development of the commercial space industry will also help create steady, well-paying jobs and spur economic growth—not only in urban tech corridors, but also in more rural areas where launch facilities are located such as the Wallops Island facility in my home State of Virginia.

By appropriating funding at the authorized level of \$500 million for the commercial crew development, CCDEV, program, I believe the fiscal year 2012 Commerce-Justice-Science bill honors the commitment we made in the authorization bill to move forward in that field. I commend Senator MIKUL-

SKI for her leadership in that regard, and I am excited by the opportunities to come. While NASA develops our next heavy lift vehicle and a host of other important research duties, the private sector has the capability to quickly and cost-effectively deliver vehicles for our astronauts to access the International Space Station, ISS, and minimize our dependence on Russia for those trips. Given what we will be paying Russia for those trips to the ISS, there is the potential that we can actually save money in the long run by investing in commercial space to develop a competitive vehicle, rather than continuing to pay the Russians for seats on their vehicles.

Moving forward with the CCDEV program will also result in additional opportunities for development at the NASA Wallops Flight Facility, the Virginia Commercial Space Flight Authority, and the Mid-Atlantic Regional Spaceport. I have supported the Wallops facilities in Virginia since my time as Governor, and from my recent visits, I can attest that they are making tremendous progress in developing their launch infrastructure. Providing funding for the CCDEV program at authorized levels, as we have done in this bill, will help us drive competition in the commercial space industry and will provide opportunities for facilities such as Wallops to further develop their launch infrastructure and provide steady, high-wage employment in areas that sorely need it.

Mrs. FEINSTEIN. Mr. President, I wish to speak about amendment No. 855, which I filed with Senators COBURN, GILLIBRAND, LAUTENBERG, and BROWN.

This amendment would require the Secretary of Agriculture to enforce adjusted gross income limits on farm subsidies that were established in the last farm bill by:

Pursuing thousands of individuals flagged by the IRS as potentially illegal recipients of farm subsidies; reclaiming subsidies from millionaires and other illegal recipients; and auditing subsidy recipients who claim they are in compliance with income limits but whose IRS tax returns suggest otherwise.

I do not intend to ask for a vote on this amendment at this time, but I would like to explain to my colleagues why I am calling upon the USDA to more vigorously enforce the adjusted gross income limits in law.

In the 2008 farm bill, Congress capped the income of farm bill subsidy payment recipients at \$500,000 for non-farm income and \$750,000 for farm income.

The limits were imposed because there had been increasing concerns that direct payments, countercyclical payments, and marketing loan benefits had been going to corporate agriculture and millionaires.

These subsidy programs are designed to provide a safety net to farmers

whose industry suffers from dramatic swings in prices from year to year.

Congress intended to prevent individuals who could provide their own safety net from drawing funds they didn't need from taxpayers.

The final enacted limits—\$500,000 for non-farm income and \$750,000 for farm income—prevent payments only to farmers and absentee farm-owners who are doing extremely well financially.

Less than 2 percent of Americans make this much money in a given year.

And Congress applied the caps flexibly.

Income can be averaged over a 3-year period, standard income tax deductions apply, and farmers can deduct their expenses related to their entire farm operation.

Congress gave the U.S. Department of Agriculture clear direction to investigate and enforce the income caps.

But the USDA has been very slow to enforce this provision.

First, USDA did not thoroughly review subsidy recipients to prevent illegal payments from going out the door in 2009, 2010, or 2011, even though the farm bill instructed that “the Secretary shall deny the issuance of applicable payments and benefits” to farmers who fail to certify compliance.

Second, the USDA has not yet aggressively pursued thousands of payment recipients that the IRS has identified as likely violators.

Third, the USDA has not conducted a single audit of a subsidy recipient, even though the farm bill states:

The Secretary shall establish statistically valid procedures under which the Secretary shall conduct targeted audits of such persons or legal entities as the Secretary determines are most likely to exceed the limitations . . .

Finally, USDA has made no attempt to identify those who lied about or concealed their income in order to receive subsidy payments. Such an act would constitute fraud against the U.S. government.

USDA has taken the initial step by working with the IRS to identify potentially illegal payments in 2009 and 2010, and I commend them for this action.

The preliminary results of their investigation are staggering:

The IRS “flagged” 13,000 individuals in USDA’s database with tax returns that suggest they exceed congressionally mandated income caps.

When USDA reached out to 200 randomly selected “flagged” individuals, more than 15 percent returned the money—with no questions asked.

Another 30 percent of those contacted by USDA didn’t bother to respond, suggesting a lack of respect among payment recipients for USDA’s enforcement ability.

This preliminary effort demonstrates that enforcing this law is both fair and fiscally responsible.

Thousands of recipients could be receiving tens, even hundreds, of millions of Federal dollars each year, illegally.

Wealthy farmers—and absent farm owners—are still claiming payments from the farm bill’s safety net programs, and the USDA is not doing enough to stop them.

Some of my colleagues believe we should wait for the next farm bill to address this problem. But I doubt they recognize that failing to enforce this provision wastes this much money.

Furthermore, the next farm bill is likely to include some form of payment regime, as every farm bill has for more than 50 years.

It might not be direct payments, but some form of subsidy payment regime is expected to remain.

Vigorous income limit enforcement makes the farm safety net stronger, not weaker. It assures that funding is available for those who need it, even in a time of severe cuts.

Our constituents are suffering through the longest economic downturn in a generation. And government resources to help those truly in need are dwindling.

And yet despite congressional direction to conduct audits and oversight of fraudulent payments to individuals already making hundreds of thousands of dollars per year, the Department of Agriculture has not done enough to ensure that our limited resources are being spent wisely.

I urge our colleagues to join me in speaking out about this issue. I urge them to demand that the USDA enforce the law.

We need to send a clear message that fraudulent claims and subsidies to the rich are unacceptable.

Mr. CORNYN. Mr. President, though I support the goal of sensible reform to the Federal criminal justice system, I opposed the Webb amendment, No. 750, for several reasons.

First, I am concerned that the National Criminal Justice Commission created by this amendment would not be required to adopt unanimous recommendations. As a result, it is likely that this commission would fracture into partisan camps instead of working toward the types of bipartisan consensus recommendations that would truly help solve the problems facing our justice system. The experience of the 9/11 Commission is instructive. Despite the widely divergent policy views of the ten 9/11 Commission members, they came together to produce a 567-page report containing 37 recommendations—without a single voice of dissent. As a result, Congress passed nearly all of that commission’s recommendations within 2 years. I am not confident that a nonunanimous National Criminal Justice Commission will have the same success.

Additionally, I believe the broad jurisdiction of the National Criminal

Justice Commission could lead it to examine highly controversial policy areas better left to the elected branches of government. This would create an opportunity for certain interest groups to pressure the commission to make divisive recommendations on issues such as narcotics legalization and the repeal of mandatory minimum sentences. While these interest groups may believe that their arguments have merit, they should make these arguments to their elected representatives, rather than unelected commission members. The Congress and the House and Senate Judiciary Committees are the proper venue in which to examine controversial criminal justice policy issues.

Furthermore, I have strong federalism concerns with the commission’s jurisdiction to make recommendations concerning State and local criminal justice systems. Though Congress has the legitimate authority to appropriate funds to examine the federal criminal justice system, it does not have the authority to order the same examination at the State and local level. In my home State of Texas, the State government undertook sweeping reforms to its criminal justice system that will save taxpayers billions of dollars. While I am proud of this achievement, I do not believe that the Federal Government should push other States to do the same thing. If another State looks at the success of the Texas reforms, but decides not to enact them, then that is the choice reserved to them by the United States Constitution. Federal taxpayer dollars should not be used to interfere with this decision.

Given the major concerns I have noted, it is almost certain that the money appropriated by this amendment would amount to little actual change in the criminal justice system. In fact, the proposed National Criminal Justice Commission, in its current form, would likely only lead to more partisan bickering. Given the financial state of the Nation, I believe that it would be unwise to spend \$5 million on a commission whose recommendations will likely be so divisive and controversial that they will never even be acted upon by Congress.

I believe that we should have a serious discussion about the federal criminal justice system and reducing out-of-control incarceration rates. Unfortunately, this amendment would not advance that goal. For this reason, I voted against the Webb amendment No. 750.

Mr. GRASSLEY. Mr. President, earlier this afternoon we voted on a good government proposal that would have improved accountability for taxpayer dollars. That amendment focused on grants awarded by the Department of Justice. Soon we will be voting to repeal another good government measure; that is, the provision to ensure

that government contractors pay their taxes by requiring that governments withhold 3 percent from payments to contractors as prepayment for their taxes. The provision was enacted in direct response to a series of Government Accountability Office, or GAO, reports about Federal contractors not paying their taxes.

I have always said that taxpayers should pay what they owe—not a penny more, and not a penny less. And several GAO reports indicate that information reporting and upfront withholding significantly improve compliance. In fact, that is why the Federal Government withholds taxes from individual paychecks.

Since the provision was enacted, I have heard repeatedly about the costs of implementation. I am disappointed by the misinformation that has been spread by the various outside groups—just like the ones that lobbied against my Justice Department grant amendment today.

Specifically, one fictitious estimate by an outside group states that the cost to implement this provision is \$75 billion. There is another made-up estimate that it would cost the Department of Defense \$17 billion to implement this provision.

I have a very long history, over 30 years in the Senate, of doing oversight of various Federal agencies. I cut my teeth in oversight by combating waste, fraud, and abuse at the Defense Department. I knew both the 75 billion and 17 billion numbers were bogus the first time I heard them.

The Congressional Budget Office, or the CBO, the nonpartisan, objective

scorekeeper for Congress, has estimated the cost of implementation to the Federal Government, including the Defense Department, to be \$85 million over 5 years.

Mr. President, I am a firm believer in reviewing laws that aren't working. This provision never even had a chance to work. However, I have heard from small business owners across Iowa about the burdens the withholding provision would impose on them, particularly with the economy still being in the dumps.

For that reason, I support repealing this provision. My preference would have been to fix the provision so that small businesses and State and local governments would be exempted. However, that would have likely created even more complexity.

Let me just say that, despite the rhetoric, large corporations would not have been impacted in the same way that small businesses would have been.

They, especially defense and Medicare contractors, are not operating on a cash flow basis or on profit margins of 3 percent. They are just riding the coattails of small businesses in pushing for repeal of this provision.

As we proceed to vote on repeal of this provision, let me remind my colleagues on both sides of the aisle that tax cheats are a very real problem. Tax delinquent contractors continue to be awarded Federal contracts, despite the administration's efforts to clamp down on awarding contracts to them. The most recent example is the award of stimulus contracts.

A GAO report from May of just this year indicated that \$24 billion in Fed-

eral contracts were awarded to contractors who owed more than \$750 million of back taxes. This is not chump change.

In the past year or so, Members of the House and Senate have supported measures to ensure that Federal employees pay their taxes. Well, Federal contractors should not be treated any differently. The country is in the midst of an unprecedented fiscal crisis. Tax increases are off the table so we need to ensure that we are collecting every dollar that is owed to the Federal Government.

Senator BAUCUS and I continue to work on an alternative to 3 percent withholding. This alternative would prohibit the Federal Government from awarding contracts to tax cheats.

In order to assist contracting agencies in identifying tax cheats, we would enable those agencies to check a contractor's tax status with the Internal Revenue Service. This new approach would be much narrower in focus than the 3 percent withholding provision. It should only impact the bad actors. When we have an opportunity to consider this provision, I would hope that my colleagues would support us in enacting it. Preventing tax cheating should be a bipartisan issue.

I ask unanimous consent that the CBO estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRELIMINARY ESTIMATE—CHANGE IN AMOUNTS SUBJECT TO APPROPRIATION ARISING FROM SECTION 511 OF THE TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005

[In millions of dollars by fiscal year]

	2012	2013	2014	2015	2016	Total
Federal Implementation Costs:						
Nonrecurring	35	0	0	0	0	35
Recurring	10	10	10	10	10	50
Total	45	10	10	10	10	85
Costs to Federal Contractors:						
Nonrecurring ^a	7,500	400	400	400	400	9,100
Recurring ^b						
Financing	550	550	550	550	550	2,750
Reporting	100	100	100	100	100	500
Total	8,150	1,050	1,050	1,050	1,050	12,350
Total Costs	8,195	1,060	1,060	1,060	1,060	12,435

Sources: Congressional Budget Office, Department of Defense, Federal Procurement Data System.
a. Implementation costs of federal contractors are not directly billable to federal agencies. CBO expects that such costs will eventually be passed on to federal agencies in the form of higher prices for goods and services, although not necessarily in the same year that those costs are incurred.
b. Ongoing implementation costs arise from regular turnover of federal contractors. New vendors will need to modify their accounting systems to provide goods and services to federal agencies.

Ms. MIKULSKI. Mr. President, I wish to thank Chairman KOHL and Senator BLUNT for their hard work on this bill. They had to make tough choices because of their tight allocation. I commend them for the choices they made and agree with them. They have my full support for this bill.

I especially want to thank them for increasing the Food and Drug Administration's budget. They provided \$2.5 billion which is \$50 million over this year's funding level. Twenty-five cents for every dollar spent by consumers is for FDA-regulated products, over \$1

trillion worth of goods bought each year.

This funding increase will strengthen our food safety infrastructure so that the FDA can meet its increased responsibilities. It gives the FDA new defense capabilities to hold imported and domestic foods to the same standards. It also will help Federal, State, and local officials prevent and more efficiently detect food safety problems. Finally, it increases the FDA and State and local workforce capacity to prevent deadly outbreaks.

Employees at the FDA are on the front lines every day to stop food safety outbreaks in their tracks and get unsafe foods off of supermarket shelves. We rely on the FDA more than ever to make sure the drugs and medical devices we depend upon are safe and effective.

I have been a longtime fighter for the FDA. I have fought for years for the right facilities and the right resources. I will continue to fight for these hard-working employees. This increase will help the FDA continue to be the gold

standard in upholding drug, device, cosmetic, and food safety.

They also make nutrition assistance programs a priority, which is so important in these difficult economic times. For Women, Infants and Children, they provide \$6.6 billion. This funding level will meet the needs of low-income pregnant women, infants, and children under 5 by providing nutritious foods, dietary supplements, healthy eating information, and medical referrals.

This bill is also very important to Maryland. It supports the hard-working Federal employees at FDA and the Beltsville Agricultural Research Center. Headquartered in Silver Spring, MD, FDA employs 9,400 people, while BARC, located in Beltsville, MD, employs 975 Federal employees, including 250 scientists. BARC is the flagship campus of the Agricultural Research Service. It conducts cutting-edge research to develop and transfer solutions to our Nation's most pressing agricultural problems. This research is impacting not just farmers but every American as it relates to food safety, nutrition, and obesity. They keep BARC funded at existing funding levels and protect these jobs.

They also provide \$16.5 million for farmers market nutrition programs. This program gives WIC recipients vouchers to use at farmers markets and roadside stands to buy locally grown fruits and vegetables. This program helps low-income women and children as well as our local farmers. In 2009, Maryland distributed \$403,000 vouchers to 42,000 WIC clients. This also helped 260 Maryland farmers sell their crops.

In addition, Maryland is home to two land grant institutions: University of Maryland at College Park and University of Maryland Eastern Shore. They rejected the House cuts to land grant university research and extension programs and keep them in good standing. These programs support food and agriculture research, provide peer-reviewed, competitively awarded grants, help attract top-notch scientists, fund youth programs, including 4-H, and reach out and solve community needs for small farmers and business owners.

Maryland's No. 1 industry is agriculture. We have both the traditional industry sectors and nontraditional: everything from poultry, to dairy to organic farms and vineyards and a specialty nursery industry. This bill supports these farmers and small business owners, but it also supports all Americans by protecting our public health

and safety when it comes to our food supply, drugs, and medical devices.

Mr. President, I also wish to thank Chairman MURRAY and Senator COLLINS for their hard work on this bill. I say to the Senators, you worked together in a bipartisan way and with collegiality. You had a tight allocation and had to make tough choices. But you did an outstanding job, and you have my full support for this bill.

I support this bill because it is a jobs bill. It provides formula funding to the States for our highways, byways, and subways. According to the U.S. Department of Transportation, every \$1 million spent on transportation creates 13 jobs.

This bill will hire the construction workers and engineers to widen our highways and build new bridges. The bill also provides \$550 million for TIGER Grants, the discretionary grant program begun in the economic recovery bill. This competitive grant program funds road, rail, transit, and port projects.

This bill provides nearly \$16 billion for the Federal Aviation Administration, the current year funding level. This funding supports our air traffic controllers, air safety personnel, and construction jobs at our airports.

This bill also provides funding to maintain the Maritime Security Program. This program maintains 60 U.S. flagships, crewed by U.S. citizens, to service both commercial and national security needs.

This bill provides \$120 million for Choice Neighborhoods. Choice Neighborhoods uses the lessons of HOPE VI. It builds upon them to reach more communities and turn ZIP Codes of poverty into healthy, vibrant communities.

It also provides much-needed funding for veterans' housing, a total of \$75 million, to get them the housing help they need. Our Nation owes our vets a debt of gratitude, and I will keep fighting to show that gratitude not just with words, but with deeds.

For Maryland, this bill guarantees \$750 million in Federal transportation formula funding. Within this amount, Maryland receives \$600 million for highways and \$150 million for transit. It also supports 9,750 jobs. About half of Maryland's highway and transit capital projects are funded with these Federal dollars.

In addition, this bill funds Metro here in our Nation's capital, providing \$150 million for safety improvements, including new rail cars, track, and sig-

nal upgrades. It also guarantees Metro's \$228 million in Federal formula funding for capital improvements. This funding combined supports nearly 5,000 public and private sector jobs.

Infrastructure and housing investments are vital to sustain economic growth and create jobs. I support Senate action on multiyear transportation and aviation authorization bills and infrastructure bank legislation. But agreement and passage of these bills is going to take some time. This appropriations bill is a jobs bill we can pass now to get Americans back to work in the near term.

Mr. CONRAD. Mr. President, I previously filed committee allocations and budgetary aggregates pursuant to section 106 of the Budget Control Act of 2011. I am further adjusting some of those levels, specifically the allocation to the Committee on Appropriations for fiscal year 2012 and the budgetary aggregates for fiscal year 2012.

Section 101 of the Budget Control Act allows for various adjustments to the statutory limits on discretionary spending, while section 106(d) allows the chairman of the Budget Committee to make revisions to allocations, aggregates, and levels consistent with those adjustments. Senator LAUTENBERG has offered Senate amendment No. 836 to the appropriations bill for Agriculture, Rural Development, Food and Drug Administration, and related agencies. That amendment includes \$365 million in 2012 funding that is designated for disaster relief pursuant to the Budget Control Act of 2011. CBO estimates that budget authority would result in \$18 million in outlays in 2012.

In addition, Senator GILLIBRAND has offered Senate amendment No. 869 to the Agriculture appropriations bill. That amendment includes \$110 million in 2012 funding that is designated for disaster relief pursuant to the Budget Control Act of 2011. CBO estimates that budget authority would result in \$44 million in outlays in 2012.

Therefore, in total, I am revising the allocation to the Committee on Appropriations and to the budgetary aggregates by \$475 million in budget authority and \$62 million in outlays.

I ask unanimous consent that the following tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2012 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011

	\$s in billions	Program integrity	Disaster relief	Emergency	Overseas contingency operations	Total
Amendments—Lautenberg SA 836 & Gillibrand SA 869:						
Budget Authority		0.000	0.475	0.000	0.000	0.475
Outlays		0.000	0.062	0.000	0.000	0.062
Memorandum 1: Breakdown of Above Adjustments by Category:						
Security Budget Authority		0.000	0.000	0.000	0.000	0.000

DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2012 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011—Continued

	\$s in billions	Program integ- rity	Disaster relief	Emergency	Overseas con- tingency oper- ations	Total
Nonsecurity Budget Authority		0.000	0.475	0.000	0.000	0.475
General Purpose Outlays		0.000	0.062	0.000	0.000	0.062
Memorandum 2: Cumulative Adjustments (Includes Previously Filed Adjustments):						
Budget Authority		0.893	8.588	0.000	126.544	136.025
Outlays		0.774	1.669	-0.007	63.568	66.004

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEPARTURE OF LISA WOLSKI

Mr. KYL. Mr. President, it has been said no one is indispensable and that may be true, but next week we will test that theory after the departure of my chief of staff, Lisa Wolski. Lisa has been on my whip staff since January of 2003. She started as tax counsel in my personal office, because I serve on the Finance Committee, and then moved to the whip office in late 2007.

We refer to people around here as staffers. She is more than that. That name doesn't begin to encapsulate what we think of those people who work with us every day and provide us with all the things we need to try to be successful. That certainly is Lisa Wolski. She is and always has been one of my most trusted advisers. She is the gold standard of expertise and professionalism. Everything I have asked her to do she has done and done well. More important, she brings to me the things she thinks I should be thinking about, and more often than not that is exactly what I end up doing. She knows what she is talking about. She knows what I want and what I need.

Those who work with her know she is smart, she is articulate, and through her mastery of complex policies and political savvy, she has accomplished great things in my whip office during the time I have been whip.

I cannot tell you the number of people who have told me, over the last several weeks since they learned she is going to be departing, how much they will miss working with her.

Other than her extraordinary competence and work ethic, one of the many reasons I will miss her is because, as I said, I think she and I think alike. That is not because she accommodated her views to mine but because she came to her views separately, from a basis of understanding and reason and experience and knowledge and it happens our views generally coincide. That is a happy coincidence for Member and staff, and in my case to have a chief of staff who shares those views

with me has made my job much easier and it makes work much more comfortable, to be able to work in great harmony with someone on whom you rely.

She instinctively knows what I will think about a particular issue and she has always been there with good counsel and advice.

I wish to conclude by saying Lisa Wolski leaves behind a great example for all the other staff people who work here, as well as the legacy of achievement and professionalism. I know she will be a great success in her new job—she doesn't need good luck. Her new employer will be very fortunate to have her wise counsel—undoubtedly more than they even know at this point. But I do know in the Senate we are going to miss Lisa Wolski very much.

TRIBUTE TO EDWARD J. REINKE

Mr. MCCONNELL. Mr. President, today I wish to pay tribute and respect to an accomplished Kentuckian and photo-journalist, Mr. Edward Reinke of the Associated Press. Mr. Reinke tragically passed away on October 18 after an accident several days earlier while he was covering the IndyCar race at Kentucky Speedway in Sparta, KY. He was 60 years old.

Ed Reinke was a mentor to countless photographers throughout his illustrious career and leaves behind him a legacy in the photo-journalism industry that is admired and respected throughout the world.

Edward J. Reinke was born and raised in Howard County, Indiana, and was a graduate of the University of IN. Ed began his photo-journalism career as an intern with the Cincinnati Enquirer in 1972. Ed worked as a full-time staffer until 1979 when he left to work for the Associated Press in Cincinnati. Ed also spent several years in the Washington, DC, bureau and on August 31, 1987, he came to Louisville, where he became the Associated Press's first staff photographer in Kentucky in 25 years.

During his 25-plus-year career, Ed built an impressive network of Kentucky AP-member photographers who encourage and help each other to this day by contributing pictures that can be shared among all AP-member newspapers. "He was the hub of a very close-knit community," said John

Flavell, Ed's personal friend of 25 years and photo editor at the Daily Independent in Ashland, KY.

Ed was driven by the philosophy that good photographers make themselves better by making pictures that mattered over long periods of time. He spent each day attempting to fulfill his motto: "You don't just take pictures, you make good pictures." And Ed did just that.

He was often selected for special events around the world such as Super Bowls, World Series championships, Final Four tournaments, Summer and Winter Olympics, Masters and PGA Championships, President Bill Clinton's first inauguration, and Hurricane Andrew. In Kentucky, Ed was the Associated Press's lead photographer for almost every major event in my State's modern history, including the 2006 crash—of Comair Flight 5191, the 1988 Carrolton bus crash the Nation's deadliest drunk-driving accident—and the Kentucky Derby every year since 1988.

In stark contrast to covering these somber and significant events, Ed had also had the remarkable ability to find the "quiet dignity" in tobacco farmers, racetrack workers, and short-order cooks. Ed was a man of passion and compassion, and his life revolved around his commitment to his family and his work. "His family was most important to him and he wasn't shy about telling it to those who understood," said Flavell. "It was his family that made him."

"There's a big black hole in my soul and at the center of the photo-journalism universe with Ed Reinke gone, but it's his influence that will shine the brightest," Flavell says in remembrance of his friend.

Mr. President, I would ask my Senate colleagues to join me in extending my greatest condolences to Mr. Reinke's mother, Margaret L. Harmon Reinke, his wife, Tori, and his two sons, Wilson and Graham, for their loss. Edward J. Reinke was a true inspiration to the people of our great Commonwealth, and photo-journalists throughout Kentucky and the rest of the world owe him a debt of gratitude for the work and legacy he leaves behind.

Mr. President, I ask unanimous consent that an article appearing in the Ashland Daily Independent highlighting Ed's life and achievements be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[The Daily Independent, Oct. 19, 2011]

A GREAT ONE PASSES

(By John Flavell)

Chances are you don't know the name Ed Reinke, but you've seen his work grace this newspaper for decades as a venerated photo-journalist with the Associated Press. He passed away early Wednesday morning after suffering a brain injury at Sparta Racetrack two weeks ago.

Ed taught the lesson that good photographers make themselves better by making pictures that mattered over long period of time. Within that wisdom is his credo: "You don't just take pictures, you make good pictures." All within the confines of journalism ethics.

Even though he covered great events like the Olympic Games, World Series, and Super Bowls, Ed could quickly find the quiet dignity in tobacco farmers, racetrack workers, and short-order cooks.

Ed was a great teacher. A college student approached Ed and wanted to know why she couldn't get the nice close-ups with her normal lens, pointing to his long glass. He told her she was lucky, with her short lens she could get really close to her subject, saying, "The rest of us don't remember how to do that."

And to see him work was like watching a master's class in photo-journalism far beyond the classroom or textbook. During a break one Derby Week morning at Churchill Downs, Ed struck up a long conversation with an elderly African-American gentleman who wiped dew off the seats around the paddock. After the conversation, Ed said, "makes me wish I worked for NPR." The photo he filed of the worker put the guy in exactly the dignified light Ed brought out in the conversation.

I repeated that story to Ed last year after he asked about audio recordings I made for slideshows. He wanted to know why so much effort went into the audio track and I reminded him of his paddock conversation and the influence it had on me. He was genuinely touched. And I was touched when he once drove from Louisville to Morehead to see a show I had at Morehead State University, where we had the gallery to ourselves. He looked at the seemingly endless row of images and said, "You probably should have edited tighter, but I'm glad you didn't. We should talk about these." It was a nice afternoon.

That's the way our relationship grew over the 25 or so years. Conversations were long in-between, but lasted long as we caught up with the professional and personal sides of our lives. We started with the utmost respect for our ingrained craft and took it to the personal level as we learned—through maturity—that our photography was made by what we are.

As Ed's family grew, so did Ed. We rarely see a man of his stature in photo-journalism stop in the middle of talking shop to talk about his wife and sons. When they hurt, it showed in his voice and mannerisms. Most of the time, though, times were good and his eyes would light up. His family was most important and he wasn't shy about telling it to those who understood it was his family that made him.

When Ed and I last spoke, he called to ask if I would be attending a reunion at our alma mater, Indiana University's School of Journalism. We both had other commitments

that weekend, and the conversation settled into a former teacher there. Although we attended the school at different times, we had similar stories about the Pulitzer nominee, who had photographed the desegregation clashes in Arkansas. After the obligatory words of praise for our mentor, we went directly to the obligatory stories about him that made us laugh the most.

Probably what I'll miss the most are those phone calls out of nowhere that started with the words, "I sure enjoyed that picture you made." When I told Ed I'd miss the reunion because I was taking a 45 field camera to the coast, he said, "I'd sure like to see those." It rarely mattered what the pictures were about, we had reached a point when we knew the pictures were about us. I'll miss that.

There's a big black hole in my soul and at the center of the photo-journalism universe with Ed Reinke gone, but it's his influence that will shine the brightest.

MORE ON REINKE

Ed used to wear a bright red jacket, which is how people could quickly find him. Early one morning at Churchill Downs, Ed spotted a former Kentucky Derby winner on the track on a workout. He took off the jacket, stuffed it in his camera bag, and snuck away from the crowd. A couple of us watched as he stalked the backside to wait for the horse to come back around. Ed wasn't particularly competitive, but he didn't like finding a situation only to have another photographer crash in.

The Kentucky Derby brings in photographers from all over the world. During an early morning meeting of photographers, Ed spotted a well-known group standing together. "There isn't many people I really dislike at the Kentucky Derby, but they're all standing right there."

During a conversation at a recent Kentucky Legislative session, I commented to Ed his pictures were getting better with age. After the obligatory expletive, which is what I was after, he said, "Well, if it has my name on it, I'm going to keep trying."

Ed liked using a Wild West vocabulary. The cameras were his shootin' irons. Film rolls and the cards that came later were his bullets or ammo.

Whenever asked if he got a dunk at a basketball game, Ed would point to the stands and reply, "Nah, but you see that guy up there in the stands with the white shirt? Tack sharp!"

DREAM SABBATH

Mr. DURBIN. Mr. President, 10 years ago I introduced the DREAM Act legislation that would allow a select group of immigrant students with great potential to contribute more fully to America.

The DREAM Act would give these students a chance to earn legal status if they: came to the United States as children; are long-term U.S. residents; have good moral character; graduate from high school; and complete 2 years of college or military service in good standing.

The DREAM Act would make America a stronger country by giving these talented immigrants the chance to serve in our military and contribute to our economy. Tens of thousands of highly qualified, well-educated young people would enlist in the Armed

Forces if the DREAM Act becomes law. And studies have found that DREAM Act participants would contribute literally trillions of dollars to the U.S. economy during their working lives.

These young people have overcome great obstacles to succeed. They are valedictorians, star athletes, honor roll students, and R.O.T.C. leaders. Now they want to give back to their country. The DREAM Act would give them that chance.

For the last 10 years I have been working on the DREAM Act, there has been one constant: strong support from the faith community. The DREAM Act is supported by almost every religious group you can imagine: Catholic, Methodist, Episcopal, Lutheran, and Evangelical Christians; Orthodox, Conservative, and Reform Jews; and Muslims, Hindus, and Sikhs.

The faith community supports the DREAM Act because it is based on a fundamental moral principle that is shared by every religious tradition—it is wrong to punish children for the actions of their parents.

These students were brought to this country as children. They grew up here pledging allegiance to the American flag and singing the only national anthem they have ever known. They are American in their hearts and they should not be punished for their parents' decision to bring them here.

During the past two months, people of faith all across this country have been showing their support for the DREAM Act by observing the first-ever "DREAM Sabbath."

During the DREAM Sabbath, at churches, synagogues, mosques, and temples around the country, Americans of many religious backgrounds have been offering prayers for the immigrant students who would be eligible for the DREAM Act. At many of these events, these DREAM Act students have told their stories.

In all, there have been more than 400 DREAM Sabbath events in 41 States.

In June, when I announced the DREAM Sabbath, I was joined by religious leaders from a great variety of faith traditions, including: Cardinal Theodore McCarrick; Bishop Minerva Carcaño of the United Methodist Church; Reverend Samuel Rodriguez of the National Hispanic Christian Leadership Conference; Reverend Derrick Harkins of the National Association of Evangelicals; Bishop Richard Graham of the Evangelical Lutheran Church in America; Bishop David Jones of the Episcopal Church; Rabbi Lisa Grushcow; Imam Mohamed Magid of the Islamic Society of North America; Sister Simone Cambell, Executive Director of NETWORK; Rabbi Doug Heitfetz; Dr. Fred Kniss, Provost of Eastern Mennonite University; and Father Jacek Orzechowski, Franciscan Friar, the Holy Name Province.

The DREAM Sabbath events reflect this great religious diversity. To give a

few examples of the congregations who observed the DREAM Sabbath: The First Presbyterian Church of Cheyenne, Wyoming; The Central United Methodist Church in Fairmont, West Virginia; The Unitarian Church of Lincoln, Nebraska; Galloway Memorial Episcopal Church in Elkin, North Carolina; Grace United Methodist Church in Missoula, Montana; Trinity Episcopal Church in Winner, South Dakota; The Texas Catholic Conference of Bishops; The Florida Catholic Conference of Bishops; and many Catholic dioceses.

In Tucson, AZ, the DREAM Sabbath was recognized at the National Hispanic Evangelical Immigration Summit, a gathering of 1,200 Evangelical ministers. This summit was convened by Reverend Sam Rodriguez and the National Hispanic Christian Leadership Conference. In my home State of Illinois, I observed the DREAM Sabbath at, among other places, Anshe Sholom B'nai Israel Congregation.

I worked with a remarkable team of leaders to put the DREAM Sabbath together. This team was led by Bill Mefford, director of civil and human rights at the United Methodist Church; Jen Smyers, associate director of immigration and refugee policy at Church World Service; and Liza Lieberman, grassroots policy associate at the Hebrew Immigrant Aid Society. I thank them, and the Interfaith Immigration Coalition, for their leadership.

I would also like to thank the following individuals for their tremendous efforts in ensuring that the DREAM Sabbath was observed in nearly every State in this country:

Kevin Appleby and Antonio Cube, U.S. Conference of Catholic Bishops; Nora Skelly, Lutheran Immigration and Refugee Service; Patrick Carolan, Franciscan Action Network; Tammy Alexander, Mennonite Central Committee; Larry Couch, National Advocacy Center of the Sisters of the Good Shepherd; Sr. Mary Ellen Lacy, NETWORK: A Catholic Social Justice Lobby; Regina McKillip, Sisters of Mercy of the Americas; Kat Liu, Unitarian Universalist Association; Robert Gittelsohn, Conservatives for Comprehensive Immigration Reform; Jenny Yang, World Relief; and Ana White, Episcopal Church.

I would like to offer special thanks to Diana Villa, from United We Dream, for working to make sure that DREAM Act students could attend many of these DREAM Sabbath events and share their moving stories.

Finally, I would like to thank all of the Dreamers, as DREAM Act students call themselves, for having the courage and persistence to continue the fight for the DREAM Act.

If anyone is interested in becoming part of this important national movement, they can visit www.dreamsabbath.org or call my office at 202-224-2152.

The DREAM Sabbath is putting a human face on the plight of undocumented students who grew up in this country and will help build support for passage of the DREAM Act. Again, I thank all those who worked so hard to make DREAM Sabbath a reality. Because of these leaders, DREAM Act students remain in the prayers of the many thousands of Americans who have attended DREAM Sabbath events.

LIVESTOCK COMPETITION RULE

Mr. HARKIN. Mr. President, throughout the decades since the Packers and Stockyards Act was enacted in 1921, livestock and poultry producers and growers have depended upon the U.S. Department of Agriculture to enforce basic rules of honest dealing, fairness, and nondiscriminatory treatment when livestock and poultry growers and producers engage in sales and contractual transactions with meat and poultry packers, processors, and dealers.

The underlying justification for the Packers and Stockyards Act, and the regulations that have been issued to carry it out, is basic and straightforward. There is inherently a substantial inequality in bargaining power and economic leverage between the individual producer or grower of hogs, or cattle, or poultry, on the one hand, and the packing or processing company on the other hand. That is not to accuse or disparage the packers and processors, but simply to recognize the inherent disparities in economic power in the real world. It is accordingly only reasonable to have some basic Federal rules of the road, so to speak, because livestock and poultry production and processing is a national industry of huge importance to our country and its economy.

For many years we have heard repeated testimony before Congress that the Packers and Stockyards Act is not being carried out by the Department of Agriculture, specifically by the Grain Inspection, Packers and Stockyards Administration, in a manner that fully and effectively lives up to the language of the statute, its intent, and purposes. For that reason, in crafting the Food, Conservation, and Energy Act of 2008, as chairman of the Committee on Agriculture, Nutrition, and Forestry, I was proud to work with my colleagues in the committee and with our counterparts in the House of Representatives to include language directing the Secretary of Agriculture to issue new regulations under the Packers and Stockyards Act that would clarify criteria and interpretations for carrying out and enforcing the act. These new regulations are required to establish criteria that the Department of Agriculture will use in determining whether the actions of a packer or processor constitute an undue or unreasonable preference or advantage for one or

more producers or growers to the disadvantage of others, in violation of the act; whether a live poultry dealer has provided reasonable notice for suspending the delivery of birds to a grower under a poultry growing contract; under what circumstances it would be an unfair practice in violation of the act for a packer or processor to require a swine or poultry grower to make additional capital investments during the life of a contractual arrangement; and whether a live poultry dealer or swine contractor has provided a reasonable period of time for a swine or poultry contract grower to remedy a breach or failure to perform in order to avoid termination of the contract.

In accordance with the farm bill, the Department of Agriculture issued a proposed rule on June 22, 2010, and kept the public comment period open until November 22, 2010. Some 61,000 comments were submitted, which the department has been reviewing and responding to in the process of developing a final rule. The proposed rule is not perfect, of course. That is why there is a public comment process so that anyone who is interested can comment and make recommendations. Secretary of Agriculture Vilsack has made it very clear that the comments were being carefully reviewed so that the proposed rule can be appropriately modified and improved in response to the comments.

Contrary to some of the arguments that are being made, the topics and subject matter covered in the proposed rule, and which therefore likely would be encompassed in the final rule, are entirely consistent with the rule-making process that the 2008 farm bill directed the Secretary of Agriculture to conduct and with the authority provided by the Packers and Stockyards Act. It is not at all correct to assert that the Department of Agriculture has exceeded its authority or in some manner or contradicted the farm bill's directive to issue regulations on specified matter.

It is true the proposed rule would do more to interpret and clarify terms in the Packers and Stockyards Act than is specifically required in the farm bill. Most important, the proposed rule would clarify what many believe to be a misinterpretation of the act by some courts that have held that an individual grower or producer cannot succeed on a claim for harm suffered from a violation of the act without an additional showing of harm to competition in the broader market. The effect of these holdings is effectively to deny relief to independent producers and growers for harm caused by unjust, discriminatory, or unfair practices, which are clearly in violation of the act's protections, unless they can show the broader injury to competition. That showing of injury to competition in the broader market is usually very hard or

impossible to make. What is lost in these decisions is that the Packers and Stockyards Act was written and intended to provide protection to individual producers and growers against harm from unfair, unjustly discriminatory, or deceptive practices and similar actions by packers, processors, and dealers. The act was not written or intended to require that harm to competition in the broader market must be shown in order to establish a violation.

The Department of Agriculture clearly has the authority to issue regulations to clarify interpretations of the Packers and Stockyards Act in order to ensure that it is properly carried out. This authority of a department or agency to issue regulations that will clarify the interpretation of a statute within its purview is fully supported by basic principles of administrative law established in the decisions of the Supreme Court and other Federal courts. Claims that in some way the proposed rule exceeds the authority of the Department of Agriculture are plainly unfounded.

As for the details of the proposed rule, it is not designed or intended to put an end to systems in which packers pay premiums for higher quality or distinctive livestock, for example, "Certified Angus" beef, or assess a discount if animals fail to meet standards. The proposed rule is quite clear that it is not designed to prohibit premiums and price differentials that are based on the quality of the livestock or poultry or similar features or circumstances. Because there is a valid economic justification for quality-based premiums and discounts, they are not prohibited by the Packers and Stockyards Act. Accordingly, the proposed rule is clear that such quality-based premiums or discounts are entirely valid and won't be prohibited or jeopardized by the final rule. It just stands to reason, that since there is now obviously economic justification and reward to packers as well as producers for these systems of quality-based premiums and discounts, there will still be incentives and motivation to keep them in place after the final rule is issued.

Finally, regarding the claims that the proposed rule will be very costly and eliminate jobs, the short answer is that these studies, as I understand them, are founded on basic misreading and mischaracterization of the terms and intent of the proposed rule and upon misguided and exaggerated predictions of the effects of carrying it out. They are undoubtedly very extreme predictions of the effects of a rule that is designed and intended, fundamentally, to do no more than simply to ensure fair and nondiscriminatory treatment of livestock and poultry producers and growers in the market.

This rule is vitally important to producers and growers across our country. We should not in legislation prevent

the Department of Agriculture from going ahead to make improvements and modifications and issue a final rule that is greatly needed to enhance the effectiveness of the Packers and Stockyards Act.

Mr. JOHNSON of South Dakota. Mr. President, today I rise to reiterate and again offer my full support of the United States Department of Agriculture Grain Inspection, Packers, and Stockyards Administration's, GIPSA, authority to continue promulgating its proposed rule concerning livestock competition. There have been some comments made with concern about both the substance of GIPSA's proposed rule as well as the authority of the Department to continue its rulemaking process. I would like to respond to some of those concerns and to discuss the critical importance of the protections afforded under the proposed rule.

The 2008 Farm Bill, more formally known as the Food, Conservation, and Energy Act of 2008, was enacted by overwhelming majorities in both the House of Representatives and the Senate with amendments to the Packers and Stockyards Act of 1921 as well as directions to USDA to conduct rulemaking with respect to additional issues relating to implementation and enforcement. As a result of this rulemaking authority, as well as given the authorities permitted explicitly in the Packers and Stockyards Act, GIPSA in 2010 issued a proposed rule that would provide a variety of new protections for livestock producers. Among these protections would be to further define practices that are unfair, unjustly discriminatory or deceptive, establish new protections for producers required to provide expensive capital upgrades to their growing facilities, prohibit packers from purchasing, acquiring or receiving livestock from other packers, and bar them from communicating prices to competitors, as well as including arbitration provisions that give contract growers opportunities to participate in meaningful arbitration. The Department has not yet published a final rule.

In August 2010, I joined with Senator HARKIN in leading a bipartisan letter with 19 of our Senate colleagues to USDA Secretary Tom Vilsack that reiterated our belief that GIPSA has the authority to promulgate such rules as is consistent with its responsibilities under the Packers and Stockyards Act and that the rules should and will allow for continued marketing opportunities including pricing premiums and contracting.

I am fully supportive of the proposed rule as I have consistently supported efforts to strengthen our anti-trust and competition laws. Independent farmers and ranchers must have an opportunity to leverage a decent price for their products. Market consolidation has

done a severe disservice to our producers, and it is critically important that we maintain market access and price discovery options for independent farmers and ranchers. I am also fully supportive of GIPSA's authority to continue the rulemaking process as directed in the 2008 farm bill. The proposed rule takes an important first step toward finally enabling livestock producers to get a fair shake in the marketplace.

Opponents of the rule were able to include a provision in the House-passed version of the Fiscal Year 2012 Agriculture Appropriations bill which prohibits GIPSA from spending funds to finalize the proposed rule. A letter written by 190 organizations from across the country, including the South Dakota Farmers Union, the South Dakota Livestock Auctions Markets Association, and the South Dakota Stockgrowers Association, was recently sent to Congress outlining the important protections provided for in the proposed rule and urging Congress to allow the rulemaking process to continue. I ask unanimous consent that the letter be printed in the RECORD. Fortunately, the Senate version does not contain this provision. As the appropriations process continues, I will work to defend GIPSA's ability to continue the rulemaking process, and I urge my colleagues to do the same.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 3, 2011.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: In the 2008 Farm Bill, Congress directed USDA to propose rules to address unfair, deceptive and anti-competitive trade practices that have become rampant in the livestock and poultry sectors. Congress included these provisions to address concerns over the increasingly abusive and anti-competitive trade practices employed by meatpacker and poultry companies that have harmed farmers, ranchers, growers and consumers. Meatpacker and poultry companies opposed these provisions in the Senate, but compromise language was included in the final Farm Bill requiring USDA to use their existing authority under the 1921 Packers & Stockyard Act to take action.

USDA's Grain Inspection, Packers and Stockyards Administration (GIPSA) issued a proposed rule in June 2010. USDA received more than 66,000 public comments on the proposed rule, most of which were supportive. The same meatpacker and poultry companies that opposed the strong farmer and rancher protection provisions in the 2008 Farm Bill are now fighting the regulations to implement those provisions. These special interests, joined by purported farm groups that have meatpackers entrenched on their boards, have launched a misleading public relations campaign that distorts the provisions of the proposed rule.

The proposed rule includes many common-sense measures that protect farmers, growers and ranchers from abusive and unfair treatment at the hands of the meatpackers and poultry companies. These safeguards include:

Prohibitions against company retaliation against farmers for speaking out about problems within the livestock industry, joining other farmers to voice concerns to seek improvements, or raising concerns with federal officials. Today, meatpackers and poultry companies can and do economically retaliate against farmers that exercise these legal rights;

Sensible protections for contract poultry and hog growers that make expensive facility investments or upgrades on their farms to meet packer or poultry company requirements;

Requirements to provide growers and ranchers with information necessary to make wise business decisions regarding their operations;

Disclosure and transparency requirements to eliminate deception in the way packers, swine contractor and poultry companies pay farmers;

Eliminating collusion between packers in auction markets;

Clarification of the types of industry practices the agency considers unfair, unjustly discriminatory, or a granting of unreasonable preference or advantage.

These are all terms used in the existing statute to prevent unfair trade practices, but these broad terms have never been defined in regulations.

Clarifying the ambiguity in interpretation of the terms of the Packers & Stockyards Act. Such ambiguity can lead to litigation as farmers and packers attempt to clarify the intent of the Act. Moreover, added clarity would enable the agency to address unfair trade practices, which likely would further reduce litigation.

Expressly ensuring that meatpackers can pay premium prices for premium livestock, but prohibit companies from unfairly offering select producers sweetheart deals but paying other producers less for the same quality, number, kind and delivery of livestock.

Recordkeeping requirements that would enable regulators to identify unfair trade practices while ensuring that livestock producers and companies can offer justified premiums or discounts.

Unfortunately, under pressure from meatpackers and poultry companies, the House approved a legislative rider in its FY 2012 Agriculture Appropriations bill that would prevent USDA from taking any further action on this regulation. The provision would even prohibit USDA from analyzing the 66,000 public comments received on the proposed rule and from completing an economic analysis of the rule. The meatpackers and poultry companies oppose the sensible transparency and disclosure provisions of the proposed rule that would shine sunlight onto their unfair practices. The two largest general farm organizations in the United States—the American Farm Bureau Federation and the National Farmers Union—have joined with over 140 farmers, consumer and community groups across the nation to oppose this rider.

The 190 undersigned groups urge you to stand with our nation's farmers, ranchers, growers and consumers to oppose the meatpacker and poultry special interest efforts to insulate themselves from federal scrutiny of their anti-competitive behavior and unfair treatment of farmers and ranchers. Congress should allow USDA to move forward expeditiously to implement a final rule that will strengthen and clarify the Packers & Stockyards Act with common-sense protections for farmers and ranchers.

8th Day Center for Justice (IL), Adams County North Dakota Farmers Union, Added Value (NY), Alabama Contract Poultry Growers Association, Alliance for a Sustainable Future (PA), Ambler Environmental Advisory Council (PA), American Agriculture Movement, American Federation of Government Employees (AFL-CIO), Local 3354, USDA-St. Louis, American Raw Milk Producers Pricing Association (WI), Ashtabula, Geauga, Lake Counties Farmers Union (OH), Assateague Coastal Trust (MD), Assateague COASTKEEPER (MD), Black Farmers and Agriculturalists Association (BFAA) (NC), BLK ProjeK (NY), BUGS: Black Urban Growers (NY), Bronx Food and Sustainability Coalition (NY), Brooklyn Food Coalition (NY), Buckeye Quality Beef Association (OH), Bull Mountain Landowners Association (MT), California Dairy Campaign, California Farmers Union, California Food & Justice Coalition, California Institute for Rural Studies, Campaign for Contract Agriculture Reform, Campaign for Family Farms & the Environment (CFFE), Carolina Farm Stewardship Association, C.A.S.A. del Llano (TX), Catholic Charities of Central and Northern Missouri, Cattle Producers of Louisiana, Cattle Producers of Washington, Center for New Community (IL), Center for Rural Affairs, Church Women United of New York State, Citizens for Pennsylvania's Future (PennFuture) Citizens for Sanity.Com (FL), Colorado Independent CattleGrowers Association, and Columban Center for Advocacy and Outreach (MD).

Community Alliance with Family Farmers (CAFF) (CA), Community Farm Alliance (KY), Community Food Security Coalition, Community Vision Council (NY), Contract Poultry Growers of the Virginias, The Cornucopia Institute (WI), Crawford Stewardship Project (WI), Cumberland Countians for Peace & Justice, (TN), Dakota Resource Council (ND), Dakota Rural Action (SD), Dawson Resource Council (MT), Delta Enterprise Network (AR), Earthworks Urban Farm, East New York Farms/United Community Centers, Endangered Habitats League (CA), Environment Maryland, Environmental Health Watch (OH), Family Farm Defenders (WI), Farm Aid, Farm and Ranch Freedom Alliance (TX), Farmworker Association of Florida, Fay-Penn Economic Development Council (PA), Federation of Southern Cooperatives, First Unitarian Universalist Church of Columbus (OH), Flatbush Farm Share (NY), Food Chain Workers Alliance (CA) Food Democracy Now! Food First, Food Freedom, Food for Maine's Future, Food & Water Watch, Friends of Family Farmers (OR) Friends of the Earth; Gardenshare: Healthy Farms, Healthy Food, Everybody Eats (NY), Georgia Poultry Justice Alliance, Grassroots International, Great Lakes Bioneers Detroit, Hattie Carthan Community Garden (NY), Hattie Carthan Herban Farm (NY), Hmong 18 Council of South Arkansas, Hmong Association Inc. (AR & OK), and Hmong National Development, Inc.

Hunger Action Network of New York State, Idaho Rural Council, Illinois Stewardship Alliance, Independent Beef Association of North Dakota, Independent Cattlemen of Wyoming, Institute for Agriculture and Trade Policy, Institute for Responsible Technology, Intertribal Agriculture Council, Iowa Citizens for Community Improvement, Iowa Farmers Union, Island Grown Initiative (MA), Jackson County, South Dakota, Board of Commissioners, Johns Hopkins Center for a Livable Future (MD), Just Food (NY), Kansas Farmers Union, Kansas Rural Center,

The Land Loss Prevention Project (NC), La Familia Verde (NY), La Fines Del Sur (NY), Land Stewardship Project (MN), Local Matters (OH), Madison Farm to Fork (MT), Maine Organic Farmers and Gardeners Association (MOFGA), Michael Fields Agricultural Institute (WI), Michigan Farmer's Union, Michigan Interfaith Power and Light, Michigan Land Trustees, and Michigan Organic Food & Farm Alliance.

Midwest Environmental Advocates (IL), Minnesota Farmers Union, Missionary Society of St. Columban (MD), Mississippi Association of Cooperatives, Missouri's Best Beef Cooperative, Missouri Farmers Union, Missouri Rural Crisis Center, Montana Farmers Union, Mvskoke Food Sovereignty Initiative (OK), National Catholic Rural Life Conference, National Cooperative Grocers Association (NCGA), National Family Farm Coalition, National Farmers Organization, National Farmers Union, National Latino Farmers & Ranchers Trade Association, National Organic Coalition, National Sustainable Agriculture Coalition, National Young Farmers Coalition, Nebraska Environmental Action Coalition (NEAC), Nebraska Farmers Union, Nebraska Sustainable Agriculture Society, Nebraska Women Involved in Farm Economics (NE WIFE), Network for Environmental & Economic Responsibility (TN), New Agrarian Center (OH) New England Farmers Union, New York City Community Garden Coalition (NY), North Carolina Contract Poultry Growers Association, and North Dakota Farmers Union.

Northeast Organic Dairy Producers Alliance, Northeast Organic Farming Association of Massachusetts (NOFA-Mass.), Northeast Organic Farming Association of New York, Inc. (NOFA-NY), Northern Plains Resource Council (MT), Northwest Atlantic Marine Alliance, NYC Foodscape, Oglala Lakota Livestock and Land Owners Association (SD), Ohio Ecological Food and Farm Association (OEFFA), Ohio Environmental Council, Ohio Environmental Stewardship Alliance, Ohio Farmers Union, Oregon Livestock Producers Association, Oregon Rural Action, Organic Consumers Association, Organic Farming Research Foundation, Organic Seed Alliance, Organization for Competitive Markets, PCC Natural Markets (WA), Peach Bottom Concerned Citizens Group (PBCCG) (PA), Pennsylvania Farmers Union People's Food Co-op (MI), Pesticide Action Network North America, Powder River Basin Resource Council (WY), Progressive Agriculture Organization (PA), Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America, (R-CALF USA), and Rocky Mountain Farmers Union.

Rural Advancement Foundation International—USA, Rural Empowerment Association for Community Help (REACH) (NC), Rural Coalition/Coalicion Rural, Slow Food Portland (ME) Slow Food USA, Slow Food USA—Rocky Mountain Region, Small Planet Institute, Socially Responsible Agricultural Project (ID), South Dakota Farmers Union, South Dakota Livestock Auction Markets Association, South Dakota Stockgrowers Association, Southwest Nebraska Women Involved in Farm Economics, Stevens County Cattlemen's Association (WA), Sustain LA (CA), Sustainable Economic Enterprises of Los Angeles (SEE-LA), Tidal Creek Cooperative (Food Market) (NC), Tilth Producers of Washington, Trappe Landing Farm & Native Sanctuary (MD), United Church of Christ Justice and Witness Ministries, United Poultry Growers Association, Virginia Association for Biological Farming, Western Colorado Congress, Western Organization of Resource Councils (WORC), West Side Campaign Against Hunger (NY), WhyHunger,

Williams County Alliance (OH), Wisconsin Farmers Union, Women, Food and Agriculture Network (IA), and Yellowstone Valley Citizens Council (MT).

YOM KIPPUR'S LESSONS IN IRENE'S AFTERMATH

Mr. LEAHY. Mr. President, recently in my State, as throughout the world, Yom Kippur was celebrated. This beginning of the Jewish year comes as Vermonters and residents of other States are struggling to regain their footing and to renew their lives and livelihoods after the devastation wrought by Hurricane and Tropical Storm Irene.

Vermonters of all faiths can take heart and inspiration from the thoughts about the meaning of the Yom Kippur observance, in the context of the aftermath of this natural disaster, which were presented in a recent essay published in the Rutland Herald and the Huffington Post. It was written by my good friend, Rabbi Michael Cohen. Vermonters' resilience in the face of this devastation and its lingering challenges truly has been remarkable. I commend Rabbi Cohen's message to the Senate's attention, and I ask unanimous consent that his essay be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BEGINNING THE JEWISH YEAR IN THE AFTERMATH OF HURRICANE IRENE

(By Rabbi Michael Cohen)

Acting as a leitmotif rain lightly showers the beginning of the Jewish year. The powerful song *Avinu Malkeiyu*, Our Father, Our King sung on Rosh Hashanah and Yom Kippur was written by the first and second century Rabbi Akiva as a prayer for rain during a drought (Babylonian Talmud Taanit 25b). During the holiday of Sukkot, while the ancient Temple stood in Jerusalem, the ceremony of drawing of the water, *Simchat Beit Ha-Shoeva* was performed. It was said in the Babylonian Talmud (Sukkot 51b), the rabbinic discussion of Jewish law, that "One who has not seen the joy of *Simchat Beit Ha-Shoeva* has never seen true joy." Finally on *Shemni Etzeret*, the one day holiday after Sukkot, *Tefilat HaGeshem*, the Prayer for Rain is recited even to this day. With Judaism arising out of a parched region of the world when it comes to rain and water it is not surprising that such an emphasis is placed on them.

For those of us living in parts of the United States where the effects of Hurricane Irene are still an all too real reality the thought of praying for rain can be somewhat jarring. That being the case, what can the holidays at the beginning of the Jewish year offer us in the wake of Irene? The symbol most associated with the Jewish New Year is the shofar, the ram's horn blown during Rosh Hashanah and at the end of Yom Kippur. In the Torah, the five books of Moses, Rosh Hashanah is actually called *yom teruah*, the day of blowing (the shofar). There are numerous explanations why the shofar is blown on Rosh Hashanah and Yom Kippur; it is also blown every weekday during the month of Elul, the month before Rosh Hashanah. One

explanation that addresses those of us who felt the wrath of Irene is taught by Rabbi Art Green. In the *Machzor*, a prayerbook for the Jewish holidays, of the Reconstructionist movement called *Kol HaNeshamah* Rabbi Green writes:

The shofar sound represents prayer beyond words, an intensity of longing that can only be articulated in a wordless shout. But the order of the sounds, according to one old interpretation, contains the message in quite explicit terms. Each series of shofar blasts begins with *tekiyah*, a whole sound. It is followed by *shevarim*, a tripartite broken sound whose very name means "breakings." "I started off whole" the shofar speech says, "and I became broken." Then follows *teruah*, a staccato series of blast fragments, saying: "I was entirely smashed to pieces." But each series has to end with a new *tekiyah*, promising wholeness once more. The shofar cries out a hundred times on Rosh Hashanah: "I was whole, I was broken, even smashed to bits, but I shall be whole again!"

Hurricane Irene literally and figuratively broke in some cases, and smashed in other cases, people, their lives, and their possessions. The road to wholeness for some was quick, for others longer, and for some they are still a traveler on that journey. The message of the shofar, as taught by Rabbi Green, can help remind us not to lose hope along that path. A similar message is also taught during the Jewish High Holidays, but in a different way.

According to the traditional reading of the Bible, Moses received the Ten Commandments, called *Aseret HaD'varim*, literally the Ten Words, (Exodus 34:28) on the 17th of the Hebrew month of Tammuz. On that same day, "Moses came near the camp and saw the calf (idol) and the dancing, he became enraged; and he hurled the tablets from his hands and shattered them at the foot of the mountain." (Exodus 32: 19) One can argue that the pinnacle of his life's work was the receiving of the Ten Commandments; and there they lay shattered at his feet. Moses could have given up then, but he did not. Rather he climbed back up Mt. Sinai on the 1st of Elul and remained there for 40 days. Remember, according to the text he is 80 years old at the time. While up there he asked to see God face to face, but God told him that that would be impossible as he could not survive such an encounter and live.

God tells Moses, after Moses carves a second set of blank tablets that God will write the Ten Commandments on again, to go to a crack in the mountain. At that point, as God's back passes before Moses God reveals his essential attributes, "The Lord! the Lord! a God compassionate and generous, slow to anger, abounding in kindness and faithfulness, extending kindness to a thousand generations, forgiving iniquity, transgression, and sin." (Exodus 34: These attributes are sung as part of the liturgy of the Jewish holidays at the beginning of the year, as well as at other holidays during the year. At the beginning of the year they remind us when Moses was back up on Mt. Sinai and when he returned to the people with the new set of tablets 40 days later on Yom Kippur.

Moses climbing back up the mountain serves as an important model for all of us, not just those dealing with the aftermath of Hurricane Irene. We all have moments in our lives when something has been shattered. Often the easiest way to deal with that new reality is to run away from it. That is not what the actions of Moses tell us to do. When Moses finds his life's work shattered in front of him he turns back and retraces his steps

up that steep mountain. The word for repentance, the main theme of the holidays at the beginning of the Jewish new year, in Hebrew is *teshuvah* which means to return. Both the cycles of the shofar's notes and the model of Moses returning to get a new set of tablets provide us with a way to address what may have been shattered by Hurricane Irene.

JUSTICE CLARENCE THOMAS

Mr. HATCH. Mr. President, 20 years ago this week Justice Clarence Thomas took his seat on the Supreme Court of the United States. With the expectation that these are only the first two of his decades on the Court, I want to offer a few thoughts about Clarence Thomas, both as a judge and as a person.

Clarence Thomas was born on June 23, 1948, in Pinpoint, GA. Poverty and segregation contributed to how he understands the past, present, and future of our country but, as he has often said, rising above and growing beyond difficulties is more important than the difficulties themselves. That is a powerful part of his life and the hope that his life represents for us all. Helping him on that path were his maternal grandparents, Myers and Christine Anderson, with whom he lived after the age of 7 and whose influence shaped his character. Few books have had a more poignant title than Justice Thomas' autobiography, *My Grandfather's Son*, for that is exactly what he was then and remains today.

Clarence Thomas was an honor student in high school and the first person in his family to attend college. He graduated cum laude from Holy Cross College with a degree in English literature and in 1974 received his law degree from Yale. After serving as Assistant Attorney General of Missouri under then-Missouri Attorney General John Ashcroft and a stint with the Monsanto Corporation, Thomas accompanied Senator John Ashcroft here to this body as a legislative assistant specializing in energy issues.

President Reagan appointed Clarence Thomas first to be an Assistant Secretary of Education and then Chairman of the Equal Employment Opportunity Commission. He remains the longest serving chairman in EEOC history. After he left for the judiciary, EEOC employees used their own personal funds to purchase a plaque for the lobby.

Here is what it said:

Clarence Thomas, Chairman of the U.S. Equal Employment Opportunity Commission . . . is honored here by the Commission and its employees, with this expression of our respect and profound appreciation for his dedicated leadership exemplified by his personal integrity and unwavering commitments to freedom, justice, and equality of opportunity, and to the highest standards of government.

President George H.W. Bush appointed him to the U.S. Court of Appeals for the D.C. Circuit in 1990 and to the Supreme Court in 1991.

So much can be said about any life and career, let alone one that is already so full and rich. Analysts and pundits, admirers and enemies, lawyer or layman, nearly everyone has at least an impression of Justice Thomas, and nearly as many have an opinion. The Internet and library shelves are rapidly filling with commentary, analysis, biography, and even psychoanalysis. I will not attempt to do anything so sweeping, but simply offer a few observations about Clarence Thomas as a judge and as a person.

Professor Gary McDowell wrote at the time of Justice Thomas' appointment that the "true bone of contention here is . . . the proper role of the Court in American society, and the about the nature and extent of judicial power under a written Constitution." That is the bone of contention in every judicial confirmation because the debate over judicial appointments is really a debate over judicial power.

In general, the judicial power provided by Article III of the Constitution means that Federal judges interpret and apply written law to decide cases. The main source of judicial appointment controversy is about how judges should do the first of these tasks, how they should interpret written law such as statutes and, especially, the Constitution.

Legislatures choose the words of statutes, and the people choose the words of the Constitution. Judges may not pick the words of our laws, but they do have to figure out what those words mean so that they can decide cases. The dispute over judicial appointments is over whether the meaning of our laws comes from those who make our laws or from judges who interpret them.

There are innumerable variations and applications of these two general approaches. After all, we lawyers spend three or more grueling years learning how to make words mean whatever we want, to split a single legal hair at least six different ways, and to make the simple masquerade as the profound. But at its core, the battle over judicial appointments is about whether statutes mean what the legislature meant, and whether the Constitution means what the people meant. The alternative is an increasingly powerful judiciary, able to change our laws by changing their meaning.

Justice Thomas refuses to go there. Shortly after he became an appeals court judge in 1990, he was speaking to a friend and reflecting on his new judicial role.

He had, as I described a minute ago, worked in the legislative and executive branches and was actively involved in the process of developing policy and making law. Now, he told his friend, "whenever I put on my robe I have to remind myself that I am only a judge."

Only a judge. That statement almost does not compute in 21st century

America. Judges today are asked, and many gladly accept the invitation, to solve our problems, heal our wounds, revise our values, reconfigure our rights, and even restructure our economy. We have traveled far from Alexander Hamilton calling the judiciary the weakest and least dangerous branch to Charles Evans Hughes saying that the Constitution is whatever the judges say it is.

That is the wrong direction for Justice Thomas. His view that he is only a judge means that while judges alone may properly play the judicial role, that judicial role is part of a larger system of government, which operates within a much larger culture and society.

Liberty requires that government, including judges, stay within their proper bounds and allow people to make their own decisions and live their own lives. Justice Thomas' view that liberty requires limits on government, including on the judiciary, parallels the very principles on which our country was founded and which are necessary for us to remain free.

But for him this is more than theoretical. James Madison had said that if men were angels, no government would be necessary and if angels governed men, no limits on government would be necessary. Justice Thomas not only knows those as axioms, but literally as life lessons. Growing up in poverty and segregation, he experienced the dark side of human nature. Studying and working in government, he knows the damage it can do when government exceeds its proper limits.

The Senate knew from the beginning what kind of Judge Clarence Thomas would be. While still EEOC chairman, he had written about a judiciary "active in defending the Constitution but judicious in its restraint and moderation." At the Judiciary Committee hearing for his appeals court appointment, he said unambiguously that the ultimate purpose of both statutory construction and constitutional interpretation is to determine what the authors of the law intended. And he would later write in a concurring opinion on the Supreme Court: "Though the temptation may be great, we must not succumb. The Constitution is not a license for federal judges to further social policy goals."

In my opening statement at Justice Thomas' hearing, I said that "I am confident that Judge Thomas will interpret the law according to its original meaning, rather than substitute his own policy preferences for the law." That is the kind of judge America needs, and that is what Justice Thomas has consistently been for the past two decades.

Those who opposed Justice Thomas' appointment, and who continue to criticize his service, take the opposite view. They believe that the Constitu-

tion is a license for Federal judges to further social policy goals. When I look at the social policy goals these folks want to further, I am not surprised. Their political agenda is, to put it mildly, unpopular with the American people and, therefore, unsuccessful in legislatures. The only way for them to win is to impose their agenda through the courts and that requires judges willing to do the imposing. Justice Thomas is not their kind of judge.

Those whose political fortunes depend on political judges went to extraordinary lengths to keep Justice Thomas off the Supreme Court. When their efforts failed, they have gone to great lengths to belittle and smear his service on the Court. For years, they said that Justice Thomas was simply parroting his fellow originalist, Justice Scalia, since they vote the same way so often. As recounted in the book *Supreme Discomfort*, Justice Scalia said that this criticism is nothing but a slur on both him and Justice Thomas. He said: "The myth's persistence is either racist or it's political hatred."

Liberals never even mentioned, let alone criticized, that Justice Thurgood Marshall voted even more often with fellow activist Justice William Brennan. Why the double standard? Because liberals like activist judges such as Marshall and don't like restrained judges such as Thomas. The real point, after all, is not that two Justices agree but what they agree on.

Or some take pot shots at the fact that Justice Thomas asks few questions in oral argument. Needless to say, if he did speak up more often, these same folks would nit-pick what he said. Justice Thomas has said that the purpose of oral argument is for him to listen to the lawyers, not for the lawyers to listen to him.

Other critics just call him names. In 1992, the *New York Times* called him the youngest, cruelest justice for his dissent in an Eighth Amendment case. Fast forward to this year, with *Slate* writer Dahlia Lithwick calling him cruel and saying that he wrote "one of the meanest Supreme Court decisions ever." Anyone who knows Justice Thomas knows that he just does not care how papers or pundits feel about his opinions. The way many of them report or comment on his work, it's doubtful they even read his opinions.

No, Justice Thomas does not care how critics feel, he cares only whether he gets each case right and applies the law impartially. Justice Thomas believes that our system of government and our written Constitution define his judicial role and that he has no authority to do otherwise. He is both principled and independent.

These are not attacks on Clarence Thomas the man, or even on Clarence Thomas the Justice. Many times, they are really attacks on the kind of Justice that he represents. Many times,

they are attacks on the idea that the Constitution is fixed and sure rather than malleable, that the Constitution belongs to the people rather than to judges, that the Constitution trumps politics.

I believe today what I said in Justice Thomas' hearing, that these opponents actually fear that he will in fact be faithful to the Constitution and to federal laws as we enact them, rather than to their political agenda. Frankly, I am pleased to say that he has confirmed that fear because Justice Thomas has steadfastly kept the Constitution, rather than any political agenda, as his guide. The truth is that he is writing some of the most persuasive, profound, and powerful opinions on the Supreme Court today.

As a Justice, Clarence Thomas has had a significant impact on our country and on the law. As a person, Clarence Thomas has similarly had a profound impact on people's lives. These certainly include the dozens of women and men who have served as his law clerks through the years. I invited some of them to write letters offering their own reflections and I will ask unanimous consent that these letters be printed in the RECORD following my remarks. I urge my colleagues to read them. Some of them include erudite analysis of Justice Thomas' approach to judging. You don't get to be a Supreme Court clerk, after all, without at least the potential for erudition. But every one of them includes personal anecdotes and memories about how Justice Thomas continues to impact their lives.

Federal judges in general, and Supreme Court Justices in particular, receive dozens and even hundreds of invitations to speak at events of all kinds. Justices appear at grand podiums in the great halls of the nation's most prestigious academic institutions. Justice Thomas, however, is more likely to be found speaking at schools known little beyond the communities they serve.

Or speaking to young people who are trying to get their lives back on track. On June 17, 1997, Justice Thomas gave a most memorable graduation address. The institution was Youth for Tomorrow, a residential program for at-risk youth founded by former Washington Redskins head coach Joe Gibbs. The website of this wonderful program states its mission: to provide these young people the opportunity and motivation to focus their lives and develop the confidence, skills, intellectual ability, spiritual insight and moral integrity to become responsible and productive members of society.

June is the busiest month of the Supreme Court's term, with Justices and clerks working longer and longer days to complete opinions for the term's hardest cases. This graduation was on a weekday, and Youth for Tomorrow is

located out in Prince William County. But none of that mattered to Justice Thomas. On that day, just one young man received a high school diploma.

That's right, Justice Thomas was the commencement speaker for a high school class of one. When that young man says that Justice Thomas was his high school graduation speaker, he really means it.

Justice Thomas applauded the decisions that the young men in the Youth for Tomorrow program were now making. He was proud to come to them as a speaker, he said, rather than to have them come before him as a judge.

Let me close by returning to the words of that plaque placed by EEOC employees.

Through turbulence and calm, highs and lows, controversy and consensus, Justice Clarence Thomas continues to exemplify personal integrity and unwavering commitment to freedom, justice, and equality of opportunity, and to the highest standards of government. He may be only a judge, but Justice Clarence Thomas is truly a force for good in our country.

I now ask unanimous consent that the letters to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA,
BERKELEY,
SCHOOL OF LAW,
Berkeley, CA, October 6, 2011.

Hon. ORRIN G. HATCH,
*United States Senator,
U.S. Senate, Washington, DC.*

DEAR SENATOR HATCH: Thank you for your speech commemorating the twentieth anniversary of the United States Senate's confirmation of Clarence Thomas as an Associate Justice of the United States Supreme Court. I am honored that you asked me, a former clerk to Justice Thomas and former general counsel to the Senate Judiciary Committee during your chairmanship, to contribute this letter for the Congressional Record. Without your irreplaceable leadership, Justice Thomas could never have been confirmed, so you have been responsible for the two most important years of my career.

Historians will always record that Justice Thomas was the second African-American to serve on the Supreme Court, following the great Thurgood Marshall. But this symbolism is of secondary importance. Justice Thomas's contribution to our Supreme Court is his powerful intellect and his unique commitment to the principle that the Constitution means what the framers thought it meant.

This can make Justice Thomas unpredictable to those who view Supreme Court decisions through a partisan lens. He agrees, for example, that the use of thermal imaging technology by police in the street to scan for marijuana in homes violates the Constitution's ban on unreasonable searches. He opposes the Court's effort to place caps on punitive damages as a violation of our federal system of government. He has voted to strike down literally thousands of harsher criminal sentences because they were based on facts found by judges rather than juries, as required by the Bill of Rights. He supports

the right of anonymous political speech, and wants advertising and other commercial speech to receive the same rights as political speech, because he believes them protected by the First Amendment.

No one, of course, would deny that Justice Thomas has strong conservative views on constitutional law. He rejects much of affirmative action, believes *Roe v. Wade* was wrongly decided, recognizes broad executive powers in wartime, and allows religious groups more participation in public life. But I have long thought that there is a deeper principle of political philosophy at work in Justice Thomas's thought that goes beyond the close interpretation of disparate constitutional text. What he brings to the Court as no other justice does is a characteristically American skepticism of social engineering promoted by elites—whether in the media, academia or well-heeled lobbies in Washington—and a respect for individual self-reliance and individual choice. He writes not to be praised by professors or pundits, but for the American people.

As his memoir, *My Grandfather's Son*, shows, Justice Thomas's views were forged in the crucible of a truly authentic American story. This is a black man with a much greater range of personal experience than most. A man like this on the Court is the very definition of the healthy diversity that our misguided affirmative action programs seek. As a result, Justice Thomas opposes affirmative action not just because it violates the guarantee of racial equality in the Equal Protection Clause, but because it subordinates individual energy, ambition, and talents to misinformed and misguided social planning. In his dissent from the Court's approval of the use of race in law-school admissions, he quoted Frederick Douglass: "If the negro cannot stand on his own legs, let him fall also. All I ask is, give him a chance to stand on his own legs! Let him alone!" Justice Thomas observed: "Like Douglass, I believe blacks can achieve in every avenue of American life without the meddling of university administrators."

In a 1995 race case, Justice Thomas explained why he thought the government's use of race was wrong. Racial quotas and preferences run directly against the promise of the Declaration of Independence that all men are created equal. Affirmative action is "racial paternalism" whose "unintended consequences can be as poisonous and pernicious as any other form of discrimination." Justice Thomas speaks from personal knowledge: "So-called 'benign' discrimination teaches many that because of chronic and apparently immutable handicaps, minorities cannot compete with them without their patronizing indulgence." He argued that "these programs stamp minorities with a badge of inferiority and may cause them to develop dependencies or to adopt an attitude that they are 'entitled' to preferences."

One of the most admirable traits that I have witnessed in Justice Thomas is his focus on speaking honestly about his views, rather than concerning himself with the politics of winning votes on the Court. By forswearing the role of coalition builder or swing voter, Justice Thomas has used his opinions to highlight how the latest social theories hurt those they are said to help. Because he both respects grassroots democracy and knows more about poverty than most people do, he dissented vigorously to the Court's 1999 decision to strike down a local law prohibiting loitering in an effort to reduce inner-city gang activity. "Gangs fill the daily lives of many of our poorest and most

vulnerable citizens with a terror that the court does not give sufficient consideration, often relegating them to the status of prisoners in their own homes.”

Justice Thomas is an admirer of the work of Friedrich Hayek and Milton Friedman, both classical liberals. His firsthand experience of poverty, bad schools and crime has led him to favor bottom-up, decentralized solutions for such problems. He rejects, for example, the massive, judicially-run desegregation decrees that have produced school busing and judicially-imposed tax hikes. A student of a segregated school himself, Justice Thomas declares that “it never ceases to amaze me that the courts are so willing to assume that anything that is predominantly black must be inferior.”

To Justice Thomas, the national government's command-and-control policies have failed to make the poorest any better off. Rather, they have simply suppressed innovation in solving the nation's problems. He believes that the Constitution allows not just states and cities, but religious groups, to experiment to provide better education. In a 2002 concurrence supporting the use of school vouchers, Justice Thomas again quoted Frederick Douglass: Education “means emancipation. It means light and liberty. It means the uplifting of the soul of man into the glorious light of truth, the light by which men can only be made free.” Justice Thomas followed with the sad truth: “Today many of our inner-city public schools deny emancipation to urban minority students.”

“While the romanticized ideal of universal public education resonates with the cognoscenti who oppose vouchers,” Justice Thomas wrote, “poor urban families just want the best education for their children, who will certainly need it to function in our high-tech and advanced society.”

These are not the words of an angry justice, or a political justice, but of a human justice. Justice Thomas's personal story shows him to be all too aware of the imperfections in our society and mindful of the limits of the government's ability to solve them. That kind of understanding and humility, and personal courage in the face of incessant unjustified attack, is what most Americans would want on their Supreme Court. Read a Thomas opinion on a subject like affirmative action, religion, crime, or free speech, and you cannot miss its authentic voice, unmistakable in its clarity, logic and moving language.

During the administration of George W. Bush, in which I served, there was speculation that the President might elevate Justice Thomas to the Chief Justiceship to replace Chief Justice William H. Rehnquist. That position, of course, went to Chief Justice John G. Roberts. In the end, I believe that the President did Justice Thomas and the country an unintentional favor. I believe he can do more good for the country as an outspoken associate justice than he could as Chief Justice. Because he is not the Chief Justice, Thomas has more freedom to speak his mind—and he does so on a regular basis. Clarence Thomas, growing up in the segregated South, beating poverty and hardship to succeed in his education and survive in the political shark pool of Washington, brings a unique outsider's perspective to the Court and the Constitution. Without the burden of the chief justiceship, Thomas can pull aside the curtain of clever legal and intellectual argumentation to reveal the stark and real policy choices being imposed by the Court on the nation.

Thank you for commemorating the twentieth anniversary of Justice Thomas's con-

firmation to the Supreme Court. I am honored that you asked me to contribute a few thoughts on the occasion, and I continue to feel myself lucky to have worked for both you and Justice Thomas in the years since.

Best wishes,

JOHN YOO,
Professor of Law.

—
GEORGE MASON UNIVERSITY
SCHOOL OF LAW,
Arlington, VA, October 8, 2011.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I write on the occasion of Justice Clarence Thomas' twentieth anniversary on the Supreme Court. It was my great privilege to serve as a law clerk to Justice Thomas during the October Term 2001.

In the past two decades, Justice Thomas has blazed an influential path, focusing on the text and history of the Constitution and following these wherever they may lead. Many perceived his potential from the beginning of his tenure, but now even his critics and skeptics have acknowledged his distinct and important impact on the Court.

Lawyers, friends, and students often ask what it was like to clerk for Justice Thomas. In his commitment to hard work and careful thinking, Justice Thomas taught his clerks many lessons in the law. The Justice encouraged us to debate the merits of each case, digging into the finer points of law and its particular application to the facts before the Court. We provided our best assessments to the Justice while he was deliberating. But once he decided, the debate ended. Whatever points of disagreement may have remained, a clerk could proceed knowing that the decision was based on the Justice's honest judgment. The integrity of this process, without intellectual compromise or concern for newspaper editorials, reflected Justice Thomas' unwavering commitment to the law and to his oath to uphold the Constitution of the United States.

Yet the clerkship was more than legal training. Justice Thomas shared rich experiences from his own life. He spent a great deal of time talking with us—about our professional futures, our families, and, of course, sports. In the years following my clerkship, Justice Thomas has remained a mentor and inspiration, providing professional and personal advice whenever needed. He has an excellent way of helping one see what is important.

Justice Thomas' generosity of spirit extends beyond his “clerk family.” He regularly speaks to student groups and takes time from his busy schedule to meet with young people. I have seen how this inspires them. A few years ago, he volunteered to speak to my constitutional law class. No topic was out of bounds as students asked the Justice about his judicial philosophy, the role of the Supreme Court, the dynamics between the justices, and his personal history. With good humor, Justice Thomas stayed after class until every student who wanted a signature or picture had a turn.

This was not an unusual event—but simply one example of the Justice's graciousness and engagement in a wider public dialogue. In this regard, he elevates the role of the Supreme Court through his public appearances and meetings. Although he does not seek commendation or attention from the usual sources, Justice Thomas seeks to inspire others by example, just as he recognizes the importance of those who inspired him along

the way. Those who have met him, even just in a public lecture, know his intelligence, candor, and bellowing laugh.

Justice Thomas' tremendous jurisprudential contribution can be read in the decisions of the Court—his influence increasingly documented by academics and justly recognized by lawyers and the public. In this short letter I have shared some personal reflections on Justice Thomas because this record is less public and often obscured. Justice Thomas presents a rare example from public life that one's intellectual and personal legacies need not be inversely related.

I am grateful for your leadership in the confirmation of Justice Clarence Thomas. Having served as counsel to the Senate Judiciary Committee under your Chairmanship during the year before my clerkship, I am especially honored to have the opportunity to join you in commemorating Justice Thomas' first twenty years on the Supreme Court.

Best regards,

NEOMI RAO.

—
October 12, 2011.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: This past weekend, we watched on CSPAN key excerpts from the October 1991 U.S. Senate Judiciary Committee confirmation hearings for justice Clarence Thomas. It made us recall the critical role that you played in those hearings, methodically debunking the absurd accusations raised by liberal left interest groups and Senate staffers who would stop at nothing to bring down a black man who strayed from the ideological plantation. As Justice Thomas said presciently at the time, America herself was harmed by those attacks far more than he was. Our great institutions of government—the U.S. Senate and the Supreme Court—were harmed. Sadly, those injuries perdure.

But we share your joy in celebrating this day in 2011, as you mark on the Senate floor the happy occasion of Justice Thomas's twentieth anniversary on the Supreme Court. As two of his former law clerks, who knew him from the days even before he was on the Court, we speak for all Americans who love Justice Thomas, our country, and our Constitution when we say “thank you” for what you did in 1991, for your prominent role in averting the “high-tech lynching” in the Judiciary Committee, and for marking this milestone today.

The passing of these 20 years has only confirmed what you knew back then: that Justice Thomas is an extraordinary American, one of the greatest of his generation—indeed, of any generation, and as our friend Bill Bennett recently said, “the greatest living American.” He has taught us to understand the Constitution, this great gift the Founders gave us, in its fullness and integrity: for example, that without proper respect for private property (what the Founders called “the pursuit of happiness” in the Declaration of Independence), there can be no real freedom; that freedom and equality are really two sides of the same coin; and that if we are to be a nation of laws and not of men, judges must look not from the point of view of their own race, sex, religion, or other personal characteristics in deciding cases, but to the truth of the law and the rule of law, which is for all persons, at all times.

Justice Thomas reminds us that interpreting the U.S. Constitution is “not a game of cute phrases and glib remarks in important documents.” It is, rather, “a deadly serious business.” He approaches each case

with no preconceptions, only an honest and incisive intellect and a dogged commitment to “get the law right” based on a clear understanding of the Constitution and the principles it was created to vindicate—preservation of life, liberty, and property—and to the structural Constitution that created a system of self-government for the first time in history based upon a clear-eyed view of human nature. He treats the great gift given to us, and to all civilization, by the Founders as it should be treated: as a precious treasure, not something to be twisted, played with, or destroyed.

And those of us who have been his employees and friends have been doubly blessed by having a boss of intense personal loyalty, who sees us all as family, who not only guides and encourages us in our legal and other professional endeavors, but is always there for us in our personal lives when we need advice or support—through cancer diagnoses, the illnesses and deaths of family members, the births and baptisms and deaths of children, and all the other joys and tragedies of life.

We look back on these 20 years with pride—but not surprise—at what the Great Man has accomplished on the highest Court in the land. It is now undeniable, even to the liberal left and the mainstream media that Justice Thomas is, in fact, a leader and a powerful intellectual force on the U.S. Supreme Court. America has learned from the investigative reporting and writing of Jan Crawford, in *Supreme Conflict: The Inside Story of the Struggle for Control of the Supreme Court*, that Justice Thomas was a powerful, independent, and influential voice on the Court from the very first day he walked through the door, shortly after the 1991 confirmation hearings ended and he was seated as the junior Justice on the Court.

We can't let the moment pass without also noting that Justice Thomas, notwithstanding his greatness, has always been a man of deep and sincere humility, as befits a servant of the law. He continues to be strengthened by his favorite prayer, the Litany of Humility, which asks Jesus to “deliver me . . . from the desire of being loved, extolled, honored, praised, [and] approved,” and “from the fear of being humiliated, despised, ridiculed, [and] wronged. . . .”

May all of our great Country's public servants, and all of us citizens, pray with him the same prayer. We join you today in honoring and praising a truly great man.

Respectfully yours,

LAURA A. INGRAHAM AND
WENDY STONE LONG.

THE UNIVERSITY OF GEORGIA
SCHOOL OF LAW,
August 31, 2011.

Sen. ORRIN HATCH,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATCH: Thank you for honoring the twentieth anniversary of Justice Clarence Thomas's confirmation to the Supreme Court of the United States. I had the privilege of serving as one of Justice Thomas's law clerks during October Term 1998. I cannot possibly hope to distill into a single letter the lessons, reflections and memories of that remarkable year. Hopefully, though, this letter in some small way may give you, your colleagues in the Senate and the American public some sense of this remarkable man.

October Term 1998 was not, to borrow an unfortunate term from the media, a “blockbuster.” It did not produce a slew of decisions whose holdings made headlines. Of course,

this is not to say that the cases were insignificant—they surely were for the litigants before the Court, for the broader constituencies affected by the Court's decisions and for the country. Perhaps precisely for this reason, we digested a lesson that Justice Thomas taught us early in the term—our job was to help him decide cases and to serve the Court. We should not worry about the political impact of a decision or its media significance. Nonetheless, we had to understand that, for the litigants, the case may well be the most important matter in their lives. Our job was to “call them like we see them”, to master the facts of a case and to examine the relevant legal authorities.

This workmanlike approach infused everything we did—from drafting memos for the “cert pool” to preparing bench memoranda. He taught us to leave no stone unturned and to run down obscure but potentially important jurisdictional snags in cases. Consequently, when the day of oral argument came around, he was prepared for everything. Thus, it was unsurprising when he did not ask a lot of questions—he already knew the answers!

Justice Thomas also taught us not to be afraid of the truth. It would have been unforgivable for any of us to shade a fact or twist a precedent in support of some preordained result. There were right answers, and there were wrong ones. To be sure, there were hard cases, and sometimes the right answers were difficult to discern or required, ultimately, a judgment. That process of discernment, however, required hard work—to dig into the history of a constitutional amendment, to focus on the language of the laws enacted by Congress and not to be afraid where that research led us. When we met with him—either privately or as a “chambers team”—we presented the results of our work with directness, honesty and forthrightness. The result of a working atmosphere was a work product that everyone could understand and believe in because no corners had been cut.

These were not the only lessons that Justice Thomas taught us. He also taught us the importance of treating people with respect. As his elbow clerks, we often had the privilege of accompanying him places—whether morning mass, breakfast in the Court cafeteria or sometimes lunch over at his old stomping ground in the Senate. On these outings, it never ceased to amaze me how many people the Justice knew. Not only did he know their names, he also asked after their families; he could recall the names of their spouses, the activities of their children and the last joke that they told. This was true whether the person addressed was a former Senate staffer or a cafeteria worker. Think about how often each of us passes one of the countless, hardworking individuals like a janitor or security guard—men and women who work often without recognition, acknowledgement or a word of thanks. How many of your Senate colleagues could name the janitors who sweep the floors, clean the bathrooms and, on a daily basis, ensure that the appearance of the building reflects the dignity of the institution? Without exception, I know Justice Thomas could name them all those who serve in the Court, those who serve in the Senate and countless others into whom he has come into contact. The example he set for us was powerful, and I am reminded of it on a regular basis when I try to accord the same respect to every individual with whom I come into contact, just as he did.

Finally, no letter praising Justice Thomas would be complete without reference to his

family, especially his wife Virginia. As you undoubtedly know, she is a rock for him, and their marriage is an incredibly strong, indeed inspiring, one. I had the privilege firsthand of benefiting from Justice Thomas's keen insight into the importance of a strong marriage as I faced a difficult dilemma during the end of my clerkship. My fiancée and I were due to be married after the clerkship, and I had already accepted a job in the Criminal Division of the Justice Department (fulfilling a lifelong dream to serve as a federal prosecutor). I had also made a “prenuptial” promise to my fiancée (who was from Europe) that if the opportunity ever came along to live and work in her home country, I would do so. In March 1999, I received an offer from a law firm in Europe and confronted a dilemma—pursue my dream job or fulfill that prenuptial promise? After stewing on the dilemma for several hours, I sheepishly knocked on Justice Thomas's door and asked if we could have a “throwdown” (his term for a conversation where we could put all our concerns about a matter on the table). He listened patiently as I laid out my dilemma to him. At the end of my monologue, he looked me directly in the eye, and uttered words I will never forget: “Bo, a man goes where his wife will be happy. The Justice Department will always be there, but if you break this promise, you may wake up one day and find your wife is not.” The moral certainty behind his advice helped me make the right decision. I called the Justice Department, withdrew my application (a decision that, to the Department's credit, was graciously accepted) and accepted the position in Europe. My wife and I recently celebrated our tenth anniversary, and not a day goes by when I do not reflect on (and sometimes share) Justice Thomas's advice.

As I read over this letter, I realize it does not begin to scratch the surface of all the memories, reflections and impressions created both during my year of service with Justice Thomas and in the intervening thirteen years (for the relationship endures long after the clerkship ends). All I can say is thank you—for your unflinching support of this true patriot and to Justice Thomas for his willingness to serve the country.

Sincerely,

PETER B. RUTLEDGE,
Professor of Law.

UNIVERSITY OF NOTRE DAME,
THE LAW SCHOOL,
Notre Dame, IN, October 13, 2011.
Hon. ORRIN HATCH,
U.S. Senator, U.S. Senate, 104 Hart Office
Building, Washington, DC.

DEAR SENATOR HATCH: I am writing on the occasion of the twentieth anniversary of Justice Clarence Thomas's confirmation to the United States Supreme Court. During the Supreme Court's 1998-1999 term, I had the great privilege of serving as Justice Thomas's law clerk. The experience was one of the most important and formative of my life. During my year in his chambers, Justice Thomas—whom I had long admired as a jurist—became my mentor, teacher, and friend. He taught me, as he teaches all of his clerks, to be a better lawyer—the kind of lawyer who always honors the law by seeking and applying the correct answer, even when the correct answer does not comport with personal preferences. But even more importantly, Justice Thomas taught me, as he teaches all of his clerks, to be a better person—the kind of person who chooses right over wrong, serves when called, and always

treats every individual, regardless of rank or station, as their equal.

In the years since his confirmation, Justice Thomas's critics have begun to give him his due as a jurist. Legal academics and public intellectuals, many of whom disagree virulently with his approach to the law, now grudgingly acknowledge the intellectual weight of his opinions, the consistency and clarity of his jurisprudential approach to constitutional questions, the respect accorded to him by his colleagues, and the increasing evidence of his intellectual leadership on the Court. Most importantly, Justice Thomas's opinions reflect an unwavering fidelity to the Constitution as it was intended to be understood, a steadfast commitment to religious liberty and free expression, and a firm insistence that equality of opportunity is best promoted (indeed must be promoted) by equal treatment under the law.

I know that law professors usually write tributes about Justices as jurists, so I hope you will understand if I depart from the mold and begin with a few words about the Justice as a man. I do so in part because I am sure that there will be no shortage of reflections about Justice Thomas as a jurist in the days and years to come. But I also do so because, during my year as his law clerk and in the years since, I was, and have been, impressed and formed by Justice Thomas's humanity, as much as (or more than) his judicial philosophy or the careful crafting of his opinions.

As you undoubtedly remember, during his confirmation hearings, then-Judge Thomas described watching, through his chamber's window, as shackled prisoners were led into the federal courthouse. "I say to myself almost every day," he introspectively reflected, "But for the grace of God there go I." In the intervening years, more than one commentator has accused Justice Thomas of reneging on his implicit promise—embedded in his self-identification with the prisoners—to look out for the little guy. According to these critics, Thomas has turned out to be anything but empathetic to the plight of the downtrodden. This view—that Justice Thomas exhibits a disregard, even contempt, for the difficulties facing the least fortunate among us—pervades the popular imagination. These criticisms reflect a profound misunderstanding of Justice Thomas and his jurisprudence. There is a reason why Justice Thomas, upon his nomination to the Supreme Court, first thanked his grandparents and the Franciscan nuns who educated him in Savannah's segregated Catholic schools: He sincerely believed that they saved his life. And one need only spend a day with Justice Thomas to realize that he still believes that, but for their intervention—or perhaps more accurately, but for God's intervention through them—his life might well have taken a very different path.

In his years on the Supreme Court, Justice Thomas's generosity has become increasingly difficult to ignore. Even his critics have begun to acknowledge publicly his personal efforts to help "the little guy"—from his decision to raise his sister's grandson, to his practice of welcoming groups of poor and predominantly minority school children to the Court, to his record of mentoring young people, to his involvement in a scholarship program that sends first-generation professionals to New York University School of Law on a race-blind basis. It was one of the great privileges of serving as his law clerk to witness these efforts up close—and to see that these public acts of generosity were coupled with dozens more private acts of

kindness, each as natural as it was reflective of Justice Thomas's generosity and character. A few examples: Justice Thomas not only knew every member of the Supreme Court's staff by name, he also knew the names of their spouses and many of their children. (I arrived early one morning to find six custodians crowded into his office teasing him about a Dallas Cowboy's loss.) Walking on the hill one day, Justice Thomas stopped to talk to a homeless man whom, he explained, he had known for years. Another day, he stopped in front of the Hart Senate Office Building to ask a police officer about his son, who had just started college. When we asked how he knew that the officer's son was entering college, he explained he remembered the officer from his days as a staffer for Senator Danforth. (Justice Thomas worked for Senator Danforth from 1970 until 1981; I clerked for him seventeen years later.)

Contrary to elite opinion, Justice Thomas's concern for the metaphorical "little guy" is also reflected in his jurisprudence. Critics often overlook this fact because his views about how the law can properly help the poor, the marginalized, and (perhaps especially) racial minorities are profoundly contrarian, at least as measured against prevailing elite sentiments. But properly understood—that is, understood in the context of Thomas's history and teleology—the evidence of his attentiveness to the underdog is undeniable. Opinions reflecting Thomas's concern for "the little guy" contain at least three overlapping themes. The first is an unwavering respect for, and faith in, the competence and ingenuity of all people, regardless of race or station. Consider, for example, his scathing indictment of the compulsory integration programs at issue in *Missouri v. Jenkins* (1995):

"It never ceases to amaze me," he began, "that the courts are so willing to assume that anything predominantly black must be inferior." The second theme is a distrust of many social programs designed to "help" the disadvantaged, which is frequently interpreted as reflecting either callousness, naïveté or both. But Justice Thomas is acutely aware of historical lessons suggesting that government actions ostensibly designed to help sometimes mask illicit motives, and he is deeply suspicious of "window dressing" efforts that enable elites to avoid rolling up their sleeves and engaging in the difficult task of equipping the disadvantaged with the skills they need to succeed. As he observed in *Grutter v. Bollinger* (2003), which upheld the University of Michigan Law School's affirmative action program, "It must be remembered that the Law School's racial discrimination does nothing for those too poor or uneducated to participate in elite higher education and therefore presents only an illusory solution to the challenges facing our Nation." The third theme reflects, in my view, the genuineness of Justice Thomas's "window dressing" concern. Thomas is jealously protective of the kind of "back-to-basics" efforts that he believes will actually help the disadvantaged. His frustration with opponents of these efforts is palpable, and reflected in several opinions that warning that decisions invalidating such efforts will have devastating consequences for our most vulnerable citizens. For example, he began his concurrence in *Zelman v. Simmons-Harris* (2002), which upheld a school choice program in Cleveland, by quoting Frederick Douglass: "[E]ducation . . . means emancipation. It means light and liberty. It means the uplifting of the soul of man into the glorious light of truth, the light by which men can only be

made free." He continued, "[M]any of our inner-city public schools deny emancipation to urban minority students. . . . [S]chool choice programs . . . provide the greatest educational opportunities for . . . children in struggling communities."

I do not make these observations to prove the wisdom of Justice Thomas's views on the merits, but rather to respond to a particularly pernicious and deeply misguided criticism of his life and his jurisprudence. Nor should my reflections be interpreted as evidence that he is, as some have claimed, a results-oriented jurist. That Justice Thomas's expressed constitutional commitments are both genuine and self-binding is, in my view, established in an undeniable record of reaching conclusions that run counter to his personal preferences. And, I think it important to note, Justice Thomas himself has spoken on the subject of how a judge best serves the "little guy" and that is to maintain fidelity to the law. As Thomas once explained, "A judge must get the decision right because, when all is said and done, the little guy, the average person, the people of Pinpoint, the real people of America will be affected not only by what we as judges do, but by the way we do our jobs." And, in living out that aspiration, every day, Justice Thomas has become a model jurist, worthy of our commendations on this day.

Sincerely,

NICOLE GARNETT,
Professor of Law.

US-RUSSIA NUCLEAR COOPERATION

Ms. MURKOWSKI. Mr. President, today I wish to note the importance of growing Russian-American cooperation in the field of civil nuclear energy. Our common interests in this area are a significant opportunity to enhance energy security and economic growth for both nations. Just as importantly, building on a good record of cooperation on nuclear energy can form a basis for improving our relationship with the Russian Federation more broadly.

As the two largest nuclear complexes, the United States and Russia play an essential role in setting global standards. We have worked effectively together on non-proliferation initiatives through the Nunn-Lugar program for nearly a generation. But our cooperation in nuclear energy is not as well known.

Russia has long been America's largest foreign partner in nuclear power through the HEU-LEU Agreement of 1993. Better known as the "Megatons-for-Megawatts" agreement, Russia's nuclear corporation Rosatom has converted fissile material from thousands of weapons into energy for American homes and businesses. Nearly half of the fuel used in U.S. reactors is of Russian origin, which accounts for 10 percent of the electricity produced in this country.

In terms of nuclear technology, we have a lot to learn from one another. If the event at the Fukushima reactors in Japan has taught us anything, it's that nuclear safety is an issue that crosses borders. The recent signing of the

“Joint Statement on the Strategic Direction of U.S.-Russian Nuclear Cooperation” between Rosatom and the Department of Energy is a good example and will take advantage of Russian technological leadership on advanced reactors with passive safety systems. It recognizes that the long-term answers on nuclear safety will be a new generation of inherently safe reactors.

I applaud the work of the Nuclear Energy and Nuclear Security Working Group led by Deputy Energy Secretary Dan Poneman and Rosatom Director General Sergey Kirienko. By expanding their joint efforts to include nuclear safety and development of a global framework for nuclear energy, they are bringing the world's best technical expertise to bear on critical issues that must be addressed to sustain public confidence in nuclear energy.

Mr. President, cooperative efforts between the United States and Russia in civil nuclear energy are a success story in an often complex relationship. Building on this relationship should be a priority for both countries.

ELECTRONIC COMMUNICATIONS PRIVACY ACT

Mr. LEAHY. On October 21 we will celebrate the 25th anniversary of the enactment of the Electronic Communications Privacy Act, ECPA, one of the Nation's premiere privacy laws for the digital age. Since the ECPA was first enacted in 1986, this law has provided privacy protections for e-mail and other electronic communications for millions of Americans who communicate and transact business in cyberspace.

Today, the many rapid advances in technology that we have witnessed make this key privacy law more important than ever if we are to ensure the right to privacy. Just in the past few months, we have witnessed significant data breaches involving Sony and Epsilon that impact the privacy of millions of American consumers. We are also learning that smartphones and other new mobile technologies may be using and storing our location and other sensitive information, posing new risks to privacy.

When I led the effort to write the ECPA 25 years ago, no one could have contemplated these and other emerging threats to our digital privacy. But today, this law is significantly outdated and outpaced by rapid changes in technology and the changing mission of our law enforcement agencies after September 11. At a time in our history when American consumers and businesses face threats to privacy like no time before, we must renew the commitment to the privacy principles that gave birth to the ECPA a quarter century ago. That is why I am working to update this law to reflect the realities of our time.

Before the end of the calendar year, the Judiciary Committee will consider legislation that I have drafted to update the ECPA and to bring this law fully into the digital age. My bill makes several commonsense changes to the law regarding the privacy protections afforded to consumers' electronic communications. Among other things, my bill gets rid of the so-called “180-day rule” and replaces this confusing mosaic with one clear legal standard for protection of the content of e-mails and other electronic communications. This bill also provides enhanced privacy protections for American consumers by expressly prohibiting service providers from disclosing customer content and requiring that the Government obtain a search warrant based on probable cause to compel the disclosure of the content of an individual's electronic communications.

The ECPA Amendments Act also gives important new privacy protections for location information that is collected, used, or stored by service providers, smartphones, or other mobile technologies. To address the role of new technologies in the changing mission of law enforcement, my bill also provides important new tools to law enforcement to fight crime and protect cybersecurity including—clarifying the authority for the government to temporarily delay notice to protect the integrity of a law enforcement investigation and allowing a service provider to disclose content that is pertinent to addressing a cyberattack to the government to enhance cybersecurity.

I drafted this bill with one key principle in mind—updates to the Electronic Communication Privacy Act must carefully balance the interests and needs of consumers, law enforcement, and our Nation's thriving technology sector. I also drafted this bill after careful consultation with many government and private sector stakeholders, including the Departments of Justice, Commerce and State, local law enforcement, and members of the technology and privacy communities.

As the ECPA approaches its silver anniversary, I join the many privacy advocates, technology leaders, legal scholars, and other stakeholders who support reform of the ECPA in celebrating all that this law has come to symbolize about the importance of protecting Americans' privacy rights in cyberspace. I hope that all Members will join me in commemorating this important milestone anniversary and in supporting the effort in Congress to update this law to reflect the realities of the digital age.

TRIBUTE TO BARRIE DUNSMORE

Mr. LEAHY. Mr. President, Vermont benefits both by the people who were born there and those who come to Vermont and make us even better.

One of those people who has chosen Vermont is Barrie Dunsmore, who before his change in careers had been one of the foremost reporters and commentators on the national news scene. When he and his wife, Whitney Taylor, and his daughter, Campbell, came to Vermont, we Vermonters have benefitted by his columns in *The Rutland Herald* and his commentary on Vermont Public Radio. Recently Barrie took a number of his columns and collected them in a book, “There and Back.” I could not begin to do his writings justice, but my wife Marcelle and I were privileged to be at a reception for Barrie and Whitney in Burlington and we heard him speak. I asked him if I could have a copy of his notes from that evening, and he shared them with me. The notes offer only a hint of what awaits in the book, which I read with pleasure at our home in Vermont.

I ask unanimous consent that Mr. Barrie Dunsmore's remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THERE AND BACK (By Barrie Dunsmore)

Thank you Senator Leahy for being here tonight with your wife Marcelle, and for your kind words. I also thank you for your constant support for my columns and comments over many years. Having you in my camp has been an inspiration.

Thank you to Holly Johnson, the proprietor of Wind Ridge Publishing. If you had not had faith that my writing deserved a wider audience outside Vermont, there would be no book and we would not be here this evening.

Last, but certainly not least, I wish to thank my wife, Whitney Taylor. She is tireless in encouraging me and steadfast in supporting me. She is an excellent editor and my most important audience. She always reads my material before I send it out. And if she doesn't get something I know nobody will—so I make changes accordingly.

There are others who are deserving of my thanks but I promise I won't bore you kind folks who probably aren't interested in my high school Latin teacher who made me such a great writer.

Seriously I make no such claim, but I am a writer. In fact over the last decade—including my columns, radio and television commentaries, book reviews and speeches—I have written about a half a million words. To put that into perspective, Tolstoy's *War and Peace* in Russian runs 460,000 words.

I'm not talking about quality here, but in quantity, my body of work is greater than *War and Peace*. But you'll be happy to know the book contains only a fraction of that.

Let me explain the title of the book, “There and Back.”

The first section, called *THERE*, contains columns and commentaries that deal largely with events taking place in foreign lands over *THERE* in this century—but seen through the prism of events I covered in the last century. For example, I wrote about the Arab Spring in Egypt last February, in the context of my long experience in Egypt and particularly my contacts with the late president Anwar Sadat.

The section called BACK contains articles addressing the politics, culture and media of America—since I've been in retirement, BACK here in the United States.

The items in this section reflect a somewhat detached view of America as a former foreign and diplomatic correspondent might see it. The title of the book, and the concept, were suggested by my principal editor Emily Copeland to whom I am most grateful.

I promise you, this is not going to be a long speech, but I've been asked to reflect a bit on my impressions of how the mainstream media have fared since I retired in the mid-1990s.

When I took early retirement, I vowed I would not fall victim to the affliction that hits many old men and induces them to claim that everything that has happened in their field since they retired is a disaster. I confess in recent years being true to that vow has been a real challenge. Actually, when I did a series of lectures to the journalism classes at Vermont's Saint Michael's College last year, I suggested the students look at me as an archeologist might view a relic from the past that is more or less intact, and might provide some useful information.

During my four decades as an active reporter, there were major technological changes in network television news—going from black and white film to color; shifting from film to videotape; the advent of high-quality hand held cameras. And, finally of course, the coming of the communications satellite. That significantly changed everything. It meant there would be no more waiting for three days for the film from Vietnam or the Middle East to arrive in New York. But much more important, it became possible to have live coverage of news events virtually anywhere in the world.

Yet as great as those changes were, they pale in comparison to how the new information technologies have totally revolutionized the media. The Internet and the almost universal use of the personal computer and the cell phone have had an extraordinarily profound impact on the reporting of news, not to mention redefining what constitutes news—and who or what is a reporter. Many consider this a good thing—a notion I do not entirely share.

I will say this about the new technologies—they are not inherently good or bad. Like all of their revolutionary predecessors, such as the telegraph or moveable type, they are neutral instruments. Whether they serve society—or subvert it—depends on how these new tools are being used, by whom and to what ends.

For me, one of the more troubling consequences of this latest revolution is that by siphoning off huge portions of ad revenues, the Internet and its social networks have threatened the financial viability of the mainstream media—and as a consequence, have undermined the credibility of the news media as one of the key institutions that make democracy work.

Thomas Jefferson repeatedly said it. And the philosophers of ancient Greece apparently believed it: In order to survive, democracy needs to have a relatively well-informed electorate. The people cannot wisely choose their leaders if they don't have at least a basic understanding of the issues and of the consequences of the choices they are making.

What worries me most about the declining role of the mainstream media in today's world, is that in spite of all the various new platforms to provide and dispense informa-

tion—ironically, maybe because of all these choices—there is evidence that the electorate is less well informed than it was in other times in history. As I see it, these days more people than ever hold passionate, partisan opinions—that are largely free of facts. At another time, those necessary facts would have been available in the major news media, and most people would have accepted them as such. Sad to say, that is something which large and growing numbers of people no longer do.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2011

Mrs. MURRAY. Mr. President, today, as chairman of the Senate Committee on Veterans' Affairs, I would like to show my strong support for Senate passage of S. 894, the Veterans' Compensation Cost-of-Living Adjustment Act of 2011.

Effective December 1, 2011, this measure directs the Secretary of Veterans Affairs to increase the rates of veterans' compensation to keep pace with a rise in the cost-of-living, should an adjustment be prompted by an increase in the Consumer Price Index, commonly known as the CPI. Referred to as the COLA, this important legislation would make an increase available to veterans at the same level as an increase provided to recipients of Social Security benefits.

All of my colleagues on the Committee on Veterans' Affairs, including Ranking Member BURR and Senators ROCKEFELLER, AKAKA, SANDERS, BROWN of Ohio, WEBB, TESTER, BEGICH, ISAKSON, WICKER, JOHANNES, BROWN of Massachusetts, MORAN, and BOOZMAN join me in supporting this important legislation. I look forward to our continued work together to improve the lives of our Nation's veterans.

Last year, Congress passed, and the President signed into law, Public Law 111-247, which would have increased veterans' compensation rates had there been an increase in the CPI. While there was no cost-of-living increase in 2011; the 2012 adjustment will be 3.6 percent.

The COLA affects so many important benefits, including veterans' disability compensation and dependency and indemnity compensation for surviving spouses and children. It is projected that over 3.9 million veterans and survivors will receive these benefits in fiscal year 2012.

Mr. President, our Nation's veterans are hurting. The cost of food and fuel continue to rise. Failing to pass a cost-of-living adjustment will have serious effects on the quality of life veterans deserve. We have an obligation to care for our brave veterans and their families by providing them with the compensation needed to maintain a quality standard of life.

I ask my colleagues to keep our promise to our Nation's veterans by

working together to ensure this benefit remains available and is not diminished by the effects of inflation.

TRIBUTE TO JERRY HILDEBRAND

Mr. BAUCUS. Mr. President, I ask unanimous consent to have a memorial to the extraordinary life and service of Jerry Hildebrand printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS TAKEN FROM A SENATE FINANCE COMMITTEE HEARING TITLED REDUCING OVERPAYMENTS AND INCREASING QUALITY IN THE UNEMPLOYMENT SYSTEM CONDUCTED ON MAY 25, 2010

Senator Baucus: Last week, the Obama Administration announced a proposal to address these issues. The proposal seeks to rein in overpayments by making the unemployment insurance program more efficient. Today, we will walk through that proposal.

Under the administration's proposal, states could use a portion of the money that they recover from overpayments to strengthen their program integrity activities. States would also be required to impose financial penalties on people who defraud the program.

Under the proposal, employers would be required to report the start dates of new employees. That will help to identify beneficiaries who have returned to work in a different state but continue to receive unemployment benefits.

The administration's proposal is just one solution. States and private industry have also devised systems that reduce overpayments. They also have ideas on how to streamline unemployment insurance. I look forward to learning more about these proposals today.

Let's recognize the problem that we have in our Nation's safety-net programs. Let's grab the chance to do our best to correct the overpayments, and let's redouble our efforts to make the government work more efficiently.

I would like to turn to our witnesses. First, we will hear from Jane Oates, Assistant Secretary of Employment and Training at the Department of Labor. Ms. Oates, it is a pleasure to welcome you back. I was saddened not to see Jerry Hildebrand sitting behind you. His passing is a great loss. He provided tremendous advice and information honestly and accurately to all of us who asked; he was a tremendous public servant. We wanted you to know personally, and his family to know that we're thinking of him and very saddened that he is no longer with us.

Mrs. Oates: We cannot thank you enough for that. My career spans from the 1970s. A loss of that magnitude is just hard to get over. The whole career staff is remarkable but Jerry was the high water mark. He is sorely missed every day, particularly by me when we were prepping for this hearing.

Senator Baucus: Well he was a tremendous man.

Mrs. Oates: Thank you so much Senator. And we will make sure his wife and daughter get your—

Senator Baucus: We just want you to know how much he meant to all of us.

Mrs. Oates: Thank you very much.

Senator Baucus: You're very welcome.

EULOGY FOR JERRY HILDEBRAND
(Written by Suzanne Simonetta)

I'm speaking this evening on behalf of those of us who had the privilege of working with Jerry Hildebrand in the Unemployment Insurance (UI) program to give you a sense of what he meant to us.

Jerry was a scholar. One of Jerry's most impressive professional gifts was the depth and breadth of his knowledge. I was constantly awed by him—particularly by how much he remembered without even having to check his files. More important than his knowledge, and love of learning in general, was his ability to critically think about the information he knew—What does this mean? Why is it important? What are the implications? He always had the answer. The English major in Jerry made him an excellent writer as well—always pruning a document to reduce it to its essential elements and clarifying its intent.

Jerry was a passionate advocate for the Unemployment Insurance program. He was a worthy heir to the Wisconsin intellectual tradition that led to the creation of the UI program in 1935. Jerry truly believed UI was the most important program in the Employment and Training Administration. He felt strongly about the insurance principles upon which it is based—payments to individuals who lost their jobs through no fault of their own. Jerry believed in the importance of upholding the original intent of the UI program and protecting workers' rights. He dedicated his entire career to achieving these goals.

Jerry was a dedicated public servant. He was a consummate professional. Everyone with whom he worked knew that they could count on Jerry to give them his best effort. Jerry cared very deeply about his work and held himself to the highest standards. Though he might grumble and grouse to us about the fire drill du jour, he always got the job done. During the last two years in particular, with so much attention being paid to unemployment and so much UI legislation being enacted, so much had been demanded from Jerry. And he always delivered. He was one of the hardest working people I know.

Jerry touched the lives of millions of Americans without them ever knowing it. Jerry was a very modest, humble man. Some of you may not be aware that during the last 10 years, Jerry wrote many of the Federal laws relating to unemployment insurance and much of the guidance for states that operate these programs. When you think back on some of the major events in our nation's recent history—the terrorist attacks on September 11, 2001, Hurricane Katrina, the current recession—Jerry worked to support the people affected. Whether it was the new benefits program for airline workers after 9/11, modifications to the disaster unemployment assistance program after Katrina, the seemingly countless benefit extensions we currently have, or certifying billions of dollars of payments to states that expand eligibility for UI benefits, Jerry's contributions helped make it happen. His efforts lessened the burden that so many individuals and families face because of unemployment.

Jerry was a truly decent human being. Though a reserved man, Jerry's actions spoke volumes about his character. He was honest, fair, reasonable, reliable and dedicated. Jerry was well respected by all who knew him. I couldn't have asked for a better boss.

Jerry was taken from us too soon. We all feel his loss so profoundly—both personally and professionally. The void left behind is unbearable and the daunting task of car-

rying on without him seems insurmountable. However, I am confident that the wisdom Jerry shared and the lessons we learned from him will enable us to achieve what now feels almost impossible. Our greatest tribute to Jerry will be to continue his legacy of excellence.

RECOGNIZING INTERNATIONAL
CREDIT UNION DAY

Mrs. FEINSTEIN. Mr. President, today I wish to recognize the importance and many achievements of credit unions worldwide in celebration of the 63rd annual International Credit Union Credit Day.

The difference credit unions make in the United States by providing affordable and safe financial services to many Americans of moderate means has been significant and widely recognized.

However, the contributions credit unions have made on an international scale are equally notable. Since the mid-1800s, credit unions have established themselves in communities around the world struggling with social dislocation, political unrest, and economic depression as a means to promote economic growth and democratic practices at the local level. Today, more than 54,000 credit unions provide financial services to more than 186 million members in 97 nations. Nationally, credit unions provide financial services to more than 93 million Americans.

Credit unions make a difference on a global scale by providing access to affordable financial services for those who otherwise would have been excluded from the financial sector. Such financial services include the provision of small savings and loans, which enable some of the poorest individuals in the world to start their own micro-enterprises, improve household stability and stimulate growth in their communities. Credit unions are the largest source of these microfinance services in countries as diverse as Colombia, Kenya, Russia, Mexico, Thailand, and Rwanda.

Credit unions are also at the forefront of expanding access to finance for people living in rural areas who can't afford the time or money it takes to visit a financial institution. Credit unions are working with the World Council of Credit Unions, WOCCU, to introduce a variety of innovative technology solutions to bank the unbanked in rural areas. In Mexico, credit union officers carry hand-held personal digital assistant, PDA, devices to conduct financial transactions with members in communities located up to 90 minutes from the credit union office. In Kenya, Peru, and Mexico, point-of-sale devices enable credit unions to partner with local merchants in rural areas, allowing members to deposit and withdraw money from their credit union accounts. Finally, mobile banking capabilities in Mexico will enable members

to check their balances and transfer funds without leaving their homes.

In addition, credit unions throughout the world are filling the agricultural lending gap that has kept the vast majority of small farmers stuck in low-production, low-return cycles. In countries such as Peru, Kenya, and Colombia, credit unions are taking an integrated, value-chain approach to financing that includes access to agricultural training and markets for farmers to sell their products. As a result, farmers are not only increasing their incomes and producing more food for their families, they are also playing a role in securing their nations' food supply.

U.S. credit union members, staff and leagues, along with the Credit Union National Association and the U.S. Government support the global work of credit unions and WOCCU. Through WOCCU's International Partnerships Program, 25 U.S. credit union leagues are matched with developing credit union movements overseas to encourage the direct transfer of technology, skills, and experience among peers across borders.

I ask you and my other distinguished colleagues to join me in commending the work of credit unions, both domestically and internationally, for providing vital financial services that improve the lives of people demonstrating the greatest need around the world. By providing the world's poor with the most basic financial services, credit unions help expand job opportunities, improve local economies and promote democracy. In short, credit unions offer a sustainable development solution to some of the world's poorest countries, and this is the "credit union difference."

ADDITIONAL STATEMENTS

UDALL FOUNDATION

• Mr. UDALL of New Mexico. Mr. President, in 1992, Congress created the Udall Foundation, to honor the service of Mo Udall, my uncle, and father of the Senator from the great State of Colorado, MARK UDALL. In 2009 that mandate was expanded to also honor the service of my dad, Stewart Udall, and a legacy of two brothers who fought to preserve and protect our environment and advocate on behalf of Native people.

The Udall Foundation would not be what it is today without the tireless work of one man—Terrence L. Bracy. Terry's been there since the very beginning and has served as chairman of the foundation for 17 years, appointed by both President Clinton and President George W. Bush. At the end of this year, Terry will step down from the board, closing the first chapter of the Udall Foundation . . . and I rise today to express my deep gratitude to him for

his service to the Foundation and honoring the Udall legacy.

What started as only a vision is now an organization dedicated to educating a new generation of Americans to preserve and protect their national heritage through scholarship, fellowship, and internship programs that focus on environmental and Native American issues, as well as promoting environmental conflict resolution.

I know Senator MARK UDALL agrees with me when I say that Terry Bracy is the Udall Foundation. Over the past 17 years, he has continually pushed the Foundation to new heights—developing new programs, providing new opportunities for young people, and finding new ways to make a difference on issues relating to the environment and tribal communities.

He created an organization to inspire young people to tackle the tough policy problems that confront our nation. And Terry deeply cares about the students that are touched by the foundation's various programs.

After the Washington internship program, Terry and his lovely wife, Nancy, always got us all together. Early on, it was at their house in Virginia. The Senator from Colorado and I would answer questions and share our experiences with these exceptional young people, getting to know a new generation of leaders who, thanks to Terry, were inspired to carry on the torch of public service.

Under his leadership, the foundation also created the Native Nations Institute, accepted stewardship of the U.S. Institute for Environmental Conflict Resolution from Congress, and most recently, established the Stewart L. Udall Parks in Focus Program.

And while he has always looked forward to what the foundation could become, he has also continually reinforced the legacy of the two Udall brothers. It was Terry who pursued changing the name of the organization to the Morris K. Udall and Stewart L. Udall Foundation, after two brothers whose joint legacy as public servants and environmental visionaries will endure through the ages. The dedication ceremony in 2009 was the final public appearance of my father before his passing, and I know he was deeply honored and appreciative of the hard work of his friend Terry.

I would like to extend my thanks to Terry for his service to this nation in preserving the legacy of two American brothers who fought to change the world, and for continuing to champion the causes to which they dedicated their lives.●

TRIBUTE TO ALBERT KELLY

● Mr. COBURN. Mr. President, I rise today to congratulate and commend an outstanding citizen of my State.

Next Tuesday, October 25, Albert "Kell" Kelly of Bristow, OK, will take

office as the new chairman of the American Bankers Association. Mr. Kelly is CEO of SpiritBank in Bristow, part of a family-owned cluster of businesses which includes farming, ranching and banking enterprises. In fact, even now, Kell continues to work his 900-acre ranch whenever he is not traveling.

Mr. Kelly is equally active in community affairs. He once served as an assistant district attorney and also was chairman of the Oklahoma Bankers Association, and he is currently chairman of the Oklahoma Turnpike Commission. No wonder Kell Kelly has been called the most influential non-politician in Oklahoma. Education, transportation, and local business development are all key elements of Kell's community involvement. He understands that the purpose of a community bank is to build a community.

Kell is also a champion of empowerment. Five years ago he started a program among his bank employees, teaching them how to write letters and speak with government officials about public policy issues. So far, 65 SpiritBank employees have been trained to be volunteer citizen-activists regarding the various issues that concern them.

Kell's insight as a community banker will be vital in rolling back the excessive intrusion into the day-to-day business of banking that is stifling our Nation's economic recovery.

Banking is not only a barometer of economic health but also one of the key drivers of an economy. Under Kell Kelly's leadership, we can expect the American Bankers Association to be a strong advocate for more sustainable and more responsible banking policy and, God willing, to lead the way to a strong and lasting economic recovery for our Nation.●

TRIBUTE TO TERRY BRACY

● Mr. UDALL of Colorado. Mr. President, I rise today to pay tribute to an outstanding public servant, Terrence L. Bracy, who has chaired the Udall Foundation board of trustees for 17 years.

In 1 week, Terry, as his friends call him, will step down from his longtime role as chair of the board.

In light of his impending retirement from the Udall Foundation board, it is fitting that we commemorate Terry's groundbreaking work on behalf of the foundation.

For those of my colleagues who may not be familiar with the Udall Foundation, Congress created the foundation as an independent Federal agency in 1992, in honor of my late father, former Arizona Congressman Morris K. "Mo" Udall. The foundation, in fact, is headquartered in Tucson, AZ, in the congressional district that Mo Udall proudly served for 30 years.

In 2009, Congress enacted legislation to honor Stewart L. Udall, Mo's older brother, by adding his name to the foundation. It is now known as the Morris K. Udall and Stewart L. Udall Foundation. My uncle Stewart was a congressman and also served for 8 years as U.S. Secretary of the Interior under Presidents Kennedy and Johnson, and Uncle Stewart's son is none other than Senator TOM UDALL of New Mexico, with whom I am proud to serve in this Chamber.

The foundation was conceived as one way to carry on what has been described as the "Udall ethic"—a reverence for the natural world, a deep commitment to public service, and a respect and admiration for Native American communities.

With this ethic as his lodestar, Terry has led the board of the foundation, whose members are appointed by the President and confirmed by the Senate, from its inception. And over the past two decades, Terry has helped define and hone the foundation's mission, enabled it to grow and flourish, and ensured that it had the necessary resources to do its work.

As set forth in its founding legislation, the purposes of the foundation are many: to increase the awareness of, the importance of, and promote the benefit and enjoyment of, the Nation's natural resources; to foster a greater recognition and understanding of the role of the environment, public lands, and resources in the development of the United States; to identify critical environmental issues; to develop resources to train professionals properly in environmental and related fields; to provide educational outreach regarding environmental policy; to develop resources to train Native American and Alaska Native professionals in health care and public policy; and through the U.S. Institute for Environmental Conflict Resolution, provide assessment, mediation, and other related services to resolve environmental disputes involving Federal agencies.

In pursuit of these purposes, under Terry's leadership, the foundation has instituted several programs, including the following: annual scholarships and fellowships to outstanding students who intend to pursue careers related to the environment; annual scholarships and internships to outstanding Native American and Alaska Native college students who intend to pursue careers in health care and tribal public policy; Parks in Focus, which takes young people into national and State parks to expose them to the grandeur of the Nation's natural resources and instill a sustainable appreciation for the environment; and the Native Nations Institute for Leadership, Management, and Policy, NNI, which focuses on leadership education for tribal leaders and on policy research. The Udall Foundation and the University of Arizona co-founded NNI, building on the research

programs of the Harvard Project on American Indian Economic Development.

Moreover, the foundation works in cooperation with the Udall Center for Studies in Public Policy at the University of Arizona on various activities, including environmental research and conflict resolution.

One of the foundation's most outstanding initiatives is the Native American Internship Program. This program provides Native American and Alaska Native students with an opportunity to learn about Congress, Cabinet departments, and the White House. I am always proud to host these students in my Senate office as interns, where they put their considerable talents to work. Getting to know those outstanding young people is a highlight of every year for me, and that is thanks to Terry's hard work.

Terry is a one-of-a-kind leader, and he has nurtured and grown the foundation from a mere idea into a respected and established independent institution.

Terry's retirement means that a new leader will take the helm of the foundation's board. We all know that change is never easy, but I am confident the foundation will thrive for many years to come because Terry laid such solid ground on which to continue to build. And the top-rate staff Terry helped assemble will ensure a continuity that will keep the foundation on mission.

On a more personal level, I observe that Terry is the consummate competitor—whether on the golf course or in the legislative arena—and he has never shied away from a fight if it was necessary to get the right things done.

I also note that during the time that he led the foundation's board of trustees, Terry also ran his own successful firm and played an active role in his community. His commitment to public service meant that he took time away from his own business—and more importantly, his family—to oversee the foundation's work. Those are the sacrifices of a true public servant.

My father had that same core—he passionately believed that public service was an honorable calling. It is little wonder that Mo Udall hired Terry as his chief of staff many years ago in the U.S. House. Hand in hand with Representative Mo Udall, Terry worked on historic pieces of legislation that have protected our Nation's public lands and ensured that our government lived up to its obligations to Native Americans.

As my dad used to say, "If the good guys don't get involved, the scoundrels will." I know my dad would say that Terry Bracy's support and loyalty were invaluable to his own career. And Mo would be the first in line to heartily congratulate Terry on his successful tenure heading the foundation's board and creating a lasting public service legacy.

Terry wasn't just important to my dad, he was important to my Uncle Stewart. And I want to mention that it was Terry who suggested changing the official name of the Udall Foundation to recognize my uncle, the late Stewart L. Udall as well.

My dad and my uncle were extremely close, and Terry believed that naming the foundation for both Udalls, on one level, brought them together again. The christening of the foundation's building in Tucson, AZ, 2 years ago was the last significant public appearance that Stewart made before he died, and it was a proud and moving day for all of us. I treasure the photos that were taken that day of the Udall family, and I will always cherish the memories. I credit Terry with making that day possible.

The Udall Foundation will recognize Terry Bracy's contributions at a dinner in Tucson on October 27. I am sorry that I won't be able to attend the function, as I will be on international travel. But while I can't be there in person, I will be there in spirit, applauding Terry for everything that he has done for the foundation and its important mission.

In the meantime, I urge everyone in this body to join me in recognizing Terry Bracy for his many significant contributions. Terry, thank you.●

TRIBUTE TO KATHY CLONINGER, CEO OF GIRL SCOUTS U.S.A.

● Mr. ALEXANDER. Mr. President, Senator CORKER and I wish to recognize Kathy Cloninger for her outstanding service as the chief executive officer of Girl Scouts of the USA for the past 8 years and her 28 years of service to the Girl Scouts movement.

Kathy is a shining example of American leadership and service. She has devoted her life to girls and to one of America's most treasured institutions. We honor her today for a career that has been dedicated to building girls of courage, confidence, and character who make the world a better place.

Kathy's journey with Girl Scouts began in 1983 and spanned more than two decades of service as the head of Girl Scout councils in Tennessee, Texas, and Colorado. During her tenure as CEO of the Girl Scouts of Cumberland, TN, Girl Scout membership in our region rose to more than 25,000 girls—an increase of nearly 40 percent. She was also responsible for creating an outreach program that tripled the number of African-American Girl Scouts, increased the participation of Hispanic girls, and brought more than 1,000 girls in public housing into the program.

Since assuming her role as CEO of Girl Scouts of the USA in 2004, Kathy has transformed the Girl Scout movement. Under her guidance, the Girl Scouts accomplished the remarkable

task of successfully merging 315 councils down to 112 high-performance councils nationwide. Kathy has unified the Girl Scout movement around a common mission and business strategy, laying a sound foundation for success as the organization looks towards its 100th anniversary and beyond.

Kathy's service goes well beyond Girl Scouts. She has received numerous awards for her work on behalf of youth empowerment and the nonprofit community, including Nonprofit CEO of the Year 2000 from the Center for Nonprofit Management. In 2010, Kathy was named one of the "21 Leaders for the 21st Century" by Women's eNews.

Mr. President, we ask our colleagues to join us in thanking Kathy Cloninger for nearly 30 years of service to the Girl Scouts and our country. Kathy leaves Girl Scouts on the eve of its 100th anniversary, with a mission and program that is as critically important today as it was 100 years ago. We wish her the best in all of her continuing work for girls nationwide, and we welcome her back home to Tennessee.●

TRIBUTE TO AMBER AUGUSTUS

● Mr. COONS. Mr. President, it is with great pleasure that I rise to honor the 2012 recipient of the Delaware Teacher of the Year Award, Mrs. Amber Augustus. For over 7 years, Mrs. Augustus has been providing Delaware children with an exceptional education in the fields of Social Studies, Math, and Science. Every day Amber approaches teaching with an unyielding determination and passion that fosters a wonderful learning environment for her students. Today, I give thanks to her and all the teachers across the state of Delaware who help foster a love for learning and a desire for knowledge with every student they teach.

It is essential that we continue to take the time to honor excellent educators who are devoted to preparing the next generation of young adults. Day in and day out, teachers and educators across the country are tasked with the enormous responsibility of preparing our children for their futures and helping them to achieve their dreams. It is imperative that we encourage our teachers and thank them for inspiring our youth to be all that they can be. Mr. President, teachers like Amber Augustus are shining examples of the generous and giving spirit of the American people.

I congratulate Mrs. Amber Augustus on being named the 2012 Delaware Teacher of the Year. Her hard work and dedication to her students and the state of Delaware is greatly appreciated. On behalf of all Delawareans, I extend my thanks to each and every teacher who was nominated for this coveted award and to the continued efforts of teachers across the country to

invest in and provide quality education to America's youth.●

NATIONAL COOPERATIVE MONTH

● Mr. BARRASSO. Mr. President, I wish to submit for the RECORD an article written by Scott Zimmerman, cooperatives specialist with the Rocky Mountain Farmers Union and published October 15, 2011, in the Wyoming Livestock Journal. The article's title is "Cooperatives Continue to Shape the Landscape in Rural Wyoming."

Across the country, October is celebrated as National Cooperative Month. With the fall harvest season upon us, our Nation's farmers are seeing the fruits of their labors. Gov. Matt Mead has declared October Cooperative Month in my home State of Wyoming. In his article, Scott Zimmerman traces the history of cooperatives and explains how their founding principles continue to guide cooperatives today.

As Mr. Zimmerman points out, cooperatives form the basis of life in many rural communities. Cooperatives have shaped the landscape of American agriculture and rural way of life. For example, their pioneering organization led to memberowned and operated Rural Electric Associations. These co-ops first brought electricity to many small Wyoming communities. Additionally, cooperatives help many small Wyoming farmers and ranchers keep their costs low by purchasing needed inputs such as fertilizer, seed, and fuel at a discount. They accomplish this by pooling their purchasing power and buying farm inputs with volume pricing, thus taking advantage of their collective economy of scale.

The author also notes how cooperatives market their goods together as well. This allows buyers to source larger volumes of a product from a single seller, rather than attempting to procure a similar volume from many different sellers. This increased procurement efficiency allows buyers to offer higher prices to the co-op members than they would otherwise receive.

American consumers also have reason to celebrate National Cooperative Month. By contributing to increased efficiency, both in the way farm inputs are purchased and outputs are sold, consumers as well as co-op members benefit. Cooperatives provide lower prices to the final consumer by keeping the cost to produce and market their goods and services down.

Two of the founding principles of cooperatives are cooperation among cooperatives and commitment to their communities. I would like to acknowledge and recognize Scott Zimmerman and all co-op members who assist in bringing safe, wholesome, and affordable food to our tables in a spirit of cooperation and community involvement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COOPERATIVES CONTINUE TO SHAPE THE LANDSCAPE IN RURAL WYOMING

(By Scott Zimmerman, Cooperatives Specialist, Rocky Mountain Farmers Union)

October is being celebrated across the U.S. as National Cooperative Month, and Governor Matt Mead has signed a proclamation declaring Cooperative Month in Wyoming as part of this celebration. Here at Rocky Mountain Farmers Union and our Cooperative Development Center we applaud the Governor's action, and we join with him in saluting cooperatives nationwide.

To understand what cooperatives mean today, it helps to understand the history of cooperatives. The cooperative movement began in Europe in the 19th Century, not long after the beginning of the Industrial Revolution. The increasing mechanization of the European economy transformed society. It threatened the livelihoods of skilled workers and destroyed businesses too small to compete with industrial giants. Labor and social movements attempted to address the need for change.

The Rochdale Society of Equitable Pioneers was formed in Rochdale, England in 1844. Mechanization was replacing skilled workers with unskilled labor. Weavers were being replaced with machines that produced quantity without much regard for quality. These tradesmen, driven into poverty by industrialization, banded together to open their own store. They designed the Rochdale Principles to govern their business and they pooled their meager capital to stock their store with simple necessities at affordable prices. They were so successful that, in the next 10 years, more than 1,000 co-ops sprang up in Great Britain.

Cooperatives worldwide still subscribe to the Rochdale principles that guided these first cooperators to success. There are seven original principles:

1. Open, voluntary membership
2. Democratic governance (one member, one vote)
3. Members control capital and equity
4. Autonomous, independent governance
5. Education and training in cooperative principles
6. Cooperation among cooperatives
7. Commitment to their communities

Agricultural cooperatives have played a huge role in developing and sustaining local agriculture here in Wyoming and across the West. Wyoming agriculture has created and benefited from three general types of cooperative: service, supply and marketing. Each type fills a different role in our state.

The service cooperative, as its name suggests, provides its member owners with a service typically not available otherwise. A good example of this type of cooperative is member-owned Rural Electric Associations. Had it not been for the vision and hard work of the founding members of these co-ops, rural Wyoming would have remained without electricity many years longer. Co-ops emphasize benefits to members rather than measuring their results in raw profits, so small "local" electric utilities were able to address the need.

The supply cooperative offers its members the opportunity to buy inputs and raw materials at prices competitive with the volume discounts offered to the industrial corporations they must compete with. Typically the co-op can offer the supply item at volume pricing based on the buying power of the en-

tire membership, and typically the coop will deliver to small, independent operations. Many rural Wyoming agricultural communities have been home to "fuel and supply" cooperatives. These operations offered fuel, seed, fertilizer and farm and ranch supplies to their members. Cenex is a well-known example of this type of cooperative that is still part of the Wyoming landscape.

The marketing cooperative typically pools its members' goods and offers them for direct sale to obtain the best price. Grain or commodity marketing cooperatives fall into this category, as well as the co-op food markets that benefit both consumers and producers.

Starting in the late 1970s, many states changed the legal definition of "cooperative," and a new kind of co-op emerged. New-generation cooperatives in rural America adapt traditional cooperative structures to the increasing need for capitalization. Some states now allow capital investors to participate as voting members. This kind of co-op often is an agricultural processor adding value to a primary product. Capitalized by investors and run democratically by members, they might be producing ethanol from corn, pasta from durum wheat or gourmet cheese from goat's milk. The highly successful Mountain States Lamb Cooperative, headquartered in Douglas, is an example of such a cooperative.

Rocky Mountain Farmers Union takes cooperation as one of its founding principles, and we have promoted cooperative solutions to rural and agricultural challenges for more than 100 years. Since 1991, our foundation has been a leader forming and assisting cooperatives of all types. Our Cooperative Development Center, created in 1996, has used funding from Rural Cooperative Development Grants (RCDG) awarded each year by USDA-Rural Development to support our cooperative development work in Colorado, New Mexico and Wyoming. In the Center's 15 years we have helped design, develop, incorporate and manage more than a hundred cooperatives, many of them, like Mountain States, still thriving. We continue to seek out and assist individuals and groups with ideas that may become the next successful cooperative venture.

As you can see, cooperatives have had a significant role in shaping the Wyoming agricultural landscape. We celebrate that role each year in October. RMFU and our Co-op Center will ensure that the role of co-ops will be important for years to come, and we will strive to enhance that role wherever possible.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3639. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report responding to House Report 111-491, page 317, to accompany H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011 relative to spectrum sharing issues for parts of the spectrum under control of the Department of Defense (DoD) related to micro-stimulators; to the Committee on Armed Services.

EC-3640. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report relative to the termination of the Joint Tactical Radio System (JTRS) Ground Mobile Radio (GMR) program; to the Committee on Armed Services.

EC-3641. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Recovery of Delinquent Debts—Treasury Offset Program Enhancements" (RIN0960-AH19) received in the Office of the President of the Senate on October 19, 2011; to the Committee on Finance.

EC-3642. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Amendments to Procedures for Certain Determinations and Decisions" (RIN0960-AG72) received in the Office of the President of the Senate on October 18, 2011; to the Committee on Finance.

EC-3643. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "United States—Oman Free Trade Agreement" ((RIN1515-AD68)(CBP Dec. 11-19)) received in the Office of the President of the Senate on October 18, 2011; to the Committee on Finance.

EC-3644. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Postponement of Certain Hybrid Plan Regulations; Special Timing Rule for Section 204(h) Notice" (Notice No. 2011-85) received in the Office of the President of the Senate on October 17, 2011; to the Committee on Finance.

EC-3645. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "National Environmental Policy Act Implementing Procedures" (RIN1990-AA34) received in the Office of the President of the Senate on October 18, 2011; to the Committee on Environment and Public Works.

EC-3646. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, a report entitled "Draft Strategic Plan: Fiscal Years 2012-2016"; to the Committee on Environment and Public Works.

EC-3647. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and re-

covery efforts for FEMA-3322-EM in the State of Louisiana having exceeded the \$5,000,000 limit for a single emergency declaration; to the Committee on Environment and Public Works.

EC-3648. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Design-Basis Hurricane and Hurricane Missiles for Nuclear Power Plants" (Regulatory Guide 1.221) received in the Office of the President of the Senate on October 11, 2011; to the Committee on Environment and Public Works.

EC-3649. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Testing of Certain High Production Volume Chemicals; Third Group of Chemicals" (FRL No. 8885-5) received in the Office of the President of the Senate on October 18, 2011; to the Committee on Environment and Public Works.

EC-3650. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule—Compliance Date Amendment for Farms" (FRL No. 9681-4) received in the Office of the President of the Senate on October 18, 2011; to the Committee on Environment and Public Works.

EC-3651. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuel and Fuel Additives: Alternative Test Method for Olefins in Gasoline" (FRL No. 9482-1) received in the Office of the President of the Senate on October 18, 2011; to the Committee on Environment and Public Works.

EC-3652. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Final Division of Safety Systems Interim Staff Guidance DSS-ISG-2010-01" received in the Office of the President of the Senate on October 3, 2011; to the Committee on Environment and Public Works.

EC-3653. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California; 2008 San Joaquin Valley PM2.5 Plan and 2007 State Strategy" (FRL No. 9482-2) received in the Office of the President of the Senate on October 18, 2011; to the Committee on Environment and Public Works.

EC-3654. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the periods June 1, 2011 through July 31, 2011; to the Committee on Foreign Relations.

EC-3655. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Ames Laboratory at Iowa State University in Ames, Iowa, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-3656. A communication from the Secretary of Health and Human Services, trans-

mitting, pursuant to law, the report of a petition to add workers from the Y-12 facility in Oak Ridge Tennessee, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-3657. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from W. R. Grace and Company in Curtis Bay, Maryland, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-3658. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration's annual report on the performance evaluation of FDA-approved mammography quality standards accreditation bodies; to the Committee on Health, Education, Labor, and Pensions.

EC-3659. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "State Fiscal Stabilization Fund Program" (RIN1894-AA03) received in the Office of the President of the Senate on October 17, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3660. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-170 "Returning Citizens and Ex-Offender Services Reform Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3661. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-171 "Interstate Compact for Juveniles Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3662. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-172 "Community Council for the Homeless at Friendship Place Equitable Real Property Tax Relief Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3663. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-173 "Accountant Mobility Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3664. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-174 "Howard Theatre Redevelopment Project Great Streets Initiative Tax Increment Financing Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3665. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-175 "Daylight Savings Time Extension of Hours Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3666. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-177 "Health Professional Recruitment Program Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3667. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-176 "KIPP DC—Shaw Campus Property Tax Exemption Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3668. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-178 "Public Space Permit Fee Waiver Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3669. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-179 "Pedestrian Safety Reinforcement Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3670. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-180 "Disposed Real Property Procurement Clarification Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3671. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-181 "United House of Prayer for All People Real Property Tax Exemption Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3672. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-182 "DOC Inmate Processing and Release Temporary Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3673. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-183 "Revised Fiscal Year 2012 Budget Support Technical Clarification Temporary Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3674. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-184 "Carver 2000 Low-Income and Senior Housing Project Temporary Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3675. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-185 "Workforce Intermediary Task Force Establishment Temporary Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3676. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-186 "Real Property Tax Appeals Commission Establishment Temporary Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3677. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-187 "Martin Luther King, Jr., Drive Designation Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3678. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-188 "Mayor's Council on Physical Fitness, Health, and Nutrition Establishment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3679. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-189 "Creditor Calling Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3680. A communication from the Executive Director of the U.S. Election Assistance Commission, transmitting, pursuant to law, report entitled "2010 Uniformed and Overseas Citizens Absentee Voting Act"; to the Committee on Rules and Administration.

EC-3681. A communication from the Deputy General Counsel, Office of Surety Guarantees, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Surety Bond Guarantee Program; Timber Sales" (RIN3245-AG14) received in the Office of the President of the Senate on October 18, 2011; to the Committee on Small Business and Entrepreneurship.

EC-3682. A communication from the Deputy Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Sharing Information Between the Department of Veterans Affairs and the Department of Defense" (RIN2900-AN95) received in the Office of the President of the Senate on October 19, 2011; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2012" (Rept. No. 112-89).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 473, a bill to extend the chemical facility security program of the Department of Homeland Security, and for other purposes (Rept. No. 112-90).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FRANKEN (for himself and Mr. TESTER):

S. 1741. A bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for community wind projects having generation capacity of not more than 20 megawatts, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Ms. COLLINS, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. SANDERS, and Ms. SNOWE):

S. 1742. A bill to amend title 18, United States Code, to prohibit fraudulently representing a product to be maple syrup; to the Committee on the Judiciary.

By Mr. BROWN of Massachusetts:

S. 1743. A bill to consolidate certain Federal job training programs into a State-administered, market-delivered block grant program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself and Mr. NELSON of Florida):

S. 1744. A bill to provide funding for State courts to assess and improve the handling of proceedings relating to adult guardianship and conservatorship, to authorize the Attorney General to carry out a pilot program for the conduct of background checks on indi-

viduals to be appointed as guardians or conservators, and to promote the widespread adoption of information technology to better monitor, report, and audit conservatorships of protected persons; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Ms. STABENOW, Mrs. GILLIBRAND, Mrs. MCCASKILL, Mrs. BOXER, Mr. AKAKA, Mr. BEGICH, Ms. MIKULSKI, Ms. KLOBUCHAR, Ms. COLLINS, and Mr. SANDERS):

S. 1745. A bill to posthumously award a Congressional Gold Medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself and Mr. LEE):

S. 1746. A bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States; to the Committee on the Judiciary.

By Mrs. HAGAN (for herself, Mr. ISAKSON, Mr. ENZI, and Mr. BENNET):

S. 1747. A bill to amend the Fair Labor Standards Act of 1938 to modify provisions relating to the exemption for computer systems analysts, computer programmers, software engineers, or other similarly skilled workers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG:

S. 1748. A bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require additional disclosures and protections for students and cosigners with respect to student loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself and Mr. WEBB):

S. 1749. A bill to establish and operate a National Center for Campus Public Safety; to the Committee on the Judiciary.

By Mr. FRANKEN (for himself, Mr. CASEY, and Mr. WHITEHOUSE):

S. 1750. A bill to amend the Older Americans Act of 1965 to establish a Home Care Consumer Bill of Rights, to establish State Home Care Ombudsman Programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOEVEN (for himself, Mr. CONRAD, Mr. ENZI, Ms. LANDRIEU, Mr. BOOZMAN, Mr. NELSON of Nebraska, Mr. PORTMAN, Mr. MANCHIN, Mr. THUNE, and Mr. ROCKEFELLER):

S. 1751. A bill to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels; to the Committee on Environment and Public Works.

By Mr. ROBERTS:

S. 1752. A bill to nullify certain regulations regarding the removal of essential-use designation for epinephrine used in oral pressurized metered-dose inhalers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KIRK (for himself, Mr. BROWN of Massachusetts, Mr. CARDIN, and Mr. KERRY):

S. 1753. A bill to require operators of Internet websites that provide access to international travel services and market overseas vacation destinations to provide on such websites information to consumers regarding the potential health and safety risks associated with traveling to such vacation destinations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. TESTER (for himself, Mr. HARKIN, Ms. KLOBUCHAR, and Mr. BENNET):

S. 1754. A bill to promote clean energy infrastructure for rural communities; to the Committee on Finance.

By Mr. TESTER (for himself and Mr. BEGICH):

S. 1755. A bill to amend title 38, United States Code, to provide for coverage under the beneficiary travel program of the Department of Veterans Affairs of certain disabled veterans for travel for certain special disabilities rehabilitation, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. HAGAN (for herself and Ms. LANDRIEU):

S. 1756. A bill to extend HUBZone designations by 3 years, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. TESTER (for himself, Mr. HARKIN, Mr. BENNET, and Ms. KLOBUCHAR):

S. 1757. A bill to promote clean energy infrastructure for rural communities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. MCCASKILL (for herself and Mr. BLUNT):

S. 1758. A bill to amend the Federal Power Act prohibit the Federal Energy Regulatory Commission from requiring the removal or modification of existing structures or encroachments in licenses of the Commission; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. REED, and Mr. WHITEHOUSE):

S. 1759. A bill to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition; to the Committee on Commerce, Science, and Transportation.

By Mr. MANCHIN (for himself and Mr. KIRK):

S. 1760. A bill to amend the Controlled Substances Act to provide for increased penalties for operators of pill mills, and for other purposes; to the Committee on the Judiciary.

By Ms. CANTWELL:

S. 1761. A bill to amend the Internal Revenue Code of 1986 to repeal the exception to the treatment of consolidated groups under the personal holding company rules; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY:

S. Res. 301. A resolution urging the people of the United States to observe October 2011 as Italian and Italian-American Heritage Month; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself, Mr. INHOFE, Mr. KERRY, Ms. KLOBUCHAR, Mr. WYDEN, Mr. LAUTENBERG, Mrs. HUTCHISON, Mr. BOOZMAN, Mr. BLUNT, Mr. LUGAR, Mrs. GILLIBRAND, Mr. LEVIN, Mr. GRASSLEY, Ms. COLLINS, Mr. BAUCUS, Mr. MORAN, Mr. NELSON of Nebraska, Mr. CARDIN, Mr. JOHNSON of South Dakota, Mr. BROWN of Ohio, and Mr. DEMINT):

S. Res. 302. A resolution expressing support for the goals of National Adoption Day and

National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida:

S. Res. 303. A resolution honoring the life, service, and sacrifice of Captain Colin P. Kelly Jr., United States Army; to the Committee on Armed Services.

By Mrs. BOXER (for herself, Ms. COLLINS, Mr. COCHRAN, Mr. WHITEHOUSE, Mr. CASEY, and Ms. STABENOW):

S. Res. 304. A resolution supporting "Lights on Afterschool", a national celebration of afterschool programs; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 305. A resolution to authorize legal representation in Edward Paul Celestine, Jr. v. Social Security Administration; considered and agreed to.

By Mr. JOHNSON of Wisconsin (for himself, Mr. LIEBERMAN, Ms. COLLINS, Ms. LANDRIEU, Mr. BEGICH, Mr. AKAKA, Mr. COONS, Mr. CARPER, Mr. BROWN of Massachusetts, and Ms. SNOWE):

S. Res. 306. A resolution supporting the goals and ideals of National Cybersecurity Awareness Month and raising awareness and enhancing the state of cybersecurity in the United States; considered and agreed to.

By Mr. WICKER (for himself, Mr. COCHRAN, Mr. VITTER, and Ms. LANDRIEU):

S. Res. 307. A resolution honoring the men and women of the John C. Stennis Space Center on reaching the historic milestone of 50 years of rocket engine testing; considered and agreed to.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 164

At the request of Mr. BROWN of Massachusetts, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 211

At the request of Mr. ISAKSON, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 227

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to en-

sure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 331

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 331, a bill to ensure that military voters have the right to bring a civil action under the Uniformed and Overseas Citizens Absentee Voting Act to safeguard their right to vote.

S. 384

At the request of Mrs. FEINSTEIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 576

At the request of Mr. HARKIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 576, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 598

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 598, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 687

At the request of Mr. CORNYN, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 720

At the request of Mr. THUNE, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from North Dakota (Mr. HOEVEN) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 720, a bill to repeal the CLASS program.

S. 968

At the request of Mr. LEAHY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 998

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60,

to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1106

At the request of Mr. KOHL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1106, a bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1440

At the request of Mr. ALEXANDER, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

At the request of Mr. BENNET, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1440, *supra*.

S. 1460

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1467

At the request of Mr. BLUNT, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1468

At the request of Mrs. SHAHEEN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access

to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1479

At the request of Mr. CASEY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1479, a bill to preserve Medicare beneficiary choice by restoring and expanding Medicare open enrollment and disenrollment opportunities.

S. 1527

At the request of Mrs. HAGAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1576

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1576, a bill to measure the progress of relief, recovery, reconstruction, and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

S. 1610

At the request of Mr. BARRASSO, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1610, a bill to provide additional time for the Administrator of the Environmental Protection Agency to promulgate achievable standards for cement manufacturing facilities, and for other purposes.

S. 1651

At the request of Mr. SESSIONS, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1653

At the request of Ms. KLOBUCHAR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1653, a bill to make minor modifications to the procedures relating to the issuance of visas.

S. 1668

At the request of Mr. MERKLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1668, a bill to provide that the Postal Service may not close any post office which results in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices.

S. 1671

At the request of Mrs. HAGAN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1671, a bill to amend the Internal Revenue Code of 1986 to allow a temporary dividends received deduction for divi-

dends received from a controlled foreign corporation.

S. 1684

At the request of Mr. BARRASSO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1684, a bill to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes.

S. 1702

At the request of Mr. MORAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1702, a bill to provide that the rules of the Environmental Protection Agency entitled "National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines" have no force or effect with respect to existing stationary compression and spark ignition reciprocating internal combustion engines operated by certain persons and entities for the purpose of generating electricity or operating a water pump.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1723

At the request of Mr. MENENDEZ, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1723, a bill to provide for teacher and first responder stabilization.

S. 1726

At the request of Mr. MCCONNELL, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. BROWN), the Senator from South Dakota (Mr. THUNE), the Senator from Missouri (Mr. BLUNT), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Nebraska (Mr. JOHANNIS), the Senator from North Carolina (Mr. BURR), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), the Senator from Maine (Ms. COLLINS), the Senator from Florida (Mr. RUBIO), the Senator from Wyoming (Mr. ENZI), the Senator from North Dakota (Mr. HOEVEN), the Senator from Illinois (Mr. KIRK), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Nevada (Mr. HELLER) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 1726, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1726, *supra*.

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 1726, *supra*.

AMENDMENT NO. 750

At the request of Mr. WEBB, the names of the Senator from Delaware (Mr. COONS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 750 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 753

At the request of Mr. BROWN of Massachusetts, his name was added as a cosponsor of amendment No. 753 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 771

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Pennsylvania (Mr. CASEY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Michigan (Mr. LEVIN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 771 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 815

At the request of Mr. MORAN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 815 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 817

At the request of Mr. SCHUMER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Rhode Island (Mr. REED), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Vermont (Mr. SANDERS) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 817 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 839

At the request of Mr. CONRAD, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Missouri (Mr. BLUNT) and the Senator from

Massachusetts (Mr. BROWN) were added as cosponsors of amendment No. 839 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 841

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 841 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 855

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 855 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 857

At the request of Mr. MENENDEZ, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 857 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 859

At the request of Mr. PORTMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 859 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 869

At the request of Mrs. GILLIBRAND, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 869 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 875

At the request of Mr. HATCH, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from Louisiana (Mr. VITTER), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Alaska (Mr. BEGICH), the

Senator from North Carolina (Mr. BURR), the Senator from Wyoming (Mr. ENZI), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Wyoming (Mr. BARRASSO) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 875 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 885

At the request of Mr. BEGICH, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Utah (Mr. LEE) were added as cosponsors of amendment No. 885 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 886

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 886 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 890

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 890 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 893

At the request of Ms. CANTWELL, the names of the Senator from Washington (Mrs. MURRAY), the Senator from California (Mrs. BOXER), the Senator from Oregon (Mr. MERKLEY), the Senator from Oregon (Mr. WYDEN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 893 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN (for himself and Mr. TESTER):

S. 1741. A bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for community wind projects having generation capacity of not more than 20 megawatts, and

for other purposes; to the Committee on Finance.

Mr. FRANKEN. Mr. President, today I am introducing the Community Wind Act with my friend and colleague Senator TESTER from Montana.

Rural renewable energy development has been one of my top priorities since coming to the Senate. America's rural communities have some of our country's most abundant renewable energy resources, and I strongly believe that community-owned renewable energy projects are among the most promising drivers of economic development in our rural communities.

Minnesota has a lot of wind. In the past decade, communities across southwestern Minnesota have been transformed by wind power, with turbines producing renewable energy to power homes and businesses across the midwest. These projects are helping Minnesota meet its ambitious goal of obtaining 25 percent of its electricity from renewable sources by 2025. As we look to develop more renewables in Minnesota and across the country, I want to make sure that rural communities are reaping the maximum benefit from these projects.

That is why community wind is so powerful. When a wind project has some level of local ownership, studies have shown that the project will have higher local economic impact than conventional projects. That is because profits from the project flow to members in the community. Those profits are then reinvested in the community, fueling economic activity that wouldn't have otherwise happened.

Like many small and distributed energy projects, community wind projects face unique challenges when compared to conventional wind, ranging from difficulties accessing financing to the inability to take full advantage of Federal tax benefits. Despite these barriers, community wind projects have devised innovative financing structures to move forward with projects across the country. However, like the larger wind industry, community wind still faces great uncertainty with the looming expiration of the federal production tax credit for wind at the end of 2012.

Our bill provides long-term certainty to community wind over the next 5 years by expanding the existing small wind Investment Tax Credit to projects with capacity up to 20 MW. There is no restriction on turbine size, and the bill prevents the subdivision of large wind projects to game the system and claim the credit.

This bill has support from a diverse group of stakeholders, including the American Wind Energy Association to the National Farmers Union, the Minnesota Farmers Union, the Minnesota Corn Growers, the Minnesota Soybean Growers, a broad coalition of Minnesota and national small and commu-

nity wind developers, and rural businesses and nonprofits across the country. I am proud to introduce this legislation with Senator TESTER today, and I look forward to working with my colleagues from both sides of the aisle to garner support for its passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Wind Act".

SEC. 2. INVESTMENT TAX CREDIT FOR COMMUNITY WIND PROJECTS HAVING GENERATION CAPACITY OF NOT MORE THAN 20 MEGAWATTS.

(a) IN GENERAL.—Paragraph (4) of section 48(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

“(A) IN GENERAL.—The term ‘qualified small wind energy property’ means—

“(i) property which uses a qualifying small wind turbine to generate electricity, or

“(ii) property which uses 1 or more wind turbines with an aggregate nameplate capacity of more than 100 kilowatts but not more than 20 megawatts.”, and

(2) by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

“(C) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to prevent improper division of property to attempt to meet the limitation under subparagraph (A)(ii).”.

(b) DENIAL OF PRODUCTION CREDIT.—Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking the period at the end and inserting “or any facility which is a qualified small wind energy property described in section 48(c)(4)(A)(ii) with respect to which the credit under section 48 is allowable.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. LEAHY (for himself, Ms. COLLINS, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. SANDERS, and Ms. SNOWE):

S. 1742. A bill to amend title 18, United States Code, to prohibit fraudulently representing a product to be maple syrup; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to be joined by Senators COLLINS, SCHUMER, SANDERS and GILLIBRAND as we introduce this legislation to hold accountable those criminals who fraudulently sell what they call “maple” syrup.

Vermont iconic maple syrup—painstakingly produced, and prized across the Nation and beyond—is one of our state's fine, high-quality, natural products. I have been alarmed by the grow-

ing number of individuals and businesses claiming to sell genuine Vermont maple syrup when they are in fact selling an inferior product that is not maple syrup at all. This is fraud, plain and simple, and it undermines a key part of Vermont's economy and reputation for quality that has been hard-earned through Vermonters' hard work. I know that diligent syrup producers in Maine, New York, and other States have been similarly hurt by this crime. Our bill, the Maple Agriculture Protection and Law Enforcement, or “MAPLE” Act, will deter this criminal conduct.

The MAPLE Act creates a felony offense with a 5-year maximum penalty for fraudulently selling a product purported to be maple syrup that is not, in fact, maple syrup. Under current law, doing so is only a misdemeanor offense with a one year penalty.

The sale of fraudulent maple syrup is a real problem facing consumers and producers. Recently, Vermont U.S. Attorney Tris Coffin sought an indictment after a Food and Drug Administration investigation revealed that a Rhode Island man had been selling cane sugar-based syrup as “maple” syrup and representing to consumers that the syrup was authentic. The legislation we introduce today will more effectively protect consumers and the maple industry by punishing and deterring this deceptive conduct.

Vermonters, and consumers across the country, should be confident that when they buy food, they know exactly what they are getting. The fines that may result from criminal violations under current law are often not enough to protect the public from harmful or fraudulent products. Too often, those who are willing to endanger our livelihoods in pursuit of their profits see fines as just a cost of doing business. We need to make sure that those who intentionally deceive consumers get a trip to jail, not a slap on the wrist. Schemers should not easily be able to sully the seal of quality that is associated with genuine Vermont maple syrup.

I have a longstanding commitment to comprehensive food safety and food integrity reforms, and our work is not done. Earlier this year, the Senate unanimously passed my Food Safety Accountability Act, which would hold those criminals who intentionally poison our food supply accountable for their crimes. I urge the House to pass that noncontroversial bill, and I hope that all Senators will join us in supporting the MAPLE Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Maple Agriculture Protection and Law Enforcement Act of 2011” or the “MAPLE Act”.

SEC. 2. FRAUDULENTLY REPRESENTING A PRODUCT AS MAPLE SYRUP.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“§ 1041. Fraudulently representing a product as maple syrup

“(a) DEFINITION.—In this section, the term ‘maple syrup’ means a liquid food—

“(1) derived by—

“(A) concentration and heat treatment of the sap of a species of tree in the genus *Acer* (commonly known as ‘maple trees’); or

“(B) solution in water of maple sugar (commonly known as ‘maple concrete’) made from the sap of a species of tree in the genus *Acer*;

“(2) that is not less than 66 percent by weight of soluble solids derived solely from the sap of a species of tree in the genus *Acer*; and

“(3) the concentration of which may be adjusted by adding water.

“(b) OFFENSE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person to knowingly and willfully introduce or deliver for introduction into interstate commerce a product that is labeled as maple syrup and that is not maple syrup.

“(2) EXCEPTION.—Paragraph (1) shall not apply to a product labeled as maple syrup that is not maple syrup if the label also includes a clear identification of the true nature of the product.

“(c) PENALTY.—Any person that violates subsection (b) shall be fined under this title, imprisoned for not more than 5 years, or both.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“1041. Fraudulently representing a product as maple syrup.”

By Mr. HOEVEN (for himself, Mr. CONRAD, Mr. ENZI, Ms. LANDRIEU, Mr. BOZMAN, Mr. NELSON of Nebraska, Mr. PORTMAN, Mr. MANCHIN, Mr. THUNE, and Mr. ROCKEFELLER):

S. 1751. A bill to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels; to the Committee on Environment and Public Works.

Mr. HOEVEN. Mr. President, I rise to speak on the issue of job creation as well, specifically in regard to legislation I will be introducing that seeks to not only create jobs but also to truly reduce the cost of electricity to Americans throughout this country.

In North Dakota, we have a powerplant north of our State capitol, the city of Bismarck. It is about 1,100 megawatts. It consists of two separate plants, each of them 550 megawatts, so

the complex provides 1,100 megawatts of electricity, power that fuels our State, as well as sending power to Minnesota and other places as well. This plant uses the latest in emission control technology. It is state of the art.

We also have an ethanol plant attached to the powerplant, so the waste steam that comes off the powerplant is used to power the ethanol plant to make low-cost transportation fuel as well.

In addition to those things, another innovation at this plant is that after they produce the electricity, they take hundreds of thousands of tons of coal ash and, rather than landfilling it, they actually reuse it, and they use it to make concrete—they call it FlexCrete—for highways, they use it in building materials, and they even use it in products such as the shingles we use on our roofs.

Formerly, this plant paid about \$4 million a year to landfill that coal ash. Now they sell it for all these products and generate around \$12 million a year in revenue. If you take the \$4 million they used to expend to landfill the material, figure in the \$12 million they now make selling the product, that is a \$16 million revenue benefit to the plant. That means a \$16 million reduction in the cost of electricity to their customers throughout North Dakota and Minnesota.

At the same time, because they have partnered with a company out of Utah called Headwaters, right there at the complex they also have a facility that manufactures these building products, FlexCrete, and creates good-paying jobs as well.

Today I rise to introduce common-sense, bipartisan legislation—a jobs bill, if you will—the Coal Residuals Reuse and Management Act. In fact, this legislation has already passed the House of Representatives with a large bipartisan majority.

In a true example of American ingenuity and innovation, entrepreneurs around the country are recycling coal ash. Millions of Americans now work in buildings that are either partially constructed from coal ash-strengthened building materials or they drive home from work on roads and over bridges that are made of coal ash concrete or, as I said, they live under roofs that are shingled, and those shingles are made out of this coal residuals material. In fact, in my home State of North Dakota, we have both our Heritage Center, which is under construction now, and also the National Energy Center of Excellence that were constructed with these materials.

First, this National Energy Center of Excellence, this is the Bismarck State College. They specialize in energy programs. This facility overlooks the Missouri River and it is about a \$20-plus million facility. It is absolutely beautiful, and it is made with the coal residual building materials.

On this other slide, right now this facility is under construction. This will be a more than \$50 million facility, which is, in essence, a museum and a heritage center for the State of North Dakota. The building materials in this state-of-art facility will have both static and interactive displays and is being built with what is called coal ash—but coal residual materials. These are materials coming out of powerplants that were formerly simply landfill, and now we are using them for all these purposes. The important point is, we need to be able to continue to do that. That is exactly why I am introducing this legislation.

It turns out that using this natural byproduct of coal combustion not only makes our buildings and infrastructure stronger, it makes homes, businesses, and highways more affordable to build. It also creates hundreds of thousands of jobs in the process, while using this cost-effective material.

Meanwhile, by using coal ash in such an innovative manner, it is estimated the overall energy consumption in this country can be reduced by 162 trillion Btu's, British thermal units, and that water usage is reduced annually by 32 billion gallons a year. That is the equivalent of the amount of energy used by 1.7 million homes a year and the amount of water—actually one-third of the amount of water used in the entire State of California each year. So we can see from a conservation standpoint what an incredible impact using these materials has.

Unfortunately, the EPA is now considering whether to overturn 30 years of precedent and regulate coal ash as a hazardous material, despite findings from the Department of Energy, the Federal Highway Administration, and State regulatory agencies throughout the country, as well as EPA itself. EPA's own studies show the toxicity level in coal ash is well below the criteria that requires any type of hazardous waste designation.

In fact, the EPA's May 2000 regulatory determination—in that determination they concluded that coal ash does not warrant regulation as hazardous waste and that doing so would be environmentally counterproductive. However, new regulations first proposed in June of 2010 would create a stigma for coal ash recycling and expose it to frivolous lawsuits that could undermine the industry, cost thousands of jobs, and take billions of dollars out of our economy at a time when working families can least afford it. But the damage to American's pocketbooks would not just stop with the undermining of this recycling industry.

It is estimated that meeting the regulatory disposal requirements under the EPA's subtitle C proposal would cost between \$250 and \$450 per ton, as opposed to about \$100 per ton under the current system. That could mean up to

another \$50 billion in costs, a burden on our electricity generators that use coal and, most important, customers—American families, businesses, and farmers—again, Americans throughout this great country.

It is also estimated this regulation by EPA, this proposal, could mean the loss of more than 300,000 American jobs. That is why I have at the desk the Coal Residuals Reuse and Management Act, which I am introducing today, along with Senator KENT CONRAD, Senator MICHAEL ENZI, Senator MARY LANDRIEU, Senator ROB PORTMAN, Senator BEN NELSON, Senator JOE MANCHIN, and also Senator JOHN BOOZMAN; four Republicans and four Democrats. This is truly a bipartisan piece of legislation.

As I said, it is a companion to H. Res. 2273 that passed the U.S. House of Representatives last Friday with strong—and I emphasize strong—bipartisan support. It takes a commonsense approach to ensuring we can continue this vital industry and, in fact, build it, save millions of dollars for American consumers and create hundreds of thousands of jobs.

This bill not only preserves coal ash recycling by preventing the byproducts from being treated as hazardous, it establishes Federal standards for coal ash disposal. Under this legislation, States can set up their own permitting programs for the management and disposal of coal ash. These programs would be required to be based on existing EPA regulations to protect human health and the environment. If a State does not implement an acceptable permit program, then the EPA regulates the program for that State.

Importantly, States will know where they stand under this bill since the benchmark for what constitutes a successful State program is set in statute. EPA can say: Yes, the State does meet these standards or, no, it doesn't. But EPA cannot move the goalposts. This is a State's first approach that provides regulatory certainty. What is certain is, under this bill, coal ash disposal sites will be required to meet established standards. These include groundwater detection and monitoring, liners, corrective action when environmental damage occurs, structural stability criteria and financial assurance and the recordkeeping needed to protect the public.

The Coal Residual Reuse and Management Act is legislation needed to protect jobs and help reduce the cost of home and road construction and electricity bills.

I wish to thank both the Republicans and the Democrats who have taken a leadership role and are joining me in cosponsoring this legislation. I particularly wish to thank my fellow Senator from North Dakota, Mr. KENT CONRAD. I urge our colleagues to join us and support this important measure.

By Mr. KIRK (for himself, Mr. BROWN of Massachusetts, Mr. CARDIN, and Mr. KERRY)

S. 1753. A bill to require operators of Internet websites that provide access to international travel services and market overseas vacation destinations to provide on such websites information to consumers regarding the potential health and safety risks associated with traveling to such vacation destinations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KIRK. Mr. President, I rise today to introduce the bi-partisan International Travelers Bill of Rights of 2011 with my colleagues Senators SCOTT BROWN, BEN CARDIN, and JOHN KERRY. It is critical that consumers are able to make fully informed decisions, especially with regard to health and safety, as more Americans use the Internet to book overseas travel.

This effort is on behalf of my constituent, Nancy Midlock of Shorewood, Illinois, whose family suffered a great tragedy when her 8-year old son, Brent, drowned in a hotel pool, while on vacation in Mexico. If Ms. Midlock had been aware that this particular hotel did not offer adequate emergency care, perhaps she would have chosen to stay at another location where such services were offered.

Because of this, I feel strongly that websites must do their best to make sure travelers are aware of the available onsite health and safety services before they book. If a hotel can provide details about their fitness center, golf courses, and high speed Internet, it can certainly indicate if there is a lifeguard on duty.

This bipartisan legislation requires website operators to display the available health and safety information of their overseas destinations. This includes Department of State travel warnings, the availability of a nurse or physician on the premises, and the presence of a lifeguard on duty. Additionally, the Department of State is required to update the record of Deaths of US Citizens Aboard by Non-Natural Causes on a monthly basis with increased granularity.

Finally, several provisions will ensure that the travel industry is not burdened with impractical regulations. Website operators will have one year to request and display the necessary information, if available, and are protected from unfair lawsuits. Online travel websites provide an important service to many of us, and I look forward to working with them on behalf of all Americans. This bill is an important first step to ensure Americans are informed, prepared, and ultimately more aware, global travelers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1753

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Travelers Bill of Rights Act of 2011".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) COVERED WEBSITE OPERATOR.—The term "covered website operator" means an individual or entity that operates an Internet website that provides access to international travel services. Such term includes an overseas vacation destination or a third party that operates an Internet website that offers international travel services.

(3) INTERNATIONAL TRAVEL SERVICES.—The term "international travel services" means a service that a consumer can use to reserve lodging at an overseas vacation destination.

(4) OVERSEAS VACATION DESTINATION.—The term "overseas vacation destination" means a resort, hotel, retreat, hostel, or any other similar lodging located outside the United States.

(5) UNITED STATES.—The term "United States" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 3. PROVIDING INFORMATION REGARDING THE POTENTIAL HEALTH AND SAFETY RISKS ASSOCIATED WITH OVERSEAS VACATION DESTINATIONS.

(a) IN GENERAL.—A covered website operator shall provide to consumers information on the Internet website of the covered website operator, in a manner the website operator considers appropriate, regarding the potential health and safety risks associated with overseas vacation destinations marketed on such website, if any, including the following:

(1) Information compiled by the Department of State, including Department of State country-specific travel warnings and alerts.

(2) Information regarding the onsite health and safety services that are available to consumers at each overseas vacation destination, including whether the destination—

(A) employs or contracts with a physician or nurse on the premises to provide medical treatment for guests;

(B) employs or contracts with personnel, other than a physician, nurse, or lifeguard, on the premises who are trained in cardiopulmonary resuscitation;

(C) has an automated external defibrillator and employs or contracts with 1 or more individuals on the premises trained in its use; and

(D) employs or contracts with 1 or more lifeguards on the premises trained in cardiopulmonary resuscitation, if the overseas vacation destination has swimming pools or other water-based activities on its premises, or in areas under its control for use by guests.

(b) SERVICES NOT AVAILABLE 24 HOURS A DAY.—If the onsite health and safety services described in subsection (a)(2) are not available 24 hours a day, 7 days a week, a covered website operator who provides information about such services under subsection

(a) shall display the hours and days of availability on its Internet website in a manner the covered website operator considers appropriate.

(c) **MINIMUM REQUIREMENT FOR OBTAINING INFORMATION.**—If a covered website operator does not possess, with respect to an overseas vacation destination, information about the onsite health and safety services required to be displayed on its Internet website under subsection (a), the covered website operator shall, at a minimum, request such information from such destination.

(d) **INFORMATION NOT AVAILABLE.**—If onsite health and safety services described in subsection (a)(2) are not available at an overseas vacation destination, or if a covered website operator does not possess information about the onsite health and safety services required to be displayed on its Internet website under subsection (a), the covered website operator shall display on the Internet website of the website operator, in a manner the website operator considers appropriate, the following: “This destination does not provide certain health and safety services, or information regarding such services is not available.”.

(e) **IMMUNITY.**—A covered website provider shall not be liable in a civil action in a Federal or State court relating to inaccurate or incomplete information published under subsection (a) regarding an overseas vacation destination that is not owned or operated by the covered website provider if—

(1) such information was provided by the overseas vacation destination; and

(2) the covered website provider published such information without knowledge that such information was inaccurate or incomplete, as the case may be.

SEC. 4. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) **UNFAIR OR DECEPTIVE ACTS OF PRACTICES.**—A violation of this Act shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) **POWERS OF COMMISSION.**—The Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(c) **DEADLINE FOR ISSUANCE OF REGULATIONS.**—The Commission shall prescribe regulations to carry out this Act not later than 1 year after the date of the enactment of this Act.

SEC. 5. DEPARTMENT OF STATE RECORDS OF OVERSEAS DEATHS OF UNITED STATES CITIZENS FROM NON-NATURAL CAUSES.

(a) **INCREASED GRANULARITY OF DATA COLLECTED.**—Subsection (a) of section 57 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2729) is amended by striking paragraph (2) and inserting the following:

“(2) The location of where the death occurred, including the address of the location, the name of the property where the death occurred, and the state or province and municipality of such location, if available.”.

(b) **INCREASED FREQUENCY OF PUBLICATION.**—Subsection (c) of such section is amended by striking “at least every six months” and inserting “not less frequently than once each month”.

(c) **MONTHLY REPORTS TO CONGRESS.**—Such section is amended by adding at the end the following:

“(d) **REPORTS TO CONGRESS.**—Each time the Secretary updates the information made available under subsection (c), the Secretary shall submit to Congress a report containing such information.”.

By Mrs. FEINSTEIN (for herself,
Mrs. BOXER, Mr. REED, and Mr.
WHITEHOUSE):

S. 1759. A bill to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, today I wish to introduce the America's Cup Act of 2011. This legislation will enable foreign ships to compete for the 34th America's Cup, scheduled to begin in November.

I am happy to be joined by Senators BARBARA BOXER, JACK REED, and SHELTON WHITEHOUSE as original cosponsors.

The America's Cup is one of the oldest global sporting competitions. Its economic impact is surpassed only by the Olympics and the World Cup of soccer.

The event will begin in San Diego on November 12th. Next year the events continue in Italy and Newport, Rhode Island, and they conclude in San Francisco in September 2013.

But the events in San Diego, Newport and San Francisco cannot take place unless we waive certain laws that prohibit foreign vessels from operating in U.S. waters.

My legislation waives the Jones Act and the Passenger Vessel Services Act for all vessels participating in or supporting the America's Cup events.

However, this waiver is limited and narrow. It was carefully crafted to protect our domestic industry and passenger service operators. The legislation specifically states that the authority to operate in U.S. waters is strictly limited to activities that occur during and related to America's Cup Events.

The vessels are prohibited from transporting more than 25 individuals or from receiving compensation for transportation.

The vessels are prohibited from transporting merchandise between ports.

I understand that Jones Act waivers can be sensitive subjects for many, but I want to assure my colleagues that this is a noncontroversial bill.

The waiver is widely supported by local governments and business groups in California and Rhode Island.

Equally important, it is not opposed by the American Maritime Partnership, AMP. Like many of us, the AMP's neutrality was critical to me before I decided to pursue this legislation.

As many of my colleagues know, the American Maritime Partnership, formerly called the American Cabotage

Task Force, is the voice of the U.S. domestic maritime industry. The group represents more than 450 member organizations ranging from vessel owners and shipboard unions to shipbuilders and equipment manufacturers.

These diverse interests recognize the importance of a strong domestic maritime industry and share my belief that the continued success of this industry is critical for America's economic security and independence.

Needless to say, Jones Act waivers are not an issue the AMP takes lightly, so I thank them for their willingness to work with me to bring this great event back to the United States.

The reason the American Maritime Partnership and so many other organizations support this legislation is that it will create jobs and stimulate the economy.

As I mentioned, the first event in the America's Cup World Series will occur in San Diego. This event alone is expected to bring \$20 million to local businesses.

When the larger America's Cup Finals take place in San Francisco, the economic impacts are expected to be far greater. According to a recent study by Beacon Economics and the Bay Area Council the increase in economic activity in San Francisco could be nearly \$1.4 billion. This is three times the estimated impact of hosting a Super Bowl, \$300-\$500 million.

The event could create as many as 8,840 jobs in San Francisco.

Local Governments could generate an additional \$85 million in revenue.

Nationwide, the event is expected to increase domestic economic activity by \$1.9 billion and create 11,978 jobs.

The economic impacts of these events are significant.

The waiver is widely supported by labor, business and members of both parties.

This is straightforward, common sense legislation that will facilitate international participation in a globally recognized sporting event.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “America's Cup Act of 2011”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **34TH AMERICA'S CUP.**—The term “34th America's Cup”—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America's

Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America's Cup, includes additional sailing competitions conducted by America's Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) **AMERICA'S CUP RACE MANAGEMENT.**—The term "America's Cup Race Management" means the entity established to provide for independent, professional, and neutral race management of the America's Cup sailing competitions.

(3) **ELIGIBILITY CERTIFICATION.**—The term "Eligibility Certification" means a certification issued under section 4.

(4) **ELIGIBLE VESSEL.**—The term "eligible vessel" means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America's Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America's Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b) of title 46, United States Code;

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) **SUPPORTING VESSEL.**—The term "supporting vessel" means a vessel that is operating in support of the 34th America's Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America's Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

SEC. 4. CERTIFICATION.

(a) **REQUIREMENT.**—A vessel may not operate under section 3 unless the vessel has received an Eligibility Certification.

(b) **ISSUANCE.**—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in section 2(4).

SEC. 5. ENFORCEMENT.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America's Cup as a competing vessel or a supporting vessel.

SEC. 6. PENALTY.

Any vessel participating in the 34th America's Cup as a competing vessel or supporting

vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 301—URGING THE PEOPLE OF THE UNITED STATES TO OBSERVE OCTOBER 2011 AS ITALIAN AND ITALIAN-AMERICAN HERITAGE MONTH

Mr. CASEY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 301

Whereas Italian and Italian-American Heritage Month is an appropriate time to recognize the enormous contributions that Italian and Italian-American people have made to the United States and the world throughout history, including generals, admirals, philosophers, statesmen, musicians, athletes, and Nobel Prize-winning scientists;

Whereas Italian and Italian-American Heritage Month salutes the Italian and Italian-American community and expresses appreciation for the culture and heritage of Italians and Italian Americans that has immeasurably enriched the lives of the people of the United States and the world;

Whereas the strength and success of the United States, the vitality of communities, and the effectiveness of society depend, in great measure, upon the distinctive and sterling qualities demonstrated by various ethnic groups and exemplified by members of the Italian and Italian-American community, who share their rich and unique heritage with all people of the United States; and

Whereas it is fitting and proper that October 2011 be observed as Italian and Italian-American Heritage Month throughout the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the enormous contributions that Italian and Italian-American people have made to the United States and the world throughout history; and

(2) urges the people of the United States—

(A) to acknowledge October 2011 as Italian and Italian-American Heritage Month; and

(B) to observe the month with appropriate events and activities.

SENATE RESOLUTION 302—EXPRESSING SUPPORT FOR THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION AND THE CHILDREN AWAITING FAMILIES, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING THE PEOPLE OF THE UNITED STATES TO SECURE SAFETY, PERMANENCY, AND WELL-BEING FOR ALL CHILDREN

Ms. LANDRIEU (for herself, Mr. INHOFE, Mr. KERRY, Ms. KLOBUCHAR, Mr. WYDEN, Mr. LAUTENBERG, Mrs. HUTCHISON, Mr. BOOZMAN, Mr. BLUNT,

Mr. LUGAR, Mrs. GILLIBRAND, Mr. LEVIN, Mr. GRASSLEY, Ms. COLLINS, Mr. BAUCUS, Mr. MORAN, Mr. NELSON of Nebraska, Mr. CARDIN, Mr. JOHNSON of South Dakota, Mr. BROWN of Ohio, and Mr. DEMINT) submitted the following resolution; which was referred to the Committee on Health, Labor, and Pensions:

S. RES. 302

Whereas there are approximately 408,000 children in the foster care system in the United States, approximately 107,000 of whom are waiting for families to adopt them;

Whereas 56 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is more than 2 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas in 2010, nearly 28,000 youth "aged out" of foster care by reaching adulthood without being placed in a permanent home;

Whereas everyday, loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though "Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years";

Whereas while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in the month of November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas since the first National Adoption Day in 2000, more than 35,000 children have joined forever families during National Adoption Day;

Whereas in 2010, adoptions were finalized for nearly 5,000 children through 400 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico; and

Whereas the President traditionally issues an annual proclamation to declare the month of November as National Adoption Month, and National Adoption Day is on November 19, 2011: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the people of the United States to consider adoption during the month of November and all throughout the year.

SENATE RESOLUTION 303—HONORING THE LIFE, SERVICE, AND SACRIFICE OF CAPTAIN COLIN P. KELLY JR., UNITED STATES ARMY

Mr. NELSON of Florida submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 303

Whereas Captain Colin P. Kelly Jr. was born in Madison, Florida in 1915 and graduated from that community's high school in 1932;

Whereas Captain Kelly attended the United States Military Academy at West Point, New York, graduating in 1937 and was assigned to a B-17 bomber group;

Whereas Captain Kelly was stationed in the Philippines as a B-17 pilot in the Army Air Corps when the United States came under Japanese attack on December 7, 1941;

Whereas on December 10, 1941, when Clark Field in the Philippines was attacked by Japanese forces, Captain Kelly and his 7 crew members, Lieutenant Joe M. Bean, Second Lieutenant Donald Robins, Staff Sergeant James E. Halkyard, Technical Sergeant William J. Delehanty, Sergeant Meyer S. Levin, Private First Class Willard L. Money, and Private First Class Robert E. Altman, were sent to locate and sink a Japanese Aircraft Carrier, one of the first bombing missions of World War II;

Whereas the crew, commanded by Captain Kelly, located Japanese warships operating off the Luzon Coast, and during the mission successfully hit a large Japanese warship;

Whereas on the return flight to Clark Field, the B-17 came under attack by 2 enemy aircraft and was critically damaged;

Whereas Captain Kelly ordered his crew to bail out while he remained at the controls;

Whereas Captain Kelly continued to operate the controls as the 6 surviving crew members bailed out and parachuted safely to the ground, despite remaining under fire during the descent;

Whereas the B-17 crashed near Clark Field, killing Captain Kelly, who had remained at the controls so his crew had time to evacuate the aircraft;

Whereas Captain Kelly was posthumously awarded the Distinguished Service Cross for his heroic actions on December 10, 1941; and

Whereas the Four Freedoms Monument in Madison, Florida was commissioned by President Franklin D. Roosevelt and dedicated in Captain Kelly's memory in 1943: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Captain Colin P. Kelly Jr. as an Army officer and pilot of the highest caliber, upholding the Army's core values of loyalty, duty, respect, selfless service, honor, integrity, and personal courage;

(2) commends Captain Kelly for his service to the United States during the first days of World War II; and

(3) honors the sacrifice made by Captain Kelly, giving his own life to save the lives of his crew.

SENATE RESOLUTION 304—SUPPORTING "LIGHTS ON AFTERSCHOOL", A NATIONAL CELEBRATION OF AFTERSCHOOL PROGRAMS

Mrs. BOXER (for herself, Ms. COLLINS, Mr. COCHRAN, Mr. WHITEHOUSE, Mr. CASEY, and Ms. STABENOW) submitted the following resolution; which was:

S. RES. 304

Whereas high-quality afterschool programs provide safe, challenging, engaging, and fun learning experiences that help children and youth develop social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs support working families by ensuring that the children in those families are safe and productive after the regular school day ends;

Whereas high-quality afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of children in the United States, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of children in the United States;

Whereas "Lights On Afterschool", a national celebration of afterschool programs held on October 20, 2011, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and approximately 15,100,000 children in the United States have no place to go after school; and

Whereas many afterschool programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of "Lights On Afterschool", a national celebration of afterschool programs.

SENATE RESOLUTION 305—TO AUTHORIZE LEGAL REPRESENTATION IN EDWARD PAUL CELESTINE, JR. V. SOCIAL SECURITY ADMINISTRATION

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was:

S. RES. 305

Whereas, in the case of *Edward Paul Celestine, Jr. v. Social Security Administration*, No. 4:11-CV-3376, pending in the United States District Court for the Southern District of Texas, the plaintiff has sent subpoenas for testimony and documents to Senator John Cornyn and Senator Kay Bailey Hutchison; and,

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator John Cor-

byn and Senator Kay Bailey Hutchison in this matter as well as any employee in Senator Cornyn's or Senator Hutchison's offices who may be subpoenaed in this case.

SENATE RESOLUTION 306—SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYBERSECURITY AWARENESS MONTH AND RAISING AWARENESS AND ENHANCING THE STATE OF CYBERSECURITY IN THE UNITED STATES

Mr. JOHNSON of Wisconsin (for himself, Mr. LIEBERMAN, Ms. COLLINS, Ms. LANDRIEU, Mr. BEGICH, Mr. AKAKA, Mr. COONS, Mr. CARPER, Mr. BROWN of Massachusetts, and Ms. SNOWE) submitted the following resolution, which was:

S. RES. 306

Whereas the use of the Internet in the United States to communicate, conduct business, and generate commerce that benefits the overall United States economy is ubiquitous;

Whereas the United States technological know-how, innovation, and entrepreneurship are all digitally connected;

Whereas as the pace of innovation has accelerated, so too have methods to attack the United States economic prosperity and security, spawning new, high-tech challenges, from identity theft to corporate hacking to cyberbullying;

Whereas many people use the Internet in the United States to communicate with family and friends, manage finances and pay bills, access educational opportunities, shop at home, participate in online entertainment and games, and stay informed of news and current events;

Whereas small businesses in the United States, which employ a significant portion of the private workforce, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance the management of their supply chain;

Whereas many schools in the United States have Internet access to enhance the education of children by providing access to educational online content and encouraging self-initiative to discover research resources;

Whereas cybersecurity is a critical part of the United States national and economic security;

Whereas the United States critical infrastructure and economy rely on the secure and reliable operation of information networks to support the United States military, civilian government, energy, telecommunications, financial services, transportation, health care, and emergency response systems;

Whereas Internet users and information infrastructure owners and operators face an increasing threat of cybercrime and fraud through viruses, worms, Trojans, and malicious programs, such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and may disable entire systems;

Whereas the intellectual property, including proprietary information, copyrights, patents, trademarks, and related information, of businesses, academic institutions, government, and individuals are vital to the economic security of the United States;

Whereas millions of records containing personally identifiable information have been lost, stolen, or breached, threatening

the security and financial well-being of the people of the United States;

Whereas consumers face significant financial and personal privacy losses due to personally identifiable information being more exposed to theft and fraud than ever before;

Whereas national organizations, policy-makers, governmental agencies, private-sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of cybersecurity and the need for enhanced cybersecurity in the United States;

Whereas coordination between the numerous Federal agencies involved in cybersecurity efforts is essential to securing the cyber infrastructure of the United States;

Whereas in February 2003 the White House issued National Strategy to Secure Cyberspace, which recommends a comprehensive national awareness program to empower all people in the United States, including businesses, the general workforce, and the general population, to secure their own portions of cyberspace;

Whereas in May 2009 the White House issued Cyberspace Policy Review, which recommends that the Federal Government initiate a national public awareness and education campaign to promote cybersecurity;

Whereas "STOP. THINK. CONNECT." is the national cybersecurity awareness campaign founded and led by the National Cyber Security Alliance, the Anti-Phishing Working Group as a public-private partnership with the Department of Homeland Security, and a coalition of private companies, nonprofits, and governmental organizations to help all digital people of the United States stay safer and more secure online;

Whereas the National Initiative for Cybersecurity Education, led by the National Institute of Standards and Technology, is the coordinating body for the Federal Government to establish a sustainable, operational, and continually improving cybersecurity education program to enhance the United States cybersecurity and support the development of a professional cybersecurity workforce and cyber-capable people;

Whereas according to U.S. Cyber Challenge, the initiative is working to identify "10,000 of America's best and brightest to fill the ranks of cybersecurity professionals where their skills can be of the greatest value to the nation";

Whereas the Cyber Innovation Center has established cyber camps and other educational programs to bolster knowledge of science, technology, math, and engineering to build a sustainable knowledge-based workforce capable of addressing cyber threats and the future needs of government, industry, and academia; and

Whereas the National Cyber Security Alliance, the Multi-State Information Sharing & Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the United States have designated October 2011 as the eighth annual National Cybersecurity Awareness Month, which serves to educate the people of the United States about the importance of cybersecurity: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Cybersecurity Awareness Month;

(2) continues to work with Federal agencies, businesses, educational institutions, and other organizations to enhance the state of cybersecurity in the United States;

(3) commends the work of National Initiative for Cybersecurity Education and all the

Federal agencies, nonprofits, educational institutions, businesses, and other organizations that support this effort;

(4) recognizes "STOP. THINK. CONNECT." as the national cybersecurity awareness campaign to educate the people of the United States and help all people of the United States stay safer and more secure online; and

(5) congratulates the National Cyber Security Alliance, the Multi-State Information Sharing & Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the United States on the eighth anniversary of National Cyber Security Awareness Month during October 2011.

SENATE RESOLUTION 307—HONORING THE MEN AND WOMEN OF THE JOHN C. STENNIS SPACE CENTER ON REACHING THE HISTORIC MILESTONE OF 50 YEARS OF ROCKET ENGINE TESTING

Mr. WICKER (for himself, Mr. COCHRAN, Mr. VITTER, and Ms. LANDRIEU) submitted the following resolution; which was:

S. RES. 307

Whereas, 50 years ago this month, on October 25, 1961, the National Aeronautics and Space Administration (referred to in this preamble as "NASA") publicly announced plans to establish a testing facility in Hancock County, Mississippi, for the purpose of flight-certifying all first and second stages of the Saturn V rocket for the Apollo lunar landing program that would take humans to the Moon;

Whereas the testing facility was renamed the John C. Stennis Space Center (referred to in this preamble as the "Stennis Space Center") in 1988 in honor of United States Senator John C. Stennis of Mississippi;

Whereas the Stennis Space Center conducted 45 engine tests for the Apollo program;

Whereas the Stennis Space Center is now home to the largest rocket engine test complex in the United States and serves as the premier rocket-propulsion testing facility in the United States, providing propulsion test services for NASA, the Department of Defense, and commercial providers;

Whereas NASA has celebrated the end of a successful Space Shuttle program, having conducted more than 2,000 total space shuttle main engine tests and certified 54 flight engines at the Stennis Space Center;

Whereas, as NASA enters a new era in space exploration, the Stennis Space Center will continue to play a vital role in the United States space program and commercial space efforts;

Whereas the Stennis Space Center has grown into a unique Federal city that includes more than 30 Federal, State, academic, and private organizations, and numerous technology-based companies;

Whereas the companies and agencies at the Stennis Space Center share the cost of operating and maintaining the facility, making the accomplishment of missions by each entity more cost-effective;

Whereas the Stennis Space Center is home to—

(1) the United States Naval Meteorology and Oceanography Command, which includes the largest concentration of oceanographers in the world;

(2) the most powerful supercomputer of the United States Navy; and

(3) the National Center for Critical Information Processing and Storage, which is facilitating the data center consolidation efforts by the Department of Homeland Security;

Whereas the Stennis Space Center played a critical role during the Deepwater Horizon oil spill by providing unique resources and expertise on the Gulf of Mexico ecosystem to predict the spread and impact of the spill;

Whereas the Stennis Space Center is an economic engine for Mississippi and Louisiana, generating—

(1) approximately 5,400 jobs;

(2) a direct global economic impact of \$875,000,000; and

(3) a direct economic impact of \$616,000,000 within a 50-mile radius; and

Whereas the Stennis Space Center is committed to continuing in the role of inspiring the next generation of United States scientists, engineers, and professionals: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the National Aeronautics and Space Administration on reaching the historic milestone of the 50th anniversary of the John C. Stennis Space Center; and

(2) honors the men and women who worked tirelessly to design, build, and test the rocket engines used in the Apollo and Space Shuttle programs in order to promote science, engineering, innovation, and exploration to the benefit of the United States and all humankind.

AMENDMENTS SUBMITTED AND PROPOSED

SA 896. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 897. Mr. BROWN of Ohio (for himself and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 898. Mr. RUBIO (for himself, Mr. WICKER, Mr. NELSON of Florida, Ms. LANDRIEU, and Mr. SHELBY) proposed an amendment to the bill H.R. 2112, supra.

SA 899. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 900. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 901. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 902. Mr. KYL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 903. Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 904. Mr. PRYOR submitted an amendment intended to be proposed by him to the

bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 905. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 906. Mr. MERKLEY (for himself, Mr. BROWN of Massachusetts, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 907. Mr. COONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 908. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 909. Mr. REED submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 910. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 911. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 912. Mr. KYL (for himself, Mr. CORNYN, and Mr. MCCAIN) proposed an amendment to the bill H.R. 2112, *supra*.

SA 913. Mr. CASEY (for himself, Mr. BLUMENTHAL, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 914. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 915. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 916. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 917. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 857 proposed by Mr. MENENDEZ (for himself, Mr. ISAKSON, and Mrs. FEINSTEIN) to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, *supra*.

SA 918. Mr. INOUE proposed an amendment to the bill H.R. 2112, *supra*.

TEXT OF AMENDMENTS

SA 896. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) OBSERVANCE OF VETERANS DAY.—Chapter 1 of title 36, United States

Code, is amended by adding at the end the following new section:

“§ 145. Veterans Day

“The President shall each year issue a proclamation calling on the people of the United States to observe two minutes of silence on Veterans Day, beginning at 2:11 p.m. eastern time, in honor of the service and sacrifice of veterans throughout the history of the Nation.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 36, United States Code, is amended by adding at the end the following new item:

“145. Veterans Day.”.

SA 897. Mr. BROWN of Ohio (for himself and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 286, between lines 6 and 7, insert the following:

SEC. _____. None of the funds made available to the Department of Transportation by this Act or an amendment made by this Act shall be used by any State or political subdivision of a State for the purpose of studying, promoting, or finalizing the sale or long-term lease of any federally funded roadway, toll road, bridge, airport, or transit system.

SA 898. Mr. RUBIO (for himself, Mr. WICKER, Mr. NELSON of Florida, Mr. LANDRIEU, and Mr. SHELBY) proposed an amendment to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

On page 153, after line 24, add the following:

SEC. 218. EVALUATION OF GULF COAST CLAIMS FACILITY.

The Attorney General shall identify an independent auditor to evaluate the Gulf Coast Claims Facility.

SA 899. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. None of the funds made available by this Act may be used for carry out any provision of Executive Order 13547 (33 U.S.C. 857-19 note; relating to stewardship of the ocean, coasts, and Great Lakes).

SA 900. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration,

and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. (a) None of the funds appropriated or otherwise made available by this title may be obligated or expended to terminate the operations of an office of the United States and Foreign Commercial Service in the embassy of the United States in a country described in subsection (b).

(b) A country described in this subsection is a country for which the ratio of the volume of goods and services exported to that country by small businesses in the United States in fiscal year 2007 to the volume of all goods and services exported to that country from the United States in that fiscal year exceeds by not less than 20 percent the ratio of the volume of goods and services exported to all countries by small businesses in the United States in that fiscal year to the volume of all goods and services exported to all countries from the United States in that fiscal year.

(c) For purposes of subsection (b), the volume of goods and services exported from the United States in fiscal year 2007 shall be determined using data of the Bureau of the Census for that fiscal year.

SA 901. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay for telemedicine services that are used for the purpose of prescribing, dispensing, procuring, or otherwise administering mifepristone, commonly known as RU-486.

SA 902. Mr. KYL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, line 10, strike “\$253,336,000” and insert “\$226,836,000”.

On page 100, line 6, strike “\$56,726,000” and insert “\$46,726,000”.

Beginning on page 117, strike line 13 and all that follows through page 118, line 2, and insert the following:

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,121,041,000; of which not to exceed \$20,000,000 shall be available for necessary expenses for increased deputy marshals and staff related to Southwest border enforcement until September 30, 2012; of which not to exceed \$6,000 shall be available for official reception and representation expenses; and of which not to exceed \$20,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied, or utilized by the United States Marshals Service for prisoner holding and related support, \$28,500,000, which shall remain available until expended; of which \$15,000,000 shall be available for detention upgrades at Federal courthouses located in the Southwest border region; and of which not less than \$11,966,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, electronic security devices, telephone systems, and cabling.

SA 903. Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, line 3, insert before the period at the end the following: “: *Provided further*, That no funds made available under this heading shall be made available to enforce sections 5861 or 5872 of the Internal Revenue Code of 1986 with respect to destructive devices that are owned by the United States and used to protect public safety as part of the Forest Service Avalanche Control Program”.

SA 904. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, line 17, strike “grants” and insert “grants and loan guaranties”.

SA 905. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 1, strike “\$230,416,000” and insert “\$226,916,000”.

On page 5, line 6, strike “\$52,146,000” and insert “\$48,646,000”.

On page 45, line 21, strike “\$509,295,000” and insert “\$512,795,000”.

On page 48, line 22, before the period at the end insert “: *Provided further*, That \$3,500,000 of the amounts appropriated under this heading shall be for loans made by the Secretary, acting through the Administrator of the Rural Utilities Service, under section 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1006a) to carry out projects that include agricultural water supply benefits, groundwater protection, environmental enhancement, and flood control.”

SA 906. Mr. MERKLEY (for himself, Mr. BROWN of Massachusetts, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment

SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, after line 7, add the following:

SEC. _____. Owners of properties supported by the Secretary other than under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g), for which an event causing the cessation of rental assistance or affordability restrictions has resulted or will result in eligibility for tenant protection vouchers under section 8(o) or enhanced vouchers under section 8(t) of such Act, shall be eligible for, subject to requirements established by the Secretary, including tenant consultation procedures, and in lieu of issuance or continuation of such vouchers, conversion of assistance available for such vouchers to assistance under section 8(o)(13) of such Act, except that, only with respect to such conversions, the Secretary may alter or waive the provisions of subsections 8(o)(13)(B), (C), and (D).

SA 907. Mr. COONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 313, line 8, strike “\$3,001,027,000” and insert “\$3,201,027,000”.

On page 313, line 10, strike “\$2,851,027,000” and insert “\$3,051,027,000”.

On page 317, line 19, strike “\$1,000,000,000” and insert “\$1,300,000,000”.

SA 908. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 300, line 22, after “appropriated:” insert the following: “*Provided further*, That a public housing agency that does not receive from the Secretary of Housing and Urban Development an allocation sufficient to cover the full amount of administrative fees and expenses payable to the public housing agency under the administrative fee rates provided under this heading may utilize unobligated balances remaining from housing assistance payment funds allocated to the public housing agency during a previous year, to the extent necessary to effect payment to the public housing agency of an amount not exceeding 90 percent of the full administrative fees and expenses payable to the public housing agency with respect to authorized vouchers under lease:”.

SA 909. Mr. REED submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making ap-

propriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 322, line 2, strike the period and insert the following: “: *Provided further*, the term ‘local government’ includes an instrumentality of a unit of general purpose local government other than a public housing agency that is established pursuant to legislation and designated by the chief executive to act on behalf of the local government with regard to activities funded under this heading: *Provided further*, the term ‘State’ includes any instrumentality of any of the several States designated by the Governor to act on behalf of the State and does not include Washington, D.C.: *Provided further*, for purposes of environmental review, the Secretary shall continue to permit assistance and projects under this heading to be treated as assistance for special projects that are subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and subject to the regulations issued by the Secretary to implement such section: *Provided further*, a metropolitan city and an urban county that each receive an allocation under this heading and are located within a geographic area that is covered by a single continuum of care may jointly request the Secretary to permit the urban county or the metropolitan city, as agreed to by such county and city, to receive and administer their combined allocations under a single grant.”

SA 910. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. No funds made available under this Act shall be used to allow the knowing transfer of a firearm to an individual known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, when the Attorney General has a reasonable belief that the applicant for a firearm may use a firearm in connection with terrorism, unless the Attorney General determines that denial of a firearm transfer would likely compromise national security.

SA 911. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 286, between lines 6 and 7, insert the following:

SEC. 1 _____. STUDY OF APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) DEFINITIONS.—In this section:

(1) COCHAIRPERSONS.—The term “cochairpersons” means the cochairpersons of the Appalachian Regional Commission.

(2) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(3) SYSTEM.—The term “System” means the Appalachian development highway system described in section 14501 of title 40, United States Code.

(b) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary, with the concurrence of the cochairpersons, shall—

(1) conduct a study regarding the System, in accordance with subsection (c); and

(2) submit a report describing the results of the study to—

(A) the Committees on Appropriations of the House of Representatives and the Senate;

(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

(C) the Committee on Environment and Public Works of the Senate.

(c) REQUIREMENTS.—

(1) IN GENERAL.—In conducting the study under this section, the Secretary, with the concurrence of the cochairpersons, shall—

(A) evaluate the effectiveness of the System in meeting the original purpose and goals of the System;

(B) reevaluate the purpose of, and need for, each incomplete corridor of the System;

(C) determine the estimated cost of completing each such corridor and the economic benefits to the communities served by those projects, on a State-by-State basis; and

(D) establish timelines and delivery schedules for the completion of each incomplete corridor determined to be necessary under this paragraph.

(2) ALTERNATIVE FEDERAL-AID HIGHWAY PROJECTS IN APPALACHIAN REGION.—

(A) IN GENERAL.—If the Secretary determines that an incomplete corridor is unnecessary under paragraph (1)(B), the Secretary, with the concurrence of the cochairpersons, may evaluate other transportation needs within the area to be served by that incomplete corridor to determine whether an alternative Federal-aid highway project of greater value to that area may be carried out.

(B) COSTS AND TIME LIMITATIONS.—If an alternative Federal-aid highway project is identified under subparagraph (A), that project may be carried out, subject to the conditions that—

(i) the cost to complete the alternative project does not exceed the estimated cost of completing the original incomplete corridor under paragraph (1)(B); and

(ii) the timeline and delivery schedule for completion of the alternative project does not exceed any timeline or delivery schedule established for the original incomplete corridor under paragraph (1)(C).

SA 912. Mr. KYL (for himself, Mr. CORNYN, and Mr. MCCAIN) proposed an amendment to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 89, strike line 6 and all that follows through page 118, line 2, and insert the following:

BUREAU OF THE CENSUS SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$226,836,000: *Provided*, That from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, \$690,000,000, to remain available until September 30, 2013: *Provided*, That from amounts provided herein, funds may be used for additional promotion, outreach, and marketing activities: *Provided further*, That within the amounts appropriated, \$1,000,000 shall be transferred to the Office of the Inspector General for activities associated with carrying out investigations and audits related to the Bureau of the Census.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$45,568,000, to remain available until September 30, 2013: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are hereafter available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, \$2,706,313,000 to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2012, so as to result in a fiscal year 2012 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2012, should the total amount of offsetting fee collections and the surcharge provided herein be less than \$2,706,313,000 this amount shall be reduced accordingly: *Provided further*, That any amount received in

excess of \$2,706,313,000 in fiscal year 2012 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: *Provided further*, That the Director of the Patent and Trademark Office shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That from amounts provided herein, not to exceed \$750 shall be made available in fiscal year 2012 for official reception and representation expenses: *Provided further*, That in fiscal year 2012 from the amounts made available for “Salaries and Expenses” for the USPTO, the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO’s specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO’s specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That any differences between the present value factors published in OPM’s yearly 300 series benefit letters and the factors that OPM provides for PTO’s specific use shall be recognized as an imputed cost on PTO’s financial statements, where applicable: *Provided further*, That sections 801, 802, and 803 of division B, Public Law 108-447 shall remain in effect during fiscal year 2012: *Provided further*, That the Director may, this year, reduce by regulation fees payable for documents in patent and trademark matters, in connection with the filing of documents filed electronically in a form prescribed by the Director: *Provided further*, That there shall be a surcharge of 15 percent, as provided for by section 11(i) of the Leahy-Smith America Invents Act: *Provided further*, That hereafter the Director shall reduce fees for providing prioritized examination of utility and plant patent applications by 50 percent for small entities that qualify for reduced fees under 35 U.S.C. 41(h)(1), so long as the fees of the prioritized examination program are set to recover the estimated cost of the program: *Provided further*, That the receipts collected as a result of these surcharges shall be available within the amounts provided herein to the United States Patent and Trademark Office without fiscal year limitation, for all authorized activities and operations of the Office: *Provided further*, That within the amounts appropriated, \$1,000,000 shall be transferred to the Office of Inspector General for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY
SCIENTIFIC AND TECHNICAL RESEARCH AND
SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$500,000,000, to remain available until expended, of which not to exceed \$9,000,000 may be transferred to the "Working Capital Fund": *Provided*, That not to exceed \$5,000 shall be for official reception and representation expenses.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Industrial Technology Services, \$120,000,000 to remain available until expended: *Provided*, That of the amounts appropriated herein, \$120,000,000 shall be for the Hollings Manufacturing Extension Partnership.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$60,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$3,134,327,000, to remain available until September 30, 2013, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2014: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, \$109,098,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That of the \$3,250,425,000 provided for in direct obligations under this heading \$3,134,327,000 is appropriated from the general fund, and \$109,098,000 is provided by transfer and \$7,000,000 is derived from recoveries of prior year obligations: *Provided further*, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed \$41,105,000: *Provided further*, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed \$219,291,000: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration (NOAA), \$1,833,594,000, to remain available until September 30, 2014, except funds provided for construction of facilities which shall remain available until expended: *Provided*, That of the \$1,841,594,000 provided for in direct obligations under this heading, \$1,833,594,000 is appropriated from the general fund and \$8,000,000 is provided from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each NOAA Procurement, Acquisition or Construction project having a total of more than \$5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

PACIFIC COASTAL SALMON RECOVERY FUND

For necessary expenses associated with the restoration of Pacific salmon populations, \$65,000,000, to remain available until September 30, 2013: *Provided*, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and Federally recognized tribes of the Columbia River and Pacific Coast (including Alaska) for projects necessary for conservation of salmon and steelhead populations, for restoration of populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$350,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2012, obligations of direct loans may not exceed \$24,000,000 for Individual Fishing Quota loans

and not to exceed \$59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: *Provided*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT
SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$5,000 for official reception and representation, \$46,726,000.

RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of Department of Commerce facilities, \$5,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended), \$26,946,000.

GENERAL PROVISIONS—DEPARTMENT OF
COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce: *Provided further*, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and

protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. The requirements set forth by section 112 of division B of Public Law 110-161 are hereby adopted by reference.

SEC. 106. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to \$200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 107. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 108. The administration of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 109. All balances in the Coastal Zone Management Fund, whether unobligated or unavailable, are hereby permanently cancelled, and notwithstanding section 308(b) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456a), any future payments to the Fund made pursuant to sections 307 (16 U.S.C. 1456) and 308 (16 U.S.C. 1456a) of the Coastal Zone Management Act of 1972, as amended, shall, in this fiscal year and any future fiscal years, be treated in accordance with the Federal Credit Reform Act of 1990, as amended.

SEC. 110. There is established in the Treasury a non-interest bearing fund to be known as the "Fisheries Enforcement Asset Forfeiture Fund", which shall consist of all sums received as fines, penalties, and forfeitures of property for violations of any provisions of 16 U.S.C. chapter 38 or of any other marine resource law enforced by the Secretary of Commerce, including the Lacey Act

Amendments of 1981 (16 U.S.C. 3371 et seq.) and with the exception of collections pursuant to 16 U.S.C. 1437, which are currently deposited in the Operations, Research, and Facilities account: *Provided*, That all unobligated balances that have been collected pursuant to 16 U.S.C. 1861 or any other marine resource law enforced by the Secretary of Commerce with the exception of 16 U.S.C. 1437 shall be transferred from the Operations, Research, and Facilities account into the Fisheries Enforcement Asset Forfeiture Fund and shall remain available until expended.

SEC. 111. There is established in the Treasury a non-interest bearing fund to be known as the "Sanctuaries Enforcement Asset Forfeiture Fund", which shall consist of all sums received as fines, penalties, and forfeitures of property for violations of any provisions of 16 U.S.C. chapter 38, which are currently deposited in the Operations, Research, and Facilities account: *Provided*, That all unobligated balances that have been collected pursuant to 16 U.S.C. 1437 shall be transferred from the Operations, Research, and Facilities account into the Sanctuaries Enforcement Asset Forfeiture Fund and shall remain available until expended.

SEC. 112. Notwithstanding any other provision of law, the National Oceanic and Atmospheric Administration is authorized to receive and expend funds made available by any Federal agency, State or subdivision thereof, public or private organization, or individual to carry out any statute administered by the National Oceanic and Atmospheric Administration: *Provided*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 113. (a) The Secretary of State shall ensure participation in the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean ("Commission") and its subsidiary bodies by American Samoa, Guam, and the Northern Mariana Islands (collectively, the U.S. Participating Territories) to the same extent provided to the territories of other nations.

(b) The U.S. Participating Territories are each authorized to use, assign, allocate, and manage catch limits of highly migratory fish stocks, or fishing effort limits, agreed to by the Commission for the participating territories of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, through arrangements with U.S. vessels with permits issued under the Pelagics Fishery Management Plan of the Western Pacific Region. Vessels under such arrangements are integral to the domestic fisheries of the U.S. Participating Territories provided that such arrangements shall impose no requirements regarding where such vessels must fish or land their catch and shall be funded by deposits to the Western Pacific Sustainable Fisheries Fund in support of fisheries development projects identified in a Territory's Marine Conservation Plan and adopted pursuant to section 204 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1824). The Secretary of Commerce shall attribute catches made by vessels operating under such arrangements to the U.S. Participating Territories for the purposes of annual reporting to the Commission.

(c) The Western Pacific Regional Fisheries Management Council—

(1) is authorized to accept and deposit into the Western Pacific Sustainable Fisheries Fund funding for arrangements pursuant to subsection (b);

(2) shall use amounts deposited under paragraph (1) that are attributable to a particular U.S. Participating Territory only for implementation of that Territory's Marine Conservation Plan adopted pursuant to section 204 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1824); and

(3) shall recommend an amendment to the Pelagics Fishery Management Plan for the Western Pacific Region, and associated regulations, to implement this section.

(d) Subsection (b) shall remain in effect until such time as—

(1) the Western Pacific Regional Fishery Management Council recommends an amendment to the Pelagics Fishery Management Plan for the Western Pacific Region, and implementing regulations, to the Secretary of Commerce that authorize use, assignment, allocation, and management of catch limits of highly migratory fish stocks, or fishing effort limits, established by the Commission and applicable to U.S. Participating Territories;

(2) the Secretary of Commerce approves the amendment as recommended; and

(3) such implementing regulations become effective.

This title may be cited as the "Department of Commerce Appropriations Act, 2012".

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$115,886,000, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: *Provided*, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: *Provided further*, That \$18,903,000 is for Department Leadership; \$8,311,000 is for Intergovernmental Relations/External Affairs; \$12,925,000 is for Executive Support/Professional Responsibility; and \$75,747,000 is for the Justice Management Division: *Provided further*, That any change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: *Provided further*, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

NATIONAL DRUG INTELLIGENCE CENTER

For necessary expenses of the National Drug Intelligence Center, including reimbursement of Air Force personnel for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, \$20,000,000: *Provided*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counterterrorism, and national security investigations and operations.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, \$47,000,000, to remain available until expended.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nationwide Integrated Wireless Network supporting Federal law enforcement communications, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, \$87,000,000, to remain available until expended: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, \$294,082,000, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, \$1,563,453,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That not to exceed \$20,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$84,199,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, \$12,577,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$846,099,000, of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed \$7,500 shall be available to INTERPOL Washington for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to

respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): *Provided further*, That of the amounts provided under this heading for the election monitoring program \$3,390,000, shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$159,587,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be \$108,000,000 in fiscal year 2012), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at \$51,587,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, \$1,891,532,000: *Provided*, That of the total amount appropriated, not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$25,000,000 shall remain available until expended: *Provided further*, That of the amount provided under this heading, not less than \$43,184,000 shall be used for salaries and expenses for assistant U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) concerning the prosecution of offenses relating to the sexual exploitation of children.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, \$234,115,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, \$234,115,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the Fund estimated at \$0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, \$2,071,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$270,000,000, to remain available until expended: *Provided*, That not to exceed \$10,000,000 may be made available for construction of buildings for protected witness safesites: *Provided further*, That not to exceed \$3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: *Provided further*, That not to exceed \$11,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$11,227,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), \$20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,121,041,000; of which not to exceed \$20,000,000 shall be available for necessary expenses for increased deputy marshals and staff related to Southwest border enforcement until September 30, 2012; of which not to exceed \$6,000 shall be available for official reception and representation expenses; and of which not to exceed \$20,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied, or utilized by the United States Marshals Service for prisoner holding and related support, \$28,500,000, which shall remain available until expended; of which not less than \$9,696,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling; of which \$15,000,000 shall be available for detention upgrades at Federal courthouses located in the Southwest border region; and of which not less than \$1,500,000 shall be available for the costs of courthouse security equipment, including

electronic security devices, telephone systems, and cabling at Federal courthouses located in the Southwest border region.

SA 913. Mr. CASEY (for himself, Mr. BLUMENTHAL, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII of division A, insert the following:

SEC. ____. An additional \$10,000,000 shall be appropriated for the Office of the Commissioner of the Food and Drug Administration to enable such Office to remedy the current drug shortage crisis and to prevent future shortages, including through the creation of information systems for tracking drug shortages and actions taken by the Food and Drug Administration to address such shortages, enhanced communication with manufacturers to establish continuity of operation plans, development of evidenced-based criteria for identifying medically necessary drugs that may be vulnerable to a shortage, and enhanced communication with health care providers about current shortages and their estimated duration.

SA 914. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, between lines 2 and 3, insert the following:

SEC. 542. Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress a report on the extent to which negotiations through the United States-China Joint Commission on Commerce and Trade have, since the establishment of the Commission, resulted in specific achievements with respect to increasing the access of United States exporters to the market of the People's Republic of China and creating jobs in the United States.

SA 915. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 388, between lines 14 and 15, insert the following:

SEC. 419. None of the funds appropriated or otherwise made available by this division may be obligated or expended to grant an exemption under section 47134(b)(2) of title 49, United States Code, to the obligation of an airport sponsor that intends to sell or lease an airport to a person other than a public entity to repay the Federal Government for grants and property received by the airport.

SA 916. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 286, between lines 6 and 7, insert the following:

SEC. 1. PROTECTING TAXPAYERS IN TRANSPORTATION ASSET TRANSFERS.

(a) **LIMITATION ON USE OF FUNDS.**—None of the funds made available to the Department of Transportation by this Act shall be used to promote, finalize, or approve a concession agreement or sale of any public transportation asset unless the State or local government entering into the concession agreement or sale pays to the Secretary an amount determined by the Secretary in accordance with subsection (b).

(b) **DETERMINATION OF REPAYMENT AMOUNT.**—The Secretary shall determine the amount required to be paid for purposes of subsection (a) by taking into account, at a minimum—

(1) the total amount of Federal funds that have been expended to construct, maintain, or upgrade the public transportation asset;

(2) the amount of Federal funding received by a State or local government based on inclusion of the public transportation asset in calculations using Federal funding formulas or for Federal block grants;

(3) the reasonable depreciation of the public transportation asset, including the amount of Federal funds described in paragraph (1) that may be offset by that depreciation; and

(4) the loss of Federal tax revenue from bonds relating to, and the tax consequences of depreciation of, the public transportation asset.

(c) **DEFINITIONS.**—In this section:

(1) **CONCESSION AGREEMENT.**—

(A) **IN GENERAL.**—The term “concession agreement” means an agreement entered into by a private individual or entity and a State or local government with jurisdiction over a public transportation asset to convey to the private individual or entity the right to manage, operate, and maintain the public transportation asset for a specific period of time in exchange for the authorization to impose and collect a toll or other user fee from a person for each use of the public transportation asset during that period.

(B) **EXCLUSION.**—The term “concession agreement” does not include an agreement entered into by a State or local government and a private individual or entity for the construction of any new public transportation asset.

(2) **PUBLIC TRANSPORTATION ASSET.**—

(A) **IN GENERAL.**—The term “public transportation asset” means a transportation facility of any kind that was or is constructed, maintained, or upgraded before, on, or after the date of enactment of this Act using Federal funds—

(i) the fair market value of which is more than \$500,000,000, as determined by the Secretary; and

(ii) that has received any Federal funding, as of the date on which the determination is made;

(i) the fair market value of which is less than or equal to \$500,000,000, as determined by the Secretary; and

(I) that has received \$25,000,000 or more in Federal funding, as of the date on which the determination is made; or

(iii) in which a significant national public interest (such as interstate commerce, homeland security, public health, or the environment) is at stake, as determined by the Secretary.

(B) **INCLUSIONS.**—The term “public transportation asset” includes a transportation facility described in subparagraph (A) that is—

(i) a Federal-aid highway (as defined in section 101 of title 23, United States Code);

(ii) a highway or mass transit project constructed using amounts made available from the Highway Account or Mass Transit Account, respectively, of the Highway Trust Fund;

(iii) an air navigation facility (as defined in section 40102(a) of title 49, United States Code); or

(iv) a train station or multimodal station that receives a Federal grant, including any grant authorized under the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110-432; 122 Stat. 4907) or an amendment made by that Act.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

SA 917. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 857 proposed by Mr. MENENDEZ (for himself, Mr. ISAKSON, and Mrs. FEINSTEIN) to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

On page 5, strike line 14 and insert the following:

2011” and inserting “December 31, 2013”.

SEC. ____. **REESTABLISHMENT OF MAXIMUM AGGREGATE AMOUNT PERMITTED TO BE PROVIDED BY THE TAXPAYERS TO FANNIE MAE AND FREDDIE MAC.**

(a) **MAXIMUM AGGREGATE AMOUNT OF COMMITMENT.**—No funds may be provided by the Department of the Treasury or any other agency or entity of the Federal Government to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, as part of the Amended and Restated Senior Preferred Stock Purchase Agreement, dated September 26, 2008, amended May 6, 2009, and further amended December 24, 2009 (as such agreement may be further amended), between the Department of the Treasury and the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, as applicable, under any other agreement between the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation and the Department of the Treasury, or otherwise, that exceed a maximum aggregate amount of \$200,000,000,000.

(b) **PAYMENTS TO TREASURY.**—Any dividend or interest payment made by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation to the Department of the Treasury pursuant to any applicable contract, agreement, or provision of law shall not be included in the calculation of the aggregate amount of a commitment under subsection (a).

(c) **ENFORCEMENT.**—The Director of the Federal Housing Finance Agency shall take such actions as the Administrator determines are necessary to prevent the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation from

requesting or receiving any funds that exceed the limit provided in subsection (a).

(d) DEFINITIONS.—For purposes of this section, the terms “deficiency amount” and “surplus amount” have the meanings provided such terms in the applicable Senior Preferred Stock Purchase Agreement described in subsection (a), as amended through December 24, 2009.

SA 918. Mr. INOUE proposed an amendment to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

Beginning on page 197, strike line 9 and all that follows through page 209, line 2, and insert the following:

SEC. 541. The amount appropriated or otherwise made available by title IV under the heading “COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT” is hereby reduced by \$1,700,000.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Subcommittee on National Parks. The hearing will be held on Saturday, November 5, 2011, at 11 a.m., at the CCC Recreation Hall, Mile Post 19, Mesa Verde National Park, CO.

The purpose of the hearing is to examine issues affecting management of archaeological, cultural, and historic resources at Mesa Verde National Park and other units of the National Park System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to Jake_McCook@energy.senate.gov.

For further information, please contact David Brooks (202) 224-9863 or Jake McCook (202) 224-9313.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on October 20, 2011, at 10 a.m., to conduct a hearing entitled “Housing Finance Reform: Continuation of the 30-Year Fixed-Rate Mortgage.”

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Com-

mittee on Energy and Natural Resources be authorized to meet during the session of the Senate on October 20, 2011, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 20, 2011, at 10 a.m., to hold a hearing entitled, “U.S. Military Deployment to Central Africa.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on October 20, 2011, at 8 a.m. in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on October 20, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on October 20, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY AND INTERGOVERNMENTAL AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate, on October 20, 2011, at 10:30 a.m., in order to conduct a hearing entitled, “Accountability at FEMA: Is Quality Job #1?”

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate, on October 20, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITY AND INTERNATIONAL TRADE AND FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs, Subcommittee on Security and International Trade and Finance be authorized to meet during the session of the Senate, on October 20, 2011, at 2 p.m., in order to conduct a hearing entitled, “The G20 and Global Economic and Financial Risks.”

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE FESTIVAL OF DIWALI

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 291, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 291) recognizing the religious and historical significance of the festival of Diwali.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 291) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 291

Whereas Diwali, a festival of great significance to Indian Americans and South Asian Americans, is celebrated annually by Hindus, Sikhs, and Jains throughout India, the United States, and the world;

Whereas Diwali is a festival of lights, during which celebrants light small oil lamps, place the lamps around the home, and pray for health, knowledge, peace, wealth, and prosperity in the new year;

Whereas the lights symbolize the light of knowledge within the individual that overwhelms the darkness of ignorance, empowering each celebrant to do good deeds and show compassion to others;

Whereas Diwali falls on the last day of the last month in the lunar calendar and is celebrated as a day of thanksgiving for the homecoming of the Lord Rama and worship of Lord Ganesha, the remover of obstacles and bestower of blessings, at the beginning of the new year for many Hindus;

Whereas for Sikhs, Diwali is celebrated as Bandhi Chhor Diwas (The Celebration of Freedom), in honor of the release from prison of the sixth guru, Guru Hargobind; and

Whereas for Jains, Diwali marks the anniversary of the attainment of moksha, or liberation, by Mahavira, the last of the Tirthankaras (the great teachers of Jain dharma), at the end of his life in 527 B.C.: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the religious and historical significance of the festival of Diwali; and

(2) in observance of Diwali, the festival of lights, expresses its deepest respect for Indian Americans and South Asian Americans, as well as fellow countrymen and diaspora throughout the world on this significant occasion.

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration, en bloc, of the following resolutions which were submitted today: S. Res. 304, S. Res. 305, S. Res. 306, and S. Res. 307.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table, en bloc, with no intervening action or debate, and that any related statements be printed in the RECORD, as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 304, S. Res. 305, S. Res. 306, and S. Res. 307) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 304

(Supporting "Lights On Afterschool," a national celebration of afterschool programs)

Whereas high-quality afterschool programs provide safe, challenging, engaging, and fun learning experiences that help children and youth develop social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs support working families by ensuring that the children in those families are safe and productive after the regular school day ends;

Whereas high-quality afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of children in the United States, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of children in the United States;

Whereas "Lights On Afterschool", a national celebration of afterschool programs held on October 20, 2011, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and approximately 15,100,000 children in the United States have no place to go after school; and

Whereas many afterschool programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of "Lights On Afterschool", a national celebration of afterschool programs.

Mr. REID. Mr. President, S. Res. 305 concerns representation by the Senate Legal Counsel of Senator CORNYN and

Senator HUTCHISON, who have been subpoenaed to provide testimony and produce documents in a lawsuit between an individual and the Social Security Administration over the termination of the individual's benefits. That individual had requested that Senator CORNYN and Senator HUTCHISON assist him with his attempt to reverse the termination of his benefits by the Social Security Administration, and those Senators' offices had provided standard constituent service seeking an explanation regarding the matter from the agency for this individual. Neither Senator, however, has personal knowledge of the facts supporting the Social Security Administration's termination of plaintiff's benefits, nor were they involved in any way in that termination.

This resolution would authorize the Senate Legal Counsel to represent Senator CORNYN and Senator HUTCHISON, as well as any staff from either of their offices who may be subpoenaed in this lawsuit, in order to quash the subpoena.

S. RES. 305

(To authorize legal representation in *Edward Paul Celestine, Jr. v. Social Security Administration*)

Whereas, in the case of *Edward Paul Celestine, Jr. v. Social Security Administration*, No. 4:11-CV-3376, pending in the United States District Court for the Southern District of Texas, the plaintiff has sent subpoenas for testimony and documents to Senator John Cornyn and Senator Kay Bailey Hutchison; and,

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities: Now, therefore, be it

Resolved That the Senate Legal Counsel is authorized to represent Senator John Cornyn and Senator Kay Bailey Hutchison in this matter as well as any employee in Senator Cornyn's or Senator Hutchison's offices who may be subpoenaed in this case.

S. RES. 306

(Supporting the goals and ideals of National Cybersecurity Awareness Month and raising awareness and enhancing the state of cybersecurity in the United States)

Whereas the use of the Internet in the United States to communicate, conduct business, and generate commerce that benefits the overall United States economy is ubiquitous;

Whereas the United States technological know-how, innovation, and entrepreneurship are all digitally connected;

Whereas as the pace of innovation has accelerated, so too have methods to attack the United States economic prosperity and security, spawning new, high-tech challenges, from identity theft to corporate hacking to cyberbullying;

Whereas many people use the Internet in the United States to communicate with family and friends, manage finances and pay bills, access educational opportunities, shop at home, participate in online entertainment

and games, and stay informed of news and current events;

Whereas small businesses in the United States, which employ a significant portion of the private workforce, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance the management of their supply chain;

Whereas many schools in the United States have Internet access to enhance the education of children by providing access to educational online content and encouraging self-initiative to discover research resources;

Whereas cybersecurity is a critical part of the United States national and economic security;

Whereas the United States critical infrastructure and economy rely on the secure and reliable operation of information networks to support the United States military, civilian government, energy, telecommunications, financial services, transportation, health care, and emergency response systems;

Whereas Internet users and information infrastructure owners and operators face an increasing threat of cybercrime and fraud through viruses, worms, Trojans, and malicious programs, such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and may disable entire systems;

Whereas the intellectual property, including proprietary information, copyrights, patents, trademarks, and related information, of businesses, academic institutions, government, and individuals are vital to the economic security of the United States;

Whereas millions of records containing personally identifiable information have been lost, stolen, or breached, threatening the security and financial well-being of the people of the United States;

Whereas consumers face significant financial and personal privacy losses due to personally identifiable information being more exposed to theft and fraud than ever before;

Whereas national organizations, policymakers, governmental agencies, private-sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of cybersecurity and the need for enhanced cybersecurity in the United States;

Whereas coordination between the numerous Federal agencies involved in cybersecurity efforts is essential to securing the cyber infrastructure of the United States;

Whereas in February 2003 the White House issued National Strategy to Secure Cyberspace, which recommends a comprehensive national awareness program to empower all people in the United States, including businesses, the general workforce, and the general population, to secure their own portions of cyberspace;

Whereas in May 2009 the White House issued Cyberspace Policy Review, which recommends that the Federal Government initiate a national public awareness and education campaign to promote cybersecurity;

Whereas "STOP. THINK. CONNECT." is the national cybersecurity awareness campaign founded and led by the National Cyber Security Alliance, the Anti-Phishing Working Group as a public-private partnership with the Department of Homeland Security, and a coalition of private companies, nonprofits, and governmental organizations to help all digital people of the United States stay safer and more secure online;

Whereas the National Initiative for Cybersecurity Education, led by the National Institute of Standards and Technology, is the

coordinating body for the Federal Government to establish a sustainable, operational, and continually improving cybersecurity education program to enhance the United States cybersecurity and support the development of a professional cybersecurity workforce and cyber-capable people;

Whereas according to U.S. Cyber Challenge, the initiative is working to identify "10,000 of America's best and brightest to fill the ranks of cybersecurity professionals where their skills can be of the greatest value to the nation";

Whereas the Cyber Innovation Center has established cyber camps and other educational programs to bolster knowledge of science, technology, math, and engineering to build a sustainable knowledge-based workforce capable of addressing cyber threats and the future needs of government, industry, and academia; and

Whereas the National Cyber Security Alliance, the Multi-State Information Sharing & Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the United States have designated October 2011 as the eighth annual National Cybersecurity Awareness Month, which serves to educate the people of the United States about the importance of cybersecurity: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Cybersecurity Awareness Month;

(2) continues to work with Federal agencies, businesses, educational institutions, and other organizations to enhance the state of cybersecurity in the United States;

(3) commends the work of National Initiative for Cybersecurity Education and all the Federal agencies, nonprofits, educational institutions, businesses, and other organizations that support this effort;

(4) recognizes "STOP. THINK. CONNECT." as the national cybersecurity awareness campaign to educate the people of the United States and help all people of the United States stay safer and more secure online; and

(5) congratulates the National Cyber Security Alliance, the Multi-State Information Sharing & Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the United States on the eighth anniversary of National Cyber Security Awareness Month during October 2011.

S. RES. 307

(Honoring the men and women of the John C. Stennis Space Center on reaching the historic milestone of 50 years of rocket engine testing)

Whereas, 50 years ago this month, on October 25, 1961, the National Aeronautics and Space Administration (referred to in this preamble as "NASA") publicly announced plans to establish a testing facility in Hancock County, Mississippi, for the purpose of flight-certifying all first and second stages of the Saturn V rocket for the Apollo lunar landing program that would take humans to the Moon;

Whereas the testing facility was renamed the John C. Stennis Space Center (referred to in this preamble as the "Stennis Space Center") in 1988 in honor of United States Senator John C. Stennis of Mississippi;

Whereas the Stennis Space Center conducted 45 engine tests for the Apollo program;

Whereas the Stennis Space Center is now home to the largest rocket engine test complex in the United States and serves as the

premier rocket-propulsion testing facility in the United States, providing propulsion test services for NASA, the Department of Defense, and commercial providers;

Whereas NASA has celebrated the end of a successful Space Shuttle program, having conducted more than 2,000 total space shuttle main engine tests and certified 54 flight engines at the Stennis Space Center;

Whereas, as NASA enters a new era in space exploration, the Stennis Space Center will continue to play a vital role in the United States space program and commercial space efforts;

Whereas the Stennis Space Center has grown into a unique Federal city that includes more than 30 Federal, State, academic, and private organizations, and numerous technology-based companies;

Whereas the companies and agencies at the Stennis Space Center share the cost of operating and maintaining the facility, making the accomplishment of missions by each entity more cost-effective;

Whereas the Stennis Space Center is home to—

(1) the United States Naval Meteorology and Oceanography Command, which includes the largest concentration of oceanographers in the world;

(2) the most powerful supercomputer of the United States Navy; and

(3) the National Center for Critical Information Processing and Storage, which is facilitating the data center consolidation efforts by the Department of Homeland Security;

Whereas the Stennis Space Center played a critical role during the Deepwater Horizon oil spill by providing unique resources and expertise on the Gulf of Mexico ecosystem to predict the spread and impact of the spill;

Whereas the Stennis Space Center is an economic engine for Mississippi and Louisiana, generating—

(1) approximately 5,400 jobs;

(2) a direct global economic impact of \$875,000,000; and

(3) a direct economic impact of \$616,000,000 within a 50-mile radius; and

Whereas the Stennis Space Center is committed to continuing in the role of inspiring the next generation of United States scientists, engineers, and professionals: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the National Aeronautics and Space Administration on reaching the historic milestone of the 50th anniversary of the John C. Stennis Space Center; and

(2) honors the men and women who worked tirelessly to design, build, and test the rocket engines used in the Apollo and Space Shuttle programs in order to promote science, engineering, innovation, and exploration to the benefit of the United States and all humankind.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF STEPHEN A. HIGGINSON

Mr. REID. Mr. President, I ask unanimous consent that on Monday, October 31, 2011, at 4:30 p.m., the Senate proceed to executive session to consider Calendar No. 249; that there be 1 hour of debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar No. 249; the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that any related statements be printed in the RECORD; and that President Obama be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 129, 130, 248, 289, 341, 342, 367, 417, 418, 419, 423, 424, 425, 426, 427, 428, 442, 443, 444, and all nominations at the Secretary's desk in the Foreign Service, and NOAA; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

OVERSEAS PRIVATE INVESTMENT CORPORATION
James A. Torrey, of Connecticut, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2013.

Matthew Maxwell Taylor Kennedy, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2012.

Roberto R. Herencia, of Illinois, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2012.

COMMODITY FUTURES TRADING COMMISSION

Mark P. Wetjen, of Nevada, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring June 19, 2016.

SECURITIES AND EXCHANGE COMMISSION

Luis A. Aguilar, of Georgia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2015.

Daniel M. Gallagher, Jr., of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2016.

DEPARTMENT OF THE TREASURY

Janice Eberly, of Illinois, to be an Assistant Secretary of the Treasury.

EXECUTIVE OFFICE OF THE PRESIDENT

Michael W. Punke, of Montana, to be a Deputy United States Trade Representative, with the Rank of Ambassador.

Islam A. Siddiqui, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

DEPARTMENT OF COMMERCE

Paul Piquado, of the District of Columbia, to be an Assistant Secretary of Commerce.

UNITED STATES ADVISORY COMMISSION ON
PUBLIC DIPLOMACY

Anne Terman Wedner, of Illinois, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2013.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Katherine M. Gehl, of Wisconsin, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2013.

Terry Lewis, of Michigan, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2011.

Terry Lewis, of Michigan, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2014.

UNITED NATIONS

Russ Carnahan, of Missouri, to be a Representative of the United States of America to the Sixty-sixth Session of the General Assembly of the United Nations.

Ann Marie Buerkle, of New York, to be a Representative of the United States of America to the Sixty-sixth Session of the General Assembly of the United Nations.

DEPARTMENT OF JUSTICE

Steven R. Frank, of Pennsylvania, to be United States Marshal for the Western District of Pennsylvania for the term of four years.

Martin J. Pane, of Pennsylvania, to be United States Marshal for the Middle District of Pennsylvania for the term of four years.

David Blake Webb, of Pennsylvania, to be United States Marshal for the Eastern District of Pennsylvania for the term of four years.

NOMINATIONS PLACED ON THE SECRETARY'S
DESK

FOREIGN SERVICE

PN922 FOREIGN SERVICE nominations (2) beginning Nicholas E. Gutierrez, and ending John L. Shaw, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2011.

PN923 FOREIGN SERVICE nominations (102) beginning Erik M. Anderson, and ending Larry G. Padget, Jr., which nominations were received by the Senate and appeared in

the Congressional Record of September 8, 2011.

PN970 FOREIGN SERVICE nominations (6) beginning Robert Donovan, Jr., and ending Brenda Vanhorn, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2011.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

PN744 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (28) beginning Richard R. Wingrove, and ending Linh K. Nguyen, which nominations were received by the Senate and appeared in the Congressional Record of June 30, 2011.

Mr. REID. Madam President, we rushed through these as if they didn't mean anything, but for each one of these people, it means a new life for them. These are very accomplished people, and I am only going to talk about one tonight—Mark P. Wetjen to be Commissioner of the Commodity Futures Trading Commission.

This young man came to me working for a major law firm—the largest law firm in Nevada. I got a call from my son, who said: This person I work with wants to come to work in Washington, so he came and worked in Washington. He has been an invaluable employee of mine and the State of Nevada and the Senate. He is a person the entire Senate looks to for advice and counseling on banking, housing issues, and other matters.

He has been a wonderful employee. I really hate to lose him, but his talent is one people recognize, both Democrats and Republicans, and I am very proud of him. Even though I will miss him, I know he will be very good as Commissioner of the Commodity Futures Trading Commission—one of the most important commissions in the entire world. So I wish him the very best.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate resumes legislative session.

ORDERS FOR FRIDAY, OCTOBER 21,
2011, THROUGH MONDAY, OCTOBER
31, 2011

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 3:45 p.m. on Monday, October 24, 2011, for a pro forma session only, with no business conducted; and that following the pro forma session, the Senate adjourn until 11 a.m., on Thursday, October 27, 2011, for a pro forma session only, with no business conducted; and that following the pro forma session, the Senate adjourn until 3 p.m. on Monday, October 31, 2011; that following the prayer and pledge, the Journal be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in morning business until 4:30 p.m., with Sen-

ators permitted to speak up to 10 minutes each; and that, at 4:30 p.m., the Senate proceed to executive session, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. The next rollcall vote will be at 5:30 p.m., on Monday, October 31, 2011, on the nomination of Stephen Higginson to be U.S. District Judge for the Fifth Circuit.

ADJOURNMENT UNTIL MONDAY,
OCTOBER 24, 2011, at 3:45 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 2:26 a.m., adjourned until Monday, October 24, 2011, at 3:45 p.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL SCIENCE FOUNDATION

BONNIE L. BASSLER, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2016, VICE STEVEN C. BEERING, TERM EXPIRED.

DEPARTMENT OF DEFENSE

MARK WILLIAM LIPPERT, OF OHIO, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE WALLACE C. GREGSON, RESIGNED.

NATIONAL BOARD FOR EDUCATION SCIENCES

HIROKAZU YOSHIKAWA, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2015, VICE SALLY EPSTEIN SHAYWITZ, TERM EXPIRING.

DAVID JAMES CHARD, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2015, VICE JONATHAN BARON, TERM EXPIRING.

LARRY V. HEDGES, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2015, VICE FRANK PHILIP HANDY, TERM EXPIRING.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

CAROL J. GALANTE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE DAVID H. STEVENS, RESIGNED.

FEDERAL DEPOSIT INSURANCE CORPORATION

THOMAS HOENIG, OF MISSOURI, TO BE VICE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION, VICE MARTIN J. GRUENBERG.

THOMAS HOENIG, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM EXPIRING DECEMBER 12, 2015, VICE THOMAS J. CURRY, TERM EXPIRED.

NATIONAL CREDIT UNION ADMINISTRATION

CARLA M. LEON-DECKER, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING AUGUST 2, 2017, VICE GIGI HYLAND, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 20, 2011:

EXECUTIVE OFFICE OF THE PRESIDENT

HEATHER A. HIGGINBOTTOM, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

OVERSEAS PRIVATE INVESTMENT CORPORATION

JAMES A. TORREY, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2013.

MATTHEW MAXWELL TAYLOR KENNEDY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2012.

ROBERTO R. HERENCIA, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2012.

COMMODITY FUTURES TRADING COMMISSION

MARK P. WETJEN, OF NEVADA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING JUNE 19, 2016.

SECURITIES AND EXCHANGE COMMISSION

LUIS A. AGUILAR, OF GEORGIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2015.

DANIEL M. GALLAGHER, JR., OF MARYLAND, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2016.

DEPARTMENT OF THE TREASURY

JANICE EBERLY, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF COMMERCE

JOHN EDGAR BRYSON, OF CALIFORNIA, TO BE SECRETARY OF COMMERCE.

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL W. PUNKE, OF MONTANA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

ISLAM A. SIDDIQUI, OF VIRGINIA, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF COMMERCE

PAUL PIQUADO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

UNITED STATES ADVISORY COMMISSION ON
PUBLIC DIPLOMACY

ANNE TERMAN WEDNER, OF ILLINOIS, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2013.

OVERSEAS PRIVATE INVESTMENT CORPORATION

KATHERINE M. GEHL, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2013.

TERRY LEWIS, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2011.

TERRY LEWIS, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2014.

UNITED NATIONS

RUSS CARNAHAN, OF MISSOURI, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY—SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ANN MARIE BUERKLE, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY—SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

DEPARTMENT OF JUSTICE

STEVEN R. FRANK, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS.

MARTIN J. PANE, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS.

DAVID BLAKE WEBB, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH RICHARD R. WINGROVE AND ENDING WITH LINH K. NGUYEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 30, 2011.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH NICHOLAS E. GUTIERREZ AND ENDING WITH JOHN L. SHAW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2011.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ERIK M. ANDERSON AND ENDING WITH LARRY G. PADGET, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2011.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ROBERT DONOVAN, JR. AND ENDING WITH BRENDA VANHORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2011.

HOUSE OF REPRESENTATIVES—Friday, October 21, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DENHAM).

DESIGNATION OF THE SPEAKER PRO TEMPORE:

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 21, 2011.

I hereby appoint the Honorable JEFF DENHAM to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Dr. Janet Whaley Zimmerman, St. Patrick's Episcopal Church, Washington, D.C., offered the following prayer:

Almighty God, we ask Your blessings today on those who have achieved every measure of societal success and on those who have lost their jobs, their homes, and are in danger of losing their hope. We ask You to bless those who have received the best education available in this country and those who try to learn in overcrowded classrooms; and we ask You to bless those who enjoy the freedom and security of this great Nation and those who are daily in harm's way fighting wars overseas.

We ask You to inspire our leaders. Give them discerning hearts and agile minds so that together they may shape laws that work for the common good. Equip them to fulfill the challenging duties that You have given them to do, and help them always to lead with compassion and generosity.

In the name of God, whom I know through Jesus Christ, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE HONORABLE AARON SCHOCK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable AARON SCHOCK, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 12, 2011.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena, issued by the United States District Court for the Central District of Illinois, for documents in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

AARON SCHOCK,
Member of Congress.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 19, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, The Capitol, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on October 19, 2011, at 11:56 a.m., and said to contain a message from the President whereby he transmits a notice concerning the national emergency with respect to significant narcotics traffickers centered in Colombia.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-65)

The SPEAKER pro tempore laid before the House the following message

from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2011.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and cause an extreme level of violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property and interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the U.S. market and financial system.

BARACK OBAMA.
THE WHITE HOUSE, October 19, 2011.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 18, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 18, 2011 at 11:23 a.m.:

That the Senate passed S. 1721.

That the Senate passed S. 275.
With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 19, 2011.

Hon. JOHN A. BOEHNER, *The Speaker*,
U.S. Capitol, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 19, 2011 at 10:15 a.m.:

That the Senate passed S. 925.
That the Senate agreed to S. Con. Res. 32.
That the Senate passed S. 270.
That the Senate passed S. 292.
That the Senate passed S. 333.
That the Senate passed S. 334.
That the Senate passed S. 404.
That the Senate passed without amendment H.R. 489.
That the Senate passed without amendment H.R. 765.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 2011.

Hon. JOHN A. BOEHNER, *The Speaker*,
U.S. Capitol, House of Representatives
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 20, 2011 at 10:50 a.m.:

That the Senate passed S. 894.
With best wishes, I am
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 2011.

Hon. JOHN A. BOEHNER, *The Speaker*,
U.S. Capitol, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representa-

tives, the Clerk received the following message from the Secretary of the Senate on October 20, 2011 at 5:42 p.m.:

That the Senate passed S. 1412.
That the Senate passed without amendment H.R. 1843.
That the Senate passed without amendment H.R. 1975.
That the Senate passed without amendment H.R. 2062.
That the Senate passed without amendment H.R. 2149.
With best wishes, I am
Sincerely,

KAREN L. HAAS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 292. An act to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act; to the Committee on Natural Resources.

S. 270. An act to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon; to the Committee on Natural Resources.

S. 333. An act to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Little Wood River Ranch; to the Committee on Energy and Commerce.

S. 334. An act to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir; to the Committee on Energy and Commerce.

S. 404. An act to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Natural Resources.

S. 925. An act to designate Mt. Andrea Lawrence; to the Committee on Natural Resources.

S. 1412. An act to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the "Officer John Maguire Post Office"; to the Committee on Oversight and Government Reform.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 2 p.m. on Monday next.

There was no objection.

Accordingly (at 10 o'clock and 9 minutes a.m.), under its previous order, the House adjourned until Monday, October 24, 2011, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3541. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison;

State and Zone Designations; New Mexico [Docket No.: APHIS-2011-0093] received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3542. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Pseudomonas fluorescens* strain CL145; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0087; FRL-8884-6] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3543. A letter from the Acting Assistant Secretary, Department of Defense, transmitting a proposed change to the Fiscal Year 2011 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

3544. A letter from the Acting Assistant Secretary, Department of Defense, transmitting a proposed change to the Fiscal Year 2011 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

3545. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting annual report on recruitment and retention, training and workforce development, and workforce flexibilities; to the Committee on Financial Services.

3546. A letter from the Deputy Secretary, Department of Energy, transmitting a letter of extension of 45 days to complete the Implementation Plan for Recommendation 2010-2; to the Committee on Energy and Commerce.

3547. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "Approaches for Identifying, Collecting, and Evaluating Data on Health Care Disparities in Medicaid and CHIP"; to the Committee on Energy and Commerce.

3548. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revised Definitions; Construction Permit Program Fee Increases; Regulation 3 [EPA-R08-OAR-2011-0340; FRL-9454-3] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3549. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Update to Materials Incorporated by Reference [MD203-3119; FRL-9454-1] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3550. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Control of Emissions of Organic Materials that are not regulated by Volatile Organic Compound Reasonably Available Control Technology Rules [EPA-R05-OAR-2008-0514; FRL-9451-4] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3551. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Adoption of Control Techniques

Guidelines for Large Appliance and Metal Furniture Coatings [EPA-R03-OAR-2011-0509; FRL-9453-7] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3552. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Control of Nitrogen Oxides Emissions from Glass Melting Furnaces [EPA-R03-OAR-2011-0286; FRL-9453-9] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3553. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revisions to Clean Air Interstate Rule Emissions Trading Program [EPA-R03-OAR-2011-0195; FRL-9453-6] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3554. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Review of National Ambient Air Quality Standards for Carbon Monoxide [EPA-HQ-OAR-2008-0015; FRL-9455-2] (RIN: 2060-AI43) received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3555. A letter from the Under Secretary, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 28-10 informing of an intent to sign the Project Arrangement; to the Committee on Foreign Affairs.

3556. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006; to the Committee on Foreign Affairs.

3557. A letter from the Inspector General, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3558. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a statement of actions with respect to the Government Accountability Office (GAO) report entitled, "Social Media: Federal Agencies Need Policies and Procedures for Managing and Protecting Information They Access and Disseminate"; to the Committee on Oversight and Government Reform.

3559. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York Reason-

able Further Progress Plans, Emissions Inventories, Contingency Measures and Motor Vehicle Emissions Budgets [EPA-R02-OAR-2010-1058; FRL-9453-2] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3560. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a statement of actions with respect to the Government Accountability Office (GAO) report entitled, "Space and Missile Defense Acquisitions: Periodic Assessment Needed to Correct Parts Quality Problems in Major Programs"; to the Committee on Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1439. A bill to regulate certain State taxation of interstate commerce, and for other purposes (Rept. 112-257). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARINO:

H.R. 3239. A bill to provide certain legal safe harbors to Medicare and Medicaid providers who participate in the EHR meaningful use program or otherwise demonstrate use of certified health information technology; to the Committee on Energy and Commerce.

By Mr. PASCRELL (for himself and Mr. RUNYAN):

H.R. 3240. A bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require additional disclosures and protections for students and cosigners with respect to student loans, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H. Res. 443. A resolution establishing the House of Representatives Summer Internship Program; to the Committee on House Administration.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers

granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MARINO:

H.R. 3239.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. PASCRELL:

H.R. 3240.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 1 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 45: Mr. BROOKS.

H.R. 104: Mr. PETRI and Mr. MICHAUD.

H.R. 265: Mr. POLIS and Mr. KUCINICH.

H.R. 266: Mr. KUCINICH.

H.R. 267: Mr. KUCINICH.

H.R. 502: Mr. MURPHY of Connecticut.

H.R. 639: Mr. CARNEY, Mr. BISHOP of New York, Mr. ADERHOLT, Mr. DOGGETT, and Mr. PAYNE.

H.R. 640: Mr. BARROW.

H.R. 679: Ms. SPEIER.

H.R. 721: Mr. ROE of Tennessee, Mrs. BACHMANN, Mr. MATHESON, Mr. ROGERS of Michigan, and Mr. PETRI.

H.R. 763: Mr. POE of Texas.

H.R. 931: Mr. MARCHANT.

H.R. 1173: Mr. ROGERS of Michigan, Mrs. BLACK, Mr. CASSIDY, Mr. OLSON, Mr. BURGESS, Mr. FARENTHOLD, Mr. BONNER, Mr. ROGERS of Alabama, Mr. MARINO, Mr. McCAUL, Mr. WILSON of South Carolina, Mr. MCKINLEY, Mr. LANCE, Mr. GOWDY, Mr. SESSIONS, and Mr. LANKFORD.

H.R. 1195: Ms. BASS of California.

H.R. 1239: Mr. ISRAEL and Mr. RUSH.

H.R. 1370: Mr. MCKINLEY.

H.R. 1489: Mr. RYAN of Ohio.

H.R. 1637: Mr. FITZPATRICK.

H.R. 1666: Ms. MOORE.

H.R. 1878: Mr. BURTON of Indiana.

H.R. 2077: Mr. TIBERI.

H.R. 2369: Mr. HASTINGS of Washington, Mr. CANSECO, Ms. BUERKLE, Mr. TURNER of Ohio, Mrs. CHRISTENSEN, and Ms. BORDALLO.

H.R. 2387: Mr. ANDREWS.

H.R. 2407: Mr. BACA.

H.R. 2447: Mr. SIREN, Mr. DUFFY, and Mr. SARBANES.

H.R. 2459: Mr. REED and Mrs. SCHMIDT.

H.R. 2492: Mr. NEAL, Mr. ELLISON, Ms. PIN- GREE of Maine, and Mr. KISSELL.

H.R. 3059: Mr. POLIS, Mr. KISSELL, Ms. BUERKLE, Mr. WELCH, Mr. FRANK of Massachusetts, and Mr. HINCHEY.

H. Res. 60: Mr. BARLETTA.

H. Res. 416: Mr. FORBES.

H. Res. 435: Mr. LEVIN.

EXTENSIONS OF REMARKS

ANNOUNCING THE DAVIDSON MANAGEMENT HONORS PROGRAM AT THE UNIVERSITY OF TEXAS AT DALLAS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my privilege to announce before the United States House of Representatives the formation of The Davidson Management Honors Program at The University of Texas at Dallas (UT Dallas).

The Davidson Management Honors Program is named for distinguished UT Dallas alumni and philanthropists Charles (Chuck) and Nancy Davidson. The Davidsons graduated from the School of Management in 1980 and have generously given back to UT Dallas ever since.

Mr. Davidson sits on the university's Development Board, and a gift from the couple helped to finance the construction of the current School of Management facility. The Davidsons are also responsible for establishing four endowed faculty research positions at UT Dallas.

Without a doubt, The Davidson Management Honors Program will draw first-rate students from across the globe to the Naveen Jindal School of Management.

Therefore, as a representative of UT Dallas in the United States Congress, it is my honor and privilege to publicly recognize Chuck and Nancy Davidson for their generous and vital contributions to the North Texas community, and specifically, the Naveen Jindal School of Management at the University of Texas at Dallas.

IN RECOGNITION OF THE ASSYRIAN AMERICAN CIVIC CLUB OF TURLOCK

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 2011

Mr. CARDOZA. Mr. Speaker, I rise today to recognize the Assyrian American Civic Club of Turlock, as they celebrate their 65th anniversary and commemorate the Centennial of Assyrians settling in Turlock.

Dr. Isaac Adams, an Assyrian medical missionary, established the Turlock Assyrian colony in 1910 with 45 people who were members of his own family and relatives from Canada, plus some settlers he had recruited from Chicago and points East. Beginning in 1920, refugees from the holocaust of World War 2 began to arrive in Turlock. Poor as they were, the Turlock Assyrians sent money to bring

over family members who survived the war. By 1930, twenty percent of Turlock's population was Assyrian. Most Assyrians concentrated, for the most part, on living in peace and making an honest living.

The civic club today has over 1,200 family members and is involved in many Assyrian civic and national activities. They participate in the Assyrian Martyr Day, on August 7th, in commemoration of the Assyrians massacred during the 20th century, and the Assyrian New year at the start of the Spring season. The club also has a beautiful national choir and orchestra which promotes the Assyrian culture and heritage through concerts conducted throughout the United States. The Assyrian American Civic Club of Turlock has worked diligently to assist not only their own community but the surrounding area as well and is a tremendous source of pride to all of us.

For the past sixty-five years, the Assyrian American Civic Club of Turlock has been focused on serving the interests of the large and ever-increasing Assyrian population while also being actively involved in the valley communities. Their main objective is to promote unity, education, good citizenship and peace for all. The Assyrians are excellent members of the community and fine examples to our youth of individuals who display civic pride and dedication. I am proud to say that many members of the Assyrian American Civic Club of Turlock have become close personal friends of mine.

Please join me in congratulating the Assyrian American Civic Club of Turlock on their 65th Anniversary and commemorating the Centennial of Assyrians settling in Turlock.

RETIREMENT OF MAJOR GENERAL YVES J. FONTAINE

HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 2011

Mr. SCHILLING. Mr. Speaker, I would like to take this opportunity to speak on the floor of the House of Representatives about an incredible member of our Armed Forces.

Major General Yves J. Fontaine has served as Commanding General of the U.S. Army Sustainment Command (ASC), since September 2, 2009. As Commanding General of ASC, Major General Fontaine leads a global organization responsible for providing front-line logistics support to combat units. This important Command manages Army pre-positioned stocks located in strategic sites around the world; maintains weapons and equipment at bases in forward areas; and oversees the Logistics Civil Augmentation Program (LOGCAP), which provides contractor support in theaters of operation. Major General Fontaine has diligently worked to bring together the Rock Island Arsenal community, both on and off the island. He has been a

great asset to the Quad Cities community and his service as Commanding General of ASC will be greatly missed.

I would like to take this opportunity to share his incredible history with the American people. Major General Fontaine was born in La Louviere, Belgium and became a naturalized United States citizen in 1971. Major General Fontaine was commissioned as an Army officer in 1976 following his graduation from University of Philadelphia, Pennsylvania, where he was named as Distinguished Military Graduate. Along with the Bachelor of Science degree in Management which he earned from LaSalle, Major General Fontaine also holds master's degrees in business administration from Webster University in St. Louis, Missouri, and advanced military studies from the Army's Command and General Staff College. He also completed the Training with Industry program at the Defense Contract Agency in Indianapolis, Indiana. His military education includes the Ordnance Officer Basic and Advanced Courses, the School for Advanced Military Studies, and the U.S. Army War College.

Major General Fontaine has diligently and admirably served the Army and his country through previous assignments. Major General Fontaine came to ASC from Kaiserslautern, Germany, where he served as Commanding General of the 21st Theater Sustainment Command (TSC). Prior to that assignment, he served as the G4 (Logistics) for U.S. Army-Europe, 7th U.S. Army, in Heidelberg, Germany. Major General Fontaine also served as the G4 for the 82nd Airborne Division and the G4 and Chief of Staff for the U.S. Special Operations Command, both at Fort Bragg, North Carolina. During Operation Desert Shield, Major General Fontaine deployed to Southwest Asia with the 24th Infantry Division. When Operation Desert Storm began, Major General Fontaine acted as liaison officer with France's 6th Light Armored Division. He then became Support Operations Officer for the 24th Infantry Division's 24th Support Battalion at Fort Stewart, Georgia. After assuming command of the 1st Corps Support Command, Major General Fontaine deployed from Fort Bragg to Southwest Asia in support of Operation Iraqi Freedom.

Other key assignments held by Major General Fontaine during his career include commander of the 82nd Forward Support Battalion, 82nd Airborne Division; maintenance officer for the Bradley Fighting Vehicle System Materiel Fielding Team, and materiel operations officer for the 19th Maintenance Battalion, 3rd Corps Support Command, in Vilseck, Germany; company commander and battalion maintenance officer with the 4th Infantry Division (Mechanized) at Fort Carson, Colorado; and platoon leader, shop officer and battalion maintenance officer with the 8th Infantry Division in Germany. His entire service record is a credit to his training in the Army, his focus on education and the support of his wife and four daughters.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Major General Fontaine's awards and decorations include the Distinguished Service Medal; the Legion of Merit with two Oak Leaf Clusters; the Bronze Star Medal; the Defense Superior Service Medal; the Meritorious Combat Action Badge; and the Master Parachutist Badge.

I appreciate the great service he has provided to Rock Island Arsenal and our nation as a whole. I also appreciate the sacrifices that he and his family have gone through during his time in the military. We are very lucky to have folks like Major General Fontaine serving our country and I wish him and his family the best as they move on into this new adventure. On behalf of a grateful nation, thank you for your dedication and your service.

INTRODUCTION OF THE HOUSE OF REPRESENTATIVES SUMMER INTERNSHIP PROGRAM

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 2011

Ms. NORTON. Mr. Speaker, today I introduce a resolution to establish a House of Representatives Summer Internship Program, which would allow youth, from college-bound to senior-level college students, to work in the House of Representatives for seven weeks in the summer. The students, from every state, territory, and the District of Columbia, would assist Members of Congress and congressional and Cloakroom staff with legislative duties, filling a void left after House leadership terminated the House of Representatives Page Program.

The participants would still need to meet most of the qualifications under the former House Page Program, except students would need to be at least 18 years of age, be entering or enrolled in college, and have earned a 3.0 or better grade point average over the prior two academic years. The House Speaker and Minority Leader would select and appoint the interns, and the Office of the Clerk of the House would administer the program. My bill would also establish an oversight board, and require the Clerk to propose regulations to implement the program.

In announcing the termination of the House Page Program, the House Speaker and Minority Leader cited the program's high operating costs and advances in technology that eliminated the need for Pages. My bill does not contain the major financial obligations of the Page Program, such as the costs of providing housing, residential staff, teachers and tutors, and a stipend for students. Under my bill, the House interns would be required to arrange and pay for their own housing and would serve without being paid. The interns would attend a one-hour class per week on the executive, judicial, or legislative process, which are already offered to all interns and congressional staff throughout the year by the Legislative Resource Center.

Since the termination of the Page Program, congressional staff, fellows, interns and legislative branch employees have come to under-

stand the unique and proactive value of the program. For example, congressional staff now have to make frequent deliveries to the U.S. Capitol, cutting into their daily work duties. But, perhaps the most valuable and lasting aspect of the Page Program was the invaluable experience it provided to young people.

I urge my colleagues to support my bill, and I call for its immediate passage to continue youth participation in the legislative process.

HONORING W. DOUGLAS CALL

HON. KATHLEEN C. HOCHUL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 2011

Ms. HOCHUL. Mr. Speaker, Whereas: W. Douglas Call is a resident of Genesee County and has been married for 48 years to Donna Hunt; and

Whereas: W. Douglas Call and Donna are the proud parents of three children and 10 grandchildren; and

Whereas: W. Douglas Call served as a United States Air Force Judge Advocate from 1966 to 1973, a former seminarian, and an attorney; and

Whereas: W. Douglas Call was the Genesee County Assistant County Attorney from 1976 to 1980, Genesee County Sheriff from 1981 to 1988, Monroe County Director of Public Safety from 1988 to 1990 and Stafford Town Justice from 1999 to the present; and

Whereas: W. Douglas Call was instrumental in developing a unique program along with more than 120 community groups which required community service for non-violent offenders; and

Whereas: W. Douglas Call continued in his efforts to protect residents of Genesee County and New York State by initiating the Stop DWI and roadblock program; and

Whereas: W. Douglas Call has dedicated his life to serving the residents of Genesee County. Be it further

Resolved; That we pause in our deliberations to honor W. Douglas Call for his outstanding commitment and service to the residents of Genesee County.

UNITED STATES FREE TRADE AGREEMENTS WITH KOREA, PANAMA, AND COLOMBIA

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 2011

Mr. MICHAUD. Mr. Speaker, I submit the following additional letters of opposition to the Free Trade Agreements with Korea, Panama, and Colombia: A letter from the United Brotherhood of Carpenters and Joiners of America; and a letter from the International Association of Machinists and Aerospace Workers.

UNITED BROTHERHOOD OF
CARPENTERS AND JOINERS OF AMERICA,

Washington, DC, July 11, 2011.

DEAR MEMBER OF CONGRESS: On behalf of the over half a million members of the

United Brotherhood of Carpenters, I am writing to urge you to vote against the proposed Free Trade Agreements with South Korea, Colombia and Panama. Approval of these three proposals is a vote to undercut American living standards

The evidence is clear. Over the last twenty years our government has agreed to similar trade deals with Mexico, Central America, China and other nations. Each time their promoters promised the Congress that the agreements would make America more competitive and create more jobs. Each time, the result was a widening trade deficit financed by borrowing from foreigners and a net loss of U.S. jobs. Our massive indebtedness to China, for example, is a direct result of the trade deficit that followed the 2000 China trade agreement.

We now know that these deals were not designed to help U.S. workers or businesses that produce here. Rather they were designed to allow multinational corporations to off-shore production in countries where costs are cheap because workers are suppressed, the environment is abused and finance is unregulated.

As in prior trade deals, the new agreements lack enforceable labor and environmental protections. They allow foreign companies to challenge U.S. laws on the grounds that they inhibit foreign competition. And despite the claims of "free trade," they give away access to the U.S. markets without reciprocal rights for U.S. producers.

Thus, to give one example, under the agreement with Panama, any company registered in that country—including the thousands of Chinese and other foreign companies registered there—will have the right to bid on virtually any significant U.S. government procurement or construction project. But American firms are denied access to bid on the only large scale project of any size in Panama—the widening of the Panama Canal.

In effect, we would give away American jobs in order that U.S. multinationals have even greater opportunity to use Panama's notorious lax and corrupt financial system to escape U.S. taxes and rules against money laundering.

The negative impact of the deal with South Korea will be larger. The Economic Policy Institute—which has accurately forecast the economic impact of prior trade deals—estimates that the Korean FTA will directly cost Americans at least 160,000 jobs to start. The long term damage will be even greater. The agreement allows South Korea to export goods duty-free to the U.S. even if only 35% of the content is actually produced there. This will open the door for the transshipment of goods primarily manufactured in places like China, Vietnam and the totalitarian regime in North Korea.

Moreover, the Korea agreement has no effective provision for dismantling the labyrinth of non-tariff barriers that already results in the U.S. selling only 6,000 autos there a year, while Korea sells us 500,000. Neither does it prohibit Korea from manipulating its currency to gain competitive advantage in the same way that China now does.

The proposed deal with Colombia is morally offensive as well as economically unsound. Colombia has by far the most brutal record of repression of independent trade unionists in the world. On nothing but the flimsy promise that they will do better in the future, our government will be rewarding a corrupt oligarchy that suppresses workers'

efforts to improve wages and working conditions with beatings, torture and assassination. Despite claims that the political system there has "reformed," a record 52 Colombia trade unionists were murdered last year. Of the 2,800 assassinations of union leaders over two and a half decades, only five percent of the cases have been prosecuted.

The primary purpose of the treaty with Colombia is the same as that of the 2007 treaty with Peru—outsourcing American jobs. As the Peruvian president told the U.S. Chamber of Commerce the night the Peru FTA was signed, "Come and open your factories in my country so we can sell your own products back to the U.S."

The United Brotherhood of Carpenters supports balanced reciprocal trade agreements that provide the benefits of economic growth to workers in both the U.S. and its trading partners. Under any circumstances, these current proposals would not meet this commonsense test. Today, at a time of high joblessness, deteriorating wages and shrinking work opportunities, our members and their families have little tolerance for trade policies that will make their lives worse and their country weaker.

The only responsible vote is no.

Sincerely,

DOUGLAS J. MCCARRON,
General President.

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
Upper Marlboro, MD, June 30, 2011.
Re Jobs and Trade.

DEAR SENATOR/REPRESENTATIVE, As one of the nation's largest manufacturing unions, and the largest union in the aerospace industry, one of the few industrial sectors in which the U.S. has a positive balance of trade with the world, IAM members know the potential benefits of international trade. We have, however, also witnessed the systematic destruction of our manufacturing base and the loss of six million manufacturing jobs in the last decade from failed trade policies and the devastation that this has wrought on American workers, their families, and their communities.

A critical test for any trade agreement is whether it will create American jobs, raise living standards, and improve international labor, consumer, and environmental standards. A careful review of the three pending free trade agreements with South Korea, Colombia, and Panama reveals that these Bush-era, NAFTA style agreements all fail this essential test. Consequently, the IAM strongly opposes the deeply flawed free trade agreements with South Korea, Colombia, and Panama.

THE JOBS CRISIS

Passage of these trade agreements will add to the misery of our nation's workforce and could hamper efforts to restore the structural and sustainable health of our economy. For ordinary Americans the current economic crisis has meant persistent and deep unemployment. This month's employment report showed a stagnate job market with a high unemployment rate of 9.1 percent. Hundreds of thousands of Americans have given up looking for nonexistent jobs and have dropped out of the workforce. Through May, labor force participation remained at 64.2 percent for the fifth consecutive month, the lowest rate since the start of the Great Recession. The Economic Policy Institute (EPI) estimates that if labor force participation were the same as a year ago, the official unemployment rate would be 10.1 percent.

Long-term unemployment, the percentage of the unemployed out of work for over six

months, has risen to 45.1 percent, only slightly off last year's record 45.6 percent. The other significant employment rate, the U-6 measure of underutilization which includes the unemployed, discouraged, and those working only part time continues to hover at 15.8 percent, representing nearly 25 million Americans.

With the continued loss of jobs comes downward pressure on the wages and benefits of working Americans. According to the Department of Labor, workers' pay for the twelve months ending in May rose a scant 1.8 percent before adjusting for inflation. The economic news, however, is not all bad. According to the Department of Commerce, through the first quarter of 2011, U.S. corporations earned profits at a record annual rate of \$1.727 trillion—the highest amount ever recorded in the sixty years the government has been tracking such data.

NO TO THE KOREA-U.S. FREE TRADE AGREEMENT

This FTA is the largest since the North America Free Trade Agreement (NAFTA) and has the potential to eliminate as many U.S. jobs. While the Administration is careful to only claim that the FTA will "support" 70,000 jobs, the net effect will be a loss of jobs; EPI estimates a 159,000 job loss. According to the International Trade Commission (USITC) the KORUS FTA will increase the trade imbalance in seven industrial sectors. Electrical equipment (with a negative balance between \$762 and \$790 million) and motor vehicles and parts (with a negative balance \$531 and \$708 million) being the two most at risk sectors. Jobs will also be at risk in the aerospace, auto parts and supply, appliance, machinery, textile, and other industries.

It is important to note that prior official estimates by the USITC of the impact of trade agreements have significantly underestimated U.S. trade imbalances and job losses. According to the USITC, China's entry into the World Trade Organization was not supposed to have appreciably affected employment, but an estimated 2.4 million American jobs have been lost to China since 2001. A similar impact was felt after the passage of NAFTA, which the USITC originally projected would create a trade surplus for the U.S.

The KORUS FTA does not address the huge trade imbalance between the U.S. and South Korea in automobiles. In 2009, South Korea shipped approximately 500,000 cars to the U.S., while we exported a mere 6,000 autos to South Korea. While the December 2010 supplemental agreement allows the Big Three U.S. automobile manufacturers to sell up to a total of 75,000 U.S. made cars (but, importantly, does not guarantee this number) without having to meet South Korea's stringent safety and environmental requirements, it is doubtful that a South Korean consumer would want to buy an inferior U.S. made product, particularly when South Koreans have a cultural aversion to foreign made autos; foreign autos only make up four percent of the South Korean market.

Any extension of the U.S.'s meager 2.5 percent protective tariff will continue to be nullified by the manipulation of Korea's currency, an issue that the FTA fails to address. Nonmarket barriers in South Korea's auto market, such as, higher insurance rates and taxes, were also not addressed in the FTA. The Korea Automobile Manufacturers Association actually expects exports to the U.S. to increase.

The agreement contains inadequate provisions regarding the rule of origin that undercut what it means to label a product "Made

in U.S.A." and allows for 65 percent foreign content in manufactured goods that are eligible for the lower tariff treatment. This means that a product with only 35 percent domestic content will be considered American made. NAFTA required a 50 percent domestic content requirement and the EU-South Korea agreement requires an even higher 55 percent domestic content. The ultimate effect of the low domestic content requirement of the KORUS FTA will be to incentivize the outsourcing of production to countries with low wages and few labor rights, including Mexico and China. More specifically South Korean vehicles shipped to the U.S. could be built with North Korean and Chinese made auto parts, putting at risk the jobs of both American and South Korean workers, which is a primary reason why South Korean unions oppose the KORUS FTA. While the lowest domestic content requirement may be beneficial to large multinational corporations like General Motors, which now produces and sells more vehicles in China than it does in the U.S., it will put the jobs of American auto workers at risk.

The FTA also raises concerns over the possibility that goods made in the Kaesong Industrial Complex (KIC), the North Korean sweat shop zone set up by Hyundai where some 120 South Korean companies employ over 40,000 North Koreans, and where labor rights are nonexistent, could gain future access to the U.S. market. According to South Korea's Ambassador to the U.S., Han Duk-Soo, "The planned ratification of the South Korea-U.S. free trade agreement will pave the way for the export of products built in Kaesong to the U.S. market."

North Korean workers in the KIC are paid a mere 0.25 to 0.38 per hour with the repressive North Korean regime first taking a cut of nearly 45 percent of the wages. These payments provide an important source of foreign currency for North Korea, pumping millions per month into the corrupt regime, and, ironically, helping to fund the North's dangerous nuclear program. The Kaesong Industrial Complex has remained open despite the ongoing geopolitical tensions on the Korean peninsula that require the continued presence of 28,500 U.S. military personnel. Hyundai recently signed a new lease to expand the KIC ten fold and house an expected 1,500 companies and employ an estimated 350,000 North Korean workers.

This KORUS FTA also fails to address flaws in the May 2007 framework that the Bush Administration negotiated. That framework, which also applies to FTAs with Colombia, Panama, and Peru, specifically excludes reference to the conventions of the International Labor Organization, the only internationally enforceable labor standards. The labor provision also limits labor violations to those that "affect" trade and are sustaining or reoccurring. The framework also extends extraordinary private investor rights that undermine federal and state sovereignty and incentivize the offshoring of U.S. jobs. Additionally, the agreement's deregulation of financial services ignores the experience of the recent financial debacle that led to our current economic crisis and threatens to undermine the re-regulation of that industry.

NO TO THE U.S.-COLOMBIA FREE TRADE AGREEMENT

The killings of trade unionists continue in Colombia. Last year, even with the ETA under scrutiny, fifty-one of our brothers and sisters were murdered and twenty-one trade unionists survived attempts on their lives, an increase from 2009. According to the

International Trade Union Confederation (ITUC), more trade unionists are killed in Colombia than the rest of the world combined.

The killings continue because year after year the Colombian government has failed to bring justice for the victims of this violence. Nearly 2,800 trade unionists have been murdered in Colombia since 1986 yet there have been only a handful of persecutions. The impunity rate for the murders of trade unionists is 96 percent.

The Administration's so-called "Action Plan" to address the labor atrocities is not an agreement and lacks any meaningful enforcement provision. Indeed, once implemented, any violation under the LAP would be "resolved" through the weak labor chapter based on the May 10 agreement. Since violations would have to be connected to trade, labor violations in the public sector, or any sector where there is not a connection to trade, would apparently not be covered. Moreover, violations would have to be sustained or reoccurring. Most importantly, however, the LAP makes absolutely no guarantee that the killings, injuries, and threats will stop. Even if all of the requirements of the "Action Plan" are met there is no guarantee that the murder rate will go down, nor would a failure to stop the killings prevent the free trade agreement from being implemented, and once the free trade agreement goes into effect the U.S. will lack any leverage with Colombia to stop the murders and improve labor rights.

If the Central American Free Trade Agreement (CAFTA) is any model, there will be an increase in murders if the FTA is passed. When CAFTA was under consideration, the murders of trade unionists in Guatemala dropped to zero, only to increase to sixteen in 2009 and ten in 2010. The labor protections in CAFTA have been a failure; last year the Guatemalan labor leader who filed the first labor complaint under CAFTA was murdered.

The agricultural provisions of the FTA fail to address the displacement of over 5.2 million Afro-Colombians and indigenous peoples within Colombia, which now has more internally displaced citizens than any other country in the world.

Before a trade agreement with Colombia goes forward, Colombia needs to demonstrate to the world that it has a zero tolerance for violence against trade unionists and that human rights will be protected. The U.S. needs to show the world that it is serious about protecting basic human rights and that it will not sacrifice that agenda for higher profits for multinational corporations.

NO TO THE U.S.-PANAMA FREE TRADE AGREEMENT

As the U.S. struggles with a budget deficit of historical proportions, it is incredible that we would be considering extending trade privileges to Panama, one of the world's top countries for tax cheats. Panama has long been a heaven for money laundering both for

multinationals and narco-traffickers. Unfortunately, the FTA fails to effectively close this huge loop hole. Nor does the FTA allow U.S. companies the ability to bid on improvement projects in the Panama Canal Zone.

All three of these flawed FTAs contain the NAFTA Investment Chapters which provides foreign investors and corporations extraordinary rights to challenge state and federal laws pertaining to procurement (e.g., Buy American requirements), consumer and public health protections, and environmental regulations. Such challenges would not take place in U.S. courts, but before secret international tribunals which would have the power to require compensation for "regulatory takings." This is no hypothetical matter, as the federal and state governments have spent millions defending NAFTA challenges to regulations while Canada and Mexico have had to pay millions because of these challenges.

CHINA—THE REAL TRADE CHALLENGE

Like most Americans, we do not understand why Congress and the Administration continue to focus on passing these free trade agreements while our manufacturing base and economy strain from the impact of the unfair trade practices of China. Last year our trade imbalance with China was over \$273 billion, an imbalance that costs the U.S. millions of jobs and billions in lost tax revenue. China is a country that gives generous subsidies to state owned enterprises, engages in intellectual property theft, has no independent labor unions, and continues to manipulate its currency, which is estimated to be undervalued by as much as 40 percent. The undervalued currency makes Chinese manufactured products artificially cheap and U.S. made products more expensive. Failing to address China's numerous unfair trade practices will prevent the U.S. from "winning the future" as President Obama has proclaimed America must do.

FAIR TRADE—A NEW TEMPLATE

We have stated repeatedly that the U.S. should take a strategic pause and evaluate the full impact of past trade agreements and practices before ratifying any new agreements. Such a pause is more important than ever before as our weak economy continues to struggle with the lasting effects of bad trade deals and the wreckage of the global financial crisis brought on by deregulation. The KORUS FTA has yet to be ratified by the South Korean Parliament, and 2012 parliamentary and presidential elections may push off ratification even further into the future.

Economically, the KORUS FTA has the potential to do as much damage to the living standards of ordinary Americans and NAFTA. Linking Trade Adjustment Assistance (TAA) to the KORUS FTA is a clear indication that the FTA will result in the loss of American jobs. American workers need jobs, not the burial insurance of TAA. Morally, no FTA is as repugnant as the agreement with Colombia, the murder capitol of

the world when it comes to violence against trade unionists. As previously stated, the so-called Action Plan is a fig leaf that seeks to provide cover for the inaction of the Colombia government and the impunity with which murders take place in that country.

America can no longer afford "free" trade agreements that benefit Wall Street and multinational corporations at the expense of U.S. workers. I urge you in the strongest possible terms to reject these job killing agreements.

If you have any questions, please contact Legislative and Political Director Matthew McKinnon.

Sincerely,

R. THOMAS BUFFENBARGER,
International President.

ANNOUNCING THE NAVEEN JINDAL
SCHOOL OF MANAGEMENT AT
THE UNIVERSITY OF TEXAS AT
DALLAS

HON. SAM JOHNSON
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my privilege to announce before the United States House of Representatives the naming of The Naveen Jindal School of Management at The University of Texas at Dallas (UT Dallas).

UT Dallas is the educational institution of choice for over 17,000 students from North Texas and around the world. Its School of Management, established in 1974 and alma mater to over 600 new graduates per year, plays a crucial role in fulfilling the university's mission statement: to serve as a global leader in innovative, high quality science, engineering, and business education and research.

The Honorable Naveen Jindal, now the namesake of the School of Management, earned his Masters of Business Administration degree from UT Dallas in 1992. During his time in the MBA program, he was named Student Government president and the university's Student Leader of the Year.

Mr. Jindal now serves as an esteemed Member of Parliament in his homeland of India. He is known as a responsible industrialist and youth icon for his work in the private and public sectors alike.

As a proud representative of UT Dallas in the United States Congress, it is my privilege to recognize Naveen Jindal for his leadership, innovation and philanthropy.

I look forward to the many stories of success and growth which will continue to come from the students, administrators, and faculty of The Naveen Jindal School of Management.

SENATE—Monday, October 24, 2011

The Senate met at 3:45 and 01 seconds p.m., and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

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**APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 24, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

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**ADJOURNMENT UNTIL 11 A.M. ON
THURSDAY, OCTOBER 27, 2011**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 11 a.m., on Thursday, October 27, 2011.

Thereupon, the Senate, at 3:45 and 32 seconds p.m., adjourned until Thursday, October 27, 2011 at 11 a.m.

HOUSE OF REPRESENTATIVES—Monday, October 24, 2011

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. SMITH of Nebraska).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 24, 2011.

I hereby appoint the Honorable ADRIAN SMITH to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Avelino Gonzalez, St. Joseph's Catholic Church, Washington, D.C., offered the following prayer:

Dear Lord, God of history, and our Father, you have anointed this great Nation to be the promoter and defender of freedom, unity, justice, peace, and the common good. You inspired our Founding Fathers, at the inception of our Republic, to recognize that mankind is endowed with self-evident and unalienable rights which reflect our unique status of being created in Your image and likeness.

We beseech You today, and ask You to pour out Your Holy Spirit upon our Republic and upon the Members of this House of Representatives so that all the deliberations and decisions of this governing body may be in conformity with our great call to defend these transcendent rights, and thereby, help build a civilization of authentic love, justice, and peace.

We ask this in Your Most Holy and Eternal name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from West Virginia (Mr. MCKINLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCKINLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

EMPLOYING INDIVIDUALS WITH DISABILITIES

(Mr. MCKINLEY asked and was given permission to address the House for 1 minute.)

Mr. MCKINLEY. Mr. Speaker, recently the Civitan Club of Wheeling, West Virginia, hosted a learning session on "Employing Individuals with Disabilities." With nearly 50 million Americans living with disabilities, I applaud the efforts of the Wheeling Civitan Club for recognizing the importance of providing individuals with disabilities the tools necessary to be successful.

President Ronald Reagan called for people to provide understanding, encouragement, and opportunities to help persons with disabilities lead productive and fulfilling lives.

As an individual with a significant hearing impairment, and a grandfather of a child with special needs, I am very familiar with the hardships of overcoming the obstacles of disabilities.

Disabilities have no boundaries. They cut across the lines of racial, ethnic, educational, social, and economic backgrounds and can occur in any family. I encourage us all to learn about the people in our community who have disabilities, and to recognize that all of us have talents and abilities that can make this a better place in which to live.

CLASS ACT

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, last week, Secretary of Health and Human Services Kathleen Sebelius announced that despite her Department's best efforts, what is known as the CLASS Act is not fiscally viable and will not be implemented.

The CLASS Act would have created a long-term care insurance option for employees. But you know what? It had been called a Ponzi scheme of the first order. Not my words, not even my Governor's words. Those are the words of Senator KENT CONRAD, the Democratic chairman of the Senate Budget Committee.

Mr. Speaker, this is just another example of bad policy that was caused by the rushed approach to create and pass

the Patient Protection and Affordable Care Act. Instead of focusing on reducing the price of long-term care insurance, the CLASS Act would have cost the taxpayers more money for the creation of yet another Federal program.

Now, incredibly, the CLASS Act is being abandoned by the Department of Health and Human Services, but the President refuses to let it go. We'll have a hearing on this in my committee later this week, Energy and Commerce.

But, Mr. Speaker, we can and we must do better. We need to repeal this health care law and replace it with commonsense market-based solutions that enhance our medical system, put the patient at the center of care, and drive down the cost of health care.

HONORING FATHER ISAAC MASGA AYUYU

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, we recently celebrated an important anniversary in the Northern Mariana Islands for one of our longest-serving spiritual leaders. Reverend Father Isaac Masga Ayuyu has led the island faithful for 25 years. Pale' Ike, as he's fondly known, is the first ordained priest from the island of Rota, and the fifth local person to join the priesthood. He serves today as Parochial Vicar of Mount Carmel Cathedral on Saipan, and as Director of Worship for the Diocese.

Pale' Ike has had many mentors on his way to the priesthood, in particular, his parents, Francisca Masga Ayuyu and the late Corbiniano Songao Ayuyu, whose support he recalls each time he celebrates mass with the chalice that was a gift from them.

In our faith-based community, priests are ever in demand. Pale' Ike baptizes the newly born and conducts funeral rights for the recently departed. He tends to the spirit of those who are homebound or in hospitals. And he conducts weddings, he hears confessions, he says mass.

Outside of this tradition of priestly duties, he also has a lead role in community functions. Where there is a large family gathering, he is expected to attend. When someone builds a new home, Pale' Ike is called upon to bless it.

For your 25 years in the priesthood and as part of our daily life, thank you, Pale' Ike.

COMMUNICATION FROM DISTRICT DIRECTOR, THE HONORABLE JOHN ABNEY CULBERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Brittany Seabury, District Director, the Honorable JOHN ABNEY CULBERSON, Member of Congress:

OCTOBER 17, 2011.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to rule VIII of the Rules of the House of Representatives that I have been served with a deposition subpoena for documents and testimony by the U.S. District Court for the Southern District of Texas to appear as a witness in a pending civil lawsuit.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

BRITTANY SEABURY,
District Director for
U.S. Representative John Abney Culberson.

COMMUNICATION FROM THE HONORABLE JOHN ABNEY CULBERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN ABNEY CULBERSON, Member of Congress:

OCTOBER 17, 2011.

Hon. JOHN A. BOEHNER,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to rule VIII of the Rules of the House of Representatives that I have been served with a deposition subpoena for documents and testimony by the U.S. District Court for the Southern District of Texas to appear as a witness in a pending civil lawsuit.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

JOHN ABNEY CULBERSON,
Member of Congress.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 8 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1615

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RUNYAN) at 4 o'clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

KANTISHNA HILLS RENEWABLE ENERGY ACT OF 2011

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 441) to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kantishna Hills Renewable Energy Act of 2011".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPURTENANCE.—The term "appurtenance" includes—

(A) transmission lines;

(B) distribution lines;

(C) signs;

(D) buried communication lines;

(E) necessary access routes for microhydro project construction, operation, and maintenance; and

(F) electric cables.

(2) KANTISHNA HILLS AREA.—The term "Kantishna Hills area" means the area of the Park located within 2 miles of Moose Creek, as depicted on the map.

(3) MAP.—The term "map" means the map entitled "Kantishna Hills Micro-Hydro Area", numbered 184/80,276, and dated August 27, 2010.

(4) MICROHYDRO PROJECT.—

(A) IN GENERAL.—The term "microhydro project" means a hydroelectric power generating facility with a maximum power generation capability of 100 kilowatts.

(B) INCLUSIONS.—The term "microhydro project" includes—

(i) intake pipelines, including the intake pipeline located on Eureka Creek, approximately 1/2 mile upstream from the Park Road, as depicted on the map;

(ii) each system appurtenance of the microhydro projects; and

(iii) any distribution or transmission lines required to serve the Kantishna Hills area.

(5) PARK.—The term "Park" means the Denali National Park and Preserve.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. PERMITS FOR MICROHYDRO PROJECTS.

(a) IN GENERAL.—The Secretary may issue permits for microhydro projects in the Kantishna Hills area.

(b) TERMS AND CONDITIONS.—Each permit under subsection (a) shall be—

(1) issued in accordance with such terms and conditions as are generally applicable to rights-of-way within units of the National Park System; and

(2) subject to such other terms and conditions as the Secretary determines to be necessary.

(c) COMPLETION OF ENVIRONMENTAL ANALYSIS.—Not later than 180 days after the date on which an applicant submits an application for the issuance of a permit under this section, the Secretary shall complete any analysis required by the National Environment Policy Act of 1969 (42 U.S.C. 4321 et seq.) of any proposed or existing microhydro projects located in the Kantishna Hills area.

SEC. 4. LAND EXCHANGE.

(a) IN GENERAL.—For the purpose of consolidating ownership of Park and Doyon Tourism, Inc. lands, including those lands affected solely by the Doyon Tourism microhydro project, and subject to subsection (d), the Secretary may exchange Park land near or adjacent to land owned by Doyon Tourism, Inc., located at the mouth of Eureka Creek in sec. 13, T.16 S., R. 18 W., Fairbanks Meridian, for approximately 18 acres of land owned by Doyon Tourism, Inc., within the Galena patented mining claim.

(b) MAP AVAILABILITY.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) TIMING.—The Secretary shall seek to complete the exchange under this section by not later than February 1, 2015.

(d) APPLICABLE LAWS; TERMS AND CONDITIONS.—The exchange under this section shall be subject to—

(1) the laws (including regulations) and policies applicable to exchanges of land administered by the National Park Service, including the laws and policies concerning land appraisals, equalization of values, and environmental compliance; and

(2) such terms and conditions as the Secretary determines to be necessary.

(e) EQUALIZATION OF VALUES.—If the tracts proposed for exchange under this section are determined not to be equal in value, an equalization of values may be achieved by adjusting the quantity of acres described in subsection (a).

(f) ADMINISTRATION.—The land acquired by the Secretary pursuant to the exchange under this section shall be administered as part of the Park.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. I yield myself such time as I may consume.

Mr. Speaker, H.R. 441, the Kantishna Hills Renewable Energy Act, would authorize the Secretary of the Interior to issue permits for a microhydro project within a nonwilderness area of Denali National Park. Additionally, it will facilitate a small land exchange between

the National Park Service and Doyon, Ltd., which owns and operates the facilities that will take advantage of the proposed microhydro project. Finally, at the request of the National Park Service, this bill will allow the Park Service to permit similar projects that exist or may exist in the future. Roughly only 6 acres of land would be affected.

Doyon is one of 13 Alaska Native Regional Corporations formed under the Alaska Native Claims Settlement Act. Currently, the facilities at Kantishna, which are located at the end of a 90-mile park road, operate exclusively off diesel fuel. Not being connected to any grid system, the roadhouse must produce all its energy onsite. This means trucking thousands of gallons of diesel fuel over the long and treacherous park road. Energy created by this microhydro project could cut the roadhouse's diesel usage in half and drastically reduce the need of these trips.

Down the road at the new Eielson Visitor Center, the National Park Service operates a similar microhydro project to great success, and the Kantishna Roadhouse seeks to take advantage of similar technology that could help rid their reliance on costly diesel fuel.

Working with both the National Park Service and Doyon, we have before us a bill that was crafted in a truly collaborative fashion that is a win-win that lowers the fossil fuel use in the park, lowers costs for the lodge operators, and protects park resources.

I urge adoption of the measure, and I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

I really must commend my colleague and my friend, Mr. YOUNG, on the introduction of this piece of legislation as we're looking for more individual entities to go to green energy and save fossil fuel. Besides, it saves many other things that we've talked about in our committees and subcommittees, so I'm glad to see this, Mr. YOUNG.

We fully support projects designated to reduce the pollution caused by the use of fossil fuels. In this instance, a small hydroelectric project will be used to supply some of the power currently being generated by a diesel generator for a backcountry lodge.

□ 1620

The project will also reduce the number of trips needed to haul diesel fuel into the park. Hopefully, the National Park Service can find many other units where cleaner energy technology can be employed and thus save everybody some heartache.

I commend, again, my colleague and my friend for introduction of this piece of legislation.

I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I again urge the passage of this legislation, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 441, "The Kantishna Hills Renewable Energy Act of 2011," which authorizes the Secretary of the Interior to issue permits for microhydro projects in the Kantishna Hills area within the Denali National Park and Preserve in Alaska. These projects will harness the power of water to create up to 100 kilowatts of electricity that will be used to serve much of the area.

As the Representative from the 18th Congressional District in Houston, TX, our nation's energy capital, I firmly believe in supporting viable renewable energy projects. In my home state the energy industry and its supporting businesses has created thousands of jobs and has fostered economic growth. It is imperative that we find ways to meet our nation's grown appetite for energy.

According to the National Hydropower Association, in the United States hydropower projects are responsible for providing 81 percent of the nation's renewable electricity generation and about 10 percent of the nation's total electricity. In terms of everyday use, this is enough to power 37.8 million homes.

The average American consumes 10,896 kilowatts of electricity each year. In Texas, alone, over 9 million residences are using electricity, at a rate of about 1,000 kilowatts a month. This costs Texans an estimated \$141.23 a month in electric bills. At a time when we are all tightening our belts. If one of our solutions can be found by simply harnessing water, then it deserves more than a second glance.

Water has been used as a power source for centuries, from Africa to Asia to Europe. As of today, there are 85,000 small-scale hydro power plants in China alone. We are not talking about large-scale projects that have an impact on wildlife habitats.

A large-scale hydro project often requires a sizeable dam. These large-scale dams have raised numerous environmental concerns. Micro projects have significantly less impact on the environment because they use the natural flow of a river and make only minute modifications to the stream channel and flow of water in order to generate power.

Before us, today, are renewable energy projects that will have a marginal impact on the environment (when compared to large-scale plants); a project that will create jobs; and a project that will create much needed energy. On balance this project appears to find symmetry between protecting the environment, creating jobs and meeting our nation's energy needs.

I believe that finding ways to address and meet our growing energy needs is vital to the economic success of our nation. We should allow the expansion of renewable energy projects that have a limited impact on the environment, will create jobs, and will meet our energy needs. I believe working with the energy community to bolster creative industry approaches and protecting our environment will result in job creation. I believe that sound energy policies not only will protect our environment but are important to the long term health and wellbeing of our citizens.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 441, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to issue permits for microhydro projects in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes."

A motion to reconsider was laid on the table.

AUTHORIZATION OF HYDROGRAPHIC SERVICES SPECIFIC TO THE ARCTIC

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 295) to amend the Hydrographic Services Improvement Act of 1998 to authorize funds to acquire hydrographic data and provide hydrographic services specific to the Arctic for safe navigation, delineating the United States extended continental shelf, and the monitoring and description of coastal changes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended—

(1) by inserting before the text the following: "(a) IN GENERAL.—"; and

(2) by adding at the end the following new subsection:

"(b) ARCTIC PROGRAMS.—Of the amount authorized by this section for fiscal year 2012—

"(1) \$5,000,000 is authorized for use to acquire hydrographic data, provide hydrographic services, conduct coastal change analyses necessary to ensure safe navigation, and improve the management of coastal change in the Arctic; and

"(2) \$2,000,000 is authorized for use to acquire hydrographic data and provide hydrographic services in the Arctic necessary to delineate the United States extended Continental Shelf."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. I yield myself such time as I may consume.

Mr. Speaker, H.R. 295 would use existing authorized appropriations in the Hydrographic Survey Improvement Act of 1998 for fiscal year 2012 to fund surveys and mapping activities in the Arctic.

Currently, base hydrographic data in the Arctic is woefully inadequate and not sufficient to support current, let alone future, marine activity. With the last major hydrographic survey activity having occurred more than 60 years ago, after World War II, and with other areas not having been surveyed since the 1800s, there's a lot of work to do.

As we all know, the Arctic has become the focus of many of its surrounding nations to determine ownership of the sea bed and any potential energy sources in the area. In addition, the lack of sea ice is opening up shipping routes to commercial and recreational vessels.

H.R. 295 is an effort to move this process forward, and this bill is necessary to emphasize the need for the agency to collect hydrographic data and provide hydrographic services in the Arctic region. Last Congress, similar legislation passed out of the House by a roll call vote of 420-0.

I urge adoption of the measure, and I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 295, as amended, which would amend the Hydrographic Services Improvement Act of 1998 to authorize appropriations specifically for the acquisition of hydrographic data and coastal change analysis in the Arctic Ocean.

Again, I commend my colleague for this forward-looking piece of legislation. We sometimes ignore scientific evidence that will help us be able to gauge where the rest of the world is going to be in regard to changes in the atmosphere, et cetera.

And as scientific evidence does show, melting Arctic sea ice is drastically changing the Arctic landscape. The collection of data authorized by this bill would help NOAA delineate the U.S.-extended Continental Shelf, monitor coastal and ice pack changes, and also provide information so critical to international commerce, to our national defense, and to our natural resource management in that area.

I again commend and thank my colleague, Congressman YOUNG from Alaska, for introducing the bill, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 295, "the Hy-

drographic Services Improvement Act of 1998 to authorize funds to acquire hydrographic data and provide hydrographic services specific to the Arctic for safe navigation, delineating the United States extended continental shelf, and the monitoring and description of coastal changes" which amends the Hydrographic Services Improvement Act of 1998 to provide the National Oceanic and Atmospheric Administration (NOAA) with the funds necessary to accurately map the U.S. Arctic.

Thomas Jefferson signed into law legislation that would result in a complete survey of our coast. The National Oceanic and Atmospheric Administration (NOAA) has been honoring this mandate by charting our waters for over 200 years. NOAA develops and supplies a variety of products which enables vessels to safely navigate our waterways. These products include nautical charts, tide, current and weather information. These projects are vital to safe navigation of our coast.

I represent the 18th District of Texas, which contains one of the world's leading ports, the Port of Houston. I understand the importance of providing pilots and captains with precise and accurate maps. Having a detailed representation of our nation's terrain ensures the safety of ships, their crew and their cargo. We must remember that every single day, thousands of vessels enter America's ports. These ports are vital to our economy.

The Port of Houston, which consists of the uppermost 26 miles of the Houston Ship Channel, is a significant economic engine locally, regionally and nationally. Each year, the port is responsible for nearly \$285 billion in economic activity, supports more than 1.5 million direct and indirect jobs and generates \$16.2 billion in tax revenue annually nationwide. Ships that enter ports like the Port of Houston carry cargo that is going to enter our stream of commerce and boost our economy. Across our nation this is a one trillion dollar industry that supports more than 13 million jobs in the United States. It is important to note that over 98 percent of the tonnage and more than 59 percent of the value of our foreign trade is conveyed via the maritime transportation system.

By expanding our map to include the Arctic, we expand the ability of ships and airplanes to safely maneuver through those waters, thereby expanding commerce and creating jobs. In addition, having a detailed map of the Arctic is vital to our national security and can aid in the detection of climate change in the region.

As the Ranking Member of the Subcommittee on Transportation Security and Infrastructure Protection and Member of the Border and Maritime Subcommittee, I know that it is imperative that we protect our borders by land, air and by sea. As any Commander would agree, it is difficult to mount a defense without having a map to clearly navigate the terrain. The services provided by NOAA would allow us to map terrain that has not been adequately mapped in decades.

Over the last five years there has been a dramatic change in sea ice extents. They have decreased in thickness by 35 percent. This may be a significant sign for environmental change. The decrease in sea ice means that more ships may have access to the area, thereby opening additional trade routes. To be

clear, the erosion of sea ice has a serious impact on the livelihoods of people living in the region. The only way to begin to find an answer to the issues posed in the Arctic is to have a studied and detailed analysis of its current structure and how that structure has changed and may continue to change. These maps will help to generate commerce, which will create jobs and help our economy. At the same time these maps will be vital to noting any significant changes to our environment. Lastly, knowing our waters ensures that we will be able to defend ourselves against all enemies. If indeed the erosion of the sea ice extends, it will provide additional access to trade routes. It also provides additional access to our nation. These maps will be an invaluable aid to protecting our borders.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 295, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MCKINNEY LAKE NATIONAL FISH HATCHERY CONVEYANCE ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1160) to require the Secretary of the Interior to convey the McKinney Lake National Fish Hatchery to the State of North Carolina, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "McKinney Lake National Fish Hatchery Conveyance Act".

SEC. 2. CONVEYANCE OF MCKINNEY LAKE NATIONAL FISH HATCHERY.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of North Carolina.

(b) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall convey to the State, without reimbursement, all right, title, and interest of the United States in and to the property described in subsection (c), for use by the North Carolina Wildlife Resources Commission as a component of the fish and wildlife management program of the State.

(c) DESCRIPTION OF PROPERTY.—The property referred to in subsection (b) is comprised of the property known as the "McKinney Lake National Fish Hatchery", which—

(1) is located at 220 McKinney Lake Road, Hoffman (between Southern Pines and Rockingham), in Richmond County, North Carolina;

(2) is a warmwater facility consisting of approximately 422 acres; and

(3) includes all improvements and related personal property under the jurisdiction of

the Secretary that are located on the property (including buildings, structures, and equipment).

(d) USE BY STATE.—

(1) USE.—The property conveyed to the State under this section shall be used by the State for purposes relating to fishery and wildlife resources management.

(2) REVERSION.—

(A) IN GENERAL.—If the property conveyed to the State under this section is used for any purpose other than the purpose described in paragraph (1), all right, title, and interest in and to the property shall revert to the United States.

(B) CONDITION OF PROPERTY.—If the property described in subparagraph (A) reverts to the United States under this paragraph, the State shall ensure that the property is in substantially the same or better condition as the condition of the property as of the date of the conveyance of the property under this section.

(C) EXCEPTION.—This paragraph shall not apply with respect to use of the property under subsection (e).

(e) USE BY SECRETARY.—The Secretary shall require, as a condition and term of the conveyance of property under this section, that the State shall, upon the request of the Secretary, allow the United States Fish and Wildlife Service to use the property in cooperation with the Commission for propagation of any critically important aquatic resources held in public trust to address specific restoration or recovery needs of such resource.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

This bill would transfer title to 422 acres of land from the Fish and Wildlife Service to the North Carolina Wildlife Resources Commission. The commission has been effectively managing this property since 1998 under a Memorandum of Understanding with the Service, and they have been providing anglers with 150,000 channel catfish each year. Both the State and the Obama administration testified in support of this conveyance, and I note that Congress has previously conveyed 10 national fish hatcheries to various States and municipalities.

I urge the adoption of this measure, and I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1160, as amended, which would convey the

McKinney Lake National Fish Hatchery to the North Carolina Wildlife Resources Commission for the purposes of fish and wildlife management. This would allow for the continued operation of the hatchery and the important role it plays in the State's urban fishing program and in addressing the restoration or recovery needs of aquatic resources held in public trust.

As we've heard before, with the warming of the oceans, we are in critical need of helping conserve our fishing industry. So to me this is really a critical piece of legislation.

I do commend my colleague, Congressman KISSELL from North Carolina, for introducing his bill, which is supported by his State and the administration, and would yield to the gentleman for such time as he may consume.

Mr. KISSELL. I would like to thank my colleague for yielding time.

Mr. Speaker, I do rise in strong support of H.R. 1160, the McKinley National Fish Hatchery Conveyance Act. I'd like to thank the chairman, ranking member, and staff of the Natural Resources Committee for helping us put this bill together. I also want to thank those from the North Carolina Wildlife Resources Commission and those from the U.S. Fish and Wildlife Service that also helped my staff in putting this together.

As said, the McKinley Fish Hatchery is 422 acres located in south central North Carolina, near Hoffman, North Carolina. It consists of 23 ponds with the main lake being McKinley. The water resources there cover 18 acres. This effort was first started in the mid-1990s; but due to structural problems on the dam of McKinley Lake itself, the conveyance was unable to be completed.

And as also mentioned, there's been a series of MOAs between the U.S. Fish and Wildlife Service and the North Carolina Wildlife Commission.

□ 1630

In the meantime, those structural problems have been satisfied. They're no longer an issue, and we're ready to proceed with this. There has been bipartisan support, with 10 of our colleagues in North Carolina cosponsoring this bill, and both Senators from North Carolina have signed off on similar legislation in the Senate.

The prime purpose and use of the fish hatchery now is in the community fishing program that's sponsored by the North Carolina Wildlife Resources Commission taking fingerling-size channel catfish that are grown here in the hatchery throughout North Carolina to ponds and lakes in communities and allowing people from North Carolina who may not have access otherwise to come in and enjoy the pleasures of fishing. I'm especially proud of the efforts that are made for those that

might have trouble with a handicap. It allows them access to fishing. And there are also programs designed to get our children involved and to grow up knowing the pleasures of fishing.

Once again, this is a win-win situation for all involved. I encourage my colleagues to vote "yes" and to make this conveyance complete.

Mr. Speaker, I would like to thank the Chairman, Ranking Member, and the Majority, and Minority Staff of the Natural Resources Committee for helping bring this bill to the floor today. I rise in support of H.R. 1160 the "McKinney Lake National Fish Hatchery Conveyance Act," a bill I have introduced in both the 111th and 112th Congress.

Located in Hoffman, North Carolina the McKinney Lake Fish Hatchery is a warm water hatchery, and contains 23 ponds covering more than 18 acres of water. This primary use of the hatchery is growing fingerling-sized (3–4 inches) channel catfish to harvestable size (8–12 inches) for the N.C. Wildlife Resources Commission's Community Fishing Program.

The Commission's Community Fishing Program provides angling opportunities to thousands of citizens, including children and disabled individuals, throughout the year. These Community Fishing Program sites are intensively managed bodies of water that receive monthly stockings of catchable-sized channel catfish from April–September. The McKinney Lake hatchery in conjunction with the Watha State Fish Hatchery near Wilmington provides the channel catfish for these monthly stockings. Many of these Community Fishing Program sites feature handicap-accessible fishing piers and solar-powered fish feeders helping to provide an enjoyable angling experience for citizens of all ages.

The "McKinney Lake National Fish Hatchery Conveyance Act," while first introduced in the 111th Congress as H.R. 6115 and this Congress as H.R. 1160 actually has its beginnings in 1995. At that time the U.S. Fish and Wildlife Service offered to transfer ownership and operation of this hatchery to the NC Wildlife Resources Commission to help meet the state's fisheries management objectives. However, due to the structural deficiencies of the lake's dam, the transfer was never completed. Since then, the dam issues have been corrected, and the NC Wildlife Resources Commission has had full management of the hatchery under a memorandum of agreement, MOA, with the U.S. Fish and Wildlife Service, USFWS. The State of North Carolina and the USFWS have entered into 5 subsequent MOA's since 1995, with the most current being signed on November 10, 2009 and continuing until September 30, 2012.

H.R. 1160 was drafted by my staff with the cooperation, and consultation, of both the North Carolina Wildlife Resources Commission and the USFWS. The product of this cooperation is a bill that has garnered the support of 9 bi-partisan original co-sponsors from the North Carolina House delegation, as well as companion legislation (S. 651) in the Senate. The Senate version is co-sponsored by both North Carolina Senators.

In conclusion, H.R. 1160 would complete a land conveyance that by all accounts should have occurred in the late 1990's. In addition

the state of North Carolina would be able to continue producing catfish for the popular and important Community Fishing Program, on land and facilities that they would have ownership of. The State ownership of this land would incentivize them to make long term improvements and investments in the property, keeping it a viable fish hatchery. I appreciate the opportunity to stand in support of H.R. 1160 today, and would urge my colleagues to support the passage of this legislation.

Mrs. NAPOLITANO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 1160, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

SOUTH UTAH VALLEY ELECTRIC CONVEYANCE ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 461) to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "South Utah Valley Electric Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **DISTRICT.**—The term "District" means the South Utah Valley Electric Service District, organized under the laws of the State of Utah.

(2) **ELECTRIC DISTRIBUTION SYSTEM.**—The term "Electric Distribution System" means fixtures, irrigation, or power facilities lands, distribution fixture lands, and shared power poles.

(3) **FIXTURES.**—The term "fixtures" means all power poles, cross-members, wires, insulators and associated fixtures, including substations, that—

(A) comprise those portions of the Strawberry Valley Project power distribution system that are rated at a voltage of 12.5 kilovolts and were constructed with Strawberry Valley Project revenues; and

(B) any such fixtures that are located on Federal lands and interests in lands.

(4) **IRRIGATION OR POWER FACILITIES LANDS.**—The term "irrigation or power facilities lands"

means all Federal lands and interests in lands where the fixtures are located on the date of the enactment of this Act and which are encumbered by other Strawberry Valley Project irrigation or power features, including lands underlying the Strawberry Substation.

(5) **DISTRIBUTION FIXTURE LANDS.**—The term "distribution fixture lands" means all Federal lands and interests in lands where the fixtures are located on the date of the enactment of this Act and which are unencumbered by other Strawberry Valley Project features, to a maximum corridor width of 30 feet on each side of the centerline of the fixtures' power lines as those lines exist on the date of the enactment of this Act.

(6) **SHARED POWER POLES.**—The term "shared power poles" means poles that comprise those portions of the Strawberry Valley Project Power Transmission System, that are rated at a voltage of 46.0 kilovolts, are owned by the United States, and support fixtures of the Electric Distribution System.

(7) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF ELECTRIC DISTRIBUTION SYSTEM.

(a) **IN GENERAL.**—Inasmuch as the Strawberry Water Users Association conveyed its interest, if any, in the Electric Distribution System to the District by a contract dated April 7, 1986, and in consideration of the District assuming from the United States all liability for administration, operation, maintenance, and replacement of the Electric Distribution System, the Secretary shall, as soon as practicable after the date of the enactment of this Act and in accordance with all applicable law convey and assign to the District without charge or further consideration—

(1) all of the United States right, title, and interest in and to—

(A) all fixtures owned by the United States as part of the Electric Distribution System; and

(B) the distribution fixture land;

(2) license for use in perpetuity of the shared power poles to continue to own, operate, maintain, and replace Electric Distribution Fixtures attached to the shared power poles; and

(3) licenses for use and for access in perpetuity for purposes of operation, maintenance, and replacement across, over, and along—

(A) all project lands and interests in irrigation and power facilities lands where the Electric Distribution System is located on the date of the enactment of this Act that are necessary for other Strawberry Valley Project facilities (the ownership of such underlying lands or interests in lands shall remain with the United States), including lands underlying the Strawberry Substation; and

(B) such corridors where Federal lands and interests in lands—

(i) are abutting public streets and roads; and

(ii) can provide access that will facilitate operation, maintenance, and replacement of facilities.

(b) **COMPLIANCE WITH ENVIRONMENTAL LAWS.**—

(1) **IN GENERAL.**—Before conveying lands, interest in lands, and fixtures under subsection (a), the Secretary shall comply with all applicable requirements under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) any other law applicable to the land and facilities.

(2) **EFFECT.**—Nothing in this Act modifies or alters any obligations under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(c) **POWER GENERATION AND 46KV TRANSMISSION FACILITIES EXCLUDED.**—Except for the uses as granted by license in Shared Power Poles under section 3(a)(2), nothing in this Act shall be construed to grant or convey to the District or any other party, any interest in any facilities shared or otherwise that comprise a portion of the Strawberry Valley Project power generation system or the federally owned portions of the 46 kilovolt transmission system which ownership shall remain in the United States.

SEC. 4. EFFECT OF CONVEYANCE.

On conveyance of any land or facility under section 3(a)(1)—

(1) the conveyed and assigned land and facilities shall no longer be part of a Federal reclamation project;

(2) the District shall not be entitled to receive any future Bureau or Reclamation benefits with respect to the conveyed and assigned land and facilities, except for benefits that would be available to other non-Bureau of Reclamation facilities; and

(3) the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the land and facilities, including the transaction of April 7, 1986, between the Strawberry Water Users Association and Strawberry Electric Service District.

SEC. 5. REPORT.

If a conveyance required under section 3 is not completed by the date that is 1 year after the date of the enactment of this Act, not later than 30 days after that date, the Secretary shall submit to Congress a report that—

(1) describes the status of the conveyance;

(2) describes any obstacles to completing the conveyance; and

(3) specifies an anticipated date for completion of the conveyance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

H.R. 461, sponsored by Congressman JASON CHAFFETZ of Utah, conveys the federal title of electricity distribution lines to a local entity. This transfer resolves ownership confusion caused by lack of proper federal paperwork and will lead to more efficient management of the project. The general concept of so-called title transfers is a promising one: they place projects under local control; they reduce federal paperwork; and they provide instant ownership equity for a local entity to leverage private financing dollars. These benefits will all be achieved without a cost to the American taxpayer. This bill is an excellent example of a win-win scenario.

I urge adoption of the measure, and I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 461, as the majority mentioned, would transfer title of an electric distribution system from the Bureau of Reclamation to the South Utah Valley Electric Distribution system. The South Utah Valley Electrical Distribution system already operates and maintains the existing facilities. The act would eliminate the Bureau of Reclamation's obligations to oversee the maintenance of the distribution system and to administer the associated lands.

The Strawberry Valley Reclamation Project is a great example of the important role the Federal Government has played in helping to spur the economy of local communities in the West. Without Reclamation's involvement years ago, it is very highly unlikely that we would be able to transfer these facilities to the local entities today. So I commend my friend and colleague, Congressman CHAFFETZ from Utah, for supporting this important piece of legislation that helps the area so well.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. I rise in support of H.R. 461, the South Utah Valley Electric Conveyance Act of 2011. I would first like to thank the chairman and the ranking member of the Natural Resources Committee for advancing this needed bill to the floor. It wouldn't have happened without good support and consideration on both sides of the aisle. For that I'm very grateful.

The South Utah Valley Electric Conveyance Act would clarify ownership of an electric distribution system that was built as part of the federally sponsored Strawberry Valley Project. Construction of the Strawberry Valley Project began in 1906 and currently includes the Strawberry Dam and Reservoir, diversion dams, canals, three power plants, and a 296-mile electric transmission and distribution system.

Since 1906, various Federal, State, local, and private partners have been involved in the construction, management, and ownership of the Strawberry Valley Project. Currently, the non-federal South Utah Valley Electric Special Service District owns, operates, and maintains the electric distribution system. Recently, the Bureau of Reclamation discovered that portions of the electric distribution system remain titled to the United States. This discrepancy exists due to the construction activities that occurred both before and after a 1940 repayment agreement. The Bureau has not yet quantified how much of the system it actually owns, but it has been predicted that an inventory would take

multiple years and be very costly to taxpayers.

The South Utah Valley Electric Conveyance Act would authorize a title transfer to resolve this ownership uncertainty. By transferring title of the entire system to the district, the Bureau would divest itself of future Federal liability while also providing the district—the entity already operating and maintaining this system—with greater certainty and autonomy in day-to-day and long-term operations.

Title transfers are noncontroversial and common practice. Since 1996, portions of 27 Bureau of Reclamation projects have been transferred to non-Federal partners. These transfers benefit both parties. When the Natural Resources Committee favorably forwarded the bill to the House of Representatives, the accompanying report stated, "In general, title transfers benefit both local communities and the Federal Government."

Further, the legislation is in line with the Bureau of Reclamation's 1995 framework for transfer of title. This policy outlined criteria needed for the title transfers in order to move forward: Number one, the Federal Treasury, and thereby the taxpayers' financial interest, must be protected; Number two, there must be compliance with all applicable State and Federal laws; Number three, interstate compacts and agreements must be protected; Number four, the Secretary's Native American trust responsibilities must be met; Number five, treaty obligations and international agreements must be fulfilled; and Number six, the public aspects of the project must be protected.

The South Utah Valley Electric Conveyance Act is in line with the Bureau's framework. And, again, I would like to thank Chairman HASTINGS and members of the Natural Resources Committee for advancing this bill to the floor, and help on both sides of the aisle.

The South Utah Valley Electric Conveyance Act is beneficial to both the Federal Government and localities in Utah's Third Congressional District, and I would encourage my colleagues to support it.

Mrs. NAPOLITANO. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 461, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ALLOWING PREPAYMENT OF FEDERAL CONTRACTS WITH THE UINTAH WATER CONSERVANCY DISTRICT.

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 818) to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREPAYMENT OF CERTAIN REPAYMENT CONTRACTS BETWEEN THE UNITED STATES AND THE UINTAH WATER CONSERVANCY DISTRICT.

The Secretary of the Interior shall allow for prepayment of the repayment contract no. 6-05-01-00143 between the United States and the Uintah Water Conservancy District dated June 3, 1976, and supplemented and amended on November 1, 1985, and on December 30, 1992, providing for repayment of municipal and industrial water delivery facilities for which repayment is provided pursuant to such contract, under terms and conditions similar to those used in implementing section 210 of the Central Utah Project Completion Act (Public Law 102-575), as amended. The prepayment—

(1) shall result in the United States recovering the net present value of all repayment streams that would have been payable to the United States if this Act was not in effect;

(2) may be provided in several installments to reflect substantial completion of the delivery facilities being prepaid, and any increase in the repayment obligation resulting from delivery of water in addition to the water being delivered under this contract as of the date of enactment of this Act;

(3) shall be adjusted to conform to a final cost allocation including costs incurred by the Bureau of Reclamation, but unallocated as of the date of the enactment of this Act that are allocable to the water delivered under this contract;

(4) may not be adjusted on the basis of the type of prepayment financing used by the District; and

(5) shall be made such that total repayment is made not later than September 30, 2022.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

H.R. 818 would allow a local water district in Utah to prepay its loan obligations to the Federal Government. Prepayment can benefit local water utilities because it relieves them of interest costs and some regulatory burdens.

□ 1640

This concept is similar to giving a family an option to prepay its mortgage and to save compounded interest cost. It's also in the best interest of the American taxpayer since it will facilitate the revenues to the U.S. Treasury.

I urge adoption of this measure, and I reserve the balance of my time.

Mrs. NAPOLITANO. I yield myself such time as I may consume.

Mr. Speaker, H.R. 818, sponsored by our friend and colleague Congressman MATHESON, would allow the Uintah Water Conservancy District of Uintah County, Utah, to prepay—that means to pay ahead of time for anybody who really understands the prepay—the debt owed to the Federal Government for the construction of the Jensen Unit.

At a time when our country is watching our dollars and cents, H.R. 818 is legislation that does make very credible sense. The water district would have the option to pay its loan early—what a novel concept—and translate the interest savings into lower rates for its customers—again, quite an interesting concept. The Federal Government, in turn, would benefit from the accelerated repayment of the debt to the Treasury and be able to use that for debt reduction or whatever else is needed.

I do commend Congressman MATHESON of Utah for his efforts in moving this legislation. Identical legislation passed the House unanimously in the 111th Congress, so I ask my colleagues to support this bill.

With that, I yield such time as he may consume to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. I rise in support of H.R. 818, which would direct the Secretary of the Interior to allow for the prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

I would very much like to thank Chairmen HASTINGS and MCCLINTOCK and Ranking Members MARKEY and NAPOLITANO for their support in moving this bill through the Natural Resources Committee.

This is a commonsense bill that encourages and promotes fiscal responsibility at all levels of government. Allowing the Uintah Water Conservancy District to pay its debt obligations back early and in a timely manner is what we like to call a “win-win” in that it's finally beneficial to the local government and Federal Government alike.

It provides local government the ability to responsibly self-govern, giv-

ing it the flexibility to pay its loan off early and save hundreds of thousands of dollars in future interest payments. This savings will result in lower costs to the water users, which is very important as we continue to grow out of the current economic recession and look for additional ways to support much needed economic development in rural communities. Likewise, allowing for prepayment results in a significant payment to the Federal Treasury.

As Congress continues to look for ways to trim the Federal budget and encourage best practices and good government policies, allowing for prepayment is a good model to follow. In addition, I believe this legislation provides a good opportunity to help rural communities prioritize and implement best practices to utilize scarce resources in an effort to meet rural water demands in a cost-effective and fiscally responsible manner.

I would also like to point out that there is precedence for allowing the prepayment of repayment contracts. H.R. 818 is similar to legislation used by the Central Utah Water Conservancy District, which allowed for the prepayment of the repayment contracts for the Bonneville Unit. This effort saved hundreds of thousands in taxpayer dollars and allowed for project managers to consider time and cost savings through a balanced approach to managing an important resource in my State.

H.R. 818 is the same bill that passed the House unanimously in the 111th Congress. It has also in this Congress been reintroduced in the Senate by my counterparts in the Utah delegation, Senators HATCH and LEE. I urge my colleagues to join me in passing this bill once again.

Mrs. NAPOLITANO. As I have no further requests for time, I would urge my colleagues to vote for this very important piece of legislation.

I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 818.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DISTINGUISHED FLYING CROSS NATIONAL MEMORIAL ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 320) to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Distinguished Flying Cross National Memorial Act”.

SEC. 2. DESIGNATION OF DISTINGUISHED FLYING CROSS NATIONAL MEMORIAL IN RIVERSIDE, CALIFORNIA.

(a) FINDINGS.—Congress finds the following:

(1) The most reliable statistics regarding the number of members of the Armed Forces who have been awarded the Distinguished Flying Cross indicate that 126,318 members of the Armed Forces received the medal during World War II, approximately 21,000 members received the medal during the Korean conflict, and 21,647 members received the medal during the Vietnam War. Since the end of the Vietnam War, more than 203 Armed Forces members have received the medal in times of conflict.

(2) The National Personnel Records Center in St. Louis, Missouri, burned down in 1973, and thus many more recipients of the Distinguished Flying Cross may be undocumented. Currently, the Department of Defense continues to locate and identify members of the Armed Forces who have received the medal and are undocumented.

(3) The United States currently lacks a national memorial dedicated to the bravery and sacrifice of those members of the Armed Forces who have distinguished themselves by heroic deeds performed in aerial flight.

(4) An appropriate memorial to current and former members of the Armed Forces is under construction at March Field Air Museum in Riverside, California.

(5) This memorial will honor all those members of the Armed Forces who have distinguished themselves in aerial flight, whether documentation of such members who earned the Distinguished Flying Cross exists or not.

(b) DESIGNATION.—The memorial to members of the Armed Forces who have been awarded the Distinguished Flying Cross, located at March Field Air Museum in Riverside, California, is hereby designated as the Distinguished Flying Cross National Memorial.

(c) EFFECT OF DESIGNATION.—The national memorial designated by this section is not a unit of the National Park System, and the designation of the national memorial shall not be construed to require or permit Federal funds to be expended for any purpose related to the national memorial.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. I yield myself such time as I may consume.

Mr. Speaker, I want to begin by thanking Congressman CALVERT for introducing this bill to designate a memorial in honor of the over 150,000 current and former members of the Armed Forces who have been awarded the Distinguished Flying Cross.

The new memorial was dedicated on October 27, 2010, at March Field Air Museum in Riverside, California. With the legislation, the memorial will be designated as the Distinguished Flying Cross National Memorial. This designation honors these patriots and does not require or permit the expenditure of any Federal dollars.

I urge adoption of the measure, and I reserve the balance of my time.

Mrs. NAPOLITANO. I yield myself such time as I may consume.

Mr. Speaker, the recipients of the Distinguished Flying Cross include Captain Charles Lindbergh, Commander Richard Byrd, Amelia Earhart, and Captain Mark Kelly. You might know who Captain Mark Kelly is because he had his medal pinned on him by his wife—our dear colleague, Representative GABBY GIFFORDS. All of the men and women who have received this medal are American heroes, and the March Field Air Museum is to be commended for its efforts to establish a memorial honoring these individuals.

On our side, we would likely support some Federal funding for this project, but in knowing our status on our budgetary problems, our friends on the other side have written the bill to prohibit Federal support. Nevertheless, we do wholeheartedly support H.R. 320.

I commend my friend and colleague KEN CALVERT, from my home State of California, for introducing this piece of legislation to recognize all our heroes.

With that, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. I rise in support of H.R. 320, a bill to designate a national Distinguished Flying Cross memorial in Riverside, California.

I thank my friends Mr. YOUNG and Mrs. NAPOLITANO for managing the bill today.

I am honored to represent the Inland Empire Chapter of the Distinguished Flying Cross Society, which is the primary sponsor of this memorial. The memorial honors all current and former members of the Armed Forces who have been awarded the Distinguished Flying Cross.

In the 111th Congress, I introduced H.R. 2788, which passed the House unanimously; and today, I stand again in support of H.R. 320, which would designate a memorial at March Field Air Museum as the Distinguished Flying Cross National Memorial. The legisla-

tion is supported by the Distinguished Flying Cross Society, the Military Officers Association of America, the Air Force Association, the Air Force Sergeants Association, the Association of Naval Aviation, the Vietnam Helicopter Pilots Association, and the China-Burma-India Veterans Association.

I would like to point out the language in the bill specifically states that the designation shall not be construed to require or permit Federal funds to be expended for any purpose related to the national memorial. Funds have been and will continue to be raised through private means for these purposes.

The Distinguished Flying Cross recipients have received this prestigious medal for their heroism and extraordinary achievement while participating in aerial flight while serving in any capacity with the U.S. Armed Forces. There are many well-known people who have played a vital role in the history of military aviation and have received the award. As was previously mentioned, this renowned group includes Captain Charles L. Lindbergh, former President George H. W. Bush, Brigadier General Jimmy Doolittle, General Curtis LeMay, Senator MCCAIN, Jimmy Stewart, and Admiral Jim Stockdale—just to name a few.

The March Air Reserve Base, which hosts the C-17As of the 452nd Air Mobility Wing is adjacent to the location of the memorial at the March Field Air Museum. Visitors are able to witness active operational air units provide support for our troops in Iraq and Afghanistan, which is an appropriate setting that honors the many aviators who have distinguished themselves by deeds performed in aerial flight.

□ 1650

I would like to thank those who worked tirelessly to ensure this memorial is built and is properly designated in honor of the distinguished aviators that have served this great Nation. In particular, I'd like to recognize Jim Champlin; his late wife, Trish; Distinguished Flying Cross Society president, Chuck Sweeney; and the society's historian, Dr. Barry Lanman, who have been instrumental in this effort.

Again, I hope you'll join me in supporting the designation of the National Distinguished Flying Cross Memorial at the March Field Air Museum and support H.R. 320.

Mrs. NAPOLITANO. Mr. Speaker, I just want to urge both sides to support H.R. 320, but at the same time I'd also like to thank our majority and our minority, not only our Members, but also the staff that have done a very wonderful job in helping us put this stuff together and putting up with us.

I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 320, "Distinguished Flying Cross National Memorial Act," which designates a Distinguish Flying Cross National Memorial at the March Field Air Museum in Riverside, California. Recipients of the Distinguished Flying Cross are awarded to any officer of enlisted member of the United States armed forces who distinguishes himself or herself in support of operations by "heroism or extraordinary achievement while participating in an aerial flight."

The March Field Air Museum serves as the appropriate location for such a prestigious honor. Its home sits on the March Air Force Base. March Air Force Base dates back to a time when the United States was rushing to build up its military forces in anticipation of entering World War I. It continued to be used as a pilot training center and as well as an operational base throughout World War II. March Air Force Base was a part of outstanding achievements in test flights and other contributions to the science of aviation. For over seventy years, March has been a key component in the advance of aviation and in the growth of the modern Air Force.

The March Field Air Museum is representative of American ingenuity in aviation. The museum hosts a collection of military and vintage aircraft that presents an extraordinary look at the history of aviation and the use of aviation in modern warfare. The museum tells the story of how aircraft were first used in warfare and how they have become a vital part of our nation's military power.

As all of our military, we hold a special place in our hearts for those pilots who operated those aircraft. These aviators supported our ground troops from the air during times of war. This honor will bestow the nation's gratitude upon those who are so deserving of recognition. I am happy to share in this opportunity with my colleagues to place in our nation's history the recognition of these heroes of the skies. Our nation is better for the heroism of these brave men and women.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H.R. 320, the Distinguished Flying Cross National Memorial Act.

I want to thank my colleague from southern California, Mr. CALVERT, for sponsoring this bill and championing this cause to recognize some of our nation's greatest aviators.

March Air Field Museum, located in California's Inland Empire, at the site of the March Air Reserve Base, is a place for Americans to learn and celebrate our nation's great aviation and military histories.

It is appropriate then, that this museum serve as a sight for the United States to officially recognize the heroic service of over 165,000 Americans who have received the Distinguished Flying Cross.

The Distinguished Flying Cross is awarded to a member of the Armed Forces who distinguishes himself or herself with heroism or extraordinary achievement while participating in an aerial flight.

March Air Force Base, March Air Reserve Base, and now March Air Field Museum have all been vital parts of the fabric of our community in California's Inland Empire.

I urge all my colleagues to vote yes on H.R. 320 and help ensure California's Inland Empire will forever serve as home to the Distinguished Flying Cross National Memorial.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 320.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

EUROPEAN UNION EMISSIONS TRADING SCHEME PROHIBITION ACT OF 2011

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2594) to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "European Union Emissions Trading Scheme Prohibition Act of 2011".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The European Union has unilaterally imposed an emissions trading scheme (in this section referred to as the "ETS") on non-European Union aircraft flying to and from, as well as within, Europe.

(2) United States airlines and other United States aircraft operators will be required under the ETS to pay for European Union emissions allowances for aircraft operations within the United States, over other non-European Union countries, and in international airspace for flights serving the European Union.

(3) The European Union's extraterritorial action is inconsistent with long-established international law and practice, including the Chicago Convention of 1944 and the Air Transport Agreement between the United States and the European Union and its member states, and directly infringes on the sovereignty of the United States.

(4) The European Union's action undermines ongoing efforts at the International Civil Aviation Organization to develop a unified, worldwide approach to reducing aircraft greenhouse gas emissions and has generated unnecessary friction within the international civil aviation community as it endeavors to reduce such emissions.

(5) The European Union and its member states should instead work with other contracting states of the International Civil Aviation Organization to develop such an approach.

(6) There is no assurance that ETS revenues will be used for aviation environmental purposes by the European Union member states that will collect them.

(7) The United States Government expressed these and other serious objections re-

lating to the ETS to representatives of the European Union and its member states during June 2011, but has not received satisfactory answers to those objections.

SEC. 3. PROHIBITION ON PARTICIPATION IN THE EUROPEAN UNION'S EMISSIONS TRADING SCHEME.

The Secretary of Transportation shall prohibit an operator of a civil aircraft of the United States from participating in any emissions trading scheme unilaterally established by the European Union.

SEC. 4. NEGOTIATIONS.

The Secretary of Transportation, the Administrator of the Federal Aviation Administration, and other appropriate officials of the United States Government shall use their authority to conduct international negotiations and take other actions necessary to ensure that operators of civil aircraft of the United States are held harmless from any emissions trading scheme unilaterally established by the European Union.

SEC. 5. CIVIL AIRCRAFT OF THE UNITED STATES DEFINED.

In this Act, the term "civil aircraft of the United States" has the meaning given that term under section 40102(a) of title 49, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill before us, H.R. 2594.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the bill before us, H.R. 2594, the European Union Emissions Trading Scheme Prohibition Act of 2011.

Starting in January of 2012, the European Union will begin to unilaterally apply its emissions trading scheme to civil aviation operators landing in or departing from one of the EU member states.

Under the emissions trading scheme, EU member states will require international air carriers and operators to pay for emission allowances and, in some cases, penalties for carbon emissions. The scheme will apply to the entire length of the flight, including those parts of the flight outside the EU airspace. For instance, on a flight leaving Los Angeles for London, taxes will be levied not just on the portion of the flight over the United Kingdom, but also for the portions of the flight over the United States' sovereign soil and the high seas.

On September 30, 21 countries, including the U.S., signed a joint declaration against the EU emissions trading scheme in New Delhi, India. Despite se-

rious legal issues and objections by the international community, the EU is pressing ahead with its plans.

The bill before us will prohibit U.S. aircraft operators from participating in this illegal scheme put forward unilaterally by the EU. The European Union's unilateral application of the scheme onto U.S.-flagged operators without the consent of the United States Government raises significant legal concerns under international law, including violations of the Chicago Convention and the U.S.-EU Air Transport Agreement.

There are also concerns that the emissions trading scheme is nothing more than a revenue raiser for EU member states, as there is no requirement that EU member states must use the funds for anything related to the reduction of carbon dioxide production by the civil aviation sector.

The emissions trading scheme will extract money from the airline industry that would otherwise be invested in NextGen technologies and the purchase of new aircraft, just two proven methods for improving environmental performance. In addition, the scheme would introduce a new commodities market into the cost structure for airlines. Given the havoc fluctuating oil markets have played on the U.S. airline industry, it doesn't make sense to subject the struggling airline industry to another commodities market that is vulnerable to speculation.

According to the Air Transport Association's testimony before the Aviation Subcommittee this July, the extraction of capital from the aviation system as envisioned under the EU emissions trading scheme could threaten as many as 78,500 U.S. jobs. This is unacceptable.

Finally, there are considerable concerns about the proliferation of EU member states' "eco-charges" being put in place on top of the emissions trading scheme. Questions have arisen as to whether the eco-charges are consistent with U.S. member states' obligations under international law and whether some of these charges may, in effect, be double charges for the same emissions the EU intends to regulate under the emissions trading scheme.

Given all of these concerns, we believe that the European Union needs to slow down and carefully weigh their plans to include international civil aviation in their emissions trading scheme. We believe a better approach is to work within the international civil aviation community through the U.N. International Civil Aviation Organization to establish consensus-driven initiatives to reduce emissions.

However, because the EU has shown no interest in working with the international community to address their concerns and objections and to seek a

global approach to civil aviation emissions, we're moving this bipartisan legislation forward to ensure U.S. operators will not participate in their unilateral and questionable scheme.

The Obama administration, Republicans and Democrats here in the House have recognized the troubled approach taken by the Europeans and have expressed ardent opposition. This legislation is one of many avenues the United States can take, concurrent with others, to resolve this conflict. To be sure, the United States Government will use all tools at its disposal to hold our aviation interests harmless from the Europeans' unfair and illegal scheme.

I urge my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

OCTOBER 5, 2011.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA: Thank you for your prior consultation with us on H.R. 2594, the European Union Emissions Trading Scheme Prohibition Act of 2011, given the jurisdictional equities of the Committee on Foreign Affairs in that bill.

I am writing to confirm the agreement of the Foreign Affairs Committee to be discharged from consideration of H.R. 2594 in order to expedite its consideration on the House floor. In agreeing to waive consideration of that bill, this Committee does not waive any jurisdiction that it has over provisions in that bill or any other matter. This also does not constitute a waiver of the participation of the Committee of Foreign Affairs in any conference on this bill. I ask that you include a copy of this letter and your response in any Committee report on H.R. 2594 and in the Congressional Record during floor consideration of the bill.

Thank you again for your consideration and collegiality in this matter.

Cordially,

ILEANA ROS-LEHTINEN,
Chairman.

OCTOBER 6, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: Thank you for your letter regarding H.R. 2594, the "European Union Emissions Trading Scheme Prohibition Act of 2011." The Committee on Transportation and Infrastructure recognizes the Committee on Foreign Affairs has a jurisdictional interest in H.R. 2594, and I appreciate your effort to facilitate consideration of this bill.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Foreign Affairs with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 2594 in the Committee report and in the Congressional Record during House Floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on Foreign

Affairs as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,
Chairman.

Ms. BROWN of Florida. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2594, a bill that would protect U.S. airlines, their employees and their passengers from the European Union's plan to unfairly charge U.S. airlines for emissions in U.S. air space.

President Obama has taken a strong stand against the EU emissions trading scheme scam on the grounds that it is inconsistent with international aviation law and practice. Additionally, airlines and labor groups oppose it because it would impose new and unjustifiable costs on the industry and destroy American jobs.

Climate change is a global problem that requires a global solution. Working through the International Civil Aviation Organization, the United States has committed to find a global solution to address aviation emissions based on agreement and cooperation.

However, the EU has decided to move forward with a go-it-alone approach that is contrary to international law and violates U.S. sovereignty by charging U.S. airlines for all emissions from flights between the United States and Europe, even the portion of flights over our own air space, and return the revenue to European countries without any specific assurances regarding how the revenue will be used. That is unacceptable.

□ 1700

This bill will protect U.S. airlines from unjust liability under the EU's emissions trading system. It sends a strong message from Congress that we do not support what the EU is doing, for a variety of reasons.

The United States is far from alone in expressing strong opposition to the EU's proposal. Last month, 25 other countries joined the United States in signing a joint declaration in India that calls upon the EU not to impose the emissions trading system on non-European airlines, and that urges EU member countries to instead address aviation emissions from ICAO, where progress already is being made.

The United States and other international partners stand ready and willing to work to address this issue constructively through the proper international framework.

We rightfully expect both governments and airlines to be good stewards of the environment and do everything possible to reduce harmful carbon emissions. In fact, the Federal Aviation Administration and the airline industry have invested billions of dollars in NextGen air traffic upgrades, and the FAA plans to reduce emissions by 2 percent a year through these improvements. Further, U.S. airlines improved

fuel efficiency by approximately 110 percent since 1978. From 2000 to 2009, U.S. carriers reduced fuel burn and carbon emissions by 15 percent, while carrying 7 percent more passengers and cargo.

At meetings last week, I, along with Chairman MICA and several other members of the committee, met with European Union representatives to express our willingness to work with our friends to come to a more equitable solution to this problem, and I believe the meetings were very productive. But we also made it quite clear that the EU's my-way-or-the-highway approach was totally unacceptable, and we will take every action necessary to prevent the implementation of these unnecessary and dangerous taxes. And we made it clear that the Congress will stand up and defend the sovereignty of the United States.

With that, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to our colleague from Pennsylvania, Mr. BILL SHUSTER.

Mr. SHUSTER. I thank the gentleman for yielding.

I couldn't agree more with my colleague from Florida (Ms. BROWN) on her support for H.R. 2594. And to my colleagues watching or listening to this debate tonight, I would urge you to listen closely because this is a serious situation that's going to occur, and it's up to Congress to send a message to the European capitals of the world that the United States will not stand for this. This will be a terrible burden for not only our carriers but for aviation airlines, air travel, commercial travel around the world.

There has never been to my knowledge a more ill-conceived program than what the European Union is putting forth in this emissions trading scheme. They're going forth with this; and first of all, I believe it's violating international law, the Chicago Convention which was signed in the mid-1940s, which set up ICAO which is the International Civil Aviation Organization, which coordinates and allows for transportation, commercial transportation, aviation transportation around the world to go forth in a way that is orderly. We come together at this international organization and build on consensus with rule-makings and regulations that help us to not only build our airplanes but to fly them around the world.

What the Europeans are doing is they want to impose a tax on American air carriers, on all air carriers from their points of departure. So from our sovereign Nation and sovereign nations around the world, they're going to tax us to fly from, for instance, Los Angeles to Paris, which I believe, again, is a violation of the international agreement. I believe it is going to throw

international aviation into an uncertain time period and may cause tremendous disruption in the flow of commerce through the air.

The air transportation industry worldwide accounts for 8 percent of global GDP, but only accounts for 2 percent of the CO₂ emissions. And the airline industry has a great incentive to decrease the amount of fuel they have because it is one of if not their largest expense. So air travel with the airliners we build today, with the way we organize our air traffic control patterns in the United States, we've been able to reduce CO₂ emissions over the last 10 years significantly, and we'll continue to do that because, as I said, the incentive is there for the airline industry in America to use less fuel, not more fuel. It's better for their bottom lines.

Once again, this trading scheme, this emissions trading scheme is going to impose a tax on our carriers. The Europeans estimate it will be about \$2 a ticket. Our aviation industry believes it will be somewhere between \$2.50 and \$4 a ticket. We're not sure, but let's take the European numbers. So \$2 a ticket, if you look over the last 10 years in the aviation industry in this country, we have lost \$2.80 per ticket sold. So you're talking about an industry that is now recovering, an industry that seems to be making profits. If the Europeans are allowed to impose a \$2 tax, it will probably wipe out the entire profits of our airline industry, so we can't let it stand.

Also, it is a counterproductive measure. The Europeans say they're going to reduce emissions by this. I believe it is going to do the opposite. What's going to happen is these planes, not the new planes, but the old ones, refurbished ones, are going to go to other parts of the world. And these old planes do emit more CO₂, and so there are going to be places in Africa and Asia and countries that can't afford the newest, latest, greatest Boeing or Airbus planes; and they're going to be spewing more emissions into the air. So it's counterproductive.

And if you want an industry to invest in more fuel-efficient airliners, they need to make a profit. So you're going to take that profit away, and they will not be able to invest in new ways to reduce emissions coming from these airliners. So it's counterproductive.

Also, if the Europeans want to reduce emissions, which they have not in their airline industry over the last 10 years, one of the things they could do, a huge step in the right direction, is to create a single European airspace. And they've been unable to do that.

Today, when you fly in the United States, because we're so much more efficient than the Europeans, our planes land quicker. That means they're not up in the atmosphere putting out CO₂ emissions. In the European theater,

what you have are 25 or 30 different airspaces. So planes tend to circle around the airport for longer periods of time emitting more CO₂. So if the Europeans are really serious about this, instead of just doing the easy thing and tax the Americans or tax the Chinese or tax the Russians, they should look seriously at turning their 30 different airspaces into a single European airspace. That would be a tremendous improvement and be a tremendous reduction in the CO₂ that they are putting into the air.

So my colleagues, if you're listening to this tonight, I urge you strongly to support the gentlelady from Florida and myself and others in a bipartisan way to send a strong vote, a strong message to the Europeans to don't go down this path. Let's sit down at the table and work together. We can do something that reduces CO₂ without taxing American carriers and disrupting an international organization that's been so positive and so vital to commerce in this world.

Ms. BROWN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. I thank my friend from Florida for yielding, and I rise in support of this bipartisan legislation.

This committee has just concluded meetings at the International Civil Aviation Organization. Of that organization, that commission, there are 36 votes; 26 of the voting nations have in writing expressed their disapproval of what the Europeans are approving. The only 10 countries in approval are eight European countries and Australia and Canada. We believe that this clearly violates article 1 of the Chicago Convention of 1944. Article 1 states that all signature countries to this agreement shall have control over their own airspace. If the European Union wants to put this scheme into place in the European Union, they're welcome to do that.

□ 1710

But they can't tell aircraft leaving O'Hare or Logan or Kennedy or Dulles that they're going to have to start paying taxes there. And the explanation from the European Union doesn't pass the laugh test. They say that the European Union member states are not responsible for a 1944 agreement because the European Union was not in existence in 1944. Their member States were in existence and they are signatories to the agreement and they are bound by it. If the European Union continues to move down this path, they know at ICAO that there are remedies. And they know that there are going to be remedies that are to be sought.

So I urge this body to pass this legislation today, and I even more so urge the Europeans to put this aside, come back to the ICAO organization—a vision that FDR had in 1944 to control

international aviation—and have a global solution to this problem that we face.

Ms. BROWN of Florida. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentlewoman from Florida has 14 minutes remaining. The gentleman from Wisconsin has 9 minutes remaining.

Mr. PETRI. I reserve the balance of my time.

Ms. BROWN of Florida. I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentlelady.

I rise in opposition to this legislation. If it were to pass the House, we lawmakers would be directing the Secretary of Transportation to tell U.S. airlines not to follow the law. If we prohibit our companies from complying with the laws in other countries, we should expect other countries to do the same when it comes to their companies complying with U.S. law.

In an effort to protect U.S. airlines, this bill might actually undermine airline security. The U.S. currently requires international airlines to comply with a wide range of U.S. laws when it comes to passenger, baggage, and cargo security in order to do business in our country. If we legislate our companies out of Europe's environmental laws, our homeland security could be adversely impacted if European countries decided to withhold their cooperation in response with regard to screening of baggage for bombs on planes flying into the United States.

When it comes to pollution from the transportation sector, the United States was the first to pass a law requiring anyone in the world interested in coming to our shores to follow our environmental regulations. In 1990, Congress passed the Oil Pollution Act in the aftermath of the *Exxon Valdez* oil spill. In order to reduce the risk of an oil spill, it required all tankers operating in U.S. waters to be double-hulled by 2015. No matter what country's flag a tanker is flying, it will have to be double-hulled to sail into the United States of America—to protect us from their pollution.

We acted unilaterally to protect our country from the carbon pollution associated with an oil spill 21 years ago. Now, after years of trying to forge an international aviation agreement, the European Union is acting to protect itself from the carbon pollution associated from airline travel.

Last week, an independent team of scientists at Berkeley released their analysis of land surface temperature records going back to 1800. They found—as their counterparts in NOAA and NASA had previously shown—that temperatures over the last decade were increasing. Once again, scientists have confirmed that global warming is real.

Now that independent scientists have validated this bedrock fact, perhaps my colleagues who have questioned the science of climate change will be willing to give climate scientists the benefit of the doubt that the rest of their findings are accurate. And those findings have sobering consequences for the United States—more heat waves, rising sea levels, declining snowpack, more frequent drought, more extreme precipitation when it does rain—to name just a few.

2011 has been a record-breaking year for extreme weather in the United States. If left unchecked, climate change could make a year like this seem normal. The Europeans are taking climate change seriously. We shouldn't undermine their efforts by legislating that our airlines break the law. I would urge a "no" vote on H.R. 2594. Just remember that all of the other laws that we expect them to abide by in terms of the protection of American environment and American security become jeopardized when we question legitimate laws that the Europeans put on the books in order to protect our planet.

So I urge a "no" vote on this bill.

Mr. PETRI. I continue to reserve the balance of my time.

Ms. BROWN of Florida. I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman for yielding to me.

Mr. Speaker, I also rise in opposition to this legislation. I think Mr. MARKEY made an articulate case and a compelling case. If we expect European companies to comply with U.S. laws when they do business in our country, whether the EU countries agree with our laws or not, we have to respect their laws. But this bill, H.R. 2594, prohibits U.S. airlines from complying with the laws of the European Union.

Worldwide aviation is estimated to produce about 3 percent of the total manmade greenhouse gas emissions—and these emissions are rising rapidly. In an effort to address aviation's uncontrolled contribution to climate change, the EU has adopted a cap on greenhouse gas emissions from the aviation sector. The EU program sets modest and achievable emission limits, it is flexible and market-oriented, and there is no viable alternative approach based on regulating only those emissions that occur in a country's own airspace.

The EU program also should benefit U.S. aircraft and engine manufacturers such as Boeing and Pratt & Whitney, which are building more efficient engines today. The program will encourage airlines to purchase new aircraft with lower fuel costs, boosting the economy and potentially saving consumers money.

As a matter of fact, I just got off a plane today from the European Union,

and I would hate to think that when I travel on an American airline they will not respect the laws of the European Union or the European Union might decide they don't have to respect our laws.

I urge a "no" vote on this bill.

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

When I was growing up, I used to like this program with Sergeant Joe Friday, and he would say, "The facts, ma'am; just the facts."

I have a few facts about the European Union's emissions trade scheme—or scam—or whatever you want to call it. The U.S. airlines would be required to pay for carbon allowances for all segments of flights between the United States and Europe. For example, on a flight from Los Angeles to a European city, an airline would be liable for emissions over the U.S., Canada, and international waters. Two, fees for carbon allowance under the system would be paid directly to EU's member states without obligation to use them to mitigate aviation emissions impacts. The EU tax violates U.S. sovereignty by imposing liability on U.S. airlines for operations in the U.S. National Airspace System. Additionally, President Obama's administration testified before the House Committee on Transportation and Infrastructure that the EU's tax is inconsistent with international aviation law.

In closing, I want to thank Chairman MICA, all of the Members that went with us to talk to our partners across the water in Canada, and Ranking Member RAHALL for bringing this bill to the floor. I would encourage my colleagues to protect the U.S. airlines, U.S. customers, and U.S. jobs, and support this legislation.

I reserve the balance of my time.

□ 1720

Mr. PETRI. I yield myself such time as I may consume.

Mr. Speaker, I would remind the two previous speakers from Massachusetts and California that we're not in any way talking about EU passing laws governing the behavior of our planes or anyone else in EU territory. We are talking about EU attempting to exercise extraterritorial jurisdiction over flights over the United States or international waters in violation of the agreement reached by each of the EU countries separately with ICAO, as well as of course every other country—190 in the world—that belong to that international order that allows for the peaceful movement of aviation throughout our globe. To deny that would be very disruptive and set a precedent that cannot be accepted. That's why not only our administration, but the administrations of over 21 other countries joined recently in New Delhi, India to condemn this. Other

countries are in the process of adopting legislation similar to that which we are adopting here today.

We're not talking about emission trading schemes or anything else. We're talking about the principle of territoriality and countries attempting to exercise that beyond the legitimate and recognized bounds that have been accepted by international law.

I yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER), if he would care to rebut.

Mr. SHUSTER. Mr. Speaker, I just want to again stand up in support of what my colleagues from Wisconsin and from Florida have said over and over again. This is about sovereignty as well as doing what's right for the American traveling public.

Mr. WAXMAN from California, he represents Los Angeles, folks from that part of the country, as my colleague from Florida said, will probably see direct flights no longer exist because if you start off from Los Angeles and fly to Paris, it's going to cost you more money. So I can see the airlines trying to save money by stopping in Philadelphia or stopping in New York so that they can decrease the tax that's going to be imposed upon them.

As Mr. PETRI has said, they're imposing it on the air over America. If they want to impose a tax in Europe on people doing business in Europe, they have the ability to do that. But to do it and start it over American airspace, over American departure, it's the wrong thing to do. And the Europeans know it. You already have the Italians and the Dutch already questioning the wisdom of doing this.

So I think you're going to see people in Europe starting to change their attitude. And tonight is going to send a very, very strong signal to Europe that America is not going to allow the Europeans to impose a tax on us on our sovereign airspace.

Ms. BROWN of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PETRI. I yield the balance of my time to the gentleman from Florida (Mr. MICA), chairman of the full Transportation Committee.

Mr. MICA. I thank both Ranking Member BROWN of the Rail Subcommittee, who's leading this legislation on the floor tonight, and Chairman PETRI, the chairman of the Aviation Subcommittee, for their leadership and also directing in a bipartisan manner this legislation that we brought forth from our committee with very, very strong support, Members, again, from both sides of the aisle.

I know that there are some folks that have raised some concerns, and I'll address them; but very simply, what is taking place here is that the European Union is trying to impose, in January, an air emissions tax. And they're going to start the clock running, they want

to start it running January 1, the meter will start, and American airlines will get the bill in 2013.

Now, you heard some comments here that we don't want folks to follow the law or operating in—there was an example of double-hull ships operating in U.S. waters. Well, we're not talking about, again, anything that's even similar to what's being proposed here. What they're proposing is, say, from Los Angeles or Chicago or New York, anywhere in the United States to anywhere in the European Union, to tax. And the meter starts running the minute the plane departs from any point in the United States until it reaches Europe, and the same thing when it departs Europe back to the United States.

Not only does this violate international treaties, the Chicago Convention; we've never had anything like this imposed or proposed before. It is not flexible. We've heard the term used it's "flexible." It's not flexible.

The other thing, too, is we're trying to work with others and work with the European Union. And many states have now joined the United States—in fact, they've taken the lead on some of this, both in conference in New Delhi and in meetings in Oslo, and they said this is unfair. So it's not just the United States that's saying this is unfair.

Now, if the European Union chooses to impose a tax within its boundaries, or if we say within our waters you do certain things—like double hull if you want that ship to go there—that's fine with us. If they want to improve emissions in their airspace, that's fine with us. But that's not what they're doing here, and that's why we have this opposition.

The second point is, and I don't want to get into the climate debate, but if you really care about eliminating emissions—and I know the airlines do because the more emissions they eliminate and the more they can conserve fuel, that's their bottom line and that's very important to them. But that being said, again, one of the most important points of all of this is that, again, this money that they're collecting—and it's a tax grab by the European Union—this money that they're getting, there's no requirement that it goes into eliminating emissions from aircraft.

In fact, they told us that you can buy your way out or you can buy some other trade for some other industry. So it doesn't set out to do what, again, is being forecast or demonstrated. In fact, they're very unclear as to how this will be totally instituted. It's what's called an article 25 provision within their current law. And as I've checked, this is almost the end of October, this goes into effect in January. And they couldn't tell us on Friday and they couldn't tell us here in the United States or in Brussels what provisions

of article 25 and exactly how they will implement this.

So I think that what will happen here is we'll send a strong message: Yes, we're for protecting the environment. We have no problems with the European Union taking measures within their borders, and our airlines should comply and other carriers should comply, both departing and arriving. They can do that. But when you stop and think that this would impose a European tax over the skies of the United States, never heard of anything like that before.

So, again, we are willing to work with our European counterparts. We believe that November 2—we were informed when we were in Montreal meeting with ICAO representatives that this will be brought up before that international body, the International Civil Aviation Organization. It sets all the protocols, the standards, security safety provisions. And we will win in that body a legitimate vote by a very wide margin. The Europeans will be left behind on this issue.

But we all want to work with them. They're our friends. This shouldn't lead to a trade war. It should lead to a resolution that does improve our environment and that does allow the European Union to do what they need to do. And, also, if we're going to impose this, that we have some understanding of how we can do better in reducing air emissions.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 2594.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 30 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CHAFFETZ) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1904, SOUTHEAST ARIZONA LAND EXCHANGE AND CONSERVATION ACT OF 2011

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privi-

leged report (Rept. No. 112-258) on the resolution (H. Res. 444) providing for consideration of the bill (H.R. 1904) to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 320 and H.R. 1160, each by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

DISTINGUISHED FLYING CROSS NATIONAL MEMORIAL ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 320) to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 392, nays 1, not voting 40, as follows:

[Roll No. 801]
YEAS—392

Adams	Bono Mack	Cicilline
Aderholt	Boren	Clarke (MI)
Akin	Boswell	Clarke (NY)
Alexander	Boustany	Clay
Altmire	Brady (PA)	Cleaver
Amodei	Brady (TX)	Clyburn
Andrews	Braley (IA)	Coble
Austria	Brooks	Coffman (CO)
Baca	Brown (FL)	Cohen
Bachus	Buchanan	Cole
Baldwin	Bucshon	Conaway
Barletta	Burgess	Connolly (VA)
Barrow	Burton (IN)	Conyers
Bartlett	Butterfield	Cooper
Barton (TX)	Calvert	Costa
Bass (NH)	Camp	Costello
Becerra	Cantor	Courtney
Benishek	Capito	Cravaack
Berg	Capps	Crawford
Berkley	Capuano	Crenshaw
Berman	Cardoza	Critz
Biggert	Carnahan	Crowley
Billbray	Carney	Cuellar
Bilirakis	Carson (IN)	Culberson
Bishop (GA)	Carter	Cummings
Bishop (NY)	Cassidy	Davis (CA)
Bishop (UT)	Castor (FL)	Davis (KY)
Black	Chabot	DeFazio
Blackburn	Chaffetz	DeGette
Blumenauer	Chandler	DeLauro
Bonner	Chu	Denham

Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam

Jones
Jordan
Keating
Kelly
Kildee
Kind
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lipinski
LoBiondo
Loeb
Loeb
Lofgren, Zoe
Long
Lowey
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markay
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Hall
Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Oliver
Owens
Palazzo
Pallone
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)

Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schock
Schradner
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sherman
Shimkus
Shuster
Simpson
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Waters
Watt
Waxman
Webster
Welch

West
Westmoreland
Whitfield
Wilson (SC)
Wittman

Wolf
Womack
Woodall
Wooley
Yarmuth

Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—1
Amash
NOT VOTING—40

Ackerman
Bachmann
Bass (CA)
Broun (GA)
Buerkle
Campbell
Canseco
Davis (IL)
Engel
Filner
Flake
Giffords
Gohmert
Grijalva
Gutierrez
Hinchey
Hunter
Kaptur
King (IA)
King (NY)
Lewis (CA)
Lewis (GA)
Meeks
Moran
Neal
Pascarell
Paul
Polis
Rohrabacher
Royce
Rush
Sanchez, Linda
T.
Schmidt
Schwartz
Sessions
Sewell
Shuler
Sires
Wasserman
Schultz
Wilson (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1854

Mr. GUINTA changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 801 (H.R. 320) had I been present, I would have voted “yea.”

Mr. FILNER. Mr. Speaker, on rollcall 801, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

MCKINNEY LAKE NATIONAL FISH HATCHERY CONVEYANCE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1160) to require the Secretary of the Interior to convey the McKinney Lake National Fish Hatchery to the State of North Carolina, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 38, as follows:

[Roll No. 802]

YEAS—395

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Benishak
Berg
Berkley
Berman
Biggert
Bilbray

Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foss
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Keating
Kelly
Kildee
Kind
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lipinski
LoBiondo
Loeb
Loeb
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marino
Markay
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Hall
Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Oliver
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)

Rogers (KY)	Serrano	Turner (OH)
Rogers (MI)	Sherman	Upton
Rokita	Shinkus	Van Hollen
Rooney	Shuster	Velázquez
Ros-Lehtinen	Simpson	Visclosky
Roskam	Slaughter	Walberg
Ross (AR)	Smith (NE)	Walden
Ross (FL)	Smith (NJ)	Walsh (IL)
Rothman (NJ)	Smith (TX)	Walz (MN)
Roybal-Allard	Smith (WA)	Waters
Runyan	Southerland	Watt
Ruppersberger	Speier	Waxman
Ryan (OH)	Stark	Webster
Ryan (WI)	Stearns	Welch
Sanchez, Loretta	Stivers	West
Sarbanes	Stutzman	Westmoreland
Scalise	Sullivan	Whitfield
Schakowsky	Sutton	Wilson (IL)
Schiff	Terry	Wittman
Schilling	Thompson (CA)	Wolf
Schock	Thompson (MS)	Womack
Schrader	Thompson (PA)	Woodall
Schwartz	Thornberry	Woolsey
Schweikert	Tierney	Yarmuth
Scott (SC)	Tipton	Yoder
Scott (VA)	Tonko	Young (AK)
Scott, Austin	Towns	Young (FL)
Scott, David	Tsongas	Young (IN)
Sensenbrenner	Turner (NY)	

NOT VOTING—38

Ackerman	Hinchey	Rush
Bachmann	Hunter	Sánchez, Linda
Bass (CA)	Kaptur	T.
Broun (GA)	King (IA)	Schmidt
Buerkle	King (NY)	Sessions
Campbell	Lewis (CA)	Sewell
Canseco	Lewis (GA)	Shuler
Davis (IL)	Marchant	Sires
Engel	Moran	Tiberi
Filner	Neal	Wasserman
Flake	Paul	Schultz
Giffords	Polis	Wilson (FL)
Grijalva	Rohrabacher	
Gutierrez	Royce	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1901

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 802, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes 801 and 802.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2966

Mr. SCHILLING. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor from H.R. 2966.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMERICANS SIMPLY CAN'T WAIT

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. It was reported today that President Obama is trying out a new slogan on his campaign-style road trip. The new slogan is: "We can't wait." In my opinion, this slogan is an odd choice, especially coming from the President and his party.

Right now, 15 different House-passed jobs bills, each reducing the red tape that is hindering small business and each removing obstacles to domestic energy production, are stuck in the Senate, awaiting action from the Democratic leadership. Mr. Speaker, the President is right—we can't wait.

We can't wait for the President and the Democrats to join us in eliminating excessive government regulations, stopping Washington from spending money it doesn't have, and fixing the Tax Code for families and job creators.

We can't wait for the Obama administration to end the continual delays to job-creating domestic energy production.

We can't wait for Senate Democrats to approve more than a dozen House-passed jobs bills.

Americans who want to get back to work shouldn't have to wait any longer for Washington to get out of the way. It's time for President Obama and Senate Democrats to put aside politics and work with the House on these commonsense ideas.

We simply can't wait.

DR. HERBERT HAUPTMAN

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, I rise to honor the memory of Dr. Herbert Hauptman, a distinguished member of our western New York community.

Dr. Hauptman came to Buffalo in 1970 to work for the Medical Foundation. He was awarded the Nobel Prize for Chemistry in 1985 in his work determining the molecular structures of crystallized materials. His studies in this area provided a new way to look at chemistry that benefits science and society today.

After earning the Nobel Prize, the Medical Foundation was renamed in his honor. Today, the lobby of the Hauptman-Woodward Medical Research Institute showcases the crystallized molecular structures Hauptman introduced to the world. They will stand as a lasting testimony to his work. Herbert Hauptman's contributions helped lay the groundwork for the thriving and growing medical research community in Buffalo in western New York.

I invite my colleagues to join me in celebrating the life of a scholar whose impact was felt far beyond academia.

PICK A HORSE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the House in a bipartisan way passed five energy bills months ago. These bills will create American energy jobs right here in America. These bills would allow more energy development in the Gulf of Mexico, in Virginia and in Alaska. One bill requires the administration to make a decision about the Keystone XL Pipeline, which would put more citizens to work.

So what's the delay?

These five bipartisan bills are languishing in the Senate with no vote in sight. It's not that the Senate has voted these jobs bills down. The Senate just won't vote.

To my friends down the hallway in the Senate, how about voting on these bills? Doing nothing doesn't create energy or jobs. Doing nothing maintains unemployment and shows an inability to make a decision.

It's time for the Senate to pick a horse and ride it. But pick something. Get in the race. Being a spectator is not an option. The American people need the jobs, and we need the energy. We just can't wait.

And that's just the way it is.

FRACTURE-CRITICAL BRIDGES AND THE AMERICAN JOBS ACT

(Ms. HOCHUL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOCHUL. Our Nation is facing a crisis with respect to public safety. Over 1,100 bridges in New York State alone, my State, are considered fracture-critical. Fracture-critical bridges could collapse if a single one of their key support functions fails, and there are 82 such bridges in my district alone. Every day, 21 million cars in my State cross structurally deficient bridges, creating an intolerable situation.

As the former county clerk, responsible for putting vehicles and people on the roads, this is personal to me. I feel compelled to fight for money from Washington to fix our bridges and our roads and bring them up to par.

There is a solution, Mr. Speaker, and that is the American Jobs Act, which includes money for critically necessary infrastructure to repair these bridges so our driving public can travel safely. Therefore, I urge all my colleagues to support me in supporting the American Jobs Act and in getting our country back to work while making the public safer.

ALLOWING SMALL BUSINESS OWNERS TO CREATE JOBS

(Mr. DOLD asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. DOLD. Last week, I had the privilege of meeting with job creators and workers from all across Illinois' 10th Congressional District. As I listened to the different barriers they were facing and the ideas they had to bring jobs to the region, I was encouraged.

Together, we can and must find common ground on legislation that allows small business owners to create jobs.

I was pleased to join with Lake County Partners last week and announce the creation of a new economic innovation zone in north Chicago. This community is experiencing extremely high unemployment, and the creation of this economic innovation zone will bring the community together so that we can work collaboratively to find ways to reinvest in the area and create new opportunities for workers.

I was also able to work with local leaders from the city of Waukegan to find a way to move forward on the repairs that are needed so desperately in Waukegan Harbor. We must move forward to delist this as an area of a concern for the U.S. EPA. This harbor is key to bringing business and to bolstering the economy for the surrounding communities.

When we work to preserve our precious resources like the harbor, we will be able to encourage businesses to expand and create additional jobs here at home.

□ 1910

THE MONTFORD POINT MARINES

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BROWN of Florida. God bless America.

Today I would like to give a special thanks to the many branches of government for their service, military, but particularly to the Marines.

And today the Montford Point Marines are visiting with us in the Capitol. And many years before Jackie Robinson and decades before Rosa Parks, these heroes joined the Marines to defend their country and do their jobs. I applaud them for their commitment.

Tomorrow, the House will debate and vote to send this resolution to the Senate in time for the Marines' 236th birthday on November 10. When the commandant and I discussed what do you do when failure is not an option, we agreed, you get it done. We will pass this bill in the House.

I want to thank all of my colleagues. You can still sign on to the bill. You have until the end of tomorrow. You want to be a part of making history.

I want to once again thank the Montford Point Marines for their service, and God bless America.

UNITED STATES PENITENTIARY IN LEE COUNTY

(Mr. GRIFFITH of Virginia asked and was given permission to address the House for 1 minute.)

Mr. GRIFFITH of Virginia. Ladies and gentlemen of the House, I rise today with concern, concern about an incident that occurred at the United States penitentiary in Lee County, Virginia, in the Ninth District.

This incident occurred Friday night, and the only good news is no one was killed. Aaron Delph, an officer there, was assaulted by an inmate who was carrying a shiv. He was able, in the conflict, to kick off a phone which sent out a silent alarm. He was responded to. That alarm was responded to by Shawn Jones, who was also injured in the assault.

Both of these men behaved properly and acted bravely. What did they have to defend themselves with? Nothing, absolutely nothing, because our regulations and rules do not allow them to have pepper spray or a telescoping wand, baton, to defend themselves with.

H.R. 1175, introduced by Congressman CARDOZA, would at least get us a pilot project which would allow us to take care of this program. I ask that we pass this.

HEAD START

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to talk about something happy, and that is the Happy/Sad Pillow that is made by the parents of AVANCE in my district. With this toy, parents can teach numbers, cause and effect, colors, emotions, motor skills, social skills, and textures.

I was fortunate enough to be with them today. They have a very healthy Head Start program, but we were able to give them \$8 million in stimulus to help their infrastructure to build new buildings, and then a \$3.2 million grant for a healthy marriage that helps grandparents and single parents to be able to raise up our children that are preschool.

It is noted that the children that go through this program test with higher scores than those who have not and do much better in the public school system. It also evidences that the government can be a partnership, a private-public partnership, to make America great.

We can create jobs. We can improve the education. We can lay out a pathway for our children. There is nothing wrong with the government being productive and forceful and working on behalf of the American people.

So to the Congress here, my colleagues on the other side of the aisle, let's work together.

DR. ANIMESH SINHA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to congratulate the 2011 U.N. International Volunteer Award recipient, Dr. Animesh Sinha, who is a native of Irmo, South Carolina. Dr. Sinha is a general practitioner in Fiji, where he is the founder and medical director of the PRISM Health Initiative. PRISM provides medical care and access to the most underserved populations of Fiji.

By providing its own tables, chairs, water gallons, medical equipment, and free medication, PRISM makes a difference. Due to Dr. Sinha's leadership, 200 to 400 patients per week are being treated in the most remote communities of Fiji.

Congratulations also to my lifelong friends, his parents, Dr. Kausal Sinha and his wife, Arunima, who are revered community leaders of the Midstate of South Carolina. Indian Americans are making a difference around the globe, encouraged by the American Association of Physicians of Indian Origin.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

CBC HOUR

The SPEAKER pro tempore (Mr. THOMPSON of Pennsylvania). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Mr. Speaker, I expect to be joined by several of my colleagues in a few minutes, but let me begin. We are pleased, and I want to take this opportunity to thank the Democratic leader for again allowing the Congressional Black Caucus to control this hour of Special Orders.

And here we are again, Mr. Speaker, 10 months into this Congress and not one job-creating bill has been brought to the floor. I know that the people in my district are suffering, as are constituents in all of our districts, and we need to do something significant to help them, not next year, but now.

As a physician, it amazes me that it's even affecting people's health. It's increasing violence and crime in some of the hardest-hit communities. When we were here a few weeks ago, I was remarking on an article that showed how the mortgage crisis was affecting people's health adversely. But, of course, joblessness is.

People don't have insurance. They don't have money to buy their medication. They are putting off needed health care to try to save money for other things to provide a roof over their family's heads and food on the

table for their families. And so this long-term unemployment is affecting people's health, and it's especially hard in those communities that have been distressed for long periods of time, even before this recession. With no movement from the leadership in this body to even just bring the American Jobs Act to the floor where we can debate it and have it voted on, the people are really beginning to lose hope.

To the extent that some have not yet lost hope, I think it's because they see President Obama and this Congressional Black Caucus, as well as the Occupy Wall Street and occupy all of the other places where those demonstrations are being held and the Reclaim the Dream movement all working relentlessly on their behalf.

Today the President is rolling out his new proposals to address the crisis, the crisis that began this recession in the first place, the mortgage crisis. I understand the theme is "We can't wait." And we can't wait here in this House either because the American people have been waiting on us for help, and they can't and should not have to wait any longer.

I hope that my colleagues across the aisle would also add a strong dose of compassion to their passion for reducing the deficit. In fact, at this time, in addition to compassion, setting politics aside and doing what's best for the economy and our country is what needs to take precedence.

And it is not cuts. It's not repealing the health care reform bill, the Affordable Care Act. It's not stopping regulations that protect the health and wealth of the people in this country. It's not destroying the safety nets that enable the poor to survive and then provide them with a chance to lift them and their families out of poverty.

Not just Democrats, we should all be ashamed that so much of this country's wealth is concentrated in the top 1 percent while our fellow Americans, including millions of children, are going homeless and hungry.

I want to focus for a moment on health care jobs, especially since the Affordable Care Act, a job creator, is on the Republican chopping block. If it were repealed, it would not only set health care back, but it would place a heavy burden on an already hard-hit economy. Already we know that the health care sector is the only one where jobs are being created; and according to the Bureau of Labor Statistics, over the next decade, the 30 fastest-growing jobs, 17 of them, more than half of them, will be health-care related.

□ 1920

They also report that during the recession, while most industries lost jobs, health care added over 600,000 jobs. With an anticipated coverage of over 30 million new individuals, it isn't

rocket science to see how the Affordable Care Act doesn't kill jobs but will be the sector to bring this economy back to life. The provisions in that act are projected to create more than 4 million jobs over the next 10 years.

What we need to be doing now is what the President has called for, improving math and science in our schools, and then we should be providing education and training for those jobs on all levels, from the community health workers to doctors, nurses, and allied health, to the most technical jobs in research and technology. And many of those jobs are available right now. They will just increase over the next 10 years.

I want to read from "Health Care Employment Set to Explode," which was published in *FierceHealthcare* on October 20 of this year. It reads: Amid health care reform changes to promote health care integration, and national deficit reduction to save, health care jobs are projected to soar, according to a report by Bipartisan Policy Center Health Professional Workforce Initiative, with The Deloitte Workforce Initiative, released on Tuesday of that week. Health care employment is expected to rise to 11.9 percent in 2018, and that means total health care employment will jump from 15.8 million, where it was in 2008, to 19.8 million in 2018, according to that report. From 2008 to 2018, health care employment will grow by 23 percent compared to only 9 percent in all other employment sectors, according to the Bureau of Labor Statistics. During that time, health care professionals will see the following changes in job growth: registered nurses will grow by 22.2 percent; licensed practical and licensed vocational nurses will grow by 20.7 percent; home health aides will grow by 50 percent; nursing aides, orderlies, and attendants will grow by 18.8 percent; personal and home care aides will grow by 46 percent; and physicians and surgeons by 21.8 percent.

There have been so many misrepresentations about the bill from its opponents both inside Congress and out, and it's not fair to the American public who at the very least ought to be able to depend on their elected representatives for accurate information, and they ought to be able to expect us to act on that accurate information.

There are some analyses that suggest that the effect on the economy will be minimal, and even though I do not agree, I want to read from the conclusion of one such paper, and that paper is entitled "How Will the Affordable Care Act Affect Jobs? Timely Analysis of Immediate Health Policy Issues," written by John Holahan and Bowen Garrett, and it helps to dispel some of the erroneous representations about what the Affordable Care Act would or would not do.

In its conclusion they write: The Affordable Care Act is unlikely to have

major aggregate effects on the U.S. economy. But they also say increased spending because the Affordable Care Act will increase demand for health services and demand for labor in the health sector. Cuts in Medicare and various cost-containment provisions, if successful as proposed by the Ryan plan, would have just the opposite effect—it would kill jobs. New taxes on insurers, medical devices, and pharmaceutical manufacturers could have adverse effects on those industries except for the fact, they say, that coverage expansion would provide new revenues well in excess of any new tax obligations. Cost-containment efforts, if successful, will have the opposite effect, reducing growth in spending on Medicare and Medicaid. So cost-containment efforts, if successful, will have somewhat opposite effects, reducing the growth of spending on Medicare and Medicaid, which will reduce taxes or borrowing the Federal Government would have to undertake. Cost containment then that reduces the Federal budget deficit would result in faster economic growth, more employment, and higher family incomes. Cost containment would also free up private dollars to be spent in nonhealth areas of the economy, thus stimulating the economy in many ways.

They also go on to say that concern over the impact of the Affordable Care Act on small businesses is misplaced. All small businesses with fewer than 50 workers will be exempt from the assessments. Most larger firms already provide health insurance to their workers and so are unlikely to face assessments under the law. Small businesses should benefit from the availability of lower-cost plans and the efforts to increase competition and contain costs within the exchange.

So I hope that begins to clear up some of the misrepresentations about how that bill would hurt the economy, because it would not kill jobs, it would not hurt small businesses, and it's not likely to have a great impact on larger businesses either.

The Congressional Black Caucus comes to the floor every Monday night that we are in session to call attention to the issues that we know are important to our constituents and important to Americans across this country. The primary one is jobs, but access to health care is not far behind, and we ought to support rather than misrepresent or try to repeal the Affordable Care Act, a good bill that's good for the American people, good for our economy, and good for our country.

We are once again calling on this body to pass the American Jobs Act. The fact that it comes from President Obama should not be a reason to dismiss it and declare it dead on arrival, as some of my colleagues on the other side of the aisle have said. After all, many of the proposals come directly

out of bills that they themselves have proposed.

So I would say to my colleagues, please, the American people are sick of the politics. They're sick of the bickering. They need jobs now. They can't wait. We should not wait. Let's pass the Jobs Act now.

With that, Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BUERKLE (at the request of Mr. CANTOR) for today on account of personal business.

Mr. ROYCE (at the request of Mr. CANTOR) for today on account of illness.

Mr. SESSIONS (at the request of Mr. CANTOR) for today on account of being unavoidably detained in the district.

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today.

Ms. SEWELL (at the request of Ms. PELOSI) for today on account of attending a funeral in the district.

ADJOURNMENT

Mrs. CHRISTENSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 25, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3561. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; Minnesota [Docket No.: APHIS-2011-0100] received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3562. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Amisulbrom; Pesticide Tolerances [EPA-HQ-OPP-2010-0186; FRL-8885-3] received September 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3563. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Isaria Fumosorosea Apopka strain 97; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0087; FRL-8889-8] received September 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3564. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting an issued EPA document related to the EPA's regulatory programs; to the Committee on Energy and Commerce.

3565. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Prevention of Significant Deterioration Greenhouse Gas Tailoring Rule [EPA-R05-OAR-2010-1024; FRL-9471-9] received September 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3566. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio, Kentucky, and Indiana; Cincinnati-Hamilton Nonattainment Area; Determinations of Attainment of the 1997 Annual Fine Particulate Standards [EPA-R04-OAR-2010-0719-201144; FRL-9472-2] received September 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3567. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Santa Barbara Air Pollution Control District, Sacramento Municipal Air Quality Management District and South Coast Air Quality Management District [EPA-R09-OAR-2011-0561; FRL-9469-1] received September 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3568. A letter from the Chief, Revenue and Receivables Group, Financial Operations, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Schedule of Application Fees Set Forth In Sections 1.1102 through 1.1109 of the Commission's Rules [GEN Docket No. 86-285] received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3569. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-30, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3570. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 10-11 informing of an intent to sign the Project Arrangement; to the Committee on Foreign Affairs.

3571. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a Memorandum of Justification for the waiver of loan default assistance restrictions under Section 620(q) of the Foreign Assistance Act to support the government of the Cote d'Ivoire; to the Committee on Foreign Affairs.

3572. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish for Vessels Participating in the Rockfish Entry Level Fishery [Docket No.: 101126522-0640-02] (RIN: 0648-XA678) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3573. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico;

Emergency Rule To Increase the Recreational Quota for Red Snapper and Suspended the Recreational Red Snapper Closure Date [Docket No.: 110729451-1413-02] (RIN: 0648-BB12) received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3574. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA680) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3575. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the state of New York since September 26, 2011, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BISHOP of Utah: Committee on Rules. House Resolution 444. Resolution providing for consideration of the bill (H.R. 1904) to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes (Rept. 112-258). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KINZINGER of Illinois (for himself and Mr. LIPINSKI):

H.R. 3241. A bill to require operators of Internet websites that provide access to international travel services and market overseas vacation destinations to provide on such websites information to consumers regarding the potential health and safety risks associated with traveling to such vacation destinations, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. GRIJALVA, Mr. MORAN, Mr. FILNER, Mr. BLUMENAUER, Mr. HONDA, Mr. MCDERMOTT, Mr. HOLT, and Mr. HASTINGS of Florida):

H.R. 3242. A bill to amend the Internal Revenue Code of 1986 to reduce emissions of carbon dioxide by imposing a tax on primary fossil fuels based on their carbon content; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 3243. A bill to amend titles XIX and XXI of the Social Security Act, titles I and II of the Patient Protection and Affordable Care Act, and other Acts for the purpose of

eliminating certain health entitlement programs and reducing the deficit; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. HARTZLER (for herself, Mr. LUETKEMEYER, Mrs. EMERSON, Mr. AKIN, Mr. GRAVES of Missouri, Mr. LONG, Mr. CARNAHAN, Mr. CLAY, Mr. CLEAVER, and Mr. HURT):

H.R. 3244. A bill to amend the Federal Power Act to prohibit the Federal Energy Regulatory Commission from requiring the removal or modification of existing structures or encroachments in licenses of the Commission; to the Committee on Energy and Commerce.

By Mr. DENHAM (for himself and Mr. ROE of Tennessee):

H.R. 3245. A bill to direct the Secretary of Veterans Affairs and the Secretary of Defense to jointly ensure that the Vet Centers of the Department of Veterans Affairs have access to the Defense Personnel Record Image Retrieval system and the Veterans Affairs/Department of Defense Identity Repository system; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN (for himself, Mr. CLAY, Mr. CARNAHAN, Mrs. HARTZLER, Mr. CLEAVER, Mr. GRAVES of Missouri, Mr. LONG, Mrs. EMERSON, and Mr. LUETKEMEYER):

H.R. 3246. A bill to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. AKIN (for himself, Mr. CLAY, Mr. CARNAHAN, Mrs. HARTZLER, Mr. CLEAVER, Mr. GRAVES of Missouri, Mr. LONG, Mrs. EMERSON, and Mr. LUETKEMEYER):

H.R. 3247. A bill to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the "Lance Corporal Matthew P. Pathenos Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. AKIN (for himself, Mr. CLAY, Mr. CARNAHAN, Mrs. HARTZLER, Mr. CLEAVER, Mr. GRAVES of Missouri, Mr. LONG, Mrs. EMERSON, and Mr. LUETKEMEYER):

H.R. 3248. A bill to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the "Lance Corporal Drew W. Weaver Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. ANDREWS:

H.R. 3249. A bill to recognize small employer benefit arrangements as employers, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FUDGE:

H.R. 3250. A bill to establish the Honorable Stephanie Tubbs Jones Fire Suppression

Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KLINE (for himself, Mr. PETERSON, Mr. LONG, and Mr. BOSWELL):

H.R. 3251. A bill to ensure that Federal assistance provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for the construction of certain emergency levees is not conditioned on the subsequent dismantlement of those levees, except as provided for in a status certificate, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY (for herself, Mrs. LOWEY, Mr. NADLER, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. BERMAN, Mr. BILIRAKIS, Mr. BRADY of Pennsylvania, and Mr. TOWNS):

H.R. 3252. A bill to award a Congressional Gold Medal to Rabbi Arthur Schneier in recognition of his pioneering role in promoting religious freedom and human rights throughout the world, for close to half a century; to the Committee on Financial Services.

By Mr. SMITH of New Jersey:

H.R. 3253. A bill to protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENHAM (for himself, Mr. CARNAHAN, and Mr. JOHNSON of Ohio):

H. Res. 445. A resolution supporting the goals and ideals of National Underserved Veterans Awareness Week; to the Committee on Veterans' Affairs.

By Mr. LANGEVIN (for himself, Mr. MCCAUL, Mr. DANIEL E. LUNGREN of California, Mr. STIVERS, Mr. CICILLINE, Mr. RUPPERSBERGER, Ms. RICHARDSON, Mrs. MYRICK, Ms. SPEIER, and Ms. CLARKE of New York):

H. Res. 446. A resolution supporting the goals and ideals of National Cyber Security Awareness Month and raising awareness and enhancing the state of cyber security in the United States; to the Committee on Science, Space, and Technology.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

166. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to Senate Resolution No. 2166 urging the President to heed the claim of the United States citizens residing in Puerto Rico to the full enjoyment of their constitutional rights and prerogatives; to the Committee on Natural Resources.

167. Also, a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Resolution No. 2162 expressing unwavering support for Dr. Pedro Rossello and the "Unfinished Business of the American Democracy" Committee in their determination and efforts geared toward achieving that the fundamental human rights of the approximately four million United States citizens residing in the Island; to the Committee on Natural Resources.

168. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 57 memorializing the President and the Congress to support the continued and increased importation of oil derived from Canadian oil sands; jointly to the Committees on Transportation and Infrastructure, Natural Resources, and Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. KINZINGER of Illinois:

H.R. 3241.

Congress has the power to enact this legislation pursuant to the following:

According to clause 3 of Section 8 of Article I of the Constitution, Congress has the power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. STARK:

H.R. 3242.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Mr. REHBERG:

H.R. 3243.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 7.

By Mrs. HARTZLER:

H.R. 3244.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States.

By Mr. DENHAM:

H.R. 3245.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States.

By Mr. AKIN:

H.R. 3246.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. AKIN:

H.R. 3247.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. AKIN:

H.R. 3248.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. ANDREWS:

H.R. 3249.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to its authority under Article I, Section 8, Clause 1 of the Constitution to lay and collect taxes, duties, imposts, and excises.

By Ms. FUDGE:

H.R. 3250.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, clause 3, the Commerce Clause, of the United States Constitution.

By Mr. KLINE:

H.R. 3251.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to clause 18 of section 8 of article I of the Constitution which states, "The Congress shall have Power to . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this constitution in the government of the United States, or in any Department or Officer thereof."

By Mrs. MALONEY:

H.R. 3252.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 5 of the U.S. Constitution: "To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;"

By Mr. SMITH of New Jersey:

H.R. 3253.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8 of the Constitution

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 361: Mr. STIVERS.
H.R. 382: Mr. GRIJALVA.
H.R. 409: Mr. CARNAHAN.
H.R. 420: Mr. McKEON, Mr. LATOURETTE, Mr. FORTENBERRY, Mr. LABRADOR, Mr. LATHAM, Mr. FLEISCHMANN, Mr. HIGGINS, Mrs. MYRICK, Ms. HERRERA BEUTLER, Mr. WOMACK, Mr. MCINTYRE, and Mr. SCHRADER.
H.R. 459: Mr. LOEBSACK, Mr. WEST, and Mr. GRIMM.
H.R. 466: Mr. CARNAHAN.
H.R. 494: Mr. RUSH.
H.R. 535: Mr. COHEN.
H.R. 539: Mr. LANGEVIN.
H.R. 645: Mr. HIGGINS.
H.R. 687: Mr. HANNA.
H.R. 721: Mr. ADERHOLT and Mr. BARROW.
H.R. 735: Mr. ROYCE.
H.R. 743: Mr. BARLETTA.
H.R. 750: Mrs. NOEM and Mr. WILSON of South Carolina.
H.R. 798: Mrs. MCCARTHY of New York.
H.R. 880: Mr. PETRI.
H.R. 885: Mrs. MALONEY.
H.R. 886: Mr. MATHESON, Mr. OLVER, Mr. JOHNSON of Georgia, Mr. CRENSHAW, and Mr. BRADY of Pennsylvania.
H.R. 890: Mr. COFFMAN of Colorado and Mr. MORAN.

H.R. 905: Mr. AUSTRIA.
H.R. 959: Mr. RUPPERSBERGER and Ms. SLAUGHTER.
H.R. 965: Mr. FILNER, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mr. MICHAUD, Mr. SARBANES, and Ms. WOOLSEY.
H.R. 1041: Mr. PALAZZO and Mr. THOMPSON of Mississippi.
H.R. 1044: Mr. BENISHEK.
H.R. 1063: Mr. GUTHRIE and Mrs. BLACKBURN.
H.R. 1103: Mr. GARAMENDI.
H.R. 1154: Mr. HEINRICH.
H.R. 1167: Mr. WILSON of South Carolina.
H.R. 1173: Mr. HUELSKAMP, Mr. DAVIS of Kentucky, Mr. NUNES, Mr. JONES, Mr. REBERG, Mr. BACHUS, Mr. SULLIVAN, and Mr. SAM JOHNSON of Texas.
H.R. 1179: Mr. ALTMIRE and Mr. GOWDY.
H.R. 1206: Mrs. BONO MACK.
H.R. 1208: Mr. MCGOVERN.
H.R. 1239: Mr. CONYERS.
H.R. 1297: Mr. DOLD.
H.R. 1340: Mr. POMPEO, Mr. ROSS of Florida, and Mr. BOSWELL.
H.R. 1370: Mr. BENISHEK.
H.R. 1418: Ms. HAHN.
H.R. 1426: Mr. ROTHMAN of New Jersey, Mr. ROGERS of Michigan, Mr. ALEXANDER, and Mr. INSLEE.
H.R. 1449: Ms. JACKSON LEE of Texas.
H.R. 1549: Mr. McCAUL, Mr. JONES, Mr. ROSS of Florida, and Mr. WALSH of Illinois.
H.R. 1558: Mr. REED, Mr. BACHUS, Mr. SESSIONS, Mr. JOHNSON of Illinois, and Mr. WILSON of South Carolina.
H.R. 1606: Ms. MOORE and Mr. MICHAUD.
H.R. 1639: Mr. THOMPSON of Pennsylvania, Mr. ISRAEL, and Mr. SULLIVAN.
H.R. 1653: Mr. BILBRAY, Ms. FOXX, and Mr. BARLETTA.
H.R. 1715: Mr. FORBES.
H.R. 1733: Mr. ROTHMAN of New Jersey.
H.R. 1747: Mr. WALZ of Minnesota.
H.R. 1830: Mr. MCCLINTOCK.
H.R. 1842: Mr. HINCHEY.
H.R. 1905: Ms. KAPTUR, Mr. MICA, Mr. ROGERS of Michigan, Mr. DAVIS of Illinois, Mr. MANZULLO, Mrs. NAPOLITANO, Ms. BORDALLO, and Mr. CRITZ.
H.R. 1936: Mr. JACKSON of Illinois.
H.R. 1956: Mr. JOHNSON of Ohio.
H.R. 1971: Mr. HINOJOSA and Mr. JACKSON of Illinois.
H.R. 2042: Mr. INSLEE, Ms. HIRONO, and Mr. KING of New York.
H.R. 2085: Ms. NORTON, Mr. TONKO, Mr. HIGGINS, Mr. KEATING, Mr. CARSON of Indiana, and Mr. McDERMOTT.
H.R. 2106: Ms. KAPTUR.
H.R. 2108: Mr. SCHOCK, Mr. STIVERS, and Mr. NUNES.
H.R. 2121: Mr. FRANKS of Arizona.
H.R. 2131: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ISRAEL, Ms. HIRONO, Mr. BOUTANY, Mr. MCKINLEY, and Mr. DICKS.
H.R. 2159: Mr. OLSON.
H.R. 2167: Mr. CONNOLLY of Virginia.
H.R. 2195: Mr. MARKEY.
H.R. 2236: Mr. FILNER and Mr. DINGELL.
H.R. 2287: Mr. MICHAUD.
H.R. 2288: Mr. GRIJALVA, Mrs. MALONEY, Mr. SMITH of New Jersey, Mr. MCGOVERN, Mr. ROTHMAN of New Jersey, and Mr. BURTON of Indiana.
H.R. 2299: Mr. STIVERS and Mr. TURNER of New York.
H.R. 2315: Mr. LEWIS of Georgia.
H.R. 2369: Mr. FINCHER, Mr. HALL, Mr. YOUNG of Alaska, Mr. SCHIFF, Mrs. BACHMANN, Ms. NORTON, Mr. HENSARLING, Mr. BONNER, Mr. CONAWAY, Mr. GIBBS, Mr. MANZULLO, Mr. SCHILLING, Mr. THORNBERRY, Mr. WOMACK, Mr. ROGERS of Kentucky, and Mr. OLVER.

H.R. 2459: Mr. CICILLINE.
H.R. 2471: Mr. HONDA.
H.R. 2477: Mr. COURTNEY, Mr. FORBES, Ms. BORDALLO, Mr. LOEBSACK, and Mrs. DAVIS of California.
H.R. 2479: Mr. WELCH.
H.R. 2485: Mr. KINGSTON.
H.R. 2492: Ms. LORETTA SANCHEZ of California, Mr. DOLD, and Mr. REICHERT.
H.R. 2528: Mr. FORBES.
H.R. 2555: Mr. WELCH.
H.R. 2559: Mr. RUSH.
H.R. 2569: Mr. PASCRELL and Ms. RICHARDSON.
H.R. 2672: Mr. FRANK of Massachusetts.
H.R. 2705: Ms. DELAURO, Mr. RYAN of Ohio, and Ms. ESHOO.
H.R. 2706: Mr. HEINRICH.
H.R. 2772: Mr. BILIRAKIS.
H.R. 2809: Ms. RICHARDSON, Ms. JACKSON LEE of Texas, Mr. TOWNS, Ms. MOORE, Mr. CLEAVER, Mr. RANGEL, Mr. POLIS, Mr. LEWIS of Georgia, Ms. BASS of California, Ms. NORTON, and Mr. ELLISON.
H.R. 2830: Mr. MORAN, Mr. NUGENT, Mr. DOYLE, Mr. LATOURETTE, Mr. JOHNSON of Georgia, and Mr. GARAMENDI.
H.R. 2836: Mr. LOEBSACK.
H.R. 2855: Ms. MOORE.
H.R. 2865: Mr. FORBES.
H.R. 2866: Ms. KAPTUR.
H.R. 2874: Mr. LONG, Mr. COFFMAN of Colorado, Mr. BURTON of Indiana, Mr. GIBBS, Mr. WILSON of South Carolina, and Mr. ROE of Tennessee.
H.R. 2888: Mr. GARAMENDI and Mr. BRADY of Pennsylvania.
H.R. 2900: Mr. BUCHANAN.
H.R. 2914: Mr. SIREN, Mr. DAVIS of Illinois, and Mr. QUIGLEY.
H.R. 2935: Mr. TOWNS.
H.R. 2956: Mr. RUSH.
H.R. 2966: Mr. JACKSON of Illinois, Ms. CHU, and Mrs. LOWEY.
H.R. 2970: Ms. SLAUGHTER.
H.R. 2985: Mr. YODER, Mrs. BLACKBURN, Mr. LAMBORN, Mr. COHEN, Ms. CHU, Mrs. MILLER of Michigan, and Mr. LUETKEMEYER.
H.R. 3014: Mr. CARNAHAN.
H.R. 3019: Mr. FILNER and Mr. JACKSON of Illinois.
H.R. 3021: Mr. FILNER, Mr. JACKSON of Illinois, Mr. PETERS, Ms. MOORE, and Mr. KUCINICH.
H.R. 3022: Mr. FILNER and Mr. JACKSON of Illinois.
H.R. 3035: Mr. MCKINLEY and Mr. OLSON.
H.R. 3039: Mr. SABLAN, Ms. HIRONO, Mr. PALAZZO, Ms. NORTON, and Ms. BORDALLO.
H.R. 3042: Mr. GRIMM and Mr. THOMPSON of Pennsylvania.
H.R. 3046: Ms. DEGETTE, Ms. JACKSON LEE of Texas, and Mr. KISSELL.
H.R. 3053: Mr. POLIS.
H.R. 3059: Mr. MCKINLEY.
H.R. 3066: Mr. PAUL.
H.R. 3077: Mr. ROTHMAN of New Jersey, Ms. WATERS, Ms. LEE of California, Mr. VISCLOSKEY, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. CICILLINE, Mr. MORAN, Ms. CHU, and Mr. GUTIERREZ.
H.R. 3091: Mr. CANSECO.
H.R. 3094: Mr. AUSTRIA, Mr. PALAZZO, and Mr. GINGREY of Georgia.
H.R. 3109: Mr. NADLER.
H.R. 3126: Ms. KAPTUR, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. KUCINICH, and Ms. CHU.
H.R. 3128: Mr. RENACCI.
H.R. 3135: Mr. ISSA and Mr. GARDNER.
H.R. 3145: Mr. LOBIONDO.
H.R. 3154: Mr. KELLY.
H.R. 3187: Mr. ENGEL, Mr. LUJÁN, Mrs. MALONEY, Mr. CARNAHAN, Mr. GRIMM, Mr. SCALISE, Mr. SCHOCK, and Mr. DENHAM.

H.R. 3199: Mr. BUCHANAN.
H.R. 3200: Mr. ISRAEL and Mr. HINCHEY.
H.R. 3203: Mr. CULBERSON.
H.R. 3204: Mr. BURGESS and Mr. CULBERSON.
H.R. 3214: Mr. CULBERSON.
H.R. 3218: Mrs. BLACKBURN, Mr. COFFMAN of Colorado, and Mr. DUNCAN of South Carolina.
H.R. 3230: Mr. CULBERSON.
H.J. Res. 13: Mr. BASS of New Hampshire and Mr. WITTMAN.
H.J. Res. 78: Ms. SUTTON and Mr. JOHNSON of Georgia.
H.J. Res. 80: Ms. WOOLSEY, Ms. LEE of California, and Mr. HONDA.
H. Con. Res. 72: Mr. HOLT, Mr. SCOTT of Virginia, Mr. BRADY of Pennsylvania, Mr. CICILLINE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MILLER of North Carolina, Mr. CAPUANO, Ms. ROYBAL-ALLARD, Ms. MOORE, and Ms. KAPTUR.

H. Con. Res. 80: Mrs. BLACKBURN and Mr. MCGOVERN.

H. Res. 298: Mr. HOYER.
H. Res. 376: Mr. ACKERMAN, Mr. MICHAUD, Ms. BROWN of Florida, and Ms. BORDALLO.
H. Res. 407: Mr. GRIJALVA.
H. Res. 429: Mr. BILIRAKIS, Mr. CRAVAACK, Mr. FRANKS of Arizona, Mr. POE of Texas, Mr. BARLETTA, Mr. WILSON of South Carolina, and Mr. WOLF.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2966: Mr. SCHILLING.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

25. The SPEAKER presented a petition of City and County of Honolulu, Hawaii, relative to Resolution No. 11-231, CD1 urging the Congress and the President to support and pass H.R. 2116; to the Committee on the Judiciary.

26. Also, a petition of the City of Miami, Florida, relative to Resolution No. 11-0334 urging the Congress to support the retention of the Low-Income Housing Credit Program; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

RECOGNIZING SHAWN NELSON ON THE OCCASION OF HIS RETIREMENT FROM THE CITY OF TEMECULA

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. ISSA. Mr. Speaker, I rise today to recognize the honorable public service of Shawn Nelson as he retires as City Manager of the City of Temecula, California.

Joining the City of Temecula in 1999, Mr. Nelson has been instrumental in improving the structure and services of the community. During his time, the City has grown quickly adding 32,000 new residents. Because of this, he has supported efficient community development, economic expansion, and job growth, making Temecula one of the most vibrant communities in the region. Mr. Nelson has worked tirelessly to improve infrastructure and has helped to encourage private investment in community projects.

Mr. Nelson has a long history of public service. Prior to his role in Temecula, he graduated from California State University, San Bernardino, in 1994 with a Masters of Public Administration. He has served as the Deputy City Manager of the City of Corona, was the Director of Community Services for the City of Temecula, the Parks Director for 29 Palms Park & Recreation District, the Recreation Supervisor for the 29 Palms Park & Recreation District, and the Recreation Leader of the Yucca Valley Park and Recreation District. His work has illustrated his dedication to the communities that he has served.

It is an honor to recognize Mr. Nelson on the occasion of his retirement after three decades of contributions to California communities.

Mr. Speaker, I ask you to please join me in recognizing Mr. Shawn Nelson's dedicated service to the City of Temecula and the state of California.

KEEP PAYMENT OPTIONS AVAILABLE FOR AMERICA'S SENIORS

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. KISSELL. Mr. Speaker, I rise today to bring before the House some serious concerns I have regarding the impact of certain paperwork reduction measures that are being considered by various agencies of the federal government and the seeming lack of concern on how this changes will affect senior citizens in North Carolina's 8th District.

We are all aware of the need to make government more efficient and reduce the costs of

services. The revolution in digital communications offers opportunities to do exactly that. However, I have noticed a troubling trend. In the rush to achieve these efficiencies, we may be unintentionally harming some of the most vulnerable people in our society by imposing new costs on folks with limited options.

For example, in May, the Social Security Administration implemented the first phase of a plan to eliminate the mailing of Social Security checks to recipients who have not registered for direct deposit of their monthly benefit checks. There are a number of reasons why all citizens don't sign up for direct deposit. Some like to physically take their check to the bank to be sure of the date it was actually deposited. There are others who are honestly skeptical of financial institutions and simply don't trust the direct deposit process. Another category is the so-called "un-banked" and they simply do not own a banking account.

A growing number of citizens, Mr. Speaker, are increasingly concerned about cyber-security and identity theft. They are limiting their use of computer technology for their most sensitive and important financial transactions. And with each week bringing news of data thefts, cyber security breaches and phishing scams, who can blame them?

So in place of their Social Security check, the Social Security Administration has begun to send out a debit card that will allow recipients to access their Social Security benefits electronically. Here's the problem: If you don't have a bank account and you are already skeptical of electronic transactions, how does a debit card work for you? It is very possible that many of the places folks in my district shop simply don't accept electronic payments. And for you to get cash from an ATM to use in those places means you are now paying a fee—after the first free transaction—for the privilege of spending your hard-earned Social Security Benefits.

What are older Americans to do when more of their limited income goes to pay bank fees for use of their debit cards? It would seem to me that instead of creating a more efficient and fiscally responsible government we may instead be shifting costs from the government to people least able to pay for the increased cost of these services. These unfair fees amount to a new tax on consumers.

Another example of the push to go completely electronic is the recent announcement by the Social Security Administration regarding the annual earnings statements. Not only is it an important tool for retirement planning, but it is also a critical way for hard working wage earners to confirm that the government has accurately recorded their earnings. The mailing of these statements is being discontinued. A more limited version of the form will eventually be available online, however, the all-important listing of a citizen's earnings by year will not appear in the online version.

Now why would citizens who are already concerned about cyber-security want to log in

with sensitive Social Security information in order to check their records? And for those citizens without a computer or the skills to use one, this new policy simply denies them the benefits of seeing the annual earnings statement altogether.

Mr. Speaker, I believe the digital revolution holds great promise for our nation. But we need to make sure in our "rush to digitize" that we are not leaving the middle class and vulnerable citizens behind and that the cost efficiencies we are creating are not simply a matter of shifting costs from the government to the people who cannot afford to pay another tax.

How do we make sure of that? One effective method would be through a comprehensive federal policy that will guide federal agencies in making sure that their digital transitions do not disenfranchise key blocks of our citizens. We should seriously consider a tough set of oversight hearings in the U.S. Congress to make sure that digital policies are being implemented fairly and deliberately.

Mr. Speaker, we cannot and we do not want to turn back the clock on the digital revolution. In an era when private sector financial institutions are implementing significant fees on customers who wish to continue to receive paper statements, however, we cannot allow our federal government to follow a similar path. Such discriminatory fees are wrong and we must insure that our government continues to serve all our citizens and does not adopt policies regarding access to information that penalize key segments of our population.

All Americans should be able to benefit from the digital revolution. However, the federal government must assure that its policies treat all Americans equally, with services provided in a manner and method that can be effectively utilized, whether on paper or otherwise. We owe it to all our citizens to insure these basic protections.

HONORING DOCTOR LUIS SERENTILL

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. DIAZ-BALART. Mr. Speaker, I rise today to honor Dr. Luis H. Serentill, an outstanding physician and person who supports our community and the ideals of freedom and democracy.

Dr. Serentill is a professor of surgery at the Herbert Wertheim College of Medicine at Florida International University. Graduated from the Salamanca University School of Medicine in Spain in 1968, and has been practicing in Florida since 1974. During this time he has served as a diplomat to the American Board of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Surgery, and was also appointed to the Florida Board of Medicine by Governor Bob Martinez from 1987 to 1991. He has been Chairman of the Department of Surgery at various hospitals in Charlotte County, Florida and President of the Charlotte County Medical Society.

One of Dr. Serentill's proudest moments was when he was able to join the operation "Sea Signal" Joint Task Force 160 at Guantanamo Bay in 1994. For his voluntary service to this operation he received a citation from the Commander. It is instances such as these that demonstrate Dr. Serentill's unselfish character and dedication to service.

On July 3, 2011, Dr. Serentill was awarded the Medal of the Order of Dr. Carlos J. Finlay for distinguished services to his profession and services to honor underserved nations. Dr. Serentill has always expressed his belief in the greatness of his adopted homeland, and the opportunities our nation provides. He continues to practice surgery and teach in Miami Dade County, and was recently appointed as the Scientific Director of the XXI International Medical Congress of the Cuban Medical Association.

Mr. Speaker, I am honored to pay tribute to Dr. Luis H. Serentill for his continued service to the Miami community and I ask my colleagues to join me in recognizing this outstanding individual.

IN HONOR OF PHIL TISI

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. ENGEL. Mr. Speaker, our communities thrive when their citizens contribute to the common good and general betterment of their home towns, serving for the love of their community. Phil Tisi is such a man. He has held, with distinction, many positions in the educational field as a leader, an educator, administrator and college adjunct instructor. After serving for 38 years in the school system and in various capacities at the high school and the Ramapo Central School District, he recently retired as Chairman of the Suffern High School Social Studies Department. In addition, for over a decade he has served as Deputy Supervisor, Interim Supervisor, and Assistant to the Supervisor in the Town of Ramapo.

When organizations are successful quite often it's because of one person making a difference, and in many cases in Ramapo that person is Phil Tisi. He has helped many communities and their leaders in the Town of Ramapo, as well as individuals, and non-profit agencies throughout Rockland County.

He is an integral part of successful patriotic and community events and town programs in general. He is especially helpful to veterans organizations, including, and perhaps especially, the Fred Hecht Post of the Jewish War Veterans, who are honoring him.

He has served as Co-Chair of all of their past thirteen concert programs of the Support the Troops and Salute to the Veterans. With his help, more than \$550,000 was raised to ship gift-paks and GI travel/hygiene kits to our

troops overseas in the Middle East and our Wounded Warriors in military hospitals. Phil Tisi has been commended 33 times for his good work with veteran groups, civic organizations and government agencies.

He was born in Dobbs Ferry and he and his wife, Alicia Cameron Tisi, a retired Registered Nurse, have three sons and a daughter.

I am proud to join in recognizing Phil Tisi for being an outstanding citizen and civic leader who has worked for his community and for our brave men and women serving in our Armed Forces. He is a shining example of what a citizen can accomplish for his community.

IN HONOR OF STEVEN ALTADESCU

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. ENGEL. Mr. Speaker, the education of our children is one of our most important tasks, preparing them for adulthood. At the Riverdale Temple the staff has been enormously helped by Rabbinic Intern Steven Altarescu, who has taught 3rd through 5th grades as well as an adult education course on Relationship in the Torah—Love, Sex and Violence; Parents and Children, Husbands and Wives, Siblings, Lovers, Us and God. The course is so popular that the congregants look forward to him returning next year to teach it.

He lives in Riverdale and is in his fourth year of rabbinical school at the Academy for Jewish Religion, a pluralistic seminary in Riverdale. He has also taught fourth, fifth and second grades at Temple Beth Shalom in neighboring Hastings-on-Hudson for thirteen years.

He is married and the father of two grown daughters, three stepdaughters and one stepson.

Steven brings a passion for Jewish spirituality, prayer and Torah study to our Temple and has contributed to a successful year in ways far beyond his actual responsibilities as our Rabbinic Intern. Steven has participated in worship services, preached, chanted Torah, and—behind the scenes—been the most generous, gracious and always available member of our synagogue staff.

The Riversdale Temple is grateful and proud to publicly acknowledge Steven's many, many contributions to the congregation, and to wish him every success in the rest of his rabbinic education, and in his future service to the Jewish community. I am proud to join the Riverdale Temple in this recognition and in the knowledge that his presence as a member of the rabbinate is a source of strength.

IN HONOR OF ELOUISE COBELL

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Ms. RICHARDSON. Mr. Speaker, I rise today to honor Elouise Cobell who passed away on Sunday, October 16, 2011. This ex-

traordinary individual led a 15 year fight on behalf of nearly 500,000 Native Americans who had their trusts mismanaged by the federal government.

Elouise Cobell filed a lawsuit in 1996 seeking justice for herself and the half million other American Indians who had their assets mismanaged by the U.S. Department of the Interior. After a lengthy battle in the courts, a \$3.4 billion settlement was announced in December 2009.

However, the fight was not over for Elouise Cobell. While a settlement was reached, Congress would still have to authorize payment for the settlement.

I was proud to support the Claims Resolution Act when it came before the House on November 30, 2010. This legislation authorized \$3.4 billion to settle the lawsuit, which became known as Cobell v. Salazar. The Claims Resolution also established a \$60 million education scholarship fund for Native American children. President Obama signed the Claims Resolution Act into law on December 8, 2010. This law came about because of Elouise Cobell's dedication in pursuing justice for the Native American community.

Mr. Speaker, California is home to over 100 federally recognized tribes. These tribes will reap the benefits of the works of Elouise Cobell.

I am also a proud member of the Native American Caucus. Elouise Cobell's dedication and courage is not just an inspiration to Native Americans, but to all Americans. Her work will not only benefit American Indians now, but also the generations that follow.

Mr. Speaker, I urge my colleagues to join me in honoring and celebrating the life of Elouise Cobell.

IN HONOR OF DEACONESS MATTIE LEE DIXON DAVIS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. ENGEL. Mr. Speaker, Deaconess Mattie Lee Dixon Davis didn't arrive in New York City until she was 39 but still she has lived here for 61 years and is celebrating her 100th birthday today.

She was born in Alabama on April 11, 1911 to Willie and Elar Dixon who had a farm in McWilliams. After graduating from Conecuh County Training School she married the Reverend Albert A. Davis, II who was pastor to many of the leading African Methodist Episcopal Churches. He served as Presiding Elder of Troy and then joined the larger Ozark District where Mrs. Dixon served as District Adviser of the Women's Missionary for nine years.

She worked as a substitute teacher in public schools and thanks to her earlier training she was seamstress and hairdresser to her family, her church family, and to her friends and neighbors.

In May, 1950, Rev. Dixon came to the St. Luke A.M.E. Church in New York City's Sugar Hill neighborhood where for 16 years Mrs. Dixon served as Advisor to the Missionary Society and President of the Women's Club. The

Missionary Society became so large that she reorganized it into five 'circles,' a structure that continues to this day.

Missionary work was always her main interest and she held several statewide offices in the New York Conference Branch Missionary Society including Second Vice President for three years, and Treasurer for eight years. She also served as President of the New York A.M.E. Ministers Wives and Widowers Alliance and Secretary of the Interdenominational Ministers Wives and Widows Alliance.

She and the Rev. Dixon moved to St. Steven Community A.M.E. Church where the Rev. Dixon served until he died 16 years later.

Her ambition was always to become a nurse, but raising their five children and missionary work made that impossible. But several years ago she helped a friend, a nurse, operate a 'House of Love' where patients discharged from hospitals, but too ill to go home, stayed. Here she not only helped with the daily care and feeding of these gravely ill people, but learned how to give medications and to handle injections. She was finally nursing, helping people in this hospice precursor.

Around this time she was consecrated a Deaconess at the Allen Cathedral A.M.E. Church by Bishop Franklin Norris.

I join her community in honoring this wonderful woman who gave a century of love and good works to the world. We are blessed to have her.

TRIBUTE TO SENATOR JOHN A. GIRGENTI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of an outstanding American and public servant, Senator John A. Girgenti, who will be recognized on Monday, October 24, 2011 for his many years of service to his community and to New Jersey's Legislature.

John A. Girgenti was born in Paterson on August 8, 1947. He attended Hawthorne High School then continued on to Seton Hall University. After receiving a B.A. degree in Political Science, cum laude, in 1969, he completed his M.A. in Government and Public Administration from St. John's University.

Senator Girgenti was elected to the New Jersey General Assembly in 1977, and re-elected six times. While in the Assembly he served as Chairman of the Municipal Government Committee and Deputy Majority Leader. As an Assemblyman, John sponsored legislation that created the Victims of Crime Compensation Board, successfully imposing the first "tax on crime."

In March of 1990, John Girgenti was chosen by district Democrats to fill the State Senate seat left vacant by the death of Frank X. Graves, Jr. He was sworn into the Senate on April 5th and was elected to his first full-term in the Senate on November 5, 1991. Since then he has been re-elected five times.

During his time in the legislature Senator Girgenti has sponsored many important pieces

of legislation that have become law. He was one of the first State Senators to call for enhanced fingerprinting requirements for state employees involved with domestic security following the attacks on 9/11. Senator Girgenti has also fought to update and modernize New Jersey's background check laws so municipalities can identify potential threats before it is too late.

Following the Seton Hall University dormitory fire in 2000 Senator Girgenti was instrumental in putting forth legislation that mandates and provides funding for sprinkler installation in New Jersey college dormitories. He has also sponsored other landmark legislative measures that include Megan's Law, Amber Alert and the Paterson Urban Enterprise Zone Program. The Senator spearheaded the re-instatement of the Paterson Motor Vehicle Agency and was the momentum behind it's re-opening in 2008.

In response to the growing gang problem in New Jersey, Senator Girgenti has helped formulate pragmatic legislative solutions to eliminate criminal street gangs. He formed a "Gang Task Force" in 2006 composed of experts from government, law enforcement, education, local clergy and recreation to review and evaluate legislative measures aimed at circumventing gang activity.

The Senator has also fought to create the State Public Safety Interoperable Communications Coordinating Council, which would allow first responders (police, firefighters and emergency workers) to communicate between agencies on a single assigned radio frequency. Senator Girgenti also pushed for increased aid to the New Jersey National Guard.

Senator Girgenti is currently the Chairman of the Law & Public Safety Committee and Vice Chair of the Senate Judiciary Committee. He also serves on the Senate Transportation Committee. On April 5, 2011 Senator Girgenti announced that he will not seek re-election to the Senate in 2011. His leadership in the state will be missed by his colleagues and his constituency.

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to working with and recognizing the efforts of dedicated public servants like John Girgenti.

Mr. Speaker, I ask that you join our colleagues, John's wife Rose, their family and friends, the members of the New Jersey State Legislature and me in recognizing John A. Girgenti's outstanding service to his community and the entire State of New Jersey.

IN HONOR OF PROFESSOR EDMUND W. GORDON

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. ENGEL. Mr. Speaker, Professor Edmund W. Gordon is among the most distinguished behavioral pedagogical scientists in the United States and one of the very few in the world to hold two endowed Ivy League professorships at Columbia and Yale universities.

More directly related to my Congressional District, he is Senior Scholar in Residence at State University of New York Rockland Community College as well as at the College Board.

His distinguished career encompasses not only professorial practices but scholarship, clinical and counseling psychology, research, author, editor, and minister. Besides Columbia and Yale, he has held appointments at Howard and Harvard Universities.

He has written text books that are considered classics in their field, as well as more than 200 articles in scholarly journals and he is still going in his eighties. He and his wife, Dr. Susan Gordon, have lived in Rockland County for more than 55 years and with whom he co-founded CEJES Institute and Conference Center in Pomona. Their four children attended the local Ramapo schools and both parents were very active in the PTA, school board elections, and other community matters.

Dr. Gordon is being honored by the Howard University Alumni Association for his seemingly unending contributions to society. As a former teacher I join with HUAA in congratulating Dr. Gordon for these contributions which have advanced education in our society over the course of generations.

HONORING PHYLLIS MARINO FOR HER INVALUABLE CONTRIBUTIONS TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Ms. DeLAURO. Mr. Speaker, it is my privilege to rise today to join the many family, friends, and colleagues who have gathered to pay tribute to my dear friend, Phyllis Marino, as she is honored by the Connecticut Democratic State Central Committee with one of their 2011 Women's Leadership Awards. Phyllis has been a mainstay of the New Haven political arena for as long as I can remember and today her many contributions will be recognized with this very special award.

Each year, in the spirit of the late Governor Ella Grasso, the Democratic State Central Committee selects ten women whose extraordinary leadership and contributions have made a difference in their communities. The annual Women's Leadership Awards celebrate the innumerable ways in which women, through their work in the political arena, have helped to shape our communities.

The letter nominating Phyllis for consideration said it best—"In life, never mind in politics, you meet very few people who do what they do every day because they believe in a cause and not to benefit themselves—a person who truly gives of themselves with no expectation in return. She is also a person of conviction . . . and her word is her bond no matter what the consequences." I could not describe Phyllis better than that.

Her involvement in the New Haven community came at a very young age. Like so many of us, Phyllis learned the value of community service at the feet of her parents. She stuffed envelopes, campaigned door-to-door, and

made thousands of phone calls on behalf of candidates and issues. As a young adult, she was charged with managing headquarters and political operations throughout the city. Phyllis earned the most distinguished of reputations and for many years she has been the one that newcomers turn to when they want to get involved. She has guided countless young people to success and has served as an inspiration to them all.

Her history with city of New Haven, its residents, and the many changes they have witnessed over the years makes Phyllis an invaluable resource to anyone who wants to get involved in New Haven's political arena. I would be remiss if I did not extend a personal note of thanks to Phyllis. I have known Phyllis most of my life—our fathers were good friends and worked together in the community. Phyllis has long been one that I can always count on for support and encouragement. People often invoke the phrase "I stand on the shoulders of giants"—for me one of those giants is Phyllis Marino.

I am proud to join her son and daughter-in-law, Pat and Pam; her daughter, Andrea; grandson, Gennaro; and all of those who have gathered today to congratulate Phyllis Marino as she receives this well-deserved recognition.

IN HONOR OF DR. SUSAN S.
GORDON

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. ENGEL. Mr. Speaker, Dr. Susan S. Gordon has, for more than 50 years, lived and has been active in Pomona where she and her husband, Dr. Edmund W. Gordon, raised four children and where she was active in her school district, her community and as a pediatrician.

She graduated from the Howard University College of Medicine and is a Licentiate of the American Board of Pediatrics and a Fellow of the American Academy of Pediatrics. She was also named an Associate Professor of Pediatrics, initially at New York Medical College and then at Columbia University's College of Physicians and Surgeons. From 1978 to 1981 she was a member of the National Panel on the Measurement of the Program Effects of Head Start.

For eight years she served on the Board of Education of the East Ramapo Central School District, where, for three years, she was also president. She also served, for 20 years, on the board of the Lexington School for the Deaf where the Health Center was named in her honor. She added to her humane service resume by travelling to West Africa for four summers to train workers in providing educational and health services and in Nicaragua she trained local people in family planning and child health maintenance.

Both she and her husband are in the Rockland County Hall of Fame. Dr. Gordon is being honored by the Howard University Alumni Association for their life's work and outstanding contributions to society. I join with HUAA in honoring Dr. Gordon for her outstanding

record of accomplishment, in Rockland and Westchester and throughout the world.

IN CELEBRATION OF JOHN J.
AREIAS' 90TH BIRTHDAY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. COSTA. Mr. Speaker, I rise today to commemorate the 90th birthday of Mr. John J. Areias, a respected leader, distinguished dairyman, and wonderful father, grandfather, and friend. His contributions to our community have been immeasurable and have made the San Joaquin Valley a better place to live.

John J. Areias was born on April 27, 1921 to Jesse Areias and Genevieve Silva Areias, who emigrated to the United States from Portugal's Azore Islands. John, his parents, and eight siblings settled in Volta, California, where they operated a small dairy. A proud product of the Central Valley, John graduated from Volta Elementary School as the valedictorian and then Los Banos High School, where he was a part of the Future Farmers of America (FFA) and served as Senior Class President.

As a young man, John's passion for agriculture was evident. In high school, he traveled with the FFA to the International World Fair in Treasure Island and to the California State Fair to show cattle. It was also at this time that he met the love of his life, Mary, whom he later married. One of John's fondest memories is driving his future bride around in his 1939 Plymouth Deluxe Rumble Seat Convertible.

Soon thereafter, John and Jess, his brother, went into the dairy business. Their pioneering spirit made them innovators in the dairy industry; their dairy was the first Grade A dairy in the Los Banos Dairymen's Association. Eventually, John and Jess became the operators of one of the largest dairies in California, shipping approximately 150 cans of milk every day. Despite their massive success, their dairy operation remained a family business at heart—their children would often ride along in the milk truck during deliveries. John's success allowed him the opportunity to operate ranches throughout the west side of Merced County, California, which included 6,000 acres of land and 4,500 head of cattle.

Through all of his professional endeavors, John has found time to serve his community. A devout Catholic, he served as Grand Knight for the Knights of Columbus. In addition, he was active in the Portuguese Fraternal Order. His consistent involvement in our community makes him an invaluable asset to the people of the Central Valley.

John's wife, Mary passed away in 1980 after a brave battle with cancer. Together they have four wonderful children: Marcia, Lucia, Kathleen, and Rusty, all of who have accomplished great things. John is also the proud grandfather to Evan, Nina, Bianca, Alexis, and Austin.

Mr. Speaker, I rise to thank John for his wonderful contributions to our Valley. His commitment to family, community leadership, and hard work is admirable and makes him a role

model for our entire community. I join the rest of John's family and friends in wishing him a blessed 90th birthday and continued health and happiness in years to come.

IN HONOR OF WILLIAM GONZALEZ

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. ENGEL. Mr. Speaker, Social Security is such an integral part of so many lives in our communities that it is with some sadness that I congratulate William Gonzalez, the Operations Supervisor of the West Nyack office on his retirement after 35 years of exemplary service.

He has faithfully served the people in my district for those years, starting as a Claims Development Clerk in the Baychester district office in the Bronx. After a short time, he rose to Claims Representative. He later served as a Field Representative and became an Operations Supervisor in 1989. He was reassigned to the West Nyack, NY district office in 1996 and established himself, over many years, as a liaison for a number of community and social agencies such as the Department of Social Services, Housing and Urban Development and as a contact for law enforcement in Rockland County.

He received many performance awards throughout his career including recognition for his pivotal role in the Region's Bi-Lingual Interviewing Skills Training initiative and for his participation in supervisory training for his peers.

He always managed to find time for many community service endeavors. He chaired the Suffern Community Development committee from 1998 through 2004. He was an original member of the Suffern Community Foundation and participates in the Friends of Sloatsburg organization. He currently serves as an elected member of the Ramapo Central School Board, coached little league for many years and, most recently, has coached the Suffern High School varsity bowling team.

Bill and his wife Ada have two children; Eric a graduate of Syracuse University, and Alexandra, attending Siena College.

I want to congratulate Bill Gonzalez for his great service over so long a period to the people of New York. He has truly earned a happy retirement.

HONORING BISHOP QUINCY
LAVELLE CARSWELL

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, Bishop Quincy Lavelle Carswell, is celebrating fifty (50) years in preaching the gospel this year and has provided stellar leadership to his church on an international level; and

Whereas, Bishop Quincy Lavelle Carswell, under the guidance and calling of God began preaching the word of God as a child and has transformed over the years as pastor of the historic Tabernacle Baptist Church in Atlanta, Georgia, from 1975–1992, founding Covenant Ministries of Metropolitan Atlanta in 1993; and Whereas, from Miami, Florida to Atlanta, Georgia, he has transformed, trail blazed and taught the gospel on a national and international level wherein the lives of many have been touched; and

Whereas, this remarkable and tenacious man of God has been and continues to be a blessing to us as a spiritual leader, an educator and a community leader who not only talks the talk, but walks the walk; and

Whereas, Bishop Carswell is a spiritual warrior, a man of compassion, a fearless leader and a servant to all, but most of all a visionary who has shared not only with his Church, but with our District and the world his passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Bishop Quincy Lavelle Carswell, as he celebrates his 50th Pastoral Anniversary;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim October 23, 2011, as Bishop Quincy Lavelle Carswell Day in the 4th Congressional District of Georgia.

Proclaimed, this 23rd day of October, 2011.

IN HONOR OF THE TWENTIETH
ANNIVERSARY OF ILLYRIA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. ENGEL. Mr. Speaker, this month marks the 20th anniversary of the establishment of Illyria, the Albanian-American newspaper. Illyria has been in the forefront of supporting the aspirations of the Albanian people in The Balkans for 20 years.

As the Albanian people of Kosova in the former Yugoslavia emerged from the domination of Serbia, and Albania emerged from the shadow of communism in 1991, Albanian-Americans were in need of information about their homeland, and a common voice to bring their community together. In that time of great transition, Harry Bajraktari, an Albanian immigrant from Kosova who had built a successful real estate business from scratch in the Bronx, founded and published Illyria, and published it twice weekly in both English and Albanian.

From the beginning, Illyria provided a valuable bridge among Albanians in the U.S. and abroad, and our leaders in the United States. Through the dedication and passion of Mr. Bajraktari and his colleagues, Illyria championed the causes of human rights, democracy and freedom for the people of Albania, Macedonia, Montenegro and for a free and independent Republic of Kosova. During the Yugoslav wars and the struggles of Albanians in Kosova against the regime of Slobodon Milosevic, Illyria promoted peaceful solutions for Albanians and their neighbors. Diplomats at the United Nations, members of Congress,

officials at the State Department, the White House and think tanks in Washington were among those who used Illyria as a resource.

Now in more peaceful times for Albanians, Illyria, true to its immigrant roots, continues to build ties between the Albanians and the United States, promoting friendship between our countries and highlighting the contributions of Albanian immigrants to the United States. The long list of distinguished Albanian-Americans introduced to readers by Illyria includes a Nobel-Prize winner, an engineer who oversaw the flight of the Apollo 11 mission to the moon, a former NASA astronaut who flew into space on the Space Shuttle *Endeavour*, famous actors, directors and TV personalities, and successful professionals of various fields.

The torch of owning and publishing Illyria was passed from Mr. Bajraktari to Ekrem Bardha, a successful Albanian-American businessman from Michigan and then to Vehbi Bajrami, a dedicated publisher. Through two decades and three owners, Illyria has been a consistent voice for tolerance and truth. As Ismail Kadare, the internationally-renowned Albanian writer said, Illyria has kept "only one passion as sacred: its dedication to the freedom and the happiness of the Albanian people." Mr. Speaker, these are two of the principles that have made this country the greatest democracy in the world, and which unite Albania and the United States in friendship today.

With thousands of readers from New York to Alaska, Illyria newspaper is truly an American institution—politically independent and true to the best values of American journalism. In short, Illyria embodies the American dream. I join with Harry Bajraktari and with Albanian-Americans in the United States and around the world, in wishing a happy 20th anniversary to Illyria newspaper.

IN HONOR OF MR. RANDELL
MCSHEPARD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Randell McShepard, the vice president of public affairs for RPM International, Inc., for being named the 2011 Black Professional of the Year by the Black Professionals Association Charitable Foundation (BPACF).

Born and raised in Cleveland, Ohio, Mr. McShepard graduated from John F. Kennedy High School. He later earned Bachelor of Arts degrees in psychology and communications from Baldwin-Wallace College before attending Cleveland State University's Maxine Goodman Levin College of Urban Affairs to obtain a Master of Science degree in urban studies. He has since been inducted into the John F. Kennedy High School Hall of Fame and named a Distinguished Alumnus of Cleveland State University.

Prior to taking on his role as vice president of public affairs for RPM International, Inc., Mr. McShepard has held a number of roles in the non-profit sector. After graduating from Bald-

win-Wallace College, he began working as the manager of the training services division for Vocational Guidance Services. Randell was responsible for the creation of a number of job training and placement programs for the vocational rehabilitation facility. He later began working for the Cleveland Bicentennial Commission as the assistant director of administration and program development. In May, 1997 Mr. McShepard became the executive director for City Year Cleveland where he led more than 220 corps members. He was hired by RPM International Inc. at the beginning of 2001 as their director of community affairs. In October 2007 he was promoted to his current role as vice president of public affairs.

In addition to his career, Mr. McShepard is an active member of the Greater Cleveland community and volunteers his time with several organizations. He serves as the Chairman-Emeritus for the Sisters of Charity Foundation, vice-chairman of the Fund for Our Economic Future, and is involved with Business Volunteers Unlimited, the Cleveland School of Science and Medicine and Baldwin-Wallace College.

Mr. Speaker and colleagues, please join me in congratulating Mr. Randell McShepard on being named the 2011 Black Professional of the Year.

HONORING DENNIS ZIEMIENSKI OF
GLENN ELLEN, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today with my colleague, Representative LYNN WOOLSEY, to honor Dennis Zieminski, the 2011 Sonoma Treasure Artist. An internationally known artist from Glenn Ellen, California, Mr. Zieminski is also a prominent supporter of art events in the Sonoma Valley.

Born and raised in San Francisco, Dennis graduated from the California College of Arts and Crafts before moving to New York for a successful career in illustration and painting. He worked with Time-Life, Levi-Straus, Rolling Stone, and the New York Times and has created compelling images for many high profile clients such as Super Bowl XXIX, the Napa Mustard Festival, the Kentucky Derby, the California Railway Museum, and the San Francisco Zoo.

An internationally acclaimed painter, Dennis has had several solo exhibitions, won numerous awards, taught at prominent art schools, and illustrated well-known book covers. He has also volunteered his teaching skills at local schools and has donated auction paintings or created posters for local Sonoma Valley nonprofits.

Dennis' work is marked by fine draftsmanship and strong, richly colored images inspired by early 20th century painting and posters. He travels frequently to develop different ideas and sensibilities. "I love to paint my native California and the West," he says, "but the land of my ancestors, Italy and the Mediterranean, has also been a frequent subject . . . it is also important for me to use a romantic

sense of history and place, when required, to create a vision that lures the viewer into the picture, creating the desire to 'be there.'"

Dennis is married to artist Anne Ziemienski, and the couple's daughter, Sofia, attends the University of the Redlands.

Mr. Speaker, we are pleased to congratulate Dennis Ziemienski for his designation as the Sonoma Treasure Artist of the Year for 2011. Please join us and the Sonoma Valley Community in celebrating his accomplishments and contributions.

IN RECOGNITION OF CLEVELAND
TENANTS ORGANIZATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Cleveland Tenants Organization.

The Cleveland Tenants Organization was established in 1975 after the passage of the Ohio Landlord-Tenant Law to assist landlords and tenants in understanding the new law and their rights and responsibilities outlined in the law. The mission of the organization is to preserve and expand the supply of safe, decent, fair, affordable and accessible rental housing in Greater Cleveland by informing citizens of their rights and duties in rental housing; representing tenants and the interest of tenants in the preservation and promotion of rental housing rights; empowering tenants individually and collectively to represent themselves and their interests; advocating for the needs of low and moderate income tenants; resolving disputes between landlords and tenants; preventing homelessness; and combating discrimination in housing based on race, religion, color, gender, handicap, familial status, military status, social/economic class, and sexual orientation.

Over the past thirty-six years, the organization has continued to grow and expand to include programs and services for Greater Clevelanders concerned with rental information, foreclosure/eviction diversion, community education, equal housing opportunities, healthy homes and homeless prevention. In 2010, CTO reached out to and assisted over 35,000 households.

Mr. Speaker and colleagues, please join me in recognition of the Cleveland Tenants Organization and their remarkable contributions to our community.

REGARDING THE PACKAGE OF
TRADE BILLS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. VAN HOLLEN. Mr. Speaker, my policy regarding trade agreements has always been to consider each agreement on its merits. I have supported some FTAs and I have opposed others based on a careful consideration of the details of the legislation and the pros

and cons associated with them. In each case, I apply the following test: Will the agreement help the American economy and American workers?

It is by that standard that I measured the trade package we are considering today containing the House passed renewal of the Generalized System of Preferences for poor countries; trade adjustment assistance to support those American workers who may be harmed in specific cases; and the long pending free trade agreements with Panama, Korea and Colombia. After considering each of these agreements, I have decided to support them.

For too long, the U.S. automobile industry has had only limited access to Korea's auto market. In 2010, over 500,000 Korean autos were sold in the U.S. while only 14,000 American cars were sold in Korea. The Obama Administration negotiated with the Korean government and corrected that imbalance while increasing American access to other areas of the Korean economy such as its lucrative financial services and IT sectors. The agreement is supported by the United Auto Workers and the American auto industry.

The Panama FTA increases the access of American goods and services to Panama's economy while also addressing long-standing concerns about the quality of Panama's workers protections and about its status as a tax-haven for those Americans trying to avoid paying their fair share of taxes. Through close negotiation with the Panamanian government, the Obama Administration and Members of Congress have addressed those concerns.

The Colombia FTA is also a win for the American economy. The benefits Colombia has enjoyed as a result of its membership among the GSP recipient countries has meant that it has had significant and one-sided access to the American market. This FTA balances that relationship so that now American companies enjoy the same access to Colombia's growing economy that Colombia has enjoyed in the U.S. for decades.

Colombia has struggled with a violent past, including the targeted execution of labor organizers. With the accession of the Santos Administration and its commitment to addressing this serious problem, encouraging headway has been made. As an indication of its good faith, the Santos Administration has passed into law 75 percent of the requirements of the "Action Plan" it negotiated with the Obama Administration, including the adoption of standards required for approving trade agreements and establishing an ILO office in Bogota to monitor labor violations. Colombia has made significant progress toward penalizing those companies trying to circumvent collective bargaining agreements through the use of 'collectives' and it has created a separate Ministry of Labor to give Cabinet-level attention to critical labor issues. Passage of the Colombia FTA will encourage the Colombian government to continue these reforms.

Each of these bills increases opportunities for American companies and consumers while helping to spread those economic benefits widely for American workers here and abroad. The American economy cannot afford to sit on the sidelines as other countries form trade partnerships. As we aggressively pursue trade and export opportunities around the globe,

steps we take to protect our workers at home, such as TAA, are critical.

Together, these trade measures represent the strong commitment of Congress and the Obama Administration to promoting job growth in the U.S. I encourage my colleagues to join me in supporting these important pieces of legislation.

IN HONOR OF THE HONORABLE
JUDGE RAYMOND PIANKA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Honorable Judge Raymond Pianka, who is being recognized at the Cleveland Tenants Organization's Masquerade Benefit on October 21, 2011.

Born and raised in Cleveland, Ohio, Judge Pianka has dedicated his career to the betterment of the City of Cleveland. He attended Cleveland State University (CSU) and earned a Bachelor of Arts degree in political science. In 1977, he earned a Juris Doctor Degree from the CSU's Cleveland Marshall Law School and was admitted to the Ohio bar in 1978. While attending school, Judge Pianka was instrumental in establishing one of the first neighborhood-based development organizations in Cleveland, the Detroit Shoreway Community Development Organization and became the executive director.

Judge Pianka ran and was elected to the Cleveland City Council in 1985. During his ten years in office, he served as chairman of the Community and Economic Development Committee and Legislative Committee. He was a major contributor for legislation regarding the Housing Trust fund, City Works Program, Landlord Drug House Responsibility Ordinance, Anti-Graffiti Ordinance, Regulation of Nuisance Pay Phones, Small Business Micro Loans, Preservation of Brick Streets, Tenant Emergency Water Turn On Act and the Land Bank Utilization Ordinance among others.

Judge Pianka was elected as the presiding and administrative judge of the Cleveland Municipal Court's Housing Division in 1996 and continues to serve in this role. During his ongoing tenure, Judge Pianka has implemented the Selective Intervention Program and Warrant Capias Program. He has also developed the Landlord Seminar Workshop, Housing Code Enforcement Advocates Forum and educational materials for the public on topics concerning home maintenance, the law and the navigation of Housing Court.

Mr. Speaker and colleagues, please join me in honoring the Honorable Judge Raymond Pianka as he is recognized at the Cleveland Tenants Organization's Masquerade Benefit for his service and work to sustain Cleveland's neighborhoods.

HONORING JOSEPH GEREMIA AS
HE IS HONORED BY THE CON-
NECTICUT GREENHOUSE GROW-
ERS ASSOCIATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the Connecticut Greenhouse Growers Association as they pay tribute to one of their outstanding members and my good friend, Joe Geremia. Joe's extraordinary contributions to Connecticut's agriculture industry have gone a long way in ensuring that the needs of greenhouse growers are not only heard but acted upon. In fact, just last year, Joe was recognized for his incredible work by the State of Connecticut when he was named the 2010 Outstanding Young Farmer.

With an estimated three hundred commercial greenhouse businesses, housing eight million square feet of production space, greenhouse production is a critical piece of Connecticut's agriculture industry. Today, the production of flowers and plants is the biggest segment of Connecticut agriculture, accounting for nearly three-fourths of all crop agriculture. This makes Connecticut second in the Nation in terms of the proportion of ornamental horticulture to crop agriculture.

Agriculture is not only Joe's occupation, it is in his blood. Coming to America just after the turn of the century, Joe's grandfather raised vegetables on the family's sixteen-acre farm. His passion for growing was passed on to his children and eventually on to Joe who got started in the business working with his father. In the beginning, Joe's father had just half an acre in greenhouse production. Just after leaving high school, Joe jumped into the wholesale greenhouse business with both feet—and he has never looked back.

What is so wonderful about Joe is that he is always looking to learn, to expand his knowledge and apply all of that to his business. He traveled to the Netherlands to learn about the latest greenhouse, agriculture, and distribution technology as well as Ontario to observe their vegetable production research and learning systems. He brought the best of these lessons back to his own business and shared them with his fellow greenhouse growers. His dedication to finding solutions to agriculture's challenges is probably best evidenced in the research greenhouse that he built at Connecticut's Agriculture Experiment Station's Lockwood Farm where, in partnership with the Station and the University of Connecticut, Joe and scientists are investigating methods of eliminating wastewater and reducing fertilizer in run-off—a win-win by providing the industry with more efficient and cost-effective irrigation methods while also protecting the environment which they depend on for success.

One of the issues that Joe has devoted much of his time to is energy efficiency and it is through these efforts that I have gotten to know Joe so well. Over the last few years, he has retrofitted his greenhouse to be heated with biomass boilers instead of traditional oil.

Utilizing this technology, Joe has not only created new business choices for himself, but has created new business for local arborists and landscapers whose wood waste products would otherwise be left to decay. I have been so impressed with his work that I have taken every opportunity to get our federal officials, like USDA Deputy Secretary Kathleen Merrigan, out to see his operation. He is leading the way for Connecticut's agricultural future.

I am proud to stand today to join the Connecticut Greenhouse Growers Association as well as his wife, Dawn; their children, Madeline, Luke, and Liam; and the many family, friends, and colleagues who have gathered to recognize the outstanding efforts of our friend, Joe Geremia. Congratulations Joe—with your enthusiasm, commitment and energy, there is nothing that you will not accomplish.

IN HONOR OF MR. RICHARD
CORDRAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Richard Cordray, the former Attorney General of Ohio who is being recognized and is delivering the Keynote Speech at the Empowering and Strengthening Ohio's People's (ESOP) Annual Gala.

Mr. Cordray was born on May 3, 1959 in Grove City, Ohio. He attended Grove City High School and graduated as the co-valedictorian of his class in 1977. He went on to attend Michigan State University's James Madison College and earned a Bachelor of Arts degree in legal and political theory in 1981. During his undergraduate studies, Mr. Cordray interned for former U.S. Senator John Glenn. After completing his BA, he went on to earn his Master of Arts in economics from the University of Oxford and his Juris Doctor from the University of Chicago.

Mr. Cordray began his career as a law clerk for the U.S. Supreme Court and just two years after earning his J.D. was hired by the international law firm of Jones Day in Cleveland, Ohio. He ran and was elected as a member of the Ohio House of Representatives for the 33rd District from January 7, 1991 to December 31, 1992. Following his term in the Ohio State House, Mr. Cordray was appointed as the first Ohio State Solicitor and served in this role from September 1993 to 1994. He was elected to Ohio Democratic Party Central Committee in 1996. Following several years of private practice, Mr. Cordray served as Franklin County Treasurer from December 2002 to 2007. He successfully ran for Ohio State Treasurer in 2006 and held office until 2009 when he became the Ohio State Attorney General. Mr. Cordray's term as Ohio Attorney General ended in January 2011. He has been nominated by President Obama to serve as Director of the United States Consumer Financial Protection Bureau.

Mr. Cordray currently lives in Grove City, Ohio with his wife of ten years, Peggy. The couple has a set of twins, Danny and Holly.

Mr. Speaker and colleagues, please join me in congratulating Mr. Richard Cordray as he is honored by ESOP's Annual Gala on October 20, 2011.

IN HONOR OF MR. WILLIAM "BILL"
ORTH

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. ANDREWS. Mr. Speaker, I rise today to honor Mr. Bill Orth's years of tireless public service to Pennsauken Township, New Jersey. A beloved former Mayor and member of the Township Committee from 1981 to 2011, Mr. Orth has gone above and beyond in his dedication and commitment to his community.

Mr. Orth was determined to use his position to invigorate the township, spearheading a successful downtown revitalization campaign. He was instrumental in dedicating a monument and park to Pennsauken's veterans, and erecting a memorial sculpture in honor of the victims and heroes of 9/11. He has represented the township of Pennsauken and the state of New Jersey with enthusiasm and care, and Pennsauken and this Congress are proud to recognize him for the work he has done.

Mr. Orth also made it a priority to bring performers from far and wide to Pennsauken, and his devotion to widening the musical experiences of his community will be remembered for generations to come. His talent and loyalty to Pennsauken's musical theater community made Pennsauken's productions large-scale events.

In addition, Bill began the charitable organization, Pennsauken Neighbors Helping Neighbors, which gives small grants to community members in need to better their lives in times of financial difficulty. The charity's goal is simple: help Pennsauken residents help each other. This selflessness and desire to help others are perfectly representative of Bill Orth's attitude towards life.

Mr. Speaker, Bill Orth's endless dedication to Pennsauken Township should not go unrecognized. I join the township and all of South Jersey in paying tribute to this exceptional man.

IN HONOR OF THE 95TH ANNIVER-
SARY OF THE CALL & POST

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Cleveland's Call & Post newspaper which is celebrating its 95th anniversary on November 3, 2011.

The Call & Post was established in 1928 when the Cleveland Call and the Cleveland Post merged. The Cleveland Call and Cleveland Post were newspapers that had been independently serving Cleveland's African American community since 1920. The Call &

Post was a struggling publication the first several years it was in circulation. However, in 1932, when Baltimore's William Otis Walker came to manage the paper, the Call & Post began to grow and prosper. The Call & Post increased from four pages to twelve and its circulation more than tripled. Mr. Walker partnered with P-W Publishing Co. and ran the paper until the early 1980s. Under Mr. Walker's leadership, the Call & Post became one of the best African American newspapers in the country. In 1959, the Call & Post extended its circulation and began running editions for the cities of Columbus and Cincinnati as well as a state-wide edition.

Don King bought the Call & Post in 1998 and remains the paper's owner and publisher. The publication still runs a statewide edition. The weekly edition of the Call & Post features local news in Cleveland, Columbus and Cincinnati and includes the Call & Post 2nd edition, an arts and entertainment tabloid. The paper has received recognition from the National Newspaper Publishers Association and the Press Club of Cleveland.

Mr. Speaker and colleagues, please join me in honoring the 95th anniversary of one of the nation's most prominent African American newspapers, the Call & Post.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,939,232,547,985.08.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,300,806,801,691.28 since then. This debt and its interest payments we are passing to our children and all future Americans.

IN HONOR AND MEMORY OF MR. JOHN KILEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and memory of Mr. John Kiley, the co-director of the Freedom House, which was the precursor to Cleveland's Ed Keating Center.

John was dedicated to serving the country and the public starting at a young age. He served with the U.S. Air Force for twenty years, including three tours in Vietnam, before retiring. He was a member of the 1041st Security Police Squadron at Hawaii's Schofield Barracks. Later, John worked as a counselor at Cleveland's Stella Marris and the Ed Keating Center. He was also the co-director of Cleveland's Freedom House.

The Ed Keating Center was founded in 1998 by Jack Mulhall and Phyllis Eisele-

Curran, who had previously founded Freedom House in 1991. It is a non-profit organization and sober living facility for those addicted to drugs and alcohol that serves adults regardless of their financial well-being. The Ed Keating Center offers a six month in-house rehab program, a three-quarter house program and a work release program for its patients.

I offer my condolences to John's wife Susan; daughters Kerry, Shannon (deceased), Angela and Merry; siblings, Susan and Terry; and all of his nieces and nephews.

Mr. Speaker and colleagues, please join me in honoring the memory of Mr. John Kiley. His legacy will live on through the work of Cleveland's Ed Keating Center.

LEO P. VERGNETTI

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. BARLETTA. Mr. Speaker, I rise to honor Leo P. Vergnetti, the 2011 honoree at the American Cancer Society Ball of Hope in Scranton, Pennsylvania, on October 28, 2011. Mr. Vergnetti has been a dedicated supporter of the American Cancer Society for decades. This is a charity that has been very close to his heart since his beloved wife, Carol, passed away due to cancer in 1984. Mr. Vergnetti turned this tragic event in his life into a reason to champion cancer research. His efforts have raised significant funds to support cancer services in his home region of Northeastern Pennsylvania.

Mr. Vergnetti's work with children has enabled many suffering with cancer to attend Camp Can-Do. This is a camp for children who are receiving cancer treatment. The ability to attend this camp and interact with other children going through the same trials and tribulations is empowering. Mr. Vergnetti has raised money to give several children this life-affirming experience and escape the stress of the disease that they are fighting.

Not only is Mr. Vergnetti a former chairman of the American Cancer Society's Board of Ambassadors, but he is also the founder. At a time when 1.4 million new cancer cases are expected in this country during the next year, having a group of community leaders gathering ideas for advancing the ACS's mission is pivotal.

As a philanthropist, Mr. Vergnetti has been a pivotal part of securing funding for many other charities including the Wyoming Children's Association, the Scranton Relay for Life Committee, and the Muscular Dystrophy Association.

Mr. Speaker, it is fitting that the American Cancer Society honors a man who has donated so much of his time and effort to such a worthy cause. I am certain that his hard work and dedication will not end here. Fighting for those enduring cancer and furthering research to help find a cure are close to Leo Vergnetti's heart, and it is my pleasure to acknowledge all of his efforts here today.

160TH ANNIVERSARY OF THE UNIVERSITY OF THE DISTRICT OF COLUMBIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing the 160th anniversary of the University of the District of Columbia, the only public institution of higher education in our nation's capital.

The University of the District of Columbia, then known as the Colored Girls School, was founded by Myrtilla Miner on December 4, 1851. Over the next 160 years, the single-room schoolhouse flourished into an exceptional institution offering academic programs to generations of students. The University, as we know it today, was formally established by a 1974 Act of Congress, and became a land-grant institution in 1862. Today, it is the only completely urban land-grant institution in the country.

The University serves over 5,300 students and offers more than eighty undergraduate and graduate programs across six colleges. The University's new community college, established under the leadership of University President Dr. Allen Sessoms, is thriving and provides its students with associate, certificate, and workforce development programs in high-demand fields.

Continuing its legacy of excellence in teacher education, which began with the Miner and Wilson Normal Schools more than a hundred years ago, the University recently founded the National Center for Urban Education, which will prepare teachers for the unique demands of our nation's urban schools.

Fulfilling its land-grant mission, the University is pursuing an aggressive research agenda in dozens of areas, including renewable energy, urban sustainability, cancer biology, applied statistics, and computer science.

The David A. Clarke School of Law, which joined the University in 1996, is the second most diverse law school in the country. Its unique emphasis on clinical education led Attorney General Eric Holder to declare its clinical programs a model for other law schools. This year, law students will provide over 85,000 hours of pro bono legal assistance to our community.

To support its recent growth, the University is undergoing a massive physical transformation, with three major satellite campuses and a community college that opened in the past two years, upgrades to the main Van Ness campus, and a new state-of-the-art student center, which we will soon break ground on.

Although the University was born out of the humble beginnings of a one-room school house, it has been dedicated to excellence in education and opportunities for all of its 160-year history. I am proud of the University and ask the House to join me in commending the University community on its accomplishments over the last 160 years.

HONORING THE 100TH ANNIVERSARY OF ST. MONICA'S CHURCH

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to St. Monica's Catholic Church in San Francisco's Richmond District on the occasion of its 100th Anniversary. The Anniversary Mass will be celebrated by Bishop Robert McElroy and Fr. John Greene, pastor of St. Monica's Church and chaplain to the San Francisco Fire Department.

The Richmond District of San Francisco had expanded after the 1906 earthquake and its Catholic residents needed a congregation. St. Monica's Parish was founded in January 1911 and the church was built in 1918 funded by donations of the parishioners. From its humble beginnings, when the Richmond District was made up of mostly Irish-American and Italian-American residents, the parish has become a spiritual home to an ethnically and culturally diverse population.

St. Monica's School was founded in 1919 by the Sisters of the Holy Names of Jesus and Mary. It is a co-ed Catholic elementary school that welcomes students from all faiths and cultural backgrounds and well represents the cultural diversity of its neighborhood.

It was my privilege to attend the June 2011 funeral Mass for fallen firefighters Anthony Valerio and Vincent Perez officiated by Fr. John Greene. Each year a Mass is held to commemorate the September 11th attacks on the World Trade Center. Many of these masses are held at St. Monica's because it is a favorite church of San Francisco firefighters for weddings as well as funerals.

All San Franciscans are grateful for Fr. Greene's leadership and his dedication to our first responders. The individuals and families in Fr. Greene's parish have been blessed with a Pastor who has strengthened their church and school, built community and inspired their love for service and their love of God.

IN RECOGNITION OF THE EMPOWERING AND STRENGTHENING OHIO'S PEOPLE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Empowering and Strengthening Ohio's People (ESOP), an organization dedicated to providing assistance to homeowners who are facing foreclosure, or struggling to make their monthly mortgage payments due to a predatory lending or hardship situation.

The East Side Organizing Project was founded by Inez Killingsworth in 1993 as a means to address the unsafe conditions of her Union-Miles neighborhood. During the early 1990s, ESOP, under Ms. Killingsworth's leadership, began to rally against the lack of credit available to African Americans in the community. When predatory lending in the area in-

creased and more and more community members were facing mortgage payments they could no longer afford, ESOP turned its focus to addressing this growing problem. ESOP became a statewide venture in 2008, when it opened 10 offices throughout the state of Ohio. The organization was then renamed Empowering and Strengthening Ohio's People. ESOP acts as a foreclosure counseling agency. Through tactics varying from protesting banks to negotiating agreements between lenders and borrowers to taking financial executives on tours of the collapsing neighborhoods that are in peril due to predatory lending, ESOP has helped thousands of families in Ohio avoid losing their homes. In 2010, ESOP helped save more than 3,200 homes from foreclosure.

Mr. Speaker and colleagues, please join me in recognizing Empowering and Strengthening Ohio's People and its advocacy work on behalf of Ohio homeowners.

RECOGNIZING GENE DEWS

HON. MARTHA ROBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mrs. ROBY. Mr. Speaker, I rise today to pay tribute to an exemplary individual—Gene Dews—who has dedicated much of his lifetime to cultivating student athletes in the state of Alabama.

Dews is a Fort Gaines, Georgia, native and a graduate of Clay County High School. He also earned degrees from Georgia Southwestern College and Troy State University.

Dews began his career in coaching as an assistant baseball coach at Troy State University in Troy, Alabama. He held that position for 13 years before becoming the head baseball coach at Wallace Community College in Dothan, Alabama in 1990. The next year Dews also became the athletic director at Wallace, a position he held until his recent retirement.

In 2001, Dews switched from the baseball diamond to the softball field and established one of the top community college softball programs in the nation. During his tenure, Wallace Community College won nine consecutive Southern Division championships, three state championships—which included trips to the Junior College World Series. Under Dews' leadership of Wallace's softball team, there were 15 All-Americans for player performance and nine selected as Academic All-Americans.

In 2008, Coach Dews was inducted into the Wiregrass Sports Hall of Fame—an acknowledgment of his significant and successful career. I applaud Dews for his dedication to student athletes and his involvement with college athletics for 35 years.

I wish Coach Dews the best in his retirement as he spends more time with his wife, Mary Ann, their children and grandchildren—and continued involvement with his church as a Deacon at Bethlehem Baptist Church in Headland, Alabama.

Mr. Speaker and colleagues, please join me in honoring Gene Dews. I am grateful for his service, and proudly recognize his contribution

to the betterment of student athletes, and others, in the great state of Alabama.

HONORING THE LIFE AND SERVICE OF SHERIFF JIM LOWMAN

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. MILLER of Florida. Mr. Speaker, it is with great sadness that I rise today to honor the life of retired Escambia County Sheriff Jim Lowman. Sheriff Lowman was an esteemed leader in Northwest Florida, and I am proud to honor his lifetime of dedication and service.

Sheriff Lowman was a respected and vital member of the Northwest Florida community. He served as dean at Woodham High School in Pensacola, Florida, before working as a counselor at the Juvenile Center. Although Sheriff Lowman did not have any prior experience serving in public office, he possessed a vast deal of first-hand knowledge of local law enforcement through his work as a juvenile counselor. In 1992, Sheriff Lowman decided to run for Escambia County Sheriff, and his highly successful campaign reflected his ability to work closely with the citizens of Escambia County to improve the local community. He was elected Sheriff and served in that capacity from 1993–2000.

When Sheriff Lowman's term began in January 1993, he undertook a thorough assessment of the department and concluded that the department was understaffed. In order to facilitate the recruitment of new deputies, Sheriff Lowman encouraged the Escambia County Board of County Commissioners to enroll in the Public Hiring Supply Program. The Commission agreed and during Sheriff Lowman's tenure the force was increased by nearly 60 percent.

Under Sheriff Lowman's direction, the Escambia County Sheriff's Department also undertook important measures to tackle alcohol and drug abuse. They forged a close working relationship with the Community Drug and Alcohol Program. Additionally, the Sheriff's Department identified key areas of drug trafficking and worked with the managers of these properties to develop a security plan. Gatekeepers, often off-duty Sheriff's deputies, patrolled the area to ensure that outside drug traffickers could not set up distribution points within housing developments.

Sheriff Lowman also oversaw a \$2 million expansion of the County Jail. This expansion improved county facilities and helped to lessen crowding in the jail. Despite overseeing substantial improvements, Sheriff Lowman was able to run his department in a fiscally responsible manner, and in his final year he returned nearly \$900,000 in unused funds back to the County.

While Sheriff Lowman was an invaluable member of the Northwest Florida community, and many will remember him for his tireless effort combating crime and improving the lives of Escambia County's citizens, he was first and foremost a family man. He was a loving and dedicated husband, father, and grandfather. He is survived by his wife Sue, their

four children—Jamie, Jennifer Sue, Lesley, and Scott—and their grandchildren, Gavin and Jay Scott.

Mr. Speaker, on behalf of the United States Congress, I am honored to recognize the life and service of Sheriff Jim Lowman. A committed community leader and loving family man—he will be missed by many, but his memory will live on through the timeless legacy he left. My wife Vicki joins me in extending our thoughts and prayers to the entire Lowman family.

A TRIBUTE TO DR. MICHAEL JOSE CHARLES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Dr. Michael Jose Charles for his many accomplishments in the health care field for the residents in my district of Brooklyn, New York.

Michael Jose Charles was born in Port-au-Prince, Haiti where he attended Father Andre's college Canado Haitian and College Classiques D'Haiti. Following an excellent high school career, Michael's outstanding scholastic achievement earned him entry into the school of Medicine at North East University Tampico, Tamps, Mexico where he graduated at the top of his class. While in Mexico, Dr. Charles served as General Practitioner, Counselor and Advisor, while performing various preventative medicine functions as a Public Health Agent at the General Hospital at Tampico.

In 1986, Dr. Charles migrated to New York and completed his Postgraduate studies at Columbia University. He also completed a residency program in Internal Medicine and a fellowship in Gastroenterology at the SUNY Downstate Medical Center in Brooklyn. Dr. Charles is also Board Certified as an Internist and Gastroenterologist.

Dr. Charles' professional accomplishments are notable. He served as an attending physician in the Department of Health and Emergency Medical at Ryker's Island, Kings County Hospital, VA Brooklyn, SUNY Downstate, Brookdale Hospital and Paul Cooper Drug Rehabilitation Program. Currently, Dr. Charles serves as attending physician and program director at Brookdale Hospital, while maintaining a thriving private practice. He also volunteers on several medical missions venturing to Haiti, Guyana and the Dominican Republic.

From a physician's perspective Dr. Charles notes that injustice in healthcare is the most shocking and inhumane form of discrimination. As a person, he recognizes that ethnicity and social class often determine these disparities. With this knowledge in mind, he goes out of his way to show compassion and concern for humanity, especially to the underprivileged, and he has dedicated his life to provide service to those needy people.

Dr. Charles is humbled by his success and gives credit to his mother. Most important, he thanks his wife of over twenty-five years and his immediate family for their undying love and

support. Mr. Speaker, I would like to recognize Dr. Charles for his accomplishments in the area of health care and his service to Brooklyn and New York.

IN COMMEMORATION OF MR. JOHN KEY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. PALLONE. Mr. Speaker, I rise today to commemorate the life of Mr. John Key, a resident of Long Branch, New Jersey. Mr. Key was an active member of the Asbury Park, New Jersey community and passed away at the age of 37 during a tragic accident on the Garden State Parkway in New Jersey. His positive spirit and inspirational leadership as a football coach and educator are undoubtedly worthy of this body's recognition.

John Key dedicated his life to the development of his students on and off the football field. A star running back and linebacker at Ocean Township High School from 1988 to 1991, Mr. Key conveyed his knowledge and love for football to his students. As early as 1997, Mr. Key accepted an Assistant football Coach at Ocean Township High School. He continued to accept various coaching positions, which included a running back coaching positions at the University of Connecticut. He eventually led this team to the County Fair Championship in 2004. Mr. Key served as Assistant Head Coach of the Monmouth Regional High School Track team before accepting his current position with the Asbury Park High School football team as Assistant Coach. Throughout his career, Mr. Key brilliantly managed day-to-day operations for various football teams, planned and organized football practices and games and supervised various offseason strength and conditioning programs. John Key is a proud alumnus of the University of Delaware and also served as a teacher with the Asbury Park School District since September 2000. He recently earned a principal certificate and admirably began to pave a bright and successful future.

Members of the Asbury Park School District remember John Key as a tenacious and altruistic role model who continued to believe in himself and the student athletes he mentored. Colleagues, friends and loved ones remembered him as an outstanding and positive individual with a contagious smile and kind spirit. He is survived by his parents and two children. Mr. Key's outstanding rapport with students was evident through his actions and has undoubtedly touched the lives of countless individuals throughout Monmouth County.

Mr. Speaker, John Key dedicated his life to mentoring and coaching students and athletes. His legacy has served as an inspiration to us all and he will truly be missed.

MALAWI: HOSTING A WAR CRIMINAL WITH IMPUNITY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. WOLF. Mr. Speaker, I submit for the RECORD a copy of a letter I sent to all of the Board Members of the Millennium Challenge Corporation (MCC) urging that Malawi immediately cease to be an MCC recipient in light of the government's decision to host Sudanese President Omar al-Bashir—an internationally indicted war criminal. I also submit two news stories about the visit.

I take no comfort in the fact that on July 26, MCC placed a hold on Malawi's compact activities "due to concerns about the government's commitment to good governance, rule of law, and human rights." This decision was made prior to Bashir's visit. If anything, Malawi's recent red carpet welcome of Bashir is further evidence that they are ill-suited to receive MCC funding, especially in the face of economic challenges here at home.

An October 20 BBC story reported that, "Mr Bashir was welcomed by a military guard of honor when he arrived in the capital, Lilongwe, for a trade summit last weekend. . . ." This is unconscionable—Bashir has blood on his hands from the genocide in Darfur as well as the unfolding atrocities in the Nuba Mountains.

And yet, the administration has been publicly silent. If Malawi's actions don't prompt a response, I don't know what does.

Martin Luther King famously said, "In the end, we will remember not the words of our enemies, but the silence of our friends." The long-suffering people of Sudan will not soon forget our silence.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 18, 2011.

Hon. RON KIRK,
U.S. Trade Representative,
Washington DC.

DEAR MR. KIRK: I write today to share with you the enclosed letter I sent to President Obama, Secretary Clinton, and Mr. Yohannes last week. I am deeply concerned that the Malawi government welcomed Sudanese President Omar al-Bashir on Friday, essentially rolling out the red carpet for this internationally indicted war criminal. I believe this should be of concern to you, too.

As I stated in my letter, Malawi should be dropped immediately from the Millennium Challenge Corporation (MCC) compact. The MCC compact with Malawi should not just be put on an operational hold but should be cancelled indefinitely. The very thought of U.S. taxpayers providing money to a country that has opened its doors to a wanted war criminal should be reason enough to cancel both MCC and American foreign aid funding altogether for Malawi.

As you know, Bashir is responsible for the deaths of thousands of Sudanese people. If funding for Malawi is not cancelled, the MCC will be complicit in aiding a country that has supported a genocidal government and would henceforth lack legitimacy and should be completely shutdown. The American people should expect nothing less.

Bashir's warm welcome by the Malawian government is a clear demonstration of its lack of commitment to good governance—a

core principle of MCC partnerships. Every time a country allows Bashir to enter, it provides this war criminal with credibility. The longer he is in office, the more people will be killed.

Bashir is strikingly similar to Slobodan Milosevic, except that this tragedy is not taking place in Europe but rather among the poorest of the poor in Africa. As you may know, I was one of only 16 Republicans to vote against a 1999 resolution to try to cease military operations in Yugoslavia after President Clinton had intervened to end the genocide—similar to that of what is taking place in Sudan today.

I have enclosed several new photos that I received from a contact living in the Nuba Mountains. He continues to document the destruction and terror inflicted upon innocent people on a daily basis by Bashir's troops. I have only sent four out of the hundreds of pictures he has taken because many of them are too graphic to be shared.

During these difficult economic times, we should not allow scarce American tax dollars to support countries that empower war criminals like Bashir. I look forward to your response and hope you will use this opportunity to demonstrate that the U.S. will stand up to those countries that help perpetuate Bashir's rule.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

[From the BBC News Africa, Oct. 14, 2011]

OMAR AL-BASHIR ARREST REQUEST REJECTED BY MALAWI

Malawi has rejected calls to arrest visiting Sudanese President Omar al-Bashir, who is wanted for war crimes in Darfur.

Mr. Bashir was welcomed by a military guard of honour when he arrived in the capital, Lilongwe, for a trade summit.

Malawi's Information Minister Patricia Kaliati told the BBC it was not her government's "business" to arrest him.

The International Criminal Court issued an arrest warrant for Mr. Bashir in 2008.

The European Union and human rights groups have urged Malawi, which is a signatory to the ICC, to arrest Mr. Bashir.

"Genocide, crimes against humanity and war crimes must not go unpunished and their prosecution must be ensured by measures at both domestic and international level," a spokesman for EU foreign policy chief Catherine Ashton said.

Ms. Kaliati said Malawi could not detain Mr. Bashir as he was attending a heads of state summit of the Common Market for Eastern and Southern Africa (Comesa), a regional trade bloc.

"He's coming for business and we don't have any business to do with the arrest of President Omar," she told the BBC's Network Africa programme.

"We are very honoured to have these heads of state."

STAUNCH ICC CRITIC

The BBC's Joel Nkhoma in Lilongwe says Malawi's refusal to arrest Mr. Bashir is not surprising because President Bingu wa Mutharika has become a staunch critic of the ICC.

He accuses it of unfairly targeting African leaders and believes that Africa should set up its own court to try alleged war criminals, our reporter says.

Mr. Bashir was the first head of state to be indicted by the ICC, which accused him of genocide and war crimes in Darfur.

Mr. Bashir denies the allegation, saying the ICC is controlled by Western powers hostile to Sudan.

Several other African countries have also refused to arrest Mr. Bashir and the African Union has urged the UN to suspend the arrest warrant.

Some 2.7 million people have fled their homes since the conflict began in Darfur, and the UN says about 300,000 have died—mostly from disease.

Sudan's government says the conflict has killed about 12,000 people and the number of dead has been exaggerated for political reasons.

[From Thomson Reuters, Oct. 13, 2011]

MALAWI TO ALLOW SUDAN'S BASHIR IN FOR SUMMIT

(By Mabvuto Banda)

JOHANNESBURG (Reuters).—Malawi will allow Sudanese President Omar al-Bashir into the country for a regional trade summit starting on Friday and has no plans to arrest him under an International Criminal Court warrant, a senior government official said on Thursday.

"Malawi believes in brotherly coexistence between COMESA states and beyond so we will not arrest him. He is a free person in Malawi," Deputy Foreign Minister Kondwani Nankhumwa told Reuters.

The decision will likely lead to the further diplomatic isolation of Malawi's President Bingu wa Mutharika, who is locked in diplomatic row with major aid donor Britain and earned international condemnation after government forces killed 20 protesters at anti-government rallies in July.

COMESA is the Common Market for Eastern and Southern Africa.

The ICC issued an arrest warrant last year for Bashir on charges of orchestrating genocide in the Darfur region, where as many as 300,000 people have died since 2003.

The European Union in August expressed concern about a second visit to Chad by Bashir, saying he should have been arrested. Bashir has also gone to countries including Kenya, Djibouti and China since warrants have been issued.

The ICC earlier issued a warrant in March 2009 for war crimes and crimes against humanity. Bashir has dismissed the charges by the ICC, the world's first permanent court for prosecuting war crimes, as part of a Western conspiracy.

The influential international right group, Human Rights Watch, said Malawi was bound by its international obligations to arrest Bashir.

"Malawi should instead uphold its commitment to justice for grave crimes by cooperating with the ICC, as civil society across Africa has called on their leaders to do," said Elise Keppler, senior counsel with the group.

IN SUPPORT OF THE GREAT CALIFORNIA SHAKEOUT

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Ms. RICHARDSON. Mr. Speaker, I rise today to recognize another successful Great California ShakeOut that occurred on October 20, 2011.

On 10:20 am, over 8.6 million Californians took part in a Drop, Cover, and Hold On earth-

quake drill. This was an increase from the 7.9 million people who participated in last years' drill.

The Great California ShakeOut occurs on the third Thursday of October each year. Schools, businesses, tribes, government officials, faith-based organizations, non-profit organizations, and more participated in this year's Great California ShakeOut. The purpose of the Great California ShakeOut is to raise earthquake preparedness among all stakeholders in the State.

As the Ranking Member of the Homeland Security Subcommittee on Emergency Preparedness, Response, and Communications, I applaud my home State of California for taking earthquake preparedness seriously.

California is no stranger to having earthquakes. Earthquake preparedness in California has saved countless lives and money.

Having effective emergency plans in place for earthquakes and other disasters has proven to save lives. I will continue to fight to ensure that our communities in California and across the country have the resources available to handle emergency situations.

Mr. Speaker, again I congratulate Californians on another successful Great California ShakeOut. While the Great California ShakeOut occurs once a year, it serves as a reminder to us all that emergency planning needs to be a year-round effort.

A TRIBUTE TO RUTH CHERRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Ruth Cherry for her tremendous impact on the lives of Brooklyn youth.

Ruth Cherry has made a lifelong commitment to educating young children and their families by providing them with opportunities that encompass the most innovative learning strategies and essential services to spark a new-range of possibilities in their lives.

Born in "Snakebite" and raised in Ahoskie, North Carolina, Ruth earned her BA degree in Psychology at North Carolina Central University and her Masters degree in Education from Bank Street College of Education in New York.

In 1965 the Federal Government declared a "War on Poverty" by creating Head Start, a national preschool program for underserved young children and their families. It was then that Ruth Cherry would be able to hone her skills and solidify her commitment to children and families when in 1966 the Bedford Stuyvesant community, under the sponsorship of a community based organization named Youth-In-Action, created the Bedford Stuyvesant Head Start—now known as Bedford Stuyvesant Early Childhood Development Center, Inc.

Ruth Cherry began her career in education as a Group Teacher and as Bed Stuy Head Start's first official employee. Through devotion and hard work Ruth was able to diligently move up the ladder. Ruth went from her first

role as Group Teacher to her current role as Executive Director, with many positions in between.

During Ruth Cherry's 40-year tenure and counting at Bed Stuy Head Start she has been the forerunner of the development, coordination and implementation of programs that meet the needs of the children and families of Bedford Stuyvesant. Ruth has utilized her expertise as an "award-winning" grant writer to acquire millions of dollars to supplement existing, and implement additional high-quality services to children and families. One such grant allowed Bed Stuy Head Start to implement a New York State Even Start Family Literacy Program which provided adults who were deemed most in need with an opportunity to participate in adult literacy programs that led to a GED.

After the September 11th crisis, Ruth wrote a grant that created a program to support and provide mental health services to Bed Stuy Head Start families affected by the tragedy.

Her latest endeavors include the development and coordination of one of the first Universal Pre-Kindergarten programs in the Greater New York area and the Bed Stuy Head Start Extended Day Program.

RECOGNIZING SUPERIOR CHEVROLET

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, we need businesses to set up shop in our community to provide the goods and services that are needed in order for our citizens to survive and thrive on a day to day basis; and

Whereas, in 1969, Mr. Lamar Ferrell started Lamar Ferrell Chevrolet here in Decatur, Georgia, to service the citizens of DeKalb County, Georgia, and nearby communities; and

Whereas, when Mr. Ferrell passed away, the new owner Mr. Buddy Hyatt purchased the business and it has been family owned ever since under the name of Superior Chevrolet; and

Whereas, Superior Chevrolet continues to be a resource for citizens in DeKalb County and beyond with excellent service, providing employment opportunities and providing a product that "keeps America moving" contributing to the local and national economy; and

Whereas, the U.S. Representative of the Fourth District of Georgia is officially honoring, recognizing and congratulating Superior Chevrolet on their forty-second (42) anniversary as a business anchor in our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim October 21, 2011, as Superior Chevrolet Day in the 4th Congressional District of Georgia.

Proclaimed, this 21st day of October, 2011.

HONORING CONNIE DREGA FOR HER INVALUABLE CONTRIBUTIONS TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Ms. DELAURO. Mr. Speaker, it is my privilege to rise today to join the many family, friends, and colleagues who have gathered to pay tribute to Connie Drega as she is honored by the Connecticut Democratic State Central Committee with one of their 2011 Women's Leadership Awards. Connie is the quintessential volunteer and has devoted countless hours to improving the quality of life in her hometown of Middlefield, Connecticut.

Each year, in the spirit of the late Governor Ella Grasso, the Democratic State Central Committee selects ten women whose extraordinary leadership and contributions have made a difference in their communities. The annual Women's Leadership Awards celebrate the innumerable ways in which women, through their work in the political arena, have helped to shape our communities.

Connie has been a member of the Middlefield Democratic Town Committee for more than thirty years and has been involved with the local Democratic Party for even longer. She is a past Treasurer and is always involved in their fundraising efforts. Be it the annual Baked Potato Booth at the Durham Fair, a spaghetti supper, or organizing meetings and other opportunities for the public to discuss their issues with local leaders, Connie can always be found in the background, quietly ensuring that everything is in order and running smoothly.

At 84-years young, Connie is involved in almost every facet of the Committee's activities. Every month, she calls through the membership to remind them of meetings and she has served on the nominating committee, assisting in identifying and recruiting folks to run for local office. She herself served on the local Board of Finance for several years and today acts as the Deputy Registrar, another volunteer effort where she helps to ensure elections and referendums are conducted with the highest of integrity.

In addition to her work on the Town Committee, Connie is also very involved in her church, St. Colman's, as well as at the Middlefield Senior Center. She is also a member of the Middlefield Community Services Council, a group of local residents whose mission is to reach out and support those members of the community who are facing difficult circumstances. In fact, Connie was honored by the Durham-Middlefield Exchange Club with their Golden Deeds Award which recognizes "exceptional contributions by a resident to the betterment of our communities."

Connie Drega reflects the very spirit in which the Women's Leadership Award are given and I am proud to join her family, friends, and colleagues in congratulating her as she receives this very special and well-deserved recognition.

TRIBUTE TO DR. GEORGE MILLER

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. TURNER of Ohio. Mr. Speaker, I rise today to congratulate and pay tribute to Dr. George Miller, who has announced his intention to retire later this year from his position as the Director of Lawrence Livermore National Laboratory. Dr. Miller has served his country honorably for nearly forty years as a scientist and leader within the nuclear security labs, and he deserves our thanks and praise for a job very well done.

Throughout his long and varied career, Dr. Miller's work has made our nation more secure in ways that are difficult to fully encapsulate. He has been a critical force in maintaining and reinvigorating the nation's nuclear deterrent, has applied his unmatched scientific skills and personal energy to develop innovative technologies to support U.S. warfighters, and has been at the forefront of efforts to reduce and respond to the threats of terrorism, cyber attacks, and the proliferation of weapons of mass destruction.

During his nearly 40 years of service to the nation at Lawrence Livermore National Laboratory, Dr. Miller's greatest contributions came in his efforts to ensure the U.S. nuclear arsenal is safe, secure, and reliable. Early on in his career, Dr. Miller was a leader in the design of the B83 gravity bomb, which was a tour-de-force in nuclear weapons engineering. The requirements placed by the military on the B83 design were incredibly demanding: the bomb had to hold a variety of targets at risk, be capable of being released from low-flying aircraft to avoid air defenses, and must survive impacts with any sort of irregular ground feature or structure at speeds up to 75 miles per hour.

Dr. Miller also led development of the W84 nuclear warhead, which was deployed on an Air Force ground-launched cruise missile during the 1980s. Intended for NATO deployment, the W84 included many advanced safety and security features that are still considered "best practices" in the nuclear weapons arena. These features include insensitive high explosives that will not detonate in an accident, a fire-resistant nuclear "pit" that mitigate the dispersal of radioactive fissile materials in the event of a fire, and advanced surety features to prevent unauthorized use of the weapon. Even today, the W84 is one of the safest and most secure nuclear warheads ever made. The deployment of the W84 on its ground-launched cruise missile helped foster the Soviet Union's willingness to sign the Intermediate-Range Nuclear Forces (INF) Treaty, which dramatically lowered the number of—and threat from—nuclear warheads in Europe.

During his career, Dr. Miller initiated several programs to better understand nuclear weapon system performance at a more fundamental level. Motivated by intimate knowledge of nuclear weapon design issues gained through his experience as a design physicist for 16 nuclear explosive tests at the Nevada Test Site, Dr. Miller pioneered complementary above ground non-nuclear experiments to gain

deeper insights into weapons physics phenomena.

Driving for greater scientific understanding of the physics underpinning the nuclear deterrent, Dr. Miller shepherded initiatives probing weapons physics using high powered lasers. By challenging the Lab's workforce to take advantage of laser capabilities coupled with advanced diagnostic techniques, he developed a new and highly stimulating training ground for weapons designers. Dr. Miller's innovation laid the groundwork for the highly successful program of high energy density physics experiments that continue to provide key data and understanding for the annual assessment and certification of the nuclear stockpile. Almost two decades after the first laser-driven weapons physics experiments, experiments on the National Ignition Facility (NIF) provided the final data needed to resolve "energy balance," a problem originally identified during the era of nuclear explosive testing that had remained an anomaly to weapons physicists for nearly 40 years.

As one of the architects of the Science-Based Stockpile Stewardship Program (SSP), Dr. Miller has provided national leadership and critical personal insight into defining and structuring a cohesive and multi-decadal national program to maintain the nuclear deterrent without nuclear testing. SSP brings together advances in experimental capabilities like NIF with tremendous computational capabilities to provide better understanding of the nation's nuclear stockpile. Since the 1990s, SSP has provided the foundation needed to ensure high confidence in the safety, security, and reliability of our nuclear weapons in the absence of integrated nuclear explosive testing. Dr. Miller's proven personal commitment to fundamental science in the service of national security has allowed the nation to maintain the deterrent without nuclear testing and enabled Lawrence Livermore National Laboratory to meet an expanding range of national security challenges. The tools and highly skilled workforce enabled by SSP allows the Lab to support efforts to counter terrorism and nuclear proliferation, conduct in-depth analysis of foreign nuclear weapons programs, manage and respond to nuclear accidents and events, and contribute to the broader defense, energy, and health arenas.

In 2000, Dr. Miller was put in charge of the NIF construction project, which at that point was well behind schedule and over budget. Dr. Miller assembled a new management team with a new project execution plan, and put NIF on track for completion in 2009. As a result of his leadership, this NIF earned a project of the year award from the prestigious Project Management Institute, continues to meet its scientific and operational milestones, is now performing crucial experiments for SSP, and is enabling the U.S. to maintain global leadership in inertial confinement fusion research.

The nation is incredibly fortunate to have had Dr. George Miller's leadership, focus, and dedication to applying state-of-the-art science and technology to the nuclear security challenges of our time. His contributions will ensure the nation's next generation of nuclear scientists and engineers—already hard at work in the Lab and programs he helped shape—are ready to meet the challenges of the future.

RECOGNIZING GEORGE HOLTZMAN FOR EIGHTEEN YEARS OF SERVICE TO THE GEORGIA REAL ESTATE COMMISSION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. KINGSTON. Mr. Speaker, I rise today to recognize George Holtzman for eighteen years of service to the Georgia Real Estate Commission.

A graduate of North Carolina State University, George is the Co-Owner and Broker of Coldwell Banker Holtzman in Hinesville, Georgia. George is also the President of the Holtzman Insurance Agency, Holtzman Real Estate Services, the Holtzman School of Real Estate, and All American Storage and U-Haul in Hinesville, Georgia. Previously, George has served as President of the Hinesville Area Board of Realtors and as Secretary, Treasurer, Vice President and President of the Georgia Association of Realtors. George was later appointed by Governor Zell Miller to the Georgia Real Estate Commission, where he was elected Chairman.

In addition to his commitment to the Georgia Real Estate community, George has dedicated his life to helping others and serving the community. A United States Army Vietnam Purple Heart Recipient Veteran, George was presented the coveted United States Army's Patriotic Civilian Award for his continuous and unselfish support of the Fort Stewart and Hunter Army Airfield community. Additionally, George has served as a Military Liaison for the Hinesville Military Affairs Committee.

Throughout Mr. Holtzman's years of community involvement, he has served as the President of the Liberty County Chamber of Commerce, President of the Coastal Empire Association of the United States Army, President of the Bradwell Institute Band Boosters, President of a local Rotary Club, and was also appointed to the Coastal Bank Board of Directors. This list of achievements is just a small representation of Mr. Holtzman's community involvement.

I congratulate George on his many years of service. He has devoted his life and time to helping others and continues to make invaluable contributions to the Real Estate community and the state of Georgia. I wish him many more years to come.

IN HONOR OF THE VICTIMS OF THE EARTHQUAKE IN EASTERN TURKEY

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. KEATING. Mr. Speaker, I rise today to express my deepest condolences for the victims of the 7.2 magnitude earthquake that shook the eastern region of Turkey on Sunday and claimed the lives of nearly 300 people.

As I join my colleagues in Washington this week, my thoughts and prayers are with the

families of Van who have lost loved ones, the children of Ercis who have lost the security of their homes, and the courageous rescue workers who have risked their lives searching for survivors in unsteady rubble.

While it is regrettable that moments of chaos and tragedy bring nations closer together, I see the outpouring of support by Turkey's neighbors and allies to be testament to the loyalty demonstrated by the Turkish people year after year. May the destruction of this earthquake serve not as a representation of tragedies past, but as a reminder of the assistance Turkey has provided her neighbors when they have faced similar calamity.

In my privileged capacity as a member of the House Committee on Foreign Affairs, I am proud to witness the deluge of disaster aid offered by countries near and far. It would bring me a great sense of relief to see that the victims of this natural disaster receive access to the aid offered by Turkey's neighbors.

In honor of Turkey's resilience and strength, I once again offer my most sincere sympathy and appreciation for the pain felt by the Turkish people.

SUPPORT OF H.R. 3080, THE U.S.- SOUTH KOREA FREE TRADE AGREEMENT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mrs. MALONEY. Mr. Speaker, I rise in support of H.R. 3080, the U.S.-South Korea Free Trade Agreement Implementation Act.

The Korean Republic is our seventh largest trading partner, and this agreement will have a significant positive impact on our GDP as well as on job creation.

The current average tariff for U.S. exporters is more than four times the average tariff that our imports from Korea face—this agreement levels the playing field.

Despite some sectors' concerns with the agreement, the services sector—which comprises 93% of the jobs in my district—stands to benefit greatly, with increased market access and the creation of new jobs.

Nationwide, 80% of the U.S. workforce is employed in the services sector, with U.S. cross border exports of services to Korea totaling \$12.6 billion in 2009, while imports were \$6.4 billion, netting a U.S. services trade surplus of \$6.2 billion.

The Korea FTA provides U.S. service firms with increased market access, investor protections and regulatory transparency, which is vital for job creation in my district and the broader U.S. economy, which is why I vote in favor of the agreement today.

PERSONAL EXPLANATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. JORDAN. Mr. Speaker, I was absent from the House Floor on Friday, October 14.

Had I been present, I would have voted "aye" on rollcalls 792, 793, and 800, and "no" on rollcalls 794, 795, 796, 797, 798, and 799.

WORLD FOOD DAY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. BACA. Mr. Speaker, I rise today in support of World Food Day, and recognize the vital impact of the food industry in the United States on the health and economic wellbeing of America's families.

From farm to fork, the food industry in the U.S. employs more than 15 million Americans.

The food industry is responsible for 1.4 million manufacturing jobs alone in the U.S.

With more than 6 billion people living around the world, the production of U.S. agriculture and food industries is critical to preventing hunger—both domestically and globally.

Through its support of federal nutrition programs like SNAP, school lunch, and TEFAP, the food industry serves as a responsible partner with government in helping to feed over 37 million Americans struggling with food security.

And with the changes of the past decade, consumers are seeing healthier food options at stores with clear labeling that provides families information to make the choices that are right for them.

On World Food Day, we should all be thankful to live in a nation with a safe, affordable, and reliable food supply.

I urge my colleagues to recognize those in the agricultural and food industry sectors who work to ensure the health and wellbeing of so many Americans.

INTRODUCTION OF THE SAVE OUR CLIMATE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. STARK. Mr. Speaker, I rise today to introduce the Save Our Climate Act, a bill that will create a simple tax on carbon. A carbon tax is a straightforward way to reduce our dependence on fossil fuels, spur development of alternative energy, slow climate change, and decrease our deficit.

The impacts of climate change become more severe with each year we fail to act. The ten warmest years on record have all occurred since 1990. Extreme weather events like droughts, floods, and violent storms are becoming more common as the planet gets hotter.

Our continued addiction to burning fossil fuels not only accelerates climate change it is also a drag on our economy. We need a policy that discourages the use of fossil fuels and promotes investment in efficiency and alternative energy sources. The simplest solution is a carbon tax.

My legislation imposes a tax on each ton of carbon dioxide contained in a fuel. The tax is

imposed upstream, at the point of manufacture or import where it is easiest to administer. No new bureaucracy will be needed.

The tax increases every year at a predictable rate so that the market, including investors and individuals can adjust to the tax and plan for the future. Unlike a cap and trade system, a carbon tax does not require a complicated trading market, auctions, or an exchange to function and it is insulated from speculation and volatile swings in pricing.

A steadily rising carbon tax will provide the certainty American businesses need to make the long-term investments in new energy sources that will break our addiction to fossil fuels. The United States can be the leader in green energy. A carbon tax will help to unleash American innovation and create jobs. That is why economists across the ideological spectrum—from Arthur Laffer and Alan Blinder on the right, to Jeffrey Sachs and Joseph Stiglitz on the left—have endorsed the idea. Through border adjustments, my legislation will protect American manufacturers and ensure that imported goods from countries like China are not given an unfair advantage over American products.

At a time of deep budget cuts meant to reduce the deficit, a carbon tax can be part of the deficit solution. My legislation will dedicate \$437 billion toward deficit reduction over 10 years. In addition, the Save Our Climate Act will protect families from increased energy prices. Revenue generated will be distributed back to individuals as a yearly dividend to all Americans. The average dividend in the first year of the bill would be \$172 per person, rising to \$761 in the fifth year and \$1126 in the tenth year.

We have a moral obligation to act to prevent catastrophic climate change and preserve our planet for future generations. The Save Our Climate Act is a first step toward meeting that obligation and creating a sensible tax code that incentivizes innovation and rewards responsibility. I encourage all my colleagues to support it.

HONORING CITY OF SAN RAFAEL MAYOR AL BORO

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Ms. WOOLSEY. Mr. Speaker, I rise today to honor my long-time friend and colleague, Mayor Al Boro, who is retiring after 40 years serving the City of San Rafael, CA. During the two decades that Al Boro has been the Mayor of the City, he has set the pace for promoting its economic development and the tone for working in partnership with residents, officials, staff, and agencies.

Mayor Boro's early career was spent as an executive at Pacific Telephone and Telegraph. He began his civic engagement with an appointment to the San Rafael Planning Commission in 1971 where he served until 1987, when he was elected to the City Council. In 1991, he was elected Mayor and immediately set to work on the "Vision for Downtown San Rafael" which helped to revitalize the core of

the City so it could change with the times. Mr. Boro was a key leader in developing an expanded neighborhood center at Pickleweed Park in the heart of the Canal area and construction of a new public works building and the Parkside Children's Center. He could also be found enjoying the bocce court complex he helped create for families at Albert Park.

On matters affecting Mann County and the Bay Area, Al Boro has been a tireless worker with a keen grasp of regional issues. He has been a mainstay of the Golden Gate Bridge, Highway, and Transportation District; the Main County Parks, Recreation, Open Space and Cultural Commission; Central Mann Sanitation Agency; Mann County Fair Board, the Sonoma/Marin Area Rail Transit Agency; the Main County Executive Board of the Boy Scouts of America, and many others.

But more than the list of boards and commissions to his credit, Al Boro is a man of his community. He works long hours attending events, meeting with residents, visiting schools, and generally listening to and appreciating the people of San Rafael. He values the diversity of San Rafael and supports efforts to promote the growing Latino and Asian populations.

Mr. Speaker, I have appreciated my partnership with Mayor Boro, and, as the face of San Rafael, it is hard to imagine the City without him at its helm. I know he will continue to enjoy its offerings and will have more time to spend with his wife Pat, their four children, and their grandchildren. Please join me in wishing Al Boro well in his retirement.

OPPOSITION TO H.R. 3078, THE U.S.-COLOMBIA FREE TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT (CFTA)

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mrs. MALONEY. Mr. Speaker, I rise in opposition to H.R. 3078, the U.S.-Colombia Free Trade Promotion Agreement Implementation Act.

I simply cannot vote for an agreement given the alarming level of anti-union violence in Colombia, which in 2010 had more union worker assassinations than the rest of the world combined. Despite the Labor Action Plan the Obama Administration negotiated with the Colombian government, implementation of the Action Plan remains insufficient.

Without more meaningful steps taken by the Colombian government to protect workers and prosecute the perpetrators of anti-union violence, and to provide basic internationally-recognized worker rights, I cannot vote for the agreement before us today.

HONORING THE HONORABLE
JUDGE RUSTY LADD

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. NEUGEBAUER. Mr. Speaker, I rise today to honor and remember the Honorable Judge Rusty Ladd, a great man, a tireless public servant, and an advocate for the homeless. Larry Brown "Rusty" Ladd passed away Friday, September 30, 2011, and he is missed by all of us who knew him. I was privileged to know Judge Ladd, and I know the legacy he leaves behind will not be soon forgotten by his family, friends or community.

Rusty was born in Breckenridge, Texas on August 8, 1952, as the oldest son of a cotton ginner. He graduated from Lubbock Christian College in 1975 with a degree in Biblical Studies and joined the police force in 1977. In 1988, he graduated from Texas Tech Law School and started his own practice as a defense attorney in Dallas. He then moved back to West Texas as a prosecutor in Amarillo and Plainview. In 1996 he continued his practice in Lubbock as Assistant and then Deputy District Attorney at the Lubbock County District Attorney's Office.

In 1999, Rusty assumed the judge's bench of the Lubbock County Court-at-Law No. 1. When taking the bench, he said, "I'm a new judge, and in taking the bench, I'm going to be able to fulfill my oath to defend the laws of the state in an absolutely fair and impartial way." He was true to his word, serving fairly and impartially, compassionate when possible and firm when necessary.

Rusty showed kindness not only in the courtroom, but also on the streets of Lubbock. He opened his heart to the homeless in the Lubbock community, serving on the homelessness committee of the Lubbock City Council since 2010 and volunteering through Carpenter's Church. Rusty dedicated his time and effort to serving the poor and marginalized. "The thing a homeless person misses the most is not food or shelter," Ladd said in a 2010 interview, "it's a genuine relationship with somebody that's got a stable life going on." His Christ-like attitude toward the poor is inspiring, and I hope and pray we can continue the selfless acts that he carried out.

Mr. Speaker, please join me in extending my sincere thanks to Judge Rusty Ladd, for leaving this world a better place than he found it. I am truly honored to recognize his accomplishments. He will certainly be missed, but he will never be forgotten by those who knew him and were touched by his life.

HONORING DENVILLE VOLUNTEER
FIRE DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Denville Volunteer Fire Department located in Morris County, New Jersey, which is celebrating its 85th Anniversary.

At a meeting of the Denville Athletic Club on June 6, 1926, a committee was formed to investigate the terms under which a fire department for the Township of Denville could be formed, to research the type of fire fighting apparatus most suitable for use and, most importantly, the costs involved in the undertaking. At this same meeting, the first officers of the Denville Fire Department were elected.

Though the founding members of the fire department were initially met with some resistance by the governing body, the persistence of its dedicated volunteers paid off. After the township passed the ordinance establishing the official status of the department, many volunteers offered their garages as home for the first fire apparatus. On New Year's Day 1927, the final push was made to finish the structure that would be the department's first official home. After furnishing the building, complete with a siren, the first meeting was held on March 22, 1927.

Through dedicated fundraising and the support of their community, the Denville Fire Department managed to keep their facility up and running and to acquire the necessary tools to keep the community safe. In July 1935, the Denville Board of Education gave the department the Old School House property on Main Street. The building was demolished to make room for a fire house and remains of the structure supplied additional material for the department's new home.

Over the years, many changes came to the Denville Fire Department. In 1940, the department formed a first aid squad. In April of 1956, it was decided that an additional fire house was needed. Construction of the Union Hill Firehouse began in early 1957 and was completed by February. In 1963 the Denville Board of Education donated a piece of land to the Department for construction of an additional firehouse. This would become the location for the Valley View Firehouse. Groundwork on the structure began on May 8, 1963. The finishing touches were made in January and February of 1964.

By the 1970s, the department boasted a 100 plus membership with five fire engines in service at three firehouses. With their ever-growing group, new construction began on a new facility for the Main Street Fire Station in 1973. By the fall of 1974 their completed, present home was open. Continuing in their growth, the department established the Junior Fire Auxiliary in 1983.

Over the last 20 years, the fire department has continued to flourish. Recently they acquired a new engine and two new ambulances. The 2009 Smeal 1,000 gallon Engine replaced a 1989 ICME 750 gallon Engine. The two ambulances replaced the ambulances at Union Hill and Valley View Fire Houses. Every year, they answer approximately 500 fire and 1,000 first aid calls and assist surrounding departments as they respond to calls in neighboring communities. In the summers, they hold the annual Denville Firemen's Carnival which brings Denville and surrounding communities together for lots of food and fun.

The past and present members of the Denville Volunteer Fire Department have gone above and beyond their call of duty. From their dedication to the safety of their community, to raising funds to maintain each fire

house, their unwavering and resilient efforts are truly commendable. With each hour of training with every call answered, firefighters give up their precious time to help and protect others.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Denville Volunteer Fire Department as they celebrate 85 years of community service.

HIGHLIGHTING THE NATIONAL
DEBT CRISIS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. RANGEL. Mr. Speaker, today I rise to highlight the National Debt Crisis. We are in the midst of the worst economic crisis since the Great Depression. Our deficit has ballooned to the highest sum in history, 14.8 trillion. Our nation's unemployment hovers at 9.1 percent and a record 46.2 million Americans live in poverty. This problem cannot be sustained without running the risk of destroying our Great Nation.

As I stand before you, I make a plea to our spiritual leaders throughout the United States to be heard and to speak out for the gridlock that exists here in Congress. It seems to me whether we're dealing with the Koran or the Bible or the Torah, one thing that is abundantly clear is that we have a moral obligation to take care of the vulnerable among us, especially during our current economic crisis. This great nation now has broken all records in terms of our middle class actually being shrunk as people are forced into poverty. Therefore, cutting funding to entitlement programs will exacerbate this problem. Let the churches, synagogues, mosques and the temples be open so people can express themselves. Our spiritual leaders could encourage people not just to pray but to become active. So whether you're a Protestant, Catholic, Jew, Gentile, Mormon or Muslim, this is a time when America needs you.

The Congress has an obligation as well. Let this Congress attempt to be more civil and recognize that we have a responsibility that goes beyond the election. We have a responsibility to the American people and our National Debt is a priority that we must address.

Since the 1970's Keynesian economics has been the guiding principle for both parties. It stated that you should spend when times are bad to stimulate the economy and balance the budget when times are good. Therefore, the Government must increase spending to fill the void left by the private sector in a Recession. However, the Republican Party has abandoned this principle of economics in favor of "Reaganomics." The Republican Party has prioritized cutting taxes and decreasing spending. While this would make sense when the economy is strong, trying to balance the budget this way in a Recession is dangerous. The tax cuts will cost the Federal Government \$65 billion for 2011 alone. They will continue to add to the debt, while the Government struggles to raise revenue. Without revenue the Government cannot fund vital social programs

such as Medicare and Medicaid, among others.

Moreover, with low revenue the Government cannot pay its bills and its debts. As a result, the Government has been forced to borrow from countries such as China and Japan, as well as the Social Security program and the United States Postal Service. Republicans have argued that Social Security is unsustainable and is contributing to the debt; however Social Security has run surpluses for decades. The Government has used these surpluses to fund their spending, including the high spending under President Reagan. We cannot continue borrowing from Social Security. Social Security was created to last, without contributing to the debt. The program cannot pay benefits if it does not have the resources to do so. Furthermore, Social Security cannot borrow; therefore it cannot increase the federal deficit. Hence, years of tax cuts and borrowing from Social Security have pushed the program near insolvency. Additionally, borrowing from the Post Office has caused it to go broke. Republicans have called for privatizing the Post Office because it is unsustainable and cannot be subsidized by the government. On the other hand, tax cuts have forced the Government to borrow from the Post Office to make up for lost revenue. This has resulted in the devastation of the U.S. Postal Service.

The biggest amount of spending goes to health programs like Medicare, which accounts for 15 percent of the GDP alone. That is the main reason Democrats supported the health care bill. The Health Care law was meant to bring health care costs down, but Republicans seek to repeal the law. Other developed nations have managed to keep their health related costs low on a single-payer government-backed health care system. We must control the soaring health care costs if we are to decrease spending and the national debt and repealing the health care law is not the way to do it. It is abundantly clear that Republicans only seek to benefit their base of insurance companies.

Tax expenditures should also be on the table when discussing how to cut spending. They include tax breaks on mortgage interest and employer-provided health insurance. Tax expenditures add hundreds of billions of dollars a year to our debt. They decrease the amount of taxes individuals and businesses pay, thereby decreasing the amount of revenue the Government takes in. Moreover, tax credits are also a form of spending, which "fiscally conservative" Republicans claim they want to cut. However in 2009, House Republicans introduced new housing subsidies that gave a \$5,000 credit to Americans that reliance their homes and \$15,000 in credits to those buying homes. These tax credits are a form of spending that Republicans do not have a problem with. If we are serious about cutting spending than we must look at these tax expenditures, which account for more than the total cost of all non-defense programs, excluding Social Security and Medicare. So when we consider cutting spending on programs that benefit the poor and elderly, we should also take a look at tax expenditures, which help the middle class and wealthy.

Democrats and Republicans alike should make a valiant effort to work together in other

to save our beloved country. We must look at cutting spending on all programs and not excluding tax expenditures from the list. Moreover, we must increase taxes on the wealthy, so we can stop borrowing from Social Security and effectively bankrupting the program. In order to balance the budget and decrease the debt, the government must receive revenue. This revenue can only come from increasing taxes. Spending cuts alone will not help this country recover. In fact, sharp cuts can force us back into a recession and will stunt our economic recovery. Therefore the best option is to cut spending gradually, not rapidly like Republicans propose and to increase taxes. Most economists agree that this is the best method to improve our economy and to decrease our debt.

Democratic and Republican voters are in agreement on programs that should be cut and where spending should be increased. Democrats and Republicans support cuts for the highway system, air travel and railroad, medical research, subsidies to agricultural corporations with large farms and defense spending. However, both voters support spending increases for job training, energy conservation and renewable resources, elementary and secondary education, higher education and agricultural subsidies to small farmers. It seems like the electorate is much less polarized than the government.

Mr. Speaker, if Democratic and Republican voters can agree on where spending should be decreased and where it should be increased, than why can't we? At the end of day, we must work together to ensure America's prosperity and the well-being of our nation. This is the only way to get us out of the current economic crisis we are in.

RECOGNIZING THE OBJECTIVES OF FINANCIAL AID DAY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize the objectives of Financial Aid Day (FAD). FAD reserves the third Wednesday in October to honor the role financial aid professionals across the United States play in helping students realize their dream of attaining a college education.

Today, student aid is under attack, despite that the fact that millions of students rely on and benefit from federal student aid each year. In fact, the number of students applying for federal financial assistance increased to approximately 19.5 million in 2010–2011, up by nearly seven million students since 2006–2007. From school years 1999–2000 to 2009–2010, the total amount of Title IV federal financial aid awarded to students jumped from \$62.1 billion to an estimated \$146.5 billion, an increase of 136 percent.

FAD recognizes that assisting citizens of all ages to attain a higher education puts aid administrators among the forefront of this nation's efforts to compete in the global economy and contribute to the common good. Without such dedicated administrators, an untold num-

ber of students from diverse financial backgrounds would not be able to continue their pursuit of higher education due to a lack of necessary information and counseling.

Mr. Speaker, a post-secondary education would be unachievable for many of our nation's students without federal student aid. As such, I welcome the opportunity to honor those who serve these students on a daily basis. I support the goals of Financial Aid Day and I encourage my colleagues on both sides of the aisle to recognize the important role played by financial aid professionals in helping students realize their college dreams.

40TH ANNIVERSARY OF HERO STREET MEMORIAL PARK

HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. SCHILLING. Mr. Speaker, I rise today in support of our veterans and wish to focus in particular on a specific street in Silvis, Illinois. In the town of Silvis, Second Street holds so much history from World War II and the Korean War. On Saturday October 29, 2011 the people of Silvis will be celebrating the 40 Year Anniversary Celebration of Hero Street Memorial Park.

In honor of the brave soldiers who lived on this street and whose families have made the park their own; I introduced a resolution to designate the park on Hero Street as "Hero Street Memorial Park" earlier this year and I am pleased that we are able to honor these brave warfighters.

The brave men who fought in World War II and the Korean War from this little street were the sons of Mexican immigrants to the U.S. and volunteered their lives for their country. When America entered these wars, 78 residents of this street from 35 families helped defend our country and our allies.

Eight of these brave men died for our country. Their names are: Tony Pompa, Frank Sandoval, Joseph Sandoval, Willie Sandoval, Claro Soliz, Peter Masias, Joe Gomez, and Johnny Munos.

In honor of these brave men and their other fellow soldiers who fought by their sides the community renamed this street in May 1967. Four years later a memorial park was built on Second Street and in 2007 a monument was added.

My resolution recognizes the sacrifices that these brave soldiers made and what their families did to support our country during that difficult time. We cannot forget those that have gone before us and this resolution will ensure that we do not. This resolution would not cost anything, just the time we should spend in honor of our veterans and those brave men that gave their lives. On behalf of a grateful nation, we honor the 40th Anniversary of Hero Street Memorial Park. The service and sacrifice of all who served, and their families, must not be forgotten.

SUPPORT OF H.R. 3079, THE U.S.-PANAMA FREE TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT (PFTA)

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mrs. MALONEY. Mr. Speaker, I rise today in support of H.R. 3079, the U.S.-Panama Free Trade Promotion Implementation Act.

At House Democrats insistence, the Panama FTA was renegotiated to require Panama to comply with international labor standards and environmental agreements.

Additionally, at the urging of House Democrats, the Obama Administration continued negotiations with Panama and ultimately achieved completion of the U.S.-Panama Tax Information Exchange Agreement (TIEA), ensuring necessary tax transparency and addressing concerns about Panama's status as a tax haven.

This agreement is expected to increase our current trade surplus with Panama, which was \$5.7 billion in 2010, and level the playing field by eliminating Panama's import duties on U.S. goods.

This renegotiated agreement deserves our support, and that is why I vote in favor today.

NATIONAL FOOD DAY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to draw attention to Food Day and the importance of addressing our hunger crisis in America.

Spearheaded by the Center for Science in the Public Interest, Rep. ROSA DELAUNO and Sen. TOM HARKIN, Food Day enlists anti-hunger advocates, physicians, authors, and elected officials to advocate for healthy, affordable food produced in a sustainable, humane way. I am honored to be a member of the Food Day Advisory Board.

While Food Day and its advocates focus on a number of important food-related issues, one that Congress has failed to fully understand is the crisis of hunger. In 2010, 14.5 percent of American households were food insecure, meaning they lacked the capacity to put enough food on their tables.

Several federal programs work in conjunction to prevent hunger. The Supplemental Nutrition Assistance Program (SNAP) keeps 45 million people from going hungry. Over half of SNAP beneficiaries are children, and eight percent are over age 60. The Women, Infants and Children (WIC) program provides food assistance to 9 million mothers and children under five years of age. These programs are needed now more than ever.

The Republican Budget, passed in the House with no Democratic support, would cut \$127 billion from SNAP over the next decade, a 20 percent cut. The House Agriculture Appropriations bill, passed with no Democratic support, would also cut SNAP funding.

The 2011 Continuing Budget Resolution cut WIC by \$504 million, and the 2012 Agriculture Appropriations bill would cut it by an additional \$700 million, or roughly 10 percent.

These are numbers, but they affect real people. I recently received a dozens of messages on paper plates from the Ezra Multi-Service Center in Chicago. The plates answer the question: what would happen if SNAP benefits are cut?

One anonymous client said that if the program is cut it would be impossible for her to feed her four children.

Robert from Chicago said that he has lost everything. "If my benefits were cut I wouldn't eat for a while."

A third client said "if my benefits were cut, I would not be able to eat or sleep. I would have to look in the garbage for food."

In the wealthiest nation on earth, that is simply unacceptable.

I urge my colleagues who are members of the Select Committee on Deficit Reduction not to consider cuts to SNAP, WIC, or other nutrition programs that serve as a lifeline for families struggling to make ends meet. Instead we should look to raise revenues by increasing tax rates on individuals and corporations who can afford to contribute more.

As we work to rein in our deficit, we must ensure that no American is forced to go without food.

NATIONAL FOOD DAY

HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. MCGOVERN. Mr. Speaker, today is National Food Day—a full day devoted to all aspects of the American food system: farms, industry, grocers, schools, and most importantly people. One stated goal of Food Day is to "expand access to food and alleviate hunger." Mr. Speaker, it's unconscionable that hunger continues to exist in America. Nearly 50 million Americans go hungry every year. Over 17 million—one third—of them are children. The sad truth is hunger is a reality in every community. There is not one part of America, not one Congressional district, that isn't touched by hunger.

In my own district, as in many others places in America, volunteers help to alleviate hunger. On Saturday, I joined children and their parents in gleaning apples. We picked fresh, healthy fruit from an orchard to be delivered to the local food bank. If not for these volunteers, the apples would go to waste. It's an inevitable part of farming—produce that isn't ripe or is missed in the initial harvest stays on the trees or in the fields—because going back for a second harvest is too costly.

At times volunteering is costly too. Transporting gleaned food to the very people who rely on it takes time and fuel. And we're finding that the transportation costs are becoming a barrier to delivering gleaned food, and this fresh produce is left to rot in the fields instead of helping to feed hungry Americans.

That is why Representative EMERSON and I introduced H.R. 3177, the Hunger Relief

Trucking Tax Credit Act. This bill would encourage and reward individuals and businesses who haul gleaned food from one location to another within the U.S. Many trucking companies and individuals pay for transportation of this food out of their own pockets. The Hunger Relief Trucking Tax Credit Act would create a 25 cent tax credit for each mile that food is transported for a charity by a donated truck and driver for hunger relief efforts. This legislation will support those who are already transporting food donations and entice more companies to do so. We must make every effort to bring food to those who rely on it to feed themselves and their families.

As we celebrate National Food Day, I urge my colleagues to join us by cosponsoring this important legislation.

HONORING BREAST CANCER AWARENESS MONTH

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. CARNAHAN. Mr. Speaker, I rise today in honor of Breast Cancer Awareness Month. Over 200,000 women and men in the United States are diagnosed with breast cancer each year, resulting in almost 40,000 deaths—a terrible and tragic reality for too many individuals, families, and communities all across the country.

To date, early screening has proved essential in successfully combating breast cancer. Mammograms are the key to ensuring the men and women who are plagued with this disease are able to catch it early and significantly increase the chances of surviving.

Breast cancer research has come so far, but we must continue the fight until all people, no matter their background, can live in a world free of the disease. Until we reach that day we must continue to encourage our friends, family members, and peers to undergo early screening for breast cancer.

CONGRESSIONAL GOLD MEDAL FOR RABBI ARTHUR SCHNEIER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mrs. MALONEY. Mr. Speaker, together with my bipartisan colleagues Reps. CHARLIE RANGEL, EDOLPHUS TOWNS, NITA LOWEY, JANICE SCHAKOWSKY, HOWARD BERMAN, GUS BILIRAKIS and ROBERT BRADY, I am introducing a bill to award a Congressional Gold Medal to Rabbi Arthur Schneier, in recognition of his pioneering role in promoting religious freedom and human rights throughout the world for close to half a century.

Born in Vienna, Austria, in 1930, Rabbi Schneier lived under Nazi occupation in Budapest during World War II and came to the United States in 1947. He has been the Spiritual Leader of the Park East Synagogue in New York City since 1962.

A Holocaust survivor, and the Founder and President of the Appeal of Conscience Foundation, Rabbi Schneier has devoted his life to overcoming the forces of hatred and intolerance.

He has been a pioneer in bringing together religious leaders to address ethnic or religious conflicts. For example, in Bosnia in 1997, he convened government and religious leaders to promote healing and conciliation between Orthodox, Muslim and Jewish communities. In the Balkans, the Caucasus and Central Asia he worked with the Orthodox Patriarch and the Turkish Government to hold the Peace and Tolerance Conference in 1994 and address religious and ethnic tensions in that area. In the former Yugoslavia, he mobilized religious leaders to halt the bloodshed of the early 90s, holding the Religious Summit on the Former Yugoslavia and the Conflict Resolution Conference to build support and consensus among religious leaders of different faiths. Since the early 1980s, he has led delegations of religious leaders to China to open a dialogue on religious freedom.

I hope my colleagues will join us in honoring this distinguished pioneer of religious freedom with a Congressional Gold Medal.

HONORING FATHER ISAAC MASGA
AYUYU

**HON. GREGORIO KILILI CAMACHO
SABLAN**

OF THE NORTHERN MARIANA ISLANDS
IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. SABLAN. Mr. Speaker, we recently celebrated an important anniversary in the Northern Mariana Islands: between our community and one of our longest-serving spiritual leaders. Reverend Father Isaac Masga Ayuyu, a native of Rota, has led the faithful in our islands for twenty-five years. Pale' Ike, as he is fondly known, was ordained to the priesthood in the Diocese of Chalan Kanoa on August 30, 1986. He is now the Parochial Vicar of Mount Carmel Cathedral on Saipan and the Director of Worship in the Diocese. Pale' Ike is the first ordained priest from Rota, and the first ordained priest of the new Diocese of Chalan Kanoa, Saipan. He is the fifth local priest to serve our islands.

Hailing from a large family, Pale' Ike has a diverse, well-educated, and well-traveled background that is belied by his humble nature. As a youngster, he attended grade school in Rota. He then moved to our neighboring territory of Guam for his junior high and high school years, which was followed by college in California and Connecticut. Pale' Ike received his spiritual training at Saint Patrick's Seminary in California before returning to his home in the Northern Marianas. The decision that the church was his true calling was formed during his youth, when he was an altar server for two of our region's most well-respected leaders: Bishop Emeritus Tomas A. Camacho of the Northern Marianas and the late Archbishop Felixberto Flores of Guam.

Pale' Ike's parents, Francisca Masga Ayuyu and the late Corbiniano Songao Ayuyu were also supportive of their son's path, which he

recalls each time he celebrates mass with the chalice that was a gift from them.

In addition to his duties in the church, Pale' Ike is a strong advocate of, and a member of the Ecclesial Team for, our local chapter of the Worldwide Marriage Encounter program, which is designed to strengthen couples' relationships with one another and with God. His involvement in Marriage Encounter has improved the lives of countless married couples in the Northern Marianas. In his typically unassuming and candid fashion, Pale' Ike explains to others that the program has even improved his relationship with the people to whom he ministers.

Spirituality has always been an important component of life in our islands, even before the arrival of what we think of as "organized religion." The Chamorros and Carolinians of our islands have always held spiritual leaders in high regard. In our small, faith-based community, local priests are in demand. Pale' Ike is a man whose work truly is never done. He baptizes the newly-born and conducts funeral rites for the recently departed; he tends to the spiritual needs of those who are homebound or in the hospital; he conducts weddings; he hears confessions; and he celebrates the Mass. Just a few of his Diocesan titles offer a glimpse into the scope of his responsibilities: he is the hospital chaplain, the coordinator of pre-baptismal seminars, and the coordinator of the marriage preparation program for the Diocese. Outside of traditional priestly responsibilities, in our culture if there is a village fiesta, he plays a lead role; if there is a large family party, he's expected to attend; if someone builds a new home, he is called upon to bless it before it is occupied. Pale' Ike is very much a part of the daily life of many residents of the Northern Mariana Islands.

Please join me in congratulating Pale' Isaac Masga Ayuyu in celebration of his twenty-five years in the priesthood.

HONORING COOPERATIVE HOUSING
CORPORATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor Cooperative Housing Corporation, located in Somerville, Somerset County, New Jersey, as it celebrates its 25th Anniversary.

Cooperative Housing Corporation (CHC) was created in 1986 to address the significant lack of affordable senior housing in central New Jersey. Its founders reasoned that affordable housing need not solely be a municipal burden, but that public/private partnerships could co-support it and foster conscionable development, preserving the aesthetics of community neighborhoods through Shared Living Arrangements for seniors.

It was soon realized that such housing, which would allow each resident to have their own bedroom/bathroom suite while sharing common areas, would also benefit special needs populations, particularly young, employable males. Therefore, the Mission of CHC be-

came, "to provide older adults and some special needs populations with shared housing facilities and services especially designed to meet their physical, social and psychological needs on a cooperative family basis and, through the caring 'second family' environment, to promote their health, security, happiness and usefulness in longer living."

CHC opened the first of its seven houses on January 1, 1990, and since that date, has provided round the clock services, sustenance and housing to 157 individuals whose average income has been less than \$14,000 per year and whose average length of stay has been a remarkable six and a half years.

The elderly, no matter their physical, emotional or mental condition at the time of admission to any residential program, eventually "age in place" and, if frail, are often moved to more restrictive and costly-to-government settings. This reality of aging and new needs of CHC's own residents motivated initiation of innovative programming toward a host of services for this vulnerable population. The operating premise of CHC remains unique. As needs arise, CHC works to address them both innovatively and creatively; modifying program approach born through the reality of senior residents aging in place, from fully independent living to "Senior Affordable Supportive Housing" (SASH), of which there is no similar program in New Jersey.

The occasion of its 25th Anniversary, also marks CHC's transition into a new housing model from the 5 unit ensembles to 10 units. This allows CHC to serve additional lower income residents in a more cost-efficient manner, maximizing available public and private resources to address their increasing need for supportive services.

The Housing Partnership is commended for its innovative contributions, the creativity of its Founders, and the consistency and dedication of its Board and Staff through the years in helping to resolve the dilemma of affordable housing for vulnerable populations in our great state.

Mr. Speaker, I ask you and my colleagues to join me in recognizing Cooperative Housing Corporation on its 25th Anniversary.

HONORING DENNIS ZIEMIENSKI

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2011

Ms. WOOLSEY. Mr. Speaker, I rise today with my colleague, Representative MIKE THOMPSON, to honor Dennis Zieminski, the 2011 Sonoma Treasure Artist. An internationally known artist from Glenn Ellen, CA, Mr. Zieminski is also a prominent supporter of art events in the Sonoma Valley.

Born and raised in San Francisco, Dennis graduated from the California College of Arts and Crafts before moving to New York for a successful career in illustration and painting. He worked with Time-Life, Levi-Straus, Rolling Stone, and the New York Times and has created compelling images for many high-profile clients such as Super Bowl XXIX, the Napa Mustard Festival, the Kentucky Derby, the

California Railway Museum, and the San Francisco Zoo.

An internationally acclaimed painter, Dennis has had several solo exhibitions, won numerous awards, taught at prominent art schools, and illustrated well-known book covers. He has also volunteered his teaching skills at local schools and has donated auction paintings or created posters for local Sonoma Valley nonprofits.

Dennis's work is marked by fine draftsmanship and strong, richly colored images inspired by early 20th century painting and posters. He travels frequently to develop different ideas and sensibilities. "I love to paint my native California and the West," he says, "but the land of my ancestors, Italy and the Mediterranean, has also been a frequent subject . . . it is also important for me to use a romantic sense of history and place, when required, to

create a vision that lures the viewer into the picture, creating the desire to 'be there'."

Dennis is married to artist Anne Zieminski, and the couple's daughter, Sofia, attends the University of the Redlands.

Mr. Speaker, we are pleased to congratulate Dennis Zieminski for his designation as the Sonoma Treasure Artist of the Year for 2011. Please join us and the Sonoma Valley Community in celebrating his accomplishments and contributions.

HOUSE OF REPRESENTATIVES—Tuesday, October 25, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FITZPATRICK).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 25, 2011.

I hereby appoint the Honorable MICHAEL G. FITZPATRICK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, I would like to thank President Obama for bringing all of our troops home from Iraq by the end of this year. This was an unnecessary war that cost over \$850 billion, in which over 4,400 Americans were killed and over 33,000 wounded. It is my hope that future Congresses will not accept misinformation from an administration as justification for sending our troops overseas to engage in combat.

I am reminded of a quote from Rudyard Kipling's "Epitaphs of War": "If they ask you why we died, tell them it is because our fathers lied." I hope this lesson stays with the future leaders of this country and they do everything they can to keep our young men and women from going to war unless it is absolutely justified.

Before the district work period, I went to the new Walter Reed facility in Bethesda. I saw five marines, four of whom had lost both legs. A young lance corporal looked at me and asked,

"Why are we still in Afghanistan?" I had to stand there, with his mother in the hospital room, and say, "I don't know."

My hope now is that this administration will bring our troops home before 2015. That is the timetable that Mr. Obama has agreed to. Just this weekend, President Karzai said, "If fighting starts between Pakistan and the United States, we are beside Pakistan. If Pakistan is attacked and the people of Pakistan need Afghanistan's help, Afghanistan will be there with our friends in Pakistan."

I don't know how much more America has to take from a corrupt leader like Karzai. Bin Laden is dead. That was the whole purpose in going to Afghanistan. Al Qaeda has dispersed all around the world, and we are spending \$10 billion a month in Afghanistan to prop up a corrupt leader, \$10 billion that we could be spending here in America to help our children and our senior citizens. I hope that this Congress will come together and join those of us in both parties who say that victory should be declared because bin Laden is dead.

Mr. Speaker, I bring with me to the floor a picture of a triple amputee, a young soldier and his lovely wife looking at an apartment and thinking as to how they're going to adjust their life. Both legs were amputated and his arm was amputated.

It is time for the American people to speak out to Congress and say, "Bring our troops home" because they have done everything that they could do and they've done it so very well.

Mr. Speaker, I will close by asking God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God in His loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. I will ask God to bless the House and Senate, that we will do what is right in the eyes of God for His people here in America, and I will ask God to give wisdom, strength, and courage to President Obama that he will do what is right in the eyes of God for God's people here in America. And I will close three times by saying, God please, God please, God please continue to bless America.

TUNISIA, LIBYA, SYRIA, AND YEMEN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. ELLISON) for 5 minutes.

Mr. ELLISON. Mr. Speaker, the changes in the Arabic-speaking countries over the last year have been astonishing. This region, which is home to over 300 million people, has been making unmistakable drives toward democracy, but those drives have not always been linear and smooth. There have been setbacks in advances. But as this region changes, the United States must also adjust to those changes as well.

First, I want to congratulate the people of Tunisia on their historic election on Sunday. It was Tunisia's first free and fair election since gaining independence in 1956. Tunisians created a new paradigm for governance in the Middle East, and I hope this is replicated throughout the region. Tunisia, by the way, was the first country to begin its dramatic social change against a historic dictator.

Last December, Tunisians said, "Enough." They took to the streets to demand their rights, and they ousted a dictator and went to the polls just a few days ago to elect new leaders. More than 90 percent of registered voters turned out to vote—that's 90 percent. Long lines snaked down sidewalks and around street corners. People waited for hours to exercise their right to vote that had been denied to them for more than 50 years.

It was also a well-deserved victory for a country that gave birth to the Arab Spring. Tunisians started a democratic movement that is slowly transforming dictatorships into democracies. The changes that are taking place in Libya are also irreversible. I don't celebrate the death of anyone, even a person as bad as Qadhafi, but Libya is certainly better off without Muammar Qadhafi. I am glad that the Transitional National Council will investigate the circumstances of his death, but the fact that he is off the scene gives Libya a new chance and a new lease on life.

For 42 years, Qadhafi ruled Libya with brutal force and criminal neglect. The country cannot afford more conflict. It should embark on a national reconciliation process similar to the Truth and Reconciliation Commission in post-apartheid South Africa.

That's not easy for a country that has endured so much bloodshed. But Libyans now have the opportunity to lay down arms and come together. Libyans will decide for themselves what kind of country they want to build. The Libyan people must decide what kind of example they will set for other countries in the region.

I'd also like to turn attention to Iraq. I offer my congratulations to President Obama for keeping his promise to exit Iraq. No yellowcake uranium, no link between Saddam Hussein and al Qaeda, and no weapons of mass destruction, and yet literally thousands of Americans' lives were lost, thousands of Iraqis' lives were lost, and perhaps \$1 trillion was lost. It's time to go. I congratulate President Obama in his decision to leave.

Syria's path toward change is also irreversible, but the outcomes are less certain. Bashar al-Assad's government has now killed over 3,000 people. Countless others have been raped and tortured. This is not the model that will characterize the region's future.

People like Tawakel Karman of Yemen are setting a new standard. Referred to as the "Mother of the Revolution" in Yemen, she recently won the Nobel Prize for her nonviolent activism, and I congratulate her.

As people across the Middle East and North Africa struggle for democracy, the United States should do all that it can to help them reach that democratic condition that we take for granted. As Americans, we will remember our own long struggle for freedom and should be at the waiting to help others secure their democratic future.

JOBS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. KINZINGER) for 5 minutes.

Mr. KINZINGER of Illinois. Mr. Speaker, I agree with my colleague that spoke previously. America needs to be a voice for freedom in the world. America is a great nation.

I find it interesting that we talk about the need to be engaged, with which I agree, but then we talk about the need to leave Iraq before we can know for a fact that we are leaving a very stable country.

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I find it interesting people are rushing to the exits in Afghanistan, and I understand that's a tough and difficult war. But in the process, we have brought millions of people freedom; we've brought to women the ability to go to school; we've brought to people the ability to live their lives in freedom and not under an oppressed regime.

America is a great country. We are an amazing country that is a force for freedom in this world, and it's a country I am very proud of. Having served in the military and continuing to serve as a pilot in the Air National Guard, I understand that the people I serve with are part of that great country.

Right now one of the concerns in our country, though, is that, in order to back up and to support a great military and to support a great force for

freedom, you have to have a great economy. What bothers me is that in 2009 in this Chamber a stimulus was passed which cost in just a few minutes of debate as much as the war in Iraq has cost in 8 years. In just a few minutes, we were promised that unemployment would not go above 8 percent, and, in fact, unemployment has never gone below 8 percent since the passage of the stimulus.

But do you know what has gone up? Not employment. Debt and deficits, more and more of a burden that we're piling on our children.

Now the President is coming out with a plan that says we can't wait, that we can't wait to pass stimulus version 2. Really, if you look at the depths of what the jobs plan is, it's stimulus 2. It's, in essence, a carbon copy of stimulus 1 but a little bit smaller. I've heard people in this Chamber argue, actually, that the problem with the first stimulus is it wasn't large enough. Now, I disagree. I think that's the wrong answer, but let's say for a moment that that's right. Let's say the problem is it wasn't large enough. Why would you introduce a second stimulus that's even smaller and say, This is the miracle bullet right here, this is how we're going to pull ourselves out?

I don't know how many times we have to do the same thing over and over and over again until we realize it doesn't work. The American people are hurting. The definition of insanity, by the way, is doing the same thing over and over and expecting different results.

House Republicans have a plan for America's job creators. We've had a plan for America and America's job creators and our economy for many, many months. Despite that people can get on television and say Republicans have no plan doesn't make it true. You're entitled to your own opinion, but you're not entitled to your own set of facts.

The fact is, at jobs.gop.gov, we have a plan. That plan includes empowering small business and reducing regulation on job creators but not to a dangerous level, as some on the other side of the aisle will have you believe that we want to take away all regulation. We don't. What we want to do is find that balance between allowing the free market to breathe and allowing people to come in and say, I want to hire people; I want to create more jobs; I don't need the heavy hand of government to come in and give me the permission to do what I'm doing.

We do have to fix the Tax Code. I think both sides of the aisle agree that there have to be Tax Code reparations go on to make it better and easier to do business. We have to boost competitiveness for American manufacturers. Look, American manufacturers aren't leaving because it's nicer in China and

the weather is better. They're leaving because they simply can't afford to access the 95 percent of consumers who live outside of our country and do it competitively.

But with all these things, and, again, with the Republican plan for America's job creators, I think we have to acknowledge areas where we have found success and bipartisanship. One of those happened just a week ago when we passed the three trade agreements with Colombia, Panama, and South Korea. We've shown that this Chamber has the ability to work together.

So, yes, we can't wait. We can't wait until the end of the election for the President to come up with a real plan and to work with Republicans. We want to stand together. I get it. An election is coming up next November. We all understand that. You're going to hear about it on television. But let's not miss the next 14 months. Let's not miss this opportunity to really stand up and govern and get the American people back to work.

RETAINING AND STRENGTHENING THE TRANSPORTATION ENHANCEMENT PROGRAM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Today's Washington Post has an interesting article about the possibility that Congress will jettison the Transportation Enhancement funding. Best known for providing resources for bike and pedestrian activities, it also opens the door to a wide range of important benefits. Sadly, the language in the article betrays a lack of understanding on the part of those who would eliminate these important programs.

For instance, they single out somehow that this was forcing the creation of wildlife corridors—turtle tunnels, passages that don't just comply with our environmental responsibilities. These aren't something to trivialize. More Americans die in collisions with moose, with deer—or, for that matter, from swerving to avoid a turtle in the roadway—than die on our airplanes and buses in a given year. These are not trivial issues. These are areas that give choices to be able to deal with meaningful transportation problems.

Right now, as I speak, there are millions of Americans stuck in traffic—burning fuel, wasting time, raising their blood pressure. The investment in complete transportation systems, which includes bike and pedestrian activities, means that there are hundreds of thousands of cars that aren't in front of these people in the roadway because they're able to walk or bike to work, and they're not fighting these commuters for a parking space.

These programs are about safety. In the communities that enhance bike

and pedestrian activity, everyone is safer. Look at the numbers in New York City or in my hometown of Portland, Oregon. It isn't just the pedestrian and the cyclist who are safer, but it's also the individual motorist. Traffic accident rates for everybody have declined.

It gives people transportation choices. More people can let their children walk or bike to school safely on their own because of the Safe Routes to School program rather than producing another bulge in the early morning commute. Choice also means healthier communities and the people who live in them. It's easier to get gentle exercise, cleaner air, less energy wasted.

The costs associated with pollution and obesity are astronomical. This gives values to families. Communities that have balanced transportation programs actually spend less on transportation. The figures for my hometown of Portland, Oregon, show that the average family saves \$2,500 a year not being stuck in traffic, in a commuting mess—money that they can spend on health care or books, restaurants or housing.

It's not just pedestrians and cyclists who would be shortchanged if we jettison these programs. The same adjustments that make it safer to walk or bike also have a profound impact on people who rely on walkers, baby strollers, motorized scooters. These enhancements have enhanced the community for the elderly, the disabled, and the young.

We also, frankly, have a current debate that shows exactly why we need a national policy. It's easy for people to get confused or misled. Nobody is forced to build a specific project. It forces State transportation officials to work harder and think differently, but it gives people more choices, more value, better health, stronger communities. It means that all our communities are more livable and that our families are safer, healthier, and more economically secure.

The 20-year legacy of the Transportation Enhancement program is strong. That's why they are the most requested transportation projects that Congress has entertained for the last 20 years. I do hope that we debate it fully and fairly. In the end, if we do, I am confident we will retain these important programs, and if anything, we will strengthen them.

□ 1020

HONORING SPRINGFIELD LITERACY CENTER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MEEHAN) for 5 minutes.

Mr. MEEHAN. Mr. Speaker, I rise today to acknowledge the Springfield Literacy Center, which is an innova-

tive district-wide initiative in Springfield Township, Delaware County School System in the Seventh District of Pennsylvania, which I have the privilege to represent.

Like so many of my colleagues, when we have our district work week, it gives us the chance to go back and really spend some quality time engaging with a number of the groups. While the principal focus of my work weeks is to go back and work on the issue of jobs and the creation of opportunities, particularly with small businesses, one of the issues that many of them will talk to me about is the unpreparedness of many of our graduates to be able to take on the jobs, particularly the jobs in the expanding global economy which we face.

One of the issues is the ability to do fundamental things. I visited this literacy center last week because it's setting the standard for educational excellence in the 21st century. It's a community-wide focus on the issue of the fundamental of reading, and it started with the superintendent on down and every teacher in the school district focused on having the ability for every child being able to read.

This particular literacy center brings their entire second grade class from the full district together to learn. While it's an architecturally impressive area which supports the learning concept, it's really the individualized attention that's given to each and every student, identifying where they are in the process and, if necessary, going down and even to an individual basis to help them stay current with their class.

The literacy center is the foundation of Springfield Township's literacy first initiative, which aims to ensure that every child leaves elementary school reading at grade level. Let me repeat that: every child leaves elementary school reading at grade level. The center's teachers accomplish this by designing an individual literacy curriculum designed for each student. Lessons often use creative techniques, and the settings are tailored to individual students' learning styles. The key thing here is that students do not fall behind and they are prepared as they move into later education to stay with the rest of their class.

With these innovative techniques and through the hard work of the literacy center's teachers, students and families after only 5 years of operation, 99 percent of its students were reading at grade level. Let me repeat that again: 99 percent of its students were reading at grade level.

Mr. Speaker, I commend the Springfield Literacy Center and its staff for all that they do in making a difference in the lives of their students and their communities. But I suggest to you that this is the kind of model that we should be replicating so that all Amer-

ican students will be prepared to have the fundamental of reading be a central part of their ability to be prepared to compete in the global economy.

BREAST CANCER AWARENESS MONTH

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to honor October as National Breast Cancer Awareness Month.

For nearly 30 years, the month of October has brought a sea of pink ribbons to our shopping centers, sports games and lapels as we commemorate National Breast Cancer Awareness Month. Each ribbon symbolizes our Nation's renewed commitment to fighting this deadly disease, from promoting breast cancer awareness, sharing information about breast health, providing greater access to screening services, and ultimately finding a cure.

Our mothers, sisters, daughters, spouses, family and friends dress in pink to demonstrate support for women through awareness, education, and empowerment. And though we love the color, we know that October is about so much more than walkathons and accessories.

I'm one of 2.5 million breast cancer survivors living in this country. Just weeks after a clean mammogram myself and my 41st birthday, I felt a lump in my breast. As a young and otherwise healthy mother of three, I heard the words that all women hope they never hear: you have breast cancer.

Getting that news felt like an anvil crashing down on me.

With an early diagnosis and confirmation of a hereditary form of the disease, I underwent seven major surgeries, but not radiation or chemotherapy, to ensure that my cancer would not return. But that fear is never truly abated. Once you have had cancer, you always know it could come back.

As a breast cancer survivor, I understand intimately how important it is that women have every possible cancer-fighting tool at their disposal. Our Nation has been a leader in discovering innovative methods of detection and treatment. A cancer diagnosis is no longer the death sentence it once was, and the statistics are only getting better.

But our health care system is still rife with disparities, particularly when it comes to information and access that prevent these advances from reaching everyone. Here in the United States, more than 200,000 people will be diagnosed with breast cancer this year alone.

Around the world, that number skyrockets to an unbelievable 1.6 million

new breast cancer cases annually. Tragically, almost half a million of these breast cancer patients will die.

That means every 74 seconds a woman somewhere in the world dies of breast cancer. These are our mothers, daughters, grandmothers, aunts, sisters and friends, women we all have known, loved, and lost.

Mortality from breast cancer has been steadily decreasing over the last 25 years in North America and throughout Europe. Much of this progress is attributed to the widespread use of mammography and other early detection techniques and improvements in treatments.

We know that leaps in research and treatment have led to increased survival and that early detection has the power to save lives. But we must make sure that that is the norm in communities all over the world and not only the privilege of the fortunate few.

Cost and geography should never place a limit on your ability to get screened, and knowledge should never be a health disparity. For all the progress that we've made over the last 25 years, we must work together to ensure that we beat this disease for good over the next 25 years.

Looking to the future, I'm committed to finding those areas of breast cancer treatment and breast health awareness that still have a long way to go and working on legislative solutions to fill those voids. Women in their 20s, 30s, and 40s have a completely different experience when it comes to breast cancer than women in their 50s, 60s, and 70s; and it is vital that we recognize and honor those differences.

For young women, we in Congress must work to help preserve fertility that often suffers as a result of cancer treatment. It's difficult enough to be told that you have cancer at a young age, but there's no reason that treating the disease should prevent young women from having children down the road. For older women, we should be working to ensure coverage for prophylactic surgery or appropriate treatment options.

Unfortunately, Medicare does not cover many of these services, leaving older women with difficult choices in their treatment options. We've made progress, but there is certainly a long way to go; and I look forward to making that progress together.

We know that early detection improves your chance for diagnosis, treatment, and survival. Yet there are so many women who still face barriers to treatment and access to care.

The biggest tragedy is that so many millions of women around the world will still lose their battle to breast cancer. We cannot forget their struggles, and we must continue our mission in honor of their memory. Working together, we must keep up our dedication and vigilance to help women know

their risks, discover cancer early, access the best treatment possible, and work toward eliminating this disease.

This October, there is more hope for survival as we increase access to early detection and affordable quality care. Let us commemorate Breast Cancer Awareness Month with a renewed dedication to support our mothers, sisters, our daughters and sister friends and eradicate breast cancer once and for all.

PRESIDENT OBAMA AND THE AMERICAN JOBS ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS. Mr. Speaker, I have read President Obama's American Jobs Act. It is 155 pages and single spaced. I encourage the American people to read it too.

Unfortunately, President Obama's American Jobs Act does not address the underlying structural issues with the American economy. In fact, in my judgment, it destroys more long-term jobs than it claims to create.

Some history is in order. In November 2006, America's unemployment rate was 4.5 percent. That's right, 4.5 percent—less than half today's rate.

In November 2006, Democrats captured Congress and gave us House Speaker NANCY PELOSI and Senate Majority Leader HARRY REID.

In November 2008, President Obama was elected. For 2 years, Democrats completely controlled America's economic policy. The result: Between November 2006 and November 2010, 7 million American jobs were lost. America's excellent November 2006 4.5 percent unemployment rate deteriorated to 6.8 percent by November of 2008 and degenerated further to 9.8 percent by November 2010.

□ 1030

For almost 5 years, America's job creators have been hammered by job-killing policies. America's job creators are reeling from ObamaCare costs. America's job creators are shell-shocked by a job-killing National Labor Relations Board that sues to kill South Carolina jobs because South Carolina dares to be a right-to-work State in which workers cannot be forced to join a union.

Obama's job-killing 10 percent tax increase awaits job creators in 2013.

Obama's EPA repeatedly imposes new, costly environmental regulations that risk plant closings and kill jobs.

Obama's three consecutive trillion-dollar deficits threaten America with insolvency and bankruptcy and frighten job creators into inaction. In 5 short years, President Obama and his congressional allies have replaced a pro-free enterprise, job-friendly environment that created 6 million jobs be-

tween 2003 and 2006 with class warfare, demonization of job creators, socialist feel-good policies that don't work, and 7 million lost jobs between 2006 and 2010.

Mr. Speaker, Obama's so-called jobs bill creates "one and done" short-term jobs that will evaporate the moment Obama has blown through another \$450 billion in borrowed money. In exchange for "one and done" jobs, Obama kills real jobs.

First, Obama raises taxes on America's domestic oil industry, which increases production costs, drives up domestic oil prices, reduces demand for domestically produced oil, thereby destroying domestic oil industry jobs.

Obama's higher oil taxes force price increases for gasoline, heating oil, and plastics. These higher prices in turn drive up manufacturing costs in America, make America less competitive, and kill jobs across our entire economy.

Second, and incredibly, Obama gives civil rights status to unemployed people, empowering them to file costly EEOC complaints and Federal lawsuits against employers for discrimination any time an employer does not hire an unemployed person. Millions of frivolous EEOC complaints and lawsuits will drive up the cost of doing business in America which, in turn, kills business and destroys American jobs.

Third, Obama raises taxes on charitable contributions to churches, synagogues, mosques, the Red Cross, United Way, and other charitable institutions. Higher taxes mean fewer charitable contributions, which kills religious and charitable institution jobs. Obama does not have a jobs bill; Obama has a kill-jobs bill that encourages jobs to relocate overseas.

Mr. Speaker, America's economy has serious structural issues that Presidential Band-Aids and makeup won't fix and can't hide. President Obama's kill-jobs bill must be defeated because it is poorly thought out, bad economic policy, and costs American jobs. President Obama's kill-jobs bill is a political document, not an economic document. It gets an "A" for class warfare politics and an "F" for job creation.

Mr. Speaker, I urge defeat of President Obama's kill-jobs bill. It must be killed before even more damage is done to America's economy.

IT'S ABOUT TIME: A WELCOME BUT OVERDUE MILITARY REDEPLOYMENT OUT OF IRAQ

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, 8½ years ago, without provocation or just cause, and based on distortions and deceptions, our country launched a bloody and immoral war in Iraq—almost 9 years, a long time for a war

whose mission was pronounced accomplished by then-President Bush in May of 2003.

But now the Iraq war, which has cost our Nation so very much in blood and treasure, in moral authority and global credibility, is finally ending. Thank you, President Obama.

When I heard the President's announcement that our troops would be home from Iraq by the end of the year, I had one thought: it's about damn time. And my second thought was: oh, well, we have to stay vigilant, especially with negotiations still to come about the possibility of military trainers or advisers remaining in Iraq. As we move forward with a constructive bilateral partnership, let's make sure we don't backslide into a renewed military occupation under a different cloak.

To me, however, Friday's news was greeted not so much with celebration but with relief and also with reflection about the senseless sacrifice endured by so very many people. Nearly 4,500 courageous American servicemembers gave their lives for this war. More than 30,000 have returned home with searing wounds to their bodies and their minds, if not missing limbs, then too often post-traumatic stress that can make every day a living nightmare.

And let's not overlook the 100,000-plus innocent Iraqi civilians, many of them children, who were killed because the United States of America chose to "liberate" them. When I think about the humanitarian atrocities of this war, it is most often the faces of those children that I see.

Then there's the fiscal carnage. The \$800 billion appropriated to prosecute the war doesn't even scratch the surface of the total cost. There is the rise in oil price, the interest on the debt we've accumulated, and of course the veterans health obligations, a promise we must and will keep, a promise that will still be with us at least 50 years from now.

President Obama's announcement is welcome, but long overdue. I've been an outspoken opponent of the war since before it started, and I introduced the first legislation to bring our troops home in 2005. More than 400 times I've stood in this very place in this Chamber to call for an end to the Iraq and Afghanistan military entanglements and the beginning of a SMART Security approach that emphasizes humanitarian and peaceful conflict resolution in place of military might.

I was proud to work with my good friends Congresswomen WATERS and LEE to establish the Out of Iraq Caucus. Their leadership, their support, plus our many other colleagues on both sides of the aisle who lent their voices to the cause made the difference because back in 2004 and 2005, ours was not the majority position. Because we broke the silence, because we acted on

principle and refused to stand down, the American people came around to the out-of-Iraq perspective. Because we stood on the right side of history, we found ourselves with the majority of Americans on the right side of public opinion wanting—no, demanding—an end to the Iraq and Afghanistan wars.

Our work isn't done, of course. The war in Afghanistan rages on. It's destructive, it's foolish and about 100,000 troops are still in harm's way there on a futile and expensive mission that is not making us safe, but is actually undermining our national security.

Mr. Speaker, again I give President Obama credit for his decision to bring our troops home from Iraq by the end of the year; and at the same time, I will continue to speak out until Americans get the peace that they want and deserve and all of our troops are home from Afghanistan as well.

DEPORT FOREIGN CRIMINALS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, there's been a lot of talk about immigration, border security and all of the problems in between. But let's talk about one part of the immigration issue that has maybe slipped through the cracks and we don't hear much about it. There are some illegals in the United States that are just criminals. They have been convicted of crimes from everything from stealing to killing, including rape, robbery and murder.

The Bureau of Prisons says that 27 percent of all the prisoners in Federal prisons are foreign nationals that are illegally in the United States. That's astonishing, that over 25 percent of our Federal prisons house illegals, all at the expense of Americans. These criminals serve their sentence in one of our State or Federal prisons. Then after they serve that sentence and they are ordered deported, here's what happens: many of their native countries refuse to take back their deported criminals.

□ 1040

Why would they take them back? They've got enough criminals of their own.

Since they won't take back all of their own citizens that are convicted criminals after they serve their sentence, that nation tries to pawn off the remainder on the United States. These thugs get a get-out-of-jail-free card in the United States because we do not permanently detain them in jail after they have been ordered deported and their country of origin refuses to take them. That means that they are released on the American streets. They are criminals without a country.

So how many people are we talking about? Well, according to an ICE report

earlier this year, we're talking about 138,000 illegal aliens who are pending deportation—either in jail or out on the streets. Some of these are never taken back to their home countries.

Now, who are these offending nations? Well, Cuba, Iran, Pakistan, and, yes, China. Our good buddies the Chinese are the second worst offenders, with 35,000 convicted criminals pending deportation. Imagine that—Chinese criminals in the United States. Who would have thought?

Well, we already have a law on the books that says that the Department of Homeland Security is supposed to report to the Secretary of State any countries that do not accept or unreasonably delay taking their citizens back. Then the Secretary of State is supposed to discontinue granting visas to citizens of that country. That sounds good, but the problem is Homeland Security doesn't always enforce the rule of law. Homeland Security has the obligation to follow the law and ship these criminals back to where they belong. It's simple: If you come to the United States illegally and commit a felony, you go home after you are lawfully deported.

It's time we offer a proper incentive for these uncooperative nations—like China—who freely take money from us—like our debt—and turn around and disrespect our laws. There needs to be a punishment for any nation that refuses to take back lawfully deported criminal aliens. We should not be issuing visas to diplomats of other nations that refuse to cooperate with our government. There should be consequences for countries whose citizens illegally enter the United States, harm our citizens, go to prison, and the host country disrespects the law of the United States and doesn't take back their malcontent citizens.

So how do we make sure that these disrespectful foreign governments take back their citizens? Today, I introduced the Deport Convicted Foreign Criminals Act. This bill is simple. First, if a country does not take back their criminal aliens after 90 days of being given proper legal notice, diplomatic visas will be withheld. Then, if the country still refuses to take back their criminals, these sanctions will be expanded to include other types of visas.

Our government needs to be more concerned about the rule of law, the security of our Nation, and the cost to the American taxpayer than it is about hurting the feelings of some foreign country. Immigration is a complicated issue. But this part is simple. Foreign convicted criminals need to go back home. Their homeland should take them whether they want them or not. The United States cannot be a halfway house for foreign criminals.

And that's just the way it is.

RAPE IN THE MILITARY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, I rise today, as I have risen nine times before, to speak about the unspeakable—rape in the military. Nineteen thousand soldiers each year, women and men, are raped in the military. And what is Congress doing about it? What is the Department of Defense doing about it? Not much.

This is the 10th time I'm standing on this floor to share a story of a victim. Each of these soldiers proudly served their country, each was raped, and each was subjected to a system of justice that protects the perpetrator, not the victim. This is a problem we can fix; we just have to want to.

I will continue to share these stories until something changes. Survivors can email me at stopmilitaryrape@mail.house.gov if they would like to speak up.

Today, I want to share the story of Sergeant Myla Haider. Sergeant Haider served in the Army from 1994 to 1999, and again from November 2000 to October 2005. When Sergeant Haider entered the Army, she planned on being a career servicemember; but in 2002, Sergeant Haider was raped while she was working with the CID, the Criminal Investigative Division. Ironically, it is the CID that is charged with investigating crimes, including rape and sexual assault, in the military.

On this occasion, after socializing with a group of CID colleagues, the rapist, a senior agent in CID, isolated Sergeant Haider from the group and raped her. Sergeant Haider, like the overwhelming majority of servicemembers raped in the military, did not report the crime. She didn't report the rape because she had witnessed firsthand the negative attitude that the CID had towards rape victims and didn't believe she would be able to obtain justice if she had reported being raped.

She did, however, confide in two friends, both other division agents at CID. They both promised her that they would not report the rape because they agreed with her assessment that reporting the rape would not lead to justice.

Two years later, in November 2004, Sergeant Haider was contacted by a CID agent who had learned from one of Sergeant Haider's friends that she had been raped 2 years earlier by a senior CID agent. The CID agent informed her that the assailant was being investigated for raping several other women and indecently assaulting others. A serial rapist in the military.

In 2005, Sergeant Haider testified at her rapist's court-martial. However, the agents that Sergeant Haider had confided in testified for the rapist. Sergeant Haider later learned from the

agents that they had been threatened by command if they didn't testify on behalf of the accused. So, in order to preserve their careers at CID, they followed orders.

In describing her decision to speak out, she said this: I knew my career was over because our soldiers cannot report a rape in the military and expect to have a successful military career.

You see, only 13 percent of those that are raped in the military actually report it. And of those 13 percent, 90 percent of them are involuntarily honorably discharged from the military. So I have become painfully aware that at the rate the Department of Defense is working to address this issue, the epidemic of military sexual assault will never end.

It is long past time for Congress to act. The real question is: When will we start protecting those that defend us?

DOMESTIC VIOLENCE AWARENESS MONTH

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Wisconsin (Ms. MOORE) for 5 minutes.

Ms. MOORE. I'm here today to join my colleagues on both sides of the aisle to recognize Domestic Violence Awareness Month.

I wear my purple ribbon because I'm incredibly supportive of the goals of this commemorative month and yet painfully aware that domestic violence does not confine itself to one singular month. Therefore, Mr. Speaker, I rise today to encourage all of us to keep our focus on this pernicious issue year round.

It's not an exaggeration to say that domestic violence is an epidemic in this country. It affects nearly one in four women. This violence has far-reaching effects, not just for women and sometimes men who experience it, but for their families, including their children, as well as their employers and their communities, for generation after generation.

The statistics and stories from my home State of Wisconsin provide a small snapshot of the impact of this violence. The Wisconsin Department of Children and Families reports that between October 1, 2009, and September 30, 2010, nearly 41,000 women, children, and men received services from domestic violence victim service providers in Wisconsin. And over 6,600 people sought refuge in a domestic violence shelter.

□ 1050

The Wisconsin Coalition Against Domestic Violence publishes an annual homicide report detailing domestic violence-related homicides. They've done this since 2000. And in this time span, at least 532 people have lost their lives in incidents related to domestic violence.

Last year, in 2010, there were 39 domestic violence homicide incidents resulting in 58 deaths, 51 homicides and seven perpetrator suicides. These deaths represent nearly one-third of all homicides in 2010 in Wisconsin. Victims in these incidents came from 17 counties across the State and included both the young and the old—the youngest was less than 1 year old and the oldest was 87 years old. And as a result of these homicides, at least 12 children were left orphaned or without a mother.

In Milwaukee County, where the Fourth Congressional District is located, there were 21 domestic violence-related homicides last year. And they include Mae Helm, 58, brutally stabbed by her boyfriend in her own apartment; Shannon Dorsey, 44, strangled with a belt by her boyfriend, age 46; and Sabrina Junior, 43 years old, who was stabbed to death by her partner while the couple's 11-year-old daughter cowered in a closet with her two younger sisters. Children are too often left with neither parents nor appropriate treatment for the collateral damage of domestic violence.

As cochair of the Congressional Caucus of Women's Issues and a longtime supporter of domestic violence-related legislation—and as a survivor of domestic violence—I want to take this opportunity to reiterate my pledge to work towards greater, stronger, and more public policy initiatives to meet the overwhelming need that remains for victim services and a range of domestic violence programs. I urge my colleagues on both sides of the aisle to do the same.

We simply cannot continue to stand by and tolerate the ongoing funding gap for victim services while lives are at risk. Three women a day die as a result of domestic violence. We must continue to maximize our opportunities for intervening in ways that fit individual victims' needs. We need culturally competent services. We need services for children. And we must make the most of every opportunity for education and advocacy and prevention services. I sure hope my colleagues will join me this month and every month in the fight to support victims of domestic violence through funding more programming.

THE FOOD STAMP CHALLENGE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. Mr. Speaker, I rise to talk about the millions of Americans who woke up this morning facing a separate and unequal America, a separate and unequal America marked not by the American Dream and limitless opportunities, but an America of the unemployed and poverty stricken, an America marked by

struggle and fear of the future—the struggle just to find a job, the struggle to keep their home, the struggle to put enough food on the table.

Americans all across the country are struggling and believe that their government is not looking out for their best interests and instead is working just for rich bankers and massive corporations. People across the Nation are losing faith in our democratic processes and, thank goodness, are taking to the streets to tell their friends, neighbors, and their government that much more must be done for the American people and not just for the super rich. They are saying very loudly that the obstacles to achieving the American Dream must be removed. Too many families across our great Nation are wondering for the first time if our children's generation will be left worse off than the generation before it.

I urge the Republican leadership of the House to quickly pass the President's American Jobs Act to restore the American economy and bring some relief to the millions of Americans who are struggling every day just to get by.

Mr. Speaker, more than 46 million Americans will apply for food stamps this month. The Supplemental Nutrition Assistance Program, or SNAP, previously known to many as food stamps, provides the average person a benefit of about \$133 a month—that's \$4.50 a day, \$1.50 a meal. There is a Member of the Senate, however, who seems to believe that there might be millions of Americans who are getting rich by applying for food stamps. Let me assure the good Senator from Alabama that it is not fraud that is causing the rising demand for nutrition assistance in America, but the years of failed economic policies that have lined the pockets of corporate billionaires and left average Americans behind. A program with one of the lowest fraud rates of any program in our entire government is not out of control. But let me state as clearly as I can, having to apply for food stamps to put enough food on the table to keep your children from going hungry is not like winning the lottery. One in seven Americans do receive food stamps, but millions more are eligible but don't apply. And I'm certain that each and every family would be willing to trade in their book of food stamps for a decent job with livable wages and benefits.

Mr. Speaker, I'm taking part in the Fourth Annual Food Stamp Challenge, along with several other Members on this side of the aisle—Congressman TIM RYAN of Ohio, Congressman JOE COURTNEY of Connecticut, Chairman EMANUEL CLEAVER of Missouri, Congresswoman MARCIA FUDGE of Ohio, Congresswoman DEBBIE WASSERMAN SCHULTZ of Florida, Congresswoman JAN SCHAKOWSKY of Illinois, and Congresswoman GWEN MOORE of Wisconsin.

And I invite every Member of Congress to join us in living for a few days or a week on what a family on food stamps will face every day of the year. I hope that the challenge will open our eyes to the challenges and the struggles of the millions of Americans who face hunger each and every day. Living in poverty and facing food insecurity means missed meals, poor health, and lost productivity.

Even if you choose not to join the Food Stamp Challenge, I encourage you all to stop and consider what it means to have \$31.50 to spend on food for the entire week. Stop for a moment and consider that there are over 46 million Americans who have to swallow their pride and ask for help just to put food on the table. As a former recipient of food stamps myself as a single young mom, I know how difficult this is. I did it because I had to do it just to get over some very difficult times. Forty-six million Americans who reached out to their fellow Americans during their time of need—and I thank the American people during my time of need—they were glad to be there to lend a helping hand. We cannot make cuts to SNAP or Medicaid or Social Security right when children and senior citizens need them the most. So I hope that my colleagues take up the Food Stamp Challenge.

I also encourage each Member to join me and the 43 other Members of the Congressional Out-of-Poverty Caucus in ending poverty in America to ensure that no family in our country needs to ever face hunger again. The Out-of-Poverty Caucus is working to reignite the American Dream so that every man, woman, and child is provided the opportunities to achieve the American Dream. But right now, these 47 million people living in poverty and on food stamps need us to protect the safety net.

And for those individuals and persons of faith, we have to remember that this is a moral issue also. I want to remind you of the Scripture, "To whom much is given, much is expected." It's also an economic issue though; for every \$1 spent on food stamps, \$1.79 is placed into the economy.

THE FOOD STAMP CHALLENGE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Illinois (Ms. SCHAKOWSKY) for 5 minutes.

Ms. SCHAKOWSKY. On Thursday, I will join my colleague Representative BARBARA LEE, Catholic Charities USA, the Jewish Council for Public Affairs, the National Council of Churches, and several other Congress Members that my colleague mentioned to participate in the Food Stamp Challenge, an effort to draw attention to the crisis of hunger in America.

□ 1100

As part of the challenge, participants will eat on the average SNAP allotment. That's what we call it now. There's no more food stamps. Now people get a card that they can actually use to charge the food. But we'll eat on the average SNAP allotment of \$1.50 per meal for a week.

Having participated in this event in the past, I know it is extremely difficult to eat a healthy diet under such strict budgetary guidelines. Nevertheless, SNAP is the difference between chronic hunger and a basic meal for 45 million Americans.

Now, obviously, that means I'm going to give up any Starbucks coffee. But even the \$1 coffee that I was able to buy in the cloakroom just before I came out here is something that will be just too precious to spend. That's almost a whole meal's worth just to buy that cup of coffee.

In 2010, 14.5 percent of American households were food insecure, meaning they lacked the capacity to put enough food on their tables. They relied on nutrition programs like SNAP to make ends meet.

In this, the wealthiest country in the world, one out of four American children is now food insecure, meaning there are nights that they go to sleep hungry. It really is a moral issue, as my colleague pointed out.

The Supplemental Nutrition Assistance Program—that's SNAP—provides an essential safety net for American families. More than half of SNAP recipients are children.

The Republican budget passed in the House—with no Democratic support, I might add—would cut \$127 billion from SNAP over the next decade, a 20 percent cut. The House Agriculture appropriations bill—passed, again, with no Democratic support—would also cut the SNAP program.

You know, these may be just numbers, \$127 billion here and several billion dollars there, but their effects are very real for people across the country. I recently received dozens of messages on paper plates from EZRA Multi-Service Center in Chicago. They rely on SNAP to make ends meet, and they fear the repercussions of further cuts. The plates answer the question: What would happen to you if SNAP benefits are cut?

Heather C. in Chicago said that it's already hard enough to feed her children as it is, and cutting SNAP would mean her kids would suffer. She says, "My food stamps stretch out for about 2 weeks out of the month, so if I didn't have them, then it would cost me an extra \$250 a month to feed my children. Food these days is so expensive, and the more help we can get to feed our kids the better."

And, by the way, most of the people on the SNAP program are on just for a temporary amount of time, just like

the Congresswoman said, to bridge a gap when they're really in need.

Jack K. worked for decades as a taxicab driver but retired with very little wealth. He says now, "I now live in subsidized housing and depend upon soup kitchens and food pantries for food."

An anonymous client from Chicago writes that if SNAP benefits are cut, "it would be impossible for me to feed my four children every day. It's bad enough that because of this recession there's a lack of jobs. That alone makes it difficult to provide for them. These programs give people the temporary help they need to be okay until a job is obtained. Please take into consideration the children who depend on their parents for survival."

One commenter said she needs the program because she lost her life savings to cover medical costs which continue to this day. "Instead of being middle class, I am now living below the poverty level," she says. "Without assistance, I would be back in a homeless shelter. As it is now, I am unable to afford utilities, between my rent and medical expenses."

And Robert B. in Chicago said the bad economy has left him in long-term unemployment. "I lost everything. If my benefits were cut, I wouldn't eat for awhile."

We have options in this wealthiest country in the world. For example, I've introduced H.R. 1124, the Fairness in Taxation Act, which would raise revenues by increasing tax rates on the 1 percent richest Americans. Income over \$1 million a year would be taxed at 45 percent, moving up to 49 percent for income over \$1 billion. And, by the way, that's lower than during the Reagan years.

So I invite my colleagues to join me in the Food Stamp Challenge and learn, just even for a week, what it's like to live on \$1.50 a meal.

IT'S TIME TO THANK OUR WARRIORS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Good morning, Mr. Speaker. It's really a pleasure to have the opportunity to speak this morning and to congratulate President Obama for keeping his promise and keeping his promise to the American people.

I've had the privilege of traveling to Iraq on many occasions, the privilege of greeting our soldiers coming from Texas, Houston, and all over America. I've had the sadness of attending the memorials and funeral services of fallen soldiers, the sadness of talking to parents and relatives asking the question: "Why?" I've even gone and mourned with mothers around the issue of convincing Presidents, in this

instance, President Bush, to end the war.

I've been amidst tiny white crosses that have symbolized the numbers of those who died in Iraq; and in my office, for a period of time, we accounted for the numbers of individuals who died in Iraq, in particular, from the State of Texas.

I cochair the Afghan Caucus. In times that I have gone to Iraq in the Green Zone that is familiar to many, I've even taken enemy fire; and that is, of course, enemy fire attempting to hit those in the Green Zone, nothing in comparison to our soldiers and certainly never experienced the heinous act of an IED.

It is time to bring those warriors home and to say thank you, spending almost \$900 billion, close to \$1 trillion. And I'd like to see the amendment that I passed in the Defense authorization bill utilized. It was a national proclamation, a day to welcome home all of our combat veterans. It would include those who have fought wars in Iraq and Afghanistan and other wars in times past and other incidents around the world.

It's time to have a celebration and a response to our soldiers like we've never had before. It's time to place ribbons; it's time to stand in streets; it's time to celebrate through parades. And I would commend those who have served and continue to serve and our veterans. It seems that that is the appropriate response.

And how silly it seems that in the State of Texas we have to be fighting the potential implementation of a Confederate flag. We had a press conference in my district with persons from around the State and around the county standing up against the State-issued Confederate flag. In fact, we announced for the State of Texas: Why couldn't we put the American flag on our plates, our license plates, to symbolize our commitment to our soldiers and our respect for the unity of this Nation?

But yet, under Governor Perry, we are fooling around with the idea, with his appointees, of a Confederate flag license plate, one that does not honor the Confederate soldier. For those who wish to honor them, there are places and museums in your home. But to put on the State license plate a flag that symbolized fear, intimidation, oppressive actions, brutality, slavery, and the death of slaves, some 20 million that came over, many that were thrown overboard, and the brutality of Jim Crowism is an outrage and will not be tolerated.

While there is continued growth of millions of millionaires and the average salary in the United States is \$26,000, it seems that we should stay focused on job creation and not be distracted in a State as large as Texas, with the largest majority minority

community of Latinos and African Americans and the largest number of uninsured, that the government of the State of Texas would take time to fool around with a Confederate flag, a hostile symbol that is so egregious to many in this country.

□ 1110

And so, Mr. Speaker, I hope that Congress will focus on passing the jobs bill, recognizing the need of the American people. I hope my colleagues will look toward States that would create a hostile atmosphere such as a Confederate license plate in a way that would show that many times they're not worthy of receiving Federal funds if they want to spend their time spending money on something as dastardly as that—and I come from the State—because there are so many needs, such as was mentioned earlier by my colleagues, in the limitations in the SNAP and food stamps where children are starving.

Why don't we focus on the goodness of bringing us together such as my earlier comment of welcoming home our troops with a national proclamation pursuant to the amendment that I passed on this floor of the House 419-0? Why don't we get rid of things like Confederate flag symbols that represent oppression? And why don't we come together in this Congress to pass the President's American Jobs Act so salaries are not going down? And why don't we hold States accountable when they get Federal dollars that if they don't hire small businesses and those who are unemployed, Mr. Speaker, that we cut their Federal funds? And I truly mean that.

I thank you, Mr. Speaker, for your indulgence. Again, let's get rid of the bad things in the United States, such as symbols of Confederate flags insulting much of the American people, let's support SNAP, let's support people going to work, and let's make sure that there are people earning more than \$26,000 by getting them back to work.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 12 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Morris Matthis, Christ United Methodist Church, Sugar Land, Texas, offered the following prayer:

Almighty God, who is the giver of every good and perfect gift and who has blessed us with this good land and fashioned us into one united people, grant wisdom to those whom in Your name we entrust the authority of government.

Guide them, O God, in their deliberations and in their decisionmaking. Grant them the grace to see themselves as leaders who stand in the shadow of history. Bless them with the humility and insight of Abraham Lincoln, who said: "I have been driven many times to my knees with the overwhelming conviction that I had nowhere else to go."

Give them the assurance that when the hour is desperate and the way unclear, there is one to whom they can go, and then, O God, in Your Mercy, help them to go there.

In the name of the One who is the Hope of the world, amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. OLSON) come forward and lead the House in the Pledge of Allegiance.

Mr. OLSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

WELCOMING REVEREND MORRIS MATTHIS

The SPEAKER. Without objection, the gentleman from Texas (Mr. OLSON) is recognized for 1 minute.

There was no objection.

Mr. OLSON. Mr. Speaker, one of the privileges we have as Members of Congress is to have the leader of a church back home deliver the opening prayer for the United States House of Representatives. Today, I'm proud to introduce America to my home pastor, Morris Matthis.

Morris has had a tremendous spiritual influence on my family and me. When we moved back to Texas, my wife and I worried about uprooting our two children from the only home they'd

ever known. But we shouldn't have worried. We found Morris and the amazing people at Christ United Methodist Church in Sugar Land, Texas. They welcomed us with open arms, and have loved us ever since.

During his tenure at Christ United Methodist Church, Morris and his team—his wife, Jepilyn; his son, Kyle; and his daughter, Amy—have made sure that every single man, woman, and child who has walked through our church's doors has felt the peace, the love, and the faith that embraced my family.

Whatever I do in Congress, however long I'm here, I'll have no fonder memory than my pastor, Morris Matthis, standing before the American people in prayer for our great Nation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

THE MONTFORD POINT MARINES

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Later today the House will consider H.R. 2447, a bill awarding the Congressional Gold Medal to the Montford Point Marines, the first African Americans to serve in the United States Marine Corps. The United States of America owes these heroes a debt of honor that we will endeavor to pay, in part, today. I rise in strong support of this measure.

It was President Franklin Roosevelt who issued an Executive order in June of 1941 that opened the doors for African Americans to enlist in the United States Marine Corps. Between 1942 and 1949, approximately 20,000 African Americans earned the Eagle, Globe, and Anchor at Camp Montford Point in Jacksonville, North Carolina. And we'll honor them today.

I especially want to commend the Montford Point Marines Indianapolis chapter's surviving marines. And since there are no "former marines," allow me to commend Marine Averitte Corley, Johnny Washington, and Lancaster Price, along with the late Walter Ezzell and Everette Sweat, who have done yeoman's work in keeping the proud memory of the Montford Point Marines alive in the Hoosier State.

The Congressional Gold Medal is a fitting tribute to the Montford Point Marines. It marks the service and sacrifice of these trailblazing heroes, but it also marks our Nation's mark toward a more perfect union, and I heartily endorse it.

HOME ENERGY ASSISTANCE PROGRAM

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, I rise to express my strong opposition to cuts in the Home Energy Assistance Program, or HEAP as it is known in New York.

With snow in Buffalo forecast this week, it seems unconscionable to slash this essential aid that helps seniors afford their heating bills. However, the House Labor-HHS bill would do just that. It cuts HEAP and changes the formula in a way that penalizes New York and other cold-weather States.

New York's allocation would be cut by \$179 million, or 34 percent, from its current levels. As a result, HEAP assistance will be smaller, later, and benefit fewer New Yorkers. At a time when western New York heating prices are expected to increase, these cuts would force seniors and families to choose between heating their homes, putting food on the table, or purchasing prescription drugs.

I urge Congress to reject these cuts which threaten to leave many of the 235,000 HEAP recipients in Erie and Chautauqua counties out in the cold.

THE COST OF SENATE INACTION

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, yesterday we learned that by the end of this year another ratings agency may downgrade our Nation's sovereign debt. Why? Because they don't believe there's a plan to return our Nation to fiscal health. Well, they're not entirely right. In July, we passed the Cut, Cap, and Balance Act. It was a common-sense solution that would have maintained our Nation's strong credit rating. The bill went to the cul-de-sac called the Senate where, as so many things have, it died. Maybe that's not surprising.

Cut, Cap, and Balance would not only have cut spending, it would have changed the way Washington works. It would have made structural change.

For a do-nothing Senate that has not bothered to pass a budget in over 900 days, the idea of spending cuts and fiscal accountability must be utterly foreign. Once again, we see the high cost of their inaction.

□ 1210

INVESTING IN INNOVATION AND EDUCATION

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, 54 years ago this month,

Sputnik knocked the United States into second place in the space race. America responded with a tremendous investment in the sciences, which produced the Apollo program, the personal computer, the Internet, GPS, and numerous other technologies; but, sadly, that may be ending.

Last December, in an OECD ranking, the United States rated only “average” in education. Other nations are outinvesting and outeducating us. And the Republican slash-and-burn agenda is making it worse. America is now losing education jobs every month and disinvesting in R&D and critical infrastructure.

The President laid out a plan to invest in our educators, innovators, and job creators—priorities that used to have bipartisan support. We cannot continue to let American performance slide. We are jeopardizing our future.

Mr. Speaker, last century America fell behind, and the Soviet Sputnik was the result. It took a decade to catch up. How long will we fall behind today before we realize those investments are critical and support the President's job program?

HOUSE REPUBLICAN JOBS PLAN

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Ohio. Mr. Speaker, it's time for the President to get a grip on reality. He obviously doesn't understand the unemployment crisis that's crippling America.

The President says that he hasn't seen the House Republican jobs plan. Well, here it is. It's been out since May, and it's available at jobs.gop.gov. Now, maybe the White House is having an Internet problem.

I'm proud to join Natural Resources Committee Chairman DOC HASTINGS in recommending plans to the supercommittee that create jobs right here in America while at the same time reducing the deficit, ideas like increasing onshore and offshore energy production. Increasing offshore energy production will create over 1 million new jobs alone and would generate billions in new Federal revenue. But President Obama would rather make bad bets on green companies like Solyndra, wasting hard-earned taxpayer dollars.

House Republicans have passed jobs bill after jobs bill—they're stacked up like cordwood on the Senate floor—but Senator REID and President Obama refuse to consider them. The American people deserve better. President Obama's ideologically driven, job-kill policies are hurting America.

EDUCATION FUNDING

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, I rise today because I'm concerned that education, the most powerful tool we have to build our economy, is being ignored.

Yesterday was my granddaughter Brooklyn's 7th birthday. A few months ago, Brooklyn's parents asked her if she could have her birthday anywhere she wanted to, where would it be. To her parents' surprise, she said she wanted to celebrate right here in the Capitol. So last night, we celebrated Brooklyn's birthday right here in the Capitol Building.

I like to think she chose the Capitol because it represents the opportunity each of us has to make people's lives better. Unfortunately, we are failing to uphold the obligation we have to Brooklyn and millions of American children. Senate Republicans have blocked just a vote on the President's American Jobs Act. It would have provided \$60 billion to save the jobs of teachers, put Americans to work rebuilding schools, and helped community colleges.

Nearly 300,000 teachers have already lost their jobs since 2008. Another 280,000 more may be out of the classroom if we don't do something now. Now is not the time to be laying off teachers. It's not the time to surrender the leadership in math and science to foreign countries.

Mr. Speaker, Americans can't wait. We should put people to work rebuilding our crumbling schools. We should be working to transform the prestige of teachers in our culture. Teaching requires high skill and should be rewarded with high pay and be the preferred profession of the best and the brightest. Brooklyn deserves it and all American children deserve it.

JOB CREATION

(Mr. BENISHEK asked and was given permission to address the House for 1 minute.)

Mr. BENISHEK. Mr. Speaker, last week, instead of making campaign bus stops and touting more stimulus spending, President Obama may have been better served coming to Rhinelander, Wisconsin, for a conference on jobs in the timber industry.

At the conference, Representatives CRAVAACK, DUFFY, RIBBLE, and myself, along with Chief Tidwell of the U.S. Forest Service, met with loggers, mill operators, and forestry experts. And the consensus was clear: Bureaucratic roadblocks and lack of direction are preventing the responsible harvest of Federal timberlands and killing jobs.

Mr. Speaker, this is not about clear-cutting our Nation's forests. Responsible timber harvests make for healthier forests. They also create real jobs and grow the economy. As it stands, timber in the forests of the Great Lakes and across America is literally rotting on the stump and the

Federal Government's bureaucratic snares are allowing it to happen. This cannot continue.

It is time President Obama and Congress recognize that the simplest and quickest way to create jobs is to release the handcuffs of overregulation and red tape.

SMALL BUSINESSES AND THE AMERICAN JOBS ACT

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Did you know that small businesses create two out of every three new jobs? That's why we need a plan to invest in them and that's why I support the President's American Jobs Act.

It includes tax cuts for every small business. Businesses that hire workers who have been unemployed for 6 months or more get \$4,000 off their tax bill; those that invest in machinery or equipment get to write off the whole expense; and the payroll tax cuts will save a small business with 50 workers approximately \$50,000 a year, putting money in the bank for every mom-and-pop shop. The American Jobs Act will help small businesses do what they do best: create good jobs, drive innovation, and strengthen the middle class.

For small businesses, the economy, and Americans everywhere, let's pass the American Jobs Act now.

SOUTH MISSISSIPPI SALUTES THE MILITARY

(Mr. PALAZZO asked and was given permission to address the House for 1 minute.)

Mr. PALAZZO. Mr. Speaker, tonight, back home in south Mississippi, the Coast Chamber is hosting the 33rd annual Salute to the Military. I deeply regret not being able to attend tonight to recognize our Nation's finest.

As a member of the House Armed Services Committee, a marine veteran, and the only Member of Congress who still actively serves as a noncommissioned officer in the Mississippi Army National Guard, I know firsthand how vital their work is to our Nation's defense. As I serve, I am always mindful of their service and sacrifice, as well as their families'. Nowhere are so few asked to sacrifice so much for so many. So I ask this Congress and the American people to share in their sacrifice and say “no” to any more defense spending cuts.

To date, more than half of the cuts in spending have come from defense. It is morally irresponsible to continue trying to balance the budget on the backs of our men and women in uniform. As a nation, our economic and personal security depends on a strong, capable, well-equipped, and well-trained military.

So I want to salute all those who have served and are currently serving. Thank you for making America safe and exceptional.

DOMESTIC VIOLENCE

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, I rise today to give a voice to the voiceless victims of domestic violence.

I want to tell the story of one woman from my State of Illinois who endured years of abuse and called our State's Domestic Violence Help Line for help.

In her call, the woman explained that over the years she had suffered black eyes, broken and knocked out teeth, and broken bones. She said she couldn't take it anymore, but she couldn't leave because she feared her abuser would find her and kill her. She was suicidal and said she just needed to end it with the pills she had been collecting. Luckily, this woman reached out for help. 911 was called, and the help line staff stayed on the line with her until the paramedics arrived.

But, sadly, most women never report their abuse. And even for those who do find the strength to report, many are denied services, such as shelter, due to scarce resources. I speak today for those who cannot speak for themselves to say: We can end domestic violence; all we need is the will to do so.

MALE BREAST CANCER

(Mr. NUGENT asked and was given permission to address the House for 1 minute.)

Mr. NUGENT. Mr. Speaker, as we approach the end of Breast Cancer Awareness Month, I want to address an often overlooked but important part of breast cancer awareness.

One percent of all breast cancer patients are men. In 2010, almost 1,970 new male breast cancer cases were reported. Although the current survival rate for women diagnosed with breast cancer is about 87 percent, the rate for men drops to 79 percent. The discrepancy is because many men don't think breast cancer can affect them. As such, they are often diagnosed after the cancer has developed into more advanced stages.

One of my constituents in Florida's Fifth District, Herb Wagner, is a 6-year male breast cancer survivor. After his diagnosis in 2005, Herb and his family founded A Man's Pink. The goal of A Man's Pink is to bring awareness to male breast cancer.

Early detection is crucial in fighting any type of cancer, and men need to be reminded that breast cancer does not just affect women.

For more information on male breast cancer, I encourage folks to learn about A Man's Pink. In the meantime,

anybody with concerns should contact their doctor.

□ 1220

AMERICAN JOBS ACT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, it's been 294 days since the Republicans took control of the House. The party of no still refuses to put forward a clear jobs plan. They have put politics ahead of what is right for the American people.

Unemployment is near 17 percent in my district, one of the highest rates of foreclosure in the country. The American people in my district are hurting, and throughout the country.

Yet, instead of acting on a bold plan to create new jobs, Republicans have decided to protect tax cuts for millionaires and companies that ship jobs overseas. Now the Republicans in the Senate have said "no" to the American Jobs Act, even though it includes the same proposals that they have supported in the past.

And the Republican leaders in the Senate just called the proposal to help teachers, firefighters, and police officers stay on the job a "bailout." These public servants educate, and I state, educate our children and keep our streets safe. They deserve our support. They don't deserve more gridlock in Congress.

We can't wait. Let's pass the American Jobs Act now.

HOUSE REPUBLICAN JOBS PLAN

(Mr. FLORES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLORES. Mr. Speaker, as part of the House Republicans Plan for America's Job Creators, we are working hard every day to fix the Obama economy. Last week the Senate stopped a bipartisan bill to permanently repeal the job-killing 3 percent withholding requirement for Federal payments to government contractors. This week, however, the House plans to eliminate this requirement, representing House Republicans' continuing commitment to remove barriers to job creation and eliminate excessive burdens on small businesses. These Main Street businesses are the backbones of our economy and American job creation.

As a former job creator, I know firsthand about the negative impacts of burdensome taxes and overreaching regulations. Although this withholding requirement is not scheduled to go into effect for another 15 months, it is already causing uncertainty for small businesses' operations and hiring plans.

For these reasons, Congress must act now. Permanently repealing this un-

reasonable withholding provision is another real world Main Street solution to provide more certainty for small businesses to grow and to create jobs again. I urge my colleagues on both sides of the aisle to support H.R. 674.

JOB CREATION

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, my home State of Rhode Island, like the rest of the country, is facing a jobs crisis. The President put forth a comprehensive jobs bill which puts teachers, first responders, and construction workers to work and puts money in the pockets of American workers and employers so businesses will grow and add jobs. It also creates jobs by investing in America's schools.

On a recent visit to the Henry J. Winters Elementary School in Pawtucket, I saw firsthand what this jobs bill could do. I saw a leaking roof, broken windows in kindergarten classrooms, exposed wires. These are the kinds of repairs that we could make if we passed the Fix America's Schools Today Act, which I'm cosponsoring. This Act, like the President's jobs bill, will provide critical funding for vital repairs and renovations to Winters Elementary School and schools all across Rhode Island and our country.

Under the FAST Act, Rhode Island stands to receive more than \$98 million to invest in modernizing existing K-12 public school buildings and facilities at community colleges, putting more than 1,000 Rhode Islanders back to work now.

The Jobs Act would create jobs now. It would put money into the pockets of working Americans now. It would give businesses job-creating tax breaks now, and it would provide a boost to the economy now. That's why we need to take action now.

RETIRING CHIEF JOURNAL CLERK PATRICIA MADSON

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, as I listen to my colleagues on both sides of the talk about the imperative of job creation and economic growth, I'd like to recognize a job well done. Forty-four years, 7 months, and 5 days is a long period of time, but that's the tenure of public service provided by our friend, the now Chief Journal Clerk, Trish Madson. She has worked for the Voice of America, the Departments of Agriculture and Transportation. She worked in the Minority Counsel Office under our former minority leader Bob Michel.

She is someone I got to know because her late mother was one of my constituents.

I would like to ask all of our colleagues to join in giving a round of applause and ovation to Trish Madson, who, after 44 years, 7 months, and 5 days, will be retiring today.

Mr. Speaker, I think we've consumed the entire 1 minute just applauding Trish, as it should be.

JOB CREATION

(Mr. DOYLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOYLE. Mr. Speaker, America was founded on the principle that everyone should get a shot at the American Dream. But with so much unemployment, so many mortgages underwater, so many people struggling just to get by, it's not surprising that half of all Americans think the American Dream is dead.

This Congress should be making job creation our top priority. But what has the majority in the House done to create jobs? Nothing.

What's even worse, every job proposal that President Obama has sent to this House has been met with a resounding "no." And what's their alternative? To do nothing.

Democrats have been working to pass legislation to grow this economy and create new jobs. After 42 weeks of doing nothing, it's time for the Republican majority to join us in giving the American people the jobs they need and deserve.

HOUSE REPUBLICAN JOBS PLAN

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, our colleagues on the other side of the aisle are welcome to their own opinions but not welcome to create the facts.

When the Democrats took over the Congress 4 years ago, almost 5 years ago now, the unemployment rate was 4.5 percent. It went to over 9 percent since they were in control.

The reason the President's so-called jobs bill has not been passed in this House is because the Democrats did not support it. It was introduced by request.

What Republicans have done, though, is focus on the task of creating jobs since day one of this session. And I'm glad that President Obama's talking about it too. We will work with the President when he comes up with ideas that work. But so far his proposals have not worked. Notice the stimulus bill that he asked us to pass that would not raise unemployment above 8 percent.

He wants to raise taxes on job creators, and all it will do is destroy private sector jobs.

A SIMPLE JOBS PLAN

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, I would like to propose a plan that is as simple as one, two, three.

Number one is getting back to basics and helping to create badly needed jobs. This economy will not grow unless we stimulate private sector job growth. It's time to drop the partisan bickering and focus on creating jobs and creating them now. Pass the President's jobs bill.

Number two is building up our infrastructure. Work on our roads and trains is desperately needed to help America compete, and this badly needed repair work creates jobs that cannot be outsourced. We need to pass the transportation bill now.

Number three is embracing a bold and balanced vision and crafting a true bipartisan agreement in the super committee, one that cuts our deficits by trillions, invests and raises revenues, and creates jobs. No one is pretending it will be easy, but if we get back to basics it could be as easy as one, two, three.

MAIN STREET BANK CLOSES THREE BRANCHES

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, last week I met with over a dozen community bankers in my congressional district. They are concerned for "the tsunami of regulations" coming out of Washington, D.C.

Now, these are not Wall Street bankers, these are small town bankers. They told me, "Washington regulators have their feet on the throats of small community banks who did not cause this economic downturn."

The real life consequences of Dodd-Frank on our community banks impact our local small businesses, our communities' job creators. The reason is simple: Paying more money to comply with complicated, costly, meaningless regulations means fewer loans out the door for small businesses.

Higher costs for compliance is why Main Street Bank in Kingwood, Texas will close three branches this week. It simply costs too much money to stay in the community banking business these days.

When community banks close there are fewer opportunities for small business owners to access capital. I often hear small business owners say they can't get loans. This is why. These are the real consequences of burdensome, costly, ineffective Federal regulations.

And that's just the way it is.

□ 1230

REPUBLICANS' REFUSAL TO ACT ON AMERICAN JOBS ACT

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today because it has been nearly 11 months that this Republican-led House of Representatives has pursued a no-jobs agenda and simply complains about the protections that the American citizens receive.

The American Jobs Act will put teachers, firefighters, police officers, and construction workers back on the job; it will create job opportunities for returning American veterans; it will cut taxes and create financial growth incentives for American businesses as well as provide much-needed job training and hiring programs for Americans that are currently looking for work.

Many provisions of the American Jobs Act have been strongly supported by Republicans in the past, but now, suddenly, they are against these ideas because they are being proposed by a Democratic President. This is the opposite of negotiation and compromise, and the American people do not have the patience for these antics instead of action.

I urge both parties of this House to work together and pass the American Jobs Act for the American people.

GOVERNMENT CONTRACTOR WITHHOLDING REPEAL ACT

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, I rise today again in support of small business owners and builders all across the United States who will be harmed by a new tax withholding requirement by the Federal Government.

With unemployment at 9.1 percent and holding, we desperately need to come together to do all that we can to get our economy growing. But our economic recovery will not come from government growth. It will come from entrepreneurs, innovators, and small business owners who take risk, expand, hire new workers and create economic growth the old-fashioned way—in the private sector through hard work and free enterprise.

The imposition of a 3 percent withholding tax increase is the cost of doing business for our small business owners and therefore hurts job growth and the economic recovery. We cannot create jobs while punishing job creators. I urge my colleagues to support H.R. 674, legislation that will remove this burdensome new tax requirement on our small businesses.

Mr. Speaker, we must come together as a Congress and do all that we can to

promote legislation like this that will remove barriers to economic growth and get America back to work again.

FIRST RESPONDERS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, just this past week, the country of Turkey, an ally of ours, experienced a devastating earthquake. Nearly 400 people, they believe, have died, and there's been great damage to the countryside. We've seen these disasters now in Japan and South America and other places. We've seen them in our country, too. We had problems last year.

Who comes to the aid of the people in Turkey whom we look out for as well and are concerned about? First responders, policemen, and firepeople.

My city of Memphis, Tennessee, lies on the New Madrid fault, the most likely place in our country to have a major earthquake. When that event occurs, I want to have adequate policemen and firemen there to help our citizens. We can have them with the Jobs Act, have them this year when we don't know whether it will occur or not.

First responders are so important to the future of America, and passing the Jobs Act will guarantee that we will have security when a natural disaster occurs. We need to keep policemen and firemen employed.

DOWN SYNDROME AWARENESS MONTH

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to inform my colleagues that October is Down Syndrome Awareness Month. There are over 400,000 Americans who are living with an extra 21st chromosome, and my life has been blessed by one of them—our son, Cole.

As cochair of the Congressional Down Syndrome Caucus, every day is a chance to raise awareness about this condition—advocating for Cole and those other 400,000 Americans helping them to live the American Dream.

Today the bipartisan Down Syndrome Caucus is hosting a special briefing on Capitol Hill. We're bringing in over half a dozen experts on how we can work together to improve medical research, break down barriers and expand opportunities for those who have Down syndrome and many others who could be positively impacted.

I'd also like to take this opportunity to say thank you to the countless individuals in the disabilities community who have reached out to me and my family. I'm forever grateful for your work to make America a better place for my family and all Americans.

JOBS LEGISLATION

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, several weeks ago a railroad bridge over the Norwalk River in my district seized, causing delay and economic damage along the New York-Boston corridor, an artery for jobs, for economic prosperity, and for growth. It turns out that this is true around the country.

The American Society of Engineers grades our infrastructure a D. Make no mistake. We are going to fix this because the American people are not going to tolerate bridges that fall down and roads that crumble.

Meanwhile, thousands of engineers, electricians, and carpenters are out of work. Do you see the connection between out-of-work construction people and a desperate need to rebuild our infrastructure? All that is missing is for the Republican majority to pass a jobs bill which funds the investment in our infrastructure that will lead to economic prosperity and to jobs now.

Every day that goes by in this Chamber without an infrastructure bill is a vote against safety and against jobs for people who desperately need them.

FILIPINO HISTORY MONTH

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, Mabuhay.

We take time this month to recognize the contributions of Filipino Americans to the growth of our Nation. The first wave of migrants came from the Philippines to Hawaii when we were still a territory. Today, they number the largest ethnic group in the State, and they total almost 1.5 million in the State of California.

Now, Mr. Speaker, we have not kept our promises to the Filipino Americans. In World War II, we drafted about 200,000 of them with the promise—the promise—that they will have citizenship and benefits. And in 1946, the Congress rescinded that promise.

Today, with the stimulus package in 2009, we finally authorized the payment of some of the benefits to 30,000 who are remaining—30,000—but we have still failed to do what they wanted the most, which is the reunification of their families. Their stories and others' we will hear through this month.

Mr. Speaker, please join with me in saying to them, "Salamat po," thank you for what you have done for this Nation.

JOB CREATION

(Mr. PAYNE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, our national unemployment rate is 9.1 percent. Yet for 42 weeks, the Republican leadership has ignored the need for a strong jobs agenda and has instead pushed an agenda to reduce workplace protections, and they have gone to weaken our economy. Unfortunately, the only jobs that will result from the Republican agenda are those vacated by victims of workplace injuries and possible deaths due to watered-down regulations. This is not responsible and only hampers our economic growth.

Democrats acknowledge that small businesses are responsible for nearly 70 percent of job creation. As a result, we have proposed the American Jobs Act and the Make it in America Act to support small businesses, create jobs, and strengthen our economy.

The American Jobs Act proposal would create nearly 300,000 education jobs, keep thousands of police and firemen on the job, cut the payroll tax in half, and put more money in the pockets of Americans immediately without adding a dime to the deficit.

The Make It In America proposal would close tax loopholes that encourage outsourcing of U.S. jobs overseas and establish incentives for creating American clean energy jobs.

I ask my colleagues to abandon their misguided agenda and support those measures that will strengthen our country for all.

CURRENCY MANIPULATION

(Mr. RYAN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. RYAN of Ohio. Mr. Speaker, last year we passed a bill in this House with 350 votes—99 Republicans—to address the issue of currency manipulation around the world, primarily China. Unfair trade practices in China have cost America 2.8 million jobs in the last 10 years—1.9 million of those, manufacturing.

If we have the strength in this body, in the House of Representatives, to take on the Chinese, we can have a major jobs package right here in the United States and put small and medium-sized manufacturers on a level playing field, put average workers back to work and reclaim the mantle of manufacturing in the United States. But this House has denied us the opportunity to take on the Chinese. The Senate passed it with over 60 votes just a week or 2 ago. Last year, we passed it in this House, 350 votes—99 Republicans.

We cannot be appeasers to the Chinese. We need to take them on, drive that investment back into the United States, and reclaim the mantle of manufacturing around the world.

□ 1240

RESIGNATION AS MEMBER OF COMMITTEE ON NATURAL RESOURCES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Natural Resources:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 4, 2011.

Hon. JOHN A. BOEHNER,
Speaker of the House, U.S. House of Representatives, Washington, DC.

MR. SPEAKER: Today, I hereby resign my position with the House Committee on Natural Resources.

It has been an honor to serve as a Member of the Committee on Natural Resources, and I have been proud to work with my colleagues to find solutions to our nation's energy crisis. I look forward to continuing to represent the people of the 3d Congressional District of Tennessee.

I appreciate the opportunity to have served on the House Committee on Natural Resources, and I look forward to working with all of you in the future.

Sincerely,

CHUCK FLEISCHMANN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO THE DEMOCRATIC REPUBLIC OF THE CONGO—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-67)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo and the related measures blocking the property of certain persons contributing to the conflict in that country are to continue in effect beyond October 27, 2011.

The situation in or in relation to the Democratic Republic of the Congo, which has been marked by widespread violence and atrocities that continue to threaten regional stability, continues to pose an unusual and extraor-

dinary threat to the foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency to deal with that threat and the related measures blocking the property of certain persons contributing to the conflict in that country.

BARACK OBAMA.
THE WHITE HOUSE, October 25, 2011.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CONGRESSIONAL GOLD MEDAL TO THE MONTFORD POINT MARINES

Mr. JONES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2447) to grant the congressional gold medal to the Montford Point Marines.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) On June 25, 1941, President Franklin D. Roosevelt issued Executive Order No. 8802 establishing the Fair Employment Practices Commission and opening the doors for the very first African-Americans to enlist in the United States Marine Corps.

(2) The first Black Marine recruits were trained at Camp Montford Point, near the New River in Jacksonville, North Carolina.

(3) On August 26, 1942, Howard P. Perry of Charlotte, North Carolina, was the first Black private to set foot on Montford Point.

(4) During April 1943 the first African-American Marine Drill Instructors took over as the senior Drill Instructors of the eight platoons then in training; the 16th Platoon (Edgar R. Huff), 17th (Thomas Brokaw), 18th (Charles E. Allen), 19th (Gilbert H. Johnson), 20th (Arnold R. Bostic), 21st (Mortimer A. Cox), 22nd (Edgar R. Davis, Jr.), and 23rd (George A. Jackson).

(5) Black Marines of the 8th Ammunition Company and the 36th Depot Company landed on the island of Iwo Jima on D-Day, February 19, 1945.

(6) The largest number of Black Marines to serve in combat during World War II took part in the seizure of Okinawa in the Ryuku Islands with some 2,000 Black Marines seeing action during the campaign.

(7) On November 10, 1945, the first African-American Marine, Frederick C. Branch, was commissioned as a second lieutenant at the Marine Corps Base in Quantico, Virginia.

(8) Overall 19,168 Blacks served in the Marine Corps in World War II.

(9) An enterprising group of men, including original Montford Pointer Master Sergeant

Brooks E. Gray, planned a reunion of the Men of Montford Point, and on September 15, 1965, approximately 400 Montford Point Marines gathered at the Adelphi Hotel in Philadelphia, Pennsylvania, to lay the foundation for the Montford Point Marine Association Inc., 16 years after the closure of Montford Point as a training facility for Black recruits.

(10) Organized as a non-military, nonprofit entity, the Montford Point Marine Association's main mission is to preserve the legacy of the first Black Marines.

(11) Today the Montford Point Marine Association has 36 chapters throughout the United States.

(12) Many of these first Black Marines stayed in the Marine Corps like Sergeant Major Edgar R. Huff.

(13) Sergeant Major Huff was one of the very first recruits aboard Montford Point.

(14) Sergeant Major Huff was also the first African-American Sergeant Major and the first African-American Marine to retire with 30 years of service which included combat in three major wars, World War II, the Korean War, and the Vietnam War.

(15) During the Tet Offensive, Sergeant Major Huff was awarded the Bronze Star Medal with combat "V" for valor for saving the life of his radio operator.

(16) Another original Montford Pointer who saw extensive combat action in both the Korean War and the Vietnam War was Sergeant Major Louis Roundtree.

(17) Sergeant Major Roundtree was awarded the Silver Star Medal, four Bronze Star Medals, three Purple Hearts, and numerous other personal and unit awards for his service during these conflicts.

(18) On April 19, 1974, Montford Point was renamed Camp Johnson after legendary Montford Pointer Sergeant Major Gilbert "Hashmark" Johnson.

(19) The Montford Point Marine Association has several memorials in place to perpetuate the memory of the first African-American Marines and their accomplishments, including—

(A) the Montford Point Marine Association Edgar R. Huff Memorial Scholarship which is offered annually through the Marine Corps Scholarship Foundation;

(B) the Montford Point Museum located aboard Camp Johnson (Montford Point) in Jacksonville, North Carolina;

(C) the Brooks Elbert Gray, Jr. Consolidated Academic Instruction Facility named in honor of original Montford Pointer and the Montford Point Marine Corps Association founder Master Gunnery Sergeant Gray. This facility was dedicated on 15 April 2005 aboard Camp Johnson, North Carolina; and

(D) during July of 1997 Branch Hall, a building within the Officers Candidate School in Quantico, Virginia, was named in honor of Captain Frederick Branch.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of the Congress, of a single gold medal of appropriate design in honor of the Montford Point Marines, collectively, in recognition of their personal sacrifice and service to their country.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are National medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be charged against the United States Mint Public Enterprise Fund, an amount not to exceed \$30,000 to pay for the cost of the medals authorized under section 2.

(b) **PROCEEDS OF SALE.**—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. JONES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous material on this bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES. Mr. Speaker, I yield myself such time as I may consume.

This is very important legislation. I want to thank the gentlelady from Florida, Congresswoman CORRINE BROWN, for bringing this forward.

I want to say that the chairman of the Financial Services Committee and the ranking member, Mr. FRANK, saw the importance of this legislation and wanted to bring it to the floor as quickly as possible. Mr. BACHUS, who is chairman of the committee, has a son, Warren, who is now in the United States Marine Corps.

Mr. Speaker, I have the privilege to serve the Camp Lejeune Marine Base, which is in the Third District of North Carolina. In 1994, as a candidate for this office, I heard about the very special marines who trained at Montford Point, which is on the base at Camp Lejeune. I did not know the history at that time, but as we all know, during that period of time, we had segregation in this country, which was wrong. President Franklin Roosevelt made a decision and issued a directive that the Marine Corps would accept these fine Americans who wanted to be marines, so therefore they were segregated, but they were marines who gave their very best for our country.

OCTOBER 24, 2011.

Hon. SPENCER BACHUS,
Chairman, Committee on Financial Services,
Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN BACHUS: I am writing concerning H.R. 2447, to grant the congressional gold medal to the Montford Point Marines, which is scheduled for Floor action on Tuesday, October 25, 2011.

As you know, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. H.R. 2447 contains a provision that provides for the sale of duplicate medals, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin and medal bills and in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2447, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,
Chairman.

OCTOBER 24, 2011.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means,
United States House of Representatives,
Longworth House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN CAMP: I am writing in response to your letter regarding H.R. 2447, a bill to grant the Congressional gold medal to the Montford Point Marines, which is scheduled for Floor consideration under suspension of the rules on October 25, 2011.

I wish to confirm our mutual understanding on this bill. As you know, the bill contains provisions governing the proceeds of the sale of the bronze medals, which concern raising revenue and accordingly fall under the jurisdiction of the Committee on Ways and Means. Further, I appreciate your willingness to forego action by the Committee on Ways and Means on H.R. 2447 in order to allow the bill to come to the Floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. Therefore, I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance and if you should need anything further, please do not hesitate to contact Natalie McGarry of my staff at 202-225-7502.

Sincerely,

SPENCER BACHUS,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues in the House of Representatives to pass

this bill honoring the first black marines. I am a proud cosponsor, along with 305 of my colleagues, of H.R. 2447, "to grant the Congressional Gold Medal to the Montford Point Marines."

In 1941, President Roosevelt issued a Presidential directive giving African Americans an opportunity to serve in the Marine Corps. These recruits, from all States, were not sent to Parris Island or San Diego. Instead, African American marines were segregated. They received recruit training at Montford Point, a facility on board Camp Lejeune, North Carolina.

Approximately 20,000 African American marines received basic training at Montford Point during World War II, and 75 percent served overseas. The initial intent of the Corps was to discharge these marines after the war and return them to civilian life. This would have left the Corps an all-white service. As World War II progressed, attitudes changed and reality took hold. Once given the chance to prove themselves, it became impossible to deny that these marines were just as capable as any other marine regardless of race, color, creed or national origin.

According to General James F. Amos, the commandant of the Marine Corps:

"Montford Point Marines served with distinction in three of the bloodiest battles in the Pacific—Saipan, Iwo Jima and Okinawa. The Montford Point Marines fought with such tenacity, valor and distinction that the commandant at the time was moved to declare, 'The Negro marines are no longer on trial. They are marines—period.' Their actions reflected the finest attributes of the 'leatherneck' fighting spirit and blazed the trail for generations of African Americans in the Marine Corps."

The special recognition that Congress has already afforded the first African American servicemen of the Navy, Army and Air Force is long overdue the Montford Point Marines. The distinguished record of these African Americans advanced the cause of civil rights and contributed to President Truman's decision to order the desegregation of the Armed Forces in 1948.

Mr. Speaker, the Montford Point Marines' service and sacrifice reflect great credit upon themselves and uphold the highest traditions of the Marine Corps, so I urge all of my colleagues to honor the Montford Point Marines by voting for this bill.

I reserve the balance of my time.

Mr. JONES. I yield myself such time as I may consume.

Mr. Speaker, in addition to what Mr. CLAY was saying, I want the House to know that the Montford Point Marines are revered by the citizens of Jacksonville and Camp Lejeune. Their history speaks for itself. They gave their blood and their lives in the South Pacific with their fellow marines as they

APRIL 5, 2011.

fought for this country during World War II.

Again, I think that Congresswoman BROWN deserves so much credit in bringing this forward, as does the memory of Franklin Delano Roosevelt for seeing the value of creating this opportunity for Americans.

With that, I reserve the balance of my time.

□ 1250

Mr. CLAY. I yield 5 minutes to the distinguished gentlewoman from Florida and the original sponsor of this legislation, Ms. BROWN.

Ms. BROWN of Florida. Mr. Speaker, as I begin my remarks, I would like to acknowledge that many of the Montford Point Marines are here visiting us today in the Capitol. This is a picture of the Montford Point Marines.

Mr. Speaker, I rise today on this great day for the Montford Point Marines. Today the House of Representatives will pass a resolution giving these marines their long-overdue recognition. I am pleased to join with so many of my colleagues, now 308, to support a resolution to grant the Montford Point Marines a Congressional Gold Medal, the highest civilian honor that can be bestowed for an outstanding deed or act of service to the security, prosperity, and national interest of the United States.

Since 1775, the United States Marine Corps has served our country in peace and war. Today the Marine Corps still serves the Nation as a force in readiness, prepared to serve whenever the Nation calls. It is befitting that as we celebrate on November 10 the 236th birthday of the Marine Corps, that we highlight and honor the Montford Point Marines.

On June 25, 1941, President Franklin Delano Roosevelt issued executive order 8802, opening the doors for the very first African Americans to enlist in the United States Marines. From 1942 to 1949, 20,000 African Americans enlisted in the Marine Corps in a time of war when the military services were resistant to integration.

These African Americans, from all States, were not sent to the traditional boot camps in Parris Island, South Carolina and San Diego, California. Instead, African American Marines were segregated, experiencing basic training at Camp Montford Point near the New River in Jacksonville, North Carolina.

Years before Jackie Robinson and decades before Rosa Parks and Martin Luther King, Jr., these heroes joined the Marines to defend their country and do their job.

One specific marine is worth singling out. Gilbert "Hashmark" Johnson was one of the first African American marine drill instructors at Montford Point in 1943. He exemplified the work ethic and toughness that it took to be a Montford Point Marine.

Born in rural Alabama, Johnson attended Stillman College in 1922, but enlisted in the Army after 1 year at school. After 6 years in the Army, he tried civilian life for 4 years but enlisted in the Navy in 1933. When he heard about executive order 8802, he immediately requested transfer from the Navy to the Marines.

When this occurred, his nickname of Hashmark was secured, having more service stripes than rank stripes. After service as sergeant major at Montford Point, Hashmark went on to serve as sergeant major of the 52nd Defense Battalion in Guam. While serving in Guam with the battalion during World War II, he found black marines were being assigned to labor details rather than combat patrols, from which they were currently exempt. Once he got the commanding officer to reverse this decision, he personally led 25 separate excursions into the jungle.

Hashmark went on to serve in Korea and eventually retired in 1959 with 32 years of service, 17 with the Marines. After his death in 1972, the Marine Corps paid tribute to this great warrior and leader by naming the camp in his honor, Camp Gilbert H. Johnson. In July of 1948, President Harry S. Truman issued executive order 9981 ending segregation in the military; and in September of 1949, Montford Point Marine Camp was deactivated, ending 7 years of segregation.

General James F. Amos, commandant of the Marine Corps, has stated it is the responsibility of the Marine Corps and this Congress to honor these men who suffered through racism and segregation here in this country. I am honored to offer this resolution to recognize their service and sacrifice and acknowledge today the United States Marine Corps is an excellent opportunity for advancement for all races due to the service and example of these original Montford Point Marines.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CLAY. I yield the gentlewoman 1 additional minute.

Ms. BROWN of Florida. I want to thank the many Members who helped to bring this resolution to the floor. Financial Services Chairman SPENCER BACHUS, whose son serves in the Marines, was especially helpful, and SANFORD BISHOP, ANDER CRENSHAW and ALLEN WEST, so many Members, over 308 sponsors and the leadership of both parties. This is an example of what we can do when we work together. I am just very excited about what we are doing here today.

I want to end by saying—and I'm not very good at this—oohrah, honoring these men of Montford Point.

This is, like I said, a great day and a wonderful bipartisan example of what we can do when we work together.

Hon. CORRINE BROWN,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN BROWN: On behalf of the Marine Corps, I respectfully request your support of legislation to award the Congressional Gold Medal to the Montford Point Marines for their service during World War II.

At a time when the Services were resistant to integration, approximately 20,000 African-Americans enlisted in the Marine Corps, choosing to put their lives on the line in order to be accepted and recognized as fully fledged citizens by this great Nation. Subsequent to undergoing segregated basic training at Montford Point Camp, North Carolina, many of these Marines fought and died for their Country in the Pacific during World War II. Montford Point Marines served with distinction in three of the bloodiest battles in the Pacific—Saipan, Iwo Jima, and Okinawa. The Montford Point Marines fought with such tenacity, valor, and distinction that the Commandant at the time was moved to declare, "The Negro Marines are no longer on trial. They are Marines, period" Their actions reflected the finest attributes of the "leatherneck" fighting spirit and blazed the trail for generations of African-Americans in the Marine Corps.

We believe the service, sacrifice and patriotism of the Montford Point Marines is due the same special recognition that Congress has already afforded the first African-American servicemen of the Army, Navy, and Air Force. Like them, the Montford Point Marines enlisted in the military and defended a society that enjoyed freedoms they did not share. The combat service of these Americans advanced the cause of civil rights and contributed, in large measure, to President Truman's decision to order the desegregation of the Armed Forces in 1948.

Given their meritorious service and patriotism in a society that was slow to accept their value, the time is now to award the Congressional Gold Medal.

Very Respectfully,

JAMES F. AMOS,
General, U.S. Marine Corps,
Commandant of the Marine Corps.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

Mr. JONES. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. I am pleased to rise in support of H.R. 2447, introduced by the gentlewoman from Florida (Ms. BROWN), which would right a wrong of the segregation era by awarding Congressional Gold Medals collectively to the so-called Montford Point Marines, our country's first black marine unit.

Earlier this month, the country honored the Reverend Dr. Martin Luther King, Jr., for his leadership in the civil rights movement.

In their own way, these African American men, 20,000 of whom trained in a segregated boot camp in North Carolina, fought for civil rights and equality even as they fought for peace and freedom in World War II. It was unfair for them to have to wage the first

battle while waging the second to defend us all.

While it is interesting that these brave men were not even the first African American marines, at least a dozen served with honor, fighting alongside white marines during the Revolutionary War.

One, John Martin, a slave, was reportedly recruited without the knowledge or permission of his slave owner. But after the war ended, both the Marines and the Navy were disbanded. And when the Marines were reformed in 1798, the right to fight for their country in the Marines was taken from black Americans. Service by blacks was barred, supposedly based on British naval tradition.

Nearly 200,000 black Americans fought in the Union Army in the Civil War, and black soldiers served in the Army during the Spanish-American War and World War I, but the Navy at the time had a policy of not using blacks in combat roles, although plenty served in support roles.

In recognition of the heroism of the men who took their boot camp at Montford Point, we should immediately pass this legislation. Marine Commandant General James F. Amos has worked tirelessly urging Congress to recognize the Montford Point Marines with a Congressional Gold Medal, as it did a half decade ago in recognizing similar trail-blazing World War II military service by the Tuskegee Airmen and the Nisei soldiers.

Mr. Speaker, this bill has more than 300 cosponsors, of which I am one. The staggering number represents a fitting recognition of the bill's importance, and I urge its passage.

□ 1300

Mr. CLAY. Mr. Speaker, I want to first thank my friend from New Mexico for his comments on the historic service of African Americans throughout our history.

At this time I would like to yield 2 minutes to the distinguished gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Speaker, we have honored the Army's Buffalo Soldiers and the Army's Tuskegee Airmen. It's time to give the Montford Point Marines the honor that is their due.

The Montford Point Marines fought an enemy abroad and injustice at home. They served with great valor and distinction and loved their country more than their country loved them at the time. President Roosevelt ordered in 1941 that the Marine Corps be opened to African Americans, but the Marines considered themselves the most elite branch of our military and the most traditional, and many resented Roosevelt's order that African Americans be accepted.

The first African American marines were hardly welcomed with open arms.

Their segregated unit was stationed at Montford Point, North Carolina. They were near Camp Lejeune, but the Montford Point Marines could not enter Camp Lejeune except in the company of a white officer. They were passed over for years for promotions that white marines achieved in weeks. When they trained with white marines, which was rare, they waited until white marines had eaten before they went through the chow lines.

The Montford Point Marines were sent to the Pacific theater to serve behind the lines, not in combat for which they were presumed to be unsuited. No one told the Japanese. The Montford Point Marines served in Saipan, Iwo Jima and Okinawa, three of the bloodiest battles in the Pacific. They came under intense fire and showed great courage, winning the praise of skeptical white officers.

President Truman fully integrated the Armed Forces in 1948, and African American marines served side by side with white marines in Korea and in every conflict since then. The distinguished service of the Montford Point Marines largely made that possible.

General Amos, the commandant of the Marines, said he wants every marine, from private to general, to know the history of the marines who fought an enemy overseas, and racism and segregation in their own country.

I want every marine and every American to know that history. Semper Paratus.

Mr. JONES. I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, at this time I would like to yield 1 minute to the distinguished gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentleman, and I'd like to thank the gentleman from Florida for making this recognition and the gentleman from North Carolina for all of his leadership in the House on this issue and a variety of others; and I just rise here to say that I want to be in support of not only this resolution but the eventual awarding of the Congressional Gold Medal to the Montford Point Marines.

I think this is a great example of how we in America, sometimes it takes us too long, but we try to rectify these problems. I hope that this is an opportunity for us to recognize discrimination when it's happening anywhere else in the military or across our country, that we shouldn't have to wait to honor these marines 70 years later because of their commitment that they made. They were dedicated to this country. They fought racism. They fought segregation. They fought humiliation, all to try to serve this great country. I think they really embody what the Marines stand for, the honor, the courage, and the commitment that is exactly what it takes to be a marine. So let us learn this lesson and also honor these gentlemen here today.

Mr. JONES. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CLAY. At this time I would like to yield 3 minutes to the gentleman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I want to begin by thanking my colleague and very good friend, CORRINE BROWN, for her leadership on this, and also Chairman WALTER JONES and Ranking Member CLAY. I am a proud cosponsor, and I rise in strong support of this bill, and I am thrilled that the Montford Point Marines are with us in the gallery.

In 1941, President Roosevelt issued an executive order which opened the door for the first African Americans to enlist in the United States Marine Corps. Totalling approximately 20,000, these brave men faced segregated training at Montford Point, North Carolina, while white recruits were trained at Parris Island in South Carolina.

Among these distinguished marines was someone who later in life would become an outstanding mayor of the city of New York, my friend and now constituent, David Dinkins. David Dinkins, Mayor Dinkins, enlisted in the Marines in 1945 immediately after graduating from high school and served until the end of the war. He told me this story today about how thrilled he was about this gold medal. He said one day he went out and the drill sergeant announced: Everybody, get on your knees. Thank the Lord, the war is over. Now get up, nothing has changed.

Mayor Dinkins and the rest of the men in the Montford Point Marines served with distinction, regardless of the prejudice and segregation they faced, fighting in the Pacific arena during the Second World War in three of the bloodiest battles—Saipan, Iwo Jima, and Okinawa. They fought with bravery and valor, overcoming the resistance to integration within the services at that time and eventually earned high praise from the Marine Corps commandant.

The legacy of their service has endured beyond the battlefields of the Second World War, as they opened the door for generations of African Americans in the Marine Corps. These brave men advanced the cause of civil rights while simultaneously protecting the freedoms of our country. And for that we owe them a heartfelt deep thanks.

Congress has already recognized the first African American servicemembers of the Army, Navy, and Air Force; and this bill to award the same honor to the Montford Point Marines is well deserved, and I am so proud to be a cosponsor and to be supporting it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that the rules of the House prohibit the introduction of occupants of the gallery.

Mr. JONES. I continue to reserve the balance of my time.

Mr. CLAY. Mr. Speaker, at this time I would like to yield 2 minutes to the

distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I want to thank the gentleman from Missouri for yielding me this time.

I also want to commend and congratulate Representative CORRINE BROWN for her introduction of this legislation and for the tremendous work that she did to get it to the floor this soon today, and I commend you for that.

I have an uncle who was at Okinawa, and of course he talked a great deal about his experiences. But I also remember being a young boy during Korea, and two or three of our older guys went and joined the Marines, and how proud they were to come home wearing their dress uniforms. All of the younger people were running kind of behind them, looking at them when they would come to church or dress up. I have a large Montford Point Marine Association in my congressional district that I visit quite frequently, especially Veterans Day and other times such as Memorial Day when we pay tribute to veterans.

So I simply come to say thanks to all of them who have helped to make America what it is and have helped to keep our country strong. I urge passage.

Mr. JONES. I continue to reserve the balance of my time.

Mr. CLAY. I yield myself such time as I may consume.

Mr. Speaker, at this time I would like to first thank my good friend from North Carolina, Mr. JONES, for his leadership on this issue. I know that he represents Camp Lejeune, and he has certainly been a friend to the Marine Corps; and we are all indebted to him for that.

Mr. Speaker, the bill calls for the Treasury Secretary to strike a single gold medal of appropriate design in honor of the Montford Point Marines collectively in recognition of their personal sacrifice and service to their country.

The bill authorizes the Speaker of the House and the President Pro Tempore of the Senate to make arrangements for the award of the medal on behalf of the Congress and authorizes the Secretary of the Treasury to strike and sell duplicates in bronze at a price sufficient to cover overhead expenses. To me, this is the least we can do for a group of men who served a grateful Nation so well.

□ 1310

During April of 1943, the first African American Marine drill instructors took over as the senior drill instructors of the eight platoons then in training. The 16th Platoon was headed by Edgar R. Huff; the 17th Platoon was headed by Thomas Brokaw; the 18th Platoon was headed by Charles E. Allen; and the 19th Platoon was headed by Gilbert

H. Johnson, who was mentioned earlier.

Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Missouri has 1 minute remaining, and the gentleman from North Carolina has 15½ minutes remaining.

Mr. JONES. I would advise my colleague that I have no further requests for time and will close on our side.

Mr. CLAY. At this time, Mr. Speaker, I would like to yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding.

I am pleased to join my colleague, Congresswoman CORRINE BROWN, who's been relentless in calling for this day. And to our colleague from Missouri (Mr. CLAY), thank you for your leadership on all of this as well; and to our colleagues on the other side, the ranking member on the Banking Committee, and Mr. PEARCE as well, who spoke about this.

We have come together in a bipartisan way for a very patriotic occasion for our country. What a thrill it will be when we can tell our constituents we were there to vote for this important resolution which will, as we all know, call for directing the Treasury Secretary to strike a single gold medal of appropriate design in honor of the Montford Point Marines. How exciting.

I know that many of those marines or their families are here on Capitol Hill today. We look forward to welcoming them to a ceremony where these medals will be bestowed. I only wish that all of the marines who served and were willing to sacrifice their lives for our country could be here—all of them the subject of the respect and honor that we pay. This is just another example of some of the inequality that existed in our country earlier on, and it's long overdue for us to redress some of that.

We've had occasion in the rotunda over the last few years to recognize the work of President Truman when he called for the desegregation of the military. Colin Powell—General, Secretary, National Security Adviser; he has many titles—was here with us that day. We've had occasion to honor our Tuskegee Airmen on another occasion. So it is long overdue to, again, take this step to recognize the important work that all Americans played in their most important responsibility—to protect and defend.

I will say this to all of the marines who approached me about this legislation outside the Congress. Every time they did, I said that CORRINE BROWN and LACY CLAY have already gotten to us. CORRINE was absolutely relentless on this, and we're all here because of her leadership and the work of the members of our Congressional Black

Caucus and the bipartisan support that we have. Of course, we wouldn't be on the floor without the leadership of our Speaker, who enabled this bill to come to the floor.

It's a proud day for the Congress. We look forward to an even prouder day when these medals will be bestowed.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

The Chair recognizes the gentleman from North Carolina.

Mr. JONES. Mr. Speaker, at this time I would yield 2 minutes to the gentlelady from Texas, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I want to thank the gentleman from North Carolina and the gentleman from Missouri for their courtesies.

This is an emotional time for all of us. As we pay tribute to the Montford Point Marines, we must pay tribute to Congresswoman CORRINE BROWN. We thank you, first of all, for restoring our faith in this country and showing us that we can work together as Members of Congress.

To be able to bestow the Congressional Gold Medal on the Montford Point Marines is something that we would want to be the first legislation of this week. It awards the gold medal to the first African American marines at Camp Montford Point in Jacksonville, North Carolina. Then, of course, it acknowledges their personal sacrifice and their service to the country.

My father-in-law was a Tuskegee Airman. It took so long to be able to honor them. And as we begin to build this country on a more solid ground, it is important to acknowledge the first African American to receive the Congressional Medal of Honor, Sergeant William Harvey Carney. He received it during the Civil War. Then, of course, at its inception, the Marine Corps refused to recruit African Americans from 1775 until 1942. But immediately after the racial restrictions were lifted, nearly 20,000 African Americans signed up to become marines and began their basic training at the segregated Camp Montford Point during World War II until 1949. Yet they were still faced with segregation and racism.

We all know that the Marines are the first in; and as the Marines are the first in, then others follow. They're well known for taking the bullet first, in many instances, as they work with other members of the United States military.

So today it is more than appropriate, Mr. Speaker, to be able to honor these fine heroic individuals. I salute them. I thank God that we have the opportunity to honor them at this time. It is great that America can unite together and go forward under a unity of understanding the dignity of all people.

Thank you, Montford Point Marines. It is an honor to support the Congressional Gold Medal being awarded to them.

Mr. Speaker, I rise today in support of H.R. 2447, "To Grant the Congressional Gold Medal to the Montford Point Marines," which awards the Congressional Gold Medal to the first African American Marines at Camp Montford Point in Jacksonville, North Carolina, in recognition of their personal sacrifice and service to their country.

African Americans have a long and proud history of serving in the U.S. Armed Forces. Since the founding of our fine nation, African Americans have fought to protect our nation. The first African American to receive the Congressional Medal of Honor was Sergeant William Harvey Carney. He achieved this honor for his heroism during the Civil War. Although Sergeant Carney received our nation's highest military honor he would not have been allowed to join the Marines. The measure before us today honors the African American tradition of service and recognizes how far we have come as a society.

From its inception in 1775 until 1942, the Marine Corps refused to recruit African Americans. On June 25, 1941, against heated objections from the Marine Corps leadership, President Roosevelt issued Executive Order No. 8802 to establish fair employment practices which ended racial discrimination in the military. President Roosevelt recognized the need for social change in the armed services. African Americans, who were long denied access to the Marines, now had the opportunity to become Marines.

Immediately after the racial restrictions were lifted, nearly 20,000 African Americans signed up to become Marines and began their basic training at the segregated Camp Montford Point during World War II until 1949. Yet, African American Marines still faced the challenges of segregation and racism.

Railroad tracks divided White Marines at Camp Lejeune from Camp Montford Point. African American Marines could only enter Camp Lejeune if accompanied by a White Marine. Even under these conditions African Americans persevered, completed training and fought to protect our country.

By 1945 all drill instructors and officers at Montford Point were African Americans. In the same year, Frederick Branch became the first African American Marine to be commissioned as a second lieutenant.

Marines from Montford Point landed at Iwo Jima on D-Day, and engaged in combat in Okinawa. The largest number of African-American Marines to serve in combat during World War II took part in the seizure of Okinawa in the Ryuku Islands with some 2,000 African-American Marines seeing action during the campaign. Overall, 19,168 African-Americans served in the Marine Corps in World War II.

In 1949 Camp Montford Point was deactivated and new African American recruits were sent to Parris Island in South Carolina and Camp Pendleton in California. In less than five years, the African American men who served at Camp Montford Point forever changed U.S. history.

We should all celebrate the legacy these heroes have given us. We celebrate this legacy with pride and are optimistic that our children and their grandchildren will forever remember those who have made this country what it is today. The combat services of the

Montford Point Marines certainly advanced the cause of civil rights. These African American men fought fiercely and with honor. Their actions in combat had a strong impact on President Truman's decision to order the desegregation of the Armed Forces in 1948.

We have a duty to recognize Americans who have endured tremendous odds. Let these Marines remind us of a yesterday of segregation and inequality.

Also, let them remind us that, as Americans, we are one in service and patriotism to our great nation. I stand with my colleagues in support of this recognition of the history of such a prestigious group of men—the first African American Marines of Montford Point.

Mr. JONES. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I come to the House floor today to pay tribute to a remarkable group of African American trailblazers and patriotic servicemen, the Montford Point Marines.

These distinguished veterans did not just defend our Nation in a time of war; but through their courageous acts, they helped to spearhead a movement where the goals of achieving equal opportunity and respect for universal human rights are now more intricately woven into our society.

In 1942 President Roosevelt established a Presidential directive allowing African Americans to be recruited into the United States Marine Corps. These African American recruits were trained at a segregated compound known as Montford Point, a facility at Camp Lejeune, North Carolina. Over 20,000 African Americans bravely served in the Marine Corps during World War II. They selflessly and voluntarily put themselves in harm's way to defend our homeland and to safeguard these freedoms.

This past summer, Mr. Speaker, I had the honor of attending the reburial ceremony of Montford Point Marine Private James Benjamin. Private Benjamin's remains and surviving family members were escorted by the Patriot Guard Riders and members of the Veterans of Foreign Wars from the West Mortuary in Montezuma, Georgia; and he was laid to rest with full military honors at the Andersonville National Cemetery this past Memorial Day weekend.

□ 1320

He was disinterred from a segregated cemetery because at the time of his service he could not be buried where white servicemen were buried.

When it comes to recounting our Nation's history and looking back at the trials and tribulations that were endured by the Montford Point Marines, I doubt there is a generation or group of World War II veterans who had it tougher than they did. People sometimes forget that they were fighting two wars, both foreign and domestic.

But I would like to commend the spirit of these brave men because they guide me in my duties to maintain our government's commitment to our fighting troops and for helping the troops who protect our freedoms at this time. Not only does that mean that we have to, today, maintain adequate salary and benefit levels for the military, but we've got to keep our promise to our veterans, our armed services retirees, and their families.

Mr. Speaker, I want to commend my colleague, CORRINE BROWN, who has championed this issue and brought the story of the Montford Point Marines to the attention of our entire Nation. I commend the Commandant and Marine Corps for their efforts in making sure that our Nation doesn't forget.

I urge my colleagues, therefore, to support H.R. 2447 and to honor the first black Marines with the recognition that they deserve and that they have patiently been waiting for.

Mr. Speaker, following is my statement in its entirety:

Mr. Speaker, I come to the House Floor today to pay tribute to a remarkable group of African-American trailblazers and patriotic servicemen—the Montford Point Marines. These distinguished veterans did not just defend our nation in a time of war; through their courageous acts they helped to spearhead a movement where the goals of achieving equal opportunity and respect for universal human rights are now more intricately woven into our society.

In 1942, President Franklin Roosevelt established a presidential directive allowing African-Americans to be recruited in the United States Marine Corps. These African-American recruits were trained at a segregated compound known as Montford Point, a facility at Camp Lejeune, North Carolina.

Approximately 20,000 African-Americans bravely served in the Marines Corps during World War II. These men selflessly and voluntarily put themselves in harm's way to defend our homeland and safeguard our freedoms.

This past summer, I had the honor of attending the reburial ceremony of Montford Point Marine PVT James Benjamin. PVT Benjamin's remains and surviving family members were escorted by the Patriot Guard Riders and members of the Veterans of Foreign Wars from the West Mortuary in Montezuma, Georgia, and he was laid to rest with full military honors at the Andersonville National Cemetery this past Memorial Day Weekend.

When it comes to recounting our nation's history and looking back at the trial and tribulations that were endured by the Montford Point Marines, I doubt there is a generation or group of World War II veterans who had it tougher than them. People sometimes forget that these Marines were fighting two wars, one foreign and one domestic. Hitler, Mussolini and the Japanese Empire were not the only foes that the Montford Point Marines had to encounter. Every day they went into battle against Jim Crow, bigotry and racism here at home.

During World War II, there were some German and Italian prisoners of war that were

treated better than the black soldiers serving in our Armed Services. Some American establishments that refused to serve blacks serving in the military would allow imprisoned German and Italian soldiers to patronize their facilities.

Not many people would have had the will to overcome such disparate treatment. But instead of harboring bitterness or vengeance, this group stood tall and remained above the fray.

The Montford Point Marines have demonstrated that patriotic service means more than just saying you love this country and the promise it offers. Their resilience and resolve show that true patriots are those individuals who prioritize the needs of their country ahead of their own, even if they do so at their own peril.

These Marines gave our nation a gift that extends beyond their heroic war service. In being the best of the very best, both on and off the battlefield, they helped to change perspectives and broaden peoples' horizons. They showed the entire world that when given an opportunity, people can meet any challenge and achieve any goal.

As a Member of Congress, I rely on the spirit of these brave men to guide me in my duties to maintain our Federal Government's commitment to our fighting troops and those who preceded them. That means not only maintaining adequate salary and benefit levels for our nation's military, but keeping our promise to our veterans, Armed Services retirees and military families.

Mr. Speaker, I want to commend my colleague, CORRINE BROWN, who has championed this issue and brought the story of the Montford Point Marines to the attention of the entire nation.

I urge my colleagues to support H.R. 2447 and to honor the first black Marines with the recognition they deserve and have patiently been waiting for.

Mr. JONES. Mr. Speaker, I think this has been a great debate. I want to thank Congresswoman BROWN for bringing H.R. 2447 to the floor. I think, any time, that the House of Representatives can debate and soothe the pains of yesterday with the glory of today by honoring these Marines who served at Montford Point.

So, Mr. Speaker, it is long overdue that we honor these Marines for their courageous service to our country. These men are a very important part of our country's history, and I hope that each and every one of our colleagues in the House today will join Ms. BROWN in saluting these great marines.

With that, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I am honored to join my colleagues in support of H.R. 2447. Nearly 70 years after the Marine Corps became the last military branch to accept blacks under orders from President Franklin D. Roosevelt in 1941, Congress will vote today on whether to grant the Montford Point Marines the Congressional Gold Medal, the nation's highest civilian honor. I would like to commend my colleague, Congresswoman CORRINE BROWN, for her leadership in sponsoring this important and historical legislation and shepherding the bill to the House floor.

"Loyalty and Service" to our nation despite prejudice and discrimination is one of the mantras used to describe the first African-Americans to serve in the United States Marines. These black marines were segregated during their basic training at Montford Point Camp between 1942–1949.

Overall, 19,168 African-Americans served in the Marine Corps in World War II and helped pave the way for the future of African-Americans in the Marine Corps. Although we have come a long way, we cannot be satisfied and neither is the Marine Commandant. Today, of the 22,155 African American who currently serve in the Marine Corps, there are only about 1,326 officers. The Marine Corps has 88 generals today, but only six are black.

I applaud the efforts of advocates who have committed to increasing the number of African-American officers in the Marine Corps and am a staunch supporter of this legislation. African-Americans continue a legacy of service in the Marine Corps and increasing the number of black officers is long overdue.

But today, we honor those African-Americans who were the first to serve and all who have served and are currently serving. Most of the 19,000 Montford Point Marines have died, but today we join the movement to honor their legacy by bestowing them with the highest military decoration awarded by the U.S. government. This is long overdue and I urge passage of this historical legislation.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H.R. 2447, to grant the Congressional Gold Medal to the Montford Point Marines.

I want to thank my colleague from Florida, Ms. BROWN, for sponsoring this bill and recognizing the efforts of true heroes who were willing to make the ultimate sacrifice for this great nation.

In 1942, President Franklin Roosevelt established a presidential directive allowing African Americans to be recruited by the Marine Corps.

These men were not trained at Parris Island or San Diego, but instead were segregated to Montford Point, near Camp Lejeune, NC.

Between 1942 and 1949, approximately 20,000 men received their basic training at Montford Point.

The original intent of the directive was to discharge all of these men after the conclusion of World War II. But after being able to display their commitment and courage, it became obvious that these African American Marines were just as capable as all other Marines regardless of race, color, and creed.

And to this day, hundreds of thousands of minorities make these same commitment and sacrifices for our country in our military's efforts across the world.

At a time when African Americans suffered countless instances of prejudice and injustice—not only by their peers, but by the laws they abided by—these men were willing to put their commitment to country above all else and become trailblazers for all those who followed their lead.

I urge my colleagues to vote in favor of H.R. 2447 which will award the Congressional Gold Medal in appreciation for these Marines' sacrifice and dedication to our country.

It will, moreover, reassert the fundamental principle that our country was founded on—that all men are created equal.

Mr. VAN HOLLEN. Mr. Speaker, today we gather to honor the sacrifice and patriotism of the Montford Point Marines with Congress's highest civilian award, the Congressional Gold Medal.

The Montford Point Marines were this Nation's first class of African-American Marine recruits. As was often the case during the Jim Crow Era, being the first African-Americans to break the color barriers resulted in a whole new set of hardships. Montford Point Marines suffered from the start. Not only were they not allowed to train at Camp Lejeune with their white colleagues, the Commandant, the Marine's highest ranking officer said publicly that if he had to choose between 250,000 African-American Marines and 5,000 whites, he would rather have the whites.

Training along the North Carolina coast, they endured inferior conditions and trained with inferior equipment dodging snakes and malaria-infected mosquitoes in summer and risking exposure from the bitter cold in winter as they passed the nights in huts made of cardboard.

Fueled by a fierce determination to answer the call to arms in their Nation's hour of need, the Montford Point Marines endured these hardships and joined the fight in Okinawa, where their courage and bravery were celebrated. When the war ended, they returned home to silence, abuse and indifference and were soon forgotten. That is, until today.

As a cosponsor of this bill, I am proud to stand with my colleagues to recognize the Montford Point Marines for their courage and sacrifice with the Congressional Gold Medal.

Mr. BACHUS. Mr. Speaker, I am proud to rise in support of H.R. 2447, introduced by the gentlelady from Florida, CORRINE BROWN, to award a collective Congressional Gold Medal to the Montford Point Marines for their patriotic service during World War II and their important role in promoting the cause of equal rights in our country.

Like the Tuskegee Airmen from my native Alabama, the Montford Point Marines fought for the principles of our democracy overseas at a time when prejudice and segregation prevented them from enjoying all of our country's freedoms here at home.

Recently, our nation has paused to remember two giants in the civil rights movement. Here in Washington, the new memorial to Dr. Martin Luther King was dedicated on the National Mall. Over the past few days in Birmingham, thousands of people from all races have united to pay tribute to the Reverend Fred Shuttlesworth, who passed away on October 5th at the age of 89.

In the face of prejudice, hostility, and physical attack, individuals like Dr. King, Reverend Shuttlesworth, and our own cherished colleague JOHN LEWIS always held to the highest ideals and did not allow the hate they experienced to diminish their love for their country.

Behind the prominent leaders of the civil rights movement, as they themselves would tell you, have been many courageous foot soldiers with the same ideals. The phrase "foot soldiers" is literally true when it comes to the Montford Point Marines.

These men, our first African American Marines, willingly stepped forward during World War II to risk their lives to preserve freedoms

that they themselves were being denied. All too often, they encountered vicious racial discrimination that was as painful in its own way as any bulletfire. This could have ripped the morale of our service apart and helped the enemy.

Instead, the soldiers who endured the harsh conditions at Montford Point and racial indignities in the field of battle—more than 20,000 in all from 1942–1949—served with the highest level of honor and loyalty. They fought fiercely in Okinawa and Iwo Jima. They cleaned up ash after the atomic bombing of Nagasaki.

The Montford Point Marines were never properly recognized for their bravery and heroism—not during the war and certainly not at the end, when they were essentially dismissed and officially all but forgotten.

But their colorblind service raised a profound contradiction: after fighting for freedom abroad, how could any American be denied full rights here at home? We all know the answer, you could not continue to deny those rights.

In the beginning, the Montford Point Marines set out only to serve their country during a time of war. With their valor, they helped to change military history. They wound up changing the social history of America as well.

Today, we are belatedly telling these heroes, “Thank You.” Marine Commandant James F. Amos should be commended for his determination to make sure that these veterans are properly remembered not just by the Corps but by a grateful nation as well.

As the proud father of a son who served in the Marines, it is a personal honor for me to be able to speak in support of a Congressional Gold Medal for the Montford Point Marines, and I urge the immediate passage of this long-overdue legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 2447.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

NATIONAL BASEBALL HALL OF FAME COMMEMORATIVE COIN ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2527) to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Baseball Hall of Fame Commemorative Coin Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) On June 12, 1939, the National Baseball Hall of Fame and Museum opened in Cooperstown, New York. Ty Cobb, Walter Johnson, Christy Mathewson, Babe Ruth, and Honus Wagner comprised the inaugural class of inductees. This class set the standard for all future inductees. Since 1939, just one percent of all Major League Baseball players have earned induction into the National Baseball Hall of Fame.

(2) The National Baseball Hall of Fame and Museum is dedicated to preserving history, honoring excellence, and connecting generations through the rich history of our national pastime. Baseball has mirrored our Nation’s history since the Civil War, and is now an integral part of our Nation’s heritage.

(3) The National Baseball Hall of Fame and Museum chronicles the history of our national pastime and houses the world’s largest collection of baseball artifacts, including more than 38,000 three dimensional artifacts, 3,000,000 documents, 500,000 photographs, and 12,000 hours of recorded media. This collection ensures that baseball history and its unique connection to American history will be preserved and recounted for future generations.

(4) Since its opening in 1939, more than 14,000,000 baseball fans have visited the National Baseball Hall of Fame and Museum to learn about the history of our national pastime and the game’s connection to the American experience.

(5) The National Baseball Hall of Fame and Museum is an educational institution, reaching 10,000,000 Americans annually. Utilizing video conference technology, students and teachers participate in interactive lessons led by educators from the National Baseball Hall of Fame Museum. These award-winning educational programs draw upon the wonders of baseball to reach students in classrooms nationwide. Each educational program uses baseball as a lens for teaching young Americans important lessons on an array of topics, including mathematics, geography, civil rights, women’s history, economics, industrial technology, arts, and communication.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In recognition and celebration of the National Baseball Hall of Fame, the Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue the following coins:

(1) \$5 GOLD COINS.—Not more than 50,000 \$5 coins, which shall—

(A) weigh 8.359 grams;

(B) have diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) \$1 SILVER COINS.—Not more than 400,000 \$1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as pro-

vided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(d) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent possible without significantly adding to the purchase price of the coins, the \$1 coins and \$5 coins minted under this Act should be produced in a fashion similar to the 2009 International Year of Astronomy coins issued by Monnaie de Paris, the French Mint, so that the reverse of the coin is convex to more closely resemble a baseball and the obverse concave, providing a more dramatic display of the obverse design chosen pursuant to section 4(c).

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the game of baseball.

(2) DESIGNATIONS AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year “2015”; and

(C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the National Baseball Hall of Fame and the Commission of Fine Arts and in accordance with subparagraph (c); and

(2) reviewed by the Citizens Coinage Advisory Committee.

(c) OBTAINING DESIGN COMPETITION.—The Secretary shall hold a competition and provide compensation for its winner to design the common obverse of the coins minted under this Act, with such design being emblematic of the game of baseball. The competition shall be held in the following manner:

(1) The competition shall be judged by an expert jury chaired by the Secretary and consisting of 3 members from the Citizens Coinage Advisory Committee who shall be elected by such Committee and 3 members from the Commission of Fine Arts who shall be elected by such Commission.

(2) The Secretary shall determine compensation for the winning design, which shall be not less than \$5,000.

(3) The Secretary may not accept a design for the competition unless a plaster model accompanies the design.

(d) REVERSE DESIGN.—The design on the common reverse of the coins minted under this Act shall depict a baseball similar to those used by Major League Baseball.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2015.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **PREPAID ORDERS.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) **IN GENERAL.**—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of \$35 per coin for the \$5 coin.

(2) A surcharge of \$10 per coin for the \$1 coin.

(3) A surcharge of \$5 per coin for the half-dollar coin.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the National Baseball Hall of Fame to help finance its operations.

(c) **AUDITS.**—The National Baseball Hall of Fame shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) **LIMITATION.**—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. BUDGET COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous material on this bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. PEARCE. I yield myself such time as I may consume.

Mr. Speaker, baseball truly is the American sport. From the earliest age, we begin enrolling our children in pee-

wee baseball leagues. We take our children to games where we enjoy a day at the ballpark eating hot dogs and Cracker Jacks. That is because baseball is America's national pastime, and that's why I'm proud to ask for consideration of the bill before us.

H.R. 2527 was introduced in July, on the same day as the 50th Congressional Baseball Game, by Mr. HANNA for himself and 296 others, including myself. This bill was also introduced for Mr. BARTON and Mr. DOYLE, who managed the Republican and Democrat teams in the 50th Congressional Baseball Game.

H.R. 2527 gives special recognition to a place that honors baseball, a game which, since the time of the Civil War, has occupied our leisure hours. The bill calls for the minting and issuing in 2015 of a limited number of gold, silver, and so-called “clad” coins commemorating the 75th anniversary of the National Baseball Hall of Fame and Museum in Cooperstown, New York.

The Hall of Fame and Museum opened and admitted the inaugural class of ballplayers in June 1939 as war clouds gathered over the world. In the 72 years since its opening, the Baseball Hall of Fame has served as a home base, detailing the rich history of our national pastime. More than 14 million people have visited the Hall of Fame.

This commemorative coin program, which will be conducted at no cost to the taxpayer, will also operate in accordance with all the statutes covering these types of coin programs at the U.S. Mint. Further, the program has the potential to raise several million dollars to help finance the operation of the Hall of Fame through surcharges on the sales of these coins. Notably, to claim the surcharges, the Hall of Fame must raise matching funds from non-government sources.

The bill ensures that all three coins will have common designs. For example, the bill requires that the reverse side—sometimes referred to as the “back side”—of each coin is to be in the image of a baseball. The bill further requests that the U.S. Mint try to produce the coins in such a way that it makes the reverse side rounded, like a baseball.

The passage of this bill, the commemorative coin bill, is one of those exceptional pieces of legislation that brings the House together in bipartisan fashion. Particularly at this time, a bill that can garner nearly 300 signatures of support from House Members on both sides of the aisle is a good thing.

I am pleased to be a cosponsor of this bill, and I urge all the Members to support this coin act today.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, October 24, 2011.

Hon. SPENCER BACHUS,
Chairman, Committee on Financial Services,
Washington, DC.

DEAR CHAIRMAN BACHUS: I am writing concerning H.R. 2527, the “National Baseball

Hall of Fame Commemorative Coin Act,” which is scheduled for Floor action on Tuesday, October 25, 2011.

As you know, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. H.R. 2527 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and this falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2527, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, October 24, 2011.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

DEAR CHAIRMAN CAMP: I am writing in response to your letter regarding H.R. 2527, the Baseball Hall of Fame Commemorative Coin Act, which is scheduled under for Floor consideration under suspension of the rules on Tuesday, October 25, 2011.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters and appreciate your willingness to forego action by the Committee on Ways & Means on H.R. 2527 in order to allow the bill to come to the Floor expeditiously. Also, I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. Therefore, I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance and if you should need anything further, please do not hesitate to contact Natalie McGarray of my staff at 5-7502.

Sincerely,

SPENCER BACHUS,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2527, the National Baseball Hall of Fame Commemorative Coin Act. This legislation would honor the 75th anniversary of the Major League Baseball Hall of Fame.

H.R. 2527 calls for the Treasury Secretary to issue, in 2015, no more than

50,000 five-dollar gold coins, 400,000 one-dollar silver coins, and 750,000 half-dollar "clad" coins in recognition of the National Baseball Hall of Fame in Cooperstown, New York. The program would be operated at no cost to the taxpayer and would be budget neutral. Currently, H.R. 2527 has 296 cosponsors.

I urge all of my colleagues to support the bill, and I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. HANNA).

Mr. HANNA. I thank the gentleman from New Mexico for yielding.

Mr. Speaker, I rise today in proud support of H.R. 2527, the National Baseball Hall of Fame Commemorative Coin Act.

First, I need to thank several of my colleagues for their help in bringing this bill to the floor: Congressmen JOE BARTON and MIKE DOYLE, respectively, the Republican and Democratic managers of the congressional baseball teams and the original cosponsors of this bill; Financial Services Committee Chair SPENCER BACHUS and Ranking Member BARNEY FRANK for their support on this bill, and each of the 296 cosponsors who together joined to commemorate our national pastime.

I am privileged to represent Cooperstown, a picturesque village in upstate New York and home of the National Hall of Fame. As a 10-year resident of Cooperstown, sponsoring this bill is especially meaningful to me.

I urge all citizens of the world, baseball fans or not, to visit Cooperstown at least once. Cooperstown is a fine example of the beauty and grace of small town America.

Mr. Speaker, the National Baseball Hall of Fame and Museum has spent the last seven decades celebrating and honoring the history of our national pastime. This bill will celebrate and honor the 75th anniversary of the Hall of Fame. The U.S. Treasury will produce an official United States Mint commemorative coin featuring the Baseball Hall of Fame. Importantly, there will be no cost to the American taxpayer associated with this bill.

The coins are legal tender but will be produced in a limited quantity. They will become available in 2015 to mark the 75th anniversary of the opening of the Hall of Fame in Cooperstown.

□ 1330

Mr. Speaker, the story of baseball is the story of America. Baseball is a game of skill, from the most precise pitchers to the heaviest hitters. In the late 1800s, men of all ethnic backgrounds joined together on the diamond to play the game that would become America's sport. Germans, Poles, and Italians, Irishmen, Jews, Native Americans and more formed teams, a hodgepodge of Americans, immigrants, all of whom found acceptance on the field.

This game broke barriers long before the civil rights movement began. While much of America was segregated in the forties, the great Jackie Robinson in 1945 was signed to play Major League Baseball. Integration began on the baseball field.

The examples go on. From the storied tales of Babe Ruth and Joe DiMaggio to the modern-day legacies of Derek Jeter and Mariano Rivera, baseball touches the lives of everyday Americans and fans around the world. I cannot imagine a more timely occasion than now, during the 2011 World Series, to honor baseball and its wonderful Hall of Fame in Cooperstown. I urge all my colleagues to support me in joining this cost-free, bipartisan legislation.

Mr. CLAY. Mr. Speaker, being from St. Louis, Missouri, and going through this time with the Fall Classic, the St. Louis Cardinals happen to be in the World Series, and hopefully, we can bring home a victory.

Speaking of victories, I would like to yield 5 minutes to the gentleman from Pennsylvania, my good friend and the manager of the Democratic baseball team, MIKE DOYLE.

Mr. DOYLE. Mr. Speaker, I rise today to express my support of this bill. I'm happy to support legislation that would designate a commemorative coin for the Baseball Hall of Fame. I want to thank my friend and colleague, RICHARD HANNA, for introducing this legislation and for working to get strong bipartisan support in the House of Representatives. I also want to thank my good friend, JOE BARTON, for his work not only in the congressional baseball game itself but for working with me to help bring legislation to the floor.

The Baseball Hall of Fame is more than just a shrine to the Nation's pastime. The Baseball Hall of Fame is proof of shared American values, that baseball is not merely a part of American history but has tracked the peaks of the American experience. Baseball is a game with roots in both England and the United States, which signifies the dual roots that define the birth of this country.

Major League Baseball players like Joe DiMaggio and Ted Williams gave up years in their prime to fight against fascism and for the future of democracy in World War II. Jackie Robinson broke the color barrier in 1947, 7 years before the Supreme Court desegregated schools in *Brown v. Board of Education* and nearly 20 years before the Civil Rights Act.

And the entire world, even Arizonans, rooted for the Yankees as they played in the World Series just weeks after the country was attacked on September 11.

I'm also a supporter of the bill because baseball is an essential part of the experience of my district, more specifically, the city of Pittsburgh. The

Pirates are one of the original Major League Baseball teams founded in 1887 and played in the first ever World Series. As someone who's lived in Pittsburgh my entire life, I have experienced the thrill of victory and more recently the agony of defeat as I've watched my beloved Pirates.

As a young fan, I had the honor of watching my most favorite person ever to wear a baseball uniform, Roberto Clemente, a 12-time All-Star, a 12-time Golden Glove winner, MVP, with an impressive .317 lifetime batting average. He was not only a great baseball player but a great humanitarian. After Roberto singlehandedly helped the Pirates win the World Series in 1971 over the heavily favored Baltimore Orioles, Roberto was tragically killed in a plane crash just a few months later bringing relief supplies to victims of the Nicaraguan earthquake in 1972. He will forever be remembered and beloved, not only by his native homeland of Puerto Rico and his adopted home of Pittsburgh, but by baseball fans across the world.

You know, other sports may have more followers or more revenues or more popularity, but no other sport is so tied to the core of American experience as baseball. And now, because of this bill, Americans, as well as international visitors, can be assured that they can visit the Baseball Hall of Fame in Cooperstown.

Commemorative coins celebrate and honor American traditions. As well as commemorating important aspects of American history and culture, these coins help raise money for important causes. This coin will raise funds to ensure that Cooperstown will not only be open to the Nation and the world now, but also for generations and generations beyond us, and will cost the government and the American taxpayer absolutely nothing.

This bill couldn't come at a better time. We're at a point in our history when the defining standards of American life can seem lost; the idea that hard work ensures a decent life, that the future is always better than the past, that what unites us is always stronger than what divides us. There was a time when these notions were not just truths, but reliable truths. They were promises.

We are now at a time when people feel a little less secure about the truth of American greatness. Well, I still believe in American greatness, and I think most Americans still believe in American greatness. And I believe that we need to celebrate that greatness wherever possible. This bill does just that.

The Baseball Hall of Fame has personal importance for me because it reminds me of a time when the country's game was defined by great teams and great players, not large bankrolls and corporate-named stadiums. It's a reminder of when the game was ruled by

talent and love of the game. That's why we need the Hall of Fame. That's why I'm proud to support this bill, and that's why I ask all my colleagues to vote for it.

Mr. PEARCE. Mr. Speaker, after last night's game in the World Series, most Americans understand that "T" is for Texas.

I yield 3 minutes to the manager of the Republican team, the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I want to thank the most valuable player for the Republican baseball team this year for the time.

I want to commend Mr. DOYLE, the manager of the Democratic congressional team, for his victory, and commend Mr. CLAY, Congressman CLAY, whose St. Louis Cardinals are playing my Texas Rangers in the World Series, who proudly wears the St. Louis Cardinals uniform in the congressional game; that in the next two, Wednesday and Thursday nights, at least one of those games the Rangers win so that they can get their first World Series championship in history. And once that happens, between them, the Rangers and the Cardinals will have 11 World Series championships.

I want to thank Congressman HANNA for his excellent work on this bill. I am a proud cosponsor of it. I have the Cooperstown Hall of Fame baseball cap on my head, which I am violating the rules of the House so I have to take it off immediately.

But it is a great institution. Fourteen million Americans have visited it in person since it was established in 1939. I hope to take my son or sons—I have two sons and two grandsons—to that Hall of Fame in person in the very near future. It truly is a history of America, from Babe Ruth of yesteryear to my childhood heroes, Willie Mays, Hank Aaron, people like that, Nolan Ryan, the current general manager of the Texas Rangers, to last night's heroes, Mike Napoli, who hit the home run in the bottom of the eighth inning, or hit the double, and hit a home run earlier, or Albert Pujols, who had three home runs Saturday night, I think 14 total bases, an amazing player who will certainly be in the Hall of Fame.

This is truly a win-win for everyone. There is no cost to the taxpayer. The coin self-generates its funding. We can all celebrate the 75th anniversary of the Baseball Hall of Fame by supporting this legislation. And at the appropriate time I would encourage all the Members of the House of Representatives to do so.

And again, go Rangers. Let's win the first World Series in Texas Rangers history this week.

Mr. CLAY. Let me thank my friend from Texas (Mr. BARTON) for his encouragement for his home team, and we are certain that the better team will prevail in this Fall Classic.

At this time, Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

□ 1340

Mrs. MALONEY. As a representative from the proud city of New York, which is the home of the New York Yankees and the New York Mets, I rise with strong enthusiasm in support of the National Baseball Hall of Fame commemorative coin, which was introduced by my friend and colleague from New York (Mr. HANNA), Congressman HANNA, and also congratulate MIKE DOYLE not only for his work on this bill but his winning work on the field of baseball here in Congress.

Sales of the coin will go to the Baseball Hall of Fame to finance its operations, with matching funds raised from nongovernment sources. This program will be operated at no cost to the American taxpayer but will help the Baseball Hall of Fame to do its important work not only now but into the generations to come.

Since the Hall of Fame and Museum opened in June of 1939, 14 million people have visited the site, which houses more than 38,000 3-D artifacts, 500,000 photographs, and 12,000 hours of recorded media on our Nation's favorite pastime. Cooperstown also claims to be the home of the original baseball game here in the United States. It truly is an institution in itself and serves as an educational tool in the classroom through videoconference technology and interactive lessons across the Nation.

A coin to commemorate the Hall of Fame will ensure that it can continue to do the good work that it has been doing for over 70 years. I am so proud that it's located in my State, and we have finally found something we can all agree on, our favorite pastime in America—baseball.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CLAY. I yield the gentlewoman 1 additional minute.

Mrs. MALONEY. I think it's important, given that we just passed the important and historic Gold Medal for the Montford Point Marines and recognized their fight in promoting and protecting human rights and civil rights. Literally, integration began on the baseball field. There on the mound, people come from across the country from all ethnic backgrounds, sometimes from foreign countries, to come together and support and work together in this wonderful sport that is truly an American sport.

And I would say the Nation's Baseball Hall of Fame and Museum has spent many decades celebrating and honoring baseball. This bill will be able to continue their good, hard work, and I urge all my colleagues to join me in supporting this cost-free bipartisan legislation that hopefully every one of us can agree on.

Mr. PEARCE. Mr. Speaker, the competition between the gentleman from Texas and the gentleman from Missouri notwithstanding, the bipartisan—tentative bipartisan—effort is moving slowly forward.

I would yield 2 minutes to the gentleman from New York (Mr. GIBSON).

Mr. GIBSON. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of this legislation to provide a commemorative coin for the National Baseball Hall of Fame sponsored by my friend and colleague from New York (Mr. HANNA).

Tourism is one of the most important drivers of our local economy in upstate New York. Many jobs are tied to it. And the over 350,000 visitors to the museum each year provide a much needed important boost for the economy in the greater Cooperstown area.

Baseball is America's pastime, the sport I played growing up in my hometown of Kinderhook, New York, and one that our son, Connor, plays now. On Columbus Day just past, I visited the Hall of Fame with Connor. It was a very special bonding moment for both of us and one that millions of American families have had the opportunity to do over the last 72 years.

This legislation will help promote the Hall of Fame, will help provide a boost to our local economy through tourism and do so without costing the taxpayers a single penny. It is good legislation and we should all support it. I urge my colleagues to do so.

Mr. CLAY. Mr. Speaker, I certainly think that the National Baseball Hall of Fame is deserving of this recognition. I urge all of my colleagues to support this legislation.

I have no further requests for time, and I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, the original sponsor of the bill, the gentleman from New York (Mr. HANNA), would like to go into extra innings. I yield the gentleman 1 additional minute.

Mr. HANNA. I thank the gentleman from New Mexico.

While every student of baseball knows, including my sister, Robin, who has told me many times that the New York Yankees are the finest team in the history of baseball, I would like to take this opportunity to wish good luck in the World Series to the Texas Rangers and the St. Louis Cardinals.

I urge my colleagues to support H.R. 2527.

Mr. PEARCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H.R. 2527, the National Baseball Hall of Fame Commemorative Coin Act. I want to thank my colleague from New York, Mr. HANNA, for introducing this legislation which I am proud to co-sponsor.

The National Baseball Hall of Fame and Museum opened its doors on June 12, 1939,

in Cooperstown, New York. Since that time, just one percent of all major league players have been enshrined there for their amazing accomplishments on the field.

But more than 14 million baseball fans have visited the Hall of Fame since its opening, to learn about the history of our national pastime and the game's connection to the American experience. As an avid baseball player and lifelong fan, I am in awe of the greats enshrined at Cooperstown like Ruth, Gehrig, Robinson, Clemente, and Koufax.

Baseball is an integral part of the American fabric, and Americans from all walks of life still have much that we can learn from the values and lessons of the game.

I urge all my colleagues to support the establishment of a National Baseball Hall of Fame commemorative coin, and vote YES on H.R. 2527.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 2527, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CLAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ASIA-PACIFIC ECONOMIC COOPERATION BUSINESS TRAVEL CARDS ACT OF 2011

Mr. TURNER of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2042) to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011".

SEC. 2. ASIA-PACIFIC ECONOMIC COOPERATION BUSINESS TRAVEL CARDS.

(a) IN GENERAL.—Not later than November 11, 2011, the Secretary of Homeland Security, in consultation with the Secretary of State, shall establish a program called the "APEC Business Travel Program" to issue Asia-Pacific Economic Cooperation Business Travel Cards (ABTC) to eligible United States citizen business leaders and senior United States Government officials actively engaged in Asia-Pacific Economic Cooperation (APEC) business.

(b) INTEGRATION WITH EXISTING TRAVEL PROGRAMS.—The Secretary of Homeland Security shall integrate application procedures

for and issuance of ABTC with other appropriate international registered traveler programs of the Department of Homeland Security, such as Global Entry, NEXUS, and SENTRI.

(c) COOPERATION WITH PRIVATE ENTITIES.—In carrying out this section, the Secretary of Homeland Security shall work in conjunction with appropriate private sector entities to ensure that applicants for ABTC satisfy ABTC requirements. The Secretary of Homeland Security may utilize such entities to enroll and issue ABTC to qualified applicants.

(d) FEE.—

(1) IN GENERAL.—The Secretary of Homeland Security may impose a fee for the issuance of ABTC, and may modify such fee from time to time as the Secretary determines appropriate.

(2) LIMITATION.—The Secretary of Homeland Security shall ensure that the total amount of any fees imposed under paragraph (1) in any fiscal year does not exceed the costs associated with carrying out this section in such fiscal year.

(3) CREDITING TO APPROPRIATE ACCOUNT.—Fees collected under paragraph (1) shall be credited to the appropriate account of the Department of Homeland Security and are authorized to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TURNER) and the gentleman from California (Ms. LORETTA SANCHEZ) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TURNER of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TURNER of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2042, the Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011.

This measure is needed to grant to the Department of Homeland Security the authority to issue "APEC" business cards, ABTC, as part of their overall Trusted Traveler programs operated by Customs and Border Protection for expedited reentry into the United States.

The APEC Business Travel Cards program is an initiative of the Asia-Pacific Economic Cooperation forum and is designed to facilitate commerce by promoting fast and efficient travel of eligible businesspeople and government officials within the Asian-Pacific region.

This legislation will allow eligible U.S. business travelers to apply for Trusted Traveler cards for expedited entry to certain Asian-Pacific nations which are members of the APEC forum.

As a transitional member of APEC, the United States already provides foreign business travelers who have APEC Business Travel Cards with expedited scheduling of visa interviews at U.S. Embassies and consulates and use of dedicated lanes of expedited entry when traveling to the United States.

□ 1350

However, since the United States has not yet issued cards for U.S. citizens who wish to participate in this program, Americans are currently unable to enjoy the same time-saving benefits that some 70,000 foreign holders of APEC Business Travel Cards enjoy when coming to the United States.

During these challenging economic times, we must all do what we can to facilitate business development, which includes encouraging international travel and negotiations. Expanding U.S. participation in the APEC Business Travel Card is a simple way to support these goals and facilitate travel, whether it be through LAX or JFK.

Of note, this legislation would have no detriment on the homeland security of the United States as all foreign visitors who are citizens of an APEC member economy must continue to go through the standard travel procedures of obtaining a visa or filling out the Web-based Electronic System for Travel Authorization for Visa Waiver Program countries. Currently, 18 of the 21 APEC economies are full members of the APEC Business Travel Card program. The United States currently participates as a transitional member, along with Canada and Russia, and enacting this legislation will demonstrate U.S. commitment to economic integration and engagement in the Asia-Pacific region.

This measure has strong bipartisan support and enjoys the support of the U.S. business community, including the National Center for APEC, the U.S. Chamber of Commerce, and the U.S. Travel Association.

I urge Members to support the bill, and I reserve the balance of my time.

Ms. LORETTA SANCHEZ of California. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2042. As a member of the Committee on Homeland Security and as a Representative from the great State of California, which has very strong economic ties to the Pacific region, I am proud to be a cosponsor of what I believe is one of the most important things that we can do with respect to trade and getting American jobs going.

The primary goal of the Asia-Pacific Economic Cooperation organization is to support sustainable economic growth and prosperity in the Asia-Pacific region. The United States is among the group's 21-member economies, which account for 55 percent of global GDP. They purchase 58 percent

of United States' goods exports and comprise a market of 2.7 billion consumers. Seven of America's top 15 trade partners are in APEC.

This bill would require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue APEC Business Travel Cards to eligible U.S. citizen business leaders and senior United States Government officials who are actively engaged in APEC business. The APEC Business Travel Cards would expedite the individuals' international travel within the 21 APEC-member economies. There are similar cards already available to APEC travelers in the United States. H.R. 2042 would allow U.S. citizens to enjoy similar travel benefits abroad.

It requires the Secretary of Homeland Security to integrate application procedures for and issuance of APEC Business Travel Cards with other appropriate international registered traveler programs of the Department of Homeland Security such as SENTRI, Global Entry and NEXUS, as well as some of the other programs we already have to expedite travel from one country into the other. Finally, the bill permits the Secretary of Homeland Security, of course, to impose a fee that would cover the cost of issuing these cards. H.R. 2042 is also supported by the Obama administration.

Next month, the U.S. is hosting APEC for 2011, which is the first time since 1993. It's going to include meetings in Washington, D.C.; in Big Sky, Montana; and in San Francisco, California, culminating in the APEC Leaders Meeting in Honolulu, Hawaii, in November. So I think it would be appropriate that the House pass H.R. 2042 in advance of this meeting next month.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. TURNER of New York. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of Texas (Mr. BRADY).

Mr. BRADY of Texas. I rise in support of H.R. 2042, the APEC Business Travel Card, and I appreciate working with my counterpart, Congressman LARSEN, on this legislation.

This bill provides security-vetted American business and government travelers the same time-saving benefits as their counterparts in other Asia-Pacific Economic Cooperation countries. The bill is supported by leaders in both parties, including the chairman of the Homeland Security Committee, Representative PETER KING. I appreciate his leadership, as this provision was included in the authorizing bill recently reported by the House Committee on Homeland Security.

The card was originally created to increase the economic engagement in a region that continues to grow and grow, and to expedite secure business travel for those who make frequent

business trips to these economies. But today, the United States is only one of three economies within APEC that hasn't yet provided these travel cards to their frequent business travelers. This bill would allow Customs and Border Protection to issue the travel card to our citizens after conducting background checks, confirming frequent travel to the APEC region, and collecting fees to cover the full costs.

The two big benefits beyond increased security is the equal treatment for Americans. Our counterparts, frequent business and government travelers, who do business within these countries in the region already enjoy these benefits. This provides it to United States citizens. Basically, it then makes sure we stay competitive in that region, which is a region that is growing economically and represents more than half of the world's economy. They buy almost 58 percent of what America sells, so they are, as Congresswoman SÁNCHEZ says, major new customers for our farmers and ranchers, for our technology companies, for our manufacturing companies, and for our service workers as well.

I fully support this bill. It is important that our business travelers in America get out there to sell American products throughout this important region. It has strong business support, and I urge Member support as well.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Speaker, I rise today in support of H.R. 2042, the APEC Business Travel Card bill. This bill is bipartisan, and it levels the playing field for U.S. businessmen and -women who export their products into other APEC economies.

Since joining the APEC Business Travel Card program as a transitional member in 2007, the U.S. has been extending the benefits of having an APEC Business Travel Card to foreign businessmen and -women in 18 other economies but not to our own. These benefits include being permitted to use the "crew" or designated "APEC Business Travel Card" lanes in airports when entering a country as well as having expedited visa processing. As of October 12, 2011, there were over 100,000 foreign ABTC holders—but no Americans.

Today's legislation simply levels the playing field by directing the Department of Homeland Security to establish an APEC Business Travel Card that will allow Americans to use the card to gain expedited entry into participating APEC economies when they go abroad and use Customs and Border Protection's, or CBP's, Global Entry program for expedited reentry back into the United States. This will make travel throughout the Asia-Pacific region easier for American businessmen and -women and will help them to more efficiently sell their products overseas.

I want to thank my good friend, the gentleman from Texas (Mr. BRADY), for his hard work on this bill as well as fellow APEC Caucus cochairs, the gentleman from New York (Mr. CROWLEY) and the gentleman from California (Mr. HERGER), for their support as well.

The future of the United States is tied to the Asia-Pacific region. With the hosting of the APEC summit by the United States in less than a month, it is important that the APEC Business Travel Card program is established. I urge my colleagues to support this bill as well.

In conclusion, I want to thank the leadership of this House for working with me and the gentleman from Texas to get this bill scheduled for House consideration.

□ 1400

Mr. TURNER of New York. Mr. Speaker, I have no further requests for time and am prepared to close once the gentlelady does.

Ms. LORETTA SANCHEZ of California. I yield myself the balance of my time.

Mr. Speaker, H.R. 2042 represents a small but important step towards facilitating travel and enhancing business ties with our Asia-Pacific region, and I urge my colleagues to support this legislation.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. TURNER of New York. Mr. Speaker, in closing, this bill is an opportunity to facilitate travel, promote economic growth, and enhance security.

I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, H.R. 2042 would require the Department of Homeland Security, in consultation with the Department of State, to establish a program to issue APEC Business Travel Cards to eligible United States business leaders and government officials.

Under this program, U.S. citizens actively engaged in APEC business would receive expedited screening in international travel within the 21 APEC member economies.

H.R. 2042 requires DHS to integrate application procedures for and issuance of APEC Business Travel Cards with other appropriate DHS international trusted traveler programs such as Global Entry, NEXUS, and SENTRI.

I strongly support those three DHS trusted traveler programs, which facilitate international travel for pre-approved, low-risk passengers while allowing DHS to focus its resources on higher-risk and unknown passengers.

H.R. 2042 is supported by the Obama Administration, and I also support the bill.

However, I am dismayed that with just 19 days left in the First Session of the 112th Congress, H.R. 2042 is the first Committee on Homeland Security bill to reach the House floor.

I would note that the last time the Committee brought legislation to the House floor

was when I was still Chairman—at the end of December 2010.

With respect to H.R. 2042, let the record reflect that the path to the floor involved bypassing Committee consideration. I did not object to this approach, given that the APEC conference is slated to commence in Hawaii next month.

The Democratic Members of the Committee are committed to ensuring that the full breadth and depth of homeland security issues facing our Nation are addressed.

To date, eighty homeland security bills have been introduced and referred to the Committee. The subject matter of these bills range from border security to aviation security to counterterrorism to preparedness and response.

Unfortunately, only a handful of homeland security bills have actually been considered in Committee and only one has been reported to the House. That bill is now pending before another Committee.

The failure of the Committee on Homeland Security to advance meaningful homeland security legislation that speaks to the oversight finding of the Committee in the 112th Congress is inexcusable.

Though I recognize that the hour is late on the congressional calendar, I sincerely hope that consideration of H.R. 2042 today signals the commencement of a more active legislative period for the Committee.

Nevertheless, I urge the House to support H.R. 2042 today.

Mr. HERGER. Mr. Speaker, I rise in support of the APEC Business Travel Cards Act because it is another measure that helps create a favorable environment for job creation. As a co-chair of the APEC Caucus, I strongly believe that continued engagement in the Asia-Pacific region is critical to U.S. economic growth. The Asia-Pacific region is the most economically dynamic region in the world, home to two-thirds of the world's population and over half of all global trade. The legislation before us will help American businesses be more competitive in these growing markets. The easier our businesses can access these foreign markets, the more they can sell American goods and services abroad. The United States already recognizes the APEC Business Travel Card held by foreign nationals, giving them expedited travel processing. It is past time that we allow American businesses leaders around the country the same travel benefits that foreign APEC businesses travelers have been enjoying for years. This is a common sense bill that streamlines travel for American businesses that are trying to grow and reach customers in foreign markets. This legislation is long overdue and I urge my colleagues to support it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 2042.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1904, SOUTHEAST ARIZONA LAND EXCHANGE AND CONSERVATION ACT OF 2011

Mr. BISHOP of Utah. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 444 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 444

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1904) to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. CAPITO). The gentleman from Utah is recognized for 1 hour.

Mr. BISHOP of Utah. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consid-

eration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent that all Members may have 5 legislative days during which they may revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Madam Speaker, this resolution provides for a structured rule for consideration of H.R. 1904, the Southeast Arizona Land Exchange and Conservation Act of 2011. It makes in order every amendment that was filed with the Rules Committee.

So this is, like the Texas victory last night, a very fair rule and continues the record of the Rules Committee in this Congress of making as many amendments in order as possible which otherwise conform to the House rules. That's been the goal of Chairman DREIER in his continuing record of fairness and openness in the formulation of this open rule.

H.R. 1904, the Southeast Arizona Land Exchange and Conservation Act of 2011, introduced by the gentleman from Arizona, (Mr. GOSAR), would authorize a fair value exchange and conveyance of land between the U.S. Forest Service, the Bureau of Land Management (BLM), the Arizona Town of "Superior," and the Resolution Copper Mining LLC in Southeast Arizona, for the multiple purposes of protection of sensitive habitat and cultural areas, as well as facilitating the development of the largest undeveloped copper resource in the world right here in the United States.

One of the key pillars of a viable economy, and job creation, is the sound and environmentally responsible development of our own domestic natural resources. This bill does that. Its passage will facilitate responsible copper mining within our own country, putting thousands of Americans to work with good paying jobs, and, over time, bringing billions in return for both the federal government and state and local governments.

In spite of predictable interest group scare tactics against this legislation, H.R. 1904 does not waive any existing environmental rules or regulations regarding mining. The companies involved not only must pay fair market value for the equal value exchange, but must comply with all mining laws and regulations regarding the environment.

Passage of this bill will result in a higher amount of habitat acreage being protected than before, so the environmental community should be on board with this bill.

Copper is one of the key components used in virtually all manufacturing and electronics. For those concerned with so-called "green energy," nearly 5 tons of copper is necessary to manufacture a single 3 megawatt wind turbine. And that is just one example to show how copper is used nearly everywhere. For our country develop our own God-given natural resources not only helps our own economy, creates jobs, but also reduces our dependence

on foreign sources and helps with our balance of trade with other nations.

This bill is strongly supported by state and local government officials in Arizona including Governor Jan Brewer, the U.S. Chamber of Commerce, the National Mining Association, and the Associated General Contractors of America.

This is a good bill, and a fair rule. I urge their adoption.

I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Today's bill continues an effort started by the Republican majority earlier this year, an effort to give away valuable American resources to foreign companies. Today the majority is proposing to take sacred land from Native American tribes and give it away to foreign corporations, one of which is partly owned by the Chinese Government. I stand here today in fierce opposition to this attempted fire sale of American resources that is being conducted under the guise of job creation.

Today's bill is not written for the American worker. It was written for foreign mining giants that hope to profit from our generosity. These firms are hoping that this Congress will be charitable enough to give away millions of tons of copper to foreign companies that have no responsibility to create American jobs. Indeed, one of those companies is a leader in robotics and say that they can control a mine from 600 miles away. The likelihood that they plan to create a number of jobs does not hold together.

Copper is one of the most scarce resources on the globe, and yet the majority is proposing to give this asset away. Let me say that again—give this asset away. Under this bill, the United States receives no royalties from these foreign companies for any copper found in our soil.

Furthermore, today's bill is not the solution to our jobs crisis. The proposed legislation gives federally protected land to companies that specialize in replacing miners with robots that do the same job. The majority hopes this will create jobs at some unnamed point in the future. But in addition to this approach being naive, the majority could be doing more to create jobs than simply relying on hope.

The truth is that we could be standing here today actually doing job creation. We could be voting to put money directly into the hands of firefighters, police officers, and teachers. We could be investing in new roads, railroads, and schools and creating thousands of jobs for construction workers across our country.

But once again, the majority seems to believe that their job is to help foreign corporations grow their bottom line. It is not. Giving away our natural resources to foreign companies will do

nothing but leave American workers in the dust and we much poorer.

I strongly oppose today's proposed legislation. I urge my colleagues to vote "no" on the rule and the underlying legislation. More than ever, we need to take tangible action to create jobs, not sell our national interests to the highest foreign bidder.

Madam Speaker, I yield the balance of my time to the gentleman from Florida (Mr. HASTINGS).

The SPEAKER pro tempore. Without objection, the gentleman from Florida will control the time.

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

I am so accustomed to coming here and making repeated assertions regarding my friends on the Republican side. But today, we are really about the business of undertaking added emphasis on regulation and doing nothing about jobs.

Let me refer to an article that occurred in The New York Times on October 4, written by Bruce Bartlett, an editorial opinion. Mr. Bartlett held senior policy roles in the Reagan and the George H.W. Bush administrations and served on the staff of the distinguished former Member of this House of Representatives, the departed Jack Kemp, and on the staff of RON PAUL. He says, "Republicans have a problem. People are increasingly concerned about unemployment, but Republicans have nothing to offer them."

And I hope my friends on the other side of the aisle don't jump up and start about their 15 forgotten bills. They're not only forgotten; they're forgettable. And they're forgettable for the reason that they don't create jobs. But here we are today dealing with three suspensions and one other measure, and we've been out almost as much as we've been in session, and we still aren't addressing the subject of jobs.

Continuing with Mr. Bartlett, he says, "The GOP opposes additional government spending for jobs programs and, in fact, favors big cuts in spending that would be likely to lead to further layoffs at all levels of government."

He goes on, but the specific takeaway that impressed me in his article that I wish to share is, "In my opinion, regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment."

I want to address the subject of regulation because it seems that I keep hearing this thing that the business community needs certainty. Well, the American people need certainty as well, and certainty about their health

and certainty about employment and certainty about housing. And toward that end, I don't just distinguish one little category, it's a hole here in this country. And in the period when we did not have regulation, my recollection of the no-regulation period led us to what we see and have experienced on Wall Street when there is no regulation.

What do we think caused this great downturn in the economy? Was it because students weren't going to school? Was it because people weren't going to work? Was it because we had coal ash gas? Or did it occur because we didn't have regulation that we should have had that would have manifested itself?

□ 1420

Madam Speaker, I believe I may be the only speaker, and toward that end, rather than continue, I will reserve the balance of my time and have my colleague know that I will be prepared to close when he is finished.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

As the gentleman from Florida knows, I do like baseball this time of year. One of the statistics that I saw the other day is that Pete Rose had 29 of his 4,000-plus hits off of pitchers who would eventually become dentists. It is a true statement. It has almost no impact on anything, but it is a true statement. Some of the rhetoric we've heard so far is true, but has no impact on what we're talking about.

Madam Speaker, 15 different times Republicans have come on the floor of this House and have introduced jobs bills. Those jobs bills are still sitting over in the Senate. Thousands of jobs would be up and available right now if the Senate were actually to move on any of those 15. This is the 16th jobs bill that we have brought to the floor.

One of the issues we have here is there is a need in our lives for copper. The business community needs copper. Individuals need copper. In our personal lives we need copper. If you want to build a three-megawatt turbine for wind generation power, you need five tons of copper to do that. If you want to build a hybrid car or an electric car, you need at least 55 pounds of copper to build the car. The average home has 435 pounds of copper in that home. In fact, the study I looked at said each individual in his lifetime will consume 935 pounds of copper. I'm not quite sure how we do that. I certainly hope the verb "consume" was not literal, but more a hypothetical word, because I really have not had much copper on my Cornflakes lately.

But we will consume copper. Whether we produce copper or not, we consume copper. We need copper. The fact of the matter is the United States now imports 30 percent of all the copper. We are relying upon other countries to produce copper.

Why is this a jobs bill? For those people who vote for this bill, we will be establishing the opportunity to develop a

mine that could produce a quarter of our needs for copper for the next 40 years. We will move us to self-sufficiency; and, more importantly, we will create jobs with this particular bill. Indirect and direct jobs are 3,700 for this mine; 3,000 jobs for the construction of this facility, 500 who are already in the pre-permitting phase right now. That's what the opportunity is.

If we vote against this bill, we'll still be providing jobs, but jobs overseas for miners in Chile; for the smelting factories in China, where we have to send the stuff because we don't have enough smelters right here to do. We will produce jobs, but we have either the choice of producing jobs in America so that we can create American jobs and have American self-sufficiency, or we can create jobs abroad. It's our choice on this particular bill.

This is a jobs bill. Whether you vote for it or against it, it is still a jobs bill. I just hope we vote for it because I hope our priority is creating American jobs for American need of copper, which there is no way to get around. We have to have this crucial mineral, and this is the place in which to do it.

This particular bill will be a land transfer in which the Federal Government makes out like a bandit in it. The Federal Government will get 5,400 acres of land. The industry gets 2,400 acres to try and get this production going. The city of Superior gets 500 acres, 30 of which go to their cemetery. That's the purpose of this bill.

This bill is viable for our economy, for our job creation, and for natural resources. It does it in a responsible way. And all the scare tactics out there that have been waved about before don't exist. There is not one single, solitary environmental rule that is waived for the creation of this mine. Not one.

Twice this bill has been introduced before this Congress by a Democrat sponsor. It's the same bill, except this one doesn't provide a rock-climbing park for the State of Arizona. Other than that, it's the same bill with the same considerations and the same restrictions and the same guarantees.

Madam Speaker, if the gentleman has another speaker or wishes to take some time, then I will reserve the balance of my time.

Mr. HASTINGS of Florida. I thank my good friend and colleague for the information.

I would like to ask my friend a question. Is there anything in this measure that requires the copper that you just spoke about—and I don't disagree with many of the facts that you put forward—but is there anything in this bill that requires that copper to remain in the United States of America?

Mr. BISHOP of Utah. Will the gentleman yield?

Mr. HASTINGS of Florida. I yield to my friend.

Mr. BISHOP of Utah. I will be happy to do it. In fact, I want the sponsor to

respond specifically to that in just a second.

But the answer is, clearly, we have a desire for copper. We have a demand for copper. The concept of free enterprise and the balance of trade that we need will demand that the majority of that copper be used here. If you want to try to come up with amendments to try and mandate that, there are some potential amendments that will be debated on this floor in this very good, fair structured rule. However, you have to be very careful that sometimes when you try and make these mandates and put them in law, it makes it very difficult to enforce those particular mandates.

And I will tell you that one of the amendments that will be debated here on the floor has wonderful intention but is almost impossible to enforce. So will it happen? Of course, it will happen, because we have that need; we have that desire right now.

Mr. HASTINGS of Florida. I appreciate the answer. I'll take that as a no, that there is nothing in the bill to cause the copper to remain in the United States.

Mr. BISHOP of Utah. Will the gentleman yield?

Mr. HASTINGS of Florida. I yield to my friend.

Mr. BISHOP of Utah. There is nothing in statute—only in reality—that will force it to be used here.

Mr. HASTINGS of Florida. I understand. But when you step up to the plate, you have to hit the ball. You can't fake like you're hitting the ball. The gentleman from Utah and I use baseball analogies. I don't know whether he has a dog in this World Series fight or not, but I appreciate he and I going back and forth on that.

I do recognize that you did respond as I thought you would about the America's job creators provision that occurs. I do encourage that people—I normally don't advertise for the other side—but you have jobs.gop.gov. And what it says is: empower small businesses and reduce government barriers to job creation; fix the Tax Code to help job creators; boost the competitiveness for American manufacturers; encourage entrepreneurship and growth; maximize American energy production; and pay down America's unsustainable debt burden and start living within our means.

All of that is practical. All of that seems to make sense. But in the final analysis, it's not putting a teacher, a firefighter, or a police officer to work. And we're talking about right now is when we have this problem. If we don't have this problem by the time we empower small businesses, then let's empower some of them then. Let's do some things to make sure that some money gets in their hands, rather than dance around this issue.

We need some direct programs from the United States Federal Government

to help States, counties, and municipalities in this country, and to help individuals, particularly those that are on the front lines dealing with these particular issues. But you haven't done anything, which is almost laughable, and you put on your Web site that you have 15 "forgettable" bills.

I guess what we're trying to do—and it does make a little bit of sense to me—that we should point to the other body and say that we have passed measures here in the House of Representatives that have gone to the other body and not become law. Well, my last recollection is that we passed over 400 measures when we were in the majority and they went over to the U.S. Senate; and here's where the catch is that people don't seem to understand. The arcane rules of the Senate require that they have 60 votes. And the majority does not have 60 votes. In almost every measure that may have helped this country, the Republicans stood in opposition and, quite frankly, obstructed the passage of legislation. I guess now you're joining us in saying that they're doing the same things to you in the House of Representatives.

Well, I accept that if that's your argument. But let's make it very clear that it is in the United States Senate and that here we aren't originating nor are we evidently working with them to address the subject of the need for jobs, housing, and education in this country.

□ 1430

After another week away from Washington, thanks to my Republican friends, we're back here considering this bill on an issue that I think very few of my colleagues, myself included, fully understand.

The Republicans have been in charge for 294 days, and they have not brought one job-creating bill to the floor in that time, not one. I do make an exception that I believe all of us recognize has been in the works through several administrations, and that is the various trade agreements, which in some respects are going to create jobs but in other respects are going to cause the loss of jobs. And I don't think that that equation is full yet; but, yes, that did pass the House of Representatives.

While Americans continue to struggle to find work, this Republican majority has been more interested in going on recess than in passing legislation. The truth is, Madam Speaker, the House has only been in session 109 days, and we're almost in November—109 days. During this limited time, my friends on the other side haven't found time to send a single appropriations bill to the President, not one.

When we are in Washington, look at the bills that my colleagues have debated passionately—defunding Planned Parenthood, defunding the National Public Radio, promoting the use of inefficient light bulbs. Madam Speaker,

this would be comical if it weren't so serious.

Let me also remind my colleagues that only a paltry 43 bills have been signed into law this year, less than half the average first-session total for Congresses since 1991, even compared to other years following shifts in control of the House.

I believe that Americans want action to help our economy now. They want us to consider the President's jobs bill now. They want us to quit wasting time on trivial issues that are only meant for 30-second political sound bites. They want us to do our jobs. But these friends on the other side just don't get it.

Four years ago, their Presidential nominee talked about "country first." But in the House of Representatives, time after time after time we see the Republican leadership ignore the needs of out-of-work Americans. And the bill before us today is more of the same, another enormous rip-off for struggling American workers disguised as a jobs bill. In fact, this time it's not even disguised very well.

The underlying bill is a massive land giveaway to foreign companies looking to mine copper on American land. And that's why I put the question to my good friend about whether that copper was going to stay in the United States. Let me repeat that. This bill benefits foreign mining giants, first and foremost, at a time when millions of Americans are unemployed and families right here in this country are struggling to pay their bills.

The two companies that stand to benefit the most from this bill—British-owned Rio Tinto and Australian-owned BHP Billiton—are highly profitable titans in the mining world. As the bill is currently written, American taxpayers will receive no share of the expected billions in profits generated by this mining. All profits will be enjoyed by foreign companies.

And claims that H.R. 1904 will lead to the creation of thousands of good-paying American jobs are dubious at best. Both companies, the two I mentioned, are pioneers in developing automated and remote-control mining technologies. Seriously? We're creating jobs for foreign robots instead of American workers? No offense to R2-D2, but there are American workers who need help. On top of that, any American jobs that may be created will be years in the future. This bill does nothing to create good jobs right now when we need them the most.

My friends in the majority want this process to seem fair. Yes, they made in order all the amendments submitted, but that's not the same as an open rule. Let me be crystal clear: This is not an open rule. Once again, the Rules Committee is breaking the promises of this new majority. Clearly, the Republican leadership is more interested in

shutting down debate and fostering a more closed House rather than living up to their campaign promises of a more open House of Representatives.

Despite these broken promises, Madam Speaker, I'm pleased that the Democratic amendments—that my good friend mentioned are made in order—will insert some common sense into H.R. 1904 if they are in fact adopted. And as I heard him say that they ought to be debated and what have you, but they are not real in terms of their mandate.

Mr. GRIJALVA and Mr. GARAMENDI have offered an amendment to try to create more than just jobs for robots. Their amendment would require that these foreign companies actively recruit and hire local employees—and I hope everybody votes for that amendment—that all the ore produced, they say, from the mine be processed in the United States, and that all equipment used at the mine will be made in the United States. I hope everybody supports that amendment.

Mr. MARKEY's amendment would require that these foreign companies pay a simple royalty to the United States on all minerals extracted from this site. If mining is done on U.S. land, the American people should be able to share in the profits.

Finally, what is most disturbing about H.R. 1904 is a complete lack of respect for sacred Native American sites that will be swept into mining operations. Native people won't even be able to comment on the land transfer until after it has occurred.

Now, I've seen that often in our area—I represent Native Americans, Seminoles and Miccosukee—and repeatedly where developers have gone forward, not just in mining but the artifacts of our great history in this country, and have caused us to pause. And we should be very careful with this particular measure because we don't want to repeat that that I've seen happen time and again in Florida. That's insulting and completely disrespectful to native traditions and culture.

And my friends on the other side of the aisle should be ashamed by the blatant mistreatment of Native Americans by this bill. Mr. LUJÁN's amendment to exempt all Native American sacred and cultural sites from land conveyance under this bill is not just commendable, it is critically important and deserves the support of every Member in this body.

Madam Speaker, this is not a jobs bill, and there's no effort by this Republican majority to bring up a jobs bill. We shouldn't be wasting our time. We should not be wasting the American people's time with trivial bills that benefit foreign countries while our own citizens struggle to find work.

I urge a "no" vote. And on this business of the "forgettable 15," I urge that we do something to create jobs and not

just try to give the impression that we are creating jobs.

I reserve the balance of my time.

Mr. BISHOP of Utah. Minnesota Twins pitcher Jim Kaat, who should be in the Hall of Fame—so for today we'll call it "Coppers Town" Hall of Fame—once said to a reporter that he was working on a new pitch. He called it a strike. You've heard a lot of accusations so far about this particular bill, most of which are balls, low, outside and in the dirt.

I now yield 4 minutes to the sponsor of this bill, a Representative from Arizona (Mr. GOSAR), to actually pitch some strikes about what this bill actually will do.

Mr. GOSAR. I thank the gentleman from Utah, and I appreciate the House spending time to consider this important jobs bill legislation this week.

The need for this land exchange legislation and ensuing copper mine was one of the very first initiatives brought to my attention by the people of my district. Those folks are excited about the economic development and sustainable growth that this project will bring.

□ 1440

They are anxious for these high-priority conservation lands to be placed in Federal stewardship. And they are sick of waiting for Congress to act.

H.R. 1904 may be new legislation, but this initiative is not. Over the past 6 years, this land exchange has been subject to intensive review, public consideration, and modification. It has been introduced in four separate Congresses, twice by Democrats, twice by Republicans. This proposal truly has bipartisan support on the ground in our State and across the country. The mayor of the town of Superior, an elected Democrat, testified in support of H.R. 1904. Democrat and Republican county supervisors in each affected economy endorse my bill. The governor supports my bill. This legislation is a win-win.

H.R. 1904 specifically facilitates a land exchange that will bring into Federal stewardship 5,500 acres of high-priority conservation lands in exchange for 2,600 acres of national forest system lands containing the third-largest undeveloped copper resource in the world. It is the richest copper ore body in North America ever discovered.

The United States currently imports over 30 percent of the country's copper demand. This project could produce enough copper to equal 25 percent of our demand, contributing significantly to U.S. energy and mineral independence.

Let me be clear. This is not going to be a new mine. The majority of the infrastructure is already in place. We are simply opening up the resource to the country's vital needs.

Today, more than 500 employees and contractors are at work in Arizona on

this project as they prepare for us to take action on this bill. Upon passage, the private company will be able to employ 3,000 workers during the 6-year construction period. And ultimately, the project will support over 3,700 jobs, providing for \$220 million in annual wages over the life of the project. These are good-paying jobs.

This is good old Superior right here who needs this. The total economic impact of the project is estimated to be over \$61.4 billion, over \$1 billion per year, and another \$19 billion in Federal, State, county, and local tax revenues. Fourteen billion dollars in Federal tax revenue—in these tough fiscal times, I think we can all agree that the Treasury could use that.

This bill is not only a jobs bill, it's a conservation bill. In exchange for opening up the third-largest undeveloped copper resource in the world, the Federal Government acquires 5,500 acres of high-priority conservation lands containing endangered species, sensitive ecosystems, recreational sites, and historical landmarks. Many of these lands being conveyed are landlocked by Federal lands, and the consolidation of the Federal lands will also contribute to better, more economically efficient Federal land management.

Today, The Arizona Republic, the largest newspaper in the State, issued an editorial in support of H.R. 1904. In that article, the editorial board highlights the big benefits of my legislation: jobs, tax revenue, and conservation. In the article they state, "The bill, with its combination of benefits, has every reason to get bipartisan support."

They continue, "In today's economy, it's hard to imagine that Members of Congress would fail to give this bill a resounding approval in the House."

Madam Speaker, I would like to submit the full editorial for the RECORD.

My legislation strikes the right balance between resource utilization and conservation. We can preserve lands that advance the important public objectives of protecting wildlife habitat, cultural, and historical resources, while enabling an economic development project to go forward that will generate economic and employment opportunities for the State and local residents.

Pass the rule and vote "yes" on H.R. 1904.

[From the Arizona Republic, Oct. 25, 2011]

A BILL TO LAUNCH 1,000-PLUS JOBS

Congress has a rare opportunity to create jobs, preserve a ribbon of river in the desert, raise tax revenue and boost production of a strategic mineral. Without spending a dime.

All it takes is a "yes" vote on a land exchange that would allow the Resolution Copper project to go forward. The proposed mine, near Superior, is at the site of the third largest undeveloped copper resource in the world.

The projected annual production volume is huge: enough to meet more than 25 percent

of the current U.S. demand for copper over the next 40 years.

Resolution Copper, jointly owned by Rio Tinto and BHP Billiton, plans to put \$6 billion into building and running the mine.

Now that's economic stimulus.

But the project requires swapping private and federal property. A bill to approve it is scheduled to go to the floor of the U.S. House of Representatives this week.

The Southeast Arizona Land Exchange and Conservation Act of 2011 is sponsored by Rep. Paul Gosar, a Flagstaff Republican. This is the third version of the swap, which was proposed by his predecessors, Democrat Ann Kirkpatrick and Republican Rick Renzi.

The bill, with its combination of benefits, has every reason to get bipartisan support. Democratic Rep. Ed Pastor grew up in a mining town and knows the importance of this industry to rural Arizona.

Rep. Raúl Grijalva has stood in the way of the land exchange over the years. It's time for him to step aside.

The concerns he raised have been answered. The one remaining issue is the opposition of the San Carlos Apaches, and Resolution Copper has committed itself to extensive consultation with tribes.

Here's what a "yes" vote brings:

Jobs: 3,000 during construction and 1,400 when the mine is at full production.

Taxes: \$19 billion in federal, state and local revenues.

Conservation: Nearly 7 miles of the lower San Pedro River, named one of the "Last Great Places on Earth" by the Nature Conservancy, transferred from private into public ownership.

Ripple effect: An additional 2,300 jobs in the Superior area generated by mining needs and worker spending.

In today's economy, it's hard to imagine that members of Congress would fail to give this bill a resounding approval in the House.

With the able help of Arizona Sens. Jon Kyl and John McCain, it should get a "yes" in the Senate, as well.

Mr. HASTINGS of Florida. I yield myself such time as I may consume, and I would ask the gentleman from Arizona to respond.

Rio Tinto, the company from Australia, has a mine that is controlled by people that are 800 miles away from the mine.

Now, I heard you distinctly, and let me make it very clear. I remember this measure being offered by the lady that you won office from previously as well. And I'm one who seriously encourages that we protect our congressional areas.

But when you say it's going to create 3,000 jobs, let me give you a "for example" of how the local community does not work, and then ask you to respond. In the Everglades, we, many Members of this Congress, rightly have dealt with trying to preserve this area. So we have, with the Army Corps of Engineers and a variety of other people, a lot of earth moving and a variety of undertakings that are taking place.

In the meantime, one of my cities, Pahokee, has gone almost out of business. They're doing a remarkable job trying to stay afloat, and the area has diminished while all of this work is going on around them.

Now, how are you going to stop Rio Tinto, who can operate mines with robots, how are you going to stop them from bringing their Australian people? How are you going to stop the British from bringing their workers? Because, as in my city and counties that I'm talking about, when these big companies come in to do all of this work, they bring their workers with them, and we don't have the kind of jobs that are needed. And in this instance, you're talking about robots running large measures of it.

So how does that create jobs?

Mr. GOSAR. Will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Arizona.

Mr. GOSAR. You're talking about robots. What I am talking about is trust. Trust is a series of promises kept. And what we see is right here in this picture. We have over 500 jobs that have been established here. We have seen the investment of this company in the local communities helping job creators, as far as truckers, independent construction organizations, trying to stay in business because, as you saw before, this is Superior, Arizona. This is what we've done to Main Street America. You see all the boarded up streets, all the buildings that are here.

What they've done is come in and established trust because what they've done is actually put people back to work. You talk about robots, but what I'm talking about is trust, which is actually what's happening on the ground.

Mr. HASTINGS of Florida. Reclaiming my time, and I will yield to you additionally, I still didn't hear you address how you are going to cause these foreign companies—I'm not talking about that immediate amount of cement, and I'll grant you, 500 workers, but I heard you say 3,000.

I'll also grant you that it's temporary, and I'll make you a bet, and I hope you and I are here that when and if this measure passes and it does all the things that you say it's going to do, I'd like for you to come with me and I'll go with you, you come with me to Pahokee, where we passed all of these things and all of these people came from other areas and they made money, but the people in the area didn't.

Now I understand that you have to have somebody to hammer a nail and to drive a truck to get something put up. But when it's all said and done, your area isn't going to have anything other than robots that are going to be controlling this, with the exception of a handful of people.

I yield to the gentleman.

Mr. GOSAR. That's absurd. I've gone into the mine. I have actually seen the company. I've actually seen the work forces in here. I've actually gone down to the bottom of the mine. I got suited up and have been part of that. That's not appropriate.

Mr. HASTINGS of Florida. You mean a copper mine or Rio Tinto's mine?

Mr. GOSAR. I have been in this copper mine. I have been in the shaft.

Mr. HASTINGS of Florida. You mean the one in Arizona.

Mr. GOSAR. I have been in the one in Arizona.

Mr. HASTINGS of Florida. I'm not quarreling with that. I'm talking about when Rio Tinto comes and this bill allows them to go forward in a way that allows them to robotize many of the—look, I'm not against technology. But what I'm saying to you is I don't see as how ultimately, that foreign companies are going to cause local communities to have increased employment that's sustainable.

Do you understand what I'm saying?

Mr. GOSAR. But I'm pointing back to the same purpose that I've actually seen trust exhibited here where they've actually hired people. I've seen the native people being hired. I've seen the local people being hired here, and that's a part of trust that we've got to get back to in this country.

Mr. HASTINGS of Florida. All right. At least we had a fair exchange, and perhaps if we had more time with measures like this we could do similar. But I would hope then my argument about the Native American measures does not fall on deaf ears when you take into consideration the need to preserve our cultural heritage and artifacts that might be swept up in mining.

Mr. GOSAR. Will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman.

□ 1450

Mr. GOSAR. We've spent an exorbitant amount of time trying to discuss this with our Native Americans. We actually have law that we've gone through the area in exchange that shows no actual artifacts at all.

So the thing about it is that we want to make sure that that has occurred. And for the better part, since the 109th Congress, we've actually dialogued with the Native Americans, and what we have seen is an over-and-over exchange. So what has transpired is actually—

Mr. HASTINGS of Florida. Reclaiming my time just to ask you one more question that requires a "yes" or a "no," and that is: You support Mr. LUJÁN's measure then that will make sure that that happens, an amendment that's coming up. Are you going to vote for that?

Mr. GOSAR. Mr. LUJÁN's amendment is immaterial because it's already been done and it's already been held up by the—

Mr. HASTINGS of Florida. So you aren't going to vote for it?

Mr. GOSAR. It's already been supported by documentation already presented. It's duplicative.

Mr. HASTINGS of Florida. I get the picture.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I'm just trying to envision in my own mind all those robots that are working in the Rio Tinto mine in my State that have also developed the land plan that have developed those communities there. They really have disguised themselves extremely well.

I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding, and I thank the chair for bringing this measure to the floor, and to the sponsor, the gentleman from Arizona (Mr. GOSAR).

This is an extremely important measure for the State of Arizona. I would invite those opposed to this legislation to walk down the streets of Superior or walk down the streets of Globe or Miami, Arizona, and see those empty streets, empty classrooms, and to try to say that these jobs aren't real, that mining jobs are not real; or to meet the hundreds of people, as I have, as well, who have gone to this mine and have toured it, and not one robot did I meet, not one, that I'm aware of. And the notion that a mine is going to be operated by robots owned by some foreign company somewhere rather than local workers who will pay a lot of taxes, who will generate other jobs that are ancillary is just unbelievable.

The notion that a foreign company can't have a significant investment in this country just runs afoul of everything we know about what has gone on for centuries here. The gentleman talks about a foreign company and they would only employ foreign workers. How about BMW in South Carolina, for example? Do they only employ foreign workers? No. Other car companies, other mining companies—part of the reason we have so few U.S. mining companies is because regulations here have driven them out of business. And so we relied on foreign mining companies to come in and actually make the investment to hire American workers. And make no mistake, there will be thousands of American workers hired here.

Walk the streets of Superior right now and meet the hundreds of people already working on this venture and try to convince them that these jobs are not real. I would invite anybody opposing this legislation, just try to do that. Try to tell somebody who finally has a paycheck to take home that that is not a real job or that other jobs that are going to be created here are not real.

It's all fine and dandy for people in Washington to try to tell people in a local community that have seen mining jobs in the past that have gone that when new mining jobs come that those jobs somehow are not real or that be-

cause a foreign company happens to have some ownership here that that makes it less of a job for them and that we should be able to tell them, "I'm sorry, you can't have your job because a foreign corporation has made an investment here." How arrogant is that? That's just wrong. We shouldn't have that.

So I applaud the gentleman for bringing this to the floor. This has been a long time in coming. Many of us have worked for years on this to get this land exchange to go. And the gentleman is right. This is a win-win for everyone. It is a win for the Federal Government and others who want to see pristine lands preserved because far more acres are actually preserved here, sensitive, environmentally sensitive acres, than are actually given up to the mine. Most of the mining here will take place between 4,000 and 7,000 feet underground.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BISHOP of Utah. I yield the gentleman an additional 30 seconds.

Mr. FLAKE. I thank the gentleman.

This is good for everyone and it means real jobs. The notion that these jobs are not real, that this bill does not create jobs is simply not the case. It doesn't square with the facts.

I urge adoption of this rule so we can debate this bill.

Mr. HASTINGS of Florida. I continue to reserve the balance of my time, Madam Speaker.

Mr. BISHOP of Utah. I yield 3 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Madam Speaker, I rise in support of H.R. 1904, the Southeast Arizona Land Exchange and Conservation Act. It's one of the 40 bills that we have highlighted in the Western Jobs Caucus Frontier Report. The Jobs Frontier is our report of 40 different bills that will create jobs immediately.

I find the conversation curious. For my good friend from Florida, I wonder, the administration has just approved for the sale of Cirrus Aviation, that will be producing airplanes in this country owned by a foreign country, and so maybe the argument could be made, well, maybe those jobs aren't created and run by robots. So I now would direct our attention to maybe Daimler, Toyota, and maybe Honda. All have manufacturing facilities here, and I know they use robots, and I don't see the gentleman from Florida trying to shut them down.

What we're doing at this point in our history is driving the unemployment off the scale high because we're making ludicrous arguments against jobs creation bills across the spectrum.

In 1993 the U.S. accounted for 20 to 21 percent of all mining exploration. Today we are at 8 percent. It's because people have blocked the new mines throughout the West.

All we're trying to do here is make a land exchange, and the company giving up land is giving up twice the amount of land they are receiving in order to account for the value of the copper underground. We're trying to put about 1,500 long-term mining jobs in place in Arizona. Those jobs are going to be in the \$60,000 to \$85,000 a year range. They'll pay taxes. They'll come off unemployment. They'll come off of welfare and food stamps. So we cut the cost of government simultaneously with increasing the revenues. That's a business model that always succeeds.

The price of copper is what's driving this to be a mine site that is now economic. Previously, 10, 15 years ago, the price of copper was about 75 cents. Today, it's almost \$4. So it's those economics that are encouraging us in this country to start producing from mines where we have not previously. This mine, by itself, would account for about 25 percent of the production in this country, needed in this country, for the next 50 years.

It's a good project. Let's approve the rule. Let's get on to debate of the underlying bill.

Mr. HASTINGS of Florida. Madam Speaker, I have no further speakers, and I will be the final speaker.

Mr. BISHOP of Utah. I tell my colleague that I am prepared to close.

Mr. HASTINGS of Florida. With that in mind, Madam Speaker, I yield myself the balance of my time, which I will not use.

I want to make it very clear to my colleagues that I'm not against foreign investment in the United States of America. I'm not against real jobs being created in the United States of America, including Arizona and including Superior. I'll tell Mr. GOSAR, I'll give you one Superior and I will match you with one Pahokee and one South Bay, Florida, where the jobs didn't come when the other circumstances that would take place in the community did.

I respect the mining industry, and I believe the mining industry can do their job in an environmentally and culturally sensitive way; and there are demonstrative evidences that take place all over this Nation that show that. But what I'm trying to get across here is that my colleagues on the other side are still not in the business of seeing to it that we immediately do something about firefighters, police officers, and school teachers in this country. And I assure you that that's something that we have not done in the 109 days that we have been here and almost 104 days that we have not.

Please, let's get about the business of doing something about the massive unemployment in this country that is desperately in need of the attention of this institution—the House and the other body.

I yield back the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, in closing, this is the map of the area which we're talking about. Everything that's orange there—or copper color—are historic or existing mines in this particular area. The yellow one is where this mine would take place. This is the mining district of the State of Arizona. Actually, even Arizona has the color copper in its State flag.

We are talking about jobs in Arizona versus jobs in where we are importing copper from now. We are importing copper from Chile, Canada, Peru, and Mexico—in that order.

□ 1500

We can either create jobs there or we can create jobs in Arizona. We can either develop our own resources or we can allow ourselves to rely on resources from foreign places. We can go forward in what we are trying to do here, realizing that even firemen and policemen need copper before they can actually do their work. All of us are going to have to have this mineral. We might as well get our minerals here, develop our jobs here, use our future here.

This is a great bill, and it is a fair rule in which all of the amendments—one technical and three which have nice sounds to them but which are going to be very difficult to put into reality if they actually are to pass—will be debated here on the floor.

Madam Speaker, in closing, I wish to reiterate once again the fairness of this structured rule. I urge this rule's adoption, and I urge the adoption of the underlying legislation.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on House Resolution 444 will be followed by a 5-minute vote on suspending the rules on H.R. 2447.

The vote was taken by electronic device, and there were—yeas 245, nays 178, not voting 10, as follows:

[Roll No. 803]

YEAS—245

Adams	Barton (TX)	Bonner
Aderholt	Bass (NH)	Bono Mack
Akin	Benishek	Boustany
Alexander	Berg	Brady (TX)
Altmire	Berkley	Brooks
Amash	Biggert	Brown (GA)
Amodei	Bilbray	Buchanan
Austria	Billirakis	Bucshon
Bachus	Bishop (UT)	Burgess
Barletta	Black	Burton (IN)
Bartlett	Blackburn	Calvert

Camp	Herrera Beutler	Pompeo
Campbell	Huelskamp	Posey
Canseco	Huizenga (MI)	Price (GA)
Cantor	Hultgren	Quayle
Capito	Hunter	Reed
Carney	Hurt	Rehberg
Carter	Issa	Reichert
Cassidy	Jenkins	Ribble
Chabot	Johnson (IL)	Rigell
Chaffetz	Johnson (OH)	Rivera
Coble	Johnson, Sam	Roby
Coffman (CO)	Jones	Roe (TN)
Cole	Jordan	Rogers (AL)
Conaway	Kelly	Rogers (KY)
Cravaack	King (IA)	Rogers (MI)
Crawford	King (NY)	Rohrabacher
Crenshaw	Kingston	Rokita
Culberson	Kinzinger (IL)	Rooney
Davis (KY)	Kissell	Ros-Lehtinen
Denham	Kline	Roskam
Dent	Labrador	Ross (AR)
DesJarlais	Lamborn	Ross (FL)
Diaz-Balart	Lance	Royce
Dold	Landry	Runyan
Donnelly (IN)	Lankford	Ryan (WI)
Dreier	Latham	Scalise
Duffy	LaTourette	Schilling
Duncan (SC)	Latta	Schmidt
Duncan (TN)	Lewis (CA)	Schock
Ellmers	LoBiondo	Schweikert
Emerson	Long	Scott (SC)
Farenthold	Lucas	Scott, Austin
Fincher	Luetkemeyer	Sensenbrenner
Fitzpatrick	Lummis	Sessions
Flake	Lungren, Daniel E.	Shimkus
Fleischmann		Shuler
Fleming	Mack	Shuster
Flores	Manzullo	Simpson
Forbes	Marchant	Smith (NE)
Fortenberry	Marino	Smith (NJ)
Fox	Matheson	Smith (TX)
Franks (AZ)	McCarthy (CA)	Southerland
Frelinghuysen	McCaul	Stearns
Gallegly	McClintock	Stivers
Gardner	McCotter	Stutzman
Garrett	McHenry	Sullivan
Gerlach	McKeon	Terry
Gibbs	McKinley	Thompson (PA)
Gibson	McMorris	Thornberry
Gingrey (GA)	Rodgers	Tiberi
Gohmert	Meehan	Tipton
Goodlatte	Mica	Turner (NY)
Gosar	Miller (FL)	Turner (OH)
Gowdy	Miller (MI)	Upton
Granger	Miller, Gary	Walberg
Graves (GA)	Mulvaney	Walden
Graves (MO)	Murphy (PA)	Walsh (IL)
Griffin (AR)	Myrick	Webster
Griffith (VA)	Neugebauer	West
Grimm	Noem	Westmoreland
Guinta	Nugent	Whitfield
Guthrie	Nunes	Wilson (SC)
Hall	Nunnelee	Wittman
Hanna	Olson	Wolf
Harper	Palazzo	Womack
Harris	Paulsen	Woodall
Hartzler	Pearce	Yoder
Hastings (WA)	Pence	Young (AK)
Hayworth	Petri	Young (FL)
Heck	Pitts	Young (IN)
Hensarling	Platts	
Herger	Poe (TX)	

NAYS—178

Andrews	Chandler	DeFazio
Baca	Chu	DeGette
Baldwin	Cicilline	DeLauro
Barrow	Clarke (MI)	Deutch
Bass (CA)	Clarke (NY)	Dicks
Becerra	Clay	Dingell
Berman	Cleaver	Doggett
Bishop (GA)	Clyburn	Doyle
Bishop (NY)	Cohen	Edwards
Blumenauer	Connolly (VA)	Ellison
Boren	Conyers	Engel
Boswell	Cooper	Eshoo
Brady (PA)	Costa	Farr
Braley (IA)	Costello	Fattah
Brown (FL)	Courtney	Filner
Butterfield	Critz	Frank (MA)
Capuano	Crowley	Fudge
Cardoza	Cuellar	Garamendi
Carnahan	Cummings	Gonzalez
Carson (IN)	Davis (CA)	Green, Al
Castor (FL)	Davis (IL)	Green, Gene

Grijalva	Markey	Ryan (OH)
Gutierrez	Matsui	Sánchez, Linda
Hahn	McCarthy (NY)	T.
Hanabusa	McCollum	Sanchez, Loretta
Hastings (FL)	McDermott	Sarbanes
Heinrich	McGovern	Schakowsky
Higgins	McIntyre	Schiff
Himes	McNerney	Schrader
Hinchey	Meeks	Schwartz
Hinojosa	Michaud	Scott (VA)
Hirono	Miller (NC)	Scott, David
Hochul	Miller, George	Serrano
Holden	Moore	Sewell
Holt	Moran	Sherman
Honda	Murphy (CT)	Sires
Hoyer	Nadler	Slaughter
Inslee	Napolitano	Smith (WA)
Israel	Neal	Speier
Jackson (IL)	Oliver	Stark
Jackson Lee	Owens	Sutton
(TX)	Pallone	Thompson (CA)
Johnson (GA)	Pascarell	Thompson (MS)
Johnson, E. B.	Pastor (AZ)	Tierney
Kaptur	Payne	Tonko
Keating	Pelosi	Towns
Kildee	Perlmutter	Tsongas
Kind	Peters	Van Hollen
Kucinich	Peterson	Velázquez
Langevin	Pingree (ME)	Visclosky
Larsen (WA)	Price (NC)	Walz (MN)
Larson (CT)	Quigley	Wasserman
Lee (CA)	Rahall	Schultz
Levin	Rangel	Waters
Lipinski	Reyes	Watt
Loeb sack	Richardson	Waxman
Lofgren, Zoe	Richmond	Welch
Lowey	Rothman (NJ)	Woolsey
Luján	Roybal-Allard	Yarmuth
Lynch	Ruppersberger	
Maloney	Rush	

NOT VOTING—10

Ackerman	Giffords	Renacci
Bachmann	Lewis (GA)	Wilson (FL)
Buerkle	Paul	
Capps	Polis	

□ 1529

Messrs. JACKSON of Illinois, RANGEL, CARNAHAN, Ms. HAHN, Messrs. RICHMOND, FRANK of Massachusetts, and ELLISON changed their vote from “yea” to “nay.”

Mr. BARTLETT changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. BUERKLE. Madam Speaker, on rollcall No. 803, had I been present, I would have voted “yea.”

THE MONTFORD POINT MARINES

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute.)

Ms. BROWN of Florida. Mr. Speaker, as we approach the 236th birthday for the Marines, I want Members to know that in the audience is the Montford Point Marines. November 10 will be 236 years for the Marines. We are paying a special tribute today to the Montford Point Marines. They are in the House today, they are in the gallery, and I would like the men and women of this body to give them a standing ovation for their service to the United States. We thank you.

Mr. Speaker, I want to say, this is one of the greatest bipartisan efforts,

Mr. BACHUS and both sides of the aisle and the leadership. I wish I could say what they say—y’all help me—ooh rah! Anyway, let’s pass this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GARDNER). Members are reminded that the rules of the House prohibit references to occupants of the gallery.

CONGRESSIONAL GOLD MEDAL TO THE MONTFORD POINT MARINES

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2447) to grant the Congressional Gold Medal to the Montford Point Marines, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 804]

YEAS—422

Adams	Butterfield	DeGette	Luján	Roskam
Aderholt	Calvert	DeLauro	Lummis	Ross (AR)
Akin	Camp	Denham	Lungren, Daniel	Ross (FL)
Alexander	Campbell	Dent	E.	Rothman (NJ)
Altmire	Canseco	DesJarlais	E.	Roybal-Allard
Amash	Cantor	Deutch	Mack	Royce
Amodei	Capito	Diaz-Balart	Maloney	Manzullo
Andrews	Capuano	Dicks	Marchant	Runyan
Austria	Cardoza	Dingell	Marino	Ruppersberger
Baca	Carnahan	Doggett	Marky	Rush
Bachus	Carney	Dold	Matheson	Ryan (OH)
Baldwin	Carson (IN)	Donnelly (IN)	Griffith (VA)	Ryan (WI)
Barletta	Carter	Doyle	Matsui	Sánchez, Linda
Barrow	Cassidy	Dreier	McCarthy (CA)	T.
Bartlett	Castor (FL)	Duffy	McCarthy (NY)	Sanchez, Loretta
Barton (TX)	Chabot	Duncan (SC)	McCaul	Sarbanes
Bass (CA)	Chaffetz	Duncan (TN)	McClintock	Scalise
Bass (NH)	Chandler	Edwards	McCollum	Schakowsky
Becerra	Chu	Ellison	McCotter	Schiff
Benishak	Cicilline	Ellmers	McDermott	Schrader
Berg	Clarke (MI)	Emerson	McGovern	Schwartz
Berkley	Clarke (NY)	Engel	McHenry	Scott (VA)
Berman	Clay	Eshoo	McIntyre	Scott, David
Biggart	Cleaver	Farenthold	McKeon	Serrano
Bilbray	Clyburn	Farr	McKinley	Sewell
Bilirakis	Coble	Fattah	McMorris	Sherman
Bishop (GA)	Coffman (CO)	Filmer	Rodgers	Sires
Bishop (NY)	Cohen	Fincher	McNerney	Slaughter
Bishop (UT)	Cole	Fitzpatrick	Meehan	Schilling
Black	Conaway	Flake	Meeks	Schmidt
Blackburn	Connolly (VA)	Fleischmann	Mica	Schock
Blumenauer	Conyers	Fleming	Michaud	Schrader
Bonner	Cooper	Flores	Miller (FL)	Schwartz
Bono Mack	Costa	Forbes	Miller (MI)	Schweikert
Boren	Costello	Fortenberry	Miller (NC)	Scott (SC)
Boswell	Courtney	Fox	Miller, George	Scott (VA)
Boustany	Cravaack	Frank (MA)	Moore	Scott, Austin
Brady (PA)	Crawford	Franks (AZ)	Moran	Scott, David
Brady (TX)	Crenshaw	Frelinghuysen	Mulvaney	Sensenbrenner
Braley (IA)	Critz	Fudge	Murphy (CT)	Serrano
Brooks	Crowley	Gallely	Murphy (PA)	Sessions
Brown (GA)	Cuellar	Garamendi	Myrick	Sewell
Brown (FL)	Culberson	Gardner	Nadler	Sherman
Buchanan	Cummings	Garrett	Napolitano	Shimkus
Bucshon	Davis (CA)	Gerlach	Neal	Shuler
Buerkle	Davis (IL)	Gibbs	Neugebauer	Shuster
Burgess	Davis (KY)	Gibson	Noem	Simpson
Burton (IN)	DeFazio	Gingrey (GA)	Nugent	Sires
			Nunes	Slaughter
			Nunnelee	Smith (NE)
			Olson	Smith (NJ)
			Oliver	Smith (TX)
			Owens	Smith (WA)
			Palazzo	Southerland
			Pascarell	Speier
			Pastor (AZ)	Stark
			Paulsen	Stearns
			Payne	Stivers
			Pearce	Stutzman
			Pelosi	Sullivan
			Pence	Sutton
			Perlmutter	Terry
			Peters	Thompson (CA)
			Peterson	Thompson (MS)
			Petri	Thompson (PA)
			Pingree (ME)	Thornberry
			Pitts	Tiberi
			Platts	Tierney
			Poe (TX)	Tipton
			Pompeo	Tonko
			Posey	Towns
			Price (GA)	Tsongas
			Price (NC)	Peterson
			Quayle	Petri
			Quigley	Pingree (ME)
			Rahall	Pitts
			Rangel	Platts
			Reed	Poe (TX)
			Rehberg	Pompeo
			Reichert	Posey
			Reyes	Price (GA)
			Ribble	Price (NC)
			Richardson	Quayle
			Richmond	Quigley
			Rigell	Rahall
			Rivera	Rangel
			Roby	Reed
			Roe (TN)	Rehberg
			Rogers (AL)	Reichert
			Rogers (KY)	Reyes
			Rogers (MI)	Ribble
			Rohrabacher	Richardson
			Rokita	Richmond
			Rooney	Rigell
			Ros-Lehtinen	Rivera
				Roby
				Roe (TN)
				Rogers (AL)
				Rogers (KY)
				Rogers (MI)
				Rohrabacher
				Rokita
				Rooney
				Ros-Lehtinen

NOT VOTING—11

Ackerman	Lewis (GA)	Polis
Bachmann	Lynch	Renacci
Capps	Miller, Gary	Wilson (FL)
Giffords	Paul	

□ 1540

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JOB CREATION

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, a lot of folks in this Chamber talk about job creation, which is important because jobs should and must be our Nation's top priority. But the solution to our economic woes isn't going to come from Washington; it's going to come from domestic industries and small businesses across this Nation.

One industry that comes to mind is the energy industry, in particular the Marcellus shale natural gas play, much of which is located in my district. During 2010, the Marcellus shale supported nearly 140,000 jobs and is projected to generate more than \$12.8 billion in economic activity just in 2011. The Washington myth that government creates jobs continues to be on the lips of many inside the beltway, yet the Marcellus has been so productive in part because the Federal Government does not have direct involvement in the regulation, which remains largely in the hands of the Commonwealth of Pennsylvania.

Mr. Speaker, the government should be focused on removing barriers to growth, such as the 15 job-creating bills now passed by the House and ignored by the Senate. Here in the House, we haven't waited. It's time for our Senate colleagues to act and act now.

LAURA POLLAN

(Mr. RIVERA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERA. Mr. Speaker, I rise to inform my colleagues of yet another ruthless murder by the Castro dictatorship in Cuba and the loss of a tremendous hero.

Last Friday Laura Pollan, leader of the opposition group Ladies in White, died following another beating by Castro's thugs. For 8 years, Pollan led the Ladies in White, a group of wives, sisters and daughters of the 75 political prisoners arrested during the black

spring of 2003. Following the arrest of her husband, Pollan, along with other women dressed simply in white, began organizing weekend marches demanding the release of political prisoners. Following a recent peaceful demonstration, Pollan was hospitalized and suspiciously passed away days later following what the Cuban dictatorship called "a brief illness."

Throughout the more than 50-year reign of the Castro dictatorship, suspicious and untimely deaths of healthy opposition leaders are not unheard of. We will never forget Laura Pollan's courage and a struggle for a free and democratic Cuba. She is yet another victim whose blood is on the hands of the Castro brothers.

JOB KILLING

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, last year the brains over at the EPA, in all their wisdom, came out with the conclusion that since milk comes from animal fat and fat has oil in it, therefore milk is a hazardous substance. And so if a dairy farmer has a spill in a milk tank, they have to have a hazardous substance evacuation plan. It was so ridiculous that Democrats and Republicans alike worked to repeal the law.

This is just one of the crazy examples that we see day after day from the bureaucracy in Washington, and it's one reason why businesses aren't investing in new jobs. There is a lot of money on the sideline right now because of regulatory uncertainty. Businesses need to know the rules of the game in order to engage. Right now there's no motivation to do it.

There is a beer brewery, and they came up with a beer called St. Paulie's Liquid Wisdom, just a whimsical kind of name. But what did Uncle Manny say? You can't have that name because it's a medical claim. That is the state of job killing in this administration.

I invite you to go to jobs.gop.gov to learn more.

RETIRING CHIEF JOURNAL CLERK
PATRICIA MADSON

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, I just want to pause—I know my good friend from California this morning did mention this—to say goodbye to Trish Madson. This was her last day as Chief Journal Clerk for the Congress of the United States. She has been here 44 years, 7 months, and 5 days. This is what you all have to look forward to.

Trish, thank you so much for your service to this institution. You're a

real humanitarian, and you're sensitive to the needs of us folks who call ourselves Congressmen. Thank you for your service to your country. God bless you.

THE MONTFORD POINT MARINES

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. I spoke about this early this morning, and I want to reiterate my appreciation to CORRINE BROWN and to this resolution that was passed to honor the Montford Point Marines, 20,000 of them, African Americans, that served their country in such esteem, and the fact that we have this gold medal, which causes me again to raise the coming home of our troops from Iraq and again thank President Barack Obama for that decisive decision, recognizing that we are safe and secure as we protect the homeland and build up our military preparedness, bring our troops home and provide jobs for them, and have them restored to their families.

I just had an opportunity to meet with the Texas Air National Guard Reservists who have served well in Iraq and Afghanistan. I met with their general and want to offer my deep commitment to them. That is why it makes no sense for the State of Texas to issue a Confederate flag for the license plate.

Let us get an understanding of what is accolades and appreciation for our military. Let us go forward. I denounce the issuance of a Confederate flag. Let's issue the United States flag for the United States of America.

THE MONTFORD POINT MARINES

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. I am honored to say that I was one of the co-sponsors of the request for the Congressional Gold Medal for the marines. And I did so for them, I did so because of the history that it represents, but I also did so because when you support any of our military people, you're supporting all of them.

It was important to send a message that we support those persons who made it possible for others to have opportunities, but at the same time we're supporting those who are serving today in faraway places who desire to be at home with their families. We support their families who are supporting them. And regardless as to how people feel about various wars, every person ought to want all of our troops to come home safely.

I support them. I support what we're doing to let the world know that what they have done should be recognized with a Congressional Gold Medal.

□ 1550

INFRASTRUCTURE JOBS AND ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Pennsylvania. Thank you, Mr. Speaker.

This is a story about American jobs. This is the story about American jobs and the story of where our money is misspent, how it hurts States, the United States, and how we can change that trend. It's how some U.S. policies currently are hurting U.S. citizens, and it's a story of how we can change policies, we can clean up our environment, create jobs, have clean air, clean land and clean water. It's about growing jobs without increasing our debt, borrowing from China, or raising taxes.

This is a story of the new American Dream for the next generation; the story that says if we have the will, we also have the way. It's a story that makes America back to work again. And best of all, it's a story that can come true. We can do this because we have the road to energy independence and American prosperity mapped out with this bill, H.R. 1861.

Today, a number of Members from both sides of the aisle, the Bipartisan Working Group on Energy, will describe America's needs and show how this bill provides the means to rebuild our aging infrastructure and meet America's growing energy needs and will grow millions of jobs, not for 90 days, not for one election season, but for 20 years into the future. This bill moves us towards energy independence.

But first, before we get into that, I want to talk about the energy needs of the world and what's happening with our own economy. We all recognize, and every Member of this House is concerned with the debt of this Nation which is now \$14.5 trillion. It's 97 percent of the value of our economy. It's \$45,000 for each man, woman and child, and growing at \$58,000 a second.

We are all concerned that more than 25 million Americans are out of work or looking for more work. We are all concerned that we've lost 5 million manufacturing jobs to other countries in the last decade. We all know the global demand for energy is going to grow by 53 percent by the year 2035. And total U.S. consumption of liquid fuels, including both fossil fuels and biofuels, is going to rise from about 18.8 million barrels per day to 21.9 million barrels per day by the year 2035.

Now, we know that many people would like to have us get off oil, but we're still going to need oil, not only for transportation, but for manufacturing, for plastics and for chemical development. It is not something we

can turn our back on, but it's something we need to recognize is a treasure out there that we can use, not only to stop sending our money overseas, but also to develop American jobs.

Keep in mind we can turn our energy around through energy because energy equals jobs. We import 65 percent of our oil, and some of that from hostile regimes. The U.S. currently imports roughly 20 percent, or 5 million barrels a day, from members of OPEC. The United States spends about \$1 billion a day on foreign oil, or \$129 billion each year from OPEC nations.

By converting to natural gas, 18 million diesel trucks and fleet vehicles which return to a central location overnight would cut OPEC imports in half. Choosing to enact no change in policy related to natural gas is the same as choosing to remain reliant on OPEC nations for our economic vitality. Our bill helps finance this conversion.

Gas costs families about \$2,200 more a year than it did in 2009. And this House, this Chamber, has talked about energy independence since the 1973 oil embargo. The demand for energy is growing and growing; and, unfortunately, OPEC exerts control over world oil prices and has asked that it someday be \$200 per barrel. We think it affects our economy now at where it is. Imagine what would happen when it reaches that level.

The Department of the Interior, however, estimates that we have between 86 billion and 115 billion barrels on our Outer Continental Shelf. That is enough oil and gas to replace imports from Venezuela and Saudi Arabia for the next 80 years, extensive tracts of oil, which, by the way, were last surveyed for the most part in the 1970s. And it's quite likely that also given areas that have not been reviewed or surveyed since then would have many times that amount.

Offshore exploration, including the revenues that come from the leasing, from the royalties, is about \$440 billion alone. When you add everything else that can come from this, with over a million jobs a year, with manufacturing, the economic impact of this exceeds \$8 trillion overall for our country. And new Federal revenues are estimated to be between \$2.2 trillion and \$3.7 trillion over the next 20 years.

Our option is to continue to buy from foreign nations which aren't friendly to us. Think of what happens with this \$129 billion a year we send to OPEC nations, nations that oftentimes we send blood and treasure of our soldiers and our money to go protect. And what do they do with our money as well? They build islands, great highways, palaces.

Now, we recognize that many folks around the world are our allies, but we also have to recognize we are here to take care of our citizens and make sure our citizens have an opportunity to compete for jobs in America.

Ultimately, here's the problem America faces right now in our energy infrastructure. According to the American Society of Civil Engineers, America's infrastructure is crumbling. It would take \$930 billion to rebuild our roads and bridges; \$87 billion for aviation; \$12.5 billion to rebuild our dams that are breaking and our locks; \$255 billion for sewer and water infrastructure rebuilt in America, where we're leaking massive amounts of water every year in our clean water; \$75 billion for energy infrastructure in this Nation; \$50 billion for inland waterways; \$50 billion for levees; \$63 billion for rail; and \$265 billion for our transit system.

What we would do is open up those areas for offshore drilling. And, quite frankly, I trust our ability to do it. Yes, there have been mistakes, but they have been rare; and I certainly trust our folks to explore for offshore resources and make sure they follow environmental laws to the letter.

But in this process of creating jobs and dedicating the revenue from this act, keep in mind we do not raise taxes, we do not borrow from China, and we do not buy this oil from OPEC. Instead, we create our jobs. We create our jobs now and in the long term.

We rebuild America's crumbling bridges and roads. We invest in clean American energy, not just talking about cleaning up our coal-fired power plants, not just talking about it would be nice to have nuclear power, not just saying it will be great if people can conserve more energy, because 40 percent of the energy of typical homes and buildings is oftentimes wasted through incredible energy inefficiency. We pay for that energy, but we don't get it. We pay to heat our homes and light our homes and cool our homes and offices; but whenever we are wasting that energy, that's power plants we don't need to have built.

There's also wasted energy in the areas that have to do with how our grid structure is so inefficient, but we can actually clean up the environment and conserve energy; and we can do all of this without raising taxes, as we said.

Now, I said this is a bipartisan bill, and I'd like to turn to a number of my colleagues today to talk about how this can be done, and to hear the kind of support we have for this as we move through.

With that, I would like to yield to my colleague from California, Mr. JIM COSTA.

Mr. COSTA. Thank you very much. I thank the gentleman from Pennsylvania for his explanation of what truly is a bipartisan effort.

Mr. Speaker, I do rise, like my colleagues on both sides of the aisle, to support H.R. 1861, titled the Infrastructure Jobs and Energy Independence Act of 2011.

Those of you who are watching on C-SPAN, take note: this is a bipartisan

effort. It's the kind of thing I think most of you in this country want us to do in Congress every day. This measure—and the four important points to note that we all concur in and what America wants us to do is provide us a path to energy independence, it revitalizes our Nation's transportation, water infrastructure and other investments in our infrastructure that equal jobs, jobs, and jobs. It reduces the deficit with no new taxes, and it is a bipartisan effort, one that is supported on both sides of the aisle.

□ 1600

Several years ago, I joined with my colleagues from both sides to develop this sensible energy policy that acknowledges the challenges for our Nation's energy, both in the short term, the near term, the medium, and the long term, over the next 20 years. Similar to what we have done in previous Congresses, we formed this bipartisan energy working group, which includes my colleagues, Representative TIM MURPHY, who just spoke, Congressman TIM WALZ, Congressman BILL SHUSTER, and myself and other Members whom you will hear talk about why we feel this is the path we ought to pursue.

The Infrastructure Jobs and Energy Independence Act was developed by Members who are speaking here today, sitting down and talking to one another—not by lobbyists. We hammered this plan out over a period of months, having worked off of previous efforts in legislation that was introduced in previous Congresses. This is what's needed in Washington, and unfortunately, too often, it doesn't happen—the art of the political compromise. These aren't Republican or Democratic ideas, these are simply good, commonsense ideas that put America's energy future first.

Time and time again, I see too many Members rising on the House floor focusing on their talking points, giving the stump speeches. That's nice, but it doesn't comport with the reality of the challenges we face today in many instances. This legislation, however, does. Sound bites like “drill baby drill” or “use it or lose it” may sound good to certain constituencies, but I do not believe they constitute an energy policy.

This legislation, H.R. 1861, constitutes a real energy policy over the next 20 years. Let me talk about what this measure would do to enhance our path. First, it would expand domestic energy production on the Outer Continental Shelf. Secondly, it would advance alternative energy, including wind, solar, biomass, wave, geothermal, and other clean alternatives. Third, it would rebuild our Nation's roads, bridges, dams, water, and sewer systems—that, as Congressman MURPHY indicated today, is estimated to have a pricetag of over \$900 billion. Fourth, it would develop clean coal en-

ergy technology, which we have an abundance of supply in. Fifth, it would develop ways in which we can finance nuclear energy technologies. Sixth, it would expand the use of energy-efficiency products and alternative fuel vehicles. Seventh, it would restore and protect our Nation's wildlife refuges, national parks, lakes, and waterways.

And how would it do all this? It would help also to assist in paying off our national debt. Why? Because the funds that we receive for energy on fossil fuels, both onshore and offshore on federal lands, is the second-largest single source of revenue that comes to the United States Treasury outside of the taxes we pay. It's the revenue that we would derive by expanding energy sources onshore and offshore that would go to pay for these efforts.

As a nation, we have to work towards a realistic energy policy. Our economy needs it. We can no longer afford to take any energy sources off the table. And while we tackle these problems, we have to rebuild our aging infrastructure. H.R. 1861 does that by dedicating these funds to that effort without raising taxes. As many of you know, I'm a firm believer in using all the energy tools in our energy toolbox, conventional energy together with renewable resources. A strategy for energy conservation while upgrading our transmission lines will best serve our long-term energy needs.

In closing, I'd like to continue to work with my colleagues on this collaboration. As was noted, since our first energy crisis in 1973, we have had a host of energy plans by previous Congresses and previous administrations. What's different between this and those efforts? I'll tell you what's different. We have not had the ability to get together, in a bipartisan fashion, to agree on one energy policy, stick with it, and implement it over the next 20 years.

H.R. 1861 allows us the path to do that. I look forward to working with my colleagues in a bipartisan effort to ensure that, once and for all, we put America first, put our politics behind us, and introduce—not only this introduction, but to do everything we can to enact H.R. 1861 both in the House and in the Senate and get this to the President's desk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to any potential viewing audience outside the Chamber.

Mr. MURPHY of Pennsylvania. I would now like to yield to the gentlelady from West Virginia, Ms. SHELLEY MOORE CAPITO.

Mrs. CAPITO. I would like to thank the gentleman from Pennsylvania for having this Special Order to discuss two really important issues: America's energy supply and our transportation infrastructure. And I'm really pleased

that we have a bipartisan group here. We started like this several years ago. We all kind of closed ourselves into a room, Members only, to discuss our Nation's great needs. Many of us share the same types of States, West Virginia, Pennsylvania, Indiana, where we know energy production. We know the jobs that it creates, we know how valuable it is to our country, but we also know that certain parts of our country are more reliant on certain sources of energy, particularly a State like mine, and Pennsylvania and Indiana, as well, I believe, with coal and other fossil fuels.

And so in concern of disadvantaging certain parts of our country because of our abundance of energy and our reliance on certain resources, we got together to try to solve some problems. And so H.R. 1861, I think, goes a long way. Mr. MURPHY has talked a lot about what this means in terms of our reliance on foreign sources of oil, he's talked a lot about the direct translation of energy into jobs.

We share a portion of our States bordering one another where we can see the energy sector exploding around the Marcellus shale. I'm from the northern part of West Virginia that borders on the Pennsylvania area where the shale is most prevalent, and just to see the creation of not just jobs in that industry, but jobs in the car lots, jobs in the county courthouse, jobs in the local restaurants and hotels, is exciting for a downtrodden area of our country. And so we know that further exploration on our Outer Continental Shelf will explode in terms of jobs. So he has a bill.

I also have a bill out that has a little bit narrower focus, and it is H.R. 2983, and I've nicknamed it the REBAR bill. As we all know, good nicknames for bills are always catchy. My bill has the same premise, which is maximizing our energy resources in the Outer Continental Shelf to generate billions of dollars. Mine has a more narrow focus because of the 9.1 percent unemployment situation that we find ourselves in right now and in the near future. I focus mostly on, or exclusively on, really, infrastructure development in terms of roads and bridges, and then our water and inland waterways. West Virginia also borders the Ohio River. We've got aging infrastructure. Some of our locks are over 100 years old. The Inland Waterways Trust Fund cannot possibly meet the demands of the need that is apparent on our waterways. We also have large estimates of \$930 billion for roads and bridges. We all know the gas tax is not going to meet this demand. We have been funding the trust fund for our highways for years. In recent years it has been to the tune of billions of dollars every year to meet the shortfall. States can't plan, companies can't hire, and equipment makers can't produce. There's all kinds of stalling that's gone on because of the

uncertainty in our Highway Trust Fund.

We've set up a structure where you have a bill that lasts for 6 years so that you can plan, so that you can look at the future of all of our transportation needs. But if we don't fund that, we're not going to go anywhere, and we're not going to create the jobs that are going to be immediately created by a good and robust infrastructure bill.

The President talks about infrastructure. Many Members talk about infrastructure. But the next question doesn't get asked: How are we going to pay for this? And that's what I think is particularly creative about this bill, and I would say along the same lines as the bill that I had put in for consideration.

So I think it's something that obviously crosses party lines. The urgency is there. The win/win situation for a bill such as this is apparent on energy production, job creation, and infrastructure development. Those are the three pillars of a—I'm going to say it's a three-pronged stool. These are the three pillars that grow from this act. I think we should act on this. I think we've got critical mass in this House to be able to push something like this through.

□ 1610

As a member of the bipartisan energy group, I'm going to keep working with my fellow colleagues here today to see that we push this forward and that the American people understand the great importance and the great future that this will hold in terms of the growth of our country.

Mr. MURPHY of Pennsylvania. I thank the gentlelady from West Virginia.

I might add, as she was speaking about the Marcellus shale—this vast natural gas deposit which is underground in the States of New York, Ohio, West Virginia, Pennsylvania, and others—I know Pennsylvania has realized revenues from that in the billions of dollars and direct jobs of around 50,000. We're already talking about a couple hundred thousand jobs that can come from this and that we will have the benefits of that Marcellus shale natural gas over the next 30 years.

I bring that up because, although that is being drilled now and being brought to market now, it is a tiny, tiny fraction of what we're talking about in the coastal areas that we will drill in a responsible way and use to create American jobs. With the many millions of Americans out of work who want to work and who want good-paying jobs, we know one of the greatest threats to our country right now is poverty. The government can't provide all of those. We can let the private sector grow, and we can let these jobs come through, so we begin to work on these many areas of rebuilding America.

I would like to turn to one of my colleagues, one of the prime sponsors of this bill now, to talk more about the issues here, Mr. TIM WALZ of Minnesota.

Mr. WALZ of Minnesota. To the gentleman from Pennsylvania, thank you for your energy, your passion, your vision. Thank you also to all the folks who've gathered here.

Mr. Speaker, you're witnessing an all too rare event in this House—a group of bipartisan legislators coming together and working for the common good and rejecting the politics of division, rejecting the politics of the false choices—the either/ors—and coming together with the respect and understanding that this Nation can innovate, can become energy independent and, at the same time, can protect those vital natural resources.

You have a spectrum of folks who come from coal-producing West Virginia, from Pennsylvania, from Indiana, from California, from the plains of Minnesota. You have Members here who have a wide spectrum of political beliefs, but you also have folks here who have been in the business of producing energy, and you've got folks speaking who are endorsed by groups like the Sierra Club.

Mr. Speaker, this is what the American public is asking for. They're asking for us to get together, to use our knowledge, to collect information, to use that data, and to come up with a plan that will do the things that you've heard talked about here.

The very premise of this is just so simple, which is that this land is your land. It's the idea with the riches of this land and the natural resources, if we use them wisely, if we take those revenues and reinvest, that we can continue to do what we've always done—out-innovate, out-moving products to market—and do it in a way that protects and the natural park system that we have in this country. We can have it both ways if we're smart, but it needs to start here. It needs to start with a plan.

It makes no sense to anyone I talk to on the plains of southern Minnesota that we're spending over \$1 billion a day and sending it to countries that hate us. They will hate us for free. We can keep the money at home, reinvest in the infrastructure, make sure the outdated locks and dams on the Mississippi are up to where they need to be to quickly move those farm products from the upper Mississippi down to the gulf and to the markets around the world. Those things can be done.

You heard each of our Members talk about the idea that we're reinvesting royalties. This Nation needs to make sure we're more efficient. We need to conserve on our energy needs, but to do so takes research; to do so takes investment. We have to upgrade our power grid. We have to make sure we're

using smart grid technology and using the software and the technologies available to make sure we're using every bit of energy the most efficiently. We can take these revenues from the sale of the resources that are there, extract the resources in an environmentally sound manner, and take those back and put them into the research, into the infrastructure, into the ability to move forward.

For example, in my district in southern Minnesota, we're very proud. We're the fourth leading producer of wind energy in this Nation. You can see the beautiful windmills stretching across there and producing a large amount of our power. Yet the reality is Minnesota is one of the most coal-dependent States in the Union because of the nature of where it's at, so we simultaneously need to make sure we're doing that in the most efficient, effective, and environmentally sound manner while we're being realistic about what our power needs are.

This Nation and the world will become energy hungry like it has never seen as 50 percent more energy will need to be produced by 2025. We need to be smart on how we do it. The country that harnesses the innovation, that harnesses the ability to be energy independent will lead into the future. We can't afford to fall behind. We can't afford to allow the resources we've been blessed with to be squandered and not used and invested for our children's future.

So I have to tell you, as this has been worked on, to me, one of the most reassuring things about our great democracy is how this committee and this bipartisan Energy Working Group have gotten together outside the constraints of existing politics, outside the constraints of existing committees and has brought Members—new Members, seasoned Members, more liberal Members, more conservative Members—with a very clear idea: making sure that we use our resources effectively, become more energy independent, diversify our energy portfolio, and do so without raising a single tax; and making sure our infrastructure is modern, making sure it is efficient and effective and, in the long run, making us more competitive. So there are jobs that will be created by this; there is the ability to pay down the deficit that will be created by this; and there is a sense of pride that we will have as a Nation.

Back in March, President Obama challenged us to reduce our oil imports by a third over the next 10 years. To meet that challenge, there is only one plan sitting on the table right now that has the ability to do that, which is this piece of legislation. I have to say it's very gratifying to work on this. I very much feel that the American people are hungry for a bipartisan, commonsense ability to compromise where we need to, that there is the ability to bring

the right research to bear and the ability to inspire the American innovative spirit to get there and to do so with a set outcome.

This is real. This isn't talk. This isn't like, oh, we should become energy independent. I hear a lot of people complain about coal all the time. The reality of the matter is, if you're here today and complaining about coal, we need to turn the lights and the microphones off because they're being powered by that. Without another solution to that, we're not going to get any closer to what we'd like to see—affordable, clean American energy that is powering our businesses and powering our homes.

As the gentleman said, this isn't just an American Dream. This could become an American reality, and it could start as soon as we get this thing moved through.

So, again, to my colleagues, I thank you for putting the energy and the effort into this. I thank the gentleman for continuing to hold us together. I thank him for being ahead of the curve as this group has been for the past several years. As for the American public, we're getting right in lockstep with them as to what they want to see us do.

So I encourage my colleagues, Mr. Speaker, and their constituents to continue to engage in this and to talk to their Representatives about becoming part of this group. If you're really tired of the bickering and if you're really tired of the gridlock and if you're really tired of our not spending our money at home on our energy and on our ability to create jobs here, this is your solution, and you've got a spectrum of folks. It isn't a Democratic issue. It's not a Republican issue.

To the gentleman from Pennsylvania, I have great appreciation for the work that you're doing.

Mr. MURPHY of Pennsylvania. I thank the gentleman from Minnesota for his comments.

As he was describing the issue about making sure that we clean up our environment, the reason is that this bill pays for those things.

We know, for example, that the waterways just in the Great Lakes alone is a \$30 billion problem with regard to pollution that has to be cleaned up. We know of our coal-fired power plants that 40 percent of them have inadequate or no scrubbers, and we need to clean them up.

The point is that shutting them down is not going to reduce the cost of electricity, and it's not going to clean up the environment when those jobs simply go over to other countries where they do manufacturing with little or no pollution controls because that still comes back over to our Nation. Keep in mind that this bill does not raise taxes, that it doesn't borrow from other countries, that it doesn't buy oil from

OPEC, and that it doesn't put us more into debt.

I will yield to the gentleman from Pennsylvania (Mr. SHUSTER), but I first want to yield to another gentleman from Pennsylvania, Mr. PAT MEEHAN, who is one of our new colleagues here, to also comment on this bill.

Mr. MEEHAN. I rise in support of the Infrastructure Jobs and Energy Independence Act. Let me first just start with the element of process because I want to follow up on what the gentleman from Minnesota was so articulate in explaining.

On the merits, we can speak to why this is right for America, but today we're seeing scrutiny of the inability of the Congress to come together with commonsense solutions that address the real needs of the American people today and that will help us put people back to work today. Right before us here, we have just such a bill—one that enjoys bipartisan support in which you have leadership from both sides identifying the ability for us to use existing resources. Much like the way today we use the tax on gas, this allows us to generate the revenue to support the creation of a real commitment to infrastructure.

□ 1620

As a member of the Transportation Committee, I struggle with the reality of the tremendous challenges we have from bridges to roads to waterways across the Nation.

We have an opportunity to address that need. We have an opportunity to do it without having to continue the greatest wealth transfer in the history of America, which is the petro dollars we are spending to foreign nations. It is time for us to join together and support the Infrastructure Jobs and Energy Independence Act.

Mr. MURPHY of Pennsylvania. I thank the gentleman from Pennsylvania.

What he is referring to also is taking care of our infrastructure, which has aged so much, and it's just a massive problem. I know it is something that the Transportation and Infrastructure Committee is committed to finding some solutions.

I now yield to Congressman BILL SHUSTER of Pennsylvania, one of the great leaders of this effort. I am proud that he's a colleague from Pennsylvania, and his commitment is second to none with trying to find some solutions to rebuild America.

Mr. SHUSTER. I thank my friend from Pennsylvania. Thank you for bringing us all together here on the floor this evening to talk about such an important issue and an important bipartisan piece of legislation.

H.R. 1861, the Infrastructure Jobs and Energy Independence Act, is a bill whose time has come. We came together, Republicans and Democrats, to

figure out ways to find the funds without raising taxes to invest in America's infrastructure. And this bill does that from investing in clean energy, rebuilding America's aging locks, dams, bridges and roads, creating jobs which, of course, all the American people are very focused on; and this bill will do just that.

It invests in cleaning up our environment and it, again, has one of the largest infrastructure investments in the history of the United States. With this bill we can do that and, again, it doesn't raise taxes. Opening up our offshore resources and bringing that energy to bear to make us less energy independent is absolutely critical.

In Pennsylvania we know firsthand with the Marcellus shale gas play that's there. It gives Pennsylvania a second chance, a second chance to revitalize our economy in Pennsylvania and once again become one of the driving States in the economy of the United States of America. So we know that firsthand, and it was Pennsylvania 150 years ago with its coal and its oil that was found there that made Pennsylvania so key in the growing and the building up of America.

I want to focus on the funding that would go towards transportation, and my colleague has a great visual aid up there talking about the needs, almost a trillion dollars we need to invest over the next 15, 20 years in our roads and bridges. Aviation, \$87 billion; our dams are very much in need; sewer and water, we have about a \$300 billion backlog across this country to rebuild the infrastructure, to get rid of sewage waste and make sure we have clean drinking water; \$5 billion in inland waterways and locks and dams, which are so critical.

This country grew up, became a power because of our waterways and able to move goods at a very inexpensive rate. We need to revitalize those to continue to use those waterways that we have naturally. But it takes money to rebuild those locks and dams.

When you look around America, I think everybody has driven across a pothole or sees a bridge that's crumbling or many of us live with tremendous congestion and, in fact, the congestion is crippling America. It costs American commuters approximately \$115 billion a year because of wasted time and fuel, and those numbers continue to rise; 4.8 billion hours per year Americans are stuck in traffic. We have to find out a way to reinvest in the infrastructure that's made our country.

When you talk about trade, how can you talk about trade and increasing trade if you can't figure out how to get those bulldozers, those Caterpillar tractors that are going to be shipped overseas. If you can't get them from Peoria, Illinois, to the ports of Philadelphia and the ports of Los Angeles to

send them over there, they're going to sit in those yards.

We've got to figure out a way to get commerce, not only in foreign markets, but also it's coming into this country. It's the transportation system that's absolutely vital to that.

Today we currently are spending about \$44 billion on our transportation system, highways, bridges, transit systems, when we actually should be spending at the Federal level about \$62 billion. That number is going down because of our budget constraints. So we have got to find new revenues, and Congressman MURPHY's H.R. 1861, this plan that we support in a bipartisan way, is going to do just that, get the funds to be able to invest in our infrastructure.

Our infrastructure, by the way, when you look back to the Constitution of the United States, a lot of people say, well, government shouldn't be investing in a lot of things. And I agree, there's a lot of things we do in Washington, DC we shouldn't be investing in; but transportation is not one of those.

From the time of our Founding Fathers in article I of the Constitution, it talks about the Federal Government regulating commerce with foreign nations and among the several States regulating and encouraging commerce to build post offices and post roads. The post roads of the 1800s are the highways and byways of today.

This Nation wouldn't be the great Nation it was if it weren't connected. And James Madison, the Father of the Constitution said: "The power of establishing post roads must, in every view, be a harmless power, and may, perhaps, be judicious management, become productive of great public convenience. Nothing which tends to facilitate the intercourse between the States can be deemed unworthy of the public care." Madison made that argument.

Also early on in our history, under the Jefferson administration, they authorized the building, 100 percent Federal dollars, of Route 40, which went from Baltimore into the Ohio territory. They authorized it under Jefferson, and the construction was completed under Madison. It opened up the territory, the Ohio Territory, to be able to produce commerce and prosperity to America. So early on in our Nation, the Founding Fathers knew the importance of our waterways, of building roads, of connecting this country.

And I on this side of the aisle can proudly say that it's been a Republican tradition in the United States Government and the United States Congress. Abraham Lincoln built the transcontinental railroad, not in the middle of a recession, but in the middle of the great Civil War.

He knew how important it was to connect America, to make sure that we move commerce in an efficient way and

a safe way. From there, Teddy Roosevelt building the Panama Canal, which connected the two coasts together by water, extremely important for us to become an international power in commerce and in trade.

And then, of course, Eisenhower coming back from World War II, seeing what the Germans did with being able to move their troops around, had the idea that not only would it be good for America's security, but it would be good for America's commerce to connect this country. And that's exactly what he went about doing in the 1950s: we built the interstate highway system.

I have talked to many of my colleagues that have said the roads have been built, we don't need to spend on them. But they're crumbling; they need to be rebuilt. And one of the facts that I think we all ought to remember, it took us 65 years to go from 200 million to 300 million people, and we crossed that threshold in about 2005 or 2006. It's only going to take us 30-some years to go from 300 million to 400 million.

This Nation is going to continue to grow. We've got to be able to move people; we've got to be able to move our products throughout this country, to the ports to be able to trade globally. So this is something that has to become a national priority.

I believe that this bill, 1861, will help it to become a reality with the funding levels needed to invest in our transportation system. Again, you invest in transportation, you can see the return on investment, whether it's economic development or jobs created in the short term from building it or the long term and the commerce that it produces and the efficiencies that it allows our businesses to have.

Again, I thank the gentleman for bringing us together on a bipartisan basis. I would hope that more of our Members would sign up for this bill so we can push it to the finish line.

Mr. MURPHY of Pennsylvania. I thank my friend from Pennsylvania for his comments and in helping to lay out how we need to lay out America's infrastructure, clean up our environment and do this without raising taxes, borrowing, or buying more from OPEC.

I now yield to another one of the cosponsors and another Pennsylvanian whose district is just north of mine, Mr. JASON ALTMIRE.

□ 1630

Mr. ALTMIRE. I thank the gentleman from Pennsylvania.

Mr. Speaker, we should do this more often, have a bipartisan discussion on the floor. We have debates. We have bipartisan interaction, but we don't have this type of situation occur very often where we have Members from all across the country, from all political points of view that have come together in sup-

port of a piece of legislation that is going to impact the country. It's going to impact all of our districts. There is no district in the country that is not going to see a positive benefit from the legislation that we are discussing here today, H.R. 1861.

When I'm home, I hear from constituents all the time about infrastructure. And in southwestern Pennsylvania, we have 1,000 structurally deficient bridges. We have roads that are in great need of modernization and improvement, and we need to invest in our locks and dams. The district that I represent along two different rivers in southwestern Pennsylvania has six locks and dams that average more than 84 years old, and they're crumbling and they need help.

We have a discussion every day in this Congress about the importance of Federal investment and the wisest use of money and taxpayer funds. I can't think of anything that we could be doing in this country that's more important domestically than improving our infrastructure, than repairing our roads and bridges, our locks and dams, our airports.

The waterways commerce that has been discussed here tonight means billions of dollars in southwestern Pennsylvania, and it's critically important for the entire country. Our roads and bridges need to be repaired. I talked about the thousand bridges in southwestern Pennsylvania. We have 6,000 just in Pennsylvania as a State that are in need of repair. So this bill takes a critical step in answering the fundamental question that we all deal with every day. That's great, I'll hear, that's fine. We need to improve our infrastructure, but where's the money going to come from? Where are we going to get the funds to do this investment? Hundreds of billions of dollars are required to complete or even make a dent in the work that needs to be done with the infrastructure in this country. How are we going to pay for it?

Well, currently we have a Federal highway trust fund that's 18.4 cents per gallon of gas purchased in the country. That trust fund annually runs out of money before the end of the fiscal year. Every year we find ourselves scrambling just to maintain our current infrastructure.

What the gentleman from Pennsylvania (Mr. MURPHY) has done in introducing H.R. 1861 is come up with an alternative source of revenue that does not include raising taxes. It does not include finding revenue from some other program or transferring funds from some other priority for the country. It increases the amount of money that's available by doing something that I think we all agree we need to do in this country and that's explore our own domestic resources for energy, because if there is any issue that I hear

about as often or more often than transportation infrastructure, it's energy. It's this country's energy resources and why aren't we tapping into our own reserves and why aren't we exploiting the use of coal and natural gas and in this case offshore drilling to increase our domestic energy supply.

We have had many discussions and will in the future on this floor about the necessity of getting ourselves off foreign oil, of increasing our domestic energy reserves. And what this legislation does is increase the supply of our own domestic resources, yes, which is critically important; but it then takes the royalties, it takes the money that is generated from that and applies it to our much needed infrastructure repair.

So what does this bill do? This bill expands offshore drilling and uses the permit and royalty revenue to fund the infrastructure improvements and clean energy technology—solar, wind, hydro—the things that everybody in this country wants to support, but there hasn't been the money to maintain and upgrade that technology and do the innovations that are necessary in the future.

The revenue goes towards repairing roads, bridges, locks and dams, developing that renewable energy structure, developing clean coal technology, and improving nuclear technology. Twenty percent of the domestic energy supply with electricity comes from the nuclear technologies, and it helps develop alternative fuel vehicles. I hear all the time the internal combustion engine is a century-old-plus technology.

With all of these wonderful things that we have done in this country, can't we find a way to make a car run on something other than gasoline? It seems like something we should have done a long time ago. We haven't done it yet. We're making progress. This bill helps us get there, whatever that technology may be, whether it be electric, natural gas; some advocate hydrogen. But it does the R&D that's necessary to pursue those technologies. And 10 percent of the drilling revenues are set aside to pay down the national debt. Nobody can argue with that. So it creates a new pot of money that doesn't exist currently that's going to be used to pay down our debt, expand our energy resources, and repair our roads and bridges and our locks and dams.

I just can't imagine there is a more worthwhile piece of legislation and a piece of legislation that impacts everybody in a greater way in this Congress. So I would say to my friend from Pennsylvania, thank you for your leadership on this issue. And to the Members from across the country who have spoken here tonight, I hope that is a message not only to this Congress but to the entire country that, yes, we can come together as a Congress. There are things that we agree with on a bipartisan basis; there are things that we can do

to improve the financial situation in this country, to improve our roads and bridges, to get ourselves off of our dependence on foreign oil, and to cultivate our own domestic resources. And we are going to get this done.

I thank the gentleman from Pennsylvania.

Mr. MURPHY of Pennsylvania. I thank the gentleman from Pennsylvania for his support and insight into this.

Several of my colleagues have noted that this is a rare moment on the House floor. We actually have people from both sides of the aisle coming together during this Special Order hour, Mr. Speaker, and talking about an issue where we have to find agreement.

Now, if this was one of those times when we were in disagreement and insults were being hurled back and forth, the galleries behind me would be filled with the press reporting on this. Probably this Special Order won't be reported on much at all because Members are actually coming together with a common plan and a common goal to say we recognize we need jobs, we need to clean up our environment, we need to have an energy source, we need to do this without debt. And as my colleague from Pennsylvania just pointed out, this bill actually returns money to the Treasury and helps reduce the debt by a percent every year.

I might also add, the Speaker of the House, JOHN BOEHNER, talked about this concept of using energy to pay for transportation when he said on September 15 in an address in front of the Economic Club of Washington, D.C., he said the following:

I'm not opposed to responsible spending to repair and improve infrastructure. But if we want to do it in a way that truly supports long-term economic growth and job creation, let's link the next highway bill to an expansion of American-made energy production. Removing some of the unnecessary government barriers that prevent our country from utilizing its vast energy resources could create millions of new jobs. There's a natural link between the two. As we develop new sources of American energy, we're going to need modern infrastructure to bring that energy to market.

Talking more about this bill and issues and how this will help us throughout the Nation, I turn to another one of my colleagues from Pennsylvania who's here, MIKE FITZPATRICK.

Mr. FITZPATRICK. I thank my friend from Pennsylvania for his leadership on this legislation. I think you are absolutely right that this is a bipartisan moment here in the House. Members from both sides of the aisle coming together around a common goal. Many from Pennsylvania recognize that if this bill becomes law, it would be not just great for the Commonwealth of Pennsylvania, but we'll

see jobs created in the private sector, and it'll be good for our great Nation. So I rise in support of one of the few bipartisan plans for energy independence, job creation and infrastructure investment, the bill H.R. 1861.

I'm a proud cosponsor of this legislation because it addresses America's energy problems. It puts in place a plan to start rebuilding our country's aging infrastructure. And, most importantly, it creates American jobs. From the gas pump to electric bills, increased energy costs are straining American families and hurting American businesses. The U.S. Energy Information Administration has projected that the cost of heating our homes and offices will undoubtedly rise this winter.

Bernard Crandley, Bill Edmonds, and Richard Barkman, constituents of mine from the Eighth District of Pennsylvania, have recently contacted me and shared their concerns with these increased costs as winter approaches. In just the last 2 years, families are spending over \$2,000 more on fueling their cars. Moreover, the population of the United States continues to soar above 300 million, which means that traffic congestion will only get worse, especially in our area, the northeastern section of the United States. The 2009 Urban Mobility Report finds that traffic congestion in the top 437 urban areas resulted in major choke points and bottlenecks, causing Americans to lose 4.2 billion hours and 2.9 billion gallons of fuel sitting in traffic jams.

□ 1640

Congestion hinders our progress in improving air quality, as vehicles caught in stop-and-go traffic emit far more pollutants than they do when operating without frequent breaking and acceleration. This means that our energy costs will only continue to rise.

The focus in Washington over the last several months has been our Nation's \$14.8 trillion debt and the growing annual deficit. The current magnitude of our debt crisis has forced us to address these concerns with a renewed sense of urgency. Our national debt is growing at nearly \$60,000 per second; and with each second that passes, our children and grandchildren inherit more of this burden.

Of course, the issue of our Nation's fiscal health and job creation go hand in hand. With unemployment hovering steadily at 9 percent nationwide and our manufacturing sector waning, the number one issue at hand now is how to put people back to work. At town hall meetings across the Eighth District of Pennsylvania, I have been listening to thousands of people, including small business owners, unemployed workers, and families struggling to make ends meet. The consistent message is that Washington must provide certainty and stability before our economy can begin to grow again and start

adding new family-sustaining and good-paying jobs.

H.R. 1861 provides solutions to these problems in several ways. First, it addresses the need to lower energy costs by authorizing the responsible and environmentally sound leasing of Federal lands on the Outer Continental Shelf for oil and gas exploration. The U.S. Department of the Interior estimates that we have between 86 billion and 115 billion barrels available off our shores. This is enough oil and gas to replace imports from Venezuela and Saudi Arabia for the next 80 years.

In addition to oil and gas exploration, the bill would invest in energy efficiency for our buildings and factories, which waste between 20 and 40 percent of the energy that they consume, and invest in renewable and alternative energy sources and technologies like responsible wind power, solar, hydrogen fuel cells, and electric vehicles.

H.R. 1861 moves us toward energy independence without paying hundreds of dollars per barrel of oil to OPEC and other hostile countries, spending billions daily on importing foreign oil, raising taxes, or increasing our national debt to China and elsewhere.

Second, this bill would take billions in proceeds from these drilling leases and directly fund much needed construction and infrastructure projects. In my home State of Pennsylvania, our infrastructure is in desperate need of repair. We have bridges and roads that date back to the Civil War, and traffic congestion is a daily hassle. There is near unanimous agreement that we must invest in our Nation's infrastructure, but the question remains of how to pay for it. The President and some Democrats in Congress have suggested that we use taxpayer dollars in the form of a second stimulus package. This bill funds infrastructure investment using private sector dollars, not taxpayer money or borrowed Chinese dollars. This innovative approach will allow for the private sector to help fund our recovery without adding to the deficit.

And most importantly, H.R. 1861 would put countless Americans back to work. Offshore oil exploration is estimated to create 1.2 million quality jobs annually, and for every \$1 billion invested in our infrastructure, an estimated 30,000 good-paying, long-term jobs are created for contractors, construction workers, engineers, steelworkers, building trades, and others.

Since the beginning, I have made jobs my top priority, supporting legislation designed to incentivize hiring and create an atmosphere where small businesses will grow. I welcome President Obama's recent entrance into the work already being done by the House of Representatives to address the unacceptably high unemployment rate. It is important that Congress put aside par-

tisan politics and put America back on the track to prosperity. I call on the Senate and the President to pass the jobs bill that the House of Representatives has already passed with bipartisan support.

As the Congress debates various methods of economic growth and job creation in the coming weeks, I'm hopeful that we will take an approach which incorporates the common sense outlined in this bill. Doing so will require a spirit of bipartisan cooperation to be successful. It will not be easy, but I will continue to focus my energy on creating a strong American economy and a brighter future for our children and our grandchildren.

I thank my friend from Pennsylvania.

Mr. MURPHY of Pennsylvania. I thank the gentleman from Pennsylvania.

I now yield 3 minutes to the gentleman from Indiana, Mr. JOE DONNELLY.

Mr. DONNELLY of Indiana. I thank my esteemed colleague, who also serves in the Naval Reserves. We thank you for your service to our country in that role as well.

This is an extraordinary bill that is about jobs, jobs, jobs, energy independence, and a stronger America. It cuts across party lines and solves so many problems that we face, including assisting in bringing our deficit down. It is a commonsense piece of legislation that puts the United States first.

We have vast energy resources, and we should be utilizing them. Instead of sending \$500 billion a year overseas to other countries that, as my friend from Minnesota said, we don't have to pay them to make sure they like us, they'll just not like us without any payment at all, what we need to do is stand up for America, to not worry about whether or not we can keep other countries happy in order to obtain their oil.

We need to stand up for America—our own natural gas, our own ethanol, our own biodiesel, our own nuclear, our own wind, our own solar. In doing that in all of these areas, you put other people to work. In the steel mills of northern Indiana, where I live, these mills are pumping out product for the oil patch. They're pumping out product to make the wind turbines. Across the board, you see jobs created in Indiana. But that applies to all 50 States.

You have almost a trillion dollars for roads and bridges that will be built throughout our country. And when you look at this, this answers the call. When folks say how can we get America to work together, how can we get America to stand up for itself, this answers the call: people going back to work; the deficit being reduced; manufacturing here in the United States. Across the board, it strengthens our Nation. So instead of wondering about how we can move forward, we have an answer as to how to do that.

I'm thrilled to be working with my colleagues to work together to strengthen our Nation, to reduce our deficit, to make it in America, and to become energy independent. We have enough natural gas in this country—just natural gas alone—to run our vehicles for the next hundred years. If we go across the spectrum, we can create incredible wealth and an incredible future for our Nation.

Mr. MURPHY of Pennsylvania. I thank the gentleman from Indiana.

I yield to the gentleman from Minnesota.

Mr. WALZ of Minnesota. I thank the gentleman. I thank all the speakers today.

Mr. Speaker, you just witnessed something—an hour-long discussion on energy policy that did not demonize producers of energy and did not demonize conservation groups, did not point out problems on the other side and did not become political. It put out solutions, answers that are workable, backed by facts and ready to be implemented.

We can do this. The American people deserve us to do exactly this. I encourage you and everyone in this Chamber to get behind this.

Mr. MURPHY of Pennsylvania. I thank all the speakers today.

Let me wrap up by saying this. In Pennsylvania, we're coal country; we're natural gas; we're the headquarters of nuclear; and we recognize we have a responsibility as a Nation to take care of our country and be good stewards of our environment. We also have to make sure we are creating jobs in America.

But I want to tell you something else. While people are out there criticizing oil, I still believe we can do it better. And one of the things to keep in mind is, when we're sending \$129 billion in foreign aid every year to OPEC, we're paying for their bridges and their highways; and that OPEC money has a way of finding its way to countries like Iran and using that to fund terrorists who are attacking America, hurting our soldiers and maiming them. I've seen enough of them in the hospitals that I work with in the Navy.

Let me tell you, that alone, Mr. Speaker, is reason to pass a bill like this and stop harming our soldiers and our citizens in paying for terrorism. Instead, let's pass the Infrastructure Jobs and Energy Independence Act. Let's keep our money at home; let's create jobs; let's keep America safe; and let's do this right.

With that, Mr. Speaker, I yield back the balance of my time.

□ 1650

ELECTING A CERTAIN MEMBER TO A CERTAIN STANDING COM- MITTEE OF THE HOUSE OF REP- RESENTATIVES

Mr. MURPHY of Pennsylvania. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 447

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON NATURAL RESOURCES.—Mr. Amodei.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DOMESTIC VIOLENCE AWARENESS MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. AL GREEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AL GREEN of Texas. Thank you, Mr. Speaker, and as a compliment to my colleagues who just left the floor, I'd like to compliment them for the bipartisanship that was shown. And perhaps bipartisanship is becoming in vogue because this is a bipartisan effort as well.

It is my firm belief that our Nation, while we have some differences on many issues, we do want to unite around issues that are crucial and critical to all of us. I salute what they have done, and I look forward to this hour of bipartisanship as well.

I'm honored to be joined today on the floor by my colleague, the Honorable TED POE from Texas. He and I have been sponsoring this resolution on domestic violence for some years—since 2005, I believe—and I am honored that he is here with us today. I will be giving a statement. And after my statement, I will yield to my good friend from the State of Texas, in the Houston area. Thereafter, we have other Members who are present who would of course want to weigh in on this subject. But before I do, let me just thank the leadership on both sides of the aisle for making this time available to us. It's important that we have this opportunity to address this issue not only here in Congress, but address it in such a way as to make it clear to our friends and our constituents at home that this is something that is exceedingly important to us, the issue of domestic violence.

So Mr. Speaker, I thank you for the time. I thank the leadership for the time. And I thank all of the Members

who will be appearing today for the time that they will share with us.

I'd like to, at this time, present my opening statement. Thereafter, I will yield as I have indicated.

Mr. Speaker, there are several Federal actions that have been instituted over the past 20 years to combat the issue of domestic violence. I shall highlight some of the many actions that have been taken.

Domestic Violence Awareness Month was first observed 22 years ago in the month of October. This month provides an opportunity for our communities to recommit themselves to keeping the victims and the families of domestic violence safe while holding the perpetrators accountable for their actions.

I'm honored to say that the Violence Against Women Act of 1994, which was championed by then-Senator JOE BIDEN, has created a new culture for police officers, judges, and those who work in the courthouse to treat this crime as the serious crime that it is, and it is a serious crime. I look forward to supporting the reauthorization of the Violence Against Women Act. And I want to say, by way of a little bit of commentary, that I was a lawyer practicing before we had a change in this culture. And I saw how this culture that existed at that time devastated the lives of many persons who were victims of domestic violence because there was this thought that this was something that was a family issue, that it was something that people should resolve themselves, they should try to work things out. I thank God that that attitude no longer exists, and that if it does exist in some quarters, we are working to change it. I would also add that the Family Violence Prevention and Services Act supports emergency shelters, crisis intervention programs, and community education about domestic violence.

This Congress has done much to try to reach out not only to the victims, but also to the various communities against the length and breadth of the country to make sure that communities are well prepared and equipped to help those in need of some assistance.

The American Recovery and Reinvestment Act provided law enforcement with the tools it needed to protect families. It specifically included \$225 million for Violence Against Women programs and \$100 million for programs that are a part of the Victims of Crime Act. These funds will supplement Federal dollars so that local providers can retain and hire the personnel to serve victims and hold offenders accountable. We also provided critical funding for law enforcement to keep cops on the street and to support law enforcement programs and services through the Byrne Grant program. In 2010, 854 local domestic violence programs received stimulus funds from the

American Recovery and Reinvestment Act which allowed them to maintain or create 1,384 jobs.

Awareness of domestic violence is growing. All over this country and over the last several decades the work of many individuals and organizations has created a sea of change in the way we as a society look upon the issue of domestic violence. Police, courts, and the public used to consider it a private family matter, as I indicated previously. Not surprisingly, domestic violence was close to, if not the, number one underreported crime in this country. Today, there is much more awareness. And we have started to pass critical legislation at both the State and Federal levels so that we can combat domestic violence properly.

We have made a substantial impact on the lives of domestic violence survivors through laws, programs, services, and funding, but our jobs are not yet done. We have seen much progress. However, there is still much more to be done. In the year 2010, a survey was done by the National Network to End Domestic Violence. This survey found that in one day, while more than 70,000 people received help from domestic violence programs, over 9,000 requests for help went unanswered because of a shortage of resources.

Many victims continue to suffer in silence, and for many others who do come forward, there simply are not enough resources available. Victims of domestic violence should have access to medical and legal services, counseling, transitional housing, safety planning, and other supportive services so that they can escape the cycle of abuse.

The problem of domestic violence is not confined to any one group of people but crosses all economic, racial, gender, educational, religious, and societal barriers, and it is sustained too often by societal indifference. Make no mistake about it, when domestic violence occurs, it has a long-term damaging effect. And it has this effect on the victim, but not only the victim; it also leaves a mark on the family of the victim, the friends, and the community at large.

In my home State of Texas, according to the Texas Council on Family Violence—and this is a special report; it indicates that 37 women in Harris County, a county where my district happens to be—37 women lost their lives due to domestic violence in 2010. One hundred forty-two women were killed by their intimate partners in 2010. There were 56 occurrences of murder-suicides in Texas in 2010, which often left children without one or both of their parents. Three 17-year-old high school students were murdered in Texas in 2010. Five pregnant women were murdered in Texas in 2010. No year is a good year for the victims of domestic violence, and 2010 was no exception.

The current statistics are staggering. One in every four women will experience domestic violence during her lifetime. Three women are killed by an acquaintance or former intimate partner each day in America, on average. The cost of intimate partner violence exceeds \$5.8 billion each year, including \$4.1 billion in direct health care expenses. Domestic violence has been estimated to cost employers in the U.S. up to \$13 billion annually.

Sexual violence is intolerable in our society because it creates a cycle of violence.

□ 1700

As many as 15.5 million children witness domestic violence every year in our country. Children who are exposed to this sort of violence are more likely to attempt suicide, abuse drugs, run away from home, engage in teenage prostitution, and commit sexual assault crimes.

Men exposed to physical abuse, sexual abuse, and adult domestic violence as children were almost four times more likely than other men to have perpetrated domestic violence as adults, according to a large survey that has been reported.

This is a call to action. Let us rededicate ourselves to the goal of ending violence against women and helping heal the lives of domestic violence survivors and their families. No one should have to live in fear in their own home, and we must continue to work to eliminate these acts of violence from our society.

Nearly 1.3 million women will confront violent acts this year. America's leaders and our Nation's families must not let this stand. Let us continue to work to end domestic violence and make every home a safe home.

I urge my colleagues to stand with us and support the survivors and their families by supporting the programs that target this insidious ill of domestic violence.

At this time I am honored to yield to my colleague and friend from Houston, Texas (Mr. POE).

Mr. POE of Texas. I thank the gentleman for yielding and thank you for your leadership on this issue. I appreciate you, Congressman GREEN. We've known each other a long time. Thirty years ago we both started as young buck lawyers at the Harris County Courthouse in Texas and tried cases against each other, you as a defense lawyer, me as a prosecutor. You continued to work in the defense category until you assumed the role of a judge in Houston. And so it's good to see you again, and I appreciate your leadership on this very important issue.

Some people may not know but Judge GREEN and I, we disagree on some political things, but on some basic human rights issues we're very strong advocates and work together. And I appreciate your civility and abil-

ity to work together on important issues such as domestic violence awareness.

This is an important issue, Mr. Speaker, and it's good that we recognize the importance of understanding how domestic violence occurs in our country and how we should recognize the important people that are involved as victims of domestic violence.

I, too, remember the days when domestic violence was not a case where the police really got involved. Certainly, as a former prosecutor, we never saw those cases. Society's attitude about domestic violence was, It's not our problem, it's not a crime, it's their problem, it should stay in the family situation. Thank goodness, after many, many years of that, really, philosophy in this country and other countries who still have that philosophy, in the United States that's not the philosophy of our culture any longer; that in the family situation, spouses have the legal responsibility and the moral responsibility to treat each other with the dignity that they deserve as another human being.

The most important person in my life has always been my grandmother. She lived to the age of 99. She told me a lot of things that I understood. She kept it in a simple way. Congressman GREEN, you'd be glad to know that she never forgave me for being a Republican. She actually said I'm not sure you can go to heaven being a Republican. I think she meant it. That's unfortunate.

But anyway, she said something that was true then many years ago that's true today. She said, you never hurt somebody you claim you love. And that's true. We should have that attitude in this country. And in family situations, people should not hurt people in that family they claim to love. But that happens, and it happens on a regular basis.

Congressman GREEN's given a bunch of statistics, especially from our home State of Texas, where this dastardly crime behind closed doors occurs every day in the United States. And we, as a society, cannot tolerate it. And I commend all the various victims rights groups, the women's groups who are continuing to make us aware of this problem and how to help solve this problem.

You know, the Violence Against Women Act is something that this Congress needs to reauthorize. The VOCA funding should be reauthorized, Violence Against Crime Act. This legislation started way back with President Reagan. It's a novel idea.

Here's the way it works, Mr. Speaker. Criminals who go to our Federal courts and are convicted of a crime, the Federal judge, many times, will order them to pay into the Crime Victims' Fund. That is a fund of money that goes to crime victims, and that fund is important for these services

that help these victims' service groups throughout the country.

I understand that today there's almost \$6 billion in the Crime Victims' Fund. Now, let's make it clear. This is not taxpayer money. This is money that criminals pay to help the people they've hurt. It's kind of like paying the rent on the courthouse, make them pay for the crimes they created. And it's a great idea.

But every year, and not only under this administration, but previous administrations, we have the same problem with the bureaucrats. They want to take that money that belongs to crime victims and use it for other purposes, and it doesn't belong to other purposes. And it's our duty, as Members of Congress, to make sure that fund is sufficient and the fund goes where it's intended, and that's to crime victims, not for some other purpose, even paying off the debt, because it doesn't come from taxpayers.

After spending 22 years on the criminal bench in Houston hearing felonies, everything from stealing to killing, there were a lot of people who came down to the courthouse, other than defendants, that didn't want to be there, and many of those were crime victims. But they were picked, many of them, spouses, they were picked by someone who claimed they love them, and they were hurt. Sometimes they didn't have the ability to live through the injuries that they sustained. They were murdered by a spouse. And we cannot tolerate that.

That's one of the reasons, when I got to Congress, along with JIM COSTA from California, bipartisan, we started the Victims Rights Caucus, a caucus made up of both sides of the aisle to focus on the importance of crime victims and making sure that we take care of them.

There were two situations I'd like to mention. We have not far from here, over in Maryland, a wonderful lady by the name of Yvette Cade. Yvette Cade was separated from her husband, and she had gone to represent herself in a court of law in Maryland, and the judge, for some reason, did not extend the restraining order against her spouse that was supposed to stay away from her.

So when that wasn't renewed, she is working, in a video store, and her husband comes in the video store with a jar of gasoline and pours that gasoline over Ms. Yvette Cade, and set her on fire, all caught on video. Thank goodness for some people in the store who did the best they could to rescue her and put out the fire. And it was—and she survived that awful attack on her.

Now, she's a remarkable woman. She's got a spirit that I just do not understand—even though she was burned over most of her body, and it's a person who claims to love another that caused that crime. And we, as a culture need to reach out to people like Yvette

Cade, wonderful lady, and make sure that, not only they're taken care of, but there are not more of them.

Another case was one that I heard back in Houston. It was a little girl. Every day—she was a second-grader—she would catch the bus to go to school somewhere in Houston. One day the bus driver pulls up in front of her house, and she would not get off the bus. She would not. She refused to get off the bus.

She's hanging on that seat in front of her, Mr. Speaker. And the bus driver comes back and tells her, says Lily, you need to get off the bus. This is your house. And she's crying, refused to get off the bus. And she finally told the bus driver, I only feel safe when I get on the bus in the morning and during the day, but I'm not safe when I get off the bus.

□ 1710

And that's because behind those closed doors in the silence of horror, she and her mother were assaulted on a daily basis. Thank goodness for that bus driver who intervened. Law enforcement got involved, and the person was prosecuted mainly for what he did to his wife, Lily's mother. And there's case after case after case that occurs like this. And we need to be constantly aware of this situation, this crime, understand it's not only a crime, but it's a health issue. It's a health issue for Americans, for those people that are hurt behind those closed doors.

So I commend the gentleman from Texas, my friend, Mr. GREEN, and also the gentleman from California (Mr. COSTA), the co-chairman of the Victims Rights Caucus, for their leadership on this issue, making sure that we keep Domestic Violence Awareness Month something that we understand and promote and let people know out there in America that we have this tremendous problem, but we're going to stay on top of it and solve this problem.

And that's just the way it is.

Mr. AL GREEN of Texas. Mr. Speaker, would you please make me aware of the amount of time that remains to us.

The SPEAKER pro tempore. The gentleman has 27 minutes remaining.

Mr. AL GREEN of Texas. I yield to the gentleman from Georgia.

Mr. JOHNSON of Georgia. Thank you, Mr. GREEN, my colleague from Texas, fellow barrister. I myself practiced law for 27 years before becoming a Congressman. Much of that time was spent as a criminal defense lawyer, and 12 years of that time was spent as a magistrate court judge. So I have an intimate awareness of the domestic violence issue. And there are not many things, Mr. Speaker, that are more important than our responsibility for job creation in this Congress. Not many things can transcend that, but certainly this month, Domestic Violence Awareness Month, is a proper occasion

to do that. And so, Mr. Speaker, I rise in support of Domestic Violence Awareness Month.

Between 1990 and 2005, Mr. Speaker, firearms were used to kill more than two-thirds of spouse and ex-spouse victims of domestic violence, and it's clear that the presence of guns makes domestic violence much more likely to result in death. According to one study, domestic violence assaults involving a firearm are 23 times more likely to result in death than those involving other weapons such as the gas jar, the jar of gas that threatened the life of Yvette Cade that my colleague from Texas alluded to. Most of these deaths will come from the use of firearms.

And, unfortunately, Mr. Speaker, one in four women will experience domestic violence in their lifetimes. We are talking about our mothers, our daughters, our sisters, and our friends. Their lives, Mr. Speaker, are at stake. The thing that disturbs me is that the Tea Party Republicans could care less about their lives because their allegiance belongs to the NRA.

But let me tell you what really scares me: H.R. 822, the National Right-to-Carry Reciprocity Act of 2011. The Judiciary Committee reported this horrific bill out today. Every single Republican on that committee voted unanimously against every amendment that was posed by Democrats to try to make that bill more safe. And then, with the final report of the bill out of committee, every single colleague on the other side of the aisle voted to issue that bill out favorably with the exception of one Republican.

This dangerous bill will allow domestic abusers to carry concealed guns nationwide, making it easier for domestic abusers to follow their victims across State lines. During the Judiciary Committee markup, I offered an amendment that would have kept concealed weapons out of the hands of domestic abusers. This commonsense amendment to protect domestic violence victims was rejected unanimously by the Republicans on the Judiciary Committee. The Republicans, the Tea Party Republicans, stayed faithful to the NRA. Could you believe that they rejected amendments to keep concealed handguns out of the hands of sex offenders, suspected terrorists, anyone convicted of selling drugs to a minor and anyone convicted of assaulting or impersonating a law enforcement officer?

Ladies and gentlemen, although Halloween is right around the corner, we are not in the Twilight Zone. This is real life, and the Tea Party Republicans have sold out the safety of the American public to the NRA. It is truly a sad day in America when we move such legislation, especially during Domestic Violence Awareness Month.

Mr. AL GREEN of Texas. I thank the gentleman for his comments.

At this time, I am honored to bring to the floor a very dear friend from the State of California who has been an outspoken supporter of all of these bills to help victims of domestic violence, the Honorable LYNN WOOLSEY.

Ms. WOOLSEY. I thank the gentleman for bringing this Special Order together with Congressman POE.

Mr. Speaker, every day, millions of Americans, the great majority of them women, live in fear of attack, not from a stranger lurking in the bushes or a dark alley, but perhaps even more frightening, from the partner with whom they share a home or a bed.

Domestic violence is an assault on everything that matters in a woman's life—her physical safety, her dignity, self-respect, and her job security, as well as her capacity to be a good parent.

Children are directly in the line of fire. Too often they also are physically abused, but mere exposure to the violence can cause behavioral issues ranging from poor academic performance and truancy to drug abuse and domestic violence of their very own.

□ 1720

The societal impact, Mr. Speaker, is huge—billions in health care costs, lost economic activity and more. Domestic violence is a problem that affects all of us.

Increased awareness in recent years has made a difference. There was a time when a woman trapped in a violent relationship had little recourse and faced a stigma that kept her from getting help. Just the fact that women are more likely to call 911 represents huge progress, but we have to do much more.

For example, the Family and Medical Leave Act allows employees to take unpaid time off work after giving birth, after adopting a child or in order to care for a sick relative. I've introduced a bill, the Domestic Violence Leave Act, H.R. 3151, that expands FMLA so that workers can cope with the consequences of domestic violence, sexual assault or stalking. This would give people the time they need to seek medical care, counseling, legal assistance, and to otherwise heal both physically and emotionally.

Mr. Speaker, if we're serious about showing compassion for those who've suffered abuse, then we have to give them job flexibility. Being punched or raped by your partner is devastating enough. To also lose your income and livelihood as a result is a gross injustice.

Let's make every month Domestic Violence Awareness Month by extending support to women and men who have experienced the pain and betrayal of domestic violence. One way to do this is to sign on to and pass H.R. 3151, my legislation. Another is to make sure that we support and reauthorize

the Violence Against Women Act and all of the programs that that act supports.

Mr. AL GREEN of Texas. I thank you for your words, and I trust that you will continue the fight. You have been an outstanding champion for women's rights.

At this time, I am honored to yield to the Honorable BARBARA LEE, the former chairperson of the CBC and a great Member from the State of California.

Ms. LEE of California. Let me thank Congressman AL GREEN and Congressman TED POE for their leadership in organizing this Special Order on domestic violence. It is critical to speak out against domestic violence and to call attention to Domestic Violence Awareness Month, but it is extremely important to hear from men and to recognize your leadership on this.

As someone who understands domestic violence on a deeply personal level, I know how traumatic this experience is and of the strong, consistent support system needed to emerge as a survivor. I also know from personal experience that domestic violence is not only physical; it is emotional. It is brutal, dehumanizing to the batterer and the battered, and without strong and enforceable criminal laws and services, one's life can be shattered and destroyed.

As a survivor of domestic violence, once elected to the California legislature, I knew I had to do something. I am so glad to see my colleague, Congresswoman JACKIE SPEIER, who was then in the legislature at that time. We worked so hard on domestic violence issues. I will never forget that I was able to write California's Violence Against Women Act. I wrote many, many domestic violence bills that were signed into law by a Republican Governor. In coming to Congress now, again we've worked together in cosponsoring numerous bills in Congress to support victims of domestic violence and to prevent domestic violence.

In my home district of Oakland, we've also worked extensively with A Safe Place, which is a victim-centered agency, because we know that staying in a shelter or working with an advocate significantly reduces the chances that a victim will be abused again and that it will improve the victim's quality of life. A Safe Place in Oakland is Oakland's only comprehensive domestic violence program for battered women and children. They provide both shelter and professional supportive services to victims of domestic violence, and have truly been a vital agency in my district.

A Safe Place has served Oakland for 34 years, and earlier this month, held its 10th annual walk against domestic and teen dating violence. This walk continues to call attention to the issues of dating and domestic violence

in the City of Oakland, building vital partnerships with law enforcement, the criminal justice system and faith-based organizations to better serve the community and the region. Their programs and services are designated to address the many complicated—and I mean these are complicated issues—which affect victims of domestic violence and are a true blessing to my constituents in my community. It is my hope that we use Domestic Violence Awareness Month to recommit ourselves to fighting the scourge of violence against women and men.

We've had some accomplishments over the decades on this issue, but challenges still remain. Around the world, nearly one in three women has been beaten, coerced into sex or otherwise abused in her lifetime. Here in the United States, as many as one in three American women reports being physically or sexually abused by a husband or a boyfriend at least once in her life. Children who see or experience domestic violence have a much greater chance to become either victims or perpetrators as adults. They're also more likely to attempt suicide, use drugs and alcohol, run away from home, engage in teenage prostitution, and commit other crimes.

Beyond the cost to children, domestic violence affects the community with as many as half of the domestic violence victims reporting a loss of a job at least in part due to domestic violence, so cuts to domestic violence programs should not even be on the table. Women make up 70 percent of the deaths—mind you, deaths—caused by intimate partner violence, and services for abused heterosexual men and for those in the LGBT communities are clearly nonexistent.

Although this is Domestic Violence Awareness Month, we can't just work on this during October. We must remember that, for men, women and children who are experiencing, or who have experienced, domestic violence, every day must be a day of awareness as well as a day free from emotional well-being, physical assaults, harassment, stalking, and every other violent behavior which constitutes domestic violence.

Mr. AL GREEN of Texas. I thank the gentlelady from California.

How much time do we have remaining, Mr. Speaker?

The SPEAKER pro tempore (Mr. GIBBS). The gentleman has 19 minutes remaining.

Mr. AL GREEN of Texas. Thank you very much.

At this time, I yield to another Californian, the Honorable JIM COSTA.

Mr. COSTA. Thank you, Congressman AL GREEN and Judge TED POE, for organizing this Special Order to recognize the National Domestic Violence Awareness Month.

While I think I speak on behalf of all of us that we wish such a month were

not necessary to commemorate, it is important that we educate not only our colleagues but Americans on the tremendous challenges and difficulties facing Americans who are dealing every day with domestic violence. Today, all of us stand up for the victims of those heinous crimes, victims who too often suffer under the shadows.

In Fresno just last week, I visited Central California Legal Services to announce a \$500,000 grant that is to focus on victims of domestic violence in the San Joaquin Valley. What I saw and what I heard is, sadly, a reminder of what continues to occur throughout the country as I've worked with these folks for many years. There is an added burden today with the tough economic times that we're living in that has strained families because unemployment is higher than it should be. Unstable economic conditions oftentimes mean higher stress and more incidences of domestic violence.

At the same time, we are reducing the kind of support at the Federal and State levels to provide for organizations that help these victims of crime. While more women and men and children suffer from domestic violence, less support remains to help them, so Congressman Judge TED POE and I founded the Victims' Rights Caucus in 2006 to be a bipartisan voice for victims' rights in Congress.

□ 1730

One of the major initiatives that the caucus works on is the protection of the Violence Against Women Act, otherwise known as the V-A-W-A, VAWA. It was established in 1994 to grant funds for programs to State and local and Indian tribal governments.

Today this fund seeks to encourage the collaboration among law enforcement, judicial personnel, and public-private service providers for the victims of domestic and sexual violence.

Another goal of this fund is to increase public awareness of the domestic violence and address the needs of these folks who are victims of sexual and domestic violence that occurs within our communities.

This fund has been a source of much resource, because it's been able to provide support for more victims to report domestic violence to the police, often one of the most difficult cases that our local law enforcement agencies will tell you that they deal with on a daily basis.

They also provide monies for the rate of nonfatal domestic violence, and this has helped decrease violence in many areas across the country. It also has reduced the amount of acts of crime of killing an intimate partner. Last year the decrease was 24 percent. Oftentimes, sadly, these domestic violence cases result in death.

Although much progress has been made, obviously much more needs to be

done. Crime victims, it's been said before, but I'll say it again, are our mothers. They're our fathers. They're our sisters. They're our brothers. They're our friends and they are our neighbors. They are people that we all know of. They deserve our support. They deserve the vital services to help them cope during these horrific time periods within their lives.

As National Domestic Violence Month continues, let us all do everything we can to encourage folks to attend events, to recognize and honor those who are at the vanguard of trying to protect those who are victims of violence: those good people who serve them, who are out working in this area, like the Central California Legal Services foundation; those who are in law enforcement; those who are in our justice system; those who are in every way working in our communities to help those victims of domestic violence and sexual abuse.

Only through education and awareness will our communities be able to ultimately put an end to this domestic scourge and respond more effectively to those victims.

I want to thank Congressman GREEN again for his efforts, and Congressman POE and my other colleagues who have spoken so well today. Today's Special Order, let it be a call for all of us to action, to continue advancing the rights of victims across the Nation and to protect the Violence Against Women Act.

Mr. AL GREEN of Texas. I thank the gentleman for his words.

I now yield to the gentlelady from Texas, who is a colleague, and we share a common boundary in the State of Texas—our districts are adjacent to each other—the Honorable SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Let me thank Congressman AL GREEN and Congressman POE for convening us today on such a very important topic that includes the issue of domestic violence in this Domestic Violence Awareness Month.

As a senior member of the Judiciary Committee, it's been my privilege, sadly, however, to have worked on the Violence Against Women Act for a very long time and be an original cosponsor and author of the reauthorization of that bill some years ago.

My initial premise on this day that we express our concern is that the laws need to be stronger. I simply want to acknowledge, as we have worked on these issues, that domestic violence has not decreased in spite of the hard-working advocacy groups and places of refuge for the women in our community.

I want to acknowledge the Houston Area Women's Center, of which I served as a member of the board for a number of years, and the great work that they do, along with many other organiza-

tions in the Houston area that are refuges for women.

But let me cite these numbers to you:

The National Coalition Against Domestic Violence, 85 percent of all domestic violence victims are women. I do want to acknowledge that men suffer domestic violence as well. We are sympathetic and want to include them in fighting against this dastardly deed.

It is disturbing that every 9 seconds a woman in the United States is assaulted or beaten. More often than not, she knows her abuser. The numbers are alarming.

Between 2000 and 2005, about 63 percent of nonfatal intimate partner victimization against women occurred at home, 9.4 percent of these attacks were near home, and 11.1 percent of the abuse occurred at a friend's or neighbor's home. The aggressors were often intimate partners, relatives, friends, acquaintances, and even strangers.

Every year, nearly 5.3 million women over the age of 18 will be victims of domestic violence. And according to the Centers for Disease Control and Prevention, this violence will result in nearly 2 million injuries and 1,300 deaths.

In the State of Texas, for example, at least 74 percent of Texans know someone who has experienced some form of physical, sexual, or verbal abuse, yet these incidents remain underreported because there is great fear.

According to the Houston Area Women's Center, which, as I indicated, I served as a member of the board, 142 women were murdered in Texas by an abusive partner. The youngest of these victims were only 17 years old and the oldest was 78. In 2007, the center served over 2,800 survivors of domestic violence and took almost 39,000 calls.

As I conclude, I want to just give this brief story of a recent 17-hour attack that occurred in Houston, which was noted as one of the worst local domestic abuse cases ever. A man's tortured wife follows years of abuse, and this lady never reported it because of a fear of the impact or the abuse or the violence against her four children. While this horrific act was taking place, it was occurring while her 1-year-old daughter was in another room.

This 33-year-old woman was violated by this vicious man with a long record of absolute insanity and violence using a hairspray can and a lighter match and taking a match with that hairspray to her breasts and her genitals. Right now I stand on this floor in absolute outrage. Sheriff Adrian Garcia likened the suspect to an animal and that he is—rabid dog.

The terrible part of this is that he is charged with assault to a relative. I, frankly, want him to be charged with a much more heinous act because—in many instances when you are charged with this particular action, which the

legislature probably thought that these were relatives against relatives, but this was a heinous act—this gentleman should never see the light of day. And there are actors like this around the Nation—and around the world, by the way, because there is that kind of violence around the world—that should never see the light of day.

As we continue to work on this, I will continue to advocate funding, as I provided funding for our local agencies in Houston. I will continue to champion stronger laws to prevent, if I can, in terms of the stronger laws and intervention, so that women can have the strength to go to places like the Houston Area Women's Center and to save them from this heinous and dastardly act. This woman will be mutilated for life and will have to have reconstructive surgery—again, a can of hairspray and a lighter match for 17 hours while her 1-year-old child remained in the room.

Let me thank, again, our colleagues for allowing us to come to the floor and, again, let me make a commitment to all of the women out there and those in Houston and Texas that I will never step away from fighting for you not to suffer this indignity. Please, leave the home and go to a refuge like the Houston Area Women's Center and other places to save your life.

Mr. AL GREEN of Texas. I thank the lady.

I now yield to the gentlelady from California (Ms. SPEIER). I would also add that this is a colleague who served with me on Financial Services, and I found that she has been a strong advocate for the rights of women.

□ 1740

Ms. SPEIER. I thank my colleague, and thank the gentleman from Texas (Mr. AL GREEN) for hosting this Special Order on domestic violence, and I thank Congressman POE for his participation as well.

Imagine you were beaten at the hands of your boyfriend or husband, maybe in front of your child. Imagine that before you were able to call the police, your attacker fled. But he doesn't get far before the police catch him and throw him in jail. But days later he is set free, not on bail but with a clean record. And he's angry. More so because he first beat you, and now he wants to get revenge because you caused him to be arrested. No, this isn't a scene from a horror movie. It is, instead, a dose of reality from Topeka, Kansas, where the city council voted earlier this month to repeal the city law against misdemeanor domestic battery.

The council claimed that budget woes required this act of public policy cowardice. By repealing this law, Topeka sent a clear message to the women: your safety is not a priority; we will not protect you if you are victimized; we will not hold your spouse,

former spouse, boyfriend, or live-in accountable if they assault you. You are on your own.

And this happened in a city where a domestic violence murder occurs every 10 days; a domestic violence incident occurs every 22 minutes; and a person is—or I should say was—charged with domestic violence every 41 minutes. But no more in Topeka, Kansas.

These are tough times for local and State governments. Everyone is being asked to do more with less. Difficult choices must be made. But let me say this without hesitation: the choices made during difficult times reflect who we are as Americans, who we are as human beings, and our mutual respect for the law. The Topeka decision is another example of how women in this country are becoming second-class citizens, or chattel, or even less.

We shun our global neighbors who allow violence to openly occur without repercussions. Today, as we recognize Domestic Violence Awareness Month and the more than 1 million victims who are terrorized every year, I urge each and every State and locality in our great country to take a stand against what just occurred in Topeka, Kansas. Shame on Topeka, Kansas. Shame on them for not recognizing one of the most grievous acts that occurs in a local community. Domestic violence is one of the most reported incidents and one of the ones that police, frankly, are the more concerned about going out to because more often than not there is violence associated with it.

For the sake of the nearly 16 million children who are exposed to domestic violence each year, and the women who are abused every 9 seconds, we must recommit ourselves to supporting domestic violence victims.

Speaking of tough times, domestic violence shelters know a thing or two about pinching pennies. Three-quarters of the shelters nationally report losing money from government sources since the recession. And as their belts are tightened, the demands for their services have only increased. For the third straight year, 80 percent of shelters nationwide are reporting an increase in domestic violence cases.

I was always struck when I was in the State legislature that there were three times as many animal shelters as there were battered women shelters. It says volumes about where our priorities are in this country.

Three out of four shelters attributed the rise in violence to financial issues. Almost half said that those issues included job loss, and 42 percent cited the loss of a house or car. More than half of the shelters also reported that domestic abuse is more violent than it was before the financial crash. Studies shows that abuse is three times as likely to occur when a couple experiences financial strain. Take note: A 5-year study reveals that when a man experi-

enced two or more periods of unemployment, he was almost three times as likely to abuse his female partner.

The irony with Topeka's decision is that domestic violence is expensive to the communities where it is more prevalent, and I'm not talking about the cost of prosecutions. I'm talking about the \$8 billion to \$10 billion in lost productivity, medical bills, and other costs. In fact, between one-quarter to one-half of domestic violence victims report that they lost a job at least in part due to domestic violence. And if we do not prevent these crimes and penalize those who commit them, we will pay tenfold in the years to come. Studies show that 60 percent of the nearly 16 million children who witness domestic abuse every year mimic it later in their lives.

We have our work cut out for us, but one thing that defines our country is the notion that anyone who abuses another human being, woman or man, will be brought to justice. When Topeka, Kansas, decriminalized domestic violence earlier this month, we took a huge and unacceptable step backwards. In honor of the victims who have lost their lives to domestic violence and those who live in fear every day, let us recommit ourselves today to their safety.

I thank you again, Mr. GREEN.

Mr. AL GREEN of Texas. I thank the lady, especially for citing the statistical information. It is important for our Nation and our country to understand that these are real people who are being harmed and that this is not something that occurs in some segments of society. This crosses all lines—economic lines, gender lines, political lines—and it's up to us to have bipartisan efforts to end this.

I'm honored that my friend, Mr. POE, has joined us today, as this has been a bipartisan effort. But we've got to get this message back to the communities because indifference is what allows this to continue to a certain extent. No one should be indifferent. Everybody has a duty to report it, everybody has a duty to condemn it. And if we do this, then we can make every person who performs an act of violence persona non grata in our communities.

I want to thank the Speaker for the time. One hour is never enough to cover all that we should cover, but I'm grateful to the leadership for giving us the 1 hour that we've had.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2576, MODIFYING INCOME CALCULATION FOR HEALTH CARE PROGRAMS, AND PROVIDING FOR CONSIDERATION OF H.R. 674, 3% WITHHOLDING REPEAL AND JOB CREATION ACT

Mr. SCOTT of South Carolina (during the Special Order of Mr. AL GREEN of

Texas), from the Committee on Rules, submitted a privileged report (Rept. No. 112-261) on the resolution (H. Res. 448) providing for consideration of the bill (H.R. 2576) to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and providing for consideration of the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, which was referred to the House Calendar and ordered to be printed.

MISSOURI RIVER FLOODING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, it's my honor to be recognized to address you here on the floor. And before I go into my presentation, I want to go into the subject matter the gentleman from Texas has led this previous Special Order on, just as a means of discussing a way to look at victims' rights.

For me, I was caused to reexamine the situation as a victim. I had had some heavy equipment that was destroyed by vandals back in the year 1987, a year that shall live in infamy. It was in the middle of the farm crisis years. A lot of that damage was uninsured, but we did catch the perpetrators. A long, long story; it was hundreds of thousands of dollars of damage. I followed through on everything, seeing myself as a victim who had an obligation to assist the prosecution as a citizen and a victim would and should. And I remember sitting in the courtroom in Sac City, Iowa, when they brought up the trial of one of the perpetrators. The bailiff announced to the court: This is the case of the State v. Jason Martin Powell. And I sat there thinking, how is it the State versus the perpetrator? I'm not in this equation. I'm not even the versus; I'm just here as a spectator. And so I began to examine what that really means. What it means is that the State and the law enforcement component, in this case the State, is the intervenor. If you have a grievance with someone, and I certainly had a grievance with the people that destroyed my equipment and nearly destroyed my business, before the law and order days, that would be settled in some other fashion, likely in some violent fashion. And if you go back a couple thousand years or 3,000 years before the law was established, like Mosaic law, or Roman or Greek law—but as law was established, it was to eliminate the vigilante component of this, and the State stepped in and intervened.

Another way of looking at it would be when everything was owned by the

State. The subjects in, let's say, old Western Europe, old England, the subjects were the property of the king. The State supplanted the king. The subjects and everything they owned were the property and the ownership of the king in England, so when you see old English common law and you see how it transfers into the United States, and it becomes the State v. Jason Martin Powell, the perpetrator, convicted perpetrator, I will say, and I can say his name in the record here now, that transfer was, if you committed a crime, you shot one of the king's deer, if you murdered or assaulted one of the king's subjects, you were committing a crime against the king. So in our society when you commit a crime, you are committing a crime against the State.

I'm taking us all to this point, Mr. Speaker, because once the State is satisfied that they have established justice, the victim doesn't really have anything more to say about it. The victim is not in that equation. My position needs to be developed more than it is, but my point is if the State is going to intervene, then the State has to enforce the law, then the State has to protect the citizens adequately. And when they fail, then what's the obligation of the State? They are not ensuring us to be protected from violent crime. They're simply doing the best they can without a consequence for the State. All the way around that circle is this.

□ 1750

Back in those years, I remember a study that was done, and that study will come to me in a moment. It was a 1995 study. In that study, they put a value on each crime. And I remember that a rape victim—they valued murder at around a million dollars; rape at about \$82,000. Now, I can't imagine who would submit to rape for \$82,000 dollars, but that was the quantity.

Then they also put in that study that a criminal who was loose on the street—an average criminal loose on the street—would commit \$444,000 worth of crime in a year. Well, it costs about \$20,000 a year to lock them up. They do \$444,000 worth of damage to the society in a year. But that damage is not compensated. That comes out of crime victims in great, huge, whopping chunks of their lives, their security, and their property.

So I would just suggest that if the State were liable for all of the damage that's caused by perpetrators, we would have a more effective criminal justice system. I'm not advocating that we bring that forward in this Congress, but I just discuss that way of looking at this, how we got to the point where the State is the intervenor. Because the State is the successor to the Crown in old English common law, and a crime committed under the Crown was a crime committed against the King,

because he owned everything, and it damaged his ability—even if it was the serf—to produce.

So we are now the successor philosophy, but we've forgotten this part, that victims are paying the price. The State is not paying the price. It's no longer a crime against the State, even though the State is the intervenor.

I would yield to the gentleman from Texas and thank him for presenting this. It just sparked that memory, and I wanted to put that into the RECORD and let you know how I think about crime victims.

Mr. AL GREEN of Texas. I thank the gentleman for yielding. I especially thank you for placing things in a proper historical context. It's greatly appreciated.

Having taught a class myself in trial simulation, one of the things that we discussed was the origin of the concept of the State. And it evolved to the extent that you've called to our attention, but it also became a "we the people" country. Our country is a "we the people" country. And sometimes if we substitute for the State "we the people," because it becomes the people in many places against the defendant, and I think it's appropriate that it be the people against the defendant.

I think we as a society have some things that we will not tolerate, and, as a result, we have codified these things into laws that carry penalties with them. And these penalties, in my opinion, have to be imposed so as to maintain an orderly society.

I would mention, to my friend, this. You have said \$82,000 for rape. I just have to make sure that I go on record saying I agree with you; \$82,000, I cannot imagine how someone managed to conclude that \$82,000 was the worth of a person having been raped or that crime itself.

I support the notion that we must compensate victims. Victims ought to be compensated appropriately, which is one of the reasons why I have supported the Violence Against Women Act; and I'm hoping that we'll get it reauthorized, because it does establish a fund so that victims of crimes of this nature can have their perpetrators pay money into this fund so as to make sure that victims are properly compensated.

I think you and I together, today, want to make sure that the people—we the people—are heard, and we the people in the courts of this country can take the necessary steps to not only prevent but also to compensate the victims of these dastardly deeds.

Mr. KING of Iowa. Reclaiming my time, and I thank the gentleman from Texas for making those points.

We the people have vested our authority in our government, and that's how that transfer takes place. But I remember clearly the bailiff saying, "The State versus," and that rang my

bell; and I looked back through history to understand the root of that.

I would point out also that the \$82,000 for a rape victim, I believe, was quantified in this way—loss of work, medical treatment, psychological treatment; that kind of impact that was just simply the economic impact on her life, not the emotional impact and the trauma. But even still, to quantify that—and the Department of Justice has quantified crime also with different values. And I don't recall them well enough from that chart, but I know there's a 1992 Department of Justice study that laid some values out.

I think it would be a plus for us, even though pain and suffering and the loss of life is immeasurable in a dollar form, if we could quantify it in a way we begin to understand what crime does to society. That would be helpful if we could move down that path. It's been a long time since there's been a real broad study done in this country that laid out the complete loss of all of the crimes in the United States that are committed. I would think it's in the billions of dollars. We accept it because it's a victim here and a victim there. It's not like they're all coming together in one large group. It's scattered out across our society. And the higher the level of crime in your community, the higher your tolerance has been because of the continual incidence of that violence.

I appreciate the sentiment from the gentleman from Texas, and I wanted to add some words to the sentiment that you brought to the floor here tonight in this Congress.

Mr. AL GREEN of Texas. I thank the gentleman for his comments. I greatly appreciate the time that you took from your time to continue to elaborate on this. It means a lot to the people that we both represent, and I thank you again.

Mr. KING of Iowa. Reclaiming my time, again, I thank the gentleman from Texas.

I came here to talk about a couple of other subject matters, Mr. Speaker. The one that's on the front of my mind that I want to make sure I address is the Missouri River flooding that has taken place all down the Missouri River drainage area all summer long. I think for the rest of the country it hasn't been brought to their attention how bad and how devastating this flood is.

You can pick your river in the world and you will know that every river has flooded in history. That's what they do. That's why we have river bottoms. They're flattened out because of the floods. Whether it's the Mississippi River flood or the Missouri River flood or any of the floods that we've had up and down—the New Jersey floods, for example, and the other floods in the northeast part of the United States—they have been devastating; and we

have watched on television as we've seen people scramble to get above the waterline and to sandbag to protect the assets that they have.

We watched as the water flooded into New Orleans several years ago with Katrina and the human suffering that went on down there. Some of us went down and did what we could. Myself, I've made four trips down after Katrina to try to lend a hand down there. I've contributed in some way, and I say humbly, in a small way, Mr. Speaker.

But this summer, Midwesterners—people in Missouri and Kansas and Nebraska, Iowa, South Dakota, North Dakota, and Montana—have all suffered from the greatest runoff experienced in recorded history from the Missouri River. This greatest runoff is accumulated this way. It wasn't particularly dramatic in snowcap in the wintertime, not particularly dramatic by March 1 as they measure that snowcap, but several things contribute to the runoff. It's the snow up in the mountains all the way up into Montana; it's the rainfall that takes place there; and it's any dramatic rainfall events.

All of those things came together in the perfect storm fashion—late season, significantly higher snowcap up in the mountains, and then early spring rains that saturated and became a significant runoff. On top of that, a very heavy rainfall event around particularly the Billings, Montana, area where they got 10 to 12 inches of rain; 8 inches, I think, in Billings and 10 to 12 across a vast area, some of it up to 15 inches in some areas.

So the circumstances were that we had all the snow that needed to come down—a large, large amount of snow. We had a lot more rain than expected. The ground was saturated so it didn't soak in. That was running off from broad rains across that had taken place in April and in May. And then on May 22, the massive rainfall that fell in the Billings area and around that was unprecedented in its volume. All of that together created a runoff that if you think of it in these terms, that the largest experience that they had seen was actually 1997. Prior to that was 1881.

In 1881, there were 42 million acre-feet of runoff. That's water a foot deep over 42 million acres; all of that volume, if you just calculate that volume, running off into the Missouri River.

□ 1800

There are six dams that have been built in the upper Missouri River, reservoirs created by them. And these six dams start in Montana and string down through North Dakota and South Dakota. The furthest most downstream one is Gavins Point at Yankton, South Dakota, and that would be the last valve that controls the flow of the Missouri River from that point, just upstream from Sioux City, all the way

down to St. Louis. That's the control valve at Gavins Point.

Forty-two million acre-feet of runoff in 1981, 49 million acre-feet of runoff in 1997, 61—or I guess they said last night 60.4 million acre-feet of runoff this year in 2011, roughly 20 percent more than we had ever experienced before. If you would exempt '97, it was a third more than we had experienced in 1881. These six dams were designed to protect us downstream from serious downstream flooding in the largest runoff event experienced. That was 1881.

He used the commonsense logic of the floods of 1881. The floods in 1943, the floods in 1952 accelerated the construction of the Pick Sloan program. By 1968, we had built the six dams. They were completely operational for the full season of 1968. They were built to protect us from serious downstream flooding, and they were designed to the design elevations necessary to protect us from the largest runoff ever.

And the Corps of Engineers has always held 16.3 million acre-feet of storage as the volume necessary to protect us from the largest runoff ever, 1881. That hasn't changed. Over five different versions of the master manual, the document that governs how they manage the river, hasn't changed at all; but neither had the largest experienced runoff in history, 1881.

Now, I have to quantify that. The 49 million acre-feet in '97 was for the breadth of the year. You compress the 1881 into several months—I believe 4 months of runoff, but it was a shorter period of time. So the monthly volume of runoff was greater in 1981 than it was in 1997. And so the Corps of Engineers had managed this all these years. In 113 years, we had not seen the kind of runoff that we saw in 1881. But it was designed to protect us from the largest runoff ever.

This year, we have the largest runoff ever, and the discharge that previously, coming out of Gavins Point, that last valve to release into the river that goes all the way to St. Louis, the largest discharge was 70,000 cubic feet per second. This year, because of the large volume, the discharge became 160,000 cubic feet per second, substantially more than twice as much volume as we've ever seen before coming through Gavins Point. Designed for a large amount of that, it did hold together and the system held together very well upstream.

But here's their problem, Mr. Speaker, and that is that the Corps of Engineers has determined that this runoff this year is an anomaly, that it's a 500-year event. And so in a 500-year event, they wouldn't change their management of the river substantially because they argue that it's unlikely that it will ever happen again.

My response to that is, a year ago, standing here, no one knew we were going to get the runoff in 2011. The

odds of this kind of flood happening that has happened to us in 2011 weren't any greater than they are for the same thing happening next year. And it's the equivalent of—the risks for 2012 are the same as they were for 2011 for a runoff of that magnitude for a number of reasons, but the simple one is this: if you flip a coin twice in a row and it comes up tails twice in a row, what are the odds it will come up tails three times in a row, the third time?

Now, that's just one of those classic examples of statistics. You might think that the odds get to be one in six or something like that; but, truthfully, the odds are 50/50 that that coin will come up tails the third time in a row. If you flip it on its tail six times in a row, what are the odds that it will be tails the seventh time? Fifty/fifty, because we don't know next year whether there's going to be any more or any less runoff than we've had this year. The odds are the same, except that because of the damage to our system, our levees, and our storm protection, because of all of that damage, we're not as prepared to deal with a runoff of that magnitude as we were coming into 2011.

So the risk is greater, even though the odds of it happening again next year are the same. And no one, no mortal that's looking at 113 years of records—and maybe a little more than that—can tell you what a 500-year flood event is. It's not within the capabilities of mortal man.

And the reasons are, because if you're going to calculate the odds of a 500-year event, you would have to look across several thousand years to try to find a pattern to see if you could make that prediction. How many times did this kind of runoff happen in the previous 2,000 years or the previous 3,000 years? I mean, 3,000 years would only be six different increments of 500-year events. Would it happen six times over 3,000 years? Who knows. We have no records to go by. So it's a judgment call made by somebody sitting in an office somewhere—probably in Omaha—that this is a 500-year event. Therefore, they're not going to change the way they manage the river. They got by, okay, for 113 years—not managing the river all that time, just since 1968. But this time we got burned really badly, Mr. Speaker.

And I want to make this point, that to visualize this, this thing that Members of Congress haven't seen—not very many of us—the public hasn't seen hardly at all, think of this, think in our mind's eye of what it looks like to go up near the northwest corner of Iowa, South Dakota border—Sioux City, Iowa—and look at a Missouri River bottom that was flooded with water all summer long from around the first week in June until the first week in September.

That's a mile and a half wide where normally it's a few hundred feet wide.

And go downstream a few more miles and the river is 8 miles wide hill to hill. And go down stream a little further to Omaha, right where Interstate 680 goes across, and the water is 11 miles wide. And once it goes through Omaha, Council Bluffs and Glenwood, that's compressed it down within the levees that miraculously held or we would have had a similar-to-Katrina event in Council Bluffs where we had at least 30,000 people living below the water level in their homes. If there's a breach in that dike, they get flooded like they did in New Orleans.

But downstream from there, the river that was narrow enough to go through the cities widens out again four or five, six miles wide on down into Missouri—and SAM GRAVES can tell you the rest of that story. Now, that's water from hill to hill in many cases, and water that's not sitting there stagnant, Mr. Speaker. This is water that is flowing out in the channel, 11 to 12 miles an hour, and out against the hillside, oh, let's just say six miles away from the channel, or seven. That water is still flowing at four to five miles an hour, and 12, 14, 16 feet deep. Farm buildings, businesses flooded up to the eaves—they're built on the highest piece of ground in the bottom, by the way—this water flowing at four or five miles an hour, dropping sand, debris—not as badly as I thought, but debris—and sand now that's laid out over thousands of acres, some of it 6 feet deep, everywhere, drifts of sand, dunes of sand that are 10 or 12 feet deep.

The trees that are up and down the river that have stood in water for 3 months, most of them will be dead next year. Farms have been destroyed. Thousands and thousands of acres have been destroyed. That's the magnitude of this flood.

Now we have to put the pieces back together, and some people have lost a lot and they can't be made whole again. There are others that will find a way to put it back together. There is a lot of indecision with floods; that's the nature of floods. And we have trouble getting definitive answers to people. But if they're under water June, July, August, into September, if their building sites are surrounded by an ocean—and I have boated to these farm sites. I've flown over it a number of times, and they are sitting in the middle of an ocean where it might be five miles to dry land. And that's the happy family home where they've invested their future.

We can, at the minimum—even though we have some programs, we have some individual disaster assistance, there is some ag assistance, there is also some public assistance for the public utilities that are there, but there is not enough to put the pieces back together. The least we can do is manage the river system so that this doesn't happen again with the similar runoff that we have this year.

We built the Pick Sloan program, the six reservoirs to protect us from the largest runoff ever experienced. Now we have a larger runoff. I cannot comprehend how it isn't just simply an automatic to lower the water level marginally in the upper six reservoirs to have the storage capacity to protect us from this type of runoff.

And just to do the math on it, the bill that I've introduced requires the Corps of Engineers to manage the river to protect us from serious downstream runoff in the event of the largest runoff in history. All it really does in the end is it replaces 1881 with a 2011 flood year.

□ 1810

It is not particularly complicated. Yes, they have to lower some water levels; but if those water levels are lowered, the effect of that isn't nearly as dramatic as some of the people have described.

First there were some, I will say, some things that alarmed people when the Corps announced that they would have to lower the water levels 12 feet, and that was too much, and they couldn't manage the river. I looked into that. It was 12 feet on the upper three reservoirs, not on all six; and that was with 70,000 cubic feet per second at discharge at Gavins Point, that lowest valve that we have there just upstream from Sioux City.

After a series of questions, they did another analysis. They raised the flow of discharge up to 100,000 cubic feet per second, and just the adjustment of that in the upper three reservoirs changed the 12-foot lowering level elevation down to six.

We should be able to deal with six because, historically, since 1968, on average, Fort Peck has been 7.4 feet below the target elevation. We just lower the target elevation 6 feet; it's still higher than the average of what Fort Peck was. That's also true of each of the dams in the top three, which are the only ones they wanted to adjust because they're the largest.

So that's the effect of the bill, but it also has the effect of protecting us from flooding, serious flooding downstream. And I'm asking my colleagues, Mr. Speaker, to sign on to this bill, particularly those who represent the Missouri River bottom area, those of us who have been affected by the flood, those of us who represent Montana, North Dakota, South Dakota, Nebraska, Iowa, Kansas, and Missouri. And by the way, all the delegation in Iowa, Democrats and Republicans, have signed on and endorsed the bill. Most of Nebraska has. A lot of the Missourians that are affected have.

I'd ask the others, take a look. This isn't complicated. The red herrings that have been drug across the trail have been addressed and corrected. And the meeting last night in Omaha was, I

will say, volatile and dynamic with people that have suffered all summer long. They want to be able to make plans on whether they should be investing in trying to put their farms back in shape. They can't do that, Mr. Speaker, unless we give them some assurance that we're going to manage the river to protect them from serious downstream flooding.

And while that's going on, we just set that highest priority up. Congress has the authority, in fact, we have the obligation to set the standards for the Corps of Engineers. If we fail to do that, they are, then, whip-sawed by all of the litigation that comes of all the special interests. Those special interests can be taken care of below the level that I'm suggesting, and they can have those same levels of priorities that they had within that—irrigation, barge traffic, electrical generation, recreation, fishing. All of those things can work at that level without hardly even noticing it upstream. But you notice it downstream, and the billions of dollars that it takes to put this back together from the damage can never be matched by the recreational investment that goes on upstream. They'll have it anyway. It won't be diminished in any appreciable way. We need to have the protection.

Mr. Speaker, I believe that's H.R. 2942. I have trouble remembering that bill number. I could be wrong. It's the King bill, and I appreciate all those that have cosponsored it; and I'm hopeful that the rest of the Missouri River Representatives will take a look at it. I'm under the understanding that there will be a companion bill introduced in the Senate. Hopefully, it will be bipartisan. That will give us some more incentive to get this done this fall while there's still time to address this issue. If we fail to do so, this river will be managed for another year the same way it was in this past year.

Could I inquire as to the amount of time I have remaining?

The SPEAKER pro tempore. The gentleman has 2 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker.

I will then just conclude this discussion on the river and not address any other subject matter.

We have not, as a Congress, looked at this Missouri River issue. It's a natural disaster that has been, to some degree, mitigated by the Corps of Engineers. Some of those decisions were awfully tough on a lot of people, and I believe we have an obligation to manage this river system, to protect us from serious downstream flooding, to set that priority and to set the levels, not at 16.3 million acre-feet anymore, that was 1881, but to increase those million acre-feet, not all that much, but enough to protect us from that serious downstream flooding.

If the Members of Congress that represent those areas come together

unanimously, we can move a piece of legislation through this Congress, and I would think we could do it under suspension. It's a no-cost piece of legislation. It is a commonsense piece of legislation. It really isn't all that tricky, although we went through all 450 pages of the master manual, and it was hard to write; but now it's a pretty simple solution to a complex problem. I would urge my colleagues to take a look.

I would thank all of those involved for their public statements last night in Omaha and all the meetings that will be taking place up and down the river. I thank the Corps of Engineers for their cooperation in getting me accurate data to work with. And I look forward to resolving this issue, at least for the long term, while we help put people back together in an individual basis in the short term.

With that, Mr. Speaker, thank you for your attention, and I yield back the balance of my time.

JOB CREATION AND THE AMERICAN DREAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 30 minutes.

Ms. SUTTON. Thank you, Mr. Speaker.

I'm happy to be here on the floor in a way tonight because it gives me a chance to speak up for so many Americans, so many Ohioans that I have the great privilege to represent from Ohio's 13th Congressional District. The people that I have the honor to serve are hardworking folks, people who want nothing more than a government that works with them and not against them.

In recent days we've seen and, frankly, for weeks now we've seen a number of Americans out in the street. The Occupy Wall Street movement has grown. It has spread throughout the country, and we still hear some people say that they're confused about what it is, that those who are out there protesting, what is their message.

Well, a few weeks ago I traveled to Wall Street and joined the protesters to see what it was that brought them there. And while there are a number of voices, there was one theme that was extraordinarily consistent; and, really, what that theme was is there are so many people out there who are struggling. And they are just begging to be heard, heard by those of us who come here to represent them. And they want to be heard, not just their voices, but they want to see their voices reflected in policies that will improve their lives and their opportunities in this great country.

We are a great country because we have a strong middle class. We have upward mobility that allows people who are willing to work hard, it's that

American Dream, that if they're willing to work hard, that there will be a chance for them to take care of themselves and their families and find a way to live in a comfortable manner. But that dream is slipping away from so many; and so we see them gathered, sometimes at these protests, and we see them when we go home to our communities, because we know that American families have been suffering under the effects of this recession.

And at the same time American families, so many workers and others are suffering, we're seeing some here in this body, and beyond the House of Representatives, we see them continuing to look out just for those who are at the very top of the heap. And so thus comes the phrase, "we are the 99 percent" that we hear echoed on Wall Street and throughout the United States, because they want to be recognized. They want to be heard, because the top 1 percent, those who control so much of the wealth and so much of the power in this country, they have a lot of money to speak with. They can speak through campaign contributions, and they do. And they can speak through sometimes secret committees that impact elections and impact policy, and they do.

But who will speak for the rest of the people, for policies that will make sense to the American people, those who I have the privilege, as I said, to represent in Ohio? Those hardworking folks who just want a job, who just want a fair shake, who just want an opportunity?

I believe in them. I believe in the American people, and I believe that if given a chance, they will take that chance and they will climb that ladder of opportunity. That's why we see kids, see students out in those protests. We see them, who have done everything we've asked them. They've gone to school, they've gone to college, and now they're trying to pay off that college debt, and there's no job.

□ 1820

And instead of being focused on jobs here in this body, here we are at the end of October and the Republican majority has not brought any jobs agenda forward. Oh, yeah, we hear about—what do we hear about? We hear about the need for more deregulation. Well, the very thing that brings some of those to Wall Street, the fact that we had deregulation. Deregulation. It wasn't the college students that I speak of who drove our economy off the cliff, it wasn't the kids on Head Start, and it wasn't our seniors; and yet it is those groups that are being targeted here for cuts instead of those who drove our economy off the cliff.

All that people want is for everybody to pay a fair share and for people in this country to have the chance, for those who are in the middle class to

stop getting squeezed, and for those who aspire to the middle class to be able to reach for that dream that has served us so well.

So that is why I come to the floor tonight, to speak up for those who are out there who are begging to be heard, not only their words, but to have their words reflected in a better way and a better day.

So here tonight I'm very honored to see my colleague, Representative TONKO, who is a great leader, a man of great compassion and thoughtfulness, a problem solver, somebody who's looking for solutions for the people. The most innovative and capable people in this country have joined me tonight. Thank you, Representative TONKO, for being here.

Mr. TONKO. My pleasure, Representative SUTTON, and thank you for bringing us together into a format of thoughtful discussion on the House floor.

You're very right. It's about the American Dream, pursuit of the American Dream. And I believe what many people across America are espousing right now is take a look at the problem from its broadest perspective in order to propose the solution. And if we are just going to do an instant snapshot and not really deal with the facts at hand, it will get us in trouble. It will be wasted energy. We'll be spinning our wheels.

What they've suggested is looking back at how we came to the problem. We borrowed totally for a millionaire-billionaire tax cut. We borrowed from China and Saudi Arabia to give everyone in that category a tax break. Now, borrowing has happened throughout the course of government and there are oftentimes societal needs that get met. So I would ask: What was the good that was bought here? And it translates into a loss of 8.2 million jobs. So we borrowed from millionaire-billionaire tax cuts and from foreign economies in order to get a result of 8.2 million jobs lost. That's the starting point.

And this Presidency, the Obama Presidency, has been about growing jobs, providing the reforms that are essential. And so today, people are speaking out. They're speaking out about the fundamental unfairness that exists out there, and they want that transformed into fairness.

They know, they acknowledge, and we agree that people struggle to find a job. They are struggling, as we speak, to find a job. They struggle to keep a job. They struggle to make ends meet. This is the fight. This is the concern. It's about empowering the middle class and empowering the purchasing power of the middle class, which serves all income strata tremendously well.

If we have a robust middle class, if we have a purchasing power that is enhanced, people then begin to invest.

They begin to share that with the regional economy, State economy, and national economy. It's as plain as that.

People are now connecting the dots. They saw where we went with the policy of the past, they saw the deep hole that drove us into, and now they're saying, we want reform, fundamental reform. It's about providing justice to the middle class.

I am so happy that you're here encouraging this discussion. The dialogue must be carried forth in order to share with the general public exactly what happened and what needs to occur now as we go forward.

Ms. SUTTON. I thank the gentleman.

And you put it so very well, and this chart also helps us begin with the starting point for what people out there are feeling. They know that something is fundamentally unfair. They know that something is very, very out of whack. They know that our economy suffered a Great Recession. They know that they are still suffering a Great Recession.

And do you know what else they know? They know that Wall Street has recovered. They know that in 2009, after receiving trillions in taxpayer-funded bailouts, the top 38 financial firms gave record pay to their employees during that Great Recession. So they're calling on us for some increased fairness, taking some of this and translating it into opportunity. After all, it was the taxpayers who came to their aid.

I am now happy to welcome Representative JOHN GARAMENDI, a great leader, a guy who understands that we need to create jobs in this country, that we need to make things in America.

Representative GARAMENDI, thank you for joining us.

Mr. GARAMENDI. I thank you very much, Representative SUTTON and Mr. TONKO.

It's good to be back on the floor and to talk to you and to be talking about basic fairness, about the basic fairness of: How is America going to get back on track? How are we going to create the jobs?

I did a town hall in my district on Wednesday this last week, and the subject matter on everybody's mind was the jobs: How are we going to get a job? How am I going to stay in my home?

There is a way to do it. The American Jobs Act that the President has proposed—I suppose had that actually been proposed by anybody else it may very well have passed the Senate. But the American Jobs Act actually has the ingredients to get Americans back to work.

Just this week, I guess it was actually last week now, the Senate took up a couple of pieces of the American Jobs Act, a bill that would put 200,000, almost 300,000 teachers back in the classroom and about 100,000 police and fire-

men back on the streets to protect us with a one-half of one—one-half a percent increase in taxes on those who have an adjusted gross income over \$1 million. And the Senate Republicans killed the bill with the filibuster, didn't even allow it to come to a vote. So with the filibuster, they were able to kill a bill that would have put 400,000 Americans back to work in the classroom, on the streets for policing, and protecting us with firemen. I wonder what they are thinking.

There's a basic gross unfairness in that, that middle class teachers lost their jobs because of the recession; lack of tax revenue at the county or State level, they've lost their job, and because the Republicans in the Senate and in this House refused to put a little teeny, tiny tax on millionaires' income, those people can't go to work. Where do you stand in fairness?

And this Wall Street business. OMG—text this, folks. The Wall Street bonuses—you have 2009 on your chart there, Ms. SUTTON, but the Wall Street bonuses in 2010 and 2011 are even bigger. Extraordinary income for Wall Street while teachers cannot get a job, while police and firemen are out of work, where protection in our community is not available. And the Wall Street barons are continuing to make money, and they're not making loans. They're doing this by simply gambling in computerized trading. And it's got to stop. This basic unfairness has got to stop.

Thank you so very much for bringing this to our attention. And you wonder what this Occupy Wall Street, occupy cities across the Nation, that's what it's about. People in their gut know something is wrong and it's just not right.

Ms. SUTTON. You are so right, Representative GARAMENDI. And at a time when all elected officials across all levels of government should be focused on jobs, we see our colleagues across the aisle here, the Republicans, offering nothing by way of jobs, and we see them fixated on protecting millionaires and billionaires and Wall Street banks that helped to drive our economy off the cliff.

At the same time, they look to go after things like Medicare that our seniors depend upon. They look at cuts for nutrition programs that are so desperately needed. They want to take it out of the hide of our workers. It wasn't our workers who drove our economy off the cliff; and, frankly, they are not part of the problem.

Getting them to work, back to work, the American people back to work, is the key to solving our problem. And they want us focused on jobs.

So I'm so grateful that you are here, and I'm glad that, Representative TONKO, you are here to stand up for common sense, for a future that is as great as our past.

Representative TONKO.

Mr. TONKO. Absolutely.

Before I came to the House just 3 years ago, I served as president and CEO of NYSEDA, the New York State Energy Research and Development Authority.

□ 1830

We saw what small business creation was about from an innovation economy perspective, from a clean energy perspective. We can grow our self-sufficiency for energy supply simply by moving toward an innovation model.

How does it happen?

We know most of the job generation in the last decade, if not the great majority of job creation, was done through small business, through the entrepreneur, through an investment in the ideas economy. If we were going to invest money, should it have been these tax cuts for those high on the perch or should it have been for those start-ups that needed their investments to grow jobs in the local regional economy?

That's what it's all about.

It's what people have told me in their statements as they've gathered in communities. They've said it's about the pursuit of the American Dream, but from their perspective, it's like the evaporation of the American Dream. It's fizzling away from them. They want to be able to embrace that dream. If they play by the rules and if they work hard, they should expect to achieve success, but we're taking that away from the middle class. We should provide the tools—give them the toolkit for job growth via small business, innovation and an ideas economy.

We drove an economy as an infant Nation. We developed the Westward Movement and then an Industrial Revolution, and we impacted the world with our product delivery through all of the factories across America. That pioneer spirit is still alive within us. It's within our DNA. Yet now, as a sophisticated society, we've grown to a new realm of product development and ideas, and we are in the midst of a need globally for all sorts of inventions and innovation for energy solutions, for health care solutions, for communications. We have the technical wizardry. We have the intellect. We have the intellectual capacity that needs to be embraced by this Nation.

The House ought to show leadership in that regard. We ought to tap into that resource and enable it to be the job manufacturing center across this country—small business, entrepreneurs, an innovation economy: moving ideas along from prototype to manufactured concept. That's how you make a down payment and investment in areas that grow an economy, not this rewarding of people simply because they're of an income strata and receive a tax cut at a time when we

need it to invest in an innovation economy. If you look at the global race on clean energy and innovation, countries are bulking up in their investments. They're investing in research and development. We're cutting those programs—the advocacy to cut.

The President has said in his American Jobs Act proposal to invest in research, to invest in the small business community, to invest in job creation. That's the sort of investment that gets America to the new realm of job creation. The investment that has been made to this point has been about investing in tax cuts. That's an order of spending that we cannot endure, so we need to go forward with, again, a strong agenda for the middle class.

It has been said over and over through the years: no pain, no gain. The middle class is absorbing all the pain, and they're now questioning: Where's the gain? They can't take the pain of overtaxation. They can't take the pain of unemployment. They can't take the pain of program cuts like Medicare, like Medicaid, like job creation, research moneys. These are the painful measures that have been induced their way, and they say "no." They say emphatically "no" to that. Now they want to know: Where are the jobs? They've asked the right question.

I am very proud of the conference in which we serve. The Democratic Caucus has been about manufacturing, about making it in America, the jobs agenda, tax fairness, policies that take us forward, not backward. So again, Representative SUTTON and Representative GARAMENDI, it is great to add my voice with yours in this House for a legitimate agenda for the middle class. It's about empowering our middle class—the strength of America, the fabric that takes us forward.

Ms. SUTTON. I thank the gentleman for his passion and for his brilliant remarks. There is brilliance in common sense, and we know that the American people get it. This is no secret. That's why they're speaking up. They're standing up for what has always made this country so great.

Mr. TONKO. Representative SUTTON, I've heard you talking on this floor about the plight of Ohio workers. I've heard you speak to the wisdom of sound investment for workers, that it's about empowering the worker. They have a voice in BETTY SUTTON that shows compassion, care and concern. They have a voice in Representative GARAMENDI about being smart about our agenda. We must see it through the eyes of the American worker—people who are being taxed unfairly because they make money through work—and know we're taxing differently those who make money on money. It's a different scenario.

Your advocacy, your passion, your empathy for workers is stated repeatedly from both of you on this floor, and

that's what should motivate and inspire us.

Ms. SUTTON. I hope that everybody will take that approach, and I thank the gentleman for his kind words. Do you know what? You're right. The workers can say it better than anybody.

When I went to Wall Street, when I traveled there to stand with those who were standing up for fundamental fairness and opportunity, that really is the essence of what it is. I've heard from so many people in Ohio, and they've put it so well. I'll just share a couple of remarks they sent my way.

Jessie from Silver Lake, Ohio, says:

A strong working middle class is what drives an economy, not 25 percent of this country's wealth in the hands of the upper 1 percent. In a democracy, all votes should have the opportunity to rise. There will always be some with more money and some with less money, but this disparity now is disastrous for our future.

Debbie from Avon, Ohio, says:

We need to stop corporate greed. The rich are continuing to get wealthier and not pass down opportunities in the form of jobs to the people who are the most needy. People want to work for a living. We need the people who are benefiting the most to give people an opportunity by creating jobs. My fear is that we're creating a society where there is strong resentment.

Alice says:

Many big companies have not created jobs in the U.S. Instead, they've taken many of their jobs to the countries with the cheapest labor, the least regulations and few employee rights. This flies in the face of the Republicans' concern that taxes on the rich mean fewer jobs.

On that point, every day in the United States we are losing 15 factories. Yet, here on this House floor, those on the other side of the aisle are content in trying to protect the loopholes that encourage jobs to be shipped overseas. We don't think that's a good idea. We don't think that's good for America. When I pledge allegiance to the flag, I pledge allegiance to the flag of the United States of America; but when multinationals pledge allegiance to the flag, I don't know who they pledge allegiance to.

I think it's really important that people down here stand up for U.S. manufacturing and U.S. workers. Close those loopholes that continue to help ship our jobs overseas, and make some sense, frankly, of our trade policies. We need to really crack down on unfair trade practices like the currency manipulation. We passed that bill through the House last year, a bill that would have reined in China's currency manipulation. It is ready to go again. It passed in a bipartisan way. If the Speaker of the House would just bring it to the floor, we know that we would

pass it. It's estimated it would create a million jobs. It could make the difference of a million jobs, and would cost us nothing.

Yet, Representative GARAMENDI, there you stand with a plaque that is really important because, instead of going for those million jobs, what do we have?

Mr. GARAMENDI. What we have is the Republican agenda. The Republicans have now been in control of the House of Representatives since January—over 10 months now—and they have not produced one jobs bill.

You were talking about the issue of shipping jobs overseas, and it is true. The American tax system, prior to December of last year, gave a tax break of some \$15 billion a year to American corporations for every job they shipped overseas. The Democrats, by a democratic vote, passed a law that eliminated that tax break. Not one Republican voted to eliminate the tax break that American corporations had when they shipped jobs offshore. Just so you know where people are in this House, the Republicans refuse to end the tax break that American corporations had when they offshored jobs.

□ 1840

The Republican agenda: no jobs. That's their agenda. They talk about cuts. Every time there has been a cut—and there's been numerous cuts. We've been through this for the last 10 months. Everybody's cut is somebody's job. They've lost that job.

What we need is a different agenda. What we need is a Democratic agenda. What we need is a better deal for America.

And it's this: We'll Make It in America. We will build, we will rebuild those parts of the American economy that create jobs, solid jobs.

You mentioned the China currency bill. Yes, it is true, and they say American businesses can't compete. That was directly from our Republican colleagues. That's not true. Economists say over and over again the American industries can compete on a fair level playing field.

But when China has its currency 25 to 30 percent cheaper, there's no way we can compete. It is unfair; it's unrealistic. It has got to end. The Senate passed that bill. The Speaker of this House has refused to allow the Chinese currency bill to come to the floor for a vote.

We passed it last year when the Democrats ran the House. This year, with the Republicans, apparently they want to make sure China succeeds and America fails.

Bring the bill to the floor, Mr. Speaker. Bring the bill to the floor so that we can vote here in this House on the Chinese currency bill and end the unfairness. And if they want to continue, China wants to continue to undervalue

its currency, then we'll put a tariff on their goods coming in here, and we will have a level playing field.

We need a better deal for America. Here's the Republican deal: no jobs, no jobs. That's what they are about.

We are about building jobs in America. We're about Make It in America once again, helping our manufacturing sector, creating those middle class jobs; and we can do it with fair tax policy, as Mr. TONKO has so eloquently explained, and for the manufacturing policies that you have, Ms. SUTTON.

Thank you so very much for the opportunity to be on the floor with you and to talk about making it in America, rebuilding the American middle class. We can do it. This is a great country.

Ms. SUTTON. I thank the gentleman. I thank you for laying it out in very simple terms.

I mean, the fact of the matter is we can invest in America. We can put people back to work because we do have a long-term deficit that we're going to deal with, but the biggest deficit we have right now is a deficit of jobs.

And we have no deficit of work. There is much to be done, and we've got a lot of people trying to do it, wanting the chance to do it. We could build our infrastructure; and when we build our infrastructure, we can do it with American iron, steel, and manufactured goods.

Mr. GARAMENDI. And how about the President's proposal, \$50 billion?

Ms. SUTTON. The President's proposal to put people back to work. We can't get rid of the long-term deficit in this country unless people go back to work.

This is a great country that we have the privilege of serving, and we just want to make sure that we do right by the country and by the people who we are here to represent. We have heard it before, we know we have heard those out there who say corporations are people. Well, I say people are people, and those are those people I'm here to support.

Representative TONKO.

Mr. TONKO. Well, Representative SUTTON, you know, I hear people who listen and endorse our concepts, but they'll ask, well, how do we afford these investments? Well, the work done here in the House on the floor, in the United States Senate is all about priorities. So it's establishing the right priorities.

I have a bill that would cap well below the 700,000 that we now allow for contractors to this government, to have that reduced. We need to belt-tighten inefficiency, waste, fraud, outmoded programs. Go after it, but don't cut programs that serve the middle class and invest in job creation. Establish the right priorities.

I know we are running out of time, so thank you for bringing us together on the House floor.

Ms. SUTTON. Thank you, Representative TONKO. Thank you, Representative GARAMENDI. We do need to stand up together, stand up for seniors, push back those attacks on Medicare. We need to stand up for workers.

We need to stand up for jobs, and we need to stand up and make sure that those who have done well in America do well by America. Wall Street and everyone needs to pay their fair share. I yield back the balance of my time

SOLVING OUR FISCAL PROBLEMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Wisconsin (Mr. RIBBLE) is recognized for 30 minutes.

Mr. RIBBLE. Mr. Speaker, I come tonight to talk a little bit about our Nation's fiscal problems and work that the supercommittee is going to be doing, and I want to challenge them to think big, go big and try to solve our problems.

Over the next decade, the Federal Government is projected to spend more than \$43 trillion. If the supercommittee only cuts \$1.2 trillion, as required by the Budget Control Act, we reduce Federal spending by only 2.7 percent. If the supercommittee would go big and agree to cut \$4 trillion over 10 years, we are still only cutting the Federal budget by 9.1 percent.

Mr. Speaker, we can do better, and we must do better. We cannot continue to spend our Nation's future away. My children, my grandchildren deserve so much better and so much more.

I'm proud tonight to stand here with one of my colleagues, the gentleman from Oregon, to have a discussion tonight about this very issue. Republicans and Democrats alike, we believe that we must do more, be more and be better for the next generation of Americans.

With that, I would like to yield some time to my colleague from Oregon.

Mr. SCHRADER. Thank you very much. I really appreciate the opportunity to be here on the floor doing a colloquy with a Republican colleague of mine. That's not common these days. Perhaps in the not-too-distant past it was more common, but I think it shows that there's an opportunity for actually good big-picture agreements on what we need to do in general, although we may disagree on some of the particulars.

I'd like to point out some of the real problems that my colleague from Wisconsin alluded to. First and foremost, I have got a chart here that talks about the amount of money we're actually borrowing to make our payments in this country. He's right, we're spending way too much. We're spending almost \$3.6 trillion. Our revenue's only about \$2.2 trillion. We're borrowing almost 40 percent of what we spend.

You can't do that in your household, folks. You can't do that in your small business, and we shouldn't be doing that and can't do that as the greatest Nation on Earth and keep our fiscal balance sheets in play. Right now our debt is almost up to \$15 trillion, and our deficit has been stuck at \$1.3 trillion for the last 3 years.

The projections are even worse. I would like to show a chart that shows the long-term projections, given the current rate of spending at our level of revenues, which are quite low at this point in time.

It's a little bit busy, but there's a grayer portion down below you can see that talks about the actual current law budget. That's the stuff that my friend in Wisconsin and I have to budget to that the Congressional Budget Office puts out.

But the real budget is what the Committee for a Responsible Federal Budget talks about. That's the real long-term debt that we're dealing with. That assumes, unlike the current law budget, that we're not going to eliminate all the tax breaks to middle class Americans, different corporations. It assumes that we're not going to have docs have to pony up a 30 percent cut in their wages to make ends meet, and it also assumes that we're going to do something to keep the alternative minimum tax from affecting middle class Americans.

I would also like to point out that this is not a good picture. You look at what's happened historically, we're in a really bad situation at this point in time and there are some pretty big historical drivers to this.

I'd like to switch to a different chart. This chart shows historically where our revenues and our spending have been. The top line here is our spending; this lacquer line down below is our revenues. They have been a little out of whack forever.

Only during the years when we had a Democrat President and a Republican Congress were they back in good shape. That was just 15 years ago.

But you can see that we historically have had our revenues probably in the 18 to 18.5 percent range and our expenditures in the 20 percent range, not great, but we're worse now. We're at 25 percent and spending and only 14 or 15 percent in revenues, to emphasize the point my colleague from Wisconsin made. So we've got to really work at getting this stuff back under control, or we're not going to be where we need to be.

I'd point out real quick that to that point, we're actually giving away almost a trillion dollars in tax breaks. And I think my colleague has some good points he's going to make in a moment on that. And we've got to get this Tax Code under control.

As a small businessman, you can't possibly do your own tax; you can't

even come close. When I started my veterinary business way back when—I'm not going to say how old I was, my friend—but I could actually do my own taxes. That's impossible these days. That's impossible, and it shouldn't be that Byzantine.

The other piece of the problem here is the entitlement system. People don't want to admit this, particularly people on my side of the aisle, but we're going broke here in the Medicare system. The bottom blue is Social Security. Medicaid and other health expenditures is the green. And Medicare is up at the top there.

And here's our revenue line. We're busting through with Medicare. That's not because of malfeasance. Yeah, there's some waste, fraud and abuse that we have got to get under control, and I'm sure we can get it under control.

But there are some simple economics here. In 1960, there were five workers for every one beneficiary.

□ 1850

Right now there are only three workers for every beneficiary; and in 2035, there will be two workers for every beneficiary—less money in to take care of more folks. Back in 1975, we had about 25 million beneficiaries, I believe. Now it is almost 89 million beneficiaries. And the cost per Medicare recipient has gone through the roof. We are living longer, hopefully living healthier lives. In 1975, we spent about \$2,000 per Medicare enrollee. That's hard to believe in this day and age. Now it's \$18,000.

So more people, more expensive care, which is good quality care, and frankly fewer workers to provide for the benefits adds up to this huge growth in spending that will be facing us over the next few years unless we get our act together at this point in time.

Mr. RIBBLE. I thank the gentleman, and I appreciate the slides and the discussion. Our country is facing a demographics problem. Right now our birth rate is getting close to replacement levels, and the circumstance that my colleague just showed with Medicare and Social Security spending outstripping our ability to pay is in part because of this: we have a declining population and will have.

I have a grandson who is 8 years old today; and when he reaches age 65, nearly 47 percent of the U.S. population will be age 65 or older. And so this problem if we don't address it soon will simply get worse. And so the sooner we get at it, the better.

We need to take a look at all areas of spending, and we also need to take a look at revenue. My colleague just mentioned the need for tax reform, and I couldn't agree more. Our tax system is notoriously complex, forcing families and employers to spend over 6 billion hours and over \$160 billion a year

trying to negotiate our Tax Code. Comparatively, the U.S. spends \$50 billion to \$60 billion per year on pharmaceutical R&D which has the potential to save lives.

I'd like to show the American people this is what our Tax Code looks like. It is over 9,000 pages long of fine print, and no one can really understand it. I want to compare it to something else because I think this is salient. This is the United States Constitution. When our Founders founded our country, they were able to print this on about 30 pages right here. And yet today, our Tax Code is almost 10,000 pages. And inside this document are myriad ways that businesses and individuals can find loopholes, places to hide, and places to basically kind of dictate how they can apply their taxes and how taxes are applied to them. We need to simplify the Tax Code for sure.

I would challenge the committee as they look at ways to consider removing loopholes, removing tax deductions, and simplifying this Tax Code so that we can have a Tax Code that is fairer, simpler, and easier for the American people, the idea that we are spending billions of hours to do tax returns.

Take, for instance, my own small business. During my career, I had C corporations and S corporations and LLC corporations, but I chose to operate those corporations as pass-throughs. We would pass the profits of those corporations through to me as the shareholder and through to our employees, and we would pay those taxes at a personal level. And so it's easy to say, well, let's just change the Tax Code for businesses. But if we don't change the Tax Code for every American to make it fairer, simpler and easier to comply with, we really don't get at the problem.

I also want to talk a little bit about identifying the problem correctly, because I think sometimes here in Washington, D.C. we might connect the dots, but we don't often connect the right dots. Let me show you a slide that talks about consumer spending. I think the idea is if we discuss consumer spending, most Americans would say that consumer spending goes down during recessions and therefore we should come up with some type of tax reform, give a \$200 tax credit or 2 percent tax credit so we can boost consumer spending to get our economy going again.

But if we look at it historically, each of the dark lines here represents recessions that our country has faced. In the very last recession, we had a very modest drop in consumer spending, but if we feel that we have identified the problem in consumer spending, this chart shows that consumer spending is not the problem. It's not the problem. Now, did it drop a little bit? Sure. It dropped back a year and a half or 2 years' time, but it didn't drop much.

So if we just try to fix that—in fact, consumer spending today is up higher than it was during the recession. So if we continually tell ourselves that consumer spending is the problem and we try to fix it, we are not really identifying what the real problem is.

We need to remember what put us into this mess, and it was really a housing crisis. And, in fact, housing has not come back at all. Anything that we look at as far as trying to fix our economy, spurring job growth, I believe we need to take a look at our Tax Code. We need to take a look at the regulatory environment. We need to take a look at energy policy. We need to take a look at home construction. Those types of things will help spur economic growth. Those are the types of things that we need to focus on that will actually begin to change the dynamics of the U.S. economy again.

I'll turn it back to my colleague.

Mr. SCHRADER. I thank you. Yes, we need to get this economy going again. The bottom line, while everyone is looking for a magic wand from Washington, DC, private enterprise is the real engine of economic growth. My colleague has talked about that and has a chart that will demonstrate that.

The point being here that it's going to take a huge lift and a huge push by this committee to go way beyond what anyone has ever considered in the past. I mean, I would like to remind America we already passed this Budget Control Act in August that set some targets for our domestic and defense discretionary spending, but that's only a third of our budget. Two-thirds of our budget is the mandatory payments, some of the entitlement programs that I pointed out a minute ago, as well as ag payments and other income stream payments for special groups. We've got to get our mandatory payments under control to make sure that we get on a trajectory that's going to make a difference.

A lot of people say let's just cut defense or get rid of the Department of Education. I'm not sure that I agree with all of those ideas out there. Certainly we could reduce in both of those Departments; that's a good idea. But what I have to point out is our current deficit is \$1.3 trillion. That's more than the combined budget of the defense and domestic discretionary programs. So you have to get at the long-term programs and the revenue issues that my colleague and I are talking about to actually put this country on a different trajectory.

How do you get that business to start investing? How do you get private enterprise to be part of the engine of economic growth? Well, we may agree or disagree on the floor here. There are a lot of different ways; you've seen that in Congress this past year. But I would point out to my colleagues that at the end of the day, it was Republicans and Democrats that passed the CR, the continuing resolution, for 2011. It was

Democrats and Republicans that voted to put the Budget Control Act in place, and it was Democrats and Republicans that voted to make sure that the 2012 budget came out the way it was.

So while I think the rest of the world thanks the media and looks at us as huge failures, and certainly we could do better, at the end of the day when the chips are down, maybe at the last minute, we seem to be delivering. And it's up to the supercommittee to do the same.

Right now they're charged with only coming up with another—"only," I say, relative terms—as a small business man, I can't believe I'm saying this, REID, but only \$1.2 trillion or \$1.5 trillion. That's a hunk of money. But to solve this problem, according to the credit agencies, top economists in this country, think tanks and working groups from Simpson-Bowles, Rivlin-Domenici, Congressman RYAN's work, they've all indicated we have to do much more than that to change the trajectory of our country's financial future; and that's getting close to a \$4 trillion change overall.

We made a down payment. The committee is charged for doing only 1.2 or 1.5, but that's not enough. They have to double up their charge to get to at least \$4 trillion or more in savings and revenues to close that gap.

Right now we can argue—we probably have different opinions about where we want to be as far as how much debt we should hold, what's the right amount of deficit on an annual basis, but a lot of folks think if we get our debt down to 60 percent of GDP in the near term, going more later on without harming the recovery is the main question there, and also get our deficits down to 3 percent of GDP on an annual basis, that we will be in a much better spot, a spot where we will not get our credit downgraded by Moody's and Standard & Poor's and all these guys.

□ 1900

So we have a lot of work to do, I think. And this committee is going to have to really go way beyond the natural divisions. This is not a simple exercise. Everybody's cut is someone else's sacred program. If I had a big defense base in my district, I would probably look at the Department of Defense a little bit differently. But I do think there's some opportunities in contracting and weapons procurement. I want to protect the men and women on the ground just like my colleague from Wisconsin does. But this is not enough. We have to look at the bigger cost drivers. And that's in our revenue system that's terribly broken.

I'd point out another idea that's out there that I happen to subscribe to—it seems to get some horsepower in my town halls—is the Bowles-Simpson approach to tax reform. What they do is

talk about changing the tax rates and the tax breaks. They get rid of all the tax breaks. That's a scary thought. We'd have a lot of people with lifetime employment trying to get those back, wouldn't we? Get rid of all those tax breaks and reduce everyone's tax rates. We give away so much in revenue that we can reduce the tax rates for every single income bracket and still put money on the table to pay down on our debt and maybe keep a couple of programs alive.

Their proposal reduces on average the low-income tax rates from about 15 to 8 percent; the middle class from about 22 down to about 15 or so percent; and the higher income and corporate income taxes from about 36 to 39 percent down to about 28, somewhere in that range. If we went to a territorial tax system along with the individual changes—because I agree with my colleague you have to do individual and corporate together or it doesn't work for the reasons he talked about with an S corporation. I'm a small businessman, too, and I got taxed on stuff that I was paying principal on, that I was investing in. I didn't see it at my dinner table or in my personal bank account.

So we've got to really fix the system. That's a great way to go. I guess I wouldn't advocate getting rid of all the tax breaks you probably had some defined amount in. But not a trillion dollars. Maybe something that goes away after 10 years. We pick things that actually make America more competitive, put us on an economic trend where we need to grow, and actually can grow, businesses and get businesses to make that investment that they're holding off on at this stage of the game.

Mr. RIBBLE. Let's talk a little bit about that investment. I think the idea here is we often think that the investment has to come from Washington, DC. But the key to reducing unemployment is restoring private investment, as this chart shows. Every single time that private investment goes down, unemployment rises. Private investment goes down, unemployment rises. And there is a key linchpin to our economy, and it's related to private investment. Companies like mine and like my colleague from Oregon, his company.

If we don't modify the tax code, if we don't fix the regulatory environment where there's so much uncertainty, if we don't address these things, then businesses are afraid and fearful to invest. And right now that's exactly what we're seeing in the U.S. economy. There's more money sitting on the sidelines than ever. We hear about it every single day. And that fear factor is keeping our economy from moving forward. And without private investment, it's difficult to drive unemployment levels lower. And we need to drive unemployment levels lower as

quickly and as in fast order as we possibly can to put Americans back to work.

I agree also with your comments about the spending habits and how we have to address the key drivers of our debt, which include both the mandatory spending in entitlements like Medicare and Social Security as well as the large discretionary spending in defense. It isn't an either/or. It must be a both/and. Unfortunately, for some reason it's difficult for us to get there because every single Member represents a different district. The makeup of their districts are different. I come from a district that's very agricultural. So farm subsidies and discussions about agriculture, whether it's meat production, whether it's dairy and cheese production, or whether it's corn production, play into our Nation's deficit and debt.

And we know that the pie has to get smaller. And at some point we have to be honest with the American people, Mr. Speaker, that we must begin to reduce the size. And that means Federal largesse has to go down, and we must encourage private investment to spur economic growth and get this country moving again. But there are things that are also obstructing it, and that is the idea that sometimes we end up demonizing really great ideas, really good ideas, or even we demonize ideas that aren't so good. And I'll tell you, the way we speak to one another not just in this Chamber but in the media, how we talk to each other in our campaign commercials and what have you, I think destroys confidence. I think it hurts the system. I think it damages debate. I think it keeps good men and women from possibly running for an office like the one that I hold here. And we have to somehow, some way, find a way to begin to speak to each other like adults. The things that we teach our children when they go to kindergarten, we could learn here.

We have to learn to be able to listen with open ears and see each other in a different light, and begin to actually have solid debate about ideas without criticizing the person, without demonizing the individual, and without demonizing the idea. Let's instead open our debate, open our ears, open our eyes, and find solutions so that our children and grandchildren can have a brighter and more prosperous tomorrow.

It's part of the reason that my friend and colleague from Oregon and I came to the Chamber tonight, so that we could have the conversation and demonstrate to the American people that it is possible to treat each other with respect even when we have some disagreement. And I think we're trying to demonstrate that tonight.

Mr. SCHRADER. Will the gentleman yield?

Mr. RIBBLE. I yield to the gentleman from Oregon.

Mr. SCHRADER. I totally agree with the gentleman from Wisconsin. Far too often maybe I haven't done my duty and come down to the floor and spoke up with friends and colleagues across the aisle like we're doing here tonight. It gives the American people that watch C-SPAN or CNN or you name the show the idea that everyone is out here just for political gain and scoring their points. I think Wisconsin and Oregon folks can smell what is really honest discussion and what is just the talking points off the latest poll that you or I did last week. I think we've got to get past that.

When I go back home, people are more concerned about, just get along. They're past the point almost, except for the extremes, in criticizing me or the work here. They just want us to start to get along and do what the gentleman from Wisconsin is talking about—and that's work together and recognize that you're not going to get all your way, I'm not going to get all my way. Your ideas are as valid as mine, and me talking to you for another 20 days on the floor isn't going to convince you that your ideas are all worthless. And I've got to get over that. I've got to recognize the fact this is a big country. What's good in Wisconsin may not be perfect for Oregon or Texas or Miami or San Francisco or New York, but it has a valid point.

I think at this point in time it's "put up or shut up" time. This country is in a world of hurt not like I have ever seen in my lifetime. I hope never to see this again in my lifetime. I have got two young boys at home; one is out of a job, the other is trying to get a job. Just got out of college. I'm lucky my other kids actually have jobs right now. I thank the lucky stars.

But it's a tough, tough environment out there. We don't want to end up like Greece. I guess that's the poster child for America to look at in a negative way. Greece, right now their debt is 150 percent of GDP. That's 150 percent, folks. That country is imploding as we speak. The European Union is trying to help bail them out. Well, what is going on? Actually, right now, Greece is scaling back its pensions dramatically, increasing property taxes significantly, and cutting income tax exemptions by 40 percent. That should have happened a while ago.

Well, here's what they did a while ago. They already increased tax rates, raised excise taxes, and already had a reduction of 15 percent in public wages. This is going to be our country's future if we don't take the little steps now. They seem harsh, they seem tough. But as my colleague spoke very, very eloquently about, we've got to do some little things now. Everybody's ox has to be gored a little bit to be fair, but not so much that you end up throwing people out on the streets.

We can make our Medicare and Social Security programs stronger. We

can have a tax code that's more friendly to small business and makes us more competitive internationally going forward. We just have to have the courage to step up and do that.

I, for one, am going to stand with my colleague from Wisconsin behind this supercommittee if they go big. If they just kick the can down the road by doing the \$1.2 trillion minimal, what I need to do to get out of Dodge thing, I'm going to be critical. But if they actually are big and broad-thinking, realize their kids and their grandkids have a stake in this, and that the future of our country—we will end up a second-tier country. And that's not a dramatic statement. It is a fact. If we do not come up with a \$4 trillion comprehensive approach overall, including the \$900 billion we already put down, we will be downgraded significantly. I think, by every single major rating agency.

□ 1910

China's currency will look a lot more attractive potentially than the U.S. dollar. If it looks like America is headed the way of the European Union, businessmen and -women are not going to be wanting to invest in America. They're going to invest anywhere else—India, China, Brazil, maybe even Russia. That's not a prospect that I want for my kids' future or my country's future.

We have a lot at stake at this point in time. Failure is not an option. Failure is clearly not an option. I think we need to put aside partisanship, look at the big picture, and not poke each other in the eye.

Look at the Senate the other day; right? Do you remember that? Here the Senate, we're coming back from our work period, and the Senate has two interesting votes. On the surface, both pieces have merit. One was—in my opinion anyway—let's do a deal where we help schoolkids have teachers, make sure we have first responders, but the way they pay for that is they poke the other party in the eye by saying, well, we're going to have this millionaires' tax. That is political rhetoric, folks.

The next vote is a 3 percent withholding vote, which is part of the President's program to, frankly, get the onus of this potential tax off of businesses and contractors so they get back to working without having to pay the government money they don't have right now. But that's paid for with a 20 percent cut in domestic discretionary spending—poking the Democrats in the eye.

That's not what this country should be about. That's an example of how to do it wrong, scoring political points.

I'd like to think this next election—and, frankly, the future of this country—relies on people like my friend over here from Wisconsin that's willing

to put that partisanship aside, look at the big picture, do what's right for the country, take the hits.

I'm getting hit back home on my discussions, the stuff we're talking about, but I'm explaining to folks—and maybe I'm lucky, coming from Oregon. Folks are actually willing to listen a little bit. But I think most Americans are willing to listen if you have smart people like my colleague from Wisconsin willing to lay it out for you where it just makes sense.

I thank my colleague.

Mr. RIBBLE. We have just a few minutes left. I want you to know that my colleague Mr. SCHRADER and I, together with Representative ROONEY, sent a letter to the supercommittee, and I'd like to just read it to the American people:

"We write to you as a bipartisan group of Representatives from across the political spectrum in the belief that the success of your committee is vital to our country's future. We know that many in Washington and around the country do not believe we in Congress and those within your committee can successfully meet this challenge. We believe that we can and we must. To succeed, all options for mandatory discretionary spending and revenues must be on the table.

"In addition, we know from other bipartisan frameworks that have targeted some \$4 trillion in deficit reduction is necessary to stabilize our debt as a share of the economy and to assure America's fiscal well-being.

"Our country needs our honest, bipartisan judgment and our political courage. Your committee has been given a unique opportunity and authority to act. We are prepared to support you in this effort."

My colleague and I have backed and encouraged the supercommittee to go big, to look at \$4 trillion of deficit reduction, 9.1 percent. We know we can do that. It does not necessarily have to be draconian, and I know that we can get there.

And for the last minute or so, my colleague from Oregon, any last comments?

Mr. SCHRADER. I just want to say it's a pleasure to be on the floor of the House of Representatives in the United States Congress with a friend and a colleague that's willing to put country first. And I think this is hopefully the beginning of a good relationship in this body and brings our country out of its worst fiscal crisis since the Great Depression.

Mr. RIBBLE. Mr. Speaker, I yield back the balance of my time.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 489. An act to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes.

H.R. 765. An act to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

H.R. 1843. An act to designate the facility of the United States Postal Service located at 489 Army Drive in Barrigada, Guam, as the "John Pangelinan Gerber Post Office Building".

H.R. 1975. An act to designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the "First Lieutenant Oliver Goodall Post Office Building".

H.R. 2062. An act to designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the "Matthew A. Pucino Post Office".

H.R. 2149. An act to designate the facility of the United States Postal Service located at 4354 Pahoehoe Avenue in Honolulu, Hawaii, as the "Cecil L. Heftel Post Office Building".

ADJOURNMENT

Mr. RIBBLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, October 26, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3576. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Navy Case Number 10-02; to the Committee on Appropriations.

3577. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received October 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3578. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-201-0002] [Internal Agency Docket No.: FEMA-B-1215] received October 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3579. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8197] received October 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3580. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Early Intervention Program for Infants and Toddlers With Disabilities (RIN: 1820-AB59) received October 5,

2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3581. A letter from the Secretary, Department of Health and Human Services, transmitting The Sentinel Initiative — A National Strategy for Monitoring Medical Product Safety, pursuant to Public Law 110-85, section 905(c); to the Committee on Energy and Commerce.

3582. A letter from the Administrator, Environmental Protection Agency, transmitting the FY 2010 Superfund Five-Year Review Report to Congress, in accordance with the requirements in Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Energy and Commerce.

3583. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-093, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3584. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

3585. A letter from the Co-Chief Privacy Officers, Federal Election Commission, transmitting the Commission's Privacy Act Report for fiscal year 2010, pursuant to Section 522 of the Consolidated Appropriations Act for 2005; to the Committee on Oversight and Government Reform.

3586. A letter from the Chair, Federal Election Commission, transmitting the Commission's final rule — Interpretive Rule on When Certain Independent Expenditures are "Publicly Disseminated" for Reporting Purposes [Notice 2011-13] received October 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

3587. A letter from the Under Secretary of Commerce for Oceans and Atmosphere, Department of Commerce, transmitting the Department's report regarding the activities of the Northwest Atlantic Fisheries Organization for 2010, pursuant to 16 U.S.C. 5601 et. seq.; to the Committee on Natural Resources.

3588. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [Docket No.: 110210132-1275-02] (RIN: 0648-XA630) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3589. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Octopus in the Bering Sea and Aleutian Islands [Docket No.: 10126521-0640-02] (RIN: 0648-XA683) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3590. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Big Sioux River from the Military Road Bridge North Sioux City to the confluence of the Missouri River, SD [Docket No.: USCG-2011-0528] (RIN: 1625-AA00) received Sep-

tember 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3591. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; Eglin AFB, FL [Docket No.: FAA-2011-0087; Airspace Docket No. 11-ASO-0] received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3592. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Glendive, MT [Docket No.: FAA-2011-0560; Airspace Docket No. 11-ANM-15] received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3593. A letter from the Assistant Secretary, Civil Works, Department of the Army, transmitting the Common Features Project authorized by Section 101(a)(1) of the Water Resources Development Act of 1996; (H. Doc. No. 112—66); to the Committee on Transportation and Infrastructure and ordered to be printed.

3594. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a statement of actions with respect to the Government Accountability Office report "Data Center Consolidation: Agencies Need to Complete Inventories and Plans to Achieve Expected Savings"; to the Committee on Science, Space, and Technology.

3595. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's quarterly report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects (dated September 23, 2011); jointly to the Committees on Energy and Commerce and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. House Joint Resolution 70. Resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years; with an amendment (Rept. 112-259). Referred to the House Calendar.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 2146. A bill to amend title 31, United States Code, to require accountability and transparency in Federal spending, and for other purposes; with an amendment (Rept. 112-260). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCOTT of South Carolina: Committee on Rules. House Resolution 448. Resolution providing for consideration of the bill (H.R. 2576) to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and providing for consideration of the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain

payments made to vendors by government entities (Rept. 112-261). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. VELÁZQUEZ:

H.R. 3254. A bill to amend the Housing and Urban Development Act of 1968 to ensure access to employment opportunities for low-income persons; to the Committee on Financial Services.

By Mr. BROUN of Georgia:

H.R. 3255. A bill to delay any presumption of death in connection with the kidnapping in Iraq or Afghanistan of a retired member of the Armed Forces to ensure the continued payment of the member's retired pay; to the Committee on Armed Services.

By Mr. POE of Texas (for himself, Mrs. ELLMERS, Mr. PITTS, Mr. WESTMORELAND, Mr. MARCHANT, Mr. KING of Iowa, Mr. ROSS of Florida, and Mr. JONES):

H.R. 3256. A bill to amend the Immigration and Nationality Act to clarify the law prohibiting the Secretary of State from issuing certain visas to nationals of countries that refuse or unreasonably delay repatriation, and for other purposes; to the Committee on the Judiciary.

By Mr. HANNA (for himself and Mr. TERRY):

H.R. 3257. A bill to provide for a time-out on certain regulations, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa (for himself, Ms. MCCOLLUM, Mr. KIND, Mr. DEFazio, and Mr. INSLEE):

H.R. 3258. A bill to extend for a 2 year certain geographic practice cost index (GPCI) adjustments under the Medicare program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FUDGE:

H.R. 3259. A bill to establish the National Infrastructure Bank to provide financial assistance for qualified infrastructure projects selected by the Bank, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS of Arkansas:

H.R. 3260. A bill to establish a pilot grant program for first responder agencies that experience an extraordinary financial burden resulting from the deployment of employees; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, Energy and Commerce, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING:

H. Res. 447. A resolution electing a certain Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. NORTON:

H. Res. 449. A resolution honoring the lives, work, and sacrifice of Joseph Curseen, Jr. and Thomas Morris, Jr., the two United States Postal Service employees and Washington, DC, natives who died as a result of their contact with anthrax while working at the United States Postal Facility located at 900 Brentwood Road, NE, Washington, DC, during the anthrax attack in the fall of 2001; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. VELÁZQUEZ:

H.R. 3254.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 3

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. BROUN of Georgia:

H.R. 3255.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution clause 18 (relating to the power of Congress to make all laws necessary and proper for carrying out the powers vested in Congress).

By Mr. POE of Texas:

H.R. 3256.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8, Clause 4 of the United States Constitution.

By Mr. HANNA:

H.R. 3257.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted Congress under the United States Constitution, including the power granted Congress under article I, section 8.

By Mr. BRALEY of Iowa:

H.R. 3258.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. FUDGE:

H.R. 3259.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8, clause 3, the Commerce Clause, of the United States Constitution.

By Mr. ROSS of Arkansas:

H.R. 3260.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 14

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. SCHILLING, Mr. LANKFORD, Mr. DENHAM, and Mr. TURNER of Ohio.

H.R. 176: Mr. CLARKE of Michigan.

H.R. 178: Mr. NUNNELEE and Mr. MCCAUL.

H.R. 186: Mr. MCCAUL and Mr. HANNA.

H.R. 374: Mr. RENACCI, Mr. BERG, and Mr. WOMACK.

H.R. 452: Mr. CAMPBELL.

H.R. 466: Mr. MCINTYRE.

H.R. 508: Mr. HULTGREN.

H.R. 574: Mr. MCDERMOTT.

H.R. 645: Mr. MCKEON.

H.R. 676: Mr. STARK and Mr. RYAN of Ohio.

H.R. 692: Mr. DESJARLAIS.

H.R. 733: Mr. DENT, Mr. MILLER of North Carolina, Mr. DOGGETT, Mr. INSLEE, Mr. RUPERSBERGER, Mr. MCCOTTER, and Mrs. MCCARTHY of New York.

H.R. 735: Mr. MANZULLO and Mr. GALLEGLY.

H.R. 750: Mr. SOUTHERLAND and Mr. MANZULLO.

H.R. 777: Mr. MICA and Mr. STIVERS.

H.R. 787: Mr. MARCHANT, Mr. BROOKS, and Mr. MCKINLEY.

H.R. 835: Mr. DOLD, Mrs. BONO MACK, and Mrs. BIGGERT.

H.R. 860: Mr. BERMAN, Mr. GINGREY of Georgia, Mr. ROGERS of Michigan, Mr. SCHILLING, Mr. MANZULLO, Ms. ROYBAL-ALLARD, Ms. MCCOLLUM, and Mr. NUGENT.

H.R. 886: Mr. JOHNSON of Illinois, Mr. LATTA, Mrs. MCMORRIS RODGERS, Mr. LOEBACK, Mr. BOSWELL, Mr. QUIGLEY, Mr. LARSEN of Washington, Mr. YARMUTH, Mr. PERLMUTTER, Mr. HONDA, Mr. CARNAHAN, Mr. COURTNEY, Mrs. MCCARTHY of New York, Mr. RYAN of Ohio, Mr. DOYLE, Mr. HOLDEN, Mr. CRITZ, Mr. PASCRELL, Mr. ROTHMAN of New Jersey, Mr. CROWLEY, Mr. GENE GREEN of Texas, Mr. CUELLAR, Mr. RAHALL, Mr. LIPINSKI, Mr. COSTELLO, Mr. TERRY, and Mr. GUTHRIE.

H.R. 900: Ms. PINGREE of Maine.

H.R. 938: Mr. BUTTERFIELD.

H.R. 1134: Mr. DESJARLAIS.

H.R. 1161: Mr. FLEISCHMANN and Mr. SIMPSON.

H.R. 1173: Mr. BENISHEK and Mr. KELLY.

H.R. 1179: Mr. KELLY.

H.R. 1193: Mr. BARTLETT, Ms. WILSON of Florida, Mr. BUCHANAN, and Mr. TURNER of New York.

H.R. 1219: Ms. HIRONO.

H.R. 1235: Mr. GIBBS.

H.R. 1239: Mr. HOLT.

H.R. 1321: Mrs. SCHMIDT and Mr. KING of New York.

H.R. 1370: Mr. CRAWFORD, Mr. WALBERG, and Mr. SOUTHERLAND.

H.R. 1397: Mr. PERLMUTTER.

H.R. 1404: Mr. REYES and Mr. CLEAVER.

H.R. 1410: Mr. STARK.

H.R. 1418: Mr. PERLMUTTER, Ms. BALDWIN, Mr. HASTINGS of Florida, Ms. FUDGE, Mr. TONKO, Mrs. DAVIS of California, and Mr. BERMAN.

H.R. 1426: Mr. FITZPATRICK.

H.R. 1449: Mr. OLVER.

H.R. 1463: Mr. DIAZ-BALART.

H.R. 1464: Mr. MARINO.

H.R. 1580: Mr. LATTA and Mr. GIBSON.

H.R. 1581: Mrs. ELLMERS.

H.R. 1582: Mr. COSTA.

H.R. 1639: Mr. MULVANEY, Mr. BISHOP of New York, Mr. ROE of Tennessee, and Mr. HOLDEN.

- H.R. 1704: Mr. KUCINICH and Ms. LINDA T. SÁNCHEZ of California.
H.R. 1739: Mr. WOMACK.
H.R. 1744: Mr. COLE and Mr. KELLY.
H.R. 1746: Mr. BLUMENAUER.
H.R. 1792: Mr. KING of New York.
H.R. 1822: Mr. BROOKS and Mr. MCKINLEY.
H.R. 1831: Mr. PETERSON.
H.R. 1834: Mr. CHAFFETZ and Mr. LATTA.
H.R. 1845: Mr. BENISHEK and Ms. BASS of California.
H.R. 1872: Mr. KLINE.
H.R. 1878: Ms. WOOLSEY.
H.R. 1903: Mr. CARNAHAN.
H.R. 1907: Mr. FILNER.
H.R. 1912: Mrs. LOWEY.
H.R. 1946: Mr. HINOJOSA and Mr. BARTLETT.
H.R. 1957: Mr. KLINE.
H.R. 1965: Mr. CONNOLLY of Virginia, Mr. MULVANEY, and Mr. SCHWEIKERT.
H.R. 2010: Mr. WALSH of Illinois.
H.R. 2040: Mr. FRANKS of Arizona, Mr. BACHUS, Mr. LAMBORN, Mr. CHABOT, and Mr. HARRIS.
H.R. 2048: Ms. KAPTUR.
H.R. 2059: Mr. PEARCE, Mr. WALBERG, Mr. SULLIVAN, Mr. LUETKEMEYER, and Mr. SOUTHERLAND.
H.R. 2077: Mr. RIBBLE.
H.R. 2092: Mr. NUNNELEE.
H.R. 2128: Mr. RIVERA and Mr. LONG.
H.R. 2139: Mrs. ELLMERS, Mr. HANNA, Mr. SESSIONS, Mr. SERRANO, Mr. RAHALL, Mr. ENGEL, Mr. HONDA, and Mr. BUTTERFIELD.
H.R. 2168: Mr. FARR.
H.R. 2182: Mr. INSLEE, Mr. MEEHAN, and Mr. CARNEY.
H.R. 2198: Mr. KIND.
H.R. 2200: Mr. HASTINGS of Florida.
H.R. 2214: Mr. WOMACK, Mr. HECK, Mr. ROONEY, Mr. MARCHANT, Mr. DESJARLAIS, and Mr. QUAYLE.
H.R. 2245: Mr. YARMUTH, Mrs. MALONEY, Mr. BOSWELL, Mr. ISRAEL, Mr. GRIJALVA, and Ms. BORDALLO.
H.R. 2248: Ms. ZOE LOFGREN of California.
H.R. 2256: Mr. LOBIONDO, Mr. SERRANO, Mr. REYES, Mr. VAN HOLLEN, Ms. CHU, and Mr. PLATTS.
H.R. 2288: Mrs. MCMORRIS RODGERS.
H.R. 2305: Mr. KLINE.
H.R. 2335: Mr. REHBERG.
H.R. 2337: Ms. PINGREE of Maine, Mr. HINOJOSA, and Mr. MCCOTTER.
H.R. 2346: Mr. WATT.
H.R. 2360: Mr. CUMMINGS and Mr. THOMPSON of Mississippi.
H.R. 2364: Mr. DOGGETT, Mr. SMITH of Washington, and Mr. BLUMENAUER.
H.R. 2367: Mr. HEINRICH.
H.R. 2369: Mrs. ADAMS, Mr. FALEOMAVAEGA, Mr. SABLON, Mr. GRAVES of Missouri, and Mr. GRIMM.
H.R. 2376: Mr. VAN HOLLEN and Ms. ZOE LOFGREN of California.
H.R. 2403: Mr. BLUMENAUER.
H.R. 2447: Mr. ROSS of Arkansas, Mr. NUNNELEE, and Mr. BARTLETT.
H.R. 2466: Ms. HAYWORTH.
H.R. 2471: Ms. SCHWARTZ.
H.R. 2499: Ms. WOOLSEY.
H.R. 2505: Mr. LOEBSACK, Mr. GONZALEZ, Mr. GRIJALVA, Ms. EDWARDS, Mr. ALTMIRE, and Mr. JACKSON of Illinois.
H.R. 2514: Mrs. ADAMS and Mr. SOUTHERLAND.
H.R. 2528: Mr. WILSON of South Carolina and Mr. SULLIVAN.
H.R. 2543: Mr. BRADY of Pennsylvania.
H.R. 2599: Mrs. BONO MACK.
H.R. 2600: Mrs. BACHMANN, Mr. TURNER of New York, and Ms. TSONGAS.
H.R. 2602: Mr. FORBES.
H.R. 2617: Ms. MATSUI.
H.R. 2670: Mr. KLINE.
H.R. 2672: Ms. SCHWARTZ and Mr. NUNES.
H.R. 2679: Ms. PINGREE of Maine, Mr. JONES, Mrs. MALONEY, Mr. CARNAHAN, and Ms. ROYBAL-ALLARD.
H.R. 2688: Mr. CARDOZA.
H.R. 2728: Mr. MCGOVERN and Mr. KUCINICH.
H.R. 2810: Mr. WESTMORELAND.
H.R. 2815: Ms. CHU and Mr. KLINE.
H.R. 2866: Mr. CARNEY.
H.R. 2874: Mr. LAMBORN, Mr. SCOTT of South Carolina, and Mr. PALAZZO.
H.R. 2888: Mr. JOHNSON of Ohio.
H.R. 2913: Mr. PAUL.
H.R. 2914: Ms. MOORE.
H.R. 2918: Mrs. HARTZLER and Mr. MARCHANT.
H.R. 2930: Mrs. SCHMIDT and Mr. BRADY of Texas.
H.R. 2945: Mr. LUETKEMEYER, Mr. LAMBORN, Mrs. MCMORRIS RODGERS, Mr. BURTON of Indiana, Mr. GRIMM, Mr. SCOTT of South Carolina, and Mr. GRAVES of Missouri.
H.R. 2954: Ms. BALDWIN.
H.R. 2959: Mr. FLORES.
H.R. 2961: Mr. MILLER of Florida.
H.R. 2966: Mrs. MALONEY, Mr. CAPUANO, Mr. DOLD, and Ms. ZOE LOFGREN of California.
H.R. 2982: Mrs. ELLMERS, Mr. ROSKAM, Mr. PEARCE, and Mr. LAMBORN.
H.R. 2997: Mrs. BLACKBURN, Mr. ALEXANDER, Ms. JENKINS, Mr. LANKFORD, Mr. PAUL, Mr. PLATTS, Mr. GRAVES of Missouri, Mr. FORTENBERRY, Mr. WILSON of South Carolina, Mr. WALSH of Illinois, and Mr. BROOKS.
H.R. 3007: Ms. HOCHUL.
H.R. 3012: Ms. ZOE LOFGREN of California.
H.R. 3032: Mr. LOEBSACK and Mr. BARLETTA.
H.R. 3057: Mr. VISCLOSKEY, Mrs. HARTZLER, Mr. NEAL, Mr. KUCINICH, Mr. LATOURETTE, Mr. MCINTYRE, Mr. MICHAUD, Mr. STIVERS, and Mr. TURNER of Ohio.
H.R. 3066: Mr. HARPER.
H.R. 3077: Mr. TIERNEY.
H.R. 3086: Mr. BARLETTA, Mr. KING of New York, and Mr. TOWNS.
H.R. 3094: Mr. SCHWEIKERT.
H.R. 3095: Mr. MARCHANT and Mr. CULBERSON.
H.R. 3097: Ms. LORETTA SANCHEZ of California and Mr. LONG.
H.R. 3099: Mr. HUELSKAMP.
H.R. 3118: Mrs. ELLMERS.
H.R. 3127: Mr. WALSH of Illinois.
H.R. 3130: Mr. STIVERS and Mr. LUETKEMEYER.
H.R. 3133: Mr. GRIJALVA.
H.R. 3148: Mr. LONG.
H.R. 3156: Mr. JOHNSON of Georgia, Mr. MCCLINTOCK, Mr. CROWLEY, and Ms. WASSERMAN SCHULTZ.
H.R. 3159: Mr. JONES and Mr. KIND.
H.R. 3162: Mr. FLEMING, Mr. SCALISE, Mr. PENCE, Mr. DOLD, Mr. LANKFORD, and Mrs. ROBY.
H.R. 3164: Ms. CHU and Mr. FILNER.
H.R. 3185: Ms. JENKINS and Mrs. EMERSON.
H.R. 3187: Ms. JENKINS, Mr. AMODEI, Mr. YOUNG of Indiana, Mr. FLEISCHMANN, Mr. MURPHY of Pennsylvania, Mr. HUNTER, Mr. STIVERS, Mr. RIVERA, Mr. WOODALL, Mr. WEBSTER, Mr. CARNEY, and Mr. RUSH.
H.R. 3192: Ms. ROYBAL-ALLARD, Mrs. MYRICK, Mr. FALEOMAVAEGA, and Mr. KISSELL.
H.R. 3205: Mr. BURGESS.
H.R. 3213: Mr. FITZPATRICK, Mr. JONES, and Mr. MANZULLO.
H.R. 3221: Mr. FARR.
H.R. 3233: Mr. LEWIS of Georgia.
H.J. Res. 13: Mr. JOHNSON of Ohio.
H.J. Res. 69: Mr. BASS of New Hampshire.
H.J. Res. 80: Mr. FILNER and Mr. STARK.
H.J. Res. 81: Mr. HERGER, Ms. JENKINS, Mr. LAMBORN, Mr. QUAYLE, Mr. BENISHEK, Mr. GIBSON, Mr. FLAKE, Mr. GINGREY of Georgia, and Mr. KINGSTON.
H. Con. Res. 72: Mr. TIERNEY, Ms. MATSUI, Mr. PASTOR of Arizona, and Ms. VELÁZQUEZ.
H. Con. Res. 77: Mr. HULTGREN and Mr. STEARNS.
H. Res. 16: Mr. STARK.
H. Res. 98: Ms. RICHARDSON, Mr. JOHNSON of Illinois, and Mr. BOSWELL.
H. Res. 134: Mr. MCCOTTER, Mr. PAYNE, Mr. OWENS, and Mr. MICHAUD.
H. Res. 137: Mr. LIPINSKI and Ms. VELÁZQUEZ.
H. Res. 177: Mr. MCINTYRE.
H. Res. 253: Mr. GRIFFITH of Virginia and Mr. ROGERS of Alabama.
H. Res. 298: Mr. MORAN.
H. Res. 401: Mr. PASCRELL.
H. Res. 416: Mr. LAMBORN.

EXTENSIONS OF REMARKS

PATRICIA MADSON, JOURNAL
CLERK

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. BOEHNER. Mr. Speaker, the service of those who sit on the dais here in the well of the House typically attracts little public notice.

But, as Members, we feel their presence each time we enter this Chamber and observe the work of these dedicated men and women. Day in and day out they serve us tirelessly, without regard to party but with full devotion to public service. Without their assistance, the House of Representatives simply could not conduct its essential legislative business on behalf of the American people. We do not thank them often enough for their professionalism, their patience, their good cheer, and the many personal sacrifices they make in service to the House.

In that spirit then, I rise to thank and pay tribute to the House's Journal Clerk, Patricia Madson, who will retire this week. Trish has spent her entire professional life in service to the federal government, nearly all of it here on Capitol Hill. Her work here in the House alone spans four decades and includes service to seven Members as well as the Office of the Clerk.

For the past 21 years, Trish has worked for the Office of the Clerk on the House Floor. In her current role as Journal Clerk, she directs three Assistant Journal Clerks who maintain the official record of House proceedings. Whenever the House is in session, no matter the time, no matter the day, no matter the circumstances, Trish and her colleagues are at their stations at the rostrum.

In her tenure as a Journal Clerk, Trish has had a front-row seat to history, and her work in documenting that history from the House Floor has preserved for all time the essential record of this hallowed institution.

Trish began her congressional career in 1969 as a staff assistant for Representative Paul Findley of Illinois, and over the next dozen years she advanced to more senior-level administrative positions for other Members. She worked in senior assistant roles at the Department of Agriculture and the Department of Transportation before returning to the Hill in 1985 to consult on legislation for Representative PAT ROBERTS of Kansas. In 1987, she was appointed Assistant Tally Clerk to Minority Leader Robert Michel.

It is my privilege to commemorate Trish's long and distinguished service to the House. Trish, your dedication to your profession and your family are unmatched, and I wish you the very best in your retirement.

DOMESTIC VIOLENCE AWARENESS
MONTH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize October as domestic violence awareness month. Domestic violence affects individuals from all parts of the country throughout communities in every state, regardless of age, economic status, race, religion, nationality, or educational background.

According to the National Coalition Against Domestic Violence, as many as one in every four women will experience domestic violence in their lifetime. Whether in the form of physical or verbal aggression, this harrowing statistic highlights the largely obscured threat of domestic abuse that is tearing entire families apart.

This form of violence commonly occurs within the personal confines of the home, hidden from the watchful eye of the public and is consequently difficult to track. Some victims may often even feel too embarrassed to speak out against their partner, while others may simply be too afraid out of fear of further violence. This is simply unacceptable in any society.

We must work diligently to expose these crimes by speaking up for those who cannot. We must make resources available to help the millions of victims today who may continue to experience abuse tomorrow. Sadly, we must also mourn the losses of those who could not find help in time before the violence turned fatal.

While the people of this nation have taken great strides to address domestic violence, there is still much work to be done. Despite the tremendous successes we've seen in Congress and throughout the private sector to provide legal and financial support in the defense of these victims, our efforts must not cease until domestic violence is eliminated.

Mr. Speaker, it saddens me to hear that there are still so many victims of domestic violence among us. Yet a bigger injustice would be to ignore this harsh reality. That is why domestic violence awareness month is imperative so that we may shed further light on an issue that continues to erode the social fabric of our great society.

Until we can sufficiently reduce or eliminate domestic violence, it is pivotal that we continue to openly denounce these crimes and seek out those who look to harm innocent people and spoil the lives of future generations.

RECOGNITION FOR THE NEW
HAMPSHIRE COALITION AGAINST
DOMESTIC AND SEXUAL VIO-
LENCE

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. GUINTA. Mr. Speaker, it is with great pleasure that I recognize October as Domestic Violence Awareness Month and take pause to thank the New Hampshire Coalition Against Domestic and Sexual Violence for all that you do on behalf of victims of domestic and sexual abuse here in New Hampshire. The line of work you all have chosen is by no means an easy one and without your organization, the victims you work with would have nowhere to turn.

Since the Coalition was founded in 1977, it has worked to provide services to those suffering from abuse, to spread awareness about violence, while also working to prevent it. During the month of October, I wanted to take the time to recognize all those who work to end violence, as well as those who suffer from it. I commend you for all your hard work and dedication. Far too many people have suffered needlessly at the hands of another, and the Coalition's work to stop and prevent this type of violence is admirable.

I appreciate all you do on behalf of the women and families that are coping with the hardships of abuse. I wish you all the best for continued success in the future.

BREAST CANCER AWARENESS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Ms. SLAUGHTER. Mr. Speaker, I rise today to commemorate October as Breast Cancer Awareness Month. This year, we have good reason to celebrate. Thanks to important changes to the law in the last 5 years, it has never been easier to receive the valuable preventative care that is vital to preventing and treating breast cancer.

Thanks to the passage of the Affordable Care Act, a mammogram is now one of the free annual preventive services covered by Medicare. Already 4 million women have taken advantage of that benefit this year.

For Medicare beneficiaries, a free Annual Wellness Visit means that you can discuss your personal risk for breast cancer with your doctor, and receive free preventative screening based upon the decision you and your doctor make together.

In addition, more and more insurance plans are providing free screening services of their own.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Finally, genetic testing for risk of breast cancer is available, with the legal guarantee that such testing will not result in discrimination against a woman. I fought for 13 years to pass the Genetic Information Non-Discrimination Act (GINA) so that anyone could choose to find out their genetic disposition for illness, without fear of discrimination. Since GINA became law, no health insurer can raise an individual's rates and no employer can make hiring or firing decisions based on genetic information.

Unfortunately, even though a woman is diagnosed with breast cancer every two minutes in the United States, screening rates for this dangerous disease are declining. A recent study found that out of 1.5 million women over the age of 40 with health insurance, less than half had received the recommended annual screening.

As we celebrate Breast Cancer Awareness Month, it's important that all women know that affordable screening options are available.

Screening tests can find breast cancer early, when it is most treatable. They are the best way to lower the risk of dying from breast cancer. The 5-year survival rate for breast cancer caught early is 98 percent, compared to 23 percent when it is not.

I encourage women to take care of themselves in every possible way, and to make a renewed commitment to following the recommended screening guidelines for breast cancer. Together, we can take the important steps necessary to win the fight against breast cancer.

REMEMBERING DAN WHELDON

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. CARSON of Indiana. Mr. Speaker, on Sunday, October 16, race fans everywhere mourned the tragic loss of Dan Wheldon from injuries suffered at the Las Vegas Indy 300.

Though he was only 33 years old, Wheldon was highly-accomplished within the Indy Racing League.

In 2003, Wheldon received the Indy Racing League's prestigious Rookie of the Year Award, which he followed up by winning the Indianapolis 500 in 2005 and 2011.

Dan Wheldon was an incredible ambassador for the sport and the Indianapolis 500, the largest sporting event in the world, which is located in my District at the Indianapolis Motor Speedway. His loss will be felt on and off the track.

My deepest sympathies go to his wife, Susie, his two sons, Sebastian and Oliver, his family, his friends, and to the legion of fans around the world who are mourning his passing. Dan Wheldon's memory will remain in the hearts of race fans everywhere, and his achievements will never be forgotten at the Indianapolis Motor Speedway.

HONORING SCCOG FOR 50 YEARS OF ADVOCATING FOR SOUTHEASTERN CONNECTICUT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. COURTNEY. Mr. Speaker, I rise today to recognize the Southeastern Connecticut Council of Governments (SCCOG) for providing 50 years of intergovernmental service to the people of Southeastern Connecticut.

SCCOG's origins date back to 1961, with the founding of Southeastern Connecticut Regional Planning Agency (SCRPA) as one of the one of the first regional planning agencies in Connecticut at the time. The agency transitioned to SCCOG in 1993, and today serves 20 member municipalities and counts as non-voting affiliate members two federally recognized Native American Tribes, and has liaisons from the United States Naval Submarine Base and the United States Coast Guard Academy.

Under the leadership of James Butler, the Southeastern Connecticut Council of Governments ensures the various governments participating in the group have a platform for co-operation and organization on a diverse array of issues. They act as the Metropolitan Planning Organization for the region, budgeting for and implementing essential and transformative transportation projects. SCCOG has played a vital role in many of the region's top infrastructure priorities and support for Naval Submarine Base New London.

By providing services to over 240,000 people, the Southeastern Connecticut Council of Governments has established itself as the second largest regional planning organization in Connecticut. For 50 years, the group has been influential in the planning of countless housing, technical, economic development, and emergency management projects in the SE CT region.

Having worked with SCCOG closely on a number of regional priorities, I know firsthand the tremendous value it provides to decision makers, local communities and the vitality of this unique part of our state. With the challenges before our state and the region, coordination through groups like the Southeastern Connecticut Council of Governments serves as the backbone of strong communities across the nation. By combining strong planning foresight with a commitment to inclusion, SCCOG has contributed to building Southeastern Connecticut into a unified, burgeoning region.

I urge my colleagues to join me in honoring SCCOG for 50 years of service to southeastern Connecticut.

HONORING MR. THOMAS C. GAGEN

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Ms. MATSUI. Mr. Speaker, I rise today to recognize Thomas C. Gagen for his work and contributions towards improving the accessi-

bility and affordability of health care to those living in the Sacramento region. For over a decade, Tom has served as the Chief Executive Officer of the Sutter Medical Center in Sacramento (SMCS) and during that time he has been an outstanding civic leader. As Tom retires, I ask my colleagues to join me in thanking him for his service and leadership in our community.

After graduating from Purdue University, Tom went to Cleveland State University to receive his Masters in Business Administration. Before coming to Sacramento in 2000, Tom was a leader at a number of health care facilities, including the Carondelet Health Network in Tucson and then Scripps Health in San Diego, where he served as Senior Vice President. Throughout Tom's decade long tenure, he helped Sutter General Hospital and Sutter Memorial Hospital grow into one of Sacramento's largest not-for-profit organizations. During Tom's career leading SMCS, it was twice named as one of the top 100 hospitals in the nation and it received the Sutter Health's President's Award for patient satisfaction. Tom played a key role in improving care at SMCS and across the Sutter Health system as a key member of Sutter's Blue Ribbon Team on Quality.

Under Tom's vision SMCS has shown incredible support of the community, donating over \$20 million to dozens of local non-profit organizations. Tom served as the first chairman of Sacramento's 10-Year Plan to End Homelessness and has always worked to bring social services to the neediest. For his work with the homeless, Tom was the recipient of Cottage Housing's 2011 Beacon of Hope Award. Tom was also named the Sacramento Chamber of Commerce's 2008 Businessman of the Year, in part for his involvement with the Sutter's "Triage, Transport and Treatment" program, which addresses the needs of frequent emergency room visits by the uninsured.

Since being elected to Congress, I have come to know Tom as an incredibly intelligent and forward thinking leader. He cares deeply about improving the quality and access to health care in the Sacramento region and he cares just as much about our community. As he retires, Tom leaves a true legacy of accomplishments that will be felt in Sacramento for generations.

Mr. Speaker, as Tom, his wife Pat and their friends gather to celebrate his retirement, I ask that my colleagues join me in thanking and recognizing him for his many years of service. Tom has contributed an immense amount to making Sacramento a better place to live, work and raise a family.

IN RECOGNITION OF GINA BARTLOW ON BEING NAMED ANCOR'S 2011 DIRECT SUPPORT PROFESSIONAL OF THE YEAR

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. GUINTA. Mr. Speaker, it is with great pleasure that I congratulate Gina Bartlow on

being named ANCOR's 2011 Direct Support Professional of the Year. It is truly a prestigious honor to be considered as the best in your field and this recognition demonstrates Gina's compassion and commitment, as well as all the hard work she does for those with disabilities.

Throughout her twenty five years of working on behalf of those with disabilities, Gina has not only become a trusted and valued employee by her supervisors, but a mentor to her coworkers and a friend to the people she serves. While her path started at home with her son Steven, it quickly extended to others in the community who were lacking the help and support they needed to thrive in their everyday lives. The spirit and generosity she brings to her work is admirable and sets a fine example to others who dedicate their lives to advancing that same spirit of kindness.

I congratulate Gina for receiving this award and for her outstanding commitment and leadership on behalf of those with disabilities. I wish you all the best for continued success in the future.

RECOGNIZING THE ACHIEVEMENTS OF ADELE K. SCHAEFFER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Adele K. Schaeffer on the occasion of being honored with The Wistar Award for her compassion, integrity, generosity, commitment and vision in service to The Wistar Institute and the community at large.

Because of her selfless dedication of time and energy to a myriad of boards and committees, Adele Schaeffer has been called the consummate civic leader. She has been an active Trustee of The Wistar Institute Board for more than 20 years, currently serving as Chair of the Development Committee and as a member of the Capital Campaign Steering Committee. Adele served as Chair of the first Wistar Gala in 1994 and has continued in this role for each Wistar Gala since. She has helped raise over \$1 million for Wistar's life-saving research.

In addition to her commitment to The Wistar Institute, Adele is also a Trustee of the Moore College of Art and Design, the Foreign Policy Research Institute, and a Trustee Emeritus of the University of Pennsylvania. She is a current member of the Board of Directors of the Philadelphia Orchestra Association, serves on the Orchestra's Academy of Music Committee, and is past-President and current board member of the National Liberty Museum.

Mr. Speaker, in light of her years of service to The Wistar Institute and a litany of outstanding accomplishments, I ask that my colleagues join me today in recognizing Adele K. Schaeffer on the occasion of her being honored with The Wistar Award.

EARTHQUAKE IN TURKEY

HON. BILL PASCARELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. PASCARELL. Mr. Speaker, I rise today to express my deepest condolences to the people of Turkey who are suffering in the aftermath of the devastating earthquake that struck on Sunday, October 23, 2011.

A deadly 7.2 magnitude earthquake struck the eastern region of Turkey on Sunday, 12 miles from the city of Van and the town of Ercis. Aftershocks have continued to impact the region, making initial assessments and relief efforts difficult.

Over 1000 buildings have sustained damage throughout the region, including homes, businesses, hospitals, cultural institutions, and schools. With a death toll in the hundreds and growing, and more than one thousand people injured, rescue workers continue to work diligently to find survivors.

In the face of such destruction there has been tremendous bravery, and I applaud the rescue workers who are risking their own safety to ensure that every survivor is found. There are currently 2,400 rescue workers involved in the efforts along with 680 medics, 12 rescue dogs and 108 ambulances, according to reports. Aid workers have congregated in the region to provide much needed food, shelter, and medical attention.

My thoughts and prayers are with those touched by Sunday's devastation, especially those who have lost family members and friends. Our hearts and minds must also be with Turkish Americans who are currently attempting to reach out to people in the region. Homes and churches can be rebuilt, but we can never replace loved ones.

The strength and resilience of the Turkish people is evident, and I know that in the wake of this great tragedy they will recover and rebuild.

Mr. Speaker, the United States must stand with Turkey during this challenging time, as we extend our deepest sympathies to those affected by the earthquake.

CONGRATULATING OHIO STATE UNIVERSITY'S "SCRIPT OHIO" ON ITS 75TH ANNIVERSARY

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. STIVERS. Mr. Speaker, I rise today to congratulate the Ohio State University's "Script Ohio" on its 75th anniversary. Script Ohio is a band formation tradition that has played a major role in football game days at Ohio State throughout the years.

In October of 1936, the OSU Marching Band marched into its first Script Ohio, a formation where the cursive word "Ohio" is spelled out by the members of the band, with the letter "I" dotted by the sousaphone player. The inspiration for this famous band formation came from the band director at the time, Eu-

gene Weigel, and band member, Ted Boehm. 75 years after its first OSU appearance, the tradition continues to be an important part of every home football game.

As a graduate of the Ohio State University, I take great pride in the traditions of my alma mater. Ohio State football is definitely one of those traditions—and Script Ohio is certainly part of that tradition. Football games would not be the same without Script Ohio, and I offer my congratulations on its 75 years. I look forward to seeing Script Ohio march in the Horseshoe for many years to come.

RECOGNIZING DALLAS AREA BLUE RIBBON SCHOOLS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize four magnet schools in my district of Dallas, Texas which have been identified as Blue Ribbon schools. These four Dallas Independent School District, ISD, schools are the Environmental Science Academy, the School of Science and Engineering Magnet High School, the Rosie M. Collins Sorrells School of Education and the Social Services Magnet High School and Irma Lerma Rangel Young Women's Leadership School.

Being identified as a Blue Ribbon school means you are one of the best in the Country and I am proud four of these gems are located within my Congressional District. The Blue Ribbon Schools Program honors public and private elementary, middle, and high schools that are either high performing or have improved student achievement to high levels, especially among disadvantaged students. The program is part of a larger Department of Education effort to identify and disseminate knowledge about best school leadership and teaching practices.

Mr. Speaker, the students in each of these four schools are our best and our brightest, and with encouragement and support from their principals and teachers, these students are achieving remarkable success. Because of the high quality education the students in the Dallas Independent School District and other schools like it are receiving, they can have the opportunity to live the American dream—to do anything they want to do, to go on to a great college or university of their choice, and to pursue any career path that sparks their interest.

Mr. Speaker, these schools help us out-educate, out-innovate, and out-build the rest of the world. We must identify ways to help improve schools like these that provide educational excellence to my community. We must not waver in our commitment to our children, their children, and the future of this country.

WELCOMING AND HONORING THE
VETERANS OF THE OCTOBER 25,
2011 NEWTON FREEDOM FLIGHT

HON. DAVID LOESACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. LOESACK. Mr. Speaker, today, over 160 Iowa veterans from the World War II, Korean, and Vietnam Wars will travel to our nation's capital to visit the monuments that were built in their honor by a grateful nation. For many of these veterans, today will be the first time they will visit the capital and the first time that they will see their monuments.

On Sunday, they were given a warm send-off by their neighbors and friends from Newton and throughout Jasper County. More than 800 Iowans gathered to give them the recognition they deserve but, for far too many of these heroes, was never received. When they arrive in Washington today, I can think of no greater honor than to be able to greet them and to personally thank Iowa's—and our nation's—heroes for their service to our country.

The Freedom Flight brings together three generations of veterans who will travel together and support one another throughout their trip. It also brings together veterans who were never given the homecoming they deserved. This trip, made possible by generous donations from Iowans, many of whom the veterans will never meet in person, demonstrates that we as a state and as a country will never forget the debt we owe those who have worn our nation's uniform. The veterans will be able to visit their monuments today because their fellow Iowans refused to let their service go unrecognized. That generosity is truly humbling and should inspire us all to continue to work each and every day on behalf of those who serve our nation.

I am tremendously proud to welcome the Newton Freedom Flight and Iowa's veterans of World War II, the Korean War, and the Vietnam War to our nation's capital today. On behalf of every Iowan I represent, I thank them for their service to our country.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. KING of Iowa. Mr. Speaker, on rollcall No. 802 I was not present to vote because I was participating in a public meeting with the Army Corps of Engineers regarding the historic flooding that we have experienced along the Missouri River this year. Had I been present, I would have voted "yes."

RECOGNIZING 100TH ANNIVERSARY
OF TRAPPE FIRE COMPANY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Trappe Fire Company on its 100th anniversary of selfless dedication and commitment to its community.

This is a great milestone and a considerable accomplishment and I take great pleasure in being able to help honor the men and women of the Trappe Fire Company for their dedication and outstanding service.

For 100 years, the officers, firefighters, fire police and ambulance corps of Trappe Fire Company have proudly and capably served and protected the thousands of citizens of Montgomery County, including Trappe and Collegeville Boroughs and the Townships of Upper Providence, Perkiomen, Skippack, and Limerick. They have always answered the call to help their neighbors in distress, whether it is putting out a fire, aiding those whose homes have flooded, or rescuing animals.

Mr. Speaker, I ask that my colleagues join me today in recognizing Trappe Fire Company on its 100th anniversary and to honor this exemplary organization for its commitment, dedication, and outstanding history of service to its community.

CELEBRATING THE OPENING OF
THE WOMEN'S CARE CENTER OF
LA GRANGE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to celebrate the opening of the Women's Care Center of La Grange in my home district. The Women's Care Center is a life-affirming crisis pregnancy center, providing non-judgmental guidance and support to women who unexpectedly find themselves with a child.

The Women's Care Center of La Grange is affiliated with International Life Services, a non-profit organization that safeguards the dignity of human life while supporting women in their moment of need. Chicagoland women now have the option to seek refuge at the Women's Care Center and receive accurate information and confidential counseling in a comforting environment. Besides offering emotional support, the Women's Care Center provides free and affordable health care for new and expecting mothers. Pregnancy tests, ultrasounds, and pre-natal care are offered, as well as medical referrals. After the child is born, the center continues to aid the family. Support is available in the form of baby clothes, diapers, baby furniture, and food assistance. Every mother deserves access to quality medical care, and I am pleased that this facility prioritizes the health of the mother and the child.

I am proud to have this charitable organization in my district and I look forward to its

positive impact. I am certain that this new facility will be a gift to the community. Please join me in celebrating the Women's Care Center of La Grange as they pursue their life-affirming mission of improving the health and wellbeing of local women and children.

IN RECOGNITION OF THE
RETIREMENT OF DON L. RIDING

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. CARDOZA. Mr. Speaker, I rise today to recognize Don Riding in the event of his retirement after 39 dedicated years of service with the U.S. Citizenship and Immigration Services.

Mr. Riding was appointed to the Officer in Charge position at U.S. Citizenship and Immigration Services in Fresno in September 2003. Prior to this, he had served as Officer in Charge of the Fresno INS Suboffice since May 1984. In his previous capacity, he supervised the enforcement and benefits function of the INS in Central California. These operations included the processing of applications for benefits such as permanent residents and naturalization, investigation of criminal and administrative violations, as well as the detention and removal of violators of immigration laws.

Mr. Riding began his career with INS in 1972 as an Immigration Inspector in El Paso, Texas. He transferred to Baltimore, Maryland in 1975 as a Criminal Investigator. In 1980, he was promoted to the position of Course Developer and Instructor at the Immigration Officer Academy in Glynco, Georgia with a focus on Examinations. In 1982, Mr. Riding was promoted to the position of Port Director of Laredo, Texas. This job supervised the inspection of persons entering the United States at one of the largest land border ports of entry. He held this position until he was transferred to Fresno as Officer in Charge in 1984.

Prior to beginning his career with INS, Mr. Riding spent two years in the United States Army and two years on a church mission trip to Brazil. He graduated Summa Cum Laude from Brigham Young University where he received a Bachelor of Arts degree in law enforcement in 1972. He is married to Donna Bright of Baltimore and has five children and four grandchildren.

Mr. Speaker, I ask that my colleagues join me in honoring Mr. Don Riding for his years of dedication to the United States Citizenship and Immigration Services.

REMEMBERING GORDON ST.
ANGELO

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. PENCE. Mr. Speaker, I rise with a heavy heart to honor the passing of Gordon St. Angelo, a prominent Hoosier and community activist.

Mr. St. Angelo was born and raised in Huntingburg, Indiana, where he operated a

clothing store. He is most known, however, for his involvement in the community. Mr. St. Angelo helped create a foundation with Milton and Rose Friedman to promote and establish educational choice in America. He also served for 25 years as the senior program officer of community development at the Lilly Endowment.

Gordon St. Angelo's other community involvements included serving as chairman of the board for The Indianapolis Star's Jefferson Awards and for the Indianapolis Civic Theatre, was a board member and vice president of the Indianapolis Airport Authority from 1983 to 1999, and served on the boards of numerous community organizations and colleges.

Many Hoosiers also remember Gordon St. Angelo for his political involvement in Indiana and on the national stage. He began his career with the Democratic Party, and was instrumental in the successful election campaigns of Governor Roger Branigin, U.S. Senators Birch Bayh and Vance Harke, as well as many other candidates. In 1964, he was elected chairman of the Indiana Democratic Party, a position he held for ten years. He also became the Democratic Party's deputy national chairman in 1968 and helped manage Hubert Humphrey's presidential bid.

Mr. St. Angelo was known for his ability to relate to many different kinds of people, and perhaps surprisingly, migrated to the Republican Party a little more than a decade after his involvement in Humphrey's democratic presidential bid. He served as chairman of the Indiana Republican Party from 1981 to 1989, and is remembered as an honorable man who could be friends with his opponents and worked to get the best candidate in office.

A committed family man, Gordon St. Angelo was married for 53 years to his beloved wife, the late Beatrice. They loved to travel, and visited more than 100 countries during their life together. I offer my deepest condolences to his three sons, Paul, Kurt, and John. The Old Book tells us that "the Lord is close to the brokenhearted," and that is my prayer for you. During this difficult time may you find solace in faith and family.

IN HONOR OF JAMES L. MEYER

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. ALEXANDER. Mr. Speaker, I rise today to honor and commend Mr. James L. Meyer for his unfailing service to Alexandria and Central Louisiana. Due to his prominent and tireless efforts for our great state, his legacy will live on as the Alexandria International Airport Commercial Terminal will now be named the James L. Meyer Commercial Terminal.

Mr. Meyer's ambitious career started at Louisiana Tech University where he earned two degrees: one in Chemical Engineering and the latter in Civil Engineering. After his marriage to Mrs. Joy in August of 1957, he served as an officer in United States Air Force from 1957 until 1960. He eventually returned to Alexandria where Mr. Meyer was employed as a design engineer.

In 1968, he decided to start his own engineering firm. While growing James L. Meyer & Associates—his consulting, engineering, and surveying firm—to a successful business with five locations across Louisiana, he also held numerous board positions and received many distinguishable awards for serving his region.

Mr. Meyer's presidency for the Central Louisiana Chamber of Commerce and becoming the first Chairman of the England Authority are the reasons he is being honored today. His services from both positions evolved a military base closure into a commercial international airport; therefore, air passengers were doubled and millions of dollars were brought into region through capital construction.

Mr. Meyer's efforts reflect how one dedicated person can affect an entire region and his life should be an inspiration to others. His career has brought honor and pride to his family, friends, community, and the state of Louisiana. I congratulate Mr. Meyer upon his legacy that will be known as James L. Meyer Commercial Terminal.

IN RECOGNITION OF DR. LARRY
DICHARA FOR BEING NAMED SUPERINTENDENT OF THE YEAR

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to a special school superintendent today, Dr. Larry DiChiara.

Dr. DiChiara was named Superintendent of the Year by the School Superintendents of Alabama in October 2011.

Dr. DiChiara has always been committed to teaching and helping students. He was a former principal, teacher and coach from Loachapoka Elementary and High Schools in Lee County, Alabama, before taking over at Phenix City Schools in Russell County.

I'm proud to congratulate Dr. DiChiara on this great achievement and hope he will continue his service for many years to come to our children, parents, teachers and our community. Congratulations!

HONORING ELOUISE COBELL

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. RAHALL. Mr. Speaker, I rise today to join Indian country in mourning the death of Elouise Cobell, who passed away on Sunday, October 16. Her role as lead plaintiff in the historic Cobell v. Salazar litigation has forever changed the way the federal government views the trust responsibility with Native Americans. Elouise Cobell was a true Indian leader.

She was born Elouise Catherine Pepion, November 5, 1945, on the Blackfeet Nation reservation located on the eastern edge of Glacier National Park in Montana. After graduating from Great Falls Business College, she became an accountant and rancher. Later,

Elouise served as Treasurer for the Blackfeet Nation for 13 years and helped found the first all Indian owned national bank.

It was during her time as tribal treasurer that she realized the royalty checks received by tribal members seemed substantially lower than the value of the resources owned. She learned as much as she could about the way the federal government handled the Indian trust fund accounts and found that over decades, others in Indian country had claimed the funds were badly mismanaged.

In the mid 1980s Elouise, already frustrated by the Bureau of Indian Affairs, BIA, came to Congress looking for assistance and justice for all Individual Indian Money account holders. All she wanted was what all of us expect from our banker—to know how much is in each account and a showing that the balance was correct.

In 1992, the House Government Operations Committee issued a report titled, "Misplaced Trust: The BIA's Mismanagement of the Indian Trust Fund." The report called the BIA's management of Indian trust funds "grossly inadequate in numerous important respects." It further found that the BIA had "failed to fulfill its fiduciary duties to beneficiaries of the Indian Trust Fund."

Congress passed the American Indian Trust Fund Management Reform Act of 1994 to give account holders more control over, and access to, their funds, and to provide a model to reform the system. Unfortunately, little was changed at the BIA. Fed up and frustrated with stonewalling and continued mismanagement, in 1996 Elouise filed a class-action lawsuit on behalf of more than 500,000 Indians at a time when no one else would.

In 1999, the United States District Court for the District of Columbia confirmed what Indian country had always known—the Department of the Interior had breached its trust obligation to Indians in handling Indian funds. Fourteen years after the case was first filed, 220 days of trial, 80 court decisions, and two contempt citations against Cabinet secretaries later, President Obama signed into law the landmark \$3.4 billion settlement for the Indian account holders.

Because of Elouise and the litigation that she initiated, the Department of Interior has made numerous changes to the way it does business with respect to Indian funds and trust resources. Seattle University Law School Indian Law Professor Eric Eberhard said there is "no doubt that Elouise Cobell changed the legal landscape when it comes to Indian law and the federal government's trust responsibilities."

Against all odds, Elouise persevered with her commitment to the issue. Since the early 1990s, the Committee on Natural Resources held numerous hearings on the issue associated with the handling of Indian trust funds. It was during my tenure as Chairman of the Natural Resources Committee that I had the privilege and honor of getting to know and work with Elouise. Her dedication to this issue was bar none.

Elouise won so many battles; the only one she lost was to the cancer that took her from us too soon. She will be remembered for her strength, courage, and positive outlook. We can honor her life by continuing the work she started.

I ask that my colleagues join me in celebrating the life of Elouise Cobell and her many achievements, and in expressing our sincere condolences to her husband Alvin, her son Turk, and all her family and friends.

IN HONOR AND REMEMBRANCE OF
NITA THOMAS

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. ALEXANDER. Mr. Speaker, I rise today to honor and remember Mrs. Nita Thomas, whose life and countless contributions to this world should be celebrated by all.

The definitive Southern woman, Nita possessed outstanding character, unwavering faith and matchless elegance. She carried herself with such charisma and poise guaranteed to light up every room she entered.

Her deep devotion to her family and friends is one of her most memorable qualities. With each encounter, Nita's love and joy she felt for her loved ones was evident. I extend my deepest condolences to those this wonderful mother and grandmother leaves behind.

In Acts 20:35, the Lord Jesus himself said "it is more blessed to give than to receive." She was a champion for those with special needs and passionately worked to ensure each person was met with an accepting heart. With all that Nita gifted to everyone she came across, it is indeed apparent she lived her life by these words.

Nita grew in Jackson Parish, where she was taught to love thy neighbor as thyself. She never lost touch with her roots. Nita had the stature and charm to walk with those in the upper echelons of power, but she had the grace and dignity to remember those whom society had forgotten.

Today, our words may seem futile in comparison to the indelible mark Nita left in our hearts. Some say—and I honestly believe—that the heart has its own memory, one that is more genuine and more sincere than the memory of our minds. Without a shadow of a doubt, I know Nita has a permanent place in the hearts of those who had the good blessing to know her.

To say that Nita left her fingerprint on the world is an understatement. She was a friend and confidant to many, and deemed a source of strength by all; I know she will continue to touch and guide the loved ones she leaves behind.

CONGRATULATING DR. MARK J. LEMA ON THE DISTINGUISHED SERVICE AWARD FROM THE AMERICAN SOCIETY OF ANESTHESIOLOGISTS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. HIGGINS. Mr. Speaker, it is with great pleasure I rise today to congratulate Mark J.

Lema, M.D., Ph.D on receiving the Distinguished Service Award from the American Society of Anesthesiologists. The award is the highest honor bestowed to an individual for lifetime of exemplary service and achievement in the specialty of anesthesiology.

As the 65th recipient of the Distinguished Service Award in the organizations' one-hundred plus year history, Dr. Lema joins an illustrious group of awardees that includes the founders of anesthesiology, and pioneers in the field.

Dr. Lema is currently Chair of the Department of Anesthesiology, Critical Care and Pain Medicine at Roswell Park Cancer Institute in Buffalo, NY. He also serves as Professor and Chair of Anesthesiology at the University of Buffalo, State University of New York, as well as a board member on the Foundation for Anesthesia Education and Research (FAER). He has also served as president of the American Society of Anesthesiologists (2007), the American Society of Regional Anesthesia and Pain Medicine (2004) and the New York State Society of Anesthesiologists (2001). He is currently President of the Medical Society of the County of Erie.

Dr. Lema received his PhD in physiology from University at Buffalo and his medical degree from SUNY Downstate Medical Center. Throughout his prominent career Dr. Lema has been recognized as one of the country's authorities in the field of anesthesiology. He has served Western New York community with nearly thirty years of service and achievement in scientific research and organized medicine.

Mr. Speaker it is with great pride I recognize Dr. Mark Lema for receiving the Distinguished Service Award and extend my thanks for his countless contributions to the Western New York community in which he calls home.

HONORING UNITED STATES ARMY
SPECIALIST RICARDO CERROS, JR.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with great respect and deep sadness that I wish to commend United States Army Specialist Ricardo Cerros, Jr. for his bravery and willingness to fight for his country. Specialist Cerros was assigned to B Company, 2nd Battalion, 75th Ranger Regiment at Joint Base Lewis-McChord, Washington. While serving in Afghanistan on his first deployment, Specialist Cerros was killed by enemy forces during a firefight while conducting combat operation on October 8, 2011. His sacrifice will forever be remembered by those he fought to protect.

A native of Gary, Indiana, Ricardo spent his early childhood years in Gary, Indiana, before moving to Salinas, California, to live with his father. He graduated from Everett Alvarez High School in Salinas and continued his studies at the University of California in Irvine. He enlisted in the United States Army in July 2010. Family members recall that Ricardo had a strong feeling to join the military, and that he wanted nothing more than to serve his country. Colleagues remember Specialist Cerros as

a well-respected leader. Family and friends remember Ricardo for his cheerfulness, positive attitude, and happy-go-lucky manner. For his courage and sacrifice, Ricardo has been honored by the military with awards including: the Bronze Star Medal, the Purple Heart, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the Combat Infantryman Badge, and the Parachutist Badge. Ricardo will be greatly missed by so many people in the communities he was part of and forever cherished by those who loved him.

Specialist Cerros leaves behind a loving family. He is survived by his father, Ricardo Cerros, Sr., and stepmother, Deborah A. Cerros, both of Salinas, and his mother, Marguerite D. Cuevas, of Gary, Indiana. Ricardo also leaves to cherish his memory his siblings; Nicholas, Theresa, and Marco Cerros. He also leaves behind many other dear friends and family members, as well as saddened communities and a grateful nation.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring a fallen hero, United States Army Specialist Ricardo Cerros, Jr. Specialist Cerros sacrificed his life in service to his country, and his passing comes as a great loss to our nation, which has once again been shaken by the realities of war. Specialist Cerros will forever remain a hero in the eyes of his family, his communities, and his country. Thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,940,671,706,465.75.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,302,245,960,171.95 since then. This debt and its interest payments we are passing to our children and all future Americans.

RECOGNIZING DIXIE SMITH AS A
HASTINGS' STAR STUDENT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor Ms. Dixie Smith, a Suncoast High School senior in Riviera Beach, as a Hastings' Star Student. During her junior year of high school, Dixie earned recognition as the Palm Beach County All-Conference selection for diving. This year however, her accomplishments go even further. Recently,

world renowned tennis player Serena Williams chose 17-year old Dixie as the recipient for the M Foundation's Silver M Award. With this award, she joins the ranks of previous recipients who are viewed as "exemplary role models" in their communities. The award will present Dixie with a \$1,000 college scholarship and a \$1,000 donation to a charity of her choice. It was Dixie's commitment to giving back to her community which earned her this award.

Without a doubt, Dixie Smith exemplifies the term volunteerism. She started the Autism Speaks club at her high school, teaches gymnastics at Gymnastics Revolution, and also lends her time to instructing developmentally disabled children at the Renaissance Learning Center. Additionally, she has taught surfing to autistic children for the past three years, and has participated in the Surfers for Autism event regularly. In a recent letter, Dixie shared with me how these events served to be a humbling experience as time after time she witnessed children, who were initially afraid of the ocean, overcome their fears and catch waves on their own. She believes that surfing changes them, and the joy felt by their parents as they thank her is better than any award or scholarship she could ever receive. Dixie's work with developmentally disabled children is to be commended. Her selfless service represents a true dedication to the betterment of her community. I am sure Dixie's outstanding achievements are an inspiration to her peers and to the greater Riviera Beach area. I wish her all the best in her future endeavors.

HONORING THE LONG-TIME MEMBERS OF SHEET METAL WORKERS LOCAL UNION 20

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and respect that I offer congratulations to several of Northwest Indiana's most talented, dedicated, and hardworking individuals. On Friday, October 21, 2011, the Sheet Metal Workers Local Union 20 honored long-time members with their 25, 40, 50, 60, and 70-year service pins at the Sheet Metal Banquet, which was held at Ambassador Banquets in Hobart, Indiana.

At this year's banquet, the Sheet Metal Workers Local Union 20 presented pins for 25 years of membership to: Scott H. Allmon, Jeffery Bacon, George R. Bassett, Jr., Scott Blount, John Breezley, Richard J. Cervantes, Daniel L. Claussen, John Eggebrecht, Alexander W. Einikis, Paul James Einikis, Jimmie D. Fauser, Jr., Travis Frank, Jerome Franz, Gregory A. Gill, Michael J. Gorski, Kathleen Gray-Wesley, Anthony J. Gresham, Jeffrey Arnold Hamilton, Emmett R. Higgins, George Carl Hofer, Kenneth R. House, James E. Irvin, Steven A. Johnson, Timothy K. Kelly, Kyle Whitney Kingsbury, Benny Knox, James D. Knox, Robert J. Krantz, Anthony R. Ladwig, David W. Leonard, Russell Eugene Long, Richard J. Majewski, Jr., Fred J. McColly, James L. Miller, Ronald Dean Miller, Mark D.

Moore, Timothy Shawn Myres, Gary Noveroske, Edward K. O'Daniel, Jeffrey E. Pierson, Michael R. Price, John Rachford, Victor Neville Rachford, Arnie P. Ranegar, Jr., Jeff R. Relinski, Scott R. Ribar, Mike C. Rivich, Anthony W. Romanowski, Vance Thomas Rozdilsky, Richard J. Singel, William Michael Sweeney, Kevin Allen Szczudlak, Eva M. Washington, Ted Daniel Wells, Philip Everett Werno III, David L. Whisler, David Gordon White, Rodney Whiteside, Richard Gene Wozniak, and Eugene R. Yagelski, Jr. Pins for 40 years of membership were presented to: James Alm, Howard L. Alward, Jr., Gene E. Arnold, Gerald S. Banach, Frank Beiglebeck, Keith E. Benson, Roby W. Billings, Joseph E. Bloomfield, Larry E. Boger, Jerry W. Bryan, Roland L. Butler, Joseph L. Byers, John Cubit, Benjamin Dear, Jr., David W. Erb, Jerrone Garlach, Milton D. Gerner, Robert Golden, Randall B. Hamilton, Dale A. Hansen, Terrence Henney, Donald Hill, George C. Hofer, Kevin B. Hoffman, Clifford E. Hudson, Jr., Clifford L. Hynd, Carlton Kobe, Thomas L. Koedyker, Jerry H. Krachinski, Arthur Kurth, Thomas L. Leonard, Daniel Longacre, Tom G. Lopez, Gus Marktakakis, Fred T. Minard, Ronald M. Muha, Marty Mushinsky, Floyd M. Nelson, Thomas Nuni, Walter J. Olenik, Larry D. Perigo, Katherine Plahtaric, Hugh Ponder, Jr., James J. Potesta, Richard Preissig, Rocky W. Richardson, Joseph Edward Ring, Steven D. Sasko, William T. Schaeffer, Michael Schammert, Richard Shinabarger, Eugene Skalba, Normand J. Soucy, Robert L. Swisher, Michael J. Turner, Ronald E. Vaughn, Michael J. Vernich, John W. Wacnik, Robert J. Walton, Larry Whisler, and Dennis G. Wojciechowski. The 50 years of membership pins were presented to: Edgar B. Baker, Walter Biser, Walter Bogielski, J.B. Bugg, Gilbert W. Franz, Roger Gault, Dellis Ivers, Robert J. Kish, Arthur John Kobeske, Jr., Gordon F. LaBounty, Frank Macewicz, Donald L. O'Dell, Hugh Ponder, Jr., Homer H. Rachford, Louis R. Trznadel, and Gerard Wardell. The honorees for 60 years of membership are: Miles R. Becvar, Sr., Earl Chance, Melvin E. Crook, Eugene H. Koontz, Robert L. Molnar, James Moscato, Leland E. Thompson, and Louis R. Trznadel. Finally, for his outstanding dedication, Raymond J. Klodzen received a special recognition as he was honored for his 70 years of service to the Sheet Metal Workers Local Union 20.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating these dedicated and hardworking individuals who have committed themselves to making a significant contribution to the growth and development of the economy of the First Congressional District. I am very proud to represent them in Washington, D.C.

CELEBRATING THE RETIREMENT OF OFFICER REYNAUD "REY" WALLACE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. COSTA. Mr. Speaker, I rise today to recognize Mr. Reynaud "Rey" Wallace of

Fresno, California, as he celebrates his retirement from the Fresno Police Department. For 30 years, Mr. Wallace has served the Fresno community proudly. Not only did he work to keep our neighborhoods safe, but he also served as a mentor, coach, father figure and friend to many people in our community.

Mr. Wallace was born on October 18, 1952, to Carl and Ernestine Wallace in Montgomery, Alabama. The eldest of six children, Mr. Wallace grew up immersed in sports and was an avid baseball, basketball and football player. Mr. Wallace graduated from John Muir High School in Pasadena, California, and eventually made his way to Fresno.

In 1981, Mr. Wallace joined the Fresno Police Department. During his time with the department, Mr. Wallace served as an innovator and educator. His inventive spirit led to the creation of the Fresno Police Activities League, better known as PAL, in 1992. Fresno PAL seeks to prevent juvenile crime and violence by establishing relationships between law enforcement personnel and Fresno youth. Mr. Wallace spent seven years in PAL where he coached teams and served as a consultant for the national PAL program. He oversaw programs in Oregon, Santa Barbara, Ojai, as well as others in the San Joaquin Valley. Many current police officers were in the PAL program while it was under Rey's purview.

Following his time in PAL, he became a member of Southwest Problem Oriented Policing, where he continued to use his leadership and collaboration skills to protect and improve the lives of those he served.

Mr. Wallace's unwavering commitment to the safety and well-being of our community has earned him recognition from his colleagues and community members. In 1985, he was named the Northwest District Officer of the Year, and in 2007, he was recognized as the Officer of the Year for the Southwest District. In addition, Mr. Wallace was awarded the Life Saving Medal of Valor, the Medal of Merit and the National Exchange Club's Book of Golden Deeds Award.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Reynaud "Rey" Wallace for his years of service to the Fresno Police Department and to the people of Fresno, California. I invite my colleagues to join me in recognizing Mr. Wallace's commitment, dedication, and success and wish him well as he embarks on new endeavors.

RECOGNIZING WASHINGTON'S SECOND ANNUAL 'PELTON OF AWE-SOME'

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. BURTON of Indiana. Mr. Speaker, as a co-chair of the Congressional Global Road Safety Caucus I rise today to congratulate the men and women who took part in the recent World Bicycle Relief charity bike ride. The ride is the brainchild of DC resident Miriam Schwedt, who was inspired to take her love of bicycling and share it with the world. Miriam, upon learning to ride a bike—about a year and

a half ago—felt like she had discovered a whole new world. She started biking everywhere—to work, to play, to run errands—not only was it fun, but she got to work faster and cheaper, and was able to explore places she'd never been before. Miriam realized that if biking had changed her life in these ways, what might bikes mean for people who face far bigger transportation challenges? That's when Miriam discovered a charity called World Bicycle Relief. World Bicycle Relief not only funds bicycles in communities around the world, but also fosters local expertise and supply chains for local assembly and repair of bikes, creating important related jobs and skills.

In conjunction with World Bicycle Relief, Miriam decided to join forces with her friend Katie Heller to start what would become an annual charity bike ride and fundraiser in Washington called 'The Peloton of Awesome'. For those of you that don't know, a 'peloton' is a group of bikers. Miriam and Katie enticed their friends to join the peloton because they wanted to bring the opportunities and fun of biking to communities where faster, easier transportation can create access to markets, schools, health care, and other opportunities. These women also took the initiative to partner with local businesses to help the cause. Bike and Roll donated bikes for the ride to enable people to participate who don't own a bike, and a local restaurant hosted a post-ride celebration with a percentage of the profits donated to World Bicycle Relief. In addition, they added a raffle for items donated by local cycling stores, including a brand-new bike. Through generous support, last year the team raised almost \$10,000, with all of the funds going to World Bicycle Relief to purchase nearly an entire school's worth of bicycles in Zambia. More than 150 bicycle activists came together for the inaugural event. Given the success last year, the Peloton came together once again earlier this month. The second annual 'Peloton of Awesome' took place on Saturday, October 1st, and by all accounts it proved to be just as big a success, despite some inclement weather.

I helped form the Congressional Global Road Safety Caucus because I believe that safe and effective transportation is a key component of global economic development. World Bicycle Relief is just one of many organizations nationally and internationally who are helping to make the dream of safe roads and effective transportation for everyone possible. I ask all of my colleagues to join me in recognizing the work of Miriam Schwedt, Katie Heller, all the staff and volunteers of World Bicycle Relief for their hard work and I look forward to hearing about the future successes of the Peloton, as I am sure this ride won't be the last.

HONORING BONI FINE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I stand before you today to

commend Boni Fine for her service to the community. Boni will be recognized for her outstanding commitment to the residents of the First Congressional District by the Young Women's Christian Association (YWCA) of Northwest Indiana, at its annual Circle of Friends Event, held on October 19, 2011.

Throughout her accomplished career, Boni has held several prestigious positions, allowing her to demonstrate the skills and business acumen developed as she earned her Master of Business Administration degree from Pepperdine University. Her professional experience includes Director of Personnel for the Daily Telegraph in London; President and Publisher of the Post-Tribune in Merrillville, Indiana; and Vice President of Strategic Development/Advertising for the Sun-Times News Group in Chicago, Illinois. Moreover, her bachelor degree in social work from Syracuse University and her work as a child welfare caseworker established the foundation upon which Boni built her tireless enthusiasm for improving the quality of life for our area's youth.

Boni's resume highlights many of the organizations in which she participates and children in Northwest Indiana are most fortunate to have benefitted from her championing their cause. Not only has she previously chaired the Juvenile Diabetes Association's Walk to Cure, she was a founding member of the Children's Literacy Academy at Indiana University Northwest. Further, she has served on the Executive Board of the Boys and Girls Club of Northwest Indiana. Most recently, Boni served as the Interim Executive Director for the YWCA of Northwest Indiana, and it is for her work with this organization that she is being honored.

The YWCA of Northwest Indiana traces its roots to a branch office that had been located at 30 East 6th Avenue in Gary. Founded in 1921 with a strong commitment to serve, the organization has become a well-established institution serving the community for ninety years. Currently, the YWCA of Northwest Indiana is governed by an all-female Board of Directors committed to offering programs to young women that foster their talents and serving as professional role models whom these young women may emulate. Under Boni's leadership, this local YWCA has provided programs such as the Yes We Can, a youth program to promote academic achievement among at-risk children. Additionally, the YWCA of Northwest Indiana offers a mentoring program for teen girls in Gary in which students are paired with professional women in order to empower them and set them upon a path of success. Although this is only a brief overview of the extraordinary efforts undertaken by all individuals involved in the day-to-day operations of the YWCA of Northwest Indiana, it is important to note that they illustrate Boni's genuine devotion to its vision: to transform lives by mobilizing our diverse community to provide vibrant opportunities and experiences that strive to diminish racial and gender disparities in health, education, and wealth attainment, while preparing future generations to sustain these endeavors.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring Boni Fine for her exceptional community service. I know that Boni will continue

to touch the lives of numerous people, and for her selfless, lifelong service, she is to be commended.

HONORING JEFF DAVIS H.S. ON
ITS 85TH ANNIVERSARY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to recognize Jeff Davis High School in Houston, Texas, for their 85 years of excellence and dedication to improving the education of young adults.

As a Jeff Davis High School graduate I am proud to say that since 1925, Jeff Davis has established a legacy of success in academics as well as in extracurricular programs by providing students with opportunities to ensure that they are equipped with the tools that are necessary to excel. Due to the hard work of the school's faculty and staff, Jefferson Davis has been able to significantly decrease its dropout rate and increase its programs to prepare students for college. In 2009 Jefferson Davis increased its number of students enrolled in dual credit courses in Houston area colleges by 450 percent. Since 1993 the school has sent approximately 100 juniors to participate in the Cornell Summer Program, where students are able to spend a summer at Cornell University to earn college credit while still in high school.

In just the last school year, Jeff Davis was recognized for the dedication to decreasing dropout rates and increasing the number of college-bound students. Jeff Davis has been nominated as a candidate to be featured on the U.S. Department of Education "Doing What Works" website based on its success with dropout prevention. One hundred fifty-two students were able to successfully earn college credit through dual enrollment at the University of Houston Downtown and Houston Community College and over 50 individuals were awarded in numerous UIL competitions in areas such as math, writing, and accounting. In 2009–2010, the graduation rate increased to 80 percent and there was an amazing 250 percent increase in student advanced placement passing scores. In 2008–2009, the school became TEA recognized for the first time in Davis history and received the Gold Performance Acknowledgement for comparable improvement in mathematics. In recognition of this outstanding work, Jeff Davis was recognized as one of the top ten most improved high schools in Harris County and its surrounding counties by Children At Risk.

In 1993, Project GRAD & Gear Up programs were founded by former Tenneco CEO James Ketelsen at Jeff Davis. This program provides scholarships to students as an incentive to complete high school and continue their education after graduation. Last year the program awarded 2.8 million dollars in scholarships to over 700 graduating seniors in HISD.

Jefferson Davis offers a wide range of extracurricular activities, ensuring that students become well rounded and are given a wide range of opportunities to prepare them for our

ever-changing society. In 2010, Davis received international recognition in Robotics, as well as significant regional awards in dance, ROTC and Culinary Arts.

I congratulate the past and present administration, faculty, staff, and students of Jefferson Davis High School for all of their hard work and dedication to excellence.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. KING of Iowa. Mr. Speaker, on rollcall No. 801, I was not present to vote because I was participating in a public meeting with the Army Corps of Engineers regarding the historic flooding that we have experienced along the Missouri River this year.

Had I been present, I would have voted "yes."

RECOGNIZING DR. RUTH SIMMONS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize Dr. Ruth Simmons for her 11 years of extraordinary service as president of Brown University.

I am proud to say Dr. Simmons is a native of Texas. In 1995 she became president of Smith College, the largest women's college in the United States, where she launched a number of strategic initiatives to strengthen the college's academic programs and inaugurated the first engineering program at a U.S. women's college. Ruth J. Simmons was sworn in as the 18th president of Brown University on July 3, 2001. She has received numerous accolades throughout her career. In 2001, Time magazine named her America's best college president. In 2007, she was named one of U.S. News & World Report's top U.S. leaders and—for the second time.

As one of the Nation's premier scholars, Ruth Simmons has inspired and enlightened so many as an advocate for educational excellence. Throughout Ruth Simmons' tenure as the president of Brown University, she has shown an unwavering commitment to inspiring, educating, and ensuring that the future of young Americans is a bright one. It is educators such as Ruth Simmons that make an immense impact on our children; both teaching them the information to prosper and inspiring them to achieve. Brown University and our country have benefitted immensely from your service, and I hope you will continue to aspire to educate children who are in great need of strong leaders.

I wish to commend Dr. Ruth Simmons and thank her for her service to this great nation. As an academic leader, she has created positive pathways for the future of our students.

HONORING THE APPRENTICE GRADUATES OF THE SHEET METAL WORKERS LOCAL UNION 20

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and respect that I offer congratulations to several of Northwest Indiana's most talented, dedicated, and hardworking individuals. On Friday, October 21, 2011, the Sheet Metal Workers Local Union 20 honored the apprentice graduates from the years 2005 to 2011 at the Sheet Metal Banquet, which was held at Ambassador Banquets in Hobart, Indiana.

At this year's banquet, the Sheet Metal Workers Local Union 20 recognized and honored Apprentice graduates from 2005 to 2011. The individuals who completed their apprentice training in 2005 are: Kevin L. Anderson, Michael G. Bowman, Jerry W. Bryan, Jr., Richard W. Call, Paul J. Chulpacek, Percy L. Davis, Jr., Jonathan T. Drake, Eric D. Heckman, Raymond E. Hoover, Matthew D. Hoppe, Michael J. Janickovic, Robert C. Joy, James M. Ligda, and Jeff M. Sako. The 2006 apprentice graduates are: Kenneth J. Bastasich, Jr., Lavert Combs, Greg W. Cwetna, Kevin P. Harder, Adam J. Jackson, Tim L. Krebs, Kevin S. Putchaven, and Kevin L. Watts. Apprentice graduates from 2007 are: Tom H. Feneck, Fred J. Hernandez, Timothy M. Holding, David M. Horbovetz, John R. Kane, Matthew J. Koehler, Joshua J. Neeley, James C. Rossi, Nicholas S. Scott, and William A. Smith. Individuals from the apprentice graduating class of 2008 are: Todd A. Goldie, Kreg R. Homoky, Kevin L. LaPorte, Brad N. Martin, Patrick M. Phegley, and Thomas M. Styborski, Jr. The 2009 apprenticeship graduates are: David H. Ballinger, Chuck B. Flick, Mitchell E. Gutyan, Jon P. Holding, Noah D. Hoppe, Vince J. Macielewicz, Jr., Kyle T. Melnyk, Jeffrey A. Pavay, Cary Allan Schnick, and Leonard J. Stringer. The apprentice graduates from 2010 are: John P. Cantu, Don E. Clinton III, Ronald D. Coleman, Douglas J. Edwards III, Eric F. Gann, Matt S. Koontz, Jeffrey A. Koss, Nathan A. Lovas, Christopher W. Marshall, Johnnie L. Parker, and Douglas J. Silks, and lastly, the individuals who completed their apprentice training in 2011 are: Matthew D. Bishop, Shane W. Crowley, Christopher W. Geruska, Brandon W. Gilbert, Jacob A. Goldie, Andy J. Kadziolka, Angel E. Mercado, Clifton E. Perry, Michael E. Polak, Michael J. Torres, Robert C. Wernersbach, Jr., and Adam J. Wotherspoon.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty among its tradesmen. These graduates are outstanding examples of each. They have mastered their trade and have demonstrated their loyalty to both the union and the community through their hard work and selfless dedication. Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating these dedicated and hardworking individuals. Along with the other men and women of Northwest Indiana's unions, these individuals have committed themselves to

making a significant contribution to the growth and development of the economy of the First Congressional District, and I am very proud to represent them in Washington, D.C.

HONORING THE 100TH ANNIVERSARY OF FREEMASON ELMHURST LODGE 941, A.F. & A.M.

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. ROSKAM. Mr. Speaker, I rise today to commemorate the 100th Anniversary of Freemason Elmhurst Lodge 941, which has served the residents of Elmhurst, Illinois, since 1911.

The Freemasons are a fraternal organization that was established in the late 16th century, with its primary values being hope, faith, and charity. Noteworthy Masons include George Washington, Paul Revere, Benjamin Franklin, Harry Truman, Gerald Ford, and many other influential figures in politics, business, and entertainment.

In the years since its founding, many organizations have benefitted from the charity of the Elmhurst Lodge, including the Illinois Masonic Children's Home in La Grange, American Cancer Society, Salvation Army, Alzheimer's Foundation, ALS Foundation, Elmhurst Children's Assistance Foundation, and more.

Over the past century, Freemason Elmhurst Lodge 941 has established an important legacy of service in the Elmhurst community.

Mr. Speaker and Distinguished Colleagues, please join me in recognizing the Freemason Elmhurst Lodge 941, the Masons of this lodge, and the citizens of Elmhurst in wishing them happiness on this special occasion.

IN HONOR OF U.S. ARMY SPECIALIST RICARDO CERROS JR.

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. FARR. Mr. Speaker, I rise today to honor the life of U.S. Army Specialist Ricardo Cerros Jr., 24, of Salinas, California, who died in a firefight on October 8, 2011 in Logar Province, Afghanistan. His last act of courage was to pull a fellow soldier to safety and shield him from enemy fire. He is a hero to the people of the United States and we express our gratitude for his service to our country. His selfless act is one that will never be forgotten.

Ricardo "Rick" Cerros Jr. was born November 2, 1986 in Fort Ord, California to Ricardo Cerros and Marguerite Quiroz. He spent some time in Indiana before returning to California's Central Coast when he was 8 years old. Rick attended Everett Alvarez High School in Salinas, California. There he followed his interest in service by joining the school's Navy Junior Reserve Officers Training Corps. His leadership and dedication led him to become the commanding officer of the program. Moreover, I was honored to nominate Rick to the United States Service Academies in 2004.

After high school, Rick attended the University of California, Irvine and was active with the school's Taekwondo club, becoming the first member to achieve a black belt rating. After graduating in 2010, Rick enlisted in the United States Army. He would go on and join our nation's finest as an Army Ranger assigned to Company B, 2nd Battalion, 75th Ranger Regiment.

October 8, 2011 was Rick's first combat mission. During that night raid, an enemy combatant rushed his platoon, wounding Sergeant Moore. Instinctively, Rick ran to the wounded platoon sergeant and pulled him to safety. Then he performed a heroic act by placing himself between the sergeant and the enemy. Sergeant Moore lives today because of Rick's sacrifice.

Mr. Speaker, on behalf of the entire House, I would like to extend the nation's deepest sympathies to Rick's mother Marguerite Szymroz, his father and stepmother Ricardo and Deborah Cerros, and his siblings Nicholas, Theresa and Marko Cerros. Specialist Ricardo Cerros Jr. served his nation honorably, and sacrificed his life to save a fellow comrade. He is an American hero.

RECOGNIZING FRISCO ECONOMIC DEVELOPMENT CORPORATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. BURGESS. Mr. Speaker, I rise today to commemorate the 20th anniversary of the establishment of the Frisco Economic Development Corporation. Since their establishment in 1991 the Frisco EDC has recruited over 200 companies to the Frisco area which has resulted in over 24,000 jobs and over \$2.8 billion in capital investments. This is creating an environment ripe for opportunity in the Frisco community and the surrounding areas.

The work done by the Frisco EDC has caused the city of Frisco to be one of the fastest growing areas in the nation. The population has grown over 210 percent since 2000. The Frisco EDC is not only helping to bring in quality new jobs of all levels to the community, but they are also raising the standard of living for the residents of Frisco. The Frisco EDC is doing this by cultivating entrepreneurship and creating an innovative atmosphere that makes Frisco an attractive place to live, work, play, and grow. I know that they will continue to bring diverse new businesses and responsible economic development to Frisco in the years to come.

This anniversary is a wonderful opportunity for us to celebrate the Frisco EDC and its members for all that they have done for the Frisco community and its surrounding areas. I am proud to recognize the Frisco EDC on their 20th anniversary, and I know the Frisco community appreciates their many years of service.

RECOGNIZING THE IMPORTANCE OF DOMESTIC VIOLENCE AWARENESS PREVENTION

HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Ms. BUERKLE. Mr. Speaker, I rise on this occasion to speak about one of the most significant issues facing us today: domestic violence. Mr. Speaker, domestic violence is both unacceptable and intolerable.

As a legal domestic violence counselor, I have had the opportunity to offer pro bono legal services through Vera House in Syracuse, New York to help victims of domestic abuse and sexual assault. Vera House provides services for women, children and men, as well as domestic violence prevention programs for the Central New York region. Through my work at Vera House, I have seen how domestic abuse affects people of all ages, races, religions, socio-economic conditions.

Domestic violence is known by many titles: domestic abuse, spousal abuse, family violence, and intimate partner violence. It also takes many forms from physical violence involving such things as hitting, kicking, biting, shoving, or restraining. It can be emotional or verbal abuse which manifests in many types of behavior—controlling, domineering, threatening, or humiliating.

Mr. Speaker, domestic violence is a problem facing every community in America. According to the Centers for Disease Control, domestic violence is a public health problem affecting over 32 million Americans, or 10 percent of the population. The effects of domestic abuse are staggering. Physical abuse can be bruises, broken bones, head injuries, lacerations. But those are just the external physical wounds. Internal bleeding and chronic health conditions such as arthritis, irritable bowel syndrome, ulcers, migraines, and miscarriages can also be linked to physical abuse in abuse victims.

Not only is domestic abuse physically dangerous, it also takes a psychological toll. The damage from this kind of abuse is not limited solely to survivors. It extends to their children, family, and community.

All Americans have a moral obligation to stand up against those who commit violence against women, men, and children. We must be able to both recognize and prevent domestic abuse. We must come together to support survivors of abuse, while providing alternatives to this destructive cycle. As a country, we are equal to the task of fighting domestic abuse and sexual assault if we put our minds and spirits to it.

RECOGNIZING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Ms. SLAUGHTER. Mr. Speaker, I rise today to recognize October as Domestic Violence

Awareness Month. It is unacceptable that today, in this country, three women and one man will die at the hands of an intimate partner. One in four women will experience some sort of domestic violence in her lifetime. Fifteen and a half million children will witness domestic violence this year. In the face of such overwhelming statistics, it is in our moral fabric as a nation that we act to protect victims of domestic violence in our country.

I am very proud of the progress we have made as a country since the Violence Against Women Act was first signed into law in 1994. VAWA was an historic step forward in our nation's response to sexual assault, domestic violence, stalking, and other forms of violence against women. Thanks to programs established by VAWA to respond to the needs of women who had been or could be victimized by violence, women are safer, perpetrators are held accountable, and society is less tolerant of violence against women. Over 60,000 victims of domestic violence receive services every day.

VAWA-funded programs have unquestionably improved the national response to domestic violence. Since VAWA was first passed in 1994:

More victims are coming forward and receiving lifesaving services to help them move from crisis to stability. There has been as much as a 51% increase in reporting by women and a 37% increase in reporting by men.

The number of individuals killed by an intimate partner has decreased by 34% for women and 57% for men and the rate of non-fatal intimate partner violence against women has decreased 53%.

States have passed more than 660 laws to combat domestic violence, sexual assault and stalking.

Staying at a shelter or working with a domestic violence advocate significantly reduces the likelihood that a victim will be abused again and improves the victim's quality of life.

VAWA not only saves lives, it also saves money. In its first six years alone, VAWA saved taxpayers at least \$14.8 billion in net averted social costs.

A recent study found that civil protection orders saved one state (Kentucky) on average \$85 million in a single year.

We have come so far. But we must keep going. Reauthorizations of VAWA have addressed the unique needs of battered immigrants, sexual assault survivors, victims of dating violence, youth, elders, Indian women, individuals with disabilities, and child witnesses of violence. Now, VAWA needs to be reauthorized and updated again to better respond to the needs of women seeking health care treatment from domestic violence.

According to the Centers for Disease Control and Prevention (CDC), intimate partner violence costs the health care system over \$8.3 billion annually. Approximately 37% of women seeking injury-related treatment in hospital emergency rooms were there because of injuries inflicted by a current or former spouse or partner.

VAWA has begun to address this issue—in the past two years, over 3,000 providers from 100 clinical sites serving over 175,000 women have received training through VAWA to integrate assessment for abuse into health care settings. However, more can be done.

These routine assessments need to be expanded so that providers no longer discharge a woman with only the presenting injuries being treated, leaving the underlying cause of those injuries unaddressed.

It is also vital that we focus on researching the most effective interventions to prevent domestic violence, dating violence, and sexual assault, and improve the safety and health of individuals who are victimized. We must understand what makes health care interventions effective, what the factors are that increase resiliency for children exposed to violence and individuals who have lifetime exposure to violence and abuse; and which interventions work best within community health centers and adolescent health settings.

When it comes to domestic violence, it is literally an issue of life or death. Thanks to strong action by past sessions of Congress, we have helped reduce the prevalence of domestic violence across the United States. Some may say the progress we have made over the years is "good enough." However, "good enough" is neither "good" nor "enough."

Currently, girls and young women between the ages of 16 and 24 are experiencing the highest rate of intimate partner violence, and one in three teens endure some kind of abuse in their romantic relationships. We cannot let our children and young adults face a life of domestic violence. By strengthening federal laws like VAWA, we can continue to help victims of

domestic violence and do all that we can to reduce the prevalence of domestic violence in the United States.

RECOGNITION OF DOMESTIC VIOLENCE AWARENESS MONTH/
WALK A MILE IN HER SHOES INITIATIVE

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2011

Mr. REYES. Mr. Speaker, I rise today in observance of Domestic Violence Awareness Month. Domestic violence happens all too frequently and affects thousands of Texas families in profound ways. As leaders we must take a more active role in providing targeted assistance to victims of domestic abuse to empower them to overcome abusive relationships.

According to a survey by the Texas Council On Family Violence, TCFV, 74 percent of Texans, including 77 percent of Hispanics, reported that either they, a family member and/or a friend have experienced some form of domestic violence. Additionally, TCFV's survey indicates that nearly two out of every five Hispanic females, 39 percent, in Texas reported personal experience with severe abuse. These revealing statistics clearly show that domestic

violence is not a rare occurrence, but a widespread, social ill that must be addressed.

Since the first Domestic Violence Awareness Month in 1987, great strides have been made, resulting in a steady decrease in domestic violence in the last few decades, but much work remains to be done. I have personally remained engaged on this topic and have supported the YWCA El Paso del Norte Region which is dedicated to eliminating racism, empowering women and promoting peace, justice, freedom and dignity for all.

In fact, I am proud to note that I am a strong supporter of YWCA's "Walk a Mile in Her Shoes" initiative, which asks men in our community to literally walk a mile in red high heels to promote awareness of sexual violence issues and raise funds for local domestic violence shelters. This is an innovative way to express solidarity with domestic violence victims and those who come to their aid. During this month, let us consider the plight of the thousands of victims of domestic violence in our country, and show our support through actions of awareness and advocacy.

Mr. Speaker, I commend the organizations across the country that have continued to raise awareness on behalf of domestic violence victims, and I ask for a moment of silence to pay our respects to those victims who are not with us today, as well as pay tribute to the survivors.

HOUSE OF REPRESENTATIVES—Wednesday, October 26, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. CRAVAACK).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 26, 2011.

I hereby appoint the Honorable CHIP CRAVAACK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

“GROWING OPPORTUNITIES: FAMILY FARM VALUES FOR REFORMING THE FARM BILL”

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. This is a special moment for American agriculture as well as an opportunity to address the major challenges America faces: our long-term government spending, our budget deficit, environmental protection, and the health problems of our families. It is also key to improving the economy, which should be our number one priority. Helping more people at less cost by reducing subsidies to large agribusiness also speaks directly to the frustrations of protesters from coast to coast, whether they are occupying Wall Street or they are Tea Party protesters.

Now, there is no doubt that America's massive investment in farm support—hundreds of billions of dollars of taxpayer money—the special rules and regulations, and tariff protections have all contributed to the success of American agriculture. It has boosted productivity and made a difference in pro-

viding plentiful low-cost food. Left unaddressed is whether this expensive patchwork of complicated and excessive programs is the best we can do.

The answer from independent analysts is overwhelming. We can do far better for less money and help more farmers and ranchers and especially those Americans in need of food. Today, I am releasing a report entitled “Growing Opportunities: Family Farm Values for Reforming the Farm Bill,” which brings together that big picture and illustrates a better way.

The core principles are to reduce the flow of money to the largest agribusiness interests, which shortchanges the majority of farmers and ranchers who receive virtually no assistance from direct commodity payments, an expensive web of programs to shield farmers from market forces and, of course, the unusual program of crop insurance, which pays more to insurance agents than to farmers.

It would, instead, concentrate assistance for people who need help the most, make healthy food more affordable and give assistance to new farmers, which is so necessary to deal with the turnover in American agriculture, where the average farmer today is 55 years of age.

It would stop the inappropriate and expensive subsidization, which compromises our international trade responsibilities, which not only gives these large agribusinesses a leg up but helps them get bigger at the expense of small- and medium-sized farmers and ranchers.

It would stop the insanity of giving a billion and a half dollars to Brazilian cotton farmers over the next 10 years because we don't have the courage and the political will to stop giving support to American cotton farmers, which has been deemed illegal.

We must make the production of food, not commodities, more affordable and more nutritious for all Americans but particularly for our students, our young families, and the elderly.

Redirecting money away from incentives to pollute and paying more to farmers and ranchers to protect water quality and wildlife habitat will give real benefit to American communities, which are the neighbors of our farmers. It fits our economic and recreational opportunities and reduces the cost of the cleanup of our waterways from animal waste, pesticides, and fertilizers. Help with research, marketing, and environmental protection will allow our farmers to be more productive and bet-

ter stewards of the land while putting money in their pockets—in turn, increasing benefits and reducing costs for everybody else.

Now, I don't pretend this report contains any silver bullet. It's a collection of what I've learned in dealing with these issues in my 15 years in Congress but, more importantly, by spending a lot of time with Oregon farmers and ranchers, people in the nursery industry, the vintners, who are all short-changed by the current system and deserve better.

Joining me in the release of this report are Representatives who advocate on behalf of the taxpayers, who deal with deficit spending, who are environmental advocates, and people who care deeply about America's farmers and ranchers. There is across this country a grand coalition that is forming and coalescing behind a unified vision for American agriculture at exactly the time when the taxpayers need it, when most farmers and ranchers deserve it and when advocates on behalf of better health and nutrition for all Americans demand it.

EXECUTIVE SUMMARY

Americans deserve a better Farm Bill. Current agricultural policy spends too much money supporting large corporations, doesn't adequately help the majority of small and midsize farmers, and subsidizes manufactured food at the expense of fruits and vegetables. This report outlines a series of reforms to make the Farm Bill more accountable, more affordable, and fairer to taxpayers, farmers, ranchers and consumers alike.

Commodity Programs: The report advocates for eliminating direct payments and storage payments, and placing limits on counter cyclical, market assistance and ACRE payments to save taxpayer dollars and create a more level playing field for America's farmers.

Conservation Programs: While recognizing the important role that conservation plays for farmers, ranchers and the public, the report supports a shift to performance-oriented conservation programs, giving farmers and ranchers flexibility while ensuring that taxpayers get cleaner air and water, and healthier soil.

Research and Development: The report acknowledges the important role that research and development dollars have played in boosting America's farm and ranch productivity, and supports increasing or at a minimum keeping level research funding.

Beginning Farmer and Rancher Programs: Recognizing the importance of engaging younger Americans in farming and ranching, the report advocates for small changes to current programs to support beginning farmers and ranchers.

Crop Insurance: While the last negotiation of the Standard Reinsurance Agreement made some improvements to the crop insurance program, most economists agree that it

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

is still in need of reform. This report advocates for several principles that should be used to guide the creation of any new crop insurance agreement.

Nutrition: The report recognizes the opportunity to improve the outcomes of nutrition programs and local farm economies by coordinating the two. It also advocates for increased local flexibility so that communities can take steps on their own to increase access to fresh, local food.

H.R. 674, REPEALING THE 3 PERCENT WITHHOLDING ON PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. I came to this body as a small business owner, as someone who employs just under 100 people. For me, that's 100 families. I decided to run for Congress because it felt to me as if the Federal Government was making it harder and harder for me to put the key in the door and to open up my business each and every day. Frankly, they should be doing quite the opposite. We here in this body should be making it easier for American businesses to grow their businesses—to be able to hire more people, to invest back in their businesses and to grow.

I am pleased to say that we have an opportunity this week to vote on a bipartisan piece of legislation to end some of the barriers that are preventing businesses from investing back in their businesses. We're going to have an opportunity to vote on H.R. 674, which would repeal a provision that would force government entities to withhold 3 percent from the vendors that they do business with.

Earlier this year, we took care of some legislation that was some overburdensome regulation on 1099s for small businesses. This was going to be paperwork that was going to, in essence, cost small businesses hundreds of thousands of dollars and, in some cases, millions of dollars just to comply, just to cross the T's and dot the I's. Not a single bit would be added to their bottom line or would be helping provide services to consumers.

There is no question that this bill would help small businesses. It would also help governments and municipalities that would be forced to withhold. This withholding requirement is particularly harmful to small businesses, to contractors; and it would undermine our efforts to spur job creation. This requirement needlessly ties up the cash flow of small businesses, and that's exactly what we don't need to do at this particular time.

This is a commonsense piece of legislation, and I am confident that we will be able to pass it. We've got over 269 cosponsors today. Mr. Speaker, the gentleman who was just up here is, in fact, the lead cosponsor, Mr. BLU-

MENAUER, along with my colleague WALLY HERGER from California. It enjoys broad bipartisan support. It's commonsense legislation.

We do not need to be taking dollars out of the economy at this point in time. It increases costs for goods and services. It increases the burdens on administrative requirements. It increases the costs for recordkeeping. This is another instance of unintended consequences of legislation and ones that, I think, we cannot afford.

We must focus on how we can help small businesses across this land. We in this body need to create an environment where small businesses can have more certainty because, when I talk to businesses all across the 10th District of Illinois, the one thing I hear over and over and over again is that the uncertainty out there is preventing people from investing in their businesses, from moving forward. This would be yet one more burden. We don't need to do that.

□ 1010

So I'm pleased to see that Members on both sides of the aisle are coming together to try to solve some of these issues. It's certainly what the American public is looking for us to do, to be able to find some common ground, to move forward, so that we can eliminate some of these barriers. The number one issue we face, without exception, is jobs and the economy, so it seemed like common sense to me that we try to enable small business to be able to have the tools necessary to forecast, invest in their businesses and to grow.

With 29 million small businesses in our Nation, if we can create an environment where half of those businesses can create a single job, think about where we'd be then. We've got 9.1 percent unemployment in our country. In Illinois it's at 10, and certain areas even in the 10th District we've got unemployment of 20 to 22 percent.

We've just been recognized as the number one manufacturing district in the country. We've lost 750,000 manufacturing jobs in Illinois. We have to step up and allow small business to be able to invest back in their businesses and to grow.

I'm delighted to see that we were able to come together 2 weeks ago on trade legislation to be able to help those manufacturers, to help farmers, to be able to increase exports and grow jobs right here in America. Those are exactly the efforts that we need to do.

So I want to encourage my colleagues on both sides of the aisle to come together on H.R. 674 to help small businesses move forward and get America back to work.

HONORING MAYOR STEPHEN L. LUEKE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. DONNELLY) for 5 minutes.

Mr. DONNELLY of Indiana. Mr. Speaker, today I pay tribute to an outstanding citizen of South Bend, Indiana, Mayor Steve Lueke, who devoted his life to the service of our community. Raised in Freeport, Illinois, Mayor Lueke made South Bend his home over 30 years ago after graduating from Fordham University. He and his beloved wife, Peg, the marketing director for the South Bend Museum of Art, have four children they are so proud of.

Steve has been South Bend's 31st and longest-serving mayor in the city's history. He took office in 1977, succeeding Joe Kernan, who became the lieutenant governor. Now in his fourth term, Mayor Lueke has championed the development of a city in which all residents can be proud to live and work.

Previously Steve served 9 years as a member of the South Bend Common Council, including two terms as president, representing the First District on South Bend's northwest side.

South Bend under his leadership has become a hub of technological diversity. Mayor Lueke spearheaded the demolition of nearly 4 million square feet of obsolete buildings in the former Studebaker Corridor and strengthened partnerships with leading community institutions, including the University of Notre Dame.

These efforts have come together as South Bend created Indiana's first dual-site, State-certified technology park, consisting of Innovation Park at Notre Dame and Ignition Park on the grounds of the former Studebaker Corporation. In addition, South Bend became the first U.S. city to create a broadband network, the Metronet, using its own traffic conduit.

As the owner of a small construction company, Steve took interest in neighborhood restoration, infrastructure improvements, and the revitalization of our city. Among other projects, he fostered the public-private restoration of the Morris Performing Arts Center, the Palais Royale ballroom, the Northeast Neighborhood revitalization, and the renovation of the former Engman Natatorium into the Indiana University South Bend Civil Rights Heritage Center. Under his leadership, South Bend received a White House designation in 2008 as a Preserve America Community. He also directed the completion of the riverwalk along the St. Joseph River and added 50 miles of bicycle lanes and routes throughout our city.

He has served on the advisory board for Indiana University South Bend during a period of expansion and growth that positioned it as an active participant in the economic development of our region. Enrollment growth at Ivy

Tech Community College has exploded and has led to a partnership between the city's Redevelopment Commission and the college as the commission acquires and relocates businesses to help expand the campus of Ivy Tech even more.

With concern for the future, Mayor Lueke's vision has helped provide the spark for several environmental efforts that led to South Bend's designation as Indiana's Green Community of the Year in 2009.

Our city has developed into an innovative, dynamic and progressive place, and in 2011 it was named an All-America City. Mayor Steve's progressive vision, collaborative leadership, and passionate advocacy for good government earned him the 2011 Association of Cities and Towns Russell G. Lloyd Distinguished Service Award. He is also the 2011-2012 IACT president.

So today, on behalf of all the citizens of South Bend, Indiana, I want to thank Mayor Steve for his unselfish years of dedication to the city and to its people. You will never be forgotten.

Thank you for everything. Thank you, Mayor, and God bless you, Peg and your family.

YUCCA MOUNTAIN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, this is my third time on the floor to talk about high-level nuclear waste in Yucca Mountain. I started talking about Hanford, which is in Washington State, comparing it to the Yucca facility. In Hanford, 53 million gallons of nuclear waste; zero at Yucca. Nuclear waste is stored 10 feet underground in Hanford; waste will be stored 1,000 feet underground in Yucca. Waste 1,000 feet from the water table at Yucca; 250 feet from the water table in Hanford.

At Yucca the nuclear waste will be 100 miles from the nearest river. At Hanford, it's 1 mile from the nearest river. So what are the Senators' positions on Yucca Mountain in Washington State and Oregon, knowing that we have 53 million gallons of high-level nuclear waste 1 mile from the Columbia River?

Senator CANTWELL is not supportive of Yucca Mountain. Senator MURRAY is supportive, at least in her public statements. Senator WYDEN is not supportive. And Senator MERKLEY is silent. They should not be silent.

A couple of weeks ago I then moved to my home State of Illinois and the decommissioned Zion nuclear power plant that still has high-level nuclear waste on site. Again, the same statistics for Yucca are there in a desert away from a river.

Zion is on Lake Michigan. Zion has 65 casks containing 1,135 metric tons of nuclear waste, waste stored above

ground 5 feet above the water table, 1,300 feet from Lake Michigan. And Wisconsin has two nuclear power plants also on Lake Michigan. So what do the senators from the two States say?

Well, Senator DURBIN is supportive of Yucca Mountain. Senator KIRK is supportive of Yucca Mountain. Senator KOHL is supportive of Yucca Mountain. Senator JOHNSON is still silent on Yucca Mountain. I imagine we'll know soon.

Now we move to Georgia and South Carolina. Look at the difference here. Savannah River has 6,300 canisters of nuclear waste on-site. The waste is stored right below the ground. It is 0 to 160 feet above the water table, and it's right next to the Savannah River.

Again, compare that to Yucca Mountain—no nuclear waste. Waste would be stored 1,000 feet underground, 1,000 feet above the water table, and 100 miles from the Colorado River.

So where are these senators from Georgia and South Carolina? Well, Senator ISAKSON says "We need to retain Yucca Mountain as our Nation's high-level waste repository." So he supports.

Senator CHAMBLISS says, "We have long advocated that the Department of Energy immediately halt all actions to dismantle operations at Yucca Mountain." He supports.

Senator GRAHAM: "No one should be required to pay for an empty hole in the Nevada desert."

"The decision by the Obama administration to close Yucca Mountain was ill-advised and leaves our Nation without a disposal plan for spent nuclear fuel or Cold War waste." That's what Hanford is, Cold War nuclear waste from our weapons sector.

What does Senator DEMINT say? "Without Yucca Mountain, America will not have a safe and secure place to permanently store nuclear waste and instead waste will pile up at existing reactors."

We will continue, and I will continue to come down on the floor and go through the Nation highlighting high-level nuclear waste all over this country when the Federal law under the Nuclear Waste Policy Act of 1982 says we should have one site, and the law says that site is Yucca Mountain.

And so as we continue to go through the States, hopefully some Senators will get off the dime and state their positions, culminating with 60 Senators in support as we move this forward, this Nation forward, to a more secure location for high-level nuclear waste away from lakes, away from rivers, away from the groundwater tables.

There's no safer place on the planet than underneath the mountain in a desert, and that place is Yucca Mountain.

□ 1020

INCOME DISPARITY IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes.

Mr. RANGEL. Mr. Speaker, it appeared sometime yesterday that the Congressional Budget Office looked at statistically where the wealth of this country is being held and came to the conclusion that 1 percent of America's high earners have 42 percent of the Nation's wealth. It also pointed out that one out of every five kids, American kids, is born into poverty.

Well, certainly one might look at the income tax system to see whether or not this disparity is being dealt with. But if you do, you will find out that we have aggressively protected income for people who are wealthy enough to invest it at lower rates than lower income people who work hard every day and yet have a higher rate of their income that they have paid taxes on.

What does this unfairness mean? Well, one thing I can tell you is that you're not going to have too much noise from the spiritual community because somehow they're silent as we deal with the question of budget deficits and budget cuts. They haven't responded to the fact that many of these cuts have to deal with income after retirement, with Social Security. Others deal with the ability to pay for health care. Others just deal with the plight of not being able to put food on the table, to get health care. In other words, it's all biblical as to what is wrong about the disparities in income. But there are other things that we don't talk about. You can rest assured that this includes some of the benefits that the 1 percent have.

Why is it that we know or that we can suspect that in this war where we lost so many lives, where so many people have been wounded, that our brave men and women coming home will subject themselves to a lack of funds to deal with their physical and mental problems, and yet we somehow know that that 1 percent was not involved in defending our great Nation? Oh, we take it for granted that those people who can't get jobs would volunteer, but we can almost know without any investigation that the wealthiest of Americans never found themselves protecting our flag.

What else can we tell? Well, we can tell there's a limited amount of money that billionaires can spend. And we don't expect them to be at the local supermarket or buying a pair of socks or going to the drugstore looking for prescriptions. No, they hold on to their money. They invest their money. They don't even lend their money.

But having said that, one thing is clear, that if we have the other 99 percent of the people that are not wealthy, and if it was possible for them

to get a fairer shake and have more expendable income, you wouldn't have to put out ads for them to buy, that they have the needs and they would be purchasing. And small businesses depend on these people—not the barons, not the tycoons, but they depend on the people in the neighborhood. That's why the stores are located there. So it's not a question of having consumer confidence. It's a question of consumers not having the money to buy what they need.

But I really think the worst thing of all when we just overlook and don't pay attention to that is the American Dream that is being shattered, because we do know that poverty means you're not going to have good health; you're not going to get the kind of education to get out of poverty. Poverty means that you lose the hope and the dreams of this great Nation. And more than poverty and wealth, what really is the engine that makes our Nation so great is people from all over the world believe you can make it in the United States of America.

But when you are now going through decades of poverty, kids not able to go to college, those that graduate not able to find jobs, our young people and older alike running to the streets and protesting, explosion of this type occurring all over the great United States, then the hopes and dreams that are the engine that makes our country so great are limited in their ability to bring the scientists and the doctors and the people we need for this country.

One percent of our wage earners, 42 percent of the Nation's wealth, there is something wrong with that formula.

MOVING THE AMERICAN DREAM FORWARD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WOODALL) for 5 minutes.

Mr. WOODALL. Mr. Speaker, you probably get the same questions I get when I go back home. Those questions are from folks who came, they sat here in the gallery and they looked down on the House floor, and they thought: Golly, where is everybody? Where's everybody? I thought it was going to be full of 435 Members of Congress. But, of course, as you know, Mr. Speaker, in today's modern technology world, everybody's back in their office watching things on television. But I confess that sometimes during this morning-hour, I turn the volume down a little bit. I turn it down a little bit because sometimes we get into those divisive issues down here on the House floor. It gets my blood pressure up so much I think my head is going to explode first thing in the morning. I sometimes turn the volume down.

But today I wanted to come down here and find those things that bring us

together as opposed to divide us, because I really do believe that as we face the kind of economic challenges that we're facing in America today, there is more that unites this body than divides it. There's more that we can do together than we must fight about in order to move the American Dream forward.

I have in my pocket a card. It's titled, "The House Republican Jobs Plan," but I'd tell you it's an American jobs plan. I look down the items that we have brought forward in this Republican House, America's House, the things that they've been able to pass in the United States Senate, those things that have gone to the President's desk, and we are making progress, Mr. Speaker, on those things that unite us.

Of course, we started the year off repealing the 1099 provision from the President's health care bill, that onerous provision that required new paperwork mandates on all of our small businesses, completely unworkable. We came together, the House and Senate, and the President repealed that.

Last week, we came and we passed three new free trade agreements—three new free trade agreements—for this Nation. Mr. Speaker, as you know, with every nation that America has a free trade agreement, we have a manufacturing surplus. Hear that, Mr. Speaker. With every nation with which we have a free trade agreement, we have a manufacturing trade surplus. We ship more American-made goods to those countries than we import. We have a trade deficit as a Nation, but a manufactured goods surplus with the nations with which we signed free trade agreements. Free trade agreements, good for America, good for jobs, good for trade, and we were able to move those across the President's desk with his signature last week—2 weeks ago now.

And this week, we're going to bring two more bills to the floor, things that bring us together. You heard my colleague from Illinois talk about, earlier this morning, the 3 percent withholding, a bill that we passed to say we think there are lots of tax cheats going on out there among folks who contract with the government, so we're going to just withhold those taxes up front and make you get them back later on. Well, it turns out 3 percent withholding, our small businesses owners didn't even have a 3 percent margin.

□ 1030

If we had held all that money, they couldn't even pay the bills. They'd actually have to operate at a loss for the year and ask the government in April for their refund.

The President's onboard with that repeal. I believe the House is going to be onboard with that repeal. The Senate is going to be onboard with that repeal. We're going to move that across the floor this week as well.

Things that are bringing us together, Mr. Speaker, are common ground that we can cover to make it easier to create jobs in this country. Because I agree with my colleague, Mr. RANGEL, the American Dream is that you can come here and do better tomorrow than you did today, that you can provide your kids with more opportunity than what you had. That is the American Dream.

I don't worry that folks want to come to America. I worry about the one day that that dream has disappeared and folks don't want to come to America anymore. They'd rather take their big brain and their hard work ethic to China or to India or Brazil or Argentina. We must preserve America as the magnet of success, the magnet that attracts those that want to improve their lives and believe those opportunities exist here.

Mr. Speaker, there's a commonality in all of those bills that we've passed and sent to the President's desk this year, and it's that these were things the government did to try to encourage compliance, to try to regulate, to try to require that small businesses operate differently, and what we found out is they didn't work. The 1099 provision, free trade, those tariffs and duties that prevented that free trade, this 3 percent holding provision, what is the common ground, Mr. Speaker? Congress is doing too much in regulating. America is doing too much in regulating this country.

I ran on that premise, Mr. Speaker. The challenge is we are not doing too little. The problem is that we are doing too much and burdening those small businesses.

The former soviet bloc countries, Mr. Speaker, have learned from that example. They have flat tax rates, no exemptions, no exceptions, and their tax collections went up.

Mr. Speaker, folks can't pay taxes if they don't have a job. You can't pay income taxes if you don't have a job. And you can't have a job if you don't have opportunity in your society.

The Fair Tax, Mr. Speaker, H.R. 25, goes right to the heart of these jobs issues. Repealing those burdensome taxes, repealing those regulations, and making sure everybody gets a fair shake, because that is what America is all about.

REPEALING THE 3 PERCENT WITHHOLDING TAX

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, there are 14 million Americans out of work. They need jobs. This economy needs jobs. Unfortunately, jobs have not been a focus for the House Republican leadership thus far. While private sector job growth has

dwindled, House Republicans have repeatedly placed partisanship above policy. It's long past time we vote on a jobs bill.

The President's American Jobs Act contains a number of important jobs initiatives which have traditionally enjoyed bipartisan support: tax cuts for businesses, tax cuts for workers, tax cuts to employ veterans, and investments in critically needed infrastructure in this country. Unfortunately, the Senate Republicans voted to kill this job creator and the House Republican leadership hasn't even brought it up for debate.

Today, however, we have a small opportunity to help small businesses and provide them with greater predictability by repealing the burdensome 3 percent withholding requirement on government contractors, vendors, farmers, and Medicare providers. The President has called for its repeal, and this is a bipartisan bill supported by many of us on both sides of the aisle.

The 3 percent withholding regulation became law under President Bush in 2005 in a Republican Congress. The original intent may have been to ensure tax compliance among a very small number of bad actors, yet the sledgehammer approach that was adopted is creating far more challenges than the problems we're trying to solve. Since then, a number of bipartisan efforts have delayed its implementation, but temporary measures, at best, leave businesses uncertain and wary about future investment.

My district here in the National Capital region is probably home to more Federal contractors than any other in Congress, and I routinely hear from them about this issue everywhere I go. They report that the 3 percent withholding will unduly restrict their cash flows, increase project bond costs, and imperil their ability to expand and create jobs.

In addition, this burdensome regulation won't just harm the private sector. It actually hurts State and local governments that contract with private companies subject to the withholding requirement. I know from my experience as chairman of the Fairfax County Board of Supervisors that this regulation would create an accounting nightmare for our local and State partners. An estimated 20 percent of counties throughout the country have more than \$100 million in annual expenditures that would be subject to this withholding. As county chairman of such a jurisdiction, I worked diligently with an open RFP process to ensure the lowest cost and value for our taxpayers.

This will be an administrative nightmare for State and local governments, which would be forced to undergo the collection and forwarding of the unnecessary withholding to the IRS. The cost to the Department of Defense to

be compliant with this regulation is they would have to withhold more than \$17 billion from private companies every year.

Furthermore, many businesses subject to the requirement would either have to increase their business or stop bidding on projects with local governments. Either way, whether competition is limited or prices are increased, counties would be forced to pay higher costs to vendors, further burdening local taxpayers at a time they can't afford it. We need to partner with the private sector to spur economic growth and recovery from this recession. This regulation would serve only as a roadblock to that effort.

The Government Withholding Relief Coalition represents more than 140 trade associations, State and local governments, and stated that the total cost of the 3 percent regulation would be \$75 billion over the next 5 years. Repealing it today will provide businesses with greater predictability and remove undue government intrusion into their operations. With greater predictability, America's businesses will be better able to invest in job creation. We can provide that predictability today.

I urge my colleagues to vote to support small businesses and vote for H.R. 674.

HONORING THE 20TH ANNIVERSARY OF THE MOTHER BACHMANN MATERNITY CENTER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 5 minutes.

Mr. FITZPATRICK. There's much debate on the floor of this House about the plight of the uninsured. We need more discussion about health care solutions, and we need more praise for those health care professionals in our communities who do the hard work of providing health care for the poor and the uninsured without government mandate and without government involvement.

I rise today to honor the 20th anniversary of the Mother Bachmann Maternity Center, part of St. Mary Medical Center in Langhorne, Bucks County.

For over two decades, the Mother Bachmann Center has been providing women of Bucks County with the health care they need, regardless of their ability to pay. Certified nurse midwives provide obstetrical care to women who are uninsured and are underinsured. Women who would otherwise go without quality medical care during their pregnancy have access to a wide range of services, including nutrition education, financial counseling, and prenatal and delivery care.

The Mother Bachmann Center is also able to partner with Catholic Social

Services in order to identify patients at risk for postpartum depression and to offer them social support and important counseling services.

This Center aims to provide a continuum of care to new mothers and their families who are in need. St. Mary and its partners offer emergency housing in 10 local apartments, where families receive financial counseling, parenting skills instruction, and computer education to help them in their search for employment. The Mother Bachmann Center also offers confidential domestic violence evaluations and resource referrals in partnership with a local nonprofit agency that helps women and helps families in crisis.

This Center is just one part of a larger group of community programs, including the Children's Health Center and the Family Resource Center, that serve expecting and new mothers of Bucks County through St. Mary Medical Center.

The Mother Bachmann Center is a prime example of charitable organizations and community groups coming together to address an important issue with effective local solutions. St. Mary Medical Center, with this center, has provided the community of Bucks County with an alternative to handouts from the State, local, or Federal Government. These types of programs not only provide quality health care services, but they also empower women to take charge of their pregnancies and navigate their first trials as a new mother.

As this Congress continues to debate issues of health care and the proper role of the government in the industry, I urge my colleagues to look at this center as a model for efficient community-based solutions.

Thomas Jefferson once said that "Health is worth more than learning." It is true. But we can all learn from projects like the Mother Bachmann Maternity Center about what it takes and how to provide health and health care for our most at-risk constituents.

Mr. Speaker, I'm proud to rise today to honor the Mother Bachmann Maternity Center as it celebrates 20 years of providing families in need with important health and human services.

□ 1040

GLASS-STEAGALL AND THE ANNIVERSARY OF THE STOCK MARKET CRASH OF 1929

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this week marks the 82nd anniversary of Black Thursday, the start of the great stock market crash of 1929. On that day, rampant Wall Street speculation that had characterized the Roaring Twenties came to an abrupt end. Our

country learned many valuable lessons about the banking system and took action to contain the severe risks of an unregulated banking system. This body passed the Banking Act of 1933, commonly called Glass-Steagall, named after the lead sponsors of the bill. Well, from the shape of our economy today, it appears the U.S. forgot important lessons of economic behavior.

The banking system we have today again is too risky, too concentrated, and with too much absentee ownership. As a result, our system of credit is seized up and also less competitive. This results in lower capital formation in our local communities, which translates into fewer jobs.

Our system also has become one that does not financially empower or reward the average depositor. Consumers know that their interests on certificates of deposit have fallen to all-time lows; yet we see banking fees increasing on all kinds of transactions. Yes, it almost seems like you have to pay the banks to take your money. Money center banks, meanwhile, are earning huge profits while tightly restricting loans and hindering our economic recovery.

The U.S. has far fewer banks and savings and loan institutions today than we did a decade and a half ago. In fact, the Federal Deposit Insurance Corporation's figures show our vast Nation has only 6,414 commercial banks today, half the number that existed in 1990. In addition, 856 banks are on the FDIC's watch list, a very high figure. Moreover, 60 percent of the savings institutions have disappeared over the same period of time.

We see enormous accumulation of banking assets and vast financial power moved to a handful of powerful institutions that are making enormous profits, indeed, the highest profits in our Nation in addition to the oil companies. Fifteen years ago, the assets of the six largest banks were approximately 17 percent of gross domestic product. Today, after the recent financial panic, estimates for assets of those same banks are over half of our gross domestic product. So six financial institutions control an enormous percentage, not just of our banking system but, indeed, our economy and, in turn, our Nation's future. This is too much power in too few hands. The American people are feeling it in the restriction of credit, the lack of jobs with sluggish growth, and the lack of competitive capital opportunities.

Over a decade ago, Congress' ultimate response to the stock market crash of 1929 was abolished. Yes, the law that had separated risky Wall Street speculations from prudent community banking—the Glass-Steagall Act—was obliterated by the conference committee on the Gramm-Leach-Bliley Act. That legislation became law and created an economic time bomb that started ticking and contributed in a

major way to the economic explosion in September 2008.

Financial abandon replaced prudence. Wall Street and its supporters in Congress became obsessed with stripping away all the prudent banking rules that were once the cornerstone of what had been a stable financial system. That system formed capital, protected consumer accounts, paid them a decent return on their money, and created the greatest period of growth in American history. That system built confidence, dependability, and wealth across our economy.

Wall Street lobbyists were eager to walk back the hands of time, falsely claiming the Banking Act of 1933—that had formed the basis of stable credit for half a century—was quaint and outdated. But when Graham-Leach-Bliley was signed into law, the protections that had separated prudent banking from risks were swept into the dust bin and financial calamity followed.

The Glass-Steagall protections are not outdated. Wall Street opposed them in the 1930s just as much as they do today. In the 1930s, it was the Pecora Commission—and we need another one—that was an instrument of this Congress that was charged with investigating Wall Street abuses in the banking system following the Great Depression. Their work is often credited with creating the momentum for passage of the Glass-Steagall Banking Act of 1933. And Pecora himself wrote that “bitterly hostile was Wall Street to the enactment of the regulatory legislation.”

What is different today is how tamely Congress and the executive branch reacted to Wall Street abuse. Following the 2008 economic collapse, there was not an immediate recognition that what was needed was restoration of that sound financial framework.

Mr. Speaker, I have a bill, H.R. 1489, the Return to Prudent Banking Act. I ask my colleagues to cosponsor this bipartisan legislation. America surely needs to restore a secure, dependable, and prudent banking system so we can get on with the job of job creation.

INJUSTICE AT THE LAKE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Missouri (Mrs. HARTZLER) for 5 minutes.

Mrs. HARTZLER. Every day we hear of some new government overreach coming from Washington. Well, today I want to tell you about perhaps the biggest overreach of all—centered around a pristine, beautiful place in my district, the Lake of the Ozarks.

The Lake of the Ozarks was built in the 1930s and includes over 1,100 miles of shoreline and is home to thousands of homes and residents and tens of thousands of Americans who enjoy the beauty and the lifestyle of living on

the lake. Every day you'll find families and people of all ages enjoying the waters and being with each other surrounded by God's beauty of the Ozark hills.

In the spring, we enjoy the Dogwood Festival there, when the hillsides are dotted with the whites and pinks of the dogwood amidst the lime green background of budding trees. In the fall, the hills are ablaze with the colors of autumn. There's something special about seeing it all from a boat on the lake, pulling up to one of the many marinas and restaurants to grab a bite to eat on the water, and then head back home as the sun sets over the water and the sky changes from orange to blue to star studded. The lake is a special place, and it is under attack. It is under attack from the Federal Government.

This summer, the Federal Energy Regulatory Commission issued an order requiring the removal of over 4,000 what they call “encroachments” from around the shoreline of the lake, including over 1,200 homes. Think about that. The Federal Government has ordered the removal and destruction of over 1,200 homes—all that have free and clear title to their property and have been paying property taxes on them for decades. It's shocking. It's outrageous. It's infuriating. And it's got to be stopped.

You ask, how did this happen? The Lake of the Ozarks is a privately owned lake owned by Ameren UE. Power is generated from a hydroelectric plant at the lake's dam. FERC regulates the power plant and required Ameren to submit a shoreline management plan as part of a 40-year lease application for the continued operation of Bagnell Dam and the Osage Renewable Energy Center.

Ameren submitted the paperwork over 2 years ago; and after sitting on the application for over 2 years, this July FERC rejected their plan and substituted their own plan, which includes an order requiring Ameren to remove as many as 4,000 out-of-compliance structures near the shoreline and within the boundary of the Bagnell Dam project.

Here's an example of some of the structures they say need to go. FERC stated the structures “should be removed in a timely manner and the site restored to preexisting conditions.” This ludicrous order could result in the unnecessary removal of thousands of homes and other structures along over 1,100 miles of shoreline.

What makes this action so onerous is that the property owners have clear title to this land with an easement giving them a right to do with their property as they wish. The deeds issued in the 1930s when the lake was built also reserved a right for the landowners to utilize the lakeshore and adjoining underwater land for “any and all purposes,” including “the erection and

maintenance of improvements thereon."

FERC's order is nothing more than a public taking and it needs to be stopped. If it's not, it will be devastating to our area's economy, home values, businesses and, most importantly, devastating to the wonderful, hardworking people who have invested their life savings to live, raise a family, and retire at Missouri's beautiful Lake of the Ozarks.

□ 1050

The Lake of the Ozarks is one of the most popular tourist destinations, not only in Missouri, but across the Nation. It has homeowners from all 50 States of the union.

FERC's action could cause irreparable harm to the homeowners, boating, to fishing, water sports, and other business interests. It will cause uncertainty and fear that property values will plummet, and has already locked up the real estate market at the lake.

FERC's actions are causing the whole lake community to suffer economically. Economic downturn will lead to delays in much-needed infrastructure repairs and will hurt schools, which depend on property taxes to provide our children with the quality education they deserve.

The Federal Energy Regulatory Commission is a prime example of an out-of-control government agency. It must be stopped. That's why on Monday, I introduced H.R. 3244. This bill will remove FERC's power to tell landowners that they must remove structures from around the lake.

I was joined by all of the other Missouri Members of the House of Representatives, five other Republicans, and three Democrats. Our two U.S. Senators, one Republican and one Democrat, introduced an identical bill in the other Chamber. This is a rare show of bipartisanship these days, which just shows how indefensible FERC's actions are.

We may disagree on other issues, but on this one we are united. Washington's overreach must be stopped. It's time to put the genie back in the bottle and ensure it doesn't wreak havoc on our lives, our lake, and our rights.

BREAST CANCER AWARENESS MONTH

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. ROYBAL-ALLARD) for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, as National Breast Cancer Awareness Month comes to a close, I rise to honor our breast cancer warriors who are bravely battling this deadly disease.

According to the American Cancer Society, approximately 2.6 million women and men are living with breast cancer in this country. It is estimated

that this year alone there will be 290,000 new cases of breast cancer, and almost 40,000 patients will lose their battle with this disease.

Until 5 years ago I would hear these statistics, sympathize with personal stories of suffering from this tragic disease, and reaffirm my commitment to support finding a cure. But I never fully understood what it meant to have a family diagnosed with breast cancer until the day my sister, Lillian, called to tell me she had breast cancer. At that moment, I fully understood the personal sense of helplessness, anguish, and disbelief that had been described to me so many times before. Now I, too, found myself hoping and praying that I would wake up from the nightmare that was my sister's reality.

Like so many other breast cancer warriors, Lillian bravely confronted her cancer, determined to overcome her devastating illness and the intensely physical and deeply emotional challenge it presented. As my sister moves towards her fifth year free of cancer, there is much to be hopeful for.

From 1998 to 2007, breast cancer incidence rates in the U.S. decreased by about 2 percent a year, due in part, it is thought, to the reduced use of hormone replacement therapy. Since about 1990, death rates from breast cancer have also been declining, with larger decreases in women younger than 50.

While breast cancer is still the second leading cause of death in women, exceeded only by lung cancer, the chance that breast cancer will be responsible for a woman's death has been reduced to 1 in 36. These dramatic improvements in life expectancy are believed to be the result of earlier detection through screening and increased awareness, as well as improved treatment.

These improvements also stand as a testament to the investments Congress has made in prevention, screening, and researching new treatments for the disease. But they must not be the final frontier in our efforts to make breast cancer a disease of the past.

I was recently and personally reminded of this fact because once again, breast cancer has attacked someone who is close to my heart. Earlier this summer, Monica, my longtime district office manager, was diagnosed with invasive breast cancer. She faced this unbelievable challenge with characteristic grace and strength.

With family, friends, and colleagues, she has been upfront and upbeat about her illness. And always a stylish dresser, she has donned a number of very fashionable head scarves.

After first undergoing several months of chemotherapy, last Friday Monica had successful surgery and is home recovering. I want her to know we are praying for her continued strength and speedy recovery.

Like so many other breast cancer warriors, Monica's extraordinary cour-

age as she fights against her disease is an example of the power of the human spirit to survive, and it gives renewed fervor to my personal commitment to fight this disease.

As long as women in our country face a 1 in 8 chance of developing breast cancer, we must continue to invest in improved and earlier detection of the disease, better treatments, and educational outreach.

For Lillian, for Monica, and for my colleague who is here, DEBBIE WASSERMAN SCHULTZ, and for all our mothers, sisters, daughters, and friends, let us never abandon our fight to find a cure and finally eradicate breast cancer in our country and ultimately in the world.

PUTTING FREEDOM BACK TO WORK

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, the government's continuing failure to address our Nation's gut-wrenching unemployment stems from a fundamental disagreement over how jobs are created in the first place.

We're now in the third year of policies predicated on the assumption that government spending creates jobs. We've squandered 3 years and trillions of dollars of the Nation's wealth on such policies, and they have not worked because they cannot work. Government cannot inject a single dollar into the economy until it's first taken that same dollar out of the economy.

True, we see the job that's saved or created when the government puts that dollar back into the economy. What we can't see as clearly is the jobs that are destroyed or prevented from forming because government has first taken that dollar out of the economy. We see those millions of lost jobs in a chronic unemployment rate and a stagnating economy.

Government can transfer jobs from the productive sector to the government sector by taking money from one and giving it to the other. That's at the heart of the President's plan to spend billions of dollars to hire more teachers and firefighters and police officers. But these temporary government jobs come at a steep price. Every dollar spent sustaining one of these jobs is a dollar taken from the same capital pool that would otherwise have been available to productive businesses to invest in creating permanent jobs.

Government can also transfer jobs from one business to another by taking capital from one and giving it to the other. That's how we got Solyndra. We put a half-billion dollars at risk to create 1,100 jobs. That's \$450,000 per job. Now that half-billion dollars is gone

and so are the jobs. And who pays for these losses? Other businesses and their employees, meaning fewer jobs created.

What government can do very effectively is to create the conditions in which jobs either flourish and expand or wither and disappear. When we place additional taxes on productivity, jobs disappear.

The President says he only wants to tax millionaires and billionaires, but the tax increases in his so-called jobs plan actually hammer more than 75 percent of net small business income, at a time when we're counting on those small businesses to produce two-thirds of the new jobs that our people desperately need. That is insane.

When we place additional regulations on productivity, jobs disappear. That's what we're watching in real time—thousands of pages of new regulations from Obamacare, from Dodd-Frank, from the EPA stifling American job creation.

It's no secret why business isn't expanding. Just ask a businessman. They're scared to death of the additional taxes and regulations they may be facing in the next few years, and they're pulling back to see what happens. Ask bankers why they're not lending; you'll hear the same answer.

□ 1100

House Republicans have laid out a comprehensive plan to revive the economy through the same policies that worked under Ronald Reagan in the early 1980s, under John F. Kennedy in the early sixties, under Harry Truman in the mid-forties and under Warren Harding in the early twenties. For example, the Congressional Budget Office estimates that ObamaCare by itself will cost our economy a net loss of 800,000 jobs. A few weeks ago, the Natural Resources Committee received testimony that, just by getting government out of the way and opening up American energy resources to development, the economy could create 700,000 jobs and \$660 billion of direct revenues to the national and State treasuries. So repeal ObamaCare and open up American energy resources; there's 1½ million jobs right there at no cost to taxpayers.

Now, imagine doing that across all sectors of the economy. That's what Republicans are proposing to do. The fact that the President doesn't even recognize this as a jobs plan leaves me to conclude that he simply doesn't understand how jobs are created in the first place.

When Ronald Reagan inherited an even worse economy from Jimmy Carter, he reduced the tax and regulatory burdens that were crushing the economy, just as Republicans proposed to do today. According to a recent article in *The Wall Street Journal*, if the economy today under Obama had tracked

the same as it did under Reagan, 15.7 million more Americans would be working today and per capita income would be \$4,000 higher than it is today, \$16,000 higher for a family of four.

Mr. Speaker, freedom works. It is time we put it back to work.

RECOGNIZING NATIONAL WORK AND FAMILY MONTH

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in recognition of National Work and Family Month. As a mother of young kids in a household with two working parents, I know all too well the daily struggle facing today's American families. How can we be great parents and also be great at our jobs?

This summer, when I was home in my congressional district, a constituent raised a question that particularly struck me: Can you imagine what a typical workweek would look like if suddenly, without warning, every single child care provider failed to show up to work and left parents with no alternative child care options? From Wall Street to Main Street, America's businesses would come to a grinding halt; and the carefully spun web of endless schedules, systems, and to-do lists that we've created to make it all work would unravel.

With the number of parents working full-time on the rise, more and more families are fully engaged in the daily juggling act that comes with trying to do it all. Particularly in today's economy when secure employment has become more tenuous, parents have become increasingly hesitant to ask their employers for greater flexibility in their work schedule, to encourage their company to open a day care center, or to ask for the option to work remotely.

If anything, the current economic climate has led to an even greater need for increased flexibility. Thousands of parents are at home not by choice but because they lost their jobs and have not yet had the opportunity to reenter the workplace. These parents may be at home, but looking for employment is a full-time job.

With thousands of American families experiencing the situation as we speak, we are hearing too many stories about parents who couldn't get to an interview, a networking opportunity, or a job training session because their partners didn't have the flexibility in their work arrangements to make it work.

Studies show that employees and their families are not the only ones to benefit from greater workplace flexibility. From improved productivity and efficiency to higher employee morale, flexible work arrangements can help employees and help businesses reach their fullest potential.

In the last decade, we have seen significant strides made toward improving the great juggling act that is work-life balance. We cannot let this progress slip away during these challenging economic times. In the spirit of National Work and Family Month, I urge my fellow policymakers, employers, and employees to pause this month to think about how we can better work together to make it just a little bit easier for today's families.

Attending the school play, tending to a sick child, or just being able to meet your family's needs makes a huge difference in the morale and work ethic of an employee. Achieving work-life balance makes a more productive employee and a more loyal one. I encourage all employers to assist their employees in achieving this balance. It will reap immeasurable benefits for both the workplace and for our families.

RECOGNIZING CHIP SMITH AND BLUE RIDGE LOG CABINS

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. GOWDY) for 5 minutes.

Mr. GOWDY. Mr. Speaker, Milt and Suzy Smith from Spartanburg, South Carolina, are parents to three wonderful sons. Doug Smith is a former speaker pro tem of the South Carolina House of Representatives. Stuart Smith has a brilliant real estate mind and is a world-class Sunday school teacher. But, Mr. Speaker, I rise today in praise of their third son, Chip.

Chip Smith is from Spartanburg, South Carolina, and his company, Blue Ridge Log Cabins, employs nearly 100 people in the Fourth Congressional District. Blue Ridge Log Cabins is an innovator and a national leader in the modular log cabin industry and one of the fastest growing, privately held companies in the Nation.

But, Mr. Speaker, I am not here to talk about that today. I'm here to talk about something even more significant and special than that.

On Sunday, September 25 of this year, "Extreme Makeover Home Edition" spotlighted the efforts of Blue Ridge Log Cabins in their season opening episode on ABC. Over 10 million viewers witnessed the donation made by Blue Ridge Log Cabins to Barbara Marshall of Fayetteville, North Carolina. Chip Smith decided to build Steps N Stages Jubilee House to serve as a shelter for homeless female military veterans. Chip's generosity and Barbara Marshall's vision are providing an invaluable service to those who have sacrificed their safety for ours.

This 8,000-square-foot facility will provide the most basic necessity to those who cannot provide it for themselves, which is shelter. And when it comes to our veterans, Mr. Speaker, it

is imperative that we encourage efforts like this and help those in need.

So, Chip, thank you and your company for putting your time and treasure to use to help others.

Mr. Speaker, times are tough and people are hurting. The greatness of the American spirit is that, even in those times, we still reach out to others who are in need.

So I am proud to call Chip Smith a constituent. I'm even prouder to call him my friend.

AMERICA IS NOT BROKE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Speaker and colleagues, America is not broke; so Republicans should stop saying it. Conservative pundits should stop spreading it, because this country isn't broke.

Now, our government temporarily is and millions of American families are, but our Nation is not. And my hypothesis is this: If we don't wake up to this fact soon, if we don't start investing our Nation's riches in spreading wealth out across this economy, then our whole economy is sunk whether you are rich or you are poor.

So, let's try to debunk this myth once and for all that America is broke, that we can't afford these investments.

And let's start here. It's pretty simple. The United States is still a global leader. We are still the richest country in the world on a per capita basis. For all the talk about the rise of India, China, and Brazil, if you take their population's adjusted wealth and combine it together, they are still 50 percent of U.S. wealth.

So if our country is still wealthy, we need to understand that we've made a choice to keep our government poor. Now, why is that? Contrary to popular belief, it's not because discretionary spending has run amok. Take a look at this chart. Discretionary spending has essentially remained stable over time. We've had a brief uptick with a couple of extraordinary pieces of legislation, but discretionary spending has remained stable.

Don't believe this chart? Take a look at this. If government is growing at extraordinary rates, you would expect for government employees to be growing at extraordinary rates as well. That's not true either. In fact, we have 16,000 less Federal employees than we did in 1970. And as you can see, the trendline just from 1990 continues to go down as well.

Now, this isn't all to say that government can't get leaner and meaner. It's just a suggestion that there's another culprit at work, and that other culprit is revenue. Despite what you hear on TV, despite what you hear on Fox News

today, taxes as a percentage of GDP today are at a 60-year low. Right now, we are collecting about 15 percent of our GDP in taxes. The problem isn't just that the government is broke; it's that we've made a decision, effectively, to keep it broke.

Now, if the government isn't broke and this country is still the richest in the world, why is it that so many families feel broke? Why is it so many families are broke?

□ 1110

Let's explore that for a second. Here is the problem right here:

Over the last 60 years, incomes for the bottom 99 percent of Americans have basically remained flat. What that has meant is that all of the additional wealth that we've accumulated in this Nation has gone to the richest 1 percent as their incomes during that same time have increased by almost 300 percent.

Do you want to see it in even starker terms? Take a look at this chart.

The 400 wealthiest Americans have a net worth that is greater than the net worth of the 100 million poorest Americans. Let me say that again: the 400 richest of us have more money than the 100 million poorest of us.

Now, having said all of this, getting rich is good. It's great. The richest 400 people didn't steal this money. They made it legally. We just have to start having policies in this country that make more people rich, that make more people feel rich. So we need to be having a debate in this country right now about how we do that, about how we put policies in place to lift more people into the ranks of those who have enough to succeed because an economy with this kind of wealth disparity, combined with an unwillingness to make the investments to shrink it, is destined to collapse. This isn't about pitting one group against another. This is just about economics.

It's not class warfare to suggest that, as an economy, we'd be stronger if incomes were rising for a few more people than the top 1 percent—the people who tend to spend domestically, the middle class, rather than invest internationally.

It's not class warfare to suggest that our economy would be stronger if more of our Nation's wealth went to local innovators and small businesses rather than to big multinational companies that tend to take income from the United States and use it to create employment overseas.

It's not class warfare to suggest that our economy would be stronger if more kids had access to the ultimate wealth creator—higher education—if we were investing our Nation's riches in making college cheaper.

Do you know what? If we have this discussion, everybody, not just the bottom 99 percent, benefits from the discussion.

My friends, the government is temporarily broke. Millions of American families are broke, but our Nation is not broke. We're just pretending that we are.

Here's the thing: If we don't wake up from this dream soon, what is fiction today will be fact before we know it.

IN HONOR OF AMERICA'S BRAVEST

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. BRADY) for 5 minutes.

Mr. BRADY of Texas. Mr. Speaker, in having survived Hurricanes Rita and Ike, my district and the people of southeast Texas know and understand hurricanes and the devastation they can bring to our communities.

This past September, we dealt with a very different type of disaster in the form of major wildfires in the Counties of Jasper, Tyler, Trinity, Walker, and in my home county of Montgomery. Luckily for us, we were also granted our September miracle on Labor Day weekend as fire crews from across Texas—and, in fact, from the entire country—came to Magnolia to battle a three-county blaze that threatened to consume well over 10,000 homes and businesses in Magnolia, as well as thousands more in neighboring Grimes and Waller Counties.

In fact, if you look at this map, you can see the structures lost in Montgomery County were a fraction of the percentage of those saved by the brave fire crews. The fire was in this area outlined here, but you can see from the red, the yellow, the green, and the blue going out all the thousands of homes and small businesses which were saved because of the actions of our local firefighters.

I had the privilege to go up twice to those fire areas to see for myself how the fire lines came right up to these homes—within 5 feet of their front doors. Somehow our firefighters saved them, and then they did it to the homes next to them and to the homes next to those. It is impossible for me and for anyone who could see that not to be in awe of these heroes. Their skill and dedication saved the town of Magnolia, and I can't wait to join them this Saturday in Unity Park to honor their success and their hard work.

Chief Gary Vincent led the Magnolia Volunteer Firefighters and exemplified their motto: a community of unity. Gary united over 100 different firefighting agencies by his side. The chief also had help from our dedicated sheriff, Tommy Gage, and his deputies; our constables; our police departments; our terrific fire marshal, Jimmy Williams, who you need to meet; our school districts; and the Texas Forest Service—just to name a few of the people and agencies that stepped up like you can't believe.

California sent from the Federal Government the Interagency Incident Management Team, and I think they had their eyes open. They got to see what happens when a community rallies together as volunteers. It was a sight to behold. Everyday Texans and everyday citizens in the Montgomery/Magnolia County area joined with our charity agencies from the United Way, to the Red Cross, to our local food banks, to our churches, to our YMCAs, to chambers of commerce in order to provide a response to the firefighters across this Nation, a response that we will be talking about for years to come.

We saw the best of our communities and the massive volunteer effort to feed, clothe, and take care of our bravest. At the Magnolia West High School staging area, I got a tour. If a firefighter were thirsty, three volunteers would rush over with a bottle of water, and there were likely two more behind them, carrying a hot meal, just in case that firefighter might be hungry.

In speaking about the firefighters who came from across the country, all they could talk about was how well they were treated by the community of Magnolia. They came in looking for water and a FEMA bar, and what they got was home-cooked meals, fresh clothes and necessities. If they asked for it, a volunteer found it and brought it right over. When these volunteers ran low, they simply sent out a message on Facebook to the community; and within 3 hours, that staging area in the ag barn was filled to the brim again. It was amazing.

The outpouring of love and support was truly a sight to behold. It's no wonder, back home we consider this God's country.

Today, it's an honor for me to be here on the House floor to honor our heroes. Without all of you, thousands of families wouldn't have homes to go to tonight or businesses in which to work. The proof is right here on this map.

This Saturday afternoon, Unity Park in Magnolia, our community, will come together to honor the men and women who beat back the fire, held the line and saved our community. We'll also honor them by heeding their warnings if the fire danger remains extraordinarily high. We must remain vigilant in our prevention efforts. That's another way we can honor our bravest, who spent the month of September away from their families, saving homes and businesses in our community.

God bless our firefighters. God bless our volunteers and all who supported them, and God bless our community.

RECOGNIZING THE SERVICE AND SACRIFICE OF AMERICA'S VETERANS AND MILITARY SERVICE-MEMBERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kansas (Mr. YODER) for 5 minutes.

Mr. YODER. Today, I rise to recognize the service and sacrifice of our Nation's veterans and military service-members who have answered our country's call to serve.

Last month, we commemorated the 10th anniversary of the attacks of September 11, 2001, in remembrance of the victims and their families, while at the same time recognizing the need for continued vigilance as the United States seeks to rid the world of terrorism.

This month, we commemorate the 10th anniversary of the Afghanistan war. Ten years later, our Nation is safer as a direct result of the voluntary service of men and women who are willing to place themselves in harm's way, often under circumstances many Americans cannot fathom.

This willingness to serve and dedication to duty remains consistent with previous generations of veterans who chose to serve their country during our greatest time of need. Unfortunately, we have lost some of our greatest treasure in our fight against terrorism. Since October 2001, 4,914 servicemembers have been killed and another 46,376 injured as a result of military action in Iraq and Afghanistan. Recently, we again faced a tragic loss of life.

On August 6, a CH-46 Chinook twin-engine helicopter, carrying U.S. Army soldiers, U.S. Navy SEALs, and Afghan soldiers, was shot down in the Wardak province of Afghanistan, resulting in the greatest loss of life in any combat incident of the entire conflict thus far. The unit involved, B Company 7th/158th Aviation, is headquartered in New Century, Kansas, in the southernmost part of my district.

□ 1120

Last March I had the privilege to attend the deployment ceremony for the unit as they departed for training at Fort Bliss, ultimately deploying to Afghanistan as part of Operation Enduring Freedom. As my colleagues are well aware, deployment ceremonies are often somber affairs with family members wanting to spend every last second with their loved ones before they depart for duty and soldiers assuring family members that they will be okay and not to worry.

This past August, I was saddened to learn about the tragic events of August 6, 2011, hearing the news that three members of the unit had been killed during the combat operation. These soldiers, Army Specialist Spencer Duncan, Chief Warrant Officer Bryan Nichols and Army Specialist Alexander Bennett, are remembered as out-

standing soldiers, dedicated to duty, their unit, and to each other.

Spencer Duncan was just 21, a 2008 graduate of Olathe South High School. He enlisted in the Army Reserve shortly after graduation; and before deployment to Afghanistan, he served at New Century AirCenter Aviation Support Facility in Olathe, Kansas. First he was an aircraft mechanic, and later he trained to become a Chinook door gunner. I had the honor of attending a memorial service for Specialist Duncan and witnessed the outpouring of friends and loving family.

Bryan Nichols was 31 and a pilot from Kansas City, Missouri, who, when hearing of the need to train people for mobilization, followed and sacrificed for our country, leaving behind a wife and son.

Alexander Bennett was 23 and was trained as a Chinook helicopter flight mechanic. Originally from Tacoma, Washington, he had already served one tour of duty in Iraq in 2009 before being deployed again, this time to Afghanistan.

Mr. Speaker, our hearts go out to the families and friends of these three patriotic servicemen who gave the ultimate sacrifice that we all in this country might continue to live in a Nation of freedom and liberty. For their service and sacrifice to our Nation, a grieving country says thank you.

Mr. Speaker, next month we will celebrate Veterans Day and once again remember the service and sacrifice of all those who have faithfully and dutifully served, in peacetime and in war, throughout.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 22 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Scott Eynon, Community Christian Church, Tamarac, Florida, offered the following prayer:

Heavenly Father, it is our prayer that You will grant us wisdom today and that You will bless the Members of Congress as they lead our Nation during these challenging times.

Father, we are amazed by Your grace, awed by Your resplendent creation, captivated by Your love, and dependent upon Your guidance for every

day. We do not take these blessings for granted. We thank You for them.

We also thank You for the problems that come our way, for they make us even more dependent upon You for Your guidance and for Your strength.

Father, Your Word tells us that righteousness exalts a nation. So help us to be great by striving to be good. May our Representatives exemplify principle-centered leadership.

Father, we ask that You would bless the men and women who serve in our military. We ask that You would bless those who serve here in Congress. We ask that You bless this great land that we call home. In Jesus' name I pray.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from New York (Ms. HOCHUL) come forward and lead the House in the Pledge of Allegiance.

Ms. HOCHUL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND SCOTT EYNON

The SPEAKER. Without objection, the gentleman from Florida (Mr. WEST) is recognized for 1 minute.

There was no objection.

(Mr. WEST asked and was given permission to revise and extend his remarks.)

Mr. WEST. Mr. Speaker, former Secretary of State William Henry Seward said this: "I do not believe human society, including not merely a few persons in any State, but whole masses of men, ever have attained or ever can attain a high state of intelligence, virtue, security, liberty, or happiness without the Holy Scriptures; even the whole hope of human progress is suspended on the ever-growing influence of the Bible."

Today I'd like to recognize my pastor, Pastor Scott Eynon, and Community Christian Church for the service that they give to the community of south Florida and for their missionary work in Haiti as well as in Africa.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURPHY of Pennsylvania). The Chair

will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

RECKLESS REGULATIONS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, right now, there's probably a group of folks at a large oak table in a marble palace down the street nibbling on their \$16 muffins, drinking their lattes, and dreaming up new expensive, ineffective regulations to impose on the rest of us. They are the regulators. The very term brings fear and trepidation to the hearts and souls of people who work for a living. Meanwhile, 14 million Americans are sitting at their old kitchen table drinking coffee from their Mr. Coffee pot with no job on the horizon.

In a Gallup poll this week, small business owners said that complying with government regulations was the biggest economic problem they face. Some businesses pack up their bags and even move to places like China. Meanwhile, the U.S. reckless regulators are putting businesses out of business.

The REINS Act will finally bring some accountability to the regulatory bureaucrats by requiring a vote on any regulation costing \$100 million or more. Congress must pass this bill now. Cut redtape, clamp down on the renegade regulators, and create jobs. America can't wait.

And that's just the way it is.

LEON MATHIEU SENIOR CENTER

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise today to recognize the Leon Mathieu Senior Center. This nationally accredited and certified senior center recently celebrated 30 years of service to seniors in Pawtucket, Rhode Island.

The Leon Mathieu Senior Center is a great success, due in part to the work of its wonderful staff, including the director of the Pawtucket Senior Services Division, Mary Lou Moran, and information specialist and caseworker Joan Newton. Joan and Mary Lou, like the rest of the staff of the center, have committed themselves to improving the lives of seniors in Pawtucket by providing them with a safe, supportive, and nurturing environment where seniors can access information about resources, programs, and services available on the local, State, and Federal levels.

The center acts as an advocate for the rights and well-being of older Americans on a wide variety of issues. The center has worked through 1,200 individual cases and annually serves 3,000 individuals.

The Leon Mathieu Senior Center does not work to be recognized, but today I'm proud to salute their great work and congratulate them on 30 years of service.

OAK RIDGE OFFICE SUPPLY

(Mr. FLEISCHMANN asked and was given permission to address the House for 1 minute.)

Mr. FLEISCHMANN. Mr. Speaker, today I rise to talk about a successful business in Tennessee's Third District, Oak Ridge Office Supply. For almost 15 years, they have grown their business, weathered through tough times, and brought jobs to Anderson County. With 17 employees now, they are a great example of what hard work and the American free enterprise system can do. I ran a business with my wife for 24 years, and I know how tough it is.

The free enterprise system has helped make this country the greatest Nation the world has ever known. It is those people who risk everything to start their own businesses and pursue their dreams that drive our economy.

I was glad to give Oak Ridge Office Supply my very first Economic Excellence Award last week, and I will continue to hand out these awards as I recognize businesses in east Tennessee that embody the idea of hard work and success.

FILIPINO AMERICAN HISTORY MONTH

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. This month is Filipino American History Month. It is time for us to take pride in our country's diversity and to celebrate the ways in which Filipino Americans have contributed to the vibrancy of our Nation.

Filipino Americans are civic leaders, health care providers, educators, and hardworking Americans. They've won Pulitzer prizes, been elected to Congress, served as ambassadors, and pitched in the World Series. Filipinos volunteered for the thousands to help us win World War II and have served our Nation's military in every war since.

Filipinos first came to the U.S. in California over 400 years ago. Today, Filipino Americans have grown to be the third-largest Asian American group in the Nation, and they reside in every corner of the United States.

So as we celebrate Filipino American History Month, I hope you will join me and remember the many contributions that Filipino Americans have made to our great country.

□ 1210

COLORADO MISSION OF MERCY

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. This past weekend, I volunteered at the fifth annual Colorado Mission of Mercy, a 2-day free dental clinic held in a different Colorado community each year. This year it was in Brush, Colorado, an appropriate name for a dental clinic.

The Colorado Mission of Mercy brings more than 100 portable dental chairs into a Colorado community and provides dental services to children, adults, and elderly who cannot afford them on their own. The group has nearly 200 volunteer dentists from across the State and hundreds of dental hygienists, assistants, and lab technicians.

This year there were approximately 175 dentists, 947 volunteers, and nearly 1,500 patients who were served over the 2-day period. Helping people avoid dental discomfort that can interfere with school and work was a life-changing experience for many at the clinic. One person commented that now he doesn't have to be embarrassed because he doesn't have any lower teeth. This person now felt confident to go out and look for a job.

Rural communities, in particular, face tougher challenges when it comes to getting proper dental care because there are so few dentists, and people often have to drive long distances to see them.

Proper care is vital to our overall health, and I commend the Colorado Mission of Mercy for sponsoring this event.

JOBS FOR VETERANS

(Ms. HOCHUL asked and was given permission to address the House for 1 minute.)

Ms. HOCHUL. Mr. Speaker, I welcome President Obama's announcement that our brave men and women in our Armed Forces serving in Iraq will soon be coming home in time for the holidays. This holiday season, we can expect to see 40,000 people returning to this country, particularly some who are coming back to my Niagara Falls Air Force base, where I look forward to welcoming them warmly.

But as we approach Veterans Day and embrace this group of America's newest veterans, I'm troubled that, in a time of 9.1 percent unemployment and an even higher rate of unemployment for our returning veterans, which approaches 12 percent, we have to ensure that these individuals will have jobs; otherwise, it is a national disgrace.

That is why it's critical that we pass the American Jobs Act. This would create a \$5,600 "Returning Heroes" tax credit for employers who hire veterans,

and a \$9,600 tax credit for "Wounded Warriors," again, for employers who hire our veterans with service-connected disabilities. In a country as grateful as ours for their service, we owe them no less. We owe them better. That is why I urge my colleagues to join me in supporting the American Jobs Act.

BURDENSOME REGULATIONS

(Mrs. LUMMIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LUMMIS. Mr. Speaker, as I traveled my district of Wyoming and visited another district, Nevada, over the last work period, I heard repeatedly from small business people about the burdensome regulations that have been placed on their businesses and ability to hire people and put people back to work by the current administration here in Washington.

So when I returned to Washington, I asked for a copy of all of the *Federal Registers*. Those are all the new regulations that have been printed just in this year alone and implemented by this administration. I now have in my office boxes of regulations that are taller than I am, and we're not even finished with this year. And going back to the year before and the year before, those regulations have been growing at exponential paces.

If we're going to put Americans back to work, Mr. Speaker, we need to make sure that these rules that are taller than I am, thousands of pages, tens of thousands of pages, are repealed.

MAKE IT IN AMERICA

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, last week I hosted a town hall meeting in Lawrence, Massachusetts, to discuss ways to grow our domestic manufacturing base and promote policies that keep jobs in the United States, not overseas. Participating in this town hall were several major employers who have made the often challenging decision to keep their labor force here in the United States.

Among these employers was New Balance, the last athletic shoemaker to make sneakers from first stitch to final product in the United States, and an employer of more than 800 Massachusetts workers. The success of these types of companies demonstrates that manufacturing jobs can still thrive in the United States, but we need to pursue policies at the Federal level that support their efforts.

House Democrats' Make It In America agenda provides the tax incentives, workforce training, and investment in 21st century education that will help

keep the production of goods and services here in the United States.

We can't sit back and allow our manufacturing base to be continually eroded. We must pass the Make It In America agenda.

INVESTING IN SMALL BUSINESS

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Mr. Speaker, like the last speaker, I had the opportunity last week to visit an American manufacturer, Blue Star Power Systems, a small business in southern Minnesota employing 35 people that manufactures backup generators for schools, hospitals, and businesses.

Doug Fahrforth, the CFO of Blue Star, told me something that made me pause. He said that nowadays his bank will tell him this: We believe in you; we believe in your product; but unless there is no risk, we don't want anything to do with you.

Our economic system relies upon risks that small businesses take, like Blue Star Power, to create innovative products and services which boost our economy and grow our middle class.

Yesterday there was a New York Times story that said banks said they were turning depositors away at the door because the banks have more money than they know what to do with. I have a couple of ideas what they can do with that money. Invest in Main Street. Invest in businesses like Blue Star Power Systems who create first class products right here in the United States.

Blue Star also told me there are things that we can do in Congress that will streamline the Small Business Administration and make it more efficient and effective. I look forward to working with them on that.

There are actions that we can take right now so that Blue Star Power and other businesses just like them can continue to innovate and create jobs in America.

NAVAL RESERVIST LEE REINHART

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, 2 years ago, I stood on this floor and spoke out against the injustice of our Nation's Don't Ask, Don't Tell policy. I told the story of Lee Reinhart, a patriotic constituent of mine who wanted to serve his country in time of war.

Lee had already retired from a 4-year Navy career when our Nation was attacked on September 11. Like many Americans after September 11, Lee wanted to serve his country and again enlisted in the Coast Guard. But 4 months later, he was discharged under Don't Ask, Don't Tell.

Last December my colleagues and I repealed that policy; and Monday, I had the honor of administering the oath to Lee Reinhart as he reenlisted in the Navy.

Dr. Martin Luther King once said, "The arc of the moral universe is long, but it bends towards justice." Mr. Speaker, I was proud of my country and proud of Lee Reinhart when justice finally arrived for both.

JOB CREATION

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, our top priority must be creating jobs.

Yesterday I hosted a job creation conference for my constituents right here in Washington, D.C. Central Coast business owners, development experts, job trainers, and educators shared their experiences about job creation and discussed actions the Federal Government can take to support them. I'm grateful to these dedicated job creators for taking the time and effort to come all the way from California for this important event.

We had a packed day, hearing from policy experts and top White House economic officials about the steps we need to take now to create jobs today and strengthen our economy for tomorrow. Opinions were diverse and spirited, but there was clear consensus on: making it easier for businesses to succeed by lowering taxes and increasing access to credit; and making smart investments in education, in innovation, and in infrastructure. These are bipartisan, commonsense solutions.

Mr. Speaker, we simply can't wait any longer. The message from my constituents is clear: Put aside our partisan differences. Take action now for the American people.

STENNIS SPACE CENTER

(Mr. PALAZZO asked and was given permission to address the House for 1 minute.)

Mr. PALAZZO. Mr. Speaker, there is a saying that the path to space goes through Hancock County, Mississippi. That statement has been true for five decades due to the unequalled excellence and dedication of the men and women of the John C. Stennis Space Center, which commemorates the 50th anniversary of its founding this week.

The work done at Stennis is varied, but it is known worldwide as the home of rocket engine testing. Before we have sent men and women into space, the engines they ascended on were tested on the ground at Stennis. Every mission to the Moon and every flight of the space shuttle roared with Stennis-tested engines. The Space Center is the beacon of innovation for private indus-

try, educational institutions, and students of all ages.

I am honored to serve as chairman of the Space and Aeronautics Subcommittee. In my role, I hope to see all my colleagues visit the Stennis Space Center, especially to see an engine test. You will be awed by the technological ingenuity and complexity of the operation and of the passion and skill of the workforce.

It is so easy to herald the past achievements of NASA and the Stennis Space Center, but it is the future that should drive us toward even greater ones, for the path back to the Moon, to Mars and beyond goes through Hancock County, Mississippi.

□ 1220

SOCIAL SECURITY

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to support one of our Nation's crowning achievements, the Social Security program, and the 55 million Americans who benefit from this critical program. Since 1935, Social Security has kept its promise to America's seniors that after a lifetime of working and playing by the rules, you should not have to live in poverty when you retire.

I was happy to see last week that after 2 years, our Nation's seniors will receive a well-deserved cost-of-living-adjustment increase of 3.6 percent. The American people should be concerned, however, that the recently announced COLA increase would effectively disappear if this Congress decides to adopt a chained CPI formula for Social Security. The chained Consumer Price Index would lower benefits by \$112 billion for current and future beneficiaries over the next 10 years.

I support efforts to reduce our Federal deficit, but we should not balance the Nation's budget on the backs of seniors, the disabled, and children. I call on our colleagues to stand with America's seniors and support Social Security. It's not a Ponzi scheme, as some candidates for President allege; and let's celebrate the 3.6 percent for our seniors.

STUDENT LOAN DEBT

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, I want to commend President Obama for announcing a plan this morning to lower student loan payments. The New York Times recently reported that student loan debt outpaced credit card debt for the first time last year and that the growth in student loan debt threatens

to undermine the future life prospects of the current generation of students.

It was this realization that led me, as a State senator, to pass the Tennessee Education Lottery program that gives scholarships to our Tennessee students.

Too many young people have an unbelievable amount of debt that burdens them for the rest of their lives. The students that participate in Occupy Wall Street are very aware of this threat.

Earlier this year, I reintroduced H.R. 2028, the Private Student Loan Bankruptcy Fairness Act, which will restore fair treatment to Americans in severe financial distress whose debts include private student loans.

Before 2005 private student loans issued by for-profit lenders were appropriately treated in bankruptcy like credit card debt and other similar types of unsecured consumer liabilities. The bill I've introduced with Senator DURBIN in the Senate would ensure that privately issued students loans will once again be treated like other debt and be dischargeable in bankruptcy.

We need to give our students a fair chance.

DOMESTIC VIOLENCE AWARENESS MONTH

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to recognize October as Domestic Violence Awareness Month. As you know, violence against women in the United States is as insidious as it is destructive. And according to a study by the U.S. Department of Justice Bureau of Justice Statistics, there are as many as 3 million cases of domestic violence across the United States every year.

Due to the nature of the crime, the mental and physical cost of domestic violence are difficult to quantify, but they are far too obvious to ignore. Women suffering from domestic abuse average more emergency room visits, a significantly higher rate of unemployment, are more likely to lose the jobs they have, and are also more likely to rely on welfare.

Various studies find the monetary costs to the Federal Government of only the reported cases of domestic violence to be estimated in billions of dollars.

Regrettably, hard economic times make even more crimes of this sort likely to occur, which is why the Congress must ensure not only to address this growing epidemic but to protect the necessary funds to protect the women of this country from domestic abuse.

LOUISVILLE'S FAIRNESS CAMPAIGN

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, I rise today to honor Louisville's Fairness Campaign—Kentucky's oldest lesbian, gay, bisexual, and transgender civil rights organization. This month the Fairness Campaign is celebrating 20 years of fighting against discrimination, inspiring hope, and protecting our citizens.

Thanks to Fairness, in 1999 Louisville became one of the first cities to prohibit housing and employment discrimination on the basis of sexual orientation and gender identity. Now Fairness is working tirelessly to secure these protections for all Kentuckians. Because of Fairness, more Kentuckians are seeing that the lines once drawn between us because of sexual orientation and gender identity are only imaginary, and they're realizing that hate has no place in our Commonwealth.

That's a message that needs to be heard not just from Pikeville to Paducah, but from coast to coast. I urge my colleagues to join me in congratulating the Fairness Campaign on two decades of service. It's truly thrilling how much progress they have made.

I would also like to individually honor the 10 brave Louisvillians who co-founded the Fairness Campaign in 1991 to seek equal protections for all citizens under the law: Jim Adams, Eric Graninger, Lisa Gunterman, Ken Herndon, Jane Hope, Pam McMichael, Susan Remmers, Jeff Rodgers, Thom Snyder, and Carla Wallace.

THE SUPERCOMMITTEE

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, the supercommittee is at a standstill. The Democrats won't consider cuts to entitlement programs if the money is primarily to pay for cutting taxes on the wealthy. Republicans won't consider raising taxes on the wealthy from their currently historically low levels because these are the job creators. But where are the jobs?

The fact is that corporate profits are at historic highs, as are CEO and investor compensation. But the reason for that corporate profit being historically high is that over the last several years, 75 percent of corporate profit has come from reduction in personnel costs. Then the top 1 percent reward themselves for cutting those costs and raising profits by increasing their own income and bonuses to record high levels.

In fact, the CBO report that came out today confirms this. The wealthiest 1 percent, whose income the Republican majority wants so much to protect,

went up by 275 percent since 1980. You don't get upward mobility, you don't realize our full potential as a Nation when we have such a concentration of wealth at the top.

FAIRNESS AND TRANSPARENCY IN CONTRACTING ACT

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, I recently introduced the Fairness and Transparency in Contracting Act, which will help level the playing field for small businesses and ensure that publicly traded companies no longer masquerade and then receive contracts meant for small businesses. Small business contracts should go to small businesses.

Unfortunately, loopholes in the system have resulted in subsidiaries of large corporations receiving Federal small business contracts. The GAO has found that small businesses across the Nation are the real losers when the Federal contracts are awarded to large firms that should not be eligible.

Mr. Speaker, Congress should no longer turn a blind eye when large publicly traded and foreign-owned companies obtain Federal small business contracts. The Fairness and Transparency in Contracting Act will ensure that America's small businesses can compete.

I urge my colleagues to support this legislation.

REDUCING PERSONAL DEBT

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute.)

Mr. CLARKE of Michigan. Mr. Speaker, several months ago, I introduced House Resolution 365, which asks this Congress to cut student loan debt and home mortgage debt.

As a result, several hundreds of thousands of people all around this country signed an online petition to support this resolution. I'm happy to say that our voices are now being heard. The White House is moving in the right direction on helping to cut student loan debt. But I'm urging the American public to keep speaking out, sign on to this petition to support House Resolution 365, and help free the American people from excessive home mortgage and student loan debt.

PROVIDING FOR CONSIDERATION OF H.R. 2576, MODIFYING INCOME CALCULATION FOR HEALTH CARE PROGRAMS, AND PROVIDING FOR CONSIDERATION OF H.R. 674, 3% WITHHOLDING REPEAL AND JOB CREATION ACT

Mr. SCOTT of South Carolina. Mr. Speaker, by direction of the Com-

mittee on Rules, I call up House Resolution 448 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 448

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2576) to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities. All points of order against consideration of the bill are waived. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 3. (a) In the engrossment of H.R. 674, the Clerk shall—

(1) add the text of H.R. 2576, as passed by the House, as new matter at the end of H.R. 674;

(2) conform the title of H.R. 674 to reflect the addition of the text of H.R. 2576, as passed by the House, to the engrossment;

(3) assign appropriate designations to provisions within the engrossment; and

(4) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 2576, as passed by the House, to the engrossment of H.R. 674, H.R. 2576 shall be laid on the table.

□ 1230

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 1 hour.

Mr. SCOTT of South Carolina. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SCOTT of South Carolina. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SCOTT of South Carolina. House Resolution 448 provides for a closed rule for the consideration of H.R. 674, a bill to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, and H.R. 2576, to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining the eligibility for certain health care-related programs.

Mr. Speaker, I rise today in support of this rule and the underlying bills. What we have here is something very simple: a bill to save jobs in America and a way to pay for it through a simple technical fix in the Patient Protection and Affordable Care Act, which is supported by the President and many Democrats in this Chamber.

H.R. 674, or what I call the Saving American Jobs Act, would repeal the 3 percent withholding requirement on government payments to businesses, both large and small. This is truly a bipartisan bill with more than 60 Democrats among the 269 cosponsors. Even the President supports changing the withholding tax. The tax is a job killer, plain and simple.

Beginning January 1, 2013, government agencies at all levels—Federal, State and local—will have to withhold 3 percent of their payments to businesses for goods and services. For many small businesses, this has the potential to completely wipe out their profit margins. At a time when we have a desperate need to create jobs and to create the environment for job creation, the withholding tax does the exact opposite. For many State and local governments, the implementation costs will be huge at a time when their budgets are already stretched thin.

For example, in my home State of South Carolina, the State Comptroller estimates the implementation costs associated with this tax will take up 11.5 percent of its budget. This tax punishes all businesses for the sins of a few, automatically and wrongly assuming all job creators who do business with the Federal Government are somehow evading full taxation. The last I checked, we should be encouraging people to follow the law, not penalizing them for doing so.

The tax also treats all businesses the same regardless of their taxable incomes. In the construction industry, for example, where unemployment is currently at 13.5 percent, companies rarely have a pretax profit margin of more than 3 percent. Therefore, a 3 percent withholding tax would completely wipe out their profit margins. As a former small business owner myself, I can assure you this is not the kind of math that leads to job creation.

This tax will also harm local governments that are already hurting for dol-

lars by placing on them an unfunded mandate to collect a Federal tax. Again, as former chairman of the Charleston County Council, this is more math that just doesn't add up.

With unemployment still at 9 percent, our job creators need capital to invest and long-term certainty in the Tax Code. Taking hard-earned dollars away from our job creators will only lead to higher prices, lower wages, and lost jobs.

Once again, Mr. Speaker, I rise in support of this rule and the underlying legislation. I encourage my colleagues to vote "yes" on the rule and "yes" on the underlying bills, and I reserve the balance of my time.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Mr. Speaker, I thank my friend for yielding the time, and I rise today in opposition to the combined rule for H.R. 674 and H.R. 2576.

The underlying bill, H.R. 674, repeals the 3 percent withholding for taxes on payments to government contractors, and H.R. 2576 will make health care unaffordable for 500,000 Americans—that's not according to me but according to CBO—leaving them with no choice but to drop their coverage. This bill will also increase the costs or reduce the coverage for many more Americans, including individuals with severe disabilities.

The pairing of these two bills is not, in my considered opinion, an appropriate use of our Nation's Tax Code, and in my opinion, does nothing to create jobs. It is part of the same old "all or nothing" majority strategy that led to the debt ceiling standoff earlier this year.

The Republicans have taken a bipartisan idea—and it is bipartisan, as my good friend from South Carolina said—that would actually put money directly in the pockets of hardworking Americans and make its passage contingent on a bill that reshapes the health care reform debate from the last Congress. Once again, my colleagues have chosen to play politics with the lives of middle class and working poor Americans.

The withholding requirement, itself, was passed in 2005 when President George W. Bush was in the White House and when Republicans had majorities in both the House and the Senate, but it was never implemented, and it has been put off a number of times.

Today, there is broad support for repealing this Republican-created provision. H.R. 674 has, as my friend said, 269 bipartisan cosponsors. Since Republicans have now brought a bill to the floor that would repeal this requirement, it is clear that this measure should not be combined, as in this rule, with H.R. 2576.

Getting rid of this provision will keep administrative costs down and assist American businesses during these challenging economic times. However,

Republicans want to pay for the 3 percent bill by making it harder for retirees, the disabled, and poor to get access to health insurance. This is, yet again, an inappropriate use of our Tax Code.

This bill is known as the MAGI bill, "modified adjusted gross income." It repeals the provision in the Affordable Care Act that allows individuals and families to exclude nontaxable Social Security benefits from their incomes when determining their eligibility for health care benefits. This definition would also apply when qualifying for Medicaid and Federal subsidies to buy private insurance in the State-run exchanges. According to the Joint Committee on Taxation, the exclusion of nontaxable Social Security benefits is typical when applying income limitations to tax benefits.

Regardless of the facts, my friends in the majority have decided to throw retirees and disabled individuals under the bus in order to offset a completely unrelated bill.

□ 1240

My friends on the other side of the aisle claim that this is about equity and fairness, but is it equitable for as many as 500,000 Americans to lose all their health care coverage as a result of this measure? What are we saying to these individuals; sorry, 500,000 of you are out of luck? Is it fair to make health care less accessible to low- and middle-income individuals rather than close loopholes and cancel special tax deals for wealthy, wealthy oil companies?

In contrast, the Democrats' substitute offered by Mr. LEVIN, the ranking member of the Ways and Means Committee, will make oil companies pay their fair share of taxes, thereby reducing the deficit by \$5.3 billion over 5 years and \$12.8 billion over 10 years.

It is clear that H.R. 2576 is not about equity at all. It's about forcing individual taxpayers to shoulder the burden of business tax provisions. H.R. 2576 will impose higher costs on retirees and persons with severe disabilities, shifting them out of Medicaid coverage or requiring that they contribute significantly more of their income for health insurance coverage through reduced tax credits.

How do Republicans intend to offset the cost, such as increased trips to the emergency room? How do you offset that association with half a million Americans suddenly losing their health insurance coverage? The Tax Code should not be used to effectively reduce health care coverage and increase costs for those least able to afford it.

Make no mistake, H.R. 2576 is yet another attempt by Republicans to undermine comprehensive health care reform. Last week, the Senate Republicans forced a vote on the 3 percent withholding repeal bill, but it too failed over unreasonable Republican demands.

Where are the jobs? Instead of passing a jobs bill, Republicans are redefining the rules to make health care less accessible for a considerable number of Americans. These bills together are a new approach to cutting the deficit for Republicans. Until recently, they said that the only way to fix the deficit was to starve the beast, that is, spending cuts only. But with a bill like H.R. 2576 that takes away health care from hundreds of thousands of Americans, Republicans have decided that rather than starving the beast, it's better to feed the beast to our society's most vulnerable members.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, it's odd that as the American people continue to watch Congress asking for a bipartisan approach to what we do here, it's very odd for us to find ourselves in that position today saying to the American people, we are finally on the right page of a bipartisan approach. And as it relates to the whole undermining of the health care act, the President himself has released a statement, an administration policy statement, that simply says that he supports H.R. 2576.

The fact of the matter is if we are going to find ways to save Medicaid and keep it available for the next generation, we must do things in a bipartisan approach that actually solve the problems without increasing the system necessarily.

Mr. Speaker, I yield 5 minutes to the gentlelady from Tennessee, Mrs. DIANE BLACK.

Mrs. BLACK. I thank my colleague from South Carolina for yielding.

I'd like to begin by stating that this legislation, H.R. 2576, is about fairness.

When the news broke this summer that the Affordable Care Act contained a loophole that would allow middle-class Americans to receive Medicaid benefits, I, like many of my colleagues, was very concerned. The new income formula that determines eligibility for government subsidies health insurance, the modified adjusted gross income, or also known MAGI, deviated from all of the other Federal assistance programs, failing to include Social Security benefits as income.

Under the health care law, a married couple with an annual income of over \$60,000 could qualify to receive Medicaid benefits. Let me put it in more stark terms. Changing the income formula could result in individuals, whose incomes are up to 400 percent of the poverty level, receiving Medicaid. This is unacceptable. I very strongly believe that it is our duty to ensure that the very scarce Medicaid dollars and resources are there for those who are in the most need.

Again, let me state that the Affordable Care Act's income formula for Medicaid, CHIP, and exchange subsidies deviated from the eligibility re-

quirements for all other Federal assistance programs. Supplemental Security Income, Supplemental Nutrition Assistance Program, also known as food stamps, Temporary Assistance for Needy Families, and public housing all—all—include the entire Social Security benefit as income. My bill, H.R. 2576, would add Social Security benefits back into the equation, realigning Medicaid with all the other programs and stopping these improper payments before they occur.

It is incorrect to assert that this legislation unfairly targets widows, survivors, and the disabled. This is equivalent to asserting that the public housing or the SNAP are unfairly targeted to widows, survivors, disabled simply because, when accounting for the resource programs, they consider the source of income.

The health care law's deviation from the typical method of counting income results in taxpayer dollars being directed to individuals who do not meet the standard definition of low income. According to the current law, a couple who both earned Social Security benefits and have a total income of \$22,065 would have a higher income than a couple earning \$58,840 for the purpose of determining eligibility for the Federal subsidies in the exchange. This is totally unfair.

When asked about the MAGI glitch, CMS actuary Richard Foster said, "I don't generally comment on the pros and cons of policy, but that just doesn't make sense." Foster said the situation keeps him up at night and has previously compared the MAGI formula to allowing middle-class Americans to receive food stamps.

Additionally, Richard Sorian, the HHS assistant secretary for Public Affairs, conceded that "as a matter of law, some middle-income Americans may be receiving coverage through Medicaid, which is meant to serve only the neediest Americans."

Now, it is important to note that my legislation does not take away a benefit from anyone on the Medicaid rolls today. MAGI would not be in effect until 2014, so it's important that we bring Medicaid back into line with all of the other Federal assistance programs as soon as possible.

Additionally, my legislation enjoys bipartisan support. In the Senate, HELP Committee Ranking Member MIKE ENZI has a companion bill, and President Obama himself, as has already been noted, recognizes the problem. In his recent debt reduction plan, the President explicitly—explicitly—proposes that the entire amount of Social Security benefits be included in the definition of income. And, as has already been stated, there was a statement of administration policy put out yesterday, and I want to read that to you:

The administration supports H.R. 2576, which could change the calcula-

tion of modified adjusted gross income, as defined in section 1401 of the Affordable Care Act, to include both taxable and nontaxable Social Security benefits.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SCOTT of South Carolina. I yield the gentlelady an additional 30 seconds.

□ 1250

Mrs. BLACK. This commonsense bipartisan solution would bring Medicaid into line with all of the other Federal assistance programs and ensure that the program is there for those who are in the most need. That is very important. Furthermore, and I believe this cannot be emphasized enough, according to CBO and the Joint Tax Committee estimates, this bill could save taxpayers approximately \$13 billion over 10 years. Considering our \$14 trillion in national debt, closing this loophole as soon as possible is good policy on a number of levels.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1½ minutes to the distinguished gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I rise in support of this legislation, which is bipartisan and cosponsored by almost two-thirds of our colleagues in this Chamber. Earlier this year, Congress passed another bill with almost equal support when we repealed the burdensome 1099 requirement. Today, we are again working in a bipartisan way to make this commonsense change to the Tax Code that will provide much needed certainty to businesses around the country.

I've heard from numerous small businesses in my district that if the 3 percent withholding provision goes into effect as scheduled, firms that do business with the Federal, State, and local governments will face what amounts to a tax increase at this time when they can least afford it. Congress has previously voted to delay implementation of this provision, but we can do more to show businesses in western Pennsylvania and across the country that we are serious about helping them succeed.

I urge my colleagues to join me in permanently repealing the 3 percent withholding tax provision.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania, Mr. MIKE FITZPATRICK.

Mr. FITZPATRICK. I thank the gentleman for the time and also for his leadership in bringing both parties together around this idea that will create jobs in the United States. I rise in support of the rule today and in support of the underlying legislation.

Throughout the past year, I have heard over and over again from small businesses, from women-owned businesses, from contracting businesses,

hospitals and the like that this rule, which essentially amounts to a tax, will hinder business' ability to compete, grow, and thereby create jobs. This bill that's before the House today would right a wrong that unnecessarily punishes good actors, small businesses, and local governments who do business with the Federal Government in good faith. Small businesses, who often operate with the thinnest of margins, will be unnecessarily targeted in the Federal Government's zeal to capture more money. Small and medium-sized businesses are being looked to for our economic recovery. We cannot simultaneously ask American companies to begin hiring again while we withhold the capital that they require to grow.

Additionally, while the 3 percent withholding bill was originally well-intentioned, implementation of this rule has been continuously delayed, most recently in the 2009 stimulus bill and again by the IRS in May of 2011. This is a clear indication of the widespread recognition that this provision is costly and harmful to our economy.

So, Mr. Speaker, I cosponsored this underlying bill because it is bipartisan legislation that will be good for the economy and will help create certainty for job creators. The President has expressed support for this repeal. I urge swift action on the legislation in the Senate. I ask my colleagues to support the rule and the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend, the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend from Florida for yielding.

As we meet this afternoon, 15 million Americans are unemployed. The President has a proposal to put people to work modernizing 35,000 schools in America, but we're not voting on that bill.

The President has a proposal that would avoid a \$1,500 a year tax increase on middle class Americans January 1 if we don't act, but we're not voting on that bill.

The President has ideas to help the real job creators, the small businesses of this country, get bank loans from the people they bailed out with their tax dollars in the TARP bill a couple of years ago, but we're not voting on that bill.

Now, we are voting on a bill that we should support that says that businesses should not have to make an interest-free loan to the government when they do business with the government. I'm for that. But you do need to understand the way this bill is paid for. This bill does have an offset, meaning it will not add to the deficit. I think we're all for that. But it's important to understand the way we make that decision. There were two options as to how we might take care of that offset. We

said let's go to the industry that's had the most successful year in its history, the oil industry, and stop giving our tax dollars to the oil industry when they're making record profits. That idea is not up for a vote.

What is up for a vote is a provision that may make some sense. It may make some sense. It essentially deals with the adjustment formula for benefits under the new health care law. But we're not really sure exactly how the proposal will operate. There is a risk that some deserving middle class people will pay higher health insurance premiums if this is not done in the right way.

So understand this: The first way we could have paid for this bill would be to go to the oil industry and say you've had enough time at the public trough, you're making record profits, no. Or we could say let's roll the dice and let's try this experiment with the health premiums of middle class people. Guess who won?

Now we thought it would be a good idea to at least put the two ideas up for a vote, but this rule doesn't do that. So the House will have to work its will today on the underlying bill. I'm going to vote for the underlying bill, but I'd really look forward to voting next week—and let me say one other thing. The plan for the House the rest of the year is to be here another 14 days between now and New Year's Day, and take the rest of the year off. A lot of Americans are going to have the rest of the year off, too—involuntarily, because they're out of work. Let's get to the business of creating an environment where small businesses create jobs for the people of this country. Let's put Americans back to work after we do this good business of today.

Mr. SCOTT of South Carolina. Mr. Speaker, one of the things that is so important for us to recognize is the importance of living within our means and allowing our ability to control our spending to dictate what we are able to use, as opposed to having more tax increases as a way to fund the resource priorities of this Nation.

I yield 3 minutes to the gentleman from Oklahoma, Mr. JAMES LANKFORD.

Mr. LANKFORD. Mr. Speaker, I rise in support of the rule and the underlying bill, H.R. 674, which repeals the 3 percent withholding requirements on State and local governments for goods and services. The 3 percent withholding requirement is just another layer of burden and unfunded mandates on our States, cities, counties, and private entities.

Withholding 3 percent of a contract at the start just in case sets a horrible precedent. When we find a bad actor in the contracting community, we should have aggressive prosecution, suspension, and debarment. But, we should not have a national policy that assumes every contractor in America is a

tax cheat. It's a dreadful policy, and it's horrible economics.

Let me break this down to what it will mean for communities in my State of Oklahoma. In Oklahoma City, it will cost between \$75,000 and \$250,000 to implement the initial financial system and all of the modifications to comply with these rules. After that, it's expected to cost at least \$15,000 a year to maintain those modifications in the financial system.

To ensure that Oklahoma City fully complies with these mandates to maintain the financial system, Oklahoma City estimates that they're going to have to hire two additional full-time employees. Now I understand that we're all about job creation here, but our job creation should focus on goods and services and taking care of people, not filling out even more Federal forms.

In Edmond, Oklahoma, they're concerned as to how the 3 percent withholding requirement would eventually be passed along to the buyer, increasing the overall cost. Edmond's annual contractual services expenditures line is over \$130 million this year. If the cost of these products and services are increased by 3 percent to cover the withholding costs, Edmond's expenditures could be raised by \$4 million. Worse yet, that could mean contractors choosing not to bid on city and local projects, ultimately decreasing competition and increasing the cost.

A contractor in the small town of Tecumseh, Oklahoma, told me that with a down economy, he only had a 2 percent profit margin last year. The 3 percent requirement would stifle his cash flow and would force him to increase his bids, which of course would be passed along to the taxpayer.

Mr. Speaker, as we continue to find ways to kick-start our economy and encourage job growth in the private sector, I'm hopeful we can come to a bipartisan agreement to reduce the regulatory burden on State and local governments and encourage private sector growth. I'm sure it was well intentioned at the start, but it is time to eliminate this burdensome regulation.

□ 1300

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my friend and classmate from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

I am pleased that the House will deal with the repeal this week. I was honored to be the principal cosponsor with my good friend, WALLY HERGER, of the Ways and Means Committee and to have a bipartisan effort to move this legislation forward.

I didn't vote for this bill in 2005, in the first place. And I have been working to fix it ever since the impact was revealed to us. Tax compliance is an

important goal. We have somewhere in the neighborhood of \$200 billion to \$300 billion a year that is owed to the Federal Government to meet our obligations and reduce burdens on others that is not paid. But this bill is decidedly not the approach to take.

My good friend, Congressman HANNA, a freshman Republican from upstate New York, has an excellent op-ed in today's Roll Call that outlines how onerous it is from his perspective of having been a small contractor.

There are three points that I think ought to be made as we go forward. First of all, we got this bill because we didn't follow regular order in 2005. I don't think there was ever a hearing before our Ways and Means Committee that talked about this bill that allowed contractors and small businesses to be able to explain the impact. I am very pleased that I think Chairman CAMP is committed to trying to follow regular order in this Congress, unlike what happened in 2005.

The second point is that this reveals a flaw in the CBO calculation. I'm not faulting CBO. They're following their rules. But they assume that the Federal Government has the capacity to implement it. And they only count the revenues. Well, you don't have to go very far to understand that this wouldn't just be a burden on small business and it wouldn't just be a burden on State and local government. The cost of compliance for the Federal Government itself will, I guarantee you, be more than the amount of money that would be collected.

Finally, I felt that we could do better in paying for it; but, frankly, I think the situation that we are in in the months ahead is that we're going to need to do both. We will be making the adjustment that is advanced by my friends from the Ways and Means Committee, and we will be approving the elements that are in the motion that the Democrats would do in terms of fixing an egregious tax loophole for oil companies that only serves to improve their bottom line and does nothing to increase oil supply, does nothing to lower prices. But I will try and move both of those forward.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman 1 additional minute.

Mr. BLUMENAUER. I very much appreciate it. I get a little wound up on this. But we've been working on it for a long time.

I want to conclude by saying that I hope we don't allow some strategic differences on the floor of the House between the two parties in terms of priorities. As I say, we will end up approving both these approaches because the scale of our deficit is such that we need to do it. The administration will support it, and both parties will ultimately get there. And I think the American public will support it.

But we need to come together to make sure that this legislation that we're working on this week does not fall victim to crossed signals on the other side of the Capitol. We need to work with the other body. We need to send a strong signal here to make sure that this mistake from 2005 is corrected now and spares unnecessary hardship for our business community and also for State and local government and, indeed, for the Federal Government itself.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Illinois, Mr. RANDY HULTGREN.

Mr. HULTGREN. I want to thank my colleague from South Carolina.

Mr. Speaker, I rise today in support of both the bills under this rule and, in particular, H.R. 674, repealing the 3 percent withholding tax on government contracts.

It may have seemed like a good idea at the time, but now we clearly see that it is a mandate that drains precious resources from America's job creators—small businesses. The profit margin for many businesses affected by the proposal is often less than the 3 percent mandate. The withholding tax will create substantial cash flow problems and drain capital from many businesses that could otherwise be used to invest and grow or hire more workers.

Mr. Speaker, I join with many business owners, State and local governments, and educational institutions in supporting H.R. 674, to repeal this tax, and provide a meaningful step towards instilling certainty in job creators in getting this economy moving on the right track.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. KEATING).

Mr. KEATING. Mr. Speaker, I hope the previous question is defeated so I can offer an amendment, along with my colleagues Mr. LEVIN and Mr. BISHOP, to really correct something that, frankly, is outrageous. It's not only outrageous, but it is exhibit A of what's wrong with this Congress.

The underlying bill to do away with the 3 percent withholding, I've met with my local business people, had discussions, and this is a great opportunity for bipartisan efforts to help create some jobs and help small businesses go forward. We're actually in agreement with something that's going to do all those things; and I'm proud to support that, and I'm proud to reach across the aisle and support that.

But I have got to tell you, you just can't mess things up more than you're messing things up here, because the offset that was taken by the majority party is a tax on people that have Social Security and Medicaid. Why are you doing that when you're trying to

get people some economic benefits through businesses, and really an effort that we both should be applauded for working together on.

The amendment that I'm going to offer is going to correct that. It's going to correct it in a way that makes perfect sense and is exhibit A about what can be right about this Congress. We're going to take away that oil subsidy that in the next several years is going to amount to \$43.6 billion in a windfall to our richest, most profitable companies that don't need it. Incidentally, 93 percent of that windfall goes to preferred stock buy-backs and CEO remuneration that is not necessary.

So we have something we agree on. We have something that's going to be a benefit and that's going to create jobs and help small businesses. Now, we can go one of two ways in terms of paying for that.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. KEATING. We can have an additional tax on the Medicaid and Social Security recipients, or we can continue to reward the CEOs and Big Oil. That's not a tough choice.

So I hope that the previous question is defeated so we can offer something that makes sense. It's time for this Congress to get it right. We have a chance to do it, and I hope we will.

Mr. SCOTT of South Carolina. I would just encourage my friends on the left who want to raise taxes, raise taxes if you can, but the bottom line is that raising revenues does not make you more responsible, does not make you use the revenues that you currently have more responsibly. So the notion of raising taxes to use that as a fix to this situation is inconsistent with the reality and is part of the alternate universe that we ought not be a part of.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois, Mr. DONALD MANZULLO.

Mr. MANZULLO. I rise in support of the rule and the underlying bill.

Instead of going after tax delinquents, the law punishes everyone for the failings of a few. When I chaired the Small Business Committee several years ago, I saw a lot of harm and injuries taking place to small business people. This is a tough one. H.R. 674 would repeal that.

The 3 percent withholding rule disproportionately hurts small businesses. I met with several electrical contractors in my office recently, and the first thing on their minds and their hearts was the fact that this should be repealed because it simply does not make sense.

The bill would repeal the onerous law to the benefit of farmers and others who sell goods and services to the government at all levels, but also it repeals an unfunded mandate imposed

upon State and local governments that requires them to be the tax collectors for the IRS. This bill would free up precious financial resources so businesses have the flexibility to hire more workers to complete the task at hand. I urge my colleagues to support this bipartisan bill.

□ 1310

Mr. HASTINGS of Florida. Mr. Speaker, I would advise my good friend from South Carolina that I am the last speaker. If he has other speakers, then I will reserve my time.

Mr. SCOTT of South Carolina. We have one more speaker.

Mr. HASTINGS of Florida. I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Florida, Mr. DENNIS ROSS.

Mr. ROSS of Florida. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the rule and the underlying bill.

Now more than ever, regulatory and tax reform are needed. The 3 percent contractor withholding requirement is yet another onerous regulatory tax policy that will hinder small business' ability to survive and hire new employees. The 10.6 percent unemployment in my home State of Florida cannot handle another government job-killing regulation.

Repealing this legislation will ensure America's small businesses are not assessed another regulatory cost that will either be passed on to consumers in cost or will force another small business to shut its doors.

The 3 percent withholding requirement was originally intended to make sure contractors paid taxes. In reality, it is simply a one-size-fits-all government approach to a problem filled with unintended consequences.

One of the most tragic consequences could be the cost to our seniors. Ninety-five percent of Medicare physicians will be affected by this withholding tax. Our seniors should not suffer because our Tax Code is too confusing, too burdensome, and too big.

Mr. Speaker, this regulation shows why we need a Tax Code that is flatter and smaller and why we need Medicare reform with fewer scare tactics and more choices.

Mr. HASTINGS of Florida. I yield myself the balance of my time.

Mr. Speaker, President Obama, as has been cited, along with many of our colleagues, supports changing the definition of "modified adjusted gross income." But like on other occasions, I have disagreed with this President on matters, and in this instance I do. There are many in the institution who have a different view. But there is no reason why a bill reducing access to health care for millions of Americans has to be tied to a bill that will put money back into the pockets of middle class and working poor Americans.

My colleagues on the other side of the aisle made a conscious decision to make it harder for Americans to pay their medical bills. Now, they could have just as easily tied this bill to one that reduces oil and gas subsidies. But listen, I just spoke to a group of students, about 15 or 20 of them from American University, and I put the question to them regarding this rule, explaining to them some of the dynamics of the institution. I put the question to them: What would seem more sensible to you. Would it be that 500,000 people should and may lose their coverage under a measure, or that the oil companies and gas companies—and I added GE—that those kinds of companies that cause these kinds of matters not to have to come into play at this time in our institution?

Now Democrats—SANDER LEVIN, my good friend from Michigan, the ranking member—introduced a substitute that would eliminate oil and gas subsidies in order to repeal the withholding requirement while still allowing Americans to keep their health care coverage. Yet they wouldn't waive the rules for that, as they've done a number of times, my Republican friends, for their own amendments, proving once again that the rules are only sacred when oil and gas and big business profits are at stake.

Mr. Speaker, if we defeat the previous question, an amendment will be offered to the rule to let Mr. LEVIN of Michigan or Mr. BISHOP of New York or Mr. KEATING of Massachusetts offer the amendment we tried to have made in order in the Rules Committee yesterday. As we've said, the amendment will roll back special tax loopholes for immensely profitable big oil companies. Is there anybody that doubts that?

And I'd like to hear from these oil company representatives. They're entitled. They're not a person, as some have said; they're a corporation. And they don't have, I guess, a conscience because their bottom line is to make a profit. Well, they've made a lot of it, and all we're asking them to do in this case and others—and I'll be back down here another time asking them—to share some of it with the American people and not cause the pressing down to our States, the pressing down to our counties and municipalities, and causing people who are disabled—and, indeed, some will lose their insurance because of this.

And maybe some of these persons have never had a disabled person. But I had a mother that was disabled for the last 2 years of her life, 30 years previous to that being almost bedridden, and I know what disability is, as I'm sure some of my friends do here. Had I not been alive, she would have died many years earlier because she had no ability to provide for herself, yet Shell Oil and Exxon and GE and all these people do. And they're right about

their profitmaking, but they're wrong about not being able to share it with the people.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question. I urge a "no" vote on the rule, and I yield back the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, we find ourselves at a place where we should have been at for many, many months, and that is working in a bipartisan way to save American jobs.

Mr. Speaker, it is amazing that we have this opportunity to have the President's support with those of us on the right, to have the Democrat leadership joining us, 269 cosponsors on this legislation that simply says to the job creators: We believe in you.

Mr. Speaker, today we have a very simple vote. We can remove an impediment to job creation from the backs of small businesses with no overall increase in government spending. That should be our vote today.

I encourage all of my colleagues to support the rule and the underlying bill.

Mr. MCGOVERN. Mr. Speaker, here we go again. Another day in the House of Representatives, another day without a jobs bill. As a Red Sox fan, I'm not prone to quoting Yogi Berra—but this is déjà vu all over again.

This Tea Party-run Republican House is not only breaking House rules to move a bipartisan bill—something they said they would never do—but they are breaking these rules to protect big oil while taking healthcare away from low-income Americans.

Talk about hitting the trifecta.

Let's start with the rule. We have one rule for two bills, one bill repealing the 3% withholding requirement and another bill offsetting the costs of the first bill. Why have two bills come up under one rule? The only reason is because the Republicans want to shut down debate and limit the motion to recommit. That's why the rule combines these two bills into one bill after they are approved on their own.

This is just one more example of this Republican leadership's continual streak of broken promises.

If this weren't bad enough, this rule waives all points of order—including the Budget Act. Why is this necessary? Well, that's because the 3% withholding bill violates the Budget Act twice.

The sad truth is that the Chairman of the Subcommittee on Health, the gentleman from California Mr. HERGER, didn't even know that his bill violated the Budget Act when he testified before the Rules Committee yesterday.

Chairman DREIER, of course, tried to explain these violations but he was misinformed when

he said the only reason for these violations was because the Senate did not pass a budget resolution. To correct the record, that's only one of the violations. The other violation is because this bill violates the House-passed budget resolution. I'm not one to defend the Ryan budget, but I'd like to think that the Republicans wouldn't use one bill to contradict legislation they passed earlier this year.

And the Republican offset for the 3% withholding bill is a bad one—it tightens Medicaid and health insurance exchange subsidy eligibility requirements. In other words, it prevents low-income individuals and families from being eligible for Medicaid, an egregious act during normal times but especially heartless in this difficult economy.

Talk about turning a deaf ear to people who are struggling to make ends meet.

Now, Democrats offered an amendment to replace the bad Republican offset by eliminating subsidies to big oil and gas companies. BP, for example, reported profits of \$4.9 billion in the third quarter of this year even though their production decreased by 12 percent over that period. They made more money with less oil and we—the American people—still provide lucrative subsidies to them.

Time after time, the Rules Committee has blocked my amendment ending the subsidy—siding with big oil and defending their subsidy—using procedural excuses.

It's funny how the Republicans waive the rules when it's convenient for their agenda but they refuse to apply that same standard to all bills. In this case, Republicans waive all points of order against the underlying bills but cite germaneness and cut-go as reasons why they're not making the Democratic substitute in order.

The truth is Republicans are hiding behind this flimsy excuse to protect big oil.

To my Republican friends, let me set the record straight. You're making in order a non-germane bill to pay for the repeal of the 3 percent withholding bill—a bill that violates the Budget Act—but you're saying an amendment ending subsidies for oil companies making billions of dollars each month can't be made in order because it's not germane?

You're making in order a bill that violates the rules of the House—and you're protecting this bill from these points of order—but you won't do the same for our proposal?

It's truly outrageous that you're making two bills in order and using the rule to combine these two bills into one; that you're going out of your way to make in order your non-germane bill and you're not doing the same for our bill.

It's truly outrageous that you're more interested in rationing healthcare for those who need it instead of ending subsidies for oil companies who continue to rake in billions of dollars of profits each quarter; and that you're hiding behind procedural excuses in order to get your way.

Mr. Speaker, this is a process even Tom DeLay would marvel at.

The following is a list of the instances when the Republicans have waived germaneness (Clause 7 of Rule XVI) and both cut-go and germaneness (Clause 10 of Rule XXI).

REPUBLICANS' WAIVERS OF CUTGO AND GERMANENESS THIS YEAR SO FAR:

CUTGO WAIVERS—CLAUSE 10 OF RULE XXI (3 TIMES):

H.R. 3079 (H. Res. 425)—Panama trade bill
S. 627 (H. Res. 375)—Budget Control Act of 2011

S. 365 (H. Res. 384)—Budget Control Act of 2011

GERMANENESS WAIVERS—CLAUSE 7 OF RULE XVI (9 TIMES):

H.R. 839 (H. Res. 170)—HAMP Termination Act of 2011 (canceled a program to help homeowners modify their loans)

H.R. 861 (H. Res. 170)—NSP Termination Act (canceled a program to redevelop abandoned and foreclosed homes and residential properties)

H.R. 910 (H. Res. 203)—Energy Tax Prevention Act of 2011 (taking away EPA's authority to regulate greenhouse gases)

H.R. 1315 (H. Res. 358)—Consumer Financial Protection Safety and Soundness Improvement Act of 2011 (weakened the Consumer Financial Protection Bureau)

Senate amendment to H.R. 2608 (H. Res. 405)—CR I11Senate amendment to H.R. 2608 (H. Res. 412)—CR

H.R. 658 (H. Res. 189)—FAA reauthorization

H.R. 754 (H. Res. 264)—Intel Authorization

H.R. 1892 (H. Res. 392)—Intel Authorization
Vote no on the previous question, reject this rule, and reject the pay-for that violates the Budget Act and cuts healthcare for low-income families.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 448 OFFERED BY MR. HASTINGS OF FLORIDA

(1) In the first section of the resolution, strike "the previous question" and all that follows and insert the following:

The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; (2) the amendment printed in section 4, if offered by Representative Levin of Michigan, or Representative Bishop of New York, or Representative Keating of Massachusetts, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(2) At the end of the resolution, add the following:

SEC. 4. The amendment referred to in the first section of this resolution is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. REPEAL OF IMPOSITION OF 3 PERCENT WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

(a) IN GENERAL.—Section 3402 of the Internal Revenue Code of 1986 is amended by striking subsection (t).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2011.

SEC. 2. DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES NOT ALLOWED WITH RESPECT TO OIL AND GAS ACTIVITIES OF MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Subparagraph (A) of section 199(d)(9) of the Internal Revenue Code of 1986 is amended by inserting "(9 percent in the case of any major integrated oil company (as defined in section 167(h)(5)))" after "3 percent".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the *Republican Leadership Manual on the Legislative Process in the United States House of Representatives*, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled

"Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

SOUTHEAST ARIZONA LAND EXCHANGE AND CONSERVATION ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1904.

The SPEAKER pro tempore (Mr. SCOTT of South Carolina). Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 444 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1904.

□ 1321

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1904) to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes, with Mr. MURPHY of Pennsylvania in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. HASTINGS) and the gentleman from Ari-

zona (Mr. GRIJALVA) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, our Nation has suffered through 32 consecutive months of over 8 percent unemployment, and people everywhere across our great Nation continue to ask, where are the jobs? Congress' top priority right now is job creation, and today we have an opportunity to act on that commitment by passing a bill that would put thousands of Americans to work.

The Southeast Arizona Land Exchange and Conservation Act, sponsored by our colleague from Arizona (Mr. GOSAR), is a commonsense measure that will create new American jobs and strengthen our economy through increased U.S. mineral production.

The bill authorizes an equal-value land exchange between Resolution Copper, the Federal Government, the State of Arizona and the town of Superior, Arizona, that will open up the third-largest undeveloped copper resource in the world. The bill requires the cost of the land exchange to be fully paid for by the mine developer, ensuring fair treatment for taxpayers and for the government.

This project will provide substantial benefits to the United States in the form of job creation, economic growth, and increased national security. This mining project will support nearly 3,700 jobs. These are good paying, American wage jobs that will equate to more than \$220 million in annual wages.

At a time when our economy continues to struggle, this mining project will provide a much-needed boost through private investment. This mining activity will have over \$60 billion in economic impact, and will generate \$20 billion in total Federal, State, county, and local tax revenue.

So this bill, Mr. Chairman, is a perfect example of how safely and responsibly harnessing our resources will generate revenue and get our economy back on track. The importance of U.S. copper production cannot be overstated. Our Nation has become increasingly reliant on foreign countries for our mineral resources, placing our economic competitiveness and national security at risk.

The U.S. currently imports 30 percent of the copper we need, and we will continue to be dependent on foreign countries if we fail to develop our own resources and the vast resources, indeed, we have in this country. The copper produced from this single project will meet 25 percent of the United States' entire copper demand. The copper could be used for a variety of projects, ranging from hybrid cars like the Prius to medical devices, plumbing, and computers. Without it, the micro-

phones and lights that we're using here right now would not be functioning. It's also essential for national defense equipment and technology. It is used in satellite, space and aviation, weapons guidance, and communications.

The benefits and the reasons to pass this bill, Mr. Chairman, are plentiful. However, we are likely to hear several inaccurate claims from those across the aisle who are opposed to mining in America. I would like to take a moment to set the record straight right from the beginning.

First, the bill follows the standard Federal land appraisal process, procedures issued by the Department of Justice which have been used in this country for decades. The appraisal requires full market value to be paid for both the land and minerals within.

If, by chance, there is copper production beyond the appraised value, Mr. Chairman, the mine developer will be required to pay the United States the difference, which would be assessed on an annual basis. This is an added guarantee to ensure that taxpayers get a fair return on their copper resources.

Second, this bill is about creating nearly 3,700 American jobs. It's not about helping foreign mining interests, as some have charged. Opposing this mine and not producing copper in the U.S. is what truly benefits foreign nations by sending American jobs overseas and making it increasingly reliant on foreign resources of critical minerals.

Third, the bill requires full compliance with environmental laws and tribal consultation prior to constructing the mine. This bill provides more conservation and protection of culturally sensitive riparian and critical habitat than otherwise would occur, especially areas to be conveyed currently under private ownership.

Fourth, the developer has already secured over half the water needed for this project, and has committed to having 100 percent of the water it needs in hand before construction begins. Claims that the project will require the same amount of water used by the City of Tempe is, Mr. Chairman, a gross exaggeration.

Finally, this bill does not trade away sacred sites. As previously stated, the bill requires tribal consultation. And there is a map that will be shown later on today that talks about the copper triangle in this part of Arizona, and you will see that on this map which will be shown later, this mine is right in the middle of that copper triangle.

H.R. 1904 is about creating new American jobs, strengthening our economy, and decreasing our dependence on foreign minerals. The bill has broad support, both locally and nationally, including from Arizona Governor Jan Brewer, the Arizona Chamber of Commerce, the U.S. Chamber of Commerce,

the National Association of Manufacturing, and the National Mining Association.

They all, Mr. Chairman, recognize the job-creating benefits of this bill. So I urge my colleagues to strongly support H.R. 1904 to put Americans back to work on American jobs and utilize the vast resources in this country that we should be using for economic and for national security reasons.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. I yield myself such time as I may consume.

H.R. 1904 is a triple threat. It will rob Native people of their heritage. It will rob local people of their water. And it will rob the American people of their money.

This legislation is simply an abdication of our responsibilities as stewards of public lands and the public trust, and it must be rejected. The Congress routinely considers land exchanges. It is our responsibility to weigh the merits of each proposal to determine whether it is in the best interest of the American people. Some proposals facilitate public recreation, some help local communities build courthouses and schools, and some serve important environmental goals.

The land exchange required by H.R. 1904 serves none of those purposes. Rather, this legislation will take thousands of acres of healthy, protected, sacred public land and convert it into billions of dollars in corporate profits for two foreign mining companies.

H.R. 1904 trades away several sites that are sacred to Native people. The hearing record before the Natural Resources Committee includes desperate pleas from San Carlos Apache, White Mountain Apache, Yavapai Apache, Tonto Apache, Fort McDowell Yavapai, Hualapai, Jicarilla Apache, Mescalero Apache, and the Zuni Pueblo and others, pleading to respect the religious and cultural traditions.

□ 1330

Instead, the bill waives compliance with NEPA, the Native American Graves Protection Act, the Historic Preservation Act, and all other statutes that might give the tribes a voice and respect at the table before this decision is finalized. The final insult comes when the bill requires consultation with Native people—after the land exchange, after that exchange has already occurred. This will not be government-to-government consultations as required by the treaty trust relationship. Rather it continues a pattern of neglect and belittles Native people once again.

The legislation also threatens to dewater a large and already drought-prone area, turning it from an arid but functioning landscape into a desert. According to testimony received by the committee, a mining operation like the

one planned by Resolution Copper requires an estimated 40,000 acre-feet of water per year. This is roughly the amount of water used by the entire city of Tempe in Arizona.

The company does not own any water rights and has failed to indicate where the water from the mining operation will come from. Historically, mining companies have simply sunk their wells deeper than their neighbors and taken the water that they need. A Federal mining permit process, along with compliance with NEPA and other laws, might mitigate or at least explore these concerns; but the legislation allows Resolution Copper to skip these steps, leaving the people of southeastern Arizona in grave danger of severe water shortages. NEPA happens after that land trade is finalized, when Rio Tinto—the parent company of Resolution Copper—holds all the cards. Compliance with NEPA becomes unclear and poses legal issues regarding private property.

Finally, the legislation will allow Rio Tinto—the parent company of Resolution Copper—to realize billions in profits without guaranteeing a fair return to the current owners of the land, the American people. The bill contains appraisal and payment provisions; but the language is nonstandard, and in some cases totally unique. Why are such provisions necessary when a simple, straightforward royalty would provide a fair and predictable return for the taxpayers?

At a time when we are told that everybody from college students to the elderly must accept drastic cuts to basic Federal programs, it is unconscionable that we would approve a massive transfer of wealth from the American people to a foreign-owned mining company without insisting on a fair return.

Supporters of this legislation claim it would create jobs. Job creation has been the excuse used here on the House floor to push legislation dismantling the last century of environmental protection, and H.R. 1904 continues that pattern. The job-creation claims are all based on predictions provided by the industry and the companies which stand to profit from this deal without a mining plan to verify or corroborate any of the information. Thus, they are all highly suspect.

When this proposal was first developed in 2005, the Arizona Republic and Tucson Citizen reported the mine would create 450 jobs. Without explanation, these predictions have skyrocketed over the years to 1,200 jobs to 3,700 today; and 6,000 jobs, as well, have been brought up as numbers of jobs that would be created. None of these numbers are supported by facts.

The trend in mining over the last several decades is clear: mining companies are producing more and more and using fewer and fewer workers. Rio

Tinto and BHP-Billiton are pioneers in the use of automation, and the Resolution Copper project is an opportunity to perfect these technologies even further. The number of jobs actually created by H.R. 1904 will pale in comparison to the economic and environmental devastation that it could cause.

Mr. Chairman, this is a special interest legislation that is not in the interests of the American people. This legislation asks Congress to be business agents for foreign-owned corporations and not stewards of the public land or represent the American taxpayer.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 5 minutes to the gentleman from Arizona (Mr. GOSAR), the sponsor of this bill, somebody who has been absolutely tenacious in seeing that this legislation advances to where it is today.

Mr. GOSAR. I rise today in support of my legislation, H.R. 1904, the Southeast Arizona Land Exchange and Conservation Act, legislation that will create new American jobs, reduce our dependence on foreign sources of energy and minerals, protect high-profile conservation lands, and generate revenue for Federal and State treasuries.

In this time of serious economic hardship, Congress must engage in serious debate over serious issues. What should not guide Congress is an endless game of unfounded attacks that lead to trumped-up fear-mongering to gain political advantage, particularly, in this case, the fear of robots.

This legislation is a real job creator. I would like to tell a story about Chris Astor, a current employee at the mine site and a member of the San Carlos Apache Tribe. Chris grew up attending public schools on the San Carlos Apache Reservation and graduated from high school in nearby Globe. In 2010, Chris was among those in the first group of the Resolution Experience participants—a paid 3-week program Resolution launched in the summer of 2010 to introduce potential employees to the world of mining. Each participant receives a Mining Safety and Health Administration-certified training and then is exposed to the various work disciplines within Resolution Copper. Following this 3-week program, many of the program participants are hired by the company or its contractors. Among the hired employees was Chris Astor.

Chris is one of seven San Carlos Apaches who have been hired by Resolution Copper or its contractor since the program began in the summer of 2010. Chris now works as a core handler—one of a seven-member crew that retrieves drill core samples from the rigs that do the project. I've had the blessing of doing this in my own life for my dad. Under the guidance of geologists, the core handlers log, process,

and archive core samples with geologists and mine engineers helping them to rely on and understand the nature of the ore body. "I would like to eventually try different jobs, get a broader view, learn and grow into a supervisory role," Chris says. "I also want to be trained to work underground."

Prior to the Resolution Experience, Chris worked at the Pinto Valley copper mine, an open-pit mine a few miles northeast of Resolution Projects, which is owned by BHP-Billiton. However, this mine is currently closed. Before joining Resolution Experience, Chris had been out of work for more than a year.

Chris is now a 31-year-old father of three children, ages 13, 9, and 5. With his stable, good-paying job, including great medical and benefits, Chris is able to confidently support his family. "I can take care of my kids better and provide what they need—and sometimes even what they want," he says.

Life was not always good for Chris. He grew up as an only child raised by his mother and grandparents. He spent most of his childhood on the reservation. "We went where my mom could find work," he says. "I never knew my dad." Chris feels fortunate to have a job and to live on the reservation, where more than 80 percent of the residents live in poverty and seven out of 10 eligible workers are unemployed.

It is true that modern mining technology uses high-tech equipment to accomplish certain tasks. This is done for efficiency's sake and for the sake of worker safety. Mining is a potentially hazardous task and certainly a difficult one that must be done with precision.

Chris is not a robot. You can still see there is a need for people to run the mine, to drive the trucks, to feed the workers, to drill the holes, to engineer the dig, to build the structures, to process the minerals, and, yes, build, maintain and control technology. Chris is a real human being operating this technology already at the site whose life has benefited greatly from this project. If we pass this legislation, over 3,700 more success stories like Chris's will come to fruition.

I urge my colleagues to continue this debate with serious discussions about the facts about this bill, not scare tactics.

Mr. GRIJALVA. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona, my colleague, Mr. PASTOR.

Mr. PASTOR of Arizona. First of all, I want to thank the gentleman from Arizona for the courtesy.

Mr. Chairman, this is an issue that I have been working on for probably the last 10 years. And one of the interests that I have on this issue is because I was born in and grew up in this copper triangle that we're talking about today.

□ 1340

It's a beautiful area, and at one time, copper was the industry for this Copper Triangle. Yet, over the past 20–25 years, many of the mines have shut down, and copper production has stopped in Arizona. So I have to tell you that my interest in this land exchange would be the possible economic development of this area.

I travel through this area because my mom still lives up in Miami, Arizona, where I was born and raised. I travel regularly, at least once a month, through these canyons. I can tell you that it's the most beautiful sight, about 85 miles east of Phoenix, where you can still see a fine, pristine environment with some of the most spectacular rock formations you'll ever see in this country. It's very beautiful, but it's also an area that has been hit by some hard times.

I grew up in a mining town, so I know what a mining town is. During the summers, while I was attending Arizona State University, I'd go to work in the mines. I worked in the leaching plant, the electrolytic plant, the leaching tanks, the ball mills, and the moly plant, so I have the experience of knowing this type of life. I know the economic boom that copper mining can bring to a community, but I also have experience with the adverse impact that copper mining can have, not only on the people who work there, but also on the environment. I have seen both sides.

It's with that interest that I have seen the evolution of this debate. At one time, even I sponsored a bill that would deal with the economic development of these mining towns—Superior, Globe-Miami, et cetera. The area that we're talking about being exchanged, is an area I know well. As a kid growing up, we used this area for a picnic site, and in some cases, when we didn't go to school, that's where we would have our impromptu picnics. So I know this area.

I have to tell you, with regard to the issue of jobs, as will be discussed, I guess "a number of jobs" is in the eye of the beholder. Mining has changed, and I know that it's a different type of mining now from the one I experienced. We can debate the number of jobs, but I will tell you that this will bring some economic development to these areas of the Copper Triangle. That I cannot deny. Yet the issue for me is at what price.

At what price do we bring this economic development without some protection to the environment and without some protection to an employee's rights?

There is no debate that this ore deposit has some of the richest ore bodies. Copper, gold, silver, molybdenum, and other rare metals will be mined here. It's one of the richest deposits of ore not only in North America but

probably in this world. That's why Resolution Copper has maintained 8 years, 9 years, 10 years of trying to get this bill done, because they know how rich this deposit is.

So at what price do we pay for this economic boom?

Mr. Chairman, I will tell you of the differences I have with the sponsor of this bill. But, first, I have to thank him because Representative GOSAR reached out very early, and we talked about this particular bill. He has improved the bill I sponsored, but I feel that he has not gone far enough.

This bill would be highly improved if the amendment offered today that gives an 8 percent royalty fee on the extraction of the ore would be adopted, making the bill more fair to the American public. If that amendment is adopted, obviously, it will be very difficult to oppose this bill; but if the amendment is not adopted, then, Mr. Chairman, the American public will be paying too high a price for the economic development of the Copper Triangle. The only enrichment will be for those copper companies that are foreign based.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Arizona (Mr. QUAYLE), who also has been very tenacious on this issue.

Mr. QUAYLE. I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of H.R. 1904, a bill authored by my good friend and fellow Arizonan, Congressman GOSAR, that will create thousands of jobs in Arizona.

I want to commend Chairman HASTINGS for his work on this and for bringing it to the floor today.

What we see right now is a jobs crisis that we have in America. We need to be able to unleash the ingenuity of our job creators. We also have to make sure that we're not putting up barriers for people to actually start companies, expand companies and hire new workers.

H.R. 1904 will have broad economic impacts, not only for Arizona but for the country as a whole, because it will create 3,700 jobs equaling nearly \$220.5 million in annual wages. These are good, high-paying jobs right here in America. It will also generate nearly \$20 billion in Federal, State, county, and local tax revenue.

This is a win-win. Not only is this legislation completely paid for, but it also ensures that mining is done in a responsible manner because H.R. 1904 requires full compliance with NEPA and because it requires tribal consultation prior to mine construction.

Now, Mr. Chairman, copper is a vital mineral that we have in the United States and across the world. It's going to continue to be vital because it's a critical mineral that is widely used in construction, telecommunications, electricity, and transportation. Copper

is also extremely conductive, which makes it very important in power generation and utility transmission.

Our actual desire and demand for copper is just going to continue to go up. That's why we've actually started to import close to 30 percent of our copper from foreign countries. Now, if we actually open up this mine and allow this land swap to happen, this project alone could provide us with enough copper to meet 25 percent of current U.S. demand. By taking advantage of American sources of copper, we can prevent supply disruptions and decrease our dependence on foreign imports. Most importantly, Mr. Chairman, this bill will create thousands of American jobs in a responsible manner at no cost to the taxpayer.

I urge my colleagues to support this bill.

Mr. GRIJALVA. There is a cost to the taxpayer, Mr. Chairman. I would consider the fact that this very valuable mineral is being extracted without any royalties and without any payment a cost to the American taxpayer.

The issue about NEPA is not semantics. NEPA and other environmental processes should occur before the land trade, not after. After the land trade, it will be very difficult for compliance to happen. As a consequence, this land will be in the hands of a foreign-owned company, and it will be private property.

With that, I yield such time as he may consume to the ranking member of the Natural Resources Committee, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman from Arizona for yielding.

Mr. Chairman, the New Deal was a jobs plan. President Obama has put forward a jobs plan.

H.R. 1904 is not a jobs plan. H.R. 1904 is a massive payout to multinational mining giants that are wearing a jobs plan as a disguise. That disguise is slipping. Real jobs are about making wise investments in businesses and technologies that put Americans to work. This bill just gives billions of dollars in copper to foreign mining companies for free.

□ 1350

Let's do the math. Estimates vary on the value of the copper from \$2 billion to \$7 billion or \$8 billion. So let's just split the difference down the middle and say that the copper might be worth \$5 billion. The jobs claims for this bill vary wildly as well from 500 to 5,000 jobs.

Now, there is a good reason to believe the jobs numbers will be on the very low end, but let's be optimistic and take the highest jobs claim possible.

So supporters of this bill are going to give away \$5 billion in hopes of creating 5,000 jobs. Well, that's \$1 million per job, Mr. Chairman, \$1 million not

paid necessarily to the workers themselves but to foreign mining giants. Now, is that the kind of wise investment that we need? I do not think so.

I think that we need some new jobs, but they should be real jobs. They should be here.

Much of the work that's going to be done in this mining is going to be done by robots. So there will be full employment for R2-D2 and for the transformers; but the total number of jobs here, very speculative and very expensive per job created. That's the real question here because I think many human beings are just going to remain unemployed under this plan.

And since it's a multinational that gets the benefits, there will be plenty of accountants and lawyers in London and Melbourne, all around the world, that will be employed, but in America, not so many. And those that are there, very expensive, especially since the per capita cost is very, very high.

Now, why do we know that? Well, we know it because Rio Tinto and BHP-Billiton stand to pocket an enormous amount of money, billions of dollars, off of this deal.

So if you count the chauffeurs, if you count the food service workers in the executive dining rooms of these companies, well, you can see where there will be some jobs that are created if you're adding it up that way.

But the truth is, this is a windfall, a windfall, which is why I am going to make an amendment to charge a reasonable royalty for the privilege of mining this copper on public lands in the United States. And when the majority votes "no" on that, when the Republicans say, no, we don't want a royalty payment that can actually be collected by the American people, we'll see what the real aim of this is, which is to privatize this resource for multinational corporations without giving the full benefit to the American taxpayer for the copper which is mined.

Mr. GRIJALVA and Mr. GARAMENDI will offer an amendment to require local hiring and local ore processing and Make It in America, make it here and have Americans working here doing this work, people from Arizona itself. That's the real debate that we're going to have.

In conclusion, Mr. LUJÁN as well will offer an amendment to protect Native American sacred sites from being destroyed by this bill. And when that is defeated as well by the majority, it will be painfully clear just how far they are willing to go to enrich these foreign corporations.

This should not be a Filene's Basement sale. This should not be a fire sale giving away American valuable copper resources to multinationals. We should be able to put a price tag on what the American people are getting from this bargain basement sale, this giveaway, without proper compensation given to the American taxpayer.

That's what this bill and the debate is going to be all about. It's whether or not, in fact, there is corporate profiteering at taxpayer expense, plain and simple, which is at the heart of this bill. History will record that when the public cried out for a jobs plan to put Americans back to work, what was put together was a retirement plan for executives at Rio Tinto and BHP-Billiton that did not, in fact, get a return on investment for the American taxpayers.

THE NATIONAL CONGRESS OF AMERICAN INDIANS RESOLUTION #MKE-11-0XX

TITLE: OPPOSITION TO H.R. 1904, PROPOSING A LAND EXCHANGE IN SOUTHEASTERN ARIZONA FOR THE PURPOSE OF MINING OPERATIONS

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution, and

Whereas, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

Whereas, H.R. 1904, entitled "Southeast Arizona Land Exchange and Conservation Act of 2011," was introduced by Arizona District 1 Congressman, Paul Gosar, on May 13, 2011, to approve a federal land exchange to transfer to the ownership of Resolution Copper, a joint venture of two foreign mining companies, Rio Tinto, PLC and BHP Billiton, Ltd., over 2,400 acres of federal lands located within the Tonto National Forest for purposes of an unprecedented block cave copper mine; and

Whereas, the federal lands which are proposed to be exchanged, which are generally known as Oak Flat, are within the ancestral lands of certain Arizona Indian tribes, and these lands are of unique religious, cultural, traditional, and archeological significance to American Indian tribes in this region; and

Whereas, H.R. 1904 would require Congress to lift the decades old ban against mining within the 760 acres of the Oak Flat Withdrawal which was expressly set aside from mining by President Eisenhower in 1955 due to the land's value for recreation and other important purposes; and

Whereas, the mining proposed for Oak Flat will destroy the religious, cultural and traditional integrity of Oak Flat for American Indian tribes affiliated with the area, and it will cause serious and highly damaging environmental consequences to the water, wildlife, plants, and other natural ecosystems of the area; and

Whereas, the block cave mining method to be employed at Oak Flat will also cause the collapse of the surface of the earth and endanger the historic terrain at Apache Leap, Oak Flat, and Gaan Canyon, as well as in the surrounding countryside; and

Whereas, the mining activity would deplete and contaminate water resources from nearby watersheds and aquifers leaving in its

wake long term and in some cases, permanent religious, cultural and environmental damage; and

Whereas, although we are not opposed to mining in general, this form of mining and mining in this location does not make sense, is offensive to us, and would pose a danger to many important values of this region; and

Whereas, the National Congress of American Indians has adopted resolutions in the past opposing this mining project at Oak Flat and the land exchange to be facilitated by H.R. 1904; and

Whereas, the Inter Tribal Council of Arizona, Inc. has adopted resolutions in the past opposing this mining project at Oak Flat and land exchange, and most recently adopted Resolution 0311 on May 20, 2011, opposing H.R. 1904; and

Whereas, the San Carlos Apache Tribe, the Fort McDowell Yavapai Nation, the White Mountain Apache Tribe, and other Tribes have opposed this land exchange due to the environmental consequences to the land in the proposed mining area, as well as the harm to religious, cultural, archeological, and historic resources from the proposed mining by the huge foreign mining companies; and now therefore, be it

Resolved, that the National Congress of American Indians oppose H.R. 1904, providing for a land exchange in southeastern Arizona for the purpose of mining by Resolution Copper; and be it further

Resolved, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

INTER TRIBAL COUNCIL OF ARIZONA
RESOLUTION 0311

IN OPPOSITION TO H.R. 1904, PROPOSING A LAND EXCHANGE IN SOUTHEASTERN ARIZONA FOR THE PURPOSE OF MINING OPERATIONS

Whereas, the Inter Tribal Council of Arizona (ITCA), an organization of twenty tribal governments in Arizona, provides a forum for tribal governments to advocate for national, regional and specific tribal concerns and to join in united action to address those concerns; and

Whereas, the member Tribes of the Inter Tribal Council of Arizona have the authority to act to further their collective interests as sovereign tribal governments; and

Whereas, the member Tribes of the ITCA have the charge to support the sovereign right of Indian nations, tribes, and communities on matters directly affecting them upon their request; and

Whereas, H.R. 1904, entitled "Southeast Arizona Land Exchange and Conservation Act of 2011", was introduced by District 1 Congressman, PAUL GOSAR, on May 13, 2011, to approve a federal land exchange to transfer to the ownership of Resolution Copper, a joint venture of two foreign mining companies, Rio Tinto, PLC and BHP Billiton, Ltd., over 2,400 acres of federal lands located within the Tonto National Forest for purposes of an unprecedented block cave copper mine; and

Whereas, the federal lands which are proposed to be exchanged, which are generally known as Oak Flat, are within the ancestral lands of certain Arizona Indian tribes, and these lands are of unique religious, cultural, traditional, and archeological significance to American Indian tribes in this region; and

Whereas, H.R. 1904 would require Congress to lift the decades old ban against mining within the 760 acres of the Oak Flat Withdrawal which was expressly set aside from mining by President Eisenhower in 1955 due to the lands value for recreation and other important purposes; and

Whereas, the mining proposed for Oak Flat will destroy the religious, cultural and traditional integrity of Oak Flat for American Indian tribes affiliated with the area, and it will cause serious and highly damaging environmental consequences to the water, wildlife, plants, and other natural ecosystems of the area; and

Whereas, the block cave mining method to be employed at Oak Flat will also cause the collapse of the surface of the earth and endanger the historic terrain at Apache Leap, Oak Flat, and Gaan Canyon, as well as in the surrounding country side; and

Whereas, the mining activity would deplete and contaminate water resources from nearby watersheds and aquifers leaving in its wake long term and in some cases, permanent religious, cultural and environmental damage; and

Whereas, although we are not opposed to mining in general, this form of mining and mining in this location does not make sense, is offensive to us, and would pose a danger to many important values of this region; and

Whereas, the Inter Tribal Council of Arizona has adopted resolutions in the past opposing this mining project at Oak Flat and the land exchange to be facilitated by H.R. 1904; and

Whereas, the San Carlos Apache Tribe, the Fort McDowell Yavapai Nation, the White Mountain Apache Tribe, and other Tribes have opposed this land exchange due to the environmental consequences to the land in the proposed mining area, as well as the harm to religious, cultural, archeological, and historic resources from the proposed mining by the huge foreign mining companies; and now therefore be it

Resolved, that the member Tribes of ITCA oppose H.R. 1904, providing for a land exchange in southeastern Arizona for the purpose of mining by Resolution Copper; and be it finally

Resolved, that the ITCA inform all appropriate Congressional Committees, the Arizona Delegation, and all appropriate state and federal agencies of and the reasons for this position.

CERTIFICATION

The foregoing resolution was presented and duly adopted at a meeting of the Inter Tribal Council of Arizona on May 20, 2011, where a quorum was present.

SHAN LEWIS,
Vice-Chairman, Fort Mojave Tribe
President, Inter Tribal Council of Arizona.

EIGHT NORTHERN INDIAN PUEBLOS COUNCIL
INC. RESOLUTION No. 11-10-15
IN OPPOSITION TO H.R. 1904, PROPOSING A LAND EXCHANGE IN SOUTHEASTERN ARIZONA FOR THE PURPOSE OF MINING OPERATIONS

Whereas, the Eight Northern Indian Pueblos Council Inc. (ENIPC, Inc.), believes in supporting the sovereign rights of Indian nations, tribes, and communities on matters affecting them upon request; and

Whereas, traditional tribal life is rooted in a deep and personal understanding of the natural world and the forces that govern it; the source of tribal health, happiness, strength, and balance is the natural world, making our relationship with the natural world sacred; and

Whereas, H.R. 1904, entitled "Southeast Arizona Land Exchange and Conservation Act of 2011," would approve a federal land exchange to transfer to the ownership of Resolution Copper over 2,400 acres of federal lands located within the Tonto National Forest for purposes of an unprecedented block cave copper mine; and

Whereas, the federal lands which are proposed to be exchanged, which are generally known as Oak Flat, are within the ancestral lands of certain Indian tribes, and these lands are of unique religious, cultural, traditional, and archeological significance to American Indian tribes in this region; and

Whereas, H.R. 1904 would require Congress to lift the decades old ban against mining within the 760 acres of the Oak Flat Withdrawal which was expressly set aside from mining by President Eisenhower in 1955 due to the land's value for recreation and other important purposes; and

Whereas, the mining proposed for Oak Flat will destroy the religious, cultural and traditional integrity of Oak Flat for American Indian tribes affiliated with the area, and it will cause serious and highly damaging environmental consequences to the water, wildlife, plants, and other natural ecosystems of the area; and

Whereas, the block cave mining method to be employed at Oak Flat will also cause the collapse of the surface of the earth and endanger the religious and historic terrain at Apache Leap, Oak Flat, and Gaan Canyon, as well as in the surrounding countryside; and

Whereas, the mining activity would deplete and contaminate water resources from nearby watersheds and aquifers leaving in its wake long term and in some cases, permanent religious, cultural and environment damage; and

Whereas, the National Congress of American Indians, the Inter Tribal Council of Arizona, the United South and Eastern Tribes, the San Carlos Apache Tribe, and other Arizona and New Mexico Tribes have opposed this land exchange due to the harm to religious, cultural, archeological, and historic resources, as well as the environmental consequences to the land from the proposed mining activities; and now, therefore, be it

Resolved, that the Eight Northern Indian Pueblo Council, Inc.'s Board of Governors firmly commit their support to oppose H.R. 1904: Southeast Arizona Land Exchange and Conservation Act of 2011; be it further

Resolved, that the ENIPC Board of Governors will inform all appropriate Congressional Committees, the New Mexico Delegation, and all appropriate federal agencies of and the reasons for this position; be it finally

Resolved, that the Tribal Council is expressly authorized to take any and all actions necessary to accomplish the intent of this Resolution.

CERTIFICATION

We hereby certify that Resolution No. 11-10-15 was considered and adopted at an Eight Northern Indian Pueblos Council, Inc., Board of Governors meeting held on October 18, 2011, and that a quorum was present and that the vote was 6 in favor, 0 opposed, 0 abstained and 2 absent.

Signed this 18th day of October 2011

GOVERNOR PERRY
MARTINEZ,
Chairman, Pueblo de
San Ildefonso.

GOVERNOR MARK
MITCHELL,
Pueblo of Tesuque.

GOVERNOR GERALD NAILOR,
Pueblo of Picuris.

GOVERNOR NELSON J.
CORDOVA,
Pueblo of Taos.

GOVERNOR RON LOVATO,
Vice Chairman, Ohkay
Owingeh.

GOVERNOR GEORGE RIVERA,

Pueblo of Pojoaque.
GOVERNOR ERNEST
MIRABAL,
Pueblo of Nambe.
GOVERNOR WALTER
DASHENO,
Pueblo of Santa Clara.

Attest:

ROB CORABI,
*Interim Executive Di-
rector, Eight North-
ern Indian Pueblos
Council, Inc.*

ALL INDIAN PUEBLO COUNCIL RESOLUTION
2011-08

IN OPPOSITION TO H.R. 1904, PROPOSING A LAND
EXCHANGE IN SOUTHEASTERN ARIZONA FOR
THE PURPOSE OF MINING OPERATIONS

Whereas, the All Indian Pueblo Council
("AIPC") is comprised of the Pueblos of
Acoma, Cochiti, Isleta, Laguna, Jemez,
Santa Ana, Sandia, San Felipe, Santo Do-
mingo, Zia, Zuni, Nambe, Picuris, Pojoaque,
Santa Clara, San Ildefonso, Ohkay Owingeh,
Tesuque, Taos and 1 Sovereign Pueblo,
Ysleta Del Sur, located in the State of Texas
and each possessing inherent government au-
thority and sovereignty over their lands; and

Whereas, the member Tribes of AIPC have
the charge to support the sovereign right of
Indian nations, tribes, and communities on
matters affecting them upon request; and

Whereas, H.R. 1904, entitled "Southeast Ar-
izona Land Exchange and Conservation Act
of 2011", would approve a federal land ex-
change to transfer to the ownership of Reso-
lution Copper over 2,400 acres of federal lands
located within the Tonto National Forest for
purposes of an unprecedented block cave cop-
per mine; and

Whereas, the federal lands which are pro-
posed to be exchanged, which are generally
known as Oak Flat, are within the ancestral
lands of certain Arizona Indian tribes, and
these lands are of unique religious, cultural,
traditional, and archeological significance to
American Indian tribes in this region; and

Whereas, H.R. 1904 would require Congress
to lift the decades old ban against mining
within the 760 acres of the Oak Flat With-
drawal which was expressly set aside from
mining by President Eisenhower in 1955 due
to the lands value for recreation and other
important purposes; and

Whereas, the mining proposed for Oak Flat
will destroy the religious, cultural and tradi-
tional integrity of Oak Flat for American In-
dian tribes affiliated with the area, and it
will cause serious and highly damaging envi-
ronmental consequences to the water, wild-
life, plants, and other natural ecosystems of
the area; and

Whereas, the block cave mining method to
be employed at Oak Flat will also cause the
collapse of the surface of the earth and en-
danger the religious and historic terrain at
Apache Leap, Oak Flat, and Gaan Canyon, as
well as in the surrounding country side; and

Whereas, the mining activity would de-
plete and contaminate water resources from
nearby watersheds and aquifers leaving in its
wake long term and in some cases, perma-
nent religious, cultural and environmental
damage; and

Whereas, the National Congress of Amer-
ican Indians, the Inter Tribal Council of Ari-
zona, the United South and Eastern Tribes,
the San Carlos Apache Tribe, and other Ari-
zona and New Mexico Tribes have opposed
this land exchange due to the harm to reli-
gious, cultural, archeological, and historic
resources, as well as the environmental con-
sequences to the land from the proposed min-
ing activities; and now therefore be it

Resolved, the All Indian Pueblo Council
Governors firmly commit their support to
oppose H.R. 1904: Southeast Arizona Land
Exchange and Conservation Act of 2011; and
be it further

Resolved, that the AIPC will inform all ap-
propriate Congressional Committees, the
New Mexico Delegation, and all appropriate
federal agencies of and the reasons for this
position; be it finally

Resolved, that the officers of AIPC are ex-
pressly authorized to take any and all steps
necessary to effectuate the intent of this
Resolution immediately.

CERTIFICATION

I, Chairman Sanchez of the All Indian
Pueblo Council, hereby certify that the fore-
going resolution 2011-08 was considered and
adopted at a duly called council meeting
held on the 17th day of August 2011, and at
which time a quorum as present and the
same as approved by a vote of 16 in favor, 0
opposed, 0 abstained and 4 absent.

CHANDLER SANCHEZ,
Chairman.

Attest:

LEROY ARQUERO,
Secretary/Treasurer.

Pueblo of Acoma, Gov. Vicente; Pueblo
of Isleta, Gov. Lujan; Pueblo of La-
guna, Gov. Luarkie; Ohkay Owingeh,
Gov. Lovato; Pueblo of Pojoaque, Gov.
Rivera; Pueblo of San Ildefonso, Gov.
Martinez; Pueblo of Santa Ana, Gov.
Montoya; Pueblo of Santo Domingo;
Pueblo of Tesuque; Pueblo of Zia;
Pueblo of Cochiti, Gov. Pecon; Pueblo
of Jemez, Gov. Toledo Jr.; Pueblo of
Nambe, Gov. Mirabal; Pueblo of
Picuris, Gov. Nailor; Pueblo of San
Felipe, Gov. Sandoval; Pueblo of
Sandia, Gov. Montoya; Pueblo of Santa
Clara; Pueblo of Taos; Pueblo of Ysleta
del Sur; Pueblo of Zuni.

Mr. HASTINGS of Washington. Mr.
Chairman, I am pleased to yield 2 min-
utes to another gentleman from Ari-
zona, somebody else who has been in-
volved in this issue for some time, Mr.
FRANKS.

Mr. FRANKS of Arizona. I certainly
thank the distinguished chairman for
yielding.

Mr. Chairman, first let me just con-
gratulate Mr. GOSAR on the introduc-
tion and passage of this legislation. He
has done an amazing job in helping this
legislation get to where it is now, and
I have every confidence that he will see
it through to the end.

Mr. Chairman, according to a United
States Geological Survey report, the
United States currently imports over
30 percent of the country's copper de-
mand. And in 2010 alone, domestic cop-
per production decreased by another 5
percent; it decreased by another 5 per-
cent.

And just as relying on foreign oil im-
ports threatens national security, rely-
ing on foreign copper suppliers also
threatens U.S. industry. We must use
domestic resources to meet that grow-
ing demand; and this legislation is a
major step in the right direction, pro-
ducing enough copper to meet as much
as 25 percent of America's current de-
mand.

The Southeast Arizona Land Ex-
change and Conservation Act would

open up the third largest undeveloped
copper resource in the world, creating
new American jobs, reducing our de-
pendence on foreign sources of energy
and minerals, and generating tens of
billions of dollars in revenue.

Now, in the midst of a prolonged re-
cession, Mr. Chairman, that has hit Ar-
izona very hard, we really cannot af-
ford not to pass this legislation be-
cause it so uniformly benefits our labor
force, our State and local governments
and conservationists who would benefit
from much of the high-value land ex-
change in opening this land to mining.

I would just encourage my colleagues
to vote in favor of this bill. It's time
that America begins to produce our
own energy and our own minerals and
to get back on track to being the
greatest Nation in the history of the
world.

Mr. GRIJALVA. Mr. Chairman, the
claim is that this legislation is going
to boost the U.S. economy tremen-
dously, but the copper will likely ben-
efit China more than the United
States.

Nine percent of Rio Tinto is owned
by the state-controlled Aluminum Cor-
poration of China. Rio Tinto has a
long-established relationship and at
our hearings refused to disclaim what
level of exportation they were going to
make to China of this copper ore.

At a time when we should focus on
U.S. industry supporting that industry,
creating jobs here in America, we
should not be trading away billions in
copper to supply China's needs. This
bill doesn't even require that the ore
extracted from this mine be processed
here, much less that it will be mar-
keted or sold here.

With that, let me yield 3 minutes to
the gentleman from California, a mem-
ber of the Resources Committee, Mr.
GARAMENDI.

Mr. GARAMENDI. Thank you, Mr.
GRIJALVA, and thank you very much
for our friends from Arizona.

Let me just tell you, my family has
been in mining since the 1860s, gold
mining, which isn't working too well in
California right now. And I am not at
all opposed to mining copper in Ari-
zona, although there are issues, local,
to be dealt with; and I will let that go
to another individual. I was deputy
Secretary of the Department of the In-
terior and had the opportunity to deal
with appraisals and land transfers.

This bill, as structured, is a bad deal
for American taxpayers and for Ameri-
cans. It basically is an enormous give-
away of extraordinary value to these
two companies. As has been mentioned
by our colleagues from Arizona who are
in support of the bill, this is one of the
biggest deposits of copper and other
minerals in the United States and
quite possibly among the biggest in the
world.

What is its value? The mechanism
that's used to determine the value of

the trade is called a capitalization appraisal, which has to assume the cost, has to make assumptions on the extraction, the cost of extraction, and the amount of ore to be obtained.

There is no way in the appraisal process that that can be done with any accuracy at all.

□ 1400

In the language of the bill, there are certain provisions that make it impossible for the United States Government to go back and do a reappraisal, so we're left with a bad financial deal.

I'm all for the copper mining. It has to be done properly, and environmental views and all that. That's not the issue for me. The issue for me is let's make sure the American public gets the right value out of this, and there's only one way to do it. That is as the ore is extracted. It then has a known quantity and a known value, and a royalty on the ore extracted, that is the material—copper, gold, and other materials—is then known. And if you simply put a royalty on it, then the American people will get its fair share of its property.

This property doesn't belong to Rio Tinto or BHP Billiton; this property belongs to us, Americans.

The CHAIR. The time of the gentleman has expired.

Mr. GRIJALVA. I yield the gentleman an additional minute.

Mr. GARAMENDI. It belongs to us, Americans, and we ought to be getting our full value.

This is not an obscure or new provision. This is the standard procedure. We actually use it for oil extraction, except in deep water. It is something that really will give us the value.

Secondly, and I'll make this very, very short, the equipment used ought to be American made. There's going to be a lot of equipment, a lot of different equipment and material used; let's make that American-made. That's an amendment that will come later. But right now, deal with the royalty issues so that us Americans, all of us, 300 million, will get our share of the extraordinary value that this mine will produce.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. BENISHEK), a member of the Natural Resources Committee whose district has a long mining history.

Mr. BENISHEK. I thank the gentleman for yielding.

Mr. Chairman, I came to the floor to speak in favor of this bill because frankly, I find it hard to believe what I'm hearing from those arguing against it.

Does anyone honestly believe that passing this bill will create jobs only for an army of robots? Are you kidding me? Robots? According to one study, this bill may create as many as 3,000 real jobs for humans.

Mr. Chairman, my district in northern Michigan is a long way from Arizona, but we, too, have a rich history of copper mining. Today, people need copper in their daily lives, and the growing demand means we need more mines, creating more jobs in Arizona and Michigan. My own father was a miner.

Congress needs to demonstrate to the American people that it supports mining jobs and developing our Nation's resources, as this bill does in a way that is both environmentally responsible and culturally respectful.

I urge passage of this bill.

Mr. GRIJALVA. Mr. Chairman, may I inquire how much time remains?

The Acting CHAIR (Mr. LATOURETTE). The gentleman from Arizona has 8 minutes and the gentleman from Washington has 13½ minutes.

Mr. GRIJALVA. Let me, if I may, yield 3 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Chairman, I'm afraid that this bill is another example of the majority having no real jobs agenda. The Republicans are claiming that this bill will create jobs in Arizona. And, of course, our whole country wants more jobs anywhere we can get them. But the truth is no one really knows the exact economic impact of this mine.

The only jobs number that we have to go on are those provided by Rio Tinto, the foreign parent company of Resolution Copper. When this proposal was first developed in 2005, it was reported that the mine would create about 450 jobs. Without any explanation, no data, no analysis, the estimates have skyrocketed to over 1,200 jobs or even 6,000 jobs. That sounds enticing, particularly to a country where we have 10 percent, 9 percent unemployment. But without any data to support it, it just seems like speculation. You could just say it's going to create a gazillion jobs. Why not? Anything to get the deal.

There's no way to know because the numbers are not supported by a mining plan of operations or impartial economic documentation of any kind. This bill is an affront to the National Environmental Policy Act. Under this legislation, by the time any environmental review or accurate job figures are available, the land will already be in private hands. In fact, there is no job requirement in the bill. There is no job requirement in the bill despite the vaunted promises of 6,000 jobs. This bill doesn't include any local jobs requirement from the mining company.

At a time when the whole country is looking to Congress to create much-needed jobs, and we really are vulnerable to any promises of jobs, our colleagues across the aisle should be focusing on creating jobs in America, not just large, vaunted promises that really have no background or substan-

tion. Our colleagues across the aisle are spending time in this House to create a special interest carve-out for a giant, multinational corporation. It's, by the way, owned by people outside the United States.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to another gentleman from Arizona who has been a longtime supporter of this project, Mr. FLAKE.

Mr. FLAKE. I thank the gentleman for yielding.

You know, listening to the debate, you wonder what bill we're debating here. The opposition seems to be talking about something completely different. We heard under the rule debate yesterday and some of the debate today that this won't create any jobs in Arizona, that somehow these jobs will go to robots. I mean, come on, this isn't the Jetsons doing this. I have no idea what's being talked about here.

Let me give you a couple of examples of those who are employed currently. There are 500 people currently employed by Resolution on the mine, 500, and 90 percent of them are Arizonans. So 90 percent of the 500 right now. There are an estimated 1,400 jobs directly related to the mine or directly in the mine, and some 3,700 beyond that, ancillary jobs, would come as a result of the mine.

Albo Guzman, he's a local Superior Trading contractor. He has several local employees working for him on this project. He is a person, not a robot.

Jeff Domlin, a Globe-based contractor whose company is doing much of the reclamation work on the project.

Elizabeth Magallanez, she's a longtime resident.

Melissa Rabago, she was actually born in the hospital that was run by the company on the previous mine that her father worked on, the Magma project. That company hospital now serves as project headquarters. Two of her sons work for a Resolution contractor.

Mike Alvarez, third generation from Superior, works as a map technician. These are all real people, not robots. You didn't here me say C3PO or anything like that. So the arguments that we hear coming out of the opposition on this are just complete nonsense about this not creating jobs.

And this talk about royalties; if we want to go in and change the Mining Act of 1872, let's do it. I'll be there. A lot of us have argued for that. But this is not the place to address the Mining Act of 1872. Let's address that when it should be addressed, and let's address the facts at hands. The facts are these: Jobs will be created. This is a great bill. Let's pass it.

Mr. GRIJALVA. I thank my friend Mr. FLAKE.

And you're right; this isn't the Jetsons doing this. I probably would

feel a lot more comfortable if that were the case.

Given the time we have left, I will reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I have another speaker coming to the floor; so I will yield myself such time as I may consume.

We have heard some curious arguments on the other side, as my colleagues on this side have pointed out a few times, but let me just talk about a couple of them where there's a charge that this will cost the taxpayers.

We measure what the costs are to the taxpayers of this country by the Congressional Budget Office, the CBO. And CBO, in looking at the land exchange aspects of this and the other costs associated, have concluded that the cost to the taxpayer is effectively zero. Now that's the official agency that we go by, so when we hear that there's a whole bunch of costs associated with that to the taxpayer, it's simply not so.

What is even more ironic, Mr. Chairman, when they make that argument, they ignore the fact that jobs that will be created here get paid wages. Those wages then will be subjected to tax policies of the Federal Government to where the Federal Government actually gets more revenue. But that is ignored, it seems like all the time, when we hear the other side argue on this issue.

□ 1410

Let me talk about the issue of NEPA because that has been bandied around a few times. The NEPA laws of our country are not changed at all by the passage of this bill, but what we do is we put logic to the process.

Mr. Chairman, as you know very well, our great government was designed to have a dispersion of power. We sit in the legislative branch and we make the policy of this country, and the executive branch carries out that policy. It's been that way since our Republic was founded. All we are saying is that when Congress directs an action—in this case, an action of a land exchange—it shall not be subject to NEPA because we are exercising our authority under the Constitution to direct policy. Why should a NEPA policy be used to slow down a direction that Congress has given? So that's the only part of the NEPA policy that we are affecting in this bill.

Now, I want to say this very explicitly. Under this bill, all NEPA laws as to the construction and the carrying on of this mine will be subject to NEPA laws. And nothing is changed. Nothing is changed. So when people throw around NEPA as one reason why we shouldn't adopt this, that is simply a bogus argument.

Finally, I just want to make one more point here about this being a giveaway. In fact, there are some of my persuasion that may have a bit of

heartburn with this because, as a matter of fact, we are giving the Federal Government more land than we are exchanging for private development of this copper land.

Mr. Chairman, I know you've heard the arguments over this in the time you and I have been here, and yet this is something that I think is worthy of support because we do want to make sure that those lands are protected in a way. So to suggest that there's a giveaway here is simply not the case because the exchange is of equal value.

With that, Mr. Chairman, I am very pleased to yield 3 minutes to a former member of the Natural Resources Committee, the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman from Washington for yielding.

Every day in my district in New Mexico, people ask: What's gone wrong with the American economy?

What's gone wrong with the American economy is that the Federal Government spends \$3.6 trillion a year and it brings in \$2.1 trillion a year.

So they ask then: Why are the revenues to the government down? I said: Well, because jobs are down.

They want to know why jobs are down. And I can point to the resistance to this bill and explain why jobs are down.

This is a very commonsense bill. It says we're going to take almost twice as much land and exchange it to a private company, from a private company, would give them half as much land and let them have a copper mine there. The Americans are currently importing about 32 percent of all the copper that we use. This one mine, if the resistance were dropped and were put into operation, would provide 25 percent of the domestic copper demand for the next 50 years.

Why would we be contesting this? I've heard my friend on the other side of the aisle say it's because there are robots working in the mine. The mines I go in—and I will guarantee you this mine is going to be conducted with engineers, with mechanics. It's going to be conducted with blue-collar labor down the hole working in the mine. They've got better machinery than they did a hundred years ago. They're not there working with pick and shovel. But these are real jobs—1,200 to 15,000 jobs long term, and 2,000 to 3,000 construction jobs. It's a \$4 billion increase in our economy and we can't get agreement.

This town talks so much about jobs on both sides of the aisle, and we hear the President moving around the country. I haven't heard the President once come out and say: At least free up these 1,200 jobs. I will sign this jobs package. Instead, he wants to raise taxes to increase jobs. That's his idea.

This is a private investment in a private land where they create a lot of

long-term jobs. More than that, they make it self-sufficient.

Now, the price of copper is almost four times what it was 10 years ago. The most recent report is that people are stealing copper bells off of churches and cutting them up and selling them. Copper is in that great a demand and we still find resistance from our friends on the other side of the aisle for creating these jobs, and no one in the American public seems to understand why.

What is this about? It's about agenda politics. It's about saying that we're not going to let any development of resources go in the West. The West has had its timber jobs choked off. It's had its mining jobs choked off. It has resistance to the oil and gas jobs, and there are people who are trying to shut that industry down. They're trying to shut the coal mining jobs down. The West is starving for jobs. In fact, we in the Western Caucus have recently put out a report highlighting all of the many ways we can create jobs now, called the "Jobs Frontier." I would recommend people go to it. This is one of the bills in the "Jobs Frontier."

I heartily recommend that we pass H.R. 1904.

Mr. GRIJALVA. I yield myself such time as I may consume.

As I indicated, much of the opposition to this legislation is coming from Indian country. All the pueblos in New Mexico have opposed this legislation. The Inter Tribal Council of Arizona is opposed to this legislation. Twenty-six tribes from across the country, including Texas, have opposed this legislation. They see an impact on sacred sites, history, and culture that has not been factored into this discussion, nor have native peoples, particularly those affected nearby in San Carlos. Apaches have been allowed to run what is important, which is the government-to-government consultation.

Just a point. The chairman, my friend from the Natural Resources Committee, mentioned the CBO score for this bill. There are also two points to make. The CBO says this bill could cost the taxpayers up to \$5 billion over 10 years. This cost is not offset. CBO says the payments to government could be significant, but the bill's provisions don't allow CBO to score them accurately.

A straight royalty, for sure, would have certainty and would return what was needed.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I would just respond that CBO also said in their scoring that it's so insignificant, it's hard to measure.

With that, Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Mr. Chairman, this is one of those moments where I

ran out of the Financial Services Committee where we were voting because I thought it was important, being an Arizonan, but also spending lots of time in this part of the State, which is a beautiful part of the State. And many of these little communities there have devastating unemployment, and they're literally furious with Washington, D.C., for destroying their timber jobs and squeezing their mining jobs. And then we stand here with something that, for a little State like Arizona, could be billions and billions of dollars of economic growth.

When you think about this one ore deposit could represent 20 percent of the Nation's copper, how can we even be debating this when you also realize an average single-family home uses about 440 pounds of copper? Do you want housing? How about a car? A car uses 55 pounds of copper. This is where it will come from.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. SCHWEIKERT. The last thing I want to say is my good friend Congressman GOSAR from northern Arizona, and actually from all over Arizona, is deserving of a gigantic thank you here. To be a freshman Congressman and to step into this body to deal with what ultimately is sometimes a cantankerous issue but incredibly important to the Nation and the Southwest and to those of us that live in and love Arizona, this is important. This is a lot of jobs, a lot of economic growth. Congressman GOSAR gets a lot of credit for getting it this far.

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Mr. GRIJALVA. May I inquire, Mr. Chairman, how much time each side has?

The Acting CHAIR. The gentleman from Arizona has 3 minutes, and the gentleman from Washington has 5 minutes.

Mr. GRIJALVA. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the sponsor of this legislation, again, somebody who has been absolutely tenacious on this issue, the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. I thank the chairman for yielding.

My legislation shows you can protect the land and the water and have a strong economy with good jobs.

The land exchange will bring into Federal stewardship 5,500 acres of high-priority conservation lands in exchange for the third largest undeveloped copper deposit in the world. I'd like to speak about one in particular.

The 7B Ranch, located in Pinal County, Arizona, is 3,073 acres designated by the Nature Conservancy as one of the

last great places on Earth. And the Forest Service testified that this property was "priceless"—and you will get a chance to see some of them.

This area is home to a free-flowing artesian spring-fed wetland populated by lowland leopard frogs, nesting birds, and native fish. In addition, this parcel is recognized by BirdLife International as an "important bird area." These are amazing sites. These have "priceless" as their connotation.

Mr. GRIJALVA. I yield myself such time as I may consume.

Let me just talk about the opposition. It is not only with affection for the State that I grew up in and that I was born in, but it's also for the future of that State, and it's also for the future of important rules and laws that have protected our environment for many years, and to ensure that the jobs that we're talking about are not just a panacea and a selling point as opposed to a reality.

The opposition to this Rio Tinto-Resolution Copper land exchange is based on many factors, but let me just point out two. This is the fourth version of the land exchange. It began with former colleague Renzi, then Mr. PASTOR, Ms. Kirkpatrick, and now my friend, Mr. GOSAR, from Arizona. They are not the same, none of those. The one major difference is that, with the exception of the legislation before us, the NEPA process, the ESI, the consultation all occurred before the land exchange, not after. Once we do that process, if something comes up that needs compliance and mitigation, it becomes subject to the private property owner—a foreign company that will now have this public land—to deal with that question, serious compliance issues, and legal issues.

The other point is the water. Twelve years have already been banked of the 20 that the mine would need in order to operate. The point being, and protecting oak flats and other important areas of the water supply for the region, that seems like a significant number. But to bank water for this project on the outskirts of Phoenix does nothing to mitigate the potential usage of water, the potential drain of water in those three aquifers in that region, and the effect that it would have. NEPA would tell us what that effect would be. A full study would tell us what effect it is. But we're not having that done. So the consequence is that we're working on supposition, and I think supposition on this major land exchange is a huge mistake. We cannot afford unintended consequences with this land deal.

And a full and open process. If we would have done that at the initiation with the Renzi bill almost 8 years ago, we would be through that process many, many years ago; and we would be perhaps talking about a differently crafted piece of legislation. We aren't doing that.

And the last thing is, there is something sacred and spiritual about this as well. Native people are not just complaining because they want to complain. They are legitimately saying that we need to have consultations, there should be full studies, and factored into the decisionmaking must be the historical and cultural and religious sacred areas that we need protected and ensured that they will be protected. Those discussions have not occurred.

H.R. 1904 is a land giveaway. And the gentleman from New Mexico said why our economy is in a bad place. Well, this kind of legislation tells you why. It is a sweetheart deal for a multinational corporation foreknown. It gives them breaks.

Mr. PEARCE. Will the gentleman yield?

Mr. GRIJALVA. I have 3 minutes, and I will be glad to as soon as I have finished my summation, if I have time, sir.

But let me go over the points. This is a job for robots. I know it's a touchy term for my colleagues on the other side of the aisle, but the reality is Rio Tinto is a pioneer in automation. They've done it in Australia; they've done it in other parts of the world. There is no reason to believe that that same pattern is not going to be applied to the mine that they own in Resolution.

The sucking sound that we will be hearing will be the loss of water levels in that area and the effect it will have. And it's a copper caper, using unusual appraisal procedures which does not guarantee that the company is going to pay any fair price for the billions of dollars of copper they stand to receive from the American people.

Like I said earlier, something has to be sacred. H.R. 1904 trades away many sites that are sacred to Native people. We've received pleas from Indian Country over and over again; and we should deal with those issues before the land exchange, not as this legislation has it, after.

Add insult to injury, we keep talking about jobs. There is an agenda before this Congress to begin to immediately create jobs for the American people. That is stalled—and from what I hear from leadership, permanently derailed. So as the American people look for real employment and real opportunity, we present a false hope in this legislation, something that hasn't been vetted.

I urge opposition to the legislation, and I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 2 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I just want to make two points in concluding debate before we go into the amendment process.

A reference was made to NEPA, and I responded to that just a bit earlier where I simply said that there is a division of powers. And we are making an action. With passage of this legislation signed into law by the President, we have said that there will be a land exchange. That's the policy of the country. Now, anything that happens on that land after the exchange has happened is subject to NEPA review. I have absolutely no problem with that and nothing in this bill changes that process.

The second point I would want to make is on the issue of creation of jobs. Honestly, when you hear the debate here on the floor on this issue, that's probably emblematic of the debate that has been going on in this Congress since day one. Apparently, the other side thinks that the only way you can create jobs is raising taxes and expanding the public sector. We believe that the best ways to create jobs and grow our economy are based on the principles that have gotten the United States from where we were when the Republic was created until now, by relying on the private sector. This is a private sector investment on lands that create a tremendous amount of wealth. This is a job creator, and I think that this bill deserves passage.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. BACA. Mr. Chair, I rise today to voice my strong opposition to H.R. 1904, a bill that would authorize a land exchange in the state of Arizona.

The lands impacted by this legislation contain many sites that are sacred to our Nation's first peoples.

We in Congress have a responsibility to protect the rights of our tribes to conduct religious ceremonies, and use their sacred sites. Unfortunately, H.R. 1904 disregards this obligation.

Previously, Congress passed the Native American Graves Protection and Repatriation Act, NAGPRA, to protect the sacred sites of tribes. H.R. 1904 is a direct violation of the rights afforded to tribes by NAGPRA.

Both Presidents Eisenhower and Nixon worked to ensure the lands in question were protected and available for tribes to worship. H.R. 1904 would reverse these past efforts.

To make matters worse, the legislation does not give the land in question to an American-based company that would reinvest its profits here in the United States.

Instead H.R. 1904 gives control of the land to foreign owned mining corporations.

I urge my colleagues to ensure the religious rights of our Nation's first peoples are respected in the Southwest, and vote no on H.R. 1904.

Mr. BLUMENAUER. Mr. Chair, today I voted against H.R. 1904, legislation to give public lands away to a mining company without an environmental review, without an independent appraisal of the value of the land and the copper beneath it, and which waived all the safeguards applied to other mining projects.

To the San Carlos Apache Tribe and other Tribes that live nearby, these lands are sa-

cred. In addition to the environmental devastation, mining will devastate their relationship to this land. The Apache Treaty of 1852 requires the U.S. to act to secure the permanent prosperity and happiness of the Apache people. Instead, this bill facilitates the destruction of their sacred land. This bill requires consultation with tribes only after the exchange, which makes that consultation a mere formality.

This bill will not create American jobs to help us out of this recession. Any jobs will not begin for years—and most of the mining will be done by machines deep underground. Rio Tinto has stated the mine will be operated through its "Mine of the Future" program, which is heavily automated, saving the company money by avoiding job creation.

This legislation undermines basic protections of our public lands, and arguments to the contrary are incorrect and misleading.

For instance, the legislation does not require any independent evaluation of the value of the exchange at any time, taking the Rio Tinto's word for the value of the land, the copper beneath it, and the impacts mining will cause to the land, water resources, ecosystems, and stability of the landscape. The Act exempts Rio Tinto from requirements for bonding and clean-up of the mining project, leaving taxpayers with the bill for the inevitable clean-up.

Even more misleading, the legislation does require the appearance of compliance with NEPA, but only after the exchange has taken place, which is too late to be any more than a formality. The Secretary will have to prepare a single Environmental Impact Statement, which will be the basis for all future decisions under applicable Federal laws and regulations, but only after the exchange, with no discretion after completion of the EIS. The Act prohibits the Secretary from considering alternatives to specific mining activities, including alternatives that would preserve cultural sites, and requires the Secretary to issue permits for mineral exploration within 30 days of enactment of the act. The Act requires Rio Tinto to submit a plan of operations, but does not allow the Secretary to reject the plan, even if it is insufficient to conduct even a limited review.

Lastly, there are no provisions to protect the water supplies in the region from large-scale depletions from mining operations or contamination. There are no protections for groundwater resources under the San Carlos Apache Reservation, which is protected by the Apache Treaty of 1872 and the San Carlos Apache Tribe Water Rights Settlement Act of 1992.

The Act bypasses all normal administrative processes that other mining companies are required to follow. This bill amounts to a land giveaway to a company without a promise of American jobs anytime soon.

Mr. KILDEE. Mr. Chair, I rise today to express my outrage and disappointment about the bill before us, H.R. 1904.

In my 36 years in Congress I have seen many terrible bills, but this legislation stands out as among the worst. In one fell swoop, this legislation tramples on the rights of Indian tribes, damages our environment and cheats American taxpayers.

Mr. Chair, this legislation is, quite simply, a travesty. It authorizes a land exchange giving Resolution Copper, the subsidiary of two foreign companies, the right to mine potentially

billions of dollars worth of copper from American land. In return, the American people receive nothing, except the loss of our resources and damage to our land.

My friends on the other side of the aisle like to talk local and state rights, yet this legislation completely ignores the rights and sovereignty of local Indian tribes. Mr. Chair, a large portion of the proposed mine is considered sacred to local Indians. Tribes, nations, pueblos and communities in Arizona, New Mexico, and across the country adamantly oppose this transfer; however, H.R. 1904 ignores these concerns, going so far as to waive federal statutes that require timely consultation with affected tribes. Resolution Copper claims that they can mine the land without disturbing these sites, a ridiculous assertion that is at best naive and at worst, an outright lie.

Mr. Chair, many of us have fought long and hard to protect Indian land and constitutionally retained rights. Over the years we have strived to improve the government to government relationship between the U.S. and Tribal Nations and I am proud of the progress we have made. For this legislation to turn over rights to sacred Indian lands to a foreign mining company, over the clear protests of Indian people is outrageous and would be a shameful step in the wrong direction for U.S.-Tribal relations.

We have no idea how the local environment and water resources would be affected, because no impact analysis would be done until after the transfer. Resolution Copper is estimating they will need as much water as the entire city of Tempe on a yearly basis. It does not take significant analysis to know that this could have potentially devastating impacts on local water resources.

And what does our country get in return for all of this damage? Nothing. Resolution Copper has estimated the mine to be worth several billions of dollars, yet H.R. 1904 does not require any royalties to be paid to the American taxpayer. Once they have taken our copper, it can be shipped overseas to be processed and utilized. First it was our jobs, now it's our natural resources. And there are no guarantees that there will be any significant local job impacts.

There are so many things wrong with this legislation that it is hard to even mention them all. It is a disgrace that we are debating this ill-conceived and destructive bill and I urge all my colleagues to vehemently oppose it.

Mr. VAN HOLLEN. Mr. Chair, the land swap in today's legislation would grant two of the world's largest, foreign-owned mining companies—Rio Tinto and BHP Billiton—mining rights to 760 acres of the Tonto National Forest in Southeastern Arizona in exchange for other land the companies currently own. This exchange is necessary for Rio Tinto and BHP Billiton to gain access to significant copper deposits they believe lie underneath the land in the Tonto National Forest.

Mr. Chair, I am not opposed to responsible domestic energy and mineral production—but I am strongly opposed to this majority's complete disregard for our environmental laws and this legislation's failure to ensure American taxpayers get full value for the resources at issue in this proposed transaction.

Specifically, H.R. 1904 would exempt this land swap from the requirements of the National Environmental Protection Act—a law specifically designed to evaluate the impacts of proposed actions on our natural resources before public resources are sold to private interests. The value of a thorough NEPA analysis is especially significant in this case, where unanswered questions about the water demands of the proposed mining operation are especially consequential to the surrounding community. Furthermore, as we work to reduce our national debt, I believe taxpayers have a right to fair compensation for resources taken from public lands, something the convoluted appraisal process called for in H.R. 1904 will almost certainly fail to do.

Mr. Chair, if this land swap is truly in the interests of the American people, it has nothing to fear from an appropriate environmental review and should be expected to fairly compensate the American taxpayer for the value of the resources taken from their land.

I urge a no vote.

Mrs. MALONEY. Mr. Chair, I rise today to express my opposition to H.R. 1904, a bill that would transfer 2,400 acres of federal lands in Southeast Arizona to a private copper mining company. There has not been a thorough geological review to assess the impact of mining on water resources or the surrounding communities and ecosystems. Furthermore, the bill includes no protections or consideration for native American tribes.

Since coming to Congress I have fought to ensure that American taxpayers are properly reimbursed for resources like oil and gas extracted from federal lands. This bill does nothing to appropriately compensate American citizens and would instead give a single multinational corporation the benefit from one of the largest copper deposits in the world. Even more astonishing, the corporation benefitting from copper resources cannot guarantee that the copper will stay in America or that the mine will remain American owned.

This bill sets a dangerous precedent with regard to environmental review and resource oversight. The Majority continues to fight against preserving our nation's natural resources with legislation that destroys the environment in favor of big corporations. I urge a no vote.

Mr. PAUL. Mr. Chair, I rise reluctantly to oppose this legislation that authorizes a land exchange between the federal government and a private company to benefit that company's commercial interests. The bill conveys 2,400 acres of federal lands to Resolution Copper, an Australian mining company, in exchange for 5,300 acres of Resolution Copper's land to the federal government. In principle, I am strongly in favor of the privatization of federal government land and I only wish we would do more of it. This is not the way to privatize federal land, however. Rather than determine the real market value of the land, such as through a public auction process, the legislation names the company to receive the land with the stipulation that a yearly assessment of the land may result in a value adjustment payment to the federal government by that company. This additional fee would be paid to a special fund controlled by the Department of the Interior.

Absent any free market mechanism to determine the real value of the land being con-

veyed, this looks like a special deal for one company. Even with the best intentions and intelligence on the part of the government, only free market mechanisms can accurately determine value.

Also, doing the math on this bill it will result in the federal government controlling more land than before the bill! So rather than a privatization program it is an anti-privatization program.

I am all for privatization of federal lands, and I am all for private industry profiting from this country's labor and natural resources. However, setting up these public/private partnerships and special deals is not the way to go about it. I sincerely hope that we will rethink this approach in favor of an open and public auction where as many companies may compete as might have an interest, even if we must change existing laws to do so.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 112-258. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “Southeast Arizona Land Exchange and Conservation Act of 2011”.

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purpose.

Sec. 3. Definitions.

Sec. 4. Land exchange.

Sec. 5. Conveyance and management of non-Federal land.

Sec. 6. Value adjustment payment to United States.

Sec. 7. Withdrawal.

Sec. 8. Apache leap.

Sec. 9. Conveyances to town of Superior, Arizona.

Sec. 10. Miscellaneous provisions.

SEC. 2. FINDINGS AND PURPOSE.

(a) *FINDINGS.*—Congress finds that—

(1) the land exchange furthers public objectives referenced in section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) including—

(A) promoting significant job and other economic opportunities in a part of the State of Arizona that has a long history of mining, but is currently experiencing high unemployment rates and economic difficulties;

(B) facilitating the development of a world-class domestic copper deposit capable of meeting a significant portion of the annual United States demand for this strategic and important mineral, in an area which has already been subject to mining operations;

(C) significantly enhancing Federal, State, and local revenue collections in a time of severe governmental budget shortfalls;

(D) securing Federal ownership and protection of land with significant fish and wildlife, recreational, scenic, water, riparian, cultural, and other public values;

(E) assisting more efficient Federal land management via Federal acquisition of land for addition to the Las Cienegas and San Pedro National Conservation Areas, and to the Tonto and Coconino National Forests;

(F) providing opportunity for community expansion and economic diversification adjacent to the towns of Superior, Miami, and Globe, Arizona; and

(G) protecting the cultural resources and other values of the Apache Leap escarpment located near Superior, Arizona; and

(2) the land exchange is, therefore, in the public interest.

(b) *PURPOSE.*—It is the purpose of this Act to authorize, direct, facilitate, and expedite the exchange of land between Resolution Copper and the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) *APACHE LEAP.*—The term “Apache Leap” means the approximately 807 acres of land depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011—Apache Leap” and dated March 2011.

(2) *FEDERAL LAND.*—The term “Federal land” means the approximately 2,422 acres of land located in Pinal County, Arizona, depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011—Federal Parcel—Oak Flat” and dated March 2011.

(3) *INDIAN TRIBE.*—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) *NON-FEDERAL LAND.*—The term “non-Federal land” means the parcels of land owned by Resolution Copper that are described in section 5(a) and, if necessary to equalize the land exchange under section 4, section 4(e)(2)(A)(i).

(5) *OAK FLAT CAMPGROUND.*—The term “Oak Flat Campground” means the approximately 50 acres of land comprising approximately 16 developed campsites depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011—Oak Flat Campground” and dated March 2011.

(6) *OAK FLAT WITHDRAWAL AREA.*—The term “Oak Flat Withdrawal Area” means the approximately 760 acres of land depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011—Oak Flat Withdrawal Area” and dated March 2011.

(7) *RESOLUTION COPPER.*—The term “Resolution Copper” means Resolution Copper Mining, LLC, a Delaware limited liability company, including any successor, assign, affiliate, member, or joint venturer of Resolution Copper Mining, LLC.

(8) *SECRETARY.*—The term “Secretary” means the Secretary of Agriculture.

(9) *STATE.*—The term “State” means the State of Arizona.

(10) *TOWN.*—The term “Town” means the incorporated town of Superior, Arizona.

SEC. 4. LAND EXCHANGE.

(a) *IN GENERAL.*—Subject to the provisions of this Act, if Resolution Copper offers to convey to the United States all right, title, and interest of Resolution Copper in and to the non-Federal land, the Secretary is authorized and directed to convey to Resolution Copper, all right, title, and interest of the United States in and to the Federal land.

(b) *CONDITIONS ON ACCEPTANCE.*—Title to any non-Federal land conveyed by Resolution Copper to the United States under this Act shall be in a form that—

(1) is acceptable to the Secretary, for land to be administered by the Forest Service and the

Secretary of the Interior, for land to be administered by the Bureau of Land Management; and

(2) conforms to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

(c) **CONSULTATION WITH INDIAN TRIBES.**—If not undertaken prior to enactment of this Act, within 30 days of the date of enactment of this Act, the Secretary shall engage in government-to-government consultation with affected Indian tribes concerning issues related to the land exchange, in accordance with applicable laws (including regulations).

(d) **APPRAISALS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary and Resolution Copper shall select an appraiser to conduct appraisals of the Federal land and non-Federal land in compliance with the requirements of section 254.9 of title 36, Code of Federal Regulations.

(2) **REQUIREMENTS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), an appraisal prepared under this subsection shall be conducted in accordance with nationally recognized appraisal standards, including—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(B) **FINAL APPRAISED VALUE.**—After the final appraised values of the Federal land and non-Federal land are determined and approved by the Secretary, the Secretary shall not be required to reappraise or update the final appraised value—

(i) for a period of 3 years beginning on the date of the approval by the Secretary of the final appraised value; or

(ii) at all, in accordance with section 254.14 of title 36, Code of Federal Regulations (or a successor regulation), after an exchange agreement is entered into by Resolution Copper and the Secretary.

(C) **IMPROVEMENTS.**—Any improvements made by Resolution Copper prior to entering into an exchange agreement shall not be included in the appraised value of the Federal land.

(D) **PUBLIC REVIEW.**—Before consummating the land exchange under this Act, the Secretary shall make the appraisals of the land to be exchanged (or a summary thereof) available for public review.

(3) **APPRAISAL INFORMATION.**—The appraisal prepared under this subsection shall include a detailed income capitalization approach analysis of the market value of the Federal land which may be utilized, as appropriate, to determine the value of the Federal land, and shall be the basis for calculation of any payment under section 6.

(e) **EQUAL VALUE LAND EXCHANGE.**—

(1) **IN GENERAL.**—The value of the Federal land and non-Federal land to be exchanged under this Act shall be equal or shall be equalized in accordance with this subsection.

(2) **SURPLUS OF FEDERAL LAND VALUE.**—

(A) **IN GENERAL.**—If the final appraised value of the Federal land exceeds the value of the non-Federal land, Resolution Copper shall—

(i) convey additional non-Federal land in the State to the Secretary or the Secretary of the Interior, consistent with the requirements of this Act and subject to the approval of the applicable Secretary;

(ii) make a cash payment to the United States; or

(iii) use a combination of the methods described in clauses (i) and (ii), as agreed to by Resolution Copper, the Secretary, and the Secretary of the Interior.

(B) **AMOUNT OF PAYMENT.**—The Secretary may accept a payment in excess of 25 percent of the

total value of the land or interests conveyed, notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(C) **DISPOSITION AND USE OF PROCEEDS.**—Any amounts received by the United States under this subparagraph shall be deposited in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”); 16 U.S.C. 484a) and shall be made available, in such amounts as are provided in advance in appropriation Acts, to the Secretary for the acquisition of land for addition to the National Forest System.

(3) **SURPLUS OF NON-FEDERAL LAND.**—If the final appraised value of the non-Federal land exceeds the value of the Federal land—

(A) the United States shall not make a payment to Resolution Copper to equalize the value; and

(B) except as provided in section 9(b)(2)(B), the surplus value of the non-Federal land shall be considered to be a donation by Resolution Copper to the United States.

(f) **OAK FLAT WITHDRAWAL AREA.**—

(1) **PERMITS.**—Subject to the provisions of this subsection and notwithstanding any withdrawal of the Oak Flat Withdrawal Area from the mining, mineral leasing, or public land laws, the Secretary, upon enactment of this Act, shall issue to Resolution Copper—

(A) if so requested by Resolution Copper, within 30 days of such request, a special use permit to carry out mineral exploration activities under the Oak Flat Withdrawal Area from existing drill pads located outside the Area, if the activities would not disturb the surface of the Area; and

(B) if so requested by Resolution Copper, within 90 days of such request, a special use permit to carry out mineral exploration activities within the Oak Flat Withdrawal Area (but not within the Oak Flat Campground), if the activities are conducted from a single exploratory drill pad which is located to reasonably minimize visual and noise impacts on the Campground.

(2) **CONDITIONS.**—Any activities undertaken in accordance with this subsection shall be subject to such reasonable terms and conditions as the Secretary may require.

(3) **TERMINATION.**—The authorization for Resolution Copper to undertake mineral exploration activities under this subsection shall remain in effect until the Oak Flat Withdrawal Area land is conveyed to Resolution Copper in accordance with this Act.

(g) **COSTS.**—As a condition of the land exchange under this Act, Resolution Copper shall agree to pay, without compensation, all costs that are—

(1) associated with the land exchange and any environmental review document under subsection (j); and

(2) agreed to by the Secretary.

(h) **USE OF FEDERAL LAND.**—The Federal land to be conveyed to Resolution Copper under this Act shall be available to Resolution Copper for mining and related activities subject to and in accordance with applicable Federal, State, and local laws pertaining to mining and related activities on land in private ownership.

(i) **INTENT OF CONGRESS.**—It is the intent of Congress that the land exchange directed by this Act shall be consummated not later than one year after the date of enactment of this Act.

(j) **ENVIRONMENTAL COMPLIANCE.**—Compliance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under this Act shall be as follows:

(1) Prior to commencing production in commercial quantities of any valuable mineral from the Federal land conveyed to Resolution Copper under this Act (except for any production from exploration and mine development shafts, adits,

and tunnels needed to determine feasibility and pilot plant testing of commercial production or to access the ore body and tailing deposition areas), Resolution Copper shall submit to the Secretary a proposed mine plan of operations.

(2) The Secretary shall, within 3 years of such submission, complete preparation of an environmental review document in accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4322(2)) which shall be used as the basis for all decisions under applicable Federal laws, rules and regulations regarding any Federal actions or authorizations related to the proposed mine and mine plan of operations of Resolution Copper, including the construction of associated power, water, transportation, processing, tailings, waste dump, and other ancillary facilities.

SEC. 5. CONVEYANCE AND MANAGEMENT OF NON-FEDERAL LAND.

(a) **CONVEYANCE.**—On receipt of title to the Federal land, Resolution Copper shall simultaneously convey—

(1) to the Secretary, all right, title, and interest that the Secretary determines to be acceptable in and to—

(A) the approximately 147 acres of land located in Gila County, Arizona, depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011–Non-Federal Parcel–Turkey Creek” and dated March 2011;

(B) the approximately 148 acres of land located in Yavapai County, Arizona, depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011–Non-Federal Parcel–Tangle Creek” and dated March 2011;

(C) the approximately 149 acres of land located in Maricopa County, Arizona, depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011–Non-Federal Parcel–Cave Creek” and dated March 2011;

(D) the approximately 640 acres of land located in Coconino County, Arizona, depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011–Non-Federal Parcel–East Clear Creek” and dated March 2011; and

(E) the approximately 110 acres of land located in Pinal County, Arizona, depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011–Non-Federal Parcel–Apache Leap South End” and dated March 2011; and

(2) to the Secretary of the Interior, all right, title, and interest that the Secretary of the Interior determines to be acceptable in and to—

(A) the approximately 3,050 acres of land located in Pinal County, Arizona, identified as “Lands to DOI” as generally depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011–Non-Federal Parcel–Lower San Pedro River” and dated July 6, 2011;

(B) the approximately 160 acres of land located in Gila and Pinal Counties, Arizona, identified as “Lands to DOI” as generally depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011–Non-Federal Parcel–Dripping Springs” and dated July 6, 2011; and

(C) the approximately 940 acres of land located in Santa Cruz County, Arizona, identified as “Lands to DOI” as generally depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011–Non-Federal Parcel–Appleton Ranch” and dated July 6, 2011.

(b) **MANAGEMENT OF ACQUIRED LAND.**—

(1) **LAND ACQUIRED BY THE SECRETARY.**—

(A) **IN GENERAL.**—Land acquired by the Secretary under this Act shall—

(i) become part of the national forest in which the land is located; and

(ii) be administered in accordance with the laws applicable to the National Forest System.

(B) **BOUNDARY REVISION.**—On the acquisition of land by the Secretary under this Act, the boundaries of the national forest shall be modified to reflect the inclusion of the acquired land.

(C) **LAND AND WATER CONSERVATION FUND.**—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of a national forest in which land acquired by the Secretary is located shall be deemed to be the boundaries of that forest as in existence on January 1, 1965.

(2) **LAND ACQUIRED BY THE SECRETARY OF THE INTERIOR.**—

(A) **SAN PEDRO NATIONAL CONSERVATION AREA.**—

(i) **IN GENERAL.**—The land acquired by the Secretary of the Interior under subsection (a)(2)(A) shall be added to, and administered as part of, the San Pedro National Conservation Area in accordance with the laws (including regulations) applicable to the Conservation Area.

(ii) **MANAGEMENT PLAN.**—Not later than 2 years after the date on which the land is acquired, the Secretary of the Interior shall update the management plan for the San Pedro National Conservation Area to reflect the management requirements of the acquired land.

(B) **DRIPPING SPRINGS.**—Land acquired by the Secretary of the Interior under subsection (a)(2)(B) shall be managed in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable land use plans.

(C) **LAS CIENEGAS NATIONAL CONSERVATION AREA.**—Land acquired by the Secretary of the Interior under subsection (a)(2)(C) shall be added to, and administered as part of, the Las Cienegas National Conservation Area in accordance with the laws (including regulations) applicable to the Conservation Area.

(c) **SURRENDER OF RIGHTS.**—In addition to the conveyance of the non-Federal land to the United States under this Act, and as a condition of the land exchange, Resolution Copper shall surrender to the United States, without compensation, the rights held by Resolution Copper under the mining laws and other laws of the United States to commercially extract minerals under Apache Leap.

SEC. 6. VALUE ADJUSTMENT PAYMENT TO UNITED STATES.

(a) **ANNUAL PRODUCTION REPORTING.**—

(1) **REPORT REQUIRED.**—As a condition of the land exchange under this Act, Resolution Copper shall submit to the Secretary of the Interior an annual report indicating the quantity of locatable minerals produced during the preceding calendar year in commercial quantities from the Federal land conveyed to Resolution Copper under section 4. The first report is required to be submitted not later than February 15 of the first calendar year beginning after the date of commencement of production of valuable locatable minerals in commercial quantities from such Federal land. The reports shall be submitted February 15 of each calendar year thereafter.

(2) **SHARING REPORTS WITH STATE.**—The Secretary shall make each report received under paragraph (1) available to the State.

(3) **REPORT CONTENTS.**—The reports under paragraph (1) shall comply with any record-keeping and reporting requirements prescribed by the Secretary or required by applicable Federal laws in effect at the time of production.

(b) **PAYMENT ON PRODUCTION.**—If the cumulative production of valuable locatable minerals produced in commercial quantities from the Federal land conveyed to Resolution Copper under section 4 exceeds the quantity of production of locatable minerals from the Federal land used in

the income capitalization approach analysis prepared under section 4(d)(3), Resolution Copper shall pay to the United States, by not later than March 15 of each applicable calendar year, a value adjustment payment for the quantity of excess production at the same rate assumed for the income capitalization approach analysis prepared under section 4(d)(3).

(c) **STATE LAW UNAFFECTED.**—Nothing in this section modifies, expands, diminishes, amends, or otherwise affects any State law relating to the imposition, application, timing, or collection of a State excise or severance tax.

(d) **USE OF FUNDS.**—

(1) **SEPARATE FUND.**—All funds paid to the United States under this section shall be deposited in a special fund established in the Treasury and shall be available, in such amounts as are provided in advance in appropriation Acts, to the Secretary and the Secretary of the Interior only for the purposes authorized by paragraph (2).

(2) **AUTHORIZED USE.**—Amounts in the special fund established pursuant to paragraph (1) shall be used for maintenance, repair, and rehabilitation projects for Forest Service and Bureau of Land Management assets.

SEC. 7. WITHDRAWAL.

Subject to valid existing rights, Apache Leap and any land acquired by the United States under this Act are withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

SEC. 8. APACHE LEAP.

(a) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage Apache Leap to preserve the natural character of Apache Leap and to protect archeological and cultural resources located on Apache Leap.

(2) **SPECIAL USE PERMITS.**—The Secretary may issue to Resolution Copper special use permits allowing Resolution Copper to carry out underground activities (other than the commercial extraction of minerals) under the surface of Apache Leap that the Secretary determines would not disturb the surface of the land, subject to any terms and conditions that the Secretary may require.

(3) **FENCES; SIGNAGE.**—The Secretary may allow use of the surface of Apache Leap for installation of fences, signs, monitoring devices, or other measures necessary to protect the health and safety of the public, protect resources located on Apache Leap, or to ensure that activities conducted under paragraph (2) do not affect the surface of Apache Leap.

(b) **PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with affected Indian tribes, the Town, Resolution Copper, and other interested members of the public, shall prepare a management plan for Apache Leap.

(2) **CONSIDERATIONS.**—In preparing the plan under paragraph (1), the Secretary shall consider whether additional measures are necessary to—

(A) protect the cultural, archaeological, or historical resources of Apache Leap, including permanent or seasonal closures of all or a portion of Apache Leap; and

(B) provide access for recreation.

(c) **MINING ACTIVITIES.**—The provisions of this section shall not impose additional restrictions on mining activities carried out by Resolution Copper adjacent to, or outside of, the Apache Leap area beyond those otherwise applicable to mining activities on privately owned land under Federal, State, and local laws, rules and regulations.

SEC. 9. CONVEYANCES TO TOWN OF SUPERIOR, ARIZONA.

(a) **CONVEYANCES.**—On request from the Town and subject to the provisions of this section, the Secretary shall convey to the Town the following:

(1) Approximately 30 acres of land as depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011—Federal Parcel—Fairview Cemetery” and dated March 2011.

(2) The reversionary interest and any reserved mineral interest of the United States in the approximately 265 acres of land located in Pinal County, Arizona, as depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011—Federal Reversionary Interest—Superior Airport” and dated March 2011.

(3) The approximately 250 acres of land located in Pinal County, Arizona, as depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011—Federal Parcel—Superior Airport Contiguous Parcels” and dated March 2011.

(b) **PAYMENT.**—The Town shall pay to the Secretary the market value for each parcel of land or interest in land acquired under this section, as determined by appraisals conducted in accordance with section 4(d).

(c) **SISK ACT.**—Any payment received by the Secretary from the Town under this section shall be deposited in the fund established under Public Law 90–171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a) and shall be made available, in such amounts as are provided in advance in appropriation Acts, to the Secretary for the acquisition of land for addition to the National Forest System.

(d) **TERMS AND CONDITIONS.**—The conveyances under this section shall be subject to such terms and conditions as the Secretary may require.

SEC. 10. MISCELLANEOUS PROVISIONS.

(a) **REVOCATION OF ORDERS; WITHDRAWAL.**—

(1) **REVOCATION OF ORDERS.**—Any public land order that withdraws the Federal land from appropriation or disposal under a public land law shall be revoked to the extent necessary to permit disposal of the land.

(2) **WITHDRAWAL.**—On the date of enactment of this Act, if the Federal land or any Federal interest in the non-Federal land to be exchanged under section 4 is not withdrawn or segregated from entry and appropriation under a public land law (including mining and mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.)), the land or interest shall be withdrawn, without further action required by the Secretary concerned, from entry and appropriation. The withdrawal shall be terminated—

(A) on the date of consummation of the land exchange; or

(B) if Resolution Copper notifies the Secretary in writing that it has elected to withdraw from the land exchange pursuant to section 206(d) of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1716(d)).

(3) **RIGHTS OF RESOLUTION COPPER.**—Nothing in this Act shall interfere with, limit, or otherwise impair, the unpatented mining claims or rights currently held by Resolution Copper on the Federal land, nor in any way change, diminish, qualify, or otherwise impact Resolution Copper's rights and ability to conduct activities on the Federal land under such unpatented mining claims and the general mining laws of the United States, including the permitting or authorization of such activities.

(b) **MAPS, ESTIMATES, AND DESCRIPTIONS.**—

(1) **MINOR ERRORS.**—The Secretary concerned and Resolution Copper may correct, by mutual agreement, any minor errors in any map, acreage estimate, or description of any land conveyed or exchanged under this Act.

(2) *CONFLICT.*—If there is a conflict between a map, an acreage estimate, or a description of land in this Act, the map shall control unless the Secretary concerned and Resolution Copper mutually agree otherwise.

(3) *AVAILABILITY.*—On the date of enactment of this Act, the Secretary shall file and make available for public inspection in the Office of the Supervisor, Tonto National Forest, each map referred to in this Act.

The Acting CHAIR. No amendment to the amendment in the nature of a substitute is in order except those printed in part B of the report. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. LUJÁN

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 112-258.

Mr. LUJÁN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 14, after line 12, insert the following new subsection:

(k) *EXCLUSION OF NATIVE AMERICAN SACRED AND CULTURAL SITES.*—The Federal land to be conveyed under this section may not include any Native American sacred or cultural site, whether surface or subsurface, and the Secretary shall modify the map referred to in section 3(2) to exclude all such sacred and cultural sites, as identified by the Secretary in consultation with Resolution Copper and affected Indian tribes.

The Acting CHAIR. Pursuant to House Resolution 444, the gentleman from New Mexico (Mr. LUJÁN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. LUJÁN. I yield myself such time as I may consume.

Mr. Chairman, my amendment is significant, but simple. My amendment does not kill this project. As offered, it simply asks the Congress to respect the religious and sacred sites of our tribal brothers and sisters.

This bill does little, if anything, to offer protection to the sacred sites in the area and does not offer true tribal consultation to the tribes. We all know that consultation occurs before, not after, decisions have already been made.

The tribes in this area believe Resolution Copper's block cave mining method will have negative impacts on their sacred, cultural, and traditional sites in the area.

□ 1430

Again, this amendment will not kill this project. It would show respect and

offer protections to both surface and subsurface sites in the proposed land conveyance.

More specifically, my amendment states that "The Federal land to be conveyed may not include any Native American sacred or cultural site, whether surface or subsurface." This amendment would merely offer a basic level of respect for many religious and cultural sites to the many tribes in the region.

As our good friend, Congressman KILDEE, reminds us daily, we have a trust responsibility to our tribal brothers and sisters, and those who oppose this responsibility will dismantle it piece by piece with a scalpel and not all at once with an axe. This is what we're seeing today, Mr. Chairman.

In its current form, H.R. 1904 would approve a Federal land exchange to transfer ownership of 2,400 acres of land in the Tonto National Forest to Resolution Copper for the purposes of block cave copper mine.

The Federal lands which are proposed to be exchanged, generally known as Oak Flat, are part of the ancestral lands of the San Carlos Apache tribe and other tribes in the region. These lands have unique religious, traditional, and archaeological significance to many tribes in southern Arizona. Behind me is a photo of one of those areas that's most sacred, Apache Leap.

You've heard from my colleagues on the other side of the aisle that their bill offers protection for sacred, traditional, and cultural sites in the proposed area to be exchanged, but I don't believe that to be true. If it were true, then why is every major tribal organization in the country opposing this bill?

It's because they do not believe these so-called protections to be real. Opposing organizations include, but are not limited to, the National Congress of American Indians, the United South and Eastern Tribes, the All Indian Pueblo Council of New Mexico, the San Carlos Apache Tribe, the Jicarilla and Mescalero Apache Tribes of New Mexico, and many other tribes across the country.

Mr. Chairman, all of these organizations and tribal leaders know that the degradation of these cultural sites means a loss of identity and culture, not to mention utter disrespect for the religion and history of the tribes connected to this area.

Just to be clear: Supporting my amendment will not kill the project. It would simply mean respecting and preserving the religious, cultural, and archaeological and historic significance of the lands that mean so much to the tribes in the region.

I urge my colleagues to support my amendment, and I reserve the balance of my time.

Mr. HASTINGS of Washington. I claim time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, when I became chairman of the Committee on Natural Resources this last January, I established a new subcommittee on Indian and Alaska Native Affairs. The purpose was to ensure a special forum for the issues and concerns important to Indian tribes and native people. I respect the views and special concerns of Indian tribes, and it's important that they have a role and are consulted in decisions that affect the people on their reservation lands.

This bill before the House today explicitly includes a section requiring government-to-government consultation. Section 4c, Mr. Chairman, of the bill is titled, and I quote, "Consultation with Indian tribes." Consultation must occur before the mine operations ever begin.

To repeat, the mine cannot happen without consultation with interested tribes. To be clear, the mine is a site that is not located on reservation land. The closest Native American reservation is the San Carlos Apache, located more than 20 miles east of the mine site.

And it should be noted too that where this mine is proposed to be developed is right in the heart of what we call Arizona's historic copper triangle right here. These orange dots here are where copper is mined or quarried right now. This is the proposed site of the mine. And the San Carlos Apache reservation is up here. As you can see, there's activity between here and the San Carlos reservation.

The real effect of this amendment would be to allow the Department Secretary to veto and block the project on the subjective grounds that a previously identified cultural site exists on these lands. As stated previously, this is a geographic triangle that's historically home to numerous mines.

I might add too, Mr. Chairman, the Forest Service completed an environmental assessment in 2008, 3 years ago, in which, and I quote, "several attempts were made to identify sacred sites and effects on ceremonial use of sacred sites." The official conclusion was a Finding of No Significant Impact, and that finding was sustained on appeal.

Furthermore, the terms "Native American," "sacred," and "cultural" in the amendment offered by my friend from New Mexico are undefined, and thus it cannot be predicted what effect this amendment would have. It opens the door to time-consuming litigation and subjective or political decisions.

In the land exchange within the bill, environmentally sensitive and culturally important lands are given protection. Thousands of more acres, as I alluded to earlier on, are added for the protection than are made available for

the development of this mine; the ratio is roughly 2-1. The bill specifically and permanently, for example, protects Apache Leap.

Because this bill ensures and requires tribal consultation before development of the mine and because the real effect of the amendment would be for political mischief, I urge my colleagues to vote "no" on the Luján amendment.

HARRISON TALGO, Sr.,
Bylas, AZ, October 21, 2011.

Hon. ERIC CANTOR,
House of Representatives,
Washington, DC.

DEAR MAJORITY LEADER CANTOR: I am the former Chairman of the San Carlos Apache Nation and served in the Tribal Council for 16 years. Many times I have come before Congress as an official representative of my government to present issues affecting and in the best interest of the San Carlos Apache Tribal Government. But today I write to you as a concerned private citizen of Bylas, Arizona which is located within the San Carlos Apache Tribal Reservation and want to express my support of H.R. 1904, The Southeast Arizona Land Exchange and Conservation Act of 2011.

The current Tribal leadership does not share my position. I have tried very hard to understand why they oppose this project when we are in such desperate need of jobs and industry. I believe that traditional Apache values are not mutually exclusive with economic development.

We are one of the poorest Indian tribes in the nation. Seven in 10 eligible workers in the Tribe are unemployed. Almost 80 percent of our people live in poverty. Alcoholism and drug use are rampant and suicide rates are high. The average Apache male has a life expectancy of 54 years, about 20 years shorter than the average American male.

The proposed Resolution Copper Mine would bring hundreds of new, high-paying jobs to our region. It represents progress and hope and prosperity.

I have previously testified before Congress in support of economic development projects. I have done so in the face of opposition from other leaders who have opposed these same opportunities on and near the reservation. Some of those projects experienced costly delays as a result of the Council's opposition, but they all were built eventually. And to our benefit, they have all hired Apaches. I am confident the Resolution project will be no different. In fact, some members of the San Carlos Apache Nation are already employed by the company and its contractors.

I respect the Council's desire to protect sites that have cultural or historical significance. I want that, too. But Oak Flat is a long way from us, and I believe strongly that it is possible for our traditional values to co-exist with economic progress. In fact, I don't believe one can survive without the other. Economic progress and prosperity leads to a better standard of living, better health, better services and better education. It increases our capacity to learn and expands our cultural horizons. It gives us additional resources to explore and study our past, to protect what we hold sacred, to showcase and display those things that are culturally important, and to help the outside world better understand and appreciate the stories and traditions of our fathers.

For all these reasons, I respectfully urge your support and passage of the H.R. 1904.

Sincerely,

HARRISON TALGO, Sr.,
Former Chairman, San Carlos Apache Nation.

I reserve the balance of my time.

Mr. LUJÁN. I yield myself such time as I may consume.

Mr. Chairman, look, just to be clear with this amendment, it does not kill the project. The amendment simply states that the Secretary will exclude sacred and cultural sites as identified by the Secretary. If we're serious about protecting sacred sites and respecting tribes across the country, I don't know why this is so complicated.

And the only area in the legislation, as we look at section 8 of the bill, talks about preserving and consulting with tribes about Apache Leap. But again, it's too little, too late. It's consulting after the fact, not before the legislation is taken into effect.

And so, Mr. Chairman, it's as if we were going to go into a site, say, the cathedral in Santa Fe or the Vatican in Rome, and they were going to go and do something to that land, and they said, well, don't worry, we have some other land that we're going to give you.

It's about the religious and sacred nature of these sites that we're talking about. At the very least, and of its very essence, let's look to see what we can do to preserve the government-to-government trust responsibilities that we have with our tribes and respect those religious sites, respect those sacred sites, and see what we can do to work collectively.

Again, this isn't going to kill the project. Let's work together to make sure that we respect the tribes that we're so honored to represent here in the Congress.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 45 seconds to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Thank you, Mr. Chairman.

If the gentleman from New Mexico would answer a question, it's my understanding that we have rock climbers who are always out there, hikers up in there. That would be the equivalent of allowing people to rappel down the side of the Washington Monument, but I've never heard an objection from anyone to exclude those kinds of activities. And so it comes across just a little bit strange that we would talk about limiting one activity, while people are crawling and rappelling down these sites already.

Mr. HASTINGS of Washington. Mr. Chairman, I understand the other side has yielded back their time.

How much time do I have left?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. HASTINGS of Washington. I am more than happy to yield that 1 minute to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Chairman, I find it very interesting that my opponent, or

our opponent on the other side, actually focuses a picture of Apache Leap, which is specifically excluded from this legislation. Therefore, when we talk about, in regards to protecting the sites, we have done so. As far as the consultation is concerned, we have done consultations.

Mr. LUJÁN. Will the gentleman yield?

Mr. GOSAR. No, I will not yield.

Mr. LUJÁN. Mr. Chairman, we know that that's not in here.

Mr. GOSAR. That is Apache Leap.

The Acting CHAIR. The time is controlled by the gentleman from Arizona, and the Chair would ask all Members to respect that.

Mr. GOSAR. The point of reference is that we cite all the Native tribes. They are far from being in unison. In fact, during our conversation within the Resources Committee, former tribal chairman and 16-year tribal Councilman Harrison Talgo testified that the traditional Apache values are not mutually exclusive with economic development.

Given that the San Carlos Apache is one of the most impoverished tribes in the Nation, with unemployment rates around 70 percent and poverty affecting every facet of tribal members' life, I couldn't agree more with Mr. Talgo.

Mr. Talgo also points out that Oak Flat, the campground in question, is a long way from the reservation. He also pointed out the majority of tribal members he speaks about in this project support this project.

Ms. RICHARDSON. Mr. Chair, as a member of the Native American Caucus, I rise today in strong support of the amendment to H.R. 1904, the Southeast Arizona Land Exchange and Conservation Act of 2011, offered by Congressman LUJÁN of Arizona.

The Luján Amendment exempts Native American sacred and cultural sites from inclusion in the land transfer proposed by this bill.

As it stands, H.R. 1904 is fundamentally unfair to the San Carlos Apache Tribe and other tribes in the region, who have inhabited this land for thousands of years. This bill waives compliance with federal statutes that require timely consultation with affected tribes, who now face the prospect of witnessing their ancestral lands of unique archaeological and religious significance fall victim to destructive mining practices.

These techniques involve utilizing controlled cave-in deep underground, which can cause massive depressions at the surface and forever scar the landscape. Archaeological sites and religious lands would be forever ruined and unrecognizable.

Other surveys have identified Civilian Conservation Corps sites and structures eligible for inclusion in the National Register for Historic Places which could also be destroyed by the proposed mining project.

Mr. Chair, H.R. 1904 has been called a "special-interest" bill whereby a private company, Resolution Copper, which is actually a joint subsidiary of two foreign-owned mining companies. Resolution Copper would receive

federal land worth billions of dollars without having to pay royalties on any mineral wealth it extracts.

Furthermore, there are no guarantees that the company would even hire locally, process the ore in the United States, or purchase equipment made in America.

H.R. 1904 excludes the one special interest with an undeniable right in this debate—the Native American tribes—from a decision that affects their community at the absolute deepest level.

I strongly support the Luján Amendment and oppose the underlying bill. I urge my colleagues to do the same.

□ 1440

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. LUJÁN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. LUJÁN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 112-258.

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 19, beginning line 8, strike section 6 (value adjustment payment to United States) and insert the following new section: **SEC. 6. ROYALTY PAYMENT TO UNITED STATES FOR MINERALS PRODUCED FROM CONVEYED FEDERAL LAND.**

(a) ROYALTY PAYMENT REQUIRED.—As a condition of the land exchange under this Act, Resolution Copper shall pay to the United States, by not later than March 15 of each calendar year, a royalty payment in an amount equal to 8 percent of the value of the quantity of locatable minerals produced during the preceding calendar year from the Federal land conveyed to Resolution Copper under section 4, as reported under subsection (b).

(b) ANNUAL PRODUCTION REPORTING TO DETERMINE ROYALTY PAYMENT.—

(1) REPORT REQUIRED.—Resolution Copper shall submit to the Secretary of the Interior an annual report indicating the quantity of locatable minerals produced in commercial quantities from the Federal land conveyed to Resolution Copper under section 4.

(2) SUBMISSION DEADLINE.—The first report under paragraph (1) shall be submitted not later than February 15 of the first calendar year beginning after the date of commencement of production of valuable locatable minerals in commercial quantities from the Federal land conveyed to Resolution Copper under section 4 and cover the preceding calendar year. Subsequent reports shall be submitted each February 15 thereafter and cover the preceding calendar year.

(3) SHARING REPORTS WITH STATE.—The Secretary shall make each report received under paragraph (1) available to the State.

(4) REPORT CONTENTS.—The reports under paragraph (1) shall comply with any record-keeping and reporting requirements prescribed by the Secretary or required by applicable Federal laws in effect at the time of production.

(c) DEPOSIT OF FUNDS.—All funds paid to the United States under this section shall be deposited in the general fund of the Treasury.

(d) STATE LAW UNAFFECTED.—Nothing in this section modifies, expands, diminishes, amends, or otherwise affects any State law relating to the imposition, application, timing, or collection of a State excise or severance tax.

The Acting CHAIR. Pursuant to House Resolution 444, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, there are two versions of this land bill: one with the Markey amendment and one without the Markey amendment. The difference is the version with the Markey amendment is a deal the American taxpayers should take. Without my amendment, this is a deal that takes the taxpayers.

Without the Markey amendment, this land deal is a shell game, all about misdirection and surprise outcomes. We are urged to keep our eye on the beautiful surface acres the Federal Government would get in this deal and the unique payment scheme included in the bill. This is like the guy on the street who tells you to watch his right hand while his left hand is picking your pocket.

This is not about the surface. This is about the copper and whether Rio Tinto will have to pay its fair value. And the fact is the payment scheme in this bill is completely—let me say it again—the payment scheme in this bill is completely speculative. It will be based on information only the company has access to and is subject to serious manipulation.

In the end, Rio Tinto could end up paying absolutely nothing for the massive windfall they stand to receive from this legislation. With the Markey amendment, this bill is simple. It would require no guesswork on the part of the taxpayers. It would allow for no manipulation that could shortchange the American taxpayer.

My amendment strikes the convoluted payment scheme in this bill and replaces it with a simple 8 percent royalty on the copper produced each year from this mine. This is the American people's copper. It's not their copper. It's the American people's. What are they going to get out of this? How about 8 percent? Can we give the taxpayer 8 percent?

Now, we don't know how much copper exactly is down there. The benefit of my amendment is we don't need to know ahead of time. If Rio Tinto makes \$1, then they owe the taxpayer a

nickel and three pennies, and if they make \$8 billion, the Treasury gets \$640 million.

Now, the company will argue a royalty is unfair. Well, guess who is already paying royalties, Mr. Chairman. Oil and gas companies pay 12.5 percent when they drill on the taxpayers' land. 12.5 percent, that's what ExxonMobil pays. That's what Shell pays. But do you know who else pays the royalty? Rio Tinto and BHP Billiton when they mine on State land. So, if you're in Colorado, you're in Wyoming and you're on State land, you're paying a royalty. But, no, let's go to the American taxpayers' land. Those same companies that pay to the States don't pay to Uncle Sam.

And the revenue from a royalty is money we can use. What can we use the money for? Make sure we don't have to cut Medicare payments for Grandma. Make sure we have student loans for kids to be able to go to college. That's what the money should be used for. Should it just be pocketed by Rio Tinto, by these companies?

So I ask my colleagues, which deal do you want to go home with and tell your constituents you were for? The deal where they got some nice lands in Arizona while a foreign mining company got billions in copper, or the deal where they got the land plus hundreds of millions of dollars in royalty payments for the U.S. taxpayer?

With the Markey amendment, we in Congress are responsible stewards doing our due diligence to protect the Federal Treasury to get the taxpayer what they're owed. Without the Markey amendment, this House looks like the old Keystone Kops, bumbling around in circles while billions walk right out the door that should be in the pockets of every taxpayer in this country.

We have a supercommittee debating how much they're going to cut poor people, students, national defense, what we're going to spend on the protection of our country, and how many policemen we can afford to have. Meanwhile, out here on the House floor, we're going to turn a blind eye to billions of dollars just going right out the floor of the House here today into the pockets of Rio Tinto, into the pockets of a foreign corporation. That's not right.

Vote for the Markey amendment. Capture this money for the American taxpayer.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, in deference to my good friend from Massachusetts, there

is only one bill before us, and that's a bill without the Markey amendment, and I hope it stays that way.

This amendment requires a company to pay for the minerals twice. The value of the copper is already included in the appraised value of the land under current law of the United States. That's the law. Section 4(e) of the bill requires the developer to pay full market value for the Federal land and minerals within. Under the requirements of this bill, the United States is fully compensated for the copper up front. But, if, in fact, this vein is larger than what is anticipated, there is a further provision that says that should it exceed that appraised value, the developer, i.e., the copper mining company, is required to compensate the United States through annual assessments. As the market moves forward, the Markey amendment adds an 8 percent royalty to the full, to the top payment. This would mean that the company would be paying a huge premium in addition to what current law is of the value they have already paid.

I have to tell you, Mr. Chairman, this is unprecedented in any law or any activity regarding mining.

This amendment isn't about ensuring the full payment to the United States, because that is required in the bill under current law. What this amendment really does is send a signal to companies that want to invest in Federal lands, to utilize the resources we have, that they are not welcome in the United States. They are not welcome, and they should go overseas where they are welcome, taking American jobs with them and making us less economically viable as a country and also costing us jobs.

With that, I would yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I would just point out, if we want to address the royalty issue on this and other mining ventures, let's address the Mining Act of 1872. There were attempts to do this in the nineties, attempts to increase royalties or impose a 5 percent royalty, and many on the other side of the aisle opposed that measure. And so there have been a few attempts. I would encourage, let's go back to it. But this is not the place to do it. We can't do it here on this one bill.

And make no mistake about it; this is an attempt to kill this legislation, nothing else. It's not an attempt to garner the taxpayer more revenue. This is an attempt to kill the bill.

I would encourage rejection of the amendment and adoption of the bill.

Mr. HASTINGS of Washington. How much time do I have remaining, Mr. Chairman?

The Acting CHAIR. The gentleman has 2 minutes.

Mr. HASTINGS of Washington. I am pleased to yield 1 minute to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Chairman, it is interesting to listen to the arguments. To listen to the arguments that were given just now on why we should support the Markey amendment, you would believe that Republicans have set up this massive scheme for avoiding payment for royalties.

Now, this law has been in place on the books for a very long time. But additionally, I remember that the Democrats were in control, for 2 years, of the House, the Senate, and the White House, and they elected not to pass this royalty bill because they knew it would damage the economy.

Like the gentleman from Arizona just said, this is a single attempt to kill this one bill. Twenty-five percent of the Nation's copper needs could be met for the next 50 years, and they're trying to kill the bill. That's what defies explanation.

□ 1450

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

I just want to point out the unprecedented nature of this amendment. Let's think about it.

The gentleman from Arizona (Mr. FLAKE) properly pointed out that we operate under the 1872 act, and there is some discussion about that; but to single out one company in one area in one State for this tax sends a terrible, terrible signal to our economic system. If this were to be passed, then what is sacred about this industry compared to any other industry that somebody doesn't like? We will sponsor an amendment to tax one individual company. Boy, that is going to instill confidence, I can really see, in our economic system if an amendment like this is adopted. It is a bad amendment, and it will have a detrimental effect on this project.

I urge the defeat of the Markey amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. GRIJALVA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 112-258.

Mr. GRIJALVA. I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 21, after line 8, insert the following:

(e) ADDITIONAL CONDITIONS RELATED TO MINING OPERATIONS ON CONVEYED FEDERAL LAND.—As additional conditions of the land exchange under this Act, Resolution Copper shall agree to the following:

(1) To locate and maintain the remote operation center for mining operations on the conveyed Federal land in the town of Superior, Arizona, for the duration of such operations.

(2) To actively recruit and provide an employment preference for qualified applicants who reside in the State as of date of the consummation of the land exchange for employment positions related to mining operations on the conveyed Federal land.

(3) To ensure that all locatable minerals produced in commercial quantities from the conveyed Federal land remain in the United States for processing and use.

(4) To ensure that all equipment used to mine or support mining activities on the conveyed Federal Land is made in the United States.

The Acting CHAIR. Pursuant to House Resolution 444, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chairman, just for clarification of the record, the reform of the Mining Act of 1872 was passed by this House when the Democrats were in the majority, including the 8 percent royalty requirement, and it met almost unanimous opposition from my Republican colleagues on the other side of the aisle.

We have been told that the creation of jobs is the principal motivation and justification for H.R. 1904, but when we examine these jobs claims, they start to fall apart. We've heard varying figures from 450 initially to 3,700 and sometimes even 6,000. The numbers aren't supported by the facts.

The amendment before the House right now that is offered by myself and the gentleman from California (Mr. GARAMENDI) is the only way to ensure that at least some jobs will be created in Arizona as a result of this bill. Our amendment adds conditions to the land exchange to guarantee job creation in the community of Superior, Arizona, and the surrounding area and to strengthen the overall benefits to the U.S. economy.

Section 1 of this amendment guarantees that the Remote Operations Center is located in Superior. Modern mines, Rio Tinto in particular, use a range of automation technology, and most of the human labor is done off-site at the Remote Operations Center. Rio Tinto is presently operating its Pilbara, Australia, mine from 800 miles away in Perth, which is a metro area. Our amendment will ensure that this Remote Operations Center is in and operates from Superior, Arizona.

If this legislation is truly about jobs and lifting up the local economy, it is important to guarantee that local residents will have access to the jobs that are created by this mine. Section 2 of our amendment makes sure that Arizonans are considered first for employment.

Without active recruitment and a hiring preference for area residents, how do we know that the residents of the region and Arizona will benefit from the project? Our amendment makes sure that that happens. If this bill is really about jobs and our national interests, then we should guarantee that the ore produced from this mine has a direct impact on the U.S. economy.

Section 3 of the amendment will make sure that all raw material extracted from the mine is processed in the United States, not in China or in any other foreign country.

Finally, section 4 of this amendment, by ensuring that all equipment used in the mine is made in the USA, puts American manufacturers before foreign competitors. If the promise of job creation is to have even a shred of credibility, the Grijalva-Garamendi amendment must be adopted to ensure that the promises we have heard and the guarantees that have been talked about this afternoon are, in fact, reality. This amendment would make it a requirement.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Thank you, Mr. Chairman.

The fundamental purpose of H.R. 1904 is to make copper in the United States and to create thousands of American jobs.

This amendment is purposefully written to make this mine impossible by mandating conditions that can't be achieved. As a result of that, if this were to pass, the 500 people currently employed on the project would lose their jobs, and the 3,700 total jobs that would be created would never materialize.

The lead sponsor of this amendment has fought this proposed mine for years. Listen, I respect his position, but this amendment isn't written to improve the bill; it's intended to kill the mine. It is simply an amendment in wolf's clothing. This amendment dictates specific mandates on business operations, Mr. Chairman, that are unrealistic, unprecedented, and unworkable. Let me give you an example.

It mandates the precise town in which the mine operations center must be located. The Federal Government should not be dictating where and only where a company is allowed to conduct its private business. If you take this to

the logical extreme, what's next? Will House Democrats push a new law to require Apple to move from Cupertino to—where?—Detroit? How ironic that when a company that is investing hundreds of millions of its private dollars in Arizona to create thousands of American jobs that Democrats in the District of Columbia want to dictate where to operate its business.

On the other hand, there may be some consistency, because when President Obama and House Democrats handed out over half a billion stimulus dollars to the Fisker car company, they allowed that to be built in Finland, which, Mr. Chairman, I might add, is not even a State.

The amendment also requires that all copper produced from this mine be used in the United States. Copper is a basic component used to construct and build items. It's ridiculous to mandate that if 1 ounce of copper goes into an item it violates this law, this amendment, to be used outside the United States.

I am sensitive to this because I'm from Washington. If a Boeing plane is using copper made from this mine, that Boeing plane can therefore never fly out of the United States. If copper pipe is used in the plumbing of a boat that's built in America, it can never ship American goods in this global economy. What about copper jewelry, Mr. Chairman, or an American-built car that includes copper components, or the multitude of everyday items that we build in America and sell abroad that contain copper?

The fact is that this amendment would make it impossible to use the copper from this mine; but on the other hand, that's probably what the intent is.

Finally, the amendment mandates that all equipment used to mine or support mining activities be made in the United States. The purpose of the bill is to allow the third largest undeveloped copper resource in the world to be developed in America to create American jobs and provide up to 25 percent of America's copper consumption. It defies reason and logic to say that this economic boost to America can't happen if one piece of equipment used for the mine isn't made in the United States.

Let me go a little bit further, Mr. Chairman. The word "equipment" is never defined. Does it include everyday office items that will support mine activities, such as paper or pencils? What about cell phones for workers? iPhones and Blackberries, I might add, are not manufactured in America.

So I urge my colleagues, therefore, to vote against this amendment, which stands in the way of American copper production and American copper creation.

With that, I reserve the balance of my time.

□ 1500

Mr. GRIJALVA. I yield the balance of my time to the cosponsor of the amendment, the gentleman from California (Mr. GARAMENDI).

The Acting CHAIR. The gentleman from California is recognized for 2 minutes.

Mr. GARAMENDI. Our worthy chairman has put up a dozen canards, none of which really address the underlying issue here. This amendment is a very simple one that would locate in Arizona the headquarters for this mine. Is there something wrong with that? We are not moving this off to Finland. Come on.

This amendment would also provide that the copper—and it's been stated by the proponents of the bill that 25 percent of the copper needs in the United States would come from this mine, so why not use this copper in the United States? It seems to me to be perfectly reasonable, despite all the canards that we just tossed around here a few moments ago.

The other part of this has to do with the equipment. Is the worthy gentleman from Washington opposed to using American-made equipment in American mines? Is that what this is all about?

Yes, there may be some definitional problems. I'd be delighted to work with you on the definitional problems, but the underlying point is why would we set up all of this so that we could import the equipment from China or Japan or some other place. Why not simply require that this mine, which under the bill itself is an enormous giveaway of American property, of property owned by the American people and the enormous unparalleled giveaway of our value, why not simply require that at least if they're going to be given all of this, they be required to buy American-made equipment for the mine operation?

What's wrong with that? Why not make it in America? If this mine is in America, why not use American-made equipment and hire Americans and, in this case, Arizonans? You got a problem with hiring Arizonans? You got a problem with locating in Arizona the headquarters of this mine, or would you prefer London or maybe somewhere in Australia?

Come on. These are very simple amendments so that Americans can go to work. These are very simple amendments so that this company will buy American-made equipment to mine our copper which, under your proposal, is given away.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. HASTINGS of Washington. I just want to respond to my good friend from California about working with us if there is a flaw in this amendment.

I would just remind him he offered a similar amendment in committee; we brought up precisely the same arguments, precisely the same arguments. And here we are, we trot out an amendment on the floor of the House, and it's precisely the same amendment. I have a hard time thinking that somebody wants to work with us when they trot out the same amendment with the same arguments that got defeated twice.

I just want to mention this, Mr. Chairman. It's a worthy goal to buy American and promote buy American, but not when that sentiment is used to block a project to create American jobs and that results in America being less dependent on foreign minerals that gets our economy going.

With that, Mr. Chairman, I urge defeat of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GRIJALVA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Mr. HASTINGS of Washington. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GOSAR) having assumed the chair, Mr. LATOURETTE, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1904) to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair, not earlier than 3:30 p.m.

Accordingly (at 3 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1545

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WESTMORELAND) at 3 o'clock and 45 minutes p.m.

SOUTHEAST ARIZONA LAND EXCHANGE AND CONSERVATION ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 444 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1904.

□ 1546

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1904) to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes, with Mr. LATOURETTE (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 3 printed in part B of House Report 112-258 by the gentleman from Arizona (Mr. GRIJALVA) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 112-258 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. LUJÁN of New Mexico.

Amendment No. 2 by Mr. MARKEY of Massachusetts.

Amendment No. 3 by Mr. GRIJALVA of Arizona.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. LUJÁN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. LUJÁN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 233, not voting 11, as follows:

[Roll No. 805]

AYES—189

Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman

Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)

Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)

Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden

Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Paul
Payne

Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—233

Adams
Aderholt
Akin
Altmire
Amash
Amodel
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito

Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Eilms
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner

Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan

Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)
Myrick

Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schilling
Schmidt

Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)

NOT VOTING—11

Ackerman
Alexander
Burgess
Conyers

Giffords
Grimm
Loeb sack
Miller, Gary

Polis
Wilson (FL)
Young (IN)

□ 1613

Ms. HAYWORTH and Messrs. RENACCI, ALTMIRE, WHITFIELD, and BARTLETT changed their vote from “aye” to “no.”

Messrs. DAVID SCOTT of Georgia, WAXMAN, and PETERSON changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 238, not voting 22, as follows:

[Roll No. 806]

AYES—173

Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Hiroon
Higgins
Himes
Hinchey
Hinojosa
Hiron
Hochul
Holden
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Kildee
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gibson

Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Kildee
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gibson

Murphy (CT)
Neal
Oliver
Pallone
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)
Myrick

Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Townes
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—238

Adams
Aderholt
Akin
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggett
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan

Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)

Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Goodlatte
Gosar
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna

Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)
Myrick

McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen

Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—22

Ackerman
Alexander
Clarke (NY)
Conyers
Garamendi
Giffords
Gingrey (GA)
Gohmert

Gowdy
Grimm
Kelly
King (IA)
Loeb sack
Miller, Gary
Nadler
Napolitano

Pascarell
Polis
Sánchez, Linda
T.
Schradner
Stutzman
Wilson (FL)

□ 1617

So the amendment was rejected.
The result of the vote was announced as above recorded.

Stated against:

Mr. KELLY. Mr. Chairman, on rollcall No. 806, I was unavoidably detained. Had I been present, I would have voted “no.”

AMENDMENT NO. 3 OFFERED BY MR. GRIJALVA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 240, not voting 11, as follows:

[Roll No. 807]

AYES—182

Altmire Garamendi Neal
 Andrews Gonzalez Oliver
 Baca Green, Al Pallone
 Baldwin Green, Gene Pascarell
 Barrow Grijalva Pastor (AZ)
 Bass (CA) Gutierrez Payne
 Becerra Hahn Pelosi
 Berkley Hanabusa Perlmutter
 Berman Hastings (FL) Peters
 Bishop (GA) Heinrich Peterson
 Bishop (NY) Higgins Pingree (ME)
 Blumenauer Hinchey Price (NC)
 Boswell Hinojosa Quigley
 Brady (PA) Hirono Rahall
 Braley (IA) Hochul Rangel
 Brown (FL) Holden Reyes
 Butterfield Holt Richardson
 Capps Honda Richmond
 Capuano Hoyer Rothman (NJ)
 Cardoza Inslee Roybal-Allard
 Carnahan Israel Ruppersberger
 Carney Jackson (IL) Rush
 Carson (IN) Jackson Lee Ryan (OH)
 Castor (FL) (TX) Sánchez, Linda
 Chandler Johnson (GA) T.
 Chu Johnson, E. B. Sanchez, Loretta
 Cicilline Jones Sarbanes
 Clarke (MI) Kaptur Schakowsky
 Clarke (NY) Keating Schiff
 Clay Kildee Kind
 Cleaver Kissell Schwartz
 Clyburn Kucinich Scott (VA)
 Cohen Langevin Scott, David
 Connolly (VA) Larsen (WA) Serrano
 Conyers Larson (CT) Sewell
 Cooper Sherman
 Costa Lee (CA) Shuler
 Costello Levin Sires
 Courtney Lewis (GA) Slaughtert
 Critz Lipinski Smith (WA)
 Crowley Lofgren, Zoe Speier
 Cummings Lowey Stark
 Davis (CA) Luján Sutton
 Davis (IL) Lynch Thompson (CA)
 DeFazio Maloney Thompson (MS)
 DeGette Markey Tierney
 DeLauro Matsui Tonko
 Deutch McCarthy (NY) Towns
 Dicks McCollum Tsongas
 Dingell McDermott Van Hollen
 Doggett McGovern Velázquez
 Donnelly (IN) McIntyre Visclosky
 Doyle McNeerney Walz (MN)
 Edwards Meeks Wasserman
 Ellison Michaud Schultz
 Engel Miller (NC) Waters
 Eshoo Miller, George Watt
 Farr Moore
 Fattah Moran
 Filner Murphy (CT) Welch
 Frank (MA) Nadler Woolsey
 Fudge Napolitano Yarmuth

NOES—240

Adams Bucshon Dold
 Aderholt Buerkle Dreier
 Akin Burgess Duffy
 Amash Burton (IN) Duncan (SC)
 Amodei Calvert Duncan (TN)
 Austria Camp Ellmers
 Bachmann Campbell Emerson
 Bachus Canseco Farenthold
 Barletta Cantor Fincher
 Bartlett Capito Fitzpatrick
 Barton (TX) Carter Flake
 Bass (NH) Cassidy Fleischmann
 Benishek Chabot Fleming
 Berg Chaffetz Flores
 Biggert Coble Fortenberry
 Bilbray Coffman (CO) Foxx
 Bilirakis Cole Franks (AZ)
 Bishop (UT) Conaway Frelinghuysen
 Black Cravaack Gallegly
 Blackburn Crawford Gardner
 Bonner Crenshaw Garrett
 Bono Mack Cuellar Gerlach
 Boren Culberson Gibbs
 Boustany Davis (KY) Gibson
 Brady (TX) Denham Gingrey (GA)
 Brooks Dent Gohmert
 Broun (GA) DesJarlais Goodlatte
 Buchanan Diaz-Balart Gosar

Gowdy Mack
 Granger Manzullo Rohrabacher
 Graves (GA) Marchant Rokita
 Graves (MO) Marino Rooney
 Griffin (AR) Matheson Ros-Lehtinen
 Griffith (VA) McCarthy (CA) Roskam
 Guinta McCaul Ross (AR)
 Guthrie McClintock Ross (FL)
 Hall McCotter Royce
 Hanna McHenry Runyan
 Harper McKeon Ryan (WI)
 Harris McKinley Scalise
 Hartzler McMorris Schilling
 Hastings (WA) Rodgers Schmidt
 Hayworth Meehan Schock
 Heck Mica Schweikert
 Hensarling Miller (FL) Scott (SC)
 Herger Miller (MI) Scott, Austin
 Herrera Beutler Mulvaney Sensenbrenner
 Himes Murphy (PA) Sessions
 Huelkamp Myrick Shimkus
 Huizenga (MI) Neugebauer Shuster
 Hultgren Noem Simpson
 Hunter Nugent Smith (NE)
 Hurt Nunes Smith (NJ)
 Issa Nunnelee Smith (TX)
 Jenkins Olson Southerland
 Johnson (IL) Owens Stearns
 Johnson (OH) Palazzo Stivers
 Johnson, Sam Paul Stutzman
 Jordan Paulsen Terry
 Kelly Pearce Thompson (PA)
 King (IA) Pence Thornberry
 King (NY) Petri Tiberi
 Kingston Pitts Tipton
 Kinzinger (IL) Platts Turner (NY)
 Kline Poe (TX) Turner (OH)
 Labrador Pompeo Upton
 Lamborn Posey Walden
 Lance Price (GA) Walsh (IL)
 Landry Quayle Webster
 Lankford Reed West
 Latham Rehberg Westmoreland
 LaTourette Reichert Whitfield
 Latta Renacci Wilson (SC)
 Lewis (CA) Ribble Wittman
 LoBiondo Rigell Wolf
 Long Rivera Womack
 Lucas Roby Woodall
 Luetkemeyer Roe (TN) Yoder
 Lummis Rogers (AL) Young (AK)
 Lungren, Daniel Rogers (KY) Young (FL)
 E. Rogers (MI) Young (IN)

NOT VOTING—11

Ackerman Grimm Sullivan
 Alexander Loeb sack Walberg
 Forbes Miller, Gary Wilson (FL)
 Giffords Polis

□ 1622

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the amendment in the nature of a substitute.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HUNTER) having assumed the chair, Mr. LATOURETTE, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1904) to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes, and, pursuant to House Resolution 444, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER pro tempore. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and of all who serve in our Armed Forces and their families.

MOTION TO RECOMMIT

Mr. DEUTCH. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DEUTCH. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Deutch moves to recommit the bill H.R. 1904 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Page 6, line 19, relating to the definition of Resolution Copper Mining, LLC, insert before the period the following: “, except that such term shall not include any company, successor, assign, affiliate, member, or joint venturer with an ownership interest in any property or project any portion of which is owned by the Iran Foreign Investment Company”.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 5 minutes.

Mr. DEUTCH. Mr. Speaker, bipartisan unity may be rare these days, but if there is one issue we have consistently come together on, it is the threat posed by a nuclear-armed Iran.

That's why last year's body voted to enact tough new sanctions aimed at preventing Iran from acquiring nuclear weapons. That's why 332 Members of this House are today cosponsors of new legislation to strengthen Iran sanctions law. And it is also why this body should join me on this final amendment to the bill so we do not reward companies that provide financial and material support to the Iranian regime—because this bill, in its current form, will bolster Iran's illicit quest for nuclear weapons.

This legislation awards U.S. land to Resolution Copper, a company owned by Rio Tinto. Rio Tinto also owns a majority stake in the Rossing uranium mine in Namibia, where it partners with the Iran Foreign Investment Company. The Iran Foreign Investment

Company is wholly owned by the Iranian regime, and last summer the Treasury Department added it to the list of Iranian entities in violation of sanctions law.

Quite simply, we are about to reward a company that partners with the Iranian regime to mine, of all things, the uranium it needs to become a nuclear-armed power. This Congress cannot be in the business of assisting a regime that plots an attack on U.S. soil, that kills brave American soldiers in Iraq and Afghanistan, and threatens to wipe our ally Israel off the map.

Iran has made its intentions clear. The Iranian nuclear program is not intended for peaceful purposes. Just last month, an IAE Agency report indicated “increasing concerns” about possible “military dimensions” to the Iranian program. The threat is real, and this Congress has always taken it seriously.

We have watched Iran attempt to make a mockery of U.S. law by finding new ways to evade sanctions. And now we are going to help them do it?

My amendment does one thing: It blocks any land exchange with a company or affiliate connected to the Iran Foreign Investment Company.

Let me be clear. This amendment will not prevent the passage of the legislation. If adopted, it will be incorporated and we will vote on the final bill. We have come together against a nuclear-armed Iran before, and we can do it again today. Let's put bipartisanship aside. Join me on this motion to recommit and let's unite against the very real threat of a nuclear-armed Iranian regime.

I am pleased to yield to the ranking member, the gentleman from Massachusetts.

□ 1630

Mr. MARKEY. I thank the gentleman.

The bill before us today proposes to give away National Forest land to the Resolution Copper Corporation so they can build a giant copper mine. There could be somewhere between \$2 billion and \$7 billion worth of copper on this land.

So who exactly is this company that is going to be the beneficiary of the Republican majority largesse? A controlling 55 percent of Resolution Copper's shares are owned by the giant mining conglomerate Rio Tinto.

What else does Rio Tinto own? It turns out Rio Tinto owns 65 percent of the world's largest open pit uranium mine, the Rossing Mine, in Namibia. Their second-largest partner in the Rossing Uranium Mine, with a 15 percent stake and two people on the board of directors, is none other than the government of Iran.

The U.N. Security Council has six times approved resolutions condemning Iran for its violations of the Nuclear Nonproliferation Treaty, and

this House has twice enacted strong Iran nuclear sanctions. Yet Rio Tinto is in partnership with the Iranian government to mine uranium. For what purpose?

And with this bill today we are rewarding Rio Tinto. We are telling Rio Tinto, Never mind the U.N. sanctions. Never mind the sanctions of U.S. law.

What the Deutch amendment does is say if you want to do business with America, you need to stop doing business with Iran and Mahmoud Ahmadinejad. Under this amendment, as soon as Rio Tinto severs its partnership with Iran and Ahmadinejad, Rio Tinto's Resolution Copper affiliate can proceed to take title to these very valuable Federal lands in Arizona in the United States of America.

I don't think that's too much for this Congress to ask. Vote for a strong nuclear nonproliferation policy. Send a message to Ahmadinejad. Vote for the Deutch amendment.

Mr. DEUTCH. I yield back the balance of my time.

Mr. HASTINGS of Washington. I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. CHAFFETZ). The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, let me be perfectly clear, and I will say this as slowly as I can so it can be understood. This bill does not waive any economic sanction laws. All of those laws still stand.

Now, let me say this. This bill is about creating jobs in Arizona. By creating jobs in Arizona, we are creating American jobs in Arizona.

It is interesting to me how I hear the other side come up with all of these different ideas. The debate has been going on for some time—probably about 3 years, come to think of it. Here is what the debate is: It's about creating jobs in this country. Our approach on this side is very simple. It's simple because it's based on the premise of our country. We rely on the private sector. We rely on people to make an investment to create American jobs. Their side wants to—and we heard this in debate—raise taxes and create public jobs. This creates private jobs.

I say vote “no” on the motion to recommit and pass the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DEUTCH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX,

this 15-minute vote on the motion to recommit H.R. 1904 will be followed by 5-minute votes on passage of H.R. 1904, if ordered; ordering the previous question on House Resolution 448; adopting House Resolution 448, if ordered; and suspending the rules and passing H.R. 2527.

The vote was taken by electronic device, and there were—ayes 187, noes 237, not voting 9, as follows:

[Roll No. 808]

AYES—187

Altmire	Garamendi	Olver
Andrews	Gonzalez	Owens
Baca	Green, Al	Pallone
Baldwin	Green, Gene	Pascarelli
Barrow	Grijalva	Pastor (AZ)
Bass (CA)	Gutierrez	Payne
Becerra	Hahn	Pelosi
Berkley	Hanabusa	Perlmutter
Berman	Hastings (FL)	Peters
Bishop (GA)	Heinrich	Peterson
Bishop (NY)	Higgins	Pingree (ME)
Blumenauer	Himes	Price (NC)
Boren	Hinchey	Quigley
Boswell	Hinojosa	Rahall
Brady (PA)	Hirono	Rangel
Braley (IA)	Hochul	Reyes
Brown (FL)	Holden	Richardson
Butterfield	Holt	Richmond
Capps	Honda	Ross (AR)
Capuano	Hoyer	Rothman (NJ)
Cardoza	Inslee	Roybal-Allard
Carnahan	Israel	Ruppersberger
Carney	Jackson (IL)	Rush
Carson (IN)	Jackson Lee	Ryan (OH)
Castor (FL)	(TX)	Sánchez, Linda
Chandler	Johnson (GA)	T.
Chu	Johnson, E. B.	Sanchez, Loretta
Cicilline	Kaptur	Sarbanes
Clarke (MI)	Keating	Schakowsky
Clarke (NY)	Kildee	Schiff
Clay	Kind	Schrader
Cleaver	Kissell	Schwartz
Clyburn	Kucinich	Scott (VA)
Cohen	Langevin	Scott, David
Connolly (VA)	Larsen (WA)	Serrano
Conyers	Larson (CT)	Sewell
Cooper	Lee (CA)	Sherman
Costa	Levin	Shuler
Costello	Lewis (GA)	Sires
Courtney	Lipinski	Slaughter
Critz	Lofgren, Zoe	Smith (WA)
Crowley	Lowe	Speier
Cuellar	Lujan	Stark
Cummings	Lynch	Sutton
Davis (CA)	Maloney	Thompson (CA)
Davis (IL)	Markey	Thompson (MS)
DeFazio	Matheson	Tierney
DeGette	Matsui	Tonko
DeLauro	McCarthy (NY)	Towns
Deutch	McCollum	Tsongas
Dicks	McDermott	Van Hollen
Dingell	McGovern	Velázquez
Doggett	McIntyre	Visclosky
Donnelly (IN)	McNerney	Walz (MN)
Doyle	Meeks	Wasserman
Edwards	Michaud	Schultz
Ellison	Miller (NC)	Waters
Engel	Miller, George	Watt
Eshoo	Moore	Waxman
Farr	Moran	Welch
Fattah	Murphy (CT)	Woolsey
Filner	Nadler	Yarmuth
Frank (MA)	Napolitano	
Fudge	Neal	

NOES—237

Adams	Benishke	Brooks
Aderholt	Berg	Broun (GA)
Akin	Biggart	Buchanan
Amash	Bilbray	Bucshon
Amodel	Bilirakis	Buerkle
Austria	Bishop (UT)	Burgess
Bachmann	Black	Burton (IN)
Bachus	Blackburn	Calvert
Barletta	Bonner	Camp
Bartlett	Bono Mack	Campbell
Barton (TX)	Boustany	Canseco
Bass (NH)	Brady (TX)	Cantor

Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)

NOT VOTING—9

Ackerman
Alexander
Giffords
Grimm
King (NY)
Loeb sack
Miller, Gary
Polis
Wilson (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1653

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

Price (GA)

Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 186, not voting 12, as follows:

[Roll No. 809]

AYES—235

Adams
Aderholt
Akin
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Bunkerle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carson (IN)
Carter
Cassidy
Chabot
Kline
Chaffetz
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach

Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southernland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—186

Altmire
Amash
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman

Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor (FL)
Chandler
Chu
Ciocilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa

Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone

NOT VOTING—12

Ackerman
Alexander
Carney
Giffords
Grimm
King (NY)
Loeb sack
Miller, Gary
Polis
Rigell
Sánchez, Linda
T.
Wilson (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1659

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RIGELL. Mr. Speaker, on rollcall No. 809, I was unavoidably detained. Had I been present, I would have voted "aye."

PROVIDING FOR CONSIDERATION OF H.R. 2576, MODIFYING INCOME CALCULATION FOR HEALTH CARE PROGRAMS, AND PROVIDING FOR CONSIDERATION OF H.R. 674, 3% WITHHOLDING REPEAL AND JOB CREATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 448) providing for consideration of the bill (H.R. 2576) to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and providing for consideration of the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 243, nays 178, not voting 12, as follows:

[Roll No. 810]

YEAS—243

Adams	Crawford	Harris
Aderholt	Crenshaw	Hartzler
Akin	Cuellar	Hastings (WA)
Altmire	Culberson	Hayworth
Amash	Davis (KY)	Heck
Amodei	Denham	Hensarling
Austria	Dent	Herger
Bachmann	DesJarlais	Herrera Beutler
Bachus	Diaz-Balart	Huelskamp
Barletta	Dold	Huizenga (MI)
Bartlett	Dreier	Hultgren
Barton (TX)	Duffy	Hunter
Bass (NH)	Duncan (SC)	Hurt
Benishek	Duncan (TN)	Issa
Berg	Ellmers	Jenkins
Biggert	Emerson	Johnson (IL)
Bilbray	Farenthold	Johnson (OH)
Bilirakis	Fincher	Johnson, Sam
Bishop (UT)	Fitzpatrick	Jones
Black	Flake	Jordan
Blackburn	Fleischmann	Kelly
Bonner	Fleming	King (IA)
Bono Mack	Flores	Kingston
Boren	Forbes	Kinzie (IL)
Boustany	Fortenberry	Kline
Brady (TX)	Fox	Labrador
Brooks	Franks (AZ)	Lamborn
Broun (GA)	Frelinghuysen	Lance
Buchanan	Gallely	Landry
Bucshon	Gardner	Lankford
Buerkle	Garrett	Latham
Burgess	Gerlach	LaTourette
Burton (IN)	Gibbs	Latta
Calvert	Gibson	Lewis (CA)
Camp	Gingrey (GA)	LoBiondo
Campbell	Gohmert	Long
Canseco	Goodlatte	Lucas
Cantor	Gosar	Luetkemeyer
Capito	Gowdy	Lummis
Carter	Granger	Lungren, Daniel
Cassidy	Graves (GA)	E.
Chabot	Graves (MO)	Mack
Chaffetz	Griffin (AR)	Manzullo
Coble	Griffith (VA)	Marchant
Coffman (CO)	Guinta	Marino
Cole	Guthrie	Matheson
Conaway	Hall	McCarthy (CA)
Costa	Hanna	McCaul
Cravaack	Harper	McClintock

McCotter	Rehberg	Smith (NE)
McHenry	Reichert	Smith (NJ)
McKeon	Renacci	Smith (TX)
McKinley	Ribble	Southerland
McMorris	Rigell	Stearns
Rodgers	Rivera	Stivers
Meehan	Roby	Stutzman
Mica	Roe (TN)	Sullivan
Miller (FL)	Rogers (AL)	Terry
Miller (MI)	Rogers (KY)	Thompson (PA)
Mulvaney	Rogers (MI)	Thornberry
Murphy (PA)	Rohrabacher	Tiberi
Myrick	Rokita	Tipton
Neugebauer	Rooney	Turner (NY)
Noem	Ros-Lehtinen	Turner (OH)
Nugent	Roskam	Upton
Nunes	Ross (FL)	Walberg
Nunnelee	Royce	Walden
Olson	Runyan	Walsh (IL)
Palazzo	Ryan (WI)	Webster
Paul	Scalise	West
Paulsen	Schilling	Westmoreland
Pearce	Schmidt	Whitfield
Pence	Schock	Wilson (SC)
Petri	Schweikert	Wittman
Pitts	Scott (SC)	Wolf
Platts	Scott, Austin	Womack
Poe (TX)	Sensenbrenner	Woodall
Pompeo	Sessions	Yoder
Posey	Shimkus	Young (AK)
Price (GA)	Shuler	Young (FL)
Quayle	Shuster	Young (IN)
Reed	Simpson	

NAYS—178

Andrews	Garamendi	Murphy (CT)
Baca	Gonzalez	Nadler
Baldwin	Green, Al	Napolitano
Barrow	Green, Gene	Neal
Bass (CA)	Grijalva	Oliver
Becerra	Gutierrez	Owens
Berkley	Hahn	Pallone
Berman	Hanabusa	Pascarell
Bishop (GA)	Hastings (FL)	Pastor (AZ)
Bishop (NY)	Heinrich	Payne
Blumenauer	Higgins	Pelosi
Boswell	Himes	Perlmutter
Brady (PA)	Hinchee	Peters
Braley (IA)	Hinojosa	Pingree (ME)
Brown (FL)	Hirono	Price (NC)
Butterfield	Hochul	Quigley
Capps	Holden	Rahall
Capuano	Holt	Rangel
Cardoza	Honda	Reyes
Carnahan	Hoyer	Richardson
Carney	Inslee	Richmond
Castor (FL)	Israel	Ross (AR)
Chandler	Jackson (IL)	Rothman (NJ)
Chu	Jackson Lee	Roybal-Allard
Cioccine	(TX)	Ruppersberger
Clarke (MI)	Johnson (GA)	Rush
Clarke (NY)	Johnson, E. B.	Ryan (OH)
Clay	Kaptur	Sanchez, Linda
Cleaver	Keating	T.
Clyburn	Kildee	Sanchez, Loretta
Cohen	Kind	Sarbanes
Connolly (VA)	Kissell	Schakowsky
Conyers	Kucinich	Schiff
Cooper	Langevin	Schrader
Costello	Larsen (WA)	Schwartz
Courtney	Larson (CT)	Scott (VA)
Critz	Lee (CA)	Scott, David
Crowley	Levin	Serrano
Cummings	Lewis (GA)	Sewell
Davis (CA)	Lipinski	Sherman
Davis (IL)	Lofgren, Zoe	Sires
DeFazio	Lowe	Slaughter
DeGette	Lujan	Smith (WA)
DeLauro	Lynch	Speier
Deuth	Maloney	Stark
Dicks	Markey	Sutton
Dingell	Matsui	Thompson (CA)
Doggett	McCarthy (NY)	Thompson (MS)
Donnelly (IN)	McCollum	Tierney
Doyle	McDermott	Tonko
Edwards	McGovern	Towns
Ellison	McIntyre	Tsongas
Engel	McNerney	Van Hollen
Eshoo	Meeks	Velázquez
Farr	Michaud	Visclosky
Fattah	Miller (NC)	Wasserman
Finer	Miller, George	Schultz
Frank (MA)	Moore	
Fudge	Moran	

Waters	Waxman	Woolsey
Watt	Welch	Yarmuth

NOT VOTING—12

Ackerman	Grimm	Peterson
Alexander	King (NY)	Polis
Carson (IN)	Loebach	Walz (MN)
Giffords	Miller, Gary	Wilson (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1706

So the previous question was ordered. The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. LOEBACK. Mr. Speaker, today I was not present for six recorded votes because I was meeting with a group of constituents and the Federal Emergency Management Agency Administrator to discuss Iowa flood recovery.

If had been present, I would have voted "yea" on rollcall 805; "yea" on rollcall 806; "yea" on rollcall 807; "yea" on rollcall 808; "nay" on rollcall 809; and "nay" on rollcall 810.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 172, not voting 8, as follows:

[Roll No. 811]

AYES—253

Adams	Capito	Gallely
Aderholt	Carson (IN)	Gardner
Akin	Carter	Garrett
Altmire	Cassidy	Gerlach
Amash	Chabot	Gibbs
Amodei	Chaffetz	Gibson
Austria	Coble	Gingrey (GA)
Bachmann	Coffman (CO)	Gohmert
Bachus	Cole	Goodlatte
Barletta	Conaway	Gosar
Bartlett	Cooper	Gowdy
Barton (TX)	Cravaack	Granger
Bass (NH)	Crawford	Graves (GA)
Benishek	Crenshaw	Graves (MO)
Berg	Culberson	Griffin (AR)
Berkley	Davis (KY)	Griffith (VA)
Biggert	DeFazio	Guinta
Bilbray	Denham	Guthrie
Bilirakis	Dent	Hall
Bishop (UT)	DesJarlais	Hanna
Black	Diaz-Balart	Harper
Blackburn	Dold	Harris
Blumenauer	Donnelly (IN)	Hartzler
Bonner	Dreier	Hastings (WA)
Bono Mack	Duffy	Hayworth
Boren	Duncan (SC)	Heck
Boustany	Duncan (TN)	Hensarling
Brady (TX)	Ellmers	Herger
Braley (IA)	Emerson	Herrera Beutler
Brooks	Farenthold	Huelskamp
Broun (GA)	Fincher	Huizenga (MI)
Buchanan	Fitzpatrick	Hultgren
Bucshon	Flake	Hunter
Buerkle	Fleischmann	Hurt
Burgess	Fleming	Issa
Burton (IN)	Flores	Jenkins
Calvert	Forbes	Johnson (IL)
Camp	Fortenberry	Johnson (OH)
Campbell	Fox	Johnson, Sam
Canseco	Franks (AZ)	Jones
Cantor	Frelinghuysen	Jordan

Kelly
King (IA)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)

NOES—172

Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor (FL)
Chandler
Chu
Ciilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel

Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling

Schmidt
Schock
Schradner
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)

Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton

Ackerman
Alexander
Giffords

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1713

So the resolution was agreed to.
The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

NATIONAL BASEBALL HALL OF FAME COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2527) to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 3, not voting 14, as follows:

[Roll No. 812]

YEAS—416

Adams
Aderholt
Akin
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Benishke
Berg
Berkley
Berman
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany

Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Ciilline
Clarke (MI)
Clarke (NY)
Clay

Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell

Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hastings (FL)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan

Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence

Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schradner
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns

Tsongas	Wasserman	Wittman
Turner (NY)	Schultz	Wolf
Turner (OH)	Waters	Womack
Upton	Watt	Woodall
Van Hollen	Waxman	Woolsey
Velázquez	Webster	Yarmuth
Visclosky	Welch	Yoder
Walden	West	Young (AK)
Walsh (IL)	Westmoreland	Young (FL)
Walz (MN)	Whitfield	Young (IN)
	Wilson (SC)	

NAYS—3

Amash	Broun (GA)	Paul
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NOT VOTING—14

Ackerman	Grijalva	Miller, Gary
Alexander	Grimm	Polis
Bachmann	Hartzler	Walberg
Becerra	Hastings (WA)	Wilson (FL)
Giffords	King (NY)	

□ 1720

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mr. GIBSON). Is there objection to the request of the gentleman from Virginia?

There was no objection.

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today in support of the goals and the ideals of National Adoption Month and National Adoption Day, both of which will be held next month in November 2011.

National Adoption Month, which was first designated in 1995, promotes national awareness of adoption, encourages the well-being of every child, and recognizes the thoughtful efforts of individuals and organizations working with orphans and foster children.

In November 2000, National Adoption Day was launched through the National Adoption Day Coalition. National Adoption Day marks the day that agencies, organizations and families come together to complete thousands of foster care adoptions. Too many foster children across the Nation, including almost 10,000 children in Pennsylvania, are waiting to be adopted.

For this reason, I've joined numerous fellow House colleagues in sponsoring H. Res. 433, a bipartisan resolution supporting the goals and ideals of National Adoption Month and National Adoption Day in November. This resolution

will bring needed awareness to adoption and encourage our fellow Americans to ensure every child has a permanent home with a loving family.

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, I call on my colleagues and call their attention to a report issued last week by Transportation for America. The report identified 99 bridges in western New York, 2,000 bridges in New York State and 63,000 bridges nationwide as structurally deficient.

This should not surprise us. The American Society of Civil Engineers gives our infrastructure a D grade and the World Economic Forum ranks the United States 23rd in infrastructure quality. Our infrastructure is suffering from a crippling lack of investment and our country is falling behind because of it.

Mr. Speaker, the United States has spent over \$62 billion nation-building in Iraq. It is time to do some nation-building right here at home. There is work that needs to be done, and a lot of Americans need the work.

So I implore this House, pass a jobs bill that includes \$60 billion for infrastructure, pass a 6-year transportation bill, use innovative ideas like the infrastructure bank to create public-private partnerships and do it now. Given the state of our infrastructure and our economy, we can't afford to wait.

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, some of the most important people in America are the people that protect our southern border between the United States and Mexico. They lay their lives on the line to stop drug pushers and potential terrorists. They do this on a daily basis.

Well, one of those agents, Jesus Diaz, Jr., in November of 2009, stopped a fellow coming across the border with 150 pounds of marijuana in his backpack. He arrested him. He put handcuffs on him, and he supposedly lifted his arms a little too high, and he did not subscribe to taking care of this man's constitutional rights.

As a result, Agent Jesus Diaz, Jr., who has been cleared—he's been cleared by Homeland Security's Office of the Inspector General and the Immigration and Customs Enforcement's Office of Professional Responsibility. He was cleared by both of those of any wrongdoing; yet he got a 2-year jail sentence just in the last couple of days

because he supposedly mistreated a drug dealer coming across the border carrying 150 pounds of drugs.

This is just not right. This is just wrong.

[From the Washington Times, Oct. 25, 2011]

(By Jerry Seper)

A U.S. Border Patrol agent has been sentenced to two years in prison for improperly lifting the arms of a 15-year-old drug smuggling suspect while handcuffed—in what the Justice Department called a deprivation of the teenager's constitutional right to be free from the use of unreasonable force.

Agent Jesus E. Diaz Jr. was named in a November 2009 federal grand jury indictment with deprivation of rights under color of law during an October 2008 arrest near the Rio Grande in Eagle Pass, Texas, in response to a report that illegal immigrants had crossed the river with bundles of drugs.

In a prosecution sought by the Mexican government and obtained after the suspected smuggler was given immunity to testify against the agent, Diaz was sentenced last week by U.S. District Judge Alia Moses Ludlum in San Antonio. The Mexican consulate in Eagle Pass had filed a formal written complaint just hours after the arrest, alleging that the teenager had been beaten.

Defense attorneys argued that there were no injuries or bruises on the suspected smuggler's lower arms where the handcuffs had been placed nor any bruising resulting from an alleged knee on his back. Photos showed the only marks on his body came from the straps of the pack he carried containing the suspected drugs, they said. Border Patrol agents found more than 150 pounds of marijuana at the arrest site.

The defense claimed that the smuggling suspect was handcuffed because he was uncooperative and resisted arrest, and that the agent had lifted his arms to force him to the ground—a near-universal police technique—while the other agents looked for the drugs.

The allegations against Diaz, 31, a seven-year veteran of the Border Patrol, initially were investigated by Homeland Security's Office of Inspector General and Immigration and Customs Enforcement's Office of Professional Responsibility, which cleared the agent of any wrongdoing.

But the Internal Affairs Division at U.S. Customs and Border Protection ruled differently nearly a year later and, ultimately, the U.S. Attorney's Office for the Western District of Texas brought charges.

The Law Enforcement Officers Advocates Council said the government's case was "based on false testimony that is contradicted by the facts."

In a statement, the council said that because the arrest took place at about 2 a.m., darkness would have made it impossible for the government's witnesses to have seen whether any mistreatment took place. It said Marcos Ramos, the Border Patrol agent who stood next to Diaz, testified that he did not see any mistreatment of the smuggling suspect.

The council said other witnesses made contradictory claims and some later admitted to having perjured themselves. Such admissions, the council said, were ignored by the court and the government. It also said that probationary agents who claimed to have witnessed the assault raised no objections during the incident and failed to notify an on-duty supervisor until hours later.

"Instead, they went off-duty to a local 'Whataburger' restaurant, got their stories straight and reported it hours later to an off-

duty supervisor at his home," the council said. "Then the 'witnesses' went back to the station and reported their allegations."

The council also noted that the teenager claimed no injuries in court other than sore shoulders, which the council attributed to "the weight of the drug load, approximately 75 pounds, he carried across the border."

The U.S. Attorney's Office for the Western District of Texas, which brought the charges, is the same office that in February 2006—under U.S. Attorney Johnny Sutton—prosecuted Border Patrol Agents Ignacio Ramos and Jose Compean after they shot a drug-smuggling suspect, Osvaldo Aldrete-Davila, in the buttocks as he tried to flee back into Mexico after abandoning a van filled with 800 pounds of marijuana. Aldrete-Davila also was given immunity in the case and testified against the agents.

Agents Ramos and Compean were convicted and sentenced to 11 and 12 years in prison, respectively. President George W. Bush commuted the sentences in 2009 after they had served two years.

The same prosecutors also charged Edwards County Deputy Sheriff Gilmer Hernandez in 2005 with violating the civil rights of a Mexican criminal alien after he shot out the tires of a van filled with illegals as it tried to run him over. One of the illegal immigrants in the van was hit with bullet fragments.

PROMOTING WOMEN ENTREPRENEURS

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, last week I spent a day traveling my district and meeting with half a dozen women entrepreneurs.

I started the morning spending time with children in Maple Grove, Minnesota, at the LilyPad Daycare that is owned by a dynamic mom and daughter team.

Next I went to Plymouth, and I visited and toured the medical manufacturer ATEK Medical, which is owned by Christy Bieber Orris and Kay Phillips. Now, they've got challenges on the horizon with the FDA and a new medical device tax, but they are determined to move forward.

I also visited a public relations firm that was started from scratch by Cindy Leines in her basement 23 years ago. Then I connected with Makya, who is living the dream of owning and operating her own educational toy store. And finally I sat down with Peg at Peg's Countryside Cafe.

Mr. Speaker, Minnesota is a great State teeming with endless possibilities because of women like these who are entrepreneurs taking risks, and we need to do more to encourage women to take the leap into entrepreneurship.

My hope is that last week's tour will help inspire more women to realize their dream of running their own business. After all, it's small businesses that will lead our way out of this tough economic situation we're in and drive ourselves to more economic growth.

SMALL BUSINESS CERTAINTY

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, I rise to tell the story of an American small business owner, Joe Schneider, struggling to keep his head above water. A few weeks ago, I had lunch with Joe at the Barbed Rose Steakhouse, which he owns in Alvin, Texas.

When we finished our lunch, Joe took me on a walking tour to show me his plans to open five more restaurants in the area. He wants to revitalize his hometown by bringing commerce, jobs and good food to historic downtown Alvin. But the likelihood of a large tax increase, whether it be from tax cuts expiring or the White House's proposed tax hikes, has put his expansion plans on indefinite hold.

Small businesses deserve certainty from Washington and a tax policy that allows them to keep more of their money to expand, to reinvest in their communities, and to grow jobs.

Mr. Speaker, people like Joe Schneider need commonsense tax reform that will encourage American job creation, not hinder it.

AMERICAN JOBS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, thank you for the opportunity to present here on the floor the solution to the question that was just raised by my colleague from the Republican side of the aisle.

A month ago, the President laid out a plan that would create millions of jobs here in the United States. It was the American Jobs Act. We are going to talk about this tonight. Before I get into the details of it, last week, in fact 1 week ago, I held a town hall meeting in Fairfield, California.

At that town hall meeting the question of jobs was on everybody's mind. What are you doing about jobs? What is Congress doing about jobs? It just seems as though nothing is happening, and all we're seeing from Congress is talk of the deficit and cuts.

Every time there's a cut, we have another job loss here in our area. Maybe it's a school teacher that's laid off or some highway project that's not going forward. So what's happening with the jobs?

And I then began to explain the American Jobs Act, and we're going to spend some time this evening talking just about that issue, the American Jobs Act.

□ 1730

As proposed by the President, it does address a variety of ways in which

American jobs will be created, and not increasing the deficit at all, but rather fully paid for.

I would like to start off this evening by asking my colleague from the great State of New York (Mrs. MALONEY) if she would like to express the view from the East Coast, and then I'll move to the West Coast.

Mrs. MALONEY. I would like to thank my colleague from the great State of California for bringing the American Jobs Act to the floor, every single week, speaking out in favor of American workers, small businesses, and a sane, balanced approach that not only has a cutback in order to cut back our deficit and our debt, but also a revenue leg and a jobs leg. And the President has come forward with a balanced approach that has won support not only from New York and California but clear across this country. Economists are speaking out in support of the American Jobs Act. There have been two Nobel Laureates that have come out in support of it. Mark Zandi, who was the economist in Senator McCain's race for the Presidency, he has come out and he has said that next year it would increase the GDP by 2 percent. It would lower the unemployment rate by 1 percent, and would create 1.9 million jobs.

Now, after hearing your Special Orders on this, I think it would create even more jobs. But this is just a sense of economists from all sides of the country coming out in support of it.

I think it is unfortunate that the Senate did not pass it because we need this act, and we need it now. Americans have shown that they are worried about their future and they want this Jobs Act. Analysts have speculated that our country faces the same kind of lost decade that Japan has struggled with.

In a New York Times article by Daniel Alpert, a managing partner at a private capital firm, he was quoted as saying, and I'd like to bring it to your attention and the American people's attention: "Unless we take dramatic steps, it will be Japan all over again—continuous deflation, no economic growth, in and out of recessions, and high unemployment."

Robert Hockett, a professor of financial law at Cornell in New York and a consultant to the New York Federal Reserve, added: "It will be like the economic version of chronic fatigue syndrome—a low-grade fever all the time."

So we need to prevent that fatigue and cure the low-grade fever. That's why we need to pass this bill. It would be the kind of short-term immediate impact that our economy needs. With job creation stalled and median income dropping, Americans just aren't buying. That's why economists and forecasters are so strongly in support of it. And the American Jobs Act goes after unemployment in three big ways: it

cuts taxes to spur small business hiring and consumer spending; it prevents layoffs of our vital services, our teachers, our firefighters, and our law enforcement officers; and it puts people to work building roads, bridges, and schools. That's so important.

The infrastructure jobs not only create good paying jobs now, they're an investment in the future to help America compete in the world economy. I know from my own State many of our bridges and tunnels and roads and mass transit are crumbling, and we could use this influx of infrastructure money to rebuild and put people back to work. Very importantly, the President's plan maintains a safety net for Americans most hurt by the economic downturn. It's a good plan.

Mr. GARAMENDI. I thank you very much for bringing us the overall view of this. You are quite correct about the small businesses. Let me just put this pie chart up here.

Small business is where 64 percent of all new jobs have been created over the last 15 years. Big businesses actually lost many, many jobs as they have offshored jobs. In fact, it was just last December that the Democratic-controlled House passed a tax bill that terminated tax breaks for big businesses sending jobs offshore. That was about \$12 billion of tax breaks that were terminated so that American businesses would not get a tax break to send jobs offshore. I would just like to point out that not one Republican voted to end that tax break that sent those jobs offshore.

But the point here is that small businesses really do create 64 percent of the jobs. Now, in the American Jobs Act, as my colleague from New York said, there are some very, very important provisions that deal directly with small businesses, encouraging them to hire. For example, we've got some 6 million people that are unemployed more than 6 months, so those are the long-term unemployed. If a small business were to hire one of the long-term unemployed, they would receive an immediate \$4,000 tax credit. That is off the bottom line of their taxes, providing a very powerful incentive to hire the long-term unemployed.

Now, I think the entire Nation is sick and tired of our wars, but the wars are real. Those wars have created a situation where a very, very high percentage of the veterans that come back are unable to get a job. These may be those veterans that have been off in Afghanistan or Iraq. There's a tax credit again for a veteran returning from the wars, a \$5,600 tax credit for hiring an unemployed veteran. Now if that veteran happens to have a service-connected disability, and we've seen the terrible tragedies of those disabilities, arms, legs, and other problems that have befallen the veterans as they serve our country, there's a \$9,600 tax credit in

the American Jobs Act for those small businesses that hire the veterans. So by hiring new people, small businesses will be able to receive a very, very significant benefit as a result of this American Jobs Act.

If the gentlelady would like to continue on with some of the reasons why this is important to New York, please, Mrs. MALONEY, if you would take care and have at it.

Mrs. MALONEY. I would like to respond to the point that the gentleman made. Economists tell us that one of the ways that we climb out of recessions—and we're in the worst recession that I've experienced in my lifetime, the worst since the Great Depression—the way we climb out is often small businesses. Small businesses hire and grow. Two out of three people hired in America are hired by small businesses. But at this time their hiring has not moved forward. That's why this subsidy and support for small businesses is so important, and I applaud the President for including it in the American Jobs Act.

But because of the economic downturn, localities across our country are having to lay off workers, essential workers who are investors in the future of our young people: Teachers and the protectors of our communities, firefighters and our law enforcement, are being laid off.

I want to talk a little bit about New York, the great State that I have the honor of representing, and I have some numbers that I would like to share with you, but they are the same in many localities across the country. In my own State of New York, according to the Congressional Research Service, the estimated grant for the teachers and the first responders would be \$1.7 billion, which would save an estimated 18,000 educators and first responder jobs. That's important not only to these families but to the localities. These teachers are needed. These fire and police are needed. And very importantly, one of the things that I think is so important is the focus that the President has put on modernizing our schools.

When I was in school, all you needed was a piece of paper and a teacher and a pencil. Now our young people need computers, and we need to start teaching them computer sciences and math and technology very, very early. This would have grants to modernize schools so they are really ready for the 21st century, wired appropriately for high-tech computers. This would have a grant for New York City alone of \$1.6 billion to modernize the community colleges and the public schools so they are ready for the next century.

□ 1740

But it's our infrastructure that is so important. We are falling behind in terms of high-speed rail. Much of our

infrastructure is crumbling. And the infrastructure investment would total over \$105 billion, including \$50 billion on transportation infrastructure. This not only moves people and makes a more livable environment, it's an investment also for not being dependent on oil that we have to import.

Very importantly, there is \$10 billion on a new national infrastructure bank that would help finance private ventures of public roads and highways and bridges and railroads. And so that's a very, very important part of it.

Very importantly, it also talks about rehabilitating the foreclosed or vacant properties. This is a problem. Some of my colleagues in Ohio tell me they're literally bulldozing down vacant foreclosed properties. And this would allow to help these blighted neighborhoods and help rebuild.

All in all, it is a great plan. We need to get behind it. We need to put Americans back to work. And we should have passed it yesterday. But I'm here tonight supporting the President's plan to put Americans back to work and to invest in our future, invest in America's competitiveness, and our leadership in so many areas depends on getting our economy moving again.

I appreciate being here with my good friend and colleague, and thank you so much for raising these issues. You're doing an excellent job.

Mr. GARAMENDI. I can go through each one of those numbers that my colleague from the wonderful State of New York talked about. California, similarly, would receive very, very significant benefits.

However, we need to look at the reality of what is happening here in this Chamber where the Speaker of the House refuses to even allow a vote on the President's proposal. All of the things you talked about that would benefit New York will come to nothing unless the Speaker of the House will allow these proposals to come to a vote.

Mrs. MALONEY. Will the gentleman yield?

Mr. GARAMENDI. Certainly.

Mrs. MALONEY. This is a democracy, and I believe that there is no idea in the world that is so dangerous or challenging that you can't debate it in the United States Congress. It should be put up for a debate and have it fully debated and have a vote. That's the least that the Speaker should provide for the American people.

Mr. GARAMENDI. Over on the Senate side, the leader of the Senate, Mr. REID, brought the issue to the Senate floor and was unable to even get a vote on the Senate floor because of the Republican threat of a filibuster and the 60-vote requirement to end that filibuster. And so even though on the Senate side they almost came to a vote, they were stopped short by a filibuster. And the reason, apparently, was that

the Republicans did not want to raise a one-half of 1 percent tax on those very small number—the top 1 percent of Americans that are earning more than a million dollars of adjusted gross income a year. And so with that small tax increase, they refused to go along.

So here we are in this House without a vote and on the other side because of the threat of a filibuster, and 280,000 teachers are not going to be hired unless we're able to break through. The only way to break through is for the American public to rise up, the 99ers out there, and say: Enough. Give us our jobs. Give us the opportunity to go back to work.

I yield to my colleague.

Mrs. MALONEY. It could not be stated more appropriately. The 99ers and all Americans should speak out and demand a vote on this.

Now, the President has pointed out that it should be a three-legged stool. It should be revenues, we need to cut back on other expenditures, and we need to invest in jobs. Right now, we have roughly 15 percent of our GDP is revenues, but our expenditures are roughly 35 percent.

The gentleman points out the tax on millionaires and other areas that they were looking at. You have to bring that in balance. You cannot continue with 35 percent of the GDP being expenditures and only 15 percent being revenues. Granted, we do have to cut back, and that's what the supercommittee is working on, but it needs to be a balanced approach. Actually, that's what's always worked in the past. It's always been a balanced approach. That's the only way we can get this country on firm ground to reduce our debt, reduce our deficit, invest in opportunities, innovation, and jobs for the future.

You expressed it very well, and I support your efforts here tonight.

Mr. GARAMENDI. Thank you very much for joining us this evening.

Before I turn to my colleague from California, I want to just emphasize the point that the President's American Jobs program is balanced, fully paid for. It's paid for with a fair tax.

We know that over the last 12 years now the upper income, that top 1 or 2 percent, has enjoyed an enormous tax break that was put in place during the George W. Bush first and third year. They've had it good. They've really seen their share of income in America grow extraordinarily fast while the great middle class of America has had basically a flat situation. They've seen no improvement in their income. And then in the last couple of years, they've seen a very precipitous decline.

The President has also proposed—and I know I agree very strongly with this—end the tax breaks for the oil companies. Why does the oil industry need another \$5 billion or \$6 billion a year of tax breaks when in fact over

the last decade they've earned more than a trillion dollars in profit?

Our colleague from California is ready to go. This is MAXINE WATERS, representing Los Angeles, a colleague of mine dating back to our years in the California Legislature, which was just a few years back.

If you would care to share with us your thoughts on how we're going to get Americans back to work.

Ms. WATERS. Thank you very much. I'm very appreciative, Congressman, for your taking this time out on the floor this evening and sharing this time with your colleagues to talk about the American Jobs Act.

What I'm going to say will take a little bit of a different tack. As you know, we just had a contest about the use of social media in our caucus, and I devised a program where I promoted a campaign on #ourspeech, which asked our followers, if they had the opportunity to speak to Congress, what would they say, using the 140 or so characters on Twitter. We got a lot of comments in. We combined them, and now I'm going to share them. A lot of it is about jobs, but they speak about it in a little bit different way. If you would indulge me, I would like to take a few minutes.

Mr. GARAMENDI. I'd be fascinated to hear. I know that your constituents have been very, very active, and I know that over the years you have been superactive. Please share those tweets with us.

Ms. WATERS. Thank you very much.

Today, I'm delivering what is known as #ourspeech—a speech composed of words solely from my followers and friends on Facebook who posted their thoughts about the economy and jobs online. This is a part of my effort to bring Americans closer to Congress.

To the people that sit on Capitol Hill:

As Members of Congress in the greatest country in the world, you are very well aware of the concerns expressed by the American constituency—jobs, stable economic environment, education, crime, war, et cetera. You are not Republicans. You are not Democrats. You are not an independent. You do not belong to any faction. Stop worrying about party and do something for the people. Pass the jobs bill. Pass the American Jobs Act. We all need to work.

A child with no food doesn't care about your power struggle with those who are across the aisle. You must represent the most downtrodden people in your district, not the most successful business nor any special interest. Big money donations from corporations and the financial industry have purchased our democracy. America elected the House, not corporations. It is time they represent us. You have an obligation as a public servant to ensure that the underprivileged of our society will be protected. Don't forget the poor, a

group that continues to grow while the rich get richer. We have to trust you to make the right decisions for us. Support and pass the American Jobs Act.

My Facebook followers continue by saying:

We labor to right our small, overturned coffers to replace what was lost. We labor and pay three and four times over for substandard services.

□ 1750

We have become the disenfranchised while billionaire executives live and work in very comfortable environments. We are bludgeoned with partisan rhetoric that detracts from the real American issues and Representatives who feel they may act without giving heed to the desires of their constituents.

Put partisan politics aside, they say. Start serving your citizens with measured focus on supporting the people. Congress must support jobs. Congress must support the American Jobs Act. We need jobs so that we can pay our reasonable share for life activities and services. We want the right to realize the promises of our founding documents.

The middle class have been the legs this country has stood on. The lack of meaningful action in D.C. has crippled us. We have not been able to save for our children's college education as we live paycheck to paycheck. We worry about the more immediate dilemma—will we be able to keep our home? We are 2 months behind in our mortgage. Bank of America, our lender, was bailed out with our tax money. Now who is going to bail us, who played by the rules and worked hard, out? Please don't give another dime of our money to save the banks, they do not care about us.

Americans are sick of hearing Congress bicker about who is to blame for our issues. While Congress pontificates and filibusters, Americans are starving, losing their homes, working multiple jobs if they can find them, and puzzling over ways to balance our incredibly shrinking budgets against the rising costs of tolls, gas, food and corporate thievery in the guise of bank fees and loan rates. Good, hardworking Americans shouldn't be rubbing nickels together and shouldn't have to pick food over medicine.

My Facebook followers wrap up by further saying: We wonder how we will pay our taxes and student loans, avoid answering our phones, leave our mail unopened as we struggle. The system, if it ever was for us, has failed at this critical juncture in history to safeguard us. The global Occupy Wall Street movement illustrates beautifully the consciousness of the people which has been missing from the political landscape. Congress must support jobs, education and health care. People are hurting out here. Our silence has finally and irrevocably been broken.

Those of us who have been awakened are now willing soldiers in the fight.

The voice of the people occupying around the Nation will not go unrecognized. Our strength, our passion and our vision can, and should be, harnessed to power change.

Thank you so very much for allowing my Facebook followers to have a word on the floor tonight. They are watching us. They will be responding. But I think they are very appreciative that you have allowed me this time to condense those comments and the words that they gave to me to bring to the floor.

Mr. GARAMENDI. I thank the gentlelady from California so very much for sharing with us the words that she has received from her constituents. I know that for me, and I suspect for many of our colleagues, there are similar words, similar comments to us. It's time for us to get with it. Let's pass a jobs bill. Let's really work for the people out there, not only the unemployed, but for the great middle class that has been pushed down over the last decade. It's time for them to have their say. Thank you so very, very much for being with us this afternoon.

Ms. WATERS. Thank you so very much.

Mr. GARAMENDI. You said something that came to my mind—I'm going to do this quickly before I turn to my colleague from—Rhode Island? You mentioned student loans. Now, the President has been out in California, in Los Angeles and in San Francisco, near my district, and he's been saying something that really caught my attention, and that is: we can't wait. Speaking for the American people, we can't wait for Congress to act. We can't wait.

And he did something that is really, really close to home. My daughter and son-in-law just finished medical school. They have huge loans that they took out to go through medical school. But across this Nation, about \$1 trillion of loans have been taken out by young men and women—and older—who have gone back to school to improve themselves, to get an education, to learn a skill, \$1 trillion out there. And many of those loans are at a very high interest rate, and they may be from different sectors.

And the President says, we can't wait to help these people. These young men and women and others who have these loans, they need help today. And so he put together a new program based upon a law that we passed last year—the Democrats passed last year—that said we're going to do some consolidation. So he's taken that step. He's going to allow for the consolidation of these loans into one loan package and allow the interest rate to be reduced, on the average, at least a half percent interest rate and stretched out—and a small percentage of the income. And many of these young men and women—I'm just

going to say men and women, they're not all young—aren't able to get a job other than just a minimum wage, and so they can't pay. So he's giving them a break.

And that's what we want our President to do. We want our President to go out there and say we can't wait for Congress—even though I'm ready to go and I know my colleagues are—and giving them a break. This is really important that he has done this.

Ms. WATERS. I thank you. That is well said. You are absolutely correct. And the young people are waiting on us to act. They are burdened with debt. They can't get careers started. They can't get families started. This will be very helpful to them. The consolidation and the reduction of the interest rate is extremely important.

Mr. GARAMENDI. We can't wait to get a bill out of this House, and hopefully the Speaker will allow us to bring it to the floor. And I can't wait to hear from Mr. COURTNEY of Rhode Island.

Mr. COURTNEY, please join us.

Mr. COURTNEY. I thank the gentleman from California. Connecticut, Rhode Island—you know, when you're from California, I'm sure we all look like one of your counties there. But it's eastern Connecticut. At least I about Rhode Island. But thank you for the invitation to speak this evening.

I wanted to start, first of all, by just sharing with you that I am in the final day of a 1-week challenge that myself and four other Members of Congress have engaged in to live on a food stamp budget for a week. That's \$4 a day, which is what the budget is for millions of Americans today. And my wife and I and my daughter got through it in one piece—although I had to kind of take my little care package down to D.C. with me. And frankly, it has been harder than I thought and a real eye opener. I mean, a cup and a half of coffee—

Mr. GARAMENDI. Excuse me. May I interrupt? You and three of your colleagues or four of your colleagues have undertaken a program to try to live on the unemployment insurance?

Mr. COURTNEY. No. This is a food stamp budget, the SNAP program. Again, the SNAP budget for millions of Americans is \$4 a day. And so obviously you've got to shop as aggressively as you possibly can, and frankly you're buying somewhat lower-cost items. As I said, we're about to get across the finish line at midnight tonight. Again, a cup and a half of coffee a day, half a peanut butter sandwich for lunch, generic cereal, little bananas, some meals at night. You don't have to worry about cleaning dishes when you're on this kind of budget because you eat every bit of it. And as I said, it has been a real eye opener in terms of the fact that this is really an experience that isn't just limited to 1 week for millions of Americans. It's

something that, again, is just part of a growing reality.

I raise it in the context of the Jobs Act because today there are, again, millions of Americans who are 99ers; they are people who have gone through their unemployment compensation period, which, as we all know, has a cap of 99 weeks. For a lot of them, there really is nothing else waiting at the end of that time other than food stamps—or the SNAP program as it's now called. To basically live on \$32, which is really what the amount is for a single adult, is really impossible.

As a result, we're seeing, again, record numbers of people showing up at food banks, record numbers of people showing up at soup kitchens. There is now a suburbanization of poverty that's going on in this country. Again, I represent Connecticut, which has the highest per capita income in America—obviously lots of suburbs. There are now, again, food banks that are operating in a lot of these communities. Clearly, this is an issue in terms of the supercommittee and the sequestration, whether or not a program like SNAP is going to be at risk. For people to go backwards from \$4 a day is something that I personally can't imagine.

But at the end of the day, the real solution is to get this economy growing again, and the best social program is a job. I mean, that is the bottom line in terms of what is a real fix to this problem.

One of the things that I just wanted us to, again, spend a minute on, and then I'll hand it over to my friend from Ohio who's here, is that the pay-for that's been proposed and supported in the Senate and the White House is a 5 percent surcharge on income above \$1 million. Recently we had, again, in my opinion, a patriotic, courageous American who stepped forward to really put the spotlight on what that means. Warren Buffett, who, again, is a legendary investor, financier, commentator on all the news programs and the business channels, shared his tax return for last year.

□ 1800

His gross income, his top line was \$63 million, his adjusted gross income was \$32 million, and his payment was roughly about \$6 million. As he explained in a number of op-eds, that roughly translates into a tax rate of 17 percent, which, again, you're here, Johnny-on-the-spot with the charts, which is terrific.

If his tax return was subjected to the surcharge which has been proposed and supported in the Senate, basically, it would add about another \$2 million to \$3 million of tax liability in terms of what his return would be, and his overall effective rate would be roughly about 25 percent.

He clearly makes the argument about the Buffett rule that he should

pay a higher rate than his secretary and his staff—today he pays a lower rate than all of them. But the real, I think, power of his argument which he made in *The New York Times* op-ed piece, “Stop Coddling the Rich,” was that the tax rates that he paid gladly back in the eighties and nineties, which again, is even higher than it would be if we passed the surcharge, did nothing to inhibit his willingness or desire to go out and compete and invest and participate in the drive for the American Dream.

And if you look at the growth rates that we experienced in the 1990s when, again, the tax rates on both capital gains and regular income were much higher than today, and would still be higher than if we adopted the Jobs Act pay-for, as he powerfully makes the point, it would do nothing to inhibit growth, and it would do nothing to inhibit or punish success.

It, in fact, would just do a lot to try and create some balance in our public finances so that we can afford to do the great things that a great Nation must do to get us out of the predicament that we're in today.

What I want to say to anyone who's watching here today, who's on food stamps, having experienced briefly the challenge that you face over a 1-week period of time, we can do better, as a Nation, than that, and we must adopt the Jobs Act to make sure that we solve the problems of Americans who today are trapped in an economy that allows no way out except subsistence programs that are inadequate to lead a healthy productive life.

I thank the gentleman for yielding.

Mr. GARAMENDI. I thank the gentleman from Connecticut. My apologies, Rhode Island being not too far away. Thank you very much. And thank you for pointing out that it's very, very difficult in America if you're poor. One out of six Americans now live in poverty and are dependent upon food stamps and other kinds of subsistence in order simply to stay alive.

And we cannot forget that, although we ought to remember that here on this floor very recently there was an effort to reduce the food stamps. So I don't quite understand why anybody would want to do that, given the poverty rate.

You also spoke to the issue of fairness in taxes. Eighty-four percent of all of the wealth in this Nation is now controlled by the top 20 percent, and the bottom have become more and more poor.

Now, one of the States that is struggling to get back into the American Dream is the State of Ohio, and there's a lot of conflict going on there about labor and politics and the like.

But I know, Mr. RYAN, that you're focused solely on trying to get people back to work in your community. If

you would please join us. If I recall correctly, you're from the eastern part of Ohio.

Mr. RYAN of Ohio. That is correct, the northeastern part, and I'm happy to be joined by my colleague from the northwestern part, Ms. KAPTUR, to talk about these issues.

I think, as I sat here and I listened, whether it was California or whether it was Connecticut or whether it's Ohio, I think the number one issue facing the country right now is the income inequality. It is now just starting to percolate up as the number one issue, the greatest inequality in this country since the Great Depression.

I know many of us have been talking about this for a long, long time—we've had 30 years of stagnant wages in the United States. There is no way that we're going to be able to continue to be the leader of the free world, or really even have the kind of country that we want, if we have this kind of level of inequality.

There are issues that come before the House of Representatives. There are issues that the President is continuing to push that will help rectify this problem that is not getting any attention at all in the House of Representatives, whether it's the American Jobs Act, which would put people back to work, infrastructure, roads, bridges, get that 20 percent unemployment within the construction trades, or 18 or 19 percent, or whatever it may be, and drive it down.

The China currency bill, passed by the Senate with well over 60 votes, passed the House of Representatives last year, had 99 Republicans, 350 total votes, and we can't get a vote in the House of Representatives to take on the Chinese.

Mr. GARAMENDI. Explain to us what the Chinese currency bill is all about.

Mr. RYAN of Ohio. Well, they're manipulating their currency. They're devaluing it so that the exports coming into the United States are artificially cheaper than they would normally be, already with benefits of no EPA, no OSHA, no regulations. But in addition to that, they manipulate their currency, devalue it to make those exports landing on the shores of the United States even cheaper.

Now, all of these unfair trade practices have cost the United States 2.8 million jobs in the last 10 years; 1.9 million of those are manufacturing, and 100,000 in Ohio. When manufacturing jobs pay more, there's more intellectual property spinoff, better benefits, better pension.

All of this comes together with an issue that we're facing back in Ohio, and a philosophy in the country that is basically saying, if the middle class just made a little bit less, the country would be better off; we'd finally fix these problems. That's what's hap-

pening with S.B. 5 and S.U. 2 in Ohio, where we have a Republican administration taking on the teachers, the police and the fire, and saying they make too much money, and it's because of them that we have these huge budget issues, when really, they're the last bastion of the middle class, and they run into burning buildings, and they go out and they take care of us when we're in a dangerous situation, or they teach our kids, or they clean the public restrooms, or they clean the restrooms in the schools.

These are people who serve us, all of us as a country. For us to continue to go down the path of, we've got to dismantle the middle class, we've got to dismantle the unions, we've got to cut programs like Pell Grants or food stamps or things that help us invest, or keep interest rates high on student loans, or cut funding for the National Institutes of Health, National Science Foundation, this is not a recipe for success. This is a recipe for the destruction of the middle class.

These are investments we've always made as a country that have benefited us. And to say to these police and fire and teachers and public employees, you're making too much money, you're part of the problem, when they're making \$30,000, \$35,000 a year, is ridiculous.

The policies coming out of Washington and the House of Representatives, we don't even have the courage to take on China to say maybe we'll drive some manufacturing jobs back into the United States, create some wealth back in the United States so these local communities have money to fund their police and fire. This is what we've always done.

One final point. You're starting to see it percolate. You saw it in Wisconsin. The coalition in Ohio, now, against this issue too, is incredible. Police, fire, teachers, public employees, building trades, auto workers, machinists, average people, all coming together to say, this is the middle class, and we've had it up to here. With Occupy Wall Street, it's the same thing. Income inequality. High levels, it's been going on for a long time. People are up to here.

And for a while, my friend, they have said, go get Washington, D.C. Look at them. Look, it's the Democrats, get them. It's their fault. But the reality is it's where the money is, and that concentration of wealth you were talking about, that's driving the policies here.

Somebody explain to me how we can pass a China currency bill last year, with 350 votes, 99 Republicans, and we can't get a vote in the House of Representatives on it now. The Senate just passed it. Because there are some very powerful interests that don't want it on the floor. They don't want to vote on this. They like the system just the way it is. They can locate over in China and ship their product back and the Americans will buy it.

But what's coming home to roost now is that the Americans aren't making the wages they were in the last 20 or 30 years.

□ 1810

In the last 20 or 30 years, consumer spending is down, consumer confidence is down, wages are stagnant, and there are high levels of poverty even in the suburbs. And so it's all coming home to roost.

I think it's time for our country and all of these disparate groups to now come together—police, fire, teachers, building trades, and working class people. I'm telling you, in Ohio they're coming together and they're saying: We are the middle class, we are working America, and we are going to set the agenda.

Mr. GARAMENDI. And we can't wait. We cannot wait.

I'm just going to toss out two more statistics here. The top 1 percent of Americans in 1974 had about 9 percent of income of all sorts—capital gains, interest, dividends, as well as earned income, about 9 percent. In 2007—that was 4 years ago—they had 23½ percent. So you've seen the income of the very few at the top grow extraordinarily from 9 to 23. It's probably up to 25 or 27 percent this year. The top one-tenth of 1 percent—this is 15,000 families in America—have raked in more than \$1 trillion of income in 2009; just 15,000 families, \$1 trillion of income.

Yet, when the Senate took up the bill to provide about 2 million jobs for America to be paid for by these men, women, and families that have had this extraordinary growth in their income, just a small percentage of a surcharge, 5 percent surcharge on that additional income, the Republicans in the Senate refused to pass that bill. So 280,000 teachers are not going to get a job, 100,000 police and firemen will not be back on our streets protecting us, and \$50 billion of construction programs will not be built, 35,000 schools will not be renovated, and all across this Nation the pain of the middle class will continue.

It's time for us to have a better deal for America. The American Jobs Act can do that. And I think it can help Ohio in the central part.

Ms. KAPTUR, if you would care to join us, thank you so very much. I yield to a terrific Representative who I know has fought fiercely for years and years here to bring back to middle America the manufacturing base and the middle-income jobs that are so important.

Ms. KAPTUR. Congressman GARAMENDI, I want to thank you for your leadership coming from California. And my dear, dear colleague TIM RYAN from the eastern quarter of Ohio, what a privilege it is to be here with you as well and to be a voice for we the people—we the people, not just the superrich people, not just the peo-

ple running the six biggest banks in the country that just took the rest of America to the cleaners, but Americans who speak for the vast majority who, like that chart states, want a better deal for America. We want investment in America. We want to make goods in America because we know, when we create here and we make here, we create jobs here and we create real wealth here for everyone, not just the privileged few.

It's really an amazing fact to think about that General Motors, when I was growing up, was the biggest employer in the country, and northern Ohio just hummed. Plants had 14,000 workers, 10,000 workers. Now you're lucky if a plant has 1,200 workers, and you see shuttered plants around our country. Thank God for the recovery package and what was done to resuscitate and refinance the U.S. automotive industry so that other countries can't eat our lunch, that they can't eat our investment capital and all of the investment that still exists around this country, the millions of families and retirees that depend on a healthy automotive sector.

When you think about it, today, Walmart is the largest employer. We have gone from General Motors being the largest employer to Walmart being the largest employer. And this week, Walmart announced that even though it's the largest employer, even though it's making so much money for its shareholders and top executives, if you work for Walmart and you put in under 24 hours a week work, you're not eligible for their health insurance. Yup, I can just think of all those women, all those people that are working in Walmart around the country, their standard of living will drop.

I agree with what Congressman RYAN says about the middle class. We believe in people earning a living and, as a result, being secure in the middle class—earning a decent wage, getting a decent health benefit, and having a retirement program you can depend upon.

I'm really happy that the cost-of-living increase will give, on average, to seniors across this country 360 extra dollars—360 extra dollars a year on average—because they're going to be able to buy some food, better food for themselves. They're going to be able to pay their utility bills. Do you know the first thing they will do? I'll tell you the first thing they'll do. They're going to buy their grandchildren presents. They're going to go spend that money. They're going to spend it in the economy.

Every single business in this country, what do they say? We need customers. We need customers. We don't have enough people working—carrying 14 to 24 million people unemployed or underemployed—to really get this economy to hum. They're waiting for customers. Every Member of Congress, if they're awake, knows that.

And so when we see a call for a better deal for America—for all the people, for we the people, not just for the Wall Street bankers who brought us to this juncture who, by the way, are doing very well and controlling two-thirds of the financial system of this country, which is part of the problem we are facing—too much power in too few hands. But as we look across our country to say what can we do, as Members, in order to create more of an investment climate here, you create investment when you create customers. And, honestly, you don't create customers and create wealth at the same time when you just take all the stuff that's made in China, bring it here and sell it. That money goes—most of it goes back to where those goods were made.

We have a real challenge in our country to reward Make It In America, to make goods here and to sell goods here. And as Congressman RYAN says, for those countries that don't play by the rules—and China doesn't—whether it's on currency, whether it's on the environment, or whether it's on the fair treatment of workers, they're not even living in the same universe as we live in. Who would want to live in Beijing? You'd need a gas mask to survive. Is that really what we want to do is downgrade our standard of living for the American people to that level? And that is the course we are on. That is the course we are on, Congressman GARAMENDI.

When you talk about how many people in America are poor today, do you think they like being poor? God loves them just as He loves everybody in the upper class and the middle class. They don't want to be poor. They want a job.

Here's the figure. Let me put this one on the table. I was talking to one of the major rail executives today, and I was inviting him to come out to our region because we have a lot of railroads, and they're hiring. He said, Congresswoman, I want you to know something. We posted 4,000 jobs in rail across this country. And he said, Guess how many applications we got? Five hundred thousand. Five hundred thousand applications for 4,000 jobs.

Think about what the American people are saying to us. Austerity will not bring prosperity. What will bring prosperity is investment in America, making goods in America, creating goods in America, growing products in America, processing products in America, and holding our trade partners accountable for their actions, whether it's currency manipulation or renegotiating trade agreements that are not operating in the interests of the United States and that are far out of balance.

Let me tell you, the most out-of-balance trade agreement is with China. And if you go back to NAFTA when it passed here in 1993, they said, Oh, my goodness, there are going to be millions of jobs. Well, they're not in the

United States. They're not here. In fact, we've amassed a \$1 trillion trade deficit with Mexico since NAFTA passed. So all those people must live somewhere in outer space to think that that has actually created wealth in America. It has been a sucking sound, a sucking sound to other countries—not here.

All you've got to do is know the math. Know the math. Just look at the numbers. You don't have to believe me. Look at the trade accounts. It's written in black and white every month. We aren't winning. We are losing the trade wars all over this world, and it is costing us investment here. It's costing us jobs here. It's costing us wealth here. And that is where those poverty figures are rising, because we aren't reading the math and we aren't making goods in America and balancing our accounts here at home by putting people back to work.

Mr. GARAMENDI. We certainly can rebuild the American manufacturing industry, and there are ways of doing it. That was done in part when the President stepped up using the stimulus money to rebuild General Motors and Chrysler. They're now back, and millions of jobs have been saved and, simultaneously, the entire small business supply chain is in order.

□ 1820

Mr. RYAN, I know that you have other thoughts that you'd like to add, so please share with us.

Mr. RYAN of Ohio. I just think we're competing directly now with China in such a significant and direct way. So we put, say, \$8 billion in the stimulus package for high-speed rail. I think China is spending tens of billions of dollars—

Mr. GARAMENDI. Well over \$100 billion.

Mr. RYAN of Ohio. I think it's \$120 billion, maybe, on high-speed rail. They're going to have more tracks in China than in the rest of the world combined in the next 5 or 10 years; and we're sitting here saying we're not going to do anything because we're not for high-speed rail. Ohio gave back \$400 million, and Florida gave back a few hundred million dollars. We know from conversations we've had with businesspeople that that would have lured companies into the State of Ohio because they want to build railcars, but they're not going to build them if we don't have a high-speed rail program. These are investments that we have made.

We've gotten into the mind-set that the government can't do everything, but it has to do something. What it has to do is make sure our roads and our bridges and our infrastructure are up to speed.

I was just talking with Congressman DOYLE from Pittsburgh. He said \$3 billion in sewer projects need to get

done—EPA-mandated in Pittsburgh. I think Cleveland is \$2 billion to \$3 billion and that Akron is about \$1 billion. It's hundreds of millions in places like Youngstown and in smaller cities. I'm sure Toledo is up there in the hundreds of millions in these older cities.

Ms. KAPTUR. And Sandusky.

Mr. RYAN of Ohio. I saw Rahm Emanuel, the Chicago mayor. He was saying these are 100-year-old systems in Chicago. Do we really think that Pittsburgh and Cleveland and Akron and Youngstown and Toledo have \$1 billion to go make these investments? But if we say collectively as a country we're going to rebuild the country and that right now we're going to use the power that we have to go out and get the money and make these investments and put all these people back to work, they'll be working for a decade.

Mr. GARAMENDI. Let me tell you how that could be done. It's in the President's American Jobs Act.

He has suggested that we establish an infrastructure bank. Every one of the projects that you just described is a cash flow project. There is a fee for sewage and there is a fee for water. There are fees that come traditionally with each of these services. If we had an infrastructure bank—and the President has suggested we put \$10 billion into it—we know that we could get the various public pension funds around to invest in it and that we could probably have \$100 billion within several months that could be invested in each one of the projects that you talked about, and those projects over time are able to repay. Do keep in mind that the Federal Government is now able to borrow that money at about 2 percent for 10 years. So this is an investment opportunity to build for the future.

We've got about 5 minutes. So, Ms. KAPTUR, if you'd like to take it, then we're going to wrap this thing up.

Ms. KAPTUR. I would just like to say, for investment in our ports, in our airports, in our rail, what could be more important to our country?

When I was born, there were 146 million people in this country. We're now near 320 million people. By 2050, we will have 500 million people in this country. We cannot continue to live like it's 1950. We have to sort of catch up, which is where these public investments come in. They create jobs. They create real wealth that you can't take away or outsource. It belongs to the American people. It belongs here.

I wanted to say a word about Ohio. We're facing this vote on Issue 2 in Ohio, which is an effort, as Congressman RYAN says, to dismantle what's left of the middle class in our State: our teachers, our firefighters, our police. We have a Governor who called an Ohio highway patrolman an "idiot," which I consider a complete degradation of the Office of Governor and an insult to those who put their lives on the line for us every day.

We stand against Issue 2. We're going to defeat Issue 2 in Ohio because we believe in building the middle class; and we are proud of our police, of our highway patrolmen, of our firefighters, of our teachers. They hold us together as a community, and it is our job to push investment into airports, highways, high-speed rail, trains, transit, ports, water and sewer—all of the pieces of "community" that hold us together and make our economies hum. Either you're looking through the rearview mirror or the windshield going forward. This is an "I can" Nation. The last four words of "American" are "I can," and we are an "I can" country.

Mr. GARAMENDI. Indeed, we can.

This piece of legislation, H.R. 613, is one that I've introduced. It simply says that this money that we want to invest in our sanitation systems—high-speed rail and energy systems, whether those are the wind turbines or similar systems—is American taxpayer money. This bill says, if you're going to use American taxpayer money, then you're going to spend that money on American-made equipment. Make it in America. It's our money. Use it here in America.

The Chinese currency bill ought to be passed. I know that our Republican colleagues are going to be following me here in a few minutes, and they're probably going to say the solution is to end regulation. They had a bill on the floor that would end the regulation that would prevent the despoiling of our air with such things as mercury and arsenic and dioxins and other kinds of poisons. We can't build America by ending the regulations that protect America: the food safety regulations, the environmental safety regulations, the clean water regulations. That's not how we're going to build America. That's how we'll destroy this country.

We will build America through the kinds of programs that the President has proposed with the American Jobs Act, which is fully paid for with a fair tax system, one in which those at the top end of this economy, who have prospered so well over the last 15 years, will now pay just a little bit more so that Americans can go back to work and so that those unnecessary tax breaks that have been given to the oil industry for a century—that 5, 6, \$7 billion a year that they've received on top of their trillion dollars of profit over the last decades—will go back into America's Treasury so that we can build America once again. We will make it in America.

The President is quite right: we can't wait. Americans can't wait. It's time for Americans to go back to work. The American Jobs Act will put Americans back to work without increasing the deficit and, in fact, by creating tax revenues for the American Treasury.

With that, Mr. Speaker, I yield back the balance of my time.

AMERICA'S GREATEST GENERATION—OUR SENIOR CITIZENS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Missouri (Mrs. HARTZLER) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mrs. HARTZLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the topic of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. HARTZLER. Thank you, Mr. Speaker.

Today, I am here to lead a very important discussion regarding America's Greatest Generation—our senior citizens.

I have the greatest respect and heartfelt affection for this special group of people. This respect and affection originated with the special relationship I had with my grandparents. I valued spending time with them and loved learning from them. I learned how to catch a fish and golf from Granddad Zellmer, how to clean and cook a fish from Grandma Zellmer, how to ride a horse and milk a cow from Granddad Purdy, and how to crochet and make homemade butter from Grandma Purdy.

Out of the love of my grandparents grew a love and respect for all senior citizens. I believe their wisdom should be sought and valued in our society and that generations should be linked to benefit from each other. As a teacher, I initiated programs to bring young people together with senior citizens, and wrote my master's thesis on it. I can tell you that it's a winning combination. Throughout my life, I have been dedicated to advocate for senior citizens. For over 10 years, I served on the Cass County Council on Aging. I helped raise money for our Meals on Wheels program and for other important programs to help senior citizens.

Now I'm honored to represent and to serve the great people of Missouri's Fourth Congressional District, which is home to over 120,000 seniors. You can trust that I will ensure that this cherished generation is never overlooked. There are many challenges facing our Nation's senior citizens: financial stress, health challenges, housing issues, and family difficulties. My Republican women colleagues and I want you to know that we care, that we hear your concerns, and that we are here to stand by you and to fight for you and for workable solutions.

□ 1830

I'm honored to have the privilege tonight of leading this discussion and in-

troducing you to some of the most dedicated women in Congress who, like me, care about seniors and are fighting for you.

I would now like to yield as much time as she may consume to my good friend from just across the State line, a fellow farm girl and my travel buddy back and forth to the Kansas City airport, Representative LYNN JENKINS.

Ms. JENKINS. I thank the gentlelady from Missouri for yielding, and I appreciate my fellow Republican women stepping up this evening to have an honest fact-based discussion about one of our Nation's most valued resources—our senior citizens.

As I travel through Kansas each week, I always hear from folks who have had to tighten their belts over the last few years, and the overwhelming message I hear is that Kansans want their government to do the same, and seniors are no different.

While special interest groups, many in the media, and several of our colleagues across the aisle like to paint our Nation's seniors as weak, terrified of budget cuts, and beholden to the Federal Government for financial security, seniors in Kansas know better. These are strong men and women who have seen our Nation through a world war, cultural upheaval, and cyclical financial turmoil. They have always stayed true to the ideals and principles that make this country great. They have always been willing to make the necessary sacrifices to better their lives and those of their children and grandchildren, and they continue to display that same commitment during our current struggles.

But you know what? Just because our seniors are willing to sacrifice does not mean we should continue to demand it. It's time we, the beneficiaries of their hard work and sacrifice, stopped asking for more and allowed our seniors to have the security and certainty that they have earned through decade upon decade of hard work.

That's why I'm pleased to have supported the Republican House budget earlier this year that will save a Medicare system that could be bankrupt in 8 years if we do nothing, and it makes a plan to save Social Security, which isn't far behind. Our plan saves these programs for the next generation while preserving 100 percent of the benefits for those Americans currently in or near retirement.

I'll continue to fight to ensure seniors don't see any cuts in their benefits, like the cuts that were provided for under the President's health care law, which cuts Medicare by \$500 billion and allows a board of bureaucrats to begin rationing care. We will, instead, continue to work to protect and strengthen these important programs.

The economic turmoil over the last several years has impacted all of us, in-

cluding our seniors. Our Nation's senior citizens, the Greatest Generation, worked their entire lives to make this country what it is today. Keeping the promises made to them over the years must be a priority of this Congress and of this Nation.

Mrs. HARTZLER. Thank you, lady. I appreciate your great remarks.

Now I would like to yield as much time as she may consume to another farm gal, a fellow friend here, from South Dakota, KRISTI NOEM.

Mrs. NOEM. I thank the gentlelady from Missouri for recognizing me and for facilitating this wonderful discussion that we have tonight in front of us to really talk about our seniors and to talk about the challenges that they face and the promises that we've made to them that we intend to uphold and to keep for the years to come.

I rise to speak on this Special Order with our other Republican female colleagues to discuss a lot of important issues, and I want everybody to know across this country, in South Dakota we have more than the average share of seniors in South Dakota. We have a very high number, and all of us have seniors in our families—grandparents, neighbors, friends who are seniors and live under the programs and policies of this country.

Our seniors have worked hard. They've raised their families. They've raised grandchildren with strong values, with good work ethics that are extremely important to them to deal with a lot of the things that this life may throw at them. They paid into Social Security. They fought our enemies on foreign soil to defend our country and our freedoms. They have built businesses, and they literally have created the fabric of our society in America today.

Our Republican agenda reflects the deep gratitude that we have towards our seniors in this country. We're thankful for the country that they have given us. We're thankful for the values that they have taught us, and we intend to follow through on the promises that we've made to them.

So you're asking me today what are the promises that we've made to our seniors? The first promise we have made is to care for them. That's why we chose to step up and to save the Medicare program. That's why we didn't choose to not address the problem that we have and the fact that it is going to go broke in less than a decade.

We also did this at a time when we can truly fix the program without impacting seniors who currently rely on the program. Future generations will need that program, and we did offer solutions for that. But our current beneficiaries, all of those who are 55 and older, will not be impacted if we do what the Republicans did this year and fix the program so that it's still around. Nothing will change for seniors

under the plan the Republicans have put forward.

We have also made important promises to our seniors who are military veterans. South Dakota has a strong history of military service. Thousands of South Dakotans have stepped up and put their lives on the line to defend this country. Many of them have made the ultimate sacrifice, and for that we'll always be grateful.

Many of them came home wounded or forever changed by the experience. Veterans earned and deserve all of the benefits that they were promised going back to the founding of this great country.

We've worked to protect those programs and protect those veterans and the programs that they rely on. Some in Washington, in the media, try to scare our seniors. They try to scare them by telling them that we're going to get military veterans' pensions and payments and programs, and that we're going to cut the military veterans' benefits.

Nothing could be further from the truth. Despite vicious rumors and whatever the media and Democrats try to say, we are not going to let our veterans down and not follow through on the promises that we have made to them. We will continue to fight for those veterans' benefits.

Finally, we also promised our seniors that we would leave to our kids and our grandkids a nation that is as exceptional as they left us. That means that we're focusing on growing our economy, that we're reducing burdensome regulations that are driving people out of business and overseas. We're empowering small business at the same time, letting them make decisions that the government has no right making, and we're cutting wasteful spending that does nothing but bloat government and crowd out the private sector.

In closing, let me just say that I am proud to stand here with Republican women because we take our promises to our seniors very sincerely and seriously, and I know that we will do our part to uphold all of those promises that we have made.

Thank you for the time.

Mrs. HARTZLER. Thank you, lady, and absolutely we are going to fulfill those promises.

Now I would like to yield as much time as she may consume to the gentlelady from Texas, Representative KAY GRANGER, who wants to share a little bit her thoughts on seniors.

Ms. GRANGER. Thank you very much for yielding to me and thank you for the time where we get to talk about women and our seniors.

Women have made great strides in the workforce and in politics—actually, in all areas of life. But while we've had our careers, we're still the primary caregivers for our children, and we're the ones often responsible for managing our household budget.

Additionally, many of us have added the responsibility of caring for our aging and sick parents that we owe so much to, as you've talked about. We know the importance of being there for our parents, the way they were there for us throughout our lives, and that's why tonight the House Republican women are focusing on the issues that matter to America's seniors.

While Medicare and Social Security often make the headlines, Alzheimer's disease is a challenge that's touched nearly all of us in some way, someone we know, if not our own family. Beyond the emotional toll, Alzheimer's is a disease that will weigh down our economy over the next century if it's not addressed head on.

Nearly 6 million Americans are currently living with this disease, and every single day more than 10,000 baby boomers are turning 65. As these baby boomers age, one in eight will develop Alzheimer's. At a time when our government is looking for ways to save money, thinking about the economic cost of diseases like Alzheimer's is an important priority to consider.

□ 1840

Today, Alzheimer's is the sixth leading cause of death in the United States, and we are seriously lacking in ways to prevent, cure, or even slow its progress.

This year alone, the economic impact of caring for Alzheimer's patients will cost our economy a total of \$183 billion. Unless something is done soon, the costs of Alzheimer's in the United States will total \$20 trillion by the year 2050; \$15 trillion of that cost will come from Medicare and Medicaid.

This is a disease that is not only heartbreaking, but it is also a disease that we can't afford if we don't take action now. That means making Alzheimer's a national priority. Leadership from the Federal Government has helped reduce the number of deaths from other diseases, such as HIV-AIDS, influenza, pneumonia, and stroke. We need to do the same thing for Alzheimer's.

We have the potential to create the same success that has been demonstrated in fights against other major diseases. By making Alzheimer's a priority, we can cut down on both the financial and the human cost of this disease. So I'm proud to stand with my Republican colleagues and talk about the issues that seniors and their families are dealing with every day. And we can find solutions.

Mrs. HARTZLER. Thank you, lady. I certainly share your commitment and the heart-wrenching reality of Alzheimer's disease and our need to focus on it here.

Our next speaker is from the great State of Washington, Representative JAIME HERRERA BEUTLER.

Ms. HERRERA BEUTLER. I thank my colleague, and the Republican

women who have joined us here tonight to talk about such an important issue and to share what we have been doing on behalf of our Nation's seniors, because I believe we need to protect the rights of our Nation's seniors, the right to make choices about their health care, the right to access what they spend their entire working lives paying into, the right to know that the programs that exist today will be there when they need them.

Now I would like to talk specifically about the right to make choices. Now in my corner of the country in southwest Washington State, more than a third of our seniors have chosen Medicare Advantage. That's 37 percent who have made this choice. In my most populated county, Clark County, half of the seniors have chosen to use Medicare Advantage. Part of the reason for this—and many times you see this happen—is because fewer and fewer doctors are taking traditional Medicare. It just doesn't pay enough to cover the bills. With Medicare Advantage, and you're a new Medicare beneficiary, you might have a shot at getting a doctor. This is very important when we have 10,000 baby boomers retiring every single day.

We stand with our Nation's seniors when it comes to—and I say “we,” my Republican colleagues and myself—when it comes to accessing programs they've spent their whole lives paying for.

The Medicare Board of Trustees and the Congressional Budget Office, CBO, two nonpartisan groups who are tasked with figuring out what the cost of bills are, and that's CBO and Medicare, the trustees are tasked with the financial responsibility of keeping Medicare on the straight and narrow. Both have said within the next decade Medicare goes completely bankrupt. So if you are at home and you're watching this, the one thing you need to know is doing nothing is not an option. Ten years, 10 years, and Medicare goes insolvent. You know what that means? It means that those seniors who have paid their whole life into this program are suddenly going to be faced with choices. Are they going to face cuts in benefits or more limited services? Insolvent, completely insolvent. We have to do something, which is why earlier this year my Republican colleagues and myself joined together to put forth solutions for Medicare, to save it and to protect it. Those folks who have paid into this program their whole life deserve to pull that money out when it is time to access it, which means we need to take action now.

I urge my colleagues in the Senate to consider the House-passed budget because what it does is protect retirement benefits for everyone who is 55 and older, completely keeps it as it is. And then for those in my generation who are younger, who are coming up the pike, it changes it necessarily so

that we can also access those benefits we will pay into.

So I'm excited today to join with my colleagues to make sure that we protect these important programs. Seniors have a right to these programs, which is why we are stepping forward. We are going to stand with them to make sure that what they've paid into, they'll be able to access when it comes time.

The seniors in southwest Washington have spent years planning for their retirement. My colleagues and I will continue to take the lead when it comes to protecting programs like Medicare and their choices within Medicare. We have fought and will continue to fight against the credit card spending and against that mentality that jeopardizes this program because our seniors deserve that which they have paid into.

Now the Republican women that have joined me tonight on the floor to talk about these important issues, we understand that our Nation's seniors have rights, and they are looking to us to protect those rights, to protect Medicare for them and for future generations.

Mrs. HARTZLER. I thank you, JAIME.

I am now happy to yield to my good friend and fellow runner from the great State of Ohio, Congresswoman JEAN SCHMIDT.

Mrs. SCHMIDT. I thank my good friend from Missouri.

You know, I often talk about kitchen table politics in this well because as Ronald Reagan said in his farewell speech, all good ideas begin at the dinner table. And they do.

Look at this poster. This is a poster that I think really illustrates what's going on in families all across America, including our seniors, and that is, how are we going to pay our bills, and how are we going to move to the future? It's a huge issue, and it's one that this Congress needs to address in many ways.

The U.S. Census says that over 40 million Americans today are 65 years or older, almost 20 percent of our American families. Almost 20 percent of those sitting around that kitchen table. These are an incredible group of people. These are the people who fought in World War II, that created the Greatest Generation. They fought in Korea, sustaining the Greatest Generation. And today, they are now faced with so much anxiety and uncertainty in our Nation.

One of the things that I think we have to do in Congress is to erase that anxiety, whether it's through the financial markets, to ensure that we are putting forth programs that allow our banking systems to work effectively so that they don't have to be concerned with what the cost of banking is going to be or what their financial assets are going to be, to make sure that our businesses are flourishing in this coun-

try and are not saddled with unnecessary regulations that constrict them from going forward, to move within the economy. In other words, we have to get our economy moving. It is so important for our Nation, especially for our seniors.

But I think that there are some other things that we have to talk about with our seniors as well. You know, as we sit around the kitchen table and we worry about our bills, they also worry about, not just how they're going to pay their income tax, but the mammoth issue of paying the income tax. And for seniors, instead of having to go to an accountant and use their precious dollars to figure the whole system out, maybe we should pass H.R. 1058, the Senior Tax Simplification Act of 2011. You know, this is a bipartisan bill. If passed, it would direct the Secretary of the Treasury to make available a new Federal income tax form similar to the 1040-EZ form for people who have turned over 65. It would make the completion of the Federal income tax return simpler, faster, easier, and less costly for most of our American hard-working seniors.

I think another bill that we have to really look at, and this is the one that I really want to focus the rest of my talk on, is the repeal of the death tax. This is an issue that I've had to personally face in my life. I grew up on a family farm, and there's nothing better than being raised on a farm. It's the best way you can raise a family, and you do a lot of talking at that kitchen table.

When my dad was seeing his declining days, he realized if he didn't do something, hire a fancy attorney at a lot of money an hour, he wouldn't be able to pass that farm along to his kids. So he did some estate planning, but it wasn't enough. And at the end of the day when my father passed away, my brother, sister, and I had to make a collective decision to sell personal assets to just be able to keep that farm because we want our children and our grandchildren to have the same experience that we had.

And I think, how often is this occurring unnecessarily? And it's not just the family farm, it's the family business, whether it is a manufacturing business, whether it's a winery, whatever the business is. If it's a family business, why do we have to worry as we see our declining years how we're going to do some tax structures and pay an insurance plan and whatever else is out there to try to keep a part of it for our children.

□ 1850

It's counterproductive, because in the end the Federal Government may get a piece of money at your death. But that's the end of the money they'll ever get from you or your family.

Ending the death tax won't hurt our economy. It will only improve our

economy. And for our seniors that sit around that kitchen table that may be what we call land poor—have a lot of money in the land, but not a lot of money in the bank—they won't be forced to make the same decisions so many of my friends had to make when I went to their family funerals. And they said, By gosh, we're going to keep Dad and Mom's farm. We're not going to get rid of it. They weren't as fortunate as my sister, my brothers, and I were that we had some personal assets that we could use to keep our farm. They had to sell theirs. And what's left, brick and mortar?

It's a serious issue. We need to repeal it. I urge my colleagues on both sides of the aisle to do this. It will not only move our economy forward, but for our hardworking American seniors it will alleviate that anxiety at the kitchen table.

Mr. Speaker, I want to thank my good friend and colleague from Missouri, Mrs. HARTZLER for hosting this Special Order on seniors, a group to whom we owe so much.

According to the 2010 U.S. Census, over 40 million Americans today are 65 years of age or older. That's almost 20% of our American family.

These are the folks upon whose shoulders we stand today. They are the ones who have carried us through the good times and the bad.

Today's seniors are an incredible group of people. They have witnessed a lot of history, and, in fact, they have made a lot of history.

They served in World War II, the Korean Conflict, and the Vietnam War. They fought and bled on the battlefields of those wars, places such as North Africa, Normandy, Iwo Jima, Pork Chop Hill, Outpost Harry, and Hamburger Hill.

During those wars they built our ships, our tanks, and our planes; they plowed the fields and raised our crops; they manufactured the millions of items necessary to keep a nation at war amply supplied.

Between wars, they built our skyscrapers and our interstate highway system; they developed our space program and landed men on the moon; and, they even invented the first computers.

And, most importantly, while they were accomplishing all these great feats, they also found time to fall in love, to get married, and to have families.

I think it goes without saying that we owe our seniors a huge debt of gratitude. Still, I want to take this opportunity to say to our seniors in this great country, thank you. Thank you for all that you have given and for all that you have sacrificed and for all that you have done for your country and your fellow Americans.

Mr. Speaker, it was with our seniors in mind, and as an expression of gratitude to them, that I proudly co-sponsored three bills of special interest.

The first bill, H.R. 436, is known as the Protect Medical Innovation Act of 2011. This bill, which has support from both sides of the aisle, would, if passed and signed into law, amend the Internal Revenue Code to repeal the excise tax on medical devices.

Eliminating this excise tax would allow medical device manufacturers to better spend that money researching new products. The development of these potential, new medical devices would, ultimately, provide higher health care standards and lower the costs of health care.

The second bill, H.R. 1058, is known as the Seniors' Tax Simplification Act of 2011. This bill, which also has support from both sides of the aisle, would, if passed and signed into law, direct the Secretary of the Treasury to make available a new federal income tax form similar to Form 1040EZ for individuals who have turned 65 as of the close of the taxable year.

It would make the completion of federal income tax returns simpler, faster and easier for most seniors.

Finally, the third bill, H.R. 1259, is known as the Death Tax Repeal Permanency Act of 2011. This bill, like the previous two bills, also has support from both sides of the aisle.

It would, if passed and signed into law, amend the Internal Revenue Code to: (1) repeal the estate and generation-skipping transfer taxes, and (2) make permanent the maximum 35% gift tax rate and a \$5 million lifetime gift tax exemption.

Having spent decades working hard to develop and accrue assets, a person should be able to convey those assets, upon his or her death, to whomever he or she chooses, without the heavy hand of the government reaching in to steal a portion.

Estate taxes are especially harmful to farmers, ranchers, and small business owners. They need to be eliminated.

In conclusion, I want to say again to our seniors, thank you.

I also, once more, want to thank my good friend and colleague, Mrs. HARTZLER, for facilitating this evening's discussion and focusing on a segment of our society that is so deserving of our time and attention and to whom we owe so much.

Mrs. HARTZLER. Thank you, JEAN. Well spoken.

Now I get to introduce the vice chairman of our conference and our good friend from Washington, Representative CATHY McMORRIS RODGERS.

Mrs. McMORRIS RODGERS. Thank you very much, VICKY, and I am proud to join a dynamic group of Republican women tonight committed to preserving the American Dream, promoting economic growth, and protecting America's seniors.

We have a story to tell. And it's a story not just of our children and our grandchildren, but also of our parents and our grandparents, of the men and women who raised us, who contributed and fought for this great country, and of the generation that has actually been hit the hardest by the economic downturns. One of these seniors is my own dad.

This summer, when President Obama actually threatened to withhold Social Security checks and not to reimburse Medicare providers, my dad called me and said, Well, CATHY, I might be moving in with you; and, no, I won't be babysitting.

President Obama was wrong, and yet seniors all across this country were threatened and scared by that statement. They continued to be frightened by the administration's policies.

Let's just take a look at Medicare. It's a program that both Republicans and Democrats agree is unsustainable. Yet, today, try to find a doctor who will take a new Medicare patient in America. It is impossible or difficult. The average couple over the course of their lifetime, when they turn 65, will have paid just over \$100,000 into Medicare, and they will pull out of that program over \$300,000. It's not too difficult to do the math. It is unsustainable. The system is going bankrupt, and now is the time to improve it.

Last year, we saw a health care bill pass that is actually going to make it worse. The President's health care bill will actually give 15 unelected bureaucrats in D.C. the power to cut Medicare and drive providers out of service. The Republicans want to give patients the power to put market pressure on providers and make them compete.

We are here tonight as daughters committed to helping our parents and their entire generation of hardworking Americans ensure that this program does not go bankrupt over the next 10 years. We refuse to let that happen. We're committed to finding the right answers to improving, reforming, and protecting a program that our parents have contributed to for decades.

And so this is our moment. It's our moment to make real changes for America. It's our moment to listen to each other's stories, and it's our moment to protect our seniors, their benefits, and their access to quality care. We're going to continue to do this for many years to come to share the great story of the American Dream and our senior citizens who embody it.

Thank you very much for the opportunity to participate tonight.

Mrs. HARTZLER. Thank you, CATHY.

Now I would like to yield as much time as she would like to my good friend, a neighbor on the east side of Missouri—Tennessee here—Representative DIANE BLACK.

Mrs. BLACK. Thank you for yielding your time, my dear friend from Missouri. It's very good to be here today as Republican women and lifting up seniors.

When I think about the seniors in my life, my grandmother and my grandfather, I really hope that my children and grandchildren will think the same way about me. Because when we ask people who are their heroes, so many times what we hear is about their grandmothers and their grandfathers. And that is because they have so much to offer, especially the Greatest Generation—the generation that right now we are trying to protect every benefit that we can for them because they have worked hard and they have put

money into the system and they deserve to be cared for.

Now, one thing I do know about seniors, having worked with seniors in home health care as a nurse, is they really feel like many times they don't have choices. Our seniors, just because they turned 65, should not be having their choices taken away. We shouldn't think that they can't make good choices. And that's exactly what the health care bill that was passed by the Democrats last year, the Patient Affordability Act, does. It removes the ability for them to make choices.

In particular, the Independent Payment Advisory Board, also known as IPAB, is a group of 15 unelected, unaccountable bureaucrats that are assigned by the President; and their job will be to cut the costs and limit access for our seniors to care. They will have the ability to deny care and not give choice to our seniors. This is wrong.

Our plan, the Path to Prosperity, would give our seniors choice. It would not affect those 55 or older, but it would give those 54 and younger an opportunity to be able to have choice in their program. We address the unsustainable growth of Medicare so the program does not bankrupt us in 10 years so that we can have money in the bank for our seniors as they age.

It is only fair and right that our seniors should have choice and that they should have the care that they put into the bank and they so deserve. Let's give seniors their choice.

I thank my friend for yielding.

Mrs. HARTZLER. Thank you, DIANE.

Now I am happy to introduce my good friend from the great State of Alabama, Congresswoman MARTHA ROBY.

Mrs. ROBY. Thank you so much for having this Special Order tonight. It's so important for us to have the opportunity to speak to America, but particularly to home in on our seniors back home.

Of course, throughout my travels back through Alabama during our district work periods, I repeatedly hear two things from seniors in Alabama: When is Congress going to pass a budget, and How is Congress, with all of our budget woes, going to preserve Social Security and Medicare? And the failure of Congress to address these concerns in an honest way threatens the economic security of America's seniors. Seniors deserve better than empty promises from a government that is broke. They deserve straightforward, honest answers and real solutions.

I, too, like many of the women that have spoken tonight, have a grandmother. I call my grandmother "Gaga." I have to look "Gaga" in the eye as a Member of Congress and express to her my sincerity in making sure that we are taking care of our seniors.

We all agree that we're facing a serious budget crisis in Washington. It's

been more than 900 days since the Senate has passed a budget. I would like to say this is ridiculous. A budget is a basic financial plan for our country. It is a vision for America's future. Approving a budget is a fundamental task for Congress. What business would operate without a basic budget for 3 years?

Republicans in the House have passed a bold budget plan that clearly addresses some of the biggest financial issues that we face. The House Republican budget addresses Washington's reckless spending. It is an honest, detailed, concrete plan to put our budget on a path to balance and our economy on a path to prosperity through job creation.

Under the Republican House budget, seniors 55 and older will not be affected in any way. As I think about my grandmother that I have already talked about, I have to reiterate this point. It is so important: seniors and those that are 55 and older will not be affected by our Republican plan. They will not be affected. Their benefits will not change. After paying into the system for years, we made a commitment to those seniors, and we must follow through.

□ 1900

For those of us who are 55 and under, we must take steps to ensure that Medicare will still be available when we retire and available for our children and our grandchildren. This is common sense. We know that without reform and repairs, these entitlement programs simply will not be in existence for us when we retire. Without reform, they will collapse. And the nonpartisan Congressional Budget Office anticipates that Medicare will go bankrupt by 2020. It is clear that these programs are not sustainable in their current form, and actions must be taken before it is too late.

What proposals has this administration put forward to address these concerns? None of us in this room have yet to see a solid plan for action. By failing to address the problem, this administration is failing our seniors. Rather than offering solutions, the administration is continually providing our seniors with misleading information regarding the Republican proposal. Let me say it one more time. Those 55 and older, under our plan, will not be affected as it relates to their benefits.

Washington's failure to enact policies that promote long-term economic growth and balance the budget is creating uncertainty for employers and consumers alike. It is time that Washington get serious and put our fiscal house in order.

There are 15 bills—now 16, after today—waiting in the Senate for action that will put Americans back to work if the Senate will only take that action. Congress must act now. It is what we were sent to Washington to do, and

protecting our seniors is a huge part of that.

Thank you so much again for hosting this hour tonight and letting me, on behalf of Alabama's Second District, be a part of it.

Mrs. HARTZLER. Absolutely, lady. Thank you.

It is important that we get the truth out and that seniors have an opportunity to hear the truth about our bills and the steps that we are taking to try to protect and defend them.

Now I get to introduce to you my fellow colleague from the great State of North Carolina, Representative RENEE ELLMERS.

Mrs. ELLMERS. Thank you so much, and thank you for leading this Special Order tonight. It's so important.

You've heard from my fellow women colleagues the discussion we're having about our families, our seniors, Medicare, Social Security, and the importance of operating under a budget. We continue to grapple with these issues because here in the House of Representatives we've passed numerous bills, we've passed the repeal of the President's health care bill, and yet only to go on to the Senate and not be taken up for a vote.

You heard my fellow women colleagues discuss how we've passed 15 bills on to the Senate, including the repeal, with no action whatsoever. The American people are calling for jobs, the American people are calling for a change in our economy, and those bills will take care of that issue. Those bills will set us on a path towards recovery, and yet we continuously play politics on the Senate side. We don't bring these things for a vote.

We're here tonight talking about all these issues that affect our families, again, our seniors. Our seniors are so concerned about what's going to happen in the future. Our seniors have paid into a system their entire life, into Social Security and Medicare. They deserve those benefits back.

As a nurse, taking care of seniors was part of my core health care life, taking care of seniors and ensuring that they're going to receive good care throughout the remainder of their life. And they've paid into that benefit willingly. They paid into that benefit and deserve to get it back. They don't look at Medicare and Social Security as budgetary issues. They look at these as benefits that they deserve, and it is incumbent upon us to make sure that they receive them.

You've heard my fellow women colleagues reiterate over and over again that if you are 55 and older, through our House-passed budget they will not be affected. Anyone 55 and older, no benefit is changed whatsoever, and yet in the Senate that budget is not taken up for a vote.

The American people are looking for answers. The American people know

the issue. They understand, because we have made the point over and over and over again, that Medicare, down the road, just a few years down the road, will be bankrupt because of the situation that we're in today.

Seniors are calling my office every day concerned that as Republicans we are going to ruin Medicare for them and that somehow they're going to lose that benefit. I can tell them honestly that is the last thing that any of us as Republicans want to do. In fact, the problem lies with the President's health care bill that was passed in the 111th Congress because, in that bill, a half trillion dollars was taken out of Medicare, and put into place was a 15-person panel, which you've also heard my fellow colleagues discuss, IPAB, Independent Payment Advisory Board. Fifteen individuals, 15 bureaucrats will be able to decide what Medicare will pay for and what they will not, essentially taking away the patient-doctor relationship.

My husband is a surgeon. I don't want my husband to have to sit down with his patients and discuss what they cannot do because Medicare will not pay for it. But that, unfortunately, is the future if we are not able to remove this, if we are not able to repeal, as we have already passed here in the House.

My fellow colleagues are working very hard—very hard—to rescue Medicare from the position that it's in right now because it is doomed to failure. But, unfortunately, this issue has been kicked down the road through previous administrations, through previous Congresses. But we can no longer allow this to go on. We have to address the issue now. And I believe that our seniors understand this. And I believe that if we can continue to give them this message that we are in no way wanting to harm the benefits that they're receiving now or the benefits that they will be receiving if you're 55 and older, we will be able to accomplish that.

But again, the calls that are coming into my office—that I am more than willing and my staff is more than willing to answer these issues—need to be going on to the Senate. They need to be going to the Senate and asking why these issues are not being brought up. Why are we not voting on these bills? Why are we not passing a budget?

You've heard my colleagues say it's been over 900 days since the Senate has passed a budget. There is no household that can function without a budget, and there is absolutely no business that can function without a budget. Our seniors understand that, too, because they have lived very responsible lives and deserve all of the benefits that we should be providing for them.

So thank you again for holding this very important Special Order. And to those seniors out there, we are working very hard for you, and we will continue to do so.

Mrs. HARTZLER. Absolutely. And I know that you would agree that it's a privilege to talk about our seniors tonight, and your background in health care certainly lends a lot of expertise to this issue.

I have another friend and colleague who is from the same great State of North Carolina. And I think it's interesting. I learned something here, VIRGINIA, that you're from Grandfather Community, and we're talking about seniors, so it's appropriate. My good friend, Representative VIRGINIA FOXX.

Ms. FOXX. Thank you very much. I want to thank our colleague from Missouri, Congresswoman HARTZLER, for leading this important effort tonight to highlight the concern that Republican women have for the millions of seniors that we represent in Congress.

And, yes, I do come from a little community in western North Carolina that's called Grandfather Community, because there is a mountain there called Grandfather Mountain that's one of the highest mountains east of the Rockies. It's the second highest mountain east of the Rockies. And I have to tell you, when people come and see the beautiful view I have and say, "How can you leave this to go to Washington?" I tell them it isn't easy. But I think that we're doing important work here, and it's important that we continue to do this work and represent, I think, the majority of the people in this country. I think highlighting this is very important.

And it's interesting. My colleague from North Carolina who just spoke, Congresswoman ELLMERS, and I did not exchange notes, but we both were on the same wavelength in terms of what we wanted to talk about. I read my own mail, I answer all my own letters, and I'm astounded at the number of letters I get from seniors who tell me they're very concerned about the health of the Medicare and Social Security programs.

□ 1910

They are concerned, and they've been misled into thinking that Republicans want to do something negative to those programs. It is amazing the misinformation that's out there about Republicans and our attitude toward Medicare and Social Security. In fact, it's Republicans who have a plan to save Medicare and Social Security, and that's what I tell seniors.

But they've heard that the Congressional Budget Office has projected that Medicare part A would be bankrupt in 10 years; and they know they've paid into these programs, and they're relying on them to provide critical medical care for them when they need it.

In the past, Congresses have taken a pass on reforming these programs to keep them solvent for both today's seniors, as well as for future generations, who are currently paying into them,

like we are. But the House Republican Path to Prosperity budget plan provides a way forward. It ensures that Medicare lives long past 2020, when it's now projected to be bankrupt.

The Republican plan, as my colleague from North Carolina said, does nothing to impact Medicare benefits for anyone 55 or older, but it will improve the program so that those 54 and younger will have access to the same kind of health care program enjoyed by Federal employees and Members of Congress. We're often criticized for having a separate program, but this will allow the seniors to participate in the same kind of program that we participate in.

It's far better than letting the program wither on the vine, which is what those who refuse to take action would allow to happen. And again, as my colleague pointed out, it's our friends on the other side of the aisle who voted to cut a half trillion dollars from Medicare.

Not a single Republican voted to do that. Our effort has always been to save Medicare, to save Social Security. And we have the plan to do it, the Path to Prosperity budget and its plan to save Medicare. It's the only plan that preserves Medicare for today's seniors and for future generations.

I think this Special Order will help us get the message out to our constituents and those who are constituents of other Members of Congress; and I want to thank you, Congresswoman HARTZLER, for putting on this Special Order tonight.

Mrs. HARTZLER. Thank you so much, VIRGINIA.

Now I would like to yield time to another good friend from New York, ANN MARIE BUEKLE.

Ms. BUEKLE. Thank you very much.

Mr. Speaker, I am so proud to stand here this evening with my fellow Republican female Members of Congress, and we stand here tonight united on behalf of our seniors.

I come before the House tonight, Mr. Speaker, not only as a nurse and someone who's been involved in health care most of my professional life; but I come here as the daughter of a 90-year-old senior citizen.

I rise here tonight to express my appreciation to my mother and to all the other seniors who've made such valuable contributions, both in my district and throughout the United States of America. The seniors of today have fought wars, they've educated us, they've helped to build infrastructure and technology that has led the way to our modern life.

Today's seniors are still busy enriching our society. Some of our seniors are busy in the community with care giving, with volunteering, with sharing important life lessons with their children, with their grandchildren and with their neighbors.

Yet some seniors, Mr. Speaker, in today's economy find themselves working later in life; and when they finally have the ability to retire, they will be dependent on Social Security and Medicare, programs that they have paid into their entire lives.

Mr. Speaker, America must honor its obligations to our seniors. We must achieve bipartisan solutions that don't cut our seniors' benefits but, rather, ensure continued existence of these programs.

I'm so saddened by the calls I get from seniors day in and day out, Mr. Speaker. They call my office, they write letters, and they're so fearful because of the misinformation that they have been given.

I want to stand here tonight with my Republican colleagues and ensure our senior citizens we are protecting your back. We are protecting Medicare and Social Security, the programs that you rely on. We want to assure them they don't have to worry, that we will take care of them. We will honor our commitment to them, just as they honored their commitment to the United States of America.

I thank the gentlewoman from Missouri.

Mrs. HARTZLER. Thank you, ANN MARIE.

I now yield to the woman from Wyoming, Representative CYNTHIA LUMMIS.

Mrs. LUMMIS. I thank the gentle lady from Missouri.

Among the topics we've been discussing tonight is the effects of ObamaCare, the Affordable Care Act, on Medicare. One of the things that I believe is the most egregious is that when the \$500 billion was taken out of Medicare to fund ObamaCare, it puts Medicare in a position where access to Medicare becomes a problem; and it becomes a big problem in States like mine, the State of Wyoming, a very rural place. We've got a dearth of physicians.

Every time a Medicare patient walks into their offices, that physician is losing money because the doctors are reimbursed at amounts less than the cost to provide the service. That's happening elsewhere in the country as well, Mr. Speaker.

We know from what the former CBO Director, Douglas Holtz-Eakin, said at a hearing in July of this year, and I quote, Today, Medicare coverage no longer guarantees access to care. Seniors enrolled in the Medicare program face barriers to accessing primary care physicians, as well as medical and surgical specialists.

He cited an example of the clinics that Mayo has in Arizona that are no longer accepting Medicare patients into their primary care facility. This is happening all over my State. I think it happens a lot in rural areas.

So the concern that we have of taking money out of Medicare and not

using it to fix physician and hospital compensation, and, instead, taking it to create a whole new program for non-seniors was a big mistake, a huge, huge barrier to making sure that seniors and seniors-to-be, such as people in my age group, those of us 55 and older, will know that we have access to Medicare, the Medicare that we've paid into.

I commend my colleagues for having this Special Order tonight and raising these issues. I want to commend you and thank you for the opportunity to participate as well.

Mrs. HARTZLER. Thank you, CYNTHIA. I appreciate it.

And now my friend from West Virginia, Representative SHELLEY MOORE CAPITO.

Mrs. CAPITO. Thank you. I want to thank my colleague for sponsoring this Special Order. I know we're running close to being out of time, but this is such an incredibly important topic for us as daughters, as granddaughters, as nieces and sisters. We spend a lot of time going to senior centers. I do in my district. I believe, as my colleagues have mentioned tonight, one of the resounding themes of our seniors right now is they're afraid, they're concerned, they're worried. They don't know what the future's going to be because of all the rhetoric surrounding Washington.

The statistics that we've heard, a lot of them tonight, some of the ones that I've heard is that on top of more seniors living longer, we're going to have, the number of disabled elderly persons is projected to rise by one-third by 2030. As of January 1, 2011, each day 10,000, baby boomers turn 65. The numbers just aren't going to fit.

We've talked about the Republican plan to reform Medicare, to not touch those benefits of our present seniors, but to reform it for future seniors, for the baby boomers to come that are going to be turning 65 and going to have to rely on and need to rely on Medicare.

□ 1920

I'd like to talk about something in a personal way. We have a personal story, a lot of us. I'm in the sandwich generation. My parents are both in their eighties, and they're really having a pretty rough spell of bad health. And what it's done for my brother and sister and me, is we've had to spend—and we lovingly do this—but spend many, many hours trying to figure out how to meet their health care needs, try to figure out how to pay for all of their obligations and the worry of talking with doctors, trying to make sure they're comfortable.

This is a real worry for all families across the Nation. In our country, 66 percent of these caregivers are women, and I think that's why we, as women of the House, particularly Republican women of the House, wanted to discuss

seniors and care. So, with this sandwich generation, with the rising incidence of Alzheimer's, which touches every family—and my family is no exception—it brings a different type of need to this country on how we're going to address these very difficult medical issues.

But if we don't address them—and we've heard this tonight—if we don't address them, if we just let them lie, let them stay the way they are, the way they are right now today, they will not be there. They cannot exist.

One of the ways I think that we can really help our seniors is to have an economic program in place to grow our economy so that their 401(k)s that they look at monthly, that they rely on for income, are growing rather than just dissipating and shrinking, which is another huge problem for our seniors. Many of our seniors planned very, very well for their retirement. They've kind of thought of them as their golden years, the times when they're going to be able to travel or visit more with their grandchildren and have the ease of life of the day-to-day obligations being met. And with the downturn in the economy, with the lack of growth in our economy, our seniors aren't able to do that. They put their heads on the pillow at night, and they're concerned about whether they're not only going to meet their obligations for their health care, but the gas, the food, and the payment for all of their needs.

We need to realize that we have plans. We have plans for our seniors. We know how important Social Security and Medicare are to our seniors. Maintaining it and making sure it's there for future generations is absolutely critical. I want to thank my colleague for inviting me here this evening and getting a chance to talk about something that I care deeply about, and that is our Nation's Greatest Generation.

Mrs. HARTZLER. Thank you, SHELLEY.

Tonight you have heard from a lot of us, Republican women here in Congress. You've heard our stories and our love and our respect for senior citizens, and our heartfelt desire and commitment to serve and to represent them and to make sure that their rights are protected and that their voice is heard here. You've heard how we have had proactive plans put forth here in the House from our group to address Medicare and to preserve and protect it for the future. You've heard how we care about Social Security, and we're not going to take it away. We want to make sure it is there for future generations.

You've heard of our concerns for Alzheimer's and the other diseases that are ravaging our aging population, and our desire and our commitment to move forward and make sure that those are addressed and that we make sure and find a cure there.

You've heard of how we are listening to the financial challenges that we are hearing from the seniors in our districts and the plans that we put forth to eliminate the estate tax so one generation can pass on their farm or their small business to another generation without the Federal Government taking the property or taking the farm. You've heard our commitment to veterans and to those who have sacrificed so much so that we can stay free. We're going to honor those commitments and those sacrifices.

Lastly, you've heard about our respect for this generation, and we know of their desire to pass on an America to their grandchildren that is just as great and just as promising as the one they grew up in. We are committed to making sure that we rein in our runaway federal spending here, we keep our fiscal house in order as a country, and that that promise is alive and well for their grandchildren. We are committed to moving forward as a group.

We thank you for listening, and we thank you, Mr. Speaker, for this time.

THE OCCUPY MOVEMENT: WE'D BETTER PAY ATTENTION

The SPEAKER pro tempore (Mr. BROOKS). Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. RUSH) is recognized for 30 minutes.

Mr. RUSH. Thank you, Mr. Speaker. Mr. Speaker, I would like to express my outrage and my disappointment at the Oakland, California, Police Department, which reacted with brutality to those peacefully protesting. Mr. Speaker, I want to remind our Nation's law enforcement authorities all across the land that civil disobedience is as American as American pie. It is the act through which our great Nation was conceived. It required great courage to do what they did at the Boston Tea Party. It required great courage for the great American, Henry David Thoreau, to refuse to go to war against Mexico in 1849, an act that gave birth to the anti-war movement that continues today.

The equalities that we as Americans enjoy today are the result of those great, courageous Americans that fought for our liberties, Mr. Speaker. The women's suffrage movement went from 1848 to 1920. Generations of courageous women marched, they fasted, and they were arrested. Finally, in 1920, the 19th Amendment gave women the right to vote. It took more than seven decades of civil disobedience to achieve the change that they sought.

Let's not forget, Mr. Speaker, that the abolition of slavery, the labor movement and the eradication of child labor, the civil rights movement, and the environmental movement all used civil disobedience as a powerful and peaceful weapon to change laws and to protect all of our liberties.

Members of the Occupy Movement now emerge as yet another generation of courageous Americans voicing a general frustration that many citizens feel: It was a money-driven elite that mismanaged the American economy. They are challenging us, this Congress, our government, to reform not only Wall Street but reform a culture of selfishness and greed that has distorted who we are and made the American Dream appear unattainable. We are losing ground as a result of these individuals, this grotesque, American, greedy and avaricious elite.

The Occupy Movement, Mr. Speaker, embodies a sense of growing disillusionment with the direction of our country. I, for one, understand that feeling. With deadlock a daily occurrence in this very House, it is hard for the American people not to feel a sense of utter frustration. They see their elected representatives unable to govern at this crucial time.

Mr. Speaker, a betrayal of American values occurred last night in Oakland, California, when police fired tear gas on those peaceful demonstrators. It occurred in New York City when police maced and beat protesters. Government violence against our own people? Is this not the very thing that we condemn in other places all around the world? How dare we denounce an action when committed abroad but yet remain silent when it happens in our own, very own—our own backyards.

□ 1930

I, for one, cannot remain silent. History teaches us that a violent response to civil disobedience never, ever works. It makes people angrier and turns public opinion against law enforcement, against the police. It is counterproductive, and it never achieves the goals of those who are trying to impose order.

Getting arrested is a fundamental part of civil disobedience. The Occupy Movement demonstrators expected to be arrested. Civil disobedience participants all expect to be arrested, but they should also expect that the police will conduct themselves with professional understanding and a sensitivity of the power that they possess and of the government they represent. They carry weapons. They have the power to maim, to kill, to wound, and to arrest.

With that great power comes an even greater responsibility. That greater responsibility includes the freedoms that were promised to all American citizens in that great document, the preamble to the Constitution and the Bill of Rights, which is the freedom from “unreasonable searches and seizures” as promised in the Fourth Amendment of the Constitution; the freedom from “cruel and unusual punishments” as promised in the Eighth Amendment; finally, Mr. Speaker, and perhaps most importantly, the freedom enshrined in

the First Amendment, which guarantees “the right of the people peaceably to assemble and to petition the government for a redress of grievances.”

It is the job of law enforcement to uphold these freedoms, to uphold our Constitution, to uphold justice even in the most difficult of situations. Beatings and mace and tear gas against our own people exercising their constitutional rights? That is unacceptable. More importantly, it is un-American.

I do sympathize with the tough job our Nation’s police officers face now and have faced, and I can understand why they may feel intimidated by the sheer numbers or may mistake the demonstrators’ passion for aggression. However, in a humble way, I ask the police officers who are monitoring these protests to act with a rational head, with soberness, with restraint. Violence only breeds violence. Such unwarranted crowd control methods will only serve to create mutual contempt between protesters and the police alike, dividing Americans against Americans and citizens against the police. We don’t want that. This is not a nation that supports and encourages that type of activity.

It was only last week, Mr. Speaker, that we—this Nation, the citizens of the greatest country in the history of the world—dedicated a memorial to a man who was the embodiment, the living proof, of the power of civil disobedience and nonviolence. It is those who marched peacefully in the face of fire hoses, in the face of dogs attacking them, of police batons striking them all over their bodies, including their heads, who changed America.

Now a new generation follows boldly and audaciously with an American audacity. They follow in the footsteps of those American patriots who dared to disobey the law of the land as a matter of conscience and priority, as a matter of conscience that created this great civil society called the United States of America. They made our Nation better back then, and I believe the Occupy Movement challenges us to make America better now.

Yes, it can be done. America can be better. America must address the issues that those who are now demonstrating peacefully across the land are raising. They are only trying to peacefully redress their grievances. It is their constitutional right. How dare dogs, how dare tear gas, how dare police attack them in the wee hours of the morning.

Mr. Speaker, the mayor of Oakland, California, Mayor Jean Quan, owes the Occupy Movement a sincere, heartfelt apology. Mayor Quan owes the American people a sincere, heartfelt apology. At 3 a.m. yesterday, the Oakland Police invaded the park where the protesters were assembled.

Forty-five years ago in the same city, 45 years ago this very week, an

organization that I became a member of, the Black Panther Party, was founded in Oakland, California, as a result of the police brutality of the Oakland Police Department. Forty-five years later, I as a Member of this esteemed body, the House of Representatives, am ashamed to bear witness once again to the same Oakland Police Department violating and attacking and brutalizing innocent citizens who are protesting, bringing their deep-felt grievances to the forefront and engaging in acts of civil disobedience.

□ 1940

Police batons, tear gas, mace, no matter what the weapon is, no matter what the strategy is, they cannot kill this movement. They cannot stop this movement. This occupy movement is going to move forward. It’s going to move forward with an accelerated pace because of the actions of the police department in Oakland and in other cities across this Nation.

They have a right to protest. They have a right to make their voices heard. They have a right, as called for in the gospel of Jesus Christ in the Bible, to make their bodies a living sacrifice. These individuals, they are epitomizing the greatness in this hour. It’s a thing that we celebrate all across the land.

We celebrated it in Tunisia, we celebrated it in Egypt, we celebrated it in Libya, we celebrated it in Yemen, we celebrated it in China, we celebrated it in other places all across the world. How can we be so hypocritical? How can we be so insensitive? How can we be so arrogant to celebrate civil disobedience in other places across the world and attack the same, the very same actions and attitude here in our Nation when our citizens engage in civil disobedience?

Mr. Speaker, I say that those who are involved in the occupy movement, you are just lighting the first spark in a prairie fire of peaceful demonstrations across this land. Don’t give up, don’t give out, and please don’t give in.

Godspeed to you. We need you. You’re doing the right thing at the right time for the right reasons. Keep doing what you’re doing. Stand up for what you believe in. Stand up for what you believe in.

It’s high time now that the American people stand up for what they believe in and take to the streets to demonstrate to all that we’re sick and tired of being sick and tired. We’re sick and tired of home foreclosures. We’re sick and tired of unemployment. We’re sick and tired of being sick and tired, as Fannie Lou Hamer once said.

We’re just sick and tired. We’re sick, yes, of the rising cost of health care. We need to demonstrate and protest the rising cost of health care.

We’re sick and tired of the rising gap between those who are sitting high on

the hog, the wealthy, the elite, and those who are at the bottom; the rising gap between those who are unemployed and underemployed, who are chronically unemployed and the 1 percent who are reaping all the wealth of this Nation and telling the rest of us that they have a right to the wealth of the Nation, but yet we as American citizens don't have a right to a decent job. We as American citizens don't have a right to decent housing, that we as American citizens don't have a right to a decent education, that we as American citizens don't have a right to decent health care.

How can they look down on us and tell us that we don't have a right to the same opportunities and to the same life-style and to the same benefits? How can they tell the dwindling, disappearing American middle class that they don't have a right to demonstrate?

These are our children, and they want a better future. These are our children, and they are willing to fight for a better future.

These are our children, and they have the courage to stand up against the government, to stand up against the elite, to stand for their rights. And I am proud that our children are standing up and standing for something to try to get some meaning into their lives and try to make this Nation a better Nation.

I'm proud of them and, again, I say to them, don't give up, don't give out, and please don't give in. Godspeed to you.

Mr. Speaker, I yield back the balance of my time

AMERICA'S RELIGIOUS HERITAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Mr. Speaker, I appreciate my friend, the gentleman from Illinois. He knows something about struggling for civil rights, and he's done a great deal for civil rights, and I respect that very much.

As a Christian, it's okay to talk about our religious beliefs as long as we don't ram it down somebody else's throat trying to force them to believe as we do, but the First Amendment allows our right to discuss that.

I'm very grateful for Abraham Lincoln, and as I was just talking with some constituents down in Statuary Hall about John Quincy Adams believing he was called to try to end slavery in the United States after he was defeated in 1828 for a second term, so he did the unthinkable after being President: he ran for the House of Representatives.

And some thought it was extremely strange, and as I told my constituents,

my friends, it was reputed that when someone asked him about that, he said he was prouder of being elected to the House of Representatives after being President than he was after being elected President, which seems strange to some of us until you realize that it means after he was President his neighbors still liked him. That's a big deal because most Presidents don't end up going back to their earliest hometown; they go somewhere else. John Quincy Adams got elected nine times, preached sermons over and over down the hall about the evils of slavery.

We really couldn't expect God to keep blessing America while we were treating our brothers and sisters by putting them in chains and bondage. Seventeen years he fought that fight, believing he was called to bring an end to slavery.

His last year there, there was a young, tall man from Illinois who had been elected to Congress one time, most people don't know that he was ever elected anything but President, but Abraham Lincoln was elected.

□ 1950

John Quincy Adams liked him and took him under his wing. It was reported that after Lincoln was defeated after just 2 short years, went back to practicing law, made some money working doing some legal work for the railroads and other things, after the compromise of 1850, he knew he couldn't allow slavery, as even more States were coming in with slavery, and he got back involved and fought the battle. He didn't get elected to the Senate. In 1860, he got elected President.

It was reported that someone asked him if there was anything memorable that happened in his 2 brief years in the House of Representatives, and he replied not other than those powerful sermons John Quincy Adams used to preach on the evils of slavery. He knew it was wrong, but it just etched it on his soul. He had to do something. John Quincy Adams died in 1848 not achieving what he was originally called to do—end slavery.

But a man who believed in God, who read the Bible constantly, whose Second Inaugural Address is etched in marble on the north inside wall of the Lincoln Memorial, one of the greatest theological dissertations on how, if there's a just God, there could be something as horrible as a Civil War, brothers killing brothers. As he said, they all read from the same Bible, pray to the same God. The prayers of both can now be answered; the prayers of neither were fully answered.

But as Lincoln came to realize, if it is that God chooses to have every drop of blood that was drawn by the master's lash be equal with blood from the sword, then as he said, we still must conclude what was concluded 3,000

years ago from the Old Testament: "The judgments of the Lord are just and righteous altogether."

Powerful theology of a very difficult subject, but those beliefs drove him to give his life for others.

Downstairs, I just saw the statue of Father Damien, a Catholic priest in the Hawaiian Islands who knew that going to the island where the lepers were, where they had no basic life, that eventually he would get leprosy and he would die from it, but he knew that he had a calling, that God called him to minister to those lepers so they could have a life, they could have a society, a place to worship, a priest to come to for ministering and consolation and direction.

So it is entirely appropriate that despite the existence of the ACLU wanting to tear down so much of what the Founders did and the great things that are emblazoned in the soul of this country, the statue, the plaque starts with John 15:13: "Greater love hath no one than this, that a man lay down his life for his friends."

Basically, Abraham Lincoln did that. But there was not full equality in this country. That was clear.

BOBBY RUSH can talk about that authoritatively; I really can't. He can talk about it authoritatively.

And along came an ordained Christian minister named Martin Luther King, Jr. He believed it was his calling, God's calling on his life to bring about real equality in America. As he said, he had a dream that one day people would be judged by the content of their character, not the color of their skin. He had a dream.

I'm so grateful for that heritage that God moved in the hearts and minds of great men like that. Some would say Martin Luther King, Dr. Martin Luther King, Jr., gave his life to help African Americans, black men and women in America to have equality, but it goes much deeper than that. For those of us who are Christians, he created an environment where white Christians could finally really be Christian and treat brothers and sisters as brothers and sisters. That's a big deal, because before that there were too many white Christians who didn't. He freed them up. Now you can treat your brothers and sisters as true brothers and sisters where the color of skin doesn't matter. Powerful.

But the country we have come to know and love is under attack. We, many of us, I was in the Army at Fort Benning in 1979. We look back and we think the war started, radical Islam started at war against us in 1979. More recently, some who know more about the history of radical Islam say it actually started quite a bit before that. But in 1979, it became clear, President Carter, well intending, meaning well, hailed the Ayatollah Khomeini as a man of peace, just like this country did

with President Mubarak. We would not assist and, in fact, encouraged rebels and the leader of a country with whom we had agreements. We reneged on our end, not that the Shah was a fine, great, upstanding man. From reports—I never met him—apparently he wasn't. Not that Mubarak was a fine, loving, cuddly fellow—apparently, from reports, he wasn't. And there wasn't equality as there should have been, but he kept radicals at bay from destroying the peace agreement between Israel and Egypt. We had agreements with him, and apparently this administration looked the other way and wouldn't honor those agreements.

I sure never thought much of Qadhafi, but I could not celebrate a man being captured, tortured, and then shot; and then all the adoration and excitement by the same people who get so upset if a terrorist who is trying to kill Americans has water poured on his face, knowing that the water won't hurt him, that there's a doctor right there, and that when he reveals information, as Khalid Sheikh Mohammed did, it will save lives and lead to the saving of many more lives. But he won't be harmed because the doctor would be there if there was any problem. Yet those same people that went ballistic over pouring water on a guy's face, not pleasant, how excited they could be about a man being captured, tortured, and shot in the head routinely. How excited people could be about having a drone take out an American citizen. Well, he had declared war on the United States. You declare war on the United States, the United States has every right to declare war on you back. You are an enemy combatant and the rules of war apply, such as they are.

But we have come so far in the last 10 years from being careful and concerned that it seems that we've gotten careless, gotten ridiculous. Our obligation, even those of us who are Christians, is not to turn the other cheek as part of the government, not to reward evil with good as individual Christians are supposed to. Our obligation is to provide for the common defense. The same thing is set out in Romans 13: "You do evil, be afraid, because the government is not given the sword in vain." You are supposed to encourage good conduct and punish evil, provide for the defense so that individuals, whether they're Muslims, Christians, Hindu, Scientologists, whatever, they can worship as they wish. But when we fail to protect this Nation and provide for the common defense, we're not doing our job.

□ 2000

We've had a very interesting time today with Secretary of Homeland Security Janet Napolitano. There's some things that have come out that have been very deeply troubling to me, and

I would hope that they would be very troubling to many.

I have got numerous articles, things that I have taken out to talk about here today. One is a news segment here about Secretary Napolitano appointing a deradicalization expert, Mohamed Elibary, to the Homeland Security Advisory Council. Originally, he was made by Homeland Security a member of the Countering Violent Extremism. It's a little strange, violent extremism. Then you realize that's because this administration does not want to use the terms "radical Islam" about the people who are radical Islamists.

And when you get to digging a little deeper, you find out that the OIC Islamic group years ago figured out, We need to go on the attack and start calling anybody who mentions radical Islam an Islamophobe. Even if it's a lie, it doesn't matter. Call them Islamophobes. They found if you give universities—even great universities; proud heritage in this country—massive amounts of money, you can also get them to teach seminars on Islamophobia. You can get them to teach courses on Islamophobia. And you can paint the picture that anybody, no matter how open-minded, no matter how well read, how well studied they are, you call them Islamophobes enough, then maybe it will catch on, and people will be afraid to call radical Islamists what they are.

Now, I don't know of anybody who was in Judiciary today that believes that Muslims are terrorists. They're not. The only disagreement among those I know concerned about radical Islam is whether the radical Islamists are 1 percent, 5 percent, maybe a little more. Some might say as much as 10 percent. But at least 90 percent, maybe 99 percent of Muslims are peace-loving people. If you have got a Muslim friend, they are your true friend. And people have experienced that. They have seen that. But those who study radical Islam also come to know that it's very difficult for a moderate, peace-loving Muslim to speak up against radicals because under some of the contorted thinking by people like Khalid Sheikh Mohammed, who helped plan 9/11, that basically makes him an apostate. They're not really Muslim. They're Muslim in name only. They think that means they're okay to be killed because they don't really believe in true Islam.

So when you get down to it, it appears from a studied look at the issue, when you don't worry about what the OIC or Muslim Brotherhood may try to paint you as, or the mainstream media, for whatever reason—though many in the mainstream media would be one of the first ones killed if radical Islam takes over this country. They nonetheless do some of their bidding for them without realizing just how ignorant they're being. But if they were to take

over, any area where they take over, as they did in Afghanistan, the moderate, peace-loving Muslims are often the first ones brutalized and killed because they don't see them as true Muslims because they're not radical like that small percentage.

But documents have been discovered going back to the 1993 meeting in Philadelphia of those who would be part of the Muslim Brotherhood and other groups trying to plot a strategy for the years ahead, they believed a number of things that we're now seeing carried out. You intimidate people, you make them think they're much more intellectually elite. They say, Well, gee, we're not going to even say the name of radical Islam. In fact, as Speaker PELOSI led in the last Congress, the 2006 military tribunal bill was changed, the law was changed so we didn't call them "enemy combatants" anymore. We changed the name—big deal—changed the name from "enemy combatants" to "unprivileged alien enemy belligerents." I guess we just hope that the word "enemy" wouldn't offend them, even though they have shown, as they did with Pearl, they will take a jagged knife and cut your head off.

They don't do it in the name of Scientology. They don't do it in the name of the Southern Baptist Convention. And if they did, I would be calling them out for doing so. They do it in the name of a perverted form that they believe is Islam. But it's radicalized jihadist Islam.

So here's an article, October 21, 2010. Secretary Napolitano appoints Islamist to Homeland Security panel. It turns out Mohamed Elibary had been appointed to her Countering Violent Extremism Working Group and apparently impressed somebody to the point that a year ago, October 21, 2010, Secretary Napolitano swore him in as being part of the Homeland Security Advisory Council. As we found out today from Secretary Napolitano, he was also given a secret security clearance.

We've also seen from other articles we've talked about here before that the White House—and as we found out today, Homeland Security—has implicit trust in the president of the Islamic Society of North America, ISNA, even though ISNA was found to be a named coconspirator in funding terrorism in the Holy Land Foundation trial. CAIR, same way, named coconspirator in the Holy Land Foundation trial. The original prosecutor's thoughts were that the Bush administration, those I have talked to, intended to do everything they could to get convictions because they saw—they had the documentation—that these groups were doing some charity work, and actually doing some, but then sending money—really, the basis of their group—sending money to Hamas

to fund terrorism. And that's what they were convicted of. It was 105 counts, as I recall.

There was a move by CAIR, ISNA, some named coconspirators, to have their names struck from the pleadings so the people would not see that they were named coconspirators. But both the judge at the trial court and the Fifth Circuit Court of Appeals found there was sufficient evidence to show that they were coconspirators in funding terrorism and therefore they did not, as the Fifth Circuit ruled, they weren't going to have their names removed.

The evidence was there. In fact, I have got some of it here. There were boxes and boxes and boxes of documents that have these kind of checks and ledgers and deposit slips and things like that that make a clear case that these groups ended up providing funding that funded terrorism. But this Department of Justice, headed by Attorney General Holder, decided not to pursue all of these other named coconspirators. They let the cases drop.

□ 2010

And not only did they not pursue them, they ended up—actually, we have the president of ISNA, who we find in the comments that have been on the White House Web site, actually led the Iftar prayers a year ago at the White House and actually has a very nice relationship, from what the Deputy National Security Adviser said, with the National Security Administration, the National Security Advisor, and the President.

We found out from one article that, with two individuals who were going to participate in training law enforcement at one of our intelligence services, all it took was CAIR calling the White House, reporting to the White House that people were going to say bad things about radical Islam, and that people that wanted to kill us were radical Islamists, and explain how you could look for people who were radicalized, look for telltale signs.

The White House, according to one article, intervened, and we know for sure the conference was canceled immediately before the conference was to start.

And we have an article indicating that actually now they are rewriting the rules so that if you are a government employee, you will not be able to do briefings on the threat of radical Islam. And, also, they will not pay for outside contractors who've spent their adult life studying the issue, so that it will be left to volunteers, like those from the Muslim Brotherhood, who will come brief our intelligence, our State Department, our Justice Department and the White House on issues to do with violent extremism.

And then we find out more about this person. I'm told he's a very nice gen-

tleman, Mohamed Elbiary, that he's done a lot of nice things. But you don't have to look very far and you find out he was one of the featured speakers for the tribute—in fact, there's a flier—a tribute to the great Islamic visionary, the Ayatollah Khomeini, who has done more to bring hate and war and death and torture into the modern age than most anybody in the last 40 years. And he is a named presenter in the tribute to the great Islamic visionary.

Then we find out not only did he speak at that, but also he's written articles. He got after the administration for the prosecution of the Holy Land Foundation, thought the trial was unfair and unjust and uncalled for. He also speaks glowingly of Qutb, who is the Muslim who was executed in Egypt in the 1960s after being convicted or found to have conspired to kill the leader of Egypt. But he has many writings. And, well, he's held in high esteem not only as a basis for Osama bin Laden, feeling that he should be a barbaric killer and destroyer, but also for Mr. Elbiary. And so we have an article he wrote about the verdict misrepresenting the situation with the Holy Land Foundation.

Then we have an article from the Dallas Morning News where they go through and cite so many of these things that seem to indicate we should be very careful about giving Elbiary access to secrets; but he has been given, by this Homeland Security group, secret clearance.

Then there's an interesting article from May of 2007. The OIC, the Organization of the Islamic Conference, reported in 2007—their words—that Islamophobia is the worst form of terrorism. In fact, that means it's worse than flying commercial airliners into high-rise office buildings, worse than beheading three teen Christian girls on their way to school, worse than launching attacks from civilian areas in order to use retaliatory actions to score propaganda points. Yeah, worse than that is to be an Islamophobe.

Then we find out that the ACLU and the Islamists are joining hands. I found out yesterday that actually Mr. Elbiary is working with the ACLU, but he's got a secret security clearance so he can work from the inside and from the outside working with the ACLU to try to get documentation that will ultimately, if he gets it—and this administration may just do this—it will reveal sources and methods of how we are dealing with radical Islam or violent extremism, and he's working with these guys. But the ACLU and Islamists are going after the FBI and trying to destroy their ability to actually fight those who want to destroy our country.

There's an interesting article by Bill Gertz October 5 of this year, and he points out that the anti-terror trainers were blocked. And according to people

close to the conference I mentioned awhile ago, the event was ordered postponed after Muslim advocacy groups contacted the Department of Homeland Security and the White House, including scheduled speakers Stephen Caughlin and Steve Emerson, both specialists on the Islamic terror threat. Mr. Caughlin, a former Pentagon joint staff analyst, is one of the most knowledgeable counterterrorism experts specializing in the relationship between Islamic law and terrorism. Mr. Emerson, head of the Investigative Project on Terrorism, is a leading expert on Islamic violent extremism, financing and operations.

But, anyway, it looks like they're rewriting those rules so people like that—since they're not Muslim Brotherhood—will not be able to instruct law enforcement on the threat that radical Islam creates for the country.

And then we find an article here, "Holder Firmly Committed to Eliminating Any Muslim Training." But just so people understand—and I'll close with this—I understand that the vast majority of Muslims are dear, wonderful people, peace-loving people. But the radical Islamists like Khalid Sheikh Mohammed and the other four at Guantanamo Bay who said they wanted to plead guilty in December of 2008—the judge was going to accept it until this Justice Department rushed in and said no, no, no, we'll give you a show trial in New York City, and threw a bunch of gum in the works.

So now there has still been no trial; there has still been no justice. And in his own writing he says, in quotes from the Koran, "We fight you with almighty God. So if our act of jihad and our fighting with you cause fear and terror, then many thanks to God because it is him that has thrown fear into your hearts which resulted in your infidelity, paganism, and your statement that God had a son and your trinity beliefs." Then he quotes from the Koran: "Soon shall we cast terror into the hearts of the unbelievers, for that they joined companies with Allah, for which he has sent no authority; their place will be the fire; and evil is the home of the wrongdoers."

People like Khalid Sheikh Mohammed are radical Islamists, and we need to recognize it so that we can perpetuate the freedom that we've had for 200 more years.

With that, Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, October 27, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3596. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Regulation for the Enforcement of Federal Health Care Provider Conscience Protection Laws (RIN: 0991-AB76) received September 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3597. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Management Directive 11.6, Financial Assistance Program received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3598. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Certain Persons on the Entity List; Implementation of Entity List Annual Review Change; and Removal of Persons from the Entity List Based on Removal Requests [Docket No.: 110620344-1586-01] (RIN: 0694-AF28) received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3599. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-090, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3600. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-111, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3601. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-086, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3602. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-118, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3603. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-115, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3604. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-066, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3605. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Foreign Affairs.

3606. A letter from the Deputy Chief, National Forest System, Department of Agri-

culture, transmitting the Department's report on the exterior boundary of North Fork Crooked Wild and Scenic River, pursuant to 16 U.S.C. 1274; to the Committee on Natural Resources.

3607. A letter from the Service Officer, American Gold Star Mothers, Incorporated, transmitting the organization's report and financial audit for the year ending June 30, 2011, pursuant to 36 U.S.C. 1101(63) and 1103; to the Committee on the Judiciary.

3608. A letter from the Secretary, Department of Transportation, transmitting a report on the Cross-Border Trucking Pilot Program; to the Committee on Transportation and Infrastructure.

3609. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30799; Amdt. No. 3440] received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3610. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30800; Amdt. No. 3441] received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3611. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30801; Amdt. No. 3442] received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3612. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30802; Amdt. No. 3443] received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3613. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Deduction for Qualified Film and Television Production Costs [TD 9551] (RIN: 1545-BF94) received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3614. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Nonaccrual-Experience Method of Accounting Book Safe Harbor (Rev. Proc. 2011-46) received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3615. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2011-2012 Special Per Diem Rates [Notice 2011-81] received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3616. A letter from the Inspector General, Department of Health and Human Services, transmitting a report entitled "Review of Medicare Contractor Information Security Program Evaluations for Fiscal Year 2009";

jointly to the Committees on Oversight and Government Reform, Energy and Commerce, and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. CONYERS, Mr. GOODLATTE, Mr. BERMAN, Mr. GRIFFIN of Arkansas, Mr. GALLEGLY, Mr. DEUTCH, Mr. CHABOT, Mr. ROSS of Florida, Mrs. BLACKBURN, Mrs. BONO MACK, Mr. TERRY, and Mr. SCHIFF):

H.R. 3261. A bill to promote prosperity, creativity, entrepreneurship, and innovation by combating the theft of U.S. property, and for other purposes; to the Committee on the Judiciary.

By Mr. GUINTA (for himself and Mr. WALSH of Illinois):

H.R. 3262. A bill to amend title 31, United States Code, to increase Government transparency; to the Committee on Oversight and Government Reform.

By Mr. COLE (for himself and Mr. LANKFORD):

H.R. 3263. A bill to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes; to the Committee on Natural Resources.

By Mr. GRAVES of Georgia (for himself, Mr. WESTMORELAND, Mr. DUNCAN of South Carolina, Mr. GOWDY, Mr. MULVANEY, Mr. BROWN of Georgia, Mr. LANKFORD, Mr. CHAFFETZ, Mr. WILSON of South Carolina, Mr. WOODALL, Mr. SCOTT of South Carolina, and Mr. GOHMERT):

H.R. 3264. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Missouri (for himself, Mr. LUETKEMEYER, Mr. MANZULLO, Mr. AKIN, Mr. HANNA, Mr. JONES, Mr. HULTGREN, Mr. BUCHSHON, Mr. LONG, Ms. JENKINS, Mrs. EMERSON, Mr. PETERSON, Mr. FORTENBERRY, Mr. TERRY, Mr. PETRI, Mr. SCHILLING, Mrs. NOEM, Mr. JOHNSON of Illinois, Mr. CRAWFORD, Mr. GIBBS, Mr. PAUL, Mrs. HARTZLER, Mr. KING of Iowa, Mr. SMITH of Nebraska, Mr. KINZINGER of Illinois, Mr. DUFFY, Mr. BOSWELL, Mr. SHIMKUS, Mr. SCHOCK, Mr. LATHAM, Mr. LOEBACK, Mr. KINGSTON, Mr. COSTELLO, Mr. HUIZENGA of Michigan, Mr. WALSH of Illinois, Mr. LATTA, Mr. SCHRADER, Mrs. LUMMIS, Mrs. SCHMIDT, and Mr. CANSECO):

H.R. 3265. A bill to amend the Motor Carrier Safety Improvement Act of 1999 to provide clarification regarding the applicability of exemptions relating to the transportation of agricultural commodities and farm supplies, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LANGEVIN (for himself and Mrs. McMORRIS RODGERS):

H.R. 3266. A bill to amend title XXIX of the Public Health Service Act to reauthorize the program under such title relating to lifespan respite care; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 3267. A bill to provide small businesses with a grace period for any regulatory violation, and for other purposes; to the Committee on the Judiciary.

By Mr. SABLAN (for himself, Mrs. CHRISTENSEN, Mr. PIERLUISI, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Ms. NORTON, Mrs. MALONEY, Mr. CLAY, Ms. MOORE, Mr. TOWNS, and Mr. BUTTERFIELD):

H.R. 3268. A bill to clarify the application of certain Federal laws relating to elections to American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SMITH of Texas:

H.R. 3261.

Congress has the power to enact this legislation pursuant to the following:

Clause 8 of section 8 of Article I of the Constitution.

By Mr. GUINTA:

H.R. 3262.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9, Clause 7: No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Mr. COLE:

H.R. 3263.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 which grants Congress the power to regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes.

This bill is enacted pursuant to the power granted to Congress under Article IV, Section 3, Clause 2 which grants Congress the power to make all needful Rules and Regulations respecting . . . Property belonging to the United States.

By Mr. GRAVES of Georgia:

H.R. 3264.

Congress has the power to enact this legislation pursuant to the following:

Tenth Amendment—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Article I, Section 8—

The Congress shall have Power . . . To establish Post Offices and Post Roads

By Mr. GRAVES of Missouri:

H.R. 3265.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article I, Section 8, Clause 3 of the United States Constitution, Congress shall have the power to Regulate Commerce with foreign Nations, and among several States, and with the Indian Tribes.

By Mr. LANGEVIN:

H.R. 3266.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, "to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

Article I, Section 8, Clause 1, "to provide for the common Defense and general Welfare of the United States."

By Mr. PAUL:

H.R. 3267.

Congress has the power to enact this legislation pursuant to the following:

This legislation is authorized by Article I, Section 8 of The Constitution:

"To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States."

This includes the power to require federal agencies give small business a grace period to correct any violations of federal regulations before imposing job-destroying fines and other sanctions on the business.

By Mr. SABLAN:

H.R. 3268.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, section 8, clause 3 and Article IV, section 3, clause 2 of the Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. ACKERMAN, Mr. ANDREWS, Mr. BACA, Ms. BASS of California, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPs, Mrs. CHRISTENSEN, Ms. CHU, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. COHEN, Mr. CONYERS, Mr. COURTNEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAURO, Mr. DEUTCH, Mr. DICKS, Mr. DINGELL, Ms. ESHOO, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. FUDGE, Mr. GARAMENDI, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GUTIERREZ, Ms. HAHN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. LEE of California, Mr. MARKEY, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEKS, Mr. MORAN, Mr. PALLONE, Mr. PERLMUTTER, Mr. PETERS, Mr. PIERLUISI, Ms. PINGREE of Maine, Mr. PRICE of North Carolina, Mr. RANGEL, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Virginia, Ms. SEWELL, Mr. SHERMAN, Mr. THOMPSON of Mississippi, Mr. TONKO, Mr. VAN HOLLEN, Mr. WALZ of Minnesota, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WELCH, Ms. WILSON of Florida, Mr. DOYLE, Ms. EDDIE BERNICE JOHNSON of

Texas, Mr. KEATING, Ms. MOORE, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. RUPPERSBERGER, Mr. CARNAHAN, and Mr. MILLER of North Carolina.

H.R. 57: Mr. HANNA.

H.R. 58: Mr. MCKEON.

H.R. 100: Mr. CRAVAACK, Mr. DESJARLAIS, and Mr. COBLE.

H.R. 110: Mr. ISRAEL.

H.R. 114: Mrs. LUMMIS.

H.R. 181: Mr. BOSWELL.

H.R. 306: Mr. MORAN.

H.R. 420: Mr. BERG and Mr. MULVANEY.

H.R. 451: Mr. MCHENRY.

H.R. 623: Mr. MICHAUD.

H.R. 668: Mr. WILSON of South Carolina and Mr. CALVERT.

H.R. 735: Mr. SIMPSON, Mr. TERRY, and Mr. WEBSTER.

H.R. 886: Mr. WALZ of Minnesota, Mr. BOUTSTANY, and Ms. HAHN.

H.R. 890: Mr. CLARKE of Michigan and Mr. HOLT.

H.R. 892: Mr. RYAN of Ohio and Mr. PETERSON.

H.R. 931: Mr. BOUSTANY.

H.R. 942: Mr. MURPHY of Connecticut.

H.R. 1048: Mr. ANDREWS.

H.R. 1092: Ms. SLAUGHTER.

H.R. 1167: Mr. MANZULLO and Mr. ROONEY.

H.R. 1173: Mr. BROOKS, Mr. SHIMKUS, Mrs. ROBY, Mr. SOUTHERLAND, Mr. FLORES, Mr. RIBBLE, Mr. PAULSEN, Mr. AUSTIN SCOTT of Georgia, Mr. JOHNSON of Illinois, and Mr. MATHESON.

H.R. 1288: Mr. FITZPATRICK.

H.R. 1340: Mr. SCHILLING and Mr. SCHOCK.

H.R. 1370: Mr. AUSTIN SCOTT of Georgia.

H.R. 1385: Mr. KELLY.

H.R. 1418: Mr. LEVIN and Mr. PAYNE.

H.R. 1479: Mrs. MYRICK.

H.R. 1499: Mr. CLAY and Mr. JONES.

H.R. 1543: Mr. FRANK of Massachusetts.

H.R. 1639: Mr. BARLETTA.

H.R. 1653: Mr. DIAZ-BALART, Mr. MCKEON, and Mr. HALL.

H.R. 1681: Mr. LARSON of Connecticut.

H.R. 1687: Mr. BURTON of Indiana.

H.R. 1689: Mr. GARAMENDI.

H.R. 1697: Mr. STUTZMAN, Mrs. BLACKBURN, and Mr. BACHUS.

H.R. 1781: Mrs. DAVIS of California.

H.R. 1798: Mr. GRIMM, Mr. HANNA, and Ms. BUERKLE.

H.R. 1815: Mr. LUCAS, Mr. LAMBORN, Mr. BROOKS, Mr. KINGSTON, Mr. LANGEVIN, Mr. JOHNSON of Illinois, and Mr. DANIEL E. LUNGREN of California.

H.R. 1834: Mr. STIVERS.

H.R. 1860: Mr. FRANKS of Arizona.

H.R. 1897: Mr. MICHAUD and Mr. LARSON of Connecticut.

H.R. 1905: Mr. JORDAN, Mr. LATTA, Mr. MURPHY of Connecticut, Mr. BARTON of Texas, Ms. GRANGER, and Mrs. CAPPs.

H.R. 1946: Mr. MCINTYRE.

H.R. 2016: Ms. WATERS and Ms. CASTOR of Florida.

H.R. 2040: Mr. BARTON of Texas, Mr. QUAYLE, and Mr. TIPTON.

H.R. 2059: Mr. HARRIS.

H.R. 2069: Mr. KING of New York.

H.R. 2086: Mr. PAUL.

H.R. 2098: Mr. POLIS and Mr. MEEKS.

H.R. 2103: Mr. PASCRELL.

H.R. 2131: Mrs. HARTZLER, Mr. THOMPSON of Pennsylvania, and Mr. ROGERS of Kentucky.

H.R. 2140: Mr. CLAY, Mr. GRIJALVA, and Ms. NORTON.

H.R. 2167: Mr. KLINE.

H.R. 2168: Mr. BLUMENAUER.

H.R. 2195: Mr. LARSON of Connecticut.

H.R. 2207: Ms. MOORE and Ms. NORTON.

H.R. 2233: Mr. MCINTYRE.

H.R. 2337: Mr. TONKO, Mr. HIGGINS, and Mr. BISHOP of New York.

H.R. 2369: Ms. PELOSI, Mr. BACHUS, Mr. BARTON of Texas, Mr. CULBERSON, Mr. FLORES, Mr. MCCARTHY of California, Mr. McCLINTOCK, Mr. RENACCI, Mr. ROGERS of Michigan, Mr. ROYCE, Mr. STEARNS, and Mr. STUTZMAN.

H.R. 2387: Mr. ROYCE and Mr. RIVERA.

H.R. 2412: Mr. FILNER and Ms. SPEIER.

H.R. 2432: Mr. DOLD.

H.R. 2437: Mr. PETRI.

H.R. 2459: Mr. BOSWELL.

H.R. 2461: Mr. BUCHANAN and Mr. GRIFFIN of Arkansas.

H.R. 2471: Mr. PITTS.

H.R. 2492: Ms. TSONGAS.

H.R. 2499: Mr. MCINTYRE.

H.R. 2518: Mr. BISHOP of Georgia.

H.R. 2528: Mr. RENACCI and Mrs. BLACKBURN.

H.R. 2536: Mr. MICHAUD and Ms. MOORE.

H.R. 2563: Mr. KLINE, Mr. TIPTON, and Mr. NUGENT.

H.R. 2569: Mr. SULLIVAN, Mr. WILSON of South Carolina, Mr. BOREN, Mr. JOHNSON of Georgia, and Mr. ROSS of Arkansas.

H.R. 2586: Mr. GRIMM, Mr. NEUGEBAUER, and Mr. FITZPATRICK.

H.R. 2645: Mr. HINCHEY.

H.R. 2657: Mr. PASCRELL and Ms. CHU.

H.R. 2718: Mr. CARNAHAN.

H.R. 2722: Mr. BROOKS.

H.R. 2829: Mr. HUIZENGA of Michigan.

H.R. 2848: Mr. YODER and Mr. NUNNELEE.

H.R. 2853: Mr. AL GREEN of Texas.

H.R. 2866: Mr. LYNCH.

H.R. 2874: Mrs. SCHMIDT, Mrs. HARTZLER, Mr. FLEISCHMANN, and Mr. HARRIS.

H.R. 2885: Mr. HUNTER and Mr. GRIFFIN of Arkansas.

H.R. 2897: Mr. REHBERG.

H.R. 2898: Mr. SCOTT of South Carolina, Mr. JOHNSON of Ohio, and Mrs. McMORRIS RODGERS.

H.R. 2900: Mr. ADERHOLT.

H.R. 2941: Mr. LANKFORD.

H.R. 2945: Mr. STUTZMAN, Mrs. LUMMIS, and Mr. BARTON of Texas.

H.R. 2948: Mr. RUSH, Mr. BERMAN, Ms. SEWELL, Mrs. LOWEY, Ms. CASTOR of Florida, Ms. SPEIER, Ms. BERKLEY, Mr. DEUTCH, Mr. SCHIFF, Mr. YARMUTH, Mrs. DAVIS of California, Ms. ROYBAL-ALLARD, Mr. RICHMOND, Mr. RYAN of Ohio, Mr. ROTHMAN of New Jer-

sey, Mr. STARK, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2955: Mr. MURPHY of Connecticut and Mr. GARAMENDI.

H.R. 2966: Mr. HOLT and Mr. TIERNEY.

H.R. 2972: Mr. WELCH.

H.R. 3001: Mr. NADLER, Mrs. MALONEY, Mr. GENE GREEN of Texas, and Ms. ROSLEHTINEN.

H.R. 3010: Mr. GOODLATTE, Mr. GOWDY, Mr. FRANKS of Arizona, Mr. GALLEGLEY, Mr. ROSS of Florida, Mr. QUAYLE, Mr. PENCE, Mr. MICA, Mr. KLINE, Mr. SHUSTER, Mr. CHAFFETZ, and Mr. GRIFFIN of Arkansas.

H.R. 3020: Mr. SCHOCK.

H.R. 3035: Mr. ROGERS of Michigan.

H.R. 3036: Mr. HEINRICH.

H.R. 3051: Ms. MOORE, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, and Mr. PIERLUISI.

H.R. 3059: Mr. TIERNEY.

H.R. 3074: Mr. BONNER.

H.R. 3083: Mr. CROWLEY, Mr. GUTIERREZ, and Mr. KIND.

H.R. 3090: Mr. LAMBORN.

H.R. 3091: Mr. MCINTYRE.

H.R. 3099: Mrs. HARTZLER.

H.R. 3101: Mr. GOODLATTE and Mr. SHIMKUS.

H.R. 3102: Ms. SLAUGHTER.

H.R. 3118: Mr. MARCHANT.

H.R. 3138: Mr. GEORGE MILLER of California, Mr. MICHAUD, and Mr. HONDA.

H.R. 3145: Mr. FILNER and Mr. LEVIN.

H.R. 3148: Mr. POSEY.

H.R. 3155: Mr. SCHOCK and Mr. WILSON of South Carolina.

H.R. 3156: Mrs. NAPOLITANO.

H.R. 3158: Mr. LONG, Mr. LANKFORD, and Mr. CANSECO.

H.R. 3159: Mr. HEINRICH, Mr. CAPUANO, Mr. MARINO, Ms. BERKLEY, and Mr. DIAZ-BALART.

H.R. 3162: Mr. STUTZMAN, Mrs. MYRICK, and Mr. RIGELL.

H.R. 3167: Mr. GRIFFIN of Arkansas.

H.R. 3168: Mr. BROOKS and Mr. WALSH of Illinois.

H.R. 3187: Ms. ROYBAL-ALLARD, Mr. CICILLINE, Mr. QUAYLE, Mr. GOWDY, and Mr. YODER.

H.R. 3192: Mr. STARK and Mr. DUFFY.

H.R. 3194: Mr. WALSH of Illinois, Mr. DUNCAN of South Carolina, Mrs. SCHMIDT, Mr. HARRIS, Mr. PEARCE, and Mr. BARTLETT.

H.R. 3225: Mr. CARSON of Indiana and Ms. PINGREE of Maine.

H.R. 3236: Mr. BOSWELL, Ms. PINGREE of Maine, and Mr. CONNOLLY of Virginia.

H.J. Res. 20: Mr. MCKINLEY.

H.J. Res. 78: Mr. KEATING.

H.J. Res. 81: Mr. TIPTON, Mr. PENCE, Mr. BISHOP of Utah, Mr. DESJARLAIS, Mr. FRANKS of Arizona, Mr. BARTLETT, Mr. PITTS, Mr. SESSIONS, and Mr. ALTMIRE.

H. Con. Res. 21: Mr. WALSH of Illinois.

H. Con. Res. 72: Ms. HIRONO, Mr. LOEBSACK, and Mr. CRITZ.

H. Res. 137: Mr. CUELLAR and Mr. BISHOP of Georgia.

H. Res. 180: Mr. DUNCAN of Tennessee.

H. Res. 364: Mrs. ROBY, Mr. KINGSTON, Mr. McKEON, Mr. INSLEE, Mr. KILDEE, and Mr. HOYER.

H. Res. 365: Ms. LEE of California.

H. Res. 376: Mr. SCHIFF, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LORETTA SANCHEZ of California, Mr. REYES, Mr. SABLON, Mr. CLARKE of Michigan, Ms. LINDA T. SÁNCHEZ of California, Ms. RICHARDSON, Mr. FATTAH, Mr. FILNER, Mr. STARK, Mr. GRIMM, Mr. WILSON of South Carolina, Mr. CROWLEY, Ms. LEE of California, Mr. COBLE, and Mr. CONYERS.

H. Res. 397: Mr. ACKERMAN, Mr. CAPUANO, and Mr. HASTINGS of Florida.

H. Res. 407: Mr. LATHAM.

H. Res. 433: Mr. CRITZ, Mr. PETRI, Mr. CARDOZA, Mr. CARNAHAN, Ms. CLARKE of New York, Mr. CONYERS, Mr. COOPER, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. HOLT, Mr. MARKEY, Mr. McDERMOTT, Ms. MOORE, Mr. MORAN, Ms. RICHARDSON, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SPEIER, Mr. STARK, Mr. AKIN, Mr. BARTLETT, Mr. BISHOP of Utah, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CAMP, Mr. CARTER, Mr. COBLE, Mr. CONAWAY, Mr. CRENSHAW, Mr. DIAZ-BALART, Mrs. EMERSON, Mr. FILNER, Mr. FITZPATRICK, Mr. FRANKS of Arizona, Mr. GALLEGLEY, Mr. GINGREY of Georgia, Mr. HANNA, Mrs. HARTZLER, Mr. HUELSKAMP, Mr. HUIZENGA of Michigan, Ms. JENKINS, Mr. JONES, Mr. KING of New York, Mr. LAMBORN, Mr. LUETKEMEYER, Mr. MANZULLO, Mr. MARINO, Mrs. McMORRIS RODGERS, Mr. NUNNELEE, Mr. REICHERT, Mr. RIVERA, Mr. ROSS of Florida, Mrs. SCHMIDT, Mr. SHIMKUS, Mr. THOMPSON of Pennsylvania, Mr. TIBERI, Mr. WITTMAN, Mr. YOUNG of Indiana, Mr. UPTON, Mr. KILDEE, Mr. LATHAM, and Mr. WALDEN.

EXTENSIONS OF REMARKS

DOMESTIC VIOLENCE AWARENESS

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Ms. JACKSON LEE of Texas. Mr. Speaker, I will begin by thanking Congressman AL GREEN and Congressman TED POE for organizing this evening's Special Order in honor of Domestic Violence Awareness Month.

As a Senior Member of the Judiciary Committee, I believe we need stronger laws to protect survivors of abuse and their families. In 1994, I was an original co-sponsor of the Violence Against Women's Act (VAWA) which was a landmark piece of legislation that sought to improve the criminal justice system and community-based response to domestic violence, dating violence, sexual assault and stalking in the United States. In addition, we must do more to address the causes of domestic abuse and to aid the victims of this violence.

Domestic Violence Awareness Month serves as an important reminder about this important issue. It is a travesty that domestic violence is one of the most underreported crimes in our country. 1 out of every 4 women will experience domestic violence in her lifetime. This is an epidemic that does not discriminate based on age, race, religion or gender.

Across the country there are non profits, community based organizations, and religious groups that are diligently working to address all the issues that rise from domestic violence. One such organization is the National Coalition Against Domestic Violence and another is in my hometown of Houston, TX, the Houston Area Women's Center.

I sat on the board of the Houston Area Women's Center and I witnessed firsthand the challenges they faced when addressing the needs of men, women, and children who are the victims of violence.

According to the National Coalition Against Domestic Violence (NCADV) 85 percent of all domestic violence victims are women. It is disturbing that every 9 seconds a woman in the United States is assaulted or beaten; more often than not she knows her abuser.

The numbers are alarming, between 2001 and 2005, about 63 percent of nonfatal intimate partner victimization against women occurred at home, 9.4 percent of these attacks were near home and 11.1 percent of the abuse occurred at a friend or neighbor's home.

The aggressors were often intimate partners, relatives, friends, acquaintances and even strangers. Every year nearly 5.3 million women over the age of 18 will be the victims of domestic violence. According to a report by the Center for Disease Control and Prevention, this violence will result in nearly 2 million injuries and 1,300 deaths.

HOUSTON TX—A STORY OF ABUSE AND TORTURE

For many years a Houston woman endured abuse at the hands of her husband Gregory. After gaining the courage to leave him, Gregory continued to stalk and threaten her. Then one afternoon, Gregory kidnapped this mother and for 17 hours she would endure torture. She fought as Gregory strapped her to a bed with extension cords. That night, she survived multiple beatings. This was not the end of her ordeal. Gregory used a lighter and a can of hairspray as an accelerant to burn her breasts and her genitals. All while their one year old sat in the next room. This monster stuffed her mouth with a rag to muffle her screams. Fortunately, she was able to escape. Incidents like this must be prevented. What made an already tragic situation even more so, was once apprehended Gregory was charged with a lesser crime of abuse of a relative. I call for stronger laws to address the pervasive issue of domestic violence.

According to the Houston Area Woman's Center in 2010, 142 women were murdered in Texas by an abusive partner. The youngest of these victims was only 17 years old and the oldest victim was 78. In 2007, the Center served over 2,800 survivors of domestic violence and answered almost 39,000 calls regarding domestic violence.

In the State of Texas, at least 74 percent of Texans know someone who has experience some form of physical, sexual, or verbal abuse. Yet, these incidents remain underreported. It is my hope that Domestic Violence Awareness month will give voice to the victims of violence.

I hope this month more victims will come forward to face their attackers in a court of law. And I hope these brave men and women will find the support they need. Because the effects of domestic abuse exist long after the physical scars have healed. The psychological effects of domestic violence are deep seated. 60 percent of battered women report problems with depression. Additionally, suicide rates amongst victims are sky rocketing and a growing number of victims display symptoms of Post Traumatic Stress Disorder (PTSD). This is the sort of disorder we normally associate with troops who return home after surviving the horrors of war.

THE IMPACT ON CHILDREN

Domestic violence affects every member of the family, including the children. These home environments leave children living in constant fear. It is not a surprise that these children, who bear witness to violence at home, are themselves at greater risk for abuse and neglect. Studies show that child abuse occurs in 30 to 60 percent of family violence cases that involve families with children. (J.L. Edleson, "The overlap between child maltreatment and woman battering." Violence Against Women, February, 1999.)

The numbers of children who live in violent homes is alarming. Each year an estimated

3.3 million children are exposed to violence against their mothers or female caretakers by family members. (American Psychological Association, Violence and the Family: Report of the APA Presidential Task Force on Violence and the Family, 1996)

These young people suffer both physically and emotionally. A study by Ackerman and Piker found that families under stress produce children under stress. If a spouse is being abused and there are children present, the children are undeniably influenced by the abuse. These children are affected in ways similar to children who have experienced physical abuse. They are often unable to establish nurturing bonds with either parent.

We must do more to protect victims of violence. As you know a child who experiences abuse or neglect is more likely to have developmental delays and impaired language or cognitive skills; to be identified as a "problem" child (with attention difficulties or challenging behaviors); to be arrested for delinquency, adult criminality, and violent criminal behavior; to experience depression, anxiety, or other mental health problems as adults; engage in more health-risk behaviors as adults; and have poorer health outcomes as adults.

These children through no fault of their own are undergoing a trauma. As a result they are more likely to develop social, emotional, psychological and or behavioral problems than those who are not. Recent research indicates that children who witness domestic violence show more anxiety, low self esteem, depression, anger and temperament problems than children who do not witness violence in the home.

The trauma experienced by children can show up in emotional, behavioral, social and physical disturbances that effect their development and can continue well into their adulthood. It is well documented that children who witness violence in the home grow up to repeat the same patterns as adults and men who have witnessed their parents' domestic violence are three times as likely to abuse their own wives. The National Institute for Justice reports that being abused as a child increases the likelihood of arrest as a juvenile by 53 percent and as an adult by 38 percent.

IMPACT ON THE ECONOMY

Domestic violence has a negative impact on both families and the economy. The victims of domestic violence lose about 8 million paid work days per year in the United States alone. This is the equivalent of 32,000 full-time jobs. These instances of violence cannot continue. The first step towards remedying the issue is to raise awareness. I stand here today in support of the victims of domestic violence.

However, we must remember that government alone is not the only answer to improving the lives of survivors and victims of domestic violence in our nation. Partnerships between schools, businesses, parents, and other community entities are useful tools to address

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the issues that arise from domestic violence. We must support actions that enrich our communities and to ensure that the victims and survivors have the support they need.

Again, I am honored to be a part of this effort, and applaud all my colleagues who are involved in supporting Domestic Violence Awareness Month.

HONORING THE BRAVE FIRE-FIGHTERS WHO SAVED MAGNOLIA AND ALL THOSE WHO SUPPORTED THEM

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor the brave men and women who answered the call when wildfires roared. Having survived Hurricanes Rita and Ike, my district and the people of Southeast Texas know and understand the devastation Hurricanes bring. This September we dealt with a very different kind of disaster in the form of massive wildfires.

Luckily for us, our September miracle was granted Labor Day weekend as fire crews from across Texas and in fact the entire country came to Magnolia to battle a three county blaze that threatened to consume well over ten-thousand homes and businesses in Magnolia as well as thousands more in neighboring Grimes and Waller Counties.

Having been out on the line with them to see for myself how the fire lines came right up to families' back porches—yet they saved home after home—it is impossible for me not to be in awe of these heroes. Their skill and dedication saved the town of Magnolia and I can't wait to join them this Saturday in Unity Park to honor their success and hard work.

Magnolia Volunteer Fire Chief Gary Vincent united over a hundred different fire fighting agencies by his side and with the help of our dedicated Sheriff Tommy Gage, his deputies, our constables, our police departments, our Fire Marshall Jimmy Williams, school districts, the Texas Forest Service and many others stepped up. California's Interagency Incident Management Team not only took our thanks back to the Golden State, they take back the model for how communities and first responders unite with charities from the United Way, Red Cross, local food banks, churches, YMCAs and Chambers of Commerce to provide a response that firefighters across this nation will be talking about for years to come.

If a firefighter was thirsty, three volunteers would rush over with water and there were likely two more behind carrying hot meals just in case that firefighter might be hungry as well. All the firefighters who came in from across the country could talk about how well they were treated in Texas, God's country.

Today, it's an honor for me to be here on the House floor to honor my heroes who made it possible for thousands of families to have homes to go home to. This Saturday, our community will honor those who held the line by celebrating their service and by heeding

their warnings that the fire danger remains extraordinarily high as the drought drags on.

RECOGNIZING AVON ELEMENTARY SCHOOL OF AVON, SOUTH DAKOTA FOR BEING NAMED A BLUE RIBBON SCHOOL

HON. KRISTI L. NOEM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mrs. NOEM. Mr. Speaker, I rise today to recognize Avon Elementary School of Avon, South Dakota for being named a Blue Ribbon School by the United States Department of Education.

This year the Department of Education named 305 schools Blue Ribbon Schools, Avon Elementary School was one of them. I would like to congratulate Avon Elementary School for its incredible academic achievements. This school reflects the attributes all American education institutions strive for: academic improvement and tangible results. These early successes will give students the ability to further their education and open doors to future opportunities. The commitment of students and staff to quality education and a high level of performance is commendable.

Again, congratulations to Avon Elementary School for being named a Blue Ribbon School.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. DAVIS of Illinois. Mr. Speaker, I was unable to cast votes on the following legislative measures. If I were present for rollcall votes, I would have voted "aye" for the following votes:

Roll 801, October 24, 2011: On Motion to Suspend the Rules and Pass H.R. 320: To designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California.

Roll 802, October 24, 2011: On Motion to Suspend the Rules and Pass, as Amended H.R. 1160: To require the Secretary of the Interior to convey the McKinney Lake National Fish Hatchery to the State of North Carolina, and for other purposes.

HONORING KEITH KIRBY AND CURBCO FOR 25 YEARS OF SUCCESS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. KILDEE. Mr. Speaker, I rise today to honor two great men and one great company.

As a young man Robert Matsko served in the United States Air Force. After leaving the

military he earned a bachelor's degree in liberal arts from Michigan State University. Upon completion of his degree, Robert worked at A.C. Spark Plug for 7 years. In 1967 he began teaching at Randels Elementary in the Carman School District. Mr. Matsko found his calling as an elementary school teacher. He taught at Carman for 27 years making a lasting impression on hundreds of young students, especially Keith Kirby. During his career, Robert Matsko was twice awarded "Who's Who of Teachers in America."

At the age of 11, Keith Kirby decided to start his own business. Keith began mowing lawns and that business became what is known today as Curbco. Curbco is a multi-million dollar business that has grown from lawn care to a full service maintenance company. They specialize in landscape, snow removal, street sweeping as well as paving and asphalt maintenance. Keith embodies the American Dream and the entrepreneurial spirit that makes this country great. His vision and investment have created jobs for many and helps provide for our community.

In his humble ways Keith credits much of his success to his 4th and 5th grade teacher, Mr. Robert Matsko. We all have a teacher that has changed us for the better and Keith thought it was important to highlight his teacher at Curbco's 25 year anniversary party.

Mr. Speaker, please join me in congratulating Keith Kirby and Curbco on reaching the milestone of 25 years in business. Also, join me in thanking Mr. Robert Matsko for his years of dedication to the profession of teaching.

RECOGNIZING HAMLIN MIDDLE SCHOOL OF HAYTI, SOUTH DAKOTA FOR BEING NAMED A BLUE RIBBON SCHOOL

HON. KRISTI L. NOEM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mrs. NOEM. Mr. Speaker, I rise today to recognize Hamlin Middle School of Hayti, South Dakota for being named a Blue Ribbon School by the United States Department of Education.

This year the Department of Education named 305 schools Blue Ribbon Schools, Hamlin Middle School was one of them. I would like to congratulate Hamlin Middle School for its incredible academic achievements. This school reflects the attributes all American education institutions strive for: academic improvement and tangible results. These early successes will give students the ability to further their education and open doors to future opportunities. The commitment of students and staff to quality education and a high level of performance is commendable.

Again, congratulations to Hamlin Middle School for being named a Blue Ribbon School.

HONORING THE TWENTIETH
CENTURY CLUB OF BUFFALO

HON. KATHLEEN C. HOCHUL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Ms. HOCHUL. Mr. Speaker, I submit the following Proclamation.

Whereas: The Twentieth Century Club of Buffalo is located in the City of Buffalo in Erie County; and

Whereas: The Twentieth Century Club of Buffalo was founded in 1894 by Miss Charlotte Mulligan and other graduates of the Buffalo Seminary to promote cultural pursuits; and

Whereas: The Twentieth Century Club of Buffalo is considered to be among the oldest clubs for women in the United States; and

Whereas: The Twentieth Century Club of Buffalo played an important role during the Pan American Exposition and serves as an important reminder of the City of Buffalo's outstanding architectural history; and

Whereas: The Twentieth Century Club of Buffalo remains a vital and forward thinking club which is consistent with the sophisticated elegance that has defined the club for over a century; and

Whereas: The Twentieth Century Club of Buffalo has been designated a National Historic Landmark as a result of the support, energy and steadfast commitment of its members; be it further

Resolved: That we pause in our deliberations to honor the Twentieth Century Club of Buffalo on their designation as a National Historic Landmark and their service to the Western New York Community.

CONGRATULATING TOM TEMPLE

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. BRALEY of Iowa. Mr. Speaker, today I'd like to congratulate my good friend Tom Temple on his upcoming retirement from the Iowa Pharmacy Association. Tom has served in his current role at the Iowa Pharmacy Association since 1980, and has become a friend and adviser to me.

Tom has dedicated his life to medicine, and has been a leader on pharmaceutical issues across the state of Iowa. He has served as CEO of the Iowa Pharmacy Foundation and the Collaborative Education Institute. He has assisted numerous professional organizations including the American Pharmacists Association, the National Alliance of State Pharmacy Associations, and the American Society of Association Executives.

Tom has also been active in the higher education community, advising universities on current issues affecting the pharmaceutical industry. He served on the Advisory Committees for Drake University, the University of Iowa, and the University of Illinois College of Pharmacy.

Tom has been a tremendous advocate for Iowa pharmacists. When I was traveling in Afghanistan earlier this year, and came across a

tiny pharmacy in a village there, my first thought was, "wouldn't Tom Temple get a kick out of this?"

Tom will be missed very much by his colleagues and peers in the coming years, but his influence and leadership will never be forgotten. I congratulate him on all of his success and wish him a rewarding and relaxing future.

RECOGNIZING NATIONAL BREAST
CANCER AWARENESS MONTH

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. SMITH of Washington. Mr. Speaker, as we honor National Breast Cancer Awareness Month, I rise to call upon my colleagues to join me in stressing the importance of getting regular mammograms. Regular mammograms are crucial for early detection of this terrible disease. The earlier breast cancer is detected, the better chance there is of winning the fight against breast cancer.

Every two minutes, a woman is diagnosed with breast cancer, making this the most frequently diagnosed cancer among women in the United States. While traditionally thought of as an older woman's disease, breast cancer is found in women of all ages. The likelihood of diagnosis increases with age, but breast cancer is today being found more and more frequently among women in their 20s and 30s.

Today, the two and a half million breast cancer survivors living in the United States are a testament to the courage and perseverance of the Americans who have faced this condition. These survivors are also living reminders about the importance of breast cancer awareness, following recommended screening guidelines, ensuring that those affected receive treatment, and continuing to fund groundbreaking and innovative research.

Breast cancer does not discriminate; this deadly disease affects everyone regardless of age, wealth, or status. I stand in support of all of those who have been affected by breast cancer and encourage all available steps be taken to detect early and defeat this disease.

RECOGNIZING SHARON F. DELZER
ELEMENTARY SCHOOL OF
ESTELLINE, SOUTH DAKOTA FOR
BEING NAMED A BLUE RIBBON
SCHOOL

HON. KRISTI L. NOEM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mrs. NOEM. Mr. Speaker, I rise today to recognize Sharon F. Delzer Elementary School of Estelline, South Dakota for being named a Blue Ribbon School by the United States Department of Education.

This year the Department of Education named 305 schools Blue Ribbon Schools, Sharon F. Delzer Elementary School was one of them. I would like to congratulate Sharon F. Delzer Elementary School for its academic

achievements. This school reflects the attributes all American education institutions strive for: academic improvement and tangible results. These successes will give students the ability to further their education and open doors to future opportunities. The commitment of students and staff to quality education and a high level of performance is commendable.

Again, congratulations to Sharon F. Delzer Elementary School for being named a Blue Ribbon School.

A TRIBUTE TO PASTOR LESTER
CHARLES SMITH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Pastor Lester Charles Smith for his leadership in guiding the New Jerusalem Holy Church towards participating in a community of building God's Kingdom on Earth as it is in Heaven.

Pastor Smith has a proven track record of accomplishments and over the years has led his congregation through the integrity of his heart. While his ministry has often been tested, Pastor Smith has stayed his God given course and kept the mandate of his divine assignment. With such leadership, the New Jerusalem Holy Church has its principles firmly rooted in the belief that we must appropriate the great salvation of God through commitment and excellence.

Pastor Smith understands that our personal lives, family lives, and church lives should always be a reflection of the stability we have with God. He has built an organization that strives everyday to spread the word of God while demonstrating excellence in all that they do. As is preached by Pastor Smith the congregation is called to demonstrate, to a world in search of truth, the wisdom rooted objective in submission to their Heavenly Father.

Pastor Smith has transformed the mission of the church and has pushed for many programs to be implemented under his leadership. Pastor Smith has partnered with the Brooklyn AIDS Task Force and Feed the Children at New Jerusalem to provide food for the community throughout the holidays. Along with the Brooklyn AIDS Task Force, Pastor Smith has offered advice and techniques for childcare, development and health news for parents.

Pastor Smith is expanding his vision to include the establishment of a Community Development Corporation which will provide an ongoing GED program, an after school program for youth, and a job training program. Currently Pastor Smith is training to become a certified chaplain with the New York State Chaplain Task Force.

Mr. Speaker, I would like to recognize Pastor Lester Charles Smith for his leadership at the New Jerusalem Holy Church and the unrelenting hope he has for his congregation, community and fellow man.

HONORING MARY FRANCES BLEY ON HER RETIREMENT FROM CRS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. MORAN. Mr. Speaker, I rise today to honor a longtime Arlington, Virginia resident, Mary Frances Bley, who will retire from the Congressional Research Service (CRS) on October 31st. During her 28 years of service with CRS, Ms. Bley distinguished herself by passionately and diligently working to ensure that congressional needs for research were responded to promptly and with the best information and analysis available.

A native of Washington state, Ms. Bley joined CRS in 1984 as a temporary employee in the Inquiry Section where she directed congressional requesters to the CRS employees best suited to respond to their particular needs. She quickly moved from a temporary to a permanent position, and soon afterward to a leadership position within the section.

During her time in the Inquiry Section, Ms. Bley returned to graduate school part-time and in 1987, she earned a Master's Degree in Library Science (MLS) from The Catholic University of America. After obtaining her MLS, she moved to a librarian position in the Congressional Reference Division within CRS, where she responded directly to congressional requests.

Ms. Bley's special aptitude for serving Congress was evident in her work as a librarian. In 1993, she was invited by CRS leadership to participate in a detail to the new Congressional Services Team in the Office of the Librarian of Congress. In this position, she worked to further the mission of the team to study and enhance the Library's understanding of and responsiveness to congressional needs, and congressional understanding of the Library's mission and potential.

In the mid-1990s, Ms. Bley was frequently at the forefront of the transition at CRS from a world dominated by print research materials to a digital research world. Her early efforts were mostly visible only to her CRS colleagues as she worked on efforts to digitize reference materials and facilitate access to online federal data sources.

Ms. Bley specialized in appropriations and budget issues, and made significant enhancements to the appropriations and budget information available through the CRS website. The culminating accomplishment of Ms. Bley's work was the extremely popular Appropriations Status Table. This tool, updated daily, allows CRS colleagues and Congress to access extensive and timely information on current and historical appropriations activities through one convenient resource.

Throughout her career, CRS leadership recognized Ms. Bley's work for Congress with numerous awards, including individual and group Special Achievement Awards and a Meritorious Service Award. Ms. Bley's efforts as a team member were lauded in one award as the "glue" that held the CRS Appropriations Team together. In another, Ms. Bley's work was praised as being "distinguished by creativity, independent initiative, thoroughness,

timeliness, and a service orientation that resulted in detailed responses and products of the highest quality."

During her tenure, Ms. Bley won the respect and admiration of her colleagues and those she served in Congress. She will be remembered for her poise; her sense of perspective; her thoughtful analysis; her ability to identify and implement practical solutions to complex problems; her wit, humor, and energy; and her excitement in learning from and collaborating with colleagues. Her vision and leadership will continue to benefit CRS and Congress long after her retirement on October 31, 2011.

Mr. Speaker, I am honored to ask my colleagues to join me in congratulating Ms. Bley upon her retirement from CRS. She epitomizes the dedication and excellence that make CRS the envy of legislatures around the world.

HONORING THE 50TH ANNIVERSARY OF NAVAL AIR STATION LEMOORE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. COSTA. Mr. Speaker, I rise today to honor the 50th anniversary of Naval Air Station Lemoore (NASL) and the Century Anniversary of United States Naval Aviation. The NASL has been home to many historical milestones and an asset in providing safety and security for the people of the San Joaquin Valley, California, the Western Front and our great nation.

On July 8, 1961, NASL was commissioned and began its operation under the command of Captain Howard M. Avery. At the time, the commissioning ceremony included over 110,000 people and the military asset was worth \$100 million. Over its 50 year history, the base has seen its fair share of challenges to maintain the support of the Western Front. Initially a small 1,460-acre Army Airfield, the base has grown to a 31,000-acre state of the art facility that provides housing to its residents.

NAS Lemoore has been a pioneer in firsts. The first flag ceremony was held in front of the administration building in September 1960; the first 800 Capeheart units were built in 1961; and the first night landing with Commander Vernon Binion and Lieutenant Commander Thomas Dreis in October 1960 on the 13,500 foot runway. Perhaps a less mentioned piece of history in the Navy is the Women Accepted for Volunteer Emergency Service (WAVE). The first WAVE officer was a woman from Honolulu in February 1961, Lieutenant Junior Grade Sue Ann Rice; long way from home taking a chance to serve her country and found her way to our community of Lemoore.

Naval air stations are an integral part of the United States Military. As of 2010, our nation boasted 19 naval air stations with a concentration in California and Florida. In a world of post September 11 vigilance, these stations provide the Navy with a stationary base of operations for aircraft-related testing and training. Since 1998, the principal mission of NASL is

to support Strike-Fighter Wing, U.S. Pacific Fleet and its mission to train, man, and equip West Coast Strike-Fighter squadrons. Throughout its history, the United States has seen many wars, presidents and difficult times. Nonetheless, its armed men and women have consistently been there to protect us.

Today we celebrate the 50th Anniversary of the Naval Air Station Lemoore and the 100th Anniversary of Naval Aviation. This anniversary is not only a great tribute to this important military base, but also an excellent time to thank our men and women in uniform who continue to protect the people of our great country every day. I ask my colleagues to recognize today the protectors of freedom, the sentinels of our shores and the falcons of our skies, the brave soldiers of the United States Navy.

ON RECOGNIZING PRAVINA RAMANATHAN FOR HER WORK TO PROTECT THE CIVIL RIGHTS OF MICHIGAN RESIDENTS AND ADVOCATE ON BEHALF OF MICHIGAN'S ASIAN AMERICAN COMMUNITIES

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. PETERS. Mr. Speaker, I rise today to honor my friend, Pravina Ramanathan, for her work with the State of Michigan over the last fifteen years to protect the civil rights of its diverse residents.

As a Civil Rights Enforcer and the Asian American Liaison to the Michigan Department of Civil Rights (MDCR), Pravina makes it her daily mission to protect the safety and well-being of Michigan residents and serves as an advocate for the needs of my state's Asian American communities. In her role as a Civil Rights Enforcer, Pravina devotes her energy to assessing many of the civil rights complaints which come before her office and works with victims, witnesses and other professionals to ensure that victims of discrimination are protected. Expounding further upon that work, Pravina uses her role as the Asian American Liaison to the MDCR to design and implement programs that build connections and understanding between Michigan's diverse ethnic communities. Specifically, Pravina has instructed Michigan state employees on how to exercise cultural competency, organized panels to help Asian ethnic communities better understand their rights and directly assisted victims of hate crimes and discrimination.

In recognition of her outstanding work as a civil rights advocate and protector, Pravina has been honored with numerous awards by local ethnic communities. In 1988 she was first honored as a Gold Medalist in Hindu law by Bangalore University as she graduated with a Bachelor of Law in Advocacy. In 2002, the Association of Kannada Kootas of America honored Pravina for her work to protect the civil rights of Asian Americans. She received a similar recognition from the Michigan Konkani

Association in 2003 for her with the State's Indian American communities. And just earlier this month, Pravina was recognized by her own Sikh community in Michigan for her advocacy work on its behalf.

Mr. Speaker, everyday civil rights advocates, like Pravina Ramanathan, are making it their mission to ensure that our country continues to be a land of tolerance where we draw strength from our diversity. Pravina's civil rights work has earned her the praise of many organizations in Michigan and I know she will continue to be successful as she works to strengthen cross-cultural dialogues and enhance protections for victims of discrimination.

RECOGNIZING THE FINALISTS OF THE UP2US COACH OF THE YEAR AWARD

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. BILBRAY. Mr. Speaker, today I rise to recognize Up2Us—a leader in sports-based youth development—on the occasion of its annual awards ceremony for its Coach of the Year contest to be held here in Washington, DC. As America's youth continue to be hit hard by the bad economic climate, it is encouraging to see an organization like Up2Us rise to the challenge.

Up2Us is leading a national movement to advance sports as a tool for addressing the critical issues facing youth in this nation, including childhood obesity, academic failure and anti-social behavior. Up2Us supports a national network of nearly 500 member organizations in all 50 states, serving 25 million youths through a plethora of sports.

In order to help serve this vast network, Up2Us launched its "Coach Across America" initiative (CAA) which is an AmeriCorps program that is the first nationwide effort to mobilize a workforce to promote positive youth development through sports. In partnership with the Corporation for National and Community Service and Nike, CAA coaches use sports as a means to promote health and nutrition, education success, civic engagement and personal and social development among youth in some of the nation's poorest neighborhoods.

Last year, CAA directed 250 AmeriCorps members to serve as coaches in 105 youth programs across 20 states to work with more than 35,000 kids. In exchange for college tuition awards and a living stipend, coaches completed a total of 170,000 service hours, which is equivalent to \$3.5 million in national service. AmeriCorps recruited more than 1,000 program volunteers, connected roughly 500 new parents to their respective programs and conducted more than 250 service-learning projects totaling 35,000 hours of youth volunteer service effort.

The 35,000 kids served by CAA coaches have access to the programs they need for their full development. They are provided a safe place to acquire new knowledge and skills and gain a heightened sense of competency and self-respect through working to make a difference in their communities. They

build relationships with caring adult role models, develop leadership skills on and off the field; and have a better understanding of healthy eating and the importance of physical activity and exercise. In recognition of the powerful role that coaches have on the lives of youth, Up2Us runs an annual "Coach of the Year" contest to honor the unsung heroes who devote their lives to the positive development of youth through sports.

Mr. Speaker, as Up2Us and its participating members honor the winners of this year's Coach of the Year contest here in Washington, I ask my colleagues to join me in congratulating this year's finalists. They are among a distinguished group of individuals dedicated to improving the lives of our youth through sport. Two of the winners hail from San Diego, America's Finest City.

Lisa Hawk is the Exercise & Health Science Department Chair, Athletic Director and lacrosse coach at the Preuss School at UCSD. The Preuss School is a nationally recognized school that serves a diverse, low-income population. Lisa received her Master's degree from the University of Maryland, where she also served as a coach and administrator. Lisa is a proud advocate for sports as a tool for positive youth development and is changing lives through her work. Her athletes recognize how special Lisa is. "She sees the potential in each of her players and does not quit until that spark she sees within us is released for the public eye to see," one of the athletes said. "She has helped me through the turbulence of a teenage life to the hectic lifestyle at home and has given me a comfortable place to go as well as someone to turn to."

Renato Paiva is the Executive Director of Access Youth Academy, a program designed around three pillars: academics, the sport of squash and community service. He joined Access Youth Academy in May of 2007 from Harvard University where he was the Assistant Coach of the squash team. Originally from Brazil, Renato was a Brazilian Junior Champion and a top junior in South America. Renato graduated from Ruy Barbosa University with a business degree. Many of Renato's students submitted nominations with personal stories of how their lives have been changed. "Renato has completely transformed the lives of underprivileged inner city children in the San Diego area by teaching them the game of squash and getting them to excel in the sport, and in life," a grateful mentee said.

In light of all the struggles today's youth face, it is time we recognize quiet heroes like Lisa and Renato as they help better the lives of thousands of individuals across the country. By encouraging programs like Up2Us and their Coach Across America initiative, we can help make the lives of many young Americans healthier and brighter.

A TRIBUTE TO THE PARKINSON'S DISEASE AND RELATED DIS- ORDERS CENTER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor the Parkinson's Dis-

ease and Related Disorders Center established at Kings County Medical Center and SUNY Downstate Medical Center. This center has been critical as a research, outreach and comprehensive care center for many constituents in Brooklyn and the New York region.

The Parkinson's Disease and Related Disorders Center was created with the intention of providing patients and medical personnel with the proper understanding of this disease with a focus on treatment. This center has two locations that are being recognized: Kings County Medical Center and SUNY Downstate Medical Center. At SUNY Medical the capabilities of this center include two attending physicians, a clinical trials coordinator, research fellows and assistants led by Dr. Ivan Bodis-Wollner, Dr. Marta San Luciano and the center coordinator Dr. S. Glazman. Patient Advocate, Mrs. Aida Torres, and Head Nurse, Mrs. Patricia Craig RN, provide invaluable support to the clinic as it provides tertiary care for Parkinson's Disease and Related Disorders.

Under the direction of Dr. Bodis-Wollner and Dr. San Luciano, SUNY Medical Center has been able to focus on the education and treatment options for this disease. Tests include CT scan, MRI, PET scan, EMG/Nerve conduction studies, EEG, laboratory tests, cardiovascular, pulmonary and gastrointestinal function tests, speech and swallow evaluation, and genetics testing.

Kings County Medical Center is undergoing similar work at its Parkinson's Disease Center of Excellence. Kings County Hospital Center was the first ever public hospital in the world to be designated as a Center of Excellence by the National Parkinson Foundation and selected by the National Institutes of Health for exploring neuroprotection, a form of therapy which aims to slow the progression of the disease. The main goal in mind is to provide tertiary care for all patients and help to adjust their lives so that living with the long-term effects of Parkinson's disease is easier.

The Kings County Medical Center support staff work tirelessly to offer quality specialty services for the health needs of Central Brooklyn's diverse communities and neighborhoods. The Center of Excellence is another example of this service that goes above and beyond the patient care that is needed.

Mr. Speaker, I would like to recognize the Parkinson's Disease and Related Disorders Center of Kings County and SUNY Downstate Medical Centers for their continued work in this field.

PLEDGE A DRUG-FREE LIFE DURING NATIONAL RED RIBBON WEEK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. RANGEL. Mr. Speaker, I hope schools, businesses, the faith community, families, and community organizations in our Manhattan Congressional District will join together this week in celebration of Red Ribbon Week, taking place October 22–30, 2011. By wearing red ribbons and participating in community

anti-drug events, young people have the opportunity to make a pledge to a drug-free life. Red Ribbon Week also honors DEA Special Agent Enrique "Kiki" Camarena who died on February 7, 1985, while fighting against drug trafficking and abuse, as well as all men and women who have made the ultimate sacrifice in the pursuit.

Established in 1988, Red Ribbon Week is the nation's oldest and largest drug prevention program in the nation reaching millions of Americans. The National Family Partnership estimates that more than 80 million people participate in Red Ribbon events each year. The campaign is a unified way for communities to take a stand against drugs and show intolerance for illicit drug use and the consequences to all Americans.

Nearly one million New Yorkers reported using illicit drugs in the past year (16%). The only way to change this trend is by educating our youth on the dangers and effects of illegal drugs with initiatives like Red Ribbon Week. I have seen firsthand how drug use can ruin a life, and the crippling effects it can have on families and neighborhoods. I ask our community to reach out to our children by helping them make a pledge to a drug-free life.

CELEBRATION OF THE FESTIVAL OF DIWALI

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. HONDA. Mr. Speaker, I rise today to commemorate the joyous Festival of Diwali. Diwali directly translates from Hindi, into "Row of Lights." From this translation, Diwali has come to be known as "The Festival of Lights." Celebrations of Diwali involve the lighting of lamps to symbolize hope and joy. Other common practices include lighting fireworks and distributing sweets and gifts. The lighting of lamps is meant to symbolize the victory of good and the removal of darkness, or evil. The spiritual darkness is said to be "vanquished" by the many lights, bringing happiness and bliss to the people of this Earth.

This cultural and religious festival is celebrated by nearly 1 billion Hindus, Sikhs, Jains, and Buddhists in more than 20 countries. In the United States, some 2 million people observe Diwali, including many in the multi-cultural congressional district that I am proud to represent.

Diwali is one of the most important holidays within Hinduism. In the Hindu faith, Diwali is linked to Rama's triumphant return following his victory over Ravana as told in the epic "The Ramayana." Following Rama's victory, his people lit clay lamps along the capital city as to celebrate the returning of their King. These clay lamps were called Deepavalis, which Diwali is a shortened version of. In many Hindu calendars, Diwali corresponds with the start of a new year, correlating with the ideas of rebirth and renewal.

In Jainism, Diwali marks the date upon which Lord Mahavira achieved the state of absolute bliss or Nirvana. It is said that King Chetaka, upon Lord Mahavira achieving Nir-

vana, lit a multitude of lamps in order to create a material light to replace the light of intelligence that had been lost.

In the Sikh tradition, the foundation of the Golden Temple is said to have been laid on Diwali. In this tradition, the 6th Sikh guru Hargobind was released from prison on the festival of Diwali. Hundreds of lamps were lit in honor of Hargobind's return.

Mr. Speaker, there is great diversity among the faiths that celebrate this joyful holiday. Across all of these traditions, Diwali holds significance in the South-Asian community as a time of hope, happiness and the renewal of life. For this reason, I am proud to be a co-sponsor of House Resolution 439, recognizing the historical and religious importance of Diwali. I would like to join with all those celebrating this joyous time and wish Shubh Diwali to all.

IN HONOR OF FILIPINO AMERICAN HISTORY MONTH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Ms. LEE of California. Mr. Speaker, I rise to honor the millions of Filipino Americans across America and to recognize October as Filipino American History Month.

Filipinos first arrived on America's shores in the 16th century and they are now the third largest Asian American community in the United States with nearly 4 million Americans of Filipino descent.

Filipino Americans have contributed to the United States in every field of endeavor, like science, medicine, education, business, politics, agriculture, and they have served with distinction in our armed forces.

They continue to enrich American life through their contributions to our arts and culture.

In my home district, the California 9th, there are over 68,000 Filipino Americans and I know that my district is stronger and more successful because of their presence.

I believe that it is important to acknowledge the important role that immigrants play in the fabric of American life and I would encourage the leadership to act quickly on S. Res. 287, to officially designate October 2011 as "Filipino American Awareness Month."

IN MEMORY OF THE LIFE OF MILDRED HEMMONS-CARTER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to the life of Mrs. Mildred Hemmons-Carter who passed away on Friday, October 21, 2011.

Mrs. Hemmons-Carter was born in Benson, Alabama, on September 12, 1921 and graduated from school in 1941 with a degree in Business from the Tuskegee Institute.

On February 1st of 1941, Mrs. Hemmons-Carter received her pilot's license making history as the first African-American woman to do so.

On February 1st of this year, a celebration was held to honor the 70th anniversary of her licensing.

Mrs. Hemmons-Carter is survived by her husband of 70 years, Ret. Col. Herbert E. Carter, an original Tuskegee Airman.

It is a sad day in Alabama as we lose one of our great women who proved the sky is the limit. We honor the memory of Mildred Hemmons-Carter today.

A TRIBUTE TO DR. IVAN BODIS- WOLLNER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to and honor Dr. Ivan Bodis-Wollner for his work on advancing the knowledge of Parkinson's Disease, towards finding a cure and establishing a PD Clinic that offers specialized, comprehensive care for all patients.

Dr. Bodis-Wollner has established and maintained a Parkinson Disease and Related Disorders Clinic, designated as a Center of Excellence (COE) by the National Parkinson Foundation since 1995. His work as a Professor of Neurology and Ophthalmology has taught him the discipline needed to continue his outreach in this field. In this capacity Dr. Bodis-Wollner, popularized the concept of the "Pre-Cardinal stage" of Parkinson's disease both in the field of neurology and in the lay press. This concept helps to recruit patients in early phases for participating in NIH sponsored neuroprotective trials clinical research.

Dr. Bodis-Wollner has done extensive work in the Brooklyn area producing ongoing, renewable multicenter research for the potential neuroprotective effect of Creatine and of Co-Q10. Several of his works focus on the affluence of Parkinson's disease in inner city communities and among African Americans and other racial and ethnic groups. The significant strides Dr. Bodis-Wollner has made in his research will undoubtedly benefit countless numbers of constituents in my district and the New York region.

Dr. Bodis-Wollner was Chief Editor of Clinical Vision Sciences and after its merger, Section Editor of Vision Research in all for 14 years. He has lectured around the world, taught medical students, and trained scores of younger scientists who have worked with him and learned from him in his laboratory. Among his students are professors of neurology and clinical neurophysiology and faculty members in neurology. Dr. Bodis-Wollner is also the Chairman of the "Non-Motor" working group of the Parkinson Study Group, a nationwide think-tank for clinical Parkinson Disease Research. Further, he has published well over 100 research studies in peer reviewed journals including Nature, Science, Journal of Physiology, Brain, and Annals of Neurology.

Mr. Speaker, I would like to recognize Dr. Bodis-Wollner for his accomplishments in the

area of health care and his service to Brooklyn and New York.

RECOGNIZING FIRE CHIEF JIM MILLER, A FORMER LOCKPORT TOWNSHIP FIRE CHIEF WHO PASSED AWAY AT THE AGE OF 74

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the life of a selfless public servant, former Lockport Township Fire Chief Jim Miller. On September 13, Chief Miller passed away at the age of 74. As a firefighter, he dedicated his life to protecting his neighbors. As Fire Chief, he helped steer the Lockport Township Fire Department through turbulent economic times.

Mr. Miller began his remarkable career as a firefighter in 1959. He became Fire Chief in 1979 and served in that capacity until 1987. As Fire Chief, he kept his station afloat despite scarceness of equipment and firefighters. When he became Fire Chief, instead of purchasing the traditional new white helmet, Mr. Miller simply spray painted his old helmet white because of the Department's tight budget. After the economy rebounded, he kept his old white helmet and elected to purchase better equipment for his firefighters instead. This small example of his willingness to do the best for his firefighters and share the hardship of a tight budget made him a model for what a Fire Chief and a great leader should be.

Firefighting was in Jim Miller's blood. Both his uncle and father were firefighters and he passed on much of his wisdom to his son-in-law. He also considered all those at his station to be part of his extended family and treated them as such. He made it a point to visit his station when returning to Lockport Township from his retirement home in Florida to see his old colleagues. During these trips he would marvel at the new technology and increased number of firefighters. Firefighters then and now know that without his courage to keep the station afloat in the 1980s, these improvements might not have been possible.

Mr. Miller was preceded in death by daughter Jodi Miller and survived by his loving and devoted wife of 54 years, Jyme, and his children Jami, Kelly, and Jim.

Please join me in honoring the life of Jim Miller. He was a brave and selfless public servant. His contributions to Lockport Township and his life of service will not be forgotten.

HONORING MARILYN A. BOK

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Marilyn A. Bok, on the occasion of her retirement.

After completing high school, Marilyn attended the College of St. Rose, where she earned her Bachelor's Degree in chemistry. She then went on to earn her Master's Degree in Public Administration from the John F. Kennedy School of Government at Harvard University.

Before starting the Community Foundation for the Twin Tiers, Marilyn taught, owned a consulting and research firm, served as Chair of the Board of Commissioners of Bradford County, and served as Director of Rural Services Institute at Mansfield University. Additionally, Marilyn wrote several grants for startup funding for the Bradford County Dental Clinic, the Family Literacy Program, and the Bradford County Tobacco Cessation Program.

Marilyn Bok began her tenure with the Community Foundation for Twin Tiers in 2001, having served as both volunteer Board Chair and CEO after founding the organization.

Marilyn has always had a strong commitment to volunteering in her community. She has served as President for numerous organizations, including; Penn York Opportunities for the Handicapped, Inc.; Valley Jaycees; and Greater Valley Youth Activities Council. Marilyn has also chaired over numerous committees, including; Regional Workforce 90s Task Force; Executive Committee Northern Tier Regional Planning Commission; and Endless Mountains Heritage Park Management Committee. In 2009, Marilyn was recognized by WATS/WAVR as Individual of the Year for her many contributions to her community.

Marilyn and her husband, Edward, are the proud parents of four and grandparents of eight. They have resided in the Wyoming Valley for over 45 years.

Mr. Speaker, I rise today to honor my constituent, Marilyn Bok, on the occasion of her retirement and ask my colleagues to join in praising her commitment to community and country.

HONORING THE WORK OF ALEX KANKULA

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. ISRAEL. Mr. Speaker, I rise today to pay special tribute to Alex Kankula's dedication and commitment to helping our nation's veterans. Mr. Kankula is a distinguished veteran of both World War II and the Korean War serving in both the United States Navy and Coast Guard.

After his discharge from active duty, Mr. Kankula selflessly dedicated the next thirty years of his life to improving the lives of our nation's veterans. Mr. Kankula has been a volunteer at the Northport VA Medical Center in New York for three decades. Over the years he's been an advocate for homeless veterans by working in halfway houses in four different Long Island towns. Seeing the tremendous need our homeless veterans face every day, he's worked in the community to collect clothing, food, house wares, and furniture for these veterans.

Mr. Kankula's leadership also paved the way for the creation of two new programs at

the Northport VA Medical Center. He recognized the need for nursing home patients to have a recreational outlet and established a wheelchair dock-fishing program. The nursing home patients look forward to this excursion and visit local waterways for a fun day of fishing several times a year. Mr. Kankula then went on to create an "Adopt a Vet" program to ensure nursing home patients were always remembered on their birthdays and holidays. He connects the veteran patients with community members who send birthday cards, holiday greetings, and letters. The creation of these two programs has raised the morale of countless veterans.

I offer my recognition of Alex Kankula's unwavering dedication to our nation's veterans. His patriotic spirit and selfless devotion has improved the lives of veterans and serves as an example for all Americans.

IN REMEMBRANCE OF SANFORD "CORKY" KURLAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. KUCINICH. Mr. Speaker, I rise to remember Sanford "Corky" Kurland, co-founder and owner of Corky & Lenny's, the popular Cleveland-area restaurant and deli. Corky passed away last Saturday after a long illness.

Corky Kurland was a native Clevelander and a 1948 graduate of Glenville High School. He worked with his father Carl Kurland on a food truck and helped at a small grocery store that his parents bought on Union Avenue. After graduating from meat cutting school in Toledo, he went to work at the Miami Restaurant at East 105th and Euclid in the then-bustling Uptown section of Cleveland. He enlisted in the U.S. Army and became a chef at Fort Benning, Georgia, in 1952. When he returned to Cleveland, he took a job as a counterman and manager at Eddie Sands Deli at Cedar Center in South Euclid. When Sands decided to sell his deli, Corky Kurland became a partner with Dave Katz, who already owned a deli on Lakeshore Boulevard. After a year, Katz wanted to stay on Lakeshore and sold his share of the business to Corky and Lenny Kaden, a mutual friend who was then in the menswear business. Corky and Lenny became partners and renamed the business "Corky & Lenny's" in 1956. In 1973, Corky and Lenny opened a second deli on Chagrin Boulevard in Woodmere. In 1991, Corky's son Kenny and his nephew Earl Stein bought out Lenny Kaden's share of the business and the three have been partners ever since. The partners closed the Cedar Center location in 1994 but celebrated 55 years in business recently at the Chagrin Boulevard store.

Corky & Lenny's is a true meeting place. Many business deals have occurred there, as have many blind dates, some that became marriages. Corky & Lenny's is a magnet for celebrities when they come to town. Actors and comedians such as Totie Fields, Liberace, Joel Gray, Shecky Greene, Sammy Davis Jr., Jackie Mason, Frankie Valli; athletes including Jim Thome, Zydrunas Ilgauskas, Mike Brown,

Moe Vaughn, Wally Szcwebiak, and Mike Holmgren; and elected officials, including Howard Metzenbaum and John Glenn have been spotted there. I have been a patron of Corky & Lenny's since my days as a caddy at east-side golf courses while still a teenager. I had breakfast there just last week. And as usual, I saw people there whom I have known for many years.

Corky Kurland was active in his community and liked to spend time with his family. He was a frequent traveler who made friends wherever he went. He was a member of Beth Am and B'nai Jeshurun synagogues, the Knights of Pythias, the Masons, the Kiwanis, the Beachwood Chamber of Commerce, the Jewish Community Center, the Jewish War Veterans, the Lake Forest Country Club and the Hawthorne Country Club.

Mr. Speaker and respected colleagues, please join me in mourning the loss of Sanford "Corky" Kurland. I send my sincere condolences to his wife of 57 years, Gloria; his son Kenny; his daughter Dr. Susan Kurland Rapkin; his sister Helen Manheim; his 6 grandchildren; his extended family; his many friends, and the loyal patrons of Corky & Lenny's.

EXPRESSING SUPPORT FOR FDA'S APPROVAL OF ARTIFICIAL PAN- CREAS TECHNOLOGIES

HON. JOHN KLINE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. KLINE. Mr. Speaker, I offer the following statement urging the U.S. Food and Drug Administration to move forward in the approval process of artificial pancreas technologies and issue draft guidance no later than December 1, 2011.

Diabetes is a common, serious, and costly disease that poses a major public health problem. Diabetes affects more than 25 million adults and children in the United States or 8.3 percent of the population. One out of every three Americans born in the year 2000 is predicted to develop some form of diabetes during his or her lifetime. One third of every Medicare dollar is spent on individuals with diabetes, and estimates show diabetes costs the U.S. economy \$174 billion annually. In my home state alone, approximately 243,000 Minnesotans have been diagnosed with diabetes.

The statistics about diabetes and its consequences for Americans are staggering. But they are not nearly as compelling as hearing firsthand from a child with type 1 diabetes what he or she goes through to keep their glucose levels stable. Recently, I met with the Theis, Strader, Melhus, and Nash families, who came to my office as part of an effort organized by the Juvenile Diabetes Research Foundation. They shared with me what it's like to live with the disease and what medical tools are available to better manage it.

One such medical advancement is the artificial pancreas. This technology has the potential to dramatically improve the health and quality of life of those who have diabetes. As shown in a landmark study in February 2010,

a first generation artificial pancreas system can improve diabetes control and even lower the risk of blood glucose emergencies. Specifically, it will combine two external devices—an insulin pump and a continuous glucose monitor (CGM)—which will stabilize glucose levels by automatically providing the correct amount of insulin at the appropriate time.

Before this technology can be made available to people with diabetes, the U.S. Food and Drug Administration must approve next steps in the regulatory process. Earlier this year, I sent a letter to FDA's Commissioner Margaret Hamburg, urging her to quickly provide clear and reasonable guidance so outpatient artificial pancreas studies can proceed as soon as possible. I urge the FDA to issue this draft guidance no later than December 1, if not sooner, to enable artificial pancreas technologies to be tested in an outpatient setting and be made available to those who need it.

INTRODUCING THE PROTECT SMALL BUSINESS JOBS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. PAUL. Mr. Speaker, today I rise to introduce the Protect Small Business Jobs Act. This bill gives small businesses six months to correct any noncompliance with federal regulations. If a business is in compliance at the end of the six months, then the federal government cannot fine, or pursue any other legal action against the business. Small businesses that demonstrate good faith efforts to come into compliance can receive an additional three-months grace period. Any small business may challenge a finding that it is in noncompliance with regulations without forgoing the six-month grace period.

As I am sure my colleagues are aware, American businesses face a tangled web of ever-changing rules and regulations. These businesses, which cannot afford a team of lawyers to monitor the *Federal Register*, can be forced to spend thousands of dollars in legal fees and fines related to regulations they did not even know existed. The legal fees imposed on small businesses for inadvertent violation of federal regulations divert funds away from growing businesses and creating new jobs.

Mr. Speaker, at a time of continuing high unemployment and stagnant growth, doesn't it make sense to give small businesses a reasonable time to comply with federal regulations rather than just hitting them with job-destroying fines and legal bills? I hope all my colleagues will stand up for small businesses and their current and potential employees by cosponsoring the Protect Small Business Jobs Act.

RECOGNIZING MARINE CORPS CAP- TAIN JASON "DUKE" DEQUENNE

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. STIVERS. Mr. Speaker, today I rise in recognition of Marine Corps Capt. Jason "Duke" Dequenne, who on October 15, 2011, began a run like no other: 236.2 miles to celebrate the 236th birthday of the Marine Corps and, more importantly, to honor those Marines who gave the ultimate sacrifice while serving in Operation Iraqi Freedom and Operation Enduring Freedom.

On November 10, 1775, in Philadelphia, PA, the Marine Corps was founded under the commission of Samuel Nicholas, who promptly began recruiting from a local pub, Tun Tavern. Though it no longer exists today, Dequenne laced up his shoes and hit the pavement outside that very pub known now as the birthplace of the Marines for the first day of his history-making feat on October 15, 2011. In order to accomplish his 236.2 mile route, Dequenne will run a punishing 15 miles each day until finishing with the 36th Marine Corps Marathon in Washington, DC on October 30, 2011.

However, the birthday of the Marine Corps is not the sole motivation behind his unfathomable trek; each mile will be dedicated to telling the story of a fallen soldier. Dequenne felt the individual stories and sacrifices were not being relayed effectively to the public, who often only see lists of names and ranks of fallen heroes. In attempts to change this, Capt. Dequenne will participate in speaking engagements along this Philadelphia to DC route after each run to tell the stories of Marines who gave the ultimate sacrifice.

Each step of the 236.2 journey will not only embody the memory of a fallen Marine, but will raise money through the Marine Corps Law Enforcement Foundation. All proceeds will be donated to military and law enforcement families who have lost loved ones in the line of duty.

Capt. Dequenne enlisted as a Marine in 1996, before completing Office Candidate School in 2005. He currently serves at The Basic School in Quantico, VA, as the assistant logistics officer.

As a serving member of the Ohio Army National Guard and veteran of Operation Iraqi Freedom, I thank Capt. Jason Dequenne for honoring our fallen heroes and raising support and awareness for their families. One foot in front of the other, Oo-rah!

SECTION 37 OF THE AMERICA INVENTS ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. CONYERS. Mr. Speaker, last month, the President signed into law the Leahy-Smith America Invents Act. I was a co-sponsor of a bipartisan amendment that added Section 37 to the House bill, which then passed the Senate and was enacted into law.

Section 37 is an important provision that clarified the procedure for filing patent term extension applications under the Hatch-Waxman Act. It codified a sensible decision by a federal district judge and was meant to end years of confusion about this issue that had threatened to stifle innovation.

Before the Senate voted on the House patent bill, an amendment was offered to strike Section 37. That amendment was fully debated and was defeated on a bipartisan basis. Last week, however, there was discussion of Section 37 on the floor of the Senate and it was suggested that Section 37 does not take effect for a year. But that is incorrect.

Section 37 explicitly says that it "shall apply" to applications and court cases that are pending on the date of enactment of the bill. To apply to pending applications and cases, Section 37 obviously had to be effective immediately. Section 37 says very clearly exactly what it applies to so the default effective date provision for the Act does not apply here.

During the entire debate over Section 37, not a single person suggested that Section 37 would not be effective immediately. In fact, everyone understood it would take effect right away and would govern currently pending applications and cases. The United States Patent and Trademark Office agreed with this interpretation. In fact, just last week, the Department of Justice explained in a court filing that this is the only possible interpretation of the law.

In the end, the amendment to strike Section 37 was defeated during Senate debate. It is too late now to re-write history. And it is clear that Section 37 explicitly says that it is to be effective immediately.

HONORING DR. KATHERINE GOBLE JOHNSON FOR CONTRIBUTIONS DURING HER 33-YEAR CAREER AS AN AEROSPACE TECHNOLOGIST AT THE NASA LANGLEY RESEARCH CENTER IN HAMPTON, VA AND HER EFFORTS TO HELP AFRICAN-AMERICAN YOUTH ENTER SCIENTIFIC AND TECHNICAL CAREERS

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. SCOTT of Virginia. Mr. Speaker, I rise today to honor Dr. Katherine Goble Johnson. Dr. Johnson, a retired 33-year employee of the NASA Langley Research Center is to be honored at a banquet on Saturday, October 29, 2011, and I would like to take a moment to recognize some of her numerous accomplishments.

Born in White Sulphur Springs, West Virginia, it was apparent from very early on that Dr. Johnson was driven to succeed. The local schools only offered classes to African Americans through the eighth grade, so Dr. Johnson's father enrolled her and her siblings in a school 125 miles from their home. Taking full advantage of this educational opportunity, Dr. Johnson graduated high school at the age of 14. Dr. Johnson then went on to study at West

Virginia State College, now West Virginia University. In 1937 at the age of 18, she graduated Summa Cum Laude with majors in Mathematics and French. She continued her education at West Virginia University with further studies in Mathematics and Physics.

Dr. Johnson began her career in education as a teacher, a job that she held for seven years. She eventually relocated to Newport News where, in 1953, Dr. Johnson began her work at the NASA Langley Research Center, where she would go on to have a great impact on studies relating to various projects over the course of her career.

When hired in 1953, like almost all women at NASA, Dr. Johnson was hired to perform technical calculations. Women of African American heritage were typically assigned to all black "computer pools." Within weeks of her entry in the NASA ranks, Dr. Johnson was asked to temporarily assist in the Spacecraft Dynamics Branch in the Flight Dynamics and Control Division. She never returned to her "computer pool."

Dr. Johnson went on to help calculate the trajectories flown by the 1969 Apollo spacecraft that landed on the moon and to coauthor 21 NASA reports and professional conference papers at a time when those who performed calculations were typically not named as participants. According to Dr. Johnson, even after computers began to be used to calculate the orbits of Mercury capsules, John Glenn called on her to verify the computers' calculations.

Throughout the course of her career, Dr. Johnson has been the recipient of numerous awards, including the NASA Lunar Orbiter Achievement Award, the NASA Apollo Team Group Achievement Award, three NASA Special Achievement Awards, an honorary Doctorate of Laws from the State University of New York, honorary Doctor of Science degrees from Capitol College and Old Dominion University, and she was honored by the National Technical Association as "Mathematician of the Year" in 1997.

Dr. Johnson has also been featured in various "Who's Who" lists throughout her career. She has been honored in the Philadelphia Electric Company's Exhibit honoring 24 black inventors and scientists at the Afro-American Historical and Cultural Museum, the Department of Energy's "Black Contributor's to Science and Energy Technology" list, and Time Life's Series entitled African-Americans: Voices in Triumph Leadership Volume.

A member and leader of many organizations, Dr. Johnson has served as Treasurer of the National Technical Association both on the local and national level, as President of the of the Lambda Omega Chapter of the Alpha Kappa Alpha sorority, and as a Trustee and Elder at Carver Memorial Presbyterian Church in Newport News, Virginia, where she continues to be a dedicated member.

Mr. Speaker, it gives me great pleasure to recognize and commend Dr. Katherine Goble Johnson today for her service to the United States, to her community, and to the Commonwealth of Virginia.

IN HONOR OF MARY TENCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mary Tench as her family and friends gather in celebration of her 100th birthday.

Mary was born on December 7, 1911 in Philadelphia, Pennsylvania to Charles and Anna Zacharuk. Charles and Anna had six children: Mary, Pauline, Alex, John, Pete and Joe. Mary's youngest brother, Joe, lives in Tennessee and is her only living sibling.

When Mary was thirteen years old, her parents moved the family to Bedford, Ohio. As young girl, Mary met her neighbor and future husband, James A. Tench. During their courtship, James took Mary to dances and picnics with his Hungarian dance group. They were married in February 1928 and went on to raise eight children: MaryAnn, Emory, Edward, Theodore, Rozella, Alex, Gerald and their stepson, John. In 1948, James and Mary purchased their first house located at 7634 Finney Avenue in Cleveland for \$8,200. Mary lived in this home until 1990 when she moved to Simi Valley, California. In 1998, Mary returned to Cleveland and lived independently until 2009 when she moved in with her daughter, Rozella.

During World War II, Mrs. Tench worked for Parker Hannifin. In the early 1950s she joined the staff of Cleveland Republic Steel Corporation in the executive cafeteria. This job inspired Mary to start her own catering business, Fancy Catering. For 25 years, Mary catered weddings and special events for the US Coast Guard. When James retired from the Cleveland Pneumatic Tool Company in 1975, Mary left the catering business so they could enjoy retirement together. James and Mary celebrated 59 years of marriage before James's death in 1987.

Mrs. Tench is a lifetime member of the VFW. She served as President of Post 3456 and is a current member of Lake Erie Post #1974 in Parma. She also served as President of the Knights of Columbus, Isabella Guild. Mary still belongs to the Women's Catholic Council of Cleveland, the Ladies Auxiliary Knights of Columbus and the Parma Democratic Club where she served as Secretary/Treasurer. She was an elected Precinct Committee Woman, a Presiding Judge for the Board of Elections and worked at the voting polls for over 30 years. Mary volunteered on political campaigns including my 1977 mayoral campaign.

During an interview with her great-granddaughter, Mary told stories of surviving The Great Depression, experiencing many wars and voting for the first time, at the age of 21, for President Franklin D. Roosevelt in 1932. Her hobbies include traveling, crocheting, cooking, playing cards, bingo, reading and going to the Donna Smallwood Activity Center.

Mary's commitment to faith is reflected through her involvement with the Holy Name Parish, her family and her community. GiGi, as she is affectionately called by her family, has 32 grandchildren, 59 great-grandchildren, 25 great-great-grandchildren and 1 great-great-great-grandchild.

Mr. Speaker and colleagues, please join me in honor and celebration of Mary Tench whose life is framed by the love of her family, her faith and the appreciation she has for the life she has lived. I wish Mrs. Tench a joyous 100th year and blessings of peace, health and happiness.

CELEBRATING THE 100TH ANNIVERSARY OF TEMPLE BETH-EL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I congratulate Temple Beth-El in Munster, Indiana, as its congregation joins together in celebration of its 100th Anniversary. To celebrate this Centennial, members will hold a celebratory reception at Temple Beth-El on October 29, 2011.

Truly, Temple Beth-El has had a long and dynamic history in the Calumet Region's Jewish Community. When it was first established in 1911, Temple Beth-El served as a modest Reform Congregation, holding its services in a rented building in Hammond, Indiana. In fact, for a short time after World War One, Temple Beth-El briefly came to share its rental property with fellow Temple, Knesseth Israel. However, in 1925, the Temple was finally able to purchase its own location, the W. B. Conkey Mansion in Hammond, Indiana, where they remained until 1955. The congregation later moved to 6947 Hohmann Avenue, also located in Hammond, where it remained for 41 years. Due to the changing needs of its congregation, the Temple eventually sold its Hammond property to move to Munster, Indiana on August 15, 1999. Conducting a "Torah Walk," they marched their Torahs from their old property in Hammond to their new building at 10001 Columbia Avenue, in Munster, where they are soon to celebrate their rich, hundred-year history. Currently, the members of Temple Beth-El can be proud of a Reform congregation of over 200 households, an ample facility featuring a sanctuary, classrooms, a kitchen, and library, as well as an admirable dedication to community service programs, in which members passionately serve those in need throughout the community. Additionally, Temple Beth-El recently helped to sponsor the inspirational exhibit, "A Fine Romance: Jewish Songwriters, American Songs, 1910-1965," which was on display at the Munster Center for Visual and Performing Arts until October 20, 2011, and will be visiting 55 sites throughout the United States in 2011 and 2012.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating Temple Beth-El of Munster, Indiana, on its 100th Anniversary. Through the years, the members of Temple Beth-El have dedicated themselves to preserving the traditions and spiritual beliefs of Reform Judaism. For their dedicated service, and for touching the lives of countless individuals, they are worthy of our highest praise.

IN HONOR OF FILIPINO AMERICAN HISTORY MONTH

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. FALEOMAVAEGA. Mr. Speaker, together with the Congressional Asian Pacific American Caucus, I rise today in honor of Filipino American History Month.

Based on the 2010 Census there are approximately 3.417 million Filipino Americans in the United States, making them the third largest Asian American group. Filipino Americans reside in nearly every Congressional district in the United States, contributing to the diversity and vitality of their communities. The largest population of Filipino Americans resides in California, Hawaii, Illinois, New Jersey, New York, Texas and Washington State. In my district of American Samoa, the Filipino population has greatly contributed to the diversity of culture, the business community, as well as health, education, and social service sectors.

The earliest documented proof of Filipinos in the Continental United States was on October 18, 1587, when the ship Nuestra Señora de Esperanza under the command of Pedro de Unamuno set ashore in Central California during the Manila-Acapulco galleon trade era. In 1988, on the 225th Anniversary of this historic date, the Filipino American National Historical Society established a year-long, national observance in order to honor the countless ways that Filipino Americans have contributed to the development of our nation over the centuries. That year, the Society also declared October as Filipino American History Month.

Immigration from the Philippine islands in the early 1900s represented the first large wave of Filipinos coming to America as they worked in the agricultural industry. During World War II, over 250,000 Filipinos served alongside American soldiers in the United States military. The Immigration Act of 1965 opened the door for the next wave of Filipinos coming to the U.S.

Today, Filipino Americans are part of every sector of American life, working in health, entertainment, engineering, education, military and the public sector. In the realm of government, for example, my dear friend and colleague and fellow member of CAPAC, Congressman BOBBY SCOTT of Virginia, earned the distinction in 1993 of being the first American with Filipino ancestry to serve as a voting member of Congress.

Mr. Speaker, economically, culturally, and socially, Filipino Americans have contributed in countless ways toward the development of our nation. Today we honor the Filipino American community, those who have served and those who continue to add to the vibrancy and strength of our great nation.

RECOGNIZING SCHOOL LIBRARIES AND TEACHER LIBRARIANS

HON. JERRY MCNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. MCNERNEY. Mr. Speaker, I rise to recognize the importance of school libraries, which are changing to better address the needs of students in the 21st Century. School libraries are an important part of our educational system and help prepare students for college and a good career.

Teacher librarians teach students how to conduct good research, how to be critical users of the information they find, and how to avoid plagiarism. They also play an important role teaching online research skills and raising awareness of cyber safety issues.

For these reasons, I rise to recognize the invaluable contributions that teacher librarians and school libraries make to our education system.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,943,613,298,774.71.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,305,187,552,480.91 since then. This debt and its interest payments we are passing to our children and all future Americans.

PERSONAL EXPLANATION

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Ms. CASTOR of Florida. Mr. Speaker, on May 25, 2011 I was unable to record my vote on the Foxx Amendment to H.R. 1216. If I had been able to vote, I would have voted "no".

DOMESTIC VIOLENCE AWARENESS MONTH

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. REICHERT. Mr. Speaker, the late Norm Maleng, a courageous man and King County's former prosecuting attorney, once described domestic violence as ". . . [A] crime against the human spirit." Mr. Speaker, Norm was right. Domestic violence is a terrible scourge that irreparably damages individual lives, families, and communities. Its effects are permanent. It can't be taken back or apologized away.

We like to set up lines of demarcation, Mr. Speaker, and separate each other into distinct groups: women and men, black and white, young and old, rich and poor, urban and rural, and so on. Domestic violence ignores these distinctions in its assault on the human spirit.

The startling statistics send a clear message: domestic violence is a powerful force that recognizes no boundary. Every year, fifteen-and-a-half million children are exposed to domestic violence in their homes and 2,000 children will die because of it. One in four women and one in nine men will be victimized by domestic violence in their lifetime. In my home state, 755 lives were lost to domestic violence between 1997 and 2010. The majority of homeless women and children in the United States are in that position because of domestic violence. If, somehow, those statistics don't frighten and sadden you, think about it in another way: Every year, the United States spends \$5.8 billion dollars in health care, lost productivity, and lifetime earnings because of domestic violence.

I urge my colleagues to support organizations committed to stamping out domestic violence in their hometowns and across their state and nation. Organizations like the Eastside Domestic Violence Program, EDVP, in the 8th District of Washington. In 2010, EDVP answered 10,069 crisis calls from victims of domestic violence and provided services to 4,700 victims. EDVP not only provides a 24-hour help line for victims, but they also provide shelter and safe places for victims to stay after they've made the difficult choice to leave their home behind. Unfortunately, for every person receiving shelter at EDVP, they are forced to turn away 18. They simply lack the resources needed to meet the full need of the community.

Mr. Speaker, together, as a community and as a nation, we can help prevent domestic violence and better serve those who've been victimized. As we observe Domestic Violence Awareness Month throughout October, I urge every American to take the time to tell their spouse, mother, father, child, brother, sister, or friend how important they are to their life. Hug every single one. Find out how best to extend a helping hand to victims and find the "EDVP" in your area.

HONORING MAYOR RUDOLPH CLAY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with fond admiration and profound respect that I take this time to recognize a dear friend and one of Indiana's most distinguished citizens, the Honorable Mayor Rudolph Clay, of Gary, Indiana. For his many years of public service and his countless efforts toward improving the lives of Northwest Indiana residents, Rudy will be honored at a celebratory reception at the Genesis Convention Center, in Gary, Indiana, on Friday, October 28, 2011.

Rudolph Clay was born in Courtland, Alabama. Following the passing of his mother, Rudy and his brother, David, were raised by

their aunts, Daisy Washington and Mary Lucy Hunter, in Gary, Indiana. After graduating from Roosevelt High School, Rudy continued his education, earning a track scholarship to Indiana University in Bloomington. He would later return to Gary, and it was during this time that he met and fell in love with his wonderful wife, Christine Swan. They were married on November 30, 1957. Mayor Clay then served in the United States Army from 1958 to 1960. Through the Vietnam era and the Civil Rights Movement, Rudy's unwavering passion to serve people, particularly those most in need, and his strong desire to be a catalyst for positive change propelled him on his remarkable journey.

In 1972, Rudy was elected to the Indiana State Senate in the third district. While in this position, the focus of his work included working for better treatment and training programs for prison inmates, creating a victim's compensation fund, and establishing a Martin Luther King, Jr. holiday. Subsequently, Rudy was elected to the Lake County Council in 1978 and then re-elected in 1982. During this time he fought against the unfairness in hiring practices at the Lake County Government Center and the raising of utility rates. In 1984, Rudy Clay was elected as Lake County Recorder. Three years later, he was elected Lake County Commissioner and served four elected terms in this capacity.

In 2005, Rudy became the first African American elected to serve as the Lake County Democratic Chairman, a position he held until 2009.

The Gary Precinct Organization appointed Rudy mayor of Gary in 2006, and he was elected mayor the following year. Mayor Clay's extraordinary energy, his profound empathy for people and his lifelong commitment to leave a better world for following generations have led to preeminent achievements. They have positively impacted the lives of countless individuals as well as the progress and future of Indiana.

Throughout his illustrious career, Mayor Clay has been recognized with many distinguished awards. Rudy was honored by Governor Evan Bayh with the Outstanding Hoosier Award in 1994, and in 2005, Governor Joseph Kernan honored the Mayor with the prestigious Sagamore of the Wabash Award, to name a few.

Although Rudy has received many esteemed honors for his commitment to the residents of Indiana, his greatest source of pride is his family. Rudy and his amazing wife, Christine, have been married for 54 years this November. They have one beloved son, Rudy Clay, Jr.

On a more personal note, I also want to thank Rudy for his graciousness and warm friendship over the years. I also would be remiss if I did not thank him for the deep respect he has always shown to my father, John Visclosky.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring Mayor Rudy Clay for his staunch devotion to the people of Gary as well as all of Northwest Indiana. Rudy's unselfish and lifelong dedication to serving the people of Northwest Indiana is worthy of the highest commendation, and he serves as an inspiration to us all. I am proud to call him my friend.

REMEMBERING DR. HARVE
RAWSON

HON. TODD C. YOUNG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. YOUNG of Indiana. Mr. Speaker, I rise along with Congressman MIKE PENCE to honor the life and legacy of Professor Harve Rawson.

Harve Rawson was greatly talented and abundantly generous. He earned a bachelor of arts in psychology from Antioch College, and went on to earn a master of arts and doctorate in research psychology at Ohio State University. For thirty-two years Dr. Rawson served as a professor of psychology at Hanover College, and later served as dean of faculty at Franklin College. He was the first two-time winner of the Baynham Teaching Award, and he was named the Mary E. Hamilton Distinguished Professor of Psychology at Hanover College.

Dr. Rawson was a two-time Fulbright Scholar in psychology and also spent a year teaching at the College of Health Sciences in Bahrain. His great passion for traveling also took him to more than 100 countries and all seven continents. Throughout his long and storied career, he authored dozens of research articles, gave more than 500 professional presentations, and wrote nine books about his personal experience and interests.

His list of accolades and recognitions include being named a Malone Scholar, a Sagamore of the Wabash by the State of Indiana, a Kentucky Colonel, a Citizen of the Year by the National Association of Social Workers, and a Distinguished Academic Psychologist by the Indiana Psychological Association. Dr. Rawson was also awarded the Golden Quill Award for Outstanding Research and the Outstanding Community Service Award for Psychologists.

But beyond his many academic achievements, Harve Rawson was known as a generous leader who truly possessed a servant's heart. He founded Englishton Park Children's Program, a short-term residential program for at-risk children, where he served as director for 25 years. He was also a founding and long-time board member of the Jefferson County Youth Shelter in Madison, Indiana. Mr. Rawson was a four-time president of the Lide White Boys and Girls Club Board of Directors, a long-time member of the Board of Directors of Englishton Park Presbyterian Ministries, Inc., and a member of the Big Brothers Big Sisters board. His impact on the community will forever be remembered by the many lives he touched during his lifetime of service.

We offer our deepest condolences to his sons Paul and Reed, his brother John, his sister Margaret, and his four grandchildren. During this difficult time, we pray you find solace in faith and family.

NATIONAL WORK AND FAMILY
MONTH**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mrs. MALONEY. Mr. Speaker, I rise today in recognition of October as National Work and Family Month. Each and every day American families make choices about how to best care for their family and to fulfill work obligations.

Over the last 50 years, the demographics of the U.S. workforce have changed significantly and with that, so have our needs. With more women in the workforce, fewer households have at least one parent at home. According to Census data, 70 percent of children are raised in families headed by either a working single parent or two working parents. In addition, more households are caring for older relatives as medical advances continue to extend life expectancy. It's important that as my colleagues and I work to create and grow jobs, we also ensure that these jobs afford all Americans the chance to take care of their families and maintain a paycheck.

In an effort to acknowledge the realities of our modern workforce I have reintroduced the Family and Medical Leave Enhancement Act (H.R. 1440) to expand the number of workplaces required to comply with the original 1993 Family and Medical Leave Act, FMLA, and the Family and Medical Leave Inclusion Act to add same-sex spouses, grandparents, and grandchildren (H.R. 2364) as leave beneficiaries under FMLA. In addition, I will soon reintroduce the Working Families Flexibility Act, legislation that gives employees the right to request flexible work arrangements.

Strong work and family policies help attract, motivate, and retain a talented workforce and businesses should be encouraged to think strategically about the flexibility and family-friendly benefits they offer to their workers.

HONORING PHIL BLAZER

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. GARAMENDI. Mr. Speaker, I offer my highest congratulations today to Mr. Phil Blazer of California on the 5th anniversary of his founding of Jewish Life Television (JLTV).

In 2006, Mr. Blazer initiated America's first full-time Jewish television network, which is now seen in all 50 states through DIRECTV, along with cable distribution on Comcast, Time Warner and other systems.

Jewish Life Television (JLTV) originates from its headquarters in Encino, California and reaches over 36 million households in America and over 80 million households across Europe, North Africa, and the Middle East. The network's ratings show an audience of 3–4 million different households during any given month. Over 160,000 homes watched the Kol Nidre-Yom Kippur Service on JLTV.

Jewish Life Television programming features news, talk shows, cooking, comedy, and en-

tertainment. JLTV also broadcasts live events including the American Israel Public Affairs Committee (AIPAC) Policy Conference, the Jewish Federation's General Assembly, the March of the Living, and the Maccabiah Games in Israel.

Mr. Blazer's award-winning weekly television program, Jewish Life, was established in 1977, and has featured interviews with prominent figures from all walks of life including Nobel Peace Prize winner Elie Weisel, Yitzak Rabin, Elizabeth Taylor, and Sandy Koufax. Blazer is the editor and publisher of the National Jewish News, which he founded in 1973. His radio program, Jewish Soul, began broadcasting in 1965 and continues to be heard weekly around the world and on the internet.

During his 46 years of working in Jewish media, Mr. Blazer has played a valuable role in numerous projects for the Jewish community and for America. He was a key catalyst in the rescue of nearly 1,000 Ethiopian Jews through U.S. Government Operation Joshua. Mr. Blazer championed California's Holocaust Education bill, led a counter-rally against Neo-Nazis in Skokie, Illinois, and started dialogue between Jews and Gentiles in post-war Berlin.

Mr. Blazer helps Israelis, the Jewish Diaspora, and America maintain strong ties. In addition to the aforementioned activities, he has led Hollywood celebrities and other leaders on trips to Israel. He attended the 1979 White House Peace Signing Ceremony between Israeli Prime Minister Menachem Begin, Egyptian President Anwar al-Sadat, and U.S. President Jimmy Carter. Prime Minister Begin stated Blazer knows "Israel better than any American" the Israeli Prime Minister had ever met and was "rare" as a "true leader" of the Jewish people.

IN RECOGNITION OF CLYDE
MANN'S EFFORTS TO CREATE A
NATIONAL SCIENCE DAY**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. STARK. Mr. Speaker, I rise today with my esteemed colleague, Congressman MIKE HONDA, to recognize Clyde Mann and celebrate his efforts to establish a National Science Day in the United States. Mr. Mann is a science instructor at Warm Springs Elementary School in Fremont, California. Recently he organized, almost single-handedly, a Science Alliance Day at the school.

During the Science Alliance Day a team of 40 Silicon Valley executives visited and made presentations to the 846 students at Warm Springs Elementary School. During this day-long, school-wide extravaganza students were able to get excited about science and learn about the ways that science shapes our future.

Mr. Mann recognizes the growing need for a trained workforce that is knowledgeable about science and technology and his goal is to establish a National Science Day throughout the country. If this goal is accomplished Mr. Mann is sure that our country's students

will develop a passion for science by participating in science activities during National Science Day celebrations at their schools. Recently he said, "you're going to have a whole generation of kids across the country that are going to be very interested and engaged in science and to want to pursue science in the future. This is the Apollo moment acted upon."

The start of Warm Spring's science day was spectacular. There were demonstrations featuring robots, dry ice, DNA models, Maglev demonstrations, Mars rover facsimiles, and exploding balloons, and geysers of Coke powered by Mentos, not to mention the scientists and technology executives attending the event. To make sure that the students were not distracted by hunger there were even science themed snacks. According to an excited fourth-grader, "we made edible DNA with toothpaste and marshmallows and twisters". This sort of excitement is exactly what Clyde Mann envisions in his efforts to create a National Science Day.

Congressman HONDA and I applaud Clyde Mann for his accomplishments, commitment, and vision for a National Science Day. If established, National Science Day will excite students about science as well as provide them with a knowledge base to prepare for the future.

H.R. 2273, COAL RESIDUALS REUSE
AND MANAGEMENT ACT**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Ms. MCCOLLUM. Mr. Speaker, I rise in opposition to H.R. 2273, the Coal Residuals Reuse and Management Act. This bill represents yet another attempt by Republicans to put the interests of polluters ahead of public health and the well-being of our communities.

Despite the catastrophe of the Tennessee Valley coal ash spill in 2008, Republicans refuse to allow any meaningful oversight of coal companies. The Tennessee Valley disaster released more than one billion gallons of toxic sludge, flooding hundreds of acres of land and destroying numerous homes and farms. EPA needs the authority to require coal companies to have preventative measures that ensure we do not bury entire communities under toxic sludge. H.R. 2273 would prevent EPA from coming up with even minimal nationwide standards for toxic coal ash.

Minnesota has historically been highly dependent on coal. Thanks to one of the most stringent renewable energy standards in the country that requires 25% of our energy comes from renewable resources by 2025, we are beginning to transition to a clean energy economy. But we are still dealing with the legacy of coal ash.

Statewide, Minnesota has 15 coal ash ponds over 30 years old. One plant in St. Paul, the High Bridge Generating Plant, burned coal since 1923 before converting to natural gas in 2007. The ponds can contain high concentrations of arsenic, mercury, lead and other toxic chemicals. It is unimaginable that Republicans now want coal ash to have

less stringent regulations than those required for our household disposable trash.

EPA has spent three years looking at how best to regulate coal ash working with citizens, local community officials and industry. EPA needs to now be allowed to do its job in determining how best to protect the public health. This bill is an unnecessary and harmful intrusion into that process. I urge my colleagues to learn from the Tennessee Valley tragedy and oppose this bill.

**HONORING KAREN SAY, WINNER
OF THE SMALL BUSINESS AD-
MINISTRATION 8(A) GRADUATE
FIRM OF THE YEAR AWARD**

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Karen Say, president of Saybr Contractors, Inc. of Tacoma, Washington, for receiving the 8(a) Graduate Firm of the Year Award.

Each year, the Small Business Administration awards an 8(a) Business Development Program graduate the Small Business Administration Firm of the Year Award. The 8(a) Development Program is a successful program that is an essential instrument for helping socially and economically disadvantaged entrepreneurs gain access to the economic mainstream of American society. It offers business training, counseling, marketing assistance and high-level executive development.

Karen Say founded Saybr Contractors, Inc., in 1997 by filling a narrow niche for upgrading underground storage tanks. Shortly after, Karen expanded her company to include construction, fuel systems, alternative fuels, sitework, and environmental services. Today, Saybr Contractors is a sizable woman-owned general contracting business.

Prior to graduating from the 8(a) Program, Karen and Saybr secured more than \$50 million in 8(a) federal contracts. The 8(a) certification will continue to help Saybr Contractors, Inc., grow its commercial and government business and thrive in a competitive business environment.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in honoring Karen Say, winner of the Small Business Administration 8(a) Graduate Firm of the Year Award.

**RECOGNIZING DANIEL G. MOFFAT
FOR HIS SERVICE TO THE PEOPLES
OF GUAM**

HON. MADELINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Ms. BORDALLO. Mr. Speaker, I rise today to recognize Mr. Daniel G. Moffat, former President and Chief Executive Officer of GTA TeleGuam, and commend him on his contributions to transforming the Guam Telephone Au-

thority from a government operation to an effective, successful and thriving telecommunications enterprise on Guam.

Dan Moffat became the President and Chief Executive Officer of GTA TeleGuam in January 2007. He arrived on Guam when GTA TeleGuam was in the process of transforming from a government owned and operated telephone system to a privately owned communications service in a rapidly developing and competitive market.

Utilizing twenty five years of experience in the telecommunications industry, Dan guided GTA TeleGuam in recruiting, training and developing a highly motivated team using local talent. He improved Guam's telephone services, and developed high speed broadband Internet access and wireless systems. He brought emerging technologies to our island and built a world class communications infrastructure serving our region. Dan's leadership and spirit of entrepreneurship brought the latest innovative products and services to his customers. His efforts and contributions in telecommunications transformed services on Guam with digital technology. Under his leadership, many opportunities were realized for the people of Guam in international communications and networking.

Dan Moffat promoted Chamorro values as part of GTA TeleGuam's corporate culture. He challenged his management team to incorporate the principles of local values and traditions in GTA's business practices. He became a part of our island family and he ensured that GTA TeleGuam employees gave back to our community through public service. GTA TeleGuam participated in many community causes such as the Relay for Life, Strides for a Cure, the American Cancer Society, the Make-a-Wish Foundation, the United Service Organization (USO), the American Red Cross, the UOG Endowment Foundation, the Salvation Army, Habitat for Humanity, the Guam Special Olympics, the Guam Humanities Council, and many other events supporting non-profits on Guam.

The people of Guam will miss a community leader, businessman, and friend. The continuing success of GTA TeleGuam will always be a reminder of Dan's leadership and vision. I wish Dan, his wife Jane, and his family the very best on their departure from Guam, and I join the people of Guam in commending him for his service to our community.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes on October 25, 2011 and would like the RECORD to reflect that I would have voted as follows:

Rollcall No. 803: "no."

Rollcall No. 804: "yes."

**HONORING THE 30TH ANNIVERSARY
OF THE HUBERT H. HUMPHREY
JOB CORPS CENTER**

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Ms. MCCOLLUM. Mr. Speaker, today I rise to commemorate the 30th anniversary of the Hubert H. Humphrey Job Corps Center in Saint Paul, Minnesota, and to honor the students, staff and volunteers who make the Center a success.

The Humphrey Job Corps provides hope and the opportunity to create a better life for thousands of young Americans every year, through career technical and academic training. Vice President Hubert H. Humphrey was one of the early architects of Job Corps, and it is a fitting tribute to his leadership that Minnesota's Job Corps Center continues to proudly bear his name 30 years after the first students walked through the doors on July 15th, 1981.

The Humphrey Job Corps Center gets results. By 1985, the Center's job-placement rate reached 90%, and in 1986 the Center became one of the first Job Corps Centers in the nation to be accredited by the North Central Association of Colleges and Schools.

The Humphrey Job Corps continues to grow and innovate. Today it serves between three-hundred to four-hundred students each year, offering training in subjects ranging from business technology to medical office support, to drivers education. Recently, the Center has embraced innovations in the Green Sector. All students entering advanced manufacturing, automotive and construction fields receive training in renewable and sustainable practices. Late last year, it was an honor to participate in the ribbon cutting of the official opening of the new Technology Trades Building and the Single Mothers' Dorm.

Not only does the Humphrey Job Corps give students the practical skills they need to succeed professionally, it has helped build and connect communities. Humphrey Job Corps students regularly volunteer their time and energy to serve their neighbors in crisis nurseries; and organizations such as Toys for Tots; the Special Olympics; and the Veterans Rest Camp in Hugo, Minnesota.

Students' services are not limited to their neighborhood, or even their state. Humphrey Job Corps students have partnered with communities across the upper Midwest to assist in times of need. They have traveled to Grand Forks, North Dakota; Rushford, Minnesota; Saint Peter, Minnesota; and Fargo, North Dakota to help communities heal after recent natural disasters. Today, Humphrey Job Corps students give more than 5,000 volunteer hours each year.

Mr. Speaker, I am pleased to submit this statement for the CONGRESSIONAL RECORD in honor of the 30th anniversary of the Hubert Horatio Humphrey Job Corps Center and all the students, staff and volunteers.

RECOGNIZING OCTOBER AS FILIPINO AMERICAN HISTORY MONTH

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Ms. RICHARDSON. Mr. Speaker, October is Filipino American History month, a month dedicated to honoring the achievements of a people that have contributed significantly to American history and culture. Filipino Americans have had a long and important presence in the United States and have played a substantial role in shaping the current American landscape.

During Filipino American History month, we pay tribute to Filipino culture and customs and as we honor Filipino traditions and heritage. Filipino Americans continue to contribute to American society and are leaders in all aspects of American life, serving as lawyers, doctors, artists, writers, elected officials, teachers, and members of the armed forces. Filipino Americans reside in nearly every Congressional district in the United States, continuing to enrich our culture bringing new ideas and innovation to our nation.

As a member of the Congressional Asian Pacific American Caucus, I am proud to represent one of the largest Filipino communities in the United States. Relations between the United States and the countries of the Pacific Rim are extremely important and this is why only a few short months ago, I introduced H. Res. 275, my annual resolution honoring the anniversary of the independence of the Philippines. This resolution reaffirms the bonds of friendship and cooperation which exist between the United States and the Philippines as well as a strong commitment to strengthening these bonds. In addition, H. Res. 275 seeks to increase public awareness of the vibrant and beautiful culture of the Philippines and support the continuing development of the Filipino American community as an integral part of America's cultural fabric.

Mr. Speaker, it is my honor and privilege to represent the people of the 37th Congressional District of California, which is one of the most ethnically, culturally, and racially diverse congressional districts in the country. This is especially true of Carson, one of the major cities in the 37th congressional district. Southern California, which includes Carson, is home to one of the largest Filipino American populations in the country and is considered a pre-

ferred destination for Filipinos looking to start a new life in our country.

As we celebrate Filipino American History Month, I am proud to announce that the City of Carson will be receiving a special monument of Dr. Jose P. Rizal, a decorated Filipino national hero. The Dr. Jose Rizal Monument Movement (JPRMM) Inc., has offered to donate the monument to Carson for placement in the City's International Sculpture Garden.

Mr. Speaker, Dr. Jose Rizal was a proponent of democracy and peaceful reforms during the Spanish colonization of the Philippines in the 1800s. He advocated for liberty through peaceful means rather than by violent revolution and was considered by Mohandas Gandhi as a forerunner in the cause for freedom.

Dr. Rizal was executed by the Spanish on December 30, 1896, a date which is marked annually as "Rizal Day," a Filipino national holiday. After his execution, Dr. Rizal became a martyr in the fight for Filipino independence and his commitment to nonviolent reform served as inspiration for the Filipino people and many others around the world.

Mr. Speaker, the benefits that the Dr. Jose P. Rizal monument will bring to my district and the city of Carson especially are substantial. The monument will chronicle the rich history and significant contributions made by Filipino Americans to the City of Carson, the state of California, and the United States as well as promote the diversity and interests of Carson residents comprising of various nationalities, races and ethnicities.

In addition, the Rizal monument will remind Filipino Americans of the democratic underpinnings of the Filipino heritage and encourage Filipinos from all over California, as well as the United States to visit Carson to pay homage to the national hero.

I applaud the efforts of Carson for according a place of honor to Dr. Jose Rizal. He continues to be recognized globally for his efforts to bring freedom, liberation and justice through peaceful means to all peoples. His leadership, patriotism, and dedication to his country should serve as inspiration to us all.

Mr. Speaker, during Filipino American History Month I encourage all Americans to take time to recognize the contributions of Dr. Jose Rizal as well as the achievements of Filipino Americans that have helped to make our country better. The best way to honor Filipino American History Month is to continue to cherish and preserve the ethnic and cultural diversity that strengthens this nation.

REGARDING THE NEED FOR ARTIFICIAL PANCREAS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2011

Mr. RAHALL. Mr. Speaker, I rise today to call on the U.S. Food and Drug Administration to expedite its consideration of the artificial pancreas, a technology that will benefit those with type 1 diabetes.

Recently, I was visited by Lori and Jay Happala; Gina Frye; and Margaret Hoover at my office in Beckley, West Virginia, as part of the Juvenile Diabetes Research Foundation's Promise to Remember Me campaign.

These families and one of their children who is diagnosed with type 1 shared with me personal stories about what life is like for sufferers of type 1 diabetes, and how continued research and breakthroughs in technology can help improve management of this disease.

The Juvenile Diabetes Research Foundation and other clinical experts from organizations like the American Diabetes Association have indicated that an artificial pancreas has the potential to transform the lives of those with type 1 diabetes by automatically controlling blood glucose levels around the clock, enabling them to remain healthy until a cure is found. My constituents argue that this technology has the potential to help those with diabetes better manage their type 1 diabetes in a more cost efficient manner, as well as help them to lead more fulfilling, active lives and reduce the risk of further health complications like kidney failure and heart disease.

Before this technology can be made available, the FDA must approve next steps in the regulatory process to continue the development of artificial pancreas systems. Earlier this year, my colleagues and I wrote to the FDA, requesting a clear and reasonable regulatory pathway so that outpatient studies can proceed as soon as possible.

Recently the FDA committed to publishing draft guidance for public comment by December 1. On behalf of the millions of Americans with diabetes, I urge the FDA to issue this draft guidance in a timely manner, so that artificial pancreas technologies can be tested in an outpatient setting and be made available to those who need as expeditiously as possible. Continued delays may slow innovation that has the potential to dramatically improve the lives of those with diabetes.

SENATE—Thursday, October 27, 2011

The Senate met at 11:00 and 10 seconds a.m., and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 27, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. LEAHY thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL MONDAY,
OCTOBER 31, 2011, AT 3 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 3 p.m. on Monday, October 31, 2011.

Thereupon, the Senate, at 11:00 and 33 seconds a.m., adjourned until Monday, October 31, 2011 at 3 p.m.

HOUSE OF REPRESENTATIVES—Thursday, October 27, 2011

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. WOMACK).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 27, 2011.

I hereby appoint the Honorable STEVE WOMACK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Compassionate and merciful God, we give You thanks for giving us another day.

As this House comes together at the end of the week, bless the work of its Members.

Give them strength, fortitude, and patience. Fill their hearts with charity, their minds with understanding, their wills with courage to do the right thing for all of America.

In the work to be done before the end of this session, may they rise together to accomplish what is best for our great Nation and, indeed, for all the world, for You have blessed us with many graces and given us the responsibility of being a light shining on a hill.

May all that is done this day be for Your greater honor and glory. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

JOBS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, this week the President adopted a new campaign slogan, "We Can't Wait," in efforts to get his \$447 billion jobs bill passed by Congress even after the Senate has rejected it already, two or three times.

The President continues to promote his more-of-the-same failed policies like higher taxes and increased spending, and we can't wait for the President to get behind policies that will help the American people.

Families and small business across the country continue to struggle in this economy, and that's why Republicans have passed bill after bill to get our economy moving in the right direction.

Today, the House will vote on repealing the IRS' 3 percent withholding rule in order to reduce uncertainty for our businesses and allow job creators to do what they do best, create jobs.

I urge the President and my colleagues in the Senate to follow our lead, get our economy moving forward. Americans want, need, and deserve no less.

STUDENT LOANS

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, for Americans who are disgusted with the obstructionism of the Republican-controlled House, yesterday President Obama cut through the morass, issuing new rules for student loan assistance, implementing a law that was passed by the last Congress, the Democratic-controlled Congress, the Student Aid and Fiscal Responsibility Act.

This program will allow millions of Americans to consolidate their student loans, lower their interest rates, and will also cap loan payments again for millions of Americans. Anyone listening can go to studentaid.ed.gov/ibr to find out the new rules of eligibility which, again, will save thousands of

dollars for people who are drowning in student loan costs.

Rather than trying to build on that accomplishment, this Congress passed a Ryan budget which would butcher the Pell Grant program and do nothing for people who are racking up huge amounts of student loans.

As a Member of Congress from the University of Connecticut's district—go Huskies—thank you, Mr. President. Congratulations on moving forward to address the real needs of America's middle class.

JOB CREATION

(Ms. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HAYWORTH. Mr. Speaker, last month Paul Manahan from Mahopac, New York, sent the following letter to me:

"We don't need or want more government spending. Cut regulation, cut taxes, repeal the 2010 health care law, and let business do what it does best: Create jobs based upon demand, not government dictates, spending, and attempts at market manipulation."

Well, Mr. Manahan, you're absolutely right and, in fact, our House majority has passed at least 15 bills that now lie dormant in our Senate because the Senate refuses to take action on what would actually create American jobs, lift regulations, create new environments and new opportunities.

We are working nonstop in the House majority for all of our American citizens and you, Mr. Manahan, to make sure that you have the opportunity that you deserve and the prosperity that you need.

Please urge your Senator and all senators across the country to free those 15 bills and get this economy going.

WHITE HOUSE SIGNING OF THE FREE TRADE AGREEMENTS

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Mr. Speaker, I rise today to call to the attention of the American people the fact that last Friday the President signed the implementing legislation for Colombia, Panama, and Korea free trade agreements.

My colleagues and the American people might have missed it, because that's what the President wanted. The American people don't support more

flawed trade agreements, so the President signed them into law quietly.

The White House issued no press releases or statements. No photos were taken, no signing pens were publicly handed out.

If these jobs are the job creators the President promised us that they would be, then why wouldn't we have a public ceremony highlighting the signing of the FTAs? It's because these FTAs aren't going to create American jobs. They might create jobs in Korea and China, but they won't create them here at home.

If I were the President, I'd want to keep these agreements quiet too.

THE IMPORTANCE OF FAITH

(Mr. FORBES asked and was given permission to address the House for 1 minute.)

Mr. FORBES. Mr. Speaker, I rise today on behalf of the Congressional Prayer Caucus to note the importance of faith in our Nation's history. In his first inaugural address in 1789, George Washington said in part:

"It would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect. No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than those of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency."

OVERSIGHT OF EXECUTIVE BRANCH SPENDING

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Madam Speaker, I rise to ask my colleagues to join me in improving congressional oversight of Federal spending by cosponsoring H.R. 3121, the Reclaiming Oversight of the Executive Branch Spending Act.

Too often Congress appropriates vast amounts of money within broad funding categories and gives the executive branch the freedom to spend it with little oversight. The constitutional obligation to ensure that taxpayer dollars are spent wisely lies with Congress. My legislation would require that all Federal spending and loan guarantees over \$100 million be explicitly approved by Congress.

Had my bill been law a year ago, Congress would have had to approve the \$500 million loan guarantee to the now bankrupt Solyndra and perhaps we could have stopped that from happening. Today, however, the only real

vetting of programs like the Solyndra loan happens after things have gone wrong and the money has been lost.

Congress needs to reassert itself and ensure that all programs are properly vetted. The old carpenter's rule still applies: measure twice, cut once.

I ask all of my colleagues to help me end wasteful spending by cosponsoring the Reclaiming Oversight of the Executive Branch Act.

□ 0910

TRIBUTE TO HARRY H. BASORE

(Mr. WOMACK asked and was given permission to address the House for 1 minute.)

Mr. WOMACK. Madam Speaker, I rise today to remember the service of Arkansas native and Navy Captain Harry Harrison Basore, Jr., of Leawood, Kansas, who died August 2, 2011, at the age of 95, and who will be buried tomorrow in Arlington National Cemetery.

A distinguished naval aviator, Captain Basore commanded Fighter Squadron 74 off the "jeep" carrier USS *Kasaan Bay*, in support of Allied forces during their fight against Germany in southern France in August 1944. He was awarded the Navy Cross for extraordinary heroism during low-level reconnaissance missions over enemy concentrations.

Like most of America's Greatest Generation, Captain Basore returned home following the war, became president of a prominent sheet metal firm, was an active volunteer of the Leawood Fire Department, and chairman of the board of trustees of his alma mater, College of the Ozarks in Point Lookout, Missouri.

Preceded in death by his wife, Shirley, to whom he was married 70 years, Captain Basore will always be remembered by his family and friends for his courage, leadership, and selfless service to his country—and his fellow man.

JOBS

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Madam Speaker, far too many Americans hurt today. They hurt because of unfair tax policy. They've witnessed, as more and more reports are issued, that the top income stratum has seen its income grow by 275 percent, while those of more modest means have seen a growth of perhaps 15 to 20 percent, and far too many have seen no growth with a flat outcome. They also witnessed no meaningful jobs agenda coming from this House over the last 10 months. Throughout the course of the first session of the 112th Congress, they are waiting for a jobs agenda.

So, Madam Speaker, as the House drags its feet, America struggles. Many

struggle to find a job. Many struggle to keep a job. Many struggle to make ends meet. Many struggle to make student loan payments. Many struggle to pay those mortgages. We need to go forward with a progressive agenda that responds to strengthening the middle class, strengthening the purchasing power of the middle class. Without a strong middle class, there's not a strong America.

"COME AND TAKE IT"

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, during the Texas War of Independence, the enemy tried to remove a cannon from the town of Gonzales. The defiant Texans flew a flag which stated "Come and Take It."

Now, in Montana, an intolerant radical anti-religious group wants a statue of Jesus taken down from a mountain. The Forest Service is under pressure not to renew a lease for the 58-year-old statue. The statue is more than a religious symbol. It was erected as a memorial and a tribute to Montana freedom fighters during World War II for their bravery, dedication, and patriotism.

What's next? Is the anti-religious crowd going to demand the government chisel off the crosses, the Stars of David, and other religious symbols on the tombstones of our war dead at Arlington Cemetery? The Constitution protects free speech and freedom of religion. As those early Texas settlers were successful in preventing the enemy from taking that cannon and the right to bear arms, I hope the people of Montana are successful in keeping the anti-religious bunch from taking the Jesus statue.

And that's just the way it is.

3% WITHHOLDING REPEAL AND JOB CREATION ACT

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 448, I call up the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. WOMACK). Pursuant to House Resolution 448, the amendment printed in House Report 112-261 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "3% Withholding Repeal and Job Creation Act".

SEC. 2. REPEAL OF IMPOSITION OF 3 PERCENT WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

(a) IN GENERAL.—Section 3402 of the Internal Revenue Code of 1986 is amended by striking subsection (t).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2011.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 674.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I come to the floor today in strong support of H.R. 674 to repeal the onerous, job-killing 3 percent withholding law. While this legislation has 269 cosponsors, I'd like to acknowledge the leaders on the bill, Ways and Means Health Committee Chairman WALLY HERGER and our Democrat Ways and Means colleague Congressman EARL BLUMENAUER. In addition to these advocates, we also have 25 other members of the Ways and Means Committee supporting this legislation—a clear signal of the strong bipartisan support for repeal of this 3 percent withholding rule.

Job creators know all too well that this provision, like many efforts to increase Federal revenue and tax compliance, is lined with paperwork, complexity and costs—all of the things that hinder, rather than help, promote a climate for job creation.

By considering and passing this bipartisan bill, we will unlock new opportunities for hiring. Job creators have told us just that, and it's why this legislation has the support of a diverse coalition of more than 170 groups, including the Government Withholding Relief Coalition.

Like those job creators, others recognize the need for repeal, including President Obama. In the statement of administration policy in support of H.R. 674, the administration noted that "the effect of the repeal of the withholding requirement would be to avoid a decrease in cash flow to these contractors which would allow them to retain these funds and use them to create jobs and pay suppliers." Mr. Speaker, I couldn't agree more.

Supporting the repeal of the 3 percent withholding law is a demonstration that Washington can work together. With a strong bipartisan vote, we can reduce the uncertainty facing America's job creators, and we can free

up valuable resources businesses can use for hiring.

I ask my colleagues to vote "yes" on H.R. 674 and urge the Senate to swiftly take up and pass this legislation.

I ask unanimous consent that the gentleman from California (Mr. HERGER) be designated to control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this bill. It should have happened earlier. I think most of us, if not all of us, agree that this provision should be repealed. It is not narrowly targeted, and it would indeed impose significant and costly burdens on Federal, State, and local governments. I think we should all remind ourselves it was passed some years ago; and it was, I think, misguided when it was enacted in 2006 when we in the minority here did not control the Congress. Indeed, the Ways and Means Committee when we were in the majority approved a repeal of the provision in 2009, and the Congress ultimately delayed its effective date.

I do want to comment on the title of this bill that refers to job creation, and it should be noted that this is really not going to address the need for creation of jobs in our country. We have been here now 10 months. There is still no effort by the majority here in the House to bring up any meaningful jobs legislation; and when the President brings up proposals to create jobs, they are thwarted by the majority here and by the Republicans in the Senate.

So let's support this bill but not pretend that it will create jobs; and in this respect I refer to a recent statement by Mark Zandi, the chief economist for Moody's Analytics who said this about this bill: "I don't think it's meaningful in terms of jobs. It's more trying to clean up something that needs cleaning up." Indeed, this needs to be cleaned up. Therefore, we need to pass it.

□ 0920

Let me also comment on—and we'll talk about this later on the second bill—the pay-for. I went before the Rules Committee to ask that there be consideration of a different pay-for, what we'll be considering later. I just want everybody to understand the facts, and each can judge on his or her own how they'll vote. The impact of the pay-for that came through the Ways and Means Committee could cause up to 500,000 individuals to lose health care coverage.

I offered an amendment in the Rules Committee that would have offset the cost of a business tax provision by clos-

ing a loophole on the business side that's improperly enjoyed by oil and gas industry giants. Unfortunately, my amendment was ruled out of order. We'll talk about that later.

We're now on this bill. I urge its support. Let's not pretend it's a job creation bill. Let's get busy here on bills that will indeed help to promote jobs in the private sector of the United States of America, as our President has proposed and he has pleaded that there be consideration by the House and the Senate, only to be responded to with deaf ears.

I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 674, the 3% Withholding Repeal and Job Creation Act. The American people have repeatedly called on Congress to work together in a bipartisan way to encourage job creation. That's exactly what we're doing here today.

H.R. 674 repeals a tax that requires government agencies at all levels—Federal, State, and local—to withhold 3 percent of all payments for goods and services beginning at the end of next year. This tax will affect everyone, from manufacturers to road builders to physicians who treat seniors on Medicare. Many of these businesses operate on margins of less than 3 percent, meaning that this provision will harm their cash flow and effectively force them to give the Federal Government a no-interest loan.

Even though it doesn't go into effect for another year, the 3 percent withholding tax is holding back job creation right now. Coming from a small business background, I can attest that businesses look several years ahead when they're deciding how to invest.

This week the Associated General Contractors of America released a survey finding that nearly half of all construction firms will be forced to hire fewer workers if the 3 percent withholding tax takes effect. As one AGC member put it, "The way the economy is now, we are very lucky to make 3 percent profit. This could put us out of business, along with our 300-plus employees."

Now is the time to eliminate the barriers that are standing in the way of jobs for American workers. H.R. 674 has the support of businesses, State and local governments, and 269 bipartisan cosponsors in the House of Representatives, as well as the Obama administration.

Mr. Speaker, I would like to enter into the RECORD a letter from the Government Holding Relief Coalition, signed by more than 150 businesses, health care, education, and local government groups supporting passage of this legislation.

With that, I reserve the balance of my time.

GOVERNMENT WITHHOLDING

RELIEF COALITION,

October 26, 2011.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The Government Withholding Relief Coalition and its member organizations strongly urge you to vote for H.R. 674, a bipartisan bill to repeal the burdensome 3% Withholding Tax mandate enacted in Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109-222), when it is considered on the House floor later this week.

Unless repealed before it takes effect on January 1, 2013, the 3% Withholding Tax will have a dramatic, negative impact on millions of honest taxpaying businesses as well as state and local governments, health care providers, farmers and colleges and universities.

For many businesses the profit margin for projects they complete is often less than 3% meaning that the withholding tax will create significant cash flow problems for day-to-day operations as well as draining capital that could be used for job creation and business expansion. This mandate is also anti-stimulus in the sense that it removes money from local economies and sends it to the IRS.

The mandate is already proving costly and will increase exponentially as the implementation deadline moves closer. If this mandate is not repealed, it will cost companies and governments at all levels substantial amounts of money just to prepare to comply with this unnecessary and unfortunate tax provision. These exorbitant expenditures will be at the expense of hiring new employees, expanding businesses, and providing government services at a time that neither the public nor private sector can handle such unnecessary costs.

In addition, we strongly support the view that those receiving payments from the government should meet their federal, state and local tax obligations. However, imposing an onerous 3% Withholding Tax on transactions between government and honest taxpaying businesses is not the answer.

The Government Withholding Relief Coalition, which represents all sectors of the economy, believes it is imperative that the 3% Withholding Tax be repealed as soon as possible to limit the damaging impacts to our economy. We appreciate the bicameral, bipartisan support of efforts to repeal it and strongly encourage you to vote for H.R. 674.

Sincerely,

Government Withholding Relief Coalition:

Aeronautical Repair Station Association; Aerospace Industries Association; Air Conditioning Contractors of America; Air Transport Association; Airports Council International-North America; America's Health Insurance Plans; American Ambulance Association; American Bankers Association; American Bus Association; American Clinical Laboratory Association; American Concrete Pressure Pipe Association; American Congress on Surveying and Mapping; American Council of Engineering Companies; American Dental Association; American Farm Bureau Federation; American Gas Association; American Health Care Association; American Institute of Architects; American Institute of Certified Public Accountants; American Logistics Association;

American Medical Association; American Moving and Storage Association; American Nursery and Landscape Association; American Road & Transportation Builders Association; American Society of Civil Engineers; American Society of Landscape Archi-

ects; American Subcontractors Association; American Supply Association; American Traffic Safety Services Association; American Trucking Associations; Armed Forces Marketing Council; Associated Builders and Contractors; Associated Equipment Distributors; Associated General Contractors of America; Association of Management Consulting Firms; Association of National Account Executives; Association of School Business Officials International; Baltimore Washington Corridor Chamber; Biotechnology Industry Association; Business and Institutional Furniture Manufacturers Association.

CTIA-The Wireless Association™; California Association of Public Purchasing Officers; Coalition for Government Procurement; Colorado Motor Carriers Association; Computing Technology Industry Association; Construction CPAs/Consultants Association (CICPAC); Construction Contractors Association; Construction Employers' Association of California; Construction Financial Management Association; Construction Industry Round Table; Construction Management Association of America; Design Professionals Coalition; Edison Electric Institute; Electronic Security Association; Engineering & Utility Contractors Association; Federation of American Hospitals; Financial Executives International; Financial Services Institute; Finishing Contractors Association; Gold Coast Hispanic Chamber of Commerce.

Government Finance Officers Association; Hawaii Transportation Association; Heating, Airconditioning & Refrigeration Distributors International; IPC—Association Connecting Electronics Industries; Independent Electrical Contractors, Inc.; International City/County Management Association; International Council of Employers of Bricklayers and Allied Craftworkers; International Foodservice Distributors Association; International Municipal Lawyers Association; Large Public Power Council; Management Association for Private Photogrammetric Surveyors; Mason Contractors Association of America; Mechanical Contractors Association of America; Medical Group Management Association; Messenger Courier Association of the Americas; Miami Dade County; Mississippi Trucking Association; Modular Building Institute; Motor Transport Association of Connecticut; Munitions Industrial Base Task Force.

National Asphalt Pavement Association; National Association for Self-Employed; National Association of College & University Business Officers; National Association of Counties; National Association of Credit Management; National Association of Educational Procurement; National Association of Energy Services Companies; National Association of Government Contractors; National Association of Manufacturers; National Association of Minority Contractors; National Association of State Auditors, Comptrollers and Treasurers; National Association of State Chief Information Officers; National Association of State Procurement Officials; National Association of Surety Bond Producers; National Association of Water Companies; National Association of Wholesaler-Distributors; National Beer Wholesalers Association; National Corn Growers Association; National Council for Public Procurement and Contracting; National Defense Industrial Association.

National Electrical Contractors Association; National Electrical Manufacturers Association; National Emergency Equipment Dealers Association; National Federation of Independent Business; National Institute of

Governmental Purchasing; National Italian-American Business Association; National League of Cities; National Mining Association; National Office Products Alliance; National Precast Concrete Association; National Propane Gas Association; National Office Products Alliance; National Railroad Construction & Maintenance Association; National Ready Mixed Concrete Association; National Roofing Contractors Association; National School Transportation Association; National Small Business Association; National Society of Professional Engineers; National Society of Professional Surveyors; National Utility Contractors Association.

National Wooden Pallet and Container Association; New Jersey Chamber of Commerce; North-American Association of Uniform Manufacturers & Distributors; North Coast Builders Exchange; Office Furniture Dealers Alliance; Oregon Trucking Association; Owner Operator Independent Drivers Association; Petroleum Marketers Association of America; Plumbing-Heating-Cooling Contractors—National Association; Printing Industries of America; Professional Services Council; Regional Legislative Alliance of Ventura and Santa Barbara Counties; Retail Energy Supply Association; Santa Rosa Chamber of Commerce; Security Industry Association; Service Disabled Veteran Owned Small Business Council; Sheet Metal and Air Conditioning Contractors National Association, Inc.; Shipbuilders Council of America; Small Business & Entrepreneurship Council.

Small Business Legislative Council; South Carolina Trucking Association; TechAmerica; Textile Rental Services Association of America; The Association of Union Constructors; The Distilled Spirits Council of the U.S.; The Financial Services Roundtable; U.S. Chamber of Commerce; U.S. Conference of Mayors; United States Telecom Association; Veterans Business Institute; Veterans Entrepreneurship Task Force; Water and Wastewater Equipment Manufacturers Association; Women Construction Owners & Executives; Women Impacting Public Policy.

Mr. LEVIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER), who is a lead sponsor of this bill.

Mr. BLUMENAUER. I appreciate your courtesy, Mr. LEVIN, as I appreciate the opportunity to work with my friend, Mr. HERGER, on moving this bill forward.

It was only a couple of months ago that we were having a press conference in the Triangle with a bipartisan group of Members of Congress, representatives from some of the coalition members that my friend Mr. HERGER referenced, to be able to focus on the need to repeal this provision.

Mr. Speaker, I think it is important to mark this critical step today. It will pass on the floor of the House in a strong bipartisan vote, reaffirming the bipartisan cooperation that got us to this point. I think that this is an example of what potentially we could do because a number of the members of the coalition that Mr. HERGER referenced and that he is entering into the RECORD are likewise people that have a vision about how Congress and the Federal

Government could help rebuild and renew America.

The contractors, the engineers, and the architects that we have heard from would also like us to step up in a bipartisan manner to deal with that. There were references to people who are dealing with health care. We still face sort of a health care crisis in this country. We may be able to deal with much of it with the health care reform bill. But many of the provisions that are embedded in law now have their core as bipartisan ideas. And I hope the same bipartisan spirit could help us accelerate bipartisan reforms so that the American public benefits in the health arena as well.

You're going to hear a little spirited exchange on the floor of the House about how we pay for this legislation because it has a CBO score that's attached to it that suggests that this will raise revenue. Well, I have two observations that I think are important to note dealing with the pay-for. First and foremost, the sad fact is that this bill actually would cost more to implement than it would ever raise for the Federal Government. But we have a quirk in our scoring rules where they credit revenue. They don't deal with the cost of compliance. And this complicated piece of legislation, were it ever enacted, would require the Department of Defense, the General Services Administration, and up and down the Federal Government to develop mechanisms to try to implement it. It wouldn't just cost contractors, hospitals, State, and local government. It would actually cost the Federal Government far more than we would collect. I think one estimate was for the Department of Defense it would be \$17 billion, which would dwarf what would be collected.

We need, Mr. Speaker, as we move forward, to do a better job of thinking about the scoring rules. It's not CBO's fault, but that's how we play the game. And I find it troubling.

It also, I think, speaks volumes about how we operate in the legislative process. This was passed in 2005. It was kind of dropped in in sort of backroom negotiations. It was never part of regular order. There was no hearing before our Ways and Means Committee to talk about this because the elements that have been documented in our committee and on the floor about the unworkability of this would never have survived a regular legislative process.

Well, I'm pleased that the Democratic side has at least tried first to delay and then to fix this. I'm pleased we have worked with Mr. HERGER in a bipartisan fashion to bring this legislation forward. I think Mr. CAMP and Mr. LEVIN are committed to regular order. We've been having, I think, some very productive discussions on major issues. I hope we can keep this commitment to regular order to be able to make sure

we don't have something like this in the future that has massive unintended consequences.

Mr. Speaker, this is an idea that never should have been advanced in this form. It's been a long road to try and correct it. Today, we're making an important step towards that correction, but I would add a note of caution. The same spirit of cooperation and focus that has gotten us to this point with what will be an overwhelming vote—I hope it's unanimous—we need to keep going so this isn't a casualty of the back-and-forth process between the House and the Senate. The Senate played a large role in giving us this in the first place. We need to make sure that it is not caught up in the larger dramas that occur around here, that we can keep our eye on the ball, and that we can fix it.

□ 0930

I do want to say just one brief word about the pay-for. As I say, it's illusory, because it would cost far more than we would ever collect, but we have to deal with the scoring rules as they are.

There are two proposals: One would tighten some eligibility for the health care reform; the other would take away some unnecessary tax benefits to large oil companies that long ago ceased to have any impact on oil exploration or reducing price. But while I actually think that the pay-for from our side of the aisle dealing with the oil tax adjustment is superior, I think as a practical matter we are going to have to do both of these in the months ahead if we're going to deal with our budget problems, reducing expenditures.

I am hopeful that we don't allow the debate over the pay-for to obscure the need to move forward. And as a practical matter, we have big challenges ahead to get our deficit under control. I think, frankly, that both of these are items that should be enacted into law. I think will be enacted into law. And while there will be a spirited discussion—and I respect the people on both sides, and I think that they will be making good points—I hope it doesn't get in the way of the big picture.

In closing, I appreciate the gentleman from Michigan permitting me to speak on this, his leadership on this. I salute my friend, Mr. HERGER. I hope we can mark this step today for what it is but keep our eye focused on how we deal with these larger issues going forward so we're not back in this situation in the future.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my good friend from Oregon (Mr. BLUMENAUER) for his support as the lead cosponsor on the other side of the aisle.

I would like to take a moment to read a few of the comments that the Ways and Means Committee received

from businesses and organizations across the country demonstrating why repealing the 3 percent withholding tax is critical to laying a stable foundation for job creation.

Buffalo Supply, Incorporated, in Boulder, Colorado, writes, "We are a 28-year-old small business that sells high-value medical equipment at a low margin, with a very significant part of our sales going to the Federal, State, and local governments. The 3 percent withholding tax will exceed our company's tax liability, which will destroy cash flow and ultimately hinder our ability to grow the business and add new employees."

Ian Frost, principal and founder of EEE Consulting in Virginia, says, "If enacted, the rule would mean the withholding of approximately \$130,000 of revenue, using our projected 2011 revenue. This 3 percent withholding would essentially be a loan to the government for the year until our taxes are filed. Worse still, it might require our company to secure a loan to help us cover operating expenses at a time when cash in the bank is limited. The withholding could limit our ability to make payroll each month and limit our use of profits to give bonuses to our employees, expand our business, and hire new employees. A \$130,000 withholding each year would deplete our cash reserves by about 30 percent."

The University of Illinois notes, "This will add expenses at a time when our university, like many others around the country, is facing reduced State support. We would have no choice but to pass these expenses on to our students, many of whom are also struggling to make ends meet."

The American Medical Association states, "In repealing the 3 percent withholding provision altogether, H.R. 674 will help Medicare beneficiaries maintain access to care, while assisting government agencies, physicians, and other health care providers avoid substantial implementation costs that will outweigh the benefits."

And I'd like to add that, at a time when many of us are concerned about fixing the SGR that threatens massive cuts to physicians participating in Medicare and a loss of access to physician services for many seniors, the last thing we want to do is add yet another potential cut to physicians' payments.

Again, these are just a few of the dozens—or hundreds—of letters and testimonials the committee received from businesses across the country. We need to pass H.R. 674 and repeal this harmful tax today.

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield such time as he may consume to a most active member of our committee, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Good morning.

I come to the floor today in support of H.R. 674, which will repeal a burden

on government contractors, particularly small businesses.

I opposed the enactment of the 3 percent withholding when a Republican Congress and a Republican administration enacted it because I knew that it would hurt the economic engines of our economy.

The repeal of this requirement will free up small businesses' cash flow, increasing their ability to add jobs and bid on new projects. This is only a very small part of a jobs plan that could help to reduce unemployment and wage stagnation.

The majority has not allowed a vote on known job-creating measures such as the infrastructure bank or funding for our first responders and teachers, so I would imagine that that's not very important, those items. Rather, the majority has decided to promote their "False Fifteen" bills that attack clean air, safe water, and consumer safety. Be prepared, America, to eat poison.

Not only do independent economists state that these bills do not create jobs, a recent report found that the so-called "economically stifling" regulatory atmosphere is not as bad as they say. The report says this: "Obama's White House has approved fewer regulations than George W. Bush at this same point in their tenures, and the costs of those rules haven't reached the annual peak set in fiscal 1992 under President Bush's father," President Bush I. You would never think that by listening to the propaganda on the other side of the aisle. We've overregulated—supposedly—and we've caused businesses to spend so much money on these regulations. But again, when we look at the facts, this is not true.

Eat your words. Even former Reagan Treasury official Bruce Bartlett quoted the Wall Street Journal saying, "The main reason U.S. companies are reluctant to step up hiring is scant demand, rather than uncertainty over government policies." So you can grow as many horns as you want onto the President. Once again, look at the facts and the statistics: more regulations at this point when former President Bush was the President, Bush II.

It is ironic that the majority is adjusting health reform to pay for this legislation. You condemn the health act, and then you take the money from the health act to pay for this legislation. That is a Ponzi scheme if I've ever heard one. The majority already voted to repeal health reform, yet to pay for this legislation—which is a separate piece of legislation—health reform must be in place for 10 years. How do you do that? They get rid of the health care act—well, they're trying to anyway—and yet they use every dime for the first 10 years to pay for the bill.

□ 0940

How do you do that? I'm anxious to see how you do this.

Just as their 2012 budget was paid for by health reform savings, and we've discussed this in the budget committee, this bill is again paid for by the health reform which they want to annihilate. If the majority is against the health reform bill, perhaps they should stop making their agenda so dependent upon it.

While I support H.R. 674, we cannot pat ourselves on the back and claim victory that this is a victory for jobs. Congress must do much more.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. PAULSEN), a distinguished member of the Ways and Means Committee.

Mr. PAULSEN. I thank the gentleman for yielding.

Mr. Speaker, I also rise in favor of H.R. 674, a bill that will repeal this ill-conceived 3 percent withholding rule for all government contractors, including private hospitals that accept Medicare or Medicaid payments and those who provide even lunches for schools.

This is one area in which Republicans and Democrats are working together, as even President Obama singled out this provision as burdensome to our Nation's job creators. The President, in his jobs plan, he proposed delaying this rule. The very fact that this rule continues to be delayed and has not been implemented since being first created in 2005 just tells you how bad of an idea it truly is. But we shouldn't just delay it; we should eliminate it and repeal it immediately.

I've spoken with many small businesses in my district that will be negatively impacted by this law because the profit margin for many of these companies that have government contracts is right around 3 percent.

One Minnesota company, Valley Paving, says that withholding 3 percent, the new 3 percent withholding law would be catastrophic on their balance sheet, meaning that covering costs, paying bills, and just covering operating costs would be a challenge. And as they point out, during these hard economic times, withholding more money from our small businesses like themselves would be that they most likely would not be able to update their equipment, not grow as fast, and not be able to hire more people.

Mr. Speaker, this goes against everything that Washington should be doing, giving our employers certainty to create more jobs. This law needs to be repealed.

Another contractor in my district, Hardrives, Incorporated, pointed out the Federal Government does not need to be playing banker with our earned income.

This law may have sounded like a good idea on paper but, in practice, it will be disastrous. This is made evident by the cost of the program itself. Implementing it for the Department of

Defense alone is estimated to cost about \$17 billion over 5 years.

And here's the irony, Mr. Speaker. The program is forecast to bring in a little over \$11 billion across the whole spectrum of government. So the program is going to cost more to implement than it will take in.

I strongly urge support of this commonsense approach and bipartisan approach on adopting this bill. The President supports the pay-for.

I thank the member of the Ways and Means Committee, Mr. HERGER, and I ask for its support.

Mr. HERGER. Mr. Speaker, I advise the gentleman from Michigan that I am prepared to close.

Mr. LEVIN. In closing, I support this legislation. It should not have been passed in the first place. It was not vetted effectively by the then majority. It's time. We tried before. It's time to now support this bill.

I yield back the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

I would like to reference the Statement of Administration Policy on this bill. In this letter from the President, just to quote from it, "The Administration supports passage of H.R. 674, which would repeal a 3 percent withholding on certain payments made to private contractors by Federal, State, and local government entities."

"The effect of the repeal of the withholding requirement would be to avoid a decrease in cash flow to these contractors, which would allow them to retain these funds and use them to create jobs and pay suppliers."

Mr. Speaker, jobs are the number one priority of the American people, and jobs should be the number one priority of this Congress. Many initiatives that are billed as "creating jobs" are controversial. This is not. We're repealing a tax that hurts small businesses and that will cost the government more to implement than it collects. This is a win-win-win for businesses, workers, local public services, and taxpayers.

I urge all Members to vote to repeal the 3 percent withholding tax and create new jobs now.

With that, I yield back the balance of my time.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET.

Washington, DC, October 25, 2011.

STATEMENT OF ADMINISTRATION POLICY

H.R. 674—REPEAL OF THE THREE PERCENT WITHHOLDING ON GOVERNMENT VENDORS (REP. HERGER, R-CA, AND 269 COSPONSORS)

The Administration supports passage of H.R. 674, which would repeal a three percent withholding on certain payments made to private contractors by Federal, State, and local government entities.

The repeal of the withholding requirement in H.R. 674 would reduce a burden on government contractors who otherwise comply with their tax obligations, particularly small businesses. As evidenced in the President's

proposed American Jobs Act, released September 12, 2011, the Administration has supported alleviating this burden, which was originally enacted into law on May 17, 2006. The Administration also believes it is important to ensure that Federal contractors are compliant with tax laws and supports more targeted efforts that prevent persons with outstanding tax debts from receiving Federal contracts. The effect of the repeal of the withholding requirement would be to avoid a decrease in cash flow to these contractors, which would allow them to retain these funds and use them to create jobs and pay suppliers. This would complement the Administration's other efforts to help small businesses. Repeal of the withholding requirement would also reduce implementation costs borne by Federal and other governmental agencies. The Administration would be willing to work with the Congress to identify acceptable offsets for the budgetary costs associated with the repeal, which could include but are not limited to ones that are in the President's detailed blueprint outlined to the Congress on September 19, 2011.

Mr. JOHNSON of Illinois. Mr. Speaker, H.R. 674 is an extremely crucial piece of legislation that will permanently repeal the 3 percent withholding requirement on all government contracts. Once before, the tax's implementation date had been extended. H.R. 674 will remove any uncertainty from contractors that this tax would eventually be placed upon them.

During these difficult economic times, this extra tax would limit access to capital, increase operating expenses, and take money out of local economies fortunate enough to have contracts to build infrastructure. That means, not only would businesses be burdened, but whole communities as well, because these local contractors would not be able to hire more local workers. As a result, infrastructure projects would slow, further burdening businesses, communities, and citizens that rely on infrastructure for transportation to work, running water for their families, and interstates to move goods and services.

To further exemplify my support for H.R. 674, of which I am a cosponsor, prior to final passage, I will vote against the Motion to Recommit. This vote will drastically alter the bill and negate any positive affect this bill will have on the American economy.

Mr. MARCHANT. Mr. Speaker, to my constituents in Texas, two things lay at the heart of this bill. The first is that the repeal of the 3 percent withholding requirement removes unreasonable burdens on contractors doing business with federal, state, and local governments; the second is that it creates a more stable economic environment to conduct business, create jobs and get America moving in the right direction.

The legislation before us repeals a requirement that may have been well-meaning but was ultimately misconceived. Whatever the original purposes of three percent requirement, the outcome would be disastrous.

Much-needed capital would be kept out of the hands of cash-strapped businesses across the country. And local and state governments—facing historic budget pressures—would be saddled with even more additional administrative and compliance costs on basic goods and services.

At a time when business investment is essential to revitalizing our economy, repealing the 3 percent withholding rule is the kind of federal action that aids economic growth and makes possible an increase in private consumption and demand. H.R. 674 is a thoughtful, commonsense, bipartisan bill that strengthens our economy, and I urge my colleagues to support this legislation.

Mr. CONNOLLY of Virginia. Mr. Speaker, I am proud to be an original sponsor of this important bipartisan legislation, which will remove a sizable impediment to job creation in the private sector.

Repealing this burdensome 3-percent withholding regulation will offer predictability and free up capital that employers have been holding in abeyance. Those dollars now can be used to create jobs, increase wages, or fund business investments that will benefit our local economies. That is why a diverse coalition of industry and government—including retailers, telecom, and local and state government associations—strongly support this repeal.

The federal government has a historic partnership with the private sector supporting research and innovation, which has led to job creation and economic growth. Allowing this ill-conceived regulation to go into effect would damage that partnership at the very time we need to be collaborating more with the private sector.

This is one repeal that enjoys bipartisan support from the House and Senate, the President and the business community. I urge my colleagues to support it and to keep this private capital where it belongs—in the hands of our job creators.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of H.R. 674, a bill that repeals the Internal Revenue Code provision requiring federal, state, and local governments to withhold 3 percent on payments made to government contractors.

This is an onerous requirement that I have been working with my bipartisan colleagues to repeal.

I have heard from a number of government contractors who have told me that the problem for them include:

Most construction contracts average less than 3 percent profit.

Tightened cash flow will restrict bonding capacity.

Enforcement of current laws would ensure tax obligations are met.

The law places an undue burden on S Corps and joint ventures.

It is widely believed that this is misguided public policy.

I am pleased that we are working together to repeal this burden and help American businesses during tough economic times.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 448, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill is postponed.

MODIFYING INCOME CALCULATION FOR HEALTH CARE PROGRAMS

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 448, I call up the bill (H.R. 2576) to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY.

(a) IN GENERAL.—Subparagraph (B) of section 36B(d)(2) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of clause (i), by striking the period at the end of clause (ii) and inserting “, and”, and by adding at the end the following new clause:

“(iii) any amount of social security benefits of the taxpayer excluded from gross income under section 86.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 448, the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 2576.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to come to the floor today and share my time with one of our committee's newest members, the gentlewoman from Tennessee, Representative DIANE BLACK. In taking the lead on this legislation, Mrs. BLACK has identified an area of poor stewardship of taxpayer dollars, and she's taken steps to save the taxpayers \$13 billion. I'm happy to support her and this legislation.

H.R. 2576 modifies the income definition for determining eligibility for exchange subsidies, Medicaid, and the Children's Health Insurance Program. The legislation conforms the definition of income in the Democrats' health care law to the standards used by other Federal low-income programs such as food stamps and public housing.

By aligning this definition with other Federal subsidy programs, the legislation ensures that taxpayer funds will

not be used to enroll middle class individuals into Medicaid, which is an abuse of the program's mission, to provide targeted assistance to those who are in most need of help.

One of the most encouraging outcomes of Representative BLACK's legislation is that it has garnered bipartisan support, including the support of President Obama. In its Statement of Administration Policy, the Obama administration affirms its support for passage and goes so far as to say that, and I quote, "The Administration looks forward to working with the House to ensure the bill achieves the intended result."

Today, I urge my colleagues in the House to vote "yes" on H.R. 2576. I encourage our colleagues in the Senate to quickly follow suit.

I ask unanimous consent that Mrs. BLACK be designated to control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I yield such time as he may consume to a very distinguished member of our committee, Mr. CROWLEY, from the State of New York.

Mr. CROWLEY. I thank my friend from Michigan and the ranking member of the Committee on Ways and Means for yielding me this time.

Mr. Speaker, I rise in opposition to this bill. As we look at this redefinition of terms under the Affordable Care Act, let me take a minute or 2 or 3 and go to the facts on the health care law as it exists today.

Some people on the other side of the aisle and in the media continue to refer to this provision that we're talking about today as a glitch. As we learned from the nonpartisan Joint Committee on Tax at the markup of this bill in the Ways and Means Committee, this provision was not a glitch.

Again, the other side will report that this was a glitch in the law. It was not a glitch. It was written into the law deliberately, and anyone who actually read the bill would have known that. This language was deliberately put into the health care law to expand affordable health insurance and will particularly help early retirees between the ages of 62 and 64, as well as Americans on disability.

□ 0950

But, again, for those of us who support this law and supported the passage of this law, we have heard a lot of distortions and a lot of falsehoods and outright lies about what is in this bill. That is why I encourage all my colleagues, Democrats and Republicans, especially those of you who are new to

Congress who were not here when the bill was passed, to read the bill. I bet that if you did so, you'd like a lot about what is in the bill.

There are no death panels in this bill, no government takeover of health care in this bill, and bureaucrats will not be in the operating room with your surgeon. These are all falsehoods spread about the law, and again, people who read the law know that these claims simply are not true.

But here is what is in the law. I think we need to be reminded. No longer will insurance companies be able to decide whether or not you or your family deserve care based on cost or profit-making; no, these decisions will be made by doctors and patients. That's no glitch. Children can no longer be denied coverage on their parents' private health insurance because of a preexisting condition like asthma, which is very prevalent in my district in the Bronx. This was no glitch. Children can stay on their parents' private health insurance until the age of 26, which has led to over 1 million more young adults being covered this year. It's no glitch.

No mandates on any employer with under 50 employees—none, zero. No mandating to any employers with under 50 employees, also deliberate by the writers of this bill. Prescription drugs for seniors are being made more affordable, and this year, seniors get deep discounts on their brand-name drugs if they fall into the prescription drug coverage gap, a black hole that seniors fall into if they need more than a few thousand dollars' worth of medications annually, which millions of our seniors do. It was no glitch—no glitch.

And, finally, something else in the bill—people will know if they read it: Young families with private health insurance can no longer be denied coverage or care under the disgusting term known as "lifetime limits." If a young mother gives birth to a severely ill child, there are no lifetime limits. Yes, the practice of telling young parents that not only is their newborn severely ill but that their private insurance company won't pay for any more hospitalization care because it's too costly is over. That's no glitch. Those parents will be able to get their sick child the care that he or she needs without selling their home, without declaring bankruptcy, and without having to fight their health insurance company tooth and nail to provide for their child. Rather, they can focus on their child's well-being. It's no glitch. It's in the law. Democrats put it there deliberately.

What I can't understand is why my Republican colleagues will continue to work to rip away health care, from private insurance to Medicare and Medicaid. But they refuse to even acknowledge that they, themselves, benefit from taxpayer-funded health care in this Congress. I have a bill that will re-

quire every Member of Congress to publicly disclose if they are receiving the taxpayer-subsidized health care benefits that are provided to all Federal Government employees, including Members of Congress. My bill has not been brought up for a debate or a vote yet, even though it's a simple bill to make more information available to the American people about the benefits that we in Congress enjoy.

Finally, I want to address another serious issue about this bill and how it could affect tens of millions of middle class Americans. During the committee debate on this bill, it was certified by the nonpartisan Joint Committee on Taxation that Social Security benefits generally are not added back in determining one's modified adjusted gross income for other benefits that they receive, such as IRA contributions, student loan interest, and adoption tax benefits. But we are changing that definition today for consideration of who can obtain tax credits to purchase private health insurance. I argued, and no one corrected me during that debate, that this bill could be the Republicans' first step on a slippery slope to limit middle class Americans' ability to claim certain deductions for retirement security, college tuition expenses, and even adoptive assistance—yes, the first step on the Republican plan to raise taxes on working class families. And this morning, my fears are being proven correct. Right now, the Oversight Committee is discussing a report they wrote questioning the tax cuts provided to working families to afford health insurance in the Affordable Care Act.

They don't argue that the tax cuts are too limited or too weak; they actually argue that the tax cuts are too generous to working families and that too many Americans will benefit from tax cuts that will make obtaining private health insurance cheaper. The Oversight Committee report states that the health care law will "take millions of people off the tax rolls." And let me continue from the report that says Americans receiving these tax cuts in the health care law will have their taxes reduced and "will no longer pay the cost of government by contributing federal income taxes."

What that means is because the tax cuts in the law will lower taxes for people so they can afford health insurance. It's amazing how tax cuts for millionaires are sacrosanct, but tax cuts for working people so they can get affordable health care coverage so their kids can see a doctor are somehow evil. Let's end the hypocrisy with respect to health care and Medicare for our constituents and end the lies about the Affordable Health Care Act, and let's not pass this bill.

Mrs. BLACK. Mr. Speaker, I yield the customary 1 minute to the gentleman from Virginia, Majority Leader CANTOR.

Mr. CANTOR. I thank the gentlelady.

Mr. Speaker, it is clear that many businesses across this country are feeling the ill effects of the regulatory and tax burdens placed upon them by continued policies coming out of Washington and this administration. Small businesses in particular, the backbone of our economy, face a cloud of uncertainty. This uncertainty prevents entrepreneurs from taking a risk, from starting a business and from creating jobs.

Mr. Speaker, House Republicans want to work with our colleagues across the aisle, and we want to help empower these small businessmen and women to, once again, be the engine that drives our economy. This is the focus of the House Republican plan for America's job creators, Mr. Speaker. This is about jobs.

There are some who repeatedly claim that they want to vote on a jobs bill. Well, we passed one yesterday on a bipartisan basis. And today, we'll have another chance, and we will pass another. Currently, the House has passed 16 bills focused on job creation that are sitting idly in the U.S. Senate.

Mr. Speaker, the President has traveled the country telling Americans, "we can't wait" to pass some jobs bills. Well, we aren't waiting. We continue to pass jobs bills. Perhaps it's time for the President to deliver the "we can't wait" message to the other body in the Capitol.

Today, the House will take another step in solving our jobs crisis by repealing the 3 percent withholding rule. Under this rule, Federal, State, and many local governments will be required to withhold 3 percent of all government payments made to contractors and suppliers. The impact of this rule will be huge accounting burdens on governments and potentially harmful cash flow disruptions for suppliers, contractors, and subcontractors. Those are dollars, Mr. Speaker, that could otherwise be used to grow a business or hire more workers.

□ 1000

The cost of this law would then be felt by State and local governments and by universities like Virginia Commonwealth University, which told me it is an "unreasonable burden on an institution of higher education," that it is an unreasonable burden on heavy equipment dealers and on other businesses across the country. Compliance costs would move capital that otherwise would be used to hire additional workers to the government.

Many of my fellow Virginians in the county in which I live will be severely impacted. For example, if this law had been in effect in 2009 and 2010 in the county of Henrico, Virginia, an estimated \$15 million would not have reached small businesses that are already operating within small margins of profit.

Mr. Speaker, this is not the time to be adding additional costs to our job creators. In May of this year, my county manager stated, "The effect of this law may also be harmful to the economy with a significant amount of money being directed to the Federal Government instead of to businesses that will potentially use those funds to create jobs and grow their business."

By passing another jobs bill, House Republicans are helping companies cope with this era of uncertainty. This is another bipartisan and commonsense solution to support the small business men and women so that they can support and begin to regenerate our ailing economy.

In this past week, Mr. Speaker, we passed the long-awaited free trade agreements and the Veterans Opportunity to Work Act. Next week, we will further help entrepreneurs access capital with the Access to Capital for Job Creators Act.

The President says, We can't wait.

We agree. It's time to get America working again. We call upon the Senate, not only to act on this jobs bill, but on the other 16 jobs bills that currently sit idly in the Senate.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. CROWLEY. Mr. Speaker, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from New York.

Mr. CROWLEY. I thank my colleague from Michigan for yielding.

I just want to note for the record that the majority leader did not challenge my point that, if this bill passes, it will, in fact, increase taxes on the middle class.

Mr. LEVIN. I reserve the balance of my time.

Mrs. BLACK. Mr. Speaker, I yield myself such time as I may consume.

I am here today to speak on my bill, H.R. 2576, which would save \$13 billion by ensuring that Medicaid dollars go to those who are most in need.

When the Affordable Care Act was passed, it created a new income formula that determines the eligibility for government-subsidized health insurance. The Modified Adjusted Gross Income, more commonly known as MAGI, deviated from other Federal assistance programs in failing to include Social Security benefits as income. Let me repeat that: the new income formula for Medicaid, CHIP, and exchange subsidies deviated from the eligibility requirements for other Federal assistance programs. Supplemental security income, Supplemental Nutrition Assistance Programs, also known as food stamps, Temporary Assistance for Needy Families, and public housing all include—all include—the Social Security benefit as income.

Congress didn't know that then, but we know now that the Affordable Care

Act had the unintended consequence of allowing a couple with close to \$60,000 in income to qualify to receive Medicaid benefits. Let me put it in more stark terms. Changing the income formula could result in individuals whose incomes are up to 400 percent of the Federal poverty level receiving Medicaid. This is unacceptable, and I very strongly believe that it is our duty to ensure that the very scarce Medicaid resources will be there for the most in need.

It is incorrect to assert that this legislation unfairly targets widows, survivors, or the disabled. This is the equivalent of asserting that public housing or the SNAP unfairly target widows, survivors or the disabled simply because, when accounting for resources, these programs consider the source of income.

The health care law's deviation from the typical method of counting income results in taxpayer dollars being directed to individuals who do not meet the standard definition of "low income." According to the current law, a couple that is on Social Security benefits and has a total income of \$22,000 a year would have a higher income than a couple earning \$58,000 a year for the purpose of determining their eligibility for Federal subsidies in the exchange. I am not the only one who thinks so.

At the July 14 Budget Committee hearing, I asked Richard Foster, the CMS chief actuary, about the income eligibility issue. He said, "I don't generally comment on the pros or cons of policy, but that just doesn't make sense." Foster had previously compared the MAGI glitch to allowing middle-income Americans to qualify for food stamps. Additionally, Richard Sorian, who is the HHS Assistant Secretary for Public Affairs, conceded, "As a matter of law, some middle-income Americans may be receiving coverage through Medicaid, which is meant to serve only the neediest Americans."

Primarily, my bill is about fairness. We must accurately account for poverty in Federal assistance programs. My commonsense, bipartisan solution has a companion bill in the Senate, which is sponsored by HELP Committee Ranking Member MIKE ENZI; and H.R. 2576 passed out of Ways and Means with bipartisan support.

As has already been reported, President Obama, himself, recognizes the problem on page 41 of his recent debt reduction plan where he explicitly proposes the entire amount of Social Security benefits be included in the definition of "income."

Mr. Speaker, we must bring Medicaid back into line with other Federal assistance programs and limit improper payments to those who should not receive Medicare benefits.

I reserve the balance of my time.

Mr. LEVIN. I yield such time as he may consume to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I would like to engage in a colloquy with the gentlelady.

You suggested this change of MAGI as it pertains to tax credits that are eligible to the middle class under the Affordable Care Act; is that correct?

Mrs. BLACK. Will the gentleman yield?

Mr. CROWLEY. I yield to the gentlelady from Tennessee.

Mrs. BLACK. That is correct.

Mr. CROWLEY. Are you also going to make that same suggestion that we change the adjusted gross income for eligibility for the purposes of IRA contributions?

Mrs. BLACK. Sir, we're talking about social benefit programs.

Mr. CROWLEY. I understand that. We're talking about tax credits for health care.

You don't want to make certain individuals eligible for those tax credits; isn't that correct? Your attempt here is to not make certain people who under the Affordable Care Act today would be eligible for certain tax credits ineligible; is that correct?

Mrs. BLACK. As the bill proposes, this would put it into alignment with other Federal assistance programs. That's the intent of the bill.

Mr. CROWLEY. My question is either "yes" or "no." You can answer your way, but it's a simple question.

Under the Affordable Care Act, would the people who can receive tax credits today be denied those tax credits if your bill were to pass today?

Mrs. BLACK. I have answered your question.

Mr. CROWLEY. If you will continue with me under my time, would you then suggest that we now do that for other areas of the Code not pertaining to the lower class or the poor in this country? I'm not suggesting we do that. I'm talking specifically of the middle class.

Should we extend that logic or maybe enhance your bill to include IRA contributions, student loan interest and adoption tax credits, which are focused on the middle class?

Again, we're not talking about the poor. They're covered. We're talking about individuals who are struggling to survive right now in this economy, who are struggling to put food on their tables, to pay for their student loans or their children's student loans, to put away money for retirement, who maybe have the opportunity for the first time in their lives to afford health insurance. Under your bill, you would take those credits away. Are you suggesting that we take them away?

It's a slippery slope. You start here. Let's just look at the overall Tax Code. We'll change major portions then.

□ 1010

What about the IRA contributions that that person would be making?

What about the student loan interest, the adoption tax credits? Should we also limit their ability to take advantage of those provisions of the law?

The silence is deafening. The silence is deafening because the reality is, Mr. Speaker, this is a slippery slope. You take away opportunities for the middle class to afford health insurance under the Affordable Care Act by whittling away at it. It's the middle class who are hurt here.

We're not talking about the poor; we're not talking about the least amongst us. We're talking about the middle class that under the Affordable Care Act would have the opportunity to afford insurance for the first time, and this legislation, this legislation, I can't even say as well intentioned as it may be, it is not well intentioned.

There is nothing about this bill that is well intentioned. It is simply to take away a provision that this Congress and our President made available for the first time in people's lives. They want to take it away for the middle class.

Let's put everything aside—that's what we're doing today—and I'm suggesting maybe this is just the first step, that maybe the next step will be limiting the ability of individuals to put away money for retirement in their IRA, limiting the availability for students or the parents to pay for a college education, and lastly, and probably most egregious, the adoption tax credits, taking them away. I mean, that's where this is going.

I thank my colleague from Michigan once again for yielding me the time.

Mrs. BLACK. Mr. Speaker, I yield myself such time as I may consume.

It is difficult to recognize the argument on this when we have bipartisan support. And once again, I want to read the Statement of Administration Policy that came out on October 25 from the executive office of the President, and it reads:

"The administration supports passage of H.R. 2576, which would change the calculation of modified adjusted gross income, as defined in section 1401 of the Affordable Care Act, to include both taxable and nontaxable Social Security benefits. Beginning in 2014, this income definition will be used to determine financial eligibility for Medicaid and the State Children's Health Insurance Program, and for premium tax credits and cost-sharing reductions available through Affordable Insurance Exchanges. The administration looks forward to working with the House to ensure the bill achieves the intended result."

I think that speaks for itself.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, October 25, 2011.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2576—MODIFY INCOME CALCULATION FOR ELIGIBILITY FOR CERTAIN HEALTH PROGRAMS (REP. BLACK, R-TN, AND 3 COSPONSORS)

The Administration supports passage of H.R. 2576, which would change the calculation of modified adjusted gross income, as defined in section 1401 of the Affordable Care Act, to include both taxable and non-taxable Social Security benefits. Beginning in 2014, this income definition will be used to determine financial eligibility for Medicaid and the State Children's Health Insurance Program, and for premium tax credits and cost-sharing reductions available through Affordable Insurance Exchanges. The Administration looks forward to working with the House to ensure the bill achieves the intended result.

I reserve the balance of my time.

Mr. LEVIN. Does the majority have additional speakers? If so, I reserve the balance of my time.

Mrs. BLACK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HERGER).

Mr. HERGER. I applaud my good friend from Tennessee for her leadership. This should not be a difficult question. Even the President supports this.

I believe the Medicaid expansion and premium subsidies in last year's health care overall are wasteful and should be repealed, but even for those who support these policies, there's no reason to ignore an entire category of income. Under current law, a person with \$30,000 in Social Security benefits and \$20,000 in other income would get a much larger health insurance subsidy than a person who earns \$50,000 in wages.

That makes no sense, and it's a disincentive to work. Let's treat everyone fairly and vote for this bill.

Mr. LEVIN. I continue to reserve the balance of my time.

Mrs. BLACK. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BRADY), a member of the Ways and Means Committee.

Mr. BRADY of Texas. I want to thank Congresswoman BLACK for her leadership on this very commonsense issue, so commonsense at a time where it seems like Democrats and Republicans and the President in Washington rarely agree on anything, we all agree on this, on closing this loophole in the President's health care plan that really should have never been there in the first place.

We got good news last week when the President rescinded another big flaw in the President's health care plan, when he gave up on the CLASS Act. It was a plan for nursing home care and later care for elderly that was financed in a way that even Senate Democrats labeled it a Ponzi scheme. Thankfully, that's been repealed.

Today we're here to repeal another loophole in a really nonsensical part in the President's health care plan for couples who make more than the national average in income, \$64,000 per year. Today, under the law, they can qualify for Medicaid. That's a program for the very poor in America. That's a program we don't have enough money for as it is.

And at a time when 25 million people are either out of work or can't find a full-time job, shouldn't our hard-earned tax dollars go to those who can't afford anything rather than those who are blessed with \$5,000 or more a month to make ends meet; at a time, again, it seems to me, that a couple making four times the Federal poverty level shouldn't be able to draw down the dollars that you and I pay to help those who are truly needy in America, who, by the way, are growing by the day?

I will say my good friend from New York is very passionate about this issue, and I appreciate his passion, but this isn't about young kids paying off college student loans. This is not about couples struggling to make ends meet. This is about making sure couples making as much as \$64,000 a year don't use the money that we reserve for our poorest in America.

Mr. CROWLEY. Will the gentleman yield?

Mr. BRADY of Texas. Not at this time.

And I appreciate the gentleman from New York's effort on this. This is not about taxing millionaires and billionaires.

In fact, let me yield for just a moment.

Mr. CROWLEY. I appreciate it. And in friendship, while the gentleman is a fair Member of the other side of the aisle, we work very well together on a number of issues.

You make out the point about \$64,000 a year as being—I won't say wealthy.

Mr. BRADY of Texas. Oh, no.

Mr. CROWLEY. But you are suggesting maybe on \$64,000 a year that people are living a little bit of the high life.

Mr. BRADY of Texas. Actually, I was making the point that the very poor need our resources.

Mr. CROWLEY. Will the gentleman continue to yield?

Mr. BRADY of Texas. I tell you what, maybe we can continue this conversation off the floor. I know you feel strongly.

Mr. CROWLEY. I was just suggesting, in my district in Queens, New York, or in the Bronx, \$64,000 doesn't get you very far. It just doesn't.

Mr. BRADY of Texas. For those who are making \$20,000 a year, it goes even less far.

Reclaiming my time, we've had great discussions about this, but, again, Medicaid should be for those who are very poor.

This loophole is being closed, and thankfully the President agrees with us. The Senate Democrats and Republicans join with us to close this loophole. That has to tell you that this is a loophole that Republicans and Democrats, the White House all agree needs to be closed.

Again, I thank Congresswoman BLACK for her leadership on this commonsense issue, and I urge support.

Mr. LEVIN. Is the majority ready to close?

Mrs. BLACK. We are ready to close.

Mr. LEVIN. I yield to the gentleman from New York, and then I will close.

Mr. CROWLEY. I thank the gentleman from Michigan once again.

It's been said on the floor, once again, this bill has bipartisan support. I don't doubt that it probably will at the end of the day, but somehow that's the magic formula for doing the right thing. I would suggest there are many things that were done on this floor that enjoy bipartisan support. The Iraq war, unfortunately, had bipartisan support. I was one of those who supported it. I think many today would suggest that maybe that wasn't the right thing to do.

□ 1020

Just as an example, the point I was making with my friend, the gentleman from Texas, this magic number of \$63,000 or \$64,000 as being a wonderful income, not if you live in Queens or the Bronx; you're barely making it. I'm not talking about people who are destitute. I'm not talking about people who are suffering. We know they exist. Many of my colleagues on the other side of the aisle would like to do away with the Medicaid system. Many of my colleagues on the other side of the aisle would like to do away with the Medicare system. I'm not suggesting that you're talking about this in the bill.

But what I am suggesting, though, is that you think that people making \$63,000 or \$64,000 are living high on the hog. They're not. Not in my district they're not. They can barely afford their home. They can barely afford to send their children to school. They can barely afford to put food on the table, and many of them cannot even afford ownership of a health insurance policy to take care of their children let alone themselves. And that's what I'm talking about, giving people that opportunity.

I don't care if the President is going to sign this bill. It doesn't make it right. It doesn't make it right. We should not be degrading. We should not be degrading hardworking Americans, middle class Americans who are trying to do the best for their families.

This bill should have never gotten out of committee, and it shouldn't be on the floor in the manner it is.

I thank the gentleman from Michigan for again yielding.

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 14½ minutes.

Mr. LEVIN. First of all, I'm glad that the majority leader came to the floor to talk about jobs. This set of bills is not a jobs bill. To call it that is a pure smoke screen. I quoted Mark Zandi before: "I don't think it's meaningful in terms of jobs. It's more trying to clean up something that needs cleaning up." That's the 3 percent withholding bill.

The Majority Leader called upon the Senate to act, to act on bills that essentially would allow mercury to continue to be accessible. And other bills that are called jobs bills, deregulation where it's necessary to regulate, that's a jobs bill? And the Majority Leader called again on the Senate to act.

We haven't had a single hearing here in the House on the President's jobs bill. Not a single hearing.

The President has proposed to cut the payroll tax in half for 98 percent of the businesses. A complete payroll tax holiday for adding workers; extending 100 percent expensing, not a single hearing on that.

Preventing up to 280,000 teacher layoffs, not a single hearing on that. Don't call on the Senate. The majority leader should call on the House himself and the committees to hold hearings on these bills.

The infrastructure bill, a bipartisan national infrastructure bank, not a single hearing.

And then unemployment insurance, at the end of this year, in next month, a million people will lose their unemployment benefits if we don't act and extend the Federal program; and a million and a half by mid-February. So I call upon the House to act.

A \$4,000 tax credit to employers for hiring the long-term unemployed, not a single hearing. No action. I suggest to the majority they not look to the other body, but to look to themselves.

So I'm glad the Majority Leader came here. Now, I want to say just a word about the bill right before us. Mr. CROWLEY has suggested that we look at the facts, and I think we should. Before we vote, I think all of us want to know what we're voting on. And essentially this revision of the modified adjusted gross income provision in terms of potential impact on health care, according to the Joint Tax Committee and the CBO, will likely have this effect, and I want everybody to understand it: between 500,000 and a million individuals will no longer be eligible for Medicaid. That's their estimate. Of those who no longer are eligible for Medicaid, about 500,000 will be eligible for tax credits unless the Republicans ever succeeded in eliminating them. But of that additional number, between 500,000 and a million, about 500,000 people as a result, if this bill becomes law,

will likely lose their health coverage altogether unless they had available to them insurance through their employer. That's the estimate of the Joint Tax Committee.

We're talking about vulnerable populations here. We're talking about early retirees, and we're talking about the disabled. And we need to understand those facts as presented by the Joint Tax Committee and by CBO.

A second problem here is that essentially we're using a provision relating to health to address a business tax problem. It is a problem for the government and for the business community in the 3 percent withholding provision which we should repeal.

But we should understand the implications. The Ways and Means Committee has traditionally said don't do it that way. Let's also remember that we're going to have before us a provision relating to physician reimbursement rates in Medicare, and we're going to have to find the funds to pay for it. And essentially what would be doing now is to use up a provision that impacts health and lose the possibility of using it in terms of improving health programs, such as reimbursement.

The last point I want to make is we tried to present an alternative, an alternative within business taxation. It relates to the taxation of the oil and gas industry. Mr. BLUMENAUER earlier talked about things that were kind of done in the dark of night and this provision, the 3 percent, if it wasn't the dark of night, it wasn't fully in the daylight.

But the oil and gas provision in section 199 was added, indeed, in the dark of night. It provided some tax benefits to the oil and gas industry in a bill that related to manufacturing when oil and gas did not fall within that purview. And it was essentially put in in the dark of night, and it would be much preferable to address that issue and pay for the bill that needs to pass rather than essentially starting on a path that Mr. CROWLEY has described that, according to CBO and the Joint Tax Committee, is likely to lead up to half a million people having no health coverage at all.

Everybody should understand that price, and then everybody can make up their own mind, but they should understand what's involved here. This is not a technical change. It isn't a glitch. It is a tax definition, by the way, as Mr. CROWLEY has pointed out; and it also applies to other areas where I think we need to be very careful in terms of its application.

So those are the facts and everybody can make up their own mind. But let's not pretend this is a jobs bill when the majority here has essentially had a deaf ear to bringing up the jobs bill presented by the President. And let's not pretend that this will have no im-

pact on health insurance and health coverage for lots of people who are the early retirees and the disabled.

□ 1030

These, by and large, are not wealthy people. And there are examples given that are true in the extreme. But for the mainstream in this country, the early retirees and the disabled, they're not on the fringes in terms of income, in terms of wealth.

These are the facts. I hope as everybody comes to vote on this bill—this second bill—they will look at the facts and make up their own mind.

I yield back the balance of my time.

Mrs. BLACK. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentlewoman from Tennessee is recognized for 17 minutes.

Mrs. BLACK. Thank you, Mr. Speaker.

This bipartisan solution would bring Medicaid back into line with other Federal assistance programs and ensure that the program is there for those who most need it. Furthermore, according to the CBO and the Joint Tax Committee estimates, this bill would save taxpayers approximately \$13 billion over 10 years. And considering our \$14 trillion in national debt, closing this loophole as soon as possible is a good policy on a number of levels. I am delighted that both the President and other Members across the aisle support this bill.

I yield back the balance of my time.

Mr. MARCHANT. Mr. Speaker, I rise to support H.R. 2576. This bill would count the entire Social Security benefit, rather than just the portion that is taxable for income tax purposes, as income for determining eligibility for Exchange subsidies, Medicaid, and CHIP.

This bill is both good policy and good economics. The 2010 health care law uses a uniform definition of modified adjustment gross income—or “MAGI”—to determine eligibility for Exchange subsidies, Medicaid, and Children's Health Insurance Program, CHIP. By using a uniform basis of eligibility, the current health law doesn't properly take account of the entire Social Security benefit. This understates the resources available to some households; which thus allows some individuals to game the system.

To illustrate, allow me to cite a report by the Associated Press, dated June 21, 2011. In the report, the Chief Actuary for federal health programs, Richard Foster, determined that “a married couple could have an actual income of about \$64,000 and still get Medicaid” under the current definition. There is no sound logic to this. In the same article, Foster adds, “I don't generally comment on the pros and cons of policy, but that just doesn't make sense.”

In addition, CBO and JCT have estimated the bill would reduce the deficit by \$13 billion over ten years.

H.R. 2576 is good policy and good economics. I urge my colleagues to support this bill.

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 2576, legislation brought forth by

House Republicans today. It is being considered in order to pay for the previous bill that eliminates a Republican-written provision in law requiring a 3 percent withholding tax on payments to government contractors.

H.R. 2576 changes a provision of the new health reform law that defines income for purposes of qualifying for financial help obtaining health insurance. The effect of the bill is to reduce the number of Americans eligible for financial assistance with their health insurance costs. In fact, the Congressional Budget Office estimates that, if enacted, it will cause up to a half a million people to lose access to affordable health coverage.

My colleagues on the other side of the aisle will gleefully point to support by the Administration as a compelling reason to support this legislation. I respectfully disagree and believe the Administration is dead wrong on this one.

First, the Administration decided on its own—without consultation with Congress who wrote the Affordable Care Act—that this definition of income was a “glitch” in the law. They are wrong.

This definition excludes non-taxable Social Security income from the definition of income. As a result, it helps to assure that more people who obtain Social Security between ages 62 through 64 and people who qualify for Social Security because of severe disabilities have access to affordable health coverage. That wasn't a glitch. It was intentional. Making the change proposed in this bill saves money by kicking these very vulnerable people out of eligibility for financial help with their health insurance costs.

It's also important to note that we intentionally picked up this exclusion from the definition of income because this exclusion is typically applied for purposes of qualifying for other tax credits and benefits.

While I oppose this bill on its own merits, I also take issue with its pairing with the 3 percent withholding legislation. Yesterday, Ways and Means Ranking Member LEVIN went to the Rules Committee with an alternative way to finance the 3 percent withholding bill. His alternative would have offset the cost of this business tax cut by closing a tax loophole improperly enjoyed by oil and gas industry giants. Yet, Republicans prohibited his amendment from being brought to the floor for our consideration today.

Clearly, Republicans believe the needs of the highly profitable oil and gas industry outweigh the need for early retirees and people with disabilities to afford health insurance.

With H.R. 2576, Republicans are forcing these vulnerable people to pay for yet another tax break for business. It's the wrong thing to do and I urge my colleagues to join me in voting no.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 448, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 262, nays 157, not voting 14, as follows:

[Roll No. 813]

YEAS—262

Adams	Flores	McClintock
Aderholt	Forbes	McCotter
Akin	Fortenberry	McHenry
Alexander	Fox	McIntyre
Altmire	Franks (AZ)	McKeon
Amash	Frelinghuysen	McKinley
Amodel	Gallely	McMorris
Austria	Gardner	Rodgers
Bachus	Garrett	Meehan
Barletta	Gerlach	Mica
Barrow	Gibbs	Miller (FL)
Bartlett	Gibson	Miller (MI)
Barton (TX)	Gingrey (GA)	Moran
Bass (NH)	Gohmert	Mulvaney
Benish	Goodlatte	Murphy (PA)
Berg	Gosar	Myrick
Biggert	Gowdy	Neugebauer
Billray	Granger	Noem
Bilirakis	Graves (GA)	Nugent
Bishop (UT)	Graves (MO)	Nunes
Black	Griffin (AR)	Nunnelee
Blackburn	Griffith (VA)	Olson
Blumenauer	Guinta	Palazzo
Bonner	Guthrie	Paul
Bono Mack	Hall	Paulsen
Boren	Hanna	Pearce
Boustany	Harper	Pence
Brady (TX)	Harris	Peterson
Brooks	Hartzler	Petri
Broun (GA)	Hastings (WA)	Pitts
Buchanan	Hayworth	Platts
Buchson	Heck	Poe (TX)
Buerkle	Hensarling	Pompeo
Burgess	Herger	Posey
Burton (IN)	Herrera Beutler	Price (GA)
Calvert	Himes	Quayle
Camp	Huelskamp	Reed
Campbell	Huizenga (MI)	Rehberg
Canseco	Hultgren	Reichert
Cantor	Hunter	Renacci
Capito	Hurt	Ribble
Cardoza	Inslee	Rigell
Carney	Issa	Rivera
Carter	Jenkins	Roby
Cassidy	Johnson (IL)	Roe (TN)
Chabot	Johnson (OH)	Rogers (AL)
Chaffetz	Johnson, Sam	Rogers (KY)
Chandler	Jones	Rogers (MI)
Coble	Jordan	Rohrabacher
Coffman (CO)	Kelly	Rokita
Cole	Kind	Rooney
Conaway	King (IA)	Roskam
Cooper	King (NY)	Ross (FL)
Costa	Kingston	Royce
Courtney	Kinzinger (IL)	Runyan
Cravaack	Kline	Ryan (WI)
Crawford	Labrador	Scalise
Crenshaw	Lamborn	Schilling
Cuellar	Lance	Schmidt
Culberson	Landry	Schock
Davis (KY)	Lankford	Schrader
DeFazio	Larsen (WA)	Schweikert
Denham	Latham	Scott (SC)
Dent	LaTourette	Scott, Austin
DesJarlais	Latta	Sensenbrenner
Diaz-Balart	Lewis (CA)	Sessions
Dold	Lipinski	Shimkus
Donnelly (IN)	LoBiondo	Shuler
Dreier	Long	Shuster
Duffy	Lucas	Simpson
Duncan (SC)	Luetkemeyer	Smith (NE)
Duncan (TN)	Lummis	Smith (NJ)
Ellmers	Lungren, Daniel	Smith (TX)
Emerson	E.	Southerland
Farenthold	Mack	Stearns
Farr	Manzullo	Stivers
Fincher	Marchant	Stutzman
Fitzpatrick	Marino	Sullivan
Flake	Matheson	Terry
Fleischmann	McCarthy (CA)	Thompson (PA)
Fleming	McCaul	Thornberry

Tiberi	Walz (MN)
Tipton	Webster
Turner (OH)	Welch
Upton	West
Walberg	Westmoreland
Walden	Whitfield
Walsh (IL)	Wilson (SC)

NAYS—157

Andrews	Gutierrez	Pascarell
Baca	Hahn	Pastor (AZ)
Baldwin	Hanabusa	Payne
Bass (CA)	Hastings (FL)	Pelosi
Becerra	Heinrich	Perlmutter
Berkley	Higgins	Peters
Berman	Hinojosa	Pingree (ME)
Bishop (GA)	Hirono	Price (NC)
Bishop (NY)	Hochul	Quigley
Boswell	Holden	Rahall
Brady (PA)	Holt	Rangel
Braley (IA)	Honda	Reyes
Brown (FL)	Hoyer	Richardson
Butterfield	Israel	Richmond
Capps	Jackson (IL)	Ross (AR)
Capuano	Jackson Lee	Rothman (NJ)
Carnahan	(TX)	Roybal-Allard
Carson (IN)	Johnson (GA)	Ruppersberger
Castor (FL)	Johnson, E. B.	Rush
Chu	Kaptur	Sánchez, Linda
Cielline	Keating	T.
Clarke (MI)	Kildee	Sanchez, Loretta
Clarke (NY)	Kissell	Sarbanes
Cleaver	Kucinich	Schakowsky
Clyburn	Langevin	Schiff
Cohen	Larson (CT)	Schwartz
Connolly (VA)	Lee (CA)	Scott (VA)
Conyers	Levin	Scott, David
Costello	Lewis (GA)	Serrano
Critz	Loebach	Sewell
Crowley	Lofgren, Zoe	Sherman
Cummings	Lowey	Sires
Davis (CA)	Lujan	Slaughter
Davis (IL)	Lynch	Smith (WA)
DeGette	Maloney	Speier
DeLauro	Markey	Stark
Deutch	Matsui	Sutton
Dicks	McCarthy (NY)	Thompson (CA)
Dingell	McCollum	Thompson (MS)
Doggett	McDermott	Tierney
Doyle	McGovern	Tonko
Edwards	McNerney	Towns
Ellison	Meeks	Tsongas
Engel	Michaud	Van Hollen
Eshoo	Miller (NC)	Velázquez
Fattah	Miller, George	Wasserman
Filner	Moore	Schultz
Frank (MA)	Murphy (CT)	Waters
Fudge	Nadler	Watt
Garamendi	Napolitano	Waxman
Gonzalez	Neal	Woolsey
Green, Al	Oliver	Yarmuth
Green, Gene	Owens	
Grijalva	Pallone	

NOT VOTING—14

Ackerman	Hinchey	Turner (NY)
Bachmann	Miller, Gary	Visclosky
Clay	Polis	Wilson (FL)
Giffords	Ros-Lehtinen	Young (AK)
Grimm	Ryan (OH)	

□ 1058

Messrs. ROTHMAN of New Jersey, GARAMENDI, ELLISON, and LARSON of Connecticut changed their vote from “yea” to “nay.”

Mr. WELCH changed his vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GRIMM. Mr. Speaker, on rollcall No. 813, I had district work that required my presence. Had I been present, I would have voted “yea.”

3% WITHHOLDING REPEAL AND JOB CREATION ACT

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, will now resume.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mr. ANDREWS. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ANDREWS. Yes, I am, in its present form.

Mr. CAMP. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Andrews moves to recommit the bill H.R. 674 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. DENIAL OF RELIEF TO COMPANIES FOUND DELINQUENT IN PAYING THEIR FEDERAL TAXES.

(a) IN GENERAL.—Paragraph (1) of section 3402(t) of the Internal Revenue Code of 1986 is amended by striking “any person providing” and inserting “any Federal tax delinquent which provides”.

(b) FEDERAL TAX DELINQUENT.—Subsection (t) of section 3402 of such Code is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) FEDERAL TAX DELINQUENT.—The term ‘Federal tax delinquent’ means any person who owes a delinquent tax debt (as defined in section 6103(1)(22)(C)).”

(c) CONFORMING AMENDMENT.—Subsection (t) of section 3402 of such Code is amended by inserting “TO FEDERAL TAX DELINQUENTS” after “PAYMENTS MADE BY GOVERNMENT ENTITIES” in the heading thereof.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2011.

Mr. CAMP (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the motion be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey is recognized for 5 minutes in support of his motion.

Mr. ANDREWS. Mr. Speaker, this ends yet another week for the House of Representatives without consideration of a meaningful jobs bill. More meaningfully, though, this concludes another week where a nightmare is about to come true for our constituents. This is another week without a paycheck for a lot of Americans. It might be the

week that their unemployment benefits expire. This might be the day that someone shuts down their small business and closes the doors for the last time. This might be the week that the foreclosure notice is executed and someone loses their home. This has been a bad week for a lot of Americans. It's been a bad time for a lot of Americans. But what they have lost is not simply their job, not simply their business, not simply their health insurance or their pension. Many of our neighbors have lost their basic faith that America is fair.

Mr. Speaker, 50 percent—50 percent—of the American people recently surveyed said the American Dream was either dead or on life support. They see in the halls of big institutions, they see on Wall Street and they see in the Halls of Congress a basic sense that America is not fair anymore, that the basic deal that if you work as hard as you can, give as much as you can and do as much as you can that you can go as far as your abilities will take you, too many of our constituents no longer believe that.

My motion makes what I believe is an improvement to a good bill. I'm going to support this bill that says that no small business person should have to make an interest-free loan to the Federal Government to do business with the government. I think that's exactly right. But here's the improvement it makes. It recognizes that some who would take advantage of that provision are taking advantage of our tax system and not paying their fair share.

When I say "not paying their fair share," I'm not talking about policy or arguing about tax rates. I'm talking about someone who is delinquent on their taxes and cheating the rest of us. So when someone looks at their pay envelope this afternoon and sees what's taken out in FICA and Federal withholding tax, they're paying their fair share. Some like it, many do not, but they're paying their fair share. Why should it be that someone who is not paying their fair share to support this country should take advantage of this very good bill? I say they shouldn't.

So my improvement to this bill is very simple. If you run a barber shop or a software company or a delicatessen or a manufacturing plant, you no longer have to make an interest-free loan to the government to do business with the government. I agree with that, and I salute the authors of the bill. But if you are delinquent on your taxes, if you haven't paid your fair share, if you are cheating the rest of the community, then you may not take advantage of this opportunity.

This amendment is not just about improving the revenue flow to the Federal Government. It's about making the country a little more fair again. It's about saying that those who follow the rules, our small businesses, our

middle class citizens, those who follow the rules can take advantage of the law, but those who do not follow the rules may not take advantage of the law. I think the American people want to see that in big hospitals and insurance companies; I think they want to see that on Wall Street; and I think they want to see it right here on the floor of this Chamber.

So let's cast a vote today not just for an improvement to this bill, but let's make America a little more fair. Let's make the American Dream a little more alive. Let's stand for the proposition that those who play by the rules benefit from the rules, but those who break the rules do not.

The question raised, colleagues, by this amendment is this: Where do you stand? Do you stand with small businesses and middle class people who follow the rules, or do you follow with those who would violate the rules and pillage the American system?

The American people have had enough of this. We need to do far more than this to restore fairness to our country, but this is a good start. I would urge a "yes" vote on this motion.

Mr. CAMP. Mr. Speaker, I withdraw my point of order and seek time in opposition to the motion.

The SPEAKER pro tempore (Mr. DENHAM). The gentleman's reservation is withdrawn.

The gentleman from Michigan is recognized for 5 minutes.

Mr. CAMP. Mr. Speaker, the underlying bill that we're talking about here today which repeals the 3 percent across-the-board rule is cosponsored by two-thirds of this House. This bill has been endorsed by the President of the United States as is. And when the current minority was in the majority, in the stimulus bill they offered this exact legislation, full repeal, without any complications. And then when the final version came over, it was full repeal for 1 year without any changes or complications. I obviously am in strong opposition to this motion to recommit.

Then we get the analysis from the Joint Committee on Taxation which says, in typical understatement from the joint committee: Your proposal poses some administrative difficulties. Some?

The burden is going to be on State and local governments to figure out which contractors are or are not delinquent. And either there's a violation of taxpayer privacy, which I don't think anybody in this House would support, a violation of rule 6103, or very complex procedures are going to have to be put in place for government to figure out which contractors are in compliance and which aren't.

As the Joint Committee on Taxation goes on to say: The IRS would need to build the infrastructure to handle the

volume of requests from State and local government entities. Implementation difficulties limit somewhat the revenue gain from withholding on State and local governments.

□ 1110

This is more complication in the Tax Code. It goes against what a majority of this House wants to do. It goes against what the President of the United States wants to do. Vote "no" on this motion to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ANDREWS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 183, noes 235, not voting 15, as follows:

[Roll No. 814]

AYES—183

Altmire	DeLauro	Kucinich
Andrews	Deuth	Langevin
Baca	Dicks	Larsen (WA)
Baldwin	Dingell	Larson (CT)
Barrow	Doggett	Lee (CA)
Bass (CA)	Donnelly (IN)	Levin
Becerra	Doyle	Lewis (GA)
Berkley	Edwards	Lipinski
Berman	Ellison	Loebsack
Bishop (GA)	Engel	Loftgren, Zoe
Bishop (NY)	Eshoo	Lowe
Blumenauer	Farr	Lujan
Boren	Fattah	Lynch
Boswell	Filner	Maloney
Brady (PA)	Frank (MA)	Markey
Braley (IA)	Fudge	Matsui
Brown (FL)	Garamendi	McCarthy (NY)
Butterfield	Gonzalez	McCollum
Capps	Green, Al	McDermott
Capuano	Green, Gene	McGovern
Cardoza	Grijalva	McIntyre
Carnahan	Gutierrez	McNerney
Carney	Hahn	Meeks
Carson (IN)	Hanabusa	Michaud
Castor (FL)	Hastings (FL)	Miller (NC)
Chandler	Heinrich	Miller, George
Chu	Higgins	Moore
Clarke (MI)	Himes	Moran
Clarke (NY)	Hinojosa	Murphy (CT)
Clay	Hirono	Nadler
Cleaver	Hochul	Napolitano
Clyburn	Holden	Neal
Cohen	Holt	Olver
Connolly (VA)	Honda	Owens
Conyers	Hoyer	Pallone
Cooper	Inslee	Pascarell
Costa	Israel	Pastor (AZ)
Costello	Jackson (IL)	Payne
Courtney	Jackson Lee	Pelosi
Critz	(TX)	Perlmutter
Crowley	Johnson (GA)	Peters
Cuellar	Johnson, E. B.	Peterson
Cummings	Kaptur	Pingree (ME)
Davis (CA)	Keating	Price (NC)
Davis (IL)	Kildee	Quigley
DeFazio	Kind	Rahall
DeGette	Kissell	Rangel

Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff

Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)

Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

Wolf
Womack

Ackerman
Bachmann
Cicilline
Giffords
Grimm

Woodall
Yoder

Hinche
Miller, Gary
Platts
Poe (TX)
Polis

Young (FL)
Young (IN)

Ros-Lehtinen
Turner (NY)
Visclosky
Wilson (FL)
Young (AK)

Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Gardner
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson

Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascarella
Pastor (AZ)
Paul
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Roby
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Petri
Tiberi
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Roby
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)

Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascarella
Pastor (AZ)
Paul
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Roby
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)

NOES—235

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs

Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)

Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman

NOT VOTING—15

□ 1128

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GRIMM. Mr. Speaker, on rollcall No. 814, I had district work that required my presence. Had I been present, I would have voted “no.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 16, not voting 12, as follows:

[Roll No. 815]

YEAS—405

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishke
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell

Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks

Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Guinta

Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Gardner
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson

Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Gardner
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson

NAYS—16

Clarke (NY)
Edwards
Fudge
Gutierrez
Jackson Lee
(TX)

Kucinich
Lee (CA)
Loftgren, Zoe
Oliver
Payne
Richmond

Schakowsky
Stark
Thompson (MS)
Waters
Woolsey

NOT VOTING—12

Ackerman	Hinchey	Visclosky
Bachmann	Johnson (IL)	Wilson (FL)
Giffords	Miller, Gary	Woodall
Grimm	Polis	Young (AK)

□ 1145

Ms. BASS of California and Mr. RUSH changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GRIMM. Mr. Speaker, on rollcall No. 815, I had district work that required my presence. Had I been present, I would have voted “yea.”

Mr. JOHNSON of Illinois. Mr. Speaker, on Thursday October 27, 2011 I inadvertently missed the vote on final passage of H.R. 674. I would have cast a “yea” vote.

PERSONAL EXPLANATION

Mr. VISCLOSKEY. Mr. Speaker, on October 27, 2011, I was absent from the House and missed rollcall votes 813 through 815.

Had I been present for rollcall No. 813, on passage of H.R. 2576, to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes for determining eligibility for certain healthcare-related programs, I would have voted “no.”

Had I been present for rollcall No. 814, on a motion to recommit with instructions on H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, I would have voted “aye.”

Had I been present for rollcall No. 815, on passage of H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, I would have voted “aye.”

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 448, H.R. 2576 is laid upon the table.

ADJOURNMENT TO MONDAY,
OCTOBER 31, 2011

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. on Monday next.

The SPEAKER pro tempore (Mr. AMASH). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FORMER MEMBER HOWARD WOLPE

(Mr. DINGELL asked and was given permission to address the House for 1 minute.)

Mr. DINGELL. Mr. Speaker, I have sad news for the House today. I rise to inform the House that we lost a former Member of this great institution. He

was our friend, Howard Wolpe, who served in this body for 14 years. He was particularly known for his concern for the poor and unfortunate and about peace in the world.

He was a true patriot, a devoted teacher, and a fine statesman. He was a dear friend of mine and many others with whom he served. He shared our collective love for this great Nation and for our State of Michigan. He had an enormous impact upon public policy in Michigan and our country, as well as across the world, which was a positive one. He contributed most of his life to bringing civility to government relations and to making this world a better place—a passion that I was able to witness during his long and distinguished service here.

He served Michigan ably and honorably and went on to serve as the Presidential Special Envoy to Africa's Great Lakes Region, where he initiated peace talks and helped to end civil wars in Burundi and the Democratic Republic of the Congo.

ROY ROOD

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Mr. Speaker, I rise today to honor the life of Roy Rood, who passed away on October 8. Roy was a longtime resident and the founding father of my hometown of Tequesta, Florida.

Mr. Rood was born in 1918 on a farm in Jupiter, Florida, one of 11 children. He spent his early years on the family dairy farm, where he learned the value of a hard day's work and love for working outside. The first Tequesta post office was located on his family's property and was placed on maps of that era as a settlement called “Rood.”

Following the attack on Pearl Harbor, Roy joined the Navy, where he served with honor in World War II as an aviation mechanic on an aircraft carrier that was part of the fleet that participated in the Battle of Guam. Following the war, Roy returned home to Florida, where he started a landscaping business that continues today. Over the past 60 years, Roy Rood helped found American Legion Post 271, the local Kiwanis Club, the First Bank of Jupiter, and the Jupiter Christian School.

The residents of Tequesta are lucky to call Roy Rood our founding father. He will be missed.

THE MEMPHIS TIGERS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Tonight is going to be the sixth game of the World Series. Sports means money, business, and jobs. The St. Louis economy has been

spurred on by the World Series to where they're not cutting employees because they have had increased sales tax. It's the same way with college sports.

I want to encourage all the Big East presidents to consider the University of Memphis for membership. Memphis is a major city. It is the home of Federal Express, International Paper, and other major companies. We don't have a professional football team in Memphis. So if we get in the Big East, in essence, you are our professional football team and the city would rally around it, unlike in Dallas and Houston, where they have professional teams. The Big East is known for basketball.

Rick Pitino, the coach of our rival, the University of Louisville, has suggested Memphis should be in the conference to keep the Big East as a primary basketball conference. What a great thing to see Memphis and Louisville again in a conference game.

We ought to be beyond just dollars—although Memphis can bring them—but also competitive rivalries that make the sport what it has been in the American appetite. I encourage the Big East to include the University of Memphis in its expansion plans.

SERGEANT ROBERT B. COWDREY

(Mr. TIPTON asked and was given permission to address the House for 1 minute.)

Mr. TIPTON. Mr. Speaker, it is a great privilege to rise in commendation of Sergeant Robert B. Cowdrey, who served our country with great honor and pride. Sergeant Cowdrey gave his life for our country on October 13 while attempting a helicopter rescue of his fellow soldiers under fire.

Sergeant Cowdrey was raised in La Junta, Colorado. He graduated from La Junta High School in 1990. He was a devoted outdoorsman and family man who enjoyed bow hunting. Cowdrey enlisted in the Army in 2003 and was serving his third tour of duty in Afghanistan at the time of his death. Sergeant Cowdrey's duties included flying into active combat zones to deliver medical assistance and rescue troops while under fire. He was highly decorated for his heroic service, earning the Bronze Star and two Army commendations for valor.

Mr. Speaker, I rise today to pay tribute to Sergeant Cowdrey, a selfless American hero whose bravery and sacrifice for our country are examples of what makes this country great. My thoughts and prayers are with his wife, Jill, and their three sons, Justin, Jacob, and Nathan, and the entire Cowdrey family.

□ 1150

JOB CREATION

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I am delighted to rise to indicate that we have an opportunity to be good Americans and to be the kind of resilient, strong, patriotic Nation that all of us love. We love this country.

I gathered this morning with a group of leaders who addressed the question of working issues, union leaders. Every last one of them said, let us create jobs, jobs in America. Part of it could be passing the jobs bill that the President has introduced dealing with the question of infrastructure. One Member who was coming to the meeting said, I was late because of our infrastructure problems. This would create jobs, bring back our law enforcement, police officers and teachers, where classrooms are going up and up and up in size because we don't have enough teachers.

And as you well know, the President has announced that we will be bringing home our valiant troops from Iraq, 150,000 of these young people that will need jobs. Let's get them in a training program where they have to get a stipend that will help support them, legislation that I have introduced.

This last bill that I had to vote against, it's sad that we would take Medicaid to help our small businesses and our vendors, whereas 2 years ago I voted on it because we used the stimulus funds to do so. There are many pay-fors to help small businesses, but what we need to do is to focus on paying and creating—paying people, Americans, so they can eat and put food on their table. We need to create jobs and stop taking money from Medicaid, Medicare, and Social Security.

Let's all work together, pull together, balance this budget on the basis of the fact that the Nation is not broke. We can do this.

JOB CREATION

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, not only can we not wait; we can't afford to wait. And here in the House, we haven't waited.

With this week's passage of H.R. 1904, the Southeast Arizona Land Exchange and Conservation Act of 2011, and H.R. 674, the repeal of the 3 percent withholding rule on certain payments made to vendors by government entities, the House Chamber now has passed more than 17 job-creating bills in the 112th Congress.

H.R. 1904 will boost development of our Nation's copper resources, generating billions in new revenue and cre-

ating new environments for economic growth. Much like the costly Form 1099 requirements that we succeeded in repealing earlier this year, the 3 percent withholding rule would impose substantial new burdens on cash-strapped employers, impeding cash flows and further undermining job creation.

Passage of H.R. 674 will not only create jobs; it will relieve Federal, State and local governments of the need to comply with unfunded administrative burdens that the rule would impose.

Mr. Speaker, not only can we not wait; we cannot afford to wait. And here in the House, we haven't waited.

VOW ACT

(Mr. NUGENT asked and was given permission to address the House for 1 minute.)

Mr. NUGENT. Mr. Speaker, on October 12, 2011, the House took an important step in addressing the alarming number of unemployed veterans currently living within the United States by passing the Veterans Opportunity to Work Act.

Known as the VOW Act, this legislation will confront the rising unemployment problems that our veterans in the U.S. are facing by providing veterans of past eras with additional training benefits, ensuring all transitioning servicemembers have access to a transition assistance program, and by strengthening protections under USERRA for our National Guard and Reserve troops. As a father of three sons currently serving in the United States Army, I have a deep appreciation for the service our men and women in uniform have given to this country.

Additionally, one of my priorities when I came to Washington was to ensure that when our troops return home, they have jobs and a strong economy to come to. This legislation is a great first step in fulfilling our responsibilities to all veterans who have sacrificed much on behalf of this Nation. With that in mind, I was proud to support the passage of the VOW Act.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair is prepared to recognize a Member of the minority party for 1 hour.

YUCCA MOUNTAIN

(Mr. DUNCAN of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN of South Carolina. Mr. Speaker, I have prepared remarks today, but I want to talk about Yucca Mountain.

We've heard a lot of talk this week about the Presidential candidates and Yucca Mountain. America needs to realize that South Carolina, on the Savannah riverside, is currently holding

all of the legacy weapons product material that came out of the Non-proliferation Treaty—plutonium, sitting in my State, in my district, that is slated to go, under past agreements, to Yucca Mountain. It's the right place.

America needs to bring Yucca Mountain back online. And let's take the legacy weapons products out of South Carolina and put them in a long-term storage facility.

A TEXAN LOOKS AT CURRENT EVENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, for going on a couple months now, we've been hearing the President say we need to pass his jobs bill—pass his jobs bill right away, right now, pass his jobs bill. And it was so ironic to have a President of the United States, who says he wants to work with the Members of Congress, but Members of Congress won't work with him, and in his purported "effort" to work with Members of Congress, he doesn't ask to sit down with Congress in a private meeting and talk about these issues. Oh, no, that would really show an intent to work with Congress, to sit down in a room where we can visit about the issues. That would be really working with Congress. Instead, what we have from the President of the United States is a demand.

Now, I'm not sure historically, Mr. Speaker, how many times a President of the United States has decided to just throw a little hissy fit and, I'm going to come talk to Congress. Well, we know that he was an instructor. He wasn't a professor, but an instructor. You can be an instructor in a law school if you practice law on the side or a community organizer on the side, or whatever; and they'll let you come teach a course or two. So anybody who has been involved in a law school, you would think, even as a low instructor, would know that the Constitution makes very clear that the President of the United States has no right, no moral authority to demand to come speak in the House.

Now, the President would never give credit to the willingness of this Congress to vote unanimously to allow the President, after his little hissy fit, to come speak in the House, but we did. He demanded to come speak to the House. He has to have an invitation to do that. In social circles, if somebody demanded to come to someone's house—I demand an invitation to come lecture you in your house—most people would say forget it. But this House, controlled by Republican Members—

the majority here, Republican, Democrat majority down in the Senate—we voted unanimously. There were no objections to inviting the President to come lecture us rather than sit down and try to work with us.

□ 1200

Mr. BARTON of Texas. Will the gentleman yield?

Mr. GOHMERT. I certainly will yield to my friend from Texas.

Mr. BARTON of Texas. I just want to thank you for taking this time to speak on this subject. I think it's commendable that you would do that, and I think you're exactly right. I would encourage you to keep telling the truth as you know it.

And how proud we are of you in the Texas delegation and certainly in east Texas, where you represent that part of the State so well. So keep up the good work.

Mr. GOHMERT. Well, that's so unexpected and unnecessary, and it actually means a great deal. Thank you.

Somebody that's been here slugging it out longer than I would ever be able to handle, Mr. BARTON from Texas came as a young man, and he's been able to endure the slings and arrows through many, many years of being in the minority.

And we're back to dealing with a White House who wants, he says, to negotiate, to work with Congress, and does so by demanding to come talk to Congress, and comes.

Did we have a warm, friendly meeting here as the President stood here on the second level?

Well, actually we got lectured. We were lectured that we needed to pass the President's jobs bill right away, right away, 16, 17 times. We've just got to do it now.

During the speech, I don't recall the President ever saying, I really don't have a bill. I don't have a bill. And, in fact, if you want to sit down and work with me, you won't be able to because in the morning I'm getting on Air Force One, funded by the taxpayers, and basically hit the campaign trail. And I'm going to be beating up on you guys in the House of Representatives for not being willing to negotiate with me, even though I'm not around. And, by the way, I'm not going to negotiate even if we sat down because you've got to take my bill completely, pass the whole thing. I'm not going to compromise on anything.

That was the message for a number of weeks. Take it; pass it as it is. Never mind the fact that he didn't have a bill when he hit the road and was condemning Congress for not passing his bill. That's just strange.

You would think if somebody really wants to work with Congress, really wants to do something for the people of America that are hurting—I've had four job fairs in east Texas, and I've

gone to each one, and it breaks your heart. There are people in their fifties and sixties, there's a lot of young people, a bigger percentage of young people, but there were older people, tremendous experience, tremendous education and training, been laid off because of the bad economy.

And it's heartbreaking even more so because this Congress and this President have to take responsibility for continuing to put more and more laws, regulations, burdens on business that keep them from being able to retain jobs, keep them from being able to expand and create more jobs.

And when you hear from people who've lost their job, and they're not only brokenhearted, but they're upset because then they find out that this administration has done things like throw \$600 million at Solyndra, has spent millions of dollars, hundreds of millions of dollars, to create jobs. One giveaway program, seems like I read we spent \$8 million per job that was created. Different amounts resulting in a different number of jobs.

One of the things I've seen in talking to people in Texas who are involved in the education system is that when the President's so-called stimulus bill in January of 2009 was passed and it was done, rammed through like the ObamaCare bill was, it didn't have, it didn't seem, the full support of America. But it had a majority in the House, it had a majority in the Senate, and so it passed.

I like to think I'm objective enough that I certainly acknowledge it didn't start in January of '09 with President Obama. A good man, a smart man—he's not given credit for that—made a major mistake when President Bush trusted Hank Paulson. Paulson says, we're about to have a catastrophe, give me \$700 billion and I'll keep things on track, get things back on track.

We don't give \$700 billion to one man and say go fix things. You don't do that in America. That's not what the country was founded for. But it was done. And as I understand it, about \$250 billion of the \$700 billion is around the amount that Hank Paulson squandered of the so-called stimulus or the bailout, TARP, whatever you want to call it.

Ironically, if one wishes to look at things from a political standpoint, it was pretty amazing because a Republican administration provided \$700 billion to mainly bail out people on Wall Street who had donated to Democrats 4-1 over Republicans. That's what's so amazing is to hear people constantly talk about these rotten Republicans on Wall Street, when the fact is they give to Democrats 4-1 over Republicans.

So, not only was it absolutely, in my mind, an immoral thing to do, to take people's hard-earned money and add it to money we borrowed from China and others to bail people out on Wall

Street. That's not the America that was founded, that so much blood and treasure has been spent to establish.

Wall Street executives, I've got no problem, as long as they're playing by the rules, they're not cheating people, if they make \$100 million a year. I have no problem as long as they're playing fairly; but when they get greedy and end up being broke, I do think it's appropriate for them to do what Americans are supposed to do and what is set out in the Constitution to do, called bankruptcy.

And AIG, it sounds like they were making money in every department except the credit default swaps. Well, gee, that's what happens when you sell what is, in effect, insurance against a catastrophic event, which would be the failure of the mortgage-backed securities to have the value that was paid for them. You ensure against that. You take what amounts to premiums. You put no money in reserve to ensure against the event you took money to ensure against; and then are shocked some day when people want to make a claim under that insurance, and you've done nothing but take profit.

What a great business that was, selling insurance to ensure against mortgage-backed securities not having the value paid for them, and not having to set aside a dime of that in a reserve account so that if somebody ever makes a claim you've got to pay it back. Now, there had to be a fun business.

But, again, it was immoral, it was irresponsible, and they should have been under the rules of insurance. If you're going to sell insurance, you've got to ensure against the event you took money to pay off for if it ever happens. It didn't happen, so AIG should have been allowed to go through bankruptcy. If they had enough assets, and thought they might, they were certainly making a lot of money, if they had enough assets, they could reorganize, get creditors to agree and come up with a plan for reorganization. The law is very clear. At least it used to be before the auto bailout. But that's what should have happened.

□ 1210

Goldman Sachs, even though those were the dear, close friends of Hank Paulson, the worst Secretary of the Treasury this country has ever had until we got Tim Geithner. Now it's a close call. I'm not sure who is worse. But he bailed out his buddies at Goldman Sachs. They should have been allowed to go through reorganization if they could, and, if not, then liquidation and bankruptcy. That is what the Constitution provides for. And it should have been allowed to happen. And I realize that if that had happened, then those massive donations that the Democratic Party and President Obama got from Wall Street wouldn't have come through for him. I realize

that. But this is more than about political parties and more than about political donations. It's about the life and the existence of this country.

Nobody should be too big to fail. If you can get big enough that the failure of your company or your bank hurts a lot of people, then it's going to hurt a lot of people. But that is the problem when the government becomes a player. We start becoming the lending institution, we start becoming the player in insurance where we're going to be selling the insurance like we do flood insurance, and we're going to be guaranteeing all the home loans. Well, people have to be in the good graces of the Federal Government if they're going to be able to get what they want because the Federal Government becomes the player, selling the insurance, like flood insurance, or backing home mortgages, and then you have a catastrophe like we've witnessed for the last 3 years. It didn't have to happen, but it is what happens when a country moves toward being more socialistic, where the government runs everything, the GRE, government running everything. That is what ObamaCare was about, the GRE. That's what the President's stimulus bill in January of 2009 was about. We were told it was \$800 billion. It turned out to be maybe more like \$1 trillion. It was about the GRE, the government running everything.

We heard with the President's stimulus bill in 2009, January, that if we did not pass the President's stimulus bill—the President told us, he made very clear, if you don't pass this bill, I'm warning you, unemployment could go as high as 8½ percent. Well, 2½ years later, that 8½ percent looks pretty doggone good. That would have been nice. But it got up to 10, and we're back at 9.1 for months now.

The numbers are bad, but what is worse is all those people that cannot find jobs, and the biggest reason is because we have a government that thinks it is the answer when it's the problem. It's not the answer. When the government becomes the player and tries to be the player and referee, it doesn't work. When the government is so busy being a player as well as referee, it can't do its referee job very well, and so you have people like Bernie Madoff who get away for years with bilking people out of billions of dollars—life savings. That should never have happened. If the Federal Government were more interested in being the referee and making sure people played fair, Madoff couldn't have gotten away with it for that long.

When the government wants to run health care as we do with Medicare and Medicaid, it becomes the problem, not the solution. And now we have seniors who are scared to death because they see what's happening. The President gets his bill, ObamaCare health bill, passed, and it has a provision for \$500

billion to be cut from Medicare. And then AARP, after supporting that bill that cut \$500 billion from Medicare, has the unmitigated gall to encourage people that are sending AARP money to notify their Congressman that we don't want any cuts to Medicare. Well, I've gotten those petitions. And my response is that if you're part of AARP and you don't want cuts to Medicare, then I'm so glad you're now off the AARP team and you now support what I do. Because AARP sold the seniors down the road.

Why would they do that? Well, let's look. Gee, they made, I believe it was in 2008, one big health insurance company made around \$92 million clear profit and another \$112 million or so profit, and then you have AARP that made over \$400 million in clear profit from the sale of their supplemental insurance. I had a proposal that would have given seniors a choice: you can stay on Medicare, or you can choose to have us buy you private insurance that covers everything. You won't need any supplemental insurance; it will cover everything, but it will have a high deductible. Thirty-five hundred dollars was the proposal, but I'm not married to that. If there were another figure that would end up being better from an accounting standpoint in the long run, you can do that. But the proposal was \$3,500. And then for that, we will put the \$3,500 cash in the seniors' health care account for each of those 30 million or so homes that have people on Medicare, Medicaid. So then you have a debit card coded to only pay for health care, and the senior for the first time since the sixties will finally be in control of their own health care, making their own decisions, and we get the government out of the way of making decisions—oh, no, you can't have that medication; oh, no, you can't see that doctor; oh, no, you can't have that treatment. And what we're seeing are the early stages of what ultimately happens when the government controls health care. It's lists, and lists mean rationing.

I've heard from people that live in Canada and England. The father of one man from Canada needed a heart bypass operation. They put him on the bypass list, and 2 years later he had not gotten his bypass, and so he died. If he had been in the United States, he would probably still be alive today. One secretary in my district told me about her mother getting breast cancer. But she had to get on a list in order to get the mammogram, had to get on a list to get the treatment, get on a list to have therapy, and get on a list for surgery, all those things that came with it. And as a result of all those lists, she said, "my mother died because she was in England. I was found to have cancer, I had immediate treatment." She's a secretary. She got treatment. She got the surgery and

treatment. And she says, "I'm alive because I was in the United States. My mother died because she was in England."

Well, unfortunately, there are people who love people but think that by the government running health care—which will inevitably lead to rationing of health care—that somehow that's a better thing. Our health care system needs work. It needs to be fixed. But the thing we should be doing is not having the government become the ultimate, the biggest player and referee in health care. We need to get the government out of being the player and get them back into the business of being the referee.

At the same time, we need to get the health insurance companies out of the business of being health managers and back in the business of selling insurance. And you do that, if we can move forward, with health savings accounts. The young people of today in their twenties and thirties start putting away money in their own health savings account, let that build—there shouldn't be any limits on how much you can put in, but it ought to be a requirement you can never take it out. You can give it to your kids, give it to charities for a health savings account for those who can't provide it themselves, but once it becomes health savings account cash, that's where it stays until it's spent on health care.

□ 1220

Leave it to your children when you die. Leave it to other charities that have people who need health care, and it could go in their health savings accounts.

Once we do that, for the kids in their twenties and thirties, indications are, by the time they're 65, 70 years old, not only will they not want Medicare, they won't need it because they'll have enough money in their accounts that they can do whatever they want to and have whatever health care they need. But it's not the end-all solution. We don't have free market forces at work in health care. It's why costs keep going up. That's one of the reasons.

Another reason is the tremendous advances that have been made in medicine that are now slowing down without the great people who have been attracted to health care—brilliant doctors and nurses. People in the health care industry are so smart, but we're already seeing the quality of people applying not at the level it once was. Why should it when this government intervenes and prevents people from being compensated properly?

But until we get free market forces at work in health care, we're not going to fix health care, and you cannot have competition in health care as long as we have our existing system in which nobody knows what anything costs:

You ask, What does an MRI cost? Well, it all depends, you're told.

What does a room with a single bed in your hospital cost? Well, it all depends. We can't really say.

You have Blue Cross. You have this and that. You have Medicaid. You have Medicare. Are you paying cash?

It all depends. You can't fix health care when there's no competition.

Growing up in Mount Pleasant, Texas, it was no secret that we went between two and, actually, eventually three different doctors' offices. We loved the doctors. They were great doctors. My mother passed away at 91, and my dad is still alive. I recall, growing up, we'd go to one doctor when I thought we were going to this other doctor:

Well, they raised their prices, and they're both great doctors.

Well, yeah, they are. I love them both.

So we would go. When one would raise his price, we'd go back to the other doctor. You can't do that now. You don't know what a doctor charges. I've talked to doctors who would love to tell people what they charge, but it all depends whether it's Medicare, Medicaid, what insurance.

Then the most unfair cut of all is, if you come in and if you're too poor to have insurance and if you're not eligible for Medicare or Medicaid, then they're going to sit down with you and work out a payment plan for an amount that is normally many times more than the insurance companies would ever have agreed to pay. Well, that's not right. If somebody comes in with cash, they ought to be able to get it cheaper than Blue Cross or cheaper than other methods of payment. They're coming in with cash. In a good scenario, that's the way it would be.

If everyone had a health savings account that covered the high amount of the deductible, of their catastrophic insurance, that's the way it would be because you would call up the doctor or the hospital and say, I need to come in. How much do you charge? Under a bill I've proposed, they'd have to tell you. You could find it online. It would have to be posted. "This is how much we charge." They'd have to know before they'd come. Then you could get competition. You've got your debit card coded to only cover health care, and so you then care about how much things cost. You can't find a whole lot of people who care how much health care costs anymore because they're not paying it. What does it matter if the cost goes up 10 times?

Then you've got seniors, many of whom are AARP members. They're paying their dues, and they've got their supplemental insurance. How tragic that AARP didn't mind the \$500 billion cut to Medicare. Gee, let's think about that. If there's a massive cut to Medicare and if AARP sells supplemental insurance to cover what Medicare doesn't, I wonder if maybe they

might think they would sell more insurance. Maybe that's why they would support a bill that cut Medicare by \$500 billion.

The games that have been played around this town really need to stop. We've gotten this country in trouble, but they're not going to stop with the President spending every day traveling around the country, demonizing Congress for not passing his bill, his law, when he doesn't even know what's in his bill. I do. I read the whole thing. I'm told there may not be anybody else in the House or Senate who has read every page of the President's bill like I did. Well, if the President would read it—he's obviously a smart enough man—he would see that a lot of his claims do not have the merit he thinks they do—or whoever is putting those words in his teleprompter thinks they do.

On education, we have the stimulus bill. We were told it was going to create so many jobs, that it was going to build bridges and fix bridges. It didn't do those things. So now, 2½ years later, the President makes the same speeches. That's got to be good for the speechwriters because they could go back and take the same speeches that the President gave in January of 2009:

You need to pass this bill. You've got to pass this bill right now, right away. Then it will build bridges; it will fix these bridges; it will hire people, get school teachers back and law enforcement.

Those were all said in January of '09. I'm wondering if we shouldn't go back and compare those speeches and see if they haven't just cut some of those speeches and pasted them. Hey, it worked. They got Congress in January of '09 to pass the massive stimulus bill.

As I've talked to educators around Texas, I found something that was deeply saddening and a bit maddening. There was some very limited amount of the trillion dollars in the President's so-called "stimulus bill" in January of '09 that went to hire teachers. I've met young people who were hired as teachers, and I'm thrilled when young people are able to get jobs. It's a good thing. Then I've talked to different educators who have said, It's so tragic. The stimulus money ran out, so we had to let teachers go. If you don't keep paying the stimulus money, then we don't get to keep those same teachers.

That ought to tell us something. The stimulus money was not stimulus. If it had been stimulus, it would have stimulated things to the point that those teachers who were hired 2½ years ago would have stimulated enough in the economy that they would have been able to keep those jobs; but the stimulus bill in January of '09 was not nor was the stimulus bill in January of '08 under President Bush. They did not work. They don't work. That's not the way to stimulate.

So then what really breaks my heart is when I find out people my age, who are in their fifties, and people in their forties who have been teaching for 20, 25, 30 years—and because they do and because of the payment structure in education, they make a little more and a little more as they go along. Lo and behold, the Federal Government comes in and says, Here's a bunch of stimulus money, not that much in the scheme of a trillion, but we'll give you a little bit to hire some new teachers. They hire new, young teachers. They're working for cheaper than the older, experienced, well-trained teachers.

So what happens when the stimulus money that didn't stimulate anything runs out? It's rather tragic. People who have families, who have committed their lives to education, have lost their jobs.

□ 1230

I've heard from those people. Good teachers, good educators. But when they look at it, jeesh, if this stimulus has allowed us to hire these young, new teachers, these experienced teachers that have a heart for the students, well trained, well educated, they're costing a little more, let's let them go. How tragic that this body would pass a bill under Speaker PELOSI intending to help education; and as a result of the misguided attempt to help education, we have driven out many of our best, most experienced, most caring teachers.

I have talked to young people who have gotten a job. They don't intend to stay teachers all that long. They're hoping they can find something else. So you have people who committed their lives to education losing their jobs because of a stimulus bill that wasn't for young teachers who don't plan to stay teachers. They don't like teaching; they want to do something else.

This body needs to get back to the original purpose of the Constitution. The purpose of the Constitution was to have a limited government, and that government would be a referee. It would make sure people and businesses in America played fair. It would not guarantee equal results, but it would guarantee opportunity to be fair and equal. It was a long way from doing that until the wonderful works that were accomplished by the efforts of Martin Luther King, Jr.

So we were on track, more equality of opportunity; but now it's as if some people think, no, Dr. King wanted equal results. No, he didn't. He wanted people judged by the content of their character, not the color of their skin.

We made great, tremendous strides, but when a government wants to guarantee equal outcomes instead of equal opportunity, it becomes a tyrannical government. It becomes the player and not the referee.

The other thing we're supposed to do is provide for the common defense, and that means not checking in our brain before we come to work every day. That means in every executive agency charged with providing for defense, you don't suddenly declare that the only people who can advise us about that tiny percent of radical Islamists, tiny percentage of the overall Muslim population, the only ones that can advise us about those radicals are people that really understand that mentality.

We want people from the Muslim Brotherhood who want to take over the county, take over the world, have a united caliphate under sharia law to be the ones to advise us on how we deal with radical Islam, although this administration has now made it extremely clear, Attorney General Holder has made it clear, Secretary Napolitano has made clear, we really don't want to offend those who want to kill us and destroy our way of life by referring to them as radical Islamists.

Let's call them violent extremists. But when you look at what they've said, and you look at what they've done and want to do, it's because of their sick beliefs in what being a Muslim means.

An even further tragedy is the fact that we have allowed people with organizations who have supported terrorism to be advisers to this administration, to this Justice Department, to this intelligence community, to this Department of State. We've got foxes in the hen house.

We don't need to pass the President's so-called jobs bill. This will do more to drive up the cost of oil and gas because this President doesn't understand that the four pages of deductions that he repeals in here will put independent oil and gas producers out of business.

He doesn't understand that 94 percent of the oil and gas wells that are drilled on the land in the continental U.S. are drilled by independent oil and gas producers. He doesn't understand that when you eliminate their ability to raise capital, those wells will no longer be drilled. The major oil companies that the President demonizes and says he's going after will not only not drill all of those wells and produce all of the oil and gas; they can produce the exact same amount and make massive amounts more in profit.

So the one thing the President says he wants to do that's page 151 through 154 of his bill has the exact opposite effect. It will increase revenues, profits, for major oil companies because it will drive out the independent oil and gas producers, not to mention the millions of jobs that we'll lose by doing that.

Now, when I came to Congress 6½ years ago, I was concerned that there was not enough natural gas to continue to produce electricity with it, even though it is the most clean-burning thing that we've got. It would be won-

derful, I thought, if you could do that. We just don't have enough because you've also got to have natural gas. It's a feedstock that you have to have in order to produce so many of the plastics, so many of the goods that are now so important to all Americans and to health care and to transportation. So if you're using natural gas to produce electricity, provide energy, then it's going to drive up those costs.

Well, then science and necessity being the mother of invention, we hone our ability to horizontally drill. Hydraulic fracking allows us to get gas that we couldn't get otherwise. And now, depending on who you believe, we've got 100, 300 years of natural gas. Some of us have been told that possibly the largest deposit of natural gas just may be off the west coast of Florida, and nobody's allowed to drill there.

We find out that the Marcellus shale up in the Northeast is producing jobs for people, unless our friends across the aisle are successful in killing those efforts to drill for that gas, Haynesville shale down in Louisiana, east Texas where I am; Barnett shale, north, northwest Texas. These other gas finds are so extraordinary I now fully support my Democrat friend, DAN BOREN's, efforts to encourage people to convert cars to natural gas, to encourage manufacturers to produce cars that will run on natural gas. It will be cheaper than gasoline.

Some people identify greatly with the tea parties. I think they've been demonized, the people I see at those tea parties, all races, all ages, but they seem to have one thing in common: They're all paying income tax. And we're down to about 50 percent of the country that's doing that. People that come out at the tea parties, that's the one commonality: They pay taxes, they pay income tax and, as a result of that, they'd like to see less government.

□ 1240

So some have been surprised that I would support something that's not free market totally because I'm a free market kind of guy. But the overriding concern for this body, the oath that we take should be to make sure that we provide for the common defense. We have been sending trillions of dollars overseas when so much of that money finds its way into the hands of those who hate us, want to destroy our way of life. They don't think that people should have freedom to choose because if you give freedom to choose they think, their religious beliefs are, you'll slip into degradation, and then you'll be part of a Nation that needs to be destroyed.

Well, it happens. When you give people freedom of choice, just as I believe God did to start with, some are going to choose to do wrong. It's going to happen. We're all going to make mistakes, and some will do so inten-

tionally. That's when you need a government to enforce rules of fair play to make sure that we provide for the common defense so that people can freely practice peaceful religious beliefs.

But we've been sending all that money year after year, growing more and more dependent on overseas oil. When President Carter created this new monstrosity, a couple of them, one called the Department of Education and another called the Department of Energy, and every year the Department of Energy has existed, its goal has been to reduce the dependency on foreign oil. And every year they fail at their job more than they did the year before. Every year. No matter how many billions, hundreds of billions of dollars they throw at alternative energy rather than letting the free market play, it's not working.

But the reason I would support encouraging people to convert cars to natural gas, I'd like to buy a car from a factory in the United States that runs off natural gas. We do need infrastructure where you can pull up to a gas station and get natural gas instead of gasoline. But I support it because if we do that, I now see we could be 100 percent energy independent. It would save the lives of our most treasured possessions in this country, the American people, the men and women who give their lives for their country, when we have funded terrorism, not intentionally, but by paying people who hate our own country for their oil when we could get off of it. And if we get on natural gas for 100 years, there's going to be time to develop—and I know some people think it's not possible, I really do think we could eventually come up, somebody will, with a way to hold electricity. Some laugh at that. The late Ted Kennedy laughed about having a strategic defense shield of rockets, that's Star Wars. And lo and behold, it's happening. Well, until President Obama reneged on our agreement with Poland that cost so many their political lives in Poland, supported the missile defense that would stand between us and Iranian missiles, and we turned our backs on them, stabbed them in the back.

Well, we're at risk, and it's time to quit sending money to countries that hate us. As I have often said, you don't have to pay people to hate you; they'll do it for free. You don't have to pay them. And yet we keep sending money to people who hate our guts, and it doesn't cause them to like us. It causes them to not only hate us but to have total contempt because of how stupid we are—that we know that they hate us and we still keep giving them money. Bullies on a playground who demand lunch money from another student don't develop admiration, love, and respect for students who give them their lunch money. They still hate them. They still don't think anything

of them. That's not the way to deal with bullies. The way to deal with bullies is to make sure that if you have to band together as a government, as an educational administration, and just decide we're not going to let bullies prevail, then you do that. You can do that in schools. You can do it in the world by having a government that is strong enough militarily that what it says, it can back up.

You don't do that when you make contractual agreements, as we did with Mubarak. And I'm not a President Mubarak fan. I was not a Qadhafi fan. But this administration had agreements with both of those people. They turned their backs on them, and now it appears we have radical Islamists that are taking over in those countries, and they will hate us more than Qadhafi did because at least Qadhafi was afraid of us.

And then, we had a hearing yesterday in the Judiciary Committee. Secretary Napolitano came here. It has not made the mainstream media. They'll probably never touch it, but it ought to rock people's lives when they see what's going on with this administration. You can't use the word radical Islam—that might offend the people that want to kill us—when the fact is if we address radical Islam, we will protect the moderate, the vast majority of Muslims who are moderate who want to live in peace. If the radicals take over, they could be the first ones they go after. As well as liberal reporters, they'll take them out. Gays, they'll take them out.

You would think people for gay rights would be on the side of those of us who want to go after radical Islam. But instead, it seems to be strange bedfellows in combining against those who want to support and defend the Constitution of the United States.

So we do some digging, a couple of sleepless nights doing research, and we find out the Homeland Security Department has people in its midst who are advising it. We find out, there's an article about it, it can be found on the Internet, we find out that there was a seminar by two of the leading experts on radical Islam that was going to be given to law enforcement. And CAIR—a named coconspirator supporting terrorism, named as a coconspirator in the Holy Land Foundation trial that should have been prosecuted, but this administration says they're friends, we're not going after them—CAIR complains to the White House, to this administration, and they cancel the briefing. And the word we're reading is that, gee, apparently they're rewriting the rules so that people in our intelligence of this administration, people in Homeland Security, people in the Justice Department, people in the White House, can only be briefed. They are rewriting the rules, and what we are told they'll end up saying is, you can't do the brief-

ing if you're part of the government. So if you're in the government and you're not Muslim and don't have sympathies for radical Islam, then you'll be prevented from briefing others despite the fact that you may have spent your whole adult life studying this terrorism since 1979, when we saw it first come after us in Iran after President Carter proclaimed this "man of peace," Ayatollah Khomeini, was coming in, and he has done more to create hatred, to create violence, than any leader I'm aware of in the last 50 years.

□ 1250

President Carter thought he'd be a man of peace. Wrong. He wasn't. Nor is the present Khamenei. Nor is Ahmadinejad. And then you find out the president of ISNA, the Islamic Society of North America, who has ready access to the White House, within the inner sanctum of the State Department.

When the President gave his speech to try to upstage Netanyahu the day before Netanyahu was coming from Israel to the United States and ultimately to address this body, the president of ISNA, a named coconspirator in the Holy Land Foundation trial, 105 counts of conviction in which the named coconspirators should have been pursued after those initial convictions, he's advising the President on his speech about Israel. He's giving remarks on how the President is doing. He's got the President's ear. He's got the State Department's ear. He's got the National Security's ear. In fact, we see from the Deputy National Security Advisor's own transcript of his own remarks that were on the White House Web site, the Deputy National Security Advisor commends the president of this named coconspirator to fund terrorism for leading prayers for the Iftar celebration last year at the White House.

We haven't seen anybody in this mainstream media that wants to talk about the fact that al-Awlaki, who this administration killed with a drone just not that long ago, was leading prayers for Muslim staffers on Capitol Hill.

Foxes are in the hen house. And they're given more and more authority.

We found out yesterday that it was Homeland Security that gave a secret security clearance to Mohamed Elibary, from all accounts, a very nice gentleman. But if you read his writings, he thinks the world of the Muslim philosopher on whom Osama bin Laden relied so heavily for being barbaric, for killing innocents. The man that is part of the inner circle and now has been elevated to the National Homeland Security Advisory Council of the Secretary of Homeland Security thinks that he was a man of peace. He was executed in the sixties, but his writings fully supported what Osama bin Laden was doing. They support

what radical Islam is doing. And that's why they constantly point to his writings from the fifties and sixties.

We also find—and I have got a flyer in my materials here—that Mohamed Elibary was one of the featured speakers for the tribute to a man of vision, the Ayatollah Khomeini, just recent years ago. He's been given a secret security clearance. I find out 2 days ago he's also working with the ACLU to attack from the outside, to demand materials that will tell them about the sources and methods of how we try to get some intelligence on the people that want to destroy and kill us and ruin our way of life and create a one-world caliphate for some dictator like the Ayatollah Khomeini or Khamenei over there now in Iran. And we're giving people like that access.

And then I find out this week—and it's written; it's now on the Internet and you can read the story—that the same man used his security clearance and is allowed to access security databases from his home computer; and he accesses a security database called the State and Local Intelligence Community database, called SLIC for short, and he pulled off some material that said on it "For Official Use Only," and then was shopping that to mainstream media in this country to try to condemn people in Texas for being concerned, under Governor Perry, as being Islamaphobes.

Then we find that the OIC that has been so powerful—57 states—that actually in 2007 they said that the most fearful terrorism that exists—and these are their words—is Islamaphobia. They created the term "Islamaphobia." They're donating hundreds of thousands and millions to some of our best educational institutions to go after people who are concerned not about Islam, not about the 95, 99 percent, whatever it is of Muslims who are peace-loving, but if you want to go after the 1 percent that wants to kill us and make this country into a caliphate under sharia law, you're an Islamaphobe. And they're paying millions and millions to develop that terminology.

So the mainstream media will buy into it and come after anybody that says, Look, there is a common thread that runs through those people who want to destroy our way of life, that want to take our young men and women in this country, radicalize them and have them help them destroy the greatest, most free country in the history of mankind. And this administration is bringing some of those foxes into the hen house.

So not only does this administration give a man who admires the inspiration for Osama bin Laden, who is a featured speaker for the tribute to Ayatollah Khomeini, he's given secret security clearance and now is using that as a political weapon not just to go after

people concerned about radical Islam, but also to go after an opponent of this President politically.

It's time to wake up. It's time to be a referee, not a player. It's time to let the free market system drive the economy, create jobs, while we do what we're supposed to do—provide for the common defense.

With that, Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to refrain from engaging in personalities toward the President.

PUBLICATION OF BUDGETARY MATERIAL

REVISIONS TO THE AGGREGATES AND ALLOCATIONS OF THE FISCAL YEAR 2012 BUDGET RESOLUTION FOR H.R. 2576

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to section 305 of H. Con. Res. 34, the House-passed budget resolution for fiscal year 2012, deemed to be in force by H. Res. 287, I hereby submit for printing in the Congressional Record revisions to the budget allocations and aggregates set forth pursuant to the concurrent resolution on the budget for fiscal year 2012. Aggregate levels of budget authority, outlays, and revenue are revised and the allocation to the House Committee on Ways and Means is also revised, for fiscal year 2012 and the period of fiscal year 2012 through 2021.

The revision is provided for H.R. 2576, legislation amending the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-re-

lated programs. Corresponding tables are attached.

This revision represents an adjustment for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended. For the purposes of the Budget Act, these revised aggregates and allocations are to be considered as aggregates and allocations included in the budget resolution.

Section 305 of the budget resolution allows the Chairman of the Committee on the Budget to revise the allocations of spending authority provided to the Committee on Ways and Means for legislation that decreases revenue. The Chairman of the Committee on the Budget may adjust the allocations and aggregates of this concurrent resolution if such measure would not increase the deficit over fiscal years 2012 through 2021.

H.R. 2576 decreases the deficit over this period by \$14.6 billion and is hence eligible for these adjustments are.

The table that follows indicates what these adjustments are.

BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

	Fiscal year	
	2012	2012–2021
Current Aggregates:		
Budget Authority	2,858,503	(¹)
Outlays	2,947,662	(¹)
Revenues	1,890,365	30,285,754
Changes for the United States—Colombia, Panama, Korea Free Trade Agreement Implementation Acts (H.R.3078, H.R. 3079, H.R. 3080):		
Budget Authority	0	(¹)
Outlays	0	(¹)
Revenues	0	–7,100
Revised Aggregates:		
Budget Authority	2,858,503	(¹)
Outlays	2,947,662	(¹)
Revenues	1,890,365	30,278,654

¹ Not applicable because annual appropriations Acts for fiscal years 2013 through 2021 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

(Fiscal years, in millions of dollars)

House Committee on Ways and Means	2012		2012–2021 Total	
	Budget authority	Outlays	Budget authority	Outlays
Current Allocation	1,030,960	1,031,280	13,171,553	13,172,135
Changes for a bill to amend the Internal Revenue Code of 1986 to modify the calculation of adjusted gross income for purposes of determining eligibility for certain healthcare-related programs. (H.R.2576)	0	0	–21,700	–21,770
Revised Allocation	1,030,960	1,031,280	13,149,853	13,150,435

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, October 31, 2011, at 1 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3617. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Foreign Futures and Options Contracts on a Non-Narrow-Based Security Index; Commission Certification Procedures (RIN: 3038-AC54) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3618. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Isopyrazam; Pesticide Tolerances [EPA-HQ-OPP-2009-0906; FRL-8874-6] received October 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3619. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prothiconazole; Pesticide Tolerances [EPA-HQ-OPP-2011-0053; FRL-8884-2] received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3620. A letter from the Senior Counsel, Financial Stability Oversight Council, transmitting the Council's final rule — Authority To Designate Financial Market Utilities as Systemically Important (RIN: 4030-AA01) received August 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3621. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Section 110(a)(2) In-

frastructure Requirements for the 1997 8-Hour Ozone and the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards [EPA-R03-OAR-2010-0160; FRL-9477-6] received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3622. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Determination of Attainment and Determination of Clean Data for the Annual 1997 Fine Particle Standard for the Charleston Area [EPA-R03-OAR-2011-0454; FRL-9477-5] received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3623. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; North Carolina: Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revision [EPA-R04-OAR-2010-0471-201071; FRL-9476-5] received October 4, 2011, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

3624. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — California: Final Authorization of State Hazardous Waste Management Program Revision [FRL-9476-2] received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3625. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of Colorado Regulation Number 3: Revisions to the Air Pollutant Emission Notice Requirements and Exemptions [EPA-R08-OAR-2007-0649; FRL-9290-2] received September 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3626. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: The 2011 Critical Use Exemption from the Phaseout of Methyl Bromide [EPA-HQ-OAR-2008-0321; FRL-9473-5] (RIN: 2060-AP92) received September 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3627. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2010-1075; FRL-8880-2] (RIN: 2070-AB27) received September 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3628. A letter from the Speaker of the House of Representatives, Parliamentary Assembly of Bosnia and Herzegovina, transmitting a letter expressing sympathy for the families of the victims of the September 11, 2001 terrorist attacks; to the Committee on Foreign Affairs.

3629. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher/Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA587) received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3630. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Portsmouth Naval Shipyard, Portsmouth, NH [Docket No.: USCG-2011-0708] (RIN: 1625-AA11) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3631. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Georgetown Channel, Washington, DC [Docket No.: USCG-2011-0760] (RIN: 1625-AA87) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3632. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation and Safety Zones; Marine Events in Captain of the Port Long Island

Sound Zone [Docket No.: USCG-2011-0553] (RIN: 1625-AA08; 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3633. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; August Fireworks Displays and Swim Events in the Captain of the Port New York Zone [Docket No.: USCG-2011-0688] (RIN: 1625-AA00) September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3634. A letter from the National Adjutant, Chief Executive Officer, Disabled American Veterans, transmitting the report of the proceedings of the organization's National Convention, including their annual audit report of receipts and expenditures as of December 31, 2011, pursuant to 44 U.S.C. 1332; (H. Doc. No. 112—68); to the Committee on Veterans' Affairs and ordered to be printed.

3635. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, "2010 Findings on the Worst Forms of Child Labor"; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OLSON (for himself, Ms. MCCOLLUM, Mr. PRICE of Georgia, Mr. LATHAM, Mr. HARRIS, Mrs. McMORRIS RODGERS, Mr. NUNES, Mrs. BLACKBURN, Mr. BUCSHON, Mr. LANCE, Mr. HARPER, Mr. BROUN of Georgia, Mr. POE of Texas, Mr. BURGESS, Mr. OWENS, Mr. BARROW, Mr. DAVID SCOTT of Georgia, Mr. ROTHMAN of New Jersey, Mr. COURTNEY, Ms. MATSUI, Ms. FUDGE, Mr. BRALEY of Iowa, Mrs. CAPPs, Mr. MURPHY of Connecticut, Mrs. BONO MACK, Ms. JENKINS, Mr. DAVIS of Illinois, Mr. RUNYAN, Mr. BOREN, Mr. TIBERI, Mr. BANNER, Mr. STIVERS, and Mr. SCHOCK):

H.R. 3269. A bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself, Mr. FILER, Mrs. DAVIS of California, Mr. ROHRBACHER, Mr. HUNTER, Mrs. NAPOLITANO, Ms. PELOSI, Ms. SPEIER, Mr. BACA, Ms. LINDA T. SANCHEZ of California, Mrs. BONO MACK, Mr. COSTA, Ms. RICHARDSON, Mrs. CAPPs, Ms. ROYBAL-ALLARD, Mr. GEORGE MILLER of California, Mr. ISSA, Mr. SCHIFF, Mr. THOMPSON of California, Mr. DREIER, Mr. LANGEVIN, Mr. CICILLINE, Mr. CAMPBELL, Mr. GALLEGLY, Mr. LEWIS of California, Mr. STARK, Mr. FARR, Mr. HERGER, Mr. DANIEL E. LUNGREN of California, Mr. NUNES, Mr. MCCLINTOCK, Mr. GARAMENDI, Ms. WOOLSEY, and Ms. LEE of California):

H.R. 3270. A bill to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the com-

petition; to the Committee on Transportation and Infrastructure.

By Ms. ROYBAL-ALLARD (for herself and Mr. POE of Texas):

H.R. 3271. A bill to promote the economic security and safety of victims of domestic violence, dating violence, sexual assault, or stalking, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Financial Services, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER:

H.R. 3272. A bill to reauthorize the National Windstorm Impact Reduction Program, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIGELL:

H.R. 3273. A bill to amend title 46, United States Code, to authorize the Secretary of Homeland Security or of any other department in which the Coast Guard is operating to enter into agreements with foreign governments or international organizations for the performance of port security assessments on behalf of the Secretary, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL (for himself, Mr. POSEY, Mr. MANZULLO, Mrs. BLACKBURN, Mr. HUNTER, and Mr. BARROW):

H.R. 3274. A bill to direct the National Highway Traffic Safety Administration to establish a program allowing small volume vehicle manufacturers to produce not more than 1,000 vehicles annually within a regulatory system that addresses the unique safety and financial issues associated with limited production, and to direct the Environmental Protection Agency to allow low volume vehicle manufacturers to rely upon certificates of conformity issued to engines from certified vehicles; to the Committee on Energy and Commerce.

By Mr. BUCSHON:

H.R. 3275. A bill to amend the Internal Revenue Code of 1986 to disallow the refundable portion of the child credit to taxpayers using individual taxpayer identification numbers issued by the Internal Revenue Service; to the Committee on Ways and Means.

By Ms. CASTOR of Florida:

H.R. 3276. A bill to designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the "Reverend Abe Brown Post Office Building"; to the Committee on Oversight and Government Reform.

By Mrs. MALONEY (for herself, Mr. TOWNS, Ms. RICHARDSON, Mr. RANGEL, Mr. NADLER, and Mr. JACKSON of Illinois):

H.R. 3277. A bill to amend title 38, United States Code, to improve and make permanent the Department of Veterans Affairs loan guarantee for the purchase of residential cooperative housing units, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. NORTON (for herself and Mr. CALVERT):

H.R. 3278. A bill to authorize the Fair Housing Commemorative Foundation to establish a commemorative work on Federal land in the District of Columbia to commemorate the national significance of the fair housing movement in America; to the Committee on Natural Resources.

By Mr. REYES:

H.R. 3279. A bill to amend title 38, United States Code, to clarify that caregivers for veterans with serious illnesses are eligible for assistance and support services provided by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. SENSENBRENNER:

H.R. 3280. A bill to amend the Federal Power Act to establish a regional transmission planning process, and for other purposes; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FILNER introduced a bill (H.R. 3281) for the relief of Ayded Reyes Benitez; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. OLSON:

H.R. 3269.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3—The Congress shall have Power To . . . regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes (Commerce Clause).

By Mr. BILBRAY:

H.R. 3270.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 of the United States Constitution which allows the Congress of the United States To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. ROYBAL-ALLARD:

H.R. 3271.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

Article I, Section 8, Clause 18

By Mr. NEUGEBAUER:

H.R. 3272.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power To . . . provide for the common Defence and general Welfare of the United States.

Article I, Section 8, Clause 18

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United

States or in any Department or Officer thereof.

By Mr. RIGELL:

H.R. 3273.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

Article 1, Section 8, Clause 18

By Mr. CAMPBELL:

H.R. 3274.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution of the United States.

By Mr. BUCHSHON:

H.R. 3275.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Ms. CASTOR of Florida:

H.R. 3276.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article 1 of the Constitution.

By Mrs. MALONEY:

H.R. 3277.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Ms. NORTON:

H.R. 3278.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1, and 18 of section 8 of article I, and clause 2 of section 3 of article IV of the Constitution.

By Mr. REYES:

H.R. 3279.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Article I, Section 8 of the United States Constitution.

Text:

Article I, Section. 8.

Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Clause 2: To borrow Money on the credit of the United States;

Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Clause 4: To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

Clause 5: To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

Clause 6: To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

Clause 7: To establish Post Offices and post Roads;

Clause 8: To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

Clause 9: To constitute Tribunals inferior to the supreme Court;

Clause 10: To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

Clause 11: To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

Clause 12: To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

Clause 13: To provide and maintain a Navy;

Clause 14: To make Rules for the Government and Regulation of the land and naval Forces;

Clause 15: To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

Clause 16: To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

Clause 17: To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;— And

Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. SENSENBRENNER:

H.R. 3280.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution

Mr. FILNER:

H.R. 3281.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clause 4), which grants Congress the power to establish a Uniform rule of Naturalization throughout the United States.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. SERRANO and Mr. TOWNS.

H.R. 210: Mr. CONNOLLY of Virginia.

H.R. 234: Mr. RIBBLE.

H.R. 569: Mrs. MYRICK.

H.R. 644: Mr. BOSWELL and Mr. WELCH.

H.R. 721: Mr. SCHILLING.

H.R. 735: Mr. ADERHOLT and Mr. DANIEL E. LUNGREN of California.

H.R. 749: Mr. NUNES.

H.R. 798: Ms. MOORE.

H.R. 1084: Mr. LARSON of Connecticut.

H.R. 1103: Mr. CLEAVER.

H.R. 1312: Mr. WEBSTER.

H.R. 1342: Mr. POLIS and Mr. GONZALEZ.

H.R. 1474: Mr. DESJARLAIS.

H.R. 1477: Mr. ACKERMAN.

H.R. 1513: Mr. LATOURETTE.

H.R. 1609: Mr. LABRADOR.

H.R. 1648: Ms. ZOE LOFGREN of California and Mr. DOGGETT.

H.R. 1653: Mr. MEEHAN, Mr. GRIFFIN of Arkansas, Mr. QUAYLE, Mrs. LUMMIS, Mr. DUFFY, and Mr. MCHENRY.

H.R. 1674: Mr. NUGENT.
 H.R. 1834: Mr. MCCAUL, Mr. KING of New York, Mrs. BIGGERT, and Mr. HONDA.
 H.R. 1842: Mr. CROWLEY.
 H.R. 1865: Mr. HUIZENGA of Michigan.
 H.R. 1925: Mr. HIGGINS.
 H.R. 1965: Mr. KLINE.
 H.R. 2020: Mr. ROTHMAN of New Jersey, Mr. PAULSEN, and Mr. DESJARLAIS.
 H.R. 2053: Mr. HEINRICH.
 H.R. 2063: Mr. RANGEL, Ms. BASS of California, and Ms. LEE of California.
 H.R. 2070: Mr. LUETKEMEYER.
 H.R. 2088: Mr. SCHIFF, Ms. EDWARDS, Ms. TSONGAS, Mr. LEWIS of Georgia, Mr. CAPUANO, and Ms. SPEIER.
 H.R. 2214: Mr. PEARCE, Mr. WILSON of South Carolina, Mr. THORNBERRY, Mr. SCHOCK, Mr. GRAVES of Georgia, Mrs. CAPITO, Mr. GARRETT, Mr. DUFFY, Mr. LONG, Mr. WALSH of Illinois, and Mr. MULVANEY.
 H.R. 2245: Mr. KING of New York.
 H.R. 2264: Mr. LEVIN.
 H.R. 2299: Mr. BERG.
 H.R. 2367: Mr. SIMPSON.
 H.R. 2369: Mr. WOODALL, Mr. BROWN of Georgia, Mr. AMODEI, and Mr. BISHOP of Utah.
 H.R. 2412: Ms. ZOE LOFGREN of California.
 H.R. 2446: Mr. BACA, Mr. ROE of Tennessee, and Mrs. BLACKBURN.
 H.R. 2487: Mr. STARK.
 H.R. 2514: Mr. HULTGREN and Mr. ROONEY.
 H.R. 2516: Mr. NUGENT.
 H.R. 2538: Mr. DANIEL E. LUNGREN of California.
 H.R. 2563: Mr. BARTLETT.
 H.R. 2853: Mr. GARAMENDI.
 H.R. 2874: Mr. FLEMING.
 H.R. 2888: Mr. FLORES.

H.R. 2910: Mr. POSEY.
 H.R. 2945: Mr. LANKFORD.
 H.R. 2967: Mr. FRANK of Massachusetts.
 H.R. 2969: Mr. NADLER, Mr. FRANK of Massachusetts, Mr. ROTHMAN of New Jersey, Mr. TIERNEY, Mr. BARTLETT, and Mr. JACKSON of Illinois.
 H.R. 3029: Mr. LABRADOR, Mr. DESJARLAIS, Mr. SCOTT of South Carolina, Mr. MACK, Mrs. BONO MACK, Mr. SOUTHERLAND, Mr. MCHENRY, Mr. BILBRAY, Mr. MCCLINTOCK, Mr. GUINTA, Mr. HARRIS, Mr. KELLY, Mr. FARENTHOLD, Mr. JORDAN, Mr. STUTZMAN, and Mr. GOHMERT.
 H.R. 3033: Mr. ISSA, Mr. CANSECO, and Mr. HINOJOSA.
 H.R. 3044: Mr. LAMBORN, Mr. GOHMERT, Mr. POSEY, and Mr. DUNCAN of South Carolina.
 H.R. 3046: Mr. DAVIS of Kentucky, Mr. OWENS, and Mr. HONDA.
 H.R. 3055: Ms. LEE of California.
 H.R. 3056: Mr. SCOTT of Virginia.
 H.R. 3059: Mr. NUNNELEE and Mr. SMITH of Washington.
 H.R. 3074: Mr. BACHUS, Mr. CRAVAACK, Mr. HURT, and Mr. HUIZENGA of Michigan.
 H.R. 3088: Mr. POLIS and Mr. COHEN.
 H.R. 3094: Mr. CANSECO, Mr. RIBBLE, Mr. WALSH of Illinois, Mrs. MYRICK, Mrs. SCHMIDT, Mr. DUNCAN of South Carolina, Mr. HARRIS, Mr. PEARCE, and Mr. BARTLETT.
 H.R. 3102: Ms. NORTON.
 H.R. 3123: Mr. MARCHANT, Mr. PAULSEN, and Mr. NUNES.
 H.R. 3151: Ms. MOORE, Ms. LEE of California, Mr. SERRANO, Ms. SLAUGHTER, Mr. LEWIS of Georgia, Ms. NORTON, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, and Mr. VAN HOLLEN.
 H.R. 3156: Mr. MARCHANT.

H.R. 3178: Mr. LOEBSACK and Ms. RICHARDSON.
 H.R. 3200: Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. SCHIFF, Mr. BISHOP of Georgia, Mr. CUELLAR, Mr. KIND, Mr. SHIMKUS, and Mr. MCKINLEY.
 H.R. 3206: Mr. CULBERSON.
 H.R. 3211: Mr. CULBERSON.
 H.R. 3218: Mr. WALSH of Illinois, Mr. ROKITA, Mr. REHBERG, Mr. POE of Texas, and Mr. BROOKS.
 H.R. 3236: Mr. FARR.
 H.R. 3262: Mr. GOWDY, Mr. HUIZENGA of Michigan, Mr. MCHENRY, Mrs. MILLER of Michigan, Mr. BRADY of Texas, Mr. KELLY, Mr. ROSKAM, Mr. FLORES, Mr. CRAWFORD, and Mr. CRAVAACK.
 H.R. 3268: Mr. FILNER, Ms. JACKSON LEE of Texas, and Mr. CONNOLLY of Virginia.
 H. Res. 111: Mr. RANGEL, Mr. BERG, Mr. HEINRICH, Mrs. ADAMS, Mr. TIPTON, Mr. BOREN, Mr. PERLMUTTER, and Ms. SCHWARTZ.
 H. Res. 295: Mr. RIVERA.
 H. Res. 416: Mr. JOHNSON of Illinois.
 H. Res. 435: Mr. GERLACH.
 H. Res. 449: Mr. CONNOLLY of Virginia.

PETITIONS, ETC.

Under clause 3 of rule XII:

27. The SPEAKER presented a petition of Government Contractor Services, Tampa, Florida, relative to a letter protesting the the serious inequities in the procurement system; which was referred to the Committee on Oversight and Government Reform.

EXTENSIONS OF REMARKS

TRIBUTE TO HOWARD H. "TIM"
HAYS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor Howard H. "Tim" Hays who recently passed away at the age of 94. He will be deeply missed.

Mr. Hays spent 51 years at the Riverside Press Enterprise, the sixth largest newspaper in the state of California. Before coming to the newspaper, Mr. Hays was an FBI Special Agent during World War II. In 1946, he joined the paper as an Assistant Editor and also passed the California bar exam. The Riverside Press Enterprise wrote an article detailing the many accomplishments of Mr. Hays and the incredible contributions he made to the newspaper, the community and the country.

[Oct. 14, 2011]

FORMER P-E PUBLISHER AND EDITOR TIM
HAYS DIES

Howard H. "Tim" Hays, Jr., the Harvard-educated lawyer who chose a newspaperman's life and led what became The Press-Enterprise into national prominence as a Pulitzer Prize-winning advocate of open government and defender of the First Amendment, died Friday in St. Louis. He was 94.

Mr. Hays had been struggling with Alzheimer's disease, his son Tom Hays said Friday. He said his father died in the afternoon at Barnes-Jewish Hospital following a brief acute illness.

Mr. Hays spent 51 years at The Press-Enterprise. He was an FBI special agent during World War II and joined the newspaper as assistant editor in 1946. He passed the bar the same year but never practiced law.

His subsequent roles included editor, co-publisher, publisher and chairman. He continued as chairman until 1997, when The Press-Enterprise was sold to the A.H. Belo Co., ending 67 years of family ownership of the Riverside-based newspaper.

The news organization's five-story office on Fourteenth Street was named in 2006 as the Howard H. "Tim" Hays Media Center.

"Tim was a rarity, a man whose moral compass was set on true," said Mel Opatowsky, the former managing editor of The Press-Enterprise. "That is especially important as a newspaper owner because of the obligation as a public trust. There are many instances of Tim's beneficence, not only to his employees, but to his readers and to principles of quality journalism."

Mr. Hays once joked that his choice of journalism over law and his "semi-meteoric rise" at the newspaper were due to "diligence, and the fact that my father was co-owner."

Courtly, soft-voiced and with a penchant for remembering anyone's name, from civic leaders to cleaning crews in the hallways of his newspaper, Mr. Hays' personality contrasted sharply with flamboyant news-execu-

tive contemporaries. His memos were to his "Fellow Employees."

But his reserved manner was matched with a steely resolve.

He stood up to pressure and confrontation to lead his newspaper to a Pulitzer Prize. He took two open-government cases to the U.S. Supreme Court, winning both.

Media attorneys use shorthand to refer to two landmark cases won by the newspaper, Press-Enterprise One and Two.

In January 1984, the newspaper won a case establishing the public's right to attend jury selection in criminal trial proceedings. In a 1986 case, the court asserted the right of the public to attend pre-trial hearings in criminal cases with few exceptions.

Mr. Hays oversaw publication of a series of articles in 1967 that exposed malpractice in the conservatorship program for Agua Caliente Indians in Palm Springs. Editorials combined with more than 100 stories, mostly written by reporter George Ringwald, earned the newspaper the Pulitzer Prize for meritorious public service in 1968. (Ringwald died in 2005.)

During the newspaper's reporting of that issue, a judge who was under investigation became infuriated by a Press-Enterprise editorial and ordered Mr. Hays arrested.

The publisher stood his ground and was not jailed.

Mr. Hays also stood by his reporters, even as advertisers took their business away in protest over investigative pieces.

Despite national recognition, Mr. Hays kept his community at the foreground of his work. He was among the civic leaders who worked to get a University of California campus established here. UC Riverside opened in 1954.

"Tim had a very active mind that saw beyond the ordinary but was able to bring it down to earth," said his former executive secretary, Jean Wingard. "He was an excellent newsman, and had the respect of those who worked with him and for him."

Mr. Hays established the Hays Press-Enterprise Lecture in 1966, which was underwritten in 1998 by a \$100,000 endowment after the newspaper was sold.

The free lectures, open to the public, featured leaders in news media, including retired Washington Post Executive Editor Ben Bradlee; Gene Roberts, former managing editor of the New York Times; and W. Thomas Johnson, who was then president of Cable News Network.

Mr. Hays also undertook the cause of preserving the Mission Inn.

He and other civic leaders maintained their effort during a seven-year stretch in which the state and national historic landmark in downtown Riverside was closed—at one time surrounded by a chain-link fence.

Several attempts to reopen the Inn failed. Some suggested the land was a prime spot for a parking lot. In 1992, Duane Roberts bought the hotel and invested millions of dollars in renovations.

The Press-Enterprise under Mr. Hays also quietly helped to underwrite local cultural and arts organizations.

"I'm not married to any cause," Mr. Hays once said. "I believe in generosity to the

community in which you live. I think you can contribute more with time and energy than with dollars. But I guess the money can be pretty dandy, too."

Retired appellate court Justice John Gabbert said Mr. Hays, similar to his brothers, developed his sense of community engagement early in life.

"He was motivated by the very strong civic background that he probably inherited from his father," Gabbert said Friday. "They were all there, out in the community, making it better."

Contemporaries of Mr. Hays said he was less likely to deliver a fiery speech, and more likely to argue his points over lunch or in a casual conversation. Former state Sen. Robert Presley said each time he would meet Mr. Hays at the same downtown Riverside restaurant, the publisher would prod him for support of downtown Riverside projects.

"He didn't seem to have a lot of ego, although he could be vigorous and persuasive in his arguments," Presley said Friday from Sacramento.

"He was a very special person," said Marcia McQuern who worked for Hays at The Press-Enterprise and eventually became the paper's publisher. "He had a true journalist's heart. He always tried to live up to his standards and ideals."

McQuern remembered Hays being well tied into the community. So much so that he often knew what was going on before his reporters did.

"I would come to him with a story and he'd say, 'You finally found that out,'" she said. "But he never would kill anything."

Even when it may have been unpopular among the community leaders he mingled with.

"He took a lot of heat. He really stuck by the newsroom. That's where his heart was," she said.

McQuern remembered one instance where the paper wanted the name behind a large anonymous donation to UC Riverside.

"We fought for access," she said. "He let us go fight for the information. We were about to file suit and he finally admitted it was him."

Howard H. "Tim" Hays, Jr. was born in Chicago on June 2, 1917, the son of Howard H. Hays, Sr. and Margaret Mauger Hays. He came to Riverside with his parents in 1924.

A graduate of Riverside Polytechnic High School, he was editor of the school newspaper, Poly Spotlight, during his senior year.

Mr. Hays earned a bachelor's degree in social sciences at Stanford University, graduating in 1939.

In 1942, he received a law degree from Harvard Law School. After his service with the FBI, he briefly served as a reporter at the San Bernardino Sun before joining the family newspaper and beginning his leadership role in American journalism.

Mr. Hays moved to St. Louis part time in 1989, and began living there full time after his retirement from The Press-Enterprise, his son Tom said.

In a message read at the 2007 dedication of the news building named after him, Mr. Hays noted that he still read every day the newspaper that he had led for so long.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Survivors include wife Susie Hays of St. Louis, sons Bill Hays of Corona Del Mar and Tom Hays of New York City, and brother Dan Hays of Riverside. His brother, William H. Hays, died earlier this year. Mr. Hays' first wife, Helen Hays Yeager, died two years earlier, to the day, of Mr. Hays' death.

Said Tom Hays, "He lived a very long and productive and fortunate life, and he died very peacefully, so we are thankful for that."

Mr. Hays will always be remembered for his incredible work ethic, generosity, love of family, and the numerous contributions he made to the newspaper industry. His dedication to the integrity of the newspaper, the protection of the First Amendment and to the community as a whole are a testament to a life lived well and a legacy that will continue. I extend my condolences to Mr. Hays' family and friends. Although Mr. Hays may be gone, the light and goodness he brought to the world remain and will never be forgotten.

HONORING THE CENTRALIA HIGH SCHOOL LADY PANTHERS

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Centralia High School Lady Panthers Softball team for winning the Class 3 Missouri State Championship on October 22, 2011.

The young women and their coaches should be commended for all their hard work throughout the regular season and for bringing home the state softball championship to their school and community. In its final championship game against the Chillicothe Hornets, every team member made important contributions that led to the team's 2-0 win.

This Lady Panthers team will hold a special place of honor in the history of Centralia High School for winning the school's first-ever softball state championship. The team finished the season with a 28-2-1 record, including wins over this year's Class 1 and Class 2 softball champs.

I ask that you join me in recognizing the Centralia Lady Panthers for a job well done!

HONORING DAVID BRIGGS AND NORBERT PUTNAM

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mrs. BLACKBURN. Mr. Speaker, musical genius is commonplace in Middle Tennessee. From songwriters to executive producers, the notables of Nashville are known the world over for their dedication to the perfect sound. I rise today to honor two pillars of Music City as they receive the Cecil Scaife Visionary Award and are recognized for their contribution to Tennessee's legendary sound.

David Briggs excels at more than the ivory keys. Dedicated to great and beautiful music,

Briggs moved to Nashville and worked on over 200 number one hits. Playing keyboard for Elvis, Kris Kristofferson, Reba McEntire, Dolly Parton, and many more of the greats, Briggs has decades of success as both a musician and an executive of Quadrofonic Sound Studio.

Together with Briggs, Norbert Putnam was part of the original Muscle Shoals Recording Section at Fame Recording Studios. From opening for the Beatles in their first American concert, to becoming one of Nashville's most successful pop-rock bassists, to currently his place as one of the top pop/rock producers in Music City with Quadrofonic Sound, Putnam too has a storied devotion to Tennessee music.

The greatness of Music City is only as strong as the next generation of billboard leaders. I appreciate David Briggs and Norbert Putnam for their contributions to our great music legacy. I also appreciate the hard work and support of those who established and continue the Cecil Scaife Business Scholarship. Your devotion to those who pioneer the way for future music legends helps to strengthen Music City. I rise today to honor two industry leaders whose drive and dedication to offer their experiences to tomorrow's musicians, publishers, composers, and arrangers. I ask my colleagues to rise and join with me in celebrating David Briggs and Norbert Putnam as they receive the Cecil Scaife Visionary Award and continue to offer their experience and wisdom to those who seek the next great note.

IN HONOR OF MR. TOM FERAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Tom Feran, a writer and editor with the Cleveland Plain Dealer, who is being honored by the Press Club of Cleveland and inducted into the Cleveland Journalism Hall of Fame, Class of 2011.

Tom is a longtime Cleveland who graduated from St. Ignatius High School before attending Harvard University. While at Harvard, he was the president and editor of the Harvard Lampoon, the world's longest continually published humor magazine. He graduated from Harvard in 1975.

Tom joined the Cleveland Plain Dealer in 1982 as the editor for the publication's Sunday magazine. He has since worked as the editor of the Arts&Life section of the paper, a columnist, television critic and is currently working as a writer of PolitiFact columns. In addition to the Plain Dealer, Tom has published articles in Ohio, Cleveland, and DirecTV magazines. He is the author of Ghoullardi: Inside Cleveland TV's Wildest Ride and Cleveland TV Memories. He has also co-authored Six Inches of Partly Cloudy, Big Chuck! and The Buzzard. Tom was recognized by the society of Professional Journalists in 2007 as the Best Columnist in Ohio.

In addition to his career, Tom has served as the president of the Television Critics Associa-

tion of North America for two terms. He is also a member of the Harvard Club of Northeast Ohio.

Mr. Speaker and colleagues, please join me in congratulating the Cleveland Plain Dealer's Mr. Tom Feran as the Press Club of Cleveland inducts him into the Cleveland Journalism Hall of Fame, Class of 2011.

PERSONAL EXPLANATION

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. GRIMM. Mr. Speaker, on rollcall No. 805, I had district work that required my presence. Had I been present, I would have voted "nay."

HONORING NATIONAL BREAST CANCER AWARENESS MONTH

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. FITZPATRICK. Mr. Speaker, I rise today in honor of National Breast Cancer Awareness Month. For those of you who do not know, October is Breast Cancer Awareness Month. Founded in 1985, this is an annual campaign by various breast cancer organizations to increase awareness of the disease. Part of the awareness includes educating the public about early detection, the cause, diagnosis, treatment, and support for survivors.

Not long ago, I survived my fight with cancer, and since then, I have made it a top priority to help others overcome this terrible disease. Along with Congresswoman BETTY SUTTON, I introduced the Breast Cancer Recovery Improvement Act (H.R. 2510) to provide critical medical devices to women recovering from post-mastectomy breast cancer surgery.

The American people have become much more aware of this deadly disease. Today, on the 25th anniversary, I'd like to thank all of the people who have been involved with National Breast Cancer Awareness Month. Be it wearing a pink ribbon to pledge your support, or giving a donation for cancer research, it all plays an important part in promoting the message, so that way we can finally find a cure for this disease.

RECOGNIZING MADONNA UNIVERSITY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. McCOTTER. Mr. Speaker, today I rise to recognize Madonna University, located in my hometown of Livonia, Michigan, upon the 75th anniversary of the school's founding by the Felician Sisters.

In 1937, the Felician Sisters established Presentation Blessed Virgin Mary Junior College on what had been sprawling farmland. As

a teaching college with a staff of 18 Sisters committed to providing higher education to area Catholic schools, the school grew to include service-oriented majors such as nursing, hospice, sign language and criminal justice.

After 10 years of rapid growth, Presentation Blessed Virgin Mary College expanded to a baccalaureate institution and was renamed Madonna College. In 1965, the main Academic Building and Residence Hall were dedicated. Madonna launched its first master's program in 1982, and in 1984 dedicated a new library and Kresge Hall. Madonna became a University in 1991 and currently offers more than 50 undergraduate majors toward associate and bachelor degrees as well as 22 masters programs in clinical psychology, business, criminal justice, education, history and health professions. The year 2009 brought the University's first doctoral program in nursing and the dedication of the Franciscan Center for Science and Media. The Franciscan Center has been awarded Gold Status for Leadership in Energy and Environmental Design by the United States Green Building Council. The Ford Motor Company Technology Wing offers opportunities for students to work collaboratively on class projects. From its humble beginnings Madonna University has been at the forefront of academic excellence.

Mr. Speaker, for 75 years Madonna University has been true to its mission and Franciscan values. I ask my colleagues to join me in commending Madonna University and the Felician Sisters for their commitment to furthering education and their positive influence on our community and our country.

TRIBUTE TO JUDGE E.J. "JOE"
KING

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. PAUL. Mr. Speaker, Judge E.J. "Joe" King of Brazoria County has recently been honored with a distinguished alumni award from the University of Houston—Clear Lake. It is my pleasure to congratulate Judge King on this well-deserved award.

For the past 42 years, Judge King has served the people of Brazoria County in a variety of ways, including as a Department of Public Safety state trooper, a lieutenant in the Brazoria County Sheriff's Department, and as a Brazoria County Judge. Judge King has also served as President of the Brazoria County Peace Officers Association and the Southeast Texas Association for Identification and Investigation Officers.

Judge King's commitment to protecting and serving the people of Brazoria County was recognized by the Federal Bureau of Investigation, which selected him to attend the FBI National Academy, one of the highest honors non-federal law enforcement can receive.

Judge King also served his community through involvement in numerous civic associations and volunteer efforts. He is currently a director of the Brazoria County Cattleman's Association and is a past director of the Brazoria County Fair and the Brazoria Association for Citizens with Handicaps.

Mr. Speaker, Judge Joe King is truly devoted to helping others in his community and serves as an example of which one person can make a difference in the lives of those around them. It is therefore my pleasure to once again congratulate Judge Joe King on receiving the distinguished alumni award from University of Houston—Clear Lake and thank him for all he has done for the people of Brazoria County.

DIAGNOSTIC IMAGING SERVICES
ACCESS PROTECTION ACT OF 2011

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. OLSON. Mr. Speaker, I rise today, along with 32 additional bipartisan House members, to introduce the Diagnostic Imaging Services Access Protection Act of 2011. I am introducing this legislation to preserve patient access to important, life-saving advanced diagnostic imaging services, including magnetic resonance imaging (MRI), computed tomography (CT), and ultrasound.

Radiologists are paid for the time, effort, and skill involved in interpreting images, rendering patient diagnoses, and reporting their findings as part of the medical record. A Proposed Rule by the Centers for Medicare and Medicaid Services (CMS) would cut the professional component reimbursement for radiologists by 50 percent through application of a multiple procedure payment reduction (MPPR) to the interpretation of multiple images for a single patient.

Under the Proposed Rule, CMS seeks to apply this MPPR policy to the professional component due to what we think is a disservice to radiologists and ignores the fact that radiologists spend an equal amount of time, effort, and skill interpreting each diagnostic image, regardless of the number of images being examined, the section of the body being examined, or the particular date of the imaging service.

My legislation ensures that CMS does not arbitrarily undervalue the role of the radiologist within the health care delivery system. As you know, individuals receiving multiple imaging studies often represent the sickest and most complex patients seen by radiologists. Constituent radiologists contacting our offices in recent months have shared their concerns regarding the impact of this policy, particularly on patients who receive multiple scans during a single session and are typically affected by severe trauma, stroke, or widespread cancer.

Implementation of this flawed MPPR will disproportionately affect our most vulnerable patient population and could actually cost our health care system more in the long run. This action could force physicians who currently provide imaging services in a private practice setting to move to a hospital setting, causing these vital services to be reimbursed through the more expensive Hospital Outpatient Pro-

spective Payment Schedule (HOPPS), rather than the Medicare Physician Fee Schedule.

I urge all Members of the House of Representatives to lend their support to this bipartisan legislation dedicated to preserving patient access to community-based diagnostic imaging services.

CALIFORNIA AND E-VERIFY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. CALVERT. Mr. Speaker, I rise today to bring attention to a recent article in the Riverside Press Enterprise about E-Verify and the new California state law that will prevent cities and counties from requiring businesses to use E-Verify. It is disappointing that when so many other states are moving towards mandating E-Verify, California is going in the opposite direction. With unemployment at 12.1 percent in California, preventing cities and counties from using E-Verify to ensure local residents have an opportunity to work makes no sense. Instead, the state is protecting illegal immigrants who are employed illegally. Furthermore, federal law already requires businesses to hire a legal work force; allowing the use of E-Verify simply gives employers the tool to ensure they can comply with existing law.

Again, many of us in California are outraged by Governor Jerry Brown's decision to sign this bill and deny cities and counties their right to require use of the E-Verify program. It is telling that the Governor decided not to issue a statement announcing the signing of the legislation. The E-Verify program is overwhelmingly popular, with over 80 percent of Americans supporting its mandatory enactment. The Governor is wrong on this issue and I support local cities and counties that choose to challenge the constitutionality of this law.

[From the Press Enterprise, Oct. 20, 2011]

REGION: CITIES SCRAMBLE IN WAKE OF E-VERIFY BILL

(By Kevin Pearson)

A number of Inland cities may be forced to repeal ordinances requiring businesses to verify that employees are not undocumented immigrants, now that the state has prohibited cities from mandating use of the federally run E-Verify system.

The law that was signed this month and goes into effect Jan. 1 left cities with few other options, but it has stoked the debate on both sides of the issue about the state's role in immigration issues.

E-Verify, created in 1996 by Rep. Ken Calvert, R-Corona, is operated by the Department of Homeland Security. It can be used to ensure that an employee has the legal right to work in the United States.

The new state legislation does not prohibit businesses or government entities, including cities and counties, from using E-Verify; it does prohibit making E-Verify's use a requirement to do business within those cities or counties.

In the past year and a half, Temecula, Murrieta, Lake Elsinore, Hemet, Menifee, Wildomar, Norco and San Bernardino County have passed ordinances requiring businesses to use the system, to varying degrees. The Inland area is home to the majority of municipalities in the state with such ordinances.

The state law comes as a bill is making its way through Congress that would require every business in the nation to use E-Verify, signaling that the issue between cities, states and the federal government may just be getting started.

"Right now, across America, various states and local governments are enacting mandatory E-Verify," Calvert said in a statement. "Meanwhile, California is going the other way . . . and in fact the Governor is signing laws to preempt the use of E-Verify. This is an outrage."

CITIES AFFECTED

When Gov. Jerry Brown signed the bill last week, he released no signing statement and the move largely flew under the radar. But the text of the bill cited the costs that businesses incur to implement the system, and concern about the accuracy of the system.

Though E-Verify is free to use, the bill noted that there could be a significant cost to businesses in staff time and other resources. And while Calvert's office boasts that E-Verify is 99.5 percent accurate, other studies have questioned that figure.

As word spread about the new bill, cities in Riverside County began working on how to react. Officials in some of those cities said they are still having internal discussions among city and legal staff.

City leaders said it is likely that most of the city councils will be asked to repeal the ordinance. Another option is a legal battle, but officials said that would be an unlikely choice because of costs.

In Temecula and Murrieta, there have been no reports of immigration violations since the E-Verify ordinances went into place. Staff for both southwest Riverside County cities said they did not view illegal immigration as a major issue in their towns.

"When you look at the whole issue, it's a federal issue," Temecula Deputy City Manager Grant Yates said. "When you look at actions across the country . . . the frustration is that at the federal level we don't have clear direction."

In Hemet, the city passed its ordinance in June and just recently got new business license paperwork with the E-Verify information on it. Staff members are now instructing applicants to ignore that language.

"California is a dysfunctional state and therefore it makes it difficult on local governments to implement this and a host of other issues," said Brian Ambrose, a Senior Management Analyst with the city of Murrieta. "Does this surprise me? No."

"The state legislature passed this bill, and if that's the legislature and governor's desire, we are content to do what they wish. (But) this is absolutely far from over."

FEDERAL ISSUE?

Many local city officials said they will keep a close eye on the federal push for the E-Verify system because they believe the federal government should be the one making the final decision on immigration issues.

Kathleen Kim, a professor at Loyola Law School in Los Angeles who specializes in immigration issues, said E-Verify should be dealt with on the national level and that asking private businesses to run immigration checks blurs the line between the public and private sector.

"I think the workplace should not be the location for immigration enforcement," Kim said. "E-Verify and the controversy over it is an example of why immigration enforcement should be taken out of the workplace and put in the hands of trained officers."

"This attempt to privatize immigration enforcement in the workplace can never find a comfortable solution."

Republican State Sen. Bill Emmerson said he opposed the state bill and that it goes against Brown's campaign for governor, during which he said he wanted to shift power to local agencies. Emmerson, whose 37th District includes Hemet, Menifee, Lake Elsinore, Moreno Valley and Corona, said he was surprised by the bill.

"It's another case of the state stepping in and not allowing local governments to use the tools available to them," Emmerson said. "To say they can't use a federal program seems not fair."

"The federal government has to be the level of government that steps up and makes the fix so states have a clearer policy of what to do."

LOCAL POLICIES

Hemet: All businesses in the city must check newly hired employees through E-Verify.

Lake Elsinore: All businesses in the city must check newly hired employees through E-Verify.

Menifee: All applicants for a business license must affirm their intent to use E-Verify.

Murrieta: All businesses in the city must check newly hired employees through E-Verify.

Norco: All businesses that have contracts with the city must use E-Verify.

San Bernardino County: All county contractors must use E-Verify.

Temecula: All businesses in the city must check newly hired employees through E-Verify.

Wildomar: All city contractors must use E-Verify and provide documentation of doing so.

HONORING THE ROCK BRIDGE HIGH SCHOOL LADY BRUINS GOLF TEAM

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Rock Bridge High School Lady Bruins golf team on its first state title.

The young women and their coaches should be commended for all their hard work throughout the regular season and on bringing home the Class 2 State Golf Championship to their school and community.

The girls played through less-than-ideal weather to beat their seven competitors. With a nine-stroke lead, the team won with a final score of 352.

I ask that you join me in recognizing the Rock Bridge High School Lady Bruins for a job well done.

HONORING TIM MCGRAW

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mrs. BLACKBURN. Mr. Speaker, the true greatness of our state and country lies in the creativity, integrity, and passion of its people,

and we are fortunate to be surrounded by mighty examples of dedication to leadership, service, and support of the arts. I rise today to honor Tim McGraw as he receives the Applause Award. Given each year to those who devote their time, talents, and treasures to the performing arts and arts education in middle Tennessee, Tim McGraw joins Ted Welch as this year's deserved recipients.

From bluegrass, to rockabilly, to traditional country, the notes composing the symphony of country music are as diverse as they are enticing. A common thread among the stars of Music City is their devotion to causes greater than themselves. Tonight's award recipient, Tim McGraw, is no exception. Known the world over for his talents in harmonies and melodies, McGraw can be found in service to the American Red Cross, Nashville Rising, and various state and local foundations.

A successful arts program is one of the markers of a successful community, and I am thankful for all those who remain devoted to the Tennessee Performing Arts Center and its Education Programs. Through music, theater, ballet, and art, TPAC provides elevated experiences to middle Tennessee patrons. I rise today to honor Tim McGraw for his loyalty to not only the arts in his community, but his community as a whole. I ask my colleagues to join with me in celebrating McGraw's contributions to and success in Music City.

IN HONOR OF MR. BOB SCHIEFFER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Bob Schieffer to acknowledge his contribution to broadcasting. He has been a valuable journalist in the broadcasting community for several decades and the host of CBS' "Face the Nation" for 20 years.

Mr. Schieffer was born on February 25th, 1937 and grew up in Fort Worth, Texas. He went to North Side High School and attended Texas Christian University. Upon graduating from TCU, Mr. Schieffer joined the US Air Force where he earned the ranks of captain and information officer. His first reporting job was with the Fort Worth-Star Telegram where he was a police reporter.

He has been a journalist for CBS since 1969 and hosted the "CBS Evening News" for 23 years. His career covering national politics included assignments with the White House, Pentagon, Department of State, and Congress. During the 2004 and 2008 presidential elections, he served as moderator of the third presidential debates. Mr. Schieffer has also written three books regarding his career in broadcasting.

Mr. Schieffer has won six Emmy awards, as well as the National Press Foundation's Broadcaster of the Year Award. He has also been named to the Broadcasting/Cable Hall of Fame. In 2005, Texas Christian University honored him by naming the Schieffer School of Journalism in his honor.

Mr. and Mrs. Schieffer currently reside in Washington, D.C. and are the parents of two daughters.

Mr. Speaker and colleagues, please join me in honoring the work of Mr. Schieffer and celebrating his countless achievements.

PERSONAL EXPLANATION

HON. MICHAEL G. GRIMM

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 27, 2011

Mr. GRIMM. Mr. Speaker, on rollcall No. 807 I had district work that required my presence. Had I been present, I would have voted "nay".

HONORING THE SERVICE OF JOHN BRUCE TO THE ARMY

HON. SANDER M. LEVIN

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 27, 2011

Mr. LEVIN. Mr. Speaker, one of the enduring beliefs of life in America is that a person can rise through the ranks and achieve success through a combination of hard work, determination, and honesty. This link between hard work and success is one of our country's core values, and appropriately so. Our country is a better place because of the efforts of those who quietly go to work every day, meet the challenges of their jobs, and exceed expectations.

These qualities are not uncommon among the men and women who serve in our nation's Armed Forces, but it's not every day that you can point to someone who has lived up to these standards over a career that spans nearly seven decades. I am pleased to recognize a man who has done just that, John Bruce of Troy, Michigan.

Mr. Bruce served in the South Pacific during World War II as a member of the Army Signal Corps. After being honorably discharged following the war, he began a career at the Detroit Arsenal in 1946 as a cost/price analyst. Mr. Bruce has been with TACOM ever since, accepting greater and greater responsibilities. He has served as Chief of Payroll, Chief of Financial Accounting, Deputy Comptroller, and Chief of the Detroit Arsenal Procurement Office, to name only a few of the positions he has held over the years.

Mr. Bruce has been honored on many occasions for his service. His awards include the Secretary of the Army Award for outstanding achievement in material acquisition; the Commanders Award for exceptional Civilian Service, the Meritorious Civilian Service Award, the Achievement Medal for Superior Civilian Service, the Superior Civilian Service Award, the Commander's Award for Civilian Service, and the Department of the Army Decoration for Exceptional Service.

Mr. Bruce is a graduate of UCLA, where he earned a Bachelor of Science Degree in Business Administration. He and his late wife, Jean, have two daughters, Nancy and Barbara.

When John Bruce retires on his 94th birthday on December 3, he will be TACOM's and

the Army's longest serving employee. I ask the House of Representatives to join me in expressing our gratitude to Mr. Bruce for his many years of service to the nation. Congratulations for a remarkable career and a job well done.

LETTER TO NOAA ADMINISTRATOR JANE LUBCHENCO REGARDING HER INACCURATE AND UNCONSTRUCTIVE PUBLIC COMMENTS ON THE HOUSE APPROPRIATIONS LEGISLATION

HON. FRANK R. WOLF

OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 27, 2011

Mr. WOLF. Mr. Speaker, I submit a letter that I have sent to National Ocean and Atmospheric Administration administrator Jane Lubchenco in response to inaccurate and unconstructive remarks about the House Commerce-Justice-Science Appropriations Subcommittee recommended funding for the Joint Polar Satellite System.

HOUSE OF REPRESENTATIVES,
October 26, 2011.

DR. JANE LUBCHENCO,
*Undersecretary for Oceans and Atmosphere,
Department of Commerce, Washington, DC.*

DEAR DR. LUBCHENCO: I was disappointed by your recent remarks to the Guardian newspaper accusing congressional Republicans of endangering the Joint Polar Satellite System (JPSS). I want you to know that your reported accusations were neither accurate nor constructive.

According to the article, "Republican budget-cutting measures would knock out that critical capacity by delaying the launch of the next generation polar-orbiting satellites," said Jane Lubchenco. You are also quoted as saying, "It is a disaster in the making. It's an expression of the dysfunction in our system." Your remarks mirror similar comments made by deputy administrator Kathryn Sullivan to the Washington Post earlier this summer.

Perhaps you are unaware that the Republican-authored House FY 2011 bill recommended a higher level of funding for NOAA's satellite acquisition account than the Democrat-authored Senate bill despite the House having a lower allocation than the Senate. Further, for FY 2012, the House Commerce-Justice-Science Appropriations subcommittee recommended \$901 million, a nearly \$430 million increase—91%—above the FY 2011 level for JPSS. Despite having an allocation \$2.5 billion higher than the House, the Senate recommended an amount only slightly above the House recommendation, \$920 million. To my knowledge, you have never criticized Senate funding levels for JPSS. While the House did not provide the full \$1 billion requested, the House level is a significant amount of funding given these austere budget times when other programs in the Commerce-Justice-Science bill were significantly reduced or eliminated altogether.

Finally, I would call your attention to the fact that any gap in satellite data is not due to lack of funding, "Republican budget-cutting measures" or "the dysfunction in our system," but rather years of poor inter-agency management that resulted in the cancellation of the National Polar-orbiting

Operational Environmental Satellite System (NPOESS) satellite program after being more than five years behind schedule, twice as expensive with fewer satellites and less capability. The caution shown by the Congress with regard to funding the successor program, JPSS, is fully justified in light of this record of waste and mismanagement. I have noted below portions of September, 2011 GAO testimony to the Congress on NPOESS mismanagement, from GAO-11-9457:

"When its primary contract was awarded in August 2002, NPOESS was estimated to cost about \$7 billion through 2026 and was considered critical to the United States' ability to maintain the continuity of data required for weather forecasting and global climate monitoring. However, in the years after the program was initiated, NPOESS encountered significant technical challenges in sensor development, program cost growth, and schedule delays. By November 2005, we estimated that the program's cost had grown to \$10 billion, and the schedule for the first launch was delayed by almost 2 years. These issues led to a 2006 restructuring of the program which reduced the program's functionality by decreasing the number of planned satellites, orbits, and instruments. The restructuring also led agency executives to decide to mitigate potential data gaps by using NPP as an operational satellite. Even after the restructuring, however, the program continued to encounter technical issues in developing two sensors, significant tri-agency management challenges, schedule delays, and further cost increases. Faced with costs that were expected to exceed \$14 billion and launch schedules that were delayed by over 5 years, in August 2009, the Executive Office of the President formed a task force, led by the Office of Science and Technology Policy, to investigate the management and acquisition options that would improve the NPOESS program. As a result of this review, the Director of the Office of Science and Technology Policy announced in February 2010 that NOAA and DOD would no longer jointly procure the NPOESS satellite system; instead, each agency would plan and acquire its own satellite system."

Your reported inaccurate and partisan comments are unhelpful. I urge you to publicly correct these inaccurate statements. I await your prompt response.

Best wishes,

Sincerely,

FRANK R. WOLF,
*Chairman, Commerce-Justice-Science
Subcommittee, Appropriations Committee.*

HONORING JULIE WATKINS FOR TWENTY-THREE YEARS OF PUBLIC SERVICE

HON. NICK J. RAHALL II

OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 27, 2011

Mr. RAHALL. Mr. Speaker, it is always hard to say goodbye to a valued staff person, but today is especially difficult in wishing Julie Watkins a fond farewell as she begins her retirement.

Julie has served the people of West Virginia as a staff member in the U.S. Congress since 1989, almost 23 years.

Julie began her Congressional tenure working in the mailroom for West Virginia's beloved Senator Robert C. Byrd. She later moved to

Senator Byrd's front office, where she was a Staff Assistant who proved her commitment daily to her job. Rising at 3:15 a.m., each morning, in order to drive from rural Virginia to be in the office by 5 a.m., Julie impressed Senator Byrd and everybody on staff with her diligence and hard work.

Julie later was promoted to Front Office Manager and then Office Manager, training every new Staff Assistant who came to work in Senator Byrd's front office, forty-eight in total, while she was in that position. After fifteen years, in 2005, she left the front office to try her hand at casework. Senator Byrd, who thought so very highly of Julie, was deeply reluctant to let her go—refusing to accept for the longest time that Julie was no longer looking after his front office—a position upon which he placed tremendous value. She had been, for so long, his warm, welcoming, efficient representative to so many West Virginians whenever they called for help or came to visit Capitol Hill.

When Senator Byrd passed away last year, I was fortunate that Julie agreed to come to work on the House Natural Resources Committee, on which I was Chairman. She worked in my Committee office, and later graciously moved to my personal office, once again resuming the vital duties of the front desk.

I cannot help but feel a little boastful in saying that I succeeded where Senator Byrd did not in convincing Julie to move back into the front office. I know, however, that Senator Byrd would be so proud to know that all of Julie's skill and experience were still being employed, at least for a little while longer, in serving the people of West Virginia.

Julie is one of those prized Congressional staffers who master their job. Many times they are not high profile positions, but they are essential to a smooth running office and to ensuring that our constituents are well and effectively served. Julie knows what so many of us forget or fail to understand: filling the copy paper each morning, checking the fax machine so it works properly, knowing the right contacts in the Superintendent's office when something needs fixing—these sometimes seemingly little things are of big importance. Julie had a keen eye for catching those little things and always looked after them to ensure that everyone else could do their job better. She is ever dependable, ever reliable. When Julie gets an assignment, you know it will get done and get done right.

I know I speak on behalf of the entire Rahall staff, as well as the staffs of the Natural Resources and Transportation and Infrastructure Committees who have had the pleasure of working with her, when I say that Julie will be deeply missed. We wish her a most enjoyable retirement. We won't ever forget her and neither will scores of citizens who have benefited from her service to the Nation.

H.R. 674 AND H.R. 2576

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. DINGELL. Mr. Speaker, I am prepared to vote in support of H.R. 674, which would re-

peal the onerous requirement that federal, state, and local government entities withhold three percent of payments to government contractors. Although never put into effect, the requirement would constitute a significant burden on all levels of government, which are presently sorely lacking in resources. Withholding three percent of payments was unsound policy when enacted by the Republican Congress in 2005, and I gladly will help my colleagues on the other side of the aisle correct their mistake.

I am less disposed to be helpful on H.R. 2576, a bill to adjust the definition of "modified adjusted gross income," MAGI, so that fewer Americans qualify for tax credits under the Affordable Care Act. This strikes me at best as a solution in search of a non-existent problem. To add insult to injury, H.R. 2576 will cause American families, seniors, and those with disabilities to pay more for their healthcare at a time when they can least afford it. I have spent my entire career fighting to ensure working American families have access to affordable, good-quality healthcare. Supporting H.R. 2576 would be in direct contravention of that goal, and I cannot in good conscience do so. I urge my colleagues to vote "no" on it.

Mr. Speaker, I would like to conclude by noting the rascality underlying the rule for H.R. 674 and H.R. 2576. It allows separate votes on both bills—one non-controversial and the other very controversial—and then requires they be merged for consideration by the Senate. I oppose this sort of legislating and believe each chamber should be allowed to work its will on separate items, rather than forced to accept bad policy in the guise of procedural tricks and faux compromise. This is skullduggery at its finest, Mr. Speaker, and an unnecessary affront to regular order, which your side so consistently claims to cherish.

TRIBUTE TO USS "CALIFORNIA"

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. CALVERT. Mr. Speaker, I rise today, on behalf of the California Delegation, to honor and pay tribute to the USS *California* (SSN-781), a Virginia-class submarine and the first submarine to be named after the Golden State. On the occasion of the submarine's commissioning, we could not be more proud to have one of the world's most modern and sophisticated nuclear-powered attack submarines named for the state of California.

The contract to build her was awarded to Northrop Grumman Newport News (now Huntington Ingalls Industries Newport News Shipbuilding) in Newport News, Virginia, on August 14, 2003. Construction began in December 2006. *California's* keel was laid down on May 1, 2009. She was christened on November 6, 2010, sponsored by Donna Willard, wife of Admiral Robert F. Willard. The *California* was launched eight days later, on November 14, 2010. The commissioning has been scheduled for October 29, 2011 by the Secretary of the Navy. USS *California* will be homeported at Groton, Connecticut.

Designed to meet the Navy's requirements in a post-Cold War era, Virginia-class submarines use advanced technologies to increase firepower, maneuverability and stealth. Along with other Virginia-class submarines, the *California* is tailored to excel in a wide range of warfighting missions with several innovations that significantly enhance its warfighting capabilities, especially in the littoral environment. The ship has a fly-by-wire ship control system that provides improved shallow-water ship handling. The class has special features to support special operation forces and prolonged deployments. Advanced technology is employed to provide the ship's company enhanced situational awareness and is designed to remain state of the practice for its entire operational life through rapid introduction of new systems and payloads.

Previous ships bearing the USS *California* name have a long and storied history. The first USS *California*, a screw propelled frigate, was christened in 1869. In 1941, the USS *California* (BB-44) was the flagship of the U.S. Pacific fleet stationed in Pearl Harbor. She was badly damaged by Japanese torpedoes, and partially sunk. The three crewmen serving aboard the battleship that day were posthumously awarded the Medal of Honor for acts of bravery in saving the lives of their shipmates. A few months later, the *California* was salvaged and repaired, and served in the Pacific theater during the final two years of World War II. She was present at several crucial battles in the Pacific theater, including the Battle of Surigao Strait—the last naval engagement fought by opposing battleships.

The most recent USS *California* (CGN-26) was the lead ship of her class of nuclear powered guided missile cruisers and was also a vital part of the U.S. fleet from her launch in 1971 to her retirement in 1999. She was known as the "Golden Grizzly," in recognition of the grizzly bear on the California state flag. We are pleased that the USS *California* (SSN-781) will follow in the footsteps of previous ships that have served this great country so proudly.

California is a state with a long naval history and strong naval tradition. The entire California Delegation is proud to welcome the USS *California* as the eighth U.S. Navy ship named after our home state. We have no doubt that she, and her crew, will serve our country honorably.

The following are the names of the Members of the California Congressional Delegation in support of the USS *California*:

MIKE THOMPSON, WALLY HERGER, DANIEL LUNGREN, TOM MCCLINTOCK, DORIS MATSUI, GEORGE MILLER, JOHN GARAMENDI, JERRY MCNERNEY, JACKIE SPIER, PETE STARK, ANNA ESHOO, MIKE HONDA, ZOE LOFGREN, SAM FARR, DENNIS CARDOZA, JEFF DENHAM, JIM COSTA, DEVIN NUNES, KEVIN MCCARTHY, LOIS CAPPS, ELTON GALLEGLEY, HOWARD "BUCK" MCKEON, DAVID DREIER, BRAD SHERMAN, HOWARD BERMAN, ADAM SCHIFF, HENRY WAXMAN, XAVIER BECERRA, JUDY CHU, KAREN BASS, LUCILLE ROYBAL-ALLARD, MAXINE WATERS, JANICE HAHN, LAURA RICHARDSON, GRACE NAPOLITANO, LINDA SANCHEZ, EDWARD ROYCE, JERRY LEWIS, GARY MILLER, JOE BACA, KEN CALVERT, MARY BONO MACK, DANA ROHRBACHER, LORETTA SANCHEZ, JOHN CAMPBELL, DARRELL

ISSA, BRIAN BILBRAY, BOB FILNER, DUNCAN HUNTER, and SUSAN DAVIS.

HONORING THE PALMYRA HIGH
SCHOOL LADY PANTHERS

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Palmyra High School Lady Panthers softball team for winning the Class 2 Missouri State Championship on October 22, 2011.

The young women and their coaches should be commended for all their hard work throughout the regular season and bringing home the state softball championship to their school and community.

The Lady Panthers were hungry for a win and proudly demonstrated that competitive spirit by beating the undefeated Pleasant Hope High School Pirates softball team for the title. This is their fourth softball title in just six years.

I ask that you join me in recognizing the Palmyra Lady Panthers for a job well done.

HONORING TED WELCH

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mrs. BLACKBURN. Mr. Speaker, the true greatness of our state and country lies in the creativity, integrity, and passion of its people, and we are fortunate to be surrounded by mighty examples of dedication to leadership, service, and support of the arts. I rise today to honor Ted Welch as he receives the Applause Award. Given each year to those who devote their time, talents, and treasures to the performing arts and arts education in Middle Tennessee, Ted Welch joins Tim McGraw as this year's deserved recipients.

Engaged in process of democracy and faithful to the causes of his calling, Ted Welch can be found working with various political organizations, the foundation of the Schermerhorn Symphony Center, or the Tennessee Chamber of Commerce. Throughout his years of public service, Welch remained a key figure in TPAC's past. His allegiance to his community is notable and remains part of what makes Middle Tennessee one of the best places to call "home."

A successful arts program is one of the markers of a successful community, and I am thankful for all those who remain devoted to the Tennessee Performing Arts Center and its Education Programs. Through music, theater, ballet, and art, TPAC provides elevated experiences to Middle Tennessee patrons. I rise today to honor Ted Welch for his loyalty to not only the arts in his community, but his community as a whole. I ask my colleagues to join with me, his wife Colleen, and his children and grandchildren, in honoring Ted Welch for supporting for the betterment of his neighbors.

IN HONOR AND MEMORY OF MR.
STEVE JOBS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Steve Jobs, the former CEO of Apple Incorporated.

Mr. Jobs was born February 24, 1955 and graduated from Homestead High School in Cupertino, California. Steve would then attend lectures at Hewlett-Packard Company in Palo Alto, California, where he met future business partner Steve Wozniak. After attending Stanford, Steve was hired by Atari where he created the circuit board for the game "Break-out."

Mr. Jobs' invention of the personal computer happened in his family garage, where the company name "Apple" stemmed from his favorite fruit and where the technological word byte was also created. His vision included condensing computers to box size and having them introduced into the masses. In order to initiate their new company, Jobs sold his Volkswagen Micro Bus and business partner Steve Wozniak sold his HP scientific calculator to raise funds to begin Apple.

Later on in life Steve purchased The Graphics Group which later became Pixar. In 1995 he was executive producer for the Pixar movie "Toy Story." Years later Disney would buy Pixar and Steve would sit on the Disney committee for Disney's Pixar animation business. He was a pioneer and innovator. In August of 2011 Steve resigned as CEO of Apple to concentrate on his health. He died on October 5th, 2011 as the former founder, chairman, and CEO of Apple Incorporated.

The work Steve accomplished throughout his life was invaluable towards personalizing the computer and paved the way for the future of the technological world. In 2007, Steve was inducted into the California Hall of Fame and was recognized by Forbes as the most powerful person in business. Billions of people have benefited from Mr. Jobs' work which ranges from the Mac computer and iPhone, to the many Disney Pixar films.

Mr. Speaker and colleagues, please join me remembering Mr. Steve Jobs as we honor his work and life as an innovator and offer condolences to his family and friends.

PERSONAL EXPLANATION

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. GRIMM. Mr. Speaker, on rollcall No. 806 I had district work that required my presence. Had I been present, I would have voted "nay."

RED RIBBON WEEK

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. REYES. Mr. Speaker, I rise today for a very special occasion to congratulate all of the students who participated in the first annual Red Ribbon Poster Contest. I started the Red Ribbon Poster Contest in an effort to engage El Paso area students in this nationwide initiative. I encouraged students to join this effort by asking them to create and submit a poster incorporating "Say No to Drugs, Say Yes to Life" theme. More than 100 students from elementary, middle, and high schools submitted posters, and the winning posters are currently being displayed at El Paso's Main Public Library.

Red Ribbon Week originated in 1988 for the purpose of honoring the life of DEA Agent Enrique "Kiki" Camarena, who was brutally tortured and killed by drug traffickers in Mexico 26 years ago. It is the largest advocacy effort in the nation for the prevention of drug use. By wearing a red ribbon during the week of October 23rd through the 31st, students, counselors, parents, teachers, and community leaders come together across the country to demonstrate their opposition to drugs and to promote a drug-free environment.

Approximately 80 million people participate in Red Ribbon Week events each year. Red Ribbon Week is dedicated to help preserve Camarena's memory and further the cause for which he gave his life: the fight against drug violence and drug addiction. I was fortunate to personally know "Kiki" Camarena while I was serving in the Border Patrol. It is fitting that our nation remembers him by observing Red Ribbon Week each year. The El Paso Intelligence Center (EPIC), located on Fort Bliss and operated by DEA, was dedicated to the memory of Agent Camarena.

This year's Red Ribbon Week Poster Contest winners are: Jonathan Lopez of O'Donnell Elementary School, Yesenia Webb of St. Pius School, Yari Castro of Immanuel Christian School, Ashley Mercado of Edgemere Elementary School, Andrea Castaneda of Faith Christian Academy, Jose Galarza of Ysleta Middle School, Nicole Luna of Hanks High School, Christian Rodriguez of Hanks High School, Christian Caballero of Parkland High School.

I would also like to include in the RECORD a list of all the students who participated in the Red Ribbon Poster Contest.

Aaron Ordaz, Abatrice Moncayo, Abby Castillo, Adriana Escajeda, Aileen Velasquez, Aldo Yañez, Alec Warling, Alex Britton, Alexah Delgado, Alexander Hutsell, Aliyah Guerrero, Amber Ochoa, Amelia Gonzalez, Analiese Ramirez, Andrea Castaneda, Angel Rodriguez, Angeline Ashley Martinez, Annabelle Cordero, Annette Orquiz.

Antonio Lopez Jr., Aparna Mangadu, Ariana Gonzalez, Ashley Clinton, Ashley De La Rosa, Ashley Hernandez, Ashley Mercado, Astryd Estrada, Athena Najar, Azul Saray Martinez, Bella Ozomaro, Brandon Tellez, Brendan Galindro, Briana Carranza, Brianna D. Sanchez, Brittney Baca, Bryan Arenivas, Casandra Atilano, Cesar O. Davila, Cheyenne Jones.

Christian Caballero, Christian Rodríguez, Christopher Torres, D.J. Betancis, Daniela Tribaldos, Danielle Darbonnier, Dante Amato, Danya Navarrette, Darcy Hdz, Dariana Rubio, Dario Martinez, David Romero, David Samario, Destiny Avila, Devon Segovia, Diego Cardenas, Diego Samaniego, Eileen Matamoros-Horstman, Elizabeth Hernandez, Emilio I. Aguilar.

Emily Feria, Fancie Loubet, Ghicel Nuñez, Giseel Pulido, Hailey Swisher, Ines Figueroa, Isaac Ramirez, Isai Guerrer, Isaiah Gonzales, Isaiah Hernandez, Isaiah Orozco, Ivan Arenivas, Ivan Palomars, Jacob Gutierrez, Jacob Parker, Jacqueline Martinez, Jacqueline Olivas, Jacquelyn Garcia, Jade Zamora, Janeth Escajeda.

Janice Mendoza, Jasmín Espinoza, Jasmine Tomlinson, Jayda Zamora, Jessica Gallegos, Jesus Sanchez, Jette Sagely, Joel Rangel, Jonathan Lopez, Jonathan Ortega, Jose Alberto Martinez, Jose Galarza, Joseline Avila, Joselyn Moreno, Joseph Gomez, Julian Robledo, Julianna Pluma, Julie Escalera, Julio Retana Rodriguez, Kara Reid.

Katelyn Riffle, Katrina Jimenez, Kyler Z. Jones, Lazaro Flores, Lennon Romo, Lilitana Barrientos, Lynelle N. Villa, Madison Routledge, Maria Cortez, Mark Usevitch, Marlene Gonzalez, Megan Custer, Melissa Carrera, Mia Olivas, Michelle Soto, Miguel Sotelo, Miguel Velazco, Milka Serrano, Monika Ortiz, Monique Ramos.

Naomi Nava, Natalia Bustillos, Nathan Gandara, Nathaniel Lucero, Nicholas Salcedo, Nicole Luna, Noel Tamayo, Oscar Valladolid, Paolo Velazquez, Paulina Acosta Amaya, Phuumin Houser, Ravin Carico, Regina Perez, Robert Granados, Rosemary Vozza, Rudy Meraz, Ryan Rose, Sabreeyah Moody, Samantha A. Sanchez, Samantha Torres.

Samuel Pardo Jr., Sarah Lovett, Selena Ogawa, Sergio Cox, Severa Swiger, Shayla Rey, Simone Gordon, Sophia McCray, Stephanie Siqueiros, Steven Felix, Toni Cobos, Trinity Cordero, Victoria Mendez, Yamilet Acevedo, Yari Castro, Yesenia Webb, Zianya Larios.

Once again, I would like to congratulate this year's winners and thank all students and schools that participated in the Red Ribbon Poster Contest.

INTRODUCTION OF THE FAIR HOUSING MEMORIAL AUTHORIZATION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Ms. NORTON. Mr. Speaker, today I introduce, together with the co-sponsor Representative KEN CALVERT, the Fair Housing Memorial Authorization Act, to commemorate the accomplishments of the fair housing movement in the United States with a memorial on federal land in the nation's capital. The bipartisan bill authorizes the Fair Housing Commemorative Foundation, established by the National Association of Realtors, to raise funds to build the memorial in accordance with the Commemorative Works Act. No federal funds could be used for the memorial. This may be the first time that a sector of our economy has decided to establish a memorial commemorating a movement that led to the enactment of stat-

utes that regulate some of its practices. The foundation's precedent is commendable.

Fair housing and the movement to bring equal opportunity in the real estate markets are intertwined with our nation's history. The federal government has both been a part of the problem and an integral part of the solution, and every branch of the federal government has played a key role in our nation's progress towards fair housing. It is, therefore, fitting that we commemorate the fair housing movement's efforts to achieve equal opportunity in housing.

The Fifth Amendment to the Constitution establishes a right to own private property that the government cannot take without just compensation. Early immigrants sought a place where they could own and transfer real estate without the arbitrary interference of the government. That right, however, was not universal. Slavery denied basic rights to a whole class of Americans based on their race, and reduced many African Americans to the status of property. Among other things, slaves were denied the right to own and use real property.

The Civil War and the constitutional amendment prohibiting slavery were accompanied by laws that gave all citizens the same rights to own and use real property. The Civil Rights Act of 1866 was our nation's first "fair housing" law, but that law was ignored and severely limited by court decisions, culminating with the philosophy of "separate but equal" in the U.S. Supreme Court Plessey v. Ferguson decision. In addition, Congress and some states passed laws that restricted private property ownership and use by Latinos and Asian Americans. In the early 20th century, social scientists and leaders within the real estate community established guides for neighborhood desirability based on racial composition. Homogeneous neighborhoods of whites from northern European backgrounds were seen as the best investment for homeowners and others. Some early zoning laws sought to limit, by race, the people who could live in certain communities, as did some practices of the real estate industry. Although the U.S. Supreme Court, in its 1917 Buchanan v. Worley decision, struck down these racial restrictions, racial bias formed the basis for many restrictive covenants on real estate.

Following the World War II, returning GIs, through the GI Bill, were offered a path to homeownership. African Americans and other minorities, however, could not take advantage of these benefits in many communities. The great migration of the middle class to suburbs created segregated white suburbs and large isolated urban minority communities. There was little response by the federal government or the courts until, most notably, the 1948 U.S. Supreme Court decision in Shelley v. Kraemer ended judicial enforcement of racially restrictive covenants. The Civil Rights Movement, including Dr. Martin Luther King, Jr.'s work in Chicago, brought renewed attention to housing discrimination. The federal government, first through executive order and then through the Civil Rights Act of 1964, banned discrimination in federally funded housing. By 1961, seventeen states had passed fair or open housing laws. However, it was not until April 1968, following the assassination of Dr. King, that Congress passed the Fair Housing Act.

Also in April 1968, the U.S. Supreme Court, in Jones v. Mayer, held that the Civil Rights Act of 1866 prohibited discrimination in private real estate transactions. The Court noted that the law, which lacked an effective government enforcement mechanism, covered racial and religious discrimination. The federal government banned gender discrimination in housing in 1974, during the height of the Women's Rights Movement. And in 1988, in response to growing awareness of the housing issues faced the disabled, Congress amended the Fair Housing Act to protect the disabled.

A memorial to the fair housing movement would celebrate the distance the nation has come to achieve fair housing and would remind us of the distance we still have to travel.

Mr. Speaker, in light of this long battle for fair housing, I ask the House to pass this bill.

SUPPORTING FILIPINO AMERICAN HISTORY MONTH

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Ms. HIRONO. Mr. Speaker, October is Filipino American History Month, giving us opportunity to remember the storied history of Filipinos in Hawaii.

From the barrios of the Philippines, Filipinos boarded ships and sailed across the Pacific.

Upon reaching Hawaii, they worked on sugarcane plantations where life was hard but filled with hope and the dream of a brighter future.

Today, generations later, Filipinos represent the largest and fastest growing ethnic minority in the islands. Through hard work, they continue to make steady strides in all professions. They are our doctors and lawyers, our teachers, small business owners, and community leaders. The next generation of Filipino Americans will build upon this legacy of accomplishment. I had the pleasure of meeting with members of the KabataK Filipino Club at the University of Hawaii—Maui College in Kahului. Their primary goal is to raise an awareness of Filipino culture and to encourage the recruitment, retention, and achievement of Filipino students on the Maui campus. This is a noble endeavor.

For more than a century, Filipino Americans have left their mark on America. Let us reflect, celebrate, and honor this cherished heritage.

HONORING THE ROCK BRIDGE HIGH SCHOOL LADY BRUINS TENNIS TEAM

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Rock Bridge High School Lady Bruins tennis team for its second straight state title.

The young women and their coaches should be commended for all their hard work throughout their flawless season and on bringing

home another Class 2 State Tennis Championship to their school and community.

Making its 12th state appearance in 13 years, the Rock Bridge Lady Bruins once again showed their tremendous talent. Their competition was fierce, but the ladies battled through to their last 5-1 victory over Parkway Central.

I ask that you join me in recognizing the Rock Bridge High School Lady Bruins for a job well done.

TRIBUTE TO RIVERSIDE COUNTY'S RECIPIENTS OF OPERATION RECOGNITION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a group of individuals—heroes—who are receiving the recognition and honor they deserve for their service to our country. Operation Recognition is operated by the Riverside County Office of Education with assistance from the Riverside County Department of Veterans' Services. The program awards high school diplomas to veterans who missed completing high school due to military service in World War II, the Korean War, or the Vietnam War, or due to internment in WWII Japanese-American relocation camps.

A recognition ceremony will be held on November 9, 2011, for the following individuals who received their high school diplomas through Operation Recognition:

Juan Abarca, Alfred Aguilar; Virgil Edward Archer; George Van Ashley; Clayton M. Babbitt; Thomas Jones Barber; Webster W. Brahams, Jr.; Claude Chastain, Jr.; Lonny Ross Ciinklaw; Willie B. Exson; Rick Farrell; Michael J. Federico; Jack Garvin Gale; Dwayne L. Gallo; Raul P. Garcia; Daniel Keith Gibson; William Onicten Gutierrez; Clarence Weldon Hart; Harley James Henson; Drexal Q. Jackson; Joseph F. Laturno; Gordon Peter Martens; Charles E. Murphy; Johnnie D. Riley; Loid B. LeRoy Sadler; Eric Schlitz; Mark D. Switzer; Larry Joe Wade; William Franklin Williams; and Otis Lee Wilson.

Our country owes a debt of gratitude to all the above recipients for their service and sacrifice. I salute all the above individuals and congratulate them on receiving their high school diploma.

IN HONOR OF MR. TOM BERES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Tom Beres, a reporter for Cleveland's WKYC, who is being honored by the Press Club of Cleveland and inducted into the Cleveland Journalism Hall of Fame, Class of 2011.

Tom was born and raised Ashtabula, Ohio. He graduated from Westlake High School and

earned bachelor's and master's degrees in broadcast journalism from Northwestern University. During his last year at Northwestern, Tom worked as a radio correspondent covering Watergate for WMAQ in Chicago.

Before returning to his hometown of Cleveland, Tom worked as an anchor/reporter for WDTN and WLWD TV in Dayton, Ohio for four years. He has been working for WKYC in Cleveland since July 1979 and is the longest tenured reporter with one station in the City of Cleveland. He worked for many years as a general assignment reporter before being promoted to senior political reporter in May of 1998. Throughout his career Tom has garnered several awards including the Best Broadcast Writing award from the Ohio Associated Press in 1984 and three local Emmys. His 1989 Emmy for Investigative Reporting was for his coverage of ticket abuse by Cleveland police officers.

In addition to his storied career with WKYC, for the past eight years Tom has hosted the political discussion show, *Between the Lines*. He has moderated countless local and state wide political debates. Tom is on the Board of Directors for the local chapter of the American Federation of Television and Radio Artists and Camp Ho Mita Koda, a camp for diabetic children. He has also served on the boards of the Diabetes Association of Greater Cleveland.

Mr. Speaker and colleagues, please join me in congratulating WKYC's Mr. Tom Beres as the Press Club of Cleveland inducts him into the Cleveland Journalism Hall of Fame, Class of 2011.

PERSONAL EXPLANATION

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. GRIMM. Mr. Speaker, on rollcall No. 808 I had district work that required my presence. Had I been present, I would have voted "nay."

HONORING THE BRIDGE, INC.

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor The Bridge, Inc. located in Caldwell, Essex County, New Jersey on the occasion of its 40th anniversary.

The Bridge, Inc. is a private, nonprofit, community agency that has been helping children and families in the Essex County area since 1971 regardless of their ability to pay. All services are designed to strengthen and support the family and promote the personal growth of children, adolescents, adults and seniors.

The Bridge offers a variety of high quality, cost effective, professional mental health and addiction assessment and treatment services. Every day it works with individuals and families facing marital problems, parent/child conflicts, grief and loss, depression, anxiety, substance abuse and more.

The Bridge's compassionate staff is always ready and willing to assist those in need of help. Among the programs they offer are counseling services, adult and adolescent substance abuse services, school based substance abuse services, family crisis intervention counseling and the Family Preservation Program. Through its school based substance abuse services, The Bridge offers primary prevention/early intervention services to contacting local schools as a first defense to substance abuse.

Also offered, is a unique women's service called Stepping Stones, Women's Addiction Services. This program is an intensive outpatient service aimed at empowering women to take control of their lives and plan for their futures. Through the use of continuing care groups, women are counseled on parenting skills, healthy relationships and how to deal with their addictions, giving them the first steps to a healthier lifestyle.

For the past 40 years, The Bridge, Inc. has dedicated itself to the prevention and care of those struggling with a wide range of mental health and addiction issues. I commend the caring staff for their unwavering support to those in need.

Mr. Speaker, I ask you and my colleagues to join me in congratulating The Bridge, Inc. on its 40th anniversary.

A TRIBUTE IN HONOR OF THE LIFE OF MICHELE DASCHBACH FAST

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Ms. ESHOO. Mr. Speaker, I rise today to honor the extraordinary life of Michele Daschbach Fast who entered into eternal life on October 12, 2011, at the young and vital age of 47. A brutal, senseless act took the life of this beautiful, loving, talented and selfless wife, mother, daughter, sister, aunt and friend.

Michele was blessed with extraordinary qualities, and she blessed everyone in her life in return. She was generous and loving, welcoming and joyful, a sports fan, a swimmer, a tennis player, a Giants fan and the most ardent supporter of the sports teams of her family and her wide circle of friends. She was quick, clever, and had a great sense of humor and she will never be forgotten.

Michele leaves her devoted husband of 24 years, Patrick, and her three beloved children, Patrick, 20, Laura, 18, and Lisa, 16. She also leaves her parents Leonore and Howard Daschbach of Atherton, and her brothers and sisters, Mark Daschbach, Rooney Daschbach, Laura Pitchford, LeeLee Cusenza, and Lisa Fuerst, as well as her faithful companion, Otis, a Black Labrador. Michele also played a wonderful, enthusiastic role in the lives of her many nieces and nephews, in-laws, scores of friends and the entire community of Seal Beach, California.

I am privileged to have known the Daschbach family for many decades. They are deeply faith filled and one of the most respected families in our community. May their

faith, and the love and support of so many be sources of comfort to them during the difficult days ahead.

Mr. Speaker, I ask the entire U.S. House of Representatives to join me in honoring Michele Daschbach Fast's life, and extend our deepest condolences to her entire family.

VETERANS CO-OP HOUSING

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mrs. MALONEY. Mr. Speaker, as we honor and thank all who bravely served in the United States Armed Forces on Veterans Day, we also must ensure that our returning veterans can fully use programs that aid veterans' homeownership. Across the U.S., there are more than 1.2 million families of all income levels in homes owned and operated through cooperative associations. In New York City, co-ops make up about one-third of the housing stock and are often a less expensive option than condo units.

In 2006, Congress passed legislation I authored allowing veterans to use the Veterans Affairs' (VA) Home Loan Guaranty Program to purchase cooperative housing using their low interest loan benefits. These loan benefits allow veterans to buy homes with no down payment and limited closing costs. However, the program to allow loans for co-op housing will sunset at the end of 2011. In order to allow our nation's veterans to use the VA loan for all forms of home ownership, I am reintroducing legislation that would permanently extend the co-op program. To ensure that veterans are aware they can utilize the loans for co-op housing units, we have added a provision so that the Secretary of the VA can advertise the program to eligible veterans, participating lenders, and interested realtors.

By permanently extending these VA loan benefits to include co-ops, we can honor and thank all who bravely served in our Armed Forces by giving them the tools and resources they need to pursue their dreams of homeownership wherever they live.

Thank you to original cosponsors Reps. EDOLPHUS TOWNS, LAURA RICHARDSON, CHARLES RANGEL, JERROLD NADLER, and JESSE JACKSON, JR.

HONORING THE ST. ELIZABETH HIGH SCHOOL LADY HORNETS

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the St. Elizabeth High School Lady Hornets Softball team for winning the Class 1 Missouri State Championship on October 22, 2011.

The young women and their coaches should be commended for all their hard work throughout the regular season and for bringing home

the state softball championship to their school and community. In their final championship game against the Jefferson Eagles, every team member made important contributions that led to their 5-2 win.

The Lady Hornets have carried on the school's proud tradition of excellence by bringing home the St. Elizabeth High School's fourth state softball championship.

I ask that you join me in recognizing the St. Elizabeth Lady Hornets for a job well done.

IN HONOR OF MR. BOB PAYNTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Bob Paynter, who is being honored by the Press Club of Cleveland and inducted into the Cleveland Journalism Hall of Fame, Class of 2011.

Bob was born and raised in Kirkwood, Missouri. He attended the University of Missouri—Columbia School of Journalism and graduated with a bachelor's degree in 1975. He first worked for the Akron Beacon Journal from 1981 to 1985 on crime, parole policies and political corruption. During his first period with the Journal he wrote a number of stories that helped free a man wrongly convicted of a child-murder case and led indirectly to conviction of the real killer.

Bob left the Greater Cleveland area and worked as a general assignment and projects reporter for The Dallas Morning News during 1986. He covered local courts and government and investigating the effects of lead pollution on inner-city children. Bob returned to Ohio working for the Akron Beacon Journal in January 1987. He worked as an investigative reporter and editor with the newspaper for the next 13 years. He covered topics such as campaign-finance abuses, failed drug-enforcement policies, illegal awarding of county sewer contracts, wrongful conviction of college student for date rape and evolution of race relations in the Akron area. In December of 1999 Bob began working for The Cleveland Plain Dealer as a projects editor and investigative reporter. During his 9 years with the Plain Dealer, Bob wrote on misconduct by the Parma police and the priests of the Cleveland Diocese and the "Cold-Blooded Liar" series. He is now the principal of Investigative Communications, LLC.

Throughout his career, Bob has been the recipient of some of journalism's most prestigious awards. As a result of his work on race relations in Akron Bob was awarded a Pulitzer Prize Gold Medal for Public Service. He received Worth Bingham and Sigma Delta Chi awards because of his work on the Ohio legislature's "Pay to Play" system and American Society of Newspaper Editors Local Watchdog Award while he was with the Plain Dealer.

Mr. Speaker and colleagues, please join me in congratulating Mr. Bob Paynter as the Press Club of Cleveland inducts him into the Cleveland Journalism Hall of Fame, Class of 2011.

PERSONAL EXPLANATION

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. GRIMM. Mr. Speaker, on rollcall No. 809, I had district work that required my presence.

Had I been present, I would have voted, "yea."

DOMESTIC VIOLENCE AWARENESS MONTH

HON. DONNA F. EDWARDS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Ms. EDWARDS. Mr. Speaker, I rise today to recognize October as Domestic Violence Awareness Month, designated as such in 1987. Since then, victims and their advocates have come together each October to shed light on this insidious and still far too pervasive social ill.

As co-founder of the National Network to End Domestic Violence and its first Executive Director, I worked with domestic violence advocates and policymakers to bring about critical programming and changes in national public policy through the Violence Against Women Act (VAWA) of 1994 for victims of domestic abuse.

Since passage, great strides have been made to call attention and provide resources to address domestic violence. But the fight is far from over. Millions of women continue to suffer from assaults and rapes that cause long-term physical and mental health problems. According to the Centers for Disease Control and Prevention, each year, victims experience about 7.7 million intimate partner related physical assaults and rapes at a cost of \$5.8 billion, including \$4.1 billion in direct health care expenses.

As our economy recovers, it is important to appreciate the impact that the economic downturn has had on services providers due to increased demand, but limited resources. According to the National Network to End Domestic Violence, domestic violence is more than three times as likely to occur when couples are experiencing high levels of financial strain. The sad truth is service providers struggle to serve victims with constrained budgets. According to the National Center for Victims of Crime, 92% of victim service providers have seen an increased demand, but 84% reported that cutbacks in funding were directly affecting their work.

This past Tuesday, October 25th, I was joined by the Prince George's County State's Attorney Office, Congressional staffers, victims' rights advocates, law enforcement, and providers on a tour of the Domestic Violence and Sexual Assault Center (DV/SAC) at the Prince George's Hospital in Cheverly, Maryland. The tour not only commemorated Domestic Violence Awareness Month, but provided all participants with a better understanding of the vital work being done by victim

advocates in my State of Maryland and across our country, as well as the growing demand for special services for victims in this economic climate.

Established in 1973 and expanded in 2010, DV/SAC is located in the 4th Congressional District of Maryland, which I have the honor of representing in this Chamber. It offers a full range of hospital-based domestic violence services. The Center operates 24 hours a day and includes crisis intervention, crisis and follow-up counseling, safety planning, danger assessment, referral services, and victim advocacy. In 2010, DV/SAC provided sexual assault forensic exams and counseling to over 300 new victims, 1,700 individual and group counseling sessions, and over 1,000 crisis line inquiries answered, in addition to training medical staff and collaborating with community partners.

It is vitally important that we quickly reauthorize the life-saving and essential programs that protect so many women and families across our country. These programs save lives, contribute to our Nation's economic well-being, and break the devastating cycle of violence for future generations. We also need to maintain and even increase critical Family Violence Prevention and Service Act (FVPSA) and VAWA funding in these challenging economic times for not only our Nation, but also all the families across the United States.

The prevention of domestic violence and sexual assault throughout the country takes the work of a community and a commitment to providing women and men with resources and information to protect themselves. I look forward to continue working with victims, advocates, providers, and other Members of Congress in obtaining the necessary funding for these vital programs, while also working to strengthen VAWA through its reauthorization.

**H.R. 3271, THE SECURITY AND
FINANCIAL EMPOWERMENT ACT**

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to introduce the Security and Financial Empowerment Act, better known as the SAFE Act.

Domestic violence, dating violence, sexual assault and stalking are widespread problems that affect Americans from every background, ethnicity, and race. The prevalence of this violence is highlighted by the fact that nearly one in four women are beaten or sexually assaulted by a partner during adulthood and advocates are reporting an increase in the severity of these violent incidents.

These crimes have serious societal costs and gave physical and psychological impacts on their victims. Credible research has found that many women are trapped in abusive relationships due to their economic circumstances. As a result, victims often face the terrifying choice of living with abuse or leaving without the ability to support themselves and their children.

Under the SAFE Act, victims can take limited leave from work for safety planning and

necessary court appearances without fear of losing their job. The SAFE Act also provides job protection when reasonable workplace safety modifications are requested.

The recent tragedy in Seal Beach, California—where a salon employee's ex-husband allegedly opened fire and killed 8 people—vividly illustrates how disputes at home can lead to violence in the workplace. To help employers address this issue, the bill reauthorizes the National Workplace Resource Center grant program. These grants will be made available to qualified organizations to establish and operate resource centers that assist employers on how to protect all their employees as well as those who are victims of domestic and sexual abuse.

The SAFE Act also protects victims of domestic abuse by prohibiting employers from making hiring decisions and insurance companies from refusing coverage based on an individual's history of abuse.

Finally, the SAFE Act makes it possible for a victim of domestic violence, dating violence, sexual assault or stalking eligible for unemployment insurance if it is necessary for an employee to leave a job to escape the abuse.

The SAFE Act is a critical step towards helping victims of domestic violence and sexual assault to become survivors by giving them the financial security they need to seek help and end their dependence on abusive partners and ultimately break the cycle of violence in their lives.

I want to thank the many dedicated advocates and organizations who work tirelessly every day to empower victims of physical and sexual abuse. They face daunting challenges as the demand for their services continues to increase even as their funding sources at the local, state, and federal levels are being slashed. Their input, expertise, and support have been invaluable in crafting the SAFE Act.

Mr. Speaker, I urge my colleagues to join me and Congressman TED POE in co-sponsoring and helping to pass the SAFE Act. For far too many people, the safety nets in this bill are literally the difference between life and death. The time to act is now.

**ON THE OCCASION OF THE TWENTIETH ANNIVERSARY OF THE
TROY COMMUNITY COALITION**

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. PETERS. Mr. Speaker, I rise today on the auspicious occasion of the Troy Community Coalition's twentieth year of service to the residents of Troy to recognize the profound impact of its members on efforts of communities across the Nation to combat and prevent substance abuse.

Born out of grass roots organizing by residents concerned with the rising incidence of underage drinking, the Troy Community Coalition, TCC, and its sister coalitions across the country have become the chief advocates in promoting the importance of preventing substance abuse. Like many of its younger counterparts, when the TCC was organized in

1991, its members focused on the need to educate area residents on the deleterious effects of substance abuse on their community. As the TCC grew, it assembled a broad alliance of community stakeholders and gradually shifted its mission from education to changing the environment and public policy of Troy to prevent substance abuse.

As one of the first community coalitions, the TCC has been a model for coalitions across the country. Thanks to the advocacy of its members, in 1998 federal legislation was passed creating the Drug Free Communities program, which provides important resources to seed developing coalitions. Recognizing the innovation and knowledge base created by the TCC, its Executive Director at the time, Ms. Mary Ann Solberg, was tapped to be Deputy Director of the Executive Office of National Drug Control Policy in 2002.

Being a model coalition, the TCC has been the originator of many novel and innovative programs that have been implemented by its sister coalitions. The TCC's staff has even been tapped by the Community Anti-Drug Coalitions of America, a national advocacy group, to provide instruction to coalitions from around the country. Locally, the TCC has also gone on to mentor other area coalitions that are now recipients of Drug Free Communities resources.

Mr. Speaker, as families across my state of Michigan and the Nation feel the increasing pressures of our current economic environment, the work of community coalitions, like the TCC has become increasingly important to prevent individuals in crisis from turning to illicit substances. The TCC regularly engages thousands of members in the Troy community in activities which promote the strength of families and mold our youth into independent leaders of their generations. I congratulate the Troy Community Coalition and its members on twenty years of success in the fight to save the lives of youth across our community and I know its members will continue to lead the national dialogue in this important endeavor.

**IN HONOR OF MR. PHILLIP
MORRIS**

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Phillip Morris, a columnist with the Cleveland Plain Dealer, who is being honored by the Press Club of Cleveland and inducted into the Cleveland Journalism Hall of Fame, Class of 2011.

Born and raised in Columbus, Ohio, Phillip attended Ohio Wesleyan University and graduated with a Bachelor of Arts in journalism. After graduating in 1987, he began working as a police and courts reporter for the Dayton Daily News. He would eventually work as an editorial writer for the paper.

In October of 1990, Phillip joined the Cleveland Plain Dealer's Editorial page. His responsibilities included editorial coverage of Cleveland city government, Ohio state government, the state and federal penal systems, education

and children's issues. In 1995, Phillip began writing a weekly column for the Plain Dealer's Forum page and continued to do so for eleven years. In April of 2007, he became a metro columnist and gained national recognition in this role. Currently, Phillip is working as a Knight-Wallace Fellow at the University of Michigan; he will return to the Plain Dealer in the spring of 2012.

Despite being at the Plain Dealer for less than twenty years, Phillip has garnered local and national recognition based on his work on criminal justice issues. He has been awarded a National Association of Black Journalists award, a National Headliner Award and has been a finalist for a Pulitzer Prize twice. He is also a finalist for a second Association of Black Journalists award this year.

Mr. Speaker and colleagues, please join me in congratulating the Cleveland Plain Dealer's Mr. Phillip Morris as the Press Club of Cleveland inducts him into the Cleveland Journalism Hall of Fame, Class of 2011.

PERSONAL EXPLANATION

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. GRIMM. Mr. Speaker, on rollcall No. 810, I had district work that required my presence. Had I been present, I would have voted "yea."

THE WORSENING PLIGHT OF EGYPT'S COPTS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. WOLF. Mr. Speaker, I submit for the RECORD a copy of Chuck Colson's recent Breakpoint Commentary which movingly speaks of the worsening conditions facing Egypt's Coptic community.

According to an October 25 Washington Post article, "Attacks on Christians have significantly increased since the uprising. The violence on October 9 began when about 1,000 Christians tried to stage a peaceful sit-in outside the state television building." The Egyptian military forcefully broke up their protest leaving at least 21 Christians dead in the single deadliest incident since the end of the Mubarak regime.

This carnage is evidence of an ancient faith community which is increasingly under siege. Not only are Coptic Christians not reaping the promise of the so-called "Arab Spring" but as Colson writes, "It's getting clearer for parts of the Arab world, its going to be a long, cold winter."

The Obama administration must press Egypt's ruling generals to uphold the rights of the country's vulnerable minority communities. Their sustained presence in the region is crucial.

[Oct. 24, 2011]

IONIC COPTIC WINTER: DEMOCRACY AND CHRISTIANS IN EGYPT

On October 9, at least two dozen Christians were killed by Egyptian police. Their only "crime" was in insisting that they be treated in a manner consistent with what the "Arab Spring" was supposed to be about.

It's getting clearer that for parts of the Arab world, it's going to be a long, cold winter.

The killings happened during a march organized by Coptic leaders to protest a church-burning by Islamists. The military regime responded lackadaisically to this outrage, just as it has to other outrages perpetrated against Egypt's Christian minority.

The junta's response to peaceful protest was a combination of tear gas, live ammunition, and armored vehicles ramming into the crowd. A few protestors threw rocks in response to the attacks, which gave state-controlled media a chance to claim that protestors started the violence and urge "honorable," that is, Muslim, Egyptians to help the soldiers.

While I expect that kind of deception from Egyptian state-run media, I am appalled by The New York Times' characterization of the killings as "sectarian violence." For the Times, Christians are only victims if they endure violence without uttering the merest peep in protest. If they protest or try to defend themselves, however feebly, the Times paints them as the moral equivalent of their persecutors.

The situation in Egypt has become so dire that one Coptic bishop compares it to a "dark tunnel of violence." Quoting the Apostle Paul, he writes that he and his flock are "hard pressed on every side, yet not crushed . . . perplexed but not lost, persecuted but not forsaken, struck down but not destroyed."

While they pray for the victims and the offenders, it's our task to make sure they are not forsaken, which is what all the euphoria over the "Arab Spring" threatens to do.

Lost in the buzz over democracy, Twitter, and Facebook, was any recognition that ousting dictators and establishing democracy are means, not ends. In other words, it doesn't matter if you replace the rule of dictators with popular rule if, in the end, Christians and other minorities become targets for persecution and violence.

Our founding fathers, when they set out to "establish justice, insure domestic tranquility . . . [and] promote the general welfare," knew the dangers of an unchecked majority. That's why our Constitution is filled with checks and balances—between the people and the government, and between branches of government.

The "Arab Spring" has not resulted in greater justice and increased tranquility for Middle Eastern Christians. As John L. Allen wrote in the National Catholic Reporter, "many analysts wonder whether Christianity will be the first victim of the new order taking shape" in the Middle East.

There's no reason, as writer Rod Dreher reminds us, to assume that democracy and religious tolerance go hand-in-hand. On the contrary, recent history suggests that what the so-called "people" often want is to mistreat the "others" in their midst.

Now, there is little standing between them and what they want. If Christians resist, they are run over by armored vehicles and blamed for their fate. While God has not forsaken them, the world that cheered on the Arab crowds last Spring seems intent on doing so.

NATIONAL INFANT MORTALITY AWARENESS MONTH

HON. DONNA F. EDWARDS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Ms. EDWARDS. Mr. Speaker, last month was National Infant Mortality Awareness Month and was established to highlight the tragic occurrences of infant deaths across the nation and to raise awareness about those programs that can help save lives and ensure our children are healthy. As we know, infant mortality, the rate at which babies die before their first birthday, is an important measure of the nation's health and a worldwide indicator of health status and social well-being.

Although the overall infant mortality rate (IMR) in the United States (U.S.) steadily declined for several decades, it has leveled off for the past several years. In 2009, the rate of infant deaths before age one for the U.S. was 6.4 per 1,000 live births. Unfortunately, the U.S. IMR is higher than the Organization for Economic Cooperation and Development (OECD) average and that of most European countries.

Though the rate for Maryland has dropped from 7.2 to 6.7, the rates throughout the state remain astoundingly high. Last year, the infant mortality rate for Prince George's County was 9.0 or 22% of all infant deaths in the state of Maryland. Montgomery County realized a decline from 5.5 the previous year to 4.3 this year, but still had the fourth highest number of deaths in Maryland (behind Baltimore City, Prince George's County, and Baltimore County).

In our nation, minority communities are especially affected by higher IMR. For example, across the country African Americans have higher incidences of infant mortality than do their white counterparts. In Maryland, the IMR for African American mothers was 11.8 compared to 4.1 for white mothers. These statistics bring to light the staggering disparities between race, ethnicity, age, education, and socio-economic levels.

National Infant Mortality Month gives us an opportunity to raise public awareness about the levels at which this problem continues to affect our communities, and to educate women about ways they may reduce infant mortality with good health care during the mother's pregnancy and the early years of the child's life. Research indicates that a number of federal programs may reduce the IMR. Programs such as the Maternal and Child Health Block Grant and Healthy Start are vital programs tasked with bringing awareness to factors that contribute to the nation's high infant mortality rate, including low birth weight, congenital abnormalities, and sudden infant death syndrome. With the support of local organizations and clinics like the Montgomery County Department of Health and Human Services and the Suitland Health and Wellness Center, we can advance a number of strategies to reduce infant mortality and help mothers and children live long and healthy lives.

I will continue to support and bring awareness to programs that increase access to health care and improve the quality of prenatal

and newborn care to prevent the causes of infant mortality. As our nation recovers from these difficult economic times and families may experience gaps in health coverage due to job loss, transitions, and financial instability, it is especially vital that we continue to support adequate funding for these programs. We need to ensure that our babies get a healthy start to celebrate their first birthday and beyond.

I am pleased that even though the House of Representatives did not recognize National Infant Mortality Awareness Month by passing a resolution, the Senate did. By doing so, it brought much needed attention and awareness to the importance of reducing our infant mortality rate.

ROBERT B. COWDREY TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. TIPTON. Mr. Speaker, it is a great privilege to rise in commendation of Sgt. Robert B. Cowdrey who served our country with great honor and pride. Sgt. Cowdrey gave his life for our country on October 13, while attempting a helicopter rescue of his fellow soldiers under fire.

Sgt. Cowdrey was raised in La Junta, Colorado. He graduated from La Junta High School in 1990. He was a devoted outdoorsman, who enjoyed bow hunting. Cowdrey enlisted in the Army in 2003 and was serving his third tour of duty in Afghanistan at the time of his death. Sgt. Cowdrey's duties included flying into active combat zones to deliver medical assistance and rescue troops while under fire. He was highly decorated for his heroic service, earning the Bronze Star and two army commendations for valor.

Mr. Speaker, I rise today to pay tribute to Sgt. Cowdrey, a selfless American hero whose bravery and sacrifice are examples of what makes this country great. My thoughts and prayers are with his wife, Jill, their three sons, Justin, Jacob and Nathan, and the entire Cowdrey family.

COMMEMORATING FILIPINO AMERICAN HISTORY MONTH

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today in recognition of Filipino American History Month. We have, as a nation, commemorated October as Filipino American History month since 1988. The legislature in my home state of California also recognizes this month. California has long historical ties with Filipino Americans, and our state is home to over half of the Filipino population of the United States.

This month is a wonderful opportunity to celebrate the rich culture and history of Filipino Americans, who have contributed so much

both to California and to the United States. I'm pleased that recently there has been some legislative acknowledgment of their military contributions. Just this month in California, Governor Jerry Brown signed Assembly Bill 199 into law, which would encourage the inclusion of the role of Filipinos in World War II in social studies curricula. Over 250,000 Filipinos fought with the U.S. in World War II. Their valiant service was largely uncompensated and unrecognized until recently.

I'm hopeful that my colleagues will take a moment to recognize the Filipino American community. This country is a nation of immigrants, and we are so much richer for the contributions that Americans of every background have made, and will continue to make as we move forward.

HONORING THE LIFE OF JERRY WORKMAN

HON. FRANCISCO "QUICO" CANSECO

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. CANSECO. Mr. Speaker, I rise today to honor the life of Jerry Workman. Brother Workman, as he was called by the almost 5,000 students he taught, was a beloved science teacher for over 40 years at Pecos High School in Pecos, Texas. After battling colon and abdominal cancer, Mr. Workman passed away on October 6, 2011. However, his memory will live on through the thousands of students he mentored and inspired through his love of teaching.

Jerry Samuel Workman, Sr. was born on March 7, 1940 in Angel-Flatts, Texas. Mr. Workman moved to Pecos in 1965 to pursue a job opportunity after serving in the U.S. Army and the National Guard. Unable to find the job he was seeking, he was invited to apply for an opening as a teacher at Pecos High School and teach "for a year or two." Forty-six years later, he was still teaching. Over the years Mr. Workman selflessly taught thousands of students and coached numerous UIL Science teams; drove countless miles in a school bus, and helped students find scholarships to attend college.

When Jerry Workman was diagnosed with cancer, his family set up a Facebook page to update past and present students on his health. The page called, "Jerry Workman taught me more than Chemistry," has become populated with friends, family, and former students sharing memories of Brother Workman. Jerry Workman dedicated his life to serving the youth of Pecos, Texas. His passing is a great loss to not only the community, but the entire State of Texas.

IN HONOR OF MR. HERB THOMAS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Herb Thomas, a photojournalist

and news videographer for Cleveland's WJW, who is being honored by the Press Club of Cleveland with the 2011 Chuck Heaton Award.

Herb attended Thomas Edison High School in Cleveland, Ohio before joining WJW in 1969 as a set designer. Throughout the years Herb has worked in a number of capacities for the station including director of print operations, member of the studio camera crew, photojournalist and videographer. He is also responsible for creating WJW's sign off programs "Meditation" and "Celebration."

Herb is a local celebrity in Cleveland and played "Soul Man" on the Big Chuck and Little John Show for many years. He has been featured in PM Magazine, listed in the "Who's Who" in Success Magazine and named "One of Cleveland's Most Interesting People" in Cleveland Magazine. Herb is also the founder and president of thomvisions and of the performing arts choir, "Prayer Warriors."

Herb has been honored in the past as well for his quality of work and dedication to journalism. He has won 12 Emmys, two International Gabriel awards and documentary honors by the Ohio Society of Professional Journalists. Herb was also inducted in the Ohio Broadcasters Hall of Fame in 2000.

In addition to being inducted in the Cleveland Journalism Hall of Fame, Class of 2011, Herb is this year's recipient of the Chuck Heaton Award. The Chuck Heaton Award honors an individual who best exemplifies the qualities of the Plain Dealer's longtime sports writer and columnist, Chuck Heaton. Mr. Heaton was known for his dedication to journalism and community.

Mr. Speaker and colleagues, please join me in congratulating WJW's Herb Thomas as the Press Club of Cleveland names him the 2011 Chuck Heaton Award recipient.

PERSONAL EXPLANATION

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. GRIMM. Mr. Speaker, on rollcall No. 812, I had district work that required my presence. Had I been present, I would have voted "yea."

HONORING MR. MAURICE VEISSI

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. DIAZ-BALART. Mr. Speaker, I rise today to honor Mr. Maurice "Moe" Veissi, an outstanding realtor and person who has supported the Miami community for over 40 years. Having known Moe for several years, I can attest to his exemplary character and his commitment to his profession and the people he serves.

Moe is the 2011 President-Elect of the National Association of Realtors (NAR), and broker-owner of Veissi & Associates located in Miami, FL. He served on the Strategic Investment Reserve Advisory Board for NAR, also

serving as a regional vice president for Region V in 2005. Moe has served on NAR's Board of Directors since 1999, along with numerous NAR committees.

Moe was also elected president of the Florida Association of Realtors (FAR) in 2002, and in 2003 was named "Realtor of the Year". On the local level, he has served as president of the Realtor Association of Greater Miami and The Beaches, and was twice appointed to as the Economic Development Chairman. Active in his community, Moe founded the Silent Angels Charitable Foundation, has coached several youth sports teams and also volunteers for numerous organizations such as Habitat for Humanity.

Mr. Speaker, I am honored to pay tribute to Mr. Maurice Veissi for his continued service to the Miami community. It will be great to have a model South Floridian representing such a well-respected national organization. He is an exceptional leader for the community, and I am privileged to call him my friend. I ask my colleagues to join me in recognizing this outstanding individual.

IN HONOR OF U.S. ARMY SERGEANT FIRST CLASS HOUSTON M. TAYLOR

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Ms. GRANGER. Mr. Speaker, I rise today to honor the service of Army Sergeant First Class Houston M. Taylor who was killed on October 13, 2011 in Kunar Province, Afghanistan. He was working in support of Operation Enduring Freedom while serving with Delta Company, 2nd Battalion, 27th Infantry Regiment, 25th Infantry Division based at Schofield Barracks, Hawaii. Sergeant First Class Taylor was posthumously promoted to Sergeant First Class and awarded a Bronze Star and Purple Heart for his actions.

Sergeant First Class Taylor was 25 years old, attended Azle High School, in Azle, Texas, and enlisted in the Army in 2005. His first assignment was to Fort Lewis, Washington, with Alpha Company, 1st Battalion, 23rd Infantry Regiment, 2nd Infantry Division. Sergeant First Class Taylor deployed to Iraq in 2006 and 2008 before deploying to Afghanistan in early 2011. Sergeant Taylor was killed during his third combat tour. He leaves behind his high school sweetheart and wife, Kelsey Rae Taylor, and two young children, Rylan, and Avery.

Sergeant First Class Taylor gallantly and selflessly gave his life in the service of his country when insurgents attacked his unit with small arms fire while they were on foot patrol in Afghanistan. Major Dave Eastburn, a spokesman for the brigade in which Sergeant First Class Taylor served, said Sergeant First Class Taylor "was a warrior, a great leader, and will be truly missed." This affirmation only confirms what his family and friends already knew about Sergeant First Class Taylor. His mother knew from an early age that he was destined for the service and his wife said that "he never complained about anything he had to do" in the Army.

I wish to extend my condolences to Sergeant First Class Taylor's wife, Kelsey Rae, his children, Rylan and Avery, his parents, and all of his family and friends. I hope they continue to find solace in his lasting impact on both this grateful nation and his fellow soldiers.

MAKING PROGRESS ON PAID SICK LEAVE

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. McDERMOTT. Mr. Speaker, I rise to support employers and businesses that provide paid sick leave to American workers across the country. Workers should be able to take care of themselves or family members who are sick without risking losing their jobs or a day's wages. The businesses in my district have worked closely with the City of Seattle, and particularly Seattle City Councilmember Nick Licata, to be leaders on this issue. I want to commend the City of Seattle for recently adopting paid sick leave for workers, demonstrating direct support for working families and protecting public health. Seattle joins with San Francisco, Milwaukee, Washington, DC and Connecticut in taking a big step to ease some of the burden on working families. I also applaud the work of the many coalitions across the country that are building support for implementing paid sick leave for the forty-four million workers who cannot take the time off they need.

Representative ROSA DELAURO of Connecticut recently sponsored H.R. 1876, The Healthy Families Act, which I support. This piece of legislation requires certain employers to allow workers to earn an hour of paid sick leave for every 30 hours they work. The Healthy Families Act provides workers with the flexibility to address their own health needs as well as those of their family members. This Act also keeps public and private health care costs low by enabling workers and their families to seek early and routine medical care. This creates a vital safety net for working parents who shouldn't have to risk a day's wages or losing their jobs when they or their family members get sick. Thank you Mr. Speaker.

RECOGNIZING SHEKEMA SILVERI, WINNER OF THE 2011 NATIONAL MILKEN EDUCATOR OF THE YEAR AWARD

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. DAVID SCOTT of Georgia. Mr. Speaker, it is with great pleasure that I rise today to honor a hard-working and talented educator in my district, Ms. Shekema Silveri.

Ms. Silveri teaches Language Arts at Mount Zion High School in Jonesboro, Georgia, and she received the Milken Educator Award on Friday, October 21, 2011 at a surprise cere-

mony held at the school. This award is one of the most prestigious national honors an educator can receive. The Milken Educator Award recognizes extraordinary educational talent, models of excellence, and great potential for professional and policy leadership.

Ms. Silveri is an outstanding example of excellence in teaching. She continues to innovate and strives to motivate her students to become visionaries. At a school with a large at-risk student population, Ms. Silveri's students are doing exceptionally well—all of her students passed the Georgia American Literature End of Course Test. She is also a leader outside the classroom, mentoring fellow teachers and leading the implementation of a remediation program for seniors.

Ms. Shekema Silveri is an inspirational role model not only to her students, but also to her fellow teachers. Mr. Speaker, honorable colleagues, I invite you to join me today in recognizing this exemplary educator for all of her achievements. I look forward to hearing news of her future success.

RECOGNIZING THE RETIREMENT AND SERVICE OF DANIEL E. MULLINS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Daniel Mullins, upon his retirement from the University of Florida Institute of Food and Agricultural Sciences (IFAS), Santa Rosa County Extension Office. For over 40 years, Daniel Mullins has dedicated his career to educating and serving the Gulf Coast region through his passion for horticultural science.

A graduate of Mississippi State University, Daniel Mullins joined the University of Florida IFAS Extension office in Escambia County in 1970 and became the first horticulture agent in the Florida Panhandle and west of Tallahassee. He established a weekly gardening clinic, local nursery association chapter, published a weekly gardening column in the Pensacola News Journal, and served as part of a team documenting Northwest Florida beach dune plants. He also visited Europe to study cut flower production in Holland and applied those lessons to Florida. After seven years in Escambia County, he returned home to his native Mississippi to open his own landscape business, The Country Gardener.

Returning to Florida in 1989, Mr. Mullins began work with the Santa Rosa County Extension Office as the Commercial Horticulture Agent. Mr. Mullins was responsible for Extension educational programs for specialty crop producers of fruits and vegetables and the horticultural services industry, including nurseries, garden centers, and landscape professionals.

In Santa Rosa County, Mr. Mullins helped establish the Florida Digital Diagnostic System, designed a diagnostic lab that was included in the Santa Rosa County's Extension facility, taught plant grafting to nursery personnel and 4-H youth for more than 15 years

and helped establish the Panhandle Butterfly House. He was the first person to identify chestnut blight on Chinquapin in Florida, and established a low-chill apple demonstration orchard to teach the importance of variety selection.

Throughout the course of his career, Mr. Mullins has received over fifty awards and honors, most at the state, Southeast regional, or national levels. Mr. Mullins also wrote over 1,200 newspaper columns, conducted over 3,000 field visits, and served as the National Horticulture Chair for the National Association of County Agricultural Agents in 2002, as well as both the Audit Committee Chair and Communications Committee Chair for the Florida Association of County Agricultural Agents. As he begins retirement, he leaves behind a remarkable career full of accomplishments and one through which he has touched the lives of thousands in Northwest Florida.

Mr. Speaker, on behalf of the United States Congress, I am privileged to congratulate Daniel Mullins on his retirement and thank him for his service to the Gulf Coast. My wife Vicki and I wish him and his wife Vickie, and their three children, Katie, Sarah, and Jackson, all the best.

IN HONOR OF KELLY O'DONNELL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Kelly O'Donnell, a political reporter for NBC, who is being honored by the Press Club of Cleveland and inducted into the Cleveland Journalism Hall of Fame, Class of 2011.

Born and raised in Euclid and Cleveland's University Heights neighborhoods, Kelly attended Northwestern University. After graduating in 1987 from Northwestern's School of Education and Social Policy, Kelly returned to Cleveland and began working with the then CBS affiliate WJW-TV8 as a reporter and part-time anchor. She gained national recognition while covering the Southern Ohio Correctional riots in Lucasville, Ohio in 1993. She

eventually won a regional Emmy based on her work of the riots.

Less than a year after the Lucasville prison riots, Kelly was working as an NBC reporter. During the past seventeen years with NBC, Kelly has covered stories including the September 11th attacks, the passing of Pope John Paul II, Queen Elizabeth's 50th Jubilee, the Shuttle *Columbia* disaster, the CIA Leak trial, the Columbine school shooting, John F. Kennedy Jr.'s plane crash, the Oklahoma City bombing and trials of Timothy McVeigh and Terry Nichols, the O.J. Simpson saga and numerous Olympic Games. She has also been embedded with the Third Infantry Division in Fallujah, worked several presidential campaigns, and served as the NBC News' White House Correspondent from May 2005 to December 2007. Today she can be found as a contributor to NBC Nightly News with Brian Williams, TODAY, and on MSNBC.

In addition to her local Emmy, Kelly has been nominated for several national Emmy Awards. She was inducted into the Ohio Radio/Television Broadcasters Hall of Fame in 2004 and received two first place awards from the Los Angeles Press Club. Kelly was twice part of NBC Nightly News' teams to be awarded the Edward R. Murrow Award, and in 2007 she was named Capitol Hill Correspondent.

Mr. Speaker and colleagues, please join me in congratulating NBC's Kelly O'Donnell as the Press Club of Cleveland inducts her into the Cleveland Journalism Hall of Fame, Class of 2011.

PERSONAL EXPLANATION

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. GRIMM. Mr. Speaker, on rollcall No. 811, I had district work that required my presence. Had I been present, I would have voted "yea."

RECOGNIZING THE RETIREMENT AND DEDICATED SERVICE OF TOMMIE SPEIGHTS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Tommie Speights, upon his retirement from the Florida Department of Transportation (FDOT) as District 3 Public Information Director, after 22 years of service to the State of Florida.

Born in Panama City, Florida and raised in Marianna, Mr. Speights worked in a number of different capacities prior to joining FDOT. A true patriot, he chose to serve his country during the Vietnam era and wore the uniform of the United States Army. Upon being honorably discharged from the Army, he attended Chipola Junior College and Florida A&M University. After completing his studies in Broadcast Journalism, he worked as a television news reporter for CBS affiliate WTVY-TV 4 News in Dothan, Alabama. During his 15 years there, he received several awards, including one from the Associated Press for "Best Investigative Reporting."

In 1989, Mr. Speights began his impressive career with FDOT as Public Information Director for District 3. This district includes 16 counties in Northwest Florida, stretching from Jefferson County in the east to Escambia County in the west. For the last 22 years he has devoted his professional life to helping those in need. Serving others brings him great satisfaction, and co-workers and supervisors alike applaud Mr. Speights for his dependability and unwavering commitment.

My wife Vicki and I wish him; his wife, the former Lillie Kendall of Marianna; their three children, Sheilah, Ron, and Marisa; and four grand-children, Alexis, NyAsia, Amarion, and Kensley all the best.

Mr. Speaker, on behalf of the United States Congress, I am honored to congratulate Mr. Speights on his retirement and thank him for his service to Northwest Florida and our great nation.

HOUSE OF REPRESENTATIVES—Monday, October 31, 2011

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Mr. ROONEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 31, 2011.

I hereby appoint the Honorable THOMAS J. ROONEY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Almighty God of the universe, we give You thanks for giving us another day.

On this All Hallows' Eve, we pray in thanksgiving for all our American ancestors, who lived courageously while forging futures fraught with risk and danger. Their hope and their faith, through many challenges and victories, built this great Nation. Grant them, living and dead, the peace of Your presence.

We ask Your blessing as well upon the men and women of this, the people's House. May they strive with all their energy and goodwill to serve our Nation, to work on legislative solutions to the challenges we face in this time, always mindful that they are entrusted especially with the well-being of so many who are powerless. We know, O God, these little ones are of special interest and concern for You.

Bless us this day and every day, and may all that is done within these hallowed halls be done for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 1 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 1, 2011, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3636. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-198, "New Issue Bond Program Tax Exemption Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3637. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-215, "Meridian Public Charter School-Harrison Campus Property Tax Exemption Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3638. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-200, "Closing of a Portion of a Public Alley in Square 1027, S.O. 06-5762, Act of 2011"; to the Committee on Oversight and Government Reform.

3639. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-201, "Health Benefits Plan Grievance Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3640. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-176, "KIPP DC — Shaw Campus Property Tax Exemption Act of 2011"; to the Committee on Oversight and Government Reform.

3641. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-175, "Daylight Savings Time Extension of Hours Act of 2011"; to the Committee on Oversight and Government Reform.

3642. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-177, "Health Professional Recruitment Program Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3643. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-174, "Howard Theater Redevelopment Project Great Streets Initiative Tax Increment Financing Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3644. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-173, "Accountant Mobility Act of 2011"; to the Committee on Oversight and Government Reform.

3645. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-172, "Community Council for the Homeless at Friendship Place Equitable Real Property Tax Relief Act of 2011"; to the Committee on Oversight and Government Reform.

3646. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-171, "Interstate Compact for Juveniles Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3647. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-170, "Returning Citizens and Ex-Offender Services Reform Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3648. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-202, "Child Abuse Prevention and Treatment Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3649. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-189, "Creditor Calling Act of 2011"; to the Committee on Oversight and Government Reform.

3650. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-188, "Mayor's Council on Physical Fitness, Health, and Nutrition Establishment Act of 2011"; to the Committee on Oversight and Government Reform.

3651. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-187, "Martin Luther King, Jr., Drive Designation Temporary Act of 2011"; to the Committee on Oversight and Government Reform.

3652. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-186, "Real Property Tax Appeals Commission Establishment Temporary Act of 2011"; to the Committee on Oversight and Government Reform.

3653. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-183, "Revised Fiscal Year 2012 Budget Support Technical Clarification Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3654. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-182, "DOC Inmate Processing and Release Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3655. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-180, "Disposed Real Property Procurement Clarification Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3656. A letter from the Chairman, Council of the District of Columbia, transmitting

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Transmittal of D.C. ACT 19-179, "Pedestrian Safety Reinforcement Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3657. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-178, "Public Space Permit Fee Waiver Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3658. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-185, "Workforce Intermediary Task Force Establishment Temporary Act of 2011"; to the Committee on Oversight and Government Reform.

3659. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-184, "Caver 2000 Low-Income and Senior Housing Project Temporary Act of 2011"; to the Committee on Oversight and Government Reform.

3660. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-181, "United House of Prayer for All People Real Property Tax Exemption Act of 2011"; to the Committee on Oversight and Government Reform.

3661. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-210, "Closing a Portion of the Public Alley in Square 2905, S.O. 11-4751, Act of 2011"; to the Committee on Oversight and Government Reform.

3662. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-211, "Martin Luther King, Jr. Drive Designation Act of 2011"; to the Committee on Oversight and Government Reform.

3663. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-209, "Rita B. Bright Family and Youth Center Designation Act of 2011"; to the Committee on Oversight and Government Reform.

3664. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-203, "Residential Parking Protection Pilot Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3665. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-214, "Green Building Technical Corrections Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3666. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-212, "Public Sector Workers' Compensation Return to Work Clarifying Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3667. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-213, "Public Space Permit Fee Waiver Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3668. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-199, "The Park at LeDroit Designation Act of 2011"; to the Committee on Oversight and Government Reform.

3669. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory species; commercial Porbeagle Shark Fishery Clo-

sure (RIN: 0648-XA658) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3670. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA659) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3671. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA684) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3672. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA685) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3673. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA673) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3674. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Other Rockfish, Other Flatfish, Sharks, and Skates in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA672) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3675. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Decrease for the Common Pool Fishery [Docket No.: 0910051338-0151-02] (RIN: 0648-XA652) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3676. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2011 Summer Flounder, Scup, and Black Sea Bass Specifications; Correction [Docket No.: 101029427-1413-03] (RIN: 0648-XY82) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3677. A letter from the Attorney, Department of Homeland Security, transmitting

the Department's final rule — Safety Zone; Allegheny River; Pittsburgh, PA [Docket No.: USCG-2011-0695] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3678. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Discovery World Private Wedding Firework Displays, Milwaukee, Wisconsin [Docket No.: USCG-2011-0717] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3679. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes [Docket No.: FAA-2011-0225; Directorate Identifier 2010-NM-211-AD; Amendment 39-16773; AD 2011-17-09] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3680. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited (Type Certificate No. A-815 Formerly Held by Bombardier Inc. and de Havilland, Inc.) [Docket No.: FAA-2011-0597; Directorate Identifier 2011-CE-019-AD; Amendment 39-16793; AD 2011-18-11] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3681. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 2000 Airplanes [Docket No.: FAA-2011-0476; Directorate Identifier 2010-NM-247-AD; Amendment 39-16787; AD 2011-18-05] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3682. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2007-28661 Directorate Identifier 2007-NM-013-AD; Amendment 39-16785; AD 2011-18-03] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3683. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA-365N and SA-365NI Helicopters [Docket No.: FAA-2011-0791; Directorate Identifier 2009-SW-29-AD; Amendment 39-16763; AD 2011-16-05] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3684. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-10E2A1; CF34-10E5; CF34-10E5A1; CF34-10E6; CF34-10E6A1; CF34-10E7; and CF34-10E7-B Turbofan Engines [Docket No.: FAA-2011-0187; Directorate Identifier 2011-NE-07-AD; Amendment 39-16784; AD 2011-18-02] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3685. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, & 702), Model CL-600-2D15 (Regional Jet Series 705), and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2010-0515; Directorate Identifier 2009-NM-196-AD; Amendment 39-16776; AD 2011-17-12] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3686. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-300, A340-500, and A340-600 Series Airplanes [Docket No.: FAA-2011-0385; Directorate Identifier 2010-NM-256-AD; Amendment 39-16780; AD 2011-17-16] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3687. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes [Docket No.: FAA-2009-1213; Directorate Identifier 2009-NM-097-AD; Amendment 39-16775; AD 2011-17-11] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3688. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes [Docket No.: FAA-2011-0088; Directorate Identifier 2010-CE-072-AD; Amendment 39-16779; AD 2011-17-15] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BACHUS: Committee on Financial Services. H.R. 2930. A bill to amend the securities laws to provide for registration exemptions for certain crowd-funded securities, and for other purposes; with an amendment (Rept. 112-262). Referred to the Committee of the Whole House on the state of the Union.

Mr. BACHUS: Committee on Financial Services. H.R. 2940. A bill to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D; with an amendment (Rept. 112-263). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALL: Committee on Science, Space, and Technology. H.R. 2096. A bill to advance cybersecurity research, development, and technical standards, and for other purposes; with an amendment (Rept. 112-264). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. FALEOMAVAEGA:

H.R. 3282. A bill to amend title 39, United States Code, to increase the non-foreign area cost of living allowance for officers and employees of the United States Postal Service whose duty station is within American Samoa; to the Committee on Oversight and Government Reform.

By Mr. HIMES (for himself and Mr. GARRETT):

H.R. 3283. A bill to amend the Commodity Exchange Act and the Securities Exchange Act of 1934 to provide an exemption for certain swaps and security-based swaps involving Non-U.S. persons, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 3284. A bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a pilot program to determine the feasibility and desirability of equipping turbojet aircraft in the Civil Reserve Air Fleet with a missile defense system; to the Committee on Armed Services.

By Mr. ISSA:

H.R. 3285. A bill to amend the District of Columbia Home Rule Act to establish factors for making determinations on the suitability of individuals for employment with the District of Columbia Government, to require individuals to undergo criminal background checks as a condition of appointment in the excepted service of the District Government, and for other purposes; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENTS

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. FALEOMAVAEGA:

H.R. 3282.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18—the Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. HIMES:

H.R. 3283.

Congress has the power to enact this legislation pursuant to the following:

Article I, § 8, clause 3 of the U.S. Constitution (the Commerce Clause)

By Mr. ISRAEL:

H.R. 3284.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14

To make Rules for the Government and Regulation of the land and naval Forces.

By Mr. ISSA:

H.R. 3285.

Congress has the power to enact this legislation pursuant to the following:

Clause 17 of Section 8 of Article I of the Constitution of the United States grants the

Congress the power to enact this law. (To exercise exclusive Legislation in all Cases whatsoever, over such District . . .)

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. SHUSTER, Mr. ROGERS of Michigan, and Mr. MCCOTTER.

H.R. 140: Mr. DESJARLAIS.

H.R. 181: Mr. PRICE of North Carolina.

H.R. 459: Mr. LUCAS.

H.R. 668: Mr. BUCHANAN.

H.R. 708: Mr. SIRE.

H.R. 721: Mr. PEARCE.

H.R. 735: Mr. BURGESS.

H.R. 973: Mr. BROUN of Georgia.

H.R. 1093: Mr. HUELSKAMP, Mr. MCKEON, and Mr. HIGGINS.

H.R. 1113: Mr. OWENS.

H.R. 1173: Mr. HECK and Mr. TIBERI.

H.R. 1195: Ms. SEWELL.

H.R. 1244: Mr. FITZPATRICK and Mr. MCGOVERN.

H.R. 1370: Mr. NUNNELEE.

H.R. 1380: Mrs. ELLMERS.

H.R. 1394: Mr. MEEKS, Mr. TOWNS, Mr. CONNOLLY of Virginia, and Mr. PRICE of North Carolina.

H.R. 1478: Ms. SCHWARTZ.

H.R. 1488: Ms. CASTOR of Florida, Mr. DOGETT, and Mr. SMITH of Washington.

H.R. 1639: Ms. BORDALLO, Mr. GRAVES of Georgia, Mr. SESSIONS, and Mr. DESJARLAIS.

H.R. 1723: Mr. HULTGREN.

H.R. 1873: Mr. HIGGINS and Ms. DEGETTE.

H.R. 1916: Mrs. MCCARTHY of New York, Mr. HIMES, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY, Mr. LEWIS of Georgia, and Mr. HOLT.

H.R. 1957: Ms. HIRONO.

H.R. 2071: Mrs. BIGGERT.

H.R. 2128: Mr. NUNNELEE.

H.R. 2182: Mr. MILLER of North Carolina.

H.R. 2268: Mr. KINGSTON.

H.R. 2288: Mr. CARTER.

H.R. 2353: Mr. KING of New York.

H.R. 2443: Mr. BILIRAKIS and Mr. BENISHEK.

H.R. 2459: Mr. HANNA.

H.R. 2471: Mr. BUTTERFIELD.

H.R. 2505: Mr. TIERNEY and Mr. YOUNG of Indiana.

H.R. 2528: Mr. NUNNELEE.

H.R. 2541: Mr. ROGERS of Michigan, Mr. MCKINLEY, Mr. BENISHEK, Mr. WITTMAN, and Mr. FLEMING.

H.R. 2602: Mr. MANZULLO and Mr. SCHIFF.

H.R. 2662: Mr. DUNCAN of South Carolina, Mr. GOHMERT, Mr. BARTON of Texas, and Mr. HARRIS.

H.R. 2679: Mr. LATHAM, Mr. TOWNS, Mr. PETERS, Mr. BURGESS, and Mr. CICILLINE.

H.R. 2698: Mr. WALDEN and Mr. SCHRADER.

H.R. 2751: Mr. AL GREEN of Texas, Mr. RYAN of Ohio, Mr. McDERMOTT, and Mr. LOEBSACK.

H.R. 2815: Mr. YOUNG of Florida.

H.R. 2833: Mr. FORBES and Mr. BURGESS.

H.R. 2866: Mr. RUSH, Mr. JOHNSON of Georgia, and Mr. QUIGLEY.

H.R. 2874: Mr. FRANKS of Arizona and Mr. CONAWAY.

H.R. 2996: Mr. HOLT.

H.R. 3000: Mr. WEST, Mr. CALVERT, and Mr. BENISHEK.

H.R. 3012: Mr. HOLT.

H.R. 3032: Mr. BENISHEK.

H.R. 3035: Mr. LANCE.

H.R. 3059: Mr. CALVERT and Mr. DENT.

H.R. 3158: Mr. NUNNELEE.

H.R. 3194: Mr. PAUL.

H.R. 3243: Mr. BURGESS, Mr. GINGREY of Georgia, Mr. KINGSTON, Mr. GOHMERT, Mr.

TERRY, Mr. MULVANEY, Mr. BROUN of Georgia, Mr. CALVERT, Mr. WESTMORELAND, Mr. SENSENBRENNER, and Mr. MILLER of Florida.

H.R. 3259: Mr. THOMPSON of Mississippi, Mr. CARSON of Indiana, Ms. JACKSON LEE of

Texas, Ms. NORTON, and Ms. LEE of California.

H.R. 3270: Ms. HAHN, Mr. CALVERT, Mr. HONDA, and Ms. ESHOO.

H.J. Res. 20: Mr. PALAZZO.

H. Con. Res. 49: Mr. CONNOLLY of Virginia.

H. Con. Res. 72: Mr. PETERS and Mr. HASTINGS of Florida.

H. Res. 416: Mr. CONNOLLY of Virginia.

H. Res. 441: Mr. SCOTT of South Carolina and Mr. NUNNELEE.

SENATE—Monday, October 31, 2011

The Senate met at 3 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Creator and Sustainer of our world, every good and perfect gift comes from You. Give our lawmakers the wisdom to use Your generous gifts for the glory of Your Name. May this proper use of Your bounty provide them with the knowledge they need to solve the problems of our time, as they remember that without You they can do nothing.

As You have blessed us in the past, we trust You, Lord, for our future. Give all who labor for freedom a deeper insight and loftier courage that will empower them to work for the coming day of Your kingdom.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 31, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a

period of morning business until 4:30 today.

At 4:30, the Senate will proceed to executive session to consider the nomination of Stephen Higginson to be U.S. circuit judge for the Fifth Circuit.

At 5:30, there will be a rollcall vote on confirmation of the Higginson nomination.

REBUILD AMERICA JOBS ACT

Mr. REID. Mr. President, today, I join millions of Nevadans in commemorating the day, 147 years ago, that Nevada joined the Union. Granted statehood during the bitter years of the Civil War, in 1864, our mettle was tested from the very beginning.

Today, our State is once again tested. All over the State of Nevada, too many Nevadans are still out of work or underwater in their home mortgages during these tough economic times. But I know by facing our challenges together, we will once again demonstrate the collective strength that comes from being literally "battle born."

What is on this chart appeared in last week's New Yorker magazine. "I've got mine." "Change, Smange." "Leave Well Enough Alone." "Keep Things Precisely as they are." "I'm good, thanks."

The pictures portrayed are obviously caricatures of very rich people—top hats, vests, cigars. For me, this did not portray people who were rich as much as what is going on with our Republican colleagues. We know all that has been said about the 1 percent—how well they are doing. It was reported last week that during the last 25 years, their percentage of wealth in America has gone up almost 300 percent. So there will be a lot of attention focused on the rich, as it should be.

But also I think it should be directed to the Republicans in the Senate—not to Republicans around the country but those in the Senate—because Republicans around the country don't agree. They don't agree things are just fine. They don't agree we should leave well enough alone. They don't agree that just because the rich are doing so well, things are OK precisely the way they are. The vast majority of Americans disagree with that.

It is true that for a few lucky Americans, things in this country are going just fine. The haves have never had more. My colleagues in the Republican Party in the Senate are singularly focused on making sure it stays that way. Everything on this chart applies to what has happened in the Senate in the last 10, 11 months. The gap between

the haves and the have nots has never been bigger. The middle class is falling further and further behind.

That is why, while Republicans advocate for millionaires and billionaires, Democrats are looking out for working Americans.

We have not forgotten that 14 million people are still out of work or millions more are struggling to make ends meet. We have not stopped fighting to get good-paying American jobs.

That is why Democrats will introduce the Rebuild America's Jobs Act tonight, legislation that will create hundreds of thousands of jobs by investing in our Nation's crumbling infrastructure. It would put men and women across this country to work, for example, upgrading 150,000 miles of highways and roads, laying 4,000 miles of train tracks, restoring 150 miles of airport runways and installing a modern air traffic control system that no longer relies on World War II-era technology and will reduce travel time and delays.

Since the economic downturn began, more than 2 million construction workers have lost their jobs. That has happened all over the country. This legislation will send hundreds of thousands of those workers back to job sites to build \$27 billion worth of roads, bridges, and other important aspects of our infrastructure.

The plan would fund \$250 million worth of projects in my State and millions of dollars in the State of Delaware and other States. It would support about 3,300 badly needed jobs.

Overall, the Rebuild America Jobs Act would invest \$50 billion, taking our citizens off the unemployment rolls and putting them back to work, ensuring our Nation has top-notch infrastructure once again.

It will also invest \$10 billion to create an infrastructure bank that would leverage public and private capital to fund a wide range of long-delayed projects.

It will do all this without adding one penny to the deficit. Instead, it would require millionaires and billionaires to contribute their fair share—those whose incomes are netting over \$1 million. They would be asked to pay a surcharge of less than 1 percent—sevenths of 1 percent, to be exact—to get this Nation's economy back on track.

Americans overwhelmingly support the Democrats' plan to invest in roadways, runways, and railways. Seventy-two percent of the American people support the Rebuild America Jobs Act.

I don't know if I have been to Jonesboro, AR. I had a case that took

me all over that State on one occasion. But a man in Jonesboro, AR, is quoted in last week's Time magazine. "The Return of the Silent Majority." I believe Drew Ramey qualifies for that. This is what he told Time magazine:

I used to think I was a libertarian. . . . But I like my roads now. I like my public services.

That was Drew Ramey from Jonesboro, AR. He speaks for millions and millions of Americans, Americans of all political persuasions. Even 54 percent of Republicans believe a world-class economy should have world-class roads and bridges. They agree with what we are trying to do.

The U.S. Chamber of Commerce and labor union AFL-CIO rarely agree on anything, but they agree on this. They agree we should pass the Rebuild American Jobs Act to improve the woe of our state of America's infrastructure. It is not only labor and business groups but transit officials, mayors, and three-quarters of the American people support our plan—76 percent.

I could quote one dozen of my Senate Republican colleagues who have supported aspects of this in the past. Why aren't they lining up to support our proposal? Two basic reasons. One, Republicans are determined to see President Obama fail, even if it means Americans fail with him—sad but true.

My colleague, the Republican leader, said his No. 1 goal in this Congress is to defeat President Obama. They would rather see Americans continue to struggle, as I have outlined, to find work than work together with the President and with us.

Second, Republicans are more concerned with protecting millionaires and billionaires than they are willing to work with us to put 14 million people back to work.

I heard on the radio this morning, on National Public Radio, that during the Bush years, we lost 8.6 million jobs. We have only gotten a little over 2 million of those back—2½ million, frankly. It wasn't long ago that a President who was in office for 8 years could boast, if he wanted to, about creating 23 million jobs.

That is what Republicans have given us. They refuse to ask the rich to contribute a tiny fraction more to secure our economic future, even if it costs more jobs.

In recent days, Republicans have shown new interest in the gulf between rich and poor that has motivated thousands to occupy parks across the country and make their voices heard. Apparently, they believe America's staggering income inequality makes a good talking point.

Yet while Democrats fight for jobs for the middle class, Republicans fight for tax breaks for the 1 percent of Americans who don't need our help.

I will bet if we could ask these very rich people would they be willing to

give seven-tenths of 1 percent more to create millions of jobs, most of them would say yes. Why aren't my Republican colleagues supporting this simple, commonsense legislation?

I say to my Republican colleagues that I hope they will work with us. We want to work with them. If we can do something good, there is a lot of good will to go around. But we have to make sure the speeches we have heard from some of our colleagues about creating jobs amount to doing something about it. We have not seen it yet.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 1763 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. AKAKA. Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

DEMOCRATIC INACTION

Mr. MCCONNELL. Mr. President, it is no secret that Congress isn't winning any popularity contest these days. Americans are fed up with lawmakers who are either focused on the wrong thing or determined to block any serious reforms that would actually get at the root of the problems we face. That is why Republicans have been focused not only on legislation which we think has a good chance of jump-starting private sector job creation in this country but which also has a good shot at actually becoming law. Put another way, since taking back the majority this year, Republicans in the House of Representatives have focused not only on legislation which avoids the economic missteps of the previous 2½ years of Democratic control but legislation which also has a good shot of making it through a Democratic-led Senate.

You would never know it from listening to the President, but there has actually been a significant amount of bi-

partisan work that has been going on on Capitol Hill these days. House Republicans have passed bill after bill—many of them with solid bipartisan support—that would help spur private sector job creation and would help get this economy moving again, but the Democrats who have run the Senate for the past 5 years have ignored virtually all of it. Senate Democrats have decided it isn't in the interest of their party for Congress to get anything done right now. They have adopted a strict strategy of inaction. They simply won't take "yes" for an answer.

The contrast between Republicans who run the House and Democrats who run the Senate couldn't be starker. Since taking over the House this year, House Republicans have searched for areas of common ground and then invited Democrats who run the Senate to take them up and pass them and send them on down to the President for a signature. Almost every single time, Senate Democrats have said no.

House Republicans now count more than 15 pieces of legislation that would help us chart a very different path from the one the President and his Democratic-controlled Congress have charted over the past few years. This is legislation that would unlock America's energy resources, cut back on excessive regulations that are holding back job creation, and enable businesses, such as Boeing, to make their own decisions about how and where to expand.

Just last week, the House passed a bill to get rid of an IRS withholding tax on businesses that do work for the government. More than 400 Members of the House voted for this bill, including 170 Democrats. Here is how one prominent Democrat described this bill:

The repeal of this requirement will free up small businesses' cash flow, increasing their ability to add jobs and to bid on new projects.

Republicans support this legislation. Democrats support this legislation. The President included this legislation in his own jobs bill, and he supports the bill that passed the House last week. There is no reason the Senate shouldn't take it up right now. This is one small thing we can do right now to reduce the burden on employers across the country. We came together to help them earlier this month by passing free-trade bills. Let's build on that success and pass this bill the job creators are telling us will help protect and create jobs.

Like Senate Democrats, the President may think he benefits from the appearance of inaction in Congress. That is why he is running around the country reminding people how bad the economy is instead of urging Democrats who run the Senate to work with Republicans who run the House. But with all due respect to the President, the American people already know the

economy is in bad shape. That is not news to anybody. They do not need the President to tell them that. They live it. What they need is for the President to get his party to agree to something that helps.

I know Democrats will argue that our proposals for job creation wouldn't be their first choice. My response is that the Democrats had 3 years to do something about jobs and the economy. The President's signature jobs bill cost nearly \$1 trillion, and 2½ years later there are 1½ million fewer jobs in this country than on the day that legislation was signed. So why don't we try a different approach? Let's try an approach that actually takes into account the concerns of struggling business owners who are ultimately going to lift us out of this jobs crisis. They have told us what they want. It is not a mystery what we need to do to help these folks create jobs. Temporary fixes and more stimulus bills isn't it.

So our message is this: The Democrats in Washington need to start taking "yes" for an answer. Republicans have put forward more than a dozen concrete proposals to spur job creation in this country that avoid the economic mistakes Democrats made over the past few years. We have done the hard work of legislating and looking for areas where the parties overlap on the issues. It is time for the President to signal to Democrats in Congress that it is OK to work with us.

Everyone knows the economy is in bad shape. What Republicans are saying is that higher taxes and more government spending isn't the way to help it. Everyone knows the Federal Government in Washington is spending way too much money, money it doesn't have. What Republicans are saying is that the solution isn't to spend even more. Everyone knows that if the two parties are going to come together and act, we need to design legislation that appeals to both sides, and that is exactly what Republicans are doing.

It is time to put the political playbook aside and actually take action. Republicans in the House are doing their job. It is time for the President and Senate Democrats to do theirs.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

MINIBUS APPROPRIATIONS BILL

Mr. SESSIONS. Mr. President, I thank the Republican leader for his comments and would just say that the time we can borrow from the future to spend today in order to create some sort of sugar high that creates jobs is past. We have tried that. The debt has now reached a level where the debt itself is a threat to our economy. It is a cloud over our economy. It is slowing growth and job creation. I truly believe that. We need to move out of these dif-

ficult financial times we are in, but I think the debt itself now is a threat to us.

I wish to speak about the minibus appropriations bill that is before the body and its effect on the budget we have. As the ranking Republican on the Budget Committee, I do believe it is my responsibility to present, as I am able, a straightforward, honest figure about the spending bills that come before our Senate.

H.R. 2112 is the first of several minibus bills that apparently will be used in lieu of the normal appropriations process. This minibus is so named because it contains three appropriation bills put in one—not one as we normally see before the Senate: the Agriculture bill, Commerce-Justice-Science, and the Transportation and Housing bill, all cobbled together in one.

The Democratic majority contends this package will save taxpayers money, but this is just more Washington accounting. We have crunched the numbers and discovered that these bills will not cut spending but will actually increase spending by \$10 billion over last year. So I wish to take a moment to explain because this is very important. We had an agreement that we would begin the smallest of reductions this year in spending—not nearly enough, but we reached that agreement, and we should honor that at least. So this is the first appropriations bill the Senate has considered after the discretionary spending caps were established as part of the recent debt limit negotiations.

The Budget Control Act, as you remember, was passed to raise the debt ceiling. As an exchange for agreeing to raise the debt ceiling, as President Obama asked, Congress insisted that there be some curtailment of spending so we wouldn't hit the debt ceiling again so soon. So the Budget Control Act, as the bill was pretentiously named in August, requires that discretionary spending be brought down this year from \$1,050 billion to \$1,043 billion in fiscal year 2012, an alleged total spending reduction of a paltry \$7 billion throughout the entire year. Presumably, the other \$6 billion that was required to be saved under this agreement will be saved in other bills to come before the Congress. We haven't seen them yet.

Does the bill that is before us move us toward even this minor goal? That is the question. The majority party says it does. They contend that the bill, the minibus, spends \$128 billion—which is \$1 billion less than last year when it was \$129 billion—a reduction of less than 10 percent, and they are very proud of this. But, remember, as an aside, nondefense discretionary spending alone in the first 2 years of President Obama's Presidency went up 24 percent. So to take a \$1 billion reduc-

tion is basically to hold in place this surge in spending at a time when this Nation has never, ever faced such a severe debt threat to its future.

Going through the bill and thinking it through, the Budget Control Act also created a new category of spending. The Budget Control Act, if you remember, was cobbled together in the dead of night and brought up on the floor on the eve of a financial crisis and it was demanded that it be passed, and hardly anyone had a chance to read it. Unknown to most of us, it allowed spending above the \$1,043 billion limit for disaster assistance. The debt limit deal provided an allowance for disaster spending equal to the average of the 10 prior years of disaster spending, which can be assessed or spent simply by providing the proper words in the appropriations bills that come forward across the floor, as these three do. But the majority contends this money should magically not be counted when you decide how much is spent by the bill. Why? Well, it is a disaster, and disaster spending doesn't count. Don't you know?

As amended on the Senate floor 2 weeks ago, the bill now contains \$3.2 billion in new spending above the caps for disaster relief, a further increase of 20 percent to the disaster assistance. Two additional amendments were adopted last week adding to the amount that the committees had produced as disaster assistance.

While there are arguments that the \$3.2 billion should not be counted as an expenditure, the CBO, the Congressional Budget Office, our official scorekeeper, includes it as an expenditure. It is included as an expenditure in the CBO score, \$3.2 billion. No one has challenged them because it appears they are plainly correct to count the \$3.2 billion as spending. Only in Washington can it be asserted that the government can spend \$3.2 billion and it not count. The bill's sponsors contend that the discretionary spending portion of the bill, as I indicated, has gone down from \$129 billion to \$128 billion, but CBO says it went up to \$131 billion. The disaster funding represents a 2-percent discretionary increase, at a time when spending is supposed to be going down.

Further, the bill's sponsors say you should not count the mandatory spending programs that are contained in the bill. They insist that mandatory spending is not under the control of the appropriators. Again, this is logic that only exists in Washington. In truth, it is not unusual for the Appropriations Committee to take actions that impact mandatory programs, and it can be done. But, of course, it was not in this bill.

For example, food stamps, the largest mandatory program by far in this bill—actually larger than any other program in the bill—amounts to 75 percent of

total Agriculture appropriations spending. Seventy-five percent. Most people think agriculture programs are bailing out farmers. Those benefits to farmers have been reduced steadily over the years. Now 75 percent of the Agriculture bill is the mandatory programs, food stamps being the largest. And this program, under the legislation before us today, is set to increase by 14 percent next year, \$10 billion more than last year, a \$10 billion increase in the Food Stamp Program. But that doesn't count, it is contended.

This spending increase results in a doubling of the food stamp budget over the past 3 years—doubling the budget in 3 years—and then quadrupling it four times over the last 10 years. We have got to look under the hood of this program and find out what is happening to it. But nothing is seriously being done. Like welfare reform, responsible changes to the way government operates this program will improve outcomes, help more needy people achieve the goal of financial independence, not dependence, and stop fraud, which most Americans know is pretty common in the Food Stamp Program.

When I offered an amendment to save a modest \$10 billion over the next 10 years, a reform that would not have reduced eligibility for any of the needy but only require that the recipients meet the minimum legal requirements of the program—actually be needy and qualify for the program by reducing fraud and abuse—the amendment was defeated right here on the floor of the Senate. It would have saved \$10 billion, according to the Congressional Budget Office, by making sure that people make actual, formal applications for their food stamps and sign a document saying they actually qualify for it. Is that too much to ask?

Senator STABENOW, the agriculture authorizing committee chair, rose to explain that we are not to worry because, while we are increasing food stamp funding now, at some other time her committee will recommend and produce a bill perhaps that will reduce it by \$23 billion over 10 years. But if that promise were to be fulfilled, the effect on the fiscal year 2012 budget would be that food stamp spending would increase this year approximately \$8 billion—or a 10-percent increase—rather than \$10 billion, a 14-percent increase. The program has indeed doubled since 2008.

But now we are hearing in reports that this \$23 billion in savings is not even in the Food Stamp Program, or most of it is not. We are hearing that 19 percent of it is a further reduction of aid to farmers, and only \$4 billion of the reduction in savings would be from food stamps.

Here is the bottom line. When discretionary and mandatory spending are scored in this bill, the overall spending

compared to last year went up by \$10 billion, or a 4-percent increase, not a cut. Relative to the amount Senators approved for these three bills last year, we are being asked to increase spending, not decrease spending. I believe that is a fair and honest analysis of the bill that is before us. If you were to exclude the mandatory spending, ignore that huge increase in the Food Stamp Program, the SNAP program, and even say disaster assistance should be ignored, the so-called reduction in spending would be only a paltry \$1 billion on these three bills combined.

It is time to get serious. Denial in this Congress must end. You can't borrow your way out of debt. We are spending money we do not have. Forty cents of every dollar we spend is borrowed, on which we pay interest every year. It is digging us deeper in a hole. It cannot be contended that this is serious work toward reducing our deficit. It just cannot be.

Our deficit in fiscal year 2011, which ended September 30, was just shy of \$1,300 billion. A spending cut of \$7 billion for this year is a mere pittance in comparison. In no way is it even close to a significant reduction of the projected deficit we are going to have in this fiscal year, which began October 1. We are now at Halloween. We still haven't passed the appropriations bill for the year we are in. Congress is not performing responsibly. It is not.

We haven't had a budget in over 900 days. The majority leader, Senator REID, said it would be foolish to have a budget. No wonder the American people are unhappy with us. How can this be? We are responsible people. We are proposing to spend next year \$1,043 billion, and act as though we are proud to have reduced the spending by \$7 billion when we will have over \$1,000 billion in debt, \$1 trillion plus, next year?

But it gets worse. The bill also contains a number of Washington accounting tricks to sweep new spending under the rug. It is full of the typical gimmicks used to shove more spending into a bill that has already reached its spending limit. We have reached our limit. I remain amazed at the creativity used by spenders to defeat budget limits. Were they to use such creativity to control spending, would we not be so much better off?

I have already talked about the new authority granted by the Budget Control Act to designate an item as a disaster outside and above the budget—it doesn't count if you call it a disaster—and to spend the money without a formal vote by the Senate to declare it a disaster. Indeed, until the Budget Control Act passed, you had to have 60 votes to declare something a disaster to go above the budget. That has been eliminated. That was changed in this Budget Control Act that reduced control of the budget. It reduced the power of the budget to contain spending by

eliminating this end run. At least you used to have 60 votes to spend above the budget by calling it a disaster. Now you do not.

When they first floated this idea that they were going to put disaster spending in the budget and it was going to be averaged out with what we normally spend, I thought that was a good idea. We know on average we have been spending this much for disasters. Let's put it in the budget and only spend above that if it meets that standard we have traditionally had. The idea was to arrange the amount of disaster spending and put it in the budget, but in the shell game that is Washington, that is not what the fine print did. The Budget Control Act establishes in effect now a slush fund to spend money above the budget limits, eliminating the 60-vote requirement for emergency designation. There is \$3.2 billion in spending under this new authority that is in this bill, the first of multiple minibuses we will see. At the rate we are going, the ceiling of \$11.3 billion for disaster established under the Budget Control Act will be exhausted and more emergency spending will be needed to further address legitimate disaster needs, but there will be no need for 60 votes to do so. That vote has been eliminated.

In addition, the bill uses another gimmick to rescind discretionary appropriations provided in prior years that, for one reason or another, can no longer be spent for their intended purposes. That is, the bill rescinds budget authority that CBO estimates will not result in any cash savings over the next 10 years. Rather than letting the appropriations lapse and saving this money and being thankful we got the project done at less than normal, less than the projected cost, this bill, as has been done before, pretends to be responsible and rescinds that money which is then used to pay for the spending that will in fact result in cash expenditures from the Treasury. This one gimmick in this bill would add \$131 million in off-the-books spending.

Finally, the bill finds savings in mandatory programs that game the government's cashflow and score as savings for this bill, but does not actually reduce the cost to the taxpayers. These so-called CHIMPS—we have a name for it now, changes in mandatory program spending—total \$8.5 billion in this bill. Of that amount, an astonishing 88 percent, or \$7.5 billion, results in no net spending reduction over 10 years.

Some of these CHIMPS have been going on year after year. One example is the Crime Victims Fund. Every year Congress says that the crime victims will get the funds they are due under the law next year which, unfortunately for the Crime Victims Fund, has not yet arrived since the annual deferral began in fiscal year 2000. In other words, it is done every year and there seems to be no prospect that this will

not continue. Meanwhile, the appropriators get the amount deferred over and over again, enabling ever higher amounts of discretionary spending. It would be like a family delaying a single \$500 home repair for 10 years, and then counting it as \$5,000 in savings, \$500 for every year the repair did not take place. In this case, over the past 3 years the gimmick used in this bill has enabled \$14 billion in higher spending.

The ACTING PRESIDENT pro tempore. The Senator is informed the Senate is in a period for morning business and the time allotted for Senators to speak was 10 minutes.

Mr. SESSIONS. I thank the Chair and ask for 1 additional minute to close.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. I am unable to support this bill. By its own standards it fails. It represents everything that is wrong with Washington today. It crams three bills, which should have been considered individually, into one, creating a process that curtails debate on spending at a time when we need more debate, not less. Further, it does virtually nothing to address the fiscal crisis threatening this country. It treats spending caps established earlier this summer as the most that can be saved, not as the starting point for savings, and then uses gimmicks to spend over and above that advertised limit. It is not a serious response to the explosive growth in Federal spending and falls short of the commitment we must make to handle taxpayer dollars honestly and responsibly. It is business as usual. The American people deserve better.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

DRUG SHORTAGES

Ms. KLOBUCHAR. Mr. President, I rise today to talk about a serious public health crisis facing our Nation and to highlight some of the important progress we have made to date. We are currently confronting unprecedented shortages of critical medications. These drug shortages have impacted people across our country, forcing some patients to delay their lifesaving treatments, or use unproven, less effective, alternatives. In some cases, drug shortages have resulted in patients not getting the kind of treatment they had gotten or being slow in getting their treatment and being left behind. I have been working to address this problem for over a year since I first heard from hospitals, pharmacists, and patients in Minnesota that they were facing shortages of essential medications, particularly chemotherapy drugs. Their urgency led me to send a letter to FDA Commissioner Hamburg, urging the

FDA to take action to address this public health crisis.

Over the next few months, I continued to receive calls and visits from constituents, asking help to find medications in short supply. I worked with manufacturers, stakeholders, and the FDA to try to find an appropriate solution to ensure that patients continue to receive the care they deserve and they need.

I would add, while in several cases the crisis was averted, this took hours and hours of individual pharmacists' time, individual doctors' time. At a time when we are trying to be as efficient as possible in our health care system, the last thing we need is to have a doctor or nurse or pharmacist spend half a day to look for medication because there is a shortage.

In February I introduced the Preserving Access to Life-Saving Medications Act with Senator CASEY. This legislation, which has bipartisan support and a total of 17 cosponsors, would give the Food and Drug Administration the ability to require early notification from pharmaceutical companies when a factor arises that may result in a shortage. Today the President issued an Executive order that adopts this framework for an early notification system. The Executive order will do this: It will push drug companies to notify the FDA of any impending shortage of certain prescription drugs; it will expand the FDA's current efforts to expedite review of new manufacturing sites, drug suppliers, and manufacturing changes; and it will direct the FDA to work with the Department of Justice to examine whether drug companies have responded to potential drug shortages by illegally hoarding medications or raising prices to gouge consumers.

This action will help further reduce and prevent drug shortages, protect consumers, and prevent price gouging. This step enhances actions that have already been taken by the FDA and it puts in place additional tools to address drug shortages.

This is something we probably didn't hear about a few years ago, but this year we have learned that drug shortages are having a direct toll on families across America. A couple of months ago I met a young boy named Axel Zirbes. Axel Zirbes is a cute 4-year-old boy from the Twin Cities, with bright eyes and a big smile. He also happens to have no hair on his head. That is because Axel is being treated for leukemia. When he was scheduled to start chemotherapy earlier this year, Axel's parents learned that an essential drug, cytarabine, was in short supply and might not be available for their son. Understandably they were thrown into a panic and desperately looked into any available alternatives. They even prepared to take Axel to Canada, where cytarabine is still readily available.

Imagine this. You are parents of a 4-year-old, you find out he has life-threatening leukemia, and you cannot get medication which is actually quite commonplace in the treatment of this disease, and you are starting to fly to Canada because our own country somehow has not kept up with the supply of this drug.

Fortunately he never had to go to Canada. At the last minute the hospital was able to secure the medication from a pharmacy that still had a supply. But Axel and his parents, sadly, are not alone. There were 178 drug shortages reported in 2010. Keep in mind, these are not individual stories such as Axel's. These are actually drugs, 178 different drugs across the country, basically affecting millions of patients, that had drug shortages in 2010. That is a dramatic increase from 5 years ago. There were 55 shortages 5 years ago. Think of that increase. For some of these drugs, no substitute drugs are available or, if they are, they are less effective and they may involve greater risks of adverse side effects.

The chance of medical errors also rises as providers are forced to use drugs they are not familiar with. A survey conducted by the American Hospital Association showed that nearly 100 percent of their hospitals experienced a shortage in the past year. Another survey, conducted by Premier Health System, showed that 89 percent of its hospitals and pharmacists experienced shortages that have caused a medication safety issue or an error in patient care.

We want to be doing the opposite. We want to be reducing errors. We want to be giving patients the help they need. It is clear there are a large number of overlapping factors resulting in unprecedented shortages. Experts cite a number of factors that are responsible for the shortages. These include market consolidation, poor business incentives, manufacturing problems, production delays, unexpected increases in demand for a drug, inability to procure raw materials, and even the influence of the gray markets, where people are basically hoarding these drugs when they find out there could be a shortage and then upping the prices, as if things were not bad enough.

Financial decisions in the pharmaceutical industry are also a major factor. Many of these medications are in short supply because companies have simply stopped production. They decided it was not profitable enough to keep producing them.

Instead of low price, and lower profit, generic drugs, companies are looking at more expensive brandname drugs. Mergers in the drug industry have narrowed the focus of product lines. As a result, some products are discontinued or production is moved to different sites, leading to delays. When drugs are

made by only a few companies, a decision by one drug company can have a huge impact on the market.

To help correct a poor market environment or to prevent gray market drugs from contaminating our medication supply chain, we must address the drug shortage problem at its root. The early notification system that would be established under the Preserving Access to Life-Saving Medications Act and the President's Executive order that is advanced today will help the FDA take the lead in working with pharmacy groups, drug manufacturers, and health care providers to better prepare for impending shortages, more effectively manage shortages when they occur, and minimize their impact on patient care.

Just so you know, the FDA already does this with orphan drugs. When there is only one drug and the drug manufacturer thinks they are going to run out of the drug they do tell the FDA so the FDA can step in and maybe look internationally for another drug. You saw that happen with the H1N1 virus. When we had a short supply they went to other countries. They are allowed to do that now, but manufacturers are not required to do it in some of the situations we are encountering now with those 178 drug shortages. That is what our bill does. It basically says if you see a drug shortage coming down the pipe because one or a number of these factors is present, you have to let the FDA now know. You have to work with the FDA because they have successfully averted dozens of drug shortages this year.

We do not pretend this is going to solve everything, but at least it is something we can do right now which will give the FDA the power to go in there and work with the drug manufacturers and try to find other sources so the person who is doing that is not the parent of a 4-year-old kid with leukemia or a pharmacist who is trying to serve customers at his pharmacy, or a doctor trying to treat patients and she has to get on the phone and call a bunch of hospitals to try to find a drug. It simply does not make any sense at all. This is a national problem, not a problem for a 4-year-old boy.

Our legislation would also direct the FDA to provide up-to-date public notification of any actual shortage situation and the actions the agency would take to address them.

Additionally, the bill requires the FDA to develop an evidence-based list of drugs vulnerable to shortages and to work with the manufacturers to come up with a continuity of operations plan to address potential problems that may result in a shortage.

The bill would also direct the FDA to establish an expedited reinspection process for manufacturers of a product in shortage. This would allow them to get inspected sooner so we can get the

drugs to market. With manufacturers providing early notification, the FDA's drug-shortage team, which already exists, can then appropriately use their tools to prevent shortages from happening. As I mentioned, in the last 2 years the FDA, with early notification and more information, has successfully prevented 137 drug shortages. So this is something that actually works.

While the President's Executive order takes steps toward advancing these goals, he has made it clear we must pass this bill in order to protect patients and ensure consumers they have access to the lifesaving medications they need and deserve. So the Executive order helps, but we still need to pass this bill.

I understand this may be a short-term solution to a long-term problem. That is why I have also been working with several of my colleagues on a bipartisan basis to come up with a broad, permanent solution, one that includes methods to address the root causes of drug shortages. This includes Senator MCCAIN, Senator CORKER, and Senator BURR. I also see Senator BLUMENTHAL here, who has been working on this issue. We have Senators—including Senator CASEY and others—working with the HELP Committee who have been working to get this done. At the urging of this bipartisan working group, the FDA held a public workshop in September that brought together patient advocates, consumer groups, health care professionals, and researchers to discuss the causes and the impact of drug shortages and possible strategies for preventing or mitigating future shortages.

In addition to the working group, I have been speaking with a broad range of stakeholders to try to discover why we have seen such a large number of drug shortages that we have not seen in the past. The facts don't lie, and the numbers don't lie. There has been an enormous increase in the number of drug shortages. This current explosion of shortages appears to be a consequence of a lack of supply of certain products to keep up with a substantial expansion in the scope and demand for these products.

Due to the complex nature of these drug shortages, there is no single or simple solution that would solve all problems. A solution will require everyone involved to play a role in mitigating future drug shortages. We must ensure we have the manufacturing capabilities to keep up with demand. One solution may be to provide tax incentives to manufacturers to continue to make drugs that are on the shortage list or to provide other market incentives, such as including exclusivity pricing similar to that which we give to manufacturers that make orphan drugs. In addition, I have urged the FDA to improve its communication with patients and providers. This will

ensure patients and doctors are not the last to know when there is a shortage. I also favor permanent reimportation of drugs from safe countries, such as Canada. Not everyone involved in this issue thinks that is a good idea, but I can tell you, if we were to allow that, that little 4-year-old boy would not have to look at flights to Canada.

One thing is clear: This is a national public health crisis that must be addressed. The President's actions today will provide additional tools to address drug shortages, but more must be done. I will continue to work with my colleagues in the bipartisan working group for a broad permanent solution. I will also continue to work with Senator CASEY, with the Presiding Officer, and with all of the other Senators involved in this, including Senator SUSAN COLLINS, to get our legislation passed. It is common sense. It is not over the top. It simply takes a tool that is used now to avert drug shortages for orphan drugs and expands it so that other drug manufacturers, when they have drugs that are going to experience a shortage, are required to notify the FDA. It gives the FDA that little extra time, whether it is 1 month, 6 months, or 1 year, to look for the drug in other locations. I think it would give us some insight into what is actually going on here so we can fix this.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Nebraska.

HONORING OUR ARMED FORCES

PETTY OFFICER FIRST CLASS CALEB NELSON

Mr. JOHANNES. Mr. President, I rise today to honor a fallen hero, Petty Officer First Class Caleb Nelson of Omaha, Nebraska. Petty Officer Nelson died on October 1, 2011, when his vehicle was struck by an explosive device in Afghanistan. He was on combat patrol with fellow SEAL team members when the attack occurred. His desire to succeed and help others led him to military service.

For Caleb, it had to be the best. For him, that was the Navy SEALs. Military commanders trusted Petty Officer Nelson's judgment and his commitment. He was typically assigned a leading role on search missions, placing the lives of many SEALs in his capable hands. Caleb was in the lead position when he was killed.

The decorations and badges earned during his distinguished service speak to his dedication and to his skill—The Bronze Star with Valor, the Purple Heart, the Navy and Marine Corps Achievement Medal, the Combat Action Ribbon, the Good Conduct Ribbon, the National Defense Medal, the Iraq Campaign Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Medal, the Sea Service Ribbon (2 awards), the NATO Service

Medal, the Expert Rifle Ribbon, and the Expert Pistol Ribbon.

Although Caleb's life was cut short, he had a wide circle of friends and touched the lives and hearts of many. His dynamic and energetic personality caused people to look to him as a motivator and as a mentor. Those who knew him recall his deep faith in Christ, his strong interest in physical fitness, and a focus on getting things done. Throughout his life, Caleb grew in his Christian faith and quickly became a rock of support for others. No problem was too small to lay before Caleb.

There was also an unrelenting love for family dwelling inside this tough, physically fit SEAL. His wife Anna and his sons, David and Kyle, meant everything to him. When Caleb wasn't training or on assignment, he was with them. Caleb also benefited from a strong relationship with his loving parents, Larry and Barb, his nine siblings, and a faithful community of fellow believers who admired his strength, his compassion, and his leadership.

Today, I ask that God be with the family and friends of Caleb Nelson and bring them comfort during this very difficult time. Their faith is strong, so I know they will join me in seeking God's blessings on those currently serving in uniform, especially those involved in combat operations.

May God bless our servicemembers and their families and bring them home safely.

The PRESIDING OFFICER. The Senator from Illinois.

SWIPE FEE REFORM

Mr. DURBIN. Mr. President, we are at a significant moment in the relationship between the banking industry on Wall Street and businesses and consumers on Main Street all across America. This could be, in the words of Malcolm Gladwell, a "tipping point," and it could lead to a much more balanced relationship in the future.

It is interesting how we reached this point. There was a time not that long ago when Wall Street and Main Street both played by the same rules. Banks and businesses sold goods and services to consumers in a competitive market environment with transparent prices. Banks performed and still perform a valuable function in our economy, providing capital and liquidity. Businesses, of course, in the sale of goods and services are generating the activity that fuels our economy. They were complementary. They worked with one another.

The successful banks and businesses were the ones that were more efficient than their competitors. They offered better products, better prices. This system, characterized by transparency, competition, and choice worked well for everyone: consumers, banks, busi-

nesses, all their customers. It was the basis for a free market economy and a great nation.

In recent years, and particularly after the repeal of Glass-Steagall, though, things changed. Banks started moving to a new role beyond capital and liquidity. The level of profitability and the activities of the banks started moving in many different directions. Instead of practicing transparency and competition, many banks started cutting corners, imposing fees, raising interest rates, and basically creating policies that were very difficult for even their most loyal customers to follow. That was a situation which had gotten out of hand.

We saw hidden fees pop up left and right, such as overdraft fees on checking accounts that went completely beyond any reasonable penalty for a person who is guilty of that conduct, and sudden interest rate changes on credit cards. Consumers many times did not even know they were being charged the fees until it was too late, and the banks figured if all the banks did it consumers would have no choice. They had to live with it.

Perhaps no fee better characterized the absence of transparency and competition than the interchange fee, or the swipe fee. This is a fee that banks receive from merchants and retailers each time a person uses a debit card or a credit card. It is a fee unlike any other. With most fees we see one fee rate charged by one bank, such as Bank of America, another rate by another bank, Wells Fargo or Chase or whatever it happens to be. But with interchange fees, all banks receive the same fee rate. There is no competition.

The banks realized that competition holds fee rates down. So they went to Visa and MasterCard—and on debit cards Visa has around 80 percent of the debit card business—and said to them: You can set, you can dictate the interchange fees the banks will collect. And they did.

This duopoly, these two major credit card giants, Visa and MasterCard, set fees for all of the banks issuing their cards across America. This has been a huge moneymaker for the banks. Banks make an estimated \$50 billion a year in debit and credit card interchange fees, and because there is no competition and no negotiation with the retailers Visa and MasterCard reward their big bank allies with higher fee rates every single year, even as the cost of processing these transactions continues to go down.

Swipe fees have become a huge and growing burden for Main Street businesses and customers, and American families ultimately pay the price in the form of higher costs for groceries and gasoline.

I think of Potash Supermarket. I have talked about it on the Senate floor many times. Art Potash has be-

come a buddy of mine, second or third generation owning this supermarket near North Chicago. He is not as big as the big boys, Dominicks, Jewel, and the others, but, boy, what a nice store he has.

Art came to me years ago and said: They are killing me. The debit card sweep fees are killing me. It is the second or third most expensive item when I put together the cost of my business, and it is out of control. I have no control over it.

Art was one of the people, he and Rich Neimann down at Quincy, IL, retailers, businessmen who got me started on this. Well, it is interesting. Something is happening out there in America. It could be that the era of some of these banking practices is coming to an end. Maybe we are reaching a tipping point.

In 2009, Congress passed credit card reform that reined in sudden interest rate changes, and regulators placed curbs on abusive overdraft fees. Of course, the credit card companies and the banks screamed bloody murder: Too much government. Too much regulation.

We did not listen to them. We listened to American families and consumers. Last year, Congress passed a Wall Street reform bill, and we created a new Consumer Financial Protection Bureau and placed reasonable limits on Visa and MasterCard swipe fee price fixing. No surprise. The banks cried bloody murder. They do not want to make a penny less than they made in the last quarter, even if their past profits were inflated by hidden fees and anticompetitive practices.

So now big banks are looking for new ways to squeeze their customers in order to maintain their record profits and ten-figure executive bonuses. But in the past week, something interesting has happened in America. After years of raising fees on the customers without much resistance, several of the biggest banks tried to stick it to their customers again with a new monthly debit card fee. The consumers of America noticed, stood up, and said: No way.

After Bank of America, Wells Fargo, and several other big banks announced these new debit fees, their customers began voting with their feet. New account openings at credit unions and community banks surged in many cases by 20 to 50 percent.

I am sure that is good news to my colleague from Iowa to know that there is more business at the community banks and credit unions of Iowa, leaving the Wall Street banks and coming home to Iowa. It is good news in Illinois.

Consumers have been emboldened. They are now saying they will only do business with banks that care about serving them instead of squeezing them. This has been a great development for consumers. It has also been

great for those small banks and credit unions which we value so much in the Midwest who have never stopped playing by the rules and have always valued their customers and their communities.

Now, November 5 is coming. It turns out to be a day I was not previously aware of but I have read about now. They are calling it the National Bank Transfer Day. We are seeing many big banks actually reversing themselves and abandoning their recently announced debit fees in light of the possibility that even more people are going to shift away from the big banks with the monthly debit card fees to community banks and credit unions and other banks that are not imposing the fees.

Big banks are starting to see it just is not good business to nickel and dime their customers and charge them five bucks a month for access to their own checking account. That is what they were doing. At least that is what they were proposing.

Can you imagine the big banks ever changing course like this a few years ago? Not a chance. But through reasonable regulation and consumers standing up and being alert, we are restoring transparency and competition to financial services.

Transparency and competition are part of a good, functioning, free market economy. It is not over by a long shot. The big banks still have enormous power and resources. They are going to continue to try to find ways to make money at the expense of their customers, and that is why we need to do several things.

First, we need to confirm once and for all a Director for the Consumer Financial Protection Bureau. I know Wall Street banks and financial institutions and many on the other side of the aisle hate this new Bureau, as Dale Bumpers used to say, like the Devil hates holy water. But the fact is, this is an agency solely dedicated to ensuring that consumers have good information so they can make good choices. Senate Republicans should lift their hold on Richard Cordray so he can be confirmed to run this important agency. They should stop doing the bidding of the financial institutions who are afraid of oversight and stand on the side of families and small businesses across America.

Second, we need to ensure transparency of all bank fees so consumers cannot be tricked and trapped. This is the role the CFPB will eventually play. But there is no need for banks to wait to provide this transparency. For example, the Pew Charitable Trusts has developed an easy-to-read, one-page model disclosure for banks to list all of the fees they can charge on checking accounts. Banks should immediately adopt this Pew Trust disclosure box so their Web sites are clear to consumers and consumers can actually compari-

son shop and choose the bank that best serves their needs. This type of standardized fee transparency will help drive consumer business to the good banks, those that play by the rules and offer a good value at a reasonable price.

Third, we have more work to do to bring transparency and competition to the swipe fee system. For example, credit card swipe fees are still entirely unregulated, and they can cost a merchant up to 3 to 4 percent of the transaction amount. Every American should be aware of what it costs a merchant to accept a credit card because ultimately the consumers pay for it.

Consumers should particularly be aware of how much their local small businesses pay in credit card interchange. They should also know how much more rewards cards cost merchants than nonrewards cards. This will help consumers make more informed choices.

If we are for competition and for transparency and for choice, we have to move to a level where consumers have more information. So I call on the Nation's biggest 1 percent of banks, those with over \$10 billion in assets, to disclose in their monthly statements of their cardholders the interchange fees the banks received on each credit card transaction.

While it would be ideal for this interchange disclosure to be made known to customers directly at the cash register or on receipts, I recognize that might be difficult. So let's do it on the monthly statement. Big banks can easily modify these monthly statements to show how much the bank received in interchange fees on each transaction. This can happen almost immediately.

This type of transparency is particularly important because we are seeing big banks trying to steer their customers away from paying with debit and toward credit. Have you noticed the ads that are offering rebates on credit cards now; 1 percent, 2 percent, even 3 percent on gasoline? What customers may not realize is that the fee being charged by the credit card company and the bank to the gas station may be far in excess of 3 percent. So they have already taken the money away from consumers as they pay for their gas, and then they toss three pennies back to them.

It is time for a little more disclosure about the actual relationship between those banks, credit card companies, and the consumers and retailers that deal with them.

In closing, I do believe we are at a tipping point when it comes to the balance between Wall Street and Main Street. For too long Main Street businesses and consumers have been playing by the rules, and Wall Street has been rigging the game. Now transparency and competition are being restored to the banking industry.

A member of my staff was down in Georgia over the weekend. He drove by

and saw a little bank called Bank of the Ozarks. I do not know what it was doing in Georgia, but it said Bank of the Ozarks. It had a sign outside that said: We agree. Debit cards should be free.

The word is spreading across America. It is an important word to which consumers are paying attention. We are seeing dramatic increases in the Web sites of credit unions and community banks, people transferring their money to where they think they will get better treatment and a better deal. It is called competition. Transparency and competition are coming to the banking industry. Consumers are getting better information, and many of them are making important choices for their families and businesses.

This is going to strengthen small banks and credit unions in Iowa, in Illinois and Connecticut, and many places all around America. It will help small businesses in Iowa, too, as well as Illinois, who are being crushed by hidden swipe fees today. It is going to help the economy move forward in a fair way with real disclosure.

Let's keep this progress moving. I salute those who stood with me on a bipartisan vote on both occasions on the Senate floor to move forward on this important matter. Just a few weeks ago, major publications such as the Wall Street Journal and the Chicago Tribune were jumping all over the "Durbin fee," and they were standing by the big banks that said they were going to put this monthly fee on because of DURBIN.

Guess what. Those banks are backing off now. They realize their customers are leaving if they are not treated properly and fairly. Let's continue that. It is healthy for America and the growth of our economy.

I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF STEPHEN A. HIGGINSON TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider

the following nomination, which the clerk will report.

The legislative clerk read the nomination of Stephen A. Higginson, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate, equally divided and controlled in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, today the Senate will finally vote on the nomination of Stephen Higginson of Louisiana to fill a vacancy on the Fifth Circuit which has been a judicial emergency for more than a year. I anticipate his nomination, which was reported unanimously by the Judiciary Committee more than 3½ months ago on July 14, will be confirmed overwhelmingly. It would have been confirmed had it been considered before the August recess, rather than subjected to an extensive and unexplained delay. I hope that the Senate will build on today's vote by soon having up or down votes on the other 22 superbly qualified judicial nominations pending on the Senate calendar. At a time when judicial vacancies have remained at historically high levels for well over 2½ years, we owe it to the American people to work together to ensure that the Federal courts are functioning.

Stephen Higginson is a well-respected consensus nominee who has served as a Federal prosecutor for 23 years. He served as a law clerk to Justice Byron White of the United States Supreme Court and to Chief Judge Patricia Wald of the DC Circuit. He currently teaches law at the New Orleans College of Law. The American Bar Association's Standing Committee on the Federal Judiciary unanimously rated Professor Higginson "well qualified" to serve on the Fifth Circuit, its highest possible rating. The two Senators from Louisiana, Democratic Senator MARY LANDRIEU and Republican Senator DAVID VITTER, support his nomination. When Senator VITTER introduced Mr. Higginson to the Judiciary Committee in early June, he joined with Senator LANDRIEU "in being extremely enthusiastic" about the nomination and said that he "wholeheartedly support[s]" the nomination, saying of the nominee:

He has unbelievable academic and intellectual credentials that are unquestioned . . . He [has] won the respect of everyone in the community based on his work ethic, and his honesty, and his integrity, and his dedication to the job.

In the past, such a nominee would go sailing through and not have to wait week after week, month after month after month. Yet despite the strong endorsement by both his Democratic and Republican home State Senators and the support of every Democrat and every Republican on the Committee, Mr. Higginson's nomination has been stalled for months by Republican lead-

ership. The people of Louisiana and the other States of the Fifth Circuit—Mississippi and Texas—deserve an explanation for these unnecessary delays. So do the 161 million Americans who live in districts or circuits who have judicial vacancies that could be filled today if the Senate Republicans agreed to vote on the other 22 nominations that were reported favorably by the Judiciary Committee and are ready for a Senate vote. We have done our work in the Judiciary Committee. We have held hearings on these nominees. We have vetted them. We have gone through FBI reports and Bar Association reports. We have debated the nominations, and we have voted on them. We have sent the nominations to the Senate floor, and they have been languishing ever since.

The needless delays in our confirmation process are affecting millions of Americans around the country. As shown in this chart I have in the Senate Chamber, more than half of all Americans—161 million—live in districts or circuits with a judicial vacancy that could be filled today if the Senate Republicans agreed to vote on the nominations currently pending on the Executive Calendar. Twenty-four States are served by Federal courts with vacancies that could be filled immediately if Republicans would agree to vote on the judicial nominations already reported by the Judiciary Committee. Judicial vacancies in the Second Circuit, which includes Vermont, New York, and Connecticut, the Fifth Circuit, which includes Louisiana, Texas, and Mississippi, the Ninth Circuit, which includes California, Alaska, Nevada, Arizona, Oregon, Idaho, Montana, Washington, and Hawaii, and the Eleventh Circuit, which includes Florida, Georgia, and Alabama, have been designated "judicial emergencies" by the Administrative Office of the United States Courts. So have vacancies on district courts in New York, Texas, and Utah.

I would hope my friends on the other side of the aisle would explain to the millions of Americans in these States why the Senate is not being allowed to vote on these vacancies, especially for the consensus nominees who have been vetted and approved by a bipartisan majority—usually unanimously—in the Judiciary Committee.

The American people need functioning Federal courts with judges, not vacancies. Despite the damaging number of vacancies that have persisted throughout President Obama's term, some Republican Senators have tried to excuse their delay in taking up nominations by suggesting that the Senate is doing better than we did during the first 3 years of President Bush's administration. It is true that President Obama is doing better in that he has worked more closely with home State Senators of both parties. As I

have noted, all of the judicial nominees pending and being stalled on the Senate Executive Calendar have the support of both home State Senators. That was not true of President Bush's nominees and led to many problems.

There is no good reason or explanation for the Republican leadership's continued refusal to vote on these stalled nominations. Senator GRASSLEY and I have worked together to ensure that each of the 23 nominations now on the Senate calendar was fully considered by the Judiciary Committee after a thorough and fair process, including completing our extensive questionnaire and questioning at a hearing. Like Mr. Higginson, the other 22 nominees who are awaiting final Senate action are qualified nominees, and 19 were reported unanimously by the committee. Yet despite their qualifications and broad bipartisan support, many have languished needlessly on the Executive Calendar for weeks.

These delays are not only unnecessary, they are damaging. The number of judicial vacancies remains at historic levels, having risen above 90 in August 2009, and staying near or above that level ever since. The number of vacancies is twice as high as it was at this point in President Bush's first term, when the Senate was expeditiously voting on consensus judicial nominations. With 1 in 10 Federal judgeships currently vacant, the Senate must come together to address the serious judicial vacancies crisis on Federal courts throughout the country. Bill Robinson, the president of the American Bar Association, recently highlighted the serious problems for businesses and individuals affected by these excessive vacancies in a letter to the Senate leaders, joining Justice Scalia, Justice Kennedy, and Chief Justice Roberts in warning of the serious problems created by persistent judicial vacancies.

The only way to make progress is to fulfill our constitutional duty and confirm qualified judicial nominations to the Federal bench. We remain well behind the pace we set in dramatically reducing vacancies by regularly scheduling votes during President George W. Bush's first term. At this point in President Bush's first term, the Senate had confirmed 166 of his nominees for the Federal circuit and district courts, including 100 during the 17 months that I was chairman of the Judiciary Committee. In contrast, after today's vote, we will have confirmed only 113 of President Obama's nominees to Federal circuit and district courts. Three years into President Bush's first term, the Senate had confirmed 29 circuit judges. After today's vote, we will have confirmed only 22 of President Obama's circuit court nominees. We could make significant progress toward matching that pace if we voted on consensus nominees. Yet President Obama's judicial nominees unanimously reported by

the Judiciary Committee—by any measure consensus nominees—have waited an average of 80 days—nearly 3 months—on the Executive Calendar before coming to a vote. President Bush's nominees waited an average of just 28 days. We must bring an end to the needless delays that have obstructed President Obama's nominations to the Federal bench.

During the last work period, the Senate started to make some progress in voting on some of President Obama's longest pending judicial nominees. I thank Majority Leader REID for working hard to schedule these votes. I hope we can build on this progress by continuing to have votes during this work period on consensus nominations. There is no reason we could not vote today on the nominations of Chris Droney of Connecticut to fill a judicial emergency vacancy on the Second Circuit, Morgan Christen of Alaska to fill a judicial emergency vacancy on the Ninth Circuit, and Adalberto Jordan of Florida to fill a judicial emergency vacancy on the Eleventh Circuit. Like Mr. Higginson, these nominations were all reported unanimously. The circuits to which they are nominated desperately need judges: the Ninth Circuit Court of Appeals alone has four vacancies, worsening what the Los Angeles Times has recently called "an already critical case backlog" on that court, which is the largest circuit court in the country, covering California and all of the Western States. I ask unanimous consent that the full text of the LA Times article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. LEAHY. I hope the 22 judicial nominations pending after today will get a vote soon. We have a long way to go to match the 205 district and circuit court nominations confirmed during President Bush's first term.

With millions of Americans currently affected by judicial vacancies that the Senate could fill today, now is the time for Republicans and Democrats to work together so that our courts can better serve the American people.

I yield the floor.

EXHIBIT 1

[From the Los Angeles Times, Oct. 15, 2011]
JUDGES' DEATHS ADD TO 9TH CIRCUIT BACKLOG
(By Carol J. Williams)

Five judges from the U.S. 9th Circuit Court of Appeals have died this year, worsening an already critical case backlog and spotlighting President Obama's inability to put his judicial choices and stamp on the powerful court.

The deaths of four semi-retired senior jurists and full-time Circuit Judge Pamela Ann Rymer have intensified concerns on the aging bench and among judicial scholars that the 9th Circuit will fall farther behind in what is already the slowest pace of dispensing justice in the federal courts.

Judges of the 9th Circuit currently sit on twice the number of cases each year as those

of the other 12 federal appeals courts, according to the Administrative Office of the U.S. Courts. And it takes an average of 16.3 months for the court's panels to issue opinions after an appeal is filed, compared with 11.7 months on average for all circuits. The 9th Circuit has jurisdiction over California and eight other Western states and is authorized to have 29 full-time jurists.

"While we mourn the loss of our colleagues, whom we will miss as friends, we are alarmed by the loss of judicial manpower," said 9th Circuit Chief Judge Alex Kozinski, who was appointed to the court by President Reagan. "A very difficult situation has been seriously exacerbated, and we fear that the public will suffer unless our vacancies are filled very promptly."

The 9th Circuit is an especially important court because it helps to define many of the nation's laws on immigration, sentencing, intellectual property and civil rights, experts say.

Obama inherited two 9th Circuit vacancies with his inauguration. Two jurists retired last year. Rymer's Sept. 21 death from cancer created another vacancy. Another vacancy looms at the end of the year, when former Chief Judge Mary M. Schroeder plans to take senior status.

Obama has managed to get only one of his picks for the 9th Circuit confirmed by the Senate. He elevated U.S. District Judge Mary H. Murguia in 2010 from the Arizona federal court, leaving that bench with its own manpower crisis after its chief judge, John M. Roll, was killed in the Jan. 8 shooting rampage in Tucson.

Obama's other appeals court nominations, Alaska Supreme Court Justice Morgan Christen and U.S. District Judge Jacqueline H. Nguyen of Los Angeles, are still making their way through the contentious confirmation process. Christen was nominated in May and Nguyen was nominated last month. Obama has yet to name anyone for the other three 9th Circuit vacancies, including one that has been open for seven years because of a dispute between California and Idaho senators over which state gets to propose candidates to the White House. Nationally, Obama nominations are pending in 51 of 92 vacancies.

Some judicial scholars speculate that Obama may be having trouble convincing those he would like to appoint to accept nominations for fear of derailing their legal careers only to be rejected by partisan fights in the Senate. Goodwin Liu, a UC Berkeley law professor twice nominated by Obama, was forced to withdraw earlier this year when Senate Republicans again blocked a confirmation vote.

"What we know is that the nominations haven't been coming through with the speed we would expect. What we don't know is whether that is because the president is not asking people or whether he is being turned down," said Arthur Hellman, a University of Pittsburgh law professor and 9th Circuit historian. Citing the relatively low pay compared with what a lawyer can make in private practice and the often withering interrogations in the confirmation process, he said, "some may be saying it's just not worth it."

Hellman worries that the overwhelmed 9th Circuit judges will have to cut corners to prevent their case backlog from further increasing. That could mean less time spent reviewing each case, holding fewer oral arguments before issuing decisions or bringing in judges from other circuits who might be unfamiliar with 9th Circuit law.

A call to the White House press office asking why Obama has not nominated more judges wasn't answered Thursday. Earlier in the day, at a session of the Senate Judiciary Committee, its Democratic chairman blamed Republicans for stalling judicial appointments by refusing to give consent for confirmation votes even on candidates voted out of committee with unanimous support.

"Millions of Americans across the country are harmed by delays in overburdened courts," said Sen. Patrick J. Leahy (D-Vt.). "The Republican leadership should explain to the American people why they will not consent to vote on the qualified, consensus candidates nominated to fill these extended judicial vacancies."

The committee's ranking member, Sen. Charles E. Grassley (R-Iowa), countered with a claim that the Senate is "ahead of the pace" compared with the confirmation rate of the Democratic-controlled Congress during the Bush administration. His comment followed Thursday's confirmation vote on three of 30 Obama judicial nominations that Republicans agreed to bring to a vote.

Even if Obama acts quickly to nominate three more 9th Circuit judges, the impending 2012 campaign could thwart Senate approval of those choices, said Michael McConnell, a Stanford law professor and former judge on the 10th Circuit.

Russell Wheeler, a Brookings Institution fellow and veteran analyst of the federal courts, said Obama is entering "uncharted territory" with the 9th Circuit vacancies occurring so late in his term.

Noting that Bush got Senate confirmation of 35 federal judges in the last 15 months before his 2004 reelection bid, Wheeler said, "I doubt Obama will do as well, but confirmations are not going to stop altogether."

Some judicial analysts also lament that the administration hasn't pushed Congress to expand the federal judiciary, as recommended for more than a decade by the Judicial Conference of the United States. That policymaking body of the federal courts has said the 9th Circuit needs at least five more judges added to its authorized 29 to alleviate its annual caseload of 12,000-plus filings.

The announcement Tuesday that senior Circuit Judge Robert Boocchever died at his Pasadena home on Sunday was a sharp reminder of the advancing age of the 9th Circuit bench that relies on its purportedly retired seniors to shoulder much of the case overload. Fifteen of the court's judges are over 80, including two of the 25 active judges and 13 of its 18 seniors. Last year, a third of the court's caseload was carried by senior judges.

Since criminal appeals can't be delayed because of federal laws protecting defendants' rights, the burden of delays will fall on civil cases, said Kozinski.

"We can ameliorate some of that by relying more heavily on visiting judges, but we're already doing that quite a bit," he said, adding that the help available from outside is finite. "Essentially, it's a zero-sum game, so that when you decrease the number of judges available in the federal system, you necessarily add more delay somewhere. Shifting judges around can help even out the burden, but it can't make up for judges that just aren't there."

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today the Senate will vote on the nomination of Stephen A. Higginson to

serve as U.S. circuit judge for the Fifth Circuit. This is a seat that has been deemed by our statistics as a “judicial emergency.” This is the 15th judicial nomination we will confirm this month. With this vote today we have confirmed 51 article III judicial nominees during this Congress, and 30 of those confirmations have been for judicial emergencies.

Despite this brisk level of activity, we continue to hear complaints—too many complaints, unjustified complaints—about the lack of real progress by the Senate.

Let me set the record straight regarding the real progress the Senate has made, and this is in regard to President Obama’s judicial nominees. We have taken positive action on 87 percent of the judicial nominations submitted before this Congress. The Senate has confirmed 71 percent of President Obama’s nominees since the beginning of his Presidency, including two of the most important—Supreme Court Justices.

We continue to remain ahead of the pace set forth in the 108th Congress under President Bush. So far, we have held hearings on 85 percent of President Obama’s judicial nominees. That is compared to only 79 percent at this point in President Bush’s Presidency. I note that we have another nomination hearing scheduled in the Judiciary Committee on Wednesday of this week. We have also reported 76 percent of the judicial nominees received so far this Congress, with five more scheduled for consideration on Thursday of this week. A comparable 75 percent were reported at this time in the 108th Congress.

Critics may dismiss the activity we have accomplished in committee as not making real progress. But everyone knows that no votes can take place on the Senate floor until committee action is complete, and that completion must include hearings as well as mark-ups.

Furthermore, when it comes to floor action, we are making real progress as well. We are well ahead in this session of the confirmation pace of previous sessions of Congress. As I mentioned, after this vote, we will have confirmed 51 judicial nominees during this session of Congress. I point out that this exceeds the average number of judicial confirmations going back to the 1st session of the 97th Congress. That session was the beginning of President Reagan’s first term in 1981. The average since then is 44 judicial confirmations per session. This puts the current session of Congress in the top 10 over the past 30 years. This means that during this session, President Obama has had better results with his judicial nominees than President Reagan had in seven sessions of Congress. It is more confirmed in five of the eight sessions of Congress during President

Clinton’s administration. President George W. Bush had six sessions of Congress with fewer nominees confirmed.

So I hope these statistics—as boring as they are—will put to rest insinuations that there is something that is somehow different about this President or that he is being treated unfairly because those sorts of comments do not hold up to analysis.

To support the “lack of real progress”—those are the words we keep hearing—some would argue that the only valid measure of progress is how quickly a nominee is confirmed after being reported out of committee. That is only one piece of the confirmation process. Hearings and markups in committee are also necessary components. To ignore those elements distorts the picture.

I want to give you an example involving today’s nominee, the one we will be voting on in less than half an hour. Mr. Higginson was nominated May 9 of this year. He had his hearing 30 days later. The total time from nomination to confirmation was 175 days. Compare this to the record of the nomination of Edith Brown Clement. She was the nominee of President Bush to be U.S. circuit judge for the Fifth Circuit. Like Mr. Higginson, she, too, was from Louisiana. May 9, 2001, was the first day of her nomination, and because it wasn’t handled right away, it had to be returned to the President during the August recess of that year. And, of course, a month later, on September 4, 2001, she was renominated. Compare this length of time involving Judge Clement with the nominee today. As I said, she was renominated on September 4. She had to wait 148 days for her hearing. The total time from initial nomination to confirmation was 188 days. That is nearly 2 weeks longer than Mr. Higginson’s confirmation wait.

This is just one example of how cherry-picking one piece of the confirmation process over another can lead to unfounded conclusions. If one argues that Mr. Higginson has been treated unfairly because of how long he waited for confirmation, then certainly Judge Clement was treated even worse. I note that Judge Clement was approved by the committee on a unanimous vote and confirmed on the floor of the Senate on a 99-to-0 vote.

Let’s get to the present nominee. I support the nomination of Mr. Higginson. He received his bachelor of arts degree from Harvard College, *summa cum laude*, in 1983 and juris doctorate from Yale Law School in 1987. Upon graduating from law school, he served as a law clerk for Chief Judge Patricia Wald, U.S. Court of Appeals, DC Circuit. He then clerked at the Supreme Court for Associate Justice Byron White.

Since these clerkships, Mr. Higginson has served as an assistant U.S. attor-

ney. From 1989 to 1993, he served in the U.S. Attorney’s Office in the District of Massachusetts. In 1993, he transferred to the Eastern District of Louisiana, continuing with criminal trial work, and became chief of appeals in 1995. From 1997 through 1998, he was detailed by the Department of Justice to work for the U.S. Department of State as Deputy Director of the Presidential Rule of Law Initiative. In 2004, he became a part-time assistant attorney general while serving as a full-time associate professor of law at Loyola University New Orleans College of Law.

The American Bar Association Standing Committee on the Federal Judiciary has rated Mr. Higginson with a unanimous “well qualified.”

I intend to vote for his nomination.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I understand we have about 4 minutes on our side. I thank my colleague, Senator GRASSLEY, for his kind words of support.

I have strong words of support for the nomination before the Senate today. I rise to support the confirmation of Stephen Higginson to the U.S. Court of Appeals for the Fifth Circuit. I was pleased to recommend Mr. Higginson to President Obama to be considered for this nomination to this important post. I am pleased to be joined by my colleague from Louisiana, who also supports this nomination and supports this confirmation.

I want to take just a moment to share with my colleagues a few highlights of Mr. Higginson’s background and resume.

He has been well prepared for this position. He has resided in New Orleans with his wife Colette and their three children, Christopher, Katy, and Noelle. Prior to that, he began with a degree from Harvard, graduating *summa cum laude*. After graduating there, he earned a master’s in philosophy—which is unusual but very welcomed in this field—from Cambridge University. He went as a Harvard Scholar. With degrees from two very prestigious institutions, he decided to pursue his J.D. from Yale Law School, where he graduated 3 years later. He earned the extraordinary distinction of being both editor-in-chief of the Yale Law Review and the winner of the Israel H. Perez prize for the best written contribution to the Law Review. After graduating from another prestigious school—Yale—he served as law clerk to the Honorable Patricia M. Wald of the U.S. Court of Appeals in the District of Columbia. He also served as law clerk to the Honorable Byron White of the U.S. Supreme Court.

Clearly, his academic and professional accomplishments have prepared him to handle the legal complexities of Federal appellate cases.

All of these things have been put into context beautifully by comments from the judges with whom he will serve should he be confirmed today by the Senate. Other justices on the court, including Judge James Dennis of the Fifth Circuit, described him this way:

Stephen has all the qualities one needs to become a great judge and great colleague. He will be a great addition to our court, and I look forward to serving with him.

Another Fifth Circuit judge, Judge Edith Clement Brown, called Mr. Higginson “the best criminal lawyer that has ever practiced before me in all of my 20 years serving on the Federal bench.”

Finally, from the man he will succeed should he be confirmed, Judge Jack Weiner, who took senior status last year, said this:

I have long admired Stephen Higginson's advocacy here in the Eastern District, his scholarship as a law professor, his outstanding academic record at Harvard and Yale Law School, and as an exemplary citizen here in New Orleans. I am distinctly honored to have him succeed to my seat on this court, and I'm confident that he will discharge the duties of the U.S. Circuit Court Judge fairly, conscientiously, and honorably.

With my strongest recommendation, I ask my colleagues in the Senate to vote with me in approving this nominee today.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise and am honored to join my colleague from Louisiana, Senator LANDRIEU, as well as others, including Senators LEAHY and GRASSLEY, in strongly supporting this nomination. It is a very strong nomination.

First of all, let me say that I am very happy to work in a very close fashion with Senator LANDRIEU on all of the judicial nominations in Louisiana under President Obama. I have to say that work and that cooperation has gone more smoothly, with better results, than I could ever have imagined. So I am very pleased with that entire process.

This nomination of Stephen Higginson is perhaps the strongest, most shining example of that. Senator LANDRIEU and I worked very closely together. We were very focused on this important Fifth Circuit nomination. Quite frankly, we were both concerned about someone whom the White House was looking closely at for the nomination. We both, together, expressed that concern. And then we both very much supported this nomination of Stephen Higginson.

Senator LANDRIEU, through a process she set up independently, suggested Steve Higginson as a nominee, and I very immediately and passionately and strongly chimed in. We did this because this is a highly qualified individual who will make nothing less than a great judge.

As has been mentioned, Steve has a sterling record in many different fac-

ets. He is an associate law professor at Loyola Law School, where he has received great admiration from both his fellow professors, colleagues, and his students. He has served for about two decades as a Federal prosecutor in various offices of the U.S. Attorney, mostly the U.S. Attorney for the Eastern District of Louisiana, since 1993.

During this time in Louisiana, Steve has handled multiple investigations and criminal trials—first at the trial level, then at the appellate level—and he has supervised both criminal and civil appeals. In this role, he has authored over 100 Federal appellate briefs and he has reviewed more than 300 appellate briefs authored by others. Of course, that is very directly relevant to this job on the U.S. Fifth Circuit.

This work, and the entire work of this U.S. Attorney's Office, has been extremely important for the citizens of Louisiana in at least two respects. First of all, this U.S. Attorney's Office—led by current U.S. Attorney Jim Letten, a career prosecutor, initially appointed by President Bush and kept on by President Obama—has made enormously important strides in cleaning up political corruption in Louisiana with several landmark prosecutions, and Steve Higginson has been an important part of many of those landmark prosecutions.

Second, in the immediate aftermath of Hurricane Katrina, this U.S. Attorney's Office, headed by Jim Letten and aided very much by Steve Higginson, was extremely instrumental in helping local prosecutors and local law enforcement recover from the blows of Hurricane Katrina, get back on their feet and move forward with important criminal prosecutions.

A U.S. attorney's office is always important to a community, but I point out these two ways in which Steve Higginson's work under U.S. Attorney Jim Letten has been particularly significant for the citizens of the Greater New Orleans area.

Steve came very well prepared for all of this work. As was mentioned, he has an exemplary academic career, including editor-in-chief of the Yale Law Journal, which is no small feat. He also served as law clerk to Supreme Court Justice Byron White. His work in the U.S. Attorney's Office has also been recognized in a myriad of ways.

He has gotten many awards, so I will just mention one or two—for instance, the Excellence in Law Enforcement Award from the New Orleans Metropolitan Crime Commission, again focusing on that very important anticorruption work and post-Katrina work. At Loyola Law School, as I mentioned before, Steve has been recognized and lauded by his colleagues on the faculty, his peers, and by his students. In fact, from his students he has won Loyola's Professor of the Year Award three times in just a few years.

Steve will bring a wealth of public experience to the Federal bench and is exceptionally qualified to serve there.

I believe the Constitution is very clear that judges must interpret the law and not legislate from the bench, and I think our most solemn responsibility in terms of confirming Federal judges is to make sure we confirm judges who respect that rule of law and who live by that rule of judicial restraint. I am confident Steve Higginson will be such a judge. So, again, I am very pleased to join my colleague from Louisiana, Senator LANDRIEU, and to join many others in a very bipartisan way, including the chair of the committee, Senator LEAHY, and the ranking member, Senator GRASSLEY, in strongly endorsing and supporting the nomination of Steve Higginson to join the Fifth Circuit Court of Appeals.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CLASS ACT

Mr. GRASSLEY. Mr. President, on Friday a week ago, the Secretary of HHS made a very important announcement regarding one specific provision of the Patient Protection and Affordable Care Act. Secretary Sebelius announced the administration would no longer be implementing the Community Living Assistance Services and Support Act. The acronym CLASS applies to that part of the health care bill. She said:

When it became clear that the most basic benefit plans wouldn't work, we looked at other possibilities. Recognizing the enormous need in this country for better long-term care insurance options, we cast as wide a net as possible in searching for a model that could succeed. But as a report our department is releasing today shows, we have not identified a way to make CLASS work at this time.

This is not an “I told you so” speech, although it certainly could be. It isn't as though folks weren't raising significant concerns about the CLASS Act a long time before it ever passed. Two years ago, during the debate, Member after Member of the Senate came to the floor to argue the CLASS Act was destined to fail. Senator THUNE led the fight to raise awareness about the fiscal disaster the CLASS Act has now turned out to be. The Democratic chairman of the Budget Committee

called it a “Ponzi scheme.” The Democratic chairman of the Finance Committee stated on the floor that he was “no friend of the CLASS Act.”

When the Senate took a vote on the CLASS Act, 51 Senators, including 12 Democrats, voted to strip it from the legislation. The majority didn’t rule that day because an agreement required 60 votes to strip it out.

I think special recognition should go to former Senator Judd Gregg of New Hampshire. As ranking member of the Budget Committee while in the Senate, and a senior member of the HELP Committee, he was deeply concerned about the ultimate cost of the CLASS Act on future generations. He led an amendment to require the CLASS Act be actuarially sound. He did so not because he wanted to improve the CLASS Act but because he wanted to make clear the CLASS Act could not work from a fiscal standpoint.

His amendment showed that, once implemented, the CLASS Act would take in revenues in early years and then begin to lose revenues in the out-years, ultimately either failing or requiring a massive bailout with taxpayer money to salvage the program. In a strange twist of budget scoring rules, his amendment, once accepted, led the Congressional Budget Office to score the CLASS Act as producing savings on paper in the short term.

The score made clear the CLASS Act was doomed to failure, but as only happens here in Washington, a score showing the obvious failure of the CLASS Act then became an asset, particularly an asset because the Democratic leadership wanted to show this bill was revenue neutral or even revenue positive. It was used by the Democratic leadership not for what it provided beneficiaries but what it did for the overall health care reform bill.

With the CLASS Act and some imaginary savings in the bill, it made the overall bill look as if it actually saved money. Those savings, of course, were a gimmick. Everyone in Congress knew it, but some chose to ignore it or, worse still, to celebrate it.

The very first action on the floor for the Affordable Care Act was for the majority leader to ask unanimous consent to prevent amendments from spending the imaginary savings—and I emphasize imaginary savings—generated by the CLASS Act. It wasn’t a motion to protect the CLASS Act itself but a cynical motion to protect its precious “savings” and the political value it had. Only in Washington, with overwhelming evidence on the table making clear a program would fail, would defense of the doomed CLASS Act become a virtue.

The Chief Actuary at CMS stated:

There is a very serious risk that the problem of adverse selection would make the CLASS program unsustainable.

The risks were known then, yet Democrats in Congress plowed ahead

anyway. Why, you may ask. Well, Megan McArdle noted in the Atlantic on Monday:

The problems with CLASS were known from day one, but no one listened, because it gave them good numbers to sell their program politically.

And it wasn’t just political cover. The imaginary savings gave them protection against potential budget points of order. Would the Senate-passed bill have been subject to a budget point of order without the imaginary CLASS Act savings in the bill? That is a very legitimate question.

The announcement by the Secretary of HHS provides an overdue vindication for Senator Gregg. His amendment made the announcement inevitable. Health and Human Services could not make a viable case for implementing the CLASS Act because of Senator Gregg’s amendment requiring the CLASS Act to be actuarially sustainable.

Our next action is clear. Congress should repeal the CLASS Act. It was not in the House health care reform bill. A majority of the Senate voted to strip the CLASS Act from the Senate bill. It was passed under laughably false pretenses. The responsible action for Congress is to repeal it in the first relevant piece of legislation.

I take a back seat to no one on issues associated with improving the lives of seniors and the disabled. As ranking member of the Aging Committee, I oversaw critical hearings into deep and persistent problems in our Nation’s nursing homes. I was the principal author of the Medicare Part D prescription drug bill, which is currently providing our seniors and people with disabilities with affordable prescription medications.

On the disability front, one of my proudest achievements is the enactment of legislation I sponsored, along with the late Senator Ted Kennedy—the Family Opportunity Act—which extends Medicaid coverage to disabled children. In large part through my efforts, the Money Follows the Person Rebalancing Act and the option for States to implement a home- and community-based services program were included in the Deficit Reduction Act of 2005.

Along with Senator KERRY, I introduced the Empowered at Home Act which, among other things, revised the income eligibility level for home- and community-based services for elderly and disabled individuals.

This is what I said about the CLASS Act on December 4, 2009:

If I thought that the CLASS Act would add to this list of improvements to the lives of seniors or the disabled, I would be first in line as a proud cosponsor of the CLASS Act. But the CLASS Act does not strengthen the safety net for seniors and the disabled. The CLASS Act compounds the long-term entitlement spending problems we already have by creating yet another new unsustainable

entitlement program. The CLASS Act is just simply not viable in its current form.

That is the end of the quote I made on December 4, 2009, when that provision of the health care reform bill was up.

But this is not an “I told you so” speech. No, Mr. President, I am here because I am offended by the way this administration and proponents of health care reform have used the disability community throughout the debate over the CLASS Act.

Congress and the administration knew the CLASS Act would fail when it was being considered. The administration now somehow manages to treat this as a shocking discovery, and the fact that they are doing that is beyond me. But the way the administration has tried to soften the blow for the disability community rubs me the wrong way, because in the Secretary’s statement on the CLASS Act I referred to, the Secretary said this:

In fact, one of the main reasons we decided not to go ahead with CLASS at this point is that we know no one would be hurt more if CLASS started and failed than the people who had paid into it and were counting on it the most. We can’t let that happen.

Of course, they could have opposed the inclusion of the legislation and told the disability community the exact same thing back in 2009. Apparently, the administration is trying to tell the disability community that even though HHS can’t implement the statute, they don’t want to repeal it. Nicholas Pappas, a White House spokesman, said:

We do not support repeal. Repealing the CLASS Act isn’t necessary or productive. What we should be doing is working together to address the long-term care challenges we face in this country.

After putting the political value of the savings ahead of the doomed policy, the administration finally admitted the CLASS Act was a failure. They apologized to the disability community. They said they don’t support repeal of the CLASS Act.

After years of dodging reality, it is time for the President and the majority party to treat the disability community respectfully and honestly. If the President believes the CLASS Act can and should be saved, he should put revisions on the table much as he threatened to in early 2010 but never managed to.

Congress should weigh repeal of the CLASS Act against revisions that could be proposed to make it a legitimate program. We should do so with a full score—meaning from CBO—and in the context of our current fiscal climate with all our cards on the table, not the stealthy way it was handled in 2009. We should have a healthy and open debate.

The insipid strategy of passing something into law with a wink and a nod toward making it all better in the future is unacceptable and disrespectful

to the disability community purported to be served by the legislation.

Our course is clear. For those of us who care about the disability policies, the days of ignoring reality must come to an end. We should repeal the CLASS Act and move on to other legislation that gets the job done in a fiscally responsible way.

I yield the remainder of the time.

The PRESIDING OFFICER. All time has expired.

The question is, Shall the Senate advise and consent to the nomination of Stephen A. Higginson, of Louisiana, to be United States Circuit Judge for the Fifth District of Louisiana?

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. MANCHIN). Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. McCASKILL) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Indiana (Mr. COATS), the Senator from South Carolina (Mr. DEMINT), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), the Senator from Idaho (Mr. RISCH), the Senator from Kansas (Mr. ROBERTS), and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 188 Ex.]

YEAS—88

Akaka	Graham	Moran
Alexander	Grassley	Murkowski
Barrasso	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Hatch	Nelson (FL)
Bennet	Heller	Paul
Bingaman	Hoeven	Portman
Blumenthal	Inhofe	Pryor
Boozman	Inouye	Reed
Boxer	Isakson	Reid
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Schumer
Cardin	Kerry	Sessions
Carper	Kirk	Shaheen
Casey	Klobuchar	Shelby
Chambliss	Kohl	Snowe
Coburn	Kyl	Stabenow
Cochran	Landrieu	Tester
Collins	Lautenberg	Thune
Conrad	Leahy	Toomey
Coons	Lee	Udall (CO)
Corker	Levin	Udall (NM)
Cornyn	Lieberman	Vitter
Crapo	Lugar	Webb
Durbin	Manchin	Whitehouse
Enzi	McConnell	Wicker
Feinstein	Menendez	Wyden
Franken	Merkley	
Gillibrand	Mikulski	

NOT VOTING—12

Ayotte	DeMint	Risch
Blunt	Hutchison	Roberts
Burr	McCain	Rubio
Coats	McCaskill	Warner

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SCHOOL LUNCH AND BREAKFAST PROGRAM

Mr. MORAN. Mr. President, 2 weeks ago, I spoke on the Senate floor about some of my concerns with the pending legislation that we have been talking about now—a number of appropriations bills—including the committee report on agriculture. The last time we visited about this, I talked about the GIPSA rules. I wish to focus on one more area of concern in this appropriations bill; that is, that the Department of Agriculture has proposed a rule to revise the nutrition requirements for the National School Lunch and Breakfast Program.

In its current form, the rule contains some impractical nutrition standards and goals. I don't think there is any question that all of us in the Senate, and certainly every parent I know, would want—we all want our children to have nutritious food and we want them to have nutritious food at home and at school. That is not the point. It is not the question. What I question is whether the Department of Agriculture's rule is realistic for schools, and for those who provide food to the schools, whether they are able to comply with this new rule.

For example, as written, the rule would exclude many nutritious vegetables in school meal programs. Appropriately, the Senate adopted an amendment offered by Senator COLLINS of Maine, which I supported, that allows school nutritionists to continue to make their own recommendations based upon the most recent dietary guidelines for Americans, rather than having to follow the mandates issued in this latest USDA rule. In my view, that is exactly where these decisions

should be made: in schools around our country by nutritionists—not mandated by our government in Washington, DC.

Furthermore, we must keep in mind the impact this rule will have on school budgets and food suppliers. Unfunded mandates such as this one will make it even harder for schools to provide healthy lunches for students.

The Department of Agriculture estimates that the cost of compliance over a 5-year period will reach \$6.8 billion. The Federal reimbursement already does not cover the full cost of preparing a meal in many schools across our country. This new USDA rule will further drive up the costs of providing lunches and school districts will have to make up the difference. This doesn't seem like a reasonable approach when many school districts are already struggling to make ends meet.

Let me give an example of what is in this rule. Once finalized, schools would be required to reduce sodium content in breakfasts by up to 27 percent and school lunches by up to 54 percent. There are a couple problems with this requirement. There is no suitable replacement for sodium that can maintain the same functions of flavor and texture. Also, reducing sodium is not just a function of limiting raw salt content. Many ingredients have sodium in them that occurs naturally.

School food suppliers have been working for years to reduce the amount of sodium in their food products. However, they need additional time to come up with a solution that balances nutritional value with taste so kids will eat the school lunch.

This rule would also change how nutritional content is measured—rather than measure nutrition based on density, the Department of Agriculture rule proposes to measure nutritional content based on volume. For example, tomato paste is nutritionally dense, but the Department of Agriculture says it must meet the same volume as a fresh tomato. That doesn't make much sense. Why would we take a metric to be the arbitrary volume requirement instead of just measuring the nutritional value?

The bottom line is, kids can still get the right nutrients from food products if they are measured by nutritional content.

A more sensible approach to making sure children have healthy options for breakfast and lunch would be to work together with scientists, nutritionists, and industry representatives toward a set of intermediate goals. Food costs, service operations, and student participation rates could then be more closely evaluated before moving on to the next goal. This would give school districts and food suppliers the chance to make changes in a more reasonable timeframe.

Our colleagues in the House included a provision in their version of this legislation that directed the Department of Agriculture to issue a new proposed rule that would not add unnecessary and costly regulations to the school lunch and breakfast programs. Unfortunately, this language was not included in the Senate version of the bill. In conference, I will continue to work with my colleagues to make sure the Department of Agriculture is not making it harder for schools to provide healthy lunches but instead is working alongside local schools and their officials to develop better nutritional goals.

TRIBUTE TO MR. EMMETTE THOMPSON AND MISSION OF HOPE

Mr. McCONNELL. Mr. President, I rise today to pay tribute to one of the finest charitable organizations serving the people of Kentucky, Mission of Hope, and its executive director, Mr. Emmette Thompson. Mission of Hope, located in Knoxville, TN, has been providing the impoverished children and families in the rural Appalachian communities of southeastern Kentucky and elsewhere with food, clothing, and other necessities for over 15 years.

Mission of Hope was founded in 1966 in response to a television broadcast entitled "Hunger for Hope," in which anchor Bill Williams informed viewers of the destitution and poverty that affected families in the mountains and hills of southeastern Kentucky. The "Hunger for Hope" broadcast inspired founder Julie Holland to enlist the help of her church, Central Baptist of Bearden, to aid in handing out children's coats that had been donated by a local department store.

Since that first donation, Mission of Hope has grown to serve more than 17,000 people throughout more than 80 schools and organizations in Kentucky, Tennessee, Virginia and West Virginia. Over 85 percent of the population in this region suffers from hunger and joblessness due to a depleted coal mining economy.

Mission of Hope's objective is to provide, every year, the hunger-stricken families of Appalachia with hope and the chance at a better life through evangelical Christian charitable ministries. By partnering with school family-resource centers and small community ministries, Mission of Hope is able to provide assistance to those children and families most severely impoverished, and donates new clothes, food, toys, and school supplies through organized programs and events.

In addition, Mission of Hope assists in the repairing of homes, and provides a \$2,500 scholarship to 11 qualified students from schools in the region. They operate basic health-care clinics thanks to the volunteer efforts of local medical professionals, and assist in the

development of literacy and other skills in order to create new jobs.

Most importantly, however, the countless volunteers who work tirelessly to provide Mission of Hope's services receive the greatest possible reward for their efforts. The sense of gratitude that is visible in thankful children's eyes is what motivates the volunteers each and every day, and it is the satisfaction from this "personal touch" that drives the people of Mission of Hope and their cause.

"What we do wouldn't work in today's business world," says Mr. Emmette Thompson, who is fundamental to the organization's success. "Our business model and the way we distribute our harvest wouldn't work in corporate America because it defies logic . . . I'd love to tell people that I speak to that we're working ourselves out of a job, but that would be a bold-faced lie."

Mr. President, the charitable work that Mr. Emmette Thompson and Mission of Hope provide to the impoverished families of Kentucky and the Appalachia region is extremely honorable. I commend Emmette and the organization for their selfless devotion to this important cause. Organizations and people such as these embrace the spirit of Kentucky and continue to provide hope to the people of our great Commonwealth.

BUDGETARY ADJUSTMENTS

Mr. CONRAD. Mr. President, on October 20, 2011, I filed a statement regarding a revision to committee allocations and budgetary aggregates pursuant to section 106 of the Budget Control Act of 2011. Specifically, I adjusted the allocation to the Committee on Appropriations for fiscal year 2012 and the budgetary aggregates for fiscal year 2012.

Two of the tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates that are customarily provided for such an adjustment were inadvertently omitted and are provided here.

I ask unanimous consent that the following tables be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGETARY AGGREGATES—PURSUANT TO SECTION 106(b)(1)(C) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 311 OF THE CONGRESSIONAL BUDGET ACT OF 1974

[\$s in millions]		
	2011	2012
Current Spending Aggregates:		
Budget Authority	3,070,885	2,983,770
Outlays	3,161,974	3,047,206
Adjustments:		
Budget Authority	0	475
Outlays	0	62
Revised Spending Aggregates:		
Budget Authority	3,070,885	2,984,245

BUDGETARY AGGREGATES—PURSUANT TO SECTION 106(b)(1)(C) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 311 OF THE CONGRESSIONAL BUDGET ACT OF 1974—Continued

[\$s in millions]		
	2011	2012
Outlays	3,161,974	3,047,268

FURTHER REVISIONS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT OF 1974

[\$s in millions]			
	Current Allocation/ Limit	Adjustment	Revised Allocation/ Limit
Fiscal Year 2011:			
General Purpose Discretionary Budget Authority	1,211,141	0	1,211,141
General Purpose Discretionary Outlays	1,391,055	0	1,391,055
Fiscal Year 2012:			
Security Discretionary Budget Authority	814,744	0	814,744
Nonsecurity Discretionary Budget Authority	363,806	475	364,281
General Purpose Discretionary Outlays	1,327,942	62	1,328,004

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT

Ms. KLOBUCHAR. Mr. President, I rise today to speak about the proposed rules issued by the U.S. Department of Agriculture, USDA, regarding tomato product crediting. I believe we must provide our children with healthy meals and ensure they have access to nutritious foods not only for their own well-being, but for the well-being of our Nation.

Given that a significant number of children rely on school lunch programs for meals every day, I am concerned that provisions in the rule regarding tomato paste crediting could have unintended consequences.

Tomato paste contributes dietary fiber, potassium—a nutrient of concern for children—as well as Vitamins A and C. It is delivered to kids in popular school menu items they enjoy eating and drives National School Lunch Program and School Breakfast Program participation. The proposed rule changes a technical crediting issue, effectively mandating the use of three times as much tomato paste or other tomato product. For example, under the proposed rules, the crediting of tomato paste would be based on the volume served as opposed to "single-strength reconstituted basis" as outlined in the Food Buying Guide for Child Nutrition Programs. To achieve one vegetable serving, an estimated three times the current quarter cup volume of tomato product—like tomato paste, tomato sauce, or salsa—would be required. This increased amount is unrealistic for many single foods and combination foods and would

make the weekly vegetable serving requirement more difficult for schools to achieve.

Under this rule, a plate of spaghetti with three times the normal amount of sauce becomes more of a soup than a pasta dish, and a slice of whole grain pizza with three times the amount of sauce could be equally excessive. This becomes a problem for schools hoping to feed their students healthy meals that kids like.

The Institute of School Meals report does not recommend a change in the way tomato products are calculated. This change does not bring a nutritional benefit, and it was not called for by schools, nutritionists, or the Institute of Medicine. Constituents in Minnesota have said that this would result in increased volumes of foods consumed, increased costs to schools, and the virtual elimination of many foods served in school lunch, because of altered formulas and proper ratios that no longer allows for proper preparation or consumption.

I am not suggesting that USDA stop action on the rule—but, I believe we must focus on increasing fruits and vegetables rather than decreasing specific foods that provide an important source of essential nutrients. And because of that, I suggest that USDA refrain from changing the current tomato paste crediting levels. We need to make sure that we promote nutritious meals and recognize that the quality of the meals our kids eat in school plays a major role in their health and well-being.

AMENDMENT NO. 810

Mr. President, I also wish to speak on Senator SESSIONS' amendment No. 810. While I support Senator SESSIONS' efforts to eliminate waste, fraud, and abuse in the government, I have concerns that this amendment will take food away from children and families with the greatest needs. This amendment prohibits the use of any funds from being used to support categorical eligibility in the Supplemental Nutrition Assistance Program, SNAP. Categorical eligibility reduces administrative costs, simplifies enrollment, and helps eligible low-income households receive food assistance. I have heard from a number of groups in my State who stressed the importance of categorical eligibility in giving states the option to enroll beneficiaries in SNAP, and I know how important it is to reach out to citizens that are eligible for benefits.

While I opposed this amendment, I will work in the farm bill to strengthen and improve the program to ensure that taxpayer resources are spent wisely.

AMENDMENT NO. 739

Mr. President, I also wish to discuss amendment No. 739 offered by Senator MCCAIN to the Transportation, Housing and Urban Development appropriations

bill. I share Senator MCCAIN's concern that transportation funds need to be spent carefully to address our most critical infrastructure priorities. However, I voted to table the McCain amendment because I believe it needed to be changed to allow States to continue to maintain existing infrastructure projects. The Minnesota Department of Transportation noted that the McCain amendment could have negatively impacted proposed projects to rehabilitate historic bridges that remain in use today as a critical part of Minnesota's road network. Specifically, bridges in Winona and Oslo, Minnesota may have been impacted and possibly Baudette, Minnesota's project as well. The chairman of the Environment and Public Works Committee which has jurisdiction over transportation policy also assured me that no funding in this bill would be used to fund transportation museums.

AMENDMENT NO. 792

Mr. President, I also wish to discuss amendment No. 792 offered by Senator COBURN to the Transportation, Housing and Urban Development appropriations bill. While I agree with Senator COBURN that Federal dollars should not end up in the hands of property owners that put their tenants at risk, I ultimately could not support this amendment because it could have harmed the very families it sought to help.

Before the vote, I was contacted by several affordable housing groups from my home State of Minnesota asking that I oppose this amendment. They were concerned that because of the way this amendment was drafted it could end up forcing the tenants it sought to protect into worse housing conditions, or even onto the street. By suspending payments to properties identified as deficient, it could also have prevented new owners from taking over deficient properties in order to rehabilitate them as they wouldn't have any way of financing the rehabilitation.

The Department of Housing and Urban Development already has the ability to enforce physical standards by suspending payments, seeking appointment of a receiver, and pursuing civil money penalties. I will continue to insist that they use these tools to develop responsive strategies for every troubled property while putting the safety of the tenants first.

WITHHOLDING TAX RELIEF ACT OF 2011

Ms. SNOWE. Mr. President, I rise to express support for the Republican leader's legislation on a critical issue that addresses the burdensome cost of compliance with the Tax Code. Senator MCCONNELL's bill is modeled after bipartisan legislation Senator BROWN and I introduced earlier this year which would repeal the 3 percent withholding on government contractors

that was enacted in 2005 and which mandates that Federal, State, and local governments withhold 3 percent of their payments to private contractors, including Medicare provider payments, farm payments, defense contracts and certain grants.

I am deeply disappointed by the fact that the bill received 57 votes on the floor on October 20 but failed to pass the 60-vote threshold. The onerous withholding mandate on government contracts therefore remains before us and must be repealed. The House of Representatives has spoken quite clearly by passing repeal legislation last week by a vote of 405-16 and it is time for the Senate to do the same!

This issue originated as a result of very legitimate efforts to address the tax gap—the difference between what is owed in taxes and the amount that the IRS is able to collect. I believe everyone agrees that Americans should pay their taxes in full and none of us supports tax cheats, yet the issue that Senator MCCONNELL's legislation addresses arises from the means of mandating compliance with the Tax Code, the cost of that compliance compared to the revenue collected, and impact on hiring. The unfortunate fact is that the 3 percent withholding provision will cost far more to implement than will be collected in tax revenue. More importantly, our economy will suffer as this provision would take a significant toll on jobs and growth.

According to the Bureau of Labor Statistics, the average annual unemployment rate for 2010 was 9.6 percent. For 27 out of the past 32 months the unemployment rate has been at 9 percent or above. About 45 percent of the unemployed have been out of work for at least 6 months—a level previously unseen in the six decades since World War II. At a time when 14 million Americans are still unemployed, and have been so for the longest period since record keeping begun in 1948, our government should be taking every possible step to ease the burden on job creators. We need to offer the American people solutions that help to grow jobs, not provisions that prevent it!

Compliance with this law will impose billions of dollars of cost on both the public and private sectors, with a disproportionate impact on small businesses. These compliance costs will far exceed projected tax collections. For instance, just one Federal agency, the Department of Defense, estimated that it would cost over \$17 billion in the first 5 years to comply, and the revenue estimate in 2005 projected that only \$6.977 billion would be collected over a 10-year window. Even if that DOD estimate is inflated, as some charge, the Congressional Budget Office projects costs of \$12 billion just to implement this provision at the Federal level. There are similar costs imposed across all of the Nation's State

and local governments, making this provision simply an unfunded mandate on State and local governments. This is a case of spending a dollar to collect a dime, which is counterproductive for addressing the Nation's deficits.

What is worse is that this provision is not going to impact only those who have skirted tax laws—this provision will fall most heavily on innocent parties who have done nothing wrong at all, jeopardizing their cash flow and ability to grow. As ranking member of the Senate Committee on Small Business, I have heard from many businesses across the country that the 3 percent withholding amount will exceed their profit on a given contract and will prevent them from being able to make payroll, forcing them to borrow from banks just to pay their employees. This is not the way to encourage jobs and business growth but rather way to stifle it.

This 3 percent withholding provision would increase the tax and regulatory burdens on our businesses, precisely the wrong policy potion for these troubled times. We have the opportunity now to repeal this provision and we need to take that step to help the jobs picture. It is vital to note that it is not just workers who would suffer under this provision but Medicare recipients as well. Maine has the oldest population in the Nation and I know all too well how fragile are the finances of our seniors who depend on this vital program. This provision would deduct 3 percent from payments to Medicare providers and instead send the cash to the IRS. Why would we want to give these precious dollars to the tax man rather than doctors? This new problem would give doctors one more reason to turn away Medicare patients. And that is to say nothing of the cost to CMS of setting up the accounting systems that would implement this withholding scheme.

In the American Recovery and Reinvestment Act, ARRA, Congress delayed for 1 year the implementation of this mandate in recognition of the exorbitant expenditures that will be necessary to implement accounting systems and hire new compliance employees at a time when the those resources were desperately needed for productive uses. The IRS itself recently recognized the enormous burdens that this provision will put on government agencies and as a result issued an administrative delay, meaning the 3 percent withholding provision now becomes effective after 2012. And even the President, in his recent Jobs Act proposal, called for further delay of any implementation of this provision. If the Congress, the IRS, and this administration all recognize that the costs of this provision outweigh the benefits, then it is time to act to repeal it.

As a result of the IRS regulatory delay, this provision goes into effect at

the end of 2012, but people and businesses already are expending valuable resources in anticipation of having to comply with this pernicious provision. At a time when the American people are extremely frustrated with the partisan gridlock and Congress inability to pass meaningful legislation, we had an opportunity to pass a bipartisan bill that would provide small businesses with much needed certainty and relief. The Senate failed to grasp that opportunity on October 20 but we cannot stop fighting to defend small businesses from its implementation. We must act soon, and we must act completely, to end the three percent withholding provision entirely. I urge my colleagues to support this legislation.

NATIONAL BREAST CANCER AWARENESS MONTH

Mr. BLUMENTHAL. Mr. President, I rise today to recognize October as National Breast Cancer Awareness Month. This disease affects people everywhere of all walks of life, taking the lives of approximately 40,000 women in our country each year. In Connecticut, over 3,000 new cases of breast cancer will be diagnosed this year.

The epidemic incidence of breast cancer reminds us of the need for vigilance and vigor in fighting it. I applaud the various advocacy and fundraising organizations that have fought on behalf of the millions of individuals affected by breast cancer. These organizations have been instrumental in raising awareness of breast cancer throughout the health community, public, and Congress. Their work in promoting vital prevention activities and critical funding within government agencies for breast cancer has saved millions of lives, and I thank them for all they have done in the fight against breast cancer.

It is important to remember this month, and always, how critical preventive care is in the fight against breast cancer. I strongly encourage individuals to speak with their doctors about breast cancer to determine what steps they should take to protect themselves. Early detection can significantly lower the risk of death from breast cancer, and I hope women will be reminded this month to seek the preventive care they may need.

While progress has been made on this issue, we must continue to fight against breast cancer. I know my colleagues and I can agree that this fight is a national priority, and I look forward to working with them on this issue in the coming years.

20TH ANNIVERSARY OF THE APPOINTMENT OF JUSTICE CLARENCE THOMAS

Mr. HATCH. Mr. President, on October 20, I paid tribute to the 20th anni-

versary of Justice Clarence Thomas' appointment to the Supreme Court. I entered into the RECORD following my remarks letters from several of his former clerks giving their own reflections. I ask unanimous consent to have printed in the RECORD today letters from three other clerks: John Eastman, Jeffrey Wall, and Chris Landau.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAPMAN UNIVERSITY,
Orange, CA, October 12, 2011.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I was honored to serve as a law clerk with Justice Clarence Thomas during the Supreme Court's October 1996 Term. The Justice's mentorship, foresight, and depth of understanding of the principles of the American Founding ensured that my service with him would be one of the highlights of my professional career, no matter where that career would lead in the fullness of time. So I am particularly grateful for the opportunity to provide a letter for the Congressional Record commemorating the twentieth anniversary of his confirmation and appointment as Associate Justice of the Supreme Court of the United States.

I also want to express my sincere thanks to you, for your extraordinary efforts in advancing Justice Thomas's confirmation in the U.S. Senate twenty years ago. What a difference twenty years makes! Back then, even after the scurrilous efforts to derail the confirmation failed, there was a sustained effort to belittle the unbelievable accomplishments of this truly great man. Instead of taking American pride in the Justice's phenomenal rise from the depths of poverty to one of the highest offices in the land, a true Horatio Alger story if ever there was one, some of our fellow citizens continued their efforts to discredit. Justice Thomas was merely the "puppet" of Justice Antonin Scalia, we were told, because the two voted together roughly ninety percent of the time. (I never saw a similar claim that Justice Ginsburg was merely the "puppet" of Justice Stevens because of similarly high vote agreement, and I'm still waiting for the "puppet" charge to be applied to Justice Kagan, who this past year agreed with Justices Sotomayor and Ginsburg 94% and 90% of the time, respectively). The New York Times called him the "cruellest" Justice early in his tenure on the bench because of an opinion he authored faithfully adhering to the Constitution's text in a case involving an assault on a prisoner. One federal appellate judge even went so far as to claim that no Supreme Court decision decided by a 5-4 vote with Justice Thomas in the majority should be deemed binding precedent!

And yet, despite all this, the Justice persevered, building over the years such a coherent and profound body of law that even some of his most vocal critics from the early years have had to concede that they were wrong. This past summer, the New Yorker Magazine acknowledged that in "several of the most important areas of constitutional law, Thomas has emerged as an intellectual leader of the Supreme Court." His concurring opinion in the 1997 decision of *Printz v. United States* invited a long-overdue consideration of whether the Second Amendment conferred "a personal right to 'keep and bear arms,'" an invitation that the Court accepted and vindicated a decade later in the landmark case of *Heller v. District of Columbia*.

His concurring opinion in *Simmons v. Zelman-Harris*, the 2002 Ohio school vouchers case, has created a virtual cottage industry in legal scholarship assessing his contention that the Establishment Clause was primarily a federalism provision, and thereby not as susceptible to being incorporated and made applicable to the States via the Fourteenth Amendment as the other clauses of the First Amendment, certainly without a more thorough analysis than had previously been provided by the Court.

But the Justice's most profound intellectual leadership on the Court has involved his commitment to our nation's founding principles. He has been at the forefront of the effort to revive the idea that the federal government is one of only limited, enumerated powers, and that it is the solemn duty of the Court to serve as a check against a Congress bent on ignoring the limits on its own power, in order to protect the cause of liberty. Even more important than his dedication to limited government, though, has been his devotion to the natural rights political theory of the Founders on which the idea of limited government is grounded, particularly as espoused in the Declaration of Independence. The Justice has famously disagreed with Justice Scalia about the role of the Declaration in constitutional interpretation, finding that the principles espoused there are not only relevant but binding. In the 1995 case of *Adarand Constructors, Inc. v. Peña*, for example, Justice Thomas objected to the federal government's use of racial preferences in government contracting, stating that there "can be no doubt that the paternalism that appears to lie at the heart of this program is at war with the principle of inherent equality that underlies and infuses our Constitution." The citation he provided for that simple but important proposition—paragraph two of the Declaration of Independence ("We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness").

When he nominated Justice Thomas to the Supreme Court, President Bush asserted that he was the most qualified person in the country for the job. Many disparaged the President's statement at the time, as so patently false that even the President himself could not possibly have believed it. Instead, it was said, the President was merely claiming that Thomas was the most qualified conservative African-American with judicial experience who could be nominated to fill the seat from which the first African-American to serve on the high Court, Thurgood Marshall, had just retired. And in that category of one, Thomas was the most qualified. Quite apart from the fact that the very idea of race-based allotments of seats on the Supreme Court runs counter to Justice Thomas's deep devotion to a color-blind constitution, the derogatory interpretation of the President's claim has, happily, been thoroughly debunked by the Justice's own jurisprudence. At a time when our understanding of the Law has been infected with a morally relativistic legal positivism, Justice Thomas's revival of the Declaration's recognition that there is a higher law that governs the affairs of man, that our inalienable rights to life, liberty, and the pursuit of happiness come not from any government but by our Creator, and that the sole legitimate purpose of government is to secure those rights, has proved beyond measure that the President was correct.

And increasingly, the Court is following his lead. As the *New Yorker* magazine recog-

nized, "the majority has followed where Thomas has been leading for a decade or more. Rarely has a Supreme Court Justice enjoyed such broad or significant vindication."

The American founding was one of the great episodes in all of human history. The United States of America became a beacon of hope to the world, a shining city on a hill lighting the path of freedom for all. We had lost that wonderful legacy for a time, but we have begun to reclaim it, in no small part because of the efforts of Justice Clarence Thomas, of those who taught him, and of those who learned and continue to learn from him. Please join me in thanking Justice Thomas for his dedication to our nation's founding principles, congratulating him on this 20-year milestone, and wishing him Godspeed for the next twenty years as he continues his efforts on and off the bench on behalf of the principles of liberty.

With utmost respect and admiration,

JOHN C. EASTMAN,
*Henry Salvatori Professor
of Law & Community Service.*

OCTOBER 13, 2011.

Hon. ORRIN G. HATCH,
*U.S. Senate, Hart Office Building, Washington,
DC.*

DEAR SENATOR HATCH: Thank you for honoring Justice Thomas on the twentieth anniversary of his confirmation to the Supreme Court of the United States. Thank you also for inviting me to offer my own thoughts on this important anniversary.

In their letters, many of my fellow law clerks to Justice Thomas describe his contributions to the development of the law. As they observe, he has articulated a clear, consistent approach to judging that focuses on the text and history of the Constitution and federal statutes. It would be a mistake then to pigeonhole the Justice's views as either results-oriented or outdated. On the one hand, it would not explain many of his opinions—for instance, his view that the Eighth Amendment does not place limits on the amount of punitive damages that plaintiffs may recover against defendants, or his view that the Sixth Amendment places limits on the government's ability to introduce evidence from absent witnesses at criminal trials. On the other hand, it would not explain the areas in which Justice Thomas's attention to history has foreshadowed the later direction of the Court—for instance, his discussion of the Second Amendment in *Printz v. United States*, eleven years before the Court recognized an individual right to bear arms in *District of Columbia v. Heller*. Justice Thomas's contributions to the law have been principled and important, and their influence over the past two decades merits serious consideration.

I would like to focus, though, on something that receives less public attention: his decency, both as a judge and as a human being. Because Justice Thomas seldom asks questions at oral argument, it would be easy to assume that he is a quiet, reserved individual, detached from the life of the Court and the lives of those around him. Nothing could be further from the truth. Before the Supreme Court hears cases, it is common for the Justices to discuss those cases with their law clerks. I still remember the first of those conferences when I clerked for Justice Thomas: it lasted nearly two days. He discussed our views on the cases for hours—challenging us to clarify our thoughts, defend our positions, and explain our differences. In the end, of course, the Justice

reached his own views, but no litigant should ever walk away from the Court thinking that his arguments fell on deaf ears. Indeed, Justice Thomas's reluctance to participate in oral argument is driven in large part by his desire to hear from the advocates. Many of them have worked for years to bring the country's most important cases before its highest Court, and he believes that they should have the opportunity to be heard. Whatever one thinks of that approach, it is born of a respect for other people and what matters to them.

Our conferences and conversations with the Justice also ranged far beyond the law. He wanted to get to know us as people—to understand where we grew up, what we enjoy, and what we hope for our futures. It is not an exaggeration to say that Justice Thomas treats his clerks, his staff, and his colleagues like a family. And like any family, he takes on our cares and concerns, our highs and lows. Several years ago, a member of my family was having an issue with her health, and I happened to mention it in passing to the Justice as something that had been weighing on my mind. The next day, without any indication to me, the Justice contacted her to see whether there was anything that he could do. Perhaps the most remarkable thing is, that story will not surprise anyone who knows him: all of us can recall a time when he reached out to offer encouragement in an hour of need. He does not provide that support publicly, where he could receive recognition, which reminds me of Matthew's admonition to give alms in private and not for the glory of others. I suspect that if Justice Thomas ever reads this letter, he will be upset with me for bringing his humanity into the spotlight.

Several years ago, Justice Thomas gave a talk to students at the University of Alabama Law School. During the flight, he struck up conversation with a lawyer returning home to Birmingham. They talked about legal practice, their families, and Alabama football—all without the attorney's having any idea that he was conversing with a Supreme Court Justice. At the law school, Justice Thomas spoke before a packed house of hundreds of students, and afterward he stood for hours, meeting and taking pictures with every last student who had waited in line. At a similar visit to the University of Tennessee, he literally closed down the law school, waiting until everyone had left and then thanking the janitorial staff who were cleaning up from the event. From a lawyer in Birmingham, to students in Tuscaloosa, to employees in Knoxville, there are countless people across America who can testify to Justice Thomas's warmth and his deep, booming laugh. Wherever he goes, he connects with strangers from all walks of life, because he is sincerely interested in their backgrounds and genuinely grateful for their contributions. He reminds all of us that we are never too busy or important to be considerate to others, and he deserves the highest of compliments that I can pay to a fellow Georgian: he has never forgotten who he is or where he came from.

Finally, any recognition of Justice Thomas's time on the Court would be incomplete without also recognizing his wife, Mrs. Ginni Thomas. She has been there every step of the way, sharing in the substantial burdens that serving as a Justice can impose. Justice Thomas often says that he could not do his job without her support, and I am sure that he would want any commemoration of his service to extend to her as well. Thank you

for recognizing them on the twentieth anniversary of Justice Thomas's confirmation to the Supreme Court.

Sincerely,

JEFFREY B. WALL,
Law Clerk to Justice Thomas, 2004–2005.

WASHINGTON, DC,
October 17, 2011.

Hon. ORRIN G. HATCH,
*U.S. Senate,
Washington, DC.*

DEAR SENATOR HATCH, Thank you so much for inviting me to participate in your tribute to Justice Thomas on his twentieth anniversary on the Supreme Court.

Justice Thomas didn't want to be Justice Thomas. I know this for a fact, because I was with him on June 27, 1991, when he received word that Justice Thurgood Marshall had announced his retirement and that the White House was calling for an interview. Time stood still for a moment as then-Judge Thomas absorbed this information and its obvious implications. It wasn't a moment of excitement or exhilaration; rather, he accepted a stack of pink phone slips as if each one were an iron weight. He had just turned forty-three, and had been a judge on the D.C. Circuit for little over a year.

Ironically, one of the best qualifications for serving on the Supreme Court may be the lack of a craving to do so. For Justice Thomas, service on the Court is a job, not a calling. He gets up in the morning, goes into the office, decides cases, and then goes home again. He isn't impressed by important people, and doesn't try to impress anyone. He enjoys his job, but it doesn't define him.

The job may come easier to him than to others because of his firm views about the limited role of federal judges. He doesn't believe it's his business to make tough policy choices, but to enforce the policy choices made by others. He's often voted for results that I'm quite sure he would oppose as a legislator. His concern is deciding cases correctly, not garnering either votes or accolades.

I vividly recall a case argued during Justice Thomas' very first sitting on the Supreme Court in November 1991. The Justice returned to Chambers after Conference and sheepishly admitted that he'd switched his intended vote because every one of his colleagues had voted the other way. The next morning, however, he summoned his law clerks into his office to tell us that he'd had trouble sleeping because he still couldn't justify that vote, and had just informed the Chief Justice that he would try his hand at a dissent. That dissent ultimately picked up a number of other votes, and the result in the case nearly flipped. When a similar issue reached the Court a few years later, Justice Thomas wrote the majority opinion.

I don't think that Justice Thomas has spent many sleepless nights since then. He knows who he is as a person and a judge, and is comfortable on both scores. His judicial voice is confident, original, and compelling. There can be little doubt that he has brought true diversity to the Supreme Court.

Finally, no tribute to Justice Thomas would be complete without acknowledging his warm personality, perfectly captured by his booming laugh. From a parochial perspective, he takes a real interest in his law clerks, both before and after the clerkship. He enjoys having lunch on a regular basis with those of us who live in the Washington area, not only so that he can keep up with us, but also so that we can keep up with each other. And, through it all, he derives great

strength and comfort from his wife Ginni. Without her, he never would have found his beloved Cornhuskers!

I appreciate the opportunity to share these thoughts.

Sincerely yours,

CHRISTOPHER LANDAU,
*Law clerk to Judge
Thomas, D.C. Cir-
cuit, 1990,
Law clerk to Justice
Thomas, Supreme
Court, 1991–92.*

REMEMBERING REVEREND FRED SHUTTLESWORTH

Mr. PORTMAN. Mr. President, I rise today to recognize the late civil rights leader, Reverend Fred Shuttlesworth, who passed away earlier this month. From his humble beginnings in Mount Meigs, AL, he grew to become one of the most influential leaders in the battle for civil rights. Reverend Shuttlesworth was best known as co-founder of the Southern Christian Leadership Conference, which was formed in response to the Montgomery bus boycott, and for the role he played in the sit-ins of lunch counters in 1960 and the Freedom Rides of 1961.

Dr. Martin Luther King, Jr. considered Reverend Shuttlesworth one of the Nation's most courageous freedom fighters. Reverend Shuttlesworth was beaten, assaulted, jailed, and had his home bombed because of his outspoken views and his fight for racial equality.

In 1953, he became the presiding pastor of Bethel Baptist Church in Birmingham, AL. He continued his call to preach in Cincinnati, OH, from 1961–1966 where he pastored the Revelation Baptist Church. Reverend Shuttlesworth remained in Cincinnati during his latter years and returned to Birmingham after his retirement in 2007. During that time, he continued his fight for racial equality and became a strong advocate for the homeless.

Although Reverend Shuttlesworth is no longer with us, his contributions to our Nation will not be forgotten.

ADDITIONAL STATEMENTS

REMEMBERING SALOMON E. RAMIREZ

• Mr. BINGAMAN. Mr. President, Salomon E. Ramirez, New Mexico State executive director of USDA's Farm Service Agency, died October 22 at his family's ranch in Rociada, NM. He was 56 years old. Salomon came from a ranching family in San Miguel County and devoted his life to serving agriculture in New Mexico and the Nation.

He was born in Las Vegas, NM, attended Robertson High School, and graduated with a degree in agriculture from New Mexico State University. His passion for agriculture and a desire to

help farmers and ranchers in New Mexico led him to a career at the U.S. Department of Agriculture, including positions at both the Farm Service Agency and the U.S. Forest Service. Because of his knowledge and experience, he spent time at USDA's headquarters in Washington helping to write a new farm bill and implement national farm policy.

Salomon Ramirez was a model public servant. He worked at USDA for over 30 years and was a tireless advocate for my State's farmers and ranchers. No one knew more about farm programs or understood how they could best be implemented to support the producers in my State. My staff and I frequently sought his counsel and valued his always astute advice. I was honored to recommend him to be the State executive director of the New Mexico Farm Service Agency and was pleased when President Obama appointed him to the position in 2009.

No State had a more capable or caring manager for its farm programs than New Mexico. He was a true friend of agriculture and everyone who depends on agriculture from producers to consumers—in fact, all of us. He will be greatly missed.●

ZERO LANDFILL WASTE CELEBRATION

• Mr. PRYOR. Mr. President, it is with the greatest pleasure that today I recognize the achievements of the McKee Foods Corporation plant in Gentry, AR. This plant reached the milestone of having zero landfill waste, a first for a McKee Foods production facility.

In 1934, under the shadow of the Great Depression, the late O.D. and Ruth McKee converted a cookie shop into a 5-cent bakery in Chattanooga, TN. With O.D.'s aptitude for sales and Ruth's management abilities, the duo took their small mom-and-pop bakery and expanded into what is now known as McKee Foods Corporation. The expansion into Gentry came in 1982 when the company needed a larger facility to serve the western United States and Mexico. Among other things, the Gentry plant produces a variety of "Little Debbie" snack cakes, a favorite treat among my family and staff.

It was 4 years ago that the Gentry plant management team challenged themselves and the more than 1,500 Gentry employees to reach a goal of zero landfill waste. Although seen as challenging, the entire plant knew this was achievable. Many recycling efforts were already under way, and the plant partnered with several local recycling companies to put processes in place to bring their landfill waste down to zero. For the Gentry plant, there will be no going back to the landfill.

With responsibility as a guiding value, McKee Foods has been and will continue to be a strong advocate for

environmentally conscious business practices. On average, McKee Foods recycles 3,750 tons of cardboard, 10,000 gallons of used petroleum oil, over 100,000 wooden pallets, and 200 tons of scrap steel and other metals. While the Gentry plant is setting the bar high for other McKee facilities, the entire McKee Foods Corporation is to be commended for its environmental stewardship.

I ask my colleagues to join me today in congratulating the McKee Foods Corporation's Gentry plant on attaining zero landfill waste. As the company motto adopted by O.D. McKee makes clear, McKee Foods is committed to "finding a better way" of doing business, and the Gentry plant is leading the way. I am proud of all they have accomplished and look forward to their future successes.●

TRIBUTE TO NEIL BOWES

● Mr. THUNE. Mr. President, today I recognize Neil Bowes for 50 outstanding years at WNAX Radio. When Mr. Bowes first arrived at WNAX Radio, he was a new graduate of the University of South Dakota. He began his career on the business side of WNAX operations in 1961 and remained there for seven years before he decided to venture into sales in 1968. Ever since this transition, businesses that advertise on WNAX have had the privilege of dealing with Neil. For many of those clients, besides being a trusted businessman, he is also a friend.

Neil's duties have allowed him to broadcast live from numerous State fairs, Dakota Fests, parades, grand openings, and other events over the years. Through his work, he has been able to see many parts of our great State in an effort to, as he puts it, "give businesses the opportunity to share their good news with listeners of WNAX." Neil also enjoys exploring the never-ending, "out-of-the-way spots" in South Dakota when he takes the long way home.

Mr. Bowes lives with his wife Mary Ellen near the Missouri River just west of Yankton. They have raised four kids who have in turn blessed them with seven grandchildren. His family, at home and at WNAX, is grateful for his long commitment to radio and dedication to his work.●

TRIBUTE TO BRIGADIER GENERAL CHARLES YRIARTE

● Mr. WYDEN. Mr. President, on November 4, one of the Oregon National Guard's most remarkable military leaders will retire: BG Charles Yriarte.

General Yriarte has served the citizens of Oregon, and the United States, in the Oregon National Guard for over 40 years. He joined as a private and has held numerous positions, including troop commander, battalion com-

mander, brigade commander, and is ending his service as an assistant adjutant general.

Oregonians hold the men and women of our National Guard in high regard, and General Yriarte is one example of why. While serving as a model citizen soldier, he has raised his children, maintained a civilian career as a U.S. Forest Service civil servant and also assisted his family with their cattle ranch in Burns, OR. His dedication to his family runs deep. When General Yriarte was promoted to the rank of Brigadier General, the ceremony was held at St. Charles Hospital in Bend, Oregon, so his father, who was undergoing treatment, could be present. But, when duty has called, General Yriarte has always answered, many times at great sacrifice to himself. Joining the Forest Service in 1974 was his dream job, but after the attacks of September 11, 2001, he took on a number of critical full-time assignments in the Oregon National Guard.

General Yriarte deployed to Iraq shortly after the war commenced and was placed in charge of Joint Base Balad, in an extremely hazardous environment, with the duty of making the base functional for U.S. and allied soldiers. General Yriarte worked to improve relations with local leaders to lessen the daily mortar attacks and reduce the threat to his soldiers and the base in the early stages of the war. This outreach was a tremendous success and led to a strong relationship and enduring friendship with many of the local community leaders. His tireless effort to secure the base ensured the safety of several thousand servicemembers on base and reduced the attacks and violence outside the perimeter. General Yriarte accomplished this mission in spectacular fashion and he successfully returned his unit to Oregon with no casualties.

In each command, the units under him excelled in every way. His mentorship of young officers and non-commissioned officers has been truly exceptional. The soldiers that he has taught are now serving in the most important positions in the Oregon National Guard. These soldiers will have positive impacts on the institution for decades to come. General Yriarte's legacy will be lasting and profound within the Oregon National Guard.

To understand General Yriarte's ability to inspire, here is what he said during his unit's homecoming event:

Every person in this room has sacrificed. I wouldn't be here today without your sacrifices. You did this country great, and I applaud you. This room is filled with heroes both past and present. I went to Iraq because I love my country. I found out that the Iraqis are good people and like everyone are looking for safety for themselves and their families. I already knew, but it was proven that American soldiers never quit. They do their job. You are this nation's greatest generation, and you became leaders when you

came home. Our soldiers are doing that now. Our nation is great, we remain great. . . .

These words also say an enormous amount about him.

So, if I can use the general's own words, let me say that general, you have sacrificed. Your country is better because of your many sacrifices. You have done your State and Nation proud. You are a giant to all you have touched and your love of home and country are an inspiration. You have protected everyone in your charge. You have always given your best. Our Nation will remain great because we have men and women like you in every generation. Like the great military leaders before you, your words and action will positively influence our Nation far into the future.

Therefore, it is my honor and great privilege to commend BG Charles Yriarte, assistant adjutant general, Oregon National Guard, for his more than 40 years of service to our country. Mr. President, today, I join my fellow Oregonians in recognition and celebration of the great achievements of Brigadier General Yriarte, as he begins this new chapter in his life with his beloved wife Christine.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 13413 WITH RESPECT TO BLOCKING THE PROPERTY OF PERSONS CONTRIBUTING TO THE CONFLICT TAKING PLACE IN THE DEMOCRATIC REPUBLIC OF THE CONGO, RECEIVED DURING ADJOURNMENT OF THE SENATE ON OCTOBER 25, 2011—PM 30

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the

anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo and the related measures blocking the property of certain persons contributing to the conflict in that country are to continue in effect beyond October 27, 2011.

The situation in or in relation to the Democratic Republic of the Congo, which has been marked by widespread violence and atrocities that continue to threaten regional stability, continues to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency to deal with that threat and the related measures blocking the property of certain persons contributing to the conflict in that country.

BARACK OBAMA.
THE WHITE HOUSE, October 25, 2011.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on October 25, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 489. An act to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes.

H.R. 765. An act to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

H.R. 1843. An act to designate the facility of the United States Postal Service located at 489 Army Drive in Barrigada, Guam, as the "John Pangelinan Gerber Post Office Building".

H.R. 1975. An act to designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the "First Lieutenant Oliver Goodall Post Office Building".

H.R. 2062. An act to designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the "Matthew A. Pucino Post Office".

H.R. 2149. An act to designate the facility of the United States Postal Service located at 4354 Paoa Avenue in Honolulu, Hawaii, as the "Cecil L. Heftel Post Office Building".

The enrolled bills were subsequently signed during the session of the Senate by the President pro tempore (Mr. INOUE).

MESSAGE FROM THE HOUSE

At 3:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 295. An act to amend the Hydrographic Services Improvement Act of 1998 to authorize funds to acquire hydrographic data and provide hydrographic services specific to the Arctic for safe navigation, delineating the United States extended continental shelf, and the monitoring and description of coastal changes.

H.R. 320. An act to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California.

H.R. 441. An act to authorize the Secretary of the Interior to issue permits for microhydro projects in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes.

H.R. 461. An act to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes.

H.R. 674. An act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

H.R. 818. An act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

H.R. 1160. An act to require the Secretary of the Interior to convey the McKinney Lake National Fish Hatchery to the State of North Carolina, and for other purposes.

H.R. 1904. An act to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes.

H.R. 2042. An act to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

H.R. 2447. An act to grant the congressional gold medal to the Montford Point Marines.

H.R. 2527. An act to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

H.R. 2594. An act to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 295. An act to amend the Hydrographic Services Improvement Act of 1998 to authorize funds to acquire hydrographic data and provide hydrographic services specific to the Arctic for safe navigation, delineating the United States extended continental

shelf, and the monitoring and description of coastal changes; to the Committee on Commerce, Science, and Transportation.

H.R. 320. An act to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California; to the Committee on Energy and Natural Resources.

H.R. 441. An act to authorize the Secretary of the Interior to issue permits for microhydro projects in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 461. An act to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1160. An act to require the Secretary of the Interior to convey the McKinney Lake National Fish Hatchery to the State of North Carolina, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1904. An act to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2447. An act to grant the congressional gold medal to the Montford Point Marines; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2527. An act to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 818. An act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 674. An act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

S. 1769. A bill to put workers back on the job while rebuilding and modernizing America.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Massachusetts (for himself and Ms. SNOWE):

S. 1762. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities and to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. FRANKEN, Mr. UDALL of New Mexico, Mr. INOUE, Mr. BEGICH, Mrs. MURRAY, Mr. JOHNSON of South Dakota, Mr. BINGAMAN, Mr. TESTER, and Mr. BAUCUS):

S. 1763. A bill to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes; to the Committee on Indian Affairs.

By Ms. STABENOW:

S. 1764. A bill to amend the Internal Revenue Code of 1986 to extend the qualifying advanced energy project credit; to the Committee on Finance.

By Mrs. HAGAN:

S. 1765. A bill to amend the Public Health Service Act to provide grants to strengthen the healthcare system's response to domestic violence, dating violence, sexual assault, and stalking; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN of Ohio:

S. 1766. A bill to establish the Honorable Stephanie Tubbs Jones Fire Suppression Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself and Mr. BROWN of Ohio):

S. 1767. A bill to amend the Truth in Lending Act to prohibit the distribution of any check or other negotiable instrument as part of a solicitation by a creditor for an extension of credit, to limit the liability of consumers in conjunction with such solicitations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BEGICH (for himself, Mr. CASEY, Mr. GRAHAM, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. LEAHY, Ms. MURKOWSKI, Mr. PRYOR, Ms. SNOWE, and Mr. TESTER):

S. 1768. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents; to the Committee on Armed Services.

By Ms. KLOBUCHAR (for herself, Mr. MANCHIN, Mr. WHITEHOUSE, Mr. REID, Mr. KERRY, Mrs. BOXER, Mr. COONS, Mr. BEGICH, Mr. LAUTENBERG, Mr. FRANKEN, Mr. SCHUMER, Mr. NELSON of Florida, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Mr. LEVIN, Mr. MENENDEZ, Mr. BROWN of Ohio, and Ms. STABENOW):

S. 1769. A bill to put workers back on the job while rebuilding and modernizing America; read the first time.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. INOUE, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 50, a bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

S. 52

At the request of Mr. INOUE, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 52, a bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

S. 75

At the request of Mr. KOHL, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 75, a bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

S. 202

At the request of Mr. PAUL, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 384

At the request of Mrs. FEINSTEIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 418

At the request of Mr. HARKIN, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the

World War II members of the Civil Air Patrol.

S. 572

At the request of Mr. BROWN of Ohio, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 572, a bill to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes.

S. 652

At the request of Mr. KERRY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 652, a bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of an American Infrastructure Financing Authority, to provide for an extension of the exemption from the alternative minimum tax treatment for certain tax-exempt bonds, and for other purposes.

S. 720

At the request of Mr. THUNE, the name of the Senator from South Carolina (Mr. DEMINT) was withdrawn as a cosponsor of S. 720, a bill to repeal the CLASS program.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 933

At the request of Mr. SCHUMER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 933, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 936

At the request of Mr. ROCKEFELLER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 936, a bill to establish the American Infrastructure Investment Fund and other activities to facilitate investments in infrastructure projects that significantly enhance the economic competitiveness of the United States by improving economic output, productivity, or competitive commercial advantage, and for other purposes.

S. 960

At the request of Mr. ALEXANDER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the

benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

S. 968

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 1016

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1016, a bill to amend the Internal Revenue Code of 1986 to permanently modify the limitations on the deduction of interest by financial institutions which hold tax-exempt bonds, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1106

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1106, a bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces.

S. 1107

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1107, a bill to authorize and support psoriasis and psoriatic arthritis data collection, to express the sense of the Congress to encourage and leverage public and private investment in psoriasis research with a particular focus on interdisciplinary collaborative research on the relationship between psoriasis and its comorbid conditions, and for other purposes.

S. 1181

At the request of Mr. GRASSLEY, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1181, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1221

At the request of Mrs. SHAHEEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1221, a bill to provide grants to better understand and reduce gestational diabetes, and for other purposes.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from Colorado

(Mr. BENNET) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

S. 1328

At the request of Mr. REED, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1328, a bill to amend the Elementary and Secondary Education Act of 1965 regarding school libraries, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1358

At the request of Mr. TESTER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1358, a bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

S. 1440

At the request of Mr. BENNET, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1444

At the request of Mr. AKAKA, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1444, a bill to provide for the presentation of a United States flag on behalf of Federal civilian employees who are killed while performing official duties or because of their status as Federal employees.

S. 1467

At the request of Mr. BLUNT, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1591

At the request of Mr. KIRK, the name of the Senator from Kansas (Mr.

MORAN) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1627

At the request of Mr. NELSON of Florida, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1627, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 1647

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1647, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gain rates.

S. 1651

At the request of Mr. SESSIONS, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1684

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1684, a bill to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes.

S. 1707

At the request of Mr. BURR, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1707, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 1718

At the request of Mr. WYDEN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1727

At the request of Mr. HELLER, the name of the Senator from Oregon (Mr.

WYDEN) was added as a cosponsor of S. 1727, a bill to direct the Secretary of the Army and the Secretary of the Navy to conduct a review of military service records of Jewish American veterans of World War I, including those previously awarded a military decoration, to determine whether any of the veterans should be posthumously awarded the Medal of Honor, and for other purposes.

S. 1734

At the request of Mr. BLUMENTHAL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1734, a bill to provide incentives for the development of qualified infectious disease products.

S. RES. 251

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 251, a resolution expressing support for improvement in the collection, processing, and consumption of recyclable materials throughout the United States.

S. RES. 297

At the request of Mr. MENENDEZ, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Michigan (Mr. LEVIN), the Senator from Rhode Island (Mr. REED) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 297, a resolution congratulating the Corporation for Supportive Housing on the 20th anniversary of its founding.

S. RES. 302

At the request of Ms. LANDRIEU, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Oregon (Mr. MERKLEY) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. Res. 302, a resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

AMENDMENT NO. 873

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 873 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. FRANKEN, Mr. UDALL of New Mexico, Mr. INOUE, Mr.

BEGICH, Mrs. MURRAY, Mr. JOHNSON of South Dakota, Mr. BINGAMAN, Mr. TESTER, and Mr. BAUCUS):

S. 1763. A bill to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Stand Against Violence and Empower Native Women—SAVE Native Women—Act. I would like to thank the cosponsors of my bill, my good friends Senators INOUE, MURRAY, UDALL of New Mexico, BEGICH, FRANKEN, JOHNSON of South Dakota, BAUCUS, TESTER, and BINGAMAN.

Native women across the country suffer from severe threats to their safety. According to a safety study by the Department of Justice, two in five girls and women in Native communities will suffer domestic violence and one in three will be sexually assaulted in their lifetime. Can you imagine looking through the loving eyes of your daughter, sister, or mother and knowing one of them will probably be abused in her lifetime? This is a terrible reality of life for Native women and their families across the country. It is an epidemic, it is unacceptable, and we must stand against it. This is why I am introducing the SAVE Native Women Act.

Most of those who commit these terrible crimes against Native women are not Native themselves. Yet, currently, tribes have no ability to prosecute non-Natives for domestic violence and sexual assault in their own communities. This has resulted in a sense of lawlessness and leaves Native women with few places to turn. My bill strengthens tribal jurisdiction over domestic violence and sexual assault so that all offenders, Native and non-Native, can be brought to justice.

My bill strengthens existing programs that support Native victims of domestic violence and sexual assault. In many communities, these programs offer the only safety and support available for Native women. Yet these programs are greatly strained. This bill provides programs with more flexibility and tools to address their most critical needs.

Finally, my bill addresses the disturbing trend of sex trafficking in many Native communities. I have included provisions that improve data gathering and strengthen programs that better understand and respond to sex trafficking of Native women.

I have worked closely with tribes, tribal organizations, and Federal agen-

cies to develop this bill. We should not let the next generation of young Native women grow up, as their mothers have, in unbearable situations that threaten their security, stability, and even their lives. I urge you to join me and my cosponsors and stand against violence and support passage of the SAVE Native Women Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Stand Against Violence and Empower Native Women Act” or the “SAVE Native Women Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GRANT PROGRAMS

Sec. 101. Grants to Indian tribal governments.

Sec. 102. Tribal coalition grants.

Sec. 103. Consultation.

Sec. 104. Analysis and research on violence against women.

Sec. 105. Definitions.

TITLE II—TRIBAL JURISDICTION AND CRIMINAL OFFENSES

Sec. 201. Tribal jurisdiction over crimes of domestic violence.

Sec. 202. Tribal protection orders.

Sec. 203. Amendments to the Federal assault statute.

Sec. 204. Effective dates; pilot project.

Sec. 205. Other amendments.

TITLE III—INDIAN LAW AND ORDER COMMISSION

Sec. 301. Indian Law and Order Commission.

TITLE I—GRANT PROGRAMS

SEC. 101. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

Section 2015(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10(a)) is amended—

(1) in paragraph (2), by inserting “sex trafficking,” after “sexual assault,”;

(2) in paragraph (4), by inserting “sex trafficking,” after “sexual assault,”;

(3) in paragraph (5), by inserting “sexual assault, sex trafficking,” after “dating violence,”;

(4) in paragraph (7)—

(A) by inserting “sex trafficking,” after “sexual assault,” each place it appears; and

(B) by striking “and” at the end;

(5) in paragraph (8)—

(A) by inserting “sex trafficking,” after “stalking,”; and

(B) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

“(9) provide services to address the needs of youth who are victims of domestic violence, dating violence, sexual assault, sex trafficking, or stalking and the needs of children exposed to domestic violence, dating violence, sexual assault, sex trafficking, or stalking, including support for the non-abusing parent or the caretaker of the child; and

“(10) develop and promote legislation and policies that enhance best practices for responding to violent crimes against Indian

women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking, and stalking.”.

SEC. 102. TRIBAL COALITION GRANTS.

Section 2001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by striking subsection (d) and inserting the following:

“(d) TRIBAL COALITION GRANTS.—

“(1) PURPOSE.—The Attorney General shall award a grant to each established tribal coalition for purposes of—

“(A) increasing awareness of domestic violence and sexual assault against Indian women;

“(B) enhancing the response to violence against Indian women at the Federal, State, and tribal levels;

“(C) identifying and providing technical assistance to coalition membership and tribal communities to enhance access to essential services to Indian women victimized by domestic and sexual violence, including sex trafficking; and

“(D) assisting Indian tribes in developing and promoting legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking, and stalking.

“(2) GRANTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Attorney General shall award grants on annual basis under paragraph (1) to—

“(i) each tribal coalition that—

“(I) meets the criteria of a tribal coalition under section 4002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a));

“(II) is recognized by the Office on Violence Against Women; and

“(III) provides services to Indian tribes; and

“(ii) organizations that propose to incorporate and operate a tribal coalition in areas where Indian tribes are located but no tribal coalition exists.

“(B) RESTRICTION.—An organization described in subparagraph (A)(ii) shall use a grant under this subsection to support the planning and development of a tribal coalition, subject to the condition that any amounts provided to the organization under this subsection that remain unobligated on September 30 of each fiscal year for which amounts are made available under paragraph (3) shall be redistributed in the subsequent fiscal year by the Attorney General to tribal coalitions described in subparagraph (A)(i).

“(3) USE OF AMOUNTS.—For each of fiscal years 2013 through 2017, of the amounts appropriated to carry out this subsection—

“(A) 10 percent shall be made available to organizations described in paragraph (2)(A)(ii); and

“(B) 90 percent shall be made available to tribal coalitions described in paragraph (2)(A)(i), which amounts shall be distributed equally among each eligible tribal coalition for the applicable fiscal year.

“(4) DURATION.—A grant under this subsection shall be awarded for a period of 1 year.

“(5) ELIGIBILITY FOR OTHER GRANTS.—Receipt of an award under this subsection by a tribal coalition shall not preclude the tribal coalition from receiving additional grants under this title to carry out the purposes described in paragraph (1).

“(6) MULTIPLE PURPOSE APPLICATIONS.—Nothing in this subsection prohibits any tribal coalition or organization described in paragraph (2)(A) from applying for funding to

address sexual assault or domestic violence needs in the same application.”.

SEC. 103. CONSULTATION.

Section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045d) is amended—

(1) in subsection (a)—

(A) by striking “and the Violence Against Women Act of 2000” and inserting “, the Violence Against Women Act of 2000”; and

(B) by inserting “, and the Stand Against Violence and Empower Native Women Act” before the period at the end;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “the Secretary of the Department of Health and Human Services and” and inserting “the Secretary of Health and Human Services, the Secretary of the Interior, and”; and

(B) in paragraph (2), by inserting “sex trafficking,” after “sexual assault,”; and

(3) by adding at the end the following:

“(c) NOTICE.—Not later than 120 days before the date of a consultation under subsection (a), the Attorney General shall notify tribal leaders of the date, time, and location of the consultation.”.

SEC. 104. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST WOMEN.

Section 904(a) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note) is amended—

(1) in paragraph (1)—

(A) by striking “The National” and inserting “Not later than 2 years after the date of enactment of the Stand Against Violence and Empower Native Women Act, the National”; and

(B) by inserting “and in Native villages” before the period at the end;

(2) in paragraph (2)(A)—

(A) in clause (iv), by striking “and” at the end;

(B) in clause (v), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(vi) sex trafficking.”;

(3) in paragraph (4), by striking “this Act” and inserting “the Stand Against Violence and Empower Native Women Act”; and

(4) in paragraph (5), by striking “this section \$1,000,000 for each of fiscal years 2007 and 2008” and inserting “this subsection \$1,000,000 for each of fiscal years 2012 and 2013”.

SEC. 105. DEFINITIONS.

Section 4002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)) is amended—

(1) by redesignating paragraphs (18) through (22) and (23) through (37) as paragraphs (19) through (23) and (25) through (39), respectively;

(2) by inserting after paragraph (17) the following:

“(18) NATIVE VILLAGE.—The term ‘Native village’ has the meaning given that term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).”;

(3) in paragraph (22) (as redesignated by paragraph (1))—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(C) an area or community under the jurisdiction of a federally recognized Indian tribe.”;

(4) by inserting after paragraph (23) (as redesignated by paragraph (1)) the following:

“(24) SEX TRAFFICKING.—The term ‘sex trafficking’ means any conduct proscribed by

section 1591 of title 18, United States Code, regardless of whether the conduct occurs in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.”; and

(5) by striking paragraph (31) (as redesignated by paragraph (1)) and inserting the following:

“(31) TRIBAL COALITION.—The term ‘tribal coalition’ means an established nonprofit, nongovernmental Indian organization established to provide services on a statewide, regional, or customary territory basis that—

“(A) provides education, support, and technical assistance to Indian service providers in a manner that enables the providers to establish and maintain culturally appropriate services, including shelter and rape crisis services, designed to assist Indian women and the dependents of those women who are victims of domestic violence, dating violence, sexual assault, and stalking;

“(B) is comprised of board and general members that are representative of—

“(i) the service providers described in subparagraph (A); and

“(ii) the tribal communities in which the services are being provided;

“(C) serves as an information clearinghouse and resource center for Indian programs addressing domestic violence and sexual assault;

“(D) supports the development of legislation, policies, protocols, procedures, and guidance to enhance domestic violence and sexual assault intervention and prevention efforts in Indian tribes and communities to be served; and

“(E) has expertise in the development of Indian community-based, linguistically, and culturally specific outreach and intervention services for the Indian communities to be served.”.

TITLE II—TRIBAL JURISDICTION AND CRIMINAL OFFENSES

SEC. 201. TRIBAL JURISDICTION OVER CRIMES OF DOMESTIC VIOLENCE.

Title II of Public Law 90-284 (25 U.S.C. 1301 et seq.) (commonly known as the “Indian Civil Rights Act of 1968”) is amended by adding at the end the following:

“SEC. 204. TRIBAL JURISDICTION OVER CRIMES OF DOMESTIC VIOLENCE.

“(a) DEFINITIONS.—In this section:

“(1) DATING VIOLENCE.—The term ‘dating violence’ means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

“(2) DOMESTIC VIOLENCE.—The term ‘domestic violence’ means violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, or by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the Indian tribe that has jurisdiction over the Indian country where the violence occurs.

“(3) INDIAN COUNTRY.—The term ‘Indian country’ has the meaning given the term in section 1151 of title 18, United States Code.

“(4) PARTICIPATING TRIBE.—The term ‘participating tribe’ means an Indian tribe that elects to exercise special domestic violence criminal jurisdiction over the Indian country of that Indian tribe.

“(5) PROTECTION ORDER.—The term ‘protection order’ means any injunction, restraining order, or other order issued by a civil or

criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court, whether obtained by filing an independent action or as a pendente lite order in another proceeding, so long as the civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

“(6) SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION.—The term ‘special domestic violence criminal jurisdiction’ means the criminal jurisdiction that a participating tribe may exercise under this section but could not otherwise exercise.

“(7) SPOUSE OR INTIMATE PARTNER.—The term ‘spouse or intimate partner’ has the meaning given the term in section 2266 of title 18, United States Code.

“(b) NATURE OF THE CRIMINAL JURISDICTION.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, in addition to all powers of self-government recognized and affirmed by this Act, the powers of self-government of a participating tribe include the inherent power of that tribe, which is hereby recognized and affirmed, to exercise special domestic violence criminal jurisdiction over all persons.

“(2) CONCURRENT JURISDICTION.—A participating tribe shall exercise special domestic violence criminal jurisdiction concurrently, not exclusively.

“(3) APPLICABILITY.—Nothing in this section—

“(A) creates or eliminates any Federal or State criminal jurisdiction over Indian country; or

“(B) affects the authority of the United States, or any State government that has been delegated authority by the United States, to investigate and prosecute a criminal violation in Indian country.

“(c) CRIMINAL CONDUCT.—A participating tribe may exercise special domestic violence criminal jurisdiction over a defendant for criminal conduct that falls into or more of the following categories:

“(1) DOMESTIC VIOLENCE AND DATING VIOLENCE.—An act of domestic violence or dating violence that occurs in the Indian country of the participating tribe.

“(2) VIOLATIONS OF PROTECTION ORDERS.—An act that—

“(A) occurs in the Indian country of the participating tribe; and

“(B) violates the portion of a protection order that—

“(i) prohibits or provides protection against violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person; and

“(ii)(I) was issued against the defendant;

“(II) is enforceable by the participating tribe; and

“(III) is consistent with section 2265(b) of title 18, United States Code.

“(d) DISMISSAL OF CERTAIN CASES.—

“(1) DEFINITION OF VICTIM.—In this subsection and with respect to a criminal proceeding in which a participating tribe exercises special domestic violence criminal jurisdiction based on a criminal violation of a protection order, the term ‘victim’ means a person specifically protected by a protection order that the defendant allegedly violated.

“(2) NON-INDIAN VICTIMS AND DEFENDANTS.—In a criminal proceeding in which a participating tribe exercises special domestic vio-

lence criminal jurisdiction, the case shall be dismissed if—

“(A) the defendant files a pretrial motion to dismiss on the grounds that the alleged offense did not involve an Indian; and

“(B) the participating tribe fails to prove that the defendant or an alleged victim is an Indian.

“(3) TIES TO INDIAN TRIBE.—In a criminal proceeding in which a participating tribe exercises special domestic violence criminal jurisdiction, the case shall be dismissed if—

“(A) the defendant files a pretrial motion to dismiss on the grounds that the defendant and the alleged victim lack sufficient ties to the Indian tribe; and

“(B) the prosecuting tribe fails to prove that the defendant or an alleged victim—

“(i) resides in the Indian country of the participating tribe;

“(ii) is employed in the Indian country of the participating tribe; or

“(iii) is a spouse or intimate partner of a member of the participating tribe.

“(4) WAIVER.—A knowing and voluntary failure of a defendant to file a pretrial motion described in paragraph (2) or (3) shall be considered a waiver of the right to seek a dismissal under this subsection.

“(e) RIGHTS OF DEFENDANTS.—In a criminal proceeding in which a participating tribe exercises special domestic violence criminal jurisdiction, the participating tribe shall provide to the defendant—

“(1) all applicable rights under this Act;

“(2) if a term of imprisonment of any length is imposed, all rights described in section 202(c); and

“(3) all other rights whose protection is necessary under the Constitution of the United States in order for Congress to recognize and affirm the inherent power of the participating tribe to exercise criminal jurisdiction over the defendant.

“(f) PETITIONS TO STAY DETENTION.—

“(1) IN GENERAL.—A person who has filed a petition for a writ of habeas corpus in a court of the United States under section 203 may petition that court to stay further detention of that person by the participating tribe.

“(2) GRANT OF STAY.—A court shall grant a stay described in paragraph (1) if the court—

“(A) finds that there is a substantial likelihood that the habeas corpus petition will be granted; and

“(B) after giving each alleged victim in the matter an opportunity to be heard, finds, by clear and convincing evidence that, under conditions imposed by the court, the petitioner is not likely to flee or pose a danger to any person or the community if released.

“(g) GRANTS TO TRIBAL GOVERNMENTS.—The Attorney General may award grants to the governments of Indian tribes (or to authorized designees of those governments)—

“(1) to strengthen tribal criminal justice systems to assist Indian tribes in exercising special domestic violence criminal jurisdiction, including—

“(A) law enforcement (including the capacity to enter information into and obtain information from national crime information databases);

“(B) prosecution;

“(C) trial and appellate courts;

“(D) probation systems;

“(E) detention and correctional facilities;

“(F) alternative rehabilitation centers;

“(G) culturally appropriate services and assistance for victims and their families; and

“(H) criminal codes and rules of criminal procedure, appellate procedure, and evidence;

“(2) to provide indigent criminal defendants with the effective assistance of licensed defense counsel, at no cost to the defendant, in criminal proceedings in which a participating tribe prosecutes a crime of domestic violence or dating violence or a criminal violation of a protection order;

“(3) to ensure that, in criminal proceedings in which a participating tribe exercises special domestic violence criminal jurisdiction, jurors are summoned, selected, and instructed in a manner consistent with all applicable requirements; and

“(4) to accord victims of domestic violence, dating violence, and violations of protection orders rights that are similar to the rights of a crime victim described in section 3771(a) of title 18, United States Code, consistent with tribal law and custom.

“(h) SUPPLEMENT, NOT SUPPLANT.—Amounts made available under this section shall supplement and not supplant any other Federal, State, tribal, or local government amounts made available to carry out activities described in this section.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (g) and to provide training, technical assistance, data collection, and evaluation of the criminal justice systems of participating tribes such sums as are necessary.”

SEC. 202. TRIBAL PROTECTION ORDERS.

Section 2265 of title 18, United States Code, is amended by striking subsection (e) and inserting the following:

“(e) TRIBAL COURT JURISDICTION.—For purposes of this section, a court of an Indian tribe shall have full civil jurisdiction to issue and enforce protection orders involving any person, including the authority to enforce any orders through civil contempt proceedings, the exclusion of violators from Indian land, and other appropriate mechanisms, in matters arising anywhere in the Indian country of the Indian tribe (as defined in section 1151) or otherwise within the authority of the Indian tribe.”

SEC. 203. AMENDMENTS TO THE FEDERAL ASSAULT STATUTE.

(a) ASSAULTS BY STRIKING, BEATING, OR WOUNDING.—Section 113(a)(4) of title 18, United States Code, is amended by striking “six months” and inserting “1 year”.

(b) ASSAULTS RESULTING IN SUBSTANTIAL BODILY INJURY.—Section 113(a)(7) of title 18, United States Code, is amended by striking “substantial bodily injury to an individual who has not attained the age of 16 years” and inserting “substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years”.

(c) ASSAULTS BY STRANGLING OR SUFFOCATING.—Section 113(a) of title 18, United States Code, is amended by adding at the end the following:

“(8) Assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate, by a fine under this title, imprisonment for not more than 10 years, or both.”

(d) DEFINITIONS.—Section 113(b) of title 18, United States Code, is amended—

(1) by striking “(b) As used in this subsection—” and inserting the following:

“(b) DEFINITIONS.—In this section—”;

(2) in paragraph (1)(B), by striking “and” at the end;

(3) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(3) the terms ‘dating partner’ and ‘spouse or intimate partner’ have the meanings given those terms in section 2266;

“(4) the term ‘strangling’ means intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of a person by applying pressure to the throat or neck, regardless of whether that conduct results in any visible injury or whether there is any intent to kill or protractedly injure the victim; and

“(5) the term ‘suffocating’ means intentionally, knowingly, or recklessly impeding the normal breathing of a person by covering the mouth of the person, the nose of the person, or both, regardless of whether that conduct results in any visible injury or whether there is any intent to kill or protractedly injure the victim.”.

(e) **INDIAN MAJOR CRIMES.**—Section 1153(a) of title 18, United States Code, is amended by striking “assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury (as defined in section 1365 of this title)” and inserting “a felony assault under section 113”.

SEC. 204. EFFECTIVE DATES; PILOT PROJECT.

(a) **GENERAL EFFECTIVE DATE.**—Except as provided in subsection (b), the amendments made by this title shall take effect on the date of enactment of this Act.

(b) **EFFECTIVE DATE FOR SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), subsections (b) through (e) of section 204 of Public Law 90-284 (as added by section 201) shall take effect on the date that is 2 years after the date of enactment of this Act.

(2) **PILOT PROJECT.**—

(A) **IN GENERAL.**—At any time during the 2-year period beginning on the date of enactment of this Act, an Indian tribe may ask the Attorney General to designate the tribe as a participating tribe under section 204(a) of Public Law 90-284 on an accelerated basis.

(B) **PROCEDURE.**—The Attorney General (or a designee of the Attorney General) may grant a request under subparagraph (A) after coordinating with the Secretary of the Interior (or a designee of the Secretary), consulting with affected Indian tribes, and concluding that the criminal justice system of the requesting tribe has adequate safeguards in place to protect defendants’ rights, consistent with section 204 of Public Law 90-284.

(C) **EFFECTIVE DATES FOR PILOT PROJECTS.**—An Indian tribe designated as a participating tribe under this paragraph may commence exercising special domestic violence criminal jurisdiction pursuant to subsections (b) through (e) of section 204 of Public Law 90-284 on a date established by the Attorney General, after consultation with that Indian tribe, but in no event later than the date that is 2 years after the date of enactment of this Act.

SEC. 205. OTHER AMENDMENTS.

(a) **ASSAULTS.**—Section 113(a) of title 18, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) Assault with intent to commit murder or a felony under chapter 109A, by a fine under this title, imprisonment for not more than 20 years, or both.”;

(2) in paragraph (3) by striking “and without just cause or excuse,”; and

(3) in paragraph (7), by striking “fine” and inserting “a fine”.

(b) **REPEAT OFFENDERS.**—Section 2265A(b)(1)(B) of title 18, United States Code, is amended by inserting “or tribal” after “State”.

TITLE III—INDIAN LAW AND ORDER COMMISSION

SEC. 301. INDIAN LAW AND ORDER COMMISSION.

Section 15(f) of the Indian Law Enforcement Reform Act (25 U.S.C. 2812(f)) is amended by striking “2 years” and inserting “3 years”.

By Mrs. HAGAN:

S. 1765. A bill to amend the Public Health Service Act to provide grants to strengthen the healthcare system’s response to domestic violence, dating violence, sexual assault, and stalking; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HAGAN. Mr. President, today I am proud to introduce the Violence Against Women Health Initiative. October is Domestic Violence Awareness month, and this bill will raise awareness of domestic violence among health care providers and allow them to better assess and treat survivors of domestic violence.

The rates of violence and abuse in this country are astounding. Nearly one in four women in the U.S. has reported experiencing domestic violence at some point in her life. In 2007, there were 248,300 reported incidents of sexual assault in the U.S. Young women experience the highest rates of sexual assault and stalking. Sadly, 15.5 million children in the U.S. live in families in which partner violence has occurred in the past year, and 7 million children live in families in which severe partner violence has occurred.

Domestic violence has a significant impact on our country’s health. According to the Centers for Disease Control and Prevention, CDC, intimate partner violence costs the health care system over \$8.3 billion annually.

In addition to injuries sustained during violent episodes, survivors suffer lifelong health complications. Research published in the journal of Women’s Health in 2007 found that women who are victimized by violence have 17 percent more primary care doctor visits, 14 percent more specialist visits, and 27 percent more prescription refills than non-abused women.

Physical and psychological abuse are linked to a number of adverse physical health effects. A study released in 2010 that compared victims with never-abused women found abuse victims had an approximately six-fold increase in clinically-identified substance abuse, a more than three-fold increase in depression diagnoses, a three-fold increase in sexually transmitted diseases, and a two-fold increase in lacerations.

But it is not just the spouse who suffers these lifelong consequences. It is their children, too. Children who witness domestic violence are more likely to exhibit behavioral and physical health problems, including depression, anxiety, and violence towards peers. They are also more likely to attempt suicide, abuse drugs and alcohol, run away from home, engage in teenage

prostitution, and commit sexual assault crimes. Fifty percent of men who frequently assault their wives also frequently assault their children, and the U.S. Advisory Board on Child Abuse and Neglect suggests that domestic violence may be the single major precursor to child abuse and neglect fatalities in this country.

Without question, we must tackle the underlying causes of domestic violence and abuse in this country. At the same time, we must strengthen our health care response to this abuse.

Despite the commitment of health care providers to help domestic violence victims, a critical gap remains in the delivery of health care to victims. Health care providers often only address immediate injuries, without tackling the underlying cause of those injuries. For example, each year, about 324,000 pregnant women in this country are battered by their intimate partners. However, few physicians screen pregnant patients for abuse. This highlights the need to ensure that health care providers have the necessary training and support in order to assess, refer, and support victims of domestic and sexual violence.

Victims know and trust their health care providers. Almost 3/4 of survivors say that they would like their health care providers to ask them about violence and abuse.

Multiple clinical studies have shown that short interventions in the medical environment protect the health and safety of women. These interventions are short between 2 and 10 minutes, and effective. In repeated clinical trials, violence decreased and health status improved following simple assessment and referral protocols. Integrating these effective protocols into our health care system will save lives.

This is why routine assessments for intimate partner violence have been recommended for health care settings by the American Medical Association, American Psychological Association, American Nurses Association, American College of Obstetricians and Gynecologists, American Academy of Pediatrics, and the Joint Commission on the Accreditation of Health Care Organizations.

Since its passage in 1994, the Violence Against Women Act, VAWA, has transformed our criminal justice system and social service system, helping to prevent and respond to domestic violence. The last reauthorization of VAWA, set to expire this year, included a new title authorizing three programs that support the health system’s efforts to help victims, preventing further abuse and improving the health status of women. The bill I am introducing today will continue those important efforts.

This bill would consolidate the three existing health programs into one program, while increasing evaluation and

accountability. Specifically, this bill would foster public health responses to intimate partner violence and sexual violence; provide training and education of health professionals to respond to violence and abuse; and support research on effective public health approaches to end violence against women.

I urge my colleagues to join us in supporting this important bill.

By Mr. BEGICH (for himself, Mr. CASEY, Mr. GRAHAM, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. LEAHY, Ms. MURKOWSKI, Mr. PRYOR, Ms. SNOWE, and Mr. TESTER):

S. 1768. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents; to the Committee on Armed Services.

Mr. BEGICH. Mr. President, today I am pleased to introduce an amended version of S. 542, the National Guard, Reserve, "Gray Area" Retiree, and Surviving Spouse Space-available Travel Equity Act.

The original legislation, S. 542, has been modified slightly. The modification will ensure the Department of Defense retains the authority to issue regulations to implement the bill.

The underlying intent of the legislation has not changed. The bill will provide reserve component members and retired reserve component members the ability to travel overseas and travel with their dependents when there is space-available on a military aircraft. Additionally, the bill will ensure surviving spouses of retired members or members killed in the line of duty to retain space-available travel privileges after the death of their loved one.

Members and retirees of the National Guard and Reserve, their families, and surviving military spouses make great sacrifices for our Nation. However, too often these individuals do not receive the benefits they have earned for their service.

I urge my colleagues to join me in giving parity to our reserve component members, reserve component retirees and surviving military spouses. The no-cost legislation is endorsed by the National Guard Association of the United States.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Guard, Reserve, 'Gray Area' Retiree, and Surviving Spouses Space-available Travel Equity Act of 2011".

SEC. 2. ELIGIBILITY OF RESERVE MEMBERS, GRAY-AREA RETIREES, WIDOWS AND WIDOWERS OF RETIRED MEMBERS, AND DEPENDENTS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) ELIGIBILITY.—

(1) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641b the following new section:

"§ 2641c. Space-available travel on Department of Defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members; and dependents

"(a) RESERVE MEMBERS.—A member of a reserve component holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis.

"(b) RESERVE RETIREES UNDER APPLICABLE ELIGIBILITY AGE.—A member or former member of a reserve component who, but for being under the eligibility age applicable to the member under section 12731 of this title, otherwise would be eligible for retired pay under chapter 1223 of this title shall be provided transportation on Department of Defense aircraft, on a space-available basis.

"(c) WIDOWS AND WIDOWERS OF RETIRED MEMBERS.—

"(1) IN GENERAL.—An unmarried widow or widower of a member of the armed forces described in paragraph (2) shall be provided transportation on Department of Defense aircraft, on a space-available basis.

"(2) MEMBERS COVERED.—A member of the armed forces referred to in paragraph (1) is a member who—

"(A) is entitled to retired pay;

"(B) is described in subsection (b);

"(C) dies in the line of duty while on active duty and is not eligible for retired pay; or

"(D) in the case of a member of a reserve component, dies as a result of a line of duty condition and is not eligible for retired pay.

"(d) DEPENDENTS.—A dependent of a member or former member described in subsection (a) or (b) or of an unmarried widow or widower described in subsection (c) holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis, if the dependent is accompanying the member.

"(e) SCOPE.—Space-available travel required by this section includes travel to and from locations within and outside the continental United States.

"(f) DEFINITION OF DEPENDENT.—In this section, the term 'dependent' has the meaning given that term in section 1072 of this title."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641b the following new item:

"2641c. Space-available travel on Department of Defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members; and dependents."

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement section 2641c of title 10, United States Code, as added by subsection (a).

AMENDMENTS SUBMITTED AND PROPOSED

SA 919. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 872, to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes; which was ordered to lie on the table.

SA 920. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 919. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 872, to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DELAY OF PERMIT IMPLEMENTATION.

During the 2-year period beginning on the date of enactment of this Act, the Administrator of the Environmental Protection Agency, or a State in the case of a permit program under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), shall not require a permit for the discharge of a pesticide, including pesticide residue, that is lawfully registered for sale, distribution, or use.

SA 920. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table as follows:

At the end, add the following:

DIVISION D—INTERNATIONAL RELIGIOUS FREEDOM

SEC. 4001. SHORT TITLE.

This division may be cited as the "United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011".

SEC. 4002. ESTABLISHMENT AND COMPOSITION.

(a) MEMBERSHIP.—Section 201(b)(1)(B) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(b)(1)(B)) is amended—

(1) in the matter preceding clause (i), by striking "Nine" and inserting "five";

(2) in clause (i), by striking "Three members" and inserting "One member";

(3) in clause (ii)—

(A) by striking "Three members" and inserting "Two members";

(B) by striking "two of the members" and inserting "one member"; and

(C) by striking "one of the members" and inserting "the other member"; and

(4) in clause (iii)—
(A) by striking “Three members” and inserting “Two members”;

(B) by striking “two of the members” and inserting “one member”;

(C) by striking “one of the members” and inserting “the other member”.

(b) **TERMS.**—Section 201(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(c)) is amended—

(1) in paragraph (1), by striking the last sentence and inserting the following: “An individual is not eligible to serve more than two consecutive terms as a member of the Commission. Each member serving on the Commission on the date of enactment of the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011 may be reappointed to not more than one additional consecutive term.”;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “May 15, 2003, through May 14, 2005” and inserting “May 15, 2012, through May 14, 2014”;

(B) in subparagraph (B) to read as follows: “(B) **PRESIDENTIAL APPOINTMENTS.**—The member of the Commission appointed by the President under subsection (b)(1)(B)(i) shall be appointed to a 1-year term.”;

(C) in subparagraph (C)—

(i) by striking “three members” and inserting “two members”;

(ii) by striking “the other two appointments” and inserting “the other appointment”;

(iii) by striking “2-year terms” and inserting “to a 2-year term”;

(D) in subparagraph (D)—

(i) by striking “three members” and inserting “two members”;

(ii) by striking “the other two appointments” and inserting “the other appointment”;

(iii) by striking “2-year terms” and inserting “to a 2-year term”;

(E) in subparagraph (E), by striking “May 15, 2003, and shall end on May 14, 2004” and inserting “May 15, 2012, and shall end on May 14, 2013”;

(3) by adding at the end the following new paragraph:

“(3) **INELIGIBILITY FOR REAPPOINTMENT.**—If a member of the Commission attends, by being physically present or by conference call, less than 75 percent of the meetings of the Commission during one of that member’s terms on the Commission, the member shall not be eligible for reappointment to the Commission.”.

(c) **ELECTION OF CHAIR.**—Section 201(d) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(d)) is amended by inserting at the end the following: “No member of the Commission is eligible to be elected as Chair of the Commission for a second, consecutive term.”.

(d) **QUORUM.**—Section 201(e) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(e)) is amended by striking “Six” and inserting “Four”.

(e) **APPLICABILITY.**—A member of the United States Commission on International Religious Freedom who is serving on the Commission on the date of enactment of this Act shall continue to serve on the Commission until the expiration of the current term of the member under the terms and conditions for membership on the Commission as in effect on the day before the date of the enactment of this Act.

SEC. 4003. APPLICATION OF ANTIDISCRIMINATION LAWS.

Section 204 of the International Religious Freedom Act of 1998 (22 U.S.C. 6432b) is

amended by inserting after subsection (f) the following new subsection:

“(g) **APPLICATION OF ANTIDISCRIMINATION LAWS.**—For purposes of providing remedies and procedures to address alleged violations of rights and protections that pertain to employment discrimination, family and medical leave, fair labor standards, employee polygraph protection, worker adjustment and retraining, veterans’ employment and reemployment, intimidation or reprisal, protections under the Americans with Disabilities Act of 1990, occupational safety and health, labor-management relations, and rights and protections that apply to employees whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, all employees of the Commission shall be treated as employees whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives and the Commission shall be treated as an employing office of the Senate or the House of Representatives.”.

SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.

Section 207(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6435(a)) is amended by striking “for the fiscal year 2003” and inserting “for each of the fiscal years 2012 and 2013”.

SEC. 4005. STANDARDS OF CONDUCT AND DISCLOSURE.

Section 208 of the International Religious Freedom Act of 1998 (22 U.S.C. 6435a) is amended—

(1) in subsection (c)(1), by striking “\$100,000” and inserting “\$250,000”;

(2) in subsection (e), by striking “International Relations” and inserting “Foreign Affairs”.

SEC. 4006. TERMINATION.

Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) is amended by striking “September 30, 2011” and inserting “September 30, 2013”.

SEC. 4007. REPORT ON EFFECTIVENESS OF PROGRAMS TO PROMOTE RELIGIOUS FREEDOM.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the implementation of this division and the amendments made by this division.

(b) **CONSULTATION.**—The Comptroller General shall consult with the appropriate congressional committees and nongovernmental organizations for purposes of preparing the report.

(c) **MATTERS TO BE INCLUDED.**—The report shall include the following:

(1) A review of the effectiveness of all United States Government programs to promote international religious freedom, including their goals and objectives.

(2) An assessment of the roles and functions of the Office on International Religious Freedom established in section 101(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6411(a)) and the relationship of the Office to other offices in the Department of State.

(3) A review of the role of the Ambassador at Large for International Religious Freedom appointed under section 101(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6411(b)) and the placement of such position within the Department of State.

(4) A review and assessment of the goals and objectives of the United States Commission on International Religious Freedom established under section 201(a) of the Inter-

national Religious Freedom Act of 1998 (22 U.S.C. 6431(a)).

(5) A comparative analysis of the structure of the United States Commission on International Religious Freedom as an independent non-partisan entity in relation to other United States advisory commissions, whether or not such commissions are under the direct authority of Congress.

(6) A review of the relationship between the Ambassador at Large for International Religious Freedom and the United States Commission on International Religious Freedom, and possible reforms that would improve the ability of both to reach their goals and objectives.

(d) **DEFINITION.**—In this section, the term “appropriate congressional committees” has the meaning given the term in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, November 8, 2011, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider market developments for U.S. natural gas, including the approval process and potential for liquefied natural gas exports.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Allison Seyferth@energy.senate.gov

For further information, please contact Deborah Estes at (202) 224-5360 or Tara Billingsley at (202) 224-4756 or Allison Seyferth at (202) 224-4905.

PRIVILEGES OF THE FLOOR

Mt. REID. Mr. President, I ask unanimous consent that Richard Culatta, a fellow in Senator MURRAY’s office, be granted floor privileges for the duration of today’s session of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 103, 416, and 420; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid

upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

Eric L. Hirschhorn, of Maryland, to be Under Secretary of Commerce for Export Administration.

DEPARTMENT OF THE TREASURY

Cyrus Amir-Mokri, of New York, to be an Assistant Secretary of the Treasury.

UNITED STATES INTERNATIONAL TRADE COMMISSION

David S. Johanson, of Texas, to be a Member of the United States International Trade Commission for a term expiring December 16, 2018.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

APPEAL TIME CLARIFICATION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 196, S. 1637.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1637) to clarify appeal time limits in civil actions to which United States officers or employees are parties.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1637) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows: S. 1637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Appeal Time Clarification Act of 2011".

SEC. 2. FINDINGS.

Congress finds that—

(1) section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure provide that the time to appeal for most civil actions is 30 days, but that the appeal time for all parties is 60 days when the parties in the civil action include the United States, a United States officer, or a United States agency;

(2) the 60-day period should apply if one of the parties is—

(A) the United States;

(B) a United States agency;

(C) a United States officer or employee sued in an official capacity; or

(D) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on behalf of the United States;

(3) section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure (as amended to take effect on December 1, 2011, in accordance with section 2074 of that title) should uniformly apply the 60-day period to those civil actions relating to a Federal officer or employee sued in an individual capacity for an act or omission occurring in connection with Federal duties;

(4) the civil actions to which the 60-day periods should apply include all civil actions in which a legal officer of the United States represents the relevant officer or employee when the judgment or order is entered or in which the United States files the appeal for that officer or employee; and

(5) the application of the 60-day period in section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure—

(A) is not limited to civil actions in which representation of the United States is provided by the Department of Justice; and

(B) includes all civil actions in which the representation of the United States is provided by a Federal legal officer acting in an official capacity, such as civil actions in which a Member, officer, or employee of the Senate or the House of Representatives is represented by the Office of Senate Legal Counsel or the Office of General Counsel of the House of Representatives.

SEC. 3. TIME FOR APPEALS TO COURT OF APPEALS.

Section 2107 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) In any such action, suit, or proceeding, the time as to all parties shall be 60 days from such entry if one of the parties is—

"(1) the United States;

"(2) a United States agency;

"(3) a United States officer or employee sued in an official capacity; or

"(4) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on behalf of the United States, including all instances in which the United States represents that officer or employee when the judgment, order, or decree is entered or files the appeal for that officer or employee."

SEC. 4. EFFECTIVE DATE.

The amendment made by this Act shall take effect on December 1, 2011.

REMOVAL CLARIFICATION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 197, H.R. 368.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 368) to amend title 28, United States Code, to clarify and improve certain

provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 368) was ordered to a third reading, was read the third time, and passed.

FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to Calendar No. 200, H.R. 394.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 394) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

H.R. 394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Federal Courts Jurisdiction and Venue Clarification Act of 2011".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—JURISDICTIONAL IMPROVEMENTS

Sec. 101. Treatment of resident aliens.

Sec. 102. Citizenship of corporations and insurance companies with foreign contacts.

Sec. 103. Removal and remand procedures.

Sec. 104. Effective date.

TITLE II—VENUE AND TRANSFER IMPROVEMENTS

Sec. 201. Scope and definitions.

Sec. 202. Venue generally.

Sec. 203. Repeal of section 1392.

Sec. 204. Change of venue.

Sec. 205. Effective date.

TITLE I—JURISDICTIONAL IMPROVEMENTS

SEC. 101. TREATMENT OF RESIDENT ALIENS.

Section 1332(a) of title 28, United States Code, is amended—

(1) by striking the last sentence; and

(2) in paragraph (2), by inserting after "foreign state" the following: ", except that the district courts shall not have original jurisdiction under this subsection of an action between citizens of a State and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the

United States and are domiciled in the same State”.

SEC. 102. CITIZENSHIP OF CORPORATIONS AND INSURANCE COMPANIES WITH FOREIGN CONTACTS.

Section 1332(c)(1) of title 28, United States Code, is amended—

(1) by striking “any State” and inserting “every State and foreign state”;

(2) by striking “the State” and inserting “the State or foreign state”; and

(3) by striking all that follows “party-defendant,” and inserting “such insurer shall be deemed a citizen of—

“(A) every State and foreign state of which the insured is a citizen;

“(B) every State and foreign state by which the insurer has been incorporated; and

“(C) the State or foreign state where the insurer has its principal place of business; and”.

SEC. 103. REMOVAL AND REMAND PROCEDURES.

(a) **ACTIONS REMOVABLE GENERALLY.**—Section 1441 of title 28, United States Code, is amended as follows:

(1) The section heading is amended by striking “**Actions removable generally**” and inserting “**Removal of civil actions**”.

(2) Subsection (a) is amended—

(A) by striking “(a) Except” and inserting “(a) **GENERALLY.—Except**”; and

(B) by striking the last sentence;

(3) Subsection (b) is amended to read as follows:

“(b) **REMOVAL BASED ON DIVERSITY OF CITIZENSHIP.**—(1) In determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded.

“(2) A civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.”.

(4) Subsection (c) is amended to read as follows:

“(c) **JOINDER OF FEDERAL LAW CLAIMS AND STATE LAW CLAIMS.**—(1) If a civil action includes—

“(A) a claim arising under the Constitution, laws, or treaties of the United States (within the meaning of section 1331 of this title), and

“(B) a claim not within the original or supplemental jurisdiction of the district court or a claim that has been made nonremovable by statute, the entire action may be removed if the action would be removable without the inclusion of the claim described in subparagraph (B).

“(2) Upon removal of an action described in paragraph (1), the district court shall sever from the action all claims described in paragraph (1)(B) and shall remand the severed claims to the State court from which the action was removed. Only defendants against whom a claim described in paragraph (1)(A) has been asserted are required to join in or consent to the removal under paragraph (1).”.

(5) Subsection (d) is amended by striking “(d) Any” and inserting “(d) **ACTIONS AGAINST FOREIGN STATES.—Any**”.

(6) Subsection (e) is amended by striking “(e)(1) Notwithstanding” and inserting “(e) **MULTIPARTY, MULTIFORUM JURISDICTION.—(1) Notwithstanding**”.

(7) Subsection (f) is amended by striking “(f) The court” and inserting “(f) **DERIVATIVE REMOVAL JURISDICTION.—The court**”.

(b) **PROCEDURE FOR REMOVAL OF CIVIL ACTIONS.**—Section 1446 of title 28, United States Code, is amended as follows:

(1) The section heading is amended to read as follows:

“**§ 1446. Procedure for removal of civil actions**”.

(2) Subsection (a) is amended—

(A) by striking “(a) A defendant” and inserting “(a) **GENERALLY.—A defendant**”; and

(B) by striking “or criminal prosecution”.

(3) Subsection (b) is amended—

(A) by striking “(b) The notice” and inserting “(b) **REQUIREMENTS; GENERALLY.—(1) The notice**”; and

(B) by striking the second paragraph and inserting the following:

“(2)(A) When a civil action is removed solely under section 1441(a), all defendants who have been properly joined and served must join in or consent to the removal of the action.

“(B) Each defendant shall have 30 days after receipt by or service on that defendant of the initial pleading or summons described in paragraph (1) to file the notice of removal.

“(C) If defendants are served at different times, and a later-served defendant files a notice of removal, any earlier-served defendant may consent to the removal even though that earlier-served defendant did not previously initiate or consent to removal.

“(3) Except as provided in subsection (c), if the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.”;

(C) by striking subsection (c) and inserting the following:

“(c) **REQUIREMENTS; REMOVAL BASED ON DIVERSITY OF CITIZENSHIP.**—(1) A case may not be removed under subsection (b)(3) on the basis of jurisdiction conferred by section 1332 more than 1 year after commencement of the action, unless the district court finds that the plaintiff has acted in bad faith in order to prevent a defendant from removing the action.

“(2) If removal of a civil action is sought on the basis of the jurisdiction conferred by section 1332(a), the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy, except that—

“(A) the notice of removal may assert the amount in controversy if the initial pleading seeks—

“(i) nonmonetary relief; or

“(ii) a money judgment, but the State practice either does not permit demand for a specific sum or permits recovery of damages in excess of the amount demanded; and

“(B) removal of the action is proper on the basis of an amount in controversy asserted under subparagraph (A) if the district court finds, by the preponderance of the evidence, that the amount in controversy exceeds the amount specified in section 1332(a).

“(3)(A) If the case stated by the initial pleading is not removable solely because the amount in controversy does not exceed the amount specified in section 1332(a), information relating to the amount in controversy in the record of the State proceeding, or in responses to discovery, shall be treated as an ‘other paper’ under subsection (b)(3).

“(B) If the notice of removal is filed more than 1 year after commencement of the action and the district court finds that the plaintiff deliberately failed to disclose the

actual amount in controversy to prevent removal, that finding shall be deemed bad faith under paragraph (1).”.

(4) Section 1446 is further amended—

(A) in subsection (d), by striking “(d) Promptly” and inserting “(d) **NOTICE TO ADVERSE PARTIES AND STATE COURT.—Promptly**”;

(B) by striking “thirty days” each place it appears and inserting “30 days”;

(C) by striking subsection (e); and

(D) in subsection (f), by striking “(f) With respect” and inserting “(e) **COUNTERCLAIM IN 337 PROCEEDING.—With respect**”.

(c) **PROCEDURE FOR REMOVAL OF CRIMINAL ACTIONS.**—Chapter 89 of title 28, United States Code, is amended by adding at the end the following new section:

“**§ [1454]1455. Procedure for removal of criminal prosecutions**

“(a) **NOTICE OF REMOVAL.**—A defendant or defendants desiring to remove any criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such prosecution is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.

“(b) **REQUIREMENTS.**—(1) A notice of removal of a criminal prosecution shall be filed not later than 30 days after the arraignment in the State court, or at any time before trial, whichever is earlier, except that for good cause shown the United States district court may enter an order granting the defendant or defendants leave to file the notice at a later time.

“(2) A notice of removal of a criminal prosecution shall include all grounds for such removal. A failure to state grounds that exist at the time of the filing of the notice shall constitute a waiver of such grounds, and a second notice may be filed only on grounds not existing at the time of the original notice. For good cause shown, the United States district court may grant relief from the limitations of this paragraph.

“(3) The filing of a notice of removal of a criminal prosecution shall not prevent the State court in which such prosecution is pending from proceeding further, except that a judgment of conviction shall not be entered unless the prosecution is first remanded.

“(4) The United States district court in which such notice is filed shall examine the notice promptly. If it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted, the court shall make an order for summary remand.

“(5) If the United States district court does not order the summary remand of such prosecution, it shall order an evidentiary hearing to be held promptly and, after such hearing, shall make such disposition of the prosecution as justice shall require. If the United States district court determines that removal shall be permitted, it shall so notify the State court in which prosecution is pending, which shall proceed no further.

“(c) **WRIT OF HABEAS CORPUS.**—If the defendant or defendants are in actual custody on process issued by the State court, the district court shall issue its writ of habeas corpus, and the marshal shall thereupon take such defendant or defendants into the marshal’s custody and deliver a copy of the writ to the clerk of such State court.”.

(d) **CONFORMING AMENDMENTS.**—

(1) The table of sections for chapter 89 of title 28, United States Code, is amended—

(A) in the item relating to section 1441, by striking “Actions removable generally” and inserting “Removal of civil actions”;

(B) in the item relating to section 1446, by inserting “of civil actions” after “removal”; and

(C) by adding at the end the following new item:

“1454. Procedure for removal of criminal prosecutions.”

“1455. Procedure for removal of criminal prosecutions.”

(2) Section 1453(b) of title 28, United States Code, is amended by striking “1446(b)” and inserting “1446(c)(1)”.

SEC. 104. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by this title shall take effect upon the expiration of the 30-day period beginning on the date of the enactment of this Act, and shall apply to any action or prosecution commenced on or after such effective date.

(b) TREATMENT OF CASES REMOVED TO FEDERAL COURT.—For purposes of subsection (a), an action or prosecution commenced in State court and removed to Federal court shall be deemed to commence on the date the action or prosecution was commenced, within the meaning of State law, in State court.

TITLE II—VENUE AND TRANSFER IMPROVEMENTS

SEC. 201. SCOPE AND DEFINITIONS.

(a) IN GENERAL.—Chapter 87 of title 28, United States Code, is amended by inserting before section 1391 the following new section:

“§ 1390. Scope

“(a) VENUE DEFINED.—As used in this chapter, the term ‘venue’ refers to the geographic specification of the proper court or courts for the litigation of a civil action that is within the subject-matter jurisdiction of the district courts in general, and does not refer to any grant or restriction of subject-matter jurisdiction providing for a civil action to be adjudicated only by the district court for a particular district or districts.

“(b) EXCLUSION OF CERTAIN CASES.—Except as otherwise provided by law, this chapter shall not govern the venue of a civil action in which the district court exercises the jurisdiction conferred by section 1333, except that such civil actions may be transferred between district courts as provided in this chapter.

“(c) CLARIFICATION REGARDING CASES REMOVED FROM STATE COURTS.—This chapter shall not determine the district court to which a civil action pending in a State court may be removed, but shall govern the transfer of an action so removed as between districts and divisions of the United States district courts.”

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 87 of title 28, United States Code, is amended by inserting before the item relating to section 1391 the following new item:

“1390. Scope.”

SEC. 202. VENUE GENERALLY.

Section 1391 of title 28, United States Code, is amended as follows:

(1) By striking subsections (a) through (d) and inserting the following:

“(a) APPLICABILITY OF SECTION.—Except as otherwise provided by law—

“(1) this section shall govern the venue of all civil actions brought in district courts of the United States; and

“(2) the proper venue for a civil action shall be determined without regard to

whether the action is local or transitory in nature.

“(b) VENUE IN GENERAL.—A civil action may be brought in—

“(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

“(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

“(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.

“(c) RESIDENCY.—For all venue purposes—

“(1) a natural person, including an alien lawfully admitted for permanent residence in the United States, shall be deemed to reside in the judicial district in which that person is domiciled;

“(2) an entity with the capacity to sue and be sued in its common name under applicable law, whether or not incorporated, shall be deemed to reside, if a defendant, in any judicial district in which such defendant is subject to the court’s personal jurisdiction with respect to the civil action in question and, if a plaintiff, only in the judicial district in which it maintains its principal place of business; and

“(3) a defendant not resident in the United States may be sued in any judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants.

“(d) RESIDENCY OF CORPORATIONS IN STATES WITH MULTIPLE DISTRICTS.—For purposes of venue under this chapter, in a State which has more than one judicial district and in which a defendant that is a corporation is subject to personal jurisdiction at the time an action is commenced, such corporation shall be deemed to reside in any district in that State within which its contacts would be sufficient to subject it to personal jurisdiction if that district were a separate State, and, if there is no such district, the corporation shall be deemed to reside in the district within which it has the most significant contacts.”

(2) In subsection (e)—

(A) in the first paragraph—

(i) by striking “(1)”, “(2)”, and “(3)” and inserting “(A)”, “(B)”, and “(C)”, respectively; and

(ii) by striking “(e) A civil action” and inserting the following:

“(e) ACTIONS WHERE DEFENDANT IS OFFICER OR EMPLOYEE OF THE UNITED STATES.—

“(1) IN GENERAL.—A civil action”; and

(B) in the second undesignated paragraph by striking “The summons and complaint” and inserting the following:

“(2) SERVICE.—The summons and complaint”.

(3) In subsection (f), by striking “(f) A civil action” and inserting “(f) CIVIL ACTIONS AGAINST A FOREIGN STATE.—A civil action”.

(4) In subsection (g), by striking “(g) A civil action” and inserting “(g) MULTIPARTY, MULTIFORUM LITIGATION.—A civil action”.

SEC. 203. REPEAL OF SECTION 1392.

Section 1392 of title 28, United States Code, and the item relating to that section in the table of sections at the beginning of chapter 87 of such title, are repealed.

SEC. 204. CHANGE OF VENUE.

Section 1404 of title 28, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end the following: “or to any district or division to which all parties have consented”; and

(2) in subsection (d), by striking “As used in this section,” and inserting “Transfers from a district court of the United States to the District Court of Guam, the District Court for the Northern Mariana Islands, or the District Court of the Virgin Islands shall not be permitted under this section. As otherwise used in this section,”.

SEC. 205. EFFECTIVE DATE.

The amendments made by this title—

(1) shall take effect upon the expiration of the 30-day period beginning on the date of the enactment of this Act; and

(2) shall apply to—

(A) any action that is commenced in a United States district court on or after such effective date; and

(B) any action that is removed from a State court to a United States district court and that had been commenced, within the meaning of State law, on or after such effective date.

Mr. REID. Mr. President, I ask unanimous consent the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table with no intervening action or debate; and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 394) was read the third time and passed.

MEASURES READ THE FIRST TIME—H.R. 674, S. 1769

Mr. REID. Mr. President, I am told there are two bills at the desk due for their first reading.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain health care-related programs, and for other purposes.

A bill (S. 1769) to put workers back on the job while rebuilding and modernizing America.

Mr. REID. Mr. President, I ask for a second reading en bloc of those two measures, and then object to my own request.

The PRESIDING OFFICER. Objection is heard. The bills will be read a second time on the next legislative day.

ORDERS FOR TUESDAY, NOVEMBER 1, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate

completes its business today, it adjourns until 10 a.m. on Tuesday, November 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of H.R. 2112, the Agriculture, CJS, and Transportation appropriations bill, under the previous order; and that following disposition of H.R. 2112, the Senate be in a period of morning business until 4:30, with Senators permitted to speak for up to 10 minutes each; further, that the Senate recess from 12:30 to 2:15 for our weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be a series of up to seven rollcall votes beginning at 10:15 in the morning—maybe a little earlier. The votes will be in relation to amendments to H.R. 2112 and passage of the bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:18 p.m., adjourned until Tuesday, November 1, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C. SECTION 271:

To be lieutenant commander

ALONZO D. ALDAY
DAVID J. ALDOUS
JONATHAN A. ALEXANDER
CRAIG H. ALLEN
EARL F. ALLEN
WALNER W. ALVAREZ
BRAD J. ANDERSON
KARL M. ANFORTH
JASON K. APPLEBERRY
NEAL E. ARMSTRONG
RICHARD P. ARMSTRONG
MICHAEL P. ATTANASIO
MATTHEW S. BAKER
DONALD A. BALDWIN
GEOFFREY M. BARELA
ANTHEL E. BARNES
SCOTT P. BARTON
KEVIN M. BECK
MALCOLM D. BELT
JOHN M. BETTENCOURT
ADAM R. BIRST
KATHERINE D. BITEL
BRYAN R. BLACKMORE
JOY E. BLAIR
WILLIAM K. BLAIR
CHRISTOPHER W. BLOMSHIELD
JEFFREY S. BOGDANOVICH
PETER F. BOSMA
ROBERT M. BOTNEN
JASON A. BOYER
BRIAN W. BOYSTER
KENNETH T. BOYT
CONNIE L. BRAESCH
MATTHEW J. BRECKEL
DEVON S. BRENNAN

KEVIN A. BROYLES
JONATHAN W. BURBY
JOSHUA D. BURCH
MELANIE A. BURNHAM
ROBERT L. BYRD
JAMES A. CABASE
ERIC A. CAIN
MATTHEW A. CALVERT
ANDRES CAMARGO
GERALD A. CANAVAN
TAYLOR J. CARLISLE
JUSTIN M. CASSELL
XOCHITL L. CASTANEDA
HECTOR A. CASTRO
ERIC W. CHANG
DEMETRIUS T. CHEEKS
ERIN R. CHRISTENSEN
DARYL C. CLARY
JEFFREY R. CLOSE
DAVID M. COBURN
EMILE F. COCHET
ROBERT A. COLE
PAUL J. COLEMAN
TRAVIS S. COLLIER
BRIAN T. CONLEY
JAMES T. CORBETT
STACEY L. CRECY
ROBERT H. CREIGH
CARLOS M. CRESPO
MELBA J. CRISP
CHARLENE R. CRISS
CHRISTOPHER A. CULPEPPER
CHRISTOPHER J. DAVIS
BIEN J. DECENA
ANDREW D. DEGEORGE
AARON W. DELANOJOHNSON
KAREN DENNY
SHAWN B. DEWEESE
JOHN F. DEWEY
JASON D. DOLBECK
WILLIAM E. DONOHUE
ADAM H. DREWS
KEVIN M. DUGAN
WILLIAM R. DUNBAR
JASON R. DUNN
TRAVIS M. EMGE
JOSHUA M. EMPEN
THOMAS E. ENGLISH
BRENDAN M. EVANS
PETER M. EVONUK
JAY S. FAIR
KERRY A. FELTNER
KRISTYON N. FINCH
CHARLENE S. FORGUE
BRETT A. FREELS
ANGEL M. GALINANES
BRENDAN T. GAVIN
JASON M. GELFAND
WILLIAM J. GEORGE
JOSEPH S. GIAMMANCO
WILLIAM S. GIBSON
GLENN H. GOETCHIUS
BENJAMIN F. GOFF
DENNIS D. GOOD
DERRICK S. GREER
MICHAEL C. GRIS
CHRISTOPHER L. GROOMS
BENEDICT S. GULLO
JAY W. GUYER
JASON W. HAAG
DEREK C. HAM
TREVOR M. HARE
TEDDY D. HARRE
BRENDAN J. HARRIS
LEE J. HARTSHORN
TERESA K. HATFIELD
ANDREW T. HAWTHORNE
MOLLY J. HAYES
JASON M. HEERING
CHRISTIAN J. HERNAEZ
DOROTHY J. HERNAEZ
ROBERT P. HILL
JENNIFER L. HNATOW
JACOB A. HOBSON
LOUIS J. HODAC
JASON A. HOPKINS
PETER J. IGOE
DONALD K. ISOM
WESTON R. JAMES
DOUGLAS A. JANNUSCH
VINCENT J. JANSEN
JESSICA L. JOHNSON
CHRISTOPHER L. JONES
MARC A. JONES
JOHN W. KASER
CHAD E. KAUFFMAN
DARAIN S. KAWAMOTO
ROBIN H. KAWAMOTO
BENJAMIN R. KEFFER
LUANN J. KEHLENBACH
LYLE E. KESSLER
JEFFERY A. KING
STEVEN A. KOCH
JENNIFER M. KONON
RONALD J. KOOPER
WILLIAM J. KOTOWSKI
ADAM KOZIATEK
DONALD R. KUHL
TIMOTHY J. KULZER
JOSEPH W. KUSEK
SHAWN A. LANSING
CHRISTOPHER W. LAVIN

HERBERT C. LAW
TIMOTHY J. LEE
LANCE D. LEONE
KAREN R. LEYDET
JEFFREY D. LYNCH
EZEKIEL J. LYONS
RICHARD A. MACH
AARON J. MADER
JOSUE MALDONADO
JONATHAN M. MANGUM
THOMAS D. MANSELL
EZRA L. MANUEL
RONAYDEE M. MARQUEZ
AMY G. MARRS
ARTHUR P. MARTIN
JAMES J. MAZEL
HAROLD L. MCCARTER
DOREEN MCCARTHY
JAMES F. MCCORMACK
DAVID M. MCCOWN
COLLEEN S. MCCUSKER
JAMES C. MCFERRAN
CARRIE A. MCKINNEY
WILLIAM A. MCKINSTRY
JAMES M. MCCLAY
TERESA S. MCMANUS
STACY L. MCNEER
JOHN B. MCWHITE
KERRI W. MERKLIN
MATTHEW J. MESKUN
ANTHONY R. MIGLIORINI
RONALD R. MILLSPAUGH
TODD C. MOE
MARK MOLAVI
BENJAMIN P. MORGAN
JAMES K. MORROW
GLEN J. MOSCATELLO
LEWIS H. MOTION
KRISTINE B. NEELEY
JOHN R. NIMS
CHRISTOPHER D. NOLAN
KELLEE M. NOLAN
BENJAMIN J. NORRIS
MARTIN L. NOSSETT
DAVID J. OBER
ANNE E. O'CONNELL
BRYAN K. ODITT
CHRISTOPHER R. ONEIL
BRENDAN P. OSHEA
DAVID M. OTANI
JEFFREY P. OWENS
CHARLES N. PARHAM
HOON PARK
MICHAEL L. PARKER
SCOTT P. PARKHURST
CHRISTOPHER R. PARRISH
ANDREW L. PATE
STEVE J. PEELISH
ERIC C. PERDUE
JOHN G. PETERSON
ELLEN M. PHILLIPS
BARTON L. PHILPOTT
MATTHEW A. PICKARD
ERNEST L. PISANO
JOHNENE T. PROBST
JOSE L. RAMIREZ
JEFFERY J. RASNAKE
MARIA L. RICHARDSON
MICHAEL A. RIDLER
FERNANDO RODRIGUEZ
MATTHEW ROONEY
JOSHUA D. ROSE
MATTHEW W. ROWE
NATHAN L. RUMSEY
JENNIFER M. RUNION
MICHAEL B. RUSSELL
DOUGLAS M. SALIK
EVELYNN B. SAMMS
DELFINO B. SAUCEDO
BRENT R. SCHMADEKE
PAUL W. SCHURKE
GINO S. SCIORTINO
DEON J. SCOTT
JOHN R. SCOTT
KIRK C. SHADRICK
KEVIN R. SHMHLUK
AUSTIN D. SHUTT
HEATHER D. SKOWRON
RAY A. SLAPKUNAS
JAKE M. SMITH
JASON S. SMITH
GABRIEL J. SOMMA
JOHN A. SOUDERS
ARTHUR B. SOULE
HANS P. STAFFELBACH
LANE G. STEFFENHAGEN
MEGHAN K. STEINHAUS
ROBERT E. STILES
JOHN R. STRASSBURG
JONATHAN E. SULLIVAN
PATRICK M. SULLIVAN
JAMES L. SURBER
PAIGE A. SWITZER
NICHOLAS J. TABORI
ERIC F. TAQUECHEL
ROBERT D. TAYLOR
VINCE Z. TAYLOR
ALFRED J. THOMPSON
JOHN K. TITCHEN
DAVID A. TORRES
JARED S. TRUSZ
DANIEL J. TWOMEY

SHAUN T. VACCARO
 LINNEA R. VANGANSBEKE
 ELIZABETH S. VANVELZEN
 THOMAS C. VAUGHN
 MICHAEL O. VEGA
 SCOTT E. WALDEN
 TAMARA S. WALLEN
 JOHN E. WALSH
 REBECCA A. WALTHOUR
 AMBER S. WARD
 JAMES A. WEATHERBEE
 MICHAEL M. WEAVER
 MATTHEW G. WEBER
 STEPHEN E. WEST
 DANIELLE F. WILEY
 KEVIN S. WILKINSON
 MATTHEW E. WILL
 MARK A. WILLIAMS
 SHAY R. WILLIAMS
 TIMOTHY J. WILLIAMS
 TODD M. WIMMER
 CARRIE A. WOLFE
 MICHAEL D. WOLFE
 BRETT R. WORKMAN
 WARREN N. WRIGHT
 BEN WROBLEWSKI
 JOHN T. YARES
 STEVEN M. YOUNG
 CHRISTOPHER J. YOUNG
 KYLE S. YOUNG
 PETER J. ZAUNER

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RONNIE D. HAWKINS, JR.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. JUDY M. GRIEGO

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 3061:

To be lieutenant general

LT. GEN. JOHN F. MULHOLLAND, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. RAYMOND A. THOMAS III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE ARMY'S VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 3064 AND 3064:

To be brigadier general

COL. JOHN L. POPPE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

SHERRY L. GRAHAM
 ROBERT W. MCHARGUE
 NOREEN A. MURPHY

THE FOLLOWING NAMED OFFICERS IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JONATHAN H. JAFFIN
 MARK C. PATTERSON
 CHARLES E. MCQUEEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

JOHN P. GERBER
 KERRIE J. GOLDEN
 JOHN E. KENT
 SARA J. SPIELMANN
 GREGORY A. WEAVER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

LLOYNETTA H. ARTIS
 WILLIAM P. BARRAS
 CORINA M. BARROW
 ILLUMINADA S. CHINNETH
 SHARON D. COLE
 DAWN M. GARCIA
 JEAN M. JONES
 MARY A. JONESMORGAN
 PETER A. KUBAS
 LISA A. LEHNING
 BRIDGET E. LITTLE
 JULIE C. LOMAX
 ROSEMARY A. MURPHY
 JANET D. PAIGE
 JENNIFER L. ROBISON
 HENDRIX L. SNYDER
 LOUIS R. STOUT
 MARIA B. SUMMERS
 LORI L. TREGO
 SHIRLEY D. TUORINSKY
 KANDACE J. WOLF
 EDWARD E. YACKEL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

MARK R. BAGGETT
 BRIAN J. BALOUGH
 REX A. BERGGREN
 TIMOTHY G. BOSETTI
 THOMAS S. BUNDT
 CHRISTOPHER H. CHUN
 PAUL J. DAVIS
 RICHARD P. DUNCAN
 SCOTT G. EHNE
 SCOTT H. FISCHER
 STEPHEN M. FORD
 PATRICK M. GARMAN
 WILLIAM E. GEESEY
 PATRICK W. GRADY
 DONOVAN G. GREEN
 JENNIFER L. HUMPHRIES
 ANGELA A. KOELSCH
 DANIEL R. KRAL
 PETER A. LEHNING
 NEDRICK L. MCDADE
 ANTHONY R. NESBITT
 SANG J. PAK
 PATRICK W. PICARDO
 NANCY D. RUFFIN
 JOHN M. SCHERER
 KENNETH S. SHAW
 ANDREW J. SMITH

MICHAEL W. SMITH
 SHAUNA L. SNYDER
 IVAN D. SPEIGHTS, SR.
 JAMES E. TUTEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

SUSAN K. ARNOLD
 JEFF A. BOVARNICK
 EUGENE E. BOWEN, JR.
 ROBERT L. BOWERS
 MARY J. BRADLEY
 DANIEL G. BROOKHART
 LARSS G. CELTNIKS
 IAN G. COREY
 BRENDAN M. DONAHOE
 JAMES M. DORN
 ANTHONY T. FEBBO
 MARTHA L. FOSS
 CHRISTOPHER T. FREDRIKSON
 ANDREW J. GLASS
 STEVEN P. HAIGHT
 STEVEN C. HENRICKS
 MARK W. HOLZER
 RAYMOND A. JACKSON
 JOSEPH A. KEELER
 ERIC S. KRAUSS
 STEVEN R. PATOIR
 ROBERT F. RESNICK
 KEVIN K. ROBITAILLE
 SAMUEL A. SCHUBERT
 RANDOLPH SWANSIGER

CONFIRMATIONS

Executive nominations confirmed by the Senate October 31, 2011:

DEPARTMENT OF COMMERCE

ERIC L. HIRSCHHORN, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION.

THE JUDICIARY

STEPHEN A. HIGGINSON, OF LOUISIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

DEPARTMENT OF THE TREASURY

CYRUS AMIR-MOKRI, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

UNITED STATES INTERNATIONAL TRADE COMMISSION

DAVID S. JOHANSON, OF TEXAS, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING DECEMBER 16, 2018.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on October 31, 2011 withdrawing from further Senate consideration the following nomination:

CHARLES BERNARD DAY, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE PETER J. MESSITTE, RETIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 5, 2011.

EXTENSIONS OF REMARKS

A TRIBUTE TO COMMANDER JAMIE
R. OTTO

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate native Iowan Commander Jim Otto of the United States Navy on his illustrious 22-year military career that will be coming to a close in April of next year.

Commander Otto began his military career in October 1989, when he received his commission after successfully completing Aviation Officer Candidate School that summer. Commander Otto's interest in the military came to fruition mere months after graduating from Drake University in Des Moines, IA with a Bachelor of Arts degree in Biology in May 1989. He went on to earn his Master's degree in National Security and Strategic Studies at the Naval War College in 2000.

Commander Otto has earned numerous decorations for his service over the last two decades including multiple Defense Meritorious Service, Air Force Aerial Achievement, and Navy Commendation medals just to name a few. Since beginning his career in Iowa, his Naval journey has brought him to all corners of the globe, most recently culminating to U.S. Strategic Command in Nebraska where he continues serving as the Chief, Air and Missile Defense Advocacy Branch.

Mr. Speaker, our country owes Commander Otto, his wife Shelley, and their daughters Sophia and Alexandra a great debt of gratitude for their collective decades of service and sacrifice. Commander Otto's unwavering commitment to serving his fellow Americans embodies the Iowa spirit and I know all of my colleagues in the United States House of Representatives will join me in wishing him a well deserved and fulfilling retirement. I wish him the best of luck in his future endeavors as he begins this new chapter in his life.

REMEMBERING DR. HARVE
RAWSON

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 2011

Mr. PENCE. Mr. Speaker, I rise along with Congressman TODD YOUNG to honor the life and legacy of Professor Harve Rawson.

Harve Rawson was greatly talented and abundantly generous. He earned a bachelor of arts in psychology from Antioch College, and went on to earn a master of arts and doctorate in research psychology at Ohio State University. For thirty-two years Dr. Rawson served as a professor of psychology at Hanover Col-

lege, and later served as dean of faculty at Franklin College. He was the first two-time winner of the Baynham Teaching Award, and he was named the Mary E. Hamilton Distinguished Professor of Psychology at Hanover College.

Dr. Rawson was a two-time Fulbright Scholar in psychology and also spent a year teaching at the College of Health Sciences in Bahrain. His great passion for traveling also took him to more than 100 countries and all seven continents. Throughout his long and storied career, he authored dozens of research articles, gave more than 500 professional presentations, and wrote nine books about his personal experience and interests.

His list of accolades and recognitions include being named a Malone Scholar, a Sagamore of the Wabash by the State of Indiana, a Kentucky Colonel, a Citizen of the Year by the National Association of Social Workers, and a Distinguished Academic Psychologist by the Indiana Psychological Association. Dr. Rawson was also awarded the Golden Quill Award for Outstanding Research and the Outstanding Community Service Award for Psychologists.

But beyond his many academic achievements, Harve Rawson was known as a generous leader who truly possessed a servant's heart. He founded Englishton Park Children's Program, a short-term residential program for at-risk children, where he served as director for 25 years. He was also a founding and long-time board member of the Jefferson County Youth Shelter in Madison, Indiana. Mr. Rawson was a four-time president of the Lide White Boys and Girls Club Board of Directors, a long-time member of the Board of Directors of Englishton Park Presbyterian Ministries, Inc., and a member of the Big Brothers Big Sisters board. His impact on the community will forever be remembered by the many lives he touched during his lifetime of service.

We offer our deepest condolences to his sons Paul and Reed, his brother John, his sister Margaret, and his four grandchildren. During this difficult time, we pray you find solace in faith and family.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 2011

Mr. KING of Iowa. Mr. Speaker, on rollcall No. 806 I was delayed in leaving a meeting with a constituent off the House floor during this two minute vote series and was unable to reach the floor to cast my vote before the vote was closed. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

HON. ROBERT L. TURNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 2011

Mr. TURNER of New York. Mr. Speaker, on rollcall No. 814: I was in the process of questioning Secretary of State Hillary Clinton at a full committee hearing of the Foreign Affairs Committee. As such, I was unable to make it to the floor of the House to cast my vote. Had I been present, I would have voted "nay."

STATEMENT OF REP. JOHN CONYERS ON HIS VOTES ON OCTOBER 26, 2011

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 2011

Mr. CONYERS. Mr. Speaker, on October 26, 2011, I was absent and unable to vote on two amendments to H.R. 1904 offered by my colleagues Mr. MARKEY of Massachusetts and Mr. LUJÁN of New Mexico. Had I been present, I would have voted "yea" on both amendments.

NATIONAL WORK AND FAMILY MONTH

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 2011

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of the observance of October as National Work and Family Month. Last Congress, the House of Representatives passed with unanimous support H. Res. 768, a resolution that I introduced supporting this same goal and requesting the President to issue a proclamation calling for the observance of October as National Work and Family Month. Now that October has arrived this year, I want to call our attention once again to this effort to strengthen America's families, improve our work environments, and create a stronger economy and society.

It is an unfortunate fact that many Americans are unhappy with both their work environments and, even worse, their lives in general. The Gallup-Healthways Well-Being Index, an ongoing research project to measure Americans' perceptions of their well-being, has found that 53 percent of Americans are unsatisfied with their work environment. Even more disturbing, the Well-Being Index found an equal percentage of Americans states that their lives as a whole are "suffering" or "struggling," as opposed to "thriving."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In this time of economic hardship, Congress cannot delay any longer. We must work together to find solutions to help rebalance the family and work responsibilities of American workers. Such a rebalancing would create a healthier and happier workforce, likely resulting in higher worker productivity and a stronger economy overall. In addition, American families will be strengthened as parents spend more time at home with each other and their children. Countless studies have documented the positive effects that more engaged parents have on their children's development, particularly in terms of education and health. Moreover, studies suggest that children with cohesive and supportive families are less likely to do drugs or commit other crimes, and more likely to excel in school.

Ultimately, this is the type of America we must foster and leave for the next generation. Our workers should be as happy as they are productive. Our parents should be as successful in the home as they are in their careers. Our children should grow up in families that are as nurturing as they are cohesive. Recognizing and celebrating October as National Work and Family Month is the first step to reinvigorate the American worker and family.

TRIBUTE TO GEORGE INNESS AND THE HUDSON RIVER SCHOOL OF PAINTING

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 2011

Mr. PASCRELL. Mr. Speaker, today I would like to recognize and honor the accomplishments and cultural contributions of George Inness and the Hudson River School of Painting, an important artistic movement of 19th century America.

The Hudson River School has many connections to places all over the United States, including my district. Born in 1825 and raised in my home state of New Jersey, George Inness began studying painting as a teenager. Inness became very famous for his style, which combined aspects of the Hudson River School's attention to detail and realistic landscapes with techniques he learned from his time in Europe.

In 1885, Inness settled permanently in the town of Montclair, New Jersey in the Eighth Congressional District. He spent almost a decade painting scenes of Montclair before his death in 1894. Today, I am proud to say that many of these outstanding paintings remain on display in my district in the Montclair Art Museum, which boasts the only gallery in the world dedicated to Inness' work.

The Hudson River School of Painting was the first indigenous American school of painting. George Inness, his colleagues, and the landscapes they created, influenced American art, culture, and the environment. Inness, like other painters of the Hudson River School, was dedicated to accurate, yet powerful scenes that became very important as the environmental conservation movement took shape. Exciting scenes of the pristine American West captured by painters in the School's

second generation brought the natural beauty of our nation to all Americans, and led to the creation of Yellowstone and Yosemite National Parks by Congress as part of the new environmental conservation movement. Later, these paintings were used to support the formation of the National Park Service.

The Hudson River School painters also helped found one of the most renowned museums in the world. Inspired by the culture of art they encountered on their trips throughout Europe, these painters joined with other business leaders and academics to create the Metropolitan Museum of Art in New York City. Many works by the Hudson River School's painters still hang there today, including several by George Inness.

In light of these contributions, I would also like to commend the Architect of the Capitol for choosing two paintings by Albert Bierstadt, "Discovery of the Hudson River" and "Entrance into Monterey," for public viewing in the Capitol Visitors Center. These works, representative of the Hudson River School, were found in the House Members' Staircase for many years, and will now be seen by thousands of visitors every day as they embark on their discovery of America's representational democracy.

Mr. Speaker, I ask my fellow Representatives to join me in recognizing and honoring the achievements and legacy of the Hudson River School of Painting, and of one of its most accomplished artists, George Inness.

ANGELS IN ADOPTION

HON. RANDY HULTGREN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 2011

Mr. HULTGREN. Mr. Speaker, I rise today to honor, Deanna and Robert Sader, who have received the "Angels in Adoption" award from my Congressional District, the 14th in Illinois. They have two special needs children with an extra 21st chromosome. Having given birth to a child with Down Syndrome, they decided several years later to adopt an orphan with Down Syndrome from the Ukraine and give little Lucy freedom with a future. Through prayer this couple made a commitment together to reach across the world to do God's work and as a result, each and every day they feel blessed to have this little girl join their family and our country. In spite of the challenges that are foreign adoptions, Mr. and Mrs. Sader never allowed the "red tape" to deter their mission and always considered Lucy and her sister Ragen to be their "Pots of Gold at the End of the Rainbow."

As an American and Christian, I am grateful I have the opportunity to recognize these two outstanding individuals and the contribution they are making to our World. I congratulate them for this special honor and recognition.

RECOGNIZING BREAST CANCER AWARENESS MONTH

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 2011

Mr. PENCE. Mr. Speaker, as National Breast Cancer Awareness Month draws to a close, I rise today to express my support for those engaged in the ongoing fight against the most frequently diagnosed cancer among women in the United States.

More than 1 in 4 cancers in women are breast cancer, and more than 250,000 cases of breast cancer are expected to be diagnosed in American women this year. In my home state of Indiana, more than 4,000 women will be diagnosed with breast cancer this year alone.

We can all do our part in reducing the incidence of breast cancer by talking with our family, friends, and loved ones about individual risk factors, prevention, and early detection. A combination of monthly breast exams, yearly clinical breast exams, and regular mammograms is the best way to detect breast cancer in its earliest and most treatable stages.

Mammograms are a particularly important weapon in the fight against breast cancer. Breast cancer is often detected in its earliest stage as an abnormality on a mammogram before it can be felt by a woman or by her health care provider.

I would also like to express my sincere admiration of the 2.5 million breast cancer survivors in this country who have exhibited tremendous courage and vigilance in their personal fight against this disease. Our mothers, wives, sisters, daughters, and loved ones afflicted with this disease deserve all our support and respect in their heroic battles as we strive to find the cure.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 1, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED
NOVEMBER 2

9:30 a.m.

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine the European debt crisis, focusing on strategic implications for the transatlantic alliance.

SD-419

Homeland Security and Governmental Affairs

To hold hearings to examine ten years after 9/11, focusing on the next wave in aviation security.

SD-342

10 a.m.

Judiciary

To hold hearings to examine the nominations of Jacqueline H. Nguyen, of California, to be United States Circuit Judge for the Ninth Circuit, Gregg Jeffrey Costa, to be United States District Judge for the Southern District of Texas, and David Campos Guaderrama, to be United States District Judge for the Western District of Texas.

SD-226

Commission on Security and Cooperation in Europe

To hold hearings to examine human trafficking and Transnational Organized Crime, focusing on assessing trends and combat strategies, including the evolving nature of Transnational Organized Crime, the role of major international organized crime groups and smaller organized criminal syndicates in human trafficking, identified trends, and strategies to combat these organizations and prevent the trafficking of human beings.

B318, Rayburn Building

2 p.m.

Aging

To hold hearings to examine ensuring quality and oversight in assisted living.

SD-G50

2:30 p.m.

Commerce, Science, and Transportation

Business meeting to consider S. 1119, to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, S. 1207, to protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach, S. 1307, to authorize the Secretary of Commerce to convey real property, including improvements, of the National Oceanic and Atmospheric Administration in Ketchikan, Alaska, S. 1401, to conserve wild Pacific salmon, S. 1430, to authorize certain maritime programs of the Department of Transportation, S. 1657, to amend the provisions of law relating to sport fish restoration and recreational boating safety, S. 1665, to authorize appropriations for the Coast Guard for fiscal years 2012 and 2013, S. 1701, to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, S. 1717, to prevent the escapement of genetically altered salmon in the United States, S. 1759, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and the nominations of Michael A. Khouri, of Kentucky, to be

a Federal Maritime Commissioner, Albert DiClemente, of Delaware, to be a Director of the Amtrak Board of Directors, David J. McMillan, of Minnesota, and Wenona Singel, of Michigan, both to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation, Robert L. Sumwalt III, of South Carolina, to be a Member of the National Transportation Safety Board, and a promotion list in the U.S. Coast Guard.

SR-253

Foreign Relations

Near Eastern and South and Central Asian Affairs Subcommittee

International Operations and Organizations, Human Rights, Democracy and Global Women's Issues Subcommittee

To hold joint hearings to examine women and the Arab Spring.

SD-419

NOVEMBER 3

9 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine speculation and compliance with the "Dodd-Frank Act".

SD-342

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine empowering and protecting servicemembers, their families and veterans in the consumer financial marketplace.

SD-538

Judiciary

Business meeting to consider S. 598, to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage, S. 75, to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act, and the nominations of Stephanie Dawn Thacker, of West Virginia, to be United States Circuit Judge for the Fourth Circuit, Michael Walter Fitzgerald, to be United States District Judge for the Central District of California, Ronnie Abrams, to be United States District Judge for the Southern District of New York, Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia, Miranda Du, of Nevada, to be United States District Judge for the District of Nevada, Susie Morgan, to be United States District Judge for the Eastern District of Louisiana, and Michael E. Horowitz, of Maryland, to be Inspector General, Department of Justice.

SD-226

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

NOVEMBER 4

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the unemployment situation for October 2011.

210, Cannon Building

NOVEMBER 8

10 a.m.

Energy and Natural Resources

To hold hearings to examine market developments for United States natural gas, including the approval process and potential for liquefied natural gas exports.

SD-366

Judiciary

To hold an oversight hearing to examine the Department of Justice.

SD-226

2 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Nancy Maria Ware, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia, Michael A. Hughes, to be United States Marshal for the Superior Court of the District of Columbia, Department of Justice, and Danya Ariel Dayson, Peter Arno Krauthamer, and John Francis McCabe, all to be an Associate Judge of the Superior Court of the District of Columbia.

SD-342

NOVEMBER 10

10 a.m.

Veterans' Affairs

To hold hearings to examine Veterans' Affairs mental health care, focusing on addressing wait times and access to care.

SR-418

2:15 p.m.

Indian Affairs

To hold hearings to examine S. 1192, to supplement State jurisdiction in Alaska Native villages with Federal and tribal resources to improve the quality of life in rural Alaska while reducing domestic violence against Native women and children and to reduce alcohol and drug abuse and for other purposes, S. 872, to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is considered to be held in trust and to provide for the conduct of certain activities on the land, and S. 1763, to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior.

SD-628

NOVEMBER 15

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Jon D. Leibowitz, of Maryland, and Maureen K. Ohlhausen, of Virginia, both to be a Federal Trade Commissioner.

SR-253

NOVEMBER 17

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the future of internet gaming, focusing on what's at stake for tribes.

SD-628

HOUSE OF REPRESENTATIVES—Tuesday, November 1, 2011

The House met at noon and was called to order by the Speaker pro tempore (Mr. CAMPBELL).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 1, 2011.

I hereby appoint the Honorable JOHN CAMPBELL to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair would now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 2 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:
Loving God, we give You thanks for giving us another day.

As we meditate on all of the blessings of life, we especially pray for the blessing of peace in our lives and in our world. Our fervent prayer, O God, is that people will learn to live together in reconciliation and respect so that the terrors of war, and of dictatorial abuse, will be no more.

As You have created each person, we pray that You would guide our hearts and minds, that every person of every place and background might focus on Your great gift of life and so learn to live in unity.

May Your special blessings be upon the Members of this assembly, in the important, sometimes difficult work they do. Give them wisdom and charity, that they might work together for the common good.

And bless all peacemakers in our world. May Your eternal Spirit be with them and with us always.

May all that is done this day in the people's House be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. SCHILLING) come forward and lead the House in the Pledge of Allegiance.

Mr. SCHILLING led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HERO STREET MEMORIAL PARK

(Mr. SCHILLING asked and was given permission to address the House for 1 minute.)

Mr. SCHILLING. I rise today in support of our veterans and wish to focus in on a particular specific street in Silvis, Illinois. In the town of Silvis, Second Street holds so much history from World War II and the Korean War.

On Saturday, October 29, 2011, the people of Silvis celebrated the 40th anniversary of Hero Street Memorial Park.

In honor of the brave soldiers who lived on this street and whose families have made the park their own, I introduced a resolution to designate the park on Hero Street as "Hero Street Memorial Park" earlier this year, and I am pleased that we are able to honor these brave warfighters.

The brave men who fought in World War II and the Korean War from this

little street were the sons of Mexican immigrants that came to the United States and volunteered their lives for their country. When America entered these wars, 78 residents from this street from 35 families helped defend the United States and her allies.

Eight of these brave men died for our great Nation. Their names are Tony Pompa, Frank Sandoval, Joseph Sandoval, Willie Sandoval, Claro Soliz, Peter Masias, Joe Gomez, and Johnny Munos.

In honor of these brave men and their fellow soldiers who fought by their sides, the community renamed this street in May of 1967. Four years later a memorial park was built on Second Street, and in 2007 a monument was added.

My resolution recognizes the sacrifices of these brave soldiers and what their families did to support our country during that difficult time. We can never forget those who gave their lives for this great Nation, and this resolution will ensure we do not. This resolution will not cost anything—just the time we should spend in honor of our veterans and those brave men who gave their lives.

On behalf of a grateful Nation, we honor the 40th anniversary of Hero Street Memorial Park. The service and sacrifice of all of those who served and their families must never be forgotten.

THE FEDERAL GOVERNMENT SUES ANOTHER STATE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, once again the Department of Justice is using taxpayer dollars to sue States for a job the government refuses to do.

The Federal Government won't or can't enforce immigration laws, so South Carolina has been forced to take matters into their own hands to protect their citizens. We've heard this tale before about the Federal Government suing States like Arizona and Alabama.

In this case, the administration says that the South Carolina law will interfere with and undermine the Federal Government's control over relations with foreign governments. The Federal Government is more concerned about not hurting the feelings of other countries like Mexico than it is about protecting our country.

The Attorney General has made it clear that he will continue his crusade

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

against the States who try to crack down on illegal entry. Next up on the list? Utah and Georgia. For what? Upholding the law. Meanwhile, sanctuary cities get a pass from the Federal Government.

We hear the rhetoric that illegals are here to do jobs that Americans won't do. Now, South Carolina is getting sued for doing a job the American government won't do—protecting the security of this Nation and enforcing the law.

And that's just the way it is.

SENATE INACTION HURTS FARMERS AND JOB CREATORS

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Seven months ago this body passed H.R. 872, a common-sense bill to protect farmers, ranchers, and job creators from redundant and needless regulation. We passed it overwhelmingly with bipartisan support, with more than 50 Democrats voting "yes," and sent it to the Senate.

Unfortunately, as we know all too well, the cul-de-sac at the other end of this Capitol called the Senate once again did nothing. Their inaction has real-world consequences as yesterday those repetitive and burdensome regulations were forced in by judicial fiat.

While they failed this opportunity to act and help our economy, the Senate does have other chances. I urge them to take up the forgotten 15 bills we passed for jobs here in the House, move the Forgotten 15, and help get our economy moving again.

HOUSE REPUBLICANS LEAD THE WAY TO JOB CREATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, sadly more than 14 million Americans are still without a job. The unemployment rate has been above 8 percent for the last 2½ years. As the Vice President recently acknowledged, this administration is responsible for the current economic conditions of our country.

House Republicans have sought to introduce legislation that will create jobs and put American families back to work by empowering small business owners, simplifying the tax code, encouraging entrepreneurship and growth, and maximizing domestic energy production.

House Republicans have focused on job creation. By passing over 15 job bills since January, House Republicans have provided realistic solutions to America's economic woes.

Now is the time for liberals in the Senate and this administration to change course from the failed policies of borrow, tax, and spend.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. CAMPBELL) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2011.

Hon. JOHN A. BOEHNER
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate of November 1, 2011 at 9:44 a.m.:

That the Senate passed with amendments H.R. 394.

That the Senate passed without amendment H.R. 368.

That the Senate passed S. 1637.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

□ 1410

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2011.

Hon. JOHN A. BOEHNER
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on November 1, 2011, at 12:19 p.m., and said to contain a message from the President whereby he submits a copy of the notice filed earlier with the Federal Register on the national emergency with respect to Sudan.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-69)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a na-

tional emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the Sudan emergency is to continue in effect beyond November 3, 2011.

The crisis constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency in Executive Order 13067 of November 3, 1997, and the expansion of that emergency in Executive Order 13400 of April 26, 2006, and with respect to which additional steps were taken in Executive Order 13412 of October 13, 2006, has not been resolved. These actions and policies are hostile to U.S. interests and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the sanctions against Sudan to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, November 1, 2011.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4:45 p.m. today.

Accordingly (at 2 o'clock and 12 minutes p.m.), the House stood in recess until approximately 4:45 p.m.

□ 1648

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HARRIS) at 4 o'clock and 48 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

REAFFIRMING "IN GOD WE TRUST" AS THE OFFICIAL MOTTO OF THE UNITED STATES

Mr. FORBES. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 13) reaffirming "In God We Trust" as the official motto of the United States and

supporting and encouraging the public display of the national motto in all public buildings, public schools, and other government institutions.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 13

Whereas “In God We Trust” is the official motto of the United States;

Whereas the sentiment, “In God We Trust”, has been an integral part of United States society since its founding;

Whereas in times of national challenge or tragedy, the people of the United States have turned to God as their source for sustenance, protection, wisdom, strength, and direction;

Whereas the Declaration of Independence recognizes God, our Creator, as the source of our rights, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.”;

Whereas the national anthem of the United States says “praise the power that hath made and preserved us a nation . . . and this be our motto: in God is our trust.”;

Whereas the words “In God We Trust” appear over the entrance to the Senate Chamber and above the Speaker’s rostrum in the House Chamber;

Whereas the oath taken by all Federal employees, except the President, states “I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”;

Whereas John Adams said, “Statesmen may plan and speculate for Liberty, but it is Religion and Morality alone, which can establish the Principles upon which Freedom can securely stand.”;

Whereas if religion and morality are taken out of the marketplace of ideas, the very freedom on which the United States was founded cannot be secured;

Whereas as President Eisenhower said and President Ford later repeated, “Without God, there could be no American form of government, nor, an American way of life.”; and

Whereas President John F. Kennedy said, “The guiding principle and prayer of this Nation has been, is now, and ever shall be ‘In God We Trust.’”: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress reaffirms “In God We Trust” as the official motto of the United States and supports and encourages the public display of the national motto in all public buildings, public schools, and other government institutions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. FORBES) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. FORBES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 13 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

□ 1650

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

When our Declaration of Independence was penned, it was unique in that the writers of that document recognized that the rights that we have as American citizens didn’t come from some committee in this body, some resolution, or even from the king, but rather came from God himself. In 1814 during the War of 1812, Francis Scott Key noticed through the battle fires that were going on a unique thing and began to pen what would become our national anthem when he wrote “The Star Spangled Banner” and mentioned that “In God We Trust” was the motto of this great Nation.

The 39th Congress of the United States in 1865 during the Civil War which threatened to tear this Nation apart authorized “In God We Trust” to be placed on certain coins, including the dollar, the half dollar, and the quarter dollar.

The 43rd Congress in 1873 authorized “In God We Trust” to be placed on coins as the Secretary of Commerce would so desire, and the Secretary of the Treasury.

In the 60th Congress in 1908, Congress mandated that “In God We Trust” be placed on all gold and silver coins.

In the 82nd Congress in 1951, the Senate Chamber demanded and authorized and then had “In God We Trust” placed over the entrance door in the Senate Chamber.

In the 84th Congress in 1955, Congress enacted and President Eisenhower approved legislation requiring the motto to appear on all coins and currency.

In the 84th Congress in 1956, Congress officially adopted “In God We Trust” as the national motto of the United States. And in that Congress, the Senate said it was important for the spiritual and psychological value of the country to have a clear and well-defined national motto.

In the 87th Congress, this body authorized “In God We Trust” to be placed right behind where you’re standing, where it still stands today.

In the 107th Congress, we reaffirmed the Pledge of Allegiance and once again our national motto.

And in the 109th Congress, the Senate reaffirmed the national motto.

In the 110th Congress in 2007, Congress said that on the dollar coin, we had to put “In God We Trust” from the edge of coin back to where it belonged on the front or back of the coin.

And in the 111th Congress in 2009, this body authorized “In God We Trust” to be in the Capitol Visitor Center and mandated it be placed in there.

Mr. Speaker, so what brings us to today? Well, unfortunately, there are a

number of public officials who forget what the national motto is, whether intentionally or unintentionally. There are those who have become confused as to whether or not it can still be placed on our buildings, whether it can be placed in our school classrooms. Almost a year ago, the President, in making a speech across the world, said that our national motto was “E Pluribus Unum.” When the Visitor Center was opened, was tried to be opened, \$621 million of taxpayer money, a part of this very structure that you and I are standing in here now, they did not have the national motto in there. In fact, they inscribed in the stones that our national motto was “E Pluribus Unum.”

We have because of those kinds of omissions many people confused today, asking when we changed it, what happened to it, can they still display it in rooms. So we believe that today it’s fitting that we come together as a Congress and reaffirm that great national motto, do what the Senate did just a few years ago, and once again make clear to the people in this country that our national motto is “In God We Trust” and encourage them to proudly display that motto.

Mr. Speaker, with that, I hope and urge the adoption of this measure, and I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Although the American people are concerned about restoring our economy and creating jobs, today we are returning to irrelevant issues that do nothing to promote economic growth and put Americans back to work. We have seen this before.

In the 107th Congress, we passed a bill to reaffirm the phrase “One Nation, under God” in the Pledge of Allegiance, and reaffirm the national motto. We went so far as to reenact into law, word for word, the existing law making “In God We Trust” the national motto, just to be sure.

Now, no one has threatened it. No one has said it was not the national motto. This resolution today, which has no force of law, simply restates the national motto—once again.

Why have my Republican friends returned to an irrelevant agenda? Irrelevant because it does nothing. It simply restates existing law that no one has questioned. Why are we debating non-binding resolutions about the national motto?

The American people are demanding action on the President’s jobs legislation. They are demanding that we pay attention to rebuilding our national infrastructure. They are demanding that we deal with a budget fairly and effectively. They are demanding fairness for the middle class and for the 99 percent of Americans who don’t write million-dollar checks and hire expensive lobbyists and make huge campaign contributions.

And yet here we are, back to irrelevant issue debates, the kind of thing people do when they have run out of ideas, when they have run out of excuses, when they have nothing to offer a middle class that is hurting and that has run out of patience.

What happened to Republican pledges that we weren't going to do these kind of symbolic resolutions anymore? Symbolic because, after all, it changes nothing. The national motto remains the national motto, as much today and tomorrow as yesterday. What happened to Republican pledges that we were going to focus on the business of legislating? That was earlier this year.

Make no mistake about it: Some have taken a decidedly divisive tone when discussing the national motto. Some have sought to imply that their political adversaries, including the President, are somehow less godly, or less patriotic, and have used the national motto as a political wedge to drive home that point, or to try to drive home that point.

I think that kind of divisiveness undermines national unity which, especially in times like these, is very important. Rather than trying to one-up each other over who can be the better or more godly American, we should be working together to solve our very real problems.

Mr. Speaker, let's get back to the work we were sent here to do. Let's stop playing the kind of social issue games that do nothing to move the Nation forward. The national motto is not in danger. No one here is suggesting that we get rid of it. It appears on our money. It appears in this Chamber above your head. It appears in the Capitol Visitor Center, all over the place. We don't need to go looking for imagined problems to fix. We've got enough real ones to worry about.

This resolution is a waste of time, a waste of effort. And again, remember that this country is a country for all people—whether they are religious or not, whether they believe in God or not, whether they believe in one God or not. The First Amendment tells us we should make no law respecting establishment of religion nor prohibiting the free exercise thereof. This is not an establishment of religion, but simply restating this when no one has threatened it, when no one has questioned it. It is an exercise to tell people who may not believe in God: You don't really count; you're not really Americans.

The establishment clause is there to protect religion from government, and government from religion, to separate the two.

This resolution is here to say we don't want to separate the two. If someone was threatening the national motto then maybe it would be necessary. As it is, this is simply an exercise in saying we're more religious than the other people. We're more

godly than the other people. And by the way, let's waste time and divert people's attention from the real issues that we're not dealing with, like unemployment. We shouldn't go looking for imagined problems to fix when we have enough real ones to worry about.

I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, with all due respect, I would like to respond to my good friend as he said this is irrelevant, nothing to offer the middle class that is hurting, when he says this is just a symbolic gesture.

Mr. Speaker, there are those who believe that the Declaration of Independence is just a symbolic document, just words. There are those who believe that that flag behind you is just a symbol, and the Pledge of Allegiance we make to it just words. And there are those who believe that "In God We Trust" right up there—just words.

They don't realize what so many other Congresses, so many Presidents of this United States have realized: They are far more than words; they are the very fabric that has built and sustained the greatest nation the world has ever known. And I challenge my good friend who would dare say that that declaration was just a symbol, that Pledge of Allegiance just a symbol, or "In God We Trust" just a symbol, to dare say to President Lincoln, when he brought in "In God We Trust" and he talked about that and he embraced it during the greatest conflict this country has ever known, the Civil War, he was just wasting his time, it was irrelevant, he wasn't doing anything to that Nation that was hurting.

Or to say it to Woodrow Wilson, who would embrace it during World War I when this Nation was at a very, very difficult time, that it was just irrelevant, it was just words and it did nothing at all.

Or to say to President Roosevelt, during World War II, when we didn't know whether we'd have the freedoms that "In God We Trust" gives us the opportunity to have and that flag gives us the opportunity to have, that "In God We Trust" was just words.

□ 1700

Or John Kennedy, or Dwight Eisenhower, or Ronald Reagan, or Francis Scott Key during the middle of a battle that challenged the existence of this Nation—just words.

Mr. Speaker, I would just say to my good friend that I understand how there are few who believe that "In God We Trust" is just words. But I would say today that it is far more than words. It is worth defending just as that Pledge of Allegiance is worth defending and that Declaration of Independence is worth defending. And I'm grateful that we will have an opportunity to do just that today.

The challenges the gentleman says don't exist with court suits and public

officials who are saying that not "In God We Trust" is our national motto but something else, it's worth our standing today and taking 40 minutes to do what so many Presidents and so many Congresses have done before in saying that we should inspire this Nation with hope and optimism that we are different from the rest of the world and those words will continue to stand behind where you stand.

I continue to reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Nobody said that the national motto "In God We Trust" is just words. Nobody said any such thing. What I said is that this resolution is just words because no one is threatening the national motto. It's there. It's on our currency, and it's on our walls. It's there. It's our national motto. No one denies that fact. Nothing will change when we pass this resolution. It was our national motto yesterday, it's our national motto today, and it will be our national motto tomorrow.

This resolution is simply words designed to distract attention from our real problems to a nonexistent problem. There's no challenge to our national motto. There is no challenge to the foundations of this country. There is a challenge to our economy, and that we ought to be paying attention to.

So all the nice words that my friend from Virginia talked about how important our belief in God is, I agree, obviously. But this resolution is a waste of time and a diversion.

I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I yield 4 minutes to the distinguished chairman of the Judiciary Committee whose leadership helped bring this resolution to the floor, the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. I thank the gentleman from Virginia (Mr. FORBES) both for yielding me time and for introducing this resolution.

There are few things Congress could do that would be more important than passing this resolution. It reaffirms "In God We Trust" as the official motto of the United States. It provides Congress with the opportunity to renew its support of a principle that was venerated by the Founders of our country and by its Presidents on a bipartisan basis.

In our Declaration of Independence, the Founders declared: "We the Representatives of the United States of America appealing to the Supreme Judge of the World do with a firm Reliance on the Protection of divine Providence pledge to each other our Lives, our Fortunes and our sacred Honor."

George Washington, as President of the Constitutional Convention, declared, "Let us raise a standard to which the wise and honest can repair; this event is in the hand of God!"

James Madison, the Father of the Constitution, declared while he was President “a day of thanksgiving and of acknowledgements to Almighty God.” Madison said in his declaration that “no people ought to feel greater obligations to celebrate the goodness of the Great Disposer of Events and of the Destiny of Nations than the people of the United States.”

Thomas Jefferson, the author of the Declaration of Independence wrote, “God who gave us life gave us liberty. And can the liberties of a nation be thought secure when we have removed their own only firm basis, a conviction in the minds of the people that these liberties are the gift of God?”

More recently America’s Presidents have reaffirmed the same principles. President Franklin D. Roosevelt said, “In teaching this democratic faith to American children, we need the sustaining, buttressing aid of those great ethical religious teachings which are the heritage of our modern civilization. For not upon strength nor upon power, but upon the spirit of God shall our democracy be founded.”

President Kennedy said, “The world is very different now, and yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state, but from the hand of God.”

During the Civil War, Abraham Lincoln counseled Americans to have “a firm reliance on God, who has never yet forsaken this favored land” and recognized that it is God’s pleasure to “give us to see the right.” And Ronald Reagan told the American people, “We are a Nation under God, and I believe God intended for us to be free.”

Thanks to the leadership of the gentleman from Virginia (Mr. FORBES), now it is our turn to show that we still believe and recognize these same eternal truths. We can do that by approving a resolution that will allow today’s Congress, as representatives of the American people, to reaffirm to the public and the world our Nation’s national motto, “In God We Trust.”

Mr. NADLER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FORBES. I yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, in contrast to the suggestion made that we don’t need to have this reaffirmation of our national motto, I provide this evidence. First of all, we had a lawsuit by an individual in my district that went all the way to the U.S. Supreme Court about the words “under God” in the Pledge of Allegiance. Secondly, that same individual is now suing, attempting to get up to the Supreme Court on this very question of “In God We Trust.” Third,

just a couple of years ago, I had to fight very, very strongly to get the words “In God We Trust” emplaced, in fact, in the CVC, where it is now.

And for all of those that we’ve referred to in our history, I think we’ve omitted one which is very, very important, the leader of the civil rights revolution. Martin Luther King made it very clear in his letter from the Birmingham jail that, in fact, we act out of the requirements made on us by the God in whom we trust. That makes us a Nation that respects the liberties and the individual worth of every single member of our society. If he had not, in fact, looked to our historic belief in God as a basis for those principles that all Americans abide by, that is, that we are equal in the eyes of God and therefore equal in the eyes of our government, he would not have been successful.

This is an important message that we need to reaffirm. It is, in fact, under attack. We are not wasting time. For example, how could we waste time in making sure that “In God We Trust” is, in fact, enshrined in our laws and as our national motto?

Religious faith has been an ever present fact in our history which must be included in any picture of who we are as Americans. The failure to include it among other representations would give an incomplete and inadequate picture of our national ethos.

The motto “In God We Trust” first appeared on a United States coin in 1864 during the Civil War, and later became the official motto of our nation in 1956 by an act of Congress. It is codified as Federal law in the United States Code at 36 U.S.C. 302, which provides: “In God we trust” is the national motto.

We must say no to any revisionists who seek to rewrite the American narrative. It was not secularism and materialism which inspired those from other continents to travel across dangerous seas to a foreign land where they sought refuge from religious persecution. Neither can the manifest destiny in the hopes and dreams of those who populated the land that we now call America be described apart from a spirit which led them to face challenges and even death to fulfill those dreams.

No. It was something greater than themselves which guided them in such quests. This understanding of a greater purpose was reflected in the Mayflower Compact signed aboard the *Mayflower* in 1620. In acknowledging Divine Providence, John Winthrop and the other Pilgrim signers expressed the desire to form a democratic form of government and a mutual regard for one another as equals in the sight of God.

There was a sense of destiny in those first Americans who were drawn here by that same vision. In a very real sense they conceived of themselves as a chosen people. They saw their covenant as connected with the blessing of a new land but even more importantly with an idea that America was a place with a transcendent purpose. This ethos of the older covenant provided them with a foundation rooted in a common commitment to the creation of a new political order.

The Founding generation of our nation possessed that same sense of purpose. John Adams, the author of the Massachusetts constitution, a key player in drafting the Declaration of Independence, and the President of the United States represented this worldview. Adams was committed to this early understanding that a Hebrew metaphysic was the cornerstone of the new American culture. Adams understood that only the nature of an intelligent, wise, and sovereign God could not only create, but also sustain the morality necessary to civilization itself.

He observed:

We have no government armed with powers capable of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge, or gallantry would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.

Adams understood that a constitution must be more than mere parchment or paper. Rather, our nation’s basic law must be grounded in a moral order which embodies the timeless first principles of an older covenant.

Such sentiments followed what has become recognized as the clearest enunciation of those cardinal principles of American character. In his Farewell Address President Washington observed:

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports . . . And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded by the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

The American Revolution was rooted in a very different worldview than its French counterpart. The conception of liberty to which the founding generation aspired was rooted in a Transcendent source. With respect to the philosophy underlying our political institutions and governance, we need look no further than the Declaration of Independence to discover what is perhaps the clearest statement of the source of those rights which would later be enshrined in our Constitution. We are informed in the Preamble that:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, Liberty and the Pursuit of Happiness.

The source of these unalienable rights—rights that cannot be given or taken away—should be noted. Where do our rights come from? They are not the product of mere men. They are not the product of mere agreement. No, we are endowed with these rights by our Creator. The significance of this is that if our rights do not ultimately come from man, they cannot be taken away from us by mere men. It is the ultimacy of a transcendent source which gives rights their substance.

The role of the Declaration as the principal statement of American political philosophy must surely have a prominent place in our effort to unfold a catechism of American character. It is significant that Abraham Lincoln in

one of his debates with Stephen Douglas derisively stated that “[i]f the Declaration is not the truth, let us get the statute book, in which we find it, and tear it out!” There is a practical component to this argument in that “the United States Code includes the Declaration of Independence as one of the Organic Laws upon which all statutory law rests.”

However, there is a more compelling reason that Lincoln might have responded with such firmness. For he would later note at Gettysburg that it was “Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.” On that day of November 19, 1863 at Gettysburg, it had been 87 years since those immortal words contained in the Declaration had been declared to the new nation. Lincoln saw the Civil War as an epochal struggle necessary to this promise of the Declaration, “that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.”

Thus our history and our concepts of human dignity and equal justice before the law are deeply rooted in the notion of eternal justice.

Perhaps no greater testimony exists to this fact than the Reverend Martin Luther King’s, Letter from a Birmingham Jail. He described his plight with the following eloquence:

... I am in Birmingham because injustice is here. Just as the eighth century prophets left their little villages and carried their ‘thus saith the Lord’ far beyond the boundaries of their hometowns; and just as the Apostle Paul left his little village of Tarsus and carried the gospel . . . to practically every hamlet and city of the Graeco-Roman world, I too am compelled to carry the gospel of freedom beyond to the Macedonian camp for aid.

This great leader of the Civil Rights movement clearly understood the origin and nature of rights. He spoke of “God-given rights.” In describing the concept of rights he wrote:

One may well ask, “How can you advocate breaking some laws and obeying others?” The answer is found in the fact that there are two types of laws; there are just and there are unjust laws. I would agree with Saint Augustine that “an unjust law is no law at all.

Now what is the difference between the two? How does one determine when a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in terms of Saint Thomas Aquinas, an unjust law is a human law that is not rooted in eternal and natural law.

Dr. King reasons from experience that rights must be rooted in a moral law that is itself rooted in the law of God. The expression of a majority is itself an insufficient basis for rights. The argument by Stephen Douglas on behalf of the doctrine of popular sovereignty (allowing states to determine the slave question by a popular vote) failed because of the moral premise that majority sentiment should not overcome the fundamental First Principle that it is not permissible to own another human being. The exercise of political will without moral justification is nothing more than the use of force legitimized by a vote. Douglas’ posi-

tion that such a question could be left to the decision of the various states was in fact an argument on behalf of cultural relativism. Lincoln understood that this was not a sufficient basis for law and argued that “there is no right to do a wrong.” Rights which are not grounded in a transcendent being ultimately are left to the historical vagaries of taste and opinion.

This understanding concerning the centrality of religious faith in our nation’s history is also reflected in an opinion written by the late Supreme Court Justice William O. Douglas. Perhaps one of the most liberal Justices ever to sit on the Court, Douglas nonetheless observed that “We are a religious people whose institutions presuppose a supreme being.” Of course, not every American believes in God—that is not what Justice Douglass was getting at. Rather, his focus was on our history as a people. And it is undeniable that throughout our history the religious faith of the American people—in all of its various forms—has been an integral part of who we are as a people. A plurality of faith commitments has come together in the American experience to form a canopy of overlapping consensus concerning the providential nature of our history.

This is our history. It is who we are as a people. Although we are not captives of the past, it would be nothing less than national suicide were we to fail to uphold the integrity of our collective story. Worse yet, we must never allow our history to be rewritten by those seeking to serve their own ends. For our understanding of our past serves to define who we are and to direct our aspirations for the future. To allow others to deny the foundational role of religious faith in our nation’s history is not only an assault on our history but an attempt to dramatically alter the direction of our nation in the years ahead.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

I would point out that the lawsuit that the gentleman from California referred to lost at the Supreme Court, and that was a number of years ago, which adds to the point that, of course, “In God We Trust,” our national motto, is not under attack or under threat, nor is “under God” in the Pledge of Allegiance under attack or under threat. And this is, in fact, an unnecessary resolution.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield on those points?

Mr. NADLER. Yes.

Mr. DANIEL E. LUNGREN of California. The gentleman who brought that case to the Supreme Court has a case pending in Federal Court right now on the issue of “In God We Trust,” and there is a Federal action out of the District Court in Wisconsin right now attempting to get us to take out the words “In God We Trust” in the CVC. Those are still active lawsuits.

Mr. NADLER. Reclaiming my time, the gentleman may be correct. I’m not familiar with that case. But cases making these challenges occur all the time. They lose 100 percent of the time, and there’s no reason to expect that that will change.

So, again, “In God We Trust” was our national motto yesterday and it’s our national motto today. Whether this resolution passes or not, it will be our national motto tomorrow, and we’re wasting our time.

I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. MILLER), the chairman of the Veterans Committee.

Mr. MILLER of Florida. I thank my good friend, the gentleman from Virginia, for bringing this legislation to the floor; and I thank my friend from California for, in fact, pointing out to the gentleman from the other side of the aisle that, in fact, there are attacks on our national motto “In God We Trust.” We do know that there are attempts to take it out of the CVC.

This country for many, many years—in fact, from its inception—has relied on a faith in God. Yes, there are attacks every day. There are attacks on our chaplains within our military services that are now being told in some instances that they cannot perform religious duties in reference to their faith. We have the flag-folding ceremony that is under attack now on veterans’ cemeteries where people are now being told that they are not being allowed to do the flag-folding ceremony during the death of a person that has served time in this military.

□ 1710

But I think the unfortunate thing is that, as we stand here today, this is important. This is not a waste of time. It’s important that we stand here and we renew our national motto, “In God We Trust.” Ronald Reagan said, in fact, that if we ever forget that we are one nation under God, that we will then be one nation gone under.

And so I’m proud to stand with my good friend from Virginia (Mr. FORBES) and all the Members who have come on the floor today to again reaffirm that our national motto is—yesterday, today, and will be tomorrow—“In God We Trust.”

Mr. NADLER. I continue to reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. POE).

Mr. POE of Texas. I thank the gentleman for yielding, and I thank the gentleman from Virginia for introducing this resolution.

“In God We Trust” is an important part of American history, and this resolution is necessary to ensure that it remains a part of our history.

Today, some individuals argue that the Constitution says that America cannot have any mention of God in a public atmosphere. These folks argue that Americans must be censored when they talk in public about God or even religion. I strongly disagree with that contention, the Supreme Court disagrees with that contention, and using

the writings of our Founding Fathers as a guide, I believe they would also disagree with that contention.

What makes us unique, Mr. Speaker, is the way we started as a Nation. We had this concept in the Declaration of Independence that we are worth something as individuals, and that we are worth something as individuals not because government gives us rights or men give us rights, but the Declaration of Independence says that we are all endowed by our Creator with certain inalienable rights. In God we trusted then and in God we must continue to trust now.

The truth is that our Constitution says that we are guaranteed freedom of religion, not freedom from religion. And having the word "God" in our national motto does not establish an official religion for the country; it just simply recognizes the role that faith and religion have played in our history.

I believe, as many other Americans do, that America is a special place, a chosen place, and even an exceptional place. And America is more than just another country on the globe, as some say. Throughout our history, we've served as a beacon of light in an often dark world. And one reason is because in God we trust. As it has been said: Unless the Lord watches over the city, the watchmen watch in vain. I agree with that, and we should affirm it.

And that's just the way it is.

Mr. NADLER. I continue to reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Mississippi (Mr. HARPER).

Mr. HARPER. "In God We Trust." For over five decades, America has celebrated this phrase as our national motto. This pronouncement is part of our national anthem, is written on our coins and our currency, and is engraved in both Chambers of Congress. But the United States' foundation in God far outdates the period that our country has recognized this steadfast expression as our national motto.

Our country's first national document, the Declaration of Independence, spoke to unalienable rights given to Americans by our Creator. Numerous sources point to our Founders' collective reliance on God for direction and wisdom as they drafted the United States Constitution.

When Congress adopted our Great Seal in 1782, included in its design were numerous allusions to biblical references. And in 1787, when the Constitution was framed at the convention in Philadelphia, Benjamin Franklin reminded the delegates that God governs in the affairs of men, declaring, "And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?"

The Founding Fathers knew that prayer and God's Holy word had protected them, blessed them and given them guidance to begin their

journey. These Judeo-Christian principles offered a firm, time-tested foundation for America's founders, and it is the inclusion of these principles into our government that makes America special.

Today, as I walk through our Nation's Capitol, I am constantly surrounded by the reminders of God's presence: scripture verses such as John 15:13 found on a statue, paintings of the baptism of Pocahontas and the pilgrims in prayer that we are indeed endowed by our Creator with certain inalienable rights.

America's religious consciousness cannot be ignored.

This is why we must reaffirm "In God We Trust" as the official motto of the United States and encourage the public to display this declaration in all public buildings.

Mr. NADLER. I continue to reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. During the Constitutional Convention, Benjamin Franklin wrote a speech urging the assembly to begin their morning session with daily prayer. Franklin wrote: I have lived a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men.

He went on to say that: Without God's concurring aid, we shall succeed in this political building no better than the builders of Babel; we shall be divided by our little partial local interests; our projects will be confounded, and we, ourselves, shall become a reproach and a byword down to future ages.

Just as Benjamin Franklin suggested, we must continue to affirm that God has a place in blessing our government, in guiding our lawmakers, and that He has the ability to lead our Nation back to a path of righteousness and prosperity.

"In God We Trust" has great meaning in our Nation, and we must encourage its display in all public buildings and government institutions. So I urge my colleagues to pass House Concurrent Resolution 13.

Mr. NADLER. I continue to reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. I hear many people say that our country has never been more at odds and our rhetoric more divisive than now. I would strongly disagree. I would remind us of a time in 1861 when our Nation stood at the precipice of the Civil War and the oratory spilled over into bloodshed. During that dark moment in our Nation's history, the Secretary of the Treasury ordered the Director of the U.S. Mint to create a new inscription for the national coins. He wrote: "No nation can be strong except in the strength of God, or safe except in His defense. The trust of our people in God should be declared on our national coins."

The Director of the Mint responded back with a variation of the phrase that he pulled out from the Star Spangled Banner, the statement, so our motto is "In God is our trust," since it was a familiar hymn and indicative of the American people. It was later finalized as, "In God We Trust" and was first put on a 2-cent coin in 1864, near the end of the Civil War.

This was not some isolated moment in American history; this is a consistent theme. Whether it be the shelling of Baltimore in 1814, when Francis Scott Key watched, knowing this was the decisive moment, or whether it was World War I or World War II that entered the Cold War, immediately after that as we were fighting against communism, trying to find what is it that sets the United States apart from the other nations around the world, it is this unique thing: Our founding documents are based around this statement, We are given our rights from God, including life, liberty, and the pursuit of happiness. We as Americans believe our rights are from God. It is in God we trust.

Mr. NADLER. I continue to reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. I thank the gentleman for bringing this forward.

I know that down through the ages there has been this great question that has occurred to mankind, and it is a similar one: Is God God or is man God? In God do we trust or in man do we trust? I would submit to you that the answer to that question, Mr. Chairman, is one of profound significance.

Indeed, Christopher Columbus trusted in God, and his service to God was to go out and search the world to find ways to do things that would honor God, and he ran into this place called America. Indeed, those who were colonists that first came to America came here because they wanted to worship God; they wanted to find a way to honor God. Indeed, the Founding Fathers that started this country did so in the name of God. So their trust in God has had a profound impact on those of us that live in this day.

And I would submit to you that if we answer the question the other way, if man is God, then an atheist state is as brutal as the thesis that it rests upon and there is no longer any reason for us to gather here in this place. We should just let anarchy prevail because, after all, we are just worm food. So indeed we have the time to reaffirm that God is God and in God do we trust.

Mr. NADLER. I continue to reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I rise today in support of this resolution reaffirming "In God We Trust" as the official motto of the United States of America.

The motto is more than just a slogan. It defines the sentiments, I believe, of the Founding Fathers. While they never intended there to be an official state religion, they fully endorsed the idea of the acknowledgement of God.

□ 1720

From the opening of each day in the House and in the Senate with prayer, to the private prayers of the individual Founders, the Founders indeed did put their trust in God. I believe they knew in their hearts that God had a special place for the United States of America and this new Nation.

And while they knew that a Christian and godly Nation could never be achieved by any legislation that Congress could pass, they knew it was the people of the Nation who would individually receive God in their hearts for this to be truly a godly Nation.

So today, Mr. Speaker, I urge my colleagues to support this resolution that's before us reaffirming our motto "In God We Trust."

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

I've listened to this discussion. There's no question that most people in this Chamber, maybe everybody in this Chamber, agrees with the phrase, with the motto, "In God We Trust." I certainly do.

It's no question it's the motto of this country. We've adopted it. It's no question that it's not threatened. No one's seeking to change it, except for every so often there's a court case which uniformly gets thrown out, and that's not new.

There's no necessity for this resolution except, really, the only reason for this resolution, frankly, is to declare how good we are, that we're going to reaffirm what needs no reaffirmation, and to divert attention from the issues that we really ought to be dealing with.

So let me say, again, "In God We Trust" is the motto of the United States. It was yesterday, it is today, it will be tomorrow whether we pass this resolution or not.

We do have to be sensitive to the fact that not everyone in this country believes in God, and they are just as much Americans as those of us who do believe in God.

I see no reason for passing this resolution to reaffirm what is already the case and what we've affirmed before. So it's a waste of time. And I am not saying that "In God We Trust" is a waste of time, nor that the national motto is simply words or a symbol. They mean something.

But this resolution is simply words which does nothing, is intended to do

nothing other than to get up and say, we're godly, we're good people. And it's true, we are, I hope. Most of us are. But we don't have to declare it. And we don't have to make people who may not agree with it feel that they're not as American as we are.

We don't have to spend the time in this House when we're not spending it on things that are important in terms of something that we can actually change, that we can actually do something about, like creating jobs and affecting the economy. We can't change this. This is the national motto. It will remain the national motto. This resolution changes nothing.

If this resolution were saying, let's abolish the national motto, then it would change something and we'd say, well, you can debate it one way or the other. But this changes nothing. It simply diverts attention, it wastes our time, and it is unworthy for that reason.

I yield back the balance of my time.

Mr. FORBES. Mr. Speaker, in closing, the gentleman from New York says that we are simply declaring how good we are, that we are wasting our time, that we have other things that are important.

I realize that there are some who don't see the difference between what we're doing in reaffirming "In God We Trust" as our national motto from naming a post office or commending some athletic team that's won the last sports contest. But I happen to believe that when Thomas Jefferson stated in the Declaration of Independence that our rights came from God, he didn't think that was irrelevant or not important.

Mr. Speaker, I hope that we will support this resolution.

Mr. PENCE. Mr. Speaker, I rise in support of this resolution to reaffirm "In God We Trust" as the official motto of the United States (H. Con. Res. 13), and I want to thank Congressman RANDY FORBES for introducing this resolution and commend him for his tireless and ongoing defense of America's Christian heritage.

I believe that reaffirming our commitment to "In God We Trust" as the official motto of the United States matters. It pays tribute to our present and past, and it facilitates our future. America was founded on the principle that we derive our rights from our Creator. They are not given to us by government or by kings. These rights are given to us by God.

I don't believe that one can adequately explain the near boundless prosperity and advancement of the United States of America since 1776 other than the hand of Providence. In these difficult times, now more than ever, we should reaffirm "In God We Trust" as our official motto.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 13, rise today "Reaffirming 'In God We Trust' as the official motto of the United States" which would support and encourage the public display of the national motto in all public buildings, public schools, and other government in-

stitutions. This motto reflects our nation's rich history of religious freedom and tolerance.

More than three hundred years ago, bound by their common faith and desire for tolerance and liberty, a small group of pilgrims journeyed to America. They sought a place where they could safely and freely worship according to their own beliefs.

The tradition of religious freedom is one of the fundamental liberties upon which our nation was founded. The founding document of our nation, The Declaration of Independence, states that men are "endowed by their Creator with certain unalienable rights that among these are life, liberty, and the pursuit of happiness." Reaffirming "In God We Trust" as the national motto does not violate these rights; instead, this is an acknowledgement of our nation's unwavering commitment to religious freedom.

The English word God does not exclusively refer to a Christian God or God from any one religion. There are names of God in a variety of religious traditions throughout the world, including Hinduism, Sikhism, Christianity, Islam, Judaism, indigenous African religions, and Native American religions. In all of these diverse faiths, names of God are invoked to address the Supreme Being or deity in liturgy and prayer. In fact, the word God is defined as referring to the Supreme Being, the creator and ruler of the universe. This definition does not imply that God is tied to a specific religion, but rather unique to individual faith traditions.

We are a diverse nation, filled with people from around the world, people of varying backgrounds, races and religions. In Houston, where I represent the 18th Congressional District, 44 percent of the population is Hispanic, and 25 percent are African Americans. Houston is also home to the third largest Vietnamese community in the country, as well as the 5th largest Indonesian population, and a sizeable community of individuals from Nigeria, India, Bangladesh, Sri Lanka and Norway. Within these diverse cultural backgrounds, there are many different religions, faiths and customs.

The 18th Congressional District recently made great progress in celebrating all of Houston's religions. On October 18, 2011, Houston's Institute of Interfaith Dialog broke ground for the Houston Interfaith Peace Garden, a multi religious center. The goal of the organization and the Peace Garden is the promotion of understanding among different faiths through shared experiences.

As my constituents in the 18th Congressional District have shown, promoting understanding between religions strengthens communities, and unites Americans. For centuries, religion has been a comfort to people in tragedy, and way to celebrate in triumph. Reaffirming "In God We Trust" as the national motto is a reaffirmation of faith, a reaffirmation of a creator and Supreme Being, and uniting all religions under the comfort this brings. However, in no way should this legislation or my vote for H. Con. Res. 13 deny the superior constitutional standing of the 1st Amendment of the Bill of Rights in the Constitution guaranteeing freedom of religion in the United States of America.

Mr. MCINTYRE. Mr. Speaker, I rise today in support of H. Con. Res. 13, a resolution to reaffirm "In God We Trust" as the official motto

of the United States of America. Though the motto itself was not officially adopted until 1956, the saying has long been a part of our nation's history and its sentiment has prevailed much longer than that.

Since its onset, America the Beautiful has been a Nation of Faith. Now, as our country faces a fatigued economy, high unemployment, and a challenging budget situation, our continued trust in God is critical and must not wane. Like the battle-worn American flag that first inspired Francis Scott Key to write "In God is our trust!" during the war of 1812, our faith in God must remain steadfast through the dark times.

It is fitting that we consider H. Con. Res. 13 today, because on this day in history 234 years ago, Congress similarly considered a resolution recognizing "the superintending providence of Almighty God" in developing our nation.

The First National Proclamation of Thanksgiving, issued by the Continental Congress on November 1, 1777, recommended that President George Washington set aside December 18th the following year as a day for "solemn thanksgiving and praise." The resolution further declared that such a day might:

"please [God] graciously to afford his blessings on the governments of these states respectively, and prosper the public council of the whole; to inspire our commanders both by land and sea, and all under them, with that wisdom and fortitude which may render them fit instruments, under the providence of Almighty God, to secure for these United States the greatest of all blessings, independence and peace and

"that it may please Him to prosper the trade and manufactures of the people and the labor of the husbandman, that our land may yield its increase; to take schools and seminaries of education, so necessary for cultivating the principles of true liberty, virtue and piety, under his nurturing hand, and to prosper the means of religion for the promotion and enlargement of that kingdom which consisteth in righteousness, peace and joy in the Holy Ghost."

Mr. Speaker, just as we did 234 years ago today, let us recognize the undeniable hand of God in cultivating our great nation, and give thanks for the mercies he has bestowed on us throughout our history. Let us also reaffirm today, not just the text of our national motto, but that truly "In God is our trust."

Mr. HOLT. Mr. Speaker, I am troubled and disappointed that this duplicative and needless resolution reaffirming "In God We Trust" as the official motto of the United States is being considered today. It is a solution in search of a problem and it comes at the cost of addressing the jobs crisis in our country. With 25 million people out of work, job creation must be our top priority and we should be working every day to help get Americans back to work.

Does anyone seriously believe that "In God We Trust" has come under attack? It is my experience that the American people do not need to be told to respect the symbols of our nation and our national motto. They already do.

Some have raised questions about whether the national motto violates the First Amendment protections against the establishment of

religion. Supreme Court Justice Brennan answered those concerns when he said, "The truth is that we have simply interwoven the motto so deeply into the fabric of our civil polity that its present use may well not present that type of involvement which the First Amendment prohibits."

Finally, one of my constituents wrote to remind me prior to 1956 "E pluribus unum" or "Out of many, one" was the de facto motto of the United States. I can't help but wonder whether it wouldn't be a better motto again today. As we face great challenges, we should always remember that we are all in this together.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. FORBES) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 13.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FORBES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

WIRELESS TAX FAIRNESS ACT OF 2011

Mr. FRANKS of Arizona. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1002) to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Tax Fairness Act of 2011".

SEC. 2. FINDINGS.

Congress finds the following:

(1) It is appropriate to exercise congressional enforcement authority under section 5 of the 14th Amendment to the Constitution of the United States and Congress' plenary power under article I, section 8, clause 3 of the Constitution of the United States (commonly known as the "commerce clause") in order to ensure that States and political subdivisions thereof do not discriminate against providers and consumers of mobile services by imposing new selective and excessive taxes and other burdens on such providers and consumers.

(2) In light of the history and pattern of discriminatory taxation faced by providers and consumers of mobile services, the prohibitions against and remedies to correct discriminatory State and local taxation in section 306 of the Railroad Revitalization and Regulatory Reform Act of 1976 (49 U.S.C. 11501) provide an appropriate analogy for congressional action, and similar Federal legislative measures are warranted that will prohibit imposing new discriminatory taxes

on providers and consumers of mobile services and that will assure an effective, uniform remedy.

SEC. 3. MORATORIUM.

(a) IN GENERAL.—No State or local jurisdiction shall impose a new discriminatory tax on or with respect to mobile services, mobile service providers, or mobile service property, during the 5-year period beginning on the date of enactment of this Act.

(b) DEFINITIONS.—In this Act:

(1) MOBILE SERVICE.—The term "mobile service" means commercial mobile radio service, as such term is defined in section 20.3 of title 47, Code of Federal Regulations, as in effect on the date of enactment of this Act, or any other service that is primarily intended for receipt on, transmission from, or use with a mobile telephone or other mobile device, including but not limited to the receipt of a digital good.

(2) MOBILE SERVICE PROPERTY.—The term "mobile service property" means all property used by a mobile service provider in connection with its business of providing mobile services, whether real, personal, tangible, or intangible (including goodwill, licenses, customer lists, and other similar intangible property associated with such business).

(3) MOBILE SERVICE PROVIDER.—The term "mobile service provider" means any entity that sells or provides mobile services, but only to the extent that such entity sells or provides mobile services.

(4) NEW DISCRIMINATORY TAX.—The term "new discriminatory tax" means a tax imposed by a State or local jurisdiction that is imposed on or with respect to, or is measured by, the charges, receipts, or revenues from or value of—

(A) a mobile service and is not generally imposed, or is generally imposed at a lower rate, on or with respect to, or measured by, the charges, receipts, or revenues from other services or transactions involving tangible personal property;

(B) a mobile service provider and is not generally imposed, or is generally imposed at a lower rate, on other persons that are engaged in businesses other than the provision of mobile services; or

(C) a mobile service property and is not generally imposed, or is generally imposed at a lower rate, on or with respect to, or measured by the value of, other property that is devoted to a commercial or industrial use and subject to a property tax levy, except public utility property owned by a public utility subject to rate of return regulation by a State or Federal regulatory authority;

unless such tax was imposed and actually enforced on mobile services, mobile service providers, or mobile service property prior to the date of enactment of this Act.

(5) STATE OR LOCAL JURISDICTION.—The term "State or local jurisdiction" means any of the several States, the District of Columbia, any territory or possession of the United States, a political subdivision of any State, territory, or possession, or any governmental entity or person acting on behalf of such State, territory, possession, or subdivision that has the authority to assess, impose, levy, or collect taxes or fees.

(6) TAX.—

(A) IN GENERAL.—The term "tax" means a charge imposed by a governmental entity for

the purpose of generating revenues for governmental purposes, and excludes a fee imposed on a particular entity or class of entities for a specific privilege, service, or benefit conferred exclusively on such entity or class of entities.

(B) **EXCLUSION.**—The term “tax” does not include any fee or charge—

(i) used to preserve and advance Federal universal service or similar State programs authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254); or

(ii) specifically dedicated by a State or local jurisdiction for the support of E-911 communications systems.

(C) **RULES OF CONSTRUCTION.**—

(1) **DETERMINATION.**—For purposes of subsection (b)(4), all taxes, tax rates, exemptions, deductions, credits, incentives, exclusions, and other similar factors shall be taken into account in determining whether a tax is a new discriminatory tax.

(2) **APPLICATION OF PRINCIPLES.**—Except as otherwise provided in this Act, in determining whether a tax on mobile service property is a new discriminatory tax for purposes of subsection (b)(4)(C), principles similar to those set forth in section 306 of the Railroad Revitalization and Regulatory Reform Act of 1976 (49 U.S.C. 11501) shall apply.

(3) **EXCLUSIONS.**—Notwithstanding any other provision of this Act—

(A) the term “generally imposed” as used in subsection (b)(4) shall not apply to any tax imposed only on—

(i) specific services;

(ii) specific industries or business segments; or

(iii) specific types of property; and

(B) the term “new discriminatory tax” shall not include a new tax or the modification of an existing tax that either—

(i)(I) replaces one or more taxes that had been imposed on mobile services, mobile service providers, or mobile service property; and

(II) is designed so that, based on information available at the time of the enactment of such new tax or such modification, the amount of tax revenues generated thereby with respect to such mobile services, mobile service providers, or mobile service property is reasonably expected to not exceed the amount of tax revenues that would have been generated by the respective replaced tax or taxes with respect to such mobile services, mobile service providers, or mobile service property; or

(ii) is a local jurisdiction tax that may not be imposed without voter approval, provides for at least 90 days’ prior notice to mobile service providers, and is required by law to be collected from mobile service customers.

SEC. 4. ENFORCEMENT.

Notwithstanding any provision of section 1341 of title 28, United States Code, or the constitution or laws of any State, the district courts of the United States shall have jurisdiction, without regard to amount in controversy or citizenship of the parties, to grant such mandatory or prohibitive injunctive relief, interim equitable relief, and declaratory judgments as may be necessary to prevent, restrain, or terminate any acts in violation of this Act.

(1) **JURISDICTION.**—Such jurisdiction shall not be exclusive of the jurisdiction which any Federal or State court may have in the absence of this section.

(2) **BURDEN OF PROOF.**—The burden of proof in any proceeding brought under this Act shall be upon the party seeking relief and shall be by a preponderance of the evidence on all issues of fact.

(3) **RELIEF.**—In granting relief against a tax which is discriminatory or excessive under this Act with respect to tax rate or amount only, the court shall prevent, restrain, or terminate the imposition, levy, or collection of not more than the discriminatory or excessive portion of the tax as determined by the court.

SEC. 5. GAO STUDY.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study, throughout the 5-year period beginning on the date of the enactment of this Act, to determine—

(1) how, and the extent to which, taxes imposed by local and State jurisdictions on mobile services, mobile service providers, or mobile property, impact the costs consumers pay for mobile services; and

(2) the extent to which the moratorium on discriminatory mobile services taxes established in this Act has any impact on the costs consumers pay for mobile services.

(b) **REPORT.**—Not later than 6 years after the date of the enactment of this Act, the Comptroller General shall submit, to the Committee on the Judiciary of the House of Representatives and Committee on the Judiciary of the Senate, a report containing the results of the study required subsection (a) and shall include in such report recommendations for any changes to laws and regulations relating to such results.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. FRANKS) and the gentleman from California (Ms. CHU) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. FRANKS of Arizona. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1002, as amended, currently under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. FRANKS of Arizona. Mr. Speaker, I yield myself such time as I may consume.

Congresswoman LOFGREN and I introduced H.R. 1002 with the broad bipartisan support of 144 original cosponsors. We now have 236 cosponsors, and I want to thank Ms. LOFGREN for her hard work on this issue.

Mr. Speaker, access to wireless networks represents a key component of millions of Americans’ livelihoods, providing the efficient communication capabilities, whether by phone, broadband Internet or otherwise, necessary to run a successful business.

The exorbitant discriminatory taxes on wireless customers are not only unfair, they are counterintuitive, adding yet another costly impediment to the success of so many American businesses who are struggling in the midst of a prolonged recession and an already hefty tax burden. Low-income and senior Americans who frequently rely on wireless service as their sole means of

telephone and Internet access also bear the brunt of this discriminatory tax’s impact.

H.R. 1002, the Wireless Tax Fairness Act, provides a balanced approach that protects the revenue needs of States and localities, while allowing for a 5-year hiatus on new discriminatory wireless taxes, encouraging States and localities to develop a national tax regime that maintains the affordability of a wireless service.

Mr. Speaker, I strongly encourage my colleagues to support this constitutionally sound, pro-consumer bill.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1002, the Wireless Tax Fairness Act of 2011, will impose on States a 5-year moratorium on any new tax on mobile services, mobile service providers, and mobile service property. This will deny States the flexibility to respond to economic downturns during the moratorium and, therefore, undermine the ability of States to pay for essential services such as public health and safety, education and maintenance of State highways.

The legislation is based on faulty information and will benefit the wireless services industry. Further, the legislation contains vague language which will lead to increased litigation for both State and local governments and the wireless industry. Because of these and other concerns presented by the bill, many organizations are opposed, including the League of Cities, National Governors Association, the American Federation of State, County and Municipal Employees, the AFL-CIO, AFT and NEA, amongst others.

Why are they opposed?

Because, first, this bill will force States to cut services and increase taxes on nonwireless taxpayers.

□ 1730

In order for States and local communities to continue to recover from this recession, they need all tools at their disposal to balance their budgets, to preserve and create jobs, and to provide essential services like police, fire, and education.

In fact, demand for many of the essential services, such as unemployment payments and other social programs, has increased during the economic downturn. Yet this bill takes away one of the tools to tax the wireless industry at the expense of other taxpayers and businesses. The moratorium will exclude from possible State taxation millions, if not billions of dollars, in future revenue from wireless service taxes. Thus, to balance their budgets, States will be forced to cut even more services and shift more of the tax burden on to other local taxpayers.

As a former member of the California Board of Equalization, the Nation’s duly elected statewide tax board, I understand the unique fiscal challenges

facing our Nation today and believe we should leave local taxes in the hands of local officials and residents.

Finally, State legislators and local officials who are elected by their constituents and accountable to them have decided to impose these taxes. By passing this legislation, Congress impedes upon local elections and is telling local governments how to run their budgets.

A second reason for opposition is that this bill is a special interest bill for the wireless industry. It benefits the wireless services industry at the expense of other industries. Despite industry claims, this bill will not lead to more broadband development and competitiveness. Current State and local taxes on wireless services and providers have not diminished adoption rates, nor have they inhibited broadband expansion.

In fact, the wireless industry has not yet presented any data indicating that State and local wireless taxes have had adverse effect on wireless subscribership, revenue, or investment. Instead, the wireless industry continues to grow and profits remain high.

If this bill becomes law, it would set up a dual tax system on telephone services by giving preferential treatment to cell phone customers but continue to allow taxes on traditional wire-line phones. This will put a higher burden on those without cell phones.

Finally, vague definitions within this bill will lead to increased litigation. H.R. 1002 will increase litigation costs for wireless service providers and State and local governments. Courts will have to interpret the many vague terms that are contained within the bill.

I reserve the balance of my time.

Mr. FRANKS of Arizona. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina, the chairman of the Courts, Commercial and Administrative Law Subcommittee, Mr. COBLE.

Mr. COBLE. I thank the gentleman from Arizona for yielding.

Mr. Speaker, wireless communications have become a mainstay of modern day Americana. There are now over 290 million wireless subscribers in the United States. As mobile phones become more common and available, they have also become more critical to their users. You don't have to look far in Washington to find someone talking or texting on a mobile device, or, for that matter, in my home in Greensboro, North Carolina. They're everywhere. They are ubiquitous. While most of this is the result of sheer demand, the Federal Government has taken important steps to ensure that we have quality mobile service that is accessible to everyone.

Unfortunately, some State and local taxing authorities have begun to impose higher taxes on wireless services

than on other goods and services. Often times, these taxes are arbitrary and go unnoticed because they're passed on to consumers as another line item at the bottom of their monthly wireless phone bill.

Although States and local governments should not be prohibited from taxing wireless services, they also should not use wireless as a revenue cow. The Wireless Tax Fairness Act would impose a 5-year moratorium on any new discriminatory wireless taxes. Current wireless tax rates, even if higher than taxes on other services, would not be changed or affected by this bill. Thus, State and local revenue projections from wireless taxes will not be affected.

This bill would give States breathing room to reform their wireless tax policies at the State and local level, which they have admitted they need to do.

I'm pleased to support this legislation and again thank the gentleman from Arizona for having yielded.

Ms. CHU. I yield such time as she may consume to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. I thank the gentlelady for yielding and thank the gentleman from Arizona for his kind comments.

Mr. Speaker, I have introduced the Wireless Tax Fairness Act for three successive Congresses, and I am gratified that it is being considered by the full House here today.

Nearly everyone agrees that expanding broadband Internet access and adoption is critical to the economic future of our country. As the FCC put it in the National Broadband Plan, the U.S. must lead the world in broadband innovation and investment and take all appropriate steps to ensure that Americans have access to modern high-performance broadband and the benefits it enables.

I introduced the Wireless Tax Fairness Act because discriminatory taxes on wireless services are not consistent with this top national priority. Cell phone bills are on average taxed at a far higher rate than other goods and services. In many jurisdictions, the taxation of wireless approaches or even exceeds the rates of so-called sin taxes on goods like alcohol and tobacco. These disproportionate taxes discourage investment and adoption of wireless services, including advanced wireless broadband.

Before he was the President's chief economist, Austan Goolsbee, published a peer-reviewed study finding deadweight losses to society of up to \$5 for every \$1 in taxes on broadband service, including wireless.

Now, these taxes fall particularly hard on working-class and lower-income Americans who are most likely to rely on their cell phone for all of their communications, including access to the Internet. And in fact, the

Pew study and the CDC have indicated that usage of cell phones for Internet access among Latinos and African Americans in the United States was far higher than that among other Americans. And so, this regressive tax burden troubles me, especially in these economic times.

Now, for 14 years before I was a Member of Congress, I served on the board of supervisors of Santa Clara County. So I really do understand the need of local governments to balance their budgets every year and to get revenue. But this bill would not affect any existing revenues. In fact, it wouldn't prevent raising taxes on all goods. If you're going to have a half-cent sales tax on everything, include wireless. What this would do is prevent you from singling out wireless services for disproportionate taxation.

Ultimately, the moratorium for 5 years should yield to modernization of State and local telecommunication taxes. Separate higher taxes on wireless services are an outdated legacy of the days when telephone service was a regulated monopoly. A timeout from discriminatory tax increases will encourage States and localities to focus on enacting reforms that work for all stakeholders.

In general, I do believe that State and local governments should have the autonomy to set tax rates as they see fit. And, in fact, during the committee markup we added an amendment that allows voter-approved discriminatory taxes if that's what the voters of a jurisdiction wish to do.

But beyond that there are exceptions when Congress recognizes the need to protect in advance a national imperative. And that's one of these instances. As the national broadband plan said, wireless broadband is poised to become a key platform for innovation in the United States over the next decade.

We should not let discriminatory taxes on wireless service disrupt this potential. Several years ago, we adopted a prohibition on discriminatory taxes on Internet access. At the time, I don't think we fully realized that wireless was going to be the onramp for so many of our citizens to the Internet. And so we did not include it at that time. This is to correct that omission.

I thank the gentleman from Arizona for working with me and all of the 236 cosponsors who are part of this effort.

Mr. FRANKS of Arizona. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Ms. CHU. In conclusion, H.R. 1002 is irresponsible legislation that will restrict State flexibility to raise much-needed revenues, which will force State governments to eliminate essential government programs and services and shift burdens to other taxpayers.

For all of these reasons, I oppose this legislation and urge my colleagues to vote "no."

I yield back the balance of my time.

□ 1740

Mr. FRANKS of Arizona. Mr. Speaker, many points have been made about discriminatory taxes and their impact on businesses and individuals. For all the reasons that were so eloquently put forth by the gentlelady from California, we would urge the support of this legislation, and I would again thank the gentlelady for her tremendous effort in this area and on this bill.

I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, H.R. 1002, the Wireless Tax Fairness Act, which aims to help consumers and cell phone companies, unfortunately ignores the interests of state and local governments. The bill prevents states from determining what and how much to tax certain activities within their borders.

True, increased taxes and fees on wireless services ultimately hurt consumers. Every penny matters and every tax increase can impact consumers' pocketbooks and their choices to spend on other goods and services.

Rather than taking up this bill, we should consider ways how Congress can help our state and local governments, many of which are barely staying afloat financially during the current economic climate.

These states and municipalities must balance their budgets while still providing essential police and fire services, assisting those in need, maintaining our roads and bridges, and ensuring an education for our children. Because of severely reduced revenues, many of our states are cutting their budgets and reducing funding for such essential services as law enforcement and education.

This bill will only reduce more future state and local government revenues. For that reason, state and local governments and employee unions oppose this legislation.

Instead, Congress can and should help our state and local governments. We could pass H.R. 2701, the "Main Street Fairness Act," which I introduced earlier this Congress or similar legislation.

H.R. 2701 would ensure fairness in the marketplace between remote retailers and their brick and mortar counterparts. It would level the playing field for retailers by requiring remote sellers to collect the same sales tax that local retailers have to collect. Thus, mom-and-pop retailers would no longer be at a competitive disadvantage against online retailers. And, it would support our states by providing them the authority to collect very much needed sales taxes which they have not been able to collect from remote sellers.

I cannot support H.R. 1002 because it will prevent states from exercising their authority within their own borders.

Instead, we should support more balanced measures, such as the Main Street Fairness Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. FRANKS) that the House suspend the rules and pass the bill, H.R. 1002, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

KATE PUZEY PEACE CORPS VOLUNTEER PROTECTION ACT OF 2011

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1280) to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kate Puzey Peace Corps Volunteer Protection Act of 2011".

SEC. 2. PEACE CORPS VOLUNTEER PROTECTION.

The Peace Corps Act is amended by inserting after section 8 (22 U.S.C. 2507) the following new sections:

"SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE TRAINING

"SEC. 8A. (a) IN GENERAL.—As part of the training provided to all volunteers under section 8(a), the President shall develop and implement comprehensive sexual assault risk-reduction and response training that, to the extent practicable, conforms to best practices in the sexual assault field.

"(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault risk-reduction and response training under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.

"(c) SUBSEQUENT TRAINING.—Once a volunteer has arrived in his or her country of service, the President shall provide the volunteer with training tailored to the country of service that includes cultural training relating to gender relations, risk-reduction strategies, treatment available in such country (including sexual assault forensic exams, post-exposure prophylaxis (PEP) for HIV exposure, screening for sexually transmitted diseases, and pregnancy testing), MedEvac procedures, and information regarding a victim's right to pursue legal action against a perpetrator.

"(d) INFORMATION REGARDING CRIMES AND RISKS.—Each applicant for enrollment as a volunteer shall be provided with information regarding crimes against and risks to volunteers in the country in which the applicant has been invited to serve, including an overview of past crimes against volunteers in the country.

"(e) CONTACT INFORMATION.—The President shall provide each applicant, before the applicant enrolls as a volunteer, with—

"(1) the contact information of the Inspector General of the Peace Corps for purposes of reporting sexual assault mismanagement or any other mismanagement, misconduct, wrongdoing, or violations of law or policy whenever it involves a Peace Corps em-

ployee, volunteer, contractor, or outside party that receives funds from the Peace Corps;

"(2) clear, written guidelines regarding whom to contact, including the direct telephone number for the designated Sexual Assault Response Liaison (SARL) and the Office of Victim Advocacy and what steps to take in the event of a sexual assault or other crime; and

"(3) contact information for a 24-hour sexual assault hotline to be established for the purpose of providing volunteers a mechanism to anonymously—

"(A) report sexual assault;

"(B) receive crisis counseling in the event of a sexual assault; and

"(C) seek information about Peace Corps sexual assault reporting and response procedures.

"(f) DEFINITIONS.—In this section and sections 8B through 8G:

"(1) PERSONALLY IDENTIFYING INFORMATION.—The term 'personally identifying information' means individually identifying information for or about a volunteer who is a victim of sexual assault, including information likely to disclose the location of such victim, including the following:

"(A) A first and last name.

"(B) A home or other physical address.

"(C) Contact information (including a postal, email, or Internet protocol address, or telephone or facsimile number).

"(D) A social security number.

"(E) Any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with information described in subparagraphs (A) through (D), would serve to identify the victim.

"(2) RESTRICTED REPORTING.—

"(A) IN GENERAL.—The term 'restricted reporting' means a system of reporting that allows a volunteer who is sexually assaulted to confidentially disclose the details of his or her assault to specified individuals and receive the services outlined in section 8B(c) without the dissemination of his or her personally identifying information except as necessary for the provision of such services, and without automatically triggering an official investigative process.

"(B) EXCEPTIONS.—In cases in which volunteers elect restricted reporting, disclosure of their personally identifying information is authorized to the following persons or organizations when disclosure would be for the following reasons:

"(i) Peace Corps staff or law enforcement when authorized by the victim in writing.

"(ii) Peace Corps staff or law enforcement to prevent or lessen a serious or imminent threat to the health or safety of the victim or another person.

"(iii) SARLs, victim advocates or healthcare providers when required for the provision of victim services.

"(iv) State and Federal courts when ordered, or if disclosure is required by Federal or State statute.

"(C) NOTICE OF DISCLOSURE AND PRIVACY PROTECTION.—In cases in which information is disclosed pursuant to subparagraph (B), the President shall—

"(i) make reasonable attempts to provide notice to the volunteer with respect to whom such information is being released; and

"(ii) take such action as is necessary to protect the privacy and safety of the volunteer.

"(3) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct prescribed by chapter 109A of title 18, United States Code,

whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States, and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

“(4) STALKING.—The term ‘stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

“(A) fear for his or her safety or the safety of others; or

“(B) suffer substantial emotional distress.

“SEXUAL ASSAULT POLICY

“SEC. 8B. (a) IN GENERAL.—The President shall develop and implement a comprehensive sexual assault policy that—

“(1) includes a system for restricted and unrestricted reporting of sexual assault;

“(2) mandates, for each Peace Corps country program, the designation of a Sexual Assault Response Liaison (SARL), who shall receive comprehensive training on procedures to respond to reports of sexual assault, with duties including ensuring that volunteers who are victims of sexual assault are moved to a safe environment and accompanying victims through the in-country response at the request of the victim;

“(3) requires SARLs to immediately contact a Victim Advocate upon receiving a report of sexual assault in accordance with the restricted and unrestricted reporting guidelines promulgated by the Peace Corps;

“(4) to the extent practicable, conforms to best practices in the sexual assault field;

“(5) is applicable to all posts at which volunteers serve; and

“(6) includes a guarantee that volunteers will not suffer loss of living allowances for reporting a sexual assault.

“(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault policy under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field, including experts with international experience.

“(c) ELEMENTS.—The sexual assault policy developed under subsection (a) shall include, at a minimum, the following services with respect to a volunteer who has been a victim of sexual assault:

“(1) The option of pursuing either restricted or unrestricted reporting of an assault.

“(2) Provision of a SARL and Victim’s Advocate to the volunteer.

“(3) At a volunteer’s discretion, provision of a sexual assault forensic exam in accordance with applicable host country law.

“(4) If necessary, the provision of emergency health care, including a mechanism for such volunteer to evaluate such provider.

“(5) If necessary, the provision of counseling and psychiatric medication.

“(6) Completion of a safety and treatment plan with the volunteer, if necessary.

“(7) Evacuation of such volunteer for medical treatment, accompanied by a Peace Corps staffer at the request of such volunteer. When evacuated to the United States, such volunteer shall be provided, to the extent practicable, a choice of medical providers including a mechanism for such volunteers to evaluate the provider.

“(8) An explanation to the volunteer of available law enforcement and prosecutorial options, and legal representation.

“(d) TRAINING.—The President shall train all staff outside the United States regarding the sexual assault policy developed under subsection (a).

“OFFICE OF VICTIM ADVOCACY

“SEC. 8C. (a) ESTABLISHMENT OF OFFICE OF VICTIMS ADVOCACY.—

“(1) IN GENERAL.—The President shall establish an Office of Victim Advocacy in Peace Corps headquarters headed by a full-time victim advocate who shall report directly to the Director. The Office of Victim Advocacy may deploy personnel abroad when necessary to help assist victims.

“(2) PROHIBITION.—Peace Corps Medical Officers, Safety and Security Officers, and program staff may not serve as victim advocates. The victim advocate referred to in paragraph (1) may not have any other duties in the Peace Corps that are not reasonably connected to victim advocacy.

“(3) EXEMPTION.—The victim advocate and any additional victim advocates shall be exempt from the limitations specified in subparagraphs (A) and (B) of paragraph (2) and paragraph (5) under section 7(a) of the Peace Corps Act (22 U.S.C. 2506(a)).

“(b) RESPONSIBILITIES.—

“(1) VICTIMS OF SEXUAL ASSAULT.—The Office of Victim Advocacy shall help develop and update the sexual assault risk-reduction and response training described in section 8A and the sexual assault policy described in section 8B, ensure that volunteers who are victims of sexual assault receive services specified in section 8B(c), and facilitate their access to such services.

“(2) OTHER CRIMES.—In addition to assisting victims of sexual assault in accordance with paragraph (1), the Office of Victim Advocacy shall assist volunteers who are victims of crime by making such victims aware of the services available to them and facilitating their access to such services.

“(3) PRIORITY.—The Office of Victim Advocacy shall give priority to cases involving serious crimes, including sexual assault and stalking.

“(c) STATUS UPDATES.—The Office of Victim Advocacy shall provide to volunteers who are victims regular updates on the status of their cases if such volunteers have opted to pursue prosecution.

“(d) TRANSITION.—The Office of Victim Advocacy shall assist volunteers who are victims of crime and whose service has terminated in receiving the services specified in section 8B(c) requested by such volunteer.

“ESTABLISHMENT OF SEXUAL ASSAULT ADVISORY COUNCIL

“SEC. 8D. (a) ESTABLISHMENT.—There is established a Sexual Assault Advisory Council (in this section referred to as the ‘Council’).

“(b) MEMBERSHIP.—The Council shall be composed of not less than 8 individuals selected by the President, not later than 180 days after the date of the enactment of this section, who are returned volunteers (including volunteers who were victims of sexual assault and volunteers who were not victims of sexual assault) and governmental and nongovernmental experts and professionals in the sexual assault field. No Peace Corps employee shall be a member of the Council. The number of governmental experts appointed to the Council shall not exceed the number of nongovernmental experts.

“(c) FUNCTIONS; MEETINGS.—The Council shall meet not less often than annually to review the sexual assault risk-reduction and response training developed under section 8A, the sexual assault policy developed under section 8B, and such other matters related to sexual assault the Council views as appropriate, to ensure that such training and policy conform to the extent practicable to best practices in the sexual assault field.

“(d) REPORTS.—On an annual basis for 5 years after the date of the enactment of this

section and at the discretion of the Council thereafter, the Council shall submit to the President and the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report on its findings based on the reviews conducted pursuant to subsection (c).

“(e) EMPLOYEE STATUS.—Members of the Council shall not be considered employees of the United States Government for any purpose and shall not receive compensation other than reimbursement of travel expenses and per diem allowance in accordance with section 5703 of title 5, United States Code.

“(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

“VOLUNTEER FEEDBACK AND PEACE CORPS REVIEW

“SEC. 8E. (a) MONITORING AND EVALUATION.—Not later than 1 year after the date of the enactment of this section, the President shall establish goals, metrics, and monitoring and evaluation plans for all Peace Corps programs. Monitoring and evaluation plans shall incorporate best practices from monitoring and evaluation studies and analyses.

“(b) PERFORMANCE PLANS AND ELEMENTS.—The President shall establish performance plans with performance elements and standards for Peace Corps representatives and shall review the performance of Peace Corps representatives not less than annually to determine whether they have met these performance elements and standards. Nothing in this subsection shall be construed as limiting the discretion of the President to remove a Peace Corps representative.

“(c) ANNUAL VOLUNTEER SURVEYS.—The President shall annually conduct a confidential survey of volunteers regarding the effectiveness of Peace Corps programs and staff and the safety of volunteers. The results shall be provided in aggregate form without identifying information to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives. Results from the annual volunteer survey shall be considered in reviewing the performance of Peace Corps representatives under subsection (a).

“(d) PEACE CORPS INSPECTOR GENERAL.—The Inspector General of the Peace Corps shall—

“(1) submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives—

“(A) a biennial report on reports received from volunteers relating to misconduct, mismanagement, or policy violations of Peace Corps staff, any breaches of the confidentiality of volunteers, and any actions taken to assure the safety of volunteers who provide such reports;

“(B) a report, not later than two years after the date of the enactment of this section and every three years thereafter, evaluating the effectiveness and implementation of the sexual assault risk-reduction and response training developed under section 8A and the sexual assault policy developed under section 8B, including a case review of a statistically significant number of cases; and

“(C) a report, not later than two years after the date of the enactment of this section, describing how Peace Corps representatives are hired, how Peace Corps representatives are terminated, and how Peace Corps representatives hire staff, including an assessment of the implementation of the performance plans described in subsection (b); and

“(2) when conducting audits or evaluations of Peace Corps programs overseas, notify the Director of the Peace Corps about the results of such evaluations, including concerns the Inspector General has noted, if any, about the performance of Peace Corps representatives, for appropriate action.

“ESTABLISHMENT OF A POLICY ON STALKING

“SEC. 8F. (a) IN GENERAL.—The President shall develop and implement a comprehensive policy on stalking that—

“(1) requires an immediate, effective, and thorough response from the Peace Corps upon receipt of a report of stalking;

“(2) provides, during training, all Peace Corps volunteers with a point of contact for the reporting of stalking; and

“(3) protects the confidentiality of volunteers who report stalking to the maximum extent practicable.

“(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the stalking policy under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of those with expertise regarding the crime of stalking.

“(c) TRAINING OF IN-COUNTRY STAFF.—The President shall provide for the training of all in-country staff regarding the stalking policy developed under subsection (a).

“ESTABLISHMENT OF A CONFIDENTIALITY PROTECTION POLICY

“SEC. 8G. (a) IN GENERAL.—The President shall establish and maintain a process to allow volunteers to report incidents of misconduct or mismanagement, or violations of any policy, of the Peace Corps in order to protect the confidentiality and safety of such volunteers and of the information reported, and to ensure that such information is acted on appropriately. This process shall conform to existing best practices regarding confidentiality.

“(b) GUIDANCE.—The President shall provide additional training to officers and employees of the Peace Corps who have access to information reported by volunteers under subsection (a) in order to protect against the inappropriate disclosures of such information and ensure the safety of such volunteers.

“(c) PENALTY.—Any Peace Corps volunteer or staff member who is responsible for maintaining confidentiality under subsection (a) and who breaches such duty shall be subject to disciplinary action, including termination, and in the case of a staff member, ineligibility for re-employment with the Peace Corps.

“REMOVAL AND ASSESSMENT AND EVALUATION

“SEC. 8H. (a) IN GENERAL.—If a volunteer requests removal from the site in which such volunteer is serving because the volunteer feels at risk of imminent bodily harm, the President shall, as expeditiously as practical after receiving such request, remove the volunteer from the site. If the President receives such a request, the President shall assess and evaluate the safety of such site and may not assign another volunteer to the site until such time as the assessment and evaluation is complete and the site has been determined to be safe. Volunteers may remain

at a site during the assessment and evaluation.

“(b) DETERMINATION OF SITE AS UNSAFE.—If the President determines that a site is unsafe for any remaining volunteers at the site, the President shall, as expeditiously as practical, remove all volunteers from the site.

“(c) TRACKING AND RECORDING.—The President shall establish a global tracking and recording system to track and record incidents of crimes against volunteers.

“REPORTING REQUIREMENTS

“SEC. 8I. (a) IN GENERAL.—The President shall annually submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report summarizing information on—

“(1) sexual assault of volunteers;

“(2) other crimes against volunteers;

“(3) the number of arrests, prosecutions, and incarcerations for crimes involving Peace Corps volunteers for every country in which volunteers serve; and

“(4) the annual rate of early termination of volunteers, including demographic data associated with such early termination.

“(b) GAO.—Not later than one year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the House of Representatives a report evaluating the quality and accessibility of health care provided through the Department of Labor to returned volunteers upon their separation from the Peace Corps.

“(c) ACCESS TO COMMUNICATIONS.—

“(1) IN GENERAL.—The President shall determine the level of access to communication, including cellular and Internet access, of each volunteer.

“(2) REPORT.—Not later than six months after the date of the enactment of this section, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report on the costs, feasibility, and benefits of providing all volunteers with access to adequate communication, including cellular service and Internet access.”

SEC. 3. RETENTION OF COUNSEL FOR CRIME VICTIMS.

Section 5(l) of the Peace Corps Act (22 U.S.C. 2504(l)) is amended by inserting before the period at the end the following: “and counsel may be employed and counsel fees, court costs and other expenses may be paid in the support of volunteers who are parties, complaining witnesses, or otherwise participating in the prosecution of crimes committed against such volunteers”.

SEC. 4. SENSE OF CONGRESS ON STAFFING OF OFFICE OF VICTIM ADVOCACY.

It is the sense of Congress that—

(1) the Office of Victim Advocacy established under section 8C of the Peace Corps Act, as added by section 2, should provide an adequate number of victim advocates so that each victim of crime receives critical information and support;

(2) any full-time victim advocates and any additional victim advocates should be credentialed by a national victims assistance body; and

(3) the training required under section 8A(a) of the Peace Corps Act, as added by

section 2, should be credentialed by a national victims assistance body.

SEC. 5. PERSONAL SERVICE CONTRACTS.

The Peace Corps Act is amended—

(1) in section 7(a)(3) (22 U.S.C. 2506(a)(3)), by inserting “, or contracted with for personal services under section 10(a)(5),” after “employed, appointed, or assigned under this subsection”; and

(2) in section 10(a)(5) (22 U.S.C. 2509(a)(5)), by striking “any purpose” and inserting “the purposes of any law administered by the Office of Personnel Management (except that the President may determine the applicability to such individuals of provisions of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.))”.

SEC. 6. INDEPENDENCE OF THE INSPECTOR GENERAL OF THE PEACE CORPS.

Section 7(a) of the Peace Corps Act (22 U.S.C. 2506(a)) is amended by adding at the end the following new paragraph:

“(7) The limitations specified in subparagraphs (A) and (B) of paragraph (2) and in paragraph (5) shall not apply to—

“(A) the Inspector General of the Peace Corps; and

“(B) officers and employees of the Office of the Inspector General of the Peace Corps.”.

SEC. 7. CONFORMING SAFETY AND SECURITY AGREEMENT REGARDING PEACE CORPS VOLUNTEERS SERVING IN FOREIGN COUNTRIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Peace Corps shall consult with the Assistant Secretary of State for Diplomatic Security and enter into a memorandum of understanding that specifies the duties and obligations of the Peace Corps and the Bureau of Diplomatic Security of the Department of State with respect to the protection of Peace Corps volunteers and staff members serving in foreign countries, including with respect to investigations of safety and security incidents and crimes committed against volunteers and staff members.

(b) INSPECTOR GENERAL REVIEW.—

(1) REVIEW.—The Inspector General of the Peace Corps shall review the memorandum of understanding described in subsection (a) and be afforded the opportunity to recommend changes that advance the safety and security of Peace Corps volunteers before entry into force of the memorandum of understanding.

(2) REPORT.—The Director of the Peace Corps shall consider the recommendations of the Inspector General of the Peace Corps regarding the memorandum of understanding described in subsection (a). If the Director enters into the memorandum of understanding without implementing a recommendation of the Inspector General, the Director shall submit to the Inspector General a written explanation relating thereto.

(c) FAILURE TO MEET DEADLINE.—

(1) REQUIREMENT TO SUBMIT REPORT.—If, by the date that is 180 days after the date of the enactment of this Act, the Director of the Peace Corps is unable to obtain agreement with the Assistant Secretary of State for Diplomatic Security and certification by the Inspector General of the Peace Corps, the Director shall submit to the committees of Congress specified in paragraph (2) a report explaining the reasons for such failure and a certification that substantial steps are being taken to make progress toward agreement.

(2) COMMITTEES OF CONGRESS SPECIFIED.—The committees of Congress specified in this paragraph are the Committee on Foreign Relations of the Senate and the Committee on

Foreign Affairs of the House of Representatives.

SEC. 8. PORTFOLIO REVIEWS.

(a) IN GENERAL.—The Director of the Peace Corps shall, at least once every 3 years, perform a review to evaluate the allocation and delivery of resources across the countries the Peace Corps serves or is considering for service. Such portfolio reviews shall at a minimum include the following with respect to each such country:

(1) An evaluation of the country's commitment to the Peace Corps program.

(2) An analysis of the safety and security of volunteers.

(3) An evaluation of the country's need for assistance.

(4) An analysis of country program costs.

(5) An evaluation of the effectiveness of management of each post within a country.

(6) An evaluation of the country's congruence with the Peace Corp's mission and strategic priorities.

(b) BRIEFING.—Upon request of the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the Director of the Peace Corps shall brief such committees on each portfolio review required under subsection (a). If requested, each such briefing shall discuss performance measures and sources of data used (such as project status reports, volunteer surveys, impact studies, reports of Inspector General of the Peace Corps, and any relevant external sources) in making the findings and conclusions in such review.

(c) INCLUSION OF SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE TRAINING.—The Peace Corps Act is amended—

(1) in section 5(a) (22 U.S.C. 2504(a)), in the second sentence, by inserting “(including training under section 8A)” after “training”; and

(2) in section 8(a) (22 U.S.C. 2507(a)), in the first sentence, by inserting “, including training under section 8A,” after “training”.

(b) CERTAIN SERVICES.—Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)) is amended, in the first sentence—

(1) by inserting “(including, if necessary, for volunteers and trainees, services under section 8B)” after “health care”; and

(2) by inserting “including services provided in accordance with section 8B (except that the six-month limitation shall not apply in the case of such services),” before “as the President”.

SEC. 10. OFFSET OF COSTS AND PERSONNEL.

Notwithstanding any other provision of law, the Director of the Peace Corps shall—

(1) eliminate such initiatives, positions, and programs within the Peace Corps (other than within the Office of Inspector General) as the Director deems necessary to ensure any and all costs incurred to carry out the provisions of this Act, and the amendments made by this Act, are entirely offset;

(2) ensure no net increase in personnel are added to carry out the provisions of this Act, with any new full or part time employees or equivalents offset by eliminating an equivalent number of existing staff (other than within the Office of Inspector General);

(3) report to Congress not later than 60 days after the date of the enactment of this Act the actions taken to ensure compliance with paragraphs (1) and (2), including the specific initiatives, positions, and programs within the Peace Corps that have been eliminated to ensure that the costs of carrying out this Act will be offset; and

(4) not implement any other provision of this Act (other than paragraphs (1), (2), and

(3)) or any amendment made by this Act until the Director has certified that the actions specified in paragraphs (1), (2), and (3) have been completed.

SEC. 11. SUNSET.

This Act and the amendments made by this Act shall cease to be effective 7 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of Senate bill 1280, the Kate Puzey Peace Corps Volunteer Protection Act of 2011.

This bill represents the culmination of bipartisan and bicameral efforts to remedy long-standing problems in the Peace Corps regarding the way that rapes, sexual assault, and other violent crimes committed against Peace Corps volunteers serving overseas are handled.

Senate bill 1280 incorporates structural reforms in the Peace Corps that I had proposed in my bill, H.R. 2699. These are based on recommendations made by the Peace Corps Inspector General. It also incorporates the essential provisions of Representative POE's bill, H.R. 2337, to bring best practices to the Peace Corps' response to victims of sexual assault. Both of these bills, Mr. Speaker, were adopted by our House Foreign Affairs Committee by unanimous consent.

Senate bill 1280 is named in honor of a brave Peace Corps volunteer from the State of Georgia who lost her life while serving in Africa. Kate Puzey was brutally murdered in Benin when she tried to end the continuing rape of her students by reporting the assailant.

Earlier this year, in an oversight hearing held by our Committee on Foreign Affairs, we heard from Kate's mom, Lois Puzey, who testified that the Peace Corps failed to protect the confidentiality of Kate's report, and this ultimately led to the murder of her daughter. We also heard testimony from three former Peace Corps volunteers who were raped overseas. They all relayed accounts about the deplorable treatment they received by the Peace Corps after they reported their rapes.

Without the chilling testimony of these brave individuals who came for-

ward, I do not believe that successful reform legislation like this would have been possible. They deserve the utmost respect, and they are to be commended for their bravery. Many of them are in the visitors' gallery today. Jess, Carol, Karestan, and Kate are the voices of the Peace Corps' own volunteers from across the decades, voices that can no longer be ignored.

During the course of our investigation, the House Foreign Affairs Committee received dozens of affidavits from other victims in the Peace Corps, echoing their plea for change. The accounts of these victims unveiled an institution that had too often blamed the victim and treated reports of rape as a threat to its reputation. Despite their harrowing experiences, most volunteers who have been victims of sexual assault continue to support the Peace Corps and remain committed to its noble mission—to promote world peace and friendship between peoples from different cultures.

Director Aaron Williams has begun to make important changes to better protect and serve volunteers in the Peace Corps. However, deeper reforms are needed; and the legislation before us today, which was adopted by our Foreign Affairs Committee, requires the Peace Corps to make these changes.

Senate bill 1280 combines two of our House bills, and it requires the Peace Corps to establish a confidentiality policy for reporting sexual assault. The bill sets up an Office of Victims Advocacy to oversee the response to sexual assault and other violent crimes. It also establishes a Sexual Assault Advisory Council to provide guidance to the Peace Corps volunteers and to ensure that it continues to follow the best practices as they evolve in the field.

Under this bill, the Peace Corps must keep crime statistics and track them in annual safety and security reports. It directs the Peace Corps to perform portfolio reviews to evaluate the countries where volunteers serve, including an evaluation of their safety and their security. This bill enhances the independence of the Peace Corps Inspector General by exempting that office from the 5-year limitation of Peace Corps tenure. It instructs that a Memorandum of Understanding be entered into between the Department of State and the Peace Corps, delineating responsibility for crime victim support.

I urge all Members to support this important legislation in honor of Kate Puzey and to vote in favor of Senate bill 1280. Help reform the Peace Corps to make it the polished gem of U.S. diplomacy that it was always meant to be.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of S. 1280, the Kate Puzey Peace Corps Volunteer Protection Act of 2011. Today marks an important step towards improving the safety and security of volunteers who serve in the Peace Corps.

The Foreign Affairs Committee took up the issue of volunteer safety earlier this year after the broadcast of an extremely disturbing report on the ABC News program "20/20." The segment detailed the experiences of a number of young volunteers who were sexually assaulted while serving overseas but who did not receive the care and support they needed from the Peace Corps. The show also examined the circumstances surrounding the tragic death of Kate Puzey, a volunteer in the west African country of Benin who was murdered after reporting that a fellow teacher was sexually abusing some of his students.

In May we held a very useful hearing on these issues, with witnesses that included returned volunteers who were survivors of sexual assault, the Inspector General of the Peace Corps, and the Peace Corps Director. Based on the testimony we received at the hearing and in consultations with other interested parties, we drafted a bipartisan bill to improve the Peace Corps, and that legislation is reflected in the Senate bill we are taking up today.

Some of the key provisions include requiring the agency to have comprehensive policies and training for volunteers and staff on risk reduction and response; the establishment of a victim support office to focus exclusively on supporting victims of sexual assault and other crimes; and completing a Memorandum of Understanding between the Peace Corps and the State Department, clarifying security-related responsibilities.

I think it's important to point out that Peace Corps Director Aaron Williams has already taken a number of important steps to improve the support for victims of sexual assault and other crimes. For example, the Peace Corps has hired a victim's advocate, established a confidentiality policy, and started the process of rewriting and updating their sexual assault risk reduction and response policies and training.

□ 1750

This bill codifies some of the important measures that Director Williams has put in place to ensure that they're retained by future Directors.

On its 50th anniversary, the Peace Corps continues to perform a vital role in promoting community-based development in some of the world's poorest countries, sharing American values and enriching our own Nation by bringing knowledge of other countries and cultures back to the United States.

No agency with such a modest budget has done more than the Peace Corps to extend America's presence in nearly

every part of the world, and none has enjoyed such strong bipartisan support. This comprehensive, balanced, and bipartisan bill will strengthen the Peace Corps and help ensure that the agency can continue to do its important work well into the future.

I want to thank Chairman ROS-LEHTINEN and Senators BOXER and ISAKSON and their staffs and all our staffs for working so well together on these important issues. And I particularly want to single out Congressman POE, because without his initial thrust, I don't think we would be at this point today. I think he deserves the appreciation of the entire body and of the people who are most impacted by this legislation for his efforts and for his willingness to work with us in such a cooperative fashion.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I am honored to yield such time as he may consume to the gentleman from Texas, Judge POE, the wind beneath our wings, the man who started this ball rolling, the author of H.R. 2337, which was incorporated into the bill before us today. And as Mr. BERMAN, my good friend from California, has pointed out, Judge POE has been the inspiration for this legislation before us today.

Mr. POE of Texas. I thank the gentle lady for yielding. And I appreciate the chair and the ranking member for relentlessly pushing this issue to the House floor as fast as it was possible and to the good folks down at the Senate, Senator BOXER and Senator ISAKSON, who are the initial sponsors of H.R. 2337 on which we will, here today, vote on in a bipartisan way.

This legislation is bipartisan because it deals with victims of crime, American victims of crime. And victims are not a partisan bunch; they're just victims. And when someone picks out a victim to commit a crime against, partisanship doesn't play any part in it. And it's good to see that partisanship doesn't play any part in this legislation in opposing it, but it's a bipartisan piece of legislation.

Mr. Speaker, there's a group of Americans; they are really special people. I call them the American ambassadors abroad. They are young people. A lot of them are young females right out of college. It started with a concept that President Kennedy had many years ago, and it's called the Peace Corps, where these American angels abroad leave their homes in the 50 States and they go to remote parts of the world where many of us would have to look up on a globe or an atlas or the Internet to find out exactly where they are. We've never heard of these places. They are in third-world countries, primarily. They go out where many times the first Americans these folks have ever seen in this country are those

Peace Corps volunteers that show up, and they show up for the sole purpose to make life better for these people overseas, sometimes in very small villages. They go and they work in very primitive conditions and live very difficultly, trying to do something really important to make the world a better place. And they do. They are remarkable people.

When they go overseas, as they have done for the last 50 years, and all over the world, sometimes crimes are committed against them. Sometimes they are very serious crimes. Sometimes that includes sexual assault, rape. And it occurs for a lot of reasons, but it does occur. Unfortunately, the Peace Corps back home for a long time ignored some of these crimes and some of these victims, and they just weren't treated right when they were trying to cry out, saying, Hey, this happened to me over there; take care of me when I come back home.

But now this legislation that has been very carefully drafted will fix that problem. It will move us to a direction where we are going to take care of these Peace Corps volunteers because what they do is important. What the Peace Corps does is important. We just want to improve it so that more and more people go and join the Peace Corps, but yet they feel safe in what they do.

These crimes against our Peace Corps volunteers came to light really at the end of last year, the beginning of this year. One reason it came to light was because of an ABC "20/20" special that aired on January 14, outlining the plight of individual Peace Corps volunteers and how they were treated—first the crime, and then sometimes continuing to be criminalized. In some cases, our volunteers were treated like the criminals and they weren't treated like victims—the offender sometimes was treated like a victim of a crime—and those days need to end.

Mr. Speaker, I have been around a courthouse most of my life down in Texas as a prosecutor, as a criminal court judge, and I tried a lot of bad, serious cases. One of those cases that comes to the courthouses throughout our country is the crime of sexual assault, or rape. That is a unique crime because, you see, many times when the offender commits that crime against primarily a female, it has nothing to do with sex; it has everything to do with power and the destruction of that person's identity. These offenders in some cases try to destroy the soul of that victim, destroy their identity. And that is why, when the crime is committed, we treat those victims with special respect, as they rightfully deserve.

This legislation does that. It improves the Peace Corps. It makes it a better institution. But it tells our

young people that when you go somewhere in the world to represent America, to do something good, just to do something good for somebody else with no other motive, that we are going to do everything we can to protect you, and then we are going to hold people accountable for what they do to you. And we are going to do everything we can, as Americans, to take care of you if a crime is committed against you.

In the last 10 years, Mr. Speaker, the Peace Corps has witnessed over 100 sexual assaults a year against its volunteers. That's 100 too many. We want to bring it down to zero.

As the chairman has mentioned about this legislation, it does several things:

It creates and requires the Peace Corps to follow best practices in training volunteers and responding to assaults against these young people;

Second, it creates a system of restricted and unrestricted reporting so victims have control over their own information and can report only as much as they are comfortable with; and

Third, it sets up an advisory council to help the Peace Corps develop programs. It helps the Peace Corps' sexual assault policy and implements it.

I do want to thank the 87 cosponsors in the House for signing on the legislation that I have sponsored. I do want to thank the chairman again for the legislation she has sponsored; both passed, as she said, the House Committee on Foreign Affairs unanimously in a bipartisan way.

And I do want to thank the Puzey family, sending their daughter overseas and having dealt with the murder of their own child. None of us want to ever see our children die before our time. I have got four kids. Three of them are girls. I've got nine grandkids. And as parents, we don't want to see that happen.

But their ability to come forward to tell that story and the story that others have told, Peace Corps volunteers who are here today, Jess, Karestan, Carol, and Liz, they were willing to come before the Foreign Affairs Committee and testify about what happened to them and the consequences of that. I want to thank them for being willing to be here today and also to testify.

□ 1800

But I also want to thank the Members of Congress for moving this as fast as we can. With all that we're doing and going on and the economy and all of this, it's important that this legislation pass today.

I do believe these young people are America's angels abroad. Sometimes because of the economy and other reasons, we forget the greatness of America. This is a great land. And one of the reasons, one of the reasons it's great is because of the people who are here. One

of the reasons those people are great is because they do things for other people. They go to lands they have never been to and they do things for people they don't even know. And those are the Peace Corps volunteers.

I appreciate the time to speak on this. I hope that it passes unanimously and sends a message to those Peace Corps volunteers: We support you. We support the Peace Corps. We want it to live 50 more years, and this bill helps those American ambassadors abroad.

SARAH LEE, CURRENT VOLUNTEER FROM TEXAS

A woman, let's call her Sarah Lee, who is serving in the Peace Corps in a foreign country right now contacted me. Sarah Lee loves her job and the organization, but can't get past the fact that she feels completely unsafe.

"Throughout my service," she writes, "I have witnessed the sorry manner in which volunteers are regarded, treated, and protected by Peace Corps. It is patently false that volunteers in X country could ever be regarded as 'safe.'"

Last year, Sarah Lee was assaulted by another person that was old enough to be her father. They were staying at another volunteer's house and she fell asleep on the couch. She was awakened in the middle of the night by the assailant inappropriately touching and kissing her.

She reported this to national Peace Corps staff, and talked to several members of the executive staff, as well as the Peace Corps Medical Officer. She was told to not leave her village. Another volunteer came to stay with her because she was having anxiety attacks and insomnia and didn't want to be alone.

While Peace Corps was investigating, the accused volunteer was traveling the country, staying at overnight PC houses in bedrooms occupied by female volunteers.

The investigators assigned to her case were terrible. Because she was from Texas, they asked if she didn't have more "conservative" notions of propriety than the perpetrator—as if this was just a violation of her southern sensibilities and the perpetrator had every right to assault her. They also told her she was attractive, so she must be assaulted like this a lot. When she asked about pressing charges, they discouraged her. They said a case like this had never been tried before, that it would be a precedent setting case, and that if she failed, it could hurt future cases.

Eventually the Peace Corps flew Sarah Lee back to the United States, but her counselor was just as bad as the investigators. While she was sobbing, the counselor kept asking her how she felt. Because a Peace Corps Volunteer can only be kept on medical hold for a certain amount of days, she was rushed back to her country even though she did not feel ready and was still suffering from panic attacks and insomnia. When a fellow in-country volunteer urged her supervisor to give Sarah Lee more counseling, they let her talk to a counselor twice on the phone before telling her to just email—even though she has to drive to the next town for Internet access.

In the end, the perpetrator quit rather than face being fired. Nothing will appear on his record. Peace Corps never did give Sarah Lee information on how to press charges.

Sarah Lee also talks about how male teachers at the school she teaches at have repeatedly raped her students, but she can't tell anyone. The Peace Corps still has not provided a mechanism through which volunteers can report crimes without the fear of reprisal.

MARY JOE, MOZAMBIQUE 2007

Mary Joe always wanted to help people. After she graduated from Seattle University, she worked for a year at a non-profit that tutored low-income housing kids.

She joined the Peace Corps the next year because she wanted to help people abroad and, given Peace Corps' reputation, thought this was the safe way to go.

In 2007, she was sent to Cambine, Mozambique to teach English to high schoolers.

One night in the fall she went to dinner in the next town over with some fellow volunteers. While at the restaurant, her drink was drugged by a man the group had met there. The next thing she remembers is being in a car with a man sexually assaulting her. A fellow Peace Corps volunteer saw what was going on and pulled her from the car. Mary Joe blacked out again until the next morning, when she woke up and called the Peace Corps medical officer, who told her to come to the capital and get checked out.

When she arrived the next day, she was denied a rape kit by the medical officer, who said she was drunk—not assaulted. In fact, before he would give her medicine to fight against possible AIDS exposure as a result of the assault, the medical officer made her write down that she was drunk and not raped. She was told to come back in a month to find out if she had AIDS.

With no further care, it was clear that Mary Joe was not okay. Back at her post, she was startled by and had crying fits over the littlest things, couldn't sleep, was depressed, didn't want to leave her house, and had terrible nightmares. Mary Joe was disoriented and couldn't think clearly for months, yet she was asked to make big decisions. She needed someone intimately familiar with her case who could advocate on her behalf. After 2 weeks, she finally called her country director, who put her in touch with a Peace Corps psychologist in Washington, DC. The psychologist had her medevaced back to her hometown in Tucson on Halloween in 2007.

While in Tucson she was given 3 sessions with a counselor and 3 sessions with a psychiatrist. Following her counselor's recommendation, Mary Joe was medically separated from the Peace Corps.

Because she was no longer with the Peace Corps, she had to go through the Department of Labor to get her medical care. She was never told that she had to have a psychologist or psychiatrist sign her workers compensation claim, so when she submitted it with her counselor's signature, it was denied. By the time she was able to see a psychologist, it was too late to appeal the claim. She never received any more care from the Federal Government for her PTSD.

BILLIE JO, ROMANIA 1993

Billie Jo served in Romania from 1993 to 1995. From the day she arrived until the day she left, she was constantly harassed physically and verbally.

She couldn't walk out of the house without hearing cat calls. She was spit on, punched,

had chestnuts and rocks thrown at her, and her life threatened. She was fondled so much while riding public transportation that she finally gave up and walked everywhere.

Peace Corps knew sexual assaults were happening to all volunteers and even talked about it in training, but they didn't take it seriously, she said. No legal recourse was offered and when a young man exposed himself to Billie Jo and her friend on the beach, the Peace Corps country director told her to "stay out of harm's way."

Eventually, Billie Jo requested a new location, Peace Corps staff refused. "No one seemed to care," she explained.

When she got back to the U.S., Billie Jo had to get counselor services through her own health care insurance because Peace Corps didn't provide any help.

Billie Jo warned Peace Corps staff not to send women to her post, but they did anyway. The young Jewish woman that came after her returned home after only a few months into her service when swastikas were drawn on her building wall.

JESS SMOCHKE, BANGLADESH 2004

Jess Smochek joined the Peace Corps in 2004. Her first day in Bangladesh, a group of men groped and kissed her as she walked towards her host family's house, but no one did anything to stop them.

She told Peace Corps staff over and over again that she felt unsafe, but again, no one did anything.

Months later, this same group of men kidnapped her, beat her up, and sexually assaulted her.

They left her unconscious in a back alley.

The Peace Corps did everything they could to cover it up because they were more worried about what the officials in Bangladesh might think than caring for her.

The Peace Corps blamed Jess for the attack, saying she shouldn't have been walking alone after 5pm and forced her to write down all the things she had done wrong that caused this to happen.

Rape is never the victim's fault. Ever.

When she finally got to return home, she was to tell volunteers that she was having her wisdom teeth pulled out.

Mr. BERMAN. Mr. Speaker, I have no further requests for time; and with the urging that the body do pass this, and hopefully pass this unanimously, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

For 50 years Peace Corps volunteers have given their generous talents and skills to help the poor in developing countries, thereby increasing understanding between diverse cultures. Peace Corps volunteers live within the communities that they serve, and they are often located in places with unreliable access to communication, nor to the police, nor for medical services. And historically, sadly, media have underplayed the dangers of serving in the Peace Corps and they have underreported or overlooked any criticism or any problem related to the Peace Corps.

But now their own volunteers, the Peace Corps' own volunteers, have come forward with a demand for change. Congress has had several previous opportunities to help pass reform legislation to help the Peace Corps better protect its volunteers overseas. But, sadly, these efforts and these previous attempts have fallen short.

Now we have this bill, Senate bill S. 1280, that has had bipartisan and bicameral support and was drafted with the input from the Peace Corps itself and from the volunteers also.

It is unacceptable that U.S. citizens, Peace Corps volunteers, do not enjoy protection from regional security officers who are stationed at our overseas diplomatic posts because their role in protecting volunteers has not been clearly defined. Regional security officers are United States law enforcement officials. They're deployed overseas, and they are in the best position to serve U.S. citizens and work with their foreign law enforcement counterparts to seek justice on behalf of crime victims. As the Peace Corps Inspector General reported over 18 months ago, further delay in forming this Memorandum of Understanding could compromise volunteer safety and hinder response to crimes against volunteers.

The language in this bill states that if the MOU is not entered into within 6 months of the bill becoming law, then the Director must report to the committee on the reasons for failing to meet this deadline, along with a detailed certification on steps taken toward meeting this requirement in a timely fashion.

This language is the result of extensive bipartisan consultation, including regular discussion with our counterparts in the Senate. This bill is a substantial step forward and will help address longstanding safety and security problems for volunteers. For the brave victims who came forward and for Kate Puzey who gave her life in the service of the Peace Corps, help us pass this bill.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. FARR. Mr. Speaker, I rise today to speak about the Kate Puzey Peace Corps Volunteer Protection Act. I am a Returned Peace Corps Volunteer, steadfast Peace Corps champion, and original cosponsor of the House version of this legislation. Kate Puzey was an intelligent, brave young woman from Georgia who was tragically murdered while serving in the Peace Corps in Benin. I was privileged to speak with Kate's family about what a remarkable person Kate was, and I am deeply inspired by the Puzey family's commitment to turn unspeakable heartbreak into important action to ensure that what happened to Kate never, ever happens again. Kate truly represented the best of what Peace Corps can be and this legislation in her honor ensures that all Volunteers will get the best possible protections and training.

I was very troubled to hear the stories of other Volunteers who have received insuffi-

cient or insensitive support during their Peace Corps service. Earlier this year, I spoke with two courageous returned Volunteers, Karestan Koenen and Jessica Smochek, and learned about their traumatic experiences of rape and sexual assault while serving in the Peace Corps and the inadequate assistance they received afterward. These two women, like every Volunteer, deserve the best possible support, and I commend them and the other returned Volunteer victims who have bravely come forward and shared their stories. Like the Puzey family, the trauma these individuals have suffered is unimaginable, but their actions have already helped to make Peace Corps a stronger agency.

I applaud Peace Corps Director Aaron Williams for taking immediate action to reform the agency's commitment to safety, sexual assault prevention and response, and security. Director Williams has worked closely with the Puzey family, returned Volunteers, and experts in victims' rights to develop new policies and strengthen existing ones to enhance the support and safety of Volunteers. These reforms include appointing the agency's first Victim Advocate, implementing a new Volunteer and staff sexual assault training, and signing a Memorandum of Understanding with the Rape, Abuse and Incest National Network (RAINN) to collaborate on sexual assault prevention. Peace Corps has also created a Peace Corps Volunteer Sexual Assault Panel which provides advice and input on sexual assault risk reduction and response strategies. The Kate Puzey Peace Corps Volunteer Protection Act both codifies and compliments the important reforms that Director Williams has put in place so that the next generation of Volunteers like Kate, Karestan, and Jessica will have the safety protections; compassionate, informed support; and necessary resources they deserve.

Mr. Speaker, Peace Corps Volunteers represent the best of what America has to offer and it is only right that America offers them the best. I thank the Puzey family, Karestan, Jessica, and all the returned Volunteers and advocates who have committed themselves to making Peace Corps a better, stronger agency. The efforts of their work will forever benefit future generations of Peace Corps Volunteers.

Mr. VAN HOLLEN. Mr. Speaker, on March 12, 2009, Kate Puzey, a 24-year-old native of Cumming, Georgia and Peace Corps volunteer was killed outside of her home in Badjoude, Benin where she worked as an English teacher. She was murdered by a Beninese Peace Corps contract employee after she reported that he had raped and sexually abused students they taught together. Had the legislation we are considering here today, S. 1280, The Kate Puzey Peace Corps Volunteer Protection Act of 2011 been law when Ms. Puzey first arrived in Benin in 2007, it might have saved her life.

Today, the Peace Corps does not require its volunteers to receive training in risk reduction or in how to recognize and respond to incidences of sexual assault. And, unlike other federal agencies, Peace Corps volunteers do not enjoy whistleblower protections. It is a shame that it took the untimely death of Ms. Puzey to focus our attention on the necessity of addressing these issues.

S. 1280 directs the Peace Corps to establish sexual assault response teams made up of safety and security officers, medical staff, and a victim's advocate that can respond to reports of sexual assaults against a volunteer; requires the immediate removal of any volunteer who feels at risk of imminent bodily harm; and, requires the Peace Corps to develop and implement a process to allow volunteers to report incidents of misconduct or mismanagement, or violations of any policy of the Peace Corps in order to protect the confidentiality and safety of such volunteers.

Every year, hundreds of conscientious young Peace Corps volunteers like Kate Puzey, support communities around the world, helping those less fortunate than themselves. As with members of our Armed Forces, these dedicated global public servants deserve to know their country is committed to their safety and will do all it can to protect them.

As a cosponsor of the House analogue to this bill, I ask my colleagues to join me in support of S. 1280, in memory of the work and sacrifice of Kate Puzey and for the sake of those who choose to follow her into the Peace Corps.

Mr. HONDA. Mr. Speaker, I rise today in support of S. 1280, the Kate Puzey Peace Corps Volunteer Protection Act of 2011. This bill is named after a brave young woman who was murdered while volunteering with the Peace Corps in Benin in 2009. S. 1280 is a vital component in the effort to protect Peace Corps volunteers who are dedicated to public service, like Kate Puzey, from unnecessary and senseless violence.

In the two years since Kate's death, much attention has been focused on concerns about the safety of Peace Corps volunteers, and I applaud the Peace Corps for instituting essential improvements to their Sexual Assault Prevention and Response Program in the wake of this tragedy. To implement further protections, S. 1280 will expand the Peace Corps' safety precautions in several concrete, practical ways.

S. 1280 will ensure that all applicants are provided with a historical analysis of crimes and risks in their prospective countries of service, will provide further protection for female volunteers who are particularly vulnerable while living in foreign countries, and will institute sexual assault risk-reduction and response training and country-specific means of seeking care. It contains provisions that will protect the anonymity of volunteers who report sexual assault and allows them to report cases to the Inspector General. It will also increase government accountability in responding to sexual assault through a Sexual Assault Advisory Council, a committee of past volunteers and experts who will ensure the Peace Corps is executing best practices.

As a returned Peace Corps volunteer who served in El Salvador, I have personally witnessed the ways in which the Peace Corps provides opportunities for personal and professional development for young Americans. During my time as a volunteer, I was transformed from a young college graduate with little direction into a confident public servant with a passion for eradicating poverty. The pride one feels in being an ambassador for their country is immeasurable, and I will always keep the

lessons I learned in the Peace Corps close to my heart. For these reasons, I continue to advocate for the expansion of the Peace Corps into double the number of countries in which it currently operates. After all, for the cost of sending one soldier to Afghanistan, we could send thirteen Peace Corps Volunteers to serve their country in the name of peace.

While my experience in the Peace Corps exposed me to myriad positive opportunities, I am aware that some volunteers have served in dangerous or threatening situations. By implementing strong safety standards and a firm protocol for handling sexual assault and harassment, women in the Peace Corps will no longer be subjected to intimidation and exposed to danger. This will enable even more volunteers to take advantage of the same opportunities for growth I did. I urge my colleagues to pass the Kate Puzey Peace Corps Volunteer Protection Act so we can continue to provide a positive and fulfilling experience for all Peace Corps volunteers.

Mr. KELLY. Mr. Speaker, I rise today in support of S. 1280, the Kate Puzey Peace Corps Volunteer Protection Act of 2011.

S. 1280 honors the memory of Kate Puzey. Kate, a 24-year-old Peace Corps volunteer from the state of Georgia, was murdered in 2009 while serving as a teacher in a village in the West African country of Benin.

Shortly before her death, Kate had reported that a foreign national, working under contract for the Peace Corps, had allegedly molested some of the young girls.

Kate had requested anonymity and confidentiality because the man's brother worked at the Peace Corps office.

Unfortunately Kate is not the only Peace Corps volunteer who has been victimized while serving overseas.

During the last 10 years, Peace Corps volunteers have reported an average of 22 rapes and 267 assaults per year.

Not only are these statistics far higher than the national average, according to 2008 data from the Department of Justice, but Peace Corps data suggest twice as many assaults occur than are reported.

S. 1280 provides much-needed reform of the Peace Corps to protect volunteers against sexual assault and other violent crimes and to care for victims of such crimes.

Specifically the bill provides risk-reduction and response training, a new Office of Victims Advocacy, confidential reporting, and other measures.

For the sake of the 8,655 Peace Corps volunteers serving in 77 countries around the world, representing the best of our country's values, often at great personal risk, I urge the passage of this bill.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of S. 1280, "The Kate Puzey Peace Corps Volunteer Protection Act of 2011." This bill amends the Peace Corps Act to require sexual assault risk-reduction and response training. It requires the development of a comprehensive sexual assault policy, the establishment of an Office of Victim Advocacy, and the establishment of a Sexual Assault Advisory.

On October 14, 1960, during the final three weeks of the presidential campaign, candidate John F. Kennedy addressed students at the

University of Michigan. He challenged these students to give two years of their lives to help people in developing countries. The root of the Peace Corps is in former President Kennedy's challenge to those students, and to us all. Since the Peace Corps was founded, more than 200,000 volunteers have served in 139 countries, helping people build better lives for themselves, and better futures for their children.

The Peace Corps mission trains the citizens of developing nations in a vast variety of skills and subjects, promotes a better understanding of Americans, and promotes a better understanding of the culture of the nation in which they are serving. Those who volunteer their service to the Peace Corps are fulfilling an unwritten commandment of service to the least among us, and their safety must be protected. The Peace Corps has served as a great vehicle of cultural exchange and awareness for the last 50 years and I applaud the organization and all of its volunteers. However, the Peace Corps must do more to address the concerns raised by current and former volunteers and establish a comprehensive sexual assault program.

At this time 234 of the 7,109 volunteers, nearly five percent of all members, are from my home state of Texas, where I represent the 18th Congressional District. These altruistic Texans currently serve people in Belize, Zambia and Kazakhstan, and other developing nations throughout the world. I commend all of the brave humanitarians serving in the Peace Corps. We must ensure that all Peace Corps volunteers receive the training they need to provide for their safety and security as they travel the world.

This bill was named after a Peace Corps volunteer Kate Puzey. Kate was serving in Benin on the Western coast of Africa when she began to suspect that some of the young girls in the village were being sexually exploited. Kate informed the School Director, who did not want to confront the suspected individual. Kate's mother reports that Kate was becoming increasingly concerned with his behavior, and in February, 2009, he confessed to Kate that he had raped two students. Because there were no clearly outlined procedures to report such complaints, Kate had no official avenue to report the disturbing information. Furthermore, Constant Bio's brother worked as an Assistant Director in local Peace Corps Headquarters, so, in late February 2009, Kate elected to travel to another Peace Corps work-station where she requested assistance from the Peace Corps Benin Director.

On March 2, 2009, Kate was emailed, confirming receipt of her report, and four days later, she was sent another email informing her Mr. Bio's contract would not be renewed, and that he would be informed why. Kate never received these emails; not having Internet access in her village, she had requested to be contacted by phone. Her confidentiality was not maintained, and her accused killer was informed of her role in his firing. On March 11, 2009, Kate was found murdered at her home in the village of Badjoudé. Mr. Bio is currently in custody for this horrific murder.

Unfortunately, the tragic murder of Kate Puzey is not the only devastating event that has affected a Peace Corps volunteer. An average of 22 women reported being raped in

the Peace Corps every year between 2000 and 2009. I am greatly saddened that any of our Peace Corps volunteers, our nation's representatives have suffered from the malicious crimes of sexual assault.

I am further troubled that many of these crimes have not received the attention they deserve. The victim of a sexual assault, should not be victimized again by inaction. This bill would provide men and women with the knowledge they need to report and act upon reports of sexual assault. According to the Congressional Research Service, 60 percent of volunteers in the Peace Corps are women, with an average age of 28 years old. It is essential that these volunteers are protected.

The Peace Corps was established to show the world that America's greatness is cemented in its goal to maintain world peace and friendship. Thousands of Americans have volunteered to promote these values through kind deeds in countries whose cultural attitudes and values are much different than those of America's, especially towards women. In this country, we value women's rights, and implement laws and policies to protect those rights. When those laws are violated, we go to great lengths to see that justice prevails.

We, as all Americans, value the Peace Corps. This Congress has passed legislation that makes it possible for the Peace Corps to continue doing its great work representing the essence of America's values. With this legislation, in honor of Kate Puzey, Congress will ensure that the Peace Corps will be sufficiently responsive and sensitive to victims of crime. I am pleased to support this bill, and urge my colleagues to do the same.

Ms. TSONGAS. Mr. Speaker, I was unavoidably detained attending a funeral on November 1, 2011 and was unable to cast a vote for the Kate Puzey Peace Corps Volunteer Protection Act, a bill which I strongly endorse. Had I been present, I would have voted for it on rollcall Vote 817.

I strongly support the Peace Corps program. My late husband Paul Tsongas served as a Peace Corps volunteer in Ethiopia from 1962–1964, and as Peace Corps Country Director in the West Indies in 1967 and 1968. He went on to become the first former Peace Corps volunteer to be elected to the U.S. Senate. Our daughter Ashley served as a Peace Corps volunteer in Madagascar.

Peace Corps volunteers brave many challenges during their service. That is why I was proud to be an early supporter of the Kate Puzey Peace Corps Volunteer Protection Act, which strengthens the Peace Corps and ensures that volunteers have the support and resources they need. Volunteers deserve to be treated with dignity, empowerment, and respect in the event that they are a victim of a crime like sexual assault. And, addressing these challenges will strengthen the Peace Corps as an institution and make it a program in which more Americans will want to participate.

One of the challenges when confronting this crime is that victims of sexual assault often face blame for their victimization. This is one of very few crimes, if not the only crime, where a victim's intentions and actions are scrutinized and questioned following an as-

sault. To address this, the Kate Puzey Peace Corps Volunteer Protection Act requires the Peace Corps to create a sexual assault response team and guarantees that victims have access to a Victim Advocate. It further requires that volunteers be fully informed of their rights to file a report, for treatment, for a forensic evidence examination, for emergency health treatment, and for legal representation. The Peace Corps has already acted proactively to address many of these issues. This Act further codifies these reforms.

We owe a great debt to anyone who is harmed while serving our country. We may never be able to eradicate crimes in other countries where our volunteers work, but we can change the way our institutions respond to them. These improvements will strengthen the Peace Corps and guarantee its success for years to come.

Ms. RICHARDSON. Mr. Speaker, on the evening of March 11, 2011, hundreds of people gathered on the West Lawn of the United States Capitol Building for a candlelight vigil honoring the memory of Peace Corps Volunteer Kate Puzey.

Two years earlier on that date, Kate was murdered while serving in Benin after she accused a local teacher of sexually abusing his students. Believing that Kate's experience could be used to prevent similar tragedies, her family and friends created "Kate's Voice Advocacy Group" and began a nationwide campaign to urge reforms.

Collaborating with First Response Action, a group representing Peace Corps Volunteers who were sexually or otherwise assaulted, "Kate's Voice" met with lawmakers and tirelessly advocated policies designed to support and protect all Peace Corps Volunteers, at home or in the field.

Tonight the House will consider S. 1280, the Kate Puzey Peace Corps Volunteer Protection Act of 2011, which will enhance existing procedures for victims of physical and sexual assault in the Peace Corps and establish clear protocols for handling and reporting confidential information within the agency.

Specifically, this legislation requires the Peace Corps to provide enhanced sexual assault risk reduction and response training to all volunteers and integrate that knowledge with safety and security protocols at every Peace Corps post. Volunteers in training will receive an in-depth analysis of the particular risks they face in a given country and be provided with clear, written guidelines regarding whom to contact and what steps to take in the event of a sexual assault.

S. 1280 creates an anonymous hotline for reporting sexual assaults and sets up response teams that will be deployed the moment an incident is reported. A certified victim's advocate who answers to the Director of the Peace Corps will be required on staff to oversee the initiative and manage data collection for further studies analyzing safety and security trends.

Mr. Speaker, the Peace Corps has sent over 200,000 Americans to live and work in 139 developing countries since it was established by an executive order from President John F. Kennedy on March 1, 1961. Now in its 50th year, the agency continues to fill the gaps left behind by conflict, strife, and environ-

mental degradation around the globe. For 2 years they develop partnerships, gain valuable knowledge, and help their communities meet local development goals. In the process, they build lifelong bonds and gain a greater understanding of America's place in the world.

The world in which Peace Corps Volunteers work is the real world, Mr. Speaker. It can be dangerous and uncertain. Therefore, issues of health and safety are of critical concern, especially during those first few months it takes a volunteer to adjust to the realities of his or her new life.

The provisions of this legislation were developed with extensive input from affected individuals and their families, victims' rights groups, Peace Corps senior staff, and the Returned Peace Corps Volunteer (RPCV) community. Kate's memory, embodied in her family, friends, and supporters, moved the process forward.

Peace Corps Director Aaron Williams testified on May 11, 2011 at a hearing before the House Committee on Foreign Affairs and affirmed that he is committed to meeting the goals espoused by Kate's Voice and First Response Action.

"The Peace Corps has not always been sufficiently responsive or sensitive to victims of crime and their families," he admitted. He went on to offer a public apology and described how such attitudes are changing on his watch.

Indeed, much of the substance of S. 1280 is already being implemented within the agency. Director Williams created the Victim's Advocate position and signed a memorandum of understanding with the Rape, Abuse and Incest National Network (RAINN), the nation's largest anti-sexual violence organization, to collaborate and share resources on sexual assault prevention and response.

Mr. Speaker, based on the Peace Corps receptivity to these reforms and the bipartisan nature of this legislation, I am confident that S. 1280 is an enlightened response to the pressing concerns of Peace Corps Volunteers and their families.

As a committed friend of the Peace Corps and its mission, I urge my colleagues to support this legislation and provide the resources necessary to implement it without threatening the operational capacity of the agency.

The remarkable collaboration that conceived the Kate Puzey Act was an unparalleled labor of love. It was an earnest push to strengthen the program and prepare it for the future. It was not meant to hurt or punish the agency.

One of the witnesses at the May 11th hearing put it bluntly: "I would be devastated if my testimony were used to stop Peace Corps funding, cut funding, or eliminate the Peace Corps."

I strongly encourage my colleagues to keep that thought in mind as we consider this bipartisan legislation, which is the legacy of many extraordinary Americans, some of whom never returned from their missions abroad.

To honor the memories of fallen Volunteers, respect the survivors who courageously shared their stories, and encourage the next generation which recognizes the power of service, I will vote for this legislation in its current form, and I urge my colleagues to do likewise.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, S. 1280.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (S. Con. Res. 31) directing the Secretary of the Senate to make a correction in the enrollment of S. 1280, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring). That, in the enrollment of the bill (S. 1280) to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes, the Secretary of the Senate shall make the following corrections:

Amend section 8C of the Peace Corps Act, in the quoted material in section 2 of the bill, by adding at the end the following new subsection:

“(e) SUNSET.—This section shall cease to be effective on October 1, 2018.”.

Amend section 8D of the Peace Corps Act, in the quoted material in section 2 of the bill, by adding at the end the following new subsection:

“(g) SUNSET.—This section shall cease to be effective on October 1, 2018.”.

Amend section 8E of the Peace Corps Act, in the quoted material in section 2 of the bill—

(1) in subsection (c), by striking “The President shall annually conduct” and inserting “Annually through September 30, 2018, the President shall conduct”;

(2) in subsection (d)—

(A) in subparagraph (A), by striking “a biennial report” and inserting “a report, not later than one year after the date of the enactment of this section, and biennially through September 30, 2018,”; and

(B) in subparagraph (B), by striking “not later than two years after the date of the enactment of this section and every three years thereafter” and inserting “not later than two years and five years after the date of the enactment of this section”; and

(3) by adding at the end the following new subsection:

“(e) PORTFOLIO REVIEWS.—

“(1) IN GENERAL.—The President shall, at least once every 3 years, perform a review to

evaluate the allocation and delivery of resources across the countries the Peace Corps serves or is considering for service. Such portfolio reviews shall at a minimum include the following with respect to each such country:

“(A) An evaluation of the country's commitment to the Peace Corps program.

“(B) An analysis of the safety and security of volunteers.

“(C) An evaluation of the country's need for assistance.

“(D) An analysis of country program costs.

“(E) An evaluation of the effectiveness of management of each post within a country.

“(F) An evaluation of the country's congruence with the Peace Corp's mission and strategic priorities.

“(2) BRIEFING.—Upon request of the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall brief such committees on each portfolio review required under paragraph (1). If requested, each such briefing shall discuss performance measures and sources of data used (such as project status reports, volunteer surveys, impact studies, reports of Inspector General of the Peace Corps, and any relevant external sources) in making the findings and conclusions in such review.”.

Amend section 8I(a) of the Peace Corps Act, in the quoted material in section 2, by inserting “through September 30, 2018,” after “annually”.

Strike section 8.

Redesignate sections 9 and 10 as sections 8 and 9, respectively.

Strike section 11.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 6 o'clock and 6 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CHAFFETZ) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Concurrent Resolution 13, by the yeas and nays;

S. 1280, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

REAFFIRMING “IN GOD WE TRUST” AS THE OFFICIAL MOTTO OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 13) reaffirming “In God We Trust” as the official motto of the United States and supporting and encouraging the public display of the national motto in all public buildings, public schools, and other government institutions, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. FORBES) that the House suspend the rules and agree to the concurrent resolution.

The vote was taken by electronic device, and there were—yeas 396, nays 9, answered “present” 2, not voting 26, as follows:

[Roll No. 816]

YEAS—396

Adams	Castor (FL)	Fortenberry
Aderholt	Chabot	Foxx
Alexander	Chaffetz	Frank (MA)
Altmire	Chandler	Franks (AZ)
Amodei	Cicilline	Frelinghuysen
Andrews	Clarke (MI)	Fudge
Austria	Clarke (NY)	Galleghy
Baca	Clay	Garamendi
Bachus	Clyburn	Gardner
Baldwin	Coble	Garrett
Barletta	Coffman (CO)	Gerlach
Barrow	Cohen	Gibbs
Bartlett	Cole	Gibson
Barton (TX)	Conaway	Gingrey (GA)
Bass (CA)	Connolly (VA)	Gohmert
Bass (NH)	Conyers	Gonzalez
Becerra	Cooper	Goodlatte
Benishhek	Costa	Gosar
Berg	Cravaack	Gowdy
Berkley	Crawford	Granger
Berman	Crenshaw	Graves (GA)
Biggert	Critz	Graves (MO)
Bilbray	Crowley	Green, Al
Bilirakis	Cuellar	Green, Gene
Bishop (NY)	Culberson	Griffin (AR)
Bishop (UT)	Davis (CA)	Grijalva
Black	Davis (IL)	Grimm
Blackburn	Davis (KY)	Guinta
Bonner	DeFazio	Guthrie
Bono Mack	DeGette	Hahn
Boren	Denham	Hall
Boswell	Dent	Hanabusa
Boustany	DesJarlais	Hanna
Brady (PA)	Deutch	Harper
Brady (TX)	Dicks	Harris
Braley (IA)	Dingell	Hartzler
Brooks	Doggett	Hastings (FL)
Broun (GA)	Dold	Hastings (WA)
Brown (FL)	Donnelly (IN)	Hayworth
Buchanan	Doyle	Heck
Bucshon	Dreier	Heinrich
Buerkle	Duffy	Hensarling
Burgess	Duncan (SC)	Herger
Burton (IN)	Duncan (TN)	Herrera Beutler
Butterfield	Edwards	Higgins
Calvert	Ellmers	Himes
Camp	Emerson	Hinchee
Campbell	Engel	Hinojosa
Canseco	Eshoo	Hirono
Cantor	Farenthold	Hochul
Capito	Farr	Holden
Capps	Fincher	Holt
Capuano	Fitzpatrick	Hoyer
Cardoza	Flake	Huelskamp
Carnahan	Fleischmann	Huizenga (MI)
Carney	Fleming	Hultgren
Carter	Flores	Hunter
Cassidy	Forbes	Hurt

Inlee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica

Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Oliver
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Ribble
Richardson
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanchez, Linda
T.

NAYS—9

Ackerman
Amash
Chu

ANSWERED "PRESENT"—2

Ellison
Watt

NOT VOTING—26

Akin
Bachmann
Bishop (GA)
Blumenauer
Carson (IN)
Costello
Courtney
Cumming
DeLauro

Diaz-Balart
Fattah
Filner
Giffords
Griffith (VA)
Gutierrez
Latta
Lewis (GA)
Lynch

Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schradler
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

□ 1855

Mr. ACKERMAN changed her vote from "yea" to "nay."

Ms. WASSERMAN SCHULTZ changed her vote from "nay" to "yea."

Mr. WATT changed her vote from "yea" to "present."

Mr. DEUTCH changed her vote from "present" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 816, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Mr. GRIFFITH of Virginia. Mr. Speaker, on rollcall 816 I intended to vote "yea." However, my return to the Chamber from a funeral that I was attending was delayed by an unexpected traffic problem.

KATE PUZEY PEACE CORPS VOL-
UNTEER PROTECTION ACT OF
2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 1280) to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 27, as follows:

[Roll No. 817]

YEAS—406

Ackerman
Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Brooks
Broun (GA)
Bass (NH)
Becerra
Buchanan
Bucshon
Buerkle
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Ciocline
Clarke (MI)
Clarke (NY)
Clay

Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inlee
Israel
Issa
Jackson (IL)
Jackson Lee
Jackson (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica

Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Oliver
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Ribble
Richardson
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schradler
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster

Simpson	Tiberi	Waxman
Sires	Tierney	Webster
Slaughter	Tipton	Welch
Smith (NE)	Tonko	West
Smith (NJ)	Towns	Westmoreland
Smith (TX)	Turner (NY)	Whitfield
Smith (WA)	Turner (OH)	Wilson (FL)
Southerland	Upton	Wilson (SC)
Stark	Van Hollen	Wittman
Stearns	Velázquez	Wolf
Stivers	Visclosky	Womack
Stutzman	Walberg	Woodall
Sullivan	Walden	Woolsey
Sutton	Walsh (IL)	Yarmuth
Terry	Walz (MN)	Yoder
Thompson (CA)	Wasserman	Young (AK)
Thompson (PA)	Schultz	Young (FL)
Thornberry	Watt	Young (IN)

NOT VOTING—27

Akin	Diaz-Balart	Paul
Bachmann	Farr	Renacci
Bishop (GA)	Fattah	Richmond
Blumenauer	Filner	Rooney
Carson (IN)	Giffords	Rush
Costello	Gutierrez	Speier
Courtney	Latta	Thompson (MS)
Cummings	Lynch	Tsongas
DeLauro	Murphy (CT)	Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1902

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROONEY. Mr. Speaker, on rollcall No. 817 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. FILNER. Mr. Speaker, on rollcall 817, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. CARSON of Indiana. Mr. Speaker, on November 1, 2011, I missed rollcall votes 816 and 817 because of a death in the family. Had I been present, I would have voted "yea" on rollcall 816 and "yea" on rollcall 817.

TURN THIS ECONOMY AROUND

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, since early 2009, there have consistently been at least 13.5 million Americans unemployed. Every month for more than 2½ years, millions of people have been looking for full-time jobs, and they have been waiting. They waited through months of debate over a health care bill that will cost jobs. They waited through a financial services bill that will cost jobs. They waited through bailouts and stimulus bills and debates over raising taxes, all of which will cost jobs. They waited while the House passed 15 big job-creating bills. Now the President says, We can't wait; I must go it alone.

Mr. Speaker, that's why Republicans have passed the many bills to help this

country's job creators, bills to lessen the regulatory burden on businesses, to encourage domestic energy production, and to halt the spending spree in Washington that robs money from the job creators. Now the President and the Democrat-controlled Senate need to finally act on many of those bills that we have already passed and that will turn this economy around. We ask that you act immediately.

COME HOME, GOVERNOR PERRY

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, we've been waiting for a jobs agenda now for as long as this Congress has been in session, and I can convey to my colleagues that an easy way of attending to creating jobs is by passing the jobs bill.

Moving on, Mr. Speaker, let me thank Governor Perry for making a personal and public statement of his opposition to the State-issued Confederate license plate. Yet I would advise Governor Perry that his Department of Motor Vehicles board—nine appointed by him—have now scheduled that vote for November 10. All good-willed persons, all good-willed Texans who would oppose a State-issued oppressive license plate reflecting upon the oppression of slavery need to show up on November 10 in Austin, Texas, to indicate their opposition to such a draconian and devastating blow to the people of Texas.

I would also remind Governor Perry that the North Forest Independent School District that is now leading and educating 7,500 students, a majority minority district, has now been given a denial on its appeal, meaning an attempt by the Texas Education Agency to kill a majority minority school district in the State of Texas.

Governor Perry, come home. We need you.

□ 1910

NATIONAL TEEN DRIVER SAFETY WEEK

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, we just recently concluded National Teen Driver Safety Week, which is the third week of every October. It's a week to help create awareness and focus attention on solutions for unnecessary teen driving deaths.

Each year motor vehicle accidents stand out as the leading cause of death among American teenagers—with over 68,000 American teens dying in car crashes in the last decade alone. As the father of four young daughters, I can assure you that keeping those loved

ones behind the wheel safe is an important issue for myself.

There are organizations that are meeting the challenge and are working to help address the issue of teen driving. For example, the UPS Foundation has teamed up with the Boys & Girls Clubs to introduce the UPS Road Code. It's a 10-city program to educate young and aspiring drivers about safe driving methods. Programs like these will help our communities protect our young drivers and ensure a safer commute for us all.

I thank the UPS Foundation and the Boys & Girls Clubs for their hard work and dedication to this important issue.

REPUBLICAN FRESHMEN ON JOB CREATION

The SPEAKER pro tempore (Mr. GRIFFITH of Virginia). Under the Speaker's announced policy of January 5, 2011, the gentleman from Arkansas (Mr. GRIFFIN) is recognized for 60 minutes as the designee of the majority leader.

Mr. GRIFFIN of Arkansas. Mr. Speaker, I have joined some of my colleagues here tonight to talk about the most pressing issue in this country, which is job creation, private sector job creation and what we need to do to get our country back on the path to prosperity and job growth.

I had a jobs conference in the Second Congressional District, my district, down in Arkansas in Little Rock a couple of weeks ago. We held it at the Clinton Library. It really was an extension of the 25 or so town halls that I've had this year in that we talked a lot about jobs. And I thought that a jobs conference would be a good idea because who better to ask about job creation than job creators. So we had five panels, over 60 panelists, and I wanted to hear from the job creators in the Second Congressional District. I asked them two main questions: What are the obstacles that you face in creating jobs, and what opportunities do you see?

As I indicated earlier, this was really an extension of what I've been talking to constituents about for the 9 months I've been in office, and even before that. I expected I would hear answers to those questions consistent with what I have heard in town halls, in meetings in my office, and throughout the year, and I wasn't surprised.

What I heard from the over 60 panelists that gathered at the Clinton Library in Little Rock a couple of weeks ago, what I heard was uncertainty is the number one obstacle to job creation in this country—uncertainty. Now, I've heard that word used a lot since I've been here. I heard it a lot last year when I was traveling around my district before I ever came to Congress. And it was pretty clear, has been

pretty clear to me, and still is, that uncertainty is the biggest problem we face.

The job creators that gathered in Little Rock at the jobs conference were from the manufacturing industry, energy industry, health care, retail, financial services, aerospace, infrastructure, construction, real estate, you name it, agriculture. We had folks from all across the spectrum, and they all indicated that uncertainty is the biggest obstacle to job creation.

What kind of uncertainty were they talking about? Well, the number one type of uncertainty cited by job creators was regulatory uncertainty. They indicated at the conference, this jobs conference, that, number one, in many instances they know new regulations are coming, but they have no idea what they're going to be. So they have no idea whether they're going to be able to comply with those by spending a little extra money, no extra money, or a whole lot.

They're also concerned about regulations that are floated. They're floated out by the agencies as a potential regulation that may or may not be implemented. And those sorts of regulations give these job creators great pause because they don't know whether they're going to have to comply with them. And it's not just one agency and it's not just one industry.

I will say that the EPA's name came up more than any other. The job creators made it very clear that there are a number of regulations coming out of the Federal agencies that they are concerned about, and the EPA has issued a number of regulations and some that are yet to be enacted that these job creators were very concerned about.

I heard from the panelists the common theme that they're not against regulations. We've always had regulations, at least since I've been around, and we're going to continue to have regulations. And we need reasonable regulations to keep our water and air clean. I have a 4-year-old and a 19-month-old, and I want them to have a clean and safe environment. But we're not talking about just regulations, reasonable regulations; we're talking about excessive, overly burdensome regulations that in some cases require such drastic steps to comply that they just run people out of business. We've dealt with a lot of those here in the House trying to reverse some of the stuff coming out of the administration.

I heard from our energy industry, the energy corporations and the electric cooperatives—some of the panelists represented those companies—and they indicated if some of the EPA rules are implemented as they have been proposed, they could result in the shutting down of several power plants in Arkansas, with a potential impact of raising energy costs 25 percent. Now, these same panelists said, Look, we're not

necessarily against this sort of regulation, the sort of regulation they're referring to, but the time frame for compliance is so short that there's no way, it's almost humanly impossible for them to comply with some of the EPA's mandates. So we heard a lot about the EPA, but not just the EPA. HHS, the Department of Labor, many other agencies here in Washington put out regulations often with no or little regard to the impact those regulations are going to have on the folks back in my district and around the country.

So regulatory uncertainty was specifically identified as an obstacle to job creation in this country. In addition to regulatory uncertainty, there's uncertainty over the health care law. Is the health care law even going to be implemented or not? Certainly I voted to repeal the health care law that passed in the last Congress. I think we need health care reform, but not the health care reform we got. Now the courts are looking at the health care law and there's a good chance in some folks' opinion and my opinion that the Supreme Court might strike the individual mandate portion of the President's health care law, the health care law that we have now. So there's a lot of uncertainty surrounding that.

There's also uncertainty over our fiscal situation. The President had a perfect opportunity to lead after his bipartisan debt commission came out with some recommendations. I don't agree with all of them, but it was a good place to start.

□ 1920

But instead, right after they came out with their recommendations late last year, early this year the President came out with his budget—no reform of Medicare to save it, no reform of Social Security to save it, no reform of Medicaid, just keep on spending. So we missed an opportunity there.

But the debt is a part of that uncertainty. The debt impacts our currency valuation, and it impacts our markets. You don't have to look far. Just look at what's going on in Europe. It's sort of like you're looking in a crystal ball, and what's going on in Europe is potentially—not identical—but potentially, in some regards, our future. That's where we're headed—more uncertainty.

So, it was very clear, after listening to all of these job creators, that the problem is not that the Federal Government hasn't spent enough money. We've spent \$1 trillion on the last stimulus at a cost of about \$300,000 per job. Discretionary spending has gone up 84 percent under this administration. I don't think, in fact, I know, that spending is not the problem. It's the uncertainty that the job creators addressed. So what we're going to talk about here tonight is what we've been doing for the last 9 months to address the uncertainty on regulations with re-

gard to the debt and our spending, and with regard to our Tax Code so that we can remain competitive.

What have we been doing here in this body, in the majority in the House, to address the uncertainty that I think, beyond dispute, is the biggest obstacle to job creation in this country? And I'm citing the job creators of my district. We've been doing a whole lot over the last 10 months. We passed a lot of legislation. I think we've had about 800 votes. Unfortunately, a lot of those good ideas are stacking up like cordwood over in the U.S. Senate. We pass it, send it down to them, and they stack it up. That's the way it's worked for the last 10 months or so.

I am happy to be joined by my colleagues here. I thought we'd talk a little bit about the different things that we passed that the American people would have heard a lot more about if they had been acted upon and become law. But most folks don't hear a lot about them because they go down to the other end of the building and they just sit there like that little bill sitting on Capitol Hill that some of us grew up with as a cartoon. It's just a bill, it's not a law.

I am happy to have my friends join me here tonight on the floor to talk about jobs and what we've been doing in the House over the last 10 months.

I yield to the gentleman from New York.

Mr. REED. I thank the gentleman for yielding, and I'm proud to join him and my other colleague from Wisconsin tonight to talk about jobs and what we are doing here in this Chamber on that issue.

I listen many times to my colleagues from the other side of the aisle, and they say we haven't put forth a jobs bill, as if there's some simple fix that we here in Washington, some bureaucrat sitting in a cubicle over at the White House is going to come up with a plan that's going to cure this economy with a magic wave of the wand here in the U.S. House or in Washington, D.C.

I join my colleague in his sentiments that I'd rather be listening to the people on the front line. I'd rather be listening to the people that are in the position to really create those jobs, because I believe in a private sector-based economy. I believe it's going to be the private sector that is going to be the primary engine of pulling us out of this economic crisis that we now find ourselves—not the public sector, not more spending out of Washington, D.C. But rather, what we need to do in this House is come together to create an environment so that the private sector can be competitive in this world economy and this world market, and it can really lead us to a better condition tomorrow so that generations of families, of American families, will have the opportunities that generations of families before us so enjoyed.

I've gone out and I've also had those town halls, and I've talked to people on the front line. And really, it boils down to some simple philosophies. We run our office here in the New York 29th Congressional District like a business. I come at this from a business perspective. Having started four businesses on my own, I've always had a business plan, and I've always had accountability metrics built into those plans. So we put forth a mission statement. We developed themes, we developed goals, and we put metrics to those themes and goals to make sure that we accomplish them. And the primary theme that we have adopted in our office is to create economic opportunity through the private sector.

How do you do that? We have adopted four main goals that we work on each day. We tackle this debt in a credible way, as my colleague from Arkansas has indicated, because it has so many indirect implications to our private-sector economy, be it in the financing world and be it in just the uncertainty of the U.S. markets. And we really have got to get a credible plan put together so that we can bring back that confidence in the American market that our job creators, the people that are going to invest in the American market, feel comfortable putting that capital at play.

Mr. GRIFFIN of Arkansas. If I can mention one thing, on the issue of the debt, we don't have to solve it overnight. We didn't get in this mess overnight, and we certainly aren't going to solve it overnight. But I sort of analogize it to going on a trip. If you're going to travel from Arkansas to Washington, D.C., you don't have to get there instantly, but you need to have a roadmap. You need to know where you're going, and everybody in the car needs to have confidence that the person driving is taking you in the right direction. If you're driving from Little Rock to Washington and you start seeing signs that say "L.A. 100 miles ahead," you're going to wake up everybody and figure out what happened.

So we don't need to deal with this debt overnight, but we need a credible plan that brings us back to balance, that brings us to a sustainable path and that gives people confidence—not confidence that it's going to be fixed immediately, but confidence that the path we're on will eventually get us back to where we need to be.

I yield to my friend.

Mr. REED. I appreciate that. And what a great comment. That's exactly what I'm trying to articulate. I join my colleague and associate myself with those words, that we need a true plan that will solve this problem. And the \$14.8 trillion in debt is such a huge problem that it's not going to be solved overnight. But we have the vision, and we have the plan. We're going to bring that certainty and confidence back to the American market.

The second point on our four-point theme in our office that we operate under is going after our Tax Code in a way that is going to make it competitive in this world economy. That means going from page 1 to the 70,000th page of the IRS code and streamlining it and doing comprehensive tax reform in such a way that simplifies it and makes it so that we are competing on the same field as competitors around the world.

The third point of our plan is to focus on a comprehensive, domestic-oriented energy policy right here, going after not only the fossil fuels in our backyard but not taking our eye off the long-term vision of the alternatives and renewables; looking at the commonsense solutions of going after our natural gas supplies, our oils and our shale formations and our tight sands formations around America but at the same time focusing on the alternatives and renewables, because we know those fossil fuels are a limited source.

□ 1930

But not only because of the national security implications that so many people in America know so well, but also looking at it from the perspective of making a competitive private sector arena in which our manufacturers and industry can compete again here right with operations in America. Because if you put those supplies in motion, you can create low-cost utility rates for 30, 40, maybe even 70, years is what the projections I've read in the reports and talking to people on the front line have articulated to me. So those decreased utility costs make our market that much more competitive when we're dealing with a world market that we now find ourselves in.

The last point that we always stress in our office is going after this regulatory burden that my colleague from Arkansas spoke about earlier. It's about not living in a world where there would be no regulations, but where there will be reasonable regulations, regulations based on a cost-benefit approach, a business approach, recognizing that with every regulation there's a cost. We're trying to achieve a benefit, but we've got to be reasonable to make sure that those costs don't outweigh those benefits. And so we've adopted that type of framework of operation in our office, and we've found some great success.

One last point I'll make before yielding back to my colleague from Arkansas is one of the stories that really resonated with me as I went through some of these town hall meetings—and we've done, I don't know, 30 or 40 of them now at this point in time—is I heard this story in August, and I'll call him Dr. Bill. He was a physician, and he had a small practice back in the 29th Congressional District. He was talking about how he wanted to invest and ex-

pand his practice. And he went over to the bank to get the financing to build the little addition—he was going to put maybe three people, new people to work.

And I listened to his story, and he was talking about the uncertainty that my colleague from Arkansas is talking about. And I want to put a face to it because Dr. Bill, as he told me, whenever he would go to the bank historically, he would go in and he would give his financial projections as to what his practice was going to do. A lot of times he would have to footnote because we have a lot of issues here in Washington with temporary policies that have been done more for politics than for true policy.

And what I'm talking about is we're dealing with things like the SGR, the physicians reimbursement under Medicare and the doc fix that always comes in. Typically what happens, America, if you haven't been aware of it, there's a fix, a Band-Aid that's put on it each year. And what he was able to do is he was able to always go to his bank and say, you know, I know the law says that I'm going to take a 30 percent cut, for example, this year in my reimbursements under Medicare, but we all know that Congress is going to get around and eventually fix it by putting another Band-Aid on it. So then he projects out a 2 percent increase in his reimbursements for his practice.

Well, he went to the bank. He went to the bank and he said, okay, here are my financials again. I want to do this expansion. And you know what the bank told him? The bank said, you know what, we don't know what's going on out of Washington, D.C. You've been dealing with the issues in your physician practice under ObamaCare, the Health Insurance Reform Act—whatever you want to call it—we're dealing—this is the bank talking to him—under the new Dodd-Frank bill that came into existence. Those regulations are uncertain to us. We don't know what they're going to require.

And the bank told him, we're not going to accept that footnote anymore. You've got to project out what your revenues are under what the law says, and that's a 30 percent cut in your revenue. And when he went back and he did the numbers, obviously, with the 30 percent cut to his revenues, he couldn't get the financing; the bank had to say no.

So that's the real story from the front lines that we have to come to terms with down here in Washington. Our decisions, our policies have ramifications. And if we can just have some commonsense points and deal with people like Dr. Bill in a way that says we're going to adopt policy for the long term, not the short term. We're going to get away from the politics or the tax politics and get into tax policy. We're

going to get into the substance of these issues and adopt certain rules and regulations and legislation that's going to go on for 5, 10, 20 years so at least people know what the rules are. I think if we do that, we're going to go a long way to improving the private economy of America. We're going to work day in and day out.

I know my colleagues share a lot of these sentiments; and I'm just here to join them, to really focus on what has to be the priority issue, and that's putting people back to work. That is what we're doing here in the House. We're not looking for the political headline of a jobs bill. We're here to talk about jobs policy and leading this country out of the recession it finds itself in through strong policy rather than politics.

With that, I thank my colleague from Arkansas for yielding.

Mr. GRIFFIN of Arkansas. I thank the gentleman from New York for his thoughts. Before I yield to my friend from Wisconsin, I'd like to just revisit some of what you said.

We've identified the problem as uncertainty. I think we're all confident of that based on talking to our constituents and job creators. And we, over the last 9 months, have passed a number of bills that support the different aspects of our plan to get this country moving again and creating jobs.

Number one, fundamental tax reform. We need it on the individual side; we need it on the corporate side.

Regulatory reform. We have passed countless bills that reform the regulatory process or address specific regulations.

And dealing with the debt. We've been trying to raise the issue of spending and overspending—and have raised it successfully numerous times over the last 9, 10 months. We haven't been able to do as much as we'd like; we are just one body here in the House. But dealing with the spending and forcing the Federal Government to live within its means has been and continues to be a priority.

And also, what the gentleman from New York mentioned, is the importance of energy exploration and energy development to our national security, because we want to depend on our own energy sources or at least on our friends in Canada; but it's also very important in terms of job creation. The energy development that we could have in this country could create up to, some say, at a minimum, 1 million jobs.

I was watching a new show on the networks last night, on NBC, and they had a whole segment on what's going on in North Dakota with some of the shale drilling and how there are just tens and hundreds of jobs waiting to be filled in this country, in that part of our country, because of energy exploration.

So tax reform, regulatory reform, dealing with the debt so that we can invest in infrastructure, which is so important to economic development and energy development, those are critical.

And if you want to talk about a jobs plan or what have you, or jobs bills—it's not jobs bill; it's jobs bills. We've been passing jobs bills since January. In fact, as I indicated before, they're piling up like cord wood in the Senate.

I yield to my friend from Wisconsin.

Mr. DUFFY. I commend the gentlemen from Arkansas and from New York for the work you've been doing in your own districts, reaching out to job creators, listening to them about what they need to make sure they can expand their businesses and grow their businesses. I've been doing the same. Over the last couple of weeks I've done a number of different events.

I did a jobs fair in central Wisconsin; that's where my district is, central Wisconsin up to northwestern Wisconsin. We had 100 employers, and we had 1,200 job seekers come through that jobs fair. And if you looked out at the 100 folks who were there looking to hire, you didn't see too many people from the government looking to hire because the real job growth in America is in the private sector. And if you looked out over that arena of employers, they're not big businesses, they're small businesses. They have anywhere from 10 employees, some of them were as big as 100, 120 employees, but all characterized and categorized as small businesses.

I thought it was important to note that there are people hiring; but if you look at the quality and the quantity of people who need work in central Wisconsin, there is a disparity between the number of jobs that are available and the number of people who want to support their families with hard work and hard labor and a good paycheck. And so the work is not done. We have to continue pressing on to make sure that we have the environment for job growth.

As the President says, We cannot wait, and I don't know what he's referring to when he says "we cannot wait." My reference to we cannot wait is we cannot wait, as the Speaker said, for the Senate to start passing our bills that are going to put Americans back to work.

□ 1940

I did a forest policy conference. In my area, we have a large forest product industry. And the Chief of the Forest Service was kind enough to come to my district, a well-spoken, very knowledgeable individual who's spent a lot of time in the Forest Service. Rangers were there, and it was a great conversation with a lot of our loggers.

But in the Chequamegon-Nicolet National Forest, we have 1.5 million acres, great resource in central and northern Wisconsin.

Let me tell you a story of one of the forest products individuals that came to that conference. He's an individual that owns Action Floors. They're from Mercer, Wisconsin. Now, Mercer is not, by far, the biggest community in Wisconsin. It's a small town that relies on the forest products industry and premier gym floors they make at Action Floors in Mercer, Wisconsin.

But do you think they get the wood from the 1.5 million acres in the Nicolet and Chequamegon Forest? No. Over 50 percent of the wood they use to make those floors is imported from Canada because they can't access timber in central Wisconsin. That's a shame.

Now, listen. I live in Wisconsin because I believe that we should have clean water and a clean environment. I live there because I like the outdoors. I like to use it. I want my kids to experience it. But managing forests is critical to preserving it. It's the first green industry. It's renewable. It grows back if it's managed well.

And here we have folks in central Wisconsin that can't access it. Those are real jobs. Those are real families that are impacted by the decisions that are made here in Washington, D.C. But timber being imported from Canada? Give me a break.

We had a field hearing just yesterday, Financial Services, the subcommittee was Financial Institutions. And we had some small small banks and some medium small banks, and we had small credit unions, medium-sized credit unions all in there talking about the rules and regulations that are coming from Dodd-Frank.

And if you think that these credit unions and these small banks are big Wall Street banks, I would encourage you to come to central Wisconsin. They're the furthest from a big Wall Street bank. These are people who have grown up in these communities that are helping get capital out of the bank into the hands of job creators and to homeowners, people who want to buy a car. And they are burdened by regulations and mandates and rules. They can't comply with them.

At some point, banking needs to be regulated—we all would agree with that—but let's have smart regulation. Let's make sure the capital can get out the door to those small businesses that want to expand or grow.

There's some interesting information that I think just came out from the NFIB; and if you look at the end of the last recession, 2001, to the beginning of this new recession in 2007, businesses that have fewer than 500 employees, they have created 7 million new jobs during that time frame. And 60 percent of those businesses, they'd only been in existence for 5 years. So these are new start-ups, small, that are the engine of job growth in America. Now, on the other hand, we had employers or businesses that had 500 employees or more.

Those businesses had cut 1 million jobs. And the point here is job growth is coming from small businesses.

But today, we are at a 16-year low for start-ups. Businesses aren't growing. Businesses aren't beginning in this new environment. And I think it goes to what you gentlemen were just talking about. I think there's three things. One, it's access to capital. They don't have the ability to go to the bank and get a loan. There are a lot of factors that used to be considered when making a loan in small-town America: character and cash flow and a number of considerations. What's happening today with our banks is they're just looking at the file; so when the regulators come, their file looks clean, and they can't take all the factors they used to take into consideration.

I think it's important to note that the banks and the credit unions in my district, they weren't part of the financial crisis. They had nothing to do with it. They were implementing sound banking principles in their communities that were launching small businesses that were the engine of growth in our communities. But today, they can't do that, and so we don't see that job growth take place.

They also talk about regulations, which I think you two did a wonderful job. Just to name a few, remember the 1099 bill? In ObamaCare, in PPACA, there's a 1099 piece of legislation where, if you had a transaction that was over \$600, you had to send the other individual or business a 1099. The workload, the paperwork that that puts onto a small business is unconscionable. They can't focus on doing the work of their business. They're focused on doing the work of the IRS. What we're saying here is we need reasonable, commonsense regulations that are going to help our small businesses expand and grow.

And another thing they talk about is uncertainty, and this all feeds into each other. But in here is taxes. It's health care. It's regulations.

Before I yield back, I'm going to tell you one story, and this is a story from central Wisconsin. It's an individual that I went to see. He's a small manufacturer. He has about 100, 110 people who work for him. As I was sitting in his office, he was saying, Listen, I've got a great idea. I'm going to grow my business. It's going to cost me \$1 million to make this investment. I've been in business for a long time, and I know this idea that I have is going to work. If I make this \$1 million dollar investment, I'm going to create 10 to 15 new jobs in my community. But guess what? I'm 62 years old. I look at all the uncertainty. I look at ObamaCare. I look at taxes. I look at new regulations, look at new banking regulations. He said, With all of that uncertainty in the marketplace, I'm not going to make that investment. I'm 62.

Who got hurt?

This guy has enough money. He's made enough money in the course of running his business. It doesn't hurt him because he didn't make that investment, but it hurts 15 families in that community that don't have a good-paying job. Fifteen families don't have work because he didn't take that risk, make that investment.

We have to make sure that people are encouraged to take risk, to invest and expand and grow and compete. And if they do that, we're going to see great growth in this country.

But I believe we're at a crossroads. If we don't go down the path of free markets and free enterprise, American capitalism, a system that has worked since our founding, that has created incomparable wealth in this country, I think we're going to go down a different path, and that path does not lead to prosperity. It doesn't lead to opportunity. It doesn't lead to job growth. It leads to something far less than that.

I think, in this country, we want to fight to make sure we stay on a path of prosperity and opportunity so we can pass that off to the next generation. That's worth the fight. I'm willing to fight for those principles.

In this House, we argue, and I think the American people would say probably too much. But I know there's friends on the other side of the aisle that would agree with this, that agree that we have to come together to find solutions that are going to help the private, small sector grow and put our hardworking people back to work.

So I appreciate the hour that the gentleman from Arkansas has reserved, and I appreciate the conversation and the focus that my colleagues here in the freshman class have put on job growth, not only for their own districts but for the country as a whole. And with this effort and with some cooperation, hopefully, from the White House, we're going to be able to turn this economy around, which is not us. It's actually policy that we turn over to the private sector for that job growth.

Mr. GRIFFIN of Arkansas. I thank the gentleman.

Before I yield to my friend from Colorado, I just want to follow up on a few issues. We call the jobs-related bills that we've passed here that will help the private sector grow the forgotten 15 because these are the bills that made their way down to the Senate and just sat there. The only problem with that is it's not 15 anymore; it's 16 or 17 or 18. And they're not one bill. It's more complex than that. They're plural.

There are a number of jobs bills, a few of them: the Reducing Regulatory Burdens Act, H.R. 872; the Energy Tax Prevention Act, H.R. 910; Restarting American Offshore Leasing Now Act, H.R. 1230; Putting the Gulf of Mexico Back to Work Act, H.R. 1229. These are

all related to job creation, getting the private sector creating jobs again, and the list goes on and on.

Now, one of those is the North American-Made Energy Security Act, H.R. 1938. Now, this bill is also just sitting in the Senate. It passed the House July 26 of this year.

□ 1950

Now, we're up here talking about bills and legislation and what have you, but speaking for me, and I think I can speak for my colleagues here, we're talking about bills and legislation and laws, but ultimately we're talking about policies that will allow folks who are hurting back in our districts who have been out of work—we're talking about how bills that have passed into law would help job creation, which will help those folks who are still looking.

I'll give you a specific example.

There's a company called Wells Fund in Little Rock. And they make massive pipe. And they're talking about expanding. Well, what are they waiting on, or what is one of the things that they're looking at that is a potential obstacle? They make the pipe for the Keystone pipeline. Why are they in Little Rock? Because they're right there at the port of Little Rock. So they can really haul a lot of steel in those barges, and they've got a huge high-tech, state-of-the-art facility. It's an Indian-based company, lots of jobs right there. They want to expand, they want to create more jobs. They're building up that pipe.

And we've got an administration that's not sure how they feel about the Keystone pipeline that's going to allow for more energy to come from our neighbors through the north instead of from around the world? They're not sure about the Keystone pipeline that will create energy-related jobs right here in the United States?

Where I come from, the Keystone pipeline's a no-brainer. That means you don't even have to think about it. And now I read actually a few minutes ago, I got a news clip that the President now has decided that he's going to make the ultimate decision on the Keystone pipeline. If I was making that decision, I'd take about 2 seconds. It's absolutely critical that we build this both for national security and for energy here at home in terms of jobs.

Now, on the issue of regulations, I want to touch on it real quickly before I pass to my good friend from Colorado.

At my jobs conference that we had a couple of weeks ago, senior vice president Ken Kimbro of Tyson Foods—we've all heard of Tyson. My kids and I, we love the chicken. We've all heard of Tyson. Ken Kimbro, senior vice president, says this about regulations in general: "I understand the intended consequences of regulations, but it seems like we turn a blind eye to the unintended consequences of what

that's going to mean to us in Arkansas, our industry, to the State of Arkansas, and to the jobs that support everything that we do. And it seems to be lost in an academic exercise without the consequence of what's going to happen. And we face it across the full spectrum of government agencies, and it's terribly frustrating because we all want to do the right thing."

Now, on the regulatory front, he's identified the problem.

I had another panelist who owns ten International House of Pancake restaurants. I love them. I like to eat breakfast there. Here's what she said, "As a business owner today, I am in a constant posture of defense." Is that what we want? We want job creators in a constant posture of defense?

So I just want to put in a plug. I have just introduced a bill called the Job Creation and Regulatory Freeze Act. It's somewhat similar to a bill introduced on the Senate side by SUSAN COLLINS of Maine, and it puts a moratorium on all major regulations coming out of this administration until January of 2013. And my colleague on the Senate side, hers is for a year. I didn't think a year was sufficient because at the end of that year the administration could just implement regulations that are waiting.

So I say let's take it through January to Inauguration Day of 2013 because this administration has not gotten the message on overregulation.

This bill would stop major regulations being implemented, new ones, until 2013.

Mr. REED. Will the gentleman yield?

Mr. GRIFFIN of Arkansas. I yield to the gentleman from New York.

Mr. REED. I appreciate my colleague from Arkansas, my great friend, for yielding to me.

Just to add a comment. When my colleague from Wisconsin spoke and my colleague just mentioned when we talk about the Forgotten 15, now 16, we've got to be clear to the American public that those bills that came out of this House had bipartisan support. There are colleagues from the other side of the aisle that have seen the wisdom in the sound policy that's represented by those bills, and they've joined us and supported those bills going over to the Senate.

Yet HARRY REID, the Senate majority leader, has blocked, in my opinion, those bills from coming to the floor. It's time now for the Senate to act. At least bring them up and debate the issue.

Mr. GRIFFIN of Arkansas. In fact, on the Keystone bill that I mentioned, H.R. 1938, that was passed on July 26, 2011, the North American-Made Energy Security Act, looks like there were 47 Democrats that joined with us on that bill. Many of our Democrats joined us in a bipartisan effort.

But again, stacking up like cordwood on the steps of the Senate.

Mr. REED. Just to conclude on this point. Now is not the time for our President to divide this country. We have had bipartisan support on these bills here in the House. I know it hasn't been reported on by the press. But that's the fact.

Now, what we need to do now rather than divide the country—when I hear comments from our President talking about how he has to break up the American Jobs Act that he submitted so that we Republicans can understand it. That's not productive conversation. We understand the jobs bill. I think my colleagues on the other side of the aisle understand it, too, and that's demonstrated by the fact that there's only one sponsor of that proposed piece of legislation from the President. No other individual in this Chamber co-sponsored that legislation. I think that speaks volumes. They understand that's not good sound policy.

So now is not the time to try to divide the country with scare tactics, class warfare, trying to go after and paint the top 2 percent as the reason why we're in this situation. This is not the time to try to say, "Oh, China is the bad guy." Of course it's not the policies coming out of Washington and the overregulations and the non-competitive Tax Code or the lack of a vision for a comprehensive energy policy. Or doing the responsible thing with coming up with a credible plan to deal with the debt.

No. We have to divide this country is the rhetoric that I'm hearing on the campaign trail during this Presidential election from our President. I disagree with that.

We're here as a freshman class to really change the culture of Washington, and I think we are. We're making progress. But we've got a lot more work to do.

Let us never forget that the Forgotten 16 bills that are now on the Senate floor were done with bipartisan support. And we'll continue to work at it because I don't believe the American people are stupid. They will see through all of the rhetoric because the American people are like me. They are sick and tired of politics as usual out of Washington. That's why we ran. That's why I'm sure my colleagues who joined me today would join in the sentiment that we ran, we left our families and our businesses, to come down here and once and for all stand up for what's right.

And what is right is a strong private sector America, an America of principle based on capitalism, based on individualism, individual accountability, and responsibility. Those are the themes that we promote and that we stand here and will fight for, because if we can get those themes implemented into strong, long-term policy, America not only will survive, it will prosper for generations to come. That's my promise to you here tonight.

I again thank my friend for yielding.

Mr. GRIFFIN of Arkansas. I yield to the gentleman from Colorado.

Mr. GARDNER. I thank the gentleman from Arkansas and my colleagues for joining us to talk here today about this important issues.

Eastern Colorado, the district that I represent, is about 32,000 square miles. It's bigger than the State of South Carolina. And one of the greatest privileges that I have in representing that district is meeting with the people at the local coffee shops, talking to business owners at the car dealerships, talking to people who are really making our economy run, what I call the front line of our economy, ground zero for economic development.

□ 2000

The challenges that they face are no different in Colorado than they are in Wisconsin or New York or Arkansas because we have people who expect this Congress and this administration to work together to create jobs and to create opportunities to get people back to work.

This morning when I left the house, I drove by some farmers who were picking corn out in the field. The pile of sugar beets is getting bigger right outside of town as people are digging sugar beets. Then you head up to northern Colorado a little bit further; and early in the morning, you see the drilling rigs leaving town, going out to find a new place to start their drilling operations. Closer to Fort Collins, Colorado, you see the trucks hauling the blades of new wind turbines.

People are working each and every day to make ends meet in order to put food on the table for their families. They're wondering what's happening in Washington, D.C., and they're wondering what's going on: Why can't you guys do what we do? That is, when times get tough, we find a solution; we find an answer; we do the right thing.

The forgotten 15 is our way to do just that because we have passed a number of bills to get this country back to work and to make sure that our country's job creators have the policies that they need to expand their businesses, to grow their opportunities, to put people to work.

I had a chance the other day to meet with a number of businessowners and with a number of employees at a coffee shop in my district. There were probably about 15 people around the table. We were talking about what's happening to this country from a debt perspective, from an economic perspective, about the fact that we are now in the 32nd month where unemployment has exceeded 8 percent, and about what we could do as a country to move forward again. The waitress was coming in and out, helping people at the table—taking orders, putting food on the table.

As we began to leave and I started to walk out, she came up, and she grabbed me by the shoulder. She says, Hey, I heard what you said in there. Who are you?

I said, Well, maybe I haven't done the best job of getting around and letting people know what our message is but, I said, Thanks for stopping me.

Who are you?

I said, Well, I represent the eastern plains of Colorado in Congress.

She said, How can I help get the message that you were talking about—how can I help get that message around town, around the district? What can we do to get your message out of job creation? of freeing up small businesses? to do the right thing?

I said, You know, it's going to take everybody to send those letters to the editor, to make sure that we are talking to all of our elected officials—the city councils and the other Members of Congress in our States and our delegations—about the fact that regulations when they go too far can hurt job creation, that taxes when they increase can hurt small families' and small businesses' abilities to grow and expand. Make sure that you're expressing that. Make sure you're telling them that. Make sure you're talking about America's job creators, about our idea—the Republican plan—for job creation, what we are going to do to get this country's job creators moving again.

One of the forgotten 15 is a bill that I introduced/passed. It's the Jobs and Energy Permitting Act. It's H.R. 2021. This bill passed back on June 22, 2011, to be exact. It passed with 255 votes in support. There aren't 255 Republicans in the House of Representatives. It took both Democrats and Republicans to get to 255 votes. That bill, if it were to become law, would create 54,000 jobs around this country, 54,000 good-paying jobs around this country. It has been introduced in the Senate with a bipartisan group of sponsors, but it hasn't been acted on yet.

The Reducing Regulatory Burdens Act, H.R. 872, which is something that farmers in my district are very concerned about, passed with 292 votes on March 31, 2011. It's a bill that would make sure that our farmers, our ranchers, our communities can continue to grow and flourish in their economies; but it hasn't seen the light of day over in the Senate.

Yet those farmers who are picking corn, the people putting together the wind turbines, the men and women out on the drilling rigs don't wonder why the forgotten 15 haven't passed. They wonder why Congress can't get its act together, why this President can't work with us to find the solutions this country needs. That's why we are here tonight, talking about our commitment to this country, about our commitment to our country's job creators,

to the men and women who have struggled far too long in looking for work. It's so that we can find opportunities for them and their families so they can get back to work with the jobs that they need to survive.

Mr. GRIFFIN of Arkansas. I thank the gentleman from Colorado. I just want to make a few points, and then I'll yield to the gentleman, my good friend from Wisconsin.

First of all, I want to make clear that the number of the bill that I have just introduced, the Job Creation and Regulatory Freeze Act, is H.R. 3194.

Earlier, we were talking about commonsense regulations, and I want to mention one regulation. I had a constituent fly to D.C. to discuss something with me. She lives outside my district, this businesswoman, but she has numerous stores in my district. She has 300 stores in four States. They're convenience stores. She came to me and met with me in my office right up here in the Longworth, and she had some other folks with her. They told me the problem that they have with horses coming into their convenience stores.

I said, Excuse me?

She said, Yes. We're being told by the Department of Justice, through the Americans with Disabilities Act, that we have to let horses/ponies come into our stores if someone wants to bring a horse or a pony into the store.

I asked, Why would anyone ever need to bring a horse or a pony into your convenience store?

They said, Well, apparently, it's not common.

I didn't think it was common, because I'm 43, and I've never heard of anyone taking a horse into a convenience store; but she told me, in the way some folks rely on seeing eye dogs, some other folks in the country rely on horses for balancing or for whatever other service that horse provides, maybe guiding them. I'm not sure of all the details. The validity of that aside, I took her at her word that people were in the practice of taking horses into stores.

She said, Look, I've got liability problems here potentially. People are going to bring horses in. They might kick somebody; they may be dirty; they may dirty up the store; they may knock things over.

I said, Okay. If someone relies on a horse, that's fine; but why do we have a Federal regulation on this?

I've never even heard of it. We have people being paid to draft rules that deal with horses going into stores. I almost couldn't believe it. So I did a little research with my staff. Sure enough, she wasn't kidding. She wasn't making this up. ADA, title III, regulation 28 CFR, part 36, section .36.302: "Modifications in policies, practices, or procedures." There is a provision entitled, "Miniature Horses":

A public accommodation shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

Now, if individuals have to rely on horses for balance or guidance or whatever, then that's absolutely fine. I just find it incredible that the Federal Government is telling a businessowner, who has never in her life even heard of a horse coming in a store, that she has to comply with this and has to make sure that there is room for a horse to get in—or a pony or a miniature horse. I just think that this is where common sense comes in. We obviously can't regulate for every contingency, but apparently we're trying to.

□ 2010

So I'm taking a closer look at this to try to get some more information, but I think it's one that at first impression tells me we need to apply a little more common sense with regard to regulations.

I yield to the gentleman from Wisconsin.

Mr. DUFFY. I thank my friend for yielding.

As we look at what's happened recently, as the President has come out with his jobs bill proposal—and, frankly, many who analyze it would say this is stimulus number two. It's just another government spending program hoping the government borrowing and spending will lead to economic growth and wealth and jobs. And if you look at it, I think the President is saying, I want to do something. And I say, I don't want to do necessarily "something." I want to do the right thing so we can create economic growth and prosperity and wealth and jobs.

This is my concern of what's happening right now: I think the President came into office talking about hope and change and job growth and job creation, and he implemented stimulus number one. And from that, it didn't work because it's never worked. Government borrowing, government massive spending doesn't create jobs. But that was his sell to the American people.

Now as we roll into the second phase, I think this is the campaign phase, the political phase. So instead of focusing on policies that bring the bottom up, that help give hardworking folks a good-paying job or a good-paying opportunity, he is now focusing on class warfare. I think that's the wrong way to go. Our policies that we are implementing, that we passed and have sent to the Senate are policies that will create jobs.

Mr. GRIFFIN of Arkansas. I thank the gentleman, I thank all my friends

for being here tonight, and I yield back the balance of my time.

**CBC HOUR: VOTER
IDENTIFICATION LAWS**

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the minority leader.

Ms. FUDGE. Mr. Speaker, today I rise to speak about voter suppression bills that are pending or are already signed into law in a number of States across this land. They have only one true purpose, which is to disenfranchise eligible voters.

Many of my colleagues will be joining me this evening, and I would like to begin by yielding to my good friend, Mr. RUSH HOLT, from the State of New Jersey.

Mr. HOLT. I thank my friend and colleague from Ohio.

I am pleased to come to the floor tonight to talk about a serious issue: whether the voice of the people will be heard. As citizens of this Nation, the voting franchise is not just our constitutional right; it is the right through which all other rights are secured, our primary voice in how this country is run. And right now around this Nation, there are people who are working actively to disenfranchise specific sectors of our citizenry.

How is this happening? Well, this year, in 38 States, there is legislation being considered or, in some cases, already approved to make it more difficult for citizens to register to vote, making it impossible to vote early, and to require identification that serves to eliminate or restrict voting for large numbers of people. Restrictions on voter registration have placed such burdens on groups organizing community-based voting drives—such as the League of Women Voters—that several organizations have suspended voter registration drives in some States due to the onerous nature of the legislation.

Now, if there were a threat of voter fraud as the proponents of these laws assert, it might make sense, but there is no threat of voter fraud. Are there rampant cases of impersonation, voting as someone else? No. Voter fraud is not rampant. There are not numerous cases of impersonation. There may be isolated instances, sure, of alleged voter fraud, but to disenfranchise millions of people because there are a few cases is really contrary to the American system of government.

In 23 States and the District of Columbia that allow voters to show both photo and nonphoto ID, such as a utility bill or a bank statement, there is no evidence of voter impersonation, no evidence that fraud is occurring. It's a phantom menace of fraud that is the

basis for a well-funded movement around the country making it difficult for eligible voters to cast their votes.

Are photo ID laws prohibitive? Yes, they are. A recent report by the Brennan Center for Justice of NYU law school concluded that the newly enacted State laws affecting more than 5 million eligible voters will disproportionately disenfranchise young, low-income, elderly, and minority voters. In 2006, the Brennan Center completed a nationwide survey of voting-age citizens and found that African American voters are more than three times as likely as Caucasians to lack a government-issued photo ID.

Restrictions on registration, limits on early voting, and photo ID requirements at the polls all serve to discourage young, low-income, minority, and elderly voters from participating in their constitutional right to vote. Should they reach the polls and successfully cast their ballot, of course we have to ask whether their vote will be counted accurately.

In the past, literacy tests and poll taxes were used to selectively allow certain citizens to vote and to exclude others. Those laws were and are illegal. We should make sure that they remain illegal in the 21st century. 21st century poll taxes, which, in effect, these restrictions are, seek to suppress the voices of people who have a right to vote and whose voices should be recorded because we need their wisdom at the polls.

Now the motto should be, "Everyone Counts." And there's much to be said—and we'll say this at another time—about making sure that every vote that is cast is counted. Election auditing can be used to ensure that voting errors are minimized, performing a check on the results recorded by electronic voting machines against a verifiable record, paper record of the vote.

But tonight we want to talk about the systematic disenfranchising of people who are citizens, who should be voting, and whom we should want to vote. I am pleased that my friend has taken this time tonight, and I am certainly pleased to join you.

Ms. FUDGE. I thank the gentleman so much for his insight.

I now yield to someone who I know, coming from the State of Wisconsin, has a great deal of experience in this area, my good friend, the gentlelady from Wisconsin, Ms. GWEN MOORE.

Ms. MOORE. Thank you so much, Representative FUDGE, for putting together this Special Order to talk about voter suppression laws.

I was first elected in 1988; and 2 years after that, in 1990, I began a career from that point on, up until this very day, fighting against these voter suppression laws. And the reason that I began my career that early is because our now-Governor of the State of Wis-

consin led the effort to require voter ID, very strict forms of voter ID, in order to suppress the votes of certain members, certain populations in the Wisconsin community. So I am ashamed to announce today, Representative FUDGE, that Wisconsin has joined the map of shame. It is one of seven States in red here on the map of shame that have very stringent voter ID laws in order to be able to vote.

Having debated this issue for many years, I know what the basic arguments for this are, and they're all discredited.

□ 2020

We have heard such arguments from our Governor, who was then a State representative, that if you need a voter ID to buy liquor or to buy medicine or to get a Blockbuster's video, surely you should need a voter ID for something as important as voting. I think that that is demonstrably a problem with that line of thinking. There is no more fundamental right than the right to vote. You don't have the right to drink liquor, Representative FUDGE. You don't have the right to get a video from Blockbuster. And, shamefully, you don't have a right to health care. You don't have a right to get a prescription drug. But you do have a right to vote, so the bar ought to be extremely high to disenfranchise voters.

Now, we are discouraged on this floor and in this House from questioning the motivation of people who offer legislation. And in that same light, I question the motivation of those people who say that we must have this kind of legislation.

The Wisconsin attorney general's office found that in a 2-year election fraud task force investigation that there were 20 instances of possible voter fraud out of 3 million votes cast in 2008, the year that President Barack Obama ran, which is 0.0007 percent, and not a single one of these cases would have been prevented had the person had a voter ID. If it was a felon who had voted, your driver's license doesn't say "felon" on it. There was not a single case where a photo ID would have prevented these discrepancies. So I began to wonder about the motives of those who have said that we must have this law. Who are they trying to disenfranchise?

In the State of Wisconsin, 17 percent of white men and women don't have this kind of ID; 49 percent of African American women don't have this kind of ID; 55 percent of all African American males don't have this kind of ID; 46 percent of Hispanic men don't have this kind of ID; 59 percent of all Hispanic women don't have it; 66 percent of African American women ages 18 to 24 don't have this ID; and 78 percent of African American males ages 18 to 24 do not have this kind of ID.

In addition to this, there's a cost to getting the paperwork, the underlying

paperwork to get a photo ID. You have to pay \$20 for a replacement birth certificate, and in some States, you have to have a photo ID to get a birth certificate. And there are other costs.

In Wisconsin, a place where the largest number of these African American and Hispanic men and women who don't have this photo ID reside, there is no Department of Motor Vehicle station, Congresswoman FUDGE, that is open, has evening hours or weekend hours, so the burden of getting this kind of ID is great.

I do realize that I need to yield back my time, but I just want to mention that this would also have a terrible impact on our young, college-age student voting population. This bill would require that they use a college ID that doesn't exist in the State of Wisconsin. There have been no moneys provided for the universities, none of which have this kind of ID to do it, and it would be a terrible burden on our elderly population who may want to vote absentee and would have to provide a Xerox copy of a photo ID. So for all those elderly Wisconsinites who have Xerox machines in their homes, you will be able to vote absentee from your home.

With that, I thank the gentlelady for yielding and thank you for this Special Order.

Ms. FUDGE. Thank you so much.

I just want to say both my friend, Congresswoman MOORE and my friend, Congressman HOLT, have basically put into context the fact that any time you have to jump over a hurdle or pay to get something to vote, it is a poll tax.

I now want to yield to someone from my home who has been an advocate for voting rights and someone who knows the issues very well because we are facing them in Ohio, the gentlelady from Ohio, my friend, Congresswoman BETTY SUTTON.

Ms. SUTTON. Congresswoman FUDGE, I thank you for your leadership. You have been tremendous in this fight, and it is a fight that unfortunately we didn't ask for, but we must fight on behalf of the American people.

There is nothing more important, there is nothing more American than the right to vote. You know, at a time when government officials from all levels of government should be focused on getting America back to work, unfortunately, we are seeing this scourge of voter disenfranchisement, legislation springing up State to State across this country, and we've heard a little bit about that already today.

So over the past century, our Nation, as we expanded the franchise and knocked down all of the barriers that were so hard fought to increase electoral participation, in 2011 that momentum abruptly shifted. We've heard here tonight about how State governments across the country enacted an array of new laws, making it harder to register to vote in some States, and

some States requiring voters to show government-issued photo identification, often of a type that as many as 1 in 10 voters do not have. Other States, like our State, have passed laws to cut back on early voting, a hugely popular innovation used by millions of Americans. Two States reversed earlier reforms and once again disenfranchised millions who have criminal convictions. But these new restrictions fall most heavily on a specific population.

These would be insidious. Any attempt to prevent somebody from exercising their right to vote, of having the voice at the ballot box, would be insidious, but when you look at these laws, you start to see a pattern emerging. There is an effort to target voters who appear, who people think, some people think, may have a tendency to vote for one party over the other party. So voters who are being perceived as Democratic voters are being targeted by these laws. And why do I say that? What is the basis for me saying that? Because we have seen where these voter ID laws fall most harshly.

We heard from the gentlelady from Wisconsin making the case, but it's really important. Let me just tell you a couple of examples. In Tennessee, 96-year-old Dorothy Cooper, a lifelong voter, attempted to secure the new ID that she would need to vote in the next election. When she arrived at the DMV, she was turned away because despite having her birth certificate, current voter registration card, and a copy of her lease, she did not have a marriage license—she was 96—a marriage license, to verify the change of name.

In Texas, thanks to a new voter ID law, students may not use their school-issued photo IDs to vote, and we saw this in Ohio as well, an effort to try and restrict student IDs as a valid form of identification to vote.

So in Texas, while Texans who possess concealed weapons permits are allowed to use their permits to vote, those with student IDs are not. This justification just seems a little bit arbitrary. And according to one State representative, it's that: "Texas, you know, is a big handgun State so everybody has almost got a concealed handgun license over 21." That was the argument that was given for that distinction.

But the bottom line is this. We are here on the floor tonight because we have people—we've seen the protests out there. We know that there are those, and they are holding signs, and they say: "We are the 99 percent." We see the plight that our middle class families are facing throughout this country, but I think it's worthwhile to bring up that idea about the 99 percent, and I'll tell you why. Because the reality is there are those in this country who have a lot of power, and that's what that 99 percent and the upper 1 percent is about, right? And they have

a lot of voice. You know why? Because they have a lot of money that they use to make their voice heard. But the truth is, the upper 1 percent that controls so much of the power and so much of the money in this country still only controls 1 percent of the vote—unless the deck is stacked.

□ 2030

And so that 99 percent needs to have access to the voter box, because that is the place that we are all equal. So I am proud to stand with you to fight back against these efforts to suppress the vote and to stand up for democracy—democracy that was fought for and is still being fought for by our men and women in uniform.

I thank the gentlewoman from Ohio for yielding.

Ms. FUDGE. I thank you. And now you can see why in Ohio we are going to defeat everything they bring to us that restricts our right to vote.

I would yield to one of my newer colleagues, one who's from a State where the Voting Rights Act was designed to protect the people of her State, my colleague from the great State of Alabama, the gentlelady, TERRI SEWELL.

Ms. SEWELL. I thank the gentlelady from Ohio for leading this wonderful Special Order hour, and I rise this evening to express my concerns about the voter ID legislation being passed in States across this country. The State of Alabama and other States have passed a law that requires voters to use a photo to ID to be valid.

Now I believe that these types of voter ID laws are really implemented in order to discourage and delay full voter participation in communities across this Nation. It has been alleged by some that voter ID laws are needed to prevent fraud and protect voters who are being victimized. Some political pundits have been taking shots at my own district in Alabama, in particular, alleging blatant voter fraud.

Now I have received numerous feedback from my constituents to the contrary. In fact, my constituents attest that they are offended at the very thought that these voter ID laws are allegedly about voter protection. The fact is that these voter ID laws are about voter suppression, not voter protection. These laws are in search of a problem that does not exist. Between 2002 and 2005, just 24 people were convicted of or pled guilty at the Federal level to illegal voting.

The reality is that 11 percent of U.S. citizens, or more than 21 million Americans, do not have government-issued photo identification. Also, as many as 25 percent of all African American citizens of voting age do not have government-issued photo IDs. Voter ID laws have a disproportionate and unfair impact on low-income individuals, racial and ethnic minorities, senior citizens, voters with disabilities and others.

Many of these individuals do not have government-issued ID or the money to acquire one. It is our obligation as legislators to work to ensure that all American citizens are given the opportunity to express their opinions by using the ballot box. The right to vote is especially sacred in my district where people marched across the Edmund Pettus Bridge in Selma for the right to vote.

As the daughter of a stroke victim who is now wheelchair-dependent, it is frightening to think that had this law in Alabama been in effect during my election, my very own father would not have possessed a valid photo ID because his driver's license has expired. His struggle is indicative of the struggles of so many disabled Americans who will be disproportionately affected by this law. We cannot stand idly by while citizens across this country are being disenfranchised and discouraged from exercising their right to vote.

Now let me be clear. Voter fraud should not be tolerated and, if discovered, should be prosecuted. Voter fraud is a serious crime. A person who commits voter fraud in a Federal election risks spending 5 years in jail and having to pay a \$10,000 fine, and rightfully so.

We can all agree that our current elections system is in need of some repair. However, the current debate about voter ID and voter fraud distracts us from the real problems with our elections system. We need a progressive system that encourages voting through same-day registration and early voting laws, laws that would make it easier for citizens to exercise their right to vote. The government should be in the business of encouraging, not discouraging people from voting.

As Americans, we can do better. And as legislators, we owe it to the people that we represent to make sure that we do. We cannot compromise the integrity of our democratic system and reverse the enormous progress that our country has made by implementing laws that will seek to discriminate. Now, in protecting my constituents in the Seventh Congressional District of Alabama and in this Nation, I will continue to work with my colleagues and Representatives like Congresswoman FUDGE to make sure that we vigilantly ensure that States' voter ID laws protect and not suppress all voters.

I thank the gentlelady for yielding.

Ms. FUDGE. I thank the gentlelady.

I yield to someone who certainly we all know has been so involved in voting rights and a person on whose shoulders I stand, the gentleman from Georgia, Mr. JOHN LEWIS.

Mr. LEWIS of Georgia. I want to thank the gentlelady from Ohio for holding this Special Order. Congresswoman FUDGE, thank you very, very much. You are making a lasting con-

tribution to this discussion, to this debate.

Voting rights are under attack in America. Quietly, gradually, State by State, the right to vote that many people died for has been taken away. Sometime ago, some of us came to this floor, I believe this past summer, to warn the American people about this dangerous trend. No one, but no one, seemed to be listening. But today, we can no longer ignore this trend.

Congressman HOLT said just a few moments ago that the Brennan Center released a report that shows that voting law changes in States across the country will make it much harder for more than 5 million voters to exercise their constitutional right to vote. In 2011, we should be ashamed.

Today, we should be making it easy, simple and convenient to vote. Instead, we are creating barriers and making it more difficult for citizens to vote. There's not just one law, but many types of laws that are disenfranchising millions of voters: voter ID laws, proof of citizenship laws, barriers to registration, elimination of early and absentee voting, and making it harder to restore voting rights for people who have paid their debt to society. These laws are barriers to an inclusive democracy. They are a disgrace, and they are a shame to our democracy. We continue to step backwards toward another dark time in our history.

We cannot separate the dangerous trend across this Nation from our history and the struggle for the right to vote. Before the passage of the Voting Rights Act in 1965, not so long ago, it was almost impossible for some citizens to register and vote. Many were harassed, jailed, beaten and some were even killed for trying to participate in the democratic process. In the 1960s, people stood in what I like to call immovable lines trying to register to vote. People waited day in and day out, only to be turned away and told that voters were not being registered on that day.

The same thing is happening today. States are passing laws to restrict voter registration and are doing away with the same-day voter registration. There is no reason that we cannot make it easy and convenient for people to register to vote. Ten years ago, the Carter-Ford National Task Force on Election Reform called the United States' registration laws "among the world's most demanding" and blamed those registration laws for low voter turnout. Because of registration problems, 3 million American citizens tried to vote in the 2008 Presidential election, but they could not vote. And with these new laws restricting voter registration, the problem would get even worse.

□ 2040

One of the most dangerous voting changes is the new voter ID require-

ments, which are disenfranchising millions of American voters. Approximately 11 percent of voting-age citizens in the country, or more than 20 million individuals, do not have a government-issued photo ID. Today, too many States require a photo ID in order to vote.

Each and every voter ID law is a real threat to voting rights in America. Make no mistake; these voter ID laws are a poll tax. I know what I saw during the sixties; I saw a poll tax. And you cannot deny it; these ID laws are another form of a poll tax. In an economy where people are already struggling to pay for the most basic necessities, there are too many citizens who will be unable to afford the fees and transportation costs involved in getting a government-issued photo ID.

Despite all of the new voter ID laws across the country, there is no convincing evidence—no evidence at all—that voter fraud is a problem in our election process. The right to vote is precious, almost sacred, and one of the most important blessings of our democracy. Today we must stand up and fight.

The history of the right to vote in America is a history of conflict, of struggle for that right. Many people died trying to protect that right. I was beaten and jailed because I stood up for it. For millions like me, the struggle for the right to vote is not mere history; it is experience. We should not take a step backward with new poll taxes and voter ID laws and barriers to voter registration and voter participation. We must ensure every vote and every voter counts.

The vote is the most powerful, non-violent tool or instrument we have in a democratic society. If we allow our power to vote to be taken away, we will be facing the need for a new movement and a new nonviolent revolution in America to retake the same ground we won almost 50 years ago. We must fight back.

Thank you again for giving us a voice, giving us a way to fight back.

Ms. FUDGE. Thank you so much for the history lesson we just received.

As you know, there are many things going on in the State of Ohio, and that's why I'm joined tonight by another one of my colleagues from the great State of Ohio, my friend, and someone who as well has fought very, very diligently to make sure that everyone has their right to vote, and that is Congressman TIM RYAN.

I yield to the Congressman.

Mr. RYAN of Ohio. I thank the gentlelady.

A few weeks ago, we had the opportunity of having Congressman LEWIS in Youngstown and then up into Cleveland. And to sit here and listen to him talk about it, it's not words on a piece of paper. As he said, it's not history; it's his experience. And for us in any

way, shape, or form to listen to him and to remember the struggles that a lot of people went through in order for Americans to have the right to vote—all Americans to have the right to vote—this seems so petty and so ridiculous that there would be a movement among a conservative group of people across the country to literally try to disenfranchise American citizens.

Now, we all get caught up in the political games, but my goodness gracious, how far are you going to go? You've got Citizens United that says you can spend money left and right in corporations, unlimited funding, and we're seeing it in Ohio now. And then they take this money and they start pushing initiatives like this one, where you are going to literally carve out a part of the electorate that doesn't necessarily vote for your interests because you'll win the game that way. And so these provisions in Ohio now, we're coming up on an election on Tuesday, you can't vote in person stopping Friday night, the weekend before the election. That doesn't make any sense.

Come on, guys. This is not a game. This is an essential right that we have in the United States of America. And you're going to say, well, one in four African Americans doesn't have a government ID; let's carve them out. This fits that category. Oh, if you make under \$35,000 a year, you're twice as likely to not have a government ID; let's put you over there. If you're a senior citizen, if you're elderly and you don't drive anymore, you fit into that category, too. All right, let's put this in 38 different States—or however many—and figure out how we lock them out of the political process or put barriers up.

This is not right. Come on. These people have served the country, worked in the country, served in the military, and all of these other things, contributed, and now you're going to say, well, we're going to put up a few more barriers for you not to be able to vote. It's not right.

I'm getting the sense in Ohio and back in my district that people are really starting to understand that there is a movement to stack the deck against the working class people to reduce their ability to participate in the political system, and I'm not making this up. Right in Ohio, we have a huge initiative right now on Issue 2 that is about taking collective bargaining rights away from police, fire, teachers, nurses, and public employees, a bunch of corporate money coming in to support it. You have this initiative in Ohio to limit people's right to vote—primarily people who would vote Democratic—national money coming in to support it; cuts being made to make college more expensive; cuts being made to mental health and all of the programs that would lift up these very people.

So I'm happy to join the gentlelady here from Cleveland to say that, one, I'm thankful for you doing this and, two, the work is not yet done. And the American people who have no other choice, now they're taking to the streets. And that may be the only way to get it done, because you can't compete with the hundreds of millions of dollars that are being spent on these initiatives, coordinating these initiatives, and pushing them in States without us, the average folks, trying to push back a little bit. That's what this is about. And I will guarantee you, at the end of the day, when you look at the poll results for Issue 2, for example, people are waking up to see that they're trying to stack the deck against them further, and we're not going to allow that to happen.

I thank the gentlelady.

Ms. FUDGE. Thank you so much. And I do thank my colleague from Ohio because we are going to continue to stand together and we're going to win.

I now yield to the gentleman from Illinois, Congressman DANNY DAVIS.

Mr. DAVIS of Illinois. I thank the gentlewoman from Ohio not only for yielding, but for convening this discussion this evening.

I was speaking to a group of young people a couple of days ago, and they wanted to know why did we think this whole question of voter suppression was such a big deal. They said, But doesn't everybody have the right to vote? And of course it was necessary to convey to them some of the experiences that people like Representative LEWIS and others have had.

All of us recognize, from a historical perspective, the evolution of the development of our country. Of course when we started, there were only a few people who actually had the right to vote, and they were the individuals who made most of the decisions. Ultimately, we fought a war, and after the war we saw the expansion of opportunity; and yet there were millions of individuals who were denied the same opportunities that others had.

People often ask about Southern States. And you don't pick up on any State, but I remember reading the history of Mississippi, where in 1890 the State of Mississippi devised a system that effectively disenfranchised most African Americans or blacks who were there and adopted a system that other States picked up. But you've got to remember that at that time African Americans made up 58 percent of the population in the State of Mississippi. They elected delegates, and the delegates who were elected—134—consisted of 133 white men and one black, or one African American.

I am afraid—and I wish that it wasn't so—that there are cynical efforts to manipulate and control and prevent individuals from having the opportunity to exercise the most important fran-

chise in a free and democratic society, and that is the right to help make decisions. And sometimes it's done in so many ways. There's an old saying that if you fool me once, shame on you; fool me twice, shame on me.

□ 2050

There are places where the polling places just got changed. People have been accustomed to voting at the Johnson school, and all of a sudden they wake up and it's time to vote and they're now voting at the American Legion Hall. Well, they don't know where the American Legion Hall is; they just go to the Johnson school. And once they get there, they can't vote, then they decide that they'll go on to work or do whatever else it is that they're going to do, and they will miss voting that day.

Poll taxes sound kind of way out and farfetched. But I actually grew up in rural America. It is true that I live in Chicago, a magnificent city, probably the most magnificent city in the United States of America and many other places throughout the world.

But I grew up in rural Arkansas, and there was a \$2 poll tax. My parents paid a \$2 poll tax. Now, the average person who worked in an agrarian environment at that time, the wages were \$4 a day. Four dollars a day. That's what people earned driving tractors. That's what they earned chopping cotton. That's what they earned baling hay.

And to take \$2 out of \$4 that you might earn working a whole day to go and get registered to vote? Well, that meant, for all practical purposes, that many of the people, not just African Americans, mind you, but many of the people who were low-income were not going to participate because they couldn't afford to pay \$2 to register to vote.

And so I join with all of my colleagues who say that this issue is most important, that we must watch it, keep our eyes and hands on it. And we have to make sure that even in places like where I live, I can recall voter suppression during one Presidential election where the whole idea was simply not to vote. People were not going to vote for a different political party at the time. But if they didn't vote, that was the same as voting for the other guy.

So don't fool us. We kind of know what's happening.

I thank you for calling this Special Order.

Ms. FUDGE. Thank you so much, my friend.

I now yield to the gentleman from Texas, Mr. AL GREEN.

Mr. AL GREEN of Texas. Thank you, Representative FUDGE. And thank you, Mr. Speaker.

Friends, although the faces change, the fight remains the same when it comes to the black vote. The Emancipation Proclamation didn't do it. The 13th Amendment didn't do it.

Although the faces change, the fight remains the same. In 1870, the face was that of President Ulysses S. Grant, and the fight was the 15th Amendment and the right to vote. It passed. Although it passed, the faces changed but the fight remained the same because in 1944 it was the NAACP and a great lawyer, Thurgood Marshall, that took *Smith v. Allwright* to the Supreme Court of the United States of America, and they won that case, which eliminated the white primaries in the State of Texas, by the way, in Harris County.

The faces changed but the fight remained the same because it was in 1953 that the NAACP had to go back to court to eliminate the white pre-primaries imposed by the Jaybirds in the State of Texas.

The faces changed but the fight remained the same, because even though we eliminated the white primaries, the white pre-primaries, in 1965 the faces were those of the marchers at the Edmund Pettus Bridge on what we now know as Bloody Sunday. They were beaten back to the church where they started the actual march. The faces of those marchers happen to include the Honorable JOHN LEWIS, Member of Congress.

In 1965, the face was that of LBJ, President of the United States of America. He had the opportunity and did sign the Voting Rights Act of 1965. The faces changed, but the fight was still the same. We had to have a Voting Rights Act, notwithstanding all of the amendments to the Constitution, and notwithstanding *Smith v. Allwright* and *Terry v. Adams*.

In 2006, the faces changed. George Bush, President of the United States of America, reauthorizes the Voting Rights Act because we still find that there are cases of invidious discrimination when it comes to voting in the United States of America.

The faces changed, but in 2011 the fight remains the same. The faces are those of the 25 percent of African Americans who don't have photo IDs, the faces of the 18 percent of elderly persons 65 or older who don't have photo IDs.

The faces have changed consistently, but the fight is still the same. We still have to fight for this precious right to vote; and this is why we're here tonight, to make sure that we all understand, and the message goes out and the clarion call is there to those who would help us and make sure that on election day we protect the right to vote.

Notwithstanding the fact that the faces have changed, the fight remains the same.

Ms. FUDGE. Thank you, Congressman GREEN. And he's right, the fight remains the same.

I yield now to my classmate and friend from the great State of New York, Mr. TONKO.

Mr. TONKO. Thank you, Representative FUDGE, for bringing us together this evening on a very important discussion, one that focuses on the fundamental underpinnings of this democracy, the ability to vote, right to vote, and encouraging voters to come to the polls.

This sort of effort that is being taken seriously by far too many as a form of reform is discouraging. This is an attempt, I believe, to discourage folks from voting across this country, from an effort that is somewhat presented in this description of going after voter impersonation fraud which, obviously, is something that everyone would be concerned about. But the element here is not to do that.

No one can point to this overwhelming evidence that there is this voter impersonation fraud that gets addressed by this sort of approach. What we have here is denial. It's a denial that may impact as many as 5 million Americans.

At a time when we should encourage a thoughtful democracy, encourage participation, this focuses on many who would be disenfranchised. Those who are of lower socioeconomic strata, those who are persons with disabilities, the minority community, the elderly community, those are the targeted forces here. And it is an outright attempt, I believe, to dissuade those who are eligible from voting.

And if we can move forward and encourage people to vote and spend the resources that would be required in the individual States to go and develop this ID system, we could spend those dollars in a better way to go after fraud in a more targeted fashion.

This, I think, is an underhanded approach to taking the voter population that currently exists out there, reducing it, and placing a hardship on people, many of whom do not have IDs. It is suggested that some 11 percent, or 20 million Americans, don't have those IDs, government-issued IDs that would be required with the reform effort that's under way.

So we need to see this for what it is. We need to encourage policy that will enhance the numbers of those voting and go after fraud in a very targeted way. This is not the answer.

There is no fundamental proof. There is no proof positive that it will attack and discourage the voter impersonation fraud out there. It simply doesn't happen.

Again, Representative FUDGE, thank you for leading us in what I think is an important discussion on far too many situations out there that are being taken forward in a way that will be counterproductive.

Ms. FUDGE. Thank you, Congressman TONKO. I appreciate it.

Now, the dean of the Ohio delegation, my friend from Ohio, Congresswoman MARCY KAPTUR.

Ms. KAPTUR. I want to thank Congresswoman MARCIA FUDGE, a leadership Congresswoman from Ohio, for bringing us together this evening on the important question of voter suppression. And I would like to say for the record that the stability of each of our communities and our Nation rests on the fragile reed of trust, trust of the people, that trust enshrined in our right to vote, and our obligation to do so.

Today, in fact, we passed a resolution that is stated over the Speaker's rostrum: "In God We Trust." Yes, trust. And John F. Kennedy reminded us that here on Earth God's work must truly be our own.

Trying to prevent voter suppression is our work. In Ohio, we see new forms of voter suppression in the works as we watch the redistricting process unfold, the districts in which we will run as Members of the House and Senate in Ohio, whether it's for Congress or our legislature, Ohio, a home-rule State that values community, that values where people live. We call it a home-rule State. Where we live matters.

And yet we see in the redistricting what's happened in Ohio, a State losing population. The population hasn't grown as fast as other States. Of 88 counties in Ohio, 62 county lines completely violated.

□ 2100

What does that do? It moves people around in a district that has no bearing to their community. Hundreds and hundreds of precincts cracked. You go in to vote, as Congressman DAVIS said, you think you're in one precinct, well, gosh, you might even be in the wrong school. Who's going to let you know, especially if you've lost your job and you aren't living where you were before?

We see entire towns in Ohio's redistricting that's proposed by the Republican Party of Ohio hacked apart for no reason, for no sensible reason. Canton, Ohio, is a shadow of its former self. Akron, Ohio; Toledo Ohio—the list goes on.

Let me say that voter suppression discourages voters, especially during this time of economic recession when so many foreclosures have made it more difficult for people to have a home base.

So I would say to the congresswoman, thank you so much this evening for giving us this time to prepare us for the elections of 2012 so that we can in fact prepare to avoid voter suppression in every form that it existed before and in every new form that is being created today. Thank you, Congresswoman FUDGE, for your leadership on this important issue of giving every American their full rights so we can restore trust in the government of the United States.

Ms. FUDGE. Thank you very, very much, Congresswoman KAPTUR.

Now, to my friend also from the State of Texas, the gentlelady from Texas, Representative SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the gentlelady from Ohio for her leadership after spending some time with her on the floor listening to the voter suppression occurring in Ohio. I'm grateful for this opportunity. I want to thank the Whip for his leadership on voting rights, election rights, for any number of sessions, starting as early as the election in 2000, when we were brought to confront the issue of voter improprieties.

Let me first of all say that we are seeing the ugly head of the suppression of votes rising across America. Forty States have implemented voter ID laws.

Let me explain to the voters: Voter ID can only respond to voter impersonation. Statistics will tell you that most voters do not show up at the polls trying to be somebody else. In addition, most voters will have a voting card. Now you will suppress those who are elderly, disabled, young, who do not have a State-issued voter ID.

In my district alone this past weekend, I met a woman who was 97 years old in a wheelchair who had attempted to get her voter ID with a photograph pursuant to Texas law that she thought was in place now. It was a difficult challenge. Her relatives went with her, and she could not get her voter ID. I made a commitment that my office would go with her because of the extensive requirements and the intimidation and fear.

But it is also in the State of Texas that we are hearing that many polling people who are in charge of elections for this November 2011 have confused the precinct judges so much that they have even told them that the voter ID law will be in place as of November 2011, and it doesn't go into effect, if it does, until January of 2012—again, to suppress voters, the elderly and minority voters.

I would encourage and ask the Justice Department to be diligent on reviewing all of these voter ID laws. Texas is now being reviewed and it has not been pre-cleared. We ask the Justice Department to declare that it is in violation of the Voting Rights Act.

Let me say that voting is a precious right. I want everyone to be able to vote. And it is documented that fraud is very limited in voting. To eliminate same-day registration, there are no grounds to suggest that there is fraud that occurs in same-day registration.

From the oppression of those who could not vote because of a poll tax, because of counting of the jelly beans in a jar, all of that leads to the oppression that keeps people from voting.

So I stand today on the floor of the House to say we will never give up the fight. We're going to fight these voter

ID laws. We're going to fight these laws that are going to intimidate our voters. Intimidation, fear, and oppression will not survive this election of 2011 or 2012. We are going to stand with you, and the Department of Justice will be reviewing on behalf of the Voting Rights Act of 1965.

I thank you.

Ms. FUDGE. Our Whip has joined us. Before he speaks, I would like to yield to the gentleman from Georgia, Congressman HANK JOHNSON.

Mr. JOHNSON of Georgia. I thank my colleague, Congresswoman FUDGE, for organizing this Special Order, and also my Whip, STENY HOYER, for being intimately involved in this.

The right to vote is a fundamental right. And this right is under attack. It's the Tea Party Republicans that have raised the false specter of voter fraud at the polls. Study after study documents that most, if not, all voter fraud occurs during the absentee voter process. And the Tea Party Republicans have done nothing to alleviate that voter fraud.

Instead, they've declared open season on in-person voting.

Now, why would they do that? They have the nerve to claim that their voter ID laws will protect the elections that are allegedly riddled by fraud. But they're really trying to fix a problem that does not exist.

All across America oppressive voter suppression ID laws are propping up. My home State of Georgia is one of the States of shame. It has strict voter ID laws. And earlier this year, more than 30 other States introduced legislation to require government-issued IDs for voting.

The requirement that all voters present a government-issued photo ID, or if you live in Texas a concealed carry permit, before being able to cast a regular ballot will disproportionately disenfranchise minorities as well as seniors, the disabled, students, and poor people who are less likely to have or carry a photo ID.

These voter ID laws are a blatant attempt by Tea Party Republicans to influence the outcome of the upcoming elections, and we cannot let them get away with it.

We'll fight and fight hard to make sure that all voters eligible to vote can vote.

I thank my colleague for yielding.

Ms. FUDGE. Thank you so much.

Now, we would have the Whip, the gentleman from Maryland (Mr. HOYER). Congressman HOYER is taking the lead on this as well, and we thank you for being here tonight.

Mr. HOYER. I thank my colleague from Ohio, Congresswoman FUDGE.

I'm honored to be on the floor with JOHN LEWIS, who came close to losing his life to make sure that Americans could register and could vote.

Mr. Speaker, we're a year away from an election, one that will shape the

course of our Nation for years ahead. The choice we make will be pivotal. And in order to make certain that it reflects the direction our people want to take, we ought to do everything we can to ensure that all who have the right to cast a ballot can do so.

□ 2110

Equal access to the ballot is the most fundamental right we have as Americans. It is what preserves our democracy and instills confidence in our system of government. Some of our greatest national struggles have been over suffrage—from votes for African Americans and women to votes for the young people who risk their lives for us in uniform. The right to vote, however, is today, as we have heard by so many, under threat in a number of States seeking to place obstacles in front of minorities, low-income families, young people, and seniors seeking to exercise that basic right to vote.

They claim we need to crack down on an epidemic of voter fraud that does not exist. There is simply no evidence of any widespread voter fraud. As many as a quarter of African Americans do not have the necessary forms of identification now being required by some States. Data from the nonpartisan Brennan Center for Justice shows that African Americans and Latinos make use of early voting at a far higher rate than other groups, especially opportunities to vote on the Sunday before election day. At the same time, there has been an assault on voter registration.

The right to vote does not exist for political expediency. It is a constitutional right and a moral right for all of our citizens. It is the pride of America, this American franchise. For that reason, we are vigorously pursuing ways to protect an American's right to vote by drawing attention to efforts which attempt to restrict that right. We will be working closely with the Congressional Black Caucus, the Congressional Hispanic Caucus, the Congressional Asian Pacific American Caucus, and with voting rights groups across the country. Throughout our history, Mr. Speaker, Americans have given their lives to protect the right to vote. It is worth fighting for. It is our fight.

I thank Congresswoman FUDGE for her leadership, and I thank all those who have spoken tonight and will be speaking out every day, every week, every month to ensure that every American not only has the right to vote, but does, in fact, have America's willingness to facilitate the casting of that vote.

Ms. FUDGE. Mr. Speaker, let me just close by saying this:

To all of the Governors in all of the States that have passed this legislation, please understand it is time for you to do the right thing.

To all of the Secretaries of State and all of the State legislators who have by

design gone out and tried to keep predetermined people from voting, do the right thing.

Anybody who cares about democracy in this country or who cares about the reputation of this country and the way that we handle our business, please know that it is time to do the right thing. If you care about the generations that follow us, then do the right thing.

For the veterans who are coming back—who are homeless, who don't have addresses—for the people who don't drive, for the sick, for the disabled, for the elderly, for the children, do the right thing.

I would say to all of the people who have been on this floor tonight, we all understand the gravity of the problem. We are just saying to all of these States on the map of shame, it is time for them to do the right thing.

Mr. Speaker, I rise today to speak about voter suppression bills pending or already signed into law in a number of states. They have only one true purpose—to disenfranchise eligible voters.

This is a clear attempt to prevent certain predetermined segments of the population from exercising their right to vote. Students, the elderly, minorities and those for whom English is their second language are all targets.

Many of the bills, including one that was signed into law in my home state—Ohio, include the most drastic voting restrictions we have seen since before the Voting Rights Act.

These bills will not allow address changes at the polls and end volunteer-run registration drives. Twenty-one million citizens would be unable to vote because they do not have state-issued photo identification. We would say good-bye to same-day voter registration and hello to difficulty casting an absentee ballot.

There is no doubt that there is a concerted voter suppression effort underway in this nation. In the first three quarters of 2011, nineteen new restrictive laws and two new executive actions were enacted. At least forty-two bills are still pending, and at least sixty-eight more were introduced but failed.

If these bills were to become law, the effects would be catastrophic. These new laws would make it significantly harder for more than five million eligible voters to cast ballots in 2012.

Under these pending voter suppression laws, we can only imagine how many Americans would not have had the opportunity to vote in 2008. The two-hundred and two thousand voters who registered through voter registration drives in 2008 would find it extremely difficult or impossible to register under new laws. The sixty thousand voters who registered in 2008 through Election Day registration would not have registered or voted under pending laws.

Think about how many felons had their right to vote restored in 2008. Many of the pending state bills would make it virtually impossible for hundreds of thousands of rehabilitated citizens to ever vote again.

These numbers prove that votes will be suppressed in 2012. These laws are nothing but

a ploy to give Republicans a political edge by suppressing the votes of many who voted Democratic in 2008.

The proponents of these voter suppression bills claim wide-spread voter fraud. I am here to tell you there is no truth to their assertion. A statewide study in Ohio found that out of nine million votes cast, there were only four instances of ineligible persons voting or attempting to vote in 2002 and 2004.

An investigation of fraud allegations in Wisconsin in 2004 led to the prosecution of 0.0007 percent of voters. From 2002 to 2005, the Justice Department found, only five people were convicted for voting multiple times. Millions of voters cast votes each election. The minimal amount of voter fraud that occurs does not warrant the restrictive bills that are moving in the states.

I fought Ohio's voter suppression bill, HB 194. Now voters will cast their vote to decide whether or not HB 194 will become law. We placed the peoples' right to vote back into their hands. I also fought Ohio's voter photo ID legislation. Due to pressure, the Republicans decided to delay moving forward with the legislation. I will continue to fight to protect voter's rights across the nation. We cannot be silent.

I urge you to speak out against what we know to be a concerted effort to suppress votes. People died for our right to vote. People were slain to create the franchise we enjoy today. I will not let their deaths be in vain.

With that, Mr. Speaker, I yield back the balance of my time.

AMERICAN BEDROCK

The SPEAKER pro tempore (Mr. HANNA). Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker.

It's always my privilege and an honor to be recognized to address you here on the floor. As is often the case, I come here and hear the end of the debate that has gone on before me and feel compelled to address it from a bit of a different perspective.

As I listen to the gentlemen and the gentleladies talk about the right to vote, I think it would be important for us to remind the body that there has to be a qualified voter. It isn't that everybody has a right to vote. You have to be old enough for one thing, and you need to be an American citizen for another. As I've watched things change over my adult lifetime, the integrity of the vote has been damaged.

The gentleman from Maryland made the statement that there is no evidence of any widespread voter fraud. I know that it's difficult to put this into the CONGRESSIONAL RECORD, Mr. Speaker, but I would hold this up as, let me just call this, evidence number one:

This is an acorn. It's an acorn that I carry in my pocket every day. I carry it there every day to remind me of what that organization ACORN has

done to the integrity of the vote in the United States of America. How much more widespread would you have to be than operations going on in nearly all, if not all, of the 50 States—the major cities—and millions of dollars spent to pay people to go out and fraudulently register voters? There are over 400,000 fraudulent voter registrations that this acorn symbolizes that they have admitted to going out and purchasing on a commission basis: We're going to pay you to get these fraudulent voter registrations. Oh, they can be legitimate, but they can also be fraudulent, and ACORN didn't differentiate between the two. They just paid out in commissions. They violated the laws of the State of Nevada, and they violated the laws of the State of New York.

This Congress shut down the funding to ACORN, and the national organization of ACORN collapsed. So for the gentleman to say—and I quote—there is no evidence of any widespread voter fraud, I think there is massive evidence of widespread voter registration fraud, and from that flowed fraudulent votes as well.

We have watched the integrity of the voter registration and the election system be undermined over the last generation in almost a calculated way. Issue after issue has eroded the integrity of the qualified voter in these ways: motor voter during the Clinton years. If you show up for a driver's license—and we know how well that works. How many of the—I think it's 15 of the 19—September 11 hijackers had driver's licenses, that breeder document for false identification? You show up for a driver's license, and they say to you in their native language, Do you want to register to vote? If you answer in the affirmative in any language, they put you down and register you to vote.

People don't understand that they're bound by perjury laws. We don't know about the prosecutions that may or may not be taking place. It's not considered to be as serious an offense by, let me just say, the Department of Justice as it should be. After all, they have their prosecutorial discretion. They have testified before the Judiciary Committee, where I serve, that they select which laws they want to enforce and which ones they do not want to enforce.

With regard to voting rights in the civil rights division of the Department of Justice, we know how that works. They have a policy that has been testified to under oath under several different scenarios that they will not move a voting rights case if it damages a minority. That's the policy of the Department of Justice, and it's the policy of the most recently departed Loretta King, who found that, in Kinston, North Carolina, that voted like 70 percent of the communities in America to have nonpartisan local elections for

mayor and city council, they voted to abolish the partisanship and go to non-partisan elections. So that would be a common practice, and 70 percent of the cities and municipalities have done that. But in Kinston, North Carolina, they were forbidden by the Department of Justice because, if you read the Department of Justice's agent's letter on that—and that was Loretta King—African Americans—no, she said “blacks”—wouldn't know who to vote for if they didn't have a “D” beside their names. Therefore, she forbid them from abolishing partisan elections in a city council and mayor's race in Kinston, North Carolina. That's one example.

There is another example of the intimidation that took place with the New Black Panthers of Philadelphia, who were standing out there, calling people “crackers,” smacking their billy clubs in their hands, taking an offensive posture in paramilitary uniforms. That's all on videotape—most of America has seen that—and we saw this Justice Department write off the case. The case was made. The convictions were there. This Justice Department canceled those convictions and released everyone except for the one individual, the most egregious violator, who got the tiniest little message. He got an injunction: Don't do this again right here in this city at least for the short term. That was the injunction.

Tom Perez, the Assistant U.S. Attorney, testified under oath that that was the most severe penalty that they could have under law. Not true. Under oath, he uttered words that were not true, and we should bring him back before the committee and call him to account for this.

So, Mr. Speaker, I want every American citizen who is qualified to vote. I don't want anybody slowed up at the polls and intimidated because of any reason. But to imply that people are denied their right to vote in this country as if this were 1960 all over again really is a false premise to establish this on. We're all about legitimate voters, and I'm all against illegitimate voters that erode the vote and dilute the vote of the legitimate voters.

□ 2120

I just mentioned motor voter. Absentee ballots themselves have been stretched out, and they can pass through numerous hands, and the various States have different policies. And whenever a ballot goes from one hand to another hand to another hand, it opens up the opportunity for fraud. I can remember a case in Iowa where near the end of the election, they found 444 ballots, absentee ballots that had not been turned in yet that were—where did they find them? Oh, Democrat campaign headquarters; 444 absentee ballots. So, Mr. Speaker, there is

an example of the election fraud. I would call it widespread voter fraud that is taking place. There are convictions in Troy, New York, for example.

I also listened to testimony before the Judiciary Committee by the Secretary of State of the State of New Mexico who had to admit under oath that if I were working the election board and am a resident of New Mexico in good standing and am registered to vote, if I went in to work and figured that I would vote at the end of my shift, and somebody walked in, and they said that they are STEVE KING—me—and they lived at my address, whatever it might happen to be in New Mexico, even if they alleged that they were me, and I am working the board, I can't challenge them by law in New Mexico. That's a law that encourages voter fraud.

So what happens when they call up an hour before the polls close and they say, Sally, we know that you voted, but your husband, Joe, is registered to vote, and he's not been in to vote yet. Can you send him down? And Sally says, Well, no. Joe is in a truck in Maine. He isn't going to be voting. And 15 minutes later, somebody shows up and says, I'm Joe, and he votes as Joe. How do you catch that? How do you police that? I suggest you do so with a picture ID, a government-issued picture ID.

We need to have a number of things go on. We have people voting on the rolls that—dead people are voting. People are voting in New York and voting in Florida; that happened in the year 2000. We know about those cases. When you have fraud within the States and that fraud flows over State lines, and when people get in buses and take a ride across a State line and go into the polls, and they vote same-day registration in voting, it opens up the door again for fraud. And the people that want to game it and invest money in it are marginally winning those close elections.

So this acorn that I carry in my pocket every day, it isn't because I have such an abiding dislike for ACORN, as an entity. But it's because I understand—and I want the American people to understand—what happens to the United States of America if the people that are perpetrating widespread voter fraud get their way. And it's this, Mr. Speaker: the Constitution of the United States is the foundation of this country. It is the supreme law of the land, coupled with Federal law that's written within the guidelines of the United States Constitution.

We often look at it, if we hold on to the Constitution—because if we fail, our Republic will fail and collapse as well. And I embrace the Constitution. I hold on to it. I have one in my pocket every day, and I refer to it on a regular basis. But there's something underneath that Constitution.

When you think of the edifice of a building, and you go down and you build a foundation, a foundation on sand, for example, or a foundation on something unstable, no matter how good your foundation is—the Constitution—no matter how good that foundation is, if it's on unstable soil, it will collapse. No foundation can be sustained just by the strength of the foundation itself. And the underpinnings, the bedrock upon which this foundation of our Republic, called the Constitution, sits is free elections, honest elections, legitimate elections, elections where qualified voters, American citizens go forth and redirect the destiny of the United States of America.

But they have to be free elections. They have to be open elections. They have to be legitimate. They have to be fair. And we cannot have noncitizens voting. We cannot have fraudulent votes. We can't have dead people voting. We can't have transients that are not American citizens voting. If that happens—and it is happening—and if America loses confidence in the election system that we have, this bedrock that upholds our Constitution collapses. That bedrock of legitimate elections collapses. And if it does, the Constitution itself falls with it, Mr. Speaker. That's why it's important that we have voter registration lists that are free of duplicates.

And where the States have laws prohibiting the voting of felons—like Iowa, for example—free of felons, free of deceased—free of deceased, duplicates, and felons, we require a picture ID, and we need to require that the Secretary of State certify that the registered voters are citizens, and we need to enforce it, and we need to police it. And we need to say to the Department of Justice and the attorneys general within the States that have jurisdiction to bring these cases, that you must set this as a high priority.

Prosecutorial discretion, when there's an assault on the bedrock that is the underpinning for the foundation of the United States, the Constitution, when that assault comes, it must be enforced to the fullest extent of the law. And this society and this culture and this Congress should rise up and demand that we have legitimate elections in this country.

When you think, Mr. Speaker, that a single State and a handful of votes, 537 votes in the State of Florida in the year 2000, determined the President of the United States—it may well have been for the next 8 years rather than the next 4 years—and each recount of those votes in Florida came back to the same or a very similar total—there's not a legitimate argument any longer that Al Gore really won that race. He did not. History cannot write that. Even the recount down by The Miami Herald comes back to George

Bush winning marginally by very nearly the same number that the Secretary of State certified by 537 votes.

But how many votes in Florida were fraudulent votes altogether? How much closer was that election because of election fraud? How many people voted in Florida that also voted in the State of New York? How many deceased voted? How many felons voted? We've got some records of those. And even though the felons that are voting that we know of are not in great numbers, this could have come down to a handful of votes. This could have come down to one vote. And if a State doesn't have a legitimate election process, and that State's electoral votes determine the President of the United States, and we would stand here and argue that anybody that came into the polls should be allowed to vote because, if not, their vote might be disenfranchised even though they took no responsibility to register themselves to vote, to go to the right polling place to vote, that they should be motor voter and same-day registration voter and walk into any precinct and vote, and that can be sorted out after the fact.

That happened in my State. My former Secretary of State, Chet Culver, who later became Governor, amazingly gave the order that anybody could vote in any precinct at any time, and they would sort that out afterwards. So the election that he presided over—where Iowa is the first-in-the-Nation caucus, we were the last in the Nation to certify the vote. And he is the one that also supported an executive order to grant the felons the right to vote, even though a State statute specifically prohibited such a thing.

I came to talk about a different matter, Mr. Speaker, and I will endeavor to do that. But legitimate elections with integrity in our voter registration rolls, requiring citizenship, and devoid of duplicates, deceased and felons, where the law applies and a picture ID where the people that maybe can't figure out how to vote under the rules that every other citizen can meet, such as a picture ID, will pop out their picture ID to rent a movie, for example, or to get on an airplane is another example. They can have their picture ID, but they can't be bothered to show up with that.

When we're choosing sometimes by a handful of votes the next leader of the free world within the jurisdiction of the States, that if one single State has a corrupt election process, even one that isn't as clean as it can be, even one that's just sloppy where illegitimate, illegal voters cancel out the votes of the legitimate voters and, thereby, by a marginal vote—like we saw in Florida, perhaps—change the results in that State and by doing so shift the electoral votes over to one side or the other for the Presidency, and America gets a President that we

really didn't vote for because we didn't have integrity in the voting process.

□ 2130

And we could watch, not so much just the fraud, but if America loses confidence in the electoral system, if we don't have faith that the decisions of the American people emerge through the election process, then we lose confidence in our Republic altogether, and that's when the United States, our Constitution, could collapse, Mr. Speaker.

So this is a high and important goal that we have. And ACORN was cut off from Federal funding by a massive outpouring of votes in the House and the Senate. When they saw what was going on inside ACORN, even some of the strongest left wing Democrats that sit over here voted to cut off the funding to ACORN.

I had introduced the first amendment to cut off ACORN about 4 years earlier, but I'm going to carry this in my pocket because they're reforming. They're reforming in localities and cities and States across the country again. They're coming back, some of the same faces with a little bit different names. They're organizing, by the way, in the Occupy Wall Street effort in New York. Should've known. You know, we could have called that shot early from the beginning.

But, Mr. Speaker, I want to make a couple of comments in a transitional discussion here. I didn't set myself up with a segue, and so I'll just jump right into it, that is, I have the privilege to represent a good part of Iowa here in the United States Congress. And I've had the privilege to be involved in and engaged in the first-in-the-Nation caucus process for quite a long time now.

It came about somewhat in this way, and that would be an Iowa legislature from years gone by decided to establish the first-in-the-nation caucus. A lot of the rest of the country didn't pay much attention to it. It didn't attract the Presidential candidates in the fashion that they would have envisioned early on.

But in 1976, a little-known candidate and low-profile candidate for President who was the Governor of Georgia, Jimmy Carter, came to Iowa. He saw that opportunity that the first-in-the-Nation caucus provided and Jimmy Carter spent a lot of time in Iowa. He traveled the State and got to know people. He built a network and organization and friendships within the State. By the time the caucus rolled around in 1976, Jimmy Carter won the caucus in Iowa, which was a surprise win. People didn't see it coming. The polling didn't show it. And that surprise win was a springboard that launched Jimmy Carter on to the nomination of the Presidency out of this little-known, first-in-the-Nation caucus we have in Iowa.

And the State law that was introduced says that we shall be the first competition in the Nation, and it automatically moves the State of Iowa forward if any other State moves their date. This year it will be on January 3. So it's earlier than usual, earlier than I would like; but it will be a significant competition that evening that will give the country the first look at what Iowa activists think about who should be the next President of the United States.

Taking us back in history also, something to reflect on, and that would be Jimmy Carter in 1976 won the nomination because of the springboard of the Iowa caucus. If he had lost the Iowa caucus, I don't think we would have heard of Jimmy Carter after that. His campaign very likely would have died. That was 1976. That was the year, by the way, that Ronald Reagan challenged unsuccessfully Gerald Ford for the nomination of the Presidency.

Well, 4 years later, Ronald Reagan was a player in the Iowa caucus, but he didn't work Iowa very hard. George H.W. Bush did work Iowa very hard, and Bush won the caucus in Iowa. Reagan expected to, but he took Iowa for granted and George Herbert Walker Bush won the caucus in Iowa in 1980, and then Ronald Reagan had the pressure on him when they went to New Hampshire. And there in New Hampshire Ronald Reagan had the famous line: I'm paying for this microphone, and he pulled the microphone forward, and that was the shot. That was the vignette that went around the country and around the world, and it exemplified the authority with which Ronald Reagan came to the debate and the authority with which he had governed as Governor of California and the authority with which he would later on become the best President of the 20th century. But that moment in New Hampshire was a moment for Ronald Reagan that launched him out of New Hampshire and on to the nomination and on to the Presidency.

But if you'll remember, Mr. Speaker, Gerald Ford was under serious consideration for the nomination as Vice President of the United States. And I'm actually glad they didn't make that decision. A former President as a Vice President would be too much friction, too much conflict, and not enough room for the new President to operate. But George Herbert Walker Bush was nominated and became the Vice President under Ronald Reagan, for two terms, 1980 through 1988, or 1981 through 1989 would be another way to describe that. And was, of course, the nominee and was elected to become the President of the United States.

So I would just speculate, Mr. Speaker, that had it not been for the Iowa caucus victory of George H.W. Bush, he very likely would not have been named the Vice Presidential candidate since

he ran a competitive nomination competition against Ronald Reagan. Gerald Ford was not named Vice President; George H.W. Bush was. He became Vice President for 8 years, and then President for 4 years. And would we have had a President George W. Bush? Had we never had Bush 41, we maybe would never have had Bush 43.

So the continuum of history has shifted itself dramatically on the results of what was prior to that time a very low-profile, not-very-significant caucus in Iowa. Now since that period of time, it has been leveraged up again and again and again. And in the last caucus, we saw what happened with Barack Obama emerging. His movement began in Iowa. Iowa gave him his launch to New Hampshire. It wasn't my choice, obviously, Mr. Speaker; but there's a legacy that will play itself out again January 3 of this year.

I'm watching all of the Presidential candidates, and I'm watching how they perform and how they resonate with the voters. I have said since January, concluded that it was a slow start on the Presidential race. You know, most people weren't yet clamoring for a Presidential race. I thought we should start seeing and we should be seeing more activity, and so we did some things to initiate Presidential activity in the State, including hosting a Presidential event on March 26 at the Marriott Hotel in Des Moines. That seemed to galvanize and launch this caucus process.

A number of the Presidential candidates came there and made their presentations, and we intermixed it with good thinkers on policy issues of the day. That was one of the things that took place. But even then, as I listened to the Presidential candidates, and as I have the privilege to talk with them and get to know them, and it is an extraordinary privilege to know these Presidential candidates in this way, I like them all. I respect them all. Mr. Speaker, every one of them, in my opinion, would make a better President than the one we have. I will have no hesitation about endorsing and campaigning for the eventual nominee.

But there have been a couple of things missing. One of them is an economic policy plan. As I listened to the candidates, they would talk about what they would repeal, but I wasn't hearing very much about what they would do on the proactive side. So I even toyed with this idea, Mr. Speaker, and the idea of advancing some of those repeals in my own way. But as I watched the Presidential candidates, they want to tweak the tax policy some and they all want to repeal ObamaCare. I think that looks like plank number one in the platform of the nominee or any of the candidates as they compete for the nomination going forward. Plank number one, repeal ObamaCare.

Then they have their tax cut plan and how they would structure the taxes. But I have not seen all year long a significant economic proposal. One of those that has emerged now that people can identify with is Herman Cain's 9-9-9 plan. The 9-9-9 is a bumper sticker that does get people's attention. They can remember it. It has a unique ring to it, and it causes them to pay attention and look into it and understand each of the three components. Well, there's a marketing brilliance in the 9-9-9 plan. I'm going to try to avoid discussing the economic components of it, but there's a marketing brilliance.

Then Mitt Romney had, prior to that, a 59-point plan. Mr. Speaker, I'm sorry, I can't get through 59 points. What I can't memorize, I can't defend and explain. But subsequent to Herman Cain's 9-9-9 plan, then Rick Perry's 20/20 plan. Let's see: cut, balance and grow, or pretty close to that. I call it the 20/20 plan—that also caught people's attention—to go to a flat tax. Steve Forbes is one of the advisers on it. It looks like Art Laffer is one of the advisers on Herman Cain's 9-9-9 plan. Both are very respected economists.

□ 2140

I'm one who goes for a fair tax, so it's hard to move me on these other policies. But we're starting to see now the Presidential candidates differentiate themselves on their economic policies.

But, Mr. Speaker, what I bring this up for is that I'm looking yet for a candidate for the Presidency who can articulate a vision for America on what their view is, what their vision is on how to take America to the next level of our destiny. What does America look like in a generation if they're able to bring their policies into play and lead with the bully pulpit of the Presidency of the United States? What does America look like? What are our fundamental principles that can be inspired by a President with that kind of vision? And how does that mesh in, how does that couple with the policies that they would advocate?

I take you back, Mr. Speaker, to Ronald Reagan, again, who for his entire political career talked about America as the shining city on the hill. He didn't talk about the shining city on the hill that he promised we were necessarily going to have. He said, America is a shining city on a hill and standing strong and true on a granite ridge. That is pretty close to a Reagan quote. It may not be exactly right, Mr. Speaker, but this gives you the concept. All of his political life, he had the vision for America as a shining city on the hill. He articulated it. When we heard it from him, maybe we didn't see it with the clarity that Reagan did, but we knew he saw it with the clarity. That was the vision thing. That is what inspired America to come behind Ronald Reagan, and that's what inspired

America to become, again, this resurgent Nation where the malaise speech was put behind us and the imagination, the hope and the robust future for America unfolded from the Reagan administration. That's the biggest reason why we see him as the greatest President of the 20th century.

The next President of the United States needs to articulate a vision, needs to tell us what America looks like, what are our foundational principles, how they will refurbish those pillars of American exceptionalism, how they can strengthen the measures of life and marriage, how they can strengthen the family, that basic building block of our civilization, and how they can restrengthen the constitutional understanding. I want to hear from Presidential candidates how they would make appointments to the Supreme Court of Justices who will read and interpret the Constitution, the text of the Constitution, to mean what it was understood to mean at the time of ratification.

We have a President who is intentionally nominating activists to the Federal courts. It's a tragedy that those kinds of judges would remove the understanding of the Constitution from the American people. And so far we've kind of moved forward accepting the idea that the people in the black robes understand more about what's written and what is meant in this Constitution than other people.

All of us in here took an oath to this Constitution. Our Federal workers take an oath to this Constitution in the executive branch. Our troops all do the same thing, and many of our State officers do the same thing. You can't take an oath to a Constitution that is living and breathing. You can only take an oath to a Constitution that means what it says. And some of them take the oath and set about seeking to amend it *de facto*, amending the Constitution by redefining it.

I want a President who understands the pillars of American exceptionalism, who can articulate them and can transfer them into the future as the timeless values that have gotten us to the present; one who can articulate the great, great difficulty of moving to a balanced budget, how we get a balanced budget amendment that will guide this Congress so we can be bound by our obligation to our constituencies; one who has an understanding of foreign policy; and one who has a full and complete tax plan that transforms America.

All of those things are things that fit within the vision. And the vision, right now, is what I've tuned my ear for. And I'm hopeful, Mr. Speaker, that we will be able to hear this vision come from the Presidential candidates and, before we get into January, that we'll understand or hear with that clarity from the next President what their shining city on the hill speech is for us.

Thank you, Mr. Speaker, and I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of Georgia (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of a death in the family.

Mr. FATTAH (at the request of Ms. PELOSI) for today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 2, 2011, at 10 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during 2011 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO FRANCE, EXPENDED BETWEEN SEPT. 8 AND SEPT. 11, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Janice Robinson	9/08	9/11	France		1,598		1,149				2,747
Kerry Stockwell	9/08	9/11	France		1,598		1,149				2,747
Committee total											5,494

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JANICE ROBINSON, Oct. 6, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PAUL RYAN, Chairman, Oct. 21, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ETHICS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JO BONNER, Chairman, Oct. 7, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Ruben Hinojosa	6/25	6/27	Italy		1,326.00		(³)				1,326.00
	6/27	6/29	Georgia		448.00		(³)				448.00
	6/29	6/30	Lithuania		319.00		(³)				319.00
	6/30	7/2	Russia		393.00		(³)				393.00
	7/2	7/3	Portugal		287.00		(³)				287.00
Committee total					2,773.00						2,773.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

SPENCER BACHUS, Chairman, Oct. 19, 2011.

November 1, 2011

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANIEL E. LUNGREN, Chairman, Oct. 14, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Chairman John L. Mica	6/26	6/29	Belgium		1,191.00						1,191.00
Hon. John Duncan	6/26	6/29	Belgium		1,191.00		958.39				2,149.30
Hon. Tim Holden	6/26	6/29	Belgium		1,191.00						1,191.00
Hon. Bill Shuster	6/26	6/29	Belgium		1,191.00						1,191.00
Hon. Laura Richardson	6/26	6/29	Belgium		1,191.00						1,191.00
Jim Coon	6/26	6/29	Belgium		1,191.00						1,191.00
Jimmy Miller	6/26	6/29	Belgium		1,191.00						1,191.00
Holly Woodruff Lyons	6/26	6/29	Belgium		1,191.00						1,191.00
Giles Giovinnazzi	6/26	6/29	Belgium		1,191.00						1,191.00
Jean Flemma	6/26	6/29	Belgium		1,191.00						1,191.00
Clint Hines	6/26	6/29	Belgium		1,191.00						1,191.00
Hon. Tim Holden	6/29	7/1	Israel		932.00						932.00
Hon. Bill Shuster	6/29	7/1	Israel		932.00						932.00
Hon. Laura Richardson	6/29	7/1	Israel		932.00						932.00
Total for page 1					15,897.00		958.30				16,855.30
Chairman John L. Mica	6/29	7/1	Israel		932.00						932.00
Jim Coon	6/29	7/1	Israel		932.00						932.00
Jimmy Miller	6/29	7/1	Israel		932.00						932.00
Holly Woodruff Lyons	6/29	7/1	Israel		932.00						932.00
Giles Giovinnazzi	6/29	7/1	Israel		932.00						932.00
Jean Flemma	6/29	7/1	Israel		932.00						932.00
Clint Hines	6/29	7/1	Israel		932.00						932.00
Chairman John L. Mica	7/1	7/3	Bratislava		472.60						472.60
Hon. Tim Holden	7/1	7/3	Bratislava		472.60						472.60
Hon. Bill Shuster	7/1	7/3	Bratislava		469.30						469.30
Hon. Laura Richardson	7/1	7/3	Bratislava		469.30						469.30
Jim Coon	7/1	7/3	Bratislava		469.30						469.30
Jimmy Miller	7/1	7/3	Bratislava		469.30						469.30
Holly Woodruff Lyons	7/1	7/3	Bratislava		469.30						469.30
Total for page 2					9,815.70						9,815.70
Giles Giovinnazzi	7/1	7/3	Bratislava		469.30						469.30
Jean Flemma	7/1	7/3	Bratislava		469.30						469.30
Clint Hines	7/1	7/3	Bratislava		469.30						469.30
Hon. John Duncan	8/26	8/29	United Kingdom		1,546.00						1,546.00
	8/29	8/31	Germany		833.15						833.15
	8/31	9/2	Austria		880.98		819.30				1,700.28
Total for page 3					4,668.03		819.30				5,487.33
Grand total for pages 1 thru 3					30,380.73		1,777.60				32,158.33

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN L. MICA, Chairman, Oct. 20, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JEFF MILLER, Chairman, Oct. 12, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVE CAMP, Chairman, Oct. 24, 2011.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3689. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Retail Foreign Exchange Transactions; Conforming Changes to Existing Regulations in Response to the Dodd-Frank Wall Street Reform and Consumer Protection Act received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3690. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Intergovernmental Review received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3691. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Guaranteed Loan Fees (RIN: 0560-AH41) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3692. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Biomass Crop Assistance Program: Corrections (RIN: 0560-AI13) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3693. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3694. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Administering Trafficking in Persons Regulations (DFARS Case 2011-D051) (RIN: 0750-AH41) received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3695. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Accelerate Small Business Payments (DFARS Case 2011-D008) (RIN: 0750-AH19) received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3696. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Definition of "Qualifying Country End Product" (DFARS Case 2011-D028) (RIN: 0750-AH21) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3697. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Risk-Based Capital Standards: Advanced Capital Ade-

quacy Framework-Basel II; Establishment of a Risk-Based Capital Floor (RIN: 3064-AD58) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3698. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-109, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3699. A letter from the Assistant Administrator for Fisheries; NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Shark Management Measures [Docket No.: 110120049-1485-02] (RIN: 0648-BA69) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3700. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Revision of Standard for Granting an Inter Partes Re-examination Request [Docket No.: PTO-P-2011-0037] (RIN: 0651-AC61) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3701. A letter from the Federal Register Liaison Officer, Department of Commerce, transmitting the Department's final rule — Changes to Implement the Prioritized Examination Track (Track I) of the Enhanced Examination Timing Control Procedures under the Leahy-Smith America Invents Act [Docket No.: PTO-P-2011-0039] (RIN: 0651-AC62) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3702. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Mattaponi Madness Drag Boat Race, Mattaponi River, Wakema, Virginia [Docket No.: USCG-2011-0744] (RIN: 1625-AA08) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3703. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Apache Pier Labor Day Weekend Fireworks Display, Atlantic Ocean, Myrtle Beach, SC [Docket No.: USCG-2011-0713] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3704. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2011-48) received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3705. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2011-47) received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3706. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance on Electing Portability of Deceased Spousal Unused exclusion Amount [Notice

2011-82] received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3707. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Voluntary Classification Settlement Program [CASE-MIS Number: NOT-118310-11] (Announcement 2011-64) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3708. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — October 2011 (Rev. Rule. 2011-22) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. PINGREE of Maine (for herself, Mr. BLUMENAUER, Mr. COURTNEY, Mr. DEFazio, Mr. ELLISON, Ms. KAPTUR, Mr. KUCINICH, Ms. LEE of California, Mr. MARKEY, Mr. MCGOVERN, Mr. MORAN, Mr. NADLER, Mr. OLVER, Ms. SLAUGHTER, Mr. WELCH, Ms. WOOLSEY, Mr. HOLT, Mr. KIND, Mr. SABLAN, Ms. HAHN, Mr. MICHAUD, Mr. LUJAN, Ms. RICHARDSON, Mr. HIGGINS, Ms. MOORE, Ms. NORTON, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. CICILLINE, and Ms. FUDGE):

H.R. 3286. A bill to promote local and regional farm and food systems, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself and Mr. NEAL):

H.R. 3287. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to loans made from a qualified employer plan, and for other purposes; to the Committee on Ways and Means.

By Mr. BERMAN (for himself, Mr. MANZULLO, Mr. SMITH of Washington, Mr. COFFMAN of Colorado, Mr. RUPERSBERGER, Mr. BISHOP of Utah, Mr. CONNOLLY of Virginia, Mr. CHAFFETZ, and Mr. HEINRICH):

H.R. 3288. A bill to authorize the President to remove commercial satellites and related components from the United States Munitions List subject to certain restrictions, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ISSA (for himself, Mr. CUMMINGS, Mr. PLATTS, and Mr. VAN HOLLEN):

H.R. 3289. A bill to amend title 5, United States Code, to provide clarification relating to disclosures of information protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements are in conformance with certain protections; to provide certain additional authorities to the Office of Special Counsel; and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Intelligence (Permanent Select), and Homeland Security, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS (for himself, Mr. HENSARLING, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. FORBES, Mr. MARCHANT, Mr. JONES, Mr. KING of New York, and Mr. HULTGREN):

H.R. 3290. A bill to provide for the issuance of a veterans health care stamp; to the Committee on Oversight and Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 3291. A bill to authorize the Secretary of Agriculture to make grants to community-based organizations and local redevelopment agencies operating in low-income communities to promote increased access to and consumption of fresh fruits, fresh vegetables, and other healthy foods among residents of such communities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AMODEI (for himself and Mr. HECK):

H.R. 3292. A bill to prohibit the further extension or establishment of national monuments in Nevada except by express authorization of Congress; to the Committee on Natural Resources.

By Mr. BASS of New Hampshire (for himself and Mr. GUINTA):

H.R. 3293. A bill to amend title 10, United States Code, to authorize the Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard) to issue, at no cost to the United States, a military service identification card to persons who served in the Armed Forces; to the Committee on Armed Services.

By Mr. BUCSHON (for himself, Mr. FARENTHOLD, and Mr. PENCE):

H.R. 3294. A bill to amend title 23, United States Code, to provide funding flexibility for transportation emergencies, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CAPUANO:

H.R. 3295. A bill to amend the charter of the Archeological Institute of America with respect to the principal office of the corporation; to the Committee on the Judiciary.

By Mr. CARNAHAN:

H.R. 3296. A bill to amend the Public Works and Economic Development Act of 1965 with respect to grants for economic adjustment, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE of New York (for herself, Ms. BROWN of Florida, Mrs. CHRISTENSEN, Mr. FILNER, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. NORTON, Mr. JACKSON of Illinois, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. PAYNE, Mr. POLIS, Mr. RANGEL, Ms. SCHAKOWSKY, Mr.

STARK, Mr. TOWNS, Ms. WILSON of Florida, Mr. CLAY, and Ms. ZOE LOFGREN of California):

H.R. 3297. A bill to temporarily expand the (V) nonimmigrant visa category to include Haitians whose petition for a family-sponsored immigrant visa was approved on or before January 12, 2010; to the Committee on the Judiciary.

By Mr. AL GREEN of Texas (for himself and Mr. GRIMM):

H.R. 3298. A bill to establish the position of Special Assistant for Veterans Affairs in the Department of Housing and Urban Development, and for other purposes; to the Committee on Financial Services.

By Mr. HINCHEY (for himself, Mr. FILNER, Mr. CLAY, Mr. JACKSON of Illinois, Mr. RANGEL, Ms. SLAUGHTER, Ms. MOORE, and Mr. HOLT):

H.R. 3299. A bill to amend title XXVII of the Public Health Service Act to apply to retiree-only health plans the extension of dependent health coverage for individuals through 26 years of age provided for by the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself, Mr. STARK, Mr. LEWIS of Georgia, Mr. BACA, Mr. CONYERS, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. BUTTERFIELD, Mr. SERRANO, Ms. BROWN of Florida, and Mr. KUCINICH):

H.R. 3300. A bill to establish the Federal Interagency Working Group on Reducing Poverty which will create and carry out a national plan to cut poverty in America in half in ten years; to the Committee on Oversight and Government Reform.

By Mr. REHBERG:

H.R. 3301. A bill to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. ROONEY:

H.R. 3302. A bill to create private sector jobs by simplifying the tax code, increasing domestic energy production, reforming government regulations, and strengthening workforce training programs; to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, the Judiciary, Oversight and Government Reform, Energy and Commerce, Rules, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUPPERSBERGER:

H.R. 3303. A bill to amend title 10, United States Code, to expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced-cost accommodations; to the Committee on Armed Services.

By Mr. SABLAN (for himself and Mr. YOUNG of Alaska):

H.R. 3304. A bill to permit the Delegate from the Commonwealth of the Northern Mariana Islands to designate depository libraries; to the Committee on House Administration.

By Mr. SCOTT of Virginia (for himself and Mr. CONYERS):

H.R. 3305. A bill to establish a meaningful opportunity for parole or similar release for child offenders sentenced to life in prison, and for other purposes; to the Committee on the Judiciary.

By Mr. LOEBSACK (for himself, Mr. PETRI, Mr. RYAN of Ohio, and Mr. TOWNS):

H. Res. 450. A resolution expressing support for designation of the week beginning on November 14, 2011, as National School Psychology Week; to the Committee on Education and the Workforce.

By Ms. CLARKE of New York (for herself, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. HINCHEY, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Ms. LEE of California, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MEEKS, Ms. MOORE, Ms. NORTON, Mr. RANGEL, Mr. RICHARDSON, Mr. RUSH, Mr. SERRANO, Ms. SEWELL, Mr. TOWNS, Mr. WATT, and Ms. WILSON of Florida):

H. Res. 451. A resolution honoring Shirley Anita St. Hill Chisholm on the 87th year of her birth; to the Committee on House Administration.

By Mr. PAYNE (for himself, Mr. GEORGE MILLER of California, Mr. BISHOP of New York, Mr. KUCINICH, Mr. HINOJOSA, Mrs. DAVIS of California, Mr. HOLT, Ms. BASS of California, Mr. FARR, Mr. FRANK of Massachusetts, Mr. JACKSON of Illinois, Mrs. MALONEY, Mr. LEWIS of Georgia, Mr. NADLER, Mr. THOMPSON of Mississippi, Mr. RUSH, Mr. MCDERMOTT, Ms. RICHARDSON, Ms. FUDGE, Mr. MORAN, Mr. RANGEL, Ms. MOORE, Mr. LEVIN, Mr. HONDA, Ms. CLARKE of New York, Mr. ROTHMAN of New Jersey, Mr. ANDREWS, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Ms. MCCOLLUM, Mr. BACA, Ms. SCHAKOWSKY, Mr. DINGELL, Mr. DOYLE, Mr. FILNER, Mr. DEUTCH, Mr. GUTIERREZ, Mr. VISCLOSKEY, Mr. LOEBSACK, Mr. PRICE of North Carolina, Mrs. MCCARTHY of New York, Mr. SHERMAN, Ms. KAPTUR, Mr. SIREN, Ms. SLAUGHTER, Mr. MILLER of North Carolina, Ms. JACKSON LEE of Texas, Mr. CAPUANO, Mr. CARSON of Indiana, Ms. BROWN of Florida, Mr. FATTAH, Mr. JOHNSON of Georgia, Mr. BOSWELL, Mr. BERMAN, Mr. TOWNS, Mr. BECERRA, Mr. CARNEY, Mr. HIGGINS, Ms. SPEIER, Mr. GRIJALVA, Mr. MURPHY of Connecticut, Mr. ELLISON, Ms. WILSON of Florida, Ms. LEE of California, Mr. DAVIS of Illinois, Ms. NORTON, Mr. CONYERS, Ms. MATSUI, Mr. CLEAVER, Mr. COHEN, Mr. LYNCH, Ms. WOOLSEY, Mrs. NAPOLITANO, Mr. KIND, Mr. MEEKS, Mr. CRITZ, Ms. LINDA T. SANCHEZ of California, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Mr. CLARKE of Michigan, Mr. PASCRELL, Mr. KILDEE, Ms. ROYBAL-ALLARD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STARK, Mr. GARAMENDI, Mr. MICHAUD, Mr. MARKEY, Mr. PALLONE, Mr. RICHMOND, Mr. CUMMINGS, Ms. EDWARDS, Mr. ISRAEL, Ms. DELAURIO, Mr. RYAN of Ohio, Ms. SUTTON, Ms. BERKLEY, Mr. VAN HOLLEN, and Mr. PETERS):

H. Res. 452. A resolution recognizing the importance labor unions play in ensuring a strong middle class by advocating for more equitable wages, humane work conditions,

improved benefits, and increased civic engagement by everyday workers; to the Committee on Education and the Workforce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. PINGREE of Maine:

H.R. 3286.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1—The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 18—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. SAM JOHNSON of Texas:

H.R. 3287.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. BERMAN:

H.R. 3288.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the authority delineated in Article I section I, which includes an implied power for the Congress to regulate the conduct of the United States with respect to foreign affairs.

By Mr. ISSA:

H.R. 3289.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. BURGESS:

H.R. 3290.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 7, to establish Post Offices and Post Roads, in combination with Article I, Section 8, clause 18, To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Further, Congress has the authority to issue postal stamps pursuant to Article I, Section 8, clause 3, granting Congress the power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Ms. VELÁZQUEZ:

H.R. 3291.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section

8, Clause 1 and 3 of the United States Constitution.

By Mr. AMODEI:

H.R. 3292.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. BASS of New Hampshire:

H.R. 3293.

Congress has the power to enact this legislation pursuant to the following:

Clause 14, of Section 8, of Article I

By Mr. BUCSHON:

H.R. 3294.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Section 8 of Article I of the United States Constitution.

By Mr. CAPUANO:

H.R. 3295.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: "The Congress shall have the Power To . . . regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;"

By Mr. CARNAHAN:

H.R. 3296.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1. "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

By Ms. CLARKE of New York:

H.R. 3297.

Congress has the power to enact this legislation pursuant to the following:

This bill, the Haitian Emergency Life Protection Act of 2011 (The Help Act), is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. AL GREEN of Texas:

H.R. 3298.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority to enact this legislation can be found in:

General Welfare Clause (Art. 1 Sec. 8 Cl. 1), Commerce Clause (Art. 1 Sec. 8 Cl. 3).

By Mr. HINCHEY:

H.R. 3299.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I. Section 8, Clause 1 of the United States Constitution.

By Ms. LEE of California:

H.R. 3300.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. REHBERG:

H.R. 3301.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3.

By Mr. ROONEY:

H.R. 3302.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8. The Congress shall have Power To law and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense . . .

To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes . . .

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States or any Department of Officer thereof.

By Mr. RUPPERSBERGER:

H.R. 3303.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. SABLAN:

H.R. 3304.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 3 of the Constitution, Congress has the power to collect taxes and expend funds to provide for the general welfare of the United States. Congress may also make laws that are necessary and proper for carrying into execution their powers enumerated under Article I.

By Mr. SCOTT of Virginia:

H.R. 3305.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. CLEAVER and Mr. SMITH of Washington.

H.R. 66: Mr. RYAN of Ohio.

H.R. 104: Ms. EDWARDS, Mr. BROWN of Georgia, and Mr. JOHNSON of Ohio.

H.R. 176: Ms. HAHN and Mr. HIGGINS.

H.R. 186: Mr. BARTLETT.

H.R. 283: Mr. LEWIS of Georgia.

H.R. 284: Ms. BROWN of Florida.

H.R. 373: Mr. YODER.

H.R. 436: Mr. WALDEN, Mr. LEWIS of California, Mr. RIGELL, Mr. RIVERA, Mr. LANDRY, Mr. DUFFY, and Mr. WEST.

H.R. 466: Mr. CONYERS.

H.R. 623: Mr. HONDA.

H.R. 689: Mr. MILLER of North Carolina.

H.R. 721: Mr. CROWLEY and Mr. PALAZZO.

H.R. 724: Ms. DEGETTE.

H.R. 735: Mr. YOUNG of Florida, Mr. BARTLETT, Mr. FINCHER, and Mr. HULTGREN.

H.R. 798: Mr. GENE GREEN of Texas.

H.R. 873: Mr. CONYERS.

H.R. 890: Mr. PEARCE.

H.R. 891: Mr. PRICE of North Carolina and Mr. KING of New York.

H.R. 973: Mr. HUNTER and Mr. WALSH of Illinois.

H.R. 1004: Mr. HULTGREN.

H.R. 1037: Mr. PRICE of North Carolina.

H.R. 1041: Mr. GUTHRIE and Mr. MURPHY of Pennsylvania.

H.R. 1110: Mr. CONNOLLY of Virginia.

H.R. 1116: Mr. LEVIN and Mr. ANDREWS.

- H.R. 1167: Mr. HULTGREN.
H.R. 1173: Mr. PENCE, Mrs. ELLMERS, Mr. BILBRAY, Mr. COFFMAN of Colorado, Mr. CRENSHAW, Mr. DENHAM, Mr. TERRY, and Mr. JOHNSON of Ohio.
H.R. 1179: Mr. CRAVAACK, Mr. McKEON, and Mr. BARTLETT.
H.R. 1182: Mr. WILSON of South Carolina.
H.R. 1190: Mr. GENE GREEN of Texas, Ms. MCCOLLUM, and Mr. HOLT.
H.R. 1193: Mr. CONNOLLY of Virginia and Mr. DIAZ-BALART.
H.R. 1195: Mr. PETERS and Mr. KEATING.
H.R. 1206: Mr. DENT.
H.R. 1236: Mr. SIMPSON, Mr. LANGEVIN, Mr. NUNES, and Mr. CHABOT.
H.R. 1239: Mr. MURPHY of Connecticut.
H.R. 1254: Ms. PINGREE of Maine and Mr. GOWDY.
H.R. 1285: Mr. ROSS of Florida.
H.R. 1330: Mr. YOUNG of Florida.
H.R. 1340: Mr. BURGESS and Mr. RIVERA.
H.R. 1370: Mr. SCHILLING and Mrs. ELLMERS.
H.R. 1398: Mr. HULTGREN.
H.R. 1448: Ms. DEGETTE and Mr. TIERNEY.
H.R. 1474: Mr. FLEISCHMANN.
H.R. 1489: Mr. PETERSON.
H.R. 1546: Ms. MOORE, Mr. RAHALL, Ms. DEGETTE, and Ms. JENKINS.
H.R. 1558: Mr. DIAZ-BALART, Mr. HUIZENGA of Michigan, Mr. SULLIVAN, Mr. HASTINGS of Washington, Mr. STIVERS, and Mr. FORBES.
H.R. 1591: Mr. WEST.
H.R. 1612: Mr. CONNOLLY of Virginia.
H.R. 1621: Mr. RUPPERSBERGER and Mrs. DAVIS of California.
H.R. 1633: Mr. SULLIVAN and Mr. GIBSON.
H.R. 1653: Mr. YODER and Mr. BISHOP of Utah.
H.R. 1654: Mr. CONNOLLY of Virginia.
H.R. 1681: Mr. WELCH, Mr. JOHNSON of Georgia, Mr. SCHIFF, and Mr. SMITH of Washington.
H.R. 1738: Mr. MANZULLO.
H.R. 1744: Mr. MANZULLO, Mr. BURTON of Indiana, and Mr. DANIEL E. LUNGREN of California.
H.R. 1746: Ms. SCHAKOWSKY.
H.R. 1755: Mr. YARMUTH and Mr. GUTHRIE.
H.R. 1792: Mr. PRICE of North Carolina.
H.R. 1860: Mr. CALVERT.
H.R. 1905: Mr. DEFazio, Mr. WILSON of South Carolina, Mrs. BLACK, Mr. HERGER, Mr. TURNER of New York, Ms. TSONGAS, and Mr. FARR.
H.R. 1958: Mr. ROSS of Arkansas.
H.R. 1964: Mr. KEATING, Mr. SENSENBRENNER, and Mr. HARPER.
H.R. 1966: Ms. BORDALLO and Mr. LEWIS of Georgia.
H.R. 1970: Mr. PRICE of North Carolina.
H.R. 2026: Mr. RYAN of Ohio.
H.R. 2030: Mr. BISHOP of New York.
H.R. 2040: Mr. PALAZZO, Mr. LATHAM, Mr. NUNNELEE, Mr. OLSON, Mr. SCHWEIKERT, Mr. MULVANEY, and Mr. HENSARLING.
H.R. 2052: Mr. MARCHANT.
H.R. 2063: Mr. FILNER.
H.R. 2085: Mr. AL GREEN of Texas, Mr. HONDA, Mr. BLUMENAUER, and Mr. POLIS.
H.R. 2086: Ms. HIRONO.
H.R. 2092: Mr. FINCHER.
H.R. 2105: Mr. TURNER of New York.
H.R. 2131: Ms. TSONGAS, Mr. CONAWAY, Mr. MILLER of North Carolina, and Mr. WITTMAN.
H.R. 2139: Mrs. MCCARTHY of New York, Mr. McKEON, Mr. BISHOP of New York, and Mr. FINCHER.
H.R. 2164: Mr. SCHWEIKERT.
H.R. 2214: Mr. LANDRY, Mr. ROKITA, Mrs. BLACK, Mrs. ELLMERS, Mr. MCKINLEY, and Mr. RENACCI.
H.R. 2232: Mr. WEST.
H.R. 2245: Mr. YOUNG of Alaska, Mr. SARBANES, Ms. CASTOR of Florida, Ms. MOORE, Mr. VAN HOLLEN, and Ms. LEE of California.
H.R. 2277: Mr. BACA.
H.R. 2287: Mr. DEFazio and Mr. HINCHEY.
H.R. 2288: Mr. DAVID SCOTT of Georgia, Mr. SERRANO, and Mr. HINCHEY.
H.R. 2299: Mr. GOHMERT.
H.R. 2307: Ms. FOXX and Mr. ROHRABACHER.
H.R. 2334: Mr. MURPHY of Connecticut and Ms. BALDWIN.
H.R. 2337: Mr. REICHERT and Mr. HEINRICH.
H.R. 2369: Mr. TURNER of New York and Ms. WILSON of Florida.
H.R. 2387: Mrs. BIGGERT and Mr. CONNOLLY of Virginia.
H.R. 2407: Ms. DEGETTE.
H.R. 2459: Mr. RIBBLE.
H.R. 2471: Mr. CROWLEY.
H.R. 2478: Mr. MANZULLO.
H.R. 2505: Mr. ELLISON.
H.R. 2514: Mr. FORBES.
H.R. 2528: Mrs. BLACK and Mr. BROUN of Georgia.
H.R. 2541: Mr. HUIZENGA of Michigan.
H.R. 2543: Mr. SCHIFF.
H.R. 2569: Mrs. BLACK, Mr. CALVERT, Mr. NUNNELEE, Mr. BERG, Mr. BARROW, Mr. PETERS, Mr. RENACCI, and Mr. BROUN of Georgia.
H.R. 2571: Mr. ANDREWS.
H.R. 2580: Mr. BISHOP of New York, Mr. WOLF, and Ms. SLAUGHTER.
H.R. 2606: Mr. TURNER of New York.
H.R. 2655: Mr. BRADY of Pennsylvania, Mrs. MALONEY, Mr. TONKO, Mr. CHABOT, Mr. BOREN, Mr. FRANK of Massachusetts, Mr. WELCH, Mr. CAPUANO, Mr. CROWLEY, Ms. FUDGE, and Mr. YARMUTH.
H.R. 2659: Ms. DEGETTE.
H.R. 2662: Mr. YODER and Mr. HULTGREN.
H.R. 2674: Mr. HASTINGS of Washington.
H.R. 2679: Mr. JACKSON of Illinois, Mr. BOSWELL, and Mr. CONNOLLY of Virginia.
H.R. 2697: Mr. CLEAVER and Mr. BUTTERFIELD.
H.R. 2705: Ms. BALDWIN, Ms. BERKLEY, Mr. PETERS, and Mr. INSLEE.
H.R. 2706: Mr. HARRIS and Mr. PIERLUISI.
H.R. 2716: Mr. MCINTYRE.
H.R. 2751: Mr. DEUTCH.
H.R. 2770: Ms. DEGETTE.
H.R. 2779: Ms. MOORE.
H.R. 2821: Mr. NUNNELEE, Mr. BONNER, Mr. HARPER, and Mr. RICHMOND.
H.R. 2829: Mr. LANKFORD.
H.R. 2866: Mr. ALTMIRE.
H.R. 2874: Mr. STIVERS, Mr. KINGSTON, Mr. NUNNELEE, and Mr. PEARCE.
H.R. 2875: Ms. LEE of California.
H.R. 2880: Mr. RUSH, Mr. COOPER, and Ms. SPIER.
H.R. 2885: Mr. BURTON of Indiana, Mr. SCHWEIKERT, and Mr. GUINTA.
H.R. 2886: Mr. KEATING.
H.R. 2888: Mr. LUETKEMEYER.
H.R. 2898: Mr. CRAVAACK, Mr. NUNNELEE, Mr. YOUNG of Alaska, Mr. HANNA, and Mr. GRAVES of Missouri.
H.R. 2966: Ms. BROWN of Florida, Mr. CICILLINE, Ms. DEGETTE, Mr. YARMUTH, and Mr. BLUMENAUER.
H.R. 2970: Mr. JACKSON of Illinois.
H.R. 2972: Mr. POLIS.
H.R. 2977: Mr. BRALEY of Iowa and Mr. FRANKS of Arizona.
H.R. 2998: Mr. AL GREEN of Texas.
H.R. 3018: Mr. KUCINICH.
H.R. 3021: Mr. RANGEL.
H.R. 3042: Mr. TONKO.
H.R. 3046: Mr. CARSON of Indiana.
H.R. 3066: Mr. NUNNELEE.
H.R. 3074: Mrs. BACHMANN and Mr. ROGERS of Alabama.
H.R. 3083: Mr. GRIJALVA, Ms. MCCOLLUM, Ms. SCHAKOWSKY, Mr. ELLISON, Mr. WAXMAN, and Mr. POLIS.
H.R. 3086: Mrs. MCCARTHY of New York, Mr. BRADY of Pennsylvania, Mr. RANGEL, Mr. ELLISON, and Mr. HINCHEY.
H.R. 3102: Mr. BISHOP of New York.
H.R. 3126: Ms. LEE of California and Mr. SCHIFF.
H.R. 3130: Mr. FORTENBERRY.
H.R. 3133: Mr. BRADY of Pennsylvania.
H.R. 3145: Ms. NORTON and Mr. STARK.
H.R. 3158: Mr. JOHNSON of Ohio.
H.R. 3159: Mr. JOHNSON of Ohio.
H.R. 3181: Mr. PAUL.
H.R. 3186: Ms. ESHOO and Mr. KUCINICH.
H.R. 3189: Ms. NORTON and Ms. DELAURO.
H.R. 3203: Mr. WALDEN and Mr. CALVERT.
H.R. 3213: Mr. PAUL.
H.R. 3218: Mr. NUNNELEE and Mr. PAUL.
H.R. 3245: Mr. BENISHEK and Ms. BUERKLE.
H.R. 3257: Mr. YOUNG of Indiana, Mr. RIBBLE, and Mr. PAUL.
H.R. 3262: Mr. HULTGREN and Mr. ROGERS of Michigan.
H.R. 3265: Mr. NUNNELEE, Mr. WITTMAN, and Mr. CARDOZA.
H.R. 3268: Mr. LEWIS of Georgia, Mr. RANGEL, Mr. ELLISON, and Mr. YOUNG of Alaska.
H.R. 3272: Mr. SMITH of Texas.
H. Con. Res. 63: Mr. WOLF.
H. Res. 98: Mr. FLEISCHMANN.
H. Res. 111: Mr. YOUNG of Florida, Mr. CALVERT, Mr. PRICE of North Carolina, Mr. SMITH of Texas, Mr. DEFazio, Mr. KIND, and Mr. MARKEY.
H. Res. 177: Mr. JOHNSON of Ohio.
H. Res. 220: Ms. WOOLSEY, Mr. LEVIN, and Mrs. LOWEY.
H. Res. 282: Mr. AL GREEN of Texas.
H. Res. 376: Mr. FALCOMAVEGA, Mr. CONNOLLY of Virginia, Mr. WOLF, Mr. ROTHMAN of New Jersey, Mr. TOWNS, Mr. ISSA, Mr. NADLER, Mr. FRANK of Massachusetts, Mr. ROHRABACHER, Mr. McCAUL, Mr. AL GREEN of Texas, Mr. KING of New York, and Mr. REICHERT.
H. Res. 429: Mr. GOSAR, Mr. HULTGREN, Mr. SCOTT of South Carolina, Mr. CONAWAY, Mr. CANSECO, Mr. MARINO, Mr. WALSH of Illinois, Mr. LAMBORN, Mr. COLE, Mr. GOHMERT, Mr. PITTS, Mr. FORTENBERRY, Mr. STUTZMAN, and Mr. MCKINLEY.
H. Res. 432: Mr. SCOTT of South Carolina.
H. Res. 433: Mr. CALVERT, Mr. WOLF, Mr. CASSIDY, and Mr. CRAVAACK.
H. Res. 445: Mr. DANIEL E. LUNGREN of California.

SENATE—Tuesday, November 1, 2011

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who undergirds our weakness with Your strength, look with favor upon us today. With Your favor, we can face any future with the confident assurance that You control our destinies.

As our lawmakers wrestle with great issues, let Your presence provide them with the empowering experience of inner quiet and certainty. Guide them by Your enabling might that they may maintain their integrity.

Lord, give us all an inheritance, incorruptible and undefiled, that does not fade away.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 1, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will

resume consideration of H.R. 2112. There could be as many as seven roll-call votes. Likely, there will only be six.

The Senate will recess from 12:30 until 2:15 p.m. for the weekly caucus meetings.

There will be a Senators-only national security briefing at 3:30 p.m. in SVC-217. I haven't had an opportunity to speak to the Republican leader, but we will discuss whether we should be out of session during that hour. It is a very important briefing. I will talk to my counterpart to determine whether we should be out of session during that important briefing.

Also, I want to put all Senators on notice that we are going to stick to our timelines on these votes. The first vote will be 15 minutes, with a 5-minute grace period. The rest of the votes will be 10 minutes, with a 5-minute grace period. If people are not here, we are turning in the vote. We have two very important caucuses today and we need to start them. We cannot have the votes dragging on forever. If you have committee meetings, walk out of them. If you have business meetings in your office with constituents, leave and come here and vote. I say to both Democrats and Republicans, we are going to turn in the votes at the end of the expired time. It is not fair to Senators who are here on time to wait for others. Senator MCCONNELL and I have caucuses today that are extremely important. We need to have the full time. It is the only time we have all week to visit with our Senators about what is going on in the Senate.

MEASURES PLACED ON CALENDAR—H.R. 674 AND S. 1769

Mr. REID. Madam President, there are two bills at the desk for a second reading, I am told.

The ACTING PRESIDENT pro tempore. The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purpose of determining eligibility for certain healthcare-related programs, and for other purposes.

A bill (S. 1769) to put workers back on the job while rebuilding and modernizing America.

Mr. REID. Madam President, I object to any further proceedings regarding these two bills, en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

REBUILD AMERICA JOBS ACT

Mr. REID. This week, Democrats introduced legislation that will put Americans back to work rebuilding this Nation's crumbling infrastructure. It will allow us to hire thousands of people to upgrade 150,000 miles of roadways, thousands of miles of train tracks, and modernize our Nation's runways and air traffic control systems. The Rebuild America Jobs Act will invest \$50 billion to ensure that our world-class economy has world-class infrastructure and get this economy working again.

This is not a new issue. It is something that is long overdue. A number of years ago, I conducted a hearing in the Public Works Committee, where we brought in mayors from around the country, from Atlanta, Washington, DC, and other places around the country. They lamented the sorry state of the infrastructure. Sadly, in those approximately 10 years, nothing has been done—nothing.

This commonsense plan we have proposed has enjoyed broad bipartisan support in the past. Many of my Republican colleagues in the Senate have spoken glowingly about what infrastructure investments could do to put people back to work and improve the economy in their States. Yet this week Republicans have raised a hue and cry against our plan because it has millionaires and billionaires—those whose income is more than \$1 million—to contribute their fair share to right our listing economy.

We don't cast a net over millionaires and billionaires, only those who make more than \$1 million a year. The plan would require the richest of the rich in America to contribute a tiny fraction of income to that effort. They would pay a seven-tenths of 1 percent surtax on income in excess of \$1 million a year. If someone made \$1.1 million a year income, they would have to pay an additional \$700 to put America back to work.

Yet my Republican colleagues adamantly oppose this fair and balanced approach because it would require Americans who have done better each year for decades to contribute a tiny fraction more than they do now. These people are the top two-tenths of 1 percent of American taxpayers—two-tenths of 1 percent, the richest of the rich. Yet Republicans have put the interests of these millionaires and billionaires ahead of those who are desperate for work, and it has cost this Nation literally millions of jobs.

It is important that we be clear about who these lucky few millionaires

and billionaires are who enjoy the protections of the Senate GOP. Who are they? Here is who they are: the same millionaires and billionaires whose annual aftertax income has increased by 275 percent over the last 3 decades—I repeat, 275 percent. That is not a figure made up out of the blue by some rightwing or leftwing organization. It came from the nonpartisan Congressional Budget Office. These are the same millionaires and billionaires whose annual aftertax income has increased by 275 percent over the last 3 decades.

Between 1979 and 2007, the bottom 20 percent of wage earners saw their wages creep up slowly—18 percent. Meantime, the top 1 percent saw theirs double again and again and again, to almost a 300-percent increase. The bottom 20 percent of wage earners saw theirs go up 18 percent. The people I have talked about—the millionaires and billionaires—have gone up almost 300 percent. In fact, their share of the Nation's income is higher than at any time since 1928—just before the stock market crash, plunging this Nation into the Great Depression. Their share of the national income has doubled since 1979. Listen to this. And now they take home more than half of all the money earned each year in this great country, even after taxes. They take home more than half the money earned each year in this country. That means this 1 percent now makes more than the other 99 percent combined. And they are not going to allow us to proceed to create hundreds of thousands of jobs for a tax increase of seven-tenths of 1 percent on the richest of the rich? No one deprives them of their prosperity. They have worked hard, and it hasn't all been inherited money. We understand that. But their tremendous fortunes mean they can afford to contribute a tiny fraction more to shore up the economic future of our Nation.

John D. Rockefeller, Jr., the grandfather of JAY ROCKEFELLER from West Virginia, who serves in this body today, said:

Every right implies a responsibility; every opportunity, an obligation; every possession, a duty.

Seventy-two percent of Americans, including 54 percent of Republicans, support the Democrats' plan to pull this Nation out of the worse recession we have seen since the Great Depression by investing in new roadways, runways, and railways. And 76 percent of Americans, including 56 percent of Republicans, agree the Nation's most privileged citizens should contribute a little more to help pay for it. Democrats, Republicans, Independents, and even the tea party favor this. They all believe in initiatives that we have proposed to jumpstart our economy, but they know the money will have to come from somewhere. They know tough choices must be made. The world out there supports what we are trying

to do. The world inside this body, with the 47 Republicans who are stopping us with obstructionist tactics, is not allowing what America knows they want and need.

Again, they believe in initiatives we have proposed to jumpstart our economy. They know the money will have to come from somewhere, and they know tough choices must be made.

Asking someone making, for example, \$1.1 million to contribute a few dollars more every year should not be one of our tough choices; it should be a no-brainer. Yet while Democrats fight for the middle class, it seems that Republicans will fight for the 1 percent of Americans who have every resource in America to fight for themselves.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2112, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

Pending:

Crapo amendment No. 814 (to amendment No. 738), to provide for the orderly implementation of the provisions of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Lee motion to recommit.

Blunt (for DeMint) amendment No. 763 (to amendment No. 738), to prohibit the use of funds to implement regulations regarding the removal of essential-use designation for epinephrine used in oral pressurized metered-dose inhalers.

Blunt (for DeMint) amendment No. 764 (to amendment No. 738), to eliminate a certain increase in funding.

Coburn amendment No. 794 (to amendment No. 738), to provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs.

Coburn amendment No. 795 (to amendment No. 738), to collect more than \$500,000,000 from developers for failed, botched, and abandoned projects.

Coburn amendment No. 797 (to amendment No. 738), to delay or cancel new construction, purchasing, leasing, and renovation of Federal buildings and office space.

Coburn amendment No. 799 (to amendment No. 738), to prohibit the use of funds to carry out the Rural Energy for America Program.

Coburn amendment No. 800 (to amendment No. 738), to reduce funding for the Rural Development Agency.

Coburn amendment No. 801 (to amendment No. 738), to eliminate funding for the Small

Community Air Service Development Program.

Coburn amendment No. 833 (to amendment No. 738), to end the outdated direct payment program and to begin restoring the farm safety net as a true risk management tool.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

AMENDMENT NO. 800

Mr. KOHL. Madam President, the first amendment we will be considering today is the Coburn amendment to reduce funding for the rural development mission area by \$1 billion, or 41 percent, spread equally over the agency. I am opposing this amendment. This is not the time to curtail essential programs that support jobs and incomes in our rural areas. So I will oppose this amendment, and I urge my colleagues to do so as well.

I would now like to yield to Senator SHERROD BROWN of Ohio.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I rise in opposition to the Coburn amendment's 41 percent of a \$1 billion cut to USDA's rural development mission. Everyone in this Chamber talks about job growth, as we should—some of us want to do some more specific things than others perhaps—but we have to ask the question: If we are going to consider a 40-percent cut to rural development, how does a small town recruit a 21st-century business or support entrepreneurs when the best it can offer is dial-up Internet access? How does a rural village in Allen County, OH, finance a \$2½ million water system without some kind of grant or loan?

The ACTING PRESIDENT pro tempore. Time in opposition to the amendment has expired.

Mr. BROWN of Ohio. I ask my colleagues to vote no on the amendment.

The ACTING PRESIDENT pro tempore. Without objection, the proponent's time is yielded back.

Mr. DURBIN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. McCain) and the Senator from North Carolina (Mr. Burr).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 13, nays 85, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—13

Coburn	DeMint	Hutchison
Corker	Graham	Inhofe
Cornyn	Hatch	Johnson (WI)

Kyl Paul Lee
Toomey

NAYS—85

Akaka	Gillibrand	Nelson (NE)
Alexander	Grassley	Nelson (FL)
Ayotte	Hagan	Portman
Barrasso	Harkin	Pryor
Baucus	Heller	Reed
Begich	Hoeven	Reid
Bennet	Inouye	Risch
Bingaman	Isakson	Roberts
Blumenthal	Johanns	Rockefeller
Blunt	Johnson (SD)	Rubio
Boozman	Kerry	Sanders
Boxer	Kirk	Schumer
Brown (MA)	Klobuchar	Sessions
Brown (OH)	Kohl	Shaheen
Cantwell	Landrieu	Shelby
Cardin	Lautenberg	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Chambliss	Lieberman	Thune
Coats	Manchin	Udall (CO)
Cochran	McCaskill	Udall (NM)
Collins	McConnell	Vitter
Conrad	Menendez	Warner
Coons	Merkley	Webb
Crapo	Mikulski	Whitehouse
Durbin	Moran	Wicker
Enzi	Murkowski	Wyden
Feinstein	Murray	
Franken		

NOT VOTING—2

Burr McCain

The amendment (No. 800) was rejected.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. KOHL. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Kentucky is to be recognized to offer an amendment.

The Senator from Kentucky.

AMENDMENT NO. 821 TO AMENDMENT NO. 738

Mr. PAUL. Madam President, I call up my amendment No. 821.

Mrs. BOXER. Parliamentary inquiry. The ACTING PRESIDENT pro tempore. The Senator will withhold.

The Senator from California.

Mrs. BOXER. I want to make sure I will have a minute to respond against the amendment.

The ACTING PRESIDENT pro tempore. That is correct. There is 2 minutes evenly divided on this amendment.

The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 821 to amendment No. 738.

Mr. PAUL. Madam President, I ask unanimous consent that the reading of the amendment be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reallocate 10 percent of the amounts appropriated for capital investments in surface transportation infrastructure from transportation enhancement activities to the highway bridge program)

On page 213, line 13, insert “: *Provided further*, That notwithstanding section 133(d)(2)

of title 23, United States Code, none of the funds made available under this heading may be used to implement or execute transportation enhancement activities: *Provided further*, That at least 10 percent of the funds made available under this heading shall be made available for the highway bridge program authorized under section 144 of title 23, United States Code” before the period at the end.

Mr. PAUL. Madam President, this amendment will secure funds for preparing our Nation's bridges. I have stood with the President in the shadows of our crumbling bridges. I told the President personally that I would help to rebuild the bridges.

This amendment should be bipartisan. This amendment should be non-controversial. This amendment spends no new money and raises no new taxes. This amendment simply takes funds from beautification and puts them into bridges.

As legislators, we need to prioritize and spend money on what is most important to us. Some on the other side may like the beautification projects. We like them also. But we are running a \$1.5 trillion deficit, and we must prioritize.

If we wish to fix our Nation's bridges and if we are serious about it, we will pass this amendment, which will immediately create a fund to begin fixing our Nation's bridges.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, this amendment is not about taking funds from beautification and putting them into bridges. As a matter of fact, what this amendment does is it prohibits any bridge that is a historic bridge from being fixed, and there are thousands of those bridges all over this great Nation, including the Brooklyn Bridge.

Second, it would tell our States they can't use these TIGR funds for things they want. I know my colleague thinks it is beautification to have a pedestrian or a bicycle path built. The fact is, 13 percent of traffic fatalities nationwide occur because we don't have these safety improvements. There were 47,000 pedestrians killed between 2000 and 2009. That is the equivalent of a jumbo jet crashing every month. So this isn't about taking money for beautification.

Senator INHOFE and I have worked very closely to make sure we are not frivolous in what we fund.

Please vote this down. We have voted down a similar amendment before.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky has 3 seconds.

Mr. PAUL. Three million dollars was spent on a turtle tunnel. Do you want to keep spending on turtle tunnels or fix our bridges?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. Under the previous order, 60

votes are required for the adoption of this amendment.

Mr. PAUL. I ask for the yeas and nays, Madam President.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. McCAIN) and the Senator from North Carolina (Mr. BURR).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—38

Ayotte	Grassley	Murkowski
Barrasso	Hatch	Paul
Blunt	Heller	Portman
Boozman	Hoeven	Risch
Chambliss	Hutchinson	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kyl	Thune
Crapo	Lee	Toomey
DeMint	Lugar	Vitter
Enzi	McConnell	Wicker
Graham	Moran	

NAYS—60

Akaka	Franken	Mikulski
Alexander	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inhofe	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (MA)	Kirk	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Manchin	Warner
Coons	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NOT VOTING—2

Burr McCain

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 38, the nays are 60. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Wisconsin.

Mr. KOHL. Mr. President, I move to reconsider the vote.

Mr. BLUNT. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 763

The ACTING PRESIDENT pro tempore. There will now be 2 minutes, evenly divided, on amendment No. 763.

The Senator from South Carolina.

Mr. DEMINT. Madam President, 3 million Americans use over-the-counter inhalers to control asthma and other respiratory problems. Three

years ago, the EPA came out with a ruling that bans these over-the-counter inhalers which takes effect this—

Mr. ROBERTS. Madam President, I do not think the Senate is in order. This is a very important amendment. I have a bill on this amendment which is the same thing. I would ask for order.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

The Senator from South Carolina.

Mr. DEMINT. The EPA has banned these inhalers, even though they acknowledged negligible impact on the environment. My amendment just keeps this rule from going into effect until the manufacturer can complete its work with the FDA to change its propellant.

Let's allow Americans to continue their quality of life while we solve the problem. We don't need to do that this January. It will be solved without the FDA enforcing this rule.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. This amendment affects the ability of people with asthma to purchase an inhaler that works, and the American Lung Association opposes this amendment. The American Thoracic Society, which is the expert—these are the experts on anything to do with respiratory diseases. There are 150,000 doctors who oppose this amendment.

I am perplexed by it because the reason we want to get away from these CFCs is because Ronald Reagan signed the treaty to do away with them and George W. Bush passed the rule to do away with them.

On behalf of the people who depend on inhalers that work right, that don't use CFCs, I hope we will stand with the Lung Association and the 150,000 doctors of the Thoracic Society.

I hope we will vote this down.

Mr. DEMINT. Madam President, how much time do I have left?

The ACTING PRESIDENT pro tempore. The Senator from South Carolina has 18 seconds.

Mr. DEMINT. Certainly, there are many doctors who want folks to come in and get prescriptions. There are many manufacturers who make prescription drugs, but let 3 million Americans access these inhalers. They do not cause any problems with the environment. The EPA has recognized it is negligible and the manufacturer will have this worked out over the next few years.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. DEMINT. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR) and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—44

Alexander	Grassley	Murkowski
Ayotte	Hatch	Nelson (NE)
Barrasso	Heller	Paul
Blunt	Hoeven	Portman
Boozman	Hutchison	Risch
Chambliss	Inhofe	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Corker	Kirk	Snowe
Cornyn	Kyl	Thune
Crapo	Lee	Toomey
DeMint	Lugar	Vitter
Enzi	McConnell	Wicker
Graham	Moran	

NAYS—54

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Manchin	Warner
Coons	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NOT VOTING—2

Burr McCain

The amendment (No. 763) was rejected.

Mr. REID. Madam President, I move to reconsider the vote and to lay that motion on the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, it is my understanding that on the next vote scheduled, the Crapo amendment, Senator CRAPO and Senator STABENOW will enter into a colloquy, and I ask unanimous consent that they both be given 2 minutes to explain what this is all about.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Idaho.

AMENDMENT NO. 814 WITHDRAWN

Mr. CRAPO. Madam President, as the leader has indicated, I will withdraw this amendment at the conclusion of this colloquy, but I want to make sure my colleagues understand what the amendment does.

This amendment prohibits any funds from being used by the CFTC to promulgate any final rules under title VII

until the agency substantiates that those rules are economically beneficial, adhere to congressional intent, provide end users with a clear exemption from margin requirements, and set clear bounds on the overseas application of derivatives requirements.

While there is not yet a bipartisan agreement to go forward with this amendment at this time, there is a bipartisan list of issues that regulators need to address. They need to protect end users from burdensome margin requirements. Margin requirements proposed by regulators currently ignore the clear intent of Congress not to impose them on end users. They need to limit the extraterritorial application of title VII per congressional intent in sections 722 and 764. This is also being addressed in the House of Representatives. They need to encourage greater coordination and harmonization between the SEC, the CFTC, and international regulators to seek broad harmonization of cross-border issues, and they need to ensure that the new rules are subject to robust and quantitative assessment of the costs and benefits.

The regulators involved in our rule-making process should know that Congress is going to closely monitor how they proceed, and we expect a change in course. If we don't get that change in course, then we will need to return to this kind of legislation.

I wish to thank Senator STABENOW for working with me. She and many other Senators across the aisle have indicated a willingness to help try to achieve these objectives and to work together to try to make this happen.

With that, I yield my time to Senator STABENOW.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Thank you, Madam President. First I wish to thank my colleague for raising issues of great importance to all of us. Financial regulatory reform is critically important for our country moving forward. Senator CRAPO and I spoke earlier about this amendment. We have a number of areas of shared concern and I have committed to work with him on these issues.

First and foremost, I agree with my friend from Idaho that we need to protect our manufacturers, our rural co-ops, energy providers, and other companies that use financial products to manage their legitimate business risks. These end users did not cause the financial crisis. So when we passed Wall Street reform, we included protections for them.

We have held several hearings in the Agriculture Committee to reinforce to the regulators that manufacturers and others need to be protected. We will continue to do that oversight.

We certainly agree that as new rules are written, we need have an open and transparent process. I believe the Commodity Futures Trading Commission

has created, in fact, an open and transparent process and has worked to improve that process over time. They have held roundtables, sought public comment, and are making changes based on those comments to ensure that the new rules work. But it is important that Congress continues to work with the agencies to get these rules right. We also expect the agencies to work with each other and with their international counterparts. We need to make sure rules are robust and consistent across international borders, avoiding a regulatory race to the bottom while using "mutual recognition" as a guidepost. Most importantly, the agencies need to create these rules in a way that provides businesses with market certainty. To that end, we will be holding another oversight hearing in the next few weeks.

It is important that we continue to urge the regulators to be mindful of the effects that these rules will have on American businesses. It is also important to remember that we passed reform because of the serious consequences of the financial crisis. Millions of families lost their homes, countless businesses shuttered, 8 million jobs lost. We need to ensure that the rules are not written in a way that creates incentives for banks to move their operations overseas to avoid oversight—we share that concern. We definitely need to get the rules right and keep the jobs here in America.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Ms. STABENOW. As I have told my colleague, I will continue to work with him on these important issues.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAPO. Madam President, The amendment prohibits any funds from being used by the CFTC to promulgate any final rules under Title VII until the agency substantiates that those rules are economically beneficial, adheres to congressional intent to provide end-users with a clear exemption from margin requirements, and sets clear bounds on the overseas application of the derivatives requirements.

While there is not yet bipartisan agreement to go forward with this amendment at this time, there is a bipartisan list of issues that the regulators need to address:

Protect end-users from burdensome margin requirements. Margin requirements proposed by regulators currently ignore the clear intent of Congress not to impose margin on end users.

Limit the extraterritorial application of title VII per Congressional intent in Sections 722 and 764. In the House of Representatives bipartisan legislation was just introduced that sets clear bounds on overseas application of the derivatives requirements, while allowing regulators to stop sys-

temically dangerous transactions intended to evade U.S. requirements.

Encourage greater coordination and harmonization between the SEC, CFTC, and international regulators to seek broad harmonization of cross-border issues.

Ensure new rules are subject to robust and quantitative assessment of costs and benefits.

The regulators involved in the rule-making process should understand that Congress is going to closely monitor how they proceed and we expect a change in course.

If the regulators ignore congressional intent and fail to adequately harmonize their rules with each other and with their foreign counterparts, then it is my intention to revisit this amendment and push for a vote.

Madam President, I ask unanimous consent that my amendment be withdrawn.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I am pleased that Senator CRAPO has withdrawn his amendment, No. 814. I would have opposed this amendment because it would have brought to a screeching halt the financial reforms Congress recently enacted to end Wall Street abuses, because it would weaken capital and margin requirements to limit risk, and because it would add to the law multiple layers of complexity.

Congress enacted the Dodd-Frank Wall Street Reform and Consumer Protection Act to put a cop back on the Wall Street beat. It ended the decades of deregulation that helped unleash the forces of self-dealing and conflicts of interest that thrust our economy into the recession from which we are still digging out.

The Crapo amendment would have forced the key Federal banking, commodities and securities regulators to stop issuing all regulations to implement the Dodd-Frank law until they issued a host of studies. It would have buried financial reform under an unprecedented regulatory procedure requiring piles of new paperwork. The new procedures and studies could have required years of additional delay, when Congress has already decided that financial reforms are needed now to protect the public from high risk financial activities. That was reason enough to oppose the Crapo amendment.

Second, the Crapo amendment would have weakened a key set of reforms contained in the Dodd-Frank Act, requiring capital and margin requirements to reduce risk in the shadowy market in derivatives. Now, just as rules requiring increased transparency and accountability are starting to become a reality, some have decided that they prefer the derivatives market the way it was before.

Some too quickly forget exactly why we need transparency, accountability, and reduced risk. So let me remind us all about AIG. A small unit, based in London and buried within the bowels of AIG, nearly brought about the collapse of the firm, and with it, the world economy. They sold a type of derivative called a credit default swap. Lots of them. While they got paid for taking on the risk behind those swaps, they had insufficient reserves to pay off the bets if they lost. Later, when all of those swaps went bad, they simply did not have the funds to pay off their bets. And only AIG knew how much it owed to whom, because the swaps market had no transparency. Federal regulators were prohibited by law from overseeing swaps.

Worse yet, Federal regulators could not just let AIG fail, because the losses to those on the other side of their bets could have brought them down as well. A global nightmare caused by one small unit of one company, allowed to run wild by selling a ton of swaps without the reserves to pay off the bets if they lost. So taxpayers bailed out AIG, and through them, the banks and companies that did business with AIG. If those banks had been allowed to collapse, the financial markets would have frozen. Companies would have been unable to get funds they needed to operate and grow. Families would have been unable to get loans to fund their educations, to buy cars and homes, and live.

The Dodd-Frank Act was designed to prevent that nightmare from happening again. It would institute new capital and margin requirements for swap dealers and other major participants active in the derivative markets. Yet just as we start to restore sanity and put the financial cops back on the Wall Street beat, the Crapo amendment would have stopped the cops from doing their jobs. The amendment would have fundamentally undermined Dodd-Frank in two principal ways. First, it would have delayed any new regulations as already described. Second, the amendment would have carved out vast amounts of derivatives trades from the new protections.

While the amendment was written in a complex way, it seems to prohibit the CFTC from imposing capital and margin requirements for a whole host of swaps. Let me give you an example. As I understand the amendment, it could have prohibited the CFTC from using any of its funds to regulate derivatives involving at least one party that's a favored entity. Some of the favored entities are even investment firms.

Take, for example, the Hudson CDO that my Subcommittee on Investigations examined. It was a \$2 billion synthetic CDO designed by Goldman Sachs and then turned over to a special purpose investment vehicle set up by Goldman Sachs in the Cayman Islands.

That company issued the Hudson credit default swap that allowed Goldman Sachs to bet against the very instrument it had constructed. If one of the purchasers of this bet was a manufacturing firm or some other type of special entity, shouldn't they also be protected?

For the last decade, the CFTC couldn't do anything to regulate swaps because the Commodity Futures Modernization Act explicitly exempted swaps from all government oversight. The Dodd-Frank Act reversed that ill-advised policy by making swaps once again subject to federal regulation and oversight. The Crapo amendment would have restored some of those exemptions and done it in a way that is poorly designed, and could have engendered years of litigation over what it meant.

In short, the Crapo amendment would have delayed important financial reforms, reduced protections against taxpayer bailouts, and crippled the abilities of our regulators to set the new rules of the road. To me, the Crapo amendment had a pretty simple message: return to the financial deregulation that preceded, and contributed to, the financial crisis of the last few years.

I am of the opposite view. I think that the collapse of AIG, Bear Stearns, Lehman Brothers, Merrill Lynch, Washington Mutual, and countless other firms teach us a different lesson. The findings of the bipartisan investigation conducted by the Permanent Subcommittee on Investigations tell a different story. Our financial system needs a cop back on the beat. I am glad that the Crapo amendment has been withdrawn.

Mr. REID. Madam President, I hope everyone just listened to and watched the exemplary way we are ridding ourselves of some of these amendments. We have two more amendments and it would be great if we didn't have to vote on those. I think the explanation given by the two Senators is an indication that progress can be made even without a vote.

I ask unanimous consent, since the amendment next in line is being delayed, that we move to the Coburn amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oklahoma.

COBURN AMENDMENT NO. 801

Mr. COBURN. Madam President, this is a straightforward amendment on a program that fails 70 percent of the time. We spend \$35 million a year. It has an abject failure rate. Only 30 percent of it results in anything positive happening; 70 percent of the time it does not. The Obama administration and the Bush administration thought this program should be canceled.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Madam President, only \$6 million is provided for this program, but it makes a big difference for small rural communities that are struggling to provide air service. Air service is so important to jobs and economic development in these regions.

It is important to note that there is a requirement for State and local participation in these programs, and that there is a high demand. Nearly 300 communities across this country have benefited from this program since its establishment. Senator HUTCHISON has offered to tighten up the program to meet the concern of the Senator from Oklahoma.

I urge my colleagues to reject the amendment. This is critical to small rural communities.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Madam President, what the Senator from Maine just said is that \$4.2 million is going to be unsuccessful and \$2.8 million might be. The fact is that with a \$1.3 trillion deficit and a \$15 trillion debt, we can't continue to do this no matter how great it sounds when it fails 70 percent of the time.

I ask for the yeas and nays on my amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—41

Alexander	DeMint	McConnell
Ayotte	Enzi	Murkowski
Barrasso	Graham	Paul
Bennet	Grassley	Portman
Boozman	Hatch	Risch
Brown (MA)	Heller	Rubio
Carper	Inhofe	Sessions
Chambliss	Isakson	Shaheen
Coats	Johanns	Shelby
Coburn	Johnson (WI)	Thune
Coons	Kyl	Toomey
Corker	Lee	Udall (CO)
Cornyn	Lieberman	Udall
Crapo	McCaskill	Vitter

NAYS—57

Akaka	Cantwell	Franken
Baucus	Cardin	Gillibrand
Begich	Casey	Hagan
Bingaman	Cochran	Harkin
Blumenthal	Collins	Hoeben
Blunt	Conrad	Hutchinson
Boxer	Durbin	Inouye
Brown (OH)	Feinstein	Johnson (SD)

Kerry	Merkley	Sanders
Kirk	Mikulski	Schumer
Klobuchar	Moran	Snowe
Kohl	Murray	Stabenow
Landrieu	Nelson (NE)	Tester
Lautenberg	Nelson (FL)	Udall (NM)
Leahy	Pryor	Warner
Levin	Reed	Webb
Lugar	Reid	Whitehouse
Manchin	Roberts	Wicker
Menendez	Rockefeller	Wyden

NOT VOTING—2

Burr McCain

The amendment (No. 801) was rejected.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I have a motion to recommit at the desk.

The PRESIDING OFFICER. The motion is pending. The Senator has 1 minute.

MOTION TO RECOMMIT

Mr. LEE. Mr. President, I filed this motion to recommit H.R. 2112 with instructions to send this "moneybus" back to the Committee on Appropriations for one simple reason: it spends more for the same set of expenditures in fiscal year 2012 than it did in 2011 to the tune of about \$10 billion.

I understand there are reasons for this excess. I understand when we look at individual components of the 2012 provisions there may be some cuts in there. But the overall picture, the entire pie, is about \$10 billion more than what we had in fiscal year 2011.

Unless we can be open and transparent with the American people and acknowledge the fact that we are, in fact, spending more, I think this is a problem. We have to get the fiscal house in order, and this is how it is perpetuated, when we claim we are cutting when we are, in fact, spending more. That is the reason for this motion to recommit. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. This motion to recommit purports to set discretionary spending at fiscal year 2011 levels for these three bills. But this motion is extremely misleading because increased mandatory spending included in the three bills—they are not touching that.

Agriculture alone would see a \$7 billion cut due to increases in mandatory programs. If we include the emergency disaster relief, it would force an additional cut of \$3.2 billion. The measure before us is within our 302(b) allocation scored by the CBO and the Senate Budget Committee, and it meets every requirement of the Budget Control Act.

I strongly urge a "no" vote.

Mr. LEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 39, nays 60, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—39

Ayotte	Grassley	Moran
Barrasso	Hatch	Paul
Boozman	Heller	Portman
Burr	Hoeven	Risch
Chambliss	Inhofe	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Snowe
Crapo	Kyl	Thune
DeMint	Lee	Toomey
Enzi	Lugar	Vitter
Graham	McConnell	Wicker

NAYS—60

Akaka	Feinstein	Mikulski
Alexander	Franken	Murkowski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hutchison	Pryor
Blumenthal	Inouye	Reed
Blunt	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Manchin	Warner
Conrad	McCaskill	Webb
Coons	Menendez	Whitehouse
Durbin	Merkley	Wyden

NOT VOTING—1

McCain

The motion was rejected.

Mr. KOHL. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 764

Mr. KOHL. Mr. President, I raise a point of order against the pending DeMint amendment No. 764.

The PRESIDING OFFICER. The point of order is sustained. The Senator's amendment falls.

AMENDMENTS NOS. 794, 795, 797, 799, AND 833 TO

AMENDMENT NO. 738, WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the remaining Coburn amendments are withdrawn.

Mrs. MURRAY. Mr. President, I am so pleased that we have completed work on the transportation, housing and urban development appropriations bill. This is an important bill that supports critical transportation investments—it is a jobs bill. It also supports housing and services for the Nation's most vulnerable.

This bill was difficult to put together, and there are cuts in here that I would rather not see. But on the whole it is a good bill. I thank all of my colleagues for all of the efforts and input on this bill, and I look forward to

working with the House to get a final bill that we can send to the President.

I want to say a special thank-you to Senator COLLINS and her staff for all of their hard work. Senator COLLINS has been a great partner. And I thank my own staff as well for all their efforts.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill, having been read for the third time, the question is, Shall the bill pass, as amended?

Mr. BROWN of Massachusetts. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—69

Akaka	Graham	Murkowski
Alexander	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Hoeven	Nelson (FL)
Bennet	Hutchison	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johanns	Reid
Blunt	Johnson (SD)	Roberts
Boxer	Kerry	Rockefeller
Brown (MA)	Kirk	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Shelby
Carper	Lautenberg	Snowe
Casey	Leahy	Stabenow
Cochran	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wicker
Gillibrand	Moran	Wyden

NAYS—30

Ayotte	DeMint	Lugar
Barrasso	Enzi	McConnell
Boozman	Grassley	Paul
Burr	Hatch	Portman
Chambliss	Heller	Risch
Coats	Inhofe	Rubio
Coburn	Isakson	Sessions
Corker	Johnson (WI)	Thune
Cornyn	Kyl	Toomey
Crapo	Lee	Vitter

NOT VOTING—1

McCain

The bill (H.R. 2112), as amended, was passed, as follows:

H.R. 2112

Resolved, That the bill from the House of Representatives (H.R. 2112) entitled "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and

for other purposes.", do pass with the following amendments:

Strike out all after the enacting clause and insert the following:

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, \$4,798,000: Provided, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

OFFICE OF TRIBAL RELATIONS

For necessary expenses of the Office of Tribal Relations, \$473,000, to support communication and consultation activities with Federally Recognized Tribes, as well as other requirements established by law.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, \$11,408,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, \$13,514,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, \$8,946,000.

OFFICE OF HOMELAND SECURITY AND EMERGENCY COORDINATION

For necessary expenses of the Office of Homeland Security and Emergency Coordination, \$1,421,000.

OFFICE OF ADVOCACY AND OUTREACH

For necessary expenses of the Office of Advocacy and Outreach, \$1,351,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$36,031,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, \$5,935,000: Provided, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A-76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, \$848,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$21,558,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, \$764,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, \$230,416,000, to remain available until expended, of which \$164,470,000 shall be available for payments to the General Services Administration for rent; of which \$13,800,000 for payment to the Department of Homeland Security for building security activities; and of which \$52,146,000 for buildings operations and maintenance expenses: Provided, That the Secretary may use unobligated prior year balances of an agency or office that are no longer available for new obligation to cover shortfalls incurred in prior year rental payments for such agency or office: Provided further, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.

HAZARDOUS MATERIALS MANAGEMENT (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), \$3,792,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION (INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$28,165,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558: Provided further, That \$8,000,000 of the amount made available by this heading shall be transferred to carry out the program authorized under section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012).

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,676,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further,

That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, \$8,105,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, \$84,121,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$39,345,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education and Economics, \$848,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, \$77,723,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, \$152,616,000, of which up to \$41,639,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,094,647,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for headhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C.

113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$709,825,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a-i), \$236,334,000; for grants for cooperative forestry research (16 U.S.C. 582a through a-7), \$32,934,000; for payments to eligible institutions (7 U.S.C. 3222), \$50,898,000, provided that each institution receives no less than \$1,000,000; for special grants (7 U.S.C. 450i(c)), \$4,181,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), \$15,830,000; for competitive grants (7 U.S.C. 450i(b)), \$265,987,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), \$2,944,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$833,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), \$1,081,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103-382 (7 U.S.C. 301 note), \$1,801,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), \$961,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$3,774,000, to remain available until expended (7 U.S.C. 2209b); for a program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), \$4,790,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$5,530,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$1,239,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), \$9,219,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, \$3,194,000; for a secondary agriculture education program and 2-year post-secondary education, (7 U.S.C. 3152(j)), \$981,000; for aquaculture grants (7 U.S.C. 3322), \$3,920,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$14,471,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, \$19,336,000, to remain available until expended (7 U.S.C. 2209b); for capacity building grants for non-land-grant colleges of agriculture (7 U.S.C. 3319i), \$5,000,000, to remain available until expended; for competitive grants for policy research (7 U.S.C. 3155), \$4,000,000, which shall be obligated within 120 days of the enactment of this Act; for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103-382, \$3,335,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), \$898,000; for distance education grants for insular areas under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362), \$749,000; for a new era rural technology program pursuant to section 1473E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319e), \$856,000; for a competitive grants program for farm business management and benchmarking (7 U.S.C. 5925f), \$1,497,000;

for a competitive grants program regarding biobased energy (7 U.S.C. 8114), \$2,246,000; and for necessary expenses of Research and Education Activities, \$11,006,000, of which \$2,645,000 for the Research, Education, and Economics Information System and \$2,089,000 for the Electronic Grants Information System, are to remain available until expended.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103-382 (7 U.S.C. 301 note), \$11,880,000, to remain available until expended.

HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES ENDOWMENT FUND

For the Hispanic-Serving Agricultural Colleges and Universities Endowment Fund under section 1456 (7 U.S.C. 3243) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, \$10,000,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, \$478,179,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents, \$295,800,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$4,312,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$67,934,000; payments for the pest management program under section 3(d) of the Act, \$9,918,000; payments for the farm safety program under section 3(d) of the Act, \$4,610,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, \$1,660,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, \$19,730,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, \$7,975,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$461,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), \$3,929,000; payments for the federally recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, \$3,039,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$4,696,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92-419 (7 U.S.C. 2662(i)), \$1,735,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), \$42,592,000, provided that each institution receives no less than \$1,000,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, \$1,000,000; payments to carry out section 1672(e)(49) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925), as amended, \$400,000; and for necessary expenses of Extension Activities, \$8,388,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$25,948,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), \$17,964,000, including \$8,982,000 for the water quality program, \$2,994,000 for regional pest management centers, \$1,996,000 for

the methyl bromide transition program, and \$3,992,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, \$998,000; \$998,000 for the regional rural development centers program; and \$5,988,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, to remain available until September 30, 2013.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, \$848,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE SALARIES AND EXPENSES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to \$30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), \$820,110,000, of which \$1,000,000, to be available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds ("contingency fund") to the extent necessary to meet emergency conditions; of which \$17,848,000, to remain available until expended, shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which \$7,000,000, to remain available until expended, shall be for Animal Disease Traceability; of which \$891,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which \$48,733,000, to remain available until expended, shall be used to support avian health; of which \$4,474,000, to remain available until expended, shall be for information technology infrastructure; of which \$153,950,000, to remain available until expended, shall be for specialty crop pests; of which \$9,068,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which \$58,962,000, to remain available until expended, shall be for tree and wood pests; of which \$3,568,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to \$1,500,000, to remain available until expended, shall be for the scrapie program for indemnities; of which \$1,000,000, to remain available until expended, shall be for wildlife services methods development; of which \$1,500,000, to remain available until expended, shall be for the wildlife services damage management program for aviation safety; and of which \$5,000,000, to remain available until expended, shall be for the screwworm program: Provided further, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and

10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2012, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$3,176,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, \$82,211,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$62,101,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$20,056,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,198,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, \$38,248,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$50,000,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, \$770,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$1,006,503,000; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: Provided further, That no fewer than 148 full-time equivalent positions shall be employed during fiscal year 2012 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That the Food Safety and Inspection Service shall continue implementation of section 11016 of Public Law 110-246: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, \$848,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, \$1,181,781,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That funds made available to county committees shall remain available until expended.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101-5106), \$3,759,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb-2), \$3,817,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM (INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387, 114 Stat. 1549A-12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$1,975,000,000, of which \$1,500,000,000 shall be for unsubsidized guaranteed loans and \$475,000,000 shall be for direct loans; operating loans, \$2,519,982,000, of which \$1,500,000,000 shall be for unsubsidized guaranteed loans, and \$1,019,982,000 shall be for direct loans; Indian tribe land acquisition loans, \$2,000,000; guaranteed conservation loans, \$150,000,000; Indian highly fractionated land loans, \$10,000,000; and for boll weevil eradication program loans, \$100,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: direct farm ownership loans, \$22,800,000; operating loans, \$83,525,000, of which \$26,100,000 shall be for unsubsidized guaranteed loans, and \$57,425,000 shall be for direct loans; and Indian highly fractionated land loans, \$193,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$297,237,000, of which \$289,728,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Fund Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, \$74,900,000: Provided, That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: Provided further, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within

the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, \$848,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$828,159,000, to remain available until September 30, 2013: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: Provided further, That when buildings or other

structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, \$848,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$182,023,000: Provided, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: Provided further, That not more than \$5,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business—Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$24,900,000,000 for loans to section 502 borrowers, of which \$900,000,000 shall be for direct loans, and of which \$24,000,000,000 shall be for unsubsidized guaranteed loans; \$10,000,000 for section 504 housing repair loans; \$64,478,000 for section 515 rental housing; \$130,000,000 for section 538 guaranteed multi-family housing loans; \$10,000,000 for credit sales of single family housing acquired property; and \$5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$42,570,000 shall be for direct loans; section 504 housing repair loans, \$1,421,000; and repair, rehabilitation, and new construction of section 515 rental housing, \$22,000,000: Provided, That hereafter, the Secretary may charge a guarantee fee of up to 4 percent on section 502 guaranteed loans: Provided further, That to support the loan program level for section 538 guaranteed loans made available under this heading the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), and the interest on such loans may not be subsidized: Provided further, That of the total amount appropriated in this paragraph, the amount equal to the amount of Rural Housing Insurance Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That any balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109-97, Public Law 110-5, and Public Law 111-80 shall be transferred to

and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account".

In addition, for the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$16,000,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts: Provided, That any balances available for the Farm Labor Program Account shall be transferred and merged with this account.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$430,800,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$904,653,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount not less than \$2,000,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than \$2,000,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: Provided further, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a 1-year period: Provided further, That any unexpended balances remaining at the end of such 1-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance provided under agreements entered into prior to fiscal year 2012 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: Provided further, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multifamily housing project financed under section 514 or 516 of the Act.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, \$13,000,000, to remain available until expended: Provided, That of the funds made available under this heading, \$11,000,000, shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: Provided further, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to

the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: Provided further, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph: Provided further, That of the funds made available under this heading, \$2,000,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: Provided further, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: Provided further, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: Provided further, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That in addition to any other available funds, the Secretary may expend not more than \$1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$30,000,000, to remain available until expended: Provided, That of the total amount appropriated under this heading, the amount equal to the amount of Mutual and Self-Help Housing Grants allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS (INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$34,271,000, to remain available until expended: Provided, That of the total amount appropriated under this heading, the amount equal to the amount of Rural Housing Assistance Grants allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership

Zones: Provided further, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108-447 and Public Law 109-97 shall be transferred to and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account".

**RURAL COMMUNITY FACILITIES PROGRAM
ACCOUNT**

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct loans as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$1,300,000,000.

For the cost of grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$26,274,000, to remain available until expended: Provided, That \$4,242,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That \$5,938,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106-387), with up to 5 percent for administration and capacity building in the State rural development offices: Provided further, That \$3,369,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Community Facilities Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act: Provided further, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL BUSINESS—COOPERATIVE SERVICE

**RURAL BUSINESS PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)**

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described

in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, \$79,665,000, to remain available until expended: Provided, That of the amount appropriated under this heading, not to exceed \$475,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and \$2,900,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: Provided further, That \$4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including \$250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Business Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural business and cooperative development programs described in section 381E(d)(3) of the Consolidated Farm and Rural Development Act: Provided further, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

**RURAL DEVELOPMENT LOAN FUND PROGRAM
ACCOUNT**

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$20,661,000. For the cost of direct loans, \$7,000,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$1,000,000 shall be available through June 30, 2012, for Federally Recognized Native American Tribes and of which \$2,000,000 shall be available through June 30, 2012, for Mississippi Delta Region counties (as determined in accordance with Public Law 100-460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated under this heading, the amount equal to the amount of Rural Development Loan Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$4,684,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

**RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM
ACCOUNT**

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Elec-

trification Act, for the purpose of promoting rural economic development and job creation projects, \$33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, \$155,000,000 shall not be obligated and \$155,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$27,915,000, of which \$2,250,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed \$2,938,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which \$16,005,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees and grants, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), \$4,500,000: Provided, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

**RURAL WATER AND WASTE DISPOSAL PROGRAM
ACCOUNT**

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, \$509,295,000, to remain available until expended, of which not to exceed \$422,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$844,000 shall be available for the rural utilities program described in section 306E of such Act: Provided, That \$67,200,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act, Federally recognized Native American Tribes authorized by 306C(a)(1), and the Department of Hawaiian Home Lands (of the State of Hawaii): Provided further, That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105-83: Provided further, That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105-83 for training and technical assistance programs: Provided further, That not to exceed \$19,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the

Secretary makes a determination of extreme need, of which \$5,750,000 shall be made available for a grant to a qualified non-profit multi-state regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than \$800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: Provided further, That not to exceed \$15,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Water and Waste Disposal Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act: Provided further, That \$10,000,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Costs Grants Account: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of such Act be transferred to and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

**RURAL ELECTRIFICATION AND
TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)**

The principal amount of direct and guaranteed loans as authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936) shall be made as follows: 5 percent rural electrification loans, \$100,000,000; loans made pursuant to section 306 of that Act, rural electric, \$6,500,000,000; guaranteed underwriting loans pursuant to section 313A, \$424,286,000; 5 percent rural telecommunications loans, \$145,000,000; cost of money rural telecommunications loans, \$250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$295,000,000: Provided, That up to \$2,000,000,000 may be used for the construction, acquisition, or improvement of fossil-fueled electric generating plants (whether new or existing) that utilize carbon sequestration systems.

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: \$594,000 for guaranteed underwriting loans authorized by section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1).

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$36,382,000, which shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

**DISTANCE LEARNING, TELEMEDICINE, AND
BROADBAND PROGRAM**

For the principal amount of broadband telecommunication loans, \$282,686,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$28,570,000, to remain available until expended: Provided, That \$3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: Provided further, That \$3,000,000 shall be made available to those non-commercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, \$8,000,000, to remain available until expended: Provided, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, \$10,372,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

**OFFICE OF THE UNDER SECRETARY FOR FOOD,
NUTRITION AND CONSUMER SERVICES**

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, \$770,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$18,151,176,000, to remain available through September 30, 2013, of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: Provided, That the total amount available, \$1,000,000 shall be available to implement section 23 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.): Provided further, That section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by adding at the end before the period, “except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21”.

**SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
WOMEN, INFANTS, AND CHILDREN (WIC)**

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$6,582,497,000, to remain available through September 30, 2013: Provided, That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)), of the amounts made available under this heading, not less than \$60,000,000 shall be used for breast-feeding peer counselors

and other related activities: Provided further, That funds made available for the purposes specified in section 17(h)(10)(B) shall only be made available upon a determination by the Secretary that funds are available to meet case-load requirements: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), \$80,402,722,000, of which \$3,000,000,000, to remain available through September 30, 2013, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: Provided further, That of the funds made available under this heading, \$1,000,000 may be used to provide nutrition education services to state agencies and Federally recognized tribes participating in the Food Distribution Program on Indian Reservations: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, notwithstanding section 16(h)(1) of the Food and Nutrition Act of 2008: Provided further, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers’ Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$242,336,000, to remain available through September 30, 2013: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2011 to support the Seniors Farmers’ Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2013: Provided further, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, \$140,130,000: Provided, That \$2,000,000 shall be used for the purposes of section 4404 of Public Law 107–171, as amended by section 4401 of Public Law 110–246.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$176,347,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: Provided further, That funds made available for middle-income country training programs and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83-480) and the Food for Progress Act of 1985, \$2,666,000, shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses": Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83-480, as amended), for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,562,000,000, to remain available until expended.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), \$188,000,000, to remain available until expended: Provided, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$6,465,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$6,129,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$336,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$3,859,402,000: Provided, That of the amount provided under this heading, \$702,172,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2013 but collected in fiscal year 2012; \$57,605,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$21,768,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$5,706,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$477,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s and shall be credited to this account and remain available until expended; \$12,364,000 shall be derived from food and feed recall fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act (Public Law 75-717), as amended by the Food Safety Modernization Act (Public Law 111-353), and shall be credited to this account and remain available until expended; and \$71,066,000 shall be derived from voluntary qualified importer program fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act (Public Law 75-717), as amended by the Food Safety Modernization Act (Public Law 111-353), and shall be credited to this account and remain available until expended: Provided further, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees that exceed the fiscal year 2012 limitation are appropriated and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, animal drug, animal generic drug, and tobacco product assessments for fiscal year 2012 received during fiscal year 2012, including any such fees assessed prior to fiscal year 2012 but credited for fiscal year 2012, shall be subject to the fiscal year 2012 limitations: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) \$944,979,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$978,205,000 shall be for the

Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than \$52,947,000 shall be available for the Office of Generic Drugs; (3) \$328,886,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$166,365,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$356,659,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$60,039,000 shall be for the National Center for Toxicological Research; (7) \$454,751,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed \$133,879,000 shall be for Rent and Related activities, of which \$43,981,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed \$209,392,000 shall be for payments to the General Services Administration for rent; and (10) \$226,247,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Foods, the Office of Medical and Tobacco Products, the Office of Global and Regulatory Policy, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: Provided further, That not to exceed \$25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: Provided further, That funds be may transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that discloses, with respect to all drugs, devices, and biological products approved, cleared, or licensed under the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act during calendar year 2011, including such drugs, devices, and biological products so approved, cleared, or licensed using funds made available under this Act: (1) the average number of calendar days that elapsed from the date that drug applications (including any supplements) were submitted to such Secretary under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) until the date that the drugs were approved under such section 505; (2) the average number of calendar days that elapsed from the date that applications for device clearance (including any supplements) under section 510(k) of such Act (21 U.S.C. 360(k)) or for premarket approval (including any supplements) under section 515 of such Act (21 U.S.C. 360e) were submitted to such Secretary until the date that the devices were cleared under such section 510(k) or approved under such section 515; and (3) the average number of calendar days that elapsed from the date that biological license applications (including any supplements) were submitted to such Secretary under section 351 of the Public Health Service Act (42 U.S.C. 262) until the date that the biological products were licensed under such section 351.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, and priority review user fees authorized by 21 U.S.C. 360n may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise

provided, \$8,982,000, to remain available until expended.

INDEPENDENT AGENCY

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$62,000,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 204 passenger motor vehicles, of which 170 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 711 of this Act: Provided further, That of annual income amounts in the Working Capital Fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement and implementation of a financial management plan, information technology, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: Provided further, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the limitation on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

SEC. 703. No part of any appropriation contained in this Act shall remain available for ob-

ligation beyond the current fiscal year unless expressly so provided herein.

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 706. Hereafter, none of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 707. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over \$25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 708. Funds made available under section 12401 and section 1241(a) of the Food Security Act of 1985 and section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 709. Hereafter, notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 710. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SEC. 711. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of the fiscal year from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, 2013, for information technology expenses.

SEC. 712. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum amount of liquid infant formula specified in 7 C.F.R. 246.10 when issuing liquid infant formula to participants.

SEC. 713. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 714. In the case of each program established or amended by the Food, Conservation, and Energy Act of 2008 (Public Law 110-246), other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 715. Funds provided by this Act may be used notwithstanding the requirements of 7 U.S.C. 1736f(e)(1).

SEC. 716. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery or that the closing or relocation would result in cost savings: Provided, That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies in writing the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.

SEC. 717. Appropriations to the Department of Agriculture made available in fiscal years 2005, 2006, and 2007 to carry out section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) for the cost of direct loans shall remain available until expended to disburse valid obligations.

SEC. 718. None of the funds made available in fiscal year 2012 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of \$20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 719. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 720. Notwithstanding any other provision of law, school food authorities which received a

grant for equipment assistance under the grant program carried out pursuant to the heading "Food and Nutrition Service Child Nutrition Programs" in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) shall be eligible to receive a grant under section 749 (j) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80).

SEC. 721. There is hereby appropriated \$1,996,000 to carry out section 1621 of Public Law 110-246.

SEC. 722. There is hereby appropriated \$600,000 to the Farm Service Agency to carry out a pilot program to demonstrate the use of new technologies that increase the rate of growth of reforested hardwood trees on private non-industrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.

SEC. 723. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds, or in the case of the Department of Agriculture, through use of the authority provided by section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89-106 (7 U.S.C. 2263), that—

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes offices, programs, or activities;

or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Secretary of Agriculture or the Secretary of Health and Human Services (as the case may be) notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming or use of the authorities referred to in subsection (a) involving funds in excess of \$500,000 or 10 percent, whichever is less, that:

- (1) augments existing programs, projects, or activities;
- (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or
- (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Secretary of Agriculture or the Secretary of Health and Human Services (as the case may be) notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(c) The Secretary of Agriculture or the Secretary of Health and Human Services shall no-

tify in writing the Committees on Appropriations of both Houses of Congress before implementing any program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

(d) As described in this section, no funds may be used for any activities unless the Secretary of Agriculture or the Secretary of Health and Human Services receives in writing from the Committee on Appropriations of both Houses of Congress confirmation of receipt of the notification required in this section.

SEC. 724. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2013 appropriations Act.

SEC. 725. The Secretary may reserve, through April 1, 2012, up to 5 percent of the funding available for the following items for projects in areas that are engaged in strategic regional development planning as defined by the Secretary: business and industry guaranteed loans; rural development loan fund; rural business enterprise grants; rural business opportunity grants; rural economic development program; rural microenterprise program; biorefinery assistance program; rural energy for America program; value-added producer grants; broadband program; water and waste program; and rural community facilities program.

SEC. 726. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the following:

(1) The Conservation Stewardship Program authorized by sections 1238D-1238G of the Food Security Act of 1985 (16 U.S.C. 3838d-3838g) in excess of \$809,000,000;

(2) The Watershed Rehabilitation program authorized by section 14(h) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h));

(3) The Environmental Quality Incentives Program as authorized by sections 1240-1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa-3839aa-8) in excess of \$1,400,000,000: Provided, That up to \$20,000,000 of the funds made available for the Environmental Quality Incentives Program as authorized by sections 1240-1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa-3839aa(8)) may be transferred to a program as authorized by 16 U.S.C. 1301-1311 to enroll agricultural lands that experienced significant flooding, as determined by the Secretary, in calendar year 2011: Provided further, That no more than \$10,000,000 may be used for agreements entered into with owners or operators in any one State;

(4) The Farmland Protection Program as authorized by section 1238I of the Food Security Act of 1985 (16 U.S.C. 3838i) in excess of \$150,000,000;

(5) The Grassland Reserve Program as authorized by sections 1238O-1238Q of the Food Security Act of 1985 (16 U.S.C. 3838o-3838q) in excess of 140,907 acres in fiscal year 2012;

(6) The Wetlands Reserve Program authorized by sections 1237-1237F of the Food Security Act of 1985 (16 U.S.C. 3837-3837f) to enroll in excess of 185,800 acres in fiscal year 2012;

(7) The Wildlife Habitat Incentives Act authorized by section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1)) in excess of \$50,000,000;

(8) The Voluntary Public Access and Habitat Incentives Program authorized by section 1240R of the Food Security Act of 1985 (16 U.S.C. 3839bb-5);

(9) The Bioenergy Program for Advanced Biofuels authorized by section 9005 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105) in excess of \$75,000,000;

(10) The Rural Energy for America Program authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107) in excess of \$34,000,000;

(11) Section 508(d)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(3)) to provide a performance-based premium discount in the crop insurance program;

(12) Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act, as amended (7 U.S.C. 1524) in excess of \$2,500,000 for the Natural Resources Conservation Service; and

(13) A program under subsection (b)(2)(A)(iv) of section 14222 of Public Law 110-246 in excess of \$948,000,000, as follows: Child Nutrition Programs Entitlement Commodities—\$465,000,000; State Option Contracts—\$5,000,000; Removal of Defective Commodities—\$2,500,000: Provided, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110-246 in excess of \$20,000,000, including the transfer of funds under subsection (c) of section 14222 of Public Law 110-246, until October 1, 2012: Provided further, That \$133,000,000 made available on October 1, 2012, to carry out section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110-246 shall be excluded from the limitation described in subsection (b)(2)(A)(v) of section 14222 of Public Law 110-246: Provided further, That none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture or officer of the Commodity Credit Corporation to carry out clause 3 of section 32 of the Agricultural Adjustment Act of 1935 (Public Law 74-320, 7 U.S.C. 612c, as amended), or for any surplus removal activities or price support activities under section 5 of the Commodity Credit Corporation Charter Act: Provided further, That of the available unobligated balances under (b)(2)(A)(iv) of section 14222 of Public Law 110-246, \$150,000,000 are hereby rescinded.

SEC. 727. Hereafter, notwithstanding section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the Secretary may assess a one-time fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

SEC. 728. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 729. (a) Clause (ii) of section 524(b)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)) is amended—

(1) in the heading, by striking "fiscal years 2008 through 2012" and inserting "certain fiscal years"; and

(2) in the text, by striking "2012" and inserting "2014".

(b) Section 1238E(a) of the Food Security Act of 1985 (16 U.S.C. 3838e(a)) is amended by striking "2012" and inserting "2014".

(c) Section 1240B(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa-2(a)) is amended by striking "2012" and inserting "2014".

(d) Section 1241(a)(6)(E) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(6)(E)) is amended by striking "fiscal year 2012" and inserting "each of fiscal years 2012 through 2014".

(e) Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "2012," and inserting "2012 (and fiscal year 2014 in the case of the programs specified in paragraphs (3)(B), (4), (6), and (7)),"; and

(2) in paragraph (4)(E), by striking "fiscal year 2012" and inserting "each of fiscal years 2012 through 2014".

(f) Section 1241(a)(7)(D) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(7)(D)) is amended by striking "2012" and inserting "2014".

SEC. 730. Any unobligated funds included under Treasury symbol codes 12X3336, 12X2268, 12X0132, 12X2271, 12X2277, 12X1404, 12X1501, and 12X1336 are hereby rescinded.

SEC. 731. Of the unobligated balances provided pursuant to section 16(h)(1)(A) of the Food and Nutrition Act of 2008, \$11,000,000 are hereby rescinded.

SEC. 732. There is hereby appropriated for the "Emergency Conservation Program", for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$78,000,000, to remain available until expended: Provided, That this amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended: Provided further, That there is hereby appropriated for the "Emergency Forest Restoration Program", for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$49,000,000, to remain available until expended: Provided further, That this amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended: Provided further, That there is hereby appropriated for the "Emergency Watershed Protection Program", for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$139,000,000, to remain available until expended: Provided further, That this amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

SEC. 733. (a) Notwithstanding any other provision of this Act—

(1) the amount provided under section 732 for the emergency conservation program for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is increased by \$48,700,000; and

(2) the amount provided under section 732 for the emergency watershed protection program for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is increased by \$61,200,000.

(b) The additional amounts provided under subsection (a)—

(1) are designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D));

(2) are subject to the same terms and conditions as any other amounts provided under section 732 for the same purposes; and

(3) shall remain available until expended.

SEC. 734. Unobligated balances not to exceed \$31,000,000 for the "Emergency Watershed Protection Program" provided in Public Law 108-199, Public Law 109-234, and Public Law 110-28 shall be available for the purposes of such program for disasters occurring in 2011, and shall remain available until expended: Provided, That the amounts made available by this section are designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

SEC. 735. None of the funds made available by this Act may be used to implement an interim final or final rule that—

(1) sets any maximum limits on the serving of vegetables in school meal programs established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

(2) is inconsistent with the recommendations of the most recent Dietary Guidelines for Americans for vegetables.

SEC. 736. For fiscal year 2012, section 363 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006e) shall not apply to a project funded under the community facilities programs authorized under such Act.

SEC. 737. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report describing plans to implement reductions to salaries and expenses accounts included in this Act.

SEC. 738. None of the funds made available by this Act may be used by the Secretary of Agriculture to provide direct payments under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to any person or legal entity that has an average adjusted gross income (as defined in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a)) in excess of \$1,000,000.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012".

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of

alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$245,250 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$441,104,000, to remain available until September 30, 2013, of which \$9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: Provided further, That up to \$2,500,000 from amounts provided herein may be available for necessary expenses of the Commercial Law Development Program, including those authorized under section 636(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(a)).

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$11,250 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$98,138,000, to remain available until expended, of which \$31,279,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 603 of the America COMPETES Reauthorization Act of 2010 (Public Law

111–358), \$220,000,000, to remain available until expended, of which \$1,000,000 shall be for economic adjustment assistance grants under section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to support innovative, utility-administered energy efficiency programs for small businesses.

For an additional amount for “Economic Development Assistance Programs” for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$135,000,000, to remain available until expended: Provided, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

For an additional amount for “Economic Development Assistance Programs” for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$365,000,000, to remain available until expended: Provided, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$37,166,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$29,732,000.

ECONOMIC AND STATISTICAL ANALYSIS SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$95,119,000.

BUREAU OF THE CENSUS SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$253,336,000: Provided, That from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, \$690,000,000, to remain available until September 30, 2013: Provided, That from amounts provided herein, funds may be used for additional promotion, outreach, and marketing activities: Provided further, That within the amounts appropriated, \$1,000,000 shall be transferred to the Office of the Inspector General for activities associated with carrying out investigations and audits related to the Bureau of the Census.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and

Information Administration (NTIA), \$45,568,000, to remain available until September 30, 2013: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are hereafter available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, \$2,706,313,000 to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2012, so as to result in a fiscal year 2012 appropriation from the general fund estimated at \$0: Provided further, That during fiscal year 2012, should the total amount of offsetting fee collections and the surcharge provided herein be less than \$2,706,313,000 this amount shall be reduced accordingly: Provided further, That any amount received in excess of \$2,706,313,000 in fiscal year 2012 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: Provided further, That the Director of the Patent and Trademark Office shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That from amounts provided herein, not to exceed \$750 shall be made available in fiscal year 2012 for official reception and representation expenses: Provided further, That in fiscal year 2012 from the amounts made available for “Salaries and Expenses” for the USPTO, the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO’s specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO’s specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life In-

surance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: Provided further, That any differences between the present value factors published in OPM’s yearly 300 series benefit letters and the factors that OPM provides for PTO’s specific use shall be recognized as an imputed cost on PTO’s financial statements, where applicable: Provided further, That sections 801, 802, and 803 of division B, Public Law 108–447 shall remain in effect during fiscal year 2012: Provided further, That the Director may, this year, reduce by regulation fees payable for documents in patent and trademark matters, in connection with the filing of documents filed electronically in a form prescribed by the Director: Provided further, That there shall be a surcharge of 15 percent, as provided for by section 11(i) of the Leahy-Smith America Invents Act: Provided further, That hereafter the Director shall reduce fees for providing prioritized examination of utility and plant patent applications by 50 percent for small entities that qualify for reduced fees under 35 U.S.C. 41(h)(1), so long as the fees of the prioritized examination program are set to recover the estimated cost of the program: Provided further, That the receipts collected as a result of these surcharges shall be available within the amounts provided herein to the United States Patent and Trademark Office without fiscal year limitation, for all authorized activities and operations of the Office: Provided further, That within the amounts appropriated, \$1,000,000 shall be transferred to the Office of Inspector General for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$500,000,000, to remain available until expended, of which not to exceed \$9,000,000 may be transferred to the “Working Capital Fund”: Provided, That not to exceed \$5,000 shall be for official reception and representation expenses.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Industrial Technology Services, \$120,000,000 to remain available until expended: Provided, That of the amounts appropriated herein, \$120,000,000 shall be for the Hollings Manufacturing Extension Partnership.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, \$60,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$3,134,327,000, to remain available until September 30, 2013, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2014: Provided, That fees and donations received by the National Ocean Service for

the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, \$109,098,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That of the \$3,250,425,000 provided for in direct obligations under this heading \$3,134,327,000 is appropriated from the general fund, and \$109,098,000 is provided by transfer and \$7,000,000 is derived from recoveries of prior year obligations: Provided further, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed \$41,105,000: Provided further, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed \$219,291,000: Provided further, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration (NOAA), \$1,833,594,000, to remain available until September 30, 2014, except funds provided for construction of facilities which shall remain available until expended: Provided, That of the \$1,841,594,000 provided for in direct obligations under this heading, \$1,833,594,000 is appropriated from the general fund and \$8,000,000 is provided from recoveries of prior year obligations: Provided further, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each NOAA Procurement, Acquisition or Construction project having a total of more than \$5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

PACIFIC COASTAL SALMON RECOVERY FUND

For necessary expenses associated with the restoration of Pacific salmon populations, \$65,000,000, to remain available until September 30, 2013: Provided, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and Federally recognized tribes of the Columbia

River and Pacific Coast (including Alaska) for projects necessary for conservation of salmon and steelhead populations, for restoration of populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: Provided further, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: Provided further, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$350,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2012, obligations of direct loans may not exceed \$24,000,000 for Individual Fishing Quota loans and not to exceed \$59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: Provided, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$5,000 for official reception and representation, \$56,726,000.

RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of Department of Commerce facilities, \$5,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended), \$26,946,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogram-

ming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce: Provided further, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. The requirements set forth by section 112 of division B of Public Law 110-161 are hereby adopted by reference.

SEC. 106. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to \$200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 107. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 108. The administration of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 109. All balances in the Coastal Zone Management Fund, whether unobligated or unavailable, are hereby permanently cancelled, and notwithstanding section 308(b) of the Coastal Zone Management Act of 1972, as amended

(16 U.S.C. 1456a), any future payments to the Fund made pursuant to sections 307 (16 U.S.C. 1456) and 308 (16 U.S.C. 1456a) of the Coastal Zone Management Act of 1972, as amended, shall, in this fiscal year and any future fiscal years, be treated in accordance with the Federal Credit Reform Act of 1990, as amended.

SEC. 110. There is established in the Treasury a non-interest bearing fund to be known as the "Fisheries Enforcement Asset Forfeiture Fund", which shall consist of all sums received as fines, penalties, and forfeitures of property for violations of any provisions of 16 U.S.C. chapter 38 or of any other marine resource law enforced by the Secretary of Commerce, including the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) and with the exception of collections pursuant to 16 U.S.C. 1437, which are currently deposited in the Operations, Research, and Facilities account: Provided, That all unobligated balances that have been collected pursuant to 16 U.S.C. 1861 or any other marine resource law enforced by the Secretary of Commerce with the exception of 16 U.S.C. 1437 shall be transferred from the Operations, Research, and Facilities account into the Fisheries Enforcement Asset Forfeiture Fund and shall remain available until expended.

SEC. 111. There is established in the Treasury a non-interest bearing fund to be known as the "Sanctuaries Enforcement Asset Forfeiture Fund", which shall consist of all sums received as fines, penalties, and forfeitures of property for violations of any provisions of 16 U.S.C. chapter 38, which are currently deposited in the Operations, Research, and Facilities account: Provided, That all unobligated balances that have been collected pursuant to 16 U.S.C. 1437 shall be transferred from the Operations, Research, and Facilities account into the Sanctuaries Enforcement Asset Forfeiture Fund and shall remain available until expended.

SEC. 112. Notwithstanding any other provision of law, the National Oceanic and Atmospheric Administration is authorized to receive and expend funds made available by any Federal agency, State or subdivision thereof, public or private organization, or individual to carry out any statute administered by the National Oceanic and Atmospheric Administration: Provided, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 113. (a) The Secretary of State shall ensure participation in the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean ("Commission") and its subsidiary bodies by American Samoa, Guam, and the Northern Mariana Islands (collectively, the U.S. Participating Territories) to the same extent provided to the territories of other nations.

(b) The U.S. Participating Territories are each authorized to use, assign, allocate, and manage catch limits of highly migratory fish stocks, or fishing effort limits, agreed to by the Commission for the participating territories of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, through arrangements with U.S. vessels with permits issued under the Pelagics Fishery Management Plan of the Western Pacific Region. Vessels under such arrangements are integral to the domestic fisheries of the U.S. Participating Territories provided that such arrangements shall impose no requirements regarding where such vessels must fish or land their catch and shall be funded by deposits to the Western Pacific Sustainable Fisheries Fund in support of fisheries development projects identified in a Territory's Marine

Conservation Plan and adopted pursuant to section 204 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1824). The Secretary of Commerce shall attribute catches made by vessels operating under such arrangements to the U.S. Participating Territories for the purposes of annual reporting to the Commission.

(c) The Western Pacific Regional Fisheries Management Council—

(1) is authorized to accept and deposit into the Western Pacific Sustainable Fisheries Fund funding for arrangements pursuant to subsection (b);

(2) shall use amounts deposited under paragraph (1) that are attributable to a particular U.S. Participating Territory only for implementation of that Territory's Marine Conservation Plan adopted pursuant to section 204 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1824); and

(3) shall recommend an amendment to the Pelagics Fishery Management Plan for the Western Pacific Region, and associated regulations, to implement this section.

(d) Subsection (b) shall remain in effect until such time as—

(1) the Western Pacific Regional Fishery Management Council recommends an amendment to the Pelagics Fishery Management Plan for the Western Pacific Region, and implementing regulations, to the Secretary of Commerce that authorize use, assignment, allocation, and management of catch limits of highly migratory fish stocks, or fishing effort limits, established by the Commission and applicable to U.S. Participating Territories;

(2) the Secretary of Commerce approves the amendment as recommended; and

(3) such implementing regulations become effective.

SEC. 114. (a) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the National Aquatic Animal Health Task Force shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report of the findings of the research objectives described in subsection (b).

(b) RESEARCH AND SURVEILLANCE.—The National Aquatic Animal Health Task Force shall establish Infectious Salmon Anemia research objectives, in collaboration with the Government of Canada, and Federal, State, and tribal governments, including the Department of Fish and Wildlife of Washington and the Department of Fish and Game of Alaska, to assess—

(1) the prevalence of Infectious Salmon Anemia in both wild and aquaculture salmonid populations throughout Alaska, Washington, Oregon, California, and Idaho;

(2) genetic susceptibility by population and species;

(3) susceptibility of populations to Infectious Salmon Anemia from geographic and oceanographic factors;

(4) potential transmission pathways between infectious Canadian sockeye and uninfected salmonid populations in United States waters;

(5) management strategies to rapidly respond to potential Infectious Salmon Anemia outbreaks in both wild and aquaculture populations, including securing the water supplies at conservation hatcheries to protect hatchery fish from exposure to the Infectious Salmon Anemia virus present in incoming surface water;

(6) potential economic impacts of Infectious Salmon Anemia;

(7) any role foreign salmon farms may have in spreading Infectious Salmon Anemia to wild populations;

(8) the identity of any potential Federal, State, tribal, and international research partners;

(9) available baseline data, including baseline data available from a collaborating entity; and

(10) other Infectious Salmon Anemia research priorities, as determined by the Task Force.

This title may be cited as the "Department of Commerce Appropriations Act, 2012".

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$115,886,000, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: Provided, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: Provided further, That \$18,903,000 is for Department Leadership; \$8,311,000 is for Intergovernmental Relations/External Affairs; \$12,925,000 is for Executive Support/Professional Responsibility; and \$75,747,000 is for the Justice Management Division: Provided further, That any change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: Provided further, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

NATIONAL DRUG INTELLIGENCE CENTER

For necessary expenses of the National Drug Intelligence Center, including reimbursement of Air Force personnel for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, \$20,000,000: Provided, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counterterrorism, and national security investigations and operations.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, \$47,000,000, to remain available until expended.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nationwide Integrated Wireless Network supporting Federal law enforcement communications, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, \$87,000,000, to remain available until expended: Provided, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, \$294,082,000, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, \$1,563,453,000, to remain available until expended: Provided, That the Trustee

shall be responsible for managing the Justice Prisoner and Alien Transportation System: Provided further, That not to exceed \$20,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$84,199,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, \$12,577,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$846,099,000, of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed \$7,500 shall be available to INTERPOL Washington for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): Provided further, That of the amounts provided under this heading for the election monitoring program \$3,390,000, shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$159,587,000, to remain available until expended: Provided, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be \$108,000,000 in fiscal year 2012), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at \$51,587,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$1,891,532,000: Provided, That of the total amount appropriated, not to exceed \$6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$25,000,000 shall remain available until expended: Provided further, That of the amount provided under this heading, not less than \$43,184,000 shall be used for salaries and expenses for assistant U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) concerning the prosecution of offenses relating to the sexual exploitation of children.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, \$234,115,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, \$234,115,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the Fund estimated at \$0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, \$2,071,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$270,000,000, to remain available until expended: Provided, That not to exceed \$10,000,000 may be made available for construction of buildings for protected witness safehouses: Provided further, That not to exceed \$3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: Provided further, That not to exceed \$11,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$11,227,000: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expendi-

ture except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), \$20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,111,041,000; of which not to exceed \$10,000,000 shall be available for necessary expenses for increased deputy marshals and staff related to Southwest border enforcement until September 30, 2012; of which not to exceed \$6,000 shall be available for official reception and representation expenses; and of which not to exceed \$20,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$20,250,000, of which \$8,250,000 shall be available for detention upgrades at Federal courthouses located in the Southwest border region, to remain available until expended; of which not less than \$9,696,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, \$86,007,000; of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$516,962,000, of which \$50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, \$7,785,000,000, of which not to exceed \$150,000,000 shall remain available until expended: Provided, That not to exceed \$153,750 shall be available for official reception and representation expenses.

CONSTRUCTION

For all necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of Federally owned buildings; and preliminary planning and design of projects; \$75,000,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, \$1,900,084,000; of which not to exceed \$75,000,000 shall remain available until expended; and of which not to exceed \$75,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings; and operation and maintenance of secure work environment facilities and secure networking capabilities; \$10,000,000, to remain available until expended.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed \$30,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,090,292,000, of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which not to exceed \$20,000,000 shall remain available until expended: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of "Curios or relics" in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2012: Provided further, That, beginning in fiscal year 2012 and

thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: Provided further, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed \$35, of which \$808 are for replacement only) and hire of law enforcement and passenger motor ve-

hicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$6,589,781,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed \$4,500 shall be available for official reception and representation expenses: Provided further, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2013: Provided further, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$90,000,000, to remain available until expended, of which not less than \$66,965,000 shall be available only for modernization, maintenance and repair, and of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That none of the funds provided under this heading in this or any prior Act shall be available for the acquisition of any facility that is to be used wholly or in part for the incarceration or detention of any individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES,

FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be

available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT
ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN
VIOLENCE AGAINST WOMEN PREVENTION AND
PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) ("the 2000 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); and for related victims services, \$417,663,000, to remain available until expended: Provided, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: Provided further, That of the amount provided—

(1) \$194,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act, of which, notwithstanding such part T, \$10,000,000 shall be available for programs relating to children exposed to violence;

(2) \$25,000,000 is for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act;

(3) \$3,000,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(4) \$10,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: Provided, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303 and 41305 of the 1994 Act shall be available for this program: Provided further, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act;

(5) \$45,913,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which \$5,000,000 is for a homicide initiative;

(6) \$25,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) \$34,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) \$9,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) \$45,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) \$4,000,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(11) \$11,250,000 is for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(12) \$5,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) \$4,000,000 is for the court training and improvements program, as authorized by section 41002 of the 1994 Act, of which \$1,000,000 is to be used for a family court initiative;

(14) \$1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(15) \$1,000,000 is for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act; and

(16) \$500,000 is for the Office on Violence Against Women to establish a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office on Violence Against Women, \$20,580,000.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION, AND STATISTICS
(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Justice for All Act of 2004 (Public Law 108-405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Second Chance Act of 2007 (Public Law 110-199); the Victims of Crime Act of 1984 (Public Law 98-473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110-401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) ("the 2002 Act"); and other programs; \$121,000,000, to remain available until expended, of which—

(1) \$45,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which \$36,000,000 is for the administration and redesign of the National Crime Victimization Survey;

(2) \$40,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act: Provided, That of the amounts provided under this heading, \$5,000,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the National Institute of Justice for research, testing and evaluation programs;

(3) \$1,000,000 is for an evaluation clearinghouse program; and

(4) \$35,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE
(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108-405); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) ("the 2002 Act"); the Second Chance Act of 2007 (Public Law 110-199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110-403); the Victims of Crime Act of 1984 (Public Law 98-473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416); and other programs; \$1,063,498,000, to remain available until expended as follows—

(1) \$395,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of title I of the 1968 Act shall not apply for purposes of this Act); and, notwithstanding such subpart 1, to support innovative, place-based, evidence-based approaches to fighting crime and improving public safety, of which \$3,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, \$4,000,000 is for a State and local assistance help desk and diagnostic center program, \$5,000,000 is for a program to improve State, local and tribal probation supervision efforts and strategies, and \$3,000,000 is for a Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative (VALOR): Provided, That funds made available under this heading may be used at the discretion of the Assistant Attorney General for the Office of Justice Programs to train Federal law enforcement under the VALOR Officer Safety Training Initiative;

(2) \$273,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): Provided, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) \$20,000,000 for the Northern and Southwest Border Prosecutor Initiatives to reimburse State, county, parish, tribal or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) \$21,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

(5) \$10,500,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386 and for programs authorized under Public Law 109-164: Provided, That not less than \$4,690,000 shall be for victim services grants for foreign national victims of trafficking;

(6) \$35,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(7) \$9,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416);

(8) \$10,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(9) \$4,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108-405;

(10) \$10,000,000 for economic, high technology and Internet crime prevention grants, as authorized by section 401 of Public Law 110-403;

(11) \$5,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110-315;

(12) \$23,000,000 for activities, including sex offender management assistance, authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103-322);

(13) \$10,000,000 for an initiative relating to children exposed to violence;

(14) \$20,000,000 for an Edward Byrne Memorial criminal justice innovation program;

(15) \$24,850,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: Provided, That \$1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;

(16) \$1,000,000 for the National Sex Offender Public Web site;

(17) \$10,000,000 for competitive and evidence-based programs to reduce gun crime and gang violence;

(18) \$10,000,000 for grants to assist State and tribal governments as authorized by the NICS Improvement Amendments Act of 2007 (Public Law 110-180);

(19) \$8,000,000 for the National Criminal History Improvement Program for grants to upgrade criminal records;

(20) \$15,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(21) \$131,000,000 for DNA-related and forensic programs and activities, of which—

(A) \$123,000,000 is for the purposes of DNA analysis and DNA capacity enhancement as defined in the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program), of which not less than \$85,500,000 is to be used for grants to crime laboratories for purposes under 42 U.S.C. 14135, section (a); not less than \$11,000,000 is to be used for the purposes of the Solving Cold Cases with DNA Grant Program; not less than \$11,000,000 is to be used to audit and report on the extent of the backlog; and the remainder of funds appropriated under this paragraph may be used to support training programs specific to the needs of DNA laboratory personnel, and for programs outlined in sections 303, 304, 305 and 308 of Public Law 108-405;

(B) \$4,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108-405, section 412); and

(C) \$4,000,000 is for Sexual Assault Forensic Exam Program Grants as authorized by section 304 of Public Law 108-405.

(22) \$2,500,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(23) \$1,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(24) \$3,000,000 for grants and technical assistance in support of the National Forum on Youth Violence Prevention:

Provided, That if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110-401); and other juvenile justice programs, \$251,000,000, to remain available until expended as follows—

(1) \$45,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(2) \$55,000,000 for youth mentoring grants;

(3) \$33,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) \$15,000,000 shall be for the Tribal Youth Program;

(B) \$8,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities; and

(C) \$10,000,000 shall be for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(4) \$20,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(5) \$30,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State;

(6) \$8,000,000 for community-based violence prevention initiatives; and

(7) \$60,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: Provided further, That not more than 2 percent of each amount may be used for training and technical assistance: Provided further, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office of Justice Programs, \$118,572,000.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs, which amounts shall be paid to the "Salaries and Expenses" account), to remain available until expended; and \$16,300,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to "Public Safety Officer Benefits" from available appropriations for the current fiscal year for the Department of Justice as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"), \$231,500,000, to remain available until expended: Provided, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided:

(1) \$1,500,000 is for research, testing, and evaluation programs regarding law enforcement technologies and interoperable communications, and related law enforcement and public safety equipment, which shall be transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office;

(2) \$10,000,000 is for anti-methamphetamine-related activities, which shall be transferred to the Drug Enforcement Administration upon enactment of this Act;

(3) \$20,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities; and

(4) \$200,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: Provided, That notwithstanding subsection (g) of the 1968 Act (42 U.S.C. 3796dd), the Federal share of the costs of a project funded by such grants may not exceed 75 percent unless the Director of the Office of Community Oriented Policing Services waives, wholly or in part, the requirement of a non-Federal contribution to the costs of a project: Provided further, That notwithstanding 42 U.S.C. 3796dd-3(c), funding for hiring or rehiring a career law enforcement officer may not exceed \$125,000, unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: Provided further, That within the amounts appropriated, \$28,000,000 shall be used for the hiring and rehiring of tribal law enforcement officers: Provided further, That within the amounts appropriated, \$10,000,000 is for community policing development activities.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Community Oriented Policing Services Office, \$24,500,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. The Attorney General is authorized to extend through September 30, 2013, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107-296 (28 U.S.C. 599B) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102-395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended

for any new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 214. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this Act under the headings for "Research Evaluation and Statistics", "State and Local Law Enforcement Assistance", and "Juvenile Justice Programs"—

(1) Up to 3 percent of funds made available for grant or reimbursement programs may be used to provide training and technical assistance;

(2) Up to 3 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation or statistical purposes, without regard to the authorizations for such grant or reimbursement programs, and of such amounts, \$1,300,000 shall be transferred to the Bureau of Prisons for Federal inmate research and evaluation purposes; and

(3) 7 percent of funds made available for grant or reimbursement programs:

(A) under the heading "State and Local Law Enforcement Assistance"; or

(B) under the headings "Research, Evaluation and Statistics" and "Juvenile Justice Programs", to be transferred to and merged with funds made available under the heading "State and Local Law Enforcement Assistance", shall be available for tribal criminal justice assistance without regard to the authorizations for such grant or reimbursement programs.

SEC. 215. Notwithstanding any other provision of law, section 20109(a), in subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)), shall not apply to amounts made available by this title.

SEC. 216. Section 530A of title 28, United States Code, is hereby amended by replacing "appropriated" with "used from appropriations", and by inserting "(2)," before "(3)".

SEC. 217. (a) Within 30 days of enactment of this Act, the Attorney General shall report to the Committees on Appropriations of the House of Representatives and the Senate a cost and

schedule estimate for the final operating capability of the Federal Bureau of Investigation's Sentinel program, including the costs of Bureau employees engaged in development work, the costs of operating and maintaining Sentinel for 2 years after achievement of the final operating capability, and a detailed list of the functionalities included in the final operating capability compared to the functionalities included in the previous program baseline.

(b) The report described in subsection (a) shall be submitted concurrently to the Department of Justice Office of Inspector General (OIG) and, within 60 days of receiving such report, the OIG shall provide an assessment of such report to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 218. No funds made available under this Act shall be used to allow the knowing transfer of firearms to agents of drug cartels where law enforcement personnel of the United States do not continuously monitor or control such firearms at all times.

EVALUATION OF GULF COAST CLAIMS FACILITY

SEC. 219. The Attorney General shall identify an independent auditor to evaluate the Gulf Coast Claims Facility.

This title may be cited as the "Department of Justice Appropriations Act, 2012".

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601-6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,100 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$6,000,000.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$5,100,000,000, to remain available until September 30, 2013, of which up to \$10,000,000 shall be available for a reimbursable agreement with the Department of Energy for the purpose of reestablishing facilities to produce fuel required for radio-isotope thermoelectric generators to enable future missions: Provided, That the development cost (as defined under 51 U.S.C. 30104) for the James Webb Space Telescope shall not exceed \$8,000,000,000: Provided further, That should the individual identified under subparagraph (c)(2)(E) of section 30104 of title 51 as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104 of title 51.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$501,000,000, to remain available until September 30, 2013.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space research and technology development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$637,000,000, to remain available until September 30, 2013.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management, personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,775,000,000, to remain available until September 30, 2013: Provided, That not less than \$1,200,000,000 shall be for the Orion multipurpose crew vehicle, not less than \$1,800,000,000 shall be for the heavy lift launch vehicle system which shall have a lift capacity not less than 130 tons and which shall have an upper stage and other core elements developed simultaneously, \$500,000,000 shall be for commercial spaceflight activities, and \$275,000,000 shall be for exploration research and development: Provided further, That \$192,600,000 of the funds provided for commercial spaceflight activities shall only be available after the NASA Administrator certifies to the Committees on Appropriations, in writing, that NASA has published the required notifications of NASA contract actions implementing the acquisition strategy for the heavy lift launch vehicle system identified in section 302 of Public Law 111–267 and has begun to execute relevant contract actions in support of development of the heavy lift launch vehicle system: Provided further, That funds made available under this heading within this Act may be transferred to “Construction and Environmental Compliance and Restoration” for construction activities related to the Orion multipurpose crew vehicle and the heavy lift launch vehicle system: Provided further, That funds so transferred shall be subject to the 5 percent but shall not be subject to the 10 percent transfer limitation described under the Administrative Provisions in this Act for the National Aeronautics and Space Administration, shall be available until September 30, 2017, and shall be treated as a reprogramming under section 505 of this Act.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$4,285,000,000, to remain available until September 30, 2013: Provided, That of the amounts provided under this heading, not more than \$650,900,000 shall be for Space Shuttle operations, production, research, development, and support, not more than \$2,803,500,000 shall be for International Space Station operations, production, research, development, and support, not more than \$168,000,000 shall be for the 21st Century Launch Complex, and not more than \$662,600,000 shall be for Space and Flight Support: Provided further, That funds made available under this heading for 21st Century Launch Complex may be transferred to “Construction and Environmental Compliance and Restoration” for construction activities only at NASA-owned facilities: Provided further, That funds so transferred shall not be subject to the transfer limitations described in the Administrative Provisions in this Act for the National Aeronautics and Space Administration, shall be available until September 30, 2017, and shall be treated as a reprogramming under section 505 of this Act.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$138,400,000, to remain available until September 30, 2013.

CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$52,500 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,043,073,000: Provided, That not less than \$39,100,000 shall be available for independent verification and validation activities: Provided further, That contracts may be entered into under this heading in fiscal year 2012 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construc-

tion of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, \$422,000,000, to remain available until September 30, 2017: Provided, That hereafter, notwithstanding section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j), all proceeds from leases entered into under that section shall be deposited into this account and shall be available for a period of 5 years, to the extent provided in annual appropriations Acts: Provided further, That such proceeds shall be available for obligation for fiscal year 2012 in an amount not to exceed \$3,960,000: Provided further, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$37,300,000.

ADMINISTRATIVE PROVISIONS

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The unexpired balances of previous accounts, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

Section 40902 of title 51, United States Code, is amended by adding at the end the following:

“(d) AVAILABILITY OF FUNDS.—The interest accruing from the National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund principal shall be available in fiscal year 2012 for the purpose of the Endeavor Science Teacher Certificate Program.”

Section 20145(b)(1) of title 51 is amended by inserting “(A)” before “A person” and adding at the end thereof the following new subparagraph (B) as follows:

“(B) Notwithstanding subparagraph (A), the Administrator may accept in-kind consideration for leases entered into for the purpose of developing renewable energy production facilities.”

The spending plan required by section 540 of this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

NATIONAL SCIENCE FOUNDATION
RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$5,443,000,000, to remain available until September 30, 2013, of which not to exceed \$550,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That not less than \$146,830,000 shall be available for activities authorized by section 7002(c)(2)(A)(iv) of Public Law 110–69: Provided further, That up to \$100,000,000 of funds made available under this heading within this Act may be transferred to “Major Research Equipment and Facilities Construction”: Provided further, That funds so transferred shall not be subject to the transfer limitations described in the Administrative Provisions in this Act for the National Science Foundation, and shall be available until expended only after notification of such transfer to the Committees on Appropriations.

MAJOR RESEARCH EQUIPMENT AND FACILITIES
CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, \$117,055,000, to remain available until expended: Provided, That none of the funds may be used to reimburse the Judgment Fund.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, \$829,000,000, to remain available until September 30, 2013: Provided, That not less than \$54,890,000 shall be available until expended for activities authorized by section 7030 of Public Law 110–69.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$6,900 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$290,400,000: Provided, That contracts may be entered into under this heading in fiscal year 2012 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of

experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), \$4,440,000: Provided, That not to exceed \$2,100 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$14,200,000.

ADMINISTRATIVE PROVISION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

This title may be cited as the “Science Appropriations Act, 2012”.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,193,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: Provided further, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by 42 U.S.C. 1975a: Provided further, That there shall be an Inspector General at the Commission on Civil Rights who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Equal Employment Opportunity Commission (EEOC) shall, by virtue of such appointment, also hold the position of Inspector General of the Commission on Civil Rights: Provided further, That the Inspector General of the Commission on Civil Rights shall utilize personnel of the Office of Inspector General of EEOC in performing the duties of the Inspector General of the Commission on Civil Rights, and shall not appoint any individuals to positions within the Commission on Civil Rights: Provided further, That of the amounts made available in this paragraph, \$800,000 shall be transferred directly to the Office of Inspector General of EEOC upon enactment of this Act for salaries and expenses necessary to carry out the duties of the Inspector General of the Commission on Civil Rights.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325),

and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and nonmonetary awards to private citizens, \$329,837,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$1,875 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For payments to State and local enforcement agencies for authorized services to the Commission, \$29,400,000.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$1,875 for official reception and representation expenses, \$80,062,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$396,106,000, of which \$370,506,000 is for basic field programs and required independent audits; \$4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

ADMINISTRATIVE PROVISION—LEGAL SERVICES
CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2011 and 2012, respectively.

Section 504 of the Departments of Commerce, Justice, and State, and the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104–134) is amended:

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after “)” the following: “that uses Federal funds (or funds from any source with regard to paragraphs (14) and (15) in a manner”;

(2) by striking subsection (d); and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

MARINE MAMMAL COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, \$3,025,000.

OFFICE OF THE UNITED STATES TRADE
REPRESENTATIVE
SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$46,775,000, of which \$1,000,000 shall remain available until expended: Provided, That not to exceed \$93,000 shall be available for official reception and representation expenses.

STATE JUSTICE INSTITUTE
SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) \$5,019,000, of which \$500,000 shall remain available until September 30, 2013: Provided, That not to exceed \$1,875 shall be available for official reception and representation expenses.

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT
SALARIES AND EXPENSES

For necessary expenses to carry out the activities of the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent, as authorized by section 541 of this Act, \$1,700,000 shall be available until expended.

TITLE V
GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that—

(1) creates or initiates a new program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(3) increases funds or personnel by any means for any project or activity for which funds have

been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(5) reorganizes or renames offices, programs or activities, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(8) augments funds for existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds in provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of \$705,000,000 shall not be available for obligation until the following fiscal year.

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types,

makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumen-

tal of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding \$500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The

Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than \$75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to

ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

(RESCISSIONS)

SEC. 529. (a) Of the unobligated balances available to the Department of Commerce, the following funds are hereby rescinded, not later than September 30, 2012, from the following account in the specified amount:

(1) "National Telecommunications and Information Administration, Information Infrastructure Grants", \$2,000,000; and

(2) "National Oceanic and Atmospheric Administration, Foreign Fishing Observer Fund", \$350,000.

(b) Of the amounts made available under section 3010 of the Deficit Reduction Act of 2005 (47 U.S.C. 309 note), \$4,300,000 in unobligated balances are hereby rescinded.

(c) Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are hereby rescinded, not later than September 30, 2012, from the following accounts in the specified amounts—

(1) "Working Capital Fund", \$40,000,000;

(2) "Legal Activities, Assets Forfeiture Fund", \$620,000,000; and an additional \$25,000,000 shall be permanently rescinded;

(3) "United States Marshals Service, Salaries and Expenses", \$7,200,000;

(4) "Drug Enforcement Administration, Salaries and Expenses", \$30,000,000;

(5) "Federal Prison System, Buildings and Facilities", \$35,000,000;

(6) "Office of Justice Programs", \$42,600,000;

(7) "Community Oriented Policing Services", \$10,200,000; and

(8) "Office on Violence Against Women", \$5,000,000.

(d) Within 30 days of enactment of this Act, the Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

(e) The rescissions contained in this section shall not apply to funds provided in this Act.

SEC. 530. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 531. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

SEC. 532. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 533. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 534. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 535. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are "Energy Star" qualified or have the "Federal Energy Management Program" designation.

SEC. 536. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States Government receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 537. None of the funds made available in this Act may be used to relocate the Bureau of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

SEC. 538. (a) The head of any department, agency, board or commission funded by this Act shall submit quarterly reports to the Inspector General, or the senior ethics official for any entity without an inspector general, of the appropriate department, agency, board or commission regarding the costs and contracting procedures relating to each conference held by the department, agency, board or commission during fiscal year 2012 for which the cost to the Government was more than \$20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the department, agency, board or commission in evaluating potential contractors for that conference.

SEC. 539. (a) None of the funds made available in this Act may be used to maintain or establish

a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 540. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation are directed to submit spending plans, signed by the respective department or agency head, to the House and Senate Committees on Appropriations within 30 days of enactment of this Act.

SEC. 541. The amount appropriated or otherwise made available by title IV under the heading "COMMISSION ON WARTIME RELOCATION AND INTERMENT OF LATIN AMERICANS OF JAPANESE DESCENT" is hereby reduced by \$1,700,000.

SEC. 542. The provisions of sections 517(c), 531, and 538 shall apply to all agencies and departments funded by divisions A, B, and C.

SEC. 543. (a) The matter under the heading "SALARIES AND EXPENSES" under the heading "OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE" in title IV of this division is amended by striking "\$46,775,000" and inserting "\$51,251,000".

(b) Of the unobligated balance of amounts made available to the Department of Justice for a fiscal year before fiscal year 2012 for the "Legal Activities, Assets Forfeiture Fund" account, there are permanently rescinded \$8,000,000, in addition to the amount rescinded pursuant to section 529(c)(2).

This Act may be cited as the "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012".

DIVISION C—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$102,202,000, of which not to exceed \$2,618,000 shall be available for the immediate Office of the Secretary; not to exceed \$981,000 shall be available for the Immediate Office of the Deputy Secretary; not to exceed \$19,515,000 shall be available for the Office of the General Counsel; not to exceed \$11,004,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$10,538,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,544,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$25,469,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,046,000 shall be available for the Office of Public Affairs; not to exceed \$1,649,000 shall be available for the Office of the Executive Secretariat; not to exceed \$1,492,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$10,578,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$13,768,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the

Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, \$550,000,000, to remain available through September 30, 2013: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That the Secretary may use up to 35 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than \$10,000,000 and not greater than \$200,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: Provided further, That not less than \$120,000,000 of the funds provided under this heading shall be for projects located in rural areas: Provided further, That for projects located in rural areas, the minimum grant size shall be \$1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: Provided further, That the Secretary may retain up to \$25,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime

Administration, to fund the award and oversight of grants and credit assistance made under this heading.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, \$4,990,000, to remain available through September 30, 2013.

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, implementation of enhanced security controls on network devices, and enhancement of cyber security workforce training tools, \$10,000,000, to remain available through September 30, 2013.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,648,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$9,000,000.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$147,596,000 shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, \$351,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$570,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,068,000, to remain available until September 30, 2013: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, \$143,000,000, to be derived from the Airport and Airway Trust Fund, to remain avail-

able until expended: Provided, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That no funds made available under section 41742 of title 49, United States Code, and no funds made available in this Act or any other Act in any fiscal year, shall be available to carry out the essential air service program under sections 41731 through 41742 of such title 49 in communities in the 48 contiguous States unless the community received subsidized essential air service or received a 90-day notice of intent to terminate service and the Secretary required the air carrier to continue to provide service to the community at any time between September 30, 2010, and September 30, 2011, inclusive: Provided further, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under subsection 41732(b)(3) of title 49, United States Code: Provided further, That if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 103. The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

(RESCISSION)

SEC. 104. Of the amounts made available by section 185 of Public Law 109-115, all unobligated balances as of the date of enactment of this Act are hereby rescinded.

SEC. 105. Notwithstanding section 3324 of title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109-59: Provided, That the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high-quality performance under the contract.

SEC. 106. The Secretary shall post on the Web site of the Department of Transportation a schedule of all meetings of the Credit Council, including the agenda for each meeting, and require the Credit Council to record the minutes of each meeting.

FEDERAL AVIATION ADMINISTRATION OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for,

including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108-176, \$9,635,710,000, of which \$5,000,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$7,560,815,000 shall be available for air traffic organization activities; not to exceed \$1,253,381,000 shall be available for aviation safety activities; not to exceed \$15,005,000 shall be available for commercial space transportation activities; not to exceed \$112,459,000 shall be available for financial services activities; not to exceed \$98,858,000 shall be available for human resources program activities; not to exceed \$337,944,000 shall be available for region and center operations and regional coordination activities; not to exceed \$207,065,000 shall be available for staff offices; and not to exceed \$50,183,000 shall be available for information services: Provided, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That not later than May 31, 2012, the Administrator shall submit to the House and Senate Committees on Appropriations a comprehensive report that describes all of the findings and conclusions reached during the Federal Aviation Administration's efforts to develop an objective, data-driven method for placing air traffic controllers after the successful completion of their training at the Federal Aviation Administration Academy, lists all available options for establishing such method, and discusses the benefits and challenges of each option: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108-176: Provided further, That the amount herein appropriated shall be reduced by \$100,000 for each day after March 31 that such report has not been submitted to the Congress: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year, and a benchmark for assessing the amount of time aviation inspectors spend directly observing industry field operations: Provided further, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after March 31 that such report has not been submitted to Congress: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or im-

plement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than \$9,500,000 shall be for the contract tower cost-sharing program: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$2,630,731,000, of which \$474,000,000 shall remain available until September 30, 2012, and of which \$2,156,731,000 shall remain available until September 30, 2014: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: Provided further, That upon initial submission to the Congress of the fiscal year 2013 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2013 through 2017, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$157,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2014: Provided, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (LIMITATION ON OBLIGATIONS) (AIRPORT AND AIRWAY TRUST FUND) (INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$4,691,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,515,000,000 in fiscal year 2012, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$101,000,000 shall be obligated for administration, not less than \$15,000,000 shall be available for the airport cooperative research program, not less than \$29,250,000 shall be for Airport Technology Research and \$6,000,000, to remain available until expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2012.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2012, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a nonrevenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 115. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 116. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 117. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 4709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 118. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Deputy Assistant Secretary for Administration of the Department of Transportation.

SEC. 119. Subparagraph (D) of section 47124(b)(3) of title 49, United States Code, is amended by striking "benefit." and inserting "benefit, with the maximum allowable local cost share capped at 20 percent."

SEC. 119A. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number from any display of the Federal Aviation Administration's Aircraft Situational Display to Industry data that is made available to the public, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 119B. (a) **COMPENSATION FOR FEDERAL EMPLOYEES.**—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Airport and Airway Trust Fund after 11:59 p.m. on July 22, 2011, through August 5, 2011, may be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) **RATIFICATION OF ESSENTIAL ACTIONS.**—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Airport and Airway Trust Fund after 11:59 p.m. on July 22, 2011, through August 5, 2011, are hereby ratified and approved, if otherwise in accord with the provisions of the Airport and Airway Extension Act of 2011, part IV (Public Law 112-27).

(c) **TRUST FUND CODE.**—Paragraph (1) of section 9502(d) of the Internal Revenue Code of

1986 (26 U.S.C. 9502(d)(1)) is amended by inserting "or the Department of Transportation Appropriations Act, 2012" before the semicolon at the end of subparagraph (A).

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Not to exceed \$415,533,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed \$3,220,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

LIMITATION ON OBLIGATIONS

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$41,107,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2012: Provided, That within the \$41,107,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109-59) for fiscal year 2012: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: Provided further, That such fees are available until expended to pay for such costs: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

LIQUIDATION OF CONTRACT AUTHORIZATION

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$41,846,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

EMERGENCY RELIEF

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, \$1,900,000,000, to remain available until expended, for expenses resulting from a major disaster designated pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)): Provided, That notwithstanding section 125(d)(1) of title 23, United States Code, for an event resulting from a disaster eligible under section 125 of title 23, United States Code, in a State occurring in fiscal years 2011 or 2012, the

Secretary of Transportation may obligate under the Emergency Relief Program more than \$100,000,000 for eligible expenses: Provided further, That notwithstanding section 120 of title 23, United States Code, for expenses resulting from a disaster eligible under section 125 of title 23, United States Code, occurring in fiscal years 2011 or 2012, the Secretary shall extend the time period in 120(e) in consideration of any delay in the State's ability to access damaged facilities to evaluate damage and estimate the cost of repair: Provided further, That notwithstanding sections 120(a) and 120(b) of title 23, United States Code, the Federal share for permanent repairs resulting from a disaster eligible under section 125 of title 23, United States Code, occurring in fiscal years 2011 or 2012 may be up to 100 percent at the Secretary's discretion if the eligible expenses incurred by a State due to such a disaster exceeds twice the State's annual apportionment under the Federal-aid Highway program for the year in which the disaster occurred: Provided further, That the amount provided under this heading is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

RESCISSION

Of unobligated balances of funds made available for obligation from the general fund of the Treasury for programs administered by the Federal Highway Administration in Public Laws 91-605, 93-87, 93-643, 94-280, 96-131, 97-424, 98-8, 98-473, 99-190, 100-17, 100-202, 100-457, 101-164, 101-516, 102-143, 102-240, 103-122, 103-331, 106-346, 107-87, 108-7 and 108-199, excluding any unobligated balance of funds provided for the Appalachian Development Highway System, \$73,000,000 are permanently rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2012, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative take-down authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute \$2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations:

(1) under section 125 of title 23, United States Code;

(2) under section 147 of the Surface Transportation Assistance Act of 1978;

(3) under section 9 of the Federal-Aid Highway Act of 1981;

(4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982;

(5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;

(7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century;

(8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years;

(9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used;

(10) under section 105 of title 23, United States Code, but only in an amount equal to \$639,000,000 for each of fiscal years 2005 through 2010; and

(11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year, and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid Highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid Highways and highway safety construction programs.

SEC. 122. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: Provided, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.

SEC. 123. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of nontoll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a nontoll lane for purposes of determining whether a highway will have fewer nontoll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 124. Of the funds made available in fiscal year 2012 for the Surface Transportation Research, Development, and Deployment Program, the Secretary of Transportation shall transfer \$5,000,000 to the Bureau of Transportation Statistics to carry out section 111 of title 49, United States Code: Provided, That an equivalent amount of fiscal year 2012 obligation limitation associated with the funds to be transferred shall also be transferred.

SEC. 125. Section 127(a)(11) of title 23, United States Code, is amended to read as follows:

“(11)(A) With respect to all portions of the Interstate Highway System in the State of Maine, laws (including regulations) of that State concerning vehicle weight limitations applicable to other State highways shall be applicable in lieu of the requirements under this subsection.

“(B) With respect to all portions of the Interstate Highway System in the State of Vermont, laws (including regulations) of that State concerning vehicle weight limitations applicable to other State highways shall be applicable in lieu of the requirements under this subsection.”.

SEC. 126. Section 112 of the Surface and Air Transportation Programs Extension Act of 2011 is amended by striking “\$196,427,625” and inserting “an amount equal to one-half the sum authorized for such purpose for fiscal year 2011 by section 412(a)(2) of the Surface Transportation Extension Act of 2010”.

SEC. 127. Any road, highway, or bridge that is in operation for less than 30 years or under construction, damaged by an emergency declared by the Governor of the State and concurred in by the Secretary, or declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), may be reconstructed in the same location with the same capacity, dimensions, and design as before the emergency and shall be exempt from any environmental reviews, approvals, licensing, and permit requirements under—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(4) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(5) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(6) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(7) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(8) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetlands); and

(9) any Federal law (including regulations) requiring no net loss of wetlands.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION) (LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, \$250,023,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of \$250,023,000, for “Motor Carrier Safety Operations and Programs” of which \$8,543,000, to remain available for obligation until September 30, 2014, is for the research and technology program and \$1,000,000 shall be available for commercial motor vehicle operator’s grants to carry out section 4134 of Public Law 109–59: Provided further, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: Provided further, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 30, 2012, and September 30, 2012, on the agency’s ability to meet its requirement to conduct compliance reviews on high-risk carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION) (LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, \$307,000,000, to be derived from the High-

way Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$307,000,000, for “Motor Carrier Safety Grants”; of which \$212,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; \$30,000,000 shall be available for the commercial driver’s license improvements program to carry out section 31313 of title 49, United States Code; \$32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; \$5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; \$25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; and \$3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59: Provided further, That of the funds made available for the motor carrier safety assistance program, \$32,000,000 shall be available for audits of new entrant motor carriers: Provided further, That of the prior year unobligated balances for the commercial vehicle information systems and networks deployment program, \$1,000,000 is permanently rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 131. Notwithstanding any other provision of law, States receiving funds for core or expanded deployment activities under the Commercial Vehicle Information Systems and Networks program pursuant to sections 4101(c)(4) and 4126 of Public Law 109–59 that did not meet award eligibility requirements set forth in section 4126; received grant amounts in excess of the maximum amounts specified in sections 4126(c)(2) or 4126(d)(3); or were awarded grants either prior to or after the expiration of the period of performance specified in a grant agreement, shall not be required to repay grant amounts received in error under such sections and, in addition, shall be reimbursed for core or expanded deployment expenditures such States made before the date of the enactment of this Act in reliance on a grant awarded in error under such sections.

SEC. 132. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part

C of subtitle VI of title 49, United States Code, \$140,146,000, of which \$20,000,000 shall remain available through September 30, 2013.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code, \$109,500,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2012, are in excess of \$109,500,000 for programs authorized under 23 U.S.C. 403 and chapter 303 of title 49, United States Code: Provided further, That within the \$109,500,000 obligation limitation for operations and research, \$20,000,000 shall remain available until September 30, 2013 and shall be in addition to the amount of any limitation imposed on obligations for future years.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, \$550,328,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2012, are in excess of \$550,328,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which \$235,000,000 shall be for “Highway Safety Programs” under 23 U.S.C. 402; \$25,000,000 shall be for “Occupant Protection Incentive Grants” under 23 U.S.C. 405; \$48,500,000 shall be for “Safety Belt Performance Grants” under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2013 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years, of which up to \$10,000,000 may be made available by the Secretary as grants to States that enact and enforce laws to prevent distracted driving; \$34,500,000 shall be for “State Traffic Safety Information System Improvements” under 23 U.S.C. 408; \$139,000,000 shall be for “Alcohol-Impaired Driving Countermeasures Incentive Grant Program” under 23 U.S.C. 410; \$25,328,000 shall be for “Administrative Expenses” under section 2001(a)(11) of Public Law 109–59; \$29,000,000 shall be for “High Visibility Enforcement Program” under section 2009 of Public Law 109–59; \$7,000,000 shall be for “Motorcyclist Safety” under section 2010 of Public Law 109–59; and \$7,000,000 shall be for “Child Safety and Child Booster Seat Safety Incentive Grants” under section 2011 of Public Law 109–59: Provided further, That of the funds made available for grants to States that enact and enforce laws to prevent distracted driving, up to \$5,000,000 may be available for the development, production, and use of broadcast and print media advertising for distracted driving prevention: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed \$500,000 of the funds made available for section

410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States: Provided further, That not to exceed \$750,000 of the funds made available for the "High Visibility Enforcement Program" shall be available for the evaluation required under section 2009(f) of Public Law 109-59: Provided further, That of the amounts made available under this heading for "Safety Belt Performance Grants", \$25,000,000 shall be available until expended for the modernization of the National Automotive Sampling System (NASS), and \$5,000,000 shall be available for the development of the Driver Alcohol Detection System for Safety (DADSS), and \$8,500,000 shall be available for "State Traffic Safety Information System Improvements" under 23 U.S.C. 408.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

FEDERAL RAILROAD ADMINISTRATION SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$176,596,000, of which \$12,300,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$30,000,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2012.

OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$544,000,000, to remain available until expended: Provided, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving

and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-Year Financial Plan for fiscal year 2012 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: Provided further, That the budget, business plan, and the 5-Year Financial Plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Auto-train; and commercial activities including contract operations: Provided further, That the budget, business plan and the 5-Year Financial Plan shall include a description of work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by these plans: Provided further, That the budget, business plan and the 5-Year Financial Plan shall include annual information on the maintenance, refurbishment, replacement, and expansion for all Amtrak rolling stock consistent with the comprehensive fleet plan: Provided further, That the Corporation shall provide semiannual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole-source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole-source basis: Provided further, That the Corporation's budget, business plan, 5-Year Financial Plan, semiannual reports, and all subsequent supplemental plans shall be displayed on the Corporation's Web site within a reasonable timeframe following their submission to the appropriate entities: Provided further, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: Provided further, That the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2013 in similar format and substance to those submitted by executive agencies of the Federal Government.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) and 219(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$936,778,000, to remain available until expended, of which not to exceed \$271,000,000 shall be for debt service obligations as authorized by section 102 of such Act: Provided, That after an initial distribution of up to \$200,000,000, which shall be used by the Corporation as a working capital account, all remaining funds shall be provided to the Corporation only on a reimbursable basis: Provided further, That the Secretary may retain up to one-fourth of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects

funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110-432: Provided further, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: Provided further, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: Provided further, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2012 business plan.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make grants for high-speed rail projects as authorized under section 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, \$100,000,000, to remain available until expended: Provided, That the Administrator of the Federal Railroad Administration may retain up to 2 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants and cooperative agreements for intercity and high-speed rail: Provided further, That funds provided under this paragraph are available to the Administrator for the purposes of conducting research and demonstrating technologies supporting the development of high-speed rail in the United States, including the demonstration of next-generation rolling stock fleet technology and the implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: Provided further, That funds provided under this paragraph may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator or a State rail plan consistent with chapter 227 of title 49, United States Code: Provided further, That funds made available for planning activities under the previous proviso may be used to facilitate the preparation of a service development plan and related environmental impact statement for high-speed corridors located in multiple States: Provided further, That the Federal share payable of the costs for which a grant or cooperative agreements is made under this heading shall not exceed 80 percent: Provided further, That in addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this heading, subsections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this heading: Provided further, That a project need not be in a State rail plan developed under chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: Provided further, That recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available

to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word "services" shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 151. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Railroad Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 152. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

FEDERAL TRANSIT ADMINISTRATION ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$98,713,000: Provided, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That upon submission to the Congress of the fiscal year 2013 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on New Starts, including proposed allocations of funds for fiscal year 2013.

FORMULA AND BUS GRANTS (LIQUIDATION OF CONTRACT AUTHORITY) (LIMITATION ON OBLIGATIONS) (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, \$9,400,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, shall not exceed total obligations of \$8,360,565,000 in fiscal year 2012.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312-5315, 5322, and 5506, \$40,000,000, to remain available until expended: Provided, That \$9,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, \$4,100,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and \$6,500,000 is available for university transportation centers program under section 5506 of title 49, United States Code: Provided further, That \$25,400,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For necessary expenses to carry out section 5309 of title 49, United States Code,

\$1,955,000,000, to remain available until expended, of which \$38,000,000 shall be available to carry out section 5309(e) of such title: Provided, That not less than \$510,000,000 shall be available for preliminary engineering, final design, and construction of projects expected to receive a Full Funding Grant Agreements during calendar year 2012: Provided further, That the funds awarded for preliminary engineering and final design under such a grant shall be made available to cover those costs immediately upon grant award: Provided further, That of the funds appropriated under this heading in Public Law 111-8, \$27,000,000 are hereby rescinded.

GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE GAS REDUCTIONS

For grants to public transit agencies for capital investments that will reduce the energy consumption or greenhouse gas emissions of their public transportation systems, \$25,000,000, to remain available through September 30, 2014: Provided, That priority shall be given to projects that use innovative and potentially replicable approaches to reducing energy consumption or greenhouse gas emissions.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110-432, \$150,000,000, to remain available until expended: Provided, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: Provided further, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the Federal Transit Administration's discretionary program appropriations headings for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2014, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2011, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. In addition to the amounts made available under section 5327(c)(1) of title 49, United States Code, the Secretary may use, for program management activities described in section 5327(c)(2), 1 percent of the amount made available to carry out section 5316 of title 49, United States Code: Provided, That funds made available for program management oversight

shall be used to oversee the compliance of a recipient or subrecipient of Federal transit assistance consistent with activities identified under section 5327(c)(2) and for purposes of enforcement.

SEC. 165. (a) Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 166. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(6)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities.

SEC. 167. Hereafter, the Secretary may not enforce regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency who during fiscal year 2008 was both initially granted a 60-day period to come into compliance with part 604, and then was subsequently granted an exception from said part.

SEC. 168. Hereafter, for purposes of applying the project justification and local financial commitment criteria of 49 U.S.C. 5309(d) to a New Starts project, the Secretary may consider the costs and ridership of any connected project in an instance in which private parties are making significant financial contributions to the construction of the connected project; additionally, the Secretary may consider the significant financial contributions of private parties to the connected project in calculating the non-Federal share of net capital project costs for the New Starts project.

SEC. 169. Hereafter, all bus new fixed guideway capital projects recommended in the President's fiscal year 2012 budget request for funds appropriated under the Capital Investment Grants heading in this Act or any other Act shall be funded instead from amounts allocated under 49 U.S.C. 5309(m)(2)(C): Provided, That all such projects shall remain subject to the appropriate requirements of 49 U.S.C. 5309(d) and (e).

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE (HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the St. Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, \$34,000,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

MARITIME ADMINISTRATION MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$174,000,000, to remain available until expended.

OPERATIONS AND TRAINING (INCLUDING RESCISSION)

For necessary expenses of operations and training activities authorized by law,

\$154,886,000, of which \$11,100,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which \$2,400,000 shall remain available through September 30, 2013 for Student Incentive Program payments at State Maritime Academies, and of which \$22,485,000 shall remain available until expended for facilities maintenance and repair, equipment, and capital improvements at the United State Merchant Marine Academy: Provided, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget and Programs: Provided further, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United State Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of the Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: Provided further, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administrator, completes a plan detailing by program or activity how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations: Provided further, That of the prior year unobligated balances under this heading for information technology requirements of Public Law 111–207, \$1,000,000 are permanently rescinded.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$10,000,000, to remain available until expended.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3508 of Public Law 110–417 or section 54101 of title 46, United States Code, \$10,000,000, to remain available until expended: Provided, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: Provided further, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For the necessary administrative expenses of the maritime guaranteed loan program, \$4,000,000 shall be paid to the appropriation for “Operations and Training”, Maritime Administration: Provided, That of the unobligated balance of funds made available for obligation under Public Law 110–329 and Public Law 111–118, \$35,000,000 are permanently rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities,

services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 171. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall hereafter be used to make a determination of the nonavailability of qualified United States flag capacity for purposes of 46 U.S.C. 501(b) for the transportation of crude oil distributed from the Strategic Petroleum Reserve unless as part of that determination the Secretary of Transportation, after consultation with representatives from the United States flag maritime industry, provides to the Secretary of Homeland Security a list of United States flag vessels with single or collective capacity that may be capable of providing the requested transportation services and a written justification for not using such United States flag vessels.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION OPERATIONAL EXPENSES (PIPELINE SAFETY FUND) (INCLUDING TRANSFER OF FUNDS)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, \$22,158,000, of which \$639,000 shall be derived from the Pipeline Safety Fund: Provided, That \$1,000,000 shall be transferred to “Pipeline Safety” in order to fund “Pipeline Safety Information Grants to Communities” as authorized under section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$39,020,000, of which \$1,716,000 shall remain available until September 30, 2014: Provided, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY (PIPELINE SAFETY FUND) (OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$118,364,000, of which \$21,510,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2014; of which \$93,854,000 shall be derived from the Pipeline Safety Fund, of which \$54,265,000 shall remain available until September 30, 2014; of which \$3,000,000, to remain available until expended, shall be derived from the Pipeline Safety Design Review Fund, as established by this Act.

EMERGENCY PREPAREDNESS GRANTS (EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), \$188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2013: Provided, That not more than \$28,318,000 shall be made available for obligation in fiscal year 2012 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): Provided further, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Trans-

portation, or his designee: Provided further, That unobligated balances of funds provided under this paragraph not needed for fiscal year 2012 from the sum made available herein shall remain available until expended to invest in the data management and information technology modernization efforts, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure.

ADMINISTRATIVE PROVISION—PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION COST RECOVERY FOR DESIGN REVIEWS

SEC. 180. Section 60117(n) of title 49, United States Code, is amended to read as follows:

“(n) COST RECOVERY FOR DESIGN REVIEWS.—

“(1) IN GENERAL.—If the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a gas or hazardous liquid pipeline or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person or entity proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this section, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this section. This authority is in addition to the authority provided in section 60301 of this title.

“(2) NOTIFICATION.—For any new pipeline construction project in which the Secretary will conduct design reviews, the person or entity proposing the project shall notify the Secretary and provide design specifications, construction plans and procedures, and related materials at least 120 days prior to the commencement of construction.

“(3) DEPOSIT AND USE.—The Secretary shall deposit funds paid under this subsection into the Pipeline Safety Design Review Fund. Funds deposited under this section are authorized to be appropriated for the purposes set forth in this chapter. Fees authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations acts.”.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, \$15,981,000, of which \$9,007,000 shall remain available until September 30, 2014: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$82,409,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code:

(1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and

(2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD
SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$29,310,000: Provided, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2012, to result in a final appropriation from the general fund estimated at no more than \$28,060,000.

GENERAL PROVISIONS—DEPARTMENT OF
TRANSPORTATION

SEC. 190. During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 191. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 192. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 193. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 194. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive a discretionary grant award, any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from:

- (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program;
- (2) the airport improvement program of the Federal Aviation Administration;
- (3) any program of the Federal Railroad Administration;
- (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs; or
- (5) any funding provided under the headings "National Infrastructure Investments" and "Assistance to Small Shipyards" in this Act: Provided, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: Pro-

vided further, That no notification shall involve funds that are not available for obligation.

SEC. 195. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 196. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 197. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 198. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate or practice complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

This title may be cited as the Department of Transportation Appropriations Act, 2012.

TITLE II

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

ADMINISTRATION, OPERATIONS, AND MANAGEMENT

For necessary salaries and expenses for administration, management and operations of the Department of Housing and Urban Development, \$549,499,000, of which not to exceed \$4,610,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed \$1,700,000 shall be available for the Office of Hearings and Appeals; not to exceed \$741,000 shall be available for the Office of Small

and Disadvantaged Business Utilization; not to exceed \$47,984,000 shall be available for the Office of the Chief Financial Officer; not to exceed \$94,380,000 shall be available for the Office of the General Counsel; not to exceed \$2,695,000 shall be available to the Office of Congressional and Intergovernmental Relations; not to exceed \$3,988,000 shall be available for the Office of Public Affairs; not to exceed \$546,000 shall be available to the Office of the Chief Operating Officer; not to exceed \$256,744,000 shall be available for the Office of the Chief Human Capital Officer; not to exceed \$10,476,000 shall be available for the Office of Departmental Operations and Coordination; not to exceed \$47,543,000 shall be available for the Office of Field Policy and Management; not to exceed \$14,654,000 shall be available for the Office of the Chief Procurement Officer; not to exceed \$3,708,000 shall be available for the Office of Departmental Equal Employment Opportunity; not to exceed \$1,448,000 shall be available for the Center for Faith-Based and Community Initiatives; not to exceed \$2,627,000 shall be available for the Office of Sustainable Housing and Communities; not to exceed \$5,605,000 shall be available for the Office of Strategic Planning and Management; not to exceed \$7,415,000 shall be available for the Office of the Chief Disaster and Emergency Management Officer; and not to exceed \$42,635,000 shall be available for the Office of the Chief Information Officer: Provided further, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: Provided further, That the Secretary shall provide all signed reports required by Congress electronically: Provided further, That not to exceed \$25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

PROGRAM OFFICE SALARIES AND EXPENSES

PUBLIC AND INDIAN HOUSING

For necessary salaries and expenses of the Office of Public and Indian Housing, \$201,233,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary salaries and expenses of the Office of Community Planning and Development mission area, \$101,076,000.

HOUSING

For necessary salaries and expenses of the Office of Housing, \$392,796,000, of which \$8,200,000 shall be for the Office of Risk and Regulatory Affairs.

POLICY DEVELOPMENT AND RESEARCH

For necessary salaries and expenses of the Office of Policy Development and Research, \$23,016,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary salaries and expenses of the Office of Fair Housing and Equal Opportunity, \$74,766,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD
CONTROL

For necessary salaries and expenses of the Office of Healthy Homes and Lead Hazard Control, \$7,502,000.

RENTAL ASSISTANCE DEMONSTRATION

To conduct a demonstration designed to preserve and improve public housing through the voluntary conversion of properties with assistance under section 9 of the U.S. Housing Act of 1937, (hereinafter, "the Act"), to properties with assistance under a project-based subsidy contract under section 8 of the Act, which shall be eligible for renewal under section 524 of the

Multifamily Assisted Housing Reform and Affordability Act of 1997, or assistance under section 8(o)(13) of the Act, the Secretary may transfer amounts provided under the headings "Public Housing Capital Fund" and "Public Housing Operating Fund" to the headings "Tenant-Based Rental Assistance" or "Project-Based Rental Assistance": Provided, That project applications may be received under this demonstration until September 30, 2015: Provided further, That any increase in cost for "Tenant-Based Rental Assistance" or "Project-Based Rental Assistance" associated with such conversion shall be equal to amounts transferred from "Public Housing Capital Fund" and "Public Housing Operating Fund": Provided further, That not more than 60,000 units shall be converted under the authority provided under this heading: Provided further, That tenants of such converted properties shall, at a minimum, maintain the same rights under such conversion as those provided under section 9 of the Act: Provided further, That the Secretary shall select properties from applications for conversion as part of this demonstration through a competitive process: Provided further, That in establishing criteria for such competition, the Secretary shall seek to demonstrate the feasibility of this conversion model to recapitalize and operate public housing properties (1) in different markets and geographic areas, (2) within portfolios managed by public housing agencies of varying sizes, and (3) by leveraging other sources of funding to recapitalize properties: Provided further, That the Secretary shall provide an opportunity for public comment on draft eligibility and selection criteria and procedures that will apply to the selection of properties that will participate in the demonstration: Provided further, That the Secretary shall provide an opportunity for comment from residents of properties to be proposed for participation in the demonstration to the owners or public housing agencies responsible for such properties: Provided further, That the Secretary may waive or specify alternative requirements for (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment) any provision of section 8(o)(13) or any provision that governs the use of assistance from which a property is converted under the demonstration or funds made available under the headings of "Public Housing Capital Fund", "Public Housing Operating Fund", and "Project-Based Rental Assistance", under this Act or any prior Act or any Act enacted during the period of conversion of assistance under the demonstration for properties with assistance converted under the demonstration, upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective conversion of assistance under the demonstration: Provided further, That the Secretary shall publish by notice in the Federal Register any waivers or alternative requirements pursuant to the previous proviso no later than 10 days before the effective date of such notice: Provided further, That the demonstration may proceed after the Secretary publishes notice of its terms in the Federal Register: Provided further, That notwithstanding sections 3 and 16 of the Act, the conversion of assistance under the demonstration shall not be the basis for re-screening or termination of assistance or eviction of any tenant family in a property participating in the demonstration, and such a family shall not be considered a new admission for any purpose, including compliance with income targeting requirements: Provided further, That in the case of a property with assistance converted under the demonstration from assistance under section 9 of the Act, section 18 of the Act shall not apply to a property converting assistance under the demonstration for all or substantially all of its units, the Secretary shall re-

quire ownership or control of assisted units by a public or nonprofit entity except as determined by the Secretary to be necessary pursuant to foreclosure, bankruptcy, or termination and transfer of assistance for material violations or substantial default, shall require long-term renewable use and affordability restrictions for assisted units, and may allow ownership to be transferred to a for-profit entity to facilitate the use of tax credits only if the public housing agency preserves its interest in the property in a manner approved by the Secretary: Provided further, That the Secretary may permit transfer of assistance at or after conversion under the demonstration to replacement units subject to the requirements in the previous proviso: Provided further, That the Secretary may establish the requirements for converted assistance under the demonstration through contracts, use agreements, regulations, or other means: Provided further, That the Secretary shall assess and publish findings regarding the impact of the conversion of assistance under the demonstration on the preservation and improvement of public housing, the amount of private sector leveraging as a result of such conversion, and the effect of such conversion on tenants.

PUBLIC AND INDIAN HOUSING
TENANT-BASED RENTAL ASSISTANCE
(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, \$14,872,357,000, to remain available until expended, shall be available on October 1, 2011 (in addition to the \$4,000,000,000 previously appropriated under this heading that will become available on October 1, 2011), and \$4,000,000,000, to remain available until expended, shall be available on October 1, 2012: Provided, That of the amounts made available under this heading are provided as follows:

(1) Not less than \$17,143,905,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2012 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection and HOPE VI vouchers: Provided further, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work (MTW) demonstration, which are instead governed by the terms and conditions of their MTW agreements: Provided further, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the

public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: Provided further, That the Secretary may extend the 60-day notification period with the prior written approval of the House and Senate Committees on Appropriations: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: Provided further, That up to \$103,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for adjustments for costs associated with HUD-Veterans Affairs Supportive Housing (HUD-VASH) vouchers; and (4) for incremental tenant-based assistance for eligible families currently assisted under the Disaster Voucher Program as authorized by Public Law 109-148 under this heading and the Disaster Housing Assistance Program for Hurricanes Ike and Gustav on the condition that such vouchers will not be reissued when families leave the program: Provided further, That of the amounts made available under this paragraph, up to \$15,000,000 may be transferred to and merged with the appropriation for "Transformation Initiative";

(2) \$75,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended, or under the authority as provided under this Act: Provided, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: Provided further, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds: Provided further, That of the amounts made available under this paragraph, \$10,000,000 shall be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low-vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of (1) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (2) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (3)

the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: Provided further, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)): Provided further, That the Secretary shall issue guidance to implement the previous provisos, including, but not limited to, requirements for defining eligible at-risk households within 120 days of the enactment of this Act;

(3) \$1,400,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: Provided, That no less than \$1,350,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2012 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): Provided further, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: Provided further, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) \$60,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act;

(5) \$113,452,000 for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administrative expenses;

(6) \$75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: Provided, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any stat-

ute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over;

(7) \$5,000,000 for payments to public housing authorities to be competitively awarded in order to demonstrate the effectiveness of leveraging mainstream resources to address the needs of families and individuals who are homeless or at risk of homelessness, as defined by the Secretary of Housing and Urban Development, to be administered by the Secretary in conjunction with the Department of Health and Human Services and the Department of Education: Provided, That funds provided under this paragraph shall be awarded to public housing authorities that (1) partner with eligible State and local entities responsible for distributing Temporary Assistance for Needy Families (TANF) and other health and human services, as designated by the Secretary of the Department of Health and Human Services, and (2) partner with school homelessness liaisons funded through the Department of Education's Education for Homeless Children and Youth Program: Provided further, That the funds may also be available to public housing authorities that partner with eligible State Medicaid agencies and State behavioral health entities, as designated by the Secretary of the Department of Health and Human Services, to provide housing in conjunction with Medicaid case management, substance abuse treatment, and mental health services; and

(8) The Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND (RESCISSION)

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, \$200,000,000 are rescinded, to be effected by the Secretary of Housing and Urban Development no later than September 30, 2012: Provided, That if insufficient funds exist under these headings, the remaining balance may be derived from any other unobligated balances available under any heading under this title funded in fiscal year 2011 and prior years: Provided further, That the Secretary shall notify the Committees on Appropriations of the unobligated balances used to meet this rescission 30 days in advance of such rescission: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: Provided further, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") \$1,875,000,000, to remain available until September 30, 2015: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2012 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public

and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That up to \$10,000,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): Provided further, That of the total amount provided under this heading, not to exceed \$20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2012: Provided further, That of the total amount provided under this heading \$50,000,000 shall be for supportive services, service coordinator and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437-6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): Provided further, That of the total amount provided under this heading, up to \$5,000,000 is to support the costs of administrative and judicial receiverships: Provided further, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2012 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2012 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$3,961,850,000, of which \$20,000,000 shall be available until September 30, 2013: Provided, That in determining public housing agencies', including Moving to Work agencies', calendar year 2012 funding allocations under this heading, the Secretary shall take into account public housing agencies' excess operating fund reserves, as determined by the Secretary: Provided further, That Moving to Work agencies shall receive a pro-rata reduction consistent with their peer groups: Provided further, That no public housing agency shall be left with less than \$100,000 in operating reserves: Provided further, That the Secretary shall not offset excess reserves by more than \$750,000,000: Provided further, That in implementing such allocation reductions, the Secretary shall establish a process by which public housing agencies can appeal the initial allocation amounts and the Secretary shall consider adjustments based on such factors, including prior funding reservations, commitments related to mixed finance developments, or reporting errors: Provided further, That the Secretary shall notify public housing agencies of such process and what documentation may be required as part of such appeal: Provided further, That following the appeals process established under the previous two provisos, the Secretary shall make final allocations: Provided further, That of the amount provided under this heading up to \$20,000,000 may be set aside to provide assistance to any public housing authority who encounters financial hardship as a direct result of an excess reserve offset applied to an allocation of funding under this heading: Provided further, That the Secretary shall provide flexibility to public housing agencies to use excess operating reserves for capital improvements.

CHOICE NEIGHBORHOODS

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v)), unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, schools, public assets, transportation and access to jobs, \$120,000,000, to remain available until September 30, 2014: Provided, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: Provided further, That grantees shall undertake comprehensive local planning with input from residents and the community, and that grantees shall provide a match in State, local, other Federal or private funds: Provided further, That grantees may include local governments, tribal entities, public housing authorities, and non-profits: Provided further, That for-profit developers may apply jointly with a public entity: Provided further, That of the amount provided, not less than \$80,000,000 shall be awarded to public housing authorities: Provided further, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies, and resident organizations: Provided further, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: Provided further, That no more than \$5,000,000 of funds made available under this heading may be provided to assist communities in developing comprehensive strategies for implementing this program or implementing other revitalization efforts in conjunction with community notice and input: Provided further, That the Secretary shall develop and publish guidelines for the use of such competitive funds, including but not limited to eligible activities, program requirements, and performance metrics.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$650,000,000, to remain available until expended: Provided, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That of the amounts made available under this heading, \$3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and \$4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to \$300,000 for related travel: Provided further, That of the amount provided under this heading, \$2,000,000 shall be made available for

the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$20,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$13,000,000, to remain available until expended: Provided, That of this amount, \$300,000 shall be for training and technical assistance activities, including up to \$100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), \$7,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to \$428,000,000: Provided further, That up to \$750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z) and for such costs for loans used for refinancing, \$386,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$41,504,000.

COMMUNITY PLANNING AND DEVELOPMENT HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$330,000,000, to remain available until September 30, 2013, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2014: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$3,001,027,000, to remain available until September 30, 2013, unless otherwise specified: Provided, That of the total amount provided, \$2,851,027,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20

percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That \$60,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to \$3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amounts made available under this heading, \$90,000,000 shall be made available for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning: Provided, That \$63,000,000 shall be for Regional Integrated Planning Grants to support the linking of transportation and land use planning: Provided further, That not less than \$15,750,000 of the funding made available for Regional Integrated Planning Grants shall be awarded to metropolitan areas of less than 500,000: Provided further, That \$27,000,000 shall be for Community Challenge Planning Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: Provided further, That the Secretary will consult with the Secretary of Transportation in evaluating grant proposals.

COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER FUNDING

For an additional amount for the "Community Development Fund", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) in 2011, \$400,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): Provided, That the amount provided under this heading is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended: Provided further, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: Provided further, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: Provided further, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor

standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, \$4,960,000, to remain available until September 30, 2012, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$200,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,000,000,000, to remain available until September 30, 2013: Provided, That notwithstanding the amount made available under this heading, the threshold reduction requirements in sections 216(10) and 217(b)(4) of such Act shall not apply to allocation of such amount: Provided further, That funds made available under this heading used for projects not completed within 4 years of the commitment date, as determined by a signature of each party to the agreement shall be repaid: Provided further, That the Secretary may extend the deadline for 1 year if the Secretary determines that the failure to complete the project is beyond the control of the participating jurisdiction: Provided further, That no funds provided under this heading may be committed to any project included as part of a participating jurisdiction's plan under section 105(b), unless each participating jurisdiction certifies that it has conducted an underwriting review, assessed developer capacity and fiscal soundness, and examined neighborhood market conditions to ensure adequate need for each project: Provided further, That any homeownership units funded under this heading which cannot be sold to an eligible homeowner within 6 months of project completion shall be rented to an eligible tenant: Provided further, That no funds provided under this heading may be awarded for development activities to a community housing development organization that cannot demonstrate that it is has staff with demonstrated development experience: Provided further, That funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, \$57,000,000, to remain available until September 30, 2013: Provided, That of the total amount provided

under this heading, \$17,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: Provided further, That \$35,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$5,000,000 may be made available for rural capacity-building activities: Provided further, That \$5,000,000 shall be made available for capacity-building activities for a national organization with expertise in rural housing, including experience working with rural housing organizations, local governments, and Indian tribes.

HOMELESS ASSISTANCE GRANTS (INCLUDING TRANSFER OF FUNDS)

For the emergency solutions grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the continuum of care program as authorized under subtitle C of title IV of such Act; and the rural housing stability assistance program as authorized under subtitle D of title IV of such Act, \$1,901,190,000, of which \$1,896,190,000 shall remain available until September 30, 2014, and of which \$5,000,000 shall remain available until expended for project-based rental assistance with rehabilitation projects with 10-year grant terms and any rental assistance amounts that are recaptured under such continuum of care program shall remain available until expended: Provided, That not less than \$286,000,000 of the funds appropriated under this heading shall be available for such emergency solutions grants program: Provided further, That not less than \$1,602,190,000 of the funds appropriated under this heading shall be available for such continuum of care and rural housing stability assistance programs: Provided further, That up to \$8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the continuum of care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for continuum of care renewals in fiscal year 2012.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided

for, \$9,018,672,000, to remain available until expended, shall be available on October 1, 2011 (in addition to the \$400,000,000 previously appropriated under this heading that will become available October 1, 2012), and \$400,000,000, to remain available until expended, shall be available on October 1, 2012: Provided, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: Provided further, That of the total amounts provided under this heading, not to exceed \$289,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: Provided further, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667): Provided further, That amounts recaptured under this heading may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for senior preservation rental assistance contracts, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000, as amended, and for supportive services associated with the housing, \$369,627,000 to remain available until September 30, 2015: Provided, That of the amount provided under this heading, up to \$91,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to \$20,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living, service-enriched housing, or related use for substantial and emergency repairs as determined by the Secretary: Provided further, That amounts

under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) and for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, \$150,000,000 to remain available until September 30, 2015: Provided, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects: Provided further, That the Secretary shall conduct a demonstration program to make available funds provided under this heading for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(b)(3)).

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, \$60,000,000, including up to \$2,500,000 for administrative contract services, to remain available until September 30, 2012: Provided, That grants made available from amounts provided under this heading shall be awarded within 120 days of enactment of this Act: Provided further, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to or extensions for up to 1 year of contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) in State-aided, noninsured rental housing projects, \$1,300,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z-1) \$231,600,000 are rescinded: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the

Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to \$9,000,000, to remain available until expended, of which \$4,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2011 so as to result in a final fiscal year 2011 appropriation from the general fund estimated at not more than \$5,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2011 appropriation: Provided further, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: Provided further, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: Provided further, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed \$400,000,000,000, to remain available until September 30, 2013: Provided, That during fiscal year 2012, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$50,000,000: Provided further, That the foregoing amount in the previous proviso shall be for loans to non-profit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, \$206,586,000, to remain available until September 30, 2013, of which up to \$70,652,000 may be transferred to and merged with the Working Capital Fund: Provided further, That to the extent guaranteed loan commitments exceed \$200,000,000,000 on or before April 1, 2012, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

During fiscal year 2012, commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), shall not exceed \$25,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g),

207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$20,000,000, which shall be for loans to non-profit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$500,000,000,000, to remain available until September 30, 2013: Provided, That \$20,000,000 shall be available for personnel compensation and benefits, and other administrative expenses of the Government National Mortgage Association: Provided further, That to the extent that guaranteed loan commitments will and do exceed \$300,000,000,000, an additional \$100 for personnel compensation and benefits, and administrative expenses shall be available until expended for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000): Provided further, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act, as amended, shall be credited as offsetting collections to this account.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$45,825,000, to remain available until September 30, 2013: Provided, That with respect to amounts made available under this heading, notwithstanding section 204 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, or State or local governments and their agencies for research projects: Provided further, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at least a 50 percent match toward the cost of the project: Provided further, That for non-competitive agreements entered into in accordance with the previous two provisos, the Secretary of Housing and Urban Development shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) with respect to documentation of award decisions.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$70,847,000, to remain available until September 30, 2013, of which \$42,500,000 shall be to carry out activities pursuant to such section 561: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: Provided further, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: Provided further, That of the funds made available under

this heading, \$300,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$120,000,000, to remain available until September 30, 2013, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, \$45,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: Provided further, That each recipient of funds provided under the second proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That the Secretary may waive the matching requirement cited in the preceding proviso on a case by case basis if the Secretary determines that such a waiver is necessary to advance the purposes of this program: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: Provided further, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, \$192,475,000, to remain available until September 30, 2013: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology the purposes for which such amounts were appropriated: Provided further, That not more than 25 percent of the funds made available under this heading for Development, Modernization and Enhancement, including development and deployment of a Next Generation of Voucher Management Sys-

tem and development and deployment of modernized Federal Housing Administration systems may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that—(A) identifies for each modernization project: (i) the functional and performance capabilities to be delivered and the mission benefits to be realized, (ii) the estimated life-cycle cost, and (iii) key milestones to be met; (B) demonstrates that each modernization project is: (i) compliant with the department's enterprise architecture, (ii) being managed in accordance with applicable life-cycle management policies and guidance, (iii) subject to the department's capital planning and investment control requirements, and (iv) supported by an adequately staffed project office; and (C) has been reviewed by the Government Accountability Office.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$124,750,000: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE

(INCLUDING TRANSFER OF FUNDS)

Of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 0.5 percent from each such account, and such transferred amounts shall be available until September 30, 2014, for: (1) research, evaluation, and program metrics; (2) program demonstrations; and (3) technical assistance and capacity building: "Choice Neighborhoods Initiative", "Housing Opportunities for Persons With AIDS", "Community Development Fund", "HOME Investment Partnerships Program", "Self-Help and Assisted Homeownership Opportunity Program", "Homeless Assistance Grants", "Housing for the Elderly", "Housing for Persons With Disabilities", "Housing Counseling Assistance", "Payment to Manufactured Housing Fees Trust Fund", "Mutual Mortgage Insurance Program Account", "Lead Hazard Reduction", "Rental Housing Assistance", and "Fair Housing Activities": Provided, That of the amounts made available under this paragraph, not less than \$45,000,000 shall be available for technical assistance and capacity building: Provided further, That technical assistance activities shall include, technical assistance for HUD programs, including HOME, Community Development Block Grant, homeless programs, HOPWA, HOPE VI, Public Housing, the Housing Choice Voucher Program, Fair Housing Initiative Program, Housing Counseling, Healthy Homes, Sustainable Communities, and other technical assistance as determined by the Secretary: Provided further, That the Secretary shall submit a plan to the House and Senate Committees on Appropriations for approval detailing how the funding provided under this heading will be allocated to each of the four categories identified under this heading and for what projects or activities funding will be used: Provided further, That following the initial approval of this plan, the Secretary may amend the plan with the approval of the House and Senate Committees on Appropriations: Provided further, That with respect to amounts made available under this heading for research, evaluation, program metrics, and program demonstrations, notwithstanding section 204 of this title, the Secretary may make grants or enter into cooperative agreements that include a substantial match contribution.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2012 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2012 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2012 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2011 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2012, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the city of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by:

(1) allocating to the city of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high-incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and

(2) allocating to the city of Paterson, New Jersey, the proportion of the metropolitan area's or

division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3-year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2012 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the city of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the city of Raleigh, North Carolina, on behalf of the Raleigh-Cary North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2012 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 210. The President's formal budget request for fiscal year 2013, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of public housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory

board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2012 and 2013, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under section (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: the number of low-income and very low-income units and the configuration (i.e. bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: the Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based section 8 budget authority.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(d) For purposes of this section—

(1) the terms “low-income” and “very low-income” shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term “multifamily housing project” means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term “project-based assistance” means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act;

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959; and

(F) assistance payments made under section 811(d)(2) of the Housing Act of 1959;

(4) the term “receiving project or projects” means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term “transferring project” means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term “Secretary” means the Secretary of Housing and Urban Development.

SEC. 213. The funds made available for Native Alaskans under the heading “Native American Housing Block Grants” in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 214. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 215. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the

United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 216. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–g), the Secretary of Housing and Urban Development may, until September 30, 2012, insure and enter into commitments to insure mortgages under section 255(g) of the National Housing Act (12 U.S.C. 1715z–20).

SEC. 217. Notwithstanding any other provision of law, in fiscal year 2011, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 or other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 218. During fiscal year 2012, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public

housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 219. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD’s use of all sole-source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole-source contract.

SEC. 220. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 221. (a) The amounts provided under the subheading “Program Account” under the heading “Community Development Loan Guarantees” may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of nonentitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974 in fiscal year 2012 and subsequent years: Provided, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in nonentitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 222. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking “fiscal year” and all that follows through the period at the end and inserting “fiscal year 2012.”; and

(2) in subsection (o), by striking “September” and all that follows through the period at the end and inserting “September 30, 2012.”.

SEC. 223. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: Provided, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 224. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): Provided, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 225. No official or employee of the Department of Housing and Urban Development

shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the heading "Administration, Operations, and Management" as well as each account receiving appropriations for "Program Office Salaries and Expenses" within the Department of Housing and Urban Development.

SEC. 226. The Secretary of Housing and Urban Development shall report quarterly to the House and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 227. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 228. The Secretary of the Department of Housing and Urban Development shall for fiscal year 2012 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2012 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate Government Web site or through other electronic media, as determined by the Secretary.

SEC. 229. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: Provided, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related

issues that demonstrate a commitment to assist the homeless: Provided further, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fund-raising ability or commitments for in-kind donations of goods and services: Provided further, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: Provided further, That, this section shall apply to properties in fiscal years 2011 and 2012 made available as surplus Federal property for use to assist the homeless.

SEC. 230. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent or \$5,000,000, whichever is less, of the funds made available for salaries and expenses under any account or any set-aside within any account under this title under the general heading "Program Office Salaries and Expenses", and under the account heading "Administration, Operations and Management", to any other such account or any other such set-aside within any such account: Provided, That no appropriation for salaries and expenses in any such account or set-aside shall be increased or decreased by more than 5 percent or \$5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations.

SEC. 231. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a "program of the Department of Housing and Urban Development" under section 904 of the McKinney Act for the purpose of income verifications and matching.

SEC. 232. Of the amounts made available for salaries and expenses under all accounts under this title (except for the Office of Inspector General account), a total of up to \$10,000,000 may be transferred to and merged with amounts made available in the "Working Capital Fund" account under this title.

SEC. 233. Title II of division I of Public Law 108-447 and title III of Public Law 109-115 are each amended by striking the item related to "Flexible Subsidy Fund".

SEC. 234. The Secretary of Housing and Urban Development may increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321) by adding to the program up to three Public Housing Agencies that are High Performing Agencies under the Public Housing Assessment System (PHAS) or the Section Eight Management Assessment Program (SEMAP). No PHA shall be granted this designation through this section that administers in excess of 20,000 aggregate housing vouchers and public housing units. No PHA granted this designation through this section shall receive more funding under sections 8 or 9 of the United States Housing Act of 1937 than they otherwise would have received absent this designation. In addition to other reporting requirements, all Moving-to-Work agencies shall report financial data to the Department of Housing and Urban Development as specified by the Secretary, so that the effect of Moving-to-Work policy changes can be measured.

SEC. 235. Of the unobligated balances remaining from funds appropriated under the heading "Tenant-Based Rental Assistance" under the "Full-Year Continuing Appropriations Act,

2011", \$750,000,000 are rescinded from the \$4,000,000,000 which are available on October 1, 2011: Provided, That such amounts may be derived from reductions to public housing agencies' calendar year 2012 allocations based on the excess amounts of public housing agencies' net restricted assets accounts, including the net restricted assets of MTW agencies (in accordance with VMS data in calendar year 2011 that is verifiable and complete), as determined by the Secretary: Provided further, That in making such adjustments, the Secretary shall preserve public housing authority reserves at no less than one month, to the extent practicable.

SEC. 236. The United States Housing Act of 1937 (42 U.S.C. 1437) is amended—

(1) in section 3(a)(1) by inserting before the period at the end of the second sentence the following: ", except in the case of any family with a fixed income, as defined by the Secretary, after the initial review of the family's income, the public housing agency or owner shall not be required to conduct a review of the family's income for any year for which such family certifies, in accordance with such requirements as the Secretary shall establish, that 90 percent or more of the income of the family consists of fixed income, and that the sources of such income have not changed since the previous year, except that the public housing agency or owner shall conduct a review of each such family's income not less than once every 3 years";

(2) in section 3(b)(2) by inserting after the second sentence the following new sentence: "The term 'extremely low-income families' means very low-income families whose incomes do not exceed the higher of (A) the poverty guidelines updated periodically by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), applicable to a family of the size involved; or (B) 30 percent of the median family income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes, and except that clause (A) of this sentence shall not apply in the case of public housing agencies located in Puerto Rico or any other territory or possession of the United States.";

(3) in paragraph (2) of section 3(b) by adding at the end the following new sentence: "The Secretary shall periodically, but not less than annually, determine or establish area median incomes and income ceilings and limits in accordance with this paragraph";

(4) in section 3(b)(5)(A)—

(A) in clause (i) by striking "\$400" and inserting in lieu thereof "\$675"; and

(B) in clause (ii), in the matter preceding subclause (I), by striking "3 percent" and inserting in lieu thereof "10 percent";

(5) in paragraph (1) of section 8(c)—

(A) by inserting "(A)" after the paragraph designation;

(B) by striking the fourth, fifth, seventh, eighth, ninth, and tenth sentences; and

(C) by adding at the end the following:

"(B) Fair market rentals for an area shall be published not less than annually by the Secretary on the Department's Web site and in any other manner specified by the Secretary. The Secretary shall publish notice of the publication of such fair market rentals in the Federal Register, and such fair market rentals shall become effective no earlier than 30 days after the date of such publication. The Secretary shall establish a procedure for public housing agencies and other interested parties to comment on such fair market rentals and to request, within a time

specified by the Secretary, reevaluation of the fair market rental in a jurisdiction. The Secretary shall publish for comment in the Federal Register notices of proposed material changes in the methodology for estimating fair market rentals and notices specifying the final decisions regarding such proposed substantial methodological changes and responses to public comments.”;

(6) in subparagraph (B) of section 8(o)(1) by inserting before the period at the end the following: “, except that no public housing agency shall be required as a result of a reduction in the fair market rental to reduce the payment standard applied to a family continuing to reside in a unit for which the family was receiving assistance under this section at the time the fair market rental was reduced. The Secretary shall allow public housing agencies to request exception payment standards within fair market rental areas subject to criteria and procedures established by the Secretary”;

(7) in subparagraph (D) of section 8(o)(1) by inserting before the period at the end the following: “except that a public housing agency may establish a payment standard of not more than 120 percent of the fair market rent, where necessary, as a reasonable accommodation for a person with a disability, without approval of the Secretary. A public housing agency may seek approval of the Secretary to use a payment standard greater than 120 percent of the fair market rent as a reasonable accommodation for a disabled family or other family with a person with a disability. In connection with the use of any increased payment standard established or approved pursuant to either of the preceding two sentences as a reasonable accommodation for a person with a disability, the Secretary may not establish additional requirements regarding the amount of adjusted income paid by such person for rent”;

(8) in section 16(a)(2)(A) by striking “families whose incomes” and all that follows through “low family incomes” and inserting in lieu thereof “extremely low-income families”;

(9) in section 16(b)(1) by striking “families whose incomes” and all that follows through “low family incomes” and inserting in lieu thereof “extremely low-income families”;

(10) in section 16(c)(3) by striking “families whose incomes” and all that follows through “low family incomes” and inserting in lieu thereof “extremely low-income families”.

SEC. 237. Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f) is amended by striking “October 1, 2011” each place it appears and inserting in lieu thereof “October 1, 2015”.

HOUSING LOAN LIMIT EXTENSIONS

SEC. 238. (a) FEDERAL HOUSING ADMINISTRATION.—Notwithstanding any other provision of law, for mortgages for which a Federal Housing Administration case number has been assigned during the period beginning on the date of enactment of this Act and ending on December 31, 2013, the dollar amount limitation on the principal obligation for purposes of section 203 of the National Housing Act (12 U.S.C. 1709) shall be considered to be, except for purposes of section 255(g) of such Act (12 U.S.C. 1715z–20(g)), the greater of—

(1) the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)); or

(2) the dollar amount limitation that was prescribed for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 620).

(b) FANNIE MAE AND FREDDIE MAC LOAN LIMIT EXTENSION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for mortgage loans originated

during the period beginning on the date of enactment of this Act and ending on December 31, 2013, the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation shall be the greater of—

(A) the limitation in effect at the time of the purchase of the mortgage loan, as determined pursuant to section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), respectively; or

(B) the limitation that was prescribed for loans originated during the period beginning on July 1, 2007 and ending on December 31, 2008, pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110–185, 122 Stat. 619).

(2) PREMIUM LOAN FEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Federal Housing Finance Agency shall, by rule or order, impose a premium loan fee to be charged by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation with respect to mortgage loans made eligible for purchase by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation by a higher limitation provided under paragraph (1)(B), annually during the life of the loan, of 15 basis points of the unpaid principal balance of the mortgage, to achieve an estimated \$300,000,000 from the revenue raised from such fees.

(B) PREMIUM LOAN FEE STRUCTURE.—The premium loan fee is independent of any guarantee fees, upfront or ongoing, charged to the borrower, and the premium loan fee shall not be affected by changes in guarantee fees.

(3) USE OF FEES.—

(A) IN GENERAL.—The fees imposed under paragraph (2) by the Federal Housing Finance Agency shall be deposited in the fund established under subparagraph (C), and shall be used to pay for costs associated with maintaining loan limits established under this section.

(B) SUBJECT TO APPROPRIATIONS.—Amounts in the fund established under subparagraph (C) shall be available only to the extent provided in a subsequent appropriations Act.

(C) FUND.—There is established in the United States Treasury a fund, for the deposit of fees imposed under paragraph (2), to be used to pay for costs associated with maintaining loan limits established under this section.

(4) FHFA REPORT ON FEES.—The Federal Housing Finance Agency shall include in each annual report required by section 1601 of the Housing and Economic Recovery Act of 2008 related to the period described in paragraph (2)(B) a section that provides the basis for and an analysis of the premium loan fee charged in each year covered by the report.

(c) DEPARTMENT OF VETERANS AFFAIRS LOAN LIMIT EXTENSION.—Section 501 of the Veterans' Benefits Improvement Act of 2008 (Public Law 110–389; 122 Stat. 4175; 38 U.S.C. 3703 note) is amended, in the matter before paragraph (1), by striking “December 31, 2011” and inserting “December 31, 2013”.

TITLE III

RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$7,400,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, \$24,100,000.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, \$19,311,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: Provided further, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: Provided further, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: Provided further, That concurrent with the President's budget request for fiscal year 2013, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2013 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), \$99,275,000, of which not to exceed \$2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), \$135,000,000, of which \$5,000,000 shall be for a multi-family rental housing program: Provided, That in addition, \$65,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (“NRC”) shall make grants to counseling

intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to \$3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of coun-

seling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$3,640,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2012 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates a new program;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;
- (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;
- (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less;
- (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include:

(A) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(B) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and

(C) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2012 from appropriations made available for salaries and expenses for fiscal year 2012 in this Act, shall remain available through September 30, 2013, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole-source contracts by no later than July 30, 2012. Such report shall include the contractor, the amount of the contract and the rationale for using a sole-source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain,

unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301-10.122 and 301-10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available in this Act may be used to purchase a light bulb for an office building unless the light bulb has, to the extent practicable, an Energy Star or Federal Energy Management Program designation.

SEC. 416. None of the funds made available in this Act may be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that:

- (1) is provided assistance by the Department of Housing and Urban Development; and
- (2) is or would be located on property of the Department of Veterans Affairs; or
- (3) is subject to an enhanced use lease with the Department of Veterans Affairs.

SEC. 417. None of the funds made available under this Act or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 418. Concurrent with the issuance of any notice of funding availability or any other no-

tice designed to solicit applications for a program through which grants or credit assistance are awarded through a competitive process, the Secretary of Transportation and the Secretary of Housing and Urban Development shall post on their Web sites information about such program, including, but not limited to, the goals of the program, the criteria that will be used in awarding grants or credit assistance, and the process by which applications will be selected for the award of a grant or credit assistance: Provided, That concurrent with the public announcement of grants or credit assistance to be awarded through such competitive program, the Secretary of Transportation and the Secretary of Housing and Urban Development shall post on their Web sites information on each applicant to be awarded a grant or credit assistance, including, but not limited to, the name and address of the applicant, the amount of the grant or credit assistance to be awarded, the amount of financing expected from other sources, and an explanation of how such award is consistent with program goals.

SEC. 419. Notwithstanding section 701, none of the funds made available by this Act may be used to purchase new passenger motor vehicles, except for national security, law enforcement needs, public transit, safety, and research: Provided further, all agencies and departments funded by divisions A, B, and C of this Act shall send to Congress at the end of the Fiscal Year a report containing a complete inventory of the total number of vehicles owned, permanently retired, and purchased during Fiscal Year 2012 as well as the total cost of the vehicle fleet, including maintenance, fuel, storage, purchasing, and leasing.

SEC. 420. A person or entity that receives a Federal loan using amounts made available under division A, division B, or division C of this Act may not repay the loan using a Federal grant or other award funded with amounts made available under division A, division B, or division C of this Act: Provided further, a grant or other award funded with amounts made available under division A, division B, or division C of this Act may not be used to repay a Federal loan.

This Act may be cited as the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012".

Amend the title so as to read: "An Act making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes."

Mr. KOHL. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 921

Mr. DURBIN. I ask unanimous consent that a title amendment to H.R. 2112, the text of which is at the desk, be agreed to.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Amend the title to read:

"An act making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes."

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I had a conversation with the Republican leader. We have a very important briefing today at 3:30, and it will be in the classified area of the Visitor Center. We are going to have Secretary Burns, General Clapper will be there, the head of the Joint Chiefs of Staff, Secretary Panetta will be there to talk about a number of countries around the world on which we need to focus our attention. I hope we have very good attendance at this meeting. It will be very important that we have Senators listen to what these gentlemen have to say, so I ask unanimous consent that we be in recess today from 3:30 until 4:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the experiment we have just completed on these appropriations bills has worked out extremely well. One reason it has worked out as well as it has is because of Senator KOHL. Senator KOHL has been in the Senate more than two decades, and those of us who have watched him know he doesn't spend a lot of time talking, but he spends a lot of time getting things done, and this legislation was an example of how good he is. Also, Senator BLUNT—this is a new experience for him, but he had been in the House for many years and was part of their leadership and actually hit the ground running and has been a great partner in helping us move this legislation forward. So I congratulate both these fine Senators.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, upon passage of this bill, I want to take a moment to thank my ranking member, Senator BLUNT, for his guidance and support throughout this process. He and his staff, Stacy McBride and Mary Koskinen, were extraordinarily helpful to me and my staff as we put this bill together. I also thank my staff—Galen Fountain, Jessica Frederick, Dianne Nellor, Bob Ross, and Chad Metzler—for their excellent work.

This is an austere bill. As I have stated before, almost every category of funding is lower than last year and much lower than the year before. We have had good debate on the floor about various provisions in the bill, and we have taken many votes. The process has been open and transparent. We have followed the regular order, and this bill was considered on the Senate floor. We can now conference this bill with the House and hopefully send it to the President shortly after that.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Missouri.

PASSAGE OF H.R. 2112

Mr. BLUNT. Mr. President, I wish to take a moment to thank Senator KOHL. The comments the majority leader made about him were certainly proven right in all of our relationships. I thank him for his guidance and encouragement throughout this process. We have had open communication and worked together to address the amendments brought forward by our colleagues. While we didn't agree on every single thing in the bill, we certainly agreed to be agreeable about that and see if we couldn't produce a work product people have a right to expect of the Senate. So the passage of these three bills is significant.

I certainly wish to thank Senator KOHL's staff—Galen Fountain, Jessica Frederick, Dianne Nellor, and Bob Ross—for their contributions, and I thank my staff: Stacy McBride, Mary Koskinen, Brian Diffel, Zach Kinne, and Christina Weger.

Because this has been a process that has involved two other subcommittees, I wish to express my thanks to my colleagues for their hard work and cooperation on the other parts of this bill: Senators MIKULSKI and HUTCHISON and their staffs on the Commerce, Justice, Science Subcommittee and Senators MURRAY and COLLINS and their staffs on the Subcommittee on Transportation, Housing and Urban Development.

The floor staff has worked hard over the course of the last several days. Often, that work goes unnoticed. But managing this bill has not been easy. It was a little different from many of the appropriations bills that have been brought to the Senate floor, and certainly the floor staff has been of tremendous help to me and to the committee staff.

This has been a long process. A dozen amendments that affect the agriculture division of this bill have been accepted over the course of the debate. I am glad we have had an open debate and hope we can swiftly move to conference with the House and send this work product on to the President so that we can get these appropriations processes started as close to the regular time as we possibly can, based on the moment in which we find ourselves, and look forward to working with the Appropriations Committee as we bring other bills to the floor.

Again, I close my remarks on this bill by expressing my personal appreciation to Senator KOHL and his willingness to work with a new Member of the Senate in putting this product together and bringing this bill to the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Presiding Officer, and I also compliment both Senators who

just spoke, Senator KOHL and Senator BLUNT, for their excellent work.

Like everybody here, I have followed these votes and the negotiations and did vote, and I am encouraged by the progress made on the Transportation-HUD appropriations bill which the Senate has now approved. It funds our Nation's ongoing transportation investments. It also includes crucial emergency disaster funding for Vermont and the other States struggling to recover from Hurricane/Tropical Storm Irene and other natural disasters.

This bill is part of the response needed from Congress by thousands of Vermonters and millions of other Americans. It is vital not only for the economy of Vermont and other States whose roads and bridges were decimated by the storm, but for the Nation's economy. I commend the chair, Senator MURRAY, and the ranking member, Senator COLLINS, for their hard work and dedication toward ensuring appropriate funding for disaster relief, particularly in Irene's aftermath.

I have said many times on the Senate floor that Hurricane Irene was devastating to our small State of Vermont. I was born in Vermont, as were my parents, and I have never seen destruction of this magnitude. The only thing that even compares are stories of floods in Vermont that my grandparents used to tell me about when they were younger.

The flash floods caused by the storm destroyed homes and farms, businesses, bridges, and roads. Roads and structures that have stood for over a century were wiped out in a matter of minutes. I helicoptered over Vermont with Governor Shumlin and General Dubie, the head of our Vermont National Guard, the day after our storm, and none of us could believe the things we were seeing. With the repair costs estimated to be over \$100 million, our little State has been stretched to the limit.

As the rain stopped, Vermont moved immediately and we had crews working to repair the damage. We didn't wait for anybody else; we just started moving—neighbors helping neighbors, our State and local governments, our National Guard, Red Cross, working together. However, we do need the traditional helping hand of Federal disaster recovery loans and grants to help those whose lives were upturned by Irene. Federal disaster recovery aid has always been available to other States after disasters such as this. We need it now in Vermont. This bill is an essential part of the work that Congress should be doing in response to major events such as Irene, pulling together as a Nation to heal these wounds.

The Senate, as the Presiding Officer will recall, reconvened after Labor Day. Those of us on the Appropriations Committee worked on this bill and

other disaster relief legislation, which have been top priorities for Vermont and for many other States. Many other committees were involved in this important work. The Vermont delegation worked together on this bill and other Senators came together to help make progress week by week. One by one, we have overcome a series of legislative obstacles and have been able to turn the lights from red to green.

Our legislative process this year has been unduly cumbersome and unresponsive; different than I have ever seen in the years I have spent here in the Senate. However, the progress we have achieved here in the Senate is a testament to the determination of many in this body who have been willing to set aside ideological imperatives and partisan differences to work together as Republicans and Democrats to accomplish the work that the American people and our constituents expect from their government.

Now, in Vermont and the other New England States, winter is not just on the horizon, it is on our doorstep. In our State last weekend, we had more than 1 foot of snow in some parts. I mention this because if you are going to repair roads and bridges, time is a significant factor, and time is slipping away.

We all know that roads and bridges are the circulatory system for commerce in the daily lives of living, breathing communities and their citizens—where people have to go to work, school or be together with their families. With many of the Federal aid disaster programs underfunded, I am especially pleased that this bill contains the \$1.9 billion that I and others worked to include to replenish the Federal Highway Disaster Relief Fund. This fund will help rebuild Vermont's vital roadways. These roadways are critical to rebuild our economy, distribute aid, and bring people to hospitals and to schools. It is of the utmost importance that this Federal aid reaches Vermont sooner rather than later, as our winters can be extremely harsh. I look at Washington, DC, which will close down with 3 inches of snow. We call that a dusting in our State. Many times we have a foot of snow overnight. Schools will still be open, commerce still goes on, but we can't rebuild roads with a foot of snow on them. We have to be working to rebuild now and we have to be prepared to work immediately when the snow stops.

I have talked with Senator SANDERS, Congressman WELCH, and Governor Shumlin, who has spent every single day working on this. My wife Marcelle and I have driven around the State. We have talked to community leaders, to those who have worked on disaster relief, and others. It is very clear, given the mammoth, unprecedented destruction of this storm, certain waivers are

needed to allow States to access funds for repair work they need without going through all kinds of burdens for repairs.

I mention these waivers because if we are going to ensure that Vermont and other States can promptly design and begin emergency and permanent repairs, we have to do it now. We put the waivers into this bill, and I hope the other body will understand we need them preserved. This bill, an investment in America's crumbling and damaged roads and bridges, is a crucial step. It will help restore the economic vitality of our country.

I am also pleased the legislation includes emergency community development block grant funding. Right now, HUD has no funding available. They cannot address the housing needs of Vermonters affected both by Hurricane Irene and the flooding of this past spring. These disaster recovery programs are woefully underfunded.

I cannot think of the number of hours that I and other members of the Appropriations Committee have worked on this, the evenings, the phone calls, the weekends, touching base, but it is all worth it. If this bill will now be accepted by the other body, we can go forward and we can start doing the rebuilding we need.

Vermont is a very special place, not just because it is my home but because of the spirit of its people. This is a State that has always supported help for other States and Americans all over the country facing similar disasters. We need that help now, and this bill is a major step forward for that help. I thank everybody involved with it. Now all we have to do is get it through the other body, get it on the President's desk, and continue the recovery work we are doing both in Vermont and other States damaged by Irene.

As we talk about the money, I will not resist the temptation to repeat what a Vermonter told me. I have said it before on the Senate floor. We spend unlimited sums to rebuild buildings and roads and bridges in Iraq and Afghanistan and somebody else comes along and blows them up. We build them in America for Americans by Americans and we Americans will keep them safe.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate is in a period of morning business.

The Senator from Florida.

ELECTION LAW

Mr. NELSON of Florida. Mr. President, I wish to inform the Senate of something that has just happened to a civics teacher in my State of Florida who tried to help her students register to vote. It was nothing new for this teacher, Jill Cicciarelli, to be prepping 17-year-old students for the privilege and responsibility of voting in a democracy. She has been doing this for a number of years. But it turned out that when Jill organized a drive at the start of the school year to get students preregistered to vote, she ran afoul of Florida's new election law.

How could that be? But, sure enough, the law, which is basically an attempt at voter suppression, causes her to face hefty fines. For what? For helping students to register to vote. As ridiculous as that sounds, that is what the law says.

But there is more, unfortunately. There is a lot more. I met with Jill Cicciarelli and her students last week. They are extremely concerned, and they are extremely surprised that a good government attempt to register students so they will be ready to vote in the next election has run afoul of the law. They were not happy; but, interestingly, neither was their elected Supervisor of Elections in Volusia County who, under the law, was required to report the teacher and the students to the State authorities.

The Supervisor of Elections, Ann McFall, has now publicly, openly criticized the parts of the law as being egregious and unenforceable. She has done that speaking out, she has done it in an op-ed and in the local newspaper. She has been unambiguous in her criticism that not only is it egregious in the substance of the law, but that the burdens they place on the Supervisors of Elections are unenforceable.

I have written to Governor Scott. I have talked to him personally, asking him to support the revamping or the repeal of this law. I have also just asked the Senate Judiciary Committee to conduct a congressional investigation to see if Florida's law was part of an orchestrated effort that resulted in voting law changes in 14 States thus far this year. These new voting laws could make it significantly harder for more than 5 million eligible voters in many States to cast their ballots in next year's election in 2012, and that is according to the Brennan Center for Justice at New York University School of Law.

Last month they completed the first comprehensive study of the impact of those State laws. The Florida law is probably the strongest of all the 14 States. It requires third parties who sign up new voters to register with the State first and then to submit applica-

tions from the new voters for registration within 48 hours. For almost four decades, the Florida law has been that they had 10 days in which to submit the names—for four decades. Now it is within 48 hours.

Can anybody say with a straight face that Florida isn't taking a step backwards in making it harder to vote and harder to register to vote and harder to have a person's vote count as they intended, especially a step backwards when it involves protecting one of our most fundamental rights, the right to vote?

I hope people are going to start to realize that this is not just happening in Florida, but that a number of States have passed laws that are going to make it harder to vote and harder for people to cast their ballots. We simply should not sit back and watch as a handful of lawmakers and Governors approving this legislation in those States continue to block the path of voters to the polls.

When we think back in history, when Lyndon Johnson was President there were poll taxes and literacy tests aimed at blocking African Americans from voting. President Johnson went on TV and spoke to the Nation about passing civil rights laws for African Americans, including the right to vote. He told us: "We are going to give them that right." If he were alive today, I wonder what he would think as he watched these legislatures across the country—in what the Miami Herald recently called a disturbing trend—pass laws that place unnecessary hurdles between the voting booth and minorities, young voters and seniors.

In Florida, the so-called election reform law rapidly made its way as a legislative bill into law this past spring despite public outcry as the legislature was considering it. Here is what the law does: It reduces the number of early voting days from 14 to 8. Of course, it was explained in the guides that the Supervisors of Elections can increase the voting hours on those days. But when they do that, they have to pay overtime, time and a half. Look at the budgets of all the States and the counties. They are in distress. So they are not going to have the money to do it. So, in effect, it is reduced from 14 days for early voting to 8 days.

Why was early voting ever instituted in the first place? Remember the debacle we had in the Presidential election in Florida in the year 2000? As a result, there was an effort to increase the number of days so it would make it a convenience and make it easier to vote—14 days constricted to 8.

Oh, by the way, the 14 days goes all the way up through the Sunday before the Tuesday election. The new election law in Florida stops it on the Saturday before the Tuesday election. Well, guess who that is going to hurt? What

group do we think goes in record numbers to vote after church on Sunday, the day before the Tuesday election?

The election laws were set up to make it easier to vote for seniors and for many others, so much so that it was such a tremendous success in the last several elections that 40 percent of all the people voted before Election Day. One can imagine the administrative help it was, that only 60 percent of the people voted on Election Day. But that is constricted under the theory that it was going to stop election fraud.

By the way, there has been very little election law fraud reported in Florida and in other States.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. NELSON of Florida. I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NELSON of Florida. So that is a false argument, that it is going to cause any improvement on voter fraud. There is hardly any voter fraud.

That is one thing the new election law does. What is another thing? It makes it harder if a person moves their residence to another county in Florida. As a matter of fact, if a person moves to another county and they do not register to vote in that county, but they have a voter identification card that shows an address in another county in Florida where the person came from, that person will not get a regular ballot. That person will get a provisional ballot. Sadly, what we know from the experience of provisional ballots in Florida in the 2008 Presidential election is that half of the provisional ballots were not counted.

Well, what group is that going to affect? Did my colleagues hear about how young people and college students got so interested in government and politics that they went to the polls in record numbers? Where did they vote? A lot of them got interested while they were away at their colleges and universities and they registered to vote and they voted in record numbers. Don't we want to encourage that? No. Not this election law. This election law says when that college student shows up because they have suddenly gotten energized, and they have not registered to vote in that county where they go to school, when they pull out their voter registration card that has their parents' address back home in another county, they are not going to get a regular ballot. They are going to get a provisional ballot.

Is this the kind of nonsense we want going on? It is happening in front of our eyes, and it is happening in the State of Florida.

Let me tell my colleagues what else it does. It subjects voter registration

drives to redtape and even fines up to \$1,000 per person, so much so that the League of Women Voters was forced to abandon its registration drives after doing it in our State for 72 years. What does the law do? It says: If you are going to register somebody to vote, you first have to register with the State of Florida that you are going to be a third party registrar, and when you register those names you have to turn them in to the supervisor's office within 48 hours.

Why, for four decades has the law been that you had 10 days to turn them in? If you don't get it in by the 48th hour and 1 minute, you are now subject to fines of \$50 per registration, up to \$1,000 that you could be fined, thus the case of the teacher at New Smyrna Beach High School, Jill Ciciarelli, who had preregistered her students and had held the registrations for more than 48 hours. Of course, Jill did not even know about the law.

Listen to what the Orlando Sentinel said about it. This is about the new election law:

It amounts to . . . ripping apart election laws and weakening democracy.

Listen to what the Tampa Tribune said:

This bill isn't fooling anybody. It's not about clean elections.

Listen to what Florida Today, a Gannett newspaper, said. It called the law an "assault on the most cherished of American rights."

I see you are calling my time. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, no State should have the right to make a law if it abridges people's basic rights. I have requested the Department of Justice to look into that. I requested this several months ago. At this moment, I cannot tell you to what degree the Department of Justice is questioning this. They have been engaged in a lawsuit, because the State of Florida has sued them. The State of Florida is suing them to invalidate the entire Voting Rights Act of 1964, if you can believe that.

Look back in history. After being arrested for casting an illegal vote in the Presidential election in 1872, Susan B. Anthony, a schoolteacher, called it a downright mockery to talk to women of their enjoyment of the blessings of liberty while they were being denied the use of the only means of securing that, and that is the ballot. That is what Florida's new election law and others like it around the Nation are, a downright mockery. Dr. King warned Americans that all types of conniving methods can be used to keep people from being registered voters. That is what these new so-called election reform laws amount to, democracy turned upside down. I hope the Senate will look at this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

SPECIAL JOINT COMMITTEE

Mr. CARDIN. Mr. President, later this month, the special joint committee will be issuing its recommendations. The special joint committee was set up for us to get recommendations on dealing with our economic problems and our budget deficit. I wanted to share with my colleagues two points I think are critically important that I hope will come out of this special joint committee.

First, I hope this joint committee will provide a way that we can advance an agenda that will create jobs in our communities. Secondly, I hope this special joint committee will come forward with a comprehensive and balanced approach for us to deal with our current unsustainable budget deficits.

Let me talk about the first issue, creating jobs. President Obama came forward with a job initiative that I do believe is entitled to debate on the floor of this body and, I would hope, passage. President Obama brought forward a bill that deals with rebuilding America so we can have the types of roads and bridges and water infrastructure and energy infrastructure that allow America to compete, at the same time creating jobs.

He has offered proposals that would help small businesses, because we know the small businesses represent the economic engine of America. Where more jobs will be created, more innovation occurs. He understands that and is encouraging us to do more to help small businesses.

The President's proposal deals with our men and women in the military service who are coming back from Iraq, coming back from Afghanistan, to have jobs available. Yesterday I was at BWI Airport as our soldiers came back from Iraq and Afghanistan. They want jobs. The President's initiative says, look, let's make sure we have jobs for our returning soldiers. All that means is we are going to create more jobs.

The joint committee needs to make sure that in its recommendations we have the wherewithal to move this Nation forward by creating jobs. The President's proposal has been evaluated by independent economists. Mark Zandi, who was Senator McCain's economic adviser in his Presidential campaign, points out the President's proposal would increase our gross domestic product by 2 percent and create 1.9 million additional jobs.

The President's proposal is completely paid for. It adds nothing to the deficit. I must tell you, if we are going to be able to balance our budget, if we are going to be able to get our budget in better shape, we have to have more jobs, less people using governmental services, more people paying revenues or taxes into our system. The more

people who are working, the better our budgets will come into balance.

I know some here are saying there is a better way of doing it. Well, come forward with a better way of doing it. I would challenge particularly my Republican colleagues, if you have a better way, come forward with a proposal that includes at least 1.9 million jobs and does it without adding to the budget deficit. That is the proposal we have before us.

I am asking the joint committee to make sure they provide in their recommendations a way that we can create jobs so we can deal with our budget deficit.

The second point I want to make is I would hope that the joint committee's recommendations would be comprehensive and balanced. Some call that the shared sacrifice.

I know these numbers can sort of be used any way you want, but the groups that have looked at this, the Simpson-Bowles group and others, say, we need to reduce the deficit over the next 10 years by about \$4 trillion. I think that is a number we should meet. I hope the joint committee can come in with \$4 trillion of deficit reduction over the next 10 years. We have already done the first trillion. We did that when we raised the debt limit in August. Now we need to look at another \$3 trillion. I would hope they would do it.

It starts with a realistic baseline. What does that mean? It means what numbers are we using in order to determine whether we actually get to that \$4 trillion of deficit reduction? What baseline do we use in order to determine the revenue base from which we start these discussions?

I would suggest we make a realistic baseline. I was impressed with the work of the Simpson-Bowles commission. I was impressed by the work of our colleagues in the Senate, the so-called Gang of Six, and I must tell you the overwhelming majority of my colleagues in the Senate have at least agreed to the basis of what the Gang of Six was working with, what they were trying to do. It uses a realistic baseline. It assumes that some of the tax provisions will be extended, but not all.

It also assumes we have to bring in additional revenues beyond that. Quite frankly, the number we have been talking about is that we need about \$1.2 trillion outside of this \$4 trillion package in realistic revenues using a realistic baseline. And that can be gotten. That is not so difficult to get when you realize that all of the tax deductions, exemptions, and credits equal as much revenue as we bring in in our Tax Code.

Another way to say that is, if we eliminate all of the exemptions, deductions, and credits, we get tax rates one-half of what our current tax rates are. What we are suggesting is that there are certain loopholes in the Tax Code that benefit special interest corpora-

tions. They need to be eliminated. They need to be eliminated. Everyone has to pay their fair share. We cannot just attack the middle-class families.

There was an article in the Baltimore Sun this past week which showed that during this recession the number of people earning more than \$1 million has grown dramatically. There have been economic studies done showing that the wealthiest in America during these economic times have done very well. Their incomes have grown at a faster rate than other Americans, the middle-class families. The middle-class families are falling behind.

All we are suggesting is that when we look at how we get the revenue, let's make sure it is fair and we do not again penalize the middle-class families. Let's make sure those who earn over \$1 million pay their fair share toward this comprehensive and balanced approach.

That is what we are asking the joint committee to come in with, come in with proposals that are fair, are balanced, make sure everybody pays their fair share, including those who have done extremely well during this economic recession, those who have made over \$1 million of income.

I must tell you, everyone needs to be part of the equation. We understand that. We have to have the so-called shared sacrifice. I have taken the floor before to talk about our Federal employees. Everybody says, well, you know, the Federal employees have to help contribute to this deficit also. Our Federal employees understand that. They already have contributed. They were the first to do that with 2 years of pay freezes. We are asking them to do more with less people. We have cut their budgets and we have given them more work. And we have told them, 2 years with a pay freeze. So our Federal employees have already contributed to these deficit reduction numbers. They should not be picked on again. I believe we can come together. We need to have a comprehensive and balanced approach that allows America to create more jobs. That is what we need to do as a nation. If we come together, I am convinced it will instill confidence among the American consumers, among American investors, and our economy will take off. It is going to be good for everyone in this Nation. I hope this month we will see the joint committee come in with such recommendations that will be balanced, will be fair, and will allow us to create more jobs for Americans.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

CRIMINAL JUSTICE REFORM

Mr. WEBB. Mr. President, 11 days ago, all but four of the Republicans in this body filibustered a commonsense piece of legislation that would have created a national commission designed to bring together some of the best minds in America to examine our broken and frequently dysfunctional criminal justice system and to make recommendations as to how we can make it more effective, more fair, and more cost-efficient.

This legislation was the product of more than 4 years of effort. It was paid for. It would have gone out of business after 18 months. It was balanced philosophically. It guaranteed equal representation among Democrats and Republicans in its membership. It was endorsed by 70 organizations from across the country and from across the philosophical spectrum—from the National Sheriffs' Association, the Fraternal Order of Police, the International Association of Chiefs of Police, to the ACLU, the U.S. Conference of Mayors, and the Sentencing Project.

I must say that at first I was stunned by this filibuster at the hands of 43 Republicans. But on the other hand, it is impossible not to notice over the past 2 years the lamentable decline in bipartisan behavior in this body, even in addressing serious issues of actual governance. I say this with a great deal of regret, both personally and politically.

I think I can fairly say there is no one in this Chamber who has tried harder to work across party lines. In fact, one of my Republican friends joked not long ago that I was the only "nonpolitical" Member of the Senate. I spent 4 years in the Reagan administration as an Assistant Secretary of Defense and Secretary of the Navy. I am proud of that. I consciously sought out Senators John Warner and Chuck Hagel as two of my three principal cosponsors when I introduced the post-9/11 GI bill.

I voted with the Republicans 17 times during the health care debate. I was the only Member of Congress in either party or in either House to send a letter to President Obama, when he claimed he would come back from the climate change summit in Copenhagen with a politically binding agreement, stating my belief the President did not have the constitutional authority to bind the American people to an international agreement without the approval of the Congress. I have taken issue with this administration with respect to closing down our facilities at Guantanamo. I have consistently opposed any tax increases on ordinary earned income.

I took that same bipartisan approach when I introduced the criminal justice

commission bill in 2009, obtaining the cosponsorship of a number of Republicans, including Senators LINDSEY GRAHAM and ORRIN HATCH, both of whom serve on the Judiciary Committee. The filibuster of a common-sense measure that might assist this Nation in resolving the national disgrace that now comprises our criminal justice system is a sad metaphor for the obstructionism that is too frequently replacing commonsense leadership in our national debate.

We spent more than 4 years reaching out to all sides of the philosophical spectrum. We worked with liberals, we worked with conservatives, we worked with law enforcement, we sought the views of many Republicans, and we also worked in close coordination with the other body. Toward that end, it is interesting to note that in the last Congress, the House of Representatives approved the same legislation by a voice vote. It was not even considered controversial. In fact, Congressman LAMAR SMITH, a Republican, now the chairman of the House Judiciary Committee, was a cosponsor of the legislation.

But let us speak frankly. In the aftermath of the 2010 elections and in anticipation of the 2012 Presidential election, the mood in this historic body has frequently become nothing short of toxic. In that environment, even this carefully developed and much needed legislation is suddenly considered controversial and not only controversial, it was also alleged to be unconstitutional.

Just before the vote, Senator COBURN of Oklahoma said: "We're absolutely ignoring the U.S. Constitution if you do this."

Senator HUTCHISON from Texas said: "This is the most massive encroachment on States rights I have seen in this body."

With all due respect, I am pretty comfortable with the legal education I received at Georgetown University Law Center. I care about the Constitution. I keep a copy of the Constitution on my desk, and I refer to it frequently. I think I have a pretty good idea of what is in it and what is not and there is nothing in the Constitution that precludes the Congress from asking some of the best minds in America to come together and to give us advice and recommendations on the entire gamut of challenges that face our criminal justice system. Certain Senators may not like that idea. That is their prerogative. They may not even want to hear the advice. They may not even want to believe there is a problem in our criminal justice system. But to claim the Constitution precludes this process is nothing short of absurd.

In fact, our national leadership has received such advice before, most notably in 1965, during the Johnson administration, which is the last time we

have had a comprehensive examination of our criminal justice system.

I am not alone in this judgment. Over the past 11 days, there have been a number of editorials and articles pointing out the unfortunate nature of this filibuster: Sunday, masthead editorial, New York Times; Sunday, masthead editorial, Washington Post; a very observant article in the Politico the day of the vote; editorial, Newsday. The lead editorial in the Virginian-Pilot in my home State reads: "Senate Negligence on Crime Reform." Very interestingly, an article in the National Review—one of the most conservative magazines in the United States—is titled: "An Absolute Scandal." The first sentence of that article reads: "The insane refusal of 43 Senate Republicans to back the National Criminal Justice Act."

Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks all these articles I have referred to.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WEBB. Mr. President, for nearly 2 years, our legislative process has too often become sidetracked by what can only be termed an "indiscriminate obstructionism." A lot of good ideas have fallen by the wayside, having become hostages in the larger debate about who should comprise our national leadership and how we should solve long-term problems, such as our fiscal crisis. This larger debate has affected the willingness of many in the other party to come together and address a number of serious issues of governance that should be resolved no matter who is President and no matter how we end up addressing the economy. I would ask my friends on the other side of the aisle to think hard about the overwhelming frustration across our country with the persistent failure of the Congress to address these kinds of issues.

Nowhere is the need to think creatively for the good of the country more clear than where it affects our dysfunctional criminal justice system, the challenges of which threaten the safety and the well-being of every single community and every single American. This system will not be fixed by sticking our heads in the sand and pretending not to see its failings. It will only be fixed by bringing together the good minds of those who have dedicated years of thought and action to finding answers. That is what we have been trying to do. Unfortunately, that is what we were stopped from doing by this filibuster.

People in this country are looking for leadership, and obstructionism is not leadership. We will continue to pursue this effort, and I would ask my Republican colleagues to join the unanimous position of the Democratic Party as we do.

EXHIBIT 1

[From The New York Times, Oct. 30, 2011]

EDITORIAL: FALLING CRIME, TEEMING PRISONS

Senator Jim Webb, Democrat of Virginia, has a smart proposal to create a bipartisan commission to review the nation's troubled criminal justice system and offer recommendations for reform. The National Criminal Justice Commission Act would be a valuable first step toward reducing crime as well as punishment. Unfortunately, Senate Republicans derailed the bill recently, with some falsely claiming that it would encroach on state's rights.

As a means of controlling crime, America's prisons are notoriously inefficient and only minimally effective, often creating hardened criminals out of first-time offenders. The United States has 5 percent of the world's population, yet 25 percent of the world's prisoners. In the past generation, the imprisonment rate per capita in this country has multiplied by five. There are 2.3 million Americans in prisons and jails. Spending on prisons has reached \$77 billion a year.

While crime has gone down notably, just 10 to 25 percent of the decline can be credited to the increase in imprisonment. The rest is from the waning of the crack epidemic, the aging of the baby boomers and other factors.

Even as the prison population has grown, less than half of the inmates are serving time for violent crimes. Far too often, prison has become a warehouse for people with drug or alcohol addiction. More than half of the population has some form of mental illness. Without proper addiction and psychiatric treatment, many end up back in prison soon after their release.

The incarceration rate has had a devastating effect on minority communities. African-Americans, who make up one-eighth of the population, now make up about 40 percent of those in prison. African-American men have a one-in-three chance of spending a year or more in prison. The trend affects whole communities, depressing earnings and increasing recidivism.

There are, however, ways to end this cycle of incarceration. This could be done by reducing sentences for nonviolent offenses, ending mandatory minimum sentences and cleaning up drug markets nationally. Reasonable senators should support the bipartisan commission that Senator Webb is calling for, which would cost only \$5 million and could help bring about compelling reforms.

[From The Washington Post, Oct. 30, 2011]

EDITORIAL: SHAKY ARGUMENTS BLOCK FEDERAL COMMISSION ON CRIME

The United States remains the world's leading jailer, with more than 2 million individuals locked up. The annual price tag is \$50 billion.

Who are the individuals behind bars? What crimes were they convicted of and what penalties did they receive? What relationship is there between the rate of incarceration and the drop in violent crime? Are there more effective and inexpensive ways to deal with lawbreakers?

These and other questions would be tackled by a bipartisan commission proposed by Sen. James Webb (D-Va.). Republican and Democratic leaders would pick the 14 members of the National Criminal Justice Commission, including experts on law enforcement, prison administration, mental health and drug abuse. The commission, supported by the Fraternal Order of Police and the International Association of Police Chiefs, would have a budget of \$5 million and would

issue a report after 18 months. This approach is long overdue: The last comprehensive review of criminal justice was conducted roughly 45 years ago during the Johnson administration.

Yet Mr. Webb's efforts were dealt a blow last week when Republicans in the Senate blocked consideration of the measure.

Sen. Kay Bailey Hutchison (R-Tex.) criticized the proposal for stomping on states' rights. Sen. Tom Coburn (R-Okla.) deemed it unconstitutional. The National District Attorneys Association, which opposes the measure, wrote that the "federal government should never be in the business of auditing state and local criminal justice systems."

These criticisms fall flat. The panel would only study the policies of local, state and national law enforcement entities and make recommendations about best practices. It would have no power to issue mandates. The federal government, which distributes federal dollars as incentives for states and localities to adopt best practices, has a legitimate need to know which policies work.

Some critics question whether a commission appointed by politicians will issue fair recommendations; a nonpartisan academic group may be better-suited for the task. Critics also worry that 18 months—the length of time the Johnson commission was up and running—is not enough time. These are points that should be addressed, but they are not valid arguments against conducting a review.

[From Politico, Oct. 20, 2011]

REPUBLICANS BLOCK JUSTICE REVIEW PROPOSAL IN SENATE

(By David Rogers)

Invoking "states rights" and the Constitution, Senate Republicans Thursday torpedoed an ambitious plan to create a national blue ribbon bipartisan commission to do a top-to-bottom review of the U.S. criminal justice system and report back potential reforms in 18 months.

The 57-43 roll call—three short of the 60 supermajority needed—dramatized again how politically divided the chamber has become.

Almost identical legislation cleared the House in the last Congress on a simple voice vote with Republican backing and had been approved with bipartisan support in the Senate Judiciary Committee last year as well.

Given endorsements from the American Bar Association and many police and sheriffs organizations, proponents had hoped to clear the 60 vote supermajority required in the Senate. But under a barrage of last-minute attacks, Republican support wilted. And the chief sponsor, Sen. Jim Webb (D-Va.), found himself deserted by even his long time associate and fellow Vietnam veteran, Sen. John McCain (R-Ariz.).

"We're not done," Webb told Politico. "There were very specific answers to everything that was raised there. There is no states rights issue in convening the best minds in America to give you advice and observations about the overall criminal justice system."

"I thought he was voting with us," Webb said of McCain. The Arizona Republican argued in a separate hallway interview that the state-rights complaint was valid and also took issue with how the 14-member commission, seven Republicans and seven Democrats, would be chosen.

Indeed, Republicans argued that the White House would have too much influence, effectively creating a 9-7 majority for the admin-

istration. But Webb said the specific language that one set of commission seats be chosen "in agreement" with the White House had been the exact phrasing chosen by the GOP. And Republicans are specifically promised control over one of the two co-chairs.

Sen. Kay Bailey Hutchison (R-Texas) took the lead in the GOP's attacks, describing the commission as "an overreach of gigantic proportions" and "not a priority in these tight budget times."

"We're absolutely ignoring the U.S. Constitution if you do this," said Sen. Tom Coburn (R-Okla.) in closing. "We have no role unless we're violating human rights or the U.S. Constitution to involve ourselves in the criminal court system or penal system in my state or any other state . . . I would urge a no vote against this and honor our Constitution."

The scene was in sharp contrast with events before the 2010 mid-term elections.

In July that same year, nearly identical legislation sailed through the House with the backing of Hutchison's fellow Texan, Rep. Lamar Smith—now chairman of the House Judiciary Committee. Support was so strong that the bill was called up under expedited proceedings and passed without any member even demanding a recorded vote.

By contrast, just four Senate Republicans backed Webb Thursday: Sens. Lindsey Graham of South Carolina, Orrin Hatch of Utah, Olympia Snowe of Maine and Scott Brown of Massachusetts.

Hatch is a former Senate Judiciary Committee chairman. And Graham, a close friend of McCain, is prominent as well on the committee which reported a similar version of the bill in January last year—also before the 2010 elections.

Individual Republican senators said they had come under pressure from local district attorneys and judges in drug courts to oppose Webb. But the Democrat countered that he had strong support from the drug court judiciary and the model for his proposal was the influential presidential commission on crime and the judicial system in the mid 1960's led by then-Attorney General Nicholas Katzenbach.

Webb said that 40 years later it is reasonable to have a second review, especially given the high incarceration rate in the U.S. at a time of relatively low crime rates.

"Our criminal justice system is broken in many areas," he told the Senate in his own floor comments. "We need a national commission to look at the criminal justice system from point of apprehension through re-entry into society of people who have been incarcerated."

[From Newsday, Oct. 24, 2011]

KEELER: JUSTICE SYSTEM NEEDS TO BE STUDIED

(By Bob Keeler)

If we're ever going to get a handle on why we lock up so many Americans and find out if we're paying too much for too little benefit, this is the time. The cut-the-deficit chorus in Washington seems to have made even the law-and-order hawks have second thoughts about prison costs.

But last week, a perfectly sensible proposal for a broad examination of the nation's criminal justice system died in the Senate. Sponsored by Sen. Jim Webb (D-Va.), it would have done nothing more radical than create a blue-ribbon commission to spend 18 months looking into the system, then recommend reforms. The United States has a far higher per capita rate of prisoners than the world average. If we're locking up people

for too long, or for the wrong reasons, and if we can save billions of dollars without increasing crime, it's an idea whose time has come.

In fact, Webb's bill enjoys broad support among law enforcement groups, such as the International Association of Chiefs of Police and the National Sheriffs' Association. In 2010, the House of Representatives passed it. And last week, Webb tried to get it adopted in the Senate as an amendment to an appropriations measure.

It got 57 votes, including four Republicans—not enough to get past the 60-vote filibuster barrier. The 43 nay votes all came from Republicans. And Webb was mightily miffed.

"Their inflammatory arguments defy reasonable explanation and were contradicted by the plain language of our legislation," Webb said in a statement after the vote. "To suggest, for example, that the nonbinding recommendations of a bipartisan commission threaten the Constitution is absurd."

Webb's strong words should come as no surprise. He's a fighter, like the Scots-Irish forebears he celebrated in a book called "Born Fighting: How the Scots-Irish Shaped America."

He's a graduate of the U.S. Naval Academy and a Marine Corps veteran of Vietnam, where he earned the Navy Cross, the Silver Star, two Bronze Stars and two Purple Hearts. Later, he served as Navy secretary under President Ronald Reagan. He's a prolific author, including a novel of Vietnam, "Fields of Fire."

So Webb is tough—not the soft liberal often associated with prison reform. His passion for it goes back decades. In the military, he served on courts-martial. Later, as an attorney, he defended pro bono a young ex-Marine convicted of murder in Vietnam. In 1984, for Parade Magazine, he went to Japan to write about its justice system. "Since then," he wrote in 2009 in Parade, "Japan's prison population has not quite doubled to 71,000, while ours has quadrupled to 2.3 million. The United States has by far the world's highest incarceration rate. With 5% of the world's population, our country now houses nearly 25% of the world's reported prisoners."

He argues that we're locking up people who don't have to be in prison—like nonviolent drug offenders—but not doing enough to protect the public from violent gangs and drug cartels.

Over the years, I've spent a lot of time in prison, as a reporter—starting with the Attica uprising in 1971 and including a prison guard strike in 1979—and as a visitor. I've interviewed inmates who make me glad there are stout bars and high walls between them and society. And I've known sad-sacks, whose incarceration protects no one and helps no one.

Crime is a long-term problem, but short-term legislators try to solve it with fixes that don't work, but do add unnecessarily to the prison population. Now it's time to undo some of the damage they've done.

Webb isn't running for re-election in 2012. That gives him 14-plus months to get this bill through the Senate. I'm betting he keeps fighting, as he should.

[From The Virginia-Pilot, Oct. 22, 2011]

EDITORIAL: SENATE NEGLIGENCE ON CRIME REFORM

To get an idea of how disconnected from reality, and how utterly dysfunctional, Congress has become, look no further than the fate this week of Sen. Jim Webb's proposal

for a blue-ribbon commission to examine the nation's criminal justice system.

The proposal had bipartisan support among legislators and special-interest groups ranging from the American Civil Liberties Union to the Fraternal Order of Police.

It promised to have two co-chairs—one Republican, one Democrat—and a 14-member panel evenly represented by both parties.

It restricted itself to completing its task—a top-to-bottom review of strengths and weaknesses in the federal, state and local criminal justice systems, with an aim to identify ways to become fairer, more efficient and more cost-effective—within just 18 months.

And it was designed to carry out all of its work—convening hearings, calling experts, analyzing data, issuing reports—on a budget of \$5 million.

Last year, the legislation rolled through the House with virtually no opposition. But this week, Webb's proposal was shelved after a few Republicans dropped their support.

Excuses varied, but Texas Sen. Kay Bailey Hutchison managed to articulate her opposition in a way that underscored the kind of myopia that has rendered Congress, and particularly the Senate, a counterproductive force in American government.

She described the legislation, according to Politico, as “not a priority in these tight budget times,” a tenuous claim if there ever were one. Even in tough times, spending what amounts to less than a drop in the bucket (the Department of Justice alone spends more than \$28 billion) as a means to save far more should be viewed as a financially and morally prudent move.

Oklahoma Sen. Tom Coburn offered his own reason: Such a commission would violate states' rights and the Constitution. The claim is nonsense, given that the commission's intent is to offer recommendations, not binding directives.

But those spurious arguments were sufficient to sway enough Republican senators to disown the notion of improving a system that, as Webb has repeatedly noted, puts four times as many mentally ill Americans into prisons as into mental health institutions.

The system accounts for 25 percent of the world's prison population, even though the United States is home to just 5 percent of the people. It has funneled more than \$1 trillion into a war on drugs that has ruined countless lives, resulted in thousands of deaths and sent inmate populations soaring.

Perhaps the most revealing commentary on Webb's proposal—and on the nation's criminal justice system and America's readiness to change it—was delivered this week.

It originated far from the halls of Congress. It came in the form of a poll, conducted by Gallup, that showed that for the first time in modern U.S. history, half of Americans favored the legalization of marijuana, a drug that has created millions of criminals in America and cost untold billions of dollars.

[From National Review Online, Oct. 21, 2011]

AN ABSOLUTE SCANDAL

(By Reihan Salam)

The insane refusal of 43 Senate Republicans to back the National Criminal Justice Commission Act. Even Sen. Tom Coburn of Oklahoma, easily one of my favorite legislators, covered himself in non-glory on this one by suggesting that the commission might be unconstitutional, despite the fact that all it established was a bipartisan panel empowered to make nonbinding recommendations.

There were, however, four Senate Republicans who backed the proposal: Sens. Lindsey Graham of South Carolina, Orrin G. Hatch of Utah, Olympia Snowe of Maine and Scott Brown of Massachusetts.

Why do we need a commission? Senator Webb, the sponsor of the proposal, offered a fact sheet recounting the scale of the problem:

The United States has by far the world's highest incarceration rate. With five percent of the world's population, our country now houses twenty-five percent of the world's reported prisoners. More than 2.3 million Americans are now in prison, and another 5 million remain on probation or parole.

Our prison population has skyrocketed over the past two decades as we have incarcerated more people for non-violent crimes and acts driven by mental illness or drug dependence.

The costs to our federal, state, and local governments of keeping repeat offenders in the criminal justice system continue to grow during a time of increasingly tight budgets.

Existing practices too often incarcerate people who do not belong in prison, taking resources away from locking up high-risk, violent offenders who are a threat to our communities.

2.3 million + 5 million = 7.3 million. Roughly 24 percent of the 310 million U.S. residents are under the age of 18, leaving us with roughly 235.6 million adults. So that means that 3.1 percent of adults are behind bars, on probation, or on parole right now. There are, of course, millions of ex-offenders.

This population is disproportionately male and disproportionately black, which means that the impact of mass incarceration is particularly significant for African American children. Basically, doing a bid limits your ability to acquire the kind of skills you need to climb the jobs ladder, in part because employers are (understandably) reluctant to hire ex-offenders.

If we're even incarcerating five percent of these individuals needlessly, we're causing a massive amount of damage. Why? Apart from the collateral damage on families and children, we might actually make the crime problem worse. The more we incarcerate people, the less severe the stigma associated with being incarcerated. And reducing the stigma actually reduces the effectiveness of incarceration as a deterrent.

Having grown up in central Brooklyn during the crack epidemic, I have some familiarity with fear of crime. Reducing crime should be an urgent priority, in my view. Even the so-called “great American crime decline” has left us with rates of violent crime radically higher than what we saw in the early 20th century, as William Stuntz observed in his last book:

New York is America's safest large city, the city that saw crime fall the most and the fastest during the 1990s and the early part of this decade. Yet New York's murder rate is 80 percent higher now than it was at the beginning of the twentieth century—notwithstanding an imprisonment rate four times higher now than then. That crime gap is misleadingly small; thanks to advances in emergency medicine, a large fraction of those early twentieth-century homicide victims would survive their wounds today. Taking account of medical advances, New York is probably not twice as violent as a century ago, but several times more violent. At best, the crime drop must be counted a pyrrhic victory.

If locking people up in increasingly large numbers were really the most cost-effective

way to keep our cities safe, I'd be all for it. Overwhelming evidence suggests that this is not in fact the case. The people who profit most from today's approach to mass incarceration are not potential crime victims. Rather, they are the workers—most of them unionized public sector workers—who staff our prisons.

So yes: why would we want to study more cost-effective alternatives to reducing crime when we can pour billions of dollars in taxpayer money into the hands of an industry that channels that money back into lobbying and political advertising on behalf of longer prison sentences, all to keep the gravy train going?

Mr. WEBB. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS

Mr. SANDERS. Mr. President, I want to congratulate the members of the Senate who, by a very large vote today, passed the minibus legislation which, among many other important things, will provide \$1.9 billion for the Department of Transportation's emergency relief fund. What that will do is help the Department deal with the backlog of disaster situations around the country that they previously were not able to deal with; and, from the perspective of the State of Vermont, it will help us deal with the devastation we experienced in terms of our roads and our bridges and our infrastructure as a result of Hurricane Irene.

In many communities around the State, we saw washouts, we saw bridges destroyed or damaged, and roads disappear. While Vermont is certainly prepared to do everything it can to come up with funds to help, there is no question but that the Federal Government needs to be there, as it has always been in the past when disaster strikes a community in America.

The name of our country is the United—U-N-I-T-E-D—States of America. What that means is if a disaster hits Minnesota or California, the people of Vermont are there to help. That is what we do as a nation. And when disaster hits Vermont or New Jersey, people in other parts of the country are there.

We made good progress today. I want to congratulate Senator LEAHY and the other members of the Appropriations Committee for coming up with this funding. Now the ball goes to our colleagues in the House, and now is the

time for the House to stand tall, to support what we have done here in the Senate, and make sure that communities all over this country get the emergency funding they need in transportation in order to rebuild their communities.

BANK OF AMERICA

Mr. SANDERS. I want to say a word on another interesting issue which took place today. You may have noticed that Bank of America has decided to withdraw its \$5 fee for debit transfers. Let me tell you, the Bank of America, like the other banks that were going to go forward in imposing these fees, did not withdraw them because they were nice guys. They withdrew them because the American people said "enough is enough" in terms of the greed of Wall Street.

Let us never forget that it was the Bank of America and the other huge financial institutions on Wall Street that caused the recession we are in, resulting in millions of people losing their jobs, their homes, their life savings. Let us never forget that when Wall Street was on the verge of collapse, it was the American people and the Fed who bailed them out. And now that Wall Street and the large banks are making very handsome profits, paying their CEOs some of the largest compensation packages they have ever received, their thank you to the American people was to charge them a \$5 a month debit fee.

But do you know what happened? The American people said thanks but no thanks. It wasn't the Senate that turned this around. It wasn't the House that turned this around. It was the American people. I applaud the people on the Occupying Wall Street campaign who focused attention on the greed of Wall Street, and the millions of other Americans who have said enough is enough.

The point here, which is a very profound point—which is ultimately what politics is all about—is that if the American people at the grassroots level begin to stand up and fight back, profound and positive changes can take place in this country. If the American people stand up and say: No, we are not going to cut Social Security, we are not going to cut Medicare, we are not going to cut Medicaid, or education, but we are going to move toward a balanced budget by asking the wealthiest people in this country, whose effective tax rate is the lowest in decades, to start paying their fair share of taxes, we can do that. We don't have to cut Social Security and Medicare and Medicaid.

If the American people say maybe we have got to end these outrageous tax loopholes that allow oil companies—which are making huge profits right now—in some years to pay nothing in

Federal income taxes, we can end those loopholes as well.

If the American people say, well, maybe before we cut programs for the elderly, the sick, the children, and the poor, maybe we want to make sure those companies and individuals who stash their money in tax havens such as the Cayman Islands, where we lose \$100 billion a year because of the tax havens—when we rally the American people and they stand up and say enough is enough, we can change that too.

So today I congratulate the American people. You did it. You took on the largest financial institution in the United States of America and you beat it. And that should be step one. We should go on from there. The American grassroots has to continue to speak out in the fight for social justice in this country.

I yield the floor, and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as Senator from Minnesota, I ask that the quorum call be vitiated.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4:30.

Thereupon, the Senate, at 3:35 p.m., recessed until 4:30 p.m. and reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Madam President, I ask that morning business be extended for the next hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. I ask consent to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEBIT AND CREDIT CARD FEES

Mr. DURBIN. Madam President, Bank of America made an announcement. They announced they were eliminating their proposed \$5 monthly fee for the use of a debit card. We have kept track and I believe every bank across America has said we are abandoning this approach, and it is a good thing. It is an indication to me that consumers across America have a much larger voice in this process today than they did even a few weeks ago.

Consumers and customers of major banks paid close attention when many of these banks, such as Bank of America, said they were going to charge these customers \$5 a month to have access to their own money in their checking account. I was asked at the time: What should we do? I said: Customers of these banks should vote with their feet. Start looking for another bank. Find a bank or a credit union that treats them in the manner they want to be treated—fairly and respectfully.

The message got out, and that message ended up creating a substantial move of customers from some banking institutions to others. Some reports suggest the activity on credit union Web sites is now up 800 percent. The people at community banks all across America have signs in front of their banks saying, for instance, the one in Georgia: We agree debit cards should be free.

What we have at work is two very fundamental principles of our economy, the free market economy—transparency so people know what they are being charged, and competition so they have a choice. I think those are the two pillars of a successful free market economy. Now the banking industry, in many respects, is being introduced to it. I think this is a healthy thing.

Prior to October 28, several large banks had announced they would begin charging monthly debit fees on many of their customers' accounts, Bank of America, \$5; Wells Fargo, \$3; Chase, \$4; SunTrust of Atlanta, \$5; Regions Financial of Birmingham, AL, \$4. Numerous other large banks had made it clear they would not charge the monthly fees, including: U.S. Bancorp, Citigroup, PNC, KeyCorp, USAA, and more.

In response to consumer reaction to their fee announcements, on Friday October 28 Wells Fargo and Chase announced they were abandoning their plans to charge these fees.

On Monday, October 31, SunTrust and Regions Financial announced they would also abandon their fee plans.

Today, Bank of America announced it too would abandon its monthly fee plans.

Warren Buffett—a man I have come to know and respect—is an investor in some of these large banks, and he was asked over lunch recently to react to the Bank of America \$5 monthly fee. He lifted his glass of Coca-Cola and said it was like New Coke. It told the story that sometimes large companies lose touch with their consumers and their customers and make bad decisions.

The question is, What will come of this next? I think we ought to ask ourselves: What have we learned from this experience over the last several weeks and what do we hope it leads to? Certainly, we want more transparency, competition, and choice, but in order

for that to happen, we need more disclosures so the average customer of a bank knows what they are getting into.

Have any of us taken the time to read the back of that monthly credit card statement? As a lawyer, I can tell you that if you asked for the entire statement concerning fees at banks, it is over 100 pages. It is almost impossible to decipher. We have to get down to the basics, where we understand our relationship with these financial institutions so we can choose those that serve our needs or the needs of our businesses. That is why the Pew Charitable Trusts came up with a valuable suggestion. They have a one-page disclosure form that lists the basic fees banks charge. What they are suggesting is every bank should adopt this just as we have a basic box on the back of food products with ingredients we can turn to. It shows how many calories, how much sodium, how many carbohydrates. We could have a basic disclosure on every bank's Web site so America can go shopping. Competition, free market. I think that is a healthy thing.

The second thing we need to follow on is the discovery that there are such things as swipe fees. We suspected it, but we didn't know what was going on when we handed over a piece of plastic at a restaurant or grocery store to buy something. It turns out every time that is swiped, the retailer, the restaurant or the business, is charged. How much are they charged? A variety of different amounts. Frankly, that grocery store, that bookstore has no ability to negotiate that fee. It is a "take it or leave it" situation. You want plastic from Visa or MasterCard, then you go ahead and pay this fee or else. That has changed, and the world has changed with it.

When the Federal Reserve got the new authority October 1 to put in place a reasonable swipe fee for debit cards at about 21 cents a transaction, things started changing. There is a lot of money at stake. If we add up all the money collected at banks across America for swipe fees, for debit and credit cards, it is about \$50 billion a year. It is a huge amount. We all pay it. We pay on the bottom line at the restaurant or grocery store or wherever we shopping if we use plastic.

Now there is a 21-cent ceiling established by the Federal Reserve on the debit card fees that Visa and MasterCard set on behalf of large banks, and that is what caused all the reaction by the banks, saying they were going to charge their customers even more because of it.

We need even more disclosure. For the largest banks in America, the top 1 percent of banks, if we go to an ATM machine today and put in our card, at some point they will usually notify us what the ATM fee is and we can accept it or not accept it. I think that same

kind of disclosure should be made on swipe fees. On the monthly credit card statements across America, we should see in parentheses next to purchases how much was paid by that retailer to the credit card company and the card-issuing bank. I think it will be a surprise to many people as to how much they are paying every time they use plastic. I should say how much retailers are paying and then charging customers in higher prices because of swipe fees when they use plastic. That is more information. That is more transparency. That allows us to understand the relationship that, to this point, has been hidden in secret. I think that is an important thing.

I have also been talking to Senator REED of Rhode Island. He has some thoughts on interesting legislation he and I are working on concerning the actual cost of credit card fee transactions to the banks and to the credit card companies so we will have a better understanding in that category as well.

What we are saying is something significant has happened over the last several weeks. I hope it is the beginning of a trend. One way to make sure this trend continues to the benefit of consumers and families and small businesses all across America is to make sure Richard Cordray is appointed as the head of the Consumer Financial Protection Bureau. This, to me, is an agency which can continue this battle on behalf of consumers. It is literally the only consumer financial protection agency in the Federal Government.

Many on the other side of the aisle don't like it. They don't believe in strong government oversight of these financial institutions on Wall Street. I disagree. I think Americans deserve to be given the basic information about their financial transactions so, with that information, they can make their own decisions. I am not saying government should steer them one way or the other, but at least give us the basic information. Let me decide the best bank for my family. Let me decide the best credit card or debit card for my family or my business. That is all we can ask.

Finally, let me say this: This establishment of a debit card swipe fee limit is a breakthrough for many retailers. When I talk to retailers, large and small, some of them chain stores and others just local stores, they were getting killed with this fee. It turned out to be the second or third most expensive item every single month. After personnel, after rent, here came the swipe fees they had to pay to Visa, MasterCard, and the banks that issue their card.

Now these retailers feel like there has been a light that has been shined on this process and a limit that has been established when it comes to debit cards. Sadly, in some cases it has been abused. Redbox, which is a retailer of movies that most of us see—even in

Springfield, IL—next to the drug store, where we put in \$1 and take a movie home, has announced they had to raise the price of their movies from \$1 to \$1.20 because of this new law. We looked into it. Here is what happened. They used to be charged a lower swipe fee by the debit and credit card companies, but now these companies are trying to make up their money that their bank allies are losing from this ceiling and they are raising their lower swipe fee rates to unreasonably high levels and passing the higher charges along to merchants like Redbox. So some merchants need help.

The Federal Reserve has continuing jurisdiction and authority when it comes to that help. I hope they will take a look at some of the consequences to companies such as Redbox. I think what happened to them is unreasonable and unfair. I think the Federal Reserve has the authority to change it.

So we are at a tipping point. For years, the big banks had been rigging the rules with a lot of fees and charges we were not even aware of. The consumers of America have said enough. Through a combination of reasonable regulation and consumers voting with their feet, we are bringing transparency and competition back to the financial services industry. It is working and it is long overdue.

Consumers are now saying they will only do business with banks that care about serving them instead of squeezing them. It is a good thing.

We have to do more things. Let's confirm Richard Cordray and let's get it done soon so the Consumer Financial Protection Bureau can go to work to help us. Let's ensure that all bank fees are transparent, such as the model checking account fee disclosure I mentioned earlier from the Pew Charitable Trusts. And let's ensure that all swipe fees are transparent, because consumers ultimately pay those fees in higher prices.

By promoting transparency and competition, we're going to help restore the balance between Wall Street and Main Street.

Mr. DURBIN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL ADOPTION MONTH

Ms. LANDRIEU. Madam President, I rise today to speak about the significance of the month of November, which just began. About 10 years ago, Members of Congress decided to designate

November as “National Adoption Month.” I think it was probably because November is sort of the beginning of the holiday season, with Thanksgiving and then Christmas to follow in December. So it is a time when Americans from all parts of our country take stock, slow down, and think about how important family is. We saw that a little bit last night with Halloween and all the children and their parents trick-or-treating throughout our Nation. Then, as Thanksgiving approaches, it becomes even more significant as families from all different walks of life gather around tables.

Some tables are very plentiful and others are rather sparse based on the economic strength of the family. Nonetheless, many families gather for these holidays.

It reminds us that there are over 500,000 children in our country today who are without family. They have been separated from their families, sometimes for good cause, but it is all tragic. Children have to be separated from families that abuse or grossly neglect them, and they have to be placed temporarily until we, as government officials and nonprofit organizations, can do a better job of either strengthening and reuniting those children with their families and trying to heal the families or trying to promote another family for that child or that sibling group.

We do much in Congress both collectively as well as individually in our own way to try to bring attention to the fact that there are orphans in America. Of the 500,000 children in foster care, about 100,000 have had parental rights terminated because the State has decided that reunification is not possible because children would be harmed irreparably by going back to that family. So we work to try to find another family, a better family to raise children.

Governments do a lot of things well, but one that governments don't do well is raise children. Moms and dads and parents and families and responsible adults do that, not government. So these children, then, are in the temporary care of the government, but it is our hope they can be placed as soon as possible into the loving arms of families.

I have met hundreds of families who have adopted, including my own. It is a blessing to my husband and to me. I have just recently met a family from Minnesota. The parents already have several biological children. When they found out about the death of a woman and her husband in the Philippines that resulted in nine children of that family being orphaned, they stepped up and adopted all nine of those children from the Philippines. Because of the good work of Senator KLOBUCHAR and others, they were able to bring that

whole sibling group to the United States.

I could go on and on and tell my colleagues the most remarkable stories. As Members travel around the Capitol complex this month, they will be very happy to see, in the Rotunda of the Russell Senate Office Building, a very special exhibit. It is the National Heart Gallery Exhibit.

About some 10 years ago, or maybe even less, some great nonprofits got together and said: What can we do to help show Americans that these are beautiful children with lots of potential just waiting for a chance for a family to call their own? As a result, photographers donated their time to take beautiful portraits of these children so they don't look like just mug shots but beautiful portraits of these children, and some of them are going to be on display. This is an opportunity for us to become more familiar with how many different kinds of children are available for adoption. I say that as sensitively as I can.

These are children who are waiting for a family. They would love to be adopted. They want to have a family forever. A person doesn't just need a family until they are 18; a person needs a family forever. A young lady would like a father to walk her down the aisle when she is married or she would like her mother to show up at the baptism of her child. A person would like a place to go home to even in their forties and fifties for Thanksgiving. So we don't think anyone is too old to be adopted, and everyone needs a family. So we will see pictures of these children.

Let me make a couple of other points about this national exhibit. It has traveled around to many cities. Perhaps it has been to the Presiding Officer's State of New Hampshire, I don't know. We would be happy to have it in Louisiana. But it is in the Nation's Capital for this 10th anniversary.

These numbers do sound staggering: 500,000 in foster care and 100,000 waiting to be adopted. Let me put it in this perspective. There are over 100 million children in the United States—one-third of our population—between the ages of roughly zero and 13. So 100,000 is a relatively small number. There are roughly 300,000 churches in America. So if just one family within three churches—just one family among three churches—decided to step up and say they will take a child into their home, we would have no more orphans in the United States, which is our goal. Our goal is for every child in the United States and in the world, if they are separated from their birth family, to find within a short period of time a home to call their own, preferably with a relative in kinship care but, if not, somewhere in the community.

I don't think this is a difficult or an impossible task. It seems over-

whelming, but when we think of the assets of the world and we juxtapose the assets and strengths of the world against this particular problem, it is most certainly doable. If we can go to the Moon, if we can explore science and space, we most certainly can put our good minds and senses together to figure out a way that governments can work better with nonprofits to make this happen.

I wish to conclude by recognizing what I believe is one of the extraordinary organizations in the world doing this work, and that is the Dave Thomas Foundation. Many people may remember Dave Thomas as the founder of Wendy's, but I remember Dave Thomas as a child who came out of the foster care system—or a man who came out of the foster care system; I did not know him as a child. But I can remember him—he has passed, of course—coming to Congress advocating on behalf of foster care children, of which he was one.

Now, he beat the odds. Not only did he go on to be successful and go on to create one of the most successful businesses in America today and perhaps even in the world, but as he has passed, his foundation carries on that work. They have just released a wonderful report which will come more into focus in the coming weeks.

The bottom line is that through the work of this foundation, they have come up with new strategies—not complicated, quite simple, child-focused, recruitment strategies that each and every one of our States can employ or deploy and use without a lot more expense to see significant increases in the number of older children—particularly children with mental challenges and emotional challenges—adopted. In fact, they have increased, according to the study.

Research shows that children in foster care served by Wendy's Wonderful Kids are 1.7 times more likely and children with mental disorders are 3 times more likely to be adopted using these different strategies.

So, in conclusion, this is National Adoption Month. We have the Heart Gallery in the Capitol and in Washington with pictures of some of the most extraordinary children. Their families may be broken, their families may be dysfunctional, but it doesn't mean they are. It means they are full of potential, ready for a family to call them their own, and to step up and to live up to their potential. There are many organizations, from this nonprofit to Wendy's Wonderful Kids, the Dave Thomas Foundation, and hundreds of others working to solve this problem.

So I thank my colleagues. Many have been very active this last year in this regard. I wanted to honor the Heart Gallery and the great work of the organizations that have put that together.

It has made a meaningful difference, making these children, through these beautiful photographs, very real to all of us so we know they are not just statistics but they are children with heartbeats and dreams and hopes and aspirations, and they would make wonderful additions to many of our families.

Thank you, Madam President. I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent to speak for such time as I may consume, but it will probably be in the neighborhood of 20 or 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL OVERSIGHT

Mr. GRASSLEY. Mr. President, today I wish to take a few moments to talk about the importance of the oversight work of the Congress. It is a very critical function of Congress. As one of the three branches of government, Congress is a very important pillar of our government. Our system provides for checks and balances between the three branches of government. Not only do we in the Congress legislate, but we must make sure the other two branches are not overstepping their power, and that is the function of oversight.

I have been conducting oversight of the executive branch since I first came to the Senate. I take oversight very seriously. It is often an overlooked function for Members of Congress. It is not a glamorous function. It is a lot of hard work.

Some people have said recently that my oversight work is political. Quite honestly, people who say that are the ones who are, in fact, political or may be ignorant of what I do because I happen to be an equal opportunity overseer. I do not care if it is a Democrat or a Republican occupying the White House; if something needs to be investigated, I am going to investigate it.

In 2008, I was glad to hear the President-elect talk about the most transparent government ever that he was going to institute under his administration. Unfortunately, up to this point, this administration has been far from transparent—at least far from transparent in the way he said he was going to be so transparent. If any of us thought it was bad before, it is worse now.

But my message about oversight is combined with a very important reminder about the rule of law, a philosophy upon which our country was founded. So I would like to talk about this administration's evasive and disappointing response to Congress about two different policies: first, the immigration policy and administrative enforcement of that, and second, Operation Fast and Furious. I will first discuss immigration.

Since the founding of our country, our immigration laws have been a source of discussion. We were born a nation of immigrants and still are welcoming to people coming to our country legally. We have welcomed men and women from diverse countries and provided protection to many who flee from persecution. We have been generous, and we will continue to be generous. Yet we have seen our country face many challenges and have attempted to restrict immigration levels. The first immigration law of 1790 tried to limit citizenship to certain individuals and institute what is called the "good moral character" requirement. We created quotas in the 1920s, to only do away with those quotas 45 years later. We even provided amnesty to millions of undocumented and hard-working people in the last big immigration law to pass Congress in 1986. Today, we are faced with another challenge of how to deal with more than 10 million undocumented persons.

Congress struggles with this challenge on a yearly basis. It is important for lawmakers to bear in mind that the policies we make should benefit our country in the long term and that they must be fair to current as well as future generations.

People in foreign lands yearn to be free. They go to great lengths to be a part of our great country. It is a privilege that people love our country and want to become Americans. At the same time, however, we must not forget the great principle upon which our country was founded, and that great principle is the rule of law. We want to welcome new Americans, but we need to live by the rules we have set. We cannot let our welcome mat be trampled on, and we cannot allow our system of laws to be undermined.

As a Senator, like all of my colleagues, I took an oath of office to honor the Constitution. I bear a fundamental allegiance to uphold the rule of law. That is why I am deeply concerned about the immigration policies that are coming from this White House. The President's policies may be an impermissible intrusion on Congress's plenary authority over immigration law. They are pushing the envelope, and there is little transparency into their actions at a time when transparency was promised by this administration at the time they were sworn in.

As many of you know, last summer I exposed an internal homeland security

memo that outlines ways President Obama could circumvent Congress and grant legal status to millions of undocumented individuals. So this is where oversight becomes very important—whether or not this memo is an intent to get around a law Congress passes which the President of the United States, under his oath of office, has pledged to faithfully enforce. This memo was entitled "Administrative Alternatives to Comprehensive Immigration Reform." That title in and of itself kind of signifies efforts to get around law, to get around what Congress intended. Its purpose was, in their words, "to reduce the threat of removal of certain individuals present in the United States without authorization." Now why, if you are enforcing and faithfully executing the laws of the United States, would you want to "reduce the threat of removal of certain individuals present in the United States without authorization"? Aren't those words, "without authorization" in and of themselves an indication that people might be here illegally?

The memo outlined more than a dozen ways to keep individuals in the country and to provide them with benefits or protections. I, along with my colleagues in the Congress, have asked repeatedly for assurances that those options were not being explored. But, you know what. Our concerns have not been addressed. The President and the Secretary of Homeland Security have only said they do not plan to provide such benefits to the entire population of undocumented individuals. They claim they will use their discretionary authority and pursue relief on a limited and case-by-case basis. To the extent to which it is limited and it is case-by-case, I confess, the law probably provides for some administrative discretion because if you are going to have people come to this country, Congress is not going to be able to write a law that is going to take every instance into consideration. But I go back to that title: "Administrative Alternatives to Comprehensive Immigration Reform." So there is a need to change the laws on immigration, update them. So if everybody admits there is that need, why do you need administrative alternatives, unless you are trying to get around what Congress intended?

So we are asking these questions, and yet we have no idea if it is true that they want to do it strictly on a case-by-case and very limited basis because we have reason to believe we are talking about hundreds of thousands of people because we have no idea how many people are truly receiving the benefits and what standards are being used when determining that an individual is granted parole or deferred action. These are the questions that, in our oversight capacity, we are asking, but we are not getting very many answers, as I am going to show you here.

Again quoting the title, “Administrative Alternatives to Comprehensive Immigration Reform,” this memo from last summer also included a proposal to lessen the “extreme hardship standard.” Under current law, aliens are inadmissible for 3 to 10 years if they have been unlawfully present in the United States for 180 days in the case of a 3-year inadmissibility or 1 year in case of 10 years of inadmissibility. The Department has discretion to waive the grounds for inadmissibility if it would result in an extreme hardship. Again, I am willing to grant that there is some leeway in the law here.

The amnesty memo states: “To increase the number of individuals applying for waivers and improve their chances of receiving them, Citizenship and Immigration Services could issue guidance or a regulation specifying a lower evidentiary standard for extreme hardship.” Now, “extreme hardship” ought to mean the same from administration to administration, not some special definition of “extreme hardship” because we have a President who maybe wants to find some way of getting around the immigration laws because he does not want to work hard enough to get immigration reform passed through the Congress.

Proponents argue that this redefinition of “extreme hardship” is needed for family unity and that the 3-year and 10-year bars are overly burdensome. Well, Congress did not consider the 3- and 10-year bars to be overly burdensome or we would not have put them in the law in the first place. If this standard is lessened, an untold number of undocumented individuals will be able to bypass the 3-year and 10-year bars that are clearly laid out in the Immigration and Nationality Act. My concern is that this policy, if implemented, is a blatant way to circumvent Congress and the law to keep as many undocumented aliens in the United States as possible.

It is difficult to ascertain if this change or any other proposal from the amnesty memo is being considered by the Secretary, so I asked the Secretary about this very proposal when she testified before the Judiciary Committee about 2 weeks ago. She admitted that existing immigration law is difficult, but the Secretary would not deny that discussions about changing the standards are even taking place.

Well, what about the memo to which I referred? Frankly, she refused to comment about the proposal during the hearing. Indeed, she said she was focused on exercising enforcement functions, which gets me to my next issue.

A year after the 2010 amnesty memo circulated, we learned that the head of Immigration and Customs Enforcement—and we use the acronym “ICE” for that—which is the agency responsible for enforcing the law, apprehending and deporting undocumented

people in this country, directed his agents to use “prosecutorial discretion” on those with whom they come in contact. What does this mean? In June of this year, Assistant Secretary Morton released a memo directing ICE officers to exercise prosecutorial discretion and to consider the alien’s length of presence in the United States, the circumstances of the alien’s arrival in the United States, particularly if the alien came as a young child. Also, take into consideration the alien’s criminal history, the alien’s age, whether there was service in the military, and whether they came here to pursue education in the United States.

On August 19 of this year, Secretary Napolitano announced an initiative to establish a working group to sort through an untold number of cases currently pending before the immigration review office and also before the Federal courts to determine if they can be “administratively closed.” This gets into big numbers. There are more than 300,000 cases pending before the Executive Office of Immigration Review. The Secretary claims this process will allow them to direct resources at higher priority cases.

This memo and initiative outlined by the Secretary are concerning, especially to those of us who said our country is based on the rule of law. These policies seem to contradict that very important philosophy underlying our whole system of law.

On September 26 of this year, I led 18 of my Senate colleagues in sending a letter to President Obama expressing dissatisfaction with these prosecutorial discretion policies. We said this administration was encouraging undocumented aliens to come forward in hopes of relief. This letter to the President is part of our constitutional responsibility of oversight. It is going to the President of the United States, who said he was going to have the most transparent administration ever in the history of the country. So wouldn’t you think we would get a lot of answers?

We asked the President to rescind the June memo and end the initiative outlined in August, and requested that he make the Secretary available to all Members of the Senate to explain how his immigration policies are consistent with the rule of law. It is a very simple process: Have one of your Cabinet people come here and explain it all to us.

Do you know what the President did? He asked a bureaucrat from the Department to respond to us on his behalf. The letter from this bureaucrat didn’t address any points we made in our letter and shows a complete disregard for the concerns we raised. I tell a lot of people in both Republican administrations and Democratic administrations that I am overseeing—doing my constitutional responsibility of oversight. The longer you stonewall,

when the truth comes out, the more egg you are going to have on your face. That is going to be true in this instance as well.

This is what we expect from the administration. We have many unanswered questions about this prosecutorial discretion initiative. For example, how many cases will the working group sort through? You can quantify that pretty easily. What standards will be used for adjudicating cases? In the rule of law, you ought to be able to tell us what the process is and what the standard is. Will those already ordered removed be considered for relief? In other words, if somebody has already figured out you ought to be removed from this country, is someone going to step in and say, no, maybe you don’t have to be removed? Will those with a criminal conviction be eliminated from consideration for discretion? We ought to know if you commit a crime in this country, besides coming here illegally, will you be removed or will you be given some discretion—what you call prosecutorial discretion? How much in taxpayer money will be expended for this effort, and when will the working group finish its work? Will the Department of Homeland Security keep the committee apprised and provide detailed information on who is granted a benefit, including work authorization? What will happen to individuals who have their cases “administratively closed”?

Congress passes the laws, the President takes an oath to faithfully execute those laws, and we have a constitutional responsibility to make sure that what Congress intended is carried out. We are not saying that maybe Congress’s intent isn’t being carried out. We want questions answered to determine whether they are being carried out. These are pretty simple questions to the President. We ask for the Secretary to come and answer these questions, and that doesn’t happen. We get a letter back from some low-level bureaucrat who doesn’t even answer the question.

How far can you go, and be morally and ethically correct, as President of the United States, saying at the time you were sworn in that you are going to have the most transparent administration this country has ever seen, and then you stonewall Congress on simple questions such as this policy that you want to carry out, called prosecutorial discretion?

We await answers and can only hope they will be more transparent about these policies than on the amnesty memo—assuming we get answers to our questions.

The future of our country hinges, in part, on the policies this administration is making behind our backs. Congress has a role to play. That is not my position; that is the position of our Constitution.

We need more sunshine in our government in Washington on amnesty and numerous other issues, including one of my oversight investigations that involves a Federal law enforcement operation that went critically wrong.

I am now turning to Fast and Furious. This program was a multiagency effort, run by Federal prosecutors in Arizona and supervised by officials in the Justice Department headquarters here in Washington, DC.

The Bureau of Alcohol, Tobacco, Firearms and Explosives, or ATF, encouraged U.S. gun dealers—federally licensed gun dealers—to keep selling guns to people known to be transferring weapons to third parties. These buyers are called “straw purchasers.” There were lots of reasons for the gun dealers—federally licensed gun dealers—to be suspicious of this operation. The straw buyers were purchasing the kind of assault rifles preferred by the Mexican drug cartels. They repeatedly bought dozens of weapons at a time, and then returned days or weeks later to buy dozens more. They paid with paper bags full of tens of thousands of dollars in cash and bought very expensive, high-powered .50 caliber sniper rifles.

All of this was plenty of cause for the dealers to report the sales to the ATF as suspicious, and then stop making the sales in the future. But the ATF had even more reason to be suspicious than the gun dealers had.

The Drug Enforcement Administration, or DEA, had tipped off the ATF about the activity of the ringleader, using information from a wiretap in a related drug trafficking case. The ATF knew that some of the straw buyers were on food stamps, or unemployed, so a legitimate explanation for all the cash was very unlikely.

Most important, the ATF knew that the straw buyers’ guns ended up at crime scenes in Mexico just days or weeks after being bought in the United States. ATF knew all this information from the beginning of the investigation in late 2009.

As early as January of 2010, the DEA wiretaps had even collected detailed information about who the ringleader was selling guns to, and that information was available to the ATF. Yet our government allowed the ring of straw buyers to grow and operate freely for about a year.

Starting in late 2009, agents who later blew the whistle on the mishandling of the case were ordered to merely watch and record what the straw buyers were doing but not arrest them. The agents were not allowed to stop the straw buyers or even to question them. The agents were not even allowed to continue following the guns once they were transferred to unknown third parties or stash houses. Surveillance was simply abandoned.

These details were apparently not provided to gun dealers, even though

these gun dealers cooperated with the ATF from the very beginning. The government installed hidden cameras in at least one store, and dealers notified ATF each time one of the straw buyers came in for another purchase of guns.

By March of 2010, the ATF had gathered evidence that the intent of the straw buyers was to transfer these weapons to criminals and to Mexican drug cartels. The ATF applied for wiretap authority and supplied all the necessary details to the Justice Department in Washington. Yet it was not until December 15, 2010, that a single one of the straw buyers was arrested.

Was it just by coincidence or was it for some other reason that the day of the first arrest was the day that U.S. Border Patrol Agent Brian Terry was murdered? Two of the weapons bought right under the ATF’s nose nearly a year earlier turned up at the murder scene.

Within a day, the straw buyers of those two guns were finally arrested. The other straw buyers were indicted a few weeks later, in January 2011.

ATF agents who knew the ugly truth blew the whistle. The whistleblowers made sure that Congress and the Terry family were fully informed.

I started asking questions, and I have been asking questions ever since. But getting answers out of a Justice Department which is stonewalling is like pulling teeth. At first, the Department explicitly denied the allegations in writing, and officials implied it was all hogwash, in a widely attended briefing for Senate Judiciary Committee staff.

But then the evidence started coming out. Document by document, witness by witness, the truth became so clear that it was no longer deniable. An internal briefing paper explicitly said that the strategy of the case was to “allow the transfer of firearms to continue to take place.”

E-mails proved that a gun dealer had prophetically worried that the operation could lead to the death of a Border Patrol agent. But ATF and Department of Justice officials reassured the dealers that cooperation was still necessary. They falsely assured the dealer that there were secret methods of stopping the guns before they went south.

The House Oversight Committee issued subpoenas and held two hearings. My staff worked with them on two staff reports detailing the testimony and the documents we have gathered. The Justice Department stepped in and tried to control the flow of information, but we continued to receive documents and information from confidential sources.

The Justice Department provided documents from the ATF files, but until yesterday very few documents from the Department of Justice files. The Department waited to deliver them until Halloween, to produce the first substantial batches of documents

from the Department of Justice, even though we asked for documents at the beginning of the summer.

They also waited until the night before the head of the Criminal Division, Lanny Breuer, was set to testify before the Judiciary Committee to provide 652 pages of documents. Mr. Breuer also admitted to knowing all about gunwalking in what is referred to as Operation Wide Receiver as far back as April 2010. We have to go through these new documents to see what they contain. The first smaller batch of documents included several memos to Attorney General Holder that appeared to contradict the Attorney General’s earlier claim that he had never heard of Fast and Furious until sometime in April of this year.

The documents also show that Attorney General Holder’s current chief of staff received a detailed briefing 18 months ago, in March of 2010. He was the Acting Deputy Attorney General at the time, so, obviously, the No. 2 person in the Justice Department.

The Deputy Attorney General even took detailed handwritten notes on the presentation. However, Attorney General Holder says he didn’t know anything about it until after the controversy became public. That is also what Mr. Breuer said today as well.

I know the Attorney General was at least aware of the whistleblower allegations on January 31 of this year because I personally handed him two letters about the issues in my office on that very day. As for exactly what else he knew and when, his statements will have to be tested against the rest of the evidence as we continue to investigate.

Included in the documents released recently were e-mails between senior Justice Department officials that explicitly talked about “gun walking,” and these memos were dated October 2010. “Gun walking” is a term the whistleblowers use for sitting by and not stopping the guns, even though the guns could have been stopped and people arrested. These senior Justice Department officials were discussing whether the head of their criminal division should attend upcoming press conferences on Fast and Furious and Wide Receiver.

That second case is the one Mr. Breuer admitted to knowing about yesterday, where ATF had walked guns even before Fast and Furious. Their concern was over how tricky the press conference could become because of the guns that were walked.

You know, it is kind of common sense. If you can’t talk about it in a press conference, you probably shouldn’t be doing it in the first place.

So these memos will show they clearly anticipated the controversy even 2 months before Agent Terry was murdered and before the whistleblowers came to me about it. This makes the

initial false denials even more outrageous.

Some have seized on the reference to a case from the previous administration that suggests that gun walking was nothing new and that our investigation is partisan. Now, let me be clear: There is nothing—absolutely nothing—partisan about my desire to get to the bottom of Fast and Furious. My motivation is to make sure nothing like this ever happens again, that the Terry family gets the truth about their son's murder, and also the untold number of Mexican citizens who may have been victims of this operation as well ought to be righted.

During my testimony before the House committee, I asked the Members to put aside politics and just listen to the Terry family because they were going to testify later on, and also to listen to the whistleblowers as they testified that very day. But some people see everything through the lens of their own politics. Rather than listen to the evidence, they want to blame the second amendment for Agent Terry's death. Whoever pulled the trigger is the one to blame, not the second amendment. That is the person who should be brought to justice. The straw buyers who illegally bought the guns and the government officials who stood by and watched them do it all need to be held accountable.

So that is the story of Fast and Furious so far. But what does it tell us about the rule of law in this great country we call America? When we talk about the rule of law, we are usually referring to the idea that government should make decisions consistently and those decisions be made according to law. Those decisions should be based upon some neutral principle rather than on someone's personal whims or bias. Those decisions should apply to everyone equally without allowing a lot of discretion for government officials to pursue their own agendas. In short, we should be ruled by laws, not men.

Our government gets its authority from the consent of the governed. Representatives elected by the people write the laws, and the executive branch enforces them. However, over the years, our government has grown so big and so complex it is hard to hold government officials accountable for how they apply the law. In Fast and Furious it has taken us months to sort out responsibility because of this problem. There are dozens of bureaucrats pointing fingers and shifting blame. There are dozens of lawyers parsing words and shuffling paper.

At the end of the day, what we know is that several people in government decided not to enforce the law—the law they took an oath to faithfully execute. These people believe it was within their discretion to allow straw purchasers to operate, despite all the evi-

dence the law was being broken. In most other field offices, obvious straw buyers were stopped, questioned, and arrested but not in Phoenix, AZ.

As one of the whistleblowers put it: Operation Fast and Furious represented a “colossal failure of leadership” at every level that was aware of it.

Just what each official knew at each level in each agency is something that needs to be clear before our investigation is complete. For the rule of law to function properly, there needs to be supervision, accountability, and consistency. Remember the transparency the President promised? Transparency leads to accountability. Government officials must know their discretion to play around in gray areas of the law has limits. It is the job of elected leaders to enforce those limits on behalf of the people who elect them. But there are so many officials and so many decisions that accountability seems hard to impose.

The President himself recognized this in the context of Fast and Furious back in March of this year. When the President was first asked about Fast and Furious on Spanish-language television, he was pressed about how he could not have known about it—kind of the very same questions we are asking the Attorney General. He was asked: How could you not have known about it? The free press in America asked the President how he could not have known about Fast and Furious, and by then it was 3 months after a Border Patrol agent had been murdered and illegally sold guns had appeared at the scene of the murder.

This is how the President responded on Spanish-language television.

This is a pretty big government, the United States Government. I've got a lot of moving parts.

Mr. President, exactly. That is the problem. Government needs to be limited, government needs to be focused, and government needs to be constrained by the rule of law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

EXTENSION OF MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the period for morning business be extended until 6:45 p.m. with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER PRODUCT SAFETY COMMISSION

Mr. BROWN of Ohio. Mr. President, yesterday, in Cleveland—the largest metropolitan area and the second largest city in my State—I was part of, for

want of a better term, a celebration of a public health victory for our country. I met on Halloween with Jeff Weidenhamer, chairman of Ashland University's chemistry department and a leader in consumer safety issues.

That name may ring a bell with some of my colleagues because I have mentioned his work on the floor of the Senate in addressing the very real public health disaster, in some cases, afflicting our children because of lead-based paint on many imported toys, especially those imported from China.

Back in the fall of 2007 and the spring of 2008, Dr. Weidenhamer identified a number of products that were highly contaminated with lead paint. As part of an Ashland University freshman chemistry class project, he sent some of his students to Dollar Stores to buy inexpensive plastic Halloween toys in the fall of 2007 and inexpensive Easter toys and ornaments in the spring of 2008.

Of the 97 products he tested, 12 of them were highly contaminated with lead paint—or about one in seven. These were products such as candy buckets, drinking cups, and fake teeth. Some of those plastic teeth the children, obviously, put in their mouths. It is what they are made for, I guess. The levels of lead contamination in them were much too high. And there were other Halloween props. Many were products bought at leading national retailers.

It was clear that our trading system, our regulatory system, and our corporations failed basic consumer and public safety standards. We think nothing, and our companies, apparently, thought nothing of what might be in the products they were buying from China that were inexpensive, that looked good in terms of Halloween and Easter, and that our children would use.

Dr. Weidenhamer, after collecting these products, went to work, and so did we. I commend especially Senator PRYOR, who worked tirelessly in 2008 on legislation to, if you will, revamp the Consumer Product Safety Commission through the Consumer Product Safety Improvement Act to ensure the CPSC had the resources and funding necessary to carry out its critical mandate.

Mr. President, how many times have we heard in the body of this Chamber, in the House of Representatives, during a Republican Presidential debate that government is too big; that we have to get government out of our lives and that government can't do anything right? Well, this was a case with the Consumer Product Safety Commission—and with this legislation, the Consumer Product Safety Improvement Act—where the government's involvement, the regulatory process, actually got it right.

This year—not long ago—Dr. Weidenhamer sent out his students

again. Obviously, this hasn't undergone rigorous scientific analysis, but it tells us how things are moving. I believe they tested some 75 products this year, and they found not one containing lead.

We know what lead does to a child if that child chews on a piece of old crumbling wood containing lead-based paint—found particularly in old homes that are beginning to decay, and particularly inner-city kids and Appalachian kids. We know that lead in children's bloodstreams arrests their brain development. Children who ingest lead—and these are mostly low-income children or children exposed to these Halloween kinds of toys—can often suffer retardation or their brains do not develop as quickly as they should.

So this was a huge victory. Again, this legislation hasn't done everything we want, but I hear so often people dismissing any regulation as job killing. When we hear a conservative politician—usually enthralled to corporate America—talking about regulation to the largest corporations that outsource jobs, we can bet the term before it is “job killing.” How about putting the term “lifesaving” before regulation, such as lifesaving regulation that makes a difference in a child ingesting lead?

How about lifesaving regulation that has cleaned up our air and cleaned our drinking water? How about lifesaving regulation when it is the prohibition on child labor worker safety rule? Instead, it is job-killing regulation every time. Clearly, that is not the way it has often worked. But then we see, after my Republican colleagues too often want to weaken these safety rules, as they have tried to do, House Republicans have tried to cut more than \$3 million from the Consumer Product Safety Commission.

So we have this new law in effect that can literally save children's lives and make children more healthy and help their brain development, in effect, in Eugene, OR, and Columbus, OH, but if we cut back on the enforcement of these laws by cutting these agencies and taking away employees who inspect these, who force these companies—who make sure these companies are doing the right thing and not selling lead-based toys to American children, what have we? And that is really unfortunate. The cuts would take us back to the very reason Congress passed and President Bush—a Republican President—in those days signed into law the Consumer Product Safety Improvement Act in the first place.

We know there are plenty of government regulations that we should reexamine and in some cases pull back or reform or repeal, but it just seems my conservative colleagues don't know the difference between regulations that might actually affect jobs and regula-

tions that clearly protect the public health and clearly protect the public safety.

We know the Senate will prepare to debate the fiscal year 2012 financial services and general government appropriations bill later this week. I call on my colleagues to support funding for the Consumer Product Safety Commission. We know what that does. We know it saves lives. We know it makes a difference in the lives of our children.

VICTOR F. STEWART, JR.

Mr. BROWN of Ohio. Mr. President, I rise on a more somber note. A longtime friend of mine, Victor F. Stewart, Jr., from O'Leary, OH, died this week at the age of 85. He was a counselor to me, he was a teacher, and he was a friend. He was someone who mentored me and so many other people in our county and our State. He dedicated his life to his community and to his country. He leaves behind 10 children and family and friends. He leaves public servants behind him whom he counseled about life, politics, and public service.

Vic was a child of the Great Depression. He was born in the 1920s. He was a child of the New Deal. He believed in loyalty and frugality. He believed in a citizen's responsibility to vote and to be a citizen.

As I said, he was the father of 10—6 daughters and 4 sons. His wife Helen survives him, and he was married to her for 62 years. I remember going to Vic and Helen's 50th wedding anniversary and the number of children and grandchildren and friends in the community, and the love people felt and extended to both him and Helen was a sight to see.

Vic was a city councilman. He was mayor of O'Leary. He served in the U.S. Army in World War II. He was always a team player. He was a Catholic Youth League basketball coach, a Little League coach, a high school third baseman, and, again, a mentor to young people in politics, baseball, sporting activities, and especially to his children.

He was a Democratic Party chair in Lorain County for many years. He walked and met with President Kennedy, President Johnson, and President Carter when they were in Lorain County. He credits President Johnson with so much of what we all should credit our government for doing: the Civil Rights Act, the Voting Rights Act, the passage of Medicare, the antipoverty initiatives of the Johnson Great Society program.

When I think about what our government can do in partnership with the private sector, that is what brought us Medicare, that is what brought us safe drinking water, that is what brought us civil rights, and that is what brought us Head Start, many of them passing in the mid-1960s, passage of leg-

islation from which our country still benefits.

Many of the young people sitting in front of us today will benefit from the Pell grants that came out of the Higher Education Act. Senator WHITEHOUSE spoke to a group of us today about a forum he did at the University of Rhode Island and what those Pell grants mean to some of the professors there who were able to go to college because of the Pell grants, some of the young students there who can afford college because of the Pell grants, and some older people who went back to school because of these Pell grants and got an opportunity to further their education as middle-aged parents. Vic Stewart was part of all that.

Vic Stewart believed that the role of government in our communities could make a difference in people's lives, especially working families. So while he met with President Carter and President Kennedy and President Johnson, his heart was always in the community. He cared most about working families, poor kids who didn't have the opportunities of some more privileged people in O'Leary or Lorain or anywhere else in our county. That is what I admired about Vic.

I was so appreciative of the wisdom he would impart to me when we would get together several times a year at breakfast or lunch and just talk about what I was doing and what he was doing, and he was always so helpful that way. He offered his no-nonsense advice with a touch of humor and compassion and a healthy dose of common sense.

He understood the value of a hard day's work. He lived his life guided by that devotion to God. He was a devout Roman Catholic. To family—he was a terrific father and husband to Helen. Friends—he counted so many of us as people who were close to him and his love of country. We will never forget his warmth and his wit and his wisdom.

He always looked to the whole community, not just the privileged. He was sickened by this power of Wall Street and this huge executive compensation, these huge salaries and bonuses that too many in our society on Wall Street and other places have taken.

His heart was always with the middle class, working families. He taught integrity, especially to young people. That is why I owe Vic Stewart so much. We have lost a true friend, we have lost a teacher, and we have lost a mentor who made a difference in the lives of so many of us. We mourn for Vic Stewart, Jr. We think of Helen. We think of the sons and daughters whom Vic and Helen have taught so well and raised so well over the last five-plus decades.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

REBUILD AMERICA JOBS ACT

Mr. WHITEHOUSE. Mr. President, if we pass the Rebuild America Jobs Act, we will immediately invest \$50 billion into our transportation infrastructure and generate hundreds of thousands of good jobs and establish a national infrastructure bank which will generate even more good jobs. We need these jobs during the current period of high unemployment, and upgrading our crumbling infrastructure will spur long-term job growth in addition to the immediate employment benefits. So I strongly support this bill and I hope our colleagues can be brought around as well.

The Rebuild America Jobs Act is one piece of the larger American Jobs Act which, when Leader REID brought it to the floor, all 47 Senate Republicans chose to filibuster instead of allowing us to begin debating and, if they wished, improving the jobs legislation. That filibuster blocked President Obama's plan to cut payroll taxes for every single American worker, and it blocked his plan to offer business owners generous tax breaks to hire new workers and grow their businesses. Economists estimated that the American Jobs Act would create nearly 2 million jobs—1.9 million jobs. Perhaps for that reason, many pieces of the bill have received wide bipartisan support in the past. Indeed, just last December, similar job-creating provisions were included in the Job Creation and Tax Cuts Act, which received 81 votes in the Senate.

The jobs bill that Republicans blocked was fully paid for through a 5.6-percent surtax on income in excess of \$1 million. In other words, the only tax increase in the bill is a provision that pays for job creation in this country by having millionaires and billionaires who continue to enjoy the record low tax rates brought on by the Bush tax cuts pay a little more and only on their income over \$1 million. There is no increase on the first million.

A recent study by Citizens for Tax Justice showed that the surcharge would only apply to the richest one-fifth of 1 percent of U.S. taxpayers, leaving the taxes of more than 99 percent of all Americans—if my math is right, 99.8 percent of all Americans—unchanged.

The Rebuild America Jobs Act, which is one piece of the full jobs bill, is paid for with a much smaller 0.7-percent surtax on income above \$1 million. Having one-fifth of 1 percent of the

wealthiest Americans pay less than 1 percent more in income taxes, and only on income above \$1 million of income, hardly seems unreasonable to support hundreds of thousands of jobs for middle-class families in this economic climate.

As we try again and again to advance jobs legislation in the Senate, the supercommittee we established in the Budget Control Act is at work on recommendations to cut the deficit. Getting the most fortunate and well-compensated Americans to start paying a fair share in taxes ought to be a logical component of any deficit reduction plan—at least under a theory that we should have a progressive Federal tax system. That is a tax system in which we pay higher rates of tax the more money we earn.

In theory, we have a progressive Federal tax system, but, in fact, do we? We are often told that the wealthiest Americans are already shouldering too great a share of our tax burden. Earlier this year, one of the candidates, a leading candidate for the Republican Presidential nomination, told NBC that “the top 1 percent of income earners pay about 40 percent of all taxes into the Federal Government.”

That sounds like a lot—the top 1 percent pay 40 percent of all taxes. Let's look at some data to see if the theory proves correct. The Urban Institute and the Brookings Institution, two very respected organizations, estimate that the total share of Federal taxes paid by the top 1 percent of taxpayers is, in fact, 22.7 percent—not 40 percent. Remember that for a moment, 22.7 percent is the amount of Federal taxes the top 1 percent of income earners pay.

If we take a look at the long-term trends in income and taxation, it is revealing. According to the Congressional Budget Office, between 1979 and 2006, the total effective Federal tax rate for the top 1 percent of households fell. The tax rate went down almost 6 points, from 37 percent to 31.2 percent. Over the same period, that group, the top 1 percent, went from earning 10 percent of the Nation's income to 22.8 percent. The amount of the Nation's income that the richest 1 percent earn in this country climbed over that period from 10 to nearly 23 percent. They claimed an additional 13 percent of the Nation's income.

Go back to the number. The Urban Institute and Brookings Institution estimate that the total share of Federal taxes paid by the top 1 percent of taxpayers is 22.7 percent, but the share of income the top 1 percent takes is 22.8 percent. That is not a progressive tax system. They may be paying a lot in taxes, but it is proportionate almost exactly to what they are taking out of the economy in income. The relative burden of the extremely wealthy in this country is going steadily down, not up, and it has just crossed to the point where it is no longer progressive.

There is a tale of two buildings that may help explain why. This is the first of the two buildings. This is the Helmsley Building in New York City. It is on Park Avenue. It is a lovely, wonderful place—a great building. Not surprisingly, some very successful and well-compensated people live there.

It is also a big building. It is so big it has its own ZIP Code. Because it has its own ZIP Code and because the Internal Revenue Service calculates and provides information about income by ZIP Code, we can learn quite a lot about the occupants of this wonderful building. What we know from the latest IRS information that I have been able to find is that the very well-compensated and successful individuals and corporations that call this building home actually paid a 14.7-percent tax rate in 2007. That rate is lower than the Bureau of Labor Statistics tells us is what the average New York City janitor or doorman or security guard pays. So at least in this building the fabulously successful and well-compensated occupants of the building who live in those wonderful apartments on Park Avenue are paying a significantly lower tax rate in real life than the actual men and women who are their janitors, who are their doormen, who are their security guards.

It is not just some fluke about the Helmsley Building. We all remember Leona Helmsley saying it is the little people who pay taxes. There is no ghost of Leona Helmsley making that true in this building; it is true across the board. Each year, the Internal Revenue Service publishes a report consolidating the tax returns of the highest income 400 Americans and they publish that data. They do not get around to it very quickly, but in May they published the most recent data on the top 400 taxpayers in America for 2008. In 2008, the top 400 earners took home an average of \$270 million each. They earned more than one-quarter of a billion dollars each that year, which is wonderful. That is the kind of country we are. One can make a real fortune here. But where it gets a little sketchy is that, on average, those 400 extremely highly compensated Americans actually paid into the Treasury of the United States at an average Federal tax rate of just 18.2 percent on adjusted gross income—18.2 percent.

We have spent time on the Senate floor debating whether the top income tax rate should be 35 percent or 39.6 percent. That is not what they pay. The top 400 income earners, the \$¼ billion-a-year crowd, pay actually, on average, just 18.2 percent. This means the 400 highest earning individuals in the Nation, in 2008, just like the occupants of this Helmsley Building, were paying rates lower than or equivalent to what regular working families pay.

If we went back to the Bureau of Labor Statistics and pulled out the information for the Helmsley Building

but about the janitors, the doormen and about the security guards and we look to see who else in America is paying an 18.2-percent tax rate—if a person is a single filer they are paying an 18.2-percent tax rate in this country if they make \$39,350 a year. Where I come from in Rhode Island, the Bureau of Labor Statistics says that is about what a truck driver makes—\$40,200 is what a truck driver makes; \$39,350 is what it takes to put a person in the income bracket where they are paying the same tax rate into our Treasury as the 400 members of the \$¼ billion-a-year club.

The choice is very clear. Instead of moving forward on a jobs plan that independent economists agree will create millions of American jobs in the near term, we are facing an opposition that is fighting to make sure people making \$¼ billion a year pay lower Federal tax rates than regular working, middle-class American families.

That is the story of the first building, the Helmsley Plaza. This is a different building. This is the Uglend building. It is called Uglend House. It doesn't look like much, but it is near the lovely aquamarine beaches of the Cayman Islands. What is interesting about this little building is that 18,000 corporations claim they are doing business here. That is not a very big building. The notion that 18,000 corporations are doing business out of this building—that gives a whole new meaning to the phrase “small business.” But there is no real business going on here. The business that is going on here is funny business, under the Tax Code.

The PRESIDING OFFICER. We have a 10-minute time limit and the Senator has consumed 9 minutes.

Mr. WHITEHOUSE. I ask consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. The companies doing business here are not real companies; they are phony-baloney shell corporations that are designed to hide assets and to play games with the tax system. This income never even makes it into the 18.2 percent of the Helmsley Building. This gets hidden away completely.

When our tax system is rigged so it permits billionaires to pay lower tax rates than truck drivers and allows the wealthiest to avoid taxes by hiding assets in phony offshore corporations, something is not right. With multitrillion dollar budget deficits threatening our Nation's prosperity, we have to do something to make our tax system more fair for regular Americans.

I have been working on legislation which would ensure that millionaires and billionaires pay an effective tax rate at least as high as is paid by middle-class families. This would require all taxpayers with income over \$1 million a year, indexed to inflation, to pay

at least a 25-percent rate. A 25-percent rate is the marginal rate middle-class taxpayers currently pay on income, from about \$34,000 of income to about \$84,000 of income, depending on the size of the family and the deductions they get. It seems fair to me to ask people at the highest end of the income spectrum to pay at least the tax rate middle-class families in the \$34,000-to-\$84,000 range actually pay. It simply doesn't make sense to have the wealthiest abusing these tax gimmicks to pay lower tax rates than middle-class families. So whether it is Leader REID's surtax or my proposal, I hope we can act to ensure that the most successful Americans actually pay their fair share of our national tax burden to restore our Nation to its economic strength.

I thank my distinguished colleague from Michigan for her courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I wish to thank my good friend and colleague from Rhode Island for his important words on the floor and for indicating that millions and millions of middle-class families and small businesses in this country expect us to figure out a way to make sure the tax system is fair and we have the opportunity for everyone to be able to be successful in this country and know they have a fair chance to make it and that the rules are not rigged for just a few folks. So I wish to thank the distinguished Senator for his comments and for his leadership and pointing out some very important things for the majority of Americans and small businesses across the country.

I rise to speak about a very important issue that will be coming before us for a vote that directly relates to jobs. As the Chair knows, that is a pretty big issue for me in Michigan. We have over 11 percent unemployment. I am laser focused on creating jobs and growing the economy because I think it is absolutely critical for us to get out of debt. We are not going to get out of debt with more than 14 million people out of work, and we are not going to be able to move forward in a way that allows families and businesses to succeed in America if we are not able to turn this economy around and create jobs.

Following World War II, our country created a system of roads and bridges and railways and airports unlike any in the world. In fact, countries are now looking to duplicate what we have done. In the decades that followed, this important infrastructure served as the foundation of our economic growth and prosperity, being able to move commerce and people from one place to another, and we grew. Now that infrastructure has fallen into disrepair. Not surprisingly, we need to be doing some

things to be able to rebuild and make sure our bridges are safe and to be able to move forward in a global economy and have the ability to compete because we have an infrastructure that is worthy of the 21st century.

More than one-quarter of our Nation's bridges are either structurally deficient or obsolete. Think about that, one out of four. If I am driving down the road, I don't think I want to bet that one-out-of-four probability that the bridge I am driving over with my children or my two beautiful grandchildren is safe. I think families want to know every bridge is safe, every road is safe, and that they are not going to put their families in jeopardy as they are driving on our roads and crossing our bridges.

In Michigan, we have 1,400 bridges that are deficient—more than 13 percent of Michigan's bridges. Motorists in Michigan are no stranger to bad roads. I can tell you as somebody who has the wonderful honor of representing Michigan, a very large State, I spend much time on the road, as do my brothers in their work, and my family is on the road as well. We can tell you every year the freezing and thawing wreaks havoc on our roads and every year our roads are full of potholes. I certainly can speak from experience about the expense of fixing a car when one drives over and falls into one of those big potholes.

Even our Republican Governor, Rick Snyder, says we need to invest in infrastructure. He recently said:

Michigan's infrastructure is living on borrowed time. We must reinvest in it if we are to successfully reinvent our economy.

I couldn't agree more. I wish to commend the Governor for those words and for his focus and his administration's focus on investing in our roads and our infrastructure.

We are sitting in traffic and paying the price at the pump because we have fallen behind in maintaining and improving our physical infrastructure as a country to be able to move across town or across the State or across the country. If we don't invest to fix our crumbling roads and bridges and airports now, the costs will only go up, as we know. Failure to act now will cost nearly 1 million Americans their jobs. Those are a lot of people. Those are a lot of families. Those are a lot of mortgages. Those are a lot of families figuring out whether they are going to be able to put food on the table and send their kids to college. There are 1 million American jobs in jeopardy. It will cost our economy nearly \$1 trillion over the next 10 years if we do not act. We have the opportunity to act and we have the opportunity to act right now. We can invest in rebuilding our infrastructure and it will, in turn, rebuild our economy and create jobs.

The Rebuild America Jobs Act is an opportunity to turn the corner and to

head in the right direction. Not only will it upgrade 150,000 miles of roadway, improve thousands of miles of train track, and modernize our Nation's runways and air traffic control systems, but it will also put hundreds of thousands of people to work. This is a win-win. The Rebuild America Jobs Act will provide desperately needed repair funds and will provide the seed money for a national infrastructure bank that will attract private sector capital to help fund a broad range of new investments. This is such an important idea to be able to provide seed money, to be able to track the private sector, private capital, to be able to invest, to be able to leverage the dollars that American taxpayers put in and be able to address all our roads and bridges and other infrastructure needs in a way that creates jobs.

It will have a very big impact on my great State of Michigan. The plan will make immediate investments in Michigan that could support at least 11,700 local jobs that are so critical to us right now as we are coming out of this huge jobs deficit hole we have been in for too long. The plan to rebuild our infrastructure and put Americans back to work has bipartisan as well as strong support from the private sector. The presidents of the U.S. Chamber of Commerce and the Republican Mayors and Local Officials Coalition have both supported the infrastructure investments we are talking about. This approach has strong bipartisan support.

Simply put, the Rebuild America Jobs Act will fix our crumbling infrastructure, put hundreds of thousands of people back to work at the same time. It will not add a dime to our deficit, and the American people support it. So this is a win-win. Why will it not add a dime to our deficit? Because we pay for it in a way that I think is very reasonable and very fair. We are asking those who are most blessed economically in our country, those who earn over \$1 million a year, to pay less than 1 percent, .7 percent, on any \$1 they earn above the first \$1 million of income. So they would be asked to have basically a surcharge to contribute to creating jobs and investing in the future of America, rebuilding America—jobs that cannot go overseas, jobs in rebuilding America.

This can be done for less than a 1-percent surcharge, not on the first \$1 million they earn but on the \$1 that comes after or the \$2 or the \$5 or the \$10 or the second million. It is anything above \$1 million where we are asking those in our country who are in a position to be able to help instead of going back to middle-class families, working families, senior citizens, people who have been hurt so hard in this recession for so long. Instead of asking them one more time to be the ones to carry the burden, we are, instead, asking those who have had success, who have

been blessed financially, and who have benefited from this great country, whether it was with what was done to support Wall Street, whether it was other ways in this country, for them to be a part of the solution with less than 1 percent on any dollars earned above \$1 million. I think this is a reasonable and fair approach.

This is about jobs. We are talking about the Rebuild America Jobs Act, putting people back to work, doing something that is incredibly important for our country and will grow the economy, create jobs, rebuild communities, and help our country move forward.

I urge my colleagues, when we have the vote, to move forward on this bill and that we all join in what has been a bipartisan set of issues of infrastructure investment and rebuilding America. I hope we will see that in the vote that will be coming in the next couple days.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. I thank and commend my distinguished colleague from Michigan for those very eloquent remarks on behalf of an act that I too rise to support. I thank the Presiding Officer for his very eloquent and persuasive comments earlier in this debate on the Rebuild America Jobs Act and the need for this Nation to focus on the increasing trend in inequality and a very troubling absence of focus on the compelling obligation we have to rebuild America at this point in our history, to rebuild our roads and bridges and ports and airports and schools.

The Rebuild America Jobs Act would provide \$50 billion very directly to rebuilding our roads and bridges and railroads and airports, and that is a pressing need for America, but equally as pressing and important are the people hurting and struggling all across the country. People are struggling to find jobs, to stay in their homes, to keep their families together, and those struggles ought to be heard and seen in this Chamber, on this floor, at this moment in our history. They are Americans who played by the rules and who are now out of work, out of support, and soon, sadly, out of hope.

For much of our time recently, we have been mired in the politics of deficit and debt, and that is not to say those subjects are unimportant. I believe in fiscal responsibility. I believe in cutting our debt, restraining spending, and cutting the deficit. But deficit cutting cannot be used as an excuse to gut the social safety net we have labored hard to create over 75 years. It cannot be used to ignore the needs of people struggling to find work. It cannot be used as a reason to neglect our critical infrastructure in this country and the sad and serious defects we now find in it.

One powerful and proven means to cut the deficit and the debt is to create jobs and enable economic recovery. What matters most to the American people now is jobs, work, employment, going back to work, back to good jobs, earning a living for the sake of not only their economic well-being but their respect and self-worth, their dignity. More is at stake here than simply a paycheck. It is the social fabric of our communities, our country, our families. That is why it ought to be a priority. Right now, investing in infrastructure in those roads and bridges and ports and airports is one of the most immediate job creators available.

The Congressional Budget Office has found that returning to full employment would reduce the deficit by 25 percent. That is way more than the politically charged and severely damaging cuts offered by many of my colleagues across the aisle. Thankfully, we have a plan to put us on the path to full employment, and it is called the Rebuild America Jobs Act. This bill would put America back to work immediately by rebuilding our ailing infrastructure.

There is no question about the need. The American Society of Civil Engineers recently rated America's infrastructure and they gave us a D. According to the nonpartisan organization Transportation For America, Fairfield County in my home State of Connecticut has the fourth highest number of motorists using structurally deficient bridges among all the metropolitan areas nationwide. That is an indictment not of Connecticut but of our Nation, and so is the fact that over 9 percent of Connecticut's bridges are considered structurally deficient. Nationwide, in fact, the numbers are even worse. One in four of our Nation's bridges is either structurally deficient or obsolete. No one wants another tragedy such as the one we experienced in Connecticut. It is called the Mianus River Bridge collapse. It killed three people. It paralyzed the roadways in and around the bridge for months.

It cost millions of dollars. It led to litigation that spanned years. The bridge's collapse almost 30 years ago prompted a major infrastructure effort in Connecticut focusing on repair and reconstruction to make our bridges and roads more safe and secure. We need not await the kinds of tragedies we saw 30 years ago in Connecticut and more recently in other States involving bridge collapses and other tragedies that show the deficiencies and unacceptable defects in these roads and bridges.

The need is clear. At a time when civil engineers across the country are calling for vast improvements in our national infrastructure, the measure before this body would accomplish exactly that goal. It would provide aid for States to be spent at their discretion and flexibility as to the projects

but not as to the purpose. The purpose would be roads, bridges, airports, railroads.

This bill would invest \$50 billion in upgrading and repairing 150,000 miles of road, laying or maintaining 4,000 miles of train tracks, and restoring 150 miles of runways at our Nation's airports. It would also provide seed money—and this purpose is important—for a national infrastructure bank that will attract private sector capital to fund a broad range of nationally significant projects, going beyond the ones that would be immediately supported by the \$50 billion in this measure. That national infrastructure bank would be capitalized at \$10 billion, but it would attract money from private investors to do far more than would be enabled by the initial seed money.

This is a bipartisan measure, long supported by Senators KERRY and HUTCHISON. I am proud to have joined them as a cosponsor, and I thank them for their leadership. I thank Members on the House side, including my colleague, Congresswoman ROSA DELAURO, for supporting this measure over the years.

A national infrastructure bank would leverage private capital and public capital to fund a broad range of nationally significant infrastructure projects all around the country—in Connecticut and elsewhere. These funds would provide an immediate boost for our economy. It is estimated, in fact, that for every \$1 spent on these roads, bridges, and other infrastructure projects, our gross domestic product would be increased by about \$1.59—for every \$1, an increase of \$1.59 in gross domestic product. We are talking about investment. We are talking about investment in America's future, in Connecticut's present as well as its future, because people in Connecticut would go back to work, back to jobs, back to livelihoods that give them dignity and self-respect.

With so many people out of work and a dire need for that kind of investment, common sense says we ought to pass this bill, we ought to do it now, without delay, and we ought to do it on a bipartisan basis. There is nothing Republican or Democratic about investment in roads or bridges or airports or railroads to make them safer, more secure, more efficient.

I ask my colleagues, regardless of party, to stand with us and millions of Americans who are out of work, to come together and find a way to pass the Rebuild America Jobs Act. Let's pass this bill now. Let's do it together, without any more delay. People are continuing to struggle and seek work, and this bill is the right thing for America. It is the right thing for Connecticut. Let's do it now.

Thank you, Mr. President. I yield the floor.

INTERNATIONAL TRADE

Mr. UDALL of Colorado. Mr. President, I wish to speak about the recent trade votes that the U.S. Senate had over the last several weeks. I believe that bilateral trade agreements should be based on the premise that by growing economic ties with foreign trading partners our nation levels the playing field on which our companies and workers compete. Trade agreements should also be a means to growing a relationship with established allies that share our commitment to democratic values in an effort to work toward achieving common goals. Over the past several weeks, the U.S. Congress has weighed in on several pieces of legislation that—on balance—keep faith with these goals.

Before I speak to each of the free trade agreements, I would like to reflect on the currency exchange rate oversight reform bill that the U.S. Senate considered just before the pending free trade agreements. It is important to note that playing by the rules is an important element of fair and free trade, and it is a theme I will address several times today in my remarks. The concerns of many Coloradans who both supported and opposed this currency legislation were fundamentally based on fairness. Both sides understand that intentionally undervalued foreign currencies hurt the competitiveness of American exports. I supported currency reform legislation because any country that is intentionally undercutting American companies and workers through the manipulation of its currency, especially if it had agreed to play by specific rules, must be held accountable. That is common sense—and a matter of fairness. This legislation will allow the United States to clearly identify fundamentally misaligned currencies and initiate purposeful efforts to work bilaterally and multilaterally to seek corrective action. We must work in the interest of American manufacturers—and American workers—that rely on a level playing field to succeed, while also engaging our trade partners to work collaboratively to resolve these important concerns. I believe that this currency-related legislation, which passed the U.S. Senate in a bipartisan manner, will send the appropriate signal that we expect our trade partners to live up to our shared commitment to compete fairly in the global marketplace.

More recently, the U.S. Congress considered free trade agreements with Korea, Panama, and Colombia. We enjoy good diplomatic relationships with each of these countries and the United States has a particular interest in maintaining strong diplomatic and economic ties to these countries given our shared values on the international stage. More importantly, the Obama administration, in consultation with Congress, has been able to incorporate

pragmatic and responsible ways to address the outstanding concerns raised with each agreement. While these free trade agreements are not perfect, I supported the passage of all three after studying each one carefully, and hearing from a wide range of Coloradans.

Regarding the Korea free trade agreement, the new concessions that protect America's auto industry in addition to reductions in tariffs for U.S. products and strong protections for intellectual property and labor rights solidified my support for the agreement.

Over the last several months the Obama administration worked with the Korean government to gain concessions that will help American manufacturers compete in the Korean market, Asia's fourth largest economy. For example, the Koreans have committed to immediately reduce their eight percent tariff on U.S.-built passenger cars, including electric vehicles and plug-in hybrids, to four percent and immediately reduce their ten percent tariff on trucks to zero. After 5 years, tariffs on U.S.-made motor vehicles, including electric cars and plug-in hybrids, will be reduced to zero. In addition, we have strengthened safeguards that will prevent any large influx of Korean cars into the U.S. market to protect against unintended effects of the removal of trade barriers. These new concessions won the support of both the U.S. auto industry and the United Auto Workers.

With regard to agricultural products, Colorado producers will benefit from increased market access in Korea through the reduction of existing tariffs on wheat and corn. Existing 40 percent tariffs on certain beef products will be phased out over 15 years and the United States will engage continuously with Korea to plan the removal of other tariff barriers. When I hosted the Korean Ambassador, Han Duk Soo, in Colorado in April of this year, I made it clear that Colorado agricultural producers expect a reasoned approach to removing restrictions and other trade barriers that are in conflict with international sanitary standards and sound science. I am very hopeful that this agreement will help Colorado producers build a relationship of trust with Korean consumers so that they come to understand the high quality of Colorado beef and the well-justified pride that our State feels about its beef.

Autos and agricultural products are just a few areas where American producers will gain better access to the Korean market. Overall, the U.S. International Trade Commission estimated that tariff cuts alone to a variety of U.S. goods could amount to an increase of \$10 billion to \$11 billion of U.S. goods exports alone. This will help produce a

much-needed boost to the U.S. economy. This agreement also includes provisions related to labor and the environment that are the strongest standards to enforce domestic environmental and labor laws included in any trade agreement. It also includes robust protections for intellectual property rights that will set a new benchmark to protect American-made ideas.

In addition to supporting opportunities for American exports, the agreement will enhance America's relationship with a strong partner that is committed to democratic values on the Korean Peninsula. More than 60 years after the Korean war, this trade agreement will serve to further strengthen bilateral ties in a region of growing strategic value to the United States. As a member of the U.S. Senate Armed Services and Intelligence Committees, this was another important factor in my support of the Korea free trade agreement.

Similarly, the Panama free trade agreement, like its Korean counterpart, is aimed to help grow the U.S. economy. In the Panama agreement, we have also included enforceable mechanisms to protect the environment and the rights of Panamanian workers. To address financial and tax concerns and further support labor protections, the United States worked bilaterally with Panama to institute robust legal reforms that protect against the country being used as a tax haven while further enhancing labor protections in Panama. The United States and Panama have worked collaboratively to strengthen tax transparency in support of curbing illicit financial transactions associated with money laundering activities. Notably, due to its positive actions, Panama was removed from the Organization for Economic Co-operation and Development "Gray List" of countries that have agreed to, but not yet adopted an international tax transparency standard.

These improvements to the Panama free trade agreement will be incorporated along with reductions in tariff barriers that will improve access to the Panamanian market for U.S. goods and services. Again, this should give a boost to American business at a time when our government should be doing everything it can to help grow our economy.

Currently, U.S. industrial goods face an average tariff of seven percent in Panama and U.S. agricultural goods face an average tariff of 15 percent, while most of Panama's products enter the United States duty-free. After implementation of this agreement, more than 87 percent of U.S. exports of consumer and industrial products to Panama will become duty-free immediately, with remaining tariffs phased out over ten years. Almost half of U.S. agricultural exports will also benefit

from immediate duty-free treatment, with most of the remaining tariffs to be eliminated within 15 years. Of particular importance for Colorado is beef, which will see an immediate removal of a 30 percent tariff for prime and choice cut beef, and wheat, which will lock in its already tariff-free treatment.

As Panama embarks on a historic \$5 billion infrastructure project to revamp and expand the Panama Canal, American businesses will be better situated to compete for opportunities in the Panamanian market as a result of this free trade agreement. Additionally, this agreement will enhance our strong relationship with Panama, which serves as a major international trade thoroughfare for the United States and the world.

And finally, the Colombia free trade agreement, which was a vote that took even greater deliberation.

Colombia is a strong U.S. ally in Latin America and is a critical regional and global partner. Colombia's market is the third largest for the United States in Latin America and U.S. producers have been losing market share quickly as the Colombians strengthen economic ties with Canada, the European Union and the Mercosur countries of Argentina, Brazil, Paraguay and Uruguay. As other countries facilitate trade with Colombia, American producers have faced continued tariffs on goods exported to Colombia, while Colombian goods face few tariffs into the United States. Currently, the average U.S. tariff on the few Colombian goods subject to a tariff is 3 percent. Colombia's average tariff on U.S. exported goods is 12.5 percent. This agreement will increase market access for U.S. goods and services in Colombia by immediately eliminating duties on 80 percent of U.S. exports to Colombia, with all remaining tariffs eliminated within 10 years.

These numbers show why American businesses have been eager to level the playing field with foreign competitors that have benefited from preferential tariff treatment in Colombia. Still, there have been long-standing concerns with Colombia's history of violence and its human rights record, issues that deeply concern not only me, but many Coloradans. I have looked to Colombia and supporters of this agreement to make the case that adequate progress has been made to determine if the United States should move forward with a trade agreement at this time.

The Colombian and U.S. governments, as well as organizations that have opposed and supported the agreement, acknowledge the problematic record Colombia has had on human rights and labor protections. Most agree that progress has been made, though many disagree to what extent that progress has improved labor conditions and lessened human rights vio-

lations. After meeting with groups on both sides of this debate, I concluded that maintaining the status quo was not the best answer. Leaving things as they are now would not create any more incentives for Colombia to maintain or further cultivate its commitment to resolving issues of violence. Nor do I believe that the status quo would strengthen the ties with this key ally in South America. I ultimately believe that the recent labor and legal reforms in Colombia represent concrete steps in the right direction. The commitment of Colombia's political leadership to improving its record is also an indication that Colombia can move beyond its past. The primary objective is for our two countries not only to maintain the shared goal of reducing violence and protecting workers' rights, but also to become stronger economic partners, enabling American business to compete in Colombia's market on a level playing field with our international competitors. Both of these goals help justify moving beyond the status quo.

Let me be clear: we must continue to work collaboratively with the Colombian government to ensure that the appropriate steps are taken toward responsible and meaningful reforms. A meaningful step in this direction is President Obama's commitment to allow the agreement to enter into force only when Colombia has sufficiently met predetermined benchmarks. These benchmarks include efforts to increase protection of labor activists, enforce core labor rights and reduce impunity for perpetrators of violence against union members. Additionally, the underlying agreement includes strong labor provisions that protect the right to organize, the right to bargain collectively, and to provide protections against forced labor, child labor, and employment discrimination.

These changes may not all happen overnight, but we can ensure that what remains to be fixed will be supported by our strengthened economic relationship and the social and economic incentives for Colombia to maintain a positive trajectory in reducing violence. Does the passage of this agreement mean that all of the ills facing Colombia will be cured? I make no such assumption, and I know it will take work and diligent oversight. The burden will be on the Colombian government to follow through on promised reforms and ensure they have the intended effect. It will also be up to this administration to ensure that the benchmarks laid out in its labor action plan are met to the greatest extent possible and that Colombia continues to meet these goals. Finally, it will be up to Congress to provide ongoing oversight to ensure everyone is meeting their responsibilities. I, for one, will be watching.

In addition to these agreements, I note briefly that Congress came together in a bipartisan manner to reauthorize a robust Trade Adjustment Assistance Program that will assist workers, firms and farmers to retrain and retool so they can better compete in the global economy. This was a necessary precursor to my support of these three free trade agreements.

In sum, the free trade agreements with Korea, Panama, and Colombia, while not perfect, present strong opportunities for Colorado and U.S. businesses while also including some of the most robust labor and environmental provisions that we have ever had in a trade agreement with any country. Trade issues are never clear cut, but simply put, trading with our neighbors and partners can help our economy when we set the terms fairly and find balance. By helping to ensure that our trading partners play by fair rules, and by opening foreign markets for U.S. products, the United States is better positioned to win the global economic race.

JOHANSON CONFIRMATION

Mr. HATCH. Mr. President, last night the Senate confirmed David Johanson as a member of the International Trade Commission. I would like to take a moment to congratulate David on his confirmation. The ITC administers the Nation's trade remedy laws and provides Congress with independent analysis and information on matters relating to international trade. I am confident that the International Trade Commission will benefit greatly from David's intelligence, experience and extraordinary work ethic.

David has served as International Trade Counsel to the Senate Finance Committee since 2003, first under the leadership of Senator GRASSLEY and now with me as ranking member. With his help, the committee accomplished much in those 8 years. Under President Bush, we renewed trade promotion authority and worked together to pass trade agreements with 14 countries agreements that helped to grow the U.S. economy, increase exports, and create American jobs. We also used that trade promotion authority to negotiate and pass our trade agreements with South Korea, Colombia and Panama.

Much of the focus of David's work on the Finance Committee has been on agricultural issues. These are often some of the most contentious issues in international trade, but David proved himself to be a tireless and effective advocate for U.S. exports. With his help, this Committee was able to reopen important international markets for American agricultural products, including the critical Chinese market.

In closing, David will bring 15 years of experience in the field of inter-

national trade law, an extraordinary work ethic, meticulous attention to detail and pragmatic creativity to his new role as a member of the International Trade Commission. We wish him well on this next phase of his career and thank him for all of the great work that he has done in the U.S. Senate.

FORT MONROE NATIONAL PARK

Mr. WARNER. Mr. President, today marks the start of an exciting new chapter for Fort Monroe in Hampton, VA. I welcome the President's decision to use his authority under the Antiquities Act to protect this special place by declaring it a national monument and the country's 396th National Park unit. A National Park Service presence will ensure that we can properly preserve this historic, natural and recreational resource for the benefit of present and future generations.

On this important occasion, I recognize the effort that has gone towards establishing a National Park unit at Fort Monroe. I have been fortunate to work with a bipartisan, Federal, State and local group that includes Senator JIM WEBB, Congressmen SCOTT RIGELL, BOBBY SCOTT, ROB WITTMAN and RANDY FORBES, Virginia Governor Bob McDonnell and his administration, the Fort Monroe Authority, the city of Hampton and Mayor Molly Ward, State and local elected officials, conservation partners such as the National Trust for Historic Preservation and the National Park Conservation Association, individual advocates and citizen groups including the Citizens for a Fort Monroe National Park, and many others who have been committed to this effort. I thank Secretary Salazar and the National Park Service for their work and their visits to Hampton this summer to hear firsthand the overwhelming public support that exists for this new National Park Service site. Now that we have solidified a National Park Service role, it is critically important that the city, the region, and the Commonwealth continue to work together to make the most of this tremendous opportunity to showcase Fort Monroe's incredible place in our nation's history. I look forward to continued progress at Fort Monroe.

ADDITIONAL STATEMENTS

COLORADO CELEBRATION

• Mr. BENNET. Mr. President, today I wish to recognize the sesquicentennial of the 17 original counties created by the Colorado Territorial Legislature in 1861. These counties celebrate this significant milestone today, November 1, 2011.

Congress established Colorado Territory on February 28, 1861, and the terri-

tory's first legislative assembly convened on September 9, 1861.

The 17 original counties—Arapahoe, Boulder, Clear Creek, Costilla, Douglas, El Paso, Fremont, Gilpin, Guadalupe, shortly thereafter renamed Conejos, Huerfano, Jefferson, Lake, Larimer, Park, Pueblo, Summit, and Weld counties were established by the territorial legislature within the present boundaries of the State of Colorado.

From the snow-covered mountains of Summit County to the farm lands of the San Luis Valley, these original counties established the foundation from which the most beautiful State in our country grew and developed.

Colorado became the 38th State of the Union on August 1, 1876, under President Ulysses S. Grant, and became known as the Centennial State.

Over the past 150 years, counties had their boundaries revised, new counties were created, and some were abolished, and today, the State of Colorado has 64 counties, each one with its own unique history, geography, and cultural heritage.

I take this time today to congratulate Colorado on the 150th anniversary of our State's first 17 counties and to recognize all of Colorado's 64 counties for their vital contributions to our great State.

As we welcome this milestone in the history of Colorado, we can no doubt look forward to another promising and prosperous 150 years.●

REMEMBERING DR. WANGARI MAATHAI

• Mr. BROWN of Ohio. Mr. President, 2 months ago, on September 25, 2011, Dr. Wangari Maathai of Kenya, the first African woman to receive a Nobel Peace Prize, passed away after her fight with ovarian cancer. She was a woman of firsts, of force, and of foresight. She was a woman who empowered millions of African women with hope and opportunity.

Born on April 1, 1940, in Nyeri, Kenya, to peasant Kikuyu farmers, Wangari Muta Maathai, at the urging of her older brother, attended primary school at a time when it was rare for women to receive an education. Her father worked for a White landowner who forced him to sell all his crops to him at whatever price was offered. From an early age, Dr. Maathai possessed a deep and abiding love and respect for nature. As a child, she spent time at Kanungu—an underground stream that flowed close to a sacred fig tree, and she would till fields with her mother, once saying, "I grew up close to my mother, in the field, where I could observe nature."

She went on to secondary school where she graduated at the top of her class. In 1964, she was awarded a scholarship to attend Mount St. Scholastica

College in Atchison, KS, where she graduated with a biology degree. She pursued her master's of science at the University of Pittsburgh. From there, she continued her studies in both Germany and Kenya where she earned her doctorate in veterinary anatomy from the University of Nairobi. She was the first woman from East or Central Africa to earn a doctorate degree, and also the first woman to hold a professorship at the University of Nairobi's Department of Veterinary Anatomy which she later chaired another first for a woman.

Through the force of personality, she reinforced the links between poverty and health, economic security, and environmental sustainability. Returning to Kenya from her studies abroad, she saw how deforestation and planting of cash crops had stripped the land of resources, causing animals and plants to disappear. The result was a lack of food, water, and rampant erosion. The effect was particularly devastating for women who were not only the family caretakers, but as subsistence farmers, depended [S3]upon the land for their livelihood.

In 1977, Dr. Maathai had the foresight to establish the Green Belt Movement which sought to combat the aggressive deforestation occurring in Kenya. Asked about her efforts, she once said, "It occurred to me that some of the problems women talked about were connected to the land. If you plant trees you give them firewood. If you plant trees you give them food." While many derided her efforts, this Movement, made up mostly of women, has planted more than 30 million trees across Africa and helped approximately 900,000 Kenyans develop and sustain their ability to care for themselves and their families.

The Green Belt Movement would spread across the continent. Dr. Maathai inspired the development of the Pan African Green Belt Network. Her efforts have resulted in Tanzania, Uganda, Malawi, Lesotho, Ethiopia, and Zimbabwe starting their own reforestation efforts. The Movement not only emphasizes the relationship between the people and their land, but also empowers women in the areas of family planning, reproductive health, nutrition, food security, and leadership development.

Dr. Maathai's environmental work eventually permeated the realm of politics. As a proponent of civic responsibility, she entered politics with the understanding that "the message for Africans is that the solutions to our problems lie within us." As an advocate for the poor and under-represented, Dr. Maathai suffered not only political taunts but also physical violence at one point being brutally beaten by police and at another time, a victim of a tear gas attack. Throughout the 1990s, Dr. Maathai was repeatedly arrested,

imprisoned, and threatened for exercising her rights.

Despite physical threats and political setbacks, in December of 2002, she was elected to Kenya's National Assembly and was appointed the Deputy Minister for Environment, Natural Resources, and Wildlife. She was also instrumental in the creation of Kenya's Bill of Rights. She went on to serve as the Presiding Officer of the Economic, Social, and Cultural Council ECOSOC, of the African Union, as well as Goodwill Ambassador to the Congo Basin Forest Ecosystem.

As the author of multiple publications, Dr. Maathai garnered many awards including the 1989 WomenAid International Women of the World Award, the 1991 Goldman Environmental Prize, the 1991 United Nations Africa Prize for Leadership, the 1993 Edinburgh Medal, the 2001 Juliet Hollister Award, the 2003 WANGO Environment Award, and the 2004 Sophie Prize. She has received numerous honorary degrees from a wide array of institutions including: Yale University; Williams College; University of California at Irvine; and Morehouse University. In 2005, she was honored by both Time Magazine and Forbes Magazine as one of the 100 most influential people in the world and as one of the 100 most powerful women in the world, respectively. She was also a United Nations Environment Programme Global 500 Hall of Fame recipient. In 2006, Dr. Maathai was awarded France's highest honor, the Legion d'Honneur, by French President Jacques Chirac.

During her acceptance speech of the 2004 Nobel Peace Prize, Dr. Wangari Maathai said:

In the course of history, there comes a time when humanity is called to shift to a new level of consciousness, to reach a higher moral ground. A time when we have to shed our fear and give hope to each other. That time is now.

Whether she was advocating for the right of women or for the importance of protecting and developing the environments in which they live, Dr. Maathai's legacy of service advocating a message that one has the power to change the lives of many—remains.●

REMEMBERING EDWARD L. LOPER, SR.

● Mr. CARPER. Mr. President, I would like to set aside a moment to reflect on the life of artist and educator Edward L. Loper, Sr. From the time he started painting at age three until his death at age 95, the Wilmington, DE native known as Ed inspired many to see the world differently through his art. He was a truly gifted man who dedicated his life to his craft and educating the next generation of painters.

Ed Loper was born on April 7, 1916, in Wilmington, DE. As a child, his creativity came out when he picked up a

brush and painted the objects and pictures around him. As a young adult, he honed his craft by going to the Philadelphia Art Museum every Saturday to study the paintings housed there, examining the brush strokes and techniques of the great painters that came before him.

He graduated in 1934 from Howard High School where he had been an All-State football and basketball player. Later, it was a chance encounter with Albert Barnes, an entrepreneur and art collector from Philadelphia, that helped him develop his painting style. Barnes invited him to join classes at his museum, but Loper could not afford to do so at the time. Years later, Loper took advantage of this opportunity, attending classes there for 10 years.

He made his love for painting into his profession and worked at the Works Progress Administration as a painter. In the beginning of his career, Ed faced discrimination because he was a black artist in a segregated society, but his work ultimately prevailed beyond society's prejudices. In 1937, he was the first black artist to have a painting accepted to a juried show at the Wilmington Society of the Fine Arts, now the Delaware Art Museum.

His paintings focused on landscapes, still life, and portraits, and he is known for his use of vibrant and rich colors to create complex scenes. He gave visual meaning to the world he knew: city streets, tenements, railroad trestles, marshes, coal yards and pool rooms.

Ed turned to a career in art education and first shared his passion for painting with his students at Delaware's Ferris School. Then, in 1942, he began to teach at the Allied Kid Company. He also taught at the Jewish Community Center, the Delaware Art Museum, Lincoln University, the Delaware College of Art and Design, and at his own studio in his later years. Some of his students studied with him for decades.

He was married to Janet Neville-Loper who resides in Wilmington. His son, Edward Loper Jr., is also a painter. He was also the father to Kenneth Loper, Tina Sturgis and the late Jean Washington and Mary Brower. One of the last things Ed painted was the door to their kitchen, where he illustrated some of their travels to China and Europe.

Ed's talent for color broke the mold of his time, and his passion for teaching others to see through color was unsurpassed. He changed the landscape for black artists and paved the way for others who came after him. He leaves us with the lasting legacy of his work, which currently can be seen in the major permanent collections of the Philadelphia Art Museum; the Delaware Art Museum; the Corcoran Gallery in Washington, DC; Howard University; the Museum of African American Art in Tampa, FL; among others.

Today I commemorate Edward L. Loper, Sr., his life and his outstanding artistic legacy. It was truly a privilege to know him, to have been one of his neighbors for a time, and to be the proud owner of one of his extraordinary paintings.●

● Mr. COONS. Mr. President, I wish to honor the work of a distinguished Delawarean who, though known for his paintings, will long be remembered for a contribution to our State that extends much farther than the reach of his brush.

Edward J. Loper, Sr., saw the world a little differently than the rest of us, and he spent his lifetime trying to let us in on the secret. He had such a rich appreciation of color that he was once described as the "Prophet of Color." He was a great talent and a great teacher. He captured the beauty and vibrancy of Delaware with memorable style, bold brushwork and an engaging palette.

One of his paintings—a scene from the Wawaset Park neighborhood of Wilmington—hangs in my office. It perfectly captures the vivid contrast in color and creative use of light for which he has become so well known. It tells the story of a bright fall day, subtly emphasizing the reds and yellows of the fall foliage to innocently capture the heightened visuals of the season.

That he was an African American defined his struggle but not his art. He painted landscapes, street scenes and still lifes, and always with oil paints. He didn't like being confined to a studio, and would insist on painting his subjects in person.

Once, in his youth, he won a painting competition and proudly showed up to the ceremony to collect his award. It turned out, he was the first African American to have won the award and those in the room were aghast. Most wouldn't shake his hand. It wasn't the first time Ed Loper had been stung by discrimination, nor would it be the last.

Though Ed first picked up a brush at age 3, it was when he went to work at a division of the Works Progress Administration during the Great Depression that he really learned to paint. He was later hired by Jeannette Eckman, who was in charge of the Federal Arts Project, and much of his artwork would go on to be housed in the National Gallery of Art in Washington, D.C. He couldn't be tied down to any one particular style and a wide range of artists, including Van Gogh, Van Ruisdael, Corot, El Greco, Cezanne, Picasso, Pollock, Tintoretto, Titian, and Veronese, are said to have inspired him.

Loper once said, "Once you learn to see as an artist, the world will never look the same again." For 60 years, he taught hundreds of students to see the world differently. He had a reputation for being tough on his students, but each one earned a greater appreciation

for that which Loper pursued his entire life: "real art."

He leaves behind a great legacy, not only in the works that adorn the walls of homes and galleries around the world, but in the constellation of artists he nurtured. He will be greatly missed by his family and the community he called "home."●

TRIBUTE TO DR. HENRY GIVENS, JR.

● Mrs. McCASKILL. Mr. President, today I congratulate Dr. Henry Givens, Jr. on his retirement and to thank him for his many years of leadership and service to the field of education. For over 50 years, Dr. Givens has been a champion of higher education and has fought to improve the lives of Missouri's students. It is my pleasure to honor him today.

A native of St. Louis, MO, Dr. Givens attended public schools and received his bachelor's degree from Lincoln University, a master's degree from the University of Illinois, and his doctorate degree from Saint Louis University. Dr. Givens began his career in education as a fifth and sixth grade teacher in the Webster Groves School District in suburban St. Louis. After his work with the Webster Groves School District, Dr. Givens became the principal of the first prototype magnet school, Douglas Elementary School in St. Louis, MO. Under Dr. Givens' guidance, Douglas Elementary faculty debuted revolutionary teaching techniques that are now standard classroom practices, helping to modernize Missouri's school systems.

In 1973, Dr. Givens continued to break new ground when he became the first African-American assistant commissioner of education for the State of Missouri. Dr. Givens spent 5 years in that position before becoming president of Harris-Stowe University in 1979. When he first assumed leadership, Harris-Stowe State College offered one degree—elementary education—and had only one building. During Dr. Givens' 32 years as president of Harris-Stowe, the university expanded and upgraded facilities, tripled student population, and added 13 new degree programs. Dr. Givens' determined leadership shaped Harris-Stowe into the outstanding university it is today.

In addition to his accomplishments in the field of education, Dr. Givens is affiliated with numerous national and local professional and social organizations and has received over 125 awards and recognitions for his service to his community. President Obama recently appointed Dr. Givens to the Historically Black Colleges and Universities Capital Finance Advisory Board, and Dr. Givens has served as the chairman of the Dr. Martin Luther King, Jr. Statewide Celebration Commission for Missouri since its inception in 1986.

It is my pleasure to honor Dr. Givens today. His dedicated leadership has improved the quality of the educational experience for Missourians. He has undoubtedly touched the lives of many and improved the quality of the community at large.

Mr. President, I ask that the Senate join me in congratulating and honoring Dr. Henry Givens, Jr.●

TRIBUTE TO MAJOR GENERAL WILLIAM HOWARD MCCOY, JR.

● Mrs. McCASKILL. Mr. President, today I wish to pay tribute to MG William Howard McCoy Jr. who is retiring on January 1, 2012, after 37 years of exemplary active Federal service in the U.S. Army. He has served our Nation with dignity, honor, and integrity, including serving multiple tours at Fort Leonard Wood in the great State that I call home, Missouri.

MG William Howard McCoy, Jr. is a native Texan and a 1974 graduate of Texas A&M where he earned a bachelor's degree in construction engineering. He was then commissioned through the Reserve Officers' Training Corps and entered the U.S. Army as second lieutenant in the Army Corps of Engineers. He later went on to earn a master's of business administration from the University of Phoenix.

Following the Engineer Officer Basic Course, his first assignment was to Germany. From 1974 to 1975, Major General McCoy served as a platoon leader, and later as an executive officer, in the 237th Engineer Battalion, 7th Engineer Brigade, VII Corps, U.S. Army Europe and Seventh Army, Germany. His next assignment was as project officer, director of training developments, U.S. Army Engineer School, Fort Belvoir, VA.

From 1980 to 1981 he commanded Company B, 8th Engineer Battalion, 1st Cavalry Division, at Fort Hood, TX. From there he deployed to be an engineer advisor, as part of the Technical Assistance Field Team at the U.S. Military Training Mission in Saudi Arabia.

From 1981 to 1983, he was assigned as a project officer with the Southern Colorado Project Office, U.S. Army Engineer District Albuquerque in Pueblo, CO. It was during this time when he would meet and marry his lovely life-long partner, Jill McCoy.

With renewed vigor, from 1983 to 1986, he was assigned as the engineer staff officer for the Directorate of Engineering and Housing, Installation Support Activity in Europe and later became the Special Assistant to the Chief of Staff, 56th Field Artillery Brigade, U.S. Army Europe and Seventh Army, Germany. He was then assigned as engineer staff officer, Office of the Deputy Chief of Staff, Engineer for U.S. Army Europe and Seventh Army, Germany.

From 1986 to 1989 he served in numerous positions at Fort Hood, TX. Initially, he served as plans officer, Corps

Staff Engineer Section, III Corps and later he served as the operations officer and executive officer of the 17th Engineer Battalion, 2d Armored Division. Following his assignment to Fort Hood, he returned to Virginia to attend the Armed Forces Staff College in Norfolk.

From 1989 to 1991 he served in the Pentagon as a staff officer for the Force Development Directorate for the Office of the Deputy Chief of Staff for Operations and Plans, Headquarters, Department of the Army in Washington, DC. Following this tour at the Pentagon he was nominated and selected to be a research fellow for the RAND Army Fellowship Program in Santa Monica, CA.

From 1992 to 1995 Major General McCoy served as the executive officer to the Deputy Chief of Staff, Engineer, U.S. Army South, at Fort Clayton, Panama. He then transitioned to become the commander, 536th Engineer Battalion (Combat)(Heavy), U.S. Army South, Fort Clayton, Panama and Joint Task Force Builder, El Salvador/Uruguay, later OPERATION SAFE HAVEN, Panama, and later, Joint Task Force Builder, El Salvador.

Due to his outstanding performance and unlimited potential, he was selected to study at the Army's prestigious professional academic institution, the Army War College in Carlisle Barracks, PA. After graduating from the Army War College, from 1997 to 1998, Major General McCoy became the deputy director for the Maneuver Support Battle Lab, U.S. Army Engineer Center, Fort Leonard Wood, MO.

In 1997, he was once again assigned to Europe as the Director of the Engineer Operations Directorate, Office of the Deputy Chief of Staff, Engineer, U.S. Army Europe, and Seventh Army, Germany. From 1998 to 2000, Major General McCoy transitioned to be the Commander, 130th Engineer Brigade, V Corps, United States Army Europe and Seventh Army, Germany and OPERATION TASK FORCE HAWK in the country of Albania.

From 2000 to 2003, Major General McCoy served as the Chief of Staff, 1st Armored Division, U.S. Army Europe and Seventh Army, Germany. He later became the Deputy Chief of Staff, Engineer, U.S. Army Europe and Seventh Army, Germany. In 2003, Major General McCoy became the commander, 18th Theater Army Engineer Brigade and simultaneously as the Deputy Chief of Staff, Engineer, U.S. Army Europe, and Seventh Army, Germany. During this period he led his unit during OPERATION IRAQI FREEDOM/Joint Task Force-North in the country of Turkey.

Upon returning from overseas, from 2003 to 2005, Major General McCoy was assigned as the assistant commander, U.S. Army Engineer School/Deputy Commanding General, Initial Military Training, Fort Leonard Wood, MO.

However, his tenure in the States was short-lived and Major General McCoy once again answered the call to duty by becoming the Commander, Gulf Region Division, U.S. Army Corps of Engineers, OPERATION IRAQI FREEDOM in Iraq.

He returned from his deployment to Iraq and from 2006 to 2008, Major General McCoy served as the commanding general, U.S. Army Maneuver Support Center and Fort Leonard Wood, Fort Leonard Wood, MO.

From 2008 to present, Major General McCoy has been assigned as the deputy, the inspector general, Office of the Secretary of the Army and Headquarters, Department of the Army, Washington, DC. In August 2010 he became acting, the inspector general.

During his career, Major General McCoy steadily rose through the ranks and excelled at each assignment. He served in commands at the tactical, operational and strategic levels, as well as installation commands, during times of peace and war. At every command he effectively led our men and women in the accomplishment of the mission. From domestic to overseas assignments, and as a platoon leader to acting, the inspector general, Major General McCoy was ever mindful that the Army's most precious assets were those who wear the uniform and the civilians who work in the service of our nation's military. He ennobled this diligently through his thoughts, decisions, and actions.

Major General McCoy's personal awards include the Distinguished Service Medal, the Legion of Merit (with four Oak leaf Clusters), the Bronze Star Medal, the Meritorious Service Medal (with three Oak leaf Clusters), the Army Commendation Medal (with two Oak leaf Clusters), the Army Achievement Medal (with Oak leaf Cluster), the Joint Meritorious Unit Award, the Army Superior Unit Award, the Ehrenkreuz in Silber, and the Silver Order of the DeFleury Medal.

Throughout his lifetime of military service, MG William Howard McCoy, Jr. showed extraordinary professionalism, valor and integrity, and dedication to the mission. He leaves a legacy of tremendous leadership and genuine concern for the soldiers and civilians of the U.S. Army. Furthermore, he attributes his success to the loving support of his wife Mrs. Jill McCoy and his children. General McCoy may have only spent several assignments in Missouri, but his career embodies classic Missouri values: love of country and family; selfless service; "show me"—or, in other words, speaking with one's actions not words; and being humble. I wish Major General McCoy and his family the very best in retirement and I congratulate Major General McCoy on a fabulous career of service to our Nation and to the cause of freedom.●

TRIBUTE TO DR. DORIS JONES WILSON

● Mrs. McCASKILL. Mr. President, I ask the Senate to join me in honoring the work of Dr. Doris Jones Wilson, a music legend and icon in the St. Louis, MO community. For over 65 years, she has worked as an instructor, arranger and performer of music from every genre. Dr. Wilson's retirement marks just one more wonderful milestone in a life of service. It is my pleasure and privilege to ask the Senate to pause for a moment to honor Dr. Wilson today.

Dr. Wilson is a beloved member of the St. Louis community. She first earned a bachelor of music education degree from Lincoln University in Jefferson City, MO. She continued her education at Washington University in Saint Louis earning a master of arts in teaching and later a doctor of education in music education. Following her studies, Dr. Wilson went on to become a professor of music and director of the Concert Chorale of Harris-Stowe State University in St. Louis. Dr. Wilson recently retired from her position as minister of music for the West Side Missionary Baptist Church in St. Louis.

Dr. Wilson has received numerous awards and commendations over the course of her career that recognize the exceptional impact her work as a musician, teacher and choral director has had on the music community. I was so humbled to learn that this previous September, the Kennedy Center featured a special performance of one of her most popular arrangements, "Even Me." This is only one in a long list of honors.

In 2004, Hampton University awarded her the Living Legend Award of Ministers and Choir Directors. She received the Missouri Arts Award from the Missouri Arts Council in 1998 and the Excellence in Teaching Award from Emerson Electric in 1997. In 1994, Dr. Wilson was honored with the Stellar Performer Award from the St. Louis American newspaper for outstanding leadership in music education. That same year the Bahamas Department of Tourism wrote Dr. Wilson a letter of commendation for Concert Choral Performance. In 1981, Dr. Wilson was awarded the Gold Medal for Concert Choral at the International Music Festival.

As a Representative of the great State of Missouri and a resident of St. Louis, I am proud and humbled by the life and career of Dr. Wilson. I have no doubt that she has touched the lives of many students with her wonderful gift and spirit. The education and wisdom that she has passed on as a music educator will live on in the work her students do and the people they become. I truly believe that the impact her work has had on the St. Louis community is immeasurable.

Mr. President, I ask that the Senate join me in congratulating and honoring

Dr. Doris Jones Wilson on her retirement.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY RELATIVE TO THE ACTIONS AND POLICIES OF THE GOVERNMENT OF SUDAN AS DECLARED IN EXECUTIVE ORDER 13067 OF NOVEMBER 3, 1997—PM 31

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the Sudan emergency is to continue in effect beyond November 3, 2011.

The crisis constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency in Executive Order 13067 of November 3, 1997, and the expansion of that emergency in Executive Order 13400 of April 26, 2006, and with respect to which additional steps were taken in Executive Order 13412 of October 13, 2006, has not been resolved. These actions and policies are hostile to U.S. interests and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the sanctions against Sudan to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, November 1, 2011.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1769. A bill to put workers back on the job while rebuilding and modernizing America.

H.R. 674. An act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3683. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fishing Capacity Reduction Program for the Southeast Alaska Purse Seine Salmon Fishery" (RIN0648-BA13) received in the Office of the President of the Senate on October 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3684. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab; Amendment 3" (RIN0648-BA22) received in the Office of the President of the Senate on October 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3685. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Sharks in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA733) received in the Office of the President of the Senate on October 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3686. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Cod by Non-American Fisheries Act Crab Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XA729) received in the Office of the President of the Senate on October 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3687. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; South Atlantic Snapper-Grouper Fishery; 2011-2012 Accountability Measures for Recreational Black Sea Bass" (RIN0648-XA698) received in the Office of the President of the Senate on October 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3688. A communication from the Administrator of the National Aeronautics and

Space Administration, transmitting, pursuant to law, a report providing a statement of actions with respect to the Government Accountability Office report entitled "ACQUISITION PLANNING: Opportunities to Build Strong Foundations for Better Service Contracts"; to the Committee on Commerce, Science, and Transportation.

EC-3689. A communication from the Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 64 of the Commission's Rules Regarding Telecommunications Relay Services and Related Customer Premises Equipment for Persons With Disabilities; Truth-In-Billing Requirements for Common Carriers" (DA 11-1649) received in the Office of the President of the Senate on October 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3690. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Contributions to the Telecommunications Relay Services Fund" (FCC 11-150) received in the Office of the President of the Senate on October 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3691. A communication from the Deputy General Counsel, Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 0, 1, 73, and 74 of the Commission's Rules" (DA 11-1658) received in the Office of the President of the Senate on October 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3692. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis in Swine; Add Texas to List of Validated Brucellosis-Free States" (Docket No. APHIS-2011-005) received during recess of the Senate in the Office of the President of the Senate on October 25, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3693. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Fresh Baby Kiwi From Chile Under a Systems Approach" ((RIN0579-AD37) (Docket No. APHIS-2010-0018)) received during recess of the Senate in the Office of the President of the Senate on October 25, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3694. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Poultry Improvement Plan and Auxiliary Provisions; Correction" ((RIN0579-AD21) (Docket No. APHIS-2009-0031)) received during recess of the Senate in the Office of the President of the Senate on October 25, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3695. A communication from the Regulatory Officer, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2011 Tariff-Rate Quota Year" (7 CFR Part 6) received during recess of the Senate

in the Office of the President of the Senate on October 26, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3696. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11-066, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-3697. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11-084, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-3698. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11-111, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-3699. A communication from the Acting Chairman of the Joint Chiefs of Staff, transmitting, pursuant to law, a report relative to military construction requirements related to antiterrorism and force protection (DCN OSS No. 2011-1621); to the Committee on Armed Services.

EC-3700. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Afghanistan and Pakistan for the period from January 1, 2011, through June 30, 2011 (DCN OSS No. 2011-1667); to the Committee on Armed Services.

EC-3701. A communication from the Secretary of Defense, transmitting, pursuant to law, a report regarding the approval by the President of the United States of changes to the 2011 Unified Command Plan (UCP) that specifies the missions and responsibilities, including geographic boundaries, of the combatant commands; to the Committee on Armed Services.

EC-3702. A communication from the Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3703. A communication from the Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled "Report on Redetermination Process for Permanently Incapacitated Dependents of Retired and Deceased Members of the Armed Forces"; to the Committee on Armed Services.

EC-3704. A communication from the Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled "Report to Congress on Impact of Domestic Violence on Military Families"; to the Committee on Armed Services.

EC-3705. A communication from the Chief Counsel of the Fiscal Service, Bureau of Pub-

lic Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offering of United States Savings Bonds, Series EE; Regulations Governing Definitive United States Savings Bonds, Series EE and HH; Offering of United States Savings Bonds, Series I; Regulations Governing Definitive United States Savings Bonds, Series I" (31 CFR Parts 351, 353, 359, and 360) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3706. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to various countries; to the Committee on Banking, Housing, and Urban Affairs.

EC-3707. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Quality of Water, Colorado River Basin, Progress Report No. 23"; to the Committee on Energy and Natural Resources.

EC-3708. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Domestic Unconventional Fossil Energy Resource Opportunities and Technology Applications Report to Congress"; to the Committee on Energy and Natural Resources.

EC-3709. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Compliance Date Regarding the Test Procedures for Walk-In Cooler and Freezers and the Certification for Metal Halide Lamp Ballast and Fixtures" (RIN1904-AC58) received during recess of the Senate in the Office of the President of the Senate on October 25, 2011; to the Committee on Energy and Natural Resources.

EC-3710. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Frequency Regulation Compensation in the Organized Wholesale Power Markets" (Docket No. RM11-7-000) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Energy and Natural Resources.

EC-3711. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA-3328-EM in the State of New York having exceeded the \$5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Government Affairs.

EC-3712. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA-3327-EM in the State of North Carolina having exceeded the \$5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Government Affairs.

EC-3713. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Air Quality Implementation Plans; California; South Coast; Attainment Plan for 1997 PM2.5 Standards" (FRL No. 9482-9) received during recess of the Sen-

ate in the Office of the President of the Senate on October 25, 2011; to the Committee on Homeland Security and Government Affairs.

EC-3714. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Iowa: Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revision" (FRL No. 9484-5) received during recess of the Senate in the Office of the President of the Senate on October 25, 2011; to the Committee on Environment and Public Works.

EC-3715. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Assuring the Availability of Funds for Decommissioning Nuclear Reactors" (Regulatory Guide 1.159, Revision 2) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Environment and Public Works.

EC-3716. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of Models for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF-510, Revision 2, 'Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection'" (NUREG-1430, -1431, -1432) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Environment and Public Works.

EC-3717. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Access Authorization Program for Nuclear Power Plants" (Regulatory Guide 5.66, Revision 2) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Environment and Public Works.

EC-3718. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Standard Format and Content of License Applications for Mixed Oxide Fuel Fabrication Facilities" received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Environment and Public Works.

EC-3719. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Changes to the Ambulatory Surgical Centers Patient Rights Conditions for Coverage" (RIN0938-AP93) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. GILLIBRAND (for herself, Mr. KERRY, Mr. SANDERS, Mrs. MURRAY, Mr. FRANKEN, and Mr. LAUTENBERG):
S. 1770. A bill to prohibit discrimination in adoption or foster case placements based on

the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved; to the Committee on Finance.

By Mr. KERRY:

S. 1771. A bill for the relief of Patricia Donahue, individually and in her capacity as administratrix of the estate of Michael J. Donahue; Michael T. Donahue; Shawn Donahue; and Thomas Donahue; to the Committee on the Judiciary.

By Mr. KERRY:

S. 1772. A bill for the relief of Patricia Macarelli, in her capacity as administratrix of the estate of Edward Brian Halloran; to the Committee on the Judiciary.

By Mr. BROWN of Ohio (for himself,

Mr. CASEY, Mrs. GILLIBRAND, Mr.

LEAHY, Ms. MIKULSKI, Mr. TESTER,

and Mr. HARKIN):

S. 1773. A bill to promote local and regional farm and food systems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 1774. A bill to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER (for himself, Mr. RISCH, Mr. REID, Mr. UDALL of Colorado, and Mr. HELLER):

S. 1775. A bill to promote the development of renewable energy on public lands and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself, Mr. WICKER, and Mrs. FEINSTEIN):

S. 1776. A bill to amend title 10, United States Code, to expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced-cost accommodations; to the Committee on Armed Services.

By Mr. COBURN (for himself, Mr. LEVIN, and Mr. MCCAIN):

S. 1777. A bill to require Comptroller General of the United States reports on the major automated information system programs of the Department of Defense; to the Committee on Armed Services.

By Mr. BLUMENTHAL:

S. 1778. A bill to amend the Child Care and Development Block Grant Act of 1990 to include the provision of diapers and diapering supplies among the activities for which funds may be employed to improve the quality of and access to child care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of New Mexico (for himself, Mr. BENNET, Mr. HARKIN, Mr. DURBIN, Mr. SCHUMER, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. BEGICH, and Mrs. SHAHEEN):

S.J. Res. 29. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

S. Res. 308. A resolution designating November 27, 2011, as "Drive Safer Sunday"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. INOUE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 46, a bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

S. 50

At the request of Mr. INOUE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 50, a bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

S. 52

At the request of Mr. INOUE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 52, a bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

S. 260

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 431

At the request of Mr. PRYOR, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 466

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 466, a bill to provide for the restoration of legal rights for claimants under holocaust-era insurance policies.

S. 626

At the request of Ms. CANTWELL, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 626, a bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an

incentive to reinvest foreign shipping earnings in the United States.

S. 678

At the request of Mr. KOHL, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 678, a bill to increase the penalties for economic espionage.

S. 700

At the request of Ms. KLOBUCHAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 720

At the request of Mr. THUNE, the names of the Senator from Indiana (Mr. COATS), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 720, a bill to repeal the CLASS program.

S. 838

At the request of Mr. TESTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 876

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 876, a bill to amend title 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

S. 939

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 939, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1106

At the request of Mr. KOHL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1106, a bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON (for himself, Mr. PRYOR, and Mr. CHAMBLISS):

S. 1107

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1107, a bill to authorize and support psoriasis and psoriatic arthritis data collection, to express the sense of the Congress to encourage and leverage public and private investment in psoriasis research with a particular focus on interdisciplinary collaborative research on the relationship between psoriasis and its comorbid conditions, and for other purposes.

S. 1119

At the request of Mr. INOUE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1119, a bill to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, and for other purposes.

S. 1133

At the request of Mr. WYDEN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 1133, a bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1231

At the request of Mr. LEAHY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1231, a bill to reauthorize the Second Chance Act of 2007.

S. 1278

At the request of Ms. SNOWE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on indoor tanning services.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1472

At the request of Mrs. GILLIBRAND, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1472, a bill to impose sanctions on persons making certain investments that directly and significantly contribute to the enhancement of the ability of Syria to develop its petroleum resources, and for other purposes.

S. 1494

At the request of Mrs. BOXER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1494, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1507

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1507, a bill to provide protections from workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1541

At the request of Mr. BENNET, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1555

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1555, a bill to authorize the use of certain offshore oil and gas platforms in the Gulf of Mexico for artificial reefs, and for other purposes.

S. 1566

At the request of Mr. KIRK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1566, a bill to amend the Elementary and Secondary Education Act of 1965 regarding public charter schools.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1616

At the request of Mr. ENZI, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1668

At the request of Mr. MERKLEY, the name of the Senator from Arkansas

(Mr. BOOZMAN) was added as a cosponsor of S. 1668, a bill to provide that the Postal Service may not close any post office which results in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices.

S. 1676

At the request of Mr. THUNE, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1676, a bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt.

S. 1692

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1692, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes.

S. 1701

At the request of Ms. SNOWE, the names of the Senator from Maine (Ms. COLLINS), the Senator from Washington (Ms. CANTWELL) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1701, a bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes.

S. 1707

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1707, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 1717

At the request of Mr. BEGICH, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1717, a bill to prevent the escapement of genetically altered salmon in the United States, and for other purposes.

S. 1769

At the request of Mr. REID, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1769, a bill to put workers back on the job while rebuilding and modernizing America.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Mr. WICKER, and Mrs. FEINSTEIN):

S. 1776. A bill to amend title 10, United States Code, to expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced-cost accommodations; to the Committee on Armed Services.

Mr. CARDIN. Mr. President, I rise today to introduce the Hotels for Heroes Act. Next week is Veterans Day and we owe it to our military men and women to support them every day but especially in their time of need. Today, military families are facing enormous challenges, not just emotionally, but financially. The legislation I am introducing will help more families to be with their loved ones as they recover from injuries and illnesses sustained defending our country and our way of life.

This bill expands on the popular Hero Miles program created in 2003 by my Maryland delegation colleague, Congressman DUTCH RUPPERSBERGER. The Hero Miles program authorizes the Department of Defense to accept donated frequent traveler miles to provide free round-trip airfare to military members recovering at military or Veterans Administration, VA, medical centers as a result of injuries sustained in overseas conflicts. The program also enables family and friends to visit injured troops while they are being treated. The Fisher House Foundation administers the program. The Foundation is a non-profit best known for its network of comfort homes built on the grounds of major military and VA medical centers.

The bill that I am introducing today would expand the program to allow the Department of Defense to accept the donation of hotel points in addition to airline miles. Congressman RUPPERSBERGER has introduced a companion bill in the House of Representatives. Here in the Senate, I am proud to have bipartisan support for this bill: Senator WICKER is the lead co-sponsor. The Fisher House Foundation, the USO, and the Military Child Education Coalition all support the legislation.

Donating unused frequent flyer airline miles and hotel points is a wonderful and easy way for Americans to express their appreciation for our brave men and women in uniform and their families. The Senate is not renowned for acting expeditiously, but one nice way to help pay tribute to our veterans and active duty servicemen and women would be to pass the Hotels for Heroes Act as soon as possible. I urge all my colleagues to join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF OPERATION HERO MILES.

(a) EXPANDED DEFINITION OF TRAVEL BENEFIT.—Subsection (b) of section 2613 of title 10, United States Code, is amended to read as follows:

“(b) TRAVEL BENEFIT DEFINED.—In this section, the term ‘travel benefit’ means—

“(1) frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public; and

“(2) points or awards for free or reduced-cost accommodations issued by an inn, hotel, or other commercial establishment that provides lodging to transient guests.”.

(b) CONDITION ON AUTHORITY TO ACCEPT DONATION.—Subsection (c) of such section is amended—

(1) by striking “the air or surface carrier” and inserting “the business entity referred to in subsection (b)”;

(2) by striking “the surface carrier” and inserting “the business entity”; and

(3) by striking “the carrier” and inserting “the business entity”.

(c) USE.—Subsection (d) of such section is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(3) providing humanitarian support to members and eligible beneficiaries receiving care through the military health care system; and

“(4) providing support to allow participation of members and their families in Department of Defense sponsored and authorized programs.”.

(d) ADMINISTRATION.—Subsection (e)(3) of such section is amended by striking “the air carrier or surface carrier” and inserting “the business entity referred to in subsection (b)”.

(e) STYLISTIC AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“§ 2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families, support members and other beneficiaries of the military health care system, and support participation in authorized programs”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2613 and inserting the following new item:

“2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families, support members and other beneficiaries of the military health care system, and support participation in authorized programs.”.

By Mr. UDALL of New Mexico (for himself, Mr. BENNET, Mr. HARKIN, Mr. DURBIN, Mr. SCHUMER, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. BEGICH, and Mrs. SHAHEEN):

S.J. Res. 29. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

Mr. UDALL of New Mexico. Mr. President, I rise today to introduce an

amendment to the United States Constitution to address our country's broken campaign finance system. Joining me in this effort are my colleagues Senators BENNET, HARKIN, DURBIN, SCHUMER, MERKLEY, WHITEHOUSE, BEGICH, and SHAHEEN.

As we head into another election year, we are about to see unprecedented amounts of money spent on efforts to influence the outcome of our elections. With the Supreme Court striking down the sensible regulations Congress has passed, I believe the only way to address the root cause of this problem is by first amending the Constitution.

Such an amendment is not a new idea. Constitutional amendments to grant Congress broad authority to regulate the campaign finance system have been introduced many times in the past, and most had bipartisan support. But last year's Supreme Court decision in *Citizens United v. FEC* places a new emphasis on the need for Congress to act.

Citizens United was a victory for special interests at the expense of the average American. It held that corporations deserve the same free speech protections as individual Americans, enabling them to spend freely from their corporate treasuries on campaign advertising. It also gave rise to so-called Super PACs, which can raise and spend unlimited funds to campaign for or against candidates.

We saw in the last election the initial impact of the *Citizens United* decision, but it is about to get much worse. A New York Times editorial on September 18 summed it up pretty well.

That piece, entitled “How the Big Money Finds a Way In,” stated that:

Companies, unions, and other interest groups poured about \$300 million into campaign ads in the 2010 Congressional elections after the Supreme Court's *Citizens United* decision open the sluices to unlimited spending by independent groups. That will look like a trickle compared with the gusher coming in 2012.

While the *Citizens United* decision sparked a renewed focus on the need for campaign finance reform, the Court laid the groundwork for a broken system many years ago. In 1976, when the Court held in *Buckley v. Valeo* that restricting independent campaign expenditures violates the First Amendment right to free speech, it established the flawed precedent that money and speech are the same thing. Since then, our Nation's policymakers are all too often elected based on their ability to raise money or the size of their personal fortunes, rather than the quality of their ideas or dedication to public service.

These decisions, among others, demonstrate the Court's willingness to rule broadly and ignore longstanding precedent to declare our campaign finance laws unconstitutional. Because of this, I believe that the only way to truly fix

the problem is to first amend the Constitution to grant Congress clear authority to regulate the campaign finance system.

Our proposed amendment is similar to bipartisan proposals in previous Congresses. It would authorize Congress to regulate the raising and spending of money for federal political campaigns, including independent expenditures, and allow states to regulate such spending at their level. It would not dictate any specific policies or regulations. Instead, it would allow Congress to pass campaign finance reform legislation that withstands constitutional challenges.

I understand how difficult amending the constitution can be, but also believe that momentum is growing to reign in the out of control campaign spending. Just because getting a constitutional amendment through Congress and ratified by the States is extremely difficult, it doesn't mean we shouldn't try. We know our Founders did not intend for elections to be bought and paid for by undisclosed donors operating through secretive organizations—that is the antithesis of democracy and we must do everything possible to address the problem.

The only way to restore the democratic nature of our election system is to fundamentally change it. That can only be done after the Constitution is amended to allow such changes. Many of my predecessors understood this and spent years championing the cause. Senator Fritz Hollings introduced bipartisan constitutional amendments similar to the one we introduce today in every Congress from the 99th to the 108th. Senators SCHUMER and COCHRAN introduced one in the 109th Congress.

Those were all before the Citizens United decision, but Senator Hollings has continued to call for an amendment since his retirement. Just last October, he wrote a piece for The Huffington Post titled “Money is a Cancer in Politics.” In that article he wrote:

Like a dog chasing its tail, Congress has tried for thirty-five years to control spending in federal elections, only to be thwarted by the Supreme Court intent on equating speech with money. To return to Madison's freedom of speech, Congress needs to pass a Joint Resolution amending the Constitution to authorize Congress to limit or control spending in federal elections.

Our constituents' faith in the election system has been fundamentally corrupted by big money from outside interest groups. It is time for Congress to take back control of the campaign finance system by passing a constitutional amendment that will allow real reform.

Mr. President, I ask unanimous consent that the text of the joint resolution and an article be printed in the RECORD.

There being no objection, the text of the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 29

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

“ARTICLE—

“SECTION 1. Congress shall have power to regulate the raising and spending of money and in kind equivalents with respect to Federal elections, including through setting limits on—

“(1) the amount of contributions to candidates for nomination for election to, or for election to, Federal office; and

“(2) the amount of expenditures that may be made by, in support of, or in opposition to such candidates.

“SECTION 2. A State shall have power to regulate the raising and spending of money and in kind equivalents with respect to State elections, including through setting limits on—

“(1) the amount of contributions to candidates for nomination for election to, or for election to, State office; and

“(2) the amount of expenditures that may be made by, in support of, or in opposition to such candidates.

“SECTION 3. Congress shall have power to implement and enforce this article by appropriate legislation.”.

[From the New York Times, Sept. 17, 2011]

HOW THE BIG MONEY FINDS A WAY IN

(By Eduardo Porter)

Companies, unions and other interest groups poured about \$300 million into campaign ads in the 2010 Congressional elections after the Supreme Court's Citizens United decision opened the sluices to unlimited spending by independent groups. That will look like a trickle compared with the gusher coming in 2012.

Gov. Rick Perry's supporters have created a group called Make Us Great Again, which plans to spend up to \$55 million to help him win the Republican presidential nomination. Unions and other supporters of Democrats, too, are starting to funnel money into independent groups like Priorities USA Action, which has raised \$3.2 million for the presidential race and plans to raise much more.

These groups, which are not supposed to coordinate with candidates' campaigns or the political parties, are called Super PACs, but the label doesn't much matter. The point is that in the past several years outside groups—using various types of financing vehicles—have accounted for a growing share of the money spent in federal elections.

The first chart shows the steady rise in total spending in federal elections in both presidential and nonpresidential years over the last decade. Over that time, money spent by outside groups jumped to 8 percent of the total from less than 1 percent, while party spending declined as a share.

The second chart shows how spending by independent groups has morphed with each new campaign finance law and judicial ruling. What's constant is the ability of fundraisers to put more cash into elections. The 2002 McCain-Feingold law put an end to the unlimited “soft money” donations by corporations, unions and wealthy individuals to party committees, which used it to pay for “issue” ads that often attacked or supported

candidates. When soft money went away, donors simply channeled money for such ads to other vehicles, including 527 committees, like Swift Boat Veterans for Truth.

In 2007, the Supreme Court blew aside spending restrictions (weak as they were) by ruling that corporations, unions and other groups could spend unlimited amounts up to Election Day on “issue” ads that mentioned a candidate's name, as long as they did not explicitly urge a “vote for” or “vote against” a candidate. Soon after that, 501(c) groups (like trade associations, unions and social welfare advocacy groups) became the vehicle of choice; unlike other types of groups, they are allowed to collect unlimited anonymous donations.

The Citizens United decision eliminated the biggest remaining restriction by allowing independent groups to pay for campaign ads that explicitly endorsed or opposed a candidate. Big donors responded in the 2010 election by launching Super PACs like American Crossroads, which raised \$26.6 million to help Republicans, and America's Families First Action Fund, which raised \$7.1 million to help Democrats. And they created 501(c) “social advocacy” groups like Crossroads GPS to offer secrecy to campaign donors.

The legal changes of the last decade have contributed to the flood of money in the political process. Corporate campaign donations through 501(c)s and Super PACs hit around \$140 million in 2010 from zero in 2006, according to estimates by the Center for Responsive Politics. For interest groups and wealthy individuals, the shifts have meant more direct influence in elections. For American democracy, the effect may well be disastrous.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 308—DESIGNATING NOVEMBER 27, 2011, AS “DRIVE SAFER SUNDAY”

Mr. ISAKSON (for himself, Mr. PRYOR, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 308

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas every individual traveling on the roads and highways needs to drive in a safer manner to reduce deaths and injuries that result from motor vehicle accidents;

Whereas according to the National Highway Traffic Safety Administration, wearing a seat belt saves more than 15,000 lives each year;

Whereas the Senate wants all people of the United States to understand the life-saving importance of wearing a seat belt and encourages motorists to drive safely, not just during the holiday season, but every time they get behind the wheel; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be focused on safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving

safely on the Sunday after Thanksgiving, and to publicize the importance of the day through use of Citizen's Band ("CB") radios and truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive safely, particularly on the Sunday after Thanksgiving; and

(E) all people of the United States to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 27, 2011, as "Drive Safer Sunday".

AMENDMENTS SUBMITTED AND PROPOSED

SA 921. Mr. DURBIN proposed an amendment to the bill H.R. 2112, making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes.

TEXT OF AMENDMENTS

SA 921. Mr. DURBIN proposed an amendment to the bill H.R. 2112, making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

Amend the title to read:

"An act making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes."

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, November 8, 2011, at 10 a.m. in SD-106 to conduct a hearing entitled "Beyond NCLB: Views on the Elementary and Secondary Education Reauthorization Act."

For further information regarding this hearing, please contact the committee staff on (202) 224-5501.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, November 10, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a legislative hearing on S. 1192, Alaska Safe Families and Villages Act of 2011; S. 872, a bill to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton

Rancheria of California is considered to be held in trust and to provide for the conduct of certain activities on the land; and S. 1763, the Stand Against Violence and Empower Native Women Act (SAVE Native Women Act).

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, November 17, 2011, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a hearing entitled "The Future of Internet Gaming: What's at Stake for Tribes?"

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate, on November 1, 2011, at 2:15 p.m., to hold an African Affairs subcommittee hearing entitled "China's Role in Africa: Implications for U.S. Policy."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHINA AND TERRORISM

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Judiciary, Subcommittee on Crime and Terrorism, be authorized to meet during the session of the Senate, on November 1, 2011, at 9:30 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Combating International Organized Crime: Evaluating Current Authorities, Tools, and Resources."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REBUILD AMERICA JOBS ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 213, S. 1769.

The PRESIDING OFFICER. Without objection, the clerk will report the bill by title.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to proceed to S. 1769, a bill to put workers back on the job while rebuilding and modernizing America.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 213, S. 1769, a bill to put workers back on the job while rebuilding and modernizing America.

Harry Reid, Amy Klobuchar, Jeff Bingaman, Bernard Sanders, Tom Udall, Daniel K. Akaka, Jon Tester, Christopher A. Coons, Mark R. Warner, Michael F. Bennet, Kent Conrad, Sheldon Whitehouse, Sherrod Brown, Claire McCaskill, Mark Begich, Ron Wyden, Benjamin L. Cardin, Frank R. Lautenberg

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am hopeful that we will not have to have a vote on this matter. This is to protect us so if we cannot work out something we will have a vote Thursday morning. I hope we can work out something to have a vote on this most important measure. It is very important. This is a piece of legislation that the entire population of America supports by a ratio of some 76 percent. Republicans support it; Democrats support it; Independents support it. The only people in the world who do not support it are Republicans here in the Senate. So I hope we can work out something and move to this and it would be unnecessary for us to have to have cloture invoked or try to have cloture invoked.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider nominations numbered 412 and 414; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, there be no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

EXPORT-IMPORT BANK OF THE UNITED STATES

Patricia M. Loui, of Hawaii, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2015.

Larry W. Walther, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2013.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

DRIVE SAFER SUNDAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 308.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 308) designating November 27, 2011, as "Drive Safer Sunday."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 308) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 308

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas every individual traveling on the roads and highways needs to drive in a safer manner to reduce deaths and injuries that result from motor vehicle accidents;

Whereas according to the National Highway Traffic Safety Administration, wearing a seat belt saves more than 15,000 lives each year;

Whereas the Senate wants all people of the United States to understand the life-saving importance of wearing a seat belt and encourages motorists to drive safely, not just during the holiday season, but every time they get behind the wheel; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be focused on safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely on the Sunday after Thanksgiving, and to publicize the importance of the day through use of Citizen's Band ("CB") radios and truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive safely, particularly on the Sunday after Thanksgiving; and

(E) all people of the United States to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 27, 2011, as "Drive Safer Sunday".

ORDERS FOR WEDNESDAY,
NOVEMBER 2, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, November 2, 2011; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with time equally divided and controlled between the leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to S. 1769, the Rebuild America Jobs Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, I filed cloture on the motion to proceed to S. 1769, the jobs bill. If no agreement is reached, this vote will occur Thursday morning.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Wednesday, November 2, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL DEPOSIT INSURANCE CORPORATION

THOMAS HORNIG, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF SIX YEARS, VICE THOMAS J. CURRY, TERM EXPIRED.

DEPARTMENT OF COMMERCE

REBECCA M. BLANK, OF MARYLAND, TO BE DEPUTY SECRETARY OF COMMERCE, VICE DENNIS F. HIGHTOWER, RESIGNED.

FEDERAL COMMUNICATIONS COMMISSION

AJIT VARADARAJ PAI, OF KANSAS, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2011, VICE MEREDITH ATTWELL BAKER, TERM EXPIRED.

JESSICA ROSENWORCEL, OF CONNECTICUT, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2010, VICE MICHAEL JOSEPH COPPS, TERM EXPIRED.

DEPARTMENT OF STATE

LARRY LEON PALMER, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ST. KITTS AND NEVIS, SAINT LUCIA, ANTIGUA AND BARBUDA, THE COMMONWEALTH OF DOMINICA, GRENADA, AND SAINT VINCENT AND THE GRENADINES.

THE JUDICIARY

CORAL WONG PIETSCH, OF HAWAII, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS, VICE WILLIAM P. GREENE, JR., RETIRED.

DEPARTMENT OF DEFENSE

MICHAEL A. SHEEHAN, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE MICHAEL G. VICKERS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KIRK W. ALBERTSON
MATTHEW J. ANDRADE
DOMINIC S. ANGIOLLO
ZACHARY P. AUGUSTINE
WILLIE J. BABOR
MICHAEL J. BERENS
CHARLOTTE D. BOSWELL
MICHAEL L. BOYER
ANNA L. CAMPBELL
DAL N. CHO
KERIC D. CLANAHAN
MICHELLE D. CLARK
SOPHIA B. CRAWFORD
ROBERT B. CRAYNE
DAVID WILLIAM CROMWELL
WILLIAM G. DALZELL
SIMONE V. DAVIS
SARA M. DAYTON
CARLOS M. DEDIOS
LAURA C. Y. DESIO
DAVID S. DICKINSON
RANAE L. DOSER PASCUAL
DANIEL P. DOYLE
JAMES B. EVES
ANTHONY J. GHIOTTO
JOHN S. GOEHRING
CHRISTOPHER J. GOEWERT
BRIAN D. GREEN
JAMES H. GUTZMAN
ANDREA MARIE HALL
BRYAN W. HALL
PATRICK A. HARTMAN
CARY D. HAWKINS
BRADLEY J. HENDERSON
MATTHEW E. HUGHES
JASON R. HULL
BRIAN R. HUREY
DYLAN THOMAS IMPERATO
RAVINDER S. KAPOOR
SAM C. KIDD
TYSON D. KINDNESS
KEVIN S. KREBS
BRIAN C. MASON
NICHOLAS P. MATHIEU
THOMAS A. MCNAB
JOHN A. MOORE, JR.
MONICA E. NUSSBAUM
SHERRI M. OHR
ROBERT K. PALMER
JEFFREY C. PHILLIPS
LANOURRA L. PHILLIPS
ANTOINETTE T. QUINN
MICHAEL P. SABALA
JENNIFER M. SANCHEZ
ZAVEN T. SAROYAN
LAELA F. SHARRIEFF
ERIKA LEE SLEGER
TODD M. SPARKS
JUSTIN W. N. STRONG
TENNILLE A. STRYSTAD
MICHAEL G. THIEME
TODD F. TILFORD
ERIK R. TJADER
JAMES E. TUCKER
ANDREW J. UNSICKER
EVEYLYN C. WESTBROOK
DANIEL J. WHITE
NATHAN A. WHITE
JA RAI A. WILLIAMS
TIFFANY J. WILLIAMS
MAUREEN SCHELLIE WOOD
HANNA YANG
MARSHA M. YASUDA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID M. BARNS
RAPHAEL BERDUGO
JASON MCKINLEY BOTTS
MATTHEW F. BOYD
GLENN B. BRIGHT
GREGORY M. BRUNSON
CHRISTIAN J. CHAE
DAVID EDILBERTO DEL PRADO
LEIF J. ESPELAND
TERRY L. FOX
ERIK G. HARP
ROLF E. HOLMQUIST
JONATHAN R. HURT
JAMES E. JANECEK
DAVID B. KNIGHT, JR.

DALLAS L. LITTLE
MARK W. NEVIUS
ALEXANDER PALOMARIA
BRADFORD S. PHILLIPS
REGINA O. SAMUEL
ROBERT J. SCHOBERT
RUTH N. SEGRES
CHARLES SELIGMAN III
WILLIAM R. SPENCER
EUGENE J. THEISEN
ANDREW L. THORNLEY
ERIC L. WHITMORE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES AIR
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BARBARA B. ACEVEDO
CHADWICK B. ACKISON
ROBERT ATISME
KATIE B. AUSTIN
ELISSA R. BALLAS
EARL J. BANNING
MARY A. BAUZA LAWVER
KENNETH L. BEADLE
ERIKA L. BEST
SCOTT A. BLACK
RAYMOND R. BOUCHARD
ROBERT J. BOULIER III
RONNY G. BOWMAN
ALLISON L. BRADSHAW
ROBERT A. BRIGGS
DAWN M. BROCK
KAREN J. BUIKEMA
STEVEN T. BURDINE
CONNIE M. BURNETT
ROSS M. CANUP
PETER E. CARRA
MICHELLE M. CARTER
VICKI L. CHARBONNEAU
KAREN B. CHISHOLM
BRIAN M. CLARKE
MONTSHO P. CORPPETTS
WAYNE S. COX
TIMOTHY A. DAVIS
JESSICA DEES
MICHAEL T. DIETRICH
DARRICK N. DURAN
PAUL K. EDWARDS
JOSHUA M. ELSTON
SEAN J. ESTRADA
ERIN L. FAGER
DEBORAH P. FAUCETTEMORALES
ROSS A. FREE
KRISTIN L. GALLOWAY
KASIE LYNN GAONA
JULIANA J. GHEORGHIU
CASSANDRA J. GILBERT
MARC J. GRAESSLE
HEIDI L. GRANDIN
DYANA L. HAGEN
KEVIN M. HAINES
COURTNEY E. HARPER
NEIL J. HELBLING
DEBORAH L. HENRY
CORDY F. HERRING III
LORALIE E. HODGES
BRADLEY C. HOFFMAN
SHANNON E. HUNT
ANGELA L. JIMDAR
CHARLENE Y. KIRBY
JESSICA BEAL KNOWLES
MEGAN K. KRUTY
KEVIN R. KUPFERER
PAUL B. LANE
DENISE E. LEMON
DANIEL E. LIM
BRIAN B. LUPFER
JUSTIN D. LUSK
TANYA L. MANNING
MALISHA L. MARTUKOVICH
TRACY E. MAYFIELD
KIMBERLY A. MCCOY SINGH
WILLARD B. MCDUGAL
ELIZABETH ANNE S. MCKENNA
DONALD T. MICHAEL
REBEKAH R. MOONEY
BRANDON C. MORGAN
CHAD E. MORROW
KEMBA R. MYERS
THIEN H. NGUYEN
MATTHEW K. NIELSEN
SEAN T. NIELSON
FRANCIS A. OBUSEH
DANIEL J. K. OH
MARK PAINE
ELISHA N. PARKHILL
RENEE M. PATTERSON
JAMILA L. PETTERSON
KERRY A. PHELAN
ANTHONY B. POLITO III
JOSE I. RAMOS
MICHAEL C. RENKAS
KRISTEN M. ROBERTSON
PATRICK J. RYAN
DAVID M. SANDERS
DAVID J. SEELEN
WILLIAM E. SHAW, JR.
WILLIAM A. STEELE
DAVID MICHAEL STUEVER
MATTHEW T. TARANTO
MELISSA L. TENNANT

JOHN M. TONARELLI
WILLIAM N. TUCKER, JR.
RICHARD J. VILLANUEVA
MARVIN S. WADE
JOHN W. WAGGONER
RICHARD A. WAGGONER
DANIEL J. WATSON
QUINTON E. WEIGNER
AMY S. WEST
SHAUN C. WHITE
AIMEE E. WILLIAMS
SHAWNEE ANNE WILLIAMS
SEAN A. WILSON
DAVID S. WINTER
HEIDI P. WORLEY
SARA E. WRIGHT
RICHARD E. YON
CHRISTY LYNN ZAHN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES AIR
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

KRISTINE M. AUTORINO
ERIC J. CADOTTE
ROBERT P. CHATHAM
JENNIFER A. CLAY
MATT D. COAKLEY
BRYAN B. DAVIS
DON D. DAVIS III
SETH R. DEAM
JOHN C. DEGNAN
MARK D. HOOVER
WILLIAM D. JOHNSON
SHERI K. JONES
OREN D. LEFF
CHRISTOPHER D. MAY
SHAWN D. MCKELVY
CHRISTOPHER S. MORGAN
TARALYNN M. OLAYVAR
ARIE J. SCHAAP
LYNN SCHMIDT
CHRISTOPHER M. SCHUMANN
COREA B. SMITH
RICHARD J. STABILE, JR.
MATTHEW P. STOFFEL
LYNN R. SYLMAR
STERLING R. THOMAS
MITZI O. WEEMS
JASON S. WRACHFORD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES AIR
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHRISTINE L. BLICEBAUM
HECTOR L. COLONCOLON
DAVID W. DEPINHO
MATTHEW P. FRANKE
PATRICK A. GENSEAL
SHERROL L. JAMES
LESLIE A. JANOVEC
ROBERT W. JOHNSON
DANIEL N. KARANJA
DWAYNE W. KEENER
KEVIN L. LOCKETT
GLENNDON E. PAGE, JR.
TIMOTHY J. PORTER
ABNER PERRY V. VALENZUELA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES AIR
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CLINTON E. ABELL
JEFFREY J. AUTREY
PHILIP G. BASCOM
THOMAS R. BERANEK
SHELIA D. BEVILLE
CHRISTOPHER R. BISHOP
KEITH W. BLOUNT
AMY R. CARPENTER
JOHN D. CATOE
CHAD D. CLAAR
DAVID D. CORDRY
DARRICK D. CUNNINGHAM
TAM T. DINH
JOEL R. DIXON
RACHEL E. FOSTER
JOHN S. FRAZEY
KATHY L. FULLERTON
JENNIFER L. GRUENWALD
MICHAEL G. HAINES
WILLIAM E. HUBBARD, JR.
LEIGH G. JOHNSON
MARK W. LEHMAN
TIMOTHY A. LOOMIS
TEG W. MCBRIDE
JOHN C. MCGEE
SEAN J. MCNAMARA
NICHOLAS A. MILAZZO
ALAN D. OGLE
VANHSENG PHANTHAVONG
DOUGLAS D. RILEY
DEBORAH K. SIRRATT
SOO A. SOHN
TODD A. TICE
SAMANTHA TIMM
DIANE M. TODD
JENNIFER T. VECCHIONE

KENDRA J. WARNER
RICHARD A. WEBBER
STEPHEN P. WOLF

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES AIR
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MICHAEL J. APOL
JEFFERSON B. BROWN
ANDREW C. FOLTZ
GREGORY O. FRIEDLAND
GRAEME S. HENDERSON
EDWARD R. LUCAS
ERIC F. MEJIA
JEANNE M. MEYER
MARK HOWARD PATTERSON
TOM E. POSCH
ROBERT J. PRESTON II
JEFFREY D. SATTLER
MICHAEL D. TOMATZ
MICHAEL G. VECERA
DAWN M. K. ZOLDI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES AIR
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN P. DITTER
BRUCE R. GLOVER
MICHAEL D. GRUBBS
STEVEN E. WEST

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES AIR
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOEL O. ALMOSARA
THOMAS A. BACON
BRIAN G. CASLETON
ALICE S. CHAPMAN
DAVID DUQUE
MARKUS P. GMEHLIN
REBA E. HARRIS
ANDREW B. MEADOWS
LUCIA E. MORE
JOSEPH J. NARRIGAN
MARK S. OORDT
RUSSELL L. PINARD
PHILIP J. PREEN
ROBERT B. ROTTSCHAFER
ANDERSON B. ROWAN
ANNETTE J. WILLIAMSON

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
IN THE GRADE INDICATED IN THE REGULAR ARMY
UNDER TITLE 10, U.S.C., SECTION 531:

To be major

SERAFINA SAUIA

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE REGULAR ARMY
MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C.,
SECTIONS 531 AND 3064:

To be major

TERRY L. CLARK
DARRON T. SMITH

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE REGULAR ARMY
MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531
AND 3064:

To be major

DAVID BUTLER
ERIC W. SIMONS
TIMOTHY W. SMITH

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF
THE UNITED STATES OFFICERS FOR APPOINTMENT TO
THE GRADE INDICATED IN THE RESERVE OF THE ARMY
UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RANDALL D. ISOM
DAVID G. JENKINS
MICHAEL A. MITCHELL

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF
THE UNITED STATES OFFICERS FOR APPOINTMENT TO
THE GRADE INDICATED IN THE RESERVE OF THE ARMY
UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOSEPH C. BARKER
THOMAS W. LINGLE
CARROLL G. LINKS, JR.
ROBERT A. PHILLIPS, JR.
JAMES W. RING

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MATTHEW J. POWERS

CONFIRMATIONS

Executive nominations confirmed by the Senate November 1, 2011:

EXPORT-IMPORT BANK OF THE UNITED STATES

PATRICIA M. LOUI, OF HAWAII, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2015.

LARRY W. WALTHER, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2013.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on Novem-

ber 1, 2011 withdrawing from further Senate consideration the following nomination:

THOMAS HOENIG, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM EXPIRING DECEMBER 12, 2015, VICE THOMAS J. CURRY, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON OCTOBER 20, 2011.

EXTENSIONS OF REMARKS

TRIBUTE IN HONOR OF RETIREMENT OF MASTER GUNNERY SERGEANT STEPHEN A. GOULD, USMCR

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today I rise to honor the career of Master Gunnery Sergeant Stephen A. Gould as he retires from the United States Marine Corps Reserves.

Master Gunnery Sergeant Gould retires from the United States Marine Corps Reserves on 1 November 2011, with over 30 years of service. He has served as a Rifleman, a Reconnaissance Man, an Infantry Unit Leader and an Intelligence Analyst. During his career he has served in multiple countries in the Americas, Asia, Europe and the Middle East.

Master Gunnery Sergeant Gould enlisted in the United States Marine Corps on 21 Oct 1981 and attended recruit training at Marine Corps Recruit Depot, San Diego, CA. After completing Infantry Training School at Marine Corps Base Camp Pendleton, CA, and Amphibious Reconnaissance Course at the Naval Amphibious Base Coronado, CA, Private First Class Gould was assigned to Det. Fourth Force Reconnaissance Company, Reno, NV.

In 1989 Sergeant Gould reported for duty as an Assistant Project Non-Commissioned Officer, for unmanned aerial vehicles at the Naval Air Systems Command, where he assisted in the coordination for the initial delivery, testing and fielding of the Pioneer unmanned aerial vehicle.

In 1991 Sergeant Gould was assigned as Assistant Project Non-Commissioned Officer for Combat Diving, at the Marine Corps Systems Command, Quantico, VA. During this assignment he assisted in the procurement of combat diving equipment and raiding craft, and the authoring of the Marine Corps' technical instruction covering the operations of Marine Corps Diving Facilities.

In 1993 Sergeant Gould was assigned to 1st Battalion, 24th Marine Infantry Regiment as the Intelligence Chief.

In 1997 Staff Sergeant Gould received orders to the Defense Intelligence Agency as a student in the Joint Military Intelligence College's Post Graduate Intelligence Program—Reserve. In August 1999 Gunnery Sergeant Gould became the first Marine Corps Non-Commissioned Officer to complete the Post Graduate Intelligence Program—Reserve. Upon graduation Gunnery Sergeant Gould was assigned to the National Military Joint Intelligence Center, J2, Joint Staff, as an Asia Pacific Desk Officer. During this assignment he provided notable support to the recovery plan of a U.S. Navy EP-3 reconnaissance airplane

after a collision with a Chinese fighter and forced emergency landing at the Chinese island of Hainan.

On September 12, 2001, Gunnery Sergeant Gould reported for duty to support the J2, Joint Staff following the September 11th attacks. He was then ordered back to the Pentagon to serve on the Central Asia Crisis Team (subsequently Noble Eagle Task Force).

In October 2003 Gunnery Sergeant Gould was detached from the J2, Joint Staff and ordered to Iraq to serve with the Iraq Survey Group in the billets of Tactical Human Intelligence Officer, Human Intelligence Operations Officer and Collection Manager. During this tour he was awarded the Joint Service Commendation Medal.

Upon his return from Iraq in late-2004, Gunnery Sergeant Gould was assigned to the Naval and Marine Corps Intelligence Training Center, Virginia Beach, VA, where he taught in both the Counter Intelligence/Human Intelligence and mid-career Marine Officer's Intelligence Course.

In March of 2006, Master Sergeant Gould was transferred to Intelligence Department, Headquarters, United States Marine Corps. During this assignment he performed duties of a senior Pacific Command and European Command analyst. He contributed to numerous analytical products on regional issues for senior Marine Corps and Navy leadership.

In March of 2010, Master Gunnery Sergeant Gould was assigned to the faculty of the National Intelligence University, Defense Intelligence Agency, teaching in the Masters of Science in Strategic Intelligence—Reserve program. His assignment at the National Intelligence University ends upon his retirement.

RECOGNIZING THE OUTSTANDING SERVICE OF MAJOR GENERAL ANTHONY L. JACKSON ON THE OCCASION OF HIS RETIREMENT

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. ISSA. Mr. Speaker, I rise today to recognize the military service of Major General Anthony L. Jackson on the occasion of his retirement from the United States Marine Corps. I commend Major General Jackson's career and offer my sincerest thanks for his 36 years of dedicated service in protecting our nation.

Beginning his military career in 1975, Major General Jackson enlisted in Officer Candidate School and graduated in June of 1976, where he was assigned to 1st Battalion, 5th Marines, 1st Marine Division, Camp Pendleton, CA. This was the start to a long and admirable career in the United States Marine Corps.

Major General Jackson retires from his post as the Commanding General of Marine Corps

Installations West (MCIWEST), located aboard Marine Corps Base, Camp Pendleton. As Commanding General, Major General Jackson oversees seven bases with stations occupying over 160,000 acres throughout California, Nevada, and Arizona. Entrusted with a command of nearly 10,000 Marines, Sailors and civilians, Major General Jackson utilized the Corps resources to provide continuous, uninterrupted service support, in a time of war, to over 60,000 Marines and Sailors belonging to the First Marine Expeditionary Force (I MEF). Additionally, he oversaw tenant organizations and commands belonging to Logistics Command and the Training and Education Command.

Major General Jackson artfully led his Headquarters Staff and utilized limited resources to address the most meaningful challenges confronting the operating forces, tenant commands and their dependants. His actions provided added value in the overall strategic war on terror, while simultaneously preserving land and air boundaries; confronting encroachment initiatives; enhancing training capability; and building a generous rapport with local, county and statewide officials.

His personal decorations include the Defense Superior Service Medal, the Legion of Merit Medal (w/two gold stars for second and third award), the Bronze Star Medal, the Defense Meritorious Service Medal, the Meritorious Service Medal (w/two gold stars), the Navy Commendation Medal (w/one gold star), the Navy Achievement Medal, National Defense Service Medal (w/bronze star) Iraqi Campaign Medal (w/two bronze stars), Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, Sea Service Deployment Ribbon (w/silver and bronze star), Navy and Marine Corps Overseas Service Ribbon (w/bronze star), and the Marine Corps Drill Instructor Ribbon.

These recognitions are a true testament, among other things, of Major General Jackson's great dedication, leadership and commitment to our country.

I offer Major General Jackson my warmest congratulations and hope he enjoys a rich and rewarding retirement with his wife Susan and his two children, Brian and Blaine.

Mr. Speaker, I ask that my colleagues please join me in recognizing the distinguished career of Major General Anthony L. Jackson.

IN RECOGNITION OF RICHARD HAWTHORNE

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. CARDOZA. Mr. Speaker, it is with the greatest respect that I rise today to recognize

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

my good friend, Richard Hawthorne, in the event of his retirement as Police Chief for the City of Atwater.

Richard was raised in the community of Atwater. He graduated from Atwater High School and received his Associates of Arts degree from Merced College. Richard earned his Bachelor of Arts degree from Fresno Pacific University. However disregarding his education achievements, he always says that his most important accomplishments are his marriage to his beautiful wife Debbie for 33 years and the welcoming of his two beautiful daughters into the world, Lyndsay and Amanda.

Richard began his law enforcement career in 1976 as Deputy Sheriff for Merced County. He remained with the Merced County Sheriff Department until 1979 when he was hired on as a Police Officer with the City of Atwater. He worked his way through the ranks until he was promoted to Chief of Police in 2003. He served selflessly until his retirement on October 1, 2011. Richard is a man that loved his job and the men and women that worked for him. A great example of his dedication to his officers is the reasoning behind his retirement. He is retiring early so that there is additional money in the budget to keep more patrol officers in their jobs during this difficult economic time. This is just one example how Richard is always putting others in front of him.

Richard takes an active role in his local community in addition to his commitments as Police Chief. Richard is also dedicated to future members of law enforcement, as he is also a part-time Criminal Justice Instructor at Merced College. He is a member and Past President of the Atwater Rotary Club, Board Member of the Atwater Police Activities League, Chairman of the Drug and Alcohol Committee of Merced County, President of ACAUSE (Atwater Community Advocates United for a Safe Environment), Member of the Atwater Police Officers Association, California Chiefs of Police Association, Merced Area Crime Stoppers, National Chief's Police Association and the Nationwide "Invest in Kids" Coalition.

Mr. Speaker, I ask that my colleagues join me in honoring my good friend, Mr. Richard Hawthorne, for his leadership, dedication, and outstanding service to our community and the Atwater Police Department.

HONORING 826 SEATTLE

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. McDERMOTT. Mr. Speaker, I rise today to honor 826 Seattle, a recipient of the 2011 National Arts and Humanities Youth Program Award.

826 Seattle is a nonprofit writing and tutoring center dedicated to helping youth improve their creative and expository writing skills and to helping teachers inspire their students to write. Through after-school and in-school programs, writing workshops, and field trips, 826 Seattle and 300 volunteers have reached over 2,000 students in the past year. The organization has even helped some students publish

their writing, giving them invaluable experience and confidence for the future.

I am proud that 826 Seattle is located in my District, the Seventh Congressional District of Washington. Since Teri Hein first started the organization in 2004, its contribution to the community has been essential, and the benefit to youth has been tremendous.

The National Arts and Humanities Youth Program Award is the Nation's highest honor for out-of-school arts and humanities programs that celebrate the creativity of America's young people, particularly those from underserved communities. I am pleased that 826 Seattle's work has been recognized by the President and First Lady with this prestigious award.

HONORING THE 75TH ANNIVERSARY OF VFW POST 1308 IN ALTON, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the 75th anniversary of the Veterans of Foreign Wars Post 1308 in Alton, Illinois.

VFW Post 1308 was founded during the Great Depression, at a time when our nation's economic situation only served to aggravate the needs of veterans, many of whom had served with honor during the First World War. Veterans who sustained injuries while on active duty were at a greater disadvantage as medical bills continued and their ability to find work was compromised.

From its founding, 75 years ago, Post 1308 has continually grown until it now lists 1,263 members, making it the largest VFW post in the State of Illinois. In addition to serving and advocating for our area's veterans, Post 1308 has also shown concern for the needs of their community, especially for its young people. Their democracy and patriot pens programs are examples of the educational programs Post 1308 conducts to foster patriotic and civic awareness among area students. They have also shown tremendous support to area organizations, ranging from Special Olympics to the March of Dimes.

Through the years, Post 1308 has developed a number of programs to meet the many and diverse needs of veterans. They visit veterans in hospitals and nursing homes, conduct annual clothing drives to benefit homeless veterans, provide financial assistance to veterans in times of economic hardship and provide no-cost military funeral rites (over 100 per year) for honorably discharged veterans.

Mr. Speaker, I ask my colleagues to join me in congratulating the members of VFW Post 1308, both past and present, on 75 years of serving veterans and the people of the Alton, Illinois, area and to wish them many continued years of service in the future.

IN RECOGNITION OF THE HONORABLE JONATHAN BING

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Honorable Jonathan Bing, an outstanding public servant and my good friend. The Special Deputy Superintendent of the New York State Department of Financial Services and a revered and respected former Member of the New York State Assembly who represented Manhattan's East Side for nearly a decade, Mr. Bing is being honored this month at a special dinner hosted by Manhattan Community Board 6 and its officers and members.

Jonathan Bing was appointed to the executive branch of New York State government by Governor Andrew Cuomo earlier this year. The Governor's elevation of Mr. Bing is an apt reflection of Mr. Bing's distinguished record as a remarkably effective State legislator representing New York's 73rd Assembly District. As an elected official, Mr. Bing distinguished himself as a dynamic and forceful leader and advocate for New York City. A resident of Manhattan's East Side for over two decades, Mr. Bing has devoted himself in service to others throughout his career.

During his service in the New York State Assembly, Mr. Bing was a prolific and accomplished legislator, authoring and securing passage of 36 bills that were signed into law. Among his signal legislative achievements are: New York State's no-fault divorce law; a law extending the statute of limitations for workers' compensation claims made by 9/11 rescue and recovery workers, allowing countless American heroes to receive the benefits that they deserve; a law enhancing criminal and civil penalties against those who would falsify construction records or illegally assist people with government licensing examinations, a measure he introduced following the East Side crane collapse in 2008; and the 2010 adoption of the UPMIFA statute providing cultural and higher education institutions more flexibility in managing their endowments and assets.

Earlier this year, Mr. Bing accepted a gubernatorial appointment to serve as the Special Deputy Superintendent of the New York Department of Financial Services' Liquidation Bureau, serving as that agency's chief executive officer. In that capacity, he oversees the Bureau's effort to safeguard the interests of customers holding policies issued by insurance companies that became insolvent. Though his agency receives no taxpayer funding, it employs 260 individuals as it fulfills its important mission.

A graduate of the University of Pennsylvania and the New York University School of Law, Mr. Bing served as a clerk to U.S. District Court Judge Bruce Van Sickle, and authored an award-winning legal article on protecting mentally retarded defendants from the death penalty. Prior to his election to office, he was an accomplished attorney in private practice in Manhattan. After the terrorist attacks of 9/11, he was named New York Coordinator of the Federal Emergency Management Agency/

American Bar Association's Disaster Legal Services program, where he oversaw more than 250 attorneys providing free, comprehensive legal assistance to those affected by the attacks. Mr. Bing is a proud resident of Manhattan's Turtle Bay neighborhood where he lives with his wife, Meredith Ballew, an executive at the Vanderbilt YMCA in Turtle Bay, and their daughter, Charlotte.

Mr. Speaker, I ask that my distinguished colleagues join me recognizing the enormous contributions to our civic and political life made by Jonathan Bing, an extraordinarily distinguished and effective public servant.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. BRALEY of Iowa. Mr. Speaker, I regret missing floor votes on Friday, October 14, 2011. Had I registered my vote, I would have voted:

(1) Yea on rollcall 794, On Agreeing to the Amendment to H.R. 2273—Waxman of California Amendment

(2) Yea on rollcall 795, On Agreeing to the Amendment to H.R. 2273—Markey of Massachusetts Amendment

(3) Yea on rollcall 796, On Agreeing to the Amendment to H.R. 2273—Markey of Massachusetts Amendment

(4) Yea on rollcall 797, On Agreeing to the Amendment to H.R. 2273—Rush of Illinois Amendment

(5) Yea on rollcall 798, On Agreeing to the Amendment to H.R. 2273—Jackson Lee of Texas Amendment

(6) Yea on rollcall 799, On Motion to Recommit with Instructions, To amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels

(7) Nay on rollcall 800, On Passage, To amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels

CELEBRATING THE 50TH ANNIVERSARY OF EMPIRE COLLEGE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the 50th anniversary of Empire College in Santa Rosa, California. Founded in 1961 to serve the secretarial and bookkeeping needs of the local business community, Empire College has grown into an important contributor to professional education in the North Bay, and an asset in Sonoma County's development into a prosperous and economically diverse region.

Empire College was founded first as a business school, training staff to meet ongoing shortages in skilled office professionals. Founder Henry Trione, the Santa Rosa businessman and philanthropist, envisioned a college providing practical learning for the greater benefit of the local community. Since then, Empire College has expanded into new areas as the needs of our region have diversified. It now has programs in accounting, information technology, tourism and hospitality, and office administration. It also offers the North Bay's first and only law program leading to a Juris Doctor, which is responsible for almost a quarter of the members of the Sonoma County Bar Association, as well as several judges in Sonoma and other northern California counties.

In both its Business and Law Schools, Empire College has made its reputation as a private institution uniquely committed to the public good. Empire College students support our community in public law clinics for elders, immigrants, and individual with disabilities. They put on events and fundraisers for local nonprofits, including the California Parenting Institute, Legal Aid of Sonoma County, and the Children's Village of Sonoma County. In countless ways, we have benefitted from the presence of Empire College not only as a center of learning and professional development, but as a model of engagement and community service.

Mr. Speaker, I ask you to join me in celebrating the 50th anniversary of Empire College. Henry Trione is to be commended for the impressive legacy he has bestowed upon our County, and which the College's long-time executives, Sherie and Roy Hurd, have nurtured over the years. We are privileged to be served by an institution that remains so dedicated to serving Sonoma County and its people.

HONORING THE LIFE AND SERVICE OF JOE CONNOLLY OF THE CITY OF ASHEVILLE

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. SHULER. Mr. Speaker, I rise today to honor the life of Joe Connolly for his distinguished service to the Land-of-Sky Regional Council Area Agency on Aging and Western North Carolina.

Since 2008, Mr. Connolly had been a true fighter, undergoing three instances of brain tumors in a span of three brief years. A husband, father of two, and grandfather of two, he passed away peacefully on May 31, 2011. He had served the aging community of Western North Carolina for the past nineteen years, as director of the Land-of-Sky Regional Council Area Agency on Aging since 2006 and prior to that as director of the WNC AIDS Project and the WNC Alzheimer's Association, and as a member on the boards of numerous community agencies. His service truly encompassed the spirit of giving, impacted many lives, and will not soon be forgotten.

Mr. Connolly was an inspiration to those around him, a man more concerned with pro-

viding care than receiving it. I urge my colleagues to join me today in honoring Mr. Joe Connolly for the remarkable commitment he made to the people of Western North Carolina.

HONORING COLONEL LEON M. TANNENBAUM, USAF (RET.) FOR HIS EXTRAORDINARY SERVICE DURING WORLD WAR II

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Ms. DeLAURO. Mr. Speaker, I am honored to have this opportunity to rise on the floor of the United States House of Representatives to pay tribute to an outstanding veteran and Connecticut native, Colonel Leon M. Tannenbaum, USAF (Ret.), for his exemplary service as a fighter pilot in the United States Army Air Corps during World War II. Today, as he celebrates his 93rd birthday, I am proud to highlight one mission in particular which showcases the staggering courage and bravery Colonel Tannenbaum and his colleagues demonstrated during this tumultuous time in our nation's history.

Based at New Castle Army Air Base in Wilmington, Delaware, then 1st Lieutenant Leon Tannenbaum was a member of the 2nd Ferrying Group, Ferrying Division, Air Transport Command. A large part of their mission was the delivery of airplanes to the European Theatre. One of the most stirring performances of the 2nd Ferrying Group fliers occurred during the later part of July and first week of August, 1943. It was the unprecedented spanning of the treacherous North Atlantic route in the P-47, single-engine aircraft. While commonplace today, any trans-Atlantic flight in the World War II era was a heroic feat. In fact, as a comparison, today's routes between the United States and Europe can be made in mere hours, whereas this mission took twenty-one days to complete.

On July 23rd, 1943, ten P-47s left the Republic Factory in Farmingdale, New York and nine successfully reached their destination, Prestwick, Scotland. In addition to Colonel Tannenbaum, the pilots who undertook this mission included, Captain Barry M. Goldwater of Arizona; 1st Lieutenants Morgan C. Walker of Maryland, Gerald R. Keyser of Ohio, Charles E. Rigney of New Hampshire, Rowland B. Armacost, Bernard J. Jendrezewski, Junior F. Klein, Rozier C. Murphey; and 2nd Lieutenant Louis Brawer. Though 1st Lieutenant Armacost's plane crash landed in Greenland, the other nine miraculously overcame intense weather and maintenance factors to complete the mission.

As a point of fact, there were many missions involving trans-Atlantic aviation of twin-engine aircraft during World War II; and some that involved the successful completion of the flight in spite of the loss of one of the plane's engines. What makes Colonel Tannenbaum and these other nine pilots stand out is that this is the first, last, and only mission involving the single-engine P-47. Participation was voluntary and the inherent danger was obvious—

lose your only engine over the North Atlantic and you would almost certainly perish with your plane. Yet each of these men, understanding the importance of the delivery to the war effort and demonstrating unique and incomparable bravery, chose to accept the mission. It is in this story of courage and valiance that we find the true definition of hero.

Today, Colonel Tannenbaum celebrates his 93rd birthday, marking a milestone achieved by few. As he reflects on his many contributions to his country and community, I am honored to have this opportunity to thank him, on behalf of a grateful nation, for his invaluable service and recognize the unique contribution he made during that fateful mission in 1943. His is a story that is sure to inspire generations to come and he has left a legacy of military service to which many will aspire.

HONORING LOU LORI ON HIS
ACHIEVEMENT OF THE RANK OF
EAGLE SCOUT

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. DAVIS of Illinois. Mr. Speaker, I would like to recognize and commend my constituent, Mr. Lou Lori, on his remarkable achievement of becoming an Eagle Scout. In this centennial year of the Eagle Scout Award, Mr. Lori has earned his place among a very prestigious group of young men. His tenacity and dedication to his community impresses me; such commitment deserves public recognition and appreciation because these qualities are critical to building a strong nation.

Mr. Lori's Eagle project involved collecting and donating nine thousand books from the now-closed Archbishop Quigley Preparatory Seminary. Mr. Lori identified local and national organizations—such as Chicago schools, the Cook County Sheriff's office, and a seminary in Dallas—in need of the books. Mr. Lori's original goal was to donate the books to aid programs for English language learners; given that the reading level of the books did not match program needs, Mr. Lori donated the books while still raising funds for programs for English language learners. So, in addition to donating nine thousand books, he raised over \$500 for programs benefiting those learning English.

Mr. Lori's project represents a well-conceived demonstration of the Scout values, particularly the duty to others. The coordination required for this project was daunting—organizing, identifying potential parties interested in, and transporting the books all involved an impressive amount of time and commitment. Putting old assets to new use is a hallmark of leadership and efficiency. Further, giving books delivers immeasurable value via the knowledge gained about oneself and the world upon reading; this information is the key to opening many doors. It is a key that Mr. Lori has shared with so many. With his efforts and leadership, Mr. Lori delivered an essential ingredient to the growth and development of hundreds of readers.

I served as District Commissioner for the Austin District for the Boy Scouts for 13 years;

I know becoming an Eagle Scout is an honor and a standard of excellence for young men across the country. I am proud to recognize Mr. Lori for the dedication, perseverance, and community involvement he demonstrated in achieving the rank of Eagle Scout. I wish Mr. Lori all the best in his future endeavors. Chicago, Illinois, and the country will benefit tremendously from his continued commitment to the Scout Oath and Law for all the days of his life.

IN RECOGNITION OF MR. RODNEY
P. HUNT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mrs. MALONEY. Mr. Speaker, I rise to honor Mr. Rodney P. Hunt, the President and Chief Executive Officer of RPH Enterprise International and the founder of RS Information Systems, Inc. (RSIS), an extraordinarily successful business that became a leader in the fields of data technology, systems engineering, and telecommunications. Mr. Hunt has distinguished himself in the world of business and in his dedication to serving others. In recognition of his leadership and his commitment to supporting numerous worthwhile causes, I am pleased to join with members of the Euro-American Women's Council in honoring Mr. Hunt with its prestigious "Artemis Award" this month.

Rodney P. Hunt launched his career as an entrepreneur while still a teenager, and according to the periodical *Minority Business Entrepreneur*, he had earned his first million dollars at age 16. He co-founded RSIS almost two decades ago, and then successfully guided the firm through a period of uninterrupted expansion, realizing hundreds of millions of dollars in annual revenues as it became a pre-eminent leader in information technology and government contracting. A majority owner of the company, by the time he sold it in 2008, its professional staff numbered around 2,000 persons and it held approximately 100 prime contracts with civilian and defense agencies of the federal government. Under his leadership, and in all his business endeavors, Mr. Hunt has fostered a culture of civic responsibility, encouraging his enterprises and employees to donate financial support and volunteer activity around the country to the communities in which they were based. It was his dedication to serving others that inspired him to establish the Rodney P. Hunt Family Foundation.

A strong believer in education, Mr. Hunt earned dual bachelor of science degrees in operations research and industrial engineering from Cornell and George Washington universities. He credits his beloved mother for inspiring his dedication to excelling in his studies, an inspiration that led him to establish a Rodney P. Hunt Family Foundation fellowship at his alma mater, Cornell University, and to support other worthwhile educational causes.

Mr. Hunt has distinguished himself as an accomplished leader in the world of business, a respected civic activist, and a dedicated and generous philanthropist who is unstinting in his

efforts to serve others. I am proud to join in the EAWC ceremony honoring him this month.

Mr. Speaker, I request that my esteemed colleagues join me in paying tribute to Mr. Rodney P. Hunt for his significant and enduring contributions to the civic life of our nation.

COMMENDING MSGT. TODD
EIPPERLE

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to honor Master Sergeant Todd Eipperle of Marshalltown, IA. On September 17, 2011, MSgt. Eipperle received the Bronze Star from the Army for outstanding service throughout his recent tour in Afghanistan. Among his numerous courageous acts, MSgt. Eipperle is credited with saving the lives of members of his team following an attack from a rogue security officer from the Afghan National Directorate of Security in July 2011. A proud member of the Iowa National Guard, MSgt. Eipperle was previously awarded the Purple Heart for wounds he received during this attack. MSgt. Eipperle exemplifies the best of our Iowa Guardsmen and the good work they did during their 2010–2011 deployment to Afghanistan.

In July of this year, only a week before he was scheduled to return home with the 2,800 other Iowa Guardsmen he'd deployed with, MSgt. Eipperle was wounded in the process of engaging a rogue Afghan security officer who had shot and killed two of his comrades, fellow Guardsman Sgt. 1st Class Terry Pasker of Cedar Rapids, IA and retired Connecticut State Trooper Paul Protzenko of Enfield, CT. Passing through a checkpoint in Panjshir province, the rogue Afghan officer unexpectedly fired at the Iowa Guardsmen. MSgt. Eipperle's quick action in engaging the attacker, despite sustaining gunshot wounds, is credited with saving a number of his colleagues and his own life.

MSgt. Eipperle is home once again, having received the Bronze Star in Marshalltown before members of his community, and being honored with a parade and town proclamation in his honor on September 20. While he's left the war, MSgt. Eipperle is still on active duty, recovering from the wounds he sustained in July. I commend MSgt. Eipperle on his heroism, for a job well done on deployment, and wish him well on his recovery.

RECOGNITION OF THE CALL AND
POST NEWSPAPER 95TH ANNI-
VERSARY

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Ms. FUDGE. Mr. Speaker, on behalf of the constituents of the Eleventh Congressional District of Ohio, I am pleased to recognize the award-winning Call & Post Newspaper in celebration of its 95th anniversary.

Since 1916, the Call & Post has served as an integral resource of influence and action for the community, advocating for equal rights as well as celebrating the rich African American culture and heritage.

The Call & Post was birthed into existence by inventor Garrett A. Morgan. The paper came into prominence under the direction of William Otis Walker, who served as publisher for nearly 50 years. The Call & Post continues its legacy of bringing stories and key issues to the attention of our community after nearly 95 years of service.

I commend Donald King, civil rights activist George Forbes, Associate Publisher Constance Harper and all employees of the Call & Post for their extreme passion and willingness to continue to fight for our rights through freedom of speech.

November 3, 2011, is a day of celebration for the Call & Post for 95 years of commitment to the African American community. Congratulations and may you have continued success in the future!

BONNEVILLE COUNTY
CENTENNIAL CELEBRATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. SIMPSON. Mr. Speaker, it is my pleasure to congratulate Bonneville County on its 100th anniversary as an organized county in the great state of Idaho. Significant events over the past century have made for a colorful history, and this commemoration is a noteworthy event for both past and present residents of Bonneville County.

Bonneville County acquired its name from United States Army Captain B. L. E. Bonneville. He established a settlement in southeastern Idaho in the mid 1800s while exploring the Snake River area. On February 7, 1911, one hundred years ago, Bonneville County was born and that small establishment, known as Taylor's Crossing, then Eagle Rock, and now as Idaho Falls, became the heart of beautiful Bonneville County. Ammon, Iona, Irwin, Swan Valley, and Ucon are a few of the other towns located in this distinguished county.

A vast and naturally diverse landscape offering mountain ranges, the world-renowned South Fork of the Snake River, and national forests expanding to Idaho's border with Wyoming is home now to more than 104,000 people, making Bonneville County the fourth largest county in the state of Idaho. The county is also home to the Idaho National Laboratory and Grays Lake National Wildlife Refuge and is a regional cultural destination where you may enjoy the Idaho Falls Symphony, the Museum of Idaho, the Colonial Theatre, and several art galleries.

The citizens of Bonneville County demonstrate unity and a sense of pride through their deeply sown roots. Traditions, a variety of dynamic organizations, both large and small farms, unique entrepreneurship opportunities, and a willingness to extend a helping hand within the community appropriately characterize this community and our Idaho lifestyle.

It is a privilege to represent Bonneville County and the people who structure its prominence.

RECOGNIZING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize October as Domestic Violence Awareness Month. In 1989, Congress designated October as National Domestic Violence Awareness Month in order to raise awareness about the tragic social ill that is domestic violence, and to help bring attention to the efforts of those who are working to end it. Today, victims of domestic violence in the United States are more likely to report their situation to the authorities than they were three decades ago, and the number of fatal and non-fatal cases of domestic violence has declined significantly. The efforts of nonprofit organizations, such as the YWCA Harmony House located in my Congressional district, have assisted millions of victims of domestic abuse in making the best possible choices for their life and well-being.

While the number of domestic violence cases has indeed declined in the last few years, there are still millions of people experiencing some type of domestic abuse each year in the United States. An overwhelming number of these victims are women, who in many cases suffer in silence instead of seeking help. Sadly, victims often completely isolate themselves out of fear and shame of their abuse.

Mr. Speaker, it is estimated that one in four women in the United States will experience domestic violence during their lifetime. Women between the ages of 20 to 24 are the largest group of non-fatal abuse victims, while women under 24 suffer from the highest rates of rape and sexual abuse. Furthermore, women living in households at the lowest income level experience six times the rate of domestic abuse.

Domestic violence, however, is by no means limited to any one group. Due to numerous factors, including social stigma, many male victims of domestic abuse tend to remain silent. In addition, domestic abuse occurs in approximately 30 to 40 percent of Gay, Lesbian, Bisexual, and Transgender (GLBT) relationships, contrary to the misconception that domestic abuse only affects certain individuals.

Young children who live in homes where spousal abuse takes place are also often victims of abuse themselves. In fact, it is estimated that 30 to 60 percent of people who take part in domestic violence against their partners also abuse children in their household. Sadly, some of these children grow up to be abusers themselves.

In 1994, I voted in favor of the Violence Against Women Act, historic legislation that established new criminal and civil enforcement resources to hold abusers accountable for their actions, while introducing tools to help

victims seek justice. Additionally, as part of the Affordable Care Act, the Department of Health and Human Services (HHS) announced new guidelines that will ensure women receive preventive health services without additional cost, including domestic violence screening and counseling. Under the Affordable Care Act, insurance companies can no longer classify domestic violence as a pre-existing condition.

Last year, I also voted in favor of reauthorizing the Child Abuse Prevention and Treatment Act, which gives communities life-saving tools to help identify and treat child abuse or neglect. It also supports shelters, service programs, and the National Domestic Violence Hotline, providing victims with the critical resources they need.

Mr. Speaker, victims of domestic abuse should know that they are not alone. There are countless organizations all over this Nation who stand ready to help them. In Congress, I will continue to do everything in my power to speak out against domestic violence and ensure that our laws protect the well-being of all Americans.

IN RECOGNITION OF THE
HONORABLE C. VIRGINIA FIELDS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Honorable C. Virginia Fields, an outstanding public servant who served as Manhattan Borough President, a Member of the New York City Council, and Chair of Manhattan's Community Board 10 in Harlem. In recognition of her many contributions to the civic life of our nation's greatest city, and specifically toward preserving and improving the quality of healthcare provided at Harlem Hospital, she is being honored this month by its Auxiliary on the occasion of the Hospital's centennial celebration occurring this month at the Alhambra Ballroom in upper Manhattan.

After her election in 1997 as Borough President of Manhattan, C. Virginia Fields became the chief executive officer of New York County, whose population then numbered more than a million and a half residents and grew significantly during her eight-year tenure. She became the highest ranking African-American elected official in New York City municipal government and just the third woman to assume the Manhattan Borough presidency, following in the footsteps of two great and distinguished women leaders, Constance Baker Motley and Ruth Messinger.

As Borough President, Virginia Fields focused on housing and education issues while helping to meet her constituents' needs on a broad range of concerns. She established a Manhattan Parents Convention; offered an eloquent and forceful voice for improving hospital care for Manhattan residents, particularly those living in underserved communities; and helped create a more favorable environment for small business owners and workers. As Borough President, C. Virginia Fields also literally helped pave the way for the second Harlem Renaissance, providing new opportunities for residents, businesses, and tourists

alike and spearheading the restoration of Frederick Douglass Boulevard, which she dubbed "the backbone of Harlem." Throughout her tenure as Borough President, in the City Council, and on the Community Board, she championed public libraries and schools, job training programs, quality health care, services for senior citizens, the environment, public parks, cultural institutions, and economic development, securing tens of millions of dollars in funding in all of these critical spheres of urban life.

Born in Birmingham, Alabama in 1946, C. Virginia Fields was the youngest of five children. Her mother was a seamstress who worked hard to support the family, particularly after her father, a steelworker, died when Virginia was just 12 years old. She developed her devotion to the pursuit of social justice in no small part thanks to the inspirational example of her mother, who was active in the local Baptist church where the late Reverend Fred L. Shuttlesworth, an associate of Rev. Martin Luther King Jr. during the civil rights struggles of the 1950s and 1960s, served as pastor.

C. Virginia Fields earned her Bachelor of Arts degree at Knoxville College and a Masters of Social Work degree at Indiana University before beginning her professional career as a social worker. Today, she remains universally admired by the people of the Borough of Manhattan, a remarkable feat in one of the most diverse and high-pressured political environments anywhere in America. She has been a leader of uncommon grace, energy, and devotion to those she serves.

Mr. Speaker, I ask that my distinguished colleagues join me recognizing the enormous contributions to our civic and political life made by C. Virginia Fields, who has worked tirelessly and diligently throughout her career on behalf of the people of New York City and our nation.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,993,709,044,140.78.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,355,283,297,846.98 since then. This debt and its interest payments we are passing to our children and all future Americans.

MONTGOMERY INN 60TH ANNIVERSARY

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mrs. SCHMIDT. Mr. Speaker, I rise today to commemorate the 60th anniversary of one of

Cincinnati's most treasured restaurants—Montgomery Inn.

In 1951, Ted and Matula Gregory purchased and renamed what was then a small bar in Montgomery, Ohio called McCabe's Inn. Known for her cooking, Matula would take dinner to her husband each night. One evening, Matula decided to test out a new recipe for ribs and barbecue sauce on her husband. Little did she know that her new recipe would soon be world famous. As a result of her delicious new recipe, the bar was quickly transformed into a restaurant. As their restaurant grew, so too did the town of Montgomery. The rest, as they say, is history.

Over the last 60 years, Montgomery Inn has grown to become one of the country's most well-known independent restaurants. The ribs have also taken on a life of their own and garnered something of a celebrity status. They have been enjoyed by countless dignitaries, athletes, celebrities, and every President from Ford to Obama. Montgomery Inn is proud to call the late Bob Hope their greatest ambassador.

With Matula still at the helm, all four of the Gregory children—Tom, Dean, Vickie, and Terry—are involved in the business. Montgomery Inn has grown from one small restaurant to a thriving business with four locations total in both Ohio and Kentucky. They also sell their world famous barbecue sauce nationwide. After 60 years, Ted's legacy is still going strong.

Like most Cincinnatians, my family has a long tradition of dining at Montgomery Inn. My own father was fortunate enough to call Ted Gregory a friend, and my daughter and son-in-law celebrated their engagement at The Boat-house.

Mr. Speaker, I ask that you join me in congratulating Montgomery Inn on their 60th anniversary, and I'm sure the citizens of Cincinnati look forward to 60 more years of Montgomery Inn.

HONORING COLEMAN GUY TAYLOR

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Coleman Guy Taylor. Coleman is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 43, and earning the most prestigious award of Eagle Scout.

Coleman has been very active with his troop, participating in many scout activities. Over the many years Coleman has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Coleman has contributed to his community through his Eagle Scout project. Coleman organized and planned a remodeling project for one of the Children's Ministry rooms in King Hill Baptist Church in St. Joseph, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Coleman Guy Taylor for his ac-

complishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING MS. DIANA NEWTON, CO-FOUNDER OF THE SILVER STAR FAMILIES OF AMERICA

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. LONG. Mr. Speaker, I rise today to recognize and honor one of the 7th District of Missouri's most distinguished individuals, Diana Newton.

Diana has dedicated her life to serving those who serve our country. Growing up with a father and brother in the armed forces, she knows first-hand the sacrifices our troops and their families make every day to keep our country free.

One day, while speaking with a veteran's mother, Diana felt more should be done to recognize our combat veterans. She then decided to bring back the American tradition of Silver Star Service Banners.

Silver Star Service Banners, or hand-sewn silver stars on blue and red cloth, were popular during the First World War. Families of enlisted members would display the banners in the windows of their homes in recognition of their loved one's patriotism and sacrifice.

In 2004, Diana and her husband co-founded the Silver Star Families of America in the hopes of once again using the Silver Star Service Banners to honor the sacrifice of America's best and brightest. Thanks to Diana's hard work, the Silver Star Service Banner is again being presented to thousands of veterans across the country.

The Silver Star Families of America is now an esteemed board member of the Veterans Administration Volunteer Services and has delivered over \$2 million in donated materials to veterans throughout the United States. Diana's leadership has established the organization as a verifying organization with the Presidential Volunteer Awards Program, a testifying organization with the Senate Veterans Affairs Committee, and a sponsor of the Silver Star Banner Day on May 1st of every year.

A model citizen, Diana has been nominated as a CNN Hero of the Year, decorated with the Daily Point of Light award, the Missouri National Guard's Conspicuous Award, and received the 2010 Commendation and Gold Presidential Volunteer Services awards from former President George W. Bush.

Americans should be proud to know that people like Diana honor those who have dedicated their lives to protecting our freedoms. I too am proud, and I am honored, to call her my fellow citizen and neighbor in the 7th Congressional District of Missouri.

HONORING CAPTAIN GAYLEN
WHITE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Captain Gaylen White. Captain White retired on October 31, 2011 after 32 years with the City of Cameron Police Department.

Captain White has faithfully served the citizens of Cameron since 1979, joining the force at the age of 23. Since then, he has advanced to oversee the Cameron Police Department Patrol Division, a role which has led him to have a direct influence on the daily lives of the citizens of Cameron. Thanks to Captain White and the officers serving under his command, Cameron continues to grow and be a safe and secure community in northwest Missouri. Captain White now joins his loving and supportive wife Phil in retirement and looks forward to spending more time with his family.

Mr. Speaker, I proudly ask you to join me in honoring Captain Gaylen White for his accomplishments with the City of Cameron Police Department and for his efforts put forth in serving the citizens of Cameron, Missouri.

IN APPRECIATION OF STEVEN C.
BORELL

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to honor Steve Borell in recognition of the 22 years of service he has given as Director of the Alaska Miners Association.

An engineering master's graduate of Kansas State University, he began his career as a pit foreman in North Dakota, quickly rising up through the ranks of his profession, eventually starting his own engineering consulting company in Anchorage, Alaska.

He began his role as Director of the Alaska Miners Association (AMA) in 1989. Founded in 1939, the Alaska Miners Association has about 1,000 members throughout Alaska and elsewhere, and exists primarily to support the mining industry and all those who work with and within it.

Through his leadership of the AMA he has unified the industry behind simple and consistent support of the responsible and safe development of minerals, doing his utmost to advocate for the mining industry in difficult economic times and in the face of staunch opposition to progress in this sector.

The mining industry brings a host of benefits to both the State of Alaska and the Nation as a whole. The jobs it creates, the economic and infrastructural development it yields, and the energy security it maintains are some of the most pressing issues facing Americans today. It is these issues that the mining industry and the AMA have always sought to address.

In doing this the AMA has sought to ensure that any restrictions on the use of land and

water for infrastructural and energy development are firmly scientifically sound and economically realistic. All modern mining must address the balance between environmentalism and resource utilization—the two need not be mutually exclusive. In recognizing this, Steve has truly helped bring mining into the 21st century.

Steve has been a great Director of the AMA, unifying the industry around common goals and aims, serving the best interests of the working men who make up the ranks of the Association, and last, but not least, his tireless effort to be the voice of a whole new generation of miners.

Thanks for everything, Steve.

WHITE CASTLE'S 90TH
ANNIVERSARY

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. STIVERS. Mr. Speaker, I rise today to congratulate White Castle on its 90th Anniversary. White Castle is considered America's first fast-food hamburger chain and owns and operates more than 400 restaurants in 11 states.

White Castle was founded in 1921 in Wichita, Kansas by Walter A. Anderson and Edgar Waldo "Billy" Ingram. In 1933, the company moved its headquarters to Columbus, Ohio where they continue to be an integral part of the community.

White Castle is known for its small, square hamburgers called "sliders." With these tasty little burgers as their mainstay item, White Castle became the first hamburger chain to sell a million hamburgers and, later, the first chain to sell a billion hamburgers. Additionally, White Castle "sliders" have been sold in the frozen foods section of grocery stores nationwide since 1987 and have been available in vending machines since 1993.

Today, White Castle remains a family-run business having been lead by three generations of the Ingram Family. Their unique porcelain steel buildings are an icon in many neighborhoods across the Midwest.

White Castle is truly an American original and is inspiring because it is a story about the success of the American Dream. I am grateful to White Castle for being a pioneer and innovator of the fast-food industry. I congratulate White Castle and its owners and team members on their 90th Anniversary and on having provided what America craves for 90 years.

HONORING ALEX ABEND

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Alex Abend. Alex is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy

Scouts of America, Troop 1360, and earning the most prestigious award of Eagle Scout.

Alex has been very active with his troop, participating in many scout activities. Over the many years Alex has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Alex has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Alex Abend for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE ROTARY/KIWANIS
CALDWELL STREET FAIR

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the members of the Rotary Club of the Caldwells and the Kiwanis Club of Caldwell-West Essex, located in Essex County, New Jersey as they celebrate the 20th Anniversary of the Rotary/Kiwanis Street Fair.

In 1991, the Rotary Club of the Caldwells and the Kiwanis Club of Caldwell-West Essex decided to join forces to organize a street fair in Caldwell, New Jersey to bring the communities together and show off all that the area had to offer. Welcoming vendors and organizations of every kind, the fair has recently celebrated its 20th year.

The first Sunday of every October brings a great hustle and bustle to downtown Caldwell. It is on this day, for the past twenty years, that two great community organizations come together to bring local organizations, vendors and fun to the area. Over the years, the fair has continued to grow and now consistently brings in 30,000 people; offering these vendors and organizations the chance to interact, not only with the residents of the Caldwells, but with residents from the surrounding communities.

Run by dedicated volunteers, the Rotary/Kiwanis Street Fair provides an opportunity for local businesses to "show off" their products; for organizations to share what they do and recruit new members; but most importantly, it brings local community members together to enjoy one another's company and have a good time!

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Rotary Club of the Caldwells and the Kiwanis Club of Caldwell-West Essex for continually bringing this wonderful event to the Caldwell community.

HONORING REID F. SCHMIDLING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Reid F.

Schmidling. Reid is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 216, and earning the most prestigious award of Eagle Scout.

Reid has been very active with his troop, participating in many scout activities. Over the many years Reid has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Reid has earned 51 merit badges, attained the rank of Firebuilder in the Tribe of Mic-O-Say as well as Senior Patrol Leader and Assistant Senior Troop guide with Troop 216, and participated in many other outside activities including chess club, hockey, golf, choir and violin. Reid has also contributed to his community through his Eagle Scout project. Reid organized and installed an 1860's flagpole and fence around the Pony School at the Pony Express Museum in St. Joseph, Missouri.

Mr. Speaker, I proudly ask you to join Reid's parents, Dale and Candise, his family and friends and me in commending Reid F. Schmidling for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE SERVICE OF
MAJOR GENERAL MICHAEL J.
WALSH, COMMANDER, MIS-
SISSIPPI VALLEY DIVISION, U.S.
ARMY CORPS OF ENGINEERS

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. HARPER. Mr. Speaker, Major General Michael J. Walsh assumed command of Mississippi Valley Division in February, 2008. Since that time, he has played a vital role in managing the Corps' water resources program in the Mississippi River Valley, a \$7.5 billion civil works program. GEN Walsh also served simultaneously as President-designee of the Mississippi River Commission, which oversees and implements the Mississippi River and Tributaries (MR&T) project.

The MR&T project was authorized through the Flood Control Act of 1928 and is the largest flood control project in the world stretching from Cairo, Illinois to the Mississippi River Gulf Outlet. The MR&T was conceived in response to the Great Mississippi Flood of 1927, the most destructive flood in U.S. history, which claimed countless lives and flooded thousands of square miles.

The recent floods of the Mississippi tested the MR&T project to its fullest. The Mississippi River reached and surpassed record levels in Vicksburg and Natchez, Mississippi. For the first time in 37 years, the Morganza Spillway was opened to save most of Baton Rouge and New Orleans, Louisiana. Thankfully, through GEN Walsh's leadership, billions of dollars in flood damage and most importantly lives were saved. Upon reflection, GEN Walsh exhibited the type of control, understanding, and skill that effectively battled a flood that could have

devastated the Mississippi River Region. While there is much to rebuild and the loss of life that did occur must be mourned, we must congratulate GEN Walsh and the U.S. Army Corps of Engineers on a job well done. We wish you well in your future endeavors and look forward to working with you in your new capacity.

EARTHQUAKE IN TURKEY

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. CARNAHAN. Mr. Speaker, I rise today to express my deepest condolences and solidarity with the people of Turkey in the aftermath of the devastating 7.2 earthquake which struck eastern Turkey early this week. Centered in the Eris district of Van, it triggered the collapse of approximately 2,000 buildings, leaving in its wake a death toll in the hundreds that is unfortunately bound to rise over the next several days and weeks.

The latest reports indicate that there has been some difficulty in delivering relief to those who so desperately need it, due to conditions on the ground. With the first snows of the area usually falling in November, there could be many more deaths as a result of exposure, as structural damage and aftershocks keep people from returning to their homes.

As a member of the Congressional Caucus on Turkey and Turkish Americans, I am thankful for the Administration's offer to provide assistance to the Turkish government in its relief efforts. I encourage the U.S. government and the international community to continue to be vigilant on ways they can help recovery efforts in Turkey.

When faced with a wide array of challenges over the decades, from the Korean War to our current mission in Afghanistan, Turkey has been a valuable friend and ally. In the wake of such destruction and hardship, the U.S. reaffirms its solidarity with Turkey.

My thoughts and prayers are with the people of Turkey at this difficult time.

TRIBUTE TO THE LIFE OF CARMEN GALVAN

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. BACA. Mr. Speaker, I rise today to ask Congress to pay tribute to a beloved friend and community member and a longtime resident of Rialto, Carmen Haro Galvan. Carmen passed away September 7, 2011 at the age of 79. A memorial mass and a burial service were held on September 15, 2011. I would like to extend my deepest condolences to her family and friends.

Carmen was born to Demetri Haro and Ruth Valdivia. She was born and raised in Ontario, California, and was the eldest of twelve siblings. From an early age Carmen was known for her grace, beauty, and capacity to love.

She married David Galvan in 1953. They settled and raised a family in Rialto. The Galvans lived in the city for fifty years and were active members of St. Catherine's Church.

Both Carmen and David shared a love for music. They enjoyed singing and dancing together—the two frequented Rainbow Gardens, a dance hall in Pomona, and even competed in dancing competitions in Los Angeles.

Their daughter, Debby Galvan, remembers that they danced like Fred Astaire and Ginger Rogers, moving like butterflies on the floor. The two loved music, loved their family, and loved each other.

It was obvious how deeply the couple loved each other. Debby says, "They lived and breathed each other." David could often be overheard singing 'Muchacha Bonita' to Carmen. The couple had three children, Debby, Jeff, and Randy, and seven beloved grandchildren. Carmen will always be remembered for her big heart and love for her family and friends.

May we all be so lucky to live a life full of love. My thoughts and prayers, along with those of my wife, Barbara, and my children, Councilman Joe Baca Jr., Jeremy, Natalie, and Jennifer are with Carmen's family at this time. Mr. Speaker, I ask my colleagues to join me today in honoring a cherished community member, Carmen Galvan.

RECOGNIZING NATIONAL GEAR UP WEEK

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. FATTAH. Mr. Speaker, I rise today to recognize the great GEAR UP Week celebrations that occurred across the country last week. GEAR UP, the Nation's most successful early college awareness and readiness program, is now in its twelfth year. I ask my colleagues to join me in recognizing all of the great program staff, students, families and organizational partners who have helped to make GEAR UP the success it is today.

GEAR UP Week was celebrated with great fanfare last week as students and communities recommitted themselves to higher education and greater opportunity. In West Virginia, the governor and first lady honored students individually, and the program read a proclamation from the governor. In Connecticut, they held a celebration rally. In North Carolina, they read a proclamation from the governor, had a Family College Night and held a writing workshop. In Puerto Rico, students posted on a Dreams Wall and in Deep South Texas they hosted a press conference and celebration with alumni and my good friend and GEAR UP champion Congressman HINOJOSA. In American Samoa, they made commemorative YouTube videos about their programs and the opportunities available to students. Just over the DC border, in Prince George's County, Maryland, they hosted parent workshops and sent an oversized "thank you" to their representatives in the Congress. In Arizona, they reached out to their Congressional delegation as did Laramie County, Wyoming GEAR UP students. In Virginia, the

GEAR UP staff reached out to local media to share their success and schools hosted assemblies. In California, the students thanked their Members of Congress for supporting GEAR UP and the program brought the story of college-going to the radio. Roswell GEAR UP in eastern New Mexico spread the word about their programs and publically thanked their partners. In Chicago, 14 former GEAR UP students shared their experience in transitioning to college, the partnership hosted a college fair and teachers participated in a Young Adult Literacy Conference. In Nevada the governor proclaimed GEAR UP Week. Wisconsin GEAR UP students visited college campuses and attended workshops. Mansfield hosted "GEAR UP Family Orientation Night," and in Eastern Michigan GEAR UP hosted a "Legacy of Success." Shasta County Partnership and UC Davis Partnership in California hosted a GEAR UP celebration with community leaders, educators, public officials and business partners. Oregon engaged more than 1,000 people online in support of GEAR UP and Texas GEAR UP hosted a statewide essay contest and pep rallies at GEAR UP high schools. Palomar College GEAR UP read proclamations from school boards, city mayors, Members of Congress, and state legislators and in Maine they read a proclamation from the governor.

I want to thank all of the people who worked to make GEAR UP Week a success and everyone who strives to see that college is more than a dream for our Nation's young people.

REGARDING VOTER SUPPRESSION
SPECIAL ORDER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. Speaker, I rise today to speak out against

voter suppression that is happening in my district and throughout states all across the country. With the presidential elections just one year away on Sunday, it is critical that we bring to light this most important issue that is disenfranchising eligible voters of select ages and backgrounds.

The right to vote is one of the fundamental pillars of any functioning democracy. In the United States, we use voting as a means for the people to select their elected officials at all levels of representation. This fact, I believe, is a basic lesson that we have all learned in civics class back in elementary school. Yet, recently I have begun to think that some of our Republican leaders in government have forgotten this simple truth—or worse, have chosen to ignore these basic tenets of American democracy.

Under the guise that it will strengthen the integrity of our elections, a number of state legislatures have already taken extraordinary steps to exclude the elderly, our youth, minorities, and the poor from getting to the polls and casting their ballot through a series of regressive voting laws. It is no surprise that since there was an unprecedented turnout from all of these groups during the 2008 presidential election that state governments are only now mobilizing to overhaul these laws.

Nationally, these anti-voting laws are materializing in the form of stringent photo ID mandates, inflated proof of citizenship requirements, more difficult voter registration, reduced early and absentee days, and heightened barriers to reentry for citizens with past felony convictions. Seven states have already signed photo ID mandates into law, while the other provisions are already enacted or being considered by many more.

In Texas, we have already seen strict voter ID laws passed in the State Legislature this year. This law, which requires each voter to present a valid government-issued ID regardless if they possess a voter registration card and are listed among the voting roles, targets and prevents students, the elderly and the

poor from exercising their right to vote. Additional restrictions on voter registration drives have also been signed into state law in order to further prevent minorities and others from registering in the first place. According to the Brennan Center for Justice, more than 26,000 voters in Texas registered to vote via registration drives in 2008 alone. That's at least another 26,000 voters that we can expect to become disenfranchised this election cycle with the passage of these laws.

These kinds of devious tactics have been used far too many times before—and the problem is only getting worse. I cannot help but be reminded of the days of Jim Crow, where arbitrary literacy tests and unfounded poll taxes were implemented in order to prevent African Americans from casting their vote. These kinds of intentional barriers to democracy are why the Fifteenth, Nineteenth, Twenty-fourth, and Twenty-sixth Amendments are needed. It is why the Voting Rights Act of 1965 is needed. It is why the Supreme Court has even had to intervene with a ruling on poll taxes in *Harper V. Virginia Board of Education*.

Yet here we find ourselves again battling the same problem with a different disguise. I refuse to accept that these laws seek to address existing weaknesses in our election system. In fact, these laws do nothing to address the kinds of fraud that were exposed during previous elections, such as the purging of entire voter rolls or intentionally long wait times during early voting.

Mr. Speaker, these blatant attempts to disenfranchise select groups of voters are not consistent with the democracy that most of us envision for this country. I must therefore oppose any attempts by anyone to enact and enforce these malicious and dishonest statutes. Adopting such regressive and blatantly lopsided voter mandates is a massive step in the wrong direction that serves the interests of a select few over the demands of the majority.